

## ADDENDUM 46: THE 1884 SYMINGTON'S *MESSIAH THE PRINCE*

Rev. Professor Dr. William Symington taught in the Theological Hall of the Reformed Presbyterian of Scotland. He is now internationally famous, chiefly through his great work: *Messiah the Prince, or the Mediatorial Dominion of Jesus Christ*.<sup>1</sup>

The 1884 American edition thereof is particularly relevant. For it then pointed (and still points) the way ahead ó also for the U.S.A., and especially after the trauma of her 1861-65 War Between the States.

### The American edition of Rev. Professor Symington's *Messiah the Prince*

Writes Symington:<sup>2</sup> ðIt may be thought that the doctrine of Christ's universal mediatorial supremacy is at variance with fact.ö For Holy Scripture itself declares: ðWe see not yet all things put under Him.ø Hebrews 2:8. Indeed, devils and wicked men do not acknowledge His authority, or respond to His claims.

ðBut His right and title are unaffected by this circumstance. In the Kingdom of a rightful sovereign, there may be rebels. If this objection were of weight against Christ's dominion over all things, it would bear with equal force against His power over the Church. Inasmuch as, unquestionably, many of those who are included in this department, are yet unsubdued ó and in arms against His authority.

ðNay, it would go to exclude the Almighty Himself [even] from the rule of the Universe. For many there are who refuse to acknowledge or respect His moral government.

ðThe reign of the Mediator, however, is not yet ended! In the exercise of the undoubted right He possesses, He is carrying forward the purposes for which it has been conferred.

### Symington on patience needed in the subjugation of all by Christ

Continues Symington: ðWe have only to wait with patience, **till He has put down** all rule and all authority and power.... Then shall it appear that the Father **hath put all things in subjection under His feet** ó having left nothing which is not put under Him....

ðHow delightful [is] the principle thus established and vindicated! It reflects the glory of Christ, on Whose head are many crowns. He appears wearing not only the crown of dominion over the Church ó but that of dominion over the kingdoms of nature, providence and grace: over things physical and moral, rational and irrational, animate and inanimate.

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<sup>1</sup> Christian Statesman Pub. Co., Philadelphia, 1884.

<sup>2</sup> *Ib.*, pp. 105-7.

“Things in Heaven, in Earth, and under the Earth are thus seen to be put under His feet. His Kingdom ruleth over all [Psalm 103:19].

“Ye saints of the Most High! Ascribe to Him the glory that is due! Be not afraid or ashamed to affirm His universal sovereignty! Who would wish to rob Him of any one of His crowns, or to see Him excluded from any part of His dominions?”

### **Symington on the ongoing expansion of Christ’s Visible Church**

Symington continues. He explains:<sup>3</sup> “The mediatorial dominion of Christ may be seen in the provision He has made for the diffusion and perpetuation of the Visible Church and its diffusion over the habitable globe; and its perpetuation to the end of time.... Its nature is such as to admit of universal extension....

“Of this, the Scriptures give positive and direct assurance. “The Stone cut out without hands, became a great mountain and fills the whole Earth. He shall have dominion from sea to sea, and from the river unto the ends of the Earth. All nations shall serve Him. All nations shall call Him blessed. The whole Earth shall be filled with His glory.

“The mountain of the Lord’s house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow into it. The Earth shall be full of the knowledge of the Lord, as the waters cover the sea.” Daniel 2:35; Psalm 72:8,11,17,19; Isaiah 2:2; 11:9.

“It is lamentable to think how small a portion of the Earth has hitherto been blessed with the ordinances of true religion. Taking a survey of the world, and bearing in mind such predictions and promises as those above cited and we cannot help feeling that “there remaineth yet very much land to be possessed” [Joshua 13:1].

“The field of Messiah’s operations, is the world [Matthew 13:38]. Nor will He cease to put forth His power for the extension of His Church and till He has made the wilderness and the solitary place to be glad, and the desert to rejoice and blossom as the rose [Isaiah 35:1].

“The outward ordinances of visible Christianity shall be spread abroad universally; efficacy shall be given to the means of grace by...the Spirit; and every obstruction to the triumphant progress of the chariot of salvation shall be removed effectually. Ignorance shall be dispelled before the spreading beams of gospel light. The evidences of divine truth shall compel infidelity, which now rears its unblushing front, to hide its head.

“The delusions of the false prophet shall be dissipated...[so] that a way may be prepared for the kings of the East [Revelation 16:12]. Jewish obstinacy and unbelief shall be broken, and the veil taken from the eyes of that interesting people in reading Moses and the prophets [Romans 11:11-32 & Second Corinthians 3:3-18]. All the hideous forms of polytheistic Paganism shall give way to the one religion of Jesus [cf. Isaiah 2:2-20].

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<sup>3</sup> *Ib.*, pp. 184-86.

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øThat monstrous [Romish] corruption of Christianity which has so long usurped the place and claimed the honour of the true faith, shall be cast into the lake of fire. The Anti-Christ-ian leaven which has been so extensively diffused, shall be purged out of both the churches and the nations [Second Thessalonians 2:3-8 *cf.* Revelation chapters 17 to 20].

øEvery usurper of the rights and prerogatives of Zion's King, shall be pushed from his seat. Every rival kingdom shall be overthrown. The civil and ecclesiastical constitutions of the Earth shall be regulated by the infallible standard of God's Word; their office-bearers, of every kind, shall acknowledge the authority of Messiah the Prince; and the greatest kings on Earth shall cast their crowns at His feet [Revelation 15:4].

øAll enemies shall be put under His feet; and such as resist the melting influence of His grace, shall be crushed beneath the iron rod of His power. By spiritual conversion or judicial destruction, He shall effect the entire subjugation of the globe....

øAt the last, there shall not be a spot on the face of the habitable Earth where the true Church of Christ shall not have effected a footing **ó nor a single tribe of the vast family of man which shall not have felt the meliorating and blissful influence of Christians laws and institutions**. Europe, Asia, Africa, and America shall then be united...under one standard: the bond of their union, the holy cement of the Gospel.ø  
Isaiah chapter 11.

### **Symington on the duty of all nations to submit to Christ's rule**

Symington goes on:<sup>4</sup> **øIt is the duty of nations, as the subjects of Christ, to take His Law as their rule... We contend, then, that the Bible is to be our rule – not only in matters of a purely religious nature in matters connected with conscience and the worship of God, but [also] in matters of a civil or political nature.**

øTo say that in such matters we have nothing to do with the Bible, is to maintain what is manifestly untenable. To require nations who possess the sacred volume to confine themselves in their political affairs to the dim light of nature ó is not more absurd than it would be to require men, when the sun is in the Heavens, to shut out its full blaze and go about their ordinary duties by the feeble rays of a taper....

øThe people of Israel were instructed to regulate their national concerns by a revealed standard, and were taught to regard the possession of God's revealed statutes and judgments as a national distinction for which they were bound to be grateful. **Nor is there anything said which would warrant us to conclude that this was to be regarded as peculiar to that people**... Deuteronomy 4:5-8.... The chief magistrate was to have a copy of the law, according to which he should act in the discharge of his official duties.... Deuteronomy 17:18-20....

øWe wait not to quote those passages in which nations and their rulers: are encouraged to obey the Law of God by the promise of suitable rewards; are cautioned against disobedience by appropriate threats; and are spoken of as actually punished

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<sup>4</sup> *Ib.*, pp. 234-241.

for their transgression of this rule.... The Jews, at least, were bound to regulate their national concerns by the revealed will of Jehovah.... **Nations like them in possession of revealed truth, are still bound to take it as their supreme rule, standard and guide – in all their civil affairs.**ö

öNeither do we wait to inquire what parts of the judicial law given to the Jews, are binding upon Christian States. We build at present upon the broad and undeniable fact that **nations as such, and civil magistrates in their official capacity – when the matter of revelation was less extensive than it is now – were bound to make it their rule of duty.**...

öFrom this we deduce the natural and reasonable inference that **civil communities blessed by God with the perfect revelation of His will, are under obligation at all times to shape and model their political conduct by the dictates of this infallible standard.** The principle on which they were at any time bound to do so, being a moral principle, **they must be held bound to do the same at all times.**

öWhat is moral, is neither of local nor of temporary obligation. If nations are not bound by the Word of God ó they are not responsible or punishable for action contrary to it....

ö**Nations, as such, are under the obligation of the Moral Law. They are bound to regulate their affairs by the principles and precepts of the Decalogue. Every precept of that Law, they are bound to obey... Nations are capable of obeying every precept – those of the first as well as those of the second table....** It will be difficult to persuade an unprejudiced mind that they are free from the obligation of any one of them. With regard to the second table, there is, of course, no dispute.....

öBut it may easily be shown that nations are as capable of obeying the precepts of the first as those of the second table.... May they not...manifest their obedience to the first, second, third and fourth precepts ó by embodying into their Constitution an acknowledgment of the being and character of the one living and true God; by providing for the ordinances of divine worship being maintained and observed in the land; by enacting laws calculated to restrain all blasphemous abuse of God's sacred Name; and by making provision for the sanctification of the Sabbath?

öIf nations are thus capable of obeying the whole Moral Law ó who will contend that they are not under obligation so to do? ... **Nations as such, are bound to recognize the obligation of the Word of God as a whole; to make it their rule in all their transactions,** and their standard of appeal in all circumstances; and, in this way, to shew their dutiful subjection to that divine Mediator Who is at once the Author of revelation and the Governor among the nations.ö

### **Symington on the need for all nations to elect godly governments**

Continues Symington:<sup>5</sup> öIt is a duty which nations owe to Messiah the Prince, to have respect to moral and religious qualifications in those whom they appoint over them.... There is now no dispute, at least in these lands, with regard to the right of

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<sup>5</sup> *Ib.*, pp. 241-45.

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election in the legislative and executive departments of government. The general practice of the nations, unites with Scripture and common sense in support of a representative system of government. Rulers as the representatives of the people are understood to be elected by and responsible to the people, according to the constitution and laws of the land....

øEven under the Old Testament dispensation, when kings were designated to office by immediate revelation, the consent of the people was deemed indispensable to their lawful authority; and they were liable to removal from office by the people for abuse of their trust [*cf.* Second Chronicles 26:17-21]. With regard to subordinate office-bearers also, such directions were given as clearly imply that the right of election belonged to the community.

øTake ye wise men and of understanding, and known among your tribes, and I will make them rulers over you.ø Moreover: øWhen thou art come into the land which the Lord thy God giveth thee, and shalt possess it, and shalt dwell therein, and shalt say, -I will set a king over me like as all the nations that are about meø thou shalt in any wise set him over thee whom the Lord thy God shall choose; one from among thy brethren shalt thou set king over theeø [Deuteronomy 1:13 & 17:14-15].

øIs it to be supposed that the people who are invested with the right of election, are left without all control in the exercise of this right; that they are at liberty (acting from mere prejudice, self-interest, or caprice) to choose whom they will; and that the objects of their choice are forthwith, in consequence of being so chosen, invested with lawful and indisputable authority?ø Surely not!

øThe power of the magistrate is not an absolute power which he is at liberty to employ as he chooses.... Neither is the right of the elector an absolute right which he is at liberty to exercise as he chooses. Both the one and the other are placed under the limiting control of the Divine Law; and it is only when they are used according to this Law, that they are used aright.

øNot every individual...is qualified to hold office in a nation. Good natural talents, a cultivated mind, and a due share of acquaintance with the principles of government and with the constitution and laws of the country, seem indispensable. Scripture, not less than common sense, discountenances the practice of setting persons of feeble intellect to bear rule.

ø-Woe unto thee, O land, when thy king is a child! Thou shalt provide out of all the people ø **able** men! Take ye **wise** men and of understanding, and I will make them rulers over you!øEcclesiastes 10:16; Exodus 18:21; Deuteronomy 1:13.

øNot less essential are **moral** qualifications... øMoreover, thou shalt provide out of all the people ø men of truth, hating covetousness! ... If a ruler hearken to lies, all his servants are wicked. It is not for kings, O Lemuel..., to drink wine...; lest they drink and forget the Lawø[Exodus 18:21; Second Samuel 23:3; Proverbs 20:28; 31:4-5]....

øA **profession of religion** would seem to be implied.... øThou shalt provide out of all the people ø such as **fear God**. He that ruleth over men, must be just ø ruling in the fear of Godø[Exodus 18:21; Second Samuel 23:3].

Three distinct classes of qualifications are necessary in civil rulers: natural, moral, and religious. They are required to be men of good abilities, of unimpeachable character, and of sound piety. **Weak and ignorant men; drunkards, libertines, sabbath-breakers, profane swearers; papists, socinians, infidels – are, accordingly, disqualified from exercising government** in a country which is blessed with the volume of revelation – alias the Holy Bible.

According to the above-mentioned Scriptures of weaklings, ignoramuses, drunkards, libertines, sabbath-breakers, profane swearers; papists, socinians and infidels are not good material for public office. Indeed, according to Symington: "Such, the people are not at liberty to appoint to places of power and trust...."

No one who candidly reflects that civil magistrates are denominated "Ministers of God" [Romans 13:1f] that they are required to administer oaths; that they exert a mighty influence by their example; and that decided personal piety adds greatly to the lustre and power even of natural and moral qualities can be at a loss to perceive the importance of religion to one who is invested with civil power.

### **Symington: not State Churches but Christian States are needed**

Symington goes on:<sup>6</sup> "We are not blind to the evils that prevail in the national Churches of our land [Scotland].... We are not prepared to approve of the *nature* even of the connection subsisting between Church and State in our existing establishments.... We frankly admit that it is not a reformation of abuses merely, but an entire constitutional change that is needed...."

"It is the duty of nations to concern themselves about religion.... Consequently, a union between Church and State of an unexceptionable kind is capable of being formed.... The formation of such a union is not only lawful in itself, but dutiful and obligatory...."

"In lopping off and giving over to merited destruction the excrescences," adds Symington, "we see involved the glory of the Messiah, the good of His Church, and the best interests of civil society itself." Indeed: "We are induced to submit the following statements respecting the duty of Christian nations towards the true religion of Jesus.... We beg attention...to the following distinctions."

"It is not...the duty of a Christian nation to establish a false religion or but...[it is] its duty to establish the true religion. It is not...the duty of the Church of Christ to seek alliance with a heathen [and] anti-christian and immoral State..., but [it is its duty to] enter into alliance with a government possessing the character and subserving the purposes of the moral ordinance of God...."

"It is not [that]...the State has power in and over the Church so as to interfere in any way with her internal jurisdiction and management. But it be...the duty of a Christian State to frame regulations about the Church, or respecting the external interests of religion. Whether, in short, a Christian State be possessed of power *circa sacra* or although having no authority whatever *in sacris*...."

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<sup>6</sup> *Ib.*, pp. 261-65.

øThe proposition we design to explain...and defend, is this: that it is the duty of a nation as such, enjoying the light of revelation, in virtue of its moral subjection to the Messiah ó legally to recognize, favour and support the true [Christian] religion.ö

### **Symington: the New Testament strengthens the need for godly governments**

Symington is emphatic:<sup>7</sup> øWe cannot...believe that any reader of the Old Testament (unbiased by system) in reading of the pious care of a David and a Solomon, a Hezekiah, a Josiah and others ó for the building, repairing and purifying the house of God ó could have reckoned this an exercise of kingly authority only fitted for the period of the Church's nonage.... We see that while the ceremonial worship was evidently ordained for one country, and was therefore impracticable for other nations, being in fact as a sort of wall of partition between Jews and Gentiles ó yet in the great features of their national policy, it was intended by God that other nations should observe and learn from Israel. Deuteronomy 4:7-8; 28:10; 29:24; 32:27.ö

A little later, Symington says:<sup>8</sup> øIt is vain to tell us that the magistrate cannot enforce the spiritual observance of the Sabbath; and that the Sabbath is not kept as it ought [to be], if kept only outwardly.... This is a drivelling evasion...

øWe know that the magistrate cannot enforce the spiritual observance of the Sabbath, and we do not ask him to do so.... We know that secular authority can reach only to what is external.... But does not this hold true in other matters besides the observance of the Sabbath ó matters, too, in which magistratical interference is admitted to be lawful?

øMight it not as well be pleaded that the Magistrate should not make laws to the protection of human life, because he cannot restrain man from cherishing deadly hatred toward his brother man; or laws for the protection of property, because he cannot secure moral honesty; or laws against perjury, because he cannot impart to men a sacred regard to truth ó as that he may not legislate on the subject of the Sabbath, because he cannot secure its spiritual observance?

øSome who deny to the Magistrate all power whatever in matters of religion, nevertheless admit the propriety of magistratical interference in regard to the Sabbath. But, for consistency's sake, they are compelled to maintain that the civil enactment of a day of weekly rest proceeds on secular grounds entirely. It is, [say they,] from the common consent which is understood to be given it by the people of the nation; or because of its being necessary for the protection of property; or as a day of mere secular rest. It is on some such grounds as these that the Magistrate is to be understood as warranted to interfere....

øThe ground of common consent, [however,] will not serve the purpose ó inasmuch as it is preposterous to expect that Jews and infidels would ever agree to an arrangement which should lay them under a restraint to which they did not feel themselves compelled by their consciences to submit.... It thus appears that if we

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<sup>7</sup> *Ib.*, pp. 275-76.

<sup>8</sup> *Ib.*, pp. 291-92 & 297.

depart from the high vantage ground of the Moral Law, if we abandon the authority of God Himself...and descend to the low motives of political expediency ó we shall find that the Magistrate must be completely in the dark in attempting to legislate at all on such a subject.ö

Instead, concludes Symington, we should openly declare:<sup>9</sup> öWe hail Thee, Sovereign of our hearts! We abjure for ever all other lords who have had dominion over us ó and declare from the heart, WE HAVE NO KING BUT JESUS!ö

### **The U.S. National Reform Association: Christ is King of the nation**

The American edition of Symington's great book ends with a statement by the (American) National Reform Association. The latter was organized to maintain existing Christian features in the American Government. Such was obviously necessary after the unitarianizing North had defeated the trinitarian South in the American War Between the States.

Supported by many Protestant Episcopal and Methodist Episcopal Church Leaders, the American National Reform Association also included among its Vice-Presidents several Presbyterians. Such included also Northerners like Rev. Professor Dr. A.A. Hodge of Princeton Theological Seminary, and Rev. Professor Dr. J.R.W. Sloane of the Reformed Presbyterian Theological Seminary.<sup>10</sup>

Declares the statement: öThe work of the National Reform Association is based on these fundamental principles, viz.: Almighty God is the Source of all power and authority in civil government; the Lord Jesus Christ is the divinely appointed Ruler of nations; and His will, revealed in the Holy Scriptures, is of supreme authority in civil affairs.ö

The American National Reform Association further perceived öthe subtle and persevering attempts which are made to prohibit the reading of the Bible in our Public Schools; to overthrow our Sabbath Laws; to abolish the oath [and] prayer in our National and State Legislatures...and other Christian features of our institutions ó and so to divorce the American Government from all connection with the Christian religion.ö This should never be permitted. For: öThis is a Christian nation!ö

The latter words ó öThis is a Christian nation!ö ó were uttered by the American National Reform Association in 1884. They were indeed accurate. For soon they were repeated with approval, *verbatim*, by the U.S. Supreme Court itself ó in the famous case *Church of the Holy Trinity v. United States* (1892).

As the Association's Corresponding Secretary, Rev. T.P. Stevenson of Chestnut Street Philadelphia himself then declared:<sup>11</sup> öJesus Christ is King of kings! Kings and governments must submit to His authority. His Word must be recognized as paramount Law ó and all laws, institutions and usages of government must be conformed to it.ö

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<sup>9</sup> *Ib.*, p. 354.

<sup>10</sup> *Ib.*, pp. 355-57.

<sup>11</sup> *Ib.*, pp. iv-v.

### The *Westminster Standards* of all the Presbyterian Churches

The above is the teaching also of the *Westminster Standards* of all the Presbyterian Churches. According to the *Westminster Larger Catechism*,<sup>12</sup> Christ's own words "Thy Kingdom come!" in His *Lord's Prayer* is a petition that: "the kingdom of sin and Satan may be destroyed; the Gospel propagated...; the Jews called; the fullness of the Gentiles brought in; [and] the Church...countenanced and maintained by the Civil Magistrate." Also the *Westminster Confession of Faith* teaches the same doctrine.

Thus, the *Confession* itself insists<sup>13</sup> that "the Moral Law doth for ever bind all, as well justified persons as others, to the obedience thereof.... Neither doth Christ in the Gospel anyway dissolve, but much strengthen this obligation..., the Spirit of Christ subduing and enabling the will of man to do that freely and cheerfully which the will of God revealed by the Law requireth to be done."

That "Moral Law" was given to Adam not only before his fall, to bind "him and all his posterity to...exact and perpetual obedience." It also "after his fall continued to be a perfect rule of righteousness, and as such was delivered by God upon Mount Sinai in Ten Commandments."<sup>14</sup>

Thus God has "by a...moral and perpetual commandment binding all men in all ages...appointed one day in seven for a sabbath." Too, "under the New Testament as well as under the Old..., a lawful oath...imposed by lawful authority...ought to be taken." For God "hath ordained Civil Magistrates to be under Him over the people...for the defence and encouragement of them that are good, and for the punishment of evil-doers."<sup>15</sup>

Also the Presbyterian Church of Australia is obliged to uphold the above. For, in its *Basis of Union*,<sup>16</sup> "the Subordinate Standard of the United Church shall be the *Westminster Confession of Faith*, read in the light of the *Declaratory Statement*."

That *Declaratory Statement* itself specifically insists<sup>17</sup> that even "corrupt man" possesses a knowledge of God and of **duty**, "and so is responsible for compliance with the Moral Law." Indeed, it also insists<sup>18</sup> that with regard to the doctrine of the Civil Magistrate and his authority and duty in the sphere of religion as taught in the Subordinate Standard, the Church holds that the Lord Jesus Christ is the only King and Head of the Church, and Head over all things.

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<sup>12</sup> *West. Larg. Cat.*, Q. & A. 191.

<sup>13</sup> *West. Conf. Faith*, 19:5 & 19:7.

<sup>14</sup> *Ib.*, 19:1-2 & 19:5.

<sup>15</sup> *Ib.*, 21:7 & 22:2 & 23:1.

<sup>16</sup> *Basis of Union* of the Presbyterian Church of Australia, Section II.

<sup>17</sup> *Declaratory Statement*, art. 4, in *Basis of Union*.

<sup>18</sup> *Ib.*, art. 6.



## ADDENDUM 47: ALTHUSIUS AND LEGAL SPHERE-SOVEREIGNTY

Calvin's juridical views were worked out in great further detail by the famous A.D. 1610 German Jurist, Professor Dr. Johann Althusius. He was born in Westphalia around 1559 ó alias about five years before the death of Calvin.

### **The career of the Calvinistic Jurist Professor Dr. Johann Althusius**

In 1581, at Cologne, Althusius studied (and rejected) the statist totalitarian Aristotle. In 1586, at Basle, he received his doctorate in both Civil and Ecclesiastical Law ó with a dissertation on **intestate inheritance**.

At that time, he was living in the house of the Theologian Grynaeus. Althusius studied also at Geneva ó with Professor Denis Godefroy, the renowned Scholar of Roman Law.

Althusius was then called to serve within the Law Faculty at the Reformed Academy in Herborn, whose first Rector was Olevianus (the co-author of the *Heidelberg Catechism*). After further theological study at Heidelberg, Althusius became Rector of the Academy in 1597. His two volumes on ethics (*Civilis Conversationis Libri Duo*) appeared in 1601.

### **Althusius's covenantal book *Politics Methodically Set Forth***

Next, in 1603, Althusius's greatest work was published ó his *Politica* (subtitled *Politics Methodically Set Forth*).<sup>1</sup> It has well been described by Q. Skinner<sup>2</sup> (in his own *Foundations of Modern Political Thought*) as a "massive treatise" ó and also as "the most systematic treatment of Calvinist political thought" ever written.

All legal associations, held Althusius, were initiated and maintained by a **covenant** among **symplothes** (alias **confederates**). This is a covenant to the mutual advantage of all concerned, Genesis 14:13.

Such associations are either natural or civil. Natural associations include that of conjugal marriage, and also that of family kinship. These are permanent unions of members, "with the same boundaries as life itself." Civil associations or **confederations** are either private or public.

Private civil associations include especially the Guild or *Collegium* (or Free Association). There, reflecting the **Association** of the **Divine Persons** within the **Trinity**, three or more men of the same trade or training unite for the purpose of promoting in common such things as they jointly value. A secular *Collegium* is

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<sup>1</sup> F.S. Carney: *Translator's Introduction* to J. Althusius's *Politica*, Indianapolis: Liberty Fund, 1995, p. xi.

<sup>2</sup> Q. Skinner: *Foundations of Modern Political Thought*, Uni. Press, Cambridge, 1978, p. 341.

composed of Magistrates, or of Leaders involved in commerce or industry. An Ecclesiastical *Collegium* is composed of Clergy, or Teachers.<sup>3</sup>

Legal or political writers cited by Althusius at some length include Aristotle, William Barclay, Bartolus, Botero, Paul Castro, Marcus Tullius Cicero, Charles Demoulin, Diego Covarruvias, Andreas Gail, Peter Heige, Francois Hotman, Justinian, Lipsius, Nicolaus Losaeus, Henry Rosenthal, Nicholaus Tudeschi and Theodore Zwinger. Theologians cited include Benedict Aretius, John Calvin, Francis Junius, Johann Piscator, Zacharius Ursinus, Peter Martyr Vermigli, and Jerome Zanchius.

### **Professor Daniel Elazar's modern 'Foreword' to Althusius's *Politica***

The contemporary conservative Jewish Scholar Professor Daniel Elazar ó author of *Kinship and Consent: The Jewish Political Tradition and Its Contemporary Uses*<sup>4</sup> ó has written his own modern foreword to the *Politica*. There, Elazar points out<sup>5</sup> that Althusius was the first to present a federal republicanism rooted in a covenantal concept of society extracted especially from the Old Testament.

So federalism (from the Latin *foedus* = a covenant) is grounded in natural law ó at Genesis nine [cf. 2:15f & 6:18f and Hosea 6:7] ó as reaffirmed at Sinai by Moses in Exodus 20, and after the exile by Ezra (ch. 10) and by Nehemiah (ch. 8). In the sixteenth century, this world-view was reaffirmed by Calvinism in general ó and later in particular by Althusius, the Huguenots, the Scottish Covenanters, and the English and American Puritans.

What Elazar as a unitarian Judaist did not realize, is that Althusius grounded even the Old Testament and its very first Covenant in its **Triune God**. To the Calvinist Althusius, that was *Jehovah Elohiym*, the Triune Lord Who made Heaven and Earth and all they contain ó and Who entrusted the care of all these creatures to the entire human race. Genesis 1:1-3 & 1:26-28 & 6:9-18; Isaiah 24:1-5; Hosea 6:1-7f cf. Matthew 28:19.

Indeed, the **Several Persons within that Divine Trinity** have Themselves **co-existed symbiotically in a confederated covenant peacefully ó from all eternity**. Psalms 2:2-7 & 45:2-7f & 110:1-5; Proverbs 8:22-26; Isaiah 42:1-6 & 63:8-14; Zechariah 6:13; John 1:1-4 & 17:1-5; First Corinthians 1:28-31 & 2:10f; Hebrews 1:1-10f & 9:14f; and Revelation 1:4f & 4:8f & 5:6-8f & 22:13-17.

In the Old Testament, the classic biblical commonwealth was a federation of tribes instituted by way of covenant. The Messianic Era represents a restoration of that tribal system, under a Second Adam and a Greater Moses ó the Messianic Christ Himself.

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<sup>3</sup> F.S. Carney: *op. cit.*, pp. xxiv ff.

<sup>4</sup> D.J. Elazar: *Kinship and Consent: The Jewish Political Tradition and Its Contemporary Uses*, Lanham Md.: University of America & Center for the Study of Federalism, 1983. See too D.J. Elazar & J. Kincaid (eds.): *Covenant, Polity, and Constitutionalism*, Lanham Md.: University of America & Center for the Study of Federalism, 1983.

<sup>5</sup> D.J. Elazar: *Althusius' Grand Design for a Federal Commonwealth*. In Althusius's *Politica*, ed. Carney, pp. xxxv ff.

## Althusius's emphasis on the Decalogue and Sovereignty Rights

Althusius himself dedicates his *Politica* to the illustrious Leaders of the Estates of Frisia.<sup>6</sup> In his own *Preface* to the Third Edition (1614), he insisted on emphasizing the precepts of the Decalogue and the rights of sovereignty....

The precepts of the Decalogue are included to the extent that they infuse a vital spirit into the association and symbiotic life.... For what would human life be, without the piety of the first table of the Decalogue and without the justice of the second?

Althusius further insists that the substance of sovereignty or of the Decalogue is theological, ethical or juridical.... I claim the Decalogue as proper to political science, insofar as it breathes a vital spirit into symbiotic life....

I have rightly selected examples for political science from excellent and praiseworthy polities; from the histories of human life; and from past events and have employed them in that art that ought to be the guide of an upright political life, the moulder of all symbiosis; and the image of good social life.... I consider that no polity from the beginning of the world has been more wisely and perfectly constructed, than the polity of the Jews. We err, I believe, whenever in similar circumstances we depart from it.

## Althusius's chapter I (on the General Elements of Politics)

Althusius's *Politica* embraces some 39 chapters. In Chapter I, he discusses **The General Elements of Politics**.

There, Althusius suggests<sup>7</sup> that a communion of right is called the law of association and symbiosis (*lex consociationis et symbiosis*) or the symbiotic right (*jus symbioticum*). It consists especially of self-sufficiency (*autarkeia*), good order (*eunomia*), and proper discipline (*eutaxia*). It includes two aspects: one functioning to direct and govern social life, the other prescribing a plan and manner for communicating things and service among the symbiotes.

It should be obvious that the basic Consociation and *Symbiosis* alias the **Confederation of the Trinity** is the Archetype of all self-sufficiency, good order, and proper discipline. So too all the created ectypes thereof (such as in the family and in the church and in the state *etc.*) should similarly be confederacies each in its own way reflecting, however relatively, something of that self-sufficient and good order and proper discipline.

Thus, God made Adam master and monarch of his wife, and of all creatures born or descended from her. Genesis 1:26f & 3:16 *cf.* Ecclesiasticus 17. Therefore [too] all power and government is said to be from God. Romans 13.... The Apostle indeed advises us to seek and promote advantages for our neighbour.... Philippians 2:4-6; First Corinthians 10:24; 12:25f; Galatians 1:3-5; 5:14; Romans 12:18-20; 13:8-10....

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<sup>6</sup> J. Althusius, in Carney's ed., pp. 11 ff.

<sup>7</sup> *Ib.*, I:10-13,22-28.

ōThe entire second table of the Decalogue pertains to this: "you shall love your neighbour as yourself" "whatever you wish to be done to you, do also to others" and conversely "whatever you do not wish to be done to you, do not do to others" "live honourably, injure no one, and render to each his due!" Matthew 22:39; 7:12....

ōMisanthropic and stateless hermits living without fixed hearth or home, are useful neither to themselves nor to others ó and, separated from others, are surely miserable. For how can they promote the advantage of their neighbour, unless they find their way into human society? See Ecclesiastes 4:5-8.... How can they perform works of love, when they live outside human fellowship? How can the church be built, and the remaining duties of the Decalogue be performed? ... Politics leads the final end of all other disciplines to the highest point, and thus builds public from private happiness....

ōGod distributed His gifts unevenly among men. He did not give all things to one person: but some to one and some to others ó so that you have need for my gifts, and I for yours.... If each did not need the aid of others, what would society be? ... These causes have built villages, established cities, founded academic institutions ó and united by civil unity and society a diversity of farmers, craftsmen, labourers, builders, soldiers, merchants, learned and unlearned men, and so many members of the same body [First Corinthians 12]....

ōOpposed to this judgment, is the life of and teaching of recluses, monks, and hermits.... But Scripture places this kind of life among its maledictions! Deuteronomy 28:64; Psalms 107 & 144.... Note also that a wandering and vagabond life was imposed upon Cain, in punishment for his fratricide. Genesis 4:14.ö

## Althusius's chapter II (on Marriage and the Family)

Chapter II describes "The Family." Althusius insists: "The simple and private association is a society and symbiosis initiated by a special covenant (*pactum*) among the members for the purpose of bringing together and holding in common a particular interest.ö

Among men, the most basic such covenant is marriage (Malachi 2:14) and the normally-resulting family (Genesis 6:18-22). Thus marriage usually produces children, and hence a covenanted family. **The family consists of at least three covenanted persons**, who are **thus to reflect the Three Persons of the Trinity** Who covenanted to create them. Genesis 1:26f & 17:7-21 cf. Matthew 28:19.

Slightly less basic: "The efficient causes of this simple and private association and symbiosis, are individual men covenanting among themselves to communicate whatever is necessary and useful for organizing and living in private life [Genesis 14:13 & 21:27-32]. Whence arises the particular and private union and society among the covenanters ó whose bond (*vinculum*) is trust granted and accepted in their communication of mutual aid, counsel, and right (*jus*)....

ōThe private and natural symbiotic association is one in which married persons, blood relatives, and in-laws ó in response to a natural affection and necessity ó agree to a definite communication among themselves. Whence this individual, natural,

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necessary, economic and domestic society is said to be contracted permanently among these symbiotic allies of life ó with the same boundaries as life itself....

Moreover, there are two kinds of private and natural domestic association. The first is conjugal (*conjugalis*), and the second is kinship (*propinqua*).<sup>8</sup> On the former, see Genesis 3 & 4; on the latter, see Genesis 10.

øThe conjugal association and symbiosis is one in which the husband and wife, who are bound each to the other, communicate the advantages and responsibilities of married life....

øThe husband communicates to his wife his name, family, reputation, station in life, and economic condition.... He also provides her with guidance, legal protection, and defence against violence and injury.... Finally, he supplies her with all other necessities ó such as management, solicitude, food, and clothing.ø To illustrate this, Althusius then refers to 82 passages in the Old and to 69 in the New Testament.

øThe wife extends to her husband obedience, subjection, trust, compliance, services, support, aid, honour, reverence, modesty, and respect. She brings forth children for him, and nurses and trains them. She joins and consoles him in misery and calamity. She accommodates herself to his customs, and without his counsel and consent she does nothing....

øCommon advantages and responsibilities...are provided and communicated by both spouses ó such as kindness, use of the body for avoiding harlotry and for procreating children, mutual habitation except when absence may be necessary, intimate and familiar companionship, mutual love, fidelity, patience, mutual service, communication of all goods and right (*jus*)..., management of the family, administration of household duties, [and] education of children in the true religion.ø<sup>8</sup>

### **Althusius's chapter III (on Kinship and the Kinship Associations)**

Chapter III describes **-Kinship**.ø øThe kinship association,ø explains Althusius,<sup>9</sup> is one in which relatives and in-laws are united for the purpose of communicating advantages and responsibilities. Genesis 31:42-44f.

ø**This association arises from at least three persons [reflecting the Trinity Whose images they are]**, but it can be conserved by fewer. Frequently it consists of a much larger number.... He is called the leader (*princeps*) of the family, or of any clan of people, who is placed over such a family or clan ó and who has the right to coerce (*jus coercendi*) the persons of his family individually and collectively....

øThese advantages and responsibilities are intensified as the degree of relationship among the kinsmen increases. Therefore they are greater between parents and children. For parents should educate their children; instruct them in the true knowledge of God; govern and defend them; even lay up treasures for them; make them participants in everything they themselves have (including their family and

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<sup>8</sup> *Ib.*, II:2-3,13f,37-46.

<sup>9</sup> *Ib.*, III:1f,16,42.

station in life); provide suitable marriages for them...; and, upon departing from life, make them their heirs....

ōCertain political writers eliminate, wrongly in my judgment, the doctrine of the conjugal and kinship private association from the field of politics ó and assign it to economics.ö However, quite incorrectly so! For ōthese associations are the seedbed of all private and public associational life.

ōThe knowledge of other associations is therefore incomplete without this doctrine of conjugal and kinship associations.... But altogether different from this [knowledge of other economic associations], is association among spouses and kinsmen ó which...communicates things, services, rights and aid for living the domestic and economic life piously....

ōEconomic life, however, concerns merely household goods ó how much and by what means they may be furnished, augmented and conserved. By such management the skill is made available for cultivating fields, tending herds, ploughing, sowing, reaping, planting, pruning, and doing all kinds of agricultural work.

ōBut by politics alone arises the wisdom for governing and administering the family. It is politics that teaches what the spouses, *paterfamilias* [alias ðfather of the familyø], *materfamilias* [alias ðmother of the familyø], servants and attendants may contribute and communicate among themselves ó and what the kinsmen among themselves ó in order that private and domestic social life may piously and justly be fulfilled.ö

#### **Althusius's chapter IV (on *Collegia* or Voluntary Associations)**

Chapter IV describes ðThe *Collegium*ø (alias the so-called ðVoluntary Associationø). There, Althusius first seems to have Genesis 4:17-22 in mind. For he explains<sup>10</sup> that ōin the early times of the world, when the human race was increasing and, though one family, yet dispersing itself ó since all persons could no longer be expected to live together in one place and family ó necessity drove diverse and separate dwellings, hamlets and villages to stand together; and at length to erect towns and cities....

ōThis is therefore a civil association. In it **three or more men** of the same trade, training or profession are united for the purpose of holding in common such things they jointly profess as duty, way of life, or craft. Such an association is called a *collegium* [alias a guild or corporation or voluntary association] ó or, as it were, a gathering, society, [**con-**federation. sodality, synagogue, convention, or synod.

ōIt is said to be a private association, by contrast with the public association.ö Acts 6:2f; 12:12; 13:15,27; 15:21; 28:23,30f; Matthew ch. 4; 6:2; 10:24; ch. 13; Exodus 29:42; Numbers 10:10. ōThe persons who unite in order to constitute a *col-leg-ium* are called col-leag-ues, as-soc-iates, or even brothersö ó because col-lect-ed together in covenant.

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<sup>10</sup> *Ib.*, IV:3f,8f.

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ōA minimum of three persons [reflecting the Trinity] is required to organize a *col-leg-ium*, because among two persons there is no third person to overcome dissension.ō See: Deuteronomy 17:6f; 19:15f; Ecclesiastes 4:12; Matthew 18:16; 28:19; Second Corinthians 13:1; 13:12; First Timothy 5:19; Hebrews 10:28; First John 5:6-8.

ōCommunication among colleagues is the activity by which an individual helps his colleague, and so upholds the plan of social life set forth in covenanted agreements. These covenants and laws (*pacta et leges*) are described in their corporate books....

ōThings include the building of the *col-leg-ium* in which the col-leag-ues meet and deliberate on their corporate business ó as well as the money, income, drinking cups, seals, coffers, books, corporate records and other things useful and necessary.... What the *collegium* owes, is not owed by the individuals separately.... Among the...services, are the right and responsibility of calling the colleagues into session.ō

### **Althusius's chapters V-VI (on the City or Metropolis)**

In Chapters V-VI, Althusius describes ~~The City.~~ Genesis 4:17-22 *cf.* Revelation 18:10-13f & 21:2f. However, because not centrally important for our purposes, we omit discussing it here.

### **Althusius's chapters VII-VIII (Provinces & Decalogue & Presbyteries)**

Chapters VII-VIII describe ~~The Province.~~ There, Althusius insists:<sup>11</sup> ōThe functions of the provincial symbiotes are either holy or civil.

ōHoly functions concern those that are necessary for living and cultivating a pious life in the provincial association and *symbiosis*. A pious life requires a correct understanding of God, and a sincere worship of Him.

ōA correct understanding of God is obtained from Sacred Scripture and from the Articles of Faith. ~~This is eternal life, that they know Thee the only true God, and Jesus Christ Whom Thou hast sent.~~ John 17:3. A correct worship of God is derived from those rules and examples of the Divine Word that declare and illustrate love toward God and charity toward men.

ōTrue and correct worship of God is either private or public. Private and internal worship consists of the expression of confidence, adoration, and thankfulness ó the first precept of the Decalogue. Private and external worship consists of rites and actions that revere God, the second precept ó or of words that do the same, the third precept. Public worship of God consists of holy observance of the Sabbath by corporate public celebration ó the fourth precept.

ōCivil functions are those that maintain a just life in the provincial association and *symbiosis*. Whence they include everything that pertains to the exercise of social life.

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<sup>11</sup> *Ib.*, VII:4-11 & VIII:2-32.

The symbiote is expected to perform those duties of love by which he renders to each his due, and does not do to his fellow symbiote what he does not wish done to himself. Matthew 7:12 & Luke 6:31. Rather he loves him as himself, and abstains from evil.

ōThe duties of justice to the neighbour are either special or general. Special duties are those that bind superiors and inferiors together, so that the symbiote truly attributes honour and eminence by word and deed to whomever they are due, and abstains from all mean opinion of such persons ó the fifth precept of the Decalogue.

ōGeneral duties are those every symbiote is obligated to perform toward every other symbiote. They consist of defending and preserving from all injury the lives of one's neighbour and oneself ó the sixth precept. Of guarding by thought, word and deed one's own chastity and that of the fellow-symbiote, without any lewdness or fornication ó the seventh precept.ö

They also involve ödefending and preserving the resources and goods of the fellow-symbiote; and of not stealing, injuring or reducing them ó the eighth precept. Of defending and preserving one's own reputation and that of one's neighbour, and of not neglecting them in any manner ó the ninth precept. And of avoiding a concupiscent disposition toward those things that belong to our neighbour, and of seeking instead satisfaction and pleasure in those things that are ours and tend to the glory of God ó the tenth precept.

ōThe practice of provincial political justice is twofold. First, individual symbiotes manifest and communicate the duties of love reciprocally among themselves, according to special means, person, place and other circumstances. Second, the provincials as a group and as individual inhabitants of the province uphold and communicate the duties of both tables of the Decalogue for the sake of...the provincial association....

ōThe members of the provinces are its orders and estates, as they are called, or larger *collegia*.... The reasons for these estates, is that they are necessary and useful to the province ó as Jethro, the father-in-law of Moses, declares.... He avails himself of skilled, wise, and brave persons from each class of men. Exodus 18:17-25. See also Deuteronomy 1:13-18; Second Chronicles ch. 19; Numbers ch. 11....

ōA *collegium* of pious, learned and most weighty men from the *collegia* of provincial Clergymen ó elected and commissioned by common consent ó represents the sacred and ecclesiastical order. Entrusted to this *collegium* is the examination and care of doctrine, of public reverence and divine worship, of schools, of ecclesiastical goods, and of the poor.... Colleagues are called Bishops, Inspectors, Rectors and Leaders....

ōThe care of religion...obligates these inspectors to inquire...whether God is truly, sincerely, freely and publically worshipped according to His Word by everyone..... They are obligated to remove corruptions, idolatries, superstitions, atheisms, heresies, and seeds of schism....

ōIts first responsibility is therefore to divide the province into districts and to require that each district have a well-constituted Presbytery.ö Acts 9:31 & 13:1-5 &

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20:15-28f; First Corinthians 1:2 & 16:2; First Timothy 4:14; Revelation chapters 1 to 3.

ōA district is a union of many neighbouring villages, towns and cities of the same province.... The Presbytery is a *collegium* of pious and weighty men elected by the district.... It represents the district, and presides over it in the communion of spiritual and temporal things necessary for building up and conserving the church....

ōThe Presbytery or Ecclesiastical Senate contains two kinds of men. The first are **Pastors or Ministers of the Word**, to whose labours in preaching and teaching are entrusted the ministry of reconciliation. The second are **Presbyters and Deacons**, to whom is assigned the administration of ecclesiastical things ó that is, the administration of things other than the Word and Sacraments ó for holding the saints together....

ōPastors and Ministers of the Word are chiefly concerned with...administering the Word, prayers and sacraments.... Upon the Presbyters rests especially the care of those things that have been instituted for arousing repentance in the brethren and for conserving discipline...and to disclose errors.... Deacons are superintendents who dispense alms on behalf of the church, and carry out its responsibility to the poor....

ōCollectively, the **Ministers, Presbyters, and Deacons** [reflecting the **Trinity**] ó or **the entire Collegium and Presbytery** ó care for and manage...(1) the defence and promotion of the truth of the heavenly doctrine; (2) the calling of Ministers of the Word; (3) the censorship of morals; (4) schools for children and youth; (5) the integrity of rituals and ceremonies in the Church of God; (6) structure and good order; (7) the manner and time of holding meetings; (8) the prayers...and Sacraments of the Church; (9) the evidence of reformation...; and (10) the Diaconate.... For the exercise and discharge of this task, the Presbytery receives from God the power of the keys by which the Kingdom of Heaven opens and closes....

ōThe Presbytery nominates a person to be a Minister whom orthodox Pastors of the Church have examined...in the Sacred Writings.... Their judgment is based on a twofold examination that involves first questions and responses and then a public discourse by the Candidate.... ÷Let them first be investigatedø according to the qualities and gifts the Apostle Paul recommends for such a Ministry, ÷and then let them serve!øFirst Timothy 3:10 & Titus 1:5-9....

ōIf a church by a majority vote objects, the Presbytery then proceeds to a new election.... Calvin demonstrates that the Primitive Church elected its clerical Ministers.... The church of Geneva and other reformed churches observe this form for the calling of a Minister. The same form is to be followed in calling Presbyters and Deacons [Acts 6:1-7; Philippians 1:1; First Timothy 3:8-13]....

ōThe visitation of the parish and its churches relates to this censorship.... Those who preside...announce decisions of their Fellow-Ministers and Presbyterial Colleagues...and carry out what is decreed to common counsel.... Decisions are reached in the deliberations of the Presbytery not by the judgments of the majority but by those judgments that agree with the Word of God....

øThe care and administration of ecclesiastical things and functions belong not to the secular Magistrate, but to the *Collegium* of these Presbyters..... Acts 18:14-18; Deuteronomy 17:8-13; 21:5; 30:9; John 18:36; Ephesians 1:5; First Corinthians chapters 12 & 15; Second Chronicles 19:5-7; 26:7; Exodus 29:1,44; 30:7; Matthew 9:13; Micah ch. 1; Jeremiah ch. 1....

øTo this administration, even the Magistrate is subject with respect to...the soul. Second Samuel 12:34; First Kings chs. 13 & 16 & 21; Second Kings ch. 1; 20:19; ch. 21; Second Chronicles 16:20; Ezekiel ch. 3; Luke 10:16; First Thessalonians 5:12; Hebrews 13:17.... Sacred and secular duties are distinct, and ought not to be confused.ö

### Althusius's chapter IX (Political Sovereignty & Church Communication)

Chapter IX describes **Political Sovereignty and Ecclesiastical Communication**.ø Here, Althusius pioneers the covenantal and indeed the anti-totalitarian doctrine of political sphere-sovereignty. This can be seen from the following of his many famous remarks:<sup>12</sup>

øEvery type of social relationship has its proper laws, peculiar to it, by which it is ruled.... These laws are different and divergent in each kind of social relationship, according to the requirement of the inner nature of each of them [Genesis 1:11-24f & Second Chronicles 26:16-18 & Matthew 22:17-21]....

øI do not call discrete human beings, or families, or colleges ó according to their particular and public association ó **members of the State**ø (nor of the universal symbiotic community). Nor do I thus call the families; nor even the colleges. For they have all been constituted into a particular private or public association.ö

To Althusius, even øa **'State' is a number of Provinces and Districts which agree**.ö These ø**Provinces and Districts**" then form precisely a Confederation. For they thus agree precisely to confederate ó øby their mutual conjunctions and communication to form one whole body.ö

Althusius believed Scripture teaches that all rights are initially given by God. Only secondarily do they then proceed further ó *via* the people ó to the many different kinds of **governments**ø (be the latter variously of a political or of a non-political nature).

The different kinds of **governments**ø ó such as those in the family, in commerce, in church, in school, and in politics ó all co-exist alongside of one another in any country. Indeed, they are not at all sub-ordinate to one another, but co-ordinate with each other ó and all of them under only God.

They then all interlock with one another solely in terms of a *confederate* association. This is true even of the interrelationship between **smaller**ø authorities on the one hand and **broader**ø authorities on the other.

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<sup>12</sup> J. Althusius: *Politica*, Groningen, 1610. ch. IX.

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Examples of such interrelationships are those among Sessions and Presbyteries and General Assemblies in ecclesiastical affairs ó or those among Town Councils and Provincial Governments and Central Parliaments in politics. There should be no question of any one of these institutions dominating the others. For each of them is relatively sovereign in its own sphere.ø

**Althusius's chapters X-XVII (Communications  
and Ephors and Kings)**

Chapters X-XVII describe **Secular Communication**ø Chapter XVIII discusses **Ephors and Their Duties**ø and Chapters XIX-XX deal with **The Constituting of the Supreme Magistrate**.ø Here in this present essay, we merely mention them ó in passing.

**Althusius's chapters XXI-XXVII (Prudent  
Political Use of the Decalogue)**

Chapters XXI-XXVII describe **Political Prudence in the Administration of the Commonwealth**.ø There, Althusius states:<sup>13</sup> **When gentiles who do not have the law do by nature what the law requires, they are a law unto themselves ó even though not having the law. Because they show forth service to a law written on their hearts. Their conscience bears witness to it, and their thoughts alternately accuse and even excuse them.**ø Romans 2:14f....

øScripture also makes clear that conscience duly excuses a man when he acts uprightly and disturbs and accuses him when he deserves condemnation for acting wickedly.... First Corinthians 1:12; 4:4; 5:1f; 11:14; Acts 23:1; Psalm 26:1-3; First Timothy 1:19; Proverbs 28:1; Romans 2:15; ch. 9; Ecclesiastes 7:22.... In this **common law** (*jus commune*) is set forth for all men nothing other than the general theory and practice of love both for God and for one's neighbour.

øThere are different degrees of this knowledge and inclination. For law is not inscribed equally on the hearts of all... Some men exert themselves more strongly, others less so, in their desire for it. Romans 7:15-23; Psalm 10:4; 36:2; Romans 1:24-28; First Timothy 4:2; Jeremiah ch. 31.

øChrist sets forth two headings of this **Common Law**. Matthew 22:34-40. The first heading pertains to the performance of our duty immediately to God, and the second to what is owed to our neighbour.... The former are...in the first table of the **Decalogue**.... The latter...are contained in the second table....

øThe first precept of the first table is about truly cherishing and choosing God through the knowledge of Him handed down in His Word.... The second precept is about maintaining in spirit and in truth a genuine worship of God.... The third precept is about rendering glory to God in all things through the proper use of the names of God.... The fourth precept is about sanctifying the sabbath....

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<sup>13</sup> Althusiusø *op. cit.*, Carney ed., XXI:20-41.

o These precepts are always, absolutely, and without distinction binding upon all...to such an extent that the second table of the Decalogue ought to yield precedence to the first table as to a superior law. Therefore, if a precept of God and a mandate of the Magistrate should come together in the same affair and be contrary to each other o then God is to be obeyed rather than the Magistrate [Daniel 3:14-18f & 6:7-10f and Acts 4:19f & 5:29].... These precepts of the first table can never be set aside or relaxed.... Not even God Himself is able to reject them....

o The fifth precept...is about those things that inferiors are expected to perform towards superiors, and *vice-versa*. The dignity, honour, authority and eminence of superiors are to be upheld through respect, obedience, compliance, subjection and necessary aid. These are owed to more distinguished persons because of the gifts, talents, or services they bring to public or private office.... It is also about not destroying order among the various stations in human society, and not introducing confusion into them....

o Common duties, which are to be performed toward everyone, are treated in the remaining precepts. Of these the sixth requires the defence, protection and conservation of one's own life and that of the neighbour. The conservation of one's own life comes first o and consists in defence, conservation, and propagation of oneself.... This precept prohibits enmity, injury to the human body, assault, mutilation, blows, murder, terror, privation of natural liberty, and any other inhuman treatment....

o The seventh precept concerns the conservation of the chastity of one's own mind and body, and that of one's neighbour o through sobriety, good manners, modesty, discretion, and any other appropriate means. Negatively o it pertains to the avoidance in word or deed of fornication, debauchery, lewdness, and wantonness.

o The eighth precept concerns the defence and conservation of one's own goods and those of one's neighbour o and their proper employment in commerce, contracts, and one's vocation. Negatively o it forbids the disturbance, embezzlement, injury, seizure or impairment of another's goods, or the misuse of one's own. Negatively o it condemns deceit in commerce and trade, theft, falsehood, injury, any injustice that can be perpetrated by omitting or including something in contracts, and an idle and disordered life.

o The ninth precept concerns the defence and conservation of the good name and reputation of oneself and one's neighbour through honest testimony, just report, and good deeds. Negatively o it prohibits hostility, perverse suggestions, insults of any kind, defamations and slander, either by spoken or written words or by an act or gesture.

o The tenth precept concerns concupiscence, and exerts influence on each of the other precepts of the second table. Not only the fifth precept of the second table o but also the sixth, seventh, eighth, ninth and tenth precepts concern the political society and the magistracy of the commonwealth....

o The Decalogue has been prescribed for all people.... It agrees with and explains the common law of nature for all peoples. It has also been renewed and confirmed by Christ our King. Jerome Zanchius says that this is the common judgment of theologians....

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Proper Law (*Lex Propria*) is alias Case Law is the law that is drawn up and established by the Magistrate on the basis of **Common Law** (*Lex Communis*).... Whence it is called the servant and handmaiden of Common Law (*Jus Commune*), and a teacher leading us to the observance of Common Law....

Not all men have sufficient natural capacity that they are able to draw from these general principles of Common Law the particular conclusions and laws suitable to the nature and condition of an activity and its circumstances.... It is therefore necessary that there be a Proper Law, by which men who are led neither by the love of virtue nor by the hatred of vice may be restrained by the fear of punishment that this law assigns to transgression of Common Law.

In this sense, it is said that law is set forth not for the just but the unjust. First Timothy 1:9.... If it set forth something entirely contrary to Common Law, it would be evil in that it would make mutable an otherwise immutable Common Law....

Its agreement with Common Law is in those matters common to each law.... The purpose of each is justice and piety, or sanctity and the same **equity** and common good in human society. Its difference from Common Law arises from the fact that, in accommodation to particular and special circumstances, it departs somewhat from Common Law....

But it is altogether immutable with respect to its **agreement** with Common Law. So the jurists assert together with [Francis] Junius, [Jerome] Zanchius, [Peter] Martyr, and [Martin] Bucer.

Thus, **Common or Moral Law** concludes from its principles that evildoers ought to be punished but proposes nothing concerning the punishment as to the exact nature of the particulars of the latter. Proper law determines specifically that adulterers, murderers and the like are to be punished by death....

Common Law requires that God be worshipped. Proper Law determines that this is to be done each seventh day....

Common Law commands in general. Proper Law makes these commands specific.... The moral precepts of the Decalogue having no certain, special, and fixed punishment attached to them are general....

Jewish Proper Law, is twofold.... The **Ceremonial** Law...was directed to the observance...of the first table of the Decalogue.... The **Forensic** Law was the means by which the Jews were informed and instructed to observe and obey both tables, or the Common Law.... What is **moral** in such a law, is perpetual; what is **judicial**, can be changed by the change of circumstances; and what is **ceremonial**, is considered to have passed away. Compare *Westminster Confession of Faith*, 19:3-5.

The subject matter of the Decalogue is indeed political, insofar as it directs symbiotic life.... For the Decalogue teaches the pious and just life: piety toward God, and justice toward symbiotes. If symbiosis is deprived of these qualities, it should not so much be called a political and human society as a beastly congregation of vice-ridden men....

øEach and every precept of the Decalogue is political and symbiotic.... If you would deprive political and symbiotic life of this rule and this light to our feet, as it is called (Psalm 119:105), you would destroy its vital spirit.... You would take away the bond of human society and as it were the rudder and helm of this ship. It would then altogether perish.... Therefore the subject matter of **the Decalogue is indeed natural, essential, and proper to politics**....

øWhen the works of the Decalogue are performed by the Christian to the glory of God because of true faith, they are pleasing to God.... The Decalogue is therefore essential, homogeneous, and necessary in politics.... The Decalogue accommodated to individual and separate disciplines, is proper to Jurisprudence. And Theology rightly claims for itself the pious and salutary doctrine of the Decalogue ó which ought to be a teacher, leading to Christ.ø

Althusius insists<sup>14</sup> in chapter XXII that øfrom these things it follows that the **Magistrate** is obligated in the administration of the Commonwealth, to the Proper Law of Moses ó so far as **moral equity** or **Common Law** are expressed therein. That is to say, he is required to conform to **everything** therein that is in harmony with Common Law.ø Chapters XXIII to XXVII elaborate further on this.

### **Althusius's chapter XXVIII (on Ecclesiastical Administration)**

Chapter XXVIII describes **Æcclesiastical Administration**.ø There, Althusius insists<sup>15</sup> that øwhen the pious worshippers of God are held in good repute, esteem and honour ó they are advanced to public offices.ø See: Genesis 41:42f; Ezra 7:12f; Nehemiah 2:6f; Daniel 6:1f.

øThere is no doubt that the correction and reformation of the Church from all error, heresy, idolatry, schism and corruption pertains to the Magistrate. Second Chronicles 17:22; chs. 31 & 34; Second Kings chs. 18 & 22f; Exodus ch. 32; Joshua ch. 22.... The Administrator ought to establish and permit only one religion in his realm....

øThere is no doubt, however, that a Magistrate can admit impious and profane men in whom there is hope of correction to sound and pure worship.... But he should by no means permit atheism, epicureanism, libertinism ó that is, manifest impiety and profanity ó in the realm....

øI also consider that a pious Magistrate can in good conscience permit Jews to live in his dominion and territory, and to dwell and engage in business with the faithful.... Magistrates should permit Jews to have synagogues..., the theologians Peter Martyr and Jerome Zanchius conclude..., if the Jews are content to read the Bible and offer prayers in them and not to blaspheme Christ or the Church. Their reason is that Christ and the Apostles are known to have gone into synagogues and to have conferred with the Jews.

øIn the civil life of Jews with inhabitants, the most prudent and pious consider that the following precautions ought to be observed: (1) that the faithful not enter into

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<sup>14</sup> *Ib.*, XXII:3.

<sup>15</sup> *Ib.*, XXIII:49-72.

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SPHERE-SOVEREIGNTY*

wedlock with Jews, and (2) that they not share in their religion or their rites.... The theologians determine how far it is permitted to have private contact with infidels, atheists, impious men, or persons of different religion ó by distinguishing between the learned, the faithful, and uneducated, and the weak, and the purposes for which the contacts are to be held. Judges 1:35f.

øThe same can be said about papists. The Magistrate ought not to permit them temples for the practice of their idolatrous worship.... Distinctions should be made concerning heretics.... There are some heresies that tear up the foundation of faith, such as Arianism.... But there are others that, although they err in certain articles of faith, do not overthrow the foundation ó such as the Novatian and similar heresies.

øHeresies of the first sort should severely be attended to by the Magistrate.... Heretics of the second sort are to be excommunicated if, having been convicted of heresies and admonished by the Church, they nevertheless persist in them. But those who uphold some error or doctrine that has not yet been condemned...are not for this reason to be driven from the church....

øThe Magistrate can even order by published edicts that the orthodox are not to ridicule or heap abuse upon those whose error does not reach to the foundations of doctrine, and that instead of publicly judging them ó the orthodox are rather to cultivate friendship among them, until the matter is legitimately discussed and decided in a free synod....

øFaith is said to be a gift of God, not of Caesar.... Christ said to His disciples who were willing to destroy the Samaritans, ÷Are you ignorant of whose spirit you are sons?ø Luke 9:55.... Those who err in religion are therefore to be ruled not by external force or by corporal arms, but by the sword of the Spirit ó that is, by the Word and spiritual arms through which God is able to lead them to Himself. They are to be entrusted to Ministers of the Word.... Second Corinthians 10:4 & Second Timothy 2:24.

øThe Magistrate should leave this matter to God.... He is forbidden in his administration to impose a penalty over the thoughts of men.... When the Scribes and Pharisees persecuted the doctrine of Christ, disorders were produced that had not existed before [Acts chapters 4 & 5]. When Paul was teaching at Ephesus, Demetrius stirred up sedition because of the persecution of Paulö by the Jews and by the Gentiles [Acts 19:23-41].... Consequently, we rightly say that the persecution of Christians has always been the cause of the greatest evils.

øWhoever therefore wishes to have a peaceful realm, should abstain from persecutions. He should not, however, permit the practice of a wicked religion ó lest what occurred to Solomon may happen to him. First Kings 11:4ff. But if he cannot prohibit it without hazard to the commonwealth, he is to suffer it to exist ó in order that he not bring ruin to the Commonwealth. So the Emperor Constans, son of Constantine the Great, permitted the religion and *collegia* of the Arians ó not for their benefit, but for the Commonwealthø. And Theodosius tolerated this sect, against his will....

øThe Magistrate...ought to tolerate the dissenters, for the sake of public peace and tranquillity.... He shall not permit heretics or atheists to be admitted to office in the

church or schools. Nor shall he tolerate conventicles and *collegia* for wicked religion to be held secretly.... The Magistrate shall take care that in all matters in which he is able, he does not fail to furnish whatever may be necessary for the true acknowledgement and reverence of God.ö

### **Althusius's chapters XXIX-XXXIX (Secular Administration & Tyranny)**

Finally, Althusius's chapters XXIX-XXXVII deal with "Secular Administration" and his chapter XXXVIII describes "Tyranny and Its Remedies" and his chapter XXXIX discusses the various "Types of Supreme Magistrate." Here, we merely mention these ö without giving any of the details thereof.

### **Prof. Dr. Herman Dooyeweerd's assessment of Professor Dr. Althusius**

Holland's great modern Law Professor Dr. Herman Dooyeweerd rightly comments<sup>16</sup> it is no accident that it was a Calvinistic thinker who broke with the universalistic conception of the State. Johann Althusius in his *Politica* clearly contradicted the Aristotelian teleological conception of the State and its parts. This utterance of Althusius may be considered the first modern formulation of the principle of internal sphere-sovereignty in societal relationships.

Through the Calvinist Althusius and his doctrine of confederating covenantism, this anti-totalitarian view of political sphere-sovereignty later filtered down into the production of the United Kingdom of Great(er) Britain and Ireland ö as well as into the *Constitutions* of the United States, the Confederate States of America, and the Commonwealth of Australia.

It also filtered down into the thought of the renowned Dutch Calvinist and Prime Minister Rev. Professor Dr. Abraham Kuyper (1837-1920). No wonder then that Kuyper titled<sup>17</sup> his own famous monograph ö *Calvinism: The Origin and Guarantee of Our Constitutional Freedoms!*

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<sup>16</sup> H. Dooyeweerd: *A New Critique of Theoretical Thought*, Presbyterian & Reformed Pub. Co., Philadelphia, 1957, III, pp. 662f.

<sup>17</sup> A. Kuyper Sr.: *Calvinism: The Origin and Guarantee of Our Constitutional Freedoms*. Van der Land: Amsterdam, 1874.

## ADDENDUM 48: HISTORICAL IMPORTANCE OF BRYTHONIC CUMBRIA

The Cumbrian or Old-Cymric Gomer-ian culture (Genesis 10:1-5), together with its Cumbric language, clearly represents one of the oldest communities of Brythons in the Ancient British Isles. Cumbric was almost certainly the tongue spoken and/or written by King Leill. He was the B.C. 945 builder of Caer-Leill (alias Caerleil or Carlisle) ó Ancient Cumbria's capital city.

In his well-known 1754f *History of England*, Scotland's cynical sceptic Sir David Hume cryptically claimed:<sup>1</sup> "The history of the Celts who dwelt in Cumbria, is involved in obscurity. Cumbria, or Cumberland properly so called, included ó besides the present county ó Westmorland and Lancashire, and extended into Northumbria probably as far as the modern Leeds in Yorkshire. "Caerleil or Carlisle was its chief city."

### The prehistoric ancient archaeology of Brythonic Cumbria

But what was obscure to Hume, is clearer to modern Archaeologists. Cumbria past and present is relatively rich in Brythonic names and remains ó in Cumberland, Westmorland, and Lancashire.

In Cumberland, there is the "Long Meg" stone circle near Penrith. Keswick too has a stone circle and old copper mines *etc.*

Burton, north of Lancaster, on the coast of Morecombe Bay ó has a (B.C. 1100) old road, tracing the way to ancient lead mines. Bardsey ó to the north of Morecombe Bay, has a stone circle.

Westmorland too is rich in old mines and stone circles. Significantly, these monuments slant eastward ó suggesting that their ancient builders had come there from the east.

Rev. John Griffith once wrote a very interesting essay anent the directional slants of stone monuments in Ancient Britain. Its short title is: *The Interpretation of Prehistoric Monuments*. There, he stated regarding the megalithic age in both Continental and Insular Celtica that **monuments oriented to a low south-east point** may be found ó from Brittany in the South to the Lake District in the North.<sup>2</sup>

Also Sir Norman Lockyer in his book *The Dawn of Astronomy* found an early similar indication at Shap in Cumbria's Westmorland, which indication he dated as coming from around 3200 B.C. From this, the conclusion was drawn that all of the

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<sup>1</sup> D. Hume: *History of England* [1754f], Brewer's ed., London, Murray, 1883, pp. 28-30.

<sup>2</sup> See J. Griffith's *The Interpretation of Prehistoric Monuments, Illustrated by the Monuments of Avebury, the Interpretation of Mounds, and the Alignment of Ancient Roads in the District of London*. Compare too E.O. Gordon's *Prehistoric London – its Mounds and Circles*, Thousand Oaks, Ca.: Artisan, rev. ed., 1985, pp. 145 & 159 & 161.

Early-British monuments evidence their origin ó by looking toward Phoenicia or the Near East, as their very *raison d'etre*.

Westmorland's Shap has a double row of immense granites, extending about a mile.<sup>3</sup> There are also stone circles nearby ó at Oddendale and Reagill. Westmorland yielded further prehistoric remains at Barton in Ambleside ó and ancient artifacts at Burton in Kendal<sup>4</sup> (where this writer F.N. Lee was born).

These Ancient-British stone circles served not only as places of worship, possibly suggesting kinship with similar sites in the Holy Land. See the great Westminster Assembly Theologian John Selden's 1612 volume on *The God of Syria*. They served also as venues for the Britons' councils and parliaments (or *gorseddau*).

As also Rev. E.O. Gordon has pointed out,<sup>5</sup> the primitive druidic laws referred the source of all power ó under the phrase *-Duw a digon* [or *-God is enough*] ó to the People-in-Congress. There, the motto was: *-Y Gwir yn erbyn y Byd* [or *-The Truth against the World*].

### **Dr. J.A. Giles (D.C.L.) on the colonization of Ancient Britain**

Dr. J.A. Giles, Doctor of Common Law and Late Fellow of Corpus Christi College in Oxford, has observed<sup>6</sup> how the historical *British Triads* recorded that the first colonists of Britain were *Cymri* ó who originally came from *Defrobani Gwlad Yr Hav*, the *-Summer Land* or the Tauric Chersonesus to the west of the mountains of Ararat. Genesis 8:4; 9:27; 10:1-5.

The Ancient Britons clearly believed in a life hereafter. For they raised *tumuli* over their dead. Their other modes of interment were the *carned*, or heap of stones; the *cistvaen*, or stone chest; and perhaps the *cromlec*, or hanging stone.<sup>7</sup>

Dr. Giles explained that the Ancient Brythonic *-Old West Road* appears to have commenced on the coast of Devon. It ran not far from the site where Brut of Troy is alleged to have landed with his colonists around B.C. 1180 near the mouth of the River Exe.

This *-Old West Road* was constructed then ó and in Giles's day could still be seen to run by way of Exeter, Taunton, Bridgewater, Bristol, Gloucester, Kidderminster, Clavely, Weston, High Offley, Betley, Middlewich, Northwich, Warrington, Preston and Lancaster. There, it probably divided into two branches. One branch ran by way of Kendal, Penrith and Carlisle ó to the extreme parts of the island. The other branch passed on by way of Kirkby Lonsdale and Orton to Kirkby Thure. From that point it continued ó under the name of the *-Maiden-Way* ó alongside the later Wall and Bewcastle, and then on into the interior parts of Scotland.

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<sup>3</sup> W. Camden's *Britannia*, ed. Gough (3,4,14) ó as cited in L.A. Waddell's *The Phoenician Origin of Britons*, Hawthorne Ca.: Christian Book Club of America, 1983, p. 225 n. 3.

<sup>4</sup> Waddell's *op. cit.*, pp. 196f, 210, 217n., 223-26 & 234n.

<sup>5</sup> E.O. Gordon: *op. cit.*, pp. 33 & 144.

<sup>6</sup> J.A. Giles: *Six Old English Chronicles*, Bell & Daldy, London, n.d., p. 423 n. 4 and p. 425 nn. 1 & 2.

<sup>7</sup> *Ib.*, p. 428 n. 6.

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The above description of the Ancient British Pre-Roman road from Devon through Cumbria to Scotland, is of particular interest to this present author ó especially the statement that one of its two branches north of Lancaster ran by way of Kendal to North Britain and the extreme parts of the island. For as a boy he walked in Kendal, in what was formerly Ancient South Cumbria.

### **The founding of Brythonic Cumbria and its Pre-Roman culture**

The renowned 1586 A.D. Elizabethan historian Raphael Holinshed relied on almost two hundred very ancient manuscripts,<sup>8</sup> in the preparation of his six-volume *Chronicles of the Ancient British Isles*. ðLeill,ö he insisted,<sup>9</sup> ðegan to reign in the 3021st Year of the World ó alias around 945 B.C.

ðHe built the city now called ðCar-lisleø ó which then, after his own name, was called Caer-Leill [alias the ðCity of Leillø].... We find it **recorded** that he was in the beginning of his reign very upright ó desirous of seeing justice executed.... Above all things, he loved peace and quietness.... He was buried at Carlisle.ö

As stated in Bragg's book *Land of the Lakes*,<sup>10</sup> the Celts came there ó to Cumbria's Lake District in Westmorland. The *Cymry* (meaning the ðCompatriotsø) gave their name to the place. Later Celts arrived in Cumbria during the second or third century B.C., from Yorkshire.

They very likely had a powerful religion. For the Celts were buried in full dress, ready to enter into the Next World. They appropriated big stone circles for their religious ceremonies, such as at Castlerigg and Long Meg in Cumbria ó *cf.* Stonehenge further south in Wiltshire. Hence the tales of the druids.

The Celtic place-names persist in Cumbria, even today. ðDerwentö and ðBlencathraö are Celto-Brythonic; and so too ðPenrithö and ðHellvellyn.ö

Spectacular are the hill forts. It is difficult to think of anything man-made more impressive in the whole of the Lake District than these fortresses set on the top of rock. Already by the time the Romans arrived ó as unwelcome visitors in South Britain around B.C. 55f, and more permanently from about A.D. 75 onwards in North Britain ó the bedrock of the Cumbrian people had been laid down. Nothing would dislodge it.

They were farmers and fishermen. They made great fortresses and fine implements. They were, by the standards of the time, numerous. The first-century A.D. Roman historian Tacitus remarked on their large number. They had a form of religion, and the beginnings of a system of law. They were the Brigantians, whom the Romans found to be both tough and shrewd and called *Brigantes*. They were there

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<sup>8</sup> R. Holinshed: *Chronicles of England, Scotland, and Ireland*, 1586. See the 1807 London ed. (= rep. by J. Johnson; F.C. & J. Rivington; T. Payne; Wilkie & Robinson; Longmans, Hurst, Reese, and Orme; Cadell & Davies; and J. Mawman), Vol. I pp. ix-xi.

<sup>9</sup> *Ib.* I:445 ó citing Bergomas *lib.* 6; Matthew of Westminster; and Geoffrey of Monmouth.

<sup>10</sup> M. Bragg: *Land of the Lakes*, Secker & Warburg, London, 1983, pp. 43f.

before the Romans came; and when the Romans left, they were still there ó remarkably intact. Thus Bragg.

### **Brythonic Scotland ere the Gaels moved there from their native Ireland**

Dr. C.W.C. Oman has explained<sup>11</sup> that Brythonic Cumbria once stretched from the Clyde to the Mersey. In its north, it included the *Cumbræ*s (two islands at the south end of the Firth of Clyde) and *Dun Breatunn* alias Dumbarton (the -Fortress of the Britonsø) in Strathclyde. In its south, it ran all the way down the west coast ó as far as deep into Lancashire. Carlisle, in the present-day Cumbria, was also then its capital city.

So too Rev. Dr. J.A. Duke, in his book *History of the Church of Scotland*. Significantly, Duke there added<sup>12</sup> that the Brythonic Celts occupied that entire area long before the Scots migrated from Ireland into what is now Southwest Scotland.

Dumbarton was indeed the Cumbriansø northernmost city. But it was not until the time of those particular Cumbrians known as the Votadins (whom the Late-Romans called *Votadini*) ó that their easternmost stronghold *Dun Eideann* alias the -Fortress of Eidinø (under later Anglian influence now known as Edinburgh) assumed overriding importance. Thereafter, that city briefly became the capital of the Cumbrian Kingdom of Gododdin ó until overthrown first by the invading Anglians and then by the Picts from the beginning of the seventh century A.D. onward.

### **The early ethnography of the Celts in Ancient Brythonic Cumbria**

According to the great Celtic Scholar John Rhys in his famous book *Early Britain*,<sup>13</sup> the Celtic migrations there extended over many generations. The first Goidelic ancestors of the later Irish, Manx and Scottish Highlanders settled in both Wales and Cumbria ó before most of them later moved out into the more-westerly offshore isles in general and Ireland in particular.

This they did especially with the arrival in Britain of their Brythonic cousins. For the latter then superimposed their own Brythonic culture upon such Gaels as still remained also in Cumbria. Thus, as Professor T.F. Tout has noted,<sup>14</sup> when the Pagan Roman Dictator Julius Caesar attacked Britain in B.C. 55f, the family-oriented Brythonic *Brigantes* in Cumbria and in Yorkshire were the most powerful of all of the more than forty Celtic tribes in what is now England.

Even a century later, after the invading Romans had tried to reduce the freedom-loving *Brigantes*, they and the neighbouring *Jugantes* bravely continued to war against the Romans and their adulterous allies. The Romans marched on into what is

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<sup>11</sup> C.W.C. Omanø *History of Scotland (etc.)*, in *The Historians' History of the World*. Ed. H.S. Williams LL.D., The Times, London, 1908, XXI pp. xiv & 6f.

<sup>12</sup> J.A. Duke: *History of the Church of Scotland*, Edinburgh: Oliver & Reed, 1937, p. 3.

<sup>13</sup> J. Rhys: *Early Britain*, as cited in *Hist. Hist.* XXI pp. 2f & 635.

<sup>14</sup> T.F. Tout: *England to 1485*, in *Hist. Hist.*, XVIII, pp. 3 & 14f.

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now Kendal, in 90 A.D. But their hold over Cumbria, even south of their 122f A.D. prison perimeter to become known as Hadrian's Wall, was always very tenuous.

They could neither decelticize nor latinize the Cumbrians. Upon the Roman withdrawal later in 397 A.D., the Cumbrians again dominated Britain and retained that dominion, until slowly driven back by the invading Anglians during the seventh and by the Vikings in the eighth centuries.

Cumbria thus held on to its prestigious position in Britain for at least two millennia. Not the South Britons in what is now southern England nor the North Britons in what is now Scotland pioneered the oldest writings in dislocated Post-Roman and Pre-Saxon Britain. That honour fell to the Cumbrians and the Brythonic inhabitants of Cumbria who inhabited the border area of England and Scotland before the Gaels even moved into Scotland from their native Ireland.

### **The long persistence of Cumbria's ancient language Cumbric**

Cumbric was not only the apparent language of the B.C. 945 King Leill, the builder of Carlisle. It seems also to have been the original tongue even of the B.C. 145f Setanta alias Cuchulainn, the great leader of Irish fame.

This was pointed out by Dr. R.A.S. Macalister, Professor of Celtic Archaeology at Dublin's University College. In his article 'Cu Chulainn' for the 1929 *Encyclopaedia Britannica*<sup>15</sup> he demonstrated that Cuchulainn's first name, Setanta, can hardly be dissociated from that of the *Setantii*. These were a Brythonic people situated at the mouth of the Mersey in the Southland of Britain's Ancient Cumbria.

Caradoc of the *Sihures* was the great British hero in the battles against the invading Romans from 43 to 52 A.D. Yet Cumbric was soon to become the tongue of Caradoc's relative the Christian King Arviragus's son Prince Meric and the founder of Cumbrian Westmorland.

In spite of the Roman occupation of Cumbria from A.D. 75-90 onwards, Cumbric was apparently still the language of Prince Meric's son King Coill around A.D. 114f. This was still the case in the days of Meric's grandson the A.D. 130f King Llew alias Lucius and the first British King to proclaim Christianity as the state religion of his own territory and in about 156 A.D.

Cumbric was ostensibly still the tongue of Llew's descendant the A.D. 280 Princess St. Helen (the mother of Constantine the Great); of the A.D. 360f Cumbrian Prince Ninian (the first-ever Brythonic Missionary to the Picts); and of the A.D. 385f Padraig alias St. Patrick (who converted the Irish).

As W.B. Lockwood has remarked<sup>16</sup> in his *Languages of the British Isles Past and Present*, the Romans who annexed what they then called their province of *Britannia* found a linguistically-homogeneous population throughout the major part of the

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<sup>15</sup> R.A.S. Macalister's article 'Cu Chulainn' in the *Encyclopaedia Britannica*, 14th ed., New York, 1929, 6:843.

<sup>16</sup> W.B. Lockwood: *Languages of the British Isles Past and Present*, Deutsch, London, 1975, pp. 23f.

country. The Brittonic language was affected by the Roman occupation, but the wilder uplands of the north and the west remained solidly Brythonic-speaking.

When the legions were recalled to Rome in 397 A.D., the native Celtic element again came to the fore. Of Latin there was now not a trace. Brythonic survived in the extreme south-west (Devon and Cornwall), in Wales with Monmouth and West Hereford ó and in the far northwest (North Lancashire, Westmorland, Cumberland).

This last area adjoined the equally Brythonic-speaking western half of the Scottish Lowlands. Both eventually formed the Kingdom of Strathclyde alias Greater Cumbria. Thus, that late form of Brythonic may be called Cumbric.

It was only after the time of Patrick that some of the Iro-Gaels migrated to Western Scotland. There they were then evangelized by the A.D. 518f Cumbrian Kentigern alias Mungo, who christianized the Alban Scots. Shortly after that, his Fellow-Cumbrian the A.D. 518-60f Gildas became the oldest extant Brythonic church historian.

As editor M.T. Ball explains<sup>17</sup> in his 1993 book *The Celtic Languages*, Insular Celtic has two branches ó the Goidelic or Gaelic branch and the Brythonic or Brittonic branch. The Insular group contains also a sparsely-attested Brythonic language called Cumbric, spoken in Cumberland and southern Scotland. This language appears to be close to Welsh, and seems to have survived as a spoken language into the tenth century.

Cumbric was by that time a Brythonic *Truemmersprache* alias a ðremnantal languageø ó left over, with Pictish, like a haunted ruin from the very remote past. Cumbric, continues Ball, used to be spoken in Cumbria ó which once embraced the kingdoms of Rheged and Strathclyde. The language was prevalent in the Kingdom of Rheged on both sides of the Solway until the seventh century, and also in Strathclyde. The latter land was incorporated into the Kingdom of Scotland in the early part of the eleventh century.

### **Inability of the Romans to crush the *Brigantes* in Yorkshire and Cumbria**

Romeø's own writers admitted she greedily coveted Britainø's burgeoning agricultural produce, precious metals, and her pearl trade. The latter was conducted from Morecombe Bay, in South Cumbria.<sup>18</sup> Finally, the avaricious Caesar Claudius launched a full-scale military invasion against her in 43 A.D.

The first fierce battle between Claudiusø's Pagan Romans in Britain and the islandø's Brythonic Celts resulted in the death of the latterø's High-King Gwydyr in 43f A.D. His brother Prince Gweyrydd then became the new High-King or *Ard-an-Rhaig* ó alias Arviragus of the Pan-British Confederacy. Their close relative, the famous Prince Caradoc, soon became *Pendragon* alias Supreme Allied Commander.

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<sup>17</sup> M.T. Ball (editor.): *The Celtic Languages*, London: Routledge, 1993, pp. 6 & 67.

<sup>18</sup> See Caesarø's *Gallic Wars* 5:12f; Suetoniusø's *Twelve Caesars* 1:25-52 & 5:2f; Tacitusø's *Agricola* 12; Dio Cassiusø's *Roman History* 39 & 40; G.M. Trevelyanø's *History of England*, London: Longmans, Green & Co., 1926, p. 8.

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As Holinshed explained in his famous *Chronicles of Britain*,<sup>19</sup> (following the account of the great Scottish historian Hector Boece): **õArviragus was established in the kingdom of Britain.... Caratac [alias Caradoc or Caractacus] was General of all the Confederates....** Out of all parts, a chosen number of piked men were sent for.... Forth from Wales and the marches, came twelve hundred; and a like number came out of **Kendal, Westmorland, and Cumberland**ö etc.

According to the Roman historian Tacitus, who was an eye-witness of some events in the A.D. 43-85 Romano-British War, õnever indeed had Britain been more excited.... Veteran [Roman] soldiers had been massacred; colonies burnt; armies cut off.ö The Britons, he said, were õturbulent.ö Indeed: õTheir strength is in infantry. Some tribes fight also with the chariot.ö The Romans had difficulty õin coping with tribes so powerful,ö yet admitted õthe valour of the enemy.ö<sup>20</sup>

Against those Britons, the Romans then employed their most experienced legions. They fielded their very best generals ó Plautius, Vespasian, Titus, Geta, Ostorius, Didius, Veranius, Paulinus, Petronius, Trebellius, Cerealis, Vettius, Frontinus, and Agricola.<sup>21</sup>

As Tacitus observed: õIn Britain, Publius Ostorius the *Propraetor* found himself confronted by disturbance. The enemy had burst in...with all the more fury.... Had not Paullinus...rendered prompt succour, Britain would have been lost!ö<sup>22</sup>

### **The nature of the Cumbrian resistance against the Pagan Romans**

Still, added Tacitus, õthe Britons...abated nothing of their arrogant demeanour, arming their youth...and assembling together to ratify with sacred rites a confederacy of all their states.ö<sup>23</sup> Desperate, the Romans used even war-elephants<sup>24</sup> ó and fierce foreign professional soldiers and mercenaries from Germany against the Britons.<sup>25</sup>

Especially the latter slowly began to turn the prolonged war ó in favour of the Romans. In A.D. 52, Prince Caradoc of the *Silures* was betrayed and captured. In 61, the Romans destroyed the druidic seminary on *Mon(a)* or Anglesey. By 62, Queen Boadicea of the *Iceni* had been defeated. South Britain was now in the hands of the Romans.

By A.D. 68, the Romans had consolidated their control of South Britain. They now started their advance northward against the *Brigantes*. For it was those Brythons who still continued to offer stiff resistance to the Romans, in Yorkshire and in Cumbria.

As the Roman historian Tacitus observed, õthe state of the *Brigantes*ö was õmost prosperous.ö<sup>26</sup> õThe *Brigantes*...were beginning hostilities.ö<sup>27</sup> Their Prince, õVenutius

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<sup>19</sup> *Op. cit.*, V:61f & V:72f.

<sup>20</sup> *Agric.* 5,8,12,17.

<sup>21</sup> Tacitus: *Annals* 14:29f & 12:40 and *Agric.* 5,8,14,16f.

<sup>22</sup> *Ann.* 12:31 & *Agric.* 16.

<sup>23</sup> *Agric.* 27.

<sup>24</sup> Dio Cass.: *op. cit.* 60:21:1f.

<sup>25</sup> Tac.: *Agric.* 28,32,36; Dio Cass.: *op. cit.* 60:20:1f & 32f.

