The Canons

Council of Carthage (AD 419) (AD 419)

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Introduction

(Found in Dionysius Exiguus, Codex Can. Migne, Pat. Lat., Tom. lxvii., col. 182.) After the consulate of the most glorious emperors, Honorus for the twelfth time and Theodosius for the eighth time, Augustuses, on the VIII. before the Calends of June at Carthage, in the Secretarium of the basilica of Faustus, when Pope Aurelius had sat down, together with Valentine of the primatial see of the province of Numidia, and Faustinus of the Potentine Church, of the Italian province Picenum, a legate of the Roman Church, and also with legates of the different African provinces, that is to say, of the two Numidias, of Byzacena, of Mauritania Caesariensis, as well as of Tripoli, and with Vincent Colositanus, Fortunatian, and other bishops of the proconsular province, in all two hundred and seventeen, also with Philip and Asellus, presbyters and legates of the Roman Church, and while the deacons were standing by, Aurelius the bishop said, etc., ut infra.

The Canons

(Labbe and Cossart: Concilia, Tom. II. Col. 1041; Dionysius Ex. Codex Can. Eccles.[Migne, Pat. Lat., Tom. LXVII.]; Beveridge, Synodicon in lot.) Aurelius The Bishop said: You, most blessed brethren, remember that after the day fixed for the synod we discussed many things while we were waiting for our brethren who now have been sent as delegates and have arrived at the present synod, which must be placed in the acts. Wherefore let us render thanks to our Lord for the gathering together of so great an assembly. It remains that the acts of the Nicene Synod which we now have, and have been determined by the fathers, as well as those things enacted by our predecessors here, who confirmed that same Synod, or which according to the same form have been usefully enacted by all grades of the clergy, from the highest even to the lowest, should be brought forward. The whole Council said: Let them be brought forward.

Daniel the Notary read: The profession of faith or statutes of the Nicene Synod are as follows. And while he was speaking, Faustinus, a bishop of the people of Potentia, of the Italian province of Picenum, a legate of the Roman Church said: There have been entrusted to us by the Apostolic See certain things in writings, and certain other things as in ordinances to be treated of with your blessedness as we have called to memory in the acts above, that is to say, concerning the canons made at Nice, that their decrees and customs be observed; for some things are observed out of decree and canon, but some from custom. Concerning

these things therefore in the first place let us make enquiry, if it please your blessedness; and afterwards let the other ordinances which have been adopted or proposed be confirmed; so that you may be able to show by your rescripts to the Apostolic See, and that you may declare to the same venerable Pope, that we have diligently remembered these things; although the headings of action taken had been already inserted in the acts. In this matter we should act, as I have said above, as shall please your beloved blessedness. Let, therefore the commonitorium come into the midst, that ye may be able to recognize what is contained in it, so that an answer can be given to each point.

Aurelius said: Let the commonitorium be brought forward, which our brethren and fellow-ministers lately placed in the acts, and let the rest of the things done or to be done, follow in order. Daniel the Notary read the Commonitorium. To our brother Faustinus and to our sons, the presbyters Philip and Asellus, Zosimus, the bishop. You well remember that we committed to you certain businesses, and now [we bid you] carry out all things as if we ourselves were there (for), indeed, our presence is there with you; especially since ye have this our commandment, and the words of the canons which for greater certainty we have inserted in this our commonitory. For thus said our brethren in the Council of Nice when they made these decrees concerning the appeals of bishops: "But it seemed good that if a bishop had been accused, etc." [Here follows verbatim Canon v. of Sardica.]

Ancient Epitome. If bishops shall have deposed a bishop, and if he appeal to the Roman bishop, he should be benignantly heard, the Roman bishop writing or ordering. And when this had been read, Alypius, bishop of the Tagastine Church, and legate of the province of Numidia, said: On this matter there has been some legislation in former sessions of our council, and we profess that we shall ever observe what was decreed by the Nicene Council; yet I remember that when we examined the Greek copies of this Nicene Synod, we did not find these the words quoted-Why this was the case, I am sure I do not know. For this reason we beg your reverence, holy Pope Aurelius, that, as the authentic record of the decrees of the Council of Nice are said to be preserved in the city of Constantinople, you would deign to send messengers with letters from your Holiness, and not only to our most holy brother the bishop of Constantinople, but also to the venerable bishops of Alexandria and Antioch, who shall send to us the decrees of that council with the authentification of their signatures, so that hereafter all ambiguity should be taken away, for we failed to find the words cited by our brother Faustinus; notwithstanding this however we promise to be ruled by them for a short time, as I have already said, until reliable copies come to hand. Moreover the venerable bishop of the Roman Church, Boniface, should be asked likewise to be good enough to send messengers to the aforementioned churches, who should have the same copies according to his rescript, but the copies of the aforementioned Nicene Council which we have, we place in these Acts.

Faustinus the bishop, legate of the Roman Church, said: Let not your holiness do dishonour to the Roman Church, either in this matter or in any other, by saying the canons are doubtful, as our brother and fellow-bishop Alypius has vouchsafed to say: but do you deign

to write these things to our holy and most blessed pope, so that he seeking out the genuine canons, can treat with your holiness on all matters decreed. But it suffices that the most blessed bishop of the city of Rome should make enquiry just as your holiness proposes doing on your part, that there may not seem to have arisen any contention between the Churches, but that ye may the rather be enabled to deliberate with fraternal charity, when he has been heard from, what is best should be observed. Aurelius the bishop said: In addition to what is set down in the acts, we, by the letters from our insignificance, must more fully inform our holy brother and fellow-bishop Boniface of everything which we have considered. Therefore if our plan pleases all, let us be informed of this by the mouth of all. And the whole council said: It seems good to us.

Novatus the bishop, legate of Mauritania Sitifensis, said: We now call to mind that there is contained in this commonitory something about presbyters and deacons, how they should be tried by their own bishops or by those adjoining, a provision which we find nothing of in the Nicene Council. For this cause let your holiness order this part to be read. Aurelius the bishop said: Let the place asked for be read. Daniel the notary read as follows: Concerning the appeals of clergymen, that is of those of inferior rank, there is a sure answer of this very synod, concerning which thing what ye should do, we think should be inserted, as follows: "Hosius the bishop said: I should not conceal what has come into my mind up to this time. If any bishop perchance has been quickly angered (a thing what should not happen) and has acted quickly or sharply against a presbyter or a deacon of his, and has wished to drive him out of the Church, provision should be made that the innocent be not condemned, or be deprived of communion: he that has been ejected should have the right of appeal to the bishops of the bordering dioceses, that his case should be heard, and it should be carried on all the more diligently because to him who asks a hearing it should not be denied. And the bishop who either justly or unjustly rejected him, should patiently allow the affair to be, discussed, so that Iris sentence be either approved or else emended, etc."

Notes.

Ancient Epitome. A presbyter or deacon who has been cut off, has the privilege of appealing to the neighbouring bishops. Moreover, he who cut him off should bear with equanimity the conclusion arrived at. This is the first part of Canon xiv. of Sardica, as the canon previously quoted is Canon v. of the same synod. And when this had been read, Augustine, the bishop of the Church of Hippo of the province of Numidia, said: We promise that this shall be observed by us, provided that upon more careful examination it be found to be of the Council of Nice. Aurelius the bishop said. If this also is pleasing to the charity of you all, give it the confirmation of your vote. The whole Council said: Everything that has been ordained by the Nicene Council pleases us all. Jocundus, the bishop of the Church of Suffitula, legate of the province of Byzacena, said: What was decreed by the Nicene Council cannot in any particular be violated.

Faustinus the bishop, legate of the Roman Church, said: So far as has developed by the confession of your holiness as well as of the holy Alypius, and of our brother Jocundus, I

believe that some of the points have been made weak and others confirmed, which should not be the case, since even the very canons themselves have been brought into question. Therefore, that there may be harmony between us and your blessedness, let your holiness deign to refer the matter to the holy and venerable bishop of the Roman Church, that he may be able to consider whether what St. Augustine vouchsafed to enact, should be conceded or not, I mean in the matter of appeals of the inferior grade. If therefore there still is doubt, on this head it is right that the bishop of the most blessed see be informed, if this can be found in the canons which have been approved.

Ancient Epitome. Since the written decrees of the Nicene Council have not been found, let the Roman bishop deign to write to the bishop of Constantinople and to him of Alexandria, and let us know what he receives from them. Aurelius the bishop said: As we have suggested to your charity, pray allow the copies of the statutes of the Nicene Council to be read and inserted in the acts, as well as those things what have been most healthfully defined in this city by our predecessors, according to the rule of that council, and those which now have been ordained by us. And the whole council said: The copies of the Creed, and the statutes of the Nicene Synod which formerly were brought to our council through Caecilean of blessed memory, the predecessor of your holiness (who was present at it), as well as the copies of the decrees made by the Fathers in this city following them, or which now we have decreed by our common consultation, shall remain inserted in these ecclesiastical acts, so that (as has been already said) your blessedness may vouchsafe to write to those most venerable men of the Church of Antioch, and of that of Alexandria, and also of that of Constantinople, that they would send most accurate copies of the decrees of the Council of Nice under the authentification of their signatures, by which, the truth of the matter having become evident, those chapters which in the commonitory our brother who is present, and fellow-bishop Faustinus, as well as our fellow-presbyters Philip and Asellus brought with them, if they be found therein, may be confirmed by us; or if they be not found, we will hold a synod and consider the matter further. Daniel the notary read the profession of faith of the Council of Nice and its statutes to the African Council.

The Profession of Faith of the Nicene Council. We believe in one God, etc., ... and in the Holy Ghost. But those who say, etc., ... anathematize them. The statutes also of the Nicene Council in twenty heads were likewise read, as are found written before. Then what things were promulgated in the African Synods, were inserted in the present acts.

Canon I.

That the statutes of the Nicene Council are to be scrupulously observed. Aurelius the bishop said: Such are the statutes of the Nicene Council, which our fathers at that time brought back with them: and preserving this form, let these things which follow, adopted and confirmed by us, be kept firm.

Notes.

Ancient Epitome of Canon I. Let the copies of the decrees of the Nicene Council which our fathers brought back with them from that synod, be observed. Johnson. It is certain that Caecilian, then Bishop of Carthage, was present at the Council of Nice; that any other African bishop was there does not appear; but probably he was attended with several clergyman, who were afterwards ordained bishops.

Canon II.

Of Preaching the Trinity. The whole Council said: By the favour of God, by a unanimous confession the Church's faith which through us is handed down should be confessed in this glorious assembly before anything else; then the ecclesiastical order of each is to be built up and strengthened by the consent of all. That the minds of our brethren and fellow bishops lately elevated may be strengthened, those things should be propounded which we have certainly received from our fathers, as the unity of the Trinity, which we retain consecrated in our senses, of the Father, and of the Son, and of the Holy Ghost, which has no difference, as we say, so we shall instruct the people of God. Moreover by all the bishops lately promoted it was said: So we openly confess, so we hold, so we teach, following the Evangelic faith and your teaching.

Notes.

Ancient Epitome of Canon II. No difference is recognised or taught by the decrees of the Council of Nice between the Persons of the Holy Trinity. This canon, or rather introduction, is taken from Canon j., of the Council of Carthage held under Genethlius, a.d. 387 or 390.

Canon III.

Of Continence. Aurelius the bishop said: When at the past council the matter on continency and chastity was considered, those three grades, which by a sort of bond are joined to chastity by their consecration, to wit bishops, presbyters, and deacons, so it seemed that it was becoming that the sacred rulers and priests of God as well as the Levites, or those who served at the divine sacraments, should be continent altogether, by which they would be able with singleness of heart to ask what they sought from the Lord: so that what the apostles taught and antiquity kept, that we might also keep.

Notes.

Ancient Epitome of Canon III. Let a bishop, a presbyter, and a deacon be chaste and continent. This canon is taken from Canon ij., of Carthage 387 or 390.

Canon IV.

Of the different orders that should abstain from their wives. Faustinus, the bishop of the Potentine Church, in the province of Picenum, a legate of the Roman Church, said: It seems good that a bishop, a presbyter, and a deacon, or whoever perform the sacraments, should be keepers of modesty and should abstain from their wives.By all the bishops it was said: It is right that all who serve the altar should keep pudicity from all women.

Notes.
Ancient Epitome of Canon IV. Let those who pray abstain from their wives that they may obtain their petitions. This canon is taken from Canon ij., of Carthage 387 or 390, last mentioned. Johnson. See Canon XXV. "Abstain from their wives," i.e. Some time before and after the Eucharist, as the old Scholiasts understand it. [i.e. the Greek scholiasts, but see notes to Canon xii]. of Quinisext.]

Canon V.

Of Avarice. Aurelius, the bishop, said: The cupidity of avarice (which, let no one doubt, is the mother of all evil things), is to be henceforth prohibited, lest anyone should usurp another's limits, or for gain should pass beyond the limits fixed by the fathers, nor shall it be at all lawful for any of the clergy to receive usury of any kind. And those new edicts (suggestiones) which are obscure and generally ambiguous, after they have been examined by us, will have their value fixed (formam accipiunt); but with regard to those upon which the Divine Scripture hath already most plainly given judgment, it is unnecessary that further sentence should be pronounced, but what is already laid down is to be carried out. And what is reprehensible in laymen is worthy of still more severe censure in the clergy. The whole synod said: No one hath gone contrary to what is said in the Prophets and in the Gospels with impunity.

Notes.

Ancient Epitome of Canon V. As the taking of any kind of usury is condemned in laymen, much more is it condemned in clergymen. This canon is made up of Canons x. and xiij. of the Synod of Carthage held under Grains in a.d. 345-348. This synod was held to return thanks for the ending of the Donatist schism; and indeed for some time the evil did seem to have been removed. Donatist worship was prohibited by the imperial law and it was not until the times of Constans and Constantius that it again openly asserted itself. The synod while in session also took advantage of the opportunity of passing some useful general canons on discipline. Johnson. See Canon of the Apostles 36 (44); Nic., 17.

Canon VI.

That the chrism should not be made by presbyters. Fortunatus the bishop, said: In former councils we remember that it was decreed that the chrism or the reconciliation of penitents, as also the consecration of virgins be not done by presbyters: but should anyone be discovered to have done this, what ought we to decree with regard to him? Aurelius the bishop said: Your worthiness has heard the suggestion of our brother and fellow-bishop Fortunatus; What answer will you give? And all the bishops replied: Neither the making of the chrism, nor the consecration of virgins, is to be done by presbyters, nor is it permitted to a presbyter to reconcile anyone in the public mass (in publica missa), this is the pleasure of all of us.

Notes.

Ancient Epitome of Canon VI. Let no presbyter make the chrism, nor prepare the unction, nor consecrate virgins, nor publicly reconcile anyone to communion. This is Canon iij. of the Carthaginian Synod under Genethlius, a.d. 387 or 390. Johnson. Not the chrism used upon persons at their baptism, says the scholion in Bishop Beveridge's Annotation, but the Mystical Chrism, viz., that used at Confirmation; though neither was the chrism used at baptism to be consecrated by Priests. See Deer. of Gelasius 6. Du Pin observes, That this is one of the first monuments where the name of "mass" occurs to signify the public prayers, which the church made at offering the Eucharist. And let the reader observe, that there is no mention of the "mass" in the copies which the Greeks made use of. And further, he restrains the meaning of the word "mass" too much, when he supposes that it denoted the Communion Office only.

Canon VII.

Concerning those who are reconciled in peril of death. Aurelius the bishop said: If anyone had fallen into peril of death during the absence of the bishop, and had sought to reconcile himself to the divine altars, the presbyter should consult the bishop, and so reconcile the sick man at his bidding, which thing we should strengthen with healthy counsel. By all the bishops it was said: Whatever your holiness has taught us to be necessary, that is our pleasure.

Notes.

Ancient Epitome of Canon VII. A priest desiring to reconcile anyone in peril to the sacred altars must consult the bishop and do what seems good to him. This is Canon iv. of the Synod of 387 or 390. Johnson. See Canon 43.

Canon VIII.

Of those who make accusation against an elder; and that no criminal is to be suffered to bring a charge against a bishop. Numidius, the bishop of Maxula, said: Moreover, there are very many, not of good life, who think that their elders or bishops should be the butt for accusation; ought such to be easily admitted or no? Aurelius the bishop said: Is it the pleasure of your charity that he who is ensnared by divers wickednesses should have no voice of accusation against these?All the bishops said: If he is criminous, Iris accusation is not to be received.

Notes.

Ancient Epitome of Canon VIII. It has seemed good that they who are themselves defendants for crimes should not bring accusations; nor should they be allowed to lay crimes to anyone's charge. This is Canon vi. of Genethlius's Synod at Carthage, a.d. 387 or 390. Johnson. See Canons 132 and 133 and Constantinople Canon 6. [The "elders" mentioned in this canon are] probably the same with senes in other canons. viz., Metropolitans, as is generally believed. The Latin here calls them Majores natu, the Greek pateraj. Bishop Beveridge supposes that the word denotes bishop, though perhaps Majores natu may signify presbyters. Justellus on the canon produces some seeming authorities for this.

Canon IX.

Of those who on account of their deeds are justly cast forth from the congregation of the Church. Augustine the bishop, the legate of the Numidian province, said: Deign to enact that if any perchance have been rightly on account of their crimes cast forth from the Church, and shall have been received into communion by some bishop or presbyter, such shall be considered as guilty of an equal crime with them who flee away from the judgment of their own bishop. And sit the bishops said: This is the pleasure of all of us.

Notes.

Ancient Epitome of Canon IX. Let him be excommunicated who communicates with one excommunicated. This is Canon vii. of the same synod of 387 or 390.

Canon X.

Of presbyters who are corrected by their own bishops. Alypius the bishop, a legate of the province of Numidia, said: Nor should tiffs be passed over; if by chance any presbyter when corrected by his bishop, inflamed by self-conceit or pride, has thought fit to offer sacrifices to God separately [from the authority of the bishop] or has believed it right to erect another altar, contrary to ecclesiastical faith and discipline, such should not get off with impunity. Valentine, of the primatial see of the province of Numidia, said: The propositions made by our brother Alypius are of necessity congruous to ecclesiastical discipline and faith; therefore enact what seems good to your belovedness.

Notes.

Ancient Epitome of Canon X. If one condemned by his bishop shall separate himself and set up an altar or make the offering he should be punished. Aristenus. Whoever has been cut off by his own bishop and does not go to the synod to which his bishop is subject, that an examination may be made of the grounds of his cutting off, and that whatever is contrary to justice may be corrected; but, puffed up with pride and conceit, shall despise the synod and separate himself from the Church, and shall set up another altar, and shall offer to God the holy gifts; such an one shall not be allowed to go on with impunity, since he is acting contrary to the faith and constitution of the Church; but he is to be stricken with anathema. This and the following canon are Canon viii. of the so often mentioned synod of 387 or 390.

Johnson. See Canon of the Apostles 24 (or 32) and that of Gangra 6.

Canon XI.

If any presbyter, inflated against his bishop, makes a schism, let him be anathema. All the bishops said: If any presbyter shall have been corrected by his superior, he should ask the neighbouring bishops that his cause be heard by them and that through them he may be reconciled to his bishop: but if he shall not have done this, but, puffed up with pride, (which may God forbid!) he shall have thought it proper to separate himself from the communion of his bishop, and separately shall have offered the sacrifice to God, and made a schism with certain accomplices, let him be anathema, and let him lose his place; and if the complaint which he brought against his bishop shall [not] have been found to be well founded, an enquiry should be instituted.

Notes.

Ancient Epitome of Canon XI. A Presbyter condemned by his bishop, is allowed to appeal to the neighbouring bishops: but if he shall not make any appeal, but shall make a schism, and be elated with conceit and shall offer the Holy Gifts to God, let him be anathema. See note to last canon. The last clause is certainly corrupt; in the council of Carthage at which it was first adopted there is no ”non,” making the meaning clear.

Canon XII.

If any bishop out of Synod time shall have fallen under accusation, let his cause be heard by 12 bishops. Felix the bishop, said: I suggest, according to the statutes of the ancient councils, that if any bishop (which may God forbid!) shall have fallen under any accusation, and there shall have been too great necessity to wait for the summoning of a majority of the bishops, that he may not rest under accusation, let his cause be heard by 12 bishops; and let a presbyter be heard by six bishops with his own bishop, and a deacon shall be heard by three.

Notes.

Ancient Epitome of Canon XII. When a bishop is to be tried, if the whole synod does not sit, let at least twelve bishops take up the matter; and for the case of a presbyter, six and his own diocesan; and for the ease of a deacon, three. This is Canon x. of the Synod of Genethlius. Johnson. Hereby must be meant African canons; that under Gratus [a.d. 348] had decreed the same thing. Who was the bishop's judge at the first instance does not appear by this canon; but it is natural to suppose it was the Primate. It is probable that this canon is to be understood of hearing upon an appeal, because it is certain that a priest's cause, at the first instance, was to be tried before the bishop (see Can. 10, 11). And therefore the latter part of the canon can be understood of no hearing but by way of appeal, nor by consequence the former. And this seems more clear by Can. Afr. 29.

Canon XIII.

That a bishop should not be ordained except by many bishops, but if there should be necessity he may be ordained by three. Bishop Aurelius said: What says your holiness on this matter? By all the bishops it was answered: The decrees of the ancients must be observed by us, to wit, that without the consent of the Primate of any province even many bishops assembled together should not lightly presume to ordain a bishop. But should there be a necessity, at his bidding, three bishops should ordain him in any place they happen to be, and if anyone contrary to his profession and subscription shall come into any place he shall thereby deprive himself of his honour.

Notes.

Ancient Epitome OF XIII At the bidding of the Primate even three bishops can make a bishop. But whoever goes counter to his profession, and subscription, is deprived of his honour by his own judgment. This is Canon xij. of the before mentioned Synod of 387 or 390. Johnson. See Can. Ap. 1, Nic. 1. He that was called a Metropolitan in other Churches was a Primate in Africa.

Canon XIV.

That one of the bishops of Tripoli should come as legate, and that a presbyter might be heard there by five bishops. IT also seemed good that one bishop from Tripoli, on account of the poverty of the province, should come as a legation, and that there a presbyter might be heard by five bishops, and a deacon by three, as has been noted above, his own bishop presiding.

Notes.
Ancient Epitome of Canon XIV. On account of the scarcity of bishops in Tripoli, one bishop shall suffice for a legation. This canon is made up of two parts. The first part is Canon v. of the synod of Hippo, a.d. 393, and was repeated at the Carthaginian synod of 397. The second half is from Canon viij. of the same council.Johnson (See Canon 12). "Legate," i.e., to a Synod, there being few bishops in that province.

