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ORIGINES ECCLESIASTICÆ;
OR THE
ANTIQUITIES
OF
THE CHRISTIAN CHURCH,
AND
OTHER WORKS,

OF THE
REV. JOSEPH BINGHAM, M.A.

Formerly Fellow of University College, Oxford; and afterwards Rector of
Headbourn Worthy, and Havant, Hampshire;

WITH A
SET OF MAPS OF ECCLESIASTICAL GEOGRAPHY,

TO WHICH ARE NOW ADDED,

SEVERAL SERMONS,

AND OTHER MATTER, NEVER BEFORE PUBLISHED.

The whole Revised and Edited, together with

A Biographical Account of the Author,

BY HIS GREAT GRANDSON,

THE REV. RICHARD BINGHAM, B.C.L.

Prebendary of Chichester, Vicar of Hale Magna,
Incumbent of Gosport Chapel, and formerly fellow of New College, Oxford.

IN EIGHT VOLUMES.—VOL. VII.

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THE
AUTHOR'S DEDICATION.

TO THE
RIGHT HON. AND RIGHT REV. FATHER IN GOD,
CHARLES,
LORD BISHOP OF WINCHESTER,
And Prelate of the Most Noble Order of the Garter.

MY LORD,

It was one of those ancient rules, many of which I have had occasion to speak of in this work, that presbyters should do nothing *ἀνευ γνώμης τῆ ἐπισκόπου*, or *sine conscientiâ episcopi*, without the consent or knowledge of the bishop: which though it extend not to all private, domestical, and secular affairs, yet doubtless it was intended to keep a good harmony and subordination between them, in all matters of a public nature relating to the affairs and welfare of the Church. And therefore with ε. view to this rule, as I first

presented the beginning of this work to your predecessor, my then diocesan, so now I lay this last and finishing part of it at your Lordship's feet: not doubting but that your Lordship, who is an encourager of good literature and ancient learning, will give it your favourable acceptance and approbation. I have the more reason to hope for this, because out of your great good nature and condescension, your Lordship has always been an encourager of the undertaking, as I have been made sensible by happy experiment, in many years' distant correspondence with you. The work, I hope, is of general use, and will meet with a general acceptance among all those, who are without prejudice true lovers of ancient learning. A noble lord was once pleased to tell me, he had sent it into Scotland by the hands of a great man of the assembly: though what approbation it meets with there, I cannot say. But I can speak it with more satisfaction, that our worthy primate was once pleased to acquaint me in private conversation, that he himself had sent it to the professors of Geneva, who returned him their thanks, together with their approbation. And if it be well accepted there, there is some reason to hope it may be accepted in most other Protestant Churches, and be a little means to bring them to a nearer union to the Church of England in some points, for which some parts of the work are particularly designed. A late author has thought fit to epitomise some part of it, for the service, as he says, of his poor brethren of the clergy: though I fear, for the reasons

I have been forced to give against his undertaking, it will prove of no service, but rather hurtful to them. But if he, or any other person of ability would undertake to translate the whole into Latin, now that it is finished and completed, that might perhaps be of more general use to all the Protestant Churches. And in the mean time our poor brethren, if it please God to bless me with health, shall not want such an epitome, if it be needful, as is proper for their information.

And now, my Lord, that I have made mention of my own health, I cannot but with hearty prayers to God most sincerely wish yours, for the good things you have already done to this diocese, and more that may be expected, if it shall please God to confirm your health, in such a state, as may enable you to go through the great work you want no will to perform. The reducing the exorbitant fees of this diocese to a proper standard, is a thing that will never be forgotten by your poor brethren, who will always feel the sweet effect of it. Your encouragement given to the meanest clergymen to write to yourself in person, and not to any officers, upon business relating to the Church, is a singular instance of your good nature and condescension; and also a sure method to prevent corruption. Your care to inform yourself of the character and worth of your clergy, with a view to the promotion of such as have long laboured diligently in great cures, or small livings, is a method that cannot fail of giving a new life and spirit to all such, as may reasonably hope that their merits and labours will not

always be overlooked and despised ; but that they may in due time find their reward both in ease and advancement from so kind an inspector.

That you may have health and long life to proceed in such good acts, and all other offices of your function, I believe is the wish of all your clergy : I am sure it is the hearty prayer of him, who is,

My LORD,

Your most dutiful

and obedient servant,

JOSEPH BINGHAM.

THE
AUTHOR'S PREFACE
TO THE
NINTH AND TENTH (BEING THE TWO LAST) VOLUMES
OF
THE ANTIQUITIES
IN THE ORIGINAL EDITION.

WHEN I had finished these two volumes, and completed the whole work that I intended, and sent it to the press, hoping to give myself a little rest and vacation from hard labour; I was immediately called to a new work by a Book that was sent me, bearing the title of, *Ecclesiæ Primitivæ Notitia*, or a Summary of Christian Antiquities.* To which is prefixed an *Index Hæreticus*, containing a short account of *All* the principal heresies since the rise of Christianity; and subjoined, a Brief Account of the Eight first General Councils, dedicated to the venerable Society for Propagating the Gospel in Foreign Parts, by A. Blackamore in Two Volumes 8vo. Lond. 1722. I confess, I was very much surprised at first with the title and epistle dedicatory, thinking it to be some new work, that had done some mighty thing, either in correcting my mistakes, or supplying my deficiencies, after twenty years hard labour in compiling my *Origines* for the use of the Church. But as soon as I looked into the Preface, and a little into the Book itself, I found it to be only a Transcript

* By A. Blackamore. Lond. 1722.

of some part of my *Origines*, under the notion of an *Epitome*, though no such thing is said in the Title Page. This seems to be an art of the gentleman, and the ten booksellers that are in combination with him, to render my books unuseful, and his own more valuable, as containing all I have said and something more at a less price; which he says will be of use to those poor clergymen and others, whose genius and inclination lie towards antiquity, but are not able to purchase my books for the dearness of them. But the gentleman imposes very much upon poor readers in saying this, upon two accounts: first, in pretending that he gives them an *Epitome* of my Whole Work, when yet there were two volumes still behind, which he could have no opportunity to epitomize, because they were not printed. He says indeed in his preface, that I had happily completed my Whole Work in Eight Volumes, and gives it an higher commendation and *Elogium*, than perhaps it really deserves: but where he learned, that I had finished my work in eight volumes, I cannot understand, I am sure I had advertised the readers, and him among the rest, that I intended two volumes more, which I now give them to complete my design. So that this gentleman deceives his poor brethren, when he pretends to give them an *Epitome* of the whole, when it is only in part; and he must put them to the charge of another volume to make even his *Epitome* complete. But secondly, if this gentleman was so concerned for his poor brethren, why did he make his *Epitome* so large? The substance of my books for the use of such men might be brought into much less compass: there needed no authorities to have been cited for their use who have no books to examine and compare them, but they might have rested upon the authority of the compiler; whose authority they may more decently and honestly use upon any occasion, than the authority of Fathers and Councils, which our author, with me, very well supposes they have no opportunity to see. And further, if our author meant to

gratify his poor brethren at an easy rate, why did he clog his *Epitome*, both before and behind, with two long Discourses of his own? Sure this was not to make it cheaper, but to put them to more expense, in being obliged to buy his discourses, if they were minded to read any thing of mine. The fair way of epitomizing, had been to have given an abstract of my books by themselves, and printed his own separate from them: this had been more for the interest of his indigent readers, and I believe he will find, it would have been more for the interest of his booksellers: I know not what authority he or his booksellers had to reprint my books in effect, which my property by law. But I argue not with him at present upon that point. If he had done it in a genteel way, by asking leave, and under direction, he should have had my leave and encouragement also. Or, if he had done it usefully, so as truly to answer the end he pretends, even without leave, he should have had my pardon. But now, he has defeated his own design, both by unnecessary and hurtful additions of his own, which will not only incommode and incumber his books, but render them dangerous and pernicious to unwary readers, unless timely antidoted and corrected by some more skilful hand. For which reason, since they are sent into the world together with an Abstract of my Antiquities, I have thought it just both to the world and myself to make some proper animadversions on them. I freely own, that a just and authentic Account of Ancient and Modern Sects and Heresies, done by a learned and judicious hand, would be a very useful work: and it is what has been long wanted, and long desired by many learned men, who observe the failings of the common Heresiologists on all sides: but I cannot see what an Account of Modern Heresies has to do with the Antiquities of the Church, or how the knowledge of modern sectaries can help to explain the ancient usages and practices of the Catholics in former ages. For which reason our author

might have dropped that part of his work without any detriment, to have made his book the cheaper. But whether it was proper or improper to clog his work with any account of heresies ancient or modern ; what had been done in either kind, should have been done with care and judgment, and something of exactness, which, after all the compliments he passes on my work, I cannot say of his, and I am heartily sorry, that in justice to the world I cannot do it. For some of his accounts are very trifling and jejune, and such as give no light or information to a reader: others are very false and injurious to great men, whom he makes heretics, when they were really the great defenders of the Catholic Faith: and his whole account is very imperfect, omitting some of the most considerable sects and errors, whilst his title page pretends to be an Account of all the Principal Heresies since the rise of Christianity. I love not to censure any man without reason, and therefore I will give some evident proof of each particular I lay to his charge: only premising one thing, which I believe will make the Grammarians smile: the running title of his treatise is, *Index Hæreticus*, which in English is not what he calls it, *An Account of Heresies*; but, *An Heretical Index*. Which I believe he did not intend should be its character: but if we soften the meaning of the word *Heretical*, and take it only for erroneous; however ominous it be, it is a very just character indeed. For besides its other faults, it is very erroneous in the characters he gives of very Great and Orthodox and Eminent Saints of God, who in his account are some of the worst of heretics. I will make good in order the several charges I bring against him.

1. Some of his accounts are very trifling and jejune, and such as give no light or information to a reader. In speaking of the *Hypsistarians*, all that he says of them, is only this: "That they were Maintainers of an heresy in the Fourth Century, made up of *Judaism* and *Paganism*." Now what

is a reader the wiser for all this? This character, being in such general terms only, would serve at least twenty heresies, and a reader would not know how to distinguish them, seeing no particular opinions or practices of *Jews* or *Gentiles* are here ascribed to the *Hypsistarians*, whereby to discern them from other heretics that mixed Judaism and Paganism in one common religion. He says in his Preface, one of the chief reasons for drawing up his *Index Hæreticus* was, because in my books I had only touched lightly and in *transitu* upon heresies, as they made for my purpose, without giving any perfect description of them. Which is very true. But why then did not he give a perfect description of those *Hypsistarians*, or at least a more perfect one than I had done? He could not be ignorant, whilst he was epitomizing my books, that I had given a pretty good description of them, Book XVI. chap. 6. sect. 2. p. 306. Vol. VII. where I say, they called themselves *Hypsistarians*, that is, worshippers of the Most High God, whom they worshipped, as the Jews did, only in one person, and they observed their Sabbaths, and used distinction of meats, clean and unclean, though they did not regard circumcision, as Gregory Nazianzen, whose father was once of this sect, gives the account of them. This is some account of them if it be not a perfect one. Why then did he not give the same or a better account of them, or at least refer his reader to my book, or his own *Epitome*, p. 335. where he transcribes my account of them? The gentleman was in haste when he wrote his *Index*, and could not stand to do justice either to me or his readers. I could add something more concerning these *Hypsistarians* out of Gregory Nyssen, Hesychius and Suidas: but it will be time enough to do that, if I live to give the reader an *Epitome* of my own with some additions. I only remark here, that there is no notice taken of these *Hypsistarians* in Epiphanius, Theodoret, Philastrius, or St Austin, or any other of the common Heresiologists; and that they, who speak of them, say nothing of their Paganism, however our author came to blunder upon it.

His account of the *Cælicolæ* is much such another as the former: “*Cælicolæ*, or *Worshippers of Heaven*, an heretical sect in the Fifth Century, at which time they were condemned by the Rescripts of Honorius the Emperor.” It is hard again, that he could not have referred his readers to the same place of my book, or his own *Epitome*, where they might have found a much better account of them. But this gentleman was to magnify his own *Index*, and make his readers believe, that he had done great feats and wonders in discovering the tenets of ancient heretics, where I had been silent, or but lightly touched upon them; though by these instances the reader will now be able to judge of the perfection and excellency of his performance.

I will give but one instance more of this kind out of many that might be added. In speaking of *Ethnophrones*, he says “They were heretics of the Seventh Century, who taught that some Pagan superstitions were to be retained together with Christianity.” But why did he not inform his reader what these Pagan superstitions were? Is there no author that speaks particularly of them? The learned reader may please to take this account from me in the words of Damascen. de *Hæresibus*, p. 585. *Ethnophrones cum Gentium Instituta sequantur, in cæteris sunt Christiani. Hi Natales dies, Fortunam, Fatum, omnem Astronomiam, et Astrologiam, omnemque Divinationem et Auspicia probant: Auguria, Expiationes, et Placationes, Sortes, Prodigiõrum et Portentorum Inspectiones, Veneficia, aliasque ejusdem generis impias fabulas adhibent: iisdemque, quibus Gentes, utuntur Institutis. Dies etiam festos quosdam Græcorum probant: Dies denique, et Menses, et Annos, et Tempora observant et notant.* In short, they were the same with those superstitious Christians, who followed the forbidden heathen arts of divination, magic, and enchantment, judicial astrology, calculation of nativities, augury, sooth-saying, divination by lots, observation of days and accidents, and the observation of heathen festivals, of whom I have

so largely and particularly treated in two whole chapters Book XVI. chap. iv and v. where I speak of the discipline and laws of the Church made against them. And yet this gentleman will bear his readers in hand, that he has given a perfect account of those ancient Sects and Heresies, which I only occasionally and lightly touch upon.

2. The second charge I have against his *Index* is more weighty, that many of his Accounts of Heresies and Heretics are very false, and highly injurious to the character and memory of great, and good, and excellent men, whom he makes heretics, when they were really noble confessors and brave defenders of the catholic faith. For proof of this I will not insist upon the characters he gives of Melito Bishop of Sardes, or of Nicholas the Deacon; but only observe, that a prudent writer might have softened his character of each. For though Valesius* bears hard upon Melito, and says, with our author, that he asserted God to be Corporeal in a Book which he wrote *περὶ Θεῆ ἐνσωμάτῃς*, which Valesius translates, *De Deo Corporeo*, yet other learned persons† think this to be a mistake; since *Θεὸς ἐνσωμάτος* does not signify a Corporeal God; but God Incarnate, or made Flesh, or dwelling in the body; which is a quite different thing from God's being Corporeal in his Divine Nature. And therefore, since thus much might justly have been said, by way of Apology, for Melito, our author should not have been so severe upon him, as to style him an heretic of the first ages, who held, that God was Corporeal; but have alleged in his favour what so many learned men have said in justification of him: especially considering what both Poly-crates* in Eusebius, and Tertullian† in St. Jerom, say of him, that he was a man filled with the Holy Ghost, and generally believed to be a prophet among Christians.

* Vales. Not. in Euseb. lib. iv. cap. 26.

† Cave Histor.

Literar. Vol. 1. p. 43. Du Pin, in the Life of Melito. Suicer. Thesaur. Eccles. voce 'Ενσωμίωσις.

* Ap. Euseb. lib. 5. cap. 24.

† Tertul. ap. Hieron. de Scriptor. cap. 24.

The same Apology might have been made, and in justice should have been made, for Nicholas, one of the Seven Deacons. For though some of the Ancients lay the doctrine of the Nicolaitans to his charge; yet, as I shew in one of the preceding Books,* a great many others, particularly, Clemens Alexandrinus, Eusebius, Theodoret, and St. Austin excuse him, and say, the doctrine was none of his but only taken up by those, who pretended to be his followers, ground-upon some mistaken words of his, which had no such meaning.

But I pass over this to our Author's Account of the *Acephali*; "who, he says, were an headless kind of heretics, who owned neither bishop, priest, nor sacrament, like our modern Quakers." I know not what grounds our author had for this: for he never cites any particular writer throughout his whole Index: but I know Alexander Rosse said the same before him; and he is one of this gentleman's learned authors. I know also that some Popish Writers† object it to the Lutherans, that they are like the old *Acephali*, because they have no bishops, for their leaders: and I am apt to think, Alexander Rosse took it, right or wrong, from some of those Popish Writers. But Alexander has the misfortune to contradict himself: for he says in the very same breath, That Severus, Bishop of Alexandria (he meant Antioch) was author of this Sect of *Acephali*, under Anastasius the Emperor, An. 462. And that they were called also *Theodosians* from Theodosius their chief patron, and Bishop of Alexandria. Strange indeed! That they should have bishops for their authors and patrons, and yet be without bishop, priest, or sacrament among them! Our author was aware of this rock, and had the wit to avoid it: and there-

* Book XXII. chap. i. sect. 2.

† See Mason's Defence of the Ordination of Ministers beyond seas, p. 129, Oxon 1641.

fore here he fairly and wisely dropped his guide, and left him to shift for himself with his contradictions; telling us the first part of the story, but not the latter, which would have spoiled his parallel between the Acephali and the Quakers. But how would he make out, if he was pressed hard to it, that the Acephali had no Bishops, or were named headless, from the want of such heads among them? For my part, I never met with any ancient writer that gave this account of them. Liberatus says,* they were called Acephali, because they would not receive the doctrine of Cyril of Alexandria, nor follow him as their head, nor yet any other. But these were bishops, who would neither take Cyril Patriarch of Alexandria, nor John Patriarch of Antioch for their head, and were therefore called Acephali, because they would follow neither patriarch as their leader. For as those bishops were called *Autocephali*, who had no patriarch above them, but were a sort of patriarchs themselves, and independent of any other: so those bishops, who were subject to patriarchs, and withdrew their obedience from them, were called Acephali, because they were no heads or patriarchs themselves, and yet refused to be subject to any other. Patriarchs were then heads of the bishops, as bishops were heads of the people; and these are quite different things; for bishops to be called Acephali, because they rejected their patriarch, and people to be called Acephali because they had neither bishop, nor priest, nor sacrament among them. I am not fond of defending ancient heretics, but I think all men ought to have justice done them, and not be charged with more heresies than they were really guilty of. It is allowed on all sides, that these Acephali were Eutychians and enemies of the Council of Chalcedon; and as such Leontius† also writes against

* Liberat. Breviar. cap. 9. Hos esse puto Authores Acephalorum, qui neque Cyrillum habent caput, neque quem sequantur ostendunt.

† Leont. de Sectis. Action. 7. Bibl. Patr. Gr. Lat. tom. i. p. 522.

them: but he says not a word of their being without bishops, priests or sacraments: and therefore it lies upon our Author to produce some ancient voucher, better than Alexander Rosse, for the charge he brings against them.

I insist not on his little grammatical error in his account of the *Saccophori*, "Who," he says, "were a branch of the *Encratites*, so called because they carried a long bag, to make the people believe they led a penitent life." They were indeed a particular sect of the Manichees, who are condemned under that name in several laws of the Theodosian code,* where the several branches of the Manichees are proscribed under the distinguishing names of *Solitarii*, *Encratitæ*, *Apotactitæ*, *Hydroparastatæ* and *Saccophori*, which names they assumed to shelter themselves against the severity of former laws made against the Manichees under the name of Manichees only. But now these Manichean *Saccophori* were not so called from carrying a long bag, but from wearing sackcloth, and affecting to appear with it in public. *Saccus*, indeed, will signify a sack or a bag, as well as sackcloth: but what has a long bag to do with a penitent life? It is fitter to describe a philosopher than a penitent: but sackcloth and a penitent life will consist very well together. However the Church did not allow any to affect this garb, though some monks, like the Manichees, were very fond of it, and loved to appear publicly with chains or crosses about their necks, and walked bare-foot, and wore sackcloth, out of mere singularity and affectation: who are therefore often severely censured for these things by the ancients, Epiphanius, St. Austin, St. Jerom, Palladius and Cassian, as I have shewn more fully in another place.† But I never heard of any, either monks or heretics, censured for carrying a long bag, as an indication

* Cod. Theod. Lib. 16. Tit. 5. de Hæreticis, leg. 7, 9, 11.

† Book VII. chap. iii. n. 6.

of a penitent life: and I am of opinion, this gentleman, when he considers it again, will reckon this such another slip as *Index Hæreticus*; which are but small failings in comparison of what I have now further to object against his *Index*, which turns Catholics into Heretics in several instances both of former and later ages.

Among the ancients he does great injustice to Eustathius, the famous Bishop of Antioch. For in giving an account of the Eustathian Heretics, he says, "The Eustathians were the spawn of the Sabellian heresy, and had their name from Eustathius Bishop of Antioch, who was deposed in a council held in his own city, about the middle of the Fourth Century, for holding those principles." I take no notice of his parachronism in saying, that he was deposed in the Council of Antioch about the middle of the Fourth Century: for though we cannot well call the year 327 or 329, when that Council was held, the middle of the Fourth Century; yet this is but a small mistake, into which he might easily be led by Baronius or the corrupt copies of Athanasius and St. Jerom, which place that Council in the reign of Constantius, instead of Constantine, as the best critics, Valesius,* Gothofred,† Pagi,‡ and Dr. Cave,|| are fully agreed; and as appears plainly from all the historians, Socrates, Sozomen, Theodoret, and Philostorgius. But the thing, I complain of, is this, that he makes this Eustathius a Sabellian, and his followers a spawn of the Sabellian heresy. Whereas, in truth, he was the great defender of the Catholic faith against the Arian heresy in the Council of Nice: the Council itself translated him from Bæræa to Antioch; and he was the first man that opened the Council with a panegyrical oration to Constantine; as this Author, for-

* Vales. Annot. ad Euseb. de Vit. Const. lib. iii. cap. 59.

† Gothofred. Dissert. in Philostorg. lib. ii. cap. 7.

‡ Pagi. Critic.

in Baron. an. 327. n. 3. & 340. n. 18.

|| Cave. Histor. Literar. vol. i.

p. 139.

getting himself, fairly owns in his account of the Eight General Councils, p. 476. Athanasius gives him this character, that he was a noble confessor and orthodox in the faith, τὴν πίστιν ἐνσεβῆς, and exceeding zealous for the truth.* How then could he be a Sabellian, unless Sabellianism was the true faith, and Athanasius a Sabellian also? To open this matter a little further, and undeceive this gentleman and his readers also: this Eustathius was only abused in his character out of spite and malice by the Arians, who were his implacable enemies, because he was a resolute defender of the Nicene faith against them. They therefore endeavoured to make him odious, by falsely charging him with Sabellianism, and several other crimes, upon the strength of which calumnies they deposed him in one of their own Councils at Antioch. Socrates† and Sozomen‡ say expressly, that this Council of Antioch was an Arian Council that deposed Eustathius, upon a pretence, that he was more a defender of the Sabellian doctrine, than of the Nicene faith. Which was an usual trick of the Arians, whereby they endeavoured to undermine Athanasius also. Now this being only a mere calumny and slander of so great a man, imposed upon him by his professed enemies, the Arians, it does not become any one, who takes upon him to give unlearned readers an account of the ancient heresies, to fix this character upon him, without giving some authority, or at least an intimation, that he was deposed only in an Arian Council. I do not suppose this gentleman had any ill design in what he wrote about this matter; but he was either imposed upon by some modern historian, or did not sufficiently consider what he found delivered by ancient writers. Which should make him the more cautious for the future what guides he follows, and learn to

* Athanas. Epist. ad Solitarios. t. i. p. 812.
cap. 24.

‡ Sozom. lib. 2. cap. 19.

† Socrat. lib. 1.

write with judgment, when he takes upon him the office of an historian for such as cannot contradict him.

He commits the same fault in giving an account of the Essenes, "Who, he says, were a sect of Christian heretics at Alexandria in the time of St. Mark." Now there seems to be a little more of wilful mistake in this. For he could not be ignorant, whilst he was transcribing my *Origines*, that I had alleged the authority of Epiphanius, Eusebius, and St. Jerom, to shew, that they believed them to be the Orthodox Church, and not a sect of Christian heretics at Alexandria in the time of St. Mark: and he himself in his *Epitome*, refers his readers to these authorities also. I said further, which he leaves out, that some learned modern writers, such as Valesius, Scaliger, and Dallæus question, whether they were Christians; whilst Bishop Beverege and others maintain the common opinion. But all agree that they were not a sect of Christian hereticks; however this Author came to despise all authority, both ancient and modern, in fixing that character upon them. For if they were heretics, they belonged to the Jews, and not to the Christians.

In his accounts of modern heretics, which he might have spared in a book of Ecclesiastical Antiquities, he is much more injurious to the reader, as well as to the pious memory of great numbers of many excellent men, and to the Protestant cause in general, when he puts the Albigenses, the Hussites or Bohemians, the Lollards, the Waldenses, and the Wicklevites all into his black list of heretics; ascribing to them such monstrous opinions as they were certainly never guilty of, but only stood falsely charged with them by the implacable malice of their Romish adversaries, who treated them just as the Arians did Athanasius and Eustathius in former ages. It might have become a Protestant Heresiologist and Historian, either to have omitted these names, or at least to have told his readers

what excellent vindications and apologies have been written by the most Learned Protestant Authors of the two last ages, to clear their character of those black and odious imputations, which their adversaries falsely and industriously threw upon them. If he knew nothing of these vindications, he was very ill qualified to act the part of an Historian in this case: if he did know them, he was more unpardonable still, in concealing from his readers what in all justice, both to them, and the Church, and the memory of the Saints, who were so traduced, he ought carefully to have laid before them. If he had thought fit to have looked into my Scholastical History of Baptism, as carefully as he has done into the *Origines*, he might there have found the venerable names of some of those worthy men, who have done justice to the protestant cause, in vindicating those witnesses of the truth from the false aspersions that are cast upon them. For his and the truth's sake, I will once more transcribe them, with a little addition, and more particular reference to the books and places containing those vindications.

Crankanthorp. *Defensio Ecclesiæ Anglicanæ contra Spalatensem*, cap. 18. p. 100.

Usserius de *Christianarum Ecclesiarum Successione et Statu*, cap. 10. quæ est de *Albigensium et aliorum, qui Ecclesiæ pontificiæ adversati sunt, historia*.

Albertinus de *Eucharistia*, Lib. iii. p. 976. ubi agit de *Wicklevistis, Waldensibus, Lollardis, Taboritis sive Bohemis*.

Sir Samuel Morland. *History of the Evangelical Churches of the Valleys of Piedmont*, Lond. 1658. fol.

Dr. Allix *History of the Albigenes*, Lond. 1692. 4to. 2 Vol.

Joachim Hesterberg *de Ecclesiâ Waldensium*. Argent. 1668. 4to.

Paul Perrin. *History of the Albigeois and Vaudois*. Lond. 1624. 4to.

Balthasar Lydins. *Waldensia, sive conservatio Veræ Ecclesiæ demonstrata ex confessionibus Taboritarum et Bohemorum*, 2 Vol. Roterod. 1616, 8vo.

Cave. *Historia Literaria. In conspectu sæculi Waldensis sive Duodecimi.*

Dr. Thomas James's *Apology for John Wickliffe*, shewing his conformity with the now Church of England, Oxon. 1608, 4to.

Dr. Henry Maurice's *Vindication of the Prim. Church.* p. 374. *Ratio. Disciplinæ Fratrum Bohemorum.* Hagæ. 1660.

Hen. Wharton *Appendix ad Cave Hist. Literar.* p. 50. in *vita Joan. Wicklef.* p. 50.

The Life of Wickliffe, by a late Author. Lond. 8vo.

Comenii *Historia persecutionum Ecclesiæ Bohemicæ.* Lug. Bat. 1647. 8vo.

It. *Historia Ecclesiæ Slavonicæ. &c.*

Antou. Leger. *Histoire Vaudois des Eglises des Vallées de Piedmont*, Lug. Bat. 1669. fol.

Waldensium Confessio contra claudicantes Hussitas. Basil. 1566. 8vo. See also in the *Fasciculus Rerum*, &c. Tom. 1.

Conrad. Danhauerus. *Ecclesia Waldensium Orthodoxiæ Lutheranæ Testis et Sociæ.* Argent. 1659. 4to.

Sam. Maresius. *Dissertatio Historico-theologica de Waldensibus.* Groning. 1660. 4to.

Ægid. Stauchins. *Historico-theologica Disquisitio de Waldensibus.* Witenberg. 1675. 4to.

Pet. Wesenbeccius. *De Waldensibus et Principum Protestantium Epistolis huc pertinentibus.* 1603. 4to.

Joan Lasicius. *Veræ Religionis Apologia.* Spiræ. 1582.

Now is it possible, among such a number of fine Discourses and elaborate Pieces upon this subject, a person, who writes the Account of Heresies, should never have met with, or heard of any Apologies that were made in the behalf of these men; but he must needs take his accounts crudely, as

delivered by their professed enemies? If the account of Ranerius, their adversary, but an ingenuous popish writer, be taken, it does them abundantly more justice than this author: for though he calls them a sect, yet he says, it was an ancient sect: for some said it had continued from the time of Pope Sylvester; and others, from the time of the Apostles; and whereas all other sects were accompanied with horrible blasphemies against God, which would make a man tremble; this of the Leonists had a great shew of piety. They lived uprightly before men, and believed all things aright of God, and all the Articles contained in the Creed: only they blasphemed and hated the Church of Rome, Were these the Waldenses, “That rejected episcopacy, and the Apostles’ creed, and all holy orders, and the power of the magistrate, and approved of adulterous embraces, and practised promiscuous copulation,” as our author represents them, styling them, by way of contempt, “the religion-mongers, and pious reformers of the Twelfth Century?” If our author were put to apologise for himself, he would lay all the blame upon Alexander Rosse: For he is his learned author from whom he transcribed. And Alexander tells us ingenuously, he had his accounts from Baronius, Genebrard, Sanders, Gualterus, Bellarmin, Viegas, Florimundus Raimundus, Prateolus, Gregory de Valentia, and such other writers, who were noted Papists, and inveterate enemies of the Waldensian and Protestant Religion. And should an author, who writes about heresies, have given his accounts, designed for the use of protestant readers, out of such authors, when he might have had recourse to one or more of such a number of excellent protestant writers, who have cleared up the character of the Waldenses, and vindicated their memory out of their own writings and Confessions of Faith, which are the most certain evidences of their religions? It is amazing to think how any ingenuous writer, who pretends to the least knowledge of books and learning,

should give such a black character of those excellent confessors and witnesses of the truth, without suggesting the least tittle of what so many learned men have said, or what may be said, in their vindication. I will not suspect our author of any sinister designs of advancing popery, but I will be bold to say, he could hardly have taken a more effectual way, had he designed to do it, than by instilling into the minds of those, who can look no further than his accounts, such an odious character of those men, of whom so many thousands laid down their lives for the cause of true religion in those very points wherein Protestants stand distinguished from Papists at this day. I had once an occasion to make this same reflexion in a former book* on another writer, who is much superior to our author in learning and ingenuity: and I never heard that he took it unkindly at my hands for so doing: for an historian's business is only to find out truth as well as he can, and then deliver it to others fairly without disguise, or any false colours put upon it. And therefore I hope our author will take occasion to amend this grand error, whenever he has opportunity to write any thing further upon this subject. His time would be much better employed in reading and considering the books of some of those excellent writers I have referred him to, than in collecting an heap of rubbish from Alexander Rosse or any other such injudicious writers.