<sup>26</sup> *Agric.* 17.

of the *Brigantes* ó explained Tacitus<sup>28</sup> ó ðwas pre-eminent in military skill... A sharp contest followed, which was at first doubtfulö to the Romans.

ðVenutius collected some auxiliaries. After fighting with various success,ö observed Tacitus in his *History*,<sup>29</sup> ðVenutius retained the kingdom ó and we had the war on our hands!ö

However, as T.H. Rowland has stated<sup>30</sup> in his book *The Romans in North Britain*, they soon found peace in the north and west of the island extremely difficult to establish and to maintain. The *Brigantes* in Yorkshire and Cumbria were determined and elusive opponents.

Indeed, also the Roman historian Tacitus admitted<sup>31</sup> that ðthe *Brigantes* were able to burn a colony; to storm a camp; and, had not success ended in supineness ó might have thrown off the yoke.ö Until about 80 A.D., Tacitus added (as the son-in-law and eye-witness of the British campaigns of the new Roman General Agricola), North Britain's typical warrior ðhad been accustomed often to repair his summer losses by winter successesö against the Romans.

### **The very tokenistic nature of the Roman presence in Cumbria**

Even after the Roman subjugation of the freedom-loving Caledonians under Gwallog alias Kellogg in A.D. 85, the Romans never overran or occupied anything like the entire island of Britain. For they never ventured very far into Pictland (in what is now Northern Scotland). Indeed, they also had but little contact with Western Britain ó with Cornwall, with the far west of Wales, and especially with the Westmorland area of Cumbria.

Now the Romano-British Treaties of A.D. 86f and 120 did at least promote political stability in the Roman-occupied area of Britain. However unintentionally, they also gave the strong pockets of Christians there ó the opportunity to consolidate their position in greater tranquillity than had previously been the case throughout the Romano-British War of A.D. 43-85.

Important is the extended 1979 monograph *Romans in North-West England* ó published in Kendal by the Cumberland and Westmorland Antiquarian and Archaeological Society. There, T.W. Potter shows that little of what is now called Cumbria was occupied by the Romans. Indeed, Celtic sites ó still extant ó vastly outnumber the Roman sites there known to have existed.

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<sup>27</sup> *Ann.* 12:32.

<sup>28</sup> *Ib.* 12:40.

<sup>29</sup> Tacitus: *History*, III:45.

<sup>30</sup> T.H. Rowland: *The Romans in North Britain*, Newcastle, Bealls, 1970, pp. 4-8 & 17.

<sup>31</sup> *Agric.* 31.

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Potter explains:<sup>32</sup> "Only two forts can be proved Agricolan.... One is Lancaster.... The other is Carlisle." Very significantly, he adds that there is an "absence of proven Agricolan sites in the Lake District."

Bragg's *Land of the Lakes* notes<sup>33</sup> that in 90 A.D., a division of the Roman General's Army entered the district below Kendal. Yet the occupation was symbolical rather than effective. There appear to be no Roman traces in the local dialect, nor in the place-names. There was and is little to be seen of any Roman forts — even though around A.D. 122f the Pagan Roman Emperor Hadrian built his Wall on the northern boundary of what is now Cumbria.

In 100 A.D., the Roman barracks at Newstead was subjected to a well-planned attack. The barracks at Corbridge also went up in flames. Agricola's peace had ended in rebellion. Outposts were abandoned, and places like York and Chester had to be strengthened by the Romans.

Dr. Oman notes there were no Roman towns and only one or two villas found north of York (and quite near to it). The Roman roads with milestones; a few traces of their baths; a number of their coins (chiefly before 100 A.D.); and their stations along Hadrian's Wall (constructed around 122f A.D.) from the Solway to the Tyne — are the only vestiges of the Romans' sparse occupation in this part of Britain.<sup>34</sup>

So the Celtic Britons held their own in the uplands of what is now Cumbria — in spite of the Roman conquest of South Britain as a whole. As the popular BBC Historian Michael Wood writes<sup>35</sup> — in his 1986 reprint *Domesday: A Search for the Roots of England* — **there are still extant at Shap in Westmorland stone-walled enclosures for houses, yards and corrals — probably inhabited by Celtic-speaking natives up to the fourth century.**

Even in the areas occupied by the Romans, they kept the Celts' old tribal organization of the land as the basis of their administration. The basic **Brythonic** and **Pre-Roman** structure of regional and local organisation was **retained**. The mass of the **native Britons spoke a Celtic language**. By A.D. 300, the population may have reached as much as four million. Thus Wood.

### **The High-King's son Prince Meric settled in Westmorland despite the Romans**

Having noted the very sparse presence of the Romans in Cumbria, we must now go back some fifty years before their building of Hadrian's Wall. In so doing, we shall see that they not only did not romanize Cumbria. To the contrary, the Celtic Brythons within *Britannia* in fact made precisely **Cumbria** their own new **stronghold**.

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<sup>32</sup> T.W. Potter: *Romans in North-West England*, Cumberland & Westmorland Antiquarian & Archaeological Society, Kendal, 1979, pp. 355-57. Further, Roman penetration of Cumberland alias North Cumbria — and even then just slightly so — took place only in later years.

<sup>33</sup> *Op. cit.*, pp. 44f.

<sup>34</sup> *Hist. Hist.*, XXI pp. 4-6.

<sup>35</sup> M. Wood's *Domesday: A Search for the Roots of England*, Facts on File, New York, 1986 (rep.), pp. 39-41.

Already in A.D. 72f, Britain's apparently-Christianized the High-King or *Ard-an-Rhaig* alias Arviragus ó was succeeded by his son Prince Meric alias Meurig or Murag (alias Marius or Maw). With the south and the west of Britain by then under **Roman** control, Meric now moved his **Brythonic Headquarters** to Cumbria's sparsely-populated Westmorland. There, the apparently-Christianized Prince Meric ó a man of admirable prudence and wisdom ó would continue to defend his Celtic country.

He did so specifically from Westmorland's remote Lake District. There, Meric would consolidate Early Christianity and maintain the culture of the Brythons ó despite all foreign interference.

Especially the Elizabethan antiquarian and historian Raphael Holinshed provided more details. According to his *Description of Britain*,<sup>36</sup> around A.D. 72-82f "Marius the son of Arviragus was King of all Britain ó that is, High-King or *Ard-an-Rhaig*. "Marius assembled a force...in **Westmorland**."

Following the Christian Calendar, Holinshed further related: "After the decease of Arviragus, his son Marius succeeded him.... He began his reign in the year of our Lord 73."

Here Holinshed substantially agreed with the earlier Welsh Chronicler Humfrey Lloyd. He wrote: "About the 72nd year of the incarnation...Meurig or Maw...reigned in Britain."

Now "in the *Old English Chronicle*," Holinshed further explained about Meric, "he is fondly called **West-mer** ó after whom **West-mer-land** [alias Westmorland] was named. **He was a very wise man, governing the Britons in great prosperity, honour and wealth**.... King Meric...with all speed...assembled his people, and made towards his enemies. Giving them battle, he obtained the victory."

Also Holinshed's *History of Scotland* recorded<sup>37</sup> that "**Mar-ius...became King of Britain.... He resided chiefly...in the parts surrounding Kendal**. He named those parts (where he passed altogether the greater portion of his time in hunting) **West-mer-land** ó after his own name.... Afterwards, when the Romans were expelled, a portion of the same ó adjoining Caledonia ó was called **Cumberland**."

### **A.D. 75-87f: Arviragus's son Prince Meric ruled from Westmorland**

In A.D. 75, Roderick invaded the northwest of South Britain at the Solway with a great fleet. Meric, however, victoriously defeated Roderick there. Thus the mediaeval historians Geoffrey Arthur,<sup>38</sup> Matthew of Paris<sup>39</sup> ó and Humfrey Lloyd.<sup>40</sup>

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<sup>36</sup> *Op. cit.*, I:197f & I:495; and see too Holinshed's *History of England* I:503, citing Hector Boece & Matthew of Westminster.

<sup>37</sup> Holinshed's *op. cit.*, V:72f.

<sup>38</sup> *Op. cit.*, IV:17-18.

<sup>39</sup> *Op. cit.*, I, pp. 107 & 113.

<sup>40</sup> Cited in Holinshed's *op. cit.* I:503, quoting Hector Boece and Matthew of Westminster.

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The Welsh Scholar Geoffrey Arthur of Monmouth around A.D. 1150 translated into Latin an important Ancient-Celtic manuscript from the time of King Cadwallader (675 A.D.). Its title is: *History of the Kings of Britain*. This preserves the record of some of what had happened among the Britons also after the death of the first-century Christian British High-King or Arviragus.

Of that Arviragus, Geoffrey explained:<sup>41</sup> ðHis son **Mar-ius** succeeded him in the kingdom: a man of marvellous prudence and wisdom! In his reign, after a time, came a certain...Roderick with a great fleet ó and landed in the northern part of Britain... Assembling his people, Marius accordingly came to meet him and, after sundry battles, obtained the victory.

ðHe then set upð a triumphal monument ó ða stone in token of his triumph in that province which was afterward called **West-mor-land** after his name. Thereon is graven a writing that beareth witness unto his memory even unto this dayö ó *i.e.*, even till the time of Cadwallader around A.D. 675.

It is very significant that **South** Britons like Cadwallader and Geoffrey Arthur did not claim a **South** British venue for Mericø activities. Instead, they here specified precisely the **North** British area of Cumbrian **Westmorland** as the place where Meric alias Marius built his Brythonic Kingdom.

The celebrated Welsh Chronicler Humfrey Lloyd had stated<sup>42</sup> that ðabout the 72nd year of the incarnation..., Meurig or Maw...reigned in Britain.... Our annals report that a certain kind of people living by piracy...came forth from Sweden or Norway under the guidance of one Rhitheric [or Roderic]. They landed in Alban, wasting all the country with robbery and spoilation as far as Caer-Leill. There, Roderic was vanquished in battle and slain by Murag.ö

Holinshed has recorded:<sup>43</sup> ðThe *Scottish Chronicles* avouch [that]...the victory which Meric obtained...happened in the year 87 after the incarnation. In remembrance of this victory, Meric caused a stone to be erected in the same place where the battle was fought. On this stone, these words were engraved: '*Marij victoria!*' ö Translation: -To Meric the victory!ø

ðThe *English Chronicle* says that this stone was set up **in the year 87 after the incarnation** on Stanesmoore ó and that the whole county thereabout, taking its name from this Meric, was West-mer-ia (now called West-mor-land). King Meric having thus subdued his enemies, and having escaped the danger of their dreadful invasion, **gave his mind to the good government of his people and the advancement of the common wealth of the realm**. He continued the rest of his life in great tranquillity... He was buried at Caer-leill, leaving a son behind him called **Coill**.ö

This is then Britainø first Christian dynasty ó Arviragus-Meric-Coill. The former, Mericø father Arvirag, was clearly a close relative of the great British General

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<sup>41</sup> *Op. cit.*, IV:17-19 & V:1.

<sup>42</sup> As cited in Holinshedø *op. cit. Op. cit.* I:503, citing Hector Boece and Matthew of Westminster.

<sup>43</sup> *Op. cit.*, I:197f, 495,503; and see too Holinshedø *History of England* I:503, citing Hector Boece & Matthew of Westminster.

Caradoc alias Caractacus (mentioned in Tacitus's *Annals*).<sup>44</sup> The latter, Prince Meric's son King Coill, was the father of Llew (whom the Romans called Lucius). The latter was the first king anywhere in the world ever to proclaim Christianity to be the state religion of the territory he ruled.

Clearly then, according to the old *English Chronicle*, the old *Scottish Chronicles*, Humfrey Lloyd, Geoffrey Arthur, Matthew Paris, and Raphael Holinshed's the Christian King Arviragus son the Briton King Meric ruled from near Kendal in Westmorland from about A.D. 72 onward. He wisely ruled the Britons in peace and prosperity; gave them good government; promoted the advancement of the Commonwealth; died not before the year 87 after the incarnation of Christ; and was buried in Carlisle.

### Prince Meric of Westmorland's son King Coill of Cumbria

Especially in the remote mountains of Cumbrian Westmorland or in the extreme northwest of South Britain adjoining the modern Scotland or the Pagan Romans were uninfluential. The region was named West-Mer-Land or after the Free British Christian King Arviragus son Mer-ic alias Mar-ius, who went to reside there.

That was where the Christian Prince Meric's son Prince Coill was born or in 114 A.D.<sup>45</sup> The Christian Coill later became the father of Prince Llew. He, whom the Romans called Lucius (and King of the Britons), would proclaim his area of *Britannia* to be a Christian nation around 156 A.D.

The Elizabethan Chronicler Holinshed explained:<sup>46</sup> Coill the son of Meric was, after his father's decease, made King of Britain in the 125th year of our Lord.... He was much honoured by the Romans, and he...lived in peace and good quiet. He was also a prince of much bounty, and very liberal [or generous]. Thereby he obtained great love from both his nobles and commons....

When this Coill had reigned the space of fifty-four years, he departed this life at York or leaving after him a son named Lucius [or Llew(ellyn)], who succeeded in the kingdom.... Coill the son of this Marius had Lucius as his issue or who is counted the first Christian king of this nation across the north of *Britannia*. For even while Coill continued ruling as King of Westmorland, his son Llew started to reign as High-King over the north of *Britannia*.

### First-century Brythonic Christian Cumbria south of Hadrian's Wall

There is a very important book called *Hadrian's Wall*, written by A.R. Birley (M.A., D.Phil., F.S.A.). There, Dr. Birley explains<sup>47</sup> that seven years after the Roman occupation of the Pennines from 71 A.D., Agricola's legions had penetrated into what is now Scotland. However, even before A.D. 96 or because of Anti-Roman activity

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<sup>44</sup> *Ann.* 12:33-40.

<sup>45</sup> Matthew Paris: *Holy Men of Britain. Creation to 1066 [A.D.]*, London: Longmans, 1872 ed., I, pp. 120f.

<sup>46</sup> *Op. cit.*, I:197f & I:510, citing Fabian.

<sup>47</sup> Dept. of Environment, Her Majesty's Stationery Office, London, 1976, p. 19.

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both within Cumbria as well as to her north ó the Romans were forced to abandon much of that territory.

Indeed, they lost even further territory shortly thereafter. For a successful rebellion of Britons in the north of Roman *Britannia* in A.D. 117, wiped out the Ninth Legion stationed in York. This wrested from Latin control all the land beyond the Cheviot Hills (on the border between what is now England and what is now Scotland).

The Roman Emperor Hadrian responded, from A.D. 122-130, by building a coast-to-coast fortification ó ðHadrianø Wallö ó between what is now England and what is now Scotland. That wall ran less than five miles north of *Caer-Leill* (alias Carlisle) in Cumbria. For more than seventy miles, it traversed the uplands all the way from Bowness on the Solway in the west ó to Wallsend in the east (just north of Newcastle).

The region immediately south of where Hadrianø Wall was erected, had for some time at least been acquainted with Biblical Christianity. It will be recalled that the kinsmen of the Brythonic Christian General, Prince Caradoc ó the Crown Prince Gwydyr, and his brother Prince Gwairydd the later Arvirag ó had themselves donated land to Joseph of Arimathea for his Christian Mission around A.D. 35f.

Apparently embracing Christianity, Gwairydd became -High-Kingø or *Ard-an-Rhaig* or Arvirag of Britain after the Pagan Romans attacked that land in A.D. 43 and slew his brother King Gwydyr. Arviragus then fought against the Pagan Romans with a Christian cross inscribed upon his shield. From A.D. 78-87 onward, his son the Christian Prince Meric made his headquarters in Cumbrian Westmorland, near Kendal. Also his son Prince Coill ruled over that area, and died in York.

The Brigantians and other indigenous tribes of Greater Cumbria readily exchanged their non-idolatrous Druidism (with its trincentric monotheism and belief in vicarious atonement and human immortality) ó for the religion of the Proto-Puritan Celtic Culdee Christians. The Ancient Britons detested the image-worshipping and polytheistic materialism of the invaders from Pagan Rome.

This was so especially in Greater Cumbria. Indeed, as we shall demonstrate later, it is precisely this very region which would subsequently produce many outstanding Celtic Christians ó like Ninian (definitely); like Padraig alias Patrick (probably); like King Arthur (possibly); and like Gildas and Kentigern (certainly).

**Christianity replaced Preparatory Druidism  
in second-century Cumbria**

Regarding Hadrianø Wall on the northern border of *Britannia*, Dr. Birley observes<sup>48</sup> that from Bowness began the system of mile-fortlets ó watchtowers and forts ó which extended the frontier defences another forty miles along the coast of Cumbria. It was probably from one of those places on this coast that the later Briton Patrick was kidnapped ó before going on to become the Apostle of Ireland.

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<sup>48</sup> *Op. cit.*, pp. 50 & 45f.

On a clear day, the hills of Southwest Scotland are visible from the Wall in Cumbria. To the south of Skiddaw, Saddleback and Cross Fell can sometimes be made out. The whole Pennine range was the home of the Brigantians, the largest British tribe. Beyond, North Northumberland was the home of the Votadins (alias the Gododdin of the Welsh) who later rescued their Celtic kinsmen of North Wales from the menace of the sea-raiders. The fort Camboglunna on Hadrian's Wall is thought by some to be Camlan or compare Camelot? where King Arthur later fought his last battle.

Near the above-mentioned Skiddaw and Cross Fell, and not far from the modern revivalist region of Christian Keswick, one finds Crossthwaite and the various churches of Cumbria. Observes J.W. Kaye in his book *The History of Crossthwaite Parish Church*,<sup>49</sup> below the southern slopes of the mighty Skiddaw lies the Valley of the Two Lakes.

Christianity was brought into the Valley of the Two Lakes. Also the Druidists there had believed in immortality. Skiddaw had looked down on the many druidic assemblies enacted there, year by year. The circles of stones share the secret with the surrounding hills.

Later came Kentigern. He established a church at Crossthwaite. There is considerable evidence a series of willow-and-clay sanctuaries stood there, for many years.

Also at Brideskirk in Cumbria, there is an extremely ancient stone baptismal font. It bears a pictorial inscription of a child being baptized. There a dove, doubtless portraying the Holy Spirit, is sketched as hovering over the infant.<sup>50</sup> Brideskirk is just over thirty miles, as the crow flies, from Kendal where the present author himself was born and baptized.

That whole area of Greater Cumbria was not at all controlled by the Romans from A.D. 43 till 73. Even since then, the Romans came and occupied it only very superficially, until their withdrawal in 397. It seems the local Ancient Druidists, while always regarding the Pagan Romans as foreign intruders or warmly embraced Christianity. For the Pagan Romans now opposed Christianity,<sup>51</sup> even as they had long opposed Celtic Druidism.<sup>52</sup>

Less than fifty miles northeast of Kendal, is Shap or full of many very ancient stone circles (one from B.C. 3200). Shap was never disturbed by the Romans, but was soon influenced by Christianity or and still is, right down to the present day.

Less than four miles west of Kendal is Underbarrow, where a discovery was made of a B.C. 1800f special flint arrowhead. Nearby is Staveley, a village on the river Kent between Kendal and Windermere. In that vicinity there were two Brythonic villages. Clusters of circles still show where the huts once stood.

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<sup>49</sup> M. McCane: *Keswick*, n.d., pp. 3f.

<sup>50</sup> Camden's *Britannia*, ed. Gibson, III p. 183; Nicholson's *History of Westmorland and Cumberland*, II p. 101; W. Wall's *History of Infant Baptism*, University Press, Oxford, ed. 1836, I p. 86.

<sup>51</sup> Ever since Nero (A.D. 64f), and especially since Domitian (A.D. 96f).

<sup>52</sup> Ever since Caesar Augustus (B.C. 29f), and especially since Caesar Claudius (A.D. 41f). See: Suetonius's *Twelve Caesars* 2:62-68f & 5:10-25, and Tacitus's *Annals* 14:29-32f.

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Some twenty-five miles northwest of Kendal, is the great Christian conference centre of Keswick. Less than two miles east of Keswick, is the druidical stone circle at Castlerigg.

About thirty miles to the east of Keswick, is Westmorland's Appleby. It was never at any time even in the possession of the Romans. Just five miles to its northwest, is Kirkby Thore ó near Braonach, where the Celts once offered their sacrifices on a huge altar slab at the Druid's Oak facing Cross Fell.

Even in South Westmorland's Casterton, less than two miles from Kirkby Lonsdale and almost on the border with Lancashire, there is a druidical circle. It is fifty-nine feet in diameter ó with mistletoe growing nearby.

Indeed, apart from the well-known Roman forts at Lancaster and at Carlisle, the rest of first- and second-century Greater Cumbria seems to have been singularly devoid of Romans. They never even occupied places like Appleby and Shap, nor the Lake District in Westmorland.

For Cumbria in general and Meric's Westmorland in particular were then inhabited by increasing numbers of Brythonic Christians ó and also by many Celtic Druidists, who were themselves then fast embracing Palestinian Christianity.<sup>53</sup> Very

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<sup>53</sup> See: A.H. Heaton & W.T. Palmer: *The English Lakes*, Macmillan, New York, 1908, pp. 2 & 148f & 231. óOf the history of the English Lakes, little need be said.... Druidical and perhaps more ancient remains are plentiful.... Opposite St. Herbert's Isle...is Keswick blessed above all Lakeland towns....

óSkiddaw, rather than Derwentwater, is the most prominent object as we leave Keswick northward.... Crosthwaite church has been subject of many pens. The history of the present building goes back beyond [viz. to long before] the great Reformation. Somewhere near this point, St. Kentigern of Strathclyde raised the cross.... The present building is doubtless the last of several which have successively weathered the storms of fourteen hundred years. Probably the first were built of willow wands and clay.ö

See too D. Wallace: *English Lakeland*, Batsford, London, 1948, pp. 21 & 99, and the maps at the front and the back of the book. Near Naddle just east of Keswick, óthe Druids' Circle [is] a very fine specimen on the last ridge of the high ground before it falls away to the banks of the Greta. Of the several such circles in our district, this one has the grandest site.... The circles were not burial-places but meeting-places.ö

Also see J.H. Hacking & B.L. Thompson: *Some Westmorland Villages*, Wilson, Kendal, 1957, pp. 1 & 87 & 90 & 163 & 184. óAppleby is the County Town of Westmorland. Situated on the banks of the River Eden, in the dawn of history Appleby was the most important town in the district. At no time was it ever in the possession of the Roman legions....

óCasterton is a pleasant village on the highroad from Sedbergh to Lancaster. One and a half miles from Kirkby Lonsdale, it lies between the Lancashire boundary, the parish of Barbon, and the River Lune.... The origin of the circle at the foot of the Fells...has been attributed to the druids. The circle is about fifty-nine feet in diameter, with twenty stones still clearly visible.... Mistletoe, the sacred plant of the druids, grew near to the circle until quite recently....

óKirkby Thore...is a parish in the Eden valley, five miles northwest of Appleby.... Kirkby Thore has been identified with the important Roman settlement of Braboniacum.... The name is presumed to be derived from the Gaelic -Braonach.... The Druids' Oak was an ancient tree on the hilltop opposite Kirkby Thore station, the traditional site of the ceremonies of the ancient druids facing Cross Fell.... In this field there used to be a huge stone....

óShap [is] a large parish astride the main A6 road from Kendal to Penrith. There are many prehistoric stone circles, as well as the remains of British Settlements to be found in and around Shap, notably at Gunnerkeld and Oddendale. -Carl Lofts'at the south end of the village, like several of these circles, was damaged when the main road [was] cut through them. Apparently this district was not disturbed by the Romans during their occupation in the first three centuries, but they passed northwards to Hadrian's Wall along...the mountain-top road to the west of Shap....

significantly, the early churches tended to be built upon or near to druidical ruins ó thus suggesting the smooth transition from the old religion to the new.

### **Anti-Roman ferment in North Britain after Hadrian's Wall was completed**

Regarding Hadrian's Wall itself, Professor Dr. H.M. Chadwick (LL.D. *etc.*) ó in his article 'Britain' (in the *Encyclopaedia Britannica*) ó observed<sup>54</sup> that after Agricola's departure, for the thirty years A.D. 85 till 115 the military history of Britain was troubled. In about A.D. 115 or 120, the Northern Britons rose in revolt ó and destroyed the Ninth Legion of Pagan Rome posted at York. The land beyond Cheviot was lost to the Romans.

For a few decades, Hadrian's Wall did protect the Roman province of *Britannia*. Nevertheless, disorder still broke out even in the north of *Britannia* itself. Specifically this occurred apparently in the district between the Cheviots and the Derbyshire hills ó Greater Cumbria.

This occurred, explained Edward Gibbon in his famous *Decline and Fall of the Roman Empire*,<sup>55</sup> when the Brythonic Brigantians invaded the northwest of the Roman province of *Britannia*. They did so from both sides of Hadrian's Wall ó from 'Free Britain' to the north, as well as from the northern corners of 'Roman *Britannia* itself.

Furthermore, some eighteen or twenty years later (in A.D. 180 to 185), yet another war broke out. This time the Romans were driven south of Cheviot, and perhaps even farther.

Following the great Scottish historian Hector Boece, also the Elizabethan Holinshed chronicled<sup>56</sup> that the North Briton Galgacus enjoyed a long rule until he died around A.D. 131. He was then succeeded by his nephew Mogall, who 'also **restored the due worship of God...** Mogall had a mind no less given to deeds of chivalry than to the study of **civil government and religious devotion**. So he sent a herald-at-arms to the Romans, **requiring restitution and amends for the injuries thus committed by them.**

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óStaveley [is] a village on the river Kent, between Kendal and Windermere.... Long ago, in the distant past, before the Romans invaded Britain, this valley must have been a wooded land.... We find in the vicinity [that] there were two British villages, both on the higher hillsides ó the one near Millriggs Farm in the Parish of Kentmere, and the other above High House in the Parish of Hugill. In both these ancient British villages, the clusters of circles show where the huts once stood.... These were surrounded by a wall, which in those olden days protected the domestic animals and kept the villagers safe from wolves....

óUnderbarrow [is] the first parish on the old road from Kendal to Ulverston.... The exciting discovery of a flint arrowhead in Barrowfield Wood enables us to start...with a reference to prehistoric times.... This 'barbed and tanged' type is characteristic of the Bronze Age period c. 1800-500 B.C. It is made of flint, a rock-type which does not occur in our area.... There is no doubt that it was made by specialist craftsmen maybe as far away as southern England, and would reach Westmorland by the usual trade channels.... It would...be a precious and fairly high-priced object of trade....ö

<sup>54</sup> H.M. Chadwick's art. *Britain* (in *Enc. Brit.* IV, pp. 159f).

<sup>55</sup> *Op. cit.*, I pp. 9 & 22.

<sup>56</sup> *Op. cit.*, V:85-87f.

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öThe herald, after delivering his message, received nothing but scornful words and disdainful menaces. So Mogall drew into Annandale. There, Unipan the king of the Picts awaited his coming. Then, joining their forces together, they marched forth with fireö ó wasting and despoiling the Roman garrisons.

Tertullian the (195f A.D.) African of Carthage, and Origen the (230 A.D.) Alexandrian of Egypt (who settled at Caesarea in Palestine), both alluded to the preaching of Christianity in Britain at that time. Tertullian testified to its widespread dissemination, also in Greater Cumbria, even before the end of the second century.<sup>57</sup>

**The Cumbrian Prince Coill's son Llew  
the Lion (the Christian King Lucius)**

It will be recalled that the son of Arvirag, the Brythonic Prince Meric, had founded Westmorland and set up his residence near Kendal. It will also be remembered that his son Prince Coill had followed in his footsteps, and had been buried in York.

We now come to a very important figure in the history of Britain and her Church. We refer to King Llew (alias Lucius) ö the son of Coill, the grandson of Mar-ius (the founder of West-mor-land), and the great-grandson of the -High-Kingø Arviragus and also of Cyllin (the son of Caradoc). So vital is King Llew, that an extended treatment of him is warranted.

As the 1150 A.D. Welsh historian Geoffrey Arthur remarked about Marius or Meric,<sup>58</sup> öwhen he had ended the course of his life, his son Coill guided the helm of state. Unto Coill was born one single son whose name was Lucius [Llew]. He, upon the death of his father, succeeded to the crown of the kingdom. He so closely imitated his father in all good works, that he was held by all to be another Coill... He despatched his letters..., beseeching that...[his nation as such] might receive Christianity... **The nation of the British was in a brief space established in the Christian Faith.**ö

The above remarks, found in the A.D. 675 Early-Celtic manuscript translated by Geoffrey, then elicited a further comment from that mediaeval translator himself. He wanted his readers to know that even the A.D. 675 manuscript was not the earliest original autograph. For Geoffrey himself then added: öNames and acts are to be found recorded in the book that Gildas wroteö ó in A.D. 560.

Llew, whose name means Lion,<sup>59</sup> was apparently the first monarch in the world to proclaim his own land ö in this case northern *Britannia* ö to be a Christian country. He did so around A.D. 156. This seems to have been fully a century-and-a-half before the next country, Armenia, followed suit.

This King Llew was also known as *Lleu(ver) Mawr*, meaning -Great Light.ø Both the Romans and the Romano-Britons called him Lucius. This King Llew Mawr, state

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<sup>57</sup> Tertullian: *Against the Jews* 9.

<sup>58</sup> *Op. cit.*, IV:17-9.

<sup>59</sup> Rolleston: *Myths and Legends of the Celtic Race*, London: Constable, 1984, p. 335.

the *Welsh Triads*,<sup>60</sup> was the first in the Isle of Britain who bestowed the privilege of country and nation and judgment and validity of oath upon those who were of the faith of Christ.

### The testimony of the Anti-Celtic A.D. 731 Bede on the historicity of Lucius

The **kind** of Christian Faith which had been brought during the first century A.D. straight from Palestine to the British Celts and indeed also into Cumbria, was **Proto-Protestantism**. Its adherents were soon called "Culdees" or alias "Worshippers of God." They were folk who trusted, simply, in the God of the Bible.

Only around 597 A.D. did Romanists first arrive in England to work among the Pagan Jutes in Kent, and soon thereafter among the Angles and Saxons in Eastern England. They were stoutly resisted by the Proto-Protestant Celto-Brythonic Culdee Christians who had been there for many centuries, especially in the west and the north of Britain. Thus also the Pre-Reformational Scottish historian Hector Boece.

Let us now hear the A.D. 731 Anti-Celtic and Anti-Culdee Anglo-Saxon Roman Catholic historian Bede. Writing more than half-a-millennium after and about the Celto-Brythonic King Llew or Bede clearly extracted as much propaganda value for the mediaeval papacy therefrom, *ex post facto*, as he could.

Stated Bede in his *Ecclesiastical History*:<sup>61</sup> "In the year of our Lord's incarnation 156...[A.D.], Lucius, King of the Britons, sent a letter to Rome's Bishop or entreating that Missionaries might be sent to him so that Britain might be made **Christian**. He soon obtained his pious request, and the **Britons preserved the Faith which they had received – uncorrupted and entire, in peace and tranquillity – until the time of the Emperor Diocletian.**"

Significantly, even Bede here admitted that after 156 A.D. the Christian Celtic Britons thenceforth preserved "the Faith...uncorrupted" at least until the A.D. 285-313 "Diocletian." That was a time when Christianity in Rome was still Proto-Protestant or three centuries before it degenerated there and for the first time called its Bishop "Sole Pope" around 590 A.D.

"Diocletian" was the last **Pagan** Roman Emperor. From around A.D. 285 onward, he would wage vicious Anti-Christian persecutions against the people of God or until Lucius's descendant the Briton Constantine three decades thereafter replaced him as the first **Christian** Caesar of Rome's Empire.

We now return to the 731 A.D. Romanist Bede's testimony about the 156 A.D. Brythonic Christian King Llew alias Lucius. In his rather famous book *The Early Scottish Church* or sub-titled *The Ecclesiastical History of Scotland from the First to the Twelfth Century* or the Scottish Presbyterian Rev. T. M. Laughlan insisted<sup>62</sup> the Welsh writers call that Celto-Brythonic King Llew: *Llewrig*. "Lucius" was the Latin

<sup>60</sup> See E.O. Gordon's *Prehistoric London*, p. 71.

<sup>61</sup> *Op. cit.*, I:3.

<sup>62</sup> T. M. Laughlan: *The Early Scottish Church: the Ecclesiastical History of Scotland from the First to the Twelfth Century*, Edinburgh, 1865, pp. 47f.

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equivalent. MøLaughlan added that in making use of all Bede's statements, one needs to remember the peculiar bias with which he and the writers of his own and a subsequent Romish age wrote.

Bede was a devoted adherent of the Roman See, and lost no opportunity of promoting its interests. The Ancient Brythonic Church, however, was strenuously Anti-Roman. Thus MøLaughlan ó who could certainly very well even have added that Bede was also an Anti-Celtic Anglo-Saxon.

The Ancient Brythonic Church was strongly Proto-Protestant. But the later Bede was a militant Romanist. Indeed, as an Anglo-Saxon he was also strongly Anti-Brythonic. Yet he was also **anything but** Anti-Romish.

Indeed, Bede clearly suppressed the demonstrably Non-Roman character ó if not also the Anti-Romish character ó of the Ancient British Church. Not only did he often castigate the Brythons. But he also conveniently overlooked even the very existence of the great A.D. 385f Brythonic Missionary Patrick ó Britain's Apostle to Ireland!

Bede was an Anglo-Saxon, living **before** the amalgamation of the English and the Celts into the then-newly-emerging Anglo-British Culture. Consequently, his writings usually display a cavalier condescension<sup>63</sup> when referring to the Celto-Brythons. Nevertheless, **even Bede admitted that *Britannia* as a whole became a Christian country in the A.D. 156f days of her King Llew.**

**Post-Bede testimonies before Fortescue  
about the Cumbrian King Lucius**

According to Rev. A. Heath,<sup>64</sup> the A.D. 805f Christian Welsh Historian Nenni, in his own *History of the Britons*, recorded: ðAfter 137 years from the birth of Christ, Llew [Lucius], a British king ó along with princes of Britain as a whole ó received baptism.ö As such, Llew was a predecessor of that other great Christian Brython ó King Arthur, whom Nenni also specifically mentions by name.

The above quotation would imply that the young Cumbrian Prince Llew was baptized in infancy, along with other princes of Britain. This would have been some twenty years before Llew later became king and then proclaimed Christianity to be the state religion in his area of *Britannia* ó during 156 A.D.

It can therefore be seen that the manuscript references to the Christian King Llew of Greater Cumbria were not invented merely during the twelfth century ó as is sometimes alleged. For Llew is **already** mentioned, **explicitly**, by the 731 A.D. Anglo-Saxon Bede (in his extant *Church History*). Indeed, according to Rev. Heath,

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<sup>63</sup> See Bede's *Eccl. Hist.* I:22 & V:23. About the Celto-Britons, the Anglo-Saxon Roman Catholic church historian Bede there declared: ðIn Britain...their own historian [the A.D. 520f] Gildas mournfully takes notice...that they never preached the faith to the Saxons or English.... However, the goodness of God did not forsake [the Anglo-Saxons].... He sent to the aforesaid nation much more worthy [viz. Roman] preachers to bring it to the faith.... The Britons...[are] for the most part...adverse to the English nation...[and] from...[longstanding!] custom oppose the appointed Easter of the whole [Roman] Catholic Church.ö

<sup>64</sup> A. Heath: *The 'Painted Savages' of England*, London: Covenant, 1943 ed., pp. 41f.

Llew is mentioned also by the extant *History of the Britons* written in 805 A.D. by the Welshman Nenni.

**Implicitly**, both King Llew and the later King Arthur must also be presupposed in the 560 major work of Gildas. And the latter is quite the oldest extant Brythonic (and indeed also Cumbrian) church historian.

These traditions anent Llew all flow together in the two most celebrated mediaeval historians of Ancient Britain. We mean William of Malmesbury, and Geoffrey Arthur of Monmouth.

Malmesbury ó whom the great Westminster Assembly Commissioner Rev. Dr. James Ussher (Bishop of Carlisle) one called<sup>65</sup> ðthe chief of our historiansö ó declared<sup>66</sup> that ðit is related in **annals of good credit** that Lucius King of the Britons sent...to entreat that he would dispel the darkness of Britain by the splendour of Christian instruction.ö

In another of his works, Malmesbury added:<sup>67</sup> ð**Reliable annals** record that Lucius, King of the Britons, sent a plea to Eleutherius...that he should **illuminate...Britain with the light of Christian preaching**. This great-souled king undertook a truly praiseworthy task ó at the very time when almost all [other] kings and people were persecuting it.ö

The Welshman Geoffrey Arthur added anent Meric alias Marius (the grandfather of Llew alias Lucius):<sup>68</sup> ðHe then set up a stone in token of his triumph in that province which was afterward called **Westmorland** after his name.... When he had ended the course of his life, his son Coill guided the helm of state.

öUnto Coill was born one single son whose name was **Lucius**. He, upon the death of his father, had succeeded to the crown...and did so **closely imitate his father in all good works** that he was held by all to be another Coill.... He despatched his letters...beseeching that...he might receive **Christianity**.ö

Llew is mentioned also in other mediaeval works ó in Henry of Huntingdon's *History of Britain*;<sup>69</sup> Matthew Paris's *Major Chronicles* and his *History of the English*;<sup>70</sup> in the *Anglo-Saxon Chronicle*;<sup>71</sup> and in Capgrave's *Chronicle of England*.<sup>72</sup> These works too, in their **basic** assertions, are all corroborative ó not innovative.

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<sup>65</sup> See the Giles ed. of William of Malmesbury's *Chronicle of the Kings of England*, London: Bohn, ed. 1847, p. v.

<sup>66</sup> *Ib.*, pp 18f.

<sup>67</sup> William of Malmesbury's *Glastonbury*, in the Scott ed. (Boydell, St. Edmundsbury Press, Bury St. Edmunds, Suffolk), 2, pp 47ff.

<sup>68</sup> *Op. cit.*, IV:17f & V:1.

<sup>69</sup> Henry of Huntingdon's *History of Britain*, London: Bohn, ed. 1853, pp. 23f & 28f.

<sup>70</sup> Matthew Paris: *Chronica Majora* and his *Historia Anglorum*.

<sup>71</sup> *Anglo-Saxon Chronicle* ed. Thorpe, Longmans, London, 1861.

<sup>72</sup> J. Capgrave: *Chronicle of England*, Longmans, London, 1858, II, p. 67.

### Historicity of Lucius from the 1470 A.D. Chief Justice Fortescue onward

Court of King's Bench Lord Chief Justice Sir John Fortescue in his (1470 A.D.) *Praise of the Laws of England*, discussed the christianization of the Ancient Britons. There, he apparently<sup>73</sup> concluded that "the time of their first conversion is said to be 1300 years ago *in anno* 162 after Christ at the national level. Implicitly, this clearly refers to the Cumbrian King Lucius's proclamation of Christianity to be the national religion of Britain.

As the famous Elizabethan chronicler Raphael Holinshed rightly remarked:<sup>74</sup> "This Lucius is highly renowned by writers. For he was the first king of the Britons that received the faith of Jesus Christ. For, being inspired by the spirit of grace and truth even from the beginning of his reign, he [even then] somewhat leaned toward favouring the Christian religion.... For even from the days of Joseph of Arimathea and his fellows (or whatever other godly men first taught the Britons the Gospel of our Saviour), there remained among the same Britons some Christians who did not cease to teach and preach the Word of God most sincerely to them."

So Lucius then "took occasion by their good example to give ear more attentively to the Gospel. At length, he sent to Eleutherius (Bishop of Rome) two learned men of the British nation ó Elvan and Medwin. Lucius requested Eleutherius to send some such Ministers as might instruct him and his people more plentifully in the True Faith ó and to baptize them according to the rules of the Christian Religion."<sup>74</sup>

Also the great Legal Antiquarian and Westminster Assembly theologian Dr. John Selden mentioned this *circa* A.D. 130 Christian Briton King Llew. Wrote Selden:<sup>75</sup> "He was indeed the **first** of kings to have **embraced the God-man** [Jesus Christ]. **Yet it was not just from the time of Llew onward that the first beginnings of the Christian religion were found in this most fertile field of witness** ó namely in Britain.

### Testimony of Dr. John Owen regarding historicity of King Lucius

There is also the famous British Puritan Rev. Dr. John Owen. On the one hand, in his book *Theologoumena Pantadapa*,<sup>76</sup> he rejected **much** (but **not all**) within the mediaeval stories anent Early British Church History<sup>77</sup> ó including legendary portions about Lucius. Yet even in that work, he still admitted of Ancient Britain:<sup>78</sup> "Our island was as it were severed from the rest of the world.... Yet it was by God's merciful providence that Messengers and Preachers of the Gospel landed here even in the very infancy of the Faith.

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<sup>73</sup> Thus Waterhouse's great *Commentary on Fortescue's 'Praise of the Laws of England'*, Roycroft, London, 1663, p. 230.

<sup>74</sup> *Op. cit.* I:510f, citing Fabian.

<sup>75</sup> J. Selden: *Opera Omnia*, ed. D. Wilkins, London, 1726, II:875-76, ch. 6.

<sup>76</sup> The only English-language edition of this Latin-language work of Owen, is that translated by Rev. Dr. S. Westcott under the title *Biblical Theology*, Pittsburgh: Soli Deo Gloria, 1994.

<sup>77</sup> See the dialogue between Dr. Westcott and the present writer Dr. F.N. Lee (in the *British Reformed Journal*, Lutterworth, Nos. 8-11, Oct. 1994 to Sept. 1995).

<sup>78</sup> *Op. cit.*, pp. 330-41.

öSimon Metaphrastes and Menalogius say that Peter preached the Gospel here. Theodoret and Sophronius say that Paul did.... Nearly all English writers of modern days such as Parker, Bailey, Fox, Camden, *etc.*, say that Joseph of Arimathea preached here. In Joseph's case, there is hardly a voice raised in doubt, and very early Christian sources such as Tertullian and Origen state that Britain received the Faith from this source....

öEleutherius lived in the reign of the Emperor Commodus.... **We shall not deny the possibility that a certain Lucius, possibly of royal descent, and possibly enjoying some prestige among the Britons, did at this time become a convert to Christianity, and make every effort to further the Faith here.**ö

In the rest of his works, Owen was even clearer on the historicity of Lucius. Thus, in his 1646 *Vision of Unchangeable Free Mercy*, he declared: öIn the very morning of the Gospel, the Son of Righteousness shone upon this land; and they say the first Potentate on the Earth that owned it, was in Britain. Nicephorus II:40, and the *Epistle of Eleutherius* to Lucius.ö

In Owen's 1662 *Animadversions on a Treatise entitled Fiat Lux*, Owen made a further observation. Namely: öIn the days of King Lucius...Fugatus and Damianus came hither...and **furthered** the preaching of **the Gospel** which **had** taken footing here **so long before**ö ö *i.e.*, **long before** Lucius.

Finally, in his 1663 *Vindication of the Animadversions on Fiat Lux*, Owen stated: öThe days of Lucius are assigned by Sabellicus as the time wherein the whole province received the name of Christ *publicitus cum ordinatione* ö **by public decree**... The very *Epistle of Eleutherius* [to Lucius]...plainly intimates that **the Scripture** was received among **the Britons**, and **the Gospel** much dispersed over the whole nation.ö Note Owen's words: much dispersed over the whole nation!

### **Dr. Mosheim and George Borrow on Cumbria's Culdee Christian King Lucius**

Even a famous rationalistic church historian, the German Professor of Ecclesiology Dr. J.C. Mosheim, affirmed the role of the Briton King Llewrig in constitutionally christianizing the Ancient **British** State. Observed Mosheim:<sup>79</sup> öAs to Lucius, I agree with the best English writers in supposing him to be **the restorer** and **'second father' of the British churches** ö and not their original founder.ö

Here, Mosheim clearly affirmed the historicity of King Lucius and his great role in promoting Christianity also in the public affairs of Britain. Even more importantly, Mosheim here presupposed the Pre-Lucian antiquity of the Early-Brythonic Church. For Mosheim here said he had to öagree with the best English writers in supposing the Cumbrian Lucius to be the restorer and 'second father' of the British churches, and not their original founder.

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<sup>79</sup> *Op. cit.* p. 52 n. 4.

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There is also George Borrow ó in his book *Celtic Bards, Chiefs, and Kings*. He has argued<sup>80</sup> that the first king in the whole world to confess the faith of Christ by Act of Parliament, was a British king whose name was *Lles ap Coel* or Llew the son of Coill ó as early as the year *circa* 160.

**The powerful influence of Lucius's Christian  
Cumbria on the Pagan Romans**

On the basis of the previously-mentioned<sup>81</sup> and other collations of early histories, the great Elizabethan chronicler and historian Raphael Holinshed recorded<sup>82</sup> that Llew's Christian influence helped the Britons endure the ongoing occupation of their land by the Pagan Romans. For Holinshed explained that when the Roman Governor Trebellius came into Britain, though himself a Pagan, õhe at first conducted himself very uprightly in his office. He showed all honour...towards the Britons...and especially to Lucius who then reigned as king of the land.

õBut once he won himself some credit among the Britons ó the Pagan Roman Trebellius changed his manners. Then, his only study was how to fill his own money-bags. Through his wickedness, the Britons began to hate their Roman Governor very much. Had it not been for their love of their own king Lucius, who restrained them ó there would have been some rebellion against Trebellius not only in the north but even in the southõ of Roman *Britannia*.

The Caledonians and Picts in Free North Britain, however ó learning about this dislike of the Britons in *Britannia* toward their own Roman Governor ó thought it a convenient time also for them to avenge their former injuries. So they came from the north to the oft-remembered Hadrian's Wall. õThen, overthrowing it in various places,õ recorded Holinshed, õthey entered into the British confines ó greatly despoiling it. They harried the county of Westmorland (and Kendal).õ

**The influence of South Britain's King Llew  
on Free Britain's King Donald**

It is very likely that Christianity in Cumbria within *Britannia*, under the Brythonic King Llew, impressed especially his neighbours immediately to the north. Indeed, his nearest contemporary was the younger Caledonian Brython ó King Donald of Free Britain. A Briton ruling just adjacent to the realm of King Llew himself, Donald reigned north of Hadrian's Wall ó and adjacent to the northern part of Greater Cumbria alias Strathclyde ó in what was then Free North Britain.

õDonaldõ of Caledonia, explained Holinshed,<sup>83</sup> õhad long been a prince ó free, courteous, and without any deceit. He was more righteous than rigorous. Before all things, he desired that peace and concord might prosper among his subjects. Yet he did not tolerate offenders.... **Such as were disobedient against the laws and**

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<sup>80</sup> *Op. cit.*, London: Murray, 1928, p. 32.

<sup>81</sup> See at nn. 61-72 above.

<sup>82</sup> *Op. cit.*, V:92f.

<sup>83</sup> *Op. cit.*, V:94f.

**wholesome ordinances of the realm, he caused to be duly punished.** Finally, he took such order for reformation of things ó that he changed his subjects...into a perfectly civilized kind of humanity.

öBeing delivered from foreign trouble, he studied chiefly how **to preserve his people in good peace and perfect tranquillity.** This mind our Saviour Christ, the Author of all peace and concord, had given to him. For **he had just beforehand been converted to the True Faith.**ö

Indeed, öDonald the Caledonian kingö ó explained Holinshed<sup>84</sup> ó had öurgently requested [the Christian Britons in *Britannia*] to send over into Caledonia some **godly learned men to instruct him in the right belief....** Not only the king, but also ó through his example ó **a great number of the nobility were baptized....** This was in the year 203 after the birth of our Saviour.

öMoreover, this Donald was the first (as the *Scottish Chronicles* allege) that **caused silver and gold to be coined** in his realm. The stamp which he devised for the same, was **a cross on the one side and his own face on the other....**

öFinally, King Donald, in the twenty-first year of his reign, departed from this life ó and was **buried according to the manner of our Christian Religion.**ö Thus Hector Boece and Raphael Holinshed. So, as (the A.D. 160-215f) Tertullian of Africa rightly observed around A.D. 195 in his *On the Jews 7* (*cf.* his *Apology 37*), even öthe places of the Britons inaccessible to the Romansö had already been ösubjugated to the true Christ.ö

### **Modern Church Historians on the Christian British Kings Llew and Donald**

We now take leave of those Celtic Christian Kings ó Llew of Cumbria and Donald of Caledonia. We do so with excerpts from *The History of the Reformation* by Merle DøAubigneø H.B. Woodwardø *History of Wales*, and Dr. Hugh Williamsø *Christianity in Early Britain*.

The great Swiss Church Historian J.H. Merle DøAubigneø stated it well in his *History of the Reformation*. Regarding the Ancient British Isles, he there observed:<sup>85</sup> öIt is certain that the tidings of the Son of man ó crucified and raised again ó spread through these Islands more rapidly thanö it did through öthe dominions of the emperors....

öBefore the end of the second century, **many churches worshipped Christ also beyond the walls of [H]adrian**ö ó in Northern Cumbria, and also on the border between Strathclyde at Dumbarton and the Callander Wood in Caledonia. Christ was now worshipped öin those mountains, forests, and the Western Isles which for centuries past the druids had filled with their mysteries and their sacrifices ó and on which even the Roman eagles had never stooped.

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<sup>84</sup> *Op. cit.*, V:96f.

<sup>85</sup> J.H. Merle DøAubigneø *History of the Reformation*, Carter, New York, 1853 ed., V, pp. 19f.

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öThose churches were formed after the Eastern type. The Britons would have refused to receive the [Italian] type of that Rome whose yoke they detested.ö For öthe first thing which the British Christians [had ever] received from the capital of the Roman Empire, was persecution....

öMany Christians from the southern part of the Island took refuge in Scotland where they raised their humble roofs and, under the name of *Culdees*, prayed for the salvation of their protectors. When the surrounding people saw the holiness of these men of God, they abandoned in great numbers their sacred oaks, their mysterious caverns, and their blood-stained altars ó and obeyed the gentle voice of the Gospel.ö

We ourselves agree with nearly all of the above statements of Merle døAubigneø Yet his druidic öblood-stained altarsö in öScotlandö (meaning what was then still Brythonic Northern Cumbria) had been derived probably from those of the Hebrews. They had always pointed forward to their fulfilment ó in the blood-stained altar of Calvary. No wonder, then, that especially in Ancient Cumbria ó northward up from Westmorland, and later also in Strathclyde ó the Gospel now took root!

H.B. Woodward indicated in his *History of Wales*<sup>86</sup> that Lucius is linked to British Christianity by the *Brut y Breninoedd*, Nenni, and Geoffrey Arthur. Indeed, that link is affirmed even by Ethelwerd, Bede, the *Anglo-Saxon Chronicle*, and Englandø mediaeval historian Henry Huntingdon.

Professor of Church History Rev. Dr. Hugh Williams remarked in his famous book *Christianity in Early Britain*,<sup>87</sup> that Britainø first Christian king ó the great-grandson of Arvirag ó was no other than Lucius. The Welsh records call him *Lles ap Coel*, alias Llew the son of Coill.

Williams added that this story of Lucius became amazingly popular and widespread during the Middle Ages. The story was accepted by many as authentic history. Even the Romanistic Counter-Reformationø Polydore Virgil regarded Lucius as having taken a real part in the evangelization of Britain.

**301f A.D.: Carant's revolt in Westmorland  
against the Pagan Romans**

Constantine the Great was born, apparently in Greater Cumbria, around 272 A.D. Before the death of his father and his own coronation at York in 306f, chronicled Holinshed,<sup>88</sup> öthe estate of the Roman Empire in Britain was brought into trouble by Carant [whom the 340f historian Eutropius called Carausius]... Carant had revolted. He had not only caused them of Westmorland to rebel, but had also slain and chased the Romans out of that county....

öThe Britons...yielded themselves to Carant [the Briton], and swore to be his true liege-men and subjects.... After Carant won a victory, he caused himself to be proclaimed King of Britain.... Westmorland and Cumberland...together with all the

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<sup>86</sup> *Op. cit.*, I-III, London: Virtue, pp. 76f.

<sup>87</sup> H. Williams: *Christianity in Early Britain*, Clarendon, Oxford, 1912, pp. 57-59 & 65.

<sup>88</sup> *Op. cit.*, V:101f.

region between Hadrian's Wall and the city of York so they could enjoy as their own proper patrimony, for evermore.

Carant then created **Amphibal the first Bishop of Saint Saviour's Church.... This Amphibal did very much good...in setting forth the Word of Life....** There were others also of right-famous memory about the same time so such as **Modoc, Prisk, Calan, Ferran, Ambian and Carnoc. They ceased not in preaching,** and instructing the people in the right belief. They were called by an old ancient name in the Scottish tongue: *Culdee*. That is to understand..., as you would say in English: the worshippers of God.<sup>89</sup>

### **Cumbrian Christianity under King Coel Godebog and Prince Constantine**

We have seen, starting already in apostolic times, that one may trace the Early-Christian Kings of Cumbria. Such were: Meric, 72f A.D.; Coill, *circa* 114f A.D.; Llew or Lucius, *circa* 130f A.D.; Coel Godebog, the father of Elyn, A.D. 280f; and her son Cystennyn or Constantine, *circa* 313f.

Professor T.F. Tout of Manchester University mentioned<sup>90</sup> that according to her National Historians, Britain's Roman Governor Constantius Chlorus married Helena the daughter of a local British King within *Britannia*. Thus Coel Godebog's daughter Elyn (alias Elen or Helen or Helena) married the Roman Governor Constantius, who died in Britain. So too the 805f Welsh Historian Nenni.<sup>91</sup>

Constantius died precisely in Greater Cumbria's **York**. His son, Prince Constantine so the man who would later formally christianize the entire Roman Empire so **seems** to have been **born there**. It is **certain** he was **crowned** Emperor there so in **York**.

Constantine's British birth was asserted by some of his then-contemporary panegyrists. His birth and education in Britain is stated so on the basis of ancient documents (such as the *Brut* of Layamon) available in the Middle Ages but no longer extant so by Geoffrey Arthur,<sup>92</sup> and Henry Huntingdon.<sup>93</sup> And it is further stated by the later Historians Pierre de Langtoft, Waurin, Voragine, Baronius, Polydor Virgil, Hakluyt, Ussher, Hayden, Giles, Richardson and Professor Dr. Philip Schaff.

In his seven-volume *History of the Christian Church*, Rev. Dr. Schaff stated:<sup>94</sup>  
**Constantine, the first Christian Emperor, was born in Britain; and his mother, St. Helena, was probably a native of the country....** Constantine, son of the Co-Emperor Constantius Chlorus who reigned over...Britain till...306, was born probably in the year 272...in Britain.... According to Baronius...and others, he was born in Britain because an ancient panegyric of 307 says Constantine ennobled Britain by his birth.... The young Constantine, who hailed from the far West, had already in 306 become Emperor of...Britain.

<sup>89</sup> *Ib.*, V:106f so citing *Sodorensis ecclesia*.

<sup>90</sup> *Hist. Hist.*, XVIII, p. 24.

<sup>91</sup> *History of the Britons*, 25-31.

<sup>92</sup> *Op. cit.*, V:6-7.

<sup>93</sup> Henry calls Constantine the flower of Britain.

<sup>94</sup> Eerdmans, 1970 ed., IV p. 25; III p. 18 & n. 2; and II p. 72.

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A 307 A.D. panegyric said to Constantine: *“Tu Britannias nobiles oriendo fecisti.”* Moreover, a further (310 A.D.) *Panegyric to Constantine* commended Britain for all of her blessings and for producing Constantine. Indeed, also one of his own contemporary writers the Roman historian Eutropius stated that Constantine was born in Britain.

Constantine’s eye-witness biographer, the great church historian Eusebius, eulogized him from **beginning in Britain**<sup>95</sup> to elevating God’s Holy Laws throughout the Roman Empire. Furthermore, the Early Church’s historian Sozomen in his A.D. 443f *Ecclesiastical History* wrote:<sup>96</sup> “In **Britain**...it is **universally** admitted Constantine embraced the **Christian** religion **prior** to his war with Maxentius [circa A.D. 312f].”

In Trevelyan’s book *Land of Arthur*, it is stated<sup>97</sup> that according to the *Chronicles of the Ancient British Kings*, King Coel and unfortunately trivialized (yet also perpetuated) in nursery rhymes as “Old King Cole” certainly did live. He seems to have been King Coel Godebog (or Godeboy) and a descendant of King Llew, and the father of Helen the mother of Constantine.

After the time of Llew, continued Trevelyan, the *Chronicles* refer to this “Coel Godeboy (Iarle Caerloyn), A.D. 295. Coel Godeboy...made two cities or towns.... He had a daughter called Elen or Helen alias Elyn and now commemorated by Greater Cumbria’s Lancashire town of St. Helens (named after St. Elyn’s Chapell on the site of what is now St. Mary’s Church).”<sup>98</sup> “She married Constance.... In her right, [he] was King of Great Britain.... She was the mother of Constantine the Great, the first Christian Emperor of Rome. “Constantine was a Prince of Britain.”

Following Fabian, Geoffrey Arthur, Caxton and John Bale, also Holinshed has recorded that Coel “began his dominion over the Britons in the 262nd year of our Lord. This Coel or Coell ruled the land for a certain time. The Britons were well content with his government....

“The Romans...appointed one Constantius to pass over into this Isle with an army. This Constantius put Coell in such dread and that immediately upon his arrival, Coell sent him an ambassage and concluded a peace with him. He covenanted to pay the accustomed tribute; and he gave his own daughter Helen and a noble and a learned lady and in marriage to Constantius.”

It is indisputable that Helen was the mother of the first Christian emperor, Constantine the Great. “I will,” explained Holinshed,<sup>99</sup> “with others and throughout the discourse of the following history and admit both the mother and son to be Britons.

“But now to conclude with the doings of Constantius.... He fell sick **at York**, and died there and about the 306th year of our Lord.... While he lay on his death-bed..., and

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<sup>95</sup> Eusebius: *Life of Constantine*, II:23-27.

<sup>96</sup> Sozomen: *Ecclesiastical History*, I:5f.

<sup>97</sup> *Op. cit.*, Hogg, London, 1895, pp. 71f.

<sup>98</sup> Art. “St. Helens” in *Encyclopaedia Britannica*, Chicago: University Press, 1974, VIII:783.

<sup>99</sup> *Op. cit.* I:527f and citing Fabian, Geoffrey of Monmouth, Caxton, & John Bale.

hearing that his son Constantine had arrived..., he received him with all joy.... He set **the crown** upon his son's head ó at **York**.

õConstantine began to reign in the 306th year of our Lord. This worthy prince was begotten from a British woman, and born of her in Britain.... It is certain **he was created emperor in Britain**. This doubtless made **his native country** partake of his own high glory and renown. This fact ó by his great prowess, political wisdom, worthy government, and by the other princely qualities most abundantly planted in his noble person ó became known throughout the circuit of the whole World.õ

### **329f A.D.: Cumbrian Westmorland sought by both Octav and Traherne**

Continued Holinshed:<sup>100</sup> õConstantine had obtained and ruled the whole Empire. Thus Britain, as it were, recovered liberty ó in that one of her own children had become her king and had got the government of the whole World. Britain now remained in better quiet than aforetime.... There was a British lord named Octav...who...was appointed by Constantine to be ruler of the land in his absence...over the Britons, in the 329th year of our Lord....

õTrahern, or as some call him Traherne, entered this land with three legions of soldiers.... Octav, learning of his passage, followed him ó and soon gave him battle in the county of Westmorland.... After this (as the British chronicles affirm) Octav governed the land right nobly, and greatly to the contentment of the Britons.

õShortly after Octav had once chased all the Romans out of the British confines, and Trahern had fled over into France ó a council was called at York. There, it was not only ordained that from thenceforth no stranger should ever be permitted to reign over the Britons. It was also ordained that the bounds of the realm should be extended beyond the Wall made...by the emperor Hadrian....

õAbout the same time also, Trahern returned out of France.... Thus was Trahern again in possession of Britain.... He reconciled himself with Fincomarc the Caledonian king ó and was contented that he should quietly enjoy the counties of Westmorland and Cumberland.... Things were thus quieted in Albion [alias Scotland]. The Romans, Britons, Caledonians and Picts [now] continued in friendly peace without any notable trouble.õ<sup>101</sup> Thus Hector Boece.

Holinshed then concluded:<sup>102</sup> õLet us make an end with the government of that noble Emperor Constantine! He was an assured branch of the Britons' race ó born of that worthy lady the Empress Helen, daughter of Coell.... He himself later became King of Britain (as our histories do witness).... After Traherne had reduced this land to quietness, it may be supposed that the Britons lived in rest under Constantine's government, and likewise under his sons who succeeded him in the Empire.õ

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<sup>100</sup> *Ib.*, I:532f ó citing Caxton.

<sup>101</sup> *Ib.*, V:106f ó citing *Sodorensis ecclesia*.

<sup>102</sup> *Ib.*, I:533f ó citing: Fabian; Hector Boece; & Matthew of Westminster.

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So, after the Peace of Constantine the Cumbrians both north and south of Hadrian's Wall were able to establish the Christian Brythonic Kingdom of Strathclyde. It stretched all the way from Dumbarton in the north, down through Cumbria and Westmorland in the centre, as far as Lancashire's Mersey border in the south.

During that Peace of Constantine it was then from Cumbria proper and right in the middle of Strathclyde, and immediately south of Hadrian's Wall that the great Cumbrian Christian Missionaries Ninian and Padraig now came forth, from the first great Christian Kingdom within both *Britannia* and the World. Later, their Fellow-Cumbrians Kentigern and Gildas would follow further in their footsteps.

**395f A.D.: The Cumbrian Ninian evangelizes  
the Southern Picts in Scotland**

After the great raid of A.D. 367 against Rome by barbarians from the European Continent to her north the Romans virtually placed the northern defences of *Britannia* into the hands of the native British Princes themselves. The defences of Wales were left in the hands of a native militia. The defences of Lancashire and Cumberland were put into the hands of the ancestors of Urien Rheged, the later Celto-Brythonic King of Cumbria.

Brythonic *Britannia* increasingly kept on hurling forth even more Christian Missionaries. In A.D. 360 the son of a Christian British chieftain,<sup>103</sup> Prince Ninian, was born. He, in 395f, took the Gospel to the Niduari Picts in Galloway and within that part of Britain now known as Southwestern Scotland.

Professor Nora Chadwick explained<sup>104</sup> that prior to and during and in spite of the Roman occupation of *Britannia* and even before the christianization of Cornwall, that had already occurred in the British Kingdom of Cumbrian Strathclyde. The A.D. 731 Bede has told us that long before the coming of Columba to Iona in the sixth century, Cumbria's Ninian and who died in about A.D. 432 and had converted even the Southern Picts.

Eventually, Ninian became the Overseer of Whithorn in the south of Galloway and located in the extreme southwest of what is now Scotland. Bede added that Ninian had been instructed regularly and that he had established the cathedral and the see called after St. Martin.

Professor Nora Chadwick herself believed that the cathedral in Britain indeed established by Ninian alias Ringan,<sup>105</sup> was only at a much later period **renamed** after Martin. Indeed, there is no evidence (as many Romanists speciously claim) that Ninian and a Proto-Protestant Culdee Christian and ever went near Rome; or ever took any

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<sup>103</sup> J. Foster: *They Converted Our Ancestors – A Study of the Early Church in Britain*, London: S.C.M., 1965, p. 31; and H.M. Chadwick: *The End of Roman Britain* (in eds. H.M. & N.K. Chadwick's *Studies in Anglo-Saxon Institutions*, Cambridge: University Press, 1924), pp. 12f.

<sup>104</sup> *Op. cit.*, pp. 192f.

<sup>105</sup> Thus M. Laighlan: *op. cit.*, p. 55.

instructions at all from that foreign quarter; or ever indulged in hagiographical speculation, such as that of the later Romish cult of St. Martin.

Even the Anti-Brythonic Anglo-Saxon Romish church historian Bede declared:<sup>106</sup>  
The Southern Picts who live on this side of the mountains [alias well south of the Grampians] had...**long before** left the error of idolatry for the true Faith, through the **preaching** of Bishop Ninian ó a most reverend Bishop and holy man of the nation of the **Britons**.... The place [now]...is commonly called The White Houseø (-*Candida Casa*ø) ó because he built the church of [white or whitened] stone.ö

That White Houseø ó Whithorn ó is in the extreme southwest of Scotland. It is located in what was then the territory of the Niduari Picts, which fell outside and to the north of the Roman province of *Britannia*. Yet, though north of the Isle of Man, it is nevertheless located south of Carlisle in Cumbria. Indeed, Whithorn is on exactly the same latitude as was the Pre-1974 northernmost county border within *Britannia*ø ó namely that between Cumberland and Westmorland. Significantly, that is the very area where the Culdee Christian Ninian was born and raised.

### The life and times of Prince Ninian the Culdee Christian from Cumbria

In assessing Ninian, Rev. Dr. Duke ó the noted modern historian of the Early Celtic Church ó first turns<sup>107</sup> to the A.D. 731 church historian Bede. The latter has told us Ninian was Brythonic (*de natione Brettonum*ö).

Ninianø's biographer, the twelfth-century scholar Ailred, stated definitely that Ninianø's father was a Christian (*oreligione Christianus*ö). Ninian, he said, was born òin that region...in the western part of the island where the Ocean stretching as it were an arm and making as it were on either side two angles, now divides the settled kingdoms of the Scots and of the Angles.ö

From Ailredø's description, it is therefore quite clear that Ninian was born right near to the Solway. Himself being an Englishman, it would seem Ailred was suggesting Ninian was born and raised in the Englishø (though then still Brythonic) part of òthe islandö immediately south of the Solway ó and hence in Cumbria. Thence he went to Whithorn, to evangelize those to the north and to the west of the Solway.

In his own *History of Scotland*, the Scottish Presbyterian Rev. James Mackenzie is more definite. For there, he explained<sup>108</sup> that Ninian crossed over Solway from his native Cumberland. **Greater Cumbria**, then as now, included certain portions of Northern Lancashire, Northwestern Yorkshire, and the whole of Westmorland.

Also the Very Rev. Dr. Charles Warr ó A.D. 1933 Scottish Chaplain to King George the Fifth of Great Britain ó has insisted that Ninian was a Culdee Celt from Cumbria. Warr explained this, in his important book *The Presbyterian Tradition*.

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<sup>106</sup> *Op. cit.*, III:4.

<sup>107</sup> *Op. cit.*, pp. 144f.

<sup>108</sup> *Op. cit.*, p. 39.

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Wrote Warr:<sup>109</sup> **ōA native of Cumberland,** St. Ninian belonged to a family of rank. His father was a **Cumbrian Prince** who had the Christian Faith. Baptized in infancy, from his childhood St. Ninian was characterized by his piety and his studious mind.ö

The *Encyclopedia Americana*<sup>110</sup> calls Ninian the **ōBritish Apostleö** of Christianity ó to the Picts in Scotland. It states he **ōwas born in Cumberland circa 360ö** ó and that he died *circa* 432. It adds he was the son of a British Chieftain, and that after fifteen years study he was inducted as an Overseer.

At the end of the fourth and the beginning of the fifth centuries, he laboured in evangelizing Southern Scotland. He also established a congregation at Brampton, in his native Cumbria ó five miles northeast of Carlisle.

Ninian early received Christian baptism. He was from his youth a diligent student of Holy Scripture. Besides labouring in the district of Galloway, he carried on his missionary work among the great body of the Southern Picts then inhabiting the middle parts of Scotland south of the Grampians.

### **The life and times of the Cumbrian Culdee Christian St. Patrick**

We now come to the great Apostle of Ireland, *Padraig Succat*, alias St. Patrick. He was a younger contemporary of Ninian, and seems to have been born around 385 A.D. Like Ninian, also Patrick seems to have been raised in Culdee Christian Cumbria ó where he learned the **Holy Scriptures almost by heart.**

Also the Scottish church history Professor Dr. John Foster<sup>111</sup> admits that Patrick's self-proclaimed birthplace of *Bannauem Taberniae* ó was somewhere **ōon the Solway.ö** This was and is less than fifty miles north of the Kent River Valley near Kendal.

That was the chief administrative centre of the first-century Prince Caradoc's kinsman the Christian King Arviragus's son Prince Meric of Westmorland. That was the region in which his son King Coill and his further descendants King Llew and King Coel Godebog and Princess Helen and even the York-crowned Constantine the Great all rooted.

Rev. Professor Dr. J.T. McNeill, Canadian-American author of the famous work *The History and Character of Calvinism*, also wrote an important book titled *The Celtic Churches*. There, he notes Patrick's own terms (like *vicus* and *villula* and *decurio*) ó describing where he said he grew up. Hence McNeill puts Patrick's birthplace not in Scotland on the Clyde but at a location in Cumberland ó within the region called *Rheged* in the Brythonic documents ó east-southeast of Carlisle, and near the Irthing River.

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<sup>109</sup> C. Warr: *The Presbyterian Tradition – a Scottish Layman's Handbook*, Macklehole, London, 1933, p. 159.

<sup>110</sup> 1951 ed., art. *Ninian*.

<sup>111</sup> *Op. cit.*, pp. 42f & 39f.

Indeed, the A.D. 385-461f Patrick did not pen his writings in Scottish Gaelic, nor in the very-cognate Irish Erse (which he never really mastered). He wrote rather in Latin, the official language of the Roman Empire of which his own native *Britannia* had been part till 397 A.D. This strongly implies Patrick grew up not in Caledonia but in the adjacent Cumbria.

Patrick's Latin was mediocore, thus showing it was certainly not his mother tongue. This is clear from the clumsy-looking latinized names he used for himself ó *Patricius* instead of the Cumbric *Padraig* or *Succat* ó and the obviously-Brythonic names of the members of his family.

Thus he remarked (Proto-Protestantly):<sup>112</sup> ðI had a father *Calpurnius*, a *diaconus*. ð He was the ðson of *Potitus* the son of *Odissa*, a *presbyterus*. He had a farm near where I was taken captive...and...led into captivity in Ireland. ð

As ð*Patricius* ð's own real name was *Succat*, so too was his father's *Pottit*. His mother's real name was *Conch* (latinized to ð*Concessa* ð). Indeed, these latinized names point precisely to Roman-controlled *Britannia* rather than Free Scotland as the place of Patrick's birth ó around A.D. 385, some twelve years before the Roman withdrawal from Britain.

### **Patrick from neither Scotland nor Southwest Britain but from Cumbria**

Now it is very unlikely that Patrick could have been born in the southern part of the province of *Britannia* on the Severn (as is sometimes assumed). For in his *Letter to Corotic* the non-romanized King of Strathclyde whose fortress was at *Ail Cluade* (alias *Dun Breatann* or Dum-barton) outside of Roman *Britannia*, Patrick himself<sup>113</sup> refers to the soldiers of Corotic as being Patrick's own ðfellow-citizens ð or Strathclyde kinsmen.

The Iro-Celtic *Hymn of Fiacc* was composed about A.D. 800. This is one of the earliest documents relating to Patrick which has come down to us. Its opening words are:<sup>114</sup> ðPatrick was born in Nemthur (*Genair Patraicc in Naemthur*). ð A scholiast of the eleventh century has appended to these words the following gloss: *cathir sein feil im Bretnaib tuaiscirt* (ða city in North Britain ð).

The great Elizabethan chronicler and Historian Holinshed wrote:<sup>115</sup> ðThis Patrick was born in the marches between England and Scotland in a sea-side town called Eiburne. ð This clearly points to the Solway.

So it seems almost certain that Patrick was raised in Cumberland, alias Southern Strathclyde. As the BBC's Michael Wood declares in his 1987 book *In Search of the*

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<sup>112</sup> St. Patrick: *Confession*, I & XXIII.

<sup>113</sup> St. Patrick: *Epistle to Coroticus* 2.

<sup>114</sup> *Op. cit.*, pp. 146f.

<sup>115</sup> *Op. cit.*, VI:83f.

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*Dark Ages*,<sup>116</sup> Patrick's father owned a small villa in the west (perhaps in the region of Carlisle).

Patrick the *circa* A.D. 385-461 British Missionary to Ireland was born in the strongly-evangelized territory of Brythonic Cumbria, just like his older contemporary Ninian the *circa* A.D. 360-432 Brythonic Missionary to Pictish Galloway and Caledonia. For both were raised apparently in Christian Cumberland.

That was the region earlier colonized by the great Prince Caradoc's contemporary kinsmen the Christian King Arvirag's son Prince Meric of Westmorland ó and his descendants Prince Coill and King Llew. It is also the region where Llew's descendants King Coel and Princess Helena and even Constantine the Great apparently had their roots. Indeed, it is the region which also produced, after Ninian and Patrick, the A.D. 516-70 oldest Brythonic church historian Gildas ó and Kentigern or Mungo, the A.D. 518-603 Brythonic missionary to the Gaelic Scots.

### Charles Thomas's 1981-86 research on Patrick's Christian Cumbria

In 1981, Charles Thomas wrote a well-researched book titled *Christianity in Roman Britain to AD 500*. There,<sup>117</sup> he says that Patrick himself called his Brythonic father ðCalpurniusö and tells us that the latter was or had been both ðDiaconusö and ðDecurioö ó a Christian Deacon, and the holder of an obligatory Civil Office. He would thus have owned land, and had servants. All of this points to *Britannia*, not Scotland, as Patrick's birthplace.

Patrick further says his grandfather ðPotitusö had been a ðPresbyterusö alias a Presbyter ó and that Patrick himself was successively a ðDiaconusö alias a Deacon and an ðEpiscopusö or ðBishopö alias an Overseer. He was a *Culdee* Christian, alias a Proto-Presbyterian. Patrick wrote in Latin. He knew his Bible, and had a limited range of patristic texts. He would have conversed in Late-British ó the vernacular Cumbrian of his home region.

We are told by Patrick (in his *Confession*) that he was taken captive [by pirates from Ireland] when he was at his father's ðvillulaö or small country-estate. Since this was in Roman Britain, it lay south of Hadrian's Wall; was nearer to the west rather than to the east coast of Britain; and was approximately opposite that part of Ireland with which Patrick was involved initially and even principally ó *viz.* Armagh in Ulster.

The *villula* which Calpurnius owned, was near (*prope*) a place called *Vicus Bannavemtaburniae*. This *vicus* or village was somewhere near the place where Calpurnius ðused to live.ö This *vicus* was also not unthinkably far from a larger town which would have handled the civil administrative structure of the region. Regarding the latter, in the northwest at this period the only possibility would be Carlisle (*Luguvallium*). It is very appropriately near the western coast (and the indicated regions of Ireland). Irish slave-raids inland would accord with what we can infer.

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<sup>116</sup> *Op. cit.* p. 42 (see too n. 117 below).

<sup>117</sup> C. Thomas: *Christianity in Roman Britain to AD 500*, London, Batsford, 1985, pp. 307-313.

The particular reading of the *vicus* or village as *ōBannavemtaburniaeō* is established from a comparison of surviving manuscripts. A division into the known forms *banna*, *venta* and *berniae/burniae* at once suggests itself.

*Banna* is a British word *ó* and in place-names indicates a notable *∓hornø* or *∓spurø* or promontory of rock. The element *venta* is perhaps of Latin origin [meaning the *∓forthgushingsø* of mountain-streams]. One can make the informed guess that it would include also a local meeting-place or centre or market-place. The third element, *berniae*, will be discussed below.

Hassall has now proposed that *Banna* is Birdoswald *ó* where a stone inscribed by the *Venatores Banniess(es)* alias *∓the Banniensan Huntersø* provides some confirmation. That is 15 miles east-northeast of Carlisle. The *Vicus Banna (Venta Berniae)* would then allude to a civilian settlement *ó* such as that which appears to have existed in the area [to the south]east of the fort on Hadrianø Wall.

The element *∓berniaeø* [in Patrickø's own *∓Banna Venta Berniaeø*] has been discussed by [the renowned celtologist] Prof. Dr. Kenneth Hurlstone Jackson. It enters into the names *Bern-accia* and *Bern-icia*, and would be from a British stem of the form *berna* *ó* meaning, like the Old-Irish *bern*, a *∓gapø* or a *∓mountain pass.ø* As for the *ōbern-ō* itself *ó* the Greenhead pass, between the upper North Tyne at Haltwhistle and the upper gorge of the river Irthing naturally suggests itself.

Calpurniusø *villula* was near the *vicus*. It would have been a Romano-British estate of Highland Zone character, perhaps on the south side of the Irthing between Birdoswald and Lanercost. What Patrick tells us about his later life, suggests that he then returned to this first home of his. That district forms the most probable background for his early ecclesiastical training.

Again Charles Thomas, but this time in his later 1986 book *Celtic Britain*, wrote<sup>118</sup> that Patrickø's importance as one of Celtic Britainø's earliest churchman stands out. The solitary place-name *vicum bannavem taburnia* Patrick mentions in that autobiographical apologetic styled his *Confession*, is of a locality presumably on the western coast of Britain *ó* in view of raiders from Ireland. It was within what had just till then been Roman *Britannia*, and so on its northwestern frontier *ó* more or less opposite Ulster. Cumbria alone meets all these conditions.

The usual reconstruction of the name of Patrickø's birthplace as *vicus Banna venta Berniae*, points to a civilian settlement near Banna. That was the Roman fort at Birdoswald on Hadrianø Wall. *Luguvallium* alias Roman Carlisle was fifteen miles west of Banna *ó* the appropriate *civitas* or regional capital then as now.

Charles Thomas concludes on Christian Cumbria after the A.D. 397 Roman withdrawal from *Britannia*, that here then is the Church in Celtic Britain functioning in a manner that seems not just to continue but to extend its fourth-century role. If we wish to anchor these inferences drawn from Patrickø's career to geography, then Carlisle and the river valleys and Lake District southwards *ó* Cumbria *ó* was part of sixth-century Rheged. A British dialect, Cumbric, lasted here until late within the first millennium A.D.

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<sup>118</sup> C. Thomas: *Celtic Britain*, London: Thames & Judson, pp. 126f.

## Nenni on St. Patrick the Cumbrian Christian Missionary to Ireland

The 805f Welsh Historian Nenni gave a most interesting portrait of the great Proto-Protestant Brythonic Christian Padraig (alias Patrick). Therewith, he also tells us much about what had been taught to Patrick, in the latter's own late-fourth-century Cumbria.

“In those days,” explained Nenni,<sup>119</sup> “Saint Patrick... by the divine impulse...applied himself to the reading of the Scriptures.... Replenished with the Holy Spirit, he continued a great while ó studying the sacred mysteries of those writings....

“Patrick was sent to convert the [Iro-]Scots to the faith of the Holy Trinity.... Germanus then sent the ancient Segerus with him ó as a venerable and praiseworthy bishop ó to King Amatheus.... He [Padraig] assumed the name of Patrick, having hitherto been known by that of *Maun* [and *Succat*].

“Having distributed benedictions, and **having perfected all in the Name of the Holy Trinity**, he embarked on the sea which is between the Gauls and the Britons. Then, after a quick passing, he arrived in Britain.

“**There he preached for some time**.... He came [later] to the Irish Sea.... Having filled the ship with foreign gifts and spiritual treasures, by permission of God he arrived in Ireland, **where he baptized and preached** ó as a Culdee Christian, alias a Bible-believing Proto-Protestant.

## The stability of Christian Cumbria in spite of the Anglo-Saxon invasions

Bragg notes<sup>120</sup> in his book *Land of the Lakes*, that between A.D. 410 and 1070 ó Cumbrians went their own ways. They were subject to no great unifying or centralizing ideal. This helped establish their independent character.

It is truly remarkable just how stable Cumbria remained ó not just after the Roman withdrawal in A.D. 397, but even when the first Anglo-Saxons arrived in Britain from around 425 onward. Indeed, it was fully 610f A.D. before the Anglian impact began to be felt in mountainous Cumbria.

The rest of South Britain, however ó with the exception only of Wales and Cornwall ó was quite destabilized during the fifth and sixth centuries. The Angles and Saxons arrived in Eastern England from Germany in A.D. 425-449f ó soon to be followed by the Jutes, who then expelled the Britons from Kent.

T.H. Rowland has stated it well in his book *The Romans in North Britain*. There, he observes that<sup>121</sup> Christianity did not die out in the north and the west when the Pagan Saxons came.

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<sup>119</sup> *Op. cit.* n. 18.

<sup>120</sup> *Op. cit.*, pp. 44f.

This can be seen especially in the writings of the 805 Welsh Historian Nennius, particularly as regards the great Brythonic General Emres Erryll ó often called by his Romano-British name Ambrosius Aurelius alias Ambrose. He was himself a hereditary regional king over a tribe of Brythons, for also õhis parents...had worn the purple.ö Thus the A.D. 560 Gildas.<sup>122</sup>

Too, Emres was High-King of all the Brythons. Indeed, he was chosen by all of their tribes also to be their *Pendragon* (alias their ãSupreme Allied Commanderø). He was the elder brother of his younger successor, King Uthyr Pendragon ó and thus also the uncle of the latterø son, King Arthur the Great.

Nenni thus described<sup>123</sup> the rise of the A.D. 465f Emres Erryll from his very youth onward. õThe king sent messengers throughout Britain.... After having inquired in all the provinces, they came to a field of Aelecti [alias Bassalig], in the district of Glevesing, where a party of boys were playing at ball.... Then the boy...said to the king:...ãOur people shall rise and drive away the Saxon race from beyond the sea!ö *Etc.*

õWhat is your name?ø ó asked the king. ãI am called Ambrose (in British **Emres** Guletic)ø ó responded the boy.... Then the king assigned him that city ó with all the western provinces of Britain....

õDeparting with his wise-men...he arrived in the region named Gueneri, where he built a city ó Guasmoric **near Carlisle** (called Palmecastr). There he built a city which, according to his name, was called *Caer Guorthegirnö* ó alias the Chief Leaderø City (or ãCity of the High-Kingø).

This clearly locates the stronghold of the Brythonic High-King Emres Erryll as being near Carlisle, and hence in Greater Cumbria. Bearing in mind that he was the elder brother of the next king, his successor Uthyr Pendragon ó and the uncle of the latterø son, King Arthur the Great ó this would suggest that also the latter probably had his chief stronghold against the Anglo-Saxons, precisely in **Cumbria**.

### **King Arthur the Great and most of his battles near Cumbria**

It is often assumed that the famous Brythonic King Arthur the Great was a Southerner, and that his ãCamelotø was at Kelliwic in Cornwall. It is indeed probable he did have a winter palace there. For, against the Angles and Saxons and Jutes in Eastern England, the Brythons still controlled the entirety of Britain in the West ó from the Clyde in the north, to Cornwall in the south.

However, though Arthur indeed kept on moving throughout Brythonia, it is likely that he resided chiefly in Cumbria ó and that his ãCamelotø was near the fort Camboglunna on Hadrianø Wall. Indeed, some think this is Camlan<sup>124</sup> ó where King Arthur later fought his last battle against the Anglo-Saxons.

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<sup>121</sup> *The Romans in North Britain*, Cambridge: University Press, 1967, p. 31.

<sup>122</sup> Gildas: *The Ruin of Britain*, 25:1-3.

<sup>123</sup> *Op. cit.*, 41f.

<sup>124</sup> See our text above between its notes 48 and 49.

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It seems very clear from authentic extant records (themselves resting on non-extant prior records) that the A.D. 500f Christian King Arthur really did fight twelve major battles against the Non-Christian Saxons. This seems clear from the A.D. 560 Cumbrian Historian Gildas, and especially from the A.D. 805f Welsh Historian Nenni.

Yet there is more. Precisely the **localities** of most of those battles, tends to centre Arthur not in Cornwall but in Cumbria.

The ninth-century Welshman Nenni has given a very interesting statement about the Brythons' famous Christian King, Arthur the Great. He wrote<sup>125</sup> that the magnanimous Arthur, with all the kings and military force of Britain, fought against the Saxons.... He was twelve times chosen [!] as their -Commander and was as often -Conqueror.

The first battle in which he was engaged, was at the mouth of the river Gleni [either in Lincolnshire or in Northern Northumberland]. The second, third, fourth and fifth were on another river that by the Britons called Douglas [or Dubglas alias Duglas], in the region Linius [in Lancashire].

