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Council of Carthage (A.D. 419)

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Commonly Called The Code of Canons of the African Church.

Introductory Note

“Councils were nowhere more frequently called in the Primitive Times than in Africa. In the year 418-19, all canons formerly made in sixteen councils held at Carthage ([../cathen/03385a.htm](http://cathen.com/03385a.htm)), one at Milevis, one at Hippo, that were approved of, were read, and received a new sanction from a great number of bishops ([../cathen/02581b.htm](http://cathen.com/02581b.htm)), then met in synod at Carthage ([../cathen/03385a.htm](http://cathen.com/03385a.htm)). This Collection is the Code of the African Church, which was always in greatest repute in all Churches next after the Code of the Universal Church. This code was of very great authority in the old English Churches, for many of the Excerptions of Egbert were transcribed from it. And though the Code of the Universal Church ends with the canons of Chalcedon, yet these African Canons are inserted into the Ancient Code both of the Eastern and Western Churches. These canons though ratified and approved by a synod, yet seem to have been divided or numbered by some private and unlearned hand, and have probably met with very unskilful transcribers, by which means some of them are much confounded and obscured, as to their sense and coherence. They are by Dionysius Exiguus and others entitled *The Canons of the Synod of Africa*. And though all were not originally made at one time, yet they were all confirmed by one synod of African bishops ([../cathen/02581b.htm](http://cathen.com/02581b.htm)), who, after they had recited the Creed and the twenty canons of the Council of Nicaea ([../cathen/11044a.htm](http://cathen.com/11044a.htm)), proceeded to make new canons, and re-enforce old ones.”

Carthage ([../cathen/03385a.htm](http://cathen.com/03385a.htm)) was formerly the head of the whole of Africa, as St. Augustine tells us in his Epistle CLXII. From this cause ([../cathen/03459a.htm](http://cathen.com/03459a.htm)) it happened that a great number of councils were held there, gathered from all the provinces of Africa. Especially while Aurelius as Archbishop was occupying the throne were these meetings of bishops ([../cathen/02581b.htm](http://cathen.com/02581b.htm)) frequently holden; and by these, for the establishing of ecclesiastical ([../cathen/03744a.htm](http://cathen.com/03744a.htm)) discipline in Africa, many canons were enacted. At last, after the consulate of Honorius (XII.) and Theodosius (VIII.), Augustuses, on the eighth day before the Calends of June, that is to say, on May 25, in the year of our Lord 419, another Council was held in the same city at which all the canons previously adopted were considered, and the greater part of them were again confirmed by the authority of the synod. These canons, thus confirmed by this council, merited to be called from that day to this “The Code of Canons of the African Church.” These canons were not at first adopted in Greek but in Latin, and they were confirmed in the same language. This Dionysius Exiguus distinctly

testifies to in his preface to the “Code of Ecclesiastical Canons,” in which they are included. It is uncertain when the canons of this Carthaginian synod were done into Greek. This only is certain, that they had been translated into Greek before the Council in Trullo (../cathen/04311b.htm) by which, in its Second Canon, they were received into the Greek Nomocanon, and were confirmed by the authority of this synod; so that from that time these canons stand in the Eastern Church on an equality with all the rest.

An extremely interesting point arises as to what was the authority of the collection as a collection, and how this collection was made? There seems no doubt (../cathen/05141a.htm) that the collection substantially as we know (../cathen/08673a.htm) it was the code accepted by the Council of Trullo, the canons of which received a quasi-ecumenical authority from the subsequent general imprimatur given them by the Seventh Ecumenical Council, the Second of Nice.

Here is a list of the various councils which made the enactments, with their dates.

- Carthage (../cathen/03385a.htm) (under Gratus)— 345-348 a.d.
- (under Genethlius)— 387 or 390
- Hippo — 393
- Carthage (../cathen/03385a.htm)— 394
 1. (June 26)— 397
 2. (August 28)— 397
 3. (April 27)— 399
 4. (June 15)— 401
 5. (September 13)— 401
 6. Milevis (August 27)— 402
 7. Carthage (../cathen/03385a.htm) (August 25)— 403
 8. (June)— 404
 9. (August 25)— 405
 10. (June 13)— 407
 11. Carthage (../cathen/03385a.htm) (June 16 and October 13)— 408
 12. Carthage (../cathen/03385a.htm) (June 15)— 409
 13. (June 14)— 410
 14. (May 1)— 418
 15. (May 25) which adopted the African Code — 419

The numbering of the African councils differs very widely between the different writers, and Cave reckons nine between 401 and 608, and thirty-five Carthaginian between 215 and 533. Very useful tables, showing the conclusions of Fuchs, are found at the end of Bruns, *Canones Apostolorum et Conciliorum Veterum Selecti*.

An Ancient Introduction

(Found in Dionysius Exiguus, Codex Can. Migne, Pat. Lat., Tom. lxxvii., col. 182.)

After the consulate of the most glorious (../cathen/06585a.htm) emperors, Honorus for the twelfth time and Theodosius for the eighth time, Augustuses, on the VIII. before the Calends of June at Carthage (../cathen/03385a.htm), in the Secretarium of the basilica (../cathen/02325a.htm) 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 Cæsariensis, as well as of Tripoli, and with Vincent Colositanus, Fortunatian, and other bishops (../cathen/02581b.htm) of the proconsular province, in all two hundred and seventeen, also with Philip and Asellus, presbyters (../cathen/12406a.htm) and legates of the Roman Church, and while the deacons (../cathen/04647c.htm) were standing by, Aurelius the bishop (../cathen/02581b.htm) said, etc., *ut infra*.

The Canons

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 (../cathen/04049b.htm), 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 (../cathen/05752c.htm) or statutes of the Nicene Synod are as follows.

And while he was speaking, Faustinus, a bishop (../cathen/02581b.htm) 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 (../cathen/01640c.htm) 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 (../cathen/01640c.htm), 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 you 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 (../cathen/12406a.htm) Philip and Asellus, Zosimus, the bishop (../cathen/02581b.htm). 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 you 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 Nicaea ([../cathen/11044a.htm](#)) when they made these decrees concerning the appeals of bishops ([../cathen/02581b.htm](#)):

“But it seemed good ([../cathen/06636b.htm](#)) that if a bishop ([../cathen/02581b.htm](#)) had been accused, etc.” [Here follows verbatim Canon v. of Sardica.]

Ancient epitome: If bishops ([../cathen/02581b.htm](#)) shall have deposed a bishop ([../cathen/02581b.htm](#)), and if he appeal to the Roman bishop ([../cathen/12260a.htm](#)), he should be benignantly heard, the Roman bishop ([../cathen/12260a.htm](#)) writing or ordering.

”

And when this had been read, Alypius, bishop ([../cathen/02581b.htm](#)) 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 ([../cathen/08673a.htm](#)). For this reason we beg your reverence, holy ([../cathen/07386a.htm](#)) Pope Aurelius, that, as the authentic record of the decrees of the Council of Nicaea ([../cathen/11044a.htm](#)) 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 ([../cathen/07386a.htm](#)) brother the bishop ([../cathen/02581b.htm](#)) of Constantinople, but also to the venerable bishops ([../cathen/02581b.htm](#)) of Alexandria and Antioch ([../cathen/01570a.htm](#)), who shall send to us the decrees of that council with the authentication 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 ([../cathen/02581b.htm](#)) 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 ([../cathen/02581b.htm](#)), legate of the Roman Church, said: Let not your holiness ([../cathen/07386a.htm](#)) 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 ([../cathen/02581b.htm](#)) Alypius has vouchsafed to say: but do you deign to write these things to our holy ([../cathen/07386a.htm](#)) and most blessed pope, so that he seeking out the genuine canons, can treat with your holiness ([../cathen/07386a.htm](#)) on all matters decreed. But it suffices that the most blessed bishop ([../cathen/02581b.htm](#)) of the city of Rome ([../cathen/13164a.htm](#)) should make enquiry just as your holiness ([../cathen/07386a.htm](#)) proposes doing on your part, that there may not seem to have arisen any contention between the Churches ([../cathen/03744a.htm](#)), but that you 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 (../cathen/02581b.htm) said: In addition to what is set down in the acts, we, by the letters from our insignificance, must more fully inform our holy (../cathen/07386a.htm) brother and fellow bishop (../cathen/02581b.htm) 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 (../cathen/02581b.htm), legate of Mauritania Sitifensis, said: We now call to mind that there is contained in this commonitory something about presbyters (../cathen/12406a.htm) and deacons (../cathen/04647c.htm), how they should be tried by their own bishops (../cathen/02581b.htm) or by those adjoining, a provision which we find nothing of in the Nicene Council. For this cause (../cathen/03459a.htm) let your holiness (../cathen/07386a.htm) order this part to be read.

Aurelius the bishop (../cathen/02581b.htm) 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 you should do, we think should be inserted, as follows:

“Hosius the bishop (../cathen/02581b.htm) said: I should not conceal what has come into my mind up to this time. If any bishop (../cathen/02581b.htm) perchance has been quickly angered (a thing what should not happen) and has acted quickly or sharply against a presbyter (../cathen/12406a.htm) or a deacon (../cathen/04647c.htm) of his, and has wished to drive him out of the Church (../cathen/03744a.htm), provision should be made that the innocent be not condemned, or be deprived of communion (../cathen/05678a.htm): he that has been ejected should have the right (../cathen/13055c.htm) of appeal to the bishops (../cathen/02581b.htm) of the bordering dioceses (../cathen/05001a.htm), 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 (../cathen/02581b.htm) who either justly (../cathen/08571c.htm) or unjustly (../cathen/08010c.htm) rejected him, should patiently allow the affair to be discussed, so that his sentence be either approved or else emended, etc.”

And when this had been read, Augustine, the bishop (../cathen/02581b.htm) of the Church (../cathen/03744a.htm) 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 Nicaea (../cathen/11044a.htm). Aurelius the bishop (../cathen/02581b.htm) 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 (../cathen/02581b.htm) of the Church (../cathen/03744a.htm) 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 (../cathen/02581b.htm), legate of the Roman Church, said: So far as has developed by the confession of your holiness (../cathen/07386a.htm) as well as of the holy (../cathen/07386a.htm) Alypius, and of our brother Jocundus, I believe (../cathen/02408b.htm) 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 (../cathen/07386a.htm) deign to refer the matter to the holy (../cathen/07386a.htm) and venerable bishop (../cathen/02581b.htm) 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 (../cathen/05141a.htm), on this head it is right that the bishop (../cathen/02581b.htm) of the most blessed see be informed, if this can be found in the canons which have been approved.

Aurelius the bishop (../cathen/02581b.htm) said: As we have suggested to your charity, pray (../cathen/12345b.htm) 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 Cæcilean of blessed memory, the predecessor of your holiness (../cathen/07386a.htm) (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 (../cathen/03744a.htm) acts, so that (as has been already said) your blessedness may vouchsafe to write to those most venerable men of the Church of Antioch (../cathen/01567a.htm), 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 Nicaea (../cathen/11044a.htm) under the authentication of their signatures, by which, the truth (../cathen/15073a.htm) of the matter having become evident, those chapters which in the commonitory our brother who is present, and fellow bishop (../cathen/02581b.htm) Faustinus, as well as our fellow presbyters (../cathen/12406a.htm) 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 (../cathen/05752c.htm) of the Council of Nicaea (../cathen/11044a.htm) and its statutes to the African Council.

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 1.

That the statutes of the Nicene Council are to be scrupulously observed

Aurelius the bishop (../cathen/02581b.htm) 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.

Canon 2.

Of Preaching the Trinity

The whole Council said: By the favour of God (../cathen/06608a.htm), by a unanimous confession the Church's faith (../cathen/05752c.htm) which through us is handed down should be confessed in this glorious (../cathen/06585a.htm) assembly before anything else; then the ecclesiastical (../cathen/03744a.htm) order of each is to be built up and strengthened by the consent of all. That the minds of our brethren and fellow bishops (../cathen/02581b.htm) 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 (../cathen/04276a.htm) in our senses, of the Father (../cathen/06608a.htm), and of the Son (../cathen/14142b.htm), and of the Holy Ghost (../cathen/07409a.htm), which has no difference, as we say, so we shall instruct the people of God (../cathen/06608a.htm). Moreover by all the bishops (../cathen/02581b.htm) lately promoted it was said: So we openly confess, so we hold, so we teach, following the Evangelic faith (../cathen/05752c.htm) and your teaching.

Canon 3.

Of Continence

Aurelius the bishop (../cathen/02581b.htm) said: When at the past council the matter on continency and chastity (../cathen/03637d.htm) was considered, those three grades, which by a sort of bond are joined to chastity (../cathen/03637d.htm) by their consecration, to wit bishops (../cathen/02581b.htm), presbyters (../cathen/12406a.htm), and deacons (../cathen/04647c.htm), so it seemed that it was becoming that the sacred rulers and priests (../cathen/12406a.htm) of God as well as the Levites (../cathen/09206a.htm), or those who served at the divine sacraments (../cathen/13295a.htm), 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 (../cathen/01626c.htm) taught and antiquity kept, that we might also keep.

Canon 4.

Of the different orders that should abstain from their wives

FAUSTINUS, the bishop (../cathen/02581b.htm) of the Potentine Church, in the province of Picenum, a legate of the Roman Church, said: It seems good that a bishop (../cathen/02581b.htm), a presbyter (../cathen/12406a.htm), and a deacon (../cathen/04647c.htm), or whoever perform the sacraments (../cathen/13295a.htm), should be keepers of modesty and should abstain from their wives.

By all the bishops (../cathen/02581b.htm) it was said: It is right that all who serve the altar should keep pudicity (../cathen/03637d.htm) from all women (../cathen/15687b.htm).

Canon 5.

Of Avarice

Aurelius, the bishop (../cathen/02581b.htm), said: The cupidity of avarice (../cathen/02148b.htm) (which, let no one doubt (../cathen/05141a.htm), is the mother of all evil (../cathen/05649a.htm) 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 (../cathen/04049b.htm) to receive usury (../cathen/15235c.htm) 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 has 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 ([../cathen/08748a.htm](#)) is worthy of still more severe censure in the clergy ([../cathen/04049b.htm](#)). The whole synod said: No one has gone contrary to what is said in the Prophets and in the Gospels ([../cathen/06655b.htm](#)) with impunity.

Canon 6.

That the chrism should not be made by presbyters

Fortunatus the bishop ([../cathen/02581b.htm](#)), said: In former councils we remember that it was decreed that the chrism or the reconciliation of penitents, as also the consecration of virgins ([../cathen/15458a.htm](#)) be not done by presbyters ([../cathen/12406a.htm](#)): but should anyone be discovered to have done this, what ought we to decree with regard to him?

Aurelius the bishop ([../cathen/02581b.htm](#)) said: Your worthiness has heard the suggestion of our brother and fellow bishop ([../cathen/02581b.htm](#)) Fortunatus; What answer will you give?

