

**0691-0691 – Synodum Constantinopolitanum – Canons Approved By Name In Canon II**

**Appendix Containing Canons And Rulings Not Having Conciliar Origin But Approved By Name In Canon II Of  
The Synod In Trullo**

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APPENDIX CONTAINING CANONS AND RULINGS NOT  
HAVING CONCILIAR ORIGIN BUT APPROVED BY NAME IN  
CANON II. OF THE SYNOD IN TRULLO.

*Elenchus.*

*Prefatory Note.*

*Introduction to the Apostolical Canons.*

*The 85 Apostolical Canons.*

*Epitome of the Canons of the following:*

*I. Dionysius of Alexandria.*

*II. Peter of Alexandria.*

*III. Gregory Thaumaturgus.*

*IV. Athanasius of Alexandria.*

*V. Basil of Cæsarea.*

*VI. Gregory Nyssen.*

*VII. Gregory Theologus.*

*VIII. Amphilochius of Iconium.*

*IX. Timothy of Alexandria.*

*X. Theophilus of Alexandria.*

*XI. Cyril of Alexandria.*

*XII. Gennadius of Constantinople.<sup>558</sup>*



Prefatory Note.

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<sup>558</sup> For some reason Beveridge does not follow, as I have done, the order of the enumeration in the Trullan Canon. Johnson has followed Beveridge's order.

As this volume only professes to contain the conciliar decrees of the Ecumenical Councils, it would seem that canons and rulings which were of private or quasi-private origin should have no place in it; and yet a very considerable number of such determinations are expressly approved by name in the Canons of the Synod in Trullo, which canons were received, to some extent at least (as we have seen), by the Seventh Ecumenical Council. Under these circumstances I have felt that the reader might justly expect to find some mention made of these decrees, which while indeed non-conciliar in origin, yet had received such high conciliar sanction. I have therefore placed a translation of the text of the "Apostolical Canons" with a brief introduction, and have reprinted Johnson's epitome of the other decrees and canons, supplying a few omissions and adding a few notes, chiefly taken from the Greek scholiasts, Zonaras and Balsamon. It is hoped that thus the present volume has been made practically complete, and that from it, any student can obtain a satisfactory knowledge of all the doctrinal definitions and of all the disciplinary enactments of the undivided Church.



## The Apostolical Canons.

### INTRODUCTION.

To affirm that the "Apostolical Canons" were a collection of canons made by the Apostles would be about as sensible as to affirm that the "Psalterium Davidicum"<sup>559</sup> was a collection of his own psalms made by David, or that the "Proverbs of Solomon" was a collection of proverbs made by Solomon.

Many of the Psalms had David for their composer; many of the Proverbs had Solomon for their originator; but neither the book we call "The Psalter" nor the book we call "The Proverbs" had David or Solomon for its compiler. The matter contained in the one is largely, many think chiefly, of Davidic origin, the matter contained in the other is no doubt Solomonic; and just so "The Apostolical Canons" may well be to a great extent of Apostolic origin, committed to writing, some possibly by the Apostles themselves, others by their immediate successors, who heard them at their mouth; and these at some period not far removed from the date of the Nicene Council (A.D. 325), probably earlier than the Council of Antioch, were gathered together into a code which has since then been somewhat enlarged and modified. This is the view of the matter to which the general drift of the learned seems to be moving, and it is substantially the view so ably defended by Bishop Beveridge in his *Synodicon*, and in his remarkably learned and convincing answer to his French

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<sup>559</sup> The reader may remember that when it was proposed in a first draft to the Council of Trent to say the "Psalms of David," the Fathers refused to pass it as proposed, because the Psalter contained Psalms not by David, and substituted the expression "The Davidic Psalter" (*Psalterium Davidicum*).

opponent,<sup>560</sup> entitled *Codex Canonum Ecclesiae Primitivae vindicatus ac illustratus*. (This last volume, together with the “Preface to the Notes on the Apostolical Canons” has been reprinted in Vol. XII. of Bishop Beveridge’s Works in the “Library of Anglo-Catholic Theology.”)<sup>561</sup>

In thus accepting in the main the old conclusions I am far from intending to imply that more recent research has not shewn some of the details of the bishop’s view to be erroneous. In brief, the proposition which seems to be most tenable is that in the main the Apostolic Canons represent the very early canon-law of the Church, that the canons which make up the collection are of various dates, but that most of them are earlier than the year 300, and that while it is not possible to say exactly when the collection, as we now have it, was made, there is good reason for assigning it a date not later than the middle of the fourth century. With regard to the name “Apostolic Canons” there need be no more hesitation in applying it to these canons than in calling Ignatius an “Apostolic Father,” the adjective necessarily meaning nothing more than that the canons set forth the disciplinary principles which were given to the early Church by the Apostles, just as we speak of the “Apostles’ Creed.”

While this is true there can be no question that in the East the Apostolic Canons were very generally looked upon as a genuine work prepared by the Holy Apostles. I proceed now to quote Bishop Hefele, but I have already (Cf. Council in Trullo) expressed my own opinion that there is not contained in the Quinisext decree any absolute definition of what is technically known as the “authenticity” of the Canons of the Apostles.

(Hefele. *Hist. of the Councils*, Vol. I., p. 451 *et seqq.*).

The Synod *in Trullo* being, as is well known, regarded as ecumenical by the Greek Church, the authenticity of the eighty-five canons was decided in the East for all future time. It was otherwise in the West. At the same period that Dionysius Exiguus translated the collection question for Bishop Stephen, Pope Gelasius promulgated his celebrated decree *de libris non recipiendis*. Drey mentions it, but in a way which requires correction. Following in this the usual opinion, he says that the Synod at Rome in which Gelasius published this decree was held in 494; but we shall see hereafter that this synod was held in 496. Also Drey considers himself obliged to adopt another erroneous opinion, according to which Gelasius declared in the same decree the Apostolic Canons to be apocryphal. This opinion is to be maintained only so long as the usual text of this decree is consulted, since the original text as it is given in the ancient manuscripts does not contain the passage which



<sup>560</sup> Matthieu de Larroque. *Observationes...et in Annot. Bev. in Can. Apost.* 1674.

<sup>561</sup> It is most unfortunate that the Rev. A. B. Grosart, LL.D., in the article “Beveridge” in that usually accurate and learned work, the *Dictionary of English Biography*, should have written “regretting” this republication of the *Vindicatio*, on the ground that Bp. Beveridge in its pages “demonstrates that he lacked the instincts of the genuine scholar as distinguished from the merely largely read man!” There seem to be a great many *soidisant* “genuine scholars” who lack all sense of humour!

mentions the Apostolic Canons.<sup>562</sup> This passage was certainly added subsequently, with many others, probably by Pope Hormisdas (514–543) when he made a new edition of the decree of Gelasius. As Dionysius Exiguus published his collection in all probability subsequently to the publication of the decree of Gelasius, properly so called, in 496, we can understand why this decree did not mention the Apostolical Canons. Dionysius did not go to Rome while Gelasius was living, and did not know him personally, as he himself says plainly in the *Præfatio* of his collection of the papal decrees. It is hence also plain how it was that in another collection of canons subsequently made by Dionysius, of which the preface still remains to us, he does not insert the Apostolic Canons, but has simply this remark: *Quos non admisit uniuersalitas, ego quoque in hoc opere prætermisi.* Dionysius Exiguus in fact compiled this new collection at a time when Pope Hormisdas had already explicitly declared the Apostolic Canons to be apocryphal.

Notwithstanding this, these canons, and particularly the fifty mentioned by Dionysius, did not entirely fall into discredit in the West; but rather they came to be received, because the first collection of Dionysius was considered of great authority. They also passed into other collections, and particularly into that of the pseudo-Isidore; and in 1054, Humbert, legate of Pope Leo IX., made the following declaration: *Clementis libel, id est itinerarium Petri Apostoli et Canones Apostolorum numerantur inter apocrypha, EXCEPTIS CAPITULIS QUISQUAGINTA, quæ decreverunt regulis orthodoxis adjungenda.* Gratian also, in his decree, borrowed from the fifty Apostolic Canons, and they gradually obtained the force of laws. But many writers, especially Hincmar of Rheims, like Dionysius Exiguus, raised doubts upon the apostolical origin of these canons. From the sixteenth century the opinion has been universal that these documents are not authentic; with the exception, however, of the French Jesuit Turrianus, who endeavoured to defend their genuineness, as well as the authenticity of the pseudo-Isidorian decrees. According to the Centuriators of Magdeburg, it was especially Gabriel d' Aubespine, Bishop of Orleans, the celebrated Archbishop Peter de Marca, and the Anglican Beveridge, who proved that they were not really compiled by the Apostles, but were made partly in the second and chiefly in the third century. Beveridge considered this collection to be a repertory of ancient canons given by synods in the second and third centuries. In opposition to them, the Calvinist Dallæus (Daillé) regarded it as the work of a forger who lived in the fifth and sixth centuries; but Beveridge refuted him so convincingly, that from that time his opinion, with some few modifications, has been that of all the learned.

Beveridge begins with the principle, that the Church in the very earliest times must have had a collection of canons; and he demonstrates that from the commencement of the fourth century, bishops, synods, and other authorities often quote, as documents in common use, a *κανὼν ἀποστολικὸς*, or *ἐκκλησιαστικὸς*, or *ἀρχαῖος*; as was done, for instance, at the Council of Nice, by Alexander, Bishop of Alexandria, and by the Emperor Constantine, etc.<sup>563</sup> According to Beveridge,

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<sup>562</sup> Cf. Ballerini, *Opp. S. Leon. M.*, Vol. III. p. 158; Mansi, *Conc.*, Tom. VIII., 170.

<sup>563</sup> Cf. (for catena) Bickell, *Geschichte des Kirchenrechts*, S. 82.

these quotations make allusion to the Apostolic Canons, and prove that they were already in use *before* the fourth century.

In opposition to Beveridge Dr. von Drey wrote with profound learning;<sup>564</sup> and Bickell, in his work just quoted, to a great degree accepts his conclusions as being well-founded.

These conclusions in short are that the so-called “Apostolic Canons” are a patchwork taken from the “Apostolic Constitutions,” which are said to have been of Eastern origin and to date from the latter part of the third century, and from the canons of various synods, notably Nice, Antioch, and Chalcedon.

But this last reference to Chalcedon is too much for Bickell to stomach; and for many reasons he makes the date of the collection earlier.

