

COMMON LAW: ROOTS AND FRUITS

**The Roots of Common Law in Biblical, Iro-Scotic, Brythonic & English
Jurisprudence — and Some of their Fruits in Great Britain, and the United
States and Australia**

by

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**Revised edition
1997**

"In the very morning of the Gospel, the Sun of righteousness shone upon this land; and they say the first potentate on the Earth that owned it, was in Britain. *Nicophorus II:40*, and the *Epistle of Eleutherius* to Lucius....

"Oh, that we could remember the days of old! ... God will again water His garden, once more purge His vineyard — once more of His own accord He will take England upon liking.... The reformation of England shall be more glorious than of any nation in the World, being carried on neither by might nor power but only by the Spirit of the Lord of hosts."

— Rev. Dr. John Owen: *Sermon to the British Parliament*, 29th April 1646

Roots of Common Law in Biblical, Iro- Scotic, Brythonic & English Jurisprudence — and Some of their Fruits in Great Britain & the United States & Australia

**Doctoral dissertation
(approximately one million words)
submitted in partial fulfilment of the requirements
for the degree of**

Doctor of Common Law (D.C.L.)

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at the

**Samuel Rutherford School of Law
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**Vastly expanded from
lectures given in June 1985
at the Dallas Conference on Christian Government (Texas, U.S.A.)**

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1993**

(revised 1997)

BLACKSTONE ON THE ROOTS OF ANCIENT BRITISH COMMON LAW

"The antient collection of unwritten maxims and customs which is called the Common Law...had subsisted immemorially in this kingdom.... It was then taught, says Mr. Selden (*in Fletam* 7.7), in the monasteries.... The clergy in particular...then engrossed almost every other branch of learning. So (like their predecessors the British druids) they were peculiarly remarkable for their proficiency in the study of the law. *Nullus clericus nisi causidicus* ['No cleric unless a lawyer'], is the character given of them soon after the Conquest, by William of Malmesbury (*Laws of the Kings* 1.4). The judges therefore were usually created out of the sacred order....

"An academic expounder of the laws...should be engaged...in tracing out the originals and as it were the elements of the law.... These originals should be traced to their fountains..., 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.]...; but above all to that inexhaustible reservoir of legal antiquities...entitled...the Law of Nations...weighed and compared with the precepts of the Law of Nature....

"The British as well as the Gallic druids committed all their laws as well as learning to memory; and it is [also] said of the primitive Saxons here, as well as their brethren on the Continent... Our antient lawyers and particularly Fortescue (*c.* 17) insist with abundance of warmth that these customs are as old as the primitive Britons, and continued down through the several mutations of government and inhabitants to the present time unchanged and unadulterated.... Our antiquarians and first historians do all positively assure us that...in the time of Alfred [A.D. 887f]...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 [*Folcruhte* alias 'Folk-rule'].... The first ground and chief cornerstone of the laws of England...is general immemorial custom or Common Law....

"Sir Edward Coke...supposed the Common Law of England [alias Britain] and Scot-land [alias Scot-ic Ireland]...to have been originally the same...Old Common Law of both kingdoms.... God, when He created matter and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion — so, when He created man and endued him with free-will to conduct himself in all parts of life, He laid down certain immutable laws of human nature whereby that free-will is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purport of those laws."

— Sir William Blackstone: *Commentaries on the Laws of England*, I:17-95.

B.C. ROOTS AND A.D. FRUITS OF BRITISH COMMON LAW

"Dunwallo Molmutius arose [around 510 B.C.].... Excelling all the kings of Britain in comeliness and courage, he...fashioned for himself a crown of gold.... This king established among the Britons the laws that were called the Molmutine Laws — which even today are celebrated amongst the English.... He ordained that the temples of God and the cities should enjoy such privileges as that, in case any runaway or guilty man should take refuge therein — he should depart thence [*cf.* Numbers chapter 35].... Moreover, he ordained that the roads...should be held inviolable.... In his days, the knife of the cut-throat was blunted — and the cruelties of the robber ceased in the land.... After Dunwallo's death, his son Belin [from around B.C. 455]...was the undisputed master of the Island — from sea to sea. He confirmed the Laws which his father had ordained, and commanded that even and steadfast justice should be done throughout the realm. Especially careful was he to proclaim that the cities and the highways...should have the same place that Dunwallo had established.... He dedicated them with all honour and dignity, and proclaimed it as of his Common Law that condign punishment should be inflicted on any that do violence.... If any would know all of his ordinances concerning them — let him read the Molmutine Laws that Gildas the Historian [520 A.D.] did translate out of the British into Latin, and [the 871 A.D.] King Alfred out of Latin into the English tongue!"

— Geoffrey Arthur: *History of Britain's Kings*, II:17 - III:5 (A.D. 1138)

"A conference between the King [John] and the Barons was appointed.... The King...granted the charter required of him (June 15, 1215).... *Magna Carta* or the Great Charter...secured very important liberties and privileges to every order of men in the kingdom — to the clergy, to the barons, and to the people.... John seemed to submit passively; but he only dissembled.... He secretly sent abroad emissaries to enlist foreign soldiers; and he despatched a messenger to Rome in order to lay before the Pope [Innocent III] the Great Charter.... Innocent — considering himself as feudal lord of the kingdom — was incensed at the temerity of the barons. He issued a bull, in which he annulled the charter.... As early at least as the reign of Henry III [A.D. 1216-72], the legal equality of all freemen below the rank of the peerage appears to have been completely established. The civil rights of individuals were protected by that venerable body of ancient customs which, under the name of the Common Law, still obtains in our courts of justice. Its origin is lost in the obscurity of remote antiquity."

— Prof. J.S. Brewer: *The Student's Hume*, III:7:8 & III:12:14 (1883 A.D.)

"This Constitution...shall be the supreme law of the land.... Done in Convention by the unanimous consent of the States present, the 17th day of September **in the year of our Lord 1787**.... In suits at Common Law..., the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the Common Law."

— *U.S. Constitution*: Articles VI & VII and the 7th Amendment (1787f A.D.)

APOSTOLIC AGE BRITISH CHRISTIANITY

"Isaiah 42:4. 'And the isles shall wait for His law.' This and such prophecies of the gospelizing of islands [*cf.* too 49:1-12 with Genesis 9:27 & 10:2-5], I believe to have...the **conversion**...principally aimed at in these prophecies.... They have a glorious accomplishment in the gospelizing the isles of **Britain** and **Ireland**, and making of them so glorious a part of the Church...**soon after** Christ's ascension."

— Dr. Jonathan Edwards: *Apocalyptic Writings* (1739), Yale Univ., 1977, p. 142.

"From a passage in an Epistle to Clemens Romanus [around 95 A.D.], the chief missionary apostle [Paul] has been set down as the **Apostle of Britain**. Clement represents Paul as 'coming to the extremest limit of the West'.... The **progress of Christianity** was co-extensive **for four centuries**; before the flood of Saxon heathendom...checked...for a time...the light of the Gospel in England south of the Humber....

"We may say that **our Celtic predecessors** or forefathers were converted to Christ.... The **apostolic origin of the Church**..., whether from St. John's immediate disciples or from Paul himself or both, is seen in its purer doctrine and freedom — and in the time of its celebration of Easter when it [around 600f A.D.] came into conflict with the papal church....

"**Gildas** the Wise [around 520 A.D.]..., in his *History* and *Epistle*, on the subject of the **introduction of Christianity into the island of Great Britain**..., [declared]: 'Christ the true Sun afforded His rays, *i.e.* His precepts, **to this island**...during the **latter** part of the reign of Tiberias Caesar' [14-37 A.D.]....

"The *Welsh Triads* tell how Cunobelin(us) [alias the A.D. 15f Cymbeline], the father of Caratacos [alias Caractacus or **Caradoc**], was kept seven years as a hostage at Rome [A.D. 52-59].... He returned, as a **missionary** to his **countrymen**.... The highest authority on the subject (Rev. F. Thackeray) observes of the **family** and other captives who accompanied Caratacos himself, that **Paul** during his first imprisonment may have become **acquainted** with some of these, 'and that through their representations he might have been induced, when liberated from his confinement, to undertake a voyage to **Britain**'....

"**Chrysostom** [around 400 A.D.] writes of continued missionary extension: 'If you were to go unto...**the British Isles**...you would hear **all** men everywhere **discoursing** matters out of the **Scripture**.'" Referring back to this time, and also to much earlier times, the Briton "**Gildas** thus describes the constitution of the British Church: '**The Church is spread over the nation**; organized; endowed...; embracing the people of all ranks and classes. **It had spread, moreover, into Ireland and Scotland**. It was also a learned Church. It had its **own** version of the **Bible**, and its own ritual.'"

— Dr. George Smith, LL.D.: *Short History of Christian Missions*, 1886, pp. 59f.

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Holy Scripture teaches that "the Triune God made man upright.... Whatever your hand finds to do — do it with all your might.... A wise man's heart is at his right hand [on the right wing]...; but a fool's heart at his left [on the left wing].... Fear God and keep His Commandments; for this is the whole duty of man. For God shall bring every work into judgment together with every secret thing — whether it be good, or whether it be evil." Ecclesiastes 7:29; 9:10; 10:2; 12:13f.

The Lord's creation covenant and its dominion mandate were given not just to our first parents, but in them also to all mankind as their descendants. To them, "the Triune God said: 'Be fruitful and multiply and fill the Earth and subdue it!'" But men "like Adam, have transgressed the covenant; they have dealt treacherously." Henceforth, "whosoever sheds human blood, by men shall his blood be shed. For God made man in His image." Genesis 1:28; Hosea 6:7; Genesis 9:1-7.

"Now the sons of Noah who went forth from the ark, were Shem and Ham and Japheth.... God shall enlarge Japheth, and he shall dwell in the tents of Shem.... The sons of Japheth [were] Gomer and Magog.... By these were the Isles...according to their languages." Genesis 9:18-27 & 10:1-5.

"The Isles shall wait for His Law.... Sing to the Lord from the end of the Earth, you that go down to the sea.... Let them give glory to the Lord, and declare His praise in the Islands.... He will magnify the Law.... Let all the nations be gathered together, and...show us the former things.... Listen, O Isles, to Me.... Hearken, you people from afar.... Behold, these shall come — from the North and from the West." Isaiah 42:4-21; 43:9; 49:1-12.

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What nations descended from the above-mentioned Gomer and Magog? Which are the above-mentioned "Islands" to "the North" and to "the West" of Palestine where these words were written? According to many, Gomer was the ancestor of the Brythons — and Magog the ancestor of the Iro-Scots.

Hear America's greatest theologian of all time, Rev. Professor Dr. Jonathan Edwards Sr. In his *Apocalyptic Writings* and his *Interleaved Bible*, Edwards insists that "by 'Isles' is meant particularly Europe.... The conversion of that, is principally aimed at in these prophecies.... They have a glorious accomplishment in the gospelizing of the Isles of Britain and Ireland, and making of them so glorious a part of the Church."

The famous Puritan and Elizabethan chronicler Raphael Holinshed (d. circa 1580) wrote a massive six-volume set of *Chronicles of England, Scotland and Ireland* — from Noah's Flood till the end of the Sixteenth Century A.D.

Holinshed's *Chronicles* comprise about three-and-a-half million words. In compiling it, he first consulted about two hundred histories of the Ancient World in general and of the Ancient British Isles in particular.

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Holinshed (and his sources) constitute one of the chief theoretical bases for this present Doctorate of ours in Common Law (D.C.L.). Elsewhere we have produced a contemporary abridgement of Holinshed, as our own D.Litt. dissertation, and would here refer to it.

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When were the Bible's afore-mentioned predictions fulfilled — anent the expansion of the Japhethitic Gomer and Magog, and anent the blessed Northwestern Isles which Edwards identifies with Britain and the Emerald Isle (alias the British Isles)? The principal fulfilment first started to occur soon after Christ's incarnation — through missionary work, in the course of the history of the early church.

Observed the prophet Daniel: "A Stone...smote the [Roman] image upon its feet of iron and clay, and broke them into pieces.... And the Stone which smote the image became a great Mountain, and filled the whole Earth.... The God of Heaven set up a Kingdom which shall never be destroyed.... It shall break the other governments into pieces, and consume them; but It shall stand for ever.... This shall come to pass.... It is certain and sure." Daniel 2:34-35,44-45.

Thereupon "I blessed the Most High," added Daniel, "and I praised and honoured Him Who lives for ever, Whose dominion is an everlasting dominion and Whose Kingdom is from generation to generation. But all the inhabitants of the Earth are reputed as nothing. Now He does according to His will — in the army of Heaven, and among the inhabitants of the Earth. Thus, none can stay His hand or say to Him, 'What are You doing?'" Daniel 4:34-35.

Then, in a vision, Daniel foresaw how "the Son of man comes with the clouds of Heaven." Here, the prophet had a vision not of Christ's still-future *parousia* from the Father back to our Earth — but a vision of Christ's now-accomplished ascension from the Earth and back "to the Ancient of days." Thus Calvin.

At that time, namely at the Son of man's ascension, "they brought Him before Him" — *viz.* before the Ancient of days. "Then there was given unto Him [the Son]: dominion, and glory, and a Kingdom — so that all people and nations and languages should serve Him.

"His Kingdom is an everlasting Kingdom, which shall not pass away. And His Kingdom...shall not be destroyed.... And the government and dominion and the greatness of the government under the whole Heaven shall be given to the people of the saints of the Most High Whose Kingdom is an everlasting Kingdom.... All dominions shall serve and obey Him." Daniel 7:13-14,27.

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The fulfilment of the above, then, started commencing at Christ's ascension. For it was then that the apostles received the Great Commission alias the Missionary Mandate from Jesus Himself. "They asked Him, saying: 'Lord, do You at this time wish again to give back the rule to Israel?'" Then He answered them: 'It is not for you to know.... But you shall be witnesses to Me — both in Jerusalem, and in all Judea, and in Samaria, and to the uttermost part of the Earth!'

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"Then, when He had spoken these things, while they beheld, He was taken up; and a cloud received Him out of their sight. And, while they kept looking stedfastly toward Heaven as He went up — behold, two men in white apparel stood by them. They [the two men] said: 'You men of Galilee! Why do you keep on standing, gazing up into Heaven? This same Jesus, Who has been taken up from you into Heaven — shall so come, in like manner, as you have seen Him go into Heaven!'

"Then they returned to Jerusalem.... And when the day of Pentecost was fully come..., they were all filled with the Holy Ghost and began to...speak...the wonderful works of God." Acts 1:6-12 & 2:1,4,11.

One of them in particular — the apostle John — was given an indepth understanding of all this. Even many decades later, he exulted: "Great and marvellous are Your works, Lord God Almighty! Righteous and true are Your ways, You King of saints [or 'nations']! Who shall not fear You, O Lord, and glorify Your Name? For You alone are holy.... All nations shall come and worship before You." Revelation 15:4.

This would and will occur, as a result of the comprehensive execution of the Missionary Mandate. For Christ shall have dominion — precisely through His Church's obedient and successful execution of His Great Commission. Psalm 72 *cf.* Matthew 28:19.