And all the bishops ([../cathen/02581b.htm](#)) replied: Neither the making of the chrism, nor the consecration of virgins ([../cathen/15458a.htm](#)), is to be done by presbyters ([../cathen/12406a.htm](#)), nor is it permitted to a presbyter ([../cathen/12406a.htm](#)) to reconcile anyone in the public mass (*in publica missa*), this is the pleasure of all of us.

Canon 7.

Concerning those who are reconciled in peril of death

Aurelius the bishop ([../cathen/02581b.htm](#)) said: If anyone had fallen into peril of death during the absence of the bishop ([../cathen/02581b.htm](#)), and had sought to reconcile himself to the divine altars, the presbyter ([../cathen/12406a.htm](#)) should consult the bishop ([../cathen/02581b.htm](#)), and so reconcile the sick man at his bidding, which thing we should strengthen with healthy counsel. By all the bishops ([../cathen/02581b.htm](#)) it was said: Whatever your holiness ([../cathen/07386a.htm](#)) has taught us to be necessary, that is our pleasure.

Canon 8.

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 (../cathen/02581b.htm) of Maxula, said: Moreover, there are very many, not of good life, who think that their elders or bishops (../cathen/02581b.htm) should be the butt for accusation; ought such to be easily admitted or no? Aurelius the bishop (../cathen/02581b.htm) said: Is it the pleasure of your charity that he who is ensnared by various wickednesses should have no voice of accusation against these?

All the bishops (../cathen/02581b.htm) said: If he is criminous, his accusation is not to be received.

Canon 9.

Of those who on account of their deeds are justly cast forth from the congregation of the Church

AUGUSTINE the bishop (../cathen/02581b.htm), 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 (../cathen/03744a.htm), and shall have been received into communion by some bishop (../cathen/02581b.htm) or presbyter (../cathen/12406a.htm), such shall be considered as guilty of an equal crime with them who flee away from the judgment of their own bishop (../cathen/02581b.htm). And all the bishops (../cathen/02581b.htm) said: This is the pleasure of all of us.

Canon 10.

Of presbyters who are corrected by their own bishops

Alypius the bishop (../cathen/02581b.htm), a legate of the province of Numidia, said: Nor should this be passed over; if by chance any presbyter (../cathen/12406a.htm) when corrected by his bishop (../cathen/02581b.htm), inflamed by self-conceit or pride (../cathen/12405a.htm), has thought fit to offer sacrifices (../cathen/13309a.htm) to God separately [from the authority of the bishop (../cathen/02581b.htm)] or has believed (../cathen/02408b.htm) it right to erect another altar, contrary to ecclesiastical (../cathen/03744a.htm) faith (../cathen/05752c.htm) 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 (../cathen/03744a.htm) discipline and faith (../cathen/05752c.htm); therefore enact what seems good to your belovedness.

Canon 11.

If any presbyter, inflated against his bishop, makes a schism, let him be anathema

All the bishops (../cathen/02581b.htm) said: If any presbyter (../cathen/12406a.htm) shall have been corrected by his superior, he should ask the neighbouring bishops (../cathen/02581b.htm) that his cause (../cathen/03459a.htm) be heard by them and that through them he may be reconciled to his bishop (../cathen/02581b.htm): but if he shall not have done this, but, puffed up with pride (../cathen/12405a.htm), (which may God forbid!) he shall have thought it proper to separate himself from the communion of his bishop (../cathen/02581b.htm), and separately shall have offered the sacrifice (../cathen/13309a.htm) to God (../cathen/06608a.htm), and made a schism (../cathen/13529a.htm) with

certain accomplices, let him be anathema (../cathen/01455e.htm), and let him lose his place; and if the complaint which he brought against his bishop (../cathen/02581b.htm) shall [not] have been found to be well founded, an enquiry should be instituted.

Canon 12.

If any bishop out of Synod time shall have fallen under accusation, let his cause be heard by 12 bishops

Felix the bishop (../cathen/02581b.htm), said: I suggest, according to the statutes of the ancient councils, that if any bishop (../cathen/02581b.htm) (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 (../cathen/02581b.htm), that he may not rest under accusation, let his cause (../cathen/03459a.htm) be heard by 12 bishops (../cathen/02581b.htm); and let a presbyter (../cathen/12406a.htm) be heard by six bishops (../cathen/02581b.htm) with his own bishop (../cathen/02581b.htm), and a deacon (../cathen/04647c.htm) shall be heard by three.

Canon 13.

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 (../cathen/07386a.htm) on this matter? By all the bishops (../cathen/02581b.htm) 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 (../cathen/02581b.htm) assembled together should not lightly presume to ordain a bishop (../cathen/02581b.htm). But should there be a necessity, at his bidding, three bishops (../cathen/02581b.htm) 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 (../cathen/07462a.htm).

Canon 14.

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 (../cathen/06636b.htm) that one bishop (../cathen/02581b.htm) from Tripoli, on account of the poverty of the province, should come as a legation, and that there a presbyter (../cathen/12406a.htm) might be heard by five bishops (../cathen/02581b.htm), and a deacon (../cathen/04647c.htm) by three, as has been noted above, his own bishop (../cathen/02581b.htm) presiding.

Canon 15.

Of the various orders who serve the Church (../cathen/03744a.htm), that if any one fall into a criminal business and refused to be tried by the ecclesiastical (../cathen/03744a.htm) court, he ought to be in danger therefor; and that the sons of bishops (../cathen/02581b.htm) (sacerdotum) are not to attend worldly shows.

Moreover it seemed good (../cathen/06636b.htm) that if any bishop (../cathen/02581b.htm), presbyter (../cathen/12406a.htm), or deacon (../cathen/04647c.htm), who had a criminal charge brought against him or who had a civil cause (../cathen/03459a.htm), refused to be tried by the ecclesiastical (../cathen/03744a.htm) 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 (../cathen/06636b.htm), that if from some ecclesiastical (../cathen/03744a.htm) judges an appeal was taken to other ecclesiastical (../cathen/03744a.htm) judges who had a superior jurisdiction, this should in no way injure the reputation (../cathen/12776c.htm) of those from whom the appeal was taken, unless it could be shown that they had given sentence moved by hatred (../cathen/07149b.htm) 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 (../cathen/06636b.htm)] that the sons of bishops (../cathen/02581b.htm) should not take part in nor witness (../cathen/15677a.htm) secular spectacles. For this has always been forbidden to all Christians (../cathen/03712a.htm), so let them abstain from them, that they may not go where cursing and blasphemy (../cathen/02595a.htm) are to be found.

Canon 16.

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 (../cathen/06636b.htm) that bishops (../cathen/02581b.htm), presbyters (../cathen/12406a.htm), and deacons (../cathen/04647c.htm) 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 cumber himself with worldly affairs.”

Also it seemed good (../cathen/06636b.htm) 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 (../cathen/06636b.htm) that if a clergyman (../cathen/04049b.htm) 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 (../cathen/04647c.htm) should not be ordained, nor virgins (../cathen/15458a.htm) consecrated (../cathen/04276a.htm).

And that readers should not salute the people.

Canon 17.

That any province on account of its distance, may have its own Primate

It seemed good (../cathen/06636b.htm) 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 (../cathen/02581b.htm) permission was given, by reason of the great distance between them.

Canon 18. (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 (../cathen/05572c.htm) 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 (../cathen/06636b.htm) that before bishops (../cathen/02581b.htm), or clerics (../cathen/04049b.htm) were ordained, the provisions of the canons should be brought to their notice, lest, they might afterwards repent of having through ignorance (../cathen/07648a.htm) acted contrary to law.

(Gk. Canon xx.)

It also seemed good (../cathen/06636b.htm) that the Eucharist (../cathen/05572c.htm) 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 (../cathen/07648a.htm) of the presbyters (../cathen/12406a.htm) baptize (../cathen/02258b.htm) those who are dead.

(Gk. Canon xxi.)

And therefore in this holy (../cathen/07386a.htm) 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 (../cathen/02581b.htm) 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.

Canon 19. (Greek xxii.)

That if any bishop is accused the cause should be brought before the primate of his own province

Aurelius, the bishop (../cathen/02581b.htm), said: Whatever bishop (../cathen/02581b.htm) 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 his charge unless he fails to put in an appearance on the appointed day for arguing his cause (../cathen/03459a.htm) 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 (../cathen/15073a.htm) 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 (../cathen/03459a.htm) 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 (../cathen/02581b.htm) 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 (../cathen/02581b.htm) has come to argument, he shall not be allowed to testify unless he asserts that the causes are personal and not ecclesiastical (../cathen/03744a.htm).

Canon 20. (Greek xxiii.)

Of accused presbyters or clerks

But if presbyters (../cathen/12406a.htm) or deacons (../cathen/04647c.htm) shall have been accused, there shall be joined together from the neighbouring places with the bishop (../cathen/02581b.htm) of the 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 (../cathen/12406a.htm), in that against a deacon (../cathen/04647c.htm) 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 (../cathen/11726a.htm) between the accusers and the accused.

But the causes of the rest of the clergy (../cathen/04049b.htm), the bishop (../cathen/02581b.htm) of the place shall take cognizance of and determine alone.

Canon 21. (Greek xxiv.)

That the sons of clergymen are not to be joined in marriage with heretics

Likewise it seemed good (../cathen/06636b.htm) that the sons of clergymen should not be joined in matrimony with gentiles and heretics (../cathen/07256b.htm).

Canon 22. (Greek xxv.)

That bishops or other clergymen shall give nothing to those who are not Catholics

And that to those who are not Catholic (../cathen/03449a.htm) Christians (../cathen/03712a.htm), even if they be blood relations, neither bishops (../cathen/02581b.htm) nor clergymen shall give anything at all by way of donation of their possessions.

Canon 23. (Greek xxvi.)

That bishops shall not go across seas

Item, That bishops (../cathen/02581b.htm) shall not go beyond seas without consulting the bishop (../cathen/02581b.htm) of the primatial see of his own province: so that from him they may be able to receive a formed or commendatory letter.

Canon 24. (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 (../bible/index.html).

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 (../CATHEN/14530A.HTM).
 - The Gospels (../cathen/06655b.htm), iv. books.
 - The Acts of the Apostles, j. book.
 - The Epistles of Paul (../cathen/11567b.htm), 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 (../cathen/02581b.htm), Boniface, and to the other bishops (../cathen/02581b.htm) 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.

Canon 25. (Greek xxviii.)

Concerning bishops and the lower orders who wait upon the most holy mysteries. It has seemed good (../cathen/06636b.htm) that these abstain from their wives

Aurelius, the bishop ([../cathen/02581b.htm](#)), said: We add, most dear brethren, moreover, since we have heard of the incontinency of certain clerics ([../cathen/04049b.htm](#)), even of readers, towards their wives, it seemed good ([../cathen/06636b.htm](#)) that what had been enacted in various councils should be confirmed, to wit, that subdeacons who wait upon the holy ([../cathen/07386a.htm](#)) mysteries ([../cathen/10662a.htm](#)), and deacons ([../cathen/04647c.htm](#)), and presbyters ([../cathen/12406a.htm](#)), as well as bishops ([../cathen/02581b.htm](#)) 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 ([../cathen/04049b.htm](#)) are not to be compelled to this, unless they be of mature age. And by the whole council it was said: What your holiness ([../cathen/07386a.htm](#)) has said is just, holy ([../cathen/07386a.htm](#)), and pleasing to God ([../cathen/06608a.htm](#)), and we confirm it.

Canon 26. (Greek xxix.)

That no one should take from the possessions of the Church ([../cathen/03744a.htm](#)).

Likewise it seemed good ([../cathen/06636b.htm](#)) that no one should sell anything belonging to the Church ([../cathen/03744a.htm](#)): that if there was no revenue, and other great necessity urged thereto, this might be brought before the Metropolitan ([../cathen/10244c.htm](#)) of the province that he might deliberate with the appointed number of bishops ([../cathen/02581b.htm](#)) 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 ([../cathen/02581b.htm](#)) 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 ([../cathen/06608a.htm](#)), and as a seller in the eye of the council, and he shall have lost thereby his honour ([../cathen/07462a.htm](#)).

Canon 27. (Greek xxx.)

Presbyters ([../cathen/12406a.htm](#)) and deacons ([../cathen/04647c.htm](#)) convicted of the graver crimes shall not receive laying on of hands ([../cathen/07698a.htm](#)), like laymen ([../cathen/08748a.htm](#)).

It also was confirmed that if presbyters ([../cathen/12406a.htm](#)) or deacons ([../cathen/04647c.htm](#)) 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 ([../cathen/08748a.htm](#)), nor should it be permitted that they be baptized ([../cathen/02258b.htm](#)) over again and then advanced to the clerical grade.

Canon 28. (Greek xxxi.)

Presbyters ([../cathen/12406a.htm](#)), deacons ([../cathen/04647c.htm](#)), or clerics ([../cathen/04049b.htm](#)), 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 (../cathen/06636b.htm) that presbyters (../cathen/12406a.htm), deacons (../cathen/04647c.htm), and others of the inferior clergy (../cathen/04049b.htm) in the causes which they had, if they were dissatisfied with the judgments of their bishops (../cathen/02581b.htm), let the neighbouring bishops (../cathen/02581b.htm) with the consent of their own bishop (../cathen/02581b.htm) hear them, and let the bishops (../cathen/02581b.htm) who have been called in judge between them: but if they think they have cause (../cathen/03459a.htm) 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 (../cathen/02581b.htm). But whoever shall think good to carry an appeal across the water shall be received to communion by no one within the boundaries of Africa.

Canon 29. (Greek xxxii.)

If anyone who is excommunicated (../cathen/05678a.htm) shall receive communion before his cause (../cathen/03459a.htm) is heard he brings damnation on himself.

Likewise it pleased the whole Council that he who shall have been excommunicated (../cathen/05678a.htm) for any neglect, whether he be bishop (../cathen/02581b.htm), or any other cleric (../cathen/04049b.htm), and shall have presumed while still under sentence, and his cause (../cathen/03459a.htm) not yet heard, to receive communion, he shall be considered by so doing to have given sentence against himself.

Canon 30. (Greek xxxiii.)

Concerning the accused or accuser.

Likewise it seemed good (../cathen/06636b.htm) that the accused, or the accuser, if (living in the same place as the accused) he fears some evil (../cathen/05649a.htm) may be done him by the tumultuous multitude, may choose for himself a place near by, where the cause (../cathen/03459a.htm) may be determined, and where there will be no difficulty in producing the witnesses.

Canon 31. (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 (../cathen/06636b.htm) that whoever of the clergy (../cathen/04049b.htm) or of the deacons (../cathen/04647c.htm) would not help the bishop (../cathen/02581b.htm) in the necessities of the churches (../cathen/03744a.htm), 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.