Canon XV.

Of the divers orders who serve the Church, that if any one fall into a criminal business and refused to be tried by the ecclesiastical court, he ought to be in danger therefor; and that the sons of bishops (sacerdotum) are not to attend worldly shows. Moreover it seemed good that if any bishop, presbyter, or deacon, who had a criminal charge brought against him or who had a civil cause, refused to be tried by the ecclesiastical tribunal, but wished to be judged by the secular courts, even if he won his suit, nevertheless he should lose his office. This is the law in a criminal suit; but in a civil suit he shall lose that for the recovery of which he instituted the proceedings, if he wishes to retain his office. This also seemed good, that if from some ecclesiastical judges an appeal was taken to other ecclesiastical judges who had a superior jurisdiction, this should in no way injure the reputation of those from whom the appeal was taken, unless it could be shown that they had given sentence moved by hatred or some other mental bias, or that they had been in some way corrupted. But if by the consent of both parties judges had been chosen, even if they were fewer in number than is specified, no appeal can be taken.

And [it seemed good] that the sons of bishops should not take part in nor witness secular spectacles. For this has always been forbidden to all Christians, so let them abstain from them, that they may not go where cursing and blasphemy are to be found.

Notes.
Ancient Epitome of Canon XV. A bishop or cleric who has a criminal suit brought against him, if he leaves the Church and betakes himself to secular judges even if he had been unjustly used, shall lose his rank. And if he was successful in his political affairs, if he follows this, he shall lose his own grade. No appeal can be taken from the ecclesiastical judges, except they be proved to have given their decision beforehand moved thereto by a bribe or by hatred. No appeal can be taken from the decision of judges chosen by each side. This canon is made up of Canons ix., x., and xj. of the Council of Hippo, a.d. 393. Johnson. In this canon the African bishops made bold with the Civil Courts. To lay such restraints on bishops and clergymen is, I am sure, very proper, to say no more.

Canon XVI.

That no bishop, presbyter or deacon should be a ”conductor;” and that Readers should take wives; and that the clergy should abstain from usury; and at what age they or virgins should be consecrated. Likewise it seemed good that bishops, presbyters, and deacons should not be ”conductors” or ”procurators;” nor seek their food by any base and vile business, for they should remember how it is written, ”No man fighting for God cumbereth himself with worldly affairs.” Also it seemed good that Readers when they come to years of puberty, should be compelled either to take wives or else to profess continence. Likewise it seemed good that if a clergyman had lent money he should get it back again, but if kind (speciem) he should receive back the same kind as he gave. And that younger than twenty-five years deacons should not be ordained, nor virgins consecrated. And that readers should not salute the people.

Notes.

Ancient Epitome of XVI. A bishop, presbyter, and deacon may not be a ”conductor” or a ”procurator.” A reader when he comes to puberty must contract marriage or profess continence. A cleric who has lent to someone, what he gave let him receive, or as much. Let not him be a deacons, who is made a deacon being under twenty-five. And let not readers salute the people. This canon is made up of Canons xv., xviij., and xxj., and added to these Canon j. of the same Second Series of the synod of Hippo, a.d. 393. Johnson. Zonaras says this was never observed anywhere but in Africa. See Can. Afr. 19 (27). Du Pin turns the Latin, saluto, by ”addressing his speech to the people.”

Canon XVII.

That any province on account of its distance, may have its own Primate. IT seemed good that Mauretania Sitiphensis, as it asked, should have a Primate of its own, with the consent of the Primate of Numidia from whose synod it had been separated. And with the consent of all the primates of the African Provinces and of all the bishops permission was given, by reason of the great distance between them.

Notes.

Ancient Epitome of Canon XVII. Mauretania Sitiphensis, on account of the great distance, is permitted to have its own Primate. This canon is Canon iij. of the first series of canons enacted at Hippo in 393. Johnson. N.B. From this place forward the Latin and Greek numeration varies; but Justellus's Edition in Greek and Latin follows the Latin division.

Canon XVIII.

(Gk. xviii. The Latin caption is the canon of the Greek.) If any cleric is ordained he ought to be admonished to observe the constitutions. And that neither the Eucharist nor Baptism: should be given to the bodies of the dead. And that every year in every province the Metropolitans come together in synod. (Gk. Canon xix.) It seemed good that before bishops, or clerics were ordained, the provisions of the canons should be brought to their notice, lest, they might afterwards repent of having through ignorance acted contrary to law. Ancient Epitome of Greek Canon XIX. The things which have been adopted by the synods should be made known to him who is to be ordained. (Gk. Canon xx.) It also seemed good that the Eucharist should not be given to the bodies of the dead. For it is written: ”Take, Eat,” but the bodies of the dead can neither ”take” nor ”eat.” Nor let the ignorance of the presbyters baptize those who are dead.

Ancient Epitome of Greek Canon XX The Eucharist is not to be given to the body of one dead for it neither eats nor drinks. The ignorance of a presbyter shall not baptize a dead man. (Gk. Canon xxi.) And therefore in this holy synod should be, confirmed in accordance with the Nicene decrees, on account of Ecclesiastical causes, which often are delayed to the injury of the people, that every year there should be a synod, to which all, who are primates of the provinces, should send bishops as legates, from their own synods, two or as many as they choose; so that when the synod meets it may have full power to act.

Notes.

Ancient Epitome of Greek Canon XXI. According to the decrees of the Nicene Fathers a yearly synod shall be assembled, and two legates or as many as they shall choose, shall be sent by the primates of every province. This is composed of Canons II., IV., and V. of the second series of enactments of Hippo, a.d. 393. Johnson. The 18th canon in the Edition of Tilius and Bishop Beveridge runs thus; viz. [If any clergyman be ordained he ought to be reminded to keep the canons; and that the Eucharist or Baptism be not given to dead corpses; and that the Metropolitans in every province meet in synod yearly.] They speak their own language, and call him a Metropolitan, whom the Africans called a Primate; but then they have also the entire 18th canon, as it here stands according to the Latin, which they divide into three, and number them 19, 20, 21.

See Can. Nic. 5. It seems very odd that they should allege the authority of the Nicene Synod upon this occasion; for that orders a synod twice a year, this but once; that intends a provincial synod, this a diocesan or national one.

Canon XIX.

(Greek xxii.) That if any bishop is accused the cause should be brought before the primate of his own province. Aurelius, the bishop, said: Whatever bishop is accused the accuser shall bring the case before the primates of the province to which the accused belongs, and he shall not be suspended from communion by reason of the crime laid to Iris charge unless he fails to put in an appearance on the appointed day for arguing his cause before the chosen judges, having been duly summoned by the letters; that is, within the space of one month from the day in which he, is found to have received the letters. But should he be able to prove any true necessity which manifestly rendered it impossible for him to appear, he shall have the opportunity of arguing his case within another full month; but after the second month he shall not communicate until he is acquitted.

But if he is not willing to come to the annual general council, so that his cause may there be terminated, he himself shall be judged to have pronounced the sentence of his own condemnation at the time in which he does not communicate, nor shall he communicate either in his own church or diocese. But his accuser, if he has not missed any of the days for pleading the cause, shall not be shut out from communion; but if he has missed some of them, withdrawing himself, then the bishop shall be restored to communion and the accuser shall be removed from communion; so, nevertheless, that the possibility of going on with the case be not taken from him, if he shall prove that his absence was caused by lack of power and not by lack of will. And this is enacted, that if the accuser turn out to be himself a criminal when the case against the bishop has come to argument, he shall not be allowed to testify unless he asserts that the causes are personal and not ecclesiastical.

Notes.
Ancient Epitome of Canon XIX. A bishop accused and baled to judgment shall have the space of two months; if there is any excuse for his delay from the other side. But after this he shall be excommunicated if he does not appear. But if when the accused is present the accuser flees, then the accuser shall be deprived of communion. But the accuser who is infamous shall not be an accuser at all. This canon is made up from Canons VI. and VII. of the last mentioned second series of the enactments of Hippo, 393. Johnson. See Can. Afr. 28 and Can. Ap. 11 (14). By this [”Universal Synod”] is meant a National Synod of Africa.See Can. Constantinople 6.

Canon XX.

(Greek xxiii.) Of accused presbyters or clerks. But if presbyters or deacons shall have been accused, there shall be joined together from the neighbouring places with the bishop of tile diocese, the legitimate number of colleagues, whom the accused shall seek from the same; that is together with himself six in the case against a presbyter, in that against a deacon three. They shall discuss the causes, and the same form shall be kept with regard to days and postponements and removals from communion, and in the discussion of persons between the accusers and the accused. But the causes of the rest of the clergy, the bishop of the place shall take cognizance of and determine alone.

Notes.

Ancient Epitome of Canon XX. When a presbyter is accused, six of the neighbouring bishops together with the bishop of that region shall judge the matter. But for a deacon, three. What things concern the other clerics even one bishop shall examine. This is Canon viii. of Hippo, 393. Johnson. See Canon 12.

Canon XXI.

(Greek xxiv.) That the sons of clergymen are not to be joined in marriage with heretics. Likewise it seemed good that the sons of clergymen should not be joined in matrimony with gentiles and heretics.

Notes.
Ancient Epitome of Canon XXI. [The same as the canon.] This is Canon xij. of Hippo, 393.

Canon XXII.

(Greek xxv.) That bishops or other clergymen shall give nothing to those who are not Catholics. And that to those who are not Catholic Christians, even if they be blood relations, neither bishops nor clergymen shall give anything at all by way of donation of their possessions.

Notes.

Ancient Epitome of Canon XXII. Bishops and clergymen shall give nothing of their goods to heretics, nor confer aught upon them even if they be their relatives. This is Canon xiv. of Hippo, 393.

Canon XXIII.

(Greek xxvi.) That bishops shall not go across seas. Item, That bishops shall not go beyond seas without consulting the bishop of the primatial see of his own province: so that from him they may be able to receive a formed or commendatory letter.

Notes.

Ancient Epitome of Canon XXIII. A bishop is not to cross the seas unless he has received from the Primate of his region a letter dimissory. This is Canon xxvij. of Hippo, 393. Johnson. See note on Canons of the Apostles, 10 (13). [viz:] [The use of Letters Commendatory was very early in the Church; St. Paul mentions them II. Cor. iij. 1. And it is not easy to be conceived how discipline can be restored but by the reviving of this practice. It is surely irregular to admit all chance comers to the Communion, who, for aught we know, may stand excommunicated by their own bishop. Of the difference between Commendatory and Pacific and Formal Letters, see Can. Chalc., 11; Apost., 25, 26; Ant., 6; Sardic., 13].

Canon XXIV.

(Greek xxvii.) That nothing be read in church besides the Canonical Scripture. Item, that besides the Canonical Scriptures nothing be read in church under the name of divine Scripture. But the Canonical Scriptures are as follows: Genesis. Exodus. Leviticus. Numbers. Deuteronomy. Joshua the Son of Nun. The Judges. Ruth. The Kings, iv. books. The Chronicles, ij. books. Job. The Psalter. The Five books of Solomon. The Twelve Books of the Prophets. Isaiah. Jeremiah. Ezechiel. Daniel. Tobit. Judith. Esther. Ezra, ij. books. Macchabees, ij. books.

The New Testament.
The Gospels, iv. books. The Acts of the Apostles, j. book. The Epistles of Paul, xiv. The Epistles of Peter, the Apostle, ij. The Epistles of John the Apostle, iij. The Epistles of James the Apostle, j. The Epistle of Jude the Apostle, j. The Revelation of John, j. book. Let this be sent to our brother and fellow bishop, Boniface, and to the other bishops of those parts, that they may confirm this canon, for these are the things which we have received from our fathers to be read in church.

Notes.
Ancient Epitome of Canon XXIV. Let nothing besides the canonical Scriptures be read in church. This is Canon xxxvj. of Hippo., 393. The last phrase allowing the reading of the "passions of the Martyrs" on their Anniversaries is omitted from the African code. Johnson. These two books [i.e. the two Maccabees] are mentioned only in Dionysius Exiguus's copy. See Can. Ap. ult., Can. Laod. ult. "Boniface," i.e., Bishop of Rome.

Canon XXV.

(Greek xxviii.) Concerning bishops and the lower orders who wait upon the most holy mysteries. It has seemed good that these abstain from their wives. Aurelius, the bishop, said: We add, most dear brethren, moreover, since we have heard of the incontinency of certain clerics, even of readers, towards their wives, it seemed good that what had been enacted in divers councils should be confirmed, to wit, that subdeacons who wait upon the holy mysteries, and deacons, and presbyters, as well as bishops according to former statutes, should contain from their wives, so that they should be as though they had them not and unless they so act, let them be removed from office. But the rest of the clergy are not to be compelled to this, unless they be of mature age. And by the whole council it was said: What your holiness has said is just, holy, and pleasing to God, and we confirm it.

Notes.

Ancient Epitome of Canon XXV. Those who handle holy things should abstain even from their own wives at the times of their ministration. This is rounded upon Canon iv. of the Council of Carthage, which met September 13th, 401, but the provisions are more stringent here, subdeacons as well as deacons being constrained to continence. Johnson. "Times of ministration," so it is explained, Can. Trull., 13, where there were several African Bishops present, and allowed of that explication; yet Dion. Exig. is not clear, viz., Secundum propria statuta. By Can. Laod., 23. Ministers, i.e., sub-deacons, are forbid to touch the Holy Vessels, yet here they are said to handle the Mysteries; I suppose they might handle the Holy Vessels, etc. before and after the celebration, but not during the solemnity; or else the customs of several ages and countries differed as to this particular.

Canon XXVI.

(Greek xxix.) That no one should take from the possessions of the Church. Likewise it seemed good that no one should sell anything belonging to the Church: that if there was no revenue, and other great necessity urged thereto, this might be brought before the Metropolitan of the province that the might deliberate with the appointed number of bishops whether this should be done: that if such urgent necessity lay upon any church that it could not take counsel beforehand, at least let it call together the neighbouring bishops as witnesses, taking care to refer all the necessities of his church to the council: and that if he shall not do this, he shall be held as responsible toward God, and as a seller in the eye of the council, and he shall have lost thereby his honour.

Notes.

Ancient Epitome of Canon XXVI. Church goods must not be sold. If they bring in no revenue they may be sold at the will of the bishops. If the necessity does not allow that consultation should take place, he who sells shall call together the neighbouring bishops. If he does not do so he shall be held responsible to God and to the Synod. This is Canon v. of the Synod of Carthage, Sept. 13th, 401. Johnson. "Appointed number," i.e., Twelve, see Canon 12.

Canon XXVII.

(Greek xxx.) Presbyters and deacons convicted of the graver crimes shall not receive laying on of hands, like layman. IT also was confirmed that if presbyters or deacons were convicted of any of the greater crimes on account of which it was necessary that they should be removed from the ministry, that hands should not be laid upon them as upon penitents, or as upon faithful layman, nor should it be permitted that they be baptized over again and then advanced to the clerical grade.

Notes.

Ancient Epitome of Canon XXVII. A presbyter convicted and repenting, is not to be rebaptized as one to be advanced, neither as a layman is he to be reordained. This is Canon xij. of the before-mentioned Council of Carthage. Sept. 13th, 401. Johnson. This canon seems to have been designed to preclude deposed clergymen from all possibility of being restored, directly or indirectly.

Canon XXVIII.

(Greek xxxi.) Presbyters, deacons, or clerics, who shall think good to carry appeals in their causes across the water shall not at all be admitted to communion. IT also seemed good that presbyters, deacons, and others of the inferior clergy in the causes which they had, if they were dissatisfied with the judgments of their bishops, let the neighbouring bishops with the consent of their own bishop hear them, and let the bishops who have been called in judge between them: but if they think they have cause of appeal from these, they shall not betake themselves to judgments from beyond seas, but to the primates of their own provinces, or else to an universal council, as has also been decreed concerning bishops. But whoso shall think good to carry an appeal across the water shall be received to communion by no one within the boundaries of Africa.

Notes.

Ancient Epitome of Canon XXVIII. Clerics who have been condemned, if they take exception to the judgment, shall not appeal beyond seas, but to the neighbouring bishops, and to their own; if they do otherwise let them be excommunicated in Africa. This canon is the same as Canon xvij. of the Synod of Carthage of 418, but it has some words with regard to appeals which that canon does not contain, viz.: "Aut ad universale conciliam, sicut et de episcopis soepe constitutum est." This clause, affirming that bishops have often been forbidden to appeal across the water from the decisions of the African bishops, has caused great perplexity as no such decrees are extant. The Ballerini, to avoid this difficulty, and possibly for other reasons, suggest an entirely different meaning to the passage, and suppose that it means that "bishops have often been allowed to appeal to the Universal Council and now this privilege is extended to priests." But this would seem to be a rather unnatural interpretation and Van Espen in his Commentary shews good reason for adopting the more evident view.

Johnson. See Can. Afr., 19. Clearly the See of Rome is here aimed at, as if Carthage were the place designed by Providence to put a stop to the growth of power in Christian Rome, as well as heathen. It is strange, that this canon should be received by the Church of Rome in former ages.

Canon XXIX.

(Greek xxxii.) If anyone who is excommunicated shall receive communion before his cause is heard he brings damnation on himself. Likewise it pleased the whole Council that he who shah have been excommunicated for any neglect, whether he be bishop, or any other cleric, and shall have presumed while still under sentence, and his cause not yet heard, to receive communion, he shall be considered by so doing to have given sentence against himself.

Notes.

Ancient Epitome of Canon XXIX. One excommunicate who shall communicate before absolution sentences himself. This canon seems to be founded upon Canon iv. of Antioch. Johnson. See Can. Ap., 21 (29), Antioch, 4. By this canon the criminous bishop is supposed to be excommunicated before he comes to have his cause heard by a Synod, or by 12 neighbouring bishops: and it is therefore most rational to believe that he was thus censured by his Primate. See Can. Afr., 12.

Canon XXX.

(Greek xxxiii.) Concerning the accused or accuser. Likewise it seemed good that the accused, or the accusor, if (living in the same place as the accused) he fears some evil may be done him by the tumultuous multitude, may choose for himself a place near by, where the cause may be determined, and where there will be no difficulty in producing the witnesses. Ancient Epitome of Canon XXX. Accuser or accused may select for himself a safe place if he fears violence.

Canon XXXI.

(Greek xxxiv.) If certain clerics advanced by their own bishops are supercilious, let them not remain whence they are unwilling to come forth. IT also seemed good that whoever of the clergy or of the deacons would not help the bishop in the necessities of the churches, when he wished to lift them to a higher position in his diocese, should no longer be allowed to exercise the functions of that grade from which they were not willing to be removed.

Notes.

Ancient Epitome of Canon XXXI. Who despises a greater honour shall lose what he hath. Johnson. It is most probable that this canon is to be understood of deacons designed by the bishop to be ordained priests, for the deacons, at least in some Churches, were provided of a better maintenance than priests; or it may be understood of inferior clergymen, who were permitted to marry in the degree they were now in, but would not willingly take the order of priest or deacon, because then they were prohibited marriage.

Canon XXXII.

(Greek xxxv.) If any poor cleric, no matter what his rank may be, shall acquire any property, it shall be subject to the power of the bishop. IT also seemed good that bishops, presbyters, deacons and any other of the clergy, who when they were ordained had no possessions, and in the time of their episcopate or after they became clerics, shall purchase in their own names lands or any other property, shall be held guilty of the crime of intrenching upon the Lord's goods, unless, when they are admonished to do so, they place the same at the disposal of the Church. But should anything come to them personally by the liberality of anyone, or by succession from some relative, let them do what they will with it; if, however, they demand it back again, contrary to what they proposed, they shall be judged unworthy of ecclesiastical honour as back-sliders.

Notes.

Ancient Epitome of Canon XXXII. Whoso after his ordination although he has nothing yet buys a field, shall give it to the Church, unless he got it by succession from a relation or by pure liberality. In this canon there is difficulty about the meaning of the phrase "quod eorum proposito congruat." Hardouin suggests that "propositum" is the same as "profession," or "calling," and the meaning, were this the case, would be that he must employ it as befits his clerical calling. Van Espen follows Balsamon and Zonaras in understanding it to mean that if he has proposed to employ a part for the Church or for the poor, and changes his mind, he is to be deposed; and this meaning I have followed.

Canon XXXIII.

(Greek xxxvi.) That presbyters should not sell the goods of the Church in which they are constituted; and that no bishop can rightly use anything the title to which vests in the ecclesiastical maternal centre (matrikoj). It also seemed good that presbyters should not sell the ecclesiastical property where they are settled without their bishop's knowledge; and it is not lawful for bishops to sell the goods of the Church without the council or their presbyters being aware of it. Nor should the bishop without necessity usurp the property of the maternal (matricis) Church [nor should a presbyter usurp the property of his own cure (tituli)].

Notes.

Ancient Epitome of Canon XXXIII. A presbyter is not to sell ecclesiastical property without the consent of the bishop. A bishop is not to sell without the approbation of his synod a country property. Fuchs (Biblioth. der Kirchenvers., vol. iij., p. 5) thinks the text is corrupt in the last sentence and should be corrected by Canon x. of the Council of Carthage of 421, so as to read, "that which is left by will to a rural church in the diocese must not be applied to the Mother Church through the usurpation of the bishop."Johnson "Or title." So I turn the Lat. Titulus for want of a proper English word. It denotes a lesser church in any city or diocese, served by a priest. "The Mother Church," i.e., The cathedral, the Church in which the bishop resides. Moreover at this Synod we read all the conciliar decrees of all the Province of Africa in the different synods held in the time of Bishop Aurelius.

Concerning the Synod which assembled in Hippo Regio. Under the most illustrious consuls, the most glorious Emperor Theodosius Augustus for the third time, mid Abundantius, on the viij. Ides of October, at Hippo Regio, in the secretarium of the Church of Peace. And the rest of the acts of this Synod have not been written down here because these constitutions are found set forth above. Of the Council of Carthage at which the proconsular bishops were appointed legates to the Council at Adrumetum. In the consulate of the most glorious emperors-Arcadius for the third time and Honorius for the second time, Augustuses, on the vith day before the Calends of July, at Carthage. In this council the proconsular bishops were chosen as legates to the Council of Adrumetum. Of a Council of Carthage at which many statutes were made. In the consulate of those most illustrious men, Caesarius and Atticus, on the vth day before the Calends of September in the secretarium of the restored

basilica, when Aurelius the bishop, together with the bishops, had taken his seat, the deacons also standing by, and Victor the old man of Puppiana, Tutus of Migirpa and Evangel of Assuri.

