

ADDENDUM 31: REV. PROFESSOR DR. J.T. MCNEILL ON THE EARLY-CELTIC CHURCHES

The Canadian Presbyterian Rev. Dr. J.T. McNeill, Professor-Emeritus of Union Theological Seminary in New York, is famous not only for his renowned work titled *The History and Character of Calvinism*.¹ He is also well-known for his further book *The Celtic Churches: a History (A.D. 200 to 1200)*.

General scope of Calvinist Dr. McNeill's book *The Celtic Churches*

In his work *The Celtic Churches*, the Calvinist Professor McNeill deals perhaps preponderantly with the British Isles. Yet he nevertheless commences that study by locating the initial areas of Pre-Christian Early-Celtic activity ó in Central and Eastern Europe.²

McNeill explains³ that for the Celts, the age of iron came relatively early. By about 700 B.C., Celtic smiths had become skillful pioneers in ironwork, providing utensils and war equipment.

The argument for a Celtic origin in what is now the Ukraine ó near Cimmeria, to the North of Asia Minor ó has found some support in the similarity of patterns in metal ornamentation to those employed by Scythians and Sarmatians. They came into history in chariots, or on horseback. It was recognized in Roman times that they were superior in horsemanship.

McNeill also declares⁴ that the Celts were ingenious and inventive not only in war equipment, but also in their farm implements. Pliny describes⁵ a reaping machine used by the Celts, with iron teeth along the edge. Its motion cut off the ears of grain, which fell back into the cart. This implement was in use for some centuries, and helped to prompt the invention of modern reaping machines and other farming equipment.

McNeill on the evidence of early traffic between the Near East and Britain

Rev. Professor Dr. McNeill further explains⁶ that historians of our own time present ample evidence, from remote ages, of traffic between ports on the European Continent on the one hand and the harbours of the British Isles (such as Britain and Ireland) on the other. Already the Ancient Phoenicians visited Britain, and also Ireland, long before 1000 B.C.

¹ J.T. McNeill: *The Celtic Churches: a History (A.D. 200 to 1200)*, Oxford Univ. Press, New York, 1973 rep.

² *Ib.*, pp. 229 n. 4; cf. too Jan Filipø's book *Celtic Civilization and its Heritage*, Prague, 1962.

³ *Op. cit.*, p. 2.

⁴ *Ib.*, p. 230 n. 5.

⁵ In his *Natural History*, XCIII:72.

⁶ *Ib.*, p. 15.

Fearless sailors made the seas their pathways. They plied them in small ships ó laden with ornaments, utensils and wine from the Mediterranean; with gold from Irish mines; with copper from Wales; with tin from Cornwall; with iron ore from the Severn Valley; with hides of cattle and deer from Britain and Ireland; and with amber from the Baltic.

McNeill also states⁷ that the B.C. 59 to A.D. 17 famous Roman historian Livy, in his B.C. 9 *History*, gave a vivid account of the invasion of Italy by the Celtic Gauls and their siege and occupation of Rome in 390 B.C. Indeed, the early history of Rome is marked by this crisis of Celtic invasion ó which almost brought to an end the rise of that city.

In 390 B.C., a Celtic host from Gaul defeated a Roman army at the Allia River ó and then plundered Rome. After a seven-month siege of this stronghold, the Celtic commander Brenn accepted a large ransom and withdrew. Then, just a few years after that siege of Rome ó according to the Greek historian Xenophon, Dionysius of Syracuse secured Celtic troops (including cavalry) to aid the Lacedemonians in the Peloponesian War (B.C. 369).

McNeill declares we also learn (from Strabo) that Alexander the Great, about B.C. 335, was interviewed by some Celtic Chiefs. They surprised him by answering they feared no man ó but only that the sky might fall.

This expression, a form of solemn oath, recurs in Christian Ireland. If anything, it evidences that such Ancient Celts indeed feared God in Heaven.

McNeill also explains⁸ that adventurous tribes from Gaul threw Macedonia and Achaea into disorder and sacked Delphi in B.C. 279. A year later, three other Gallic tribes pushed eastward over the Hellespont into Asia Minor, where they established a principality.

The name Galatia ó a variant of Gallia (alias Gaul) ó was applied to this state. With enlargement southward, it in B.C. 25 became the Roman province of *Galatia*.

So firm were the Celtic characteristics of the people of Galatia, that nearly 400 years later St. Jerome ó commenting on St. Paul's Galatians 2:3 ó observed they used a Celtic speech similar to that which he had heard spoken in Gaul.

In early manhood, Jerome had spent about four years in Gaul. Soon thereafter, he wrote to Rufinus ó reporting his own travels in Asia Minor, which included his öjourneyings through Galatia.ö

Dr. McNeill on the Early-Cymric colonization of the British Isles

To trace a line of descent from the Cimmerians, some of whom were pushed out of the Caucasus and Black Sea region by the Scythians in the sixth century (B.C.) ó to the Cimbri who emerged from Jutland to trouble Rome at the close of the second

⁷ *Ib.*, pp. 1 & 4.

⁸ *Ib.*, p. 4.

century (B.C.) ó has been a tempting hypothesis. Thus Rev. Professor Dr. McNeill.⁹ Yet the relationship of the Cimmericians to the Cimbri ó and implicitly also to the Cymri ó cannot be discounted.

Certainly Genesis 10:1-5 connects the Japhethitic Gomer-ians, whom many identify with the Cumbric and the Cymric Brythons ó with the Magog-ian Scyths and the Median Madai and the Javan-ian Greeks and the Tiras-ian Thracians (alias the Pelasgians) and the Iberians in Tarshish (alias the Celtiberi in Spain). The ancient Celts are describes as a race of tall, fair-haired warriors ó strong; agile; easily provoked to battle. Gibbon characteristically remarked that òSpain, Gaul and Britain were peopled by the same hardy race.ö

McNeill has an interesting statement¹⁰ on Ancient Glastonbury in Celtic Britain. The antiquities of Glastonbury, he explains, have attracted much study. Around B.C. 56, during the Roman invasion of Gaul, the area was occupied by refugees from Armorica (alias Brittany).

There was a small population in two villages, residing in *crannogs* (alias artificial islands). Keepers of cattle and sheep, they used wheeled carts for hauling field crops ó and were skilled makers not only of implements and weapons, but also of ornamented bowls and utensils.

With the coming of Christianity, Christian themes began to appear in their ornamentation. Their wares were exported to settlements in Britain and Ireland. Glastonbury, from very ancient times an active seaport on the Severn Estuary, was well-situated to be the entrance point for a new religion into Western Britain.

That new religion ó Christianity ó was most likely trade-borne. It may have come as early as the second century A.D., or even during the first century (and well before 100 A.D.). Professor Margaret Deansly¹¹ notes the curious appositeness of the site in Glastonbury, selected by tradition, as that of the oldest church in Britain.

McNeill on the role played by druids in the education of the Early-Celts

Dr. McNeill also reflects¹² on Early-Celtic education ó especially in Ireland. In the Early-Irish tale called *Tain Bo Cuailnge* (alias ‘The Cattle-Raid of Cooley’) ó it is incidentally said that a famous druid by the name of Cathbad had one hundred pupils.

Later, Julius Caesar wrote around B.C. 55f that Britain was the principal place where druids were trained. Indeed, Pomponius Mela ó a contemporary of St. Paul ó stated of the druids that òthey profess to know the size and shape of the World; the movements of the Heavens (and the stars); and the will of God.ö

⁹ *Ib.*, pp. 2 & 6.

¹⁰ *Ib.*, p. 17.

¹¹ In her book *The Pre-Conquest Church of England*.

¹² *Ib.*, p. 8.

Within the Roman Empire itself, Druidism was suppressed ó well before A.D. 100. But Ireland fell outside of that orbit, and experienced no suppressive imperial power which would destroy the native professional classes. There, it was the coming of Christianity that ended the supremacy of Irish Druidism.

Yet more authentic still, is the record relating that the A.D. 521-97 Columba was at one stage a pupil of a Christian bard ó as also the incident in which, on revisiting Ireland, he eloquently defended the bards. His championship of their cause was suitably praised in bardic verse by Dallan Forgaill in 575 A.D. Also Columba himself is said to have prayed, in a battle, to Christ as being òmy druidö ó as well as being the òSon of God.ö¹³

McNeill on the Gospel links between Gaul-asia & Western Gaul & Britain

Rev. Professor Dr. McNeill next reflects upon the connections between ñEastern Gaulñ in Galatia, and ñWestern Gaulñ just twenty miles from Britain ó during apostolic times. From this and other evidence, he concludes it is quite possible, and indeed also perhaps even probable, that some of the Apostles themselves visited Britain.

McNeill also writes¹⁴ that the *Fili* and *Brehons* ó the Celtic bards and judges ó were given a home in Christianity. Whether the ñchurches of Galatiañ to which Paul wrote an important epistle about A.D. 50 were situated in the north or alternatively in the south of that wide Roman Province of ñGalatiañ ó is still an unsettled issue in New Testament research. Yet he addressed his readers as òGalatiansö (3:1). This suggests they were a people ó and not just the inhabitants of a province. From the earliest centuries, the interpreters of this Epistle associated it with the Celts.

In any case, we may be sure that the Celtic-founded provincial capital came within the Christian mission area during Paul's lifetime. New Testament scholars are uncertain about the mission field of Crescens, who is mentioned in First Timothy 4:10 as having gone ñinto Galatiañ or (with equal manuscript authority) ñinto Gaul.ñ Western tradition made him the founder of the churches of Lyons and Vienne in France ó across the British Channel, just over twenty miles away from their fellow Celts in Britain.

McNeill concludes¹⁵ one is justified in assuming that in Britain as elsewhere, there was much early Christian activity which still remains undocumented. Indeed, **there is every probability that in the ordinary course of interprovincial migration – Christians would be among those who were constantly entering Britain.**

¹³ *Ib.*, pp. 9, 97f, 231 n. 8, & 247 n. 7. See too J.T. McNeill's book *The Celtic Penitentials and their Influence on Continental Christianity*, Paris, 1923, p. 101 ó and the *Irish Texts* of E.W.O. Windisch and W. Stokes (Berlin, 1897, 3:393).

¹⁴ McNeill: *Celtic Churches*, pp. 9f & 231 n. 10. There, in support of his thesis, he cites *The Interpreter's Bible* (New York, 1955, 11:514) and Griff's *Christian Gaul from the Roman Epoch* (Paris, 1964, p. 17).

¹⁵ *Ib.*, pp. 16-18. See too Migne's *Patrologia Graeca*, 23:203.

The statement of Gildas that the Christian religion entered Britain in the reign of Tiberius (who died in A.D. 37) is not verifiable. But when we realize the busy traffic on Roman roads and Western seas, we can hardly think it certainly false.

Christians of Tiberius's time were too early to be converts of St. Paul. But according to the Book of Acts, there were many of them. Indeed, they that were scattered abroad went everywhere preaching the Word. Acts 8:4.

In A.D. 57, Pomponia Graecina, British wife of the famed Roman commander Aulus Plautius – Lady Pomponia, who had gone with her husband from Britain to Rome about A.D. 50 – was there accused of a “foreign superstition.” That phase is usually taken to be a Pagan-Roman reference to Christianity. See H. Bettenson's *Documents of the Christian Church*.

The A.D. 1601 the Romanist Caesare Baronius, in his celebrated *Ecclesiastical Annals* is **under the date of A.D. 58** is affirms on the authority of Symeon Metaphrastes (*circa* 950) that while the Gospel was being carried by others through the Eastern Provinces of the Roman Empire, **Peter enlightened the West. Indeed, in proclaiming the Faith, he went “as far as to the Britons (*usque ad Britannos*)**.

McNeill therefore concludes we cannot dismiss as fanciful the famous boast of Tertullian¹⁶ that in regions of the Britons beyond Roman sway but subjected to Christ...the name of Christ now reigns. The treatise of Tertullian containing those words, was written no later than between the years 200 and 208 or if not as early as 195 A.D. Allowing for his exuberance, we must also remember that Tertullian was one of the best-informed persons of his time. He was from Carthage which itself had traded with Britain for many centuries, long before the incarnation of Christ.

Then too, there is also Eusebius of Caesarea. Around 300 A.D., he stated¹⁷ that some **Apostles passed over the Ocean to what are called the British Isles**. This is not surprising. For ships from Caesarea and even more so from Tyre (less than fifty miles to the north of it) had traded with Britain since at least the middle of the second millennium B.C.

McNeill on the claim that Joseph of Arimathea evangelized in Britain

Dr. McNeill next examines the claim that Joseph of Arimathea evangelized Britain. It is important to make such an examination. For at the A.D. 1414 Church Council of Constance, there was some rivalry between the English and the French Bishops as to which of their two lands had received Christianity the first.

The French boasted they had received Christianity from Dionysius the Areopagite (*cf.* Acts 17:34), who heard Paul (around 53 A.D.). However the English claimed their country had received the Gospel from Joseph of Arimathea (*cf.* Luke 23:51f). He had certainly heard, and apparently also knew, Jesus Himself or around 33 A.D.

¹⁶ *Adv. Jud.* 7.

¹⁷ *Evangelical Demonstrations*, III:5.

Rev. Dr. J.T. McNeill explains¹⁸ that the English, claiming Joseph of Arimathea, were one-up on the French Bishops. For the English boasted that Dionysius had dealings only with Paul, but not with Jesus Himself (as had the Arimathean Joseph).

Similarly, at the Reformation, the prevailing name of the Arimathean Joseph was invoked by Archbishop Parker. He did so, in his A.D. 1572 *De Antiquitate Ecclesiae Britanniae* (alias his -Concerning the Antiquity of the British Church) ó in disproof of the Romish claim as to the papal origin of the Church in England (or rather in Britain).

McNeill on the Christian Britons persecuted by Pagan Rome around 250ff A.D.

Rev. Professor McNeill next traces the later history of British Christianity ó from Alban to Patrick. During the third century A.D., explains McNeill,¹⁹ St. Alban of Verulam was a British householder who sheltered a Christian cleric through whose witness he was converted. Alban's refusal to disclose his own family connection, may suggest that he too was a Briton.

One must regard Alban only as the most distinguished among numerous martyrs in different parts of the Pagan Romans' province of *Britannia* at the same period. Gildas and Bede alike refer to widespread persecution. Bede supports this by a quotation from the poet Venatius Fortunatus of Poitiers, who died in 609 A.D.

Both Gildas and Bede name two others who suffered persecution ó Aaron and Julius, citizens of Caerleon-upon-Usk. They, like Alban, were tortured for Christ. A century later, at Lullingstone in Kent ó about A.D. 337-40 ó Christian groups seem to have shared, for worship, a building of modest size.

As McNeill rightly remarks,²⁰ the enduring strength of the Celtic element is shown by the simple fact that when the Roman legions were withdrawn [in 397 A.D.], the common use of Latin soon ceased ó and the native Brythonic speech again prevailed. This too evidences that Ancient British Christianity ó just like Britain's Pre-Roman Celtic culture ó had not been obliterated either by the Pagan Roman occupation before A.D. 313, nor by Rome's Latin language (either therebefore or thereafter).

McNeill on the very-early arrival of Christianity also in Ireland

Ancient Ireland, of course, had never been occupied by the Pagan Romans. On the other hand, there is quite some evidence that Christianity reached the Emerald Isle at a very early date.

McNeill explains²¹ that it is certain the -Apostle' of Ireland, Patrick, was not the first Christian to set foot in Ireland. The intimate if sometimes hostile relations of Ireland with Britain, and its active sea-trade with Gaul ó both reaching back to remote

¹⁸ *Celtic Churches*, p. 18.

¹⁹ *Ib.*, pp. 20f.

²⁰ *Ib.*, p. 16.

²¹ *Ib.*, pp. 50f & 240 n. 1-3.

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antiquity ó make it antecedently likely that some infiltration of the new religion took place as soon as it became dispersed in these nations. See too: Acts 2:5f; 8:4,40; 11:19f; 21:2-8f.

Worth noting is the legend that Altus, an Irish mercenary and centurion in the Imperial Roman Army, witnessed the crucifixion and returned to his own country to proclaim the Gospel. *Cf.* John 19:23 & Matthew 27:54.

Rev. Professor Dr. George T. Stokes,²² in his book *Ireland and the Celtic Church*,²³ held it remotely possible that an Irish soldier with the Romans was indeed in Jerusalem at that time. He would then most likely have been enlisted, as a Celtic Gael, in Celtic Gaul.

Christ was crucified certainly no later than A.D. 33. That was still fully a decade **before** the A.D. 43f arrival of the conquering Pagan Romans in Britain. Thus, at the time of the crucifixion ó as McNeill rightly remarks ó Britain was not yet under the Romans. Indeed, Ireland never was. Nevertheless, there was constant intercourse between Gaelic Ireland and Gaulic *Celtica* (in what is now France).

Professor McNeill explains that we also have the legendary lives of men represented as Patrick's predecessors ó and occasionally associated with him in his labours. Kieran, Ibar, Abban and other shadowy figures of this class were credited with planting churches in Erin's southeastern counties which Patrick may not have entered.

In 1901, the learned Celticist Heinrich Zimmer conceived that Patrick himself had accomplished but little in Ireland – insofar as Christianity appears to have been widely diffused in the Island even before his time. McNeill observes that Zimmer's brilliant but slanted interpretation served to stimulate the more balanced work of others, in which one indeed finds recognition of a **considerable Pre-Patrician Christian community in the south of Ancient Ireland.**

McNeill on the birthplace of the multi-generational Christian Patrick

Rev. Professor Dr. John T. McNeill next discusses²⁴ the theory that the Brython Padraig ó latinized as -Patriciusø and anglicized as -Patrickø ó was born at Al-Cluaide alias Dum-barton (North of the River Clyde and hence in Northern Scotland).

The strongest objections to Dumbarton as his birthplace are made, observes McNeill, on the ground that certain terms used by Patrick ó words like: *vicus*; *villula*; and *decurio* ó are said to be inapplicable to the never-latinized *Dumbarton* (alias -Fortress of the Britonsø) as it then was. It is also very significant Patrick himself claims that even his grandparents were Christians. Yet that whole region round Dumbarton-on-Clyde seems to have been devoid of Christianity ó before the Cumbrian Ninian's missionary work there just one generation before Patrick.

²² See too our other Addendum: *Rev. Professor Dr. G.T. Stokes on Ancient Ireland.*

²³ 3d ed., London, 1892, p. 19.

²⁴ *Ib.*, pp. 54 & 57 & 61.

Consequently, a location in Northern Cumberland, within the region called *ŷRhegedø* in Welsh documents, has also been proposed as that of Patrick's birthplace. Unlike Dumbarton, Northern Cumberland was still under Roman control when Patrick was born and Patrick wrote not in Brythonic but in Latin.

The Christian Cumbrian Ninian's missionary work in what is now Scotland had its beginning when Patrick was only a young boy. Yet his own Christian family background indicated by Patrick himself, certainly drew from Pre-Ninianic sources of Christian biography then known to the Brythonic Church.

Patrick tells us that his own father Calpornius was a Deacon, and his grandfather Potitus a Presbyter. He says Calpornius was also a *Decurion* or a minor local Magistrate. This points to a locality not in Free Britain right close to the Clyde. Instead, it suggests a location in Roman *Britannia*, albeit (traditionally) not far from the Clyde and hence probably in Cumbria.

An eleventh-century chronicler gives Patrick a great-grandfather Odissus who was also a Deacon. Though Patrick himself certainly seems to have been celibate, no opprobrium whatsoever was associated by him against the clerical marriage of his parents and grandparents.

Patrick's mother Conch may well have died in his early years. Yet Patrick's 664f A.D. Irish Biographer Muirchu names her *Concessa* or notwithstanding Muirchu's own clerical background.

Patrick had started out, hoping to go back to his birthplace. See his *Confession*, 17. As to the location of that birthplace, the weight of argument seems to favour some sparsely-inhabited part of Northern Wales or of Cumbria or Southern Strathclyde in **Roman Britannia** and not a part either of Southern Wales or Somerset or of Brythonic Gaul alias Armorica or nor of Northern Strathclyde in Non-Roman Britain.

Patrick's or Padraig's royal kinsman Ceretic or Ceretig or alias Coroticus or was apparently one of the princes called Ceretic in the genealogies of Wales. This was probably the Briton called Ceretic Wledig of Strathclyde. Consequently, a Cumbrian cradle in Southern Strathclyde or between Northeastern *ŷWalesø* and Southwestern *ŷScotlandø* is again suggested as Padraig's birthplace. Thus McNeill.

McNeill on Patrick's witness to Ireland as "the ends of the Earth"

At this point, an important insight opens onto the time-hallowed traditions that the Gospel might well have reached even Ireland already during the apostolic age. See too Acts 1:8 & 2:5,11f.

As Professor McNeill explains,²⁵ the Bible-believing and missionary-minded Patrick was extremely conscious of the *ŷFar Westø* situation of Ireland as his mission field. Ireland was for him, as for some classical writers, the Outermost West of the habitable World.

²⁵ *Ib.*, pp. 58.

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Patrick tells us that he had been *ō*predestined to preach the Gospel even to **the ends of the Earth.***ō* *Letter to Coroticus*, 6. He says he would never leave the people whom the Lord had *ō*purchased in the **farthest ends of the Earth.***ō* *Confession*, 58. Compare Patrick's *ō*ends of the Earth*ō* above *ó* with Luke's *ō*uttermost part of the Earth*ō* in Acts 1:8 and his *ō*ends of the Earth*ō* in Acts 13:47.

McNeill also observes that matching the geographical uniqueness of Patrick's mission *ó* is his Scripture-based **eschatology**. From Matthew 28:19-20, and from parallel passages drawn from both Testaments *ó* Patrick sees his work as culminating in the **expansion** of the Christian Faith begun by the Apostles, **before** the coming of the end of the World.

Patrick himself said he would undertake *ō*such a holy and wonderful work *ó* imitating those who [were sent to] preach the Gospel as a testimony to **all** nations before the end of the World.*ō*

McNeill on the spread of the Early-Celtic Church in Cymric Wales

Professor McNeill also deals with the early evangelization of and spread of the Christian Church in what is now known as Wales. He explains²⁶ that **St. Illtud** (*circa* 425-505) founded the famous Monastery of Llan-Illtud alias *ō*Illtud's Great Church*ō* in Glamorganshire's Llantwit Major.

He was lauded as **the most learned of the Britons – not only in Scripture, but [like his druidic ancestors] also in geometry, rhetoric, grammar, arithmetic and philosophy. A soldier and a married man,** his good wife Trinihid did her part by founding an oratory on a mountainside and caring for poor widows.

Then there is the great St. David *ó* *þ*patron saint*ø* of Wales. As McNeill explains,²⁷ the dates most favoured for David, are 462-547. David was born at Mynyw on the coast of Cardigan. According to his eleventh-century biographer, Rhygyvarch, he was descended from royal personages in Southern Wales. His father Sant and his mother Nonn sent him to be trained by Peulin, a Welsh disciple of the Celtic Garmon.

Further,²⁸ St. Cadoc is represented as at some time having been the spiritual director or soul-friend of the father of Gildas, and of Gildas himself. Cadoc flourished *circa* 500 A.D.

The *Life of Cadoc* was written by Lifris, an archdeacon of Glamorgan, not long before 1100. Lifris tells us Cadoc was born in a village in Monmouthshire, West of the Usk. The parents sent Cadoc to be educated at Caerwent in Gwent, under one Tathai *ó* an Irish founder of a college in Wales.

Cadoc built, largely with his own hands, the essential structures of Llancarfan Monastery. Soon, relates Lifris, many *ō*from all Britain*ō* came to join him. He went with some of his adherents to Ireland.

²⁶ *Ib.*, pp. 35.

²⁷ *Ib.*, p. 38.

²⁸ *Ib.*, pp. 39f.

Having made friends among monks and scholars, and having acquired complete knowledge of the West he returned to Wales. He brought with him three Irishmen of whom one was Finnian, the later founder of Clonard.

Cadoc is also credited with journeys into Scotland. There, with Caw the father of Gildas, he is said to have founded Cambuslang Monastery.

McNeill on the historian Gildas the son of the North-Briton Caw Prydyn

This then brings McNeill to Caw Prydyn's son, the great Gildas. Like Patrick and his father Calporn and grandfather Pottit before him, also Gildas himself as well as his father Caw give the lie to clerical celibacy in Britain even as late as the sixth century. For both were monks yet also married men, and indeed also the sons of married clergy.

Thus, one should note that Gildas's father, the married man Caw Prydyn, himself founded a non-celibate monastery. Indeed, in his own *Historical Introduction to Gildas*, J.R. Morris has observed²⁹ that the aristocratic abbots Cadoc and Gildas were opponents of harsh asceticism.

McNeill himself adds³⁰ that in Gildas we have a writer of distinction. He says he was born in the year of the Battle of Mount Badon. A date of about 570 for his death seems to be gaining acceptance.

Gildas never calls himself a Briton, and there is some reason to regard him as being at least in part of Pictish origin. He himself was born in the Clydesdale region of what was then Brythonic Greater Cumbria (in what is now Southwestern Scotland). His father Caw Prydyn, possibly himself a Niduari Pict from Galloway, migrated to that area from Brythonian Britain to the South, and indeed probably from Cumbria.

Thus, linguistically, Gildas was Brythonic and indeed a native of Greater Strathclyde. The latter then included both Dumbarton (the Fortress of the Britons) in its north, and Cumbric Westmorland in its south.

Tradition tells us that Caw and his family then moved southward, to Anglesey, during the boyhood of Gildas. This would readily account for Gildas's attendance at the school of the learned Illtud.

Gildas was married. He had two sons, who themselves also obtained recognition as saints as too did one of his brothers (who was yet another son of Caw the co-founder of Cambuslang Monastery).

According to McNeill,³¹ it was probably while in retirement on the island now called Flatholm in the Bristol Channel or a retreat also, at times, of his master Cadoc that Gildas wrote his book *The Ruin and Conquest of Britain*. Studies by C.E.S.

²⁹ As cited in J.T. McNeill's *op. cit.*, pp. 40 & 238 n. 6.

³⁰ *Op. cit.*, p. 41.

³¹ *Ib.*, pp. 41f.

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Stevens and F. Kerlouegan have shown convincing evidence that the book is a single whole.

The book, as Gildas himself has told us, was written out of zeal for God's Church and His Holy Law. Gildas is passionately concerned for a high morality in Church and State.

"Kings hath Britain," he lamented, "but they are tyrants; judges she hath, but they are impious; presbyters hath Britain, but they are unperceiving." Gildas seems like a reincarnation of a Hebrew prophet — an Amos or a Jeremiah.

McNeill also points out³² that around A.D. 500, Finnian established Clonard as the pre-eminent seat of learning in Ireland. His "Twelve Apostles" included St. Brendan of Clonfert.

The latter is known as "Brendan the Voyager." From the marvellous legend of his quest, with thirty companions, of the far-off "Ocean Isle."

This story has been made to seem not improbable — namely the traversing of the Atlantic. Some stone structures found in North Salem, New Hampshire, bear a puzzling resemblance — as Geoffrey Ashe and others have pointed out — to the walls of Early-Irish corbelled huts.

Brendan's true life story can be traced with some assurance. It is believed that at some time he did indeed reach at least Iceland. He spent his last days in 578.

George Little, in his book *Brendan the Navigator*, tells of Irish-speaking Indians in Florida and Panama. Samuel Eliot Morison, in his work *The European Discovery of America*, thinks that some Irishmen located in Iceland in 870 may have sailed westward and reached America.

McNeill on Jocelyn of Lancashire re Kentigern of Greater Cumbria

The standard biography of the sixth-century Kentigern was written by the eleventh-century Jocelyn of Furness (in the Northwestern Lancashire region of Greater Cumbria). Jocelyn maintained that the A.D. 518-603 Kentigern was conceived and carried in Cumbria — though born nearby in the extreme South of Scotland.

Later, continued Jocelyn, Kentigern was induced by the local king, clergy and people to become Bishop of Glasgow (*circa* 583). An Irish Culdee bishop was brought in to consecrate him — according to the custom of the Britons and Scots — and not, of course, after the Romish rite which was then still unknown anywhere in the British Isles.

Jocelyn stated Kentigern then turned toward Wales, but on his way is said to have preached through the Cumberland Mountains. Thence he had, as it were, himself been hewn.

³² *Ib.*, pp. 76f & 244 n. 9.

After civil war in Strathclyde, Redderch the Bountiful received the kingship. Redderch, who may have become a Christian in Ireland, pursued a Christian policy in Strathclyde and at once recalled Kentigern. Thus McNeill.³³

Jocelyn told a fine story of an arranged meeting of St. Kentigern with St. Columba (circa 584). The two leaders, both then in their sixties, approached the meeting-place with psalm-singing.

McNeill on the Iro-Celtic Missionaries Columba and Columban(us)

The 521-597 Columba's younger fellow-countryman Columban (543-615) ó had left Ireland long before the later adoption of the Roman Easter there. He had followed the Celtic practice in this matter ó and had imparted it to his converts.³⁴

Now Columban not only wrote, in defence of the Celtic celebration of Easter, an unanswered (if not an unanswerable) letter to the Bishop of Rome and first Pope Gregory the First ó in 602 A.D. After the condemnation of the Gallic Synod, Columban also wrote another letter to Pope Boniface (607-608). Indeed, in the Controversy anent the Three Chapters ó Columbanus further wrote yet another letter even to the next Pope Boniface (608-615 A.D.).³⁵

Dr. McNeill explains³⁶ that Columban's freedom of utterance in addressing popes, has been interpreted in various ways. He has been accused of insolence. Yet he has also been commended for his independence.

One of the letters by and from Columban to Boniface, is revealing. Certainly it lacks the note of submissive obedience due to an infallible judge and ruler. Columban is shocked by a widespread suspicion that heresy is countenanced by the papacy. By contrast, he notes, ðwe Irishö have been constant in the Christian Faith.

McNeill on the survival of Celtic Christianity in Britain after Whitby

McNeill further observes³⁷ that Columban flourished still half a century **before** the Synod of Whitbyö (A.D. 664). As James Bulloch writes in his book *The Life of the Celtic Church*,³⁸ all England North of the Thames was indebted to the Celtic mission for the conversion of that area.

Indeed, even after Whitby ó explains Dr. McNeill³⁹ ó it should not be assumed that the Celtic character, firmly implanted in Lindisfarne, was suddenly altered. Nor should it be presumed that the Celtic cultural features of the Northumbrian Church were promptly obliterated.

³³ *Ib.*, pp. 45f.

³⁴ *Ib.*, p. 160.

³⁵ See A. Werner's art. *Columbanus*, in Schaff-Herzog's *Enc. Relig. Knowl.*, Funk & Wagnalls, New York, 1891, I p. 517. On the dates of these popes, see J. Faa di Bruno's *Catholic Belief*, Burnes & Oates, London, 1884, p. 166.

³⁶ *Ib.*, pp. 164f.

³⁷ *Id.*

³⁸ Edinburgh, 1968, p. 72; as cited in McNeill's *op. cit.*, p. 248, n. 14.

³⁹ *Op. cit.*, pp. 115 & 250 n. 27.

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MCNEILL ON THE EARLY-CELTIC CHURCHES*

Abundant evidence contrary to such assumptions is presented by J.L. Gough Meissner ó in his book *The Celtic Church of England after the Synod of Whitby*.⁴⁰ There, he shows⁴¹ that the ascendancy of a Celtic party in Northumbria lasted well into the eighth century ó till the A.D. 730f Bede (who opposed it). Indeed, Meissner finds Celtic survivals till a much later period not only there ó but in Mercia and Wessex as well.

McNeill on the long continuance of Celtic Christianity in Ireland

Certainly in Wales, explains Professor McNeill,⁴² the Celtic Easter was still retained. At Iona itself, a few resisters were permitted to remain. The christianization of the English kingdoms in the seventh century was mainly the work of Irish monks and their English pupils.

By comparison, the Roman mission in England was carried on less extensively ó and with less local continuity. The Celtic influence in Early-English Christianity and Christian culture, was almost exclusively Irish.

Indeed, adds McNeill,⁴³ Continental European references to learning in Ireland from the sixth to the ninth century, are usually couched in superlative terms. Ireland then seemed to seekers of learning to be but one huge university.

Charlemagne's mentor, the brilliant English Scholar and Theologian Alcuin ó writing between 792 and 800 to Irish Monks ó recognized a long tradition of Irish scholarly excellence. Wrote Alcuin, it would seem somewhat humorously: "In ancient times, very learned teachers used to come from Ireland to Britain!" He was referring, no doubt, to the time when Gaels and Gauls both went to study in Britain in order to become druids ó as noted by Julius Caesar in B.C. 55f.

McNeill on the prevalence of Culdees even in twelfth-century Scotland

Dr. McNeill has a final word ó against mandatory clerical celibacy, even after the beginning of our own millennium. He explains⁴⁴ that some of the Scottish Culdees in the twelfth century were married men. A family succession or *successio carnalis* in church offices was sometimes practised. By and large, even then it appears to have gone unblamed.

The *coarb* system of abbatial succession within the founder's family, lent itself to a direct father-son transmission of office. It should be remembered that clerical marriage was common at that time.

Even then, the designation "Culdee" seems to have become virtually equivalent to "cleric" in mediaeval Scotland. See MacEwen's *History of the Church of Scotland*.⁴⁵

⁴⁰ London, 1929.

⁴¹ *Ib.*, pp. 134-81.

⁴² *Op. cit.*, pp. 118f.

⁴³ *Ib.*, pp. 250f n. 2.

⁴⁴ *Ib.*, pp. 209 & n. 29.

⁴⁵ *Op. cit.*, p. 128.

ADDENDUM 32: SURVEY OF BLAIR'S *ROMAN BRITAIN AND EARLY ENGLAND*

Professor Peter H. Blair (M.A.) has written an important book on Ancient Britain. It is titled: *Roman Britain and Early England, 55 B.C. to A.D. 871*.¹

Though concentrating on the first nine centuries after the incarnation of Christ and especially on the time after the arrival in Britain of the Anglo-Saxons around A.D. 429f it starts off in the fourth century B.C.

Blair on the situation in Britain before the incarnation of Christ

Around B.C. 350, states Blair,² a Greek navigator called Pytheas who lived in Marseilles (in what is now Southern France) carried out a voyage of exploration which took him through the straits of Gibraltar. He then went northwards, along the Atlantic coasts of Spain and Gaul as far as Britain.

Approaching the southwest peninsula of Britain, he saw something of the export trade of British tin to Gaul. He saw that occurring from the emporium which is generally believed to have been at St. Michael's Mount in Western Cornwall.

Farther east in Britain, he also noted that the population was large and that corn was produced in abundance. But owing to the dampness of the climate it had sometimes to be threshed under the cover of barns. The grain itself was stored beneath the ground.

Before the Romans' A.D. 43-84f progressive conquest of what is now Southeastern England, there were a number of important Celtic cities there. One such was the town the Romans renamed Verulamium, now called St. Albans. The development of St. Albans, which ultimately covered an area of 200 acres explains Blair³ since the Roman conquest, became (after London and Leicester) the third city of Roman Britain in point of size.

The area of Roman occupation was near but not directly upon an older Belgic town. That is thought to have been built in the time of the Early-Brythonic King Tenwan (alias Tasciovanus), circa 15 B.C.

Some of the later Romano-British villas were large and luxurious. One of them, Park Street, lay a little more than two miles South of St. Albans, on a gravel terrace overlying the chalk and within sight of Watling Street as it approached the London Gate of St. Albans.

At Park Street, the discovery was made of an iron slave-chain for bankrupt debtors (compare Exodus 21:1-6). The circumstances indicate that it was not a Roman import but had been in use before the Roman conquest. This suggests that the Pre-

¹ Nelson, Edinburgh, 1963.

² *Ib.*, p. 115.

³ *Ib.*, pp. 107 & 123f.

Roman Belgic farmers were men of greater substance than one might otherwise have inferred.

Blair on the Pagan Roman War against Britain (A.D. 43-85)

Coming next to the A.D. 43-84f progressive conquest of Southeastern Britain by the Romans, Blair explains⁴ that about the year 70 A.D. Petilius Cerialis the Governor of Roman *Britannia* crossed the Humber. He then established himself at Brough, Malton and York.

The site at Stanwick, however, had been fortified by the Free British General Venut ó in his attempts to hold up the advance of the Roman Legions. This was the area for the Romans, *circa* 70, which held the key to further advances northwards towards the Tyne ó or westwards, across the Pennines, to Carlisle.

It would seem the Romans defeated Venut, and overran his forces in Yorkshire. The conquest of the Brigantes, the occupation of the Southern Uplands of Scotland, and a penetration even deeper into the North ó states Blair⁵ ó took place between 71 and 84 under the direction of three successive Roman Governors: Petilius Cerialis, Julius Frontinus, and Julius Agricola.

There are indications ó in the form of temporary camps set up for a brief halt by Roman troops on the march ó which point to the continuing advance of Cerialis onwards, perhaps even as far as Carlisle in Cumberland.

Frontinus, who succeeded Petilius Cerialis in A.D. 74, carried out measures designed to secure the final conquest and pacification of Wales. He moved across the Severn, into the country of the Silures. Upon his arrival in Britain in the autumn of 78, Agricola found himself confronted with a situation which demanded prompt and stern action.

His subsequent occupation of Anglesey may suggest that the diversion caused by Boudicca's rebellion in 60 had prevented Suetonius Paulinus from then driving home his own assault. The account of Agricola's seven seasons of campaigning (from 78-85 A.D.) ó one in North Wales and the other six in Northern England and Scotland ó is derived from Tacitus.

Blair on the increasing christianization of Britain till A.D. 429

However, even after the Roman victory over Galga at the Grampians in A.D. 85 ó there were many uprisings of the Britons. Blair explains⁶ that the disappearance of the Roman Ninth Legion, last recorded at York, testifies to an uprising in Britain which took place during Hadrian's reign ó which cost the Romans heavy losses of men.

⁴ *Ib.*, p. 189.

⁵ *Ib.*, pp. 49f.

⁶ *Ib.*, p. 69.

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By 122 A.D., another Legion ó the Sixth ó had been sent to York. In that or the previous year, the Pagan Roman Emperor Hadrian himself was in Britain ó to supervise the early stages in the construction of a new frontier: Hadrian's Wall.

Now it is true that artifacts evidencing an Early-Christian presence in Britain, are rather sparse. Nevertheless, explains Blair,⁷ one would be wise to hesitate before concluding that Christianity was an insignificant force in Roman *Britannia* ó just because few Christian religious ornaments have been found in Britain dating from A.D. 43-397.

After all, primitive Christianity abhorred such talismans. For the fact is that Tertullian (an A.D. 195f African whose life was spent mainly in Carthage) and Origen (an A.D. 230f Alexandrian who later settled at Caesarea) both allude to the preaching of Christianity in Britain. Indeed, they do so in terms which testify to the widespread dissemination of Christianity in Britain well before the middle of the third century.

Yet there is also much more. For Blair also points out⁸ that a certain villa at Lullingstone in Kent occupied a pleasant site where there was good farming-land which was already being cultivated even before the A.D. 43f Roman invasion.

Lullingstone was certainly the property of a wealthy man. It was also at some stage in the fourth century the property of a Christian who decorated the walls in one part of the house with **the Christian monogram** ó and with human figures shown in the attitude normally adopted by the early Christians while at prayer.

The ongoing christianization of Britain, increased her prosperity. As Blair explains,⁹ Britain was able to produce enough ó and more than enough ó to meet her own requirements.

Corn was being exported to the Rhineland in the fourth century. British cloth enjoyed, during the Roman occupation, a European reputation for good quality ó which it still retained in the Anglo-Saxon period.

Britain was regarded as a fertile island. Lead was by far the most important of Britain's minerals. It was doubly valuable, both for its own uses ó and for the silver which was extracted from it. The Cornish export trade in tin also flourished greatly.

Whatever changes may have accompanied the isolation of Britain from the Post-397f A.D. Roman Empire, the extinction of the Christian Faith was certainly not among them. They are few more remarkable occurrences during the early centuries of Britain's history ó than the vigorous growth of Christianity in the age which followed the end of the Roman occupation.

With the Roman withdrawal from Britain in A.D. 397, Christianity became even stronger in Britain. The country herself then became politically independent.

⁷ *Ib.*, pp. 146f.

⁸ *Ib.*, pp. 128f.

⁹ *Ib.*, pp. 130f & 224f.

Significantly, she adopted a confederate system of government alias a Confederacy ó a federation of self-governing States. Thus in A.D. 410, one now finds that the Roman Emperor Honorius writes to the *Civitates* or **States** of Britain.¹⁰

Blair on the arrival of Saxons and their struggles vs. the Britons

Perilous times occurred, however, with the arrival of Anglo-Saxon tribes from A.D. 429 onward ó and their warfare against the Celts in Britain as from A.D. 449. As a result, many Britons now left their homeland ó for Gaul.

As Blair explains,¹¹ there were two waves of migration from Britain into Northwestern Gaul, of which the first started *circa* 450. That was at about the time of the Saxons' rebellion and their further invasions.

Those first migrations to Gaul originated from the neighbourhood of Hampshire and the adjacent parts of Southern Britain. The second wave came from the more westerly part of Southern Britain, mainly Devon and Cornwall. It began after *circa* 575, when the Saxons first began to offer a serious threat to the West Country.

In 552, the Saxons defeated the Britons at Old Sarum; and in 556, they defeated them again at Barbury near Swindon. In 571, the Saxons defeated the British in a battle which won for them the towns of Limbury in Bedfordshire; Aylesbury in Buckinghamshire; and Benson and Eynsham in Oxfordshire.

In 577, the Saxons won a battle against the British at Dyrham. There they gained the towns of Gloucester, Cirencester and Bath. The final conquest of much of Midland and Southern England from the Britons, took place during the years between 550 and 600.

North of the Humber, the Britons suffered a major defeat by the Saxons at a place which is generally believed to have been Catterick, *circa* 590 A.D. In 603, Aethelfrith the Anglian king of Northumbria, won a major victory over King Aedan of the Celtic Scots. Both North and South of the Humber, the second half of the sixth century seems to be the age in which the Saxons finally established their domination over the Britons.

Blair on the persistent Brittonic resistance to the Anglo-Saxons

Nevertheless, both before this period and thereafter, Celto-Brythonic resistance against the Anglo-Saxons continued ó especially in the uplands. As Blair explains,¹² the inhabitants of the Highland Zone (of Westmorland and Cumberland *etc.*) had been accustomed for centuries to the direct rule of British kings ó also after *Britannia* had ceased to be a Roman Province.

The Brythonic victory at *Mons Badonicus* in 516 A.D., argues that Dorset was still securely in British hands *circa* 500. We are surely entitled to suppose that in

¹⁰ *Ib.* pp. 273f.

¹¹ *Ib.*, pp. 164f.

¹² *Ib.*, pp. 201.

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consequence of this victory, there was a time during the sixth century when the Britons exercised control of parts of Southern Britain which lay well to the east of Dorset.

According to a persistent tradition, the kings of the West-Saxons were descended from two chieftains called Cerdic and Cynric. The name Cerdic is commonly thought to be Welsh in origin ó not Anglo-Saxon. **This suggests early intermarriage between the two stocks, and the swift emergence of an new Anglo-British nation in that region.**

The final conquest, which carried Anglo-Saxon rule across the midlands to the Severn and the Bristol Channels, seems to have taken place in rather more than twenty-five years from *circa* 550 onward. It was marked by a series of Saxon victories. Such included those at Old Sarum in 551, and at Barbury (near Swindon in Wiltshire) in 556.

In 571, the Saxons won a victory at a place called Bedcanford. In 614, the West-Saxons defeated the British at Beandum ó inflicting heavy casualties upon them. There is a strong case for believing the name to be represented now by Bindon in East Devon ó a commanding position overlooking the estuary of the Axe.

The lands by the lower Severn were rich and prosperous in Britain, and had come under West-Saxon control in 577. Then Cirencester itself, as well as Bath and Gloucester, fell into the hands of the Saxons ó after they had overthrown a coalition of British kings at Dyrham.¹³

Blair on British Christianity ere the arrival of Romanism in England

Blair next discusses¹⁴ the character of Brythonic Christianity prior to the A.D. 597 arrival of Romanism in England's Kent. Columba, who was born in Donegal *circa* 520, established himself in Iona *circa* 563. From there, he directed a mission to the more northerly Picts.

Gildas, a Brythonic monk writing at about the middle of the sixth century, was not concerned with Saxon heathenism ó but with the failure of a number of British kings to conduct their lives according to the principles of the Christian Faith which they professed. On this wide view, embracing Ireland as well as all the rest of Britain, the Anglo-Saxon settlers are seen as heathen intruders upon a civilization which had become predominantly Christian.

Although the villa at Lullingstone came to a violent end some two centuries before the A.D. 597f arrival of Austin (from the first universal pope of Rome), the nearness of Kent to Gaul and the passage of traders to and fro across the Channel may have prevented the obliteration of Christianity from even this corner of Britain. Certainly Aethelbeht the king of Anglo-Jutish Kent knew something about Christian practices before Austin's arrival in 597.

¹³ *Ib.*, pp. 204f.

¹⁴ *Ib.* pp. 224f.

This is so, because his Frankish wife was a Christian who had been accompanied to Britain by a Frankish bishop. Indeed, Christian services had been held in a church in Canterbury which was believed by Bede to have been built during the Roman occupation of the church which we now know as St. Martin's.

Britain was largely Brythonic and Christian even in the seventh century

Blair has much to say¹⁵ about the overwhelmingly Brythonic and Proto-Protestant character of early-mediaeval Britain in general and Northumbria in particular. Romanism did not dominate even a major part of the island till very much later.

When Augustine and his companions reached Canterbury in the year 597, the lowlands of Scotland and the north of England, as far south as the estuaries of the Humber and the Dee were still very largely in Brythonic possession. Before then, only some areas in Eastern Northumberland and Eastern Yorkshire had fallen into the hands of Saxon invaders from Europe.

West of the Severn, the Britons remained in possession of what was becoming Wales. In the Far North of the Pictish and Scottish kingdoms were to remain independent of one another as well as of the Brythons and of the Anglians, until the reign of Kenneth McAlpine (843-58). In the southwest of Britain, were the Britons of Cornwall.

Most even of the river-names of Sussex, are English in contrast with both Kent on the one side and Hampshire on the other where the rivers more commonly retain their old Celtic names, as they also do in most other parts of the country. Between this South-Saxon kingdom of Sussex and the Jutish kingdom of Kent, there was a group of Celtic people called *Haestingas* who long preserved their separate identity.

The kingdom of Northumbria was created in the early years of the seventh century through the forcible coalescence of two originally separate States of Bernicia, the more northerly; and Deira, the more southernly. Bernicia and Deira are both originally of Brittonic derivation.

The word Northumbria though English in its formation refers only to the people who lived north of the Humber whether they were English, British, Scottish or even Pictish. It has a geographical rather than a racial connotation. There were parts of the kingdom of Northumbria in the seventh century, where the predominance of the English race was less marked than in the kingdoms of the midlands and the south.

Here, traditionally in 547, Ida of the first of the English Bernician dynasty began to reign. Welsh tradition remembered that the kings of the North-British peoples joined in a long and bitter struggle against the invaders, and that some thirty years after the beginning of Ida's reign one of his successors was closely besieged in Lindisfarne the chief English town there.

¹⁵ *Ib.*, pp. 151, 171 & 186f.

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A British heroic poem called *Gododdin* ó which is believed to have been written *circa* A.D. 600 ó suggests that there was a great gathering of forces from north and west, as the British sought to meet and overcome the danger. However, they suffered total defeat in a battle fought at a place called Catraeth, generally accepted as Catterick. This was the area which held the key to further advance by the Saxons ó northwards towards the Tyne; or westwards, across the Pennines, to Carlisle.

English and Welsh tradition alike remembered one man who did more than any other to bring disaster to the Britons, and triumph to the English. This was Aethelfrith, the last of the Pagan Kings of Bernicia. He reigned *circa* 593-616.

The first of two great military victories won by Aethelfrith was achieved in 603 at Degsastan. His opponent on this occasion was Aedan, King of the Dalriadic Scots.

Aedan himself succeeded to the kingdom *circa* 574. This was at about the same time as the British rulers of Strathclyde (north and south toward the western end of the modern Scotland's border with what is now England) and Rheged (at the southwestern end of that Scottish Border) were besieging the English of Bernicia in Lindisfarne. The significance of Aethelfrith's victory at Degsastan, was that it eliminated the Scots as possible contenders for supremacy in North Britain (south of the modern border with Scotland).

Aethelfrith's second victory was won over the Britons in a battle fought at Chester between 613 and 616. The A.D. 731 Anti-Celtic English Roman Catholic Bede regarded the Britons' defeat at Chester and the accompanying slaughter of the non-celibate and Non-Romish Celto-Brythonic and Culdee-Christian monks who had come from Bangor Iscoed in Wales to pray for a British victory, as the fulfilment of a prediction.

That prediction had been made by the A.D. 597f Anti-Culdee Roman Catholic Missionary Austin. It was that retribution would surely fall upon the Britons, because of the contumacious attitude adopted by the bishops of the Brythonic Church towards Austin and his fellow Romish missionaries.

Blair on the beginning of the christianization of the Anglians

Aethelfrith's victory was catastrophic for the Britons politically. Yet it soon helped open up the way for the christianization and indeed even for the proto-protestanization of the Anglic Northumbrians.

As Blair explains,¹⁶ Aethelfrith's victory at Chester is seen by some as a movement of invasion which brought Chester and its neighbourhood into possession of the English. This then began the isolation of the Welsh in Wales from their northern neighbours in Brythonic Rheged ó namely the Celts in Strathclyde (*viz.* Westmorland and Cumberland and Southwestern Scotland).

Others, however, maintain that the permanent English crossing of the Pennines was not achieved until nearer the middle of the seventh century (*circa* 650 A.D.). They

¹⁶ *Id.*

regard Aethelfrith's (613-16 A.D.) victory at Chester as the outcome of a foray deep into British lands.

Shortly before his victory at Chester, Aethelfrith overran the kingdom of Deira whose heir, Edwin, was driven into exile. Part of that exile he spent at the court of King Raedwald of East-Anglia. Raedwald gave Edwin his full support in an attempt to restore him to his kingdom. In a battle fought in 616 (just after Aethelfrith's victory at the Battle of Chester) Aethelfrith was defeated and killed in Southern Northumbria.

From then on, Edwin was accepted as king in Aethelfrith's Bernicia as well as in Edwin's own Deira. The Bernician Royal Family of Aethelfrith fled into exile to the Far North among the Non-Romish Culdee-Christian Scots and Picts. There they established relationships which had profoundly important consequences for the later history of Northumbria.

On the eve of Easter Day in 627 A.D., Edwin was baptized by Austin's Roman Catholic missionary (Paulinus). Thus Edwin became the first Christian king of Northumbria. He was the first of the Northumbrian rulers whose authority extended Southwards beyond the Humber to the kingdoms of the Southern English.

He continued the assault against his Non-Romish Culdee-Christian Brythonic neighbours north of the Humber. He conquered the last remaining enclave of Brythonic rule to the east of the Pennines, and thereby opened the way to the west through the Aire Gap.

Towards the end of his reign, he invaded North Wales. He then overran Anglesey forcing King Cadwallon of Gwynedd to seek refuge. He also took possession of the Isle of Man.

The Anti-Celtic and Anti-Culdee Roman Catholic Englishman Bede, looking back from the troubled times of his own age (731 A.D.), claimed that there was then perfect peace in Britain wheresoever the dominion of Edwin extended. Even if a woman should have wished to walk with her newborn babe all over the island, from the Irish Sea to the North Sea, she might have done so without injury from any.

So much did that same king care for the good of his people that in very many places where he saw clear wellsprings breaking out by the side of the highways he had posts set up and copper vessels hung thereon for the refreshment of wayfarers. In time of peace, also a standard-bearer was accustomed to go before him whenever he rode about his cities, his townships and his shires in the company of his ministers.

Yet Edwin's eminence rested upon his own personal achievements. He was king only by right of victories won over his enemies and his rivals. His invasion of Gwynedd in Wales, provoked the retaliation of the Celtic King Cadwallon who found an ally in the Saxon Penda, a vigorous warrior of the royal house of Mercia.

The two invaded Northumbria in 632, engaging Edwin's army. Edwin was killed, and his army totally defeated. But within little more than a year, Cadwallon was himself defeated by Oswald in the Battle of Heavenfield, fought late in 633. For

Oswald, with other members of the Bernician royal family of Aethelfrith and its supporting nobility, had been safely in exile ó in the ÆFar North.ø

Blair on the Culdee-Christian Northumbrian-Anglian Kings Oswald & Oswy

Blair next describes¹⁷ the reigns of the Northumbrian kings Oswald and Oswy. Oswald's victory over Cadwallon at once restored to Northumbria the position of pre-eminence which had been won for the kingdom by his predecessor Edwin. **Oswald himself was related to the [Celto-Brythonic] Deiran family through his mother.** Indeed, his influence in the Deep South is suggested also by his marriage to a daughter of the King of Wessex.

Oswald is remembered by Historians as the saintly king whose wooden cross set up before the battle of Heavenfield was, according to Bede, the first outward and visible sign of Christianity ever to be seen in Bernicia. **He is remembered also as the man who brought the Columban mission from Iona to Lindisfarne [in Northumbria].** His long exile during the sixteen years of Edwin's reign, had given Oswald opportunities of learning much at first hand about the Scots and the Picts, and also about the Strathclyde British.

A longer reign might well have enabled Oswald to consolidate his authority from Wessex in the south to the Firth of Tay in the north. But it was cut short by his defeat and death at the hands of the pagan Saxon, King Penda of Mercia, in a battle fought at Maserfelth in 641.

Oswald's overlordship collapsed immediately upon his death. Although his brother and successor Oswiu (641-70) did come to be reckoned with ó several years passed before he was able to re-establish Northumbria.

After the disaster at Maserfelth, the kingdom of Northumbria itself fell apart. The Deirans chose as their king, Oswine ó under whom they maintained their independence for ten years.

In 651 Oswiu, seeking to reunite the two Kingdoms, invaded Deira and brought about the death of Oswine. The Deirans, unwilling to submit to Oswiu's government, took as their king a son of Oswald who then sought the protection of Penda against the Bernicians ó thereby making Deira a dependency of Mercia.

In 654, Penda brought together a great coalition ó in a determined effort to destroy Oswiu. Supported by Aethelhere King of the East-Angles ó as well as by several Brythonic princes (the King of Gwynedd among them) ó he marched against Bernicia.

Oswiu was driven to seek safety in the Far North. He was, however, able to recover ó and to win a great victory near Leeds. The heathen Penda was killed; and, by his great victory, Oswiu established himself.

¹⁷ *Ib.*, pp. 193f.

Blair observes¹⁸ that Bede died in 735. At that time, the kingdom of Northumbria stretched all along the eastern coast from the Humber to the Forth. In the west, it included: Lancashire North of the Ribble; parts of Westmorland and Cumberland; and a large part of Southwestern Scotland. Several places near the Lancashire Ribble which were given as endowments to Wilfred's new church at Ripon *circa* 670, had only passed out of Brythonic hands a comparatively short time before.

Blair on early developments in the Anglo-British Kingdom of Wessex

Blair next describes¹⁹ the rise of the West-Saxon Anglo-British kingdom of Wessex in the extreme south of Britain. In 658, Kenwalda the King of Wessex was fighting at Peonnum. His opponents were the Brythons of Dumnonia or Devon. He defeated them, and drove them in flight as far as the Parret.

Many generations of historians have equated Peonnum with Penselwood in Eastern Somersetshire, close by the border of Wiltshire. It marks the Saxon penetration of Selwood (locally known as the Great Forest); the opening-up of Eastern Somerset; and the extension of the western limits of English settlement as far as the River Parret.

Geraint, King of Dumnonia, was defeated by the West-Saxons in 710. Thereafter, his kingdom gradually shrank westwards within the fastness of Cornwall.

For many years to come, the Cornish continued to fight for their independence. It was not until the ninth century that Cornwall finally came under West-Saxon domination.

It almost seems as if the expansion of the West-Saxons towards the west, was being forced upon them by the close confinement of their lands to the north and east. Certainly their strength was insignificant in comparison with that of Mercia, and their power was of quite a different order to that of far distant Northumbria. It was not until 685 that a change began to take place, with the accession in Wessex of a king called Caedwalla.

He traced his descent from the Anglo-Saxon Cerdic; but his Brythonic name – an anglicized version of that borne by Edwin's opponent in 632, King Cadwallon of Gwynedd – suggests a mixed ancestry. Perhaps it was the Brythonic element in his ancestry that caused him to turn his back on the southwest and strive to give new strength to the kingdom of Wessex. This he did by seeking to include within its borders, or bring under its control, all of England south of the Thames.

After engineering the political consolidation of Wessex, Caedwalla dedicated himself to promoting the consolidation there too of the Christian Religion. This example of abdication in order to pursue his Christian religious studies, was followed also by Caedwalla's successor in Wessex (Ine or Ina). But this did not occur until Caedwalla had reigned for close on forty years (688-726).

Ine – whom the British Celts called Ivor, and claimed as one of them themselves was several times harassed by the rival claims of other members of the

¹⁸ *Ib.*, p. 199.

¹⁹ *Ib.* pp. 210f.

West-Saxon royal family. His reign was significant: for the occurrence of the earliest ecclesiastical synods in Wessex; for the interest he took in the better organization of the Church in his kingdom; and for his *Code of Laws*. All this reveals his close concern with matters agrarian, social and ecclesiastical.

King Ine ó and Aldhelm the first Bishop of Sherborne, a man of immense learning ó were contemporaries of Aldfrith and Bede in Northumbria. **Aldfrith (685-704), a son of Oswiu by an Irish mother, was a scholar of high distinction. After early schooling in Wessex, he spent many years studying among the Irish.**

They later recalled his skill in composing Irish verse. He corresponded with Aldhelm, then at Malmesbury, and it was he who had copied for use in Northumbria the book *On Holy Places*. That was written by Adamnan, Abbot of Iona and biographer of St. Columba.

Blair on the old Celto-Brythonic and the new Anglo-Saxon Church

Blair moves on to describe²⁰ the relationship between the different theological emphases of the old Celto-Brythonic Church and the new Anglo-Saxon Church. Thus, according to the A.D. 731 Anti-Celtic Anglo-Saxon Roman Catholic Bede: öThe [Celto-]British, though ill-disposed towards the [Anglo-Saxon] English, and still wickedly resisting the Catholic Church, were yet their own masters in some places.ö

Of course, it was not the Ancient Celto-Brythonic Culdee Church but rather the recently-arrived Roman Catholic Church among the Anglo-Saxons which had introduced this tension in Britain. The tension was caused by the new religion of Romanism, exploiting Anglo-Saxon Imperialism against the older religion of Proto-Protestantism then prevalent among the Celto-Brythonic Culdees.

As Blair explains,²¹ it seems almost as if the Italian Romanist Austin saw it as his task not so much to win a **new** area for Christianity as such ó but rather to recover an **old** one (Kent). Indeed, quite unlike the ethics of the Apostle Paul (Romans 15:20), Austin also saw it as his mission to æconvert to Romanism a thriving Brythonic Culdee Church even outside of Kent ó and then to incorporate it too, for the first time ever, into specifically the Romish Communion.

The fact is that, after the withdrawal of the Romans from Britain at the collapse of the Roman Empire, from 450 to 600 A.D., the isolated Celtic Church in Britain had gone its own way not merely in matters of form and ritual but also in much more fundamental questions of organisation and outlook. Even so, its achievements ó unaided by Rome ó had been remarkable. Not only had they clung to their own apostolic past. They wished to perpetuate it in the future too ó and even to export it first to the Anglo-Saxons, and also then to other Europeans.

Indeed, those Celts of the British Isles who rejected the advances made by Austin could well have justified their attitude ó by their sense of past achievement, and by their confidence in their own ability to carry out their tasks with equal success in the

²⁰ *Ib.*, p. 214.

²¹ *Ib.* pp. 224f.

future. For they did not need the unsought aid of strangers from the Mediterranean, who understood nothing of their way of observing the Christian Faith.

In 635, the Iro-Scotic Culdee Aidan came with a small company of monks. They settled themselves on the island of Lindisfarne of the coast of Northumbria, where they could enjoy a fair measure of security against the possibility of hostile attack. There they had easy access to the mainland for their missionary work ó which they now began to pursue with the vigour characteristic of the Celtic Church in this age.

Others followed them from Iona ó to give help in founding churches, as well as in giving instruction. Within a generation, the kingdom of Northumbria had become wholly Christian.

King Penda of Mercia remained heathen to the last. But in 653 his son Peada was baptized by Finan, Aidan's successor at Lindisfarne. That occurred on the occasion of Peada's marriage into the Northumbrian royal family.

Following the relapse to heathenism of Essex in 616, Christianity was restored to that kingdom shortly after the middle of the century by Cedd. He was English by origin, but Celtic by training.

The new Anglo-Saxon Church then speedily expanded. A magnificent church of seventh-century date at Brixworth in Northamptonshire testifies to the existence of prosperous communities of Christians. So too does a rich collection of early-sculptured stones at Breedon-on-the-Hill in Leicestershire.

Among the West-Saxons, as the boundaries of the kingdom moved out towards the west, the people of Wessex overran two important centres of Celtic Christianity ó one at Malmesbury founded by an Irishman called Maildubh and later renowned in the days of Aldhelm, and the other at Glastonbury of even earlier origin.

Then, in 680, the Romanist Wilfrid found a refuge with a king of the South-Saxons. During the next five years, he then converted those South-Saxons in Sussex.

There remained the Isle of Wight. After it had come into the possession of Caedwalla of Wessex in 686, Wilfrid was able to make a start with its conversion. He then left the work to be completed by a nephew.

England had now become a Christian country, well before the end of the seventh century. In place of heathen shrines ó outward signs of Christianity were becoming widespread, all over the country.

Blair on Celtic-Christian successes in evangelizing the Anglo-Saxons

The great influence of the Celts and especially of their Culdee Church upon the Anglo-Saxons, should never be forgotten. Blair explains²² that there were many areas in which the successes achieved by the Celtic Missionaries had led to the adoption by the Anglo-Saxons of Celtic beliefs and practices.

²² *Ib.*, p. 233.

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However, also conflict might ensue ó as in such practical difficulties as faced the Northumbrian court. There, a **Culdee** Anglo-Saxon King in the north celebrated the Feast of Easter ó at a time when his **Romish** queen from the south was still engaged in the Lenten Fast.

The Celtic Missionaries who worked among the English, were almost all Gaelic Celts of Irish or Scottish origin. According to the Anti-Celtic Bede, who doubtlessly exaggerated in this matter, the Brythonic alias the Welsh Church had taken no part in the conversion of the Anglo-Saxons.

Indeed, it is quite likely that the Brythons had not forgotten the slaughter of their Bangor monks at the hands of the pagan Anglian King Aethelfrith of Northumbria in A.D. 613-16 ó any more than the A.D. 731 Bede had not forgotten the slaughter of the Anglian Christian King Edwin of Northumbria by the Brythonic King Cadwallon around 650 A.D. Yet the evidence rather shows that the Brythons did indeed try to convert the Saxons.

At a gathering which was held at Whitby in 664, the Culdees argued their case against the Romanists in the presence of King Oswiu of Northumbria. The decision went in favour of Rome.

In addition to Oswiu and Hilda, the Celtic view was supported by Cedd (Bishop among the East-Saxons) and Colman (Bishop at Lindisfarne). Opposing them was Oswiu's son Alchfrith; Agilberht, a bishop of Frankish origin, who was then at work among the West-Saxons; James the Deacon, who had now been labouring in Northumbria for almost thirty years since he had first travelled North with Paulinus; and Wilfrid (who later won Sussex for Romanism).

Such a gathering was by no means representative of the two Churches (the Celtic and the Romish). Even so, in the eyes of Bede it seemed to be an occasion of the very greatest importance.

Indeed, looking back over the centuries, one cannot find fault with that sense of historical judgment which caused Bede to mark ó in the history of the Church in England ó the beginning of an epoch which ends only with the Protestant Reformation.

Blair on the continuation of Celtic Christianity even after Whitby

Nevertheless, an unbroken (though changing) Celtic culture had continued in Britain. From before the A.D. 43 Roman occupation ó till long after the mediaeval emergence of an Anglo-British England.

This continuity principleø ó from Ancient-British; then Romano-British; then the A.D. 400-450 Independent-Brythonic; next the Anglo-Saxon; and then finally the Anglo-British culture ó is well-illustrated by Blair.²³

²³ *Ib.*, pp. 256, 261, 263 & 268.

Thus, Pre-Roman Britain's bronze was utilized to make several different types of coins at that time. Later, Britain's own silver, won by extraction from her lead, was an important source of the raw material for silver coinage struck under the control of the imperial treasury of the Roman Empire until after 400 A.D.

Again, recalling what we know of the appearance of Gloucester and Cirencester and Bath as they existed in the fourth century ó it is difficult to imagine them as nothing but empty and decaying ruins at the time when they passed into Anglo-Saxon hands after the Battle at Dyrham in 571. Some continuity seems more likely at such sites as these ó as also at Carlisle, whose Roman walls and fountain were shown to Cuthbert when he visited the place in 685.

Once more, the high quality of Offa's coinage in Anglo-British Mercia ó is the best evidence for the return of a considerable degree of wealth to Britain before the end of the eighth century. Indeed, long before Offa's reign, new Anglo-Saxon communities were importing into England objects of trade from Sweden, Denmark, the Rhineland and Gaul ó as well as from much more distant lands. Evidence that at least some English cloth was being sent abroad in the eighth century, is contained in a letter which Charlemagne wrote to Offa in 796.

Blair on Medieval England as a bastion of Christian Civilization

With its christianization, Mediaeval England herself now became a bastion of Christian Civilization. As Blair shows,²⁴ according to the A.D. 731 Bede, when the monks Theodore of Tarsus and Hadrian of Africa came to England in 669 ó they both were amply instructed in sacred as well as secular literature.

“Rivers of wholesome knowledge daily flowed,” wrote Bede. “Together with the books of the sacred writings, they delivered...the knowledge of the metrical art, of astronomy, and of ecclesiastical computation...”

“Until today,” continued Bede in 731 A.D., “some of their disciples are still living ó who know the Latin and Greek languages even as their own in which they were born.... There were never happier times since the English sought Britain. For, having very powerful and Christian kings, they were a terror to all barbarous nations.”

This, explains Blair, was a new kind of school ó the Anglo-British. Its teaching was based on the ancient learning of the Greco-Roman World. It quickly attracted scholars in large numbers ó many of them Irish.

Its most famous pupil was Aldhelm of Malmesbury. The teaching was based on the seven liberal arts ó the *trivium* of grammar, rhetoric and dialectic; and the *quadrivium* of arithmetic, geometry, astronomy and music.

But **the expounding of Holy Scripture lay at the heart of all teaching; and to this end both Greek and Latin grammar were studied.** Even at this early date, Irish men of letters and learning held that mastery of vocabulary which they have ever since retained.

²⁴ *Ib.*, pp. 270f.

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There was thus a synthesis of Greco-Roman and Celtic scholarship which, with the intermingling of a third element ó the Anglo-Saxon ó created that full flowering of intellectual and artistic life which distinguishes the age of Bede as one of the great creative ages of the history of Europe. Aldhelm, the most learned of Canterbury's pupils, had received his early schooling under Irish discipline at Malmesbury (which had been founded by the Proto-Protestant Culdee-Celtic Irish Scholar Maildubh).

Aldhelm returned to Wessex to become Abbot of Malmesbury. His reputation for learning and scholarship later achieved legendary fame. The Anglo-Saxon contribution to civilization was not merely that there were many men and women among them, apt and ready to learn when opportunity was given to them. Their skill in producing intricate patterns and designs in metal or upon vellum, was matched by a like skill in manipulating words.

Blair on English Law & Civilization even ere time of King Alfred

Blair next traces²⁵ the history of **law and civilization** in Anglo-Saxon-Jutish England, until the time of Alfred. The two earliest Kentish law codes, are represented as the personal decrees of the kings themselves. Yet Bede states that Aethelberht's was enacted *cum consilio sapientium* (together with the counsel of the wise-men).

The prologue to the third, dating from 695, states that **the code was adopted after the holding of a deliberative assembly of the clergy and the nobility**. At about the same date ó King Ine of Wessex similarly consulted his bishops, his *ealdormen*, and his chief councillors before issuing his own *Law Code*.

Offa, who succeeded to the kingdom of Mercia, was unquestionably the most eminent Anglo-Saxon ruler before the days of Alfred the Great himself. His reign was enlightened by some of the qualities of statesmanship.

The most prominent and abiding monument of his reign, is the great dyke by which he defined the boundary between his own people and the Welsh (from the Severn Estuary west of Gloucester in the south, to the mouth of the Dee west of Cheshire in the north). It discloses an engineering skill in the choice of the line which it followed ó and a command of resources for its execution.

Trade, both internal and external, was stimulated by the great currency reform which introduced a silver penny of high quality and of a character which remained basically unchanged even beyond the end of the period of the Anglo-Saxons. There was substance in the claim made by Offa in his charters, that he was *Rex Anglorum* or *Rex Totius Anglorum Patriae* ó alias ÆKing of the English or ÆKing of the Whole Country of the English.

As the Vikings increased their attacks against the northeast coast of Britain, Northumbria was weakened. Meantime, the West-Saxons now became more powerful than ever.

²⁵ *Ib.*, pp. 216f & 244.

The Wessex King Egbert invaded Mercia in 829, and advanced to the southern border of Northumbria. There he received the submission of the Northumbrian people. In the next year, he invaded North Wales.

A West-Saxon chronicler hailed Egbert as the eighth of the Northumbrian kings or *bretwaldas*. This places him in succession to Oswiu, the last of the Northumbrians who had reigned more than a century and a half earlier.

Egbert's achievement was of great importance, in that it gave solidity to the kingdom of Wessex and brought fresh strength to England south of the Thames. Egbert was the first of the long and distinguished line of West-Saxon rulers upon whom fell the main burden of defending England against the Vikings.

The first Viking attacks, explains Blair, had already fallen upon the exposed coasts of Britain. Lindisfarne was sacked in 793, Jarrow in 794, and Iona in 795. Danes and Norwegians between them took possession of half England — from Essex, Suffolk and Norfolk in the southeast; to Lancashire, Westmorland and Cumberland in the northwest.

They occupied Shetland and Orkney, as well as much of the Scottish mainland. They seized the Western Isles; established many settlements in Ireland; and set up a kingdom on the Isle of Man.

All this was a gradual process. It continued for more than two hundred years. On a wide view, it seems not wholly separable from the 1066 Norman Conquest of England itself. For the Normans themselves were ultimately of Scandinavian origin.

We have record of only one notable English victory over the Vikings in this age. It was achieved by Egbert's successor, Aethelwulf — when, in 851, he defeated a large heathen host which had previously been assaulting Canterbury and London.

We find Alfred lamenting the decay of learning in England. He remarked how once men had come to England from abroad in search of learning and wisdom. Now, however, Englishmen who wanted such things — would need to seek them abroad.

Yet there is much to suggest that, at least in parts of the country, the Church continued throughout the eighth century to be inspired by the high ideals which seem to be characteristic of it in the earlier age of Bede. This was the age of the Post-Celtic Anglo-Saxon mission to the heathen Germanic peoples of Western Europe — a movement which took many Anglo-Saxon Christian men and women away from the security of England, to lives of difficulty and danger. For them, their lives sometimes ended in martyrdom.²⁶

²⁶ *Ib.*, pp. 218f & 236f.

Blair on the slow yet deeply-rooted emergence of Anglo-British Law

Professor Blair now discusses the features of the **emerging Anglo-British Common Law**.²⁷ Local government through shire and hundred or *wapentake* was almost universal in England in the late tenth and the eleventh centuries.

Before *circa* 850, the kingdom of Wessex had been subdivided into shires, corresponding broadly with those which still exist. By that date, meetings of the shire court were being held under the presidency of an *ealdorman* ó a noble who was a royal official, and who held considerable administrative and judicial responsibilities.

The monthly hundred court was the ordinary local criminal court of the country in the eleventh century. A court such as this, with its relatively frequent meetings held in the open air, would have had a much more immediate impact upon the countryside and its inhabitants than the more august assemblage of important dignitaries which came together only twice a year for the meetings of the shire court.

In the tenth century, the concern of the hundred was largely with the apprehension of thieves and the recovery of stolen property, especially cattle. The need for some small local court for the adjustment of local disputes, and perhaps also for the local apportionment of taxation, would come into existence as soon as reasonably settled conditions were reached after the Anglo-Saxon invasions. It may well be that the hundred, or something like it, already had a long history even before it figures in official documents.

The most powerful bond in this new society was that which feudally ó alias federally or covenantally ó united a lord to his men in a close relationship. That was neither national nor tribal, but personal. It is this principle of personal allegiance which is the most dominant characteristic of early Anglo-Saxon society ó rooted as it was in that of Ancient Germany.

Already in the first century A.D., the Roman historian Tacitus had been struck by the manner in which Germanic chieftains and their retainers were even then very closely united in bonds of loyalty. He had observed that any who sought to win his own safety by withdrawing from battle after the death of his own chieftain ó could do so only at the cost of incurring lifelong reproach and infamy.

Blair on severe punishments to protect the Anglo-British Family

Finally, Blair briefly stresses²⁸ the importance of the family in Anglo-Saxon and Anglo-British society ó and the **covenantally-connected great gravity of all capital crimes**. For if the living kindred of a murdered man were to be restrained from themselves taking vengeance upon the murderer ó the *wergild* or **compensation due must be proportionate to the crime, and be exacted legally against the criminal.**

The security of a kingdom depended on the ability of its king to win his battles. This ensured payment of the tribute. That would enable him to provide for his

²⁷ *Ib.*, pp. 246f.

²⁸ *Ib.*, pp. 252f (*cf.* 235).

followers and his subjects the kind of life idealized in Bede's account of the "perfect peace" which had marked the A.D. 650 reign of Edwin.

The security of the individual, on the other hand, rested very largely upon his position within a family and upon whose help he could rely in time of need. There is no doubt that the ties of kinship were very strong throughout the Anglo-Saxon period.

There could be no compensation for homicide within the kindred and since those to whom compensation was due and those by whom it must be paid, were in that case the same. There could be no compensation for a man who had died as a legally-convicted criminal.

The kindred could not seek vengeance or compensation, until the accused man had been proved guilty. The amount of an individual's *wergild* varied, according to his rank in society. But it was a fixed sum established in law, and not simply the largest sum which could be extracted. Cf. Exodus 21:32 & Zechariah 11:12.

There was a wide variety of circumstances (**other** than homicide), in which payment of the *wergild* might be exacted for offences committed. West-Saxon Law provided that a thief caught in the act might escape **execution** by the payment of his *wergild* and that those who harboured fugitives must pay the *wergild* appropriate if they could not clear themselves of the accusation by other means.

The ordinary method by which a freeman would clear himself of a charge that had been brought against him, was by appearing in a court and taking an oath in which he was supported by an appropriate number of companions who would take a similar oath in his defence. The number of "oath-helpers" required to rebut a particular accusation, varied with the gravity of the offence with which the man was charged.

However, a seventh-century churchman and archbishop of Canterbury and Theodore (of Tarsus), whose background was Mediterranean and thought he might mitigate the circumstances of killing at the command of one's lord. Accordingly, he imposed heavy "penance" upon a man who killed merely as an act of vengeance for a kinsman.

That unfortunately softened, for a while, the mandatory death penalty for murder. But it also helped remove from the surviving family of the victim and the duty to vindicate the slaughter of their dead relative.

Instead, it then vested that duty of vindication even more deeply in the broader context of their membership in the *Corpus Christianum*: the mediaeval Church and State. And also that, even in itself, greatly helped to entrench the ongoing continuation of the Ancient Common Law of England.

ADDENDUM 33: REV. JAMES MACKENZIE ON THE EARLY SCOTTISH CHURCH

In 1890, Rev. James Mackenzie wrote a very important *History of Scotland*. There, he states¹ that the word ðPictøó *Pightiaid* in the Old-Celtic language called Pictish ó signifies: a ðFighting Man.ø

The Picts earlier seem to have migrated to Scotland *via* Ireland from Celtiberian Basquish Spain. That was after trekking there from Scythia in Eastern Europe and/or Eurasia.

They were by no means ferocious savages. To the contrary, they were so cultured that they wore gold. Indeed, they even buried it with their dead ó as a manifestation of their belief in the yet greater value of the life hereafter.

As Mackenzie explains,² the weighty golden ornaments buried with their honoured dead, show that the ancient Pictish inhabitants of Britain were no strangers to that glittering metal. Nor is it difficult to account for their possession of it.

Scotland, like Spain and some other countries where none is found now ó not to speak of Ireland, the immediate ancestral home of the PictsøScottish cousins ó once possessed native gold in considerable quantities. The collars of twisted gold once worn in Britain, speak of the past both loudly and clearly. For, after the Picts had settled to the north of the Britons in Brythonic Britain, also their Gaelic cousins the Scots would later join them in Scotland from Ireland.

Mackenzie on the cultured early inhabitants of England and Scotland

When the pagan Roman Julius Caesar landed in Britain, continues Mackenzie,³ that dictator found the natives possessed of iron. This fact warn us against believing that they were savages. Their mode of fighting in war-chariots, as Caesar describes it, shows more of military method and tactic than mere savages ever use.

They had their own coined money. That is yet another circumstance showing how far they had carried the arts of civilization. Their learned class, the druids, possessed the art of writing. This was true not only among the Brythonic Celts, but also among the Gaels in Scotland (and even earlier in Ireland).

Their tribes were sometimes governed by a female sovereign. Among savages, woman is a drudge and a slave. They never make a ðsquawøtheir queen. But among the ancient inhabitants of Britain, the daughter of a chief might succeed her father. This was a pretty clear indication that women enjoyed with the Ancient Britons a social position such as women never enjoy in the mere savage state. *Cf.* Numbers chapters 25 & 36; and Queen Athaliah in Second Chronicles 22:10 to 23:21 *etc.*

¹ Nelson, London, 1890, p. 34.

² *Ib.*, p. 19.

³ *Ib.*, pp. 26f.

All over Ancient Britain, the druidic religion prevailed. The druids ó that is, the *men of the oaks* ó worshipped a supreme God. They sometimes offered guilty humans as sacrifices, in order to appease the wrath of God. This they did by erecting a gigantic figure of wicker-work ó a sort of cage made in the shape of a man and filled it with human victims ó and then burning it. That was by way of **punishment**. For those victims had first been condemned as criminals.⁴

Mackenzie on the early-age arrival of Christianity in Scotland

Concerning Christianity, Mackenzie states⁵ that the light of the Gospel had at least dawned in Scotland as early as the third century. As Scotland possessed the Gospel pure ó she must have received it early.

Some trace the birth of Christianity in Scotland back to an assumed visit there even of the Apostle Andrew during the first century A.D. This would then explain why his bones were later dug up from among the Scythians, and transferred and reburied among their cognate Scots. It would also explain why so many churches in Scotland are called precisely after St. Andrew.

Around 195 A.D., also Tertullian of Carthage reported that the Gospel had already taken root in Non-Roman Britain (alias Scotland). Had Christianity arrived in Scotland only later, it would have come tainted with the fast-growing corruptions of Rome. As it was, however, the Gospel was brought into Scotland yet again ó when the non-romanized Proto-Protestant Celto-Brython Ninian crossed over the Solway from his native Cumberland.

Such, explains Mackenzie,⁶ was the religion of the Scottish Culdees. The religion of the Culdees was the pure religion of the Bible, free from the corrupt doctrines and practices of the Church of Rome.

The Culdees owned no rule but the Word of God. They had no worship of saints or angels; no prayers for the dead; no confession to a priest; no sacrifice of the mass. They hoped for salvation from the mercy of God alone, through faith in Jesus Christ. They had no prelates, and their only Church Officers were Ministers and Elders.

The Church of the Culdees flourished long in Biblical purity. But in the course of time, the *mystery of iniquity* which corrupted all Christendom ó *cf.* Second Thessalonians 2:7 ó gradually tainted the Primitive Church of Scotland too. Then, even the mediaeval Scots became infected with the blighting influence of Popery.

Mackenzie on the A.D. 1138 extirpation of the Scottish Culdees

Thus, in A.D. 1138 ó explains Mackenzie⁷ ó the Romish King David of Scotland órooted out the last remnant of the Culdees. One reads with indignation how he

⁴ *Ib.* pp. 27f.

⁵ *Ib.*, pp. 38f.

⁶ *Ib.*, pp. 41f.

⁷ *Ib.*, pp. 65 & 68.

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ejected them from the little isle of St. Serf in Lochleven ó where some ruins of their establishment are still to be seen.

He seized their little library of sixteen volumes. Among those were the Gospels; the Acts of the Apostles; the three books of Solomon (Canticles, Ecclesiastes and Proverbs); a commentary on the Song of Solomon; and another on Genesis.

Yet, also in mediaeval Scotland, King William at one time had a violent quarrel with the Pope ó regarding who should be Bishop of St. Andrews. The pope uttered commands and threats, but William remained immovable.

At length, the pope caused his legate to lay William and the Kingdom of Scotland under sentence of excommunication. Whenever this sentence came upon a nation, the churches were closed. It seems to have told with less effect on Scotland than on other countries.⁸

William the Lion was succeeded by his son, a youth of sixteen known as Alexander II. He was a sensible, useful king. He gave good support to the Barons of England in their struggle against King John in order to obtain the *Magna Carta* and English liberty. When the Pope purported to annul that charter and to excommunicate the Runnymede Barons ó the King of Scotland was excommunicated with them.

So too, the reign of **Alexander the Second** was in many respects a period of prosperity and progress. He **employed much of his time in the framing of laws and the dispensation of justice.**

However, if the King of Scotland was ever to be master on his own soil ó he must quell the Norsemen of the Isles (from the Shetlands through the Hebrides to the Isle of Man). A Scottish fleet and army were sent against them.⁹

Mackenzie on Scotland's Feudalism and its undivided Parliament

Scotland's Feudalism and its Parliament were remarkably intertwined. Mackenzie explains¹⁰ that the Baron who held court on his own estate with his vassals, was himself a vassal of the King (as the -Chief Baron). As the King's vassal, the Baron (or -Laird) was bound according to the same feudal rules to give attendance and service in the King's Court.

The first meeting of the King's Court or National Council of Scotland, to which the name of *Parliament* was given, took place in the reign of -King-of-straw Baliol. It was held at Scone. It banished all Englishmen from Scotland.

As the various burghs or towns rose in importance, they began to send representatives to the National Council. Burgh-ers, alias members for the burghs, were present in the Parliament which the great King Robert (the Bruce) held in the

⁸ *Ib.*, pp. 83f.

⁹ *Ib.*, p. 90.

¹⁰ *Ib.*, pp. 186f.

summer of 1326. From that time forward, the great National Council regularly comprised the three estates of King, Lords, and Commons.

Parliaments anciently had no fixed place of meeting but assembled sometimes in one town, sometimes in another. This circumstance led, in the case of the English Parliament, to a no less important result than the division of the legislature into a House of Lords and a House of Commons.

The conjecture is, that in some towns where the English Parliament met, there being no single room large enough to accommodate the whole body, the great Lords took one room, while the representatives of the smaller Barons and of the Burghs took another.

This division between the House of Commons and the House of Lords occasioned at first by so simple an accident gradually became established. The Scottish Parliament, however, was **never divided**. It **continued** to meet together as **one body** to the last.¹¹

After a poor or a bad king, a good successor would again promote prosperity in Scotland. Thus, explains Mackenzie,¹² **King James the First of Scotland** proceeded in the work of restoring order to the kingdom. He **applied himself with all his uncommon vigour to get good laws made and enforced**.

His good sense caused them to be issued in the Scottish tongue. It was his practice to assemble Parliament very frequently, and to rule the country in a regular and constitutional way through Parliament.

Up to this time, the **smaller** barons had been summoned to give attendance on Parliament along with the **great** lords. It was now enacted that the **smaller** barons of each sheriffdom should **elect** two or more of their number to **represent** them in **Parliament**. In this way, the important principle of a **representative government** was introduced....

Laws were made to protect the small vassals and serfs against oppression by **their lords**. Agriculture; trade and manufactures; fisheries; the state of the labouring class and the poor of all partook of his care.

Mackenzie on the influence of Greater Cumbria's Wycliffe in Scotland

At the time of the Pre-Reformation, the work of John Wycliffe from Greater Cumbria reached out also into Scotland. This occurred especially through the work of Resby and Crawar.

¹¹ *Ib.*, p. 189.

¹² *Ib.*, pp. 206f.

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Mackenzie writes¹³ that ever since John Resby the Englishman was burned at Perth in Albany's time for teaching the doctrines of the Bible, there had been a considerable number of his disciples who met in secret and encouraged one another.

This little flock appears to have had communications with the enemies of popish corruptions in other parts of Europe. The citizens of Prague in Bohemia sent over to Scotland one Paul Crawar, to keep alive the light of reformation which Resby had kindled.

Just after the beginning of the Lutheran Reformation in Germany during 1517, even in Scotland ó during the reign of James IV ó the number of God's hidden people must have been increasing. The Archbishop of Glasgow once brought up thirty Lollards or Wycliffites to stand their trial before the king and his council.

Among them were gentlemen and ladies of rank and property in the west. James would not lend himself to be a persecutor. The manly king loved fair play. He encouraged the accused to speak out freely and defend themselves.¹⁴

James IV of Scotland had quarrelled with his brother-in-law Henry VIII (the King of England), and had invaded England with a powerful army. James IV left as heir to his crown an infant son under three years old. The country, as usual when the king was a child, fell back into disorder and lawlessness. It was then that feudalism made its last great effort.

The corruptions of Popery, that worst enemy of both God and man on the face of the Earth, gained a greater height in Scotland than perhaps in any other country of Europe. The wealth and power of the clergy were enormous. Fully one-half of all the property in the nation belonged to them.¹⁵ But early Pro-testants now arose to protest!

There were now a few bold and faithful men who openly preached the doctrines of the Gospel. William Harlaw preached publicly in Edinburgh; where also John Willock had a little congregation of nobility, barons and gentlemen.¹⁶

Mackenzie on the beginning of John Knox's Reformation in Scotland

When Knox returned from Europe, explains Mackenzie,¹⁷ the Protestant gentlemen of every county in Scotland went with their preachers to the Queen Regent. Well nigh a hundred and fifty years before, the first martyr-blood cried out to God from Scottish ground. That long a period had now passed since Resby and Crawar had begun the battle which it was reserved for Knox to win.

It is a very small General Assembly of the Church in Scotland during 1560 ó consisting of only six Ministers and about thirty-four Elders. Yet how great and high was the position of that small company!

¹³ *Ib.*, p. 210.

¹⁴ *Ib.*, p. 238.

¹⁵ *Ib.*, pp. 241 & 267 & 276.

¹⁶ *Ib.*, p. 316.

¹⁷ *Ib.*, pp. 321f & 332.

Little form was used. There was not even a President or Moderator. Neither was there one in **any** of the first seven General Assemblies thereafter.

There sat a young man, thirty-five years old ó John Row. He was learned in the Canon Law, and skilful in the languages of antiquity. He had once been an agent at the Court of Rome for the popish clergy of Scotland. He had also been a favourite of two popes ó and had returned to his native country, just recently, as the Pope's *Nuncio*. But the power of truth had found him. So there he sat, now a member of the Protestant Assembly.

There also, sat John Willock. He had once been a gray-gowned Franciscan monk. Thereafter, after becoming a Protestant, he had been in England ó acting as chaplain to the Duke of Suffolk, the father of that amiable and hard-fated Calvinist Lady Jane Grey¹⁸ ó Queen of England for nine days, till butchered by Bloody Mary.

Mackenzie insists¹⁹ that the Reformers undoubtedly held that the Mosaic Law against idolatry applies to every Christian kingdom. The Parliament of 1560 passed an *Act* ó ordaining that all who assisted or were present at the idolatry of the mass, should be punished.

“This severe statute,” the late learned Principal Lee once observed, “was never executed” ó so far as one might be able to learn. “Probably it was never intended to be executed to its full extent.” The severity of the Reformers was therefore chiefly in theory ó and not at all chiefly in practice.

Mackenzie on the exaggerated tolerance of the Scottish Reformers

Yet, explains Mackenzie:²⁰ “There were some matters in which the Reformers were even a trifle too tolerant. They suffered Popish Professors to remain in the Universities ó where they were able to corrupt the principles of the students. Even six years after the Reformation, all the Professors in Aberdeen were still Papists ó and continued to teach popish doctrine there.

The forbearance and kindness with which popish functionaries of every kind were treated by the Reformers, is remarkable. The Pope's Bishops were allowed, after the Reformation, to sit even in Parliament. They were continued ó also in the enjoyment of their revenues.

The first General Assembly of the Reformed Church of Scotland passed an *Act* providing that persons who had borne office in the Popish Church, should receive a maintenance out of the funds of the Reformed Church. Many, including both monks and nuns who were incapable of being put to any use in the working world, were thus provided for. Even thirty years after the Reformation, “monk's portions” were still being paid out.