Canon 32. (Greek xxxv.)

If any poor cleric (../cathen/04049b.htm), no matter what his rank may be, shall acquire any property, it shall be subject to the power of the bishop (../cathen/02581b.htm).

It also seemed good (../cathen/06636b.htm) that bishops (../cathen/02581b.htm), presbyters (../cathen/12406a.htm), deacons (../cathen/04647c.htm) and any other of the clergy (../cathen/04049b.htm), who when they were ordained had no possessions, and in the time of their episcopate (../cathen/05001a.htm) or after they became clerics (../cathen/04049b.htm), 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 (../cathen/03744a.htm). 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 (../cathen/03744a.htm) honour (../cathen/07462a.htm) as back-sliders.

Canon 33. (Greek xxxvi.)

That presbyters (../cathen/12406a.htm) should not sell the goods of the Church (../cathen/03744a.htm) in which they are constituted; and that no bishop (../cathen/02581b.htm) can rightly use anything the title to which vests in the ecclesiastical (../cathen/03744a.htm) maternal centre (μάτρικος).

It also seemed good (../cathen/06636b.htm) that presbyters (../cathen/12406a.htm) should not sell the ecclesiastical (../cathen/03744a.htm) property where they are settled without their bishop's (../cathen/02581b.htm) knowledge (../cathen/08673a.htm); and it is not lawful for bishops (../cathen/02581b.htm) to sell the goods of the Church (../cathen/03744a.htm) without the council or their presbyters (../cathen/12406a.htm) being aware of it. Nor should the bishop (../cathen/02581b.htm) without necessity usurp the property of the maternal (*matricis*) Church [nor should a presbyter (../cathen/12406a.htm) usurp the property of his own cure (*tituli*)].

Canon 34. (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 (../cathen/07386a.htm) Feast of Easter (../cathen/05224d.htm) falls should be announced in Synod.

Canon 35. (Greek xxxviii.)

That bishops or clergymen should not easily set free their sons

That bishops (../cathen/02581b.htm) or clerics (../cathen/04049b.htm) should not easily let their children pass out of their power; unless they were secure of their morals and age, that their own sins (../cathen/14004b.htm) may pertain to them.

Canon 36. (Greek xxxix.)

That bishops or clergymen are not to be ordained unless they have made all their family Christians

None shall be ordained bishop (../cathen/02581b.htm), presbyters (../cathen/12406a.htm), or deacons (../cathen/04647c.htm) before all the inmates of their houses shall have become Catholic (../cathen/03449a.htm) Christians (../cathen/03712a.htm).

Canon 37. (Greek xl.)

It is not lawful to offer anything in the Holy Mysteries except bread and wine mixed with water

In the sacraments (../cathen/13295a.htm) 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 (../cathen/06082a.htm), whether honey or milk, be offered on that one most solemn day, as is wont, in the mystery (../cathen/10662a.htm) 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 (../cathen/13295a.htm) of the Lord's body and blood; neither let there be offered as first-fruits (../cathen/06082a.htm) anything other than grapes and corns.

Canon 38. (Greek xli.)

That clerics or those who are continent shall not visit virgins or widows

Neither clerics (../cathen/04049b.htm) nor those who profess continence should enter the houses of widows (../cathen/15617c.htm) or virgins (../cathen/15458a.htm) without the bidding or consent of the bishops (../cathen/02581b.htm) or presbyters (../cathen/12406a.htm): and then let them not go alone, but with some other of the clergy (../cathen/04049b.htm), or with those assigned by the bishop (../cathen/02581b.htm) or presbyter (../cathen/12406a.htm) for this purpose; not even bishops (../cathen/02581b.htm) and presbyters (../cathen/12406a.htm) shall go alone to women (../cathen/15687b.htm) of this sort, except some of the clergy (../cathen/04049b.htm) are present or some other grave Christian (../cathen/03712a.htm) men.

Canon 39. (Greek xlii.)

That a bishop (../cathen/02581b.htm) should not be called the chief of the priests (../cathen/12406a.htm).

That the bishop (../cathen/02581b.htm) 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.

Canon 40. (Greek xliii.)

Concerning the non-frequenting of taverns by the clergy, except when travelling

That the clergy (../cathen/04049b.htm) are not to enter taverns for eating or drinking, nor unless compelled to do so by the necessity (../cathen/10733a.htm) of their journey.

Canon 41. (Greek xliv.)

That by men who are fasting sacrifices are to be offered to God

That the Sacraments of the Altar (../cathen/10006a.htm) are not to be celebrated except by those who are fasting (../cathen/05789c.htm), except on the one anniversary of the celebration of the Lord's Supper; for if the commemoration of some of the dead, whether bishops (../cathen/02581b.htm) or others, is to be made in the afternoon, let it be only with prayers (../cathen/12345b.htm), if those who officiate have already breakfasted.

Canon 42. (Greek xiv.)

Concerning the not having feasts under any circumstances in churches

That no bishops (../cathen/02581b.htm) or clerics (../cathen/04049b.htm) are to hold feasts in churches, unless perchance they are forced thereto by the necessity (../cathen/10733a.htm) of hospitality as they pass by. The people, too, as far as possible, are to be prohibited from attending such feasts.

Canon 43. (Greek xlvi.)

Concerning penitents

That to penitents the times of their penance shall be assigned by the will (../cathen/15624a.htm) of the bishop (../cathen/02581b.htm) according to the difference of their sins (../cathen/14004b.htm); and that a presbyter (../cathen/12406a.htm) shall not reconcile a penitent without consulting the bishop (../cathen/02581b.htm), unless the absence of the bishop (../cathen/02581b.htm) urges him necessarily thereto. But when of any penitent the offense has been public and commonly known (../cathen/08673a.htm), so as to have scandalized the whole Church (../cathen/03744a.htm), he shall receive imposition of the hand before the altar (Lat. "before the apse (../cathen/01659a.htm)").

Canon 44. (Greek xlvii.)

Concerning Virgins

That holy (../cathen/07386a.htm) virgins (../cathen/15458a.htm) when they are separated from their parents (../cathen/11478c.htm) by whom they have been wont to be guarded, are to be commended by the care of the bishop (../cathen/02581b.htm), or presbyter (../cathen/12406a.htm) where the bishop (../cathen/02581b.htm) is absent, to women (../cathen/15687b.htm) of graver age, so that living with them they may take care of them, lest they hurt the reputation (../cathen/12776c.htm) of the Church (../cathen/03744a.htm) by wandering about.

Canon 45. (Greek xlviii.)

Concerning those who are sick and cannot answer for themselves

That the sick are to be baptized (../cathen/02258b.htm) 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 (../cathen/06608a.htm).

That to players and actors and other persons (../cathen/11726a.htm) of that kind, as also to apostates (../cathen/01624b.htm) when they are converted and return to God (../cathen/06608a.htm), grace (../cathen/06689a.htm) or reconciliation is not to be denied.

Canon 46. (Greek l.)

Concerning the passions of the martyrs

The passions (../cathen/11534a.htm) of the Martyrs may be read when their anniversary days are celebrated.

Canon 47. (Greek li.)

Concerning [the Donatists (../cathen/05121a.htm) and] the children baptized (../cathen/02258b.htm) by the Donatists (../cathen/05121a.htm).

Concerning the Donatists (../cathen/05121a.htm) it seemed good (../cathen/06636b.htm) that we should hold counsel with our brethren and fellow priests (../cathen/12406a.htm) Siricius and Simplician concerning those infants alone who are baptized (../cathen/02258b.htm) by Donatists (../cathen/05121a.htm): lest what they did not do of their own will,

when they should be converted to the Church of God (../cathen/03744a.htm) with a salutary determination, the error (../cathen/05525a.htm) of their parents (../cathen/11478c.htm) might prevent their promotion to the ministry of the holy (../cathen/07386a.htm) altar.

But when these things had been begun, Honoratus and Urbanus, bishops (../cathen/02581b.htm) of Mauritania Sitifensis, said: When some time ago we were sent to your holiness (../cathen/07386a.htm), 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 (../cathen/02581b.htm); and therefore, brethren, receive our story with alacrity of mind. We have heard concerning the faith (../cathen/05752c.htm) of the Nicene tractate: True it is that sacrifices (../cathen/13309a.htm) are to be forbidden after breakfast, so that they may be offered as is right by those who are fasting (../cathen/05789c.htm), and this has been confirmed then and now.

Canon 48. (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 (../cathen/02581b.htm) should not be translated. For Cresconius, bishop (../cathen/02581b.htm) of Villa Regis, left his own people and invaded the Church (../cathen/03744a.htm) 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 you 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 (../cathen/06585a.htm) princes, so that whoever is not willing to acquiesce in the mild admonition of your holiness (../cathen/07386a.htm) and to amend his lawlessness, shall be immediately cast out by judicial authority. Aurelius the bishop (../cathen/02581b.htm) said: By the observance of the constituted form, let him not be judged to be a member of the 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 (../cathen/02581b.htm) said: This pleases us all, does it not? And all the bishops (../cathen/02581b.htm) answered: It is just, it pleases us.

Canon 49. (Greek liii.)

How many bishops there should be to ordain a bishop

HONORATUS and Urban, the bishops (../cathen/02581b.htm), said: We have issued this command, that (because lately two of our brethren, bishops (../cathen/02581b.htm) of Numidia, presumed to ordain a pontiff,) only by the concurrence of twelve bishops (../cathen/02581b.htm) the ordination of bishops (../cathen/02581b.htm) be celebrated. Aurelius, the bishop (../cathen/02581b.htm), said: The ancient form shall be preserved, that not less than three suffice who shall

have been designated for ordaining the bishop (../cathen/02581b.htm). Moreover, because in Tripoli, and in Arzug the barbarians are so near, for it is asserted that in Tripoli there are but five bishops (../cathen/02581b.htm), 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 (../cathen/03744a.htm)? For in this Church (../cathen/03744a.htm), to which your holiness (../cathen/07386a.htm) 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 (../cathen/02581b.htm)? 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.

Canon 50. (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 (../cathen/02581b.htm), 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 (../cathen/11726a.htm) 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 (../cathen/07386a.htm), let it be confirmed by the answer of your worthiness. All the bishops (../cathen/02581b.htm) said, We are well pleased.

Canon 51. (Greek lv.)

That the date of Easter is to be announced by the Church of Carthage

HONORATUS and Urban, the bishops (../cathen/02581b.htm), said: Since all things treated by our commonitory are known (../cathen/08673a.htm), we add also what has been ordered concerning the day of Easter (../cathen/05224d.htm), that we be informed of the date always by the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm), as has been accustomed and that no short time before. Aurelius, the bishop (../cathen/02581b.htm), said: If it seems good to your holiness (../cathen/07386a.htm), 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 (../cathen/05224d.htm) be announced through the legates present at the Council. Honoratus and Urban, the bishops (../cathen/02581b.htm), said: Now we seek of the present assembly that you deign to inform our province of that day by letters. Aurelius, the bishop (../cathen/02581b.htm), said: It is necessary it should be so.

Canon 52. (Greek lvi.)

Of visiting provinces

HONORATUS and Urban, the bishops (../cathen/02581b.htm), 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 you also deign that this year or next, according to the order you have drawn up, you should visit the province of Mauritania.

Aurelius, the bishop (../cathen/02581b.htm), 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 you should consider, brethren, that this same thing our brethren of Tripoli and of the Arzuges region could demand also, if occasion offered.

Canon 53. (Greek Ivii.)

That dioceses should not receive a bishop except by the consent of its own bishop

EPIGONIUS, the bishop (../cathen/02581b.htm), said: In many councils it has been decreed by the sacerdotal assembly that such communities as are contained in other dioceses (../cathen/05001a.htm) and ruled by their bishops (../cathen/02581b.htm), and which never had any bishops (../cathen/02581b.htm) of their own, should not receive rulers, that is bishops (../cathen/02581b.htm), for themselves except with the consent of the bishop (../cathen/02581b.htm) 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 (../cathen/12406a.htm), who lift up their heads against their own bishops (../cathen/02581b.htm) 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 (../cathen/06585a.htm) desire of your mind (../cathen/10321a.htm), most pious (../cathen/12748a.htm) brother Aurelius, for you have often opposed these things, paying no heed to such petitioners; but on account of their evil (../cathen/05649a.htm) 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 (../cathen/02581b.htm) of its own. Therefore if this which I have proposed seems good to the whole most holy (../cathen/07386a.htm) council, let it be confirmed.

Aurelius, the bishop (../cathen/02581b.htm), said: I am not in opposition to the proposition of our brother and fellow bishop (../cathen/02581b.htm): but I confess that this has been and shall be my practice concerning those who were truly (../cathen/15073a.htm) of one mind (../cathen/10321a.htm), not only with regard to the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm), 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 (../cathen/06021a.htm) that their wickedness (../cathen/05649a.htm) should be discussed. I say, if it seems good, that not only should these not keep their dioceses (../cathen/05001a.htm), 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 (../cathen/05001a.htm). But they who think that the people suffice them and spurn the love (../cathen/09397a.htm) of

the brethren, shall not only lose their dioceses (../cathen/05001a.htm), but (as I have said,) they shall be deprived by public authority of their own cures as rebels. Honoratus and Urban, the bishops (../cathen/02581b.htm), said: The lofty provision of your holiness (../cathen/07386a.htm) 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 (../cathen/02581b.htm) said: Placet, placet.

Canon 54. (Greek lviii.)

That a strange cleric is under no circumstances to be received by another

EPIGONIUS, the bishop (../cathen/02581b.htm), said: This has been decreed in many councils, also just now it has been confirmed by your prudence (../cathen/12517b.htm), most blessed brethren, that no bishop (../cathen/02581b.htm) should receive a strange cleric (../cathen/04049b.htm) into his diocese without the consent of the bishop (../cathen/02581b.htm) to whose jurisdiction the cleric (../cathen/04049b.htm) belongs. But I say that Julian, who is ungrateful for the layouts bestowed upon him by God (../cathen/06608a.htm) through my littleness, is so rash and audacious, that a certain man who was baptized (../cathen/02258b.htm) 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 (../cathen/02258b.htm) 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 aforementioned Julian took this man, whom he declared to be a citizen of his own city Vazarita, and without consulting me ordained him deacon (../cathen/04647c.htm). 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 (../cathen/02581b.htm), 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 (../cathen/05525a.htm), and shall return the cleric (../cathen/04049b.htm) 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 (../cathen/02581b.htm), 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.

Canon 55. (Greek lix.)