Hefele points out a rather significant document which he says both “Drey and Bickell have overlooked. In 1738 Scipio Maffei published three ancient documents, the first of which was a Latin translation of a letter written on the subject of Meletius by the Egyptian bishops Hesychius, Phileas, etc. This letter was written during the persecution of Diocletian, that is, between 303 and 305: it is addressed to Meletius himself, and especially accuses him of having ordained priests in other dioceses. This conduct, they tell him, is contrary to all ecclesiastical rule (*aliena a more divino et regula ecclesiastica*), and Meletius himself knows very well that it is a *lex patrum et propatrum...in alienis paræciis non licere alicui episcoporum ordinationes celebrare*. Maffei himself supposes that the Egyptian bishops were here referring to the thirty-fifth canon (the thirty-sixth according to the enumeration of Dionysius), and this opinion can hardly be controverted.”

After Bickell and Drey about ten years passed and then Bunsen and Ültzen wrote on the subject. Of these Bunsen renewed Beveridge’s arguments, and considers the “Apostolic Canons” as a reflex of the customs of the Primitive Church, if not in the Johannean age, at latest in that which immediately succeeded; and he is of opinion that the legend attributing them to the Apostles is earlier in date than the Council of Nice. Ültzen does not express himself definitely on the point, but in a note to p. xvj. of the Preface to his book regrets that Bunsen should have renewed Beveridge’s argument with regard to the relative age of the Apostolic Canons and those of Antioch because in his judgment “all the more recent judges of this matter had refuted it.”

I think I should here interrupt my narrative to warn the reader that Beveridge has been often misunderstood and misrepresented. For example he expressly says that according to his theory<sup>565</sup> “these canons were set forth by various synods, so too they seem to us to have been collected by different persons, of whom some collected more, some fewer....And these canons, thus collected, some called ecclesiastical and some called them Apostolical; not that they believed them to have been written by the very Apostles, for they had made the collection themselves, but because they were consonant to the doctrine and traditions of the Apostles, and they were persuaded that they

<sup>564</sup> *Neue Untersuchungen über die Const. und Canones der Apostel*. Tübing., 1832.

<sup>565</sup> *Bev. Præfatio ad Annotat. in Can. Apost.*, § xiii.

had been originally established at least by apostolic men.” This is Beveridge’s position in his own words.

I come now to the most recent writings upon the subject. Harnack has developed a theory which is partly his own with regard to the Apostolical Constitutions, in his edition of the “Didache,” and has also considered the question of the Apostolic Canons. The fullest discussion however of the matter is in a work entitled, *Die Apostolischen Konstitutionen, Eine Litterar-historische Untersuchung, von Franz Zaver Funk. Rottenburg am Neckar. 1891.*

Funk gives the history of the controversy, and refuses to allow that Hefele’s citation of the Letter of the Egyptian bishops throws any light upon the point. In most matters he agrees with Bickell, and declares (p. 188) that “the Synod of Antioch is certainly to be regarded as the source of the Apostolic Canons,” and that thus by comparing the canons, it is manifest that the Apostolic “are certainly to be regarded as the dependent writing” (p. 185). And after considering their relation to the Apostolical Constitutions, Funk states his conclusion as follows (p. 190): “The drawing up of the canons falls therefore not earlier than the interpolation of the Didaskalia and the preparation of the two last books of the Constitution, hence not before the beginning of the fifth century. On the other hand there is no ground for fixing the writing at a later period, not a single canon bears the mark of a later time.”

Such was the state of things until Mgr. Rihmani, the Syrian Archbishop of Aleppo, gave notice that he had found in a codex at Mossul a Syrian version of the Apocryphal book known as the *Testamentum Jesu Christi*. It is stated that in the discoverer’s opinion the *Testamentum* is earlier in date than the Apostolic Canons, than the Canons of Hippolytus, and than the VIII<sup>th</sup> Book of the Apostolical Constitutions; and further that it was the direct source of the Apostolic Canons. As I know nothing further of this matter, I must simply note it for the guidance of the reader in his further study of the subject.

Having now traced the history of the discussion, I need only add that Mr. Turner has just issued a very critical text of the version of Dionysius Exiguus, the full title of which is as follows:

*Ecclesiae Occidentalis Monumenta Ivris Antiquissima Canonvm et Conciliorvm Graecorum, Interpretationes Latinae. Edidit Cvthbertvs Hamilton Turner, A.M. Fascicvli Primi Pars Prior Canones Apostolorvm Nicaenorum Patrvm Svscriptiones.* And that I have taken, except where noted to the contrary, Hammond’s translation.



## The Canons of the Holy and Altogether August Apostles.<sup>566</sup>

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<sup>566</sup> The Latin caption is “The Ecclesiastical Rules of the Holy Apostles, set forth by Clement, Pontiff of the Roman Church.”

### Canon I.<sup>567</sup>

Let a bishop be ordained by two or three bishops.

### Canon II.

Let a presbyter, deacon, and the rest of the clergy, be ordained by one bishop,

### Canon III. (III. and IV.)

If any bishop or presbyter offer any other things at the altar, besides that which the Lord ordained for the sacrifice, as honey, or milk, or strong-made drink instead of wine,<sup>568</sup> or birds, or any living things, or vegetables, besides that which is ordained, let him be deposed. Excepting only new ears of corn, and grapes at the suitable season. Neither is it allowed to bring anything else to the altar at the time of the holy oblation, excepting oil for the lamps, and incense.

### Canon IV. (V.)

Let all other fruits be sent home as first-fruits for the bishops and presbyters, but not offered at the altar. But the bishops and presbyters should of course give a share of these things to the deacons, and the rest of the clergy.

### Canon V. (VI.)

Let not a bishop, presbyter, or deacon, put away his wife under pretence of religion; but if he put her away, let him be excommunicated; and if he persists, let him be deposed.

### Canon VI. (VII.)

Let not a bishop, presbyter, or deacon, undertake worldly business; otherwise let him be deposed.

### Canon VII. (VIII.)

If any bishop, presbyter, or deacon, shall celebrate the holy day of Easter before the vernal equinox, with the Jews, let him be deposed.

### Canon VIII (IX.)

<sup>567</sup> The numbering which I have followed is Hammond's, but, where it differs from that given by Hefele, I have placed Hefele's numbering in parenthesis. With Hefele agree Van Espen and Bruns (in his alternative numbering) and Johnson's marginal numbering. The numbering that Johnson himself follows is that of Cotelerius.

<sup>568</sup> The text here varies.



If any bishop, presbyter, or deacon, or any one on the sacerdotal list, when the offering is made, does not partake of it, let him declare the cause; and if it be a reasonable one, let him be excused; but if he does not declare it, let him be excommunicated, as being a cause of offence to the people, and occasioning a suspicion against the offerer, as if he had not made the offering properly.

#### Canon IX. (X.)

All the faithful who come in and hear the Scriptures, but do not stay for the prayers and the Holy Communion, are to be excommunicated, as causing disorder in the Church.

#### Canon X. (XI.)

If any one shall pray, even in a private house, with an excommunicated person, let him also be excommunicated.

#### Canon XI. (XII.)

If any clergyman shall join in prayer with a deposed clergyman, as if he were a clergyman,<sup>569</sup> let him also be deposed.

#### Canon XII. and XIII (XIII.)

If any one of the clergy or laity who is excommunicated, or not to be received, shall go away, and be received in another city without commendatory letters, let both the receiver and the received be excommunicated.

But if he be excommunicated already, let the time of his excommunication be lengthened.

#### Canon XIV.

A bishop is not to be allowed to leave his own parish, and pass over into another, although he may be pressed by many to do so, unless there be some proper cause constraining him, as if he can confer some greater benefit upon the persons of that place in the word of godliness. And this must be done not of his own accord, but by the judgment of many bishops, and at their earnest exhortation.

#### Canon XV.

If any presbyter, or deacon, or any other of the list of the clergy, shall leave his own parish, and go into another, and having entirely forsaken his own, shall make his abode in the other parish without the permission of his own bishop, we ordain that he shall no longer perform divine service;

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<sup>569</sup> Hammond seems to have omitted ὡς κληρικῶν, which I have supplied.

more especially if his own bishop having exhorted him to return he has refused to do so, and persists in his disorderly conduct. But let him communicate there as a layman.



### Canon XVI.

If, however, the bishop, with whom any such persons are staying, shall disregard the command that they are to cease from performing divine offices, and shall receive them as clergymen, let him be excommunicated, as a teacher of disorder.

### Canon XVII.

He who has been twice married after baptism, or who has had a concubine, cannot become a bishop, presbyter, or deacon, or any other of the sacerdotal list.

### Canon XVIII.

He who married a widow, or a divorced woman, or an harlot, or a servant-maid, or an actress, cannot be a bishop, presbyter, or deacon, or any other of the sacerdotal list.

### Canon XIX.

He who has married two sisters, or a niece, cannot become a clergyman.

### Canon XX.

If a clergyman becomes surety for any one, let him be deposed.

### Canon XXI.

An eunuch, if he has been made so by the violence of men or [if his *virilia* have been amputated<sup>570</sup>] in times of persecution, or if he has been born so, if in other respects he is worthy, may be made a bishop.

### Canon XXII.

He who has mutilated himself, cannot become a clergyman, for he is a self-murderer, and an enemy to the workmanship of God.

### Canon XXIII.

If any man being a clergyman shall mutilate himself, let him be deposed, for he is a self-murderer.

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<sup>570</sup> Hammond has omitted these words.

### Canon XXIV.

If a layman mutilate himself, let him be excommunicated for three years, as practising against his own life.

### Canon XXV. (XXV. and XXVI.)

If a bishop, presbyter, or deacon be found guilty of fornication, perjury, or theft, let him be deposed, but let him not be excommunicated; for the Scripture says, “thou shalt not punish a man twice for the same offence.” In like manner the other clergy shall be subject to the same proceeding.<sup>571</sup>

### Canon XXVI. (XXVII.)

Of those who have been admitted to the clergy unmarried, we ordain, that the readers and singers only may, if they will, marry.

### Canon XXVII. (XXVIII.)

If a bishop, presbyter, or deacon shall strike any of the faithful who have sinned, or of the unbelievers who have done wrong, with the intention of frightening them, we command that he be deposed. For our Lord has by no means taught us to do so, but, on the contrary, when he was smitten he smote not again, when he was reviled he reviled not again, when he suffered he threatened not.

### Canon XXVIII. (XXIX.)

If any bishop, presbyter, or deacon, having been justly deposed upon open accusations, shall dare to meddle with any of the divine offices which had been intrusted to him, let him be altogether cut off from the Church.

### Canon XXIX. (XXX.)

If any bishop, presbyter, or deacon, shall obtain possession of that dignity by money, let both him and the person who ordained him be deposed, and also altogether cut off from all communion, as Simon Magus was by me Peter.

### Canon XXX. (XXXI.)

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<sup>571</sup> I have changed Hammond's rendering of this last phrase, "in like manner with respect to the other clergy."

If any bishop obtain possession of a church by the aid of the temporal powers, let him be deposed and excommunicated, and all who communicate with him.