The Allocution of Aurelius the bishop of Carthage to the bishops.

Aurelius, the bishop, said: After the day fixed for the council, as ye remember, most blessed brethren, we sat and waited for the legations of all the African provinces to assemble upon the day, as I have said, set by our missive; but when the letter of our Byzacene bishops had been read, that was read to your charity, which they had discussed with me who had anticipated the time and day of the council; also it was read by our brethren Honoratus and Urban, who are to-day present with us in this council, sent as the legation of the Sitifensine Province. For our brother Reginus of the Vege [t]selitane Church, the letters sent to my littleness by Crescentian and Aurelius, our fellow-bishops, of the first sees of the [two] Numidias, in which writings your charity will see with me how they promised that either they themselves would be good enough to come or else that they would send legates according to custom to this council; but this it seems they did not do at all, the legates of Mauritania Sitifensis, who had come so great a distance gave notice that they could stay no longer; and, therefore, brethren, if it seem good to your charity, let the letters of our Byzacene brethren, as also the breviary, which they joined to the same letter, be read to this assembly, so that if by any chance they are not entirely satisfactory to your charity, such things in the breviary may be changed for the better after diligent examination. For this very thing our brother and fellow-bishop of the primatial see, a man justly conspicuous for his gravity and prudence, Mizonius, demanded in a letter he addressed to my littleness. If therefore it meets with your approval, let there be read the things which have been adopted and let each by itself be considered by your charity.

Canon XXXIV.

(Greek xxxvii.) That nothing of those things enacted in the Synod of Hippo is to be corrected. Bishop Epigonius said: In this summary (Breviarium) which was adopted at the Synod of Hippo, we think nothing should be amended, nor anything added thereto except that the day on which the holy Feast of Easter falls should be announced in Synod.

Notes.

Ancient Epitome of Canon XXXIV. Nothing is to be corrected in the synod of Hippo, nor anything added thereto, except that the time of celebrating Easter should be announced in time of synod. The first of these introductions is that of the Synod of Hippo in a.d. 393; the next that of Carthage in a.d. 394, and the third that of the same place, held August 28th, a.d. 397. This canon (number xxxiv. of the code) is the beginning of Canon v. of the last named Synod. Johnson. See Canons 51 and 73.

Canon XXXV.

(Greek xxxviii.) That bishops or clergymen should not easily set free their sons. That bishops or clerics should not easily let their children pass out of their power; unless they were secure of their morals and age, that their own sins may pertain to them.

Notes.
Ancient Epitome of Canon XXXV. Bishops and clergy shall not set their children free until their morals are established. This canon is Canon xiij. of the Synod of Hippo a.d. 393.

Canon XXXVI.

(Greek xxxix.) That bishops or clergymen are not to be ordained unless they have made all their family Christians. None shall be ordained bishop, presbyters, or deacons before all the inmates of their houses shall have become Catholic Christians.

Notes.

Ancient Epitome of Canon XXXVI. He shall not be ordained who hath not made all his household orthodox. This canon is Canon xvij. of the Synod of Hippo, a.d. 393.

Canon XXXVII.

(Greek xl.) It is not lawful to offer anything in the Holy Mysteries except bread and wine mixed with water. IN the sacraments of the body and blood of the Lord nothing else shall be offered than that which the Lord himself ordained, that is to say, bread and wine mixed with water. But let the first-fruits, whether honey or milk, be offered on that one most solemn day, as is wont, in the mystery of the infants. For although they are offered on the altar, let them have nevertheless their own benediction, that they may be distinguished from the sacraments of the Lord's body and blood; neither let there be offered as first-fruits anything other than grapes and corns.

Notes.

Ancient Epitome of Canon XXXVII. Let bread and wine mixed with water only be offered. The text of the Greek here does not exactly agree with the Latin. The Greek reads as follows: "That in the Holy Mysteries nothing else be offered than the body and blood of the Lord, even as the Lord himself delivered, that is bread and wine mixed with water." Further down with regard to the first-fruits I have followed the Greek text which seems decidedly preferable, in fact the Latin is so corrupt that Van Espen notes that for the ordinary "offerantur" some mss. read "non offerantur." This canon is Canon xxiij. of the Synod of Hippo, a.d. 393. Johnson. See Can. Ap. 2 (3). "The Mystery of Infants" of this Quoere, all that I have met with are in the dark as to this matter. Dionysius Exiguus's Latin is Lac, etc. The Greek stands thus, Eite gala k. t. l.

Canon XXXVIII.

(Greek xli.) That clerics or those who are continent shall not visit virgins or widows. Neither clerics nor those who profess continence should enter the houses of widows or virgins without the bidding or consent of the bishops or presbyters: and then let them not go alone, but with some other of the clergy, or with those assigned by the bishop or presbyter for this purpose; not even bishops and presbyters shall go alone to women of this sort, except some of the clergy are present or some other grave Christian men.

Notes.

Ancient Epitome of Canon XXXVIII. Clerics and those who are continent shall not go to widows or virgins, unless at the bidding of the bishop and presbyter: and even then not alone, but with those with whom presbyters and deacons visit them. This canon is canon xxiv. of the Synod of Hippo, a.d. 393.

Canon XXXIX.

(Greek xlii.) That a bishop should not be called the chief of the priests. That the bishop of the first see shall not be called Prince of the Priests or High Priest (Summus Sacerdos) or any other name of this kind, but only Bishop of the First See.

Notes.

Ancient Epitome of Canon XXXIX. The first bishop shall not be called Prince of the Priests nor High Priest but Bishop of the first see. This canon is Canon xxv. of the Synod of Hippo, a.d. 393. Johnson. "The bishop of the Prime See," i.e., The primate. So Xantippus is called bishop of the Prime. So in Numidia, Nicetius in Mauritania, in the original Latin between Can. 85, and Can. 86, and see Can. 86. N.B. Justellus on this canon shews, that Tertullian, Optatus, and Augustine, did apply these titles to their own African bishops; and therefore supposes, that the meaning of the canon was to suppress the flame of vain glory, which proceeded from these sparks of lofty titles.

Canon XL.

(Greek xliii.) Concerning the non-frequenting of taverns by the clergy, except when travelling. That the clergy are not to enter taverns for eating or drinking, nor unless compelled to do so by the necessity of their journey.

Notes.
Ancient Epitome of Canon XL. A cleric on a journey may enter a tavern, otherwise not. This canon is Canon xxvj. of the Synod of Hippo, a.d. 393.

Canon XLI.

(Greek xliv.) That by men who are fasting sacrifices are to be offered to God. That the Sacraments of the Altar are not to be celebrated except by those who are fasting, except on the one anniversary of the celebration of the Lord's Supper; for if the commemoration of some of the dead, whether bishops or others, is to be made in the afternoon, let it be only with prayers, if those who officiate have already breakfasted.

Notes.

Ancient Epitome of Canon XLI. The holy mysteries are not offered except by those who are fasting. This canon is Canon xxviij. of the Synod of Hippo, a.d. 393. Johnson. From this canon and the 29th of Trullo, it is evident that by the Lord's Supper, the ancients understood the supper going before the Eucharist, and not the Eucharist itself, and that on Maunday-Thursday yearly, before the Eucharist, they had such a public entertainment in imitation of our Saviour's last Paschal Supper. I refer it to the consideration of the learned reader, whether St. Paul, by the Deipnon kuriakon, 1 Cor. xi. 20, does not mean this entertainment. For the obvious translation of that verse is, "It is not your [duty or business] when you meet together [in the church] to eat the Lord's Supper." He would not have them to eat this supper in the public assembly: "For" (says he) "have ye not houses to eat and drink in, or despise ye the Church of God?" From the 4th age forward, the Eucharist was sometimes called the Lord's Supper; but from the beginning it was not so. And even after it did sometimes pass by this name, yet at other times this name was strictly used for the previous entertainment, as may be seen by this canon, which was made in the 4th century. Further it seems probable, that the Lord's Supper and the Love-feast was the same, though it was not usually called the Lord's Supper; but only (perhaps) that love-feast, which was made on the day of the institution of the Eucharist, which we now call Maundy-Thursday.

Canon XLII.

(Greek xiv.) Concerning the not having feasts under any circumstances in churches. That no bishops or clerics are to hold feasts in churches, unless perchance they are forced thereto by the necessity of hospitality as they pass by.The people, too, as far as possible, are to be prohibited from attending such feasts.

Notes.

Ancient Epitome of Canon XLII. A cleric is not to feast in a church, unless perchance he is driven thereto by the necessity of hospitality. This also is forbidden to the laity. This canon is Canon xxix. of the Synod of Hippo, a.d. 393.

Canon XLIII.

(Greek xlvi.) Concerning penitents. That to penitents the times of their penance shall be assigned by the will of the bishop according to the difference of their sins; and that a presbyter shall not reconcile a penitent without consulting the bishop, unless the absence of the bishop urges him necessarily thereto. But when of any penitent the offence has been public and commonly known, so as to have scandalized the whole Church, he shall receive imposition of the hand before the altar (Lat. ”before the apse”).

Notes.

Ancient Epitome of Canon XLIII. The bishops shall fix the time of penance for those doing penance according to their sins. A presbyter without his knowledge shall not reconcile one doing penance, even when necessity impels him thereto. This canon is canon xxx. of the Synod of Hippo, a.d. 393. Johnson. Here [i. e., in translating absidem church-porch] I follow Zonoras; see Can. Nic., 11. Du Pin renders absidem, a high place near the bishop’s throne.

Canon XLIV.

(Greek xlvii.) Concerning Virgins. That holy virgins when they are separated from their parents by whom they have been wont to be guarded, are to be commended by the care of the bishop, or presbyter where the bishop is absent, to women of graver age, so that living with them they may take care of them, lest they hurt the reputation of the Church by wandering about.

Notes.

Ancient Epitome of Canon XLIV. She who leaves her father for the sake of virginity is to be commended to grave women. This canon is Canon xxxj. of the Synod of Hippo, a.d. 393.

Canon XLV.

(Greek xlviii.) Concerning those who are sick and cannot answer for themselves. That the sick are to be baptized who cannot answer for themselves if their [servants] shall have spoken at their own proper peril a testimony of the good will [of the sick man]. (Greek Canon xlix.) Concerning players who are doing penance and are converted to the Lord. That to players and actors and other persons of that kind, as also to apostates when they are converted and return to God, grace or reconciliation is not to be denied.

Notes.

Ancient Epitome of Canon XLV. That he who cannot answer for himself on account of illness is to be baptized when he shall have given evidence of his desire. A repentant actor is to be received to penance. This canon is made up of Canons xxxij. and xxxiij. of the Synod of Hippo, a.d. 393. Johnson. "Apostates," i.e., those who elsewhere are called Lapsi; those who had done sacrifice through the violence of torment in time of persecution, professing in the meantime that their consciences did not consent to what their hands did.

Canon XLVI.

(Greek I.) Concerning the passions of the martyrs. The passions of the Martyrs may be read when their anniversary days are celebrated.

Note.
Ancient Epitome of Canon XLVI. The passions of the martyrs are to be read their commemorations. This canon is the last part of Canon xxxvj. of the Synod of Hippo, a.d. 393.

Canon XLVII.

(Greek li.) Concerning [the Donatists and] the children baptized by the Donatists. Concerning the Donatists it seemed good that we should hold counsel with our brethren and fellow priests Siricius and Simplician concerning those infants alone who are baptized by Donatists: lest what they did not do of their own will, when they should be converted to the Church of God with a salutary determination, the error of their parents might prevent their promotion to the ministry of the holy altar. But when these things had been begun, Honoratus and Urbanus, bishops of Mauri- tania Sitifensis, said: When some time ago we were sent to your holiness, we laid aside what things had been written on, this account, that we might wait for the arrival of our brethren the legates from Numidia. But because not a few days have passed in which they have been looked for and as yet they are not arrived, it is not fitting that we should delay any longer the commands we received from our brother-bishops; and therefore, brethren, receive our story with alacrity of mind. We have heard concerning the faith of the Nicene tractate: True it is that sacrifices are to be forbidden after breakfast, so that they may be offered as is right by those who are fasting, and this has been confirmed then and now.

Notes.

Ancient Epitome of Canon XLVII. When those in infancy baptized by Donatists are converted, this shall be no impediment to them. And the Holy Mysteries, as is right, are to be celebrated only by them fasting. This canon is made from Canon xxxvij. of the Synod of Hippo, a.d. 393, and from Canon j. of the Synod of Carthage of August 28th, a.d. 397. Johnson. See Can. 41. The pretence that the Donatists had for making a schism was, that Caecilian, Bishop of Carthage, had, in the time of persecution, been a Traditor, i.e., given up the Bible to the heathen inquisitors; this was denied by the Orthodox, who charged them with the same crime in effect, viz. of being too favourable to the Traditors, and those that had lapsed. They likewise are charged with Arianism. I have omitted what is here mentioned concerning the Council of Nice; because I do not find that any one has been able to penetrate into the meaning of the Fathers as to that particular.

Canon XLVIII.

(Greek lii.) Of rebaptisms, reordinations, and translations of bishops. But we suggest that we decree what was set forth by the wisdom of the plenary synod at Capua, that no rebaptisings, nor reordinations should take place, and that bishops should not be translated. For Cresconius, bishop of Villa Regis, left his own people and invaded the Church of Tubinia and having been admonished down to this very day, to leave, according to the decree, the diocese he had invaded, he treated the admonition with disdain. We have heard that the sentence pronounced against him has been confirmed; but we seek, according to our decree, that ye deign to grant that being driven thereto by necessity, it be free to us to address the rector of the province against him, according to the statutes of the most glorious princes, so that whoever is not willing to acquiesce in the mild admonition of your holiness and to amend his lawlessness, shall be immediately cast out by judicial authority. Aurelius the bishop said: By the observance of the constituted form, let him not be judged to be a member of (be synod, if he has been asked by you, dear brethren, to depart and has refused: for out of his own contempt and contumacy he has fallen to the power of the secular magistrate. Honoratus and Urban the bishops said: This pleases us all, does it not? And all the bishops answered: It is just, it pleases us.

Notes.

Ancient Epitome of Canon XLVIII. Let there be no rebaptisms, nor reordinations nor translations of bishops. Therefore let Cresconius be forbidden by judicial authority, for he has left his own people, and has taken possession of the diocese of Ceneum, although ecclesiastically admonished that he was not to change. This canon is Canon j., of the Synod of Carthage of August 28th. a.d. 397. The acts of this synod were first accurately edited by the Ballerini (in their edition of the works of St. Leo) and were printed by Mansi, in an amended form, in his Concilia.

Canon XLIX.

(Greek liii.) How many bishops there should be to ordain a bishop. Honoratus and Urban, the bishops, said: We have issued this command, that (because lately two of our brethren, bishops of Numidia, presumed to ordain a pontiff,) only by the concurrence of twelve bishops the ordination of bishops be celebrated. Aurelius, the bishop, said: The ancient form shall be preserved, that not less than three suffice who shall have been designated for ordaining the bishop. Moreover, because in Tripoli, and in Arzug the barbarians are so near, for it is asserted that in Tripoli there are but five bishops, and out of that number two may be occupied by some necessity; but it is difficult that all of the number should come together at any place whatever; ought this circumstance to be an impediment to the doing of what is of utility to the Church? For in this Church, to which your holiness has deigned to assemble we frequently have ordinations and nearly every Lord's day; could I frequently summon twelve, or ten, or about that number of bishops? But it is an easy thing for me to join a couple of neighbours to my littleness. Wherefore your charity will agree with me that this cannot be observed.

Notes.

Ancient Epitome of Canon XLIX. Fewer than three bishops do not suffice for the ordination of a bishop. This is Canon ij., of the Synod of Carthage, August 28th, 397. Johnson. See Can. 13. The occasion of this canon was a complaint that two bishops in Numidia had presumed to ordain a third; upon which it was proposed that not less than twelve should perform this office: But Aurelius, Bishop of Carthage, desires that the old form might be observed, and three bishops be sufficient; especially, because in Tripoli, where there were but five bishops in all, it would be hard to get more than three together. And he adds, that though it were no hard matter for him to get two bishops to assist him in his ordinations at Carthage, yet it would not be practicable for him to get twelve: "For," says he, "we have frequently, and almost every Sunday, men to be ordained." He must mean bishops for otherwise it had been nothing to his purpose, because he could ordain priests or deacons by himself, without the assistance of other bishops: and yet it is very strange, that ordinations of bishops should be so frequent as to bear that expression of "almost every Sunday." There were indeed above one hundred bishoprics in his Province; but these could not occasion above six or eight ordinations in a year; but it is probable that the privilege belonging to him, Can. 55, brought very many ordinations to the church of Carthage; for it is evident, there was a great scarcity of men fit

for the Episcopal office in Africa. It is further evident from this canon, that bishops were not ordained in the church of their own see, but in that of the Primate. See Can. Ant., 19.

Canon L.

(Greek liv.) How many bishops should be added to the number of those ordaining, if any opposition had been made to the one to be ordained. But this should be decreed, that when we shall have met together to choose a bishop, if any opposition shall arise, because such things have been treated by us, the three shall not presume to purge him who was to be ordained, but one or two more shall be asked to be added to the aforesaid number, and the persons of those objecting shall first be discussed in the same place (plebe) for which he was to be ordained. And last of all the objections shall be considered; and only after he has been cleared in the public sight shall he at last be ordained. If this agrees with the mind of your holiness, let it be confirmed by the answer of your worthiness.All the bishops said, We are well pleased.

Notes.

Ancient Epitome of Canon L. If any controversy arise concerning a bishop who has been elected by three bishops, let two others be coopted, and so let there be an examination made of his affairs; and if it shall appear that he is pure, let him be ordained. This canon is Canon iij., of the Synod of Carthage, Aug. 28th, 397. Johnson. Here the bishops meet to choose a new one, and it is evident by the foregoing canon, that they met not in the vacant church, but in that of the Primate; and that therefore not the people, but the bishops had the chief share in the election. The people might make their objections, which supposes they knew who their intended bishop was; but the bishops were the judges of the cause. And it seems probable, that if there were any dispute, some of the bishops went to the vacant church to hear the allegations against the person that was elected, or proposed.

Canon LI.

(Greek lv.) That the date of Easter is to be announced by the Church of Carthage. Honoratus and Urban, the bishops, said: Since all things treated by our commonitory are known, we add also what has been ordered concerning the day of Easter, that we be informed of the date always by the Church of Carthage, as has been accustomed and that no short time before. Aurelius, the bishop, said: If it seems good to your holiness, since we remember that we pledged ourselves sometime ago that every year we would come together for discussion, when we assemble, then let the date of the holy Easter be announced through the legates present at the Council. Honoratus and Urban, the bishops, said: Now we seek of the present assembly that ye deign to inform our province of that day by letters. Aurelius, the bishop, said:It is necessary it should be so.

Notes.

Ancient Epitome of Canon LI. Let the day on which Easter is to be kept be announced by the Church of Carthage in the annual synod. This canon is the first part of Canon iv. of the Synod of Carthage, August 28th, 397. Johnson. The synod met in August. See Can. 73.

Canon LII.

(Greek lvi.) Of visiting provinces. Honoratus and Urban, the bishops, said: This was commanded to us in word, that because it had been decreed in the Council of Hippo that each province should be visited in the time of the council, that ye also deign that this year or next, according to the order ye have drawn up, you should visit the province of Mauritania. Aurelius, the bishop, said: Of the province of Mauritania because it is situated in the confines of Africa, we have made no decree, for they are neighbours of the barbarians; but God grant (not however that I make any rash promise of doing so), we may be able to come to your province. For ye should consider, brethren, that this same thing our brethren of Tripoli and of the Arzuges region could demand also, if occasion offered

Notes.

Ancient Epitome of Canon LII. As the Synod at Hippo decreed, every province should be visited in an annual Synod. This canon is the last part of canon iv of the Council of Carthage, August 28th, a.d. 397. Johnson. The manner of visiting provinces, and that annually; and the persons by whom this visitation was performed, can scarce now be discovered; only it appears, by the words of Aurelius, that the Bishop of Carthage was one, if not the only visitor; but it was impossible that he could visit all the provinces in Africa personally every year, he must use delegates.

Canon LIII.

(Greek lvii.) That dioceses should not receive a bishop except by the consent of its own bishop. Epigonius, the bishop, said: In many councils it has been decreed by the sacerdotal assembly that such communities as are contained in other dioceses and ruled by their bishops, and which never had any bishops of their own, should not receive rulers, that is bishops, for themselves except with the consent of the bishop under whose jurisdiction they have been. But because some who have attained a certain domination abhor the communion of the brethren, or at least, having become depraved, claim for themselves domination with what is really tyranny, for the most part tumid and stolid presbyters, who lift up their heads against their own bishops or else win the people to themselves by feasting them or by malignant persuasion, that they may by unlawful favour wish to place themselves as rulers over them; we indeed hold fast that glorious desire of your mind, most pious brother Aurelius, for thou hast often opposed these things, paying no heed to such petitioners; but on account of their evil thoughts and basely conceived designs this I say, that such a community, which has always been subject in a diocese, ought not to receive a rector, nor should it ever have a bishop of its own. Therefore if this which I have proposed seems good to the whole most holy council, let it be confirmed.

Aurelius, the bishop, said: I am not in opposition to the proposition of our brother and fellow bishop: but I confess that this has been and shall be my practice concerning those who were truly of one mind, not only with regard to the Church of Carthage, but concerning every sacerdotal assemblage. For there are many who, as has been said, conspire with the people whom they deceive, tickling their ears and blandly seducing them, men of vicious lives, or at least puffed up and separated from this meeting, who think to watch over their own people, and never come to our council for fear that their wickedness should be discussed. I say, if it seems good, that not only should these not keep their dioceses, but that every effort should be made to have them expelled by public authority from that church of theirs which has evilly favoured them, and that they be removed even from the chief sees. For it is right that he who cleaves to all the brethren and the whole council, should possess with full right not only his church but also the dioceses. But they who think that the people suffice them and spurn the love of the brethren, shall not only, lose their dioceses, but (as I have said,) they shall be deprived by public authority of their own cures as rebels. Honoratus and Urban, the bishops, said: The lofty provision of your holiness obtains the adherence of the minds

of all of us, and I think that by the answer of all what you have deigned to propose will be confirmed. All the bishops said: Placet, placet.