3. But there is one thing more I must put this author and his readers in mind of: that whilst he bears so hard upon the poor Waldenses, and Albigenses, and Wicklevists, and Hussites, and Lollards, he has not one syllable in all his Index of the grand errors of the Romanists or Papists, under any title or denomination whatsoever. He cannot pretend they fell not directly in his way: for he treats of Modern Sects and Heterodoxies as well as Ancient. Neither

* Scholiast Hist. of Baptism. part. i. chap. i. p. 97.

did he want his guide here ; for Alexander Rosse has a whole section of fifty pages in his book upon the subject. Or if he had said nothing upon it, yet it might have become a new Heresiologist to have taken notice of the errors of the Romanists upon some title or other. Their errors are as considerable and dangerous, as those of most other modern sects ; why then have they no place in the Index ? Is transubstantiation no error ? Is idolatry in its various species of worshipping saints, angels, images, relics, the host, and the cross, no crime ? Is not the Hildebrandine heresy, as our writers style it, that is, the doctrine of deposing kings, an error worth mentioning ? Nor the pope's pretence to infallibility and universal power over the Church, worthy of a protestant's censure ? Is it no crime to exempt the clergy from the power of the civil magistrate ; nor any wrong done them to impose celibacy upon them ? Have the people no injury done them in keeping the Scriptures locked up in an unknown tongue ? Or being obliged to have divine service in a language they do not understand ? Or in being deprived sacrilegiously of one half of the communion ? Or in having the absolute necessity of auricular confession imposed upon them ? Is there no harm in the use of Interdicts and Indulgences ? Are private and solitary masses, and the doctrine of purgatory, with many other errors, such innocent things, that it was not worth an historian's while to give his readers any notice of them, or caution against them ? Our author knows, I have fairly combated most of these things, and shewn them to be novelties and great corruptions, in the several parts of my *Origines*, as I had occasion to meet with them. Therefore the least he could have done, had been to refer his readers to those parts of his own *Epitome*, or my *Origines*, where these things are treated, if he was not minded to give them in one view in his own collections.

But he is as favourable to the Anti-episcopal men, or

Presbyterians, as he is to the Papists. For he gives them no place in his catalogue neither. I suppose he was in haste for the press, and considered not that he had made such an omission. But he should now consider, that he who falsely objects it to the Waldenses, that they rejected episcopacy, which they always carefully maintained, should not have passed over in silence those men, who oppose episcopacy, when he might with justice and truth have charged them with it as their proper heterodoxy, from which their denomination of Anti-episcopal, or Presbyterian, is taken, But this is not all the defect of his Index.

If this author would have given a Perfect Catalogue of *All* the Original Heresies from the first Ages of Christianity, together with the more remarkable Heterodoxies, which appeared in these later times, he should have inserted many other names, both ancient and modern, which are now omitted, in his catalogue. In the first century; the Thebulians, Cleobians, Dositheans, Gorthæans, Merinthians: not to mention Demas, Hermogenes, Hymenæus and Philetus, Alexander the coppersmith, Diotrephes, and the doctrine of Jesabel, which are noted in Scripture. In the second century, Bassus, a new disciple of Valentinus. In the third century, the Discalceati, Apocaritæ, Dicartitæ, and Solitarii, which were new branches of the Manichees. In the fourth century, the Minæi, Adelphians, Psathyrians and Lucianists, two new branches of the Arians, Adelpophagi, Theoponitæ, Triscilidæ or Triformiani, Hydrotheitæ, Cyrthiani and Pytheciani, new sects of Arians, Gyrovagi, Homuncionitæ, Ametritæ, Psychopneumones, Adeccerditæ, Sarabaitæ or Remboth, Passionistæ, Nyctages, Theophronians, Metagenetæ, Sabbatians or Protopaschites. In the fifth century, the Vigilantians and Massilienses. In the sixth century the Marcianists or followers of Marcianus Trapezita, the Tetraditæ, and Severians, with the several branches that sprung

from them, the Contobabditæ, Paulians, Theodosians, Damianists, Petrites, Cononites, Corrupticolæ; together with the Errors of Peter Moggus and Peter Gnapheus or Fullo, which made a great noise in the history of this age; as did also the practices of Zeno with his Henoticon, and Anastatius against the Council of Chalcedon. In the seventh century, Joannes Philoponus and Ethicoproscroptæ. The eighth century was famous for the disputes between the Iconoclasts and the Iconolatræ, Image-worshippers and Image-breakers: and the Errors of the Second Council of Nice might have been set forth in a much more advantageous view, had our author been pleased to have acquainted his reader with the brave opposition that was made against it by the Council of Francford and other Councils and Writers of that and the following ages, in his History of the General Councils. The ninth and the tenth ages, Pratecolus is pleased to say, was a perfect interregnum of heretics, a cessation and rest of the Church for two hundred years and more from all heretical infestation. Others more properly call these the dark and ignorant ages, when the enemy sowed his tares, whilst men were asleep. And Baronius himself cannot forbear upon some accounts to call them "*infelicissima Romanæ Ecclesiæ tempora et omnium luctuosissima, the most unhappy and deplorable times of the Roman Church,*" when weak men were in danger of being scandalized by seeing the abomination of desolation set in the Temple. If our author had been as inquisitive as it became him, he might have found the great Idol of Transubstantiation begun to be formed in the errors of Paschasius Rathbertus in these ages, though not fully completed until some ages after in the Council of Lateran: and the seeds of the Hildebrandine heresy springing up in the bold attempts of the popes of these ages against the power of princes, until it came to its full maturity under

Hildebrand himself, called Gregory VII: to mention no more of the popish errors, which our author thought fit wholly to pass over. In the twelfth century he might have found the errors of Durandus de Waldach, and Petrus Abaelardus, and Gilbertus Porretanus, and the Coterelli, and the Populicans, to have added to his Index. But above all, the thirteenth and fourteenth centuries would have furnished him with great abundance of more remarkable errors to have filled up his catalogue instead of the Wicklevites and Hussites, and Waldenses, and Albigenes. For now appeared in the thirteenth century the errors of Abbot Joachim, and Petrus Joannes de Oliva, and John de Parma, the author of the infamous book, called, *Evangelium Aeternum*. *The Everlasting Gospel*, which was to supersede and set aside the Gospel of Christ, under pretence of introducing the more Spiritual Gospel of the Holy Ghost. Eimericus has noted seven and twenty errors and blasphemies contained in this book, which the Mendicant Friars in those days highly magnified. But our author needed not to have gone so high as Eimericus for them: for Bishop Stillingfleet gives an ample account of them in his *Fanaticism of the Church of Rome*. As he does also of the errors of Gerardus Segarelli, and the Dulcinists, and Herman of Ferrara, and the book called, *The Flowers of St. Francis*; and another, *The Conformities of St. Francis and Christ*. To which may be added the errors of Raymondus Lullius, and David Dinantius, and Bugaurius de Monte Falcone, together with the errors of Joannes Guion, and Joannes de Mercuria, and Nicolas de Ultricuria, and Dionysius Soulechat a Franciscan, and Joannes de Calore, and one Ludovicus, and Guido an Austin hermit, with some others that were condemned in these ages by Guilielmus Parisiensis and Stephanus Parisiensis, with the concurrence of the University of Paris, and are to be found at the end of

some editions of Peter Lombard, with the errors of Peter Lombard himself, under this title, *Articuli in quibus Magister Sententiarum communiter non tenetur*. Lombard. *Sentent.* Ludg. 1594. Svo. Spondanus adds to these, the Condormientes, and Pastorelli, and Guido de Lacha, and the Humiliati, and the *Ordo Apostolorum*: all which appeared within the compass of the thirteenth century, besides the famous disputes between the Guelphs and Gibelins, which continued in the following ages. In the fourteenth century, there are the errors of Arnaldus Montanerius, and Arnaldus de Villa Nova, Bertoldus de Roback, Martinus Gonsalvus Conchensis, Nicolaus Calaber, Bartholomæus Janovesius, the Bizochi, and *Fratres de Paupere Vita*, the *Pseudapostoli*, Joannes de Latone, Joannes Hato, the Sect of the Impuri, Raimundus de Terraga, Amadeus Lusitanus; the Albati, who travelled, with great admiration for their sanctity, over all parts of Europe; the Templars, whose order was extinguished in the Council of Vienna; the New Sabellians of Spain, who maintained upon the hypothesis of Transubstantiation, that the Eucharist was both *Father, Son and Holy Ghost*; the errors of Franciscus Ceceus, an Italian astrologer; the wild disputes between the Palamites and Joannes Cantacuzenus on the one side, and Barlaam and Aeyndinus on the other, concerning the light of Mount Tabor; the Revelations of St. Brigit and St. Catharine for and against the immaculate conception of the Virgin Mary; the disputes about the same matter between the Dominicans and the Franciscans; and the more fierce disputes of those orders concerning the poverty of *Jesus Christ*; of which Bishop Stillingfleet gives an ample account in his *Fanatacism of the Church of Rome*, and the author of the *Mystery of Jesuitism* an account no less entertaining: add to these, the errors of Pope John XXII. ninety of which are laid to his charge by our countryman Guilielmus Ockam,

for which he himself with his friends Joannes Parisiensis, Joannes de Poliacco, Petrus de Vineis, Joannes de Janduno, and Marsilius de Padua, with many others, are charged with heresy, being in reality firm to the defence of the imperial power against the papal. A Collection of whose Tracts may be found together in *Goldastus Monarchia Imperii Romani, seu de Jurisdictione et Potestate Imperatoris et Papæ, per varios Auctores.* 3 Vol. Hanov. 1612. fol.

In the fifteenth century there are the famous disputes between the Councils of Constance and Basil on the one side, and the Council of Florence on the other, concerning the infallibility and supremacy of the Pope above General Councils; the error of the Council of Constance in taking away the cup from the people: the error of the Council of Basil in determining for the immaculate conception. There are also the errors of Augustinus de Roma, Joannes Parvi, Franciscus Georgius Venetus, Laurentius Valla, a reviver of Sabellianism, Nicholas Machiavel, Matthæus Palmerius, Petrus de Aranda, Fanatici Suevenses, Matthias Tiburtinus, a Franciscan enthusiast, Tympanista Germanus, and a sect called Opinionists, not to mention Henricus Harpius, whose errors, because they are censured and expurged only by the order of the Roman Index, are of a more doubtful nature. There was also in the beginning of this age, one Vincen-tius Ferrerius, a Catalonian preacher, who is now cried up as a great saint by Spondanus and Baronius, and other writers of the Roman Church: but there was a time when he was condemned as an heretic by Eümericus the inquisitor, for asserting, among other things, that Judas repented unto salvation. To which may be added the errors of Quadrigarius and Muncerius, censured by the Sorbone, An. 1442, and 1470.

The sixteenth century had but a little time before the Reformation was begun by Zuinglius and Luther: yet in

this short interval our author might have noted Hermannus Rissuick, and the Fossarii in Bohemia, and Petrus Pomponatius in Italy, who read public lectures against the immortality of the soul. And if he had added, Thomas de Vio, commonly called, Cardinal Cajetan, he would have had the authority of Prateolus and Ambrosius Catharin also, who wrote a book particularly against Cajetan, wherein he objects to him above two hundred errors, an extract of which may be found in *Flaccius Illyricus de Controversiis Religionis Papisticæ*. p. 138. Basil. 1565. 4to.

We are now come to the age of the Reformation, where our author has noted many sects and heterodoxies, but omitted abundance more, that were very considerable. Catharin, who condemned Cajetan, had also his errors noted by others. Sotomajor in his Index prohibits some of his books to be read, and orders others to be expurged: but one may question whether that was done for his real errors, or only for his opinions inclining to the Protestant side. But his opinion of an intermediate state after the end of this world, in a new earth between heaven and hell, for those, who are neither so good as to be admitted into heaven, nor so bad as to be condemned to hell, is an error that might have been worthy our author's observation. He speaks of the Anabaptists, but with a great deal of confusion, whereas others distinguish them into at least fourteen sects, according to their peculiar tenets, the Munce-rians, the Apostolici, the Separati, the Cathari, the Silentes, the Enthusiasts, the Liberi, the Adamitæ, the Hutitæ, the Augustinians, Beuckeldians, the Melehiorites, the Georgians, and the Mennonists. Some add to these the Pastoricidæ, the Nudipedes, the Manifestarii, the Clancularii, the Baculares, the Batemburgici, the Pacifici, the Sanguinariii. Our author mentions some of these under their proper titles, but he omits the greatest part of them. And he ought to have distinguished our English Anabaptists from those of

other countries, because they abhor many of their opinions. In giving an account of the Antitrinitarians, he says, they are the spawn of the old Arians and Samosatensians, grafted upon their stock by Michael Servetus. Whereas Servetus was no Arian, nor Samosatensian, but a reviver of Sabelianism, in which he was followed by Keekerman and many others, who never met with so severe a censure. The authors of modern Arianism were Valentinus Gentilis, and Georgius Blandrata, and Gregorius Pauli, and Matthæus Gribaldus, and Franciscus David, and Joannes Paulus Aleiat, and Joannes Campanus, and Lælius Socinus, uncle to Faustus Socinus, of whom our author should have given a particular account under their several titles. He should also have given some account of the errors of Julius Cæsar Vaninus, and Andreas Cæsalpinus and Hobbes, who were in the same class with Spinoza. It had also been worth his while to have told his reader what were the singular opinions or heterodoxies of Archer, who among other blasphemies maintained publicly in print, that *God* was the author of sin, for which he was censured by the Assembly of Divines and his book burnt by the common hangman, an. 1645. He should also have noted the errors of Jacob Behmen, and Antonietta Bourignon, against whom Dr. Cockburn wrote, and Hieronymus Cardanus, and Curcellæus, and Episcopius, and Arminius; and the errors of Grotius, after he fell into his designs of comprehension, and favourable interpretations both of the Popish and Socinian tenets, which plainly appear in his later writings: the errors also of the Lord Herbert of Cherbury; the new heresy of the Jesuits, as the Jansenists themselves call it, which asserts the pope to be infallible not only in matters of faith, but matters of fact; and gives him power to dethrone princes, and absolve subjects from their oaths of allegiance to them: which doctrine every where occurs in the writings of Bellarmin against Barclay, and Widdrington

under the name of Seulkenius, and in Becanus, and Mariana, and Suarez, and Lessius, and Azorius, and Emanuel Sa, and hundreds of others, some of whose books together with Baronius have been publicly burnt at Paris and Madrid by the hands of the common hangman. To these might have been added the new doctrine of the Jesuits in morality, largely set forth in the books called, *Provincial Letters*, and the *Jesuits' Morals*; chiefly taken out of Escobar, Filiucius, and such other Writers. As also the doctrine of probability, taught by Caramuel, which opens a way to licentiousness; for which he stands condemned and branded, even in the Roman Index, under this title, *Joannis Caramuelis Apologema pro Antiquissima et Universalissima Doctrina de Probabilitate, prorsus prohibetur*. There are also no less than forty-five propositions of the Jesuits' Casuistical Divinity, whereof this doctrine of probability is one, condemned by Two Bulls of Alexander VII. at the end of the Roman Index, which would have appeared well in our author's collection. As also the censures of the parliament of Paris and the Sorbone upon the Propositions of Santarellus, an. 1626, wherein he asserted the Pope's deposing power: the censure of the Sorbone upon the Jesuits an. 1661, for asserting, that the Pope has the same infallibility as *Jesus Christ* in matters of fact, as well as right: and the Censure of the Sorbone, an. 1561, upon another author for asserting, that the pope has power to dispose of the dominions of heretical princes, and absolve their subjects from their oath of allegiance and fidelity. All which may be found in the book, called, *The pernicious Consequences of the new Heresy of the Jesuits*. Richerius also gives us the Censures of the Sorbone, upon one Ludovicus Coubont for asserting, that bishops have not their authority immediately from *Jesus Christ*, but from the pope: and another upon Ludovicus Cellotius for maintaining, that General Councils have their authority only from

the Pope: and another upon Francis Guillon, and a fourth upon Jacobus Vernant, for the same assertions; besides the censure of Sanctarellus the Jesuit, which is also there related, Richer. *Vindie. Doctrinæ Scholæ*. Paris. In another Book of Richerius, *De Potestate Papæ in Temporalibus*, we have the arrests of the parliament of Paris against Tanquerel and Cardinal Perron, and Bernardinus Castorius, for publishing the Infamous Bull de Cænâ Domini, and against Joannes Castellus, and Flørentinus Jacob, and Ravaillac, who murdered Henry IV. of France, upon the deposing principles; as also the arrests against Bellarmin, and Martin Becanus, and Sculkenius, that is, Bellarmin himself again, and Suarez, for their several pernicious Books upon the same subject. An account of which would have been a grace to our Author's Catalogue of Modern Heterodoxies. Further yet; if he had looked into Bishop Stillingfleet's Book of the divisions of the Roman Clergy, he might there have found, besides the schisms of the popes in former ages, and their contentions with the emperors for temporal power, and the feuds of the monastic orders, one with another, a particular account of the Jesuits' opposition to episcopal power and jurisdiction, in the books of Nicholas Smith and Thomas à Jesu; which books were censured first by the Archbishop of Paris, then by the Sorbone, and at last by the Bishops of France in an assembly of them at Paris. To these he might have added the books, which the Jesuits published under the feigned names of Hermannus Loemelius, and Edmundus Ursulanus, and the Jesuits' Censure of the Apostolical Creed, to ridicule the censures of Paris: and how these again were answered by Hallier, and le Maistre, and Petrus Aurelius; who shewed that these doctrines were maintained by the Jesuits; "That the episcopal order was not necessary to the being of a particular Church; that episcopacy was not by Divine Right; that

confirmation might be given without bishops; that the monastical order was more perfect than the episcopal; and that regulars were exempt from the jurisdiction of bishops. And all that was done at Rome against these doctrines, was only to suppress the books on both sides; which the Parisian Doctors highly complained of, that such scandalous and seditious books as those of the Jesuits, should meet with the same favour at Rome, as the censure of the Bishops of France; that their profane and atheistical censure of the Apostles' Creed, must have no mark of disgrace put upon it, nor such sayings of theirs, wherein they call the bishops and divines of France by most contumelious names, and say, they are the enemies of truth and piety." If our author had looked a little further into Bishop Stillingfleet, he might have found how barbarously they used Don Arnando Guerrero, Bishop of the Philippine Islands, because he condemned them in a Synod for acting independent of his jurisdiction: and the like usage of the Bishop of Angelopolis in America, for the very same reason: and what horrible things are contained in their catechisms which they gave to their new converts in China, which the congregation *de Propaganda Fide* condemned in Seventeen Decrees at Rome, An. 1645. The short of their instructions was this: "To speak little of Christ crucified, but to conceal that small and inconsiderable circumstance of the Christian doctrine as much as may be; to use all the same customs that idolaters did, only directing all their worship to Christ and the saints; not to trouble themselves about fasting, penance, confession, and participation of the Eucharist, or the severity of repentance and mortification." Are not these as pernicious errors as any that have appeared in these later ages, and were they not fit to be mentioned in an Account of Modern Heterodoxies? Alphonsus de Vargas, a Spaniard, has four books under these titles against them: *Relatio*

ad Principes Christianos de Stratagematis et Sophismis Politicis Societatis Jesu ad Monarchiam Orbis terrarum sibi conficiendam. ——— *Sedis Apostolicæ Censura adversus novam, falsam, impiam et hæreticam Societatis Jesu doctrinam nuper in Hispania publicata.* ——— *Jesuitarum Fidei Symbolum velut Canticum novum.* ——— *Actio Hæresis in Societatem Jesu.*

But our author has passed over many other Modern Heterodoxies worthy of a reader's information: such as the errors of Dr. John Dee and Kelley concerning conversation with angels, published by Meric Casaubon. Lond. 1659. The errors of Thomas Monetarius and Christophorus Schaplerus: The Nicodemitæ, written against by Calvin: Nicholas Drabitus a German Enthusiast: James Brocard an Apolyptical Prophet censured in the Protestant Synod of Rochelle, 1581: Paul Grebner a Swedish Prophet: Joannes Franciscus Borri: Bernardinus Ochin, Theophilus Aletheus, and the book called, Polygamia Triumphatrix, John Milton, Cornelius Vythagius, and other defenders of Polygamy and divorces: Paionism, censured by Spanheim in his Elenchus: the errors of Guilielmus Postellus, Pere Simon, the Suenekfeldians, Vincen-tius Viviani an Italian Fatalist, Conradus Vorstius, and the Weigelians and Paracelsians, called the new prophets of Germany, an account of whose blasphemies may be found in Wendelin's Epistle Dedicatory to his Theology, and in Hoornbeck, Thumius, and Beckman, who have written particular Books against them.

To these might have been added very properly an Account of our late new Prophets in England, who made such a stir not many years ago; and the Masonites a little before them; together with the Rationalists, Latitudinarians, Free-thinkers; and Unionists, who pretend that the doctrines of Papists and Protestants rightly represented are in a manner all one; such were Father Davenport, otherwise called Sancta Clara, and Mr. de Meaux Bishop of Condom, and such

other reconcilers and expositors of the faith. The errors also of Toland and Asgil, and the Book called, *The Rights of the Christian Church*, might justly enough have found a place in our Author's Index. So might also several Sects of Fanatics in the late confusions between 1640 and 1660. The Vanists or disciples of Sir Henry Vane; the New Bemmenists, headed by Dr. Pordage: the followers of Dr. Gell, Parker, and Gibbon; Lewis du Moulin, the Levellers, and many others, who are described in Edward's *Gangræna*, and *Reliquiæ Baxterianæ*, and other the like accounts of those times.

Our author perhaps will now begin to think himself a little short and deficient in his short Account of All the Principal Heresies since the rise of Christianity: there being so many both ancient and modern, of which he has given no account, nor so much as named or mentioned. If he says, it was needless; I say so too, with respect to the work he was about: but when he had undertaken it, he should have made good his pretence, and taken care that the book should have answered his title. But perhaps this could not have been done without writing a large volume upon the subject. Then he should have let it all alone, and his Epitome would have been both the cheaper and the better for it. His Indigent Readers might have known what Ancient Heresies were from St Austin de *Hæresibus* more authentically, and also at an easier rate: for it is but a sixpenny book printed by itself at Oxford: and for Modern Sects, they are nothing to the purpose of antiquity; and therefore might have been omitted upon this occasion.

As to his History of the Eight first General Councils, which runs to a great length, I think that as needless as the other. For the late Worthy Author of the *Clergy-Man's Vade Mecum*, in his Second Volume has given all such readers a perfect account of the Canons both of the Universal Code, and the Roman Code, with the African Code, down to

the year 787. Which I dare say is in the hands of most Poor Clergymen, before our author in his great compassion thought fit to take pity on them. If he would have done any thing to the purpose, it should not have been *actum agere*, but to have given them a short account of those Latin Councils, which the foresaid author does not concern himself with, but are frequently used in my *Origines*. For which reason I have given an Alphabetical Chronological Index of them, being about an hundred and twenty in all, together with the Number of Canons contained in them: which is enough to answer the end of my undertaking.

I have supplied the whole also with a general Index of matter, referring distinctly to every particular volume, book, chapter, section and page throughout the whole: and added a catalogue of such authors as I have made use of in compiling the work from first to last. I had also some thoughts of adding another index of such authors as I have had no opportunity to see or use, which yet may be of great use to those, who are minded to improve this study of Church-antiquities further: but because this gentleman calls me to a repetition of my labours, and obliges me to be my own epitomizer,

“ Donatum Rude reposcit,

Atque iterum antiquo tentat me includere Iudo.”

I will reserve this for a more proper occasion: wishing the reader in the mean time as much pleasure, satisfaction, and advantage in reading without labour, as I have had with a mixture of great labour in compiling and digesting, these collections.

POSTSCRIPT.

For the further improvement of Ecclesiastical Antiquity, if any vigorous young men, of learning, application and good judgment, are minded to employ themselves that way, these following works may be proper to be undertaken by such as have opportunity of books and leisure, especially in the Universities.

1. A supplement to my *Origines*, in a book of *Miscellaneous Rites*: which, if God should be pleased to give me better health, I should be glad to pursue myself, though I think it now the least part of what is wanting.

2. A *Catholic Comment upon the Scriptures*, which is already begun, and carried on by a learned and diligent writer.

3. A *Body of Catholic Divinity* in the words of the ancient writers; such as the *Theologica Dogmata* of Petavius the Jesuit, and *Thomasin* the Oratorian among the Romanists.

4. A *body of Practical or Moral and Casuistical Divinity*: of which I have had occasion to do a little, so far as relates to the great crimes against the *Ten Commandments*, which fell under the discipline of the Church. But a complete work in this kind, extending to all virtues and vices, and practical cases of all sorts, would be much more diffusive, and of excellent use for direction of preachers and Casuists upon all moral questions.

5. An *Authentic Edition of the Canons of the Councils*, greek and latin, in their originals. For translations and epitomes though they are of some use to the unlearned, are not satisfactory to men of true learning and judgment, who will always have recourse to originals. Dr. Allix once undertook this work, and had very particular favour shewn him by the Parliament in granting him foreign paper without duty, as I have been informed, and yet the design by some means or other proved abortive. The *Acts of the Councils*, which are different from the *Canons*, are much too long to be inserted in such an edition: but the *Canons* themselves may be comprised, in the original greek and latin, in two moderate volumes in quarto. Which would be exceeding useful to scholars of a moderate fortune, to have the valuable part of the voluminous tomes of the Councils, twenty or thirty in number, brought to their hand in an authentic manner, and at a very easy rate: whereas now such editions of the Councils as *Labbe's*, are scarcely to be

found throughout a whole diocese, except in the cathedral libraries or some collegiate Church, where few, that have inclination, can have access to without both labour and expense, except such as are placed conveniently in the next neighbourhood, as it pleased Providence to place me; without which happiness I had never had ability to have gone through any part of the work, which now, by the blessing of God, I have lived to finish.

6. The History of the Persecutions and Sufferings of the Primitive Martyrs, extracted out of their authentic Acts, and approved Historians, without the spurious additions of numerous Legendary-writers, and the uncertain Martyrologists of later ages. I once made some attempt toward this myself, and read many parts of it for a year or two, as useful afternoon exhortations to zeal and constancy in religion, in my Parish-church. But other employments made me lay it aside, and leave it imperfect. Mr. Ruinart's *Acta Martyrum sincera*, and Pagi's *Critic upon Baronius*, will be of particular use to any one, who is minded to set about such a work afresh, and bring it to perfection. So will also the Book of Meisner, Kortholt and Gallonius, which Dr. Cave (in his *Prolegomena*, p. 27. Vol. 1. *Hist. Liter.*) recommends to men's use upon this subject. Mr. Dodwell's 12th Dissertation upon St. Cyprian, is an excellent discourse to set forth the causes of the courage of the primitive martyrs: but the 11th Dissertation *de Paucitate Martyrum*, serves for no other end, but only to shew what a great man can say upon a bad cause, and argue plausibly upon a very slender and false foundation, which the undertaker of this work is to beware of, and consider well what Ruinart has said against it.

7. The History of Heresies, Heterodoxies, and Schisms; which, after all the attempts that have been made upon it, has never been done to any tolerable satisfaction or perfection. Dr. Cave tells his reader the names of the common

Authors that have written upon it: but he concludes after all, in these remarkable words: “ *His tamen aliisque plurimis, qui addi poterant, non obstantibus, opus accuratum de Hæreticis, præcipue antiquis, deque eorum ortu, progressu, affinitate, dogmatibus, duratione, merito adhuc inter desiderata habendum est.*” And I believe the remarks I have now made upon one of the last Authors of this kind, is a pretty good evidence of the truth of his observation. I could say a great deal more upon this subject, but what I have already hinted is sufficient to a wise undertaker.

8. And lastly, a Supplement to those two great and incomparable writers, Dr. Cave and Du Pin, who have given the world such an excellent account of ecclesiastical writers. Nothing hardly can be so perfectly done in this kind, but that still considerable additions may be made to it. The world has expected for some time a third volume of Dr. Cave's, and that perhaps might supersede all other men's labours: but till that appears, I can be bold to say, there are many authors lie hid from ordinary view: and that is enough to hint this as a subject capable of further improvement: but there would be another use also in it, to bring to light the knowledge of several historians and other writers, whose testimony would give confirmation to the protestant cause against the corruptions of the Romish Church in later ages.

And now that I have mentioned this, I will add two or three things more, that would be of great advantage to the Church, if they were done by persons of care and judgment though they have no relation to antiquity.

1. An Account of the Roman Indexes of prohibited and expurged books, shewing the reasons, for which the inquisitors so carefully prohibit or expurge them. I am sure by this means a good collection or catalogue of witnesses for the truth against the manifest corruptions of the Romish

Church might be extracted out of the confessions of her own writers.

2. A New Work of short marginal annotations on the Bible, explaining only the most obvious difficulties, that seem to puzzle ordinary readers. The learned have annotations abundantly enough to serve their turn: but there seems still to be something wanting of this kind, for ordinary readers. I have sometimes put learned friends upon this work, who perhaps were otherwise usefully employed: and if I myself had not had the same plea, I would have attempted something of this nature for the benefit of inferior people, who are allowed to read the Scriptures, and yet many times want proper helps to understand them: which would be remedied very often, either by giving a little turn and light to the translation, or explaining some obscure phrase, or some ancient custom, upon which the understanding of the text many times depends, with other such ways of accommodating the Scripture to the capacities of the vulgar.

3. Till this were effected, a short exposition of those chapters only, which are read as proper Lessons out of the Old Testament, might be a proper help to vulgar capacities and ordinary readers, to employ their meditations upon those parts of Scripture, which the Church has chosen for their edification and instruction, and seem most to want some light and guide, to make them answer that end to them. If I am not mistaken, I have seen such a work of Bishop Cooper's in former times: but be it his or any others, I believe a thing of this kind judiciously done, would generally be allowed to be an useful work, for the end it is proposed and intended. We abound indeed with posthills, or expositions on the epistles and gospels, and large annotations on the Old and New Testament: but these short expositions I have mentioned are much more needed, and that is enough to recommend the work to a pious undertaker.

The great objection against all these things is, that each of them is too great an undertaking for any single man. I

remember to have heard of the same objection made by some against me and my Origines upon publishing the first volume of them. I bless God, I have lived to confute the objection, and give the world a proof that great and laborious works are not always so frightful as sometimes they are imagined. I have given a little specimen of what the industry of a single person may do, in whom there is neither the greatest capacity, nor the strongest constitution. And having made the experiment myself, I can with more decency and freedom recommend these things to others, who are qualified to undertake them. But in saying this, I would not encourage every bold empiric in divinity or history, to set about such works, which they are not any ways qualified for, either for want of knowledge or want of judgment. To all such the poets direction is much more proper :

“ Sumite materiam vestris, qui scribitis, æquam
Viribus, et versate diu quid ferre recesent,
Quid valeant humeri.”