### Canon XXXI. (XXXII.)

If any presbyter, despising his own bishop, shall collect a separate congregation, and erect another altar, not having any grounds for condemning the bishop with regard to religion or justice, let him be deposed for his ambition; for he is a tyrant; in like manner also the rest of the clergy, and as many as join him; and let laymen be excommunicated. Let this, however, be done after a first, second, and third admonition from the bishop.

### Canon XXXII. (XXXIII.)

If any presbyter or deacon has been excommunicated by a bishop, he may not be received into communion again by any other than by him who excommunicated him, unless it happen that the bishop who excommunicated him be dead.



### Canon XXXIII. (XXXIV.)

No foreign bishop, presbyter, or deacon, may be received without commendatory letters; and when they are produced let the persons be examined; and if they be preachers of godliness, let them be received. Otherwise, although you supply them with what they need, you must not receive them into communion, for many things are done surreptitiously.

### Canon XXXIV. (XXXV.)

The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the country places which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy Spirit.<sup>572</sup>

### Canon XXXV. (XXXVI.)

Let not a bishop dare to ordain beyond his own limits, in cities and places not subject to him. But if he be convicted of doing so, without the consent of those persons who have authority over such cities and places, let him be deposed, and those also whom he has ordained.

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<sup>572</sup> The text here differs; I follow Beveridge. Hammond reads, "Through the Lord Jesus Christ, and the Father through the Lord by the Holy Spirit, even the Father, the Son, and the Holy Spirit."

### Canon XXXVI. (XXXVII.)

If any person, having been ordained bishop, does not undertake the ministry, and the care of the people committed to him, let him be excommunicated until he does undertake it. In like manner a presbyter or deacon. But if he has gone and has not been received, not of his own will but from the perverseness of the people, let him continue bishop; and let the clergy of the city be excommunicated, because they have not corrected the disobedient people.

### Canon XXXVII. (XXXVIII.)

Let there be a meeting of the bishops twice a year, and let them examine amongst themselves the decrees concerning religion and settle the ecclesiastical controversies which may have occurred. One meeting to be held in the fourth week of Pentecost [i.e., the fourth week after Easter], and the other on the 12th day of the month Hyperberetæus [i.e., October].

### Canon XXXVIII. (XXXIX.)

Let the bishop have the care of all the goods of the Church, and let him administer them as under the inspection of God. But he must not alienate any of them or give the things which belong to God to his own relations. If they be poor let him relieve them as poor; but let him not, under that pretence, sell the goods of the Church.

### Canon XXXIX. (XL.)

Let not the presbyters or deacons do anything without the sanction of the bishop; for he it is who is intrusted with the people of the Lord, and of whom will be required the account of their souls.

### Canon XL. (XL. Continued.)

Let the private goods of the bishop, if he have any such, and those of the Lord, be clearly distinguished, that the bishop may have the power of leaving his own goods, when he dies, to whom he will, and how he will, and that the bishop's own property may not be lost under pretence of its being the property of the Church: for it may be that he has a wife, or children, or relations, or servants; and it is just before God and man, that neither should the Church suffer any loss through ignorance of the bishop's own property, nor the bishop or his relations be injured under pretext of the Church: nor that those who belong to him should be involved in contests, and cast reproaches upon his death.

### Canon XLI.

We ordain that the bishop have authority over the goods of the Church: for if he is to be intrusted with the precious souls of men, much more are temporal possessions to be intrusted to him. He is

therefore to administer them all of his own authority, and supply those who need, through the presbyters and deacons, in the fear of God, and with all reverence. He may also, if need be, take what is required for his own necessary wants, and for the brethren to whom he has to show hospitality, so that he may not be in any want. For the law of God has ordained, that they who wait at the altar should be nourished of the altar. Neither does any soldier bear arms against an enemy at his own cost.



### Canon XLII.

If a bishop or presbyter, or deacon, is addicted to dice or drinking, let him either give it over, or be deposed.

### Canon XLIII.

If a subdeacon, reader, or singer, commits the same things, let him either give over, or be excommunicated. So also laymen.

### Canon XLIV.

Let a bishop, presbyter, or deacon, who takes usury from those who borrow of him, give up doing so, or be deposed.

### Canon XLV.

Let a bishop, presbyter, or deacon, who has only prayed with heretics, be excommunicated: but if he has permitted them to perform any clerical office, let him be deposed.

### Canon XLVI.

We ordain that a bishop, or presbyter, who has admitted the baptism or sacrifice of heretics, be deposed. For what concord hath Christ with Belial, or what part hath a believer with an infidel?

### Canon XLVII.

Let a bishop or presbyter who shall baptize again one who has rightly received baptism, or who shall not baptize one who has been polluted by the ungodly, be deposed, as despising the cross and death of the Lord, and not making a distinction between the true priests and the false.

### Canon XLVIII.

If any layman put away his wife and marry another, or one who has been divorced by another man, let him be excommunicated.

### Canon XLIX.

If any bishop or presbyter, contrary to the ordinance of the Lord, does not baptize into the Father, the Son, and the Holy Ghost, but into three Unoriginated Beings, or three Sons, or three Comforters, let him be deposed.

### Canon L.

If any bishop or presbyter does not perform the one initiation with three immersions, but with giving one immersion only, into the death of the Lord, let him be deposed. For the Lord said not, Baptize into my death, but, “Go, make disciples of all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost.”

### Canon LI.

If any bishop, presbyter, or deacon, or any one of the sacerdotal list, abstains from marriage, or flesh, or wine, not by way of religious restraint, but as abhorring them, forgetting that God made all things very good, and that he made man male and female, and blaspheming the work of creation, let him be corrected, or else be deposed, and cast out of the Church. In like manner a layman.

### Canon LII.

If any bishop or presbyter,<sup>573</sup> does not receive him who turns away from his sin, but rejects him, let him be deposed; for he grieveth Christ who said, “There is joy in heaven over one sinner that repenteth.”

### Canon LIII.

If any bishop, presbyter, or deacon, does not on festival days partake of flesh and wine, from an abhorrence of them, and not out of religious restraint, let him be deposed, as being seared in his own conscience, and being the cause of offence to many.

### Canon LIV.

If any of the clergy be found eating in a tavern, let him be excommunicated, unless he has been constrained by necessity, on a journey, to lodge in an inn.

### Canon LV.

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<sup>573</sup> Hammond adds “or deacon.”

If any of the clergy insult the bishop, let him be deposed: for “thou shalt not speak evil of the ruler of thy people.”

### Canon LVI.

If any of the clergy insult a presbyter, or deacon, let him be excommunicated.

### Canon LVII.

If any of the clergy mock the lame, or the deaf, or the blind, or him who is infirm in his legs, let him be excommunicated. In like manner any of the laity.

### Canon LVIII.

If any bishop or presbyter neglects the clergy or the people, and does not instruct them in the way of godliness, let him be excommunicated, and if he persists in his negligence and idleness, let him be deposed.

### Canon LIX.

If any bishop, presbyter, or deacon, when any of the clergy is in want, does not supply him with what he needs, let him be excommunicated; but if he persists, let him be deposed, as one who has killed his brother.

### Canon LX.

If any one reads publicly in the church the falsely inscribed<sup>574</sup> books of impious men, as if they were holy Scripture, to the destruction of the people and clergy, let him be deposed.

### Canon LXI.

If any accusation be brought against a believer of fornication or adultery, or any forbidden action, and he be convicted, let him not be promoted to the clergy.

### Canon LXII.

If any of the clergy, through fear of men, whether Jew, heathen, or heretic, shall deny the name of Christ, let him be cast out. If he deny the name of a clergyman, let him be deposed. If he repent, let him be received as a layman.




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<sup>574</sup> Hammond translates “bearing false inscriptions,” the Greek is ψευδεπίγραφα.



### Canon LXIII.

If any bishop, presbyter, or deacon, or any one of the sacerdotal order, shall eat flesh, with the blood of the life thereof, or anything killed by beasts, or that dies of itself, let him be deposed. For the law has forbidden this. If he be a layman, let him be excommunicated.

### Canon LXIV.

If any clergyman or layman shall enter into a synagogue of Jews or heretics to pray, let the former be deposed and let the latter be excommunicated.<sup>575</sup>

### Canon LXV.

If any clergyman shall strike anyone in a contest, and kill him with one blow, let him be deposed for his violence. If a layman do so, let him be excommunicated.

### Canon LXVI.

If any of the clergy be found fasting on the Lord's day, or on the Sabbath,<sup>576</sup> excepting the one only, let him be deposed. If a layman, let him be excommunicated.

### Canon LXVII.

If anyone shall force and keep a virgin not espoused, let him be excommunicated. And he may not take any other, but must retain her whom he has chosen, though she be a poor person.

### Canon LXVIII.

If any bishop, presbyter, or deacon, shall receive from anyone a second ordination, let both the ordained and the ordainer be deposed; unless indeed it be proved that he had his ordination from heretics; for those who have been baptized or ordained by such persons cannot be either of the faithful or of the clergy.

### Canon LXIX.

If any bishop, presbyter, or deacon, or reader, or singer, does not fast the holy Quadragesimal fast of Easter, or the fourth day, or the day of Preparation, let him be deposed, unless he be hindered by some bodily infirmity. If he be a layman, let him be excommunicated.

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<sup>575</sup> Hammond translates differently with the same meaning.

<sup>576</sup> Hammond substitutes "any Saturday," and omits the word "only."

### Canon LXX.

If any bishop, presbyter, or deacon, or any one of the list of clergy, keeps fast or festival with the Jews, or receives from them any of the gifts of their feasts, as unleavened bread, any such things, let him be deposed. If he be a layman, let him be excommunicated.

### Canon LXXI.

If any Christian brings oil into a temple of the heathen or into a synagogue of the Jews at their feast, or lights lamps, let him be excommunicated.

### Canon LXXII.

If any clergyman or layman takes away wax or oil from the holy Church, let him be excommunicated, [and let him restore a fifth part more than he took.]<sup>577</sup>

### Canon LXXIII.

Let no one convert to his own use any vessel of gold or silver, or any veil which has been sanctified, for it is contrary to law; and if anyone be detected doing so, let him be excommunicated.



### Canon LXXIV.

If any bishop has been accused of anything by men worthy of credit, he must be summoned by the bishops; and if he appears, and confesses, or is convicted, a suitable punishment must be inflicted upon him. But if when he is summoned he does not attend, let him be summoned a second time, two bishops being sent to him, for that purpose. [If even then he will not attend, let him be summoned a third time, two bishops being again sent to him.<sup>578</sup>] But if even then he shall disregard the summons and not come, let the synod pronounce such sentence against him as appears right, that he may not seem to profit by avoiding judgment.

### Canon LXXV.

An heretic is not to be received as witness against a bishop, neither only one believer; for “in the mouth of two or three witnesses, every word shall be established.”