The sixth [battle occurred] on the river Bassus [in the Firth of Forth]; the seventh in the wood Celidon, which the Britons call *Cat Coit Celidon* [or the Forest of Englewood extending from Penrith to Carlisle in Cumbria].

The eighth was near Gurnion Castle, where Arthur bore...the image [of the cross of Christ] upon his shoulder or shield. There he through the power of our Lord Jesus Christ...put the Saxons to flight and pursued them the whole day with great slaughter.

The ninth was at the City of Legion [Exeter], which is called Cair Lion. The tenth was on the banks of the river Trat Treuroit [being the Brue near Glastonbury in Somersetshire; or the Ribble, in Lancashire]. The eleventh was on Mount Breguoin, which we call Cat Breguoin [or Agned Cathregonion alias Cadbury in Somersetshire; or Edinburgh].

The twelfth was a most severe contest, when Arthur penetrated to the Hill of Badon [Bath]. In this engagement, 940 fell by his hand alone and no one but the Lord affording him assistance. In all these engagements, the Britons were successful. For no strength can avail against the will of the Almighty!

Thus Nenni. Clearly, at least eight of these twelve documented victories of King Arthur over the Saxons occurred in or adjacent to Cumbria. Two more that of doubtful location may also once again have occurred in the north. Only the other two, including his last and decisive victory, definitely took place in the south of Britain.

As the BBC's Historian Michael Wood insists in his book *In Search of the Dark Ages*,<sup>126</sup> whoever fought these battles and their names, and other early poetic references

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<sup>125</sup> *Op. cit.*, 56 (first part). In some manuscripts, however, this material is found as the first part of section 50 and together with the second part of 50 and between sections 49 & 51.

<sup>126</sup> *Dark Ages*, pp. 55-57.

to Arthur, do not take us to Cornwall in the Southwest or to Wales in the Central Far West ó but to Cumbria in the Northwest; to Southern Scotland; and to the ancient Kingdom of Rheged around the Solway. *Cat Coit Celidon*, the Battle of the Celidon Forest, is unequivocally Northern ó and is usually taken to refer to the wooded country north of Carlisle.

Wood therefore concludes that the Arthur story might well have been in this area. The main town of the border region in and even before Roman times ó was Carlisle. It was, already in 369, raised to the status of one of Britain's five provincial capitals. It had a rich urban life. Bede's *Life of Cuthbert* describes a settled Christian community there, in the seventh century. That, indeed, is but a hundred years after King Arthur.

Even the sceptical C.I. Elton, in his *Origins of English History*, conceded<sup>127</sup> that King Arthur's existence is admitted. The scene of his exploits is variously laid at Caerleon, and in the Cambrian or **Cumbrian Hills**. It also seems to be true that he engaged in a war with the Angles in their adjacent Northumbria.

### **The Cumbrian Kentigern's evangelizing efforts despite many setbacks**

The well-known Canadian-American Calvinist Rev. Dr. J.T. McNeill rightly pointed out<sup>128</sup> that, according to his mediaeval biographer Jocelyn, the A.D. 518-603 Brython Kentigern was prenatally conceived and carried ó in Greater Cumbria. His mother almost miscarried him,<sup>129</sup> but he was immediately thereafter conveyed to just across the border.<sup>130</sup> There he was born ó in the Co-Brythonic -Deep South of what is now Scotland.

As his later mediaeval biographer Jocelyn of Furness in Lancashire (itself then within Greater Cumbria) pointed out, Kentigern was the son of a Brython.<sup>131</sup> That royal father was Prince Ewen ó alias Owen ap Urien (of Rheged alias Northern Cumbria).

Kentigern's mother was a Christian Pict ó Thanew, the daughter of King Loth. Apparently the name -Kentigern or Cyndegyrn was derived from *Ken* and *Tigearna* ó meaning -Head Lord (thus evidencing his royal parentage).<sup>132</sup> So Kentigern was a

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<sup>127</sup> London: Quaritch, 1890, pp. 347f.

<sup>128</sup> *Op. cit.*, pp. 45f.

<sup>129</sup> Art. *Kentigern* (in *Enc. Brit.*, 14th ed., 1929, 13:330f): "His mother when with child was thrown down from a hill...but survived the fall and escaped by sea."

<sup>130</sup> The problem as to the exact place of Kentigern's birth ó as distinct from the place of his conception and as again distinct from the place where he was almost miscarried ó is not helped by the existence of two different rivers each called the Tyne and each arising in hilly country, before flowing into the sea. The Little Tyne flows in East Lothian alias Haddingtonshire, in what is now Eastern Scotland. The Great Tyne flows from the common borders of the tri-county region of Cumberland and Northumberland and Westmorland (all south of Scotland in what is now Northern England). We encounter a similar problem when seeking to determine the exact birthplace of the Brython Gildas.

<sup>131</sup> Art. *Kentigern* (in *Enc. Brit.*, 14th ed., 1929, 13:330): "Kentigern...a Briton of Strathclyde etc."

<sup>132</sup> Art. *Mungo, Saint, or Kentigern* (in 1951 *Enc. Amer.* 19:565).

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Brythonic Cumbrian as to the place of his conception ó and a Brythonic Strathclydian<sup>133</sup> as to his paternity, and as regards the place of his birth.

Kentigern later spent some time down in Wales. Then, around A.D. 520, the Christian King of Cumbria ó Rhydderch Hael ó sent the Cumbrian Kentigern to do Christian missionary work among the Glasgow Scots. He so impressed them, that they soon called him ðMungoø (alias ðDear Friendø).

### **The Cumbrian Gildas as Britain's oldest extant Church Historian**

The famous Canadian-American Scholar Rev. Professor Dr. J.T. McNeill rightly stated<sup>134</sup> that Gildas, a writer of distinction, was born in the year of the Battle of Mount Badon ó which scholars now date somewhere between 500 and 516. He was born in Greater Cumbria. His father Caw Prydyn seems to have been a Briton from the north of South Britain.<sup>135</sup>

Indeed, much in Gildas's major work evidences his familiarity with Cumbria. Certainly he recognized its cardinal importance to Christianity in Early Britain.

Notably in Cumbrian Strathclyde ó and specifically in Westmorland and Cumberland ó the clash between defending Christian Briton and the attacking Anglo-Saxons was particularly bloody.<sup>136</sup> As C.I. Elton indicated in his book *Origins of English History*,<sup>137</sup> the A.D. 560 Celtic Chronicler Gildas described with a horrible minuteness the sack of some Cumbrian city and the destruction of the faithful found therein.<sup>138</sup>

In the first chapter of his extant *Ruin of Britain*,<sup>139</sup> the 560 A.D. Gildas wrote that his own sixth-century Cumbria and also the rest of Brythonic ðBritain has her **governors**. She has her **watchmen**.... Yes, she has them...if not more than she needs...in zeal for the **Sacred Law of the Lord's House**. ð

Gildas referred next to the then-recent military triumph, apparently at the last victory of King Arthur and his Christian Britons over the Pagan Saxons around 516 A.D. Gildas then went on to describe the land of Britain ó before thereafter coming to ðthe final victory of our country that has been granted to our times by the will of God.ð<sup>140</sup>

Explained the A.D. 560f Gildas: ðThe island of Britain...is ornamented with twenty-eight cities and a number of castles, and well-equipped with fortifications.... The island is decorated with wide plains..., excellent for vigorous agriculture.... The

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<sup>133</sup> See n. 131.

<sup>134</sup> *Op. cit.* p. 41.

<sup>135</sup> See our remarks at n. 130 above.

<sup>136</sup> Agnes, Sister: *The Story of Kendal*, Westmorland Gazette, 1947, p. 14.

<sup>137</sup> Quaritch London, 1890, p. 350.

<sup>138</sup> Gildas: *Ruin of Britain* 24:3 - 25:1.

<sup>139</sup> *Ib.* 1:14-16.

<sup>140</sup> *Ib.* 2:1f.

island has clear fountains..., and brilliant rivers that glide with gentle murmur...of living water.<sup>141</sup>

Yet precisely because of her wealth, Brythonia had been invaded over the years by many different nations. ðI shall simply try to bring to light the ills she suffered in the time of the Roman Emperorsö [A.D. 43-313], wrote Gildas<sup>142</sup> ó and also since, at the hands of the Iro-Scots and the Picts and the Anglo-Saxons. ðI shall do this...using not so much **literary remains** from **this country** ó which...are not now available, having been **burnt by enemies** or removed by our countrymen when they went into exile ó as from **foreign tradition**.ö

Especially just before and since the Romans left *Britannia* in general and Cumbria in particular during 397 A.D., explained Gildas, ðhordes of Scots and Picts eagerly emerged from the coracles that had carried them across the sea-valleys.ö<sup>143</sup> Barrister-at-Law Owen Flintoff declared in his important book *The Rise and Progress of the Laws of England and Wales*,<sup>144</sup> that Gildas here called the Irish Sea ðVallem Scyt-hicamö ó alias the Scyt-hian Valley or Scot-ian Sea.

ðThe groans of the British,ö complained Gildas, were heard by those of the Brythons who had exclaimed: ðThe barbarians push us back to the sea!ö Indeed, added Gildas, ðtheir enemies had been plundering their land for many years.ö

Yet the Christian Britons, reviving from time to time, often turned back to the Lord for assistance against their hostile invaders. ðNow trusting not in man but in God, they [the Britons] inflicted a massacre on **them**ö [their attackers] ó compare the Christian Brythonsø great -Hallelujah victoryø around 429 A.D.

### **Gildas on the Anglo-Saxons punishing the backslidden Brythonic Christians**

After the Britons overcame the attacks of the Iro-Scots and the Picts, explained Gildas, ðthe island was so flooded with abundance of goods ó that no previous age had known the likes of it.ö<sup>145</sup> However, ðalongside, there grew luxury! It grew with a vigorous growth. Consequently, to that age were fitly applied the words: ðThere are actually reports of such fornication as is not known even among the Gentiles.ö First Corinthians 5:1.

ðThe old saying of the prophet denouncing his people [Isaiah 1:4-6], could aptly have been applied to our country. -Lawless sons, you have abandoned God, and provoked to anger the holy one of Israel!ø<sup>146</sup>

Here is no dispensationalistic deriding of the Old Testament! Here is a covenantal application of the Old Testament to the exigencies of the Ancient Brythonic Church, by Gildas, to his own post-apostolic and late-patristic times. Gildas saw Godø anger

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<sup>141</sup> *Ib.* 3:1-4.

<sup>142</sup> *Ib.*, 5:1-2.

<sup>143</sup> *Ib.*, 19:1 (*cf.* 14:1).

<sup>144</sup> Richards, London, 1840, pp. 16f.

<sup>145</sup> *Ruin* 20:1-2 & 21:1-2.

<sup>146</sup> *Ib.* 21:2-5.

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against the backslidden Brythons as being manifested in repeated attacks against them, coming from the Pagan Anglo-Saxons.

But still ó the many Christian Britons would now fight back! Indeed, beginning in A.D. 460, they finally subjugated the pagan Anglo-Saxons in 516 ó at least until 570 A.D.

Explained Gildas in A.D. 560: ðGod gave strength to the survivorsö of the A.D. 429-59 Christian Britons, who kept on öburdening Heaven with unnumbered prayers.... Their leader was Ambrosius Aurelianus [alias Emres Erryll], a gentleman who...had survived the shock of this notable storm. Certainly his parents, who had worn the purple, were slain in it....

ðUnder him, our people regained their strength [460-480 A.D.] ó and challenged the victors to battle. The Lord assented, and the battle went their way.ö<sup>147</sup> For quite a while ó the Christian Celto-Britons had regained the initiative from the Pagan Anglo-Saxons.

ðFrom then on, victory went now to our countrymen, now to their enemies. So that in this people [the Christian Celto-Britons], the Lord could make trial (as He tends to) of **His latter-day Israel** ó to see whether it loves Him or not.

ðThis lasted right up till the year of the siege of Badon Hill [probably by King Arthur in 516 A.D.], pretty well the last defeat of the villains, and certainly not the least. That was the year of my birth,ö explained Gildas. ðOne month of the forty-fourth year since then has already passed,ö<sup>148</sup> he added (writing in 560 A.D.).

There had by then been 130 years of repeated attacks by Anglo-Saxon Pagans against the Christian Brythons. It was because of the sins of the latter, as the people of God, that the Lord had permitted this. Nevertheless, ðyet it may be said: ðNot all Bishops and Presbyters are categorised as above.... They are not all stained with disgraceø...

ðI agree entirely,ö concurred Gildas. ðBut...which of them went forth with men full of faith, like Gideon, to...lay low the camps of proud Gentiles [alias Pagans] ó **symbolizing...the mystery of the Trinity**?ö<sup>149</sup>

Thus Gildas reminded the Christian Brythons of their obligations to the Triune God, into Whose Name they had been baptized. Urging them to improve their baptism, he asked the backslidden clergy of the Britons: ðWhich of you, who slouch rather than sit lawfully in the presbyterial seat, was cast out of the council of the wicked like the holy Apostles and beaten with diverse rods ó and then **thanked the Trinity** with whole heart, for being judged worthy to suffer insult for Christ the true God?!ö

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<sup>147</sup> *Ib.* 25:2-3.

<sup>148</sup> *Ib.* 26:1.

<sup>149</sup> *Ib.* 69:1 & 70:3.

So, according to the Cumbrian Gildas, the Brythons ó though backslidden ó were still a baptized nation, a Christian people. They yet clung to ðthe mystery of **the Trinity**ö ó and to ðChrist the true God.ö

### **Prof. K.H. Jackson on the tenacity of the Cumbrians around 600 A.D.**

As the renowned celtologist Professor Dr. Kenneth Hurlstone Jackson has stated<sup>150</sup> in his famous book *Language and History in Early Britain*, the term *Primitive Cumbric* may well be employed for the Pre-600-A.D. Brittonic dialect of Cumberland and Westmorland and Northern Lancashire and Midwest Scotland. Such was spoken from the end of the Latin *Britannia* alias the ðLate-Brittonicø period ó for as long as that dialect lasted.

Professor Jackson also observed that the **parent** British language had evolved into the earliest form of what can be called Cumbric about the middle of the sixth century. One can say confidently that there is no reason at all why the Neo-Brittonic dialects of Primitive Welsh and Primitive Cumbric should have been wildly unlike what they were two centuries later.

Immediately to the east of the northern part of Greater Cumbriaø Strathclyde (with Carlisle as its capital) ó lay the somewhat-later, though kindred, Brythonic Kingdom of the Gododdin (with Edinburgh as its capital). Professor Jackson discussed this, in his book *The Gododdin*. There, he stated that Gododdinø nucleus must have been composed of the northern dialect of Brittonic spoken in that region and often called Cumbric. The date of about 600 A.D. puts the ancient Cumbric poem *The Gododdin* centuries before anything regarded as a Scottish poem.<sup>151</sup>

Yet there is also another small group of very-early North-British poems. The kingdom of the prince to whom they are addressed, Urien of Rheged, was ó like that of the Gododdin ó partly in Scotland and partly in England. Its capital seems to have been Carlisle in England.

The identification of Gododdin, the Celtic kingdom on the border of England and Scotland before A.D. 600 ó continues Jackson ó is generally agreed. It is the country of the tribe which in the preceding Romano-British period was known as the *Votadini*. The Welsh word *Gododdin* would come quite directly from the Older-Cumbric British word *Wotadin*. The *Votadini* are nowhere called *Cymri* alias Welshmen.

Also Early-Latin sources from Scotland call the men of south-western Scotland *Cumbrenses* ó alias Cumbrians.<sup>152</sup> This is seen, right down to the present day, in the name: Cumber-land.

Very early Welsh poetry, some of it perhaps older than the *Gododdin* itself, is definite in settling how various North-British princes led by King Urien of Rheged

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<sup>150</sup> K.H. Jackson: *The Gododdin – the Oldest Scottish Poem* (Edinburgh University Press, 1969, pp. 86 & 90).

<sup>151</sup> *Ib.*, p. ix.

<sup>152</sup> *Ib.*, p. 5.

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and his sons ó fought against the Anglian King Ida's successors. Urien is to be dated roughly around 590 A.D.<sup>153</sup>

Urien and his sons were the spearhead of the Brythonic resistance to the Anglians alias the English, in the North ó even a generation before this. He not only fought against the Anglians, but he also succeeded in bottling up their kingdom.<sup>154</sup>

**The Cumbric poem *Gododdin* shows Cumbria's  
heroism and Christianity**

In the 600 A.D. Cumbric work *The Gododdin*, the Anglian army at Catterick alias *Coit Caledon* was spoken of, with contempt, as consisting of ðheathen.ö As the result of the activities in Scotland of the Cumbrian St. Ninian before and also just after 400 A.D., there is good evidence that the Britons of Southern Scotland were Christians before the sixth century.

Thus, in *The Gododdin*, the composing poet prayed that various Cumbric warriors ó if killed in battle ó may go to Heaven. Of one such Cumbrian Christian Soldier in particular, *The Gododdin* wishes:<sup>155</sup> ðMay he have a welcome among the [heavenly] host, in perfect union with the Trinity!ö Indeed, it also mentions several Biblical names among those Cumbrian Warriors.

The Heroic Age of the British people in the early post-Roman period, is to a large extent a Cumbric rather than a Welsh one. The name *Gododdin* was borrowed by the Scots from the Britons somewhere about the year 600, by which time it had already become *Wododdin* in Cumbric. The Cumbric *-in* suffix, may have been mistaken for the Gaelic diminutive suffix. Thus Jackson.<sup>156</sup>

Professor P.H. Blair, in his book *Roman Britain and Early England*, maintains<sup>157</sup> the Cumbric poem *The Gododdin* suggests there was a great gathering for forces from the north and the west ó as the Brythons sought to meet and overcome the danger. Sadly, however, they were defeated in battle at *Catroeth*.

This place is generally accepted as Catterick, just three miles southeast of Richmond where the great Northwest-Yorkshire Pre-Reformer Wycliffe would later be born. This was the area, near the eastern edge of Greater Cumbria, which held the key to further Anglian advances northward toward the Tyne ó and westward, across the Pennines, to Carlisle.

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<sup>153</sup> *Ib.*, p. 9.

<sup>154</sup> *Ib.*, p. 11.

<sup>155</sup> *Ib.*, p. 37.

<sup>156</sup> *Ib.*, pp. 64-70.

<sup>157</sup> P.H. Blair: *Romans Britain and Early England – B.C. 44 - A.D. 871*, Edinburgh: Nelson, 1963, p. 189.

## Nenni on seventh-century clashes between the Cumbrians and the Anglians

The 805f Nenni provided details of the diminishing clashes as well as the beginnings of the **amalgamation** of the christianized Celto-Brythons or Britons and the christianizing Anglo-Saxons or English ó into the new Anglo-British or Celto-English nation. That new nation, in Nenni's own day ó had long been conceived; was even then being born; and would soon grow up from its infancy and then enjoy a vigorous childhood.

The genealogy of the kings of Benecia or Bernicia ó the Anglo-Saxon kingdom which had absorbed the Celtic kingdom of Berneich ó is next given.<sup>158</sup> This Bernicia ó which stretched up past Edinburgh in the north ó in turn later combined with the adjacent Celtic kingdom of Deur or Deira in the south. Together, they two then constituted the new Anglo-British kingdom of Northumbria ó immediately to the east of Cumbria.

Nenni noted<sup>159</sup> regarding Anglo-Saxon Bernicia that óits first King [Ida] had twelve sons, including Ethelric. The latter begat Ethelfrid, who himself begat seven sons ó including Oswy, who begat Egfrid (who was defeated by the Picts).

óOswy married the daughter of Edwin [after whom Edwin's Burg or Fortress, alias Edinburgh, was named].... Two sons of Edwin fell with him in battle at Meccen [alias Hatfield in Yorkshire].... All were slain with him, by the army of Catguollaunus [or Cadwalla] King of the Guendota [in Western Britain].

óIda, the son of Eoppa, [*circa* A.D. 550f] took possession of counties on the left-hand side of Britain...and reigned twelve years. He united Dynguyth and Guarth-Berneich [Dinguerin and Gudbernech in Deurabernech, alias Deira and Bernicia].

óThen Dutigirn at that time fought bravely against the nation of the Angles. At that time, Talhaiarn Cataguen [a **descendant of King Coel Godebog and a chaplain to Ambrosius alias Emres Erryll**] was famed for poetry ó and Neirin and Taliesin and Bluchbard and Cian (who is called Guenith Guant) were all famous at the same time in British poetry.

óThe great King Mailcun [alias Maelgwyn] reigned among the Britons, *i.e.* in the district of Guenedota.... His great-great-grandfather Cunedda, with his twelve sons, had come before...the country which is called Manau Gustodin [alias Manna Goddodin or Greater Cumbria] ó 146 years before Mailcun reigned....

óSometimes the [Pagan-Saxon] enemy and sometimes our [Christian-Brythonic] countrymen were defeated.... Edwin son of Alla...seized on [Brythonic] Elmete, and expelled Cerdic its king.ö

But great relief for the Brythonic Cumbrians was yet to come, around 626 A.D. Explained Nenni: óThe following Easter, **[the Anglian King] Edwin himself received baptism – and 12 000 of his subjects with him.** If anyone wishes to know

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<sup>158</sup> See n. 125 above.

<sup>159</sup> *Op. cit.*, 60f.

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**who baptized them – it was [the Cumbrian Brython] Rian Map Urbgen. He was engaged forty days in baptizing all classes of the Saxons. And by his preaching, many believed on Christ!**<sup>6</sup>

This is a very important testimony. For it shows that the Culdee Brythons in general and the Cumbrians in particular indeed did make the effort to christianize their Anglo-Saxon foes. The Culdee Christian Cumbrians did so, even before the Anglian kings of Northumbria were evangelized by old Scotland's Culdee Gaels and Picts ó who were themselves the product of the 395f A.D. missionary work of the Cumbrian Culdee Christian Ninian, and the 516f A.D. missionary work of the Cumbrian Culdee Christian Kentigern.

Furthermore, those Anglians were won for Christianity also before the Culdee Irish Christians ó themselves the product of the 432 A.D. preaching by the Cumbrian Culdee Christian Patrick ó arrived to work in Northumbria's Lindisfarne. So successful were they, that they also debated bravely at the 664 A.D. Synod of Whitby ó against the newly-established Romanists, who had only just then come up from Southern England.

**Cumbria remained a stronghold of Culdee  
Christianity even after 664**

However, the Christian Cumbrians had resisted the Pagan Anglians round about 600 A.D. At the very same time, as Proto-Protestants, they had resisted also the establishment of Romanism in Southeastern England.

Professor Jackson made some interesting remarks in his essay *On the Northern British Section in Nennius* ó within the compendium *Celt and Saxon* (subtitled *Studies in the Early British Border*). He agreed with Professor Nora Chadwick that the ðMen of the Northø (alias the heroic presbyters and princes and men of Cumbria) were brought into conflict with those of Canterbury where Romanism had only just then been established around 597 A.D.<sup>160</sup>

Professor Chadwick had observed that Urien of Rheged ruled a wide kingdom, embracing all the lands round the Solway Firth with probably Carlisle as its centre. Also Sir Morris Jones and Sir Ifor Williams are surely right, in their own *Book of Taliesin*, that *Merin Rheged* alias ðthe Sea of Rhegedø is the Brythonic name for the Solway Firth, and that Carlisle at its heart was Urien's capital city.

Indeed, a possible source of the continuing importance of Carlisle may be found in the silver and lead mines in fifth-century Cumberland contiguous to Westmorland, which were certainly worked as late as the third century A.D. Twelfth-century records make it clear that the mines were known and worked before that date. See the

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<sup>160</sup> K. Jackson's *Studies in the Early British Border*; in K. Jackson, P.H. Blair, B. Colgrave, B. Dickins, J. & H. Taylor, C. Brooke & N.K. Chadwick: *Celt and Saxon: Studies in the Early British Border*, Cambridge University Press, 1964, pp. 13f.

*Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society.*<sup>161</sup>

### **Anglian and Viking influences in Cumbria from the seventh century onward**

Early in the seventh century, the Anglians moved westward from Northumbria ó over the Pennines; to the Irish Sea; and south of the Cumbrians. This cut the latter off from their kindred Cymric Brythons. Thus, explained Dr. Oman,<sup>162</sup> the *Cymri* in Wales were severed from all their kindred Cumbrians both north and south of the Solway.

A later incursion of Anglians from east of the Pennines ó toward the end of that century ó reached Carlisle. This, it should be observed, drove a further wedge between Cumbrian Alclyde to the north and Cumberland/Westmorland to the south.

Shortly after that, Cumbria was massively invaded by Vikings, especially from their base on the Isle of Man. Thus, after Cumbria had become more and more partly-anglicised, she now (to a lesser extent) even became partly-norsified. Yet the underlying Brythonic Christian culture and its Cumbric language then just as little disappeared altogether in Cumbria, as did the Manx-Gaelic language (*Gallick Vannin*) on the Isle of Man.

Thus, in his book *The Druids*, Peter Berresford Ellis has well stated:<sup>163</sup> ðThere survives codification of two Celtic legal systems from which we may learn much.ö These are ðthe Irish Brehon Law system, and the Welsh Laws of Hywel Dda.ö

The former dates from the time before Christ's advent. Also the latter, though written updated around 930 A.D., seem to stretch right back to King Moelmud's Cornish Laws of B.C. 510f. ðA comparison of the two systems,ö explains Ellis, ðindicates a Common Celtic Law at some period. For both systems have developed from identical basic principles.

ðAs well as Irish and Welsh systems, there survive references [also] to other Celtic legal systems.... The legendary *Molmutine Law* of Cornwall...was concerned with the protection of the weak against oppression. Between A.D. 858-862, Domnuil I of Alba (Scotland) had the ancient laws of Dal Riada [in Irish Ulster], obviously a version of the Brehon Laws, promulgated....

ðLater, when the Kingdom of Alba incorporated that of the Strathclyde Britons and the Cumbrians, it was important that a legal code be drawn up to reconcile...the law systems of the Goidelic and Brythonic Celts. A document, the *Leges inter Bretonnes et Scotos*, dates from the eleventh century and includes terms which are similar to those found in both the Brehon Laws [of Ancient Ireland] and the Laws of Hywel Dda. According to Professor Kenneth Jackson: ðThis may imply the existence of a common Brittonic legal tradition of considerable antiquity.ö

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<sup>161</sup> *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society*, XLV, 1940, pp. 22f.

<sup>162</sup> *Hist. Hist.*, XXI p. 10.

<sup>163</sup> P.B. Ellis: *The Druids*, Grand Rapids: Eerdmans, 1994, pp. 191f.

### **Cumbria's 650f demography shows the continuing influence of Brythons**

The renowned celtologist Professor Dr. K.H. Jackson has written a very important essay titled *The British Language during the Period of the English Settlements*. There, he clearly showed<sup>164</sup> that as a consequence of the English invasion of the eastern -Lowland Zone of Britain the native Brythonic chieftains of the western -Highland Zone of Britain now emerged as the force of civilization and order.

This they did, together with the descendants of the Iro-Gaelic rulers who had been settled in parts of Wales and Cornwall and Cumbria in the fourth century. There those migrants from Ireland had continued to speak Irish and had even set up Irish inscriptions. Thus there was an upsurge of the Celtic element in British life and the foundation of the later Celtic environment of mediaeval Wales. This rising tide of Celticism must have played an important part in the Highland Zone and in Cornwall, Wales, and Cumbria and in the fifth and sixth centuries.

There is a wide intermediate strip to the west of a line down the fringes of the Pennines along the border of Cumberland and Westmorland, cutting through western Yorkshire, and to the sea south of the Ribble estuary. It takes up again near Chester, running south-east to the Severn and down it to the Bristol Channel. Then it goes down the valleys to the Wiley and Wiltshire Avon, to the sea. In this great belt, British river-names are commoner than further east, and the proportion of certainly-Celtic ones is somewhat higher.

The English came now perhaps chiefly as pioneers rather than as conquering armies. The result would be that the Brythons were perhaps less roughly handled than in the excitement of the invasions further east, and their English masters were less superior numerically. Special nuclei of Brythons seem to have survived in the hills between Tyne and Tees, on the Cumberland border, and in the Yorkshire moors.

Apart from the then-still-purely-Celtic Cornwall and Wales, in Brythonia there were three regions which together constitute one, from the point of view of the history of the Anglo-Saxon conquest of Britain and though cut off from each other by land. These were: [1] Greater Cumbria (alias Cumberland, Westmorland, and Lancashire west and north of the boundary already described); [2] Mercia (alias the Welsh Marches between the Severn, the present Border, and the Wye); and [3] Southern Brythonia (alias Somerset, Dorset, south-west Wiltshire, and Devon).

Here, Brythonic river-names are especially common and including many of small streams, and the proportion of certainly-Celtic names is still higher. There are also more Brythonic names for the villages, hills, and forests of these three regions. We find plentiful and definite examples of names of the type called -late compounds and like Car-lisle, Blen-carn, Pen-sax, and Dun-chideock.

C.I. Elton, in his book *Origins of English History*, quoted<sup>165</sup> the A.D. 731f Anglo-Saxon Church Historian Bede<sup>166</sup> as authority for the prevalence of the privileges of

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<sup>164</sup> K.H. Jackson's *The British Language during the Period of the English Settlements*, in eds. H.M. & N.K. Chadwick's *Studies* p. 61f.

<sup>165</sup> *Op. cit.*, pp. 197f.

the eldest son. For such constituted the first fruits of the family in Anglo-British Northumbria.

Indeed, continued Elton, the Celto-British preference of the eldest daughter in certain matters of inheritance compare Numbers chapters 27 & 36 with Genesis 25:31f & 27:32f appears to indicate the survival of some ancient leaning toward primogeniture found in the Isle of Man. It is found also in the extensive domains of Castlerigg and Derwentwater in Cumberland and at Kirkby Lonsdale in Westmorland *etc.*

So it should **not** be assumed, just because the English **language** is **now** dominant in **Cumbria** that this area was decelticized also in **substance!** Cumbrian Westmorland is even today largely Celtic, racially speaking. Indeed, this has been pointed out also by E.W.B. Nicholson in his Book *Keltic Researches*.<sup>167</sup> Even today ó Nicholson demonstrated in 1904 ó Lancashire and West Yorkshire are as Celtic as is Perthshire in Scotland, and as is North Munster in Ireland.

### Modern remnants of the Ancient Brythonic Cumbrian Law and Language

Yet Ancient Cumbria's Law and also her Language would still survive for a few more centuries. In his book *Language and History in Early Britain*, Professor Jackson notes<sup>168</sup> three purely-Cumbric words in the *Leges inter Brettos et Scotos* ó the Laws between the Britons and the Scots drawn up by King David I of Scotland between 1124 and 1153 A.D. Three Cumbric legal terms have been preserved there ó namely *galnas* or *galnys*, *mercheta* and *kelchyn*.

The first Cumbric word(s) ó *galnas* or *galnys* ó has its cognate still preserved in the Middle-Welsh word *galanas*. In both of these two Brythonic languages ó Old-Cumbric as well as Welsh ó this means a -blood-fine.

The second Cumbric phrase is derived from the stem *merch-*, meaning a daughter. In his *Commentaries on the Common Law of England*, Sir William Blackstone<sup>169</sup> attributed this Cumbric word *mercheta* to Scots-Gaelic (which clearly borrowed<sup>170</sup> the word from Cumbric). It refers to the institution of inheritance not necessarily by one's oldest child, and corresponds to the Iro-Gaelic *gavailkinne*<sup>171</sup> and the Celto-Kentic *gavelkind*<sup>172</sup> commonly known as -borough-English. Cf. the practice at Castlerigg and Derwentwater in Cumberland and at Kirkby Lonsdale in Cumbrian Westmorland, to this very day.<sup>173</sup>

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<sup>166</sup> See Bede's *Life of Benedict*, s. 11.

<sup>167</sup> Cited in Rolleston: *op. cit.*, p. 11.

<sup>168</sup> *Op. cit.* p. 6. See too Loth's *RC* at pp. lvii & 389f.

<sup>169</sup> Chicago: University Press, 1979 rep., I pp. 74f & II pp. 83f *cf.* I pp. 93-95.

<sup>170</sup> This is obvious, when one considers that the Erse or Iro-Gaelic word for the institution (cognate to the Scots- or Alba-Gaelic), is not *merch-(eta)* but *gavailkinne*.

<sup>171</sup> See Sir Henry Maine's *Ancient Law* (London: Murray, 1920); and especially his *Lectures on the Early History of Institutions* (London: Murray, 1905), pp. 191f.

<sup>172</sup> M. Haverty: *The History of Ireland*, New York: Kelly, 1892, pp. 51f. See too note 170 above.

<sup>173</sup> Cf. our text above between our notes 166 and 167.

*ADDENDUM 48: HISTORICAL IMPORTANCE OF  
BRYTHONIC CUMBRIA*

The third Cumbric expression, *kelchyn*, means a law-circuit.<sup>174</sup> It corresponds to the Welsh cognate: *cylch*.

Elaborating on a memorable earlier statement of Gladys Taylor in her 1972 book *The Hidden Centuries*<sup>175</sup> ó in an essay of his own<sup>176</sup> also Alan Thomas wrote in 1992 that within living memory shepherds in Cumbria have been recorded as using the ð-Cumbric Scaleø with which to count their sheep. It is a system which is clearly Brittonic in origin. Indeed, some children there ó when playing ó **still** use a counting system from one to ten apparently derived from it. See too the Historian W.G. Collingwoodø 1925 *Lake District History*.

In extant(!) Brythonic Welsh, one counts from one through ten as follows: *um, dau, tri, pedwar, pump, chwech, saith, wyth, naw, deg*.

In extinct(?) Brythonic Cumbric, some Cumbrian children even today count: *yau, tau, tethera, methera, pimp, sethera, lethera, nothera, dothera, dick*.

### **Ancient Cumbrian Christianity – now extinct, or resuscitable?**

Cumbria should be proud of her most distinguished heritage! First, there was the long druidic preparation there ó for Christø advent. Second, one only has to mention the names of some of Cumbriaø well-known early Christians ó Meric, Coill, Llew, Coel Godebog, Elyn, Constantine, Ninian, Patrick, Arthur, Kentigern, and Gildas ó to grasp her historic spiritual strength.

In his A.D. 805f *History of the Britons*, the Welshman Nenni(us) much appreciated the role played by Cumbria.<sup>177</sup> And around A.D. 978f, King Ethelred not only converted the Viking Olaf Trygvasson to Christianity. He also chased the Danes clear out of Cumberland.<sup>178</sup>

No wonder that the 1360f Pre-Reformation was started precisely in Greater Cumbria, by a øyouth from the borders of Westmorland.ø Thus Dr. Vaughan, in his *Tracts and Treatises of John De Wycliffe*.<sup>179</sup> Indeed, precisely Bishop Oglethorpe of Carlisle ó after the tyranny of the Romanist ðBloody Maryø ó officiated at the 1559 coronation of the Protestant ðGood Queen Bess.ø<sup>180</sup>

Also very important is the godly Anglican Scholar Rev. Dr. Richard Crakanthorpe. Born in Westmorland, he studied at Oxford under the great John Reynolds. After producing his important *Defence of Constantine* and his *Popish Falsifications*, he

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<sup>174</sup> See note 167 above.

<sup>175</sup> G. Taylor: *The Hidden Centuries*, London: Covenant, 1972, p. 41.

<sup>176</sup> A. Thomas: *The Welsh Language*.

<sup>177</sup> See the text at our notes 119 & 123 & 125 & 158f above.

<sup>178</sup> G. Taylor: *op. cit.* pp. 25f & 176f.

<sup>179</sup> C. Vaughan: *Tracts and Treatises of John De Wycliffe*, London: Wycliffe Society, 1845, p. iii.

<sup>180</sup> (Brewerø) Hume: *op. cit.*, p. 292.

became Chaplain to King James the First ó and then demolished the Roman Catholic Archbishop of Spalato in a sustained polemic.<sup>181</sup>

Perhaps the most famous Bishop of Carlisle was the great Dr. James Ussher ó author of the 1615 *Irish Articles*. Commissioned by the British Parliament to attend the Westminster Assembly of 1643f, it is chiefly from him and those *Irish Articles* that the *Westminster Confession of Faith* itself was derived.<sup>182</sup>

No wonder, then, that Cumbrian Westmorlanders marched from Kendal to Kirkby Lonsdale in 1688, to resist the deposed Romanist James II's rumoured invasion of Britain ó after his forced abdication in favour of the Presbyterian King William III. And no wonder again that when his son Prince James marched through the town of Kendal with Scottish soldiers in 1715, he did not gain one single recruit!<sup>183</sup>

Still bearing their old Celtic names, Brythonic sites in Cumbria include Caer-Leill (alias Carlisle) ó and Blencathra, Derwent, Loughrigg, Penrith and Pen-y-Ghent. The Pennines ó Cumbric for ðHigh Peaksø or ðTops of the Mountainsø<sup>184</sup> ó as the very backbone of Britain, still guard Cumbria's eastern border against further intrusions from Anglia. And Mt. Helvellyn still straddles what was till recently the border between Cumberland and Westmorland.

Yet not inappropriately, in 1974, both of those counties ó together with parts of northern Lancashire and western Yorkshire ó were (re-)integrated into the ðnewö county of Cumbria.<sup>185</sup> This needs to herald the revival of the old ðGreater Cumbriaø as the very heartland of Britain. May the Lord of history then soon grant the renewed Cumbria also a spiritual resurrection of her glorious Christian heritage!

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<sup>181</sup> P. Toon: ðCrakanthorpeø in ed. J.D. Douglas's *New International Dictionary of the Christian Church*, Grand Rapids: Zondervan, 1974. *in loco*.

<sup>182</sup> See art ðUssherø in Douglas's *op. cit.*

<sup>183</sup> Sister Agnes, *op. cit.*, pp. 57.

<sup>184</sup> See the article ðPennine Chainø in the *Encyclopaedia Britannica*, 14th ed., 1929, 17:477f. That commences: ðPENNINE CHAIN, an extensive system of hills in the north of England. The name is probably derived from the Celtic *pen*, highö ó or ðheadø and hence ðpeak.ø

<sup>185</sup> See articles ðCumberlandø & ðCumbriaø & ðWestmorlandø in *The New Illustrated Columbia Encyclopedia*, New York: Columbia University Press, 1979 ed., 6:1767f and 24:7300.

## ADDENDUM 49: THE CUMBRIAN PATRICK & HIS WORK IN IRELAND

According to Britain's oldest extant Historian, the North-British Celtic Christian Gildas,<sup>1</sup> the Gospel arrived in Britain before 37 A.D. According to Eusebius, Maelgwyn, Isidore, Freculph, Nenni, Baronius, Cressy, Hearne, Rev. Dr. James Ussher, Rev. Dr. John Owen and Rev. Dr. H. Williams ó there is some evidence that Joseph of Arimathea preached (and was also buried) in Somerset's Glastonbury.<sup>2</sup>

Also according to Rev. Dr. A. Cleveland Coxe in the *Ante-Nicene Fathers*,<sup>3</sup> there is strong reason to conclude that the great Anti-Roman British General Caradoc became a Christian ó perhaps even while still in the West of Britain before his exile therefrom in 52 A.D. Too, from A.D. 75 onward, his relative Prince Meric is said to have ruled over the Britons from near Kendal in Cumbria's Westmorland.<sup>4</sup>

Meric's Cumbrian descendants Coell and Llew alias Lucius, as well as the latter's descendants Helen(a) and Constantine,<sup>5</sup> are all reputed to have ruled over Cumbria as the World's first Christian State ó within the Romano-British province of *Britannia*. Indeed, it was precisely from Christian Cumbria that Prince Ninian went forth to evangelize Scotland's Picts ó and Patrick went forth to evangelize the Scotie and Pictish inhabitants of Ireland.

In fact, according to the 195 A.D. Tertullian of Carthage in Africa,<sup>6</sup> even before his own day some of the northernmost ðhaunts of the Britons ð had already been ðsubjugated to Christ.ö And by A.D. 220, Sabellius of Rome in Italy was conceding<sup>7</sup> that ðthe first nation which called itself -Christianø after the name of -Christø ó was Britain.ö Indeed, as Origen of Caesarea in Palestine pointed out,<sup>8</sup> perhaps the reason why ðthe divine goodness of our Lord and Saviour is equally diffused among the Britons ð is because their ðdruids ð had demonstrated a ðresemblance between their traditions and those of the Jews.ö

### The remarkable background of the Brythonic Cumbrian Christian Patrick

The writer of the medieval *Irish Chronicle* ó there collating many very much earlier records ó first deals with the history of Ireland before and soon after Christ's incarnation. Then he goes on to declare:<sup>9</sup> ðI pass to another time ó and -He Who Isø

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<sup>1</sup> Gildas: *Ruin of Britain* 8.

<sup>2</sup> See our chs. 10-12 above.

<sup>3</sup> See *Ante-Nic. Fath.* III pp. 105 & 108 *cf.* Tacitus's *Ann.* 12:31-37.

<sup>4</sup> Thus *The Old English Chronicle* and *The Scottish Chronicles* ó according to Holinshed's *Description of Britain* I:197f and his *History of England* I:503 and his *History of Scotland* V:72f.

<sup>5</sup> See our chs. 13-14 above.

<sup>6</sup> Tertullian: *Against the Jews* ch. 7 (*cf.* his *Apology* ch. 37).

<sup>7</sup> *Enno*, VII:5.

<sup>8</sup> Origen's *Against Celsus* I:18, and his *Homily VI in Luke*.

<sup>9</sup> *Chronicon Scotorum*, Longmans, London, 1866 ed., pp. 17,21,33.

[namely Jehovah] will bless it! January 6th [A.D. 357]. In this year, Patrick was born.ö

Later, continues the *Irish Chronicle*, öPatrick was carried a captive into Hibernia.... Patrick [went] to Germanusö alias Garmon. öNiall of the Nine Hostages reigned twenty-seven years.... From the beginning of the world, according to the Hebrews, 4481 years.... From the incarnation of the Lord, 432 yearsö ó viz. till the beginning of the adult Patrickø's mission of christianizing the Irish nation.

Rev. J.A.M. Hanna, in his book *A History of the Celtic Church*,<sup>10</sup> shows that Patrick was a child of the covenant. He was baptized, apparently in infancy, by the British Culdee Minister Rev. Caranoc. According to the celebrated celtologist Rev. Dr. John A. Duke,<sup>11</sup> Patrick is calculated to have been born about the year 389 A.D.

The home into which he was born ó as Patrick himself tells us ó was Christian. There he was nurtured just a few years before Patrickø's fellow-Briton, his somewhat older fellow-Cumbrian Ninian, started out with his missionary work in Scotland. Patrickø's father Calpurn was a Deacon. His mother was Conch(essa), the sister of St. Martin of the Gallo-Celtic Church.

Also Rev. Professor Dr. G.T. Stokes, the famous twentieth-century church historian of Early Ireland, explains<sup>12</sup> that the father of Patrick was a Deacon. His grandfather was a Presbyterian. His father, married, was both a Clergyman and a Town Councillor. This and many other factors ó such as his strict adherence to Holy Scripture and its glorious doctrines of absolute predestination and Christ-centred postmillennialism ó help establish that Patrick and his ancestors were all Proto-Protestants alias Primitive Presbyterians.

Patrick himself tells us that his father Calpurn was a Deacon; and his grandfather Pottitt was a Presbyterian. Patrick says Calpurn was also a *Decurion* ó alias a minor local magistrate or headman over ten families. Cf. the ãrulers of tensø in Exodus 18:21. An eleventh-century chronicler gives Patrick a great-grandfather Odiss, who too was a Deacon. Patrickø's mother, who was indeed the wife of a Deacon (First Timothy 3:8-12), may or may not herself also have been a Deaconess (First Timothy 5:9f).

### Was Patrick from Caledonia's Clyde or *Britannia's* Strathclyde?

It needs to be remembered that, apart from isolated colonies in the Hebrides and also in Argyle, there were no (Iro-)Scots to speak of in Scotland ó until their migrations there, well after the birth of Patrick. Before that time, Scotland consisted of: Picts in her Northeast; Brythons in her West and Southeast; and Niduari Pictish colonies (from Ireland) in her extreme Southwest. Such were the groups evangelized by Patrickø's older contemporary Prince Ninian the Cumbrian, after his moving to Whithorn in Scotlandø's Galloway.

We must first try to determine exactly where **Patrick** was born and raised. One might expect, and we so believe, that he was born in Christian Cumbria ó just as

<sup>10</sup> *Op. cit.*, Edwards, Ann Arbor, 1963, p. 20f.

<sup>11</sup> J.A. Dukeø's *The Columban Church*, University Press, Oxford, 1932, pp. 145f.

<sup>12</sup> In his *Ireland and the Celtic Church*, S.P.C.K., London, 1907, pp. 39f.

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Ninian had been. Patrick's own disciple Fiech states he was born at Nemthur. However, there is no indication at all as to where among the Brythons that place might have been.

A Scottish Academic, Rev. Professor Dr. John Foster, rightly cites<sup>13</sup> the seventh-century testimony of Patrick's Irish biographer the churchman Rev. Muirchu. The latter insists that Patrick originated not far from our Sea – viz. the Irish Sea. Consequently, concludes Foster, three estuaries seem to be most likely – the Clyde, the Severn, and the Solway. Of those three, it is the latter – the Solway (between what is today Southwest Scotland and Northwest England) – that is the closest to Ireland.

Now Patrick himself wrote an *Epistle to Coroticus* (alias King Ceretic of Brythonic Strathclyde). Even the Scot Foster concedes that throughout the mediaeval period, it was assumed that in Patrick's *Epistle* his words "my fellow-citizens" and "my own [people]" and "my own country" meant that Patrick himself belonged to that kingdom. Eighth- and tenth-century Gaelic-language notes claim that his origin was from the Strathclyde Britons.

But Strathclyde was then not Gaelic nor Pictish, but wholly Brythonic. It then included not only the central part of what is now Southwestern Scotland, but also the entirety of the present Cumbria (and even a considerable area to the south of that). It is true that the above-mentioned eighth- and tenth-century Gaelic notes on the life of Patrick do claim, in Gaelic, "Ail-Chluade" (alias "The Rocky Clyde" or "The Rock of the Clyde") as Patrick's birth-place. But even if those late notes are accurate in this **exactly where is** that rocky or mountainous *Ail-Chluade*?

Today, some regard that *Ail-Chluade* as being the rock near or upon which Dumbarton (alias *Dunn Breatann*) was built. Yet even then, as now, that means not "Fortress of the Gaels" but "Fortress of the Britons."

Two miles upstream from there, still in Dunbarton County, lies a place called "Old Kilpatrick." On the other hand, there is also a "Port Patrick" – far to the south, in Wigtown.

Interestingly, there is also a place called "Kirkpatrick" – in County Dumfries, adjacent to Cumbria, and just five miles north of the Solway. The latter is the westernmost point of the present Scotland's border with Cumbria. Even today, Cumbria extends also to the **north** of Hadrian's Roman Wall – as far as the Cheviot Hills to the north, and as far as the Pennine Chain to the east.

Now the very words "Ail-Chluade" in those eighth- and tenth-century Gaelic notes, could easily apply to the more rocky territory of Southern Strath-Clyde – alias that area of Cumbria south of Hadrian's Wall. Indeed, it is **linguistically** certain that it is this area of **Cumbrian** Strathclyde where Patrick grew up – namely in the extreme northwest of what was then still Roman *Britannia*. Too, any really penetrating study of Patrick's own works *Profession of Faith* (alias his *Confession*) and his *Letter to Coroticus* – will point to the same conclusion.

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<sup>13</sup> In his *They Converted Our Ancestors – A Study of the Early Church in Britain*, S.C.M., London, 1965, pp. 42f & 39f.

## The significance of Cumbria's Brampton to Patrick's birthplace

As even the Scot Foster also concedes, Patrick's words are often taken as being of wider reference ó namely that he was a Briton. Consequently, the other likely site of Patrick's birth ó which he himself tells us was *̄Bannauem Taberniae* (or *Banna Venta Berniae*) ó is, even according to Foster, ðon the Solway.ö<sup>14</sup>

There, continues Foster the Scot, the place-name *Banna* is thought to have belonged to the western end of Hadrian's Wall. Some prefer the Solway to the Clyde. An ancient church, St. Martin's ó named after Patrick's mother's brother ó stands in farmland one mile east of Brampton. Too, it was in Brampton that Ninian himself had founded a congregation<sup>15</sup> ó seventeen miles from Bowness at the western end of Hadrian's Wall; thirteen miles east of the Solway; twelve miles south of Scotland; and ten miles east of Carlisle, in Cumbria.

Brampton is on a river which empties itself into the Solway five miles west of Carlisle. It is forty-five miles north of Kendal. That latter is the administrative centre of the first-century's Prince Caradoc's kinsman the Christian King Arvirag's son Prince Meric's Westmorland ó in which his second-century Christian descendants King Coill and King Llew and his third-century Christian descendants King Coel and Princess Helen and even the Christian Constantine the Great are all rooted.

Rev. Professor Dr. J.T. McNeill, author of the famous work *The History and Character of Calvinism*, in his book *The Celtic Churches* discusses<sup>16</sup> certain Latin terms used by Patrick himself to describe his own birthplace ó *vicus*, *villula*, and *decurio*. These concepts are said to be inapplicable to Dumbarton in Scotland (to the north of the then-Roman province of *Britannia*).

A location in Cumbria, within the region called *Rheged* in the Welsh documents, has therefore been proposed ó east-southeast of Carlisle and near the Irthing River within what was then still *Britannia*. McNeill suggests some sparsely inhabited part of Cumbria (in Greater Strathclyde) just south of the Solway.

McNeill concludes that Patrick's royal kinsman the Free Briton Coroticus was apparently one of the princes called Ceretic in Cymric genealogies ó probably Ceretic Wledig of Strathclyde. Consequently, a Brythonic **Cumbrian** cradle (between northeast ̄Wales and southwest ̄Scotland) is again suggested ó also by his very own writings ó as the birth-place of Patrick himself.

## Patrick's writings not in Erse or Gaelic or Brythonic but in 'Dog-Latin'

Furthermore, Patrick did not pen his writings in Scottish Gaelic, nor in the cognate Irish Erse (which he never really mastered). Nor did he record them in his own native tongue Brythonic, the popular language of Ancient Britain. But he rather wrote in Latin, as the official language of his own province within *Britannia* (south of the

<sup>14</sup> *Ib.*, pp. 43 & 33 n. 2 (*cf.* n. 28 below).

<sup>15</sup> *Enc. Amer.* 1951 ed. & *Enc. Brit.* 15th ed., arts. *Ninian*.

<sup>16</sup> *Op. cit.*, pp. 54 & 57 & 61 (*cf.* n. 29 below).

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Solway) ó and indeed also of the Roman Empire of which his *Britannia* had till just then been part.

Patrick wrote his mundane Latin quite intelligibly, though in a mediocore way. This shows he was not very fluently acquainted with that language of the Romans. It also shows that his was a kind of ðDog-Latinø ó and certainly not his mother tongue. This is seen too in his clumsy-looking latinized names for the obviously-Brythonic members of his family and other persons. Thus, he latinizes his own name Padraig to Patricius *etc.*

Hence Patrick himself remarked:<sup>17</sup> ðI had a father Calpornius, a Deacon (*Diaconus*).ö He was the ðson of Potitus the son of Odissa, a Presbyter (*Presbyterus*). He [Calpornius] had a farm nearby where I was taken captive...and...led into captivity in Ireland.ö

Thus Patrick grew up in *Britannia* ó and probably within Greater Strathclyde. The site was certainly close to Ireland ó once again suggesting Cumbria. For the latter is closer to Ireland than is Dumbarton. Also F.F. Bruce insists<sup>18</sup> that Patrick was a native of the **Roman province** of *Britannia* (and therefore not from Caledonia).

Above, Patrick used the word *Presbyterus* (meaning ðElderø) rather than *Sacerdos* (meaning ðPriestø) for the word here transliterated as öPresbyter.ö This shows that Patrick was a Proto-Protestant Presbyterian rather than a sacerdotalized sacramentalist. His father Calpornius (the latinization of the Brythonic Calpurn) and grandfather Potitus (the Brython Pottitt) were both non-celibate clerics. His motherø's name was Concessa (the latinization of the Brythonic Conch or Conches).

This too shows Patrick was certainly no Roman Catholic. Though celibacy was a regular feature of certain **later** Celtic clerics, it was **never** obligatory. Married clergy dominated the Ancient Celtic Church ó whether as early as the Christian Cumbrian Princeø's son Ninian before A.D. 397, or whether even as late as 1040 A.D.

Right down till the days of Patrick and beyond, the law of mandatory clerical celibacy was unknown in Britain and Ireland. In fact, the married clergy there successfully resisted the denunciations of later Roman popes and their councils on this as on other matters even during the next six hundred years. Also, even as late as the Council of Winchester in A.D. 1076, it was decreed that ömarried priests living in castles or villages should not be compelled to abandon their wives.ö<sup>19</sup>

Patrick himself states<sup>20</sup> that his parents lived öamong the Britanniö ó ðin *Britanniis*ø ó alias among the native inhabitants of the Roman Province of *Britannia*. Indeed, in his *Letter to Coroticus* (also known as his *Epistle*) ó Patrick adds<sup>21</sup> that his father was a ö*Decurio*.ö That means a headman in charge of ten other persons, and hence: a local Elder in the Church (*cf.* Exodus 18:21f); or alternatively a Cavalry

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<sup>17</sup> St. Patrickø's *Confession*, I & XXIII.

<sup>18</sup> See his book *The Spreading Flame: The Paternoster Church History*, Paternoster, Exeter, 1978, I pp. 372f & 395 n. 4.

<sup>19</sup> See D. Wilkins: *Councils of Great Britain, from the 446 A.D. Synod of Verulam until the 1717 A.D. Synod of London*, London, 1737, I p. 367.

<sup>20</sup> St. Patrickø's *Confession*, I & XXIII.

<sup>21</sup> St. Patrickø's *Letter to Coroticus* alias his *Epistle* 10.

Commander; or even a Village Councillor. Yet in all three cases, Patrick's father would still have functioned within the Roman province of *Britannia*.<sup>22</sup>

Patrick the Celt's home language was Brittonic, the immediate predecessor of Cumbrian. He wrote in rather poor Latin. He did this also, if not chiefly, in order that he might gain the widest possible readership. He gave latinized forms of his birthplace (:-*Bannauem Taberniae* or :-*Banna Venta Berniae*). He also gave a latinized name (:-*Calpurnius*) to his father the Deacon (:-*Diaconum*), and also to his grandfather the Presbyter Pottitt (:-*Potiti...Presbyteri*). Indeed, Patrick further stated that his father was also a *Decurio* alias an 'Elder-over-ten-families' or a 'Ruler-of-ten.'

These are all very strong indications that his birthplace *Bannauem Taberniae* (or *Banna Venta Berniae*) was not in Non-Roman Iro-Gaelic Northwestern or Western Scotland, nor in Niduaric-Pictish Southwestern Scotland, nor in Non-Roman Brythonic Caledonia, nor in Non-Roman Pictavia in Northeastern or Eastern Scotland ó but somewhere in what at the time of his birth was still the Roman-occupied province of *Britannia*. For almost certainly, it is only in the solidly-evangelized and Proto-Presbyterian *Britannia* alias South Britain (and indeed probably only in the extreme northwest of South Britain in Cumbria) that a person such as Patrick ó a self-confessed child of the covenant for no less than at least four generations ó could have been born.<sup>23</sup>

Patrick hardly fits at all into the almost-pagan Pre-Ninian Scotland alias Pictland in North Britain. Nevertheless, both the Strathclydian saga and the Greater-Cumbrian tradition surrounding Patrick strongly militate against an original environment in either Wales or Cornwall ó and still less in European Brittany.

Once more, Patrick's struggle to learn Erse ó itself so close to Scots-Gaelic ó militates against Dumbarton (near the western coast of what is now central Scotland) being his home town. For Dumbarton is contiguous with and just east of Argyle (:-The Land of the Gaels), which from far more ancient times had been colonized by Gaels from Ireland.

Consequently, Patrick could hardly have been raised in the Scottish part of Strathclyde outside of *Britannia* ó to the north of Cumbrian Strathclyde within *Britannia*. A home town nearer to Cumbria's Carlisle (a later anglicization not of the Gaelic *Caithar Luail* but rather of the Brittonic *Caer Leill*), seems far more likely.

### **Patrick from neither Scotland nor Southwest Britain but Cumbria**

It is well-known that the Strathclyde Britons then included both those in Roman-occupied Cumbria immediately south of the Solway ó as well as those Brythons immediately north of that firth.<sup>24</sup> For Hadrian's Wall ran from the Solway (from west to east), and **bisected** Strathclyde (to the north and to the south of it).

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<sup>22</sup> See Sir W. Smith's *A Smaller Latin-English Dictionary*, Murray, London, 1947, s.v.: *decurio*.

<sup>23</sup> See n. 28 below, and also Duke's *op. cit.* p. 149.

<sup>24</sup> See the maps opposite pp. 16 & 48 in J.S. Brewer's *The Students' Hume: A History of England*, Murray, London, 1883.

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Even today, Hadrian's Wall runs through Cumbria and Northumberland ó south of the Solway and south of the Cheviots. It does not run further to the north ó on the border between modern England and modern Scotland. **Still less does it run within** modern Scotland itself.

Furthermore, the Irishman Muirchu ó who around A.D. 675f wrote a biography of Patrick ó there claimed<sup>25</sup> that Patrick was óa Briton by nation.ö Muirchu's book about Patrick further claims that the latter was óborn in *Britannia*ö ó his Latin actually reading: *oin Britannia*.ö The Irishman Muirchu then further adds: ónot far from our sea ó *i.e.*, not far from the Irish Sea (with its Iro-Scotic Isle of Man mid-way between Ulster and Cumbria).

The Irish *Hymn of Fiacc* was composed about A.D. 800. Apart from Patrick's *Confession* and his *Letter to Coroticus* (written by Patrick himself) ó and also apart from Muirchu's *Life of Patrick* ó this Celtic *Hymn of Fiacc* is the earliest document relating to Patrick which has come down to us. The opening words of the *Hymn of Fiacc* are: óPatrick was born in Nemthur (*Genair Patraicc inNaemthur*).ö A scholiast of the eleventh century has appended to these words the following Irish gloss: *cathir sein feil imBretnaib tuaiscirt* (óa city in North Britainö).

The great Elizabethan chronicler and historian Holinshed wrote:<sup>26</sup> óThis Patrick was born in the marches between England and Scotland, in a sea-side town called Eiburne.ö This clearly points to the Solway, probably just south of the northernmost border between Cumbria and Dumfries.

This again places *Patricius* together with his father and grandfather with their standardly-Latinized names ó not in Scotland but clearly in the Roman province of *Britannia*. It further places them all in north-central Cumbria ó and nearby to Carlisle óin the marches between England and Scotland in a sea-side town called Eiburne.ö

This Eiburne is indeed within ten miles of Brampton in Cumbria, and within five miles of Kirkpatrick in the extreme south of Scotland. Indeed, even Kirkpatrick itself may at that time well have been regarded ó by the Romano-Britons themselves ó as falling within the province of *Britannia* near its rather fluctuating border with what only later became known as Scotland.

So it seems almost certain that Patrick was raised in Greater Cumbria, alias Southern Strathclyde. As the BBC's Michael Wood declares in his 1987 book *In Search of the Dark Ages*,<sup>27</sup> Patrick's father owned a small villa in the west (perhaps in the region of Carlisle).

We conclude, then, that also Patrick the *circa* A.D. 385-461f British missionary to Ireland ó was born in the strongly-evangelized territory of Brythonic Cumbria, and probably just south of the border with Scotland. In this, then, he was just like Ninian the *circa* A.D. 360-432 Brythonic missionary to Caledonia shortly before him. For both were raised apparently in Christian Cumbria.

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<sup>25</sup> Muirchu's *Life of St. Patrick*, in W. Stokes's *Tripartite Life [of Patrick]*, 1887, pp. 146f.

<sup>26</sup> *Op. cit.*, VI:83f.

<sup>27</sup> *Op. cit.*, Facts on File, New York, 1987, p. 42.

That was the region earlier colonized by the great Prince Caradoc's contemporary kinsmen the Christian King Arviragus son Prince Meric of Westmorland and his descendants Prince Coill and King Llew. It is also the region where Llew's descendants King Coel and Princess Helena and even Constantine the Great apparently had their roots. Indeed, it is the region which also produced, after Patrick, the A.D. 516-70 oldest Brythonic church historian Gildas and Kentigern or Mungo, the A.D. 518-603 Brythonic missionary to the Picts.

### Charles Thomas on Patrick as a native of Greater Cumbria

In his well-researched book *Christianity in Roman Britain to AD 500*, Charles Thomas says<sup>28</sup> that Patrick himself called his father *Calpurnius* and tells us that the latter was or had been both *diaconus* and *decurio* — a Christian deacon, and the holder of an obligatory civil office. Calpurnius would thus have owned land, and had servants. Patrick further says his grandfather *Potitus* had been a *presbuteros* alias a presbyter and that Patrick himself was successively a deacon and a *bishopo* alias an overseer.

Patrick wrote in Latin. He knew his Bible, and had a limited range of patristic texts. He would have spoken Late-British or the vernacular [Brittonic-Cumbrian] of his home region.

We are told by Patrick (in his *Confession*) that he was taken captive [by pirates from Ireland] when he was at his father's *villula* or small country-estate. Since this was in Roman Britain, it lay south of Hadrian's Wall; was nearer to the west rather than to the east coast of Britain; and was approximately opposite that part of Ireland with which Patrick was involved initially and even principally — viz. Armagh in Ulster.

The *villula* which Calpurnius owned, was near (*prope*) a place called *Vicus Bannavemtarniae*. This *Vicus* or village was somewhere Calpurnius used to live. This *Vicus* was also not unthinkably far from a larger town which would have handled the civil administrative structure of the region.

Regarding the latter, in the northwest at this period the only possibility would be Carlisle (*Luguvallium*). It is very appropriately near the western coast (and the indicated regions of Ireland). Irish slave-raids inland would accord with what we can infer.

The particular reading of the *Vicus* or village as *Bannavemtarniae* is established from a comparison of surviving manuscripts. A division into the known forms *banna*, *venta* and *berniae/burniae* at once suggests itself. *Banna* is a Brittonic word and in place-names indicates a notable *-horn* or *-spur* or promontory of rock. The element *venta* is perhaps of Latin origin, meaning the *-forthgushings* (of mountain-streams). One can make the informed guess that it would include also a local meeting-place or centre or market-place. The third element, *bern-iae*, will be discussed below.

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<sup>28</sup> C. Thomas: *Christianity in Roman Britain to AD 500*, London, Batsford, 1985 pp. 307-313.

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Hassall has now proposed that *Banna* is Birdoswald ó where a stone inscribed by the *Venatores Banniess(es)* alias ðthe Banniensan Huntersø provides some confirmation. That is 15 miles east-northeast of Carlisle. The *Vicus Banna (Venta Berniae)* would then allude to a civilian settlement ó such as that which appears to have existed in the area [to the south]east of the fort on Hadrianø Wall.

The element ð*bern-iae*ø [in Patrickø's own ð*Banna Venta Berniae*ø] has been discussed by [the renowned celtologist Prof. Dr.] Kenneth Jackson. It enters into the names *Bern-accia* and *Bern-icia*, and would be from a Brittonic stem of the form *berna* ó meaning, like the Old-Irish *bern*, a ðgapø or a ðmountain pass.ø As for the ð*bern-ø* itself ó the Greenhead pass, between the upper North Tyne at Haltwhistle and the upper gorge of the river Irthing naturally suggests itself.

Calporniusø *villula* was near the *vicus*. It would have been a Romano-Brittonic estate of Highland Zone character, perhaps on the south side of the Irthing between Birdoswald and Lanercost. What Patrick tells us about his later life, suggests that he then returned to this first home of his. That district forms the most probable background for his early ecclesiastical training and advancement. Thus Charles Thomas.

### **Patrick's grasp of the Ancient-Brittonic Bible**

The British Christian Patrick was born, baptized in infancy, and raised as a faithful child of the covenant. As such, he early learned the ðGreat Bookø of the Ancient-Brittonic Church.

Rev. Professor Dr. John Foster explains<sup>29</sup> that Patrickø's *Confession* fills twenty-one pages; and his *Letter*, six. Each page averages twenty-eight lines. Now in those twenty-seven pages, are 189 Bible quotations ó **seven** to a page, **one** on every **fourth** line.

It was in fact quite usual at that time for clerics to memorize the Psalter. Yet Patrick quotes far more widely than that. He quotes from many of the books of the Old Testament, and from fully 23 of the 27 books of the New. For he cites from the Epistles, 79 times; from the Gospels, 29 times; from Acts, 21 times; from the Psalms, 21 times; from the Prophets, 17 times ó and also from 22 other passages of Holy Scripture.

The conclusion is inescapable. **Patrick must have known great stretches of the Bible by heart.** He is so much a man of one book, that he also even writes in biblical language. The same is true of his later fellow-Strathclydean Gildas the Wise, the Brittonic writer of the oldest extant ðChurch Historyø on Ancient Britain.

As the American Calvinist Rev. Professor Dr. J.T. McNeill observes in his book *The Celtic Churches*,<sup>30</sup> Patrick lived with and from the Bible. He had also read some of the Church Fathers ó notably the Gaulic Brythons Irenaeus and Victorian; and also

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<sup>29</sup> *Op. cit.*, pp. 39f.

<sup>30</sup> *Op. cit.*, pp. 63f.

the great Africans, Cyprian and Augustine. Yet it is upon the Bible that he relied to a very remarkable degree.

### Patrick's capture by the Irish and his servitude in Ireland

The Irish historian Haverty chronicles<sup>31</sup> that, when sixteen, Patrick was carried captive into Ireland in a plundering expedition by Niall of the Nine Hostages. There, as a slave in Antrim, he was in the habit of praying to God a hundred times in a day and as many times at night.

The records state further that the boy Patrick was carried off from the west coast of Britain by Irish raiders when but sixteen years old in A.D. 405. He did, however, later redeem himself after six years of servitude, in 411 A.D. During his captivity, he evangelized many a youngster in unfluent Irish. Indeed, according to the old Gaelic manuscript *Betha Patriac* or *The Life of Patrick* he himself was there given in fosterage and further educated, as a typical country boy, in Ireland.<sup>32</sup>

After Patrick's later departure from Ireland, he studied at Lerins and at Auxerre under the renowned Celto-Brythonic Christians Garmon and Lupus. Patrick writes his seventh-century biographer Muirchu he relished his association with the most holy Bishop Germanus at Auxerre, with whom he stayed no little time.<sup>33</sup> Thereafter he returned to his native Britain but only soon to return to Ireland, as a missionary.

For, as the Canadian-American Professor Dr. J.T. McNeill points out in his fine book *The Celtic Churches*,<sup>34</sup> the Bible-believing Patrick was extremely conscious of the situation in the far west and viewed Ireland as his mission field. It was for him, as for some classical writers, the outermost west of the habitable world. For Patrick tells us that he had been predestined to preach the Gospel even to *the ends of the earth*.<sup>35</sup> Acts 1:8!

### Patrick the Briton was a Proto-Protestant

The Calvinist McNeill concludes of Patrick that his Scripture-based eschatology matched the geographical uniqueness of his mission. From Matthew 28:19-20 and parallel passages drawn from both Testaments, he saw his work as culminating the expansion of the faith begun by the Apostles. Patrick thanked God Who heard his prayers for him to undertake such a holy and wonderful work, imitating those who [were sent to] preach the Gospel for a testimony to all nations **before history could end**.

Significantly, both of Patrick's parents were British Christians. Indeed, both his father and his grandfather were Culdee Clergymen thus proving that primordial pastors in the Early British Church were non-celibate. *A fortiori*, the historian Rev.

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<sup>31</sup> *Op. cit.* pp. 61f.

<sup>32</sup> Concannon: *op. cit.*, p. 55.

<sup>33</sup> J. Foster: *op. cit.* pp. 36f.

<sup>34</sup> *Op. cit.*, pp. 54,57,61.

<sup>35</sup> St. Patrick: *Confession*, 58.

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Dr. Duke rightly deduces<sup>36</sup> that Patrick held no commission from Rome and that Patrick **constituted himself** as the ðApostle of Ireland.ö Indeed, Patrick had not ó like a Romish missionary ó first been consecrated by Rome, and then sent to Ireland (as indeed later falsely alleged about him).

For Patrick himself admitted:<sup>37</sup> ðI say (*fateor*) that I am a bishop (*episcopus*) appointed **by God** (*a Deo*) **in** Ireland (*Hiberione*).ö The Latin *episcopus* is derived from the Greek *episkopein* (meaning ðto overseeø). By ðbishopø or ðoverseerø the Proto-Presbyterian Culdee Patrick simply means: ðPresiding Elder.ø Cf. Acts 20:17ø equating of ðpresbuterousö ó with ðepiskopousö in 20:28. See too Titus 1:5ø ðpresbuterousö ó which in 1:7 is equated with ðepiskoponö (the singular of *episkopous*).

Now ð**in**ö Patrickø Ireland (ð*Hiberione* ö), there were then no Romanists and still less any Romish prelates who could have been able to have made him a bishop. Nor did he have any contact with Romanist prelates in Gaul who could have commissioned him. Indeed, Britain herself was still totally devoid of Romanists. So too would she remain ó for at least a couple of centuries more.

So it is clear that Patrick here means it was only God Himself directly, without any human agency, Who appointed him a ðbishopø **in** Ireland ó and after he had arrived there again (when now an adult), as a missionary. Yet probably, this occurred only after being commissioned thereunto by a British presbytery in his native Cumbria ó before his departure to Ireland, and after being trained by Garmon the Celto-Brythonic overseer. Compare Acts 13:1-5f.

Rev. Professor Dr. Hugh Blair rightly states<sup>38</sup> that Patrickø writings indicate no connection whatsoever with Rome. At sixteen, he was taken captive in Britain by marauders from Scotie Ireland ó where he was enslaved. After six years, he was released from captivity ó and went home to Britain.

Linguistic and other considerations suggest he received his theological training either in Britain among his fellow British Culdees ó or in the kindred Gaulo-Brythonic Culdee Church of Ancient France. Blair goes on to argue that Patrickø non-celibate father Calpurn was a deacon, who in turn was the son of Pottitt a presbyter.

Patrick returned to Ireland about A.D. 432. For the next thirty years, he had a considerable influence on the Irish Chieftains. He had special links with Tara, Croagh Patrick, and Armagh. There is no doubt that, under the Triune God, it was he who made Ireland into a Christian country ó and that his teaching was Scriptural and Evangelical. The Church which he founded there, was independent of Rome. Thus Rev. Professor Dr. Blair.

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<sup>36</sup> *Op. cit.*, p. 44 n. 7-9, p. 135 n. 1-2, & p. 136 n. 1-2.

<sup>37</sup> St. Patrick: *First Epistle to Coroticus*.

<sup>38</sup> See art. *Patrick of Ireland*, in ed. Douglasø *op. cit.*, p. 752.

## Holinshed and Hanna on the life of Patrick

The famous Elizabethan Historian Raphael Holinshed explains<sup>39</sup> that the young Patrick after a six years term of forced and unjust slavery in Ireland, redeemed himself with a piece of gold which he found in a clod of earth. He later sought out his uncle Martin in France, by whose means he was placed with Garmon ó the bishop of Auxerre. He continued with him as his scholar or disciple, for a period of several years ó all of which time he bestowed on similar study of the Holy Scriptures.

Then, in the year of our Lord 430, Patrick again landed in Ireland ó but this time speaking her tongue! King Laoghaire (or Leary), son of Neal the great monarch, although he did not himself receive the Gospel ó yet permitted all who so wished, to embrace it. From thence, Patrick took his way to Conill, Lord of Connaught. Connill honourably received him, and was converted ó together with all his people. Thereafter, Connill sent Patrick to his brother Logan the King of Leinster ó whom Patrick likewise converted.

Also in Munster, Patrick found great friendship and favour ó by means of the Earl of Daris. He honoured Patrick highly, and gave him a dwelling-place in the east angle of Armagh called Sorta.

Rev. Hanna indicates that after returning to Ireland when forty, Patrick preached to King Laoghaire, son of Niall and ancestor to the Ulster O'Neills. Alleged to have explained the Trinity from God-created shamrocks alias three-leaf clovers, Patrick won many of the nobles of the *Ard-Ri* alias the Irish High King and many of his druids to Celtic Culdee Christianity.

Ireland was still a confederacy of independent states. Patrick indeed won much of the family of the Irish High-King, and most of Ireland's under-kings and the chieftains of her independent states and regions, for Christ ó and so too many of the druids. Indeed, he also christianized and codified Irish Law ó and ordained especially from the converted druids at least one Minister of the Word and Sacraments for each of the hundreds of congregations he established.

After many years, soldiers of the Brythonic King Coroticus cruelly kidnapped some of the Christian Irish whom Patrick had converted ó and attempted to sell them to the then-still-pagan Gaelic Scots and Ancient Picts in what is now Scotland. Patrick protested, in his *Epistle to Coroticus*.

In his famous *Hymn of the Deer's Cry*, Patrick's Christonomic trinitarian theology and Puritan piety is clearly set out. This is also seen in the Patrician poem of his nephew the Presbyter Sechnall (alias Secundinus) ó and further in the ancient Irish morning prayer known as the *Lorica*, taught by Patrick to his followers. Finally, Patrick's autobiography or *Confession* ó apparently written just before his death at a very old age ó discloses the divinely-donated discipline of this godly man.

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<sup>39</sup> Holinshed: *op. cit.*, VI pp. 83f. See too n. 10.

### Patrick's great theodicy – his *Letter to King Coroticus*

Even after his work zenithed in Ireland, there were disappointments for Patrick. Soldiers of the Brythonic King Coroticus would cruelly kidnap some of the Irish Christians whom Patrick had converted. The plan of those kidnappers was to sell those kidnapped ó to certain then-still-pagan or by-then-apostate Brythons and pagan Scots in Northern Strathclyde within what is now Western Scotland, and also to certain by-then-apostate Ancient Picts in what is now Northeastern and Southwestern Scotland.

Many years earlier, Patrick had himself been kidnapped from Southern Strathclyde alias Cumbria in Britain ó by Iro-Scots from Ireland. They had then sold him into slavery to the then-pagan Irish. So now, after many years as a successful missionary in Ireland, in his *Epistle to Coroticus* Patrick vehemently protests against these fresh kidnappings ó as follows:<sup>40</sup>

ōI, Patricius, an unlearned sinner ó resident in Ireland ó declare that I am a presiding elder [*episcopus* alias a bishop]. Most assuredly, I believe that what I am, I have received from God. And so I live...[as] a stranger and an exile, for the love of God. He is witness that this is so....

ōI am impelled by a zeal for God.... The truth of Christ has wrung it from me, out of love for my neighbours and sons for whom I gave up my country [Britain], and parents, and my life, to the point of death.... For my God, I live ó in order to teach....

ōI have written and composed these words ó to be given, delivered, and sent to the soldiers of Coroticus..., allies of the [infidel] Scots and the apostate Picts. Dripping with blood, they wallow in the blood of innocent Christians ó whom [by and from the Holy Spirit] I have regenerated into the number for God, and confirmed in Christ.... I ask them to let us have some of the booty, and the baptized they have made captives....

ōThose whom the devil has mightily ensnared [the soldiers of Coroticus themselves]...will be slaves in hell in an eternal punishment. For he who keeps on committing sin, is a slave; and will be called ña son of the devil.ø

ōTherefore, let every God-fearing man know that they are enemies of me and of Christ my God, for Whom I am an Ambassador. Patricide! Fratricide! Ravening wolves that eat the people of the Lord as they eat bread! As I said, ñ**The wicked, O Lord, have destroyed Your Law**' ó which but recently He had excellently and kindly planted in Ireland, and which had established itself by the grace of God....

ōI share in the work of those whom He called and predestinated to preach the Gospel amidst grave persecutions ñunto the end of the Earthø ó even if the enemy [Satan] shows his jealousy through the tyranny of Coroticus, a man who has no respect for God nor for His presbyters whom He chose and to whom He gave the highest...and sublime power so that whom they should bind upon earth would be bound also in heaven....

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<sup>40</sup> Text of Patrick's *Letter to Coroticus*, can be found in P. Gallico's *Patrick*.

ōYou who are holy and humble of heart, it is not permissible to court the favour of such people nor to take food or drink with them nor even to accept their alms ó until they make reparation to God...through repentance with shedding of tears, and set free the baptized servants of God and handmaids of Christ for whom He died and was crucified.

ōThe All-Highest disapproves the gifts of the wicked.... It is written: ÷The riches which he has gathered unjustly, shall be vomited up from his bellyø... The angel of death drags him away... By the fury of dragons he shall be tormented. The viperø tongue shall kill him. ÷Unquenchable fire keeps on devouring him.ø And so ó ÷Woe to those who keep on filling themselves with what is not their own!ø Or: ÷What does it profit a man, that he gain the whole world ó and suffer the loss of his own soul?ø

### Patrick's Letter to King Coroticus (continued)

ōIt would be tedious to discuss and set forth all in detail, **to gather from the whole Law testimonies against such greed.** Avarice is a deadly sin. ÷**You shall not covet your neighbour's goods!**ø[Exodus 20:17]. ÷**You shall not murder!**ø[Exodus 20:13].

ōA murderer cannot be with Christ. ÷Whosoever hates his brother, is accounted a murdererø [First John 3:15]. Or: ÷He that does not love his brother, abides in deathø [First John 3:14]. How much more guilty is he who has stained his hands with the blood of the sons of God, whom He has of late purchased in ÷the utmost part of the Earthø[Psalm 2:8 & Acts 1:8] through the call of our littleness!

ōDid I come to Ireland without God?... I am bound by the Spirit... I was freeborn according to the flesh. I am the son of a *decurion* [alias a ruler-over-ten-households]! But I sold my noble rank ó I am neither ashamed nor sorry ó for the good of others. Thus I am a servant in Christ to a foreign nation, for the unspeakable glory of everlasting life which is in Christ Jesus our Lord.

ōAnd if my own people do not know me ó ÷a prophet has no honour in his own country!ø Perhaps we are not of the same fold ó and do not have one and the same God as Father. As it is written: ÷He who is not with Me, is against Me; and he who does not gather with Me, scattersø... ÷One keeps on destroying; another keeps on building up.ø I do not seek the things that are mine.

ōIt is not my grace, but God Who had given this solicitude into my heart ó to be one of His hunters or fishers whom God once foretold would come.... What shall I do, Lord? ... Your sheep around me are being torn to pieces and driven away...by these robbers, by the orders of the hostile-minded Coroticus.

ōFar from the love of God is a man who hands over Christians to the Picts and Scots! Ravening wolves have devoured the flock of the Lord, which in Ireland was indeed growing splendidly with the greatest care.... I cannot count the number of the sons and daughters of their kings who were...of Christ....

ōYou [Coroticus] prefer to kill and sell them [the Irish Christians] to a foreign nation [Scotlandø then-still-pagan Picts] that has no knowledge of God. You betray the members of Christ, as it were into a brothel! What hope have you in God, or

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anyone who thinks as you do, or converses with you in words of flattery? God will judge! For Scripture says: "Not only they that do evil are worthy of condemnation, but they too who consent to them."

Scripture says: "Weep with them that weep!" And again: "If one member be grieved, let all members grieve with it!" Hence the Church mourns and laments her sons and daughters whom the sword has not yet slain, but who were removed and carried off to faraway lands where sin abounds....

Perhaps they do not believe that we have received one and the same baptism.... It is written: "Have you not one God? Have you, every one of you, forsaken his neighbour?"

**Patrick's Letter to King Coroticus (concluded)**

Therefore I grieve for you [the first-enslaved and then-deceased Irish Christians]. I grieve, my dearly beloved. But again..., thanks be to God that you have left the world and have gone to paradise as baptized faithful!

I see you. You have journeyed to where "night shall be no more; nor mourning; nor death." But "you shall leap like calves loosened from their bonds. And **you shall tread down the wicked**, and they shall be ashes under your feet!" [cf. Malachi 4:3].

You will reign with the Apostles and prophets and martyrs. You will take possession of eternal kingdoms. As He Himself testifies, saying: "They shall come from the East and from the West, and shall sit down with Abraham and Isaac and Jacob in the kingdom of heaven." **"Outside are dogs [or sodomites] and sorcerers and whoremongers and murderers and idolaters and whosoever loves lies** [Revelation 22:15].

**"Perjurers and 'liars shall have their portion in the pool of everlasting fire"** [Revelation 21:8]. Not without reason does the Apostle say: "Whereas the just man shall scarcely be saved, where shall the sinner and ungodly transgressor of the Law find himself?"

Where then will Coroticus with his criminals, rebel against Christ, where will they see themselves, they who distribute baptized women as prizes? In a miserable temporal kingdom, which will pass away in a moment! "As a cloud or smoke that is dispersed by the wind, so shall the wicked perish at the presence of the Lord!" "But the just shall feast with great constancy with Christ!" "They shall judge nations and rule over wicked kings for ever and ever. Amen.

I testify before God and His angels that it will be so.... It is not my words that I have set forth...but those of God and the Apostles and prophets who have never lied. "He who believes, shall be saved; but he who does not believe, shall be condemned." God has spoken!

I ask earnestly that whoever is a willing servant of God, be a carrier of this letter so that on no account it be suppressed or hidden by anyone, but rather be read before all the people and in the presence of Coroticus himself. May God encourage them at

some time to recover their senses for God ó **repenting, however late, of their heinous deeds!**

ōThey are murderers of the Lord's brethren. May they set free the baptized women whom they took captive ó so they may...live to God, and be made whole ó here, and in eternity! Peace be to the Father, and to the Son, and to the Holy Spirit! Amen.ö

### **The testimony anent Patrick of his own nephew Sechnall**

The above is Patrick's own testimony ó his own Christonomic theodicy. The same kind of testimony is seen also in the poem of his own nephew, the presbyter Sechnall (Secundinus). The latter wrote<sup>41</sup> that Patrick was östeadfast in his faithö and that öthe gates of hell will not prevail against him.ö

Sechnall also wrote of his uncle Patrick that öhe gives the good ó an apostolic example and model.... He encourages, by good conduct.... Humble is he of mind and body, because of his fear of God.... In his holy body, he bears the marks of Christ....

öHe preserves his body chaste, for love of the Lord. This body He has made a temple for the Holy Spirit.... He keeps it such, by purity in all his actions. He offers it as a living sacrifice, acceptable to the Lord....

öHe frees captives from a twofold servitude. The great numbers, he liberates from bondage to men. These countless ones, he frees from the yoke of the devil.

öHe sings hymns and the Revelation and the Psalms of God ó and explains them for the edification of God's people. He tells them he believes in the Trinity of the Holy Name ó and teaches them that there is only one substance, in Three Persons.ö

### **Patrick's Christonomic and trinitarian *Daily Morning Prayer***

Patrick's dynamic Christonomic and Trinitarian Faith is seen also in his *Morning Prayer*, known as the *Lorica* (or *Hymn of the Deer's Cry*)<sup>42</sup> This Patrick got also his disciples to sing ó outside the sabbath times of **official** worship of the Triune God. There, commencing with the by-now-familiar Ancient-Irish words *Atomriug indiu niurt tren*, Patrick taught them:

öToday I arise through God's great strength  
and draw close to my Lord Triune.  
By grace through faith, I know He's One ó  
Jehovah ó ere time began.  
Yet there's Three Who create ó  
even *Elohim*: the Father and Son and Spirit.

öToday I arise, through the baptism of Christ ó  
His cross; and His grave; resurrection; ascension;  
and final descent, for the judgment of doom.