The want of observing which rule does abundantly more harm than good. For such men's writings only serve to confound learning, and leave things in a much worse state than they found them. The world has daily experiment of this, to the prejudice both of good literature and religion. Therefore what I have said by way of encouragement is not to these, but to the truly judicious, the inquisitive, the modest, and the learned, who want nothing but courage proportionable to their understanding, to make them become great instruments of God's Glory in doing useful things for the service of his Church. This Church has never wanted such brave spirits, and I hope never will, to set forth truth with all the advantages of learning, and confound the opposition that is made to it by all the enemies of religion, whether they be the more professed attackers, or the secret underminers of its foundation. The Blessing of God be upon all those, who have ability and will to undertake great and useful works for the promotion of piety and religion, and to stand in the gap against all the enemies of truth.

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THE
ANTIQUITIES
OF THE
CHRISTIAN CHURCH.

BOOK XX.

OF THE FESTIVALS OBSERVED IN THE
PRIMITIVE CHURCH.

CHAP. I.

*Of the Distinction to be made between Civil and
Ecclesiastical Festivals.*

SECT. I.—What meant by the civil Festivals.

HAVING hitherto taken a distinct view of the great services of the ancient Church in the several parts of her Liturgy, and the administration of her sacraments, and the exercise of discipline, I come now to give an account of the lesser kind of observations relating to her festivals, and days of fasting, and marriage rites, and funeral rites, all which may, in some measure, be comprized under the general name of the service of the Church.

In speaking of the festivals, it will be necessary first of all to distinguish the ecclesiastical festivals from the civil. For some were purely ecclesiastical, others purely civil; and others (as festivals of greater account) were both ecclesiastical and civil. All Sundays throughout the year, and the

fifteen days of the paschal solemnity, were festivals both in the ecclesiastical and civil account. For they were not only days of more solemn religious observation, but also days of vacation from law-suits and prosecution of secular business. Other festivals were purely of ecclesiastical account: for they were days of religious assembly, but not entirely days of vacation. Others were purely civil festivals, that is, days of vacation from law-suits and secular affairs, but not distinguished by any peculiar character of religious observation. Of this sort were the *feriæ æstivæ*, or *the thirty days of harvest*; and the *feriæ autumnales*, or *the thirty days of vintage*; and three days under the common name of the kalends of January; one day called the *natalis urbis Romæ*, *the foundation of Rome*; and another *the natalis*, or *foundation of Constantinople*; and four days called the *natales imperatorum*, including both their natural birth-days and their civil birth-days, that is, their inauguration to the empire. Of all which, because there is frequent mention made of them in the ancient writers, and laws, and canons, it will not be amiss to speak a little more particularly in the entrance of this discourse.

SECT. 2.—Of the *Feriæ æstivæ*, or Thirty Days of Vacation in the Harvest Month, and the *Feriæ autumnales*.

All these are comprehended in one law of Theodosius and Valentinian junior, under the general name of *feriæ forenses*, days of vacation or rest from pleadings in the civil courts of judicature. Where all days in the year are appointed to be juridical,¹ except the two months of harvest and vintage,

¹ Cod. Theod. lib. ii. tit. 8. de Feriis. leg. 2. Omnes dies jubemus esse juridicos. Illos tantum manere feriarum dies fas erit, quos geminis mensibus ad requiem laboris indulgentior annus accepit, æstivis fervoribus mitigandis, et autumnis sætibus decerpendis. Kalendarum quoque Januariarum consuetos dies otio sancimus. His adjicimus natalitios dies urbium maximarum Romæ atque Constantinopolis, quibus debent jura deferre, quia et ab ipsis quoque nata sunt. Sanctos quoque paschæ dies, qui septeno vel præcedunt numero, vel sequuntur, in eâdem observatione numeramus. Necnon et dies solis, qui repetito in se calculo revolvuntur. Parem necesse est haberi reverentiam nostris etiam diebus, qui vel lucis auspicia, vel ortus imperii protulerunt.

and the kalends of January, and the natales of the two great cities, Rome and Constantinople, and the birth-days of the Emperors, and their inauguration to the empire, and the fifteen days of Easter, which were festival both in the ecclesiastical and civil account, as also all Sundays throughout the year. Where it is rightly observed by Gothofred, that the other ecclesiastical festivals of Christmas, Epiphany, and Pentecost, were not as yet made festivals in the civil account. For at this time many of the judges were still heathens, and therefore juridical pleadings were allowed on these days, notwithstanding that they were kept with great solemnity and religious veneration among the Christians. But afterward, when Justinian repeated this law in his code,¹ the prohibition of pleadings upon these days, and upon the passions of the Apostles, was inserted, together with a prohibition of all the public shews and games upon any of these solemnities, of which more hereafter.

As to those festivals, which were purely civil, we are to observe, that some of them were of long standing in the Roman empire, and no new institution of Christians, but only reformed and regulated by them in some particulars, to cut off the idolatrous rites and other corruptions that sometimes attended them. The multitude of them was complained of by Tully,² and therefore Augustus cut off thirty of them at once, turning those days, which were deputed for honorary games, into days of pleading, for the better prosecution of criminals, and greater expedition of justice, as Suetonius reports in his life.³ And a like reduction was made by Antoninus Philosophus, who is said to have added several judiciary days to the calendar,⁴ striking out many festivals, and appointing two hundred and thirty days in the year for hearing of causes, and dispatching business of

¹ Cod. Justin. lib. iii. tit. 12. de Feriis. leg. vii.

² Cicero

cont. Verrem.

³ Sueton. Vit. Aug. cap. xxxii. Ne quod maleficium negotiumve impunitate vel mora elaberetur, triginta amplius dies, qui honorariis ludis occupabantur, actui rerum accommodavit.

⁴ Capitolin. Vit. Antonini Philosophi. p. 74. Judiciariæ rei singularem diligentiam adhibuit; fastis dies judicarios addidit, ita ut ducentos triginta dies annuos rebus agendis, litibusque disceptandis constitueret.

the law. The Christian emperors reduced the number of these festivals to a much shorter compass. For they cast away all festivals that were held in honour of the heathen gods: and though they brought in all Sundays in the year into the computation of civil festivals, and also the fifteen days of the paschal solemnity, yet the whole number did not amount to above one hundred and twenty-five: so that there remained two hundred and forty days still for public business of the law. And of those one hundred and twenty-five days that were exempt, sixty days or two months were only set apart as days of vacation from the law for the convenience of gathering in the harvest and the vintage. The one were called *feriæ æstivæ*, and the other *feriæ autumnales*. And these were ancient Roman festivals, mentioned by Statius¹ and Aulus Gellius² and Pliny,³ and after them by Ulpian⁴ the famous lawyer, who shews at large for what end they were appointed, that countrymen might not be molested in gathering their fruits at their proper seasons, except it were in some extraordinary cases, which required a more speedy decision before the Prætor. The schools of rhetoric had also their vacations at these seasons, as we learn both from Aulus Gellius and St. Austin.⁵ And because this sort of *Feriæ* had nothing of harm, but only convenience in them, they were continued without scruple by the Christian emperors, and established by their laws, as we have seen, upon consideration of the usefulness and necessity of them; leaving it to the judges of the several provinces of the world to determine precisely what time they should commence: for they did not begin the harvest month, or the vintage month, every where on the same day, but some countries sooner and some later, according to the different state and condition of every climate. And so the observation of these two months continued, as Gothofred notes,⁶ to the time of the emperor

¹ Stat. Sylvar. lib. iv.

² Gellius Noct. Attic. lib. ix. cap. 15.

³ Plin. lib. viii. ep. 19. Julii mense, quo maximè lites interquiescunt.

⁴ Digest. lib. ii. tit. 12. de Feriis. leg. 1, 2, 3.

⁵ Aug. Confess.

lib. ix. cap. 2.

⁶ Gothofred. in Cod. Th. lib. ii. tit. 8. de Feriis

leg. ii.

Otho, who first abrogated them in the laws of the Lombards.

SECT. 3.—Of the Kalends of January.

The next civil *Feriv* were the Kalends of January: which, as Gothofred thinks, comprised three days, the day before the Kalends, the Kalends, and the third of the Nones, or as others say,¹ the day before the Nones, that is, the fourth of January, commonly called *Bota* and *Vota*, because it was the day of sacrificing for the emperor's safety. These were continued by the Christian emperors without any idolatrous rites, but still were days of great liberty and extravagance. Upon which account the ancient Fathers and Councils commonly declaim with great invectives against the observation of them. For not only Tertullian speaks against them,² whilst they were accompanied with idolatrous and superstitious rites in the time of heathenism, but in after ages the fathers in their popular discourses are often very severe and copious in their dissuatives from the observation of them, both upon the account of the relics of superstition remaining in the hearts of many Christians, and also because they were occasions of great looseness and debauchery among the people. St. Chrysostom says,³ many were superstitiously addicted to the observation of times, and made divination and conjectures upon them; as, if they spent the new-moon in mirth and pleasure, the whole year would be prosperous and lucky to them. So both men and women gave themselves to intemperance on these days, out of this diabolical persuasion, that the good or bad fortune of the rest of the year depended upon such an ominous beginning of it. Which was the devil's invention to ruin the practice of all virtue. He observes further,⁴ that they were used, in the celebration of these times, to set up lamps in the market-place, and crown their doors with garlands, which he condemns to-

¹ Vide Dempster. *Paralipomena ad Rosini Antiquit. lib. iv. cap. 4. p. 543.*

² Tertul. *de Idololat. cap. xiv.*

novilunia observant. tom. i. p. 297.

³ Chrys. *Hom. xxiii. in eos qui*

⁴ *Ibid. p. 300.*

gether with their superstition and intemperance, as a mixture of diabolical pomp and childish folly. The like complaints are made by St. Austin,¹ Chrysologus,² Prudentius,³ Asterius Amasenus,⁴ and St. Ambrose.⁵ So that though these festivals of the Kalends were allowed by the imperial laws, yet they were generally condemned by the ancient writers, because of the vanities and excesses and abuses, that were usually committed in them. And particularly the Council of Trullo forbids the dancings and other ceremonies,⁶ that were used both by men and women, on the Kalends and the Bota, under the penalty of excommunication: as I have had occasion to shew more fully in speaking of the discipline of the Church.⁷ And the Council of Auxerre takes notice of the remains of some heathen superstition in France, in offering an hind or a calf,⁸ which they call a diabolical observation.

SECT. 4.—Of the Emperor's Birth Days.

The next civil festivals were the emperors' birth-days, which were of two sorts; the one was called *natalis genuinus*, *their natural birth-day*; and the other *natalis imperii*, *their inauguration*; as they are distinguished in several laws of the Theodosian Code,⁹ and other ancient writers, which are collected by Gothofred in great abundance.¹⁰ Who also observes, that when it is said by ancient writers, that Con-

¹ Aug. Ser. v. de Kalendis Januarii. tom. x. p. 621.

² Chrysol.

Ser. clv.

³ Prudent. lib. i. cont. Symmachum.

⁴ Aster. Hom. iv. de Festo Kalendarum. ap. Combefis. Actuar. Nov. p. 63.

⁵ Ambros. Ser. xvii.

⁶ Con. Trull. can. lxii.

⁷ Book xvi. chap. iv. sect. 17.

⁸ Con. Antissiodor. can. i. Non licet Kalendis Januarii vecolo aut cervolo facere, vel strenas diabolicas observare.

Sirmond and Labbè instead of *vecolo*, read it *vetula*, *prisco more pro vitula*.

⁹ Cod. Theod. lib. ii. tit. viii. de Feriis. leg. ii. Parnem necesse est haberi reverentiam nostris etiam diebus, qui vel lucis auspicia, vel ortus imperii protulerunt. It. lib. vi. tit. 26. de Proximis. Genuinus natalis nostri dies, &c. Et. Leg. xvii. ibid. Genuino die natalis meæ Clementiæ, &c.

¹⁰ Gothofred. in Cod. Theod. lib. ii. tit. viii. leg. 2. p. 125.

stantine was born in Britain, it is to be understood according to this distinction, to mean his imperial birth-day, and not his natural. For his natural birth was at Naisus in Dacia,¹ as Pagi shews from many express testimonies of Julius Firmicus and Stephanus de Urbibus, and other ancient writers: but his imperial birth, or inauguration to the empire,² was in Britain. Which Baronius and many other learned writers mistaking for his natural birth, have thence concluded that he was born in Britain. But this only by the way. These birth days of the emperors, whether natural or political were always of great esteem and veneration. The law of Theodosius orders them to be observed with the same reverence and ceremony as all other civil festivals, that is, to be days of vacation from public pleadings at the law: and on these days it was usual for great men to entertain the people with the public games and shews, which was partly to honour the days, and partly to give some diversion to the people. The Prætor of Rome was obliged by his office to do this, as appears by several laws of Arcadius in the Theodosian Code.³ And the judge might be present at them once a day in the morning,⁴ when they distributed money, some silver, some gold, according to their quality, among the people. And on these days the emperors' statues or images were produced for the people to pay their civil respect and veneration to them; ⁵ reserving divine worship, and religious adoration, exceeding the dignity of man, to the Celestial Majesty alone, as the laws elegantly word it. But if it happened that any of these days fell upon a Sunday, then by a law of Theodosius the public games were omitted,⁵ and came not into the solemnity of the days. And Theodosius junior excepted also the other great festivals of Christ's nativity, and Epiphany, and Easter, and

¹ Pagi Critic. in Baron. an. 306. n. 8. ² Cod. Th. lib. vi. tit. 4. de Prætoribus. leg. xxix. Prætores Romani et laureati natalibus nostri numinis scænicas populo præbeant voluptates. Vid. leg. xxx. ibidem.

³ Cod. Th. lib. xv. tit. 5. de Spectaculis. leg. ii. ⁴ Ibid. tit. iv. de imaginibus. leg. i.

⁵ Ibid. de spectaculis. leg. ii. Nullus solis die populo spectacula præbeat, nec divinam venerationem connectâ solemnitate confundat.

Pentecost, or the whole fifty days between Easter and Whitsuntide, on any of which days it was unlawful to exhibit the usual games to the people: and that no one should fear lest it should be interpreted a disrespect to the imperial majesty, if he did not according to custom exhibit the games on the emperors' birth-day (happening to fall on any of these festivals) he inserted a particular clause, declaring,¹ that such an omission should be no offence, but most agreeable to have the service of the Divine Majesty preferred before that usual ceremony of the games and shews in the celebration of his birth-day. And in this chiefly consisted the difference between an ecclesiastical and civil festival, that the one was a day of mere pleasure and diversion, and the other a solemn time of devotion and religion, to which the former must give place, whenever they happened by any such coincidence to fall together.

SECT. 5.—Of the *Natales Urbium*, or the two *Feriæ* in Memory of the Foundation of Rome and Constantinople.

The last sort of civil festivals were the *Natales Urbium*, or the two annual days kept in memory of the foundation of the two great cities, Rome and Constantinople. The former was an ancient Roman festival, observed on the eleventh of the Kalends of May, or the twenty-first of April, under the name of *Palilia*; of which the reader may find a large account in any of the common writers of Roman Antiquities.² That, which is only to be noted here, is, that it continued a festival under the Christian emperors. Which we learn not only from the forementioned law of Theodosius, but

¹ Cod. Th. lib. xv. de Spectaculis. leg. v. Ac ne quis existimet, in honorem numinis nostri, veluti majore quâdam imperialis officii necessitate compelli, and nisi divinâ religione contemptâ, spectaculis operam præstat, subeundam forsitan sibi nostræ serenitatis offensam, si minus circa nos devotionis ostenderit, quam solebat, nemo ambigat, quod tunc maximè mansuetudini nostræ ab humano genere defertur, cum virtutibus dei omnipotentis ac meritis universi obsequium orbis impenditur.

² Vid. Dempster. Parolipom. ad Rosin. Antiq. lib. i. c. i. p. 8.

also from Sozomen,¹ who says, that the γενέθλια, or nati-
 vities of the emperors, and the royal cities, and the Kalends,
 were the usual times of distributing the emperors' donations
 or largesses among the soldiers. And Cassiodore speaks
 of the games of the Circus,² as an usual part of the people's
 entertainment on these festivals of pleasure. The *Encœnia*,
 or *dedication* of Constantinople, was annually celebrated
 on the fifth of the *Ides* of May, that is, the eleventh of
 May, as is noted by Gothofred out of *Marcellinus Comes*,
 Cassiodore, Cedrenus, the *Chronicon Alexandrinum*, and
 Zonaras. And as in all things both the ancient laws and
 Canons gave Constantinople the same royal and honour-
 able privileges that were allowed to old Rome:³ so in this
 they were equalled, that the annual days of their dedication
 were celebrated with the same solemnities among the
Feriæ, or *civil festivals*, and days of vacation and joyfulness
 throughout the Roman empire. And the reason of
 this is given in the aforesaid law of Theodosius so often
 mentioned,⁴ because these two great cities, Rome and Con-
 stantinople, were the fountains and springs from whence
 the laws were originally derived; and therefore it was
 proper that the feasts of their dedication should be observed
 by a vacation from law-suits on the annual days of their
 foundation. This is the short account of the civil *Feriæ*,
 or *festivals*, so far as concerns their observation under the
 government and allowance of Christian emperors. I now
 proceed to the other sort of festivals, which were of sacred
 or ecclesiastical observation.

¹ Sozom. lib. v. cap. 16.

² Cassiodor. Chronic, in Philip. Imper.

³ Vid. Con. Constantinop. i. can. 3. Con. Chalced. can. 28. Cod. Theod. lib. xvi. de Episcopis. tit. ii. leg. 45. Romæ veteris Prærogativa letatur, &c. II. Cod. Theod. lib. xiv. tit. 13. de Jure Italico Urbis Constantinopol.

⁴ Cod. Th. lib. ii. tit. 8. de Feriis. leg. ii.

CHAP. II.

Of the Original and Observation of the Lord's Day among Christians.

SECT. 1.—The Lord's day of continued Observation in the Church from the Days of the Apostles, under the Names of Sunday, the Lord's day, the first Day of the Week, and the Day of Breaking Bread, &c.

THE principal and most noted among the sacred and ecclesiastical festivals was always that of the Lord's day, which was observed with great veneration in the ancient Church from the very time of the Apostles. The Apostles themselves are often said to meet on this day for divine-service, being the day of the Lord's resurrection. Acts xx. 7. "On the first day of the week, when the disciples came together to break bread, Paul preached unto them, ready to depart on the morrow, and continued his speech until midnight." So again, 1 Cor. xvi. 2. "Upon the first day of the week, let every one of you lay by him in store, as God hath prospered him, that there be no gatherings when I come." And St. John expressly styles it the Lord's day. Rev. i. 10. "I was in the Spirit on the Lord's day." Which cannot mean the Jewish sabbath: for then he would have called it so: nor any other day of the week: for that had been ambiguous: but the day on which Christ arose from the dead, on which the Apostles were used to meet to celebrate divine service, on which Paul had ordered collections to be made, according to the custom of the primitive Church. Seeing therefore, he speaks of this as a day well known and used in the Church, it cannot be doubted, but that it was distinguished by this name from the received use and custom of the Church. For otherwise how could Christians have understood what St. John intended to sig-

nify by this name, if he had designed to denote any other day by it? As Mr. Turretin argues well upon the resolution of this question.¹

The matter thus founded in apostolical practice, may be further illustrated and confirmed from the general usage of the Church in the following ages. Pliny, who was an heathen magistrate in the reign of Trajan not long after St. John's death, took the account of the Christian assemblies from the mouths of some apostatizing Christians, and they told him,² their custom was to meet together early in the morning before it was light on a certain fixed day, and sing Hymns to Christ as their God, and bind themselves with a Sacrament to do no evil, and afterwards to partake of a common feast. Which is a plain description of the Service of the Lord's day, and particularly of the *agape* or *feast of charity*, which was usually an attendant of the communion in the primitive Church every Lord's day. Ignatius, who lived about the same time, makes as plain a reference to the observation of the Lord's day,³ when he bids the Magnesians not to sabbatize with the Jews, but to lead a life agreeable to the Lord's day, on which our life was raised from the dead, by Him (that is, by the Lord Christ) and by his death. Clemens Alexandrinus,⁴ as Cotelerius observes, well illustrates and explains this passage of Ignatius, shewing what it is to lead a life conformable to the Lord's day, when he says, he, that observes the precept of the Gospel, makes it to be the Lord's day, whilst he casts away every evil thought, and takes to him the true Gnostic thoughts of wisdom and knowledge, thereby glorifying the resurrection of the Lord.

Hence we learn, that *Κυριακή* was the common name of

¹ Turretin. Theol. par. ii. loc. 11. De Lege Dei. Quæst. xiv. p. 103.

² Plin. lib. x. Ep. 97. Quod essent soliti stato die ante lucem convenire, carmenque Christo, quasi Deo, dicere secum invicem: seque sacramento non in scelus aliquod obstringere, &c.

³ Ignat. Ep. ad Magnes.

n. 9. Μηκέτι σαββατίζοντες, ἀλλὰ κατὰ Κυριακὴν ζωὴν ζῶντες, &c.

⁴ Clem. Alex. Strom. 7. Ἐντολὴν κατὰ τὸ εὐαγγέλιον διαπραξάμενος, κυριακὴν ἐκείνην τὴν ἡμέραν ποιῶ, &c. p. 877. ed. Oxon.

the Lord's day, and that Κυριακήν ζῆν is to lead a life conformable to the Lord's day, in memory of our Saviour's Resurrection. Yet sometimes the Ancients, when they write to the Gentiles, scruple not to call it Sunday, to distinguish it by the name best known to them. As Justin Martyr, writing his apology to the Heathen, says,¹ we all meet together on Sunday, on which God, having changed darkness and matter, created the world, and on this day Jesus Christ our Saviour arose from the dead. In like manner Tertullian,² answering the objection made by the Heathens, that the Christians worshipped the sun, says indeed they made Sunday a day of joy, but for other reasons than to worship the sun, which was no part of their religion. At other times, when he writes only to Christians, he commonly uses the name of the Lord's day,³ and especially when he would distinguish it from the Jewish sabbath⁴. And the like may be observed in the laws of the first Christian emperors. Constantine uses the name Sunday,⁵ when he forbids all law-suits on this day. Valentinian uses the same name upon the same occasion.⁶ So does also Valentinian⁷ junior, and Theodosius senior, and Theodosius junior, in settling the observation of this day. But they use the name indifferently, stiling it sometimes the Lord's day, which was more proper among Christians, as is particularly noted in one of the laws of the younger Valentinian, which runs thus, "*solis die, quem dominicum rite dixere majores, &c. on Sunday, which our forefathers have rightly and customarily called the Lord's day.*"⁸ His reference to ancient custom is

¹ Justin. Apol. ii. p. 99.

² Tertul. Apol. cap. xvi. Æque si

diem solis lætitiæ indulgemus, aliâ longe ratione quam religione solis, &c. It. lib. i. ad Nation. cap. xiii. Alii solem Christianum Deum æstimant, quod innotuerit ad orientis partem facere nos precationem, vel die solis lætitiæ curare.

³ Tertul. de Coron. Mil. cap. iii. Die Dominico jejunium nefas ducimus, vel de geniculis adorare.

⁴ Tertul. de jejun. cap. xv. Exceptis scilicet sabbatis et dominicis.

⁵ Cod. Theod. lib. li. tit. 8. de Feriis. leg. i.

⁶ Ibid. leg. ii.

⁷ Cod. Th. lib. viii. de Executoribus. leg. 1. et 3. lib. xi. tit. 7. de Exacti-
onibus. leg. 10. et 13. lib. xv. tit. 5. de Spectaculis. leg. ii.

⁸ Cod. Th. lib. xi. tit. 5. de Exactionibus. leg. 13.

confirmed not only from what has been alleged out of Ignatius and Clemens Alexandrinus and Tertullian, but from the use of the word *Κυριακὴ* in the epistle of Dionysius, Bishop of Corinth to Pope Soter, recorded by Eusebius,¹ where he says, to-day we observed the Lord's holy day, *τὴν κυριακὴν ἀγίαν ἡμέραν διοργάζομεν*. And from what Eusebius says of Melito, Bishop of Sardis,² that he wrote a book *περὶ Κυριακῆς*, concerning the Lord's day. In like manner Irenæus, in his epistle to Pope Victor, says,³ the mystery of the Lord's Resurrection, or the Paschal festival, ought to be kept only on the Lord's day, *τῇ τῆς κυριακῆς ἡμέρᾳ*. And Origen, to distinguish it from the Jewish sabbath, says,⁴ that Manna was rained down from Heaven on the Lord's day, and not on the sabbath, to shew the Jews, that even then the Lord's day was preferred before it. This evidences not only the antiquity of the name, but that the observation of the day in memory of our Lord's resurrection was the universal practice of the Church from the time of the Apostles. And from one solemn act of breaking bread in the constant celebration of the Eucharist on this day, I have once before observed,⁵ out of Chrysostom, that it is sometimes called, *Dies Panis*, *the day of bread*, because it was the general custom in the primitive Church to meet for breaking of bread, and receiving of the communion on every Lord's day throughout the year. And I shall not need here to be more particular concerning this, or any other part of the public service performed on the Lord's day, such as psalmody, reading of the scriptures, preaching, and praying, and exercising discipline upon penitents, and absolving them, because I have treated largely of these in their order in several books before: but now only take notice of some special laws and customs, that were observed, to shew a more peculiar reverence, honour and respect to the super-eminent dignity of this day.

¹ Euseb. lib. iv. cap. 23.

² Euseb. lib. iv. cap. 26.

³ Ap. Euseb. lib. v. cap. 24.

⁴ Orig. Hom. vii. in Exod. xv. tom. i.

p. 82. See also, Hippolytus Canon Paschalis, cited by Gothofred. in Cod. Th. lib. viii. tit. 8. leg. 3.

⁵ Bock xv. chap. ix. sect 2.

SECT. 2.—All Proceedings at Law forbidden and suspended on this Day, except such as were of absolute Necessity or great Charity: as Manumission of Slaves, &c.

Among these we may reckon in the first place those imperial laws, which suspended all actions and proceedings at the law on this day, whether arrests, pleadings, exactions, sentences of judges, or executions: except only such as were of absolute necessity or some eminent charity, as the manumission of slaves, or granting them their freedom, which was not forbidden, because it was an act of considerable charity and great mercy. This was the same respect as the old Roman laws had paid to their *feriæ* or festivals in times of idolatry and superstition. But as then the Lord's day was of no account among the heathen, so no exemption was made in its favour, but this was juridical as well as any other, till Constantine made the first law to exempt it. And now also the Christian laws concerning the observation of the Lord's day, which exempted it from being juridical, still admitted of some exceptions, as the Heathen laws in relation to their *feriæ* had done before them. The exceptions made by the Heathen laws are particularly specified by Ulpian,¹ out of the edicts of Trajan and Marcus Antoninus, where the hearing of all causes of absolute necessity and great charity, and about all military affairs, are allowed on their festivals: as the appointing of curators and guardians to orphans, and causes relating to matters of preservation and damage, and legacies and trusts, and exhibiting of wills, and maintenance

¹ Digest. lib. ii. tit. 12. de Feriis. leg. 2. Divus marcus effecit, de aliis speciebus prætorem adiri etiam diebus feriaticis: utputa ut tutores aut curatores dentur—vel rei servandæ causâ, vel legatorum, fideive commissorum, veldamni infecti: item de testamentis exhibendis: ut curator detur bonorum ejus, qui an hæres extaturus sit incertum est: aut de alendis liberis, parentibus, patronis: aut de adeundâ suspectâ hæreditate, &c.

Ibid. leg. 3. Solet etiam messis viudemiarumque tempore jus dici de rebus quæ tempore vel morte perituræ sunt. Morte, veluti furti, damni, injuriæ, injuriarum atrocium, qui de incendio, ruinâ, naufragio, rate, nave expugnata rapuisse dicuntur, et si quæ similes sunt. Ibid. leg. ix. Quæ ad disciplinam militarem pertinent, etiam feriatis diebus peragenda, &c.

of children, parents, and patrons: and all causes wherein a man might suffer great damage either by delay or by death, as in case of theft, or great injuries and losses by fire, or shipwreck, or piracies, or any cases of the like nature. Now as the old Roman laws exempted the festivals of the heathen from all juridical business, and suspended all processes and pleadings, except in the forementioned cases: so Constantine ordered that the same honour and respect should be paid to the Lord's day; that it should be a day of perfect vacation from all prosecutions, and pleadings, and business of the law, except where any case of great necessity or charity required a juridical process and public transaction: for such cases were always thought to be consistent with the design of the rest both of the sabbath and the Lord's day, as our Lord himself had interpreted the law of the sabbath in many cases of beneficence and doing good, both by his doctrine and his example. Therefore Constantine peremptorily forbade all his judges to hear any causes either criminal or civil on this day,¹ except such as could not be deferred without intrenching upon the rules of charity; which sort of actions and causes the law calls *votiva*, *good offices*, such as the emancipation or manumission of slaves, which he allows any one to perform, in a legal manner, on this day, and there should lie no prohibition against them. Honorius in like manner excepts the causes that were commenced against the *navicularii*,² or masters of vessels transporting the public corn from Afric to Rome: if any fraud was suspected in them, they were to be examined by torture upon any festivals or days of devotion without delay or molestation: because the preservation of the public corn was a matter of great concern to the public welfare of Rome, bread being the staff

¹ Cod. Th. lib. ii. tit. viii. de Feriis. leg. 1. Sicut indignissimum videbatur, diem solis, veneratione sui celebrem, altercantibus jurgiis et noxiis partium contentionibus occupari, ita gratum ac jocundum est, eo die quæ sunt maxime votiva compleri: atq; ideo emancipandi et manumittendi die festo cuncti licentiam habeant, et super his rebus actus non prohibeantur. Vid. Cod. Justin. lib. iii. tit. 12. de Feriis. leg. 2.

² Cod. Th. lib. xiii. tit. 5. de Naviculariis. leg. 38. Hujusmodi inquisitio etiam diebus feriatis et devotionum absque ullâ observatione peragenda est.

of life; and therefore inquisition into such frauds was proper to be made upon any day whatsoever without exception. For the same reason Honorius and Theodosius junior, by another law,¹ ordered prosecution to be made against the Isaurian pirates on any day, not excepting Lent or Easter-day: lest the discovery of wicked designs should be delayed, which was to be effected only by putting the robbers to the rack in their examination; which it was to be hoped the great God would readily pardon, seeing the preservation and safety of many innocent men was procured thereby. So that in such cases, where mercy and charity or the necessities of the public good were concerned, all days were juridical, and actions at law might be prosecuted on the Lord's day as well as any other. But excepting these particular cases, the prosecution of law-suits on this day was universally forbidden. Valentinian senior prohibited all arrests of men for debt,² whether public or private, on this day. For no man might be convened even by the exactors of the public revenues, under pain of incurring the emperor's highest displeasure for the breach of his law. Valentinian junior speaks a little more expressly:³ "on Sunday, which our forefathers rightly called the Lord's day, let all prosecution of causes, controversial business and disputes be wholly laid

¹ Cod. Th. lib. ix. tit. 35. de Quæstionibus. leg. 7. Provinciarum iudices moneantur, ut in Isaurorum latronum quæstionibus nullum quadragesimæ, nec venerabilem pascharum diem existiment excipiendum: ne differatur sceleratorum proditionis consilliorum, quæ per latronum tormenta quærenda est; cum facillimè in hoc summi numinis speratur venia, per quod multorum salus et incolumitas procuratur.