That it be lawful for the bishop of Carthage to ordain a cleric whenever he wishes

Aurelius, the bishop (../cathen/02581b.htm), said: My brethren, pray (../cathen/12345b.htm) allow me to speak. It often happens that ecclesiastics who are in need seek deacons (../cathen/04647c.htm) [*præpositis* in the Latin], or presbyters (../cathen/12406a.htm) or bishops (../cathen/02581b.htm) from me: and I, bearing in mind what things have been ordained these I observe, to wit, I summon the bishop (../cathen/02581b.htm) of the cleric (../cathen/04049b.htm) who

is sought for, and I show him the state of affairs, how that they of a certain church ask for a certain one of his clergy (../cathen/04049b.htm). 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 (../cathen/08673a.htm)) have the care of many churches and of the ordinands. It is right therefore that I should summon a fellow bishop (../cathen/02581b.htm) with two or three witnesses from our number. But if he be found *indevotus* [ἀκαθοσίωτος], what does your charity think should be done? For I, as you know (../cathen/08673a.htm), brethren, by the condescension of God have the care of all the churches.

Numidius, the bishop (../cathen/02581b.htm), said: This see always had the power of ordaining a bishop (../cathen/02581b.htm) according to the desire of each Church as he wills and on whose name there was agreement (*fuisse conventus*). Epigonius, the bishop (../cathen/02581b.htm), 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 (../cathen/02581b.htm) 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 (../cathen/03744a.htm), wherefore we do not give you power, but we confirm that power you have, viz.: that you have the right at your will always to choose whom you will, to constitute prelates over peoples and churches who shall have asked you to do so, and when you so desire. Posthumianus, the bishop (../cathen/02581b.htm), said: Would it be right that he who had only one presbyter (../cathen/12406a.htm) should have that one taken away from him? Aurelius, the bishop (../cathen/02581b.htm), said: But there may be one bishop (../cathen/02581b.htm) by whom many presbyters (../cathen/12406a.htm) can be made through the divine goodness, but one fit to be made bishop (../cathen/02581b.htm) is found with difficulty. Wherefore if any bishop (../cathen/02581b.htm) has a presbyter (../cathen/12406a.htm) necessary for the episcopate (../cathen/05001a.htm) and has one only, my brother, as you have said, even that one he ought to give up for promotion. Posthumianus, the bishop (../cathen/02581b.htm), said: If some other bishop (../cathen/02581b.htm) has plenty of clergy (../cathen/04049b.htm), should that other diocese come to my help? Aurelius, the bishop (../cathen/02581b.htm), said: Of course, when you have come to the help of another Church, he who has many clerics (../cathen/04049b.htm) should be persuaded to make one over to you for ordination.

Canon 56. (Greek Ix.)

That bishops (../cathen/02581b.htm) who were ordained for dioceses (../cathen/05001a.htm) shall not choose for themselves dioceses (../cathen/05001a.htm) [in the Greek provinces].

HONORATUS and Urban, the bishops (../cathen/02581b.htm), said: We have heard that it has been decreed that dioceses (../cathen/05001a.htm) should not be deemed fit to receive bishops (../cathen/02581b.htm), unless with the consent of their founder: but in our province since some have been ordained bishops (../cathen/02581b.htm) in the diocese, by the consent of that bishop (../cathen/02581b.htm) by whose power they were established, have even seized dioceses (../cathen/05001a.htm) for themselves, this should be corrected by the judgment of your charity, and prohibited for the future. Epigonius, the bishop (../cathen/02581b.htm), said: To every bishop (../cathen/02581b.htm) should be reserved what is right, so that from the mass of dioceses (../cathen/05001a.htm) no part should be snatched away, so as to have

its own bishop (../cathen/02581b.htm), 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 (../cathen/02581b.htm) only, and let him not seize other dioceses (../cathen/05001a.htm), for only the one cut off from the many merited the honour (../cathen/07462a.htm) of receiving a bishop (../cathen/02581b.htm). Aurelius, the bishop (../cathen/02581b.htm), said: I do not doubt (../cathen/05141a.htm) that it is pleasing to the charity of you all, that he who was ordained for a diocese by the consent of the bishop (../cathen/02581b.htm) 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 (../cathen/10321a.htm), pray (../cathen/12345b.htm) confirm them all by your suffrage. All the bishops (../cathen/02581b.htm) said: We all are well pleased, and we have confirmed them with our subscription. And they signed their names.

I, Aurelius, bishop (../cathen/02581b.htm) of the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm), have consented to this decree, and have subscribed what has been read. So too did all the other bishops (../cathen/02581b.htm) in like fashion sign.

Canon 57. (Greek Ixi.)

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 (../cathen/02258b.htm) by the Donatists (../cathen/05121a.htm), and not yet being able to know (../cathen/08673a.htm) the pernicious character of their error (../cathen/05525a.htm), and afterward when they had come to the use of reason, had received the knowledge (../cathen/08673a.htm) of the truth (../cathen/15073a.htm), abhorred their former error (../cathen/05525a.htm), and were received, (in accordance with the ancient order) by the imposition of the hand, into the Catholic (../cathen/03449a.htm) Church (../cathen/03744a.htm) of God spread throughout the world, that to such the remembrance of the error (../cathen/05525a.htm) ought to be no impediment to the reception of the clerical office. For in coming to faith (../cathen/05752c.htm) they thought the true (../cathen/15073a.htm) Church to be their own and there they believed (../cathen/02408b.htm) in Christ (../cathen/08374c.htm), and received the sacraments (../cathen/13295a.htm) of the Trinity. And that all these sacraments (../cathen/13295a.htm) are altogether true (../cathen/15073a.htm) and holy (../cathen/07386a.htm) and divine is most certain, and in them the whole hope of the soul (../cathen/14153a.htm) is placed, although the presumptuous audacity of heretics (../cathen/07256b.htm), taking to itself the name of the truth (../cathen/15073a.htm), dares to administer them. They are but one after all, as the blessed Apostle tells us, saying: “One God (../cathen/06608a.htm), one faith (../cathen/05752c.htm), one baptism (../cathen/02258b.htm),” and it is not lawful to reiterate what once only ought to be administered. [Those therefore who have been so baptized (../cathen/02258b.htm)] having anathematized (../cathen/01455e.htm) their error (../cathen/05525a.htm) 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 (../cathen/03712a.htm), where all these Sacraments (../cathen/13295a.htm) are received unto salvation (../cathen/13407a.htm) and everlasting life; even the same sacraments (../cathen/13295a.htm) which obtain for those persevering in heresy (../cathen/07256b.htm) the heavy penalty of damnation. So that which to those who are in the

truth (../cathen/15073a.htm) lightens to the obtaining of eternal (../cathen/05551b.htm) life, the same to them who are in error (../cathen/05525a.htm) tends but to darkness and damnation. With regard then to those who, having fled from error (../cathen/05525a.htm), acknowledge the breasts of their mother the Catholic (../cathen/03449a.htm) Church (../cathen/03744a.htm), who believe (../cathen/02408b.htm) and receive all these holy (../cathen/07386a.htm) mysteries (../cathen/10662a.htm) with the love (../cathen/09397a.htm) of the truth (../cathen/15073a.htm), and besides the Sacraments (../cathen/13295a.htm) have the testimony of a good life, there is no one who would not grant that without doubt (../cathen/05141a.htm) such persons (../cathen/11726a.htm) may be raised to the clerical office, especially in such necessity as the present. But there are others of this sect (../cathen/13674a.htm), 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 (../cathen/13407a.htm) [i.e., enter the Church (../cathen/03744a.htm)]. I think that the question concerning such may be left to the graver consideration of our aforesaid brothers, and that when they have considered by their more prudent (../cathen/12517b.htm) 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 (../cathen/02258b.htm) by heretics (../cathen/07256b.htm) 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 (../cathen/07386a.htm) bishops (../cathen/02581b.htm), let your honourable (../cathen/07462a.htm) fraternity with me adjudge to be done.

Canon 58. (Greek Ixii.)

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 (../cathen/07636a.htm) to be taken entirely away throughout all Africa; for in many maritime places and in various possessions the iniquity of this error (../cathen/05525a.htm) 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.

Canon 59. (Greek Ixiii.)

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 (../cathen/03459a.htm) in any church according to the Apostolic law imposed upon the Churches (../cathen/03744a.htm), and it happens that the decision of the clergy (../cathen/04049b.htm) does not satisfy one of the parties, it be not lawful to summon that clergyman (../cathen/04049b.htm) who had been cognitor or present, into judgment as a witness (../cathen/15677a.htm), and that no person attached to any ecclesiastic be compelled to give testimony.

Canon 60. (Greek Ixiii.)

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 (../cathen/11388a.htm) error (../cathen/05525a.htm), so that now Christians (../cathen/03712a.htm) are forced to celebrate these by heathens (../cathen/11388a.htm), from which state of things it happens that in the times of the Christian (../cathen/03712a.htm) Emperors a new persecution (../cathen/11703a.htm) 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 (../cathen/06021a.htm) to commit such iniquities in some cities even upon the natal days of most blessed martyrs (../cathen/09736b.htm), and in the very sacred places themselves. For upon these days, shame to say, they perform the most wicked (../cathen/05649a.htm) leavings throughout the fields and open places, so that matronal honour (../cathen/07462a.htm) and the modesty of innumerable women (../cathen/15687b.htm) who have come out of devotion for the most holy (../cathen/07386a.htm) day are assaulted by lascivious injuries, so that all approach to holy (../cathen/07386a.htm) religion itself is almost fled from.

Canon 61. (Greek Ixiv.)

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 (../cathen/03712a.htm), especially because on the octave day of the holy Easter (../cathen/05224d.htm) [i.e., Low Sunday (../cathen/09400a.htm)] 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 (../cathen/03712a.htm) be compelled to witness (../cathen/15677a.htm) these spectacles, especially because in the performance of things contrary to the precepts of God there should be no persecution (../cathen/11703a.htm) made by anyone, but (as is right) a man should exercise the free will (../cathen/06259a.htm) given him by God (../cathen/06608a.htm). Especially also should be considered the peril of the cooperators who, contrary to the precepts of God (../cathen/06608a.htm), are forced by great fear (../cathen/06021a.htm) to attend the shows.

Canon 62. (Greek Ixv.)

Of condemned clerics

And this should be sought, that they deign to decree that if any clergyman (../cathen/04049b.htm) of whatever rank shall have been condemned by the judgment of the bishops (../cathen/02581b.htm) for any crime, he may not be defended either by the churches over which he presided, nor by anyone whatever, under pain of loss both of money

and office, and let them order that neither age nor sex be received as an excuse.

Canon 63. (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 (../cathen/06689a.htm) of Christianity (../cathen/03712a.htm) 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.

Canon 64. (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 (../cathen/02581b.htm) throughout Italy (../cathen/08208a.htm) 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 (../cathen/05752c.htm), for the state of the Church (../cathen/03744a.htm) and the salvation (../cathen/13407a.htm) of souls (../cathen/14153a.htm), we shall laudably accept in the sight of the Lord. All which things, if they please your sanctity (../cathen/07386a.htm), pray (../cathen/12345b.htm) 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 (../cathen/02581b.htm) said: The things which have been enjoined to be done and have been wisely set forth by your holiness (../cathen/07386a.htm) are pleasing to all.

Canon 65. (Greek lxviii.)

Concerning the condemned bishop Equitius

Aurelius, the bishop (../cathen/02581b.htm), 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 (../cathen/03744a.htm), as opportunity offered or where he could, to act against him. And all the bishops (../cathen/02581b.htm) 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 (../cathen/03744a.htm). And they subscribed, I, Aurelius, the bishop (../cathen/02581b.htm) of the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm), have consented to this decree, and after having read it have signed my name. Likewise also signed all the other bishops (../cathen/02581b.htm).

Canon 66. (Greek Ixix.)

That the Donatists are to be treated leniently

Then when all things had been considered and treated of which seem to conduce to the advantage of the church, the Spirit of God (../cathen/07409a.htm) 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 (../cathen/08673a.htm) throughout all the provinces of Africa, how they have been overcome by miserable error (../cathen/05525a.htm), holding different opinions, "that perchance," as the Apostle says, when we have corrected them with gentleness, "God (../cathen/06608a.htm) should grant them repentance for the acknowledging of the truth (../cathen/15073a.htm), and that they might be snatched out of the snares of the devil (../cathen/04764a.htm), who are led captive of him at his will."

Canon 67. (Greek Ixx.)

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 (../cathen/06636b.htm) 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 (../cathen/03449a.htm) Church (../cathen/03744a.htm), 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 (../cathen/03712a.htm) faith (../cathen/05752c.htm), 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 (../cathen/13529a.htm) from them, have obtained basilicas.

Canon 68. (Greek Ixxi.)

That the Donatist clergy are to be received into the Catholic Church as clergymen

It moreover seemed good (../cathen/06636b.htm) that letters be sent to our brethren and fellow bishops (../cathen/02581b.htm), and especially to the Apostolic See (../cathen/01640c.htm), over which our aforesaid venerable brother and colleague Anastasius, presides, that [ἐπειδὴ in the Greek, *quo* in the Latin] he may know (../cathen/08673a.htm) that Africa is in great need, for the peace and prosperity of the Church (../cathen/03744a.htm), that those Donatists (../cathen/05121a.htm) who were clergymen and who by good advice had desired to return to Catholic (../cathen/03449a.htm) unity, should be treated according to the will and judgment of each Catholic (../cathen/03449a.htm) bishop (../cathen/02581b.htm) who governs the Church (../cathen/03744a.htm) in that place; and, if it seem good for Christian (../cathen/03712a.htm) 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 (../cathen/05525a.htm) 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 (../cathen/03449a.htm) Church (../cathen/03744a.htm) that there be procured by them no breaking of unity. But those through whom Catholic (../cathen/03449a.htm) unity was seen to have been altogether perfected or assisted by the manifest winning of the souls (../cathen/14153a.htm) of their brethren in the places where they live, there shall not be objected to them the decree contrary to their honour (../cathen/07462a.htm) adopted by a foreign council, for salvation (../cathen/13407a.htm) is shut off to no one, that is to say, that those ordained by the Donatist (../cathen/05121a.htm) party, if having been corrected they have been willing to return to the Catholic (../cathen/03449a.htm) Church (../cathen/03744a.htm), 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 (../cathen/03449a.htm) unity.

Canon 69. (Greek lxxii.)

That a legation be sent to the Donatists for the sake of making peace

It further seemed good (../cathen/06636b.htm), that when these things were done, legates should be sent from our number to those of the Donatists (../cathen/05121a.htm) whom they hold as bishops (../cathen/02581b.htm), or to the people, for the sake of preaching peace and unity, without which Christian (../cathen/03712a.htm) salvation (../cathen/13407a.htm) 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 (../cathen/03449a.htm) Church (../cathen/03744a.htm). 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 (../cathen/06689a.htm), if they will but heed it, that their separation from the unity of the Church (../cathen/03744a.htm) is as iniquitous as they now proclaim the schism (../cathen/13529a.htm) 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 (../cathen/02258b.htm) 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 (../cathen/03744a.htm) 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 (../cathen/03449a.htm) Church (../cathen/03744a.htm), 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.