There was another matter in which the good-nature of the Reformers went quite far enough. A very large proportion of the “readers” appointed to read the Scriptures and

¹⁸ *Ib.*, pp. 332f.

¹⁹ *Ib.*, p. 340.

²⁰ *Ib.*, pp. 340f.

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conduct the psalmody in the Reformed kirks, were popish priests. Numbers of priests were also employed as schoolmasters.²¹

The *First Book of Discipline*, drawn up by the first General Assembly of the Reformed Church of Scotland, provides for the maintenance of all cathedral and collegiate churches. In 1588, the Assembly appealed to the king, craving him to avert the ruin which threatened the cathedrals.²²

Mackenzie on the clash between Knox and Mary Queen of Scots

Mackenzie next deals²³ with the clash between the Romish Mary Queen of Scots and the great Protestant Reformer John Knox. That most supremely diabolical woman Catherine de Medicis was the unfortunate Mary's mother-in-law.

Under the latter's influence Mary was thrown off and at the period of her life when her youthful character was being formed. The young Mary was raised and educated in France. Indeed, the princes of the bigoted and bloody House of Guise in Romish France were Mary's uncles.

Later, the Scottish Commissioners would do nothing off until they had obtained from young Queen Mary (and her proposed French Romish husband) an undertaking to preserve the independence of Scotland and all its ancient laws and liberties. Mary consented to that condition. But, just fifteen days before that, she had signed at Fontainebleau a secret deed annulling beforehand the consent which she was then about to give off and had there declared it to be her intention to unite the Kingdom of Scotland to the Kingdom of France.

John Knox had for four years been chaplain to Edward VI off the great Calvinistic King of England.²⁴ However, Mary had come from the wretched Court of France off with her head full of that damnable doctrine known as the divine right of kings.

“Think you that subjects, having power, may resist their princes?” Mary asked the Reformer. Knox replied: “If their princes exceed their bounds, Madam, and do against that for which they should be obeyed off it is no doubt but they may be resisted!”²⁴

Now the Queen of Scots herself was hardly a paragon of virtue. As Mackenzie explains,²⁵ ever since her affair with her proposed Romish husband, Mary had set her heart vehemently on one Darnley off her own well-limbed cousin. He was nineteen; she was now twenty-three. On account of their cousinhood, the Pope's dispensation was needed for their marriage.

Yet, four months before Mary's public marriage to Darnley at Holyrood off she married him secretly! That supple Italian, the Pope's *Nuncio* David Rizzio, managed the matter.

²¹ *Ib.*, p. 341.

²² *Ib.*, p. 346.

²³ *Ib.*, pp. 349f.

²⁴ *Ib.*, p. 351.

²⁵ *Ib.*, p. 361.

Darnley and his father were Papists. Indeed, the Queen showed them such extraordinary favour that it seemed the whole power of the State was about to be thrown into their hands.

However, Mary's matrimonial mayhems had not yet been concluded. So when Mary contemplated marriage to the Prince of Spain, Knox protested.

“But what have you to do,” said she to Knox, “with my marriage? Or what are you within this Commonwealth?”

Knox replied: “I am a subject born within the same, Madam. And albeit I neither be earl, lord, nor baron within it nor yet has God made me, howsoever abject I be in your eyes, a profitable member thereof!”²⁶

The Spanish marriage did not go on. For Knox had sounded an alarm in Scotland which was caught up in England. The arras had been torn up, from floor to ceiling. A plot exposed, is a plot defeated. Knox, and Knox alone, saved the kingdom.²⁷

Mackenzie on the execution of Mary and the accession of James

So Mary had to settle for Darnley, to whom in due time a son was born. The infant was baptized: Charles James. Darnley himself was not allowed to be present at the baptism. For he was in Stirling and quarantined because of his smallpox, and shunned by all the concourse.

Soon, however, Mary was removed from the throne and was succeeded by her young son. The child, Prince James, was thirteen months old when he was crowned. John Knox preached the sermon. The crown was placed over the child's head.

The Earl of Morton and Lord Hume took the oaths for him. The Regent Moray was the man who would buckle the distempered kingdom within the belt of rule. With a regent like that, **law would be law**, and justice would smite swift and sharp.²⁸

The dethroned Mary herself was imprisoned in England for almost two decades. During the whole of her long captivity of nineteen years, writes the Scot Mackenzie,²⁹ Mary was seldom without some plot or intrigue on hand. She maintained at all times a correspondence with her relatives the Guises; and with the King of Spain; and the Pope.

She was in alliance with all Elizabeth's disaffected subjects. Altogether apart from the plots against the Queen of England which Mary habitually encouraged, Mary's very life was a continual danger to Elizabeth's life.

As Mary was the undisputed heir of Elizabeth, one successful dagger-blow against the latter might at any time open up Mary's way to the English throne. Hence there was a perpetual temptation to the Jesuits, so long as Mary lived, to plot the

²⁶ *Ib.*, p. 370.

²⁷ *Ib.*, p. 371.

²⁸ *Ib.*, pp. 378 & 391.

²⁹ *Ib.*, p. 404.

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assassination of Elizabeth ó in order to give a popish sovereign to England. The wonder is not that Elizabeth brought Mary to the scaffold at last, but that she refrained from doing this for so long.

When Elizabeth finally had Mary executed, the King of France vehemently objected. Elizabeth replied that she had been forced to the decision which had been taken, because it was impossible for her to preserve her own life and save that of the Queen of Scots also ó and that, if they knew any mode of insuring her safety, and at the same time sparing Mary, she would be greatly obliged to them. That was really true. Thus Mackenzie.³⁰

Now, however, awful events in France helped to consolidate Scottish Protestantism. Mackenzie explains³¹ that word came to Edinburgh about the Romish massacre of Protestants during St. Bartholomew's Night in France, during 1572 A.D.

The French Papists, setting apart a week for the murder of their Protestant fellow-subjects, began it with a will. By the end of the week, they had accomplished seventy thousand murders.

The King of France amused himself with shooting his own Protestant subjects who sought refuge at his palace gates. In Scotland the aged Knox, leaning on his staff, crept to the pulpit. Summoning up the remainder of his strength, the old fire kindled as he went.

He thundered forth the judgment of Heaven against the King of France. The vengeance of God, Knox insisted, would pursue the French sovereign and his house. Indeed it did ó especially later at the 1789 French Revolution.

Mackenzie on Scottish *Tulchan*-Bishops and Andrew Melville

Romanism was now a spent force in Scotland. Other problems, however, soon arose. As the prelates died off, explains Mackenzie,³² greedy eyes were turned to their rich livings which fell vacant.

Regent Morton determined to appropriate a share. But as he was not a Bishop, he could not well draw bishops' rents openly and in his own name. He found, however, a weak old Minister who was willing to take the title and a small part of the revenue, handing over the bulk of it to the Regent.

The example was too profitable not to be followed. The nobility and people about the court began to look out for similar poor-spirited tools. They got them appointed to church livings, with the names of Bishops and Archbishops. They had the title, but their patrons had the revenues.

³⁰ *Ib.*, p. 407.

³¹ *Ib.*, p. 437.

³² *Ib.*, pp. 447f.

The Scots called them *tulchans* ó that being a stuffed calf which was set at milking time in a position as if to suck the cow. The cow looking round, fancied that her calf was busy, and so gave her milk freely.

Many families of the nobility and gentry of Scotland long possessed church lands and rents which were obtained by this method ó a rich milking for them. The *Tulchan*-Bishops were at first bishops only in name ó but even they soon began to grasp also at the power.

This system, that curious milking apparatus by which greedy nobles drained the church revenues into their own coffers, was in full operation. But from the hour that Andrew Melville began to take a part in her councils, the Church was feeble and yielding no more.

The degrading sham of the *Tulchan*-Bishops could not be endured. The Church set herself to the work of reform. Regent Morton, the head of the State, might support his profitable *Tulchan*-Bishops. What matter, he seemed to think ó even if the law of Christ be against them?³³

The Regent tried to bribe Melville by the gift of church revenues. Shrewd and knowing men of the world do not in the least understand natures higher than their own ó else Morton never would have tried to bribe Melville. Bribes failing, he tried to intimidate.

Meantime, James VI of Scotland had become also James I of England. Born the son of a murderous mother, the bigoted Romanist Mary Queen of Scots ó and raised reactionarily, as an orphan, to hate his own parents ó it is no wonder that this brilliant king was socially awkward. Indeed, though an outspoken Protestant, he was nevertheless somewhat unbalanced theologically.

Mackenzie explains³⁴ that James VI had a fixed aversion to a Presbyterian Church, and as fixed a love for Episcopalianism. A Presbyterian Church cannot easily be gotten to do royal bidding. All its Ministers being equal in office, nothing can be done except by the voice of the majority. This requires public Assemblies and free discussions ó things which despots cannot bear.

Letters came down from King James the First of England ó inviting the Presbyterian Melville of Scotland and seven others to London, to confer about matters concerning the peace of the Church of Scotland. Melville had strong suspicion of treachery, but he resolved to go.

He never saw Scotland again. On a contemptible pretext, he was sent a prisoner to the Tower of London. In the end he was banished to France, and there he died.³⁵

³³ *Ib.*, p. 495.

³⁴ *Ib.*, pp. 496f.

³⁵ *Ib.*, p. 526.

Mackenzie on Scotland's famous *National Covenant* of 1638

While Englishmen look back with reverence to their *Magna Charta* of 1215 ó with reverence as great do all true Scots look back to the *National Covenant* of 1638. It saved their country from absolute despotism. In less than six weeks, Scotland was banded together under that *Covenant*.³⁶

Now it was the hope of the forefathers to unite the whole of Great Britain in a religious uniformity on the basis of the *Westminster Standards*. The fathers saw their hope dashed into pieces like a potter's vessel. But who can deny that the Westminster Assembly has left a richer legacy of instruction to the Church of Christ than any council whether before or since?

The Scottish *National Covenant* was in a very real sense the parent of the international *Solemn League and Covenant*. That, soon thereafter, was a pact between the Kingdom of Scotland and the Kingdom of England & Wales (together with the Kingdom of Ireland).

Mackenzie explains³⁷ that this bond of union between the countries ó the famous *Solemn League* ó was drawn up by the weighty pen of the great Scottish Protestant Alexander Henderson. By it, the nations bound themselves to maintain the Reformed Religion; to extirpate Popery and Prelacy (but not papists and prelatists); to protect the rights of Parliament and the liberties of the Kingdom; and to preserve the King's person and his lawful authority.

Mackenzie on the Marquis of Hamilton and his Scottish Engagers

However, a party led by the deceptive Marquis of Hamilton ó and consisting of the King's men and mis-seeing Covenanters ó got the majority in the Scottish Parliament. They were very famous in those days, when they were known by the name of Engagers ó having entered into an engagement with the king, in pursuance of which they invaded England.

After the ruinous failure of the Engagers in their English invasion, the strict Covenanters found themselves so strong in Parliament that they were able to pass the famous *Act of Classes*. By this Act, four classes of 'malignants' were defined. All general officers and chief movers in the Engagement form the first class of malignants. They became, for ever, incapable of public employment.³⁸

But now, King Charles I of England and Scotland was executed by the English Parliament against the wishes of the Scots and their Parliament. The news of that stern work of judgment done at Whitehall on the 30th January, reached Edinburgh five days after. Indignation and pity filled every breast.

³⁶ *Ib.*, pp. 544 & 546 & 560f.

³⁷ *Ib.*, p. 562.

³⁸ *Ib.*, pp. 572f.

In over-reaction, explains Mackenzie,³⁹ the very next day the eldest son of the deceased was proclaimed King of Scotland. Charles II, the prince thus proclaimed, was then at the Hague in Holland. He was at that time eighteen, with falseness and treachery in the very core of his heart.

Loyal to their king, and faithful to their sworn covenants which bound them to maintain his lawful authority, the Scots called the young Charles to the throne. But, said they, while we are bound to him and will stand by him to the death ó he, on his part, must be bound to rule according to the laws and to respect our liberty of conscience.

He swore and signed the *Covenant*. But with what eyes will the English Parliament, which has abolished kingship and set up a Commonwealth, look upon this business of king-making in Scotland? For the English army was already marching toward the border!⁴⁰

Surely, of all sad things ó this war between the Covenanters and Oliver Cromwell is the saddest. The same pure and high purpose animated them and him.

To Oliver, it was a thing most plain that liberty and a Stuart king could not exist together in these lands. The Covenanters themselves, and the whole British Nation, by-and-by, came to think of that matter exactly as Oliver had thought.

The English Commonwealth did not assume to dictate to Scotland in any way. Scottish liberties were left perfectly untouched. Their quarrel with Oliver was a vast mistake.⁴¹

Mackenzie on the disastrous Scottish Attack on Cromwell's England

Yet even after this, the Scots blundered again. Mackenzie explains⁴² that unbroken in spirit by the terrible ruin of Dunbar, the Scots levied another army in 1651 and rallied to the struggle. On New Year's Day, they crowned King Charles II at Scone ó with prayer, and all holy solemnities.

The assembled people, with uplifted right hands, took the oath to the new-made king. They promised him: "Truth and faith shall we bear unto you, and live and die with you, against all manner of folk whatever, in your service, according to the *National Covenant* and the *Solemn League and Covenant*."

This was a spectacle to weep over! The true and brave, making oath before Almighty God ó to spill their blood for the basest of all scoundrels ó and against the noble Oliver, the best friend that Scotland ever saw (could she but have known him).

Cromwell now had no alternative but to conquer Scotland. Yet under Cromwell, Lord Protector of the Commonwealth of England, great uncrowned King of Britain, Scotland enjoyed what the poor torn country so greatly needed ó the blessing of a

³⁹ *Ib.*, p. 573.

⁴⁰ *Ib.*, pp. 573f.

⁴¹ *Ib.*, pp. 576f.

⁴² *Ib.*, pp. 578f.

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firm, just and strong government. The monarchy and Parliament of Scotland were formally abolished. The number of the Scottish Members to sit in the United Parliament, was fixed at thirty.

Perfectly free trade was established between the countries. All customs and duties upon the export or import of goods from either to the other, were taken off.

Feudal vassalage and hereditary jurisdictions were done away with. Oliver Cromwell did all this. **His judges were remarkable for fair, common sense decisions, given with little delay and no needless expense.**⁴³

Yet the General Assembly of the Scottish Presbyterians had unwisely supported the young Prince Charles! So the General Assembly was suppressed in 1653 A.D. Cromwell, moved by their excessive royalism, prevented the meetings of the General Assembly. But though the General Assembly was closed, the synods and presbyteries met with perfect freedom.

Nor was there ever greater purity or plenty of the means of grace. The Gospel was preached with great success. Kirkton, in his quaint and sturdy *History*, says:

“I verily believe there were more souls converted to Christ in that short period of time than in any season since the Reformation, though of triple its duration. Every parish had its Minister; every village a school; almost every family, a Bible; and in most of the country, all the children of age could read.”⁴⁴

Mackenzie on the Restoration and the “Killing Times” in Scotland

After the death of Cromwell, Prince Charles was proclaimed King of England. Sadly, Scotland warmly supported this.

Mackenzie explains⁴⁵ that the Presbyterian Resolutioners of Scotland were inclined to receive back the King on almost any terms. The Protesters, far before them in their discernment of his real character, were opposed to his return ó except upon suitable conditions.

The King’s return was hailed with extravagant joy. Bonfires blazed, and noisy crowds drank the King’s health at every market cross.

Soon, however, about a hundred corpses were dug up and flung into a heap in the churchyard of St Margaret’s. The corpses of Cromwell’s old mother and of Admiral Blake (one of England’s glorious sea-kings) were among them.

The hangman publicly burned the books of Milton and of George Buchanan ó books guilty of teaching that men are not born slaves. The same was done to Rutherford’s book *Lex Rex* (or “The Law is King”).

⁴³ *Ib.*, p. 582.

⁴⁴ *Ib.*, pp. 584f.

⁴⁵ *Ib.*, pp. 586f.

It was necessary to provide Bishops. James Sharp had been sent by the Presbyterians ó at least by the Resolutionist part of them ó to court, to represent them and watch over their interest. Sharp joined in the measures for its overthrow ó the overthrow of Scottish Presbyterianism!

He was made Archbishop of St. Andrews, and Primate of all Scotland. All synods, presbyteries and kirk-sessions were put down. An *Act of Parliament* forbade to speak, write, preach or pray against the government of the Church by bishops and archbishops.⁴⁶ The õKilling Timesö of the Puritans in Scotland had begun!

Mackenzie on the *Settlement* & Union of England with Scotland

After the romanizing Charles II died, both England and Scotland survived his Romish brother James II of England (alias VII of Scotland). Then Prince William of Orange, England's first-ever Presbyterian to become king, achieved victory over James in Ireland and at the *Act of Settlement* consolidated his occupation of the thrones of England and Scotland. Soon, in the reign of Queen Anne, plans were consummated to merge them as the United Kingdom.

Mackenzie explains⁴⁷ that all over Scotland, the excitement was equally great. Every man's blood was at fever heat. Scotland with one voice was against the Union. For if Scotland gave up her own government ó what treatment may not her Church and her commerce receive at the hands of that powerful sister who had shown herself so jealous and grasping?

But the *Act of Union* was safe to pass! Indeed, it did so pass. For the votes of a large majority of the Scottish Parliament had duly been bought with English gold.

On the first day of May the *Act*, having been passed also in the English Parliament, came into operation. The two nations, which in the course of their history had fought with each other three hundred and fourteen battles ó and slain of each other's subjects more than a million of men, were now one.

Mackenzie concludes⁴⁸ that from the period of the Union, Scotland was amalgamated with England into one Empire. Scotland thereafter ceased to have a separate history. Thenceforth she has enjoyed the incalculable advantage of being united with a great and powerful nation. Indeed, in the marvellous prosperity of the British Empire ó also Scotland has fully shared.

Her imports of foreign merchandise increased twenty-fold since the Union (until Mackenzie's book was published in 1890). During that same period, her exports have increased forty-fold, and her revenue sixty-fold. Indeed, her agriculture became perhaps the best in the World.

The Scot James Watt and his steam engine enabled Britain to manufacture for the World. The Scot Adam Smith taught Britain the great principle of free trade. This gave daily expansion to her commerce, and increase to her wealth.

⁴⁶ *Ib.*, pp. 592f.

⁴⁷ *Ib.*, p. 656.

⁴⁸ *Ib.*, pp. 657f.

ADDENDUM 34: REV. PROF. DR. G.T. STOKES ON CHRISTIANITY IN ANCIENT IRELAND

The book *Ireland and the Celtic Church*, by Rev. Dr. George T. Stokes,¹ is an important work. Stokes was sometime Professor of Ecclesiastical History in the University of Dublin. His above-named book reveals his thorough study of his stated subject.

There, Stokes states² that already in Ancient-Classical times Greek historians and geographers mention *Ierne* ó alias Ireland. Even before the days of Julius Caesar, Diodorus Siculus and later also Strabo (in the time of Augustus), tell of its existence. They do so, on the strength of the voyages to the British Isles by Pytheas (about the time of Alexander the Great), and also those of merchants from Carthage.

Stokes on the Roman Tacitus's acquaintance with Ancient Ireland

In his book *Agricola* ó about the great Roman General of that name (between the years 78 and 86 A.D.), his son-in-law Tacitus gives an interesting description of Ireland. *“Hibernia,”* he says, *“is situated between Britain and Spain, and is very accessible from the shores of Gaul.... Its ports are well-known to merchants.”*

The Roman Historian Tacitus also insists in his A.D. 98 *Agricola*,³ that *“Britain...looks toward Ireland.”* This suggests that the trade between those two kindred lands was well established already by the first century A.D.

Tacitus also implies that *Britain* and *Spain* were the two *mightiest* sections of the Empire of Rome. Moreover, he records that the *Gaels* in Ancient Ireland then traded also with the *Gauls* in Ancient France ó even though the French Gauls were by then within the Roman Empire (which the Irish Gaels never were).

For Tacitus writes that *“Ireland, being between Britain and Spain ó and conveniently situated for the seas round Gaul ó might have been the means of connecting with great mutual benefit the most powerful parts of the [Roman] Empire. Its extent...exceeds the islands of our seas”* ó observes Tacitus from Italy. Thereby meaning islands such as Corsica, Sardinia and Sicily (in the Ligurian, Tyrrhenian and Ionian Seas).

Indeed, Tacitus also observes that *“[Ireland,] in soil and climate – in the disposition, temper and habits of its population – differs but little from Britain.”* Accordingly, it is appropriate at this point next to compare what Dr. Stokes himself says about Ancient Ireland, with what he says also about Ancient Britain ó specifically as regards the arrival of Christianity in those Isles.

¹ S.P.C.K., London, 1907.

² *Ib.*, pp. 15 & 13f.

³ *Agric.*, 24.

Stokes on the arrival of Christianity in Britain and in Ireland

Now Professor Stokes states⁴ Tacitus tells us also⁵ that Pomponia Graecina was the wife of Aulus Plautius, the Roman General who led the attack upon Britain during the years 43-47 A.D. Later, accompanying her husband upon his return from Britain to Rome, Tacitus explains that Pomponia was there "accused about the year 57 of holding a foreign superstition." That "foreign superstition" has been identified with Christianity "and with good reason.

Dr. Stokes further insists⁶ that also in Ancient Britain the system of public roads easily lent itself to the extension of the Gospel. But there were two other influences at work which must have introduced Christianity to Britain from the earliest date. One was the army. The other was commerce.

The intercourse between Britain and the most distant East, is shown by an inscription in the language of Palmyra in Syria "which inscription was discovered at South Shields in Britain."⁷ That intercourse is shown also by the presence of British mercenary troops in the Roman Army stationed at Palmyra, during the first century A.D.⁸

Indeed, also a vigorous trade in tin was carried on between England and the Mediterranean "long before the Romans conquered part of that island (from A.D. 43 onward). That tin trade was conducted not only through Carthaginian traders, but also by direct export from Britain to the opposite coasts of Gaul, whence the metal was carried on horseback to Marseilles.

This active commercial intercourse must inevitably have brought Christianity, in its train, also to Britain. As we shall next see, *mutatis mutandis* the same also applies to Ancient Britain's nearby neighbour "Ancient Ireland.

Rev. Professor Dr. Stokes explains⁹ that the annals of Ireland speak of one Altus, an Irish warrior in the mercenary service of Rome who was present at our Lord's crucifixion. Altus was so impressed with the miracles he beheld, that he returned to preach the Christian Faith to his countrymen.

This generated a tradition embodied in verse by Sir S. Ferguson, in his *Lays of the Western Gael*. That declares: "They say Centurion Altus, when he came and...called us [Irishmen], told that half the World...thrills already with the Faith taught them by the God-like Syrian "Caesar" lately put to death."

Dr. Stokes comments that this story is not impossible. For it has been learned from extant inscriptions that British (and therefore even Irish) mercenary troops in the Imperial Roman Army were sent to garrison Asia Minor during the first century A.D.

⁴ *Op. cit.*, pp. 5.

⁵ In his *Annals* 13:32.

⁶ *Ib.*, p. 7f, p. 8 n. 2, & p. 10.

⁷ Re the Syrian inscriptions in Britain, see: (1) Dr. Wright's art. in the *Transactions* of the Society of Biblical Archaeology, VI, 436; (2) Clermont-Ganneau in the *Revue Critique*, Feb. 2nd 1885, p. 89.

⁸ Re British troops in Syrian Palmyra, see LeBas and Waddington, *Voy. Arch.*, III:332, Ins. No. 1364; compare *Ephrem Epigraph.*, 1884, Vo. V, p. 28, no. 41.

⁹ *Op. cit.* pp. 18f & n. 1 on p. 19.

Some of them may well have found their way to Jerusalem, in the course of military exchanges.

Stokes on Early-Irish Christianity before Colest and Palladius

Stokes gives some very interesting further information regarding Pre-Patrician Christianity in Ireland. It is well-known that the British Christian Patrick was captured by Pagan Irish slavers when they were raiding Britain. Rev. Professor Dr. Stokes explains¹⁰ that even though such Christian captives were carried off from Britain to Ireland in those raids by pagan Hibernian Scots ó one also has **the clearest historical proofs that certain Christian Irishmen existed even before the close of the fourth century.**

Because perverse Pelagianism at least slightly infected even Ireland ó also Orthodox Christianity, which Pelagianism sought to pervert, must have **preceded** it there too. Pelagius, the founder of the Pelagian heresy, was regarded by many of his contemporaries as a Briton. His bosom friend, the chosen companion of all his journey and labours, was **Colest, an Irishman**. He was also called Coelestius ó but is not to be confused with his contemporary enemy Coelestinus (the then Bishop of Rome).

Initially, both Pelagius (alias the Welshman Morgan) and Coelestius (alias the Irishman Colest) were quite orthodox. Only after moving from the British Isles to Rome, did they slide into the heresy of Pelagianism.

Indeed, quite as early as that time ó the international cosmopolitan city of Rome, and even the Church at Rome, had already become infected with pagan ideas. Such included that of the allegedly -free willø of fallen human nature, concerning which Pelagius later became a notorious advocate.

According to Professor Stokes, the existence of the Irish heretic Colest, proves several points. One such point, is that **Christianity was not unknown to some Irishmen prior to the time of St. Patrick and the national conversion of Ireland.**

Indeed, one further learns¹¹ also from the *Chronicle of Prosper of Aquitaine* ó a then-contemporary Romish author ó that in the year 431 öPalladius was consecrated by Pope Coelestinus.ö Palladius was then ösent to the **Scots [or Irish] who believed in Christ** ó as their first Bishop.ö

Here, Prosperø Latin is very specific. *Ad Scotos in Christum credentes ordinatur a...Coelestino Palladius, et primus Episcopus mittitur.* Thus, Palladius was ösent...to the **Scots** who **believe**.ö

It is not Palladius who is here said to have believed in Christ before going to Ireland. Nor is it here stated that the Irish first believed when they heard the Romish Bishop Pallad preach to them.

¹⁰ *Ib.* pp. 20f.

¹¹ In Migneø *Pat. Lat.*, LI col. 595.

No. It is here stated that Pallad preached to such Irish who believed. That is to say, he preached to those Irishmen who had already believed even before Pallad himself went to Ireland.

For the Romanist **Prosper here declares that those Irish to whom Palladius was sent as their first [Romish] bishop, had themselves previously believed in Christ already (*Scotos in Christum credentes*). This proves that there were already **non-episcopal** (Proto-Protestant) Scots-Irish Culdees in Ireland. They were there even before the time that Palladius the Romanist attempted to inflict himself upon them as their first Romish Bishop (and indeed even as their first **episcopalian** bishop of whatever stripe).**

Professor Stokes further points out that also in another work,¹² the same writer Prosper ó referring to the Bishop of Rome Coelestinus's efforts against heresy ó praises him for driving the Irishman Colest from Italy, and the British heretic Agricola from Gaul and Britain. In fact, Prosper ends by stating that öby ordaining a Bishop [Pallad] for the Scots [alias the Irish],ö Coelestinus the Bishop of Rome had ölaboured to...make the barbarous island [*viz.* Ireland] ó Christian.ö

By öChristianö the Romanist Prosper here means: Romish. Prosper here certainly implies that **Romanism** was unknown in Ireland before the arrival there of her first Romish Bishop (Pallad), who had just been sent there by Coelestine Bishop of Rome. Yet the very same Prosper here also implies the **prior** existence in Ireland of some sort of **Non-Romish** Christianity. Indeed, this can also be seen from the preaching of the Iro-Scotic Colest even in Italy ó as previously mentioned by Stokes.¹³

Furthermore, Rome's Legate Palladius ó explains Stokes¹⁴ ó was ordained as Rome's first Bishop over **the scattered Irish Christians in the island called Eire**. Once again, this proves the presence in Ireland of a Pre-Romish and also of a Pre-Patrician Christianity.

Yet, adds Stokes, the Romanist Pallad did not succeed in romanizing the Irish. He sailed from Gaul; landed at Wicklow in Ireland; preached in the neighbourhood; but was expelled by the natives. Then he was driven northwards by a storm ó and shortly afterwards died in Britain.

Perhaps the considerable number of Iro-Scotic Culdee Christians in Ireland ó as well as the many Non-Christian Irishmen ó together ejected the Romish Pioneer Bishop Pallad from their land. If so, this would again suggest the prior existence of Non-Romish Christianity in Ireland before the time of Palladius.

Stokes on the British Proto-Protestant Patrick's work in Ireland

Dr. Stokes next moves on to deal with the Proto-Protestant Patrick's well-known work in Ireland. One could easily point to his intimate acquaintance with the Holy Scripture, and to his total ignorance of Romanism. Here, however, we only deal with

¹² Prosper's *Lib. cont. Collatorem*, ch. 21. as cited in Migne's *op. cit.*, LI, col. 271.

¹³ See our text above at its n. 10.

¹⁴ *Op. cit.*, p. 24.

how Patrick disproves clerical celibacy in Ancient Britain ó as well as in Ancient Ireland.

Rev. Professor Dr. Stokes explains¹⁵ that the father of St. Patrick was a Deacon. His grandfather was a Presbyter. His father, then, was: a clergyman; a town councillor ó and a married man. Indeed, Patrick was from an illustrious family within the Proto-Presbyterian Celto-Brythonic Church of Early Britain.

In the beginning of the fifth century, explains Stokes, the law of celibacy had not yet been effectually enforced on the clergy of Britain. In fact, the married clergy would resist successfully the denunciations of Popes and Ecclesiastical Councils even for a further six hundred years.

The Council of Winchester, A.D. 1076, decreed that ðmarried presbyters living in castles or villages should not be compelled to abandon their wives.ö¹⁶ The plain fact is ó clerical celibacy is only of subsequent vintage ó within the Late-Mediaeval British Isles.

Stokes on the Proto-Protestant Culdee Irish Christian Columbanus

Having shown the irreconcilability of Patrick's Christianity with Romanism, Dr. Stokes also shows the antagonism of the later Patrician Church to Romanism. Indeed, he also points to the similar antagonism of Post-Patrician Irish Christianity ó during the time of the Culdees.

Thus, he refers to an A.D. 602 epistle to the very first person ever called sole pope (Gregory the First). It was written by Columbanus, the great Anti-Romish Culdee-Irish Proto-Protestant Christian Missionary to the Italians.

Stokes then gives¹⁷ an extract from the epistle of Columbanus on the question of Easter, written to Gregory the Great, the Bishop of Rome ó in defence of Columbanus's own Irish rites and ceremonies, and in opposition to the Roman mode. From Columbanus's very words therein, the unprejudiced student can draw his own conclusions ó adds Professor Stokes.

For Columbanus there asked Gregory: ðHow is it that you are induced to support this dark [Romish] ðpaschal systemö ó viz. the forerunner of the ðmassø? ðYou are afraid perhaps of incurring the charge of a taste for novelty, and are content with the authority of your predecessors..., Leo in particular.

ðIn this affair, a living dog is better than a dead lionö ó Latin: *Leo*. ðFor a living saint may correct **errors** that had not been corrected by anotherö now dead.

Professor Stokes himself then rightly remarks that, from the previously-mentioned words of Columbanus, it is very clear his ðreverenceø for the Pope could not have

¹⁵ *Ib.*, pp. 39f.

¹⁶ See Wilkins's *Concilia*, I p. 367.

¹⁷ *Op. cit.*, p. 148.

been very great. Otherwise, Columbanus would not have used such language as the above.

Still less does Columbanus here evidence a belief in any papal infallibility whatsoever. Indeed, Columbanus here accuses the Bishop of Rome of being ðafraidð to ðcorrect **errors**ð which he might perhaps have done, if he had but listened to the ðliving saintð and Anti-Romanistic Culdee-Irish Christian Columbanus himself.

Stokes might very well also have referred to two further¹⁸ epistles of Columbanus ð written to the subsequent popes Boniface III (607-608) and Boniface IV (608-615). For those epistles evidence even less respect for the then-new institution of the papacy than does his earlier letter to Gregory.

Stokes on seventh- and eighth-century Irish Culdee Iconoclasts

Stokes also states¹⁹ that one Augustine ð an Irish monk of the seventh century ð was an expositor of Holy Scripture whose writings will repay study. He composed a treatise on the *Wonders of Scripture*. In particular, his explanations about the Noachic deluge are most ingenious.²⁰

This seventh-century Culdee the Irish Augustine, must not be confused with the sixth-century Italian Augustine alias the Romanist Austin. Nor should either be confused with the great fourth-century African, Augustine of Hippo-Regius.

According to Dublinø Professor Dr. Stokes, the Irish Augustine proves that the Ancient Celtic Church of the seventh century held the same view upon the canon of Scripture, as does the modern Protestant Church.

Thus the Irish Augustine rejects the apocryphal story of *Bel and the Dragon* ð because it has not the authority of Holy Scripture.ð Indeed, the Irish Augustine declines to discuss the alleged ðwondersð of the Maccabees ð on the same ground.²¹

There was much Greek and Hebrew learning in Irish monasteries, even in a later period of the Middle Ages. Professor Stokes explains²² that the throne of Constantinople was occupied during the greater part of the eighth century by a highly -Protestantø race of Emperors ð under the influence of Irish Christians (and *vice-versa*).

Those iconoclastic monarchs were able; vigorous; self-reliant. The *Litany of Oengus* the Culdee, compiled at the monastery of Tallaght, expressly tells us of the numerous ecclesiastics from the East who found refuge in Ireland during the eighth century. Indeed, it was a two-way traffic.

¹⁸ See our other Addendum: *Rev. Professor Dr. J.T. McNeill on the Early Celtic Churches* at its nn. 35 & 36.

¹⁹ *Ib.*, pp. 221f.

²⁰ See in Zuecklerø *History of the Connections Between Theology and Natural Science with particular reference to the History of Creation*, Bertelsmann, Guetersloh, 1877, I pp. 244f.

²¹ 2:34.

²² *Op. cit.*, pp. 337.

Stokes on the twelfth-century Romish takeover of Irish Christianity

Yet Romanism finally began to take over even Ireland ó during the twelfth century. As Stokes explains,²³ Bishop Gilbert of Limerick was then the Papal Legate. He found a willing assistant in the person of Celsus, who was appointed Bishop of Armagh on September 23rd during the year 1105 A.D.

Celsus belonged to the family which had held that Bishopric of Armagh for two hundred years. He was the grandson of a previous Bishop, and is said by some to have been a married man himself. Yet he became the instrument in the skilful hands of Gilbert and Malachy ó in overthrowing the hereditary succession to that earlier bishopric.

The Irishman Malachy sold out to Rome. With Malachy, though himself the son of a non-celibate married Presbyter, clerical celibacy began in Ireland. Therewith began also the romanization of the Irish Church, during the first centuries of our present millennium.

However, the Irish Culdees, in pockets, continued to hold out against the Romanists ó especially in Ulster. Indeed, there it was that Presbyterianism later rekindled vigorously ó as a re-assertion of the views of the Ancient Culdee Irish Church.

²³ *Op. cit.*, pp. 211f.

ADDENDUM 35: REV. W.T. LATIMER ON THE EARLY-IRISH CHURCH

Rev. W.T. Latimer has written an important work titled *A History of the Irish Presbyterians*.¹ There, among many other things, he also proves that the Early-Irish Church rejected mandatory celibacy.

Latimer on the ‘druidic’ marriedness of the Early-Irish Clergy

Latimer declares of the Celtic Briton Padraig alias St. Patrick² that although unmarried himself, he did not impose any yoke of celibacy on the Irish Church. For he ordained, as a Bishop, Fiach Finn ó ða man with but one wife.ö *Cf.* First Timothy 3:1-2f.

For many centuries afterwards, the law and practice of the Irish Church in this respect remained the same. An ancient canon relates to the apparel of a Minister **and his wife** when in public. Even so late as the end of the eleventh century, the renowned Malachy OðMorgair was born the son of a married clergyman in Ireland.

Although the old Irish Church was pure in doctrine and Presbyterian in government, it permitted societies of marriageable monks and nuns. This was only a continuance of the customs which had prevailed among the druids.

Latimer on the learnedness of the Early-Irish Seminaries

However, it was not so much for its married clergy ó nor even for its married monks and their monastic families (as christianized clans and defence bulwarks against invaders), that the Early Irish Church was chiefly famous. Pre-eminently, it became internationally renowned largely for its great learning.

Latimer explains³ that the monks of Patrick were engaged chiefly in the work of education. They generally used the neighbouring churches for their classrooms; and their scholars erected wooden huts around, in which they resided.

So successful were these Irish Seminaries, that before long they became celebrated throughout Europe. Scholars and their families flocked to them from distant countries.

Ireland soon became called the Isles of Saintsøó because of the holy character of her Church, and its widespread influence throughout that land. Many of her sons came to occupy distinguished positions also in foreign seats of learning.

¹ Cleeland & Mullan, Belfast, 1902.

² *Ib.*, pp. 4 & 6.

³ *Id.*

Latimer on the presbyterial government of the Early-Irish Church

Latimer further points out⁴ that Patrick ordained 365 bishops in Ireland. These Bishops were teachers of the people ó and not rulers of the clergy. There were then less than three hundred thousand inhabitants in the country, and therefore at least one Bishop for every two hundred families. These officials were just Parish Ministers, whose duty it was to preach the Gospel.

Thus we see that the Old Irish Church was more Presbyterian than Episcopal in its form of government. (1) It did not acknowledge the supremacy of the Pope. (2) There was no Supreme Head of the Church here on Earth to exercise metropolitan jurisdiction. (3) There was no Diocesan Episcopacy.

In Patrick's writings there is no allusion to Mary-worship; nor to purgatory; nor to transubstantiation. They contain no prayers to saints; and they appeal to the Scriptures as the only standard of faith and of morals.

As Rev. Professor Dr. J.T. McNeill too observes in his book *The Celtic Churches*,⁵ Patrick lived with the Bible. It is true that he had read also some of the early Church Fathers. Yet he relied solely on the Scriptures, and cited the Holy Bible to a remarkable degree.

Latimer on the Proto-Protestantism of the Early-Irish Church

Columbkille, alias Columba ó explains Latimer⁶ ó founded in Scotland many (non-celibate) Monastic Establishments. They were the Theological Schools of that time, in which students were trained for the Ministry of the Word.

These brethren were called: Culdees. Their system probably existed before the time of Columbkille. It contains no trace of Prelacy. The brethren were all Presbyters. But, in addition, they were sometimes called Elders; and sometimes Bishops.

In Ireland, explains Latimer,⁷ monasteries were a means of preserving much of the ancient civilization which might otherwise have been lost to Christendom. For several hundred years after Patrick's death around 461 A.D., the Irish Church preserved its purity of doctrine; its non-prelatical form of government; and its freedom from the power of Rome.

Strong was the spirit of opposition to papal claims. Thus, an Iro-Scotic Bishop named Dagan refused to eat in the same house with Bishops of the newly-arrived Romish Church whom he met in England around 610 A.D.

Also the Church in Wales still retained its freedom. Thither the Britons had fled, to get away from the attacks of the Saxons. Those Welsh Brythons were as strongly

⁴ *Ib.*, pp. 4f.

⁵ J.T. McNeill: *The Celtic Churches – A History, A.D. 200-1200*, University Press, Chicago, 1974, pp. 63f.

⁶ *Op. cit.*, p. 8.

⁷ *Ib.*, pp. 11f.

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opposed to the religious authority of the Pope ó as they were to the political authority of the Angles, the Saxons, and the Jutes.

Latimer on the Scandinavian Romanization of the Celtic Church

It was certainly not the Celts but rather the Scandinavian Normans ó who strengthened Romanism in England, from 1066 onward. Similarly, it was certainly not the Celts but rather the Scandinavian Danes ó who first introduced Romanism into, and then strengthened it, in Ireland.

There, the Danes ravaged the country even from the end of the eighth century onward. In Denmark and elsewhere, they later became romanized.

Latimer explains⁸ that about 1105 A.D., Gillebert ó a friend of Anselm ó became Bishop of the Danish town of Limerick in Ireland. He exercised all his authority to make what he called öthe diverse and schismatic rituals with which almost all Ireland is deluded, give way to the one Catholic and Roman Office.ö

Thus one sees how powerful was the influence of the Danes. They, a kindred race to the English Normans, helped introduce Episcopalianism ó nay more, Romanism itself ó into Ireland.

Latimer on Malachy's Papalization of the Medieval Irish Church

Latimer states⁹ further that Malachy O'Morgair, who was born in 1095, was the son of a clergyman. Appointed Vicar to assist the Archbishop of Armagh when only twenty-five years of age, Malachy O'Morgair established what he called the öcustoms of the Holy Roman Churchö wherever he had power. He was soon chosen Bishop of Connor, and in 1129 became Archbishop of Armagh.

A few years afterwards, Bishop Malachy O'Morgair voluntarily resigned his see; went to Rome; and was appointed öPapal Legateö to Ireland. He then used all his power to make the Irish Church conform to the Roman in doctrine and in worship.

He succeeded in persuading a synod, which was attended by only fifteen bishops and two hundred presbyters, to apply to the Pope for palls. Malachy died soon afterwards ó on his way to Rome to collect those tokens of submission.

Right thereafter, explains Latimer,¹⁰ the Synod of Kells in 1152 proclaimed the primacy of the Archbishop of Armagh, and prohibited the marriage of the clergy. But in many places, these rules remained a dead letter.

⁸ *Ib.*, pp. 16f.

⁹ *Ib.*, p. 18.

¹⁰ *Ib.*, pp. 18-22.

Latimer on the English King's subjugation of Ireland to the Papacy

Several powerful families opposed all innovations. It was not until the conquest of Ireland by the Norman English around 1169f A.D., that the country was entirely subjugated to the ecclesiastical government of Rome.

Thus the proud Church of Patrick was placed at the feet of St Peter's alleged successor. That successor in Rome, however, knew little of the Petrine doctrine of Patrick and still less of that of St. Peter!

An Englishman named Nicholas Breakspear had in A.D. 1154, under the title of Adrian IV, become Pope of Rome. At the request of his subject Henry II, the Romish-Norman King of England, Adrian issued in 1156 a papal bull conferring on the English King the sovereignty also of Ireland.

Henry himself came over to Ireland, in 1171, to complete the conquest. In 1172, a Synod assembled at Cashel, from which laymen were excluded.

This Synod then decreed that ecclesiastical liturgy alias divine service should be regulated after the Roman model. Thus the king and the clergy, victorious over the people, doomed to destruction the Old Irish Church.

Latimer on the ongoing Protestantism of the Scottish & Irish Culdees

In former centuries, many of the Iro-Scots had taken their Proto-Protestant Culdee Church with them from Ireland to Scotland. Indeed, Culdee Missionaries from Cumbria like Ninian and Kentigern, and from Ireland like Aidan and Columba, had strengthened the Culdees among the Iro-Scots in Caledonia and also evangelized the Picts to their north.

Moreover, when the Iro-Scots and the Picts later amalgamated to form a united Scotland, the land was still both Celtic and Culdee. This, however, would subsequently change as the land became roman-catholicized. That, however, would occur in Scotland rather later than in Ireland itself.

In Scotland, explains Latimer,¹¹ the Culdee system of church government had been established previously by Columbkille of Iona, on the model of the Irish Church. However, that was overthrown during the twelfth century.

For many years, it had successfully resisted the encroachments of Rome. But at last, King David II of Scotland who died in 1153 determined to make his kingdom subject to papal authority.

The native clergy refused to submit. But the king by appointing foreigners to the vacant benefices succeeded in overcoming opposition.

For this great service, he was made a Saint by the Pope and St. David of Scotland (*sic*). However, as James the First (the 1406-37 king of Scotland) later rightly remarked: "St. David proved a sore saint for the crown!"

¹¹ *Ib.*, p. 19.

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Yet even under the veneer of late-mediaeval Romanism from the middle of the twelfth century onward, the dwindling Culdees still remained ó both in Scotland and in Ireland.

At the fourteenth-century Pre-Reformation and especially at the sixteenth-century Reformation, they rekindled anew. This they did especially in the shape of the Scottish Calvinists and, a little later, in the shape of the Scots-Irish Ulster Presbyterians.

ADDENDUM 36: REV. DR. JOHN A. DUKE ON THE CHURCH OF COLUMBA

According to the Rev. Dr. John A. Duke¹ ó B.D. (Glasgow), D.Litt. (Edinburgh) ó the great Scottish historians John Fordun² and Hector Boece³ dated the introduction of Christianity into Scotland as far back as the year 203. They filled in the gap between 203 and 431 with Christians called *Culdei* ó explaining that name as an abbreviation of *Cultores Dei* alias -Worshippers of God.ø

Duke on Hector Boece's claims about the Early-Gaelic Culdees

Boece wrote in the beginning of the sixteenth century ó just before the Protestant Reformation swept over Scotland. His description of the Culdees (as they came to be called), accepted as history, was eagerly acclaimed by the Protestants.

The argument, which was based upon Boece, was certainly derived by him from other sources far more ancient. It went somewhat as follows.

The A.D. 431 Palladius was the first episcopalian bishop who was sent to the Scots (who were then in Ireland). However, even before that, there were already non-episcopalian Christians in Ireland.

This was the case even earlier also in Scotland. That was so, there, not only and especially among the Strathclyde Britons and also among the Picts but even among some of the Iro-Scots already resident in North Britain ó more than two hundred years before Palladius's arrival in Ireland.

These Christians were not episcopalian. Yet they had presbyters, and so must therefore have been Presbyterian. Accordingly, the earliest Church in Scotland was Presbyterian and not Episcopal. Indeed, its Ministers were Proto-Protestant, and called: Culdees.

The argument seemed irrefutable. Thus the late-medieval Scottish historian Hector Boece. And so too Rev. Dr. Duke, in his very important work *The Columban Church*.⁴

Duke's Iro-Scottish Culdees noted in Jocelyn's *Life of Kentigern*

Dr. Duke insists⁵ that the best description of these Scottish *Keledei*, is probably that which is given by the twelfth-century Lancashireman Jocelyn of Furness, in his *Life of St. Kentigern*. Jocelyn says that the disciples of the A.D. 518f Cumbrian St. Kentigern, were *Keledei*.

¹ J.A. Duke: *The Columban Church*, Edinburgh: Oliver & Boyd, 1957 rep., pp. 165f.

² J. Fordun: *Chronica Gentis Scotorum*, 2:35.

³ H. Boece: *Scotorum Historiae*, V.

⁴ *Op. cit.*, pp. 168f.

⁵ *Id.*

Jocelyn gives the following description of Kentigern and his followers. "He joined to himself a great many **disciples whom he trained in the sacred literature. They were intent on Psalms and prayers and meditation upon the Divine Law...after the fashion of the Primitive Church under the Apostles and their successors.**"

At least from the time of Kentigern onward, the *Celi-De* of Scotland were, for the most part, in the Kingdom of the Picts.

They came from Ireland at the first, it would seem. Thus Zimmer,⁶ in his book *Keltische Kirche*. They helped to fill up the gaps in the Pictish Church which had succeeded to the Columban Church in the Pictish State.

They survived until they were swept away in course of time by the regular establishment of throughout all Scotland of the Church of Rome. That is further stated⁷ by Rev. Duke, in the book titled *The History of the Church of St. Andrews*. It was written about the middle of the twelfth century. There, we get a description of the *Keledei* of Scotland.

There was a community of Keledei there, we learn, who lived at that time in St. Andrews. They were married and held property, and transmitted their church-endowments to their children.

They were swept away by Queen Margaret (who died in A.D. 1093), and by her son the A.D. 1084-1153 David I. They were, respectively, the first Romish Queen-Consort and the first Romish King of Scotland.

Duke's Gaelic Culdees were derived from the Cumbrian Proto-Protestants

Now those British Culdees went far back. They hailed from at least as early as the fourth century of in the days of Ninian and Patrick and their immediate ancestors.

In assessing the A.D. 360f Ninian, Rev. Dr. Duke first turns⁸ to the A.D. 731 Anglo-Saxon Romish Church Historian Bede. He states that Ninian was a Briton.⁹ The twelfth-century Ailred states definitely that Ninian's father was a Christian¹⁰ of and, indeed, a Christian Nobleman.

Ninian, says Ailred, was born in that region...in the west of the island where the Ocean of stretching as it were an arm, and making as it were on either side two angles of now divides the settled kingdoms of the Scots and of the Angles.

One can gather from Ailred, as to the place of Ninian's birth, that it was somewhere near the Solway of whether in Galloway (in what is now Southwestern Scotland) or in Cumbria (in what is now Northwestern England).

⁶ H. Zimmer: *Keltische Kirche*, Real. X:235.

⁷ *Op. cit.*, p. 169.

⁸ *Ib.*, pp. 144f.

⁹ *de natione Brettonum*.

¹⁰ *religione Christianus*.

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Because the Niduari Picts then occupied Galloway, and because Ninian was a Brythonic Briton who went to evangelize precisely those Picts in what is now Scotland, it is clear that he himself could hardly have hailed from Galloway. Accordingly, it seems almost certain that Ninian was a Cumbrian.

Ninian evangelized in much of what is now Scotland, from Galloway in the southwest to the Orkneys in the northeast. As a Bible-believing son of Bible-believing parents, it is also clear that he was not a Romanist ó but a Proto-Protestant Culdee. The same seems certain also in respect of Ninian's younger contemporary Patrick, one generation later.

Duke on the Christian ancestors of the Culdee Celt St. Patrick

Rev. Dr. Duke states¹¹ regarding Pádraig (alias Patrick) that the date of his birth is reckoned to have been about the year A.D. 389. The home into which he was born (as Patrick himself tells us), was Christian. That home flourished for a few years even before the mission of Ninian.

For Patrick himself says:¹² ðI had a father Calpornius, a Deacon, a certain son of Potitus, the son of Odissus, a Presbyter ó who was in the village of *Bannauem Taberniae*. For he had a farm nearby where I was taken captive...and...led into captivity in Ireland.ö

Further on, Patrick says that his parents lived ðamong the Britons.ö¹³ In his *Letter to Coroticus*, he adds¹⁴ that his father was a *Decurio* ó alias an ðElder-over-tenø (Exodus 18:12-21f).

The Celtic Pádraig, whose home language was Brythonic, wrote in rather poor Latin. For the latter was then the ðofficialø language ó but not the preponderant and still less the chief written tongue ó of his Roman-occupied country, the Province of *Britannia*. Yet Pádraig wrote in Latin, precisely in order to gain the widest possible readership throughout the then-known civilized World.

Thus, in his autobiography, he gives the latinized forms of his birthplace (*Bannauem Taberniae*). He also gives latinized names: to his father Calporn the Deacon (*Calpornius*);¹⁵ to his grandfather Potitt (*Potitus*);¹⁶ and to his great-grandfather Odiss (*Odissus*) the Presbyter.¹⁷

Pádraig further states that his father was a *Decurio* (alias an ðElder over ten familiesø or a ðRuler-of-tenø). Cf. Exodus 18:21. Indeed, the Briton Pádraig latinizes even his own name ó to *Patricius*. Of the latter, ðPatrickø is the later rendition (in English).

¹¹ *Op. cit.*, pp. 145f.

¹² See his *Confession*, I & XXIII.

¹³ *in Britannia*.

¹⁴ See Patrick's *Epistle* 10.

¹⁵ *Patrem habui Calpornum diaconum*.

¹⁶ *Calpornum diaconum filium quemdam Potiti*.

¹⁷ *Potiti filii Odissi presbyteri*.

These are all very strong indications that Patrick's A.D. 389 birthplace *ōBannaueim Taberniaeō* was not in Non-Roman Scotland *ó* but somewhere in Southern Strathclyde, below the Solway, within the Roman-occupied province of *Britannia*. For only in solidly-evangelized and Proto-Presbyterian *Britannia* alias Southern Britain, and not at all in the almost-pagan Pre-Ninian Scotland in Northern Britain, could a person such as Patrick *ó* a self-confessed child of the covenant for not less than at least four generations *ó* then have been born.¹⁸

Duke on the birthplace of St. Patrick in the former Greater Cumbria

Dr. Duke next discusses¹⁹ the popular tradition anent Dumbarton in North-Brythonic Strathclyde (in what is now Scotland) as being the claimed locality for Patrick's first home. At length Duke himself rightly concludes one would fain consider that the question of the birthplace of St. Patrick was at last settled *ó* so that either Dumbarton alias *Dunn Breatann* (the 'Fortress of the Britons') itself, or some spot in the near vicinity, might be taken to be the locality.

Why is Duke hesitant to assume that Patrick hailed precisely from near Dumbarton? Because a serious difficulty still remains. It seems to be against all the probabilities that there was a **latinized** Christian community in that part of North Britain at that early date.

We have no evidence regarding the existence of Roman towns nor regarding the Christian Church in that part of the Kingdom of Strathclyde at that date *ó* towards the close of the fourth century. For Dumbarton was and is to the north even of Glasgow.

Yet neither could Padraig very likely have been born in the south of the Roman Province of *Britannia* *ó* on the Severn (as is also often assumed). For in his *Letter to Coroticus* the non-latinized King of Northern Strathclyde (beyond Roman *Britannia*), whose fortress was at *Ail Cluaide* near Dumbarton, Padraig refers²⁰ to the soldiers of Coroticus as being Padraig's own 'fellow-citizens' (or Strathclyde kinsmen).

So it seems Patrick must have been born not in Non-Roman Northern Strathclyde near Dumbarton in what later became known as Scotland, nor in the south of *Britannia* far away from Strathclyde, but in Roman-occupied Southern Strathclyde near *Caer Leill* alias Carlisle in Cumbria (within the northernmost part of the Roman Province of *Britannia*).

Indeed, it is well-known²¹ that the people of Strathclyde then included those in Roman-occupied Cumbria adjacent to the Solway Firth (between what is now Southwestern Scotland and what is now Northwestern England) *ó* as well as those to the north of the Solway. A birthplace below the Solway, is thus indicated.

¹⁸ See too Duke's *op. cit.*, p. 149.

¹⁹ *Ib.*, pp. 148f.

²⁰ See Patrick's *Epistle 2*.

²¹ See the maps opposite pp. 16 & 48 in Brewer's ed. of Hume's *History of England* (Murray, London, 1883).

Duke on the Irish manuscripts re the birthplace of St. Patrick

Further, continues Dr. Duke,²² the Irishman Muirchu ó who wrote a *Life of Patrick* around A.D. 675f ó says that St. Patrick was óa Briton by nation, born **in Britain** (*in Britannia*) not far from our Sea.ö By the latter word, the Irishman Muirchu means the Irish Sea ó with its Isle of Man mid-way between Ulster and Cumbria. As to the village in which Padraig was born, Muirchu adds: öwhich village, uniformly and indubitably, we have found to be Nemtrie.ö

Duke refers²³ also to the *Hymn of Fiacc*, composed about A.D. 800. Apart from Patrick's autobiography *The Confession*, and his *Letter to Coroticus* ó and also apart from Muirchu's *Life of Patrick* ó the Irish *Hymn of Fiacc* is the earliest document relating to St. Patrick which has come down to us.

Its opening words are: öPatrick was born in Nemthurö (*Genair Patraicc in Naemthur*). A scholiast of the eleventh century, has appended to these words the following gloss: óa city in North Britainö (*cathir sein feil im Bretnaib tuaiscirt*).

We conclude, then, that also the A.D. 389-461 Brythonic Missionary Padraig (alias St. Patrick) ó just like the A.D. 360-432 Brythonic Missionary Ninian (alias Ringan) shortly before him, and also just like the A.D. 518-603 British Missionaries Gildas and Kentigern (alias Mungo) after him ó was born in or near the strongly-evangelized territory of Brythonic Cumbria. This was and is just south of the border of what is now Scotland.

Duke on St. Patrick's never being commissioned by the Romanists

Rev. Dr. Duke further deduces²⁴ that **Patrick held no commission from Rome, and that Patrick constituted himself as the "Apostle of Ireland."**ö For Patrick had not, like normal Romish Missionaries, first been consecrated by Rome and then sent to Ireland (as indeed later falsely alleged about him).

Indeed, Patrick himself admitted in his own *First Epistle*: öI confess [or say]²⁵ that I am a ÷Bishopø appointed by God²⁶ in Irelandö ó and öappointed by Godö precisely öin Irelandö ó that is, appointed not just **for** the Irish, but appointed actually öin Ireland.ö²⁷

Now there were then no Romanists, and still less Romish prelates, in Ireland (or even in Britain) ó who could have been able to have made Patrick a ÷Bishopø while there. So it is clear that Patrick the British Missionary to the Irish here means it was only God Himself directly, without any human agency, Who had appointed him a ÷Bishopø in Ireland, after he arrived there.

²² *Op. cit.*, pp. 146f.

²³ *Ib.*, p. 146.

²⁴ *Ib.*, p. 44 n. 7-9, p. 135 n. 1-2, & p. 136 n. 1-2.

²⁵ *fateor*.

²⁶ *a Deo*.

²⁷ *Hiberione*.

Patrick could certainly have been commissioned by Presbyters in Britain to go as a Missionary to Ireland (*cf.* Acts 13:1-4). Yet he says it was in Ireland that he was actually appointed as a Bishop and indeed by God. Perhaps his immediate divine appointment in Ireland followed upon his mediate presbyterial commissioning in Britain.

Duke on the Post-Patrician Irish Church before the time of Columba

What happened to the Irish Church in the first century-and-a-half of its existence after Patrick? Rev. Dr. Duke gives²⁸ the following gripping description of Post-Patrician yet Pre-Columban Christianity in Ireland (A.D. 400-560).

At a time when everywhere else in the British Isles and on the European Continent, the waves of barbarian invasion were sweeping over everything and submerging in destruction all culture and civilization the Church in Ireland, removed from these distresses in its island-home, was enabled to devote itself peacefully to the cause of learning. Its great Monasteries those of Aran, Bangor, Clonard, Clonfert, Clonmacnoise, and Moville became Universities of fame, to which students flocked in thousands from all the countries of Europe.

Also Greek and Hebrew were studied. The beautifully transcribed and richly illuminated copies of the Psalter and of the Gospels which have come down to us from these Irish Monasteries, speak of the artistic ability of these old Irish monks and of the love and reverence which they had for the Holy Scriptures.

There was nothing anywhere at the time not even in Rome itself to surpass or to equal the standard of culture which was to be found in the great Monastic Schools of Ireland. Thenceforth the Iro-Scots migrated into Scotland, especially from the fifth century A.D. onward.

These Irish Culdees were also great Missionaries. Dr. Duke observes²⁹ that either singly or in little companies, generally of three or seven or twelve, some of them went to Gaul and Germany and Switzerland and Italy carrying the light of their learning and the influence of their purer faith into lands which were lapsing into barbarism.

Also the greatest achievements of the Irish Church were begun at that time. These included her christianization of the Picts in North Britain. They included also the great transatlantic voyages from Ireland, *via* Iceland, of the Irishman Brendan in the long run to the discovery of America. On his return, he is said to have visited Gildas in Wales.

From the plains of Italian Lombardy in the Deep South, to Iceland in the Far North one comes upon the traces of these wandering Irish Missionary-Monks. In that decadent age of the Roman Church, the Isle of the Saints (alias Ireland) kept the light of the Gospel burning brightly, and became the great Missionary Centre for the diffusion of Christianity.

²⁸ *Op. cit.*, p. 52.

²⁹ *Ib.*, pp. 53f.

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For a time ó as the historian Professor John Richard Green points out ó it seemed as if the course of the world's history was about to be changed. It looked as if the old Celtic race had turned to the moral conquest ó as if Celtic and not Latin Christianity was to mould the destinies of the Churches of the West.

Not all of those Celtic Missionaries were Gaels from Ireland. Some, like Gildas and Kentigern ó just like their predecessors Ninian and Patrick ó were Brythons from Britain. From his later biographer Jocelyn of Furness in Lancashire, near the border of Cumbria, we learn that Kentigern was the son of a British prince ó Ewen the son of Urien, from Brythonic Rheged in Strathclyde, near Cumbria.

Kentigern was the son also of a Christian princess ó Thanew the daughter of the King of the Lothian Picts. They had apparently been evangelized previously by Ninian the Cumbrian Briton.

According to Jocelyn, Kentigern preached in Britain ó from what is now Scotland in the north, to what is now Wales in the south. Indeed, he visited and worked even in the wilds of Iceland; the Orkneys; Norway; and Albania.³⁰

Duke on the Classic-Presbyterian Culdee Irish Church of Columba

According to Rev. Dr. Duke,³¹ in the Culdee Church of Columba æclericaløBishops were subject to ælayø Elders ó as in Classic Presbyterianism. Non-celibate æMonasteriesø ó that is, communities of Christian families (which included also unmarried individuals) ó were headed up by Abbots.

Subsequent Abbots were elected in conformity with the Irish custom ó which gave to the founder's kin the preference over others. Meissner, in his book *The Celtic Church in England*,³² asserts that clerical marriage was permitted in the Celtic Church.

Columba, on his missionary journeys, followed the example of the apostles in the Early Church. For he too baptized whole households ó husband, wife, children and servants ó at the same time. Columba did administer baptism to non-members of the Church ó but on each occasion only **after** instruction in the Christian Faith had been given, **and** a confession of faith had been made by the converted head of the household.

Following the usage of the Irish Church, continues Dr. Duke,³³ communion was æin both kindsøó the sacramental elements of the bread and the wine both being given to the communicants. There does not appear to have been a daily celebration.

There is no indication that æreservationø was practised ó by the sacramental elements being æreservedøor preserved, and then later given to others elsewhere. Nor was the sacrament partaken of only after fasting.

³⁰ *Ib.*, pp. 29f.

³¹ *Ib.*, pp. 120f.

³² J.L.G. Meissner: *The Celtic Church in England*, London, 1920, p. 9.

³³ *Op. cit.*, p. 124f.

So much for Columba's sacrament of initiation (baptism) and his sacrament of sustenance (communion). Unlike Rome, he had no sacrament of despatch for there is no mention of post-apostolic extreme unction in the Columban Church.

However what was Columba's doctrine of marriage and of ordination (to priesthood or to nunhood)? Rome regards both as sacraments. But what, on these points, were the beliefs of the Culdees?

Dr. Duke insists³⁴ that the reverence with which marriage was regarded in the Columban Church, is evidenced by a case which his (624 to 704 A.D.) biographer Adamnan cites as an example of Columba's dealing with an unhappy married couple. The woman wished to be freed from her husband, and offered to become a nun if St. Columba would but permit her. However, he refused her request.

Here follows Adamnan's (692-97 A.D.)³⁵ account of that event. (The latter would have occurred about a century earlier or some time before Columba's death in 597 A.D.)

Explains Adamnan of St. Columba:³⁶ "When the holy man was a guest in the Rechrean Island, a certain peasant [named Lugne] came to him and complained about his wife who, as he said, had a dislike to him and would in no wise allow him to approach her. On hearing this, the Saint calling the wife to him began so far as he could to reprove her on that account, saying:

"Why, woman, do you try to drive your own flesh away [viz. Your husband (Ephesians 5:29-32)] when the Lord says 'And they shall be two in one flesh? Therefore the flesh of your husband, is **your** flesh!

"Then she, answering, says 'All things whatsoever you shall command, however hard they may be, I am ready to do one thing excepted... You should in no way oblige me to cohabit with Lugne. I do not refuse to do all the housework. Or, if you so bid me, even to cross the sea and stay in some monastery of maidens.

"The Saint then says 'That which you say, cannot rightly be done. For you are bound by the law of the husband as long as the man lives [Romans 7:2]. For it would be impious to separate those whom God hath lawfully joined together [Matthew 19:6]!

"Let us three namely I, and the husband, with the wife pray to the Lord, fasting. She then says: 'I know it will not be impossible for you to obtain by prayer from God those things which seem difficult or even impossible.

"What more need be said? The wife that same day agrees to fast with the Saint, and likewise the husband. The following night, the Saint...prays for them.... On the next day the Saint, in the husband's presence, thus addresses the wife 'O woman, are you prepared today, as you did say yesterday, to go away to a monastery of women?'

³⁴ *Ib.*, p. 130.

³⁵ Adamnan's *Life of Saint Columba*, ed. W. Hayshe, Geo. Routledge, London, 1905, p. lvii.

³⁶ *Ib.*, II: XLI (pp. 167f).

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“Now I know, she says, that your prayer to God for me has been heard. For him whom I hated yesterday, I love today. For my heart this past night ó how, I know not ó has been changed in me from hate to love.”

“Why need we linger? From that day to the day of her death, concludes Adamnan in his biography of Columba, the soul of that wife was indissolubly cemented in love to her husband.”

Duke on the life and work of the Irish Proto-Protestant Columba

This is an appropriate place to say something about the **life** of the Scotie Irishman Columba ó the latter name being a later latinization of the original Celtic *Colom* (meaning “Dove”). Only later called *Colom-cille*, he was born during A.D. 521 at Gartán in Northwestern Ulster.

Colom was the son of Chief Fedhlimidh of the Ulster O’Donnells. His mother was Princess Ethne of Leinster. He was eligible to the kingship of Erin ó which was, in fact, offered to him. Yet he abandoned it all ó in favour of rather becoming a Missionary for Christ.³⁷

Colom was educated by his foster-parent, the Irish Pict and Presbyter Cruithnechan ó and also by the O’Firghils. Even as a child, Colom was often seen coming from his room (Gaelic: *cille*) ó in which room he read the Psalms. Hence his new name: *Colom-cille*. However, in what follows we shall refer to him by his now-popular name: Columba.

He next studied first at Movice in Down, at St. Finian’s Theological Seminary, and then with the bard Gemman in Leinster. Thereafter, he repaired to Clonard on the Boyne ó and studied under Abbot Finian the Wise. There, Columba became one of Finian’s “Twelve Apostles of Erin.”

Ordained as a Presbyter, Columba founded the Monastery of (London-)Derry ó on the site of *Daire Calgaich*, the “Oak Wood” of druidic fame. Indeed, in Adamnan’s biography of Columba, one sees many such cases of Christian churches established at the sites of druidic oaks.³⁸

Between 545 and 562 A.D., Columba founded more than a hundred congregations and also many monasteries, including *Dair Magh* (alias the “Oak Plain”) ó and Durrow. Indeed, it seems Columba himself is the author of Ireland’s famous *Book of Durrow*.

Thus Ireland indeed became the “Isle of Saints” ó with rich endowments in land bestowed by princes and chieftains. This enabled the erudite monasteries of Erin to grant free education, food, clothing and books to the thousands who flocked there to study theology. And that, at a time when most of Europe ó and even much of Britain ó was falling apart under barbarian attacks, and also just before the rise of the Papacy in Italy.

³⁷ *Ib.*, pp. xiii-xxi.

³⁸ *Ib.*, pp. xvi, lli, liv, 42f & 89 (Adamnan’s *op. cit.* I:XX & I:XLIX).

Columba, like many other Early-Irish ecclesiastics, passionately loved fine writings. When thirty-eight, he secretly made a copy of a beautiful manuscript of the Psalms kept by Abbot Finian at Clonard. When this became known, Diarmait the *Ard-Ri* or High King of Ireland told Columba to surrender the copy he himself had made. Then, he imprisoned him at Tara.

Yet there too, Columba continued writing ó copying then and later in his own hand some three hundred manuscripts of the Bible and the Book of Psalms. He also cites many other Scriptures ó such as Leviticus 26; Matthew 19:6; Luke 22:15; and Romans 7:2 *etc.*³⁹

It seems while in prison, Columba wrote his *Song of Trust* ó showing his love of the Lord. There, he sings:

ōI do not adore the voice of birds; nor chance; nor the love of son or wife. My druid is Christ, the Son of God ó the Son of Mary; the great abbot.... [My druid is] the Father, the Son, and the Holy Ghost!ö

Once liberated from prison, when forty-two Columba resolved to leave Ireland and to go and preach in Britain ó to the Picts, the Britons, and the Saxons. He took with him twenty Bishops, forty Presbyters, thirty Deacons, and fifty Theological Students. Settling on the island of Iona ó off the Western Coast of what is now Scotland ó in A.D. 563 he based himself there. In Iona he headquartered himself for the next thirty-four years, until the end of his life.⁴⁰

Duke on Columba's Culdee Celtic Ministry from the Island of Iona

The Ancient Celtic poem *Columcille fecit* apparently contains the genuine expression of Columba's feelings, yearning back for Ireland from Iona in the Hebrides. There, he muses:

ōDelightful would it be for me to be in *Uchd Ailiun*...; that I might see its heaving waves over the wide Ocean when they chant music to their Father.... O, that my mystical name might be, I say, *Cul-ri-Erin*!ö

The latter phrase apparently means: Colom the King of Ireland.ø For it will be recalled that Colum(ba) had been offered the appointment of *Ard-Ri* or High King of Ireland ó but had declined it.

Columba then continues: öO, that I might bless the Lord Who conserves all ó Heaven with its countless bright orders; land; strand; and flood! O, that I might search all the books that would be good for any soul ó at times kneeling to beloved Heaven; at times at psalm-singing; at times contemplating the King of Heaven! ... The best advice in the presence of God has been vouchsafed to me. The King Whose servant I am, will not let anything deceive me!ö⁴¹

³⁹ *Ib.*, pp. 167 & 175 & 223 (Adamnan's *op. cit.* II: XLI & II: XLIV & III: 223).

⁴⁰ *Ib.*, pp. xxii-xxiii.

⁴¹ *Ib.*, pp. xxiv-xxvi.

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There on Iona, Columba trained his Missionaries. Each was to select his own *anmchara* or 'soul-friend' as part of his training as a 'soldier of Christ.' Ecclesiastes 4:9-12 *cf.* Mark 6:7-12 & Luke 10:1f.

Obedience, hospitality, humility and kindness to animals were to characterize his community at Iona. Its members were hardy seamen, and travelled long distances by boat to take the Gospel even to very remote islands.

Himself a prince, Columba was well able to appeal to King Brude of the Northern Picts near Inverness that the latter and all his people needed to turn to Christ.⁴² And turn they did.

Columba and his disciples preached, instructed and baptized everywhere they went. In very many places they planted churches and schools and encouraged the previously Pre-Christian Celtic bards thenceforth to compose poems specifically to the honour of Christ.

The Orkneys and the Shetlands, the Hebrides and the Faroes all now heard and accepted the Gospel. Missions from Iona were established in Iceland⁴³ to the north. Indeed, Iona sent Missionaries forth to preach also in the Isle of Man to the south and even in the English kingdom of Northumbria to the east.

It was on Iona itself that Columba ordained the Irishman Aedhan as King of Scotie Dalriada. That was the earliest recorded instance of a royal coronation in, or for, Great Britain. Columba also opened the Irish Parliament at Drumceatt and helped secure independence from Ireland for the Iro-Scotic colony in what is now Scotland.

Thenceforth, *cain* and *cobach* and *fecht* and *sloged* the rents and tributes and military services and hosting obligations need no longer be paid by the Iro-Scots in Scotland to the *Ard-Ri* or 'High King' of Ireland. Thenceforth, such obligations would be owed instead to the Iro-Scotic rulers in Scotland alone.⁴⁴

Columba was himself also a bard and spent much time in transcribing the Scriptures and the Psalter. He also composed various ancient poems in his own native Irish and the *Rule of St. Columba* for his monastery in Iona. In his hymn known as the *Altus*, Columba wrote:

The Day of the King of kings most righteous is at hand
the Day of the Lord, the Day of wrath and vengeance...
We shall be standing and trembling before the tribunal of the Lord,
and we shall give an account of all our deeds
beholding also our crimes set before our eyes,
and the books of conscience laid open before our faces.⁴⁵

⁴² *Ib.*, pp. xxviii-xxxii.

⁴³ *Ib.*, p. 170-72.

⁴⁴ *Ib.*, pp. xxxiv-xliii.

⁴⁵ *Ib.*, pp. xlvi-lix.

Duke on Columba's overwhelming faithfulness to Holy Scripture

His biographer Adamnan wrote about Columba a century after the latter's death on Iona. This is remarkable especially when one considers that, unlike Columba, Adamnan himself was a Romanizer who persuaded the Church of Southern Ireland (but not of Ulster) to accept the Romish doctrine anent Easter.⁴⁶

In his biography, the Romanizer Adamnan liberally attributed all kinds of alleged miracles to Columba (which it seems the latter himself had never claimed to have performed). Indeed, Adamnan falsely elevated Columba to the same level as Elijah and Elisha and even to the level of the apostles Peter and Paul and John.⁴⁷ Yet Adamnan's biography is read critically and nevertheless yields deep insights into the pious life of Columba.

Fascinating is the evidence there presented for Columba's commitment to the jot and tittle inspiration of the Holy Scriptures. Thus, one day he wrote Adamnan that a man came to Columba and said: "I need one of the brethren to look over with me and to revise the Psalter which I have copied."

Having heard this, the Saint [Columba] thus spoke: "Why do you bring this trouble upon us, without cause? For in this Psalter of yours of which you speak, not one superfluous letter will be found. Nor is any lacking except the vowel 'i' which alone is missing." Comments Adamnan: "And so, the whole Psalter having been read through, it was found on examination to be as the Saint had foretold."⁴⁸

The extent to which Columba and his followers valued the Holy Scriptures, is seen also in the following account (by his disciples)⁴⁹ of one of his own missionary voyages.

Wrote that disciple:⁴⁹ "We ourselves," the other disciples later reported, "have thrice seen contrary gales of wind changed into favourable ones. The first time...we elevated...the books of the blessed man [Columba]...with psalms and with fasting and with the invocation of God's Name so that Columba might obtain from the Lord fair winds on our behalf."

Remarkable too is the brave and Biblical way in which Columba evangelized King Brude of the Picts in Scotland. Adamnan gives the account, as follows:

Columba elevated his voice near the fortress of King Brude.... While the Saint himself, with a few brethren, was celebrating...praises of God outside the King's fortress..., the Saint began to chant the forty-fourth psalm.... In a marvellous manner his voice was at that moment so lifted up into the air, like terrible thunder, that both king and people were affrighted with fear intolerable."⁵⁰

⁴⁶ A. Loughridge: *Adamnan (624-704)*, in Douglas's *op. cit.* p. 11.

⁴⁷ *Ib.*, II:XXXII (p. 145).

⁴⁸ *Ib.*, I:XXIII (p. 47).

⁴⁹ *Ib.*, p. 177 (Adamnan's *op. cit.*, II:XLV).

⁵⁰ *Ib.*, I:XXXVII (pp. 67f).

Duke on Adamnan's account of Columba's Sunday-sabbathkeeping

Finally, there is Adamnan's account⁵¹ of the passing away to the Lord of our holy patron Columba. There, the latter is reported to have said: "During the Easter Festival just over in April, with desire I have desired [Luke 22:15] to pass away to Christ the Lord as He had even granted to me." The details which follow, evidence the very high regard in which Sunday the Lord's Day was held by the Celtic Culdee Church.

Continues Adamnan: "After a few days while the solemnity...was being celebrated according to custom on the Lord's day, suddenly with eyes raised Heavenward the countenance of the venerable man [Columba] was seen to be suffused.... This soul after an interval of six days from that time on the night of the next Lord's Day, passed away to the Lord...."

"The venerable man thereupon spake thus: "In the Sacred Volumes, this day is called the Sabbath (which is, interpreted, "Rest"). And this day is truly a Sabbath Day for me.... This night, at midnight, when the solemn Lord's Day begins [Acts 20:6-7] according to the sayings of the Scriptures [Joshua 23:14 & First Kings 2:2], I shall go the way of my fathers...."

"Raising both hands he blessed his monastery, saying: "Upon this place, though it be small and mean, not only the kings of the Scotie people [*i.e.* the Scots of Ireland and of Britain]...but also the rulers of barbarous and foreign races with the people subject to them shall confer great and no common honour. By the saints also even of other churches, shall no common reverence be accorded to it."

"After these words, coming down from the knoll [on Iona] and returning to the monastery, he sat in his hut transcribing the Psalter. And coming to that verse of the thirty-third Psalm [34:10] where it is written "But they that seek the Lord shall not want any good thing" Here, he says, "I must stop at the foot of this page...."

"After transcribing the verse at the end of the page as above mentioned, the Saint entered the church for...the vigil of the Lord's Day.... He returned...and sat up throughout the night...."

"He gave his last commands to the brethren, his attendant alone hearing them, saying: "These my last words I commend to you, O my sons, so that you should have mutual and unfeigned charity among yourselves with peace.... God, the Comforter of the good, will help you.... Not only will the necessities of this present life sufficiently be supplied by Him but the rewards of the good things of Eternity, prepared for those who keep His Divine Commandments, shall also be bestowed...."

"After the departure of his holy soul, the morning hymns being ended, the sacred body was carried with melodious psalmody from the church to the house whence a little while before he had been alive.... For three days and as many nights, his honourable obsequies were performed with due observance.... These being ended with sweet praises of God, the venerable body of our holy and blessed patron, wrapped in a

⁵¹ *Op cit.*, III:XXIII (pp. 223f).

fair shroud and placed in the tomb prepared for it, was buried with due reverence ó to rise again in resplendent and eternal brightness....

ōSuch then was the end of our illustrious patron's life.... To use the words of Scripture, he shares in eternal triumphs.

ōHe is linked with the apostles and prophets. He is joined to the number of the white-robed thousands of saints who have washed their robes in the blood of the Lamb.

ōHe follows the Lamb whithersoever He leads. He is...free from all stain through the favour of our Lord Jesus Christ Himself ó to Whom with the Father is honour, power, praise, glory and everlasting rule in the Unity of the Holy Spirit for ever and ever.ö

As Adamnan then explained of Iona's Columba: öHe lived on this small and remote island of the British Sea.ö Nevertheless, öhis name has become illustrious not only throughout the whole of our own Ireland and Britain ó but to reach even to triangular Spain, and to Gaul, and to Italy...and also to the City of Rome.ö

Duke on the Columban Church's independence of the Roman Church

Indeed, Dr. J.A. Duke remarks⁵² that the question of the relationship of the Columban Church to the Church of Rome, has been the battlefield of much controversy between ecclesiastical historians of different ecclesiastical schools. But the historical facts themselves upon which the controversy has turned ó whatever construction may be put upon them ó stand out clearly, and seem to be of the most unambiguous nature.

In the days of the Columban Church ó that is, in the sixth, seventh and eighth centuries ó the position occupied by the Pope in the Western Church was very different from the position which is held by the Pope in the Roman Church today. The Pope then neither exercised the same authority over the whole Church as he wields today, nor did he receive the same unquestioning deference and obedience as are rendered to the Pope now by all loyal members of the Roman Communion.

The British Isles were the furthest removed of all from Rome, and were therefore the least likely to be influenced in any way by Rome. The Columban Church was sprung from the Church of Ireland; and the Scots-Irish Church of Ireland had come into existence itself, independently of Rome.

The A.D. 389-461 Patrick held no commission from Rome. Indeed, solely he constituted himself ó while alone as a solitary Christian among the Irish to whom he was preaching ó as the Apostle of Ireland.ö

The most outstanding example of Irish independence of Rome, is to be found in the letters which Columba's later contemporary the A.D. circa 540-614 St. Columbanus

⁵² *Op. cit.*, pp. 134f.

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addressed⁵³ to some of the Popes. As St. Columbanus on his own initiative carried the Gospel to the Germans and to the Swiss and indeed even to the Italians ó so too his older friend the A.D. 521-597 St. Columba neither sought nor received any papal sanction for his mission to the Picts and for the position as the ðprimateø of the Church in North Britain.

Duke on the Post-Columban Culdee Church's hostility to Rome

The same spirit which marked the beginning of Columba's Church, characterized all its subsequent history. The successors of St. Columba followed in the footsteps of their teacher.

When the (*circa* 635 A.D.) request came from Oswald the King of Northumbria to the authorities in Iona to send a Missionary to convert his people ó the authorities in Iona did not think of referring the matter to the Pope. They acted for themselves, and they ordained and commissioned at once one of themselves to occupy the new field. It was another illustration of the independence of the Columban Church.

At last, explains Dr. Duke,⁵⁴ the two Churches faced each other at the Synod of Whitby (664f A.D.). When the Columban Church there and then did come, at length, into full contact with the Church of Rome ó the result was **open hostility** on the part of the Church of Rome, and **open defiance** on the part of the Columban Church.

ðThe Columban 'monks' at Whitby acknowledged the authority of the Scriptures and the authority of Apostolic example. But the authority of the Church which then centred in Rome, meant nothing to them. Rather than submit to it, they retired to Iona.

The same thing seems to have happened again, when (the A.D. 710) Pictish King Nechtan in what is now Northern Scotland decided against the followers of St Columba. Rather than submit to Roman authority ó even when it was enforced by royal command ó the followers of St. Columba again returned to Iona.

When the Columbans finally succumbed, it was not in deference to papal authority. They yielded at last to the persuasion of a humble English ðmonkø (the A.D. 700f St. Egbert).⁵⁵ Even then, it was at the cost of a schism around 704 ó which lasted until 772 A.D. Shortly thereafter, the Pagan Vikings appeared on the scene ó and overran Iona.

Duke on the twilight of the Culdees in Ireland till A.D. 1221

Consequently, continues Dr. Duke,⁵⁶ long after the first ðRoman Easterø was celebrated in Iona (in 716 A.D.), the spirit of independence still lingered in the remnants of the Columban Church. The enemies that followed were more merciless

⁵³ *Epistolae Merovingici et Karolini Aevi*, tom. i. 156-60, *Mon. Germ. Hist.*

⁵⁴ *op. cit.*, pp. 137f, *cf.* pp. 108-14.

⁵⁵ Thus Bede: *Hist. Eccl.*, 5:22.

⁵⁶ Duke: *op. cit.*, pp. 137f, 114f. & 118.

than even the Church of Rome. For, before the century closed, the Pagan Norsemen had appeared.

In 794, they laid waste all the islands of Britain. In 795, they devastated Iona. In 825, the Norsemen slaughtered all the community there. States the record: *ōMartre Blaimicc mic Flann o gentib in Hi Coluim Cilleö* ó Blaimic, the son of Flann, was martyred in Columba's Iona.

Again and again, precious possessions were carried by the Christians on Iona to Ireland for safety. That occurred in the years 829, 831 and 849 (according to the *Annals of Ulster*). The primacy of the Columban Church, so long held by Iona, was thus transferred to Ireland.

About the year 632, many of the Picts of Southern Ireland accepted the Roman Easter. But in Northern Ireland, where the strength of the Columban Church lay ó among the Non-Pictish Iro-Scots ó there was no submission to Rome on the Easter question until a much later date. In the year 807 Cellach, the abbot then in Iona, crossed to Ireland and began the building of a new Monastery at Kells ó to take the place of the monastery of Iona.

Thereafter, the primacy ó so long held by Iona ó was transferred to Kells. Kells seems to have retained the primacy of the Columban monasteries in Ireland ó until the middle of the twelfth century. The last mention of the affairs of the Columban Church in Ireland which we come upon in the Irish Annalists, is to be found in the *Annals of Ulster* ó a note about the appointment of a Lector (or *Leiginn*) in Derry in 1221 A.D. Clearly, even then, the Bible was still being **read in public!**

Thus, it was not till less than one and a half centuries before the A.D. 1360 Proto-Protestant Wycliffe ó that Rome succeeded in extinguishing the Culdee Church even in Ireland. That was less than three centuries before the rediscovery of similar principles by the 1517 Protestant Reformer Martin Luther. Moreover, little groups of Culdees seem to have survived even in Ulster also until the Protestant Reformation ó and then to have joined it.

Indeed, concludes Dr. Duke,⁵⁷ even when the Columban Church itself passed away ó it lingered still. It was the legacy which St. Columba bequeathed to the Church. That legacy afterwards arose again in Scotland. It was to be re-erected at the Reformation upon the ruins of the Church of Rome. Then, it was extended yet further in the Church of Scotland at the time of John Knox and his Calvinistic Successors.

⁵⁷ *Ib.*, p. 138.

ADDENDUM 37: SURVEY OF ELIOT'S *FESTSCHRIFT*: "ESSAYS IN ANGLO-SAXON LAW"

The important work *Essays in Anglo-Saxon Law*¹ is dedicated to Harvard College President C.W. Eliot. It is a collection of very informative articles on various aspects of the laws of the ancient and mediaeval Anglo-Saxons.

Those articles deal respectively with the Anglo-Saxon Courts of Law; Land Law; Family Law; Marriage Law; Guardianship Law; Divorce Law; Legal Procedure; Judicial Retribution; and the Law of Succession. Contributors include such well-known writers as: Henry Adams; Henry Cabot Lodge; Ernest Young; and Laurence Laughlin.

Henry Adams on the Anglo-Saxon Courts of Law

Henry Adams writes his essay on *The Anglo-Saxon Courts of Law*. There, he states that the laws of Ine of Wessex around A.D. 690 include no fewer than seventy-six paragraphs rich in details of social life, and illustrative of legal principles.

According to Adams,² Anglo-Saxon Law in England during the Middle Ages was always more conservative than was that of the Franks in France and in Germany during that same period. For that Anglo-Saxon Law in England was much more slowly affected by Roman jurisprudence, than was its counterpart on the European Continent.

Mediaeval English Law adhered much more persistently to the popular principles of its archaic constitution. It offered an equal resistance to the good and to the bad of Frankish reaction ó to the equity as well as to the despotism of Charlemagne.

Henry Cabot Lodge on the Anglo-Saxon Land Law

Henry Cabot Lodge wrote his essay on *The Anglo-Saxon Land Law*. There, he states³ that in Ancient Germany private property in land had already made its appearance in the A.D. 98f time of Tacitus.

Recorded that Roman historian⁴ anent the early Germans: öThey do not even tolerate closely contiguous dwellings.ö Indeed, öevery person surrounds his dwelling with an open spaceö (*suam quisque domum spatio circumdat*).

Such a dwelling and its surroundings together constituted the house-land. That means the ground actually covered by the house ó together with the adjacent yards, stables and gardens *etc.*

¹ Rothman Reprints Inc., South Hackensack N.J., 1972.

² In *ib.*, p. 35.

³ *Ib.*, pp. 69f.

⁴ In his *Germania*, 16.

That house-land was the foundation of individual property. It was the land peculiarly sacred to the family of the Ancient Anglo-Saxons. This conception was transplanted intact from Germany to England.

This law was reflected also in the laws of the later Anglo-Saxons. In one of the Wessex King Ine's laws (around A.D. 688f), it is provided that ðif a *ceorl* [alias a free commoner] and his wife have a child...and the *ceorl* dies ó let the kin hold the **homestead** until it [the child] has grown up.ö

This law is clearly identical with that described by Tacitus under his term *ðdomus*ö ó in association with its house-land ó among the Ancient Germans. It was an estate, which essentially constituted an inheritance. It was based upon the family, and was subject to certain rights on the part of that family.

Family Law had existed as a fundamental Germanic institution long before the Teutonic tribes ever conceived of any law more positive than custom. At a subsequent period, an apparently successful attempt was made to convert estates of *boc-land* into estates of the family ó which were then rapidly changing into individual property.

The well-known provision of Alfred's laws recites that ðif a man have *boc-land*, and his kin left it to him, then we declare that he must not sell it outside of his kindred [cf. Numbers chapter 36], **if there be writing or witness** that the [bequeathing] man forbad him who first acquired it...that he might not.ö So too, even earlier, in the laws of Offa (779 A.D.) and Aethelric (804 A.D.).

That this family-land was essentially an estate of inheritance, may readily be admitted. Even at the time when Tacitus wrote, during the first century A.D., **Germanic house-land was already in great measure private property.**

Edward Young on the Anglo-Saxon Family Law

Ernest Young wrote his essay on *The Anglo-Saxon Family Law*. There, he states:⁵ ðThat children born in unlawful marriage [alias both conceived and born outside of wedlock] had no rights of inheritance, is expressly stated in the laws of Alfred (8:2).

Now accidental manslaughter alias culpable homicide was very carefully contradistinguished from premeditated murder. Indeed, Young wrote⁶ that already in the time of Tacitus, and in the earliest laws of the Anglo-Saxons, the system of money compensation had been developed.

Such compensation was paid neither to the ðStateø (*sic*) nor to the ðCommunityø at large (*sic*). Far more appropriately, it was paid to the offended family (including the dependents) of the man thus slaughtered.

On Anglo-Saxon marriage, Young states⁷ that the bridegroom who today places the ring upon the bride's finger and speaks the words ðWith this ring I thee wedø ó stands very near to the old Saxon who gave to the bride's father the money of which the ring

⁵ *Op. cit.*, pp. 126f.

⁶ *Ib.*, p. 144.

⁷ *Ib.*, p. 148.

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is but representative. The ring was originally only one form of the *handgeld* ó a small sum of money paid to bind the contract. Compare too the institution of dowry in the Old Testament. Cf. Genesis 30:20 & 34:12 and Exodus 21:7-11 & 22:16-17.

Young further points out⁸ that in Early German Law, kinship was not ó as in Roman Law ó limited to the agnates or those tracing their descent from a common ancestry through males. The motherø kin, even if in some respects less favoured than the fatherø kin, were still an important part of each manø family and were united to him by close ties of mutual right and obligation. Cf. Numbers chapters 27 & 36.