² Cod Th. lib. viii. tit. 8. de Executoribus. leg. 1. Die solis, qui dudum faustus habetur, neminem Christianum ab exactoribus volumus conveniri; contra eos, qui id facere ausi sint, hoc nostri statuti interdicto periculum sancientes. This is repeated, Cod. Th. lib. xi. tit. 7. de Exactionibus. leg. 10.

³ Ibid. Executor. leg. iii. Solis die, quem dominicum rite dixere majores, omnium omnino litium, negotiorum, conventionum quiescat intentio: debitum publicum privatumve nullus efflagitet: ne apud ipsos quidem arbitros, vel in judiciis flagitatos, vel sponte delectos, ulla sit agnitio jurgiorum. Et non modo notabilis, verum etiam sacrilegus iudicetur, qui a sanctæ religionis instituto rituve deflexerit. This law is also repeated, Cod. Th. lib. xi. tit. 7. de Exactionibus. leg. 13.

aside: let no one demand either a public or a private debt: let there be no hearing of causes either before arbitrators appointed by law, or voluntarily chosen. And let him be accounted not only infamous, but sacrilegious also, whoever departs from the rule and custom of our holy religion. And the same Valentinian, together with Theodosius the Great, has another law,¹ wherein he appoints all Sundays in the year to be days of vacation from all business of the law whatsoever, according to the observation of other festivals.

SECT. 3.—All secular Business forbidden, except such as Necessity or Charity compelled Men to, as Gathering of their Fruits in Harvest, by some Laws.

Neither was it only business of the law, but all other secular and servile labour and employments that were superseded on this day, except only such as men were called to by necessity or some great charity; as earing and harvest, which at first were allowed on this day, that men might not be disappointed of their seasons; and the visiting of prisoners by the bishops and judges, which was so far from encroaching upon the sacred rest of this day, that it was a necessary office of mercy and charity, which the laws enjoined them. Eusebius, in the Life of Constantine,² takes notice of two laws made by him in relation to his army, whom he obliged to rest from all military exercise on this day. And whereas some of them were heathens, and some Christians, by the first law he obliged that part of his army, which were Christians, to repair with all diligence to the Church of God: and that they might have more liberty and leisure to attend their prayers there, he discharged them from all other business and employment on that day. As to the other part of the army, which were still heathens, he obliged them by a second law to repair into the open fields, and there having laid aside their arms, with one consent

¹ Cod. Th. lib. ii. tit. 8. de Feriis. leg. ii. Ne non et dies solis, qui repetito in se calculo revolvuntur, in eadem observatione numeramus.

See also to the same purpose the law of Leo and Anthemius, Cod. Justin. lib. iii. cap. 12. de Feriis. leg. xi.

² Euseb. Vit. Constant. lib. iv.

cap. 18, 19, 20.

upon a signal given, with hands and minds lift up to heaven, to address their supplications to God, the supreme King of all. And for this end, he gave them a form of prayer of his own composing; not willing, says the historian, that they should confide in their spears or armour, or in the strength of their bodies, but acknowledge the supreme God, who is the author of all good things, and that they should think it their duty to make solemn supplication unto him. Sozomen takes notice of the same thing,¹ when he relates how Constantine appointed, that the Lord's day, (which the Hebrews call the first day of the week, and the Greeks dedicate to the sun) and also the day before the Sabbath, should be days of vacation from law suits and all other secular business, and that men should worship God on these days, with supplication and prayer: and this honour he shewed to the Lord's day, because it was the day of our Lord's resurrection; and to the other, because it was the day of his crucifixion. Valesius thinks,² that Sozomen was mistaken in saying, that Constantine made Friday a day of vacation from juridical business, and that he spake rather according to the usage of his own times, when the practice might be so: but as to the Lord's day there is no dispute: for not only Eusebius, but the law itself, still extant in the Theodosian Code, makes it a day of vacation from all juridical actions; and there is another law in the Justinian Code, which not only forbids pleadings at law, and judges keeping courts on this day, but all other secular business in the city,³ and all working at any art or trade: only allowing husbandmen in the country to work at their agriculture, because it often happens that no time is more seasonable for sowing corn, or planting vines; and he thought it not reasonable to let the commodious moment slip, which the pro-

¹ Sozom. lib. i. cap. 8.
 constant. lib. iv. cap. 18.

² Vales. in Euseb. de Vitâ Con-

³ Cod Justin. lib. iii. tit. 12. de Ferriis. leg. iii. Omnes iudices, urbanæque plebes, et cunctarum artium officia venerabili die solis quiescant: Ruri tamen positi agrorum culturæ libere licenterque inserviant: quoniam frequenter evenit, ut non aptius alio die frumenta sulcis, aut vineæ scrobibus mandentur: ne occasione momenti pereat commoditas cælesti provisione concessa.

vidence of God put into their hands. By a law of Honorius¹ the judges also were not only allowed, but enjoined to visit the prisons every Lord's day, and have the prisoners brought before them, to examine whether the keepers of the prison denied them any office of humanity, which the law allowed them: and they were to grant necessary subsistence to those that wanted it, allowing the jailor two or three *sesterces* or deniers a day, to provide food for the poor; and they were also to give orders that the prisoners should be carried out of prison under a sufficient guard to bathe or wash themselves on this day. And if any judges, or their officers under them acted in contempt of these rules, they were to be fined twenty pounds of gold, and the city magistrates three pounds. And the bishop of the place was also to contribute his laudible care, to put the judges in mind of their duty in this particular. We find a like rule made in France by the fifth Council of Orleans,² under King Childbert, anno 549, where it is ordered, that the archdeacon, or provost of the church, should every Lord's day visit the prisoners, for whatever crimes they were put in durance, that the necessities of those that lay bound in prison might mercifully be relieved, according to the command of God: and the bishop was to appoint some faithful and diligent person to provide them necessaries, and to see that they had a competent sustenance out of the Church. This was an act of great mercy, and therefore justly excepted from the

¹ Cod. Th. lib. ix. tit. iii. de Custodiâ eorum. leg. vii. *judices omnibus dominicis diebus productos reos et custodiâ carcerali videant, inte rogent ne his humanitas clausis per corruptos carcerum custodes denegetur: victualem substantiam non habentibus faciant ministrari, libellis duobus aut tribus diurnis, vel quod æstimaverint, commentariensi decretis, quorum sumptibus proficiant alimoniam pauperum, quos ad lavacrum sub fidâ custodiâ duci oportet: multâ judicibus viginti librarum auri, et officiis eorum ejusdem ponderis constitutâ; ordinibus quoque trium librarum auri multâ propositâ, si saluberrime statuta contempserint. Nec deerit Antistitum Christianæ religionis cura laudabilis, quæ ad observationem constituti judicis hanc ingerat monitionem.*

² Con. Aurelian. v. can. 20. *Qui pro quibuscunque culpis in carceribus deputantur, ab archidiacono seu a præposito ecclesiæ diebus singulis dominicis requirantur, ut necessitas victorum secundum præceptum divinum misericorditer sublevetur: atque a pontifice, institutâ fideli et diligenti personâ, qui necessaria provideat, competens victus de dono ecclesiæ tribuatur.*

common works and employments that were forbidden on the Lord's day. However, in the Justinian Code,¹ this work is transferred from the Lord's day to Wednesdays and Fridays, which were days also of Church assemblies, but not so strictly observed as the Lord's Day. And by other laws² that liberty, which Constantine granted to countrymen to follow their works of husbandry on the Lord's day, was in a great measure restrained. Private writers, and the Canons of the Church, also run against it. Irenæus, expounding the law of the Sabbath, thus expresses his sense of it: though the law did not forbid those that were hungry to take meat, and eat of such things as were next at hand; yet *metere et colligere in horreum vetabat*,³ it did forbid men to reap, and carry into barns. Exod. xxxiv. 21. "Six days thou shalt work, but on the seventh day thou shalt rest: in earing time and harvest thou shalt rest." Tertullian in like manner says, the law of the Sabbath forbids all human works, but not divine. Consequently it forbids all those works,⁴ which are enjoined on the six days, namely, their own works, that is, human works, or works of their daily vocation. But such a work, as the Levites' carrying about the ark on the Sabbath, was no human or common work, but sacred and divine by God's express command. St. Austin, or whoever was the author of the Sermons *de Tempore*,⁵ says, the apostles transferred the observation of the Sabbath to the Lord's day, and therefore from the evening of the Sabbath to the evening of the Lord's day, men ought to abstain from all country work and secular business, and only attend divine service. Some think this homily is one of Cæsarius Arelatensis, a French Bishop, which is

¹ Cod. Just. lib. ix. tit. 4. de Custodiâ reorum. leg. vii.

² Leo. Novel. 54. Neque agricolæ, neque quicumque alii in illo die illicitum opus aggrediantur.

³ Iren. lib. iv. cap. 20.

⁴ Tertul. cont. Marcion. lib. ii. cap. 21. Consequens est, ut ea opera sabbato auferret, quæ sex diebus supra indixerat, tua scilicet, id est, humana et quotidiana. Arcam vero circumferre, neque quotidianum videri potest, nec humanum, &c.

⁵ Aug. Hom. 251. de Tempore. tom. x. p. 307. A vesperâ diei sabbati usque ad vesperam diei dominici sequestrati rurali opere et ab omni negotio, soli divino cultui vacemus.

very probable: for the French Councils about his time are very express in forbidding works of husbandry on the Lord's day. The third Council of Orleans distinguishes between the Jewish and Christian way of observing the Lord's day: for whereas some people were persuaded,¹ that it was unlawful to travel on the Lord's day, either with horses, or oxen, or chariots, or to dress any victuals, or to do any thing pertaining to cleanliness of house or man: which came nearer the Jewish, than the Christian observation: they therefore decreed, that all things might lawfully be done that were used to be done before. But however men ought to abstain from all country work, as husbandry, dressing of vineyards, reaping and mowing, and threshing, that they may have more liberty to come to church, and offer up their prayers to God. So likewise the Council of Auxerre:² it is not lawful on the Lord's day to yoke oxen, or do any works of the like nature. And the second Council of Maseon:³ let no one on this day prosecute a law-suit, no lawyer plead any causes, no one put himself under the necessity of yoking his oxen. But be ye all intent and ready both in body and mind to sing hymns and praises to God. If any one contemn this admonition, he shall be punished according to the quality of his offence. If he be a lawyer he shall lose his privilege of pleading; if he be a countryman or slave, he shall be severely beaten with rods; if a clergyman or monk, he shall be six months suspended from the communion of his brethren. There are a great many other French and

¹ Con. Aurel. iii. can. 27. Quia persuasum est populis, die dominico cum caballis et bobus et vehiculis itinerare non debere, neque ullam rem ad vietum præparare, vel ad nitorem domus vel hominis pertinentem nullatenus exercere: quæ res quia ad Judæam magis, quam ad observantiam christianam pertinere probatur; id statuimus, die dominico, quod ante fieri licuit, licere. De opere tamen rurali, id est, agriculturâ, vel vineâ, vel sectione, vel messione, vel excussione, vel exactâ sepe censuimus abstinendum, quo facilius ad ecclesiam venientes, orationis gratiâ vacent.

² Con. Antisiodor. can. xvi. Non licet Die Dominico boves jungere, vel alia opera exercere.

³ Con. Matiscon. ii. can. 1. Nullus vestrum litium fomitibus vacet: nullus causarum actiones exerceat: nemo sibi talem necessitatem exhibeat, quæ jugum cervicibus jumentorum imponere cogat, &c.

Spanish Councils to the time of Charles the Great,¹ that have Canons prohibiting the same thing: which shew, that the liberty, indulged by Constantine of working at husbandry on the Lord's day, was never well approved by the Church: but it was no easy matter to restrain men from the use of that first liberty, which the law had granted them, and therefore they continued to enjoy the indulgence, which had so plausible a pretence; and in many places the evil increased; for some kept courts, and pleaded causes, and kept fairs and markets, and traded on this day as well as any other, as appears from the several complaints made against these things in the time of Charles the Great, who endeavoured among other things to correct these abuses in his reformation.

But the Church did not only oppose the profaners of the Lord's day, but all such as with a pharisaical superstition on the other hand pretended to carry the observation of it to an unreasonable rigour and strictness in abstaining from all bodily labour. The Dositheans among the Jews are noted by Origen,² as putting a ridiculous sense upon the law of Moses, which said, "Abide ye every man in his place; let no man go out of his place on the seventh day." This they interpreted so literally and rigorously, as that whatever habit, place, or posture a man was found in on the sabbath day, he was to continue in it till the evening: that is, if he was found sitting, he must sit still all the day; or if lying down, he must lie all the day. The Jewish rabbins were as ridiculous in their confutation of this dream of Dositheus; for they pretended to say, out of some fabulous and frivolous traditions, that every man's place was the space of two thousand cubits round him; and, therefore, he that travelled

¹ Vid. Con. Tolet. II. can. S. & Præceptum Guntranni Regis, ad calcem Concilii. Con. Arelaten. 3. can. 16. Con. Cabilonen. 2. can. 18. Con. Moguntin. sub Carolo M. can. 37. Con. Turonen, sub eodem. can. 40. Con. Rhemens. can. 35.

² Orig. *Περὶ ἀρχαῶν*. lib. iv. cap. 2. p. 743. Alii, ex quibus dositheus samaritanus—ridiculosius aliquid statuunt, quia unusquisque quo habitu, quo loco, quâ positione in die Sabbati fuerit inventus, ita usque ad vesperam debeat permanere, id est, vel si sedens, ut sedeat totâ die. Vel si jacens, ut totâ die jaceat. This is repeated in Origen's *Philocalia*, cap. i. p. 14.

no further, was not reputed to move out of his place.¹ They were no less ridiculous in interpreting those other laws against working and bearing burdens on the Sabbath day. They said,² if a man had nails in his shoes, it was reputed a burden; but if he had no nails, it was no burden. If he carried any thing upon one shoulder, it was a burden; but if upon both shoulders, it was none. And some of them were so superstitious, as if their lives lay at stake, they would not move a finger to help themselves, for fear they should be thought to break the Sabbath by working. Synesius gives a famous instance of this in a certain Jewish pilot, who was steering a ship in a violent tempest:³ he laboured hard till the Sabbath came on, but then he let go the helm, and left the ship to the mercy of the winds and sea; and though a soldier threatened him with present death, unless he would resume his labour, yet he refused, and like a true Maccabee, was ready to sacrifice his life to his superstition. But afterwards, upon second thoughts, about midnight he betook himself to his post, saying, now the law allows it, because we run the hazard of our lives. Synesius elegantly calls him a Maccabee for his first resolution, because a thousand of the Maccabees suffered themselves to be cut in pieces by their enemies, rather than they would take the sword in hand to fight, or do any thing to defend themselves on the Sabbath day; which made Mattathias and his friends decree, that whoever should come to make battle with them on the Sabbath day, they would fight against him, and not die all, as their brethren that were murdered in the secret places, 1 Mac. ii. 41. And the Jewish pilot wisely bethought himself in time of this example, and so saved the ship at last by working on the Sabbath. Josephus says,⁴

¹ Orig. lib. iv. cap. 2. p. 743. Fabulas autem manes et frivolas commentantur, ex nescio quibus traditionibus proferentes de sabbato, dicentes, unicuique locum suum reputari intra duo millia ulnarum.

² Orig. ibid. Ad fabulas devoluti sunt judæorum doctores, dicentes, non reputari onus, si calceamenta quis habeat sine clavis; onus vero esse, si quis caligulas cum clavis habuerit. Et si quidem super unum humerum aliquid portaverit, onus judicant; si vero supra utrumque, negabunt esse onus.

³ Synes. Ep. 4. ad Euoptium.

⁴ Joseph. Antiq. lib. xiv. 8.

this decree of Mattathias was observed by the Jews in part: for if they were in present danger of their lives, they would fight on the Sabbath; but if the enemy only made preparation for an assault the next day, and did not actually assault them on the Sabbath, they would do nothing to oppose them on that day. And this gave occasion to Pompey first, and to Titus afterward to overcome them. The Essenes were yet more rigorous: for they would not kindle a fire, nor move a vessel out of its place on the Sabbath day. And the Dositheans exceeded all the rest, as we have heard before, in superstitious madness. The Christians, therefore, in opposition to these furies, were careful to observe a just medium in the celebration of the Lord's day, neither to indulge themselves the liberty of unnecessary works on this day, nor wholly to abstain from working, if a great occasion required it. The Council of Laodicea thus determines the matter,¹ in settling the observation both of the Sabbath and the Lord's day, between which they put this difference,—that Christians should not judaize, or rest from bodily labour on the Sabbath, but work on that day (that is, so far as divine service would permit); but they were to give preference in this respect to the Lord's day, and to rest, if possible, and abstain from working. But if any were found to judaize, they were to be anathematized as great transgressors. Balzamon and Zonaras upon this Canon very well observe, that the words *ἔγε δύναντο, if possible*, suppose some special cases that may dispense with men's working on the Lord's day, as extreme poverty and want, to which may be added all other cases of necessity, as fighting to preserve men's lives against an enemy, toiling at the helm and oar to escape the violence of a tempest, travelling to church for the service of God, dressing of food for the life of man, labouring to deliver a man or beast in manifest danger of death, and any the like cases, which are all so reason-

¹ Con. Laodic. can. 29. Ὅτι εἰ δεῖ χριστιανὸς ἰσθαίξειν, ἐν ἐν τῷ σαββάτῳ χολάζειν, ἀλλὰ ἐργάζεσθαι αὐτοῦ ἐν τῆς αὐτῆς ἡμέρας. τὴν δὲ κυριακῆν πρότιμῶντες, εἶγε δύναντος, χολάζειν ὡς Χριστιανοί. εἰ δὲ ἐνρεθεῖεν ἰσθαίξαι, ἔπρωσαν ἀνάθεμα παρὰ Χριστοῦ.

able, that the greatest adversaries of our Saviour, when he proposed some such cases, could not but own the justness of his proceedings. And from his example the Christian Church took her measures, in stating the exceptions that were proper to be made to the law about working on the Lord's day, in contradistinction to the perverse way of observing the Jewish Sabbath.

SECT. 4.—No public Games, or Shews, or ludicrous Recreations allowed on this Day.

Another thing, which the Christian laws took care of, to secure the honour and dignity of the Lord's day, was, that no ludicrous sports, or games, or recreations, however allowable at other times, should be followed or frequented on this day. There are two famous laws of Theodosius senior, and his grandson, Theodosius junior, to this purpose in the Theodosian code. The first premissorily forbids any one, who either by his office or otherwise had any concern in exhibiting the public games to the people, to gratify them with any thing of this kind on the Lord's day,¹ whether it were a gymnastical exercise of gladiators in the theatre, or a stage play, or an horse-race in the circus, or an hunting and fighting of wild beasts, lest the worship of God should be disturbed and confounded with any such entertainments as these. And the other extends the prohibition of these pleasures,² as well to the festival of Christ's Nativity, and Epiphany, and Easter, and Pentecost, as to the Lord's day; and equally enjoins both Jews and Gentiles over all the world so far to shew a respect to these days, as to know how to make a distinction between times of supplication and times of pleasure. Nor should it be any excuse for

¹ Cod. Th. lib. xv. de Spectaculis. tit. 5. leg. 2. Nullus solis die populo spectacula præbeat, nec divinam venerationem confectâ solemnitate confundat.

² Ibid. leg. 5. Dominico (qui septimanæ totius primus est dies) et natale, atque Epiphaniarum Christi, paschæ etiam et quinquagesimæ diebus—omni theatrorum atque circensium voluptate per universas urbes earundem populis denegatâ, totæ Christianorum mentes Dei cultibus occupantur, &c.

any one to plead, he exhibited such diversions to the people in honour of the Emperor's birth day, which might happen to fall in with some of these seasons: for they were given to understand, that no greater honour could be paid to his Imperial Majesty on earth, than to have a just respect and veneration shewn to the Majesty of Almighty God in Heaven. A like order was made by Leo and Anthemius, that no stage play, nor games of the circus, nor hunting of wild beasts should be performed on this day.¹ And if it so happened that any of the Emperors' birth days fell upon the Lord's day, the observation of their birth day should be put off to another day. And whoever transgressed this order, either by exhibiting these games, or by being present at them as a spectator only, if he were a military man, he should forfeit his office; if a private man, be liable to confiscation of all his goods. And the same penalty is imposed on all judges, advocates, and apparitors, that pretended to prosecute any business of the law upon this day. The Church was no less careful to guard the service of this day from the encroachment of all vain pastimes and needless recreations. The Jews, though they would not work on their Sabbath, yet made no scruple to spend it in idleness, or worse exercises than any innocent bodily labour, as dancing, and revelling, and other unlawful pleasures; against which the Ancients often inveigh, and endeavour to dissuade their people from following so bad an example. The Jews in our time, says St. Austin,² celebrate their Sabbath in a sort of rest, which is nothing but a corporal laziness, languid, vain, and luxurious. For they rest only for trifling vanities; and when God commands them to observe the Sabbath, they exercise the Sabbath in those things, which God forbids. Our rest is from evil works, their rest is from

¹ Cod. Justin. lib. iii. tit 12. de Feriis. leg. 11. Nihil eodem die vindicet sibi scena theatralis, aut circense certamen, aut ferarum lachrymosa spectacula. Et si in nostrum ortum aut natalem celebranda solennitas inciderit, differatur, &c.

² Aug. in Psal. xci. t. 8. p. 417. Sabbatum in præsentem tempore otio quodam corporaliter languido et fluxo et luxurioso celebrant Judæi. Vacant enim ad nugas—Vacatio nostra a malis operibus, vacatio illorum a bonis operibus est. Melius est enim arare, quam saltare, &c.

good works. For it is better to go to ploughing, than as they do, to dancing. They rest from good works, but rest not from works of vanity and trifling. So in another place,¹ a Jew would do better to work in his field at some useful labour, than spend his time at the theatre in a seditious manner. And their women had much better spin on the Sabbath, than spend the whole day on their new moons in immodest dancing. Therefore God commands thee to observe the Sabbath spiritually, not as the Jews do, in carnal rest, to satisfy their vanity and luxury. Prudentius brings the same charge against the Jews,² objecting to them their misemploying the Sabbath in lascivious dancing. And Rufin³ on those words of Hosea, ii. 11. “ I will cause all her mirth to cease, her feast-days, her new moons, and her Sabbaths, and all her solemn feasts,” says, “ These were the feasts, in which the whole nation spent their time in dancing, singing, and lascivious banquetings.” St. Chrysostom also objects it to them,⁴ that when they were delivered from secular cares, they had no regard to spiritual things, sobriety, modesty, and hearing the Word of God, but did all things contrary, serving their belly, indulging drunkenness, stuffing themselves with meat and delicacies, and spending their time in banquetings and pleasures. This was their way of keeping the Sabbaths, which St. Chrysostom, following the Septuagint, Amos vi. 3. calls *σάββατα ψευδή*, “ False Sabbaths, when they lay upon beds of ivory, and stretched themselves upon their couches, and eat the lambs out of the flock, and the calves out of the midst of the stall; chanting to the sound of the viol, and inventing to themselves instruments of music, like David; drinking wine in bowls, and anointing themselves with the chief ointment, but were not grieved for the affliction of Joseph.” Which agrees with the character, which another prophet gives of them: “ The harp and the viol, the tabret and pipe, and wine are

¹ Id. de Decem Chordis. cap. iij. t. 9. p. 269.

Apotheosis. vers. 421. Lascivire choris, &c.

² Prudent. in Hos. 2. 11. Posuit nomina feriarum, in quibus plurimum lætabatur, cum tota regio choreis, canticis, epulisque lasciviret.

³ Rufin. in Hos. 2. 11. Posuit nomina feriarum, in quibus plurimum lætabatur, cum tota regio choreis, canticis, epulisque lasciviret.

⁴ Chrys. Hom. 1. de Lazaro. t. 5. p. 32.

in their feasts ! but they regard not the work of the Lord, nor consider the operation of his hands." Isa. v. 12. Theodoret in like manner reflects upon their abuse of the sabbatical rest in lascivious dancing.¹ And again on the effeminaey and luxury,² wherein they indulged themselves on this day. Upon which account both he³ and Cyril of Alexandria⁴ apply to them the forementioned words of Amos, and charge them with keeping false Sabbaths. Their luxury and banqueting on this day was become so extravagant and infamous, that it was noted even to a proverb. Cotelarius⁵ thinks the phrase, *luxus Sabbatarius*, in Sidonius Apollinarius,⁶ has reference to this ; though Savaro interprets it as spoken of Theodorick and his Arian Goths keeping Saturday as a feast, in opposition to the Roman Church, who made it a weekly fast, as we shall see more in the next chapter. The Heathens indeed had a quite contrary notion of the Jews ; for they thought they fasted on their Sabbath, which was a vulgar mistake in them, arising merely from a misapprehension of their laws and practice : for because they kindled no fires, nor dressed any meat on the Sabbath, they wrongfully concluded that they spent the day in fasting. Whereas, the Christian writers, who better understood their practice, charge them every where with making it a day of rioting, and drunkenness, and excess of unlawful pleasures ; and as such they earnestly caution those of their own religion against imitating the Jews in such perverse and abominable corruptions of the law, by turning a day of spiritual rest into a day of carnal pleasure.

But beside the example of the Jews, Christians were under another temptation from the practice of the Gentiles. Therefore the fourth Council of Carthage made a decree, that if any one forsook the solemn assembly of the Church on the Lord's day, to go to a public shew,⁷ he should be

¹ Theod. Quæst. 32. in Levit.

² Id. in Phil. iii. 19.

³ Theodor. in Amos, vi. 3.

⁴ Cyril. in Amos, vi. 3.

⁵ Cotelar. in Pseudo-Ignat. Ep. ad Magnes. n. 9.

⁶ Sidon.

lib. i. ep. 2.

⁷ Con. Carth. iv. can. 88. Qui die solenni, prætermisso solenni ecclesiæ conventu, ad spectacula vadit, excommunicetur.

excommunicated. St. Chrysostom threatens the same punishment,¹ copiously declaiming against the public games, as the conventions of Satan. The African fathers, in one of their general synods,² petitioned the Emperor Honorius, that the spectacles both of the theatre and other games might be wholly omitted on the Lord's Day, and all other noted festivals of the Christian religion, because they had found by sad experience, that even upon the Sunday, called the Octaves of Easter, the people met more at the horse-races in the circus, than at Church: and therefore they thought, if any such days as were devoted to these pleasures, as the Emperor's birth-days, or the like, happened to fall upon a Sunday, it ought to be transferred to some other day; and no heathen should have power to compel a Christian to be a spectator of them upon any occasion. For by the ecclesiastical law these sorts of diversions were universally forbidden to all Christians,³ for the extravagances and blasphemies that were committed in them. What care was taken by Honorius to satisfy these demands, and remedy the abuses here complained of, appears not from any law of his in either of the codes, but rather that he refused to comply with their request to prohibit the games and shews upon any other festivals beside the Lord's day, which had been prohibited before. For by one of his laws,⁴ An. 399, he granted licence to the people to solemnize and frequent their usual games and diversions on any public days of rejoicing, only forbidding sacrifice and other superstitious rites

¹ Chrys. Hom. 6. in Gen. t. 2. p. 53.

² Cod. Can. Afr. c. 61. &

Con. Vulgo dictum Africanum, can. 28. Nec non et illud petendum, ut spectacula theatrorum cæterorumque ludorum, die dominicâ vel cæteris religionis Christianæ diebus celeberrimis amoveantur: maxime, quia sancti paschæ octavarum die populi ad circum magis, quam ad ecclesiam conveniunt: et debere transferri devotionis eorum dies, si quando occurrerint: nec oportere etiam quenquam Christianorum cogi ad hæc spectacula.

³ Con. Carth. iii. can. 11.

⁴ Cod. Th. lib. xvi. tit. 10. de Paganis.

leg. 17. Ut profanos ritus jam salubri lege submovimus, ita festos conventus civium, et communem omnium lætitiâ non patimur submoveri. Unde absque ullâ superstitione damnabili, exhibere populo voluptates, secundum veterem consuetudinem: inire etiam festa convivâ, si quando exigunt publica vota, decernimus.

of the heathen. But not long after, Theodosius junior published that famous law called *Dominico*,¹ wherein he not only restrained the people from celebrating their games on the Lord's day, but on all other solemn festivals, Christmas, Epiphany, Easter, and Pentecost, and obliged both Jews and Gentiles over all the world to shew a respect to these days, by putting a distinction between days of supplication and days of pleasure. And this became the standing law of the Roman empire.

SECT. 5.—All Fasting prohibited on this Day, even in the Time of Lent.

But we are here to note, that such recreations and relaxations or refreshments, as contributed only to the preservation or convenience of the life of man, or had any tendency to promote the performance of divine worship with greater decency or perfection, were no ways comprehended in this prohibition of recreations and diversions on the Lord's day. Therefore though the Ancient Church was very strict in observing her stated and solemn fasts, yet she never allowed any fast to be held on the Lord's day, no not even in Lent, out of which the Sabbath and Lord's day were generally excepted, and made days of common recreation and refreshment. Tertullian says in general,² that they counted it a crime to fast on the Lord's day. And he remarks in particular concerning the Montanists,³ that though they were more rigid than others in observing their fasts, yet they omitted every Sabbath and Lord's day throughout the year. St. Ambrose says,⁴ they fasted not even in Lent either on the Sabbath or the Lord's Day: but condemned the Manichees particularly for fasting on the Lord's day, as in effect denying the Lord's resurrection;⁵ which is also noted by St. Austin;⁶ and Pope Leo⁷ condemns the Priscil-

¹ Cod. Th. lib. xv. tit. 15. de Spectacul. leg. v. cited before in this section.

² Tertul. de Coron. Mil. cap. iii.

³ Id de

Jejun. cap. xv.

⁴ Ambros. de Elia et Jejun. cap. x.

⁵ Id. Ep. 83.

⁶ Aug. Ep. 86. ad Casulan.

⁷ Leo. Ep.

