

THE COMING OF AUGUSTINE.

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IX.—AUGUSTINE AND CHURCH LAW.

THE Church having been founded, organised, and endowed in the kingdom of Kent, and having acquired a publicly recognised position as a separate, independent, and self-governing community, maintaining a certain relationship to the State, Augustine deemed it wise to obtain for the Church, with respect to all these and other particulars, the definite recognition and protection of written law.

Thus he, no doubt, was the moving spirit who influenced King Ethelbert to take action in legislating on this matter.

In accordance with the suggestions which, we may well believe, were made by Augustine, Ethelbert summoned a Council of his wise men, and with their sanction made certain decrees "after the Roman Model."

These decrees were written out in the English tongue, and chiefly concerned the protection of the property and privileges of the Church Bishops and Clergy.

As Ethelbert and his Council of wise men could know nothing of "judicial decrees after the Roman Model," except what they had learnt on the subject from Augustine and his companions, we may safely assume that although Ethelbert and his Witan, as the legislative authority of the kingdom, made the decrees, such decrees were both suggested and formulated or drawn up in legal form by Augustine.

Thus Augustine was really the founder of English Ecclesiastical Law, which for centuries protected the property rights and privileges of the Church and regulated her relations with the State.

The laws so made by Ethelbert and his Council of wise men at the instance of Augustine, would, no doubt, receive additions as time went on, to meet the rapid extension and expansion of the Church and the growingly extended and increasingly intimate and complicated relations between the Church and the State in the several converted kingdoms.

That this was so will be seen from the fact that, as early as about the year 693, King Ine of Wessex summoned a Council

of his wise men, with certain Bishops and a great number of the Clergy, to enact laws, which laws affected, not only the Church, her rights, privileges, and property, but prescribed and regulated for her members various points of conduct and discipline.

Thus, amongst other things, they enforced the baptism of infants within thirty days from their birth; the cessation from work on Sunday; the strict observance of their religious rules by the inmates of religious houses; the payment of certain Church dues at the appointed times. They also prohibited in certain cases slavery, and safeguarded the privilege of sanctuary.

Later on, in 696, Wihtred, King of Kent, held a Council of his wise men at Bearsted, near to Maidstone, at which, amongst other things, it was declared that the Clergy, without compulsion and of their own free will, should reverence, and pray for, their King. The penalty for violating Church property was to be the same as that for violating the property of the King. Unchastity was to be ecclesiastically punished. Slaves were to be emancipated before the altar. A Bishop, like the King, was to be excused from taking the oath in giving evidence, and a deacon or priest, if accused of any offence, was to clear himself by appearing before the altar and using the Pauline formula "I say the truth in Christ, I lie not"; while laymen were to clear themselves by taking an oath before the altar.

The laws of Wihtred further forbade that any layman should violate any portion of Church property that had been dedicated to God, and ordained that a Bishop should be supreme in making appointments to vacant abbacies of monasteries within his Diocese.

Succeeding Bishops and Kings, in their different Dioceses and Kingdoms, held Councils, composed of the leading laity and Clergy, for the purpose, on points necessary, of revising and adding to the laws of the Church, until such laws became so elaborate that almost every ecclesiastical occasion or event that could happen was provided for.