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Now in Britain, after the transmission of the Mosaic Law from around B.C. 1400 onward, King Brut the migrant Trojan built the city of 'New Troy' — around B.C. 1150. There, from B.C. 510 onward, the British King Dunvall Moelmud proclaimed God's Moral Law (and its judicial applications) to be the **Common Law** of the land. From B.C. 75 onward, 'New Troy' was expanded (and renamed London) by the energetic King Lludd — who lived and died just before the Roman tyrant Julius Caesar was twice repelled by the Britons.

In London, the city of Westminster arose. There, almost every king — also from the A.D. 1066 William the Conqueror onward — was crowned over the Stone of Scone. Upon that stone also the earlier Iro-Scotic kings had been crowned — in Scotland, and yet more anciently also in Ireland. The article 'Westminster' in the 1929 American edition of the *Encyclopaedia Britannica* observes that the stone is of [Iro-]Scotic origin, and that tradition identifies it with Jacob's pillow at Bethel. Genesis 28:10-22.

The constitutional milestone of *Magna Carta* re-asserted Britain's ancient liberties — in A.D. 1215. Then, in the three thirteenth-century statutes of Westminster, important legislative promulgations were made by King Edward the First — in Parliament.

The first statute, that called *Westminster I* (A.D. 1275), practically constituted a code of law — incorporating much unwritten law into the written code. The second statute, *Westminster II* (1285), promoted judicial reforms and streamlined English landholding. The third, *Westminster III* (1290), stopped the process of subinfeudation.

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From A.D. 1360 onward, one sees the great political and theological work of the Proto-Protestant British Pre-Reformer John Wycliffe (*cf.* Daniel 12:11f). Then, in 1536, Calvin produced his epoch-making *Institutes of the Christian Religion*. In that very same year, the Welsh-British King Henry Tudor VIII immediately effected Union between England and Wales.

In 1628, the English *Petition of Right* pointedly invoked also *Magna Carta* against King Charles. Then, in April 1642, the Westminster Assembly — to which three Colonial Americans were invited — was ordained by the English Parliament.

Its purpose was to help promote a common reformation in Scotland, England and Ireland — **before** the tragic outbreak of the English Civil War in August 1642. The Westminster Assembly aimed at such a reformation especially through the international 1643 *Solemn League and Covenant* — and also through the 1645 *Westminster Form of Government*.

That Assembly also produced the *Westminster Confession of Faith*, by 1646. This recognizes, *inter alia*: the Light of Nature; the Necessity of Scripture; the Triune God; Creation; Providence; the Covenant and Law of God; Christian Liberty; Oaths; the Civil Magistrate; Marriage; Property; and Councils to advise Governments. See chs. I-VII; XIX-XXVI; and XXX-XXXI.

The Westminster Assembly also produced the *Larger Catechism*. That embraces a massive exposition of the Law of God, including its political implications. It further stresses the certainty of its ultimate triumph — even internationally. See QQ. 39-45; 51-54; 91-151; and 191-196.

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Now it was this so-called 'Westminster System of Government' — which was taken over in North America, by the Cambridge Synod in Massachusetts from 1646 onward. Later, Westminster triumphed not only throughout England from Westmorland to Cornwall at the 'Glorious Revolution' and the Protestant Settlement of 1688, and at the *Declaration of Rights* alias the British *Bill of Rights* of 1689. It triumphed also in Colonial America — from Westmoreland County in Virginia to New England's Boston and beyond, during the seventeenth and eighteenth centuries.

Thus Francis Lightfoot Lee, of Westmoreland County in Virginia, signed the *Westmoreland Declaration* against the 1765 British *Stamp Act*. That Act (of the British Parliament in London) proposed to levy taxes on various American colonial documents (such as all newspapers, advertisements and legal documents *etc.*). However, such American taxes should not have been levied by British Representatives of British Constituencies assembled in Britain — but only by Representatives of the American Colonies, and indeed only when assembled precisely in their own existing Colonial Parliaments in America.

Francis Lightfoot Lee of Virginia's Westmoreland County objected to the British *Stamp Act*. So too did the official Delegates from the various American Colonial Assemblies. Meeting in Congress (at New York) to protest against the application of Britain's new statute against the English Colonists in America, they pointed out that

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those Englishmen in the American "Colonies are entitled to all the inherent rights and privileges" of those other Englishmen born "within the kingdom of Great Britain."

The Delegates of the American Colonies had assembled rightly, in accordance with laws enabling this — laws which had been enacted, many decades earlier, precisely in England. They themselves had never had seats in England's Parliament, which met in London. Yet, even while meeting as a Congress in America, they still regarded themselves as Englishmen.

Indeed, they explained: "It is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent — given personally, or by their Representatives.... The people of these Colonies are not — and, from their local circumstances, cannot be — represented in the House of Commons in Great Britain.... The only Representatives of the people of these Colonies, are persons chosen therein by themselves.... No taxes ever have been, or can be, constitutionally imposed on them — but by their respective Legislatures."

Continued the American objection: "It is unreasonable and inconsistent with the principles and spirit of the British Constitution for the people of Great Britain [through their Parliament in London] to grant to his majesty [the King of England] the property of the Colonists [in North America].... The late English [Stamp] Acts..., by imposing taxes on the inhabitants of these Colonies...[and] by extending the jurisdiction of the Courts of Admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the Colonists....

"It is the indispensable duty of these Colonies — to the best of sovereigns, to the mother country, and to themselves — to endeavor, by a loyal and dutiful address to his majesty [the King of England], and humble applications to both Houses of Parliament, to procure the repeal of the Act for granting and applying certain stamp duties...and of the other late Acts for the restriction of American commerce."

However, neither his majesty the King of England nor the British Houses of Parliament timeously heeded this earnest petition. It was ignored, even though regularly forwarded by the official Delegates from nine of the (then thirteen) American Colonial Assemblies previously set up by Britain herself. Those were Representative Parliaments of such Englishmen and other citizens of Great Britain who had been born in America or who were residing there.

Yet Britain further aggravated the tense situation by legislating the *Tea Act* in 1773. Tea sales in America consequently ceased in New York, Philadelphia, and Charleston. Indeed, in Massachusetts — discontent exploded at the 'Boston Tea Party.'

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On June 7th 1776, matters were taken further by Francis Lightfoot Lee's brother. We mean the Representative from Virginia, Richard Henry Lee, who had been educated in Britain. In the Continental Congress of the thirteen United States of America, he moved the resolution "that these united Colonies are, and of right ought to be, free and independent States; that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved...; [and] that a plan of confederation be prepared, and transmitted to the respective Colonies for their

consideration." Compare with this the 'confederacies' mentioned at: Genesis 14:13; Psalm 83:5-8; Isaiah 7:2 & 8:12; and Obadiah 7.

Francis Lightfoot Lee and his brother Richard Henry Lee were both among the fifty-six who, as Representatives of the various Colonial Legislatures, co-signed the U.S. *Declaration of Independence* in 1776. Indeed, their cousin's son, General Henry Lee (alias "Light Horse Harry") — himself too a Representative at the Confederation Congress — became Washington's right-hand man in the American 'War of Independence' from Britain.

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General Henry Lee later became Governor of Virginia. Several decades later, his son — Gen. Robert E. Lee — declined President Abraham Lincoln's amazing invitation for Lee the Southerner unconstitutionally and illegally to lead the northern armies in their aggression against the confederated States of the South.

Instead, Lee became first an Officer and later the General-in-Chief under the thirteen-star flag of the armies of the Confederate States of America. Those thirteen stars symbolized the same basis of confederation as that of the original thirteen States in the 1777-87 Union.

The 1861 Confederacy was thus an attempt to maintain the traditional independence of the States. Yet now no longer so much against England, but rather against the tyranny which had recently taken control even of the U.S. Federal Government. For Lee saw it as his duty to defend his own native Westmoreland County in Virginia — during the War of Northern Aggression against the self-governing Christian States of the American Southland.

We must now let the great Southern Presbyterian theologian Rev. Professor Dr. Robert L. Dabney eloquently tell the next part of the sordid story. Says he (in the fifth chapter of his famous book *The Life of General Stonewall Jackson*): "History will some day place the position of these Confederate States...in the clearest light of her glory. The cause they undertook to defend, was that of regulated, constitutional liberty — and of fidelity to law and covenants — against the licentious violence of physical power. The assumptions they resisted — were precisely those of that radical democracy which deluged Europe with blood at the close of the eighteenth century, and which shook its thrones again in the [Communist] convulsions of 1848."

Continues Dabney: "This power, which the old States of Europe expended such rivers of treasure and blood to curb [after the 1789 French Revolution] — at the beginning of the [nineteenth] century had transferred its immediate designs across the Atlantic..., consolidating itself anew in the Northern States of America.... Hither, by emigration, flowed the radicalism, discontent, crime, and poverty of Europe — until the people of the Northern States became, like the rabble of Imperial Rome, the *colluvies gentium* [alias 'the excrement of the pagans']. The miseries and vices of their early homes had alike taught them to mistake license for liberty.... They were incapable of comprehending, much more of loving, the enlightened structure of English or Virginian freedom."

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Dabney goes on: "The first step in their vast designs, was to overwhelm the Confederate States of the South. This done, they boasted that they would proceed — first, to engross the whole of the American Continent; and then to emancipate Ireland, to turn Great Britain into a democracy, to enthrone Red Republicanism in France, and to give the crowns of Germany to the pantheistic humanitarians of that race.... This in truth was the monster whose terrific [or terrifying] pathway among the nations, the Confederate States undertook to obstruct — in behalf not only of their own children, but of all the children of men."

Concludes Dabney: "To fight this battle, eleven millions [of Southerners], of whom four millions were the poor Africans..., prepared to meet twenty millions [of Northerners].... Our country has to wage this strife only on these cruel terms.... The blood of her chivalrous sons shall be matched — against the sordid streams of this *cloaca popularum* [alias this 'sewer of mobs']!"

Finally, the South was defeated in 1865 — outnumbered by more than three to one by the overwhelming hordes from the North. Yet, looking back, the Southern military leader Robert E. Lee rightly observed even in 1869: "I could take no other course without dishonor. And if it were all to be gone over again, I should act in precisely the same manner."

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The same would also be said by a contemporary Northerner — Rev. Dr. Carl McIntire (D.D., LL.D.). In his famous 1963 book *Author of Liberty* — he too speaks about the Christian roots of the *U.S. Constitution*, for the maintenance of which General Lee too had himself so valiantly fought.

Explains Dr. McIntire: "The two entrances of the magnificent building in which the Supreme Court of the United States is housed in Washington D.C., have engraved in marble above them the words 'Equal Justice Under Law'.... The concept that put them there, was in the heart of the men who framed the *Constitution of the United States*. They obtained that concept originally from God Himself.

"The Law of God is as permanent as God Himself. The Law of God is an expression of God's own nature.... The charter of freedom for the human race, is the Law of the Almighty God. This we call the Moral Law.... When Adam and Eve, our first parents, were made — God placed His Law in their hearts, and they knew His will naturally.... This Law He also gave to us in the tables of stone on Mt. Sinai by the hands of Moses the great lawgiver. The Moral Law is summarized in the Ten Commandments. We find it embodied, too, in flesh and blood — in the person of the Lord Jesus Christ.

"The Sermon on the Mount is nothing more than a definition and a clarifying of the demands of God's Law. This Moral Law has been the same in every age, and it will always be the same. It is the declaration of the will of God to mankind — all mankind: bond and free; saved and lost; every creature that God has made — directing and binding everyone to personal, perfect, and perpetual conformity and obedience to its demands."

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Dr. McIntire continues: "The State is related directly and in the most specific manner to the Ten Commandments. The State has no right or authority to encroach upon the liberties of the individual which God guarantees under His Law. The State, in other words, must respect and honor the Law of God... Only in honoring and maintaining this Law, can it serve its true function and be truly free.

"Murder is an offense, according to the law of the land. When it is committed, men are tried and condemned.... Adultery is a crime against the State; fornication likewise.... The property rights of individuals and corporations...are based upon the command of God's Law 'thou shalt not steal'.... The right of a man to teach and train his own child, is guaranteed by the laws of the land. And these statutes relate to the Fifth Commandment.

"In administering the affairs of men, the State must be guided by the laws that God has made for man. Thus the State literally becomes a servant of God, and this is exactly what is taught in the Bible [Romans 13:4].... 'Caesar' has certain God-given powers, and in the exercise of these he must render an account to God. Thus the State is bound just as much by God in its responsibility to Him, as the individual is bound. Representatives, Senators, Governors, Judges, the President — all Public Officials — should know this and acknowledge it. This is all involved, when the Oath of Office is taken — with the hand on the Bible."

* * * * *

Dr. McIntire goes on: "The Communist State ignores, in the social relations of men, all that God has taught concerning the rights of property. It destroys these rights; gives us a community of property, or Communism; and turns away from God's Law to enforce its own self-made standards.... The Author of liberty was the First to tell mankind of the beastly State [Revelation 13:1f].... He actually called it 'the beast'.... The ideology of Communism today...[and] the system of [socialistic] thought involved in modernism preached in many so-called Christian churches today, is not Christianity at all. It is another religion entirely."

Dr. McIntire ends — by quoting the "beloved hymn from which we have taken our title *Author of Liberty*:

My country, 'tis of thee, sweet land of liberty, of thee I sing.
Land where my fathers died, land of the Pilgrim's pride —
from every mountain side, let freedom ring!

Our fathers' God, to Thee, Author of liberty — to Thee we sing.
Long may our land be bright, with freedom's holy light,
Protect us by Thy might, great God our King!"

* * * * *

It is significant that the above American hymn shares the same tune as the British National Anthem: *God save our gracious King [or Queen]*. It is also significant that just after the beginning of this Preface, we referred to the great Elizabethan historian Raphael Holinshed. It is therefore appropriate that, toward the end of this Preface, we give a quotation from another great 'Elizabethan' — Queen Elizabeth II.

PREFACE

In her 1993 Christmas Message — largely ignored by our planet's secularistic news media — her Majesty declared: "We have become a global village.... Switch on the radio or television, and the graphic details of distant events are instantly available to us...."

"Not all the pictures bring gloomy news.... The more we know, the more we feel responsible, and the more we want to help.... All of us owe a debt...."

"I am always moved by those words in St. John's Gospel which we hear on Christmas Day: 'He was in the world, and the world was made by Him, and the world knew Him not.' We have only to listen to the news, to know the truth of that. But the Gospel goes on: 'But as many as received Him, to them gave He power to become the sons of God.'

"For all the inhumanity around us, let us be grateful for those who have received Him and who go about quietly doing their work and His will.... They know that there is an eternal truth of much greater significance than our own triumphs and tragedies, and it is embodied by the Child in the manger. That is their message of hope.

"We can all try to reflect that message of hope in our own lives, in our actions and in our prayers. If we do, the reflection may light the way for others and help them to read the message too.... May 1994 bring to those brave people who...go about their lawful lives undaunted, the reward they deserve."