### Canon LXXVI.

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<sup>577</sup> This last phrase is omitted by Hammond, but is found in the Latin and in some of the Greek texts.

<sup>578</sup> According to Hefele, these words are only in the Latin, but they are in the Greek text of Beveridge.

A bishop must not out of favour to a brother or a son, or any other relation, ordain whom he will to the episcopal dignity; for it is not right to make heirs of the bishopric, giving the things of God to human affections. Neither is it fitting to subject the Church of God to heirs. But if anyone shall do so let the ordination be void, and the ordainer himself be punished with excommunication.

#### Canon LXXVII.

If any one be deprived of an eye, or lame of a leg, but in other respects be worthy of a bishopric, he may be ordained, for the defect of the body does not defile a man, but the pollution of the soul.

#### Canon LXXVIII.

But if a man be deaf or blind, he may not be made a bishop, not indeed as if he were thus defiled, but that the affairs of the Church may not be hindered.

#### Canon LXXIX.

If anyone has a devil, let him not be made a clergyman, neither let him pray with the faithful; but if he be freed, let him be received into communion, and if he is worthy he may be ordained.

#### Canon LXXX.

It is not allowed that a man who has come over from an heathen life, and been baptized or who has been converted from an evil course of living, should be immediately made a bishop, for it is not right that he who has not been tried himself should be a teacher of others. Unless indeed this be done upon a special manifestation of Divine grace in his favour.

#### Canon LXXXI.

We have said that a bishop or presbyter must not give himself to the management of public affairs, but devote himself to ecclesiastical business. Let him then be persuaded to do so, or let him be deposed, for no man can serve two masters, according to the Lord's declaration.

#### Canon LXXXII.

We do not allow any servants to be promoted to the clergy without the consent of their masters, [to the troubling of their houses.<sup>579</sup>] But if any servant should appear worthy of receiving an order,<sup>580</sup> as our Onesimus appeared, and his masters agree and liberate him, and send him out of their house, he may be ordained.

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<sup>579</sup> According to Hefele this is only in the Latin, but it is found in the Greek of Beveridge.

<sup>580</sup> I have changed Hammond's translation here.

### Canon LXXXIII.

If a bishop, presbyter, or deacon, shall serve in the army, and wish to retain both the Roman magistracy and the priestly office, let him be deposed; for the things of Cæsar belong to Cæsar, and those of God to God.

### Canon LXXXIV.

Whosoever shall insult the King, or a ruler, contrary to what is right, let him suffer punishment. If he be a clergyman, let him be deposed; if a layman, excommunicated.

### Canon LXXXV.

Let the following books be counted venerable and sacred by all of you, both clergy and Laity. Of the Old Testament, five books of Moses, Genesis, Exodus, Leviticus, Numbers, Deuteronomy; of Joshua the Son of Nun, one; of the Judges, one; of Ruth, one; of the Kings, four; of the Chronicles of the book of the days, two; of Ezra, two; of Esther, one; [some texts read “of Judith, one”]; of the Maccabees, three; of Job, one; of the Psalter, one; of Solomon, three, viz.: Proverbs, Ecclesiastes, and the Song of Songs; of the Prophets, twelve; of Isaiah, one; of Jeremiah, one; of Ezekiel, one; of Daniel, one. But besides these you are recommended to teach your young persons the Wisdom of the very learned Sirach. Our own books, that is, those of the New Testament, are: the four Gospels of Matthew, Mark, Luke, and John; fourteen Epistles of Paul; two Epistles of Peter; three of John; one of James, and one of Jude. Two Epistles of Clemens, and the Constitutions of me Clemens, addressed to you Bishops, in eight books, which are not to be published to all on account of the mystical things in them. And the Acts of us the Apostles.<sup>581</sup>



## I.

The Letter of the Blessed Dionysius, the Archbishop of Alexandria to Basilides the Bishop who made Enquiries on Various Subjects, to which Dionysius made Answer in this Epistle, which Answers have been received as Canons.<sup>582</sup>

Dionysius to my beloved son, and brother, and fellow minister in holy things, Basilides faithful to God, salutation in the Lord.

<sup>581</sup> The text of this canon is quite different in the different codices and versions. I have departed from Hammond's version.

<sup>582</sup> I have followed in the captions to all these non-conciliar canons the Greek text of Beveridge in his *Synodicon* (Tom. II.).

### Note.

Dionysius, Johnson says, wrote in about A.D. 247.

### Canon I.<sup>583</sup>

When the Paschal fast is to be broken depends on the precise hour of our Saviour's resurrection, and this was not certainly to be known from the Four Evangelists; therefore they who have not fasted the Monday, Tuesday, Wednesday, and Thursday before Easter, do no great thing if they fast the Friday and Saturday, and so till past three on Easter morning. But they who have fasted the whole six days, are not to be blamed if they break their fast after midnight. Some do not fast any of these days.

### Canon II.

Menstruous women ought not to come to the Holy Table, or touch the Holy of Holies,<sup>584</sup> nor to the churches, but pray elsewhere.

### Note.

Balsamon notes how the canon educes the example of the woman who had had an issue of blood for twelve years and who therefore did not dare to touch the Lord, but only the "hem of his garment." He also notes that the question proposed, was whether Christian women should be excluded from the church and need follow the example of the Hebrews, who "when the menstrual flux was upon them, sat in a solitary place by themselves and waited for seven days to pass, and their flux should be over." The answer given is as above.

### Canon III.

They that can contain and are aged ought to judge for themselves. They have heard St. Paul say; that they should "for a time give themselves to prayer, and then come together again."

### Note.

In this epitome Johnson has set forth the meaning of the canon, as understood by the Greek scholiasts, rather than translated and epitomized the canon itself.

### Canon IV.

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<sup>583</sup> I have here placed Johnson's epitome of these canons; the Ancient Epitome is lacking.

<sup>584</sup> In the Greek "the body and blood of Christ."

They who have had involuntary nocturnal pollutions be at their own discretion [whether to communicate or not].

### Note.

The Saint ends this canon with these words: “I have given opinion on the points about which you have consulted me, not as a doctor, but in all simplicity as it is suitable the relation between us should be. And when you have examined, my most learned son, what I have written you will let me know what seems to you better or whether you agree with my opinions. Farewell, dear son, may your ministry be in the peace of the Lord.”



## II.

The Canons of the Blessed Peter, Archbishop of Alexandria, and Martyr,<sup>585</sup> which are found in his Sermon on Penitence.

### Canon I.

The fourth Easter from the beginning of the persecution was now come; and orders, that they who did not fall till after they had endured severe torments, and have already been “Mourners” three years, after forty days’ fast, are to be admitted to communion, although they have not been before received [to penance].<sup>586</sup>

### Canon II.

But if they endured imprisonment only, without torments, let a year be added to their former penance.

### Canon III.

If they fell voluntarily, without torments or imprisonments, but are come to repentance, four years are added to their former penance.

### Canon IV.

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<sup>585</sup> According to Johnson, St. Peter of Alexandria was martyred A.D. 311 in the persecution in the time of Diocletian, carried on by Maximian.

<sup>586</sup> In Beveridge will be found Balsamon’s and Zonaras’s notes.

The case of them who do not repent pronounced desperate.

#### Canon V.

They that used evasion, and did not right down subscribe the abnegation, or with their own hands incense the idols, but sent a heathen to do it for them, are enjoined six months' penance, though they have been pardoned by some of the Confessors.

#### Canon VI.

Slaves forced by their masters to incense idols, and doing it in their master's stead, are enjoined a year's penance.

#### Canon VII.

The masters who forced them to it, are enjoined three years' penance, as being hypocrites, and as forcing their slaves to sacrifice.

#### Canon VIII.

They who first fell, and afterwards recovered themselves, by professing themselves Christians, and endured torments, are forthwith admitted to communion.

#### Canon IX.

That they who provoked the magistrates to persecute themselves and others are to be blamed, yet not to be denied communion.

#### Canon X.

That clergymen, who run themselves into persecution, and fell, though they did afterward recover themselves, and suffer torments, yet are not to be admitted to perform the sacred offices.

#### Canon XI.

That they who prayed for them who fell after long torments, be connived at, and we pray together with them, since they lament for what they have done, with anguish and mortification.<sup>587</sup>

#### Canon XII.

That they who with money purchased their ease and freedom, are to be commended.

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<sup>587</sup> Johnson remarks, "The truth is, there is occasion for a critic, for the Greek is certainly corrupted."

### Canon XIII.

Nor should we accuse those who ran away, and left all, though others left behind might fare the worse for it.<sup>588</sup>

### Canon XIV.

That they who endured tortures, and afterwards, when they were deprived of speech and motion, had their hands forced into the fire, to offer unholy sacrifice, be placed in the Liturgy [i.e., in the diptychs] among the Confessors.

### Canon XV.

Wednesday is to be fasted, because then the Jews conspired to betray Jesus; Friday, because he then suffered for us. We keep the Lord's Day as a day of joy, because then our Lord rose. Our tradition is, not to kneel on that day.



### III.

The Canonical Epistle of St. Gregory, Archbishop of Neocæsarea, who is called Thaumaturgus, concerning Them that, During the Incursion of the Barbarians, Ate of Things Offered to Idols and Committed Certain Other Sins.<sup>589</sup>

### Canon I.

That they who have been taken captives by the barbarians, and have eaten with them, be not treated as persons that have eaten things offered to idols; especially because it is universally reported, that they do not sacrifice to idols; nor shall those women who have been ravished by them, be treated as guilty of fornication, unless they were before of lewd lives.

### Canon II.

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<sup>588</sup> This canon contains the legend, refuted by St. Jerome, that St. John the Baptist was taken by St. Elizabeth away from the danger of Herod's edicts against the Innocents and escaped by flight, his father, Zacharias, the meanwhile, being slain between the temple and the altar.

<sup>589</sup> Johnson says this was about the year of grace 240, after the Goths had ravaged Asia, during the reign of Galienus. The letter, he thinks, was an Encyclical sent to every bishop of his province, by Euphrosynus, who was one of these bishops and whom he calls his "old friend." In the beginning of the letter he addresses each one of the bishops as "most holy pope."



That those Christians who plundered their brethren during the invasion, be excommunicated, lest wrath come on the people, and especially on the presidents,<sup>590</sup> who enquire not into these matters.

### Canons III., IV., V.

The pretence of having found those goods, or that they themselves lost things of equal value, shall stand them in no stead, but that they be excluded from prayer.<sup>591</sup>

### Canon VI.

Against those who detain them prisoners who had escaped from the barbarians, the holy man<sup>592</sup> expects that such should be thunder-struck, and therefore desires that some enquiry be made upon the spot by persons sent for this purpose.

### Canon VII.

That they who joined the barbarians in their murder and ravages, or were guides or informers to them, be not permitted to be hearers, till holy men assembled together do agree in common upon what shall seem good, first to the Holy Ghost, then to themselves.