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<sup>41</sup> Text of Sechnall's biographical notes on Patrick, can be found in Gallico's *op. cit.*

<sup>42</sup> Text of Patrick's *Lorica* can be found in Gallico's *op. cit.*

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ōToday I arise, while Godø's angels serve ó  
I heed all His heralds, through reading His Word.  
He makes His saints pure, in labours and love.

ōToday I arise, before the sunø's flame;  
before the winds rush; before lightning strikes.  
For Godø's sea is deep; and His land like a rock!

ōToday I arise, through Godø's strength to guide me.  
Godø's might shall uphold me; Godø's wisdom shall lead me;  
Godø's eye looks before me; Godø's ear shall hear for me;  
Godø's Word shall speak through me; Godø's hand shall protect me ó  
Godø's way is before me.

ōGodø's hosts shall defend me against snares of devils;  
against tests of vices; against lusts of nature;  
øgainst all who would harm me; from far or from near ó  
with few, or with many.

ōChrist now protects me øgainst poison; øgainst burning;  
øgainst drowning; øgainst wounding; and even øgainst falling ó  
that I may receive an abundant reward.

ōFor Christ now is with me, before, and behind me;  
Christ is within, and beneath, and above me.  
Christø's on my right; and Christø's on my left.  
Christø's where I sit; and Christø's where I sleep.

ōChristø's where I rise, each day I get up.  
Christø's in the hearts of all who recall me.  
Christø's in the mouth of all who address me.  
Christø's in the eye of all who behold me.  
Christø's in the ear of all who do hear me.

ōToday I arise in the strong Name of God,  
to the Triune *Jehovah* I come!  
I pray every day, to *Elohim* strong ó  
to my God Who is Three but yet One.  
From Him all of nature has had her creation  
by Father; by Spirit; by Word ó  
O praise to Jehovah the God of salvation!  
For Iø'm saved by Jesus, the Lord!ö

**Rev. Prof. Dr. Lee's rendition of Patrick's *Daily Morning Prayer***

Both the 1927 Presbyterian *Scottish Psalter and Church Hymnary*<sup>43</sup> and the 1987 Australian Presbyterian songbook of psalms and hymns called *Rejoice!*<sup>44</sup> have

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<sup>43</sup> *Scottish Psalter and Church Hymnary*, Revised Edition, Oxford University Press, London, 1929, pp. 603-10, No. 506.

attempted to hymnodize the gist of the above. Beyond those attempts, here is Dr. F.N. Lee's own personal effort to do get Patrick's *Lorica* to rhyme in English, set to the tune of *St. Petersburg* or *Melita* (or any other 88.88.88 melody) ó and titled ðPATRICK'S DAILY MORNING PRAYER.ö

ðToday I rise, and now commune  
with my Creator God Triune.  
He's One, by grace through faith I know ó  
*Jehovah* God, from long ago!  
He's also *Elohim*. Thus Three  
from, and until, eternity!

Today I rise, and with my eyes  
I see how John did Christ baptize ó  
His cross and grave I clearly see.  
I know He went there, all for me.  
Because He rose up from His tomb,  
my sin no longer means my doom!

Today I rise, while angels serve  
I'll pray with every ounce of nerve.  
I'll heed God's heralds; read His Word;  
then I will very gladly gird  
His Spirit's sword for works of love.  
His saints must be: pure as a dove.

Today I'll rise before the sun  
its daily rising has begun ó  
before the rushings of the wind,  
or thunderbolts have loudly dinned.  
For God's deep sea is in His hand,  
and rock-firm is His promised land.

Today I rise. God's strength me guides;  
His might all day with me abides.  
His wisdom leads; His eye shall guard;  
His ear shall hear; His Word bombard  
my foes. His gentle hands protect  
and keep me on His road correct.

God's angels guard me against all snares;  
against all vicious trials and scares;  
against all of my carnal lusts;  
against all nature's stormy gusts;  
against all harm, both far and near.  
Against all foes, I have no fear.

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<sup>44</sup> *Rejoice! A Collection of Psalms, Hymns and Spiritual Songs*, Presbyterian Church of Australia, G.P.O. Box 100, Sydney, 1987, No. 93.

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Christ shelters from each harmful wound  
no matter what my foes impugned.  
œGainst burns and drownings, œgainst all falls.  
Against all poisons, and all brawls  
Christ guards me with His mighty sword.  
So Iœl yet get His good reward.

My Christ is with me, and before,  
behind, beneath, above ó and more.  
Christœs on my left, Christœs on my right ó  
there when I sit, and when I fight.  
Whatever I may take to hand,  
Christœs there ó when Iœm asleep, or stand.

Christœs where I rise, when every day  
I read His Word and to Him pray.  
When Iœm discussed, Heœs in the heart ó  
Heœs in the mouth, right from the start.  
Heœs in the eye of all who see  
and hear the actions done by me.

Today I rise, in Godœs strong Name,  
the great *Jehovah* to proclaim.  
The Lord is always One and Three ó  
my God, for all eternity!  
Yes, God is always One and Three ó  
my Lord, for all eternity!œ

### **Patrick's own autobiographical *Confession* or *Profession of Faith* (I)**

At the very end of his long life, Patrick wrote down his autobiographical *Confession* (or *Profession of Faith*). There, he records:<sup>45</sup> œI am Patricius, a sinner ó most unlearned; the least of all the faithful.... My father was Deacon Calpornius, son of Presbyter Potitus of the village *Banna Ventamburniae*. He had a country-seat nearby, and there I was taken captive.

œI was then about sixteen years of age.... **I was taken into captivity** to Ireland with many thousands of people ó and **deservedly so**, because **we had turned away from God and did not keep His Commandments** and did not obey our presbyters who used to remind us of our salvation. So the Lord brought over us the wrath of His anger, and scattered us among many nations ó even unto ðthe utmost part of the earthœ where my littleness is placed among strangers.

œThere, the Lord opened the sense of my unbelief ó so that I might at least remember my sins, and be converted with all my heart to the Lord my God. He had regard to my abjection, and had mercy on my youth and ignorance. He watched over me before I knew Him, and before **I was able to distinguish between good and evil**. He guarded and comforted me as a father does his son.

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<sup>45</sup> Text of Patrickœs *Confession* can be found in Gallicoœs *op. cit.*

øHence I cannot be silent ó nor, indeed, is it expedient ó about the great benefits and the great grace which the Lord designed to bestow upon me in the land of my captivity. For this we can give to God in return, after having been chastened by Him ó to exalt and praise His wonders before every nation that is anywhere under heaven!

øBecause **there is no other God, nor ever was, nor will be – than God the Father unbegotten**; without beginning; from Whom all beginnings exist. He is, as we have been taught, the Lord of the universe....

øHis Son Jesus Christ...we declare to have been always with the Father ó spiritually and ineffably begotten by the Father before the beginning of the world, before all beginnings.... By Him all things visible and invisible have been made. He was made man and, having defeated death, was received into heaven by the Father.... He has given Him all power over all names in heaven, on earth, and under the earth ó and **every tongue shall confess to Him that Jesus Christ is Lord and God**. We believe in Him Whose advent...we expect ó Judge of the living and of the dead, Who will render to every man according to his deeds....

øHe has poured forth upon us abundantly the Holy Spirit, the Gift and Pledge of immortality ó Who makes **those who believe and obey, sons of God** and joint-heirs with Christ.... Him do we confess and adore ó one God in the **Triunity** of the Holy Name.

øFor He Himself had said through the Prophet: -Call upon Me in the day of your trouble, and I will deliver you; and you shall glorify Me!ø And again, He says: -It is honourable to reveal and confess the works of Godø...

øI know well the testimony of my Lord Who in the Psalm declares: -**You will destroy them that speak a lie**.ø And again, He says: -**The mouth that lies, kills the soul**.ø

øAnd the same Lord says in the Gospel: -Every idle word that men shall speak, they shall render an account for it on the day of judgment!ø And so I should dread exceedingly, with fear and trembling, this sentence on that day when no one will be able to escape or hide ó but we all, without exception, shall have to give an account even of our smallest sins before the judgment seat of the Lord Christ.ö

### **Patrick's Confession or Profession of Faith (II)**

øI long had in mind to write.... I have not studied like the others who **thoroughly imbibed Law and Sacred Scripture**, and never had to change from the language of their childhood days, but were able to make it still more perfect. In our case, what I had to say, had to be translated into a tongue [Irish] foreign to me....

øThis betrays how little instruction and training I have had in the art of words. For, as Scripture says, -by the tongue will be disclosed ó the wise man; and understanding; and knowledge; and the teaching of truthø...

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ōNow, in my old age, I strive for something that I did not acquire in youth. It was my sins that prevented me from fixing in my mind what before I had barely read through...

ōAlmost as a boy not able to speak, I was taken captive.... Today, I blush and fear exceedingly to reveal my lack of education.... [Yet] I would not be silent ó because of my desire to give thanks! ... After all, it is written: ñThe stammering tongues shall quickly learn to speak peaceø...

ōWe earnestly strive to do this ó we who are, as Scripture says, ña letter of Christ for salvation unto the utmost part of the earthø (although not yet an eloquent one)..., ñwritten in your hearts not with ink but with the Spirit of the living Godø... Again, the Spirit witnesses that ñeven rusticity was created by the All-Highestø...

ōBefore I was humiliated, I was like a stone lying in the deep mire.... He Who is mighty came, and in His mercy lifted me up and raised me aloft.... Therefore, then, be astonished ó you great and little who fear God, and you men of letters! ... He encouraged me ó me, the outcast of this world, before others to be the man...who with fear and reverence and without blame should faithfully serve the [Irish] people to whom the love of Christ conveyed and gave me, for the duration of my life....

ōIn the light therefore of our faith in **the Trinity**, I must make this choice.... I must make known the gift of God and everlasting consolation. Without fear and frankly, I must spread everywhere the Name of God ó so that after my decease I may leave a bequest to my brethren and sons whom I have baptized in the Lord, so many thousands of people.ö

### **Patrick's Confession or Profession of Faith (III)**

ōI was not worthy...that the Lord should grant this to His servant; that...after my captivity, after the passage of so many years, He should give me so great a grace in behalf of that nation....

ōAfter I came to Ireland [as a slave], every day I had to tend sheep and many times a day I prayed. The love of God and His fear came to me more and more, and my faith was strengthened. And my spirit was moved, so that in a single day I would say as many as a hundred prayers ó and almost as many in the night, and this even when I was staying in the woods I used to get up for prayer before daylight ó through snow, through frost, through rain.... I felt no harm, and there was no sloth in me ó as I now see, because the Spirit within me was then fervent....

ōOne night I heard in my sleep a voice saying to me: ñIt is well that you fast! Soon you will go [back] to your own country [Britain].... Your ship is readyø... It was not near, but at a distance of perhaps two hundred miles [in Wicklow]....

ōI had never been there. Nor did I know a living soul there.... Then I took to flight, and **I left the man with whom I had stayed for six years** [cf. Exodus 21:2]. And I went in the strength of God....

ōAs I went, I began to pray. And before I had ended my prayer, I heard someone shouting behind me: ‘Come, hurry, we shall take you on in good faith! Make friends with us!ø... And so, on that day I...hoped they would come to the faith of Jesus Christ ó because they were pagans. And thus I had my way with them....

ōAfter three days, we reached land.... We travelled through deserted country.... The next day, the captain said to me: ‘Tell me, Christian ó you say that your God is great and all-powerful? Why then do you not pray for us? As you can see, we are suffering from hunger!ø...

ōI said to them full of confidence: ‘Be truly converted with all your heart to the Lord my God! Because nothing is impossible for Him; so that this day He may send you food.... Suddenly a herd of pigs appeared on the roads before our eyes; and they killed many of them.... They also found wild honey, and offered some of it to me....

ōThanks be to God! ... I was upheld by Christ my Lord.... His Spirit was even then crying out on my behalf.... It will be so, on the day of my tribulation. As is written in the Gospel: ‘On that day,øthe Lord declares, ‘it is not you that speak ó but the Spirit of My Father Who speaks in you!øø

#### ***Patrick’s Confession or Profession of Faith (IV)***

ōOnce again, after many years, I fell into captivity [in Gaul?].... On the sixtieth night thereafter, the Lord delivered me.... Then again, after a few years, I was in Britain with my people ó who received me as their son and sincerely besought me that now at last, having suffered so many hardships, I should not leave them and go elsewhere.

ōBut there I saw in the night the vision of a man...coming as it were from Ireland.... I heard their voice.... They [the Irish] did cry out as with one mouth: ‘We ask you, boy ó come and walk among us once again!ø...

ōI woke up, and remembered the Apostle saying: ‘The Spirit helps the infirmities of our prayer. For we do not know what we should pray for as we ought. But the Spirit Himself asks for us, [and in us,] with unspeakable groanings which cannot be expressed in words.øAnd again: ‘The Lord our Advocate asks for us!øø

#### ***Patrick’s Confession or Profession of Faith (V)***

ōWhen I had been fifteen years old, I did not trust in the living God. Nor did I do so from my childhood. But I lived in death and unbelief, until I was severely chastised and really humiliated by hunger and nakedness ó and that, daily....

ōI did not go to Ireland of my own accord ó not until I had nearly perished! But this was rather for my good. For thus was I purged by the Lord, and He made me fit so that I might be now what was once far from me ó so that I should care and labour for the salvation of others....

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øTherefore I give thanks to Him Who has strengthened me in everything.... He did not frustrate the journey upon which I had decided, and the work which I had learned from Christ my Lord.... I rather felt, after this, no little strength ó and my trust was proved right, before God and men....

øI must not, however, hide Godø's gift which He bestowed upon me in the land of my captivity. Because then, I earnestly sought Him. And there I found Him, and He saved me from all evil ó because...of His Spirit Who keeps on dwelling in me....

øI give unwearied thanks to God Who kept me faithful in the day of my temptation [or test], so that today I can confidently offer Him my soul as a living sacrifice ó to Christ my Lord, Who saved me out of all my troubles.

øThus I can say: -Who am I, O Lord, and to what have You called me ó You who assisted me with such divine power that today I constantly exalt and magnify Your Name...not only in good days but also in tribulations?ø So indeed I must accept with equanimity whatever befalls me, be it good or evil, and always give thanks to God Who taught me to trust in Him always, without hesitation.ö

**Patrick's Confession or Profession of Faith (VI)**

øHe must have heard my prayer. So I, however ignorant I was, in recent days dared to undertake such a holy and wonderful work ó thus imitating somehow those who, as the Lord once foretold, would **preach His Gospel for a testimony to all nations** [*cf.* Matthew 28:19f], prior to the end of the world....

øIt would be tedious to give a detailed account of all my labours, or even a part of them. Let me tell you briefly how the merciful God often freed me from slavery, and from twelve dangers in which my life was at stake ó not to mention numerous plots, which I cannot express in words....

øI do not want to bore my readers. But God is my witness, Who knows all things even before they come to pass.... He used to forewarn even me, poor wretch that I am, of many things, by a divine message.

øHow did I come by this wisdom which was not in me? I knew neither the number of my days nor what God was! Whence was given to me afterwards the gift so great, so salutary ó to know God and to love Him? Although at the price of leaving my country and my parents!....

øI came to the people of Ireland to preach the Gospel and to suffer.... I am prepared to give even my life without hesitation, and most gladly, for His Name. And it is there that I wish to spend it, until I die....

øI am very much Godø's debtor ó Who gave me such great grace that many people were born again in God, and afterwards confirmed through me.... Ministers were ordained...everywhere, for a people just coming to the faith.

øThe Lord took them -from the utmost parts of the earthø ó as He once had promised through His Prophets: -To You the Gentiles shall come from the ends of the

earth... And again: -I have set You as a light among the Gentiles, so that You may be for salvation unto the utmost part of the earth!ø

øAnd there I wish to wait for the promise of Him Who surely never deceives. As He promises in the Gospel: -They shall come from the east and the west, and shall sit down with Abraham and Isaac and Jacobøó as we believe the faithful will come, from all the world.

øFor that reason therefore we ought to fish well and diligently.... The Lord exhorts in advance, and teaches, saying: -You must come after Me, and I will make you to be fishers of men!ø And again He says through the prophets: -Behold, I send many fishers and huntersø...

øThe Lord in the Gospel states, exhorts, and teaches, saying: -Even while going, you must **teach all nations – baptizing them in the Name of the Father and the Son and the Holy Spirit – instructing them to observe all things whatsoever I have commanded you.** And behold, I am with you all days ó even to the consummation of the world!ø[Matthew 28:18f].

øAnd again He says: -You must therefore go into the whole world, and preach the Gospel to every creature! He who believes and is baptized, shall be saved; but he who does not believe, shall be condemned.ø And again: -This Gospel of the kingdom shall be preached in the whole world for a testimony to all nations, and then shall the end come!ø

øAnd so too the Lord announces through the prophet, and says: -And it shall come to pass in the last days,ø says the Lord, -I will pour out of My Spirit upon all flesh. And your sons and your daughters shall prophesy, and your young men shall see visions: and your old men shall dream dreams. And upon my servants indeed, and upon my handmaids, I will pour out of My Spirit in those days, and they shall prophesy.ø

øAnd in Hosea, He says: -I will call øMy peopleö that which was not My people.... And her that had not obtained mercy, [I will call] öone that has obtained mercy!ö And instead of where it was said: øYou are not My peopleö ó they shall be called öthe sons of the living God!öø

### **Patrick's Confession or Profession of Faith (VII)**

øHence, how did it come to pass in Ireland, that those who never had a knowledge of God...have now been made a people of the Lord and are called -sons of God? ... [How did it come to pass] that sons and daughters of the kings of the Irish ó are seen to be...born again there, so as to be of our kind? I do not know....

øI could have wished to leave them and go [back] to Britain. And how I would have loved to go to my country and my parents, and also to Gaul in order to visit the brethren and to see the face of the saints of my Lord! For God knows I much desired it. But I am bound by the Spirit Who would give evidence against me, were I to do this ó telling me I would be guilty. And I am afraid of losing the labour which I have

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begun ó nay, not I, but Christ the Lord Who bade me come here and stay with them for the rest of my life....

ōThis, I presume, I ought to do! But I do not trust myself, as long as I am in this body of death.... From the time I came to know Him in my youth, the love of God and the fear of Him have grown in me ó and up to now, thanks to the grace of God, I have kept the faith.... He knows everything, even before the times of the world!

ōHence I ought unceasingly to give thanks to God Who often pardoned my foolishness...and on more than one occasion spared His great wrath upon me who was chosen to be His helper ó and who was slow to do as was shown me, and as the Spirit suggested. But the Lord had mercy on me, thousands and thousands of times.... Would that you too would strive for greater things, and do better! This will be my glory. For a wise son is the glory of his father.ō

**Patrick's *Confession or Profession of Faith* (VIII)**

ōYou know, and so does God, how I have lived among you from my youth in the true faith and in sincerity of heart.... I have been faithful...for fear that through me the Name of the Lord be blasphemed. For it is written: ÆWoe to the man through whom the Name of the Lord is blasphemed!ø

ōFor although I be rough in all things, nevertheless I have tried somehow to keep myself safe.... When I baptized so many thousands of people, did I perhaps expect from any of them as much as a tiny coin? Tell me, and I will give it back! ... On the contrary, I spent money **for** you ó so that they might receive me. And I went to you and everywhere for your sake in many dangers, even to the farthest districts.... May God powerfully grant me afterwards, that I myself may be spent ó for your souls!

ōIndeed, I call God to witness upon my soul ó that I do not lie.... Sufficient is the honour that is not yet seen but is anticipated in the heart. ÆFaithful is He Who promised!øFor ÆHe never lies!ø

ōBut I see myself exalted even in the present world, beyond measure, by the Lord. And I was not worthy, nor such that He should grant me this.... Poverty and misfortune behooves me better than riches and pleasures. For Christ the Lord too was poor, for our sakes. And I, unhappy wretch that I am, have no wealth ó even if I wished for it.

ōDaily I expect murder, fraud, or captivity ó or whatever it may be. But I fear none of these things, because of the promises of heaven. I have cast myself into the hands of God Almighty, Who rules everywhere. As the prophet says: ÆCast your thoughts upon God, and He shall sustain you!ø...

ōSo now, I commend my soul to my faithful God, for Whom I am an ambassador.... God accepts no person, but chose me for this office ó to be, although among His least, one of His ministers.

ōHence let me give back to Him, because of all He has done for me! But what can I say or what can I promise to my Lord ó as I can do nothing that He has not given me?

ōMay He search the heart and reins!... I pray to God to give me perseverance, and to deign that I be a faithful witness to Him ó to the end of my life, for my God!

ōAnd if ever I have done any good for my God Whom I love, I beg Him to grant that I may shed my blood with those exiles and captives for His Name. Even though I should be denied a grave: or my body be woefully torn to pieces limb from limb by hounds or wild beasts; or the fowls of the air devour it.

ōI am firmly convinced that if this should happen to me, I would have gained my soul ó together with my body. Because on that day, without doubt we shall rise in the brightness of the sun ó that is, in the glory of Christ Jesus our Redeemer, as sons of the living God and joint-heirs with Christ ó to be made conformable to His image. For of Him, and by Him, and in Him ó we shall reign!

ōFor this sun which we see, rises daily for us ó because God commands this.... We believe in, and worship, the true Sun ó Christ ó Who will never perish. Nor will he who does His will. But he will abide for ever, even as Christ abides for ever Who reigns with God the Almighty Father and the Holy Spirit ó before time; and now; and unto all eternity. Amen!ö

### **Patrick's *Confession* or *Profession of Faith* (IX)**

ōBehold, again and again would I set forth the words of my *Confession*. I testify in truth and in joy of heart, before God and His holy angels, that I never had any reason except the Gospel and its promises [as to] why I should ever return to the [Irish] people from whom once before I barely escaped.

ōI pray those who truly fear God, whosoever begins to look at or receive this writing which Patrick, an unlearned sinner, composed in Ireland ó that no one should ever say it was my ignorance if I did or showed forth anything however small according to God's good pleasure. But let this be your conclusion and let it so be thought that ó as is the perfect truth ó it was the gift of God! This is my *Confession*, before I die.ö

### **Patrick's christianization and codification of Irish Common Law**

According to the *Colloquy of the Ancients*, the Christian Missionary Patrick of Britain once asked an Irish Leader about their Pre-Christian customs. Asked Patrick: öWho or what was it that maintained you in your life?ö Caoilte replied on behalf of the Pre-Christian Irish: öTruth was in our hearts; strength in our arms; and fulfilment in our tongues.ö

After his principal christianization of the Irish Chieftains, Patrick was invited by King Laoghaire to take part in the codification of the *Senchus Mor* [or -Moral Code] of Ancient Ireland. Patrick's participation was requested ó precisely in order to represent the interests of the new Christian communities in Ireland, anent that code. Apparently, the Chief-Druid Dhubhthach dictated it ó and Patrick refined and recorded it.

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Now Patrick himself noted also the native literacy of that Chief-Druid Dhubhthach O'Luair ó before the latter's christianization. Indeed, Patrick even supervised the burning of some 180 **volumes** of unacceptable **writings**.<sup>46</sup> Yet the fact that Patrick updated the *Senchus Mor* alias the Irish Common Law, clearly suggests that it too had been inscripturated long before his own time.

After all, if 180 volumes of writings were rejected ó it stands to reason that there must have been also many other volumes of Pre-Patrician Irish writings which were not only not rejected but which were indeed eagerly acclaimed by Patrick. It is from those latter Pre-Patrician Irish writings, then, that Patrick now updated written Irish Common Law.

It is very important to grasp that **it was Patrick himself who then approved the overwhelming bulk of druidic Irish Law and then ordered it further to be preserved ó and indeed **once again in writing ó** because in harmony with the Law of God in Nature Revelation as well as in Holy Scripture. All books not then destroyed, themselves formed the continuing basis of a christianized Ireland's incipient literature and laws (in the *Senchus Mor* and other writings). **It remains a great tragedy that the later pagan Vikings, during their many attacks against the Celts, destroyed so many of those writings of Ancient Ireland – during the course of the ninth and tenth centuries A.D.****

According to Barrister Lawrence Ginnell,<sup>47</sup> in Ireland's famous old document *The Annals of the Four Masters* it is said:<sup>47</sup> "In] the age of Christ 438, the tenth year of Laeghaire [the Irish King in the time of Patrick], the *Senchus Mor* [or Common Law] and *Feinachus* of Ireland were purified and written."

That (re-)inscripturation of these works must have extended over several years. Those from A.D. 438 to 441, appear the most probable.

"St. Patrick, declared the *Annals*, requested the men of Erin to come to one place to hold a conference with him. When they came to the conference, the Gospel of Christ was preached to them all.... And when they saw Laeghaire and his druids overcome by the great knowledge of Patrick, they bowed down in obedience to the will of God.... It was then that Dubhthach [the Chief-Druid] was ordered to exhibit every law which prevailed amongst the men of Erin ó through the Law of Nature and the Law of Seers, and in the judgments of the island of Erin, and in the poetry.

"Now the judgments of true nature, which the Holy Spirit had spoken through the mouths of the *Brehons* and just poets of the men of Erin from the first occupation of the island down to the reception of the [Christian] Faith, were all exhibited by Dubhthach to Patrick. What did not clash with the Word of God in Written Law [alias the Old Testament] and in the New Testament, and with the consciences of believers ó was confirmed in the laws of the *Brehons* by the Ecclesiastics and the Chiefs of Erin. For the Law of Nature was quite right ó except [it needed to be supplemented by] the

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<sup>46</sup> Jocelyn of Furness's *Life of Patrick*; O'Flaherty's *Ogygia* III:30; MacGoeghegan & Mitchel's *op. cit.*, p. 41.

<sup>47</sup> *Op. cit.*, p. 28.

Faith and its obligations, and by the harmony of the Church and the people. And this is the *Senchus Mor*.<sup>48</sup>

As regards the compilation of the *Senchus Mor* under Patrick's supervision, adds Barrister Ginnell,<sup>49</sup> the Christian spirit ó breathed through the whole Law ó was important. But **the actual changes were few** ó and, substantially, the laws remained the same as they had existed for centuries before.

This is a most significant statement as to the vast amounts of divine supervision operative in producing Ancient Irish Law especially in its Pre-Christian phases. This also evidences much common revelation present therein. Indeed, it further points to the harmonious relationship between Ancient Irish Common Law on the one hand ó and, on the other, the special revelation which the Irish now received *via* the Celto-Brythonic Missionary St. Patrick of Britain.

Patrick's alleged argumentations from three-leaved shamrocks, seem to have helped win the nobles of the Irish High-King and his country for Christianity. For the God Who created the triune shamrock of Ireland ó and who also sustained the triune insights of Pre-Christian Brythonic and Irish Druidism ó must obviously Himself be Triune. Indeed, infinitely so.

### **Patrick compared the British Christians with the Ancient Israelites**

The waywardness of some of the Ancient British Christians was well compared with that of some also in Ancient Israel ó in the mind of Patrick. For in his *Confessions*,<sup>50</sup> he wrote: óI was taken into captivity to Ireland, with many thousands of [British] people ó and deservedly so, because we [Britons had] turned away from God and did not keep His Commandments and did not obey our presbyters who used to remind us of our salvation. And the Lord brought over us the wrath of His anger, and scattered us among many nations ó even unto the uttermost part of the earth.ö

By the latter expression, the Briton Patrick seems to have meant Ireland. Compare Acts 1:8 & 13:47. For it was precisely in Ireland that he and his fellow youth from Britain had been scattered ó after having been captured and enslaved by the then-still-pagan Irish. Ireland, to both Patrick and the Ancient Israelites, was the westernmost edge of their then-known world. To them, it was indeed the outermost or öthe uttermost part of the earth.ö Psalm 2:8.

Patrick lamented that ó through that early abduction to and enslavement in Ireland ó he had been unable to complete the thorough training to which British Christian children of the covenant were then subject. Thus he stated: ó**I have not studied like the others, who thoroughly imbibed Law and Sacred Scripture** ó and [who] never had to change from the language of their childhood days, but were able to make it still more perfect. In our case, **what I had to say [in Ireland] – had to be translated into a tongue foreign to me.**ö

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<sup>48</sup> Thus the *Annals of the Four Masters*; as cited in Ginnell's *op. cit.*, p. 31.

<sup>49</sup> *Op. cit.*, p. 32.

<sup>50</sup> Cited in G. Taylor's *The Hidden Centuries*, Covenant, London, 1969f, pp. 34f; see too J.W. Taylor's *The Coming of the Saints*, Covenant, London, 1969 rep., pp. 163 & 238.

*ADDENDUM 49: THE CUMBRIAN PATRICK &  
HIS WORK IN IRELAND*

Nevertheless, as T.W. Rolleston remarks,<sup>51</sup> the attitude of the early Celtic Christians in Ireland seems to preclude the idea that at the time of the conversion of Ireland the pagan religion was associated with cruel and barbarous practices. Indeed, Bertrand points out that soon after Ireland's christianization, non-celibate druidic colleges were transformed *en masse* into monasteries of a similar character for the new Irish Christians.<sup>52</sup>

**The British Christian Patrick was a 'Primitive Presbyterian'**

In his 1902 work *A History of the Irish Presbyterians*, Rev. W.T. Latimer declared<sup>53</sup> of Patrick that although unmarried himself, he did not impose any yoke of celibacy on the Irish Church. He ordained Fiach Finn, a man of one wife, as a Bishop alias an Overseer. Cf. First Timothy 3:1-2f.

For many centuries afterwards, the law and practice of the Celtic Church in this respect remained the same. An ancient canon relates to the apparel of a Minister and his wife when in public. And even so late as the end of the eleventh century, the renowned ecclesiastical leader Malachy O'Morgair himself was born the son of an Irish clergyman.

The Old-Irish Church was pure in doctrine and presbyterian in government. Hence, it permitted unmarried but marriageable monks and nuns to dwell chastely in Culdee monastic societies together with married monks and nuns and their children. Matthew 27:55-61; Luke 8:2-4; Acts 1:13-15; 6:1-7; 21:8-9; First Corinthians 9:1-6; First Timothy 2:8-15; 3:1-5; 4:1-6; 5:1-14; Titus 2:2-6.

This was also a continuation of the customs which had prevailed among the Pre-Christian druidists. The Culdee 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 them, in which they resided.

So successful were these Irish Culdee-Christian Theological Seminaries, that before long they became celebrated throughout Europe. Scholars and their families flocked to them from distant countries. Ireland was called the Isle of Saints and many of her sons came to occupy distinguished positions also in foreign seats of learning.

Patrick himself ordained 365 bishops or overseers in Ireland. These bishops were teachers of the people 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.

This clearly means one married or marriageable bishop for each congregation of two hundred households, each assisted by a number of presbyters or elders-over-ten (one for every ten households). Exodus 18:12-25 cf. First Timothy 5:17-22. Indeed,

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<sup>51</sup> *Op. cit.*, p. 145.

<sup>52</sup> See Bertrand's *Religion of the Gauls*.

<sup>53</sup> W.T. Latimer: *A History of the Irish Presbyterians*, Cleeland & Mullan, Belfast, 1902, pp. 4 & 6.

these bishops were just parish ministers whose duty it was to preach the Gospel within their local charge.

Thus we see that the Old-Irish Church was essentially presbyterian and not prelatical in its form of government. Moreover, it did not acknowledge the supremacy of the Bishop of Rome (even after later he was proclaimed sole "Pope" for the first time around 600 A.D.). For, other than Christ the Sole Head in heaven, there was and is no supreme head of Christ's Church here on earth with the function of exercising metropolitan jurisdiction.

Not only was there no diocesan episcopacy. In Patrick's writings there is also no allusion to Mary-worship; or to purgatory; or to transubstantiation. Those writings contain no prayers to saints; and they appeal to the Scriptures as the only standard of faith and of morals. In one sentence: Patrick was a Presbyterian.

### **The Cumbrian Briton Patrick's impact on all of the British Isles**

In conclusion, we summarize the impact of Patrick not just upon Ireland but also upon the whole of the British Isles. Appropriately, we can do so under five main points.

First, the Brythonic Patrick was the descendant of a long line of Proto-Protestant Culdees in what is now Cumbria. Such were "Primitive Presbyterian" Christians.

Second, Patrick regarded Britain as a bastion of Biblical Christianity. Indeed, he sought to export that Faith also into Ireland "as the uttermost part of the Earth" (Acts 1:8).

Third, the Briton Patrick greatly expanded and consolidated the Pre-Romish Christian work already undertaken to a small extent also in Ireland. To that end, he converted also many knowledgeable druids "and then ordained them as Ministers of the Word and Sacraments in the new congregations he formed in Ireland.

Fourth, Patrick's theology was consistently Trinitarian. It was steeped in the Holy Scriptures; strongly predestinarian; clearly postmillennial; and thoroughly Christonomic.

Fifth, Patrick had high regard also for much of the traditional Irish Common Law. Much of it he regarded as good and worth preserving "God having supervised it since its inception. So, in the light of Holy Scripture, Patrick helped purify and codify it "for use in the Ireland he helped christianize.

None of this precious theology of the Cumbrian Patrick would ever be lost. It would later be summarized by Ireland's Archbishop and Puritan Professor Rev. Dr. James Ussher "the later Bishop of Carlisle in Cumbria! "in his 1615 *Irish Articles*. Indeed, the latter would then be further expanded and preserved "in the 1647 Presbyterian *Westminster Confession of Faith*.

## **ADDENDUM 50: FROM OLD BRITAIN TO *WESTMINSTER CONFESSIO***

All men should worship and serve only the one true Triune God *Jehovah Elohim*. This was revealed to man in the Near East, at his very creation. Genesis 1:1-26f.

Even then, God certainly inscribed His own signature of ownership upon His creature man. He did this, also by indelibly writing His Law upon the human heart. Ecclesiastes 7:29; Romans 1:19f & 2:14f.

Man then knew all this, both before and after the fall. Genesis 1:26-28 & 2:8-17 *cf.* 3:15-24. Indeed, both at that very time and later, man himself even seems to have recorded such divine revelations. See *The Book of the Generations of Adam*. See too: *The Book of the Generations of the Sons of Noah*. Genesis 5:1f & 5:24f *cf.* 6:9f & 6:18 & 10:1f.

When the fallen but Gospel-believing Adam left Eden, he found himself in Mesopotamia. Genesis 2:8-14 *cf.* 3:24 & 8:4f. Indeed, when his tenth-generation descendant Noah and his sons Shem and Ham and Japheth and their families later left the ark ó they found themselves on the Ararat Mountain Range, somewhere in Greater Armenia. Genesis 8:4 *cf.* Jeremiah 51:27. It is from this spot that man subsequently spread forth into all the world. Genesis 10:10f & 11:1-9.

### **The very ancient migrants to the British Isles**

Not just certain of the Shemites but the Japhethites in general and the early inhabitants of the British Isles in particular, are those who best preserved the Ancient Common Law and its *Noachide Code* after the Babelic dispersion. Genesis 9:1-27 & 10:1-5 & 11:1-9. Especially was this the case among the Early Gaels of Britain, who later moved on into Ireland. Yet it continued in Britain also through the Gomerian and the (Proto-Judean?) migration of the Dardanians to the British Isles after the Trojan War.

There was thus a sustained development of good government in the British Isles also during the second millennium B.C. For both before and after their arrival there, the Japhethitic Celts ó then still dwelling in the tents of Shem ó long preserved God's original revelation. Genesis 9:27 to 10:5; Isaiah 42:4f & 49:1-12; the Ancient Jewish Historian Josephus's *Antiquities*; the Ancient Irish *Leabhar Gabhala* and the *Chronicles of Eri*; the Ancient Welsh *Triads* and *Brut*; and the Old-English *Anglo-Saxon Chronicle*.

Sicily's famous B.C. 60 world historian Diodorus identifies the Gomerites with the British *Cymri* (alias the Brittonic Brythons). Indeed, Greece's celebrated B.C. 20 Geographer Strabo identifies also the westernmost Celts with the Scythians (some of whom had moved from Eurasia into the British Isles).

Also the Hastings's *Encyclopaedia of Religion and Ethics* declares that the Irish and Scottish Picts were derived *via* Tarshish alias Iberia (or Spain), from Scythia (alias the

area north of the Caucasus Mountains). Gladys Taylor accordingly identifies the Scythians with the later [Iro-]Scots.

According to Homer, Herodotus, Strabo, Tacitus and Ancient-Brythonic sources, the Japhethitic Gomerites (alias the Cymric Proto-Welsh) moved toward Britain from Ararat. This they did, by way of the area adjacent to the Black Sea. They moved from Ararat to the Ukraine; and then, north of the Alps, westward.

In addition, there were also ongoing Phoenician influences on the Ancient Celts ó by way of international trade. The latter was not just with Britain& Cornwall, but ranged even as far as the Aran Islands off the westernmost coast of Ireland. In all of this, there is thus clear evidence of abiding links between the Near East and the Ancient British Isles.

God& original and subsequent early revelations to man were transmitted ó whether writtenly or orally ó from Adam *via* his descendants and down to Noah. Genesis 3:1-6f & 5:1-5f & 6:9. After the great flood, they were again transmitted by Noah ó and preserved especially by his sons Shem and Japheth, and their descendants. Genesis 9:1-19. Though perverted traditions later obscured these revelations, many of the latter were long preserved. Romans 1:18-20 & 2:14-16.

Especially Japheth and his descendants would ódwell in the tents of Shemó (Genesis 9:27) ó and thus maintain those ancient customs. Such descendants would include Japheth& two firstborn sons Gomer and Magog (alias the ancestors of the Cymr-i or the Ancient Britons<sup>1</sup> and of the Scyt-hians or the Scot-ic Irish).<sup>2</sup>

### The Pan-Celtic culture of the Ancient British Isles

It needs to be remembered that the Cymric Britons and the Gaelic Irish were óCo-Celtic Cousinsó ó descendants respectively of the two brothers Gomer and Magog the sons of Japheth. Genesis 10:1-5. Even from ancient druidic times, there was a Pan-Celtic culture in the Ancient British Isles. As Professor Nora Chadwick explains,<sup>3</sup> in Scotland and Wales many jobs similar to those of the Irish *filid* seem to have been carried on by the court bards.

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<sup>1</sup> Homer& *Odyssey*, Penguin, Harmondsworth, 1952 ed., XI; Herodotus: *Histories*, 4:1-214 & 7:1-165; Diodorus Siculus& *Historical Library*, 3:5:3; Josephus& *Antiquities*, I:6:1; J. Selden& *Anglo-British Analects*, in his *Opera Omnia [Total Works]*, ed. D. Wilkins, London, 1726 ed., II:865-9; F. Delitzsch& *Die Genesis Ausgelegt [Genesis Expounded]*, Doerffling u. Francke, Leipzig, 1853, pp. 284f; J.H. Kurtz& *History of the Old Covenant*, Clark, Edinburgh, 1870, I pp. 107 & 115f; C.F. Keil& *Commentary on Genesis* (in Keil & Delitzsch& *Biblical Commentary on the Old Testament – The Pentateuch*), Clark, Edinburgh, 1885, I pp. 159f; and J.B. Lightfoot& *St. Paul's Epistle to the Galatians*, Macmillan, London, 1887, pp. 1f & at the close of his -Dissertation I.

<sup>2</sup> (Ed.) J. Hastings& *Encyclopaedia of Religion and Ethics*, Clarke, Edinburgh, 1907 & 1920, art. *Picts*; H.C. Leupold& *Exposition of Genesis*, Baker, Grand Rapids, I pp. 352f & 359-362; B.F.C. Atkinson& *Genesis*, Walter, London, 1954, I p. 99 & II pp. 101f; King Alfred& translation of Orosius& *History*, as cited in J. Ussher& *Philosophical Survey of Ireland*, pp. 72f; G. Keating& *Elements of the History of Ireland*, Irish Texts, Society, 1902f; H. Doyle: *An Illustrated History of Ireland from the Earliest Period*, Kenmore Convent, Kerry, 1868, p. 68; & J. Parsons& *Remains of Japhet, Being Historical Enquiries into the Affinity and Origin of the European Languages [1767]*, Scholar Press, Menston York, 1968 rep., pp. 114f & 139f.

<sup>3</sup> N. Chadwick& *Intellectual Contacts Between Britain and Gaul*, in H.M. & N.K. Chadwick & Others& *Studies in Early British History*, University Press, Cambridge, 1905, p. 243.

*ADDENDUM 50: FROM OLD BRITAIN TO  
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The great Oxford University Professor of Jurisprudence Sir Paul Vinogradoff ó D.C.L., LL.D., D.His., Dr.Jur.<sup>4</sup> ó rightly noted<sup>5</sup> that a vast body of custom has been preserved also by Welsh Law and by the Brehon legal tracts of Ireland. This, felt Law Professors F. Pollock and F.W. Maitland,<sup>6</sup> may well go back to a common stock of Aryan (alias Japhethitic) tradition antecedent to the distinction also between Germans and Celts.

It is clear that the Iro-Scots lived in Ulster before migrating thence to Scotland. There are ongoing debates as to whether, much earlier, the Magogian or Scythian Iro-Gaelic Celts lived first in Britain before later moving thence to Ireland<sup>7</sup> ó or whether their cousins the Gomerian Cymri alias the Brythonic Celts occupied Britain<sup>8</sup> before the Iro-Gaels did.

The great celtologist Professor Kenneth H. Jackson rightly discerns<sup>9</sup> ða common Brittonic legal tradition of considerable antiquityö in the writing known as *The Laws among the Brythons and the Gaels* (respectively in Cumbrian Strathclyde and Iro-Scottic Dalriada in Scotland). Certainly there was much cross-colonization.<sup>10</sup> Some Ancient Britons migrated from Britain to Ireland.<sup>11</sup> Also, some Ancient Irish migrated from Ireland to Britain.<sup>12</sup> In both cases, the new migrants were then absorbed into the receptor-culture.<sup>13</sup>

Wrote the famous B.C. 480f Historian Herodotus of Greece:<sup>14</sup> ðThe *Kelt-oi* are beyond the pillars of Herculesö alias the Straits of Gibraltar. They are, he added, ðthe furthest to the west of all the people of Europe.ö

A century later, the B.C. 384-322 Aristotle specifically referred<sup>15</sup> to the British Isles. He declared: ðBeyond the Pillars of Hercules [*viz.* the Straits of Gibraltar], is the Ocean.... In it, are two very large islands called Britannic.ö These are *Albion* and *Ierne*ö ó alias Britain and Ireland.

Also the B.C. 350f Pytheas of Massilia speaks of *Albion* (or Britain) ó and of *Ierne* (or Ireland). Compare too the *Gael Albinnich* alias the Scottish Gaels, and the *Gael Erinnich* alias the Irish Gaels.

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<sup>4</sup> P. Vinogradoff's *Common Sense in Law*, Thornton Butterworth, London, 1931, p. iii.

<sup>5</sup> P. Vinogradoff's *Outlines of Historical Jurisprudence*, Oxford U.P., London, I-II, 1920, p. 230.

<sup>6</sup> F. Pollock and F.W. Maitland's *The History of English Law*, University Press, Cambridge, 1911, I pp. 1-6, 18, 25.

<sup>7</sup> See Addendum 4 (*Cimmerians, Scythians, Sacae and the Ancient British Isles*) and Addendum 5 (*Lluyd on the Ancient Irish and the Subsequent Britons*) in F.N. Lee's *Roots and Fruits of Common Law*, Rutherford School of Law, Lakeland Fla., 1994, pp. 2274f & 2304.

<sup>8</sup> Parsons's *op. cit.*, pp. 114f & 139f.

<sup>9</sup> Cited in P.B. Ellis's *The Druids*, Eerdmans, Grand Rapids, 1994, pp. 191f.

<sup>10</sup> E.g.: Picts in both Ireland and Scotland; Cornishmen to Ireland, and Irishmen to Wales and Cumbria.

<sup>11</sup> E.g.: those who moved with Setanta alias Cuchulainn from Cumbria to Ireland, and possibly also the *Fir Bolg* (= the Brythonic 'Men of Belgium').

<sup>12</sup> Bp. W.B. Jones's *Vestiges of the Gael in Gwynnedd* [alias North Wales], in *Historians' History of the World*, The Times, London, 1908, XXI pp. 336f.

<sup>13</sup> Thus, Cymri who went from Britain to Ireland became Irish; the Iro-Scots who went from Ulster to Scotland became Scottish.

<sup>14</sup> Herodotus's *Histories* II:33 & IV:49; cf. Xenophon's *Hellenica* VII:1,20.

<sup>15</sup> Aristotle's *On the World*, sec. 3.

Finally, there is the Greek Geographer Strabo, who wrote a decade or two before the birth of Christ. He explained:<sup>16</sup> "The ancient Greeks...who became acquainted with those natives toward the west, styled them *Kelt-oi* and *Iber-i-eeen* ó sometimes compounding the names into *Kelt-Iberieen* or *Kelto-Scythieen*."

### The Venerable Bede on the populating of Britain and Ireland

Now long before either Britain or Ireland was populated, God created Adam and entered into covenant with him and all his descendants. Genesis 1:26f; 2:15f; 6:18f; 9:1-13; Hosea 6:7f. It seems that Adam was literate ó and also recorded these facts. Genesis 5:1f.

Certainly his descendant Noah seems to have done so, and also to have taught these facts to his sons Shem and Ham and Japheth. Genesis 7:4-13f. Japheth would dwell in the tents of Shem. After the flood Japheth begat also Gomer (the father even of the Cymric Britons) and Magog (the father of the Scythians including also the Iro-Scots). Genesis 9:27 & 10:1-4.

It is interesting to note that some of the ancient Irish documents take us back even to Noah's father before the flood. Irish traditions represent the Scots as Milesians from Spain. Their language, Gaidhelic, was the ancient form of the Irish of Ireland and the Gaelic of the Scottish Highlanders.

The order of the arrival of the three divisions of the Celtic race, and the extent of the islands they occupied, are somewhat uncertain. Yet the great English church historian the Venerable Bede, in his *Ecclesiastical History of England*, gives perhaps the most probable account.

"The island at the present time," he explained of Britain in 731 A.D., "contains five nations ó the Angles, Britons, Scots, Picts and Latins ó **each in its own dialect cultivating one and the same sublime study of divine truth**. At first this island had no other inhabitants but the Britons...."

"When they [the Brythonic Britons] had made themselves masters of the greatest part of the island beginning at the south, the **Picts from Scythia**...were driven by the winds beyond the shores of Britain and arrived on the northern coast of Ireland. There, finding the nation of the Scots, they begged to be allowed to settle among them...."

"The Scots [in Ireland] answered that the island could not contain them both.... The Picts, accordingly sailing over into Britain, began to inhabit the northern part...."

"In process of time, Britain, after the Britons and Picts, received a third nation ó the Scots. They, migrating from Ireland under their leader Reuda, either by fair means or force secured those settlements among the Picts which they still possess." Thus Bede.<sup>17</sup>

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<sup>16</sup> Strabo's *Geography* I:2,27.

<sup>17</sup> Bede's *Ecclesiastical History of the British Peoples* [731], I:1.

*ADDENDUM 50: FROM OLD BRITAIN TO  
WESTMINSTER CONFESSION*

Here, we shall first deal with Ireland before Patrick (*circa* 400 A.D.). Next, we shall deal with Pre-Patrician Britain. And last, we shall deal with the Post-Patrician British Isles ó down to the *Irish Articles* of Archbishop James Ussher, the true architect of the *Westminster Confession of Faith*.

## I – IRELAND BEFORE PATRICK

Noah's son Japheth dwelt in the blessed tents of Shem (Genesis 9:27), the ancestor of Eber or Heber (the father of the Heber-ews). Then, in the days of Heber's son the Heber-ew Peleg, mankind was dispersed (Genesis 10:21-25).

Even thereafter, the Pre-Christian Ancient Heber-ews and other merchants from the Near East had ongoing contact with the British Isles. See: Genesis 10:1-5,21-25; Judges 5:17; Jonah 1:3 and Ezekiel 27:6-9,12-19,25-29. But even quite apart from that, the Ancient British Islanders long preserved the early ÆShem-iticÆ religion of the Japhethitic Gomer-ites or Welsh-Cymric Cimmer-ians and the Japhethitic Magog-ians or Iro-Scotic Scyth-ians. Genesis 9:27 & 10:1-5.

Japheth's son Magog and some of his immediate descendants (still under Heber-ew influence), seem to have trekked first into Europe and later into the Ancient British Isles. Genesis 10:1-5 & 11:8-9. This occurred in successive waves, and perhaps from B.C. 2600 or at least from 2000 onward. Thus, some of the Japhethitic Magog-ians apparently established themselves as the Celtic ÆGaelsÆ perhaps first in Britain and then certainly in Ireland.

Rev. Dr. Thomas Foster mentions<sup>18</sup> that in the official Irish *Chronicles of Eri* there are many references to Æthe race of IberÆ and Æthe princes of the race of Er[in].Æ Those references have regard also to Iber ó or Heber ó as a prince or forefather of the Erin race of Ireland.

This ÆHeberÆ is mentioned in Genesis 10:21. The *Chronicles of Eri* state that ÆIber, the firstborn of Er, was chosen to rule over UlladÆ alias Ulster. Indeed, the Irish are known as ÆH-Iber-niansÆ or ÆIb-Eri-ansÆ or the ÆEr-ió and their land is known as ÆEr-in.Æ The Islands to the North are known as the Hebr-ides ó seemingly meaning ÆThe Islands of the Hebrews.Æ Thus Dr. Foster.

Rev. T. M. Laughlan (M.A.) ó Fellow of the Scottish Archaeological Society ó has written an important work titled *The Early Scottish Church*, subtitled *Ecclesiastical History of Scotland from the First to the Twelfth Century*. There<sup>19</sup> he states that Porphyry, in his argument against Christianity (written about 267 A.D.), uses the expressions ÆScythicaeÆ and ÆScotticaeÆ ó interchangeably for ÆScythiansÆ and for ÆScottishÆ (meaning ÆIrishÆ). Only at the end of the fifth century A.D. did the real bulk of the Scots leave their native Ireland, and migrate to Scotland.

The oldest **extant** record of the permanent populating of Ancient Ireland, is that written down by the Welsh Historian Nenni (around 805f A.D.). The second-

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<sup>18</sup> T. Foster's *Britain's Royal Throne*, Acacia, Blackburn, Victoria, Australia, 1986, pp. 31f & 54.

<sup>19</sup> T. M. Laughlan's *The Early Scottish Church – the Ecclesiastical History of Scotland from the First to the Twelfth Century*, Edinburgh, 1865, p. 22.

millennium-B.C. differentiation of the Proto-Celtic language into Goidelic (alias C-Celtic or Irish-Manx-Scottish) and Brythonic (alias P-Celtic or Cornish-Cumbrian-Welsh in Greater Britain and Belgic-Breton-Gaulic in Little Britain alias Belgium/France) ó with Pictish probably midway in between Brythonic and Goidelic ó originally took place after the settlement of the British Isles at some period between *circa* B.C. 2000 and B.C. 600.

Also the (520f A.D.) Brythonic Historian Gildas called the Irish Sea *Vallem Scythicam*. The A.D. 805f Welshman Nenni stated<sup>20</sup> that the Scythians, that is the Scots ó [already] in the fourth century after the creation ó obtained Ireland. Even the English King Alfred, in his (*circa* 875f A.D.) English translation of the Spanish Historian Orosius's *Seven Books of History*, calls the Scots: *Scyt-than*.

Also Barrister Flintoff, in his important book *The Rise and Progress of the Laws of England and Wales*,<sup>21</sup> has on good grounds identified Ancient Ireland's Iro-Scots with the ancient Scythians. He declares that Walsingham in his (*circa* 1380 A.D.) *Historia Anglicana* says that *Scyt-hae*, *Scyt-hici*, *Scot-i* and *Scot-ici* are all one.

Now the reliable ancient traditions found in the Ancient Irish *Book of Ballymote*, the *Book of Lecan*, the *Book of Leinster*, and the *Psalter of Cashel* ó though encrusted with later legends ó do contain a residual outline of consistent tradition. This is true too of the Ancient Irish *fursundud* poems ó and further of the *[Scoto-]Irish Chronicle*, which claims to be, and is, *the Chronicle of Irish Affairs from the Earliest Times*.

Edward Llyud, in his great book *Archaeologia Britannica*, argues<sup>22</sup> that Irish *Gaels* were in Britain before the arrival there of the Brythonic *Cymri*. Many such *Gaels* were driven by the *Cymri* from Britain into Ireland. The Iro-Scots, shows Llyud, were originally the *Kin Skuit* or Scythians.

### The arrival of Partholan in Ireland around 1500 B.C.

The world's third age ó explains the *Irish Chronicle* ó began in Ireland as follows: *In the sixtieth year of the age of Abraham, Partholan arrived in Hibernia. This Partholan...occupied Erin after the flood.*

Also the famous 25-volume *Historians' History of the World*, is quite helpful. It records<sup>23</sup> that according to the Ancient Irish *Leabhar Gabhala* (or *Book of Invasions*), Partholan and his people were supposed to have come from Pre-Achaean Graeco-Celtica. The next comers were the Nemedians, from Scythia.

The story of Partholan represents the coming-in of the first bronze-armed Goidelic Celts akin to the later Scots. In the north of Ireland, the people were *Cruithne* (or Picts). Probably also those Proto-Irish Picts, together with their later Pictish cousins first in what is now Northeastern and then in what is now Southwestern Scotland ó

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<sup>20</sup> Nenni(us)'s *History of the Britons* [805f] ch. 8.

<sup>21</sup> O. Flintoff's *The Rise and Progress of the Laws of England and Wales*, Roworth, London, 1840, pp. 16f.

<sup>22</sup> See n. 7 above.

<sup>23</sup> *Id.* and see too *Hist. Hist.*, XXI pp. 332f & n.

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were Celts. Yet they spoke their own Pictish language (possibly somewhere midway between C-Celt Goidelic and P-Celt Brythonic).

Declares the *Leabhar Gabhala*:<sup>24</sup> ðIreland was waste thirty years after the plague-burial of Partholanø people ó till Nemed son of Magog...reached it [Genesis 10:1-5].... He came from Scythia, westward, a-rowing the Sea ó till in his wanderings he reached the great Northern Ocean.ö

Later, according to the *Irish Chronicle*: ðNel son of Fenius, learned in many languages, went to Egypt.... Miledh, son of Bile, proceeded then from Spain to Scythia, and from Scythia to Egypt.... It was not soon after the death of Nel in Egypt, but many years indeed after it, that Miledh departed from Scythia.... Scota, Pharaohø daughter, married Miledh.... They rowed afterwards...to the Mouth of the Sea...until Caister the druid rescued them.... Caister the druid said to them, ðWe shall not stop until we reach Erinno...

ðThey occupied Spain...thirty years.... It was there Miledhø two sons Eremon and hErennan were born.... They subsequently proceeded to land in Erin, at the Mouth of the River Slaney.ö

According to the renowned Irish Antiquarian, Dr. G. Keating, the race of Magog in the ancient *Leabhar Gabhala* alias the Irish ðBook of Invasionsø is called the *Cin Drom Snechta*.<sup>25</sup> This means the ðkin of the Scythians.øIndeed, that book states that at least some of the early inhabitants of Ireland had come from Iberia alias Spain. They called their fresh habitat ðNew Iberiaø alias ðHiberniaø ó later abbreviated first to ðErneø or ðErneø and then to ðEireø and ðErin.ø

Dr. James Parsons (in his own celebrated book *Remains of Japhet*) argues<sup>26</sup> that the Ancient Irish were Japhethitic Magog-ians alias Scyth-ians who arrived in Ireland from Ancient Scythia. Genesis 9:27 to 10:5. He says it is recorded of the original Irish in the ancient *Psalter of Cashel* that they began their genealogy from Lamech the father of Noah. Genesis 5:28f.

### **The druids of Ancient Ireland and the rest of the British Isles**

Dr. Parsons further explains that the Scyth-ian philosophers mentioned in ancient Irish records, always communicated with the Gomer-ian ðsagesø (alias the British ðdruidsø) ever since almost the time of their common ancestor Japheth the son of Noah. Thus, the worship of God was untainted both in Britain and in Ireland even many ages after its adulteration elsewhere. For Japheth, and his descendants, would long keep on living in the tents of Shem. Genesis 9:27 to 10:5.

Long before the arrival there of the first Christian Missionaries, Druidism in both Ancient Ireland and Ancient Britain continued to acknowledge cardinal primordial religious truths. Such included: the trinitarian nature of the deity; the Law of God (including its sabbath); and the need for blood atonement.

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<sup>24</sup> T.P. Cross & C.H. Slover: *Ancient Irish Tales*, Figgis, Dublin, 1969, pp. 3f.

<sup>25</sup> Keatingø *op. cit.* and Doyleø *op. cit.* p. 68.

<sup>26</sup> Parsonsø *Op. cit.*, pp. 114f & 139f.

It was in Britain and Ireland that those druids stayed. Their ancient druidic religion degenerated only very slowly. In those isolated Isles, they yet retained many of the features of primordial revelation. Especially among those druids, God ðleft not Himself without witness.ö Cf. Acts 14:17.

Those druids inhabited not only Ancient Ireland, but also Anglesey and the Isle of Man. They were, however, usually trained in Britain ó as the acknowledged headquarters of the international religion of Druidism.

Thus the B.C. 58 Pagan Roman Emperor Julius Caesar observed:<sup>27</sup> ðIt is thought that the druidical doctrine was discovered already in existence in Britain... Even today, it is the rule for those who want to become really expert in the doctrine, to go to Britain and learn it there.ö

In Ireland, some centuries before Christ, was Conla. He wrote a history of the whole system of the druids ó whence it appears they long continued to worship the true God in the kingdoms of Britain and Ireland. Such is recorded also in the *Annals of Ireland*.<sup>28</sup>

It was on an interpersonal ðtrinitarianø basis, argues Norton-Taylor,<sup>29</sup> that Ancient Irish Law was practised. Men were responsible to one another, personally, rather than to the impersonal institution of the State. Thus, wrongdoing was not a civil offence ó but a transgression of private rights. Roth and Duval point out in their book *Celtic Lands*<sup>30</sup> that Julius Caesar declared how all the Gauls [and by implication also all their fellow-Brythonic Britons and their fellow-Celtic Gaels] claimed to be descended from *Dis Pater* (alias ðGod the Fatherø).

### **B.C. 1383: the “Father of Irish Laws” Ollamh Fodhla and his successors**

Around 1383 B.C., Ollamh Fodhla fathered the laws of Ireland ó and her Parliament.<sup>31</sup> Especially the judges alias the druids (who upheld concepts of the Trinity and immortality and legality), here played a prominent role. They wore white surplices, and great numbers of them were drawn from the aristocracy.

A later great promoter of letters, was King Tuathal ó during the first century A.D. He appointed a triennial revision of all the antiquariesø books ó by a committee of three kings or great lords; three druids; and three antiquaries. Their laws were termed ðCelestial Judgments.ø

A third patron of literature was King Cormac McArt, 266 A.D. He renewed the laws anent the antiquaries. Irelandø *Annals of the Four Masters*, quoting the earlier *Annals of Tigernach*, relate that Cormac (the grandson of Cond) sailed and obtained

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<sup>27</sup> J. Caesarø *Gallic War* 6:13.

<sup>28</sup> *Annals of Ireland*, pp. 80 & 89f.

<sup>29</sup> D. Norton-Taylorø *The Celts*, Time/Life International, Netherlands, 1975, pp. 13 & 90.

<sup>30</sup> G. Roth and P.M. Duvalø *Celtic Lands – Myth in History*, in (ed.) P. Grimalø *World Mythology*, Hamlyn, London, 1965, pp. 336 & 343-47.

<sup>31</sup> T. Wrightø *The History of Ireland from the Earliest Period of the Irish Annals to the Present Time*, I p. 9.

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the sovereignty of Alba (alias North Britain). He ruled in style at Tara from about 254 to 277 A.D.

There appear to have been at least three distinct settlements of Irish tribes in Britain: (1) of Munster tribes in South Wales, Devonshire, and Cornwall; (2) of Erimonian Scots in the Isle of Man, Anglesey, and other parts of Gwynedd or North Wales; and (3) of the Ulster Scots, in Dal-Riada alias Southwestern Scotland. Basil Jones, Bishop of St. Davids, by his valuable book *Vestiges of the Gael in Gwynedd*<sup>32</sup> (alias North Wales), has contributed largely to the knowledge of this subject.

Rolleston points out<sup>33</sup> that the B.C. 1383f Ollamh was the Lycurgus or Solon of Ireland, giving to the country a code of legislation ó under an *Ard-Ri* or High Kingø at Tara ó among the Provincial Chiefs. This was a ðVan Tilö-ian alias a ðone-and-manyö confederacy, still reflecting the primordial revelation of Godø Tri-unity. Cf. First Corinthians 12:3-20. The great triennial fair or festival took place at Tara ó where the sub-kings and historians and musicians from all parts of Ireland assembled to enact laws, hear disputed cases, and settle successions.

Ollamh ordained that historical records be examined in triennial assembly, and copies inserted in the so-called *Psalter of Tara*. The latter has been lost, but part<sup>34</sup> of it has been preserved in the later though still ancient *Psalter of Cashel*. That great antiquary, the Westminster Confessionø Puritan Archbishop James Ussher of Ireland, speaks also of the *Annals of Tigernach*.<sup>35</sup>

This institution of the *Feis Teomran* (alias the Triennial Parliament) at Tara is proof of existence of an ancient civilization, marvellous for its time. It was Ollamh Fodhla, reigning as *Ard-Ri* or High-King of Erin about 1383 years before Christ, who established this Parliament.<sup>36</sup> Ollamh Fodhla was in fact the Irish originator of the first bicameral constitutional Parliament in Europe. See too Numbers 10:1-4.

In Ireland, the subordinate royal chieftains constituted one branch of the political leadership; the *ollavs* or scholars and bards, law-givers, judges and historians, another branch; and the third consisted of the military commanders. Under the *Ard-Ri* or High-King, were the Provincial Kings (or State Governors); and under each such King, were the clans. These were governed locally by a chief, each clan selecting its own. All these groupings ó as too in later sphere-sovereignø Calvinism ó were co-ordinate with rather than subordinate to one another.

The first records of the Irish people show that they were advanced in civilization. The ancient bards were called *filidhes* or *feardanos*. Julius Caesar mentions the excellence of Celtic bards, in his *Gallic Wars*. He and Pliny and also other authors say this ó also of the Celtic druids.

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<sup>32</sup> See n. 12 above.

<sup>33</sup> T.W. Rollestonø *Myths and Legends of the Celtic Race*, Constable, London, 1984, p. 149.

<sup>34</sup> T. Wrightø *op. cit.*, I p. iii.

<sup>35</sup> A. MacGoeghegan & J. Mitchelø *The History of Ireland Ancient and Modern*, Sadler, New York, 1868, p. 43.

<sup>36</sup> Art. *Ireland* in 1951 *Encyclopedia Americana*, New York, 15:317; and see too n. 9 above.

## A picture of Irish life was preserved in the early records anent Cuchulainn

Much of the famous Irish epic *Tain Bo Cuailnge* (alias -The Cattle Raid of Cooley) deals with the boyhood of the legendary Cuchulainn ó who defended Ulster from the end of summer until midwinter. It portrays the movement, certainly no later than B.C. 200 to 150, of mighty armies within Ireland.

The famous Ulster Cycle, which contains this story of *The Cattle Raid of Cooley*, has its hero Cuchulainn write down his songs in that ancient Celtic form of writing known as Ogham. Ulster's Pre-Christian hero Cuchulainn is reputed to have come there probably from Cumbria.<sup>37</sup> Indeed, he is stated certainly to have made his way to the famous school of Scathach in Scythia ó way beyond Alba, back in the Cimmerian Crimea.<sup>38</sup>

When Cuchulainn lay on his sick-bed, it was reported to him that his pupil Lughaidh had been chosen *Ard-Ri* alias -High King of Eire. Thereupon Cuchulainn told his pupil<sup>39</sup> óhow to comport himself in his kingly dignity. He was to bear himself with meekness in his exalted place; to be courteous to the weak, and respectful to the old; to be discreet in his conversation; to be careful in the choice of friends; and to be generous without being prodigal.ö

Furthermore, he was to be: óan upholder of justice; temperate at feasts; brave and undaunted in battle; faithful to his cause; vigorous in the discharge of his duties; [and] **the champion of ancient laws** and of hereditary privileges.ö

## Diodorus, Josephus, Tacitus and Selden on the Ancient Celts

The learned Greek Diodorus Siculus rightly observed in his famous (60 B.C.) *Historical Library*:<sup>40</sup> óThe Britons...dwell [also] in Iris [or Ireland].... It is they who in ancient times overran all Asia [Minor] and were called -Cimmer-iansø [or Gomerians]ö ó *cf.* Genesis 10:2-5 ó ótime having corrupted the word into the name -Cimbrians.øö

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<sup>37</sup> Dr. R.A.S. Macalister, Professor of Celtic Archaeology at Dublin's University College, and author of the books *Archaeology of Ireland* and *Ireland in Pre-Celtic Times*, wrote the article *Cu Chulainn* in the 1929 *Enc. Brit.* (6:843). There, he indicated that Cu Chulainn was óshort in stature and of dark complexionö ó unlike the Ultonian warriors of Ireland amongst whom he flourished ó thus probably pointing to an ongoing racially Basquish (though sometimes still influential) element in Eire even after the arrival of the fairer Celtic migrants. öHis first name, Setanta, can hardly be dissociated from that of the Setantii, a Brythonic people situated at the mouth of the Merseyö in the Southland of Britain's Ancient Cumbria. The historical material in the Cu Chulainn sagas, is clearly of remote Pre-Christian antiquity. The Four Masters (*Annals* I p. 88 n.) locate Cuchulainn as flourishing during the war between Ulster and Connaught described in the *Tain Bo Cuailgne* during the 5084 A.M. days of Eochaidh Aireamh. Haverty (*op. cit.* p. 32) regards Cuchulainn as óhistoricö and places him at öB.C. 142ö (*op. cit.* p. 31).

<sup>38</sup> N.K. Chadwick: *The Celts*, Penguin, Harmondsworth, 1985 ed., pp. 84 & 134f.

<sup>39</sup> H. Concannon: *Defenders of the Ford – Pages from the Annals of the Boys of Ireland from the Earliest Ages down to 1798*, Gill, Dublin, 1925, pp. 26f.

<sup>40</sup> See n. 11 above.

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It is further significant that also the great Jewish historian Josephus<sup>41</sup> wrote (around 93 A.D.): “Japhet, the son of Noah, had seven sons.... They proceeded along Asia [Minor] as far as the river Tanais, and along Europe to Cadiz in the ancient Celtiberia (alias the modern Spain). Behold the Oceans with which the Britons are encompassed!”<sup>42</sup> The Atlantic Ocean was like a protective sea-wall. And “what a wall the Britons had beyond the Pillars of Hercules”<sup>43</sup> alias the Straits of Gibraltar near Cadiz!

Also the Roman historian Tacitus remarked<sup>44</sup> in 98 A.D. that “Ireland...in soil and climate is in the disposition, temper and habits of its population is differs but little from Britain. Part of Britain [viz. Scotland and Cumbria and Wales and Cornwall]...looks toward Ireland.... We know most of its harbours...through the intercourse of commerce.” Moreover, adds Tacitus:<sup>45</sup> “Bordering on the Ocean, dwell the *Cimbri*.... Of their ancient glory, widespread traces yet remain.”

In his famous seventeenth-century book *Collected Anglo-British Miscellanies*, the great legal antiquary and Westminster Assembly hebraist Dr. John Selden points out<sup>46</sup> that sources such as the renowned chronicler William Camden (and others) is quoting Genesis 10:1-5 and Josephus’s *Antiquities*<sup>47</sup> is clearly establish that the Ancient Cymri descended from Gomer. Selden himself states the following to be among Gomer’s descendants, viz. “the Gomerites, the Cimbri, the Cimmerians, the Cambrians, or the Cumbrians. For that is what these names signify among the Ancient Britons.... That these conjectures are very greatly probable,”<sup>48</sup> W. Camden has proven.”<sup>49</sup>

### **The Ancient Celts moved *via* Western Europe toward Britain and Ireland**

We have already seen<sup>50</sup> that Barrister Flintoff, in his *Rise and Progress of the Laws of England and Wales*, has identified Ancient Ireland’s Iro-Scots with the ancient Scythians. In this, he doubtless followed the 520f A.D. Cumbrian historian Gildas, and the 805f A.D. Welsh Historian Nenni. So too the 875f A.D. English King Alfred, in his Anglo-Saxon translation of the A.D. 420 Spanish Historian Orosius’s *Seven Books of History*, calls the Scots *Scyth-than*. Likewise, so too does Rev. Dr. Thomas Foster.<sup>51</sup>

Also the famous 25-volume *Historians’ History of the World* is quite helpful. It records<sup>52</sup> that according to the Ancient Irish *Leabhar Gabhala* (or “Book of

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<sup>41</sup> *Op. cit.* I:6:1 (cf. 19:1:15).

<sup>42</sup> *Wars*, 6:6:2.

<sup>43</sup> *Ib.*, 2:16:4.

<sup>44</sup> Tacitus’s *Agricola* 24.

<sup>45</sup> Tacitus’s *Germany*, 37 & 40 & 45.

<sup>46</sup> J. Selden’s *Analect. Anglo-Brit.*, in his *Op. Omn.* II:865-9.

<sup>47</sup> Josephus’s *Antiq.* I:6.

<sup>48</sup> Selden: “*maxime sane probabili conjectura*” (see n. 46).

<sup>49</sup> Selden: “*probavit*” (see n. 46).

<sup>50</sup> See n. 21 above.

<sup>51</sup> See nn. 18-20 above.

<sup>52</sup> *Hist. Hist.*, XXI pp. 332f & n. (see too in n. 7 above).

Invasions), Partholan and his people were supposed to have come from Middle Greece (*alias* Pre-Achaean Graeco-Celtica). The next comers were the Nemedians, from Scythia.

The story of Partholan represents the coming-in of the first bronze-armed Celts, who were a Goidelic tribe akin to the later Scots. In the north of Ireland, the people were *Cruithne*, or Picts of the Goidelic branch of the Celts.

We have already noted that the A.D. 267 Porphyry used the terms *Scythicae* and *Scotticae gentes* interchangeably for the Scythians and for the [Iro-]Scottish nation. We have also noted that the A.D. 805f Nenni stated that the Scythians, that is the Scots in the fourth century after the creation obtained Ireland.<sup>53</sup>

In Britain and Ireland they stayed, with their ancient druidic religion only slowly degenerating. In those isolated Isles, they yet retained many of the features of primordial revelation. Cf. Acts 14:17. On the religion of the Ancient Celts, Norton-Taylor observes<sup>54</sup> that their Deity was a Celtic Trinity having either three heads, or alternatively having one head with three faces or personalities. Compare the Greek *Prosoopa*, referring to the Three Persons (or Faces) within the Triune Hebrew Deity *Jehovah Elohim*.

As already stated, there was a great influence of Britain upon Ireland and *vice-versa* even in the B.C. years also as regards Pan-Celtic culture and druidic religion and international trade. Indeed, Ulster celebrated Pre-Christian hero Cuchulainn<sup>55</sup> is reputed probably to have come there from Cumbria on the western border between what is now England and Scotland.

### Theological and historical proofs of early literacy in the British Isles

In Dr. James Parsons's famous book *The Remains of Japhet*, it is very clear that the Proto-Celts who went and settled in the Emerald Isle as descendants of the Trinitarians Noah-Japheth-Heber were fully literate even throughout their first ten generations from the death of Noah onward. Genesis 9:27-29 & 10:1-5 cf. 11:10-26f. Indeed, an Irish inscription on an ancient Celtic medal reads: "The acceptable holy image of God in three."<sup>56</sup>

Both the Irish and the Welsh as explains Parsons<sup>57</sup> were ever well-versed in the arts of music, poetry, government and war. The Irish initiated their children in it very early. In music, no nation was equal to Ireland.

The Ancient Celts bequeathed many inscriptions (some of which are still extant) in their virgular writing known as Ogham.<sup>58</sup> As Kuno Meyer the great German

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<sup>53</sup> See nn. 19f above.

<sup>54</sup> *Op. cit.*, pp. 100 & 107.

<sup>55</sup> See n. 37 above.

<sup>56</sup> J. Parsons *op. cit.* frontispiece. The full inscription reads: "Geanamhail samlughad Naomhta De ann na tri samlugha.... Crunnige Naomh Thuil De asdha.... Tuguide grad Sir!ö."

<sup>57</sup> *Ib.*, p. ix.

<sup>58</sup> See C. O'Conor's *Introductory Disquisition to 'Ogygia Vindicated'* (in C. O'Conor ed. of R. O'Flaherty's 1685 *The Ogygia Vindicated*, Faulkner, Dublin, ed. 1775).

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celtologist declared, **Gaelic literature is the earliest voice from the dawn of Western European civilization.**<sup>59</sup> Thus, the well-known statements of old biographers that the (432f A.D.) Briton Padraig alias St. Patrick gave ðalphabetsö to some of his converts ó should be taken to mean only the **Greek** and **Latin** alphabets used by the Pre-Roman Ancient **Britons**.

For Ancient Ireland had not just one but two different systems of writing, *Bobelloth* and *Ogham*. Irish was written during B.C. times in characters called *Bobelloth* or *Beith-Luis-Nion*, which had some Hebraic features.<sup>60</sup> Besides the characters which were in common use, the Irish Milesians also had a further mysterious kind of writing which was called *Ogham-crev* and *Ogham-coll*.

There were also the written *Poems of Amergin the Druid*, the brother of Heber. Dr. Keating, in his massive book *Elements of the History of Ireland*, says that Ethrial wrote a history of the voyages and migrations of the Milesians from Scythia *via* Egypt to Spain and thenceforth later to Ireland.

In the *Immrain Brain*, the B.C Irishman Bran is stated to have written down more than fifty quatrain of poetry in Ogham. In the story of Baile MacBuain, and also in the *Leabhar na Nuachonghbala* (alias the ðBook of Leinsterð), one reads of a whole library or ðtech screptað of ðrods of the *Filið* cut in Ogham onto tree-bark. Then too there are also: the poems and the grammatical treatise *Uraicept na nEigeas* of Feirceirtne; the poems of Adhna and his son Neide; and Atharineðs code of laws *Breithne Neimhidh*.

Irish writing, then, clearly antedates Patrick. This can also be seen from the **records** regarding Pre-Patrician Irish rulers. Such include those of: the (9 A.D.) Crimhthain; the (14 A.D.) Carby and Morann; the (57-123 A.D.) Conn of the Hundred Battles; the (250 A.D.) Cormac MacArt and his son Carby (268 A.D.); and the (279 A.D.) Niall of the Nine Hostages.<sup>61</sup>

### **Further evidence: the Pre-Christian antiquity of Irish *Ogham* writings**

In the second century one encounters the writings of Feredach, Modan, Ciothruadh, and Fingin; and in the third century, many poems and much prose. No later than the third century, Cormac MacArt inscripturated<sup>62</sup> the extremely ancient *Psalter of Tara*.

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<sup>59</sup> Cited in (ed.) R. Hoganðs *Dictionary of Irish Literature*, Macmillan, London, 1980, p. 17.

<sup>60</sup> R. OðFlahertyðs *Ogygia*, III c. 30.

<sup>61</sup> See Havertyðs *op. cit.*, pp. 35-44; and the Four Mastersð *Annals of the Kingdoms of Ireland from the Earliest Times*, ed. J. Donovan, De Burca, Dublin, 1990 rep., I p. 93.

<sup>62</sup> J. McCarthyðs *Ireland*, Netherlands: Time-Life International, 1966, pp. 43f; see too S. MacManusð *The Story of the Irish Race*, Irish Pub. Co., New York, 1921, pp. 94. Also note: R.R. Brashðs *Ogham-Inscribed Monuments of the Gaedhil in the British Isles*, London, 1879; L. Lothðs *Conditions and Writings Among the Ancient Celts*, Paris, 1911; R.A.S. Macalisterðs *Studies in the History, Grammar and Import[ance] of the Irish Epigraphy*, I-III, 1897-1907; his *Archaeology in Ireland*, 1928; and his *Secret Languages of Ireland*, 1937; H. dðA. de Jubainvilleðs *Ogham and the Early Irish Alphabet*, Paris, 1881; Sir J. Rhysðs *Lectures on Welsh Philology*, London, 1879; his *Inscriptions and Language of the Northern Picts* (in the *Proceedings of the Society of Antiquarians of Scotland*, Edinburgh, 1892); and his *Celtic Britain*, London, 1904; G.M. Atkinsonðs *The Book of Ballymote*; M. Neillðs *Oghmoracht* (in the *Gaelic Journal*, Dublin, 1908-09); and his *Notes on the Distribution, History, Grammar and*

Even Aethicus, in his A.D. 417 *Cosmography of the World*, states he had earlier gone to Ireland and examined whole volumes of books in Irish.

O'Flaherty shows in his book *Ogygia*<sup>63</sup> that the Pre-Christian Irishmen Forchern MacDeagh, Neidhe MacAidhna and Aithirne MacAmhnas composed many works on poetry and on the laws and on celestial judgments. Again, King Cormac Ulfada addressed his **written** *Education of a Prince* to his own son. This not only evidences a written tradition of educational methodology, but also an established practice of teaching children how to read.

Indeed, also the Scot Sir George MacKenzie states<sup>64</sup> that he himself saw **manuscripts** in Columba's Abbey written by Cairbre Liffeachar. He adds that the latter lived six generations **before** St. Patrick.

Further, the *Book of Ballymote* and the *Book of Lecan* compare Gaelic even with Greek and Hebrew. Indeed, quite the bulk of the well-known *Ancient Irish Grammar* is attributed to the scholars of Pre-Christian Ireland.<sup>65</sup>

Yet even if the above evidence were not available, it would still be obvious that Pre-Patrician Ireland could not possibly have been illiterate. For if it had it is inconceivable how, within a century after the fifth-century death of Patrick, the scholarship of such an illiterate and previously-isolated Ireland could then have become incomparably the finest in the world.

Indeed, the famous *Ulster Cycle* contains the mid-second-century-B.C.<sup>66</sup> tale *The Cattle Raid of Cooley*. And that latter has its hero Cuchulainn writing down his songs in Ogham.

### A.S. Green on the political and social structures of Ancient Ireland

An old Irish tract<sup>67</sup> gives the definite Gaelic monarchy over a United Ireland as beginning in the fourth century B.C. Out of the groupings of the tribes, there emerged a division of the island into districts. Each of the provinces of Ulster, Leinster, Munster and Connacht had its stretch of seaboard and harbours. All met in the middle of the island in the newly-created province of Meath, at the hill of Usnech where the Stone of Division still stands. There, the High-King had his Court, as the Chief Lord in the Confederation of the many States.

Regarding the government of the Ancient Irish,<sup>68</sup> the law with them was the law of the people. They never lost their trust in it. They never exalted a central authority. The administration was divided into the widest possible range of self-governing

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*Import of the Irish Ogham Inscriptions* (in the *Proceedings of the Royal Irish Academy*, Dublin, 1909); and W.B. Nicholson's *Keltic Researches*, London, 1904.

<sup>63</sup> See in MacGoeghegan's *op. cit.*, pp. 41-44.

<sup>64</sup> G. MacKenzie's *Defence of the Royal Line of Scotland*, Edinburgh, 1687 (cited in MacGoeghegan's *op. cit.* p. 44).

<sup>65</sup> S. McManus's *op. cit.*, pp. 94 & 97.

<sup>66</sup> T. Wright: *op. cit.*, I p. 17, *cf.* n. 37 above.

<sup>67</sup> A.S. Green: *Irish Nationality*, Williams & Norgate, London, n.d., pp. 8f.

<sup>68</sup> *Ib.*, p. 14.

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communities, which were bound into a willing [Con]federation. Thus the Irish historian A.S. Green.

### **Laws and politics in Ancient Ireland many centuries before Christ**

In the book *Irish Nationality*, A.S. Green explains<sup>69</sup> the *Ard-ri* or High-King of Irelandø alias the countryø supreme earthly arbitrator was surrounded by his counsellors. He was never a law unto himself, but **always subject to the rule of law**.

There were **schools of lawyers to expound the law**. Thereby, the spirit of the Irish found national expression in a code of law showing not only extraordinarily acute and trained intelligence but also a **true sense of equity**.

In an early version of the doctrine of separation of powersøó the king, at whatever level, was primarily concerned with the tribeø military business and with intertribal diplomacy. His subjects looked to him for military leadership in time of trouble.

Regarding the laws of the druids also in Ireland, already the B.C. 20 Strabo had noted that øthe druids are considered the most just of men.ö Their moral system distinguished the lawful (*dleathach*) from the unlawful (*neamhdhleathach*) ó and was enforced by a series of sanctions (or *geasa*). See the Ancient Irish *Leabhar na gCeart* or Book of Rights.ø

In the first century A.D., one encounters the *Audacht Morainn* alias the will of Judge Morann. His instructions to the High-King Feradach Finn Fachtnach (A.D. 95-117) included the following advice: øLet him magnify the truth; it will magnify him.... Through the rulerø truth, every law is glorious.... Through the rulerø truth, all the land is fruitful.ö

Somewhat later, the *Aire Eghta* or Chief Magistrate Aonghus MacAirt was reported to have described his chief task. That was to øright the wrongs of his peopleø and øto protect the weak and poor.ö

According to the *Annals of Ulster*, the first codification of Irish Law in A.D. 438 was inscripturated in the then-archaic format of *Berla Feini*. This evidences an already long-standing tradition of Irish script.

Indeed, the *Annals of Ulster* record how nine prominent men ó three *brehons* (Chief-Druid Dubhthach Maccu Lugir, Rossa and Fergus); three kings (*Ard-Ri* Laoghaire, King Dara of Ulster, and King Corc of Munster); and three leading Christians in Ireland (Patrick, Benignus and Cairnech) ó then studied and refined the Ancient Irish Law or *Fenechas* for three years. Only thereafter did they finally codify what they approved as the *Senchus Mor* or national law of *Cai-in*.

Ancient Irish Criminal law is set down in the *Book of Acaill*. In addition, familial solidarity is seen in educational fosterage; in torts; and in suretyship.

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<sup>69</sup> *Ib.*, pp. 17f.

## Scotland's Skene and the *Irish Annals* on the Iro-Scots of Ancient Ireland

A Scottish historiographer-royal, S.F. Skene, admits that<sup>70</sup> the contents of the ancient Irish tract called the *Book of Conquests* apparently already antedated the (400f A.D.) St. Patrick. This can be seen from the fact that it was disclosed to Patrick. Indeed, that *Book of Conquests* was itself founded upon yet older documents ó such as the *Leabhar Gabhala* (alias the *Book of Invasions*).

*The Annals of the Four Masters* describe the **codification** of Irish Common Law ó which had itself existed from time immemorial. Now the *Annals* state that the sons of Miledh ó by way of Spanish Tarshish (*cf.* Genesis 10:1-5) ó arrived in Ireland many years after Adam. Subsequently, Heremon and Heber (*cf.* Genesis 10:21-25) are said to have assumed the joint sovereignty of Ireland.

Four centuries later (from about B.C. 1383 onward), seven successive Milesian kings ruled over Eire. The first, Ollamh Fodhla, established the *feis teamhrach* (or great annual feast) at Tara ó and appointed a *toshech* [or chief] over every *cantred* or district containing a hundred heads of families. *Cf.* Exodus 18:12-21 & Ruth 4:2 *etc.*<sup>71</sup>

## Blackstone and Macalister: Ancient-Celtic Law (Brythonic & Scotie & Irish)

England's great 1765f Law Professor Sir William Blackstone has recognized the superiority of Celtic Law over Roman Law. Yet it needs to be remembered that also the later Scottish Law was pioneered by the Iro-Scots who brought their Irish Law to Scotland from Ireland.