This difference between the German and the Roman institution is radical. In Anglo-Saxon Law the wife was not, as indeed in Pagan Roman Law, under the absolute power of her husband. Instead, German women in general and Anglo-Saxon women in particular were protected by their kindred from being abused even by their own husbands. Also the children seem to have found, in their motherø kin, a protection against the abuse of the parental power.

The members of the German household had rights even against the head of the household. See First Corinthians 7:3-4 cf. Colossians 3:11-21. This is something quite different from the Pagan Roman *patria potestas* ó where the children, during the lifetime of the father, were theoretically little better than slaves (except in so far as the children had potential rights). The absolute power of the Roman father over wife and children could not exist where the German motherø blood-relatives were acknowledged as kin. Cf. Leviticus 18:9f & 2:12f and Tacitusø *Germania* chapter 20.

Further, Young states⁹ that Germanic Law displays not the subjection of all descendants to the will of one ascendant, but the voluntary association of near-kindred. The control exercised by the family council in such a group ó as little resembles the despotic power of a Roman patriarchal chief who ødisposed absolutely of the persons and fortune of his clansmenø (thus Sir Henry Maine), as the free **representative** constitution of Ancient Germany resembled the highly **tyrannical** constitution of Ancient Rome. The organization of the German *gens* and of the Anglo-Saxon tribe, was **representative**.

Another important difference between the German and the Roman household, was that in German Law sons did not remain under the parental authority during the lifetime of the father but became independent at an early age. The German system is utterly opposed to the autocratic Pagan Roman theory. The fatherø power extended only over minor English children born in lawful wedlock. See Alfred, 43:7.

Illegitimacy was very rare among the Ancient Germans. Where it did occur, the father ó by acknowledging his illegitimate natural child ó could give him a place and protection in the Germanic household. But he could not give the child rights of inheritance.

It does not appear that the Anglo-Saxon father ever had the power of life and death over his Household. The *vis vitae et necis* of Roman Law was foreign to the Germans.

⁸ *Ib.*, p. 149.

⁹ *Ib.*, p. 152.

Nor did the Anglo-Saxon father have the *gewere*, the legal possession, of his minor son's property and, as a consequence of this, the usufruct. His power of alienating such property, moreover, was restricted to cases of necessity.

Young on puberty as the Germanic age of mature accountability

Young grounds his above perception of the freedom of the members of the Germanic family in the A.D. 98f writings of the conservative Roman historian Cornelius Tacitus. For even the latter greatly appreciated the superior Ancient Germanic Family far more than he did the depraved sensuality of his own Imperial Pagan Rome. Tacitus also appreciated the importance of puberty to the Ancient Germans as the time when a boy became a man.

In the time of Tacitus, states Young,¹⁰ **German** sons were freed from the parental power when they were physically mature and capable of bearing arms. *Germania* 13, compare Numbers 1:3. However, **Roman** *emancipatio* removed the emancipated son from his family, and destroyed the tie of kinship and all rights resulting from it. Thus the emancipated Roman son lost all rights of inheritance in his natural family.

The **German** emancipation (on the other hand) was nothing more than reaching majority status or coming of age. Cf. Luke 2:40f & Numbers 1:3f. Marriage also appears as *ipso facto* making the son independent.

In some laws also, the son after majority had the right to a division of property. Cf. Luke 12:13f & 15:12f. The son was always at liberty after he attained majority, to leave his father's house and go where, or do what, he chose.

Tacitus insisted¹¹ that, among the German ancestors of the Anglo-Saxons, it is not...usual for anyone to wear arms till the State has recognized his power to use them. Cf. Numbers 1:2-18. Then, in the presence of the Council [or the Elders-of-hundreds], one of the chiefs or the young man's father or some kinsman equips him with a shield and a spear. These arms are...the first honour with which youth is invested. Up to this time, he is regarded as a member of a **household**; afterwards, as a member of the **commonwealth**.

Hence it was, when an Ancient German reached puberty that he first became an arms-bearing youth. Before puberty, he was an unenfranchised though valuable member of the **family**; next, he became a member also of the **commonwealth** with full political rights. In the very words of the Roman Tacitus: *ante domus; mox reipublicae*.¹²

In Anglo-Saxon Law, puberty is also the time of general legal accountability. Compare the age of thirteen years and one day, at which a Hebrew boy became a son of the covenant. Exodus 12:3f cf. Luke 12:42f. As the Anglo-Saxon King Athelstan declares:¹³ One should spare no thief, taken in the act, **over twelve** winters.

¹⁰ *Ib.*, p. 154f.

¹¹ *Germ.*, 12-13.

¹² *Id.*

¹³ Athelst.: 2:1 *Pr.*

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To this, the Anglo-Danish King Canute adds:¹⁴ "We will that every freeman who wishes to be entitled to satisfaction if any one slays him **after** he is **twelve** winters old, be brought into a hundred or a tithing." More importantly, Canute also ordained¹⁵ "that every Freeman **above twelve years** make oath that he will neither be a thief nor cognizant of a theft" by aiding or abetting it.

Ernest Young concludes¹⁶ that the boy twelve years old can no longer be chastised only by the parents. Compare Deuteronomy 21:18f. Henceforth, he acts for himself and is himself responsible to society for his acts. He must take oath to observe the laws, and enroll himself in one of the organizations provided for that purpose.

What better commentary could be found on the words of Tacitus¹⁷ (*ante domus mox reipublicae*)? This personal and legal independence of the son, which Tacitus tells us was in his time acquired by the gift of arms in the assembly, is now acquired *ipso facto* by the attainment of majority.

Before the completion of the twelfth year, the boy is legally dependent. **After the completion of the twelfth year, the boy is legally independent.** He is no longer a boy, but a man "possessed of all the rights and subject to all the duties that belong to complete manhood.

Young also observes¹⁸ that daughters remained under their father's power until they married. Still, the laws made a distinction between girls and adult women. Alfred, 26.

This distinction had a legal effect. **The age of majority for girls was probably the same as that for boys. Girls attained their majority at the completion of the twelfth year** "the ordinary majority for boys during the greater part of the Saxon period.

The effect of majority for women, was to free their persons from the arbitrary disposal of the father. Even girls under age, could not be married against their will.

Edward Young on the Anglo-Saxon Law of Marriage

Young next describes¹⁹ the contractual character of the **Anglo-Saxon Law of Marriage**. In the earliest Anglo-Saxon laws, marriage appears in the form of a "sale" by the father or other guardian to the bridegroom. Ine (31) declares: "If a man buy a wife, and do not pay the purchase price *etc.* Aethelberht (83) states: "If she is betrothed for money to another man" *etc.*

Whether marriage was ever an actual sale of the woman's person, may be doubted. The high estimation in which women were held among the Germans, proves at least that the mere fact marriage took the form of a sale proves nothing.

¹⁴ Cnut: *Ll.* 2:20.

¹⁵ *Ib.*, 2:21.

¹⁶ *Op. cit.*, pp. 161f.

¹⁷ *Germ.*, 13.

¹⁸ *Op. cit.*, pp. 162f.

¹⁹ *Ib.*, pp. 163f.

In the earliest Anglo-Saxon laws, marriage has a twofold aspect. It differs very much from other sales, and appears as a transaction not merely of a mercantile but of an ethical character. It is certain that in historic times the thing transferred was not the person of the woman treated as a chattel, but only the rights of guardianship.

The strict formalities of a sale were also observed throughout. Aethelberht, 77; *cf.* Ine, 56. On the other hand, the price was not the subject of bargaining. But ó like the *wer* (or payment due for accidental homicide) ó it was fixed by law. *Cf.* Exodus 22:17.

Alfred, in translating this passage, used the word *weotuma* for dowry. *Alfred's Laws*, 29. The guardian who had contracted to give the girl to the ðbridegroomø ó could not be compelled to this. He could only be sued for breach of contract. The ethical nature of marriage ó never to be against the wishes of the ðbrideøó was already recognized in the earliest historic times. Thus Young.

Further, the price paid by the bridegroom to the guardian, was called the *weotuma*. *Alfred's Laws*, 12 & 29. This word *weotuma* is connected with the Gothic root *vid-dan* ó meaning to bind (compare ðwed-dingø). The *weotuma* was the payment which bound the contract. Compare our modern ðwed-dingø rings and ðen-gage-mentø rings.

The *weotuma* was also that which gave the marriage its character of legality. *Cf.* Genesis 41:42; Esther 3:10-12 & 8:2-10; Luke 15:22-24. Without payment of the *weotuma*, there could be no legal marriage.

All ðmarriagesø without such payment, and all violations of the woman's person, were violations of the rights of the guardian and were punished by a fine called *mund-bryce*. To seize upon these rights without the consent of the owner and without paying for them, was to steal. *Cf.* Exodus 22:16f & Deuteronomy 22:28f.

The amount of the *weotuma* in Aethelberht, appears in his laws 75, 82 and 76. *Cf.* too Alfred, 18:1 & 11:2. For the full completion of marriage in all its effects ó two acts were necessary: the *be-wed-dung* or betrothal (compare Matthew 1:18); and the gifts or *gifta* (plural of ðgiftø). The latter means the ðdeliveryø of the woman, alias the nuptials. Compare Matthew 1:24f.

Some of the Anglo-Saxon laws forbade bigamy at the same time as enjoining betrothal. Thus: ðWe prohibit with **God's prohibition** that any one have **more wives than one**; and let her lawfully be betrothed and given (*be-wed-dod and for-gif-en*).ö

Young further insists²⁰ that the contract of betrothal, unlike other real contracts of sale, did not give the bridegroom an action to compel the delivery of the bride. For this would be contrary to the ethical character of marriage.

If the guardian refused to deliver the woman, or she refused to be delivered, the bridegroom had only a suit for damages to recover the *weotuma* previously paid, and an additional fine of one-third. *Cf.* Ecgbert, 20; & Alfred, 18:1.

²⁰ *Ib.*, p. 169.

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On the other hand, a breach of betrothal by the man was punished by loss of the *weotuma*. That he also had to pay an additional fine, appears from Ine (31):

ōIf a man buy a wife [at the time of the engagement], and do not pay the purchase price [at the later time scheduled for the marriage] ó let him give the money.ō Indeed, let him ðpay compensation and make *-bot*ð[or recompense] to the sureties ó according to his infraction of his pledge.ö

Again: ðIf any one wish to **betroth a maiden,**” *viz.* **to get engaged to her** – “**let it so be agreeable to her**.... Then it is right that the bridegroom, according to the Law of God and the customs of the world, first promise and give a *wed* to those who are her guardians ó **that he will keep her according to God's Law, as a man should so keep his own wife**.... At the [later] nuptials, there shall be a Presbyter by law ó who shall, with God's blessing, bind their union to all prosperity.ö

Edward Young on the Anglo-Saxon Law of Marital Guardianship

Young next deals²¹ with the **Anglo-Saxon Law of Marital Guardianship**. During marriage, the wife was under the guardianship of her husband. She must obey him, in general. Ine, 57. *Cf.* too Ephesians 5:22 & 5:33. But, in her own sphere as housekeeper, she was independent. *Cf.* Genesis 16:2-6 & Proverbs 31:16-24.

Cnut (2:76) declares: ðAnd if a man bring stolen things home to his cot[tage], it is right that he [*viz.* the owner] repossess what he went after. *Cf.* Exodus 22:2-4. But if it was not brought under the wife's custody, she shall be innocent.

ðBut she shall guard the keys...of her storeroom.... If it [*viz.* stolen property] is brought into one of these places, then is she guilty.ö *Cf.* Genesis 31:19-32 & Acts 5:1-10.

In general, the husband [alone] had the free disposal of his own property ó so far as this concerned the wife. But even where a specific *-morning-gift*ð [donated by the husband to the wife on the morning of the wedding] had not been granted to the wife ó she had, in law, a right to an undivided portion of her husband's property. She regularly appears as a consenting party to all alienations by him. *Cod. Dip.*, 26.

The marriage acquisitions are property derived from the common labour or common property of husband and wife. They do not include property acquired by one of the two by gift or inheritance, or from the proceeds of his or her own property. The marriage acquisitions belonged to the husband. But, after his death, these formed part of the estate from which the legal *-morning gift*ð was granted. In that way, the earlier *-morning gift*ð handed over by the husband right before his wedding, now became his *-morning gift*ð to her at his prior decease.

Gifts were regularly made to husband and wife together, and gifts between husband and wife were common. The wife's property was not answerable for the debts of her husband, nor his property for the debts of his wife. *Cf.* Genesis 16:2-6 & 29:18.

²¹ *Ib.*, pp. 176f.

A homicide committed by her, must be atoned for ó by her, and not by her husband. The wife's kindred seem also to have protected her property from alienations by the husband. Probably, if she were abused by him, they could interfere to divorce them ó and to bring their kinswoman home. Aethelred, 79.

Edward Young on the Anglo-Saxon Law of Marriage Termination

This brings Young to deal²² with the termination of marriages ó in the **Anglo-Saxon Law of Termination of Marriage** (whether by death or by divorce).

At the dissolution of marriage by the death of the husband, the wife was entitled to all property belonging to her by inheritance or gift, and to her morning-gift. Or, in lack of this, she was entitled to half the husband's property. Aethelred, 79. The wife had the full ownership of the morning-gift, and she could dispose of it during her life (*Cod. Dip.* 328 & 704) or by testament (*ib.* 685 & 1290).

If she died intestate, it was inherited by her heirs. She forfeited it, however, to her husband's next-of-kin, if she violated her year's fidelity. Cnut, 2:73. It follows that, by keeping her year's fidelity ó by not remarrying for a year after her husband's death ó she could take it with her to a second marriage. *Cod. Dip.*, 1288.

Ordinarily, a partition of the property did not take place on the death of the husband; but the widow held the property in common with the heirs. The widow was never heir of her husband, though gifts to her in her husband's will were common. *Ib.*, 304.

At the dissolution of marriage by the death of the wife, such property as belonged to her by inheritance or gift was inherited by her heirs. The husband was not heir ó and got no right in the property of his wife except through the children.

The children were the first heirs of the wife. After their death, if they left no children, their father would be their first heir. As the morning-gift was a grant to the wife ó if she lived longer than he ó it follows that, if the wife died before her husband, the morning-gift remained with the husband.

Divorce by mutual consent was permitted ó but naturally, only on Biblical grounds. Exodus 21:10-11; Matthew 19:9; First Corinthians 7:15-28. This, explains Young,²³ seems to have been permitted in the early law. Aethelred, 79-81. In such case, the wife received half her husband's property if she took the children with her, or a child's portion if these remained with the husband.

If the marriage was childless, she simply received her morning-gift and her inherited property. The husband was permitted to divorce his wife for infidelity or desertion. If for infidelity, by a law of Cnut (2:53) all her property was forfeited to the husband.

²² *Ib.*, pp. 178f.

²³ *Ib.*, p. 179.

Laurence Laughlin on the Anglo-Saxon Law of Procedure

Laurence Laughlin wrote his essay on *The Anglo-Saxon Legal Procedure*. There, he records²⁴ the following ancient and standard oath for transaction witnesses:²⁵ **ōIn the name of Almighty God!** As I here for N. in true witness stand ó unbidden and unbought ó so I with my eyes saw, and with my ears heard, that which I with him say.ö

Laughlin also gives the standard Anglo-Saxon oath of a defendant: **ōIn the name of Almighty God,** I know not in the thing about which thou suest [or dost allege] foulness or fraud...up to that dayø-tide that I sold it to thee.... It was both sound and clean, without any kind of fraud.ö

This is also in agreement with the oldest extant record of Germanic Law in England ó that of the Anglo-Jutish King of Kent. Aethelbeht (77): **ōIf a man buy a maiden with cattle ó let the bargain stand, if it be without guile. But if there be guile ó let him bring her home again [back to her father], and let his [the would-be husbandø] property be restored to him [by the maidenø father]!**ö

The Anglo-Saxon Law of Retribution in Eliot's *Festschrift*

The *Festschrift* to C.W. Eliot further deals²⁶ with the **the Anglo-Saxon Law of Judicial Retribution**. It was a fundamental rule of German Law, that vengeance must be authorized by previous permission of the court. Cf. Exodus 21:22f.

He who inflicted on his foe a cold-blooded vengeance ó by castration, poisoning or other cruelties ó committed an infamous deed. Thus, **æcruel and unusual punishments** ø also prohibited in the later *U.S. Constitution*, itself based on the Common Law²⁷ ó were not permitted under Anglo-Saxon Common Law (nor under the earlier Celto-Brythonic Common Law), nor under the later Anglo-British Common Law.

Because of his Biblical and Christian commitment to the integrity of marriage, Alfred (42:7) allowed immediate vengeance before a judgment ó in case a husband found another within closed doors or under a covering with his wife, daughter, sister or mother. Cf. Exodus 22:2; Leviticus chapter 18; Numbers 35:27. But the Anglo-Saxons did not permit vengeance for bodily injuries or mere threats ó as indeed under the Old-Norse Law.

From the time of Alfred, the offences multiply for which no compensation could be received. Anglo-Saxon Law has clearly distinguished between expiable and inexpiable (or *-bot-lessø*) crimes.

It was one of the fundamental personal rights accorded by German Law that the accused should have a term in which to reply and prepare his proof. Thereby, the

²⁴ *Ib.*, pp. 195f.

²⁵ *Anh.*, 10:7.

²⁶ *Op. cit.*, pp. 264 & 278f.

²⁷ See the 1791 *Seventh Amendment* and the 1791 *Eighth Amendment* to the *U.S. Constitution*: **ōIn suits at common law...the right of trial by jury shall be preserved...according to the rules of the Common Law.... Excesssive bail shall not be required...nor cruel and unusual punishments inflicted.ö**

defendant was permitted to construct a defence at least seven days before the assembling of the Court. *Cf.* Leviticus 13:26f.

The provisions against unjust accusations in Anglo-Saxon Law, were many and severe. Edward I, 1:5 ó *cf.* Deuteronomy 19:16-21. All German codes regarded theft as a heinous crime. It has been the subject of many laws which provided that the thief caught in the act could immediately be seized and imprisoned. *Cf.* Exodus 22:3.

The Anglo-Saxon Law of Sentence in Eliot's *Festschrift*

On the **Anglo-Saxon Law of Execution of Judicial Sentences**, the *Festschrift* states²⁸ that the judges (compare the jury) were taken from the ðbest of the county.ö Yet they probably acted under the direction and advice of the presiding officer. *Cf.* the judge, who was supposed to be conversant with all the old customs.²⁹

They were under obligations to render justice. The many provisions for clearing themselves of an unjust judgment by an oath to their ignorance ó proves, as a rule, their ðnon-professionalø or rather ðlayman-likeø character. Edgar, III.3; *cf.* Cnut, III 15:1.

The judgment condemned the accused who confessed, to pay the fine or prove his innocence. In either case, he must give pledge for the fulfilment of the judgment. The plaintiff could demand security for the defendant's answer at the appointed term, and for the payment of all assessments made by the judgment. Henry, 52:1; *cf.* Ine, 52.

If the accused fled, the pledgeor must pay the indemnification. If, however, the accused were contumacious ó he brought upon himself graver penalties, finally crowned by ðout-law-ry.ø

Refusal three times to obey the summons was punished by the fine of the *overseunesse*. Then judgment was made by the tribunal condemning the accused. Aethelstan, 2:20. *Cf.* Matthew 18:16f.

The Anglo-Saxon Law of Succession in Eliot's *Festschrift*

The *Festschrift* also addresses³⁰ the **Anglo-Saxon Law of Succession**. It gives the following excellent illustrations thereof.

Aethelred, the A.D. 734-37 most glorious King of the Mercians acted together with his *ealdorman* Oshere the underking of the Anglo-Brythonic Hwicci. At his request, for the pardon of his own sins, he granted twenty hides of land near the river Tillath to two holy women (namely Dunna and her daughter Bucga) to hold in free possession according to church right.

²⁸ *Op. cit.*, pp. 289f (*cf.* 374f).

²⁹ *Anh.*, III 4.

³⁰ *Ib.*, pp. 309f.

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Very significantly, it is recorded what the aforesaid servant of God (Dunna) did, when about to depart to the Lord. Dunna gave the monastery (constructed on the aforesaid land), together with her own lands, to the daughter *etc.*

Again,³¹ in A.D. 804 one Aethelric apparently wished to dispose of his lands by will. But suit was brought (perhaps by his legal heirs) to prevent his doing so. The *Witan* [or Council], however, decided that Aethelric had the right ó ðwith the witness of King Cenwulf and all his chiefs, in the presence of the whole synod.ö Recorded Aethelric: **ðI was free to give my land and charters wherever I would.**ö

Once more,³² one Sighelm pledged land to one Goda for thirty pounds. Sighelm having died in war, his daughter Eadgifu averred that he had ó just before his death ó redeemed the land and bequeathed it to her. Goda denied the redemption, and refused to surrender the land. Eadgifu sued Goda, so the *Witan* gave her the oath to prove the redemption. Goda still refused to surrender. However, in Edgar's reign (A.D. 959f), a new suit restored it to Eadgifu.

The Anglo-Saxon Law of Witchcraft in Eliot's *Festschrift*

Witchcraft and perjury, however, rightly invalidated wills. A widow (apparently of one Aelsie) and her son (apparently one Wulfstan), explains the *Festschrift*,³³ had formerly forfeited land ó because by witchcraft they had driven iron pins into an image of Aelsie (Wulfstan's father). This was law-breaking. Deuteronomy 13:6f. The image, on which they had practised ó with the intent to murder ó was taken out of her closet.

The judges then took the woman and drowned her. Her son escaped, and became an outlaw. Their land went into the King's hands, around 963f A.D.

The Anglo-Saxon Law of Jury Trial in Eliot's *Festschrift*

Finally,³⁴ there is an interesting record of a sheriff at Cambridge granting out land claimed by the Bishop of Rochester. Both parties appealed to William the Conqueror in 1072f A.D.

King William then sent the case by writ to the shire-court. Odo of Bayeux, who presided, then **commanded the shire to elect twelve men** [as a jury], who would swear to the truth of the decision.

This was done, and the bishop accordingly lost the land. He afterwards, however, brought before Odo of Bayeux a charge of perjury against the twelve men. On their failure to make defence, he recovered the land.

Bayeux, who presided over that county court, commanded that ó if they knew about what they affirmed to be true ó **they should elect twelve from their own number**, who would have to confirm by an oath what all had said. *Ex seipsis duodecim eligerent, qui quod omnes dixerant jurejurando confirmarent.*

³¹ *Ib.*, p. 322.

³² *Ib.*, p. 342.

³³ *Ib.*, p. 349.

³⁴ *Ib.*, pp. 374f.

ADDENDUM 38: F.L. ATTENBOROUGH'S *LAWS OF THE EARLIEST ENGLISH KINGS*

F.L. Attenborough (M.A.) ó a Fellow of Emmanuel College, Cambridge ó rightly regards those of Aethelbeht as being not Celtic Britain's but indeed Anglo-Saxon England's earliest extant laws. Accordingly, Attenborough attempts to pin-point¹ the very time of enactment of the Anglo-Saxon laws of King Aethelberht the First of Kent.

Attenborough on the date of Aethelbeht's Anglo-Saxon Laws

For that enactment, Attenborough suggests a date some time evidently after Aethelberht's conversion since the year 597 ó and obviously before that king died (on February 24th 616 (or more probably on February 24th 617 A.D.).

Aethelberht's laws were very instrumental in speedily changing the behaviour of the Kentish Anglo-Jutes. King Earconberht, grandson of Aethelberht, is said to have issued laws enforcing the destruction of graven images ó with penalties for those who refused to obey. Certainly, already by Earconberht's time, idolatry ó which was always rare among the Ancient Germans ó would have been practically non-existent among the christianized Anglo-Jutes of Kent.

The Kentish laws of Aethelberht are extremely important. For, according to Attenborough,² **The *Laws of Aethelberht* are of special interest even as being the earliest document written in the English language. Indeed, no other Teutonic language possesses any original records of equal antiquity,** apart from short inscriptions.

Attenborough on the actual Anglo-Saxon Laws of Aethelberht

Proclaimed Aethelberht:³ "These are the decrees which King Aethelberht established in the lifetime of Augustine (alias Austin the Italian Romish Missionary to the Kentish Anglo-Jutes). Theft of God's property and the Church's, shall be compensated twelvefold.... If a man lies with a maiden [alias a maid-servant] belonging to the king, he [the offender] shall pay fifty shillings compensation....

"If a man is the first to make [forcible] entry into another man's premises, he shall pay six shillings compensation.... If the man is slain, [the lender of the weapons] shall pay twenty shillings compensation....

"If a freeman breaks the fence round [another man's] enclosure, he shall pay six shillings compensation.... If [one] freeman lies with the wife of [another] freeman, he shall pay [the husband] his [or her] *wergeld*. Compare Exodus chapters 22f.

¹ See his *Law of the Earliest English Kings*, University Press, Cambridge, 1922, pp. 2f.

² *Id.*

³ *LL.* 1,10,17,20,27.

Regarding culpable or negligent injuries cause by one to another, *cf.* Exodus chapter 21, Aethelberht decreed:⁴ ðIf a bone is damaged, four shillings shall be paid as compensation. If the outer covering of the skull is broken, ten shillings shall be paid as compensation. If both are broken, twenty shillings shall be paid as compensation....

ðFor each of the front teeth, six shillings.... If a man receives medical treatment, thirty shillings.... If a man is severely wounded, thirty shillings.... If anyone destroys the generative organ, he shall pay for it with three times the *wergeld*.ö Compare Deuteronomy 23:1 & 25:11f.

On marriage, *etc.*, Aethelberht further decreed:⁵ ðIf a man takes a widow who does not belong to him ó double the value of the *mund* shall be paid.ö Compare Ruth chapter 4.

ðIf a man ðbuysø a maiden [to be his wife] ó the bargain shall stand, if there is no dishonesty. If, however, there is dishonesty ó she shall be taken back to her [fatherø] home and the money shall be returned to him.

ðIf she bears a living child, she shall have half the goods left by her husband ó if he died first. If she wishes to depart with her children, she shall have half the goods....

ðIf one servant slays another who has committed no offence, he shall pay his full value. If the eye and foot of a servant are destroyed, his full value shall be paid.ö

Attenborough on the Anglo-Saxon Laws of Hlothhere & Eadric

The second series of Kentish Laws which is still extant, continues Attenborough,⁶ bears the names of Hlothhere. He reigned from 673 to 685 (or 686). That second series bear the name also of Eadric, the son of Ecgberht (Hlothhereø brother and predecessor). Their laws appear in the name of both.

One reads in their record: ðThese are the decrees which Hlothhere and Eadric, Kings of Kent, established. Hlothhere and Eadric, Kings of Kent, extended the laws which their predecessors [Aethelberht and Earconberht *etc.*] had made....

ðIf a manø servant slays a nobleman..., his owner shall surrender the homicide [alias the manslaughterer] and pay the value of three men in addition. If the homicide escapes, he [his owner] shall add thereto the value of a fourth man, and prove by good witnesses that he has not been able to lay hands on the homicide.ö⁷

Further: ðIf a freeman steal a man, and if he [who has been stolen] returns as informer ó he shall accuse him [the manstealer] to his face; and he [the latter] shall clear himself, if he can. And every man involved in such a charge shall have a number

⁴ *LL.* 35f,51,62f.

⁵ *LL.* 76f,86f.

⁶ *Op. cit.*, p. 2.

⁷ *Hloth. & Ead.*, 1-2.

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of free witnesses ó and one [at least] of his witnesses from the village to which he himself belongs.ö⁸

Moreover: öIf one man brings a charge against another, and if he meets the man [whom he accused] at an assembly or meeting, the latter shall always provide the former with a surety and render him such satisfaction as the judges of Kent shall prescribe for them.ö⁹ Cf. Exodus 21:22,30,31,36 & 22:3-9.

Last: öIf a man of Kent buys property in London, he shall have two or three trustworthy men or the [Shire-]Reeve of the King's estate as witness.... If he cannot do so, he shall declare on the altar, with one of his witnesses or with the Reeve of the King's estate, that he bought the property openly in London, and with goods known to be his; and the value [of the property] shall be returned to him.ö¹⁰

Attenborough on the Anglo-Saxon Laws of Wihtred of Kent

Attenborough next points out¹¹ that the third Kentish Code bears the name of Wihtred. He was the brother of Eadric, who succeeded to the throne after a few years.

Peace was made by the King of Kent with Ine the King of Wessex, according to the *Saxon Chronicle* for the year 694. It is worth noting that one of Wihtred's laws (28) is practically identical with one of Ine's (20). This points to communication between the two courts.

Wihtred's laws certainly promoted Christianity. There, the Church was exempt from tax ó and had the same *mundbyrd* alias protection tariff as did the king himself.

Declares the record: öThese are the decrees of Wihtred, King of Kent.... **The nobles**, with the consent of all, drew up these decrees ó and added them to the legal usages of the people of Kent as is hereafter stated and declared.

öThe Church shall enjoy immunity from taxation. The king shall be prayed for, and they shall honour him freely and without compulsion....

öForeigners, if they will not regularize their [sexual] unions, shall depart from the land with their possessions ó and with their sins....

öMen of our own country...living in illicit union shall turn to a righteous life, repenting of their sins ó or they shall be excluded from the communion of the Church.ö¹²

Further: öIf anyone grants one of his men freedom on the altar, his freedom shall publicly be recognized. [But] the emancipator shall have his heritage and his *wergeld* [or compensation] and the guardianship of his household, wherever he [the freed man] may be....

⁸ *LL.*, 5.

⁹ *LL.*, 8.

¹⁰ *LL.*, 16.

¹¹ *Op. cit.*, pp. 2f.

¹² *Wiht.*, 1-3.

ðIf a servant, contrary to his lord's command, does servile work between sunset on Saturday evening and sunset on Sunday evening, he shall pay...his lord.... If a freeman works during the forbidden time, he shall forfeit his *healsfang* [alias the first instalment of his *wergeld*].... The man who informs against him shall have half the fine, and the labour [profits].¹³

Again: ðIf a husband, without his wife's knowledge, makes offerings to devils ó he shall forfeit all his goods or his *healsfang* [alias the first instalment of the *wergeld* or appropriate fine paid to the nearest relatives]. If both [of them] make offerings to devils ó they shall forfeit their *healsfangs*, or all their goods.¹⁴

Attenborough on the date of the Anglo-Saxon Laws of Ine

Attenborough now shifts the scene from Kent toward the West Country. He explains¹⁵ that the earliest laws of the Kingdom of Wessex are those of Ine. He, according to Bede,¹⁶ reigned from 688 to 725. The date of the laws falls, in all probability, between 688 and 694.

It has been observed already that chapter 20 of Ine's laws is practically identical with chapter 28 of Wihtréd's laws (which date from 695). This may be regarded as pointing to communication between the governing authorities of the two kingdoms. Interestingly, there is no record of any further legislation in Wessex ó for nearly two centuries after the promulgation of Ine's laws.

Attenborough on the actual Anglo-Saxon Laws of Ine in Wessex

Decreed King Ine (or Ina):¹⁷ ðI, Ine, by the grace of God, King of Wessex ó with the advice and instruction of Cenred my father; of Hedde my Bishop, and of Erconwald my Bishop; and with all my *Ealdormen* or [Elder-men] and the Chief Councillors¹⁸ of my people ó and with a great concourse of the servants of God¹⁹ as well ó have been taking counsel for the salvation of our souls and the security of our realm,²⁰ in order that just laws and just decrees²¹ may be established and ensured throughout our nation²² so that no *Ealdorman* nor subject of ours may pervert these our decrees from henceforth.

ðIn the first place, we command that the servants of God heed, and duly observe, their proper rule.²³ After this we command that the law and decrees affecting the whole nation, be observed as follows.

¹³ *LL.*, 8-9.

¹⁴ *LL.*, 12.

¹⁵ *Op. cit.*, p. 34.

¹⁶ *Church History*, 5:7.

¹⁷ *Ine*, 1-2.

¹⁸ *ieldstan witum*.

¹⁹ *micelre gesomnunge Godes theowa*.

²⁰ *stathole ures rices*.

²¹ *ryht aew 7 ryte cunedomas*.

²² *thrh ure folc*.

²³ *ryhtregol*.

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ōA child shall be baptized within thirty days.... If a slave²⁴ works on Sunday by his lord's command, he shall become free, and the lord shall pay a fine of thirty shillings. If, however, the slave works without the cognizance of his master, he shall undergo the lash or pay the fine in lieu thereof. If, however, a freeman works on that day, except by his lord's command, he shall be reduced to slavery ó or [pay a fine of] sixty shillings. A priest shall pay a double fine.ö²⁵

Moreover: ðIf anyone steals without the cognizance of his wife and children, he shall pay a fine of sixty shillings. If, however, he steals with the cognizance of all his household,²⁶ they shall all go into slavery.ö²⁷

Ine continues:²⁸ ðIf anyone demands justice in the presence of any -shireman²⁹ or of another judge³⁰ ó and cannot obtain it, since [the accused] will not give him security³¹ ó he [the accused] shall pay thirty shillings compensation, and within seven days do him such justice as he is entitled to. If anyone exacts redress before he pleads for justice, he shall give up what he has taken and pay as much again plus thirty shillings compensation.ö³²

According to the University of Wisconsin Law School's Smongeski Research Professor W.W. Lehman,³³ Anglo-Saxon kings took on the role of judge. The Anglo-Saxons had not only mediators, but judge-arbitrators as well. Ine 8 speaks of a *dema*, a judge or doom-sayer. He apparently existed side-by-side with the *semend* or arbitrator.

Ine 8 and 9 suggest a procedure one might call: asking a *dema* for justice. The response to such a request, would be a *doom* alias a judgment. Ine 8 & 9 imply that this was an elected alternative to seeking (or being threatened by) personal vengeance.

From Ine 8 one learns that a man charged in such a proceeding, was expected to give over a bond (or oath) prior to judgment. The surrender of a bond (or the making of the oath) implied a consent to proceed in this manner ó and to abide by the result (alias the *doom*).

It seems clear that Ine 8 and 9 more or less consciously press people to turn from private family-oriented ways of solving disputes, to public means that are accessible to the State. Thus Professor Lehman.

²⁴ *theowmon*.

²⁵ *LL.*, 3.

²⁶ *hiredes*.

²⁷ *LL.*, 7.

²⁸ *LL.*, 8-9.

²⁹ *scirmen*.

³⁰ *deman*.

³¹ *sellan*.

³² *forgielde*.

³³ W.W. Lehman: *The First English Law* (in *The Journal of Legal History*, Cass, London, May 1985, VI:1, p. 1 n. & pp. 18f).

Attenborough on the Anglo-Saxon Laws of King Ine (resumed)

Continues Ine:³⁴ ðIf anyone within the borders of our kingdom commits an act of robbery or seizes anything with violence, he shall restore the plunder and pay a fine of sixty shillings.

ðIf anyone sells one of his countrymen, bond or free, over the sea ó even though he [the latter] be guilty ó he [the kidnapper] shall pay for him [the kidnappee] with his [the kidnapper's] *wergeld* [or compensation], and make full atonement with God [for that callous crime of kidnapping]. Cf. Exodus 21:16 & Deuteronomy 24:7.

ðIf a thief is taken [in the very act of theft], he shall die the death ó or his life shall be redeemed by the compensation of his *wergeld*.ö Exodus 22:2 cf. Numbers 35:27.

Further: ðIf a member of your household commits a theft and escapes from you ó and if you have a surety [for the thief] ó you shall claim the value of the stolen property from him. If the thief has no surety, you shall pay the value [of the property], but he shall not thereby become immune from punishment....

ð[The *wergeld* of] a Welsh taxpayer [is] one hundred and twenty shillings.... The *wergeld* of a Welshman who holds five hides of land, shall be six hundred shillings....

ðIf stolen property in the hands of a trader is attached, and he has not bought it in the presence of trustworthy witnesses, he shall declare with an oath equal to the penalty [involved] that he has been neither an accessory nor an accomplice [to the theft] ó or pay a fine.ö³⁵

Ine goes on:³⁶ ðIf a husband has a child by his wife and the husband dies, the mother shall have her child and rear it; and [every year] six shillings shall be given for its maintenance ó a cow in summer and an ox in winter. The relatives shall keep the family home³⁷ until the child reaches maturity.

ðIf anyone moves away without permission from his lord, and slithers into another district ó if he is discovered, he shall return to where he was before, and give his lord sixty shillings.ö This, of course, was because he had jeopardized the *tything* superintended by his Elder-of-ten. Cf. Exodus 18:21f.

Attenborough on the Anglo-Saxon Laws of King Ine (continued)

Now a commoner's³⁸ premises shall be fenced both winter and summer. If they are not enclosed, and a beast belonging to his neighbour strays in through the opening he himself has left ó he shall have no claim on that beast. [But] he shall drive it out, and suffer the damage.

³⁴ *Ine*, 10-12.

³⁵ *LL.*, 22f.

³⁶ *LL.*, 38-40.

³⁷ *frumstol*.

³⁸ *ceorles*.

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Continues Ine:³⁹ ðIf commoners have a common meadow⁴⁰ or other part-ible land to fence, and some have fenced their portion and some have not, [and cattle get in] and eat up their common crops or their grass ó then those who are responsible for the opening shall go and pay compensation for the damage which has been done to the others who have enclosed their portion....

ðIf, however, any beast breaks hedges and wanders at large within ó since its owner will not or cannot keep it under control ó he who finds it on his cornland shall take it and kill it. The owner [of the beast] shall take its hide and flesh, and suffer the loss of the remainder.ö *Cf.* Exodus 21:34f.

ðIf anyone destroys a tree in a wood by fire, and it becomes known who did it, he shall pay a full fine.ö *Cf.* Exodus 22:6.

Attenborough on the Anglo-Saxon Laws of King Ine (concluded)

Ine next deals⁴¹ with various kinds of felonies. ðWhen one man charges another with stealing cattle, or harbouring stolen cattle ó he shall deny [the charge of] theft, by [an oath of] sixty hides.... If an Englishman brings the accusation, then he shall deny [the charge] by an oath of double [this] value. On the other hand, if the accusation is brought by a Welshman ó the [value of] the oath shall not be increased.

ðIf a husband steals a beast and carries it into his house, and it is seized therein, he shall forfeit his share [of the household property] ó his wife only being exempt, since she must obey her lord. If she dare declare, with an oath, that she has not tasted the stolen [meat] ó she shall retain her third of the [household] property.ö⁴²

Then again: ðIf a night has elapsed since the theft, those who caught him [and allowed him to escape] shall make compensation for their offence ó according to such terms as they can arrange with the king and his reeve. If a Welsh slave slays an Englishman, his owner shall hand him over to the dead man's lord and kinsmen, or purchase his life.ö⁴³

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (I)

Attenborough significantly states⁴⁴ that there is no record of any further legislation in Wessex for nearly two centuries after the promulgation of Ine's laws around 688f A.D. This seems to indicate the excellent efficacy of Ine's legislation for some ten generations. The next laws in Wessex, are those of Alfred the Great ó who became king in 871, and died about the year 900.

³⁹ *LL.*, 42-43.

⁴⁰ *land gemaene.*

⁴¹ *LL.*, 46 *cf.* 54.2.

⁴² *LL.*, 57.

⁴³ *LL.*, 73f.

⁴⁴ *Op. cit.*, pp. 34f.

They are preceded by a long introduction,⁴⁵ which contains **translations of the Ten Commandments and many other passages from the book of Exodus (chapters 20-23), followed⁴⁶ by a brief account of apostolic history (with quotations from the Acts of the Apostles chapter 15)** and the growth of church law, as laid down by ecclesiastical councils (both international and English).

The concluding words⁴⁷ state that compensations for misdeeds on the part of men were ordained at many councils. Those compensations were then written down in their records, with varying provisions.

The next paragraph⁴⁸ is very important. Alfred acknowledges his indebtedness to the laws of Ine as well as to those of the Mercian King Offa (which are now lost); and those of Aethelberht (of Kent), the first Christian King in England among the Angles and the Saxons and the Jutes. In all manuscripts, the laws of Ine are added as an appendix to those of Alfred.

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (II)

J.A. Giles has an appropriate introductory note to "The Laws of King Alfred the Great" (the A.D. 880s of great Christian King of England) in a reprint edition of R.D. Giles's volumes titled *The Whole Works of King Alfred*.⁴⁹ There, J.A. Giles rightly remarks⁵⁰ that we may reasonably conjecture that a king so devoted to books and so anxious for the improvement of his people, would be likely to take an active part in constructing a body of laws for the guidance of his subjects.

Therefore, we ourselves (F.N. Lee) here translate the initial "dooms" or "deemings" or "judgments" of Alfred out of Anglo-Saxon into modern English. They begin:

“**The Lord spoke these words** to Moses, and said: "I am the Lord your God. I led you out of the lands and out of the bondage of the Egyptians." Then Alfred's judgments continue:

“Do not love other strange gods before Me! Do not call out My Name in idleness! For you are not guiltless with Me, if you call out My Name in idleness.

“Mind that you hallow the rest-day! You must work six days; but on the seventh you must rest. For in six days Christ made Heavens and Earth, the seas, and all the shapen things in them; but He rested on the seventh day. Therefore, the Lord hallowed it.

“Honour your father and your mother whom the Lord gave you so that you may live longer on Earth! Do not slay! Do not commit adultery! Do not steal! Do not

⁴⁵ *Alf.*, chs. 1-48.

⁴⁶ *Ib.*, ch. 49:1-7.

⁴⁷ *Ib.*, ch. 49:8.

⁴⁸ *Ib.*, ch. 49:9.

⁴⁹ AMS Press, New York, I-IV, rep. 1969.

⁵⁰ *Ib.*, II p. 119.

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witness falsely! Do not unrighteously desire your neighbour's goods! Do not make gold or silver gods for yourself!⁵¹ Exodus 20:3-17.

ðThese are the judgments which you must appoint. If anyone buys a Christian bondsman, let him be bonded for six years ó but the seventh, he must be unbought freely. With such clothes as he went in, with such must he go forth. If he himself had a wife [previously] ó she must go out with him. However, if his overlord gave him a wife ó she and her bairn [must] go to the overlord.

ðIf, however, the bondsman then says, ÆI do not wish to go away from my overlord; nor from my wife; nor from my bairn; nor from my goodsø ó let his overlord then bring him to the door of the church and drill his ear through with an awl, as a sign that he should be a bondsman ever since!⁵² Exodus 21:2-6.

ðThough anyone sells his daughter as a maidservant ó let her not at all be a bondswoman like other women! Nor may he sell her to foreigners. But if he who bought her does not respect her ó let her go free, [even] among foreigners!

ðIf, then, he [her overlord] allows his son to cohabit with her ó let him give her marriage-gifts, and see to it that she receives clothes and the dowry which is the value of her maidenhood! Let him give her that! If he do none of these things for her ó then she is free.⁵³ Exodus 21:7f.

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (III)

Continues Alfred: ð**The man who intentionally slays another man – let him suffer death** [Genesis 9:5-6]! He, however, who slay him out of necessity or unwillingly or involuntarily ó as when God may have sent him into his power, and when he has not lain in wait for him ó he is worthy of his living, and lawful fine, if he [the involuntary manslaughterer] seeks asylum. But if any one presumptuously and **wilfully slays his neighbour through guile – drag him from My altar, so that he should suffer death**⁵⁴ Numbers 35:11-33.

ðHe who smites his father or his mother ó shall suffer death! He who steals [or **kidnaps**] a freeman and sells him, and it be proved against him, so that he cannot clear himself ó let him suffer death! If any one smites his neighbour with a stone or with his fist, if he [the one smitten] may go forth, even though only with the help of a staff ó get him medicine, and do his work for him while he himself cannot!⁵⁵ Exodus 21:12-16.

ðHe who smites his own bondservant or bondswoman ó if he or she does not die the same day but still lives for two or three nights ó he is not at all so guilty [of death]:

⁵¹ *Ib.*, 1.

⁵² *Ib.*, 11.

⁵³ *Ib.*, 12.

⁵⁴ *Ib.*, 13.

⁵⁵ *Ib.*, 14-16.

for it was his own chattel. However, if he or she die the same day ó put the guilt upon him [the overlord]!ö⁵⁶ Exodus 21:20-21.

öIf anyone, while fighting, hurt a pregnant woman ó let him pay a fine for the hurt, as the evaluators determine. If she die ó let him pay, soul with soul!ö⁵⁷ Exodus 21:22-23.

öIf anyone puts out another's eye, let him give his own for it! Tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe.ö⁵⁸ Exodus 21:24-25.

öIf anyone smite the eye out of his manservant or his maidservant, so that he makes them one-eyed ó for that, he must free them! If he then knocks out a tooth ó let him do the same [*viz.* liberate that abused servant]!ö⁵⁹ Exodus 21:26-27.

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (IV)

öIf an ox gores a man or a woman so that they die ó let the ox be stoned to death; but do not let its flesh be eaten! The owner is guiltless ó if the ox gored two or three days earlier, and the owner did not know about it. However, if he did know about it, and if he did not want to impound it ó and if it then slew either a man or a woman ó let it be destroyed with stones, and let the owner of the slain or the gored bondsman be paid whatever the council finds to be right! If it gore a son or a daughter, it is worthy of the same judgment. However, if it gored a bondsman or bondsmen ó let thirty shillings of silver be given to the overlord, and let the ox be destroyed with stones!ö⁶⁰ Exodus 21:28-32.

öIf anyone digs a water-pit; or unties a tied-up animal, and does not tie it up again ó let him pay for whatever [animal] falls therein! And let him have the dead one!ö⁶¹ Exodus 21:33-34.

öIf an ox wounds another man's ox so that it dies, let them sell the [live] ox and share its value ó and, similarly, also the meat of the dead one! However, if the owner knew that the ox was goring, but did not wish to restrain it ó let him give another ox for it, and keep all the meat for himself!ö⁶² Exodus 21:35-36.

öIf anyone steals another's ox, and slays or sells it ó let him give two for it; and four sheep for one! If he does not have anything to give ó let he himself be sold for the fee!ö⁶³ Exodus 22:1.

öIf a thief breaks into a man's house at night, and he be slain there ó he [the slayer] is not guilty of manslaughter. If he does this after sun-rise, he is guilty of manslaughter; and he himself shall then die ó unless he slew out of necessity. If he

⁵⁶ *Ib.*, 17.

⁵⁷ *Ib.*, 18.

⁵⁸ *Ib.*, 19.

⁵⁹ *Ib.*, 20.

⁶⁰ *Ib.*, 21.

⁶¹ *Ib.*, 22.

⁶² *Ib.*, 23.

⁶³ *Ib.*, 24.

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[the thief] be caught red-handed with what he previously stole ó let him pay twofold for it!⁶⁴ Exodus 22:2-4.

ōIf anyone harms another man's vineyard, or his acres, or any of his lands ó let him pay the fine, as men value it! If fire be kindled, to burn right ó let him who tinderred the fire, then pay a fine for the mischief!⁶⁵ Exodus 22:5-6.

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (V)

ōIf anyone entrust livestock to his friend ó if he [the friend] himself steals it, let him pay for it twofold! If he does not know who stole it ó let him clear himself [from the accusation] that he committed a fraud! However, if it were live cattle and if he says that the army took it, or that it died of itself, and if he has a witness ó he need not pay for it. If he, however, has no witness ó and if he [the loser] does not believe him [the custodian] ó let him then swear!⁶⁶ Exodus 22:7-11.

ōIf anyone deceives an unwedded woman and sleeps with her, let him pay for her ó and have her afterwards as his wife! However, if the woman's father does not want to sell her ó let him give money, according to her dowry!⁶⁷ Exodus 22:16-17.

ōDo not let women live who are wont to receive enchanters and conjurers and witches! Let him who has intercourse with cattle, suffer death! And let him who offers sacrifices to the gods – except to God alone – suffer death!⁶⁸ Exodus 22:18-20.

ōYou must not vex strangers and those who come from afar! For you were strangers, long ago, in the land of the Egyptians.⁶⁹ Exodus 22:21.

ōYou must not scathe widows and step-children, nor harm them anywhere! However, if you do otherwise ó they cry out to Me; and I hear them; and then I slay **you** with My sword. Thus I make **your** wives to be widows, and **your** bairns to be step-children.⁷⁰ Exodus 22:22-24.

ōIf you give money, as a loan, to your comrade who wants to dwell with you ó do not pressure him, as one in need! And do not oppress him with interest!⁷¹ Exodus 22:25.

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (VI)

ōIf a man has nothing but a single garment with which to cover himself or to wear, and he gives it as a pledge ó before the sun sets, give it back to him! If you do not do

⁶⁴ *Ib.*, 25.

⁶⁵ *Ib.*, 26f.

⁶⁶ *Ib.*, 28.

⁶⁷ *Ib.*, 29.

⁶⁸ *Ib.*, 30-32.

⁶⁹ *Ib.*, 33.

⁷⁰ *Ib.*, 34.

⁷¹ *Ib.*, 35.

so ó he calls out to Me; and I hear him. For I am very mild-hearted.ö⁷² Exodus 22:26-27.

öYou may not revile your **Lord**; nor curse the overlord of the people! Your **tithe-monies** and your first-fruits of things that go and things that grow – you **must give to God**!ö⁷³ Exodus 22:28-30.

öYou may not eat at all of that meat which wild animals leave! But give it to the hounds!ö⁷⁴ Exodus 22:31f.

öDo not listen to the words of a liar! Nor allow his judgments! Nor speak to anyone who gives testimony in his favour!ö⁷⁵ Exodus 23:1.

öDo not, beyond your right reason, wend yourself to people who are unwise and unrighteous in their wishes, when they speak and cry out ó nor to the learning of the most unwise! Do not permit them!ö⁷⁶ Ex.23:2f.

öIf another man's stray cattle come into your power ó though it be your foe's ó make it known to him!ö⁷⁷ Exodus 23:4-5.

öYou must judge very evenly; do not give one judgment to the wealthy; another to the poor! Nor give one judgment to the more beloved, and another to the more disliked!ö⁷⁸ Exodus 23:6.

öAlways shun lies! You must never slay a righteous and unguilty man! You must never accept bribes; for they all too often blinden wise men's thoughts and turn their words aside!ö⁷⁹ Exodus 23:7-8.

öDo not act in any way uncouthly toward the stranger from abroad; nor oppress him with any unrighteousness! Never swear by heathen gods; nor may you call out to them, in any way!ö⁸⁰ Exodus 23:9.

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (VII)

Continues Alfred:⁸¹ öThese are **judgments** which Almighty **God Himself** spoke to Moses and **commanded him to keep**. Now, since the Lord's only begotten Son, our God and **Saviour Christ**, has come to Earth – He said that **He did not come to break nor to forbid these Commandments, but to approve them well, and to teach them** with all mild-heartedness and lowly-mindedness.ö Matthew 5:5-19.

⁷² *Ib.*, 36.

⁷³ *Ib.*, 37f.

⁷⁴ *Ib.*, 39.

⁷⁵ *Ib.*, 40.

⁷⁶ *Ib.*, 41.

⁷⁷ *Ib.*, 42.

⁷⁸ *Ib.*, 43.

⁷⁹ *Ib.*, 44-46.

⁸⁰ *Ib.*, 47f.

⁸¹ *Ib.*, 49:1.

ADDENDUM 38: F.L. ATTENBOROUGH'S LAWS
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ōThen, **after His sufferings, before His apostles** had gone throughout the Earth to teach, and while they were yet together ó they turned many heathen nations to God. While they were all together, they **sent errand-doers** to Antioch and to Syria, **to teach Christ's Law**.⁸² Cf. Acts 11:19-26f.

ōWhen they saw that this did not speed them up ó they sent an errand-writing to them. **This is then that errand-writing** which the apostles sent to Antioch and to Syria and to Cilicia, **which is now for the heathen nations turned to Christ**.⁸³ Acts 15:20 & 16:4-5.

ōThe apostles and elder brethren wish you health! Now we make known to you, that we have heard that some of our fellows have come to you with our words, and commanded you to bear a heavier way than we enjoined, and that they have too much misled you with manifold injunctions, and have more perverted than corrected your souls. So we assembled ourselves about this.

ōThen, to all of us it seemed right that we should send [to you] Paul and Barnabas ó men who will give their souls for the Name of the Lord. With them, we send Judas and Silas, so that they may say the same to you. **It seems good to the Holy Ghost and to us, that we should not impose any burden upon you beyond that which was needful to hold – that is, then, that you should refrain from worshipping devil-gilds [or idols], and from tasting blood and strangled things, and from fornication**!⁸⁴ Acts 15:23-29.

It needs to be remembered that Alfred here: first re-enjoined the Ten Commandments (Exodus 20:1-17); then illustrated their concrete application by way of case law (Exodus 21:1 to 23:9); and next assured his readers that Christ had not come to break the Ten Commandments, but to approve them well (Matthew 5:5-19). Indeed, Alfred had then gone on to enjoin abstaining from idolatry and from bloodshed and from fornication ó alias from the Second and from the Sixth and from the Seventh Commandments (Acts 15:23-29).

So clearly, Alfred believed that the apostles here (at the Synod of Jerusalem alias the first General Assembly of the Christian Church) **enjoined God's Decalogue upon all of the Gentiles who had heard it and who indeed should heed it**. For he recalled that also ōthe Gentiles...should abstain from pollutions of idols and fornication and from blood[shed]! For Moses has those who preach him, in every city, from olden times ó being read out in the meeting-places every week.ö Acts 15:19-21.

Alfred continues: ōMoreover, do not do to other men whatever you wish other men should not do to you! From this one judgment ó a man may perceive that he should judge everyone rightly. He need keep no other judgment-book. Let him take care that, if he seeks to judge another, he should wish upon no man that which he would not want to wish upon himself!⁸⁵ Matthew 7:1-2,12.

⁸² *Ib.*, 49:2.

⁸³ *Ib.*, 49:3.

⁸⁴ *Ib.*, 49:4.

⁸⁵ *Ib.*, 49:5.

ōNow then, since it has happened that many nations received Christ's Faith ó there were many Synods gathered throughout all the Earth. Also, **throughout the English race, they received Christ's Faith** from holy Overseers and also from other exalted Wise-men. They then set forth, from their mild-heartedness, **that which Christ taught** as regards almost every misdeed ó so that the worldly lords might by their leave, without sin, at the first guilt, **take the fine** which they then appointed.ö⁸⁶

ōHowever, in treason against a lord they did not dare to declare any mild-heartedness. For Almighty God gave none to those that slighted Him. **Nor did God's Son Christ give any [mild-heartedness] to him who sold Him to death**, and whom He bade to love such a Lord as Himself.

ōThey then in many Synods set fines, for many misdeeds of men. And in many synod books they wrote ó here one judgment; there, another.ö⁸⁷ Thereafter, Alfred would now summarize those judgments (both ecclesiastical and political) ó and edit and re-prescribe them.

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (VIII)

ōNow I, King Alfred, have collected these laws, and have given orders for copies to be made of many of those which our predecessors observed, and which I myself approved. But many of those which seemed to me not good, I rejected them by the counsel of my Parliament (*Witan*).

ōOtherwise I commanded them to be held. For I have not dared to presume to set down in writing much of my own. For I cannot tell what [innovations of mine] will meet with the approval of our successors.

ōBut those which were the most just of the laws I found ó whether they dated from the time of [the 688 A.D. English Christian King] Ine my kinsman, or of Offa [the 755 A.D. English Christian] King of the Mercians, or of [the 600f A.D.] Aethelberht who was the first [king] to be baptized in England ó these I have collected, while rejecting the others.

ōI, then, Alfred ó King of the West-Saxons ó have shewn these to all my Councillors (*Witum*). And they have declared that it met with the approval of all ó so that it should be observed.ö⁸⁸

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (IX)

1. Of oaths and of *wedæ* [alias vows], *cf.* Deuteronomy 24:6-13, Alfred states:⁸⁹
ōIn the first place, we enjoin you, as a matter of supreme importance, that every man

⁸⁶ *Ib.*, 49:6.

⁸⁷ *Ib.*, 49:7.

⁸⁸ *Ib.*, 49:8f.

⁸⁹ *Ib.*, 50:1. From here on, I am indebted to the text of *öThe Laws of King Alfredö* as explained by Perks in his Appendix (*op cit.* pp. 65f), which explanation I myself have hereinafter further clarified and simplified.

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shall abide carefully by his oath and his pledge.⁹⁰ If anyone be constrained to either of these wrongfully, either to treason against his lord or to any unlawful aid ó then it is juster to be false to the pledge than to fulfil it.

ōBut if he pledge himself to that which it is lawful to fulfil, and in that be false to the pledge himself ó let him submissively deliver up his weapon and his goods to the keeping of his friends, and be in hold forty days in a king's prison. Let him there suffer whatever the Bishop may prescribe to him; and let his kinsmen feed him, if he himself has no food. If he has no kinsmen, or has no food ó let the King's [Sheriff or Shire-]Reeve feed him.

ōIf he must be forced to this, but otherwise would not ó if they bind him, let him forfeit his weapons and property. If he be slain, let him remain uncompensated. If he escape therefrom before the time, and he be captured ó let him be in prison forty days, as he should have been beforehand. But if he escape, **let him be banished and excommunicated from all the churches of Christ**. If, however, another man stands surety for him ó let him make compensation for the breach of surety as the law may direct him ó and the breach of faith, as his confessor may prescribe to him.ō

2. Of church *socns* (alias freeholds), *cf.* Numbers 25:12-25, Alfred states:⁹¹ ōIf any one, for whatever crime, seek any of the Minister-homes [or Monasteries] which receives the King's provisions, or other tax-free family household worthy of reverence ó let him have three night's space to protect himself, until he pleads. If during this space any one harm him by blow or by bond, or wound him ó let him [the harmer] make compensation of each of these according to regular usage, with life-money (*wergeld*) as well as with fine, and to the brotherhood one hundred and twenty shillings as compensation for the church refuge; and let him [the pursuer] not have forfeited his own.ō

3. Of bail-breaking, Alfred states: ōIf anyone break the King's bail, let him pay a fine for the complaint, as the law shall direct him; and for the breach of surety, with five pounds of pure money. For an Archbishop's breach of surety or his fine for breach of protection, let him make compensation with three pounds. For any other Bishop's or an *Ealdorman's* breach of surety or fine for breach of protection, let him make compensation with two pounds.ō⁹²

4. Of treachery against a lord, Alfred states: ōIf anyone plots against the King's life ó by himself, or by harbouring exiles, or by his men ó let him be liable in his life, and in all that he owns. If he desire to prove himself true, let him do so according to the King's life-money. So also we ordain for all degrees ó whether churl or earl. He who plots against his lord's life ó let him be liable in his life to him, and in all that he has; or let him prove himself true according to his lord's life-money.ō⁹³

5. Of church freedom, Alfred states: ōWe also ordain to every church which has been hallowed by a Bishop, this sanctuary: if a blood-feuder flee to or reach one [*cf.* Numbers 35:25] ó for seven days, nobody may drag him out. But if anyone do so ó

⁹⁰ *his ath 7 his wed.*

⁹¹ *Ib.*, 50:2.

⁹² *Ib.*, 50:3.

⁹³ *Ib.*, 50:4.

then let him be liable in the King's fine for the breach of protection and for the ecclesiastical sanctuary; more if he there commits more wrong if, despite hunger, he can live; unless he fights his way out.

¶If the brethren have further need of their church ó let them keep him in another house, and let not that have more doors than the church. Let the Church Elder take care that during this term, no one give him food. If he himself be willing to deliver up his weapons to his foes, let them keep him thirty days, and let them give notice of him to his kinsmen.

¶There is also ecclesiastical sanctuary if any man seeks a church for any of those offences which had not been revealed beforehand, and confesses his sin in God's Name. Half the punishment shall be remitted him. He who steals⁹⁴ on Sunday, or at Christmas, or at Easter, or on Holy Thursday, and on Rogation Days ó for each of these we will that the payment be double, as during Lent-fast.ö

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (X)

6. ¶If anyone steals anything from a church, he shall pay the value of the article and the fine which is appropriate to the value in question ó and the hand shall be struck off which committed the theft. If he wishes to redeem the hand, and if that is allowed to him ó let him pay as may belong to his life-money.ö⁹⁵

7. ¶Of fighting in the King's hall, Alfred states: ¶If any man fight in the King's hall, or draw his weapon, and he be captured ó let it be in the King's judgment as to whether he die or live, as he may be willing to grant him. If he escape and be recaptured ó let him pay for himself according to his life-money, and make compensation for the offence ó both as to life-money as well as to fine, according to what he may have done.ö⁹⁶

8. ¶Of fornication, Alfred states:⁹⁷ ¶If anyone misleads a woman from a Monastery without leave of the King or the Bishop, let him pay hundred-and-twenty shillings ó half to the King, half to the Bishop and to the Ruler of the church having jurisdiction over the woman. If she live longer than he who carried her off ó let her not have anything of his property.

¶If she gets pregnant with child, let not the latter get more of the property than the mother. If anyone slay her child, let him pay to the King the maternal kindred's share. To the paternal kindred, let their share be given.ö *Cf.* Exodus 22:16f.

9. ¶Of slaying a pregnant woman, Alfred states:⁹⁸ ¶If anyone slays a woman with child while the child is in her womb ó he shall pay the full compensation [*wergeld*] for the woman, and half the *wergeld* for the child, [which shall be] in accordance with the *wergeld* of the father's kindred.ö *Cf.* Exodus 21:22-25.

⁹⁴ *Ib.*, 50:5.

⁹⁵ *Ib.*, 50:6.

⁹⁶ *Ib.*, 50:7.

⁹⁷ *Ib.*, 50:8.

⁹⁸ *Ib.*, 50:9.

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ōLet the fine always be sixty shillings, until the value of the stolen property rise to thirty shillings. After the value of the stolen property has risen to that, let the fine be one hundred and twenty shillings. Formerly, there was a [distinct fine] for a gold-thief, and a mare-thief, and a bee-thief ó and many fines greater than others. Now, all are alike (except for a man-theft) ó one hundred and twenty shillings.ö

10. öIf a man lie with the wife of a twelve-hynde man, let him make compensation to the husband with one hundred and twenty shillings. To a six-hynde man, let him make compensation with one hundred shillings. To a churl, let him make compensation with forty shillings.ö

11. öOf seizing hold of a woman, Alfred states:⁹⁹ öIf anyone seizes by the breast a young woman who is a commoner,¹⁰⁰ he shall pay her five shillings compensation. If he throws her down but does not lie with her, he shall pay [her] ten shillings compensation. If he lies with her, he shall pay [her] sixty shillings compensation.ö *cf.* Deuteronomy 22:23-29.

öIf another man has previously lain with her, then the compensation shall be half that. If she be charged, let her clear herself with sixty hides ó or forfeit half the compensation. If this befall a woman more nobly born, let the compensation increase according to the life-money.ö

12. öIf a man burn or hew another's wood without leave ó let him pay for every great tree with five shillings. And afterwards, for each ó let there be as many of them as may be ó with five pence. And [also] thirty shillings as a fine.ö

13. öIf at their common work [of wood-hewing] one man slay another unwilfully ó let the tree be given to the kindred. And let them have it off the land within thirty days, or let him who owns the wood take possession of it.ö

14. öIf a man be dumb or deaf, so that he cannot acknowledge or confess his offences ó let the father make compensation for his misdeeds.ö

15. öIf a man fight before an Archbishop or draw his weapon, let him make compensation with one hundred and fifty shillings. If this happen before another Bishop or an *Ealdorman* ó let him make compensation with one hundred shillings.ö

16. öIf a man steal a cow or a stud-mare, and drive off the foal or the calf ó let him pay with a shilling, and for the mothers according to their worth.ö

17. öIf any one commit his infant to another's keeping, and he die during such keeping ó let him who feeds him prove himself innocent of treachery, if any one accuse him of aught.ö

⁹⁹ *Ib.*, 50:18.

¹⁰⁰ *cirlisce.*

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (XI)

18. ðIf any one, with libidinous intent, seize a nun either by her raiment or by her breast without her leave ó let the compensation be double, as we have before ordained concerning a lay-woman. If a young woman who is betrothed commits fornication, she shall pay compensation to the amount of sixty shillings to the surety [of the marriage] if she is a commoner. And let it be in livestock ó cattle goods ó and in that, let no human being be given. If she be of six-hynde degree, let him pay one hundred shillings to the surety. If she be of twelve-hynde degree ó let him make compensation to the surety with one hundred and twenty shillings.ö¹⁰¹

19. ðIf anyone lend his weapon to another, so that he kill someone therewith ó they may join together, if they will, in the life-money. If they wish to join together ó let him who lent of the weapon, pay a third part of the life-money and a third part of the fine. If he be willing to justify himself, that he knew of no ill-design in the loan ó that, he may do. If a sword-polisher receive another man's weapon to furnish, or a smith a man's material ó let them both return it as sound as either of them may have received it beforehand ó unless either of them had beforehand agreed that he should not hold it as the value of the stolen property.ö

20. ðIf a man entrust cattle to another man's monk, without leave of the monk's lord, and it escape from him ó let him forfeit it who before owned it.ö

21. ðIf a Presbyter kill another man ó let all in his home that he had bought, be delivered up; and let the Bishop secularize him. Then let him be given up from the monastery ó unless the lord will compound for his life-money.ö

22. ðIf anyone at the Town-Gathering make declaration of a debt, and afterwards wish to withdraw it ó let him charge it on a righter person, if he can. If he cannot ó let him forfeit his value of the stolen propertyö and take possession of the fine.

23. ðIf a dog tear or bite a man ó for the first misdeed let six shillings be paid, if he [the owner] give him [the victim] food. For the second time, twelve shillings. For the third, thirty shillings. If, after any of these misdeeds, the dog escape ó let this compensation nevertheless take place. If the dog do more misdeeds, and he [the owner] keeps him ó let him make compensation according to the full life-money, as well as compensation for wounds as to whatever he may do.ö

24. ðIf an ox wounds a man ó let the ox be delivered up or compounded for.ö

25. ðIf a man commits a rape upon a churl's female slave ó let him make compensation to the churl with five shillings, and let the fine be sixty shillings. If a male slave commits a rape upon a female slave ó let him compensate with his testicles.ö

26. ðIf a man commit a rape upon a woman under age ó let the compensation be as that of a full-aged person.ö

¹⁰¹ *cirlisc.*

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27. ðIf a man, who is kinless of paternal relatives, fights and slays a man; but if he has maternal relatives ó let them pay a third of the life-money; Let the guild-brethren pay a third part; and for a third, let him flee. If he has no maternal relatives ó let his guild-brethren pay half; and for a half, let him flee.ö

28. ðIf any man kill a man thus circumstanced, if he has no relatives ó let half be paid to the king; half to his guild-brethren.ö

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (XII)

29. ðIf any one with a band of robbers slay an unoffending two-hynde man ó let him who acknowledges the death-blow, pay life-money and fine; and let everyone who was of the party, pay thirty shillings as robber-compensation.ö

30. ðIf it be a six-hynde man ó let every many pay sixty shillings as robber-compensation; and the slayer, life-money and full fine.ö

31. ðIf he be a twelve-hynde man, let each of them pay one hundred and twenty shillings; and the slayer, life-money and fine. If a robber-band do this, and afterwards wish to deny it on oath ó let them all be accused, and let them then all pay the life-money in common and all of them pay the fine such as shall belong to the life-money.ö

32. ðIf a man lies to the nation, and it be fixed upon him ó let him make compensation with no lighter thing than that his tongue be cut out. This may not be redeemed at any cheaper rate than it is estimated at according to his life-money.ö

33. ðIf any one accuse another on account of a solemn pledge given in church, and wish to make plain that he has not fulfilled any of those which he gave him ó let him make his preliminary oath of accusation in four churches. And if the other wishes to prove himself innocent ó let him do so in twelve churches.ö

34. ðIt is also directed to pedlars, that they bring the men whom they take up with them before the King \mathfrak{o} s [Shire-]Reeve at the Town-Gathering ó and let it be stated how many of them there are. And let them take such men with them as they may be able afterwards to present for justice at the Town-Gathering. And when they have need of more men up with them on their journey ó let them always declare it, as often as their need may be, to the King \mathfrak{o} s Reeve in presence of the legislative assembly.ö

35. ðIf anyone bind an unoffending churlish man ó let him make compensation with ten shillings. If any one scourge him ó let him make compensation with twenty shillings. If he lay him in prison ó let him make compensation with thirty shillings. If, in insult, he shave his head like a disgraced person ó let him make compensation with ten shillings. If, without binding him, he shave him like a priest ó let him make compensation with thirty shillings. If he shave off his beard ó let him make compensation with twenty shillings. If he binds him, and then shaves him like a priest ó let him make compensation with sixty shillings.ö

36. ðIt is moreover decreed if a man have a spear over his shoulder, and any man stake himself upon it ó that he pay the life-money without the fine. If he stake himself

before his face ó let him pay the life-money. If he be accused of wilfulness in the deed ó let him clear himself according to the fine; and with that, let the fine abate. And let this be, if the point be three fingers higher than the hindmost part of the shaft. If they be both on a level, the point and the hindmost part of the shaft ó be that without danger.ö

37. Of the Elderø roll, Alfred states:¹⁰² ðIf a man wished [to go] from one district¹⁰³ to seek service in another ó he shall do it with the cognizance of the *Ealdorman* to whose jurisdiction he has previously been subject.ö Deuteronomy 1:13f cf. 19:12f.

ðIf he do it without his knowledge ó let him who entertains him as his man pay one hundred and twenty shillings as fine. Let him, however, deal the half to the King in the Shire where he was previously subject ó [and] half in that into which he comes. If he has done any wrong where he was beforehand, let him who has then received him as his man make compensation for it, and to the King one hundred and twenty shillings as fine.ö

38. ðIf a man fight before a Kingø *Ealdorman* in the Assembly, let him make compensation with life-money and fine, as may be right ó and before this, one hundred and twenty shillings to the *Ealdorman* as fine. If he disturb the Town-Gathering by drawing his weapon ó one hundred and twenty shillings to the *Ealdorman* as fine. If aught of this happen before a Kingø *Ealdorman*'s Junior or a Kingø Presbyter, thirty shillings as fine.ö

39. ðIf any one fight in a churlish manø dwelling ó let him make compensation to the churl with six shillings. If he draws his weapon and does not fight ó let it be half of that. If, however, either of these happen to a six-hynde man ó let it increase threefoldly, according to the churlish compensations; to a twelve-hynde man twofoldly, according to the six-hyndeø compensation.ö

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (XIII)

Even the King was not above the law. Also he, upon conviction for breaking and entering, was subject to a penalty.

40. ðThe Kingø penalty for breaking into a fortified dwelling, shall be one hundred and twenty shillings. An Archbishopø, ninety shillings. Any other Bishopø and an *Ealdorman*'s, sixty shillings. A twelve-hynde manø, thirty shillings. A six-hynde manø, fifteen shillings. A churlø fine for breaking through a commonerø fence, five shillings.

ðIf aught of this happen when the army is out, or during the fast of Lent ó let the compensation be double! If anyone during Lent put down holy law among the people without leave ó let him make compensation with one hundred and twenty shillings!ö

41. ðThe man who has land held by title-deed, and which his kindred left him, we then ordain he must not alienate it from his clan ó if there be writing or witness that it

¹⁰² *Ib.*, 50:37.

¹⁰³ *boldgetael.*

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was forbidden by those men who at first acquired it, and by those who gave it to him, that he should do so. And then let that be declared in the presence of the King and of the Bishop before his kinsmen.ö

42. öWe also command that the man who knows his foe to be sitting at home, not fight before he demand justice of him. If he have such power that he can beset his foe, and besiege him within ó let him keep him within for seven days and not attack him if he will remain within. And then, after seven days, if he will surrender and deliver up his weapons ó let him be kept safe for thirty days ó and let notice of him be given to his kinsmen and his friends. If, however, he flee to a church ó then let it be according to the sanctity of the church; as we have before said above.

öBut if he have not sufficient power to besiege him within ó let him ride to the *Ealdorman* and beg aid of him. If he will not aid him, let him ride to the King ó before he fights. In like manner also, if a man come upon his foe, and he did not before know him to be staying at home ó if he be willing to deliver up his weapons, let him be kept for thirty days and let notice about him be given to his friends.

öIf he will not deliver up his weapons, then he may attack him. If he be willing to surrender, and to deliver up his weapons, and any one after that attack him ó let him pay both life-money and wound-money (as he may do), and fine ó and let him have his kinsman's protection forfeited.

öWe also declare that a man may fight, together with his lord, without being liable for the legal consequences normally incurred for inflicting injury ó if anyone attack the lord. Thus too, the lord may fight for his man. In the same way, a man may fight together with his born kinsman, if a man attack him wrongfully ó except against his lord, which we do not allow. And a man may fight without being liable for the legal consequences normally incurred for inflicting injury ó if he find another with his lawful wife, within closed doors, or under one covering; or with his lawfully-born daughter; or with his lawfully-born sister; or with his mother who was given to his father as his lawful wife.ö

43. öTo all freemen let these days be given, but not to slaves and hired workmen: twelve days at Christmas, and the day on which Christ overcame the devil, and the commemoration day of St. Gregory; and seven days before Easter and seven days after; and one day at St. Peter's tide and St. Paul's, and in harvest the whole week before St. Mary-mass; and one day at the celebration of All-Hallows, and the four Wednesdays in the four Ember weeks. To all slaves, let there be given ó to those to whom it may be most desirable to give ó whatever any man shall give them in God's name, or they at any of their moments may deserve.ö

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (XIV)

44. öFor head-wound, as compensation, if the bones be pierced ó let thirty shillings be given him. If the outer bone be pierced, let fifteen shillings be given as compensation.ö

45. ðIf within the hair there be a wound an inch long ó let one shilling be given as compensation. If in front of the hair there be a wound an inch long ó two shillings as compensation.ö

46. ðIf his other ear be struck off ó let thirty shillings be given as compensation. If the hearing be impaired, so that he cannot hear ó let sixty shillings be given as compensation.ö

47. If a man strike out another's eye ó let him pay him sixty shillings ó and six shillings and six pennies and a third part of a penny as compensation. If it remains in the head, and he cannot see anything therewith ó let one third part of the compensation be retained.ö

48. ðIf a man strike off another's nose ó let him make compensation with sixty shillings.ö

49. ðIf a man strike out another's tooth in the front of his head ó let him make compensation for it with eight shillings. If it be the canine tooth, let four shillings be paid as compensation. A man's molar is worth fifteen shillings.ö

50. ðIf a man smite another's cheeks so that they be broken ó let him make compensation with fifteen shillings. A man's chin-bone, if it be cloven, let twelve shillings be paid as compensation.ö

51. ðIf a man's wind-pipe be pierced, let compensation be made with twelve shillings.ö

52. ðIf a man's tongue be done out of his head by another man's deeds ó that shall be like the compensation for an eye.ö

53. ðIf a man be wounded on the shoulder so that the joint-oil flow out ó let compensation be made at thirty shillings.ö

54. ðIf the arm be broken above the elbow, there shall be fifteen shillings as compensation.ö

55. ðIf both of the arm-shanks be broken ó the compensation is thirty shillings.ö

56. ðIf the thumb be struck off ó for that, thirty shillings shall be compensation. If the nail be struck off, for that, five shillings shall be compensation.ö

57. ðIf the fore-finger be struck off, the compensation is fifteen shillings; for its nail, it is four shillings.ö

58. ðIf the middle-finger be struck off, the compensation is twelve shillings; and its nail compensation is two shillings.ö

59. ðIf the goldring-finger be struck off, for that shall seventeen shillings be compensation; and for its nail one shilling, if that be struck off.ö

60. ðIf the little finger be struck off, for that nine shillings shall be compensation; and for its nail one shilling, if that be struck off.ö

Attenborough on the Anglo-Saxon Laws of Wessex's Alfred (XV)

61. ðIf a man be wounded in the belly ó let thirty shillings be paid him as compensation. If it be through-wounded, for either orifice twenty shillings.ö

62. ðIf a man's thigh be pierced ó let thirty shillings be paid him as compensation. If it be broken, the compensation is likewise thirty shillings.ö

63. ðIf the shank be pierced beneath the knee, there shall be twelve shillings as compensation. If it be broken beneath the knee ó let twenty shillings be paid him as compensation.ö

64. ðIf the great toe be struck off ó let twenty shillings be paid him as compensation. If it be the second toe ó let fifteen shillings be paid as compensation. If the middlemost toe be struck off, there shall be nine shillings as compensation. If it be the fourth toe, there shall be six shillings as compensation. If the little toe be struck off ó let five shillings be paid him.ö

65. ðIf a man be so severely wounded in the genitals that he cannot beget a child ó let compensation be made to him for that with eighty shillings.ö

66. ðIf a man's arm, with the hand, be entirely cut off before the elbow ó let compensation be made for it with eighty shillings.ö

67. ðIf the loin be maimed, there shall be sixty shillings as compensation. If it be pierced ó let fifteen shillings be paid as compensation. If it be pierced through, then shall there be thirty shillings as compensation.ö

68. ðIf a man be wounded in the shoulder ó let compensation be made with eighty shillings, if the man be alive.ö

69. ðIf a man maim another's hand outwardly ó let twenty shillings be paid him as compensation if he can be healed. If it half fly off, then shall forty shillings be compensation.ö

70. ðIf a man break another's rib within the whole skin ó let ten shillings be paid as compensation. If the skin be broken, and bone be taken out ó let fifteen shillings be paid as compensation.ö

71. ðIf a man strike out another's eye, or strike off his hand or his foot, like compensation goes to all ó six pennies and six shillings and sixty shillings and the third part of a penny.ö

72. ðIf a man's shank be struck off near the knee, there shall be eighty shillings as compensation.ö

73. ðIf a man fracture another's shoulder ó let twenty shillings be paid him as compensation.ö

74. ðIf it be broken inwardly, and bone be taken out ó let fifteen shillings [in addition] be paid as its compensation.ö

75. ðIf a man rupture the great sinew, if it can be healed so that it be sound ó let twelve shillings be paid as compensation. If the man be halt on account of the wounded sinew, and he cannot be cured ó let thirty shillings be paid as compensation.ö

76. ðIf the small sinew be ruptured ó let six shillings be paid him as compensation.ö

77. ðIf a man rupture the tendons on another's neck, and wound them so severely that he has no power in them, but nevertheless live so maltreated ó let one hundred shillings be given him as compensation, unless the Council shall decree to him one juster and greater.ö

All in all, Alfred's *Law Code* represents a colossal attempt to incorporate the general equity of Holy Scripture's judicial law into legislation. It is one of the greatest such attempts ever undertaken, anywhere on Earth. Compare too the *Westminster Confession of Faith*, 19:4.

Attenborough on the *Peace Treaty* between Alfred & Guthrum

Attenborough explains¹⁰⁴ that in 866 A.D., there occurred the great pagan Danish invasion which eventually put an end to all the existing English kingdoms except Wessex ó and in other respects exercised a profound influence on the subsequent history of the country.

The invasion ceased when the Danish King Guthrum was defeated by Alfred in 878. In accordance with the terms of surrender, he submitted to be baptized, with his leading men, and to evacuate Alfred's kingdom.

This led to the conclusion of a historic *Peace Treaty* between the Anglo-Saxons and the Anglo-Danes, and to the drawing up of a few very important laws in common. The *Preamble* of the Anglo-Danish *Laws of Edward and Guthrum* states the ordinances decided and agreed upon first by King Alfred the Saxon and King Guthrum the Dane ó and later by (Alfred's son) King Edward and King Guthrum.

Thus peace and friendly relations were established between the English and the Danes. Then the Danes in England began to become Anglo-Danes, who would later soon enrich the customs of Britain as a whole.

Attenborough on the *Concord* between Alfred & Edward & Guthrum

This introduces the A.D. 900f arrangement of the collected Laws of King Alfred and of the later King Edward ó together with their concords with the Anglo-Danish King Guthrum. The particulars are as follows:¹⁰⁵

¹⁰⁴ *Op. cit.*, pp. 96f.

¹⁰⁵ *Alf. & Guth.*, 1-2. Text in Giles's *op. cit.*, II, pp. 139f.

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ðThese are the terms of peace which King Alfred and King Guthrum, and the Councillors¹⁰⁶ of all the English nation, and all the people who dwell in East-Anglia, have all agreed upon and confirmed with oaths, on their own behalf and for their subjects,¹⁰⁷ both living and unborn, who are **anxious for God's favour** and ours.... If a man is slain, whether he is an Englishman or a Dane, all of us shall place the same value on his life....

ðThis also is the legislation which King Alfred and King Guthrum, and afterwards King Edward and King Guthrum, enacted and agreed upon ó when the English and the Danes unreservedly entered into relations of peace and friendship.... **In the first place, they declared they would love one God,**¹⁰⁸ and zealously renounce all heathen practices¹⁰⁹.... They fixed secular amends,¹¹⁰ which should be divided between Christ and the King,¹¹¹ wheresoever people would not legally submit to the amends required....

ðNext, after this, they declared that sanctuary within the walls of a church ó and the protection granted by the King in person ó shall remain equally inviolate. **If anyone offends against the Christian religion,**¹¹² or honours heathen practices by word or deed, **he shall pay** either *wergeld* or fine...according to the nature of the offence.ö

Further:¹¹³ ðIf a man in [Clerical] Orders¹¹⁴ steals or fights, or commits perjury or adultery, he shall pay either *wergeld* or fine.... In any case, he shall make compensation to God, as the canon directs; and he shall find surety for the compensation, or go to prison.ö

Next:¹¹⁵ ðIn the case of incestuous unions, the Councillors¹¹⁶ have decided that the King shall take possession of the male offender, and the Bishop the female offender, unless they make compensation before God and the world... If two brothers, or two near relatives, lie with one woman ó they shall pay as compensation and with all promptness, whatever sum may be approved.ö

Again:¹¹⁷ ðIf anyone...so acts as to bring about his own death by setting himself against the laws of God and the King¹¹⁸ ó no compensation shall be paid for him.ö Such is the seriousness of suicide. **A more theocratic statement against treason against God and Country than this, is hard to imagine.**

Moreover:¹¹⁹ ðIf anyone proceeds to bargain on a Sunday, he shall forfeit the goods, and [in addition] twelve ores in a Danish district and thirty shillings in an

¹⁰⁶ *witan.*

¹⁰⁷ *gingran.*

¹⁰⁸ *aenne God lufian wolden.*

¹⁰⁹ *aelcne haethendom georne aworpen.*

¹¹⁰ *woruldbote.*

¹¹¹ *Criste 7 Cynge.*

¹¹² *Cristendom.*

¹¹³ *Edw. & Guth., 3.*

¹¹⁴ *gehadod man.*

¹¹⁵ *Edw. & Guth., 4.*

¹¹⁶ *Witan.*

¹¹⁷ *Edw. & Guth., 6:1-7.*

¹¹⁸ *Godes ryht oththe thaes Cynge.*

¹¹⁹ *Edw. & Guth., 7 & 9.*

English district.... **No capital offender shall ever be put to death during the feast of Sunday,**¹²⁰ but he shall be arrested and kept in custody until the festival¹²¹ is over.ö

Last:¹²² öIf **wizards or sorcerers, perjurers, or they who secretly compass death; or vile, polluted, notorious prostitutes be met with anywhere in the country – they shall be driven from the land, and the nation shall be purified.** Otherwise, they shall be utterly destroyed in the land ó unless they cease from their wickedness, and make amends to the utmost of their ability.ö

Attenborough on the Anglo-Saxon Laws of Edward the Elder

Attenborough writes¹²³ that two series of laws which were issued by Edward the Elder (*circa* 900-925), are extant. At the date of the promulgation of the later laws, the Northumbrian as well as the East-Anglian territories were already subject to the King.

The laws of Edward are of a more coherent and logical form than those of earlier kings. They did not supersede the latter. The expression *domboc* (namely ðbook of deemingsø), which occurs several times, denotes the laws of Ine and Alfred collectively.

Thus, the records state:¹²⁴ öKing Edward commands all [his Sheriffs alias his Shire-]Reeves ó that ye pronounce such legal decisions as ye know to be most just and in accordance with the written laws.... We have declared what [penalty] he is liable to, who withholds from another his rights either in ðbooklandø or ðfolklandø... With regard to men who have been accused of perjury: if the charge has been proved..., never again shall they have the privilege of clearing themselves by oaths, but only by the ordeal.ö

Further:¹²⁵ öKing Edward exhorted all his Councillors¹²⁶...to consider how the public peace¹²⁷ for which they were responsible could be kept better than it had been.... If anyone neglects this, and breaks his oath¹²⁸ and his pledge¹²⁹ ó [an oath and pledge] which the whole nation has given ó he shall pay such compensation as the written laws¹³⁰ declared....

öIf anyone subsequently harbours him, he [the harbourer] shall pay such compensation as the written laws declare ó of him who harbours a fugitive,¹³¹ if the offence is committed in our own Kingdom.... If any man, through [being found guilty of] an accusation of stealing, forfeits his freedom and gives up his person to his lord, and his kinsmen forsake him, and he knows no one who will make legal amends for

¹²⁰ *Sunnandaeges freolse.*

¹²¹ *freolsdaeg.*

¹²² *Edw. & Guth.*, 11.

¹²³ *Op. cit.*, p. 112.

¹²⁴ *I Edw.*, Pre. & 2-3.

¹²⁵ *II Edw.*, Pre. & 5f.

¹²⁶ *Wytan.*

¹²⁷ *frith.*

¹²⁸ *ath.*

¹²⁹ *waed.*

¹³⁰ *dombec.*

¹³¹ *flyman.*

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him ó he shall do such servile labour¹³² as may be required, and his kinsmen shall have no right to his *wergeld* [if he is slain].ö

Attenborough on the Anglo-Saxon Laws of King Athelstan (I)

Attenborough concludes¹³³ that six series of laws (ÆI-ÆVI) by Athelstan, *circa* 925-939, have been preserved. This is in addition to a short ordinance respecting charities.

Series ÆI deals with the payment of tithes. ÆI was promulgated at a Council, and is concerned mainly with the administration of justice. ÆII largely repeated what is found in ÆI ó and probably also in ÆI as well. ÆIV is mainly concerned with the administration of justice. ÆV is of a similar character. ÆVI is an ordinance drawn up by the Bishops and [Shire-]Reeves who held jurisdiction. It is concerned chiefly with the guilds. Here, we excerpt from these six series.

Pre-eminently:¹³⁴ ðI, King Athelstan, with the advice of my...Bishops also, inform the [Sheriff or Shire-]Reeve in every borough, and pray you in the Name of God and of all His saints...that **in the first place ye render tithes**¹³⁵...both in livestock and in the yearly fruits of the earth ó measuring, counting and weighing [them] in accordance with the strictest accuracy. And the Bishops shall do the same with their own property, and my *Ealdormen* [or Elder-men] and my Reeves [or Sheriffs] likewise....

ðLet us remember how Jacob the patriarch declared, ÆI will surely give the tithe unto Thee!ø [Genesis 28:22]; and how **Moses declared in God's Law** [Exodus 22:29], Æthou shalt not delay to offer the first of thy ripe fruits to the Lord!ø It behooves us to remember how terrible is the declaration stated in [ecclesiastical] books:¹³⁶ ÆIf we are not willing to render tithes to God ó he will deprive us of the nine [remaining] parts when we least expect it; and moreover, we shall have sinned also!ø ... **For the divine teaching**¹³⁷ instructs us that we gain the things of Heaven¹³⁸ by those of the Earth;¹³⁹ and the eternal¹⁴⁰ by the temporal.ö¹⁴¹

Further:¹⁴² ðI, King Athelstan, with the advice of...all my...Ecclesiastics¹⁴³...make known to all my Reeves within my Kingdom that it is my wish that you shall always provide a destitute¹⁴⁴ Englishman with food¹⁴⁵.... [Also, *cf.* Matthew 27:15f, I desire

¹³² *theowweorces.*

¹³³ *Op. cit.*, pp. 112f.

¹³⁴ *I Athelst.*, Pre. & 2-4.

¹³⁵ *teothunga.*

¹³⁶ *bocum.*

¹³⁷ *godcunde.*

¹³⁸ *heofonlica thinga.*

¹³⁹ *mid tham eorthlicum.*

¹⁴⁰ *ecelic.*

¹⁴¹ *hwilwendlicum.*

¹⁴² *I Athelst.*, Ord. Char.