Canon 70. (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 (../cathen/06636b.htm) that bishops (../cathen/02581b.htm), presbyters (../cathen/12406a.htm), and deacons (../cathen/04647c.htm) 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 (../cathen/04049b.htm) shall not be forced to this but the custom of each church in this matter shall be followed.

Canon 71. (Greek lxxiv.)

Of those who leave in neglect their own people

Moreover it seemed good (../cathen/06636b.htm) 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.

Canon 72. (Greek lxxv.)

Of the baptism of infants when there is some doubt of their being already baptized

Item, it seemed good (../cathen/06636b.htm) that whenever there were not found reliable witnesses who could testify that without any doubt (../cathen/05141a.htm) they were baptized (../cathen/02258b.htm) and when the children themselves were not, on account of their tender age, able to answer concerning the giving of the sacraments (../cathen/13295a.htm) to them, all such children should be baptized (../cathen/02258b.htm) without scruple, lest a hesitation should deprive them of the cleansing of the sacraments (../cathen/13295a.htm). This was urged by the Moorish Legates, our brethren, since they redeem many such from the barbarians.

Canon 73. (Greek lxxvi.)

The date of Easter and the date of the Council should be announced

Item, it seemed good (../cathen/06636b.htm) that the day of the venerable Easter (../cathen/05224d.htm) 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.

Canon 74. (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 he provide them with a bishop (../cathen/02581b.htm): but if he shall neglect to do so, when the year is done, another intercessor shall be appointed.

Canon 75. (Greek lxxviii.)

Of asking from the Emperors defenders of the Churches

On account of the afflictions of the poor (../cathen/12327a.htm) by whose troubles the Church (../cathen/03744a.htm) is worn out without any intermission, it seemed good (../cathen/06636b.htm) to all that the Emperors be asked to allow defenders for them against the power of the rich (../cathen/15571a.htm) to be chosen under the supervision of the bishops (../cathen/02581b.htm).

Canon 76. (Greek lxxix.)

Of bishops who do not put in an appearance at Council

Item, it seemed good (../cathen/06636b.htm) that as often as the council is to be assembled, the bishops (../cathen/02581b.htm) 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 (../cathen/02581b.htm) 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.

Canon 77. (Greek lxxx.)

Of Cresconius

Concerning Cresconius of Villa Regis this seemed good (../cathen/06636b.htm) 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.

Canon 78. (Greek lxxxii.)

Of the Church of Hippo-Diarrhytus

It further seemed good (../cathen/06636b.htm) that since the destitution of the Church (../cathen/03744a.htm) of Hippo-Diarrhytus should no longer be neglected, and the churches there are retained by those who have declined the infamous (../cathen/08001a.htm) communion of Equitius, that certain bishops (../cathen/02581b.htm) 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 (../cathen/02581b.htm) 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 (../cathen/02581b.htm), for the advantage of the church which has been so long destitute.

Canon 79. (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 verecundiæ parcitur, or on account of the opprobrium to the Church (../cathen/03744a.htm), and of the insolent glorying of heretics (../cathen/07256b.htm) and Gentiles (../cathen/06422a.htm), if perchance they are willing to be present at their cause (../cathen/03459a.htm) and to assert their innocence, let them do so within one year of their excommunication (../cathen/05678a.htm); if in truth (../cathen/15073a.htm) they neglect during a year to purge their cause (../cathen/03459a.htm), their voice shall not be heard afterwards.

Canon 80. (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 (../cathen/06636b.htm) that if any bishop (../cathen/02581b.htm) wished to advance to the clericulture a monk (../cathen/10487b.htm) received from a monastery (../cathen/04340c.htm) not under his jurisdiction, or shall have appointed him superior of a monastery (../cathen/04340c.htm) of his own, the bishop (../cathen/02581b.htm) 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 (../cathen/10487b.htm) shall continue neither as cleric (../cathen/04049b.htm) nor superior.

Canon 81. (Greek lxxxiv.)

Of bishops who appoint heretics or heathens as their heirs

Item, it was ordained that if any bishop (../cathen/02581b.htm) should prefer to his Church strangers to blood relationship with him, or his heretical (../cathen/07256b.htm) relatives (../cathen/05782a.htm), or pagans (../cathen/11388a.htm) as his heirs, he shall be anathematized (../cathen/01455e.htm) even after his death, and his name shall by no means be recited among those of the priests (../cathen/12406a.htm) of God (../cathen/06608a.htm). Nor can he be excused if he die intestate, because being a bishop (../cathen/02581b.htm) he was bound not to postpone making such a disposition of his goods as was befitting his profession.

Canon 82. (Greek lxxxv.)

Of manumissions

Item, it seemed good (../cathen/06636b.htm) that the Emperor be petitioned with regard to announcing manumissions in church.

Canon 83. (Greek lxxxvi.)

Of false Memories of Martyrs

Item, it seemed good (../cathen/06636b.htm) 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 relics (../cathen/12734a.htm) of martyrs (../cathen/09736b.htm) can be proved (../cathen/12454c.htm) to have been laid up, should be overturned by the bishops (../cathen/02581b.htm) 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 (../cathen/02408b.htm) rightly should be held bound by no superstition (../cathen/14339a.htm) of the place. And no memory of martyrs (../cathen/09736b.htm) should at all be accepted, unless where there is found the body or some relics (../cathen/12734a.htm), 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.

Canon 84. (Greek lxxxvii.)

Of extirpating the remains of the idols

Item, it seemed good (../cathen/06636b.htm) to petition the most glorious (../cathen/06585a.htm) Emperors that the remains of idolatry (../cathen/07636a.htm) not only in images, but in any places whatever or groves or trees, should altogether be taken away.

Canon 85. (Greek lxxxviii.)

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 (../cathen/02581b.htm): If any letters are to be composed in the name of the council it seemed good (../cathen/06636b.htm) that the venerable bishop (../cathen/02581b.htm) 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 (../cathen/05121a.htm); and it seemed good (../cathen/06636b.htm) 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 (../cathen/02581b.htm) of the church of Carthage (../cathen/03385a.htm) have consented to this decree and having read it have signed it. Likewise all the rest of the bishops (../cathen/02581b.htm) subscribed.

....

In this Council previous decrees are confirmed.

In the fifth consulate of the most glorious (../cathen/06585a.htm) Emperors Arcadius and Honorius, Augusti, the VI Calends of September, in the City of Milevis, in the secretarium of the basilica (../cathen/02325a.htm), when Aurelius the bishop (../cathen/02581b.htm) of Carthage (../cathen/03385a.htm) had taken his seat in plenary council, the deacons (../cathen/04647c.htm) standing by, Aurelius, the bishop (../cathen/02581b.htm), said: Since the body of the holy (../cathen/07386a.htm) 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 (../cathen/09397a.htm), have come to this church. Wherefore I beg your charity to believe (../cathen/02408b.htm) 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 (../cathen/03385a.htm), these shall now be read to us in order. Then at last the agreement of your holiness (../cathen/07386a.htm) will appear clearer than light, if they know (../cathen/08673a.htm) that the things lawfully defined by us in former councils, you have set forth, not only by your consent to these acts, but also by your subscriptions.

Xantippus, bishop (../cathen/02581b.htm) of the first see of Numidia said: I believe (../cathen/02408b.htm) what pleased all the brethren and the statutes they confirmed with their hands; we by our subscribing our names show that it pleases us also, and have confirmed them with our superscription.

Nicetius, the bishop (../cathen/02581b.htm) 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 86. (Greek lxxxix.)

Of the order of bishops, that those ordained more recently do not dare to take precedence of those ordained before them

VALENTINE, the bishop (../cathen/02581b.htm), said: If your good patience will permit, I follow the things which were done in time past in the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm), 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 (../cathen/08673a.htm), that ecclesiastical (../cathen/03744a.htm) 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 shown to those ordained earlier, which always should be accepted joyfully by those ordained more recently. Let your holiness (../cathen/07386a.htm) give command that this order be strengthened by your interlocutions. Aurelius, the bishop (../cathen/02581b.htm), said: It would not be fitting that we should repeat these things, were it not for the existence (../cathen/05543b.htm) of certain inconsiderate minds, which would induce us to making such statutes; but this is a common cause (../cathen/03459a.htm) about which our brother and fellow bishop (../cathen/02581b.htm) has spoken, that each one of us should recognize the order decreed to him by God (../cathen/06608a.htm), 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 (../cathen/02581b.htm) of the first see of Numidia, said: All the brethren present have heard what our brother and fellow bishop (../cathen/02581b.htm) Aurelius has said, what answer do we make? Datian, the bishop (../cathen/02581b.htm), said: The decrees made by our ancestors should be strengthened by our assent, so that the action taken by the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm) in past synods should hold fast, being confirmed by the full assent of all of us. And all the bishops (../cathen/02581b.htm) said: This order has been preserved by our fathers and by our ancestors, and shall be preserved by us through the help of God (../cathen/06608a.htm), the rights of the primacy of Numidia and of Mauritania being kept intact.

Of the archives and matricula of Numidia

Moreover it seemed good (../cathen/06636b.htm) to all the bishops (../cathen/02581b.htm) 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.

Johnson.

From this canon it appears that the primacy in Africa was ambulatory, and belonged to the senior bishop (../cathen/02581b.htm) of the province. If the primacy had been fixed to the bishop (../cathen/02581b.htm) of any certain city, as in other countries, there would have been a salvo or exception for that bishop (../cathen/02581b.htm), as there is in the 24th canon of the Synod of Bracara [Braga] in Spain (../cathen/14169b.htm), which orders that all bishops (../cathen/02581b.htm) take place according to their seniority, with a reserve to the bishop (../cathen/02581b.htm) of the metropolis. The bishop (../cathen/02581b.htm) of Carthage (../cathen/03385a.htm) 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 87. (Greek xc.)

Concerning Quodvultdeus, the bishop

In the case of Quodvultdeus of Centuria, it pleased all the bishops (../cathen/02581b.htm) that no one should communicate with him until his cause (../cathen/03459a.htm) should be brought to a conclusion, for his accuser when he sought to bring the cause (../cathen/03459a.htm) before our council, upon being asked whether he was willing with him to be tried before the bishops (../cathen/02581b.htm), 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 (../cathen/03459a.htm) was known (../cathen/08673a.htm), could commend itself to no Christian (../cathen/03712a.htm) as a just (../cathen/08571c.htm) act.

Canon 88. (Greek xci.)

Of Maximian, the bishop

But in the case of Maximian of Vagai it seemed good (../cathen/06636b.htm) 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.

Canon 89. (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 (../cathen/06636b.htm) that whoever thereafter should be ordained by the bishops (../cathen/02581b.htm) 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.

Canon 90. (Greek xciii.)

Of those who have once read in church, that they cannot be advanced by others

Item, it seemed good (../cathen/06636b.htm) 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 (../cathen/02581b.htm) of the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm), have consented to this decree, and, having read it, have signed it. Likewise also the rest of the bishops (../cathen/02581b.htm) signed.

There is set forth in this council what the bishops (../cathen/02581b.htm) did who were sent as legates across seas.

In the consulship of those most illustrious men, the most glorious (../cathen/06585a.htm) Emperor Theodosius Augustus (../cathen/14577d.htm), and Rumoridus, the VIII. Calends of September, at Carthage (../cathen/03385a.htm), in the basilica (../cathen/02325a.htm) of the second region, when Aurelius the bishop (../cathen/02581b.htm) had taken his seat in plenary council, the deacons (../cathen/04647c.htm) standing by, Aurelius, the bishop (../cathen/02581b.htm), 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 (../cathen/03744a.htm) matters, we paid some prolonged attention to what they had done, nevertheless it is right that today the discussion of yesterday should be confirmed by ecclesiastical (../cathen/03744a.htm) action.

Of the bishops (../cathen/02581b.htm) 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 (../cathen/02581b.htm), 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 (../cathen/02581b.htm) 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 (../cathen/02581b.htm) Aurelius said: Let the text of these writings be placed in the acts.

Of the Byzacene bishops

Numidius, the bishop (../cathen/02581b.htm), said: We observe that our brethren and fellow bishops (../cathen/02581b.htm) 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-Cæsariensis.

Of the bishops of Mauritania Sitiphensis

Lucian and Silvanus, the bishops (../cathen/02581b.htm), legates of the Province of Mauritania Sitiphensis said: The tractory came late to our Cæsarian 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 (../cathen/05141a.htm) will assent unto.

Of the bishops of Numidia

Alypius, bishop (../cathen/02581b.htm) of the church of Tagaste said: We have come from Numidia, I and the holy (../cathen/07386a.htm) brethren Augustine and Possidius, but a legion could not be sent from Numidia, because by the tumult of the recruits the bishops (../cathen/02581b.htm) 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 (../cathen/07386a.htm) Senex Xantippus your holiness's (../cathen/07386a.htm) tractory, this seemed good (../cathen/06636b.htm) 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 (../cathen/02581b.htm), said: There is no doubt (../cathen/05141a.htm) that the aforesaid brethren and bishops (../cathen/02581b.htm) 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 (../cathen/02581b.htm) 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 (../cathen/02581b.htm) said: What your holiness (../cathen/07386a.htm) has decreed pleases us all.

Canon 91. (Greek xciv.)

Of holding meetings with the Donatists

Aurelius, the bishop (../cathen/02581b.htm), said: What has come out in the handling of your charity, I think this should be confirmed by ecclesiastical (../cathen/03744a.htm) acts. For the profession of all of you shows that each one of us should call together in his city the chiefs of the Donatists (../cathen/05121a.htm) either alone and with one of his neighbour bishops (../cathen/02581b.htm), 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 (../cathen/02581b.htm) said: It seems good to all, and we all have confirmed this with our subscription. Also we desire that your holiness (../cathen/07386a.htm) sign the letters to be sent from the council to the judges. Aurelius, the bishop (../cathen/02581b.htm), 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 (../cathen/02581b.htm) said: Let it be read. Lætus the Notary read.

Canon 92. (Greek xcv.)

Form of convening the Donatists

That bishop (../cathen/02581b.htm) 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 (../cathen/02581b.htm) of the Catholic (../cathen/03449a.htm) Church (../cathen/03744a.htm), said: Vouchsafe to listen to the mandate to be sent through your gravity to the Donatists (../cathen/05121a.htm), 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 (../cathen/03449a.htm) Council, have called you together, desiring to rejoice (../cathen/07131b.htm) 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 (../cathen/06608a.htm); and moreover he admonished through the prophet (../cathen/12477a.htm) those who say they are not our brothers, that we ought to say: You are our brethren. Therefore you ought not to despise this pacific commonitory coming of love (../cathen/09397a.htm), so that if you think we have any part of the truth (../cathen/15073a.htm), you do not hesitate to say so: that is, when your council is gathered together, you delegate of your number certain to whom you entrust 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 (../cathen/05525a.htm) may receive an end through the assistance of our Lord God (../cathen/06608a.htm), lest through the animosity of men (../cathen/09580c.htm), weak souls (../cathen/14153a.htm), and ignorant (../cathen/07648a.htm) people should perish by sacrilegious (../cathen/13321a.htm) dissension. But if you shall accept this proposition in a fraternal spirit, the truth (../cathen/15073a.htm) will easily shine forth, but if you are not willing to do this, your distrust will be easily known (../cathen/08673a.htm)." And when this had been read, all the bishops (../cathen/02581b.htm) said: This pleases us well, so let it be. And they subscribed: I, Aurelius, bishop (../cathen/02581b.htm) of the Carthaginian Church, have consented to this decree, and having read it, have subscribed it. Likewise also the rest of the bishops (../cathen/02581b.htm) signed.