Notes.

Ancient Epitome of Canon LIII. Whoso shall neglect his call to a synod, and shall despise the charity of his brethren, putting his trust in the multitude who are with him, let him be deprived of them by the imperial authority. This canon is Canon v. of the Synod of Carthage of August 28th, a.d. 397, beginning with the second clause. Johnson. It is very evident that a diocese here signifies some town or village lying remote from the Bishop's City, but belonging to his jurisdiction; and is to be understood to be a place distinct from the bishop's church or cathedral. See also Can. 56 and Decr. Anast., 6.

Canon LIV.

(Greek lviii.) That a strange cleric is under no circumstances to be received by another. Epigonius, the bishop, said: This has been decreed in many councils, also just now it has been confirmed by your prudence, most blessed brethren, that no bishop should receive a strange cleric into his diocese without the consent of the bishop to whose jurisdiction the cleric belongs. But I say that Julian, who is ungrateful for the layouts bestowed upon him by God through my littleness, is so rash and audacious, that a certain man who was baptized by me, when he was a most needy boy, commended to me by the same, and when for many years he had been fed and reared by me, it is certain that this one, as I have said, was baptized in my church, by my own unworthy hands; this same man began to exercise the office of reader in the Mappalien diocese, and read there for nearly two years, with a most incomprehensible contempt of my littleness, the aforenamed Julian took this man, whom he declared to be a citizen of his own city Vazarita, and without consulting me ordained him deacon. If, most blessed brethren, that is permissible, let it be declared to us; but if not, let such an impudent one be restrained that he may in no way mix himself in someone's communion.

Numidius, the bishop, said: If, as it seems, Julian did this without your worthiness being asked for his consent, nor even consulted, we all judge that this was done iniquitously and unworthily. Wherefore unless Julian shall correct his error, and shall return the cleric to your people with proper satisfaction, since what he did was contrary to the decrees of the council, let him be condemned and separated from us on account of his contumacy. Epigonius, the bishop, said: Our father in age, and most ancient by his promotion, that laudable man, our brother and colleague Victor wishes that this petition should be made general to all.

Notes.

Ancient Epitome of Canon LIV. Since Julian has ordained a reader of Epigonius's to the diaconate, unless he shall shew authority received from him to do so, he shall increase the penalty of his contumacy. This canon is Canon vj. of the Synod of Carthage, August 28th, a.d. 397. Johnson. See Canon of the Apostles, 12 (15, 16), and Chalcedon, 10.

Canon LV.

(Greek lix.) That it be lawful for the bishop of Carthage to ordain a cleric whenever he wishes. Aurelius, the bishop, said: My brethren, pray allow me to speak. It often happens that ecclesiastics who are in need seek deacons [proepositis in the Latin], or presbyters or bishops from me: and I, bearing in mind what things have been ordained these I observe, to wit, I summon the bishop of the cleric who is sought for, and I shew him the state of affairs, how that they of a certain church ask for a certain one of his clergy. Perchance then they make no objection, but lest it happen that afterwards they might object when in this case they shall have been demanded (postulati) by me, who (as you know) have the care of many churches and of the ordinands. It is fight therefore that I should summon a fellow bishop with two or three witnesses from our number. But if he be found indevotus [akaqosiwtoj], what does your charity think should be done? For I, as ye know, brethren, by the condescension of God have the care of all the churches.

Numidius, the bishop, said: This see always had the power of ordaining a bishop according to the desire of each Church as he wills and on whose name there was agreement (fuisset conventus). Epigonius, the bishop, said: Your good nature makes small use of your powers, for you make much less use of them than you might, since, my brother, you are good and gentle to all; for you have the power, but it is far from your practice to satisfy the person of each bishop in prima tantummodo conventione. But if it should be thought that the rights of this see ought to be vindicated, you have the duty of supporting all the churches, wherefore we do not give thee power, but we confirm that power thou hast, viz.: that thou hast the right at thy will always to choose whom thou wilt, to constitute prelates over peoples and churches who shall have asked thee to do so, and when thou so desirest. Posthumianus, the bishop, said: Would it be right that he who had only one presbyter should have that one taken away from him? Aurelius, the bishop, said: But there may be one bishop by whom many presbyters can be made through the divine goodness, but one fit to be made bishop is found with difficulty. Wherefore if any bishop has a presbyter necessary for the episcopate and has one only, my brother, as you have said, even that one he ought to give up for promotion. Posthumianus, the bishop, said: If some other bishop has plenty of clergy, should that other diocese come to my help? Aurelius, the bishop, said: Of course, when you have come to the help of another Church, he who has many clerics should be persuaded to make one over to you for ordination.

Notes.

Ancient Epitome of Canon LV. It is lawful for the bishop of Carthage, whenever he wills, to choose those who are to be set over the churches: even if there were only one presbyter worth of rule. For one bishop can ordain many presbyters, but one fit for the episcopate is hard to find. This canon is the first half of Canon vij. of the Council of Carthage held August 28th a.d. 397. Johnson. It is evident, that this privilege of the Bishop of Carthage extended to the whole African diocese or the six provinces of Africa, which contained near five hundred bishoprics. This was what caused such frequent ordinations of bishops in the Church of Carthage (See Can. Afr. 49, and the Note) And it is further apparent, that the Bishop of Carthage had some power over the whole African church, and was probably their visitor (See Can. 52). But that he had the sole power of ordaining bishops for every church, with the assistance of any two bishops, does not appear, though Justellus is of this opinion; nay, the 49th canon proves that he had it not.

Canon LVI.

(Greek lx.) That bishops who were ordained for dioceses shall not choose for themselves dioceses [in the Greek provinces]. Honoratus and Urban, the bishops, said: We have heard that it has been decreed that dioceses should not be deemed fit to receive bishops, unless with the consent of their founder: but in our province since some have been ordained bishops in the diocese, by the consent of that bishop by whose power they were established, have even seized dioceses for themselves, this should be corrected by the judgment of your charity, and prohibited for the future. Epigonius, the bishop, said: To every bishop should be reserved what is right, so that from the mass of dioceses no part should be snatched away, so as to have its own bishop, without consent from the proper authority. For it shall suffice, if the consent be given, that the diocese thus set apart have its own bishop only, and let him not seize other dioceses, for only the one cut off from the many merited the honour of receiving a bishop. Aurelius, the bishop, said: I do not doubt that it is pleasing to the charity of you all, that he who was ordained for a diocese by the consent of the bishop who held the mother see, should retain only the people for whom he was ordained. Since therefore I think that everything has been treated of, if all things are agreeable to your mind, pray confirm them all by your suffrage. All the bishops said: We all are well pleased, and we have confirmed them with our subscription. And they signed their names.

I, Aurelius, bishop of the Church of Carthage, have consented to this decree, and have subscribed what has been read.So too did all the other bishops in like fashion sign.

Notes.

Ancient Epitome of Canon LVI. If any diocese has received consent to have a bishop of its own from him who has the right, that one shall not invade the rest of the dioceses. This is the last part of Canon vij. of the Synod of Carthage, August 28, a.d. 397. Johnson. It had scarce been worth while to give so much of this canon in English if I had not thought it proper, in order to confirm the sense of the word diocese, mentioned in note on Can. 53, viz., a town or village, where there is a church subject to the bishop of the city. Between this canon and the following, there is a reference to a former council at Carthage forbidding bishops to sail, without a formal letter from the Primate; and this said to be done when Caesarius and Atticus were consuls, anno aerae vulg. 397, and there is mention of an embassy of two bishops from a council of Carthage to the Emperors, to procure the privilege of sanctuary

to all impeached for any crime, if they fled to the Church. This is said to be done when Honorius and Eutychianus were consuls, anno aerae vulg. 398. And further, here is an account of a bishop sent legate to Anastasius, Bishop of the Apostolical see, and Venerius of Milan, to supply the African Church with men fit to be ordained. For Aurelius complains that many Churches have not so much as one man, not so much as an illiterate one, in deacon's orders, much less had they a competent number of men for the superior dignities. He speaks of the importunate clamours of many people, that were themselves almost killed, I suppose, by some common pestilence.In this council it was decreed that bishops should not travel by sea without formed letters.

During the consulate of those illustrious men, Caesar and Atticus, on the sixth before the Calends of July, at Carthage, it seemed good that no bishop should travel by water without "formed letters" from the Primate. The authentic acts will be found by him who seeks them. In this council, bishops whose names are set down hereafter were sent as legates to the Emperor. After the consulate of the most glorious Emperor Honorius Augustus for the fourth time, and of the renowned Eutychian, on the fifth of the calends of May, at Carthage in the secretarium of the restored basilica. In this council Epigonius and Vincent, the bishops, received a legation, in order that they might obtain a law from the most glorious princes in behalf of those taking refuge in the Church, whatever might be the crime of which they were accused, that no one should dare to force them away.

In this council a legation was sent to the Bishops of Rome and Milan with regard to children baptized by heretics, and to the Emperor with regard to having such idols as still remained taken away, and also with regard to many other matters. After the consulate of the renowned Flabius Stilico, on the sixteenth of the calends of July, at Carthage in the secretarium of the restored basilica.

When Aurelius, the Bishop, together with his fellow-bishops had taken their seats, the deacons standing by, Aurelius, the Bishop, said: Your charity, most holy brethren, knows fully as well as I do the necessities of the churches of God throughout Africa. And since the Lord has vouchsafed that from a part of your holy company this present assembly should be convened, it seems to me that these necessities which in the discharge of our solicitude we have discovered, we ought to consider together. And afterwards, that there should be chosen a bishop from our number who may, with the help of the Lord and your prayers, assume the burden of these necessities, and zealously accomplish whatever ought to be done in the premises, going to the parts of Italy across seas, that he may acquaint our holy brethren and fellow-bishops, the venerable and holy brother Anastasius, bishop of the Apostolic see, and also our holy brother Venerius the Bishop of Milan, with our necessity and grief, and helplessness. For there has been withheld from these sees the knowledge of what was necessary to provide against the common peril, especially that the need of clergy is so great that many churches are in such destitution as that not so much as a single deacon or even an unlettered clerk is to be found. I say nothing of the superior orders and offices, because if, as I have said, the ministry of a deacon is not easily to be had, it is certainly much more dif-

ficult to find one of the superior orders. [And let them also tell these bishops] that we can no longer bear to hear the daily lamentations of the different peoples almost ready to die, and unless we do our best to help them, the grievous and inexcusable cause of the destruction of innumerable souls will be laid at our door before God.

Canon LVII.

(Greek lxi.) That persons baptized when children by the Donatists may be ordained clergymen in the Catholic Church.

Since in the former council it was decreed, as your unanimity remembers as well as I do, that those who as children were baptized by the Donatists, and not yet being able to know the pernicious character of their error, and afterward when they had come to the Use of reason, had received the knowledge of the truth, abhorred their former error, and were received, (in accordance with the ancient order) by the imposition of the hand, into the Catholic Church of God spread throughout the world, that to such the remembrance of the error ought to be no impediment to the reception of the clerical office. For in coming to faith they thought the true Church to be their own and there they believed in Christ, and received the sacraments of the Trinity. And that all these sacraments are altogether true and holy and divine is most certain, and in them the whole hope of the soul is placed, although the presumptuous audacity of heretics, taking to itself the name of the truth, dares to administer them. They are but one after all, as the blessed Apostle tells us, saying: "One God, one faith, one baptism," and it is not lawful to reiterate what once only ought to be administered. [Those therefore who have been so baptized] having anathematized their error may be received by the imposition of the hand into the one Church, the pillar as it is called, and the one mother of all Christians, where all these Sacraments are received unto salvation and everlasting life;

even the same sacraments which obtain for those persevering in heresy the heavy penalty of damnation. So that which to those who are in the truth lighteneth to the obtaining of eternal life, the same to them who are in error tends but to darkness and damnation. With regard then to those who, having fled from error, acknowledge the breasts of their mother the Catholic Church, who believe and receive all these holy mysteries with the love of the truth, and besides the Sacraments have the testimony of a good life, there is no one who would not grant that without doubt such persons may be raised to the clerical office, especially in such necessity as the present. But there are others of this sect, who being already clergymen, desire to pass to us with their peoples and also with their honours, such as for the sake of office are converts to life, and that they may retain them seek for salvation [i.e., enter the Church]. I think that the question concerning such may be left to

the graver consideration of our afore- said brothers, and that when they have considered by their more prudent counsel the matter referred to them, they may vouchsafe to advise us what approves itself to them with regard to this question. Only concerning those who as children were baptized by heretics we decree that they consent, if it seems good, to our decision concerning the ordination of the same.

All things, therefore, which we have set forth above with the holy bishops, let your honourable fraternity with me adjudge to be done.

Notes.

Ancient Epitome of Canon LVII. Such as have been while children baptized by the Donatists may be ordained should they repent, anathematize their heresy, and be otherwise worthy. Of the three Introductions to Carthaginian Councils which precede this canon, the first refers to the synod held June 26, a.d. 397; the second to that held April 27, a.d. 399; and the third to that of June 15 (or 16), a.d. 401. The canon is Canon j. of the Synod of Carthage of June 15 (or 16), a.d. 401. The eight other canons of this synod follow in the African Code in their own order. Johnson. See Can. 47, which was made in a former synod.

Canon LVIII.

(Greek lxii.) Of the remaining idols or temples which should be done away by the Emperors. Wherefore the most religious Emperors should be asked that they order the remaining idols to be taken entirely away throughout all Africa; for in many maritime places and in divers possessions the iniquity of this error still flourishes: that they command them to be taken away and their temples, (such as are no ornament, being set up in fields or out of the way places) be ordered to be altogether destroyed.

Notes.

Ancient Epitome of Canon LVIII. The remains of the idols should be abolished altogether. This is Canon ij. of the Synod of Carthage of June 15 (16), a.d. 401.

Canon LIX.

(Greek lxiii.) That clerics be not compelled to give testimony in public concerning the cognizance of their own judgment. IT should be petitioned also that they deign to decree, that if perchance any shall have been willing to plead their cause in any church according to the Apostolic law imposed upon the Churches, and it happens that the decision of the clergy does not satisfy one of the parties, it be not lawful to summon that clergyman who had been cognitor or present, into judgment as a witness, and that no person attached to any ecclesiastic be compelled to give testimony.

Notes.

Ancient Epitome of Canon LIX. A cleric who has decided a case shall not, if it be displeasing, be summoned to a tribunal to give evidence concerning it; and no ecclesiastical person shall be forced to give testimony. This is Canon iij. of the Synod of Carthage, June 15 (or 16). a.d. 401. Johnson. "According to the Apostolic law," viz., that of St. Paul, 1 Cor. vi. 1, 2, etc. I follow the Greek scholia in rendering this canon. In Latin cognitor is he that is solicitor, or advocate, rather than the judge who takes cognizance.

Canon LX.

(Greek lxiii.) Of heathen feasts. This also must be sought, that (since contrary to the divine precepts feasts are held in many places, which have been induced by the heathen error, so that now Christians are forced to celebrate these by heathens, from which state of things it happens that in the times of the Christian Emperors a new persecution seems to have secretly arisen:) they order such things to be forbidden and prohibit them from cities and possessions under pain of punishment; especially should this be done since they do not fear to commit such iniquities in some cities even upon the natal days of most blessed martyrs, and in the very sacred places themselves. For upon these days, shame to say, they perform the most wicked leapings throughout the fields and open places, so that matronal honour and the modesty of innumerable women who have come out of devotion for the most holy day are assaulted by lascivious injuries, so that all approach to holy religion itself is almost fled from.

Notes.

Ancient Epitome of Canon LX. The Greek feasts must cease to be kept, because of their impropriety, and because they seduce many Christians, moreover they are celebrated on the commemorations of the martyrs. This is Canon iv. of the Synod of Carthage, Aug. 15 (or 16), a.d. 401. Johnson. Bishop Beveridge and Tilius's edition of these canons, in Greek and Latin, number the two preceding canons as I have done in the margin, with the same figures [viz: 63]. I follow them in this error because by this means the reader may more readily be referred from the Latin original and from this English translation to the Greek.

Canon LXI.

(Greek lxiv.) Of spectacles, that they be not celebrated on Lord's days nor on the festivals of the Saints. Furthermore, it must be sought that theatrical spectacles and the exhibition of other plays be removed from the Lord's day and the other most sacred days of the Christian religion, especially because on the octave day of the holy, Easter [i.e., Low Sunday] the people assemble rather at the circus than at church, and they should be transferred to some other day when they happen to fall upon a day of devotion, nor shall any Christian be compelled to witness these spectacles, especially because in the performance of things contrary to the precepts of God there should be no persecution made by anyone, but (as is right) a man should exercise the free will given him by God. Especially also should be considered the peril of the cooperators who, contrary to the precepts of God, are forced by great fear to attend the shews.

Notes.

Ancient Epitome of Canon LXI. There shall be no theatrical representations upon Lord's days or feast days. This is Canon V. of the Synod of Carthage, June 15th (16), a.d. 401.

Canon LXII.

(Greek lxv.) Of condemned clerics. And this should be sought, that they deign to decree that if any clergyman of whatever rank shall have been condemned by the judgment of the bishops for any crime, he may not be defended either by the churches over which he presided, nor by anyone what- ever, under pain of loss both of money and office, and let them order that neither age nor sex be received as an excuse.

Notes.

Ancient Epitome of Canon LXII. No one shall justify a clergyman condemned by his own bishop. This is Canon vj. of the Synod of Carthage, June 15 (or 16), a.d. 401.

Canon LXIII.

(Greek lxvi.) Of players who have become Christians. And of them also it must be sought that if anyone wishes to come to the grace of Christianity from any ludicrous art (ludicra arte) and to remain free of that stain, it be not lawful for anyone to induce him or compel him to return to the performance of the same things again.

Notes.

Ancient Epitome of Canon LXIII. Whoever has turned away from the stage to adopt an honest life, shall not be led back thereto This is Canon vii. of the Synod of Carthage, June 15 (or 16), a.d. 401. Johnson. This canon is probably to be understood of slaves bought by their masters for the service of the Circ, or Theatre.

Canon LXIV.

(Greek lxvii.) Of celebrating manumissions in church, that permission be asked from the Emperor. Concerning the publishing of manumissions in church, if our fellow bishops throughout Italy shall be found to do this, it will be a mark of our confidence to follow their order [of proceedings], full power being given to the legate we send, that whatever he can accomplish worthy of the faith, for the state of the Church and the salvation of souls, we shall laudably accept in the sight of the Lord. All which things, if they please your sanctity, pray set forth, that I may be assured that my suggestion has been ratified by you and that their sincerity may freely accept our unanimous action. And all the bishops said: The things which have been enjoined to be done and have been wisely set forth by your holiness are pleasing to all.

Notes.

Ancient Epitome of Canon LXIV. The Emperor's permission should be sought to allow the public manumission of slaves in church. This is Canon viij. of the Synod of Carthage, June 15 (or 16), a.d. 401. Johnson. It is certain, that in Italy, and some other parts of the Empire, slaves were solemnly set at liberty by their masters, in the church and presence of the bishop, from the time of Constantine, but it should seem this custom had not yet obtained in Africa.

Canon LXV.

(Greek lxviii.) Concerning the condemned bishop Equitius. Aurelius, the bishop, said: I do not think that the case of Equitius should be passed over in the legation, who some time ago for his crimes was condemned by an Episcopal sentence; that if by any chance our legate should meet him in those parts, our brother should take care for the state of the Church, as opportunity offered or where he could, to act against him. And all the bishops said: This prosecution is exceedingly agreeable to us, especially as Equitius was condemned some time ago, his impudent unrest ought to be repelled everywhere more and more for the good estate and health of the Church. And they subscribed, I, Aurelius, the bishop of the Church of Carthage, have consented to this decree, and after having read it have signed my name.Likewise also signed all the other bishops.

Notes.

Ancient Epitome of Canon LXV. Equitius, who had been condemned by the judgment of the bishops, and had behaved impudently against the ecclesiastical authority, ought to be opposed. This is Canon ix. of the Synod of Carthage, June 15 (or 16), a.d. 401. Johnson. See Can. Afr., 78. In this council the letters of Anastasius the Roman Pontiff were read, admonishing the Catholic bishops concerning the Donatists. In the consulship of those most illustrious men Vencentius and Flavius, on the Ides of September, at Carthage, in the secretarium of the restored basilica. When we had been gathered together in council in the church at Carthage and had taken our seats, bishops from all the African Provinces, that is to say, Aurelius, the bishop of that see with his colleagues (just who they were is made evident by their signatures) [the same bishop Aurelius said]: When the letters of our most blessed brother and fellow priest, Anastasius, bishop of the Church of Rome, had been read, in which he exhorted us out of the solicitude and sincerity of his paternal and brotherly love, that we should in no way dissimulate with regard to the wiles and wickednesses of the Donatist heretics and schismatics, by which they gravely vex the Catholic Church of Africa, we thank our Lord that he hath vouchsafed to inspire that best and holy archbishop with such a pious care for the members of Christ, although in divers lands, yet builded together into the one body of Christ.

Canon LXVI.

(Greek lxix.) That the Donatists are to be treated leniently. Then when all firings had been considered and treated of which seem to conduce to the advantage of the church, the Spirit of God suggesting and admonishing us, we determined to act leniently and pacifically with the before-mentioned men, although they were cut off from the unity of the Lord's body by an unruly dissent, so that (as much as in us lies) to all those who have been caught in the net of their communion and society, it might be known throughout all the provinces of Africa, how they have been overcome by miserable error, holding different opinions, "that perchance," as the Apostle says, when we have corrected them with gentleness, "God should grant them repentance for the acknowledging of the truth, and that they might be snatched out of the snares of the devil, who are led captive of him at his will."

Notes.

Ancient Epitome of Canon LXVI. It seemed good that the Donatists should be treated kindly and with leniency, even if they should separate themselves from the Church, so that perchance through their respect f or our great gentleness they may be loosed from their captivity. The introduction refers to the Synod of Carthage of September 13,401, and this canon is part of Canon j. of that Synod. We are indebted to the Ballerini for collecting the acts of this Synod by a comparison of the pseudo-Isidore, Dionysius, Ferrandus and the quotations contained in the acts of the Synod of Carthage of 525.

Canon LXVII.