### Canon VIII.

But if they discover themselves, and make restitution, they shall be admitted to be Prostrators.

### Canon IX.

They that are convicted to have found (though in their own houses) anything [of their neighbours'] left by the barbarians shall also be Prostrators; but if they shall confess themselves they shall communicate in prayer.

### Canon X.

This last privilege is restrained to such as demand nothing as a reward for their discovery, and salvage, or under any pretence whatsoever.

### Canon XI.

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<sup>590</sup> I.e., the bishops, cf. St. Justin Martyr, Tertullian, etc.

<sup>591</sup> Literally "abdicate from Prayers." Johnson explains this to mean that they became Prostrators.

<sup>592</sup> I.e., St. Gregory.

The station of Mourners is without the gate of the oratory; the station of the Hearers is within the oratory, in the porch with the catechumens; the station of Prostrators is within the door of the temple; the station of Co-standers is among the communicants; the last is the participation of Holy Mysteries.<sup>593</sup>

#### IV.

### The Epistle of St. Athanasius to the Monk Ammus.<sup>594</sup>

(Παντα μὲν καλὰ, κ.τ.λ.)

*(This, as Epistle XLVIII, will be found translated in Vol. IV. of the Nicene and Post-Nicene Fathers (2d Series) p. 556 et seq.)*

Involuntary nocturnal pollutions are not sinful, [I add to Johnson the exact words of the Saint. “For what sin or uncleanness can any natural excrement have in itself? Think of the absurdity of making a sin of the wax which comes from the ears or of the spittle from the mouth. Moreover we might add many things and explain how the excretions from the belly are necessary to animal life. But if we believe that man is the work of God’s hand, as we are taught in holy Scripture, how can it be supposed necessary that we perform anything impure? And if we are the children of God, as the holy Acts of the Apostles teaches, we have in us nothing unclean, etc., etc.”]; nor is matrimony unclean, though virginity [“which is angelic and than which nothing can be more excellent”] is to be preferred before it.

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### The Epistle of the Same Athanasius Taken from the XXXIX. Festal Epistle.

*(Found translated in Vol. IV, of Nicene and Post-Nicene Fathers (2d series), pp. 551 and 552.)*

*[Johnson’s epitome is so unsatisfactory that I have been compelled to relegate it to a footnote and to make one in its room of my own.<sup>595</sup>]*

<sup>593</sup> Johnson has a note that this canon is not “St. Gregory’s but an addition by some other hand.”

<sup>594</sup> In English translation named Amun.

<sup>595</sup> Johnson says: “This contains the Canon of Scripture as we now receive it in all respects, save that the Epistle of Baruch is reckoned in the Canon, but Esther is not. He tells us, there are other books never reckoned in the Canon but authorized by the fathers to be read by the Catechumens, viz.: Wisdom of Solomon, of Sirach, Esther, Judith, and Tobias, and that which is

As the heretics are quoting apocryphal writings, an evil which was rife even as early as when St. Luke wrote his gospel, therefore I have thought good to set forth clearly what books have been received by us through tradition as belonging to the Canon, and which we believe to be divine. For there are in all twenty-two books of the Old Testament. Genesis, Exodus, Leviticus, Numbers, Deuteronomy. After this comes Joshua, and Judges, and Ruth. The four books of the Kings, counted as two. Then Chronicles, counted the two as one. Then First and Second Esdras [i.e. Ezra and Nehemiah]. After these Psalms, Proverbs, Ecclesiastes, and Cantica. To these follow Job, and the Twelve Prophets, counted as one book. Then Isaiah, Jeremiah together with the Epistle of Baruch, the Lamentations, Ezekiel, and Daniel.

Of the New Testament these are the books [then follows the complete list ending with “the Apocalypse of John”]. These are the fountains of salvation, that whoso thirsteth, may be satisfied by the eloquence which is in them. In them alone (ἐν τούτοις μόνοις) is set forth the doctrine of piety. Let no one add to them, nor take aught therefrom.

I also add for further accuracy that there are certain other books, not edited in the Canon, but established by the Fathers, to be read by those who have just come to us and wish to be instructed in the doctrine of piety. The Wisdom of Solomon, the Wisdom of Sirach, Esther, Judith, Tobit, the Doctrine (Διδασχία) of the Apostles and the Pastor. And let none of the Apocrypha of the heretics be read among you.

### The Epistle of St. Athanasius to Ruffinian.

Συ μὲν τὰ υἱῶ, κ.τ.λ.

(Found translated as Epistle LV. in Vol. IV. of the Nicene and Post-Nicene Fathers (2d Series) pp. 566 and 567.)

It has been determined by synods in Greece, Spain, France, that they who have fallen, or been leaders of impiety [Arianism], be pardoned upon repentance, but that they have not the place of the clergy; but that they who were only drawn away by force, or that complied for fear the people

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called *The Doctrine of the Apostles*, and *Pastor*. These (says he) are read, the other reckoned of the Canons: Apocryphal books are the invention of heretics.” To this Johnson appends a note, to wit: “It is the common opinion of learned men that the reason why some of the ancients reckoned the book of Esther not to belong to the Canon, was the Apocryphal chapters added to it by another hand. That *The Doctrine of the Apostles* is a book now lost, see Dr. Grabe’s *Essay* on this subject.”

Who these “learned men” may be, I do not know, but at the time of the writing of St. Athanasius the position of the Hebrew Esther was not well assured in the restricted Palestinian Jewish Canon. On this point the reader should make himself familiar with *The Canon of the Old Testament* by the Rt. Rev. Tobias Mullen, Roman Catholic Bishop of Erie, U.S.A.

should be corrupted, have the place of the clergy too. Let the people who have been deceived, or forced, be pardoned, upon repentance and pronouncing anathema against the miscreancy of Eudoxius and Euzoius, ringleaders of the Arians (who assert that Christ is a creature); and upon professing the faith of the Fathers at Nice, and that no synod can prejudice that.



## V.

### The First Canonical Epistle of Our Holy Father Basil, Archbishop of Cæsarea in Cappadocia to Amphilochius, Bishop of Iconium.<sup>596</sup>

*(This Epistle, number ct xxxviiij., is found translated in Volume VIII. of the Second Series of the Nicene and Post-Nicene Fathers, p. 223 et seqq.)*

#### Canon I.

As to the question concerning the Puritans the custom of every country is to be observed, since they who have discussed this point are of various sentiments. The [baptism] of the Pepuzenes I make no account of, and I wonder that Dionysius the canonist was of another mind. The ancients speak of heresies, which entirely break men off, and make them aliens from the faith. Such are the Manichæans, Valentinians, Marcionites and Pepuzenes, who sin against the Holy Ghost, who baptize into the Father, Son and Montanus, or Priscilla. Schisms are caused by ecclesiastical disputes, and for causes that are not incurable, and for differences concerning penance. The Puritans are such schismatics. The ancients, viz. Cyprian and Fermilian, put these, and the Encratites, and Hydroparastatæ, and Apotactites, under the same condemnation; because they have no longer the communication of the Holy Ghost, who have broken the succession. They who first made the departure had the spiritual gift; but by being schismatics, they became laymen; and therefore they ordered those that were baptized by them, and came over to the Church, to be purged by the true baptism, as those that are baptized by laymen. Because some in Asia have otherwise determined, let [their baptism] be allowed: but not that of the Encratites; for they have altered their baptism, to make themselves incapable of being received by the Church. Yet custom and the Fathers, that is bishops, who have the administration, must be followed; for I am afraid of putting an impediment to the saved; while I would raise fears in them concerning their baptism. We are not to allow their baptism, because they allow ours, but strictly to observe the canons. But let none be received

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<sup>596</sup> These canons of St. Basil's are annotated by Zonaras, Balsamon and Aristenus, and of them there is also the Ancient Epitome which will be found in Beveridge (*Synod.*, Tom. II., p. 47). Johnson gives the date of these canons as later than the year 370.

without unction. When we received Zois and Saturninus to the Episcopal chair, we made, as it were, a canon to receive those in communion with them.

### Canon II.

Let her that procures abortion undergo ten years' penance, whether the embryo were perfectly formed, or not.

### Canon III.

A deacon guilty of fornication, is deposed, not excommunicated; for the ancient canon forbids a single crime to be twice punished. And further, a layman excommunicated may be restored to the degree from which he falls, but a clergyman deposed cannot. Yet it is better to cure men of their sins by mortification, and to execute the canon only in cases where we cannot reach what is more perfect.

### Canon IV.

They that marry a second time, used to be under penance a year or two. They that marry a third time, three or four years. But we have a custom, that he who marries a third time be under penance five years, not by canon, but tradition. Half of this time they are to be hearers, afterwards Co-standers; but to abstain from the communion of the Good Thing, when they have shewed some fruit of repentance.

### Canon V.

Heretics, upon their death-bed, giving good signs of their conversion, to be received.

### Canon VI.

Let it not be counted a marriage, when one belonging to the canon commits fornication, but let them be forced to part.<sup>597</sup>

### Canon VII.

They who have committed sodomy with men or brutes, murderers, wizards, adulterers, and idolaters, have been thought worthy of the same punishment; therefore observe the same method with these which you do with others. We ought not to make any doubt of receiving those who have repented thirty years for the uncleanness which they committed through ignorance; for their ignorance

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<sup>597</sup> Johnson adds this note, "i.e. a clergyman, Monk, Deaconess, etc." See *Can. Nic.*, xvj.



pleads their pardon, and their willingness in confessing it; therefore command them to be forthwith received, especially if they have tears to prevail on your tenderness, and have [since their lapse] led such a life as to deserve your compassion.

### Canon VIII.

He that kills another with a sword, or hurls an axe at his own wife and kills her, is guilty of wilful murder; not he who throws a stone at a dog, and undesignedly kills a man, or who corrects one with a rod, or scourge, in order to reform him, or who kills a man in his own defence, when he only designed to hurt him. But the man, or woman, is a murderer that gives a *philtrum*, if the man that takes it die upon it; so are they who take medicines to procure abortion; and so are they who kill on the highway, and rapparees.

### Canon IX.

Our Lord is equal, to the man and woman forbidding divorce, save in case of fornication; but custom requires women to retain their husbands, though they be guilty of fornication. The man deserted by his wife may take another, and though he were deserted for adultery, yet St. Basil will be positive, that the other woman who afterward takes him is guilty of adultery; but the wife is not allowed this liberty. And the man who deserts an innocent wife is not allowed to marry.