* * * * *

This will yet be realized also in Australia. As the American Rev. Professor Dr. Jonathan Edwards Sr. remarkably predicted around 1735: "What advantage has it been to America that the Mediterranean Sea opens from them to us; or what advantage has *Hollandia Nova* [alias Australia] or *Terra Australis Incognita* [alias Australasia], from the Indian Ocean's reaching from them even to this land? Wherefore, we do believe that the most glorious part of the Church will hereafter be there, at the centre of the Kingdom of Christ, communicating influences to all other parts...."

"What is peculiarly glorious...is gospelizing the new and before unknown world...where the devil had reigned...from the beginning of the world." That before-unknown world takes in "America, *Terra Australis Incognita* [or Australasia], *Hollandia Nova* [alias Australia], and all those yet undiscovered tracts of land...."

"There must be an amazing and unparalleled progress of the world, and manifestation of divine power — to bring so much to pass by the year 2000.... In the next whole century, the whole heathen world should be enlightened and converted to the Christian faith throughout all parts of Africa, Asia, America and *Terra Australis* — and be thoroughly settled in Christian faith and order."

COMMON LAW: ROOTS AND FRUITS

Thus Dr. Jonathan Edwards, Francis Lightfoot Lee, Richard Henry Lee, General Robert E. Lee, Robert L. Dabney, Dr. Carl McIntire, and Queen Elizabeth II. May the lives of such Christians inspire us all even today — as we too, on the basis of *The Roots and Fruits of the Common Law*, seek God and good government everywhere.

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"To the Law and to the Testimony!
If they speak not according to this word,
it is because there is no light in them!"

— The Gospel according to Isaiah, 8:20

FOREWORD

This dissertation for the Doctorate in Common Law degree (D.C.L.) reflects much of the story of my life.

Francis Lightfoot Lee, Richard Henry Lee, Lighthorse Harry Lee and General Robert E. Lee were all born in Westmoreland County. So too was I, Francis Nigel Lee. In their case, Westmoreland County, Virginia (the Old Dominion), in the eighteenth and nineteenth centuries. In my own case, in Westmorland, Cumbria (the Older Dominion), during the twentieth century.

As a boy in Britain, my parents often reminded me that I had among my forebears those not only from the mountain border between England and Scotland — but ancestors also from both the North and the South in Ireland. The Lee family tree showed in addition that we had descended from Joule — a Nor(se)man noble, who had landed in Britain with William the Conqueror in 1066.

At the outbreak of World War II, my father, Lieutenant-Commander William Sydney Lee, was appointed Chief Experimental Officer and Radar Chief of the Royal Navy (South Atlantic), stationed at Cape Town. So it was that our family then moved to the Union of South Africa. There I grew up; took my postgraduate law degree; and became a Trial Lawyer or Barrister-at-Law and Advocate of the Supreme Court. Later, I became: a Minister of Religion; a College Lecturer; a Scholar-in-Residence; and a Seminary Professor. On the way, further degrees were also acquired — including earned doctorates in theology, philosophy, ministry, and education.

* * * * *

In 1966, I had moved to the U.S.A. to teach philosophy and to preach the Gospel. There I grasped not only the historical but also the political implications of the *Westminster Confession of Faith* and the *Westminster Larger Catechism* for the so-called "Westminster System of Government." Over the next fourteen years — and under the influence of godly Americans like Dr. Carl McIntire, Dr. Cornelius Van Til, Dr. Loraine Boettner, Dr. R.J. Rushdoony, Dr. C. Gregg Singer, and Dr. Morton H. Smith — I was enabled to integrate my love of the Bible and of British Common Law into its later American (and Confederate) developments in the same constitutionalist tradition.

In 1981, I became Professor of Theology at the Queensland Presbyterian Theological Seminary in Australia. There, I became aware of the blend of the *British Constitution* and the *American Constitution* in the 1901 *Australian Constitution* (with its important stress on the rights of the several States over against those of the Federal Government). Indeed, this in turn again impressed me with the crucial importance of understanding the sources and the development of British Common Law — and its worldwide application, at least among all English-speaking peoples.

Finally, I was asked to fly to Dallas in 1985 and to give some lectures on the Biblical roots of American history (at a Congress on Christian Government). The present dissertation is a vast expansion of those lectures, which first stimulated my further studies into this area of learning.

COMMON LAW: ROOTS AND FRUITS

Most of my research toward this present doctorate in jurisprudence was done in Brisbane. Among many others — such as Rev. D. Douglas of the British-Israel World Federation in Queensland (and its library and personnel), as well as the Queensland Ogham Society (for the study of the ancient writings of the British Isles) — I would like to thank the following ten persons in particular for all their help.

- (1) Ex-Attorney Rev. Peter Barson, Business Convener of the Presbyterian Church of Queensland, who first introduced me to that State's stimulating Supreme Court Law Library.
- (2) That institution's Law Librarian Aladdin Rahemtula, who very graciously made the priceless antique book collection there available to me for research, times without number.
- (3) Queensland Supreme Court Judge the Hon. Bruce McPherson (Ph.D.), who very kindly provided me with precious photostats of Early Anglo-Saxon Laws.
- (4) Mr. Leo Maloney, Vice-President of the Queensland Irish Association, who kindly placed its valuable collection of books on Ancient Ireland at my disposal.
- (5) Rev. Dr. T. Rees-Thomas of the Queensland Welsh Society, who directed me to the Oxley Collection of Ancient Brythonic Literature in the Queensland State Library.
- (6) Rev. J.D. Sutherland, M.A., Lecturer in Scottish Church History at the Queensland Presbyterian Theological Hall, for his counsel anent the Picts and Early Scotland.
- (7) Professor Dr. Geoffrey de Q. Walker, Dean of the Faculty of Law, for placing the University of Queensland's Law Library at my disposal.
- (8) Queensland Attorney-at-Law Dr. Steve Gustafson, J.D. (University of Chicago), for all his encouragement.
- (9) Supreme Court of Victoria Barrister (and Ruling Elder) the late F. Maxwell Bradshaw, LL.M., sometime Procurator and Law Adviser of the Presbyterian Church of Australia.
- (10) Rev. Dr. David Mitchell (LL.M. & Ph.D.), formerly Attorney-General of Lesotho and currently Procurator of the Presbyterian Churches of Victoria and Tasmania, for his several stimulating essays and lectures on the historical development of our Anglo-American-Australian Common Law.

* * * * *

Authorities are all agreed that British Common Law, with its commendable principles of equity, arose in ancient times quite independently of Pagan Roman Law. There is further agreement that, over the years, British Common Law absorbed many Biblical principles into its own genius.

There is, however, widespread disagreement as to when British Common Law first arose; from what roots it grew; and to what external influences it was exposed, especially during its early days. There is disagreement as to whether Biblical

FOREWORD

influences ever reached Britain in Pre-Christian days; as to the approximate date when Christianity first reached the Isles; and as to the extent (if any) to which Early British Christianity was influenced by Roman Paganism and, a little later, by incipient Roman Catholicism.

There is also disagreement: as to the extent to which Pre-Colonial America was exposed to Christianity (by Celtic and Celto-Viking visitors *etc.*); as to the scope of Puritan influence in Colonial America; as to the root cause of the American *Declaration of Independence*; and as to the precise meaning of the *U.S. Constitution* in general and the First Amendment in particular. Indeed, there is further disagreement as to the real causes of the War between the American States in the middle of the nineteenth century.

Here is **the problem stated**. What is the relevance also to American and Australian society today of British Common Law — from its earliest origins to the zenith of its development?

One needs to answer this question — in the light of the ever-increasing modern onslaught of world humanism and international socialism and revolutionary ideology against British Common Law (whether in its English, American or Australian form). To answer correctly, at least the following eight queries must be addressed:-

1. Does our Common Law indeed root in the Eternal *Elohim* Himself — or is it merely a relativistic social convention, subject to never-ending radical evolution?
2. Does Holy Scripture present us with normative principles of Law and Government — or is the Bible just a record of the customs of a primitive tribe of Ancient Hebrews, irrelevant to modern needs?
3. Do the Government and the Common Law of Pre-Christian Britain at least to some extent derive from Divine Revelation (both in nature and in Scripture) — or do they root in savage survivals best abhorred by today's "enlightened" society?
4. Did the Ancient Hebrews visit Britain either before or soon after the incarnation of Christ — or was there never any contact between God's ancient covenant people and the inhabitants of the British Isles before the Middle Ages?
5. Did Britain indeed start being enlightened even by the Gospel within just five years after Calvary — or did that land remain plunged in dismal darkness until after the rise of the papacy around 600 A.D.?
6. Did British Common Law become christianized before the conquest of Britain by the Anglo-Saxons, and were the latter's legal systems themselves christianized by the time of Charlemagne — or was the Early Mediaeval legal system in Britain still largely pagan, and grossly inferior to that of christianized Roman Law?
7. Did the Pre-Reformation, the Protestant Reformers and especially the Early Calvinists have their greatest impact particularly in England and upon her Common Law — or was English Law unenlightened, compared to contemporaneous developments on the European Continent?

8. Were (and are) the American and the Australian Legal Systems indeed the Quintessence of Christian Jurisprudence thus far developed — or is British Common Law an outdated system doomed to be replaced by the principles of the French Revolution *via* the various United Nations' Conventions?

* * * * *

To get answers to the above queries we shall address the previous **statement of the problem**. Our chapters will approach what we call "the Westminster System of Government" — in terms of the history of law (from a conservative Christian and Presbyterian perspective).

First, we establish the importance of the subject. This will be done in our *Introduction*, and in our *Chronological Table*).

Then we shall successively discuss: the Biblical Background of the Common Law; the Common Law in Pre-Christian Britain; Christianized British Law before the Anglo-Saxon Invasion; the British Christianization of Anglo-Saxon Law; British Common Law from Alfred to the Reformation; English Law from the Reformation to Cromwell; the Impact on the Common Law of Westminster Puritanism; the Post-Westminster Common Law in England; and the Development of Common Law in America and Australia.

After that, in a brief conclusion, we will endeavour to summarize the findings. Finally, there follow several *Addenda* embracing (among other items) also a host of extracts from rare documents — in order to facilitate further study.

* * * * *

Inevitably, there is a certain amount of overlap and sometimes even a little repetition. For we have endeavoured to write each chapter and each addendum as a self-contained unit which can be read even independently of the rest of this dissertation.

In doing all this, we believe the right direction has already been pointed out by Queensland University Law Professor R.D. Lumb. In his book *Australian Constitutionalism* (Brisbane: Butterworth, 1983, pp. 25 & 68), he rightly states that the rights of *Magna Carta* were the rights 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 Australia, and a little over 20 years before English colonists set foot on Australian soil.

Blackstone's general outline of the constitution and laws of England, continues Professor Lumb, was to influence profoundly the understanding of these laws in the Australian colonies. But the fundamental law to which Bracton and Coke appealed, was first to transform the legal system of the American Colonies — to create a new federalist structure; to produce a *Bill of Rights*; and to lay the foundations for a doctrine of judicial review. Some of that tradition of constitutionalism was to enter Australia at a later stage. The Australian system incorporates features of both the American and English systems.

FOREWORD

Let us now proceed to establish the precise scope of The Roots and Fruits of the Common Law in Ancient (Biblical, Iro-Scotic, Brythonic and Anglo-Saxon) Jurisprudence. For only then can we adequately appreciate some of their fruits — in Great Britain, the United States, and Australia.

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Barrister-at-law of the Supreme Court of South Africa,
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Brisbane, Australia. 1993.

INTRODUCTION

In this introduction to our present study on the *Roots and Fruits of the Common Law in Britain, the United States and Australia* — we simply want to establish the crucial importance of the subject. By this we mean the roots of the Common Law in ancient Biblical, Iro-Scotic, Brythonic and Anglo-Saxon times — and its fruits in Great Britain, the United States of America and the Commonwealth of Australia.

To do this, we will merely quote from ten other twentieth-century documents. They all recognize the very early (if not also the Pre-Christian) existence of Biblical influences in Ancient Britain. Hence, they all underscore the great contribution made by Anglo-American Common Law — to both the British Commonwealth of Nations and the United States of America in particular, and to the World in general.

* * * * *

First. We cite from the 1986 *Encyclopaedia Britannica* (29:23f & 21:424 & 16:597). It states that from *circa* 2300 B.C., control of the trade routes was soon taken over by British chieftains in the coastal area of what later became Southern England.

Commerce was far-flung — in one direction to Cornwall and Ireland, and in the other to Central Europe and the Baltic (whence raw amber was imported into Britain). Amber bead-spacers manufactured in that central portion of the coast of Southern England which the later Anglo-Saxons would call Wessex, have been found at Mycenae in Greece. The Ancient British chieftains in 'Wessex' also constructed that remarkable monument of large sandstones which the later Anglo-Saxons would call: Stonehenge.

Tin mining was reported as early as B.C. 1500 and later, in Great Britain. The Phoenicians — perhaps, if not even probably, with some Hebrew crew-members (*cf.* Judges 5:17) — are believed to have played an important part in spreading the early bronze culture, by their trade in tin. This, their ships brought to the Eastern Mediterranean from Great Britain — at least as early as 1100 B.C. Especially the tin mines in Cornwall were famous.

The centuries B.C. 700-400 saw a succession of Celto-Brythonic migrations to the British Isles. The greater availability of iron, facilitated land clearance and the growth of population. The settlements were also of a distinctly Brythonic type — with the traditional round house; with the 'Celtic' system of farming; with characteristic fields; and with storage pits for grain.

The distinctive export of Cornish tin — noted before B.C. 300 by the Greek explorer Pytheas of Massilia — continued during the second century B.C. Evidence of the destination of that exported metal is provided by the hoard of North-Italian silver coins found at Paul in Cornwall.

In the first century B.C., this trade was in the hands of the Celtic Venati (of Brittany). At that time, the coinage of Britain resembled the bronze coins of Massilia a century earlier. The British coins circulated mainly in Southeastern England, and early during the first century B.C. Also gold coins of the Gaulish Bellovaci were

introduced, probably by trade. The best Brythonic coins well illustrate the Celtic art of Britain.

From about B.C. 20 onward, it is possible to distinguish two principal powers in Britain. North of the Thames were the Catuvellons, led by Tasciovan — the B.C. 55f successor of Julius Caesar's adversary Cassivellon. South of the Thames was the kingdom of Atrebat — ruled by Commi and his sons (Tincom, Eppill and Veric).

Tasciovan was succeeded around A.D. 5 by his son Cunobelin alias Cymbeline. He, during a long reign, established a paramount power all over the Southeast.

Beyond these kingdoms, lay: the Iceni, in what is now Norfolk; the Coritans, in the Midlands; the Dobuns, in the area of Gloucestershire; and the Durotrigs, in that of Dorset — all of whom issued coins. Behind these again, lay further independent tribes — the Dumnonns, of Devon; the Brigants, of Yorkshire; and the Silurians and Ordovicians, in Wales.

The family of the British Prince Caradoc was added to the Church apparently by Hebrew Christian Missionaries straight from Palestine. That would have occurred probably even before the successful Pagan Roman invasion of Britain.