93. ad Turbium. cap. iv.

lianists for the same practice. The fourth Council of Carthage reckons him no Catholic,¹ that fasts upon this day. The first Council of Braga particularly anathematizes the Cerdonians, Marcionites, Priscillianists, and Manichees, for their perverseness in this particular.² And there are more general anathemas in the Apostolical Canons,³ and the Council of Gangra,⁴ and the Council of Saragossa and Agde,⁵ and the Council of Trullo,⁶ against all that under any pretence whatever presumed to make the Lord's day a fasting day; which was not allowed to those, who led an ascetic life, without suspicion of some perverse and heterodox opinion. Whence Epiphanius observes,⁷ that the true ascetics of the Church never fasted on the Lord's day, no not in Lent, because it was against the custom of the Catholic Church. And the like observation is made by Cassian of all the monks in the east,⁸ that they fasted five days in the week, but on the Hebdomas and Ogdoas, that is, the seventh and the eighth day (so he terms the Sabbath and the Lord's day) they always abstained from fasting, and kept them festival. Nor would the Council of Gangra allow the Eustathians to fast on the Lord's day, as ascetics, under pain of anathema.

The reason of this observation, the same Cassian tells us,⁹ was the respect they had to our Saviour's resurrection from the dead on this day, which they always commemorated with joyfulness, and therefore neither fasted on this day, nor the whole fifty days between Easter and Pentecost, which were all kept festival in memory of our Saviour's resurrection. The same is said by the author of the Constitutions, every Sabbath except one,¹⁰ (viz. the great Sabbath before Easter) and every Lord's day ye shall keep festival. For he is

¹ Con. Carth. iv. can. 64.² Con. Bracaren. i. can. 4.³ Canon. Apost. c. 64.⁴ Con. Gangren. can. xviii.⁵ Con. Cæsaraugust. can. ii.

Agathens. can. xii.

⁶ Con. Trull. c. lv.⁷ Epiph. Expos. Fid. n. xxii. Vid. Hieron. Ep. xxviii. ad

Lucinium.

⁸ Cassian. Institut. lib. iii. cap. 9.⁹ Cassian. Collat. xxi. cap. 20. Per omnia eandem in illis (50 diebus) solennitatem, quam die Dominica custodimus, in qua majores nostri nec jejunium agendum, nec genu esse flectendum, ob reverentiam resurrectionis dominicæ tradiderunt.¹⁰ Constit. lib. v. cap. 20.

guilty of sin, that fasts on the Lord's day, as being the day of his resurrection; or whoever makes Pentecost or the Lord's day a day of sorrow. For in these days we ought to rejoice, and not to mourn. So again,¹ keep the Sabbath and the Lord's day festival: because the one is the commemoration of the creation, and the other of the resurrection. In like manner, Peter, bishop of Alexandria,² we keep the Lord's day as a day of joy, because of him who rose upon it. And Cotelierius³ cites a fragment of Theophilus, bishop of Alexandria, to the same purpose: both custom and decency require us to keep the Lord's day a festival, and to give honour to it, because on this day our Lord Jesus Christ procured for us the resurrection from the dead. Yet this rule was not so strictly binding, but that when a necessary occasion required, and there was no suspicion of heretical perverseness or contempt, men might fast upon this day: as St. Jerom observes,⁴ that the Apostle Paul sometimes did; and that famous monk, who for the space of forty years never eat till the sun was set; and Celerinus, the Confessor in Cyprian, speaking of his sisters lapsing into idolatry in time of the persecution,⁵ says, "for this fact I wept day and night in the midst of the joyful festival of Easter, and spent many days sorrowing in sackcloth and ashes." But such exceptions as these were no derogation to the general practice, which prevailed universally over the whole Church, and was observed with great exactness.

SECT. 6.—And all Prayers offered in the standing Posture on the Lord's Day in Memory of our Saviour's Resurrection.

Another custom, as generally prevailing, was always to pray standing, and never kneeling, on the Lord's day, in memory also of our Saviour's resurrection. And we scarce

¹ Constit. lib. vii. cap. 23.

² Pet. Alexand. can. xv.

³ Cotelier. Not. in Constitut. lib. v. cap. 20. p. 328.

⁴ Hieron. Ep.

xxviii. ad Lucinium Baticum. Utinam omni tempore jejunare possimus, quod in actibus apostolorum, diebus pentecostes et die dominico apostolum paulum et cum eo credentes fecisse legimus,

⁵ Celerin. Ep.

xxi. ad Lucian. ap. Cypr. p. 45. Pro ejus factis ego in lætitiâ Paschæ flens die et nocte, in cilicio et cinere lachrymabundus dies exegi.

meet with any exception to this, except it were in the case of penitents under public discipline,¹ whom the Canons oblige to pray kneeling even upon days of relaxation. But setting aside this ease, which only respected the penitents in their own particular prayers, the general custom was for all the faithful or communicants to pray standing. For which we have the concurrent testimony of Irenæus, Tertullian, Clemens Alexandrinus, Cyprian, the Council of Nice, Hilary, Basil, Epiphanius, St. Jerom, St. Austin, Cassian, the Author of the Questions under the name of Justin Martyr, Martin Braacarensis, the Council of Trullo, and the Council of Tours in the time of Charles the Great. All which testimonies I have had occasion to recite at large once before,² and therefore spare the repetition of them in this place; only observing from the two last of them, that this custom was not only general, but of long continuance in the Church; and when, or how it came to be altered or laid aside, I think is not very easy to determine.

SECT. 7.—The great Care and Concern of the primitive Christians in the religious Observation of the Lord's day. This demonstrated, first, from their constant Attendance upon all the Solemnities of public Worship.

The last thing to be noted in this matter, is the great care and concern of the primitive Christians for the religious observation of the Lord's day: of which they have left us several demonstrations: first, in that they paid a ready and constant attendance upon all the offices and solemnities of public divine worship. They did not only rest from bodily labour, and secular business, but spent the day in such employments as were proper to set forth the glory of the Lord, to whose honour the day was devoted: that is, in holding religious assemblies for the celebration of the several parts of divine service, psalmody, reading of the Scriptures, preaching, praying and receiving the communion, all which were the constant service of this day: and such was the flaming zeal of those pious votaries, that nothing but sickness, or

¹ Con. Carthag. iv. can. 82. *Pœnitentes etiam diebus remissionis genua flectant.*

² Book XIII. Chap. viii. Sect. 3.

a great necessity, or imprisonment, or banishment could detain them from it; and then also care was taken, that the chief part of it, the communion, was administered to them by the hands of the deacons, who carried it to those that were sick or in prison, that as far as was possible they might communicate still with the public congregation. This is plain from the account, which Justin Martyr gives of their worship:¹ “on the day called Sunday all that live in city or country meet together, and the writings of the apostles and prophets are read to them, after which the bishop or president of the assembly makes a discourse to the people, exhorting them to follow the good things they have heard: then we all rise, and make common prayer; and when prayers are ended, bread and wine and water are brought to the president, who prays and gives thanks with all possible fervency over them, the people answering, Amen! After which, distribution of the elements is made to all that are present, and they are sent to the absent by the hands of the deacons.” By this account it appears, that all Christians joined, as far as was possible, in the public service of the Lord’s day, and particularly in receiving the communion, from which the absent were not exempt, if there was any possibility of their receiving it.

SECT. S.—Secondly, from their Zeal in frequenting religious Assemblies even in Times of Persecution.

Neither was it any pretence of danger in times of difficulty and persecution, that could abate their zeal for the public worship on the Lord’s day. For when they could not meet by day to serve God without hazard of their lives, they kept their nocturnal convocations, or morning assemblies for this purpose. Which is evident from the account, which Pliny gives of them,² that they were used to meet before it was light on this solemn day, and sing their morning hymns to Christ. So Tertullian in answer to one asking,³

¹ Justin. Apol. ii. p. 98.

² Plin. lib. x. Ep. 97.

³ Tertul.

De Fuga. cap. xiv. Quomodo Dominica solemnia celebrabimus? utique quomodo et apostoli, fide, non pecuniâ tuti. Quæ fides si montem transferre potest, multo magis militem. — Postremo si colligere interdium non potes, habes noctem luce Christi luminosi adversus eam.

how they should celebrate the Lord's day solemnities for fear of the soldiers coming in to discover them? replies, first, that they should do it as the Apostles did, by faith, and not by bribing them. For if faith could remove mountains, it would much more easily remove a soldier out of the way. But if they could not meet by day, they had the night sufficiently clear with the light of Christ to protect them. The same author¹ tells the Heathen,¹ who maliciously objected to them the murdering of an infant in their assemblies, that they were often beset, they were often betrayed, they were daily seized in their meetings and congregations: but no one ever found them acting such a tragedy, no one ever made evidence of their being such bloody cyclops and sirens before a judge. Nay, they were sometimes barbarously murdered in their assemblies, whilst the laws forbade their meetings under the name of *Hetæriæ*, and denied them their *Areæ*, or places of worship, as unlawful cabals, where they met only to plot treason and rebellion against the government. Under which pretence, Lactantius² and Eusebius³ tell us, one of the heathen judges burnt a whole city of people in Phrygia, together with their church, where they were met together to worship God. And the laws forbidding their assemblies are mentioned both by Pliny and the Christian writers.⁴ So that in these times of difficulty the Christians could not meet for divine worship, but at the hazard of their lives: and yet they did not think this a sufficient excuse to forsake the assembling of themselves together, but met continually to solemnize the Lord's day in spite of all danger and opposition to the contrary.

¹ Tertul. Apol. cap. vii. Quotidie obsidemur, quotidie prodimur, in ipsis plurimum cœtibus et congregationibus nostris opprimimur. Quis unquam taliter vagienti infanti supervenit? quis cruenta, ut invenerat, cyclopum et sirenum ora judici reseravit?

² Lact. lib. v. cap. 11. Aliquî ad occidendum præcipites extiterunt, sicut unus in Phrygia, qui universum populum cum ipso pariter conventiculo concremavit.

³ Euseb. lib. viii. cap. 11.

⁴ Plin. Ep. xvii. lib. 10. Tertul. ad Scapul. cap. iii. Euseb. lib. ix. cap. 2.

SECT. 9.—Thirdly, from their studious Observation of the Vigils or nocturnal Assemblies preceding the Lord's day.

A further instance of their zeal was shewn in the studious observation of the long vigils or nocturnal assemblies preceding the Lord's day. For though these were first begun in times of persecution, yet they continued them as an useful exercise of piety, when the persecutions were over: and the greatest personages did not refuse to frequent and encourage them, as Sidonius Apollinarius particularly notes of Theodorick king of the Goths,¹ that he usually came with a small guard to the morning or antelucan assemblies of his party (for he was by sect an Arian:) which he did to promote the cause of the Arians, who commonly vied in zeal with the Catholics in this service. And this made the Catholics, both clergy and laity, princes and people, express a more earnest concern for this particular way of introducing the great service of the Lord's day, as I have had occasion more fully to demonstrate in a former book.² All that I shall remark further here is, that though this morning service was very long, (for it commonly continued in psalmody, hymns and prayers from midnight till break of day), yet it was generally attended with great alacrity and assiduity by men of all ranks, who voluntarily resorted to it without any necessity or compulsion laid upon them. And this was another instance of their great zeal in the religious observation of the Lord's day.

SECT. 10.—Fourthly, From their Attendance upon Sermons in many Places twice on this Day.

It is worth our remarking also, that in many places, especially in cities and churches of greater note, they had usually sermons twice on this day, and men resorted with diligence to the evening as well the morning sermon. St.³ Chrysostom sometimes commends the people of Antioch

¹ Sidon. lib. i. Ep. ii.

² Book xiii. chap. ix. sect. 4. and chap.

x. sect. 12, &c.

³ Chrys. Hom. x. ad Pop. Antioch. tit. i. p. 132.

for their zeal in this matter. And there are several passages in St. Austin, St. Basil, Theodoret and Gaudentius, which plainly refer to the same practice, of which I need say no more here, because I have more fully represented them in discoursing of the ancient manner of preaching in another place.¹

SECT. 11.—Fifthly, From their Attendance on Evening Prayers, where there was no Sermon.

In such churches as had no evening sermon, there was still the common service of evening-prayer: and men generally thought themselves obliged to attend this, as a necessary part of the public worship and solemnity of the Lord's day. Some indeed in these primitive ages had their objections against this, which St. Chrysostom in one of his Homilies mentions,² and smartly answers. Why should we go to church, said they, if we cannot hear a preacher? This one thing, says Chrysostom in his reply, has ruined and destroyed all religion. For what need is there of a preacher, except when that necessity arises from our sloth and negligence? What need is there of an homily, when all things necessary are plainly revealed in Scripture? Such hearers as desire to have something new every day only study to delight their ears and fancy. Tell me, what pompous train of words did St. Paul use? And yet he converted the world. What eloquent harangues did the illiterate Peter make? But the scriptures are dark and hard to be understood, without a sermon to explain them. How so? Are they read in Hebrew, or Latin, or any other strange language? Are they not read in Greek to you that understand Greek? What difficulties do the histories contain? You may understand the plain places, and take some pains about the rest. Oh, but we have the same things read to us out of Scripture. And do you not hear the same things every day in the theatre? Have you not

¹ Book xiv. chap. iv. sect. 8.
p. 1502.

² Chrys. Hom. iii. in ii. Thes.

the same sight at the horse-race? Are not all things the same? Does not the same sun rise every morning? Do you not eat the same meat every day? Hence he concludes, that all these were but pretences for idleness, or mere indications of a sceptical temper. So again, when some would have excused themselves from these prayers of the Church, by this frivolous plea, that they could pray at home, but they could not hear a sermon in their own houses; and therefore they would come to sermon, but not to prayers: he makes this handsome reply.¹ “You deceive yourself, O man: for though you may pray at home, yet you cannot pray there in the same manner as you may in the church, where there are so many fathers together, and where the cry of your prayers is sent up to God with one consent. You are not heard so well, when you pray to God by yourself alone, as when you pray with your brethren. For there is something more here, consent of mind, and consent of voice, and the bond of charity, and the prayers of the priests together. For the priests for this very reason preside in the church, that the people’s prayers, which are weaker of themselves, laying hold on those that are stronger, may together with them mount up to heaven.” In another place, answering the same vulgar plea, that men could pray at home, he tells them,² “you may pray at home indeed, but your prayers are not of that efficacy and power, as when the whole body of the Church, with one mind, and one voice, send up their prayers together; the priests assisting, and offering up the prayers of the whole multitude in common.” This was the sense, which that holy man had of public prayer on the Lord’s day, though there was no sermon; and the method he took to shew men their obligation to frequent the church for public prayer, which, when men had opportunity to frequent it, was always to be preferred before private devotion. They might both very well consist together, and

¹ Hom. iii. de Incomprehensibili. tom. i. p. 353.
Hom. ii. de Obscurit. Prophetiar. tom. iii. p. 946.

² Chrys.

both be performed as proper exercises for the Lord's day: but the one was not to justle out the other, or to be pleaded as a rational excuse for absenting from the public service. He that would see this matter more fully stated, may look back to the discourse of Church-unity,¹ where men's obligation to preserve the unity of worship, in joining with the Church in prayers, and administration of the word and sacraments, has been amply considered.

SECT. 12.—Sixthly, From the Censures inflicted on those, who violated the Laws concerning the religious Observation of the Lord's day.

I shall but mention one instance more of their great zeal and concern for the religious observation of the Lord's day, and that is the Church's care in making many good laws of discipline, for the censure and punishment of those, who in any considerable degree violated the just observation of it. If any one absented for three Lord's days from the public assembly of the Church, without any just reason or necessity to compel him, this was an offence thought worthy of excommunication, as may be seen in the Canons of the Council of Eliberis,² and Sardica, and Trullo. If any one went to the public games in the theatre, or the circus on this day, he was liable to excommunication also for a single offence after a first admonition, as appears from the Councils of Carthage³ and the denunciations of St. Chrysostom. If any one left the church whilst the bishop was preaching, by a rule of the fourth Council of Carthage⁴ he was liable to the same condemnation and censure. If any one came to church to hear the scriptures read and the sermon preached, but refused to join in prayers or the reception of the communion, which in those times was administered to all in general every Lord's day, he was to be excommunicated for his offence, and reduced to the state of a penitent,

¹ Book xvi. chap. i. sect. 5.
can. xi. Con. Trull. can. lxxx.
Chrys. Hom. vi. in Gen. tom. ii. p. 53.
can. 21.

² Con. Elib. can. xxi. Con. Sardic.
³ Con. Carthag. iv. can. 88.
⁴ Con. Carthag. iv.

as one, who brought confusion and disorder into the Church. This we learn from the Apostolical Canons,¹ and the Councils of Antioch, Eliberis, and Toledo. If any one held a separate assembly, or frequented or encouraged any such, he was to be treated as an heretic or schismatic, for despising the service of the Lord's day. The Apostolical Canons² excommunicate all such, and the Council of Gangra lays the heaviest censure of Anathema upon them.³ If any one perversely chose to make the Lord's day a day of fasting; because this was contrary to the general rule and practice of the Church, and gave suspicion of some heresy denying the resurrection of the Lord; the Apostolical Canons,⁴ and the Council of Gangra;⁵ and the fourth Council of Carthage,⁶ and the first of Braga⁷ peremptorily denounce such an one excommunicate, and anathema, and no catholic, as herding with the impious Manichees, Marcionites, Priscillianists, and such other heretics, as purposely chose to fast on the Lord's day, to shew despite to the doctrine of our Saviour's humanity and resurrection. I have discoursed these things at large in giving an account of the unity and discipline of the Church in a former book,⁸ and therefore only just touch them here, to shew with what zeal and concern the Ancients laboured to establish the observation of the Lord's day, which they esteemed the queen and empress of all days, in which our life was raised again, and death conquered by our Lord and Saviour; as the author of the Epistle to the Magnesians under the name of Ignatius words it,⁹ who in this speaks the language of the Ancients,¹⁰ who often style this day the queen of days, as Buxtorf observes¹¹ the Rab-

¹ Canon. Apost. c. vii. Con. Antioch. can. ii. Con. Eliber. can. xxviii. Con. Tolet. i. can. 13 et 14.

² Ibid. xxxi.

³ Con. Gangren. can. 5, 6, 7, &c.

⁴ Canon. Apost. lxiv.

⁵ Con. Gangren. can. xviii.

⁶ Con. Carth. iv. can. 64.

⁷ Con. Braear. i. can. iv.

⁸ Book xvi. chap. i. sect. 5. and

chap. viii. sect. 2.

⁹ Pseudo-Ignat. Ep. ad Magnes. n. 9.

¹⁰ Naz. Orat. xliiii. in Dominicam Novam. p. 703. ἡ βασίλισσα τῶν ἡμερῶν τῆ βασιλίδι τῶν ἡμερῶν πομπίνει. Regina temporum reginæ dierum pompam peragit.

¹¹ Buxtorf. Synagog. Judaic. cap. x. p. 246. Rabbini sabbatum malchah sive reginam nominarunt. Jam si quis vestes

bins were used to term the Jewish sabbath, *Malchah*, that is, the queen of days; from whom the Christians took the name, and transferred it to the Lord's day, which is the proper Christian sabbath.

CHAP. III.

Of the Observation of the Sabbath or Saturday as a weekly Festival.

SECT. 1.—The Saturday or Sabbath, always observed in the Eastern Church as a Festival.

NEXT to the Lord's day the ancient Christians were very careful in the observation of Saturday, or the seventh day, which was the ancient Jewish sabbath. Some observed it as a fast, others as a festival, but all unanimously agreed in keeping it as a more solemn day of religious worship and adoration. In the eastern Church it was ever observed as a festival, one only sabbath excepted, which was called the great-sabbath, between Good-Friday and Easter-Day, when our Saviour lay buried in the grave, upon which account it was kept as a fast throughout the whole Church. But setting aside that one sabbath, all the rest were kept as festivals in the oriental Church. St. Austin, though he lived in a country where it was kept a fast, yet testifies for the contrary practice¹ of the eastern Church. For writing to St.

regales, ante reginam illam compariturus, non indueret; quales aliàs causâ regum honorandorum quilibet induere solet; per id regina talis dedecore magno afficeretur.

¹ Aug. Ep. xix. ad Hieronym. p. 29. Vellem me doceret benigna sinceritas tuâ, utrum simulate quisquam sanctus orientalis, cum Romam venerit, jejuset sabbato, excepto illo die paschalis vigiliæ? Quod si malum esse dixerimus, non solum Romanam ecclesiam, sed etiam multa ei vicina, et aliquanto remotiora condemnabimus, ubi nos idem tenetur et manet. Si autem non jejunare sabbato malum putaverimus, tot ecclesias orientis, multo

Jerom, he asks him, whether he thought an oriental Christian, when he came to Rome, might not without any dissimulation fast on every sabbath, as well as that one sabbath called the Pasehal Vigil? if we say it is a sin to fast on the sabbath, we shall condemn not only the Roman Church, but many neighbouring Churches, and some at a greater distance, where that custom is kept and retained. But if we think it is a sin not to fast on the sabbath, we shall rashly condemn all the oriental Churches, and the greatest part of the Christian world. We should therefore rather say, it is a thing indifferent in itself, which a good man may perform either way without dissimulation, complying with the society and observation of the Church where he happens to be. From hence it is plain, that all the oriental Churches, and the greatest part of the world observed the sabbath as a festival. And the Greek writers are unanimous in their testimony. The author of the Constitutions, who describes the customs chiefly of the oriental Church, frequently speaks of it. On the sabbath¹ and the Lord's day, on which Christ rose from the dead, ye shall more carefully meet together, to praise God, who created all things by Jesus, to hear the Prophets and Gospel read, to offer the oblation, and partake of the Holy Supper. In another place, he says,² Christ commanded them to fast on the sabbath before Easter: not that they were to fast on the sabbath, on which God rested from the Creation, but only on that one sabbath, when the Creator of the world lay under the earth. And again,³ on every sabbath except one, and the Lord's day, ye shall hold festival assemblies. The sabbath⁴ and the Lord's day ye shall observe as festivals, because the one is a remembrance of the creation, and the other of the resurrection. But one sabbath in the year, viz. that on which our Lord lay buried in the grave, ye shall keep as a fast and not a festival. For whilst the Creator lay under the earth, mourning was more

majorem orbis Christiani partem quâ temeritate criminabimur? Placetne tibi, ut medium quiddam esse dicamus, &c.

¹ Constit. lib. ii. cap. 59.

² Ibid. lib. v. cap. 15.

³ Ibid. cap. xx. p. 327.

⁴ Ibid. lib. vii. cap. 28.

becoming upon his account, than joy for the creation: because the Creator in nature and dignity is more honourable than all his creatures. Finally he represents¹ it as the order of the Apostles Peter and Paul, that servants should work five days in the week, but on the sabbath and the Lord's day they should rest, that they might have liberty to go to church for instruction in piety; on the sabbath, in regard to the creation; on the Lord's day in regard to the resurrection. Athanasius likewise tells us,² that they held religious assemblies on the sabbath, not because they were infected with Judaism, but to worship Jesus the Lord of the sabbath. Epiphanius says the same,³ that it was a day of public assembly in many Churches, meaning the oriental Churches, where it was kept a festival.

SECT. 2.—Observed with the same religious Solemnities as the Lord's Day.

Other authors are more particular in describing the religious service of this day: and so far as concerns public worship, they make it in all things conformable to that of the Lord's day: which is a further evidence of its being a festival. They tell us, they had not only the Scriptures read, as on the Lord's day, and sermons preached, but the communion administred also. Which is expressly said by Socrates,⁴ and Cassian,⁵ and St. Basil⁶, and Timothy of Alexandria,⁷ and St. Austin,⁸ and the Council of Laodicea;⁹ which Council particularly forbids the offering of the eucharistical oblation, or solemnizing any memorials of Martyrs on any other days in Lent, beside the Sabbath and the Lord's day, because all other days were days of fasting, but these even in Lent were kept as festivals and days of relaxation. I have

¹ Constit. lib. viii. cap. 33.

² Athan. Hom. de Semente. tom. i.

p. 1060.

³ Epiphani. Epitom. tom. i. p. 1107.

⁴ Socrat. lib. v. cap. 22. lib. vi. cap. 8.

⁵ Cassian. Institut.

lib. iii. cap. 2.

⁶ Basil. Ep. cclxxxix.

⁷ Timoth. can. xiii.

⁸ Aug. Ep. cxviii.

⁹ Con. Laodic. can. 49, et 51. See also Cassian. Institut. lib. v. cap. 26.

et Asterius Amasen. Hom. v. ap. Combefis. Auctar. tom. i. p. 78.

once before had occasion to produce the testimonies of these several writers at large,¹ and therefore it is sufficient here to make a short reference to them, to shew the ancient manner of keeping the sabbath festival in the oriental Church.

SECT. 3.—But in some other Respects the Preference was given to the Lord's Day.

Only here we are to observe, that though the substance of the service for the sabbath and the Lord's day was the same, yet in rites and ceremonies a difference was made and in some other respects the preference was given to the Lord's day above the sabbath. For, first, we find no ecclesiastical laws obliging men to pray standing on the sabbath. For that was a ceremony peculiar to the Lord's day in memory of our Saviour's resurrection. Nor, secondly, are there any imperial laws forbidding law suits and pleadings on this day. Nor thirdly, any laws prohibiting the public shews and games, as on the Lord's day. Nor fourthly, any laws obliging men to abstain wholly from bodily labour. But on the contrary the Council of Laodicea² has a Canon forbidding Christians to judaize, or rest on the Sabbath, any further than was necessary for public worship: but they were to honour the Lord's day, and rest on it as Christians. And if any were found to judaize, an *anathema* is pronounced against them. The like direction is given by the author of the Epistle to the Magnesians in conformity to this rule:³ let us not keep the sabbath after the Jewish manner, rejoicing in idleness: "For he that will not work, neither let him eat: and in the sweat of thy face shalt thou eat thy bread," say the divine oracles: but let every one of you keep the sabbath spiritually, rejoicing in the meditation of the law, not in the rest of the body; admiring the workmanship of God, not eating things dressed the day before, nor drinking lukewarm drink, nor walking within a

¹ Book xiii. chap. ix. sect 3.

² Con. Laodic. can. xxix.

³ Pseudo-Ignat. ad Magnes. n. 9.

certain space, the limits of a sabbath day's journey, nor taking pleasure in dancing and shouting, which things have no sense or reason in them. Here are several superstitions and vanities in the Jewish observation of the sabbath reflected on by this author, but I only note the opposition he makes between the Christian and Jewish way of observing the sabbath in point of working. The Jews abstained wholly from working on the sabbath; the Christians only so far as was necessary for their attendance upon divine service in the church. And in this sense, I think, we are to understand the author of the Constitutions, when he says,¹ let servants work five days in the week, but on the sabbath and the Lord's day let them rest in the church for their instruction in piety. But if any think with Cotelarius, that he extends the rest of the sabbath, as far as that of the Lord's day, because he joins them both together: I will not contend about it, but only say, he then contradicts the Laodicean Fathers, who plainly forbid a total rest upon the sabbath, to give some preference in this respect to the Lord's day, which was of greater esteem in the Christian Church.

SECT. 4.—Why the Ancient Church continued the Observation of the Jewish Sabbath.

If it be enquired, why the ancient Church continued the observation of the Jewish sabbath, when they took it to be only a temporary institution given to the Jews only, as circumcision and other typical rites of the law: (which is expressly said by many of the ancient writers, particularly by Justin Martyr,² Irenæus,³ Tertullian,⁴ Eusebius,⁵ to name no more :) it is answered by learned men,⁶ that it was to comply with the Jewish converts, as they did in the use of many other indifferent things, so long as no doctrinal necessity was laid upon them. “For the Jews being generally the

¹ Constit. lib. viii. cap. 33.

³ Iren. lib. iv. cap. 30.

⁶ Euseb. Hist. lib. i. cap. 4.

chap. vii. p. 174.

² Justin. Dial. cum Tryph.

⁴ Tertul. cont. Jud. cap. iv.

⁶ Cave. Prim. Christ. lib. i.

first converts to the Christian faith, they still retained a mighty reverence for the Mosaick institutions, and especially for the sabbath, as that which had been appointed by God Himself, as the memorial of his rest from the work of creation, settled by their great master Moses, and celebrated by their ancestors for so many ages, as the solemn day of their public worship, and were therefore very loth it should be wholly antiquated and laid aside. For this reason it seemed good to the prudence of those times, as in other of the Jewish rites, so in this, to indulge the humour of that people, and to keep the sabbath as a day for religious offices, viz. public prayers, reading of the scriptures, preaching, celebration of the sacraments and such like duties." But when any one pretended to carry the observation of it further, either by introducing a doctrinal necessity, or pressing the observation of it precisely after the Jewish manner, they resolutely opposed it, as introducing Judaism into the Christian religion. For this reason the Ebionites were condemned for joining the observation of the sabbath,¹ according to the law of the Jews, with the observation of the Lord's day after the manner of Christians. Against such the Council of Laodicea pronounces Anathema,² that is, such as taught the necessity of keeping the sabbath a perfect rest with the Jews. And in this sense we are to understand what Gregory the great says,³ that Antichrist will renew the observation of the sabbath. He must needs mean the observation of it after the Jewish manner: since in the Christian way it was observed as well by the Latin Church, as the Greek; only with this difference, that the Latins kept it a fast, and the Greeks a festival.

SECT. 5.—Why it was kept as a Festival in the Oriental Church.

If it be enquired what was the occasion of this difference why the Greek Church observed it as a festival, and the

¹ Theod. de Fabul. Hærel. lib. ii. cap. 1.

² Con. Laodic. can. xxix.

³ Greg. lib. xi. Ep. 3. Antichristum renovaturum sabbati observantiam.

Latin as a fast? I answer, the Greek Church received it as they found it delivered to them by the Jews, among whom it was always a festival. But besides this there was another reason inclining them to do it. For Marcion the heretic made it a part of his heresy to fast on the sabbath, in opposition to the God of the Jews, pretending that there was another god to be worshipped beside the Creator of the world, who was the God of the Jews; and therefore he appointed the sabbath to be kept a fast, that he might not seem to comply with the rites of the God of the Jews, who rested from his work of creation on the sabbath or seventh day. This is expressly said by Epiphanius:¹ Marcion for this reason fasted on the sabbath. For, said he, since that day is the rest of the God of the Jews, who made the world and rested on the sabbath day, we therefore fast on that day, that we may not do any thing in compliance with the God of the Jews. Now this made the Catholics more zealous to keep the sabbath a festival, that they might not seem to give any countenance to the wicked blasphemy and impiety of Marcion, or any ways reflect upon the God of the Old Testament, whom they owned and honoured as the Father of our Lord Jesus Christ, which Marcion did not: since he in spite to the true God made the sabbath a fast, they thought it proper to keep it a festival, as it had always been from its first institution. And in opposition to his heresy, soon after it began to spread, a Canon was made in the Church, which now we have among those called the Apostolical Canons,² that if any clergyman was found to fast on the Lord's day, or on the sabbath, one only excepted, he should be deposed; or, if he was a layman, be cast out of the communion of the Church. After Marcion there arose many other sects, who followed him in this particular singularity of keeping the sabbath as a fast, though they did not all agree in the same reasons for doing it. The Eustathians did it for the exercise of an Asectic life; and the Massalians or Euchites on the same pretence: yet the

¹ Epiphani. Hær. xlii. n. 3.