¹⁴³ *Godes theowa.*

¹⁴⁴ *earn.*

¹⁴⁵ *habbath.*

that you] make free annually one man who has been reduced to penal slavery.¹⁴⁶ And all this shall be done for the lovingkindness of God¹⁴⁷.... And if the Reeve neglects [to do] this, he shall pay thirty shillings compensation.ö

Next:¹⁴⁸ öNo thief shall be spared who is seized in the act, if he is over twelve years old.... If anyone does spare such a thief, he shall either pay for him to the amount of his *wergeld* ó though in that case the thief shall not be any the less liable to punishment¹⁴⁹ ó or clear himself [of the accusation] by an oath of equivalent value. If, however, he [the thief] tries to defend himself, or if he takes to flight ó he shall not be spared.ö

Moreover:¹⁵⁰ öIf a lord¹⁵¹ is accessory¹⁵² by one of his slaves,¹⁵³ and it afterward becomes known ó he shall, on the first occasion, suffer the loss of his slave, and forfeit his *wergeld*. If he repeats the offence, he shall forfeit all he possesses.ö

Again:¹⁵⁴ öWe have declared with regard to **witchcrafts and sorceries and deadly spells, if death is occasioned thereby, and [the accused] cannot deny it [the charge] – that he shall forfeit his life**.... Incendiaries¹⁵⁵ ó [and] those who avenge [illegally the punishment of] a thief¹⁵⁶ ó shall be subject to the same law.ö

Also:¹⁵⁷ öIf it is found that any one...has borne false witness ó never again shall his witness be valid! And moreover, he shall pay a fine of thirty shillings.... He who demands redress for a slain thief, shall go with three others ó two [of the three] belonging to the fatherø kindred, and one to the motherø ó and they shall give an oath: that they know of no theft committed by their kinsman, for perpetrating which he deserved to be put to death. The homicide shall go with twelve others, and charge the dead man with guilt in the manner already ordained. And if the kinsmen of the dead man will not come thither at the appointed day ó each of those who have demanded redress, shall pay one hundred and twenty shillings.ö

Attenborough on the Anglo-Saxon Laws of King Athelstan (II)

Further:¹⁵⁸ öIf a moneyer [alias a coin-maker] is found guilty [of issuing base or light coins] ó the hand shall be cut off with which he committed the crime, and fastened up on the mint. But if he is accused, and he wishes to clear himself ó then shall he go to the hot iron [ordeal], and redeem the hand with which he is accused of having committed the crime.ö

¹⁴⁶ *wittheowne*.

¹⁴⁷ *for Drihtenesse mildheortnesse*.

¹⁴⁸ *II Athelst.*, 1:1-3.

¹⁴⁹ *gethingodre*.

¹⁵⁰ *II Athelst.*, 3:1.

¹⁵¹ *hlaforð*.

¹⁵² *aet thyfthum gewita sie*.

¹⁵³ *the his theowan*.

¹⁵⁴ *II Athelst.*, 6:1-3.

¹⁵⁵ *blysieras*.

¹⁵⁶ *theofwrecen*.

¹⁵⁷ *II Athelst.*, 10f.

¹⁵⁸ *II Athelst.*, 14.

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Next:¹⁵⁹ ðIf anyone takes bribes¹⁶⁰ from a thief, and [by so doing] frustrates the just claims of another ó he shall forfeit his *wergeld*.... If anyone fails to attend an assembly¹⁶¹ three times [*cf.* Exodus 23:14] ó he shall pay the fine due...for insubordination. And the meeting of the assembly shall be announced seven days before it is held [*cf.* Exodus 23:15].... And if he knows no one who will act as surety¹⁶² for him, they shall arrest him.ö

Moreover:¹⁶³ ðEvery man shall precede his accusation with an oath..., and everyone who is present, in both parties, shall fast according to the command of God.... There shall not be [jury] more than twelve.ö

Again:¹⁶⁴ ðNo trading shall take place on Sundays; and if anyone does so, he shall lose the goods and pay a fine of thirty shillings [*cf.* Exodus 23:12f]. If any of my [Shire-]Reeves is not willing to carry out this [our ordinance] ó or shows less regard for it than we have declared [he must] ó then he shall pay the fine due to me for insubordination, and I will find another [Shire-Reeve or Reeve Sheriff] who will be willing.ö

Also:¹⁶⁵ ðIf there is a thief who has committed theft...and if any Reeve will neither carry out nor show sufficient regard for this [ordinance] ó he shall give one hundred and twenty shillings to the King, if the accusation against him is substantiated ó and suffer also such disgrace as has been ordained. And if it is a *Thegn* [alias a Chief] ó or anyone else who acts thus ó the same punishment shall be inflicted.ö

Attenborough on the Anglo-Saxon Laws of King Athelstan (III)

Furthermore:¹⁶⁶ ðIn every monastery, all the servants of God shall sing every Friday fifty psalms for the king [*cf.* Ephesians 5:19 & First Peter 2:17] ó and for all who are minded to carry out his wishes.ö

Next:¹⁶⁷ ðIf anyone steals a slave, half a pound shall be paid for him.... If we can catch him, he shall receive the same treatment as a Welsh thief.... **The officials of the hundred-groups,¹⁶⁸ and those who have charge of the bodies of ten¹⁶⁹ shall assemble¹⁷⁰ once every month¹⁷¹ Twelve men shall then...be together.ö *Cf.* Exodus 18:21f & Luke 22:14f. Behold the root of the Anglo-Saxon jury system!**

¹⁵⁹ *II Athelst.*, 17-20.

¹⁶⁰ *medsceat*.

¹⁶¹ *gemot*.

¹⁶² *aborgie*.

¹⁶³ *II Athelst.*, 23:2.

¹⁶⁴ *II Athelst.*, 24-25.

¹⁶⁵ *IV Athelst.*, 6-7.

¹⁶⁶ *IV Athelst.*, 3.

¹⁶⁷ *VI Athelst.*, 6:3 & 8:1.

¹⁶⁸ *hyndenmenn*.

¹⁶⁹ *teothunge*.

¹⁷⁰ *gegaderian*.

¹⁷¹ *aenne monath*.

Once again:¹⁷² ðIf our lord or any of our Reeves¹⁷³ can devise any additional rules for our association ó such suggestions shall not be unheeded.... If we are willing to act thus in all things, we may trust to God and our liege-lord that everybody's property will be safer from theft than it has been.ö

Finally:¹⁷⁴ ðAthelstan **commands his Bishops and his *Ealdormen*** [or ðEldermenö] and all his Reeves throughout his dominions: you shall observe the provisions for the public security which I and my Councillors¹⁷⁵ have ordained.... **If we observe the provisions as stated above – I believe, before God, that the security of our realm will be better** than it has been in the past.ö

Conclusions on Attenborough's *Laws of the Earliest English Kings*

This, then, is Attenborough's account of the *Laws of the Earliest English Kings*. They root in those of Aethelbeht of Kent, after his conversion to Christianity ó whose laws constitute the earliest writing of any description in the Anglo-Saxon language. Thereafter they were developed further in the Christian-Kentish laws of Earconbeht, Hlothhere, Eadric and Wihtried.

Those Kentish laws seem to have influenced especially the Wessex laws of King Ine, and probably also the Mercian laws of King Offa. Indeed, the well-known later laws of King Alfred freely admit the influence upon them of those of Ethelbeht, Ine and Offa.

Furthermore, those *Laws of King Alfred* also detail: the Ten Commandments; the case laws of the Older Testament; Christ's endorsement of the Decalogue in the Newer Testament; and the Apostles' re-endorsement of them at the Synod of Jerusalem. Indeed, Alfred says they were yet further re-endorsed in the later Early Church Councils and the subsequent Anglo-British Law Codes.

Finally, those Anglo-British laws absorbed also those of the Anglo-Danes. As such they were expanded and preserved: in the *Peace Treaty* between Alfred and Guthrum; in the Concord between Alfred and Edward and Guthrum; in the Laws of Edward the Elder; and in the Laws of King Athelstan.

Such bases of English Common Law constituted the Anglo-Saxon Laws of Edward the Confessor. Though trammled by the Normans, they stoutly survived ó and were restated again, stronger than ever, in the A.D. 1215 *Magna Carta* as the very foundation of English Liberty.

¹⁷² *VI Athelst.*, 8:9.

¹⁷³ *gerefena*.

¹⁷⁴ *VI Athelst.*, 11 & 12:4.

¹⁷⁵ *Witan*.

ADDENDUM 39: PROF. J.R. GREEN ON THE CHRISTIANIZATION OF THE ANGLO-SAXONS

Among several other important works, that expert on the history of England ó the celebrated Professor John Richard Green, Honorary Fellow of Jesus College, Oxford ó also wrote a famous *Short History of the English People*. There,¹ he says that for the ancient fatherland of the English race one must look far away from England itself ó namely to Germany.

Green on the North-German home of Anglo-Saxons before A.D. 425f

In the fifth century after the birth of Christ, explains Green,² the one country known to have borne the name of *Angeln* or Ængle-landø ó lay in that district of Germany which is now called Schleswig. Just south of Denmark, it is a district in the heart of the peninsula which parts the Baltic Sea from the North Sea.

The dwellers in this district, however, seem to have been merely an outlying fragment of what was called the *Engle* or Ænglish folk.ø The bulk of them lay probably along the middle Elbe and on the Weser, in Germany.

To the north of the *Engle* in their Schleswig home, lay another kindred tribe ó the *Jutes*. Their name is still preserved in their district of Jutland (meaning: JutesøLand).

To the south of them, a number of German tribes had drawn together in their homeland between the Elbe and the Ems. They dwelt in a wide tract across the Ems to the Rhine ó as the people known as the *Saxons*.

Engle, Saxon, and Jute all belonged to the same German branch of the Teutonic family. It is from all these that the Ænglishølater derived.

Green on the social organization of the Anglo-Saxons in Germany

Their social organization, continues Green,³ must have been that of the German race to which they belonged. The basis of their society was the freeman. He alone was known as Æthe manøor Æthe churløalias the free commoner.

He was Æthe free-necked manøwhose long hair floated over a neck that had never bent to a lord. There had been a time when every freeman was his own avenger. But even in the earliest forms of English society, this right of self-defence was being modified and restricted by a growing sense of public justice. Compensation in money for personal wrong was the first effort of the tribe as a whole to regulate private revenge.

¹ American Book Co., New York, 1874.

² *Ib.*, pp. 1-2.

³ *Id.*

The freeman's life and the freeman's limb had each, on this system, its legal price. Eye for eye, ran the rough customary code; and limb for limb, or for each fair damages. Cf. Exodus 21:19-30. The price of life or limb was paid not by the wrong-doer to the man he wronged, but by the family or house of the wrong-doer to the family or house of the wronged.

Order and law were thus made to rest in each little group of English people which knit its families together. From this sense of **the value of the family bond**, sprang the first forms of English justice. Each kinsman was his kinsman's keeper. cf. Genesis 4:9-14 & Exodus 18:21-26.

Green on the political order of the Anglo-Saxons in Germany

The freeman, explains Green,⁴ was strictly the freeholder. The exercise of his full rights as a free member of the community to which he belonged, was inseparable from the possession of his holding. The landless man ceased for all practical purposes to be free ó though he was no man's slave. In the very earliest glimpse we get of the German race, we see them a race of land-holders and land-tillers.

The A.D. 98f Tacitus describes them as pasturing on the forest glades and ploughing their village fields. A feature which at once struck him was their love, even within their little settlements, of a jealous independence. Each little **farm-commonwealth** was girt in by its own border or *mark* ó a belt which parted it from its fellow-villages. Inside this boundary, the township formed a ready-made fortress in war.

Green declares⁵ that within the village we find two orders of its indwellers. The bulk of its homesteads were those of its freemen or *ceorls* (alias churls or free commoners). But amongst these were the larger homes of *eorls* (alias earls) or men distinguished among their fellows as nobles.

From the latter, the leaders of the village were chosen in war-time, or rulers in time of peace. Clearly, **this suggests not a one-man-one-vote democracy – but an aristocracy, alias a representative republic.**

But the choice was a purely voluntary one, adds Green. For the man of nobility enjoyed no legal privilege among his fellows. The holdings of the freemen clustered round a moot-hill ó where the community met from time to time to order its own industry and to frame its own laws.

Here, strife of farmer with farmer was settled according to the customs of the township ó as its elder-men stated them. The wrong-doer was judged, and his fine assessed by the kinsfolk. Here men were chosen ó to follow Headman or *Ealdorman* (alias Elder-man or Alder-man) to Hundred Court. Cf. Exodus 18:21f.

One looks back to these tiny moots where the men of the village met to order the village life and the village industry. Similarly, their descendants ó the men of a later

⁴ *Ib.*, pp. 3-4.

⁵ *Ib.*, p. 4.

England ó meet in Parliament at Westminster to frame laws and do justice for the great Empire which has sprung from this little body of farmer-commonwealths.

Green on Britain before the migrations there of the Anglo-Saxons

From Schleswig and the shores of the North Sea in Germany, continues Green,⁶ we must now pass to a land which had not as yet been trodden by English feet. [Part of] the island of Britain had for nearly four hundred years been a province of the Roman Empire. Population was grouped in cities such as York or Lincoln ó cities governed by their own municipal officers; guarded by massive walls; and linked together by a network of roads.

Commerce had sprung up in ports like that of London. Agriculture had flourished, till **Britain was able at need to supply the necessities of Gaul. Britain's mineral resources were explored: in the tin mines of Cornwall; the lead mines of Somerset and Northumberland; and the iron mines of the Forest of Dean** in what is now Gloucestershire.

It was only in the towns that the conquered Britons had become somewhat influenced by Rome ó by the occupying presence of the Imperial Roman Armies between A.D. 43f and 397. Over large tracts of country, **the rural Britons seemed to have remained apart – speaking their own tongue; owning some traditional allegiance to their native chiefs, and even retaining their native laws.**

Green writes⁷ that it is with the landing of the Anglo-Saxon Hengest and his war-band at Ebbsfleet on the shores of the Isle of Thanet, that the history of Ænglond begins. We know something of the way in which the new English society grew up in the new country. For the driving back of the Briton was but the prelude to the settlement of his conqueror.

What strikes us at once in **the new England, is that it was the one purely German nation that rose upon the wreck of Rome.** If England seemed for the moment a waste, it contained within itself the germs of a nobler life than that which had been destroyed.

Green on the social organization of the Anglo-Saxons in Britain

The base of the new English society in Britain, explains Green,⁸ was the freeman ó whom we have already seen tilling, judging, or sacrificing for himself in his far-off Germanic fatherland by the North Sea. War against the Celtic Britons was no sooner over, than the Anglo-Saxon warrior in Britain settled down into a farmer.

The home of the peasant churl arose. Little knots of kinsfolk drew together in *-tun* or town and *-ham* or home-clusters. This now occurred beside the Thames and the

⁶ *Ib.*, pp. 5-6.

⁷ *Ib.*, pp. 7 & 14f.

⁸ *Ib.*, p. 15.

Trent in Britain, just as it had occurred previously beside the Elbe and the Weser in Germany.

These Anglo-Saxons now started living in such new English towns and hamlets. They did so not as kinsfolk only, but as dwellers in the same plot ó knit together by their common holding within the same bounds.

Each little village-commonwealth lived the same life in Britain as its farmers had lived previously in Germany. Each had its ðmoot-hillø as a centre; its ðmarkø as a border. Each judged by witness of the kinsfolk, and made laws in the assembly of its freemen ó and **chose the leaders for its own governance and the men who were to follow Headman or Ealdorman to Hundred-Court.**

Green concedes⁹ that **the primitive organization of English society was affected by its transfer to the soil of Britain. Conquest begat the 'king.'**

It is probable that the English had hitherto known nothing of kings in their own fatherland (back in Germany), where each tribe lived under the rule of its own customary *Ealdormen*. But in a war such as that which they waged against the Britons, it was necessary to find a common leader. Only later, after the cessation of hostilities, would the Celto-Britons and the Anglo-Saxons begin to merge with one another into the new Anglo-British nation.

Initially, however, the Anglo-Saxons began to choose ðkingsø to lead them in wars against the Britons. Such choices at once drew the various villages and tribes of each Anglo-Saxon community closer together. Thus the conquest of the bulk of Eastern Britain was completed by 588 A.D.

Green on the first & leading Anglo-Saxon Jutish Kingdom of Kent

The primacy among the conquerors, continues Green,¹⁰ was seized by Kent. There, the Kingdom of the Jutes suddenly rose into greatness under a King called Aethelberht.

Before 597, he established his supremacy over the Saxons of Middlesex and Essex as well as over the English of East-Anglia and of Mercia as far north as the Humber and the Trent. The overlordship of Aethelberht was marked by a renewal.

His marriage with Bertha, the daughter of the King of the Franks, created a fresh tie between Kent and Gaul. But the union had far more important results.

Bertha, like her Frankish kinsfolk, was a Christian. A Christian Bishop accompanied her from Gaul to Canterbury, the royal city of the Kingdom of Kent. There, **a ruined Brythonic-Christian church building, that of St. Martin, was given them for their worship.**

Green explains¹¹ that a year passed before Aethelberht yielded to Christianity. After his conversion, thousands of Jutish Kentishmen crowded to baptism.

⁹ *Ib.*, pp. 15-17.

¹⁰ *Ib.*, p. 17.

Green on the rise of the Post-Celtic Anglians in Northumbria

For the next two hundred years, the history of England lies in the struggle of Northumbrian, Mercian, and West-Saxon Kings ó to establish their supremacy over the general mass of Englishmen. Finally, this united them into a single England.

In this struggle, the lead was at once taken by Northumbria, which was rising into a power. Under Aethelfrith, who had followed Aethelric in 593, the work of conquest went on rapidly.

In 603, the forces of the Celtic North-Britons were annihilated in a great battle at Daegsastan. The rule of Northumbria was established from the Humber to the Forth.

It was Chester that Aethelfrith chose in 613 for his next point of attack. Some miles from the city, two thousand monks were gathered in the Monastery of Bangor, imploring in a three daysø fast the help of Heaven ó for the Brythons. Yet that sovereign Triune God of Heaven gave the victory to the Pre-Christian Anglians, and over the backslidden Brythons ó at the Battle of Chester.

Green on the evangelization of Northumbrian Anglians by Irish Celts

Raedwald of East-Anglia, relates Green,¹² resolved to serve both Christ and the other older gods together. This was syncretism, and retarded the christianization of that region. Furthermore, also neighbouring Mercia then sprang into a sudden greatness as the champion of the heathen gods.

Mercia's King Penda then boldly broke through the barrier which parted the two races – viz his own Saxons, and their former enemies the Brythons. For Penda allied himself with the Welshman King Cadwallon. Thus Penda and Cadwalla together attacked the christianizing Anglians in Northumbria.

However, a small Northumbrian force gathered in 635 under their new King. He, **Oswald, set up a cross of wood as his standard ó holding it with his own hands till the hollow in which it was fixed was filled in by his soldiers. Next, **throwing himself on his knees, he cried out to his army to pray to the Living God**. Then Cadwallon, the last great hero of the Celto-Brythonic race, fell fighting on the -Heavenø Fieldø against the Northumbrians.**

Yet it was not the romanizing Church of Paulinus which nerved Oswald to this struggle. Paulinus had fled from Northumbria, and the Roman Church in Kent shrank into inactivity. Its place in the conversion of England was taken by Missionaries of the Celtic Church from Ireland.

Before the landing of the English in Britain around 449 A.D., recalls Green,¹³ the Christian Church comprised every country in Western Europe (save Germany) ó as

¹¹ *Ib.* pp. 19-20.

¹² *Ib.*, pp. 22f.

¹³ *Ib.*, p. 23.

far as Ireland itself. However, the vigour of Christianity in Italy and Gaul and Spain had been exhausted in a bare struggle for life.

Yet **Ireland** had remained **unscourged by invaders**. She drew, from her conversion, an energy such as it has never known since. **Christianity** had been received there – from the Proto-Protestant Patrick’s Culdee Christian **Britannia** – with a burst of popular **enthusiasm**.

Irish letters and arts sprang up in its train. The sciences and the Biblical knowledge which fled from the Continent ó took refuge in famous schools which made Durrow and Armagh the universities of the West.

Green on the Irish as the great evangelizers of the English

The new Christian life, explains Green,¹⁴ soon beat too strongly to brook confinement within the bounds of Ireland itself. [The Briton] Patrick, the first Missionary to that Island, had been dead not half a century ó when Irish Christianity flung itself with a fiery zeal into battle with the mass of heathenism which was rolling in upon the Christian World.

Irish Missionaries laboured among the Picts of the Highlands. They worked also among the Frisians of the Northern Seas.

An Irish Missionary, Columban, founded monasteries in Burgundy and the Apennines. The canton of St. Gall in Switzerland commemorates in its name yet another Irish Missionary ó before whom the spirits of flood and fell fled wailing over the waters of Lake Constance.

For a time, it seemed as if the course of the World’s History was to be changed. The older Celtic race that Roman and German had swept before them, had turned to the moral conquest of their conquerors. It seemed as if Celtic and not Latin Christianity was to mould the destinies of the Churches of the West.

Green then records¹⁵ that on a low island of barren *gneiss*-rock off the western coast of Scotland, an Irish refugee Columba had raised the famous Monastery of Iona. Oswald, in his youth, had once found refuge within its walls; and on his accession to the throne of Northumbria, he called for Missionaries from among its Monks.

The Culdee Christian Aidan asked a brother sitting by: “Did you forget God’s Word ó to give them the milk first, and then the meat?” All eyes turned on the speaker ó so he himself then went forth as a Missionary. Aidan, sailing at their bidding, fixed his Bishop’s stool in the island-peninsula of Lindisfarne.

Thence, from that Monastery, Preachers poured forth over the heathen realms. Aidan himself wandered on foot, preaching among the peasants.

¹⁴ *Id.*

¹⁵ *Ib.*, pp. 23f.

*ADDENDUM 39: PROF. J.R. GREEN ON THE
CHRISTIANIZATION OF THE ANGLO-SAXONS*

One preacher, Birinus, had already penetrated into Wessex; in Oswald's presence, its King received baptism. **The moral power which was to reach its height in Alfred, first dawns in the story of Oswald.**

In his own court, the King acted as interpreter to the Irish Missionaries in their efforts to convert his Saxon thanes. By reason of his constant habit of praying or giving thanks to the Lord – Oswald was wont, wherever he sat, to hold his hands upturned upon his knees.

**Green on the Northumbrian conquest &
conversion of Greater Mercia**

Arrested or imprisoned by the conversion of Wessex, observes Green,¹⁶ heathendom fought back desperately for its very life. Penda was still its rallying-point. His long reign was one continuous battle against the new religion of Christianity (among the Anglo-Saxons).

East-Anglia became at last the field of contest between the two powers. In 642, Oswald marched to deliver it from Penda. The East-Saxons again became Christian. Penda's own son, whom he had set over the Middle-English, received baptism and teachers from Lindisfarne.

On the death of Oswald, Oswiu had been called to fill his throne. In 655, he met the pagan host. It was in vain, however, that the Northumbrians had sought to avert Penda's attack by offers of ornaments and costly gifts.

“Since the pagans will not take our gifts,” Oswiu cried out at last, “let us offer them to One Who will.” He vowed that, if successful, he would dedicate his daughter to God and endow twelve monasteries in his realm. Victory, at last, declared for Christianity to become the religion over all of the English in Eastern England.

Green observes¹⁷ that Bede tells us even the Mercians with their king now rejoiced to serve the true King Jesus Christ. Its three provinces of the Anglo-Saxons in their earlier region of Mercia, the Middle-English of Middlesex, and the Celtic Brythons of Lindiswaras were now united into the new Anglo-British State of Greater Mercia.

Green on the spread of Christianity throughout Northumbria

Indeed, the English Culdee Bishop Ceadda of the -St. Chad to whom the Mercian see of Lichfield still looks was its founder. Ceadda was a monk of Lindisfarne. His brother was the Culdee Missionary Cedd. In Northumbria, the work of his fellow Missionaries had almost been lost in the greater glory of the work done by the Missionary Cuthbert.

¹⁶ *Ib.*, pp. 24f.

¹⁷ *Ib.*, pp. 25f.

Green continues¹⁸ that while missionaries were thus labouring among its peasantry, **Northumbria saw the rise of a number of Monasteries gathered on the loose Celtic model of the family** or the clan ó collected round some wealthy noble who sought devotional retirement.

The most notable and wealthy of these houses, was that of Streoneshealh (or Streanshalch). There, Hilda ó a woman of royal race ó reared her abbey on the summit of the dark cliffs of Whitby.

But the name which really throws glory over Whitby, is the name of a lay-brother Caedmon. From his lips flowed the first great song in English. Thus was God's sacred story, from Genesis chapter one, thrown into Caedmon's poem:

öHe sang of the creation of the world, of the origin of man, and of all the history of Israel; of their departure from Egypt and entering into the promised land; of the incarnation, passion, and resurrection of Christ, and of His ascension; of the terror of future judgment, the horror of hell-pangs, and the joys of Heaven.ö

Green on the historical decisions of A.D. 664 Synod of Whitby

But even before Caedmon had begun to sing, remarks Green,¹⁹ the Christian Church of Northumbria was torn in two by strife. Its issue was decided in the same abbey of Whitby where Caedmon dwelt.

The labours of Aidan, **the victories of Oswald and Oswiu, seemed to have annexed England to the Irish Church**. The monks of Lindisfarne, or of the new Religious Houses whose foundation followed that of Lindisfarne, **looked for their ecclesiastical tradition not to Rome but to Ireland. They quoted for their guidance the instructions not of Gregory of Rome (the first Pope) – but instead of Columba (of Iona).**

The real Metropolitan of the Church as it existed in the north of England, was the abbot of Iona. But Oswiu's queen brought with her from Kent, the loyalty of the Kentish Church to the Roman See!

A Roman party at once formed about her. Her efforts were seconded by two young thanes ó Wilfrid of York and Benedict Biscop.

Now the strife between the two parties, continues Green,²⁰ rose high. At last, Oswiu was prevailed upon to summon in 664 a Great Council at Whitby, where the future ecclesiastical allegiance of England would be decided. Colman, followed by the whole of the Irish-born brethren and thirty of their English fellows, thereupon forsook the see of Aidan and sailed away to Iona.

Had the Church of Aidan finally won, the later ecclesiastical history of England would probably have resembled that of Ireland – which remained Culdee alias Proto-Protestant until 1145 A.D. Before that latter date **the Celtic Church, in its**

¹⁸ *Ib.*, pp. 27f.

¹⁹ *Ib.*, p. 29.

²⁰ *Ib.*, p. 30.

own Irish home, took the clan system of the country – and hence the family, and not celibacy – as the basis of church government.

Green remarks²¹ that the loose system of the Mission-Station, the Monastery from which Presbyter and Bishop went forth on journey after journey to preach and baptize ó as Aidan went forth from Lindisfarne, or Cuthbert from Melrose ó naturally disappeared as the land became Christian. The Missionaries became settled Clergy. The holding of the English noble became the parish.

A source of permanent endowment for the Clergy was found at a later time in **the revival of the Hebrew system of tithes, and in the annual gift to Church purposes of a tenth of the produce of the soil.** Discipline within the Church itself was provided for by an **elaborate code of sin and penance** (or repentance), in which **the principle of compensation (or restitution) which lay at the root of both Mosaic and Teutonic legislation was emphasized.**

Green on Christianity as the root of Celto-Anglic Civilization

The Ecclesiastical Synods, insists Green,²² led the way to the English National Parliament. The industrial progress of Mercia went hand in hand with its military advance. The forests of its western border, and the marshes of its eastern coast, were both being cleared and drained by monastic colonies whose success shows the hold which Christianity had now gained over its people.

After years of mission labour at Melrose in Scotland, the Anglo-Saxon Cuthbert had quitted it, for the holy island of Lindisfarne. There, he preached among the moors of Northumberland ó just as he had preached beside the banks of the Tweed. He remained there, right through **the great secession** which followed on the Synod of Whitby.

The new religion [of Christianity] had its centre not at Canterbury, but at Lindisfarne. Northumbria had done its work. By its Missionaries, it had won Anglo-Saxon England from heathendom to the Christian Church.

Green goes on to say²³ that since their overthrow by the Northumbrians, the West-Saxons had been weakened by anarchy and civil war. They had been at the mercy of the rival Germano-English States as well as those of the Celto-Brythons.

However, after the power of Anglian Northumbria had peaked, in 652 a revival enabled the men of Wessex to drive back the Britons. Ine, the greatest of the early Kings of Wessex, whose reign covered the long period from 688 to 726, carried on throughout the whole of the war for supremacy.

Ine established, on the site of an older British Foundation, his famous Monastery of Glastonbury. It had long been a Religious Shrine of the Brythons.

²¹ *Ib.*, p. 31.

²² *Ib.*, pp. 32-36.

²³ *Ib.*, pp. 36f.

The tradition that Patrick rested there, drew thither the wandering scholars of Ireland. **The first inhabitants of Ine's abbey found, as they alleged, "an ancient church, built by no art of man."** Beside this relic of its older Welsh owners, Ine founded his own abbey-church of stone.

Green on the Venerable Bede as the father of English Literature

The Venerable Bede, continues Green,²⁴ was born in 673. Six hundred monks besides strangers that flocked thither formed his school. The tradition of the older Irish Teachers still lingered. The young Scholar thus made himself master of the whole range of all the sciences in his time.

He became, as Burke rightly styled him, the father of English learning. Bede's work was done with small aid from others. "I am my own secretary," he wrote.

Forty-five works remain extant, to attest his prodigious industry. The most important were the *Commentaries* and *Homilies* upon various books of the Bible, which he had drawn from the writings of the early Church Fathers.

But he was far from confining himself to theology. Bede threw together all that the World had then accumulated in astronomy and meteorology; in physics and music; in philosophy; grammar; rhetoric; and arithmetic. His last work was a translation into English of the Gospel of St. John.

First among English scholars; first among English theologians; first among English historians it is in Bede of Jarrow that also English literature strikes its roots. He is the father of England's national education. In his physical treatises, he was the first figure to which the natural science of England looks back. Bede was also a statesman, as well as a scholar.

Green on Offa the Christian King of Anglo-Saxon-Celtic Mercia

Almost as important as Bede of Northumbria pedagogically, was Offa of Mercia politically. Green states²⁵ that after 779, over the Severn whose upper course had served till now as the frontier between Brython and Englishman Offa drove the King of Powys from his capital. He then changed its old name of Pengwyrn for the significant English title of the Town in the Scrub or Scrobsbyrig or Shrewsbury.

The border-line he drew after his inroads, is marked by a huge earthwork which runs from the mouth of the Wye to that of the Dee. It is still called Offa's Dyke.

A settlement of Englishmen on the land between this Dyke and the Severn, served as a military frontier for Mercia. **The Welsh who chose to remain, dwelt undisturbed among their English conquerors. Indeed, it was probably to regulate the mutual relations of the two races – that Offa drew up the Code of Laws which bore his name.**

²⁴ *Ib.*, pp. 39-41.

²⁵ *Ib.*, p. 42.

Green on the Pre-Christian Danish attacks on Christian England

The Dane, however ó continues Green²⁶ ó struck down the short-lived greatness of Mercia and of Wessex. Yet it was precisely resistance to the Danes that produced the famous English King Alfred the Great of Wessex.

While Britain was passing through her ages of conquest and settlement, the dwellers in the Scandinavian Peninsula and the Isles of the Baltic had lain hidden from Christendom. The Norwegian fiords and the Frisian sandbanks now poured forth pirate fleets, such as those that had swept the sea in the earlier days of Hengest and Cerdic when the Anglo-Saxon invaders had attacked Britain.

Christian Presbyters were again slain ó this time, by worshippers of Woden. But when the wild burst of the storm was over ó land, people and government reappeared unchanged. England still remained England; the conquerors sank quietly into the mass of those around them; and Woden yielded without a struggle to Christ.

It was no longer a fight between Brython and German, between Welshman and Englishman. The life of these Northerners, the Scandinavians, was in the main the same as the life of the earlier Englishmen ó the Anglians from Denmark, the Saxons from Schleswig-Holstein, and the Jutes from Jutland.

Their customs and their social order, were the same. Yet the dangers to the Christian Faith from these heathen assailants, roused the Clergy.

When the Danes attacked the kingdom of Wessex, explains Green,²⁷ in the midst of the struggle Aethelred died ó and left his brother Alfred to meet a fresh advance of the foe. In 876, the Danish fleet appeared before Wareham. When a treaty with Alfred won their withdrawal, they threw themselves into Exeter and allied themselves with the Welsh.

Alfred girded himself for this new peril. The Danes again swore to leave Wessex. They withdrew, in fact, to Gloucester. But Alfred had hardly disbanded his troops, when his enemies ó roused by the arrival of fresh hordes eager for plunder ó reappeared at Chippenham.

Gathering his troops as he moved, Alfred marched through Wiltshire against the Danes. He found their host at Edington; defeated it in a great battle; and, after a siege of fourteen days, forced them to surrender.

The Danish leader, **Guthrum**, was baptized as a **Christian** and **bound** by a **solemn peace** or **frith** ó at Wedmore in Somerset.... The peace had, in fact, saved what had been little more than **loose confederacies**. But in saving Wessex, it saved England.

²⁶ *Ib.*, pp. 44-46.

²⁷ *Ib.*, pp. 47f.

Green on the life of Alfred the Great of Anglo-Saxon Wessex

With the *Peace of Wedmore* in 878, elucidates Green,²⁸ began a work even more noble than this deliverance of Wessex from the Dane. "So long as I have lived," wrote Alfred in later days, "I have striven to live worthily." He longed, when death overtook him, "to leave to the men that come after, a remembrance of him in good works."

The aim has been more than fulfilled. The memory of the life and doings of the noblest of English rulers has come down to us living and distinct. Politically or intellectually, the sphere of Alfred's action may seem too small to justify a comparison of him with the few whom the World claims as its greatest men. What really lifts him to their level, is the moral grandeur of his life.

He lived solely for the good of his people. **He is the first instance in the history of Christendom of a ruler who put aside every personal aim or ambition, to devote himself wholly to the welfare of those whom he ruled.** In his mouth, "to live worthily" meant a life of justice, temperance, self-sacrifice.

Green writes of Alfred²⁹ that though he was also a warrior and a conqueror, he set aside at thirty the dream of conquest. He left behind him the memory not of victories but of "good works" of daily toils by which **he secured peace, good government and education for his people.** He provided against invasion from the sea, by the better organization of military service and by the creation of a fleet.

The country was divided into military districts, each five hides sending an armed man at the king's summons and providing him with food and pay. To win the sea was a harder task than to win the land, and Alfred had not to organize but to create a fleet. He steadily developed, however, his new naval force and in the reign of his son Edward the Elder, a fleet of a hundred English ships held the mastery of the Channel.

The defence of his realm thus provided for, Green continues, Alfred devoted himself to its good government. In Wessex itself, spent by years of deadly struggle with law, order, the machinery of justice, and government weakened by the pirate storm and material and moral civilization had alike to be revived. In the reorganization of public justice, his main work was to enforce **submission to the justice of Hundred-Moot and Shire-Moot alike** and upon noble and upon churl.

Both Earls (alias Counts in their Count-ies) and Churls (alias Freemen in their Family-Meetings) were to submit to the adjudications of both the "Thousands" and the "Hundreds." Cf. Exodus 18:21.

Both Earl and Churl were to respect the decisions or the "deemings" (alias the "dooms") of both the Elders or Alder-men of the Folk-Meetings and the Sheriffs or Shire-Reeves of the Counties and so that...any of them would grant **that to be true doom, which by the Ealdorman and Reeves had been judged for doom.** Thus King Alfred's friend the Welsh Asser, in his biography of that monarch.

²⁸ *Ib.*, pp. 48f.

²⁹ *Ib.*, p. 49.

Green on King Alfred's contributions to English Common Law

Still citing Alfred's biographer Asser, Green next says³⁰ about the "Good King" of Wessex that all the law-dooms of his land that were given in his absence, he used to question keenly of what sort they were, just or unjust. Indeed, if he found any wrongdoing in them, he would call the judges themselves before him. Cf. Exodus 18:21f.

"Day and night," says his biographer, he was busied in the correction of local injustice. "For in that whole kingdom, the poor had no helpers, or few save the King himself."

Of new legislation, the King had no thought. "Those things which I met with," he tells us, "either from the days of Ine my kinsman, or of Offa King of the Mercians, or of Aethelberht [King of Kent] who first among the English race received baptism of those which seemed to me rightest, those I have gathered; and rejected the others."

Unpretending as his work might seem, Alfred's importance was great. **With it, began the conception of a National Law.** The Codes of Wessex, Mercia, and Kent were blended in the *Doom-Book* of a common England of **Anglo-British Common Law.**

As a result, adds Green,³¹ "all the *Angel-cyn* [alias "English-kind"] turned to Alfred of save those that were under bondage to Danish-men." Thus the *Chronicle* of his reign.

The King turned again to his work of restoration. He found time, amidst the cares of state: for the daily duties of religion; for converse with strangers; for study and translation; for learning poems by heart; for planning buildings and instructing craftsmen in gold-work; and for teaching even falconers and dog-keepers their business.

But his mind was far from being imprisoned within his own island. He listened with keen attention to tales of far-off lands: to the Norwegian Othere's account of his journey round the North Cape to explore the White Sea; and to Wulfhere's cruise along the coasts of Esthonia. Envoys bore Alfred's presents to the churches of Jerusalem of and even to India.

Green on the tremendous diligence and industry of King Alfred

Green explains³² that Alfred was pre-eminently a man of business of careful of detail, laborious and methodical. He carried in his bosom a little hand-book in which he jotted down things as they struck him of now a bit of family genealogy; now a prayer; now a story such as that of Bishop Ealdhelm singing sacred songs on a bridge.

³⁰ *Ib.*, pp. 49-50.

³¹ *Ib.*, p. 50.

³² *Ib.*, pp. 50f.

Each hour of the King's day had its peculiar task. There was the same order in the division of his revenue, and in the arrangement of his court. But active and busy as he was, his temper remained simple and kindly. Tradition told of his genial good-nature; of his chattiness over the adventures of his life; and, above all, of his love for song.

In his busiest days, Alfred found time to learn the old songs of his race by heart and he bade them be taught in the palace school. As he translated tales, he lingered fondly over and expanded them. In moments of gloom, he found comfort in the music of the Psalms.

Neither the wars nor the legislation of Alfred, continues Green,³³ were destined to leave such lasting traces upon England as the impulse he gave to its literature. His end indeed even in this, was practical rather than literary.

What he aimed at, was simply the education of his people. Alfred desired that at least every free-born youth who possessed the means, should abide at his book till he can well understand English writing.

He himself superintended a school which he had established for the young nobles of his court. He found none to help him in his educational efforts but a few Prelates and Presbyters who remained in the fragment of Mercia which had been saved from the invaders and the Welshman Bishop Asser.

A Scholar named Grimbald came to preside over the Abbey he founded at Winchester. Then John the old Saxon was fetched, to rule a Monastery that Alfred's gratitude for his deliverance from the Danes had raised up in the marshes of Athelney.

Green on the various writings of England's King Alfred the Great

Alfred, explains Green,³⁴ resolved to throw open to his people in their own tongue the knowledge which had till then been limited to the clergy. He took his books as he found them. They were the popular manuals of his age and the compilation of Orosius, then the one accessible book of *Universal History*; the *Church History* of his own people, by Bede; the *Consolation of Philosophy*, by Boethius; and the *Pastorals* of Gregory.

Alfred translated these works into English. But he was far more than a translator. He was also an editor and for the people. Here he omitted; there he expanded.

He enriched Orosius, by a sketch of the new geographical discoveries in the north. He gave a West-Saxon form to his selections from Bede. In one place, he stops to explain: his theory of government; his wish for a thicker population; his conception of national welfare as consisting in a due balance of the Presbyter, the Soldier, and the Churl (or Freeman).

The mention of Nero, spurs Alfred to an outbreak on the abuses of power. The cold providence of Boethius and gives way to an enthusiastic acknowledgement (by Alfred) of the goodness of God.

³³ *Ib.*, pp. 51f.

³⁴ *Ib.*, p. 52.

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As Alfred writes, his large-hearted nature flings off its royal mantle ó and he talks as a man to men. ðDo not blame me,ð he prays with a charming simplicity, ðif any know Latin better than I. For every man must say what he says, and do what he does, according to his ability.ð

But simple as was his aim, Alfred created English literature. Before him, England possessed noble poems in the work of Caedmon. But the mighty roll of the books in English that now fill libraries, begins with the translations of Alfred ó and, above all, with the *Chronicle* of his reign.

The writer of English history may be pardoned if he lingers too fondly over the figure of the King. For in his court and at his impulse and even in his very words one finds the very beginnings of the history of England.

Green observes³⁵ that the last years of Alfred's life seem to have been busied in providing a new defence for his realm. This he did, by the formation of alliances with states whom a common interest drew together against pirates. His death, in 901 A.D., left the kingdom to his son Edward.

Green on the Saxon Kings Edward & Athelstan & Edred & Edgar

King Edward, though a vigorous and active ruler, clung to his father's policy. But the 925-940 Athelstan, Alfred's golden-haired grandson whom the King had girded as a child with a sword set in a golden scabbard and a gem-studded belt, incorporated Northumbria into his dominions. On Athelstan's death and the accession of his young brother Edmund (940-946), the Danelaw again rose in revolt.

Eadred or Edred (946-955), Edmund's brother, next became supreme. **Edred's election was the first National Election where Briton, Dane and Englishman were alike represented.** His coronation was the first National Coronation.

With the submission of the Danelaw to England in 954, the long work of Alfred's House was done. Dogged as his fight had been, the Dane at last admitted himself beaten.

From the moment of Eadred's final triumph, all resistance came to an end. The new might of the royal power was expressed in the lofty titles assumed by Eadred. He was not only -King of the Anglo-Saxonsø but also -Caesar of the whole of Britain.ø

Green continues³⁶ that the death of Edred resulted in the successive coronations of the boy-king Edwig (956-959) and ðEdwig's brother Edgarð (959-975). Aftentimes looked back fondly to *Edgar's Law* (as it was called) ó in other words, to the *English Constitution* as it shaped itself in the hands of Edgar.

Serfdom of both conquered Britons and impoverished Englishmen was gradually disappearing before the efforts of the Anglo-Saxon Church. **The serf was exempted from toil on Sundays.** At the Synod of Chelsea, the Bishops bound themselves to

³⁵ *Ib.*, pp. 53-57.

³⁶ *Ib.*, pp. 57-59.

free at their decease all serfs on their estates who had been reduced to serfdom by want or by crime. Thus, all serfs in England would become freemen.

Green on the humble rise of the English Houses of Parliament

From this blessed background, the English Parliament arose. For the free churl alias the freeholder, states Green,³⁷ knew no superior but God and the law.

The life of the English State was gathered up in its *Folk-Moot* or National Assembly. There, through its representatives chosen in every Hundred-Moot or Local Meeting, the folk or nation had exercised its own sovereignty in matters of justice ó as too in matters of peace and of war. Cf. Exodus 18:21f & Numbers 10:3.

Beside the *Folk-Moot* or the House of Commons alias the House of Representatives ó and acting with it, had stood the *Witena-gemot* or the House of Lords alias the Senate ó the group of **‘Wise-men’ gathered to give ‘rede’ (or advice) to the King and, through him, to propose a course of action to the folk.** Cf. Numbers 10:4 & 17:2f and Deuteronomy 17:8-20.

The preliminary discussion rested with the Nobles; the final decision, with all. The clash of arms ó the yea or no of the crowd ó were its vote.

The English Parliament combined the best of Celto-Brythonic Common Law, Anglo-Saxon representation, and Anglo-Danish awesomeness. Britain, explains Green,³⁸ had become England ó in the five hundred years that followed the landing of Hengest the Saxon in 449 A.D.

The conquest of England had ended: in the settlement of its conquerors; in their conversion to Christianity; and in the birth of a national literature, of a civilization, and of a political order. Yet fear of the Dane was still great.

Green on the great Anglo-Danish Christian King Knut or Canute

The Danish King Knut (alias the 1013-1042 Canute) had no sooner appeared off the coast of England ó than Wessex, Mercia and Northumberland joined in owning him. His language differed little from the English tongue of that time. He brought in no new system of tenure or government.

Knut ruled, in fact, not as a foreign conqueror ó but as a native King, both wise and temperate. Stranger as he was, he fell back on *Edgar’s Law* ó on the old constitution of the realm.

He admitted no difference between conqueror and conquered, between Dane and Englishman. By the creation of four earldoms ó those of Mercia, Northumberland, Wessex, and East-Anglia ó **he recognized provincial independence. He even identified himself with the patriotism** which had withstood the stranger.

³⁷ *Ib.*, pp. 60f.

³⁸ *Ib.*, pp. 63-65.

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Green further remarks³⁹ that the Church had been the centre of national resistance to the Dane. But Knut sought, above all, its friendship.

Knut's letter to his English subjects marks the grandeur of his character, and the noble conception he had formed of kingship. Therein, he states:

ōI have vowed to God to lead a right life in all things – to rule justly and piously my realms and subjects, and to administer just judgment to all. If heretofore I have done aught beyond what was just, through heediness or negligence of youth ō I am ready, with God's help, to amend it utterly.

ōNo royal officer, either for fear of the King or for favour of any, is to consent to injustice. None is to do wrong to rich or poor ō as they would value my friendship and their own well-being.ō

Knut especially denounced unfair exactions: ōI have no need that money be heaped together...by unjust demands.... I have sent this letter...so that all the people of my realm may rejoice.... For as you yourselves know, never have I spared ō nor will I spare ō to spend myself and my toil in what is needful and good for my people.ō

Green observes⁴⁰ that Knut's greatest gift to his people was that of peace. The absence of internal discontent under Knut witnessed to the growing wealth and prosperity of the country. Knut's one aim was to win the love of his people. All tradition shows how wonderful was his success.

Green on the last Christian-Saxon King Edward the Confessor

After the reign first of his son Harald (1035-1039), and then of Knut's second son Harthacnut (1040-1042), the kingship over England passed along to the previous Saxon King Edgar's grandson Edward the Confessor (1042-1066). For the tide of popular feeling called Edward, the son of Aethelred, to the throne.

Green remarks⁴¹ that Edward had lived from his youth at the court of Normandy. A halo of tenderness spread in aftertime round this last king of the old English stock.

Legends told of his pious simplicity; his blitheness and gentleness of mood; the holiness that gained him his name of -Confessor and enshrined him as a saint in his Abbey-Church at Westminster. Gleemen sang in manlier tones of the long peace and glories of his reign; how warriors and wise Counsellors stood round his throne; and how Welshman and Scot and Briton all obeyed him.

His was the one figure that stood out brightly against the darkness, when England would soon lay trodden under foot by Norman conquerors (from 1066 onward). So dear became his memory, that liberty and independence itself seemed incarnate in his name. Later, the subjects of the later Norman monarchs William or Henry called out for the ōgood laws of Edward the Confessor.ō

³⁹ *Ib.*, pp. 65f.

⁴⁰ *Ib.*, pp. 66-68.

⁴¹ *Ib.*, p. 68.

Edward the Confessor, concludes Green, guarded England with a fleet which cruised along the coast. A real political unity was slowly being brought about. However, right after Edward's death in 1066, his son Harold was defeated by the invading Norman Armies under William the Conqueror.

Green on the Norman Conquest's reversal at and after *Magna Carta*

As the conqueror of England, explains Green,⁴² the romanizing William introduced the military organization of feudalism. The pure freeholder, the class which formed the basis of the original English society, had gradually been reduced in number. Feudalism, in fact, was superseding the older freedom in England.

The desperate and universal resistance of his English subjects forced William to hold, by the sword, what the sword had won and to keep an army strong enough to crush at any moment a national revolt. Such an army could only be maintained by a vast confiscation of lands. The meanest Norman rose to wealth and power, in the new dominion of his lord.

The net result of the romanizing Norman invasion of Britain, is well described in the words of Green.⁴³ The free churl of Saxon times now sank into the *villein* or serf on the *ville* or feudal estate. The Christian Saxon freeholder changed into the wretched and demoralized tenant bound to do service to his lord; to follow him to the field; to look to him for justice; and to render days of service in his *demesne*. He lost his older freedom. He gradually lost too his share in the government of the State.

But that condition could not last. Thus, in 1215, *Magna Carta* heralded the return of Christian Celto-Brythonic Common Law and Anglo-Saxon Freedom. Those seeds would then help bring about the Pre-Reformation which germinated under Wycliffe during the following century.

That latter, in turn in God's good time would produce the Protestant Reformation. Then the English would fully resume from their previous overlords, the romanized Normans and their own Ancient-British and Anglo-Saxon political freedoms founded upon their Biblically-Christian religious liberties.

⁴² *Ib.*, pp. 83f.

⁴³ *Ib.*, p. 60.

ADDENDUM 40: THE COLONIZATION AND CHRISTIANIZATION OF ICELAND (A.D. 575F)

Though its existence was known to the Ancient Greeks, Iceland was actually visited for the first time by Culdee Christian Irish Celts ó around A.D. 500. Shortly thereafter, the great Culdee Brendan and his party inspected it around A.D. 560 ó before they proceeded further on their way to America. Yet Iceland remained uninhabited till the end of the eighth century.

Iceland: the World's first empty country colonized only by Christians

Around 790 A.D., a colony of Proto-Protestant Irish Christians is known to have been established in Iceland ó before Pagan Vikings from Scandinavia subsequently invaded it almost a century later. Consequently, **Iceland is the first country on Earth which was first inhabited by Christians**. Moreover, only Whitemen but no Amerindians or Eskimos have ever lived there.

Both Celtic Icelanders and Scandinavian Icelanders alike later proclaimed it to be a Christian country. That occurred around A.D. 1000.

Early awareness of Iceland's existence before her colonization

According to the *New Encyclopaedia Britannica*,¹ it is possible that Mediterranean seafarers of the Ancient World knew about the existence of Iceland. However, the earliest settlements on the island seem to be Irish. See Dasent's Introduction to the famous Icelandic epic *Burnt Njal*.²

Isabel Elder remarked in her book *Celt, Druid and Culdee*³ that **the Culdees – alias the Proto-Protestant Celts – acquired great missionary zeal. Great numbers of them went forth as Missionaries, and christianized the whole of Europe – from Iceland to the Danube**. One such Culdee was the Irish Christian Brendan. He visited Iceland in the sixth century.

In Katharine Scherman's informative book *Daughter of Fire: A Portrait of Iceland*, it is rightly stated⁴ that the first to settle in Iceland were Irish. After the fall of the Roman Empire and the occupation of most of Europe by barbarians, culture was dissipated. It was kept alive chiefly in isolated and often beleaguered monasteries ó especially those of the Proto-Protestant Celtic Culdees.

Some Christian scholars, fleeing the rule of the heathen, found their way to Ireland. Insulated by sea, Ireland escaped most of the holocaust.

¹ See its art. *Iceland*.

² Dasent's *Introduction* to the epic *Burnt Njal*, p. vii.

³ *Covenant*, London, 1938, p. 126.

⁴ Little, Brown and Company, Boston, 1976, pp. 68-70.

From 500 to 800, Ireland was the most truly civilized country. Yet Irish Monks had a tendency to roam. For they knew the Earth was round.

See *De Mensura Orbis* [Concerning the Measurement of the Globe], written by the Irish monk Diccuil in the year A.D. 825. There, he also referred to settlements of Christian Irishmen and Irishwomen in Iceland.

For, long before the coming of the Vikings, the boats or *currachs* of Irish monks had touched on various remote islands in the North Atlantic. They knew of Iceland as *Tila* a corrupted spelling of *Thyle* or *Thule* from their classical reading. Therein they had found accounts in the journeys of the Greek explorer Pytheas of Marseilles.

In about B.C. 300, Pytheas had discovered the farthest island of the Ocean, lying between north and west, six days voyage beyond Britain getting its name [*Thule*] from the sun, because at the summer solstice there is no night. Thus the Irish Celt Diccuil's Latin-language book: *Liber de Mensura Orbis*.

According to Scherman, Pytheas's *Thule* was Iceland. The Irish monks so believed it. By the time of the voyage of Saint Brendan in the early sixth century, *Tila* was already known though not settled.

Brendan, in his *currach* a very light little vessel set sail with seventeen monks on a voyage of forty days. He was not looking for *Tila* but for a land (*viz.* America?) across the sea where saints could live in perpetual joy.

Instead, however at least during that particular voyage Brendan arrived in Iceland. Soon he and his Culdee fellow-mariners were gazing upon the fiery furnace of the famous volcano, Mount Hekla.⁵

Soldiers of Christ, said Saint Brendan, be strong in faith unfeigned and in the armour of the Spirit! For we are now on the confines of hell!⁶

The Celtic colonization of Iceland after the visit of Brendan

Scherman explained⁷ that the voyages of Saint Brendan gave heart to monks of the following centuries, when fleeing from this or that discomfort [especially caused by raiding Vikings] in Ireland. **By the year 793, there was already an establishment of Irish monks on the southern coast of Iceland at Kirkjubæur** (alias the Church Farm).

An account by an Irish monk written around A.D. 820 stated of *Tila*: **It is now thirty years since clerics...had lived on the island** of Iceland. Its closest neighbour was Greenland, 180 miles to the west which was also discovered by monks from Ireland.

⁵ See Dr. D. Leatham's *Celtic Sunrise: An Outline of Celtic Christianity* (Hodder & Stoughton, London, 1951), pp. 33f. There, she cites Dr. W.A. Little's book *Brendan the Navigator* (Gill, Dublin, 1946).

⁶ Scherman: *op. cit.*, p. 71.

⁷ *Ib.*, pp. 72f.

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For eighty years, the monks were undisturbed in Iceland. By 874, there were probably more than a thousand of them scattered along the southern shore. It is probable that they did not know of the coming of the first Viking. He, one Naddodd, was the first Scandinavian to set foot on Iceland ó and indeed around 860.

In his book *Conquest by Man*, Paul Herrmann states⁸ that the Irish sailed to Iceland circa A.D. 795. In addition to ancient Irish sources, the Scandinavians themselves attest that there were Irishmen living on Iceland before them.

The circa A.D. 1120 *Landnamabok* account runs in part as follows: öAt that time [circa 875], Iceland was covered with trees between the shore and the mountains. **There lived here then, Christian men – called by the Norsemen ‘papar’ [alias ‘presbyters’]. These men later went away, because they did not wish to live with heathen. They left behind bells, croziers and Irish books – from which it could be seen that the people were from Ireland.**ö

The Scandinavian colonization of Celtic-Christian Culdee Iceland

Soon a positive flood of Norsemen was pouring into Iceland. By about A.D. 1000, there were some twenty to thirty thousand people living on that lonely island.

One of the first men to explore Iceland, Gardar, was a Swede. It is recorded further that **Ingolf’s brother had several Irishmen on board**. Thus the *Landnamabok*.

In Olive Murray Chapman’s book *Across Iceland*, we are rightly told⁹ how that country is certainly unique among European lands. For ó never having been inhabited by a primitive and savage race ó it contains no prehistoric remains.

The first colonists from Scandinavia were wise and high-born chieftains, who brought from their mother country an already advanced civilization. But before their arrival in the ninth century, there were some even earlier settlers who called the country *Thule* ó and who were apparently Culdee Christian Irishmen.

For when the first Norwegian settlers took possession of the island, they found books, bells and croziers left behind by the monks who fled at the Vikings’ approach. **These people were called papar – an Irish name meaning ‘presbyter’ – by the Norsemen. There are a few places in the Southeast of Iceland, such as Papafjoerdur, Papey and Papaos, whose names bear witness to settlement by these early Christians – from the British Isles.**

Unknown is the general extent to which the Proto-Protestant Culdee-Christian Celts of Iceland influenced the Germanic Scandinavians ó when the latter next arrived there. However, it is certain that the marriage of Celtic Culdee values and Germanic representative government, ultimately proved very fruitful in Iceland.

Thus, the *Encyclopaedia Britannica* revealingly states¹⁰ that the re-discovery of Iceland, by the Scandinavians, around A.D. 850 ó for it had long been inhabited by a

⁸ P. Herrmann: *Conquest by Man*, Harper, New York, 1954, pp. 236f.

⁹ The Bodley Head, London, 1941, pp. 1-2.

small colony of Irish Culdees ó led in sixty years to the establishment of some four thousand homesteads. In this immigration, three distinct streams can be traced.

(1) About 870-890, four great noblemen from Norway settled with their dependents in the southwest. (2) **In 890-900, there came from the ‘Western Islands’ Queen Aud, widow of Olaf the White, King of Dublin – preceded and followed by a number of her kinsmen and relatives many like herself being Christians.** (3) In 900-930, a few more incomers directly from Norway completed the settlement. **Among these immigrants, there was no small proportion of Irish blood.**

The Constitution of Ulflot (around 930) appointed a central *þmoot* for the whole of Iceland ó the *Al-thing*. The reforms of Thor Gellir (964) settled a fixed number of *þmoots* and chieftaincies, dividing the island into four quarters. To each a head court ó the *Quarter Court* ó was assigned. Then the innovations of Skapti the lawspeaker, who died in 1030 A.D., set up a *þfifth court* ó as the ultimate tribunal in criminal matters.

The *Encyclopedia Americana* on the earliest colonies in Iceland

The *Encyclopedia Americana* adds¹¹ that Iceland is without doubt one of the countries mentioned as *Thule* by Greek and Roman authors in Pre-Christian times. There are references by the geographer Dicuil, to an Irish settlement in Iceland some time before 800 A.D. **Celtic Christian communities were there from at least 825 onward.**

In the ninth century, Scandinavian Vikings began to explore Iceland, and the first permanent settlement by Norwegians was made about 870 A.D. The settlers soon formed assemblies (each called a *þthing*) for the adjudication of their controversies. **In 930, they established a central Parliament** (called the *þAl-thing*) for all Iceland.

This is the oldest surviving Parliament in the World. Besides being a legislative assembly, **the *Althing* was also the Supreme Court. It functioned by way of jury.** This oldest republic in the World, lasted for over three centuries ó a period which is recorded as Iceland’s golden age.

The sons of the chiefs could sail to foreign countries and live splendidly abroad. They roamed the high seas, explored Greenland, and discovered America. Leif Ericsson, a born and bred Icelander, built a house in Wineland (or Vinland) in North America.

Probably this was in the vicinity of Boston. The first Whiteman’s child born in America, in 1004, returned to Iceland where he founded a great family.

¹⁰ 14th ed., 12:46f, art. *Iceland*.

¹¹ 1951 ed., art. *Iceland*.

Katharine Scherman on the earliest colonists in Iceland

According to Katharine Scherman,¹² it was entirely evident to Iceland's older inhabitants that the Norsemen were moving in. How a thousand or so holy men, established for eighty years or more, managed to disappear after 874 is a deeply shrouded secret ó though, as now about to be pointed out, the intermarriage of those Culdees with converted Scandinavians may very well have been one of the chief causes.

The earlier extant accounts¹³ are noncommittal. The A.D. 1127 *Islendingabok* (alias the -Iceland Book) is the most explicit of those records.

It states: "The Christian men whom the Norsemen call *Papar*, were here. But afterward...they left behind Irish books.... From this, it could be seen that they were Irish."

The place became *Kirkjubaerklaustur* (alias -Church Farm Cloister). **The Settlement had brought in some Christians. These were Norsemen who had come from their colonies among the Celts such as those in Ireland – or alternatively Norsemen who had married Celtic women there or elsewhere.**

The Christians then took the initiative of attempting a peaceable solution ó as to how largely-Celtic Christians in Iceland could co-exist with largely-Pagan migrants lately arrived from Scandinavia. So the Christians chose their most respected convert, who in turn went to see a renowned leader named Thorgeir. Though the Scandinavian Thorgeir was a Heathen, he was known to be reasonable and wise.

Thorgeir convened a meeting of the *Althing* alias the National Parliament. There, he said: "Let us all have one law, and one faith! For it will prove to be true, that if we divide the law – we also destroy the peace.... All men in this land shall be Christian, and believe in the one God – Father, Son and Holy Ghost."

"They shall renounce all worship of idols. They shall not expose children at birth, nor eat horsemeat. The penalty for carrying on these practices openly, shall be outlawry."

Thorgeir then went on to decree **the national observance of the Lord's Day – a long-established Celtic Culdee practice. Everyone, at the *Althing*, then finally agreed to be baptized – around 1000 A.D.**

The first Icelandic journeys to Greenland and North America

The Icelanders had always been, and thereafter continued to be, great sailors. Scherman gives very interesting details of this. That includes information about Icelandic journeys not only to Ireland and Scandinavia ó but also to Greenland and America.

¹² *Op. cit.*, pp. 80, 81, 120f & 127f.

¹³ See the *Islendingabok*, by Ari Frodhi Thorgilsson the Learned, circa 1120f.

Ten miles up the road from Budir in Iceland, explained Scherman,¹⁴ is Arnarstapi. Here lived **Gudrid, granddaughter of Vifil (who had been well-born in the British Isles).**

Gudrid's first suitor was Einar, the son of a wealthy and successful sea-going trader. **Gudrid then married Leif Ericsson's brother.**

After his death, Gudrid married Thorfinn Karlsefni – the most enterprising of the Vinland settlers in North America. Their son was the first Whiteman's child born on the American continent. Gudrid's later descendants also included three important bishops.

The northwestern peninsula of Iceland was very inviting to sailors from the beginning. Here settled Thorvald, along with his son Erik the Red. Here also lived the afore-mentioned Thorfinn Karlsefni, the most prominent of the Vinland settlers and the father of North America's first Whiteman's child.

Thorfinn was the chief source of information for the *Graenlendinga Saga*. This is one of the two important tales of the Icelandic explorations and settlements of Greenland and North America.

Moreover,¹⁵ Icelandic sailors discovered and mapped Spitzbergen before 1170. Indeed, in a *Geographical Treatise*, written in 1300 but based on a twelfth-century manuscript, the Northern Coastlines are described in detailed sequence. The description covers the following area: from the Arctic regions of Russia; around Finnmark; to Greenland; then south and west, around Cape Farewell, to the near land on the other side.

However, the A.D. 1300 *Geographical Treatise* having moved from Arctic Russia in the east as far as Greenland in the west, does not stop there. It next goes on: To the South of Greenland, lies Helluland [alias Baffin Island?]; and then Markland [alias Labrador?]; and from there it is not far to Vinland.

The following is the earliest-known definite reference to North America. One report states: Skraelings attacked the Greenlanders, killing eighteen of them and carrying off two boys into captivity. Thus the *Icelandic Annals*, 1379 A.D.

These Greenlanders were Norse and Icelandic settlers in Greenland. The word Skraeling was a derogatory name given [by the Icelanders and the Icelandic Greenlanders] to natives of the New World. It was given by them first to Eskimos, and later to Amerindians.

For the details of the Norse explorations and settlements in North America, we have the words of the sagas. Specifically, the *Graenlendinga Saga* and *Eirikssaga* are particularly relevant.

Though these two sagas were written long after the events they describe, there is also earlier documentation of the Vinland events. One such account was given in A.D.

¹⁴ *Op. cit.*, pp. 197 & 210.

¹⁵ *Ib.*, pp. 210f & 215.

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1074 by a German Presbyter named Adam of Bremen. It was written¹⁶ only sixty years after the attempted settlements by Celto-Icelanders in North America.

That account concerns the King of Denmark. It states that ðhe spoke of an island in the Northern Ocean, discovered by many. It is called Vinland, for the reason that vines yielding the best of wine grow there wild. Moreover, that unsown grain grows there abundantly, is not a fabulous opinion.... As related by the Danes, we know that to be true.ö

Another early account was that by Ari Frodi ó the author of the A.D. 1127 *Islendingabok*, and also of an early version of the *Landnamabok* (dating from A.D. 1120f). He knew some of the immediate descendants of the explorers.

Only a sceptic of unswerving prejudice would presume to deny the basic premise that Norsemen were indeed in North America some five centuries before Columbus. The evidence is compelling.

**America visited by the Icelandic Erik
the Red and his son Leif Erikson**

Actually, continued Scherman,¹⁷ North America ó just like Greenland ó was found by mistake. Bjarni Herjolfsson, sailing from Iceland to find his father who was farming in Greenland, ran into fog and northerly winds which pushed him south. Consequently, he missed Cape Farewell on the southernmost tip of Greenland.

After many days, he sighted a wooded land of low hills. He was later criticised for his lack of curiosity about the new shoreline of forests.

The first to organize an expedition to remedy this ignorance, was Leif ó one of Erik the Red's three sons. ðErik the Red himself ó ðEirik raudhað flourished around 990-1000 A.D. He is thus described in the later *Eirikssaga*.

In 1001, Erik and his expedition sailed to the west, and found the last land Bjarni had sighted. He named it Helluland (alias ðLand of Rock Slabsð). This was probably Baffin Land. He then continued toward the southwest.

The next land he sighted was ðflat and wooded, with white sandy beaches.ö Indeed, ðthe land sloped gently down to the sea.ö Thus the *Graenlendingasaga*.

Leif named that place Markland (alias ðForest Landð). That wooded territory was probably Labrador.

As the wind from the northeast continued, they sailed before it for another two days. Then they again reached land ó this time an island to the north of a mainland.

The *Graenlendingasaga* records: ðThey went ashore.... There was dew on the grass.... It seemed the sweetest thing they had ever tasted.ö

¹⁶ See Adam of Bremen's *Hamburg Church History* (1074).

¹⁷ Scherman: *op. cit.*, pp. 216f.

Next they went back and sailed into the sound. They entered a river which flowed out of a lake. There were also salmon in the river and the lake. ðThere they found the land so fair that they decided to stay the winter. Observes the *Graenlendingasaga*: ðThere was never any frost all winter, and the grass hardly withered at all.ö

One day, Leifþ foster-father managed to tell them ó in Icelandic ó that he had found grapevines and grapes. They also found wild wheat there. The trees, especially the maples, were excellent for building. When spring came, Leif went back to Greenland with a cargo of timber and the towboat full of grapes. He called the country he had left: Vinland.

The wounded Thorvald Erikson requested a Christian burial in America

After giving the above glowing report about Vinland when again back in Greenland, Leif did not have to work at all hard to entice footloose compatriots to Vinland (the -Land of Wineð). His brothers and a half-sister Freydis followed his initial expedition with several of their own.

While exploring to the south, along the coast, a party led by Leifþ brother Thorvald was set on by a horde of *Skraelings* in skin boats. Thorvald was wounded by an arrow.

He asked his men to take him to the lovely headland where **Leif Eriksen's brother Thorvald had wanted to build his house. "Bury me there," he urged, "and put crosses at my head and feet; and let the place be called Krossaness for ever afterwards!**ö

The settlements of Leif and succeeding explorers are thought to have been on and near Cape Bauld, Newfoundland. There the sites of two large Norse dwellings, and several smaller buildings, have been excavated.

***Eriksaga* on Thorfinn Karsefni's colony in America's Vinland**

Scherman also stated¹⁸ that next to Leif Eriksen, Thorfinn Karlsefni was the most courageously adventurous of the early explorers and the one who first envisaged the possibility of establishing a colony in Vinland. Karlsefni was the husband of Gudrid, the granddaughter of Vifil ó a Celt from the British Isles. In 1010, Thorfinn and Gudrid and their expedition set sail for the West, intending to make a permanent settlement in the new land.

They sailed directly across the 65th parallel to Helluland; turned south to Markland; and then spent several days passing long sand beaches (probably in Labrador). They stopped for the first winter at a fjord ó north of Vinland. ðThere were mountains there, and the country was beautiful to look at.... There was tall grass everywhere.ö Thus the *Eirikssaga*.

¹⁸ *Ib.*, pp. 219-23.

*ADDENDUM 40: THE COLONIZATION AND
CHRISTIANIZATION OF ICELAND (A.D. 575F)*

In spring, they moved south ó to Vinland. öThey found wild wheat...and grapevines...and streams teeming with fish.... When the tide went out, there were halibut.... In the woods, there was a great number of animals of all kinds.ö Thus the *Eirikssaga*.

They decided to settle there. The winter was kind. There was no snow at all. Their livestock grew fat on the fine grass.

In the first autumn after they left Greenland, Karlsefnið and Gudridð son Snorri had been born. He lived in the new land until he was three. Then all the settlers sailed back toward Greenland. They reached Markland, where **they surprised a family group of five Skraelings – viz. Amerindians or Eskimos.**

The Icelandic Greenlanders gave particular attention to the children of those Skraelings. **They took their little boys on board; taught them to speak Norse; and baptized them.**

The children became friendly enough to talk about their own people. **They described a country “across from their own land, where the people went about white.... This is thought to have been Hvitramannaland” alias ‘White Man’s Land.’** Thus the *Eirikssaga*.

Katharine Scherman on the Celtic *Hvitramannaland* in America

Scherman explained¹⁹ that **Hvitramannaland was a legendary Irish preserve....** Some mediaeval sources connect it definitely with the Western Atlantic. In the A.D. 1120 *Landnamabok*, there is reference to Hvitramannaland as being ösix daysð sail west of Ireland.ö

The *Hauksbok* is a codex of sagas and other learned writings compiled in Iceland in the fourteenth century. It refers also to another land in the Western Atlantic, calling it: öGreater Ireland.ö

The Irish themselves, in their literature, have allusions to öa land...to the west, across the Sea, which knows...simple human joys...without care.ö Indeed, a place (*viz.* Florida?) ó found by Saint **Brendan**²⁰ in his forty-day journey across the Atlantic ó was öwarm, fruitful, bathed in...autumn sunshine...[and] laden with fruit.ö

Scherman concluded²¹ that Karlsefni and Gudrid went back to Iceland with their little American son Snorri, to the farm in the north which Karlsefni had never given up. There he recounted all these events, which were written down by scribes.

After Karlsefnið death, **his widow became a nun. Three of their descendants became illustrious bishops.** öMany other great people in Iceland are descended from Karlsefni and Gudrid.... **May God be with us. Amen!**ö Thus the *Eirikssaga*.

¹⁹ *Ib.*, pp. 223f.

²⁰ *Navigatio Sancti Brendani*.

²¹ *Ib.*, p. 24.

The North American adventure did not end absolutely with Karlsefni's flight. Sea travel was as easy from Greenland to Markland as from Iceland to Greenland or to Europe. Journeys for timber to North America's forests continued at least until very deep into the fourteenth century.

A map of the coast of North America, drawn in 1590, still used the old Norse names. But along with the forfeiture of their political freedom and the deterioration of their literary genius, the Icelanders evidently lost their taste for seagoing enterprises.

Early history in C.M. Boland's book *Iceland and Greenland*

So, as C.M. Boland stated in the book *Iceland and Greenland*,²² some of the first White visitors to America were Vikings. They came, originally, from Iceland.

In the tenth century, an Icelander named Eric the Red discovered and colonized Greenland. A scant twenty years later, his son, Leif Ericsson led an expedition to the West. Eventually he is said to have come to the coast of New England, which he called Vinland. His visit apparently started an attempt at colonization that lasted for many years.

A tribute to Leif's exploits is his statue, a gift of the American people, which now stands in Iceland's capital Reykjavik. The original settlers of Iceland, apart from some Celtic clergy, were Scandinavian.

Christianity, in its great sweep across Europe, touched the island during the ninth century (when it was settled by Celtic Culdees). Later, the Celto-Scandinavian Icelanders, in their own typically-representative way, voted themselves into the new religion ó at a meeting of the Parliament in the year 1000.

Icelander Palmi Hannesson's modern book *Islenzkar Myndir*

We close with an extended passage²³ from Rector Dr. Palmi Hannesson's *Islenzkar Myndir* (alias *Pictures of Iceland*). Translated from the modern Icelandic, the passage states that the Icelanders are a Scandinavian people, with an admixture of Celtic blood. The latter is noticeable. Its influence may be felt in their character and mental qualities.

Icelandic is the oldest literary language in Scandinavia, and writing in it began more than eight centuries ago. From the very beginning, the Icelanders have been thought eager for study and learning.

There have been many prominent scholars among them, particularly in the fields of history and philology. General education is of a high standard, and there is much more interest in literature here than in other countries.

²² Doubleday, Garden City N.Y., 1964, pp. 16 & 22.

²³ Rector Palmi Hannesson: *100 Islenzkar Myndir*, Utgefandi Isafoldarprentsmiddja H.F., Idarprentsmiddja H.F., Reykjavik, Iceland, n.d., pp. 15-16, 18 & 21.

*ADDENDUM 40: THE COLONIZATION AND
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In ancient Greek writings, mention is made of a land called *Thule* ó lying to the north of Scotland. It is probably Iceland which was so designated. In the middle of the ninth century, Norse Vikings discovered the country. At that time, it had no inhabitants except for a few Irish.

The majority of the settlers came directly from Norway ó though others came from the British Isles, among them a number of Celts. In the year 930, the people established a constitution ó an aristocratic oligarchy on a representative system.

In the year 986, Eirikur the Red discovered Greenland. It was subsequently peopled from Iceland. In the year 1000, Leifur the Lucky ó son of Eirikur ó discovered America. He named it Vinland. He was born in Iceland, and was a Christian.

Rector Hannesson concludes that shortly after 1100, the Icelanders began to write their laws and the history of their country on parchment. Their ancient literature is the most precious heritage of the Icelandic people, second only to the land itself.

It is the most splendid art which the Nordic soul has created, and has contributed to the civilization of the Whiteman. For Iceland's manuscripts, concludes Hannesson, are invaluable.

ADDENDUM 41: THE CHRISTIAN DISCOVERY AND SETTLEMENT OF GREENLAND (A.D. 982F)

Contrary to popular belief, there were no Eskimos or any other Non-White peoples at all in Greenland, at the time the Whitemen first settled there in A.D. 982f. Also contrary to popular belief ó Greenland has been Christian from the time of its very first human settlement onward.

Greenland is, after Iceland, the second country on Earth which was first inhabited by Christians. For also Greenland had no pagan past to replace.

Such heathen practices as did take root there, came in with the later arrival of then-unchristianized Eskimos ó subsequently to that of the earlier Norsemen (or rather the Celto-Norse Christians from Iceland). Thus: **Christianity was Greenland's first religion; and Whitemen were its first human residents.**

Geography and History in C.M. Boland's book on Greenland

According to C.M. Boland's book *Iceland and Greenland*,¹ the most northerly tip of Greenland lies only four hundred miles from the North Pole. From that furthest tip, it is 1660 miles to its southernmost point. The latter is Cape Farewell, which thrusts itself into the Atlantic Ocean.

To the southeast, Iceland is about two hundred miles away. To the west, also two hundred miles away, is the Cumberland Peninsula of Canada's huge territory called Baffin Island.

The coastal areas of Greenland are fertile and tillable ó a green fringe around the edge of a vast glacier. The summers can be surprisingly hot.

Iceland was first colonized by Christian Celts from about A.D. 575 onward. The whole country accepted Christianity as its national religion from A.D. 970f. Only thereafter did some of those christianized Icelanders colonize the then-uninhabited Greenland.

According to Boland, the three most important dates in Greenland's history are: 981, 985, and 1000f A.D. In 981, Eric the Red arrived from Iceland. In 985, fourteen shiploads of colonists from Iceland settled on the coast of Greenland. Then, around 1000f, there were visits to America and colonizations there by Icelanders either living in Greenland or otherwise passing over from Iceland *via* Greenland to the New World.

Boland further states² that although Greenland can be sighted from certain mountaintops in Iceland ó a distance of about two hundred miles ó it was apparently first seen, from a ship, by a Norseman named Gunnbjorn. That was some time in the tenth century.

¹ Doubleday, Garden City N.Y., 1964, pp. 35 & 64.

² *Ib.*, pp. 43f.

It was only in 981 that Eric the Red arrived in Greenland. He spent three years exploring the grass-green fringes of that huge island.

He found the place uninhabited. There were no Eskimos. On returning to Iceland, Eric gave glowing descriptions of the green pastures in his new land ó to any who would listen. Thus he called it -Greenland.ø Consequently, twenty-five shiploads of colonists went back with him. Only fourteen of these ships arrived, in 985. The rest perished or disappeared.

Despite early setbacks, Eric's colony thrived for several hundred years. At its height, the colony may have had as many as nine thousand people. It boasted sixteen churches, a cathedral, a monastery, and a nunnery. These were all institutions of the clan-based and family-grouped Culdee Church from Iceland ó and not of the Romish Church from Italy, with its celibate clergy.

Greenland in Paul Herrmann's book *Conquest by Man*

In his important book *Conquest by Man*, Paul Herrmann explains³ that at the birth of Eric the Red (the son of Thorvald Asvaldsson from Norway), no one foresaw that he would one day go to his rest in Greenland. Thorvald Asvalddson's arrival in Iceland from Scandinavia is related at length in the A.D. 1120f *Landnamabok*.

Thorvald and his son Eric settled at Hornstrand, in Icelandic Drangerland. There, the father died. Eric the Red took over the farm; got married; and thereby became related to one of the most respected families in Iceland.

However, Eric then got involved in quarrels. So the *Al-Thing* (alias the Icelandic National Parliament) at Thorness, early in 982, punished him and his people with three years' banishment from Iceland.

The *Landnamabok* concludes its account with the words: ðEric fitted out a ship.... He said he wished to seek for the land which Gunnbjorn, the son of Ulf Krake, espied when he was drifting on the sea west of Iceland ö namely earlier in that same tenth century.

The Gunnbjorn skerries (or rocky reefs) were the not very palpable incentive to the discovery of Greenland. Eric the Red landed not on the east of Greenland (which is barred by pack-ice and bleakly inhospitable), but in the southwest, beyond Cape Farewell. That is, climatically, the most favourable area of the country.

Eric the Red did not stay long in Iceland after his return from his three-year exile in Greenland. He soon again set sail for Greenland ó the very next summer, in A.D. 985. This time, he would settle there permanently.

This enterprise too is faithfully recorded in the *Landnamabok*. It is also described in detail in the *Heimskringla* (or -Lives of the Norse Kingsø). That latter work is about the rulers of Iceland at the turn of the twelfth to the thirteenth century.

³ *Op. cit.*, Harper, New York, 1954, pp. 246f.

*ADDENDUM 41: THE CHRISTIAN DISCOVERY
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Herrmann further explains⁴ that when the link with Europe broke, the Norsemen were marooned on Greenland. To begin with, they had recourse to timber from America, and especially from Markland. The name means 'Forest Land.' The Greenland Vikings discovered it round about A.D. 1000.

Ships plied regularly between Greenland and Iceland and Markland ó right down till the mid-fourteenth century. This is shown by an entry for the year 1347 in the *Icelandic Annals of Gisle Oddson the Bishop of Skalholt (in Iceland)*.

Wrote the Bishop: ðThere came a ship from Greenland, even smaller than the little ones faring for Iceland. It sailed into the outer Straumfjord.... It bore seventeen men who had sailed to Markland.ö

From the south of Iceland to Cape Farewell in southeastern Greenland, according to the old chronicles the first to sail directly was Leif Eriksen (the son of Eric the Red). Indeed, **Christianity was introduced into Greenland around A.D. 1000** by Eric's son Leif.

Even today, one may see the **ruins of the church at Hvalsey (alias Qaqortog) near Julianehaab in Greenland. It was obviously an imposing two-storey building – erected in 1100. It even had glass windows.**

Herrmann also notes⁵ that from 1349 to 1368 the very pious King Magnus Erikson of Norway regarded the propagation of Christianity as his life's work. Thanks to him, Greenland Vikings survived the difficult times in the middle of the fourteenth century.

The priest Ivar Bardsen had come to Greenland in 1341. Knutsson, a member of the Royal Bodyguard, put to sea in 1355.

Magnus Erikson's edict ordering this expedition, is still extant. It states: "Magnus, by the grace of God, King of Norway..., sends to all men who see or hear this letter, good health and happiness in God.... We ask that you accept this our command...for the sake of our soul and our predecessors who have introduced Christianity in Greenland and maintained it to this day...."

ðWe will not let it perish in our days. Let it be known that whoever breaks this our command, shall feel our displeasure and pay us in full for the offence!ö

The dwindling away of Iceland's flourishing colony in Greenland

However,⁶ the worsening of climatic conditions in the North Atlantic zone during the Middle Ages, was apparently accompanied by a change in the vegetation. Cattle-breeding was the basis of the Greenlandic Celto-Norsemen's economic existence. But now, once it became impossible to keep animals, the Celto-Norse Greenlanders were faced with the alternative of either adopting the *Skraeling* (or Eskimo) way of life and living like them on fish and blubber ó or emigrating.

⁴ *Ib.*, p. 253f.

⁵ *Ib.*, pp. 259f.

⁶ *Ib.*, pp. 262f.

The Vestribyggd Vikings appear to have chosen the latter solution. In the *Icelandic Annals* of Gisle Oddson the Bishop of Skalholt, one finds the following very significant entry for the year 1342: "The inhabitants of Greenland...turned to the peoples of America."

For Greenland had neither wood nor metal. It could not support the Norsemen, and they had to leave. Where were they to go?

Their route led from Greenland straight across the Arctic Ocean to America with its inexhaustible supplies of both timber and metal. The way was clear to the Greenland Vikings as soon as they found Markland; the vast forest area of Nova Scotia; New Brunswick; and Maine.

Indeed, it looks as though as with Vinland as their starting-point as they penetrated still further to the west. For it would seem they reached even as far as the metalliferous regions around the Great Lakes.⁷

So Greenland's well-established colony of Christian Norsemen had strangely evaporated by the 1400s. Whether through return to Scandinavia; or through emigration to America; or through unendurably-cold mediaeval climatic changes in the Arctic; or through sudden expulsion by unexpected Eskimo invaders as in the fifteen century, the settlement mysteriously vanished.

Thereafter, Greenland's former colony of White Christians left only stone ruins to document its previous existence. Pagan Eskimos then moved there, in their place.

Modern Greenland, explains Boland,⁸ dates its history from the year 1705. For it was then that the Missionary Hans Egede arrived there from Norway as to look for the Norse Colony, and to ascertain whether it still held to its Christian principles.

He discovered to his dismay that the colony he sought, had vanished. Undaunted, he settled at Godthaab as and took upon himself the task of christianizing the Eskimos he found there.

Archeological evidence of Greenland's Ancient Christian Church

As Herrmann points out,⁹ great farms had stood here once; a two-storeyed granary had been erected; a dignified church built. But the Missionary Hans Egede found nothing.

Yet it was all within reach of his hand! For right nearby, were: the ruins of the old monasteries; the huge walls of the See of the Bishop of Greenland at Gardar, near the modern Julianehaab; the vast cemeteries in whose icy graves the dead were waiting patiently for one of their own people to come; the blossoming gardens of the Vikings still bright with many European plants foreign to the soil of Greenland.

⁷ *Ib.*, pp. 240f.

⁸ *Op. cit.*, pp. 44f.

⁹ *Op. cit.*, pp. 241f.

*ADDENDUM 41: THE CHRISTIAN DISCOVERY
AND SETTLEMENT OF GREENLAND (A.D. 982F)*

But Hans Egede passed it all by. It was not his destiny to be an Excavator or an Archaeologist. However, he instead indeed became Christ's Apostle to the Eskimos.

Just two hundred years after Hans Egede's voyage to Greenland, in the hot summer of 1921, another expedition from Norway landed there with the specific aim of searching for its ancient Norsemen. What Hans Egede missed, this expedition found: the remains of their own Norwegian kinfolk.

They had been dead for four centuries. Their farms were destroyed; their churches in ruins; their fields and gardens smothered by weeds and horsehair oats. But down below, in the graves, in the depths of the eternally frozen soil time had stood still.

There lay the Vikings, as they had once been put to rest. **The Norwegian Archaeologists found Bishop Jon Smyrill nick-named the "Sparrowhawk" together with his episcopal ring and crossier. The latter had been beautifully carved from a walrus tusk – by the pastor's wife Margret.**

In the grave of the good woman Gudveig, there lay nothing but a rune rod. On this rod can be read the words: "This woman, who was called Gudveig, was lowered into the the Greenland sea."

There were also children's graves. **The little ones lay peacefully with folded hands, a cross between their still fingers.** Thus Paul Herrmann.

Archeological evidence that Greenland's Ancient Church was Culdee

It is significant that the Pre-Reformation Greenland Ministers were married men, with children. This reflects the Irish Culdee influences upon their ancestors in Iceland. The question remains, however, as to how long those Greenlanders who had emigrated to America until the fourteenth century maintained their Christianity in the "New World."

Crosses have been discovered among the Amerindians of the northeastern coast of that Continent, together with a superior kind of worship among them. Many Norse and some Celtic words have also been found in their Amerindian languages.¹⁰

These things indicate that those early emigrants from Greenland to America, indeed gave a Christian witness to the native inhabitants they there encountered. For the Culdee Christian Celts and the Celto-Icelanders via Greenland were determined to press on with their comprehensive "Great Commission" even to the very ends of the Earth.

¹⁰ *Historians' History of the World*, The Times, London, 1908, XXII p. 41.

ADDENDUM 42: PRE-COLONIAL BIBLICAL INFLUENCES ON EARLY AMERICA

After the destruction of the tower of Babel, the ancestors of the Amerindians and the Eskimos probably trekked eastbound across Siberia and the Behring Straits. Possibly, they may also have trekked toward the northwest, across Greenland and the polar regions.

From there, they would gradually have moved southward ó and also toward the eastern coast of the New World ó into North America.

Successive arrival in North America of her first migrant groups

The Amerindians or Redmen were, of course, descendants of Noah. They too preserved some remnantal Noachic revelation. This is seen *inter alia* from the various Amerindian flood accounts and notions about justice *etc.*

Thus, God did not leave Himself without witness ó also to them. Genesis 9:1-19 & 10:32 to 11:9f *cf.* Acts 14:15-17 & Romans 2:14-16.

In addition, it is possible there may well also have been Pre-Christian Israelitic influences upon the Amerindians ó through Hebrew sailors on far-reaching vessels from Phoenicia, *etc.* See: Judges 5:17; Second Chronicles 2:14; Jonah 1:3f; Ezekiel 27:3-33; *etc.*

Thus, a small stone artifact known as the *Decalogue Table* was discovered (in 1860) near Newark in Ohio ó bearing in Hebrew a shortened inscription of the Ten Commandments. Indeed, also the ancient so-called *Grave Creek Tablet* from West Virginia's Moundville ó is inscribed in the Semi-Semitic tongue of Southern (Celt)Iberia. See *Wonderful West Virginia* (March 1981f), and *The Saturday Evening Post* (September 1984).

However, it is much more certain that there was indeed an even greater Biblical influence ó through A.D. 550f Proto-Protestant Culdee-Christian Missionaries. Such came into North America first from Ireland. Later, though still before A.D. 1000, they came from Iceland; and then, shortly thereafter, they came from or *via* Greenland. Finally, in 1170 A.D., Prince Madoc and some three hundred Brythonic Culdee-Christian Celts arrived in America ó from Wales.

These first European colonizers of North America were all professing Christians. They maintained the generally westward movement of true religion, and of civilization.

The place where the penitent Adam faithfully remained after his fall, was to the west of Eden ó as too was the place where Moses later wrote down the account thereof. Genesis 2:8 and Exodus 19:1 to 24:24.

Sacred history, both in Biblical times and thereafter, has usually flowed from the east to the west.

So, after the great flood, the faithful Abraham moved from Ur of the Chaldees ó westward into Canaan. Genesis 11:38f. Yet again, Daniel (7:2-25) relates the constant movement westward of the successive World Empires ó from Babylon, to Persia, to Greece, to Rome ó and then to the Romish -little hornø which became a big or -stout hornø which then persecuted the true saints of God throughout Western Europe.

Especially from New Testament times onward, the bulk of God's covenant people moved away from Palestine ó and especially westbound into Europe. Then, yet later (and particularly after the Protestant Reformation) the bulk again moved even further to the west ó into Northwestern Europe, and into the öWestern Islesö of Britain and Ireland still further to the west. Indeed, thence already from 500 A.D. onward, it was further öWestward Ho!ö ó toward America.

European migrations to America from A.D. 500 onward

Around A.D. 500f, the Irish Culdee Christian Finnian established Clonard as the leading -Hall of Learningø in Ireland. His -Twelve Apostlesø included St. Brendan of Clonfert.

According to Rev. Prof. Dr. J.T. McNeill,¹ the Canadian-American Calvinist and Emeritus Professor at Union Theological Seminary in New York ó the Proto-Protestant Culdee Irishman became known as Brendan the Voyager. He got that name from his marvellous quest, with thirty accompanying monks, in search of the far-off -Ocean Isle.ø

In the sixth century A.D., Brendan the Navigator prepared for his longest voyage. He built a ship of oak ó large enough to contain a crew of sixty. He gazed on Hekla in Iceland and, according to Dr. Little's book *Brendan the Navigator*, called at the Bahamas. Indeed, he seems to have reached even Florida.²

On that matter, Dr. McNeill comments³ that the story of Brendan's traversing of the Atlantic is not improbable. Some stone structures found in North Salem (New Hampshire) bear a puzzling resemblance ó as Geoffrey Ashe and others have pointed out ó to the walls of corbelled huts of the Early Irish.

Brendan's true life story can be traced with some assurance. It is believed that at some time he reached Iceland. He spent his last days in 578. George H. Little, in his book *Brendan the Navigator*, tells of Irish-speaking Indians in Florida and Panama.

Remarkable are the (A.D. 500-700) petroglyphs or rock inscriptions from various parts of West Virginia. There, in Wyoming County, an Ancient-Irish Ogham inscription reads: öChristmas Day... The Season of the Blessed Advent of the Savior Lord Christ. Behold, He is born of Mary, a woman.ö

¹ *The Celtic Churches – A History. A.D. 200 - 1200*, University Press, Chicago, 1974, pp. 76f & 224 n. 9.

² D. Leatham's *Celtic Sunrise: An Outline of Celtic Christianity*, pp. 33f (citing L. Little's *Brendan the Navigator*).

³ *Celtic Churches*, pp. 76f & 224 n. 9.