Then, under General Aulus Plautius, a Roman Army of four legions was assembled. A landing was made at Richborough, Kent, in A.D. 43. The Britons were under Togodum and Caradoc, the sons and successors of Cunobelin.

However, even by the year 47 — when Plautius was succeeded as Commanding Officer by Ostorius Scapula — the tribes in Wales still remained intransigent. They were spurred on by Caradoc. This intransigence caused Scapula to cross the Lowlands beyond the Fosse Way, and to advance up to the River Severn in the year 49.

There was another Anti-Roman uprising in Britain around A.D. 60f — by Boadicea, Queen of the Iceni. With the occupation of Wales by Julius Frontinus (the Roman Governor of Britain from 74 to 78 A.D.), and the advance into Northern Scotland by Gnaeus Julius Agricola (78-84), troops were removed from Southern Britain. The conquest of Wales was complete by 78. However, Agricola's invasion of Scotland still failed to complete the occupation of the whole island.

A frontier would therefore be maintained in the North. After several experiments, the Solway-Tyne isthmus was chosen. There, the Roman Emperor Hadrian built his stone wall (*circa* 122-130 A.D.). However, even south of Hadrian's Wall — especially in the countryside — the Celtic tongue continued to be spoken. Thus the *Encyclopaedia Britannica*.

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Second. There is the testimony of the great Swiss-American Reformed Theologian, Rev. Professor Dr. Philip Schaff. His 1910 multi-volume *History of the Christian Church* (IV:27) declares that Britain appeared in secular history half a century before the Christian Era — when Julius Caesar sailed with a Roman army across the Channel. The oldest inhabitants of the British Isles — the Irish, the Scots, and the Gauls — were Celts.

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Their priests were called druids. The word 'druid' is a Celtic term (*draiod* meaning: sage). The Irish Scriptures use *draiod* for *magi* (alias 'wise-men') at Matthew 2:1. They were in possession of all education and spiritual power — and professed to know the secrets of nature, medicine, and the arts. **They taught "obedience to the Laws of God;** concern for the good of man; and fortitude under the accidents of life." Thus Diognetus Laertius, on the druids of Ancient Britain.

As regards the first introduction of Christianity into Britain, continues Schaff, the British Prince Bran (and his son Caradoc) is said to have become acquainted with Paul. Eusebius (*Demonstratio Evangelica* II:5), speaks as if some of the Twelve (Luke 9:1f) or of the Seventy (Luke 10:1f) had 'crossed the Ocean to the Isles called British.'

A visit by Paul to Britain between A.D. 63 and 67 is indeed not impossible, and has been advocated by scholars like Ussher and Stillingfleet. Indeed, the A.D. 91f Clement of Rome's *Epistle to the Corinthians* (ch. 5) — states that Paul carried the gospel 'to the end of the West' *etc.* That latter expression has been taken by many to refer precisely to Britain.

Some Galatian converts of Paul, visiting 'the far West' to barter the cloths of their native land for the useful metal of Britain, may have been the first to have made the Gospel known to the Britons in their kindred Celtic tongue. See J.B. Lightfoot's *Commentary on Galatians*. The connection of Britain with Gaul in the West as well as with Gaul-asia in the East, must have brought it early into contact with Christianity.

About A.D. 208, Tertullian exultingly declared "that places in Britain not yet visited by Romans were subject to Christ" (*Against the Jews*, ch. 7). Bishop Kaye in his work *Tertullian* understands this passage as referring to the farthest extremities of Britain.

Schaff concludes that Constantine, the A.D. 314f first Christian Emperor of the Roman Empire, was born in Britain; and that his mother, St. Helena, was probably a native of the country. Records of the British Church during that period still exist at Canterbury, Caerleon, Bangor, Glastonbury, Dover, Richborough, Reculver, Lyminge, Brixworth, and other places. From this, some Historians have inferred the Eastern origin of the Old British Church. Its peculiarities must be traced to its insular isolation from Rome.

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Third. There is Ancient Anglo-Saxon Law — imported into Britain by the Angles and the Saxons in A.D. 429f. Here, the 1986 *Encyclopaedia Britannica* (22:922f) declares that Germanic Law covers the various peoples of that stock from early times — until Germanic tribes developed national territorial laws. Knowledge of the early period is derived mainly from the observations contained in Julius Caesar's (58f B.C.) *Gallic War*, and Tacitus's (98 A.D.) *Germania*.

The Anglo-Saxon laws of the North Germanic groups are in the vernacular. They owe their written form largely to the advent of Christianity. The Anglo-Saxons — especially after the accession of the great Christian King, Alfred the Great (in 871

A.D.) — developed a body of rules resembling those current among the Teutonic peoples of Northern Europe.

Fourth. The 1986 *Encyclopaedia Britannica* (22:929f) states that English Common Law — the Customary Law based on judicial decisions and embodied in reports — originated in the Early Middle Ages in decisions of local courts. Saxon practice lingered. Even the (A.D. 1066f) Normans resisted any attempt to introduce Roman Law. Indeed, *Magna Carta* in 1215 insisted on rehabilitating the Common Law — from the earliest times, and right down to the last Saxon King Edward the Confessor.

Fifth. At the very beginning of the 1970 law book *Signed, Sealed and Delivered: An Introduction to Australian Commercial Principles* — one reads that in Late Mediaeval times the Lord Chancellor was asked "for the love of God and in the way of charity...to do what truth, good faith and conscience required" (and to see that right was done).

This was reflected also in the *Magna Carta* of 1215 A.D. It is well articulated in the great British Common Law writers such as Lord Chief Justice Sir Edward Coke and Law Professor Sir William Blackstone.

Indeed, as Queensland University Law Professor Lumb observed just a decade ago, it is Blackstone's writings which governed the law brought to Australia in the 1770's by Captain James Cook. See R.D. Lumb's 1983 book *Australian Constitutionalism* (pp. 25-68).

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Sixth. There is the historic Coronation Oath — most recently administered in 1953 to the reigning Head of the British Commonwealth, Queen Elizabeth II. She was then given a Bible, and enjoined: "Our gracious Queen, we present you with this Book, the most valuable thing that this world affords. Here is wisdom. This is the Royal Law." Cf. James 2:8-12.

Queen Elizabeth was then given first a sword and then an orb. By a leading cleric, she was then commanded: "With this Sword, do justice; stop the growth of iniquity; protect the holy Church of God; help and defend widows and orphans; restore the things that are gone to decay; maintain the things that are restored; punish and reform what is amiss....

"Receive this Orb set under the Cross, and remember that the whole world is subject to the Power and Empire of Christ our Redeemer.... The Lord give you faithful Parliaments and quiet Realms; sure defence against all enemies; fruitful lands and a prosperous industry; wise counsellors and upright magistrates; leaders of integrity in learning and labour; a devout, learned, and useful clergy; honest, peaceable, and dutiful citizens [cf. Leviticus 26 & Deuteronomy 28]!

The leading cleric then prayed: "Almighty and everliving God..., grant that all they that do confess Thy holy Name may agree in the truth of Thy Holy Word, and live in unity and godly love. We beseech Thee also to save and defend all Christian Kings, Princes, and Governors, and specially Thy servant Elizabeth our Queen: that under her we may be godly and quietly governed; and grant unto her whole Council, and to

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all that are put in authority under her, that they may truly and indifferently administer justice — to the punishment of wickedness and vice, and to the maintenance of Thy true religion and virtue [*cf.* First Timothy 2:1-2 & First Peter 2:12-15].... Through Jesus Christ our Lord, Amen!"

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Seventh. U.S. Law rests chiefly on the Biblical Anglo-British Common Law resulting from the fusion of Celto-Brythonic and Anglo-Saxon concepts. As the 1929 *Encyclopaedia Britannica* (I:777f) points out in its article on *American Law*, the Colonists brought with them as a birthright, along with English political precedents, the Common Law; its concepts of property, liberty and justice; and such of its rules as fitted colonial conditions. Colonies endeavoured to follow it from an early day. In several, this position was accorded to the Holy Scriptures themselves.

The formal adoption of the Common Law after the 1776 *Declaration of Independence* as the basis of American Law in judicial practice, suited to American conditions, set an ideal. When Mr. Justice Kent was appointed to the New York Bench in 1798, there were no Law Reports for that State. In his twenty-five years as Judge and Chancellor, he not only gave form to the entire Law of that State but made an unrivalled contribution to the Law of the whole Country. Equity too was developed, with relative consistency.

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Eighth. On October 4th 1982, the Congress of the United States of America passed the following *Joint Resolution*. It authorized and requested the President to proclaim 1983 as the 'Year of the Bible' thus:

"Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people; Whereas deeply-held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation; Whereas Biblical teachings inspired concepts of civil government that are contained in our *Declaration of Independence* and the *Constitution of the United States*;

"Whereas many of our great national leaders — among them Presidents Washington, Jackson, Lincoln, and Wilson — paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is 'the rock on which our Republic rests'; Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation....

"Now, therefore, be it resolved by the Senate and House of Representatives of the U.S.A. in Congress assembled, that the President is authorized and requested to designate 1983 as a national 'Year of the Bible' in recognition of both the formative influence the Bible has been for our Nation, and our national need to study and apply the teachings of the Holy Scriptures."

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Ninth. In the February 1987 issue of the magazine *The Kingdom Voice*, there appeared an article titled *Britain's Place in Christian History*. It discussed some of the statements made by Dr. Billy Graham during his 1963 'Hour of Decision' Campaign in London. Among other matters, the article cited the following comments then made by Dr. Graham:

"Here is a little island...which has influenced the nations of the world more than any spot of land on earth. Back of Britain's mighty material, temporal and military power — was spiritual and moral power. It was some time in the first century of the Christian era, that the Gospel first came to England [Isaiah 41:1-5; 42:4-12; 49:1-23; Acts 8:4; 11:19-21].

"Britain has been the greatest Christian nation of all time. During the past five hundred years, Britain has contributed more to the world spiritually, than any other nation. It was here that the Reformation actually began, under the leadership of John Wycliffe in the fourteenth century [*cf.* Daniel 12:1-7].

"It was Wycliffe who gave the Bible to the people. He rebelled against the ready-made dogmas of an established church, and rejected all those teachings which could not bear the test of the Scriptures [*cf.* Daniel 12:11].... It was John Wycliffe who strongly influenced John Huss of Bohemia [*cf.* Daniel 12:12], who in turn started a chain of thought and reaction [*cf.* Revelation 14:6-9] which eventually influenced Martin Luther [*cf.* Revelation 16:10] and changed the maps of the world and its history.

"Socially, morally, materially, spiritually — Britain has contributed tremendously to the American way of life. Britain taught us tolerance, fair play, and freedom from frenzy. It was British money which supported Christian work in America for over a hundred years. The foundations which lie so secure for many of our denominations today, were supported largely from Great Britain. America owes a debt of gratitude to this country [of Britain] which we will never be able to pay. She has been our closest ally in war and in peace. It is from her that we even get our language."

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Last. In his 1959 book *Law and Civilization*, Chicago's famous John Marshall Law School Professor Palmer D. Edmunds calls Anglo-American Common Law: 'Immutable Principles of Justice Translated into Experience.' Then he explains that U.S. President James Madison once said that the Common Law has been called a birthright. For the cardinal principles of justice are immutable.

No student of jurisprudence would be so superficial as to overlook the indebtedness of the Common Law to the civilizations which preceded its advent. The Common Law antedates formal legislatures. In the United States it derives from the Common Law of England, Hebrew Law, the human conscience, the sense of justice, what seems 'right' — and religious teachings.

When Englishmen came to America, they brought with them the Common Law. To this day, there are legislative enactments on the statute books of many of the United States evidencing its formal recognition. The Illinois statute is typical. It provides: "The Common Law of England, so far as the same is applicable and of a general

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nature, and all statutes or acts of the British Parliament made in aid of...the Common Law [till 1775 A.D.]..., shall be the rule of decision and shall be considered in full force until repealed by legislative authority."

Even in recent years, the courts of America have found it necessary at times to examine the laws and constitutional principles of England. Sir Maurice Sheldon Amos indicated its broad expanse, when he said that the Common Law displays throughout — the marks of the system of government administered in the Middle Ages at Westminster. The people of the United States live under the Common Law system. Thus Professor Edmunds (*op. cit.* pp. 343-49).

* * * * *

By way of guidelines, we ourself now state seven preliminary propositions. These guidelines represent the framework within which the rest of the investigations of this dissertation will be conducted.

1. God made the world and both Adam and Eve as the sole first ancestors of the entire human race. To them He gave His Moral Law, writing it on their hearts. This was the original **Common Law** for all mankind as their descendants. In spite of man's fall, its substance still remains. Thus it constitutes the basis of God's assessment of man, both now and at the Final Judgment. Ecclesiastes 7:29 & 12:13f and Romans 2:14-16.
2. After the Great Flood, God repeated His original injunctions for Adam and his seed — also to Noah and all his descendants. God then clearly established human government, and human penalties for crimes. For God then declared to the entire human race: "Be fruitful and multiply and fill the earth! ... Whosoever sheds human blood, shall have his blood shed by man — for God created man as His image." This too was God's **Common Law** — for all mankind. Genesis 1:26-28; 4:5-14; 9:1-7 *cf.* Acts 15:18-21 & 15:28f.
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. Yet the Moral Law still remained the **Common Law** for all nations everywhere. Genesis 11:1-27f; Exodus 20:1-17; Deuteronomy 7:15f & 32:8; Hosea 6:7-10; Acts 17:24-29.

4. At the postdiluvian division of mankind into the different nations then emerging, by His grace the Almighty permitted especially the sons of Japheth to dwell in the tents of the Lord God of the Shemites as the covenant people. Those sons of Japheth included: his firstborn (Gomer) and his Gomic alias Cymric descendants (the Ancient Britons); Magog alias the Scyths (and the Iro-Scots as their descendants); Ashkenaz alias the Anglo-Saxons (from Ancient Germany); and Tarshish alias the Ancient Celtiberians. Consequently God's primordial revelation in general, and Christianity in particular as its fulfilment and completion, was to be present especially among the Western Europeans. In particular, it would thrive among the insulated Gomic Ancient Britons and the Ancient Irish — with their **Common Law** (of which both God's primordial revelation and Christianity are part and parcel). Genesis 9:27 to 10:2f.
5. Now the knowledge of God's **Law** is **common** to all men. For He has not left Himself without witness even among the heathen. Indeed, whenever pagans who do not have the Law, by nature do the things contained in the Law — they are a law unto themselves. Thus, they still show that the work of the Law remains written on their hearts. Their conscience also bears witness. Indeed, their thoughts meanwhile accuse or else excuse one another — and shall further do so, in the day when God shall judge the secrets of men by Jesus Christ according to the Gospel. Acts 14:15-17 & 17:22-29 *cf.* Romans 1:18 to 2:16.
6. Consequently, there are indeed some few elements of righteousness even in pagan customs. However, there are far more elements of righteousness in **British Common Law**. This is because of its massive exposure to God's special revelation in general and to Christianity in particular for many centuries, especially prior to the French Revolution of 1789 A.D. On the situation prior to 1789, see Lord Chief Justice Sir Edward Coke and Law Professor Sir William Blackstone. Compare our *Addenda* 1,2 & 27 below.
7. Since 1789, there has been an ongoing corruption of legal systems — even in the Common Law countries (although much less there than elsewhere). Whatsoever God regards as evil in Western civilization — should be abandoned for extinction. However, the bulk of Western civilization before 1788 was good. British (alias Anglo/American/Australian) **Common Law** was, and is, its covenantal crown. As such, it should be respected and protected. Indeed, it is destined for certain expansion — even internationally. Isaiah 2:2-21; Habakkuk 2:14-20; Revelation 15:1-4.