### Canon X.

That they who swear that they will not be ordained, be not forced to break their oath. Severus, Bishop of Masada, who had ordained Cyriacus priest to a country church, subject to the Bishop of Mesthia, is referred to the divine tribunal, upon his pretending that he did it by surprise. Cyriacus had upon his ordination, been forced, contrary to canon, to swear that he would continue in that country church; but the Bishop of Mesthia, to whom that church properly belonged, forced him out. St. Basil advises Amphilochius to lay the country church to Masada, and make it subject to Severus, and to permit Cyriacus to return to it and save his oath; and by this means he supposes that Longinus, the lord of that country, would be prevailed upon to alter his resolution of laying that church desolate, as he declared he would upon Cyriacus's expulsion.

### Canon XI.

He that is guilty of involuntary murder, shall do eleven years' penance—that is, if the murdered person, after he had here received the wound, do again go abroad, and yet afterward die of the wound.

### Canon XII.

The canon excludes from the ministry those who are guilty of digamy.

### Canon XIII.

Our fathers did not think that killing in war was murder; yet I think it advisable for such as have been guilty of it to forbear communion three years.

### Canon XIV.

An usurer, giving his unjust gain to the poor, and renouncing his love of money, may be admitted into the clergy.

### Canons XV. and XVI.

Not properly canons, but explications of Scripture, and therefore neither Balsamon, nor Aristenus, regard them as canons.

### The Second Canonical Epistle of the Same.

*(This is found translated in the same volume last referred to, Epistle cxcix., p. 236 et seqq.)*

### Canon XVII.

I made a canon, that they at Antioch, who had sworn not to perform the sacred offices should not do it publicly, but in private only: As to Bianor, he is removed from thence to Iconium, and therefore is more at liberty; but let him repent of his rash oath which he made to an infidel for avoiding a small danger.

### Canon XVIII.

That the ancients received a professed virgin that had married, as one guilty of digamy, viz., upon one year's penance; but they ought to be dealt with more severely than widows professing continency, and even as adulterers: But they ought not to be admitted to profess virginity till they are above sixteen or seventeen years of age, after trial, and at their own earnest request; whereas relations often offer them that are under age, for their own secular ends, but such ought not easily to be admitted.

### Canon XIX.



That men, though they seem tacitly to promise celibacy, by becoming monks, yet do it not expressly; yet I think fit that they be interrogated too, and that a profession should be demanded of them, that if they betake themselves to a carnal life, they may be punished as fornicators.

### Canon XX.

Women professing virginity, though they did marry while they were heretics, or catechumens, yet are pardoned by baptism. What is done by persons in the state of catechumens, is never laid to their charge.

### Canon XXI.

A married man committing lewdness with a single woman, is severely punished as guilty of fornication, but we have no canon to treat such a man as an adulterer; but the wife must co-habit with such a one: But if the wife be lewd, she is divorced, and he that retains her is [thought] impious; such is the custom, but the reason of it does not appear.

### Canon XXII.

That they who have stolen virgins, and will not restore them, be treated as fornicators; that they be one year mourners, the second hearers, the third received to repentance and the fourth be co-standers, and then admitted to communion of the Good Thing. If the virgins be restored to those who had espoused them, it is at their discretion to marry them, or not; if to their guardians, it is at their discretion to give them in marriage to the raptors, or not.

### Canon XXIII.

That a man ought not to marry two sisters, nor a woman two brothers: That he who marries his brother's wife, be not admitted till he dismiss her.

### Canon XXIV.

A widow put into the catalogue of widows, that is, a deaconess being sixty years old, and marrying, is not to be admitted to communion of the Good Thing, till she cease from her uncleanness; but to a widower that marries no penance is appointed, but that of digamy. If the widow be less than sixty, it is the bishop's fault who admitted her deaconess, not the woman's.

### Canon XXV.

He that marries a woman that he has corrupted, shall be under penance for corrupting her, but may retain her for his wife.



### Canon XXVI.

Fornication is neither marriage, nor the beginning of marriage. If it may be, it is better that they who have committed fornication together be parted; but if they be passionate lovers, let them not separate, for fear of what is worse.

### Canon XXVII.

As for the priest that is engaged, through ignorance, in an unlawful marriage, I have decreed, that he retain the honour of the chair; but forbear all sacred operations, and not give the blessing either in private, or public, nor distribute the Body of Christ to another, nor perform any liturgy; but let him bewail himself to the Lord, and to men, that his sin of ignorance may be pardoned.

### Canon XXVIII.

That it is ridiculous to vow not to eat swine's flesh, and to abstain from it is not necessary.

### Canon XXIX.

That princes ought not to swear to wrong their subjects: that such rash oaths ought to be repented of, and evil not to be justified under pretence of religion.

### Canon XXX.

That they who steal women, and their accomplices, be not admitted to prayers, or be co-standers for three years. Where no violence is used, there no crime is committed, except there be lewdness in the case. A widow is at her own discretion. We must not mind vain pretences.

### Canon XXXI.

She, whose husband is absent from home, if she co-habits with another man, before she is persuaded of his death, commits adultery.

### Canon XXXII.

The clergyman who is deposed for mortal sin, shall not be excommunicated.

### Canon XXXIII.

That a woman being delivered of a child in a journey, and taking no care of it, shall be reputed guilty of murder.

### Canon XXXIV.



That the crime of women under penance for adultery, upon their own confession, or otherwise convicted, be not published, lest it occasion their death; but that they remain out of communion the appointed time.

#### Canon XXXV.

If a woman leave her husband, and if it do upon inquiry appear, that she did it without reason, she deserves to be punished; but let him continue in communion.

#### Canon XXXVI.

A soldier's wife marrying after the long absence of her husband, but before she is certified of his death, is more pardonable than another woman, because it is more credible that he may be dead.

#### Canon XXXVII.

That he, who having another man's wife or spouse taken away from him, marries another, is guilty of adultery with the first, not with the second.

#### Canon XXXVIII.

If a woman run after him that has corrupted her, she shall be under penance three years, though the parents be reconciled to her.

#### Canon XXXIX.

She, who continues to live with an adulterer, is all that time an adulteress.

#### Canon XL.

She that [being a slave] gives herself up to the will of a man, without the consent of her master, commits fornication; for pacts of those who are under the power of others are null.

#### Canon XLI.

A widow being at her own discretion, may marry to whom she will.

#### Canon XLII.

Slaves marrying without the consent of their masters, or children without consent of their fathers, it is not matrimony but fornication, till they ratify it by consenting.

#### Canon XLIII.

That he who gives a mortal wound to another is a murderer, whether he were the first aggressor, or did it in his own defence.

#### Canon XLIV.

The deaconess that has committed lewdness with a pagan is not to be received to communion, but shall be admitted to the oblation, in the seventh year—that is, if she live in chastity. The pagan, who after [he has professed] the faith, betakes himself again to sacrilege, returns [like the dog] to his vomit: we therefore do not permit the sacred body of a deaconess to be carnally used.

#### Canon XLV.

He that assumes the name of a Christian, but reproaches Christ, shall have no advantage from his name.

#### Canon XLVI.

She that marries a man who was deserted for a while by his wife, but is afterward dismissed upon the return of the man's former wife, commits fornication, but ignorantly: she shall not be prohibited marriage, but it is better that she do not marry.

#### Canon XLVII.

Encratites, Saccophorians, and Apotactites, are in the same case with the Novatians. We re-baptize them all. There is a diversity in the canons relating to the Novatians, no canon concerning the other. If it be forbid with you, as it is at Rome for prudential causes, yet let reason prevail. They are a branch of the Marcionists; and though they baptize in the name of the three divine Persons, yet they make God the author of evil, and assert, that wine and the creatures of God, are defiled. The bishops ought to meet, and so to explain the canon, that he who does [baptize such heretics] may be out of danger, and that one may have a positive answer to give to those that ask it.

#### Canon XLVIII.

A woman dismissed from her husband, ought to remain unmarried, in my judgment.

#### Canon XLIX.

If a slave be forced by her master, she is innocent.

#### Canon L.

We look on third marriages as disgraceful to the Church, but do not absolutely condemn them, as being better than a vague fornication.

### The Third Epistle of the Same to the Same.

(*Found in lib. cit., p. 255, et seqq. Epistle ccxvij. )*

#### Canon LI.

That one punishment be inflicted on lapsing clergymen, viz.: deposition, whether they be in dignity, or in the ministry which is given without imposition of hands.



#### Canon LII.

A woman delivered in the road, and neglecting her child, is guilty of murder, unless she was under necessity by reason of the solitude of the place, and the want of necessaries.

#### Canon LIII.

A widow slave desiring to be married a second time, has, perhaps, been guilty of no great crime in pretending that she was ravished; not her pretence, but voluntary choice is to be condemned; but it is clear, that the punishment of digamy is due to her.

#### Canon LIV.

That it is in the bishop's power to increase or lessen penance for involuntary murder.

#### Canon LV.

They that are not ecclesiastics setting upon highwaymen, are repelled from the communion of the Good Thing; clergymen are deposed.

#### Canon LVI.

He that wilfully commits murder, and afterwards repents, shall for twenty years remain without communicating of the Holy Sacrament. Four years he must mourn without the door of the oratory, and beg of the communicants that go in, that prayer be offered for him; then for five years he shall be admitted among the hearers, for seven years among the prostrators; for four years he shall be a co-stander with the communicants, but shall not partake of the oblation; when these years are completed, he shall partake of the Holy Sacrament.

### Canon LVII.

The involuntary murderer for two years shall be a mourner, for three years a hearer, four years a prostrator, one year a co-stander, and then communicate.

### Canon LVIII.

The adulterer shall be four years a mourner, five a hearer, four a prostrator, two a co-stander.

### Canon LIX.

The fornicator shall be a mourner two years, two a hearer, two a prostrator, one a co-stander.

### Canon LX.

Professed virgins and monks, if they fall from their profession, shall undergo the penance of adulterers.

### Canon LXI.

The thief, if he discover himself, shall do one year's penance; if he be discovered [by others] two; half the time he shall be a prostrator, the other half a co-stander.

### Canon LXII.

He that abuses himself with mankind, shall do the penance of an adulterer.

### Canon LXIII.

And so shall he who abuses himself with beasts, if they voluntarily confess it.

### Canon LXIV.

The perjured person shall be a mourner two years, a hearer three, a prostrator four, a co-stander one.

### Canon LXV.

He that confesses conjuration, or pharmacy, shall do penance as long as a murderer.

### Canon LXVI.

He that digs the dead out of their graves, shall be a mourner two years, a hearer three years, a prostrator four years, a co-stander one year.

### Canon LXVII.

Incest with a sister is punished as murder.

### Canon LXVIII.

All incestuous conjunction, as adultery.

### Canon LXIX.

A reader or minister lying with a woman he has only espoused, shall cease from his function one year; but if he have not espoused her, he shall [wholly] cease from his ministry.

### Canon LXX.

The priest or deacon that is polluted in lips, shall be made to cease from his function, but shall communicate with the priests or deacons. He that does more shall be deposed.