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Next to it, in Algonquin Amerindian, is an inscription saying: ðGlad Tidings!ö And next to that, is a direction in Scandinavian Tifinag, on how to regulate the calendar precisely at Christmas ó when observing a December 25th Sunrise Service precisely in the format of a winter solstice solar diffraction and its brilliant shining upon a crucial runic notch in the Wyoming County Petroglyph. Here, behold the contribution of Celtic Druidism and Culdee Christianity ó by way of a probably-Icelandic Celto-Nordic Tifinag inscription ó to the early evangelization of Amerindians!

Also remarkable are the similar Ancient-Irish oghamic inscriptions of the Horse Creek Cave Petroglyphs from Boone County (West Virginia). They read: ðA happy season is Christmas, a time of joy and goodwill to all people. ... A virgin was with child. God ordained her to conceive and be fruitful. Ah, Behold a miracle! ... She gave birth to a son in a cave.... His foster-father gave Him the name Jesus, the Christ, Alpha and Omega.... The right hand of God is a shield ó a prayer.... Father, Son, Holy Spirit, one God.ö

Not just the latter sentence (ð*Athar, Mac, Sbiorad Noib, Oin Diaö*) ó but all of the above words were written in *Ogam Consaire* ó the most ancient form of vowelless runes alias consonantal oghamic script (dating from at least as far back as the second century B.C.). The West Virginia oghamic inscriptions have affinity with those of the A.D. sixth centuryø Brendanø Proto-Protestant Northern Ireland. (Thus Harvardø Dr. Barry Fell.)

The *Historians' History*⁴ maintains that Celto-Culdee Proto-Protestant Irish monks were colonists in Iceland as early as the ninth century. Moreover, Samuel Eliot Morison, in his book *The European Discovery of America*, thinks some Irishmen located in Iceland in 870 may have sailed westward and reached the eastern coast of America.⁵

Indeed, an Icelandic saga not only claims that the Irish preceded the Norse in Iceland. It also describes the fate of the Icelander Ari Marson ó when storm-driven to Hvitrannaland or ðWhite Manø Landö (alias *Irland it Mikla* or Greater Ireland)⁶ in North America.

In his famous A.D. 1120f *Landnamabok*, Ari wrote that he ðwas driven by a tempest to White Manø Land ó which some call Great Ireland. It lies to the west in the Sea, near to Vinland the Good, and six daysø sailing west from Ireland ó *vi daegra sigling vestr fra Irlandi*. From thence, Ari could not get away. Indeed, it was there that he was baptized.⁷

⁴ *Historians' History*, XXI p. 402.

⁵ *Celtic Churches*, pp. 76f & 224 n. 9.

⁶ *Historians' History*, XXI p. 402.

⁷ *Id.*

***Hvitramannaland* or “Whiteman’s Land” in North America**

An old but subsequent geographical fragment quoted by N.L. Beamish⁸ corroborates the preceding. It states: “South from Greenland are...the *Skraelings* [alias the Amerindians or the Eskimos]; then Markland; then Vinland the Good.

“Next and somewhat behind...is Whiteman’s Land (*Hvitramannaland*).... There, Irishmen and Icelanders recognized Ari.... Nothing had been heard of him for a long time.... He had been made a chief by the inhabitants there.”

Then there is the story in the *Eyryggjasaga* about Bjarni Asbrandson. He sailed away from Iceland in 999. He was not heard of again until rediscovered in a strange land, during 1029, by the wind-blown merchant Gudleif Gudlangson. The latter found Asbrandson living among a people who spoke Irish.

Claims the *Eyryggjasaga*:⁹ “In the last years of the reign of King Olaf the Saint...Gudleif undertook a trading voyage to Dublin.... He sailed then from the west of Ireland...and was driven far to the west.... They made prayers that they might escape from the Sea....

“It came to pass that they saw land. It was a great land. They found a good harbour there.... People who spoke Irish came to them.... Soon so great a number came to them, that it made up many hundreds....

“After this, Gudleif and his people put to sea.... They landed in Ireland late in harvest and were in Dublin for the winter.”

Thorfinn Karlsefni’s new colony in North America

In 1004, Thorfinn Karlsefni, together with 160 men and some Scandinavian women from Greenland and Iceland, set out for America. Thus the (A.D. 1075) Adam of Bremen, and the Icelandic sagas.

Thorfinn had descended from Danish, Norwegian, Swedish, Irish and Scottish ancestors of whom some were of royal rank. On ship, **they observed Christmas** and intended to colonize the great Westland.¹⁰

Karlsefni’s party visited Helluland, Markland and Vinland. The first two areas were North American regions respectively of flagstone (*cf.* Labrador) and forests (*cf.* Nova Scotia).

Recent archeological research suggests: that Helluland may well have been the huge Baffin Island in Northeastern Canada; that Markland may well have been Labrador in Southeastern Canada; and that Vinland may well have been Northern Newfoundland, where the remains of a Viking settlement has been found. Indeed, an eleventh-century Viking coin was found even in Central Maine.

⁸ N.L. Beamish: *The Discovery of America by the Norsemen in the Tenth Century* (in *Hist. Hist.* XX:402 & 652).

⁹ *Hist. Hist.* XX pp. 403 (also cited in Beamish).

¹⁰ *Hist. Hist.*, XXII p. 409.

*ADDENDUM 42: PRE-COLONIAL BIBLICAL
INFLUENCES ON EARLY AMERICA*

At any rate, Vinland was a place: of wild grapes (*cf.* New England); of self-sowing wheat (alias American corn?); of honeydew; and of mild winters. This may well have been in Rhode Island (thus Rafn) or at New York's Hudson River (thus Gathorne-Hardy).

Some, however, place it as far south as Florida. Yet others even connect it with the Wotan legend of white men visiting the Central American Indians, long before Cortez.¹¹

Together with his American-born son Snorri, Thorfinn finally returned from America to Greenland ó after leaving part of his company in the New World to establish a colony there. Snorri's grandson Thorlak became a Bishop in Iceland, and compiled there a *Code of Ecclesiastical Law* which is still extant.¹²

**Eleventh- and twelfth-century Ministers
and Missionaries in North America**

Then and thereafter, as probably also previously, there were Christian settlements in North America. In 1011, Thorfinn's colony in Vinland was augmented from Iceland.

In 1059, an Irish or English Presbyterian called Jon went to Vinland to minister to the colonists there. In 1121, Bishop Eric Upsa of Greenland went to Vinland, as a Missionary. However, he was never heard from again.

Evaluating the above, the *Historian's History* rightly remarks that this history is not founded upon one tradition or record ó but upon many.

There is nothing improbable in the alleged voyages, as the Irish and the Scandinavians were the best navigators in the World. The weight of probability is in favour of a descent by Norsemen upon the northeastern coast of the American Mainland at some point or at several.

The archaeological traces are abundant in Greenland. They confirm, in the most positive way, the Celto-Norse occupation from Iceland. Thus Justin Winsor's *Pre-Columbian Explorations* ó in his *History of America*.

Missionaries have found also crosses; knowledge of the stars; a superior kind of worship; and many Celtic and Norse words ó even among the Amerindians of the northeastern coast of the New World.¹³ Fresh archaeological corroborations are constantly still being discovered, and may be expected to shed considerable light on this subject as time progresses.

¹¹ See Herrmann's *Conquest by Man*, and *Historians' History*.

¹² *Hist. Hist.*, XX p. 410.

¹³ *Hist. Hist.*, XXII p. 411.

The 1170 A.D. colony in North America of the Welsh Prince Madoc

Then, in 1170 A.D., the Culdee Christian Celto-Brythonic or Welsh Prince Madoc ó with 300 men ó established a colony in the New World. After copious research into ancient manuscripts, Sir Richard Hakluyt wrote his own 1582 book *Divers Voyages touching the Discovery of America* ó before himself then becoming involved in the British settlement of Virginia. In that book, Hakluyt refers also to Madoc.

Explained Hakluyt:¹⁴ öMadoc, another of Owen Gwyneth's sons, left the land [of Wales].... Leaving the coast of Ireland to the north, he came to a land unknown ó where he saw many strange things.

öThis land must needs be some part of the country of which the Spaniards affirm themselves to be the first finders.... [Yet] it is manifest that this country was discovered by Britons, long before Columbus led any Spaniards thitherö in 1492.

Indeed, even Columbus, we may add ó though nominally an Italian Romanist ó also seems to have been a godly Christian.¹⁵ For, after his trip to the Americas at the very end of the fifteenth century ó he praised God.

Thus, in his log-book, Columbus stated his purpose for having sought öundiscovered worlds.ö He insisted he had planned to öbring the Gospel of Jesus Christ to the Heathen.... It was the Lord Who put into my mind...that it would be possible to sail from here [viz. Spain] to the Indies....

öI am the most unworthy sinner, but I have cried out to the Lord for grace and mercy, and they have covered me completely.... No one should fear to undertake any task in the name of our Saviour ó if it is just, and if the intention is purely for His holy service.ö

In 1497, the Welsh Tudor King Henry VII of England sent the Bristol fleet of John Cabot. That discovered Newfoundland. Indeed, from around 1600 A.D., some of the very godly elements of Western European and especially of British society moved even further westward ó across the Atlantic to North America.

French-speaking Protestant Missionaries ó sent out by Calvin himself ó were the first to reach Brazil (in August 1555). French Calvinistic settlers were the first to colonize North America ó temporarily ó in the Carolinas in 1562; and at St. Augustine in Florida during 1565. Indeed, many Huguenot refugees called Walloons who were then living in Holland ó founded New Amsterdam (alias the later New York) in 1623.

This, then, was the situation right before the English and the Dutch Calvinists started to colonize North America. This commenced in 1606 (Virginia), in 1620 (New England), and in 1623 (New York).

That story is well-known. Less well-known, but needing amplification, is the earlier story of the Celtic and Celto-Norse Culdee Christian presence in America ó *via* Iceland and Greenland ó from the eleventh century onward.

¹⁴ *Historians' History*, XXII pp. 400f & 652.

¹⁵ C. Columbus: *Book of Prophecies* (cited in *Our Christian Heritage*, I ó in *The Counsel of Chalcedon*, Atlanta, Sept. 1986, pp. 9 & 30).

ADDENDUM 43: U.S. SECEDES FROM BRITAIN AND SOUTH FROM U.S.A.

Did the Southern States have the right unilaterally to secede from the U.S.A.? Moreover, did they have the further right thereafter to confederate with one another in 1861?

The right to secede from any broken Union is really “self-evident”

This “right” to secede from a broken Union, is assumed. It is no more and no less “self-evident” than was and is the similar assumption that each and all of the original thirteen American States had the right unilaterally to secede from Britain in 1776 and then to confederate in 1777-81, and to federate in 1787.

Certainly, it was permissible for the thirteen United States of America unilaterally to declare themselves independent from Britain. For each of those thirteen States had enjoyed its own Colonial Legislature independently of the British Parliament, for a very long time before the latter purportedly enacted its tyrannical 1765 *Stamp Act* to their great disadvantage.

By the same token, it must then also have been permissible for the Southern States (which later joined the C.S.A.) unilaterally to declare themselves independent of the U.S.A. in 1860 and thereafter. For also each of the Southern States were **recognized** even by Britain in the 1783 *Treaty of Paris* as being independent of both Britain and of one another even before the creation of their “more perfect Union” in 1789.

Now the Confederacy of the Holy Trinity, the Prototype of all other confederacies, is **absolutely** perfect. The very notion of the perfect Father seceding from the perfect Son or from the perfect Spirit, is unthinkable.

So too, **in a perfect World** where Britain would perfectly have imaged God Himself and the notion of thirteen perfect American Colonies seceding from a perfect England and Scotland within the rest of the United Kingdom across the Atlantic, is equally unthinkable. So too is the secession of any perfect Southern State from a perfect U.S.A.

However, in a fallen world, the secession of the U.S.A. from the imperfect United Kingdom and the secession of the C.S.A. from the imperfect U.S.A. is not at all unthinkable. Indeed, **such** secessions are both just as “thinkable” as is a divorce **after** the degeneration of a happy wedding, later, into a maliciously-marred marriage irreparably injured.

For even in “lifelong” marriage, a maliciously-deserted partner is (since the fall) not at all absolutely bound to continue within that union. To the contrary, he or she may then secede therefrom, once the other party has broken the original covenant and refuses to comply therewith or to work for its repair. In such a situation, the deserted partner is not bound to continue within the union and may secede therefrom. Malachi 2:14f and First Corinthians 7:15b & 7:27b.

Hence Noah and his family, and later Abraham and his kinfolk, unilaterally seceded from an ungodly One-World Tyranny ó respectively before and after the Great Flood. Genesis 6:1-18f & 11:1-31f. Similarly, Moses and his Hebrews unilaterally seceded from the ungodly Egyptian Empire ó and the New Testament Church unilaterally seceded from the ungodly Synagogue. Exodus 3:10f & 10:3f and Acts 19:8f with Revelation 3:9. Too, at the time of the Protestant Reformation, also the Lutherans and the Calvinists unilaterally seceded from the ungodly Papacy.

A fortiori, how much more is such a secession permissible ó from within much looser unions such as that of the United Kingdom and her American Colonies! Indeed, what is now the U.S.A. seceded from Great Britain during the eighteenth century; what was the C.S.A. seceded from the U.S.A. during the nineteenth century; and what is now the Republic of Ireland seceded (as the Irish Free State) from the United Kingdom during our own twentieth century.

Colonial America’s self-evident “right” to secede from Britain

The unanimous *Declaration of Independence* of the thirteen United States of America during 1776, was signed on behalf of those several States *inter alii* by the outspoken Calvinists Benjamin Rush, John Witherspoon and James Wilson. It was signed also by Virginia’s Christian constitutionalists Francis Lightfoot Lee and Richard Henry Lee.

The latter Lee had the previous month moved in the Continental Congress óthat a plan of confederation be prepared and transmitted to the respective Colonies for their consideration.ö Then, in Congress, on July 4th 1776 he and more than fifty other delegates signed *inter alia* the following proposition:

öWhen in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with anotherö ó these two peoples are seen to be distinct from one another. Further, it then also becomes necessary for the members of that seceded people öto assume among the powers of the Earth the separate and equal station to which the laws of nature and of Nature’s God entitle them.ö

Here, the *Declaration* at its outset assumes the unilateral right of one dissatisfied people (*viz.* the American) to secede from another (*viz.* the British). It assumes the rightness of each nation which so desires, to be separate. It further assumes the propriety of öequal stationö ó which all separated peoples should enjoy alongside of those from whom they have separated, as well as alongside all other nations. Indeed, it even assumes that öthe laws of natureö and of önature’s Godö are the just grounds of such separation ó and such equal station.

The above propositions are indeed true ó at least in general. One of the above propositions relating to the relationship between one people and another here on Earth, might have been differently formulated. Perhaps there is here a somewhat tenuous use of the words öseparateö and öequalö ó instead of similar but unambiguous words such as ödistinctö and övaluable.ö

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For some might today question whether Israelis and Palestinians and Egyptians are indeed either separated or really equal or Chinese and Tibetans and Vietnamese; or Russians and Lithuanians and Byelorussians; or Bosnians and Serbs, Afrikaners and Bushmen, Xhosas and Zulus, Canadians and Icelanders; or Americans and Mexicans. Yet in general, the above propositions of the *U.S. Declaration of Independence* are indeed irrefutable.

Consequently, the thirteen American States indeed had the right unilaterally to separate from Britain. They also had the further rights: unilaterally to confederate themselves together as the U.S.A.; and unilaterally to attain to a separated and equal station alongside of Britain, in 1776. Indeed, Britain herself recognized this, in 1783.

The Southern States' self-evident "right" to secede from U.S.A.

So then, by the same inexorable logic in the continuing absence of any legal prohibition against secession, the Southern States too must have had the same right unilaterally to secede in 1860 from the then-yankified United States Federal Government. Those Southern States must also have had the further right then to confederate themselves together as the C.S.A., and for that Confederacy then to attain to a separate and equal station alongside the abandoned rump also of the United States.

Precisely the same right of secession exists, throughout the World according to the laws of nature, and of nature's God. Thus, that unalienable right to secede still exists for each of the several nations or tribes within the present Republic of South Africa just as it existed and exists for the various nations which until the early 1990s formerly constituted the thankfully now-defunct Union of Soviet Socialist Republics.

Similarly, even Blacks or Whites in America and most certainly the various nations among the American Indians would, if acting through duly-constituted Legislatures, today likewise be able to exert their similar right. We mean their right to become separate and equal nations in dissociation from the U.S. Federation.

Furthermore, the "U.S.A. at its very inception" was never stated to be an "indissoluble union" (such as is the 1901 Commonwealth of Australia). Frankly, however, even in the "indissoluble union" of the Commonwealth of Australia, it is certainly arguable that an unwilling Queensland could "secede" if the rest of Australia were to break compact with the Queen and with the *Constitution of Australia*, say by becoming a "Democratic Peoples' Republic" or even by becoming what the previous Prime Minister Paul Keating had called a "Social Democracy."

Moreover, since the Irish Free State seceded from the United Kingdom of Great Britain earlier this century, the way now seems open for Scotland and perhaps even Wales to secede from the United Kingdom. Indeed, it is fervently to be hoped that each of the nations of Europe will later be able to secede from the United States of Europe they seem bent on creating and that also the United States of America will one day still get the stomach to secede from the increasingly-arrogant United Nations Organization which she herself helped create.

Secession of one nation from another recognized by laws of nature

Now the *U.S. Declaration of Independence* clearly asserts that “the laws of nature and of nature’s God ENTITLE” any “people to dissolve the political bands which have connected them with another.” This is so because, formally at least, all peoples and indeed also “all men are created equal” (and have thereby *ipso facto* been “endowed by their Creator with certain unalienable rights”). Of those rights, one such is clearly the right of men to “dissolve the political bands which have connected them with another” ó alias the right to secede.

One month before the *Declaration of Independence* of the United States of America from Britain, George Mason (the author of the Virginia *Bill of Rights*) had declared to the General Court of Virginia: “The laws of nature are **the laws of God, Whose authority can be superseded by no power on Earth.**” This is the context in which the phrase “the laws of nature and nature’s God” was now being incorporated into the *Declaration of Independence* itself.¹

So, according to the *Declaration*, “the laws...of nature’s God” actually “entitle” one nation (such as the Bosnians or the White South Africans) to separate from another (such as the Serbs or the ANC Xhosas). Indeed, also the Zulus have the right to exist as a nation quite separate from “Azania” alias the “New South Africa.” Cf. Genesis 11:1-9; Deuteronomy 32:8; Acts 17:24f.

This is so because, even at the national level ó such as in Britain and America, human “life” and “liberty and the pursuit of happiness” are all truly “unalienable rights” with which “all men are created” and also “endowed by their Creator.” He is also “the Supreme Judge of the World” (in terms of the 1776 *Declaration of Independence*) ó and indeed also the Supreme Judge of all nations in that World.

It was thus the Biblical and Christian doctrine of the God-given rights of man as the very image of his Creator ó in terms of the laws of nature, and of nature’s God ó which led to the **human formulation** of those God-given rights mentioned in the 1776 *Declaration of Independence*. It also led to the **human formulation** of the God-given rights “retained by the people” and the powers “reserved to...the people” *vis-a-vis* the United States itself, as mentioned in the 1791 Ninth and Tenth Articles of the *U.S. Bill of Rights*.

The “unalienable rights” of any nation include that of secession

Indeed, the 1776 *Declaration of Independence* also refers specifically to the “unalienable rights” of human “life” and “liberty and the pursuit of happiness” ó with which “all men are created” and “endowed by their Creator” ó in terms of the same laws of nature, as constituted by nature’s God. Cf. Genesis 1:26-28 & 9:5-6, and James 3:8-9.

It needs to be understood once and for all that the *Declaration of Independence* was not creating an indissoluble unified Federal Government for North America. To the contrary.

¹ *Our Christian Heritage*, Plymouth Rock Foundation, Marlborough NH, May 1990, p. 3.

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The diverse and long-standing legislatures of thirteen different American States were simply uniting against the tyranny of the British Government of that day. They did so, solely and specifically in order to assert their several independencies, as of right, against the tyrannical assertions and usurpations of a central government then headquartered in London.

Indeed, the very title of the document concerned is not the Declaration of the new Federal Government in America (singular). Instead, the document bears the title: "The unanimous Declaration of the thirteen United States of America" (plural).

In fact, also the very last paragraph of the document begins: "We, therefore the Representatives of the United States [plural]...by authority of the good people of these Colonies [plural], solemnly publish and declare that these United Colonies [plural] are and of right ought to be free and independent States [plural]; that they [plural] are absolved from all allegiance to the British Crown and that all political connexion between them [plural] and the State of Great Britain [singular] is and ought to be totally dissolved; and that as free and independent States [plural] they have full power to levy war...and to do all other acts and things which independent States [plural] may of right do."

The 1776 *Declaration* of the official representatives delegated by thirteen American States assembled at the Continental Congress, then ends in an appropriate manner. It declares:

"We, therefore, the Representatives of the United States of America in General Congress Assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions..., with a firm reliance on the protection of Divine Providence..., mutually pledge to each other our lives, our fortunes, and our sacred honour."

America's Declaration of Independence was legal de jure

We now ask an important question. Was the 1776 American *Declaration of Independence* legal? We mean: was it right, *de jure*?

It was certainly effective *de facto*! But the **really** important question is: Was it right *de jure*, in the eyes of the Creator?

The *Declaration* certainly did not claim to be violent, or even innovative. It appealed time and again simply to the traditional rights of Americans protected under British Common Law. Thus, we can be quite certain that the gist of the *Declaration* was and is certainly not original.

For the *Declaration of Independence* purportedly represents little more than a re-assertion of the ancient Anglo-British **rights of Common Law** against a legal entity then deemed to be a short-term temporary tyrant. At the deepest level, however, the friction was really against an impotent and innocuous King (George III) **mised** by an arrogant adviser or *viz.* the **British Parliament** in London or opposed to the legitimate interests of the thirteen Parliaments of the American States.

The mild-mannered George III himself was quite unlike the Father of Common Law of the B.C. 510 mighty and crime-combatting British King Dunvallo Moelmud. According to the Mediaeval Welsh Historian Geoffrey Arthur, in his important book *The History of Britain's Kings*² he compiled from much more ancient records of Moelmud established among the Britons the laws that were called the Molmutine laws.... He ordained that the temples of God and the cities should enjoy such privileges as that in case any runaway or guilty man should take refuge therein, he should depart thence. Cf. Numbers chapter 35.

Moreover, he ordained that the roads...should be held inviolable.... In his days, the knife of the cut-throat was blunted and the cruelties of the robber ceased in the land.... Even and steadfast justice should be done throughout the realm.... As of his **Common Law**...condign punishment should be inflicted on any that do violence.

In the Middle Ages, precisely those ancient Common Law rights were infringed by the tyrant King John (1199-1216). *Magna Carta* then (re-)secured very important liberties and privileges to every order of men in the Kingdom of England. The civil rights of individuals were protected by that venerable body of ancient customs which, under the name of the Common Law, still obtains in the courts of justice.

America re-asserted her Common Law ancient rights of self-rule

Later yet, when the tyrannical British Parliament of the beleaguered George III again thwarted the Common Law rights of their fellow Englishmen then resident in America of the latter (through their Colonial Legislatures) ultimately re-asserted those ancient rights. They did so first, in the 1776 *Declaration of Independence*; second, in the 1787 *Constitution of the United States of America*; and third, in the 1791 *Bill of Rights*.

Now the 1776 *Declaration of Independence* insists that the legislative powers of the Representative Houses or American Parliaments of the several Colonies in America are incapable of annihilation. The American *Declaration* further insists that all British attempts to subject the Colonists to a jurisdiction foreign to **our Constitution** and unacknowledged by our Laws had been futile. For the as-then still unwritten (Anglo-American) *Constitution* of Ancient-British Common Law, was nevertheless in force of pre-writtenly.

The British Parliament had then just recently set about attempting to accomplish abolishing the **free system of English laws** in North America including the **free system** of Common Law there and then in place. Yet in this, the British Parliament failed miserably.

For, as the U.S. *Declaration of Independence* rightly points out, those earlier English laws were still providing America with a free system of Common Law. Indeed, they were also protecting the Colonists against even the powerful British Parliament itself.

² *Op. cit.*, II:17 to III:5.

America's Pre-1776 rights already enshrined in Colonial Charters

Now those "English Laws" in North America which the American *Declaration of Independence* calls "our laws" had previously been enshrined in what it also calls "our Charters" bestowed by Britain upon the American Colonies in earlier and happier years. Those Charters, observes the *Declaration of Independence*, contain our most **valuable laws**. Fundamentally, they refer also to "the forms of our government" and were upheld in pre-Independence America by "our own Legislatures".

The godly and law-abiding American "Revolution" initiated by the 1776 *Declaration of Independence* is therefore totally dissimilar to the rather later atheistic and lawless French Revolution of 1789 and the latter's daughter, the Russian Revolution of 1917. It was those latter revolutions which violently radicalized the process of political change. They thenceforth gave an unfortunate nuance even to the very word "revolution" which had formerly been devoid of the meanings of novelty and violence.

Thus the French Revolutionists and the Russian Communists sought to **smash** the systems of law respectively of pre-Revolutionary "Romish" France and of pre-Communist "Orthodox" Russia. The American Patriots, however, undertook to **uphold** the ancient Anglo-American Common Law of Christian Britain and against the tyrannical tirades of the misinformed British Parliament in the days of King George the Third.

The thirteen free and independent United States of America were then in 1776 declaring themselves independent of Britain and preparing soon to discuss, and (in 1777) indeed to adopt, the *Articles of Confederation*. Under God, they thus all constituted from themselves, and for themselves, in one covenanted act each with one another and a declaration of independence from Britain and as American States then united together specifically to achieve that purpose, and that purpose alone.

They did this *e pluribus unum* and from many (State Governments), which then still continued to exist. They still do so, right down till this present day.

Only subsequently in 1781 did those States go ahead and constitute a governmental **Confederation**. Only yet later in 1787 would nine of those thirteen States further constitute a governmental **Union** and as can be seen from their *Constitution of the United States of America*. Only then would they become both "the one and the many" governmentally (*cf.* First Corinthians 12:12-14).

In all of this, they declared themselves to be regionally "separated" from but "equal" to the British Parliament in London. They also endeavoured to remove themselves from all unrighteousness and from an unrighteous regime headquartered in Britain.

Unlike the American system of 1776-87, the French and Soviet systems are centralistic. For the latter root in the violent atheism of respectively the French Revolution of 1789 and the Russian Revolution of 1917. There, the one central government dominates its many departments and separated from the righteous laws of **nature**, and from the righteous laws of nature's Triune **God**.

The rights of each State in the *Declaration of Independence*

Now in the Unanimous Declaration of the Thirteen United States of America, the Representatives of the United States of America, in General Congress twice declare themselves to be Free and Independent States (plural). Three times do they declare that they are also United States (plural). And at least four or five times do they declare that they are United States of one people (singular) or the people (singular) entitled to our separation and to separate and equal station alongside of Britain and the other powers of the Earth.

Those United States then and thus claimed to be one people (singular) in many States (plural). They implicitly claimed to be one trinitarian people, in many provinces. Indeed, they explicitly insisted they derived their legitimacy from the laws of nature and of nature's God (*viz.* the Triune God).

For, either explicitly or implicitly, there are altogether five references to God in the *U.S. Declaration of Independence*. First, it affirms that the thirteen independent States in America were entitled to separate from our British brethren by nature's **God**. Second, it claims that all men were **created** equal (namely by the God Who created them). Third, it insists that all have been **endowed** by their **Creator** with certain unalienable rights. Fourth, it records that the Americans were right then appealing to the **Supreme Judge** of the World. Fifth, it also documents that they were then firmly relying on the protection of **Divine Providence**.

What is almost universally overlooked in the *Declaration*, however, is the constant rehearsal of **the Rule of Law** which was then being disregarded by the tyrannical British Parliament of George III. In our opinion, this is the greatest difference between the 1776 American *Declaration* and both the French Revolution of 1789 as well as the Russian Revolution of 1917.

Thus, the *U.S. Declaration of Independence* grounds itself in the **laws** of nature (which themselves root in nature's God). It speaks of certain unalienable **rights** such as the Common Law rights of life, liberty, and the pursuit of happiness.

It declares further that governments are instituted among men precisely in order to secure these **rights**. It suggests that people should in prudence first suffer inequities before finally resolving to **right** themselves, by abolishing the forms to which they are accustomed. Yet it also insists that when after a long train of abuses and usurpations a tyrant evinces a design to reduce them under absolute despotism it is their **right**, it is their **duty**, to throw off such government, and to provide new guards for their future security.

The *Declaration* lists the in-jur-ies committed against Americans

The claim is next made that the history of the present King of Great Britain is a history of repeated in-jur-ies [or un-right-eous-nesses] and usurpations all purposing the establishment of an absolute tyranny over these States in free America. The acts of that present tyrant [the British Parliament of George III] are then set out.

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For the king, through his British Parliament, had refused his assent to **laws** [enacted by his own American Legislatures], the most wholesome and necessary for the public good.... He has forbidden his Governors [in America] to pass **laws** of immediate and pressing importance.... He has refused to pass other **laws** for the accommodation of large districts of people, unless those people would relinquish the **right** of representation in the Legislature ó a **right** inestimable to them and formidable to tyrants only.

He has called together **legislative** bodies at places unusual, uncomfortable, and distant.... He has dissolved **Representative Houses** [alias meetings of the American Parliaments] repeatedly, for opposing with manly firmness his invasions on the **rights** of the people. He has refused for a long time, after such dissolutions, to cause others to be elected ó whereby **the legislative powers** incapable of annihilation have returned to the people at large for their exercise.ö

Further, through the actions of his British Parliament, George III óhas obstructed the administration of **justice**, by refusing his assent to **laws** for establishing **judiciary** powers. He has made **judges** dependent on his will alone for the tenure of their offices....

He has affected to render the military independent of and superior to **the civil power**. He has combined with others to subject us to a **jurisdiction** foreign to our constitution and unacknowledged by **our laws** ó giving his assent to their acts of **pretended legislation**...: for imposing **taxes** on us without our consent; for depriving us in many cases of the benefits of **trial by jury**...; for **abolishing the free [Common Law] system of English laws** in a neighbouring Province...; for taking away **our Charters**, abolishing our most **valuable laws** and altering fundamentally the forms of **our Governments**; for suspending **our own Legislatures**.ö

The *Declaration* then concludes: öIn every stage of these oppressions, we have **petitioned** for redress in the most humble terms. Our repeated petitions have been answered only by repeated **in-jury** [or un-right-eous-ness].

öA prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.... We, therefore, the **Representatives** of the United **States** of America, in General **Congress** assembled, appealing to the **Supreme Judge** of the World for the **rectitude** of our intentions, do...declare that these United Colonies are and of **right** ought to be **free and independent States**.ö

The *Vindicia Contra Tyrannos* on the legality of counter-revolution

Rev. Dr. R.J. Rushdoony explains³ that the question of legality was an important one to Colonial Americans. The 1643f *Westminster Confession of Faith*, in its chapter -Of the Civil Magistrateøó in common with other religious affirmations on the subject ó made civil obedience a Christian duty.

That *Confession* had been adopted by the New England Churches already in the middle of the seventeenth century. However, in Colonial America, both obedience

³ R.J. Rushdoony: *This Independent Republic*, Craig, Nutley N.J., 1964, pp. 24f.

and disobedience were grounded on Fundamental Law ó in God's Decalogue. Anything else was sin.

The American Revolutionists were by no means perfect men. But their principles were nevertheless real. They were thus opposed to the deliberate disruption of law and order which later characterized France.

Important in this context of legality or revolution, was the influence of the 1579 Huguenot document *Vindicia Contra Tyrannos*. Thoroughly Calvinistic, it was held by the second U.S. President, John Adams, to be one of the most influential books in America on the eve of 1776.

The *Vindicia* holds, among other things, to the following doctrines. First, any ruler who commands anything contrary to the Law of God is himself a **rebel** ó and thereby forfeits his realm. Second, real rebellion is refusal to obey God ó for we ought to obey God rather than man. To obey the ruler when he commands what is against God's Law, is thus truly rebellion.

Third, since God's Law is the Fundamental Law and the only true source of law ó and neither king nor subject is exempt from it ó **counter-revolutionary** war is sometimes required in order to defend God's Law against a revolutionary ruler. A fourth tenet also characterized this position: legal rebellion required the leadership of lesser magistrates to oppose, in the name of the law, the royal dissolution or contempt of law. So too Calvin's *Institutes of the Christian Religion*, IV:20:24f.

Consistently-Christian or Presbyterian nature of the *Declaration*

The **consistently-trinitarian** (alias the Protestant and Presbyterian) character of the *Declaration of Independence* should be noted. In that 1776 *Declaration of Independence*, the official Representatives of the several òfree and independent Statesö (plural) proclaimed that they were in an important respect òunitedö (singular) ó thus reflecting the òoneö God and the òmanyö Persons of the Holy Trinity. Those Representatives appealed to òthe laws of nature and nature's God,ö and they insisted òthat all men...are endowed by their Creator with unalienable rights.ö

They spoke patiently of òour British brethrenö ó despite òattempts by their Legislature to extend an unwarrantable jurisdiction over us.ö They asserted that òthese United Coloniesö (plural) in America (singular) are òfree and independent Statesö (plural). Indeed, they concluded ó òwith a firm reliance on the protection of divine Providenceö ó to òpledge to each other our lives, our fortunes, and our sacred honor.ö

The report of that shot, went round the world. Back in faraway London, probably thinking of Princeton's Presbyterian President Rev. Professor Dr. John Witherspoon who had signed that American *Declaration of Independence*, the British Prime Minister Horace Walpole rightly remarked: òCousin America has run off with a Presbyterian Parson!ö

A North American supporter of the English King George III sent a letter to Britain putting òall the blame for these extraordinary proceedings upon the Presbyterians.ö Indeed, a British agent in America at that time described the colonial resistance as a

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Scots-Irish Presbyterian Rebellion. Consequently, it was especially the Presbyterian Churches in America that the British then targeted for destruction.

According to Dr. R.J. Rushdoony,⁴ even those American leaders such as Washington and "Light Horse" Harry Lee (Robert E.'s father), who were Episcopalian rather than Presbyterian – were nevertheless Reformed, and indeed also descendants of those Anglican Puritans who had migrated from Britain to escape persecution in the previous century. Indeed, almost two-thirds of all the American Colonists at that time – had been trained in the Calvinistic system. Thus Professor Dr. Loraine Boettner,⁵ in his famous book *The Reformed Doctrine of Predestination*.

The American *Declaration of Independence* in 1776 stood for the Puritans' "law of nature, and of nature's God." It stood on the "light of nature" and the "law of nature" given by "the God of nature." On this matter, see six places in the 1643f *Westminster Confession of Faith*⁶ and three places in the *Westminster Larger Catechism*.⁷

This "law of nature and of nature's God" the 1776 *Declaration* (just like the *Westminster Standards* before it) derived not from Deism but from Christianity – in Scripture. See Exodus 20:8f; Psalm 19:1-3; Jeremiah 10:7; Acts 17:24f,28; Romans 1:19-20,26-27,32 & 2:1,14-15; and First Corinthians 1:20-24 & 11:13-14 – as cited in the *Westminster Confession* and the *Westminster Larger Catechism*.

Thus, in this regard, the 1776 American *Declaration of Independence* was quite like the *Westminster Standards*.⁸ For the *Declaration* stood for **God-given** human rights – rights **under God**. Indeed, it was quite unlike the very different and later French Revolution of 1789 (which would stand for the alleged "rights of MAN" under "NO God and no Master").

Even the famous Irish anti-revolutionary conservative Edmund Burke – himself a member of the British Parliament back in the British Isles – supported the American *Declaration of Independence*. As an eye-witness of the 1776 American *Declaration* (which he defended) as well as of the 1789 French Revolution (which he detested) – Burke commented also on the earlier 1688 "Glorious Revolution" at the time of the proclamation of the *British Bill of Rights*.

Held Burke: "Our "Revolution" [of 1688] and that of France [in 1789] are just the reverse of each other in almost every particular and in the whole spirit of transaction. For the French Revolution is the turning upside down of society, and her system is an antichristian doctrine."

So too the great Dutch Calvinist Rev. Professor Dr. Abraham Kuyper Sr., in his important work *Calvinism the Origin and Guarantee of Our Constitutional Freedoms*.⁹ Compare too the motto of Kuyper's great Dutch Presbyterian predecessor

⁴ See R.J. Rushdoony and O. Scott's 1992 *From the Easy Chair*, Presbyterian Theological Centre, Sydney, Australia (Foundation for the Advancement of Christian Studies, Engadine, NSW).

⁵ L. Boettner: *Reformed Doctrine of Predestination*, Presbyt. & Reformed Pub. Co., Phillipsburg N.J., 1981 ed., pp. 382-83.

⁶ *WCF* 1:1^a; 1:6^o; 10:4^s; 20:4^{pa}; 21:1^a; 21:7^k.

⁷ *WLC* QQ. 2^c; 60^q; and 151.3^w.

⁸ See nn. 6 & 7 above.

⁹ *Op. cit.*, p. 61.

Groen Van Prinsterer: "Put the [Protestant] Reformation against the [French] Revolution!"

The U.S. Constitution promotes law and order – not universal franchise!

The early triumphs of the godly Federalists against the populist Democrats, should next be noted. The most important underlying *rationale* for writing the *Constitution of the U.S.A.* in 1787, is stated in its Preamble.

That reads: "We the people of the United States do in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity do ordain and establish this CONSTITUTION for the United States of America."

Here, the word "blessings" implicitly yet very clearly recognizes the One Who blesses. Moreover, especially the above-mentioned concepts of "order" and "union" and "justice" and "tranquillity" are clearly elaborated shortly thereafter in Article I of the *Constitution*.

For just before the latter's enactment, in 1786-87 there had been an armed insurrection by debt-ridden farmers in Western Massachusetts against the State Government. That represented an attempt to halt the foreclosure of mortgages on their properties.

At that time, armed insurgents under the leadership of one Daniel Shays forcibly began to prevent the county courts from sitting and making judgments for debt. The rebellion was routed, but Shays escaped into Vermont.

As a result, Massachusetts was soon persuaded to ratify the proposed *U.S. Constitution*¹⁰ which then gave Massachusetts the right to demand extradition of rebels from Vermont (or from any of the other confederated States). Article IV Sections 1 & 2.

Thus, somewhat socialistic and indeed new legislation to aid debtors in States where the lower classes had gained control do now helped convince conservatives that the previous *Articles of Confederation* were not adequate enough to protect creditors against their debtors. This was so, especially when the latter fled into other confederated States.

It was thus perceived that a stronger central government was needed, in order to keep "Inter-state Mob-ocracy" in check. To that effect, George Washington spoke up for conservative governmental leaders, in a letter he wrote to Congressman Henry Lee (the father of the later General Robert E. Lee).

¹⁰ *Shay's Rebellion*, art. in *NICE* 20:6174; compare Billington & Others: *op. cit.*, pp. 98f & 127f. See too ed. C.F. Adams's *The Works of John Adams*, Boston, 1851, pp. 8f & 65f.

John Adams's *Defense of the Constitutions of Government of the U.S.*

Nowhere was the truly revolutionary nature of populist democracy better exposed and excoriated, than in a certain famous writing by John Adams. In that writing ó his *Defense of the Constitutions of Government of the United States of America* ó the word *Constitutions* (plural!) is singularly felicitous.

Adams had signed the 1783 *Paris Peace Treaty* with Britain on behalf of the United States òin the Name of the Most Holy and Undivided **Trinity**.ö A staunch Federalist, just before Washington became President (with Adams himself becoming Vice President) ó the latter almost prophetically defended the godly 1787 *U.S. Constitution*. He did so against the ungodly French Radicals who soon took over France at her bloodthirsty Revolution in 1789. Wrote Adams:

òProperty is surely a right of mankind, as really as liberty. Perhaps at first prejudice, habit, shame or fear ó principle or religion would restrain the poor from attacking the rich, and the idle from usurping on the industrious. But the time would not be long, before...pretexts be invented by degrees to countenance the majority in dividing all the property among them ó or at least in sharing it equally with its present possessors.

òDebts would be abolished first; taxes laid heavily on the rich, and not at all on the others; and at least a downright equal division of everything be demanded, and voted. What would be the consequence of this? The idle, the vicious, the intemperate would rush into the utmost extravagance of debauchery; sell and spend all their share ó and then demand a new division of those who purchased from them.

òThe moment the idea is admitted into society that property is not as sacred as the laws of God [of which indeed it is a part], and that there is not a force of law and public justice to protect it ó anarchy and tyranny commence. If *thou shalt not covet* and *thou shalt not steal* were not Commandments of Heaven ó they must be made inviolable precepts in every society, before it can be civilized or made free....

òIndolence is the natural character of [fallen] man to such a degree that nothing but the necessities of hunger, thirst and other wants equally pressing can stimulate him to action ó until education is introduced in civilized societies; and the strongest motives of ambition to excel in arts, trades and professions are established in the minds of all men. Until this emulation is introduced ó the lazy savage holds property in too little estimation to give himself trouble for the preservation or acquisition of it.

òIt is agreed that *the end of all government is the good and ease of the people in a secure enjoyment of their rights without oppression.* But it must be remembered that the rich are *people* as well as the poor; that they [too] have rights, as well as others; that they have as clear and as *sacred* a right to their large property, as others have to theirs which is smaller; that oppression to them is as possible and as wicked as [it is] to others; that stealing, robbing, cheating are the same crimes and sins ó whether committed against them, or others.

òThe rich, therefore, ought to have an effectual barrier in the *Constitution* against being robbed, plundered and murdered ó as well as the poor. And this can never be, without an independent Senate.

“The poor should have a bulwark against the same dangers and oppressions. And this can never be without a House of Representatives of the people.

“But neither the rich nor the poor can be defended by their respective guardians in the *Constitution* ó without an executive power vested with a negative [veto] equal to either. To hold the balance even[ly] between them, and [to] decide when they cannot agree.”

Especially the last paragraph merits very careful consideration. Close inspection of it, reveals a thoroughly **balanced** alias **trinitarian** understanding of government.

Anti-demo-cratic nature of Article I of the *U.S. Constitution*

Now the immediate reasons for writing up the *Constitution of the U.S.A.*, are to be found in its Article I. For thirteen years after ShaysøRebellion, the American political pendulum swung further to the right ó at least until 1800. For at the beginning of that period, fifty-five conservative delegates from the several States of the American Confederacy had met in Philadelphia during 1787 to frame the *Constitution of the U.S.A.*

Of those fifty-five delegates, at least fifty and perhaps even fifty-two were professing Christians.¹¹ One of those who actually drafted the *U.S. Constitution*, was John Jay. He was the first Chief Justice of the Supreme Court of the United States.

Jay had been one of the three American signers of the 1783 *Peace Treaty* with Britain “in the Name of the most holy and undivided Trinity.” A French-American Calvinist, Jay himself declared:¹² “Providence has given to our people the choice of their rulers, and it is the duty of a Christian nation to select and prepare Christians for their rulers.”

At that time, not a single State then desired a unitary Federal Government. The mood of the 1787 Constitutional Convention was overwhelmingly conservative ó as can be seen from the language throughout Article I of the *Constitution* itself.

Indeed, precisely in the 1787f *Constitution of the United States* ó it was enacted in Article I Section 1, that “all legislative powers herein granted” by the United States [plural] to the Federal Government as their creature, “shall be vested in a Congress of the United States [plural] which shall consist [firstly] of a [States-rightsø] Senate and [secondly] of a [popular-vote] House of Representatives.”

In that latter Federal Lower House, “the number of Representatives shall not exceed one for every thirty thousand.” However, “each State shall have at least one Representative.” Article I Section 2.

¹¹ See M.E. Bradfordø*s A Worthy Company*, Plymouth Rock Foundation, 1982 (cited in *Our Chr. Herit.* p. 4).

¹² D. Barton: *The Myth of Separation* (as cited by John Holmes in his art. *Our Inalienable Rights*, in *The Bell Ringer*, Southern California Constitution Education Committee, North Hills Ca., Nov./Dec. 1992, p. 7).

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Now the 1787 *U.S. Constitution* upholds precisely a bicameral Congress. There, the House of Representatives reflects voting strengths by *per capita* population ó though not on the basis of “one man one vote”, still less on the basis of “one woman one vote”, and never at all on the basis of “one vote for every human being” (whether born or unborn).

On the other hand, the equal rights of all the States is entrenched by allocating exactly two Senators to each State ó whether populous (New York) or “empty” (Vermont). This is still the case even today ó whether tiny (like Rhode Island) or huge (like Alaska); or whether densely-populated (like New Jersey) or sparsely-populated (like Nevada).

The U.S. Congress was to have undelegatable legislative powers ó to be exercised bicamerally in a “Lower House” of popular Representatives, and in a senatorial “Upper House” of equally-represented States. The rights of each of the States were thus strongly entrenched in the 1787 *U.S. Constitution*. Article I Section 3.

Strong State powers were vested in the Upper House alias the Senate. Too, the Senate was: to share the work-load between itself and the President; to approve treaties; and to initiate impeachment procedures. Article I Section 3; and Article II Sections 1 & 2. Significantly, all Senators were to rest “sabbatically” after six years’ service. Article I Section 3.

Mention of the issue of slavery in relation to voting privileges, was very carefully avoided in the original *U.S. Constitution*. Yet the latter initially stipulated one Representative for the Lower House, per State, for every thirty thousand persons (or less).

Those 30 000 persons were to be calculated specifically “by adding to the whole number of free persons including those bound to servitude for a term of years and excluding Indians not taxed, three-fifths of all other persons” (alias voteless free women and voteless free children as well as all of the voteless slaves). Article I Section 2 (*cf.* also Article IV Section 2).

Thus, the same provision specifies that Delaware and Rhode Island were originally entitled to only one Representative each; New Hampshire and Georgia, three each; New Jersey, four; Connecticut, North Carolina and South Carolina, five each; Maryland and New York, six each; Massachusetts and Pennsylvania, eight each ó and the great “Slave State” of Virginia (where slaves outnumbered freemen), to fully ten.

Even the slave trade, though indeed immediately taxable, was declared to be unabolish-able by the United States Congress ó until at least 1808. Indeed, also by then it was not necessarily required to be abolish-ed. Article I Section 9 (*cf.* also Article IV Section 2).

Fascinatingly, although Article I Section 8 gives the U.S. Congress the power to lay down and to collect taxes ó Article I Section 9 holds that “no capitation or other direct tax shall be laid.” Consequently, the U.S. Supreme Court in 1895 rightly held that taxes on incomes from real property or personal property were “direct taxes” ó and that the *Income Tax Act* of 1894 was therefore unconstitutional.

Only in 1913 was this constitutional provision repealed. Then, in the Sixteenth Amendment, it was finally ratified that "the Congress shall have power to lay and collect taxes on incomes from whatever source derived & without apportionment among the several States."

Very clearly, according to the U.S. Supreme Court in 1895, the unconstitutional *Income Tax Act* of 1894 (later to be recycled into the so-called Sixteenth Amendment of 1913) was contrary to the original *Constitution of the U.S.* It remained so, right down to just beyond 1912. So, comrades, if you don't like the original *U.S. Constitution* & just amend it, to get it to teach the opposite!

Article I Section 9 similarly upholds the writ of *Habeas Corpus*. It also prohibits bills of attainder (alias punishment without trial) & and all *ex post facto* laws (of retroactive effect). Finally, Article I Section 10 reserves to the Federal Government only certain specified rights & such as those: of entering into treaty; of coining money; and of imposing customs duties *etc.*

Articles II to IV of the *Constitution* preserve States' rights

Article II of the *U.S. Constitution* deals with the executive powers of the U.S. President. Both then and now, they were and are very considerably greater than those of the King of England.

Merely consider the military, pardoning, and treaty-making powers authorized to the President in Article II Section 2 & not to speak of the further powers to appoint judges, ambassadors and even senators. However, just like the previous seventeenth-century Kings of England Charles I and James II & U.S. Presidents too are removable by impeachment. Article II Sections 2 & 4.

Article III regulates the judicial power of the U.S. Supreme Court anent all controversies & between the United States and foreign parties. It is also stated that "the judicial power shall extend to all cases in law and equity...; to controversies in which the United States shall be a party"; and "to controversies between two or more States of that Union. "The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed. Articles III Sections 1 & 2.

In the above-mentioned Articles II and III, the Founding Fathers clearly and deliberately distributed the power & among the legislative Congress and the executive President and the judicial Supreme Court & on a trinitarian basis. It implies that each is master in its own sphere. Its delicate structure of checks and balances is the guarantee of constitutional freedom from tyranny for all U.S. citizens.

Article IV Section 2, deals with the relation of the States to each other. It provides for Inter-State co-operation, and Inter-State extradition. This means that runaway persons (including slaves) charged with crimes in any State, had on demand to be delivered up by the State of refuge to the State having jurisdiction.

Under the phrase "service or labor" in Article IV Section 2, the original *U.S. Constitution* recognized the propriety of slavery in such States as then permitted it.

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Indeed, it also provided that felonious runaway slaves must be extradited by the State of their refuge back to the State from which they fled in order to stand trial there. Here are the very words of Article IV Section 2:

“A person charged in any State with treason, felony or other crime who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled be delivered up to be removed to the State having jurisdiction of the crime.

“No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor but shall be delivered up on claim of the party to whom such service or labour may be due.”

Later, fully fourteen of the Northern States would violate the *U.S. Constitution* at this very point. That was one of the factors which led up to the secession of many of the United States from the violated Union; and, soon thereafter, also to the 1861-65 War of Northern Aggression against the Southern States in North America.

Article IV sections 3 & 4 comprehend: the admission of new States to the Union; the Federal Government’s protection of the “republican form of government” to “every State in this Union”; and its further protection of each State against invasion.

The latter provision clearly declares: “The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened) against domestic violence.”

In 1861, the U.S. Federal Government violated the *U.S. Constitution* at this point. For the former then, without such “application” by the Legislature of South Carolina, unrequestedly invaded that sovereign State.

**The *Constitution*’s Articles V-VIII uphold
Common Law and Christianity**

Article V provides for “amendments to this constitution...when ratified by the legislatures of three-fourths of the several States.” Yet “no State, without its consent, shall be deprived of its equal suffrage in the Senate.”

Article VI provides for the recognition of “this constitution and the laws of the United States [plural]...and all treaties made...under the authority of the United States [plural].” Indeed, the *Constitution* was thenceforth to be recognized as “the supreme law of the land.”

Though the original 1787 *Constitution* does not itself mention the Common Law, its provisions certainly imply the pre-existence and ongoing continuance thereof. For such was the Law of the pre-existing Colonies which had then become States in 1776

ó with which Common Law the new National Federal Government might in no way interfere.¹³

Indeed, this was explicitly stated just four years later in the 1791 Seventh Amendment to the *U.S. Constitution*. There, it is declared that within America òin suits at Common Law...the right of trial by jury shall be preserved.ö Moreover, òno fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the Common Lawö already in force in the constituting States.

Thus, back in Article III of the 1787 *Constitution* just four years earlier, one reads that the òjudicial power of the United States is vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.... The judicial power extends to all cases in law and equity...between two or more States....

òThe trial of all crimes, except in cases of impeachment, shall be by jury.... No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act or on confession in open court.ö See: Deuteronomy 19:15 & Second Corinthians 13:1.

Article VII deals with the ratification procedure. It must be remembered that the States concerned had always been independent of one another; had all declared themselves independent of Britain in 1776; and had all indeed confederated themselves with one another in 1777-81. Indeed, similar such confederations ó such as the New England Confederation between Massachusetts and Connecticut ó were formed as early as 1643.

So now, in 1787, it was agreed that not less than òthe conventions of nine Statesö of the original thirteen would be sufficient further to establish the *Constitution* between the States so ratifying. All of the above Articles were then affirmed in Convention by the unanimous consent of the States present, òthe seventeenth day of September in the year of our Lord 1787.ö

This shows the *U.S. Constitution* to be a Christian document ó signed as it was òin the year of our Lord 1787.ö Indeed, it even distinguishes òSundaysö from ordinary working-days (in Article I Section 7). By way of contrast, it should be remembered that the 1789 French Revolution ó sought to abolish the Christian Sunday.

The 1791 *Bill of Rights* an integral part of the ratified *U.S. Constitution*

The *U.S. Constitution* was adopted when the ninth of the original thirteen United States ratified it ó on 21st June 1788. Yet it was 1789 before the *Constitution* actually became operational ó by which time eleven of the original thirteen United States had ratified it.

Only in 1790, however, did the thirteenth State (Rhode Island) ratify it ó in respect of that State itself. Moreover, **certain States had ratified it earlier – but only on**

¹³ See *Enc. Amer.*, 1951, 7:413f.

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condition that the State concerned reserve for itself the right to re-assume the powers delegated by it to the Federal Government.¹⁴

Indeed, the subsequent 1791 *Bill of Rights* (alias the first Ten Amendments) represents the ratificatory conditions demanded by several of the sovereign creating States ó such as Massachusetts, New York, North Carolina, Rhode Island and Virginia. It first had to be guaranteed to them that their demands would be met ó before they would ever become willing to sign it.

This means that less than the required nine States were prepared to ratify the 1787 proposed constitution ó unless the suggested first Ten Amendments thereto (alias the *Bill of Rights*) were also adopted ó as indeed they were, in 1791. For those first Ten Amendments were needed to protect not just individual persons but also the rights of the several States ó against any further concentration or centralization of power in or by the Federal Government.

Accordingly, one should construe the 1791 American *Bill of Rights* as an integral part of the 1787 U.S. Constitution as ratified by 1789-91. For without the former, the U.S. Constitution itself would never have been ratified by a sufficient number of the at least nine States needed to constitute it and to bring it into operation.

As we shall later see, that Christian *Bill of Rights* denies the Federal Government any ability to establish a denominational religion ó federally. It also protects to the hilt the Anglo-American Common Law rights of the individual against centralistic tyranny by a political government ó and also the rights of each of the several States and its people *vis-a-vis* the Federal Government.

**The U.S. *Bill of Rights* was clearly derived
from British Common Law**

We are now able to proceed beyond the previously-mentioned 1787 *Constitution of the United States of America* (and beyond the concomitant 1788 *Constitution of the Presbyterian Church in the United States of America*) ó to the 1791 U.S. *Bill of Rights*.

The latter (alias the first Ten Amendments to the U.S. Constitution) represent the conditions demanded by many of the thirteen sovereign States which had declared themselves independent from Britain in 1776, before they were prepared to exchange their 1777-81 *Articles of Confederation* ó for the 1787 U.S. Constitution, ñin order to form a more perfect union.ö

Massachusetts, New York, North Carolina, Rhode Island and Virginia were not willing to sign and ratify the U.S. Constitution ó without further safeguards against federal centralization at the expense of the sovereign States. Those further safeguards of the rights of the pre-existing and also still-continuing several States ó were now enshrined by way of the proposed ten-pronged *Bill of Rights*, alias the first Ten Amendments.

¹⁴ See art. Constitution of the United States, in *The American Peoples Encyclopedia*, Grolier, New York, 1966, 5:432.

All of the latter were derived from British Common Law. They were concurrently enacted in 1791, just four years after the adoption of the seven Articles of the original *U.S. Constitution* itself. The first Ten Amendments are indeed all truly excellent measures.

The First Amendment in the *Bill of Rights* provides that the federal "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." Cf. Numbers 1:4f & Deuteronomy 17:14f.

It does not permit the Federal Government to prohibit each sovereign State from itself establishing religion — which New Hampshire and South Carolina did when both of them favoured Protestantism until just recently. Nor does it prohibit private citizens from exercising their religion in public, even at the federal level.

The Second Amendment stresses the necessity of having "a well-regulated militia" for "the security of a free State" (*viz.* for each of the thirteen constituting States). It says nothing of providing for the security of the Federal Government. It also guarantees "the right of the people [of each of the United States] to keep and bear arms" (*cf.* Luke 22:36).

It is silent about any ability of the Federal Government to keep and bear arms — least of all against the people of any of the constituting States. It certainly does not permit the Federal Government to prohibit the people from keeping and bearing arms. On the contrary, it requires the Federal Government to guarantee the people's sovereign right themselves to keep and bear arms.

The Third and Fourth Amendments — like *Magna Carta* — in the manner prescribed by law protect people's privacy against the peace-time quartering of soldiers in their homes. They also protect the people against unreasonable and unwarranted searches and seizures — by the Federal Government. Cf. Jeremiah 17:22.

The Fifth and Sixth Amendments guarantee the right to a grand jury in respect of capital crimes. They protect any accused from being forced to testify against himself. They prevent deprivation of life and liberty or property "without due process of law."

They require "just compensation" (generally at three times the normal value) for private property taken for public use. Indeed, they also enshrine the right to a speedy and public trial "ascertained by law." Cf. Exodus 22:1-9f.

The Seventh and Eighth Amendments uphold Anglo-American Biblical "suits at Common Law." They preserve "trial by jury...according to rules of the Common Law." Indeed, they further prohibit "excessive bail" as well as "cruel and unusual punishments." Cf. Exodus chapters 20f through Deuteronomy chapters 25f.

The Ninth and Tenth Amendments declare that the enumeration of rights in the *U.S. Constitution* of the Federal Government does not "disparage others retained by the people." They specify that all "powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people." Exodus 3:16f; First Samuel 8:4-22; Acts 4:19 & 5:29.

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These last two amendments imply that man is pre-eminently God's free creature and only secondarily a citizen of various political governments. All these entities are themselves answerable to the Almighty Creator.

Indeed, the last two amendments also deny the Federal Government many powers and reserve the latter instead to the several States and their people. Cf. Deuteronomy 19:12f; Luke 23:2-11; Acts 23:26-30; Romans 13:1f.

The word "delegated" at this end of the *Bill of Rights*, is of particular importance. For the Tenth Amendment reserves all powers not specifically delegated to the United States [Federal Government] by the *Constitution* to the several States and their people.

Indeed, the word "delegated" here clearly implies that the rights entrusted by the people or by the States to the United States Federal Government in the *U.S. Constitution* can also be undelegated or withdrawn. That is, those delegated rights could be recalled by the sufficient action of the people, or of each State, back to the people or back to each State.

Furthermore, other "certain rights" are "retained" by the people; are not delegated to the United States; but are reserved to the States respectively, or to the people. See Exodus 21:2; 22:3,11,26; Deuteronomy chapters 14 to 16f; and First Samuel 1:6-22.

**The 1861f War of Northern Aggression terminated
the original *U.S. Constitution***

Even the first couple of yet later Amendments, have much merit. Thus the Eleventh Amendment of 1798, guarantees that "the judicial power of the United States [Federal Government] shall not...extend...against any one of the United States" and a provision savagely to be overridden during the unconstitutional 1861-65 War of Northern Aggression against the Southern United States. Also, the Twelfth Amendment of 1804 not unwisely demarcates qualifications for the Vice Presidency especially in the event of his possibly becoming President during the same term.

Very significantly, there were then no further successful amendments to the *U.S. Constitution* until after the unconstitutional 1861-65 War of Northern Aggression against the Southern United States. However, that war then opened up the flood-gate for all manner of amendments and nearly all of which have been revolutionary.

Thus, the Thirteenth Amendment of 1865 then set aside the intent of the foundational Article I Section 2 of the original *U.S. Constitution*. It did so, by differently and belatedly purporting to enact that "neither slavery nor involuntary servitude...shall exist within the United States."

Indeed, also the (illegal) purported Fourteenth Amendment of 1868 and never constitutionally ratified and heralded the termination of the authority of the original United States. It also heralded the beginning of a whole series of subsequent amendments, mostly of a very questionable if not increasingly socialistic nature.

However, certainly until 1804 and perhaps even till 1861 the American *Constitution* was quite the best of any country in the history of the World. Its progressive prostitution thereafter, however, is one of the great tragedies in the history of mankind.

The Law of God as the basis of the *U.S. Constitution and Bill of Rights*

What are the historical roots of the first Ten Amendments in the *U.S. Constitution* and all enacted simultaneously in the 1791 U.S. *Bill of Rights*?

They were not derived as some modern humanists most untruthfully allege from the (ungodly and humanistic) French Revolution and its so-called "rights of man" (all of which post-dated the *U.S. Constitution*). To the contrary, they were all mediately derived from Anglo-American Common Law. That, in turn, was initially **derived from the Law of God**.

Immediately, however, the American *Bill of Rights* of 1791 was derived via the *U.S. Constitution* of 1787, the *Articles of Confederation* of 1777-81, and the U.S. *Declaration of Independence* of 1776 and from the 1688 British *Bill of Rights*. That was enacted at England's Neo-Puritan "Glorious Revolution" and based on the yet-antecedent British Common Law as its ancient foundation.

Significantly, the leading British Christian Parliamentarian Edmund Burke and the later English Prime Minister Sir William Ewart (Lord) Gladstone both highly praised the American *Bill of Rights*. Indeed, they did this also for that very reason.

The modern Israeli Law Professor Dr. Gabriel Sivan comments¹⁵ that the supremacy of law is a basic tenet of Anglo-American legislation and can also be traced to older procedure. The Fifth Amendment of the *U.S. Constitution* that "No person...shall be deprived of life, liberty, or property without due process of law" is generally derived from the thirty-ninth clause of *Magna Carta*. (That latter, in turn, is itself derived from Holy Scripture. Exodus 22:1; Deuteronomy 19:14f; Acts 22:25.)

Indeed, most of the ideas and even many of the very words of the Christian Common Law rights in the 1688 **British** *Bill of Rights*, are again repeated in the 1791 **American** *Bill of Rights*. These include: freedom of speech and religion; the rights of citizens to bear arms; and prohibitions against the billeting of soldiers in private homes.

Also included are: the right against searches without warrants; presumed innocence before conviction of crimes by judges at speedy and public trials; no deprivation of life or liberty or property without due process of law "according to the rules of the Common Law"; and prohibition against excessive bail and cruel and unusual punishments.

Indeed, the 1791 American *Bill of Rights* even reminds us that all "powers not delegated" to the Union "by the *Constitution* nor prohibited by it to the States, are

¹⁵ *The Bible and Civilization*, Keter, Jerusalem, 1973, pp. 136f.

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reserved to the States respectively or to the people. For all other rights have been, and are, retained by the people of the common folk, under the Common Law.

Thus the U.S. *Bill of Rights* is by its own admission derived from the rules of the Common Law of Britain, as they previously operated in America (and in Britain). That British Common Law aimed and still aims to restrain human lawmakers and judges and the people from all innovations foreign to the laws of nature and of nature's God. This has been recognized for many ages, and has been handed down from and guaranteed by the Holy Bible itself.

The Biblical basis of the *Declaration & Constitution and Bill of Rights*

The Biblical nature of the 1776 *Declaration of Independence*, the 1787 *U.S. Constitution* and the 1791 *American Bill of Rights* should next be noted. The 1776 *Declaration of Independence* and the 1787 *Constitution of the United States* together emphasize: divine providence; the laws of nature's God; His work of creation; God-given human rights; rule by consent; the rights of defendants; private ownership of property; the sanctity of contract; the necessity of two witnesses in judicial procedures; and separation between Church and State.

Thus, when the Founding Fathers wrote about all men being created equal they clearly specified that this was not in respect of talents, but rather in respect of: their life from conception onward (vs. abortion); their liberty (vs. both the machinations of monarchy and the dictatorship of democracy); and their pursuit of happiness (vs. the tyrannies of all statist planning). See: Exodus 23:2 & 23:6 and Acts 10:34.

As even Abraham Lincoln rightly stated, the authors of the *Declaration of Independence* did not intend to declare all men equal in all respects. They defined, with tolerable distinctness, in what rights they did consider all men created equal equal in certain unalienable rights among which are life, liberty and the pursuit of happiness.

American rule by consent rests upon Genesis 14:13f; Deuteronomy 1:13-14 & 16:18; Judges 8:22; Second Samuel 16:18; and Acts 6:3-5. The republican government of the *U.S. Constitution*,¹⁶ rests upon free confederation or alias trinitarian covenanting. Genesis 14:13f & 17:1f cf. Deuteronomy 12:32 and Matthew 28:19. It differs from mob rule or alias democracy and from demonocracy.

For American Republicanism is indirect representative government vs. direct majority rule. It restricts mobocracy, through constitutional safeguards. It is government by law, not confinement by law. It respects individual rights even contrary to political correctness, public policy, or popular wishes.

Those accused of crimes, are to be deemed innocent till proven guilty at public trials. Exodus 23:1-8; Deuteronomy 1:13f & 17:6f & 19:15f. Property rights are protected to the hilt. Genesis 2:17 and Exodus 20:9,15,17 cf. the Fifth Amendment. Contracts are sacred, Psalm 15:1-4. Cf. Article I Section 10 Paragraph 1. Indeed, there

¹⁶ *U.S. Const.*, Art. IV Sec. 4, cf. 10th Amdmt.

must be no conviction without two witnesses. Deuteronomy 17:6 & 19:15 and Numbers 35:30. Cf. Article III Section 3 Paragraph 1.

The first three articles of the 1787 U.S. Constitution were implicitly trinitarian. Article I designates the legislative branch which plans the national policy, and is akin to the role of the Father. Article II designates the executive branch which carries out those plans, and is akin to the role of the Son. Article III designates the judicial branch which interprets the plan and policy, and is akin to the role of the Holy Spirit.

Also the First Ten Amendments of 1791 were apparently in part also a useful Christian reaction or counter-revolution against the ungodly French Revolution of 1789. So too the Eleventh and Twelfth Amendments were enacted soon thereafter, in 1798 and 1804 and once again against foreign attempts to interfere with the domestic affairs of the Christian American Republic.

Thereafter, however, there were no purported amendments to the *Constitution* for more than sixty years during America's history from 1804 till 1865. Significantly, the next amendment was rather a suspension marking a radicalistic departure from the *Constitution* itself. Indeed, it could only occur at all after unitarianized Yankees had unconstitutionally suppressed the trinitarian South (in 1861-65).

Until well into the nineteenth century, the Biblical foundations of American Common Law had continued to dominate decisions also in the U.S. Supreme Court. God's Word was not infrequently quoted in forensic argumentation, and there is no doubt that America then was exactly what her courts themselves frequently claimed she was a Christian country.

However, as a result of a later (and indeed an increasing) apostasy in America from Calvinistic Christianity a pronounced change began to manifest itself especially during the eighteen-fifties. Thereafter, upon the defeat of the South in the 1861-65 War of Northern Aggression there were indeed dramatic and radical amendments to the *U.S. Constitution*.

Since then, there has been a further dramatic swing to the left in the legal history of America especially after the Second World War. This has been reflected in dreadful U.S. Supreme Court decisions such as *Everson v. Board of Education*, which in 1947 developed the novel notion of a wall of separation between church and state and *Madalyn Murray O'Hair's case*, which banned prayer and Bible-reading from the nation's public schools in 1963.

Thereafter came *Furman v. Georgia*, which (at least temporarily) declared the death penalty unconstitutional in 1972. Perhaps the climax was reached in *Roe v. Wade*, which in 1973 turned a blind eye at the very cruel but by then not unusual punishment of mass-murders by professional abortionists of innocent Americans too tiny and helpless to protect themselves.

All of this can be traced back to the rape of the 1776 *U.S. Declaration of Independence*, and to the further rape of the 1787 *U.S. Constitution*. The rapacious aggressor was, and is, the U.S. Federal Government itself. These callous crimes occurred especially just before and during and after the 1861-65 War of Northern Aggression against the Southern States of North America, when the South seceded

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from that tarnished Union. In the following paragraphs, we shall show that this is indeed so.

The dominance of Christianity in U.S. court cases until 1861

Even as late as the 1855 Pennsylvania case of *Mohney v. Cook*, the State Court held:¹⁷ “The declaration that Christianity is part of the law of the land is a summary description of an existing and very obvious condition of our institutions. We are a Christian people.... Even those among us who reject Christianity, cannot possibly get clear of its influence or reject those sentiments, customs and principles which it has spread among the people ó so that, like the air we breathe, they have become the common stock of the whole Country and essential elements of its life.”

Also in the 1858 California case of *ex parte Newman*,¹⁸ Field J. declared anent the golden rule of law: “There is no nation possessing any degree of civilization where the rule is not observed, either from the sanctions of law or the sanctions of religion.... Christianity is the prevailing faith of our people. It is the basis of our civilization. Its spirit should infuse itself into, and humanize, our laws.”

Indeed, even in the 1861 New York case of *Lindemuller v. The People*, the State Court said:¹⁹ “Christianity may be conceded to be the established religion.” That State of New York, however ó together with its equally apostasizing associates ó would then very soon aggressively attempt to disestablish the religion of Christianity in the latter’s greatest bastion: the Southern U.S.A.

It will be noted that all of the above-mentioned court decisions were taken by State Courts in the North ó and **just before** the U.S. Federal Government started waging the 1861-65 War of Northern Aggression against the Southern States of North America. That event not only led to the defeat of the South. Far worse, it led to further apostasy in the North and also to great changes in the *U.S. Constitution* itself ó changes neither approved nor foreseen by the Founding Fathers.

The warping of Christianity and Law in the U.S. from 1835-60 onward

We should next note how from 1835 onward, North-South tensions begin warping Christianity and U.S. Common Law. In 1837, the Marylander Roger Brooke Taney ó fifth Chief Justice of the United States ó rightly insisted that “we adopt and adhere to the rules of construction known to the English Common Law...without exception.”²⁰ Taney felt the policing power of any American State entitled it to make reasonable regulatory laws ó even if they appeared to override provisions of the *U.S. Constitution*.

¹⁷ *Mohney v. Cook*, (1855) 26 Pa.St. 342 & 67 A.D. 419.

¹⁸ *Ex parte Newman*, (1858) 9 Cal. 502, 520 & 523.

¹⁹ *Lindemuller v. The People*, 33 Barb. 548 & 562 (N.Y. 1861).

²⁰ Cited in *The Plain Truth*, Wilke, Melbourne, Sept. 1987, pp. 5f.

However, North-South tensions on issues like States' rights and secession and slavery now increasingly began to obscure both the Common Law and the *U.S. Constitution*. The aftermath of the 1789 French Revolution now radicalized it in France, Germany and even Belgium.

By 1848, thwarted European Communist revolutionaries went underground, some migrating even to the Northern States of the U.S.A. In this way, wrote Rev. Professor Dr. Robert L. Dabney,²¹ the Northern United States swiftly became infiltrated by excrement from the leftist sewer of Europe — some European Communist refugees even becoming Yankee Generals.

During the eighteen-fifties, those leftist migrants to the Northern United States promoted hatred of Christian Common Law (especially to the South of the Mason-Dixon line). By 1855, also homegrown Unitarian Yankee radicals were agitating for the destruction of the Trinitarian Christian Southland.

This precipitated, among other developments, also the 1857 *Dred Scott case*. Yet there, even U.S. Supreme Court Justice Taney held that the federal Congress of the United States could not forbid slavery in the territories of the United States.

This decision infuriated Abraham Lincoln. Yet the latter became even more enraged in 1861, at the beginning of the War of Northern Aggression. For then, the same United States' Chief Justice Taney, in *ex parte Merryman*, ruled against President Lincoln's **suspension of the Common Law rights embraced by *habeas corpus***.

There, the Union's Commanding General in Maryland had refused to respect an issued writ of *habeas corpus* obtained by the Marylander Merryman, who had been imprisoned merely on suspicion of favouring the Confederacy. That General alleged President Lincoln had authorized him to suspend the writ.

However, Judge Taney held that Article 1 Section 9 of the *U.S. Constitution* gave that power not to the President but to Congress alone. Consequently, Lincoln's action had been an unwarranted threat to the liberties of all Americans.

Dictator Abraham Lincoln, however, ignored U.S. Supreme Court Justice Taney's decision anent the President's suspension of *habeas corpus*. Instead, "Honest Abe" continued to adhere to the same unconstitutional practice — throughout his War of Aggression against the Southern States.²²

The constitutional right to secede from the United States of America

This then brings us to consider the constitutional right of the several States to secede from the U.S.A. even before 1835. Is there anything in the original *Constitution* itself — especially as interpreted prior to the previously-mentioned

²¹ R.L. Dabney: *Life of Gen. (Stonewall) Jackson*, Sprinkle, Harrisonburg Va., 1976 rep., pp. 159-61 (the colluvies gentium alias the excrements of the pagans and this cloaca populorum alias "this sewer of mobs"). For the full passages applying these striking terms to many of the Yankee forces, see our text above at its n. 42.

²² See arts. *Taney*, *Roger Brooke* and *Merryman, ex parte* (in *NICE* 14:4354 & 22:6642).

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statement of U.S. Chief Justice Taney in 1837 ó which might indicate that secession was permissible?

Now Article IV Section 2 of the 1787 *Constitution of the U.S.A.* clearly provides that òa person charged in any State with treason, felony or other crime who shall flee from justice and be found in another State ó shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.ö

This clearly means that also a slave charged with having committed whatever felony anywhere within the United States, who had fled to any anti-slave State of the Union ó would need to be handed over for trial to the State where the felony was committed. Compare, in the New Testament, Philemon 10-12.

However, many (mostly northern) States broke this requirement of the *U.S. Constitution* ó and also of Holy Scripture ó whenever they themselves condoned the capital crime of kidnapping slaves; or alternatively refused to remit runaway slaves, in the Ante-Bellum days. In this way, such remiss States themselves broke the Constitutional Compact with all of the other States of the Union ó long before the South itself later unwillingly seceded.

Earlier, in 1803, the Massachusetts Legislature almost seceded from the Union ó over the acquisition of Louisiana. Massachusetts then declared òthat the annexation of Louisiana to the Union transcends the Constitutional power of the Government of the United States. This had constituted a new [1803] Confederacy ó to which the States united by the former [1787f] Compact are **not bound to adhere.**ö²³

Significantly, the annexation of Louisiana brought foreign Franco-Roman Law into that portion of the thus-expanded United States. Till then, the entire Union had been subject to **Biblical Anglo-American Common Law alone.**

Again, in 1814, several of the Eastern States ó upon the call of Massachusetts ó assembled by their deputies in the well-known New England or *Hartford Convention*. These States were greatly disaffected toward the Federal Administration.

For, during America's 1812f international war, they conceived their interest to have been improperly sacrificed by the policy pursued by the Federal Government in the conduct of that war. So they issued an address to the Federal authorities in Washington, declaring:

òIt is as much the duty of the State authorities to watch over the rights reserved, as of the United States to exercise the powers which are delegated.... States which have no common umpire, must be their own judges; and execute their own decisions.ö

²³ In A.H. Stephens: *A Constitutional View of the Late War Between the States*, National Pub. Co., Philadelphia, 1868, I p. 510.

John Quincy Adams on the desirability of dissolving an unworkable Union

On July 4th 1821 John Quincy Adams, the sixth (and solidly Pro-Union) President of the U.S., declared:²⁴ "The highest glory of the American Revolution, was this. It connected, in one indissoluble bond, the principles of civil government with the principles of Christianity." Speaking of the American people, he then added: "From the day of the *Declaration*...they were bound by the Laws of God which they all ó and by the laws of the Gospel which they nearly all ó acknowledged as the rules of their conduct."

Yet, during the next decade, this 1825-29 Northerner John Quincy Adams dutifully ó though reluctantly ó drew up a petition for the dissolution of the United States. This was the very Union which Adams himself had called "indissoluble" in 1821.

The petitioner concerned, had a right to make the request. It was the duty of the officer ó John Quincy Adams ó to present it. Faithfully, though against his own wishes, he then did so.

Indeed, in an even later address before the New York Historical Society in 1839, the then Ex-President Adams roundly declared²⁵ that "if the day should ever come...when the affection of the people of these [United] States shall be alienated from each other" ó then "far better will it be for the people of the dis-United States to part in friendship from each other, than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the *Constitution* ó to form again a more perfect Union by dissolving that which could no longer bind, and to leave the separated parts to be re-united by the law of political gravitation to the center."

John Quincy Adams died in 1848. Had he lived till 1861, that Northerner would then have approved of the secession of Southern States from the Union.

Daniel Webster: Virginia and Louisiana may secede if they choose

Nobody was ever more outspoken in preservation of the Union, than the greatest lawyer Massachusetts has ever produced. We mean the famous Senator Daniel Webster. Yet he too told²⁶ the U.S. Senate in 1833 that "where sovereign communities are parties ó there is no essential difference between a compact, a confederation, and a league....

"If, in the opinion of either party, it be violated ó such party may say that he will no longer fulfil its obligations on his part, but will consider the whole league or compact at an end.... Upon this principle, the Congress of the United States in 1798 declared null and void the treaty of alliance between the United States and France ó though it professed to be a perpetual alliance."

²⁴ Cited in *Our Chr. Herit.*, p. 5.

²⁵ A.H. Stephens: *A Constitutional View of the Late War Between the States*, National Publishing Co., Philadelphia, 1868, I, pp. 527f.

²⁶ *Ib.*, pp. 298f, 308f & 497f.

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Accordingly, conceded Webster, a situation could arise where a constituent State opines it is the duty of Federal Congress to pass and maintain laws ó but that by the Federal Congress omitting to pass and maintain them, the constituting States' own constitutional obligation would grossly be disregarded. The Federal Government herself would then have relinquished the power of protection owed by her to the constituting State.

Rightly explained Senator Webster anent the Federal Government's obligation to protect the States: "If Congress now refuse to exercise it ó Congress does...break the condition of the grant, and thus manifestly violates the *Constitution*.... Virginia may secede, and hold the fortresses in the Chesapeake.... Louisiana may secede, if she choose; form a foreign alliance; and hold the mouth of the Mississippi."

Webster deeply loved the original American Union ó "rock-bottomed and copper-sheathed; undivided and indivisible" ó as too did the Deep South. Yet, had Webster not died in 1852 but lived a further decade ó he would have made a good Attorney-General for the Confederate States of America.

For, as Webster himself declared: "If Carolina now shall effectually resist the laws of Congress; if she shall be her own judge, take her remedy into her own hands..., she will relieve herself from a paramount power as distinctly as the American Colonies did the same thing [from Great Britain] in 1776." Foreshadows of Fort Sumter, South Carolina!

**The right to secede from the U.S.A. unchallenged
even from 1835 till 1861**

It is important to realize that the right of States to secede, was never challenged even from 1835 till 1861. This was then the situation **within** the United States. It was then the situation also in the opinion of knowledgeable **foreign** observers too.

Thus, in his 1835 *Democracy in America*, the famous French Scholar Alexis de Tocqueville wrote²⁷ that the American "Union was formed by the voluntary agreement of the States.... These, in uniting together, have not forfeited their nationality, nor have they been reduced to the condition of one and the same people. If one of the States chose to withdraw its name from the contract, it would be difficult to disprove its right of doing so, and the Federal Government would have no means of maintaining its claims directly, either by force or by right."

In 1844, the Legislature of Massachusetts passed a series of Resolutions upon the annexation of Texas. They read, in part: "Resolved....: That the project of the annexation of Texas, unless arrested on the threshold, may drive these States into a dissolution of the Union."

At that time, the alien Mestizo and Spanish-Mexican and Roman-Catholic culture which was then still so strong in Texas ó was deeply resented in White and Anglo-Saxon and Protestant New England. The former was regarded as incompatible with

²⁷ A. de Tocqueville: *Democracy in America*, 1835, I p. 498.

the culture of the United States ó by the men of Massachusetts, with their own commitment to the British Common Law of the original U.S.A.

Also on 22nd February 1845, the Massachusetts Legislature resolved that óas the powers of legislation granted in the *Constitution of the United States* to [Federal] Congress do not embrace the case of the admission of a foreign State or foreign territory by legislation into the Union ó such an act of admission would have no binding force whatever on the people of Massachusetts.ö Though Massachusetts did not then secede, she clearly (at that time) asserted her right to do so.

Again, right at the very threshold of the tragic War Between the States ó the war between some of the various North American States on the one hand, and other of the various North American States on the other hand ó the great Yankee lawyer and U.S. Ex-Senator Rufus Choate of Massachusetts gave his Independence Day 1858 *Oration on American Nationality* in Boston. There and then, he still evaluated America and her several States ó in terms of her trinitarian framework (grounded in the Triune God).

Choate was a lover of the Union ó and an opponent of secession. Yet, while arguing against segregation and in favour of a common nationality for America during the nineteenth century,²⁸ he nevertheless **conceded the priority** of the rights of the States, and their greater importance than federal rights.

Declared Choate: öIt was a federative system we had to adopt [in 1787f].... There the States were, when we became a nation. There they had been...for one hundred and seventy yearsö ó since around 1620f A.D. öSome power, it was agreed on all hands, we must delegate to the new governmentö ó from the pre-existing Colonial States ó to the newly-established federal government, in 1787.

öBut when this was done, there were the States still! In the scheme of every Statesman, they remained a component part ó unannihilated, indestructible.... They were retained, and they were valued for it, to hinder and to disarm that centralization which had been found to be the danger and the weakness of federal liberty.ö

Mercifully, God then allowed Choate soon to die, in 1859 ó two years before the rights of the States he himself asserted, were exercised by those Southern States which then elected to resume the powers they had never abandoned but only delegated in 1787-91 to the Federal Government. One cannot but wonder how Choate would have felt (had he lived till 1861) ó when the centralist Abraham Lincoln sought to subjugate the Southern States into unwilling submission.

²⁸ Declared Rufus Choate öBut there is another antagonism to such a national life.... That is, the element of sections. This, too, is old; older than the States.... Black or white, as you are Americans ó dread it, shun it! ... But now, by the side of this and all antagonisms ó higher than they, stronger than they ó there rises colossal the fine sweet spirit of nationality, the nationality of America! See there the pillar of fire which God has kindled and lifted, and moved for our hosts and our ages!ö Cited in *Young Folks' Library*, Hall & Locke, Boston, 1902, XVIII pp. 69f.

South Carolina's 1860 *Declaration of the Causes of Secession*

The reasons for the 1861-65 war of Northern Aggression against the Southern States within the U.S.A., are both remote and immediate. The remote causes were the chronic but steady lapse of many Northern States into Unitarianism, and therefore their increasing apostasy from the Trinitarian background of the 1787 *U.S. Constitution* and its 1791 *Bill of Rights*.

The immediate causes were the election (with a minority of the popular vote) of the anti-secessionistic centralist Abraham Lincoln as U.S. President in November 1860. That resulted in a December 20th 1860 secession, from the Union, by South Carolina ó soon to be followed by that of Mississippi, Florida, Alabama, Georgia, Louisiana and Texas.

Then, on February 4th 1861, the seven seceded States organized a Provisional Confederate Government. Thereafter, they drafted the *Constitution of the Confederate States of America*, which was adopted on March 11th of that same year.²⁹

When South Carolina seceded from the U.S.A. in December 1860 ó it at that very time adopted a *Declaration of the Causes of Secession*, and circulated it throughout the South. Among other things, that document declared:³⁰

“We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other.”

To be specific, in 1787-90 thirteen independent States had contracted to enter into a further compact with one another (and with all others which would later affirm that compact on its same terms). That further compact, the Union, could only be created at all ó if at least nine of those thirteen confederated States so agreed.

However, some five of those confederated States then refused to enter into that further compact and “more perfect Union” ó until they had first received the guarantee that the *Bill of Rights* (including its 1791 Tenth Amendment guaranteeing State rights *vis-a-vis* the federal Congress) would get enacted. Sadly, and yet later, some of those United States (in the North) failed to perform their obligations toward others of those States (in the South).

So the 1860 South Carolina *Declaration* then went on to “assert that fourteen of the [then thirty-four] States have deliberately refused for years past, to fulfill their constitutional obligations.... We refer to their own statutes for the proof.”

Nevertheless, the South Carolina *Declaration* continued, “the *Constitution of the United States* in its fourth Article provides as follows: “No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor but shall be delivered up on claim of the party to whom such service or labour may be due.”

²⁹ Art. *Confederacy*, in *NICE* 6:1584.

³⁰ Text in Billington & Others: *op. cit.*, pp. 351f.

“This stipulation was so material to the compact [creating the *U.S. Constitution* in 1787], that without it that compact would not have been made. The greater number of the contracting parties held slaves in 1787f.

“They had previously evinced their estimate of the value of such a stipulation by making it a condition in the ordinance for the government of the territory [of the District of Columbia] ceded by Virginia to the U.S.A. However, since then, new laws of the General Government [in D.C.] have ceased to effect the objects of the *Constitution*....

“On the 4th of March next [in 1861], this party of President-Elect Lincoln, rejecting Article IV of the *U.S. Constitution*, will take possession of the [U.S. Federal] Government. It has announced that the South shall be excluded from the common territory [D.C.]; that the judicial tribunal shall be made sectional; and that a war must be waged against slavery, until it shall cease throughout the United States.

“The guarantees of the *Constitution* will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government or self-protection, and the Federal Government will have become their enemy.”

The Yankees in 1860 flouted also the Tenth Amendment of the *Constitution*

Incidentally, South Carolina’s 1860 *Declaration of the Causes of Secession* could also have pointed to the Tenth Amendment in the *U.S. Constitution*. That amendment was demanded in 1787-91 by five of the original thirteen United States – by Massachusetts, New York, North Carolina, Rhode Island and Virginia – before they were prepared to ratify the thus-amended original draft. Significantly, most of those five States were from the North, and none were from the Deep South.

Non-adoption of that Tenth Amendment would have vitiated the proposed *U.S. Constitution* itself. For there would then have been a lack of the requisite minimum number of nine ratifying States – or alternatively, there certainly could and probably would have been rescissions by those five States of the conditional ratifications they had already made. Such rescissions would then have occurred probably even before (or at any rate just after) the year 1790 – when Rhode Island, as the last of those thirteen States, itself ratified the proposed *U.S. Constitution* (on the understanding that the proposed Tenth Amendment would indeed be enacted during the following year).

Consequently, the 1791 Tenth Amendment is to be regarded as an integral part of the 1787 proposed *U.S. Constitution*. The latter was sufficiently ratified on 21st June 1788 by the ninth of the original thirteen States, in respect of the nine States which had then signed it – some of which nine had ratified only conditionally.

The condition was the (1791) enactment of the proposed *Bill of Rights*, and its fundamental Tenth Amendment. The latter clearly insists: “The powers not delegated to the United States by the *Constitution*, nor prohibited by it to the States, are reserved to the States respectively, or to the people of those States.

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**The Southern secession precipitated by
Lincoln's breach of *Constitution***

Let us now look at Lincoln's illegal breach of the *U.S. Constitution*. For that breach was the match which ignited the War of Northern Aggression against the Southern States of the U.S.A.

The impartial British *Historians' History of the World* records³¹ that no American Presidential Inauguration was ever awaited with such intense interest, as that of Abraham Lincoln on March 4th 1861. For he was then indeed declaring he had neither the intention nor the right to interfere with slavery where it existed. He was then even expressing his willingness to accept the *Fugitive Slave Law*.

On March 4th 1861, not a word was said even as to any restriction of the extension of slavery. But as to the question of the preservation of the Union ó he was more explicit. "No State upon its own mere motion," he declared, "can lawfully get out of the Union."

We ourselves have emphasized certain key ideas in our previous two paragraphs, by underlining some of its words. For every one of the undertakings given by Lincoln in those emphasized words, he himself would soon break.

Soon, after his inauguration in 1861, Lincoln proceeded to condemn the secessions ó and to initiate the use of force. Indeed, he then sent units of the Union Armies into seceded South Carolina ó in order to try to hold on to certain important installations within that State.

When both South Carolina and the Confederacy demanded that the Union hand over the installations its agents were occupying, one of its garrisons refused to vacate Fort Sumter (S.C.). Thereupon the Confederate General Beauregard attacked it ó after both South Carolina and the Confederacy had resolved to terminate the then-illegal occupation of Fort Sumter by the Federal Forces. That termination occurred in April 1861 ó fully five months after the sovereign Protestant and Trinitarian State of South Carolina had seceded from the unitarianizing Union.

At the South's termination of the then-illegal federal occupation of Fort Sumter S.C., Lincoln immediately called up troops throughout the Union. He did so, to use them not just against South Carolina ó but indeed **against all seven of the seceded States**.

Consequently, four more States ó viz. Arkansas, North Carolina, Virginia and Tennessee ó fearful of a similar infringement also of their own rights by the Union Armies ó themselves too soon joined the Confederacy.³² Here is what brought about this latter event.

Article IV Section 4 of the *U.S. Constitution* requires the Federal Government to protect each State from domestic violence **upon application to the Federal Government by the State Legislature or its Governor**. Without such application,

³¹ *Historians' History*, XXIII p. 413.

³² Arts. *Civil War* and *Lincoln, Abraham* (in *NICE* 5:1447f & 13:3942).

no federal troops could legally ever be sent into a State. For that would then constitute the military invasion of an independent and sovereign body.

Lincoln called for seventy-five thousand volunteers to invade South Carolina and the six other States which had by then seceded. The response from Governors of States till then impartial, was swift.

Governor Letcher of Virginia had not favored secession. Yet he now responded to Lincoln: "The militia of Virginia will not be furnished to the powers at Washington for any such use.... Your object is to subjugate the Southern States.... A requisition made upon me for such an object...not within the purview of the [U.S.] Constitution...will not be complied with. You have chosen to inaugurate civil war; and having done so, we will meet it in a spirit as determined as the [Federal] Administration has exhibited toward the South."