Observed Blackstone:<sup>72</sup> "The custom of *gavelkind* in Kent [and in Ireland]...prevailed [also]...in Scotland [where known as *marcheta*]... **Scotland and England are now one and the same Kingdom** ó *viz.*, since 1603 (and more particularly since the *Act of Union* of 1707 A.D.). Yet long before 1603, **both kingdoms were antiently under the same government, and still retain a very great resemblance though far from an identity in their laws.**"

Referring to England's famous 1620f Judge, the former Attorney-General (and later Lord Chief Justice) Sir Edward Coke,<sup>73</sup> Blackstone notes that "Sir Edward observes how marvellous a conformity there was not only in the religion and language **of the two nations**, but also in their antient laws.... **He supposes the Common Law of each originally to have been the same.**"

Dr. R.A.S. Macalister ó M.A., Litt.D., LL.D., F.S.A., *etc.* ó was Professor of Celtic Archaeology at Dublin University.<sup>74</sup> He explained that the Ancient Irish Chief

<sup>70</sup> S.F. Skene: *Celtic Scotland – A History of Ancient Alban*, Edmonston & Douglas, 1886, I pp. 24f & 172 & n. 12.

<sup>71</sup> *Ib.*, I pp. 180f.

<sup>72</sup> Sir W. Blackstone: *Commentaries on the Laws of England* [1765], University Press, Chicago, 1979 rep., I pp 74f & II pp. 83 *cf.* I pp. 93-95.

<sup>73</sup> Sir E. Coke: *Institutes of the Laws of England* [1600f], Brooke, London, 1797 ed., IV p. 345.

<sup>74</sup> See in *Enc. Brit.*, 14th ed., 1929, 12:xiv.

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presided over the Constitutional Assembly. He also performed the functions of Judge and General. Besides the Representative Assembly of Freemen (or *Oinach*), there was also a regional Senate (or *Aireacht*) ó thus resembling Numbers 10:1-4, and anticipating the later House of Commons and the House of Lords.

Each *Tuath* or "State" formed a separate jurisdiction. A Freeman was a Citizen (or *Urrad*), in his own jurisdiction.

### **Barrister Ginnell on the ancient customs and laws of Ireland**

Laurence Ginnell was a Barrister-at-Law of the Middle Temple.<sup>75</sup> In his book on Ancient Irish Law,<sup>76</sup> he refers to that practised in that very ancient and most archaic system of law and jurisprudence of Western Europe. It was known as the "Brehon Law" ó alias the "Law of the Ancient Irish Judges."

Very importantly, as regards the "Cai-in Law" or Parliamentary Legislation, some of the commentaries attributed the origin of the laws to the influence of **Cai**. That person, explains Ginnell, is stated to have been **a contemporary of Moses who had learned the Mosaic Law before coming from the Near East to Ancient Ireland.**

Around the year 250, in the reign of King Cormac ó continues Ginnell<sup>77</sup> ó some of the Ancient Irish laws were reduced to their present form. They had, however, also formerly existed as laws ó for a thousand years before Cormac's time.

Thus, explains Barrister Ginnell, the *Senchus Mor* or "Grand Old Law" was designed to be a comprehensive and more or less **codified** embodiment of the laws which were already of universal obligation over the whole country long **before** the arrival of the mature St. Patrick in 432 A.D.

### **Chadwick and Neill on the customs of Ancient Ireland**

Professor Nora Chadwick rightly remarks in her book *The Celts*<sup>78</sup> that by far the earliest detailed information we possess about the institutions of those early peoples, is derived from Ireland. Here, no trace of later Non-Celtic legislatures disturbed the native system ó until the age of the Vikings. Yet the prior influence of Christianity should not be discounted.

In Ireland, a large number of ancient law tracts was preserved. Many of these go back to early times. The Irish laws are probably the oldest surviving in Europe.

No one was above the law. Even kings deferred to the judgments of *brehons*. Celtic Ireland possessed one of the most highly-developed legal systems in the ancient world. Thus K. Neill's *An Illustrated History of the Irish People*.<sup>79</sup>

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<sup>75</sup> L. Ginnell: *The Brehon Laws (A Legal Handbook)*, Unwin, London, 1894, p. i.

<sup>76</sup> *Ib.*, p. 3.

<sup>77</sup> *Ib.*, p. 5.

<sup>78</sup> *Op. cit.*, pp. 110.

<sup>79</sup> *Op. cit.*, pp. 16f.

## The Jurist Sir Henry Maine on the Laws of Ancient Ireland

The antiquity of Ancient Irish Law, and its similarity with Ancient Brythonic Law, were stressed also by the famous English Jurist and Historian Sir Henry James Sumner Maine. He was sometime Regius Professor of Civil Law at Cambridge.

Maine observed in his *Lectures on the Early History of Institutions*<sup>80</sup> that the Scottish Highlands retained many of the political characteristics of a more ancient condition of the world. He explains that Brehon Irish Law is not only an authentic monument to a very ancient group of Aryan alias Japhethitic institutions. It is also a collection of rules which have been developed gradually, in a way highly favourable to the preservation of archaic peculiarities. Indeed, it is the oldest institution of the Western European portion of the human race.

Maine further maintained<sup>81</sup> that the ancient Irish Law in an authentic form is a very remarkable body of archaic law ó unusually pure, even from its very origin. It has some analogies with Old-Germanic Law. It is manifestly the same system in origin and principle with that which has become the Law of Wales. The Brehon law-tracts enable us to connect the races at the western extremities of the Ancient Aryan or Japhethitic World.

Further, continued Maine,<sup>82</sup> retaliation ó *cf.* Exodus 21:22-25 ó prevailed in Erin before Patrick [432f A.D.]. The *Senchus Mor* or written Code of Irish Customsø describes the legal rules embodied in its text as being formed from the ÆLaw of Natureø and from the ÆLaw of the Letter.ø

The Law of Nature, explained Maine, is the ancient Pre-Christian ingredient in the system of Ancient Irish Law. The *Senchus Mor* says of it: öThe judgments of true nature which the Holy Ghost had spoken through the mouths of the *Brehons* [or Judges]...of Erin from the first occupation of Ireland...were all exhibited by Dubhthach [the Chief-Druid of Ireland]...to Patrick. What did not clash with the Word of God in the written [Mosaic] Law and the New Testament and the consciences of believers, was confirmed in the laws of the Brehons by Patrick and by the ecclesiastics and chieftains of Ireland.ö For the Law of Nature was (and is) quite right.

Thus states the *Senchus Mor* ó the ÆGrand Old Lawø of Ancient Ireland. Its Preface actually contains disquisitions on all matters. In one place, it even sets forth how God made the Heaven and the Earth.

Now Maine regarded<sup>83</sup> the Brehon Law as a system enforced by supernatural sanctions. It consists of what was in all probability an original basis of Aryan usage alias Japhethitic custom.

Maine concluded<sup>84</sup> that the schools of literature and law appear to have been numerous in Ancient Ireland. The course of instruction in one of them extended over twelve years. The mode of choosing the Chief-Druid alias the Lord Chief Justice ó

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<sup>80</sup> H. Maine: *Lectures on the Early History of Institutions*, Murray, London, 1905, pp. 5f & 191f.

<sup>81</sup> *Ib.*, pp. 18f.

<sup>82</sup> *Op. cit.*, pp. 23ff.

<sup>83</sup> *Op. cit.*, p. 27f.

<sup>84</sup> *Ib.*, pp. 32f & 41f.

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*viz.* by election ó had its counterpart in the institution of tanistry. Indeed, Ancient Celtic Law minutely regulated the mutual rights of the parties ó showing an especial care for the interests of women.

### **Maine on private property rights under Ancient Irish Law**

Dr. Sullivan (in his *Introduction to O'Curry's Manners and Customs of the Ancient Irish*)<sup>85</sup> dwells with great emphasis on the existence of private family property among the Ancient Irish. The tract called the *Cain-Aigillne* lays down that ðthe head of every tribe should be the man of the tribe who is the most experienced, the most noble, the most wealthy, the most learned, the most truly popular, the most powerful to oppose, the most steadfast to sue for profits and to be sued for losses.ö

Haverty explains<sup>86</sup> that the Ancient Irish custom of *gavailkinne* was common also to the Brythons. It adjusted the partition and inheritance of landed property. The Brythons called it *gavelkind*. According to Maine,<sup>87</sup> Dr. Sullivan ó who appears to have consulted many more original authorities ó expresses himself as if he thought that the general law of succession in Ireland was nearly analogous to the *gavelkind* of Kent.

Maine explains<sup>88</sup> that a ðspiritual relationshipö ó when introduced into a tribal society like that of the ancient Irish ó closely assimilates itself to blood-relationship. But by the side of this *gossipred* or Ancient Irish ðspiritual relationshipöó there stood another much more primordial institution which was extraordinarily developed among the Ancient Irish. This was ðfosterageöor *oileamhain*, literally meaning ðeducation.ö

Again according to Maine,<sup>89</sup> the Irish system of the legal remedy of distress is obviously ó in all essential features ó the same as the Germanic system. Maine was convinced<sup>90</sup> that Ancient Irish Law was far more compatible with later Christianity and its Biblical Law, than Ancient Roman Law ever was. Indeed, Maine further stated that both Irish and British Common Law derived from the same ancestry.

Summarizing, the following can be said of Ancient Ireland. First, it was colonized after the Noachic Flood by descendants of Magog the son of Japheth (Genesis 10:1-5). Second, as Japhethites, the Ancient Irish then long ödwelt in the tents of Shemö (Genesis 9:27). Third, the Irish and their druids long clung to the Lord's original revelation ó professing the Triunity of God, the Law of God (including the sabbath), and the need for blood atonement. Fourth, they had non-centralized or confederated government (from Ollamh Fodhla through Cuchulainn). Fifth, they were literate. And sixth, they had great legal expertise ó especially as regards equity, property rights, and family law.

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<sup>85</sup> *Ib.*, pp. 25f & 88f (citing Dr. D. Sullivan's *Introduction* to Dr. E. O'Curry's *Lectures on Manners and Customs of the Ancient Irish* (Williams & Norgate, London, 1873).

<sup>86</sup> *Op. cit.*, pp 51f.

<sup>87</sup> *Ib.*, pp. 191f.

<sup>88</sup> *Ib.*, pp. 241f.

<sup>89</sup> *Ib.*, pp. 282f.

<sup>90</sup> *Op. cit.* pp. 292ff *cf.* pp. 32f & 59f.

## II – BRITAIN BEFORE PATRICK

We have already seen<sup>91</sup> that the great Westminster Assembly hebraist Dr. John Selden quoted Genesis 10:1-5 and Josephus, to prove that the Ancient Britons descend from Gomer. Selden concluded it was övery greatly probableö that öthe Gomeritesö alias the earliest Cymri included also öthe Cimbri, the Cimmerians, the Cambrians or the Cumbrians.ö

We have also seen the ancient historians Diodorus<sup>92</sup> and Strabo<sup>93</sup> and Tacitus<sup>94</sup> all assumed a kinship between the Irish and the Britons and the Cimbri. Indeed, the Celtiberi (from near the Straits of Gibraltar) had established colonies in both Ireland and Wales.

### Delitzsch, Kurtz, Hengstenberg, Keil, Leupold & Atkinson on Gomer

Delitzsch writes<sup>95</sup> concerning the seven sons of Japheth that öthe people ÆGomerø are those who were called Cimmerians already in the *Odyssey* [11:14] ö authored by Homer (around 850 B.C.).... The old sound of their name has still maintained itself in the mouths of the inhabitants of Wales, who call themselves *Cumri* or *Cymri* ö and their country *Cymru*.ö Delitzsch further insists that ÆMagogø ö as the (first-century A.D.) Josephus has explained [*Antiquities* I:6:1] ö means the Scyths.

The famous Old Testamentian (and Church History Professor) Dr. Johann Heinrich Kurtz agrees with Delitzsch. In Genesis 9:26f, states Kurtz,<sup>96</sup> Noah intends to bless Shem. Kurtz then refers, with approval, to Hengstenberg's *Christology*.

Hengstenberg there renders the passage: ÆJapheth shall dwell in the [spiritual] tents of Shemö ö *i.e.*, he shall be received into the fellowship of that salvation which is to proceed from the race of Shem. Thus the Triune God *Elohim* prepares for Japheth a way to the tents of Shem, where he is to find both Jehovah and His salvation. The descendants of Japheth develop into the Caucasian race.

The famous Old Testamentian Rev. Professor Dr. C.F. Keil wrote a very celebrated *Commentary on Genesis*. There, he insists<sup>97</sup> that among those Japhethites, ÆGomerø is most probably the tribe of the Cimmerians from whom are descended the ÆCumriø or ÆCymriø in Wales.

During 1942, in Columbus (Ohio), the Lutheran Rev. Professor Dr. H.C. Leupold of Capital University Seminary wrote<sup>98</sup> anent Genesis 9:27 that Shem has the most prominent fame among his brethren. Japheth is to dwell in the tents of Shem. Genesis 10:2 states: ÆThe sons of Japheth: Gomer and Magog.ø Leupold insists that ÆGomerø is to be identified with the Cimmerians, who then came from the Caucasus into Asia

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<sup>91</sup> See n. 46 above.

<sup>92</sup> See n. 40 above.

<sup>93</sup> See n. 16 above.

<sup>94</sup> See nn. 44 & 45 above.

<sup>95</sup> F. Delitzsch's *op. cit.*, pp. 284f.

<sup>96</sup> *Op. cit.*, I pp. 107 & 115f.

<sup>97</sup> *Op. cit.* (in Keil & Delitzsch's *Pentateuch*), I pp. 159f.

<sup>98</sup> H.C. Leupold: *Exposition of Genesis*, Baker, Grand Rapids, I pp. 352f & 359-362.

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Minor and who in the reign of the Assyrian King Sargon are called the *Gimirrai*. According to Josephus, Magog represents the ancient Scythian hordes.

In 1954, Dr. Basil Atkinson, the Under-Librarian of Cambridge University, commented<sup>99</sup> on Genesis 9:27 and 10:2 that the descendants of Japheth are generally speaking the nations of Europe. The enlargement of these nations has been one of the most conspicuous features in the history of the world. It may be seen in the domination of most of Europe by the peoples who spread from a region between the Black Sea and Denmark in the third and second millennia B.C., imposing their language almost wherever they went....

Japheth would be associated with Shem, particularly perhaps in the worship of the true God.... The descendants of Japheth have for long made an outward profession of worshipping Shem's God.... Gomer...are the people known as Cimmerians, who lived...to the northwest of the Black Sea.... Their name survives in the ethnic name of the Welsh people, *Cymru*.

### **Earliest travels of the Cymric Proto-Welsh from Ararat to Britain**

Owen Flintoff, M.A., was a prominent nineteenth-century British Barrister-at-Law. His valuable book *The Rise and Progress of the Laws of England and Wales*<sup>100</sup> was published in London at the Temple-Bar.

Barrister Owen Flintoff there records<sup>101</sup> that the ancient Britons form part of the great Cimmerian or Gomerian nation. At the time of the Trojan War, which took place about 1200 years before the Christian era and therefore about 1000 years after the time when Noah's son Gomer the founder of their race left the mountains of Ararat and their principal seat was the country bordering on the Caspian and Black Seas. There appears a strong resemblance between the customs of the nations engaged in the Dardanian or Trojan War and the Britons. Compare Genesis 10:1-5 & 38:30f with First Kings 4:31 and First Chronicles 2:6.

Flintoff further argues<sup>102</sup> that the religion of the Britons had its origin in truth and was preserved despite their long wanderings from the East. In Britain and Ireland they stayed, with their ancient druidic religion then only slowly degenerating. In those isolated Isles, they yet retained many of the features of primordial revelation. Cf. Acts 14:17.

On the religion of the Ancient Celts, Norton-Taylor observes<sup>103</sup> that their Deity was a Celtic Trinity and having either three heads, or alternatively having one head with three faces or personalities. Compare the Greek *Prosoopa*, referring to the Three Persons (or Faces) within the Triune Hebrew Deity *Jehovah Elohim*.

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<sup>99</sup> B.F.C. Atkinson: *The Pocket Commentary of the Bible*, Walter, London, 1954, I p. 99.

<sup>100</sup> *Op. cit.*, pp. i-ii.

<sup>101</sup> *Op. cit.*, p. 11.

<sup>102</sup> *Ib.*, p. 37.

<sup>103</sup> *Op. cit.*, pp. 100 & 107.

That Early-Brythonic religion, explains Barrister Flintoff,<sup>104</sup> was principally founded on their traditions of the deluge, considering Noah the restorer of mankind. They retained traces of the Trinity, as indeed seen also among the Ancient Dardnians at the time of the Trojan War. See Homer's *Iliad* XVI:384. Accordingly, the *cromlech* or *triune* or tri-lithon or threefold stone arch of which there are many in Britain was intended to represent the Noachic ark, and also to point to the Trinity. See Davies's *Mythology of the Druids*.

In the early bardic times, the Britons possessed their lands as well as all their other rights in respect of their forming part of their family or clan. Each family with its connections formed a separate community. At the head of each of these communities, was its hereditary chieftain called *pen-cenedl* or headman of the hundred which he represented in right of his birth at the *Gor-sedd* or Great Session alias the Ancient British Parliament [cf. Exodus 18:12-21]. Matthew Arnold called the Ancient British *Gor-sedd* or High Sitting of the Government-in-Session the oldest educational institution in Europe.

The Ancient Brythons had one of the oldest traditions of the Noachic Flood. There,<sup>105</sup> long before the Cymri arrived in Britain, the *Llyn Llion* or Great Deep (alias the Abyss of Waters) broke up and inundated the whole Earth. Cf. Genesis 7:11f. The island afterwards known as Britain, shared in that catastrophe.

One vessel floated over the waters. This was the ship of *Nevydd Nav Neivion*. In it were two individuals preserved the *Dwy Van* the Man of God and *Dwy Vach* the Woman of God. From the posterity of those two, gradually the Earth was repopled. Cf. Genesis 9:18-27f.

### **Strong evidences of literacy among the Early Brythons in Britain**

Thus also the **literacy** of those Early Brythonic Celts is rather apparent. This seems obvious also from their preservation of the above-mentioned account of the great deluge during the third millennium (B.C.) and the account of their subsequent journeyings toward Britain. For both accounts were apparently inscriptured soon after those events and preserved ever since.

The literacy of those Early Ancient Britons is obvious too from the (perhaps B.C. 1800) songs of the pioneer Hu(gh) Gadarn. Those songs are mentioned in the *Ancient Welsh Triads*, and also in the *Cambrian Chronicles*.

Indeed, it is obvious also from the early exploits of the Cymric Pryth-ein; from Brit-ain's founder Brut's B.C. 1185 *Laws of Ancient Britain*; and from Britain's B.C. 500 Mulmutian Laws. Early-British literacy can be seen also from the B.C. 495 testimony of Hecataeus, namely that inscriptions using letters of the Greek alphabet were seen in Britain long before even his time.

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<sup>104</sup> *Op. cit.*, p. 37.

<sup>105</sup> R.W. Morgan (P.C. Tregynon) as cited in E.O. Gordon's *Prehistoric London – Its Mounds and Circles*, Artisan, Thousand Oaks Ca., rev. ed. 1985, pp. 85f.

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The great Aristotle held that also his own Ancient Greeks alias the Post-Celtic Achaeans, derived their own literacy from the Early Celts.<sup>106</sup> **Aristotle, in his preface to Laertius's *Magic*, calls them 'Gauls' – alias Celts or Celto-Britons** (cf. the Greco-Gauls and the Greco-Celts mentioned by Diodorus *etc.*). **Aristotle adds that they were the first to bring the knowledge of letters and good learning to the Greeks** ó alias the Post-Celtic Achaeans.

In his work *On the World*<sup>107</sup> (section 3), Aristotle also specifically refers to the British Isles. He declares: "Beyond the Pillars of Hercules [viz. the Straits of Gibraltar], is the Ocean.... In it, are two very large islands called ðBritannic.ø These are *Albion* and *Ierne* ö ó alias Britain and Ireland.

Too, Ancient Brythonic literacy is undeniable even from the B.C. 60-55 testimony of the Greek Diodorus Siculus and the Roman Julius Caesar. For both testified that the Britons even then knew also the Greek alphabet.

Also in later years, one still encounters many ðLatin-writingø Celts. Such include: the Theologian Hilary; the Cumbrian Missionary Patrick; and the Brythonic Church Historian Gildas.

The traditional *Annals of the Cymry* regarding the Ancient Britons, state<sup>108</sup> that "the educational system adopted by the druids is traced to about 1800 B.C. Then, Hu[gh] Gadarn...led the first colony of Cymri into Britain.ö The *Welsh Archaeology* adds that Hu is commemorated for "having made poetry the vehicle of memory ó and records.ö

Dr. Parsons<sup>109</sup> cites to the same effect, from the Classical Roman writer Postellus. Indeed, Parsons even declares that Postellus (in his *Origines Etruriae* alias his work ðAncient Etrurian Originsø) endeavours to prove ó that the Latins received their letters from the Celts.

The antiquity of writing among the Ancient Britons is seen also from the constant inscripturation and expansion of their legal records. Law formed the study of a whole class of persons in Britain. These were standardized and codified in the mid-tenth century under the auspices of Hywel Dda, King of Wales. **The laws as they have come down to us as a result of Hywel's codification, are extremely ancient in origin.** Thus Professor Bromwich.

To the customs of the Ancient Britons, is owed in great measure the territorial organization of modern Britain. Numbers 36:1f cf. Joshua chapters 13f. In their tribunals and the tenures of their lands, one observes the first indications of the present system.

On Early Brythonic Law, Flintoff writes<sup>110</sup> that a hamlet or *tref* was the primary settlement of a British *sept*. The districts were arranged into *commots* containing fifty and into *cantreds* containing a hundred of these *trefs* for the purposes of judicature.

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<sup>106</sup> Parsonsø *op. cit.*, I p. 33f.

<sup>107</sup> Aristotleø *On the World*, sec. 3.

<sup>108</sup> See in I.H. Elderø *Celt, Druid and Culdee*, Covenant, London, 1962 ed., pp. 53 & 69.

<sup>109</sup> *Op. cit.*, p. 268.

<sup>110</sup> *Op. cit.*, pp. 49f.

*Cf.* Exodus 18:21f. The *Gor-sedd* or -Great Session or Great Assembly of the nation ó *cf.* Numbers 10:2-4 & Acts 15:2-4f ó was the highest tribunal at which national laws were framed.

### The Ancient Britons' *Cassiterides* – alias 'The Tin Islands'

Even from before the first millennium B.C., the Phoenicians had traded in Britain's Cornish tin (for the manufacture of bronze). They seem to have hauled tin even from the Scilly Islands (between Cornwall and Ireland). Possibly Phoenician traders visited even others of the British Isles, also for gold ó of which Ireland was then the world's biggest known producer.

In Cornwall, the mainland off St. Michael's Mount extending to Land's End ó and also along that county's west coast ó is still riddled with the ancient metal workings of the Phoenicians (and perhaps also of some Israelites).<sup>111</sup> Significantly, Cornwall also has a number of other words establishing a similar connection. Such words include: ðBowjewanö (Abode of the Jews); ðTrejewasö (Jews' Village); ðMarghasjewö (Market Jew) ó and ðIsaac-townö and ðPort Isaac.ö See too Ezekiel 27:3,12,13,17,19,26,33, etc.

Following the Phoenicians, it seems also the Trojans visited the British Isles. At least some of those Trojans or Dardanians may well have descended from Dardanus the Judahite. *Cf.* Genesis 38:30f with First Kings 4:31 and First Chronicles 2:6. Indeed, Brut of Troy is reputed to have landed near Cornwall, and to have settled in Devonshire around B.C. 1180.

Homer the Greek in B.C. 850 referred to the Cimmerians as then being at the frontiers of the world.ö Already in the first part of his word for tin ó *cassiteros* ó one finds an expression of Celtic origin.

Thus the B.C. 450 Greek Herodotus<sup>112</sup> spoke in his *History* about the far west of Europe ö near the area of the Northern Sea, where amber is supposed to come from.ö He then added: ðI do not know anything of...the -Tin Islands (*Cassiterides*), **whence we get our tin...** Yet it cannot be disputed that tin and amber do come to us from what one might call the ends of the Earth.ö

By the latter expression ó *cf.* Acts 1:8 & 13:47 with Isaiah 42:4,10,12 & 45:22 & 49:1,6,12 ó Herodotus probably means the British Isles on the westernmost edge of Europe at the very ends of his then-known world. Indeed, he continues, ðit is the northern parts of Europe [*cf.* Britain and especially Ireland] which are richest in gold.ö

Now the word *Cassiterides* alias -The Tin Islands ó once it had been used by (the 450 B.C.) Herodotus to describe apparently the British Isles ó was definitely and very similarly so used by later early writers. Many such called precisely the British Isles: *Cassiterides*. These writers include: Pytheas, Posidonius, Diodorus Siculus, Strabo, Pomponius Mela, Tacitus, Pliny and Ammianus Marcellinus.<sup>113</sup>

<sup>111</sup> Waddell's *op. cit.*, p. 164.

<sup>112</sup> Herodotus: *History* III:115.

<sup>113</sup> Thus *cf.* Diodorus' *Hist.* (V c. 2) and Strabo's *Geog.* (II:120,126,146f & III:175) etc.

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Thus, argues Elton in his work *Origins of English History*,<sup>114</sup> the great Greek Stoic Posidonius (circa 145 B.C.) ó who õseems to have visited every corner of the Westö ó declares that tin then being found in Britain was dug up õon the islands called the *Cassiterides*,ö and transported to Marseilles.

Around A.D. 45, the Roman Pomponius Mela stated:<sup>115</sup> õAmong the *Celtici* are several islandsö ó compare Britain, the Scillies, Anglesey, Man and Ireland *etc.* õThey are all called by the single name of *Cassiterides* ó because they abound in tin.ö Then he referred to the Isle of Sena, õin the British Sea.ö

Also another famous Roman, the circa 50 A.D. Pliny the Elder, recognized that not just the Ancient Romans but *also the Ancient Greeks* then knew about the British -Tin Islands.ø For he maintained<sup>116</sup> that õopposite Celtiberia [*viz.* Spain] are a number of islands which the Greeks called *Cassiterides* because of their abundance of tin....

õThe island of Britain...[is] famous in the Greek records...[where] it was named -Albionø... Ireland lies beyond Britain.... There are the Orkneys, separated by narrow channels from each other; the seven Shetlands; the thirty Hebrides; and, between Ireland and Britain, the islands of Anglesey, Man, [*etc.*]....

õThere is [also] an island named Mictis, lying inward...from Britain where tin is found, to which the Britons cross in boats.ö By õMictis,ö Pliny may well have meant the chief of the Scilly Islands ó õlying inwardö between Ireland and Cornwall, and less than thirty miles to the west of Britain.

The famous (98 A.D.) Roman Historian Tacitus notes<sup>117</sup> that õthe geography and inhabitants of Britainö had by then already been õdescribed by many writers.... Britain contains gold and silver and other metals ó as the prize of conquest.ö Indeed, he even adds that õBritain...looks towards Ireland.ö

The above-mentioned õother metalsö for which Ancient Britain was famous, would surely include also the õprizeö of **tin**, Even more importantly, it almost certainly implies a Mediterranean awareness also of the supreme prize of Ancient Irish **gold**.

### **The Druids at the Ancient British Parliamentary Assemblies**

From the ancient *Barddas*<sup>118</sup> ó alias the original documents illustrative of the theology, wisdom and usages of the Ancient-Brythonic bardo-druidic system ó it appears that these oral druidic *gorsedd* laws had existed already since time immemorial. They were inscripturated (around B.C. 510) by the renowned British King Dunwall Mulmutius in his famous *Code*.

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<sup>114</sup> C.I. Elton: *Origins of English History*, Quaritch, London, 1890, pp. iii, 92 & 17 & 31 n. 1.

<sup>115</sup> Pomp. Mela, III:3:6.

<sup>116</sup> Pliny the Elder: *Nat. Hist.* (IV:16,22,102,249f).

<sup>117</sup> *Agric.*, 10-12 & 24.

<sup>118</sup> L. Sion: *Barddas – A Collection of the Original Documents Illustrative of the Theology, Wisdom and Usages of the Bardo-Druidic System*, Welsh Translation Society, 1852. Cited in E.O. Gordon: *Prehist. London*, pp. 135f.

ōThe first, is the ÷*Gorsedd* of the Bardsø of the Isle of Britain.... The privilege and office of those protected by the ÷*Gorsedd* of Bardsø are to maintain and preserve and diffuse authorized instruction in the sciences of piety, wisdom and courtesy....

ōSecond, [there is] ÷the *Gorsedd* of the Country and Commonwealthø or the ÷*Gorsedd* of Judicature and Decision of Lawø... These *gorsedds* act severally.

The third is the ÷*Gorsedd* of [Con]federate Supportø... It was to effect what may be necessary as to anything new; and as to the improvement of the laws of a country, and a [con]federate[d] country, by a [con]federate jury of chiefs-of-kindreds, wise-men, and a sovereign ruler. A sovereign prince, or ruler-of-paramount right, is the oldest in possessive title of the kings and the princes of a [con]federate community.ö

A circle is formed of twelve unhewn stones. Genesis 37:9f & Revelation 21:12f. In the centre, is the large *maen llog* or ÷logan stoneø ó symbolic of the Rock Christ Himself.

At the entrance of the circle may be seen three prostrate unhewn stones, pointing outwards from the central *maen llogan*. They are **triunely** united at their one end, but spread out from one another divergingly at their other ends ó like an opened fan. These represent the three rays or rods of light or the radiating light of the Divine Intelligence shed upon the druidic circle.

In the *Iolo Manuscript* ó a selection from the Ancient-Welsh writings published by the Welsh Manuscripts Society ó the origin is given of this ancient hierogram. This analyzes into the three bardic letters of the Ineffable Name ÷I am.ø

### **Parliamentary *Gorseddau* in various parts of Ancient Britain**

The *Gorsedd* [or ÷High Sessionø] of the ÷Bards of Britainø must be held on a green spot in a conspicuous place in full view and hearing of country and aristocracy. The bards would assemble from all parts of the country ó for a convention of perfect song at the *Eisteddfod*.

Now Cumbria is rich in Brythonic names and remains, in both Cumberland and Westmorland. In Cumberland, there is the ÷Long Megø stone circle near Penrith. Keswick too has a stone circle and old copper mines *etc.* Burton, north of Lancaster, on the coast of Morecombe Bay ó has a (B.C. 1100) old road.

Westmorland too is rich in stone circles and old mines. One needs to note Sir Norman Lockyerø's claim that at least one stone monument in Shap dates from B.C. 3400. Westmorlandø's Shap has a double row of immense granites, extending about a mile<sup>119</sup> ó in addition to stone circles nearby at Oddendale and Reagill. It has

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<sup>119</sup> Thus W. Camdenø's *Britannia*, ed. Gough (3,4,14) ó as cited in Waddellø's *op. cit.* p. 225 n. 3. See too J. Griffithø's *The Interpretation of Prehistoric Monuments, Illustrated by the Monuments of Avebury, the Interpretation of Mounds, and the Alignment of Ancient Roads in the District of London* (in E.O. Gordonø's *op. cit.*, pp. 145 & 159 & 161).

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prehistoric remains also at Barton in Ambleside, and ancient remains at Burton in Kendal<sup>120</sup> (where this present writer F.N. Lee was born).

As E.O. Gordon points out,<sup>121</sup> ðthe primitive druidic laws referred the source of all power ó under *Duw a digon* [or ðGod is enough] ó to the People-in-Congress. There, the motto was: *trech gwlad nag arglwydd* ó ða state is mightier than a lord!ø

Again in the *Triads*, the B.C. 1800 Hu Gadarn is described as one of the ðThree Pillars of the race of the Island of Britainö ó and as leader of one of the ðthree benevolent tribes.ö Indeed, ðhe would not **hold lands by fighting and contention, but by equity and in peace**” alone. He is recognized as **one of the “three great regula-tors” [or law-givers] of the Cymri (and hence too of Ancient Britain).**

### **Druidism the religion of Ancient Britain**

Gladys Taylor records<sup>122</sup> that the word ðdruidø is probably derived from the Proto-Celtic or Ancient-Aryan alius Japhethitic ð*dru-vid* ó meaning [thrice-]wise alias tri-wit-ted or tri-une-ly wise. So too, according to Arnoldø *Ancient Celtic Vocabulary*,<sup>123</sup> the word is derived from *dar-vid* ó meaning: ðvery wise.ø

Dudley Wright shows<sup>124</sup> in his *Druidism the Ancient Faith of Britain* that there the druidical order was said to number thirty-one seats of education. Each seat was in a *cyfiath* or city ó the capital of a tribe.

The druids observed one (1) day in seven (7), as having been peculiarly sanctified and made holy by the Triune Creator (3:1) through His sevenfold Spirit (7). Indeed, they were wont to dedicate to Him a tithe (1/7 + 3) of all their substance. They were excellent mathematicians, and their influence upon the Pythagoreans ó to be dealt with later below ó is obvious.

The druids were also monogamists, and of the highest morality. Hence, repentance was regarded by the druids as a necessary duty.

### **British Druidism and primordial religion**

Of the Ancient Celts, Julius Caesar wrote<sup>125</sup> (*circa* B.C. 54): ðThe druids are in charge of religion.ö Also the (41 A.D.) Pomponius Mela described the British warrior with admiration. He attributed the extraordinary bravery of the Britons to their religious doctrine, based upon their belief as to the immortality of the soul.<sup>126</sup>

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<sup>120</sup> Waddellø *op. cit.*, pp. 196f, 210, 217n., 223-26 & 234n.

<sup>121</sup> *Op. cit.*, pp. 33 & 144.

<sup>122</sup> G. Taylor: *The Hidden Centuries*, Covenant, London, 1969, p. 62.

<sup>123</sup> Cited in Rev. Prof. Dr. A.R. MacEwenø *History of the Church in Scotland*, Hodder & Stoughton, London, 1915, I, p. 3 n. 2.

<sup>124</sup> D. Wright: *Druidism the Ancient Faith of Britain*, 1924, pp. 5 & 55f.

<sup>125</sup> *Op. cit.*, 6:13.

<sup>126</sup> Cited in G.F. Jowettø *The Drama of the Lost Disciples*, Covenant, London, 1980, p. 87.

In Britain, the primitive druidic laws referred the source of all power to the national People-in-Congress ó under God. Such Congresses were always opened with the words *Trech gwlad n'arglwydd* (meaning: the country is above the kingø). This is clearly the constitutional foundation-stone at the base of all resistance to tyranny ó even where the tyranny be of the demogogic or of the mobocratic variety.

Mistletoe was gathered by the Archdruids. With its three white berries, it was the symbol of the druidic Trinity. Its growth on the oak was a type of the incarnation of the Deity. Druidism taught that by no other way than the ransoming of one manø life by the life of another man, was reconciliation with the divine justice of the immortal God possible. Thus Rev. R.W. Morgan.<sup>127</sup>

There are traces of the triune Creator-God *Elohim* in Ancient Druidism. The Pagan Roman Lucan mentions a divine triad among the Brythonic Celts (øGod with triple facesø), thus exhibiting their tendency to group God in triads.<sup>128</sup> And Patrick used three-leaved shamrocks to make the Trinity easily intelligible to the druidic Irish.

The Brythons even wrote down their wisdom ó in triads. Indeed, it is significant that quite apart from the Brythonic Patrickø trinitarian *Lorica*<sup>129</sup> and the Brythonic Hilaryø *On the Trinity* ó even later, some of the most important theology was inscripturated precisely by Celts like the Gaels John Eriugena and Duns Scotus.

According to the famous celtologist Rolleston, Druidismø account of the Triune Godø manner of creating ó parallels that of the Hebrews. Thus the Hebrew Bibleø *baaraa* and its chaotic *tohu-wabohu* in Genesis 1:1-2, where God creates the formless mass ó has its parallel in Druidism, where God through energy or *cythrawl* produced the chaotic *annwyn*.

In Holy Scripture, organized life was begun by the Word. Genesis 1:3-11f *cf.* John 1:1-5. Similarly, in Druidism, God is stated to have pronounced His ineffable Name ó to form the *manred* alias the primal substance of the universe.<sup>130</sup> See too Genesis 1:1f *cf.* Psalm 33:6-9 & Proverbs 8:12-27.

Both Matthew Arnold and Max Mueller considered the ancient *Welsh Triads* to be among the oldest writings in Europe. Here are some excerpts therefrom.<sup>131</sup>

øThere are Three Primeval Unities, and more than one of each cannot exist ó one God; one Truth; and one point of Liberty.... Three things proceed from the Three Primeval Unities ó all of life; all that is good; and all power. God consists necessarily of three things ó the Greatest of Life; the Greatest of Knowledge; and the Greatest of Power.... Let God be praised ó in the beginning, [now,] and the end. Whosoever supplicates Him ó He will neither despise nor refuse. God above us; God before us; God possessing [all things].ö

Compare the above with the famous *Hymn of the Deer's Cry* or *Lorica*<sup>132</sup> composed by the Briton St. Patrick, whereby he evangelized (and easily re-

<sup>127</sup> R.W. Morganø *St. Paul in Britain*, Covenant, London [1860], 1978 abridged ed., *in loco*.

<sup>128</sup> Cited in Rollestonø *op. cit.*, pp. 86f.

<sup>129</sup> See at nn. 132 & 285 below.

<sup>130</sup> Rollestonø *op. cit.*, p. 90 n. 1 and p. 335.

<sup>131</sup> See E.O. Gordonø *op. cit.*, pp. 31 & 37f.

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trinitarianized) the Irish druids. Hymned Patrick: ðI bind myself today to...the Trinity. I believe in a Threeness, with confession of a Oneness.... Christ with me, Christ before me, Christ behind me, Christ within me, Christ below me, Christ about me.... I believe in a Threeness, with confession of a Oneness ó in the Creator of the universe.ö

Continue the *Triads*: ðMay the Father of heaven grant us a portion of mercy! The universe is...systematized by the intelligence of God. It was created by God's pronouncing His Own Name ó at the sound of which, light and the heavens sprang into existence.... Matter is the creation of God. Without God, it cannot exist. Nature is the action of God through the medium of matter....

ðThe three primary principles of wisdom are: **obedience to the Law of God**; concern for the **welfare of mankind**; and **enduring all the accidents of life with fortitude**.... Three things...make a man ó the love of every good; **the love of existing charity**; and **the love of pleasing God**....

ðThere are three men whom all ought to look upon with affection ó he who with affection looks at the face of the earth; he who is delighted with rational works of art; and he who looks lovingly on little infants.... **The justice of God cannot be satisfied – except by the sacrifice of life, in lieu of life**.ö Cf. Genesis 9:6 and Exodus 21:23.

The *Barddas* states<sup>133</sup> that the unity of the Godhead was the very soul and centre of bardism, and yet this unity was a three in one. The ancients seem to have been literate from the very first.

**Eineigan explained the Godhead as three pillars of light. From the mouth of these three came the ten letters [or laws]. Nothing is more positively insisted upon in the bardic creed, than the doctrine of one God**. Cf. Exodus 20:2f & Deuteronomy 6:4.

Their triads were all in threes ó as illustrated just a few paragraphs earlier. Also their prohibitions were essentially decalogical. Thus: ðDo not love or seek an image instead of God...; Swear not to the Name of God...; Remember the seventh day...; Kill not...; Commit no theft...; Abstain from fornication...; Tell no falsehood of any kind...; Do not be covetous!ö

### **Early-Brythonic Druidism and the Biblical Trinity**

The Celtic Deity was construed to be a Triune God-Head. Cf. First Corinthians 11:1-3 & 12:3-6. As Norton-Taylor remarks in his famous book *The Celts*,<sup>134</sup> the head summed up their religious feelings in much the same way that the cross summarizes Christianity. The Celts considered the head to be the home of the soul, the essence of being, with connotations of immortality. There are *Janus*-heads and even a kind of Celtic Trinity ó a head with three faces or *pros-oopa*. The three-headed God may have

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<sup>132</sup> Cf. nn. 128 & 129 above.

<sup>133</sup> L. Sion's *op. cit.*, Vol. I (cited in L.G.A. Roberts's *Druidism in Britain – A Preparation for the Gospel*, Association of the Covenant People, Vancouver, n.d., pp. 9f).

<sup>134</sup> D. Norton-Taylor: *The Celts*, Time/Life International, Netherlands, 1975, pp. 100 & 107.

paralleled the concept of the Christian Trinity ó one sacred being, with three different attributes ó God as Father, God as Son, and God as Holy Spirit. Cf. Matthew 28:19.

As in Ancient Israel, so too in Ancient Britain. No visible representations of God were allowed. Proclaim the *Ancient British Triads*: ðDo not love or seek an image instead of God, whether of wood or stone or gold or silver or any other material!ö<sup>135</sup> Professors Dillon and Chadwick state in their book *The Celtic Realms*<sup>136</sup> that among the ancient inhabitants of the British Isles, most often represented is their three-headed Deity called: ðTri De Dana.ö

Also the *Ancient Welsh Triads* rightly state: ðThere are three things God alone can do ó endure the eternities of infinity; participate in all being, without changing; and renew everything, without annihilating it. There are three things wherein man necessarily differs from God: man is finite, God infinite; man had a beginning, God had none; and man, unable to sustain, must have eternal change and cycles of existence, even in the heavenly state ó whereas God sustains, unchanged!ö

### Northwest European Druidism headquartered in Ancient Britain

Ancient Britain was the chief training-place of druids. The Welsh county of Anglesey was the chief headquarters of British Druidism (thus Tacitus). However, Britain was the chief training ground also for Irish druids (thus Professor K.H. Jackson) and for Continental druids (thus Julius Caesar).

The druids were trained to teach. As stated in Stuart Piggott's book *The Druids*,<sup>137</sup> Cathbad the druid in the early Irish tales is depicted as teaching a class of young noblemen. Also the (A.D. 20) Elder Pliny<sup>138</sup> calls the druids the *magi* alias the wise-men of the Gauls and Britons. Compare the similar Celtic word *druidhean* ó at Matthew 2:1-7, in the Scots-Gaelic Bible.

### Abraham's Old Testament oak-trees and Early-Brythonic Druidism

The Bible describes Abraham worshipping *Jehovah* near oak-trees. Genesis 12:6-8; 13:2-18; 14:13-24; 18:1-8f; 35:1-8. The famous Welsh Presbyterian Rev. Dr. Matthew Henry, in his world-renowned *Bible Commentary*, draws attention<sup>139</sup> at Genesis 21:33 to the fact that ðAbraham planted a groveö in Beersheba. ðThere he made not only a constant practice, but an open profession of his religion. ðThere he called on the name of the Lord, the everlasting Godö ó probably in the grove he planted, which was his oratory or house of prayer.ö

The B.C. 60 international historian and polymath Diodorus, in his great work *Historical Library*,<sup>140</sup> states that the druids of the Ancient British Isles were ðphilosophers.ö By this, as he further states, he means ðmen learned in religious

<sup>135</sup> *Triads of St. Paul*, cited in Roberts's *op. cit.* p. 11.

<sup>136</sup> M. Dillon & N.K. Chadwick's *The Celtic Realms*, Weidenfeld & Nicolson, London, 1972, p. 14.

<sup>137</sup> S. Piggott: *The Druids*, Praeger, New York, 1975, p. 114.

<sup>138</sup> *Natural History* 30:1.

<sup>139</sup> M. Henry: *A Commentary on the Holy Bible*, Marshall Bros., London, n.d., at Gen. 21:33.

<sup>140</sup> *Op. cit.* III:5:32. Compare too Eusebius's *Life of Constantine* 3:5:28-31.

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affairsö who örendered to God...thanksgivings.ö For, he goes on to explain, those druids were öexperienced in the nature of the Divineö ó as those öwho speak as it were the language of God.ö

This clearly indicates that, from the perspective of the highly-learned Greek Diodorus, the Brythonic druids were **theologians** (öexperienced in the nature of the Divineö). He also knew them to be **preachers** (öwho speak as it were the language of Godö).

The pagan Julius Caesar,<sup>141</sup> Rome's observant dictator, commented around B.C. 58 that öthe druids are in charge of religion. They are responsible for all sacrifices.... Great numbers of young men come to them for instructions.... During their training, they are said to learn a great number of verses by heart.... Some people spend twenty years over their course of instruction.... They lay particular stress on their belief that the soul does not perish...after death.ö

The B.C. 20 geographer and historian Strabo of Greece stated<sup>142</sup> that the populations of both Britain and Ireland contained singers, poets, philosophers of nature, and priestly moralists called druids. These were arbitrators ó and also astronomers (with telescopes). They were also teachers ó and taught that both the human soul as well as the universe are indestructible.

The A.D. 20 Elder Pliny linked the Celtic druids with oak-trees and with the ã-tri-uneø mistletoe which often grew on them.<sup>143</sup> Indeed, also the famous legal antiquary and Westminster Assembly hebraist Dr. John Selden wrote<sup>144</sup> about the groves of oaks tended by the druids of Ancient Britain.

Even the famous sceptic Sir J.G. Frazer explained<sup>145</sup> that the mistletoe obtained from oak-trees by the druids, was deemed a cure for epilepsy. Carried about by women, it assisted them to conceive. It also healed ulcers most effectually ó if only the sufferer chewed a piece of the plant, and laid another piece on the sore.

### **British Druidism as a preparation for the Gospel**

Britain's druids, recorded the (50 A.D.) Geographer Pomponius Mela,<sup>146</sup> were öprofessors of wisdom.ö They taught: that men should öact bravely in war; that souls are immortal; and that there is another life after death.ö Indeed, the ancient philosopher Diogenes Laertius added<sup>147</sup> that the druids taught man öto worship God; to do no evil; and to exercise fortitudeö in the face of adversity.

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<sup>141</sup> *Op. cit.* 6:13-17.

<sup>142</sup> *Op. cit.* I(I.4.3); II(IV.4.4-6 & V.4.1f & XVII.1).

<sup>143</sup> *Op. cit.* 20:1f.

<sup>144</sup> J. Selden: *Collected Anglo-British Miscellanies*, in his *Op. Omn.* II pp. 876.

<sup>145</sup> J.G. Frazer's *The Golden Bough*, Macmillan, New York, 1963 ed., pp. 764f.

<sup>146</sup> Pomp. Mela, as cited in E. Davies's *The Mythology and Rites of the British Druids*, London, 1809 p. 150 (*cf.* too his 1804 *Celtic Researches on the Origins...of the Ancient Britons*).

<sup>147</sup> Diog. Laert., as cited in *Ib.*, p. 151.

Even in Pre-Christian days, states the *Hastings' Encyclopaedia of Religion and Ethics* scholar Rev. Dr. J.A. McCulloch (citing from the Ancient Welsh *Triads*)<sup>148</sup> ó the Celts were regarded by classical observers<sup>149</sup> as being peculiarly religious. The theory of a Celtic cult of a great Divine Triad, has been maintained. The importance of the number three among the Celts, led to triune groupings in their monuments.

Dr. Diana Leatham's book *Celtic Sunrise* ó subtitled *An Outline of Celtic Christianity* ó paints<sup>150</sup> a truly striking picture. There she insists that scarcely any of the hundreds of unarmed Christian missionaries lost their lives in Ireland. Apparently not one was killed by Celts in Scotland.

In general, the Ancient Celts did maintain their continuing belief in only one Almighty Being. The Britons called Him *Dis*, and the Irish *Dia*.

Strikingly, the sixth-century A.D. Brythonic prince and bard Taliesin declared: óChrist, the Word from the beginning, was from the beginning our Teacher.... We never lost His teaching. Christianity was a new thing in Asia. But there never was a time when the druids of Britain held not its doctrines.ö<sup>151</sup>

Even more significantly, St. Columba ó quite the most remarkable of all the Celtic Christian missionaries to foreign parts ó did not hesitate (around 560 A.D.) to call Christ óhis druidö or wise philosopher-teacher. Thus, in the *[Iro-]Scottish Chronicle*, we find<sup>152</sup> the following prayer of Calum Cille alias Columba: ó*A she mo drui.... Mac De is!*ö Translation: óO God..., my druid...is the Son of God!ö

Wrote the great Scottish historian Hector Boece in his famous 1526 *Description of Scotland*: óThe Albans or Britons, as Caesar in his [55f B.C.] *Commentaries* and Tacitus in his [A.D. 116] *Annals* do report, were very religious.... For in those days, the priests [or presbyters] of Britain ó named druidsö ó were expert.... From thence came the first.ö<sup>153</sup> That is to say, the first druids came from Britain.

More remotely, however, those druids had derived their runes from the Near East. Explains Holinshed (from Boece): óThey used, at the first, the rites and manners of the Egyptians from whence they came.... In all their private affairs, they did...write with...ciphers and figures.ö<sup>154</sup> Indeed, the Westminster Assembly's Selden seems to have derived them from óSyriaö in the Near East.

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<sup>148</sup> In his own article "Celts" (in *ERE*).

<sup>149</sup> Compare Julius Caesar's *Gall. War* 6:16 with: Livy 5:46; Dion. Hal. 7:70; Arrian, *Cyneg.* 35:1.

<sup>150</sup> D. Leatham: *Celtic Sunrise: An Outline of Celtic Christianity*, Hodder & Stoughton, London, 1951, pp. 12-18.

<sup>151</sup> On Druidism in general, see: Piggott's *Druids*; Anwyl's *Celtic Religion*; Elder's *Celt, Druid, and Culdee*, esp. pp. 62-66 & 81-83; Goard's *The Law of the Lord or the Common Law* (pp. 122-25) and his *Post-Captivity Names of Israel* (Covenant, London, 1934, pp. 119f); Heath's *The "Painted Savages" (?) of England* (Covenant, London, 1943 ed., pp. 12f); T.D. Kendrick's art. *Druids* in the 1929 *Encyclopaedia Britannica*; Morgan's *St. Paul in Britain*, esp. pp. 48-74; Roberts's *Druidism in Britain* and his *Early British Church*; and Wright's *Druidism the Ancient Faith of Britain*, 1924.

<sup>152</sup> *Scottish Chronicle: A Chronicle of Irish Affairs from the Earliest Times to A.D. 1135*, Longmans, London, 1866, Hennessy translation, p. 53.

<sup>153</sup> H. Boece: *Description of Scotland*, 1526; cited in Holinshed's *op. cit.*, V:2.

<sup>154</sup> Holinshed's *op. cit.*, V:25.

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Links between Early British and Trojan and Bible History are given in the extant mediaeval Welsh work *Brut*. That states: ðWhen Brutus [from Troy] had finished the building of the city [of *Trinovantø* or *New Troyø* alias London]...with walls and castles, he **consecrated** them and **made inflexible laws for the government of such as should dwell therein peaceably.... He put protection on the city, and privilege to it. At this time, **Eli the priest** ruled in Judea; but the ark of the covenant was in captivity to the Philistines.ð**

**Relationship between British Druidism  
and the later B.C. 530f Pythagoras**

Around B.C. 600, the great druidic philosopher Anacharsis the Scythian influenced the Greek lawgiver Solon. Then, in B.C. 495, the Greek geographer Hecataeus recorded that the Hyperborean Abaris had gone to Greece and influenced Pythagoras. So, according also to the British Puritan John Milton, Pythagoras had derived much of his own famous philosophy from British Druidism.

ðLearning and sciences,ð opined Puritan Britain's Milton, ðwere thought by the best writers of antiquity to have been flourishing among us.... The Pythagorean philosophy and the wisdom of Persia had their beginning from this Island.... The *druids* of the [Brythonic] Gomer-ians...in these [British] Islands...were the original sages of Europe in all the sciences from Japhet.ð Genesis 9:27 to 10:5.

Both British Druidism as well as the B.C. 530f Greek Pythagoreans believed in the immortality or rather the unannihilability of the human soul. Both derived this doctrine from earlier divine relations. Cf. Genesis 1:26f; 3:22; Ecclesiastes 12:7-14; Isaiah 26:19; Ezekiel 37:1f; Daniel 12:2-13f; *etc.* Nevertheless, the Pythagorean views were a declension from the earlier and purer views of ancient Druidism.

The druids still professed and taught the primordial doctrine in relative purity ó upholding the postmortal immortality of our present human soul; which they deemed to reside, now, principally in the human head. However, the Pythagoreans corrupted this doctrine of immortality to incorporate also the false teaching of *metempsychosis* (the transmigration of souls from one person to another). Thus did the Pythagoreans ó even as Hinduism and Buddhism had begun to teach *karma*, alias the false doctrine of postmortal human re-incarnation, not just into different people but even into animals and plants.

The B.C. 450f Greek historian Herodotus stated: ðThe druids among the Celts have profoundly examined the Pythagorean philosophy,ð and ðforetell matter by the ciphers and numbers.ð Indeed, the B.C. 150 Diogenes Laertius (citing the somewhat earlier Sotion) stated that the Ancient Greeks had derived their views of the soul's immortality from the Celts.

The B.C. 105 Cornelius Polyhistor claimed that what he called ðthe Pythagorean doctrine, prevails among the Gaulsð in Celtica. His contemporary Timagenes added: ðThe druids, men of loftier intellect ó united to the intimate fraternity of the followers of Pythagoras ó were absorbed by investigations into matters secret and sublime, and...declared souls to be immortal.ð

The B.C. 20f Strabo wrote that Pythagoras had been visited by the Hyperborean druid Abaris ó clothed in plaid or tartan, and with a gilded belt and trousers down to his feet. Abaris probably being from Britain, Strabo noted that he was õquick in judging...present accuraciesö; õdiligent in the quest of wisdomö; and õspoke Greek with fluency.ö

Indeed, it was not the druids who derived their doctrine of the immortality of the human soul from the Pythagoreans. It was the Pythagoreans who derived that doctrine (before corrupting it) from the druidic Celts, who had themselves earlier derived it from divine revelation.

The A.D. 190f Christian scholar Clement of Alexandria rightly remarked that õPythagoras was one of those who hearkened to the Celts.ö His colleague the A.D. 230 Origen added that õthe druids were renowned for their resemblance between their traditions and those of the Jewsö ó but that also õthe divine goodness of our Lord and Saviour is equally diffused among the Britons.ö<sup>155</sup>

### Dr. J.A. Giles (D.C.L.) on the colonization of Ancient Britain

Dr. J.A. Giles, Doctor of Common Law and Late Fellow of Corpus Christi College in Oxford, observes<sup>156</sup> how the historical *Welsh Triads* record that the first colonists of Britain were *Cymri* who originally came from *Defrobani Gwlad Yr Hav* ó the *Summer Land* or the Tauric Chersonesus. They have left many traces of their name preserved by ancient authors ó among which one may instance the **Cimmer-ian** Bosphorus.

Again according to the *Triads*, subsequent colonists arrived in Britain from the neighbouring European Continent (at various times). There were the *Loegrwys* (or Loegrians) from Gascogne (*cf.* the Basques and the Picts). Then there were the **Brythons** from *Lydaw* alias Brittany, who were descendants from the original stock of the *Cymry*.

A descent into Albion or North Britain of a colony of *Gwyddelin Fficti* or Irish Picts, is described as [previously] having come from the sea of *Loclyn* (alias the Baltic) ó as too did a partial settlement of men from *Loclyn* (alias Scandinavia). Finally, the very much later arrival of the Romans and Saxons is also mentioned ó as too partial settlements of Gwyddelians from Ireland.

Dr. Giles further declares<sup>157</sup> that the government of the Ancient Britons may be denominated as patriarchal. Each community was governed by elders; and every individual who could not prove his kindred to some community, through nine descents, and the same number of collateral affinities ó was not considered to be a freeman. *Cf.* Deuteronomy 23:2. Beyond this degree of kindred, they were formed into new communities.

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<sup>155</sup> See Elton *op. cit.*, p. 19 n. 2; see too nn. 241 & 242 below.

<sup>156</sup> See his edition of *Six Old English Chronicles*, Bell & Daldy, London, n.d., p. 423 n. 4 and p. 425 nn. 1 & 2.

<sup>157</sup> *Ib.*, p. 426 n. 3.

### Giles on Ancient Britain's monotheism and sophisticated culture

The Ancient Britons clearly believed in a life hereafter. For they raised *tumuli* over their dead. Their other modes of interment were the *carned*, or heap of stones; the *cistvaen*, or stone chest; and perhaps the *cromlec*, or hanging stone.<sup>158</sup>

Dr. Giles asserts<sup>159</sup> that according to the *Welsh Triads*, the theology of the bards was pure monotheism. However, the very triadic format of these expressions ó suggests a remnantal Proto-Trinitarianism. Moreover, the druidical or rather the bardic system consisted of three classes ó the bard proper (whose province was philosophy and poetry); the druid (or minister of religion); and the ovate (or mechanic and artist).

Interestingly, not only is there a great similarity between the social and religious systems of Ancient Ireland and Ancient Britain. According to Dr. Giles, nearly one-third of the words in the Irish tongue are the same as the modern Welsh ó and many idioms and modes of speech are common to both languages.

### Brythonic Kings from B.C. 1800 till the A.D. 43f Roman occupation

Already around 1800 B.C., the Gomer-ite Cimmer-ian Hu(gh) Gadarn had trekked from Asia Minor into Britain, bringing Brythonic law and culture with him. The *Welsh Triads*<sup>160</sup> recognize him as one who would óhold land...by equity and in peaceö; and indeed as one of the öthree great regula-torsö or law-givers of Ancient Britain.

Six centuries later, Brut(us) of Troy and his followers left the Cimmerian region of Asia Minor and landed in Britain around B.C. 1185f. There he established ðNew Troyö in London ó and codified Ancient Brythonic Civil Law in the *Code of Brut*.

A couple of centuries later, just after the beginning of the second millennium B.C., the Brythonic King Leill ruled at Carlisle in Cumbria as öa lover of peace and justiceö etc. This was the very region whence Setanta alias the Brython Cuchulainn later went to Ireland in the second century B.C., and the Brython Padraig alias Patrick in the fourth century A.D.

The Elizabethan chronicler Holinshed states<sup>161</sup> that öLeill, the son of Brut Greenshield, began to reign in the 3021th year of the world [namely around B.C. 945].... He built the city now called ðCar-lisleö which then, after his own name, was called *Caer-Leill* [*alias* the ðCity of Leillö].... We find it recorded that he was, in the beginning of his reign, very upright – desirous of seeing justice executed.... Above all things, he loved peace and quietness.... He was buried at Carlisle” in Cumbria.

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<sup>158</sup> *Ib.*, p. 428 n. 6.

<sup>159</sup> *Id.*, & p. 434 n. 8.

<sup>160</sup> See M. Trevelyan: *Land of Arthur*, Hogg, London, 1895, pp. 14f.

<sup>161</sup> *Op. cit.*, I:445-48, citing: Matth. West., Robert Record., the *English Chronicle*, Fabian and Polychron.

The B.C. 760f Brythonic King Riveal reigned in Britain even while Rome was being founded. His grandson, the B.C. 677f Sisil, ruled in Britain while the Scythians were invading Assyria. Later, while the Phoenician Hanno was semi-circumnavigating Northwest Africa, the B.C. 546f Gorbogud reigned in Britain. His grandson, the B.C. 510f Dunwallo Moelmud alias Molmutius or Mulmutius, enacted his famous Mulmutian Laws ó even before Herodotus wrote his *Histories* around B.C. 450.

King Moelmud stressed equality of rights and of taxation; freedom of movement; the right to bear arms; the right to vote; and the rights to life, liberty, and the pursuit of happiness. He required the worship of God, military service, and compulsory jury duty.

His son ÆBelin the Road-Builderø re-emphasized and augmented all of this. Indeed, Belin even added that òthere are three things free to a country and its borders: the rivers; the roads; and the places of worship. They are under the protection of God and His peace.ö

Moelmud's two sons Belin and Brenn next ruled and expanded the communications system, even while sacking Rome. Belin's son Gurgwin(t) ruled and legislated ó even as the Picts were arriving (by way of Ireland) in Northern Scotland.

From about B.C. 325 onward, first the wise Brythonic Queen Martia and then King Gorbonian ruled and legislated. That was even before Pytheas the Ionian circumnavigated Britain, and ere Alexander the Great invaded India.

Less than three centuries later, around B.C. 70, the British King Lluyd expanded ÆNew Troyø (alias ÆTrinovantø), and changed its name to Lud-dun alias London. His brother, the B.C. 59f Cassibelan or Caswallon defeated the invading Julius Caesar. Then his nephew Tenwan alias Theomantius led the Brythonic *Trinovantes* ó even while Rome was conquering Cleopatra's Egypt.

Tenwan's son Cynobelin or Cymbeline ruled South Britain from B.C. 22 till A.D. 7. He was succeeded by his son Guidyr, who was killed in battle against the invading Romans (in 43 A.D.). He in turn was succeeded by the brothers Arviragus and Caradoc (or Caractacus) ó until South Britain (for the next three centuries) lost its independence to the conquering Romans in A.D. 84.

What is now called ÆLondonø was inhabited by very Ancient Britons even **before** Brut the Trojan there built his capital and renamed it *Trinovant* alias ÆNew Troyø (and its inhabitants *Trinovantes*). It seems to have acquired its present name of ÆLondonø or *Lud-Dun* alias òLluyd's Fortö from Britain's B.C. 70f King Lluyd (who extensively expanded it).

The first century A.D.'s Roman historian Tacitus<sup>162</sup> called *Londinium* (of the *Trinovantes*) òthe most celebrated centre of busy commerce.ö Indeed, the Roman historian Ammianus Marcellinus<sup>163</sup> called it òan ancient town toward which Caesar

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<sup>162</sup> In his *Annals*, 14 & 31f.

<sup>163</sup> Ammianus Marcellinus's *Roman History*, 27:8:7.

marchedö in B.C. 55f ö thus implying that the city was already old even in the days of that first imperial dictator of Rome (Julius Caesar).

### **Early Iro-Gaelic colonies in what is now Scotland**

The famous sixteenth-century chronicler Raphael Holinshed, citing the renowned late-mediaeval Scottish historian Hector Boece, stated that already from about B.C. 564 onward the Iro-Scots on a small scale began to colonize the Hebrides. Later, they colonized Argyle, also in what previously had been a Pan-Brythonic Britain.

Simon Brech, writes Holinshed,<sup>164</sup> was öcrowned as the first king that reigned over the Scots in Ireland. He began his reign there in the year 3270 from the creation of the World...and **697 [years] before the incarnation of our Saviour. Having ruled his subjects with great justice** for the period of forty years or thereabouts, he died. After his decease, Fanduf(us) succeeded him ö who had Ethion as his descendant. He begat Glauc(us) ö which Glauc begat Noitafil(us), the father of Rothsay....

öPerceiving the Scottish nation had increased to a greater multitude in Ireland than that country was well able to sustain, this Rothsay transported certain numbers of them over into the isles anciently called Ebon-ides (afterwards Hebr-ides).... This transportation of these Scotsmen into those isles, took place one hundred and thirty-three years after the coronation of Brechö ö and thus in B.C. 564.

öThe isles were not large enough to find them sustenance. So several companies of them got themselves over into the mainland of North...Britain (then still called ÆAlbionø). There, they first inhabited a waste and desert portion thereof ö lying toward the west.... That part where they first began to settle themselves, they named Argathel-ia [*alias* ÆLand of Gathelø or ÆLand of the Gaelø ö Ar-gyle]....

öAt their first coming, they perceived **they could not live without laws and civil government. So they severed themselves into tribes, or as it were into ‘hundreds’ or ‘wapen-takes.’ Each of the same had a special governor to see their laws administered and justice maintained.**ö

Then, from around 327 B.C., a group of Iro-Scots under Farquhar alias Ferg the First settled in Scotlandø Argyle. Holinshed records<sup>165</sup> how **Ferg then “studied how to devise laws for the maintenance of common quiet amongst them. Therefore – amongst other ordinances – he made statutes against murder, robbery, the burning of houses, and especially against theft.** He built also the castle of Beregon(ium) in Loch Aber, on the western side of Albion. This was opposite the Western Isles [*alias* the Hebrides or the Heber-ides]... There he appointed a court to be kept for the administration of justice.ö<sup>166</sup>

From B.C. 300 onward, continues Holinshed, Fergø brother öFerithar, with the full consent of all the people, was thus elected king. He was enthroned with all solemnity in receiving his kingly ornaments: his two-edged sword, his royal sceptre, and his

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<sup>164</sup> *Chronicles of Britain*, V:36f.

<sup>165</sup> *Op. cit.*, V:43f.

<sup>166</sup> *Ib.*, V:36f.

crown of gold (fashioned in the form of a rampire made for defence of a town or fortress). This signified that **he took it upon himself: to preserve the liberty of his country; to see offenders duly punished; and to execute laws, with equal punishment truly administered.**<sup>167</sup>

The rule then passed to Ferithar's younger brother Main. According to Holinshed, Main was advanced to the crown by the whole consent of the nobles and commons [cf. Numbers 10:1-4]. Yet he kept in fresh memory the noble government of his father Ferg. He therefore studied to answer the people's expectation in following his father's worthy acts and maintained justice in all points, without permitting any bearing or bolstering of wrong.

If there were any controversy arisen, between [one] neighbour and [another] neighbour, within a hundred or *cantred* he willed that the same might be taken up and ended amongst them at home, by order of some court authorized there. But if the matter were of such importance as that it could not well be decided without the authority of some higher court, he himself would then have the hearing thereof and at such time as he used once every year, to get a public out of all parts of his realm in order to confer together for such purposes. Compare: Exodus 18:12-21 and Deuteronomy 1:13-17 & 17:8f.

This **Main, out of religious devotion toward God and having an assured belief that without His favour all worldly policies were but vain – devised sundry new ceremonies to be added to the old. Thus, he also caused certain places in sundry parts of his dominion to be appointed and surrounded with huge stones.** They were round, like a ring; but toward the south was one mighty stone far greater than all the rest and pitched up in the manner of an altar, on which their priests [or presbyters] might make their sacrifices in honour of their God. Genesis 8:20-22; 9:27 to 10:5; 12:6-8; 22:1-9; 28:11-22; Exodus 20:2-25. Compare Cumbria's Long Meg and Wiltshire's Stonehenge.

Finally, when he [Main] had thus instructed his people in laws and ordinances regarding the religious service of God as well as the political government of his country and his life ended.<sup>168</sup>

Consequently, at least from **Greater Cumbria alias Strathclyde – a considerable amount of Old Testament revelation made its way also into what is now Scotland in North Britain.**

### **Professor Dr. Edward Anwyl on Ancient-Celtic crimes & punishments**

The great Welsh celtologist Professor Dr. Edward Anwyl wrote<sup>169</sup> about the treatment of crime among the ancient Celts. He explained how Julius Caesar informs

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<sup>167</sup> *Ib.*, V:43f.

<sup>168</sup> *Ib.*, V:43f.

<sup>169</sup> E. Anwyl: 'Crimes and Punishments (Celtic)' art. in Hastings *ERE*, 1913.

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us<sup>170</sup> that the druids of Gaul, trained in Britain, were judges in both public and private disputes and that they awarded damages and penalties.

Capital criminals were offered up as human sacrifices. Certain forms of conduct were particularly displeasing to God. Communion between society and the Deity could not be re-established, without the purification of society and by the death or expulsion of the guilty persons. This exactly parallels Ancient Israel. Deuteronomy 19:9-21.

Side by side with the penalty of sacrifice, and probably connected with it, was that of exclusion from participation in religious rites. Caesar tells us that any contumacy with respect to the judgments of the druids, was punished by exclusion from the ritual of sacrifice.

In Britain, there is abundant information<sup>171</sup> concerning criminal procedure in the document titled *Ancient Laws and Institutes of Wales*. Those Welsh laws consisted partly of a Code issued under the royal sanction and authority of Prince Hywel Dda alias Howel the Good (circa 930 A.D.) and partly of a collection of legal maxims arranged in groups of three (the ancient *Triads*). Those Welsh laws were based on Hywel's recension of very much more ancient Brythonic customs.

Specific ancient Celtic crimes include: wounding and mutilating; theft; slander; damage to property; and gross negligence. Dr. Anwyl explains<sup>172</sup> as follows.

First, there is the crime of wounding and mutilating. In the volume *Ancient Laws of Ireland*, there is a full discussion of the penalties due for this. The various wounds and losses to be inflicted, are considered in great detail. For a foot, a hand, an eye, or a tongue or half the *eric*-fine of every person was to be paid. Cf. Exodus 21:23-27.

In Welsh Law, there is an assessment of the worth of each part of a person's body. All a person's members, when reckoned together, are eight and four score pounds in value. A person's finger is a cow and a score of silver in value. The worth of the thumb is two kine and two score of silver. A person's nail is thirty pence in value.

Second, there is the crime of theft. Ancient Irish Law deals fully with the various fines which have to be paid here. The compensation varies chiefly with the nature of the object stolen. Cf. Exodus 22:1-3.

Ancient Welsh Law dealt severely with theft, and punished it. There is a list<sup>173</sup> of *naw affeith lledrat* (the nine accessories of theft). They are given as follows:

The first of the nine accessories of theft, is devising deceit and seeking an accomplice. The second is agreeing, concerning the theft. The third is giving provision. The fourth is carrying the food while accompanying the thief. The fifth is tearing down the cattle-yard, or breaking the house. The sixth is moving what is stolen from its place, and walking day or night with it. The seventh is knowing and

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<sup>170</sup> J. Caesar: *op. cit.*, 6:13-16.

<sup>171</sup> A. Owen (ed.): *Ancient Laws and Institutes of Wales*, Rolls Series, London, 1841.

<sup>172</sup> A.W. Wade-Evans: *Ancient Laws and Institutes of Wales*, Rolls Series, London, 1841.

<sup>173</sup> *Ib.*, p. 188.

informing as to the theft. The eighth is sharing with the thieves. The ninth is seeing the theft and concealing it, for reward ó or buying it for worth.

Third, there is the crime of slander. In Ireland, the ancient laws<sup>174</sup> specifically mention a fine for slander. A fine was also obtainable for circulating a calumny,<sup>175</sup> or for wrongfully questioning<sup>176</sup> a person's legitimacy. In Wales, the ancient laws specifically mention slander (*enllib*) against women ó or against an innocent man for murder. Exodus 23:1f.

Fourth, there is the tort of damage to property. Ancient Irish Law had much to say<sup>177</sup> regarding offences arising under this head. The *Book of Aicull* deals very fully and humanely with the maiming, mutilation, and over-working of animals. In Ancient Wales, all damage to property ó whether living or dead, or whether animated or never-animated ó had to be compensated for in accordance with a scale of legal worth laid down in the laws. The animatedness or alternatively the inanimate character of the animate property or the inanimate property concerned, was irrelevant to the obligation of compensating for having damaged it. Cf. Exodus 21:33f.

Fifth, there is the misdemeanour of gross negligence. In Ancient Irish Law, cases of this kind were for the most part dealt with under trespass and damage to property. In Ancient Welsh Law,<sup>178</sup> the two instances of punishable neglect are the following. First: if two persons shall be walking through a wood and the one in front let a bough strike the one in the rear so that he loses an eye, he is to pay the worth of an eye to the other. Second: if a spear were not so placed as to prevent its point from accidentally killing a person, its owner ó in case of such a death ó had to pay a third of the slain person's *galanas*. Cf. Leviticus 24:17-21.

In Celtic Scotland,<sup>179</sup> the law was based upon a development<sup>179</sup> of the same ideas as those which are embodied in the Law of Ireland. The legal practice of Brittany and Cornwall doubtless closely resembled that of Wales and Cumbria. In the absence of legal treatises, inquiries have to be based mainly on historical and linguistic evidence. See, however, the document called *Laws Between the Britons and the Scots* ó with regard to which Professor Kenneth Jackson rightly remarks: "This may imply the existence of a common Brittonic legal tradition of considerable antiquity."<sup>180</sup>

### **The Phoenician Himilco's B.C. 535 visit to the British Isles**

The Phoenician Admiral Himilco of Carthage gathered pleasant impressions of Britain, perhaps around 535 B.C. He stated:<sup>181</sup> "Where the Ocean presses in and spreads wide the Mediterranean waters [*viz.* at Gibraltar], lies the Atlantic. Some distance further, there rises the head of the promontory in olden times named

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<sup>174</sup> *Ib.*, I:176f.

<sup>175</sup> *Ib.* I:195 & 199.

<sup>176</sup> *Ib.*, I:185 & 193.

<sup>177</sup> *Ancient Laws of Ireland*, Rolls Series, London, 1869-73, I:167,169,171,175,185,189,233,235,237.

<sup>178</sup> Wade-Evans: *op. cit.*, pp. 258 & 268.

<sup>179</sup> Cf. W.F. Skene: *Celtic Scotland*.

<sup>180</sup> Cited in Ellis's *op. cit.* p. 192.

<sup>181</sup> Rufus Festus Avienus's *Fragments Ora Maritima* V:98-100, as cited in *Hist. Hist.* (II p. 358).

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Oestrymnon ó and below, the like-named bay and isles. Wide they stretch, and are rich in metals ó tin and lead.ö

That ðOestrymnonð promontory seems to refer to the southernmost point in Devon. It seems to have been known as such, to the Mediterranean peoples, even since the ðolden timesð long before the (535 B.C.) days of Himilco. (Compare for example the tradition that Brut of Troy disembarked at Totnes in Devon, in order to colonize Britain around B.C. 1180f.)

Himilco then went on to describe, ðbelowð that, a ðpromontory...named Oestrymnonð ó to the southwest of Devon, and hence in Cornwall. He apparently further described also the then tin-rich Scilly Islands, some further twenty-five miles off the western coast even of Cornwall. For, he explained, there rise ðthe bay and isles...rich in [the] metals tin and lead.

ðThere,ð in Cornwall, ða numerous race of men dwell ó endowed with spirit and no slight industry, all busy in the cares of trade.... They navigate the sea in their wondrous barks....

ðTwo daysø long is the voyage thence to the Holy Island [of Ireland].... It lies expanded on the sea ó the dwelling of the Hibernian race. At hand lies the Isle of Albion.ö The latter means Britain ó with both Anglesey and the Isle of Man situated between Ireland and Great Britain. ðOf yore,ð concluded Himilco, ðthe trading voyages from Tartessus [alias Spain] reached to the Oestrymnidesð ó alias the British Isles.

### **Greek testimony about the British Isles from B.C. 495f onward**

However, it was not just the Phoenician Carthaginians who visited Britain around the beginning of the fifth century B.C. Apparently, certain Greek mariners did so too ó just a little later.

Also the Greek-language historian Diodorus Siculus wrote<sup>182</sup> (*circa* 60f B.C.) that the 495 B.C. historian Hecataeus of Greece had described an island in the ðnorthern partsø ó which certainly seems to be Britain. Indeed, the time of Hecataeusðs description is clearly contemporaneous with the golden and glorious reign of the great British Lawgiver King Dunwallo Moelmud ó to be dealt with in detail, later below.

Now these ðnorthern partsø ó explained the Sicilian Diodorus ó had long been inhabited by those whom the Greeks called ðHyperboreansø (alias ðthe people beyond the North Windð to the north of the Greeks). Indeed, the great skill of the Hyperboreans in the construction of temples ó as noted by Hecataeus ó eminently agrees with the skill needed in placing lintels into position on the many Ancient British monuments, such as Stonehenge *etc.*

Wrote Diodorus:<sup>183</sup> ðThe Scythians anciently enjoyed but a small tract of ground.... At the first, a very few of them...seated themselves near to the River Araxes [in

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<sup>182</sup> Diodorus Siculus: *op. cit.* II:2:47f.

<sup>183</sup> So cited in *Hist. Hist.*, II, pp. 444-46.

Armenia]. Afterwards, one of their ancient kings, who was a warlike prince and skilful in arms, gained to their country all the mountainous parts as far as to Mount Caucasus and all the [flat] champain country to the Ocean....

Some time afterwards, their posterity becoming famous and eminent for valour and martial affairs subdued many territories.... They enlarged the empire of the Scythians as far as to the Ocean....

Now since we have thus far spoken of the northern parts...it is convenient to observe something relating to the antiquity of the Hyperboreans.... Hecataeus and some others say that there is an island in the Ocean **opposite Gaul**, as **big as Sicily** [and] **below the Arctic Pole**, which the Hyperboreans inhabit....

The soil there is very rich, and very fruitful; and the climate temperate, insomuch as there are two crops in the year.... They daily sing songs in praise of God, ascribing to Him the highest honours.... These inhabitants demean themselves like priests [or presbyters].... They have there a stately grove and a **renowned temple** [which is] **round in form** [compare **Stonehenge**], beautified with many rich gifts.

There is a city likewise consecrated to this God. The citizens are mostly harpists who play on the harp; chant sacred hymns to God; and set forth His glorious acts. The Hyperboreans use their own natural language but from long ancient times, they have had a special kindness for the Greeks.... Some of the Greeks passed over to the Hyperboreans, and left behind them various presents inscribed with Greek characters. Indeed, Abaris [the Scythian] formerly travelled thence into Greece and renewed the ancient league of friendship. Thus the B.C. 60 Diodorus Siculus.

The above-mentioned Abaris was a Scythian of the fifth century B.C., mentioned by both Herodotus and Pindar. He is said<sup>184</sup> to have known Pythagoras; to have possessed gifts of fortelling and of healing; and to have rid the world of a great plague. He succeeded the eloquent sixth-century-B.C. Scythian Philosopher Anacharsis (who was himself a friend of the Greek lawgiver Solon).<sup>185</sup>

It should not be assumed, however, that either the sixth-century-B.C. Scythians in Northern Europe or their fifth-century-B.C. Hyperborean cousins in Britain were practitioners of pagan idolatry as were the Ancient Greeks. Indeed, the testimony of the later Greek-speaking Christian philosopher Clement of Alexandria clearly confirms the contrary.

Writes Clement:<sup>186</sup> **Anacharsis was a Scythian, and is recorded to have excelled many philosophers among the Greeks. And the Hyperboreans – Hellanicus [of Lesbos] relates – dwelt beyond the Rhiphaean [or Alpine] Mountains, and inculcated justice.**

Those Rhiphaean Mountains were the Gomic Alps compare Genesis 10:3 *Riphath*. Consequently, from the viewpoint of the Ancient Greeks, the Hyperboreans were a people of Northwestern Europe.

<sup>184</sup> See art. *Abaris* in 1951 *Enc. Amer.* I:7.

<sup>185</sup> See arts. *Anacharsis* in 1929 *Enc. Brit.* & 1951 *Enc. Amer.*

<sup>186</sup> Clement of Alexandria's *Stromata* I:15.

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Clement then concludes:<sup>187</sup> **“All honour to that king of the Scythians, whoever Anacharsis was, who shot with an arrow one of his subjects who imitated among the Scythians the mystery of the ‘mother of the gods’...Cybele!”** This shows just how fiercely that Scythian ruler protected his people ó against being polluted by pagan idolatry such as that represented by Cybele-worship.

### **B.C. 510f: Ancient Britain’s golden age under King Moelmud(-tius)**

Now even before the *Law of the Twelve Tables* was being drawn up in Ancient Rome around B.C. 451 ó the sixth-century British King Dyvnwal Moelmud (alias Molmutius) had already done something even better in Britain around B.C. 510f. Moelmud refined the B.C. 1185f *Code of Brut* ó by himself further codifying Ancient British Civil Law into the *Molmutine Code*.

In respect of Britain, the mediaeval historian Geoffrey Arthur of Monmouth stated (on the basis of very much earlier documentation):<sup>188</sup> **“At last, in after days ó namely at the end of the sixth century (B.C.)<sup>189</sup> ó there ðarose a certain youth renowned above all others for his singular prowess.ö This was ðDunwallo Molmutius, the son of King Cloten of Cornwall. Excelling all the kings of Britain...he...fashioned for himself a crown of gold.... This king it was that did establish amongst the Britons the laws that were called the Molmutine Laws ó the which even unto this day are celebrated amongst the English.ö**

From ancient documents transmitted through mediaeval historians, the Elizabethan Raphael Holinshed chronicles:<sup>190</sup> **“Dunwallo Mulmutius...established his land and set his Britons in good and convenient order. He ordained for himself, by the advice of his lords, a crown of gold....**

**“He appointed weights and measures ó with which men should buy and sell. Further, he devised sore and straight orders for the punishing of theft. Finally, after he had guided the land by the space of forty years, he died. He was buried in the...‘Temple of Peace’ – which he had erected within the city of Troynovant [alias Brutø ðNew Troyø] now called London.... He appointed, during his lifetime, that his kingdom should be divided between his two sons Brenn and Belin.ö**

Geoffrey Arthur, in his A.D. 1138 *History of the Kings of Britain*<sup>191</sup> (itself derived from much more ancient sources), shows Moelmudø descent from the B.C. 1185 King Brut of Troy ó down through Lochrine, Maddan, Memprish, Ebrank, Brutus Greenshield, Leill, Bladud, Leir, and others. (Leill is the King who built Caer-Leill or Carlisle in Cumber-land).

Records Geoffrey Arthur: **“At last, in after days, arose a certain youth renowned above all others for his singular prowess ó by name Dunwallo Molmutius, the son of Cloten....**

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<sup>187</sup> Clement of Alexandriaø *Exhortation to the Heathen* ch. 2.

<sup>188</sup> Geoff. Arthurø *History of the Kings of Britain*, Slatkine, Geneva, 1977 ed., II:17.

<sup>189</sup> See Ancient Welsh *Venedotian Law Code*, LL. i:182-8.

<sup>190</sup> *Op. cit.* I:451, citing Caxton & Polychron & Fabian.

<sup>191</sup> *Op. cit.*, II:17.

öHe ordained that the temples of God and the cities should enjoy such privilege as that, in case any runaway or guilty man should take refuge therein, he should depart thence, forgiven by his adversary [cf. Numbers chapter 35]... In his days, therefore, the knife of the cut-throat was blunted, and the cruelties of the robber ceased in the land. For nowhere was any[one] that dare do violence unto another!ö

Now not just mediaeval historians (like the A.D. 1139 Geoffrey Arthur of Monmouth) refer to Moelmud. So too do some of the older documents of Ancient Wales. See the Welsh *Venedotian Law Code*,<sup>192</sup> and compare too *The Triads of Dynnwal Moelmud*.<sup>193</sup>

This Early-Welsh material seems to be reflected also in the later Anglo-Saxon documents. Also the A.D. 1400 English Historian Wavrin<sup>194</sup> mentions Donval. For öDonval Moelmudö alias Mulmutius, explains Wavrin, “gave many laws to the Britons, which the English observe to the present time. He was the first who conferred privileges upon the temples, and provided for the sanctuary of the barons, the husbandmen, and the merchants. He founded a temple and dedicated it to God, and was buried in this temple ö because he so greatly loved peace and harmony.ö

The B.C. 510f *Mulmutian Code*, by way of the later *Ancient Welsh Triads*, seems to have been incorporated (from Good King Alfredö Welsh mentor Asser) into the A.D. 880f Anglo-British *Code of King Alfred* ö and also into the A.D. 930f Celto-Welsh *Code of Hywel Dda*. As such, the *Mulmutian Code* is the link between the B.C. 1440 Mosaic Law and many later works on British Common Law. The latter would include those written: by the A.D. 1470 English Lord Chief Justice Sir John Fortescue; by the A.D. 1628 Puritan and English Attorney-General (and later Lord Chief Justice) Sir Edward Coke; and by Englandö A.D. 1753f Oxford Law Professor and Solicitor-General Sir William Blackstone.

To öMulmutius,ö wrote the seventeenth-century Puritan Parliamentarian and Legal Antiquarian John Sadler,<sup>195</sup> öwe owe divers of our Common Law Principles.ö The legal line thus runs from the B.C. 1440 Mosaic Law and the B.C. 1200 *Code of Brut* ö through the *circa* B.C. 550-475 Moelmud, and then further down through ancient history ö into Britainö christianized centuries from the time of the A.D. 156 King Llew onward (thus Bede *etc.*).

Regarding Moelmud, the Historian Trevelyan explains that in the *Triads* he is mentioned as being one of the “Three Pillars of the Island of Britain.ö He was the first who delineated or ödiscriminated the laws, ordinances, customs and privileges of the land and of the nation. He likewise enacted that the ways or roads leading to the temples and cities, as also the laws regarding farmersö ploughs, should be allowed the same privileges.ö

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<sup>192</sup> *Venedotian Code*, LL. i: 182-8.