### Canon LXXI.

He that is convicted to have been conscious to any of these crimes, but not discovered it, shall be treated as the principal.



### Canon LXXII.

He that gives himself to divination, shall be treated as a murderer.

### Canon LXXIII.

He that denied Christ, is to be communicated at the hour of death, if he confess it, and be a mourner till that time.

### Canon LXXIV.

[The bishop] that has the power of binding and loosing, may lessen the time of penance, to an earnest penitent.

### Canon LXXV.

He that commits incest with a half-sister, shall be a mourner three years, a hearer three years, a co-stander two years.

### Canon LXXVI.

And so shall he be who takes in marriage his son's wife.

#### Canon LXXVII.

He that divorces his wife, and marries another, is an adulterer; and according to the canons of the Fathers, he shall be a mourner one year, a hearer two years, a prostrator three years, a co-stander one year, if they repent with tears.

#### Canon LXXVIII.

So shall he who successively marries two sisters.

#### Canon LXXIX.

So shall he who madly loves his mother-in-law, or sister.

#### Canon LXXX.

The Fathers say nothing of polygamy as being beastly, and a thing unagreeable to human nature. To us it appears a greater sin than fornication: Let therefore such [as are guilty of it] be liable to the canons, viz.: after they have been mourners one year—let them be prostrators three years—and then be received,

#### Canon LXXXI.

They who in the invasion of the barbarians have after long torments, eaten of magical things offered to idols, and have sworn heathen oaths, let them not be received for three years; for two years let them be hearers, for three years prostrators, so let them be received; but they who did it without force, let them be ejected three years, be hearers two years, prostrators three years, co-standers three years, so let them be admitted to communion.

#### Canon LXXXII.

They who by force have been driven to perjury, let them be admitted after six years; but if without force, let them be mourners two years, hearers two years, the fifth year prostrators, two years co-standers.

#### Canon LXXXIII.

They that follow heathenish customs, or bring men into their houses for the contriving pharmacies, or repelling them, shall be one year mourners, one year hearers, three years prostrators, one year co-standers.

### Canon LXXXIV.

We do not judge altogether by the length of time, but by the circumstances of the penance. If any will not be drawn from their carnal pleasures, and choose to serve them rather than the Lord, we have no communication with them.

### Canon LXXXV.

Let us take care that we do not perish with them; let us warn them by night and day, that we may deliver them out of the snare or however save ourselves from their condemnation.

### From an Epistle of the Same to the Blessed Amphilochius on the Difference of Meats.

*(Found translated in lib. cit., p. 287, part of Epistle ccxxxvj.)*

### Canon LXXXVI.

Against the Encratites, who would not eat flesh.

### Of the Same to Diodorus Bishop of Tarsus, concerning a Man who had taken Two Sisters to Wife.

*(Found translated in lib. cit., p. 212 et seqq. Epistle clx.)*

### Canon LXXXVII.

Contains the preface of his letter to Diodorus Bishop of Tarsus, in which he tells him of a letter shewed him in justification of a man's marrying two sisters bearing his name; but he hopes it was forged.

### Canon LXXXVIII.

Contains the rest of the letter, in which he argues and inveighs against this practice.





Of the Same to Gregory a Presbyter, that He Should Separate from a Woman who Dwelt with Him.

Canon LXXXIX.

A letter to Gregory, an unmarried priest, charging him to dismiss a woman whom he kept, though he was 70 years of age, and declared himself free from all amorous affections; and St. Basil would seem to believe him in this particular; but cites the III. canon of Nice against this practice, bids him avoid scandal, place the woman in a monastery, and be attended by men: he threatens him that if he does not comply, he shall die suspended from his office, and give account to God: that he shall be an anathema to all the people, and they who receive him [to communion] be excommunicated.

Of the Same to the Chorepiscopi, that No Ordinations Should Be Made Contrary to the Canons.

*(Found translated in Vol. VIII. Nicene and Post-Nicene Fathers, p. 157. Epistle liv.)*

Canon XC.

A letter to his Village-bishop:<sup>598</sup> he complains of the want of discipline of the multiplying of the clergy, and that without due examination and enquiry into their morals; that they had dropped the old custom, which was for the priests and deacons to recommend to the Village Bishop, who taking the testimonial, and giving notice of it to the [City] Bishop, did afterwards admit the minister into the sacerdotal list; that the number of the inferior clergy was unreasonably increased, especially in time of war, when men got into orders to avoid the press: he orders a list of the clergy in every village to be sent to him, and who admitted him, if any have been admitted into the inferior orders by priests, that they be looked on as laymen. Let not who will, put his name into the list. Re-examine those who are there, expel the unworthy, admit none without my consent for the future; if you do he shall be counted a layman.

Of the Same to His Suffragans that They Should Not Ordain for Money.

*(Found translated in lib. cit., pp. 156 and 157. Epistle liii.)*

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<sup>598</sup> Johnson by mistake has the singular instead of the plural.

### Canon XCI.

One letter to the bishop subject to him, wherein he prohibits to take money for orders, and to bring merchandize into the church, which is entrusted with the Body, and Blood of Christ; they had their pay after the ordination was performed; this he calls an artifice, and declares, that he who is guilty of it shall depart from the altar in his country, and go buy and sell the gift of God where he can.

From Chapter XVII. of the Book St. Basil Wrote to Blessed Amphilochius on the Holy Ghost.

*(Found translated in lib. cit., p. 40 et seqq.)*

### Canon XCII.

He speaks of the written doctrine, and the unwritten tradition of the Apostles, and says, that both have the same efficacy as to religion. The unwritten traditions which he mentions, are the signing those who hope in Christ with the Cross; praying toward the East, to denote, that we are in quest of Eden, that garden in the East from whence our first parents were ejected (as he afterwards explains it), the words of invocation at the consecration of the Bread of Eucharist, and the cup of eulogy; the benediction of the baptismal water, the chrism and of the baptized person; the trine immersion, and the renunciations made at baptism; all which the Fathers concealed from those who were not initiated. He says the dogmata were always kept secret, the *Kerugmata* published; he adds the tradition of standing at prayer on the first day of the week, and the whole Pentecost (that is, from Easter to Whitsunday), not only to denote our rising with Christ, but as a prefiguration of our expecting an eternal perfect day, for the enjoyment of which we erect ourselves; and lastly, the profession of our faith in Father, Son and Holy Ghost at baptism.

### Canon XCIII.

He asserts the Doxology [in these words] “with the Holy Spirit,” to be an unwritten, Apostolic tradition. For this is a dogma full of authority, venerable for its antiquity.



From the Letter of Basil the Great to the Nicopolitans.

There is also in Tilius and Bishop Beveridge here<sup>599</sup> inserted an epistle of St. Basil the Great to the Nicopolitans, comforting them under the loss of their church or oratory, and telling them, that they ought not to be concerned that they worship God in the open air, for that the eleven Apostles worshipped God in an upper room, where they were cooped up, while they that crucified Jesus performed their worship in a most famous Temple.

## VI.

### The Canonical Epistle of St. Gregory, Bishop of Nyssa, to St. Letoïus, Bishop of Melitene.<sup>600</sup>

#### Canon I.

At Easter not only they who are transformed by the grace of the laver, i.e. baptism, but they who are penitents and converts, are to be brought to God, i.e. to the Communion: for Easter is that Catholic feast in which there is a resurrection from the fall of sin.

#### Canon II.

They who lapse without any force, so as to deny Christ, or do by choice turn Jews, idolaters, or Manichees, or infidels of any sort, not to be admitted to communion till the hour of death; and if they chance to recover beyond expectation, to return to their penance. But they who were forced by torments, to do the penance of fornication.

#### Canon III.

If they who run to conjurers or diviners, do it through unbelief, they shall be treated as they who wilfully lapse, but if through want of sense, and through a vain hope of being relieved under their necessities, they shall be treated as those who lapse through the violence of torment.

#### Canon IV.

That fornicators be three years wholly ejected from prayer, three years hearers, three years prostrators, and then admitted to communion; but the time of hearing and prostrating may be lessened to them who of their own accord confess, and are earnest penitents. That this time be doubled in case of adultery, and unlawful lusts, but discretion to be used.

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<sup>599</sup> I.e., at the end, after the Epistle of Gennadius.

<sup>600</sup> These Canons, in Beveridge's *Synodicon*, are annotated only by Balsamon.

### Canon V.

Voluntary murderers shall be nine years ejected out of the church, nine years hearers, nine years prostrators; but every one of these nine years may be reduced to seven or six, or even five, if the penitents be very diligent. Involuntary murderers to be treated as fornicators, but still with discretion, and allowing the communion on a death-bed, but on condition, that they return to penance if they survive.

### Canon VI.

That the Fathers have been too gentle toward the idolatry of covetous persons, in condemning to penance only robbery, digging of graves, and sacrilege, whereas usury and oppression, though under colour of contract, are forbidden by Scripture. That highwaymen returning to the Church, be treated as murderers. They that pilfer, and then confess their sin to the priest, are only obliged to amendment, and to be liberal to the poor; and if they have nothing, to labour and give their earnings.

### Canon VII.

They who dig into graves, and rake into the ashes and bones of the dead, in order to find some valuable thing buried together with the corpse, (not they who only take some stones belonging to a sepulchre, in order to use them in building) to do the penance of fornicators.

### Canon VIII.

He observes that by the law of Moses, sacrilege was punished as murder, and that the guilty person was stoned to death, and thinks the Fathers too gentle, in imposing a shorter penance on sacrilege than adultery.



### VII.

From the Metre Poems of St. Gregory Theologus, Specifying which Books of the Old and New Testament Should Be Read.<sup>601</sup>

Let not other books seduce your mind: for many malignant writings have been disseminated. The historical books are twelve in number by the Hebrew count, [then follow the names of the

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<sup>601</sup> Not being satisfied with Johnson, I have supplied a translation from Beveridge. It also is found in Aristenus's *Epitome*. Balsamon has written a brief scholion adding nothing of importance to the text.

books of the Old Testament but Esther is omitted, one Esdras, and all the Deutero-Canonical books]. Thus there are twenty-two books of the Old Testament which correspond to the Hebrew letters. The number of the books of the New Mystery are Matthew, who wrote the Miracles of Christ for the Hebrews; Mark for Italy; Luke, for Greece; John, the enterer of heaven,<sup>602</sup> was a preacher to all, then the Acts, the xiv. Epistles of Paul, the vii. Catholic Epistles, and so you have all the books. If there is any beside these, do not repute it genuine.