(Greek lxx.) Of the letters to be sent to the judges, that they may take note of the things done between the Donatists and the Maximianists. Therefore it seemed good that letters should be given from our council to the African judges, from whom it would seem suitable that this should be sought, that in this matter they would aid the common mother, the Catholic Church, that the episcopal authority may be fortified in the cities; that is to say that by their judicial power and with diligence out of their Christian faith, they enquire and record in the public acts, that all may have a firm notion of it, what has taken place in all those places in which the Maximianists, who made a schism from them, have obtained basilicas.

Notes.

Ancient Epitome of Canon LXVII. The secular arm must be implored by synodal letters to assist our common Mother the Catholic Church against those by whom the authority of the bishop is despised. This canon is the other half of Canon j. of the Synod of Carthage, September 13, a.d. 401. Johnson. Maximianists were a sect bred out of the Donatists, and separating from them.

Canon LXVIII.

(Greek lxxi.) That the Donatist clergy are to be received into the Catholic Church as clergymen.

IT moreover seemed good that letters be sent to our brethren and fellow-bishops, and especially to the Apostolic See, over which our aforesaid venerable brother and colleague Anastasius, presides, that [epeidh in the Greek, quo in the Latin] he may know that Africa is in great need, for the peace and prosperity of the Church, that those Donatists who were clergymen and who by good advice had desired to return to Catholic unity, should be treated according to the will and judgment of each Catholic bishop who governs the Church in that place; and, if it seem good for Christian peace, they be received with their honours, as it is clear was done in the former times of this same division. And that this was the case the example of the majority, yea, of nearly all the African Churches in which this error had sprung up, testify; not that the Council which met about this matter in foreign parts should be done away, but that it may remain in force with regard to those who so will to come over to the Catholic Church that there be procured by them no breaking of unity. But those through whom Catholic unity was seen to have been altogether perfected or assisted by the manifest winning of the souls of their brethren in the places where they live, there shall not be objected to them the decree contrary to their honour adopted by a foreign council, for salvation is shut off to no one, that is to say, that those ordained by the Donatist party, if having been corrected they have been willing to return to the Catholic Church, are not to be received in their grades, according to the foreign council; but they are to be excepted through whom they received the advice to return to Catholic unity.

Notes.

Ancient Epitome of Canon LXVIII. Those ordained by the Donatists, even though their reception has been forbidden by a foreign synod, since it is truly good that all should be saved, if they correct themselves, let them be received. Balsamon. This canon is special, for it seemed good to the fathers that such of the Donatists as came to the orthodox faith should be so received as to hold the grade of their holy orders, even though a transmarine, that is to say an Italian, council had decreed otherwise. Aristenus. Those Donatists who are penitent and anathematize their heresy are to be allowed to remain in their proper rank, and be numbered among the clergy of the Catholic Church, because Africa was labouring

under a great shortness of clergy. This canon is Canon ij. of Carthage, Sept., a.d. 401. Johnson.

Whether the Donatists' clergy should be re-ordained was only a point of discipline; for the Donatists retained Episcopacy. Therefore the African fathers, as they leave other churches to their liberty, so at the same time they declare that they would continue their old practice, and leave every bishop to act according to his own discretion in this matter. Probably, one great motive, besides that of peace, which they had to this, was the great scarcity of clergymen in Africa, of which Aurelius complains in his speech, inserted into the Acts before Canon 77 (61), and proposes that they send to the bishops of Rome and Milan for a supply. And that this was the true reason, does in some measure appear from the words of the Latin canon at large, in which the occasion of this decree is said to be propter necessitatem. And this is the most probable reason why it is left to the discretion of the bishop, whether to admit Donatist clergymen as such, if he had occasion for their service. And after all it is clear from this very canon, that other churches had determined this point the contrary way. Therefore Mr. Calamy exceeds when he says: "As for the Donatists, all agree that their orders were acknowledged." Further, he would have it thought probable that orders were not always conferred among the Donatists by persons superior to presbyters. This he would infer from the great number of the bishops of that faction in Africa, viz., 278, many of which (says he) could be no more than parish ministers. But why so? Were there not above four hundred Catholic bishops? And why not as many of one side as the other? If our dissenters of any sort had fallen into the Episcopal form of government, no question but they would have had a bishop in every city at least, and equalled our church in the number of prelates.

Canon LXIX.

(Greek lxxii.) That a legation be sent to the Donatists for the sake of making peace. IT further seemed good, that when these things were done, legates should be sent from our number to those of the Donatists whom they hold as bishops, or to the people, for the sake of preaching peace and unity, without which Christian salvation cannot be attained; and that these legates should direct the attention of all to the fact that they have no just objection to urge against the Catholic Church. And especially that this be made manifest to all by the municipal acts (on account of the weight of their documents) what they themselves had done in the case of the Maximianists, their own schismatics. For in this case it is shown them by divine grace, if they will but heed it, that their separation from the unity of the Church is as iniquitous as they now proclaim the schism of the Maximianists from themselves to be. Nevertheless from the number, those whom they condemned by the authority of their plenary council, they received back with their honours, and accepted the baptism which they had given while condemned and cut off. And thus let them see how with stupid heart they resist the peace of the Church scattered throughout the whole world, when they do these things on the part of Donatus, neither do they say that they are contaminated by communion with those whom they so receive for the making of peace, and yet they despise us, that is the Catholic Church, which is established even in the extreme parts of the earth, as being defiled by the communion of those whom the accusers have not been able to win over to themselves.

Notes.

Ancient Epitome of Canon LXIX. It seemed good that legates be sent to preach peace and unity to the Donatists who had been converted to the orthodox faith. This canon is Canon iij. of Carthage, September, a.d. 401.

Canon LXX.

(Greek lxxiii.) What clerics should abstain from their wives. Moreover since incontinence has been charged against some clergymen with regard to their own wives it has seemed good that bishops, presbyters, and deacons should according to the statutes already made abstain even from their own wives; and unless they do so that they should be removed from the clerical office. But the rest of the clergy shall not be forced to this but the custom of each church in this matter shall be followed.

Notes.

Ancient Epitome of Canon LXX. Bishops, presbyters and deacons shall abstain for their wives or else be removed from the ecclesiastical order. But the rest of the clergy shall not be forced to the same: but let the custom be observed. This is Canon iv. of Carthage, September, a.d. 401. Johnson. A repetition of Canon 25 (28).

Canon LXXI.

(Greek lxxiv.) Of those who leave in neglect their own people. Moreover it seemed good that no one should be allowed to leave his chief cathedral and go to another church built in the diocese, or to neglect the care and frequent attendance upon his own cathedral by reason of too great care for his own affairs.

Notes.

Ancient Epitome of Canon LXXI. It seemed good that no bishop shall translate himself to another see, leaviny his own, nor that through a care for his own affairs he should neglect his diocese. This is Canon vj. of Carthage, September, a.d. 401. Johnson. See Canons 53 (57), 56 (60). "Principalis Cathedra," his own Cathedral.

Canon LXXII.

(Greek lxxv.) Of the baptism of infants when there is some doubt of their being already baptized. Item, it seemed good that whenever there were not found reliable witnesses who could testify that without any doubt they were baptized and when the children themselves were not, on account of their tender age, able to answer concerning the giving of the sacraments to them, all such children should be baptized without scruple, lest a hesitation should deprive them of the cleansing of the sacraments. This was urged by the Moorish Legates, our brethren, since they redeem many such from the barbarians.

Notes.

Ancient Epitome of Canon LXXII. It seemed good that they should be baptized about whom there was an ambiguity whether they had been baptized or no; test they might through that doubt lose the divine ablution. This is Canon vij. of Carthage, September, a.d. 401.

Canon LXXIII.

(Greek lxxvi.) The date of Easter and the date of the Council should be announced. Item, it seemed good that the day of the venerable Easter should be intimated to all by the subscription of formed letters; and that the same should be observed with regard to the date of the Council, according to the decree of the Council of Hippo, that is to say the X. Calends of September, and that it should be written to the primates of each province so that when they summon their councils they do not impede this day.

Notes.

Ancient Epitome of Canon LXXIII. It seemed good that the day of the Holy Easter should be announced on the day of the annual Synod, or on the tenth day before the calends of September. This is Canon viii. of Carthage, September, a.d. 401. Johnson. See Can. 51 (55). "The time of council," i.e., of the national council at Carthage. The Greek canon says h pro deka kalandwn, and Zonaras makes this the 21st of August, but he mistakes in his calculation. Canon LXXIV. (Greek LXXVII.) That no bishop who is an intercessor is to hold the see where he is intercessor. Item, it has been decreed that it is not lawful to any intercessor to retain the see to which he has been appointed as intercessor, by any popular movements and seditions; but let him take care that within a year tie provide them with a bishop: but if he shall neglect to do so, when the year is done, another intercessor shall be appointed.

Notes.

Ancient Epitome of Canon LXXIV. It seemed good that the bishop who had been called in as an intercessor, by the zeal and dissensions of the people, should not be allowed to become the occupant of its throne: but let a bishop be provided within a year, or else in the next. year let another intercessor be appointed. This is Canon IX. of Carthage, September, a.d. 401. Johnson. We here call this officer "Guardian of the spiritualities" in the vacancy of the see.

Canon LXXV.

(Greek lxxviii.) Of asking from the Emperors defenders of the Churches. ON account of the afflictions of the poor by whose troubles the Church is worn out without any intermission, it seemed good to all that the Emperors be asked to allow defenders for them against the power of the rich to be chosen under the supervision of the bishops.

Notes.

Ancient Epitome of Canon LXXV. That the bishop be not annoyed, let Defensors be appointed. This is Canon X. of Carthage, September, 401. Johnson. See note on Can. Chalcedon, 23.

Canon LXXVI.

(Greek lxxix.) Of bishops who do not put in an appearance at Council. Item, it seemed good that as often as the council is to be assembled, the bishops who are impeded neither by age, sickness, or other grave necessity, come together, and that notice be given to the primates of their several provinces, that from all the bishops there be made two or three squads, and of each of these squads there be elected some who shall be promptly ready on the council day: but should they not be able to attend, let them write their excuses in the tractory, or if after the coming of the tractory certain necessities suddenly arise by chance, unless they send to their own primate an account of their impediment, they ought to be content with the communion of their own Church.

Notes.

Those who do not attend the annual synod, unless they be involuntarily prevented, must be satisfied with the communion of their own churches. This is Canon xj., of Carthage, September, 401. Johnson. "Tractory" has several significations; here it seems to denote the written return made by the Primate of the province to the synodical letter sent by the Bishop of Carthage. In the acts inserted between canon 90th and 91st "Tractoria" seems to denote the letter of the Primate to the inferior bishops for choosing legates, if it do not rather denote the Bishop of Carthage's circular-letter to all the primates, as it does in the next paragraph. [The penalty in the last clause is] a very singular sort of censure, and very moderate. See Can. 80 (83).

Canon LXXVII.

(Greek lxxx.) Of Cresconius. Concerning Cresconius of Villa Regis this seemed good to all, that the Primate of Numidia should be informed on this matter so that he should by his letters summon the aforementioned Cresconius in order that at the next plenary Council of Africa he should not put off making an appearance. But if he contemns the summons and does not come, let him recognize the fact that sentence should be pronounced against him.

Notes.

Ancient Epitome of Canon LXXVII. Unless Cresconius who has been summoned by letter to the Synod, shall appear, let him know that he will have sentence given against him. This canon was probably formerly an appendix (so Hefele thinks) to Canon xj., of the Synod of Carthage of September 13, 401.

Canon LXXVIII.

(Greek lxxxi.) Of the Church of Hippo-Diarrhytus. IT further seemed good that since the destitution of the Church of Hippo-Diarrhytus should no longer be neglected, and the churches there are retained by those who have declined the infamous communion of Equitius, that certain bishops be sent from the present council, viz.: Reginus, Alypius, Augustine, Maternus, Theasius, Evodius, Placian, Urban, Valerius, Ambivius, Fortunatus, Quodvultdeus, Honoratus, Januarius, Aptus, Honoratus, Ampelius, Victorian, Evangelus and Rogation; and when those had been gathered together, and those had been corrected who with culpable pertinacity were of opinion that this flight of the same Equitius should be waited for, let a bishop be ordained for them by the vote of all. But if these should not be willing to consider peace, let them not prevent the choosing for ordination of a bishop, for the advantage of the church which has been so long destitute.

Notes.
Ancient Epitome of Canon LXXVIII. It seemed good that, after Equitius had been condemned by the universal vote, a bishop of Hippo should be elected, and that they should in no way impede the ordination of a prelate for that church. This canon was likewise probably an appendix, to Canon xiij, of the Synod of Carthage of September 13th, 401, according to Hefele. Johnson. See Can. Afr., 65. Here the place of election and consecration seems to be the vacant see. Canon LXXIX. (Greek LXXXII.) Of clerics who do not take care to have their causes argued within a year. IT was further decreed that as often as clergymen convicted and confessed of any crime either on account of eorum, quorum verecundiae parcitur, or on account of the opprobrium to the Church, and of the insolent glorying of heretics and Gentiles, if perchance they are willing to be present at their cause and to assert their innocence, let them do so within one year of their excommunication; if in truth they neglect during a year to purge their cause, their voice shall not be heard afterwards.

Notes.
Ancient Epitome of Canon LXXIX. When a cleric has been convicted of a crime, if he says his cause should be heard upon appeal, let the appeal be made within a year; after that the appeal shall not be admitted. This is Canon xiij. of Carthage, September, a.d. 401. Johnson. Though the Latin syntax of this canon is very confused, and, I am apt to think, corrupted, yet it is evident enough, that this is the intention of it.

Canon LXXX.

(Greek lxxxiii.) That it is not permitted to make superiors of monasteries nor to ordain as clerics those who are received from a monastery not one's own. Item, it seemed good that if any bishop wished to advance to the clericature a monk received from a monastery not under his jurisdiction, or shall have appointed him superior of a monastery of his own, the bishop who shall have thus acted shall be separated from the communion of others and shall rest content with the communion of his own people alone, but the monk shall continue neither as cleric nor superior.

Notes.

Ancient Epitome of Canon LXXX. Whoever shall receive a monk from a monastery not subject to his jurisdiction, and if he shall ordain him to the clerical estate or shall appoint him prior of his monastery, such an one shall be cut off from communion. This is Canon xiv. of Carthage, September, a.d. 401. Johnson. See Canons 76 (79) and 122 (123).

Canon LXXXI.

(Greek lxxxiv.) Of bishops who appoint heretics or heathens as their heirs. Item, it was ordained that if any bishop should prefer to his Church strangers to blood relationship with him, or his heretical relatives, or pagans as his heirs, he shall be anathematized even after his death, and his name shall by no means be recited among those of the priests of God. Nor can he be excused if he die intestate, because being a bishop he was bound not to postpone making such a disposition of his goods as was befitting his profession.

Notes.

Ancient Epitome of Canon LXXXI. Let a bishop be anathema if he make heretics and heathen his heirs. This is Canon xv. of Carthage, September, a.d. 401. Johnson. There were in this age two written tables kept in every church, whereof one contained the names of all eminent bishops and clergymen now living, with whom that church held communion and correspondence; the other, the names of all eminent bishops, and other men of their own or other churches, now dead. The deacon rehearsed all the names, in both tables at the altar, whenever the Eucharist was celebrated. These tables were by the Greeks called Diptuka, and by some English writers "diptychs." See Can. of Peter of Alex., 14.

Canon LXXXII.

(Greek lxxxv.) Of manumissions. Item, it seemed good that the Emperor be petitioned with regard to announcing manumissions in church.

Notes.
Ancient Epitome of Canon LXXXII. The imperial permission must be asked for the making of the manumission of slaves in churches. Aristenus. This is the same as the sixty-fourth [Greek numbering] canon, and is there explained. This is Canon xvj. of Carthage, September, a.d. 401. Johnson. A repetition of Canon 64 (67).

Canon LXXXIII.

(Greek lxxxvi.) Of false Memories of Martyrs. Item, it seemed good that the altars which have been set up here and there, in fields and by the wayside as Memories of Martyrs, in which no body nor reliques of martyrs can be proved to have been laid up, should be overturned by the bishops who rule over such places, if such a thing can be done. But should this be impossible on account of the popular tumult it would arouse, the people should none the less be admonished not to frequent such places, and that those who believe rightly should be held bound by no superstition of the place. And no memory of martyrs should at all be accepted, unless where there is found the body or some reliques, on which is declared traditionally and by good authority to have been originally his habitation, or possession, or the scene of his passion. For altars which have been erected anywhere on account of dreams or inane quasi-revelations of certain people, should be in every way disapproved of.

Notes.

Ancient Epitome of Canon LXXXIII. An altar in the fields or in a vineyard which lacks the reliques of the martyrs should be thrown down unless it would cause a public tumult to do so: and the same is the case with such as have been set up on account of dreams and false revelations. This is Canon xvij. of Carthage, September, a.d. 401.

Canon LXXXIV.

(Greek lxxxvii.) Of extirpating the remains of the idols. Item, it seemed good to petition the most glorious Emperors that the remains of idolatry not only in images, but in any places whatever or groves or trees, should altogether be taken away.

Notes.
Ancient Epitome of Canon LXXXIV. Let all remains of idolatry be abolished whether in statues, or in places, or groves or trees. This is Canon xviij. of Carthage, September, a.d. 401. Johnson. See Canon 58 (62.)

Canon LXXXV.

(Greek lxxviii.) That by the bishop of Carthage, when there shall be need, letters shall be written and subscribed in the name of all the bishops. IT was said by all the bishops: If any letters are to be composed in the name of the council it seemed good that the venerable bishop who presides over this See should vouchsafe to dictate and sign them in the name of all, among which also are those to the episcopal legates, who are to be sent throughout the African provinces, in the matter of the Donatists; and it seemed good that the letters given them should contain the tenor of the mandate which they are not to go beyond. And they subscribed: I, Aurelius, bishop of the church of Carthage have consented to this decree and having read it have signed it. Likewise all the rest of the bishops subscribed.

Notes.

Ancient Epitome of Canon LXXXV. It seemed good that whatever letters were to be sent from the Synod should be written and subscribed by the bishop of Carthage in the name of all. This is Canon xix. of Carthage, September, a.d. 401.In this Council previous decrees are confirmed. In the fifth consulate of the most glorious Emperors Arcadius and Honorius, Augusti, the VI Calends of September, in the City of Milevis, in the secretarium of the basilica, when Aurelius the bishop of Carthage had taken his seat in plenary council, the deacons standing by, Aurelius, the bishop, said: Since the body of the holy Church is one, and there is one head of all the members, it has come to pass by the divine permission and assistance given to our weakness, that we, invited out of brotherly love, have come to this church. Wherefore I beg your charity to believe that our coming to you is neither superfluous, nor unacceptable to all; and that the consent of all of us may make it manifest that we agree with the decrees already confirmed by the Council at Hippo or which were defined afterwards by a larger synod at Carthage, these shall now be read to us in order. Then at last the agreement of your holiness will appear clearer than light, if they know that the things lawfully defined by us in former councils, ye have set forth, not only by your consent to these acts, but also by your subscriptions.

Xantippus, bishop of the first see of Numidia said: I believe what pleased all the brethren and the statutes they confirmed with their hands; we by our subscribing our names shew that it pleases us also, and have confirmed them with our superscription. Nicetius, the bishop of the first see of Mauritania Sitifensis said: The decrees which have been read,

since they do not lack reason, and have been approved by all, these also are pleasing to my littleness, and I will confirm them with my subscription.

Canon LXXXVI.

(Greek lxxix.) Of the order of bishops, that those ordained more recently do not dare to take precedence of those ordained before them.

Valentine, the bishop, said: If your good patience will permit, I follow the things which were done in time past in the Church of Carthage, and which were illustrious having been confirmed by the subscriptions of the brethren, and I profess that we intend to preserve this. For this we know, that ecclesiastical discipline has always remained inviolate: therefore let none of the brethren dare to place himself before those ordained earlier than himself; but by the offices of charity this has always been shewn to those ordained earlier, which always should be accepted joyfully by those ordained more recently. Let your holiness give command that this order be strengthened by your interlocutions. Aurelius, the bishop, said: It would not be fitting that we should repeat these things, were it not for the existence of certain inconsiderate minds, which would induce us to making such statutes; but this is a common cause about which our brother and fellow bishop has spoken, that each one of us should recognize the order decreed to him by God, and that the more recent should defer to the earlier ordained, and they should presume to do nothing when these have not been consulted. Wherefore I say, now that I think of it, that they who think they may presume to take precedence over those ordained before them, should be coerced suitably by the great council. Xantippus, bishop of the first see of Numidia, said: All the brethren present have heard what our brother and fellow bishop Aurelius has said, what answer o we make?

Datian, the bishop, said: The decrees made by our ancestors should be strengthened by our assent, so that the action taken by the Church of Carthage in past synods should hold fast, being confirmed by the full assent of all of us. And all the bishops said: This order has been preserved by our fathers and by our ancestors, and shall be preserved by us through the help of God, the rights of the primacy of Numidia and of Mauritania being kept intact.Of the archives and matricula of Numidia.

Moreover it seemed good to all the bishops who subscribed in this council that the matricula and the archives of Numidia should be at the first see and in the Metropolis, that is Constantina.

Notes.

Ancient Epitome of Canon LXXXVI. Thou shalt not prefer thyself to thine elders, but shalt follow them. For he that spurns those who were before him should be frowned down upon. The introduction belongs to the Synod of Milevis, of August 27, a.d. 402. This canon (lxxxvj.) is Canon j., of the above named Synod. Johnson. From this canon it appears that the primacy in Africa was ambulatory, and belonged to the senior bishop of the province. If the primacy had been fixed to the bishop of any certain city, as in other countries, there would have been a salvo or exception for that bishop, as there is in the 24th canon of the Synod of Bracara [Braga] in Spain, which orders that all bishops take place according to their seniority, with a reserve to the bishop of the metropolis. The bishop of Carthage was not included in this canon; for it is evident that he had a precedence annexed to his see, and that he was in reality a sort of patriarch. The reason why Numidia and Mauritania are particularly mentioned is, that some disputes had been started there on that subject.

Canon LXXXVII.

(Greek xc.) Concerning Quodvultdeus, the bishop. IN the case of Quodvultdeus of Centuria, it pleased all the bishops that no one should communicate with him until his cause should be brought to a conclusion, for his accuser when he sought to bring the cause before our council, upon being asked whether he was willing with him to be tried before the bishops, at first said that he was, but on another day answered that he was not willing, and went away. Under these circumstances to deprive him of his bishoprick, before the conclusion of his cause was known, could commend itself to no Christian as a just act.