<sup>193</sup> *The Triads of Dynnwal Moelmud*, 45,46,60,223,224,227,248,193.

<sup>194</sup> J. Wavrin: *Chronicles and Ancient Histories of Great Britain from [A.M. 3970] Albina to 688 [A.D.]*, Longmans, London, ed. 1864, pp. 79f.

<sup>195</sup> *Op. cit.*, p. 48.

### Details of some of the Mulmutine Laws of Ancient Britain

Here are some of the Mulmutine Laws, as found in the *Triads of Law and Equity*. They were later adopted by the Anglo-Saxons (*cf.* the A.D. 880 King Alfred). They were also celebrated in mediaeval Wales (*cf.* the A.D. 880 Asser, and the A.D. 930 Laws of Hywel the Good).

Maintain these *Laws of Moelmud*: ðThe three privileges and protections of a societal State ó security of life and person; security of possession and dwelling; security of national right. Three things that confirm the societal State ó effectual security of property; just punishment when it is due; and mercy tempering justice where the occasion requires it in equity. Three elements of Law are ó knowledge, national right, and conscientiousness.

ðThree ornaments of a societal State ó the learned scholar, the ingenious artist, and the just judge. Three proofs of a Judge ó knowledge of the Law; knowledge of the customs which the Law does not supersede; and knowledge of its times and the business thereto belonging. Three things which a judge ought always to study ó equity habitually; mercy conscientiously; and knowledge profoundly and accurately.ð

In Probert's *Welsh Laws*,<sup>196</sup> the following decrees of Moelmud appear: ðThere are three common rights of the neighbouring country and bordering kingdom ó a large river, a highroad, and a place of meeting for religious adoration.... These are under the protection of God and His tranquillity so long as those who frequent them do not unsheathe their arms against those whom they meet. He that offends in this respect, whether he may be a citizen or a stranger, shall be visited with the fine of murder upon application to the lord of the district.

ðThere are three privileged persons of the family who are exempt from manual labour, work and office ó the infant, the aged, and the family teacher; for these are not to bear arms, attend to the horn, nor cultivate the soil. There are three things which strengthen the tranquillity of the neighbouring country, emanating from union and national right. There are three leading objects of the neighbouring country ó common and perfect defence, equal protection of the arts and sciences, and the cherishing of domestication and peaceable customs.

ðThere are three family arts ó agriculture or the cultivation of the soil, the management of a dairy, and the art of weaving. Indeed, it is the duty of the chief of the tribe to insist that they are duly taught ó and to avouch for their being so in the court, in the sacred place, and in every assembly for religious adoration.... Every Cymrian who is a landed proprietor, must keep and support a wife.ð

Here follow some more of the Mulmutian laws, as contained in the ancient *Welsh Triads*:<sup>197</sup> ðThere are three causes which ruin a State: inordinate privileges; corruption of justice; national apathy. There are three things which cannot be considered solid longer than their foundations are solid: peace; property; and law.

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<sup>196</sup> Thus M. Trevelyan's *op. cit.*, pp. 21f.

<sup>197</sup> Thus Rev. Dr. W.P. Goard's *The Law of the Lord or the Common Law*, Covenant, London, 1943.

“These are the three tests of civil liberty: equality of rights; equality of taxation; freedom to come and go.” Thus, there was to be no graduated income tax according to Ancient British Common Law!

Again: “Three things are indispensable to a true union of nations: sameness of laws; rights; and language. There are three things free to all Britons: the forest; the unworked mine; the right of hunting wild creatures. There are three things that require the unanimous vote of the nation to effect: deposition of the sovereign; introduction of novelties in religion; suspension of law.

“There are three civil birthrights of every Briton: the right to go wherever he pleases; the right, wherever he is, to protection of his land and by his sovereign; the right of equal privileges and equal restrictions. There are three property birthrights of every Briton: five acres of land for a home; the right to bear arms; the right of suffrage in the enacting of the laws (the male at twenty-one, the female on her marriage).

“There are three guarantees of society: security for life and limb; security for property; security of the rights of nature. There are three things the safety of which depends on that of the others: the sovereignty; national courage; just administration of the laws.

“There are three things which every Briton legally may be compelled to attend: the worship of God; military service; and the courts of law. There are three things free to every man, Briton or foreigner, the refusal of which no law will justify: water from a spring, river, or well; [kindling-wood for] firing, from a decayed tree; a block of stone not in use.

“There are three orders which are exempt from bearing arms: the bard; the judge; the graduate in law or religion. These represent God and His peace, and no weapon must ever be found in their hand. There are three whose power is kingly in law: the sovereign, paramount...over all Britain and its isles; the prince palatine, in their principalities; the heads of the clans, in their clans.

“There are three sacred things by which the conscience binds itself to truth: the Name of God; the rod of him who offers up prayers to God; the joined right-hand. There are three persons who have a right to public maintenance: the old; the babe; the foreigner who cannot speak the British tongue.”

Finally his son Belin decreed at the very end of Moelmud’s code: “There are three things free to a country and its borders: the rivers; the roads; and the place of worship. These are under the protection of God and His peace. Whoever, on or within them, draws weapons against any one is a criminal!”

### **Influence of Moelmud’s Laws even after the Roman Conquest of Britain**

Moelmud refined the B.C. 1190f *Code of Brut* into the 510f *Mulmutian Code* alias Moelmud’s decalogical *Triadic Laws*. These were carefully handed down to his son Belin and thenceforth to his further descendants Gurgwint, Martia, Gorbonian, Lluyd, Caswallon, Tenwan and Cynbelin.

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Cynbelin (alias Cymbeline) was the last free British King ó the father of Prince Caradoc. Cynbelin died upholding Moelmudø's laws ó and Cynbelinø's various relatives, including Caradoc, resisted the tyrannical Roman invasion of Britain by Caesar Claudius in 43f A.D.

Later, around A.D. 520-60, the (*circa* 510f B.C.) laws of Dunwallo Molmutius ó together with the (approximately 350 B.C.) later laws of Queen Martia ó were translated by the A.D. 540f Cumbrian Celto-Brythonic Historian Gildas into Latin. Thus Whartonø's *Law Lexicon*.<sup>198</sup>

Around 880 A.D., the Christian Anglo-British King of Wessex Alfred the Great had these Mulmutine laws translated from their native Celtic into Latin. He also had them incorporated (in the Anglo-Saxon language) into his own Christian code.

Indeed ó after further input from the A.D. 925f King Hywel Dda of Wales and the Anglo-Briton King Athelstan of Wessex ó the Mulmutian laws continued to influence British behaviour.<sup>199</sup>

Geoffrey Arthur of Monmouth wrote<sup>200</sup> around A.D. 1138 that ðDunwallo Molmutius...did establish amongst the Britons the laws that were called the Molmutine laws, the which even unto this day are celebrated amongst the English.ö These specifically included laws of temple amnesty and highway safety.

Later too, Mulmutiusø's laws were praised by Fortescue,<sup>201</sup> Holinshed,<sup>202</sup> and Shakespeare.<sup>203</sup> They were also extolled by Spenser<sup>204</sup> and Lord Chief Justice Sir Edward Coke.<sup>205</sup>

### **B.C. 330: The Greek geographer Pytheas of Marseilles on Early Britain**

For the B.C. 330 Greek geographer Pytheas of Massilia alias Marseilles in Gaul ó himself originally from near Phrygia in Asia Minorø's Phoecea (which was probably a contraction of Pho-eni-cia) ó also speaks of *Albion* or Britain, and of *Ierne* or Ireland. This Pytheas ó according to the (B.C. 20) Greek geographer Strabo ó not only visited Britain. He circumnavigated it. Moreover, he further ðtravelled all over it on foot.ö

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<sup>198</sup> W. Wharton: *Law Lexicon*, XIIIth edition, 1925, p. 529; as cited by Goard in his *The Post-Captivity Names of Israel*, Covenant, London, 1934, p. 119.

<sup>199</sup> See the Welsh chronicle *Brut*; the ninth-century A.D. Nenniusø's *Hist. Brit.*; Cokeø's 1628f *Inst. Laws of Eng.*; Blackstoneø's *op. cit.*; Goardø's *op. cit.*, pp. 122f; Elderø's ch. on ðLaws and Roadsö (in her *op. cit.*, pp. 20f); Taylorø's *op. cit.*, pp. 28f & 34; and Heathø's *op. cit.*, pp. 12f. See too: *Ancient Laws of Cambria*, Brit. Museum, 5804 A.A.4; Brut. Tysillo; *Triads Dyn. Moel.* ap. Walter, p. 315, *Myv. Arch.* II-III, ap. Palgrave & Lappenberg; Gordonø's *Prehist. Lond.*, pp. 146 & 194f; and Stukeleyø's *Abury*, p. 42.

<sup>200</sup> *Op. cit.*, II:17.

<sup>201</sup> Sir J. Fortescueø's *Commendation of the Laws of England* [1470] (*in loc.*).

<sup>202</sup> Holinshedø's *op. cit.* I:449f (citing Matt. West. Rob. Record., *Eng. Chron.*, Fab., & Polychron).

<sup>203</sup> W. Shakespeareø's *Cymbeline*, 1609, Act III Scene 1.

<sup>204</sup> E. Spenserø's *The Fairie Queen*, II:xxxix.

<sup>205</sup> E. Cokeø's *Origin of the Common Law of England*, 1628; see too his 1600f *Preface* to Vol. III of his *Pleadings*.

Indeed, also others wrote about him. According to the B.C. 275f Erastosthenes: "Pytheas said that the furthest parts of the [then-known] world are those which lie about *Thule*, the northernmost of the Britannic Isles."<sup>206</sup>

This shows not only that the "Britannic Isles" were even then so called. It also shows that the Brythonic Britons had already arrived in Britain and given their name to it.

Pytheas stayed for some time in Britain. He claimed to have visited most of the accessible parts of the island, and to have coasted along the whole length of its eastern side. He seems to have arrived in Kent in the early summer, and to have remained in Britain till after the harvest "returning for a second visit since his voyage to the North.

In the southern districts, he saw an abundance of wheat in the fields "and observed the necessity of threshing it out inside covered barns. This implies considerable sophistication. Indeed, the Ancient Britons "recorded Pytheas "even made a special drink called *metheglin* alias mead "by mixing wheat and honey."

Even from around B.C. 350 onward, Britain was already "over-producing" and therefore exporting and selling or exchanging wheat or corn. "The natives," says Pytheas of those B.C. 350 Britons, "collect the sheaves in great barns, and thresh the corn out there."

Pytheas also visited a small island off the coast of Britain. That islet he called "Mictis" and stated it to have been some distance by boat from the bigger British city where the tin of the islet was marketed. This "Mictis" is doubtless the tin-mining area of "Ictis" in Western Cornwall; possibly St. Michael's Mount; or perhaps even one of the Scilly Islands.

### The British Queen Martia and her Martian Laws

"Martia," says the chronicler Holinshed,<sup>207</sup> "was a woman expert and skilful in several sciences.... Having been admitted to the governance of the realm "she studied to preserve the commonwealth in good quiet and wholesome order.

"Therefore she devised and established profitable and convenient laws. These afterwards were called Martians laws "from the name of her who first made them. These laws were thought good and necessary for the preservation of the commonwealth. Alfred...King of England translated them out of the British tongue into the English Saxon speech."

The mediaeval historian Geoffrey Arthur writes<sup>208</sup> that Martia's rule was succeeded by that of her son Sisill. After him, Kimar his son held rule "unto whom succeeded Danius his brother; and after his death, was Morvid crowned.... Five sons had been born unto him "whereof the eldest-born, Gorbonian, succeeded to the throne."

<sup>206</sup> Book II of the B.C. 275-195 Erastosthenes, as cited in Strabo's *Geog.* II:104 & IV:201.

<sup>207</sup> *Op. cit.* I:458, citing Matt. West.

<sup>208</sup> *Op. cit.*, III:15-20.

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Geoffrey declares of that **Gorbonian**: ðNone at that time was a man more just; nor more a **lover of upright dealing**; nor none that ruled his people with greater diligence. **For it was ever his custom to pay first due honour to God, and then right justice to the commonalty**. He restored the temples of God throughout all the cities of Britain, and builded many new.... He enjoined the husbandmen to till their lands, and protected them against the oppressions.ö

### **Developments in Scotland during the last three centuries B.C.**

In what is now Scotland, King Mainø's son Doruadille succeeded him ó from about B.C. 270 onward. Explains the sixteenth-century Holinshed (following the Scottish Historian Boece):<sup>209</sup> ðDoruadille was crowned king of the Caledonians. He established a **new league** with the [Southern] Britons, by sending his **ambassadors** to them. With the [Northern] Picts, he renewed and confirmed the ancient alliance.... The Caledonians, then setting all their delight on hunting, in process of time began also to use **laws and statutes** concerning the same....

ðIf there arose any doubt on any of these points ó they would choose, by common consent, a **judge to determine the matter [by arbitration]**.... Whether these devices were laws made by the king...for the further advancement of his own pleasure ó or whether they were rather customs grown and ratified by long continual use ó I cannot tell.... But it is certain they were observed throughout all the Caledonian regions as **having the force of laws** ó and thus are they used even to these days.

ðDoruadille also commanded that **all such statutes as [his predecessor] Ferg had made, should be kept and observed**. To those he added certain new and various sorts of punishments for sundry kinds of transgressions, according to their qualities. **This he caused to be engrossed in books of record** ó and committed to the custody of a grave councillor who, by a common consent, should have the interpretation of those laws if any doubt arose.

ðWhen any offender should come before the Judge and hear the sentence read by him, the same offender might understand that he received nothing but right at the judge's hands.... It came to pass that such offenders ó without repining ó were willingly content to suffer any punishment, whatsoever it was, as the law appointed them. This custom grew into such force, that it never might yet be abrogated among those of the Western Isles. Even to this day, **they have their lawyers amongst them – without whose denunciation or decree, taken out of the register, no judgment is reputed lawful**.ö

Thereafter, **King Reutha succeeded to the throne in Scotland**. Holinshed explained<sup>210</sup> that he ðwas **chosen thereto, by the common agreement of all the States**.... This Reutha ó also perceiving the lack of all kinds of craftsmen in his realm, and of such as were expert in the liberal sciences ó caused a great number of most perfect artificers to be sent for. They were to dwell amongst his people, the better to instruct them in their occupations....

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<sup>209</sup> *Ib.*, V:45f.

<sup>210</sup> *Ib.*, V:49f.

Reutha furthermore perceived that through unskilful surgeons and physicians, many wounded and diseased persons were oftentimes cast away. So **he ordained, by the advice and consent of his council, that none should take it upon himself to be a surgeon or physician – unless he were by long experience beforehand well-practised in those sciences....** No man might, without a note of high reproach, pass by and keep silent about this matter. Indeed, this was according to the custom of the old Egyptians.ö

Next ruled Conan, from B.C. 170 onward. Recorded Holinshed:<sup>211</sup> öThe nobles and peers chose one Conan, lord of Galloway [in the extreme southwest of Scotland], to rule the State as governor. His authority had ever been great amongst the people. His study was chiefly employed in how to lead the lords and nobles of the realm back into concord....

öHe caused due punishment to be executed upon all such as lived by robbing..., of whom, in the beginning of his government, there was no small number. But he weeded them out in such a way that ere he left off, there was not one of them to be found. At length...this Conan renounced the administration, in presence of all the estates assembled in Parlement at Beregon. There, by common consent, Josina ö the brother of Thereus ö was chosen to reign as King.ö<sup>212</sup>

Furthermore: öThis Josina, having been proclaimed King, renewed the ancient leagues with the Picts and Brythons. He held physicians in great esteem..., having some knowledge of that faculty.... Two Spanish presbyters...who were philosophers [and perhaps Israelites from one of the ancient Hebrew colonies in Iberia?...]were received most joyfully by the King.ö

The philosopher-presbyters therefore admonished the Caledonians: öMen ought to worship the living God with...devout prayer, building Him a temple for that purpose and...performing vows only to Him!ø With these their sensible instructions, **they converted many of the Caledonian nation to their own viewpoint.**ö<sup>213</sup>

### **The B.C. 60 description of Britain (from B.C. 495f) by the Sicilian Diodorus**

Just before Caesar's abortive invasions of Britain in the years B.C. 55-54, around the year B.C. 60 the Greek Historian Diodorus Siculus<sup>214</sup> gave interesting religious and cultural descriptions of the British Isles. Those descriptions stretch from much more ancient times, down almost to those of the great Roman dictator Julius Caesar himself.

Diodorus of Sicily reminded<sup>215</sup> his readers that (the 495 B.C.) Greek historian and traveller öHecataeus and certain othersö had already visited öin the North, an island in the Ocean no smaller than Sicily...and...productive of every crop.ö That island could only have been Britain. Hecataeus added that it then still contained öa magnificent

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<sup>211</sup> *Ib.*, V:52f.

<sup>212</sup> *Id.*

<sup>213</sup> *Ib.*, V:49f.

<sup>214</sup> In his forty-volume *Hist. Lib.*.

<sup>215</sup> *Ib.*, 2:2:47f & ch. 3.

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sacred precinct...and a notable temple,ö and he further emphasized that öthe **majority** of its inhabitants are players on the harp...and sing hymns of praise to God.ö

The B.C. 60 Diodorus himself then further explained:<sup>189</sup> öThere are many islands out in the Ocean, of which the largest is that known as **Britain**.... We shall discuss the island and the **tin** which is found in it.

ö**Britain**, we are told, is inhabited by tribes which...**preserve in their ways of living the ancient manner of life**.... They fight in chariots, as the ancient heroes of Greece are said to have done **in the Trojan wars**.... They are plain and **upright in their dealings**.... The island is **very populous**.... The Celts never shut the doors of their houses; they **invite strangers** to their feasts, and have adopted a **civilized mode of life**....

öThey it is who work tin.... These people **obtain the tin by skilfully working the soil** which produces it.... Tin is brought in **large quantities also** from the island of Britain to the opposite Gaul, where it is taken...to the Massaliansö alias the inhabitants of Marseilles in southern France.

The Sicilian Diodorus also gave a description of the physical appearance of the Celts (including those in Britain). They were, he recorded, ötall of body; with rippling muscles; white of skin; and their hair is blond.ö<sup>216</sup>

Diodorus also stated that the famous Greek **Posidonius** visited Britain (around 100 B.C.) ö and was particularly **impressed by the farming techniques in the Midlands and the South**, and with the **mining techniques in Cornwall**. Apparently reflecting the feelings also of Posidonius, Diodorus himself then remarked:<sup>217</sup> öThe inhabitants of that promontory of Britain...are very fond of strangers and, from their intercourse with foreign merchants, are civilized in their manner of life.ö

Declared Diodorus about these Celts:<sup>218</sup> öThe belief of Pythagoras prevails among them ö that the souls of men are immortal.... When they go into battle, the [Brythonic] Gauls use chariots drawn by two horses.... The clothing they wear, is striking ö shirts which have been dyed in various colours, and breeches.... They wear striped coats...in which are set checks, close together, and of varied hues.ö *Cf.* Genesis 37:3 ö and Scottish tartans!

öFor armourö continues Diodorus, the Celts öuse long shields..., having the figures of animals embossed on them in bronze. These are skilfully worked....

öAmong them are also to be found lyric poets, whom they call bards. These men sing to the accompaniment of instruments which are like lyres, and their songs may be either of praise or of imprecation.ö *Cf.* Psalms 136 & 137 *etc.*

öPhilosophers, as we may call them, and men learned in religious affairs, are usually honoured among them ö and are called by them druids.... No one should perform a sacrifice without them.... For thankofferings should be rendered to God,

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<sup>216</sup> *Ib.*, 2:21f & 3:5:21f *cf.* 3:5:38.

<sup>217</sup> *Diod. Sic. op. cit.* V c. 2.

<sup>218</sup> *Op. cit.* 3:5:28-31.

they say, by the hands of men who are experienced in the nature of the Divine ó and who speak, as it were, the language of God.ö

The (60 B.C.) Greek Diodorus ó while expostulating on the Celts specifically of the British Isles<sup>219</sup> ó declares that öthe Britons...[also] dwell in Irisö alias Ireland. This clearly shows even Greek awareness not only of the close relationship between the Brythons and the Gaels, but also of the degree of even ancient intermingling between Brythons and Gaels within the British Isles.

Diodorus concludes that öthe valour of these people and their...ways have been famed abroad. Some men say that it was they who in ancient times overran all Asia [Minor] and were called ÿCimmer-iansø [alias Gomer-ians] ó time having corrupted the word into the name ÿCimbr-iansø as they are now called.... They are the people who captured Rome [around 111 B.C.]..., being called in time Greco-Gauls, because they mixed with the Greeks.ö

From all of the words above, it is clear that also in cultured Ancient Greek eyes, the Ancient Britons had a very sophisticated life-style. For the B.C. 60 Greek Diodorus here compares those Britons to öthe Trojan[s]ö; states that Britain was övery populousö; records that it had öa civilized mode of lifeö; and obtained ötin by skilfully working.ö

### **B.C. 55f: Julius Caesar's description of Ancient Britain**

The Roman tyrant Julius Caesar went to Britain for a lightning visit in B.C. 55. He returned again in B.C. 54, on an expedition lasting less than three weeks. He then recorded his first-hand impressions of Britain ó in his *Gallic War Commentaries*.<sup>220</sup>

Caesar writes<sup>221</sup> that in Britain there were many öfarm buildings...to be seen everywhere; and **there are great numbers of cattle.... For money, they use...coins of bronze or gold...of a fixed standard of weight....**

öThe druids are in charge of religion. They are responsible for all sacrifices, public and private, and they decide all questions of ritual. **Great numbers** of young men come to them for instruction, and the druids are very greatly honoured by their pupils.

öIt is **the druids**, in fact, who are the judges in nearly all disputes ó whether between tribes, or between individuals. In every case of crime or murder, or question of a disputed legacy or boundary, they are the people who give the verdict and assess the damages to be paid or received. **Any individual or community** failing to abide by their verdict, is banned from the sacrifices ó and this is regarded as the worst punishment that one can have. Those who are excommunicated in this way, are counted as criminals and evildoers.ö

Caesar continues: öOne druid is at the head.... On his death, he is succeeded by whatever druid is most honoured among the others. If there are more than one of equal dignity, the succession is determined by a vote of the druids....

<sup>219</sup> *Ib.* III:5:32.

<sup>220</sup> *Op. cit.* 4:19-21,30,36 & 5:8,11,14 & 6:13-20.

<sup>221</sup> *Op. cit.* 4:20f & 5:8f & 6:13-19.

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ōEach year on a fixed date, they hold an assembly.... Those who have disputes to settle, come from all over...to this assembly, and accept the verdicts and rulings given to them by the druids.

ōIt is thought that the druidical doctrine was discovered already in existence in Britain, and was brought from there to Gaul.... It is the rule for **those who want to become really expert** in the doctrine, to **go to Britain** and learn it there.ö

Caesar then concludes: öThe druids are exempt from military service, and do not pay taxes like the rest.... During their training, they are said to learn a great number of verses by heart ó so many, in fact, that some people spend twenty years over their course of instruction.

ōThey do not think it right to commit these doctrines of theirs to writing, though for most other purposes (public and private accounts for example), they use the Greek alphabet.... They do not want those who learned their doctrine, to rely on the written word and so fail to train their memories. For it is usually the case that when we have the help of books, we are not so keen on learning things by heart ó and allow our memories to become idle.ö

Continues Caesar concerning the druids: öThey lay particular stress on their belief that the soul does not perish but passes after death from the body.ö This is the teaching also of Old Testament Hebrew eschatology. See: Genesis 1:26f; 2:7; 47:9-29f (*cf.* Matthew 22:30-32; Ecclesiastes 3:21 & 12:7; Isaiah 26:19; Daniel 12:2-13). The druidic doctrine should not rashly be derived from that remarkable Pythagorean perversion of prior revelation known as *metempsychosis* (alias the transmigration of souls). Indeed, the Pythagorean doctrine seems to have been derived, pervertingly, from the more ancient and purer perceptions of the older druids.

Now the druids of Ancient Britain themselves ó continues Julius Caesar ó öalso hold long discussions about the heavenly bodies and their movements; the size of the universe and of the earth; [and] the physical principles of nature.... On all these subjects, they instruct the young men who are their pupils.ö Compare: Genesis 1:14,26-28; 2:9,15-17,24-25; 4:1-5; 5:1-5; 8:20-22; 9:27; 10:1-5; 12:6-8; 13:18; 18:1f,19; Psalm 8:1-9; Ecclesiastes chapters 1 & 3; *etc.*

Caesar adds<sup>222</sup> ó from his own depraved Pagan-Roman perspective ó that the Celtic Britons and their kindred Celtic Gauls öas a nation are **extremely religious**. As a result, people who are seriously ill or who have to face the danger of battle...employ the druids as officiating ministers....

ōThey believe that the Divine Majesty can be appeased only if one human life is offered in exchange for another [*cf.* substitutionary atonement].... They believe that God prefers the execution of men who have been caught in the act of...armed robbery.ö *Cf.* Exodus 22:2. Indeed, they further believe that öGod has...power in connection with moneymaking, and commercial undertakings.ö

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<sup>222</sup> *Op. cit.*, 6:16 (*Omnis natio Gallorum est admodum dedita religionibus*).

Caesar adds that the Celtic Britons and their kindred Celtic ðGauls all claim to be descended from [-God the Fatherø alias] -Father Disø... This is a tradition that has been handed down to them by the druids...

ðThey do not allow their sons to approach them in public ó until the youths have reached the age for military service [*cf.* Numbers 1:2f]... When he marries, a man contributes from his own property a sum equivalent in value to what he has received from his wife by way of dowry. A joint account is kept of the total, and the profits are set aside.

ðWhichever of the two lives longer, receives both portions together with the profits that have accumulated over the years.ø This, of course, is only after the death of the first-dying. Then: ðFunerals are splendid affairs, and cost a lot of money.ø

From all of the words emphasized above, it is clear that also in haughty Ancient Roman eyes, the Ancient Britons had a very sophisticated life-style. For even the B.C. 58 Ancient Roman tyrant Julius Caesar here comments on their gold coins; their honourable judges; their legacies and boundaries; their regular constitutional assemblies; their vast erudition; their mastery of Greek for public purposes; their knowledge of both religion and natural sciences; their commitment to revelation; and their accumulation of private property.

### **The B.C. 20 testimony of the Greek Strabo about Ancient Britain**

Around B.C. 20, Strabo described life in Britain at the very threshold of the Christian era. Those descriptions explain the attractiveness of that land to both Jew and Roman. They also help explain why Christianity soon struck root there ó as deeply and as early as it did.

Strabo, Greeceø famous geographer and historian of the Mediterranean World, lived from B.C. 64 till A.D. 19. In his perhaps B.C. 20 work *Geography*,<sup>223</sup> he wrote the following:

ðBritain is triangular in shape, and...overgrown with forests.... It bears grain, cattle, gold, silver, iron, skins [or hides], and dogs.... These things, accordingly, are exported from the Island.... Beside some small islands round about Britain, there is also a large island *Ierne*ø alias Ireland.

From Free Britain, explains Strabo,<sup>224</sup> ðcertain princesø brought to the Roman Empireø ðcapital...gifts or presents.... They pay for wares.... There is no need for any army or garrison of men-of-war to guard the Isle.

ðMen have seen Britain and Ierne.... There are three sets of men who are held in exceptional honour ó the bards, the vates, and the druids.... The bards are singers and poets; the vates, advisers and natural philosophers; while the druids, in addition to natural philosophy, study also moral philosophy.

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<sup>223</sup> *Op. cit.*, I (I.4.3) & II (IV.4.4-6 & V.4.1ff). See too Seebohmø *op. cit.*, p. 248.

<sup>224</sup> *Op. cit.*, IV:5:2 *etc.*

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“The druids are considered the most **just** of men... They are entrusted with the decision not only of the private disputes but of the public disputes as well ó so that...they even arbitrate cases of war... The murder cases in particular are turned over to them for decision...”

“Not only the druids but others [in Britain] as well, say that men’s souls and also the universe are unannihilatable ó although both fire and water will at some time or other prevail over them.” Cf. Psalm 102:26f and Isaiah 34:4 & 51:6 with Second Peter 3:10f. The Britons “would not sacrifice ó without the druids.”

Greece’s B.C. 20f geographer Strabo describes “Londinium” ó alias *Lud’s Dun* (or Lud’s Fort) alias London ó as famous for the vast number of merchants who resorted to it for its widely-extended commerce. Writers just before and contemporary with Strabo mentioned its fame for the abundance of every species of commodity which it could supply. They speak of British merchants bringing to the Seine and the Rhine shiploads of corn and cattle, iron and hides ó and taking back brass, ivory and amber ornaments.<sup>225</sup>

Strabo also gives a very interesting account of a Celtic visitor to Greece. He says that the cultured Briton “came...with a bow in his hand...; a plaid wrapped about his body; a gilded belt encircling his loins; and trousers reaching from the waist down to the soles of his feet.” Moreover, he was “diligent in the quest of wisdom; [and] fond of friendship.... He spoke Greek with [such] a fluency, that you would have thought he had been bred up in the Lyceum, and conversed all his life with the Academy of Athens.”<sup>226</sup>

### **Other famous testimonies about Ancient Britain**

Rev. Dr. John T. McNeill explains<sup>227</sup> that in Ireland’s famous B.C. 150 writing *The Cattle-Raid on Cooley*, the famous druid Cathbad is stated to have had a hundred pupils. Pomponius Mela, a contemporary of St. Paul, states of the druids that “they profess to know the size and shape of the world; the movements of the heavens (and the stars); and the will of God.”

Later, Rome’s A.D. 98f historian Tacitus referred to the situation in Britain around A.D. 60. He stated:<sup>228</sup> “Britain contains gold and silver and other metals, as the prize of conquest. The Ocean, too, produces pearls.” He wrote<sup>229</sup> that London alias “Londinium...was much frequented by a number of merchants and trading vessels.”

Writing about A.D. 100, Tacitus also mentions<sup>230</sup> the apparently-Christian Lady Pomponia of Britain ó who flourished around A.D. 50. Also before emigrating to Rome, she certainly appears to have been highly literate, even in Greek. Hence her nickname: *Graecina*.

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<sup>225</sup> Strabo’s *Geog.* iii.175 & iv.199.

<sup>226</sup> Cited in Gordon’s *op. cit.*, p. 122.

<sup>227</sup> *The Celtic Churches – A History, A.D. 200-1200*, University Press, Chicago, 1974, p. 8.

<sup>228</sup> *Agric.*, 12.

<sup>229</sup> *Annals* 14:33.

<sup>230</sup> *Ib.*, 13:32.

Also Ireland is known to Tacitus. "Hibernia is situated between Britain and Spain, and is very accessible from the shores of Gaul... Its ports are **well-known** to merchants. Both in character and in climate, it is very like Britain."<sup>231</sup>

Sir Edward Coke, the great A.D. 1628 Puritan and English Attorney-General ó has drawn the right conclusion. Coke declares:<sup>232</sup> "That the laws of the Ancient Britons, their contracts and other instruments, and the records and proceedings of their Judges were written sentenced in the Greek tongue ó it is plain and evident."

Coke then proceeds: "Add secondly to this the daily commerce and traffick betwixt those Britons and French so much spoken of by Caesar, Strabo and Pliny ó and [there is] therefore no doubt but they [the Ancient Britons] used one and the same form of covenanting by writing.... That it was in Greek, Strabo plainly affirmeth...."

"The Massilienses, [the inhabitants of] a Greek colony [in French Marseilles] ó and, as histories report, the chiefest merchants in the world next [to] the Phoenicians ó so spread abroad the desire of learning their language that...they did write...their deeds and obligations in Greek.... That there passed continual traffic likewise betwixt these very Massilians and the Britons, Strabo...directly affirmeth.... Saith he, they used to fetch tin from the British islands to Massilia (Marseilles)."

Thus Lord Chief Justice Sir Edward Coke.

### **When did the Gospel first arrive in the British Isles?**

After many centuries of pre-incarnational preparation of both Britain and Ireland for the advent of Christianity, possibly Jesus Himself and certainly his alleged uncle Joseph of Arimathea and also Philip could well have taken the Gospel to the British Isles by A.D. 35. Thus, Acts 1:8 and 8:1-4 and 11:19f and 21:8 are all seen to be of some significance as regards the likelihood of such an early evangelization.

The A.D. 95 Clement of Rome, in his *First Epistle to the Corinthians* 5:21 (*cf.* *Philippians* 4:3), wrote that Paul "was the herald of the Gospel in the West" ó and only suffered martyrdom in Rome "after he had been in the extremity of the West." By this, Clement probably meant either Celtiberian Spain or the related Celtic Britain (or both).

Indeed, a century later, Tertullian and Hippolytus both insisted that Christianity had reached Britain before their own times. And also Dorotheus and Eusebius, still before Nicaea, insisted that Britain had been evangelized already during the Apostolic Age. See our next section below.

The writings of Gildas,<sup>233</sup> Britain's oldest extant historian, place the arrival of the Gospel in Britain at before A.D. 37. The Reform Councils of Pisa, Constance, Siena and Basle ó all corroborate that the British Church was the oldest in antiquity. So too even the Romanists Polydore Vergil, Cardinal Pole, Genebrard and Baronius ó and

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<sup>231</sup> *Agric.* 24.

<sup>232</sup> In his famous *Reports* (*Preface* in Vol. II).

<sup>233</sup> Gildas: *Ruin of Britain* 8.

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the great Irish Commissioner appointed to the Westminster Assembly, Rev. Professor Dr. Bishop James Ussher.

Ancient Druidism was a preparation for the Gospel in Early Britain. Moreover, there are many Biblical predictions which seem to have been fulfilled in Britain's early evangelization ó such as Isaiah 24:14-15f & 42:1-12 & 49:1-22. There is also evidence that even Joseph of Arimathea brought the Gospel to Britain. See in Eusebius, Maelgwyn, Gildas, Isidore, Freculph, Nenni, Baronius, Cressy, Hearne, Professor James Ussher, Dr. John Owen, Dr. H. Williams & Rev. R.W. Morgan.

Joseph of Arimathea seems to have been helped at Glastonbury by Josephes, Lazarus, Mary and Martha. Other evangelists not of Joseph's party in Britain before the Pagan-Roman invasion of A.D. 43, would seem to have included the Apostles James and Peter and Simon the Zealot (thus Dorotheus and Eusebius) ó and the disciples Clement, Cyndaf and Ilid. Such Hebrew Christians straight from Palestine, were the ðStrangersö or -Culdeesø ó thus the *Ancient British Triads* (compare First Peter 1:1).

The great famine of Acts 11:28 had much missionary significance. So too did the *Claudian Edict* of Acts 18:2 ó which apparently expelled not only Judaistic Hebrews but also Hebrew Christians and British Druidists from the western parts of the Roman Empire (and even into Britain therebeyond).

The story of an Irish soldier named Altus being at Calvary, is set out by Professor Stokes and by Dr. McNeill. Haverty notes the two early Irish missionaries Mansuet and Sedul ó Mansuet having been baptized in Britain in A.D. 40. Indeed, even the Apostle James is said to have preached in Ireland by A.D. 41. Thus Maximus, Richard of Cirencester, Holinshed, Ussher, MacGoeghegan and Paton. Directly thereafter, in that same year, he is said to have visited and evangelized also in Britain ó thus Ussher, Flavius Dexter, Cressy and Paton.

Converts to Christianity in Britain before the A.D. 43 Pagan-Roman invasion seem to have included: King Llyr, Prince Bran, King Gwydyr, King Arviragus and Prince Caradoc. Thus the *Triads*, Archdeacon Williams, and Rev. Lewin's *St. Paul*. Indeed, Rev. Dr. A. Cleveland Coxe in the *Ante-Nicene Fathers* believes of Caradoc that there is very strong reason to conclude he was a Christian.

From A.D. 43 till 87f, Britain had to defend herself against a sustained invasion by the Pagan Romans. There are implicit suggestions in Tacitus and in Suetonius that the great British General Caradoc and Lady Pomponia may well have embraced Christianity. After Caradoc's capture by the Romans, his relative King Arviragus and later Queen Boadicea continued the fight against them. Later, for quite some years, Venut fought successful battles against the Romans on the borders of Cumbria. Remarkably, from A.D. 75 to 87f, King Arviragus's son Prince Meric ruled over Britons from Westmorland in Cumbria.<sup>234</sup>

Yet the Roman juggernaut rolled ever northward ó as seen from Tacitus's account of Agricola's campaigns against the Britons from A.D. 78 to 85. Yet Meric's

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<sup>234</sup> Thus *The Old English Chronicle* and *The Scottish Chronicles* ó according to Holinshed's *Description of Britain* I:197f and his *History of England* I:503 and his *History of Scotland* V:72f.

Cumbrian descendants Coell and Llew, and later also the latter's descendants Helen and Constantine, are all reputed to have ruled over Cumbria as the World's first Christian State ó within the Romano-British province of *Britannia*. Indeed, it was precisely from Christian Cumbria that Prince Ninian went forth to evangelize Scotland's Picts ó and St. Patrick went forth to evangelize the inhabitants of Ireland.

During the time of the Roman occupation of *Britannia*, the Britons occupied not only that latter province but also the rest of the island at least as far north as the Forth and the Clyde. Their original language, Brittonic, was later preserved as Cymric Welsh in Wales ó and as Cumbric in Cumberland/Westmorland in Greater Cumbria.

This latter region's extent northwards is marked by the Cumbraes (alias the islands of Cymry in the Clyde) ó and Cumbria, a district originally stretching from the Clyde to the Mersey.<sup>235</sup> It is precisely there that Christianity struck its deepest roots ó from the time of the A.D. 75f Prince Meric of Westmorland, through King Llew, to the Cumbrians Prince Ninian and St. Patrick himself.

### **Clear patristic evidence that Britain was soon reached with the Gospel**

Tertullian's *Apology* ó which Gibbon dates at A.D. 198 ó is a clear external authority that Britain had by then already received the first rays of the faith. According to Tertullian of Carthage,<sup>236</sup> there were ðhaunts of the Britons inaccessible to the Romans but subjugated to Christ.ö Similarly, Christ would soon subjugate also nearby Ireland, as a matter of course.

In A.D. 215f, Hippolytus of Rome stated that the Apostle Paul's associate Aristobulus visited Britain. As a result, ðall now see ó even to the north, and as far as the Britannic Islands.ö<sup>237</sup> Indeed, by A.D. 220, Sabellius of Rome conceded<sup>238</sup> that ðthe first nation which...called itself ðChristianø after the name of ðChristø ó was Britain.ö<sup>239</sup>

The historical writer Isabel Hill Elder alleged<sup>240</sup> that after the introduction of Christianity, the druids ó wherever they accepted the new religion ó became Overseers or Presbyters. This was the case especially in Britain ó and, after Patrick's Ministry, also in Ireland.

Probably mindful of Julius Caesar's statement<sup>240</sup> that, even in B.C. 58, Druidism was already headquartered in Britain ó Origen of Egypt significantly observed<sup>241</sup> around A.D. 230 that ðthe Druidsö were well-renowned for the ðresemblance between

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<sup>235</sup> *Hist. Hist.* XXI pp. 331f.

<sup>236</sup> Tertullian: *Against the Jews* ch. 7 (cf. his *Apology* ch. 37).

<sup>237</sup> See Bauer's *Hippo. Chron.*

<sup>238</sup> *Enno*, VII:5.

<sup>239</sup> *Op. cit.*, pp. 71-73 & 68-69.

<sup>240</sup> *Op. cit.*, 6:13.

<sup>241</sup> Origen: *Against Celsus* I:18.

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their traditions and those of the Jews.ö Indeed, Origen further stated<sup>242</sup> that öthe divine goodness of our Lord and Saviour is equally diffused among the Britons.ö

The A.D. 303 Dorotheus of Tyre insisted<sup>243</sup> that öAristobulus...was made Bishop of Britainö and that the Apostle öSimon Zelotes preached Christö and died öin *Britannica*.ö Indeed, the A.D. 320 Eusebius of Caesarea wrote<sup>244</sup> that öthe Apostles passed beyond the Ocean to the islands called the Britannic.ö

During Patrick's lifetime, Theodoret of Syria wrote around 420 A.D.<sup>245</sup> that öPaul preached Christ's Gospel to the Britons.ö About A.D. 450, Maelgwyn of Llandaff (the uncle of St. David of Wales) explained<sup>246</sup> that öJoseph of Arimatheaö had died in öAvalonö alias Glastonbury in Britain. And around A.D. 560, the oldest extant British church historian Gildas the Wise recorded<sup>247</sup> that Christianity had reached Britain absolutely no later than A.D. 37.

Summarizing this section on Britain before Patrick, the following points can be made. First. Even many German Bible commentators regarded the Britons as the descendants of the Japhethitic Gomer (Genesis 10:1f).

Second. It is clear the Ancient Britons did indeed for a very long time ödwell in the tents of Shemö (Genesis 9:27). This can be seen from their trinitarian deology; their flood account tradition; their regular intercourse with traders from the Near East during Old Testament times; and their own -decalogicalö *Mulmutian Code*.

Third. The Ancient British institutions of Druidism, of confederate government, and of capital punishments ó clearly reflected the *Torah*. They also anticipated ó the advent of Christ.

In that latter regard, compare the words druidhean in the Alba-Gaelic Bible; draiothe in the Ulster-Gaelic Bible; and doethion in the Welsh Bible. For such are the words used to translate the Greeks words *magoi* and *magous* at Matthew 2:1 & 2:7 ó which are rendered öwise menö in the English Authorized Version. Compare too the Welsh word for druid: derwydd.

Fourth. The Ancient Britons were highly civilized. This was acknowledged even by Greek or Latin or Phoenician foreigners ó like Hecataeus, Himilco, Pytheas, Posidonius, Diodorus Siculus, Julius Caesar, Strabo, Pomponius Mela, the Elder Pliny, and Tacitus.

And fifth. The many British traditions that Christianity was established in Britain during the apostolic age, are supported also by many non-British Ante-Nicene Church Fathers. This is done implicitly by Clement of Rome, Tertullian, and Origen; and explicitly by Hippolytus, Dorotheus and Eusebius.

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<sup>242</sup> Origen: *Homily VI in Luke*.

<sup>243</sup> Dorotheus: *Synopsis of the Apostles* 9.

<sup>244</sup> Eusebius: *Demonstration of the Gospel* III:5:12.

<sup>245</sup> Theodoret: *Church History* IV:3.

<sup>246</sup> Cited in Morgan's *op. cit.*

<sup>247</sup> Gildas: *Ruin of Britain* 8.

### III – BRITAIN FROM PATRICK TILL THE *WESTMINSTER CONFESSIO*N

In this last section, we shall quickly trace the stabilization of a Christian culture in both Britain and Ireland. We shall see that this was done on the basis of their Common Law, as stimulated by thinkers like the A.D. 389f British Missionary St. Patrick.

It is true that such Christian cultures slowly became polluted ó since the advance of the papacy from A.D. 600 onward. Already from the 664 Synod of Whitby onward, England became increasingly semi-papalized. Yet among the Celts in Scotland and Wales and especially in Ireland, the Proto-Protestant Culdee Church held out for many more centuries.

Renewed by Wycliffe's Pre-Reformation from 1360 onward ó it never altogether disappeared, but hung on right down to the Protestant Reformation. Then, especially the 1615 *Irish Articles* re-promulgated these glorious truths ó and set the stage for their perfection in the 1645f *Westminster Confession of Faith*.

#### **Ireland before its evangelization by the Cumbrian Briton Patrick**

Ever since the Apostle James's visit to Ireland during the first century of the Christian Era, there had been small groups of Christians there. Possibly the Trinitarian and certainly the Pelagian controversies reached even Ireland. However, until Patrick's ministry there from about 432 onward, Christianity had little impact upon the Emerald Isle.

In 410, the Irish Christians Sedul(ius) and Celest(ius) had opposed Pelagianism in their homeland. So too did the Brython Pallad(ius), a Celtic Missionary to Ireland. Sadly, in A.D. 421 Pallad seceded from his own British Culdee Church ó and romanized.<sup>248</sup> Significantly, however, his impact on Ireland was so minimal as to be almost discountable.

At that time, both Britain and Ireland had confederate systems of government. As the *Historians' History of the World* remarks,<sup>249</sup> after the A.D. 397f Roman withdrawals and before the A.D. 449f Saxon attacks on Britain ó there was indeed some appearance of combination and courage on the part of the civilized Britons. The towns entered into **confederacies** for mutual support. Such was, of course, the historic situation also of their kindred Celts in Ireland.

As already noted,<sup>250</sup> there is some evidence that the Apostle James visited Ireland and preached there. As observed by the modern Irish Presbyterian church historian Rev. Professor Dr. Alan Loughridge,<sup>251</sup> Ireland was a Celtic land of tribal institutions

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<sup>248</sup> Elder: *op. cit.*, pp. 124-30.

<sup>249</sup> *Op. cit.*, XVIII, pp. 31f.

<sup>250</sup> See N. Lee's *Roots and Fruits of the Common Law*, ch. 10 nn. 162f.

<sup>251</sup> A. Loughridge's *Ireland*, art. in ed. J.D. Douglas's *New International Dictionary of the Christian Church*, Zondervan, Grand Rapids, 1974, pp. 515f.

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and druidic influences. There were not many Christians in that country, even among the Iro-Scots ó before the missionary work of Patrick.

We learn<sup>252</sup> something more about Pre-Patrician Irish Christianity from the *Chronicle of Prosper of Aquitaine*. Writing very shortly after A.D. 431, Prosper wrote that in that year ðPalladius was consecrated by...Coelestineö ó alias Coelestinus the Bishop of Rome. Pallad was then ðsent to the Scots [meaning the Ulster Iro-Scots] who believe in Christ ó as their first bishop.ö

The romanizing Pallad attempted to inflict himself as what would then have been their **very first romanizing bishop**. The fact that Pallad was singularly unsuccessful in this, evidences the strength of the Pre-Palladian Proto-Protestant convictions of such Iro-Scots as were already Christians.

Agreeing with this, also the [*Iro-*]Scottish *Chronicles*<sup>253</sup> avouch that Ireland had already been reached for Christianity somewhat, around A.D. 359. Possibly that could even by then have involved the missionary work in Ireland by Declan from Gaul. Yet it was especially Patrick who won Ireland for Christ.

### **The Life and Work and Writings of the Christian Briton Patrick**

Irelandø Apostle Patrick, alias Padraig or Succat, was the covenant child of the Christian Churchø deacon Calpurn, and the grandson of presbyter Pottitt from the village of Banna Venta Burniae. There Patrick was born, around A.D. 385 ó probably in northern *Britannia*ø Cumbria (south of the Solway in Britainø Southern Strathclyde).

Raised in a Bible-believing Christian community which normally spoke Brythonic Cumbrian, Patrick could also read and write Latin. He was captured by pirates ó and sold into slavery in Ireland when but sixteen. After having learned some Gaelic Irish, and at the termination of his captivity in Antrim six year later, he returned to Britain. There, like his grandfather, he too became a presbyter.

Heeding a divine call to return to the Gaelic Irish, Patrick went and preached to them for several decades ó and even secured the conversion of Ireland as a whole. Patrick won much of the family of the Irish High-King Laioghair, and most of Irelandø under-kings and the chieftains of her independent states and regions, for Christ ó and so too many of the druids. Indeed, he also christianized and codified Irish Law ó and ordained especially from the converted druids at least one Minister of the Word and Sacraments for each of the hundreds of congregations he established.

After many years, soldiers of the Brythonic King Coroticus cruelly kidnapped some of the Christian Irish whom Patrick had converted ó and attempted to sell them to the then-still-pagan Gaelic Scots and Ancient Picts in what is now Scotland. Patrick protested, in his *Epistle to Coroticus*.

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<sup>252</sup> Migne: *Pat. Lat.*, Paris, LI, col. 595.

<sup>253</sup> Holinshed: *op. cit.*, VI:83f.

In his famous *Hymn of the Deer's Cry*, Patrick's Trinitarian Theology and Puritan Piety are clearly set out. This is also seen in the Patrician Poem of his nephew the Presbyter Sechnall (alias Secundinus) and further in the ancient Irish morning prayer known as the *Lorica*, taught by Patrick to his followers. Finally, Patrick's autobiography or *Confession* apparently written just before his death at a very old age discloses the divinely-donated discipline of this godly man.

Patrick's extant writings quote from many of the Biblical books of the Old Testament, and also from fully 23 of the 27 books of the New Testament. In addition, his writings further show some acquaintance with the works of the Gallic Christians Irenaeus of Lyons and Victorinus of Pettau, as well as with those of the great Carthaginian Christians Cyprian and Augustine.

This is an appropriate place to say something about also the great Celtic missionary Garmon alias St. Germain (A.D. 380-448). He taught the Briton Succat or Padraig alias St. Patrick for twelve years. Indeed, together with Pallad the British missionary Garmon combatted Pelagianism in Britain in A.D. 429.

### **The British Culdee Christian Patrick's view of clerical celibacy**

Now it certainly seems, according to F. Delaney in his book *The Celts*,<sup>254</sup> that the records from Patrick anent the Early Irish Church do establish that its clergymen were not usually celibate. Indeed, those records also establish that the Irish Church celebrated Easter in the Palestinian-Johannine alias the Non-Roman way.

For the Patrician documents declare that Irish bishops distinguished and holy and full of the Holy Ghost 350 in number, [were] all founders of churches.... They celebrated one Easter on the fourteenth moon after the spring equinox.... They [= those made bishops] did not reject the service and association of women because they were founded on the Rock called Christ.

Consequently, in the Early Irish Church, the 350 bishops were all founders of churches or alias one bishop or preaching elder per congregation, and every congregation with its own preaching overseer (who co-governed it together with a group of ruling elders). Here we encounter the parity of Proto-Presbyterianism not the hierarchy of early Episcopalianism!

Moreover, the Early Irish Church exhibited and long maintained bishoprics of qualified male Christians who were usually also heads of households. For there was no sacerdotal priesthood only of certain men alone. Instead, there was a universal priesthood of all believers regardless of age or gender.

Up to two hundred families lived together in each of those local social groupings. Even during the later times of the Viking raids, themselves stretching over several centuries, the above-mentioned communities of Irish Christians continued right down till the twelfth century. Men and women in groups of **families** worked together. They did so often behind high monastic walls erected not to segregate a man from his

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<sup>254</sup> *Op. cit.*, Guild, London, 1986, pp. 50f.

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wife, but to defend those groups of holy families against the secular scourges from Scandinavia.

Dr. A.G. Richey (LL.D. & Q.C.) ó Sometime Deputy Regius Professor of Feudal and English Law in the University of Dublin ó has insisted<sup>255</sup> in his *Short History of the Irish People* that the increasingly-celibate Roman form of church government was utterly unfit for clannish Ireland. There, it was inevitable that Christian monasteries would necessarily need to contain whole families.<sup>256</sup>

### **Irish Culdee Monasteries were Family Schools and Defence Centres**

Also Hall's *Early Christian Ireland* points out<sup>257</sup> that these Celtic monasteries were later effective defences against marauding Vikings. There, the whole family would fight. Indeed: the monasteries founded by St. Asaph, St. Kentigern, St. David, St. Gildas and others in Celtic Britain ó in Wales, Cumbria, and the Lowlands ó were exactly on the same plan as those of the Irish.

They were all abbeys ó in which not only men but also women dwelled and worked together with their children. They included the whole Christian population of the area ó and kept them all devoted to learning and to agriculture.

Patrick had taught many to be prophets and sons of the prophets ó or rather to be presbyterial elders and sons of the presbyters ó in Ireland. Benan followed Patrick, as Elisha had followed Elijah. Patrick baptized also the little swineherd Mochua, and then taught him to commit to memory first the Psalter and then the Gospels.<sup>258</sup>

Irish Teachers themselves soon followed Patrick's example. Thus Molua was raised from babyhood in Bangor Monastery in Ulster. Later, Columba was instructed by the old Pictish presbyter Cruithnechan. Indeed, Brendan was trained by Ita, until he was seven ó and then later went off to Iceland and toward America. Ciaran of Clonmacnoise would carry his Psalter to his Teacher Jutus at Fuerty ó and copy out the lesson with his pointed *graif* on a wooden tablet covered with wax.<sup>259</sup>

Rev. Dr. Duke<sup>260</sup> gives the following gripping description of Christianity in Ireland from A.D. 460-560 even before the time of the great Columba. He says at a time when everywhere else in Britain and on the Continent the waves of barbarian invasion were sweeping over everything and submerging in destruction all culture and civilization ó 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 or Christian centres of common learning ó those of Aran, Bangor, Clonard, Clonfert, Clonmacnoise, and Moville ó became Universities of European fame to which students flocked in thousands from all countries. Greek and Hebrew were also studied.

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<sup>255</sup> A.G. Richey: *A Short History of the Irish People*, Hodges & Figgis, Dublin, 1887, p. 71.

<sup>256</sup> *Ib.* pp. 80 & 100.

<sup>257</sup> *Op. cit.*, pp. 3f, 141 & 151f.

<sup>258</sup> Concannon: *op. cit.*, pp. 32-34.

<sup>259</sup> *Ib.*, pp. 43f.

<sup>260</sup> *Op. cit.*, p. 52.

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 those old Irish monks and of the love and reverence which they had for the Holy Scriptures. There was nothing anywhere at the time to surpass or to equal the standard of culture which was to be found in the great monastic schools of Ireland ó from which the Irish Scots migrated into Scotland especially from the fifth century A.D. onward.

### ***The Historians' History on Patrick's Irish Church***

According to the *Historians' History of the World*,<sup>261</sup> in Ancient Ireland the nation consisted of groups of tribes connected by kinship and loosely held together under a graduated system of tribal government. The church which grew up under such a system was organized exactly like a lay society.

Later, when a chief became a Christian and bestowed his *dun* (or castle) and his lands to the Church, he at the same time transferred all his rights as a chief. Yet these still remained with his *sept* or clan.

In this new *sept* or clan (within the Irish Church), there was consequently a twofold succession. The religious *sept* or family consisted in the first instance not only of the ecclesiastical persons but of all of the *celi* or vassals and tenants and slaves connected with the land bestowed upon the Church.

The head was the *Comarba* (compare the *Coarba*) ó the co-heir or inheritor both of the spiritual and temporal rights and privileges of the founder. He in his temporal capacity exacted rent and tribute like other chiefs.

The ecclesiastical colonies that went forth from a parent family, generally remained in subordination to it in the same way that the spreading branches of a secular clan generally remained subordinate to it. The heads of the secondary families were also called the *comarpi* of the original founder of the religious clan. Thus there were *comarpi* of Columba at Iona, Kells, Durrow, Derry and other places.

The *Comarba* of the chief family of a great spiritual clan was called the *Ard-Comarba* or High Co-heir. The *Comarba* might be either a bishop or an abbot. But in either case all the ecclesiastics of the family were subject to him. In this way, it frequently happened that bishops were in subjection to abbots (who were presbyters).

The Church founded by St. Patrick was identical in doctrine with the churches of Britain and Gaul and other branches of the Western Church. There is no evidence that the Pelagian heresy found an entrance there. Its organization was, however, peculiar. Countries in the tribal state of society are very tenacious of their customs. The Irish Church preserved these peculiarities for a long time ó and carried them into other countries. Thus the *Historian's History*.

The later survival of the druids under the name of the grades or orders of *ecna* and *filidecht*, may be described conventionally as bards. It is proved by the proposal of

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<sup>261</sup> *Op. cit.*, XXI pp. 331-42.

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King Aed (572-599 A.D.), the son of Ainmire. Columba advocated and secured their reform. (Indeed, he himself claimed: "The Son of God is my druid!")

### **Patrick's disciples not Romanists but clearly Proto-Protestants**

The following significant anecdote indeed lacks humour, but not factuality. On March 15th 1988, the Romanist Sean MacRiommáin confidently stated on the British Broadcasting Corporation's program "Thought for the Day" that it was the pope who had sent Patrick to Ireland. Providentially according to the March 1988 *Orange Standard*, the following excellent letter by "a Son of Patrick" (published in the *Belfast Newsletter*) ably refuted the above absurd claim. It did so, as follows:

The simple facts are that Patrick came to Ireland in 432, as a missionary sent by God. He came from Proto-Protestant Culdee Cumbria (in Britain) not from Rome, nor from the Romish Church (which was then still confined to the central part of Southern Europe).

It was not till A.D. 590 that the Bishop of Rome was ever called "Sole Pope" even in Rome. More than a century-and-a-half prior thereto, however, Patrick established a Christian apostolic and independent Celtic Church in Ireland. That, for almost seven centuries thereafter, would pay to Rome no allegiance nor subservience whatsoever.

Then, in 1152, a papal legate came to Ireland. This was John Paparo, the first visitor from Rome ever to do so. He managed, in March of that year, to form a Synod for the purpose of gaining some control over the Church in Ireland.

He partially succeeded; but only partially. So, twenty years later (in A.D. 1172), Pope Adrian IV the only English Pope which Rome has ever had wrote from Rome to King Henry II of England. The pope said he would be very pleased if Henry would invade Ireland, and bring the rebellious people there under Roman control. Henry obeyed, and conquered.

Pope Adrian IV then again wrote to Henry, praising him in glowing language for subduing Ireland. He even alleged that the Irish were a "barbarous" people<sup>262</sup> that is, a nation of Celts who even in 1172 were still stubbornly resisting the pretensions of the Antichrist in the Italian Vatican!

One must not neglect to add the following postscripts about the work of the Briton Patrick in Ireland. They are taken from the noted Irish Roman Catholic historian O'Driscoll, in his books *Views of Ireland*<sup>263</sup> and *History of Ireland*.<sup>264</sup>

O'Driscoll presents a true picture of the early Irish Church. He states<sup>265</sup> that the Christian Church of Ireland, as founded by St. Patrick, existed for many centuries free and unshackled. For about seven hundred years, this Church maintained its

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<sup>262</sup> *Focus* (Lewes, Sussex: 6 Orchard Rd.), May/June 1988, p. 2.

<sup>263</sup> R.C. O'Driscoll's *Views of Ireland*, II, p. 84.

<sup>264</sup> R.C. O'Driscoll's *History of Ireland*, pp. 26f.

<sup>265</sup> I.H. Elder's *op. cit.*, pp. 129-31.

independence. It had no connection with England, and differed on points of importance from Rome.

England's King Henry II was to reduce the Church of Ireland into obedience to the Roman Pontiff in 1172. The ancient order of the Culdees had existed in Ireland even prior to St. Patrick. All their institutions proved the Culdees were derived from a different origin than that of Rome. The Church-discipline of the Culdees seems to have afforded the model for the modern **Presbyterian Establishment** of the Iro-Scots in Scotland. Thus O'Driscoll.

### **The missionary zeal of Patrick's Irish Culdee Christians**

As Alice Stopford Green declares in her book *Irish Nationality*,<sup>266</sup> the Pre-Mediaeval Irish never adopted anything of Romish methods of government in Church or State. The Romish centralized authority was opposed to the whole habit of thought and genius. Round the Celts' little monastic church, gathered a group of huts. Monastic families which branched off from the first house were grouped under the name of the original founder, in free federal union like that of clans.

**Territory given to the monastery was not exempted from the Common Law.** It was ruled by abbots elected like kings and judges of the tribe out of the house which under tribal law had the right of succession. There was scarcely a boundary felt between the divine country and the earthly one so entirely was the spiritual life commingled with the national.

Neither was their property held communally, in the early and in the mediaeval monasteries of Ireland. There too, each had the sole and exclusive right to the fruits of his own labour. Thus, in *Finian v. Columba* decided before King Dermott at Tara in A.D. 567 it was resolved to assign to every cow her own calf.

### **Armagh and Bangor become strongholds of Christianity in Ulster**

Since Patrick and largely because of him, as Dohrs points out in his book *Ireland*,<sup>267</sup> in that country Christianity has become a large factor. The city of Armagh has played an important role. It is one of the most ancient settlements in Ireland perhaps 5000 years old.

In the fourth century B.C., Queen Macha built a great fortress-palace on a nearby hill. For many centuries, that was the governmental seat of Ulster. Perhaps because of this, St. Patrick established Armagh as the chief ecclesiastical seat of Ireland which it remains even today.

The Armagh Protestant Cathedral stands on the site of St. Patrick's first church, built about 445. The light of Western learning and culture was kept burning in Armagh during the Dark Ages on the Continent of Europe. To Armagh came religious Leaders and Scholars from Britain and Europe, as well as Princes and Kings, to learn about the glory of God.

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<sup>266</sup> *Op. cit.*, pp. 32f.

<sup>267</sup> F.E. Dohrs: *Northern Ireland*, Garden City N.Y.: Nelson-Doubleday, 1967, pp. 58-61,46-7,11.

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Again, Bangor in Ulster was a famous city of the saints and seat of learning second only to Armagh, during the early period. Students from all over Europe came to study at Bangor. Numerous missionaries went overseas. Perhaps the most famous of these Missionaries, was Gallus who gave his name to the Canton of St. Gall in Switzerland where many old Irish manuscripts have been kept for centuries.

Even today, the Neo-Culdee Presbyterians still constitute the largest religious group in Ulster. Together with other Protestants, they yet make up the overwhelming majority of the population there. Indeed, estimates suggest one-sixth of the entire population and many more of the leaders of the American colonies at the outbreak of the War for Independence in 1776, was of Ulster stock.

During the first six centuries of our Christian Era, especially Brythonic Christians such as Cumbrians like Ninian, Patrick, Gildas and Mungo alias Kentigern would evangelize the rest of the British Isles. As a result, the Isles would soon yet further develop in peace of their own unfolding of a Christian-British way of life.

Soon also the Irish Church followed suit and sent Culdee Missionaries, with their Proto-Protestant Gospel, not only throughout the Anglo-Saxon regions of England but also all over Western and Northern Europe. Notable were especially the Culdees Columba of Iona and Aidan of Lindisfarne, as well as the strongly anti-papal Columban(us) of Ireland. Some, like Columban(us) himself, went as far as Switzerland and even into Northern Italy itself. Only the expanding power of the papacy prevented their further advance.

### **The nature of the Patrician Church in the British Isles**

From the beginning, the Church of St. Patrick among the Scots in Ireland was monastic, as is proved by a passage in his *Confession*. There, speaking of the success of his mission, he says: "The sons of Scots and daughters of Chiefs appear now as monks and nuns of Christ."

It must be remembered, however, that such could marry and often did. Indeed, Patrick himself was the son of presbyter Calporn and his wife Conch and also the grandson and great-grandson of clergy.

Hence, the early Irish monasticism was unlike that known at a later period. An Irish *coenobium* or monastery of the earliest type was simply an ordinary *sept* or family, whose Chief had become a Christian.

He, making a gift of his land, either retired (leaving it in the hands of a *Comarba*) or remained as the religious head himself. The family went on with their usual avocations but some of the men and women practised celibacy, and all joined in fasting and prayer.

The Britons in Roman times occupied, if not the whole island, at least as far north as the Forth and Clyde. Their language, Brittonic, was later called Cymric. Its extent

northwards is marked by the Cumbraes (the islands of Cymry in the Clyde) ó and Cumberland, a district originally stretching from the Clyde to the Mersey.<sup>268</sup>

After the Romans withdrew from what had for some three centuries been their province of *Britannia*, in the days of St. Patrick the Brythonic Chief Vortigern became the Supreme King or *Ard-an-rhaig* of independent Britain. In the preface to the *History of the Britons* by the A.D. 805f Welsh historian Nenni,<sup>269</sup> Vortigern seems to have had the whole of what till just previously had been Roman Britain ó under his authority. Indeed, the very name ÆVer-tigernisø means ÆOver-Lordø (*cf.* the Irish *Ard-Ri* alias ÆHigh-Kingø).

Now one Foirtchernn was a son of Fedelmid the son of Laioghaire or Leary. He was *Ard-Ri* alias ÆHigh Kingø of Ireland throughout the period of the Christian Brython Patrickø's mission there. But Foirtchernnø's mother was a daughter of the King of the Britons. The name of the Princessø's father is not recorded. Yet there is a very great probability he was Vortigern, the then-contemporary ruler of Britain.

ÆFoirtchernnø is the Irish cognate of ÆVortigernø ó so that the child would then have taken his name from his motherø's father. Irish and later British authorities describe him as *Rex Britonnum* alias ÆKing of the Britonsø ó a title apparently taken over by the Anglo-Saxons, who rendered it *Brytenwealda* or *Bretwalda* alias ÆEmperor of Britain.ø

Also Professor Dr. Nora Chadwick asks<sup>270</sup> about the identity of ÆFoirtchernnø ó whose conversion is represented as taking place shortly after the encounter of St. Patrick with the druids on Tara Hill. Vortigernø's mother is said to be British; his grandmother the daughter of a British king. Both Foirtchernn and his father spoke Brittonic. The word ÆFoirtchernnø (ÆVortigernø or ÆOverlordø) is the virtual Brittonic equivalent of the Irish *Ard-Ri* (ÆHigh-Kingø). Thus Professor Nora Chadwick.

Even the noted Roman Catholic writer OøDriscoll states that the ancient order of the Culdees existed in Ireland even before Patrick (in A.D. 430f) ó and that all their institutions proved they were derived from a different origin than that of Rome.

The Church Discipline of the Irish Culdees seems to have afforded the model for the modern Presbyterian establishment of Scotland. The Christian Church existed for many centuries free and unshackled. For about seven hundred years, this Church maintained its independence. It had no connection with England, and differed on points of importance from Rome.<sup>271</sup> Thus the Romanist Scholar and Irish Historian OøDriscoll.

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<sup>268</sup> *The Historians' History of the World*, XXI p. 6.

<sup>269</sup> *Op. cit.*, Preface.

<sup>270</sup> N. Chadwickø's *A Note on the Name Vortigern*, in H.M. & N.K. Chadwick & Othersø *Studies in Early British History* p. 37f.

<sup>271</sup> The first work of Henry II, was to reduce the Church of Ireland into obedience to the Roman Pontiff in 1172.

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According to William of Malmesbury,<sup>272</sup> Patrick taught at Glastonbury in his old age. That was before his death and burial in 472 A.D.

After the time of Patrick, continues Malmesbury,<sup>273</sup> his successor ó after his death in A.D. 472 ó was Benignus. Who he was and what his name was in the native Brittonic tongue ó is expressed not inelegantly by the verses which are written as an epitaph on his tomb.

That epitaph runs: ðThe bones of father Beonna are disposed within this stone. He was...formerly Patrick's servant.... So say the Irish, who call him Beonna.ö

### **The further strengthening of Christianity in Cumbria and Scotland**

Following on the work of Ninian in Scotland [and of the Cumbrian Patrick in Ireland], writes Gladys Taylor,<sup>274</sup> came the Irish Princes Moluag and Maelrubha. They founded Applecross. Next, the Greater-Cumbrian Kentigern alias Munro arrived in Glasgow ó and Machar in Aberdeen. Apart from these, there were also many Pictish saints ó known only in their localities.

Moluag and Maelrubha, founders of the centre at Applecross on the coast of Ross-shire, were responsible for a great work of evangelization in the Highlands and the Western Isles. Both were of royal stock, and descended from Niall of the Nine Hostages.

Moluag came from Ireland first. He founded churches at Lewis, Papa, Raasa, Skye, Tiree, Mull, Morven, Inverera, Strathpeffer, Cromarty and Rosemarkie. He is buried in the latter place.

Maelrubha followed soon after. He has left his name, in Gaelic forms, in many a place around Ross and Cromarty.

Machar, after whom the Cathedral of Aberdeen is named, energetically evangelized Aberdeen and Angus. He did so, at the same time Kentigern was preaching in Strathclyde.

Before the end of the sixth century, it was possible for missionaries to travel through any of these territories, from the Lowlands to Sutherland, without being molested. The previously-pagan Picts had now been evangelized.

Throughout this entire period, however, there were many battles between Christian Briton and Non-Christian Saxon. As the Christian-Brittonic church historian Gildas later wrote in 560 A.D.:<sup>275</sup> ðThe fire of vengeance, justly kindled by former crimes, spread from sea to sea ó fed by the hands of our foes in the east. It did not cease until, destroying the neighbouring towns and lands, it reached the other side of the island and dipped its red and savage tongue in the Western Ocean.

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<sup>272</sup> In his *The Early History of Glastonbury*, ed. Scott, Boydell, Woodbride Suffolk, 1981 ed., 6-12, pp. 53f & 8 n. 27.

<sup>273</sup> *Ib.* 33f, pp. 87f & 141.

<sup>274</sup> G. Taylor's *Hid. Cent.*, pp. 28 & 41f.

<sup>275</sup> *Op. cit.*, 24-26; as cited in G. Taylor's *Hid. Cent.*, pp. 24f.

ōIn these assaults, therefore ó not unlike that of the Assyrian upon Judea ó was fulfilled in our case what the prophet [in Psalm 74:7] describes in words of lamentation: †They have burned with fire the sanctuary; they have polluted on earth the tabernacle of Your Name!ø And again [in Psalm 79:1]: †God, the heathen have come into Your inheritance; they have desecrated Your holy temple!ø

ōAfter this, sometimes our [Christian Brittonic] countrymen, sometimes the [Non-Christian Saxon] enemy, won the field.ō This God permitted, ōto the end that our Lord might in this land test after His accustomed manner these His [Christian-Brittonic] Israelites ó whether they loved Him, or not.ō

Especially in Westmorland and Cumberland, the clash<sup>276</sup> between defending Christian Brython and attacking Non-Christian Saxon was particularly bloody. As C.I. Elton indicates,<sup>277</sup> the A.D. 560 Historian Gildas [himself from Greater Cumbria] thus describes with a horrible minuteness the sack of some Cumbrian city and the destruction of the faithful found therein: ōSome fled across the sea, with lamentations instead of the sailorsø song. They chanted, as the wind filled their sails, †Lord! You have given us like sheep appointed for meat ó and have scattered us among the heathen!øø

Yet the British Celts next had to contend with an even more dangerous adversary than the Anglo-Saxons. Also with the advance of the papacy from A.D. 600 onward, the Proto-Protestant Celtic Culdees were driven back to the mountains of Wales and Cumbria and Scotland ó and to the remoteness of Ireland. But there ó after being restimulated by Greater Cumbriaø Wycliffe from 1360 onward (*cf.* Daniel 12:11f), their ideas would later produce first the *Irish Articles* and then the *Westminster Confession of Faith*.

The Westminster Assembly of 1643-48f was commissioned by an Act of the English Parliament. It was designed for the political and religious benefit of the entire British Isles. Representatives were invited also from Colonial America. Delegates attended even from France.

Westminster was by far the greatest Christian Council ever held. The second greatest ó and one which to some extent influenced Westminster ó was probably the 1618-19 Synod of Dort.

Yet just four years before Dort, the 1615 *Irish Articles* of the famous Puritan Anglican Archbishop James Us(s)her had appeared. These exerted an enormous influence on the Westminster Assembly. Because of this, with reference to the *Westminster Standards*, we should here first of all say something about the *Irish Articles* ó and then, also something about the Synod and *Decrees of Dort*.

### **Historical background and importance of the 1615 *Irish Articles***

Rev. Professor Dr. Adam Loughridge represented the Reformed Presbyterian Church in Irelandø Theological Hall in Belfast. He accurately wrote<sup>278</sup> that it was

<sup>276</sup> See Sister Agnesø *The Story of Kendal*, Westmorland Gazette, Kendal, 1947, p. 14.

<sup>277</sup> *Op. cit.*, p. 350.

<sup>278</sup> A. Loughbridgeø *Culdees* (in ed. Douglasø *op. cit.*, pp. 516f).

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only at the Synod of Cashel in A.D. 1171, that the (Proto-Protestant Culdee) Church in Ireland ó long in existence, and perhaps even from apostolic times ó first came under the authority of Rome.

The period from 1200 to 1500 saw most of the Irish churches have their authority transferred to the Vatican. The breach with Rome at the Protestant Reformation in the sixteenth century, however, heralded the beginning of a return to the Culdee character of the Ancient Proto-Protestant Irish Church prior to the Synod of Cashel.

Indeed, it was right **after** the arrival of the Protestant Reformation in Ireland in 1537, that the last great Irish Culdee Convention took place ó in Armagh, during 1541. Thus, it was almost as if the very Ancient Irish Culdee Church bravely struggled on, right through and beyond the Late Middle Ages ó and then gladly handed over all its inheritance to Protestantism as its faithful descendant and youthful heir.

Already in 1566, the Protestant Episcopal Church of Ireland had drawn up *Twelve Articles*. Then, after the founding of Dublin University by her pious bishops in 1591, the Protestant Irish Church convoked a Synod in 1613.

Moved by an independent spirit, it there resolved to draw up a set of *Irish Articles* reflecting its own particular beliefs. By 1615, it had drawn up the new articles ó largely under the leadership of the godly Puritan Archbishop, Rev. Dr. James Ussher. Significantly, they were approved in the name of King James by the Viceroy of Ireland himself.

Those *Irish Articles* were strongly Calvinistic. One hundred and four in number, they reflected Ussher's Calvinism and the spirit of Puritanism which then prevailed at Trinity College in Dublin. They also had a Presbyterian flavour. For they made no reference to the **prelatical** orders of bishop, priest and deacon.

It is clear that also the English Elizabethan *Articles of Religion* of the Anglican Church, as far as they went, were by no means unappreciated by the rather more thoroughgoing Protestants of Ireland. However, as the great Swiss-American Reformed Church Historian Rev. Professor Dr. Philip Schaff rightly observed,<sup>279</sup> they did not fully satisfy the rigorous Calvinism which for a period came to establish itself in Ireland even more intensively than in England.

Such should be seen as essentially the re-establishment of the Pre-Romish Ancient Irish Church of the Proto-Protestant Culdees. Indeed, both Schaff and Warfield<sup>280</sup> rightly claimed that even the 1643f English *Westminster Confession of Faith* itself was influenced chiefly by the 1615 *Irish Articles*.

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<sup>279</sup> *Creeeds of Christendom*, Baker, Grand Rapids, 1983 rep., I pp. 662f & III p. 526.

<sup>280</sup> B.B. Warfield: *The Westminster Assembly and Its Work*, Mack, Cherry Hill N.J., 1972 ed., pp. 176f.

## The Irish Puritan Archbishop Usher: Apostolic-Age British Christianity

Now James Ussher was born in Dublin in 1581, and raised in a Bible-believing Calvinistic environment. He soaked himself in the Holy Scriptures without ceasing. He also read the Early-Patristic Fathers ó systematically, every day, for eighteen years. After becoming Professor of Divinity at Dublin's Trinity College in 1607, he wrote the *Irish Articles* during the next decade.

Head of Ireland's foremost Theological Faculty, Ussher was internationally the greatest Episcopalian antiquarian and theologian of his age ó if not of all time. He himself was ó and is ó the vital link between Puritan Anglicans, Puritan Erastians, Puritan Nonconformists, and Puritan Presbyterians. Indeed, though himself always a Royalist, after his death in 1656 Ussher was buried in Westminster Abbey by order of the Commonwealth's Great Protector (Oliver Cromwell himself).<sup>281</sup>

Ussher was very emphatic that Christianity first reached the British Isles not *via* Rome but directly from Palestine. He put the arrival date, shortly after Calvary, at around A.D. 35f ó and not at all at around A.D. 596f (and from the Romish Vatican).

See Ussher's 1631 *Discourse of the Religion Anciently Professed by the Irish and British* ó and his 1639 *Antiquities of the British Churches*. Especially the latter is highly impressive. The *Schaff-Herzog Encyclopaedia*<sup>282</sup> rightly describes it as a work of twenty years' labour, great research, and critical penetration.

Ussher was a pioneer in the historiography of the Early Church. He set out to prove that the Ancient Church in the British Isles was independent of the Roman Church and its later unscriptural traditions. Indeed, Ussher's various views ó themselves derived from the remnants of Irish Culdeism or Proto-Protestantism ó readily found themselves into the later *Westminster Standards* based upon his own *Irish Articles*.<sup>283</sup>

Ussher was a latter-day Patrick ó geographically, in reverse! Appointed Archbishop of Patrick's old citadel of Armagh, and Primate of Ireland in 1624, Ussher moved from Ireland to Britain in 1640. There, he became Bishop of Carlisle in Patrick's native Cumbria ó where he doubtless absorbed some of its ancient Brythonic Culdee heritage. His *Complete Works* run into sixteen volumes. They include his posthumously-published work *The Power communicated by God to the Prince and the Obedience required by the Subject*.

In his *Philosophical Survey of Ireland*, Ussher stated<sup>284</sup> that "the Germans call both Scythians and Scots *Scut-ten* (and the latter *Schot-ten*) ó while the Ancient Britons called them *Y-scott*. The Irish sometimes styled themselves *Scoit-agh* or *Scuit-eigh*. Ireland retained the name of *Scotia* ó with the addition of *Major* or *Vetus* ó up to the fifteenth century. Thus, Scotland was "Lesser Scotia" ó and Ireland was "Older Scotia" or "Greater Scotia."

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<sup>281</sup> *Id.*

<sup>282</sup> See the art. *Ussher*, in Schaff-Herzog *ERK*, Funk & Wagnalls, New York, 1883, IV, pp. 2437f.

<sup>283</sup> See Warfield's *op. cit.*, p. 77 n. 6f, and pp. 148, 169 & 175f. Cf. too J.R. De Witt's *Jus Divinum: the Westminster Assembly and the Divine Right of Church Government*, Kok, Kampen, 1969, pp. 22-24.

<sup>284</sup> *Op. cit.*, pp. 72f.

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There is, then, a clear nexus between the pre-papal Early-Irish and Early-Brythonic Proto-Protestant Culdee Christians ó and the later post-reformational Protestant Puritan Ussher-like Episcopalians on the one hand and the slightly-later Irish Presbyterians on the other. Indeed, this is affirmed even by OøDriscoll ó the noteworthy Roman Catholic Historian. See his books *Views of Ireland*<sup>285</sup> and *History of Ireland*.<sup>286</sup>

The Irish Historian Isabel Hill Elder declares<sup>287</sup> that OøDriscoll presents a true picture of the Early Irish Church when he says: öThe Christian Church of that country as founded by [the A.D. 400f Culdee or Proto-Protestant Briton] St. Patrick, existed for many centuries free and unshackled. For about seven hundred years [thus till after A.D. 1100], this Church maintained its independence...from Rome....

öThe ancient order of the Culdees existed in Ireland [even] previous to St. Patrick.... All their institutions proved that they were derived from a different origin than that of Rome.... The church discipline of the Culdees seems to have afforded the model for the modern Presbyterian establishment of Scotland.ö Thus the Romanist OøDriscoll.

For himself, the Irish Puritan Ussher was convinced that öthe National Church was founded in A.D. 36, a hundred and sixty years before Rome ever thought about Christianity.ö He presents evidence that the apostle James preached in Britain as early as A.D. 41 ó and perhaps even earlier in Ireland. Indeed, Ussher also states that Joseph of Arimathea himself evangelized at Glastonbury in Somerset ó on the border between the later England and Wales ó itself later linked with the Briton St. Patrick, the ÷Apostleøto Ireland.

### **The legal and political contents of the 1615 *Irish Articles***

The 1615 *Irish Articles* are very important in the development of British Common Law. They were adopted by the archbishops, bishops and the convocation of the Irish Episcopal Church. They were also approved by the Irish Viceroy ó representing King James of English-and-Welsh Britain, France, Ireland and Scotland. That occurred fully four years before the Synod of Dordt.

The *Irish Articles* form the basis of the later *Westminster Confession* itself. Indeed, the amazing agreement between those two documents, is strikingly undeniable.<sup>288</sup>

Concerning faith in the Holy Trinity, the *Irish Articles* state:<sup>289</sup> öThere is but one living and true God..., the Maker and Preserver of all things both visible and invisible. And in unity of this Godhead ó there be three Persons of one and the same substance, power and eternity: the Father, the Son, and the Holy Ghost.... In the beginning of time when no creature had any being, God by His Word alone in the space of six days

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<sup>285</sup> *Op. cit.*, II, p. 84.

<sup>286</sup> *Op. cit.*, pp. 26f.

<sup>287</sup> *Op. cit.*, 1986 ed., pp. 135 & 133f.

<sup>288</sup> See Schaffø *Creeds*, III p. 526.

<sup>289</sup> Arts. 8 & 18.

created all things ó and afterwards, by His providence ó doth continue, propagate and order them according to His own will....

õOf the creation and government of all things,õ the *Irish Articles* state:<sup>290</sup> õMan being at the beginning created according to the image of God (which consisted especially in the wisdom of his mind and the true holiness of his free will), had the **covenant of the law ingrafted in his heart**. Thereby God did promise unto him everlasting life upon condition that he performed entire and perfect obedience unto His Commandments, according to that measure of strength wherewith he was endued in his creation ó and threatened death unto him if he did not perform the same....

õAlbeit that good works which are the fruits of faith and follow after justification cannot make satisfaction for our sins and endure the surety of God's judgment, yet are they pleasing to Godõ ó explains Ussher.<sup>291</sup> õThe works which God would have His people to walk in, are such as He hath commanded in His Holy Scripture.... In the Old Testament, the Commandments of the Law were...not contrary to the New.õ Consequently, õno Christian man whatsoever is freed from the obedience of the Commandments which are called Moral....

õAll religious worship,õ continue the *Irish Articles*,<sup>292</sup> õought to be given to God alone: from Whom all goodness, health and grace ought to be both asked and looked for ó as from the very Author and Giver of the same, and from none other.... The Name of God is to be used with all reverence and holy respect.... Upon lawful occasions, an oath may be given and taken, according to the Law of God: *justice, judgment, and truth*. The first day of the week, which is the *Lord's day*, is wholly to be dedicated unto the service of God; and therefore we are bound therein to rest from our common and daily business, and to bestow that leisure upon holy exercises both public and private....

õThe civil magistrateõ is dealt with next.<sup>293</sup> õThe supreme government of all estates within the said realms and dominions...doth of right appertain to the **king's highness**.... We give unto him...that **prerogative only which we see to have been always given unto all godly princes in Holy Scripture by God Himself**.... He should contain all estates and degrees committed to his charge by God, whether they be ecclesiastical or civil, within their duty ó and restrain the stubborn and evil-doers with the power of the civil sword.

õThe pope, neither of himself, nor by any authority of the Church or See of Rome, or by any other means with any other, hath any power or authority to depose the king, or dispose any of his kingdoms or dominions; or to authorize any other prince to invade or annoy him or his countries; or to discharge any of his subjects of their allegiance and obedience to his Majesty; or to give license or leave to any of them to bear arms, raise tumult, or to offer any violence....

õThat princes which be excommunicated or deprived by the pope, may be deposed or murdered by their subjects or any other whatsoever ó is impious doctrine. **The laws of the realm may punish Christian men with death for heinous and grievous**

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<sup>290</sup> Art. 21.

<sup>291</sup> Arts. 41f & 81-84.

<sup>292</sup> Arts. 54-56.

<sup>293</sup> Arts. 57-62.

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**offences.** It is lawful for Christian men, at the commandments of the magistrate, to bear arms and to serve in just wars....

õOf our duty towards our neighbours,õ the *Irish Articles* insist<sup>294</sup> that we are õto love them as ourselves, and to do to all men as we would they should do to us; to honour and obey our superiors; to preserve the safety of menõs persons, as also their chastity, goods, and good names; to bear no malice nor hatred in our hearts; to keep our bodies in temperance, soberness, and chastity; to be true and just in all our doings; **not to covet other men’s goods, but labour truly to get our own living, and to do our duty in that estate of life unto which it pleaseth God to call us.**

õFor the preservation of the chastity of menõs persons, wedlock is commanded unto all men that stand in need thereof. Neither is there any prohibition by the Word of God but that the Ministers of the Church may enter into the state of matrimony: they being nowhere **commanded by God’s Law** either to vow the estate of single life or to abstain from marriage. Therefore it is lawful also for them, as well as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness.