### VIII.

#### From the Iambics of St. Amphilochius the Bishop to Seleucus, on the Same Subject.<sup>603</sup>

We should know that not every book which is called Scripture is to be received as a safe guide. For some are tolerably sound and others are more than doubtful. Therefore the books which the inspiration of God hath given I will enumerate. [Then follows a list of the proto-canonical books of the Old Testament, Esther alone being omitted. All the deutero-canonical books are omitted. He then continues] to these some add Esther. I must now show what are the books of the New Testament. [Then follow all the books of the New Testament except the Revelation. He continues.] But some add to these the Revelation of John, but by far the majority say that it is spurious. This is the most true canon of the divinely given Scriptures.

### Note.

We have thus four [five if we accept the Laodicean list as genuine,] different canons of Holy Scripture, all having the approval of the Council in Trullo and of the Seventh Ecumenical. From this there seems but one conclusion possible, viz.: that the approval given was not specific but general.

### IX.

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<sup>602</sup> This seems to imply a knowledge of the Revelation, although it is not mentioned.

<sup>603</sup> That is the canon of Holy Scripture. I have substituted my own Epitome, in the room of Johnson's, translating the original as it is found in Beveridge's *Synodicon*, Tom. II., p. 179. It is also in Aristenus's *Epitome*. Balsamon has no scholion on this passage.

The Canonical Answers of Timothy the Most Holy Bishop of Alexandria, Who was One of the CL Fathers Gathered Together at Constantinople, to the Questions Proposed to Him concerning Bishops and Clerics.<sup>604</sup>

Question I.

If a lad of seven years old, or a man, being a catechumen, being present at the oblation, does eat of it through ignorance, what shall be done in this case?

*Answer.* Let him be illuminated, i.e. baptized, for he is called by God.

Question II.

If baptism be desired for a catechumen that is possessed, what shall be done?

*Answer.* Let him be baptized at the hour of death, not otherwise.

Question III.

Ought a communicant to communicate, if he be possessed?

*Answer.* If he do not expose or blaspheme the Mysteries, let him communicate not always, but at certain times.

Question IV.

If a catechumen be sick, and in a frenzy, so that he cannot make profession of his faith, can he be baptized, at the entreaty of his friends?

*Answer.* He may, if he be not possessed.

Question V.

Can a man or woman communicate after performing the conjugal act over night?

*Answer.* No. 1 Cor. vii. 5.

Question VI.

The day appointed for the baptism of a woman; on that day it happened that the custom of women was upon her; ought she then to be baptized?

*Answer.* No, not till she be clean.

Question VII.




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<sup>604</sup> Beveridge's *Synodicon* gives notes by Balsamon only.

Can a menstruous woman communicate?

*Answer.* Not until she be clean.

### Question VIII.

Ought a woman in child-bed to keep the Paschal fast?

*Answer.* No.

### Question IX.

Ought a clergyman to perform the oblation, or pray, while an Arian or heretic is present?

*Answer.* As to the divine oblation, the deacon, after the kiss, makes a proclamation, "Let all that are not Communicants walk off;" therefore such persons ought not to be present, except they promise to repent, and renounce their heresy.

### Question X.

Is a sick man obliged to keep the Paschal fast?

*Answer.* No.

### Question XI.

If a clergyman be called to celebrate a marriage, and have heard that it is incestuous; ought he to comply, and perform the oblation?

*Answer.* No; he must not be partaker of other men's sins.

### Question XII.

If a layman ask a clergyman whether he may communicate after a nocturnal pollution?

*Answer.* If it proceed from the desire of a woman, he ought not: but if it be a temptation from Satan, he ought; for the tempter will ply him when he is to communicate.

### Question XIII.

When are man and wife to forbear the conjugal act?

*Answer.* On Saturday, and the Lord's day; for on those days the spiritual sacrifice is offered.

### Question XIV.

Shall there be an oblation for him, who being distracted, murders himself?

*Answer.* Not except the case be very clear that he was distracted.

### Question XV.

If one's wife be possessed to such a degree, as that she be bound with irons, and the man cannot contain, may he marry another?

*Answer.* I can only say it would be adultery so to do.

### Question XVI.

If a man in washing or bathing, swallow a drop of water, may he communicate after it?

*Answer.* If Satan find an occasion of hindering us from the communion, he will the oftener do it.

### Question XVII.

Are they, who hear the Word, and do it not, damned?

*Answer.* If we neither do it, or repent that we have not done it.

### Question XVIII.

At what age are sins imputed to us by God?

*Answer.* According to every one's capacity and understanding; to one at ten, to another when older.

## X.

The Proshponesus of Theophilus, Archbishop of Alexandria, When the Holy Epiphanies Happened to Fall on a Sunday.<sup>605</sup>

### Canon I.

Because the fast of Epiphany chances to fall on a Lord's day, let us take a few dates, and so break our fast, and honour the Lord's day, and shew our dislike of heresy, and yet not wholly neglect the fast which should be observed on this day; eating no more till our evening assembly at three afternoon.

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<sup>605</sup> Johnson gives the date as about A.D. 385. These are annotated only by Balsamon.





## The Commonitory of the Same which Ammon Received on Account of Lycus.

### Canon II.

Let [the priests] who have communicated with the Arians, be retained or rejected, as the custom of every church is; but so, that other orthodox [priests] be ordained, though the others continue. As the orthodox bishops did in Thebais, so let it be in other cities. They who were ordained by Bishop Apollo, and afterwards communicated with the Arians, if they did it of their own accord, let them be censured; but if they only did it in obedience to the bishop, let them be continued; but if all the people abdicate them, others must be ordained. And if Bistus the priest be found to have committed uncleanness with a woman dismissed from her husband, let him not be permitted to be a priest. But this is no prejudice to the bishop who ordained him, if he did it ignorantly; since the Holy Synod commands unworthy men to be ejected, though they be not convicted until after ordination.

### Canon III.

Let Bishop Apollo's sentence against his priest Sur prevail, though he has the liberty of being further heard.

### Canon IV.

If Panuph the deacon married his brother's daughter before baptism, let him continue among the clergy, if she be dead, and he had not to do with her after his baptism; but if he married her, and cohabited with her while he was a communicant, let him be ejected from the clergy, without prejudice to the bishop who ordained him, if he did it ignorantly.

### Canon V.

If it do evidently appear, that Jacob, while he was reader, did commit fornication, and was ejected by the priests (πρεσβυτέρων), and yet afterwards ordained, let him be ejected, and not otherwise.

### Canon VI.

That all in holy orders unanimously choose those who are to be ordained, and then the bishop examine [them]; or that the bishop ordain them in the midst of the church, all that are in holy orders consenting, and the bishop with a loud voice asking the people, who are then to be present, whether they can give their testimony [to the parties to be ordained]; and that ordination be not performed in private; if there be in the remote country, who while they were communicants [with the Arians] communicated in their opinions, let them not be ordained until they be examined by orthodox

clergymen, in the presence of the bishop, who is to charge the people, that there be no running up and down in the middle of the church, or service.

### Canon VII.

Let the clergymen distribute all that is offered by way of sacrifice, after so much as was necessary has been consumed in the Mysteries. Let not the catechumens taste of them, but clergymen and communicants only.<sup>606</sup>

### Canon VIII.

One, Hierax, had delated a clergyman as guilty of fornication. Bishop Apollo defended him. Theophilus orders the matter to be examined.

### Canon IX.

That an Œconomus be created, by the consent of all that are in Holy Orders, with the concurrence of Bishop Apollo, that so the goods of the Church be expended as they ought.

### Canon X.

That the widows, poor, and travellers be not disturbed; and that no one make a property of the goods of the Church.

### Of the Same to Agatho the Bishop.

Whereas Maximus has for ten years lived in unlawful marriage, but pretends that it was through ignorance, and that they are now parted by mutual consent, let them stand among the catechumens, if it appear that they be in earnest.

### Of the Same to Menas the Bishop.

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<sup>606</sup> Johnson gives this note. "To eat the main of what was left, was not at all inconsistent with reserving so much as was necessary for foreseen and unforeseen emergencies."

Theophilus was informed, that the priest in Geminus, a village, had repelled Kyradium (a woman) from the communion: Theophilus approves of it, because she had done wrong, and was unwilling to make satisfaction; but orders her to be admitted to communion upon repentance.



### The Narrative of the Same concerning Those Called Cathari.

Because the great synod held at Nice has decreed, That [the clergymen] who come over to the Church from the Novatians be ordained; do you ordain those that come over, if their life be upright, and there be no objection.

## XI.

### The Canonical Epistle of Our Holy Father Among the Saints, Cyril, Archbishop of Alexandria, on the Hymns.<sup>607</sup>

#### Cyril to Domnus.

This letter contains a complaint of one, Peter, deposed from his See, yet retaining the character of a bishop, who thought his cause good, but complains that he had not time and opportunity given him for his defence; and that whatever he had, was taken away from him. He desires Domnus, who was a Metropolitan, that he would call a synod, and let him have a hearing; and that such bishops as Peter suspected of prejudice against him should not be permitted to be his judges. He thinks it very hard, that not only what belonged to the Church, but every thing else was taken from him; and complains that all bishops were called to account for every thing they received, whether from the Church, or by any other means. Peter had indeed signed an instrument of resignation; but Cyril says, that he was terrified into it; and that he would have no such resignation be of force except he that made it deserved deposition.

#### Of the Same to the Bishops of Libya and Pentapolis.

There is another Epistle of the same father, complaining to the bishops of Libya and Pentapolis. That some who had been refused ordination by their own bishop, or cast out of the monasteries for

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<sup>607</sup> Johnson gives the date of this as about the year 412 A.D.

their irregularity, were ordained by a surprise upon some other bishop, and that just as they came from their bride-bed, and then went and performed the oblation, or any other office, in the monasteries from which they had been ejected, which gave great offence. He charges the bishops to take care of this for the future and, if any were to be ordained, to enquire into their lives, and whether they are married, and when, and how; and orders, that catechumens, who had been separated for lapsing, be baptized at the hour of death.

## XII.<sup>608</sup>

### The Encyclical Letter of Gennadius, Patriarch of Constantinople and of the Holy Synod Met with Him to All the Holy Metropolitans and to the Pope of the City of Rome.<sup>609</sup>

To the most beloved of God, fellow-minister, Gennadius and the most holy synod assembled in the royal city which is New Rome, sendeth greeting.

As our Lord without money and without price ordained his Apostles, so should we ordain the clergy, for the Lord has placed us in their grade and in their stead (εις τὸν ἐκείνων βαθθόν τε καὶ τόπον). Nor should we use any ingenious sophisms to avoid this plain duty, explicitly laid upon us, not only by the words of the Gospel but also by a canon of the great Ecumenical Synod of Chalcedon.

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<sup>608</sup> The Greeks speak of the canons of The Thirteen Holy Fathers, counting in the number St. Cyprian's canon, but as this was really Synodal I have placed it in that category.

<sup>609</sup> In this I have not followed Johnson, but translated from Beveridge, *Synod.*, Tom. II., p. 181.