Kentucky was originally Lincoln's own Home State. Yet its First Officer, Governor Magoffin, replied to the U.S. President: "I say emphatically, Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States."

Governor Jackson of Missouri gave a similar reply. He insisted: "Requisition is illegal; unconstitutional; revolutionary; inhuman; diabolical; and cannot be complied with."

Governor Harris, of the great Volunteer State, replied: "Tennessee will not furnish a single man for coercion but fifty thousand if necessary for the defense of our rights, or those of our Southern brothers." Thus, no volunteers from the Volunteer State for the unitarizing Union but only for the trinitarian brothers in the South.

North Carolina's Governor Ellis replied to Lincoln: "I regard the levy of troops made by the [Federal] Administration for the purpose of subjugating the States of the South, as in violation of the Constitution and a usurpation of power. I can be no party to this wicked violation of the laws of the country, and to this war upon the liberties of a free people. You can get no troops from North Carolina!"³³

Overnight, the Mid-South States *ó viz.* Virginia, North Carolina, Tennessee and Arkansas *ó* all promptly transferred their allegiance to the Confederacy. Indian Territory *ó* the later State of Oklahoma consisting of the "Five Civilized Nations" of the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles *ó* did the same. The Border States of Maryland, Missouri and even Lincoln's own native Kentucky almost followed suit. Only Lincoln's reign of terror in Maryland kept them in the Union Jailhouse.

Lincoln's reign of terror and suspension of *habeas corpus* in Maryland

The Governor of Maryland was timidly pro-Union, but the majority of the Legislature leaned toward secession. When Lincoln's Sixth Massachusetts Army

³³ J. Davis: *The Rise and Fall of the Confederate Government*, Thos. Yoseloff, 1881, rep. 1958, I pp. 412f.

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changed trains in Baltimore, a scuffle broke out with locals. Thirteen died and many more were injured. Railroad bridges were burned, and telegraph wires cut.

As previously noted, Lincoln then suspended *habeas corpus* and unsolicitedly clamped a military occupation down upon the Union's own unseceded State of Maryland. Her Legislature promptly denounced "the present military occupation of Maryland" as a "flagrant violation of the *U.S. Constitution*."

Lincoln's military authorities soon began imprisoning prominent secessionists, and other suspects (such as John Merryman), without trial. U.S. Chief Justice Taney ordered Merryman released, but federal officials acting under Lincoln's orders refused.

When U.S. Supreme Court Justice Taney then stated that "the people of the United States are no longer living under a government of laws," Lincoln did not ignore him. He wrote out standing orders for his own Chief Justice's arrest! Lincoln further jailed thirty-one Maryland Legislators, the Mayor of Baltimore, one of the State's Congressmen, and key Anti-Lincoln publishers.

At that State's next election in the fall of 1861, Federal Provost Marshals stood guard at the polls, and arrested any disunionists who attempted to vote. No wonder that the Marylander James Ryder Randall then sang out:

"The despot's heel is on thy shore,
Maryland! My Maryland!
His torch is at thy temple door,
Maryland! My Maryland!
Avenge the patriotic gore
that flecked the streets of Baltimore,
and be the battle queen of yore,
Maryland! My Maryland!"

I hear the distant thunder-hum, Maryland! My Maryland!
The Old Line's bugle, fife, and drum,
Maryland! My Maryland!
She is not dead, nor deaf, nor dumb ó
Huzza! she spurns the Northern scum!
She breathes! she burns! she'll come! she'll come!
Maryland! My Maryland!ö

General R.E. Lee's aversion to yet defence of the right to secede

Perhaps the greatest gentleman the South ever had, was Robert E. Lee. How, then, did he assess Lincoln's unconstitutional and unethical actions?

Robert E. Lee was the son of General Henry Lee ("Light Horse Harry") ó the Governor of Virginia and George Washington's right-hand man in the American War of Independence against Britain. Robert E. Lee was already a famous soldier in his own right, and probably the finest officer in the U.S. Army at the time of the secessions.

Lee opposed secession and slavery. Yet he correctly insisted on the right of his own native state of Virginia to leave the sullied Union, and then to enter into the Confederacy. So Lee declined Lincoln's unprincipled invitation that he lead the Union Armies against the confederated Southern States of North America. For Lee knew that this invitation of Lincoln's was unconstitutional and therefore illegal.

Instead, Lee chose rather to be a simple soldier under the thirteen-star flag of the South. That flag was derived from the Presbyterian Cross of St. Andrew, the flag of Proto-Presbyterian Scotland and suitably adapted as the Southern Cross. Under that banner, the South set itself the task of re-asserting the independence of the thirteen sovereign States in the first American Confederacy of 1777-81.

At first, Lee was simply a soldier in the Southern Armies. Only later did he become General-in-Chief of the Confederate States of America.

Lee saw it as his duty to defend his own State of Virginia and during the tyrannical and unconstitutional War of Northern Aggression against the autonomous States of the American Southland. To Robert E. Lee, it was the War of Independence all over again.

Yet there was now one essential difference. In 1776, it had been the British who had sought to deprive the Americans of their constitutional rights. In 1861, it was the Yankees who had stepped into the shoes of the former British aggressor.

Indeed, the Yankees were now attempting to enslave all Americans and whether black or red or white and whether to the north or to the south of the Mason-Dixon line. Their cruel master was to be the centralistic tyranny which had by then unconstitutionally usurped control over the Federal Government of the United States of America.

However, in the South's secession and Calvinistic sphere-sovereignty rides again! Yet sadly, after four years of determined defence, the badly-outnumbered South ultimately lost the war. So Lee finally surrendered to the Union, in 1865.

The next day, Lee told his troops:³⁴ "After four years of arduous service, marked by unsurpassed courage and fortitude, the [Confederate] Army of Northern Virginia has been compelled to yield to overwhelming numbers and resources.... You will take with you the satisfaction that proceeds from the consciousness of duty faithfully performed....

"I earnestly pray that a merciful God will extend to you His blessing and protection. With an increasing admiration of your constancy and devotion to your country [the C.S.A.], and a grateful remembrance of your kind and generous consideration of myself and I bid you an affectionate farewell."

Nevertheless, even after the defeat of the South and outnumbered by more than four to one by the overwhelming Northern juggernaut and the great Southern military leader made an important observation, in 1869. "I could take no other course," Lee then

³⁴ Cited in Billington & Others: *op. cit.*, pp. 369f.

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explained, without dishonor. And if it were all to be gone over again I should act in precisely the same manner.

**Impact of the War of Northern Aggression
also on Canada and Australia**

Sadly, in passing, one should observe that the 1862 Quebec Conferences (of all the Canadian-American Provinces and Newfoundland) following the 1862 American Federal rather than the original Confederate model of 1777-87 endorsed the principle of a strong federal union for Canada. Indeed, in reaction against what were perceived to be the fragmentary tendencies of the Southern Confederacy, all residual powers (not specifically allocated by Law either to the Federal or to the Provincial Parliaments) would belong to the Canadian Federal Parliament.

The various Colonies in the Continent of Australia, however, did not follow the Canadian example. Then and later, the Australians looked rather toward the original confederate U.S. model of 1777-87 as their inspiration in working toward their own coming Federation (in 1901). Consequently, the *Australian Constitution* would then reserve to the States all rights save those specifically entrusted by the *Constitution* and/or by the States to the Australian Federal Government.³⁵

Thornwell on the *Constitution of the Confederate States of America*

Let us next consult the Calvinist Rev. Professor Dr. James Henley Thornwell, on the 1861 *Constitution of the Confederate States of America*. Here we shall see that it was not the preservation and promotion of slavery within the American Continent that was the basic issue of the War of Northern Aggression against the Southernmost States in North America. For on March 11th 1861, the *Constitution of the Confederate States of America* itself had stated:³⁶ "The importation of Negroes of the African race from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden."

Moreover, the 1861 *Constitution* states that the Confederate "Congress is required to pass such laws as shall effectually prevent the same" viz. the further importation of slaves into the C.S.A. For: "Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy."

Even more crucially, in an effort to reverse the trend toward centralization of power, States' rights were protected to the hilt. Moreover, the Confederate President was prohibited from seeking re-election for a second term. Indeed, these provisions entrenched constitutional freedom in the Confederacy even better than the original 1787-91 *U.S. Constitution* had done.

³⁵ See art. *Constitution, Australian* (in *The Concise Encyclopedia of Australia and New Zealand*, Horwitz Graeme, Cammeray NSW, 1982, I:54,295). See too *Australian Constitution* Chapter I Part V.51 (xxxvii-viii) & Chapter V,106f.

³⁶ *Constitution of the Confederate States of America*, Art. I Sec. 9.

Thornwell's noble attempt to strengthen the Confederate Constitution

The same applies to the important issues of constitutional Christonomy and Trinitarianism ó within the then rapidly-antinomianizing and unitarianizing American Continent. As Greenville Theological Seminary's Rev. Prof. Dr. Morton Smith rightly maintains,³⁷ the great nineteenth-century Southern Presbyterian Theologian Rev. Professor Dr. James Henley Thornwell himself indeed believed in the strict separation of Church and State on the basis of different functions and designs. Nevertheless, Thornwell also believed that since the American people were essentially a Christian people, it was appropriate for them to acknowledge the Lord Jesus as Head over the nation.

Thus, Thornwell maintained that in fact the United States was governed by the Biblical principles of **law and justice**. At the time of the founding of the Presbyterian Church in the Confederate States of America, he drew up a memorial to be addressed to the Congress of the Confederate States. There, he requested an amendment to the new *Confederate Constitution*.

We pray, petitioned Thornwell,³⁸ óthat the *Constitution* may be amended so as to express the precise relations which the Government of these [Confederate] States ought to sustain to the religion of Jesus Christ.... All just government is the ordinance of God.... Magistrates are His ministers, who must answer to Him for the execution of their trust....

óThe **worst of all possible forms of government, a democratic absolutism**..., does not scruple to annul the most solemn compacts and to cancel the most sacred obligations.ö There, óthe will of majorities must become the supreme law.... **The voice of 'the people' is [then] to be regarded as the voice of God.**

óWe must contemplate people and rulers as alike subject to the authority of God. His will is the true supreme.... The State is a moral person.... It must needs be under moral obligation....

óIt is not enough for a State which enjoys the light of Divine Revelation to acknowledge in general terms the supremacy of God. It must also acknowledge the supremacy of His Son, Whom He hath appointed heir of all things ó by Whom also He made the Worlds. To Jesus Christ, all power in Heaven and Earth is committed. To Him every knee shall bow, and every tongue confess. He is the Ruler of the nations, the King of kings, and Lord of lords.

óJesus Christ is the Supreme Ruler of the nations.... The State is lord of no man's conscience.... By ñaccepting the Scriptures's is meant that the State may itself believe them to be true, and regulate its own conduct and legislation in conformity with their teachings... **Public conscience...is clearly the sum of those convictions of right...which legislators feel themselves bound to obey in the structure of governments and the enactment of laws. It is a reflection of the Law of God.**....

³⁷ M.H. Smith: *Studies in Southern Presbyterian Theology*, Van Campen, Amsterdam, 1962, p. 178.

³⁸ J.H. Thornwell: *Collected Writings*, Banner of Truth Trust, Edinburgh, 1974 rep., IV p. 550f.

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øWhen that Law is enunciated with authoritative clearness, as it is in the Scriptures, it becomes only the more solemnly imperative. And as the eternal rule of justice, **the State** should acknowledge it.... The State...has an organic life apart from the aggregate life of the individuals who compose it; and in that organic life, **it is under the authority of Jesus Christ and the restraints of His Holy Word.**ø

**Thornwell predicted the downfall of the
C.S.A. yet the triumph of Christianity**

øA Jew might be our chief magistrateø alias the President of the Confederacy, continues Thornwell in respect of the Confederate States of America, øprovided he would come under the obligation to do nothing in the office inconsistent with the Christian religion.... The separation of Church and State is a very different thing from the separation of Religion and the State....

øThe overwhelming majority of the Christian people of these Confederate States...crave that a country which they love should be made yet dearer to them, and that the Government which they have helped to frame they may confidently commend to their Saviour and their God ó under the cheering promise that those who honour Him, He will honour.... God is the Ruler among the nations; and the people who refuse Him their allegiance shall be broken with a rod of iron or dashed in pieces like a potterø vessel.

øOur Republic will perish like the pagan republics of Greece and Rome ó unless we baptize it into the Name of Christ. ÆBe wise now, therefore, o ye kings; be instructed, ye judges of the Earth; kiss the Son, lest He be angry!ø Psalm 2:10-12.

Concludes Thornwell: øThe whole substance of what we desire, may be expressed in the following or equivalent terms ó to be added to the section [in the *Confederate Constitution*] providing for liberty of conscience: ÆNevertheless we the people of these Confederate States distinctly acknowledge our responsibility to God and the supremacy of His Son Jesus Christ as King of kings and Lord of lords; and hereby ordain that no law shall be passed by the Congress of these Confederate States inconsistent with the will of God as revealed in the Holy Scriptures.ø

Indeed, already before the War of Northern Aggression, **Thornwell had in 1859 urged the Christian Church to** øbe in earnest after greater holiness in her own members ó and in faith and love **undertake the conquest of the World.**ø That, he knew would øsoon settle the question whether her resources are competent to change the face of the Earth.ø

Of course, the Churchø resources are indeed competent! Because given to her by God Himself, those resources are certainly sufficient to conquer the World.

øIf the Church could be aroused to a deeper sense of the glory that awaits her,ø explained Thornwell,³⁹ øshe would enter with a warmer spirit into the struggles that are before her. Hope would inspire ardour. She would even now rise from the dust, and like the eagle plume her pinions for loftier flights than she has yet taken.ø

³⁹ Thornwellø *op. cit.*, II pp. 48f.

Sadly, however, Thornwell was not heeded. His own Southern Presbyterian Church especially later slowly but surely lapsed first into eschatological irrelevance, and finally into liberalism.

Also the Confederate Congress did not then incorporate Thornwell's proposed amendment into its *Constitution*. So, predictably, the South lost her War for Independence.

Also the Southern Presbyterian Church finally lost its saltiness. Ultimately, it too was absorbed into oblivion by a twentieth-century Northern Presbyterian Church riddled with the Social Gospel of Gospelless Socialism.

Lincoln's 1862 change from preserving the Union to abolishing Slavery

The 1861-65 War of Northern Aggression against the *U.S. Constitution* is often erroneously called the "American Civil War" or alias the "Southern Rebellion." In actual fact, however, it was fought by the Southerners not in defence of slavery but precisely for the maintenance of their beloved *U.S. Constitution*. Indeed, influential elements in the North themselves the bastard brood of the French Revolution of 1787 and its struggles for socialism were then bent on destroying the *U.S. Constitution* of 1789-91.

As already pointed out, the first shots of the War of Northern Aggression were fired in April 1861. This was to dislodge the federal forces which had dramatically increased there, and which were also constantly still increasing in that area. For the Yankees then had to be dislodged from continuing their illegal occupation of Fort Sumter in South Carolina after that sovereign State had withdrawn from the unitarianizing Union fully five months earlier in December 1860.

As New York History Professor Harold C. Syrett rightly observes in his book *American Historical Documents*,⁴⁰ from the very beginning of the war Lincoln was under pressure from the radicals to make slavery the principal issue. He was for a time successful in resisting such pressure. Yet Northern public opinion (as well as his own desire to influence opinion abroad) gradually forced him to abandon his original position of the position that the primary object of the war was to preserve the Union.

Instead, the forcible destruction of America's historic institution of slavery later seems to have become Lincoln's new primary goal. Consequently, he then issued his *Preliminary Proclamation [of the Emancipation of Slavery]* on September 22nd 1862 and the *Proclamation* itself on New Year's Day 1863.

Frankly, the principal issue in the 1861-65 War Between the American States was as the freethinker Lincoln himself very well knew was not at all that of slavery. It was whether the Law of God on the one hand or the humanistic laws of New England Unitarianism on the other should thenceforth dominate the whole of the United States.

⁴⁰ H.C. Syrett: *American Historical Documents*, Barnes & Noble, New York, 1963, p. 279.

Dabney on the War of Northern Aggression vs. Triune Christianity

How did Rev. Professor Dr. Robert L. Dabney ó the great 1853-83 Southern Presbyterian Theologian at Virginia's Union Theological Seminary, and sometime the Confederacy's Chaplain-General ó regard the unitarianizing War of Northern Aggression against the Trinitarian Southland? We shall let him tell the sordid story in his own words. He does so, against the background of the Law of God.

Dabney the Theocrat was a firm upholder of the Anglo-American Christian Common Law then being assailed by apostates in the North. He directed attention⁴¹ to the express injunction of capital punishments for several crimes in the Pentateuch ó for murder, Numbers 35:31; for striking a parent, Exodus 21:15; for adultery, Leviticus 20:10; [and] for religious imposture, Deuteronomy 13:5, *etc.*

Then, the great Virginian added: "The laws of Moses therefore, very properly, made adultery a capital crime. Nor does our Saviour, in the incident of the woman taken in adultery, repeal that statute, or disallow its justice.

"The legislation of modern, nominally -Christian nations, is drawn rather from the grossness of Pagan sources than from Bible principles." Consequently, there still should be "recognition of the capital crime of adultery."

It was the wretched atheistic French Revolution of 1789 and the unsuccessful communistic European Revolutions of 1848f (and their aftermaths) which had challenged the above, humanistically. It was their agents in North America who had precipitated the War of Northern Aggression for the undermining of the *U.S. Constitution* ó and for the destruction of the constitutionalistic Southern States of the American Union.

Explains the Confederacy's Chief Chaplain, the Calvinist Rev. Professor Dr. Robert L. Dabney:⁴² "History will some day place the position of these Confederate States...in the clearest light of her glory. The cause they undertook to defend, was that of regulated constitutional liberty ó and of fidelity to law and covenants ó against the licentious violence of physical power. The assumptions they resisted, were precisely those of that radical democracy which deluged Europe with blood at the close of the eighteenth century ó and which shook its throne again, in the [communist] convulsions of 1848....

"This power, which the old States of Europe expended such rivers of treasure and blood to curb ó at the beginning of the [nineteenth] century had transferred its immediate designs across the Atlantic..., consolidating itself anew in the Northern States of America." This was done after the French Revolution of 1789.

To the Yankees, "by emigration, flowed the radicalism, discontent, crime, and poverty of Europe ó until the people of the Northern States became, like the rabble of Imperial Rome, the *colluvies gentium*" ó alias "the excrements of the pagans" (thus Dabney). "The miseries and vices of their early homes, had alike taught them to

⁴¹ R.L. Dabney: *Lectures in Systematic Theology* (1878), Zondervan, Grand Rapids, 1976 rep., pp. 505, 420 & 524f.

⁴² R.L. Dabney: *op. cit.*, pp. 159-61 (*cf.* too n. 21 above).

mistake license for liberty.... They were incapable of comprehending ó much more of loving ó the enlightened structure of English or Virginian freedom.

õThe first step in their vast designs, was to overwhelm the Confederate States of the South. This done, they boasted that they would proceed ó first, to engross the whole of the American Continent; and then to emancipate Ireland, to turn Great Britain into a democracy, to enthrone Red Republicanism in France, and to give the crowns of Germany to the pantheistic humanitarians of that race.... This, in truth, was the monster whose terrific [alias terrifying] pathway among the nations the Confederate States undertook to obstruct ó in behalf not only of their own children, but of all the children of men.

õTo fight this battle, eleven million [of Southerners], of whom four millions were the poor Africans..., prepared to meet twenty millions [of Northerners].... Our [Southern] Country has to wage this strife only on these cruel terms.... The blood of her chivalrous sons shall be matched ó against the sordid streams of this *cloaca populorum*ö ó alias this -sewer of mobsøfrom the North. Thus Dabney.

The Yankees transubstantiate the Union after reconstructing the South

We now briefly consider the prostitution of the *U.S. Constitution* itself ó following, and as a result of, the rape of the South by the Yankee hordes.

The basic issue in the 1861-65 War of Northern Aggression between a unitarianizing Union and a trinitarian South, was the lawlessness of humanism *versus* the Law of God. This is apparent even from the writings of that gracious and mild-mannered Northerner, the godly Presbyterian Rev. Professor Dr. William Swain Plumer (D.D., LL.D.).

Plumer was born in Greensburg alias Darlington, in Pennsylvania. There he became Professor of Didactic Theology at Western Theological Seminary, in Alleghany, from 1854 onward. After the War Between the States, he became Professor of Didactic and Polemical Theology at Columbia Theological Seminary in South Carolina ó from 1868 onward.⁴³

During the War, Plumer rightly declared in 1864 that õthe understanding of the Christian World has long been that **the law of incest laid down in the eighteenth chapter of Leviticus – is still binding**.... Let men remember that if the rules there given, be not binding ó the whole World is left at large, without any Law of God prohibiting even brother and sister from marrying.ö⁴⁴

Too, õthe Bible opposes the system of debt and credit.... -Owe no man any thing but to love one another,øRomans 13:8.... Never begin the ruinous practice of paying usurious interest.... As fast as you can collect, pay over to those you owe.... Pursue

⁴³ See M.D. Hoge: *Plumer, William Swan* (in 1883 Schaff-Herzog *ERK* III:1855).

⁴⁴ W.S. Plumer: *The Law of God as Contained in the Ten Commandments Explained & Enforced*, Presbyterian Board of Education, Philadelphia, 1864, pp. 505, 520 & 524f.

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this course diligently and sincerely for seven years.ö Compare too especially Exodus 22:5-27; Deuteronomy 15:1-9; 28:12; Psalm 37:21 & Matthew 5:26.

However, after the defeat of the South in the 1861-65 War Between the States ó the whole system of values radically and rapidly changed. Christian soteriology was increasingly replaced by socialistic ideology.

In Postbellum America, the Thirteenth through the Seventeenth Amendments (1865 to 1913) rapidly and radically transformed the *U.S. Constitution*. All of those measures helped change the United States from being a Christian Republic into becoming a Socialist Democracy.

The South surrendered in April 1865. By December 1865, the Thirteenth Amendment ó in the teeth of ongoing objections from the defeated Alabama and South Carolina ó became ratified by a sufficient number of States. It purported to prohibit slavery from existing anywhere öwithin the United Statesö ó even though George Washington, the Father of the American Republic, had himself owned slaves both before and after the enactment of both the *U.S. Constitution* and its *Bill of Rights*. Compare Genesis 14:3-15; 15:2; 17:27; 24:2; Galatians 3:27-29.

The so-called Thirteenth Amendment of 1865 violated the original *U.S. Constitution* of 1787. For Article IV Section 2 provides for the extradition also of runaway slaves from the Non-Slave States. Indeed, Article IV Section 4 requires the U.S. Federal Government to protect also the Slave-States against öinvasionö from elsewhere (such as from the Anti-Slavery States) ó and even from ödomestic violence.ö

The Thirteenth Amendment set the stage for the purported enactment also of the Fourteenth Amendment. That was illegally⁴⁵ ratified in July 1868. It provided that örepresentatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State excluding Indians.ö

This 1868 amendment violates not only Article I Section 2 of the original *U.S. Constitution* of 1787. It violates also the örepublican form of Governmentö with its qualified franchise, enshrined in Article IV Section 4 of the original *U.S. Constitution*. Further, it demeaningly and racialistically seeks to enfranchise Blacks, but NOT Amerindians. As such, it is damnably discriminatory ó and rotten to its very core.

The Amendment also provides that öneither the United States nor any State shall assume or pay...any claim for the loss or emancipation of any slave.ö This is clearly uncompensated dispossession (alias theft) perpetrated by the Federal Government ó its own heinous breach of God's Eighth Commandment against some of its citizens (whom it had sworn to protect).

It involves not only the statist expropriation and destruction of private property, but also the statist non-indemnification of Southern slave-owners in respect of the Federal Government's expropriation of their very own slaves. Indeed, the amendment

⁴⁵ See J.B. James: *The Framing of the Fourteenth Amendment*, University of Illinois Press, 1956, pp. 192f.

centralistically further purports that those "naturalized in the United States...are citizens of the United States and of the State wherein they reside" — even if the State concerned had not regarded them as citizens or at any rate as voters. See Article I Section 2 and Article IV Section 2 of the original *U.S. Constitution*.

The Fourteenth Amendment also interferes with State provisions anent the right to vote for the U.S. Presidency. For it further provides that "when the right to vote at any election for the choice of electors for President...is denied to any of the male inhabitants of such State being twenty-one years of age and citizens of the United States..., except for participation in rebellion or other crime, the basis of representation therein shall be reduced."

The next provision of the Fourteenth Amendment effectively **disenfranchised a large proportion of White Americans. We mean all diehard Southern Secessionists**. For it declares:

"No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously [and even prior to 1861-65] taken an oath...to support the *Constitution of the United States*, shall have engaged in insurrection or rebellion against the same [such as during the 1861-65 War which Yankees misconstrue as if it were a Southern Rebellion], or given aid or comfort to the enemies thereof — *i.e.*, who had aided the confederated enemies of the Northern Aggressors.

As elsewhere stated, the ratification of this purported Fourteenth Amendment, was illegal. Some "ratifying" Southern States — then saddled with Northern Carpet-baggers or with Federal Military Governments — were not then qualified to do so. However, even in those States that had never belonged to the Southern Confederacy, California never committed itself — and Delaware, Kentucky and Maryland formally rejected it.

Of the 33 States finally listed as ratifying, 10 were States in name only. The 11th Seceding State, Tennessee, had ratified under duress and by a highly improper procedure.

The Northern States of Ohio and New Jersey first ratified — but then soon sought to rescind their ratifications. The Northern State of Oregon ratified dubiously, but thereafter quickly tried to reverse this. For it then, quite fairly, claimed that the Proclamation had depended on improperly-counted certificates of coerced Southern States — so that it was therefore invalid.

But all to no avail. The "Insiders" within the Federal Government has set their sights on the ultimate production of a American Union of Socialist States. No appeal to the *U.S. Constitution* itself would now restrain those ruthless conspirators.

The further rape of the *U.S. Constitution* after raping the South

An important consequence of the Yankees' defiling of Dixie, was their rape of the *U.S. Constitution* itself after the so-called "reconstruction" of the South. For two years after the illegal "enactment" of the so-called Fourteenth Amendment, the

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reconstruction of the Old South and indeed also of the 1787 *U.S. Constitution* was completed. It was accomplished by the 1870 sufficient ratification (even by some of the browbeaten and subservient Southern States) of the Fifteenth Amendment.

This declares that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude and that the U.S. Federal Congress shall have power to enforce this article by appropriate legislation.

This amendment not only runs counter to Article I of the *U.S. Constitution* which contrasts free persons to Indians not taxed and also to all other persons. It also involves yet another unconstitutional interference by the Federal Government in the internal affairs of the sovereign States.

This specified the outlawing of discrimination by any State on account of race etc. It would be only a question of time before re-interpreting the word "race" to include also religion and thus pressurizing the sovereign States of both New Hampshire and South Carolina into abandoning their official promotions specifically of Protestantism.

The Sixteenth Amendment of 1913 institutes the Federal Income Tax. It states: "The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States."

This authorizes a previously-unpermitted array of federal taxes now to be levied on incomes and property and capital gains. Here, the power to tax is the power to destroy.

Significantly, the *Federal Reserve Act* the same year created the Federal Reserve System as the nation's central bank. This unleashed a statist inflation, eventually to become the national way of debt (and also the national way of death).

Again in the same year (1913), the Seventeenth Amendment democratizingly provided that the two senators from each State be elected by the people thereof. This raped the republican Article I Section 3 of the *U.S. Constitution*. For that original Article had provided that the two Senators from each State be chosen by the Legislature thereof. The Seventeenth Amendment, however, further propelled the United States away from its origins in Constitutional Republicanism and even more toward Democratic Socialism.

This was then followed by the Eighteenth Amendment, prohibiting the manufacture and sale and transportation of intoxicating liquors; by the Nineteenth Amendment forcing the States to extend the franchise to all women; by the Twenty-first Amendment repealing the Eighteenth; and by the Twenty-second, limiting the Presidency to two terms after the Democrat Franklin Roosevelt had tyrannically broken this republican tradition first established by George Washington himself.

We shall not here bother to look at any of the further so-called "Amendments" to what is left of the *U.S. Constitution*. For many Southerners and acute Northerners today all see that the *U.S. Constitution* itself died right after the War of Northern Aggression, the belated and thinly-disguised American version of the 1789 French

Revolution. It died with the enactment of the Thirteenth through the Fifteenth Amendments (in 1865, 1868, and 1870).

**Secession was unthinkable if the *Constitution*
had not first been violated**

Be that as it may, very many Southerners and almost all Christian Northerners would rightly point out that ó had the Constitution not been violated ó the preservation of the 1777-87f original (con)federate union would have been mandatory. All actual secession would then have been just as unthinkable ó as is the notion of dismemberment of the Trinity. (Significantly, the *Confederate Constitution* itself made no provision for secession from the Confederacy.)

Indeed, the 1776 *Declaration of Independence* (from Britain) set up the United States as òone peopleö under God ó the Triune God. It was as such that the people of Christian America then proceeded òto dissolve the political bands which have connected them with another [Great Britain], and to assume among the powers of the Earth the separate and equal station to which the laws of nature and of nature's God entitle them.ö

This was secession indeed from the tyrannical Parliament in Britain, but not from the Triune God. For the later 1783 *Peace Treaty* between Britain and the United States was concluded ó thus its very *Preamble* ó òin the Name of the most holy and undivided Trinity.ö

Thus, in no way was that 1776 secession known as the American *Declaration of Independence* ó a repudiation of British Common Law (of which the Law of the Triune God is an integral part). For the Common Law of Britain until 1776, remained the Common Law also of Americans even thereafter. In a very real sense, it was still the Common Law of both Great Britain and the United States.

For Article VII of the 1791 U.S. *Bill of Rights* itself upholds the Common Law in the United States. Moreover, even the original U.S. *Constitution* of 1787, in its Article III Sections 1-3, regulated also its judicial powers precisely òby juryö and òon the testimony of two witnessesö according to the Biblical system of Christian Common Law. Indeed, it was signed into law precisely òin the year of our Lord one thousand seven hundred and eighty-sevenö ó A.D.

Even disregarding the disaster of the Canadian Federation, with indigestible Quebec in its very midst, the picture is not happy also in the United States with its many indigestible minorities today. The continuing cultural friction between polyglot Amerindians, variegated Asian-Americans, Blacks, Eskimos, Hispanics and Whites all flung together unwillingly into the melting pot ó is less than auspicious.

So too are the raucous religious clashes between (White) Jews and (Black) Moslems; between cranky Conservationists and inhumane Humanists; and between liberal Romanists and Puritan Protestants. Yet all of these strenuously struggle to survive ó in a state of peaceless co-existence ó within one and the same unitarianizing Union.

The offence of the Confederate Flag to the New World Order of the New Age

Many in the United States would be quite willing to cede what is still left of America's erstwhile sovereignty to the United Nations! Indeed, some would today even deny the very ability of the U.S.A. (and also of any other country) to secede from the U.N.

Such folk seem to be either unaware of or else unmoved by the fact that the UN is hurtling ahead toward its goal of a one-world government. That would mark the beginning of a "New Age" with no place either for the one and only true Triune God or for the United States of America.

However, consider instead the harmonious history of trinitarian confederation in the New World. The godly settlements of the Christian Pilgrims and the Calvinistic Puritans started with the 1620 Mayflower Compact to "covenant" together. It continued in the 1639 "confederation" between Windsor and Hartford and Wethersfield in the *Fundamental Orders of Connecticut*; in the 1643 *New England Confederation* between Connecticut and Massachusetts; and in the U.S. *Articles of Confederation* of 1777-81.

Indeed, such documents were the ancestors of the 1861-65 *Constitution of the Confederate States of America*. Its Puritan pedigree was restated by the Presbyterian Cross of St. Andrew⁴⁶ in the very middle of the Confederate Battle Flag.

Moreover, that Presbyterian Cross is still being preserved and repeatedly restated also in the State Flags of Georgia and Mississippi — even today. Indeed, indirectly, it is also reflected in the State Flags of Alabama and Florida — and, of course, also directly within the flag of Great Britain incorporated into the State Flag of Hawaii.

Unwittingly, the 1993 case of *Flaggs & Others v. Fordice & State of Mississippi* proves this very point. There, in the Hinds County Chancery Court, Mississippian State Representative George Flaggs (of the Legislative Black Caucus) and State Representative Aaron Henry (State Branch President of the National Association for the Advancement of Colored People) sued Governor Fordice and his State of Mississippi — seeking to get rid of the still-current 1894 Mississippi State Flag. For the plaintiffs alleged *inter alia* that the Battle Flag of the Confederacy in the State Flag's top left-hand corner, was unconstitutional.

The above law-suit came after Henry and other black "legislators" had tried unsuccessfully for the previous ten years to haul down the State Flag from public places in Mississippi. He and the other plaintiffs alleged that the thirteen stars within the Battle Flag of the Confederacy, refer to the eleven slave-holding Confederate

⁴⁶ See *American Peoples' Encyclopedia*, art "Flag"; J. Gates's arts. "Legislators dispute claims in latest flap about State flag" and "Lawyers target Confederate emblem" (in *Clarion Ledger*, Jackson, Miss., 1993). In the "Legislators *etc.*" art., Gates maintains of the Mississippi State Flag: "An upper corner of the flag features a square with a red field and a blue St. Andrew's cross bordered in white with 13 white stars" — emphasizes mine (F.N. Lee). In his "Lawyers *etc.*" art., Gates further maintains: "Mississippi, Georgia and South Carolina are the only states that still include the Confederate battle emblem in their flags."

States ó plus Missouri and Kentucky which, it had been hoped, would then join the C.S.A.

However, that tenuous theory cannot possibly be correct. Because then, for the very same reason, also a fourteenth star to represent the slave-holding State of Maryland and a fifteenth to represent its neighbour the slave-holding Delaware ó would have been added to the Confederate Battle Flag. Indeed, there would then also have been a sixteenth star to represent the slave-holding new State of West Virginia ó and perhaps even also a seventeenth star for the Union's State of Kansas which had already several times since 1854 adopted a pro-slavery stance. Yet the slave-owning Missouri, Kentucky, Delaware, West Virginia and Kansas all remained within the Union ó and fought against the Confederacy. In fact, the slave-owning West Virginia left Virginia when the latter joined the Confederacy ó and joined the Union as a slave-state throughout the War!

The truth of the matter regarding the thirteen stars on the Confederate Battleflag, then, is far different.⁴⁷ For, as the defendants in *Flaggs's case* showed from old records in Mississippi ó the thirteen stars were actually representative of the original thirteen States of the Union (only some of which were anti-slavery States). For the Confederacy's prime aim was not to defend slavery, but to try to preserve the original 1789f Union ó on the basis of the *Constitution of the United States of America* then being raped by Yankee Centralists.

The “Starry Cross” of the Southern Confederacy a Christian Symbol

We have claimed that the Confederate Battle Flag ó apparently derives from that of St. Andrew. Noted Historian S.J. Wilkins explains⁴⁸ that the Battle Flag was borrowed from a design submitted to the Provisional Congress of the C.S.A. by William Porcher Miles on March 4 1861.

Miles's flag incorporated the cross of St. Andrew, from the flag of Scotland, with some modification. He substituted a red field for the blue field of Scotland; made the cross blue (instead of white); and left the white border. In November 1861, the “Starry Cross” was issued to the Army of Northern Virginia ó in the Confederate States of America.

It is very significant that this Confederate Battle Flag is also popularly referred to as the **Starry Cross**. Indeed, in an editorial on Confederate Memorial Day ó April 26th (1993) ó Dr. Raymond Young, Chairman of the Populist Party of Georgia, declared⁴⁹ that it is most necessary to remember not just the Confederacy but also to

⁴⁷ In Gates's “Legislators *etc.*” art. (see n. 46 above), there is a report of what Sen. Mike Gunn of Jackson said regarding the thirteen stars in the Confederate Battle Flag in the top righthand corner of the Mississippi State Flag. According to Gates, Gunn said: “The stars represent the 13 original Colonies.... The State's *Official and Statistical Register* says the stars are part of a replica of the Confederate battle flag.... The register says a Committee appointed by legislative action in 1894 recommended a [Mississippi] flag with “the union square, in width two-thirds of the width of the flag; the ground of the union to be red and a broad blue saltier thereon, bordered with white and emblazoned with 13 mullets or five-pointed stars **corresponding with the number of the original states of the Union**” ó ó emphases mine (F.N. Lee).

⁴⁸ Cited in letter, Steve Wilkins to Nigel Lee, Oct. 9th, 1993, pp. 1-2.

⁴⁹ Cited in letter, Nancy Hooper to Nigel Lee, June 23rd, 1993, pp. 1-2.

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pay tribute to those presently-suffering Christians who, at great cost, have refused to bend the knee to the jealous power of the ~~Almighty~~ State.ø

It is obvious to any objective observer that this cause continues ó throughout the whole World. Frankly, the cause also remains **unconquered** ó and **unconquerable**. For though, temporarily, overwhelming force may crush the truth ó the latter is still truth. Thus, even in death, there is an enactment of a real and a lasting **victory**.

It is of course true that the Truth was crucified. Yet the grave could not hold Him. For He rose from the dead. He even now lives on immortally, and for evermore. Indeed, He keeps on riding forth unto victory ó conquering, and to conquer! John 14:6; 17:17; Revelation 1:18; 3:7; 6:2; 19:9.

Confederate Memorial Day, concludes Dr. Young, inspires a hope and a resolve never to lose sight of this ó **His victory**, which is our cause. It is no mere coincidence that the cross of Saint Andrew graces also the Confederate Banner. Civilizationø wish is that it may ever remain unfurled as a sign of **truth** ó under the shadow of a growing tyranny.

**1866 letters between Lord Acton and General
R.E. Lee about the Confederacy**

Very revealing indeed is an 1866 interchange of letters between the famous Briton Lord Acton and General Robert E. Lee ó just one year after the triumph of the tyrannical Yankees over the confederated Southerners. Mindful of the axiom ðabsolute power corrupts absolutelyö Acton wrote to Lee on November 4th 1866:

ðIt cannot have escaped you that much of the good will felt in England towards the South...sprang partly from an exultant belief in the imminent decline and ruin of democratic institutions.... I saw in State Rights the only availing check upon the absolutism of the sovereign willö of ~~the~~ People.ø ðSecession filled me with hope not as [to] the destruction but as [to] the redemption of democracy.

ðThe institutions of your [U.S.] Republic have not exercised on the old world the salutary and liberating influence which ought to have belonged to them ó by reason of those defects and abuses of principle which the *Confederate Constitution* was expressly and wisely calculated to remedy. I believed that the example of that great Reform would have blessed all the races of mankind, by establishing true freedom purged of the native dangers and disorders of Republics. Therefore I deemed that **you** were fighting the battles of **our** liberty ó **our** progress, and **our** civilization.... I mourn for the stake which was lost at Richmond more deeply than I rejoice over that which was saved at Waterlooö against the tyrant Napoleon.

To that letter, Lee replied on 15th December 1866 *inter alia* as follows: ðWhile I have considered the preservation of the constitutional power of the General Government to be the foundation of our peace and safety at home and abroad, I yet believe that the maintenance of the rights and authority reserved to the States and to the people [to be] not only essential to the adjustment and balance of the general system but the safeguard to the continuance of a free government. I consider it as the

chief source of stability to our political system ó whereas the consolidation of the States into one vast Republic sure to be aggressive abroad and despotic at home will be the certain precursor of that ruin which has overwhelmed all those that have preceded it.

õI need not refer one so well acquainted as you are with American history, to the State papers of Washington and Jefferson, the representatives of the federal and democratic parties ó denouncing consolidation and centralization of power as tending to the subversion of State Governments and to despotism.

õThe New England States, whose citizens are the fiercest opponents of the Southern States, did not always avow the opinions they now advocate. Upon the purchase of Louisiana by Mr. Jefferson, they virtually asserted the right of secession through their prominent men.... In the convention which assembled at Hartford in 1814, they threatened the disruption of the Union unless the war should be discontinued.

õThe assertion of this right has been repeatedly made by their politicians ó when their party was weak. And Massachusetts, the leading State in hostility to the South, declares in the preamble to her constitution that the people of that commonwealth have the sole and exclusive right to governing themselves as a free sovereign and independent Stateø... Judge Chase, the present Chief Justice of the U.S., as late as 1850 is reported to have stated in the Senate of which he was a member that he knew of no remedy in case of the refusal of a State to perform its stipulationsø ó thereby acknowledging the sovereignty and independence of State action....

õThe judgment of reason has been displaced by the arbitrament of war, waged for the purpose as avowed of maintaining the Union of the States.... The South would have preferred any honourable compromise to the fratricidal war which has taken place. She now accepts in good faith its constitutional results, and receives without reserve the amendment which has already been made to the *Constitution* for the extinction of slavery. That is an event that has been long sought, though in a different way.... By none has it been more earnestly desired, than by citizens of Virginia.õ

Robert E. Lee's Post-Bellum eschatological hope for the future

Only in February 1865 had the great Calvinistic õChristian Generalõ Robert E. Lee been appointed Commander-in-Chief of the Armies of the Confederate States of America ó too late to reverse the War of Northern Aggression at that late stage. Yet he still made an important declaration ó after the 1861-65f War for Southern Freedom, and shortly before his death in 1870.

Declared General Lee: õIn spite of the failures, which I lament; in spite of the errors, which I now see and acknowledge; in spite of the present aspect of affairs ó **I do not despair of the future....** The march of Providence is so slow, and our desires so impatient; the work of progress is so immense, and our means of aiding it so feeble; the life of humanity is so long, and that of the individual so brief ó that **we often only see the ebb of the advancing wave, and are thus discouraged. It is history that teaches us to hope!**õ

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But most important of all. God Himself is not a degenerate unitarianizing Union, alias a melting pot within Whom the several Persons of the Trinity are amalgamated into a *tertium quid*. God always was and is and always shall be in con-feder-ation. For He always was and is and shall ever remain in a harmonious *foedus* or an everlasting covenant between the different Father and the different Son and the different Spirit ó from all eternity past, and unto all eternity future. Genesis 1:1-3 & 14:13; Isaiah 24:3-5; Zechariah 6:12-13; Malachi 3:1-3; Matthew 28:19; John 17:1-5,21,24 and Hebrews 9:14.

God made mankind and its nations, as well as their States ó in His own triune image. Genesis 1:26f; Deuteronomy 32:8; Acts 17:26f. Therefore we should ðall with open face keep on beholding the glory of the Lord as in a mirror ó as we keep on being changed into the same image, from glory unto glory.ö Second Corinthians 3:18.

In glory, even now ðthey sing the song of Moses the servant of God and the song of the Lamb, saying: ðGreat and marvellous are Your works, Lord God Almighty! Just and true are Your ways, You King of saints! Who shall not fear and glorify Your Name? For all nations shall come and worship before You!ö⁵⁰

For: ðThy will be done on Earth, as it is even now in Heavenö (Matthew 6:10). Indeed, not just individual Christians but also Christian families and Christian societies and finally even Christian nations are to ðput on the new man which keeps on being renewed in knowledge, according to the image of Him Who createdö (Colossians 3:10).

Jesus did not tell His Church to go and destroy the nations ó but to go and baptize the nations, and thus help construct even Christian States. That is why Jesus commanded His Apostles to go forth into all the World ó to baptize all the nations into the name of the Father and of the Son and of the Holy Spirit, and then to teach those nations all things whatsoever He (as the Second Person of the Triune God) had ever revealed.

Let us too then ourselves reflect the God of Christian baptism ó one body with many members; like one God with many Persons. Matthew 28:19. For ðby one Spirit we have all been baptized into one body.... The body is not one member, but many.... If they were all one member ó where would the body be?

ðBut now there are many members.ö Thus, Christians are not so much to be *e pluribus unum* (or ðone from manyö), as rather *simul plures et confederati* (or ðboth many yet confederatedö). For Christians are ðconfederate with Abramö ó alias Abraham ðthe father of all them that believe.ö

Indeed, they are ðsons of Abrahamö and sons of his confederacy. Because ðbaptized into Christ.ö Genesis 14:13 & 17:24-27; Luke 3:21f; Romans 4:9-11f & 6:1-5; First Corinthians 12:13-20; and Galatians 3:27-29.

⁵⁰ Luke 3:21f; Romans 6:1-5; First Corinthians 12:13-20; Revelation 15:3f.

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A Christian Lawyer, Alexander H. Stephens, was the illustrious Vice President of the Confederate States of America. Although writings about the C.S.A. chiefly from a historico-legal perspective, Stephens at least implicitly grounded his approach also in theology. For he had long contemplated becoming a Southern Presbyterian Minister ó before studying Law, and later embarking on a political career.

Confederate structure of Creator Himself and of His whole creation

It should not be necessary to say that the concept of free confederation is championed by Holy Scripture ó even as the tyranny of amalgamative union is therein prohibited. For the Bible does not advocate Unions, alias united or unitarianizing structures. Instead, it approves of confederate or trinitarianizing structures ó alias Confederations.

For there is no unitarian Union within God Himself, but only a harmonious and trinitarian confederation of different Divine Persons ó not congruent but instead distinct (though yet equi-valent). So too should it be ó within all that God has made, and within all that He has enabled a confederated mankind to invent.

For God Himself is no uni-tarian tyrant, but a free Tri-uni-ty, within Whom several distinct Persons are lovingly confederated together ó from all eternity past, and unto all eternity future. The notion of possible secession of any Person or Party from that Alliance, is unthinkable ó simply because the notion of possible oppression of any Person or Party within that Alliance, is even more unthinkable. Genesis 1:1-3; John 1:1-5 & 17:1-5,24; Hebrews 9:14.

The notion of confederacy not only implies trust and love. It also implies the embracing of free bond-age or covenantal ob-lig-ations ó even within the Triune God. Thus, each Divine Party has from all eternity past and unto all eternity future ó sworn to serve the other Parties in faithful confederated covenantal love. First John 4:2-8,14-16 *cf.* John 14:13-16; 15:9-13,26; 16:7-16; 17:1-5,24.

Now the Triune God created man in His image, and as His confederate. For He entered into covenant with him. Hereby, in the confederation of love, man was to serve the Tri-une God ó for ever, and as His grateful vassal. Genesis 1:26-28; 2:15-17; Hosea 6:7.

Man and woman are to serve God and one another within covenanted marriage. If the fall had never occurred, all marriages would have been for ever. Even after the fall, marriages should last till the death of the first-dying.

In this sense, true marriage is a life-long happy vassalage or confederated slavery (*sic*). Thus, the man is house-bound or hus-band to the wife ó and the wife is to submit to the head-ship of her house-bound hus-band. Malachi 2:14f; Matthew 19:3-9; Romans 7:1-4; First Corinthians 7:12-16f,27.

Debt-slavery, however, is a consequence of the fall. Though confederated or mutually agreed upon ó unlike the ðbondageø of marriage ó indebtedness is not a covenant for life. It is only for a maximum period of six years ó unless the vassal then re-binds himself for life. While it endures, however, such debt-slavery fully binds both parties to perform their various different duties toward one another. Exodus 21:2f; Jeremiah 34:13-18f; First Corinthians 7:20-23.

Now man illegally broke his ðeverlastingø covenant with God ó by treacherously entering into an illicit covenant with death and hell. However, when man realizes what he has done ó he should immediately break his covenant with Satan and re-affirm his original confederacy with the covenant-keeping Jehovah. Isaiah 24:5f; 28:1f,15f,18f; Hosea 6:1-11; 7:1f.

Similarly, political confederations or covenants between contracting parties such as various States ó are binding. They are, however, dissolvable by a covenant-keeper against a covenant-breaker ó after the latter has broken their compact. Genesis 14:13f; Psalm 74:1-8; 78:7-10f; 80:1-7f; 82:1-7f; 83:1-12; 122:1-4. Second Timothy 3:3 (ðtruce-breakersø); *etc.*

Life and times of C.S.A. Vice President Alexander H. Stephens

Alexander Hamilton Stephens (1812-83) was born near Crawfordsville in Georgia. Of Scots-Irish descent, he was prepared for College by his Minister (after whom he himself had been named). That was the Presbyterian, Rev. Alexander Hamilton Webster ó a consistent Trinitarian.

When sixteen, Stephens himself seriously contemplated himself becoming a Presbyterian Minister. Accordingly, with that in mind, he proceeded with a Presbyterian Bursary to Franklin College ó the later University of Georgia. However, when he later decided not to enter the Ministry of the Word and Sacraments, Stephens paid back the bursary in full.

While at Georgia's Franklin College, Stephens graduated with top honours ó in 1832. Then, turning toward the Law, he passed a brilliant examination ó and was admitted to the Bar in 1834. As a Lawyer, he soon attained marked success.¹

Stephens also served in the Georgia State Legislature, from 1836 till 1842. Next, he served in the U.S. Congress, from 1843 till 1859. An opponent of the American-Mexican War of 1846-48, he thereafter opposed not only the abolition of slavery but also its exclusion from the newly-acquired U.S. Territories.

Yet Stephen's opposition to the abolition of slavery in no way influenced his views on secession. Even from 1850 to 1861, he remained a strong supporter of the United States's Federal Government ó and opposed both ðSouthern Rightsø and Secessionism. Drafting the famous *Georgia Platform*, Stephens got his State to resolve that though dissatisfied with the 1850 *Compromise* ó Georgia would nevertheless remain within the United States.

¹ *Stephens, Alexander Hamilton* (art. in 1951 *Encyclopedia Americana* 25:618f).

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However, he also indicated that any further Federal Government encroachment upon Georgia's state rights ó would indeed probably result in her secession from the Union. Those words were indeed prophetic.

Yet Stephens wanted Georgia to remain within the United States ó in order there to resist the growing Centralism of the Federal Government. In the U.S. Congress, Representative Stephens strongly favoured the 1854 *Kansas-Nebraska Bill*. He also vigorously supported the 1857 *Dred Scott case* ó requiring the extradition of runaway slaves across state boundaries, as indeed provided for in the *U.S. Constitution* itself (at its Article IV Section 2).

In 1860 ó while still defending the right to secede ó Stephens opposed the actual secession of Georgia from the U.S.A. He did so, both before and after the elevation of Abraham Lincoln to the U.S. Presidency.

For Stephens held that the conditions still did not warrant Georgia actually to secede. Indeed, then too, he still believed his native Georgia should rather try to save the United States from within it.

However, when Georgia finally seceded in 1861 (though still against his own expressed wishes) ó Stephens then accepted that decision of his own Home State. Thereafter, he soon supported her application to join the newly-formed Confederate States of America.

The Southern Presbyterian's Alexander Stephens's view of slavery

Stephens opposed the abolition of slavery. He did so for what he considered to be Biblical reasons. In Colloquy XIV of his mammoth *Constitutional View of the War Between the States*, he denied that the desire to preserve slavery (rather than the desire to combat centralism) was the chief reason for the secession of the South. Nevertheless, he stoutly denied the Yankee allegation that slavery as such was itself sinful. Instead, he himself bravely confessed:

õI know of but one sure standard in determining what is and what is not sin or sinful. That standard is the written Law of God as prescribed in the Old and the New Testament....

õAbraham the father of the faithful [Romans 4:11f *cf.* Galatians 3:29] ó with whom the divine covenant was made for man's salvation and the redemption of the World from the dominion of sin ó was a slave-holder. He was enjoined to impart the seal of this everlasting covenant not only to those who were born in his house; but [also] to those who were -bought with his moneyø[Genesis 17:12-27]....

õJob certainly was one of the best men we read of in the Bible. He was a large slave-holder [Job 1:3-16 *cf.* 31:13f]. So too were Isaac and Jacob and all the Patriarchs [Genesis 26:19f & 33:1f].

õThe great Moral Law which defines sin, the Ten Commandments given to Moses on Mount Sinai [and] written on stone by the finger of God Himself, expressly recognizes slavery and enjoins certain duties of masters towards their slaves [Exodus

20:10 & 20:17]... Paul sent a fugitive slave, Onesimus, back to Philemon his master. He did not consider it any violence to his conscience to do this, even when he was under no stipulated obligation to do it [Philemon 12-14f].

öHe frequently alludes to slavery in his letters to the churches [e.g. Ephesians 6:5f & Colossians 3:22f & First Timothy 6:1-5], but in no case speaks of it as sinful... To maintain that slavery is **in itself sinful**, in the face of all that is said and written in the Bible upon the subject with so many sanctions of the relation by the Deity Himself ö does seem to me to be little short of blasphemous!ö

To the above arguments, Stephens could also have added the following clinchers. The Triune God is infallible, yet the man Christ Jesus became His slave ö the 'Obed J'hovah. Isaiah 42:1f & 52:13f. The man Jesus Himself is incapable of sin; yet sinner He would have become by becoming Jehovah's slave, if slavery is indeed sinful as such. Matthew 12:18-20. So too would Paul have erred in himself desiring to be a slave of Christ. Yet, under the infallible inspiration of the Holy Spirit, precisely that is what he calls himself over and over again. Romans 1:1f; Philippians 1:1f; Titus 1:1f.

Not slavery but State rights the principal reason for secession

Now it needs to be remembered that slavery was not at all the fundamental reason for secession. For the principal issue was not slavery, but State rights (over against the tyranny of an increasingly centralizing Federal Government).

This is obvious. It can be seen already from South Carolina's action in unilaterally seceding from the United States on December 10th 1860 ö without then consulting either the Federal Government or any of the other State Governments. For she rightly took the position that secession should not be dependent on the joint agreement of the so-called öSlave Statesö ö but rather on the voluntary action of each separate State.

Only after South Carolina's secession, did most of the other so-called öSlave Statesö follow suit. However, not all of them did! For other öSlave Statesö ö such as Delaware, Kentucky, Maryland, Missouri and West Virginia ö stayed with the Union and fought against the Confederacy.

Moreover, all of the coastal Yankee States from Massachusetts to New Jersey had been öSlave Statesö ö and so too even the great öQuaker Stateö of Pennsylvania. Also Kansas had permitted slavery till 1859, before being admitted to the Union as a State in 1861.

Of the States that fought with the Union against the Confederacy ö Delaware, Kentucky, Maryland, Missouri and West Virginia **even then** still permitted the practice of slavery within their territories. West Virginia was admitted to the Union as a State in 1863. Yet she herself only abolished slavery after the War, namely in 1865.

The States seceded one by one before constituting the Confederacy

The States which indeed seceded from the Union did not do so contemporaneously; but each on its own, successively, and indeed only after appropriate action first being

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taken by its own State Congress. Thus, South Carolina seceded on December 10th 1860; Mississippi, on January 9th 1861; Florida, also on January 9th; Alabama, on January 10th; Georgia, on January 19th; Louisiana, on January 26th; and Texas on February 4th.

Also on February 4th 1861, the seven seceded States organized a Provisional Confederate Government. They then drafted the *Constitution of the Confederate States of America*.

The new U.S. President, Abraham Lincoln, took office on 4th March. One week later, the *Confederate Constitution* was formally adopted on March 11th.

On April 12th 1861, the Confederacy forcibly started to recover Fort Sumter (South Carolina) from its illegal occupation by a Union Garrison. The latter surrendered on April 14th.

Lincoln's belligerency precipitated a second wave of secessions

The very next day, April 15th 1861, Lincoln proclaimed a state of insurrection. He called for a Volunteer Army of seventy-five thousand men to invade the whole Confederacy. Only then did he summon the U.S. Congress to assemble, on July 4th 1861.

The result was electrifying. In rapid succession, four more States – Virginia, Arkansas, North Carolina and Tennessee – and in that order, now seceded from the U.S.A. (and then joined the C.S.A.).

Virginia seceded on April 17th, and joined the C.S.A. on April 25th 1861. Arkansas had voted **against** secession in March. However, after Lincoln's call for troops against the entire Confederacy on April 15th – Arkansas on May 6th **reversed her previous decision** and now resolved to secede and to join the Confederacy. North Carolina did likewise, on May 20th.

Tennessee had by way of referendum **rejected** secession on February 9th. Nevertheless, after Lincoln's call to arms against the Confederacy, also Tennessee on May 7th **ordered secession**. She effected this by way of a **second referendum**, on June 8th 1861. On that date, she also joined the Confederacy.

The case of Virginia, however, is the most interesting of all. For when she voted to secede on April 17th 1861, most of Virginia to the west of the Appalachians opposed the secession of their State from the U.S.A.

Then, in breach of International Law and illegally protected by the Federal Army of the U.S.A., on June 11th 1861 Delegates from most of Virginia's western counties repudiated the secession – and formed what they called the "restored government of Virginia." They then created a new State, by way of referendum – on October 24th 1861. The State of "West Virginia."

Its first State Constitution was approved in April 1862. Then, on June 20th 1863, that *de facto* government was admitted into the U.S.A. as the new State of West Virginia. Only **after** the War, did West Virginia abolish slavery ó in 1865.

Nevertheless, on 8th July 1861 the United States had started blockading many ports in the South. The war was underway, and the first major battle, that of Bull Run in Virginia, was fought on 21st July 1861.

Stephens wanted to restore the *U.S. Constitution* also during the War

Now back to Alexander Stephens. Although he had opposed the secession of Georgia from the U.S.A., he remained loyal to his home State even after she had seceded from that Union. He was then elected Vice President of the C.S.A. on February 9th 1861. There, he continued to work for the restoration of his beloved *U.S. Constitution*.

He now did so, however, from **outside** of the United States. This he attempted, throughout the 1861-65 War of Northern Aggression against the South ó and especially thereafter.

Though Stephens had been a close friend of Lincoln before the War, ÆHonest Abeø had him imprisoned for several months **thereafter**. The South had failed to save the *U.S. Constitution* when outside the Union. So Stephens thenceforth believed Georgia should now still try to help save it ó after being forced to rejoin the United States of America.

Even though he had renewed his ties with Lincoln in February 1868, Stephens was still imprisoned from May to October 1865. Thereafter, Stephens was eager himself ó and indeed also encouraged by others ó to get elected to the U.S. Senate, in 1866. However, even after being elected, the Yankee ÆRadical Republicansø would not then allow him to take his seat there!

Notwithstanding that, Stephens still represented Georgia in the U.S. Congress in subsequent years ó from 1873 till 1882. Thereafter, he served as the popular Governor of Georgia from 1883 until his death soon thereafter.² Interestingly, although firmly opposed to the social mixing of the races ó according to the 1951 Yankee *Encyclopedia Americana*, especially Negroes were very fond of him.³

Dr. R.J. Rushdoony on the significance of Alexander H. Stephens

In his own book *The Nature of the American System*, the noted Californian Christian Historian Rousas John Rushdoony⁴ writes that Alexander Hamilton Stephens (1812-1883) was a Southerner who defended slavery. On the other hand, Stephens opposed Secession ó not just before, but even while he himself was Vice President of the Confederacy from 1861-65, and also thereafter.

² Art. *Stephens, Alexander Hamilton*, in *American Peoples' Encyclopedia*, Grolier, New York, 1966, 17:304.

³ Art. *Stephens, Alexander Hamilton*, in 1951 *Encyclopedia Americana*, 25:619.

⁴ *Op. cit.*, Craig, Nutley N.J., 1965, pp. 32-43.

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Stephens is an important figure in U.S. history. His life illustrates why there was a Civil War. Nevertheless, technically, Southerners are clearly correct in calling it the War Between the States.

Until that war ended, the United States themselves were to a very great extent accepted on all sides as a Confederation of States. Also many Northern leaders were of the opinion that the South was free to leave the Union. Stephens' closest friend had been Abraham Lincoln. Both in the North and in the South ó many favoured slavery; and many opposed slavery.

For Stephens, the basic issue in the Civil War was not slavery but Centralism. That was and is the steady attempt to overthrow the *Constitution* and to substitute for the Federal Union a National Unitary Government.

His chief writing is his great two-volume book *A Constitutional View of the War Between the States*. There, he skilfully demonstrated that the secession of the C.S.A. (from the U.S.A.) was permissible ó by analogously demonstrating the conceded rightness of the earlier secession of the thirteen original United States from Great Britain.

Stephens himself declared: "The War...was a strife between the principles of Federation [or Confederation] on the one side ó and Centralism or Consolidation on the other." His loyalty was at all times to the *Constitution*, and not to the Union.

Stephens himself was a devout Christian. He often began his day with a hymn. He always ended it with Bible reading, and with prayer.

Stephens was pre-occupied with upholding the *U.S. Constitution*

Now Stephens held that the South was filled with a general concern for **Constitutionalism**. Only in South Carolina did the **slaveholders** wield the political power. The anti-slavery elements in Virginia and North Carolina were strong. But for outside agitation, internal forces would have abolished slavery.

In general, however, the situation in Georgia best described the South as a whole ó where only a minority were slaveholders. In Georgia, Stephens held, eight-tenths of the voters would have abolished slavery "if they could have seen what better they could do with the coloured people than they were doing."

For Stephens, explains Rushdoony, the best hope for constitutionalism ó and for the South ó was for a stand to be made in the Union. But the South as a whole failed to see this. So the Confederacy was born, and Stephens became its Vice President.

Stephens had always made it clear that his loyalty was neither to the Federal Government nor to the South ó but to the *U.S. Constitution* which also the South had adopted ó first in 1788f, and then in improved form once again in 1861 as the *Confederate Constitution*. However, the latter action was taken only after the North had repudiated the original *Constitution* of 1787.

What led to Stephens's *Constitutional View of the War Between the States*

Stephens's above-mentioned work and *magnum opus* was first published in 1868. This was a few years after the military defeat of his country, the 1861-65 (confederated) State of Georgia.

Significantly, that first edition was published precisely in the North and, altogether appropriately, in the very city⁵ where the United States of America had itself been born: Philadelphia in Pennsylvania. It is from that first edition that the citations below are made.

Stephens dedicated⁶ his book to "all true friends of the Union, under the *Constitution of the United States*, throughout their entire limits and without regard to present or past party associations." He dedicated it further also "to all true friends of constitutional liberty the World over, now and forever."

Indeed, he yet further dedicated it "especially to all, everywhere, who may, now or hereafter, look to the federative system...as the surest means of saving mankind from ultimate universal monarchical rule."

By the latter, he meant the tyranny of a one-world Super-State. We see this today being envisaged by the United Nations and the "New Age" Movement.

All Presidents before Lincoln viewed the *Constitution* as a Compact

Now Stephens maintained there was no U.S. President from Jefferson to Lincoln who did not hold the American Federal Government to be a compact between sovereign States. Thus: Madison, Monroe, John Quincy Adams, Jackson, Van Buren, Harrison, Polk, Taylor, Pierce, and Buchanan.⁷

Yet it was not so much to present any portion of American history that Stephens had written his book. It was written, he insisted, so as "by historical analysis to show **what are the principles embodied in those systems of Government established by the Anglo-Saxons on this Continent** and to illustrate their singularly happy adaptation, so long as adhered to, to the situation and character of the North American States."⁸

Now as regards the 1861-65 clash between the Northern and the Southern States on the North American Continent, Stephens rightly insisted "that the War had its origin in opposing principles." Those principles, "in their action upon the conduct of men, produced the ultimate collision of arms...."

"Slavery, so called, was but the question on which these antagonistic principles which had been in conflict from the beginning on divers other questions and were finally brought into actual and active collision with each other on the field of battle. Some of

⁵ Philadelphia and by the National Publishing Co.

⁶ *Op. cit.*, I, on the page preceding p. 1.

⁷ *Ib.*, p. 5.

⁸ *Ib.*, p. 7.

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the strongest anti-slavery men who ever lived, were on the side of those who opposed the centralizing principles which led to the War. Mr. Jefferson was a striking illustration of this.⁹

Stephens on the Terms of Union set forth from 1765 through 1791

In order to understand the 1789 *U.S. Constitution* (together with its 1791 *Bill of Rights* as an integral part thereof), it is first necessary to understand what precipitated its enactment. This is discernable from a consideration of the 1765 British *Stamp Acts* and the *Boston Port Act*; from the 1776 *Declaration of Independence* of thirteen of the Colonies or States in North America; and the July 12th 1776 *Articles of Confederation* of the United States of America (approved in 1777 and ratified by the last of the thirteen States concerned in 1781).

Explained Stephens:¹⁰ "What is called the *Constitution of the United States* sets forth the terms of this Union.... Thirteen of those bodies now known as States of the Union were originally, or before the date of our common [federal] history, Colonies of Great Britain....

"These were all distinct political organizations, having no connection whatever between each other except that the inhabitants of all were common subjects of the Government of Great Britain. They were all planted at different times, and had different forms of government...though all were founded upon the representative principle."

However, explained Stephens,¹¹ "the *Boston Port Bill* passed the British Parliament..., changing the *Charter* of the Massachusetts Colonial Government and against her consent." This then "awakened a profound sensation in all the Colonies.... Virginia appealed to all to send up delegates to a General Convention or Congress, for joint consultation and concert of action....

"The first moving cause which aroused all the Colonies to that concert of action which ended in the Revolution" or rather the "American *Declaration of Independence*" "was the direct assault of the British Government upon the chartered rights of Massachusetts."

"This, and not the tax on tea or what was contained in the Preamble to that act is what caused the Colonial Legislature of Virginia to pass an order appointing a day for fasting, humiliation and prayer to implore the Divine interposition for averting the heavy calamity which threatened their civil rights."

"The Colonies did accordingly send up deputies...on the tenth of May 1775.... Finally, on the fourth day of July 1776...the only hope for the inalienable as well as chartered liberties of each, was for all to throw off their allegiance to the British Crown and to declare their separate independence of it. This is the Congress or body of men that formed the *Articles of Confederation*....

⁹ *Ib.*, p. 10.

¹⁰ *Ib.*, pp. 50 & 54.

¹¹ *Ib.*, pp. 55f.

“The *Articles of Confederation* ó the **first** [U.S.] *Constitution!* ó was a “Union” of separate, distinct, sovereign and independent States... The thirteen States, formerly British Colonies ó after they asserted their Independence as Sovereign States ó entered into “a Union” as separate sovereignties.... It was a Union **of** States, **as States.**” Indeed, the **nature** of that “Union” was precisely that of a **Confederation.** Emphases mine ó F.N. Lee.

Stephens on the 1776 *Declaration of Independence* of each Colony

Stephens then dealt with the famous 1776 *Declaration of Independence*. He stated¹² that the *Declaration* itself was made by the people of each Colony ó for each Colony. It was made through representative action by the Colonial Legislature as the paramount authority of each Colony, separately and respectively.

The *Declaration of Independence* was, in this way, a joint act of all the Colonies, for the benefit of each severally ó as well as for the whole. The Congress that made it, was a Congress of **States**. The Deputies or Delegates from no State assumed to vote for it ó until specially instructed and empowered so to do.

“Massachusetts had instructed and empowered her delegation so to act as early as January before; South Carolina in March; Georgia in April; North Carolina in April; Rhode Island in May; Virginia in May; New Hampshire in June; Connecticut in June; New Jersey in June; Maryland in June. Pennsylvania and New York were the last.

“The powers and instructions from these States [Pennsylvania and New York] did not arrive until after the 1st day of July.” That then “caused a postponement of final action of the Congress on the *Declaration* until the 4th day of that month when, full powers being received from all the States, it was then ó after being voted upon by States and carried by States ó unanimously proclaimed by all the States so in Congress assembled.”

Stephens insisted¹³ that the Delegates of the thirteen then-independent ex-colonies now indeed “did look forward hopefully for a continued Union of the States ó no longer under Britain, but now under a compact to be formed securing the independence and sovereignty of each.... The very *Declaration* itself shows this conclusively.... The very title shows how it was made.

“Here it is: “In Congress, July 4th 1776, the unanimous *Declaration of the thirteen United States of America.*” It was the *Declaration* of States in Congress assembled, by their Deputies, empowered by the paramount authority of each to make it.

The *Declaration* was **not** that there was to be **only one State**“ thenceforth. No! It was, according to the language of the *Declaration of Independence* itself ó a *Declaration* of “thirteen free, Sovereign and Independent States” (plural).

This *Declaration* by the State Delegates, explained Stephens, “was in strict accordance with the instructions of their constituents. The people of the several Colonies would not consent for a *Declaration* to be made in any other way.

¹² *Ib.*, pp. 67f.

¹³ *Ib.*, pp. 68f.

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øIn their several instructions and powers for the *Declaration of Independence*, were instructions and powers [also] for forming a **Confederation** of Independent States. So universal was this sentiment, that Richard Henry Lee's first motion for the *Declaration of Independence*, early in June, was not only for Independence ó but farther [also] for a plan of **Confederation**, to be prepared and transmitted to the respective Colonies for their consideration and approbation.ø

Stephens on the June 24th 1776 plan for Confederation of the U.S.A.

Stephens went on:¹⁴ øThe plan for a **Confederation** of separate independent sovereign States, was moved in the very resolution which proposed the *Declaration of their independence*.... Subsequently, on the 24th of June 1776, the Congress declared by resolution that aall persons abiding within any of the United Colonies and deriving protection from the laws of the same, owed allegiance to the said laws and were members of such Colony.... All persons passing through or making a temporary stay in any of the Colonies ó being entitled to the protection of the laws during the time of such passage, visitation or temporary stay ó owed, during the same, allegiance thereto.ø

øWith these views and objects ó after enumerating the causes which induced the people of each Colony as a separate political body or one people to take the course they did ó this unanimous *Declaration* of the thirteen United States [on July 4th 1776] was in these words:

øWe, therefore, the Representatives of the United States of America in General Congress assembled [that is, of the States (plural) thus united in Congress assembled] ó appealing to the Supreme Judge of all the World for the rectitude of our intentions ó do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States [plural]....

øAll political connection between them and the State of Great Britain is and ought to be totally dissolved; and that, as free and independent States [plural], they have full power to levy war, conclude peace, contract alliances [such as that form of alliance known as confederation], establish commerce, and to do all other acts and things which independent States [plural] may of right do. And for the support of this *Declaration*, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.ø

Stephens then observed: øThe *Declaration* was then signed by the delegates from each Colony or State, separately. Each delegation acting in behalf and by the paramount authority of each State severally and respectively.ø

Consequently, the *Declaration of Independence* was not an act of a new Federal Government. Instead, it was an act of duly-commissioned Representatives of the old Colonial Governments of the original thirteen different Colonies or States.

¹⁴ *Ib.*, pp. 69-71; the emphases after the words one people are mine (F.N. Lee).

The July 4th *Declaration* and the July 12th 1776 *Articles of Confederation*

While there was not yet any new Federal Government, there was already a "United States" Federal Congress of commissioned Representatives of the various State Governments united for independence from Britain. Indeed, on both 11th June and 12th July 1776 — right before and right after the signing of the *Declaration of Independence* on July 4th 1776 — that Federal Congress recognized the sovereignty of each of the thirteen independent North American States.

As Stephens rightly insisted,¹⁵ that Federal Congress "did not consider the *Declaration of Independence* as a national act." It considered the *Declaration* to be a joint act of thirteen independent States.

"At the very time the *Declaration of Independence* was made," explained Stephens, "a Committee consisting of one delegate from each State was organized to prepare articles of Confederation between the States as separate, distinct, sovereign political communities. That Committee, which was appointed on the 11th of June even before the *Declaration of Independence* was agreed to and in anticipation of it, reported the *Articles of Confederation*." Indeed, that document "was the first written Constitution of the United States."

The very title of these *Articles*, speaks for itself. It is in these words: "*Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia*." Indeed, a clearer expression of 'Trinitarian' Statescraft is hard to imagine — a "Confederation" of many, into one Union!

Those 1776 *Articles of Confederation* first state that the Stile of "this Confederacy" shall be "The United States of America" — a Confederacy of many States as one United States — Union! Then, these *Articles of Confederation and Perpetual Union* next declare: "Each State retains its sovereignty, freedom and independence — and every power, jurisdiction and right which is not by this Confederacy expressly delegated to the United States in Congress assembled."

Very significantly, those *Articles* were reported on the 12th day of July. That was eight days after the *Declaration of Independence*. As such, the *Articles of Confederation* show: that the thirteen sovereign States had declared themselves independent before they confederated together; that they then confederated precisely as already-independent States; and that they intended their confederation to be a perpetual Union between those several States.

1783 Britain acknowledges each of the United States was sovereign

That each of the thirteen States maintained its full sovereignty even after the 1776 *Declaration of Independence*, was acknowledged even by Britain herself — in the 1783

¹⁵ *Ib.*, pp. 74f.

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Peace Treaty of Paris. There is right after its magnificent Trinitarian Preamble¹⁶ (**In the Name of the high and most exalted Trinity. Amen!**) of the *Peace Treaty*, even in its very first article, recognizes the sovereignty of each of the thirteen American States.

That first article reads: "His Britannic Majesty acknowledges the said United States *viz.*: New Hampshire, Massachusetts-Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia to be free, sovereign and independent States [plural].... He treats with them [plural] as such; and for himself, his heirs and successors, relinquishes all claim to the government, propriety and territorial rights of the same and every part thereof."

Also the fifth article of this 1783 *Peace Treaty* with Britain, explained Stephens,¹⁷ clearly shows how the States [plural] of the other party to it understood it. This is in these words:

"It is agreed that the [U.S. Federal] Congress shall earnestly recommend it to the Legislatures of the respective States [plural], to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects and also of the estates, rights and properties of persons resident in districts in possession of his Majesty's arms and who have not borne arms against the said United States [plural]....

"Congress shall also earnestly recommend to the several States [plural] a reconsideration and revision of all acts or laws regarding the premises so as to render the said laws or acts perfectly consistent not only with justice and equity but with that spirit of conciliation which, on the return of the blessing of peace, should universally prevail."

How the thirteen United States construed their Union from 1776-87f

Stephens next, in 1868, approached the true and original character of the *U.S. Constitution* from the point of view of the smaller confederating States at the time of the 1776-1787f U.S. Federation. For Stephens rightly distinguished between America's old *Constitution*, and her new *Constitution*.

The old constitution of the United States of the *Articles of Confederation* was commissioned in June 1776; reported in July 1777; signed in November 1777; and finally ratified by the last of the thirteen States [Maryland] in February 1781.

This was then followed by a new one, in 1787. That was and is the present *Constitution of the United States* but then still without any of its 1791f Amendments.

¹⁶ See R.B. Morris: *The Peacemakers – The Great Powers & American Independence*, Harper & Row, New York, 1965, pp. 461f.

¹⁷ *Ib.*, p. 75.

The new *Constitution* adopted by the Federal U.S. Congress in 1787, Stephens explained,¹⁸ "retained to the States an equal vote in the [Federal] Senate — the same equality under the new [1787] Constitution which they had under the former [June 1776] *Articles of Confederation*. It was well ascertained that, without this security, the smaller States would not confederate further upon any basis....

"So the bond of this —more perfect Union— [of 1787] was written. In this [new *U.S. Constitution* of 1787], as in the old [of June 1776 to February 1781], each State, as a State, has an equal vote in the last resort upon all measures."

This was still the case right before the outbreak of the War Between the States in 1861. Declared Stephens:¹⁹

"The six New England States — Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and Vermont — according to the census of 1860, had a population all together of three millions one hundred and thirty-five thousand three hundred and eighty-three [3,135,383]. New York, alone, by the same census, had a population of three millions eight hundred and eighty thousand seven hundred and thirty-five [3,880,735]. This single State had over a half a million more population than the other six all together. And yet, under the [1787] Constitution, the three millions of people in these six States have six times the power in the [U.S. Federal Senate] Government than the three millions and a half have who are in New York.

"Or take another view. This little-over-three millions of people in these six New England States, have just as much power in the [Federal Senate] Administration of the Government as the thirteen and a half millions have who constitute the aggregate population of the six States of New York, Pennsylvania, Virginia, Ohio, Indiana and Illinois. That is, they have just as much power in passing or defeating any measure whatever....

"No, sirs; this is not a Government of the people of this country as one nation! It is still, under the *Constitution*, as it was under the *Articles of Confederation*, a Government of States, and for States [plural]. Thus Stephens.

Indeed, we ourselves might further add that the United States never established — in the dishonest words of dishonest Abe Lincoln — a **popularistic** or democratic "government by the people and of the people and for the people." No!

Instead, the *U.S. Constitution* established a **confederate** or republican government by the States, of the States, and for the States. Of that Union of **States** known as the —United **States** of America.—

The meaning of "We the people of the United States" in the *Constitution*

However, some may here reply that the constituent thirteen States later surrendered their sovereignty to the Federal Government. Indeed, some centralists so argue this

¹⁸ *Ib.*, pp. 134-36.

¹⁹ *Ib.*, pp. 136f.

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occurred precisely when and where the September 17th 1787 *U.S. Constitution* says: "We, the people of the United States, in order to form a more perfect Union...do ordain...the following Constitution etc.

The argument here relies heavily upon the above word "people" (**singular**), in the expression "We the people of the United States etc. Thus, it is alleged this means that the United States had by then already become but one nation containing only one people and was no longer thirteen different peoples from thirteen different constituting States.

To this specious argument, Stephens aptly responded:²⁰ "We know that this *Preamble* as it unanimously passed the Convention on the 7th of August 1787 was in these words: "We the peoples [**plural**] of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia do ordain, declare and establish the following Constitution etc. This shows what was the meaning of the Convention. It was: we, the people of each State."

Indeed, continued Stephens:²¹ "By the terms of the [September 1787] *Constitution*, Article VII, it was to go into operation between such of the States as might ratify it, if as many as nine or more should do so. The Committee on Style [in charge of drafting the September 1787 *U.S. Constitution*] readily perceived that it would be exceedingly out of place to have, in the *Preamble* to the organic law, terms embracing a people or States who might not put themselves under it. For instance, Rhode Island and North Carolina did not ratify the [1787] *Constitution* for some time."

Indeed, the September 1787 *U.S. Constitution* was rejected for being too centralistic by North Carolina (at her own Hillsboro State Convention in July 1788). It was ratified by the Tarheel State only in November 1789 (after the Federal Government had promised to add the 1791 first Ten Amendments entrenching State Rights). Indeed, the sovereign State of Rhode Island long hesitant, for fear of federal centralism and even heavier taxes entered into the new Union only in May 1790.

As Stephens explained anent the sovereign States of North Carolina and Rhode Island, during the period September 1787 till November 1789, North Carolina was entirely outside the September 1787 Union. Also Rhode Island was outside it and indeed till May 1790. They might have remained outside even until now!

Suppose they had. How oddly this *Preamble* to the [1787] *Constitution* would then have read: "We the peoples of New Hampshire, Massachusetts, Rhode Island...[and] North Carolina [etc.], in order to form a more perfect Union...do ordain...the following Constitution etc. For then the people of Rhode Island and North Carolina would have done no such thing!

What the Committee on Style did in their change of phraseology, was to preserve symmetry in their work and retain the same idea. As they put it, it would embrace the people of such States only as should adopt it. They would then be the people of the

²⁰ *Ib.*, p. 138.

²¹ *Ib.*, p. 139.

States, respectively, which would thereby be United. Thus, the phrases “States United” and “United States” mean the same thing.

So then, explained Stephens:²² “The words, as agreed to at first, in [the 1777] Convention..., were: “We, the people of the States [plural] of New Hampshire, Massachusetts, Rhode Island...do ordain, declare and establish the following Constitution... Now look closely to the words substituted [in September 1787]...and afterwards unanimously adopted in the Convention [after Rhode Island’s admission to the new Union in May 1790]!...”

“It reads as follows: “We, the people of the United States [plural], in order to form a more[!] perfect Union..., provide for the common[!] defence, promote the general[!] welfare..., do ordain and establish this *Constitution* for the United States [plural] of America...”

“As it stands, the instrument “is ordained and established” as a Constitution for States [plural] “for the United States [plural]. The same, as if it read “for the States [plural] of this Union.”

The *Constitution*’s “between the States” and “Deputy from Virginia”

The above perception is strengthened by the very words also at the close of the September 1787 *Constitution* “and by the list of signatures which immediately follow it. From that list, the signatures of the representative delegates from Rhode Island are conspicuously absent.

Those words declare: “The Ratification[!] of the Conventions of nine States, shall be sufficient for the establishment of this *Constitution* **between the States** so ratifying the same. Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our Names. GEORGE WASHINGTON “President, and Deputy from Virginia.”²³

Washington’s is followed by the signatures of the representative delegates of all thirteen of the original North American States except that of Rhode Island (but including that of North Carolina which, however, subsequently rejected the *Constitution* until the promise was made to augment it by the first Ten Amendments). Yet the signature of the representative of Rhode Island on the 1787 *U.S. Constitution* was still lacking. See the original Article VII thereof.

Accordingly, it is obvious that even the new 1787 *U.S. Constitution* “just like its old 1777-81f predecessor “was not drawn up by the Federal Government. To the contrary, as Stephens observed:²⁴ “It was made, we see, by **States**. It was to be established, we see, not over but between the States ratifying it.”

²² *Ib.*, pp. 140f.

²³ *Ib.*, pp. 188f.

²⁴ *Ib.*, pp. 190f.

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Indeed, the Federal Government's Senators are to be elected by the Legislatures of the several States. The [Federal] House of Representatives is to be composed of members chosen by **the people of the several States**; and to be chosen by electors possessing such qualifications as each State for itself may prescribe for the electors....
-Representatives and taxation [direct taxes] shall be apportioned among the several States.
-Each State shall have at least one Representative.
-When vacancies happen in any State etc. Article I Section 2 of the *U.S. Constitution*.

Continued Stephens: The Congress shall have power to regulate commerce with foreign nations and among the several States.
-The migration and importation of such persons as any of the States [shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808].
-No preference shall be given...to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to...clear or pay duties in another.

-No State shall enter into any treaty...
-No State shall, without the like consent of the Congress, lay any duty...with another State or with a foreign Power etc. Article I Sections 8-10.

Consequently, there is nothing whatsoever in either the old 1777-81 *Constitution of the American Confederation* nor the new 1787 *U.S. Constitution* which in any way suggests there was a transfer of all the sovereignties of the thirteen constituting States, nor a vesting of all the sovereignties of those ancient thirteen States ó within **their new creature**, the U.S. Federal Government. To the contrary, as Stephens correctly concluded, the *Constitution* was a compact between sovereign **States** ó which latter would still continue to exist after entering into that compact (and even now so continue).

**Madison's 1787 Constitution not brand-new,
but the old of 1777 renewed**

The then-future U.S. President James Madison presented the true position exactly, in his contemporaneous *Federalist*. There he declared:²⁵ "If the new [1787] *Constitution* be examined with accuracy and candor, it will be found that the change which it proposes consists much less in the addition of new powers to the [1777] Union than in the invigoration of its original power."

Accordingly, also Alexander Stephens here observed:²⁶ "It clearly appears that Mr. Madison, who is styled the father of the [1787] *Constitution*, did not consider that the **[con]federative** nature and character of the previously existing [1777] Union between the States was essentially changed in any particular by the new [1787] *Constitution*, framed with the view of perfecting that [1777] Union."

Indeed, also the new 1787 *Constitution* is clearly "covenantal." For it distinctly declares:²⁷ "The United States shall guarantee to every State in this Union a

²⁵ *The Federalist*, No. 44, p. 324; cited in Stephens's *op. cit.*, pp. 199f.

²⁶ *Op. cit.*, pp. 199f.

²⁷ Article IV Section 4.

republican form of government, and shall protect each of them against invasion and...against domestic violence.ö Article IV Section 4.

As Stephens rightly observed:²⁸ öIs not this the language of **confederation**? The language of **compact**? The language of **alliance between sovereign States**? Alliance for mutual safety and protection against foes without, as well as foes within?ö

Further: öWere they not just such States as Montesquieu says may form a Confederate Republicó in which case the confederacy may be dissolved and the confederates preserve their sovereignty?ö... Were States ever more providentially, yea divinely, established ó than these had been?ö

The first nine States' ratifications of the 1787 U.S. Constitution

Let us now look more closely at the subsequent State ratifications of the new 1787f *U.S. Constitution* ó fully nine of which were required by its closing Article VII even in order to effect öthe establishment of this constitutionö²⁹ on September 17th 1787.

Delaware was the first State to ratify ó on December 7th 1787. öWe, the Deputies of the People of the Delaware State, in Convention met, having taken into our serious consideration the federal *Constitution* proposed and agreed upon by the Deputies of the United States..., ratify and confirm the said *Constitution*.ö

Pennsylvania followed. On December 12th 1787, the Delegates of the People of that Commonwealth, in General Convention, ratified the ö*Constitution* for the United States of America.ö

James Wilson, who had signed the *Declaration of Independence* for Pennsylvania, told his State Legislature that the Federal Government of öthe American States...is a Union of them under one Confederate Republic,ö distinguishing öbetween the powers of the General Government [of that Confederation] and those of the particular State Governments.ö

Indeed, Wilson even asked rhetorically: öAre not the enumerated powers as well defined here [in the 1787 *Constitution*] as in the present [1777f] *Articles of Confederation*?ö³⁰ See too his speech of 1st December 1787.

New Jersey was third to ratify ó on 18th December 1787. Georgia was fourth, on 2nd January 1788.

Connecticut was fifth, on 9th January 1787. There, Representative Ellsworth ó later to become Chief Justice of the Supreme Court of the United States ó right then insisted that öthis *Constitution* does not attempt to coerce sovereign bodies, States, in their political capacity.ö³¹

²⁸ *Ib.*, pp. 203f.

²⁹ Thus Art. VIII of the 1789 *U.S. Const.*.

³⁰ Cited in Stephens's *op. cit.*, pp. 214-20.

³¹ *Ib.*, pp. 228-31.

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Massachusetts was sixth, ratifying on 27th February ó with a very slender majority. She also proposed certain Amendments protecting rights of the State(s), most of which were enacted in 1791.

Maryland ratified seventh, on April 28th 1788. South Carolina ratified eighth ó after a lively debate querying the Federal Government's right to tax ó on 12th May 1788.

New Hampshire was ninth to ratify ó on 21st June, 1788 ó but only after recommending the insertion of several safeguards into the proposed *Constitution*. The seventh safeguard recommended *inter alia*: **All Common Law cases between citizens of different States shall be commenced in the Common Law courts of the respective States.**ö

It is very significant that this latter was finally **reflected in the 1791 Seventh Amendment to the U.S. Constitution**. It is also most significant that the latter became **operational precisely by New Hampshire's ratification thereof, together with the adopted recommendation by New Hampshire – as the required ninth State to ratify**. For only then could the proposed new *Constitution* of 1787 come into force at all ó even in respect merely of those eight States which had then thus far signed prior to New Hampshire herself.

The last four States' ratifications of the 1787 U.S. Constitution

Virginia ratified tenth on 26th June 1788 ó but only after fierce and formidable debates. The great Patrick Henry opposed the measure. The following is what he had to say about it:

öThis proposal of altering our Federal Government [by adopting the new 1787 *Constitution*], is of a most alarming nature.... Instead of securing your rights, you may lose them forever.... I have the highest veneration for those gentlemen [the Founding Fathers]. But sir..., what right had they to say, "We the people" instead of "We the States"?ö

öStates are the characteristics and the soul of a Confederation.... This [new 1787] *Constitution* is said to have beautiful features. But, when I come to examine these features, sir, they appear to me horribly frightful!ö

Virginia's Lee made a very shrewd observation. He argued: öIf this were a consolidated [Federal] Government ó ought it not to be ratified by a majority of the people as individuals, and **not as States**?ö

However, the people themselves never ratified it! For it was **not** a popularistic *referendum*. It was instead the proposed new *Constitution* for an already existing Confederacy or Confederation of Republican States.

The final vote in Virginia was only 89 (to 79) in favour of ratification. Even then, ratification was approved ó only provided Amendments were adopted.

The latter were to be such as: "That each State in the Union shall respectively retain every power, jurisdiction and right which is not by this *Constitution* delegated to the Congress of the United States or to the departments of the Federal Government."³² Indeed, precisely this needed to get guaranteed and so got guaranteed in the 1791 *Tenth Amendment*.

New York was eleventh to ratify, on 26th July 1788. Once again, this occurred only after a strenuous assertion of the ongoing rights of the State(s).

So, finally, the New York Legislature resolved: "We, the delegates of the people of the State of New York, duly elected and met in Convention..., do declare and make known that all power is originally vested in, and consequently derived from, the people.... That the enjoyment of life, liberty and the pursuit of happiness are essential rights which every Government ought to respect and preserve. That **the powers of Government may be re-assumed by the people** whensoever it shall become necessary to their happiness. That every power...not by the said *Constitution* clearly delegated to the Congress of the United States...remains to the people of the several States." Tenth Amendment of 1791 and here we come!

Even Hamilton then argued: "Congress can no more abolish the State Governments, than they can dissolve the Union.... It never can be the interest or desire of the National Legislature to destroy the State Governments.... I imagine I have stated to the Committee abundant reasons to prove the **entire safety** of the **State Governments** and of the people."³³

North Carolina ratified twelfth, in November 1789 and but only after first rejecting the new *Constitution* in July 1788; and only after subsequently ensuring the passage of Constitutional Amendments guaranteeing the rights of the State(s). These were effected in 1791 and as an integral part of the *Constitution*.