õThe riches and **goods of Christians are not common, as touching the right, title and possession of the same: as certain Anabaptists falsely affirm.** Notwithstanding, every man ought of such things as he possesseth liberally to give alms to the poor, according to his ability.

õFaith [or an undertaking] given, is to be kept even with heretics and infidels. The **popish doctrine of equivocation and mental reservation is ungodly and tendeth plainly to the subversion of all human society.**õ

õOf the authority of the...Bishop of Rome,õ the *Irish Articles* insist<sup>295</sup> that õthe Church of Rome hath erred not only in those things which concern matters of practice and points of ceremonies but also in matters of faith. The power which the Bishop of *Rome* now challengeth, to be supreme head of the universal Church of Christ ó and to be above all emperors, kings and princes ó is a usurped power contrary to the Scriptures and Word of God, and contrary to the example of the Primitive Church; and therefore is for most just causes taken away and abolished....

õThe **Bishop of Rome is so far from being the supreme head of the universal Church of Christ, that his works and doctrine do plainly discover him to be that man of sin foretold in the Holy Scriptures whom the Lord shall consume with the Spirit of His mouth.**õ Second Thessalonians 2:3-8.

These *Irish Articles* are also very strongly Calvinistic, and reflect the Puritanism then prevalent in Trinity College Dublin. They are presbyterian rather than prelatical in character, and are very strong on predestination and reprobation.

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<sup>294</sup> Arts. 63-65.

<sup>295</sup> Arts. 78-80.

## **Influence of Archbishop Usher's 1615 *Irish Articles* on Westminster**

The *Schaff-Herzog Encyclopaedia of Religious Knowledge* declared<sup>296</sup> that the hundred and four articles of the Irish Church, with their strong Calvinism, were passed by a Synod held in Dublin in 1615. Although a moderate Episcopalian, as a godly Puritan the Anglican Archbishop Ussher was later invited to be a delegate at the Westminster Assembly itself. Indeed, it is precisely his *Irish Articles* of 1615 that form the basis of the *Westminster Confession of Faith* of 1641-47, and established by *Act of Parliament* in 1649.

Rev. Professor Dr. Schaff described<sup>297</sup> the *Irish Articles* as a clear and succinct system of divinity in full harmony with Calvinism. They teach absolute predestination and perseverance, denounce the pope as Antichrist, and inculcate the Puritan view of the Sabbath. In all these particulars, they prepared the way for the doctrinal standards of the Westminster Assembly. They were the chief basis of the *Westminster Confession* ó as is evident from the general order, the headings of chapters and subdivisions, and the almost literal agreement of language in the statement of several of the most important doctrines.

Thus too Rev. Dr. B.B. Warfield ó in life a Professor at Princeton University's Presbyterian Theological Seminary in the U.S.A. In his famous book *The Westminster Assembly and its Work*, Warfield observed<sup>298</sup> that in the Westminster Confession all but a trace of the derived matter is taken from the *Irish Articles*.

The main proximate source of the whole *Westminster Confession*, as Dr. A.F. Mitchell has shown in his 1884 book *The Westminster Assembly*, was those *Irish Articles*. There can be no doubt about this fact. The Westminster divines did make use of the *Irish Articles* ó both in determining the general outline of the *Confession* and, in places, even its more detailed phraseology.

As Rev. Professor Dr. John Richard De Witt has stated<sup>299</sup> in his doctoral dissertation on the Westminster Assembly, the large majority of actively religious people in the seventeenth-century country of Great Britain, were thoroughly committed to the Reformed faith. They were Puritans. James Ussher, Archbishop of Armagh and Bishop of Carlisle [in Cumbria], was Primate of Ireland and a man who enjoyed a reputation for great erudition and sanctity. His *Irish Articles* exercised a considerable influence not only upon Britain, but also upon the preparation of the *Westminster Confession of Faith*.

Closely related to the 1643-47 *Westminster Confession*, was the *Solemn League and Covenant for Reformation and Defence of Religion...and the...Safety of the Three Kingdoms of Scotland, England and Ireland*. It was agreed upon by Commissioners from the Parliament and the Westminster Assembly of divines in England, and approved by the General Assembly of the Church of Scotland and by both Houses of Parliament and the Assembly of Divines in England and subscribed by them in 1643.

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<sup>296</sup> *Op. cit.*, IV pp. 2437f, art. *Ussher*.

<sup>297</sup> *Creeds*, I pp. 664f.

<sup>298</sup> *Op. cit.* pp. 148, 169, 175.

<sup>299</sup> *Op. cit.*, pp. 22-24.

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Thereafter, it was taken and subscribed by all ranks in Scotland and England the same year, and ratified by Act of the Parliament of Scotland in 1644.

It starts off: "We Noblemen, Barons, Knights, Gentlemen, Citizens, Burgesses, Ministers of the Gospel, and Commons of all sorts in the kingdoms of Scotland, England and Ireland by the providence of God...and being of one reformed religion, having before our eyes...the advancement of the Kingdom of our Lord and Saviour Jesus Christ.... The deplorable state of the Church and Kingdom of Ireland, the distressed estate of the Church and Kingdom in England, and the dangerous estate of the Church and Kingdom of Scotland are present and public testimonies...."

"We have now at last...according to the commendable practice of these kingdoms in former times...resolved and determined to enter into a mutual and solemn League and Covenant.... Each one of us for himself, with our hands lifted up to the most High God, do swear that we shall sincerely and constantly through the grace of God endeavour in our several places and callings the preservation of the reformed religion in the Church of Scotland...against our common enemies [and] the reformation of religion in the kingdoms of England and Ireland in doctrine, worship, discipline and government according to the Word of God..., and shall endeavour to bring the Church of God in the three kingdoms to the nearest conjunction and uniformity."

**Echoes of Ussher's *Irish Articles* in the *Westminster Confession***

The chief emphases of Ussher's *Irish Articles* are recognizably reflected also in Britain's *Westminster Confession of Faith* in the formulation of which the Irishman Ussher was himself invited to participate. Thus, according to the *Confession*:<sup>300</sup> "In the unity of the Godhead there be three Persons of one substance, power and eternity: God the Father, God the Son, and God the Holy Ghost."

That Triune God echoes of Whom were known through His natural revelation disclosed knowledge to the ancients even by way of the law and light of nature. This disclosure was acknowledged especially in British and Irish Druidism.

Explains the Irish/British *Westminster Confession*:<sup>301</sup> "The light of nature and the works of creation and providence do so far manifest the goodness, wisdom and power of God as to leave men inexcusable. Romans 2:14; 1:19f; Psalm 19:1-3; Romans 1:32; 2:1.... There are some circumstances concerning the worship of God...common to human actions and societies which are to be ordered by the light of nature and Christian prudence, according to the general rules of the Word which are always to be observed. First Corinthians 11:13f & 14:26f...."

"They who upon pretence of Christian liberty shall oppose any lawful power...resist the ordinance of God. And for their publishing of such opinions or maintaining of such practices as are contrary to the light of nature or to the known principles of Christianity...they may lawfully be called to account (Romans 1:32 & First Corinthians 5:1f) and proceeded against...by the power of the civil magistrate."

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<sup>300</sup> *Westminster Confession of Faith* III:1.

<sup>301</sup> I:1 & I:6 & XX:4.

For the light of nature sheweth that there is a God Who hath lordship and sovereignty over all; is good and doeth good unto all; and is therefore to be feared, loved, praised, called upon, trusted in, and served with all the heart and with all the soul and with all the might. Romans 1:20; Acts 17:24; Psalm 119:63; Jeremiah 10:7; Romans 10:12.... As it is of the law of nature that in general a due proportion of time be set apart for the worship of God; so in His Word...He hath particularly appointed one day in seven for a sabbath to be kept holy unto Him...from the beginning of the World.... Genesis 2:2f.<sup>302</sup>

Furthermore.<sup>303</sup> It pleased God the Father, Son and Holy Ghost to for the manifestation of the glory of His eternal power, wisdom and goodness in the beginning to create or make of nothing the World and all things therein, whether visible or invisible, in the space of six days and all very good.... He created man male and female with reasonable and immortal souls endued with knowledge, righteousness and true holiness in after His own image in having the Law of God written on their hearts and power to fulfil it.... Genesis 1:1-31; Hebrews 11:3; Colossians 1:16; Acts 17:24; Colossians 3:10; Ephesians 4:24; Romans 2:14f; Ecclesiastes 7:29....

Good works are only such as God hath commanded in His Holy Word.... These good works, done in obedience to Gods Commandments, are the fruits and evidences of a true and lively faith. James 2:18-22.... Neglect of them is...sinful and displeasing unto God. Psalm 14:4; 36:3; Job 21:14f; Matthew 25:41f....

God gave to Adam a law as a covenant of works by which He bound him and all his posterity to personal, entire, exact and perpetual obedience...and endued him with power and ability to keep it. Genesis 1:26f; 2:17; Romans 2:14f; Ecclesiastes 7:29; Job 28:28.... This law after his fall continued to be a perfect rule of righteousness; and, as such, was [re-]delivered by God upon Mount Sinai in Ten Commandments.... James 1:25; 2:8-12; Romans 13:8f; Deuteronomy 5:32 & 10:4; Exodus 34:1 [cf. 20:1-17]; Matthew 22:37-40.... This law [is] commonly called Moral....

The Moral Law doth for ever bind all, as well justified persons as others, to the obedience thereof; and that not only in regard of the matter contained in it, but also in respect of the authority of God the Creator Who gave it. Neither doth Christ in the Gospel any way dissolve but much strengthen this obligation. Romans 13:8-10; Ephesians 6:2; First John 2:3-7f; James 2:10f; Matthew 5:17-19; James 2:8; Romans 3:31....

A lawful oath is a part of religious worship. Deuteronomy 10:20.... God the Supreme Lord and King of all the World hath ordained civil magistrates to be under Him over the people for His own glory and the publick good; and, to this end, hath armed them with the power of the sword for the defence and encouragement of them that are good and for the punishment of evil-doers. Romans 13:1-4 & First Peter 2:13.... Much less hath the Pope any power or jurisdiction over [the magistrates] or over any of their people. Second Thessalonians 2:4 & Revelation 13:15-17.... The Pope of Rome...is that antichrist...that exalteth himself...against Christ and all that is called God. Matthew 23:8f; Second Thessalonians 2:3-9; Revelation 13:6....

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<sup>302</sup> XXI:1 & XXI:7.

<sup>303</sup> IV:1f; XVI:1f; XIX:1-5f; XXII:1; XXIII:1f; XXV:6; XXVI:1-3; XXX:1; XXXI:2-5; XXXIII:1.

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õAll saints...are united to Jesus Christ their Head by His Spirit.... This communion which the saints have with Christ doth not make them in any wise partakers of the substance of His Godhead.... Nor doth their communion one with another as saints take away or infringe the title or property which each man hath in his goods and possessions. First John 1:3; Ephesians 3:16f; Exodus 20:15; Ephesians 4:28; Acts 5:4.

õThe Lord Jesus, as King and Head of His Church, hath therein appointed a government in the hands of church-officers distinct from the civil magistrate.... If magistrates be open enemies to the Church, the Ministers of Christ of themselves by virtue of their office ó or they with other fit persons upon delegation from their churches ó may meet together....

õSynods and Councils...are not to intermeddle with civil affairs which concern the Commonwealth, unless...by way of advice for satisfaction of conscience.... God hath appointed a day wherein He will judge the World, in righteousness, by Jesus Christ.õ

### **The Westminster divines' clear Christonomy over all society**

So the dominant viewpoint of the Commissioners to the Westminster Assembly is certainly Christonomous. That is to say, they asserted the rule of Christ here and now over the whole of society ó by His Law. This viewpoint is clearly reflected in the *Westminster Confession* (4:1f & 19:1-7 & 20:2f & 21:1-7 & 22:1f & 23:1f & 31:5 & 33:1 *etc.*).

In the Westminster Assembly's *Directory for the Publick Worship of God*, Ministers are implor'd õto pray for the propagation of the Gospel and Kingdom of Christ to all nations; for the conversion of the Jews, the fulness of the Gentiles, the fall of Antichrist, and the hastening of the second coming of our Lord.õ They are also urged to pray õfor the deliverance of the distressed churches abroad from the tyranny of the antichristian faction, and from the cruel oppressions and blasphemies of the Turk; for the blessing of God upon the reformed churches ó especially upon the Churches and Kingdoms of Scotland, England and Ireland now more strictly and religiously united in the *Solemn National League and Covenant* ó and for our plantations in the remote parts of the World.õ

They are to pray õfor Judges and Magistrates...and all Schools...of Church and Commonwealth, that they may flourish more and more in learning and pietyõ ó and õthat God would pour out a blessing upon the Ministry of the Word, Sacraments and Discipline; upon the Civil Government; and all the several Families and Persons therein.õ They are to pray õ**with confidence** of His mercy to His whole Church, and the acceptance of our persons through the merits and mediation of our High Priest the Lord Jesus.õ

In conclusion, they are yet further õto pray that the Lord Who teacheth [un]to profit, would graciously please to pour out the Spirit of grace together with the outwards means thereof.õ For it is thus that we are to be caused õto attain such a measure of the excellency of the knowledge of Christ Jesus our Lord..., that we may account all things but as dross in comparison of Him!õ

Yet the above doctrine is **not limited** to the *Westminster Confession of Faith* and the Westminster Assembly's *Directory for the Publick Worship of God*. One finds just such striking Christonomous similarities also in the extant **personal** writings of many of the members of the Westminster Assembly ó such as Burgess, Calamy, Coleman, Gillespie, Henderson, Herle, Lightfoot and Marshall.

Especially is this the case in the works of the great Samuel Rutherford ó and particularly in his masterpiece *Lex Rex*. He was thoroughly Christonomous. Nevertheless, he was somewhat less insistent than was his friend and colleague George Gillespie on enforcing the precise penalties of the Mosaic Law for transgressions of abiding judicial norms.

Similar Christonomous emphases were noted also in the writings of Westminster Assembly members like Seaman, Spurstowe, Temple, Thorowgood, Vines, Wilkinson, Wilson, and Woodcock. Indeed, they are also encountered especially in the grand architect of the Assembly ó Rev. Professor Dr. James Ussher himself.

The great Irish Puritan Archbishop James Ussher (1581-1656), though elected as perhaps its most honoured Commissioner, was never once in attendance at the Westminster Assembly. Yet he was nevertheless the human author and finisher of it.

The *Schaff-Herzog Encyclopaedia*<sup>304</sup> states of Ussher that in 1643 he was invited to sit as a member of the Westminster Assembly. The Puritans were contented, even though he did not take part in the proceedings. Yet he exerted a decided influence upon it ó through his 1614 *Irish Articles*; his 1638 *Body of Divinity*; and his other works.

Ussher discovered and secured several old manuscripts ó such as the Samaritan Pentateuch (alias the oldest extant book in the World). Though a declared Royalist, he stood well with the Puritans ó on account of his strict Calvinism.

He remained true to the king till his death. Yet, at Cromwell's command, a splendid funeral was held for Ussher upon his death ó and his remains were preserved in Westminster Abbey.

As the late Australian Professor-Emeritus Rev. Dr. Robert Swanton of the Victorian Presbyterian Theological College rightly declared:<sup>305</sup> "It is therefore clear that this Church ó the (continuing) Presbyterian Church of Australia ø ó is closely bound to its *Confession*. Based on [*Irish*] *Articles* drawn up in Dublin; formulated in London; adopted in Edinburgh ó the *Westminster Confession of Faith* constitutes a unique expression of the Reformed Christianity of the British Isles.... It is the last great creed utterance of Calvinism..., a stately and noble standard for Bible-loving men."

Summarizing, then, we have seen that also since the Cumbrian Patrick ó his faithful Biblical theology and unwavering Christian commitment never altogether disappeared either in Britain or in Ireland. His Celtic view of the family long retarded the advent of clerical celibacy in the British Isles. Patrick and his followers were not

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<sup>304</sup> *Op. cit.*, IV pp. 2437f.

<sup>305</sup> R. Swanton: *Our Heritage and Destiny*, Presbyterian Church of Victoria, Melbourne, 1975, p. 5.

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Romanists, but clearly Proto-Protestants. Indeed, their missionary zeal further strengthened Culdee Christianity not only in Ireland but also in Cumbria and Scotland.

Stimulated in 1360f by Greater Cumbria's John Wycliffe, those Irish and Scottish Culdees survived right down to the Protestant Reformation. That is the historical background and importance of the 1615 *Irish Articles* ó authored by that great authority on Apostolic-Age British Christianity, the Irish Puritan Archbishop Ussher. Those anti-papal *Articles* uphold: the Trinity, creation, the covenant, godly worship, and especially the magistrate's duty to maintain the Law of God.

The influence of those *Irish Articles* is reflected in the 1645f *Westminster Confession*. The Irish Ussher's clear Christonomy is echoed also by other Westminster divines ó such as Burgess, Calamy, Coleman, Gillespie, Henderson, Herle, Lightfoot, Marshall, Rutherford, Seaman, Spurstowe, Temple, Thorowgood, Vines, Wilkinson, Wilson, and Woodcock. In a very real sense, we can therefore certainly call them: the true öseed of Ussher.ö

**Conclusion: God's revelations much preserved in the Britannic Isles**

So then, we must conclude that the Common Law of the British Isles ó both before and after St. Patrick ó to a remarkable extent preserved primordial religion. Indeed, both those Isles and its Patrick long upheld: Trinitarianism; the implications of the Edenic Decalogue; and the concept of blood atonement, as fulfilled in the advent of our Lord Jesus Christ.

Also the saintly Samuel Rutherford, of Westminster Assembly fame, saw the deeper implications of God's blessing to Japheth and his descendants in öthe Islesö extolled in Genesis 9:27 to 10:5. Observed Rutherford: öEre ever we were born, Christ said -Father! Give Me the ends of the Earth! Put in Scotland and England, with the Isles-men, in the Great Charter!ö<sup>306</sup>

Said God the Father to Christ His Son: öAsk of Me, and I shall give You the ends of the Earth as Your inheritance!ö Replied Christ the Son, in the power of the Holy Spirit: öFather! Give Me the ends of the Earth!ö Cf. Psalm 2:7-12.

Christ's above reply to His Father, on the basis of Calvary was both heard and granted. Patrick, Wycliffe, *Magna Carta*, and the Westminster Assembly ó are all parts of the Father's answer to that prayer of His Eternal Son.

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<sup>306</sup> S. Rutherford: *Four Communion Sermons*, 2nd ed., 1878, p. 116.



## ADDENDUM 51: BIBLICAL ROOTS OF THE AUSTRALIAN CONSTITUTION

At its outset, the *Australian Constitution* states it was fashioned ōhumbly relying on the blessing of Almighty Godö on 09th July 1900ö A.D. It thus goes back to the time of Christø's incarnation, and even earlier.

Professor F.L.W. Wood, author of *The Constitutional Development of Australia*, notes<sup>1</sup> how Pre-Christian Greeks presumed there was a great Southern Continent. He suggests some of Adamø's descendants might have travelled there.

The Bible agrees. God created Adam and all his descendants, telling them to **rule** over the **Earth** by way of His **Ten Commandments** written in **every heart**.<sup>2</sup>

Lord Chief Justice Sir Edward Coke<sup>3</sup> held in 1613 that ōGod is the Fountain and Founder of all good laws and constitutions.... The law itself is a light. Proverbs 6:23. See Romans 2:14.... The light of natureø...Solomon called the candleø of Almighty God. Proverbs 20:27.ö

Sir Owen Dixon seemed to agree. He was Chief Justice of Australia from 1952 till 1964. Then recognized as perhaps the finest living Jurist in the English-speaking world,<sup>4</sup> he referred to the Common Law (and its Rule of Law) as the ōultimate constitutional foundation.ö<sup>5</sup>

### Ancient Constitutional Law among the Early-Irishmen & Iro-Scots

After manø's fall into sin, the Lord said to Noah and his sons and hence to all mankind: ōSurely your blood of your lives will I requite.... Whosoever sheds manø's blood ó **by man** shall his blood be shed. For God made man in His image.ö Genesis 9:5-6. Here is the germ of all governmental sanctions.

Now God favoured Noahø's son Japheth, and his descendants. Such included Gomer and Magog, the ancestors of the Cymro-British Celts<sup>6</sup> and the Iro-Scottish

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<sup>1</sup> F.L.W. Wood: *Concise History of Australia*, Dymockø's Book Arcade, Sydney, 1936, pp. 1-5.

<sup>2</sup> Gen. 1:26f; 2:15f; Eccl. 7:29; Ex. 20:1-17; Rom. 1:19f & 2:14f. Leeø's emphases throughout this article.

<sup>3</sup> In his *Preface to the Reader* of the Third Part of his *Reports*, Butterworth, London, 1826, II, pp. iv & xiv-xix; and *Proeme* to 3rd Part, p. ii: ōDeoö & ōPatriae.ö

<sup>4</sup> Art. Dixon, Sir Owen, in *Concise Encyclopedia of Australia and New Zealand (CEANZ)*, Horwitz Graeme, Cammeray NSW, I p. 340. Cf. too Dixonø's *Jesting Pilate* pp. 203f (cited in R.D. Lumbø's *Australian Constitutionalism*, Butterworths, Brisbane, 1983, pp. 3 & 101 & 108n.).

<sup>5</sup> Cited in H.M. Morganø's *Australia and its High Court*, Bond University, Queensland, 27th July 1993, pp. 5f & 8.

<sup>6</sup> See: Herodotusø's *Histories* 4:1-214 & 7:1-165; Diodorus Siculusø's *Historical Library* 3:5:3; F. Delitzschø's *Die Genesis Ausgelegt* [*Genesis Expounded*], Doerffling u. Francke, Leipzig, 1853, pp. 284f; J.H. Kurtzø's *History of the Old Covenant*, Clark, Edinburgh, 1870, I pp. 107 & 115f; C.F. Keilø's *Commentary on Genesis* (in Keil & Delitzschø's *Biblical Commentary on the Old Testament – The Pentateuch*), Clark, Edinburgh, 1885, I pp. 159f; J.B. Lightfootø's *St. Paul's Epistle to the Galatians*, Macmillan, London, 1887, pp. 1f & at the close of his ōDissertation Iø J. Parsonsø's *Remains of Japhet, Being Historical Enquiries into the Affinity and Origin of the European Languages* [1767], Scholar

Scythians.<sup>7</sup> They would dwell in the tents of Shem<sup>8</sup> ó also **before** Moses wrote down the *Constitution of Ancient Israel*.<sup>9</sup>

Perhaps through Ancient-Phoenician ships (with Israelitic crew-members) hauling gold from Ireland and tin from Cornwall,<sup>10</sup> also the Mosaic legislation could well have reached the British Isles not long after the exodus. This would have impacted on those Western Isles as new legislation ó such as that of the Irish King Ollamh Fodhla around B.C. 1383.

Ollamh gave a Parliament to the Iro-Scots.<sup>11</sup> The early druidic judges (who upheld the pristine concepts of the Trinity and immortality and legality), here played a prominent role. Triennial meetings took place at Tara ó where sub-kings and delegates from all over Ireland enacted laws.

The Scots in Ireland had a constitution ó over the *Ard-Ri* or High-King and the sub-kings alias Provincial Governors. This was not a unitary government ó but one still reflecting the primordial revelation of the con-federate Tri-une God Himself.

This constituted the first bicameral Parliament in Europe.<sup>12</sup> The King was never a law unto himself, but **always subject to the rule of law**.<sup>13</sup> There was a separation of powers in which the King was concerned primarily with the tribes' military business and intertribal diplomacy.

From the tribal groupings, a division into districts emerged. Each of the provinces ó Ulster, Leinster, Munster and Connacht ó had its own harbours. All met in the newly-created province of Meath. There the King held Parliament, as Chief-Lord in the one Confederation of the many States.

Ancient Ireland maintained her *Constitution* as the law of the people. They never lost their trust in it, nor exalted a central authority. The administration was divided

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Press, Menston York, 1968 rep., pp. 114f & 139f; H.C. Leupold's *Exposition of Genesis*, Baker, Grand Rapids, I pp. 352f & 359-362; and B.F.C. Atkinson's *Genesis*, Walter, London, 1954, I p. 99 & II p. 101f.

<sup>7</sup> See: n. 6; Strabo's *Geography* I:2,27; Porphyry's A.D. 267 interchanging of *Scythicae* and *Scotticae* (thus in T. M'Laughlan's *The Early Scottish Church*, Edinburgh, 1865, p. 22); Gildas's A.D. 520f *Ruin of Britain*, which calls the Irish Sea *Vallem Scythicam*; Nenni(us)'s A.D. 805 *History of the Britons* 25-31, equating the Scythians with the Scots; and King Alfred's A.D. 875f Anglo-Saxon translation of Orosius's *History*, where Alfred calls the Scots *Scyt-than* (as cited in J. Ussher's *Philosophical Survey of Ireland*, pp. 72f). See too: H. Doyle's *Illustrated History of Ireland from the Earliest Period*, Kenmore Convent, Kerry, 1868, p. 68; Dr. G. Keating's 1590f *Elements of the History of Ireland*, Irish Texts, Society, 1902f, citing the Ancient-Irish *Leabhar Gabhala*; A. MacGoegegan & J. Mitchel's *History of Ireland Ancient and Modern*, Sadler, New York, 1868, pp. 39-43; (Ed.) J. Hastings's *Encyclopaedia of Religion and Ethics*, Clarke, Edinburgh, 1907 & 1920, art. *Picts*; and N.K. Chadwick's *The Celts*, Penguin, Harmondsworth, 1985 ed., pp. 84 & 134f.

<sup>8</sup> Gen. 9:18-27 & 10:1-5 !lcf. Dt. 32:8f.

<sup>9</sup> Ex. ch. 19 to Dt. ch. 28f.

<sup>10</sup> Gen. 49:13; Dt. 33:18f; Judg. 5:17; II Chr. 2:3-16; 8:18; 9:20f; Jonah 1:3 and Ezek. 27:6-9,12-19,25-29 cf. Rufus Festus Avienus's *Fragmenta Ora Maritima* V:98-100. See too N. Lee's *Roots and Fruits of the Common Law*, unpub. D.C.L. diss., 1994, ch. 5 at nn. 122-24 and ch. 6 at nn. 95-103 and ch. 7 at nn. 36f & 54f & 61f and ch. 8 at nn. 75-81.

<sup>11</sup> T. Wright's *The History of Ireland from the Earliest Period of the Irish Annals to the Present Time*, I pp. iii & 9.

<sup>12</sup> T.W. Rolleston's *Myths and Legends of the Celtic Race*, Constable, London, 1984, p. 149.

<sup>13</sup> A.S. Green: *Irish Nationality*, Williams & Norgate, London, n.d., pp. 17f,8f,14.

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into the widest possible range of self-governing communities, which were bound into a voluntary [Con]federation.

Prof. R.A.S. Macalister of Dublin University explained<sup>14</sup> that the Ancient-Irish *Ard-Ri* presided over the Constitutional Assembly and performed the functions of King, Judge and General. Besides the Representative Assembly of Freemen (or *Oinach*), there was also a regional Senate (or *Aireacht*) ó resembling Numbers 10:1-4, and anticipating the later House of Commons and the House of Lords. Each *Tuath* or -Stateø was self-governing, where freemen were citizens in their own areas (*cf.* Exodus 18:12-22f).

In his book on Ancient Irish Law, Middle Temple Barrister Ginnell regards<sup>15</sup> it as the most ancient legal system in Western Europe. Respecting -Cai-in Lawø or Parliamentary Legislation, some of the commentaries attribute its origin to the influence of Cai. That person, explains Ginnell, is stated to have been a contemporary of Moses who learned the Mosaic Law **before** coming from the Near East to Ancient Ireland.

Also according to the famous English Jurist Sir Henry Maine,<sup>16</sup> Scottish Highland and *Brehon* Irish Law is an authentic monument to a very ancient group of Japhethitic institutions among the oldest Western-European portion of the human race. The Ancient Iro-Scots, he added, had great legal expertise ó especially as regards equity, property rights, and family law.

### **Constitutional Law among the Ancient Britons before Christianity**

Dr. J.A. Giles was a Doctor of Common Law, and a Late Fellow of Corpus Christi College in Oxford. He observed<sup>17</sup> how the historical *Welsh Triads* record that the first colonists of Britain were -*Cymri*ø who originally came from the Summer-Land of the Tauric Chersonesus: -*Defrobani Gwlad Yr Hav*.ø

Coke stated<sup>18</sup> of Britain that ðBrutus...died...before the incarnation of Christ 1103 years ó Samuel then being Judge of Israel... Brutus the first king of this land ó as soon as he had settled himself in his kingdom ó for the safe and peaceable government of his people wrote a book in the Greek tongue, calling it *The Law of the Britons*.ø

Britain's ancient documents<sup>19</sup> show that parliamentary sessions existed already since time immemorial. There is -the *Gorsedd* of the Country and Commonwealthø and the -*Gorsedd* of [Con]federate Support.ø Their purpose was to improve the laws

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<sup>14</sup> See in *Encyclopaedia Britannica*, 14th ed., 1929, 12:xiv.

<sup>15</sup> L. Ginnell: *The Brehon Laws (A Legal Handbook)*, Unwin, London, 1894, pp. i & 3.

<sup>16</sup> H. Maine: *Lectures on the Early History of Institutions*, Murray, London, 1905, pp. 5f,18-32f,41f & 191f.

<sup>17</sup> See his edition of *Six Old English Chronicles*, Bell & Daldy, London, n.d., p. 423 n. 4 and p. 425 nn. 1 & 2.

<sup>18</sup> *Preface* to Vol. II of his *op. cit.*; in W.P. Goard's *The Law of the Lord or the Common Law, Covenant*, London, 1943, pp. 113f.

<sup>19</sup> L. Sion: *Barddas – A Collection of the Original Documents Illustrative of the Theology, Wisdom and Usages of the Bardo-Druidic System*, Welsh Translation Society, 1852. Cited in E.O. Gordon: *Prehistoric London*, Covenant, n.d., pp. 135f.

of a confederated country by a federal convention of chiefs-of-kindreds, wise-men, and a sovereign ruler.

Stated Coke:<sup>20</sup> "Our chronologers...say that 441 years before the incarnation of Christ, Mulmutius...did write two books of the laws of the Britons..., the Statute Law and the Common Law." Mulmutius preserved the Common Law. He stressed equality of rights, and of taxation; freedom of movement; the right to bear arms; the right to vote; and the rights to life, liberty, and the pursuit of happiness. He also required the worship of God, military service, and jury duty.

As the A.D. 1138f Geoffrey Arthur of Monmouth stated in his translation of the A.D. 675f Bretonic *History of the Kings of Britain*<sup>21</sup> (itself derived from very ancient sources): "Mulmutius arose.... He ordained the temples of God and the cities to enjoy such privilege as that...any runaway...should take refuge therein [cf. Numbers chapter 35].... In his days the knife of the cut-throat was blunted, and the cruelties of the robber ceased in the land. For nowhere was anyone that dared do violence unto another....

"After his death, his son Belin...confirmed the laws which his father had ordained, and commanded that even and steadfast justice should be done throughout the realm.... He proclaimed it as his Common Law that condign punishment should be inflicted on any that do violence."

Since those reigns, there came yet further constitutional development. Observed Coke: "356 years before the birth of Christ, Martia Prova...wrote a book of the laws of England in the British language."<sup>20</sup>

Wrote Holinshed<sup>22</sup> of that Ancient-Brythonic Queen: "Martia was a woman expert and skilful in several sciences.... She devised and established profitable and convenient laws...afterwards...called "Martian laws".... Alfred...[the A.D. 880f] King of England translated them out of the British tongue into the English Saxon speech."

## The gradual christianization of the Ancient British Constitution

Tertullian and Hippolytus both insisted that Christianity had reached Britain before their own times (190-220f A.D.). Also Dorotheus and Eusebius, still before Nicaea, insisted that Britain had been evangelized already during the Apostolic Age. Even according to Celtic Britain's earliest extant historian (the A.D. 540f Gildas), Christianity had reached that land by A.D. 37. Soon it had an impact also on its political life.<sup>23</sup>

Anglo-Saxon England's earliest historian, the A.D. 730f Venerable Bede, said that "Lucius the King of the Britons" embraced Christianity "in 156" A.D. Thereafter "the Britons preserved the received faith, uncorrupted and entire, in peace and

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<sup>20</sup> *Op. cit.*, at his *Preface* to Vol. III (in Goard pp. 113-16).

<sup>21</sup> Slatkine, Geneva, 1977 ed., II:17 - III:5.

<sup>22</sup> *Chronicles of England, Scotland and Ireland* [1578] I:458, 1807 London ed.

<sup>23</sup> Tertullian's *Against the Jews* 7, cf. his *Apology* 37; Bauer's *Hippolytan Chronicle*; Dorotheus's *Synopsis of the Apostles* 9; Eusebius's *Demonstration of the Gospel* III:5:12; and Gildas's *Ruin of Britain*, 1978 ed., Phillimore, London, sections 8f.

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tranquillity<sup>24</sup> ó right down till the blessed days of Constantine at the end of the Pagan-Roman Diocletian persecution.

Coke expressed<sup>25</sup> his deep regret that òthe books and treatises of the Common Law in...other kingsø times ó and specially in the time of the Ancient Britons (an inestimable loss) ó are not to be found.ö This was a result of the damp climate, and especially the deliberate destruction of those precious manuscripts by Anti-British invaders such as the Pagan Romans and Anglo-Saxons and Vikings.<sup>26</sup>

Yet we know the druidic judges were learned. Through their very accurate **oral** tradition for which those druids of Ancient Britain were internationally famous,<sup>27</sup> the ongoing British Common Law itself was remarkably preserved.

Coke proved<sup>28</sup> this also from the extant writings of Roman and Greek authorities such as Caesar, Diodorus, Juvenal, Strabo, Pliny and Tacitus. He concluded: òI think this sufficiently proves that the laws of England are of much greater antiquity than they are reported to be ó and than among the constitutions or imperial laws of Roman Emperors.ö

This can be seen also from Ireland. When christianized, it was still a confederation of states. In 432 A.D., the great British Missionary Patrick **approved** the bulk of druidic Irish Law and ordered it to be **preserved** ó because in harmony with the Law of God in Nature and in Scripture.<sup>29</sup>

Also long thereafter, Ireland still consisted of tribes connected by kinship and held together in a loose confederation. The *comarba* or covenant-officer led the *clann*, and the druidic Common Law was preserved.<sup>30</sup>

As Oxfordø Law Professor Sir William Blackstone stated<sup>31</sup> in 1765: òAn academic expounder of the laws...should be engaged...in tracing out the originals.... These originals should be traced...to the customs of the Britons and Germans as recorded by Caesar [B.C. 58f] and Tacitus [A.D. 98f]; to the *Codes* of the northern nations on the Continent; and more especially to those of our own Saxon Princes [449f A.D.]....

òThe British as well as the Gallic [and the Iro-Scottish] druids committed all their laws...to memory; and it is said of the Primitive Saxons here, as well as their brethren on the Continent.... Our antient lawyers...insist with abundance of warmth that these customs are as old as the Primitive Britons, and continued down through the several

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<sup>24</sup> *Ecclesiastical History of the English Nation* [731 A.D.], Everyman ed., 1954, I:2f.

<sup>25</sup> E. Cokeø *Institutes of the Laws of England*, Brooke, London, 1797 ed., Part II:1, *Proeme*, pp. ix *seqq.*

<sup>26</sup> Suetoniusø *Twelve Caesars* 5:10,17,21,25; Gildasø *Ruin*, chs. 3:1-4 & 4:1-4 & 5:1-2 & 9:1 to 10:1 & 11:1-2 & 14:1 & 15:3 & 20:1-2 & 21:1-2 & 22:1-3 & 23:1-3 & 24:1 to 25:1; and Asserø *Life of King Alfred*.

<sup>27</sup> J. Caesarø *Gallic Wars* 3:8f; 4:1f,20f; 5:12f; 6:13-23; and Diod. Siculusø *Hist. Lib.* 2:21f & 3:5:21f *cf.* 3:5:32,38.

<sup>28</sup> In his *Preface* to Vol. III of his *Pleadings*, Butterworth, London, 1826 ed., II, pp. iv & xiv-xix. *Cf.* too nn. 26-27; Juvenalø *fifteenth Satire*; Plinyø *Natural History*, 13:1; Straboø *Geog.* book 4; and Tacitusø *Annals* 12:24f & 14:29-35, *Agricola* 11-32, and his *Germany* 6-16,25,37f.

<sup>29</sup> Thus the *Annals of the Four Masters*, as cited in Ginnellø *op. cit.*, pp. 31.

<sup>30</sup> *Historians' History of the World*, The Times, London, 1907. XXI pp. 331-42.

<sup>31</sup> *Commentary on the Laws of England* [1765], Univ. Chicago, 1979, I pp. 35f & 63f & 73.

mutations of governments and inhabitants to the present time unchanged and unadulterated....

“Antiquarians and first historians...all positively assure us that...in the time of Alfred...he found it expedient to compile his *Dome-Book*...for the general use of the whole kingdom.... It contained...the principal maxims of the Common Law.... The first ground and chief cornerstone of the laws of England...is general immemorial custom or Common Law.”

A glance at this A.D. 887f *Book of Deemings* reveals that King Alfred extracted his laws for England from the Mosaic Pentateuch, the Sermon on the Mount, and the First General Assembly of the Christian Church as recorded in the Acts of the Apostles. He also incorporated the codes of the Brythonic Queen Martia Prova; the Anglo-Jutish King Aethelbeht of Kent; and the Anglo-British Kings Offa of Mercia and Ina of Wessex.<sup>32</sup>

### **From the 1215 *Magna Carta* to the 1643-49 *Westminster Assembly***

*Magna Carta* did not create new law. It revived the rights of Anglo-Britons long recognized. Even the Anglo-Norman barons demanded the revitalization of the laws of the last Pre-Norman King of England, Edward the Confessor. This, in turn, had in large measure derived “via early-mediaeval Anglo-British Law” from Pre-Roman Celtic and Germanic Common Law.

Coke declared<sup>33</sup> that “there be four ends of this *Great Charter* mentioned in the preface. *Viz.*: 1, the honour of Almighty God; 2, the safety of the king’s soul; 3, the advancement of the holy Church; and 4, the amendment of the realm.”

Also Blackstone noted<sup>34</sup> the “*Great Charter* of liberties...contained very few new grants; but, as Sir Edward Coke observes, was for the most part declaratory of the principal grounds of the fundamental laws of England.... The *Great Charter* is directed to be allowed as the Common Law. All judgments contrary to it, are declared void....

“*Magna Carta*...confirmed many liberties...and redressed many grievances.... Care was also taken therein to protect the subject against other oppressions then frequently arising from unreasonable ameracements, from illegal distresses...and from the tyrannical abuse of the prerogative of purveyance.... It established the testamentary power of the subject over his personal estate.... It laid down the law of dower.... It enjoined an uniformity of weights and measures....

“It fixed...the trial of issues home to the very doors of the freeholders.... It protected every individual of the nation in the free enjoyment of his life, his liberty, and his property unless declared to be forfeited by the [jury] judgment of his peers or the law of the land.”

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<sup>32</sup> King Alfred: *Dome-book* 49:8f.

<sup>33</sup> *Institutes*, W. Clarke, London, ed. 1817, II, *Proeme*.

<sup>34</sup> *Op. cit.*, I pp. 123f & IV pp. 416f.

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Bracton declared<sup>35</sup> in 1268 that 'the king himself ought...to be...subject to God and the Law. For the Law makes the king *Lex rex*. Two-and-a-half centuries later, that great Jurist John Calvin would clarify that not just both kingdoms and republics but also churches and societies are subject to and never above the Moral Law of God.<sup>36</sup> A hundred years thereafter, the famous *Westminster Assembly* Commissioner Samuel Rutherford would insist that no government is above the Law because 'the **Law** is king: *Lex rex!*<sup>37</sup>

Under the 1558-1603 Queen Elizabeth I, it was decided in *Bonham's case*<sup>38</sup> that the Common Law could invalidate even Acts of Parliament. Indeed, the next monarch of Britain (the 1603-25 King James I) was frequently resisted in the name of God and the Common Law by none other than Lord Chief Justice Coke.

Coke's contemporary Archbishop Ussher put it eloquently in his 1615 *Irish Articles*:<sup>39</sup> 'The supreme government of all estates...doth of right appertain to the king's highness.... We give unto him...that prerogative **only** which we see to have been always given unto all godly princes **in Holy Scripture** by God Himself.... The laws of the realm may punish Christian men with death for heinous and grievous offences. It is lawful for Christian men, at the commandments of the magistrate, to bear arms and to serve in just wars.'

Ussher was invited by Parliament to be a delegate at the Westminster Assembly itself. It is his *Irish Articles* that form the basis of the *Westminster Confession of Faith* of 1643f. Significantly, the *Westminster Confession* itself upholds God's Moral Law for all mankind; condemns publishing opinions contrary to the light of nature or to the known principles of Christianity; bans public sabbath desecration; requires taking lawful oaths; approves of Christians becoming magistrates; admonishes such to encourage those who are good, and to punish evil-doers; defines lawful marriages; and condemns communism and the weakening of private property.<sup>40</sup>

By order of Parliament, the *Westminster Confession* was approved together with the *Solemn League and Covenant* as the basis for harmony between the three realms of England and Ireland and Scotland. The same was done at the 1707 *Acts of Settlement*, re-establishing joint rule over those lands. Indeed, as remarked in the 1984 South Australian case of *Grace Bible Church v. Reedman*<sup>41</sup> 'Britain's 1707 *Acts of Settlement* are part of Australian Law.

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<sup>35</sup> H. Bracton: *On the Laws and Customs of England* f 5b (as cited in E.S. Corwin's *The 'Higher Law' Background of American Constitutional Law*, 42 *Harvard Law Review*, 1928-29, pp. 149 & 265).

<sup>36</sup> See esp. Calvin's *Harmony of the Pentateuch* I-IV and his *Institutes of the Christian Religion* I-II. Eerdmans eds., 1948f.

<sup>37</sup> S. Rutherford's *Lex Rex* [1644], in *The Presbyterian Armoury*, 1843.

<sup>38</sup> 8 *Coke's Reports* 1070 118a, 77 ER 638 & 652.

<sup>39</sup> Arts. 54-80.

<sup>40</sup> 19:1-5f; 20:2-4; 21:7f; 22:1f; 23:1f; 24:1f & 26:3.

<sup>41</sup> 36 SA SR 1984, 379f.

## Captain Cook's 1788 establishment of the Common Law in Australia

University of Queensland Law Professor Lumb declares in his *Australian Constitutionalism*<sup>42</sup> that the rights of *Magna Carta* were those also of the Britons who from the eighteenth-century onward would settle in Australia. Blackstone's outline of the *British Constitution* would influence profoundly also the Australian Colonies. Common Law would govern them in 1788 and also at the establishment of the Commonwealth of Australia in 1900.

On applying Common Law in newly-annexed countries, Coke had observed: 'If a Christian king should conquer a kingdom of an infidel..., *ipso facto* the laws of the infidel are abrogated. For they be not only against Christianity; but against the Law of God and of Nature contained in the Decalogue.'<sup>43</sup>

With the establishment in 1788 of the first British Colony in Australia and Governor Phillip upheld the **Bible's Decalogue** especially in **public life**. He granted full liberty of conscience, and also the free exercise of all religious worship not prohibited. Yet and even according to the agnostic Professor Manning Clark<sup>44</sup> and Phillip caused the laws against blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's Day, swearing and drunkenness to be executed rigorously.

Phillip was succeeded by Governors Hunter,<sup>45</sup> Macquarie,<sup>46</sup> and Brisbane.<sup>47</sup> All of them were godly Christians and as too was Tasmania's first Lieutenant-Governor, Colonel Arthur.<sup>48</sup> Blackstone had pointed out<sup>49</sup> that British settlers even in a previously-inhabited region with no proclaimed system of law, bring with them as much of the English Common Law as is applicable to the condition of the new colony. New South Wales and all the later colonies in Australasia were such regions. Thus the 1978 High Court of Australia case of *State Government Insurance Commission v. Trigwell*,<sup>50</sup> and even the 1990 *Mabo cases*.<sup>51</sup>

A Legislative Council was set up in 1823, and given power to make any laws (in harmony with Common Law) for New South Wales. At that time, the latter included what subsequently became the separate States of Tasmania, Victoria, Queensland and much of South Australia and the Northern Territory.

In that whole region, modified British Common Law alone then held sway and still does. Too, with the setting up of the New South Wales Legislature in 1823, the dominant significance of the **Christian** religion within the Colony continued.<sup>52</sup> See

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<sup>42</sup> Butterworths, Brisbane, 1983, pp. 24f.

<sup>43</sup> See *Robert Calvin's case*, in Sir Edward Coke's *English Reports*, 77 King's Bench VI, Green, Edinburgh, pp. 397f.

<sup>44</sup> As cited by G. McLennan in his *Understanding our Christian Heritage*, Christian History Research Institute, Orange NSW, n.d., p. 9.

<sup>45</sup> Wood, pp. 54f.

<sup>46</sup> C.M.H. Clark: *A History of Australia*, University Press, Melbourne, I pp. 269 & 280f.

<sup>47</sup> *Ib.*, II pp. 21-23.

<sup>48</sup> *Ib.*, II p. 110.

<sup>49</sup> *Op. cit.*, I p. 107.

<sup>50</sup> 142 C.L.R. 617 & 623-25.

<sup>51</sup> N. Lee: *Australian Common Law and Tribal Title*, 5th revision, 1993, pp. 1-45.

<sup>52</sup> A.C. Castles: *An Australian Legal History*, 1982, pp. 46 & 67f.

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the 1948 case of *Wylde v. Attorney-General*.<sup>53</sup> And since Britain in 1829 took formal possession also of Western Australia as such, the **whole** of the Australian Continent (including Tasmania) has been under modified British Common Law ó right down until today.

Also the tremendous political influence in Australia of the famous evangelical<sup>54</sup> Presbyterian Minister Dr. Lang should be noted. He arrived in Sydney during 1823, and secured immigrants in whom religion and industry would be displayed.<sup>55</sup> He was instrumental in the enactment of a new *Constitution* for New South Wales in 1855, just four years after Victoria and still four years before Queensland separated from the First Colony. He thoroughly favoured local government. So too did Queen Victoria.

### **The historic and Christian *Coronation Oath* of the Australian Queen**

When Captain Cook claimed the South Pacific for Britain in the seventeenth-century ó his sovereign claimed to reign as a Christian ruler. This was again seen at the coronation of Queen Victoria, during whose reign our *Australian Constitution* was enacted. Also at the coronation of the present Christian and Trinitarian Queen of Australia in 1953, the same historic oath was uttered:<sup>56</sup>

öOur gracious Queen, we present you with this Book, the most valuable thing that this world affords. Here is wisdom. This is the Royal Law [James 2:8-12].... With this sword ó do justice; stop the growth of iniquity; protect the holy Church of God.... Receive this orb set under the cross, and remember that the whole world is subject to the power and empire of Christ our Redeemer!

öAlmighty and everliving God..., save and defend all Christian kings, princes, and governors, and specially Thy servant...our queen: that under her, we may be godly and quietly governed [*cf.* First Timothy 2:1-2]; and grant unto her whole council, and to all that are put in authority under her, that they may truly and indifferently minister justice, to the **punishment** of wickedness and **vice**, and to the **maintenance** of Thy **true religion** and **virtue!**ö Romans 13:4 & James 1:27 & 2:8-12.

The framework of this Coronation Oath has hardly changed for over a thousand years. That used for the Anglican Christian Queen Elizabeth II of Australia in 1953 descends directly ó *via* that used at the Coronation of the Presbyterian Christian King William III in 1689 ó from that used at the Coronation of the Pre-Reformational Christian King Edgar at Bath in 973 A.D.

This Oath therefore bears not a denominational but a **Pan-Christian** character ó also throughout the last millennium, right down to our twentieth century. Its ö**true religion**ö is thus öthe **Christian** Faith.ö And this, Queen Victoria took pains to remind Queensland's Governor in 1859.

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<sup>53</sup> *Wylde v. Attorney-General* (1948) 78 C.L.R. 224 & 257.

<sup>54</sup> R.S. Ward: *The Bush Still Burns – the Presbyterian and Reformed Faith in Australia*, Globe, Brunswick Vic., 1989, p. 34.

<sup>55</sup> R. Bardon: *Centenary History of the Presbyterian Church of Queensland 1849 to 1949*, Smith & Paterson, Brisbane, 1949, p. 12.

<sup>56</sup> McLennan, pp. 42f.

As quoted in the 1990 *Mabo case*,<sup>57</sup> Queen Victoria instructed the first Governor of Queensland: "Promote religion and education among the native inhabitants of our said Colony!... Protect them in their persons and in the free enjoyment of their possessions!... Do by all lawful means prevent and restrain all violence and injustice which may in any manner be practised or attempted against them!... **Take such measure as may appear to you to be necessary for their conversion to the Christian Faith**, and for their advancement in civilization!"

### Christian influences before and in Australia's 1900 Constitution

In Australia, there has been even judicial recognition that **Christianity is part of the law of the land**. Thus, for example, in the 1866 New South Wales case of *Regina v. Murphy*.<sup>58</sup>

Also in *ex parte Thackeray* (1874), it was stated that **the Law of God is part of the law of the Colony of New South Wales**. It was held:<sup>59</sup>

"We, the colonists of New South Wales, bring out with us (to adopt the words of Blackstone) this first great Common Law maxim distinctly handed down by Coke and Blackstone and every other English judge long before any of our colonies were in legal existence or even thought of, that Christianity is part and parcel of our general laws and that all the revealed or divine law, so far as enacted by the Holy Scriptures to be of universal obligation, is part of our colonial law as clearly explained by Blackstone, Vol. I, pp. 42-3; and Vol. IV., pp. 43-60.

"If any person educated in the Christian religion or professing the same shall by writing, printing, teaching or advised speaking deny any one of the Persons in the Holy Trinity to be God, or maintain that there are more Gods than one or he shall undergo...penalties and incapacities.... Blasphemy against the Almighty by denying His being or providence; or by contumelious reproaches of our Saviour Christ...[and] all profane scoffing at the Holy Scripture or exposing it to contempt and ridicule...are offences punishable at Common Law by fine and imprisonment or other infamous corporal punishment. For **Christianity is part of the law**."

In the 1884 New South Wales case of *Regina v. Darling & Others*, on appeal Chief Justice Martin stated:<sup>60</sup> "An opinion has been expressed that **the Christian religion** in any of its forms is **not recognised** by the law of this country. **No greater mistake can be made**. It has been frequently and **correctly** stated both in England and **here** that **Christianity is part** of the **Common Law**.... Christianity is part of the Common Law...**of this Colony**."

From then onward, both France and Germany pursued an aggressive expansionistic imperialism in the South Pacific. To the Australian Colonies, especially after 1885, the common needs of their defence and trade became very pressing. Constitutional confederation was seen to be the right road ahead.

<sup>57</sup> S.C. 90/409 (Q.S.C. 1990 Vol. 14 No. 409, II p. 5): emphases by N. Lee.

<sup>58</sup> *R. v. Murphy*, Wilke Aust. Mag. 757 (cited in *R. v. Darling* NSWLR 884 5 at 407-10).

<sup>59</sup> *Ex parte Thackeray*, 13 S.C.R. (N.S.W.) 1 & 61 per Hargrave J.

<sup>60</sup> *R. v. Darling* NSWLR 884 5, 405 & 411 (emphases by N. Lee).

*ADDENDUM 51: BIBLICAL ROOTS OF THE  
AUSTRALIAN CONSTITUTION*

In 1885, the "Father of the Federation" Sir Henry Parkes declared:<sup>61</sup> "We are a British people and are pre-eminently a Christian people.... Our laws, our whole system of jurisprudence, our *Constitution*...are based upon and interwoven with our Christian belief."

Australia's *Constitution*<sup>62</sup> is certainly grounded in Christianity. According to its very Preamble, it was brought into being on 9th July, 1900. "Anno Domini, or in the year of our Lord (Jesus Christ).

That Preamble at its very outset expresses how the people of the constituting Colonies, in then contemplating the setting up of the Commonwealth of Australia, were "humbly relying on the blessing of **Almighty God**" — alias the one and only Triune God (alongside of Whom there is no other). Indeed, even the closing Schedule of the original *Australian Constitution* contains an Oath of swearing to be faithful "according to law. So help me **God!**"

Very frankly, Australia does not need any *Declarations* formulated by the United Nations — consisting as the latter does of much more imperfect human beings than in fact wrote the *Australian Constitution*. For, as the Supreme Court of Victoria recognized in the very recent (1992) case of *Noonil v. Aty*<sup>63</sup> — Australia is "a predominantly Christian country."

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<sup>61</sup> *Sydney Morning Herald*, 26th August 1885.

<sup>62</sup> 63 & 64 Victoria, chapter 12.

<sup>63</sup> 1 V.R. 365.



## **ADDENDUM 52: AUSTRALIAN LAW AND NATIVE TITLE (AS IN *MABO*)**

Whenever Britons have gone and settled overseas ó whether in America, Australia, Canada, New Zealand or elsewhere ó they have taken their Common Law with them. If the place of settlement was uninhabited prior thereto (such as in the case of Norfolk and Pitcairn Islands), that British Common Law obviously then obtains outright.

Of course, it then does so subject to the extent applicable in the targeted territory. Indeed, it does so further ó and quite naturally ó also subject to its ongoing development there, in a manner appropriate to that territory.

However, where the targeted territory had already been colonized previously and indeed by a Non-British power ó as in the cases of Canada¸ Quebec and South Africa¸ Cape of Good Hope ó the previous legal system continues. Thus, Quebec remained subject to Roman-French Law; and South Africa, to Roman-Dutch Law.

Yet even then, the British Common Law ó to which recent British colonists had previously been subject ó may well still begin to influence the prior and Non-British legal system in such a colony, on whatever scale. Thus, South Africa ultimately adopted the whole of British Criminal Law and Procedure (practically in its entirety) ó though once again subject to yet further development thereof in the new country.

But what is the situation where British settlers colonize a new territory previously inhabited only by sparsely scattered Non-White tribes? Such was the situation in North America¸ New England in A.D. 1606-20f ó and in Australia¸ New South Wales in A.D. 1788f. What then?

### **Common Law replaces that of uncivilized tribes in British Colonies**

The simple answer to the latter question, is as follows. British Common Law is established in the new British Colony, and replaces native customs in all the regions thereof where Englishmen settle and become the most influential group ó both as regards those English colonists, and as regards the relationship there between those new colonists and the older tribal inhabitants.

Of course, the native tribes themselves at first retain their own customs in their own areas in which they remain dominant. But they do so, subject to their receiving British Common Law and Christianity as an integral component thereof (whether in part or in whole).

Subject to the gradual extension of the Common Law into the lives of even such tribal inhabitants, the latter may sell or deed their lands (if any) or their commodities (if any) either in part or in whole to the new settlers. Alternatively, the latter¸ governing body may expropriate such lands and commodities either in part or in whole (whether with or without compensation). The latter may occur especially after possible skirmishes with, or even wars against the older tribal inhabitants. See:

Genesis 14:13-24; Exodus 23:20-33; Leviticus 26:1-25f; Deuteronomy 20:1-20; Joshua 22:4-9; Second Samuel chapters 17 to 20; *etc.*

However, in terms of the Law of God, neither the old tribal natives nor the new civilized settlers may unrighteously appropriate either the land occupied (if any) or the goods owned (if any) by the other. Thus, British Common Law protects even native title thereto (unless legally expropriated). But it will not protect any such native customs or titles as are at variance with the Law of God as an integral part of British Common Law.

Lord Chief Justice Sir Edward Coke was in many ways the father of British Common Law and the first massive systematizer thereof. Most significantly, at the very time Englishmen were establishing their first North American Colony (in Virginia), Coke cited Second Corinthians 6:15 and "What concord does Christ have with Belial or what part does the believer have with an infidel?"

Indeed, as Coke declared at the beginning of the seventeenth century in *Robert Calvin's case*:<sup>1</sup> "If a Christian king should conquer a kingdom of an infidel..., *ipso facto* the laws of the infidel are abrogated. For they be not only against Christianity; but against the Law of God and of nature contained in the Decalogue." See too: Genesis 3:15; Galatians 4:22-31; First John 3:8-12.

### **Rev. Prof. Dr. Dabney on gaining good title from bad title**

This same matter of Common Law and native title is implicitly referred to by the famous nineteenth-century Virginian Rev. Professor Dr. Robert L. Dabney. We refer here to his important book *Defense of Virginia (and through her of the South)*.

There, Dabney discusses the acquisition of property in the purchased labour of slaves. He notes humanism-infected Northerners later argued<sup>2</sup> that unless Southerners in the United States were "willing to justify the capture of free and innocent men on their own soil and their reduction from freedom to slavery" in Africa, Southerners themselves "must acknowledge that the title of the Southern master to his slave at this day is unrighteous" in America.

The reason for this, added those Northerners, is simple. "A system which had its origin in wrong cannot become right by the lapse of time.... 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.... An unsound title cannot become sound by the passage of time."

*Per contra*, however, even the non-conservative Toohy J. in *Mabo's case* (1992). On this, see the text following our note 58 below.

Such, however, was the Yankee argument against the retention of slave-holding in the unreconstructed South. How did the South then reply to that specious argument?

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<sup>1</sup> See Coke's *English Reports*, 77 King's Bench VI (*cf.* 7 Rep. 17b., Show. Part. C. 31), Green, Edinburgh, pp. 397f.

<sup>2</sup> Sprinkle, Harrisonburg Va., 1977 rep., p. 288.

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It need hardly be said that replies 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** that a law which not Wilberforce nor the British Parliament nor British nor Yankee Abolitionists have the honour of originating, but the slave-holding Commonwealth of Virginia in 1671f.

Slave-catching and slave-selling, he adds, is 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]. We fully admit, then, that the title of the original slave-catcher to the captured African, was most unrighteous.

However, insists Dabney, few 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 that more wrong would be effected by destroying his title than by leaving the original wrong unredressed....

If 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 [Anglo-Saxon England by] 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.... [Nevertheless:] If lapse of time and change of hands cannot make a bad title good that then few of the present landlords of England have any right to their estates!

### **Welsh rights in English land vs. modern English landowners?**

*A fortiori*, what shall we ourselves say of the "rights" of the modern Welsh (as descendants of the Ancient Celto-Brythons) to recover their ancestral lands in Eastern England that expropriated by the Ancient Anglo-Saxons from the Ancient Celto-Britons in 449f A.D.?! What shall we say of the extinction of native land title in Australia in favour of today's *bona fide* Australian descendants of 1788f colonists from Britain and Europe? And, we would add that observes Dabney himself<sup>3</sup> that what 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 for their tribe?

Naturally, any valuable consideration ever offered and accepted at the time of the land occupation that offered by any Anglo-Saxon to and accepted by any Celto-Briton; offered by any American Colonist to and accepted by any Amerindian; or offered by any Australian Colonist to and accepted by any "Aborigine" that forever extinguishes all future claims by the earlier seller and/or his descendants.

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

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<sup>3</sup> *Ib.*, pp. 290f.

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, are once and for all. The amount then paid ó provided mutually agreed upon and mutually deemed fair at that time ó 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 is irreversible (notwithstanding any later unilateral desire to renegotiate). For *caveat venditor* is the necessary corollary of *caveat emptor*.

~~-Fair price~~ should of course be paid for the commodity. But that is the mutually agreed fair price **at the time of the sale** ó and not what might, whether unilaterally or even bilaterally, be considered fair only at a later stage (unless specifically so stipulated at the time of the agreed sale itself). The later appreciation or depreciation of the value of the land or commodity concerned, is irrelevant to the firmness of title conveyed by the prior transaction.

### Land acquisitions by colonists in America (and Australia etc.)

Were the United Statesø former purchases of Louisiana from France in 1803 (at \$1 per hectare) and of Alaska from Russia in 1867 (at 5c per hectare) ó not **mutually-agreed fair prices during those times**? Of course they were! The mere fact that Louisiana and Alaska are today each worth many billions of dollars, in no way obligates the United States further to òcompensateö France and Russia for the increased value thereof today.

But even if this were now to be done, should the United States thereafter yet further òcompensateö France and Russia therefor ó at the time of a still further expected appreciation in the land-value thereof (say at the end of the 21st or the 22nd century)? Of course not!

Consequently, the descendants of the Dutch who formerly traded unpolluted beads at the beginning of the seventeenth century for their purchase 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 those Amerindians who sold the ground under what is now New York City to those now-dead Dutchmen, today successfully sue the descendants of the latter for the return of a now-polluted metropolis to Amerindians ó against the latterø restitution of the unpolluted beads their ancestors paid therefor.

As Dabney explains: òIf the Virginian slave-holder derived from the New England or British slave-trader no valid title to the African [slave] ó **then the [slave-]trader had no valid title to the planter's money!**ö Consequently, the earlier transaction is unrescindable ó and even unreviewable.

The very notion even of the possibility of such a rescission, in the above scenario, then, is both bizarre ó and also legal lunacy. Indeed, even if such *restitutio in integrum* were possible today ó which, of course, it is not ó to which Amerindian or Amerindians (or group or groups thereof) could New York then be handed over,

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without unleashing further litigation between one Amerindian individual or tribe and another? It is just not possible to un-scramble eggs!

Furthermore, also the very idea of later compensation ó is equally absurd. Thus, even after the triumph of abolitionism, also the (purported yet illegally ratified) 1868 Fourteenth Amendment to the *U.S. Constitution* clearly declares (in its Section 4) that ðneither 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 further insists<sup>4</sup> that the Black slave-catchers in Africa and the White slave-traders, and the English or New England slave-transporters who brought the slaves to the Americas ó were not citizens of the Southern colonies. Those slaves were not brought to America's shores by the ships of the South. Even after their arrivals, they were presented for sale in Boston and elsewhere by inhumane Northerners ó who dragged them in chains from the filthy holds of the slave ships.

It is true that many Southerners did attend such sales and there purchased many of the slaves. However, explains Dabney, ðthe 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.

ðThe planters paid a fair commercial equivalent for the labour of the slaves. The difference between the title of the original English slave-catcher [and/or New England slave-seller], and that of the later Virginian slave-owner [in the South] ó is as great as that between the ruffian Norman freebooter who conquered the Anglo-Saxons at Hastings, and the law-abiding descendants of bothö (*viz.* the Anglo-Saxon Englishmen and the Anglo-Norman Christian gentlemen of modern England).

### **What tribe first got dispossessed by the next migrant tribe?**

Now it is very significant that also Sir William Blackstone follows Coke in upholding the previously-mentioned *Robert Calvin's case* ó in Blackstone's own famous *Commentaries on the Laws of England*.<sup>5</sup> This was written in 1765, just two decades before Captain Cook brought those laws (and Blackstone's *Commentaries* thereon) to Australia.

Of course, it is certainly to be hoped that in such cases the new colonists offer valuable consideration for any land occupied or commodity owned by the old tribal inhabitants which the new colonists might then acquire from them. Yet even if that thus-acquired title was originally flawed, it would yet become good through the passage of time ó if the previous owners or users take no legal steps to recover it

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<sup>4</sup> *Ib.*, pp. 292f.

<sup>5</sup> *Comm. Laws Engl.*, Univ. Press, Chicago, 1979 rep., I pp. 104f.

within sixty years.<sup>6</sup> To this latter point, at some considerable length, we shall later return (in our text at notes 58 and 66 below).

In the case of the Mainland Black Australians (or so-called 'Aborigines') their tribes were nomadic hunter-gatherers. They practised no agriculture; tended no domestic animals; and possessed neither metal nor pottery, nor bows and arrows.

The same applies also to the yet-older inhabitants of Australia the racially-distinct Black Tasmanians who had previously occupied the Mainland before the later so-called 'Aborigines' did. Indeed, subsequently, in Tasmania, those Black Tasmanians further lacked even boomerangs, dingoes, spear-throwers and fire-making equipment before the arrival of British and European settlers there.<sup>7</sup>

Hence mining magnate Hugh Morgan<sup>8</sup> apparently told the Australian Mining Industry Council on May 2nd 1984 that 'Aboriginal Land Rights' would wipe out the mining industry and that this tribal concept of land-rights represented a spiritualism that was Anti-Christian. Indeed, when the 81-Member Aboriginal Northern Land Council decided to withdraw its participation in the then-pending 1988 Australian Bicentennial Programme, Northern Territory Federal Member of Parliament Paul Everingham re-acted in an interesting way.

Everingham is reported to have responded at that time as follows:<sup>9</sup> 'If there hadn't been a 1788 [colonization of Australia by migrants from the British Isles], Aboriginal people would still be bashing their daughters' skulls out on rocks when they decided they didn't want their daughters. They'd be having massive fights among themselves; and they'd still be leading a life where to keep body and soul together some of them would be spending all day, 24 hours a day, chasing a lizard across the desert.'

### **The myth of *terra nullius* is foreign to the Common Law**

Another interesting perspective was given in the 'Pro-Aboriginal Land Rights' November 1986 *Land Rights News*. It is found there, in Henry Reynolds's article 'History Refutes the *Terra Nullius* Myth.'

Reynolds concedes that not just British Common Law but even the Roman-Law jurist (and liberal-revolutionary French-Swiss authority on International Law) Emerich de Vattel and in his famous book *The Law of Nations* and justifies the Western colonization of sparsely-populated areas elsewhere. For, explains Reynolds:<sup>10</sup> 'Vattel certainly supported the right of Europeans to establish colonies in land held by hunters and gatherers.'

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<sup>6</sup> *Ib.*, II ch. 13.

<sup>7</sup> Thus the American Physiology Professor Jared Diamond of the School of Medicine at the University of California in Los Angeles, in his article *Ten Thousand Years of Solitude* (in *Discover* March 1993 p. 51 *cf.* p. 4).

<sup>8</sup> See the art. *The Same Old New Right* (in the Pro-Aboriginal Land Rights *Land Rights News*, Northern Territory News, Darwin, Australia, Vol. 2 No. 1, Nov. 1986, p. 2).

<sup>9</sup> *Id.*

<sup>10</sup> In *ib.*, p. 9.

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Specifically anent Colonial Australia, Reynolds further concedes that the British Government accepted that the Aborigines...continued to have rights after the claim of sovereignty over Australia by Britain. Indeed, he explains there was a very clear understanding that in losing their land the Aborigines should be compensated or given an equivalence as they called it at the time.

Three forms of compensation were initiated. Reserves were created in the settled districts. Aboriginal rights, to continue living on their lands were provided for in pastoral country. And provision was made to set aside up to 15% of money from land sales to be spent on Aboriginal education and welfare.

However, Reynolds then goes on to resent what he calls the eighteenth-century legal theories of William Blackstone *etc.* Ignorant of the full scope of Blackstone's teachings anent our equitable Common Law, Reynolds even adds: "Nothing better illustrated the intellectual and moral bankruptcy of Australian jurisprudence *etc.*"

With obvious disapproval, Reynolds then attacks two Australian decisions. In 1889, he complains, the Privy Council discussed an 1889 Australian case *Cooper v. Stuart* during which it was claimed that in 1788 New South Wales had been a tract of territory practically unoccupied without settled inhabitants or settled law and with no land law or tenure existing in the colony at the time of its annexation to the Crown.

That, opines Reynolds, was bad enough. But it was even more remarkable that this judgement was thought by Mr. Justice Blackburn to be binding on his court when he came to assess the case of *Millirrpum v. Nabalco* in 1971.

Interestingly, Reynolds's article reveals no knowledge of the 1978 South Australian *Sheep case*.<sup>11</sup> That too, however, sets out the same principle of our Australian Common Law as is found in Blackstone.

### **Outline of Australia's epoch making 1990f Eddie Mabo cases**

From the mid-1980s onward, one Eddie Mabo and his associates (all of them native and Non-White Merians alias Murray Islanders) applied for declarations from the High Court of Australia anent their own rights to a parcel of land on the Murray Islands. Their first stated intention, was to establish their own private rights *vis-a-vis* certain other Murray Islanders. However, later changing their application, they then sought declarations anent the land rights of all Murray Islanders or in respect of the Murray Islands or *vis-a-vis* all other Australians who were not Murray Islanders.

The entire matter was first decided by way of reference, in order to determine the facts in dispute. This was established during **1990**, in the one-judge case of *Eddie Mabo & Ors. v. The State of Queensland*.<sup>12</sup>

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<sup>11</sup> *State Gvt. Insurance Commission v. Trigwell* (1978-79) 142 C.L.R. 617 & 623-25 & 642f.

<sup>12</sup> QSC 1990, Vol. 14, No. 409, I pp. 68.

Then, to determine the matters of law, the matter thereafter came before the seven justices of the (full) High Court of Australia. This occurred in the **1992** so-called *Mabo's case*.<sup>13</sup>

Eddie Mabo himself died in January 1992. The High Court addressed one of the four claims sought only in May 1992. Final judgment on the entire matter was delivered on June 3rd 1992.

Although this was a 6-1 decision on the central issue of the tribes' continuing possession of the Murray Islands, each of the seven judges concerned significantly disagreed with most of the rest of his or her colleagues as to several of the other matters they addressed. Notwithstanding this, Eddie Mabo's widow has subsequently been treated with near-reverence by certain Cabinet Ministers of the Federal Government.

Before reaching his own decision, His Honour Sir Gerald Brennan said:<sup>14</sup> "The opening up of international remedies to individuals, pursuant to Australia's accession to the *Optional Protocol to the International Covenant on Civil and Political Rights*, brings to bear on the Common Law the powerful influence of the *Covenant* and the international standards it imports.

"The International Law is a legitimate and important influence on the development of the Common Law, especially when International Law declares the existence of universal human rights. A Common Law doctrine founded on unjust discrimination in the enjoyment of civil and political rights demands reconsideration." Thus Brennan J.

Now this *obiter* statement needs to be taken in the context of the entire judgment. Let it immediately be said, however, that this 3rd June 1992 decision of the full bench of the High Court of Australia is not nearly as favourable to the cause of so-called "Aboriginal Land Rights" as sundry socialists (with their devotion to "communal property" and their antagonism to private property), would have one believe.

Still less does the judgment centrally address the question of compensation for expropriated areas, pursuant to annexation and possible concomitant or subsequent extinguishment of title. Yet both the news media and the Federal Government have majored chiefly on this compensatory aspect — which was not at all decided or even addressed by the High Court.

### **The need of determining the facts in the *Eddie Mabo cases***

Now the case concerns five persons claiming to represent those styled the "traditional owners" of the Murray Islands. The latter constitute a tiny volcanic cluster some 185 kilometres to the northeast of the northernmost point on Queensland's Cape York Peninsula — and only about 120 kilometres southeast of the southernmost tip of western Papua New Guinea. Geographically, these islands are so insignificant — totalling less than ten square kilometres altogether — that many maps of Australia do not even show them.

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<sup>13</sup> *Transcript*, 3rd June 1992, *Mabo's case*, unreported.

<sup>14</sup> *Ib.*, p. 30.

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The legal action was instituted in the name of some persons claiming to represent the Meriam people, alias the historic inhabitants of the Murray Islands. One of those five representatives, Eddie Mabo, was a prominent spokesman for those styled the traditional owners of the Murray Islands so that the short name of the above case is derived from his own surname.

Ironically, the litigation started not as a tribal claim against outsiders to recover communal tribal land from non-tribal occupants or expropriators but as a private property dispute about the use of individual garden plots of certain family members or a dispute against other family members within the same tribe. Only later, when Mabo could not get his own way against the other tribal litigants in terms of his first Application to the court, were the terms of the latter changed so into a land claim for all Murray Islanders over those islands, against everybody else throughout the world.<sup>15</sup>

Why? Apparently because of the embarrassment occasioned in establishing whether pre-colonial native title on the Murray Islands was private, or communal. Had the Court, on the initial application, found in favour of either the plaintiffs (all Murray Islanders) or the defendants (all Murray Islanders) so it would have established the existence of private property rights among those Australasians *inter se* in pre-colonial days so and thus made any future tribal land-claims against the descendants of non-tribal occupants much more difficult to establish.

For any positive verdict on Mabo's first application would, of course, have created a precedent disadvantaging future tribal claims against other Australians. So, when this was realized by the leftists, Eddie Mabo was counselled to withdraw his original application so and replace it with another which better suited their own hidden agenda.

In the second or substitute application, Eddie Mabo and his associates claimed that the Murray Islanders had continued to live on those islands and to retain exclusive possession of that territory through their own social and political organization so at least for more than the last two centuries. Mr. Mabo and his co-plaintiffs now claimed that their tribe's rights had not been taken away by the Queensland Government through annexation in 1879, and that those rights should continue to be recognised.

That claim, we say, was useless to Eddie Mabo himself. Ultimately, it served only to advance the concept of communal property at the expense of private property so to the disadvantage of both Eddie Mabo and all other Australians. Thus, not Mabo and his co-plaintiffs personally but only leftists could be benefitted if the claims of the second application were to be upheld.

### **Judge Moynihan's determination of the facts in the *Mabo cases***

The initial determination of the facts at issue in the case was made after the court sat for 66 days, pursuant to the reference of 27th February 1986 by the High Court of Australia. In that referred matter, Moynihan J. was asked to determine all issues of

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<sup>15</sup> Thus Shane Rodgers: *The Eddie Mabo Myth*, in *Courier-Mail Monitor*, Brisbane, July 17th 1993, p. 29.

fact for the High Court. On 16th November 1990, His Honour delivered the following Reference Judgment.

“Eddie Mabo has not lived on Murray Island since 1956, and since about 1958 has been a resident of Townsville. The reliability of his claims of visits to the Island came under somewhat of a cloud in the course of cross-examination. There is evidence that the Island Council or its Chairman refused him permission to visit the Island on occasion.

“Although the allegation was persisted in until the end, there is no evidence to sustain a view that the Queensland Government intervened either directly or indirectly to prevent Eddie Mabo visiting Murray. There are indications that at various times the Island’s elected council, or its Chairman, may not have wanted him there.... I was not impressed with the creditability of Eddie Mabo.”<sup>16</sup>

Indeed, Mabo was “quite capable of tailoring his story to whatever shape he perceived would advance his cause in the particular forum.” Many of his claims were “largely without foundation, and Eddie Mabo must have known it.”<sup>17</sup> Thus Moynihan J.

Significantly, Mabo ultimately withdrew his own personal claims even before the court heard the final submissions. The second application, however, proved to be far more to the liking of leftist interest groups.

Copious evidence was submitted by the plaintiffs in their second application “now that they were litigating against the State of Queensland. Such evidence included the allegation that the territory claimed by Captain Cook from Possession Island [at 10° 50’<sup>15</sup>] on 22nd August 1770 “did [not] include the Murray Islands.” It also included evidence showing that those islands were first named by Captain Edward in 1791, and apparently first visited by Europeans in 1843-45.

With the arrival of Christian missionaries in the Murray Islands, the Merian people there nominally embraced Christianity. Thereby, their culture and customs were greatly enhanced. Indeed, they then even leased a parcel of land there “to the Australian Board of Missions.

Very significantly, the High Court of Australia unanimously resolved to exclude that parcel of land on the Murray Islands from the Merian litigants’ granted claim “to have the use and enjoyment of all of the Murray Islands themselves, as against the whole world.

Indeed, it was further shown that Queen Victoria had in 1859 commanded the Governor of the then-new State of Queensland to “promote religion and education among the native inhabitants of our said Colony **or of the lands and islands thereto adjoining**”; and to “protect them in their persons and in the free enjoyment of their possessions”; and lawfully “prevent and restrain all violence and injustice which may in any manner be practised or attempted against them”; and **take measures**

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<sup>16</sup> Judge M. Moynihan, in *Eddie Mabo & Ors. v. The State of Queensland*, QSC 1990, Vol. 14, No. 409, I pp. 68.

<sup>17</sup> Rodgers: *op. cit.*, p. 29.

“necessary for their conversion to the Christian Faith and for their advancement in civilization.”<sup>18</sup> Note well!

### **The Murray Islands not annexed by Queensland Government till 1879**

Only yet later did the Queensland Government annex the Murray Islands in 1879. That was one year after H.M. Chester, Resident Magistrate at Thursday Island, had stated in a report dated 30th August 1878 that “these people...have vested interests and rights that cannot be disregarded.”<sup>19</sup>

The British Government then issued Letters Patent authorising the annexation, and the Queensland Parliament passed the necessary enabling legislation to effect the incorporation of those islands into Queensland. In 1882 the Queensland Government reserved Murray Island itself for its native inhabitants. So, when the latter were subsequently plagued by raiding parties of Non-Whites from other islands of the Murray Islanders complained to the Colonial Secretary,<sup>20</sup> demanding that they be protected against those other Non-Whites by the Government of Queensland. Note well!

Judge Martin Moynihan heard much anthropological evidence about the customs of the Merian people alias the Murray Islanders. It was to the effect that their language(s) and culture were quite distinct even from that of other island peoples resident in the Torres Strait.

Judge Moynihan carefully weighed all the submissions. Then, in the fact-finding Reference, his Honour concluded:<sup>21</sup> “I am not, on the evidence as I understand it, prepared to find, as the plaintiffs submit, that the purpose underlying Queensland’s introduction of DOGIT to Murray Island, is to deprive the plaintiffs of their claimed rights.” Thus the judgment on the facts of the case.

Thereupon, the matter of law was heard by the full High Court of Australia. It was decided in June 1992. Here, the plaintiffs sought an order declaring that the Murray Islands are not Crown Land within the meaning of section 5 of the *Land Act* of 1962 (Queensland).

They also sought a declaration that the Merian people are entitled against the whole world to possession, occupation, use and enjoyment of the lands of the Murray Islands.

Finally, they also asked the High Court to declare that the title of the Merian people is subject to the power of the Queensland Parliament and the power of the Governor in Council of Queensland to extinguish that title by valid exercise of their

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<sup>18</sup> *Ib.*, II pp. 1-5.

<sup>19</sup> *Ib.*, II pp. 1-5 & 8.

<sup>20</sup> *Ib.*, II pp. 9-15.

<sup>21</sup> *Ib.*, I p. 226.

respective powers ó provided any exercise of those powers is not inconsistent with the laws of the Commonwealth of Australia being made in Canberra.<sup>22</sup>

### **What the High Court could not and did not do in the *Mabo cases***

The *Mabo case* did not (and could not) overturn the Blackstonian Common Law doctrine of settlement ó nor the Blackstonian Common Law doctrine of conquered or ceded countries (which incidentally indeed happens to favour the personal rights of Eddie Mabo as well as the tribal rights of all the Murray Islanders). However, the *Mabo case* did reject a selfish and sinful misinterpretation of the Roman Law doctrine of *terra nullius*. This is the notion that a colonizing power can disregard the various rights of the inhabitants of a sparsely-populated area, simply by superimposing the colonial legal system upon them and pretending the area had been uninhabited.

Now even socialists should concede that the High Court did not make a ruling on sovereignty, but rather about who actually owned the land in question. The court recognized the continuing existence there of Pre-1788f native title, arising from ancient traditions and customs and not deriving from the 1788 introduction into Australia of British Common Law. The court ruled that the community resident in the Murray Islands (rather than individual Murray Islanders) holds the native title ó in much the same way that families may hold private property, in community of property, within other societies.

So in *Mabo's case*, the High Court acknowledged native title ó precisely in terms of Blackstonian **Common Law**. For there, the group proved its own continuing occupation of certain land under native law attested by tribal elders.

The decision applies only to unallocated Crown Land. The *Mabo case* does not override any existing freehold title under (British and Australian) Common Law. The court held that native title could not be granted in any non-aboriginal towns, station leaseholds or tourist developments already holding existing valid titles.

The right direction had already been pointed out by Queensland University Law Professor R.D. Lumb. In his 1983 book *Australian Constitutionalism*, he rightly stated<sup>23</sup> that "the rights of *Magna Carta*...were the rights [also] of eighteenth-century Englishmen...."

Blackstone's *Commentaries* were published in 1765, a few years before Captain Cook proclaimed His Majesty's sovereignty over the eastern coast of New Holland [Australia], and a little over 20 years before English colonists set foot on Australian soil. His general outline of the constitution and laws of England, was to influence profoundly the understanding of these laws in the Australian colonies.ö

### **The beginning of Mr. Justice Brennan's major judgment in *Mabo***

In the 1992 *Mabo case*, the major judgment, delivered by Brennan J., held *inter alia* that the Crown's sovereignty over the several parts of Australia cannot be

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<sup>22</sup> 1992 *C.L.R.*, 1-217, p. 1.

<sup>23</sup> Butterworth, Brisbane, 1983, pp. 25 & 68.

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challenged in an Australian municipal court. On the acquisition of sovereignty over a particular part of Australia, the Crown acquired a radical title to the land in that part. Although the rights and privileges under native title were unaffected by the Crown's acquisition of sovereignty, the latter exposes the former to possible extinguishment in the event of no continuing enjoyment of the land under ongoing native title.

His Honour added that where the Crown has validly alienated land by granting interests inconsistent with native title, the latter is extinguished to the extent of the inconsistency. Thus native title has been extinguished by grants of estates of freehold or of leases.

It is extinguished also in other cases, unless the general connection between the indigenous people and the land remains. Native title to an area which an indigenous clan is entitled to enjoy, is extinguished if the clan ceases to acknowledge that native title by losing its connection with the land, or on the death of the last of the members of the clan.

Very significantly, however, His Honour Brennan J. further added:<sup>24</sup> "In distinguishing its duty to declare the Common Law of Australia, this Court is not free to adopt rules that accord with contemporary notions of justice and human rights, if their adoption would fracture the skeleton of principle which gives the body of our law its shape and internal consistency. Australian Law is not only the historical successor of, but is an organic development from, the Law of England..."

"The peace and order of Australian society is built on the legal system. It can be modified to bring it into conformity with contemporary notions of justice and human rights, but it cannot be destroyed."

Now the plaintiffs did not challenge the proposition of the defendant (the State of Queensland) that the Imperial Crown had acquired sovereignty over the Murray Islands when annexed during 1879, and that the laws of Queensland (including the Common Law) became the law of the Murray Islands on that day. Nor did the plaintiffs disagree with the defendant's contention that, if it be deemed necessary to rely on the *Colonial Boundaries Act* of 1845, Queensland Common Law became the law of the Murray Islands at that time.

However, the plaintiffs indeed challenged the final proposition of the defendant namely that the Crown also acquired absolute beneficial ownership of the land in the Murray Islands at the time when the Crown acquired sovereignty over them.<sup>25</sup>

Brennan J. rightly conceded<sup>26</sup> that the concept of *terra nullius* is a doctrine of International Law (*sic*) rather than a doctrine of the Common Law of Australia. For according to the great 1765 Common Law commentator Sir William Blackstone,<sup>27</sup> there is indeed a Common Law "right of migration, or sending colonies to find out new habitations when the mother-country was overcharged with inhabitants" which

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<sup>24</sup> *Ib.*, p. 16.

<sup>25</sup> 1992 *C.L.R.*, pp. 17f.

<sup>26</sup> *Ib.*, p. 19.

<sup>27</sup> Sir Wm. Blackstone: *Commentaries on the Laws of England* (1765), University Press, Chicago, 1979 rep., II p. 7.

was practised as well by the Phaenicians and Greeks as the Germans, Scythians and other northern people.ö

Correctly, Brennan himself<sup>28</sup> then wisely went on to cite Blackstone's very next sentences. They state:<sup>29</sup> öAnd, so long as it was confined to the stocking and cultivation of desert[ed] uninhabited countries, it kept strictly within the limits of the **law of nature**. But how far the seising on countries already peopled, and driving out or massacring the innocent and defenceless natives merely because they differed from their invaders in language, in religion, in customs, in government, or in colour; how far such a conduct was consonant to nature, to reason, or to Christianity ó served well to be considered by those who have rendered their names immortal by thus civilizing mankind.ö

### **Brennan's factually incorrect *obiter* statement in *Mabo***

Brennan J. then made an *obiter* statement which we believe to be factually incorrect. For his Honour next claimed,<sup>30</sup> in passing, that öthe British acquisition of sovereignty over the Colony of New South Wales was regarded as dependent upon the settlement of territory that was *terra nullius* consequent on discovery.ö

Now it may be true that a few later Australian cases adverted to the doctrine of *terra nullius*. But it is not true, according to Blackstone, that migrant colonies under (British) Common Law operate under that doctrine. Nor is it true that either Captain Cook or the Botany Bay Settlement operated under that Roman Law doctrine ó which has always been alien to both British and Australian Common Law.