This synod sent a legation to the Princes against the Donatists

The most glorious (../cathen/06585a.htm) emperor Honorius Augustus, being consul for the sixth time, on the Calends of July, at Carthage (../cathen/03385a.htm) in the basilica (../cathen/02325a.htm) of the second region. In this council Theasius and Euodius received a legation against the Donatists (../cathen/05121a.htm). In this council was inserted the commonitorium which follows.

Canon 93. (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 (../cathen/03385a.htm) to the most glorious (../cathen/06585a.htm) and most religious princes. When by the help of the Lord they have come into the presence of the most pious (../cathen/12748a.htm) princes, they shall declare to them with what fullness of confidence, according to the direction of the council of the year before, the prelates of the Donatists (../cathen/05121a.htm) had been urged by the municipal authority to assemble, in order that if they really meant their professions, they might by fit persons (../cathen/11726a.htm) chosen from their number, enter into a

peaceful conference with us in Christian (../cathen/03712a.htm) meekness, and whatever they held as truth (../cathen/15073a.htm) they might not hesitate to declare it frankly; so that from such conference the sincerity of the Catholic (../cathen/03449a.htm) position, which has been conspicuous for so long a time, might be perceived even by those who from ignorance (../cathen/07648a.htm) 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 (../cathen/02581b.htm) and peacemakers, and they had no answer to make to the truth (../cathen/15073a.htm), they betook themselves to unreasonable acts of brute force, and treacherously oppressed many of the bishops (../cathen/02581b.htm) and clergy (../cathen/04049b.htm), to say nothing of the laity (../cathen/08748a.htm). And some of the churches they actually invaded, and tried to assault still others.

And now, it behooves the gracious clemency of their Majesties to take measures that the Catholic (../cathen/03449a.htm) Church (../cathen/03744a.htm), which has begotten them as worshippers of Christ in her womb, and has nourished them with the strong meat of the faith (../cathen/05752c.htm), should by their forethought, be defended, lest violent men, taking advantage of the times of religious excitement, should by fear (../cathen/06021a.htm) 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 (../cathen/09053a.htm), and also condemned by many decrees of the Emperors, their majesties most religious predecessors. Against the madness (../cathen/08041a.htm) of these people it is not unusual nor contrary to the holy Scriptures (../bible/index.html) to ask for secular [θεΐας in the Greek] protection, since Paul (../cathen/11567b.htm) 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 military. Now then we ask that there be extended to the Catholic (../cathen/03449a.htm) 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 (../cathen/12748a.htm) memory, which imposed a fine of ten pounds of gold upon both the ordainers and the ordained among heretics (../cathen/07256b.htm), and which was also directed against proprietors at whose houses conventicles were held, be confirmed anew; so that it may be effective with persons (../cathen/11726a.htm) of this sort when Catholics (../cathen/03449a.htm), provoked by their wives, shall lay complaint against them; so that through fear (../cathen/06021a.htm) at least, they may cease from making schisms and from the wickedness (../cathen/05649a.htm) of the heretics (../cathen/07256b.htm), since they refuse to be cleansed and corrected by the thought of the eternal (../cathen/05551b.htm) punishment.

Let request be also made that the law depriving heretics (../cathen/07256b.htm) 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 (../cathen/08041a.htm) of obstinacy, are determined to continue in the error (../cathen/05525a.htm) of the Donatists (../cathen/05121a.htm).

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 (../cathen/05525a.htm) of the heretics (../cathen/07256b.htm); those of course being excepted, who under the stress of legal proceedings have sought to enter the Catholic

(../cathen/03449a.htm) Church (../cathen/03744a.htm); for it may well be supposed, that persons (../cathen/11726a.htm) of this latter sort desired Catholic (../cathen/03449a.htm) unity, not so much from fear (../cathen/06021a.htm) of the judgment of heaven, as from the greed of earthly gain.

For the furtherance of all these things the help of the Powers (*Potestatum*) 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 (../cathen/06636b.htm) to us all, that letters from our assembly should be sent to the most glorious (../cathen/06585a.htm) 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 you, brother Aurelius, that your 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 (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm) have consented to this decree and have subscribed my name. And so all the other bishops (../cathen/02581b.htm) 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 (../cathen/03449a.htm) Church (../cathen/03744a.htm). It ought also to be added concerning the dishonest Equitius, which he had shown 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 (../cathen/03744a.htm) 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 (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm), have consented to this decree, and having read it, have set my name to it.

And all the other bishops (../cathen/02581b.htm) likewise subscribed.

Canon 94. (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 because the unity had been made only at Carthage (../cathen/03385a.htm), 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 (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm) for the whole of Africa concerning the exclusion of the Donatists (../cathen/05121a.htm) should be sent with the letters of the bishops (../cathen/02581b.htm) to Court (*ad Comitatum*).

The letters of Pope Innocent were read: that bishops (../cathen/02581b.htm) ought not readily to carry causes across seas, and this very thing was confirmed by the judgment of the bishops (../cathen/02581b.htm) themselves; that on account of thanksgiving and the exclusion of the Donatists (../cathen/05121a.htm), two clerics (../cathen/04049b.htm) of the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm) should be sent to Court.

Canon 95. (Greek xcvi.)

An universal council to be held only when necessary

It seemed good (../cathen/06636b.htm) that there should be no more the yearly necessity of fatiguing the brethren; but as often as common cause (../cathen/03459a.htm), 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.

This canon is a tacit revocation of that clause for annual synods in the 18th canon, which was made in a former council.

Canon 96. (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 Cæsarians and Tripolitans.

Concerning the executors of Churches

It has seemed good (../cathen/06636b.htm) moreover that the appointment of five executors should be asked for in all matters pertaining to the necessities of the Church (../cathen/03744a.htm), who shall be portioned off in the different provinces.

Canon 97. (Greek c.)

That there be sought from the Emperor the protection of Advocates in causes ecclesiastical

It seemed good (../cathen/06636b.htm) that the legates who were about leaving, viz., Vincent and Fortunatian, should in the name of all the provinces ask from the most glorious (../cathen/06585a.htm) 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

(../cathen/12406a.htm) of the province, they who have received the faculty as defenders of the Churches in ecclesiastical (../cathen/03744a.htm) 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.

The protest of the Mauritanian bishops (../cathen/02581b.htm) against Primosus.

It is evident that those of Mauritania Cæsariensis 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 (../cathen/04647c.htm) reported. But since the same Mauritians petitioned that letters be sent from the whole synod to the venerable brother, the aged Innocent, it seemed good (../cathen/06636b.htm) that they should be sent, that he might know (../cathen/08673a.htm) that Primosus had been sought at the council and not found at all.

Canon 98. (Greek cii.)

Of the peoples which never had bishops

It seemed good (../cathen/06636b.htm) that such peoples as had never had bishops (../cathen/02581b.htm) 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 (../cathen/02581b.htm) of that diocese to which the church belonged.

Canon 99. (Greek ciii.)

Of people or dioceses returned from the Donatists

Such communities as have returned from the Donatists (../cathen/05121a.htm) and have had bishops (../cathen/02581b.htm), without doubt (../cathen/05141a.htm) may continue to have them even without any action of the councils, but such a community as had a bishop (../cathen/02581b.htm) and when he dies wish no longer to have a bishop (../cathen/02581b.htm) of their own, but to belong to the diocese of some other bishop (../cathen/02581b.htm), this is not to be denied them. Also such bishops (../cathen/02581b.htm) as before the promulgation of the imperial law concerning unity as brought back their people to the Catholic (../cathen/03449a.htm) Church (../cathen/03744a.htm), they ought to be allowed still to rule them: but from the time of that law of unity, all the Churches (../cathen/03744a.htm), and their dioceses (../cathen/05001a.htm), and if perchance there be any instruments of the Church (../cathen/03744a.htm) or things pertaining to its rights should belong to the Catholic (../cathen/03449a.htm) bishops (../cathen/02581b.htm) of those places to whom the places pertained while under the heretics (../cathen/07256b.htm), whether they be converted to the Catholic (../cathen/03449a.htm) Church (../cathen/03744a.htm) or remain unconverted heretics (../cathen/07256b.htm). Whoever after this law shall make any such usurpation, shall restore as is meet the usurped possessions.

Canon 100. (Greek civ.)

Of the suggestion of Bishop Maurentius

[Hefele (../cathen/07191a.htm) 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 (../cathen/07191a.htm), 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 (../cathen/04647c.htm) on the day appointed. The cause (../cathen/03459a.htm) is referred to Senex Xantippus, Augustinus, and five more summoned by the council, the informers were to make up the number twelve.

Canon 101. (Greek civ. *bis*)

Of making peace between the Churches of Rome and Alexandria

It seemed good (../cathen/06636b.htm) that a letter be written to the holy (../cathen/07386a.htm) 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.

Canon 102. (Greek cv.)

Of those who put away their wives or husbands, that so they remain

It seemed good (../cathen/06636b.htm) that according to evangelical and apostolic (../cathen/01626c.htm) discipline a man who had been put away from his wife, and a woman (../cathen/15687b.htm) 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 (../cathen/11618b.htm), covering which case we must petition that an imperial law be promulgated.

Canon 103. (Greek cvi.)

Of the prayers to be said at the Altar

This also seemed good (../cathen/06636b.htm), that the prayers (../cathen/12345b.htm) 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 (../cathen/05752c.htm) should not be used by any means, but that those only should be said which had been collected by the learned.

Canon 104. (Greek cvii.)

Of these who ask from the Emperor that secular judges may take cognizance of their causes

It seemed good (../cathen/06636b.htm) 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.

Canon 105. (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 (../cathen/04049b.htm).

Canon 106. (Greek cix.)

That those who are going to carry their case to court should be careful to inform either the bishop (../cathen/02581b.htm) of Carthage (../cathen/03385a.htm) or the bishop of Rome (../cathen/12260a.htm).

It seemed good (../cathen/06636b.htm) that whoever wished to go to court, should give notice in the form which is sent to the Church (../cathen/03744a.htm) of the city of Rome (../cathen/13164a.htm), that from thence also he should receive a formed letter to court. But if receiving only a formed letter to Rome (../cathen/13164a.htm), and saying nothing about the necessity which he had of going to court, he willed immediately to go there, let him be cut off from communion. But if while at Rome (../cathen/13164a.htm) the necessity (../cathen/10733a.htm) of going to court suddenly arose, let him state his necessity to the bishop of Rome (../cathen/12260a.htm) and let him carry with him a rescript of the same Roman bishop (../cathen/12260a.htm). But let the formed letters which are issued by primates and by certain bishops (../cathen/02581b.htm) to their own clergy (../cathen/04049b.htm) have the date of Easter (../cathen/05224d.htm); but if it be yet uncertain what is the date of Easter (../cathen/05224d.htm) 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 (../cathen/06636b.htm) that those who were sent as delegates from this glorious (../cathen/06585a.htm) council should ask of the most glorious (../cathen/06585a.htm) princes whatever they saw would be useful against the Donatists (../cathen/05121a.htm) and Pagans, and their superstitions (../cathen/07636a.htm).

It also seemed good (../cathen/06636b.htm) to all the bishops (../cathen/02581b.htm) that all conciliar letters be signed by your holiness (../cathen/07386a.htm) alone. And they subscribed: I, Aurelius, Bishop of Carthage (../cathen/03385a.htm), have consented to this decree, and having read it, now subscribe my name. Likewise also the rest of the bishops (../cathen/02581b.htm) subscribed.

(Greek cx.)

Synod against the pagans and heretics

In the consulship of those most illustrious men Bassus and Philip, the xvth Calends of July, at Carthage ([../cathen/03385a.htm](#)), in the secretarium of the restored basilica ([../cathen/02325a.htm](#))*. In this council the bishop ([../cathen/02581b.htm](#)) Fortunatian received a second appointment as legate against the pagans ([../cathen/11388a.htm](#)) and heretics ([../cathen/07256b.htm](#)).

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 ([../cathen/03385a.htm](#)), in the Secretarium of the restored basilica ([../cathen/02325a.htm](#))*. In this council the bishops ([../cathen/02581b.htm](#)) Restitutus and Florentius received a legation against the pagans ([../cathen/11388a.htm](#)) and heretics ([../cathen/07256b.htm](#)), at the time Severus and Macarius were slain, and on their account the bishops ([../cathen/02581b.htm](#)) Euodius, Theasius and Victor were put to death ([../cathen/12565a.htm](#)).

Canon 107. (Greek cx. continued.)

A Council concerning a bishop taking cognizance

In the consulate of the most glorious ([../cathen/06585a.htm](#)) Emperors Honorius for the VIIIth time and Theodosius for the IIIrd, Augusti, xvii. Calends of July, a synod was held at Carthage ([../cathen/03385a.htm](#)) in the basilica ([../cathen/02325a.htm](#)) of the second region. In this council it seemed good ([../cathen/06636b.htm](#)) that no one bishop ([../cathen/02581b.htm](#)) should claim the right to take cognizance of a cause ([../cathen/03459a.htm](#)). The acts of this council I have not here written down, because it was only provincial and not general.

(Greek cxi.)

Synod against the Donatists

After the consulate of the most illustrious Emperors Honorius for the VIIIth time and Theodosius for the IVth time, Augusti, xviii. Calends of July, at Carthage ([../cathen/03385a.htm](#)) in the basilica ([../cathen/02325a.htm](#)) of the second region. In this council the bishops ([../cathen/02581b.htm](#)), Florentius, Possidius, Præsidius and Benenatus received legation against the Donatists ([../cathen/05121a.htm](#)), at that time at which a law was given that anyone might practice the Christian ([../cathen/03712a.htm](#)) worship at his own will.

Canon 108. (Greek cxii.)

Synod against the heresy of Pelagius and Celestius

In the consulate of the most glorious (../cathen/06585a.htm) Emperors, Honorius for the XIIth time and Theodosius for the VIII th, Augusti most exalted, on the Calends of May, at Carthage (../cathen/03385a.htm) in the secretarium of the Basilica of Faustus. When Aurelius the bishop (../cathen/02581b.htm) presided over the whole council, the deacons (../cathen/04647c.htm) standing by, it pleased all the bishops (../cathen/02581b.htm), whose names and subscriptions are indicated, met together in the holy (../cathen/07386a.htm) synod of the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm) to define —

Canon 109. (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 (../cathen/14004b.htm) or not, he would have died in body — that is, he would have gone forth of the body, not because his sin (../cathen/14004b.htm) merited this, but by natural necessity, let him be anathema (../cathen/01455e.htm).