Notes.
Ancient Epitome of Canon LXXXVII. Since Quodvultdeus at first promised to come to our synod when his opposer had asked that he be admitted, and afterwards withdrew, saying that that was displeasing to him, he should be excommunicated, until the cause is finished. But it is not just that he be deposed before sentence is given. This canon is part of Canon ij. of Synod of Milevis, a.d. 402.

Canon LXXXVIII.

(Greek xci.) Of Maximian, the bishop. BuT in the case of Maximian of Vagai it seemed good that letters be sent from the council both to him and to his people; that he should vacate the bishoprick, and that they should request another to be appointed for them.

Notes.
Ancient Epitome of Canon LXXXVIII. Let Maximian of Bagai be expelled from hischurch, and another be set in his room. This canon is remaining part of Canon ij., of the Synod of Milevis, a.d. 402.

Canon LXXXIX.

(Greek xcii.) That bishops who are ordained shall receive letters from their ordainers bearing the date and the name of the consul. IT further seemed good that whoever thereafter should be ordained by the bishops throughout the African provinces, should receive from their ordainers letters, written in their own hands, containing the name of the consul and the date, that no altercation might arise concerning which were ordained first and which afterwards.

Notes.

Ancient Epitome of Canon LXXXIX. Whoever is ordained in Africa let him have letters signed by the proper hand of him that ordained him, containing the date and the name of the Consul. This is Canon iij. of Milevis, a.d. 402. Johnson. It is evident from this canon that the church in this age followed the date of the civil government, which was in the consulship of Caius and Titius, as our civil date is in the 1st, 2d, 3d, etc., year of the reign of our King or Queen.

Canon XC.

(Greek xciii.) Of those who have once read in church, that they cannot be advanced by others. Item, it seemed good that whoever in church even once had read should not be admitted to the ministry (clericatum) by another church. And they subscribed: I, Aurelius, bishop of the Church of Carthage, have consented to this decree, and, having read it, have signed it. Likewise also the rest of the bishops signed. Ancient Epitome of Canon XC. He who has only once read in a Church [i.e., diocese] shall not be admitted into the clergy by another Church.This is Canon iv. of Milevis, 402. There is set forth in this council what the bishops did who were sent as legates across seas. In the consulship of those most illustrious men, the most glorious Emperor Theodosius Augustus, and Rumoridus, the VIII. Calends of September, at Carthage, in the basilica of the second region, when Aurelius the bishop had taken his seat in plenary council, the deacons standing by, Aurelius, the bishop, said: From stress of circumstances, venerable brethren, I, although so small, have been led to assemble you in council. For a while ago, as your holinesses will remember, while holding a council we sent our brothers as legates to the regions beyond seas. It is right that these should at this meeting of your holinesses narrate the course of their now finished legation, and although yesterday when we were in session concerning this matter, besides ecclesiastical matters, we paid some prolonged attention to what they had done, nevertheless it is right that to-day the discussion of yesterday should be confirmed by ecclesiastical action.Of the bishops of the African provinces who were not present at this council.

The right order of things demands that first of all we should enquire concerning our brethren and fellow bishops, who were to come to this council either from Byzacena or at least from Mauritania, like as they decreed that they would be present in this council. And when Philologius, Geta, Venustianus, and Felician, bishops of the province of Byzacena had presented and read their letters of legation, and Lucian and Silvanus, legates of the province of Mauritania. Sitiphensis, had done the same, the bishop Aurelius said: Let the text of these writings be placed in the acts.Of the Byzacene bishops. Numidius, the bishop, said: We observe that our brethren and fellow bishops of the province of Byzacena and of the province of Mauritania Sitiphensis have sent legates to the council; we now seek whether the legates of Numidia have come, or at least of the province of Tripoli or of Mauritania-Caesariensis.Of the bishops of Mauritania Sitiphensis.

Lucian and Silvanus, the bishops, legates of the Province of Mauritania Sitiphensis said: The tractory came late to our Caesarian brethren or they would have been here; and they will certainly come, and we are confident of their attitude of mind that whatever shall be determined by this council, they without doubt will assent unto.Of the bishops of Numidia. Alypius, bishop of the church of Tagaste said: We have come from Numidia, I and the holy brethren Augustine and Possidius, but a legation could not be sent from Numidia, because by the tumult of the recruits the bishops have either been prevented from coming or fully occupied by their own necessary affairs in their sees. For after I had brought to the holy Senex Xantippus your holiness's tractory, this seemed good in the present business that a council should be appointed, to which a delegation with instructions should be sent, but when I reported to him in later letters the impediment of the recruits, of which I have just spoken, he excused them by his own rescripts. Aurelius, the bishop, said: There is no doubt that the aforesaid brethren and bishops of Numidia, when they shall have received the acts of the council, will give their consent and will take pains to carry into effect whatever shall have been adopted. It is therefore necessary that by the solicitude of this see what we shall have determined be communicated to them. Of the bishops of Tripoli.

This is what I could learn concerning our brethren of Tripoli, that they appointed our brother Dulcicius as a legate: but because he could not come, certain of our sons coming from the aforesaid province asserted that the aforesaid had taken shipping, and that it was thought that his arrival had been delayed by storms; nevertheless also concerning these matters, if your charity is willing, this form shall be preserved, that the placets of the council be sent to them. And all the bishops said: What your holiness has decreed pleases us all.

Canon XCI.

(Greek xciv.) Of holding meetings with the Donatists. Aurelius, the bishop, said: What has come out in the handling of your charity, Ithink this should be confirmed by ecclesiastical acts. For the profession of all of you shews that each one of us should call together in his city the chiefs of the Donatists either alone and with one of his neighbour bishops, so that in like manner in the different cities and places there should be meetings of them assembled by the magistrates or seniors of the places. And let this be made an edict if it seems good to all. And all the bishops said: It seems good to all, and we all have confirmed this with our subscription. Also we desire that your holiness sign the letters to be sent from the council to the judges. Aurelius, the bishop, said: If it seems good to your charity, let the form of summoning them be read, in order that we all may hold the same tenour of proceeding. All the bishops said: Let it be read. Laetus the Notary read.

Notes.

Ancient Epitome of Canon XCI. Let each of the bishops meet with the leaders of the Donatists in his own city; or let him associate with himself a neighbouring bishop, that they together may meet them. This introduction together with the propositions of the different bishops belongs to the Synod of Carthage of August, 403.This canon (xcj.) is Canon j. of that synod.

Canon XCII.

(Greek xcv.) Form of convening the Donatists.

That bishop of that church said: What by the authority of that most ample see we shall have impetrated, we ask your gravity to have read, and that you order it to be joined to the acts and carried into effect. When the jussio had been read and joined to the acts, the bishop of the Catholic Church, said: Vouchsafe to listen to the mandate to be sent through your gravity to the Donatists, and to insert it in the acts, and to carry it to them, and informs us in your acts of their answer. "We, sent by the authority of our Catholic Council, have called you together, desiring to rejoice in your correction, bearing in mind the charity of the Lord who said: Blessed are the peacemakers, for they shall be called the children of God; and moreover he admonished through the prophet those who say they are not our brothers, that we ought to say: Ye are our brethren. Therefore you ought not to despise this pacific commonitory coming of love, so that if ye think we have any part of the truth, ye do not hesitate to say so: that is, when your council is gathered together, ye delegate of your number certain to whom you intrust the statement of your case; so that we may be able to do this also, that there shall be delegated from our Council who with them delegated by you may discuss peacefully, at a determined place and time, whatever question there is which separates your communion from us;

and that at length the old error may receive an end through the assistance of our Lord God, lest through the animosity of men, weak souls, and ignorant people should perish by sacrilegious dissension. But if ye shall accept this proposition in a fraternal spirit, the truth will easily shine forth, but if ye are not willing to do this, your distrust will be easily known. And when this had been read, all the bishops said: This pleases us well, so let it be. And they subscribed: I, Aurelius, bishop of the Carthaginian Church, have consented to this decree, and having read it, have subscribed it. Likewise also the rest of the bishops signed.

This synod sent a legation to the Princes against tits Donatists.The most glorious emperor Honorius Augustus, being consul for the sixth time, on the Calends of July, at Carthage in the basilica of the second region. In this council Theasius and Evodius received a legation against the Donatists.In this council was inserted the commonitorium which follows.

Notes.

Ancient Epitome of Canon XCII. What things should be said to the Donatists are these: ”We greatly desire to rejoice in your conversion; for we have been commanded to say even to those not desiring to be our brethren, ‘Ye are our brothers.’ We come therefore to you and we exhort you that if you have any defence to make, ye should appoint certain persons to whom thisshould be entrusted, who, at a fixed time and place, shall urge your case; otherwise your distrust wilt be thenceforward patent.”This canon is Canon ij of the Synod of Carthage of August 25, a.d. 403.

Canon XCIII.

(Greek xcvi.) The character of the Commonitory which the legates received against the Donatists. The Commonitorium for our brothers Theasius and Evodius, sent as legates from the Council of Carthage to the most glorious and most religious princes. When by the help of the Lord they are come into the presence of the most pious princes, they shall declare to them with what fulness of confidence, according to the direction of the council of the year before, the prelates of the Donatists had been urged by the municipal authority to assemble, in order that if they really meant their professions, they might by fit persons chosen from their number, enter into a peaceful conference with us in Christian meekness, and whatever they held as truth they might not hesitate to declare it frankly; so that from such conference the sincerity of the Catholic position, which has been conspicuous for so long a time, might be perceived even by those who from ignorance or obstinacy were opposing themselves to it. But deterred by their want of confidence they scarcely ventured to reply. And forsooth, because we had discharged toward them the offices which become bishops and peacemakers, and they had no answer to make to the truth, they betook themselves to unreasonable acts of brute force, and treacherously oppressed many of the bishops and clergy, to say nothing of the laity. And some of the churches they actually invaded, and tried to assault still others.

And now, it behoves the gracious clemency of their Majesties to take measures that the Catholic Church, which has begotten them as worshippers of Christ in her womb, and has nourished them with the strong meat of the faith, should by their forethought, be defended, lest violent men, taking advantage of the times of religious excitement, should by fear overcome a weak people, whom by argument they were not able to pervert. It is well known how often the vile gatherings (detestabilis manus) of the Circumcelliones have been forbidden by the laws, and also condemned by many decrees of the Emperors, their majesties most religious predecessors. Against the madness of these people it is not unusual nor contrary to the holy Scriptures to ask for secular [qeiaj] in the Greek] protection, since Paul the Apostle, as is related in the authentic Acts of the Apostles, warded off a conspiracy of certain lawless men by the help of the mili- tary. Now then we ask that there be extended to the Catholic Churches, without any dissimulation, the protection of the ordinum [i.e. companies of soldiers, stationed] in each city, and of the holders of the suburban estates in the various places. At the same time it will be necessary to ask that they give commandment that the law, set forth by their father Theodosius, of pious memory, which imposed a fine

of ten pounds of gold upon both the ordainers and the ordained among heretics, and which was also directed against proprietors at whose houses conventicles were held, be confirmed anew; so that it may be effective with persons of this sort when Catholics, provoked by their wiles, shall lay complaint against them; so that through fear at least, they may cease from making schisms and from the wickedness of the heretics, since they refuse to be cleansed and corrected by the thought of the eternal punishment.

Let request be also made that the law depriving heretics of the power of being able to receive or bequeath by gift or by will, be straightway renewed by their Piety, so that all right of giving or receiving may be taken away from those who, blinded by the madness of obstinacy, are determined to continue in the error of the Donatists. With regard to those who by considerations of unity and peace are willing to correct themselves, let permission be granted to them to receive their inheritance, the law notwithstanding, even though the bequest by gift or inheritance was made while they were yet living in the error of the heretics; those of course being excepted, who under the stress of legal proceedings have sought to enter the Catholic Church; for it may well be supposed, that persons of this latter sort desired Catholic unity, not so much from fear of the judgment of heaven, as from the greed of earthly gain.

For the furtherance of all these things the help of the Powers (Porestatum) of each one of the provinces is needed. With regard to other matters, whatever they shall perceive is for the Church's interests, this we have resolved that the legation have full authority to do and to carry into effect. Moreover it seemed good to us all, that letters from our assembly should be sent to the most glorious Emperors and most Excellent Worthinesses, whereby they may be assured of the agreement of us all that the legates should be sent by us to their most blessed court. Since it is a very slow business for us all to set our names to these letters, and in order that they may not be burdened with the signature of each one of us, we desire thee, brother Aurelius, that thy charity be good enough to sign them in the name of us all. And to this they all agreed.

I, Aurelius, Bishop of the Church of Carthage have consented to this decree and have subscribed my name. And so all the other bishops subscribed. Letters ought likewise to be sent to the judges that, until the lord permit the legates to return to us, they give protection through the soldiers of the cities, and through the holders of the farms of the Catholic Church. It ought also to be added concerning the dishonest Equitius, which he had shewn by laying claim to the jus sacerdotum, that he be rejected from the diocese of Hippo according to the statutes of the Emperors. Letters ought also to be sent to the Bishop of the Church of Rome in commendation of the legates, and to the other Bishops who may be where the Emperor is. To this they assented. Likewise I, Aurelius, Bishop of the Church of Carthage, have consented to this decree, and having read it, have set my name to it.And all the other bishops likewise subscribed.

Notes.

Ancient Epitome of Canon XCIII. The Emperors who were born in the true religion and were educated in the faith, ought to stretch forth a helping hand to the Churches. For the

military band overthrew the dire conspiracy which was threatening Paul. Here follows a brief declaration of what things were decreed in this Synod. When Stilico a second time and Anthemius, those illustrious men, were consuls, on the tenth before the calends of September, at Carthage in the basilica of the second region. I have not written out in full the acts of this council because they treat of the necessities of the time rather than of matters of general interest, but for the instruction of the studious I have added a brief digest of the same council.

Canon XCIV.

(Greek xcvii.) Summary of Chapters. That a free delegation be sent to the council from all the provinces to Mizoneum. Legates and letters were ordered to be sent for the purpose of directing the free legation: that became the unity had been made only at Carthage, letters should also be given to the judges, that they might order in the other provinces and cities the work of union to be proceeded with, and the thanksgivings of the Church of Carthage for the whole of Africa concerning the exclusion of the Donatists should be sent with the letters of the bishops to Court (ad Comitatum). The letters of Pope Innocent were read: that bishops ought not readily to carry causes across seas, and this very thing was confirmed by the judgment of the bishops themselves; that on account of thanksgiving and the exclusion of the Donatists, two clerics of the Church of Carthage should be sent to Court.

Notes.

Ancient Epitome of Canon XCIV. It seemed good that letters be sent to the Magistrates that the Donatists be expelled. This introduction is taken from the Synod of Carthage of August 23, 405. There is also added the introduction of the Synod of Carthage of June 13, 407.In this synod certain things already decreed are corrected. Under the most illustrious emperors Honorius for the VII time, and Theodosius for the second time, the consuls being the Augusti, on the Ides of July in Carthage in the basilica of the second region, when bishop Aurelius together with his other bishops had taken his seat, and while the deacons stood by, he said: Since it was decreed in the council of Hippo, that each year there should assemble a plenary council of Africa, not only here in Carthage but also in the different provinces in their order, and this was reserved that we should determine its place of meeting sometimes in Numidia and sometimes in Byzacium. But this seemed laborious to all the brethren.

Canon XCV.

(Greek xcviii.) An universal council to be held only when necessary. IT seemed good that there should be no more the yearly necessity of fatiguing the brethren; but as often as common cause, that is of the whole of Africa, demands, that letters shall be given on every side to that see in this matter, that a synod should be gathered in that province, where the desirability of it induces; but let the causes which are not of general interest be judged in their own provinces.

Notes.

Ancient Epitome of Canon XCV. When general necessity so urges, letters are to be sent to the chief see, and a synod held in a convenient place. But let ordinary causes be settled in their own provinces. This canon is Canon j. of the Synod of Carthage, a.d. 407. Johnson. This canon is a tacit revocation of that clause for annual synods in the 18th canon, which was made in a former council.

Canon XCVI.

(Greek xcix.) That from judges who have been chosen, no appeals may be taken. IF an appeal be taken, let him who makes it choose the judges, and with him he also against whom the appeal is taken; and from their decision no appeal may be made.Concerning the delegates of the different provinces. When all the delegates of the different provinces came together, they have been most graciously received, that is those of the Numidians, Byzacenes, Stifensian Moors, as well as Caesarians and Tripolitans.Concerning the executors of Churches. It has seemed good moreover that the appointment of five executors should be asked for in all matters pertaining to the necessities of the Church, who shall be portioned off in the different provinces.

Notes.

Ancient Epitome of Canon XCVI. If one party to a suit takes an appeal, and if both choose together a judge, no further appeal shall be allowed. This canon is Canon ij. of Carthage, a.d.407.

Canon XCVII.

(Greek c.) That there be sought from the Emperor the protection of Advocates in causes ecclesiastical. IT seemed good that the legates who were about leaving, viz., Vincent and Fortunatian, should in the name of all the provinces ask from the most glorious Emperors to give a faculty for the establishment of scholastic defensors, whose shall be the care of this very kind of business: so that as the priests of the province, they who have received the faculty as defensors of the Churches in ecclesiastical affairs, as often as necessity arises, may be able to enter the private apartments of the judges, so as to resist what is urged on the other side, or to make necessary explanations.

Notes.

Ancient Epitome of Canon XCVII. That there be asked of the Emperor the appointment of Patrons for ecclesiastical heads, whose care it should be to defend the Church in its affairs, and who as priests could easily refer what things were urgent. (Greek ci.) That the legation be free. IT seemed good that the chosen legates should have at the meeting freedom of action (legationem liberam). The protest of the Mauritanian bishops against Primosus. It is evident that those of Mauritania Caesariensis gave evidence in their own writings that Primosus had been summoned by the chiefs of the Thiganensian city, that he should present himself to the plenary council according to the imperial constitutions, and, when sought for, as was right, Primosus was not found, at least so the deacons reported. But since the same Mauritanians petitioned that letters be sent from the whole synod to the venerable brother, the aged Innocent, it seemed good that they should be sent, that he might know that Primosus had been sought at the council and not found at all.

Notes.

Ancient Epitome. [Lacking.] Balsamon. The contents of this canon being special are useless, therefore no explanation has been given. This Canon is Canon iij. of Carthage, a.d. 407. Johnson. See can. 75 (78) and note on Can. Chalced., 23. These officers [i.e. ”defensors”] seem to be called ”executores” in the acts of synod just before this canon. The ”priest of the province” was one chosen out of the body of advocates to be counsel to the province, to act and plead in their behalf; and that he might do it more effectually he was allowed to have privateconference with the judge.

Canon XCVIII.

(Greek cii.) Of the peoples which never had bishops. IT seemed good that such peoples as had never had bishops of their own should in no way receive such unless it had been decreed in a plenary council of each province and by the primates, and with the consent of the bishop of that diocese to which the church belonged.

Notes.

Ancient Epitome of Canon XCVIII. Whoso never heretofore had a bishop of theirown, unless the general synod of the Province shall agree to it, and the Primate, in agreement with him to whom the province in which theChurch is, is subject, shall not have bishops of their own.This canon is Canon iv. of the Synod ofCarthage, a.d. 407.

Canon XCIX.

(Greek ciii.) Of people or dioceses returned from the Donatists. Such communities as have returned from the Donatists and have had bishops, without doubt may continue to have them even without any action of the councils, but such a community as had a bishop and when he dies wish no longer to have a bishop of their own, but to belong to the diocese of some other bishop, this is not to be denied them. Also such bishops as before the promulgation of the imperial law concerning unity as brought back their people to the Catholic Church, they ought to be allowed still to rule them: but from the time of that law of unity, all the Churches, and their dioceses, and if perchance there be any instruments of the Church or things pertaining to its rights should belong to the Catholic bishops of those places to whom the places pertained while under the heretics, whether they be converted to the Catholic Church or remain unconverted heretics. Whoever after this law shall make any such usurpation, shall restore as is meet the usurped possessions.

Notes.

Ancient Epitome of Canon XCIX. Whoever are converted from the Donatists may retain their own bishops, although they had them without the consent of the synod; and when the bishop is dead, if they do not wish another to be substituted in his room, but desire to place themselves under some other bishop, they shall be allowed to do so. And such bishops as before the union have brought back the people they ruled, let them still rule them. After the imperial Edict on Unity every church must defend its own rights. This canon is Canon v. of Carthage, a.d. 407. Johnson. "An imperial law concerning unity" i.e. For uniting all in the catholic faith, and ejecting the donatistical bishops.

Canon C.

(Greek civ.) Of the suggestion of Bishop Maurentius. [Hefele says "The text of this canon is much corrupted and very difficult to be understood." He gives as a synopsis, "The council appoints judges in the affair of Bishop Maurentius." (Hefele, Vol. II, p. 443.)]Johnson thus condenses and translates. Bishop Maurentius having an information against him, lying before the council, moves for a hearing; but the informers don't appear upon three calls made by the deacons on the day appointed. The cause is referred to Senex Xantippus, Augustinus, and five more summoned by the council, the informers were to make up the number twelve.

Notes.

Ancient Epitome of Canon C. It is right that sentence be given on the subdeacons who are said to be present from Nova Germania, who have thrice been sought and not found. But out of regard to ecclesiastical gentleness, let some be sent to look into the matter. Balsamon. The contents of this canon are of a privatecharacter, and therefore have not been commented on. This canon is Canon vj. of Carthage, a.d. 407. Johnson. "Senex" i.e. Primate Xantippus, as is commonly believed. He and others have this title frequently given them in the acts of these councils. See can. 8.

Canon CI.

(Greek civ. bis) Of making peace between the Churches of Rome and Alexandria. IT seemed good that a letter be written to the holy Pope Innocent concerning the dissension between the Churches of Rome and Alexandria, so that each Church might keep peace with the other as the Lord commanded.

Notes.

Ancient Epitome of Canon CI. It seemed good to write to Innocent that the Roman and Alexandrian churches might be at peace between themselves. This canon is Canon vii. of Carthage, a.d. 407.

Canon CII.

(Greek cv.) Of those who put away their wives or husbands, that so they remain. IT seemed good that according to evangelical and apostolical discipline a man who had been put away from his wife, and a woman put away from her husband should not be married to another, but so should remain, or else be reconciled the one to the other; but if they spurn this law, they shall be forced to do penance, covering which case we must petition that an imperial law be promulgated.

Notes.