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Here we now rest our case for the present. For we believe we have just established at least the importance of our chosen subject: *Roots and Fruits of the Common Law* — as found today in Great Britain, the United States, and the Commonwealth of Australia.

In this dissertation, unless otherwise stated, all emphases are our own. We will trace in detail the Biblical and Christian roots of Iro-Scottish, Celto-Brythonic, and Anglo-Saxon Common Law. Throughout, our stress is not on American or Australian Law, but rather on the Biblical and Anglo-British Common Law (in which the Common Law also of America and Australia roots).

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Thus, in the Bible, the Pre-Mosaic international death penalty for murder was repeated later also for the Mosaic nation. God told Noah, the great 'second Adam' and new forefather of the whole human race: "Whosoever sheds man's blood, by mankind shall his blood be shed. For God made man in His image." Genesis 9:5f. Later, the same God told Moses: "He who murders anybody, shall surely be put to death.... Eye for eye, tooth for tooth. As he has cause a blemish in a man, so shall it be done also to him.... You shall have the same kind of law for somebody of your own country, as well as for the stranger. Leviticus 24:1,17-22.

This was and is a guideline for every nation, and therefore also for British Common Law. As the great Puritan Dr. John Owen told the English Parliament on 26th April 1646: "In the very morning of the Gospel, the Sun of righteousness shone upon this land.... The first potentate of the Earth that owned it, was in Britain.... "Oh, that we could remember the days of old! ... God will again water His garden; once more purge His vineyard; once more, of His own accord, He will take England upon liking.... The reformation of England shall be more glorious than of any nation in the World — being carried on neither by might not power, but only by the Spirit of the Lord of hosts!"

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

Biblical, Iro-Scottish, Brythonic, & Anglo-Saxon

showing its impact on Great Britain, the United States, and Australia

DATES SPECIFIC EVENTS, PERSONS, PEOPLES AND PARTICULARS (WITH REFERENCES)

- Eternity..... The everlastingly righteous one true Triune God alone (Gen. 1:1-3; Ex. 34:6-7; John 17:1-5,24-25; I Cor. 1:30; 2:10f)
- Creation..... God righteously shapes His universe under His Law, displaying His glory (Ps. 119:89f; 148:1-5; Jer. 31:35f; 33:20)
- 4000 B.C Adam: God writes His Law on heart of all mankind (Gen. 1:26f; 2:7-17; Ps. 19:1-7f; Eccl. 7:29; Rom. 2:16f; Jas. 2:8f)
- 4000f Even fallen man is required righteously to image the just God Himself (Gen. 5:1-5; 9:5-6; I Cor. 11:7; Jas. 3:9)
- 3985f Abel regenerated, through Christ, into a righteous and a law-abiding person (Gen. 3:15 - 4:4; Matt. 23:35; Eph. 4:24)
- 3970..... Cain wickedly merits the "natural law" death penalty (Gen. 4:7-14; Ezek. 18:4-13; Rom. 1:18-32; Jas. 1:23-25)
- 2600..... Ireland allegedly inhabited before Noah's flood (*Irish Chronicles* compare Gen. 4:12-24; 5:1-32; 6:1-13)
- 2500..... Godly Noah institutes human law courts, by God's decree, after the great flood (Gen. 6:9-22; 9:5-11f; Ezek. 14:14-20)
- 2450..... The blessing on Shem goes initially not to Ham but to the Japheth-ites (Gen. 9:18-27 & 10:1-5 and I Chron. 1:1-7)
- 2440f Noah on the Japhethites: "God shall enlarge Japheth, and he shall dwell in the tents of Shem" (Gen. 9:27)
- 2430f The European sons of Japheth: Gomer, Magog, Madai, Javan, Tubal, Meshech, Tiras, Tarshish *etc.* (Gen. 10:2-4)
- 2420..... Babelic dispersion, with *jus gentium*, into all the world (Gen. 10:25; 11:1f; Deut. 32:8; Jer. 1:7f; Acts 17:22f)
- 2410..... Japhethitic Gomer-ites trek to Cimmer-ia, and later through Europe toward Britain (Gen. 10:1-5 *cf.* Isa. 49:1-12)
- 2400..... The Japhethitic sons of Gomer (Cymri *etc.*) go to "the isles of the Gentiles" (Gen. 10:2-5)
- 2380..... Migration of some Japhethites toward Tarshish alias Iberia or Spain/Portugal (Gen. 10:4)
- 2350..... Heber's Heb(e)r-ews dispersed even toward (H)Iber-ia or Spain and, later, Hiber-nia or Ireland (Gen. 10:24f & 11:16)
- 2340f The Westward-moving sons of Gomer, Ashkenaz & Riphath & Togarmah, trek across Europe toward "the isles" (Gen. 10:5)
- 2330..... Sea migration of some Tarshish-ites (Basques?) from Spain/Portugal toward the British Isles (*Irish Chronicles*)
- 2300..... Arrival of first Japhethites overland in Britain, and thence further into Ireland (*cf.* Gen. 10:5)
- 2250..... Coming of Japhethitic Gaels to Ireland from Britain and from Spain/Portugal (*Irish Chronicles*)
- 2200f Japhethites practise agriculture, and mine gold, especially in Ireland — and copper & tin & some gold in Britain

COMMON LAW: ROOTS AND FRUITS

- 2150f Ireland: constitutional government, regional sovereignty, and qualified franchise (*Law of Tanistry*)
- 2100..... Britain: building of Avebury and of Durrington Walls near the later Stonehenge
- 2000..... Tyre already becoming a great Phoenician sea-faring power
- 1900f Hu Gadarn's first Welsh *Triads* (= legal and philosophical writings) later augmented from time to time till 450f A.D.
- 1860..... Canaan: Abraham keeps God's Law and Statutes and teaches them to his descendants (Gen. 18:18f & 26:6)
- 1850..... Britain: early inhabitants build Stonehenge and make bronze implements
- 1830..... Canaan: Abraham teaches his son Isaac and others the Law of God (Gen. 18:19)
- 1800..... Mesopotamia: *Codex Hammurabi* Law Code, in spite of some degeneration, derived from Noah and Shem
- 1770..... Isaac teaches God's Law to his household (Gen. 25:21f & 26:5)
- 1760..... God foretells Jacob or Israel that his seed would "spread abroad to the west" *etc.* (Gen. 28:4)
- 1750f Canaan: Abraham's grandson Jacob begets twelve sons, including Judah (Gen. chs. 29 & 30)
- 1730f Troy: Judah's son Zera's descendant Darda allegedly founds the Dardanelles (Gen. 38:30; I Chr. 2:6; I Kgs. 4:31)
- 1720f Invasion of Egypt by Hyksos (= Israel-ites?) — *cf.* Josephus's *Against Apion* 1:14
- 1690..... Egypt: Jacob blesses the progenitors of the twelve tribes of Israel (Gen. ch. 49, esp. v. 10)
- 1500..... British Isles: gold and pearls and copper and tin produced and exported to the Near East
- 1500f Greece: Gathel the Gael, from the North, goes to Egypt
- 1450f Egypt: Gathel the Gael, from Egypt, goes to Spain
- 1440f Egypt: Moses and the Israelites set off for Canaan and are reminded of the Law of God at Mt. Sinai (Ex. 20:1-17f)
- 1430f Egypt: Dan-ites perhaps go to Greece, Troy, Dan-ube, Dan-mark, Ireland, *etc.* (compare Judg. 5:17 & II Chron. 2:14)
- 1400..... Gathel's sons Hiber and Himec go to Ireland, while Moses repeats the Decalogue near the Jordan (Deut. 4:47 - 5:1f)
- 1383..... Ireland: King Ollamh Fodhla fathers the nation's Law and Confederate Parliament at Tara.
- 1300..... Phoenician ships (some with Danite Hebrew crew-members?) haul tin from Britain to Tyre and Sidon and Palestine
- 1185..... Troy: after the fall of the city — Darda's descendant Brut(us) allegedly goes to Brut-ain (= Brit-ain)
- 1150..... Britain: Brut's Brit-ish Laws (from the Patriarchs, *via* Troy?)
- 1000f British tin and copper, *via* Phoenician merchants, used in Solomon's temple?
- 930..... Britain: Cumbrian King Leill builds Caer-Leill (Carlisle) and promotes justice and peace
- 850..... Homer's *Iliad*, about Troy, calls Greeks 'Danaans' and mentions Cimmerians (= Cymric Celts?) before their migration

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 810..... Africa: Phoenicians from Tyre *etc.* establish Carthage as trading city also for Spain and Britain
- 796..... Israel: Jonah pays the fare for a voyage from Joppa to Tarshish alias Spain, and sets sail (Jonah 1:3)
- 750..... Tyre: Phoenician ships dominate even the East Atlantic Ocean (Ezekiel chapter 27 and Herodotus's *History*)
- 753..... Rome: traditional date given for the establishment of that city (*anno urbe condita*)
- 721..... Israel: ten tribes go into Assyrian Captivity (II Kgs. 15:29f; 17:6,23; 18:11; I Chr. 5:26)
- 700..... Israel: the banished 'House of Omri' or 'Beth-Omri' = Bit-Humri (alias Gomer-ian Cimmerians?)
- 666f Assyrians, *via* Palestine, subjugate the Egyptians
- 650..... Spain: Hiber-ians (= Heber-ews?) colonize "New H-Iber-ia" (= Hibernia = Ireland); and, later, Scotland (Holinshed)
- 630f Scythians = Saka (= Saxons?) push Gomer-Cimmer (as Cymri?) into Cimmer-ia = Crim-ea (Hos. 1:3; Jer. 51:27)
- 621..... Greece: Athenian Draco codifies in blood rather than in ink the harsh pagan customs punishing involuntary homicide
- 594..... Greece: Solon, perhaps under Dan-ite influence, mitigates the Laws of Athens towards constitutional government
- 587..... Judah: two tribes go into Babylonian captivity; Jeremiah (43:2-7f *cf.* 50:9f,41f & 51:27f), *via* Egypt, to Ireland?
- 555f "Ashkenaz" (= Scythians or Saxons?) help Persia attack Babylon, Jer. 50:9 & 51:27
- 550f Cymric Celts driven into Britain — as the B.C. 500f Britons, the ancestors of the Welsh (Isa. 42:7; 49:1-12; 66:19)
- 544f Iro-Scots colonize the Hebrides (= Hebrew-ides?) and Argyle (in Southwestern Scotland)
- 540f Cymri absorb and/or expel Gaels from Britain into Ireland and/or Scotland
- 530..... Phoenician Admiral Hamilco visits the British (and the Irish?); says "skilful in art" and "busy in trade" (Avienus)
- 520..... Britain: many Cymric Celts arrive from Europe, establishing Cymric Cambria in the West and Cumbria in the Northwest
- 510f Britain: Celtic Mulmutine Laws of Dunvallo Moelmud, updating the B.C. 1150 Laws of Brut (*Welsh Triads*)
- 495..... Greek Hecataeus admires "sacred" city near Stonehenge in Britain, where God is praised on golden harps (Diodorus)
- 480..... Britain: very gradual decline from its primordial religion, in spite of continuing common grace, into Druid-ism
- 475f Britain's druids still urged: "obedience to the Laws of God" and "concern for the good of man" (Diognetus Laertius)
- 455f Britain: Mulmutine Laws proclaimed the "Common Law" by Moelmud's son Belin (thus Geoffrey Arthur of Monmouth)
- 450f Rome: "Twelve Tables" Law Code, influenced by the laws of Solon, reduced to writing (perverted from earlier Decalogue?)
- 440..... Herodotus on the Westward migrations of the Phoenicians and Scythians

COMMON LAW: ROOTS AND FRUITS

- 430f Britain: trades in bronze with Carthage, Ireland & Gaul — and, in amber, with the Baltic (from Dan-mark to Estonia)
- 425f France: some Celts or Gauls from the East (*cf.* Gaul-asia in modern Turkey) reach France (alias Gall-ia)
- 420f Britain: evidence of Israelitic and even Judean influence on Cornish tin mines (*cf.* Acts 1:8 & 15:21)
- 400..... Gal-atia: Celts settle Gaul-asia (in the modern Turkey), linking it to Celtic Gaul and Celtic Britain (Lightfoot)
- 390f British Prince Brenn and other Celtic Cimmerians invade and overthrow Rome
- 360f Spain: more Basques and Scyths (from the Crimea and *via* Spain) go to Ireland and to Pictavia (in Northern Scotland)
- 350f Britain, beyond the Pillars of Hercules or the Straits of Gibraltar, called "Albion" by the great philosopher Aristotle
- 330..... Dionysius Periegeetes describes voyages to a "sacred" Isle to the West of Europe (= Britain and/or Ireland)
- 327f King Ferg I the Iro-Scot settles in Western Scotland (Caledonia)
- 320f Greek geographer Pytheas of Massilea circumperambulates and records a description of Britain and her civilization
- 297f Queen Martia preserves old laws and enacts new laws, and thus perpetuates the British Commonwealth
- 200f The Caledonian King Reutha promotes the arts and sciences in Northern Britain
- 170f King Josina's religious reforms in Northern Britain (the later Scotland)
- 120f Dan-mark: the (Dan-ite?) Cimbri (alias the Cimmerians?) successfully attack Rome
- 106f I Macc. 5:23 implies Spartan Greeks may be related to the Hebrews (*cf.* Ezek. 27:19 & Josephus's *Ant.* 12:4:10 & 13:5:8)
- 100f King Finnan instals druids on the Isle of Man and/or on the copper-rich island of Anglesey
- 90f The geographer and historian and philosopher Poseidonius of Rhodes describes Britain in some detail
- 80f The Celtic Belgae go to Britain, and later there fight off the Romans when they invade under Julius Caesar
- 75f Britain: Avalon or Ynys Witrin (alias Glastonbury) and Lundain (alias London) become international trading centres
- 72f Crimea: Prince Sigga of Azov leads the Saxons to Northwest Europe (from Crim-*ea* of the Cimmer-ians)
- 60f Greek historian Diodorus Siculus praises accomplishments of the Britons and notes much Greek influence in Britain
- 55..... Caledonian King Eder assists the British Chief Caswallon against Julius Caesar
- 55f Rome: Julius Caesar's skirmishes in, and impressions of, Britain (and also of the Gauls and the Germans)
- 54..... Britain: Julius Caesar's invasion defeated, and his Romans expelled by the defending Britons
- 50f Britain the chief naval power of, and also the cultural centre for, the whole of Northwestern Europe (Julius Caesar)
- 29f Rome: Vergil's *Aeneid* describes the Post-Trojan journeys of Aeneas