Rhode Island ratified last and in May 1790. As Stephens declared of the debates in the Rhode Island Legislature:³⁴ "Her proceedings are very voluminous. Nothing but the importance of the question at issue could induce me to ask you to attend to their reading. Their very length, however, shows how completely Federal they were and guarding against every possible danger to their [State] Sovereignty."

Summarizing those debates, let us merely say that Rhode Island and like most of the other ratifying States and insisted on Constitutional Amendments. Indeed, without these 1791 Amendments, it is fair to say that both the 1777 Confederation and the 1789 Union would have broken up and probably even before the end of that eighteenth century.

³² *Ib.*, pp. 254-70.

³³ *Ib.*, pp. 270-85.

³⁴ *Ib.*, p. 290.

The first ten Amendments facilitated the enactment of the *Constitution*

Accordingly, let us now look as some of these vital 1791 Articles in Addition to, and [in] Amendment of, the *Constitution of the United States of America*. For they are officially stated to have been proposed by Congress and ratified by the Legislatures of the several States pursuant to the Fifth Article of the original *Constitution*.³⁵

That latter declares that the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this *Constitution*; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments.³⁶

Nine States constitute two-thirds of the original thirteen States. Fully that two-thirds had requested priorly and in 1791 so achieved the adoption of the proposed constitutional Amendments in the *Bill of Rights* to safeguard the rights of the State(s) etc.

Thus it was that the 1791 Second Amendment declared and declares that a well-regulated militia was and is necessary to the security of a free State. Of such there were then thirteen in the Union. There, the right of the people to keep and bear arms shall not be infringed.

Too, the 1791 Seventh Amendment guaranteed and guarantees trial by jury according to the rules of the Common Law rather than according to newly enacted federal statutes (today more and more at variance with the Common Law). Similarly, the 1791 Eighth Amendment prohibited and prohibits excessive bail and cruel and unusual punishments.

More pointed are the next three Amendments (two of 1791, and the third of 1798). These too supported and still support the rights of the States to the very hilt.

The enumeration in the *Constitution* of certain rights, shall not be construed to deny or disparage others retained by the people. Ninth Amendment.

The powers not delegated to [the Federal Government of] the United States by the *Constitution*, nor prohibited by it to the States, are reserved to the States respectively, or to the people. Tenth Amendment.

For good measure, we mention also the Eleventh Amendment. The judicial power of the United States [Federal Government] shall not be construed to extend to any suit

³⁵ *Ib.*, p. 568.

³⁶ Art. V then continues: which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State without its consent shall be deprived of its equal suffrage in the Senate.

in law...against any one [singular] of the United States [plural] by citizens of another State [in the Union] or by citizens or subjects of any foreign State.ö

Clearly, these first eleven Amendments all uphold the rights of the several States. All enacted before 1799 ó and the first ten all enacted in 1791 ó these amendments must indeed be regarded as an integral part of the 1787 *U.S. Constitution* itself. As such, they enshrine the rights of each of the several **constituting States** ó *vis-a-vis* the new Federal Government as their **joint creature**.

All U.S. Presidents before Lincoln admitted the U.S.A. is a Confederacy

Elias Boudinot, the famous French-American Calvinist, was the first President of the United States under the 1777-81f *Articles of Confederation*. He was also the first President of the American Bible Society. Later, George Washington was the (1789-97) first President of the United States under the 1787f *U.S. Constitution*. Very significantly, he too understood³⁷ that new *Constitution* in a **confederate** sense.

Thereafter ó subsequent to the Presidency of John Adams (1797-1801) ó the great anti-slavery statesman Thomas Jefferson was elected President (1801-1809) upon the very issue that the *Constitution* is indeed a **compact** between sovereign States.³⁸ While drawing up a set of Resolutions for the Kentucky Legislature in 1798, Jefferson had said:³⁹ öAs in all other cases of compact ó among parties having no common judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress.ö

Nor were the **confederate** outlooks of Presidents Boudinot, Washington and Jefferson unusual. For also Presidents James Madison (1809-17), James Monroe (1817-25), John Quincy Adams (1825-9), Andrew Jackson (1829-37) and Martin Van Buren (1837-41) all held exactly the same views on this point.⁴⁰

The famous (1829-37) President Andrew Jackson, for example, was an old school Confederated Republican. In his first Inaugural Address during 1829, he declared⁴¹ he would öbe animated by a proper respect for those sovereign Members of our Union [viz. the constituent States], taking care not to confound the powers they have reserved to themselves with those they have granted to the **Confederacy**.ö

Indeed, in his 1837 Farewell Address, Jackson insisted öa single consolidated Government would be wholly inadequate to watch over and protectö the interests of the whole country. For that reason, öevery friend of our free institutions should be always prepared to maintain unimpaired, and in full vigor, the rights and sovereignty of the States, and to confine the actions of the General [Federal] Government strictly to the sphere of its appropriate duties.ö

³⁷ See our text above at its n. 23.

³⁸ Stephens: *op. cit.*, p. 441.

³⁹ *Ib.*, p. 332.

⁴⁰ *Ib.*, pp. 443-45.

⁴¹ *Ib.*, pp. 474f.

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Also 1841 President William Henry Harrison held⁴² that our Confederacy...can only be preserved by...forbearance.... Our Confederacy is perfectly illustrated by the terms and principles governing a common partnership.... It should be our constant and earnest endeavor mutually to cultivate a spirit of concord and harmony among the various parts of our Confederacy.ö

Consequently, even President Harrison was not a Jeffersonian Democrat ó but a Jeffersonian Republican. He too believed in the principles of the *Kentucky and Virginia Resolutions* of 1798-99. Indeed, as Stephens demonstrated,⁴³ ðno man was elected President of the United States from 1800 to 1860, from Mr. Jefferson to Mr. Lincoln, who did not.ö

Stephens on the right of secession as implied also by *U.S. Constitution*

Stephens next dealt with the right of secession of the sovereign constituent States from the American Union. The United States, he declared,⁴⁴ is a **Confederated Republic**. It was ðproperly called a nation ó for certain purposes.ö Yet that confederated Republic was and is a Confederacy of United States (plural). öTheir present [Federal] Government is national in the same sense in which the governments of all confederated republics [such as that of Switzerland alias the Swiss Confederation] are national ó and none other....

öThis conventional nation...has no original or inherent powers whatever. All its powers are derived ó all are specific ó all are limited ó all are delegated ó all may be resumed ó all may be forfeited by misuser, as well as non-user. It is created by the separate republics forming it. They are the creators. It [the national government] is but their creature ó subject to their will and control....

öThis is the basis, and these are the principles, upon which all confederated republics are constructed.... This was the idea symbolized in the motto, *e pluribus unum* [÷one from manyö].ö This, the motto of the United States, refers to the formation of one Federal Government out of several independent States. For it is not just *e pluribus unum* alias ÷one from manyö, but also *e pluribus unum* or ÷one from manyö and *e pluribus unum* or ÷one from many.ö

öThese things being soö ó the 1861-65 Confederate States of Americaö Vice President Stephens explained⁴⁵ in 1868 ó ðI have made it very clearly appear why I acted as I did in going with my State and obeying her high behest when she resumed the sovereign powers she had delegated to the United States by entering into a compact of union with them in 1788, and asserted her right to be a free and independent State, which she was acknowledged to be by George the Third of England in the *Treaty of Peace* in 1783.... **If all the other States – the parties to the Confederation [which surely includes also even the new Federal Government itself] – faithfully comply with their obligations under the compact of union, no**

⁴² *Ib.*, pp. 444f.

⁴³ *Ib.*, p. 444.

⁴⁴ *Ib.*, pp. 482f.

⁴⁵ *Ib.*, pp. 494f.

State would be morally justified in withdrawing from a union so formed, unless it were necessary for her own preservation....

öBut in this case, the breach of plighted faith was not on the part of Georgia or those States which withdrew or attempted to withdraw from the Union. Thirteen of their Confederates [*viz.* those in **the North**] had openly and avowedly **disregarded their obligations under that clause of the Constitution** ö [Article IV Section 2] which covenanted for the rendition [or handing back] of fugitives from service.... Then, by universal law, as recognized by all nations ö savage as well as civilized ö the compact thus broken by some of the parties was no longer binding upon the others.ö

Article IV Section 2 of the *U.S. Constitution* provides that öa person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.ö

The word öpersonö in Article IV Section 2 as mentioned above, clearly includes also slaves. For, although not so under Pagan Roman Law, nevertheless under the Christian Common Law of the original United States and their 1787-91 *Constitution* and *Bill of Rights*, slaves are indeed öpersons.ö Hence, Article IV Section 2 above also clearly means that not only a slave who committed a major crime but even a slave who committed any felony [such as robbing and then running away from his master], and who then fled to an anti-slavery State of the Union ö would need to be handed over for trial to the State where the felony was committed. *Cf.* Philemon 10-19.

Needless to say, many anti-slavery States broke this requirement of the *U.S. Constitution* ö when in the Ante-Bellum days they refused to remit runaway slaves back to the State where those slaves had been accused of robbery *etc.* In so doing, those anti-slavery States broke the constitutional compact with **all** of the other States of the Union ö and thus fully justified the South (and for that matter every State in the Union) in exercising the constitutional right of each thus-aggrieved State to secede.

Stephens on the Northerner Webster's admission that secession is possible

Stephens now quoted from an 1833 U.S. Senate speech in defence of secession, made by the great Northerner and Union-preserving politician Daniel Webster of Massachusetts. Said Senator Webster:⁴⁶ öWhere sovereign communities are parties ö there is no essential difference between a *compact*, a *confederation*, and a *league*. They all equally rest on the plighted faith of the sovereign party.

öA *league* or *confederacy* is but a subsisting or continuing *treaty*.... If, in the opinion of either party, it be violated ö such party may say that he will no longer fulfil its obligations on his part but will consider the whole *league* or *compact* at an end.... Upon this principle, the Congress of the United States, in 1798, declared null and void the treaty of alliance between the United States and France ö though it professed to be a perpetual alliance.ö

⁴⁶ *Ib.*, pp. 298f, 308f, 497f.

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Accordingly, conceded Webster, a situation could arise where a constituent State is of opinion...that it is the absolute duty of [Federal] Congress to pass and to maintain such laws; and that by [the Federal Government] omitting to pass and maintain them, its [the constituting State's own] constitutional obligation would be grossly disregarded by the Federal Government.

She [the Federal Government] herself, [would then have] relinquished the power of protection [owed by her in terms of Article IV Section 4 of the *U.S. Constitution* to the constituting State, which the latter] gave...up to Congress, on the faith that [the Federal] Congress would exercise it. If Congress now refuse to exercise it, Congress does...break the condition of the grant, and thus manifestly [does] violate the *Constitution*....

Virginia may [then] secede, and hold the fortresses in the Chesapeake... Louisiana may [then] secede if she choose, form a foreign alliance, and hold the mouth of the Mississippi.

The same applies also to the other States, such as North Carolina and South Carolina. Observed the North's Senator Webster of Massachusetts in 1833: **If Carolina now shall effectually resist the laws of [the federal] Congress, if she [Carolina] shall be her own judge [and then] take her remedy into her own hands...she will relieve herself from a paramount power as distinctly as the American Colonies did the same thing [from Great Britain] in 1776.**

Senator Daniel Webster of Massachusetts loved the American Union, but he also championed the rights of the States. Unfortunately for the American Union as well as for the cause of the rights of the States, Webster died in 1852. But from his above-mentioned 1833 speech in the U.S. Senate about Carolina, we can know assuredly that (had he lived long enough, and had he also held to his 1833 views) he would not have tried to thwart the secessions from the Union of South Carolina in 1860 and of North Carolina in 1861.

Stephens's 1868 justification of the South's right to secede in 1860

Even seven years later in 1868, Stephens could still justify the 1860 Southern Secession from the 1776 American Union. He explained:⁴⁷ "This right of a [Southern] State to consider herself no longer bound by a compact which, in her judgment, has been broken by her [Northern] Confederates and to secede from a Union formed as ours was has nothing about it either new or novel. It is incident[al] to all Federal Republics. It is not derived from the compact itself. It does not spring from it at all.

It is derived from the same source, that the right is derived to abrogate a treaty by either or any of the parties to it.... **The right exists by the same laws of nations** which govern in all matters of treaties or conventions between sovereigns. The admission of the right of secession under this law on the part of the several States of our Union, by Mr. Webster...(if it be true that the *Constitution* is a compact between the States), might be considered ample authority....

⁴⁷ *Ib.*, pp. 500f.

“But I do not mean to let it rest barely on this. I maintain that such was the general understanding of the parties to the *Constitution* at the time it was adopted.... *Contemporanea expositio est optima et fortissima in lege.* 2 *Inst.* ii, Broom’s *Legal Maxims*, p. 300. “The best and surest mode of expounding an instrument, is by referring to time when and circumstances under which it was made.”

“It is a necessary incident of that sovereignty which was believed to be reserved to the States severally in the original [1787] *Constitution*... (which reservation... was immediately after inserted in express terms by way of amendment) in 1791. It was expressly reserved in the ratifications of Virginia, New York and Rhode Island and also certainly at least implicit in that of North Carolina, if not even of Delaware and Massachusetts.

“These ratifications were received by the other States and which fixes the construction of all at the time. **Moreover, the [United States] Government was formed, or to be formed, according to the very terms of the *Constitution* – by the secession of nine States at least, from their former Union” with Great Britain.**

It should be recalled that even the great John Hancock and first to sign the *Declaration of Independence of the United States of America* in 1776 and in his 1788 message to the Massachusetts Legislature, recommended the later (1791) federal adoption of the proposed constitutional amendments emphasizing State Sovereignty (in the proposed *Bill of Rights* to protect the States against the Federal Government) which he himself had offered in the State Convention. Only then would he consider the *U.S. Constitution* “the most perfect system of Government as to its objects that has been known amongst mankind.”⁴⁸

Indeed, Massachusetts’s 1788 acceptance of the 1787 *Constitution* only with grave reservations; North Carolina’s initial 1788 repudiation thereof; and the express reservations of Virginia and New York and Rhode Island and almost amounts to non-adoption of the 1787 *U.S. Constitution*. For the required clear acceptance of the 1787 *Constitution* (without its needed 1791 first Ten Amendments) and by at least two-thirds of the constituting States and was barely attained.

Properly speaking, it was not attained and if one regards the grave reservations of Massachusetts as invalidating it, until her later satisfaction with the proposed *Constitution* only at the adoption of the demanded first Ten Amendments shortly thereafter in 1791.

Even before the adoption of the 1787 *U.S. Constitution*, the great George Washington and later to become the first U.S. President (1789-97) under that 1789 *Constitution* and wrote as a slave-holder to his Fellow-Virginian Henry Lee (the father of General Robert E. Lee). The Union Government, Washington wrote to Lee, needed to be “done by which our lives, liberties and properties will be **secured**.”⁴⁹

⁴⁸ *Ib.*, p. 526.

⁴⁹ R.A. Billington & B.J. Loewenberg & S.H. Brockunier: *The Making of American Democracy*, Rinehart, New York, 1951, I, pp. 99f.

**Even Jefferson & Hamilton believed
in the right to secede from U.S.A.**

Indeed, also the slavery-hating third President of the United States, Thomas Jefferson (1801-9), believed in the right to secede. Explained Stephens:⁵⁰ "This, the *Kentucky Resolutions* [of 1798] fully establish. The large majority by which he was elected [as an Anti-Federalist Democratic-Republican] after the fierce contest of 1800, shows that the same opinion must have been then very generally entertained.

"Even Mr. Hamilton," added Stephens, "must have believed that this right was incident to the system. For in his urgent appeals to Mr. Jefferson, as early as 1790 & for his influence with Members of Congress, in aid of the *Bill for the Assumption of the State Debts* & he presented the strong reason that if that measure should not pass there was great danger of a secession of the members from the creditor States, which would end in a separation of the States."

"With the same general understanding...was the action of the Massachusetts Legislature in 1803 & on the [1803] acquisition of Louisiana. That State [of Massachusetts]...then declared by solemn resolve "that the annexation of Louisiana to the Union transcends the constitutional power of the Government of the United States. It formed a new [1803] Confederacy & to which the States united by the former [1787] compact are not bound to adhere."

"Moreover, it is in strict accordance with this general understanding that several of the Eastern States, upon the call of Massachusetts, assembled by their deputies in the well-known New England or *Hartford Convention* in December 1814. These States, it is well known, were greatly disaffected toward the Federal Administration. It was during our last war [of 1812] with great Britain. They conceived their interest to be improperly sacrificed by the policy pursued in the conduct of the war....

"They did nothing, however, but issue an address...to the Federal authorities at Washington...: "It is as much the duty of the State authorities to watch over the rights reserved as of the United States to exercise the powers which are delegated.... States which have no common umpire, must be their own judges; and execute their own decisions."

According to Stephens "the right of a State to withdraw from the Union was never denied or questioned...by any jurist, publicist or statesman of character and standing until Kent's *Commentaries* appeared in 1826 nearly forty years after the [U.S. Federal] Government had gone into operation. From the weight of evidence, therefore, the conclusion follows that in the opinion of the fathers generally, as well as of the great mass of the people throughout the country, the right existed to secede from the Union.

⁵⁰ *Ib.*, pp. 502f.

Admissions from 1827 to 1845 of the right to secede from the U.S.A.

Even after 1826, multitudes of very prominent Americans ó including also many Non-Southerners ó continued to assert the right of secession. The 1825-29 Northerner President John Quincy Adams presented a petition for the dissolution of the Union. The petitioner had a right to make the request; it was Adams's duty to present it.

Indeed, in his famous address before the New York Historical Society in 1839, the then Ex-President Adams himself roundly declared:⁵¹ "If the day should ever come (may Heaven avert it), when the affection of the people of these [United] States shall be alienated from each other; when the fraternal spirit shall give way to cold indifference" ó then, "far better will it be for the people of the dis-United States to part in friendship from each other than to be held together by constraint.

"Then will be the time for reverting to the precedents which occurred at the formation and adoption of the *Constitution* ó to form again a more perfect Union by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the law of political gravitation to the center."

In November 1832, South Carolina ó frustrated from 1828 onward by growing protective tariffs depressing cotton exports ó commissioned Senator John C. Calhoun to draw up a statement of grievances. In his *Exposition* of that statement, it was argued that the States were not bound to obey tariffs where the U.S. Congress had exceeded its constitutional authority.

Declares Calhoun's *Exposition*:⁵² "We, therefore, the people of the State of South Carolina in Convention assembled, do declare and ordain...that the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities...are unauthorized by the *Constitution of the United States* and violate the true meaning and intent thereof ó and are null, void, and no law; nor binding upon this State, its officers or citizens."

At the same time, South Carolina issued an *Address to the People of the United States*. There, Carolina solicited support for this cause.

Later, also Georgia defied a decision of the U.S. Supreme Court. Indeed, even U.S. President Jackson (from Tennessee) sided with Georgia in its defiance of the 1836 U.S. Supreme Court.

Again, in his 1835f book *Democracy in America*,⁵³ the famous French scholar Alexis De Tocqueville wrote that the American "Union was formed by the voluntary agreement of the States; and these, in uniting together, have not forfeited their nationality, nor have they been reduced to the condition of one and the same people. If one of the States chose to withdraw its name from the contract, it would be difficult to disprove its right of doing so ó and the Federal Government would have no means of maintaining its claims directly, either by force or by right."

⁵¹ *Ib.*, pp. 527f.

⁵² Billington-Loewenberg-Brockunier: *op. cit.*, pp. 223f.

⁵³ Vol. 1, p. 498.

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Indeed, the Legislature of Massachusetts in 1844 did without question pass a series of Resolutions upon the annexation of Texas. The following is a part: "Resolved...that the project of the annexation of Texas, unless arrested on the threshold, may drive these States into a dissolution of the Union."

Actually, on 22nd February 1845 the Massachusetts Legislature resolved that "as the powers of Legislation granted in the *Constitution of the United States* to [Federal] Congress do not embrace the case of the admission of a foreign State or foreign territory by legislation into the Union " such an act of admission would have no binding force whatever on the people of Massachusetts."

Massachusetts did not then secede. Yet she then clearly asserted her right to do so at that time.

**Jefferson Davis's May 1860 Resolutions
were passed by the U.S. Senate**

On February 29th 1860 " just twelve months before the tragic War Between the States of the Union began " U.S. Senator Jefferson Davis of Mississippi (later to become the famous President of the Confederate States of America) introduced seven Resolutions, all of which passed the U.S. Federal Senate on May 24th 1860. Here are three of these vitally important measures:⁵⁴

"1. Resolved, That, in the adoption of the *Federal Constitution*, the States adopting the same [in 1787f] acted severally as free and independent sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each against dangers domestic as well as foreign; and that any intermeddling by any one or more States or by a combination of their citizens with the domestic institutions of the others on any pretext whatever " political, moral, or religious " with a view to their disturbance or subversion, is in violation of the *Constitution*....

"2. Resolved, That negro slavery, as it exists in fifteen States of this Union, composes an important portion of their domestic institution inherited from their ancestors and existing at the adoption of the *Constitution* by which it is recognized as constituting an important element in the apportionment of powers among the States; and that no change of opinion or feeling on the part of the non-slaveholding States of the Union in relation to this institution can justify them or their citizens in open or covert attacks thereon with a view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States respectively on entering into the constitutional compact which formed the Union....

"7. Resolved, That the provision of the *Constitution* [Article IV Section 2] for the rendition of fugitives from service or labor " without the adoption of which the Union could not have been formed " and the laws of 1793 and 1850 which were enacted to secure its execution..., bear the impress of nearly seventy years of sanction [1787 or 1793 to 1860] by the highest judicial authority.... [It] should be honestly and faithfully

⁵⁴ *Ib.*, pp. 408-17.

observed and maintained by all who enjoy the benefits of our compact of Union.... All acts of individuals or of State Legislatures to defeat the purpose or nullify the requirements of that provision and the laws made in pursuance of it ó are hostile in character, subversive of the *Constitution* and revolutionary in their effect.ö

It is therefore false to allege that this Jefferson Davis was then [in May 1860] promoting secession. Solely through unconstitutional Northern intransigence, it was only rather later that he was indeed most reluctantly forced into that extremity ó as too was Alexander Stephens himself. For only later did Davis become President and Stephens Vice President of the Confederacy, from 1861 to 1865.

Stephens maintained that Davis was not properly speaking a secessionist

Even yet later in 1868, after the War Between the States, the 1861-65 Confederate Vice President Alexander Stephens could still declare⁵⁵ of Confederate President Jefferson Davis: öI assure you I never regarded him as a secessionist, properly speaking.... I always regarded him as a strong Union man in sentiment ó so long as the Union was maintained on the principles upon which it was founded.

öHe was, without doubt, a thorough State-Rights State-Sovereignty man. He believed in the right of secession. But...he was an ardent supporter of the Union on the principles (as he understood them) upon which and for which the Union was formed.... If he was in favor of secession barely upon the grounds of Mr. Lincoln's election, I am not aware of it....

öI never saw a word from him recommending secession as the proper remedy against threatening danger ó until he joined in the general letter of the Southern Senators and Representatives in Congress to their States, advising them to take that course. This was in December 1860 ó and not until after it was ascertained in the Committee of the Senate...that the Republicans...would not agree...on Mr. Crittenden's proposition for quieting the apprehensions and alarm of the Southern States from the accession of Mr. Lincoln to power....

öThere is nothing in Mr. Davis's life or public conduct that I am aware of, that affords just grounds for believing that he ever desired a separation of the States ó the principles of the Union under the *Constitution* had been faithfully adhered to by all the parties to it.ö

Stephens himself opposed secession, and he unsuccessfully so advised

No different was the view of Alexander Stephens himself, later the 1861-65 Vice President of the Confederacy. Even after the War Between the States, in 1868 Stephens declared:⁵⁶

⁵⁵ *Ib.*, pp. 416f.

⁵⁶ *Ib.*, pp. 533f.

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øIt is for the best interest of all the Members of the [1787f] Confederation, to be united on such terms as may be agreed upon ó each faithfully performing all its duties and obligations under the compact.... No State therefore would withdraw or be inclined to withdraw ó without a real or supposed breach of faith on the part of her [Northern] Confederates, or some of them....

øWhen, therefore, the State of Georgia seceded ó against my judgment (viewing the measure in the light of policy only and not...as a matter of right) ó I felt it to be my duty to go with her.... The States were older than the Union. They made it. It was but their own creation. Their preservation was of...more importance than its continuance....

øWhat may be **called** a Union may spring from the common ruins [after the 1861-65 War Between the States] ó but it would not be the Union of the *Constitution*.... It would, in reality, be nothing but that deformed and hideous monster which rises from the decomposing elements of dead States the World over, and which is well-known by the friends of constitutional liberty everywhere as the demon of Centralism, Absolutism, Despotism....

øThe question therefore with me, assumed a magnitude and importance far above the welfare and destiny of my own State. It embraced the welfare and ultimate destiny of all the States ó North as well as South.

øNay more! It embraced, in its range, the general interest of mankind ó so far at least as the oppressed of all other lands and climes were looking to this country not only for a present asylum against the evils of misrule in their own but were anxiously and earnestly looking forward to the federative principles here established as the World's best hope; in the great future for the regeneration...of the nations of the Earth.ö

**Also pro-slavery Senator John C. Calhoun
had wanted to save the Union**

Let us now say a few words about slavery and secession. For slavery is sometimes claimed to have been a cause ó if not the cause ó of the 1861-65 War Between the States.

Already in 1837, Senator John C. Calhoun of South Carolina had told the U.S. Senate:⁵⁷ øNever before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved ó not only physically, but morally and intellectually. It came among us in a low, degraded, and savage condition; and in the course of a few generations, it has grown up under the fostering care of our institutions, reviled as they have been, to its present comparatively-civilized condition.

øThis, with the rapid increase of numbers, is conclusive proof of the general happiness of the race.... The political condition of the slaveholding States has been so much more stable and quiet than that of the North.ö

⁵⁷ Billington-Loewenberg-Brockunier: *op. cit.*, I, pp. 238f.

Indeed, by 1850, Calhoun ó in a lavish reference to George Washington as the first U.S. President under the 1787f *Constitution* ó was further declaring in the U.S. Senate:⁵⁸ öNor can the Union be saved by invoking the name of the illustrious Southerner whose mortal remains repose on the western bank of the Potomac. He was one of us ó a slaveholder and a planter....

öWe profited by his example. Nor can we find anything in his history to deter us from seceding from the Union ó should it fail to fulfil the objects for which it was instituted ó by being permanently and hopelessly converted into the means of oppressing instead of protecting us....

öThe South asks for justice, simple justice; and less, she ought not to take.... The responsibility of saving the Union rests on the North, and not on the South. The South cannot save it by any act of hers; and the North may save it without any sacrifice whatever ó unless to do justice, and to perform her duties under the *Constitution*....

öI have now, Senators, done my duty in expressing my opinions.... In doing so, I have been governed by the motives which have governed me in all the stages of the agitation of the slavery question since its commencement. I have exerted myself, during the whole period..., with the intention of saving the Union, if it could be done; and if it could not, to save the section where it has pleased Providence to cast my lot and which I sincerely believe has justice and the *Constitution* on its side.ö

Lincoln admitted emancipation was not the reason for his wrecking the Union

Yet the War Between the States erupted nevertheless. Initially, even Lincoln argued that the emancipation of slaves was neither the cause nor the aim of his Northerner invasion of the Southland. The issue, he then said, was the preservation of the Union through defeating the Secessionists.

Only half-way through that War, did Lincoln begin to demand the abolition of slavery as such. Indeed, only toward the end of that War ó and ever since ó did even the Radicals start insisting that slavery in the South had caused that War. See our previous and our later references to Lincoln on these issues, above and below.

To Stephens, liberty and justice were more important than slavery

After that War, in 1868, the 1861-65 Confederate Vice President Stephens rightly declared:⁵⁹ öThe matter of slavery, so called, which was the proximate cause of these irregular movements on both sides [North and South]..., was of infinitely less importance to the seceding States than the recognition of this great principle [of State rights and constitutional liberty]. I say slavery so called ó because there was with us no such thing as slavery in the full and proper sense of that word.

⁵⁸ *Ib.*, pp. 307-10.

⁵⁹ *Op. cit.*, pp. 539f.

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“No people ever lived more devoted to the principles of liberty, secured by free democratic institutions, than were the people of the South. None had ever given stronger proofs of this, than they had done ó from the day that Virginia moved in behalf of the assailed rights of Massachusetts in 1774, to the firing of the first gun in Charleston Harbor in 1861....

“This whole subject of slavery so called, in any and every view of it, was to the seceding States but a drop in the Ocean compared with those other considerations involved.... I was wedded to no idea as a basis of peace ó but that of the recognition of the ultimate absolute sovereignty of all the States as the essential basis of any permanent Union between them or any of them.... The Confederate States had made common cause for this great principle ó as the original thirteen States had done in 1776.”

The Constitution never required the abolition of slavery by 1808

Now the 1787f *U.S. Constitution* itself had provided that “the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the [U.S. Federal] Congress prior to the year eighteen hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.” Article I Section 9. This 1787f measure clearly gave the to-be-created U.S. Federal Congress the right to prohibit the importation of slaves after 1808.

However, it did not empower that Federal Congress to prohibit such importation prior to 1808. Nor did it require that Congress to prohibit this during 1808. Nor did it require that Congress to prohibit the institution of slavery anywhere within the United States after 1808. “Not be prohibited” after 1808, does not mean “prohibited” since!

Because of this, the Northern slaveship operators realized in 1788 that they then probably had but twenty years to continue their gruesome trade. Consequently, they now worked overtime during those twenty short years ó reaping large profits.

Those people were either Englishmen or Yankees. The slaves they imported were sold throughout the United States ó also in the North. Yet slaves from tropical Africa were better suited to the similar climate of the “Deep South” on its plantations ó than they were to compete on the open market against skilled free white artisans in the unseasonably “Cold North” of New England. Consequently, most of the imported slaves ended up in Dixie.

In spite of the French Revolution with its agitation for human rights, the movement for the actual abolition of slavery as such had little effect in America ó even in the North ó during those above-mentioned twenty years. However, after Britain outlawed the British slave trade in 1807 ó the spread of capitalism in the North of the United States made slavery unprofitable there.

The Quakers and other Humanists assailed the South from 1830 onward

In addition, especially many subtrinitarian and even anti-trinitarian Quakers settled in the North and vigorously promoted the abolition of slavery as such. With their mysticism, they did not know (or they easily forgot) how infallible Scripture insists that Jesus Himself is the slave of the Lord. For the Quakers had a low view of both the Triune God and His Holy Scripture.

As even New York's 1978 *New Illustrated Columbia Encyclopedia* frankly admits,⁶⁰ the emerging Yankee abolitionists were riddled with humanism. It admits that in the Northern United States, it was humanitarian principles ó or rather humanistic principles ó which led to the appearance of the Abolitionists.

The latter knew little of the actual conditions in the South. Indeed, the Abolitionists were fighting not for economic reform ó which they themselves horribly neglected in their own North itself ó but for idealistic principles.

The Abolitionists, in general, tended to regard slavery as an unmitigated evil. However, also **the small Northern farmer feared slavery – as a system of cheap labor against which it was difficult to compete.**

Next came increasing Northern agitation. This was fuelled and fanned ó New York's *New Illustrated Columbia Encyclopedia* further explains ó by the slave uprising led by Nat Turner; by the troubles over fugitive slaves; and by the very active propaganda against the South. The question, involving the very existence of Southern society as then organized, was the dominant one in U.S. history from 1830 to 1860.

The Confederate Constitution preserved and improved the U.S. Constitution

Yet it should be obvious ó even from the *Constitution of the Confederate States of America* itself ó that as far as the South was concerned, her chief concern was the preservation and expansion not of negro slavery but of the rights of Christian States. Thus the February 1861 *Confederate Constitution* strikingly and deliberately resembles the then-neglected 1787f Union document ó which it sought to revive, or at least to refurbish.

Indeed, the Confederate document not only restored and re-emphasized the then-neglected parts of the 1787f *Constitution of the U.S.A.* Even more Biblically, it also **emulated** the *Union Constitution* itself in at least seven important respects.

First, Article I Section 9 of the 1787 *U.S. Constitution* provided that: òThe migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year eighteen hundred and eight, but a tax or duty may be imposed on such importation.ö

⁶⁰ Art. *Slavery* (in *NICE* 21:6268f); & Billington-Loewenberg-Brockunier: *op. cit.*, I, pp. 354f.

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However, Article I Section 9 Clause 1 of the 1861 *C.S.A. Constitution* provided that: "The importation of negroes of the African race from any foreign country other than the slaveholding States or Territories of the United States of America is hereby forbidden" ó immediately! The *Confederate Constitution* was thus **less** promotive of slavery than was the old *U.S. Constitution*.

Second, the Confederate Leader Alexander Stephens observed in Atlanta during March 1861: "We allow the imposition of no duty with a view of giving advantages to one class of persons, in any trade or business, over those of another. All, under our system, stand upon the same broad principles of perfect equality.... This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new."

Third, continued Stephens, "the subject of internal improvements under the power of Congress to regulate commerce, is put at rest under our system.... We of the South...opposed its exercise.... The true principle is to subject the commerce of every locality to whatever burdens may be necessary to facilitate it.... This is again the broad principle of perfect equality and justice. And it is specially held forth and established in our new constitution."

Fourth: "Another feature...is that the new constitution provides that Cabinet Ministers and Heads of Departments shall have the privilege of seats upon the floor of the Senate and House of Representatives ó shall have the right to participate in the debates and discussions upon the various subjects of administration. I should have preferred that this provision should have gone further, and allowed the President to select his constitutional advisers from the Senate and House of Representatives. That would have conformed entirely to the practice in the British Parliament, which in my judgment is one of the wisest provisions in the British Constitution. It is that which gives its stability, in its facility to change its administration. Ours, as it is, is a great approximation to the right principle...."

Fifth, continued Stephens: "The new constitution has put to rest, **forever**, all agitating questions relating to our peculiar institution, African slavery as it exists among us ó the proper status of the Negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the "rock upon which the old Union would split." He was right."

Sixth, Article V of the 1787 *U.S. Constitution* had provided that by the necessary majorities in the several States or by conventions in three-fourths thereof an amendment made after the year 1808 A.D. might perhaps "affect the first and fourth clauses in the ninth section of the first article" and further that a State, with its own consent, might indeed "be deprived of its equal suffrage in the Senate" of the U.S.A. The 1861 *Confederate Constitution*, however, made no provision for possible deprivation of equal representation for each State in the Confederate Senate.

Seventh, Article II Section 1 anti-tyrannically prohibited a Confederate President from holding office during his sabbatical year (*cf.* Leviticus 25:2-10). Thus it declared: "The Executive power shall be vested in a President of the Confederate

States of America. He and the Vice President shall hold their office for the term of six years; but the President shall not be re-eligible.

The *Confederate Constitution* anticipated F.D. Roosevelt's Union tyranny

On the latter point, it was not the Southerners in the C.S.A. but the later Northerner Franklin Delano Roosevelt who abused the re-eligibility of a ruling U.S. President for a further four-year term. The South, however, through her commitment to liberty had sought to be free from the possibility of having even her own Confederate President re-elected. For he should then rather be free from the Presidency and instead be able to proclaim liberty through the land, during his sabbath year.

Proclaim liberty throughout all the land unto all the inhabitants thereof! Leviticus 25:10. Appropriately, this verse is inscribed on the Liberty Bell, in Philadelphia's Independence Hall. Significantly, it was no longer in the unionized Philadelphia but precisely in the Confederacy that the message of the Liberty Bell continued to ring out from 1861 till 1865.

However, under his Presidency, the North's Big Wheel(er) and New Dealer Franklin Roosevelt through his commitment to the slavery of socialism proclaimed tyranny throughout the land. He continued to do so throughout his second term and also throughout his disastrous third term. Apparently seeking to become a lifelong Monarch he even embarked upon a fourth term.

The Southerner and first President of the Father of the American Republic George Washington had refused to rule for a third term. The Northerner President Franklin Roosevelt, however, grabbed a third and even a fourth term and started to shackle the American people with the slavery of socialism.

Two years after Roosevelt's death in office, however, the U.S. Congress had the good sense to pass an amendment to the *U.S. Constitution* prohibiting all future third and fourth terms. That was indeed an eloquent comment on the congressional evaluation of the calibre of Roosevelt's presidency, after its final (ex)termination. Indeed, it also unintentionally half-vindicated even the *Confederate Constitution* on this particular point.

After President Buchanan, the 'New Republican' Lincoln wrecked the Union

Right before the outbreak of the 1861-65 American War Between the States of the Northerner President Buchanan himself declared⁶¹ that the right of secession is not a plant of Southern origin, but one which first sprung up in the North. Even though Buchanan replaced State-righters with committed Union men in his Cabinet in his last message to Congress on January 8th 1861 (right before Lincoln's inauguration as

⁶¹ See President Buchanan's *History of his Administration* [1857-61], p. 86.

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his successor) ó President Buchanan rejected⁶² the possibility of aggressive war against the Southern States (which had already begun to secede as from December 20th 1860).

Even the famous Northern Unionist and journalist Horace Greeley wrote⁶³ as late as 9th November 1860 ó just 41 days before South Carolina seceded from the American Union ó that ‘most of the Cotton States are meditating a withdrawal from the Union because of Lincoln’s election. **Very well: they have a right to meditate...**

‘The **right to secede...exists** nevertheless.... We do not see how one party [the South] **can** have a right to **do** ó what another party [the North **allegedly**] has a **right to prevent**.... Whenever a considerable section of our Union shall deliberately resolve to go out [of our Union] ó **we shall resist all coercive measures [of our Fellow-Northerners] designed to keep it in**. We hope never to live in a Republic whereof one section is pinned to the residue by bayonets!’ö

But that is precisely the sort of ‘New Republic’ that the new 1861-65 President, the ambivalent Abraham Lincoln, wished to create. ‘Ambivalent,’ we say. For even he himself ó sometimes astoundingly nicknamed ‘Honest Abe’ (*sic*) ó had previously declared in the House of Representatives (on 12th January 1848): ‘Any people anywhere, being inclined and having the power, have the right to rise up and shake off the existing Government and form a new one that suits them better....

‘This is a most valuable, a sacred right ó a right which, we hope and believe, is to liberate the World. Nor is this right confined to cases in which the whole people of an existing Government may choose to exercise it. Any portion of such people that can, may...make their own of so much of the territory as they inhabit.’ö⁶⁴

Indeed, yet later, the Northern politicians Lincoln and Douglas and Seward all condemned the Emancipationist John Brown and his methods ó and approved of his execution. This they did, they then indicated, ‘even though he agreed with us in thinking slavery wrong.’ö⁶⁵

Nineteenth-century Southerners, of course, would not concede this lattermost point. Compare, for example, the Virginian Baptist Rev. Thomas Stringfellow. He, in his *Scriptural View of Slavery*,⁶⁶ defended that institution by appealing to ó Genesis 9:25f; 12:5f; 16:9; 17:12f; 24:35f; 26:13f; 47:14f; Exodus 20:17; 21:2f; Leviticus 19:18; 25:39f; Deuteronomy 6:5f; Jeremiah 34:8f; First Corinthians 7:17f; Ephesians 6:5f; Colossians 3:22f; First Peter 2:11f; *etc.*

⁶² See Blum-Catton-Morgan-Schlesinger-Stampp-Woodward’s *The National Experience: a History of the United States*, Harcourt, Brace & World, New York, 1968 ed., pp. 336f.

⁶³ In his *Tribune* newspaper, New York, 9th Nov. 1869.

⁶⁴ *Appendix to the Congressional ‘Globe’*, First Session, Thirtieth Congress, p. 94. As cited in Stephens’s *op. cit.*, I pp. 520f.

⁶⁵ C.V. Woodward: *The Burden of Southern History*, Vintage, New York, 1960, p. 59.

⁶⁶ E.L. McKittrick (ed.): *Slavery Defended*, Prentice-Hall, Englewood Cliffs N.J., 1963, pp. 86f.

South Carolina's 1860 *Declaration of Independence* from the U.S.A.

The open breach between North and South came on December 20th 1860. It occurred, when a following *Declaration of Independence* from the U.S. Federal Government was issued. It ran:⁶⁷

“We, the people of the State of South Carolina, in Convention assembled, do declare and ordain...that the ordinance adopted by us in Convention on the 23rd day of May in the year of our Lord 1788 whereby the *Constitution of the United States of America* was ratified...[is] hereby repealed, and that the union now subsisting between South Carolina and other States under the name of the “United States of America” is hereby dissolved.”

At the same time, a *Declaration of the Causes of Secession* was adopted by the Convention, and circulated throughout the South. It declared: “We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other....

“Fourteen of the [Northern] States have deliberately refused for years past to fulfil their constitutional obligations.... The *Constitution of the United States*, in its fourth Article, provides as follows: “No person held to service or labor in one State under the laws thereof, escaping into another, shall...be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

“This stipulation was so material to the compact [creating the U.S.A. in 1787], that without it that compact would not have been made. The greater number of the contracting parties held slaves [in 1787], and they had previously evinced their estimate of the value of such a stipulation, by making it a condition in the Ordinance for the government of the territory [the District of Columbia] ceded by Virginia” to the U.S.A.

As a result of Lincoln’s November 1860 election (by less than 40% of the total votes cast) to the U.S. Presidency, the South Carolina Legislature then concluded:⁶⁸ “On the 4th of March [1861] next, this [anti-slavery] Party will take possession of the [U.S.] Government. It has announced that the South shall be excluded from the common territory [D.C.]; that the judicial tribunal shall be made sectional; and that a war must be waged against slavery, until it shall cease throughout the United States.

“The guarantees of the *Constitution* will then no longer exist; the equal rights of the States will be lost...; and the Federal Government will have become their enemy.... We, therefore, the people of South Carolina, by our delegates in Convention assembled “appealing to the Supreme Judge of the World for the rectitude of our intentions “have solemnly declared...that the State of South Carolina has resumed her position among the nations of the World as a separate and independent State.”

⁶⁷ Billington-Loewenberg-Brockunier: *op. cit.*, I, pp. 350f.

⁶⁸ *Ib.*, pp. 350f.

The February 1861 Southern Confederation of the seven Gulf States

By February 1861, all of the Gulf States of the South had followed the above lead and themselves too left the Union. Alexander Stephens ó later to become Vice President of the 1861-65 Confederate States of America ó in 1868 made an appropriate observation about Georgia's own 1861 secession (which he himself had sought to prevent). Wrote Stephens:

öThe conclusion to which I came, was that this ultimate paramount authority [of Georgia] had never been parted with... From the nature of the Federal Government, and from the very terms of the compact between the States, this sovereign power was reserved to them, severally. If I erred in that conclusion, you see I erred with many of the brightest intellects, ablest statesmen, and purest patriots of this [U.S.A.] as well as other countries.ö Indeed, also many leading Northerners here agreed with Stephens.

But Stephens had not erred. Indeed, he here seems to have realized that the 1787 *U.S. Constitution* was and is a trinitarian document ó grounded in the very nature of the Holy Trinity Himself. There, secession of any constituent Person is unthinkable ó because there, disrespect by any such Person toward and separation from any of the other Persons, is even more unthinkable. So too is any possible resultant disharmony within that Holy Confederation.

We here insist that the Holy Trinity is a harmonious and holy Confederation of three distinctly-different Persons. For the Trinity is not a union. Indeed, only Unitarians deny both the Trinity and confederation. And only pantheists speak of man's union (rather than of his confederation) with God.

Stephens's Rules for the Government of the Confederate Congress

We here digress for a while. We do so, simply to show the implementation of many of the above ðtrinitarianø principles in the South during the course of the 1861-65 War Between the States.

Further, the historic continuity between the Confederate Congress and the original United States Congress is well illustrated in Alexander Stephens's 1861 *Rules for the Government of the Confederate Congress*. There, from the Committee on Rules, Stephens made *inter alia* the following report:

öI. The vote upon all questions in this Congress...shall be taken by States. Each State shall be entitled to one vote. A majority of all the States represented shall be necessary to carry any question....

öVIII. The President shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order subject to an appeal by any one State; and may call any members to the Chair to preside temporarily not to extend beyond that day's session. He may participate in the debates....

öXXI. All cases that may arise in the proceedings of this Congress, not provided for in the foregoing rules, shall be governed by the general principles of Parliamentary

Law as laid down in [Thomas] Jefferson's *Manual*.ö Stephens, Appendix F. Especially this latter provision (XXI), illustrates how the Confederacy strove to be the legitimate continuation of the original Union.

Jefferson Davis was inaugurated as President of the Confederacy on February 18th 1861. In his inaugural, he stated *inter alia* that "the Sovereign States now composing this Confederacy...merely asserted a right which the *Declaration of Independence* of 1776 had defined to be unalienable.... The right solemnly proclaimed at the birth of the States, and which has been affirmed and re-affirmed in the *Bills of Rights* of States subsequently admitted into the Union of 1789, undeniably recognizes in the people the power to resume the authority delegated for the purposes of Government.ö

Davis then claimed that the Confederacy had "a Constitution differing only from that of our Fathers in so far as it is explanatory of their well-known intent.... We have changed the constituent parts, but not the system of our Government. The Constitution formed by our Fathers is that of these Confederate States, in their exposition of it.... All offices are but trusts held for the people.... Delegated powers are to be strictly construed.ö Stephens, Colloquy XIX.

The impressive *Constitution of the Confederate States of America*

The Confederate Constitution referred to above is the *Constitution for the Provisional Government of the Confederate States of America*. Stephens, Appendix G. It began: "We, the Deputies of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, **invoking the favor of Almighty God**, do hereby in behalf of these States ordain and establish this *Constitution for the Provisional Government* of the same: to continue one year from the inauguration of the President or until a Permanent Constitution or Confederation between the said States shall be put in operation.ö

Article I Section 5 and sub-section 1 provides that if "two-thirds of the Congress shall agree to pass the bill, it shall become a law.... If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law.ö

Article I Section 6 provides: "The Congress shall have power to lay and collect taxes, duties, imposts and excises for the revenue necessary to pay the debts and carry on the Government of the Confederacy; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy.ö

It further provides that the Congress shall have the power: to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; to coin money; to establish post offices; to constitute tribunals; and **to punish offences against the Law of Nations**.

Article I Section 7 provides in its various sub-sections: "1. The importation of African negroes from any foreign country other than the slave-holding States of the United States is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

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ō2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

ō3. The Privilege of the writ of *Habeas Corpus* shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

ō4. No Bill of Attainder, or *ex post facto* law, shall be passed.ō

Sub-sections 9 & 10 & 13 & 15 & 18 & 19 *etc.* then go on to enshrine the provisions of the original *U.S. Bill of Rights* which had, in the previous decades, been transgressed by many of the Northern States. Those sections stipulate:

ō9. ōCongress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress....

ō10. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed....

ō13. No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a Grand Jury...nor be deprived of life, liberty or property without due process of law....

ō15. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the Confederacy, than **according to the rules of the Common Law**....

ō18. The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ō19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy, by citizens of another State or by citizens or subjects of any foreign State.ō

***The Confederate Constitution put its
Bill of Rights ahead of mechanisms***

It is highly significant that the *Confederate Provisional Constitution* commences, as above, by enshrining precisely the *Bill of Rights* ō at the very outset ō in its Article I. Only thereafter, in its Article II Section 1, does it in the following sub-sections go on to discuss the mechanisms created in order to achieve the smooth operation of that *Bill of Rights*. Such mechanisms include the following.

ō1. The executive power shall be vested in a President of the Confederate States of America. He, together with the Vice President, shall hold his office for one year or until this provisional government shall be superseded by a permanent government, whichever shall first occur....

õ3. No person except a natural-born citizen or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident of one of the States of this Confederacy....

õ5. The President shall at stated times receive for his services, during the period of the provisional government, a compensation at the rate of twenty-five thousand dollars per annum; and he shall not receive during that period any other emolument from this Confederacy or any of the States thereof.õ

Section 2 then adds that õthe Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the Courts of Law, or in the Heads of Departments.õ Section 3 then further adds: õThe President, Vice President, and all Civil Officers of the Confederacy shall be removed from office on conviction by the Congress of treason, bribery or other high crimes and misdemeanors : a vote of two-thirds shall be necessary for such conviction.õ

Article III Section 1 provides: õThe judicial power shall extend to all cases of law and equity arising under this Constitution, the laws of the United States and of this Confederacy, and treaties made or which shall be made under its authority.õ Section 2 states: õThe trial of all crimes, except in cases of impeachment, shall be by jury.õ Very Biblically, Section 3 then provides: õNo person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.õ

Article IV beautifully enshrines two of the chief provisions of the original *U.S. Constitution* which Northern States had transgressed. õA person charged in any State with treason, felony or other crime, who shall flee from justice and be found in another State shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.õ

Also: õA slave in one State, escaping to another, shall be delivered up on claim of the party to whom said slave may belong by the executive authority of the State in which such slave shall be found.... In case of any abduction or forcible rescue, full compensation including the value of the slave and all costs and expenses shall be made to the party by the State in which such abduction or rescue shall take place.õ

The Constitutional Convention then appointed Barnwell Rhett of South Carolina as Chairman of the Committee appointed to form a permanent constitution. The Georgia Members, Stephens explains in his Colloquy XIX, included Professor Thomas R.R. Cobb of the Lumpkin Law School.

Cobb was an Old School Presbyterian Elder, and author of *The Digest of the Laws of Georgia* and *The Law of Slavery*. Into the *Confederate Permanent Constitution*, he succeeded in getting incorporated both the recognition of Divine Providence and the suppression of the slave trade ó as the Fundamental Law of the Confederacy. Too he almost succeeded in getting prohibited the carrying of the mails on Sunday.

The 1861 *Permanent Constitution of the Confederate States of America*

In due time the *Confederate Permanent Constitution* was formulated. It was adopted by the Congress of the Confederacy on March 11th 1861. It began: "We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessing of liberty to ourselves and our posterity **ó invoking the favor and the guidance of Almighty God** ó do ordain and establish this *Constitution for the Confederate States of America*."

In Article I Section 2 sub-section 2, the *Constitution* provides: "No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not when elected be an inhabitant of that State in which he shall be chosen."

Sub-section 3 provides further: "The number of Representatives shall not exceed one for every fifty thousand, but each State shall have at least one Representative. And until such enumeration shall be made, the State of South Carolina shall be entitled to choose six ó the State of Georgia ten ó the State of Alabama nine ó the State of Florida two ó the State of Mississippi seven ó the State of Louisiana six ó and the State of Texas six."

Section 3 provides: "The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof... No person shall be a Senator who shall not have attained the age of thirty years... The Vice President of the Confederate States shall be President of the Senate."

Article I Sections 8 & 9 of the *Permanent Constitution* correspond to Article I Sections 5-7 of the *Provisional Constitution*. They also correspond to the relevant section of the original *U.S. Constitution*.

Article II Section 1 of the *Permanent Constitution* corresponds to that of the *Provisional Constitution* ó yet further provides that both the "President...and the Vice President shall hold their offices for the term of six years; but the President shall not be re-eligible." Indeed, it further adds that "no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the Confederate States."

Article III of the *Provisional Constitution* corresponds to that of the *Provisional Constitution*. Article IV, however, was further expanded.

It thus declares: "The Confederate States may acquire new territory.... In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial Government.... The inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States."

Articles V & VI of the *Provisional Constitution* were expanded to Articles V & VI & VII of the *Permanent Constitution*, providing also for its ratification.

The Confederate Constitution much improved the old U.S. Constitution

In his Colloquy XIX, Stephens itemizes some **ten important improvements** by the *Confederate Permanent Constitution* upon the original *United States Constitution*. First, the Preamble ó with its new words ðeach State acting in its sovereign and independent characterö ó would forever bury centralism. Second, this was further strengthened by the extension of the presidential term from four to six years ó while disqualifying the President from re-election.

Third, the old ðProtective Policyø was ditched by the express declaration that no duties or taxes on importations from foreign nations should be laid to promote or foster any branch of local industry. Fourth, bankruptcy was fought off by expressly declaring that no law of Congress should discharge any debt contracted before the passage of such law.

Fifth, no general appropriation of money was allowed, unless requested by some Head of Department, except by a two-thirds vote in both branches of Congress. Sixth, all extra pay to any public contractor was prohibited.

Seventh, internal improvements by Congress were prohibited. Eighth, the general power of the President to remove from office was restricted.

Ninth, citizens of the several States were not permitted to sue each other in the federal but only in the state courts. And tenth, the admission of new States into the Confederacy required a vote of two-thirds of both the House and the Senate (instead of just a bare majority).

To the above must be added that which to us is the greatest difference of all between the two constitutions. Unlike the 1776 *U.S. Declaration of Independence*, the **Preamble** to the 1787 *U.S. Constitution* makes no reference at all to God. Only **at the end of the document** does one read that it was ratified ðthe seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven.ö

Witness, however, the magnificent **Preamble** to the 1861 *Confederate Constitution*. It states: ðWe, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessing of liberty to ourselves and our posterity ó **invoking the favor and the guidance of Almighty God** ó do ordain and establish this *Constitution for the Confederate States of America*.ö

Georgia's Professor Thomas R.R. Cobb of Lumpkin Law School was delighted. Unlike the *U.S. Constitution* ó the *Confederate Constitution*, in its Fundamental Law, had recognized Divine Providence. It had also, immediatedly, suppressed the slave trade.

Stephens's theological justification of the Confederate Government

In 1868, the 1861-65 Ex-Confederate Vice President Stephens ó himself a Trinitarian Christian (and indeed formerly also a Presbyterian Theological Student) ó made an important declaration. He declared:⁶⁹

õIn my judgment, the strongest force that can hold the parts or constituent elements of any government together ó is the affection of the people towards it. **The universe is held together by force – the greatest of all forces; by Omnipotence itself.**

õThis force in the material world which binds and holds together in indissoluble union all its parts in their respective and most distant orbits throughout the illimitable regions of space, is the simple law of attraction.... You will excuse me for calling your attention to what I said on this subject in the [U.S. Federal] House of Representatives on the 12th day of February 1859ö two years before the tragic War Between the States. õThe views then expressed, I still entertainö (*viz.* in 1868).

What, then, are those views? Stephens explained them thus: õThe machinery of our theory of self-government by the people...[is] something **like the prophetic vision of Ezekiel, when he saw a number of distinct beings or living creatures – each with a...distinct organism, having the functions of life within itself; all of one external likeness; and all at the same time mysteriously connected, with one common animating Spirit pervading the whole so that when the common spirit moved, they all moved.**

õTheir appearance and their work being, as it were, a wheel in the middle of a wheel; and **whithersoever the common Spirit went, thither the others went, all going together. And when they went – he [Ezekiel] heard the noise of their motion like the noise of great waters, as the voice of the Almighty.**

õShould our [Confederate] experiment succeed ó such will be our exhibition: a Government so intricate, so complicated, with so many separate and distinct parts, so **many independent States each perfect in the attributes and functions of sovereignty, within its own jurisdiction, all nevertheless united under the control of a common directing Power for external objects and purposes....**

õIt is for us...to determine whether this grand experimental problem shall be worked out ó not by quarrelling amongst ourselves; not by doing injustice to any; not by keeping out any particular class of States; but by **each State remaining a...distinct political organism within itself – all bound together, for general objects, under a common federal head....**

õThen indeed may the nations of the Earth look on in wonder at our career. And when they hear the noise of the wheels of our progress in achievement ó in development, in expansion, in glory, and renown ó it may well appear to them not unlike the noise of great waters; **the very voice of the Almighty!**õ

Indeed, the one machine with its many wheels lubricated by the Spirit of God in Ezekiel chapter one, is but the Old Testament version of Paul's New Testament one

⁶⁹ *Ib.*, pp. 527f.

body with its many members. For both are but creaturely reflections of the Greater Confederacy of that one divine Being with His many divine Persons ó our glorious Triune God Himself! Cf. First Corinthians 12:12f ó *e pluribus unum*.

Lincoln breaks his word by invading the South and by harassing slavery

It cannot be our purpose here to cover the course of the tragic 1861-65 War Between the States. Suffice it to say, however, that after South Carolina constitutionally seceded from the Union in December 1860 she in January 1861 rightly prevented the Union President Buchanan's New York ship from offloading arms for the Union troops still occupying the South Carolinian territory of Fort Sumter.

Then, in his Inaugural Address, the Union's new President (Abraham Lincoln) declared that there would be no invasion of the South and no interference with the institution of slavery. Yet the very next day, he learned that federal supplies at Fort Sumter were nearing exhaustion.

Lincoln then immediately started to manoeuvre against the South. This led to a series of interesting diplomatic exchanges, some of which are contained in Stephens's Appendix I.

First, there was the letter March 12th 1861 from Confederate Commissioners Forsyth and Crawford to U.S. Secretary of State William H. Seward. *Inter alia*, they then wrote:

“Seven States of the late Federal Union, having in the exercise of the inherent right of every free people to change or reform their political institutions and through conventions of their people, withdrawn from the United States and re-assumed the attributes of sovereign power delegated to it ó have formed a government of their own. The Confederate States constitute an independent nation, *de facto* and *de jure*....

“With a view to a speedy adjustment of all questions growing out of this political separation ó upon such terms of amity and good-will as the respective interests, geographical contiguity and future welfare to the two nations may render necessary ó the undersigned are instructed to make to the government of the United States overtures for the opening of negotiations; assuring the government of the United States that the President, Congress and people of the Confederate States earnestly desire a peaceful solution of these great questions.”

Three days later, Seward responded on behalf of the U.S. Department of State from Washington. Wrote Seward: “The Secretary of State frankly confesses that he understands the events which have recently occurred and the condition of political affairs which actually exists in the part of the Union to which his attention has thus been directed, very differently from the aspect in which they are presented by Messrs. Forsyth and Crawford. He sees in them not a rightful and accomplished revolution and an independent nation with an established government, but rather a perversion of the temporary and partisan excitement to the inconsiderate purposes of an

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unjustifiable and unconstitutional aggression upon the rights and the authority vested in the Federal Government....

øThe Secretary of State therefore avows to Messrs. Forsyth and Crawford that he looks patiently but confidently for the cure of evils which have resulted from proceedings so unnecessary.... It is however the purpose of the Secretary of State on this occasion not to invite or engage in any discussion of these subjects, but simply to set forth his reasons for declining to comply with the request of Messrs. Forsyth and Crawford....

øUnder these circumstances, the Secretary of State...is unable to comply with the request of Messrs. Forsyth and Crawford to appoint a day on which they may present the evidences of their authority and the objects of their visit to the President of the United States. On the contrary, he is obliged to state to Messrs. Forsyth and Crawford that he has no authority nor is he at liberty to recognize them as diplomatic agents.ö

**Lincoln escalated tension by resupplying
the Federal Garrison in S.C.**

On April 4th 1861, Lincoln accordingly informed the South Carolina Government that the United States (now truncated to the North) would supply Fort Sumter (South Carolina) with provisions. He added that, øif such attempt be not resisted ó no effort to throw in men, arms, or ammunition will be made without further notice.ö This remark øwithout further noticeö revealed Lincoln's further intentions.

On April 8th 1861, Confederate President Jefferson Davis demanded the immediate Northern evacuation of the Southern fort. When this was refused, on April 12th the South opened fire. On April 13th, the Federal Commander surrendered. On April 14th his troops were allowed to embark for New York. Then, on April 16th, Lincoln issued a *Presidential Proclamation* ó calling for 75 000 volunteers to suppress the 'insurrection' and øto cause the laws to be duly executedö ó that is, to cause the decrees of the North to be inflicted on the South.

On April 9th 1861, the Confederate Commissioners ó Forsyth, Crawford and Roman ó replied to the U.S. Secretary of State William Seward. In this reply, they referred again to the initial correspondence of March 12th.

In that regard, they now stated øit is enough to say here that its object was to invite the government of the United States to a friendly consideration of the relations between the United States and the seven States lately of the Federal Union but now separated from it by the sovereign will of their people growing out of the pregnant and undeniable fact that those people have rejected the authority of the United States and established a government of their own....

øThe government of the Confederate States...seeking the good of the people who had entrusted them with power ó **in the spirit of humanity, of the Christian civilization of the age**, and of that Americanism which regards the true welfare and happiness of the people ó the government of the Confederate States among its first acts commissioned the undersigned to approach the government of the United States

with the olive branch of peace and to offer to adjust the great questions pending between them in the only way to be justified by the consciences and common sense of good men who had nothing but the welfare of the people of the two Confederacies at heart....

øIt is proper however to advise you that it were well to dismiss the hopes you seem to entertain that...the people of the Confederate States will ever be brought to submit to the authority of the government of the United States. You are dealing with delusions too when you seek to separate our people from our government, and to characterize the deliberate sovereign act of that people as a perversion of a temporary and partisan excitementø...

øThe undersigned would omit the performance of an obvious duty, were they to fail to make known to the government of the United States that **the people of the Confederate States have declared their independence** with a full knowledge of all the responsibilities of that act, and **with as firm a determination to maintain it by all the means with which nature has endowed them – as that which sustained their Fathers when they threw off the authority of the British Crown....**

øYour refusal to entertain these overtures for a peaceful solution; the active naval and military preparations of this government [of the U.S.A.]; and a formal notice to the Commanding General of the Confederate Forces in the harbor of Charleston that the [U.S.] President intends to provision Fort Sumter by forcible means if necessary ó are viewed by the undersigned, and can only be received by the world as a declaration of war against the Confederate States.... Appealing to God and the judgment of mankind for the righteousness of their cause, the people of the Confederate States will defend their liberties to the last....

øOn the 15th of March, Messrs. Forsyth and Crawford were assured by a person occupying a high official position in the [U.S.] government who as they believed was speaking by authority that Fort Sumter would be evacuated within a very few days.... It was only when...it became clear that Mr. Lincoln had determined to appeal to the sword, to reduce the people of the Confederate States to the will of the Section or Party whose President he is, that the undersigned resumed the official negotiation temporarily suspended, and sent their Secretary for a reply to their official note of March twelfth.ø

Seward's Folly in the 1861f War far graver than adventures in Alaska

On April 13th 1861, United States Associate Supreme Court Justice John A. Campbell ó from Washington D.C. itself ó made a last desperate attempt, by personal letter, to get through to the foolish Seward. Campbell there referred to a note he himself had left with the Confederate Commissioner Judge Crawford on March 15th. It was to the effect that Campbell then felt øentire confidence that Fort Sumter will be evacuated in the next ten days.ø

Campbell then concluded his letter to Seward: øAll that I have said and mean to say is, that an explanation is due from you to myself. I will not say what I shall do in case this request is not complied with, but I am justified in saying that I shall feel at

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liberty to place these letters before any person who is entitled to ask an explanation of myself.ö

Even as late as April 24th 1861, no reply had been made to the above letter. This was truly öSeward's Follyö ó and indeed far more so than his then-questionable purchase of Alaska from the Russians.

**Jefferson Davis called on the Confederate
Congress to resist the invasion**

Confederate President Jefferson Davis, immediately after the occurrences at Fort Sumter, summoned Congress to re-assemble on April 29th. He then recounted all his efforts at peace, and also the duplicity practised against his Commissioners sent to Washington. He urged the Southern Congressmen energetically to repel the invasion from the North, and then concluded:

öWe feel that our cause is just and holy, and protest solemnly in the face of mankind that we desire peace at any sacrifice save that of honor and independence. We seek no conquest, no aggrandizement, no concessions from the [anti-slavery] Free States. All we ask is to be let alone ó that none shall attempt our subjugation by arms.

öThis we will and must resist, to the direst extremity. The moment this pretension [*viz.* of asserted independence] is abandoned, the sword will drop from our hands and we shall be ready to enter into treaties of amity and commerce mutually beneficial. So long as this pretension is maintained, with firm reliance on that Divine Power which covers with its protection the just cause, we will continue to struggle for our inherent right to freedom, independence and self-government.ö See Stephens's Colloquy XX.

**Lee refused Lincoln's bribe for him
to lead the Union against the South**

Now at this very time, Lincoln offered General Robert E. Lee ó America's most brilliant soldier ó the leadership of the Union armies to crush the South. Lee opposed both secession and slavery. But, as a Virginian, Lee knew he had to await the decision of his own country, the Old Dominion of 1606f, anent its own secession or not from the later Union of 1787f.

The effect of Lincoln's April 16th *Presidential Proclamation*, especially on Virginians, was very dramatic. Governor Letcher of Virginia ó who had been one of the top leaders of the Pro-Union party, now told Lincoln: öYou have chosen to inaugurate civil war; and you can get no troops from Virginia for any such wicked purpose.ö

Similar replies were given also by Governors even of Non-Confederate States like Maryland and Missouri. Indeed, even Lincoln's own original State of Kentucky gave a similar response.

On April 17th 1861, Virginia reluctantly voted to leave the Union. Next day, Lincoln ó hard of hearing, as well as hard of heart ó again offered Lee the job of top soldier for the Union.

But Lee, though an anti-slavery Pro-Union man ó and though also disapproving of secession ó was above all a Christian Virginian. Indeed, as a Virginian, he could not commit treason ó and help the neophyte Lincoln overthrow Lee's own Old Dominion. So Lee immediately declined Lincoln's offer. On April 20th 1861, Lee also writtenly resigned his commission in the Union Army.

Lee's own State had just joined the Confederacy. Soon, the President of the Virginian Convention said to Lee:⁷⁰ "Yesterday, your mother, Virginia, placed her sword in your hand."

Lee replied:⁷¹ "Mr. President and gentlemen of the [Virginia] Convention: Profoundly impressed with the solemnity of the occasion, for which I must say I was not prepared, I accept the position assigned to me.... Trusting in Almighty God..., I devote myself to the service of my native State, in whose behalf alone will I ever again draw my sword."

On 3rd May 1861, Lincoln issue his infamous Proclamation: "Whereas existing exigencies demand immediate and adequate measures for...the preservation of the national Union, by the suppression of the insurrectionary combinations now existing in several States..., I, Abraham Lincoln..., do hereby call into the service of the United States forty-two thousand and thirty-four volunteers to serve for a period of three years...and to be mustered into service as infantry and cavalry....

"I also direct that the regular army of the United States be increased by the addition of eight regiments of infantry, one regiment of cavalry, and one regiment of artillery.... The enlistment [is] for not less than one nor more than three years of 18 000 seamen, in addition to the present force."

In his Colloquy XX, Stephens recoiled in horror. "In this Proclamation," he gasped, "Lincoln actually increased the Army 64 748 men and the Navy 18 000 men by his own act, without the shadow of lawful or constitutional authority. No *ukase* of the Autocrat of Russia, was ever more imperial or absolute in its character....

"It was in the full exercise of this despotic power that Mr. Seward boasted, in conversation with Lord Lyons.... Mr. Lincoln's Secretary of State is reported to have said: 'I can touch a bell on my right hand and order the arrest of a citizen of Ohio. I can touch the bell again and order the arrest of a citizen of New York. Can Queen Victoria do as much?'"

Abraham Lincoln illegally suspended the *Habeas Corpus Act* in 1861

Yet perhaps the worst of Lincoln's many perverse proclamations, were those suspending the operation of the writ of *Habeas Corpus*. Of these, the one challenged

⁷⁰ J.W. Jones: *Life and Letters of General Robert E. Lee*, Sprinkle, Harrisonburg Va., 1978 rep., pp. 124-33.

⁷¹ *Ib.* pp. 134-36.

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in *ex parte Merryman* is by far the most famous. It went all the way to the Chief Justice of the Supreme Court of the United States. In his Appendix K, Stephens records the following decision of U.S. Chief Justice R.B. Taney ó **against** the tyranny of **Taney's** own President, Abraham Lincoln.

Held U.S. Supreme Court Chief Justice Taney: ðThe application in this case for a writ of *Habeas Corpus* is made to me under the 14th section of the *Judiciary Act* of 1789, which renders effectual for the citizen the constitutional privilege of the writ of *Habeas Corpus*. That Act gives to the courts of the United States, as well as to each Justice of the Supreme Court, and to every District Judge, power to grant writs of *Habeas Corpus* for the purpose of an inquiry into the cause of commitment....

ðThe petition presents the following case: The petitioner resides in Maryland [U.S.A.], in Baltimore County. While peaceably in his own house with his family, it was at two o'clock on the morning of the 2th of May 1861 entered by an armed force professing to act under military orders. He was then compelled to rise from his bed, taken into custody, and conveyed to Fort McHenry where he is imprisoned by the Commanding Officer without warrant from any lawful authority.

ðThe Commander of the Fort, General George Cadwalader, by whom he is detained in confinement, in his return to the writ ó does not deny any of the facts alleged in the petition. He states that the prisoner was arrested by order of General Keim of Pennsylvania, and conducted as aforesaid to Fort McHenry by his order, and placed in his (General Cadwalader's) custody, to be there detained by him as a prisoner.

ðA copy of the warrant or order, under which the prisoner was arrested, was demanded by his counsel ó and refused.... He appears to have been arrested upon general charges of treason and rebellion, without proof, and without giving the names of the witnesses or specifying the acts which in the judgment of the Military Officer constituted these crimes. And having the prisoner thus in custody upon these vague and unsupported accusations, he refuses to obey the writ of *Habeas Corpus*, upon the ground that he is duly authorized by the President to suspend it....

ðAs the case comes before me, therefore, I understand that the President not only claims the right to suspend the writ of *Habeas Corpus* himself at his discretion, but to delegate that discretionary power to a Military Officer and to leave it to him to determine whether he will or will not obey judicial process that may be served upon him.... I had supposed it to be one of those points of Constitutional Law upon which there was no difference of opinion and that it was admitted on all hands that the privilege of the writ could not be suspended except by Acts of Congress.

ðWhen the conspiracy of which Aaron Burr was the head became so formidable and was so extensively ramified as to justify in [the earlier U.S. President] Mr. Jefferson's opinion the suspension of the writ, he claimed on his part no power to suspend it but communicated his opinion to Congress, with all the proofs in his possession, in order that Congress might exercise its discretion upon the subject and determine whether the public safety required it. And in the debate which took place upon the subject, no one suggested that Mr. Jefferson might exercise the power himself if in his opinion the public safety demanded it....

“[Abraham Lincoln, the present] President, has exercised a power which he does not possess under the *Constitution*. A proper respect for the high office he fills requires me to state plainly and fully the grounds of my opinion....

“The clause of the *Constitution* which authorizes the suspension of the privilege of the writ of *Habeas Corpus* is in the Ninth Section of the First Article.... It begins by providing “that all legislative powers therein granted, shall be vested in a Congress of the United States which shall consist of a Senate and House of Representativesø... A clause is inserted giving Congress “the power to make all laws which may be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States or in any department or office thereof.ø”

U.S. Supreme Court’s Taney grounded *Habeas Corpus* in *Magna Carta*

Regarding the U.S. President, Chief Justice Taney went on to say that “his powers in relation to the civil duties and authority necessarily conferred on him, are carefully restricted.... He cannot appoint the ordinary officers of government, nor make a treaty with a foreign nation or Indian tribe, without the advice and consent of the Senate.... Nor can he authorize any officer, civil or military, to exercise this power. For the Fifth Article of the Amendments to the *Constitution* expressly provides that no person “shall be deprived of life, liberty or property without due process of lawø...”

The Sixth Article provides that “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and District wherein the crime shall have been committedø... The only power therefore which the President possesses ó where the “life, liberty or propertyø of a private citizen is concerned ó is the power and duty prescribed in the Third Section of the Second Article, which required “that he shall take care that the laws be faithfully executedø...”

“With such provisions in the *Constitution*, expressed in language too clear to be misunderstood by any one, I can see no ground whatever for supposing that the President in any emergency or in any state of things can authorize the suspension of the privilege of the writ of *Habeas Corpus*....

“Indeed, the security against imprisonment by executive authority, provided for in the 5th Article of the Amendments to the *Constitution* which I have before quoted, is nothing more than a copy of a like provision in the English Constitution which had been firmly established before the *Declaration of Independence*. Blackstone, in his *Commentaries*, First Vol. [p.] 237, states it in the following words:

“To make imprisonment lawful, it must be either by process of law from the courts of judicature, or by warrant from some legal officer having authority to commit to prison.ø And the people of the United Colonies, who had themselves lived under its protection while they were British subjects, were well aware of the necessity of this safeguard for their personal liberty....

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øFrom the earliest history of the Common Law, if a person were imprisoned ó no matter by what authority ó he had a right to the writ of *Habeas Corpus*.... The most exciting contests between the Crown and the people of England from the time of *Magna Carta*, were in relation to the privilege of this writ.... Blackstone, in his *Commentaries on the Laws of England*, 3rd Vol. [pp.] 133-134, says:

øTo assert an absolute exemption from imprisonment in all cases is inconsistent with every idea of law and political society, and in the end would destroy all civil liberty by rendering its protection impossible.... Early in the reign of Charles I, the Court of Kingø Bench...determined that they would not upon a *Habeas Corpus* either bail or deliver a prisoner, though committed without any cause assigned.... This drew on a parliamentary inquiry, and produced the *Petition of Right* ó 3 Charles I ó which rejects this illegal judgment and enacts that no freeman hereafter shall be so imprisoned....

øIn the following year, Mr. Selden and others were committed by the Lords of the Council in pursuance of his Majestyø special command.... The judges delayed for two terms (including also the long vacation) to deliver an opinion how far such a charge wasailable.... At length they agreed that it was.... This was heard with indignation and astonishment by every lawyer presentø...

øThe offences charged against the prisoner in this case [Merrymanø]...bear a striking resemblance to those assigned in the warrant for the arrest of Mr. Selden. And yet, even at that day, the warrant was regarded as such a flagrant violation of the rights of the subject ó that the delay of the time-serving judges to set him at liberty upon the *Habeas Corpus* issued in his behalf, excited the universal indignation of the Bar.

øThe extract from Hallamø *Constitutional History* is equally impressive...Vol. 4 p. 9, and is also cited at length in the note to pp. 136-137 of the 3rd Volume of Wendellø edition of Blackstone.... øFrom the earliest records of the English Law, no freeman could be detained in prison ó except upon a criminal charge or conviction or for a civil debt.... It was always in his power to demand of the Court of Kingø Bench a writ of *Habeas Corpus ad Subjiciendum* directed to the person detaining him in custody, by which he was enjoined to bring up the body of the prisoner with the warrant of commitment ó [so] that the court might judge of its sufficiency and remand the party, admit him to bail, or discharge him (according to the nature of the charge)....

øIt was not to bestow an immunity from arbitrary imprisonment, which is abundantly provided for in *Magna Carta* (if indeed it is not more ancient), that the statute of Charles II was enacted ó but to cut off the abuses by which the governmentø lust of power and the servile subtlety of Crown lawyers had impaired so fundamental a privilege.ø Thus Hallam and Wendellø edition of Blackstone.

øNo power in England short of that of Parliament can suspend or authorize the suspension of the writ of *Habeas Corpus*. I quote again from Blackstone (1 *Comm.* 136)...: øIt is the Parliament only...that, whenever it sees proper, can authorize the Crown, by suspending the *Habeas Corpus* for a short and limited time, to imprison suspected persons without giving any reason for so doing.ø

U.S. Supreme Court Chief Justice condemned Lincoln's criminal conduct

Continued U.S. Supreme Court Chief Justice Taney: "If the President of the United States may suspend the writ of *Habeas Corpus* then the *Constitution of the United States* had conferred upon him more regal and absolute power over the liberty of the citizen than the people of England have thought it safe to entrust to the Crown.... To guide me to a right conclusion, I have the *Commentaries on the Constitution of the United States* [Volume 3 Section 1336] of the late Mr. Justice Story....

"Mr. Justice Story, speaking in his *Commentaries* of the *Habeas Corpus* clause in the *Constitution*, says...: "No suspension of the writ has ever been authorized by Congress since the establishment of the *Constitution*. It would seem, as the power is given to Congress to suspend the writ of *Habeas Corpus* in cases of rebellion or invasion, that the right to judge whether the exigency had arisen, must exclusively belong to that body...."

"Chief Justice Marshall, in delivering the opinion of the Supreme Court in the case of *ex parte Bollman and Swartwout*, uses this decisive language in 4 Cranch 101...: "If at any time the public safety should require the suspension of the powers vested by this act in the courts of the United States, it is for the legislature to say so. That question depends on political considerations.... Until the legislative will be expressed, this court can only see its duty, and must obey the law...."

"The documents before me show that the military authority in this case has gone far beyond the mere suspension of the privilege of the writ of *Habeas Corpus*. It has by force of arms, thrust aside the judicial authorities and officers to whom the *Constitution* has confided the power and duty of interpreting and administering the laws, and substituted a military government in its place, to be administered and executed by military officers...."

"A military officer, stationed in Pennsylvania, without giving any information to the District Attorney, and without any application to the judicial authorities, assumes to himself the judicial power in the District of Maryland; undertakes to decide what constitutes the crime of treason or rebellion; what evidence (if indeed he acquired any) is sufficient to support the accusation and justify the commitment; and commits the party without a hearing even before himself to close custody in a strongly-garrisoned fort, to be there held at its will and pleasure during the pleasure of those who committed him...."

"I can only say that if the authority which the *Constitution* has confided to the judiciary department and judicial officers may thus upon any pretext or under any circumstances be usurped by the military power at its discretion, the people of the United States are no longer living under a government of laws but every citizen holds life, liberty and property at the will and pleasure of the army officer in whose military district he may happen to be found.

"In such a case, my duty was too plain to be mistaken.... I shall therefore order all the proceedings in this case, with my opinion, to be filed and recorded in the Circuit Court of the United States for the District of Maryland and direct the clerk to transmit a copy, under seal, to the President of the United States. It will then remain

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for that high officer, in fulfilment of his constitutional obligation, to take care that the laws be faithfully executed to determine what measures he will take to cause the civil process of the United States to be respected and enforced.

This was soon done. Lincoln, however, was furious. He defied that court order, and illegally kept *Habeas Corpus* suspended for years to come. In this way, he clearly illustrated that the United States had ceased to be a Constitutional Republic and, under him, had already become a Demagogic Democracy alias a Tyrannical Dictatorship.

**Lincoln was a bigoted White Racist
who resented Negroes in the U.S.A.**

Now it should not ever be thought that Lincoln fought the War of Northern Aggression to rid the South of slavery. Far rather did he fight the War with the intention, if possible, of ridding both the Union and the Confederacy of Negroes.

Lincoln's own aversion to racial integration, and his preference to ship black Americans off to Africa, are well known. Lincoln fought the War against State Rights. For "Honest Abe" (*sic*) wanted to perpetuate the permanent imprisonment of all States. He wished to hold them all captive within the penitentiary of the Federal Government.

Said he: "I hold that...the Union of these States is perpetual." As he stated in Horace Greeley's *New York Tribune*: "I would save the Union.... The sooner the national authority can be restored, the nearer the Union will be "the Union as it was" [!]....

"If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union; and is not either to save or destroy slavery.

"If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save this Union." Thus Lincoln.⁷²

According to Dr. E. Franklin Frazier, Professor of Sociology at Howard University, "Lincoln had little faith in the ability of the Negro to become a soldier.... His opposition to the wholesale emancipation of the Negro was based upon his conviction that Negroes and Whites could not live together in the same community.... When Negro soldiers were first authorized, there was opposition in [the U.S.] Congress to giving them the pay received by White soldiers. It was not till 1864 that the [U.S.] government finally agreed to give them the same pay as the Whites.... The **Confederate** government...toward the close of the Civil War began enlisting Negro soldiers." E.F. Frazier: *The Negro in the United States*, Macmillan, New York, 1949, pp. 107ff.

⁷² Billington-Loewenberg-Brockunier: *op. cit.*, I, pp. 358 & 364.

Northern Democrats' opposition to Lincoln's 'Radical-Republicanism'

Fascinating indeed was the Northern Democratic Party's platform in its 1864 wartime presidential election against Lincoln's warmongering Republicans ó or, more accurately, 'Radical Republicans' (or even 'Red Republicans'). Said those Anti-Lincoln Northern Democrats:

“We will adhere with unswerving fidelity to the Union under the Constitution as the only solid foundation of our strength...conducive to the welfare and prosperity of all the States, both Northern and Southern.... This Convention does explicitly declare as the sense of the American people, that after four years of failure to restore the Union by the experiment of war ó during which, under the pretense of a military necessity or war power higher than the Constitution ó the Constitution itself has been disregarded in every part....

“Justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate Convention of the States.... The direct interference of the military authorities of the United States in the recent elections held in Kentucky, Maryland, Missouri, and Delaware ó was a shameful violation of the Constitution....

“A repetition of such acts in the approaching election, will be held as revolutionary.... The aim and object of the Democratic Party is to preserve the Federal Union **and** the rights of the States unimpaired.”⁷³

Post-Bellum Tyranny of Radical 'Red-Republican' Reconstructionism

Under the inspiring military leadership of that Pro-Union Anti-Secessionist, Virginia-loving and slavery-hating General Robert E. Lee, nine million Southerners (including three-and-a-half million Negroes) managed to hold out for fully four years against twenty-two million Northerners. Finally, however, sudden Northern victories just before the 1864 U.S. Presidential Election got Lincoln the Republican re-elected ó though still with only 55% of the total [Non-Southern] vote.

No wonder the U.S. Democratic Party, after the 1861-65 War of Northern Aggression, had open slather in the 'Dixiecratic' American South ó right down till the time the Democrats started promoting radical Anti-Christian Humanism from the nineteen-fifties onward. No wonder also, that the 'Republican' (or more accurately the 'Radical Republican') Abraham Lincoln was re-elected in the now-northernized Union.

By the time the U.S. Presidential Election ballots were counted in the 1864 election, the end was in sight. The last battles were being fought between the armies of a fresh Ulysses S. Grant and a tired Robert E. Lee ó in the northeast of the Confederacy.

⁷³ *Ib.*, pp. 368f.

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After its victory in April 1865, the victorious North started reconstructing the South. President Jefferson Davis was imprisoned. Confederate Secretary of War J.P. Benjamin and Secretary of State J.A. Early were expatriated. Lincoln installed Military Governors over Tennessee, Louisiana and Arkansas.

Even after Lincoln's assassination, President Andrew Johnson in May 1865 refused amnesty to all Confederate office-holders and men with taxable property of over \$20 000. Later, he requested that all Ex-Confederate State Conventions disavow their *Secession Ordinances* and ratify the pending Thirteenth Amendment (already approved by the U.S. Congress in January 1865 even before the end of the War Between the States).

**Christian Trinitarianism the only proper
basis for the U.S. Constitution**

It should be remembered, however, that the Presbyterian Alexander Stephens was a consistent Trinitarian and well aware that the several Divine Persons could not possibly secede from the Holy Trinity. Probably also for that very reason, he had voted against⁷⁴ the secession of his own sovereign State of Georgia from the U.S.A. on January 19th 1861 and in spite of the serious prior misconduct of the ever-centralizing and Yankee-dominated Federal Government.

By the same logic, however, once his seceded Georgia had joined the Confederate States of America on February 4th 1861 and especially after the Confederacy adopted its *Constitution* on March 11th 1861, Stephens (as elected Vice-President of the Confederacy) opposed later moves in Georgia to secede from the C.S.A. Indeed, it is highly significant that the *Constitution of the Confederate States of America* itself made no provision for the secession of Member-States therefrom.

For the *Confederate Constitution* was an attempt to restore and indeed even to improve the *U.S. Constitution* and just as the 1787-91f *U.S. Constitution* itself was an attempt to improve on the 1776-81f original *Articles of Confederation*; and just as those 1776f *Articles of Confederation* were an attempt to improve upon the operation of the *British Constitution* within North America.

The 1787f *U.S. Constitution*, however, had been flouted by the centralizing and unitarianizing Yankees and from before the middle of the nineteenth century onward. So now the *Confederate Constitution* and through its prohibition of the Confederacy's President from ever even seeking re-election and prevented even him from ever promoting centralism.

The 1776 *Declaration of Independence* (from Britain) had set up the United States (plural) not as thirteen peoples but as "one people" (singular) and as one trinitarian nation, of many distinct States, under the one Triune God. Stephens well knew that the one American people in those thirteen States had then (in the words of the *Declaration of Independence*) proceeded "to dissolve the political bands which have connected them with another [the British people] and to assume among the powers

⁷⁴ See art. *Stephens, Alexander Hamilton* (in *New Illustrated Columbia Encyclopedia*, Col. Univ. Press, New York, 21:6479).

of the Earth the separate and equal station to which the laws of nature and of nature's God entitle them.

Similarly, the 1776 *Articles of Confederation* ratified in 1781 constituted the United States of America as a firm league of friendship with each other... binding themselves to assist each other.... No State without the consent of the United States in Congress assembled, it added, shall send any embassy to or receive any embassy from...any king, prince, or states outside of that Confederacy.

Yet even within that 1776 Confederacy: No two or more States shall enter into any treaty, confederation or alliance whatever between them without the consent of the United States in Congress.... No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress.... No State shall engage in any war, without the consent of the United States etc.

Thereafter, the 1787 *Constitution of the United States* resolved to form a more perfect union which itself made no provision for secession. It forbade all the constituent States from entering into treaties or confederations; coining money; or keeping troops without the express approval of the U.S. Congress. Article I Section 10. Indeed, as Article VI states, this constitution...shall be the supreme law of the land.

It is very noteworthy that even the 1861 *Constitution of the Confederate States of America* (Article I Section 9) gave the Confederate Congress the power to prohibit the importation of Negroes of the African race and the further introduction of slaves. Yet, as already stated, it did not make provision for any confederated State to withdraw from the Confederacy.

Miserable as was America's War between the States, at least some good did come out of it. For, as stated in the modern pledge of allegiance to the one flag of the many United States (plural), and to the one federal republic for which it stands America is indeed thereby suggested to be one nation under God.

However, that God is necessarily the Tri-une God of the Founding Fathers. That is why the original *U.S. Constitution* rightly required even the Federal Government to guarantee not at all a unitarian-democratic but rather a Trinitarian-Christian and republican form of government to each constituting State within the United State of America in the year of our Lord one thousand seven hundred and eighty-seven etc.⁷⁵

The Yankee *Encyclopedia Americana* on the Confederate States of America

We deem it appropriate to end this Addendum with an extended reference to excerpts from a fine article titled "Confederate States of America." Amazingly, it is to be found not in a Southern book, but rather in the **Yankee** 1951 *Encyclopedia Americana*.

⁷⁵ *U.S. Constitution*, Arts. IV & VII.

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That article rightly observes⁷⁶ that the act of secession was passed by each State in full confidence that the legal right peaceably to secede was assured by the *U.S. Constitution*. The interpretation of any ambiguous provisions or expressions in any contract, is to be governed by the joint intent of the parties at the time of making it. Accordingly, this right to secede must be conceded by all impartial historians.

The English Historian Goldwin Smith has written: "Few who have looked into the history can doubt that the Union originally was a compact and was generally taken by the parties to it to be a compact certainly **dissoluble** on breach of the Articles of Union."

Henry Cabot Lodge of Massachusetts has written: "It is safe to say that there was not a man in the country from Washington and Hamilton on the one side, to George Clinton and George Mason on the other who regarded the new system as anything but an experiment entered upon by the States...from which each and every State had the right peaceably to withdraw a right which was very likely to be exercised."

In 1803, at the purchase from France of the Louisiana Territory and again in 1812, at the declaration of war with Great Britain influential and leading public men in New England not only asserted the right of secession. They also urged its exercise, in the celebrated *Hartford Convention* in 1815. Nowhere, however until 1860 was the issue actually made.

The first blow came speedily, yet by deliberate intent of neither party. On Christmas Day 1860, U.S. Major Robert Anderson seized Fort Sumter in South Carolina. He did so by night and (thus the *Americana*) without orders and contrary to his instructions.

This breaking out of hostilities brought, into the Confederacy, the Border States. They were not so vitally interested in the subject of slavery, but they had every tradition and instinct keenly alert to their legal rights under the original *Constitution*.

This was the real issue of the War and not slavery, as is often misasserted. **It is attested by the passionate claim of the Confederates that their struggle was for that liberty of self-government so dear for ages to the Anglo-Saxon race.**

But the Anglo-Saxon is not a ready barterer of what he deems his 'rights.' Nor would any nation thus founded upon "consent" have commanded confidence, or even inspired the national pride and loyalty which form the greatest treasures of a people. This conflict, with all its death and destruction and its sorrows and its sufferings, was but the necessary **baptism** of this nation. Thus the *Encyclopedia Americana*, in its article on the "Confederate States of America."

This, then, was the cause of the Confederacy. It was the cause of one baptized Christian nation consisting of many different Christian States, all under the guidance of the Ontological Trinity or the one God in many Persons. Compare the Great Commission in Matthew 28:19.

⁷⁶ *Op. cit.* (New York/Chicago), 7:489-91.

COMMON LAW: ROOTS AND FRUITS

Tragically, the Confederacy was crucified by Yankee Unitarians. But the baptismal cause of the Ontological Trinity for which the Confederacy stood, rose again ó the cause of the one God in many Persons. It rose again in the twentieth-century thought of Westminster Theological Seminaryø Rev. Professor Dr. Cornelius Van Til ó of Philadelphia, where the United States was born!