Ancient Epitome of Canon CII. Married people who are loosed must remain unmarried or else be reconciled, otherwise they shall be forced to do penance. This canon is Canon viii. of Carthage, a.d. 407, and is found in the Corpus Juris Canonici, Gratian's Decretum, P. II., Causa xxxij., Quaest. vij., can. v.

Canon CIII.

(Greek cvi.) Of the prayers to be said at the Altar. This also seemed good, that the prayers which had been approved in synod should be used by all, whether prefaces, commendations, or laying on of the hand, and that others contrary to the faith should not be used by any means, but that those only should be said which had been collected by the learned.

Notes.

Ancient Epitome of Canon CIII. [The same as the canon, but omits the last phrase.] This canon is Canon ix. of Carthage, a.d. 407. Johnson. That is, such forms fitted for the presenttime or occasion, as our Church uses in her Communion Office before the trisagium, on Christmas, Easter, etc. These prefaces were very ancient in the Christian church. Prayers used to recommend the catechumens, penitents, and dying souls to God's protection were styled "Commendations."

Canon CIV.

(Greek cvii.) Of these who ask from the Emperor that secular judges may take cognizance of theircauses. IT seemed good that whoever should seek from the Emperor, that secular judges should take cognizance of his business, should be deprived of his office; if however, he had asked from the Emperor an episcopal trial, no objection should be made.

Notes.

Ancient Epitome of Canon CIV. Let not him be a bishop who from the Emperor seeks a public judgment. This canon is Canon X. of Carthage, a.d. 407. Johnson. See Canon Ant., 12.

Canon CV.

(Greek cviii.) Of those who do not communicate in Africa and would go across seas. Whoever does not communicate in Africa, and goes to communicate across seas, let him be cast out of the clergy.

Notes.

Ancient Epiome OF Canon CV. Whoever is cut off from communion in Africa,and goes to parts across seas that he may there communicate, is to be cast out of the clergy. This canon is Canon j. of Carthage, a.d. 407.

Canon CVI.

(Greek cix.) That those who are going to carry their case to court should be careful to inform either the bishop of Carthage or the bishop ofRome. IT seemed good that whoever wished to go to court, should give notice in the form which is sent to the Church of the city of Rome, that from thence also he should receive a formed letter to court. But if receiving only a formed letter to Rome, and saying nothing about the necessity which he had of going to court, he willed immediately to go thither, let him be cut off from communion. But if while at Rome the necessity of going to court suddenly arose, let him state his necessity to the bishop of Rome and let him carry with him a rescript of the same Roman bishop. But let the formed letters which are issued by primates and by certain bishops to their own clergy have the date of Easter; but if it be yet uncertain what is the date of Easter of that year, let the preceding Easter's date be set down, as it is customary to date public acts after the consulship.

It further seemed good that those who were sent as delegates from this glorious council should ask of the most glorious princes whatever they saw would be useful against the Donatists and Pagans, and their superstitions. It also seemed good to all the bishops that all conciliar letters be signed by your holiness alone. And they subscribed: I, Aurelius, Bishop of Carthage, have consented to this decree, and having read it, now subscribe my name. Likewise also the rest of the bishops subscribed. Ancient Epitome of Canon CVI. Whoever from any necessity was going tocourt, must declare his intention to the bishop of Carthage and to the bishop of Rome, and receive a letter dimissory, and otherwise he shall be excommunicated. Whatever shall seem to the legates useful against the Donatists and Greeks, and their superstitions, that shall be sought from the Emperor. (Greek cx.) Synod against the pagans and heretics.

In the consulship of those most illustrious men Bassus and Philip, the xvith Calends of July, at Carthage, in the secretarium of the restored basilica. In this council the bishop Fortunatian received a second appointment as legate against the pagans and heretics.Item, a council against the pagans and heretics. In the consulship of those most illustrious men Bassus and Philip, the iii. Ides of October at Carthage, in the Secretarium of the restored basilica*. In this council the bishops Restitutus and Florentius received a legation against

the pagans and heretics, at the time Severus and Macarius were slain, and on their account the bishops Euodius, Theasius and Victor were put to death.

Notes.

This canon is Canon xij. of Carthage, a.d. 407. Johnson. Of "Formal Letters" see Can. Ap., 10 (13).

Canon CVII.

(Greek cx. continued.) A Council concerning a bishop taking cognizance. IN the consulate of the most glorious Emperors Honorius for the VII time and Theodosius for the IIID, Augusti, xvii. Calends of July, a synod was held at Carthage in the basilica of the second region. In this council it seemed good that no one bishop should claim the right to take cognizance of a cause. The acts of this council I have not here written down, because it was only provincial and not general. Ancient Epitome of Canon CVII. One bishop shall not claim for himself to take cognizance of a cause alone. (Greek cxi.) Synod against the Donatists. After the consulate of the most illustrious Emperors Honorius for the VIII time and Theodosius for the IV time, Augusti, xviii. Calends of July, at Carthage in the basilica of the second region. In this council the bishops, Florentius, Possidius, Praesidius and Benenatus received legation against the Donatists, at that time at which a law was given that anyone might practice the Christian worship at his own will.

Notes.

Ancient Epitome of Canon CVII. Let each one receive the practice of piety of his own free will. The two first introductions belong respectively to the Synods of Carthage of June 16 and of October 13, a.d. 408.Canon cvij. of the African code and that which follows it are the introductions to the Synods of Carthage of June 15, a.d. 409, and of June 14, a.d. 410. Johnson. See can. 10, 11, 12, 28 (31), 79 (80). Recognises, a law of the Empire, that everyone receive christianity at his own free choice.

Canon CVIII.

(Greek cxii.) Synod against the heresy of Pelagius and Celestius. IN the consulate of the most glorious Emperors, Honorius for the XII time and Theodosius for the VIII, Augusti most exalted, on the Calends of May, at Carthage in the secretarium of the Basilica of Faustus. When Aurelius the bishop presided over the whole council, the deacons standing by, it pleased all the bishops, whose names and subscriptions are indicated, met together in the holy synod of the Church of Carthage to define-

Canon CIX.

(Greek cxij. continued.) That Adam was not created by God subject to death. That whosoever says that Adam, the first man, was created mortal, so that whether he had sinned or not, he would have died in body-that is, he would have gone forth of the body, not because his sin merited this, but by natural necessity, let him be anathema.

Notes.

Ancient Epitome of Canon CIX. Whoso shall assert that the protoplast would have died without sin and through natural necessity, let him be anathema. Canon CVIII. is the introduction to the Synod of Carthage of May 1, a.d. 418; and Canon CIX. is Canon j. of that synod.

Canon CX.

(Greek cxii. bis) That infants are baptized for the remission of sins. Likewise it seemed good that whosoever denies that infants newly from their mother's wombs should be baptized, or says that baptism is for remission of sins, but that they derive from Adam no original sin, which needs to be removed by the layer of regeneration, from whence the conclusion follows, that in them the form of baptism for the remission of sins, is to be understood as false and not true, let him be anathema. For no otherwise can be understood what the Apostle says, "By one man sin is come into the world, and death through sin, and so death passed upon all men in that all have "sinned," than the Catholic Church everywhere diffused has always understood it. For on account of this rule of faith (regulam fidei) even infants, who could have committed as yet no sin themselves, therefore are truly baptized for the remission of sins, in order that what in them is the result of generation may be cleansed by regeneration.

Notes.

Ancient Epitome of Canon CX. Whoso affirms that those newly born and baptized contract nothing from Adam's transgression, which needs to be washed away by baptism, is to be execrated: for through one both death and sin invaded the whole world. This is Canon ij. of Carthage, a.d. 418 [Greek Canon 112]. Johnson. See Can. 63, 104, both which are double, as this likewise is in the old Greek scholiasts. [Also it seemed good, that if anyone should say that the saying of the Lord, "In my Father's house are many mansions "is to be understood as meaning that in the kingdom of heaven there will be a certain middle place, or some place somewhere, in which infants live in happiness who have gone forth from tiffs life without baptism, without which they cannot enter the kingdom of heaven, which is eternal life, let him be anathema. For after our Lord has said: "Except a man be born again of water and of the Holy Spirit he shall not enter the kingdom of heaven," what Catholic can doubt that he who has not merited to be coheir with Christ shall become a sharer with the devil: for he who fails of the right hand without doubt shall receive the left hand portion.]

Notes.

The foregoing, says Surius, is found in this place in a very ancient codex. It does not occur in the Greek, nor in Dionysius. Bruns relegates it to a foot-note.

Canon CXI.

(Greek cxiij.) That the grace of God not only gives remission of sins, but also affords aid that we sin no more. Likewise it seemed good, that whoever should say that the grace of God, by which a man is justified through Jesus Christ our Lord, avails only for the remission of past sins, and not for assistance against committing sins in the future, let him be anathema. Ancient Epitome of Canon CXI. Whoever is of opinion that the grace of God only gives remission of those sins we have already committed, and does not afford aid against sin in the future, is to be twice execrated. Canon CXII. (Greek cxiij. continued.) That the grace of Christ gives not only the knowledge of our duty, but also inspires us with a desire that we may be able to accomplish what we know. Also, whoever shall say that the same grace of God through Jesus Christ our Lord helps us only in not sinning by revealing to us and opening to our understanding the commandments, so that we may know what to seek, what we ought to avoid, and also that we should love to do so, but that through it we are not helped so that we are able to do what we know we should do, let him be anathema. For when the Apostle says: ”Wisdom puffeth up, but charity edifieth” it were truly infamous were we to believe that we have the grace of Christ for that which puffeth us up, but have it not for that which edifieth, since in each case it is the gift of God, both to know what we ought to do, and to love to do it; so that wisdom cannot puff us up while charity is edifying us. For as of God it is written, ”Who teacheth man knowledge,” so also it is written, ”Love is of God.”

Notes.

Ancient Epitome of Canon CXII. Whoever says that the grace of God is given to us only that we may know what we ought to do and what to flee from, but not also that we may love the thing known, and be able to accomplish it, let him be anathema. Canon cxi. is Canon iij. of Carthage, a.d. 418, and Canon cxii. is Canon iv. of the same synod.

Canon CXIII.

(Greek cxiiii.) That without the grace ofGod we can do no good thing. IT seemed good that whosoever should say that the grace of justification was given to us only that we might be able more readily by grace to perform what we were ordered to do through our free will; as if though grace was not given, although not easily, yet nevertheless we could even without grace fulfil the divine commandments, let him be anathema. For the Lord spake concerning the fruits of the commandments, when he said: "Without me ye can do nothing," and not "Without me ye could do it but with difficulty."

Notes.

Ancient Epitome of Canon CXIII. Whoso preaches that without grace we could keep the commandments although with difficulty, is to be thrice execrated. For the Lordsays, "Without me ye can do nothing." This is Canon V. of Carthage, a.d. 418.

Canon CXIV.

(Greek cxv.) That not only humble but also true is that voice of the Saints: ”If we say that we have no sin we deceive ourselves.” IT also seemed good that as St. John the Apostle says, ”If we shall say that we have no sin we deceive ourselves and the truth is not in us,” whosoever thinks that this should be so understood as to mean that out of humility, we ought to say that we have sin, and not because it is really so, let him be anathema. For the Apostle goes on to add, ”But if we confess our sins, he is faithful and just to forgive us our sins and to cleanse us from all iniquity,” where it is sufficiently clear that this is said not only of humility but also truly. For the Apostle might have said, ”If we shall say we have no sins we shall extoll ourselves, and humility shall have no place in us;” but when he says, ”we deceive ourselves and the truth is not in us” he sufficiently intimates that he who affirmed that he had no sin would speak not that which is true but that which is false.

Notes.

Ancient Epitome of Canon CXIV. Whosoever shall interpret the saying of the Divine [i.e. St. John]: ”If we shall say that we have no sin, we deceive ourselves” as not being really true but as spoken out of humility, let him be anathema.This is Canon vj. of Carthage, a.d. 418.

Canon CXV.

(Greek cxvi.) That in the Lord's Prayer the Saints say for themselves: "Forgive us our trespasses." IT has seemed good that whoever should say that when in the Lord's prayer, the saints say, "forgive us our trespasses," they say this not for themselves, because they have no need of this petition, but for the rest who are sinners of the people; and that therefore no one of the saints can say, "Forgive me my trespasses," but "Forgive us our trespasses;" so that the just is understood to seek this for others rather than for himself; let him be anathema. For holy and just was the Apostle James, when he said, "For in many things we offend all." For why was it added "all," unless that this sentence might agree also with the psalm, where we read, "Enter not into judgment with thy servant, O Lord, for in thy sight shall no man living be justified;" and in the prayer of the most wise Solomon: "There is no man that sinneth not;" and in the book of the holy Job: "He sealeth in the hand of every man, that every man may know his own infirmity;" wherefore even the holy and just Daniel when in prayer said several times: "We have sinned, we have done iniquity," and other things which there truly and humbly he confessed; nor let it be thought (as some have thought) that this was said not of his own but rather of the people's sins, for he said further on: "When I shall pray and confess my sins and the sins of my people to the Lord my God;" he did not wish to say our sins, but he said the sins of his people and his own sins, since he as a prophet foresaw that those who were to come would thus misunderstand his words.

Notes.

Ancient Epitome of Canon CXV. Whoso expounds this, "forgive us our trespasses" as speaking only of the multitude and not of individuals let him be anathema: Since Daniel even he can behold saying with the multitude "I confessed my sins and the sins of my people."This is Canon vii. of Carthage, a.d. 418.

Canon CXVI.

(Greek cxvii.) That the Saints say with accuracy, "Forgive us our trespasses." Likewise also it seemed good, that whoever wished that these words of the Lord's prayer, when we say, "Forgive us our trespasses" are said by the saints out of humility and not in truth let them be anathema. For who would make a lying prayer, not to men but to God? Who would say with his lips that he wished his sins forgiven him, but in his heart that he had no sins to be forgiven.

Notes.

Ancient Epitome of Canon CXVI. (Lacking.) This is Canon viii. of Carthage, a.d. 418.

Canon CXVII.

(Greek cxviii.) Of peoples converted from the Donatists. Item, it seemed good, since it was so decreed some years ago by a plenary council, that whatever churches were erected in a diocese before the laws were made concerning Donatists when they became Catholic, should pertain to the sees of those bishops through whom their return to Catholic unity was brought about; but after the laws whatever churches communicated were to belong there where they belonged when they were Donatists. But because many controversies afterward arose and are still springing up between bishops concerning dioceses, which were not then at all in prospect, now it has seemed good to this council, that wherever there was a Catholic and a Donatist party, pertaining to different sees, at whatever time unity has been or shall be made, whether before or after the laws, the churches shall belong to that see to which the Catholic church which was already there belonged.

Notes.

Ancient Epitome of Canon CXVII. Whenever conversions and unions of Donatists are effected, let them be subject to that throne towhich the Catholic Church which was formerly there was subject.This is Canon ix. of Carthage, a.d. 418.

Canon CXVIII.

(Greek cxix.) How bishops as well Catholic as those who have been converted from the Donatists are to divide between themselves the dioceses. So, too, it has seemed good that if a bishop has been converted from the Donatists to Catholic unity, that equally there should be divided what shall have been so found where there were two parties; that is, that some places should pertain to one and some to the other; and let the division be made by him who has been the longest time in the episcopate, and let the younger choose. But should there be only one place let it belong to him who is found to be the nearer. But should the distance be equal to each of the two cathedrals let it belong to the one the people may choose. But should the old Catholics wish their own bishop, and if the same be the case with the converted Donatists, let the will of the greater number prevail, but should the parties be equal, let it belong to him who has been longest bishop. But if so many places be found in which there were both parties, that an equal division is impossible, as for example, if they are unequal in number, after those places have been distributed which have an equal number, the place that remains over shall be disposed of as is provided above in the case where there is but one place to be treated.

Notes.

Ancient Epitome of Canon CXVIII. Those who have been converted from Donatus, let them divide the dioceses; and let the senior bishop make the division, and the junior choose which he will.This is Canon x. of Carthage, a.d. 418.

Canon CXIX.

(Greek cxx.) That if a bishop shall possess a diocese which he has snatched from heresy for three years, no one may take it from him. Item, it seemed good that if anyone after the laws should convert any place to Catholic unity and retain it for three years without opposition, it should not be taken away from him afterwards. If however there was during those three years a bishop who could claim it and was silent, he shall lose the opportunity. But if there was no bishop, no prejudice shall happen to the see, but it shall be lawful when the place that had none shall receive a bishop, to make the claim within three years of that day. Item, if a Donatist bishop shall be converted to the Catholic party, the time that has elapsed shall not count against him, but from the day of his conversion for three years he shall have the right of making a claim on the places which belonged to his See.

Notes.

Ancient Epitome of Canon CXIX. Whosoever shall convert a region to Orthodoxy and shall keep it converted for three years, let him be without blame. But if the bishop converted from Donatus within three years of its conversion seeks his diocese again, let it be returned to him (ei enagei, enagetw.) This is Canon xj. of Carthage, a.d. 418.

Canon CXX.

(Greek cxxi.) Of those who intrude uponpeoples which they think belong to them, without the consent of those by whom they are held. Item, it seemed good that whatever bishops seek the peoples whom they consider to pertain to their see, not by bringing their causes before the episcopal judges, but rush in while another is holding the place, all such, (whether said people are willing to receive them or no) shall lose their case. And whoever have done this, if the contention between the two bishops is not yet finished but still going on, let him depart who intruded without the decree of the ecclesiastical judges; nor let anyone flatter himself that he will retain [what he has seized] if he shall obtain letters from the primate, but whether he has such letters or has them not, it is suitable that he who holds and receives his letters should make it appear then that he has held the church pertaining to him peaceably. But if he has referred any question, let the cause be decided by the episcopal judges, whether those whom the primates have appointed for them, or the neighbouring bishops whom they have chosen by common consent.

Notes.

Ancient Epitome of Canon CXX. Let no one seize for himself what he thinks belongs to him: but let the bishops judge or where the Primate will give, or whom the neighbouring bishops shall give with his consent. But whosoever has received letters from the primate concerning the keeping [of such regions and churches] merely deceives himself.This is Canon xij. of Carthage, a.d. 418.

Canon CXXI.

(Greek cxxii.) Of those who neglect the peoples belonging to them. Item, it seemed good that whoever neglect to bring the places belonging to their see into Catholic unity should be admonished by the neighbouring diligent bishops, that they delay no longer to do this; but if within six months from the day of the convention they do nothing, let them pertain to him who can win them: but with this proviso however, that if he to whom it seemed they naturally belonged can prove that this neglect was intentional and more efficacious in winning them than the greater apparent diligence of others; when the episcopal judges shall be convinced that this is the case, they shall restore the places to his see. If the bishops between whom the cause lies are of different provinces, let the Primate in whose province the place is situated about which there is the dispute, appoint judges; but if by mutual consent they have chosen as judges the neighbouring bishops, let one or three be chosen: so that if they choose three they may follow the sentence of all or of two.

Notes.

Ancient Epitome of Canon CXXI. If any neglect what belongs to their jurisdiction, let them be admonished ; and if they shall do nothing within a six month, let them be adjudged to him who can win them. But if they have committed the neglect out of policy so as not to irritate the heretics, and this shall appear to have been the case, their sees shall be restored to them, by the judgment of the bishops either appointed or elected.This is Canon xiij. of Carthage, a.d. 418.

Canon CXXII.

(Greek cxxiii.) The sentence of the elected judges ought not to be spurned. From the judges chosen by common consent of the parties, no appeal can be taken; and whoever shall be found to have carried such an appeal and contumaciously to be unwilling to submit to the judges, when this has been proved to the primate, let him give letters, that no one of the bishops should communicate with him until he yield.

Notes.

Ancient Epitome of Canon CXXII. A judge chosen by both parties cannot be repudiated.This is Canon xiv. of Carthage, a.d. 418.Johnson,See Canons 76 (79) and 80 (83).

Canon CXXIII.

(Greek cxxiv.) That if a bishop neglects his diocese he is to be deprived of communion. IF in the mother cathedrals a bishop should have been negligent against the heretics, let a meeting be held of the neighbouring diligent bishops, and let his negligence be pointed out to him, so that he can have no excuse. But if within six months after this meeting, if an execution was in his own province, and he had taken no care to convert them to Catholic unity, no one shall communicate with him till he does his duty. But if no executor shah have come to the places, then the fault shall not be laid to the bishop.

Notes.

Ancient Epitome of Canon CXXIII. A bishop who spurns the care of heretics, and if after being warned he continues for six months in his contempt, and has no care for their conversion, is to be excommunicated.This is Canon xv. of Carthage, a.d. 418. Johnson. So [i.e. ”Metropoles”] I turn matrices cathedrae. I know indeed there were no fixed ecclesiastical metropoles, in Africa; but they had civil metropoles called by that name, can. 86, (89) which see. Of these officers [i.e. ”Executors ”] see can. 97 (100).

Canon CXXIV.

(Greek cxxv.) Of bishops who shall lie with regard to Donatists' communions. IF it shall be proven that any bishop has lied concerning the communion of those [who had been Donatists], and had said that they had communicated when he knew it was an established fact that they had not done so, let him lose his bishoprick.

Notes.

Ancient Epitome of Canon CXXIV. Whoso says that a man, whom he knows does not communicate, does communicate is to be deprived of his episcopate.This is Canon xvj. of Carthage, a.d. 418.

Canon CXXV.

(Greek cxxvi.) That presbyters and clerics are not to appeal except to African Synods. Item, it seemed good that presbyters, deacons, or other of the lower clergy who are to be tried, if they question the decision of their bishops, the neighbouring bishops having been invited by them with the consent of their bishops, shall hear them and determine whatever separates them. But should they think an appeal should be carried from them, let them not carry the appeal except to African councils or to the primates of their provinces. But whoso shall think of carrying an appeal across seas he shall be admitted to communion by no one in Africa.

Notes.

Ancient Epitome of Canon CXXV. A presbyter and deacons, who has been condemned by his own bishop, let him appeal to the neighbouring bishops: but let them not cross the sea. In Africa they shall be excommunicated.This is Canon xvij. of Carthage, a.d. 418. Johnson. A repetition of Canon 28 (31).

Canon CXXVI.

(Greek cxxvii.) That Virgins, even when minors, should be given the veil. Item, it seemed good that whatever bishop, by the necessity of the dangers of virginal purity, when either a powerful suitor or some ravisher is feared, or if she shall be pricked with some scruple of death that she might die unveiled, at the demand either of her parents or of those to whose care she has been entrusted, shall give the veil to a virgin, or shall have given it while she was under twenty-five years of age, the council which has appointed that number of years shall not oppose him.