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 25f II Esdras chs. 11-13 alleges the ten lost tribes of Israel had left Assyria, so "that they might keep their own law"
- 20f Britain offers its chief *cors* or colleges for the training of druidic priests also for Western Europe
- 15f Greece: Strabo says British merchants bring corn and cattle and iron to Europe
- 10f Jewish synagogues throughout Southern Europe (Acts 15:31) — and even in Britain? (thus apocryphal Acts ch. 29:8)
- 5f Hebrew (Danite) and/or Phoenician trade between Palestine and Britain's Avalon or Ynys Witrin (alias Glastonbury)
- 0 SECOND ADAM JESUS CHRIST incarnated: "the Isles wait for His Law!" (Isa. 42:4-12,21 *cf.* 49:10)
- 2 A.D. "Wise-men" — Irish Bible (at Matt. 2:1f) says they were 'druids' — visit the infant Jesus from faraway lands
- 15 Christ the living Law grows to maturity, Heb. 10:7-16 *cf.* Luke 2:40-52 *etc.* (visiting Britain?)
- 33 Judah: death and resurrection of the Lord Jesus Christ, and His Great Commission to His Church (Matt. 28:19 & Acts 1:8)
- 34f Christians flee Judah as "strangers" (Acts 8:1 *cf.* Jas. 1:1 & I Pet. 1:1), some becoming 'Culdees' in Britain?
- 35f Britain reached with the Gospel early, and allegedly by Hebrew-Christian Missionaries (*cf.* Isa. 49:1-12 & Acts 11:19)
- 36 Ireland: alleged to have been visited and somewhat evangelized by the apostle James
- 37f Britain recorded to have heard the Gospel from Joseph of Arimathea especially in Avalon or Ynys Witrin (Glastonbury)
- 39f Britain: first members of Royal Family converted? (Bran, Pomponia-Gladys, Claudia, *cf.* II Tim. 4:21?)
- 40 Britain: Irish Christian Mansuet baptized; becomes a Missionary; later martyred in Illyria (Albania)
- 40f Britain: druids (thus Suetonius), perhaps long influenced by Pre-Christian British Synagogues, now hear of Jesus
- 43 The Roman Emperor, Caesar Claudius, invades Southeast Britain (*cf.* Acts 11:28 & 18:2)
- 43f Britain: Roman General Vespasian fights thirty battles (some together with his son Titus) against the Britons
- 44f The apostles Simon Zelotes (twice), and Paul & Peter (each at least once), all reputed to have evangelized in Britain
- 50 British druids patriotically resist the Pagan Roman invasion — and view Christianity as an ally against Pagan Rome
- 52 Caradoc's British Royal Family, some already Christians, exiled to Rome by the Romans till 59 A.D. (Tacitus)
- 53 The Gospel, having reached Galatia (Gal. 1:1), possibly preached by Celts from Galatia in Celtic Britain (Lightfoot)
- 54 Britain: King Arvirag succeeded by his son (Meric), who later sets up a monument in West-mor-land (named after Mer-ic)
- 54f Italy: Gospel first(?) reaches Rome, the centre of world paganism (Rom. 1:7; 15:23f; 16:3f; Acts 2:10?)
- 55 Italy: conversion of the rest of the exiled British Royal Family (Caradoc *etc.*) — thus the *Welsh Triads*

COMMON LAW: ROOTS AND FRUITS

- 56..... Britain: Hebrew Christian Ilid, from Palestine, evangelizes the Britons
- 59..... Caradoc's Christian British Royal Family returns to Britain with Rom. 16:10's Aristobulus alias Arwysti (*Welsh Triads*)
- 60..... Some "Scyt-hians" (= Scot-s before migrating to Britain?) already christianized — Col. 3:11 *cf.* I Cor. 14:21
- 61..... Paulinus Suetonius in Britain. His Pagan Romans destroy druidic *Cor* in Mon alias the Welsh island of Anglesey (Tacitus)
- 62..... Pagan Romans rule Southeastern Britain, after defeating the British Queen Vuddig alias Boadicea (Tacitus)
- 62..... "Almost-a-Christian" King Agrippa warns Judaists Rome had subdued the Britons (Acts 26:1-28 & Josephus's *Wars* 2:16:3f)
- 62f Britain: many druidic priests become Christians (*cf.* Acts 6:7), turning their *cors* into Church Seminaries
- 63..... Ireland, priorly reached by the apostle James, now visited by the British Christian Caradoc (thus ancient traditions)
- 64..... Rome: Pagan Romans kill the apostle Paul — after he had visited Britain? (Acts 13:47 *cf.* Col. 1:6 *etc.*)
- 64f Rome oppressed by Caesar Nero and his immediate successors, A.D. 64 to 70 (*cf.* Rev. ch. 17 and Tacitus *etc.*)
- 66f Pagan Rome annexes the conquered area of Southeast Britain (Josephus's *Wars* 6:6:2)
- 66f Pagan Romans surround Jerusalem (Matt. 24:15f); Vespasian's son Titus besieges it (Josephus, Suetonius & Tacitus)
- 70..... Jerusalem demolished by Roman General Titus and his Pagan Armies, Matt. ch. 24 *cf.* Rev. ch. 11 (and secular sources)
- 77..... Pagan Romans conquer the Britons in Wales (except in Pembrokeshire and in Caernarvonshire)
- 78..... Roman power consolidated throughout South Britain except in Devon & Cornwall, by Agricola (Tacitus)
- 83..... North Britain: Romans beat off the freedom-loving Caledonian Kellogg or Gwallog alias Galgacus or Gald (Tacitus)
- 85..... The Caledonian Gald defeats the Roman Agricola's successor Cneus Trebellius (Hector Boece)
- 87..... North Britain: Christian King Arvirag's son Prince Meric founds and names and rules in Cumbria's West-mor-land
- 93..... Britain: Cornwall, Western Wales, parts of Cumbria and all Caledonia stay free from Pagan Rome
- 93f Josephus (*Antiquities* 12:4:10 & 13:5:8) assumes an earlier kinship between Hebrews & Greeks (*cf.* too at 60f B.C.)
- 94f Rome: Clement (I Ep. to Cor. ch. 5 *cf.* Phil. 4:3) implies Paul was in Britain before 64 A.D.
- 96..... British Christian missionary Beatt (alias Beatus), founder of the Swiss Church, martyred at Untersieben
- 98..... Roman Tacitus: Briton Pomponia (or Gladys), while in Britain, was apparently christianized even before about 49 A.D.
- 98f Tacitus writes about Celtic Britons and Germanic Angles and their laws (thus his *Annals*, his *Agricola*, and his *Germania*)
- 100f The Roman Suetonius — stationed in Britain — writes about the A.D. 37-41 Britons, their culture, and their religion

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 102f The Roman Pliny in his *Natural History* — having visited Britain — mentions the Britons and their educated druids
- 114..... Cumbrian Westmorland: birth of Meric's son Coill (= King Cole?)
- 119..... South Britain forcibly incorporated into the Roman Empire by treaty (so that non-statist British Common Law remained)
- 123f Pagan Roman Emperor Hadrian builds Wall from Solway to Tyne, (ineffectually) segregating Free Britain from South Britain
- 125..... Saxons (= Westbound Sakka?) — from Eurasia — now in Denmark and Germany within Western Europe
- 127..... British Christian missionary Marcel(lus) works in Belgium and Germany
- 139..... The Pagan Emperor Antoninus sends Lollius Urbicus to Britain, to subdue the tribes which broke through Hadrian's Wall
- 140..... Rev. Timotheus, son of British Christian Claudia (II Tim. 4:21), baptizes British King Coill's son Prince Llew (Lucius)
- 156..... British King Llew (Lucius) proclaims Christianity as regional religion in *Britannia* (thus Bede)
- 160f British Christian missionaries strengthen the Churches of Gaul in France
- 170..... British Christian missionary Cadval founds the Church of Tarento in Italy
- 174f Pagan Roman Emperor Marcus Aurelius had a 'Thundering Legion' who all worshipped Christ (thus Dion Cassius Cocceianus)
- 175..... Irish Prince Cormac is converted to Christianity
- 179..... British Christian King Llew (Lucius) establishes the first church in Lundain (St. Peter's Cornhill in London)
- 180..... Pagan Roman Emperor Commodus has trouble with the Britons (thus Dion Cassius Cocceianus)
- 182..... The Wall breached by Caledonians, and Marcellus Ulpius sent from Rome to restore Roman rule over Southern Britons
- 190..... Tertullian (*Against the Jews 9 & Apology 37*): Extra-Roman "regions of Britain...have received the religion of Christ"
- 203..... Caledonian King Donald converted to Christianity (Hector Boece); "Scots began to embrace the Christian Faith" (Fordun)
- 215..... Already three chief centres of British Christianity: London, York, & Caerleon
- 220f Heretic Sabellius: "the first nation that...called itself Christian...was Britain" (note well!)
- 230..... Egypt's Origen (*Hom. VI in Luke*): "the goodness of the Saviour is...among the Britons"
- 230f Sporadic spread of Christianity in Scotland during the reigns of Ethod II, Athirco, Natholoc and Findoc
- 235..... Hippolytus: Paul's Rom. 16:10 associate, Aristobulus, visited Britain (around 58 A.D.)
- 250..... East European Goths push Saxons deeper into Western Europe
- 286..... Alban was the first Christian Briton to be martyred in Britain (during persecution there at the hands of Pagan Romans)
- 287..... British Admiral Carawn (Carausius) anointed as king over Britain and Northwestern Europe

COMMON LAW: ROOTS AND FRUITS

- 288f Aaron and Julius of Caerleon, British Christians, martyred for their faith (by the Pagan Romans)
- 290f Nine Bishops and more than 10 000 communicants killed in Britain during the Pagan Caesar Diocletian's persecutions
- 295 Roman Christian Pancras killed in Britain during Roman Diocletian's last 290-303 A.D. persecutions against Christianity
- 296 Cestynn Chlorus, husband of Christian Princess Helena and father of Constantine, restores order in Britain
- 300 Dorotheus: "Aristobulus [was]...made Bishop in Britain" where he (and the apostle Simon Zelotes) are said to be buried
- 301f Iro-Scottish King Crathlint's appointment of circuit judges and his making of peace with the Picts
- 310 The Briton, Prince Constantine (son of Cestynn and Princess Helen), becomes Caesar of the Roman Empire (thus Schaff)
- 313 Constantine becomes first Christian Caesar of, and ends the Anti-Christian persecutions throughout, the Roman Empire
- 314 Christian Constantine convenes Trinitarian Church Council at Arles in Gaul (attended by 3 British out of 33 Bishops)
- 320 Eusebius (*Demonstratio Evangelica*): "Peter" and "the apostles" went "to the Isles called the Britannic"
- 321 The Briton, Emperor Constantine, makes Christianity the preferred religion throughout the Roman Empire
- 325 Council of Nicaea. Athanasius, the teacher of Hilary, condemns Arius — with the backing of the British Bishops
- 330f Regular battles in Westmorland between the Caledonians and the retreating Romans
- 337 Constantine dies, and is allegedly buried in Britain near Caernarvon in Wales
- 347 Athanasius says British Bishops supported him against Arianism at the Council of Sardica upholding the Trinity
- 350 The Briton Ninian (alias Ringan), the later missionary to Scotland, born in Cumbria of Christian parents
- 353 The Non-Roman Trinitarian Celt Hilary teaches Martin of Tours (the later mentor of Ninian) in the Celtic Church
- 360 Several British Bishops attend the Council of Ariminum summoned by Constantius
- 362 Hilary says the "Bishops of...Britain" remained "free from...the detestable heresy" of Arianism
- 366 Athanasius, in his letter to Emperor Jovian, says Britons were loyal to Christianity
- 369 Ruill alias St. Rule (or Regulus) arrives in Scotland with the relics of the apostle Andrew
- 370 Martin of Tours, the uncle of the Briton Padraig alias Patrick, establishes Celtic Churches in Kentish Canterbury
- 375 Celtic Church's Martin of Tours teaches the Celto-Brythonic Culdee Christian Ninian of Cumbria
- 378 Jerome: "Britain...resound[s] with the death and resurrection of Christ"
- 380 The Christian, Emperor Theodosius I, makes Christianity the state religion of the Roman Empire

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 385..... The Welsh theologian Morgan (before later becoming the heretic Pelagius) claims Paul himself had started Morgan's abbey
- 390..... Cumbria: Trinitarian Celto-Briton Patrick born (his father being a deacon and his grandfather being a presbyter)
- 395..... Arnobius (about Christ): "His Word is concealed neither...in the East nor from the Britons"
- 396..... Death of Martin of Tours, mentor of St Ninian of Cumbria, the Brythonic Missionary to the Picts
- 397..... British missionary Ninian takes the Gospel to Northern Strathclyde alias Southwest Caledonia and beyond in Free Britain
- 398..... Roman withdrawal from Southern Britain — in order to protect Rome itself against Pagan attacks from Northern Europe
- 400f Cornwall and Wales pour Christian missionaries throughout Britain and even into Europe
- 402..... Chrysostom: "The British Isles have received...the Word" — and "everywhere" discuss it
- 408..... Augustine of Hippo: "How many churches are there not, erected in the British Isles?!"
- 410..... Christian Britons colonize and christianize Brittany (alias Armorica) in the later France
- 420..... The heretic Pelagius, now living in Rome, abandons the Orthodox British Church which had repudiated him
- 421..... The British missionary Pallad(ius) evangelizes in Ireland, before later embracing the new religion of Romanism
- 422..... Irish Christians Sodal(ius) and Celest(ius) oppose Pelagianism, before Celest apostasizes into it
- 425f Iro-Scots in Western Scotland and Picts in Northern Scotland co-operate together in joint enterprises
- 432..... Briton Patrick converts many Irish to Christianity (including their kings & many druids) and codifies their laws
- 435..... Europe's Bishop Theodoret: "Paul brought salvation to the Isles"; "preached" there; and "persuaded...the Britons"
- 438..... Europe's Emperor Theodosius II publishes his 'Christian-Roman' Law Code for his Roman Empire
- 439..... Celtic Christian Garman leads the hymn-singing Britons in their 'Hallelujah' victory against the invading Pagans
- 440..... Anglo-Saxon politics: "Representative Government by Elders" in Germany (ever since at least the 98 A.D. Tacitus)
- 445..... Briton Vortigern imports the Angles and the Saxons to help defend Southern Britain against the Pagan Picts
- 448f Garman (and his disciple Illtud) preach in Britain to the Pagan Saxons
- 450..... Brythonic missionaries Keby and Peiran and Fastid(ius) from Celtic Cornwall evangelize and resist the Pagan Saxons
- 451f The Council of Chalcedon in the East, and the Sack of Rome in the West (by the Vandals)
- 455..... The Briton Maelgwyn of Llandaff says Joseph of Arimathea died in Somerset's Avalon or Ynys Witrin (Glastonbury)
- 460..... The Briton Illtud in Wales teaches his famous British disciples Dewi, Gildas, Samson of Dol and Pol of Leon