² Canon. Apost. lxiv. al. 66.

Church would not allow them in their practice. The Marcianists, who were a distinct sect from the Marcionites: for they were so called from one Marcianus Trapezita in the time of Justinian, kept the sabbath also a fast. So did also the Sabbatians, Lampetians, Choreutæ, and Adelprians, who are condemned by Maximus,¹ and Anastasius,² and Timotheus of Constantinople,³ and Nicephorus Patriarcha,⁴ whose testimonies, collected and corrected out of manuscripts, the curious reader may find at large in Cotelerius⁵ and Combefis.⁶ I only observe, that the Council of Trullo, which was held An. 692, or 707, censures the Roman Church itself for fasting on this day, and orders them to correct their practice: the words of the Canon are remarkable,⁷ “forasmuch as we understand, that in the city of Rome the sabbath in Lent is kept as a fast, contrary to the rule and custom of the Church: it seemed good to the holy Synod, that in the Roman Church also the ancient Canon should be revived and enforced,” which says, “if any clergyman be found to fast on the Lord’s day, or on the sabbath, one only excepted, let him be deposed; if a layman, let him be excommunicated.” From whence we may observe, that this custom of celebrating the sabbath as a festival, was constantly and inviolably maintained in the Greek Church without any variation.

SECT. 6.—And why a Fast in the Roman and some other of the Latin Churches.

And there are some learned men of the Roman communion, who think it was so originally in the Latin Church also. Albaspinæus is so clearly of this opinion,⁸ that he thinks the Church of Rome herself at first observed the sabbath as a festival. And it appears plainly from Tertullian, who, writing against the Orthodox in favour of the Montanists, says expressly, that both the Catholics and the Mon-

¹ Maxim. in Dionys. de Eccles. Hierarch. cap. vi.

² Anastas.

Quæst. lxiv.

³ Timoth. De iis qui ad fidem catholicam accedunt.

⁴ Niceph. Antirrhetic.

⁵ Coteler. in Constitut. lib. v.

cap. 15.

⁶ Combefis. Histor. Monothelit. p. 461.

⁷ Con. Trull. can. lv. al. 56.

⁸ Albasp. Observat. lib. i. cap. 13.

tanists excepted the sabbath out of their fasts. The Catholics, he says, kept no sabbath a fast,¹ except the great sabbath before Easter. And the Montanists, who observed twice in the year two weeks of *Xerophagiæ*, or *fasts upon dry meats only*,² yet never fasted in them either on the sabbath or the Lord's day. So that it is next to impossible, that the sabbath should have been a fast in the Roman Church at this time, and yet not have been discerned by so acute a man as Tertullian, when it was so much for his cause in this dispute to have taken notice of it. However it is certain, that not long after in the Roman, and some other of the Latin Churches, a change was made: but then the very manner of the change sufficiently discovers the novelty of it. The Council of Eliberis,³ which first introduced the Saturday fast into Spain, plainly intimates that it was not observed there before, till they first introduced it, and that most probably from the example of the Roman Church, where it had been settled a little before. St. Austin long after this observes,⁴ that only the Roman and some of the Western Churches, not all of them, kept the sabbath a fast; and he notes more particularly,⁵ in Afric how they were divided in their practice: for in the Churches of the same province, and sometimes among the people of the same Church, it was very common for some to dine, and some to fast on the sabbath. But at Milan, which was a much nearer neighbour to Rome, the ancient custom still continued of keeping Saturday always a festival. So that even in Lent, as St. Ambrose himself assures us,⁶ not only the

¹ Tertul. de Jejun. cap. xiv. Quanquam vos etiam sabbatum, si quando continuatis, nunquam nisi in paschâ jejunandum, secundum rationem alibi redditam. ² Ibid. cap. xv. Duas in anno Hebdomadas Xerophagiarum, nec totas, exceptis scilicet sabbatis et Dominicis, offerimus Deo.

³ Con. Eliber. can. xxvi. Errorem placuit corrigi, ut omni sabbati die jejuniorum superpositionem celebremus. Albaspin Loc. Superpositiones, id est, imponere jejunia, quæ solita non essent observari. Vid. Con. Agathen. can. xii.

⁴ Aug. Ep. lxxxvi. ad Casulanum. Alii propter humilitatem mortis Domini jejunare mallent, sicut Romana et nonnullæ occidentis ecclesiæ.

⁵ Ibid. p. 149. Contingit maxime in Africâ, ut una ecclesia, vel unius regionis ecclesiæ, alios habeant sabbato prandentes, alios jejunantes.

⁶ Ambros. de Elia et Jejunio. cap. x.

Lord's day, but every sabbath, except the great sabbath before Easter, were observed as festivals, and days of relaxation. And for this reason, as the author of his life tells us, he was used to dine upon Saturday as well as the Lord's day. Which is often noted also by St. Austin¹ in answering a scruple, which perplexed his mother Monicha and some others, concerning the observation of this day, when they could not well account for the different practices of different Churches, some of which kept it as a fast, and others as a festival. To satisfy their doubts, he told them, that in all things of this nature, where the Scripture had determined nothing positively one way or other, the custom of the people of God, and the rules of our forefathers were to be taken for a law: and to dispute about such things, and condemn the practice of one Church from the contrary custom of another, was to raise endless debates, and lose charity in the heat of contention. He added, that for the sake of his mother Monicha, he once went to consult St. Ambrose upon this particular question; who told him, he could give no better advice in the case, than to do as he himself did: for when I go to Rome, said he, I fast on the Saturday, as they do at Rome; when I am here, I do not fast. So likewise you, whatever Church you come to, observe the custom of the place, if you would neither give offence to others, nor take offence from them. With this answer, he says, he satisfied his mother, and ever after looked upon it as an oracle sent from Heaven. Nothing can be plainer now, than that the Saturday fast was not received in all the Churches of the West, since even at Milan it always continued to be a festival. And even those Churches, which turned it into a fast, could not agree about the reason and original of it. Some said it was instituted by St. Peter at Rome, upon a particular occasion: for when he was to contend with Simon Magus on the Lord's day,²

¹ Aug. Ep. lxxxvi. ad Casulan. Ep. cxviii. ad Januar.

Ibid. p. 146. Est quidem et hæc opinio plurimorum, quamvis eam esse falsam perhibeant plerique Romani, quod Apostolus Petrus cum Simone Mago die Dominico certaturus, propter ipsum magnæ tentationis periculum,

for the danger of the great temptation he held a fast with the Church at Rome the day before, and having obtained a prosperous and glorious success thereby, he continued the same custom, and some of the western Churches followed his example. But many among the Romans themselves rejected this as a mere fiction, even in St. Austin's time, though others continued still in the belief of it, as appears from what is said in Cassian,¹ and some later writers, about this fast in the Roman Church. Pope Innocent gives another reason for it,² because on this day our Saviour lay buried in the grave, and the Apostles were in deep sorrow for their master, and hid themselves for fear of the Jews. Which is the usual reason now assigned by the learned writers of the present Roman Church, Baronius,³ Bellarmin, Combefis,⁴ and others. Yet this was only a conjecture of Pope Innocent, which may serve for a reason why the Roman Church might turn the Saturday into a fast before his time, but does not prove that to have been the original practice. Socrates makes the Roman Church to vary once more in this matter:⁵ for he says in his time they did not fast on Saturdays at Rome even in Lent, but only five days in the week: and Valesius and Menardus go further,⁶ and assert that in the time of Pope Leo they kept but three days in the week fasting in Lent at Rome: for which they allege the words of Pope Leo himself in one of his Lent sermons: "on the second and fourth and sixth days⁷ of the week, that is,

pridie eum ejusdem urbis ecclesiâ jejunaverit, et consequuto tam prospero gloriosoque successu, eundem morem tenuerit, eumque imitatae sunt nonnullae occidentis ecclesiae.

¹ Cassian. Institut. lib. iii. cap. 10. Anonymus de Francis et reliquis Latinis. ap. Combefis. Hist. Monothelit. p. 429.

² Innoc. Ep. i. ad Decentium. cap. iv. Si sexta feria propter passionem Domini jejunamus, sabbatum prætermittere non debemus, quod inter tristitiam atque lætitiâ temporis istius (paschatis) videtur inclusum. Nam utique constat, Apostolos biduo isto in mœnore fuisse, et propter metum Judæorum se occuluisse.

³ Baron. an. 57. n. 207. Bellarmin. lib. ii. de Bonis Oper. cap. xviii. tom. I.

⁴ Combefis. ubi supra.

⁵ Socrat. lib. v. cap. 22.

⁶ Vales. in Loc. Menard. in Sacramentar. Gregorii. cited by Pagi.

⁷ Leo. Serm. iv. de Quadragesimâ. Secunda igitur et quarta et sexta feria jejunemus: sabbato autem apud B. Petrum Apostolum Vigiliâ celebremus.

Monday, Wednesday, and Friday, let us fast: and on the sabbath celebrate our vigil at St. Peter's church." But since Mr. Quesnel¹ and Pagi² have shewn this passage to be foisted into Leo's sermon by some later hand, from the authority of several manuscripts that want it; and since it is possible Soerates being a Greek writer, might sometimes mistake the Roman customs, we will charge the Romans with no more alterations in this matter, because the Council of Trullo³ and all the modern Greeks rather accuse them for keeping Saturday a fast, when all other Churches kept it a festival. It is sufficient to have shewn that both the Greek and Latin Church originally agreed in the same practice, observing the sabbath together with the Lord's day as weekly festivals, and that even in Lent, the great sabbath before Easter only excepted.

CHAP. IV.

Of the Festival of Christ's Nativity and Epiphany.

SECT. 1.—The Nativity of Christ, anciently by some, said to be in May.

HITHERTO we have considered the weekly festivals of the ancient Church, and now we are to speak of those that were annual, or only celebrated once a year, such as the festivals of our Saviour's Nativity and Epiphany, and Easter, and Pentecost, and Ascension, and the anniversary commemorations of the Apostles and Martyrs. The nativity of our Saviour was not anciently fixed to the same day by all Churches, though Baronius⁴ and other writers commonly

¹ Quesnel. Dissert. vi. de Jjunio Sabbati, &c.

² Pagi. Critic. in Baron. an. 57. n. 2.

³ Con. Trull. can. lv.

⁴ Baron. Appar. n. 121.

assert, that both in the Greek and Latin Churches it was always observed on the twenty-fifth of December. Which is a very great mistake in learned men. For not to mention what Clemens Alexandrinus says of the Basilidian heretics,¹ that they asserted, that Christ was born on the twenty-fourth or twenty-fifth of the month, which the Egyptians call Pharmuthi, that is April: he says a more remarkable thing of some others,² who were more curious about the year and the day of Christ's nativity, which they said was in the twenty-eighth year of Augustus Cæsar, and the twenty-fifth day of the month Pachon; which though Pamelius artfully calls December, to serve the common hypothesis,³ and impose upon his reader, yet nothing is more certain than it signifies the month of May,⁴ as Mr. Basnage has at large demonstrated out of Epiphanius and Theophilus Alexandrinus, who usually follow the Egyptian calendar, where Pachon answers to our May, as every one knows, who has any understanding in the several styles, by which the ancient writers made their chronological computations.

SECT. 2.—By others fixed to the Day of Epiphany or Sixth of January.

But what is more considerable in this matter, is, that the greatest part of the Eastern Church for three or four of the first ages kept the feast of Christ's nativity on the same day, which is now called Epiphany, or the sixth of January, which denotes Christ's manifestation to the world in four several respects, which at first were all commemorated upon this day: viz. 1. By his nativity or incarnation, which was the appearance of God manifested in the flesh. 2. By the appearance of the star, which guided the wise men unto Christ at his birth, and was the Epiphany or manifestation of Him to the Gentiles. 3. By the glorious appearance that was made at his baptism, when the Heavens were opened, and

¹ Clem. Strom. i. p. 408.

² Ibid. p. 407.

³ Pamel. Not. in Tertull. contra Judæos. cap. viii. n. 78.

⁴ Basnag. Critic. in Baron. p. 216.

the Holy Ghost descended in a bodily shape like a dove and lighted upon Him, and a voice came from Heaven saying, "This is my beloved Son in whom I am well pleased." 4. By the appearance or manifestation of his divinity, when by his first miracle He turned the water into wine at the marriage in Cana of Galilee. That this day was kept as our Saviour's birth-day for several ages by the Churches of Egypt, Jerusalem, Antioch, Cyprus, and other Churches of the East, is so evident from good authorities,¹ that among learned men it is now a thing beyond all dispute. Cassian² says expressly, that in his time all the Egyptian provinces, under the general name of Epiphany, understood as well the nativity of Christ as his baptism: and therefore they did not commemorate those two mysteries upon two distinct days, as was usual in the western Provinces, but celebrated both of them together upon that one day's festival. And Gennadius mentions one Timothy a bishop,³ who composed a book concerning the nativity of the Lord, which he supposed to be on the day of Epiphany. Cotelerius not improbably conjectures,⁴ that this was no other than Timothy bishop of Alexandria, though Dr. Cave⁵ speaks of him as a later writer. But before the time of the Council of Ephesus, An. 431. the Egyptians had altered the day of Christ's nativity, and fixed it to the twenty-ninth day of their month Chæac, which is the twenty-fifth of December: as appears from the homily of Paulus Emisenus,⁶ spoken before Cyril of Alexandria, and related in the acts of that Council. It was not long before this, that the Churches of Antioch and Syria came into the western observation. For Chrysostom,⁷ in

¹ Vide Coteler. in Constit. Apost. lib. v. cap. 13.

² Cassian. Collat. x. cap. 2. Epiphaniarum diem provinciæ illius sacerdotēs, vel Domini baptismi, vel secundum carnem natiuitatis esse definiunt; et idcirco utriusque sacramenti sollemnitate non bifarie, ut in occidentis provinciis, sed sub unâ diei hujus festiuitate concelebrauit.

³ Gennad. de Scriptor. cap. lviii. Timotheus episcopus composuit librum de natiuitate Domini secundum carnem, quam credit in Theophania factam.

⁴ Coteler. Not. in Constitut. lib. v. cap. 13.

⁵ Cave Hist. Liter. tom. i. p. 304

⁶ Paul. Emisen. Homil. in Actis Con. Ephes. part. iii. cap. 31. Con. tom. iii. p. 1093.

⁷ Chrys. Hom. xxxi. de Natali Christi. tom. v. p. 466.

one of his homilies to the people of Antioch, tells them that ten years were not yet past, since they came to the true knowledge of the day of Christ's birth, which they kept before on Epiphany, till the western Church gave them better information. And from that time the Nativity and Epiphany were distinct festivals, as appears from other Homilies of this writer,¹ where he speaks distinctly of them, as two days, which had been thought one and the same before. Epiphanius, who was bishop of Salamis or Constantia, the metropolis of Cyprus, often speaks of Christ's nativity, and always follows the eastern calculation, fixing it to the same day with Epiphany in the month of January. In one place he says,² it is not lawful to fast on the day of Epiphany, on which day the Lord was born in the flesh. In another he³ takes a great deal of pains to make his reader understand that Christ was born in January, that is, says he, on the eighth of the Ides of January, which is the fifth of January, according to the Romans,⁴ and the eleventh of Tybi according to the Egyptians, and the sixth of Audinæus according to the Syro-Macedonians, and the fifth of the fifth month according to the Cypriots or Salaminians, and the fourteenth of Julus according to the Paphians, and the twenty-first of Aleon according to the Arabians, and the thirteenth of Atarta according to the Cappadocians, and the thirteenth of Tibeth according to the Hebrews, and the sixth of Memaeterion according to the Athenians. Nothing could be more particular in fixing the day of Christ's nativity to that of Epiphany, or Epiphany to the fifth or sixth of January, than this so minute account of Epiphanius. Which is confirmed by St. Jerom, who though he differed from Epiphanius as to the day of Christ's nativity, yet he intimates,⁵ that

¹ Chrys. Hom. xxiv. de Bapt. Christi. tom. i. p. 311.

² Epiphanius. Expos. Fid. xxii.

³ Id. Hær. li. Alogor. n. 24. Vid. n. 16.

⁴ Some think this should be written, the sixth of January, because the eighth of the ides of January is the sixth of January in the Roman Calendar: but St. Jerom also places Epiphany upon the fifth of January, Com. in Ezek. i. p. 459. And the Asiatics did so likewise. Vid. Usser. de Anno solari Macedonum et Asionorum. lib. ii.

⁵ Ibid. Apud Orientales October erat primus mensis, et Januarius quartus

there were some, who still believed that Christ's nativity was upon the Epiphany, which was the fifth of January, which the prophet Ezekiel called the fifth day of the fourth month, reckoning the first month from October, when the tithes were carried to the temple after the harvest and vintage were gathered in, according to the custom of the oriental nations. The author of the Homily upon the Epiphany among the works of Origen says the same,¹ that there were different opinions and traditions in the world about it: some said he was born upon that day others said it was only the day of his baptism. Pagi adds² Clemens Alexandrinus and Eusebius to the number of those, who believed the nativity of Christ to be on the Epiphany or sixth of January: and considering where and when they lived, it is very probable they did so, though he cites no authority out of them: for not only the Alexandrians, but the Churches of Jerusalem and Palestine, where Eusebius lived, observed the nativity of Christ on the same day with Epiphany for several ages, and pretended the authority of an epistle of St. James for their practice, till Juvenal, bishop of Jerusalem, upon better information reduced it to the twenty-fifth of December, as Cotelerius shews at large out of Basilius Cilix, Joannes Nicænus, and an Homily under the name of St. Chrysostom, and other writers.³

SECT. 3. — In the Latin Church always observed on the twenty-fifth of December.

Thus stood the case in the eastern Church for several ages; in those of the West it was generally observed, as

Quintam autem diem mensis adjungit, ut significet baptisma, in quo aperti sunt Christo cæli, et epiphaniarum dies hujusque venerabilis est; non ut quidam putant, natalis in carne. Tunc enim absconditus est, et non apparuit: quod huic tempori congruit, quando dictum est, hic est Filius meus dilectus, in quo mihi complacui.

¹ Orig. Hom. viii. de Diversis. tom. ii. p. 446. Sive hodie natus est Dominus Jesus; sive hodie baptizatus, diversa quippe opinio fertur in mundo.

² Pagi. Appar. Chronol. ad Baron. n. 95.

³ Coteler. Not. in Constitut. lib. v. cap. 13.

now it is, a distinct festival from Epiphany, on the twenty-fifth of December. For so, St. Austin says,¹ the current tradition was, “that Christ was born on the eighth of the Kalends of January,” that is, on the twenty-fifth of December. And both Cassian² and St. Jerom say,³ the nativity and Epiphany were kept on different days in all the Western Churches. And both these were indifferently called *Theophania, et Epiphania, et prima et secunda nativitas, the Epiphany, or manifestation of God, and his first and second nativity*: that being the first, whereon he was born in the flesh; and that his second nativity or Epiphany, whereon he was baptised, and manifested by a star to the Gentiles, as the reader may find largely demonstrated by Cotelierius⁴ and Suicerus,⁵ out of Gregory Nazianzen, Ambrose, Basil, Theodorus Studita, and several other writers.

SECT. 4.—The Original of this Festival derived from the Apostolical Age by some Ancient Writers.

Now the original of this festival is by many learned men carried as high as the age of the Apostles. Dr. Cave says,⁶ the first footsteps he can find of it, are in the second century, though he doubts not but that it might be celebrated before. His authority is Theophilus, bishop of Cæsarea, who lived about the reign of the Emperor Commodus, anno 192. But he quotes no book of Theophilus, therefore we are left to conjecture that he meant his paschal epistle, mentioned by Eusebius and St. Jerom, out of which Hospinian before had alleged these words, importing, that the French observed the nativity of Christ on the twenty-fifth of December: for they, says Hospinian,⁷ argued thus

¹ Aug. de Trin. lib. iv. cap. 5. Natus autem traditur octavo Kalendas Januarias.

² Cassian. Collat. x. cap. 2.

³ Hieron. in Ezek. cap. i. See also Constit. Apost. lib. v. cap. 13. lib. viii. cap. 33. Opus Imperfect. sub nomine Chrysost. ad Mat. 24. 22.

⁴ Cotelier. ubi supra.

⁵ Suicer. Thesaur. Eccl. voce, Ἐπιφάνεια.

⁶ Cave Prim. Christ. par. i. chap. vii. p. 194.

⁷ Hospin. de Festis Christian. p. 110.

for the observation of the paschal festival: *sicut Domini natalem quocunque die octavo Kalendarum Januarii venerit, ita et octavo Kalendarum Aprilis, quando resurrectio accidit, Christi debemus pascha celebrare: as we celebrate the nativity of Christ on the eighth of the Kalends of January, that is, the twenty-fifth of December, whatever day of the week that happens to fall upon: so we ought to keep the paschal feast on the eighth of the Kalends of April, that is, the twenty-fifth of March, because the resurrection of Christ happened upon this day.* But still I am at a loss to find these words in Theophilus. For Bede, who relates the letter, has no more than these words in his synodical epistle:¹ *Galli quâcunque die octavâ Kalendarum Aprilium fuisset, quando Christi resurrectio tradebatur, semper pascha celebrabant.* But there is no mention made at all of the nativity of Christ throughout the whole Epistle, which seems to be spurious also, and of no credit: certain enough it is not that, which is mentioned by Eusebius and St Jerom: so that I lay no stress upon this authority, as being neither full to the point, nor authentic. Hospinian and Dr. Cave allege further for its antiquity that sad story, which is related by Nicephorus² and Baronius³ out of the ancient martyrologies, where it is said, that when the persecution raged under Diocletian, at Nicomedia, among other acts of his barbarous cruelty, he finding multitudes of Christians, young and old, met together in the church upon the day of Christ's nativity, to celebrate that festival, commanded the church doors to be shut up, and fire to be put to it, which in a short time reduced them and the Church to ashes. This is probable enough, because we have the like instances of barbarity committed upon them in other places on the Lord's day, as has been related before out of

¹ De Ordinatione Feriarum paschalium per Theophilum Cæsariensem ac reliquorum episcoporum synodum. Ap. Bedam de Æquinoctio Vernali. tom. iii. p. 232. Habetur etiam ap. Bucherium Com. in Canon. Paschal. Victorii. et ap. Labbe Con. tom. i. p. 596. ² Niceph. lib. vii. cap. 6.

³ Baron. an. 301. p. 11.

Lactantius and Eusebius.¹ But it is more material, that Chrysostom says,² this day was of great antiquity and of long continuance, being famous and renowned in the Church from the beginning far and wide from Thrace, as as far as Gades, in Spain. It is certain it was observed religiously in the time of Gregory Nazianzen and St. Basil: for they have both sermons upon the occasion; and Ammianus Marcellinus says,³ Julian in the time of Constantius pretending to be a christian, when in his heart he was an heathen, and had secretly revolted, to conceal his apostacy, which was known only to a few of his confidants, went with the Christians to church, and performed the solemn worship of God with them, on the festival which they call Epiphany, and celebrate in the month of January. Zonaras in telling the same story, says, it was on the nativity of Christ: which makes some conclude, that the Nativity and Epiphany were still in France the same festival: but considering that France was one of the Western provinces, where these festivals were always kept apart, it is more probable that Zonaras was mistaken in the day: however we may safely conclude, that at this time both the Nativity and the Epiphany were kept as festivals in France: and that is enough, so far as we are concerned, to ascertain the antiquity of their observation.

SECT. 5.—This Festival observed with the same religious Veneration as the Lord's day.

As to the manner of keeping this festival, we may observe, they did it with the greatest veneration. For they always speak of it in the highest terms, as the principal festival of Christians, from which all others took their

¹ Lact. lib. v. cap. 11. Euseb. lib. viii. cap. 11. See chap. ii. n. S.

² Chrys. Hom. xxxi. de Bapt. Christi. tom. v. p. 467.

³ Ammian. lib. xxi. p. 195. Ut hæc interim celarentur, feriarum die, quem celebrantes mense Januario Christiani epiphania dicitant, progressus in eorum ecclesiam solemniter numine orato discessit.

original. Chrysostom styles it the most venerable and tremendous of all festivals, and the metropolis or mother of all festivals:¹ adding, that from this both the Theophania, so he styles Epiphany, and the holy Paschal feast, and the assumption or ascension, and Pentecost, took their original. For if Christ had not been born according to the flesh, He had not been baptised, which is the *Theophania* or *Epiphany*: neither had He been crucified, which is the Paschal festival: neither had He sent the Holy Ghost, which is our Pentecost. But we do not give this festival the preference merely upon this account, but because the thing, that was done upon this day, was more tremendous than all others. For that Christ should die, when He was a man, was a thing of natural consequence; but that when He was God, He should be willing to be made man, and condescend to humble Himself beyond all imagination and conception, this is indeed wonderful and astonishing in the highest degree. In admiration of this, St. Paul as it were in a rapture says, “without controversy great is the mystery of Godliness: God was manifested in the flesh.” For this reason chiefly I love and embrace this day, and propound it to you, that I may make you partakers of the same inducement of love. I therefore pray and beseech you, come with all diligence and alacrity, every man first purging his own house, to see our Lord wrapt in swadling-clothes and lying in a manger. A tremendous and wonderful sight indeed! Thus the Holy Father invites his auditory, five days beforehand, to celebrate the nativity of Christ. And we may observe, that the day was kept with the same veneration and religious solemnity as the Lord’s day. For they had always sermons on this day, of which there are many instances in Chrysostom, Nazianzen, Basil, Ambrose, Austin, Leo, Chrysologus, and many others. Neither did they let this day ever pass without a solemn communion. For Chrysostom in this very place invites his people to the holy table, telling them, that if they came with faith, they might see Christ lying in the manger: for the holy table sup-

¹ Chrys. Hom. xxxi. de Philogonio. tom. i. p. 39. 9.

plied the place of the manger; the body of the Lord was laid upon the holy table, not as before wrapt in swaddling-clothes, but invested on every side with the Holy Spirit. And that the solemnity might be more universally observed, liberty was granted on this day to servants, to rest from their ordinary labours, as on the sabbath and the Lord's day. This is particularly mentioned by the Author of the Apostolical Constitutions:¹ let servants rest from their labour on the day of Christ's nativity, because on this day an unexpected blessing was given unto men, in that the Word of God, Jesus Christ, was born of the Virgin Mary for the salvation of the world. And all fasting was as strictly prohibited on this festival as on the Lord's day: and no one without suspicion of some impious heresy could go against this rule, as appears from what Pope Leo says, of the Priscillianists,² that they dishonoured the day of Christ's nativity and the Lord's day by fasting, which they pretended they did only for the exercise of devotion in an Ascetic life, but in reality it was to affront the days of his nativity and resurrection, because with Cerdon and Marcion, and the Manichees, they neither believed the truth of our Saviour's incarnation, nor his resurrection. Therefore in opposition to these and such like heresies, the Church was always very jealous of any, who pretended to make a fast of the nativity of Christ.

Finally to shew all possible honour to this day, the Church obliged all persons to frequent religious assemblies in the city-churches, and not go to any of the lesser churches in the country, except some necessity of sickness or infirmity compelled them so to do.³ And the laws of the state prohibited all public games and shews on this day, as on the Lord's day. For though at first the prohibition only

¹ Constit. lib. viii. cap. 33.

² Leo. Ep. xciii. ad urbium. cap. iv. Natalem Christi non vere isti honorant, sed honorare se simulant, jejunantes eodem die, sicut die Dominico, &c. Vid. Con. Bracaren. i. can. 4.

³ Con. Aurelian. i. can. 27. Ut nulli civium paschæ, natalis, vel quadagesimæ solennia in villâ liceat celebrare, nisi quem infirmitas probabitur tenuisse.

extended to the Lord's Day, yet Theodosius junior, by a new law restrained them on the Lord's day,¹ and Epiphany, and the Paschal festival, and the fifty days of Pentecost, because at these times the minds of Christians ought to be wholly employed in the worship and service of God. Some also think,² the very design of appointing the feast of Christ's Nativity and Epiphany at this season of the year was chiefly to oppose the vanities and excesses which the Heathen indulged themselves in upon their Saturnalia and Kalends of January at this very time of the year. Nazianzen's exhortation to his people on the nativity of Christ seems directly intended against them,³ when he thus endeavours to guard his auditory from running into the same abuses: let us celebrate this festival, not after the way of the world, but in a divine and celestial manner; not minding our own things, but the things of the Lord; not the things that tend to make us sick and infirm, but those things, which will heal and cure us. Let us not crown our doors with garlands, nor exercise ourselves in dances; let us not adorn our streets, nor feed our eyes, nor gratify our ears with music, nor any of our senses, touching, tasting, smelling, with any of those things that lead the way to vice; and are the inlets of sin. Let us not effeminately adorn ourselves with soft clothing, nor jewels, nor gold, nor artificial colours invented to destroy the divine image in us: let us not indulge rioting and drunkenness, which are frequently attended with chambering and wantonness: let us not set up our lofty canopies or tables, providing delicacies for the belly; nor be enamoured with the fragrancy of wines, or niceties of cookery, and precious ointments: let not sea and land present us with their precious dung; (for that is the best name I can give their delights,) nor let any of us strive to out-do one another in

¹ Cod. Th. lib. xv. tit. v. de Spectaculis. leg. v. Dominico, et natale, atque epiphaniarum Christi, paschæ etiam et quinquagesimæ diebus—omni theatrorum atque circensium voluptate per universas urbes, earundem populis denegari, totæ Christianorum ac fidelium mentes Dei cultibus occupentur, &c.

² Hospin. de Festis Christian. p. 111.

³ Naz. Orat. xxxviii. p. 614. in Theophaniam sive Natalem Christi.

luxury and intemperance. But let us leave these things to the heathen, and to their heathenish pomps and festivals, who give the name of gods to those, who delight in the smell of sacrifices and agreeably worship their deities with the belly, being wicked makers of wicked devils, and as wicked priests and worshippers of them. But let us, who worship the Word of God, place our delights in the divine law, and such discourses as are proper and agreeable to the present festival.

SECT. 6.—Of Epiphany as a distinct Festival.

As to Epiphany, they who observed it as a distinct festival from the nativity, did it chiefly upon the account of our Saviour's baptism, and the appearing of the star, which conducted the wise men of the East to come and worship our Saviour. To which some added two other reasons, that of our Saviour's first miracle wrought at Cana in Galilee, when he turned the water into wine; and that other miracle of his feeding five thousand men with five loaves. All which are put together in one of the sermons, which go under the name of St. Austin, upon this day. "On this day," says he,¹ "we celebrate the mystery of God's manifesting Himself by his miracles in human nature; either because on this day the star in Heaven gave notice of his birth; or because He turned water into wine at the marriage-feast at Cana in Galilee; or because He consecrated water for the reparation of mankind by his baptism in the river Jordan; or because with the five loaves He fed five thousand men. For each of these contains the mysteries and joys of our salvation." Petrus

¹ Aug. Serm. xxix. de Tempore. Hodie illud sacramentum colimus, quo se in homine Deus virtutibus declaravit; pro eo quod in hac die sive quod in cœlo stella ortus sui nuncium præbuit; sive quod in Canâ Galilææ in convivio nuptiali aquam in vinum convertit; sive quod in Jordanis undis aquas ad reparationem humani generis suo baptismo consecravit; sive quod de quinque panibus quinque millia hominum satiavit. In quolibet horum salutis nostræ mysteria continentur et gaudia.