Notes.

Ancient Epitome of Canon CXXVI. Whosoever has veiled or shall veil a virgin before she is twenty-five years of age (that is give her the habit, or clothe her), being forced thereto on account of a powerful lover, or a ravisher, or deadly disease, provided those ,who have the charge of her so exhort, shall receive no damage from the synod concerning that age. This is Canon xviij. of Carthage, a.d. 418. The reference to a former canon is to Canon j. of the second series of the canons of the Synod of Hippo in a.d. 393.

Canon CXXVII.

(Greek cxxviii.) That bishops be not detained too long in council, let them choose three judges from themselves of the singular provinces. Item, it seemed good, lest all the bishops who are assembled at a council be kept too long, that the whole synod should choose three judges of the several provinces; and they elected for the province of Carthage Vincent, Fortunatian, and Clarus; for the province of Numidia Alypius, Augustine, and Restitutus; for the province of Byzacena, with the holy Senex Donatian the Primate, Cresconius, Jocundus, and Aemilian; for Mauritania Sitephensis Severian, Asiaticus, and Donatus; for the Tripolitan province Plautius, who alone was sent as legate according to custom; all these were to take cognizance of all things with the holy senex Aurelius, from whom the whole council sought that he should subscribe all things done by the council whether acts or letters. And they subscribed: I, Aurelius, bishop of the church of Carthage consent to this decree and having read it sign my name. Likewise also signed they all.

Ancient Epitome of Canon CXXVII. Whenever the bishops who come to synod can remain no longer in attendance, let three be chosen from each province.This is Canon xix. of Carthage, a.d. 418. Johnson. Two Sancti Senes mentioned, who we aresure were both primates. See can. 100 (104). See can. 14. And here we have an ancient precedent for synods delegating their authority to a committee, with the primate of all Africa at the head of it.Item, at this council there was present a legation from the Roman Church.

After the consulate of the most glorious emperors Honorius for the XII. time and Theodosius for the VIII., Augusti, on the III. Calends of June, at Carthage, in the Secretarium of the restored basilica, when Aurelius the bishop together with Faustinus of the church of Potentia in the Italian province of Picenum, a legate of the Roman Church, Vincent of Calvita (Culositanus), Fortunatian of Naples, Marianus Uzipparen- sis, Adeodatus of Simidica, Pentadius of Carpi, Rufinian of Muzuba, Praetextatus of Sicily, Quodvultdeus of Veri (Verensis), Candidus of Abbirita, Gallonian of Utica, legates of the proconsular province; Alypius of Tagaste, Augustine of Hippo Regia and Posidonius of Calama, legates of the province of Numidia; Maximian of Aquae, Jocundus of Sufetula, and Hilary of Horrea-Cascilia, legates of the province of Byzacena; Novatus of Sitifi and Leo of Mocta, legates of the province of Mauritania Sitiphensis; Ninellus of Rusucarrum, Laurence of Icosium and Numerian of Rusgunium, legates of the Province of Mauritania Caesariensis, the judges chosen by the

plenary council, had taken their seats, the deacons standing by, and when, after certain things had been accomplished, many bishops complained that it was not possible for them to wait for the completion of the rest of the business to be treated of, and that they must hasten to their own churches; it seemed good to the whole council, that by all some should be chosen from each province who should remain to finish up what was left to be done. And it came about that those were present whose subscriptions testify that they were present.

Canon CXXVIII.

(Greek cxxix.) That those out of communion should not be allowed to bring accusation. IT seemed good to all, as it had been decreed by the former councils, concerning what persons were to be admitted to bring accusations against clerics; and since it had not been expressed what persons should not be admitted, therefore we define, that he cannot properly be admitted to bring an accusation, who had been already excommunicated, and was still lying under that censure, whether he that wished to be the accuser were cleric or layman.

Notes.

Ancient Epitome OF Canon CXXVIII. One excommunicated is not to give witness. The Council of Carthage of 419 had at its first session on May 25th done thus much.But when it met again on the 30th of the same month, it continued the code. The introduction in regard to this new session is this introduction. The Canons then enacted were original, viz. numbers 128, 129, 130, 131, 132 and 133.

Canon CXXIX.

(Greek cxxx.) That slaves and freedmen and all infamous persons ought not to bring accusation. To all it seemed good that no slaves or freedmen, properly so called, be admitted to accusation nor any of those who by the public laws are debarred from bringing accusation in criminal proceedings. This also is the case with all those who have the stain of infamy, that is actors, and persons subject to turpitudes, also heretics, or heathen, or Jews; but even all those to whom the right of bringing accusation is denied, are not forbidden to bring accusation in their own suits.

Notes.

Ancient Epitome of Canon CXXIX. A slave, and a freedman, and he who before was accused of any of these crimes on account ofwhich he is not admitted in court, and a player,and a heathen, and a heretic, and a Jew[There is no verb to finish the sentence.However, this is intended as a continuation of the epitome of the former canon, the words to be supplied being ”are not to give witness.”] Johnson. See Can., Const., 6.

Canon CXXX.

(Greek cxxxi.) That he who has failed to prove one charge shall not be allowed to give evidence to another. So, too, it seemed good that as often as many crimes were laid to clerics by their accusers, and one of the first examined could not be proved, they should not be allowed to go on giving evidence on the other counts. Ancient Epitome of Canon CXXX. He who makes many accusations and proves nothing [is not to give witness].

Canon CXXXI. (Greek CXXXII.)

Who should be allowed to give evidence. They who are forbidden to be admitted as accusers are not to be allowed to appear as witnesses, nor any that the accuser may bring from his own household. And none shall be admitted to give witness under fourteen years of age.

Notes.
Ancient Epitome of Canon CXXXI. And whoso is not past fourteen years of age [is not to give witness]. An accuser is not to produce witnesses from his own house. Johnson. See Can. 129.

Canon CXXXII.

(Greek cxxxiii.) Concerning a bishop who removes a man from communion who says he has confessed to the bishop alone his crime. IT also seemed good that if on any occasion a bishop said that someone had confessed to him alone a personal crime, and that the man now denies it; let not the bishop think that any slight is laid upon him if he is not believed on his own word alone, although he says he is not willing to communicate with the man so denying through a scruple of his own conscience.

Notes.

Ancient Epitome of Canon CXXXII. If a bishop says ”someone has confessed to me alone a crime,” if the someone denies it, he [i.e. the bishop] is not easily to be believed.N.B. The word used for ”someone” inthe Epitome is pelaj, which ordinarily means a ”neighbour” but may mean ”any one.”Vide Liddell and Scott.

Canon CXXXIII.

(Greek cxxxiv.) That a bishop should not rashly deprive anyone of communion. As long as his own bishop will not communicate with one excommunicated, the other bishops should have no communion with that bishop, that the bishop may be more careful not to charge anyone with what he cannot prove by documentary evidence to others. (Greek cxxxv.) Bishop Aurelius said: According to the statutes of this whole assembled council, and the opinion of my littleness, it seems good to make an end of all the matters of the whole of the beforemanifested title, and let the ecclesiastical acts receive the discussion of the present day's constitution. And what things have not yet been expressed (" treated of" in the Greek) we shall write on the next day through our brethren, Bishop Faustinus and the Presbyters Philip and Asellus to our venerable brother and fellow-bishop Boniface; and they gave their assent in writing.

Notes.

Ancient Epitome of Canon CXXXIII. If a bishop deprives of communion an unconvicted man, he shall likewise be deprived of communion with his fellows.Johnson, Never was a more impartial law made, especially when all the legislators were bishops except two. There were 217 bishops, and two priests, being legates from the bishop of Rome. The Greeks make a canon of the ratifications, and reckon no more than 135. Aurelius, Bishop of Carthage, subscribes first, and after him 217 bishops, then Asellus and Philippus, priests, legates of the church of Rome. And it does not appear that any other priests were present in any of the councils, mentioned in the body of this code; but there is several times notice taken of the deacons who stood by.

Canon CXXXIV.

(Continuation of cxxxv. in the Greek.) Here beginneth the letter directed from the whole African Council to Boniface, bishop of the City of Rome, by Faustinus the bishop, and Philip and Asellus the presbyters, legates of the Roman Church. To the most blessed lord, and our honourable brother Boniface, Aurelius, Valentine of the primatial See of Numidia, and others present with us to the number of 217 from the whole council in Africa.

Since it has pleased the Lord that our humility should write concerning those things which with us our holy brethren, Faustinus a fellow-bishop and Philip and Asellus, fellow presbyters, have done, not to the bishop Zosimus of blessed memory, from whom they brought commands and letters to us, but to your holiness, who art constituted in his room by divine authority, we ought briefly to set forth what has been determined upon by mutual consent; not indeed those things which are contained in the prolix volumes of the acts, in which, while charity was preserved, yet we loitered not without some little labour of altercation, deliberating those things in the acts which now pertain to the cause. However the more gratefully would he have received this news as he would have seen a more peaceful ending of the matter, my lord and brother, had he been still in the body! Apiarius the presbyter, concerning whose ordination, excommunication, and appeal no small scandal arose not only at Sicca but also in the whole African Church, has been restored to communion upon his seeking pardon for all his sins. First our fellow bishop Urban of Sicca doubtless corrected whatever in him seemed to need correction. For there should have been kept in mind the peace and quiet of the Church not only in the present but also in the future, since so many evils of such a kind had gone before, that it was incumbent to take care that like or even graver evils should be prevented thereafter.

It seemed good to us that the presbyter Apiarius should be removed from the church of Sicca, retaining only the honour of his grade, and that he should exercise the office of the presbyterate wherever else he wished and could, having received a letter to this effect. This we granted without difficulty at his own petition made in a letter. But truly before this case should be thus closed, among other things which we were treating of in daily discussions, the nature of the case demanded that we should ask our brothers, Faustinus our fellow bishop, and Philip and Asellus our fellow presbyters, to set forth what they had been enjoined to treat of with us that they might be inserted in the ecclesiastical acts. And they

proceeded to make a verbal statement, but when we earnestly asked that they would present it rather in writing, then they produced the Commonitory. This was read to us and also set down in the acts, which they are bringing with them to you. In this they were bidden to treat of four things with us, first concerning the appeal of bishops to the Pontiff of the Roman Church, second that bishops should not unbecomingly be sailing to court, thirdly concerning the treating the causes of presbyters and deacons by contiguous bishops, if they had been wrongly excommunicated by their own, and fourthly concerning the bishop Urban who should be excommunicated or even sent to Rome, unless he should have corrected what seemed to need correction.

Of all which things concerning the first and third, that is that it is allowed to bishops to appeal to Rome and that the causes of clerics should be settled by the bishops of their own provinces, already last year we have taken pains to insinuate, in our letter to tile same bishop Zosimus of venerable memory, that we were willing to observe these provisions for a little while without any injury to him, until the search for the statutes of the Council of Nice had been finished. And now we ask of your holiness that you would cause to be observed by us the acts and constitutions of our fathers at the Council of Nice, and flint you cause to be exercised by you there, those things which they brought in the commonitory: that is to say, If a bishop shall have been accused, etc. [Here follows Canon vii. of Sardica.]Item concerning presbyters and deacons.If any bishop has been quickly angered,etc. [Here follows Canon xvii. of Sardica.]These are the things which have been inserted in the acts until the arrival of the most accurate copies of the Nicene Council, which things, if they are contained there (asin the Commonitory, which our brethren directed to us from the Apostolic See alleged) and be even kept according to that order by you in Italy, in no way could we be compelled either to endure such treatment as we are unwilling to mention or could suffer what is unbearable:

but we believe, through tile mercy of our Lord God, while your holiness presides over the Roman Church, we shall not have to suffer that pride (istum typhum passuri). And there will be kept toward us, what should be kept with brotherly love to us who are making no dispute. You will also perceive according to the wisdom and the justice which the most Highest has given thee, what should be observed, if perchance the canons of the Council of Nice are other [than you suppose]. For although we have read very many copies, yet never have we read in the Latin copies that there were any such decrees as are contained in the commonitory before mentioned. So too, because we can find them in no Greek text here, we have desired that there should be brought to us from the Eastern Churches copies of the decrees, for it is said that there correct copies of the decrees are to be found. For which end we beg your reverence, that you would design yourself also to write to the pontiffs of these parts, that is of the churches of Antioch, Alexandria, and Constantinople, and to any others also if it shall please your holiness, that thence there may come to us the same canons decreed by the Fathers in the city of Nice, and thus you would confer by the help of the Lord this most great benefit upon all the churches of the West.

For who can doubt that the copies of the Nicene Council gathered in the Greek empire are most accurate, which although brought together from so diverse and from such noble Greek churches are found to agree when compared together? And until this be done, the provisions laid down to us in the Commonitory aforesaid, concerning the appeals of bishops to the pontiff of the Roman Church and concerning the causes of clerics which should be terminated by the bishops of their own provinces, we are willing to allow to be observed until the proof arrives and we trust your blessedness will help us in this according to the will of God. The rest of the matters treated and defined in our synod, since the aforesaid brethren, our fellow bishop Faustinus, and the presbyters Philip and Asellus are carrying the acts with them, if you deign to receive them, will make known to your holiness. And they signed. Our Lord keep thee to us for many years, most blessed brother. Alypius, Augustine, Possidius, Marinus and the rest of the bishops (217) also signed.

Ancient Epitome of Canon CXXXXV. Urban, the bishop of Siccas, is either to be excommunicated or else summoned to Rome unless he corrects what should be corrected by him.

Canon CXXXV.

(Not numbered in the Greek.) Here begin the rescripts to the African Council from Cyril bishop of Alexandria in which he sends the authentic proceedings of the Nicene Council, translated from the Greek by Innocent the presbyter: these letters with the same Nicene council were also sent through the aforementioned presbyter Innocent and by Marcellus a subdeacon of the Church of Carthage, to the holy Boniface, bishop of the Roman Church, on the sixth day before the calends of December in the year 419. To the most honourable lords, our holy brethren and fellow bishops, Aurelius, Valentinus, as well as to the whole holy synod met in Carthage, Cyril salutes your holiness in God. I have received with all joy at the hands of our son, the presbyter Innocent, the letters of your reverence so full of piety, in which you express the hope that we will send you most accurate copies of the decrees of the holy Fathers at the Synod held at Nice the metropolis of Bithynia from the archives of our church; with our own certificate of accuracy attached thereto. In answer to which request, most honourable lords and brethren, I have thought it necessary to send to you, with our compliments, by our son, Innocent the presbyter, the bearer of these, most faithful copies of the decisions of the synod held at Nice in Bithynia. And when ye have sought in the history of the church, you will find them there also. Concerning Easter, as you have written, we announce to you that we shall celebrate it on the xviiith before the calends of May of the next indiction. The subscription. May God and our Lord preserve your holy synod as we desire, dear brethren.

Ancient Epitome of Canon CXXXV. According to your written request, we have sent to your charity most faithful copies of the authentic decrees of the Synod which was held at Nice, a city of Bithynia.

Canon CXXXVI.

(Not numbered in the Greek but with a new heading.) Here beginneth the letter of Atticus, bishop of Constantinople to the same. To our holy lords, and rightly most blessed brethren and fellow bishops, Aurelius, Valentine, and to the other beloved ones met together in the Synod held at Carthage, Atticus the bishop. By our son Marcellus the subdeacon, I have received with all thanksgiving the writings of your holiness, praising the Lord that I enjoyed the blessing of so many of my brethren. O my lords and most blessed brethren, ye have written asking me to send you most accurate copies of the canons enacted at the city of Nice, the metropolis of Bithynia, by the Fathers for the exposition of the faith. And who is there that would deny to his brethren the common faith, or the statutes decreed by the Fathers. Wherefore by the same son of mine, Marcellus, your subdeacon, who was in great haste, I have sent to you the canons in full as they were adopted by the Fathers in the city of Nice; and I ask of you that your holy synod would have me much in your prayers. The subscription. May our God keep your sanctity, as we desire, most holy brethren.

Canon CXXXVII.

(Continuation of the last in the Greek.) Here begin the examples of the Nicene Council, sent on the sixth day before the calends of December in the year 419, after the consulate of the most glorious emperor Honorius for the XII time, and Theodosius for the IX time Augustuses, to Boniface thebishop of the City of Rome. WE believe in one God etc. . . . the Catholic and Apostolic Church anathematizes them. To this symbol of the faith there were also annexed copies of the statutes of the same Nicene Councils from the aforenamed pontiffs, in all respects as are contained above; which we do not think it necessary to write out here again.

Notes.

Ancient Epitome of Canon CXXXVII. The Canons of the Synod of Nice are sent, as they were decreed by the Fathers, in accordance with your letters.[Here follows the Nicene Creed in full.]

Canon CXXXVIII.

(Not numbered in the Greek.) Here beginneth the epistle of the African synod to Pope Celestine, bishop of the City of Rome. To the lord and most beloved and our honourable brother Celestine, Aurelius, Palatinus, Antony, Totus, Servusdei, Terentius, Fortunatus, Martin, Januarius, Optatus, Ceticius, Donatus, Theasius, Vincent, Fortunatian, and the rest of us, assembled at Carthage in the General Council of Africa.

We could wish that, like as your Holiness intimated to us, in your letter sent by our fellow presbyter Leo, your pleasure at the arrival of Apiarius, so we also could send to you these writings with pleasure respecting his clearing. Then in truth both our own satisfaction, and yours of late would be more reasonable; nor would that lately expressed by you concerning the hearing of him then to come, as well as that already past, seem hasty and inconsiderate. Upon the arrival, then, of our holy Brother and fellow-Bishop Faustinus, we assembled a council, and believed that he was sent with that man, in order that, as he [Apiarius] had before been restored to the presbyterate by his assistance, so now he might with his exertions be cleared of the very great crimes charged against him by the inhabitants of Tabraca. But the due course of examination in our council discovered in him such great and monstrous crimes as to overhear even Faustinus, who acted rather as an advocate of the aforementioned person than as a judge, and to prevail against what was more the zeal of a defender, than the justice of an inquirer. For first he vehemently opposed the whole assembly, inflicting on us many injuries, under pretence of asserting the privileges of the Roman Church, and wishing that he should be received into communion by us, on the ground that your Holiness, believing him to have appealed, though unable to prove it, had restored him to communion.

But this we by no means allowed, as you will also better see by reading the acts. After however, a most laborious inquiry carried on for three days, during which in the greatest affliction we took cognizance of various charges against him, God the just Judge, strong and long suffering, cut short by a sudden stroke both the delays of our fellow-bishop Faustinus and the evasions of Apiarius himself, by which he was endeavouring to veil his foul enormities. For his strong and shameless obstinacy was overcome, by which he endeavoured to cover, through an impudent denial, the mire of his lusts, and God so wrought upon his conscience and published, even to the eyes of men, the secret crimes which he was already

condemning in that man's heart, a very sty of wickedness, that, after his false denial he suddenly burst forth into a confession of all the crimes he was charged with, and at length convicted himself of his own accord of all infamies beyond belief, and changed to groans even the hope we had entertained, believing and desiring that he might be cleared from such shameful blots, except indeed that it was so far a relief to our sorrow, that he had delivered us from the labour of a longer inquiry, and by confession had applied some sort of remedy to his own wounds, though, lord and brother, it was unwilling, and done with a struggling conscience.

Premising, therefore, our due regards to you, we earnestly conjure you, that for the future you do not readily admit to a hearing persons coming hence, nor choose to receive to your communion those who have been excommunicated by us, because you, venerable Sir, will readily perceive that this has been prescribed even by the Nicene council. For though this seems to be there forbidden in respect of the inferior clergy, or the laity, how much more did it will this to be observed in the case of bishops, lest those who had been suspended from communion in their own Province might seem to be restored to communion hastily or unfitly by your Holiness. Let your Holiness reject, as is worthy of you, that unprincipled taking shelter with you of presbyters likewise, and the inferior clergy, both because by no ordinance of the Fathers hath the Church of Africa been deprived of this authority, and the Nicene decrees have most plainly committed not only the clergy of inferior rank, but the bishops themselves to their own Metropolitans. For they have ordained with great wisdom and justice, that all matters should be terminated in the places where they arise; and did not think that the grace of the Holy Spirit would be wanting to any Province, for the bishopsof Christ (Sacerdotibus) wisely to discern, and firmly to maintain the right: especially since whosoever thinks himself wronged by any judgment may appeal to the council of his Province, or even to a General Council [i.e.

of Africa] unless it be imagined that God can inspire a single individual with justice, and refuse it to an innumerable multi-rude of bishops (sacerdotum) assembled in council. And how shall we be able to rely on a sentence passed beyond the sea, since it will not be possible to send thither the necessary witnesses, whether from the weakness of sex, or advanced age, or any other impediment? For that your Holiness should send ally on your part we can find ordained by no council of Fathers. Because with regard to what you have sent us by file same our brother bishop Faustinus, as being contained in the Nicene Council, we can find nothing of the kind in the more authentic copies of that council, which we have received from the holy Cyril our brother, Bishop of the Alexandrine Church, and from the venerable Atticus the Prelate of Constantinople, and which we formerly sent by Innocent the presbyter, and MarcelIus the subdeacon through whom we received them, to Boniface the Bishop, your predecessor of venerable memory. Moreover whoever desires you to delegate any of your clergy to execute your orders, do not comply, lest it seem that we are introducing the pride of secular dominion into the Church of Christ which exhibiteth to all that desire to see God the light of simplicity and the day of humility.

For now that the miserable Apiarius has been removed out of the Church of Christ for his horrible crimes, we feel confident respecting our brother Faustinus, that through the uprightness and moderation of your Holiness, Africa, without violating brotherly charity, will by no means have to endure him any longer. Lord and brother, may our Lord long preserve your Holiness to pray for us.

Ancient Epitome of Canon CXXXVIII. Those excommunicated by us, ye are not be willing to admit afterwards to communion, according to the decree of the Nicene Synod. For Apiarius, who restored by you, has resisted the Synod, and treated it with scorn, and at length has been converted and confessed himself guilty with sighs and tears.

Source. English translation: an older public-domain translation as collected in the Writings-Database (HistoricalChristianFaith), mostly from the Ante-Nicene, Nicene and Post-Nicene Fathers and similar nineteenth-century editions. SermonIndex has only divided it into chapters and short sections; the wording is the translator's own. Square brackets, Greek or Latin words and footnote-free text are as the source file prints them, and a transcription error may remain. No Greek or Latin text is shown beside it yet, and no modern English version has been made.