COMMON LAW: ROOTS AND FRUITS

- 465..... The Briton Cadoc founds College of Llan-Carvan, and refers to work in Britain of the A.D. 56 Hebrew Christian Ild
- 475..... Dewi (St. David), Maelgwyn's nephew, builds Glastonbury cathedral over the original church of Joseph of Arimathea
- 480f Embres Erryll (Ambrose Aurelianus), Constantinus's grandson, resists Anglo-Saxons & rules the British Cotswolds
- 500f Bridget's Iro-Scots take Christianity to 'New Dalriada' (alias Western Scotland)
- 514..... Cumbrian Kentigern (alias Mungo), a disciple of Servan, becomes a Brythonic Culdee Christian missionary to Caledonia
- 516..... The Christian Arthur Pendragon, the nephew of St. David, is the last Brythonic king to defeat the Pagan Saxons
- 525..... All Ireland is christianized by now, also through Padrick's successors Finian and Comgall
- 528..... Christian Roman Emperor Justinian I further christianizes Roman Law (producing the *Codex Justinianus*)
- 540..... Embres II (Ambrose Telesina), British Presbyter, condemns the "Romish wolves" threatening the Britons' Church
- 545..... Christian Britons strong in the West Country, from Cornwall to Devon and from Cambrian Wales to Cumbrian Westmorland
- 546f North-Brythonic Picts christianized by the Iro-Scotic Columba and by the Cumbrian Mungo (alias Kentigern)
- 550f Emergence of the Saxons' legal systems (of Ono and Mercia) in Western "Angle-land"
- 560f Irishman Brendan's voyages across the Atlantic to America, leaving traces of Christianity among Algonquin Indians
- 563f Irish Christian Calumcille (alias Columba) takes the Gospel to Iona in the Hebrides ("Hebrew-ides"?)
- 569f The Scot King Aidan is trained by Columba to be a Christian Ruler; Gildas, Brythonic church historian
- 570f Columba visits Brude, King of the Picts, and converts him to Christianity
- 575..... Ulster: Council of Drumceat is attended by Irish King Aedh MacAinmore, Aidan King of Dalriada, and Columba of Iona
- 575f Rise of papacy in Italy: Roman Bishop Gregory posthumously proclaimed first sole "Pope" alias 'Universal Father'
- 577..... Battle of Deorham: Saxons defeat Britons, separating Cambrian West-Welsh from the South-Welsh (in Devon & Cornwall)
- 580..... Wales: Moderator Dionoth presides over thousands of Anti-Romish Celtic Christians, headquartered at Bangor
- 588..... From Europe, the Anti-Romish missionary Columbanus visits his Fellow-Irishman Columba in Iona
- 595..... Ireland: Christians attacked by marauding Pagan Vikings from Scandinavia
- 596..... First "Pope" sends the Romish Au(gu)stin from Italy — to romanize the Anglo-Jutish Pagans in Kent
- 598f The Synod of the Celto-Brythonic Church tells Austin it repudiates the Bishop of Rome and his new "papacy"
- 600..... Jerusalem: Venantius says apostle Paul evangelized "the Britons" and *Ultima Thule* (thus founding the British Church)

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 601f..... British Church Council at the Synod of Chester condemns the "haughty...Romans"
- 606f..... The Scots-Irish Church opposes Roman Catholicism in Britain
- 607..... At Austin's Oak, British Churches tell Austin: "We know of none that...you term Pope!"
- 610f..... Wales: Moderator Dionoth and Prince Cadvan tell Austin that they repudiate Rome and her new papacy
- 613..... Chester: Pagan Saxon Northumbrians defeat Britons, separating North-Welsh (Cumbrians) from West-Welsh (Cambrians)
- 615f..... First Christian Laws of Kent's Jutish King Ethelbeht and his (Roman Catholic) Frankish Queen Bertha
- 616..... Oswald, Saxon King of Northumbria, embraces Celtic Christianity from the Culdee Celtic missionary Aidan of Iona
- 618..... "Not Austin but Aidan is the true apostle of England" (J.B. Lightfoot)
- 620..... The Celtic churchman Aidan in Britain was full of the "Scriptures" and of "Psalms" — said the 700f A.D. Bede
- 620f..... Pictavia, in Northeastern Scotland, under King Nechtan begins to lapse from Culdee Christianity into Romanism
- 622f..... Dramatic rise of Mohammed and spread of Islam — in judgment against a corrupt Mediterranean Church
- 625..... Austin's Romish successor Laurentius complains that the Anti-Romish "Scotch bishops are worse even than the British!"
- 635..... Oswald becomes King of Bernicia in Northumberland, and Aidan goes to Lindisfarne
- 640..... Islam is promoted unwittingly — by Romanism's suppression of the vernacular Bible, and by her employment of images
- 650..... British Churches appeal to Scripture alone, and to the "Non-Roman" canon 11 of the A.D. 381 Council of Constantinople
- 660..... England: current church planters among the Anglo-Saxons are not Romanists but Briton-trained Culdee Christians
- 661..... Anti-Romish Celtic missionary Finan dies — after baptizing the King of the East Saxons and the King of the Mercians
- 664..... British Synod of Whitby co-ordinates Celtic and Saxon Churches (but alas on a Non-Celtic and a romanizing basis)
- 665..... Plague (possibly typhus or smallpox) — God's curse upon the religious compromise at Whitby? — carries off many people
- 666..... Brythons unromanized; the English romanized only in Kent; but Western Europe kisses the Pope's toe (*cf.* Rev. 13:11-18)
- 667..... The Culdee Chad, Bishop of Northumbria, appoints the Bishop of the English Saxons in Mercia
- 670..... The Romanizers start pushing the anti-papal Britons back — yet they never eclipse their 'Proto-Protestant' Church
- 675..... The Briton King Cadwallader protects all Christians fleeing from those Saxons who were still Pagans (*Welsh Triads*)
- 675f..... Even in the slowly-romanizing English Church, the papal claims are resisted (unlike the rest of Western Europe)
- 680..... British missionaries Willibrord and Boniface and Ansar win many Germans, Western Europeans and Scandinavians for Christ
- 688..... Wessex King Ina (Ivor): Glastonbury "is the city...and origin of Christ's religion in Britain" from 60f A.D. onward

COMMON LAW: ROOTS AND FRUITS

- 688f Ina enacts Christian laws — and raises a large church in Glastonbury over Aristobulus's grave (*Triads' Iolo MS*)
- 690..... No kingdoms in the British Isles are still prevailingly heathen; even 'Angle-land' is now Christian (Churchill)
- 700f England: even Romish church historian Bede admits Celtic Britain was christianized in 156f A.D. under British King Llew
- 700f "Britons" received Christianity in 156 A.D., and "are...enemies to the Roman...Mass" (thus the Romish Anglo-Saxon Bede)
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- 705..... West-Saxon Romish Synod of Aldhelm says Celtic Britons are "outside of the Catholic Church" of Rome
- 720..... Founding of Christian-Pictish University of St. Andrews, just north of what was Northumbria (in what is now Scotland)
- 720f The Christian-Saxon King of Mercia erects "Offa's Dyke" as a defence boundary
- 793..... The Pagan Norsemen invade Northumbria and slaughter the Christians on Lindisfarne
- 794..... Iona and many other Christian islands in Scotland and Ireland are plundered by the Pagan Vikings from Scandinavia
- 800..... English Christian Alcuin trains the Frankish Charlemagne who enacts Romish-Christian Laws
- 803..... Ninian's Christian Whithorn in Scotland now attacked by the Pagan Vikings
- 814..... Charlemagne unites Western Europe — excluding Britain! — as the "Holy Roman Empire" under Romish rule
- 825..... Iceland evangelized not by Romanists but by Celtic Proto-Protestant Culdee missionaries from Ireland
- 826..... Brythonic church historian Nenni(us) very active in Southeastern Wales
- 830f America: Irish missionaries from Iceland reputed to have reached Canada and New England
- 850..... Wales: 510f B.C. Laws of Moelmud, preserved, soon to be translated for Christian Anglo-Saxon King Alfred of Wessex
- 860..... Scandinavians invade Celtic Christian Iceland (and themselves encounter Non-Roman Irish Christianity there)
- 880..... Christian-Saxon "Good King Alfred" codifies the Mosaic Law and Moelmud's Laws as the "Common Law" in his 'Dooms'
- 890..... Alfred wins the Pagan Dane Guthrum for Christianity and signs an international Christian Peace Treaty with him
- 900f Anglo-British Christian-Saxon Laws of King Ethelred (= Anglo-British Common Law)
- 925..... Christian King Athelstan consolidates the Anglo-Saxons, and makes a treaty with five Brythonic kings

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 930f British Christian laws of the Welsh king Hywel Dda the Good, allied to Athelstan, updates the B.C. 510f laws of Moelmud
- 950f Romish Ecclesiastical Canon Law received in Europe — but resisted both in Celtic Britain and in Anglic Britain
- 960f Saxon King Edgar: Glastonbury is "the first church in the kingdom" and was "built by the disciples" known to Jesus
- 965f English King Edgar resists the papal legate Dunstan's claims — that the Pope should control Britain
- 970..... Iceland: the whole nation votes in favour of accepting Christianity as the national religion
- 985..... Greenland discovered and settled by Christian Icelanders
- 1000..... Markland and Vinland in North America visited (and settled?) by Christian Icelanders
- 1014..... King Knut (alias Canute), the godly Anglo-Dane, centralizes Christian Law in Anglo-British England
- 1034..... The Britons of Strathclyde unite with the Scots and the Picts under King Duncan as the first king of 'United Scotland'
- 1042..... Edward the Confessor, a godly Christian, becomes the last Saxon King of Anglo-British England
- 1050..... First traces of the English jury system (which some think was based upon the twelve patriarchs or the twelve apostles)
- 1066..... King William the Conqueror invades England; yet Nor(se)men from France resist the pope, and gradually get anglicized
- 1067..... Many Anglo-Britons flee from the Normans in England — and re-settle in Wales and Ireland
- 1068..... Queen Margaret romanizes the Scottish Church, in spite of Culdee (Proto-Protestant) resistance
- 1085..... Pope Hildebrand (Gregory VII): "I am Emperor" — but not of Anglo-Norman Britain!
- 1088..... King William's "Doomsday Book" leaves Glastonbury's Ancient Church untaxed (as Britain's "Mother Church")
- 1100..... First Christian Crusade, also from England, in Palestine
- 1100f The Scottish Culdees resist the ongoing romanization of the Caledonian Church
- 1142f William of Malmesbury writes about the previous kings of Anglo-Saxon and Anglo-British Christian England
- 1145..... Ireland: Malachy enforces mandatory celibacy on the Irish presbyters, and helps to finalize their romanization
- 1152..... Geoffrey Arthur of Monmouth, Deacon of Llandaff, writes a Welsh history — from B.C. 1100 to the A.D. 675 Cadwallader
- 1164..... Henry II's *Constitutions of Clarendon* curb ecclesiastical powers within England
- 1170..... The papist Thomas a Becket is punished by the crown for breaking his assent to the *Constitutions of Clarendon*
- 1175..... Prince Madoc, a Christian Welshman, takes three hundred men to settle in North America
- 1176..... English Chief Justice Glanvill limits the scope of Romish Canon Law
- 1215..... *Magna Carta*: protects the qualified franchise and Parliament-under-law against the centralized tyranny of king & pope

COMMON LAW: ROOTS AND FRUITS

- 1250..... Bracton's *Laws and Customs of England*: "the king ought to be under...God and the law" (Deut. 17:18f)
- 1260..... Europe: Thomas Aquinas's Romish "Natural Law" theory (= largely Aristotelian)
- 1292..... Breton's *Summary of the Laws of England* helps anglicize the Normans in Britain
- 1300..... Edward I, "the English Justinian" (thus Blackstone), bridles the Pope and unifies English Law
- 1315..... Scotland: Robert the Bruce, together with the Irish, asserts liberty (even though papally excommunicated)
- 1320f Pseudo-Dexter, Haleca, Freculphus & Forcatulus: Joseph of Arimathea was in Britain from 38 A.D. onward
- 1325..... Marsilia of Padua: defends civil power *versus* the papacy (even in Europe!)
- 1330f The Great Plague (bubonic) exterminates two-thirds of corrupt religionists throughout the then-known World
- 1345..... Edward III promotes industry; respects popular rights; and withstands the Pope (on the advice of the English Parliament)
- 1345f William of Ockham advocates separation between Church and State — thus foreshadowing Luther
- 1351..... English *Statute of Provisors*: benefices in Britain forbidden to all foreign clergy
- 1353..... English *Statute of Praemunire*: appeals from Britain to Rome henceforth prohibited
- 1360f Cumbria: Wycliffe asserts primacy of Scripture and pre-eminence of Laws of God and of England *versus* Rome's Pope
- 1380..... Wycliffe's Lollards: "You could not meet two men on the road, but one was a Wycliffite!" Also in Scotland
- 1405..... Bohemia: Beginning of the Wycliffite John Huss's reforms, which influenced Luther a century later
- 1409f 'Reform Councils': "The British Church was founded by Joseph of Arimathea" from Palestine, and not from Rome
- 1470..... Fortescue's *Praises of the Laws of England*: British Law started with the Trojan Brut in B.C. 1150
- 1481..... Littleton's *Treatise on Tenures* (on the Non-Roman British Law of Property)
- 1485..... The Welsh Tudor King becomes Henry VII of England, thus anticipating the 1536 Union between England and Wales
- 1515f Fitzherbert's *Grand Abridgment* (or digest of important legal cases in Britain)
- 1517f Protestant Reformation produces Luther's antipapal writings *To the German Nation* and his *Secular Authority*
- 1521..... Zwingli's *Declaration of Christian Faith* limits the papacy and elevates magistrates
- 1529f British Parliament removes papal Canon Law from England, punishing capital crimes only under the Common Law
- 1534..... Even the French Romanist Polydor Vergil says Britain received Christianity already in the first century
- 1536..... *Act of Union* between England and Wales (as 'Great Britain') — under Britain's "Welsh Tudor King" Henry VIII