Chrysologus¹ and Eucherius Lugdunensis² mention the three first reasons, but not the last. Pope Leo has eight sermons upon this festival,³ in which he insists upon no other reason but the manifestation of Christ's birth to the wise men, by the appearance of the star. St. Jerom on the other hand makes it to be celebrated chiefly in commemoration of our Saviour's baptism,⁴ and the manifestation of him to the world by the voice that came from heaven, saying, "Thou art my beloved Son, in whom I am well pleased." And the Greek writers commonly insist upon this reason. Why, says Chrysostom,⁵ is not the day, on which Christ was born, called Epiphany, but the day on which He was baptised? Because He was not manifested to all when He was born, but when He was baptised. For to the day of his baptism He was generally unknown. As appears from those words of John the Baptist, "There standeth one among you, whom ye know not." And what wonder that others should not know Him, when the Baptist himself knew Him not before that day. "For I knew Him not," says He, "but He that sent me to baptise with water, the Same said unto me, upon whom thou shalt see the Spirit descending and remaining on Him, the same is He that baptiseth with the Holy Ghost. Gregory Nazianzen assigns the same reason for the observation of this festival:⁶ this holy day of lights, to which we are come, and which we this day celebrate as a festival, had its original from the baptism of Christ, the true Light "that lighteth every man that cometh into the world." In like manner Gregory Nyssen intitles his sermon on the baptism of Christ,⁷ *εἰς τὴν ἡμέραν τῶν φώτων*, &c. a discourse *on the day of lights*, on which our Lord was baptised. And Asterius Amasenus, speaking of the chief Christian festi-

¹ Chrysolog. Serm. clvii. de Epiphania et Magis.

² Eucher. Hom. in Vigil. S. Andreae.
p. 25, &c.

³ Leo Serm in Epiphan.

⁴ Hieron. in Ezek. i. p. 459.

⁵ Chrys. Hom. xxiv. de Bapt. Christi. tom. i. p. 311.

⁶ Naz.

Orat. xxxix. tom. i. p. 624.

⁷ Nyssen. Orat. de Bapt. Christi.

tom. iii. p. 366.

vals,¹ says, we celebrate the nativity, because at this time God manifested his divinity to us in the flesh. We celebrate the *feast of light* (φῶτι πανήγυριον) because by the remission of our sins (in baptism) we are brought, as it were out of the dark prison of our former life, to a life of light and virtue.

SECT. 7.—Why this Day is called by some the second Epiphany, and *Dies Luminum, the Day of Lights*.

For baptism being generally called φῶς and φῶτισμα, *light and illumination*, from the great and admirable effects consequent to it: this day, being the supposed day of our Saviour's baptism, was thereupon styled ἡμέρα φῶτων, or ἅγια φῶτα,² *the day of lights*, or illumination, or baptism. As appears not only from the forementioned passages of Gregory Nazianzen and Nyssen, but several other Greek writers noted by Suicerus,² who justly reproves Xylander and Pamelius for interpreting this day of lights, Candlemas-day, because now it is usual in the Church of Rome to consecrate their wax candles on this day, which is otherwise called the purification of the Virgin Mary; whereas there was no such festival in use in the Church in the time of Gregory Nazianzen and Nyssen, nor many years after them, until the reign of Justinian, when it was first instituted by the Greek Church, under the name of Hypapante. And therefore when Nazianzen,³ in another place, brings in some giving this reason why they deferred their baptism; one saying, μένω τὰ φῶτα, *I stay till the feast of lights come*; another, he had a greater respect for Easter; and a third, that he waited till the time of Pentecost: it is plain, the feast of lights cannot signify the purification of the Virgin Mary, (which was no solemn time of baptism) but Epiphany, on which the Greek Church allowed persons to be baptized, as one of the three solemn times of baptism, and that in re-

¹ Aster. Hom. iv. in Festum kalendar. ap. Combefis Auctar. t. i. p. 67.

² Suicer. Thesaur. Eccles. t. ii. p. 1497.

³ Naz. xl. de Bapt. p. 654.

gard to our Saviour's baptism (which they called his second nativity,¹ or second Epiphany) when his divinity was more clearly manifested by the voice, which came from heaven, saying, "thou art my beloved Son, in whom I am well pleased."

SECT. 8.--Celebrated as all other great Festivals, and in one respect more noted, as being in the Greek Church one of the three solemn Times of Baptism.

So that we may observe, that in the Greek Church in one respect it was more taken notice of than even the nativity itself; being allowed as one of the three solemn times of baptism, which the nativity was not. In the Latin Church indeed it wanted this privilege. For as I have shewn elsewhere,² the Roman, French, and Spanish Churches for many ages would allow of no other solemn times of baptism but only Easter and Pentecost, except in case of sickness and extremity. But the Greek and African Churches made Epiphany also a day of baptism, as appears not only out of the forementioned place of Nazianzen, but Victor Uticensis³ and Joannes Moschus⁴ and the ancient ritual, called *Typicum Sabæ*. To which we may add what Chrysostom says,⁵ that in this solemnity, in memory of our Saviour's baptism, by which he sanctified the nature of water, they were used at midnight to carry home water from the Church, and lay it up, where it would remain as fresh and uncorrupt for one, two or three years, as if it were immediately drawn out of any fountain. And Fronto Ducæus⁶ observes the like custom in the Syriac kalendar, published by Genebrard, upon this very day. Which argues it to be a peculiar rite of the Eastern Church. As to other things, the observation of this day was after the same manner as that of the nativity and other great festivals. For they had sermons and the com-

¹ Vid. Coteler. Not. in Constit. Apost. lib. v. cap. 13. So Ruffin. entitles Nazianzen's 39. Oration, de Secundis Epiphaniis.

² Book xi. chap.

6. sect. 7.

³ Victor. de Persecut. Vandal. lib. ii.

⁴ Mosch.

Pratum Spirit. cap. 214.

⁵ Chrys. Hom. xxiv. de Bapt. Christi. t. i.

p. 311.

⁶ Fronto. Not. in Loc. p. 65.

munion on this day, and servants had liberty to rest from their bodily labour to attend the religious service of the day. In regard to which usage the author of the Constitutions¹ gives this direction: let servants rest from their labour on Epiphany, because on that day the divinity of Christ was declared, when the Father gave testimony to him at his baptism, and the Holy Ghost in the shape of a dove shewed him to those that stood by, and heard the testimony that was given him. And though at first this day was not exempt from juridical acts and prosecutions at law; nor were the public games and shows forbidden for some time to be exhibited thereon: yet at length Theodosius Junior gave² it an honourable place among those days, on which the public games should not be allowed; forasmuch as men ought to put a distinction between days of supplication and days of pleasure. And Justinian, reciting one of the laws of Theodosius the Great,³ makes both the nativity and Epiphany days of vacation from all pleadings at law, as well as from popular pleasures. And so it is in the laws of the Visigoths⁴, published out of the body of the Roman laws by Reciswindus and other Gothic kings, and the old Gothic Interpreter of the laws in the Theodosian Code.⁵ From whence we may conclude, that this was become the standing rule and custom throughout both the Roman and the Visigoth dominions, to keep this festival of Epiphany with great veneration; neither allowing the courts to be open on this day for law, nor the theatre for pleasure.

SECT. 9.—Notice usually given on Epiphany concerning the Time of Easter in the ensuing Year.

I have but one thing more to note, as it were by the way, concerning this day: that they, to whom the care of the

¹ Constit. lib. viii. cap. 33. Vid. lib. v. cap. 13.

² Cod. Theod.

lib. xv. tit. 5. Spectac. leg. v.

³ Cod. Just. lib. iii. tit. 12. de

Feriis. leg. vi.

⁴ Leges Visigoth. lib. ii. tit. 1. leg. 11.

⁵ Cod.

Th. lib. ii. tit. 8. de Feriis. in Interpretat. legis ii. Nec non et dies natalis Domini nostri, vel Epiphaniæ, sine forensi strepitu volumus celebrari.

Paschal Cycle, or rule for finding out Easter, was committed, were obliged on or about the time of Epiphany to give notice what time Easter and Lent and all the moveable solemnities were to be kept the ensuing year. The letters sent from the metropolitan to the provincial bishops upon this occasion, are commonly called *Epistolæ Paschales* and *Heortasticæ*, *Paschal* and *Festival Epistles*, which are usually a short discourse upon some useful and important subject, closed with an intimation or notice of the day when Lent should begin, and of Easter-day, and Whitsunday. As those three Paschal epistles of Theophilus, bishop of Alexandria, which were translated by St. Jerom, and are now among St. Jerom's Works, and in the *Bibliotheca Patrum*.¹ Concerning which and the rest of the same kind, Cassian says,² "it was an ancient custom in Egypt for the Bishop of Alexandria, as soon as Epiphany was past, to send his circular letters to all the churches and monasteries of Egypt, to signify to them the beginning of Lent and Easter-day." And there are some such of Dionysius, Athanasius and Cyril and Pope Innocent³ and Leo;⁴ and some orders of Council,⁵ that the primates of Provinces should send their circular letters to give timely notice of these things to the several churches under their jurisdiction. Particularly the fourth Council of Orleans, speaking of the time of keeping Easter uniformly by the Paschal Laterculus, or table, made by Victorius, (Victor they call him) say,⁶ "the bishops of France shall every year on the day of Epiphany give notice of the time when the festival is to be kept in

¹ *Bibl. Patr.* t. iii. p. 79.

² Cassian. *Collat.* x. cap. 2. *Intra Ægypti regionem mos iste antiquâ traditione servatur, ut peracto Epiphani-orum die — epistolæ pontificis Alexandrini per universas dirigantur ecclesias, quibus initium quadragesimæ et dies paschæ non solum per civitates, sed etiam per universa monasteria significantur. Vid. Sozomen. lib. viii. cap. 11.*

³ *Innoc. Ep.* xi. *Dionys. ap. Euseb. lib. vii. cap. 20. Athanas. Epist. Heortastic. Cyril. Serm. 30.*

⁴ *Leo. Ep.* 93. al. 95. ad *Episcop. Gallos. See Cod. Afric. can. 136.*

⁵ *Con. Arelat. i. can. 1. Con. Carthag. iii. can. 1. et 41. Con. Carthag. v. can. 7.*

⁶ *Con. Aurelian. iv. can. 1. Placuit ut sanctum pascha secundum laterculum victoris ab om-*

their churches. And if any doubt arise about the time, they shall have recourse to their metropolitan, and he to the apostolical see for resolution." And this leads us to the consideration of the next great festival, which was that of Easter.

CHAP. V.

Of Easter or the Paschal Festival.

SECT. I.—The Paschal Solemnity anciently reckoned fifteen Days, the whole Week before, and the Week after Easter Sunday.

In speaking of the Paschal solemnity, I shall here only consider that part of it, which was properly festival. For we are to know, the Ancients commonly included fifteen days in the whole solemnity of the pasch, that is, the week before Easter Sunday, and the week following it: the one of which was called *pascha ζωφόριον*, the *pasch of the cross*, and the other *pascha ἀναστάσιμον*, the *pasch of the resurrection*. Suicerus will furnish the learned reader with examples of both.¹ The general name *pascha*, which is of Hebrew extract from *pesach*, which signifies the passover, will comprize both. For the Christian Passover includes as well the passion as the resurrection of our Saviour, who is the true Paschal Lamb, or Passover, that was sacrificed for us. And, therefore, though our English word, Easter, be

nibus sacerdotibus uno tempore celebretur. Quæ festivitas annis singulis ab episcopo epiphaniarum die in ecclesiis denunciatur. De quâ solennitate quoties aliquid dubitatur, inquisita vel agnita per metropolitanos a sede apostolicâ sacra constitutio teneatur. It. Con. Antissiodor. can. 2. Ut omnes presbyteri ante epiphaniam missos suos dirigant, qui eis de principio quadragesimæ nuncient, et in ipsâ epiphaniâ ad populum indicent.

¹ Suicer. Thesaur. Eccles. tom. i. p. 301, et t. ii. p. 1014.

generally used only to signify the resurrection, yet the ancient word, *pascha*, was taken in a larger sense, to denote as well the pasch of the crucifixion, as the pasch of the resurrection. And for this reason the Ancients commonly speak of the pasch as containing fifteen days in its solemnity, including the passion-week, together with that of the resurrection. Thus in one of the laws of Theodosius,¹ where he decrees what days shall be days of vacation from all business of the law, he reckons into the number of them the holy days of the pasch, seven going before, and seven following after. And Gothofred, in his learned commentary upon the place, says, both Papianus in his body of laws,² collected by him out of the Roman for the use of the Burgundians, and Anianus, in his collection for the use of the Visigoths,³ keep to the same phrase of fifteen Paschal days. To which we find also a plain reference made by St. Austin,⁴ in a sermon preached by him on the *Dominica in Albis*, or Sunday following Easter day, wherein he thus addresses himself to his audience:—"The days of vacation are now over, and those of convening, exactions, and law-suits succeed in their room. Take care, my brethren, how ye spend these days. From the vacation of the foregoing days, ye ought to learn meekness, not to meditate subtle devices: for some men rest on those days only to plot wickedness, which they may practice when the festival days are over. We desire you may so live, as they that are to give account to God, not only of those fifteen days, but of their whole life." And Scaliger mentions a law of Constantine,⁵

¹ Cod. Th. lib. ii. tit. 8. de Feriis. leg. 2. Sanctos quoque paschæ dies, qui septeno vel præcedunt numero, vel sequuntur, in eâdem observatione numeramus.

² Papian. lib. Responsor. tit. 12. Paschalibus etiam quindecim diebus.

³ Leg. Visigoth. lib. ii. tit. 1. leg. 11.

⁴ Aug. Ser. 19. ex editis a Sirmondo. t. x. p. 811. Peracti sunt dies feriat: succedent jam illi conventionum, exactionum, litigiorum, &c. Petimus vos, ut ita vivatis, tanquam qui Deo rationem reddituros vos scialis de totâ vitâ non de solis istis quindecim diebus.

⁵ Scaliger. de emendat. Temp. p. 776. Τὰς πασχαλίας δύο ἐβδομάδας ἀπράκτους τελεῖν. τὴν τε πρὸ τῆς πάσχα καὶ τὴν μετ' αὐτῶ

wherein the paschal weeks, the one before, the other after the pasch, are ordered to be days of vacation from all proceedings at law. But because the former of these Paschal weeks belongs to the Lent fast, we will consider it under that head, and here only speak of the Paschal solemnity as it was properly festival.

SECT. 2.—Great Disputes in the Church concerning this Festival. Some observing it on a fixed Day every Year.

Now concerning this there were anciently very great disputes in the Church; though all agreed in the observation of it in general, yet they differed very much as to the particular time when it was to be observed; some keeping it precisely on the same stated day every year, others on the fourteenth day of the first moon in the new year, whatever day of the week that happened to fall upon: others deferring it to the first Sunday after the first full moon; and those often differing in the Sunday, on which they celebrated it, by the difference and variety of their calculations. Epiphanius says,¹ some of the Quartadecimans in Cappadocia always kept their pasch on the eighth of the kalends of April, that is, the twenty-fifth of March, pretending certain information from the acts of Pilate, that that was the day of our Saviour's passion; yet other copies of those Acts said the sixteenth of the kalends of April, that is, the seventeenth of March. The Christians of Gaul also, till the time of Pope Victor, if Bede may be credited,² kept their pasch always on the eighth of the kalends of April, that is, the twenty-fifth of March, taking that to have been the day of our Saviour's resurrection. Bede cites the authority of Theophilus, Bishop of Cæsarea, and the synod held under him for this. But considering that Irenæus, Bishop of Lyons, who lived in the time of Pope Victor, says no such thing of the French Churches, but the contrary, that they fixed their

¹ Epiphani. Har. 50. Quartadeciman. n. 1.
Temporum. cap. 15. It. de Æquinoctio vernali. t. iii. p. 232.

² Bed. de Ratione

Easter to no certain day, but kept it as other Western Churches did, on the Sunday following the fourteenth day of the moon, it is more likely that Bede was imposed upon by some spurious epistle of Theophilus and false act of his synod, which charged the Gallican Churches with what they were not really guilty of.

SECT. 3.—Others observing it, with the Jews, on the fourteenth Day of the Moon, whatever Day of the Week that happened upon.

However, we are sure, that in the second century there happened a great dispute between the Asiatic Churches and the rest of the world concerning this day. Pope Pius, who lived about the year 147, had made a decree, that the annual solemnity of the pasch should be kept only on the Lord's day; and in confirmation of this he pretended, that Hermes, his brother, who was then an eminent teacher among them, had received instruction from an angel,¹ who commanded, that all men should keep the pasch on the Lord's day. Yet, notwithstanding this, the Asiatics kept to their ancient custom, and Polycarp, Bishop of Smyrna, came to Rome to confer with Anicetus upon it. They could come to no agreement upon the time; for Anicetus could not persuade Polycarp² to alter a custom, which he had observed with St. John the Apostle, and the rest of the Apostles of the Lord, with whom he had lived and familiarly conversed. Neither could Polycarp persuade Anicetus to recede from a custom, which he had received from the elders that were before him. Yet they continued to communicate with each other, and Anicetus did Polycarp the honour to let him consecrate the eucharist in his church: and so they parted from each other in peace; all churches, as well those that observed it on the Lord's day, as those that did not, still agreeing to preserve Christian peace and communion one with another.

¹ Pij. Ep. 1. Hermae angelus Domini in habitu pastoris apparuit, et præcepit ei, ut pascha die Dominico ab omnibus celebraretur.

² Irenæ. Ep. ad Victor. ap. Euseb. lib. v. cap. 24.

Not long after the death of Polycarp, the controversy was revived again at Laodicea, upon which Melito, Bishop of Sardis, wrote his two books, *de Paschate*, wherein he defended the opinion of the Asiatics, as is evident from the testimony and character, which not long after Polycrates, Bishop of Ephesus, gives of him. For when the dispute was set on foot again by the fierceness of Pope Victor, Polycrates wrote to him,¹ and told him, they observed the pasch on the fourteenth day of the moon, as it had been kept and handed down to them by St. Philip the Apostle, who died at Hierapolis, and St. John the Apostle, who died at Ephesus, by Polycarp, Bishop of Smyrna, by Thraseas, the martyr, Bishop of Eumenia, by Sagaris, the martyr, Bishop of Laodicea, by Papirius, and Melito, Bishop of Sardis, and many others, whose custom was to celebrate the pasch on the same day that the Jews were wont to put away their leaven. This did not satisfy Pope Victor, but he, in a great paroxysm of intemperate zeal, immediately excommunicated all the Asiatic Churches, and sent his circular letters to all churches that were of his opinion, that they should hold no communion with them. But this rash and bold act of his was ill resented by all wise and sober men of his own party, several of whom wrote sharply to him, advising him rather to take such measures and resolutions as were proper to preserve charity, unity, and peace among the churches. Particularly Irenæus (whose nature, by what the Greeks call *pheronymy*, corresponded to his name, being of an irenical or pacific temper) wrote to him in the name of the Church of Gaul, and in a decent manner admonished him not to excommunicate whole churches of God for observing an ancient custom, which they had received by tradition from their ancestors: forasmuch as that there had been disputes of old in the Church, not only about the day, but about the manner of the fast preceding it; some fasting one, some two, some more days; yet all these kept peace one with another, as we now do, and the difference in the

¹ Polycrates Epist. ap. Euseb. lib. v. cap. 24.

manner of fasting only commended their unanimity in the faith. He added, that Polycarp and Anicetus, though they could not agree upon the point, yet parted friends, and continued to communicate with each other, notwithstanding this difference, as has been related before. Athanasius also tells us further,¹ that the Churches of Cilicia, Mesopotamia, and Syria, were in the same sentiments with the Asiatic Churches in his time: though it is a dispute between Bishop Usher² and Valesius,³ whether they were so originally; for Valesius will not allow that they were so in the time of Pope Victor. However, we see there were many great and famous Churches which kept their pasch on the fourteenth day of the moon, with the Jews, and that as a custom received by tradition from St. Philip and St. John the Apostles. Neither were they induced by the menaces of Pope Victor to alter their custom, but continued it to the time of the Council of Nice, anno, 324. About which time Constantine being very desirous to compose this difference in the Church, sent Osius, Bishop of Corduba, first into the East, as Sozomen relates,⁴ to try if he could bring the dissenting party to an unanimity with the rest of their brethren. But failing of his design, he afterwards proposed the matter to the Council of Nice, where a decree was made, that the holy feast of the pasch should be kept on one and the same day by all, as appears from one of Constantine's epistles to the Bishops who came not to the synod, which is recorded by all the historians.⁵ Not long after this the Council of Antioch, anno 341, made a more peremptory decree, that all who presumed to disannul the determination made by the holy and great Council of Nice, concerning the paschal festival, should be excommunicated and cast out of the Church, if they persisted contentiously to oppose what was

¹ Athan. Epist. ad Africanos. tit. i. p. 933. It. de synodis Arimin. et Seleuc. p. 872.

² Usser. de Epistolis Ignat. cap. 9.

³ Vales. in Euseb. lib. v. cap. 23.

⁴ Sozom. lib. i. cap. 16.

⁵ Theod. lib. i. cap. 10. Soerat. lib. i. cap. 9. Sozom. lib. i. cap. 21. Euseb. de Vita Constant. lib. iii. cap. 11.

there decreed.¹ The like canons had been made several times before; but none so peremptory as this. Eusebius mentions abundance of synods in the time of Pope Victor,² which determined with him that the resurrection pasch ought only to be kept on the Lord's day; but they did not excommunicate any that opposed them; but rather, as Sozomen relates,³ mutually tolerated one another in their different observations. The first Council of Arles likewise,⁴ before the Council of Nice, anno 314, had given in charge, that the pasch of the Lord's resurrection should be observed *uno die et tempore per omnem orbem, at one time, and on one and the same day throughout all the world.* But they added no such penalty of excommunication to be inflicted on those that observed the contrary custom. The only rule, which pressed the observation with severity, was one of the Apostolical Canons,⁵ supposed to be made by some Eastern council about the time of Pope Victor, which says, if any presbyter, or deacon, keep the day of the holy pasch before the vernal equinox with the Jews, let him be deposed. But this at most only affected the clergy. But when the great Council of Nice had once undertaken to determine this matter, such a deference was thought proper to be paid to her decree, as that it was reputed a schismatical act, and worthy of ecclesiastical censure, for any one to oppose it. And therefore from this time the opposers of the decree are commonly censured either as heretics or schismatics, as may be seen in the canons of Laodicea,⁶ and the first Council of Constantinople,⁷ and the accounts which St. Austin⁸ and Epiphanius give of the ancient heretics, where they are condemned under the names of Quartadecimani, and Tessarescædecitæ, and Audiani, with a particular reason given for their condemnation. For

¹ Con. Antioch. can. 1.² Euseb. lib. v. cap. 23.³ Sozom. lib. vii. cap. 19.⁴ Con. Arelat. l. can. 1.⁵ Canon. Apost. 8.⁶ Con. Laodic. can. 7.⁷ Con.

Constant. i. can. 7.

⁸ Aug. Hær. 29 and 50. Epiphanius. Hær. 50.

Quartadeciman. & Hær. 70. Audianor.

St. Austin notes out of Epiphanius, that the Audians were condemned not so much for their opinion in this point, as for their perverseness in making a disturbance and schism in the Church upon it. For they would not hold any communion with their own bishops,¹ nor with any that did not keep the pasch at the same time that the Jews did. Epiphanius gives a large account of them, and says, they railed at the Council of Nice for introducing a new custom in compliance with Constantine's humour,² and made a separation in the Church; upon which Constantine banished Audius their leader into Gothia or Scythia, because he drew many away from the Church into a separate communion. The case was now very different from what it was in the time of Pope Anicetus and Victor, when Polycarp and Polycrates kept their pasch at a different time from the rest of the world, but still made no division in the Church, but lived in peace and communion with those that differed from them. And this no doubt was the reason why the Audians, or new Quartadecimans, were treated with such severity both by the church and state above the old ones, because they perversely carried their dissent into a schism, and made a formal rupture in the communion of the Church. And for this reason the imperial laws were often very severe upon them. Theodosius the Great, in one of his laws,³ ranks them with the Manichees, forbidding their conventicles, confiscating their goods, rendering them intestate, and liable also to capital punishment. In like manner, Theodosius junior ranks the Sabbatians and Protapaschitæ (which were new denominations of the Quartadecimans, taken up in his time) among the Manichees, Cataphrygians or Montanists, Arians, Macedonians,⁴ Eunomians, Novatians, and

¹ Aug. de Hær. cap. 50. Eos autem separasse se, dicit Epiphanius, a communione nostrâ, culpando episcopos divites, et pascha cum Judæis celebrando.

² Epiphanius. Hær. 70. n. 9. Vid. Chrys. Hom. 52, in eos qui pascha jejunt. t. v. p. 706.

³ Cod. Th. lib. xvi. tit. 5. de Hæret. leg. 9. Quicumque in unum paschæ diem non obsequenti religione convenerint, tales indubitanter, quales hac lege damnavimus, habeantur.

⁴ Ibid. leg. 59.

makes them all liable to the same general punishments inflicted by the laws. And more particularly in two other laws,¹ he styles them execrable men, who being a spawn of the Novatians, were not content to be in the common herd, but set up a new sect, called Protopaschites, because they kept the pasch before other Christians, and pretended that their way was the true primitive and original institution. These he condemns to be both confiscated and banished, and says they deserved a more severe punishment, because they exceeded other heretics in madness, worshipping in a manner another Christ, by keeping the pasch at another time, and after a different manner than all orthodox Christians. I remember no other place at present that mentions the Protopaschites by name but only this law; but it is plain they were one of the worst sort of Quartadecimans, who had made a new separation from the Novatian schismatics upon this question about the paschal festival. For some of the Novatians in one of their synods at Pazus, in Phrygia, had made a decree, mentioned by Soerates,² that Easter ought to be kept with the Jews, which occasioning a new dispute among them, (for the old Novatians at Rome and Constantinople were of a different opinion) Marcianus, the Novatian Bishop of Constantinople, called another synod at Angarus, in Bithynia, where to end the controversy

¹ Cod. Th. lib. xvi. tit. 6. Ne sanctum baptismum iteretur. Leg. 6. Illud etiam quod a retro principibus dissimulatum, et in injuriam sacrae legis ab execrandis hominibus agitatur, et ab iis potissimum qui Novatianorum collegio desertores et refugæ, auctores se quam potiores (a) portiones) memorate sectæ haberi contendunt, quibus ex criminis nomen est, cum se Protopaschitas appellari desiderent, inultum esse non patimur. Sed si alio die Novatiani, quam quo orthodoxorum antistites prædicandum ac memorabilem in sæculis diem Paschæ duxerint celebrandum, auctores illius conventionis deportatio pariter ac proscripcio subsequatur: contra quos etiam acrior pœna fuerat promulganda: si quidem hoc delictum etiam hæreticorum vesaniam superet, qui alio tempore quam quo orthodoxi, Paschæ festivitatem observantes, alium pene dei filium, non quem colimus, venerantur.

It. Cod. Th. lib. xvi. tit. 10. de Paganis. leg. 24. Eos qui omnibus hæreticis hæc unâ sunt persuasione peiores, quod in venerabili die Paschæ ab omnibus dissentiant, si in eadem amentia perseverant, eadem pœna mulctamus, bonorum proscripcione atque exilio. ² Soerat. lib. iv. cap. 28.

and lay it asleep, they made a new canon, called the *'Αδιάφορον*, which was, that the matter should be indifferent, and that both parties might keep the feast their own way, and not break communion upon it. But Sabbatius, a fierce man among them, would not yield to this, but said the decree of the synod of Pazus ought to be observed, and that the pasch ought to be observed after the manner of the Jews.¹ And upon this he made a new separation among the Novatians, and headed the Protopaschites, who from him were called Sabbatians. It appears also from Chrysostom,² that these Protopaschites were gone further into the Jewish notions about the pasch than the rest of the Quartadecimans. For they asserted, that it was necessary to observe the Jewish Azyma, and keep the fast as the Jews did, when the pasch was over. For Sabbatius himself was originally a Jew, and retained a tincture of Judaism when he professed the Christian religion, as Socrates notes in the forementioned place. So they kept a feast with the Jews, when the Christians fasted on the Passion-day, (as Chrysostom charges them³) and fasted on Easter-day, when the Christians kept their festival in memory of the resurrection. This, as far as I can collect, is the true history of the progress, which the new Quartadeciman schism made after the Council of Nicee, and the reason why the laws, both imperial and ecclesiastical, proceeded with greater severity against them above the old Quartadecimans, who never broke communion with their brethren, however they differed from them in their practice. They thought the peace and unity of the Church of greater value than the observation of times and seasons; and if they could not comply with their brethren in the precise time of keeping Easter, yet they were careful for all that to keep the unity of the spirit in the bond of peace.

¹ Socrat. lib v. cap. 21.
jejunant. t. v. p. 713.

² Chrys. Hom. 52. in eos qui Pascha
³ Chrys. ibid. p. 714.

SECT. 4.—They, who kept it on the Lord's day, did not always agree to fix it on the same Lord's day, by Reason of their different Calculations.

Besides this difference about keeping Easter on the Lord's day, there was another, which though of less moment, yet sometimes very much embarrassed and troubled the Church. That was a dispute among those, who agreed to observe the festival on no other but the Lord's day. For though they all unanimously combined in this, yet it was not so easy to determine on what Lord's day it was to be held, because it was a moveable feast; and therefore sometimes it happened, that the Churches of one country kept it a week or a month sooner than others, by reason of their different calculations. It appears from an Epistle of St. Ambrose,¹ that in the year 387, Easter was kept at three several times; some observing it, March 21, others April 18, and others 25, so it happened again, anno 577. The Churches of Gaul kept it on March 21, the Churches of Italy on April 18, and the Churches of Egypt, on April 25; as Bishop Stillingfleet² shews out of Gregory of Tours, and Labbe's *Chronologicon Technicum*, anno 357 and 577. Where he shews further out of the ancient *Laterculus Paschalis*, published by Bucherius,³ that the Easter of the Latins was, three times, a month sooner than that of the Alexandrians, within the compass of an hundred years, viz. anno 322, 349, 406. It appears also from Leo's Epistles,⁴ that in the year 455, there were eight days difference between the Easter at Rome and at Alexandria. Cyril, of Alexandria,⁵ in one of his Paschal Epistles complains, that there was great confusion in the account of Easter both in the church, the camp, and the palace. And Anatolius, in his preface to his Paschal Canon, complains,⁶ that there were very different and contrary Cy-

¹ Ambros. Ep. 83.