Canon 110. (Greek cxii. *bis*)

That infants are baptized for the remission of sins

Likewise it seemed good (../cathen/06636b.htm) that whosoever denies that infants newly from their mother's wombs should be baptized (../cathen/02258b.htm), or says that baptism (../cathen/02258b.htm) is for remission of sins (../cathen/14004b.htm), but that they derive from Adam (../cathen/01129a.htm) no original sin (../cathen/14004b.htm), which needs to be removed by the laver of regeneration, from whence the conclusion follows, that in them the form of baptism (../cathen/02258b.htm) for the remission of sins (../cathen/14004b.htm), is to be understood as false and not true (../cathen/15073a.htm), let him be anathema (../cathen/01455e.htm).

For no otherwise can be understood what the Apostle says, “By one man sin (../cathen/14004b.htm) has come into the world, and death through sin (../cathen/14004b.htm), and so death passed upon all men (../cathen/09580c.htm) in that all have sinned (../cathen/14004b.htm),” than the Catholic (../cathen/03449a.htm) Church (../cathen/03744a.htm) everywhere diffused has always understood it. For on account of this rule of faith (../cathen/05752c.htm) (*regulam fidei*) even infants, who could have committed as yet no sin (../cathen/14004b.htm) themselves, therefore are truly (../cathen/15073a.htm) baptized (../cathen/02258b.htm) for the remission of sins (../cathen/14004b.htm), in order that what in them is the result of generation may be cleansed by regeneration.

The following, 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.

[Also it seemed good (../cathen/06636b.htm), 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 (../cathen/08646a.htm) there will be a certain middle place, or some place somewhere, in which infants live in happiness (../cathen/07131b.htm) who have gone forth from this life without baptism (../cathen/02258b.htm), without which they cannot enter the kingdom of heaven (../cathen/08646a.htm), which is eternal (../cathen/05551b.htm) life, let him be anathema (../cathen/01455e.htm). For after our Lord has said: “Unless a man be born again of water and of the Holy Spirit (../cathen/07409a.htm) he shall not enter the kingdom of heaven (../cathen/08646a.htm),” what Catholic (../cathen/03449a.htm) can doubt (../cathen/05141a.htm) that he who has not merited to be coheir with Christ shall become a sharer with the devil (../cathen/04764a.htm): for he who fails of the right hand without doubt (../cathen/05141a.htm) shall receive the left hand portion.]

Canon 111. (Greek cxij.)

That the grace of God not only gives remission of sins, but also affords aid that we sin no more

Likewise it seemed good (../cathen/06636b.htm), that whoever should say that the grace (../cathen/06689a.htm) of God (../cathen/06608a.htm), by which a man is justified through Jesus Christ (../cathen/08374c.htm) our Lord, avails only for the remission of past sins (../cathen/14004b.htm), and not for assistance against committing sins (../cathen/14004b.htm) in the future, let him be anathema (../cathen/01455e.htm).

Canon 112. (Greek cxij. 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 (../cathen/06689a.htm) of God through Jesus Christ (../cathen/08374c.htm) our Lord helps us only in not sinning by revealing to us and opening to our understanding the commandments, so that we may know (../cathen/08673a.htm) what to seek, what we ought to avoid, and also that we should love (../cathen/09397a.htm) to do so, but that through it we are not helped so that we are able to do what we know (../cathen/08673a.htm) we should do, let him be anathema (../cathen/01455e.htm). For when the Apostle says: “Wisdom puffs up, but charity edifies” it were truly (../cathen/15073a.htm) infamous (../cathen/08001a.htm) were we to believe (../cathen/02408b.htm) that we have the grace (../cathen/06689a.htm) of Christ for that which puffs us up, but have it not for that which edifies, since in each case it is the gift of God (../cathen/06608a.htm), both to know (../cathen/08673a.htm) what we ought to do, and to love (../cathen/09397a.htm) to do it; so that wisdom cannot puff us up while charity is edifying us. For as of God it is written, “Who teaches man knowledge (../cathen/08673a.htm),” so also it is written, “Love is of God (../cathen/06608a.htm).”

Canon 113. (Greek cxiii.)

That without the grace of God we can do no good thing

It seemed good (../cathen/06636b.htm) that whosoever should say that the grace (../cathen/06689a.htm) of justification was given to us only that we might be able more readily by grace (../cathen/06689a.htm) to perform what we were ordered to do through our free will (../cathen/06259a.htm); as if though grace (../cathen/06689a.htm) was not given, although not easily, yet nevertheless we could even without grace (../cathen/06689a.htm) fulfil the divine commandments, let him be anathema (../cathen/01455e.htm). For the Lord spoke concerning the fruits of the commandments, when he said: "Without me you can do nothing," and not "Without me you could do it but with difficulty."

Canon 114. (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 (../cathen/06636b.htm) that as St. John the Apostle says, "If we shall say that we have no sin (../cathen/14004b.htm) we deceive ourselves and the truth (../cathen/15073a.htm) 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 (../cathen/14004b.htm), and not because it is really so, let him be anathema (../cathen/01455e.htm). For the Apostle goes on to add, "But if we confess our sins (../cathen/14004b.htm), he is faithful and just to forgive us our sins (../cathen/14004b.htm) and to cleanse us from all iniquity," where it is sufficiently clear that this is said not only of humility but also truly (../cathen/15073a.htm). For the Apostle might have said, "If we shall say we have no sins (../cathen/14004b.htm) we shall extoll ourselves, and humility shall have no place in us;" but when he says, "we deceive ourselves and the truth (../cathen/15073a.htm) is not in us" he sufficiently intimates that he who affirmed that he had no sin (../cathen/14004b.htm) would speak not that which is true (../cathen/15073a.htm) but that which is false.

Canon 115. (Greek cxvi.)

That in the Lord's Prayer the Saints say for themselves: "Forgive us our trespasses"

It has seemed good (../cathen/06636b.htm) that whoever should say that when in the Lord's prayer (../cathen/09356a.htm), the saints (../cathen/04171a.htm) 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 (../cathen/04171a.htm) 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 (../cathen/01455e.htm). For holy (../cathen/07386a.htm) 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 your servant, O Lord, for in your sight shall no man living be justified;” and in the prayer (../cathen/12345b.htm) of the most wise Solomon: “There is no man that sins (../cathen/14004b.htm) not;” and in the book of the holy (../cathen/07386a.htm) Job: “He seals in the hand of every man, that every man may know (../cathen/08673a.htm) his own infirmity;” wherefore even the holy (../cathen/07386a.htm) and just Daniel when in prayer (../cathen/12345b.htm) said several times: “We have sinned (../cathen/14004b.htm), we have done iniquity,” and other things which there truly (../cathen/15073a.htm) 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 (../cathen/14004b.htm), for he said further on: “When I shall pray (../cathen/12345b.htm) and confess my sins (../cathen/14004b.htm) and the sins (../cathen/14004b.htm) of my people to the Lord my God (../cathen/06608a.htm);” he did not wish to say our sins (../cathen/14004b.htm), but he said the sins (../cathen/14004b.htm) of his people and his own sins (../cathen/14004b.htm), since he as a prophet (../cathen/12477a.htm) foresaw that those who were to come would thus misunderstand his words.

Canon 116. (Greek cxvii.)

That the Saints say with accuracy, “Forgive us our trespasses”

Likewise also it seemed good (../cathen/06636b.htm), that whoever wished that these words of the Lord's prayer (../cathen/09356a.htm), when we say, “Forgive us our trespasses” are said by the saints (../cathen/04171a.htm) out of humility and not in truth (../cathen/15073a.htm) let them be anathema (../cathen/01455e.htm). For who would make a lying prayer (../cathen/12345b.htm), not to men but to God? Who would say with his lips that he wished his sins (../cathen/14004b.htm) forgiven him, but in his heart that he had no sins (../cathen/14004b.htm) to be forgiven.

Canon 117. (Greek cxviii.)

Of peoples converted from the Donatists

Item, it seemed good (../cathen/06636b.htm), since it was so decreed some years ago by a plenary council, that whatever churches were erected in a diocese before the laws (../cathen/09053a.htm) were made concerning Donatists (../cathen/05121a.htm) when they became Catholic (../cathen/03449a.htm), should pertain to the sees of those bishops (../cathen/02581b.htm) through whom their return to Catholic (../cathen/03449a.htm) unity was brought about; but after the laws (../cathen/09053a.htm) whatever churches communicated were to belong there where they belonged when they were Donatists (../cathen/05121a.htm). But because many controversies afterward arose and are still springing up between bishops (../cathen/02581b.htm) concerning dioceses (../cathen/05001a.htm), which were not then at all in prospect, now it has seemed good (../cathen/06636b.htm) to this council, that wherever there was a Catholic (../cathen/03449a.htm) and a Donatist (../cathen/05121a.htm) party, pertaining to different sees, at whatever time unity has been or shall be made, whether before or after the laws (../cathen/09053a.htm), the churches shall belong to that see to which the Catholic (../cathen/03449a.htm) church which was already there belonged.

Canon 118. (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 (../cathen/06636b.htm) that if a bishop (../cathen/02581b.htm) has been converted from the Donatists (../cathen/05121a.htm) to Catholic (../cathen/03449a.htm) 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 (../cathen/05001a.htm), 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 (../cathen/03449a.htm) wish their own bishop (../cathen/02581b.htm), and if the same be the case with the converted Donatists (../cathen/05121a.htm), let the will (../cathen/15624a.htm) of the greater number prevail, but should the parties be equal, let it belong to him who has been longest bishop (../cathen/02581b.htm). 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.

Canon 119. (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 (../cathen/06636b.htm) that if anyone after the laws (../cathen/09053a.htm) should convert any place to Catholic (../cathen/03449a.htm) 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 (../cathen/02581b.htm) who could claim it and was silent, he shall lose the opportunity. But if there was no bishop (../cathen/02581b.htm), no prejudice shall happen to the see, but it shall be lawful when the place that had none shall receive a bishop (../cathen/02581b.htm), to make the claim within three years of that day. Item, if a Donatist (../cathen/05121a.htm) bishop (../cathen/02581b.htm) shall be converted to the Catholic (../cathen/03449a.htm) 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 (../cathen/13055c.htm) of making a claim on the places which belonged to his See.

Canon 120. (Greek cxxi.)

Of those who intrude upon peoples which they think belong to them, without the consent of those by whom they are held

Item, it seemed good (../cathen/06636b.htm) that whatever bishops (../cathen/02581b.htm) 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 (../cathen/02581b.htm) is not yet finished but still going on, let him depart who intruded without the decree of the ecclesiastical (../cathen/03744a.htm) 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 (../cathen/03459a.htm) be decided by the episcopal judges, whether those whom the primates have appointed for them, or the neighbouring bishops (../cathen/02581b.htm) whom they have chosen by common consent.

Canon 121. (Greek cxxii.)

Of those who neglect the peoples belonging to them

Item, it seemed good (../cathen/06636b.htm) that whoever neglect to bring the places belonging to their see into Catholic (../cathen/03449a.htm) unity should be admonished by the neighbouring diligent bishops (../cathen/02581b.htm), 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 (../cathen/02581b.htm) between whom the cause (../cathen/03459a.htm) 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 (../cathen/02581b.htm), let one or three be chosen: so that if they choose three they may follow the sentence of all or of two.

Canon 122. (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 (../cathen/12454c.htm) to the primate, let him give letters, that no one of the bishops (../cathen/02581b.htm) should communicate with him until he yield.

Canon 123. (Greek cxxiv.)

That if a bishop neglects his diocese he is to be deprived of communion

If in the mother cathedrals a bishop (../cathen/02581b.htm) should have been negligent against the heretics (../cathen/07256b.htm), let a meeting be held of the neighbouring diligent bishops (../cathen/02581b.htm), 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 (../cathen/03449a.htm) unity, no one shall communicate with him till he does his duty. But if no executor shall have come to the places, then the fault shall not be laid to the bishop (../cathen/02581b.htm).

Canon 124. (Greek cxxv.)

Of bishops who shall lie with regard to Donatists' communions

If it shall be proven that any bishop (../cathen/02581b.htm) has lied concerning the communion of those [who had been Donatists (../cathen/05121a.htm)], and had said that they had communicated when he knew (../cathen/08673a.htm) it was an established fact that they had not done so, let him lose his bishoprick.

Canon 125. (Greek cxxvi.)

That presbyters and clerics are not to appeal except to African Synods

Item, it seemed good (../cathen/06636b.htm) that presbyters (../cathen/12406a.htm), deacons (../cathen/04647c.htm), or other of the lower clergy (../cathen/04049b.htm) who are to be tried, if they question the decision of their bishops (../cathen/02581b.htm), the neighbouring bishops (../cathen/02581b.htm) having been invited by them with the consent of their bishops (../cathen/02581b.htm), 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 whoever shall think of carrying an appeal across seas he shall be admitted to communion by no one in Africa.

Canon 126. (Greek cxxvii.)

That Virgins, even when minors, should be given the veil

Item, it seemed good (../cathen/06636b.htm) that whatever bishop (../cathen/02581b.htm), by the necessity (../cathen/10733a.htm) 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 (../cathen/11478c.htm) or of those to whose care she has been entrusted, shall give the veil to a virgin (../cathen/15458a.htm), 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.

Canon 127. (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 (../cathen/06636b.htm), lest all the bishops (../cathen/02581b.htm) 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 (../cathen/03385a.htm) Vincent, Fortunatian, and Clarus; for the province of Numidia Alypius, Augustine, and Restitutus; for the province of Byzacena, with the holy (../cathen/07386a.htm) Senex Donatian the Primate, Cresconius, Jocundus, and Æmilian; for Mauritania Sitiphensis 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 (../cathen/07386a.htm) 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 (../cathen/02581b.htm) of the church of Carthage (../cathen/03385a.htm) consent to this decree and having read it sign my name. Likewise also signed they all.

Two Sancti Senes mentioned, who we are sure were both primates. See can. 100 (104).

Item, at this council there was present a legation from the Roman Church

After the consulate of the most glorious (../cathen/06585a.htm) emperors Honorius for the XII th. time and Theodosius for the VIII th., Augusti, on the III. Calends of June, at Carthage (../cathen/03385a.htm), in the Secretarium of the restored basilica (../cathen/02325a.htm), when Aurelius the bishop (../cathen/02581b.htm) 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 Uzipparensis, Adeodatus of Simidica, Pentadius of Carpi, Rufinian of Muzuba, Prætextatus of Sicily (../cathen/13772a.htm), 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 Aquæ, 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 Cæsariensis, the judges chosen by the plenary council, had taken their seats, the deacons (../cathen/04647c.htm) standing by, and when, after certain things had been accomplished, many bishops (../cathen/02581b.htm) 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 (../cathen/06636b.htm) 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 128. (Greek cxxix.)