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 1536f Geneva: Calvin's *Institutes* (IV) and his *Commentaries* promote even political liberty and law and order
- 1550..... Edward VI steers England toward Calvinism and incipient Puritanism
- 1555..... Even Romish Cardinal Pole: "Britain was the first of all countries to receive the Christian faith!"
- 1558f Elizabeth I of England — "Good Queen Bess" — considerably promotes the Protestant Reformation
- 1559..... Scottish Queen Mary abdicates for her son James VI; Knox returns from Calvin, and protestantizes Scotland
- 1559f Various Reformed Confessions (French, Belgic, Scots, Swiss *etc.*) discuss the duties of the civil magistrates.
- 1560..... The *Geneva Bible* of Knox and Whittingham (= Mrs. John Calvin's brother-in-law) saturates England
- 1562..... America: French Protestants (Calvinists called 'Huguenots') temporarily colonize the Carolina's
- 1564f Rise of Calvinistic Puritanism in Elizabethan England of Protestant 'Good Queen Bess'
- 1565..... America: French Calvinists colonize St. Augustine in Florida
- 1570..... Cardinal Baronius, Vatican Librarian, concedes that Christianity reached Britain by A.D. 35
- 1573..... Beza's *Rights of Rulers* (through the 1579 *Vindication Against Tyrants*) later influences even George Washington
- 1583..... Scottish King James VI's "Protestant League" between Scotland and England
- 1584f Protestant British explorations of North American coast — by Raleigh, Hakluyt, Cabot, *etc.*
- 1588..... Protestant Britain decisively defeats the Romanists' "Armada" of Spain, Portugal and Italy
- 1603..... Scottish James VI becomes also James I of England — and unsuccessfully tries to fuse those two kingdoms
- 1603f James creates "Greater Union" flag: combining England's St. George's cross with Scotland's St. Andrew's cross
- 1606..... Jansz enters Australia's Gulf of Carpentaria in ship *Duyfken*, and follows the coast to Cape Keer-Weer in Queensland
- 1607..... Quiros discovers New Hebrides (and Australia?) — which he names 'Land of the Holy Spirit'
- 1610..... Calvinistic jurist Althusius posits 'sphere-sovereignty' vs. statism — and influences Robinson's "Pilgrim Fathers"
- 1611..... James I of England (= James VI of Scotland) approves the Authorised Version of the Bible for use in his two realms
- 1611f 'Dedication' to King James Bible calls Britain "our Zion" and teaches against "man of sin" and other "popish persons"
- 1616..... Dirck Hartog, in his ship *Eendracht*, discovers the West Coast of Australia
- 1620..... America: British Protestant migrants' *Mayflower Compact* = Pilgrims' covenant rule in, and for, this World (under God)
- 1622..... Ship *Tryal* wrecked with some survivors (as the first Britons known to have reached Australia)
- 1628..... England: *Petition of Right* cites also *Magna Carta* of A.D. 1215 against the absolutism of King Charles I

COMMON LAW: ROOTS AND FRUITS

- 1628..... America: Puritan John Endicott appointed to supervise eight settlements in Salem
- 1628f England: Christian Lord Chief Justice Sir Edward Coke's *Institutes and Origin of the Common Law of England*
- 1629..... Puritan Higginson: "Farewell, dear England.... We separate from corruption and go to New England!"
- 1629..... John Winthrop (later Governor of New England) makes his Genesis 1:26 'Resolve' (while still in England)
- 1630..... Winthrop brings a *Charter of Christian Government* for Massachusetts, with catechists, on the ship 'Arbella'
- 1633..... British Puritan Cotton goes to America, writing *Moses and his Judicials* after being 'sweetened' with Calvin
- 1633f American "Puritans believed...the pure church should be 'national'; Presbyterian; on Calvin's model" (Perry Miller)
- 1639f British battles: Scottish Revolt; and First and Second English Civil Wars
- 1642..... British Civil War: the Puritan Cromwell's "Ironsides" subjugate the land to Biblical rule
- 1642..... The Dutch Reformed Christian Tasman dedicates his voyage (to Australasia) to God Almighty, and annexes Tasman-ia
- 1643..... New England Confederation (between Massachusetts and Connecticut) — Calvinistic 'sphere-sovereignty'!
- 1643f Puritans: draw up Westminster Standards (23:1f & 25:6 & 31:2f) on the civil magistrate (and against papacy) *etc.*
- 1644..... Presbyterian Rutherford's *Lex Rex* (= 'Law is King!') — *versus* High-Anglican *Rex Lex* (= 'The King is the Law!')
- 1646f Massachusetts's Cambridge Synod confederates — and adopts the British *Westminster Standards*
- 1649..... Puritan British Member of Parliament John Sadler advocates 'Anglo-Israelism'
- 1652..... South Africa: Calvinistic Governor Van Riebeeck's prayer, establishing the Reformed Religion at the Cape of Good Hope
- 1653..... The Calvinistic Oliver Cromwell is appointed Lord Protector of all Britain
- 1657..... Cromwell champions religious liberty — and refuses the offered kingship over Britain
- 1658..... Death of Oliver Cromwell — yet continuation of deathless Puritanism!
- 1659..... The American Puritan John Eliot — on the 'Christian Commonwealth'
- 1660..... Restoration of the English Monarchy — on a constitutional basis (under King Charles II)
- 1671f Lord Chief Justice Hales, a Westminster Confession Puritan, produces his *History of the Common Law of England*
- 1679..... Titus Oates's "Popish Plot"; Jenkes's case; and the *Habeas Corpus Act*
- 1689..... Romanizing English King James II deposed in the 'Glorious Revolution'; all British monarchs now to maintain God's Law
- 1689f Reign of Protestants William & Mary; and adoption of the *Declaration of Rights* alias the British *Bill of Rights*
- 1690..... Ireland: William of Orange defeats James II at Battle of the Boyne — securing Ulster for Protestantism

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 1700..... John Locke: the chief end of government is to preserve property under God's "Law of Nature"
- 1707..... Union between South Britain (= England-Wales) and Scotland, as the British 'United Kingdom' (a Constitutional Monarchy)
- 1710..... Ireland: massive Scots-Irish Protestant exodus from Ulster, and especially to North America
- 1711..... Rev. Dr. Cotton Mather: America is yet to fulfil the glorious predictions of Scripture!
- 1734..... France: Montesquieu's conservative *Considerations of the Causes of the Grandeur of the Romans and of their Decadence*
- 1739..... Rev. Dr. Jonathan Edwards: America and Australia and the whole World are yet to be filled with the glory of God!
- 1748..... France: Montesquieu's conservative *Spirit of Laws* (praising Locke's Britain and Colonial America)
- 1765..... Blackstone's *Commentaries on the Laws of England* upholds Common Law and Christianity for Britain and her colonies
- 1765f Francis Lightfoot Lee of Virginia signs the American *Westmoreland Declaration* against the British *Stamp Act*
- 1770f The anti-radical Irish Statesman Edmund Burke defends the actions of the exasperated North American Colonists
- 1770..... James Cook discovers the East Coast of Australia, and sails through the Torres Strait
- 1771..... First edition of *Encyclopaedia Britannica* asserts the Common Law capital punishments: for murder; rape; and blasphemy
- 1776..... Presbyterian Rev. Dr. John Witherspoon: Moses' *lex talionis* is needed in American government!
- 1776..... June 7: Richard Henry Lee moves that the American Colonies confederate together and break political ties with England
- 1776..... June 12: *Virginia Bill of Rights* (to serve as a later model for all the American Colonies)
- 1776..... July 4: *American Declaration of Independence*: "all men are endowed by their Creator" with certain "unalienable rights"
- 1777..... First prayer in American Congress petitions God in the name of Jesus Christ for victory during the War for Independence
- 1777f English Captain James Cook visits Tasmania and New Zealand — and later killed in the Hawaiian islands
- 1783..... Peace Treaty of Paris (between England and the U.S.A.): "in the Name of the most Holy and undivided Trinity"
- 1786..... Evangelical Rev. Richard Johnson offered the Chaplaincy of New South Wales, and takes Bibles and Psalters to Australia
- 1787..... U.S. *Northwest Ordinance*: "religion [and] morality...[are] necessary to good government"
- 1787..... (Christian) *Constitution of the U.S.A.* "in the year of our Lord 1787" — with "Sundays" not to be working-days!
- 1788..... First Fleet arrives at Botany Bay establishing first British Colony in Australia; Governor Phillip enforces Decalogue
- 1789..... Anti-Trinitarian French Revolution, the worst calamity since the fall, starts dechristianizing the West increasingly
- 1790..... Irishman Edmund Burke's *Reflections on the Revolution in France* solidly condemns the 1789 French Revolution

COMMON LAW: ROOTS AND FRUITS

- 1791..... 1st Amendment: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise"
- 1791..... 7th Amendment: right to trial by jury in any U.S. court only "according to rules of the common law"
- 1791..... U.S. *Bill of Rights* (= first ten Amendments) praised by the Irish Christian Burke (and later also by Lord Gladstone)
- 1792..... Australia: commencement of Christian education (Gov. Phillip and Revs. Johnson & Marsden)
- 1792f..... Nearly all of the first U.S. Presidents and Statesmen had overwhelmingly Biblical views
- 1795..... Australia: Gov. Hunter looks to Providence for support, and speaks of Christ as his Saviour
- 1801..... Creation of the United Kingdom of Great Britain and Ireland — under the present British flag (the 'Union Jack')
- 1802f..... Europe (and later even America) increasingly infected by the unholy aftermath of the 1789 atheistic French Revolution
- 1804..... The Lieutenant-Governor authorizes the settlement of Tasmania to start with public prayer (led by Rev. Knopwood)
- 1810..... Australia: Governor Macquarie promotes Christian dayschools & chaplains, and promotes Bible Society & Sunday Schools
- 1821..... Australia: Christian Governor Thomas Brisbane's motto: "Never despair; aspire to God!"
- 1829..... England: *Roman Catholic Relief Act* requires all Romanists elected to Parliament not to disturb British Protestantism
- 1830..... Increasing political and religious and social influence of Rev. John Dunmore Lang, Australian Presbyterian Minister
- 1832..... England: *Reform Bill* too sudden — begins phasing revolutionary principles into Britain
- 1848..... Thwarted European communist revolutionists go underground, some migrating to U.S.A.
- 1848f..... Northern U.S. infiltrated by "excrement" from leftist "sewer" of Europe (thus Dabney), some becoming Yankee generals
- 1850f..... Leftist migrants, to Northern U.S., promote hatred of Christian Common Law especially south of the Mason-Dixon line
- 1855f..... Unitarian Yankee radicals agitate for the destruction of the Trinitarian Christian Southland
- 1859..... Presbyterian U.S. Southerner Thornwell urges all Christians to "undertake the conquest of the world" with the Gospel
- 1861..... Thornwell unsuccessfully urges Southern Confederacy to give constitutional recognition to "Christ as King of kings"
- 1861f..... U.S.A.: War of Northern Aggression defeats Christian South; Fourteenth Amendment "enacted" unconstitutionally
- 1869..... Ex-C.S.A. General Robert E. Lee: If the 1861f War had to be waged again, "I should act in precisely the same manner!"
- 1871..... France's "Paris Commune" — as World's first largely-communist government — legislates against Christianity
- 1874..... Australia: the Law of God is part of the law of the land — thus *ex parte Thackeray* 13 S.C.R. (N.S.W.) 1,61
- 1892..... U.S. Supreme Court still saying: "This is a Christian nation!" (*Church of the Holy Trinity v. United States*)

CHRONOLOGICAL DEVELOPMENT OF COMMON LAW

- 1901..... Australian Constitution "relying on the blessing of Almighty God" with an oath to uphold the monarch "so help me God"
- 1901..... Adoption of Australian flag, uniting the three Christian crosses of England & Ireland & Scotland with the Southern Cross
- 1901..... Presbyterian Church of Australia declares that also fallen man "is responsible for compliance with the Moral Law"
- 1903f British Law Professor Holdsworth: "Christianity is parcel of the Common Law of England, and therefore to be protected by it; now whatever strikes at the very root of Christianity, tends manifestly to the dissolution of civil government."
- 1912..... New Hampshire refuses to eliminate the word "Christian" from its *Bill of Rights* (until 1926)
- 1917..... Surname of British Royal House changed to Windsor (an anglicization of the name of Queen Victoria's Prince Consort).
- 1917..... Russian Revolution was the product of French Revolution of 1789 and of communist revolutions of 1848 & 1871 (thus Lenin)
- 1944..... 'United Nations' manipulated by leftists — with International Treaties progressively assailing Christian Common Law
- 1953..... Commonwealth: Queen Elizabeth II given a Bible at her coronation and told: "Our gracious Queen, we present you with this Book, the most valuable thing that this world affords.... This is the Royal Law (James 2:8-12)." Then: "Almighty and ever-living God..., grant that...Thy servant Elizabeth our Queen...may truly...administer justice, to the punishment of wickedness and vice, and to the maintenance of Thy true religion and virtue. Through Jesus Christ our Lord. Amen!"
- 1954..... U.S. Congress legislates to add words "under God" after "one nation" in the pledge of allegiance to the American flag
- 1977f Presbyterian Church of Australia starts re-asserting the Holy Bible and the *Westminster Confession of Faith*
- 1980..... Australia. Presbyterian Church of Queensland affirms "Right to Life" of "the unborn child...from conception"
- 1982..... America: U.S. Congress calls the Bible "the Word of God"; recognizes "the formative influence the Bible has been for our Nation"; and urges "our national need to study and apply the teachings of the Holy Scriptures" as "this Nation now faces great challenges that will test this Nation as it has never been tested before.... Faith in God through Holy Scripture can strengthen us as a nation and a people." Statement signed into law by President Reagan.
- 1983..... R.D. Lumb's *Australian Constitutionalism* notes impact of Magna Carta, Blackstone, & U.S. Constitution on Australian Law
- 1983..... Queensland: Presbyterian Church declares "any unlawful human attempt to abort, is murder in the sight of God" and that "everything medically possible" is to "be done to try to ensure the continuation of the lives of all that are thus being threatened."
- 1988..... Britain's Prime Minister Thatcher informs the General Assembly of the Presbyterian Church of Scotland about her "personal belief in the relevance of Christianity to public policy.... The Old Testament lays down: in Exodus the Ten Commandments as given to Moses; the injunction in Leviticus to love our neighbour as ourselves; and generally, the importance of observing a strict Code of Law.... The

New Testament is a record of: the Incarnation; the teachings of Christ; and the establishment of the Kingdom of God.... I believe that by taking together these key elements from the Old and New Testaments, we gain a view of the universe; a proper attitude to work; and principles to shape economic and social life.... The Christian religion...is a fundamental part of our national heritage.... We are a nation whose ideals are founded on the Bible.... Nowhere in the Bible is the word 'democracy' mentioned. Ideally, when Christians meet as Christians to take counsel together, their purpose is not to ascertain what is the mind of the majority but what is the mind of the Holy Spirit.... No majority can take away God-given human rights!"

- 1990f Iron Curtain Communism crumbles, and former socialist states open up to the Gospel
- 1991..... Australia. Presbyterian Church of Queensland condemns gambling, sabbath desecration, prostitution and homosexuality — and requests the State to re-introduce the death penalty for murder
- 1992f Australia. Parliamentary debate. The three Christian crosses and the Southern Cross on the flag — stay there!
- 1993..... Queen Elizabeth II quotes John 1:10-12 in her Christmas Message, and commends those who go about their lawful lives
- 1993f Ungodliness & 'AIDS' *etc.* increase; Islam and Romanism march again; Humanism and the "New Age" movement advance. But so too does the Tri-une Christ-ian Gospel, into all the World. Matt. 28:19f — till Rev. 15:3-4!