For truth is mighty. The cause of Christ, Who is the Truth, will yet triumph ó throughout the World! Sent forth by His Father, our Lord Jesus Christ the Son still sallies forth in the power of His Holy Spirit ó unto victory.

Indeed, Christ does so not just throughout the now-unitarianizing United States. He does so even to the very ends of the Earth. Consequently (thus Revelation 15:4) in His good time, all nationsö shall yet come and worship before the Lord God Almightyö ó the Tri-une God of the Christian Bible.

The Confederate States of America **did not hesitate to ‘baptize**ø and to **change** and to **improve** the *U.S. Constitution*. Those Confederate States came, and rewrote its Preamble. Not in the degenerated Union, but indeed in the regenerated Confederacy, those Southern States came with **their** new Preamble ó [quote:] invoking the favor and guidance of Almighty God.ö

Also every nation on Earth will come ó and do likewise. Indeed, the time will surely arrive!

ADDENDUM 45: DABNEY ON SLAVERY, SECESSION, AND THE 'NEW SOUTH'

The great nineteenth-century Southern Presbyterian Theologian Rev. Professor Dr. Robert L. Dabney, was a godly Christian and Chief Chaplain of the Confederate States of America throughout the 1861-65 War of Northern Aggression Against the South. He was also a firm defender of Southern slave-holding as well as of the quite different matter of Southern secession from the United States of America.

Rev. Prof. Dr. Robert Dabney's 1856 paper *Liberty and Slavery*

In 1856, Dabney published a paper on *Liberty and Slavery*. There,¹ notwithstanding its toleration of slaveholding, he said of the South: "Ours is a Christian nation in the main.... The teachings of the sacred Scriptures are, after all, the chief means for influencing the convictions of the people in that region.

"The policy of the South...is to take no *ultra* positions.... It is enough for her to place herself on this impregnable stand that the relation of master and slave is recognized as lawful in itself by the infallible Law of God. That truth she can triumphantly evince; and from it she can deduce all that it is right for her to claim."

Dabney regarded slavery as the institution best suited to benefit the needs of the American Negro in the nineteenth century. Of the American Christian Church, he then declared: "It is enough for her to say what is true and susceptible of overwhelming demonstration that, for the African race...such as Providence has placed it here, this is the best."

Of slavery, Dabney then added a further observation. "If it is lawful in the sight of God; if the *Constitution* of the Union [the U.S.A.] does no moral wrong in recognizing it as lawful; if it is best for the interests of the African, of the White race of the South, and of the whole Union that the matter should be left untouched by the meddling hand of federal legislation (a hand impotent of good to it and only mighty for mischief) to develop itself under the leadings of Providence and the benign influences of Christianity then the South has all her rights asserted.

"If this much is true then the federal *Constitution* and the laws carrying out its provisions only say what the Bible says.... The holder of African slaves does not necessarily live in the commission of wrong, and is not therefore to be disfranchised of any right which the law allows to any other citizen.... We have here none of the absurdities of which the facile exposure has given abolitionists the pretext to sing triumphs, such as the argument that African slavery is righteous because Noah foretold it of the descendants of Ham." Genesis 9:22-25f.

¹ R.L. Dabney: *Liberty and Slavery* (a review of Dr. Albert Taylor Bledsoe's *Essay on Liberty and Slavery*), in *The Critic* for May 1856, and repub. in *Discussions by Robert L. Dabney...Philosophical*, Sprinkle, Harrisonburg Va., 1980, III pp. 61-69.

Dabney's 1867 Defence of Virginia (and through her of the South)

Anent slavery in North America, Dabney rightly distinguished between Northern slave-trading and Southern slave-holding. The former he regarded as illicit *per se*; but the latter, as such, he regarded as not at all unbiblical. He made these important distinctions ó between slave-trading and slave-holding ó in his 1867 book *Defence of Virginia (and through her of the South)*.²

It needs to be understood that slavery did not originate in Colonial North America, but had been practised in the Old World of Africa and Asia (and even in Israel) at least since 2000 B.C. It should further be understood that the first implicit mention of slavery in the Bible seems to be where the Ancient Hamites, who had apparently enslaved the rest of the human race, would themselves become enslaved precisely by those whom they had oppressed. Genesis 9:22-27; 10:6-10; 11:1-9.

In Pre-Colonial North America, American Indians had enslaved one another for countless years. In Colonial North America, the first slaves were not Blacks but Whites ó and the very first Blacks arriving there, did so as Freemen.

Negroes had been enslaved in Africa by their Fellow-Negroes, and especially by Arabs, for many centuries before they were ever enslaved by White slave-traders. Those White slave-traders seem to have treated their cargo less harshly than did the Non-White slave-traders who had priorly bought and sold those Negro slaves. Indeed, the very first Negro slaves brought to Virginia in 1619 ó had exactly the same legal status there as did Whites in indentured servitude.

It also needs to be understood that in those early days, some Black Americans owned Whites as their slaves ó and other Black Americans owned American Indians as their slaves. Indeed, some American Indians owned Whites and even Blacks as their slaves.

It also needs to be noted that, even before Union, the Southern States moved against the slave trade long before the Northern States did. Thus, Virginia outlawed the importation of slaves in 1778 ó long before she adopted the 1789 *U.S. Constitution* ó and long before Massachusetts did so in 1803, and the United States of America in 1808.

In 1789, in its Article I Section 9, the *U.S. Constitution* stated that the importation of fresh slaves into America would not be prohibited by the Federal Congress prior to 1808. In 1790, when the first Federal Census was taken in the U.S., there were 67 120 Negroes precisely **in the North**. Of these, 40 086 were slaves. Over half of those slaves ó 21 324, to be exact ó were in New York. See Dr. E.F. Frazier's book *The Negro in the United States*, Macmillan, New York, 1949, p. 34.

Now Dabney's 1867 post-bellum book was by no means the first theological defence of slavery ever written in North America. In 1867, the Presbyterian Rev. George D. Armstrong published his book *The Christian Doctrine of Slavery* ó in the northern city of New York. In the same year, the Presbyterian Rev. Fred. A. Ross published his book *Slavery Ordained of God* ó in the northern city of Philadelphia. He

² Sprinkle, Harrisonburg Va., 1977 rep., pp. 27-31f.

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dedicated it to "The Men, North and South, Who Honor the Word of God and Love their Country."

Dabney mentioned that in the old Pre-Union days, and indeed more than a century before the 1776 *Declaration of Independence of the United States of America*, the so-called "Lords of the Plantations" once wrote to Virginia Governor Sir William Berkeley about the lucrative trade of the slave-ships of the Northerners. Thereupon the latter Southern gentleman replied in 1671: "No great or small vessels are built here; for we are most obedient to all laws & while the men of New England break through, and trade to any place that their interest leads them."

Furthermore, during those same early days, a Virginia tax was attemptedly imposed to check the influx of African slaves there. Even after that, however, Virginia Deputy Governor Hugh Drysdale sadly had to complain in 1726 that "the interfering interest of the African Company [of Non-Southern slave-traders] has obtained the repeal of the law & through the **British** Parliament."³

**Dabney on Northern slave-traders being
unlike Southern slave-owners**

In the nineteenth century, it was not Southern slave-owners but rather Northern abolitionists who were the seed of the seventeenth-, eighteenth-, and even nineteenth-century Northern slave-traders. The latter, remarked Dabney,⁴ quite wrongly charged Southern slave-holders "with the guilt of the slave trade."

Dabney explained: "It is argued [by Northerners] that unless we [Southerners] are willing to justify the capture of free and innocent men on their own soil and their reduction from freedom to slavery [in Africa], with all the enormous injustice and cruelty of the African slave trade & we must acknowledge: that the title of the Southern master to his slave at this day is unrighteous; that a system which had its origin in wrong, cannot become right by the lapse of time; that, if the title of the piratical slave-catcher on the coast of Africa was unrighteous, he cannot sell to the purchaser any better title than he has; and that an unsound title cannot become sound by the passage of time."

Such is the Yankee argument against the retention of slave-holding in the unreconstructed South. How did the South then reply to that specious argument?

"It need hardly be said," replied Dabney on behalf of Christian Southerners, "that we abhor the injustice, cruelty, and guilt of the African slave trade. It is justly condemned by the public law of Christendom & a law which not Wilberforce nor the British Parliament nor British nor Yankee Abolitionists had the honour of originating, but the slave-holding Commonwealth of Virginia & in 1671f.

"Slave-catching and slave-selling are both condemned by the Law of God. Moses placed this among the judicial statutes of the Jews: "And he that stealeth a man and selleth him..., he shall surely be put to death" [Exodus 21:16 *cf.* Deuteronomy 24:7].

³ *Ib.*, p. 29.

⁴ *Ib.*, p. 288.

We fully admit, then, that the title of the original slave-catcher to the captured African, was most unrighteous.ö

However, insisted Dabney, öfew can be ignorant of the principle that a title originally bad may be replaced by a good one, by transmission from hand to hand and by lapse of time. When the property has been acquired by the latest holder fairly and honestly; when, in the later transfers, a fair equivalent was paid for it, and the last possessor is innocent of fraud in intention and in the actual mode of his acquisition of it ó more wrong would be effected by destroying his title than by leaving the original wrong unredressed....

öIf this principle be denied, half the property of the civilized world will be divorced from its present owners.... The pretext which gave ground for the conquest of William of Normandy, was wicked.... The Norman Conquest resulted in a complete transfer of almost all the land in England to the hands of new proprietors.... If lapse of time and change of hands cannot make a bad title good ó then few of the present landlords of England have any right to their estates.ö

However, such is not the case! After **sixty years' continual possession** of land or goods by a non-owner, the unchallenging owner of that land or those goods forfeits his ownership rights. The continual possessor becomes the new owner.

As Sir William Blackstone declared in his famous 1765 *Commentaries on the Laws of England* (University of Chicago Press, 1979 edition, II chapter 13): öIf a disseissor [or dispossessor] turns me out of mere right of my possession of my lands, he thereby gains a mere naked possession.... If the disseissor dies and the lands descend to his son, the son gains an apparent right of possession.... If I acquiesce for thirty years without bringing any action to recover possession of the lands...I retain nothing but the mere right of property. And even this right of property will fail...unless I pursue it **within the space of sixty years.**ö Leviticus 25:8-17; Second Chronicles 36:19-21; Psalm 90:10; Daniel 9:2f; Luke 4:18f.

Dabney on acquiring good title from bad through the lapse of time

What should one then say about the ãrightsø of the modern Welsh to recover today ãtheirø ancestral lands in Eastern England ó appropriated by the Ancient Anglo-Saxons from the Ancient Celto-Brythons in 449f A.D.?! What should one say about the extinction of native land title in Australia ó in favour of today's *bona fide* Australian descendants of 1788f Colonists from Britain and Europe? öAnd, we would addö ó observed Dabney himself⁵ ó öwhat would the courts of New England...say, should the feeble remnants of the New England [American] Indians who are yet lingering in those States, claim all the fair domains of their tribe?ö

Naturally, any valuable consideration ever offered and accepted at the time of land occupation ó offered by any Anglo-Saxon to and accepted by any Celto-Brython in Britain; offered by any American Colonist to and accepted by any Amerindian in America; or offered by any Australian Colonist to and accepted by any Australoid ó forever extinguishes all future claims by the seller or his descendants.

⁵ *Ib.*, pp. 290f.

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After conclusion of such a sale, the seller or his heirs may not successfully require the buyer or his heirs to hand back the property or a portion thereof against return of the purchase price in part or in whole. Nor is there any right requiring that the paid purchase price ever be renegotiated from time to time thereafter. Genesis 23:3-20; Proverbs 20:14f; Isaiah 55:1f; Matthew 13:44f; Revelation 3:18f.

Purchase and sale, like justification and redemption, is once and for all. The amount then paid, provided mutually agreed upon and mutually deemed fair at that time, is quite irrelevant to the firmness of the title thereby transferred. If the parties were then *ac idem* or in agreement with one another, the transaction cannot be reversed merely by unilateral desire or action. For *caveat venditor* [-Let the seller beware!ø] is the necessary corollary of *caveat emptor* [-Let the buyer beware!ø].

The later appreciation or depreciation of the value of the land concerned, is irrelevant to the firmness of title conveyed by the prior transaction. Consequently, the descendants of Amerindians who formerly received unpolluted beads for their sale of a now-polluted Manhattan ó cannot today successfully sue for rescission of the original contract and *restitutio in integrum*.

Nor can the modern American descendants of the Dutch Colonists who bought New York City ó today successfully sue the descendants of the original Amerindian sellers for recovery of the unpolluted beads their ancestors paid, even if the contemporary possessors are willing to return a now-polluted metropolis to the Amerindians.

The latter scenario, then, is both bizarre ó **and** legal lunacy. Indeed, even if this **were** permissible ó to **which** Amerindians or to **which** Australoids, or group or groups thereof, could New York or Sydney then be handed over ó without unleashing further litigation between Amerindian and Amerindian, or between Australoid and Australoid, or between one or more tribes and another tribe or tribes of Amerindians or Australoids?

It is just not possible to un-scramble an egg omelette. Nor is it possible to re-establish native titleø (*sic*) after it has been extinguished ó as even the *Mabo cases* have pointed out.

Continued Dabney, pressing this into an *argumentum ad absurdum*: **õIf the Virginian slave-holder derived from the New England or British slave-trader no valid title to the African [slave]ø ó which, of course, he certainly does ó õthen the [slave-trader had no valid title to the planter's money! What can be clearer than this?õ**

Let the pretended owners in the North who sold theirø slaves to the South, challenged Dabney, õdisgorge their spoils and restore them to the Virginian planters ó to indemnify them for the [allegedly] worthless and fictitious title to the slaves whom they have [now] been called upon to emancipate ó in order that means may be provided to make their new liberty a real blessing to them.... But will abolitionism assent to this? About as soon as death will surrender its prey!õ

Indeed, after the triumph of abolitionism, the illegally-ratified yet purported 1868 Fourteenth Amendment to the *U.S. Constitution* clearly declares (in its Section 4) that õneither the United States nor any State shall assume or pay any debt or obligation

incurred...for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.ö

Dabney on the illicit slave-trading of some of the Yankee Northerners

Before dealing with legitimate Southern slave-holding, then, Dabney first dealt⁶ with the illicit Northern slave-trading. öThe title by which the original [Black African] slave-catchers [or the subsequent White Northern slave-traders] held them, may have been iniquitous. But these slave-catchers [and those slave-traders] were not citizens of the Southern Colonies. These slaves were not brought to our shores by our [Southern] ships.

öThey were presented by the inhuman [Northern] captors, dragged in chains from the filthy holds of the slave ships. And the alternative before the planter was ó either to purchase them from him who possibly had no right to sell them; or re-consign them to fetters, disease, and death. The slaves themselves hailed the conclusion of a sale with joy, and begged the planters to become their masters ó as a means of rescue from their floating prison.

öThe planters, so far as they were concerned, paid a fair commercial equivalent for the labour of the slaves.... The difference between the title of the original slave-catcher, and that of the later Virginian slave-owner ó is as great as between the ruffian Norman freebooter who conquered his fief at Hastings, and his law-abiding descendant the Christian gentleman of England.ö

Dabney declares of the slave-trade that öthis iniquitous traffick, beginning...in 1503, was...pursued by the English in 1562.... The Colony of Virginia was planted in 1607. The first cargo of Negroes, only twenty in number, arrived there in a Dutch vessel in 1620, and was bought by the Colonists.

öAll the commercial nations of Europe were implicated in the trade; and all the Colonies in America were supplied, to a greater or lesser extent, with slave labour.... But England became, on the whole, the leader in this trade, and was unrivalled by any ó save her daughter, New England.ö⁷

This New England embraced the territory of the later seven Northern [so-called] Anti-slavery ÷Free Statesø on the Atlantic Seaboard (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey). In the time of the 1861-65 War Between the States, New England was supported by the other ÷Anti-Slaveryø States then in the Union (such as Vermont, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Minnesota, Kansas, Oregon, and California).

Against the Confederacy, all of these ÷Anti-Slaveryø States in the Union ranged themselves. Further allied against the Confederacy, were also certain **Pro-Union** ‘**Slave States**’ (such as Missouri, Kentucky, West Virginia, Maryland, and Delaware).

⁶ *Ib.*, pp. 292f.

⁷ *Ib.*, pp. 27.

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Thus ó under the leadership of a radicalized New England ó altogether 24 Union States (some Pro-Slavery and some Anti-Slavery) ó fought the 11 Confederate States.

Now the latter C.S.A. (from West to East) ultimately consisted of Texas, Louisiana, Arkansas, Mississippi, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia. Some of those Confederate States, such as Texas and Tennessee, had only few slaves; others, such as Mississippi and Alabama, had many.

The Union States then had 22 million men, including at least half a million and perhaps as much as a million slaves or even more (for the -Slave Statesø Delaware, Maryland, Kentucky, Missouri and West Virginia all fought for the North and against the South). The Confederate States, however, then aggregated only 9 million (including 3.5 million slaves).

Dabney on Britain's role in promoting the slave trade till 1808

Continued Dabney:⁸ ðThe most splendid triumph of British enterprise was that achieved by the Treaty of Utrecht (1712) between Queen Anne [of England] and [the King of] Spain.... The Spanish Monarch resigned to the English South Sea Company the exclusive slave trade, even between Africa and the Spanish Colonies.... The citizens of every other nation, even Spaniards themselves, were prohibited from bringing a single slave.

ðThe British Queen and the King of Spain became stockholders in the venture, to the extent of one-fourth each. The remainder of the stock was left to British citizens. And Anne, in her speech from the throne, detailing to her Parliament the provisions of the Treaty of Utrecht, congratulated them on this monopoly of slave trading, as the most splendid triumph of her arms and diplomacy.

ðMeantime, the African Company, with private adventurers at a later day, plied the trade with equal activity ó for furnishing the British Colonies. Finally, in 1749, every restriction upon private enterprise was removed; and the slave trade was thrown open to all Englishmen [and -New Englishmenø from New England]. For, says the statute: -the slave trade is very advantageous to Great Britain.ø

ðEvery resource of legislation and even of war was employed during the eighteenth century to secure the monopoly of the trade to British subjects, and to enlarge the market for their commodity in all the Colonies. To this end the royal government of the plantations which afterwards became the United States, was perseveringly directed.

ðThe complaint of Hugh Drysdale, Deputy Governor of Virginia in 1726, that when a [Virginian] tax was imposed [by Virginians] to check the influx of Africans [into Virginia], -the interfering interest of the African Company has obtained the repeal of the Lawø ó was common to him and all the patriotic rulers of the Southern Colonies.ð

⁸ *Ib.*, pp. 28f.

Dabney pleased with the 1726-1808^f opposition to the slave trade

Dabney went on:⁹ "When it is considered that England's colonial system was wholly built upon African slavery — the intelligent reader will be convinced that the slave trade was the cornerstone of the present splendid prosperity of that Empire. But after the nineteenth century had arrived — the prospective impolicy of the trade; the prevalence of democratic and [1789 French Revolutionary] Jacobin opinions imported from France; the shame inspired by the example of Virginia [Deputy Governor Drysdale in 1726], with (we would fain hope) some influences of the Christian religion upon the better spirits — began to create a powerful party against the trade.

"First, Clarkson published...his work against the slave trade — exposing its unutterable barbarities as practised by Englishmen, and arguing its intrinsic unrighteousness. The powerful parliamentary influence of Wilberforce was added, and afterwards that of the younger Pitt.

"The commercial classes made a tremendous resistance for many years, sustained by many noblemen and by the Royal Family. But at length the Parliament, in 1808, declared the trade illicit — and took measures to suppress it. Since that time, the British Government, with a tardy zeal (but without disgorging any of the gross spoils)...has arrogated to itself the special task of the catchpole of the seas — to "police" the World against the continuance of its once profitable sin.

"The share of the Colony of Virginia in the African slave trade, was that of an unwilling recipient; never that of an active party. She had no ships engaged in any foreign trade.... All the carrying trade to British Ports and Colonies was in the hands of New Englanders and Englishmen.... The commerce of New England was born of the slave trade — as its subsequent prosperity was largely founded upon it.

"To understand the growth of the New England slave trade, two connected topics must be a little illustrated. The first of these is the enslaving of [American] Indians.... In 1677, the General Court of Massachusetts ordered the enslaving of the Indian youths or girls — of such as had been in hostility with the Colony or had lived among its enemies....

"By means of these proceedings, the numbers of [American] Indian servants became so large, that they were regarded as dangerous to the Colony. They were, moreover, often untamable in temper, prone to run away to their kinsmen in the neighbouring wilderness, and much less docile and effective for labour than the —Blackamoors" [alias the Black Africans]. Hence, the prudent and thrifty saints [of New England] saw the advantage of exporting them [the New England American Indians] to the Bermudas, Barbadoes, and other islands — in exchange for [Black African] Negroes....

"In pleasing contrast with these enormities, stands the contemporaneous legislation of the Colony of Virginia touching its Indian neighbours. By three acts, 1655 to 1657, the Colonists were strictly forbidden to trespass upon the lands of the Indians, or to dispossess them of their homes even by purchase....

⁹ *Ib.*, pp. 30f.

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øThe second, and more potent cause of development of the New England slave trade, was the commerce between those Colonies and the West Indies.... The Treaty of Utrecht in 1712 recognized this encroaching trade.... New England adventures, as well as British, thus received a new impetus....

Famous New England rum...was the foundation of the African slave trade. The slave ships freighted with this rum proceeded to the coast of Guinea and, by a most gainful traffick, exchanged it for Negroes ó leaving the savage communities behind them on fire with barbarian excess....

øFor nearly two centuries, poured a flood of wealth into New England ó as well as no inconsiderable number of slaves. The General Court of Massachusetts recognized the trade as legal ó imposing a duty of four pounds per head on each Negro sold in the province....

øThe weight of this duty is evidence only of a desire to raise revenue, and to discourage the settlement of numbers of Negroes in Massachusetts. Not of any disapproval of the traffick in itself as a proper employment of New England enterprise.

øThe government of the province preferred White servants, and was already aware of the unprofitable nature of African labour in their inhospitable climate. But the furnishing of other Colonies [such as Virginia] with Negroes, was a favoured branch of commerce.

øMeantime, the other Maritime Colonies ó of Rhode Island...and Connecticut ó followed the example of their elder sister emulously.... Their commercial history is but a repetition of that of Massachusetts.

øThe towns of Providence, Newport and New Haven became famous slave-trading ports. The magnificent harbour of the second especially was the favorite starting-place of the slave ships; and its commerce rivalled, or even exceeded, that of the present commercial metropolis New York.

øAll the four original States [including even New York], of course, became slave-holdingö ó at least till they finally succumbed to the French Revolutionary philosophies in 1789f. øWhen it is remembered that the Massachusetts ports were then [but] small towns ó the fact that they had more than twenty ships simultaneously engaged in the trade to the Guinea coast alone, clearly reveals that it was the leading branch of their maritime adventure and main source of their wealth.ö

The Yankees kept dumping their slaves on the South even after 1800

Concluded Dabney:¹⁰ øThe structure of **New England** wealth is cemented with the sweat and blood of Africans. In bright contrast with **its** guilty cupidity, [however,] stands the consistent action of Virginia which ó from its very foundation as a Colony ó always denounced and endeavoured to resist the trade. It is one of the strange freaks of history that this Commonwealth which was guiltless in this thing...should become,

¹⁰ *Ib.*, p. 43.

in spite of herself, the home of the largest number of African slaves found within any of the States.

Yet New England's Massachusetts, which was next to England the pioneer and patroness of the slave trade and chief criminal in having gained for her share the wages of iniquity instead of the persons of the victims in has arrogated to herself the post of chief accuser of Virginia. Interestingly, however, the sovereign State of Virginia outlawed¹¹ the importation of slaves in 1778 in long before Massachusetts herself outlawed the slave trade in 1803.

According to the 1951 Yankee *Encyclopedia Americana* in its article "United States Slavery" it was only in 1780 that the Yankee Quaker State of Pennsylvania enacted that all slaves born there should be set free at age twenty-eight (and thus in some cases as late as 1807). Then, in 1784, the Yankee State of Rhode Island provided for the "gradual emancipation" of its slaves. Finally, the Yankee States of Massachusetts and New York followed suit in 1803; the Yankee State of New Jersey in 1804; and the United States of America in 1808.

According to the 14th American edition of the *Encyclopaedia Britannica* in its article *Slavery*, South Carolina and Georgia in 1787 had both insisted that the United States recognize their own States' right not to import but only to hold slaves in as a condition of their then joining the American Union. The American *Britannica* then also adds that after the Northern States had by 1804 either abolished slavery or adopted measures to effect its gradual abolition within their boundaries in the principal operation of (at least) the latter change, was simply to transfer Northern slaves to Southern markets.

Dabney on (O.T. & N.T.) Biblical permissibility of owning slaves

Next, Dabney deals with the permissibility of owning slaves. In more than a hundred pages,¹² from both the Old and the New Testament, he defended slavery as an institution. Here, he approvingly cited and expounded: Genesis 9:20f; 14:14; 16:7f; 17:10f; 18:17f; 20:14; 24:35; 26:12f; Exodus 12:44; 20:10f; 21:2f; Leviticus 25:41f; Numbers 31:25f; Deuteronomy 23:18; Joshua 9:23f; Second Samuel chapter 21; Second Kings 5:20 & 6:15; Matthews 8:5f; Luke 7:2f; 19:13f; Acts 4:29; 10:5f; 11:15f; 16:17; Romans 1:1; First Corinthians 6:9f; 7:20f; 12:13; Galatians 3:28; 4:1; Ephesians 6:5f; Colossians 3:11f; Philemon 1f; First Timothy 6:1f; Titus 2:9f; and First Peter 2:18f.

Naturally, this Biblical slavery was either war-incurred or debt-incurred. It extended not to the control over the soul but only to the use of the slave's labour in until his debt or indebtedness had thus been repaid. It required that the debt-slave be offered his freedom, and then set up in business (by his ex-master) no later than at the end of the sixth year of servitude. Many slave-owning Southerners practised such Biblical slavery. No slave-trading Northerner ever did so. Cf. Revelation 18:13.

¹¹ See art. *Negro* (in the *American People's Encyclopedia*, Grolier, New York, 1966, 13:228); & art. *Slavery* (in *ibid.* 17:67).

¹² *Op. cit.*, pp. 94-208.

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Like Biblical slavery, explained Dabney, the Confederate South's American slavery...is not an ownership of the servant's moral personality, soul, religious destinies, or conscience; but a property in his involuntary labour. And this right to his labour implies just so much control over his person as enables his master to possess his labour....

It is emphatically asserted that Southern masters, as a class, did not seek or desire to repress either the mental or religious culture of their servants' souls; but the contrary. It is our solemn and truthful testimony that the nearly universal temper of masters, was to promote and not to hinder it.... If there was any exception, it was caused by the mischievous meddling of abolitionists themselves, obtruding on the servants that false doctrine so sternly condemned by St. Paul [in First Corinthians 7:20f *etc.*].

Southern masters desired the intelligence and morality of their servants. As a class, masters and their families performed a large amount of gratuitous labour for that end; and universally met all judicious efforts for it from others with cordial approval. An intelligent Christian servant was universally recognized as being, in a pecuniary view, a better servant....

It is the dispassionate conviction of intelligent Southerners, that our [Black] male slaves presented a better average of virtue and intelligence than the rank and file of the [overwhelmingly-White] Federal Armies by which we were overrun.... Even the Negro troops of our conquerors, although mostly recruited from the more idle and vicious slaves, were better than the [Northern] Whites.

The Africans of these [Southern] States, three generations ago, were the most debased among pagan savages. A nation is not educated in a day. How long have the British people been, in reaching their present civilization under God's providential tutelage? The South has advanced the Africans, as a whole, more rapidly than any other low savage race has ever been educated. Hence, we boldly claim that our system, instead of necessitating the ignorance and vice of its subjects, deserves the credit of a most beneficent culture.

We may here refer to the charge that Virginian slavery condemned the Africans to mental and religious darkness, by forbidding them all access to letters.... **There has never been such a law upon the statute books of Virginia...**

Thousands of slaves in Virginia were taught to read by their masters, or their children and teachers. As many Virginian slaves were able to read their Bibles, and had Bibles to read as could probably be found among the labouring poor of boasted Britain....

Neither our laws, nor the current temper and usage of masters, interfered with the slave's religious rights. On the contrary, they all protected and established them. The law protected the legal right of the slave to his Sabbath, forbidding the master to employ him on that day in secular labours, other than those of necessity and mercy.

There was scarcely a Christian church in the South, which had not its black communicants sitting amicably at the Lord's table beside their masters; and the whole number of these adult communicants was reported by the statistics of the churches as

not less than a half million.... Masters refused them liberty to join the churches of their choice, more rarely than parents in New England and Old England perpetrated that act of spiritual tyranny upon their wives and daughters.

øSo punctilious was this respect for the spiritual liberty of the servants, that masters universally yielded to it their own denominational preferences and animosities, allowing their servants to join the sects most repugnant to their own, even in cases as extreme as that of the Protestant and Romanist.

øIt is true...that our law gave the master the power of corporal punishment, and required the slave to submit. So does the law of England give it to parents over children, to masters over apprentices, and to husbands over wives. Now, while we freely admit that there were in the South instances of criminal barbarity in corporal punishments, they were very infrequent and were sternly reprobated by public opinion. So far were Southern plantations from being lash-resounding dens ø the whipping of adult men and women had become the rare exception.

øIt was far less frequent and severe than the whipping of White men was a few years ago in the British army and navy ø not probably more frequent than the whipping of wives is in the Northern States of America; and not nearly so frequent as the whipping of White young ladies now is in their State Schools.

øThe girls and boys of the plantations received the lash from masters and agents more frequently than the adults, as was necessary and right for the heedless children of mothers semi-civilized and neglectful. But universally, this punishment by their owners was far less frequent and severe than the black parents themselves inflicted.ø

Dabney on the Yankees' radical novel notion of 'social contract'

Dabney now went on¹³ to repudiate the Northerners' novel notion of humanistic proto-individualism and egalitarianistic free-will. Held Dabney: øWe object...to this dream of a 'social contract' preceded by a native state of individual independence.... It is false to the facts of the case.

øHuman beings never rightfully existed, for one moment, in this state ø out of which they are supposed to have passed by their own option. God never gave them such independency. Their responsibility to Him, and to the civil society under which He has placed them, is as native as they are, being ordained by God to exist from the first.

øMen do not choose civic obligation, but are born to it ø just as the child to his filial obligation.... The very assumption of what this [humanistic] theory calls man's normal state, and the very attempt to exercise the option which, as it babbles, originated civil society ø would constitute a man [as originally being] an **out-law**....

øWe object that it is atheistic, utterly ignoring the existence of a Creator and His relations to and proprietorship in man. It affects to treat men as though their existence were underived and independent of any Supreme Being.

¹³ *Ib.*, pp. 244f.

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øAll Commonwealths have found it necessary to arm the Magistrate with some powers which individuals could not have conferred by a -social compactø ó because they never possessed them. One of these is the power of life and death. No manø life is his own: it belongs to God alone. One cannot bargain away what is not his own....

øIf we are not atheists, the facts that God is; that our being proceeds from His act; that we are His property ó are as truly natural, as man and his attributes are. They should therefore be embraced as a part of the facts of the case....

øInasmuch as man did not make himself, he enters existence the subject of God. This subjection is not only of force, but also of moral right.... This moral obligation is therefore as native as man is. The rudimental relations to his God and his fellows, imposed on man, are binding on him ab initio....

øCivil government is Godø ordinance, and its obligations are those of original moral right. The advantage and convenience resulting, illustrate and confirm ó but do not originate ó the obligation. This is the theory of government plainly taught by St. Paul (Romans 13:1 to 7) and St. Peter (First Epistle 2:13 to 18)....

øThe glory and strength of the Christian theory of human government and liberty is this: that it founds manø rights on eternal moral distinctions.... The epitome of moral distinction is, -Love thy neighbour as thyself!ø It is the same law expressed in the -Golden Ruleø... In the sublime words of Samuel Rutherford: Lex, Rex....

øAs government is for the common good of all, the selection of these agents belongs to the common wisdom and rectitude of the whole. And it is in this sense (and only this) that the Christian holds that the power of rulers is delegated from the ruled. In the higher sense ó it is delegated from God Who is our true, rightful and literal -Despot.øThe -Despotismø of perfect infinite rectitude, is the most perfect freedom.ø

Dabney held that Abolitionism is French-Revolutionary Jacobinism

Dabney further asserted that -Abolitionism is Jacobinismø (alias 1789f French-Revolutionism). He explained:¹⁴ øIf men are by nature sovereign and independent, and mechanically equal in rights; and if allegiance is founded solely on expressed or implied consent ó then not only slavery but every involuntary restraint imposed on a person or a class not convicted of crime [including the subjection of minor children to their own parents], and every difference of franchise among the members of civil society, is a glaring wrong.

øSuch are the premises of abolition[ism]. Obviously, then, the only just or free government [on these premises], is one where all franchises are absolutely equal to all sexes and conditions.... Your true abolitionist is then, of course, a -Red-Republicanø ó a Jacobin.

øIs not this strikingly illustrated by the fact that the first wholesale abolition in the World ó was that enacted for the French Colonies by the frantic democrats of the -Reign of Terror?ø Look out, Haiti ó here comes Papa Doc!

¹⁴ *Ib.*, pp. 262f.

“The principles of abolition are, as we have proved, destructive of the foundations of the British Constitution. Her own statesmen have insanely taught them to her people.... The so-called “Liberal Party” of Great Britain, which draws its inspirations from the “abolition democracy” of America, is unveiling itself more and more as a party of true Jacobinism....

“Other consequences follow from the abolitionist dogmas. “All involuntary restraint is a sin against natural right” therefore, laws which give to husbands more **marital** power over the persons and property of wives than to wives over husbands, are [according to abolitionists and feminists] iniquitous and should be abolished.... There must be an end of the wife’s obedience to her husband....

“Female suffrage is already introduced...and will doubtless prevail as widely as abolitionism. But when God’s ordinance of the family is thus uprooted, and all the appointed influences of education thus inverted; when America has had a generation of women who were politicians instead of mothers ó how fundamental must be the destruction of society; and how distant and difficult must be the remedy!

“Once more: The same principles have consistently led some abolitionists to assail the **parental** relation itself. For although none can deny that in helpless infancy subjection should be the correlative of protection and maintenance ó when once the young citizen has passed from the age of children, by what reason can the abolitionist justify his compulsory government by the father? Are not all men by nature equal?ö Thus Dabney ó with supreme sarcasm toward the ultimate implications of abolitionism.

Dabney denied the *Declaration of Independence* was abolitionistic

Absurdly, it has been asserted that the premises of the abolitionists were embraced in the *Declaration of Independence* ó so that the United States have been committed to them from their beginning! The words usually referred to, are the following:

“That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, etc.”

Commented Dabney:¹⁵ “If by these celebrated propositions it was meant that there ever was, or could be, a government where all men enjoyed the same measure of privilege ó then it is false.... If it were meant that all men are naturally equal ó then it would be false. For men are born with different bodily and mental powers, different moral qualities, and different inheritances of rights....

“But if it be meant that all men are created equal in this sense: that all are...common subjects of the law of equity expressed in the “Golden Rule” each one as truly entitled to possess the set of rights justly appropriate to him (and by the same reason) as any other is entitled to his set of rights ó this is...a glorious truth!ö

¹⁵ *Ib.*, pp. 266f.

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This latter is obviously what was meant by the Founding Fathers of the United States of America, as any objective study of their other writings in 1776 will soon corroborate. "This is man's moral equality!" explained Dabney. "It means that, under God, the servant is as much entitled to the rights and privileges of a justly-treated servant as the master is to the rights of a master.... The commoner is as much entitled to the just privileges of a commoner, as a peer to those of a peer...."

"It is the truthful boast of Englishmen, that in their land every man is equal before the law. What does this mean? Does it mean that Lord Derby has no other franchises and privileges than the day-labourer? By no means! But the privileges allotted to the day-labourer by the laws are defended by the same institutions and adjudicated by the same free principles, and made legally as inviolable as the very different and larger privileges of Earl Derby.

"If, when the *Declaration of Independence* says that the right of all men to their liberty is "unalienable," the proper definition of civil liberty is accepted (that it only means privilege to do what each man in his peculiar circumstances has a moral right to do) as this also is universally true. But all this is perfectly consistent with differences of social condition and station and privilege where characters and relations are different."

Further, the *Declaration of Independence* declares that "governments derive their just powers from the consent of the governed" etc. Explained Dabney: "In one sense they derive their just powers from God, His Law and Providence. In the other sense as that the people are not for their rulers, but the rulers for their people as the selection of particular...individuals to execute the functions, belongs to the aggregate rectitude and intelligence of the Commonwealth expressed in some way practically fair.

"But by "the consent of the governed" our wise fathers never intended the consent of each particular human being as competent **and** incompetent. They intended the **Representative** Commonwealth as a body as the *populus* or aggregate corporation of **that** part of the human beings **properly** wielding the franchises of full citizens. Their proposition is general as and not particular.

"The men of 1776 were not vain *Ideologues*; they were sagacious, practical Englishmen. Thus understood as every correct thinker does as they teach nothing against difference of privilege among the subjects of government...."

"The evidence that this only was their meaning, is absolutely complete. Had their proposition been that of the Jacobin Abolitionist as that just claim on man's obedience to authority is founded on the individual's consent as they must [then] have ordered every thing differently from their actual legislation. **They could [then] not have countenanced limited suffrage – of which nearly all of them were advocates.**

For in that case: "They must [then] have taught female suffrage as which the most democratic of them would have pronounced madness. Not only did they retain the African race in slavery, in the face of this *Declaration* as but they refused to adopt full democratic equality in reconstructing their [State] Constitutions.

“Were these men fools? Were they ignorant of the plain meaning of their own propositions? Did they, like modern Radicals, disdain the plainest obligations of consistency?” No, of course not!

“Who can believe that George Mason...could fail to see the glaring inconsistency between these propositions ó taken in the extravagant and radical sense now forced upon them by the abolitionists ó and the *Constitution* which he gave to the State of Virginia? According to that immortal instrument, our Commonwealth was as distinctly contrasted with a levelling democracy ó as any monarchy regulated by laws could possibly be.

“It was, indeed, a liberal [alias a free] aristocratic Republic. **None could vote – save the owner of land in fee-simple....** Any one who knows the *British Constitution* will see at a glance that our Virginian frame of government was not the work of men led by the Utopian dream of Æliberty, fraternity and equalityø ó but of practical statesmen, establishing for their posterity the historical rights of British Freemen.”

‘Free’ or Libertine Yankees not superior to ‘enslaved’ Southerners

Further, Dabney answered the Northernersø charge that their Æfreeø or rather libertine morality was superior to that of the Æenslavedø(?) Southerners ó because of their differing attitudes toward slavery. Replied Dabney:¹⁶

“The [slave-trading] North has usually played the traitor to the common cause.... If we pass to personal comparisons ó the publick men of the [slave-holding] South have shown themselves, on the federal arena, superior.... Few Northern Presidents...had the fortune to reach that high position.

“Compare, for instance, the benign [Southerner] Washington (a great slave-holder) ó with that petty tyrant the elder Adamsø (a Northerner). Or compare the Southerners øJefferson, Madison and Monroe with his son ó **worthy** son of **such** a sire ó John Quincy Adamsø (a Northerner).

“Or compare the salubrious Southerner and President of the Confederacy øJefferson Davis ó with Abraham Lincolnø the notorious Northerner and minority-vote President of the dis-United States of America. Or compare øour [Southerners] Lee; the Johnstons; Jackson; and Beauregard ó with [Northerners like] McNeill and Butler.ø Or with Northerners like Bragg, Grant and Sherman!

“We might safely submit the comparative soundness of Southern society to this test: that it has never generated any of those loathsome -isms which Northern soil breeds as rankly as the slime of Egypt its spawn of frogs. While the North has her Mormons, her various sects of Communists, her Free Lovers, her Spiritualists, and a multitude of corrupt visionaries whose names and crimes are not even known among us ó our [Southern] soil has never proved congenial to the birth or introduction of a single one of these inventions.”

¹⁶ *Ib.*, pp. 283f.

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Let us now hear Dabney's conclusions.¹⁷ "Slavery was forced upon Virginia, against her protests, by the cupidity of New England and the tyranny and cupidity of Old England.... The African race being thus placed in the State [of Virginia] without her agency, she adopted the remedy of domestic slavery which is proved by the Law of God in the Old and New Testaments to be innocent, and shown by events to be beneficent to the Africans....

"According to history, the laws of nations, and the laws of the British Empire inherited by the American States which slaveholding was lawful throughout the territories of the United States, save where it was restrained by State Sovereignty.... It was expressly recognized and protected by the [1787 U.S.] Constitution which such recognition having been an essential condition without which the Southern States would never have accepted the Union....

"No fair mind will dispute that, even though [or rather if] slavery had been an indefensible wrong, the South ought not to have permitted herself to be assailed for it which in an equal Union which she had sovereignly entered with this institution [of slavery] expressly recognized. But that basis of argument [alone], we utterly repudiate.

"We will not defend ourselves [only] from such premises. We claim to have been justified not...by the *Constitution of the United States*, but by God. And the right, in our rights to slaves!"

Dabney held that the South had a constitutional right to secede

Having presented Dabney on the right of Southerners to hold slaves, let us now present him on the right of Southern secession in North America. Here, we shall be quoting from his famous book *The Life and Campaigns of Lieut.-Gen. Thomas J. [Stonewall] Jackson*.¹⁸

Wrote Dabney:¹⁹ "The type of Major [later General] Jackson's political opinion has been...described as that of a States' Rights Democrat of the most straitest sect. This name did not denote the attachment of those who bore it, to the dogmas of universal suffrage and radical democracy as concerned the State Governments; but their advocacy of republican rights for these Governments, and a limited construction of the powers conferred by them on the Federal Government. Their view of those powers was founded on the following historical facts, which no well-informed American hazards his credit [or credibility] by disputing....

"The former Colonies of Great Britain, which previously granted great measures of representative self-government, which emerged from the Revolutionary War as distinct and sovereign political communities or Commonwealths which in a word, separate nations, though allied together.... As such [they] were recognized, by all the European powers....

¹⁷ *Ib.*, pp. 349f.

¹⁸ Sprinkle, Harrisonburg Va., rep. 1976.

¹⁹ *Ib.*, pp. 125f.

“After some years’ existence as such, they voluntarily formed a covenant, called the *Constitution of the United States* ó which created a species of government resting upon this Compact for its existence and rights; a government which was the creature of the sovereign States acting as independent nations in forming it.... This Compact conferred certain defined powers and duties upon the Central Government for purposes common to all the States alike ó and expressly reserved and prohibited the exercise of all other powers, leaving to the States the management of their own affairs.”

Dabney next rejected²⁰ the political “theory of a “social contract” between individuals ó because the government of a State over them is not founded on any such contract, but on the ordinance of God. But in the case of the United States, the fact was precisely opposite....

“For the whole Central Government [or U.S. Federal Authority] actually did originate avowedly in “a social contract” ó to which the parties were States, instead of persons,“ **which created it**. On the other hand, the citizens of each State were of course to obey their own State Government ó not because they had contracted to do so, but because God had told them to do so.

“When the State of Virginia ó then the leading one in fame, power and ability of her statesmen ó [in 1788] gave her reluctant and chary adhesion to the [1787] Federal Union, she coupled it in the very **act accepting the Constitution, with this condition**: that she should be for ever free to restrict her adhesion, whenever she found the Union inconvenient, of which juncture she was to be sole judge; and to resume her separate independence unmolested.”

Dabney goes on to show that Virginia’s “**reception [during June 1788] into the United States of America in terms of the 1787 Constitution, upon these declared terms – the only ones upon which she would have entered [into that Union] – was virtually a promise that her condition should be granted.**

“Nor was she [Virginia] the only State which made the same reservation,“ added Dabney. “New York [July 1788] and Rhode Island [May 1790], the latter the smallest and the former the most powerful State (next to Virginia) ó both now among the covenant-breakers which are persecuting the Old Dominion [of Virginia] with a malignant treachery for claiming her covenanted right ó accepted the Union on the same condition. Their admission on such terms not only seals their right to retire at their option ó but also demonstrates that all the other States understood the Compact as, of course, implying such a right.

“The attempt has been made to break the force of this fact by the miserable subterfuge ó that Virginia, New York and Rhode Island only stipulated for this right to retire if they found the Union inconvenient, because they feared it might prove a failure; and that since its splendid success, that condition had become antiquated and expired. It would be enough to expose this unprincipled sophism, to ask ó how long a time might not be required, to demonstrate that the Union had been successful?

²⁰ *Ib.*, p. 128.

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It is thus abundantly proved that the right of the States to retire from the Federal Union when the Compact was broken, was inherent in them; and that the *Constitution* could neither give nor take away this privilege. The same thing appears equally, from the manner in which the Colonies first acquired their independence. Their revolution was a secession from the British Empire.

They declared themselves to be the only rightful judges of its necessity.... Nothing, therefore, can be more monstrous than the attempts of the States of the North to obstruct the exercise of this right by an inhuman war; when it is only by its exercise that they themselves exist.²¹

The right of any State to secede from the American Union is also indeed obvious from the **speedy enactment of the first Ten Amendments to the 1787 Constitution – just three years later in 1791**. Especially the Tenth Amendment explicitly clarifies that the States retained residual powers; and thus implicitly clarifies also their right to **resume** the powers they themselves sovereignly delegated to and thus also the power to **secede** from the organization known as the United States of America.

Indeed, all of the American States had seceded from England in 1776 and unilaterally so. They had all then gone and **confederated** together in 1777-81. Now, by the 1787 *U.S. Constitution*, most but not yet all thirteen of those States had already seceded even from their own 1776-81 Confederation.

**The 1789 U.S. Constitution was a secession
from the 1776 Confederation**

Dabney continued:²² Once more the formation of the United States under their present [1787] *Constitution*, was an act of secession [by the several States] from the [1776] Confederation previously existing. It was made all the more glaring by the fact that the *Articles of Confederation* had very recently been perfected and had been accepted by all the States with the express injunction: "And the Union shall be perpetual."

That [1776] Confederation did not dissolve itself: it did not grant its members leave to desert it and form a new combination. On the contrary, it claimed an immortal existence.

Yet one, and another, and another State deserted it to enter the new [1787] Union, when[ever] it saw fit.... One, Rhode Island, did not transfer itself from the old [1776] Compact to the new [1787 one], for three years [until May 1790]. If Rhode Island had not done so then or even till today both Britain and the U.S.A. would still yet have had to have recognized her as a separate country by the 1783 *Treaty of Paris*!

For: When Washington and his illustrious associates of the Convention of 1787 proposed a new *Constitution* to the States they were proposing secession from the 1776 Confederation. Indeed, the thirteen Members also of that July 12th 1776

²¹ *Ib.*, pp. 130f.

²² *Ib.*, pp. 132f.

Confederation had themselves seceded from Great Britain just one week earlier on July 4th 1776.

It is plain, then, that to speak of a State committing treason against the Government of the United States is just as absurd as to describe a parent as being guilty of insubordination to his son [for the States begot the Union no less than parents beget their child and **not** *vice-versa*]. There might be injustice or violence; [but] there could be no treason!

To speak of resistance organized by the sovereign States against the Federal Government as rebellion is preposterous. It was just as easy for Great Britain to rebel against Austria while they and other nations were Members of the *Great Coalition* against Napoleon.

The Union had no right forcibly to prevent States from seceding

Continued Dabney:²³ Mr. Buchanan, the last [!] President of the United States right before that Constitutional Government terminated on Lincoln's violation of the *Constitution* in 1861, ventured to re-affirm the established doctrine of the *Constitution* that it gave [Federal] Congress no power to coerce a State.... A suffering Christian [similarly,] may have a claim in morals upon the alms of his fellow-Christian and yet not have a moral right to take relief by force of arms.

The right of the United States to the adhesion of the States while the Compact with them was faithfully kept was precisely one of these imperfect rights. Their inherent right to withdraw for just cause, and to judge for themselves when that cause exists, does not imply [to the several States] a right to withdraw for no cause, or for a trivial cause.

Similarly, the fact that the Christian must be left free in giving alms to the distressed also implies that he has a right to withhold alms from every person however distressed.

Dabney denied slavery was the reason for secession or the 1861f War

Dabney next connected the right of [Southern] secession with the increase of [Northern] duplicity anent the subject of slave-holding. As soon as the [1787f] Confederation began to acquire new territory, he explained,²⁴ the Northern States disclosed a fixed purpose of sectional aggrandizement therein by means of the general and ignorant prejudice against the African race and the institution of slavery.

Finding African labor unsuited to their climate, they had extinguished slavery among themselves from motives purely pecuniary. **Not generally by the emancipation of their slaves, but by selling them to the South.**

Continued Dabney: The tendency of the landless population of Europe to flow to the [Northern States of the] Western Continent showed them an indefinite supply of

²³ *Ib.*, pp. 134.

²⁴ *Ib.*, pp. 138f.

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labor, population, and wealth. Yet ða relative expansion of the Southern States was absolutely forbidden by the [United States's 1803f] extinction of the slave-trade ó a measure in which the South heartily concurred, [though] against their obvious sectional interests ó because of their conviction of the immorality of the traffic.ö

It may be pointed out that although the 1787 *U.S. Constitution* itself specifically prohibited such a measure [to be taken] before 1808 ó the South did not object when this was done even earlier in 1803. This was so, even though this seemed to be contrary to the 1787 *U.S. Constitution* ó at its Article I Section 9.

For not only had also the Southern States of the original 1787f Union agreed with Article I Section 9 of the *U.S. Constitution* that the Federal Congress then be empowered to enact by 1808 that ðthe migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year eighteen hundred and eightö *etc. But, a fortiori, Virginia herself had legislated against the further importation of foreign slaves into her own territory already in 1778 ó almost a decade before the U.S.A. itself agreed in 1787 that this might perhaps be prohibited during or after 1808* (some three decades subsequently to Virginia)!

**Dabney on the unwise concessions made
by the South from 1820 onward**

Dabney went on: ðAfter a threatening contest in 1820 concerning the admission of Missouri as a slave State, she was received as such; but the South unwisely permitted her entrance to be coupled with an enactment that thenceforward all territory to the North of the Southern boundary of that State ó latitude 36 degrees, 30ø ó must be settled by White labor, while the remnant to the South of it might be settled by slave-labor. But in 1849, upon the acquisition of new territory from Mexico, the State of California was immediately closed against the South ó though lying, in part, south of that line.ö

In the summer of 1860, and under the pressures of the imminent separation of North and South, the Democratic Party divided. This was to result in the defeat of Senator Douglas the Northern Democrat ó and the election of Abraham Lincoln as a -Black Republicanø to the U.S. Presidency.²⁵

Sadly, continued Dabney,²⁶ ðthe result of the [Presidential] election held in November 1860 was that Lincoln [the -Black Republicanø] became President by a vote of the States [that was] strictly sectional. *I.e.*, not a single State in the South voted for him....

ðIn the North, he failed to carry New Jersey. Of the popular vote, he received about 1 800 000; while Douglas [the Northern Democrat] received about 1 276 000; and Mr. Breckinridge [Southern Democrat] 812 000. The Whig [or Constitutional Union] Party, retaining their old organization, cast about 735 000 votes for Senator Bell of Tennessee.

²⁵ *Ib.*, pp. 145f.

²⁶ *Ib.*, pp. 148f.

“Thus, the popular vote for [the “Black Republican”] Lincoln included less than half of all the citizens.... That for [the Northern Democrat] Douglas ó if joined to that for [Southern Democrat] Mr. Breckinridge ó would have been larger than the vote for Lincoln.”

Indeed, all of the above does not even take into account the 735 000 votes cast for Senator Bell of the conservative State of Tennessee (which was soon to secede from the Union and to join the Confederacy). For, in spite of the 180-123 Republican **electoral majority**, the total conservative **popular vote** of Northern Democrats plus Southern Democrats plus Constitutional Unionists ó polled almost a million ballots **more** than the “Black Republican” Abraham Lincoln. Thus, for Lincoln: 1,865,593 ó against Lincoln: 2,823,975!

The South bent over backwards to avoid the approaching 1861f War

Now then, continued Dabney,²⁷ “between the leading Christians of the North and those of Virginia, several pacific communications passed...(although with but faint hope of good results). On the Northern side...whiles these smooth-sounding missives were sent, invoking the Christian forbearance of the South ó it was expected that all the forbearance should be on that side....

“The Christian people of Virginia strove to avert the storm with a generous sincerity.... Their influence was felt in the magnanimous efforts of the Old Commonwealth [Virginia] to stand in the breach between the angry elements.

“The State of South Carolina had been soliciting first of Mr. Buchanan and then of Lincoln ó an equitable settlement of all questions in dispute between her as an independent power [from December 20th 1860 onward] and the Federal Government. Especially had she demanded that Fort Sumter, the only post in her territory held by that [Federal] Government, should be restored to her on the obviously just ground that (being designed only for her local protection against foreign aggression), when she relieved the central administration of that function it had no longer any concern in her fortresses....

“But on the 8th of April [1861], a powerful armament [was] being [made] ready to reinforce the intrusive [Union] garrison of Fort Sumter.... The Governor of South Carolina was bluntly informed [by the Federal Authorities] that it should be done “peaceably if they could, forcibly if they must.”

“The Confederate authorities had not been hoodwinked.... They proceeded, on the 12th and 13th of April, to reduce the post by their forces under General Beauregard.

“Thus the Federal Government assumed the guilt of the first military aggression. But they did not stop here. On April 14th, Lincoln made a *Proclamation* ó **without the authority of a shadow of law from Congress** ó declaring war against South Carolina and the Confederate Government, and calling upon the [United] States for seventy-five thousand soldiers to invade them.

²⁷ *Ib.*, pp. 154f.

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The Governors of all the Southern States except Maryland refused compliance... The *Constitution of the United States* was rent in fragments by the assumption of the President to levy new forces; to wage war without authority of any law of Congress; and to coerce sovereign States into adhesion ó in the utter absence of all intentions and powers to that effect in the Federal Compact.ö

The South fought the 1861f War – for freedom throughout the World

Dabney continued:²⁸ öHistory will some day place the position of **these Confederate States**...in the clearest light of her glory. The cause they **undertook to defend**, was that of regulated constitutional liberty and of **fidelity to law and covenants** ó against the licentious violence of physical power. **The assumptions they resisted** – were precisely those of that radical democracy which deluged **Europe with blood** at the close of the eighteenth century, and which shook its thrones again in the [communist] convulsions of 1848....

öThis power...the old States of Europe expended such rivers of treasure and blood to curb at the beginning of the [nineteenth] century.ö Now, however, it öhad transferred its immediate designs across the Atlanticö ó by öconsolidating itself anew in the Northern States of America....

öHither, by emigration, flowed the radicalism, discontent, crime, and poverty of Europe – until the people of the Northern States became, like the rabble of Imperial Rome, the *colluvies gentium* [alias the æcrement of the pagansø]. The miseries and vices of their early homes had alike taught them to mistake license for liberty ó and they were incapable of comprehending, much more of loving, the enlightened structure of English or Virginian freedom.ö

On this point, let us note the writings of famous Communists. After Marx and Engels and Weydemeyer had founded the German Communist Party in England during 1847 ó upon the failure of the Communist Revolution in Europe during 1848, Weydemeyer emigrated to the United States.

There, Weydemeyer promptly founded the Marxist öGeneral Labor Unionö ó which soon became the öAmalgamated American Society of Workingmen.ö This rapidly helped radicalize the Yankees even further ó as can be seen from Marx's *Letter to Weydemeyer* of March 5th 1852 *etc.*, and also from Marx's articles on *The U.S. Civil War*.²⁹

This above-mentioned Joseph Weydemeyer even became an officer in Lincoln's Yankee Army. Other socialist or communist revolutionaries there, included: Major-General Peter Joseph Osterhaus; Major-General Franz Sigel; Major-General Friedrich Salomon; Major-General Julius Stahel; Major-General Max Weber; Major-General August von Willich; Brigadier-General Alexander Schimmelfennig; Brigadier-General Alvin Schoepf; Brigadier Louis Blenker; and Colonel Friedrich Hecker.

²⁸ *Ib.*, pp. 159f.

²⁹ See F.N. Lee: *Communist Eschatology*, Craig Press, Nutley N.J., 1974, pp. 113-15 & 449f & 760f.

To the above list of German Socialists who emigrated to the U.S.A. must also be added U.S. Major-General Carl Schurz, who was later Secretary of the Interior under the Ex-General and *Postbellum* President U.S. Grant's administration. Similarly to be noted is the Yankee Brigadier-General E.S. Solomon, who later became the Governor of Washington Territory.

Also other German Socialists made it big in Abe Lincoln's new U.S.A. [= 'United Socialists of America']. Thus Caspar Butz was elected to the Illinois State Assembly. And Karl Marx's friend Gustav Struve became the editor of a socialist newspaper in New York City. See A. Benson's *The Socialist Supporters of Honest Abe*, 1995, pp. 8f.

Explained Dabney:³⁰ 'The first step in their vast designs, was to overwhelm the conservative States of the South. This done, they boasted that they would proceed first to engross the whole of the American Continent and then: to emancipate Ireland; to turn Great Britain into a 'democracy, to enthrone 'Red Republicanism in France; and to give the crowns of Germany to the pantheistic humanitarians of that race....

'This in truth was the monster whose terrific [or terrifying] pathway among the nations, the Confederate States undertook to obstruct and in behalf not only of their own children, but of all the children of men.' Indeed, the trinitarian Confederacy of Blacks and Redmen and Whites was grossly outnumbered in its heroic stand against the aggression of the White-racist unitarian North and her socialist allies.

Dabney on the numerical superiority of the Yankees Armies against the South

'To fight this battle,' observed Dabney, 'eleven million [of Southerners] of whom four millions were the poor Africans...prepared to meet twenty million' Northerners. Recent and more accurate estimates have given these figures as 22 million Northerners (nearly all Whites) and nine million Southerners (5.5 million Whites and 3.5 million Blacks), allied with an unspecifiable number of Redmen in the Indian Territory alias the modern State of Oklahoma (which means 'Land of the Redmen').

The War Between the States was thus an act of arrogant aggression perpetrated by mobs representing 22 million White Racist Northerners and against a harmonious coalition of some nine million Blacks and Redmen and Whites in a multiracial Southern Confederacy. It was the attack of uncouth unitarian Philistines under their Northern Goliath and against civilized covenant-keepers like the trinitarian Southerner David.

Some ignorant modern liberals cynically smile at the White Southerner Dabney's mention above of 'the poor Africans' who 'prepared to meet twenty million' from the Northern States, and to resist their attacking Yankee Armies. However, the **Black** Director of American Studies (Professor Edward Smith at American University in Washington) insists that at least thirty thousand Southern Blacks actually shot at the Union Army. Also the University of Virginia's Black Archivist (Professor Ervin

³⁰ Jackson, pp. 160f.

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Johnson) estimated that up to 15% of the slaves in the State of Virginia supported the South.

Black confederate soldier Louis Napoleon Nelson's own grandson (the contemporary Black American and Assistant School Principal Nelson Winbush) insists that more than ninety thousand Southern Blacks fought for the Confederacy. In addition, his own group of the Sons of Confederate Veterans was renamed in **honour** of his grandfather. Furthermore, grandson Nelson Winbush himself was **the** Keynote Speaker on Confederate Memorial Day in 1997. See the *Wall Street Journal*, May 8th 1997, pages A1 & A6.

Dabney could also have reminded his readers that not just thousands of Southern Blacks but also even very many Amerindians, fed up with the broken promises of the forked-tongues Yankee Government, fought for the Confederacy. Indeed, the very last Confederate General to lay down his arms against the Union and to surrender to the Redskin-hating racist Yankees, was Brigadier-General Stand Watie of the Indian Territory.

The Confederate Indians fought under a flag containing thirteen white stars representing the Confederated States and five red stars representing the Five Civilized Tribes (the Cherokees and the Seminoles and the Chickasaws and the Creeks and the Choctaws). Indeed, also the Osage Indians fought for the South with the Cherokee General Watie against the rapacious Yankees. See W.C. Gaines: *The Confederate Cherokees*, Baton Rouge, 1989.

The combined South could muster a makeshift army of only 900 000 Blacks and Redmen and Whites ó against a highly-trained and better-armed and almost-exclusively-White Northern Army of more than 2 000 000. Cf. Joel 2:20.

Observed Dabney: "Our country has to wage this strife only on these cruel terms. Nevertheless, the South still resolved that "the blood of her chivalrous sons shall be matched against the sordid streams of this *cloaca popularum* [alias "sewer of mobs]" from the North. Cf. Jeremiah 1:13-15.

**Dabney held Southern slavery as right
before God and helpful for Blacks**

Furthermore, insisted Dabney³¹ (justifying secession partially even on the grounds of preserving the holding of slaves), "the relation of servitude is a righteous because a beneficent one for the African ó among White-men.... Our system has created an affectionate union between the two races ó elsewhere so hostile ó which has astounded our enemies and the World with their quietude in these times of convulsion. And when we look into the ethics of the relation, we find that it was never suspected of immorality by any of the great masters of moral science, classic or scholastic, nor by any of the luminaries of the Church (Patristic or Reformed) ó until the dogma of modern abolition was born of atheistic parentage amongst the radical disorganizers of [1789f] France in the "Reign of Terror.""

³¹ *Ib.*, pp. 168f.

However, in the Word of God is the only infallible standard of morality and that doctrine finds no support! Moses legalized domestic slavery for God's chosen people in the very act of setting them aside to holiness. Christ, the great Reformer, lived and moved amidst it and teaching, healing, applauding slave-holders; and, while He assailed every abuse, uttered no word against this lawful relation.

His Apostles admit slave-holders to the Church and exacting no repentance [for] nor renunciation [of the holding of slaves]. They leave, by inspiration, general precepts for the manner in which the duties of the relation are to be maintained.

They command Christian slaves to obey and honor Christian masters. They remand the runaway to his injured owner [Philemon], and recognize his property in his labor as a right which they had no power to infringe. **If slavery is in itself a sinful thing – then the Bible” – nay more, the New Testament itself – “is a sinful book.**

Strong in the truth of God and history, the people of the Confederate States therefore calmly breast the adverse opinion of the World. They fortify their position by the fact that their right to the labor of their slaves is not only protected by the laws they inherited from their fathers but by the laws of God, and by eternal rectitude.

Had they been unable to assert the latter truth, their resistance to anti-slavery aggression would [still] have been proper and because the [U.S.] Constitution, which alone united the [United] States, recognized and protected it. But now their attitude is in every respect impregnable and for God protects it, as well as the Constitution.

Dabney on *The New South* reconstructed after the 1861-65 War

However, in 1865 and after four years of fierce fighting and the Confederacy was defeated militarily and re-absorbed into the Union. The same year, slavery was abolished throughout the United States. Three years later, in 1868, the Fourteenth Amendment was illegally ratified and enfranchising all propertyless proletarians (except American Indians!), and repudiating all Confederate war debts and claims for the loss of slave labour.

Two years later, the Fifteenth Amendment forced all of the States to enfranchise all citizens of the United States to vote and regardless of race, color, or previous condition of servitude and but not clearly including all American Indians!

Another two years later, in 1882 the great Southern Presbyterian Theologian Rev. Professor Dr. Robert L. Dabney addressed himself to the vexing Post-War subject of *The New South*.³²

The government our fathers left us in 1776-1787, explained Dabney, was a federation of sovereign States. As such they emerged and from the 1776 Revolutionary War.

As such they were recognized by Great Britain also in 1783 at the *Treaty of Paris* and which commences in the Name of the most holy and undivided Trinity.

³² In his *Discussions*, Vol. IV, Secular (Ross House Books, Vallecito Ca., 1979 rep., pp. 1-23).

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ōAs such, they met in convention to devise a æcloser unionø [in 1787]. As such, they [in 1787-90] debated and accepted or rejected the terms proposed therefor. For some States at first did exercise their unquestioned sovereignty ó in rejecting the new Union.

ōBy their several and sovereign acts, they [the thirteen original American States] created a central Federated Government [in 1787-91] ó with limited powers, strictly defined.... All other powers, including that of judging and redressing vital infractions of this Federal Compact, they jealously and expressly reserved to themselves or to their people.ō See the Tenth Amendment, in the 1791 *Bill of Rights*.

In many respects, the United States were like the Trinity. Explained Dabney: ōTo the outside World, they were to be one; to each other, they were to be still equals, and independent partners. Each State must be a republic, as distinguished from a monarchy or oligarchy; but in all else, it was to be mistress of its own internal forms and regulations.

ōBut this [nineteenth] century has seen all this reversed.... Conditions of human society have grown up which make the system of our free forefathers obviously impracticable in the future.... This is so, not because the old forms were not good enough for this day ó but because they were too good for it....

ōI would place as the first of these adverse conditions the silent substitution...of another theory of human rights ó in contrast with, and hostile to, that of our fathers.

ōThose wise men did indeed believe in a certain equality of all men. But it was that which the *British Constitution* (whose principles they inherited) was wont to express by the maxim that every British citizen æwas equal before the law.ø The particular franchises of the peer and the peasant were very unequal. But in this important respect, the two men were æequal before the lawø ó that the peasant's smaller franchises were protected by the same law which shielded the peer's larger one.

ōThis is the equality of the golden rule ó the equality of that Bible which ordained the constitution of human society out of superiors, inferiors and equals; the equality of the inspired Job (chapter 31:13-15) who, in the very act of asserting his right to his slave, added: æDid not He Who made me, make him? If I did despise the cause of my man-servant or my maid-servant when they contended with me ó what then shall I do when God riseth up?ø

ōOur fathers valued liberty. But the liberty for which they contended, was each person's privilege to do those things and those only to which God's Law and Providence gave him a mortal right.

ōThe liberty of nature which your modern [man] asserts, is absolute license; the privilege of doing whatever a corrupt will craves ó except as this license is curbed by a voluntary æsocial contract.ø The fathers of our country could have adopted [and implicitly did so adopt!] the sublime words of Melville [and of Rutherford]: *Lex Rex*. æThe Law is King!ø

Dabney on the New South as burden-bearer of 'New Republicanism'

However, some two decades after the defeat of the Confederacy, there was a new situation. Dabney wrote about this too in his 1882 discourse *The New South*. There he stated: "By this 'New Republicanism' the supreme law is the will or caprice of what happens to be *the major mob* — the suggestion of the demagogue who is most artful to seduce...."

"Now, the highways are the property of great carrying corporations.... Each of these roads points virtually to New York. To that city — yes, to one corner of Wall Street in that city — center all their debts, their loans, their revenues, their chief management.... Capital is collected in commanding masses, at whose bidding the free-holding citizen is sunk into the multitudinous hireling proletariat...."

"Here is a new class, whom someone has proposed to enfranchise! I know, as does every sensible man, that it is a folly.... Such were the avowed motives (with sectional hatred and revenge) which prompted our conquerors to fix on the Southern half of the country that last extreme of political madness — the universal and unqualified suffrage of the slaves...."

"The vote which represents no property, is made of equal weight with the vote which represents large property.... Two results must follow — are already following. The attempt of the proletariat and their demagogues to use their irresponsible suffrage for plunder; the resistance of the capital-holding minority to this plunder.... We have now seen but the first act of the drama, and it has been a tragedy."

However: "That popular suffrage does not now really govern this country; that it is notoriously a marketable commodity; that the United States have really ceased already to be what they pretend (a federation of republican States) — no clear-sighted man doubts. Under a thin veil of radical democracy, the government has already become an oligarchy.... Obviously the government now ascendant in the country, while 'Republican' in name and ultra-democratic in theory, is an oligarchy in fact...."

"Such are the fatal influences which obstruct all return, and ensure the progress of the revolution. There is a new era, and hence there must be a 'New South.'"

Dabney on the Christian road ahead in and through the New South

Continued Dabney on this 'yankified' New South: "What manner of thing shall it be? To prognosticate or prophecy, is not the proper part for us to play who fell with the Old South.... But there are some principles which we may safely inculcate...."

"The glory of our old independence and its history, the beneficence of the confederate principles of our old constitution, concurred to teach us an exalted...appreciation of the value of such political institutions.... Out of the present foul transition, a good Providence may cause some new order to arise tolerable for honest men...."

"The principles of truth and righteousness are as eternal as their Divine Legislator. These must be upheld under all dynasties and forms. Here, in one word, is the safe

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pole-star for the New South let them adopt the **Scriptural politics**, assured that they will ever be as true and just under any new regime as under the one that has passed away.... Righteousness exalteth a nation. Proverbs 14:34.

Under our modern, material civilization wealth is an essential element of national greatness. That commonwealth which presents a sparse and impoverished population in competition with a rich and populous rival will come by the worse, in spite of her martial virtues; and may make her account to be dependent and subordinate.

Hence, to develop the South is one of the plainest duties of patriotism. To increase its riches, is one way to increase its power of self-protection. And a knowledge and...diligent practice of the industries of production, are among the civic virtues which it behooves the New South to cultivate.... The South was, by one-quarter if not one-third, the richer section.... The wisdom of the New South, then, must be in pursuing the sharp line which divides the neglect from the idolatry of riches....

The only sure wealth of the State is in cultured, heroic men who intelligently know **their duty** and are calmly prepared to sacrifice all else including life to maintain the right.... The New South then needs wealth.

But it also needs men. High-minded men undebauched by wealth who like the high privates of the Confederate ranks shall know how to postpone ease and the delights of culture for the invincible endurance of hardship and danger....

It behooves the New South, in dismissing the animosities of the past, to see to it that they [as Southerners] retain all that was true in its principles or ennobling in its example. There are those pretending to belong to this company who exclaim: Let us bury the dead past! Its issues are all antiquated....

Will you bury the names and memories of a Jackson and Lee, and their noble army of martyrs? Will you bury true history, whose years are those of the God of Truth? May that never be!

As long as the hearts of the New South thrill with the generous though defeated endurance of the men of 1861; as long as they cherish these martyrs of constitutional liberty as the glory of their State and its history you will be safe from any base decadence. If the generation that is to come ever learns to be ashamed of these men, because they were overpowered by fate that will be the moral death of Virginia, a death on which there will wait no resurrection. But I do not fear this!

Dabney's important essay on *The True Purpose of the Civil War*

Yet the noble words behind the ideas of the Founding Fathers, were viciously spurned by the nineteenth-century Northern Anti-Constitutionalists who knew not

George Washington. In his essay *The True Purpose of the Civil War*, Dabney conceded:³³

“The professed purpose of the [1861-65] War Party, was to preserve and restore the Union over all the States.” However, continued Dabney, “the true purpose of the Civil War “ó launched by apostate and left-wing “War Party“ Northerners “ó was to unleash in North America the Communist Revolutions of 1789f and 1848f France!

Explained Dabney: “Those patriotic and Union-loving [Northern] Statesmen, Messrs. Stewart and Baldwin, were pleading with [the new U.S. President] Mr. Lincoln not to coerce [the seceded Southern States] “ó because coercion would precipitate certain dis-union and a dreadful war.” However, these good-intentioned pleadings “were producing upon the cunning and malignant minds of the Jacobin [or French-Revolutionary] Leaders “ó a conclusion exactly opposite to the one they [the Union-loving Stewart and Baldwin] desired. Those [Jacobin] minds said to themselves: “Just so, therefore, we will coerce “ó because it is war which we crave; and not a righteous Union!”“

The disclosures which were made by Colonel Baldwin anent the aims of the head of that Jacobin Party, are sufficient to prove the real purpose of that “War Party“ in the North. It was far other than the pretence to enlarge and perpetuate the power of Colonel Baldwin’s “Non-Jacobin“ faction.

Dabney showed that “the hasty secession of South Carolina and the six Gulf States, December 20th 1860f onward, was indeed justified by Lincoln’s avowed revolutionary sectionalism as the new party now in power. Yet the secession gave the Northern “War Party“ its coveted opportunity.

The centralizing conspirators, observed Dabney, now said to each other: “Now we have our game! We will inflame fanaticism and sectional enmities by the cries of “óUnion!”“ and “óRebellion!”“ “ó and thus precipitate a war between the States.... We believe these Southern slavocrats, much more boastful than valiant....

“We will paralyze their resistance by lighting the fires of servile insurrection, plunder, arson, rape and murder in their rear.... This short war will suffice for us to **centralize** Federal power, overthrow the *Constitution*, fix our high tariffs and plutocratic fiscal system upon the country, and secure for ourselves an indefinite tenure of power and riches!”“

“The new faction knew well, as did all Statesmen and Constitutional Lawyers, that the *Constitution* gave the Federal Government “ó the creature of the Federated States “ó no right to coerce the seceded States [as] its own sovereigns and creators.... It was wholly another thing for the Federal Government to declare war against seven seceded States no longer under their authority but withdrawn from it by sovereign acts more formal and legal than those which had made them parties to the Union....

“The [Northern] conspirators...knew that in fact every step and act of self-defense taken by the seceded States had been an act of formal, legal Statehood executed by

³³ R.L. Dabney: *The True Purpose of the Civil War*, in *Discussions IV* pp. 101.

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constitutional authorities ó the same, to wit, which had first made those States members of the Federal Union.

øThat this war was made, not to preserve a constitutional Union, but solely to promote the aims of a faction ó is confirmed by these further facts. Its purpose was clearly betrayed by the final reply of Mr. Lincoln to Colonel Baldwin's noble appeal for conciliation: "What, then, will become of my tariff?"

Dabney accused the 'Red Republicans' of fomenting the 1861 War

Dabney confidently declared:³⁴ "Every thoughtful man [in both] North and South ó friend or foe of the Union ó knew perfectly well that the Montgomery Confederacy of seven States must be short-lived ó if it remained alone, without the Border States.ø That is to say, the seven ["Deep South"] States of the original 1860f Confederacy (*viz.* the coastal States of Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas) ó would all soon collapse, even without military action, unless the "Border States" would join them quickly.

Of the latter, only four ó *viz.* North Carolina, Virginia, Tennessee and Arkansas ó ever joined the Confederacy (namely during the early months of 1861). The remainder of the crucial "Border States" (*viz.* Maryland and Kentucky and Missouri) ó together with West Virginia which itself seceded from the confederate State of Virginia ó all remained with the Union. Ultimately, that sealed the fate of the C.S.A.

øIt would have been the easiest thing in the world,ö conceded Dabney, øto "freeze out" this weak association [of the seven States in the "Deep South"] ó by giving them a useless independence, making them feel the inconveniences of separation, and holding peaceably and steadily before them the benefits and protection of the "old"?!...constitutional Union.... So the Virginian statesman and ardent lover of the Union, Alexander H. Stewart, assured Mr. Lincoln. So Colonel Baldwin; so ex-Governor Morehead of Kentucky....

øThe seven ["Deep South"] seceded States could have been brought back with certainty, by pacific means. For the Union, no war was needed. It was made solely in the interest of the Jacobin party.

øSecessionists and Union men alike knew that the ["Deep South"] Montgomery Confederacy could not stand without the accession of the [further seven] great Border States. But the latter were [then] still firm friends of the Union. They judged, like the Secessionists, that the abolition and free-soil movement was sectional, mischievous, insulting, and perilous; but they had calmly resolved not to make it a *casus belli* [or "cause of war"], wicked as it was.

øThey had distinctly refused to go out of the Union on that issue. They pledged themselves to support Mr. Lincoln loyally and legally ó though not the President of their choice ó and to conciliate the seceded States: provided the crime of coercion was foreborne.

³⁴ *Id.*

øBut they assured Mr. Lincoln that this usurpation and crime would infallibly drive them, though reluctant, into the secession camp. This made it perfectly plain that peace meant a restored Union, while war meant dis-union.

øBut the Jacobins,ø explained Dabney, øneeded a war for their own factious ends. There was nothing they disliked so much as a Union peaceably restored. Therefore, they preferred the tactics which would insure war....

øThe history of the *Peace Congress* confirms this explanation. It will stand in all history to the everlasting glory of Virginia, that she proposed this assemblage, as a special agency for harmonizing differences and restoring a true Union.

øShe sent to it her wisest patriots, irrespective of party, headed by the great Ex-President John Tyler ó illustrious for his experience, purity, courtesy and fairness. But the Jacobin leaders had resolved that there should be no peace.... Definite instruction went forth from their head in advance, that the efforts of the *Peace Congress* must be made abortive....

øThe withdrawal of the seven [-Deep Southø] States from [the U.S.] Congress, left the Jacobins a full working majority during the months of January and February [1861]. They had everything their own way in Congress....

øTheir reconstruction measures, in their sense of them, were an entire success ó and did just what they designed ó helped them to elect a series of Jacobin Presidents and to fix their parties and policy upon the country.... The Jacobins...had gained their end ó more Jacobin Presidents; more class legislation; a sure reign for the plutocracy.

øAccording to Mr. Lincolnø theory, a State could not go out of the Union ó and any act of secession is *ipso facto* void and null, being but the deed of an illegal riot, and not of a legal body. Hence, all the States were legally in the Union throughout and after the war....

øWhen armed resistance ended, nothing was necessary to reinstate the so-called seceding commonwealths in their full federal status, except their submission to the chastisements and the changes laid down for them by the will of their conquerors.... The War Democrats of the North, rallying the Southern people to themselves, would elect a Democratic President.

øThere is the whole rationale and cause of the infamy and treason of reconstruction. And this explanation stamps the whole war, with all its butcheries and miseries, as a gigantic lie.... This result has given a perfect justification to every measure of resistance taken by the States assailed.

øSuch was the final judgment of that Union-lover and reluctant Confederate, that great Christian soldier, Robert E. Lee.... He went down with stately yet tragic steps, towards the tomb and the judgment bar of the omniscient and holy God in Whom he believed.ø

Dabney declared the South fought for the *U.S. Constitution*

Dabney drew a fitting conclusion at the very end of his *Defense of Virginia and the South*. There he explained:³⁵ "Virginia took her stand.... It was not for slavery that she deliberately resolved to draw the sword.... It was not until the claim to subjugate sovereign States was practically applied, that Virginia drew the sword; and then, not for slavery but for the *Constitution* and the liberties of a Continent which it had protected...."

"A righteous God, for our sins towards Him, has permitted us [Southerners] to be overthrown by our enemies and His. It is vain to complain in the ear of a maddening tempest. Although our people are now oppressed with present sufferings and a prospective destiny more cruel and disastrous than has been visited on any civilized people of modern ages, they suffer silently...."

"Their appeal is to history and to Him. They well know, that in due time they although powerless themselves and will be avenged through the same disorganizing heresies under which they now suffer. And through the anarchy and woes which they will bring upon the North."

"Meantime, let the arrogant and successful wrongdoers flout our defence with disdain! We will meet them with it again, when it will be heard and in the day of their calamity; in the pages of impartial history; and in the Day of Judgment."

Dabney's great anti-revolutionary post-bellum essay on *Civic Ethics*

In his undated [but apparently post-bellum] essay on *Civic Ethics*, Dabney had much to say in favour of constitutional government and against revolution. There, he sadly acknowledged that although the U.S. government had originally been set up in 1776-87 as a free confederation of secedable States and under the influence of the Jacobinism of the French Revolution of 1789, by 1860 the American Federal Government had degenerated into a centralist tyranny.

Dabney explained:³⁶ "There is a noted government which historically and actually originated in a social compact and that of the United States of America. It was a republic of republics, a government of special powers, created by a federal covenant between sovereign States or little contiguous independent nations. The contracting integers were not citizens, but States."

"The logical result was that the infringement of any essential principle of the *Constitution*, which was the compact, released each contracting party from the bond. This result inhered inevitably in the nature of the federal government, as was admitted by juriconsults of all parties. By [the Northerners] Josiah Quincy, President Fillmore and Daniel Webster and as fully as by [the Southerners] Jefferson, Madison and Calhoun."

³⁵ *Op. cit.*, pp. 354f.

³⁶ R.L. Dabney: *Civic Ethics*, in *Discussions by Robert L. Dabney...Philosophical*, III pp. 309f.

øA government formed by a social compact is *ipso facto* dissolved by the breach of that compact into the integers which composed it. In the case of the United States, those integers were sovereign commonwealths. Hence the exercise of their constitutional right of secession could not result in anarchy ó for the original commonwealths survived, exercising all the authority necessary to that civic order enjoined by natural obligation....

øTo the Jacobin, the commonwealth is the only god ó beyond which there is no umpire, no judge, no avenger.... This reasoning of course makes the will of the majority supreme, and says *vox populi vox Dei*.

øBut it must be remembered that this majority is only the accidental major mob.... The god of Jacobinism, whose voice receives this sovereign expression, may at any time reveal himself as a fiend.... To this deduction, history gives the fullest confirmation.

øThe democracies infected by this theory have ever turned out the worst despotisms. Such was the government of the Jacobin party in France ninety years ago, expressly deduced from the social contract ó and yet a government guilty of more oppressions, stained with more political crimes and murders of the innocent, more destructive of public and private wealth than all the despotisms of Europe together; annihilating in one decade forty-eight billions of francs of the possessions of the French people; and drenching Europe in a universal, causeless war....

øThe favorite motto of this democracy is: *Liberte', egalite', fraternite'* ó of which the practical rendering by the actions of the Jacobins was this: *Liberte'*, license to trample on other people as they chose; *Egalite'*, similar license for the Outs when they could become the Ins; *Fraternite'*, all brother rogues. So all the worst oppressions and outrages experienced by the people of the United States have been inflicted by the same Jacobinism, masquerading in the garb of Republicanism....

øThere is a natural moral equality between all men, in that all are generically men. All have a rational, responsible and immortal destiny; and are inalienably entitled to pursue it. All are morally related alike to God....

øIn this sense ó as the *British Constitution* declares ó all men, peer and peasant, are equal before the law.ø The particular franchises of Earl Derby differ much from those of the peasant. The lord sits in the Upper House, as the peasant does not; inherits an entailed estate; and if indicted for felony, is tried by peers. But the same laws protect the persons and rights of both....

øThe difference was perfectly palpable to the English liberals who dethroned the first Charles Stuart. For that great Parliament on the one hand waged a civil war in the support of the moral equality of all Englishmen, and at the same time rejected with abhorrence the other (the Jacobin equality) when they condemned the leveller Lilburn and caused his books which contained precisely that doctrine to be burned by the common hangman.

øI assert that it is incredible the American Congress of 1776 could have meant their proposition to be taken in the Jacobin sense; for they were British Whigs. Their perpetual claim was to the principles and franchises of the *British Constitution*, and no

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other. Their politics were formed by the teachings of John Hampden, Lord Fairfax, Algernon Sydney, Lord Somers, and the [=:Gloriousø] Revolutionists of 1688....

øIn the Jacobin sense, men are not by nature equal. One half of them differ by nature from the other half, in the essential qualities of sex. There are countless natural differences of bodily organs, health and stature; of natural faculties and moral dispositions. Naturally, no two men are equal in that sense....

øIt is impossible the [1776 U.S.] Congress could have intended that sense, seeing that every one of the thirteen States then legalized African slavery ó and not a single one granted universal White suffrage even. No application was made by any of those States of this supposed Jacobin principle at that time to remove those inequalities of franchise....

øWhat is the use of legislating ó [so] that all lazy fools shall acquire and preserve the same wealth with the diligent, wise men? The Law of the Universe ordains that they shall not.

øI urge further that the attempt to confer upon all the same franchises, to which the wise and virtuous are competent, upon the foolish and morally incompetent ó is not only foolish and impossible, but is a positive and flagrant injustice to all the worthier citizens. For when these unsuitable powers are abused by the unworthy, all suffer together....

øSo it is not equal justice to clothe the unfitted members of society with powers which they will be sure to misuse to the ruin of themselves and their better fellows under the pretense of equal rights. Such pretended equality is in fact the most outrageous....

øBut among the inalienable natural rights of all, are these: privilege to pursue and attain one's rational and equitable end, virtue and that grade of well-being appropriate to the social position of each for time and eternity; and for adults liberty of thought, inquiry and belief so far as human compulsion goes. The former is an inalienable right, because it attaches to the boon of existence, which is God's gift.ø

However, øthe present popular theory of the [**reconstructed 1865f**] *United States' Constitution* is exactly that theory of consolidated imperialism which the [**original 1787**] *Constitution* was created to oppose!ø

Dabney's important 1888 essay on *Anti-Biblical Theories of Rights*

Finally, in his 1888 essay *Anti-Biblical Theories of Rights*, Dabney proved the above from the infallible Word of God. There, he insisted:³⁷ øSo far as God gave to the chosen people [of Ancient Israel] a political form, the one which He preferred was a confederation of little republican bodies represented by their elderships. Exodus 18:25f; 3:16; Numbers 11:16f; 32:20-27....

³⁷ R.L. Dabney: *Anti-Biblical Theories of Rights*, in *Discussions by Robert L. Dabney...Philosophical*, III pp. 398f.

Thus, while the Bible history does not prohibit stronger forms of government as sins *per se*, it indicates God's preference for the representative republic as distinguished from the levelling democracy; and to this theory of human rights all its moral teachings correspond. On the one hand it constitutes civil society of superiors, inferiors and equals (see *Shorter Catechism* Question 64), making the household represented by the parent and master the integral unit of the social fabric.... On the other hand, it protects each order in its legal privileges, and prohibits oppression and injustice as to all.

In a word, the maxim of the scriptural social ethics may be justly expressed in the great words of the *British Constitution*, "Peer and peasant are equal before the law" which were the guide of a Pym, a Hampden, a Sydney, a Locke, a Chatham; and equally of Hancock, Adams, Washington, Mason and Henry. Their theory assigned to the different classes of human beings in the commonwealth different grades of privilege and of function according to their different natures and qualifications.... But it held that the inferior is shielded in his right to his smaller franchise by the same relation to the common heavenly Father as by the same Golden Rule and the equitable right which shields the superior in the enjoyment of his larger powers....

This theory thus establishes between all men a moral but not a mechanical equality. Higher and lower hold alike the same relation to the Supreme Ruler and Ordainer of the commonwealth as God. Yet they hold different relations to each other in society, corresponding to their differing capacities and fitnesses which equity itself demands.

Job understood this maxim of Bible republicanism, as he shows (31:13-15): "If I did despise the cause of my man-servant or of my maid-servant when they contended with me as what, then, shall I do when God riseth up? And when He visiteth, what shall I answer Him? Did not He that made me in the womb, make him?"

So Paul, two thousand years later (Ephesians 6:9 and Colossians 4:1). "Kurioi, give to your *douloi* those things which are just and equal! The two teach the same doctrine.

On the one hand, they assert the relation of superior and inferior, with their unequal franchises. On the other hand, they assert in the same breath the equal moral obligation of both as bearing the common relation to the one divine Maker and Judge.

The radical social theory [however] asserts, under the same name, a totally different doctrine. Its maxim is "all men are born free and equal." It supposes the social fabric constituted of individuals naturally absolute and sovereign as its integers, and this by some sort of social contract in entering which individual men act with a freedom equally complete....

This is not only a different but an opposite social theory. Yet its advocates are accustomed to advance it as the equivalent of the other; to teach it under the same nomenclature; and to assert that the difference between them is purely visionary.

So widespread and profound is this confusion of thought, that the majority of the American people and of their teachers practically know and hold no other theory than

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the Jacobin one... This is the passionate belief of millions, for the sake of which they are willing to assail the Bible itself....

øLet us see what the New Testament says concerning the relation of master and bondman! It does indeed command all, if they assume this relation, to fulfil it in a Christian spirit [and] in the fear of an impartial God. Ephesians 6:9. It also prohibits all unrighteous abuses of the relation, whether by masters (Colossians 4:1) or by bondmen (Colossians 3:22-25). Slave-holders, like the godly centurion (Luke 7:22-25) and Cornelius (Acts 10:34f), are commended for their Christian consistency ó without a word of caution or exception on account of this relation....

øIn the beautiful parable of the prodigal son (Luke 15:19), when Christ would illustrate the thoroughness of his contrition, He does it by using the acknowledged fact that the condition of the hired servant in the slave-holder's household was the lowest and least privileged ó *i.e.*, the doulos was above the misthotos [or misthios]....

øThe Apostle Paul remands a fugitive slave to his master Philemon after that slave's conversion ó and that, although he is at the time in great need of the assistance of such a servant. And so distinctly does he recognize Philemon's lawful property in the involuntary labor of his fugitive slave ó that he actually binds himself, in writing, to pay its pecuniary value himself, [so] that thereby he may gain free forgiveness for Onesimus.

øIn First Timothy 6:3-5, the apostle condemns such as would dare to dispute the righteous obligation of even Christian bondmen ó as proud, ignorant, perverse, contentious, untruthful, corrupt in mind, and mercenary. And he requires believers to separate themselves from such teachers.ø

Sadly, the South lost the 1861-65 War of Northern Aggression. Yet that was just one major battle in the conflict of the ages. Because the Confederacy was rooted in Holy Scripture itself, it is not a hiccup of the past but the wave of the future ó also internationally.

For the Triune God is Himself a harmonious and holy Confederacy ó of Father, Son and Spirit. Indeed, as Dabney well knew, the kingdoms of this world will yet become the Kingdom of our God and of His Christ ó and He shall reign for ever and ever! Revelation 11:15.