It is true that Brennan J. then, somewhat selectively, quoted a passage of Blackstone<sup>31</sup> that öin conquered or ceded countries that have already laws of their own, the king may indeed alter and change those laws; but, till he does actually change them, the antient laws of the country remain.... Our American plantations are principally of this latter sort, being obtained in the last century either by right of conquest and driving out the natives (with what natural justice I shall not at present enquire) or by treaties. And therefore the Common Law of England as such, has no allowance or authority thereö *etc.*

However, there needs to be a closer inspection of what immediately precedes and succeeds the above passage of Blackstone. Such inspection will then yield deeper perspectives. These will now be emphasised in **boldface** and where necessary underlined (by this present writer).

For Blackstone's above-cited passage, which he wrote in 1765 just over two decades before the British Settlement of Australia, actually declares that: öour more distant plantations in **America** and elsewhere are also in some respects **subject to the English laws**. Plantations or colonies in distant countries are either such where the lands are claimed by right of occupancy only, by finding them desert [alias deserted] and **uncultivated**, and **peopling** them from the mother country; or where, when

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<sup>28</sup> 1992 *C.L.R.*, p. 20.

<sup>29</sup> *Op. cit.*, II p. 7.

<sup>30</sup> *Ib.*, p. 21.

<sup>31</sup> *Op. cit.*, I ch. 4 pp. 106-8 (thus Brennan); pp. 104f (thus the 1979 Chicago rep. ed.).

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already **cultivated**, they have been either gained by **conquest** or **ceded** to us by **treaties**. And both these **rights** are **founded** upon the law of nature, or at least upon that of nations.

øBut there is a **difference** between these two species of colonies, with respect to the laws by which they are bound. For it is held that if an uninhabited country be discovered and planted by English subjects, all the English laws are immediately there in force. For as the law is the birthright of every subject ó so, wherever they go, they carry their laws with them. But in conquered or ceded countries that have already laws of their own, the king may indeed alter and change those laws; but till he does actually change them, the antient laws of the countries remain ó **unless such as are against the Law of God, as in the case of an infidel country**. [Robert] Calvin's case.ö<sup>32</sup>

In North America, Britain got land: through settlement by Britons; through conquest from Amerindians; and by cession from France. The latter was never the case in Australia. There, even the former and the middle methods of annexation operated somewhat differently.

Blackstone continues: øOur American plantations are principally of this latter sort [**conquered** or **ceded**], being obtained in the last century either by right of conquest...or by treaties. And therefore the Common Law of England as such has no allowance or authority **there**; they being no part of the mother country but distinct (though dependent) dominions. They are subject however to the control of the parliament [of England]; though (like Ireland, [the Isle of] Man and the rest) not bound by any acts of [the English] parliament unless particularly named.

øThe form of government in most of them is borrowed from that of England... [However, as regards the American colonies:] They have courts of justice of their own... Their general assemblies which are their house of commons, together with their council of state (being their upper house)...make laws suited to their own emergenciesö *etc.* Thus Blackstone.

Very clearly, the legal situation in Australia during the first few years after 1788 ó was different to that in America. For in Australia the land was not ceded to Britain by a foreign power in 1788. Neither was it conquered from, nor appropriated by way of treaty with, any native inhabitants.

In America, however, from about 1620 onward, the migrant colonists had often occupied land with the acquiescence of the American Indians. Sometimes, those migrant colonists in America conquered territory from those natives. At yet other times, they inherited ceded colonies and their legal systems (such as those of Quebec and Louisiana) ó from France.

Except where inheriting such colonies, the American colonists from Britain had extended as much of British Common Law as suited American conditions. They had also abolished all such customs of indigenous peoples who came under their sway as were øagainst the Law of God as in the case of an infidel country.ö

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<sup>32</sup> 7 Rep. 17b. Calvin's case. Show. Part. C. 31.

In Australia, however, the settlers simply brought their Common Law for the new territories together with them from Britain. Those new territories they then acquired neither by conquest nor by cession ó but instead by way of simple occupation.

Naturally, such occupation would require the colonists to respect all such customs of indigenous peoples there which were not óagainst the Law of God as in the case of an infidel countryö (Blackstone). As Brennan J. rightly observed:<sup>33</sup> öIt would be a curious doctrine to propound that, when the benefit of the Common Law was first extended to Her Majesty's indigenous subjects in the Antipodes, its first fruits were to strip them of their right to occupy their ancestral lands.ö

### **Brennan's appeals to Irish and Welsh Law precedents in *Mabo***

Brennan J. then referred to an 1762 Irish case. This no doubt struck a sympathetic note in the hearts of the many White Australians whose ancestors came from Celto-Gaelic Ireland rather than from Anglo-Saxon England. öAfter the conquest of Ireland it was held in *The Case of Tanistry*,ö<sup>34</sup> explained his Honour,<sup>35</sup> that öif such [English] conqueror receiveth any of the [Irish] natives or antient inhabitants into his protection and avoweth them for his subjects, and permitteth them to continue their possession and to remain in his peace and allegiance, their heirs shall be adjudged in by good title without grant or confirmation of the conqueror, and shall enjoy their lands according to the rules of law which the conqueror hath allowed or established.ö

This is true enough. It is a pity, however, that Brennan J. did not here explain the full force of the above words öand permitteth them to continue their possessionö *etc.* Emphasis mine ó F.N. Lee.

Yet even if the English did indeed then have the legal right to dispossess the Irish ó it would still not necessarily follow from that, that the English therefore in fact actually did conquer, or even actually dispossess, the Irish. But even if they did ó it would not follow from this that the first Australian colonists from the British isles (including Ireland) either conquered or dispossessed the previous inhabitants of Australasia.

Similarly, after the late-mediaeval English "conquest" of Wales ó continued Brennan<sup>36</sup> ó in the 1674 case of *Witrany and Blany*<sup>37</sup> it was held öthat the [Celto-Brythonic Welsh] inhabitants who had been left in possession of land needed no new grant to support their possession under the Common Law.ö

Doubtless those many descendants of Welshmen now living especially in New South Wales, would be edified to hear this. Yet, for the reasons already given in our previous discussion of *The Case of Tanistry*, also the case of *Witrany and Blany* has no relevant bearing either on the Murray Islands of the *Mabo case* or on the rights of land-possession in Mainland Australia.

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<sup>33</sup> 1992 *C.L.R.*, p. 27.

<sup>34</sup> Davis 28 [80 E.R. 516]; 4th ed. Dublin (1762) English translation 78 at pp. 110f.

<sup>35</sup> 1992 *C.L.R.*, p. 37.

<sup>36</sup> *Ib.*, p. 38.

<sup>37</sup> (1674) 3 Keb. 40 at p. 402 [84 E.R. 789 at p. 789].

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For, unlike the pagan tribes in Australia before 1788, both the Irish and the Welsh had long cultivated land and raised cattle as civilized nations ó for many centuries before their later annexation by England. Indeed, both the Irish and the Welsh had each enshrined their own Christian Common Law even in written Codes (such as the *Senchus Mor* and the *Laws of Hywel Dda*) ó long before those nations were subsequently incorporated into Great Britain or a Greater British Islesø overshadowed by a christianized England and its English Christian Common Law.

It must not be forgotten that also Blackstone makes provision in terms of English Common Law itself for the continuation of many Pre-Anglic customs of Brythonic Celts (not *contra bonos mores*), such as *gavelkind* and *borough English* ó and indeed not just in the Principality of Wales, but even in Englandø Kent. However, it must also not be forgotten that, according to the same Blackstone (II ch. 13), there is no way the descendants of Celto-Britons in Wales could legally claim any of the land some of their ancestors had once enjoyed in Eastern Englandø Kent ó after there had been **sixty years continuous occupation thereof** by the new Anglo-Saxon occupants as from 449 A.D. onward.

### **Brennan's canvassing colonial decisions also in other Continents**

His Honour then canvassed various colonial decisions in other Continents ó notably those involving American Indians and Southeast Asians. Prominent among this class of decisions, is the case of *in re Southern Rhodesia*.

There,<sup>38</sup> Brennan J. cited Lord Sumnerø understanding that the true rule as to the survival of private proprietary rights on conquest, was that it is to be presumed in absence of express confiscation or of subsequent expropriating legislation that the conqueror has respected them and forborne to diminish or modify them.ø This view accords with the old authorities of *The Case of Tanistry* and *Witrany and Blany*, and also with Blackstone.

Brennan J. went on to state:<sup>39</sup> òNative title, though recognized by the Common Law, is not an institution of the Common Law and is not alienable by the Common Law.ö Indeed, it is òto be determined by the laws and customs of the indigenous inhabitants **provided those laws and customs are not so repugnant to natural justice, equity and good conscience** that judicial sanctions under the new regime must be withheld.ö Emphases mine ó F.N. Lee.

Here, his Honour has tried to set in lower key the very clear Blackstonian *caveat*<sup>40</sup> ó again my emphases (F.N. Lee) ó that such continuing indigenous customs are no way to be permitted if they are òagainst the **Law of God** as in the case of an infidel countryö prior to its christianization. On this, already at the beginning of the seventeenth-century, see the judgment of Lord Chief Justice Sir Edward Coke in *Robert Calvin's case*.

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<sup>38</sup> [1919] A.C. at p. 233.

<sup>39</sup> 1992 *C.L.R.*, pp. 48 & 50.

<sup>40</sup> *Op. cit.*, I ch. 4 pp. 104f (Chicago ed.).

It is significant that Brennan J. then went on to observe<sup>41</sup> that "the [1990] findings made by Moynihan J. do not permit a confident conclusion that in 1879 there were parcels of land in the Murray Islands owned allodially by individuals or groups. The absence of such a finding is not critical to the final resolution of this case...."

"The native titles claimed by the Merian people "communally, by group, or individually "avoid the Scylla of the 1879 annexation of the Murray Islands to Queensland. But we must now consider whether they avoid the Charybdis of subsequent extinction...."

"Sovereignty carries the power to create and to extinguish private rights and interests.... In the case of a Common Law country, the courts cannot review the merits, as distinct from the legality, of the exercise of sovereign power.... However, the exercise of a power to extinguish native title must reveal a clear and plain intention to do so.... The Crown did not purport to extinguish native title to the Murray Islands when they were annexed in 1879."

The above opinion of Brennan J. relates to statutory (and perhaps even also to non-statutory) extinguishment of native title by an annexing political **State or Government**. However, quite apart from this "though not at all addressed in the *Mabo cases* "there is also the possibility of **non-governmental** extinguishment of a previous person's or a previous group's prior rights in respect of an area.

Such non-governmental extinguishment occurs whenever subsequent non-governmental **settlers**, such as by way of homesteading *etc.*, privately occupy (and hopefully improve) the area concerned "continuously "for **more than sixty years**. Thereafter, any latent rights of the previous interested party or parties "even if the latter had at that earlier time been in occupation thereof "lapse in respect of the area concerned. See Blackstone's *op. cit.* II ch. 13, as cited at our nn. 58 & 66 below "F.N. Lee.

### **Brennan on the extinguishability of tribal title in Australia**

Brennan J. then very carefully continued:<sup>42</sup> "Counsel for the plaintiffs submitted that the State of Queensland had no power to extinguish native title.... That proposition...had no relevance to the power to extinguish native title to land which is not a matter of international concern." However, in actual fact, explained Judge Brennan: "**The Queensland Parliament retains, subject to the Constitution and to restrictions imposed by valid laws of the Commonwealth [*Mabo v. Queensland (1988) 166 C.L.R. 186*] a legislative power to extinguish native title** [emphases mine "F.N. Lee]...."

"As the Governments of the Australian Colonies and, latterly, the Governments of the Commonwealth, States and Territories have alienated or appropriated to their own purpose most of the land in this country during the last 200 years "the Australian Aboriginal people have been substantially dispossessed of their traditional lands. They were dispossessed by the Crown's exercise of its sovereign powers to grant land to

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<sup>41</sup> 1992 *C.L.R.*, pp. 51f.

<sup>42</sup> *Ib.*, pp. 56f.

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whom it chose and to appropriate to itself the beneficial ownership of parcels of land for the Crown's purposes.

One may and should well question Judge Brennan's assertion above that governments in Australia have indeed appropriated most of the land there and also his further assertion that such land was indeed so appropriated from what he here calls 'the Australian Aboriginal people.' For the fact is that the so-called 'Aboriginals' were never one people, but only a multitude of different tribes.

The further truth is they are not 'aboriginals' but merely migrants whose ancestors themselves expelled the earlier Mimi Negritos from the Australian Mainland into Tasmania long before the arrival of colonists from Britain. Yet Judge Brennan here rightly maintains that the governments of the Australian colonies indeed did have the legal right to expropriate land from 'Aboriginals' and, of course, also from the other later settlers too.

Indeed, Judge Brennan also rightly insists: **'Aboriginal rights and interests were not stripped away by the operation of the Common Law on first settlement by British colonists,** but by the exercise of a sovereign authority over land exercised recurrently by Governments [again emphases mine].... It is appropriate to identify the events which resulted in the dispossession of the indigenous inhabitants of Australia, in order to dispel the misconception that it is the Common Law rather than the action of governments which made many of the indigenous people of this country trespassers on their own land.

In spite of the somewhat extravagant last sentence, his Honour then significantly stated:<sup>43</sup> 'Native title **has been extinguished by grants of freehold and of leases....** Native title has been extinguished to parcels of the **waste lands** of the Crown that have been validly appropriated for use...for **roads, railways, post-offices and other permanent public works which preclude the continuing concurrent enjoyment of native title....** Membership of the indigenous people depends on biological descent from the indigenous people **and** on mutual recognition of a particular person's membership by that person and by the **elders** or other persons enjoying traditional authority among those people.' Emphases mine of F.N. Lee.

Brennan J. then gave<sup>44</sup> his own verdict. **'The declaration sought by the plaintiffs [namely Eddie Mabo and others] should be refused....** The Governor in Council may, by appropriate exercise of his statutory powers, extinguish native title.... Title to the land leased to the Trustees of the Australian Board of Missions has been extinguished.'

His Honour then also added: 'I would...declare...that the title of the Merian people is subject to the power of the Parliament of Queensland and the power of the Governor in Council of Queensland to extinguish that title by valid exercise of their respective powers, provided any exercise of those powers is not inconsistent with the laws of the Commonwealth.' Emphases mine of F.N. Lee.

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<sup>43</sup> *Ib.*, p. 59.

<sup>44</sup> *Ib.*, pp. 63-65.

## The *Mabo* judgments of Sir William Deane and Mary Gaudron JJ.

Even the rather more radical judgments of Sir William Deane and Mary Gaudron JJ.,<sup>45</sup> conceded that it must be accepted in this Court that the whole of the territory designated in [N.S.W. Governor] Phillip's Commission was, by 7 February 1788, validly established as a settled British Colony.... The Common Law of this country had its origin in, and initially owed its authority to, the Common Law of England.<sup>46</sup> Once the establishment of the Colony was complete on 7 February 1788, the English Common Law, adapted to meet the circumstances of the new Colony, automatically applied throughout the whole of the Colony as the domestic law.

Later in their long judgment, they further added<sup>47</sup> that the Australian Aborigines were...included among the people who, relying on the blessing of Almighty God, agreed to unite in an indissoluble Commonwealth of Australia.<sup>48</sup> The *Constitution* contained...two references to them.<sup>49</sup>

Though *obiter*, this is indeed a useful admission that the *Australian Constitution* was certainly grounded in the Founding Fathers' relying on the blessing of Almighty God and not grounded in a reliance on just any kind of supernatural power of whatever nature. It is also a tacit admission that the link between Almighty God and the Commonwealth of Australia, is indissoluble so that any attempt to make a transition from the theocratic kingdom of Australia toward a humanistic social democracy alias a people's republic, would be unconstitutional.

Deane and Gaudron JJ. further declared<sup>50</sup> that, upon the annexation of the Murray Islands to Queensland, the radical title to all the lands in the Murray Islands vested in the Crown in right of the State of Queensland; that lands of the Murray Islands are not Crown Land; that the rights under the Common Law native title are true legal rights which may be enforced and protected by legal action and which if wrongfully extinguished (e.g. by inconsistent grant) without clear and unambiguous statutory authorization, found proceedings for compensatory damages.

Their Honours even refused to grant the claim that any future grant by the Governor in Council of lands on Murray Island in purposed pursuance of the *Land Act* 1962, would be unlawful by reasons of the provisions of ss. 9 & 10 of the *Racial Discrimination Act* 1975 (Cth.). Notwithstanding this, they still admitted<sup>51</sup> that in those parts of this judgment which deal with the dispossession of Australian Aborigines, we have used language and expressed conclusions which some may think to be unusually emotive for a judgment of this Court.

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<sup>45</sup> *Ib.*, pp. 69f.

<sup>46</sup> 9 Geo. IV c. 83. The *Australian Courts Act* 1828 (Imp.), s. 24.

<sup>47</sup> 1992 *C.L.R.*, p. 97.

<sup>48</sup> Thus the Preamble in the *Commonwealth of Australia Constitution Act*, 63 & 64 Vic., c. 12.

<sup>49</sup> Sections 51 (xxvi) and 127.

<sup>50</sup> 1992 *C.L.R.*, pp. 109f.

<sup>51</sup> *Ib.*, pp. 110f.

### **Judge Sir Darryl Dawson: tribal usufructs extinguished by Crown**

Very refreshing was the independent judgment of His Honour Sir Darryl Dawson. He rightly stated:<sup>52</sup> “The genesis of the law which applies in the Murray Islands is to be found in the Colony of New South Wales, of which Queensland originally formed a part. The law of New South Wales included the Common Law.... **There is thus no need to resort to notions of *terra nullius*** in relation to the Murray Islands. The law which applied upon annexation, was **the Law of Queensland** and, as I understand the plaintiffs’ submission, there is no issue about that in this case.” Emphases mine ó F.N. Lee.

“Successive Governors of the Colony of New South Wales were given power to grant land,” explains Sir Darryl, “without reference to any claim or consent by the aboriginal inhabitants.... Some efforts were, however, made for the welfare of the aboriginal inhabitants ó by setting aside land for their use and benefit.”

His Honour continued:<sup>53</sup> “Certainly the comprehensive system of land regulation that was adopted by the Colony of Queensland,<sup>54</sup> made no mention of native rights. Indeed, so far as the native inhabitants were concerned, the first Governor(s) of Queensland were merely required to...take such measures as appeared to him necessary **for their conversion to the Christian Faith and for their advancement in civilisation.**” Emphases mine ó F.N. Lee.

Dawson J. therefore decided:<sup>55</sup> “My conclusion that the plaintiffs have no aboriginal title to the land, necessarily carries with it the further conclusion that the plaintiffs’ separate claim to usufructary rights over the land cannot succeed.... I would refuse each of the declarations sought.... Any traditional land rights which the plaintiffs may have had, were extinguished upon the assumption of sovereignty by the Crown over the Murray Islands.”

Indeed, even the admission of the “Aborigines” to full rights of equal citizenship in 1967 ó should have been contingent on their subsequent complete equality before the law. Thereafter yet to grant them either inferior or preferential treatment (e.g. by way of Abstudy etc.) is to vitiate totally the integrity of the modern notion of complete equality of all citizens.

### **Mr. Justice Toohey: interrupted possession vitiates ownership**

His Honour John Toohey rightly ruled that actual occupation of the land by the indigenous people at the time the colonising power claimed sovereignty, would be yet another basis to establish title even under British Common Law ó possession being nine-tenths of the law. Indeed, the Murray Islanders were still living on that land ó and still being sustained by its resources held and enjoyed by their ancestors, ever since even before 1788.

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<sup>52</sup> *Ib.*, pp. 131f.

<sup>53</sup> *Ib.*, p. 137.

<sup>54</sup> *Alienation of Crown Lands Act 1860 (Q.) etc.*

<sup>55</sup> 1992 *C.L.R.*, pp. 155 & 170.

Yet he also added that native title cannot continue under, nor against, subsequent freehold title. Neither can it continue even under subsequent leasehold title, unless the earlier people still continue to exercise their actual enjoyment of that land. Indeed, even the *Aboriginal Land Act* of 1991 does not refer to native title.

Explained his Honour:<sup>56</sup> "It is common ground that nothing has been done to extinguish the rights of the Merian people to the Islands generally.... In the thirteenth century, Bracton wrote:<sup>57</sup> "[E]veryone who is in possession, though he has no right, has a greater right [than] one who is out of possession and has no right."

"It is said that possession is the root of title.... So long as it is enjoyed, possession gives rise to rights, including the right to defend possession or to sell or to devise the interest." However, continued Toohey J.:<sup>58</sup> "A defendant in possession acquires seisin, even if possession is tortiously acquired....

"But what does English land law have to say, if possession of land is lost? The seisin and fee simple enjoyed as a result of possession, would also be lost.... A person's title arising from prior possession, can be defeated either by a defendant showing that he or she (or another person in so far as it undermines the plaintiff's claim) has a better because older claim to possession, or by a defendant showing adverse possession against the person for the duration of a limited period." See too Blackstone's *op. cit.* II ch. 13, as cited at our n. 66 below ó F.N. Lee.

Toohey J. then made<sup>59</sup> a fourfold Declaration. "1, Upon the annexation of the Murray Islands to Queensland, the radical title to all the land in those islands vested in the Crown in right of Queensland. 2, The traditional title of the Merian people to the Murray Islands, being their rights to possession, occupation, use and enjoyment of the Islands, survived annexation of the Islands to Queensland and is preserved under the Law of Queensland. 3, The traditional title of the Merian people to the land in the Islands has not been extinguished by subsequent legislation or executive act and may not be extinguished without the payment of compensation or damages to the traditional titleholders of the Islands. 4, The land in the Murray Islands is not Crown Land within the meaning of the term in s. 5 of the *Land Act* 1962 (Q.)."

### **The judgments of Sir Anthony Mason C.J. & Michael McHugh J.**

In the judgment of the full court as a whole,<sup>60</sup> Sir Anthony Mason C.J. and Michael McHugh J. agreed with the reasons for the judgment of Brennan J. as given by him, and with his proposed declaration. The High Court of Australia then gave a 6-1 decision ó emphasizes mine (F.N. Lee) ó that "the **Common Law of this country recognizes a form of native title** which, in the cases where it has not been extinguished, reflects the entitlement of the indigenous inhabitants and their law or customs, to their traditional lands."

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<sup>56</sup> *Ib.*, pp. 196 & 208f.

<sup>57</sup> *Bracton on the Laws and Customs of England*, Thorne tr. (1977), III p. 134.

<sup>58</sup> *Mabo (1992)*, pp. 196 & 208f.

<sup>59</sup> 1992 *C.L.R.*, pp. 217f.

<sup>60</sup> *Ib.*, p. 2.

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However, Mason and McHugh JJ. also added: “**Neither of us nor Brennan J. agrees with the conclusions to be drawn from the judgments of Deane, Toohey and Gaudron JJ.** that, at least in the absence of clear and unambiguous statutory provision to the contrary, extinguishment of native title by the Crown by inconsistent grant is wrongful and gives rise to a claim for compensatory damages. **We note that the judgment of Dawson J. supports the conclusion of Brennan J. and ourselves on that aspect of the case**, since his Honour considers that native title where it exists is a form of permissive occupancy at the will of the Crown.

öWe are authorized to say that the other members of the Court agree with what is said in the preceding paragraph about the outcome of the case.

öThe formal order to be made by the Court accords with the declaration proposed by Brennan J. but is cast in a form which **will not give rise to any possible implication affecting the status of land which is not the subject of the declaration in paragraph two of the formal order.**ö

In the said paragraph two, the High Court of Australia ordered that öputting to one side the Islands of Dauer and Waier and the parcel of land leased to the Trustees of the Australian Board of Missions and those parcels of land (if any) which have validly been appropriated for use for administrative purposes the use of which is inconsistent with the continued enjoyment of the rights and privileges of the Merian people [alias the Murray Islanders] under native title ö declare that the Merian people are entitled as against the whole world to possession, occupation, use and enjoyment of the lands of the Murray Islands.ö

### **The implications and the aftermath of the decision in *Mabo***

What are the implications of these two Mabo decisions, by way of their aftermath? They concern only the Murray Islands, which comprise a total area of about 9 (nine) square kilometres 120 kms. southeast of the southernmost tip of western Papua New Guinea.

The Murray Islanders are therefore henceforth, as indeed also formerly, encouraged to enjoy those nine kilometres against all other Australians ö against all other Torres Strait Islanders, against all South Sea Island Australians, against all White Australians, and also against all Black Australians.

However, even in the Murray Islands, the above is not the case in respect of öthe Islands of Dauer and Waier and the parcel of land leased to the Trustees of the Australian Board of Missions and those parcels of land (if any) which have validly been appropriated for use for administrative purposes the use of which is inconsistent with the continued enjoyment of the rights and privileges of the Merian peopleö *etc.*<sup>61</sup>

We may add that the mention of the doctrine of *terra nullius* alias öno manø landö in the Mabo cases, is a real red herring. For *terra nullius* is a doctrine of (Pagan) Roman Civil Law ö and not of (Biblical) British Common Law. To Blackstone, on the other hand, the **Common Law** doctrine is clearly erected upon the historical

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<sup>61</sup> *Id.*

development of the ownership and possession and use of things both movable and immovable ó as set out in the book of Genesis.

At this point, fresh study of our own first two chapters<sup>62</sup> in this present dissertation<sup>63</sup> here above ó will be more than profitable. Especially relevant here is what we there said about primordial private property<sup>64</sup> ó and about the Common Law before the Babelic dispersion described in Genesis eleven (and thus before the preservation thereof specifically in the later Celto-British and Anglo-Saxon Common Law).

On Genesis, Sir William Blackstone himself wrote, in the main body of his great *Commentaries on the Laws of England*:<sup>65</sup> òIn the beginning of the World, we are informed by Holy Writ, the all-bountiful Creator gave to man ðdominion over all the earth; and over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth [Genesis 1:28]. This is the only true and solid foundation of man's dominion over external things.... The Earth therefore, and all things therein, are the general property of all mankind...from the immediate gift of the Creator....

òThese general notions of property were then sufficient to answer all the purposes of human life; and might perhaps still have answered them, had it been possible for mankind to have remained in a state of primaeval simplicity.... Not that this communion of goods seems ever to have been applicable, even in the earliest ages, to ought but the *substance* of the thing.... For, by the law of nature and reason, he who first began to use it, acquired therein a kind of transient property that lasted so long as he was using it ó and no longer....

òWhoever was in the occupation...acquired for the time a sort of ownership from which it would have been unjust and contrary to the law of nature to have driven him by force. But the instant that he quitted the use or occupation of it, another might seize it **without injustice**....

òUpon the same principle was founded the right of migration, or sending colonies to find out new habitations when the mother-country was overcharged with inhabitants. This was practised as well by the Phaenicians and Greeks ó and the Germans, Scythians and other northern people.

òThe only question remaining is, how this property became actually vested; or what it is that gave a man an exclusive right to retain in a permanent manner that specific land which before belonged generally to everybody but particularly to nobody.... The very act of occupancy alone, being a degree of bodily labour ó is from a principle of natural justice, **without any consent or compact**, sufficient of itself to gain a title.ö My emphases ó F.N. Lee.

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<sup>62</sup> Respectively on òThe Roots of Law and of Legal Rightsö and òThe Biblical Data concerning the Common Law.ö

<sup>63</sup> D.C.L. on *Common Law: Roots and Fruits*.

<sup>64</sup> See my article *Biblical Private Property vs. Socialistic Common Property* (in *Ex Nihilo Technical Journal*, Creation Science Foundation, P.O. Box 302, Sunnybank, Q. 4019, Australia, III:1988).

<sup>65</sup> *Op. cit.*, II ch. 1.

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Finally, concludes Blackstone:<sup>66</sup> "If a disseisor turns me out of possession of my lands, he thereby gains a mere naked possession and I still retain the right of possession and right of property. If the disseisor dies and the lands descend to his son, the son gains an apparent right of possession; but I still retain the actual right both of possession and property.

"If I acquiesce for thirty years without bringing any action to recover possession of the lands, the son gains the actual right of possession and I retain nothing but the mere right of property. And even **this right of property will fail**, or at least it will be without a remedy unless I pursue it within the space of **sixty years**." All emphases above are mine and F.N. Lee. See: Leviticus 25:8-17; Second Chronicles 36:19-21; Psalm 90:10; Daniel 9:2f; Luke 4:18f.

### **The *Mabo* cases no way enshrine a preferential tribal title**

So the official decision in the 1992 *Mabo case* by the seven-judge High Court of Australia as such and as distinct from the personal opinions of judges Deane, Gaudron and Toohey therein does not imply that White Tasmanians (nor the Australian Commonwealth or State Governments) should compensate the Black descendants of those who were moved from Tasmania one-hundred-and-fifty years ago.<sup>67</sup> Nor does the *Mabo* decision imply that Ayer's Rock and Australia's Great Red Heart belong to whatever Australians of (partial) "aboriginal" descent might allege that some of their ancestors once upon a time walked about those landmarks.

Weird indeed is the way recent *Mabo*-type native land title claims are now exacerbating the relationship between one Black Australian tribe and other tribes and even more than they are troubling race relations between Black and White in Australia. Comments a June 6th 1993 *Sunday Mail* editorial:<sup>68</sup>

"Some activists now speak as though any attempt to clarify the law is a denial of justice which demands compensation.... They reacted angrily when the Northern Territory Government and with the approval of the Federal Government moved to ensure the go-ahead for the massive McArthur River silver- lead- and zinc-mine.

"The Northern Land Council had threatened to lodge a claim for native title on the mine site, unless the mining company agreed to certain demands.... The biggest irony of the whole debate, and the most neglected aspect, is that many traditional Aboriginal land owners are at best wary of the *Mabo* process, and distrust the groups negotiating allegedly on their behalf.

"The divisions within the Aboriginal community has been vividly illustrated in one of the first native title claims to go to court. The Western Aranda/Luritja people from near Alice Springs want native title to land they have been granted under land rights

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<sup>66</sup> *Ib.*, II ch. 13.

<sup>67</sup> See the arts. *Aborigines, Australians and Robinson, George Augustus and Tasmania*. In *Concise Encyclopedia of Australia and New Zealand*, Horwitz Graham, Cammaray NSW, 1982 ed., I pp. 136f and II pp. 758 & 850.

<sup>68</sup> Cf. the editorial *Mabo Wars*, in *The Sunday Mail*, Brisbane, June 6th 1993, p. 66.

legislation ó not to shut out White people, but to stop the [-Aboriginalø] Central Land Council getting control of it.

øWidely respected tribal elder Arnold Franks claims many other traditional owners feel the same way. Their gripe is not against -White Australiaø but against the [-Aboriginalø] activists who claim to represent them [the -aboriginaløtribes].

øIn the McArthur River case, for example, the proposal to lodge a native title claim did not come from the four groups of traditional owners at all ó but from the Northern Land Council.ø See here our own text, at its notes 8 to 10 above.

øAn Aboriginal present at the meeting which discussed the issue, said the traditional owners had walked out in disgust long before the Land Council recorded a decision to lodge a claim. The McArthur River legislation does not affect native title, but does give bargaining power to the traditional owners and not the Land Council ó which may be one reason the Council is so outraged.ø

On June 18th 1993, Aboriginal leader John Jones lodged a writ in the Queensland Supreme Court claiming ownership of at least seven islands off south-east Queensland, including the largest sand island in the World ó Fraser Island. He claimed ownership of the land on behalf of the Dalungbara, Batchala and Ngulungbara peoples of the Kgari or Great Sandy Region.

The area claimed (including all seabed rights and the right to occupy the area) runs from Fraser and the Bunker Islands (Fairfax & Lady Musgrave & Hoskyn) to Lady Elliott Island, Woody and Little Woody Islands, and the islands of the Great Sandy Straits ó to Double Island Point on the Mainland (including Wolf Rock).

This claim will give the internationalistic Australian Federal Government a -New Ageøheadache. For Fraser Island was recently listed as a World Heritage!<sup>69</sup>

### **Racial and earth age discrimination in Australia's Uniting Church**

Predictably, also the Uniting Church of Australia ó a firm supporter of the World Council of Churches (a syncretistic organization) ó has joined in the bedlam. On June 18th 1993, it sent a letter to the Prime Minister and the State Premiers ó from Aboriginal and Non-Aboriginal leaders of the Uniting Church.

One of the signatories to the letter was Rev. Gregor Henderson, the National General Secretary of the Uniting Church in Australia. He stated:

øWe would put a lot of weight on the fact [that] 40,000 years of continuous settlement deserves recognition. From that moral standpoint, [Aboriginal people] have a much greater case to make a right of veto on land than any other section of the community.ø<sup>70</sup>

The above 40 000-year statement ó which claims to be a \$64 000 øfactö ó is historically inaccurate. It also discloses a reprehensible willingness to practice an

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<sup>69</sup> See art. *Tribes lay claim to islands*, in *Sydney Morning Herald*, June 19th 1993, p. 11.

<sup>70</sup> *Title a moral right: Church*. Art. in *Sydney Morning Herald*, June 19th 1993, p. 11.

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undemocratic form of discrimination ó against that 99% majority of the Australian people who would not claim to be of Aboriginal descent.

Indeed, the above statement represents a very different position to that set out in the paper *Mabo: The Indigenous Land Rights' Cases and their Aftermath* ó by the Presbyterian Church of Queensland's Rev. Professor Dr. Advocate Francis Nigel Lee. That was sent to the Australian Prime Minister and all of the top Federal and State leaders on 15th June 1993 by the Clerk of the Presbyterian Church of Queensland (Rev. Dr. K.J. Gardner).

Dr. Lee's paper did not claim 40 000 years of continuous settlement here by Black Australians. Instead, it cited Sir William Blackstone on Genesis 1:26 ó and claimed that the **Black Australians** too were descendants of our first parents; that their ancestors **migrated** to Australia from Eurasia's Eden; and that they indeed did so **less than six thousand years ago**.

### **Racial friction in the wake of the two *Eddie Mabo* cases**

Even more interesting is a report<sup>71</sup> in *The Courier-Mail* for July 10th 1993. There, one reads: "An Aboriginal leader named as a Mabo-style claimant to a valuable bauxite land on western Cape York [Queensland], said yesterday he had not given permission for his name to be used. Ron Ngallametta, Chairman of the Napranum Aboriginal Council, said the claim had gone too far and was creating unnecessary tension with White Australians.

Mr. Ngallametta said he was shocked to see his name printed in *The Courier-Mail* this week as one of 95 applicants to the claim. He said the bulk of the 25,000sq/km claim by the Wik people ó was for land that did not belong to them."

As at that time, in addition<sup>72</sup> to the above cases ó the Barmah State Forest and other areas along the banks of the Murray River are being claimed by the Yorta Yorta people. Near Perth, the Yanchep National Park and Rottnest Island are being claimed by three different groups of Aborigines.

Also the Barunga and Temorrhah people have filed a Mabo-type claim. At the Mt. Todd gold mine, the Jawoyn people and the Zapopan mining company have agreed that land rights will not be pursued ó in exchange for 5000sq/km of land. Local groups in the Torres Straits have stated they will pursue a Mabo-style claim for all the islands.

In Queensland, the Bidjara people are claiming: \$500 million; the Carnarvon Ranges; Crown Land; and the National Park. Fraser Island, Stradbroke Island and possibly even Moreton Island are soon expected to be claimed. The Mullenjari people briefly claimed an area of Brisbane ó and then withdrew that claim.

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<sup>71</sup> Pg. 1. under heading: "Elder slams land claim."

<sup>72</sup> See P. Charlton's *Mabo – What It Will Mean for the Average Australian*, in *Courier-Mail Monitor*, Brisbane, June 19th 1993, p. 29.

In New South Wales a coastal strip inland to Grafton NSW has been claimed by the Bunjalung people. In northwestern NSW, the Gamilaroi people are seeking title over a large area. The Wiradjuri people have claimed most of the prime agricultural land between the Lachlan and Murrumbidgee rivers. Also the Wadi Wadi people have claimed part of the NSW South Coast ó from south of Sydney, to the Shoalhaven River. Even the Australian Capital Territory, including the capital Canberra, has been claimed.

The possibility of any of these claims being raised in the General Assembly of the United Nations or even in the International Court of Justice itself, cannot be discounted. For Australia has already underwritten many Conventions of the United Nations.

### **Do Black Tasmanians have special rights against Black Mainlanders?**

Several areas are being claimed also in the Bass Strait Islands and Tasmania, including parts of the north-east and north-west, as well as Oyster Cove south of Hobart. Yet in *Mabo*, the decision of the full court as such certainly does not suggest that White Australians should compensate the at least 4000 living mixed-blood descendants<sup>73</sup> of the Black Tasmanian people which itself became extinct there in 1870.

Indeed, still less do the two *Mabo* cases imply that Mainland Australian Aborigines or their Government(s) should compensate the descendants of the culturally and linguistically and racially quite distinct<sup>74</sup> Black Tasmanians. The latter used to live on the Mainland in the remote past, apparently before the later arrival there of those who are now often called the Australian Aborigines.

Yet it is certainly conceivable that the descendants of the former might yet endeavour to sue the descendants of the latter. For it could easily be presumed that the former's ancestors could very well unduly have been harrassed by the latter's

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<sup>73</sup> P. Hoffman: *The Tasmanian Paradox* (in *Discover*, March 1993, p. 4).

<sup>74</sup> See the art. *Aborigines* in the *Australian Encyclopaedia* (Grolier, Sydney, 1977, I p. 25): "The Tasmanian language group is probably unrelated to the [mainland] Australian languages." See too UCLA Physiology Professor Diamond's *op. cit.* pp. 50f: "Tasmanians differed from the Mainlanders..., having woolly rather than straight or wavy hair.... Their hair and skin were very dark. They had deep-set eyes overhung by brow ridges; their nose was broad and separated from their brow by a deep groove. Their mouth was wide, the lips full; their cheekbones were prominent.... Our information about their languages is fragmentary, but they spoke five or more languages or dialects with no obvious relationship to Aboriginal Australian languages or to any other languages in the world.... If you ask any anthropologist to summarize in one phrase what was most distinctive about the Tasmanians, the answer will surely be "the most primitive people still alive in recent centuries... Most Tasmanians lived on the coast and yet ate no fish."

See too the art. *Aborigines (Australian)* in *The Concise Encyclopedia of Australia and New Zealand*, Horwitz Graeme, Cammeray NSW, 1982 ed., I p. 136, which mentions some theories that the Black Tasmanians were negritos or pygmies, and which itself claims that "their arts and crafts were not as varied and well-developed as those of the mainland people.... Tasmanian languages differed from the Australian." On the other hand, unlike the very blackskinned and black-woolly-haired Black Tasmanians, the Mainland Aborigines have a "skin colour [which] varies from light to chocolate-brown; hair from brown to black, and from straight to curly; [while] in Central Australia blonde hair is common among children up to puberty, when it darkens."

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ancestors to relinquish the Mainland quite prior to A.D. 1770 ó and at that same time been ‘persuaded[?!]’ to move on toward Tasmania.

Already in 1898, Dr. Alan Carroll (M.A., D.Litt., Ph.D., D.Sc., &c.) ó one of the world’s greatest ethnologists ó published his paper *Ethnology of the Blacks*. Appearing at that time in the *Journal of the Royal Anthropological Society of Australasia*, Professor Carroll stated:

‘The present black people [viz. the Mainland Black Australians] belong to the Neolithic...stone-age and culture.... Previous and older blacks [viz. the Black Tasmanians]...were in Australia in the palaeolithic age and culture....

‘They did not have Dravidian implements or culture, and were when first found very different in all ways to the Australian Blacks.’ The latter then killed the men and appropriated the womenfolk of the former.<sup>75</sup>

### **Manning Clark on the Mainland Australoids’ oppression of Negritos**

For many years, Professor Dr. Manning Clark was gaining a reputation and being built up as Australia’s greatest Historian.

In 1962, Australia’s greatest historian Professor Dr. Manning Clark insisted<sup>76</sup> at the very beginning of his multi-volume work titled *A History of Australia*: ‘Civilization did not begin in Australia until the last quarter of the eighteenth century.... The early inhabitants of the continent created cultures but not civilizations.

‘The first of these were the Negrito people ó short, dark-skinned, curly-haired and broad-nosed ó who were forced to migrate...by the movement into those areas of people of a higher material culture....

‘Later, another people arrived ó the Murrayians, who were related to the Ainu in Japan and either destroyed the Negritos or drove them into the valleys behind Cairns, and south into what is now Tasmania. Then in turn the Murrayians were challenged and displaced by the Carpentarians ó a people probably related to the Vedda of Ceylon....

‘This account is based on [the South Australian Ethnologist] N. Tindale and J. Birdsell’s *Results of the Harvard-Adelaide Universities’ Anthropological Expedition 1938-9: Tasmanian Tribes in North Queensland* (in *Records of the South Australian Museum*, Vol. 7, Adelaide, 1941-3) ó and H.A. Lindsay’s *The First Australians* (in *Science News*, 43, London, 1957, pp. 54-61)... Neither the Negritos nor the Murrayians, nor indeed the Carpentarians, made the advance from barbarism to civilization.... The failure of the aborigines to emerge from a state of barbarism deprived them of the material resources with which to resist an invader, and left them without the physical strength to protect their culture.’

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<sup>75</sup> A. Carroll: *Ethnology of the Blacks*, paper in *Journal of the Royal Anthropological Society of Australasia*, April 1898. Cited and discussed in T. Dare’s *Australians Making a Great Nation*, Western Plains Pubs., Sydney, 1985, pp. 20f.

<sup>76</sup> C.M.H. Clark: *A History of Australia*, University Press, Melbourne, 1962, I pp. 3f.

Indeed, even in 1963, Manning Clark was still reminding people that it was the Negritos who came here first ó forced south by ða superior material culture.ö Significantly, however, Clark's 1986 ðrevised illustrated editionö omits this material ó and betrays subsequent concessions to the by-then world-wide and still-rising tide of Third-World Anti-Colonialism.

Here then is the relevant section from Manning Clark's original 1963 book *A Short History of Australia* ó the section expurgated in subsequent editions thereof, from 1969 onward:

öSo far there have been four migrations of people to Australia. The first three...brought the aborigines.... The fourth...brought the Europeans....

öThe first of the aborigines were the Negritos, who were forced to move south...by people with a superior material culture. They were followed by the Murrayians, a people related to the Ainu in Japan. They in turn were pushed further south in Australia by the Carpentarians, who were related to the Vedda in Ceylon....

öThe Negritos became the aborigines of Tasmania; the Murrayians were driven to the east and west coasts of the mainland...; the Carpentarians remained in the tropical fringes of the northern coast.ö<sup>77</sup>

Note, in the last two paragraphs, Manning Clark's own words: ðpushedö and ðdrivenö! Indeed, further comment is redundant.

### **J.M. Howard: Negritos “retreated” before the “Aborigines”**

Also J.M. Howard (M.A. & Dip.Ed.) still states in his 1978 textbook *Australian History and Its Background*:<sup>78</sup> öThe Aborigines came from Asia, and it seems certain that they wandered a very long way before reaching these shores.... They moved from

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<sup>77</sup> C.M.H Clark's *Short History of Australia*, Mentor, New York, 1st ed., Sept. 1963. See Marily Trebeck's challenging statement in the June 10th 1993 *Sydney Morning Herald*: öI read in Manning Clark's *Short History of Australia* that it was the Negritos who first came here, forced south from Asia by ða superior material cultureö ó viz. that of the ancestors of the current Black Mainlander Australians.

By 1969, however, Clark had pragmatically revised this in his new edition (Heinman of London at p. 1) to read: öSo far there have been two cultures in Australia ó one aboriginal, and the other European. Like the Americas, Australia was probably first colonized by *Homo sapiens*, as distinct from his antecedents during the last ice age. Carbon tests have established the presence of such a man on the mainland of Australia thirty thousand years ago.ö

Although suppressing his own 1963 edition's references to the ðNegritosö and their being ðforced to move southö by the Mainland Aboriginesö etc., the above 1969 concessions by Manning Clark could hardly be labelled ðWhite racistö (at least, not fairly so). Yet, an angry reader even of the 1969 edition copy in the University of Queensland's Undergraduate Library still pencilled in next to Clark's above-mentioned 1969 words: ða sexist, racist, ethnocentric history of European ruling class ðcontactö with Australiaö!

One of the most recent editions is even less conservative ó see Penguin, Australia, 1986, pp. 4-7 & 9. Here, Clark seems to suppress the previous attitude of Black Mainlanders toward the Black Tasmanians before the 1788 arrival of the White Australians. The original 1963 edition, however ó to which Marily Trebeck refers (see at n. 81 below) ó is very differently worded on this point, revealing Black ðAboriginalöpersecution of the earlier Black Negritos before the latter fled to Tasmania.

<sup>78</sup> J.M. Howard: *Australian History and Its Background*, Shakespeare head Press, Sydney, 5th rep., 1978, p. 2.

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one to another of the islands that now form Indonesia. Finally some of them reached the island of Timor, from where they made one last sea-crossing to Australia.... Others reached New Guinea, and made the rest of their way by land....

Those living in Tasmania, were very different from the Mainlanders – darker, with curlier hair, not so tall, and with a different kind of language. Some anthropologists believe that **the Tasmanians were a different race altogether....**

These first arrivals were short, very dark people, referred to today as Negritos. **They had not settled long in the north of Australia, when the ancestors of our modern Mainland Aborigines – who were bigger, stronger and equipped with better spears – arrived there.... The Negritos retreated southward, some of them reaching Tasmania.**

Emphases mine – F.N. Lee. Howard’s own word “retreated” is particularly significant.

So too is his statement that the more recent “Aborigines” alias today’s Mainland Blacks “came from Asia.” For this means that they were non-aboriginal migrants – yes, migrants. Indeed, they were migrants who displaced the other non-aboriginal yet older inhabitants from the Mainland.

### **Dr. C. Wilson on Negrito rock art in Kakadu (Northern Territory)**

Writing in *New Life* for 6th May 1993, the eminent Australian archaeologist Dr. Clifford Wilson drew attention to “details of rock art in Kakadu National Park where the oldest known art predates the rise of the sea level some 6000 years ago.... Most images are drawings of highly active people.... Modern Aborigines say the art belongs to an earlier group they call the Mimi people.

It reminded of an article in *New Life* some time ago by Mr. Will Sharpe, a life-long worker with Australian Aborigines. He gave clear indications that there were earlier people in Australia before the present Aborigines – “the little people.” This could have an important bearing on the vexed question of Aboriginal land rights.

### **S. Plowman: Australian “Aborigines” killed the Mainland Negritos**

In June 1993, Scott Plowman reminded us of Tindale and Lindsay’s 1954 book *The First Walkabout*. That latter work by the South Australian Museum’s Ethnologist N.B. Tindale and the famous *Science News* writer H.A. Lindsay, showed that the Negrito pygmy natives occupied Australia before the arrival of the “tall hunting men” from the north, and “were forced to move”<sup>79</sup> by them.

Plowman himself then goes on to explain<sup>80</sup> of the ancestors of Australia’s Black Mainlanders encountered by Captain Cook: “These intruders migrated from Asia and

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<sup>79</sup> N.B. Tindal and H.A. Lindsay *The First Walkabout*, Longmans Green & Co., London, 1954, p. xi & *sqq.*

<sup>80</sup> See in the *Sydney Morning Herald*, June 10th 1993, p. 16.

Indonesia, their hopping from island to island.... They became the current Australian Aborigine. The little people, who were here first, were harassed and killed and continually driven south....

øThe tall men [then]...left the pygmies isolated and in relative safety in Tasmania, until the White Man came and finished off the slaughter started thousands of years earlier. This is what is known as history....

øThus, it is not sustainable that our current Aborigines can claim first-use land rights.... Did the current original Australians pay as much respect and compassion for the pygmiesø sacred sites, as they [todayø Black Mainlanders] demand from the rest of us?ø No way!

### **Even Black Tasmanians were not really “aboriginal” to Australia**

Indeed, also Marily Trebeck challengingly states in the June 10th 1993 *Sydney Morning Herald*:<sup>81</sup> øThe Negritos were forced south by the coming of the Murrayians. They [the Negritos] ended up in Tasmania. The [aboriginal] Murrayians themselves were dislodged by the Carpentarians, a people related to the Vedda people of Ceylon, who came and took their hunting grounds ó dispersing them east and west. The fourth migration, in 1788, brought the Europeans.

øA fifth [from Japan] was foiled in places like the Kokoda Trail. Those who fought and died there, believed they were defending Australia for all Australians ó not two distinct groups [earlier Blacks and later Whites]. If and when Islam pays us a visit [perhaps even from Indonesia?] ó would the present occupants of our land succeed in suing them for trespass, and get compensation?ø

Given time, the media hype re *Mabo* might yet raise the spectre of various different Non-White groups compensating Black occupants for territories the former gained from the latter ó before the advent of the first White settlements from 1788 onward.

Even so, *Mabo* does not imply that the Government(s) of the descendants of late-mediaeval Chinese fishermen ó and still less such descendants themselves ó should compensate Mainland Aborigines for either fish or pearls then removed by those late-mediaeval fishermen from near the site of the modern city of Cairns in Queensland. Nor does *Mabo* imply that one group of Mainland Aborigines should compensate another group of Mainland Aborigines for dispossessing them of their ancestral lands either in the remote past or within living memory (other than by way of acknowledged remedies at Common Law).

Now the very word ø[ab-]originalö means øfrom the outsetö or øfrom the beginning.ö Quite candidly, the simple fact is that the Black Mainlanders ó the **so-called** øAboriginal Australiansö ó are not really ø[ab-]originalö Australians. For the Black Tasmanians were in Australia ó and indeed on the Mainland ó before them.

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<sup>81</sup> *Id.*

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Frankly, however, neither were those Black Tasmanians ó strictly speaking ó either **original Australians** or **originally in Australia**. For they too, like all the races of man, descend from our first parents ó the historical Adam and Eve.

Indeed, the latter inhabited not Australia but Eden in Eurasia. That was at a time when neither the Australian Mainland nor Tasmania had any human inhabitants whatsoever. Genesis 2:7-24f *cf.* Acts 17:24-27f.

### **Lawyer Camarri's 1993 paper *Legal Aspects of the Mabo Decision***

Toward the middle of 1993, Bruno Camarri ó of Perth's Freehill, Hollingdale & Page (Barristers, Solicitors & Notaries) ó produced a thought-provoking paper: *Legal Aspects of The Mabo Decision*.

There, he exposes the socialistic presuppositions and discriminatory nature of the position which glorifies native title ó and which demeans the Common Law, and the common co-equality before that law, of both ÆAboriginalø [?] and ÆNon-Aboriginalø [?] Australians.

Explains Camarri:<sup>82</sup> ÆNative title is a communal title, attaching to the members of a particular group. It cannot be transferred outside the group, and is based on the traditional laws and customs of the group.... The laws and customs under which the native title arises...can change and evolve with the passage of time....

ÆThus, if an incident of native title to particular land originally included the right to hunt and kill animals [such as even echidnas and ghost bats] by traditional means ó that right could evolve to take into account the subsequent availability of firearmsö to do the job (provided the Australian hunter and killer is ÆAboriginalø).

ÆNew statutes prohibiting the killing of echidnas and ghost bats would then either operate against all Australians (thus subjugating native title to the Common Law) ó or else elevate native title above the Common Law (by exempting ÆAboriginesø from that aspect of the Common Law).ö

Now it is a crime under Australian Law to kill echidnas (and ghost bats). Hopefully, such practices are also discouraged by most of the tribal customs under native titles. Yet, in July 1993, a Black Australian charged with killing an echidna, successfully got the charge quashed ó on the ground that his tribal religion under native title either permitted or required the killing and eating of echidnas.

Lamprooning the internationally-famous chains of shops selling McDonald's Hamburgers, Judi Cox then satirically asked in Brisbane's *Courier-Mail* on July 20th 1993: ÆCan we now expect to see Australia bristling with McChidna's fast-food outlets?ö

The answer (under Æaffirmative actionø), may be affirmative ó but only for a select clientele. Yet there would then no longer be justice according to law, nor any equality

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<sup>82</sup> Australia Place, 15 William Str., Perth WA 6000, 15th May 1993, pp. 1f.

before the law. There would then be only outright discrimination against the masses of Non-Aboriginal Australians, and preferential treatment for a very tiny black elite.

This latter course necessarily undermines both the Crown and the Common Law, and to that extent threatens to subjugate the latter to the primitive socialism of native title. At the same time, it promotes socialism as such and thus advances the anti-national aims of Fabian Socialism and of the Socialist International.

Concludes Camarri: "Common Law merely recognises existing native title but does not provide for its creation." On the other hand: "Any incident of native title that has ceased to exist, cannot be revived" as such.

Yet one wonders whether its undergirding presuppositions might still be "re-lived" namely "at a higher level" under what Karl Marx's bosom friend the notorious communist Friedrich Engels called: "future socialism." See his famous books *The Part Played by Labour in the Transition from Ape to Man* and *The Origin of the Family, Private Property and the State*.

### **G.A. Savell on the interests of Australian Mining Companies**

To the above, G.A. Savell, Chief Executive of the Association of Mining and Exploration Companies of W.A. (Inc.) has added:<sup>83</sup> "The *Mabo* decision, because it introduces a new title concept, has created a high level of uncertainty.... Because it is a totally new concept in Australia, there is no effective structure to deal with the question.... Since *Mabo*, a whole new level of risk and uncertainty has been added....

"Flight of risk capital is a real issue.... This flight of risk capital has commenced.... The perception of a Federal Government which is obviously not in a hurry to resolve this issue and which talks of how marvellous the *Mabo* issue will be in redressing past wrongs does not thrill investors either here or overseas. They want security for their investment, not an interpretation of "social justice"....

"The words "Native Title" no doubt conjure in your mind all that which attaches to "European Land Title." Absolute possession and specified rights. "Your home is literally your castle."

"I suggest it does not have the same meaning when you consider the two common denominators which must have applied to aboriginal ownership pre-colonisation. Those two factors were the right to gather food and living materials, and the right to living sites and to ceremonial sites. But only if you could fend off all other challenges. I have no doubt that "might was right" in those far-off days....

"Think about those factors, before you embrace what the proponents of Native Title would have you accept is the meaning of Native Title.... The disruption to the economic and social fabric of this nation...I suspect is soon to come."

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<sup>83</sup> G.A. Savell: *The Implication for the W.A. Mining Industry of the Decision on Native Title by the High Court of Australia*, Address to the State Council of the Liberal Party of Western Australia, 15th May 1993, pp. 2f.

### **The *Mabo* cases did not say what Socialism says they said**

Of course, one should very sharply distinguish between what the *Mabo* cases actually decided on the one hand and the many various different ways those decisions are now being misinterpreted on the other hand. Thus, what the High Court actually said, and what the Labor-controlled Australian Federal Government and its news media would like to achieve through their so-called "implementation" of *Mabo* are two entirely different things.

On June 10th 1993, Sydney Barrister Ian Barker Q.C. rightly remarked about *Mabo's* case itself:<sup>84</sup> "Those strident critics of the High Court's Murray Islands decision, should take a day off and read the judgments.... Traditional Aboriginal titles in Australia's settled urban and rural areas, where land is largely alienated, have long gone. The High Court said so. Where land is unalienated, and where Aborigines and Aboriginal traditions endure, there must be room for compromise. Why the hysteria?"

On the same day, Sydney Barrister A.J. Sullivan Q.C. declared:<sup>85</sup> "Perhaps more than most, I have an insight into the ramifications of *Mabo*. I was senior counsel for the *Mabo* title-holders in the recent and currently reserved test case in the Full Federal Court, which seeks to resolve the tension between Common Law native title and statutory native title...."

"What concerns me, as a citizen and not as a lawyer is the campaign of disinformation if not misinformation currently being spread about the potential consequences of the High Court's decision. Regrettably, the culprits cover a wide spectrum.... Perchance they seem to have a common interest in encouraging a fear that *Mabo* will open the floodgates, so that none of our property will be safe."

"Nothing could be further from the truth. *Mabo*, properly understood, is extremely limited in scope. *Mabo* does not cover any interest in land in which the Crown has given a grant of any sort. If anyone holds freehold or even a lease from the Crown, *Mabo* cannot be applied. The current attempt to hijack the debate reflects no credit on government, business, or (regrettably) Aborigines."

### **Law Professor Geoffrey de Q. Walker on the two *Mabo* cases**

In an address in Sydney during July 1993, Professor Geoffrey de Q. Walker of the Law Faculty at the University of Queensland entered the coast-to-coast discussion<sup>86</sup> of the High Court decision on the title of the Murray Islands. He rejected the claims being made by some that the *Mabo* decision simply reflects a traditional judicial role of "making law." He roundly accused the High Court of abandoning its constitutional role, and described the *Mabo* decision as the most divisive and disruptive in its history.

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<sup>84</sup> *Sydney Morning Herald*, June 10th 1993, p. 16.

<sup>85</sup> *Id.*

<sup>86</sup> See *Professor Walker Lashes High Court*, art. in *On Target*, 145 Russell St., Melbourne, July 23rd 1993, Vol. 29 No. 28 pp. 118f.

Declared Professor Walker: "While judges must be independent, they must also be bound by law – their function being to interpret the law and the fundamental principles and assumptions that underlie it. If there are no limits to the power of judges to make law, we are at the mercy of a judicial oligarchy...."

"You will notice that most of the controversy has centred on how the Court's decision should be implemented – by Federal or State legislation, or both. Yet the hallmark of a genuine judicial decision is that it requires no legislative implementation, for the simple reason that it declares what the current law is and applies it to the facts.

"Each time a court applies a principle to new facts it is to a degree developing the law. But sweeping new proclamations of policy or calls to arms that require Acts of Parliament to put them into effect – are quite outside the judicial function. The *Mabo case*, therefore – except in relation to the Murray Islanders – represents yet another usurpation by the court of the constitutional powers of the Australian Parliament and people."

### **Judge Rodney Meagher on *Mabo* and the Australian Constitution**

Other jurists have been even more blunt. Thus, a timely address by NSW Court of Appeal Justice Rodney Meagher appeared in the *Intelligence Survey* for July 1993.

There, he requested<sup>87</sup> "a close reading of the leading judgment in the *Mabo case*: the judgment of Brennan J. "His Honour" Judge Brennan, explains Mr. Justice Meagher, "said there were two ways of approaching the question of whether the natives in question owned the land in question. One way was to apply the existing legal authorities...."

"But his Honour spurned such a course, and thought it more palatable to invent a new law. Why? Because, he said, it was required by two imperatives: **the expectation of the international community** and **the contemporary values of the Australian people**." This is all a mite curious.

"As for **the international community** – who are they? How does one discover their **expectations**? **Their views were not handed down by Moses and the prophets** [emphases mine: F.N. Lee] – nor does his Honour seem to be referring to the prominent international lawyers.... Even if one could locate such a body and discover its views – why should its views take precedence over those of the **existing authorities** [like Lord Chief Justice Sir Edward Coke and Law Professor Sir William Blackstone] which in fact lay down the law?"

Furthermore, "in determining the **contemporary values of the Australian people** – where does one go? Not to the past Justices of the High Court [like Sir Samuel Griffith or Sir Owen Dixon or Sir Garfield Barwick], not to the judges of the lower courts, nor to the States of Australia. Not to the people, in [a] *referendum* – but again,

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<sup>87</sup> R. Meagher: *The Samuel Griffith Society Book Launch*, address delivered in Melbourne on November 19th 1992 in launching the book *Upholding the Australian Constitution*, in *Intelligence Survey*, July 1993, pp. 4-6.

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one feels, to one's very own chattering classes, who have thus ceased to be a mere nuisance and [who] have become translated into a source of law....

None of this has anything to do with what our Founding Fathers [such as Sir Henry Parkes and Sir John Quick] intended.... None of it has much to do with interpreting the written document which is our *Constitution*....

Armed with this anarchy, and fortified by the right to disregard all decided cases which Sir Gerard Brennan perceived in *Mabo*, the High Court gives the appearance perhaps of swinging violently between extreme positions – now (as in *Mabo*) abolishing rights we always had; now (as in *Australian Capital Television Pty. Limited v. Commonwealth of Australia*) protecting rights we never had....

Sir Harry Gibbs [former Chief Justice of the High Court of Australia]...told one simple truth after another. Indeed, simple truth is Sir Harry's utmost skill. He pointed out that the *Constitution's* basis idea was that the Australian continent was to be occupied by only one nation – an idea which is inconsistent with the notion of a treaty with the Aboriginal people....

He also deplored the idea that we should welcome change *either* for change's sake *or* because the year 2000 was approaching *or* because other more fortunate[?!] nations like Pakistan change their constitutions from week to week....

Indeed, there is a positive virtue in refusing to change.... The Australian people...always vote –no at *referenda*. If Parliament wants constitutional change, it will have to elect a new people.

That is one reason why one hopes the High Court will refrain from radical change in interpreting the *Constitution*.... In *Mabo*, a newly-invented right which is not even in the *Constitution* – was held to confer individual rights....

All lawyers know that [former High Court of Australia Chief Justice] Sir Owen Dixon said that it was the business of the High Court to be legalistic in its approach to its cases. We have all accepted that. But now the current Chief Justice [Anthony Mason] has suggested –that legal reasoning should not be pursued so far, and that decisions must take into account fundamental values.

As Professor Cooray pointed out, this new approach involves some problems. (a) How does one determine what values are –fundamental? (b) How does the new approach cope with the fact that at any one moment different people have different –fundamental values? (c) How will the approach cope with the fact that tomorrow's –fundamental values will be different from today's? (d) Is it valid to entrench –fundamental values which are nowhere mentioned in the *Constitution*?

We must all ponder these things.... That arch-wit of Melbourne legal circles Mr. S.E.K. Hulme [rightly wrote] a paper teasingly entitled *Constitutions and Constitutions*. I wish I could have said the things he said; never mind, in the future, I shall. One utterance perhaps should be repeated...: **Where there is no need to change the *Constitution*, there is a need not to change the *Constitution*.**

### H.M. Morgan's *Address at Bond University on the Mabo cases*

In his Distinguished Visitor's Program Address at Bond University in Queensland on July 27th 1993, H.M. Morgan stated in his paper *Australia and its High Court*:<sup>88</sup> "In Mabo we face a truly major crisis; a crisis which, if not averted, carries the seeds of the territorial dismemberment of the Australian continent and the end of the Australian nation as we have known it.

Fortunately, I think it is now much more likely than it seemed say three months ago that we will overcome the Mabo crisis. I think that we will emerge from the crisis as a nation with a much clearer perception of our Australian nationhood, and a much greater confidence in our future....

At the centre of Mabo, is the High Court of Australia. The High Court is also the keystone of the constitutional arch which was constructed in the 1890s.... The first Chief Justice was Sir Samuel Griffith, the former Queensland Premier and Chief Justice, who is credited with putting together the first effective draft of our *Constitution*.

The High Court of Australia achieved the distinction, during the forties and fifties, of being regarded around the world as the most distinguished and authoritative Common Law Court in the English-speaking World. This extraordinary distinction is indelibly associated with the name of one of Australia's very greatest sons, Sir Owen Dixon, who was appointed as a Justice of the High Court at the age of 42 in February 1929; succeeded Sir John Latham as Chief Justice on April 18 1952; retired from that post on April 13 1964; and died in 1972....

Sir Owen Dixon, continues H.M. Morgan "speaking in 1955" declared that "in our Australian High Court, we have had as yet no deliberate innovators bent on express change of acknowledged doctrine...deliberately to abandon the principle in the name of justice or of social necessity or of social convenience." *Concerning Judicial Method*, Yale, 19th September 1955.

It is words like these that have given rise to comments in recent times, *apropos* of Mabo, that Sir Owen Dixon our great jurist must be spinning in his grave like a top. This, then, is the essence of Mabo [in 1992]. Six justices of the High Court have "deliberately abandoned a long-accepted legal principle" (Dixon), in the name of "the expectations of the international community" and "the contemporary values of the Australian people" (Brennan).

Declared Mabo Judge Brennan: "Whatever the justification advanced in earlier days for refusing to recognise the rights and interests in land of the indigenous inhabitants of settled colonies, an unjust and discriminatory doctrine of that kind can no longer be accepted. The expectations of the international community accord in this respect with the contemporary values of the Australian people" (p. 42). In other words: *vox populi*; not *vox Dei*.

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<sup>88</sup> H.M. Morgan: *Australia and its High Court*, Bond University, Queensland, July 27th 1993, pp. 4-9.

### 1993f radicalization of misinterpretations of the *Mabo cases*

By August 1993, the public debate on the *Mabo case* had reached bizarre proportions. On 1st August, the Australian Federal Government's left-wing Foreign Minister Gareth Evans declared<sup>89</sup> that some countries' image of Australia as a 'redneck' nation was being reinforced by negative reaction here to the *Mabo* decision.

Speaking as a social[ist] engineer, Evans then added: 'It's very important that we carry through a national position on this (*Mabo*).ö Then he dismissed suggestions that Indonesian fishermen could claim Australian territorial waters under native title[?!].

The very same day, outrage greeted claims by Western Australia's Liberal Party State President Bill Hassell that the High Court's *Mabo* decision was part of a five-part plot to create a separate Aboriginal State within Australia. In a speech the previous day to the Samuel Griffith Society in Melbourne, Hassell had said the *Mabo* decision to recognise native title was part of an agenda which would lead to a sovereign Aboriginal State.<sup>90</sup>

On that same day, in London, the Australian band Yothu Yindi's song *Mabo* was performed in Queen Elizabeth Hall. There, fans danced to didgeridoo and electric-guitar presentations. Lead singer and 'Australian of the Year' Mandawuy Yunupingu said the song had been written by his brother Galarrwuy [Chairman of the radical Northern Land Council] 'ó about last year's Australian High Court decision on Aboriginal land rights.

Mr. Yunupingu said: 'We don't want any violence, bad feeling or a situation like in South Africa.'ö In the same breath, however, he criticized the godly 'öGovernor Phillip and the people who came in 1788'ó 'ó saying they were wrong. 'öIt was their mistake'ó 'ó but not that of 'öthe people who are living in Australia now.'ö<sup>91</sup>

Also on that same day, the Australian Labor Party Prime Minister Paul Keating stated<sup>92</sup> at the centenary of the Corowa Federation Conference that an Australian republic would be only the first step towards [yet] wider constitutional reform. He said the *Constitution* was complex, legalistic and virtually impossible to relate to contemporary Australian life. 'öIn the end,'ö he added, 'öwe want an Australian Constitution in which Australians believe.'ö

The next day, however, Victoria's Liberal Party Premier Jeff Kennett said Keating had lost the republican debate 'ó by now widening his previous 'öminimalist'ö position. 'öI think the bottom line,'ö remarked Kennett, is that 'öthe Australian community no longer trusts Paul Keating. Anything he [henceforth] says on this issue as [only being] a minimalist position, unfortunately, will not [now] be trusted and will not be accepted.'ö

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<sup>89</sup> See Evans warns on 'redneck' Aust image, in *The Courier-Mail*, Brisbane, Aug. 2nd 1993. p. 5.

<sup>90</sup> *Id.*

<sup>91</sup> See art. *Mabo arouses British*, in *The Courier-Mail*, Brisbane, Aug. 2nd 1993, p. 5.

<sup>92</sup> See art. *Keating loser on republic: Kennett*, in *The Courier-Mail*, Brisbane, Aug. 2nd 1993, p. 5.

Indeed, on the same day even the former New South Wales Labor Party Premier Neville Wran spoke out. He conceded that a republic was not inevitable. He added that it would not be easy to achieve.<sup>93</sup>

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<sup>93</sup> *Id.* Since writing the above, the Australian Federal Government did a backflip on its proposed new 1993 *Native Title Act*. After the draft was rejected by Aborigines on Oct. 8th 1993, by Oct. 19th the Federal Cabinet had finalized its new package. That provides for the validation of all existing land grants, with native title to be extinguished in all but mining leases. The Commonwealth would, without suspending the 1975 *Racial Discrimination Act*, let States validate existing land titles by using a provision designed to ensure Aborigines receive rights to negotiate.

Aborigines and Torres Strait Islanders would have native title claims heard in the Federal Court or in an approved State Supreme Court, but State Tribunals would decide the compensation and the use of the native title land. The lessees' rights would have primacy over those of native title holders. Aborigines would be able to negotiate over land use, but they could not veto it. The Federal Government would allow validation of titles granted before December 31st 1993, and would pay most of the compensation for the extinguishing of native title after 1975 ó except where States (such as Western Australia) not accede to the Federal Mabo proposals.

Indigenous people would be able to have pastoral land they own, declared native title ó provided a Tribunal determined that their native title rights continued. Up to eight months would be allowed for negotiation and arbitration over decisions on exploration leases on native title land, while the period for mining proposals would be one year.

The new *Act* would then work as follows. Aborigines would apply for a native title to a Federal Court, or to an approved body of the State Government. If the application were to be approved, native title would be granted. Mining companies *etc.* would be able to apply for the use of native land ó in which case the Aboriginal owners would be notified.

This would be followed by up to four months' negotiation with the owners for the acquisition of exploration rights, or up to six months for mining rights. If still no agreement were reached, a Commonwealth Tribunal or approved State Tribunal would consider the mining *etc.* applications ó allowing four months for exploration applications, and six months for mining applications.

If the Tribunal were to reject the mining application, there would be no mining ó unless there were a mining appeal against that rejection, to a Federal Court; or unless the State Government or the Federal Government were to overrule the Tribunal in the interest of the State or the Nation. If the Tribunal were to approve the mining application, the mining would proceed ó or the Aboriginal owners might appeal to a Federal Court, provided always even then the State Government or the Federal Government might overrule the Tribunal in the interest of the State or the Nation. See the article "The day that changed history" in *The Sydney Morning Herald* for Oct. 20th 1993 (pg. 9).

Moreover, the *Wik* decision of 1997 has gone and further complicated matters ó by assuming the possibility of at least leasehold not extinguishing the long-lapsed exercise of possible tribal title rights. Fortunately, the public outcry has been such that the Federal Government is being forced to contemplate definitive action.

As Senator the Hon. Nick Minchin, parliamentary Secretary to the Prime Minister of Australia, wrote to Dr. Francis Nigel Lee on 24 the April 1997, "the view of both this and the previous Government was that the grant of a valid pastoral lease extinguished native title. In the *Wik* case, the High Court found that pastoral leases do not necessarily extinguish native title and that pastoral leases and native title may coexist....

óThe decision in the *Wik* case does have implications for the operation of the *Native Title Acts 1993*. The *Wik* decision has overturned one of the fundamental assumptions on which the legislation was based, that the grant of a valid lease extinguished native title. The implications of this change have a major impact on the operation of the Act, and may also affect the day-to-day operation of the pastoral and mining industries. In these circumstances, and given the uncertainty created by the *Wik* decision, it is not an option for the Government simply to do nothing.ö For in "Wik v. Mabo" ó extinguished native title is rekindled!

Following the *Wik* case, attempts by activist groups to involve the 1648 *Treaty of Westphalia* should be regarded as promoting scores of **auto-nomous** australoid "state-lets." This not only threatens the dismemberment of Australia and the subsequent degeneration of such state-lets into client colonies of various powers in Asia. It especially threatens the undermining of the **Christ-onomous** Crown Rights of King Jesus and His Common Law over the whole of Australia.

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For the word "republic" in the Australian context here understand: "social[ist] democracy." For that is what most "pro-republican" Australians mean, when they misleadingly advocate a "republic" for Australia. Would that they meant by the term what the godly Founding Fathers of America meant by that term *viz.*, a confederacy of States united under the Triune God!

The August 2nd 1993 *Courier-Mail* editorial says it all. "The opening of proceedings in the Wik people's Mabo-type claim for areas of Cape York, has highlighted the potential impact of such claims on the court system. Federal Court Judge Doug Drummond QC said the case could end in disaster.... This assessment is cause for alarm, given that dozens of similar claims could be pending, and Australian courts are already struggling to keep up with case loads...."

"When Justice Martin Moynihan of the Queensland Supreme Court was given the task of discovering issues of fact in the Mabo case, his work highlighted the problems of establishing the claim of various peoples on areas of land using traditional rules of evidence. Concepts of land ownership within the Aboriginal culture were apparently far different from those recognised by Europeans. Often the only evidence of any "ownership" is through word of mouth, using what may be regarded by a court as hearsay...."

"In many respects the Murray Island claim, because of the undenied continuity of residence of the Mer people on the islands, was an easy claim. Even so, it took 67 sitting days spread over three years to establish the basic facts. Mainland claims where the continuing connection (and traditional links) between a group of people and an area of land might be more difficult to prove, are likely to represent a substantive exercise."<sup>94</sup> In many cases, it is also likely to prove to be an exercise in utter futility.

### **What the *Mabo* cases did and what they did not decide**

In fact, however, the *Mabo* litigation only decided "as per Common Law itself" that **continuing occupation** and/or **continuing use** of land from ancient times may well constitute native title, relative to Common Law itself. **It did not decide that the Crown was obligated to compensate** "even in the event of unjust expropriations thereof. Yet it did guarantee the traditional right of the native community continuously occupying the Murray Islands since before 1770 and 1788 "to keep on occupying and enjoying most of nine square kilometres thereof, against all other Australians of whatever race.

We started off this present Addendum by quoting the purely *obiter* opinion of Sir Gerald Brennan J. (alone), where he stated: "The opening up of international remedies to individuals, pursuant to Australia's accession to the *Optional Protocol to the International Covenant on Civil and Political Rights*, brings to bear on the Common Law the powerful influence of the *Covenant* and the international standards it imports. The International Law is a legitimate and important influence on the development of the Common Law, especially when International Law declares the existence of universal human rights."

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<sup>94</sup> See editorial *Land claims: Timely warning from judge*, in *The Courier-Mail*, Brisbane, Aug. 2nd 1993, p. 8.

It is significant that his Honour's son – Queensland Fr. Frank Brennan – a prominent barrister, Jesuit priest, Pro-Aboriginal activist etc. is also one of the major participants in the Mabo debate. Thus Wallace Brown in the May 30th 1993 *Sunday Mail*.

Now Fr. Frank Brennan himself, insists Wallace Brown, regards the Mabo case as an issue much more important than the other one gathering momentum – the one on a republic. Yet it is even more significant that the said Barrister Brennan also admits that in Mabo the High Court has ruled that there is no guaranteed right to compensation for extinguishment of native title by a State government....

By and large, the media moguls have misunderstood Mabo. Leahy's May 27 1993 *Mabo* cartoon;<sup>95</sup> Peter Charlton's May 29th 1993 article *MABO Australia's Chance for Reconciliation*;<sup>96</sup> and Wallace Brown's above-mentioned May 30th 1993 review *In the Name of Justice*<sup>97</sup> – together with other similar media items now advocating the promotion of radical changes in Australia – can hardly be regarded as examples of responsible journalism.

### **Dump social engineering, and go back to the “sixty years’ rule”!**

More responsible – after the calamitous break-up of the Prime Minister's 1993 Conference with the State Premiers on the *Mabo case* decision – is the article in the June 13th 1993 *Sunday Mail*. There, Jack Waterford wisely remarks:<sup>98</sup> “Judges of the High Court are not given to being smug or saying aloud ‘I told you so’ – but Sir Darryl Dawson no doubt has had a wry smile on his face while reading the newspapers over the past few months.

“Sir Darryl is the significant standout on an increasingly radical High Court.... Three of the judges, Justices John Toohey, Sir William Deane and Mary Gaudron believed any interference with customary title gave those affected a right to compensation; but the other three, Sir Anthony Mason, Sir Gerald Brennan and Michael McHugh, thought not.

“Since Sir Darryl rejected the base premise involved, he was implicitly **against compensation**; so that is the law created by the court in Mabo [emphases mine – F.N. Lee].... Sir Darryl thought that what the Government or the Crown had done with the land since settlement, implicitly and explicitly indicated that the title was extinguished....

“The history, both legislative and executive, affords no basis for any claim that the Crown...recognised the existence of any customary rights of ownership on the part of the Aboriginal inhabitants of the Murray Islands, he said.... The policy which lay behind the legal regime was determined politically....

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<sup>95</sup> “Dad...What does MABO mean?ö... ö...May Autonomy Be Ours....ö (*The Courier-Mail*, Brisbane, May 27, 1993, p. 8).

<sup>96</sup> *The Courier-Mail*, Brisbane, May 29, 1993, p. 31.

<sup>97</sup> *The Sunday Mail*, May 30 1993, p. 66.

<sup>98</sup> See *Review*, on p. 56.

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øIt would be wrong to attempt to revise history or to fail to recognise its legal impact.... To do so would be to impugn the foundations of the very legal system under which this case must be decided.ø

For the *Mabo case* does not abrogate Australian Common Law. To the contrary, even according to that 6-1 High Court judgment, the Common Law is indestructible ó and therefore still prevails. Once newcomers and their seed have held land for sixty years, the notion of it reverting to the descendants of previous occupants is just as absurd as 1066 A.D. Norman lands in England after 1126 A.D. reverting to the seed of previous Anglo-Saxon occupants.

This Common Law øsixty-yearø rule of Blackstone, is eminently reasonable. It represents a period longer than the expected working-life of any modern man (*cf.* Psalm 90:10). During such a working-life, most men and women work hard at improving the property they possess ó also, if not largely, with a view to leaving it (hopefully in an improved condition) to their heirs. First Kings 21:1-3f; Psalm 16:5f; Proverbs 13:22; 19:14a; Luke 15:12f; Second Corinthians 12:14; Galatians 3:15; Hebrews 9:16f.

Without such an incentive, there could be no progress but only economic stagnation ó as seen in modern Communism, as well as in the øprimitive socialismø of savage societies. To claim that the heirs of hard-working occupants (of whatever race) **or their tax-supported Governments** should be required to hand over part or the whole of what they occupy, to an alien person or persons on the strength of claims that the latterø ancestors occupied it during some previous generation ó is a recipe for economic disaster. Far worse, however ó as indeed implied by our Christian Common Law ó it is also in the highest degree immoral.

### **Conclusion: right place of ‘Tribal Title’ in Australian Common Law**

øLet us hear the conclusion of the whole matter. **Fear God, and keep His Commandments; for this is the whole duty of man.** For God shall bring every work into judgment, with every secret thing ó whether it be good, or whether it be evil.ø Ecclesiastes 12:13f.

1. God made the world and all things in it, seeing He is the Lord of heaven and earth. From one blood (*A-dam*), He made all nations of men ó in order that they may dwell on all the face of the earth. He determined the pre-appointed times and boundaries of their habitation, in order that they should seek the Lord. God now commands all men everywhere to repent, because He has appointed a day in which He will judge the world in righteousness by the Second Adam. God has given assurance of this final judgment, by raising that Second Adam (Jesus Christ) from the dead. Acts 17:24-31.

2. God created the first Adam hardly earlier than 4000 B.C. All men who have ever lived, descend from that Adam and his wife Eve whom God placed in a garden in Eden near four rivers in Mesopotamia. Consequently, the theories that Black Australians are ø(ab-)origin-alø to Australia, or that they have lived in that Continent for at least 25 000 to 40 000 years, is radically false. Genesis 2:7 to 11:9f.

3. When the Most High God divided to the nations their inheritance and separated the sons of Adam, He set the boundaries of the people according to the number of the children of Israel [His very own covenant people]. Also the Israelites were tainted by sin. However, in their case they also received God's special revelation and His statutes in Holy Scripture to guide and to preserve them. Deuteronomy 7:15f & 32:8.

4. By His grace, the Almighty permitted especially Gomer and his descendants as the sons of Japheth to dwell in the tents of the Lord God of the Shemites as the covenant people. Consequently, God's revelation in general and Christianity as its fulfilment and completion was to be present particularly among the Gomic Britons and their Common Law (of which God's revelation and Christianity are part and parcel). Genesis 9:27 to 10:2f.

5. God has not left Himself without witness to His Law and even among the heathen. For whenever pagans who do not have the Law, by nature do the things contained in the Law and they are a law unto themselves. Indeed, they still show the work of the Law as having been written on their hearts and their conscience also bearing witness and their thoughts meanwhile accusing or else excusing one another in the day when God shall judge the secrets of men by Jesus Christ according to the Gospel. Romans 1:18 to 2:16.

6. Consequently, there are indeed some few elements of righteousness even in pagan customs (including those of the native peoples of Australia also prior to its colonization from the British Isles in 1788 A.D.). However, there are far more elements of righteousness in British Common Law and because of its massive exposure to God's special revelation and Christianity for many centuries especially prior to 1788 A.D. On this, see Lord Chief Justice Sir Edward Coke and Professor Sir William Blackstone.

7. This certainly means that whatever God regards as generally acceptable in the customs of the native peoples of Australia, must be respected and protected by all men of good will. However, whatsoever therein is not good, should be neither ethically respected nor legally protected and but rather abandoned to its certain extinction.

8. Similarly, whatsoever God regards as evil in Western civilization and should be abandoned for extinction. However, the bulk of Western civilization before 1788 was good. British Common Law was, and is, its covenantal crown. As such, it should be respected and protected, and is destined for certain expansion.

9. Captain James Cook brought Blackstone's Common Law to Australia, and it took root in that Continent from the time of the 1788 Settlement. As much of it as is appropriate to Australia, is the law of the land. Since 1788, it has grown further within its Australian environment and also absorbing just as much from the native customs of this Continent as Australian Common Law itself considers to be useful. Modern humanistic United Nations Conventions, however, as the brainchild of that organization and of the French Revolution of 1789 and are by and large irreconcilable with Australian Common Law and should not be heeded whenever they clash therewith.

10. Throughout the ongoing growth process of Australian Common Law, continuing native customs should be subject to it and never *vice-versa*. But

*ADDENDUM 52: AUSTRALIAN LAW AND  
NATIVE TITLE (AS IN MABO)*

Australian Common Law itself is to remain subject to the Law of God and to the Christian Religion. For the Decalogue and Christianity are part and parcel of Australian **Common Law**.<sup>99</sup> As the Supreme Court of Victoria observed even as recently as 1992 and legally speaking, Australia is still a predominantly Christian country.<sup>100</sup>

**Stars and Crosses of Australia: our Christian Heritage on our Flag**



Our flag shows the stars which do sparkle at night, in our Southern Cross so true.  
In its corner, are three Christian crosses of the red and the white upon blue.

They're for England and Ireland and Scotland, who sent to the ends of the earth  
the rogues and the schemers and doers and dreamers who gave our Australia her birth.

Yet all who detest our three crosses, just don't want to understand of  
that they show us our law and our language, and faith in the God of our land.

For people galore will still tell you, when Europe was plunged into night of  
those crosses right there in the corner, gave hope of more freedom and light.

So they certainly mean no allegiance, to a bygone imperial scene.  
For our stars show us where we are going of and our crosses show where we have been.

of Anon (modified by Dr. F.N. Lee from the *Stockman's Hall of Fame*).

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<sup>99</sup> *Regina v. Murphy* (1866) Wilke Aust. Mag. 757 (cited in *R. v. Darling* NSWLR 884 5 at 407-10); *Ex parte Thackeray* (1874) 13 S.C.R. (N.S.W.) 1 & 61; *Regina v. Darling & Ors.* (1884) NSWLR 884 5 at 405 & 411; *Australian Constitution Act* (1900) 63 & 64 Victoria, chapter 12; *Trigwell's case* (1978) 142 C.L.R. 617 & 623-25.

<sup>100</sup> *Noontil v. Auty* (1992) 1 V.R. 365.