That those out of communion should not be allowed to bring accusation

It seemed good (../cathen/06636b.htm) to all, as it had been decreed by the former councils, concerning what persons (../cathen/11726a.htm) were to be admitted to bring accusations against clerics (../cathen/04049b.htm); and since it had not been expressed what persons (../cathen/11726a.htm) should not be admitted, therefore we define, that he cannot properly be admitted to bring an accusation, who had been already excommunicated (../cathen/05678a.htm), and was still lying under that censure, whether he that wished to be the accuser were cleric (../cathen/04049b.htm) or layman (../cathen/08748a.htm).

The Council of Carthage (../cathen/03385a.htm) 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 129. (Greek cxxx.)

That slaves and freedmen and all infamous persons ought not to bring accusation

To all it seemed good (../cathen/06636b.htm) that no slaves or freedmen, properly so called, be admitted to accusation nor any of those who by the public laws (../cathen/09053a.htm) are debarred from bringing accusation in criminal proceedings. This also is the case with all those who have the stain of infamy (../cathen/08001a.htm), that is actors, and persons (../cathen/11726a.htm) subject to turpitudes, also heretics (../cathen/07256b.htm), or heathen (../cathen/11388a.htm), or Jews (../cathen/08399a.htm); but even all those to whom the right of bringing accusation is denied, are not forbidden to bring accusation in their own suits.

Canon 130. (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 (../cathen/06636b.htm) that as often as many crimes were laid to clerics (../cathen/04049b.htm) by their accusers, and one of the first examined could not be proved (../cathen/12454c.htm), they should not be allowed to go on giving evidence on the other counts.

Canon 131. (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 (../cathen/15677a.htm) under fourteen years of age.

Canon 132. (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 (../cathen/06636b.htm) that if on any occasion a bishop (../cathen/02581b.htm) said that someone had confessed to him alone a personal crime, and that the man now denies it; let not the bishop (../cathen/02581b.htm) think that any slight is laid upon him if he is not believed (../cathen/02408b.htm) 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 (../cathen/04268a.htm).

Canon 133. (Greek cxxxiv.)

That a bishop should not rashly deprive anyone of communion

As long as his own bishop (../cathen/02581b.htm) will not communicate with one excommunicated (../cathen/05678a.htm), the other bishops (../cathen/02581b.htm) should have no communion with that bishop (../cathen/02581b.htm), that the bishop (../cathen/02581b.htm) 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 before-manifested title, and let the ecclesiastical (../cathen/03744a.htm) 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 (../cathen/12406a.htm) Philip and Asellus to our venerable brother and fellow bishop (../cathen/02581b.htm) Boniface; and they gave their assent in writing.

Canon 134. (Continuation of cxxxv. in the Greek.)

Here begins 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 (../cathen/07462a.htm) 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 (../cathen/07386a.htm) brethren, Faustinus a fellow bishop (../cathen/02581b.htm) and Philip and Asellus, fellow presbyters (../cathen/12406a.htm), have done, not to the bishop (../cathen/02581b.htm) Zosimus of blessed memory, from whom they brought commands and letters to us, but to your holiness (../cathen/07386a.htm), who is 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 (../cathen/03459a.htm). 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 (../cathen/12406a.htm), concerning whose ordination, excommunication (../cathen/05678a.htm), 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 (../cathen/14004b.htm). First our fellow bishop (../cathen/02581b.htm) 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 (../cathen/03744a.htm) not only in the present but also in the future, since so many evils (../cathen/05649a.htm) of such a kind had gone before, that it was incumbent to take care that like or even graver evils (../cathen/05649a.htm) should be prevented thereafter. It seemed good (../cathen/06636b.htm) to us that the presbyter (../cathen/12406a.htm) Apiarius should be removed from the church of Sicca, retaining only the honour (../cathen/07462a.htm) of his grade, and that he should exercise the office of the presbyterate (../cathen/12409a.htm) 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 (../cathen/15073a.htm) before this case should be thus closed, among other things which we were treating of in daily discussions, the nature (../cathen/10715a.htm) of the case demanded that we should ask our brothers, Faustinus our fellow bishop (../cathen/02581b.htm), and Philip and Asellus our fellow presbyters (../cathen/12406a.htm), to set forth what they had been enjoined to treat of with us that they might be inserted in the ecclesiastical (../cathen/03744a.htm) 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 (../cathen/02581b.htm) to the Pontiff of the Roman Church, second that bishops (../cathen/02581b.htm) should not unbecomingly be sailing to court, thirdly concerning the treating the causes of presbyters (../cathen/12406a.htm) and deacons (../cathen/04647c.htm) by contiguous bishops (../cathen/02581b.htm), if they had been wrongly excommunicated (../cathen/05678a.htm) by their own, and fourthly concerning the bishop (../cathen/02581b.htm) Urban who should be excommunicated (../cathen/05678a.htm) or even sent to Rome (../cathen/13164a.htm), 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 (../cathen/02581b.htm) to appeal to Rome (../cathen/13164a.htm) and that the causes of clerics (../cathen/04049b.htm) should be settled by the bishops (../cathen/02581b.htm) of their own provinces, already last year we have taken pains to insinuate, in our letter to the same bishop (../cathen/02581b.htm) 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 Nicaea (../cathen/11044a.htm) had been finished. And now we ask of your holiness (../cathen/07386a.htm) that you would cause (../cathen/03459a.htm) to be observed by us the acts and constitutions of our fathers at the Council of Nicaea

(../cathen/11044a.htm), and that you cause (../cathen/03459a.htm) to be exercised by you there, those things which they brought in the commonitory: that is to say, If a bishop (../cathen/02581b.htm) shall have been accused, etc. [*Here follows Canon vii. of Sardica.*]

Item concerning presbyters (../cathen/12406a.htm) and deacons (../cathen/04647c.htm). If any bishop (../cathen/02581b.htm) 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 (as in the Commonitory, which our brethren directed to us from the Apostolic See (../cathen/01640c.htm) alleged) and be even kept according to that order by you in Italy (../cathen/08208a.htm), 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 (../cathen/02408b.htm), through the mercy of our Lord God (../cathen/06608a.htm), while your holiness (../cathen/07386a.htm) presides over the Roman Church, we shall not have to suffer that pride (../cathen/12405a.htm) (*istum typhum passuri*). And there will be kept toward us, what should be kept with brotherly love (../cathen/09397a.htm) to us who are making no dispute. You will also perceive according to the wisdom and the justice (../cathen/08571c.htm) which the most Highest has given you, what should be observed, if perchance the canons of the Council of Nicaea (../cathen/11044a.htm) 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 deign yourself also to write to the pontiffs of these parts, that is of the churches of Antioch (../cathen/01570a.htm), Alexandria, and Constantinople, and to any others also if it shall please your holiness (../cathen/07386a.htm), 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 (../cathen/05141a.htm) 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 (../cathen/02581b.htm) to the pontiff of the Roman Church and concerning the causes of clerics (../cathen/04049b.htm) which should be terminated by the bishops (../cathen/02581b.htm) of their own provinces, we are willing to allow to be observed until the proof (../cathen/12454c.htm) arrives and we trust your blessedness will help us in this according to the will (../cathen/15624a.htm) of God (../cathen/06608a.htm). The rest of the matters treated and defined in our synod, since the aforesaid brethren, our fellow bishop (../cathen/02581b.htm) Faustinus, and the presbyters (../cathen/12406a.htm) Philip and Asellus are carrying the acts with them, if you deign to receive them, will make known (../cathen/08673a.htm) to your holiness (../cathen/07386a.htm). And they signed. Our Lord keep you to us for many years, most blessed brother. Alypius, Augustine, Possidius, Marinus and the rest of the bishops (../cathen/02581b.htm) (217) also signed.

Canon 135. (Not numbered in the Greek.)

Here begin the rescripts to the African Council from Cyril bishop (../cathen/02581b.htm) of Alexandria in which he sends the authentic proceedings of the Nicene Council, translated from the Greek by Innocent the presbyter (../cathen/12406a.htm): these letters with the same Nicene council were also sent through the aforementioned presbyter (../cathen/12406a.htm) Innocent and by Marcellus a subdeacon (../cathen/14320a.htm) of the Church (../cathen/03744a.htm) of Carthage (../cathen/03385a.htm), to the holy (../cathen/07386a.htm) Boniface, bishop (../cathen/02581b.htm) of the Roman Church, on the sixth day before the calends of December in the year 419.

To the most honourable (../cathen/07462a.htm) lords, our holy (../cathen/07386a.htm) brethren and fellow bishops (../cathen/02581b.htm), Aurelius, Valentinus (../cathen/15256a.htm), as well as to the whole holy (../cathen/07386a.htm) synod met in Carthage (../cathen/03385a.htm), Cyril salutes your holiness (../cathen/07386a.htm) in God (../cathen/06608a.htm).

I have received with all joy (../cathen/07131b.htm) at the hands of our son, the presbyter (../cathen/12406a.htm) Innocent, the letters of your reverence so full of piety (../cathen/12748a.htm), in which you express the hope that we will send you most accurate copies of the decrees of the holy (../cathen/07386a.htm) 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 (../cathen/07462a.htm) lords and brethren, I have thought it necessary to send to you, with our compliments, by our son, Innocent the presbyter (../cathen/12406a.htm), the bearer of these, most faithful copies of the decisions of the synod held at Nice in Bithynia. And when you have sought in the history of the church, you will find them there also. Concerning Easter (../cathen/05224d.htm), as you have written, we announce to you that we shall celebrate it on the xviii before the calends of May of the next indiction. The subscription. May God and our Lord preserve your holy (../cathen/07386a.htm) synod as we desire, dear brethren.

Canon 136. (Not numbered in the Greek but with a new heading.)

Here begins the letter of Atticus, bishop of Constantinople to the same

To our holy (../cathen/07386a.htm) lords, and rightly most blessed brethren and fellow bishops (../cathen/02581b.htm), Aurelius, Valentine, and to the other beloved ones met together in the Synod held at Carthage (../cathen/03385a.htm), Atticus the bishop (../cathen/02581b.htm).

By our son Marcellus the subdeacon (../cathen/14320a.htm), I have received with all thanksgiving the writings of your holiness (../cathen/07386a.htm), praising the Lord that I enjoyed the blessing of so many of my brethren. O my lords and most blessed brethren, you 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 (../cathen/05752c.htm). And who is there that would deny to his brethren the common faith (../cathen/05752c.htm), or the statutes decreed by the Fathers. Wherefore by the same son of mine, Marcellus, your subdeacon (../cathen/14320a.htm), 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 (../cathen/07386a.htm) synod would have me much in your prayers (../cathen/12345b.htm). The subscription. May our God keep your sanctity (../cathen/07386a.htm), as we desire, most holy (../cathen/07386a.htm) brethren.

Canon 137. (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 (../cathen/06585a.htm) emperor Honorius for the XIIth time, and Theodosius for the IX th time, Augustuses, to Boniface the bishop (../cathen/02581b.htm) of the City of Rome.

We believe (../cathen/02408b.htm) in one God etc....the Catholic (../cathen/03449a.htm) and Apostolic Church (../cathen/03744a.htm) anathematizes (../cathen/01455e.htm) them.

To this symbol (../cathen/14373b.htm) of the faith (../cathen/05752c.htm) there were also annexed copies of the statutes of the same Nicene Councils from the aforementioned pontiffs, in all respects as are contained above; which we do not think it necessary to write out here again.

Canon 138. (Not numbered in the Greek.)

Here begins the epistle of the African synod to Pope Celestine, bishop of the City of Rome

To the lord and most beloved and our honourable (../cathen/07462a.htm) 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 (../cathen/03385a.htm) 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 (../cathen/12406a.htm) 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 (../cathen/15073a.htm) 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 (../cathen/07386a.htm) Brother and fellow bishop (../cathen/02581b.htm) Faustinus, we assembled a council, and believed (../cathen/02408b.htm) that he was sent with that man, in order that, as he [Apiarius] had before been restored to the presbyterate (../cathen/12409a.htm) 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 overbear 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 (../cathen/15753a.htm) of a defender, than the justice (../cathen/08571c.htm) 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 (../cathen/02581b.htm) 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 (../cathen/09438a.htm), and God so wrought upon his conscience (../cathen/04268a.htm) and published, even to the eyes of men (../cathen/09580c.htm), the secret crimes which he was already condemning in that man's heart, a very sty of wickedness (../cathen/05649a.htm), 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 (../cathen/04268a.htm). Premising, therefore, our due regards to you, we earnestly conjure you, that for the future you do not readily admit to a hearing persons (../cathen/11726a.htm) coming hence, nor choose to receive to your communion those who have been excommunicated (../cathen/05678a.htm) 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 (../cathen/04049b.htm), or the laity (../cathen/08748a.htm), how much more did it will this to be observed in the case of bishops (../cathen/02581b.htm), 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 (../cathen/12406a.htm) likewise, and the inferior clergy (../cathen/04049b.htm), both because by no ordinance of the Fathers has the Church (../cathen/03744a.htm) of Africa been deprived of this authority, and the Nicene decrees have most plainly committed not only the clergy (../cathen/04049b.htm) of inferior rank, but the bishops (../cathen/02581b.htm) themselves to their own Metropolitans. For they have ordained with great wisdom and justice (../cathen/08571c.htm), that all matters should be terminated in the places where they arise; and did not think that the grace (../cathen/06689a.htm) of the Holy Spirit (../cathen/07409a.htm) would be wanting to any Province, for the bishops (../cathen/02581b.htm) of 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 (../cathen/08571c.htm), and refuse it to an innumerable multitude of bishops (../cathen/02581b.htm) (*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 there the necessary witnesses, whether from the weakness of sex, or advanced age, or any other impediment? For that your Holiness should send any on your part we can find ordained by no council of Fathers. Because with regard to what you have sent us by the same our brother bishop (../cathen/02581b.htm) 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 (../cathen/07386a.htm) 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 (../cathen/12406a.htm), and Marcellus the subdeacon (../cathen/14320a.htm) through whom we received them, to Boniface the Bishop, your predecessor of venerable memory. Moreover whoever desires you to delegate any of your clergy (../cathen/04049b.htm) to execute your orders, do not comply, lest it seem that we are introducing the pride (../cathen/12405a.htm) of secular dominion into the Church (../cathen/03744a.htm) of

Christ (../cathen/08374c.htm) which exhibits 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 (../cathen/03744a.htm) of Christ (../cathen/08374c.htm) 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 (../cathen/12345b.htm) for us.

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