² Stillingfl. Answer to Cressy, p. 323.

³ Bucher. Comment. in Hippolyt. can. Paschal. p. 264.

⁴ Leo. Ep. lxiv. ad Marcian. Ep. lxv. ad Eudoxiam. Ep. lxv. ad Episc. Gallos.

⁵ Cyril. Ep. Paschal. ap. Bucher. de Doctrinâ Temp.

Append. p. 482.

⁶ Anatol. Canon. Paschal. ap. Bucherium.

cles in use in his time, (anno 270) some following Hippolytus's cycle of sixteen; others the Jewish cycle of eighty-four; others a cycle of twenty-five; others a cycle of thirty. And he tells us, that Isidore, Hierom, Clemeus, and Origen, all his countrymen, Egyptians, had laboured in this matter before him. But notwithstanding any endeavours that could be used then, or afterwards, there remained great differences in the Church about it for many ages. For the Churches of Great Britain and Ireland did not accord with the Roman Church in keeping Easter on the same Sunday,¹ till about the year 800. Nor was the Roman way fully received in France, till it was settled there by the authority of Chales the Great; as has lately been shewn by two learned writers, Bishop Stillingfleet and Dr. Prideaux, who give a full account of the controversy between the Britains and Romans, which I shall not here repeat, but only acquaint the reader, how these differences happened at first in the Church by using different ways of calculation.

It is agreed on all hands, that the first Christians of Jerusalem had no other way of finding out Easter, but by the Jewish cycle of eighty-four years, which the Jews had used some time before to settle the anniversary returns of their Passover: which cycle, though it was a little faulty, continued to be used by the Christians for near two hundred years. Not that they kept their Easter on the fourteenth day with the Jews, as Scaliger² and some others have erroneously hence concluded; for which they are corrected by Bishop Usher,³ and Bishop Beveredge,⁴ who shew, that those first Christians of Jerusalem, though they followed the Jewish computation, did not keep Easter with the Jews on what day of the week soever it fell, but on the Sunday following in honour of our Saviour's resurrection: however, they continued to use the Jewish cycle, till the fifteen bishops of Je-

¹ See Bishop Stillingfleet's Answer to Cressy. p. 322. And Dr. Prideaux's Connection of Hist. &c. Part II. Book iv. p. 237. ² Scaliger.

de Emend. Temp. lib. ii. p. 150.

³ Usser. Prolegom. ad Ignat.

cap. ix.

⁵ Bevereg. ad Canon. Apost. 7.

Jerusalem, who were of the circumcision, were succeeded by others who were not of the circumcision, and then they began to reckon their Easter by other computations. Epiphanius says expressly,¹ that they kept Easter at first by the old Jewish cycle, and he quotes an order out of the Apostolical Constitutions (different from those which we have now) appointing them not to trouble themselves about calculations, but to keep the feast at the same time with the brethren that came out of the circumcision, and not be concerned though they were mistaken in their calculations. But when that succession of Jewish bishops was ended, with the destruction of Jerusalem in the time of Hadrian, some Christians began to inquire into the defects of the Jewish cycle, which was found to make Easter sometimes anticipate the vernal equinox, and so bring two Easters into one year. To remedy which inconvenience, they began to invent other cycles. About the year 220, Hippolytus, bishop of Portus, or Adana in Arabia, published a new cycle in his Paschal Canon, which, Eusebius says,² was called the *ἑκκαίδεκαετηρῖς*, or *cycle of sixteen years*. Not long after this, Dionysius, Bishop of Alexandria, about the year 250, set forth another Canon, called the *ὀκταετηρῖς*, or *cycle of eight years*, in which, as Eusebius tells us,³ he particularly remarked, that the paschal festival ought never to be kept till after the vernal equinox. Not long after, Anatolius, who was also an Alexandrian, about the year 270, published another cycle, which Eusebius says,⁴ was called the *ἑννεαδεκαετηρῖς*, *the cycle of nineteen*: in which he shewed from several ancient Jewish writers themselves, that the pasch ought never to be before the vernal equinox, and therefore there was a necessity of correcting their cycle. Hence about this time Bishop Usher⁵ reckons the seventh of those called the Apostolical Canons, and the interpolation of the old Constitutions took their original.

¹ Epiphanius, *Har.* lxx. *audianor.* n. 10.
cap. 22.

² Euseb. lib. vii. cap. 20.

³ Euseb. lib. vi.

⁴ Euseb. lib.

⁵ Usser. *Prolegom.* in *Ignat.* cap. ix.

The former of which says,¹ if any bishop, presbyter, or deacon, keep the paschal feast before the vernal equinox, with the Jews, let him be deposed. And the other,² “ye brethren, who are redeemed with the precious blood of Christ, ought to keep the pasch with all diligence and exactness after the equinox, that ye may not twice in one year commemorate the passion of Him, who died but once, and be careful that ye observe not the pasch with the Jews. For we have now no communion with them. For they are deceived in their very calculation, which they imagine to be exact. So that they err in all respects, and are found to deviate from the truth.” We see, at this time, the Jewish calculation was rejected by the Eastern Church, and yet no certain one agreed upon in its room, to fix unalterably the precise Lord’s day, on which they were to celebrate this festival. Therefore this matter remaining still uncertain, the Council of Nice, which determined that it should be kept only upon the Lord’s day,³ is said also to have committed the care of the cycle to the bishops of Alexandria, that they might inform the rest of the world on what Lord’s day every year it was to be observed. Some think upon this Eusebius was employed to draw up the cycle of nineteen, which was afterwards perfected by Theophilus, bishop of Alexandria, in the time of Theodosius, into a calculation for an hundred years. And yet after this it was that Cyril still complained of great confusion in the account of Easter in the Church, in the camp, and in the palace; and that the Roman and Alexandrian accounts sometimes varied a week or a month from each other, as we have seen before, which was owing purely to their different ways of calculation: because the Roman Church still proceeded by the old Jewish cycle of eighty-four, and not by the new Alexandrian cycle of nineteen. To remedy this confusion, one Victorius, a Frenchman, was employed by Hilarius, Archdeacon of Rome, to make a new Paschal Canon: but neither did his attempt succeed: for though he took in the Alexandrian cycle of nineteen, yet still he re-

¹ Can. Apost. vii. al. 8.

² Constit. lib. v. cap. 16.

³ Leo. Ep. lxxiii. ad Marcian. Imperator.

tained so much of the Roman, as made the variation of Easter Sunday sometimes a week, and sometimes a month between them. And no effectual cure was found for this, till Dionysius Exiguus, anno 525, brought the Alexandrian Canon entire into the use of the Roman Church. Meanwhile the Churches of France and Britain kept to the old Roman Canon, and it was two or three ages after before the new Roman, that is, the Alexandrian Canon, was, not without some struggle and difficulty, entirely settled among them. This is the short of the history of the long dispute that happened in the Church among those that were otherwise agreed to keep Easter only on the Lord's day, which was owing purely, as we have seen, to the great variety of their cycles and calculations. Meanwhile particular members of particular Churches had no concern in this dispute, but were obliged for peace sake to follow the rule of their own Church, though there might be some error in her calculation. For, as Chrysostom says well upon the dispute with the Protospaschites,¹ men were not bound to be over critical about days and times, and years, but carefully in such matters to follow the Church, and prefer peace and charity before all other things. For though the Church were in an error, yet there was no such advantage or commendation to be gained by the exact knowledge of times, as there might be disadvantage and dispraise arising from division and schism about it. And with this consideration men were generally inclined to keep Easter in peace, and sometimes comply with what they thought a wrong calculation, rather than make a disturbance in the Church upon it. As Pope Leo tells the French and Spanish bishops, he complied with the Alexandrian cycle in the year 455, when there was a week's difference in their computation; the Roman cycle placing Easter on the seventeenth of April, and the Alexandrian on the twenty-fourth. But he acquiesced, he says, in their determination for the sake of peace and unity,² and desired the

¹ Chrys. Hom. lii. tom. v. p. 714.

² Leo. Ep. 95.

Quia studio unitatis et pacis malui orientalium definitioni acquiescere, quam

western bishops so to do likewise, and to give notice of the time to their brethren; that they, who were united in the same faith, might not be divided about the solemnity of the festival. This was an excellent rule of peace, though there were some fierce and untractable spirits, that would not always be content to be governed by it.

SECT 5.—But they all agreed to pay a great respect and honour to it, as to the Day of our Lord's Resurrection.

Having thus far accounted for the differences that were in the Church about the time of this festival, I come now to shew wherein they all agreed to pay a peculiar respect and honour to it. Gregory Nazianzen,¹ after his manner, styles it the queen of days, and the festival of festivals, which excels all others, not only human, but even those that are instituted to the honour of Christ, as far as the sun goes beyond the other stars. It was a day of extraordinary rejoicing upon the account of our Lord's resurrection; being, as Chrysostom styles it,² the desirable festival of our salvation, the day of our Lord's resurrection, the foundation of our peace, the occasion of our reconciliation, the end of our contentions and enmity with God, the destruction of death, and our victory over the devil. Hence in some ancient writers it is distinguished from all other Lord's days in the year by the peculiar name of *Dominica Gaudii*, the Lord's day of joy, as Papebrochius and Pagi³ have observed upon the life of Pachomius and Theodore, the latter of which saints is said to have ended his life *Dominicâ Gaudii*, which those learned men think can be understood of no other but Easter

in tantæ festivitatis observantiâ dissidere: noverit fraternitas vestra, die octavâ Kalendarum Majorum ab omnibus resurrectionem Dominicam celebrandam, et hoc ipsum per vos aliis esse fratribus intimandum, ut divinæ pacis consortio, sicut unâ fide jungimur, ita unâ solennitate feriemur. Vid Prosper. Chronic. an. 455. ¹ Naz. Orat. 19. in Fun. Patris. tom. i. p. 304. and Orat. 42. de Pasch. p. 676. ² Chrys. Hom. 85. de Paschate. tom. v. p. 587. Edit. Savil. ³ Papebroc. Vita Pachomii. xiv. Maij. Pagi. Critic. in Baron. an. 370. n. 4.

Sunday. And that implies, that this was then a known and noted appellation.

SECT. 6. On this Day the Emperors granted a general Release to the Prisons and pardoned all Criminals, except some few that were guilty of Crimes of a more unpardonable Nature.

One great instance of this public joy was given by the emperors, who were used to grant a general release to the prisons on this day, and by an act of grace, called their indulgence, set all criminals free, except some few that had committed crimes of a more unpardonable nature. This custom was first begun by Valentinian, anno 367, who has two laws in the Theodosian Code to this purpose. The former of which runs in these terms:¹ “in honour of the paschal festival, which we celebrate from the bottom of our heart, we open the prisons to all criminals that lie bound in chains, only excepting such as are guilty of sacrilege, treason, robbing of graves, poisoning, magic, adultery, stealing or ravishing of virgins, and murder, from the benefit of this indulgence.” Valentinian junior and Theodosius, anno 381, made a like act of grace, only excepting the same crimes, under which they more expressly comprised parricide, incest, and counterfeiting the public coin,² as species of murder, adultery, and treason, which for their infamous character ought to have a more notorious mark set upon them. They also excepted such as relapsed into their former crimes, because they abused the indulgence of the prince, by making that an incitement to sin, which was intended only as a means to correct evil habits, and bring them to a reformation. The same emperor, anno 385, made another decree, that whereas it might happen, that by the negli-

¹ Cod. Th. lib. ix tit. 38. De Indulgentiis Criminum, leg. iii. Ob diem Paschæ, quem intimo corde celebramus, omnibus quos reatus astringit, carcer inclusit, claustra dissolvimus; ad tamen sacrilegus, in majestate reus, in mortuo, veneficus, sive maleficus, adulter, raptor, homicida, communione istius muneris separentur. Vid. Leg. iv. ejusdem. Imper. ibid.

² Ibid. leg. vi. and vii.

gence or remissness of messengers, or any other accident, their letters of grace might come too late, the judges of provinces should be empowered,¹ as soon as Easter day was come, to dispense the accustomed indulgence, causing the prisons to be opened, the chains to be knocked off, and the persons to be set at liberty; such only excepted, as it would be a scandal to pardon, because their actions were a reproach to the purity of that holy and joyful season. "For who," say they with great elegancy, "would grant an indulgence to a sacrilegious villain at an holy season? who would pardon an adulterer, or an incestuous person, at a time which calls for perfect chastity? who would not pursue a ravisher of virgins in the profoundest peace and public joy? let him have no rest nor respite from his bonds, whose barbarous cruelty would not suffer the dead to rest quietly in their graves: let the poisoner, and the sorcerer, and the falsifier of the coin still suffer torment: let the murderer expect the same that he has done to others: and the rebel despair of pardon from his prince, against whom he has plotted treason." But excepting these criminals, all others had the benefit of these imperial indulgences at this holy season. Justinian takes no notice of the former laws, but inserts this last into his Code,² which shews that it became the standing law of the Roman empire. And the Goths adopted it also into their law, as appears from one of Cassiodore's epistles,³ which Gothofred commends as written with a great deal of elegancy upon this subject. The ancient Fathers not only mentioned these paschal indulgences, but frequently speak of them with great commendations. St. Chrysostom more than once tells us,⁴ that when Flavian, Bishop of Antioch, went to intercede with Theodosius the emperor for that city, which by the seditious practices of some had highly incurred his displeasure, among other arguments to mitigate his

¹ Ibid. leg. viii.
 audentiâ. leg. iii.
 ultima.
 xx. ibid. p. 256.

² Cod. Justin. lib. i. tit. 4. de Episcopali

³ Cassiodor. lib. xi. Ep.

⁴ Chrys. Hom. vi. ad Pop. Antioch. p. 95. tom. i. Hom.

anger against them, he made use of this, taken from his own practice, that in honour of the paschal festival, he was used to send letters round the world, to cause all prisons to be opened, and all that were in bonds to be set at liberty: therefore take an example, said he, from yourself, and call to mind your own humanity; when in one of your letters, as if it had not been enough to discharge the prisoners, you were pleased to add, I wish I were able to recall those that are already executed, and restore them to life again. St. Ambrose¹ made use of the same argument to aggravate the offence of the younger Valentinian, when by the persuasion of his mother Justina, the Arian empress, he had sent some of the Catholic bishops to prison at the holy feast of Easter, when it was customary to loose the bonds of those that were already in prison, and which he himself before was used to do, as appears from his laws already mentioned. The same custom is mentioned by Gregory Nyssen,² who speaking of the resurrection of Christ, says, there is no one so miserable as not to find a release by the magnificence of this great festival. For at this time the prisoner is loosed, the debtor is set at liberty, and the slave has his manumission or freedom granted him by the kind declaration of the Church. In like manner, the petition presented by the Eutychian monks to the second Council of Ephesus, recorded in the acts of the Council of Chalcedon,³ takes notice, that as the Church was wont to absolve sinners at Easter from the bonds of excommunication, so the emperors used to loose the bonds of those that were in prison for their offences.

Chrysostom further acquaints us with the reason or ground of this practice, telling us,⁴ that the emperors set prisoners at liberty, that they might imitate, as far as in

¹ Ambros. Ep. xxxiii. Sanctis diebus hebdomadis ultimæ, quibus solebant debitorum laxari vincula, &c. ² Nyssen Hom. iii. de Resur. Christi. tom. iii. p. 420.

³ Conc. Chalced. act. i. Conc. tom. iv. p. 278.

⁴ Chrys. Hom. xxx. in Gen. tom. ii. p. 127.

them lay, the example of their Lord and Master. For as He delivered us from the grievous prison of our sins, and made us capable of enjoying innumerable blessings; so ought we in like manner, as far as was possible, to imitate the mercy and kindness of our Lord. So again in his Homily upon Psalm cxlv. which was spoken in the Passion week, and therefore goes under both titles: the imperial letters, says he,¹ are sent forth, commanding all prisoners to be loosed from their bonds. For as our Lord, when he was ἐν Ἀδῶ, *in hell*, or the state, and place of the dead, set at liberty all that were under the power of death: so his servants, contributing what they are able, in imitation of the mercy of their Lord, loose men from these visible bonds, having no power to loose them from those, which are spiritual and invisible. Whence we may observe, that these indulgences of the princes, were not designed to make men believe they were cleared either of the guilt or infamy of their crimes, but only freed from the punishment that was due to them. Both the guilt and scandal still remained upon them, and the very indulgence itself was a note of infamy, implying, that they had done something that needed such a pardon. And for this reason these indulgences were never granted promiscuously to whole bodies of men, because that would have been to have set a mark of infamy and condemnation upon the innocent as well as the guilty, as Valentinian once told the senate,² when they petitioned for a general act of grace to be granted to their whole body for the sake of a few offenders in it. He assured them, he was ready to pardon any particular members among them; but to grant a general indulgence to the senate, was to defame the senate without reason: since every indulgence set a mark upon those, whom it freed; and did not erase the infamy of

¹ Chrys. Hom. in Psal. cxlv. tom. iii. p. 823. Quæ est Hom. 78. in Hebdomadam Magnam. tom. v. Edit. Savil. p. 541.

² Cod. Th. lib. ix. tit. 38. De Indulgent. Criminum. leg. v. Indulgentia, Patres Conscripti, quos liberat, notat; nec infamiam criminis tollit, sed pœnæ gratiam facit. In uno hoc, aut in duobus reis ratum sit; qui indulgentiam senatui dat, damnat senatum.

the crime, but only relax the punishment. For as one of the old poets said well,

“*Pœna potest demi, culpa perenni serit.*”

The punishment may be remitted, but the crime, both in its guilt and scandal, will remain upon men for ever, notwithstanding any such human acts of grace, unless they take some proper methods to sue out a divine pardon. However the Emperors were willing to grant what indulgence they could to men's bodies at this holy festival, that criminals might partake of their clemency shewn in imitation of their Lord, and use the opportunity to do something more for themselves, by having recourse to heaven as penitents, and applying to the throne of grace for a more effectual pardon.

SECT. 7.—At this Time also it was usual more than ordinarily for Men to shew their Charity to Slaves by granting them their Freedom.

We may observe further out of the forementioned place of Gregory Nyssen, that it was usual at this time not only to release criminals out of prison by a public act of state, but for private men also to shew their charity to their fellow creatures, by granting slaves their manumission or freedom, as a proper expression of mercy becoming this holy festival, which brought a general redemption from slavery, and universal liberty to mankind by our Saviour's resurrection. And that there might be no clog or impediment to this good disposition cast in men's way to hinder this kind of charity, the law provided, that though all other kinds of legal processes should cease for the whole week following this festival, yet whatever was necessary to be done by way of charity for the manumission of slaves, should be allowed of, as comporting with the true intent and design of this holy solemnity. This we learn from a law of Theodosius,¹ in the Justinian Code, which says, “let all actions at law, whether

¹ Cod Justin. Lib. iii. tit. xii. de Feriis. leg. viii. Actus omnes, seu publici sunt seu privati, diebus quindecim paschalibus conquiescant. In his tamen et emancipandi et manumittendi cuncti licentiam habeant; et super his acta non prohibeantur.

public or private, cease in the fifteen paschal days, that is, in the week before and the week after Easter Sunday. Yet all men have liberty at this time to grant freedom to their slaves, and whatever acts are necessary to be done in law to promote this end, are not prohibited." This is the same exception that Constantine had made before with respect to the Lord's day,¹ on which all proceedings at law were prohibited, except such as were matters of absolute necessity or great charity, among which he reckons the manumission of slaves, which therefore was allowed at any time, as has been shewn before in speaking of the Lord's day.

SECT. 8.—And to the Poor by liberal Donations.

But this was not the only instance of their charity at this holy season. For they were ambitious at this time especially to shew their liberality to the poor; nothing being thought more congruous and suitable to the occasion, than for men to make the hearts of the poor rejoice, at a time when they remembered the common fountain of their mercies, as Comodian words it in his instructions.² Upon this account Eusebius tells us,³ Constantine was used, as soon as the morning of Easter day appeared, to open his hand in liberality to all nations, provinces, and people; bestowing rich gifts upon them, in imitation of the beneficence of the common Saviour of mankind.

SECT. 9.—The whole Week after Easter-day celebrated with Sermons, Communions, &c. as Part of the same Festival.

Neither did they confine their acts of piety and devotion to Easter-day, but kept the whole week following in the strictest manner, as part of the same festival; holding religious assemblies every day not only for prayer, but for preaching and receiving the communion also. This is evi-

¹ Cod. Th. lib. ii. tit. viii. de Feriis leg. i. cap. lxxv.

² Commod. Instruct.

³ Euseb. vit. Const. lib. iv. cap. 22.

dent in part from what has been observed in the beginning of this chapter, sect. 1. That the Paschal solemnity in its full extent including fifteen days, or two whole weeks, the one before, and the other after Easter day. Concerning that which followed after (and of that we are only speaking here) Chrysostom says plainly,¹ that they had sermons every day throughout the whole week. For seven days together we hold religious assemblies, and prepare a spiritual table for you, making you partakers of the divine oracles, and every day anointing you, (he means, with the spiritual unction of instruction) and arming you against the devil. A little after he says again, seven days together ye have preaching, that ye may learn perfectly to wrestle with your enemy. And he calls the whole solemnity a spiritual marriage, which, after the manner of other marriage solemnities, lasted seven days. Upon this account the author of the Constitutions² requires servants to rest from their labour this whole week, that they might attend sermons and other offices of divine service. The same is required in the second Council of Maseon: “on those six most holy days let no one presume to do any servile labour, but let all with one consent attend the service of the paschal festival, and persevere in offering up their daily sacrifices, praising him who created and redeemed us, both evening and morning and at noon-day.” And to the same purpose the Council of Trullo:³ from the holy day of the resurrection of Christ our God to *new Sunday*,—*μεχρὸς τῆς καινῆς κυριακῆς*,—all the faithful ought to spend their time at church, and exercise themselves incessantly the whole week in psalms and hymns and spiritual songs, rejoicing in Christ, and celebrating the festival by attendance on the reading of the holy mysteries. For so we shall

¹ Chrys. xxxiv. de Resur. Christi. t. v. p. 531, et 532.
lib. viii. cap. 53.

² Constit.
³ Con. Maseon. ii. can. 2. Sanctissimis illis sex diebus nemo servile opus audeat facere, sed omnes simul coadunati, hymnis paschalibus indulgentes, perseverationis nostræ presentiam quotidianis sacrificiis ostendamus, laudantes Creatorem ac Regeneratorem nostrum Vespere et Mane et Meridie.

¹ Con. Trull. can. 66.

rise with Christ, and be exalted with him. Therefore let neither horse-racing, nor any other public games or shows be performed on these days.

SECT. 10.—All public Games prohibited during this whole Season.

What this council here forbids under the name of public games, is agreeable to former imperial laws, which prohibited them not only on Easter day, as being one of the Lord's days, but extended the prohibition to the whole week after. For so Theodosius, junior, had expressly determined,¹ that at Easter and Pentecost all public games and pleasures both of the theatre and circus should universally be denied to the people, during the whole time that the newly-baptised wore their white and shining garments representing the light of their heavenly washing: (that is till the Sunday following, which, as we shall see by and by, was the conclusion of this festival:) and the reason of this prohibition is there given; because during this season the minds of Christians ought wholly to be employed in the worship of God. And the prohibition extends also to Jews and Gentiles, who are so far obliged to pay a respect to this holy time, as to know how to make a distinction between days of supplication and days of pleasure.

SECT. 11.—And all Proceedings at Law, except in some special and extraordinary Cases.

And for the same reason all proceedings at law were prohibited at this season, except in some special and extraordinary cases. As the case of manumission of slaves, which being a case of great charity, was allowed at all seasons; as has been noted before,² out of Gregory Nyssen and a law of Theodosius, which allows and confirms all acts of law that were necessary to be done in order to set slaves at liberty and give them their freedom. And a like exception

¹ Cod. Th. lib. xv. tit. 5. de Spectac. leg. v. vi. and vii. of this Chapter.

² See before, sect.

was made by Theodosius junior and Honorius¹ in the case of trying pirates, because this was necessary to be done immediately for the sake of the public safety: and therefore the examination of such criminals was allowed in Lent, and on the Easter festival. But excepting such cases of necessity, and charity, all other actions at law were entirely superseded at this time in honour of the paschal festival. There are laws of Theodosius in both the Codes to this purpose,² that the whole fifteen days of the paschal solemnity, that is, the week before Easter-day, called the Great Week in Lent, and the week following, should be times of perfect vacation from all actions and business of the law; the forementioned cases only excepted. And they are often mentioned and referred to by St. Austin,³ Chrysostom, and others, who need not here be repeated, because they have been alleged before upon other occasions in this chapter, sect. 1. and 6.

SECT. 12.—The Sunday after Easter, commonly called, *Dominica Nova*, and *Dominica in Albis*, observed with great Solemnity as the Conclusion of the Paschal Festival.

Neither need I remark here, that Easter was the most noted and solemn time of baptism in the Church, because of this the reader has had a particular account before in treating of baptism: but I only observe, that the Sunday after Easter, which was the conclusion of the paschal feast, was usually observed with great solemnity. For on this day the Neophytes, or persons newly baptised, were wont to lay aside their white garments, and commit them to the reposi-

¹ Cod. Th. lib. ix. tit. 35. de Questionibus. leg. vii. Provinciarum iudices moneantur, ut in Isaurorum latronum questionibus, nullum Quadragesimæ, nec venerabilem Pascharum diem existiment excipiendum, ne differatur sceleratorum proditione consiliorum, &c. Vid. Cod. Th. lib. xiii. tit. 5. de Naviculariis. leg. 38.

² Cod. Th. lib. ii. tit. 8. de Feriis. leg. ii. Sanctos quoque Paschæ dies, qui septeno vel præcedunt numero vel sequuntur, in eâdem observatione numeramus. Vid. Cod. Justin. de Feriis. leg. 2, 7, 8.

³ Aug. Serm. xix. inter Editos a Sirmondo. Chrys. Hom. xxx. in Gen. et in Psal. 145.

tory of the Church. Whence, as it was sometimes called the octaves of Easter, as being the conclusion of the paschal festival: so more commonly it was known by the name of *Dominica in Albis, the Sunday of Albes, or white garments*. Under which denominations we meet with it several times in St. Austin in his sermons upon this day: some of which are said to be preached¹ “*Dominica in Octavis Paschæ* ;” and others “*Dominica in Albis*,”² if any stress is to be laid upon the titles, which perhaps may be added by other writers about the time of Charles the Great, in whose days these were the common appellations among all the ritualists of the Latin Church.³ But the Greek writers give it another name, viz. *Καινὴ Κυριακῆ*, or *Διακαινήσιμος*, the *New Sunday*. Under which title Nazianzen⁴ and Chrysostom have sermons upon it, and the Council of Trullo mentions it under the same denomination,⁵ saying, from the day of the Lord’s resurrection to the new Lord’s day, men shall attend at church to singing, reading the Scriptures, and participating of the holy mysteries. It was so called from the renovation of men by the new birth of baptism; being the close of the great festival of Easter, at which they were baptised, and born anew of water and the Holy Ghost, and then clothed in new and white garments, emblems of their new light and birth; which being laid aside again the Sunday following, the day was called the new Lord’s day from the whole action that went before it: as the six days of the week preceding it were called *Dies Neophytorum, the days of the Neophytes*, or newly-baptised, for the same reason: as we find in St. Austin,⁶ who speaking of the time from Easter Sunday to the Sunday following inclusively, stiles it *Octo Dies Neophytorum, the eight days of Neophytes*, taking both Sundays into the number.

¹ Aug. Serm. de Temp. 160, 162, 163, 164. ² Id. Ser. xix. ex Editis a Sirmondo.

³ Vid. Vicecomes de Ritib. Bapt. lib. v. cap. 12.

⁴ Naz. Orat. xliiii. in Dominicam Novam. Chrys. Hom. cvi. in Dom. Nov. Tom. vii. edit. Savil. p. 575.

⁴ Con. Trull. can. lxxvi.

⁵ Aug.

Ep. cxix. ad Januar. cap. 17.

CHAP. VI.

Of Pentecost, or Whitsuntide.

SECT. I.—Pentecost taken in a double Sense among the Ancients. First, for the fifty Days between Easter and Whitsuntide ; and secondly, for the single Day of Pentecost.

The next great festival was that of Pentecost, which is taken in a double sense among the Ancients. For sometimes it signifies the whole space of fifty days between Easter and Whitsuntide, which was one continued festival ; and sometimes it was taken in a more restrained sense for that particular time which was set aside for the commemoration of the descent of the Holy Ghost upon the Apostles. In the former acceptation Tertullian speaks of it,¹ when he tells the Christians, by way of triumph over the heathens, that the heathen festivals were but a single day in the return of every year. But the Christians had a festival every eighth day, meaning the Lord's day : and besides that, they had one continued festival of fifty days, which was more than all the festivals the heathen could pretend to reckon up in a whole year. So again he says in another place,² that Pentecost was a large space of time appointed by the Church for administering of baptism, during which season the resurrection of the Lord was frequently demonstrated to the disciples, and the grace of the Holy Ghost was first

¹ Tertul. de Idololat. cap. 14. Ethnicis semel annuus dies quisque festus est: tibi octavo quoque die. Excerpe singulas solleinnitates nationum, et in ordinem texe, Pentecosten implere non poterunt.

² Tertul. de Bapt. cap. 19. Exinde Pentecoste ordinandis lavacris latissimum spacium est, quo et Domini resurrectio inter discipulos frequentata est, et gratia Spiritûs Sancti dedicata, &c. Vid. Can. Apostol. 37. et Can 20. Con. Antioch, where mention is made of the fourth week in Pentecost.

poured out upon them. Where it is plain, he takes Pentecost not barely for the day, on which the Holy Ghost descended on the Apostles, but for the whole time that our Saviour conversed amongst his disciples, to give them proof of his resurrection. Therefore, though Vicecomes¹ reprehends Ludovicus Vives for asserting this, yet Habertus defends him out of these places of Tertullian;² and Dr. Cave³ and other learned men are of the same opinion. Particularly Gothofred takes a great deal of pains to prove this to be the meaning of *Quinquagesima*, which is the Latin name for Pentecost, in that famous law of Theodosius junior,⁴ where he prohibits all public games and sports, during the solemnities of Easter and Pentecost, which solemnities are there described by these two circumstances or characters: first, that the Neophytes then laid aside their white and bright garments, representing the new light and brightness of their holy and heavenly washing; and secondly, that at this season the Acts of the Apostles, called the *Apostolical Passions*, were read, in commemoration and confirmation of the great doctrine of Christianity, our Lord's resurrection.

SECT. 2.—During which Time the Church chiefly exercised herself in reading and meditating upon the Acts of the Apostles, as the great Confirmation of our Lord's Resurrection.

The latter of these circumstances is a peculiar characteristic, not of any single day, but of the whole time between Easter and Whitsuntide, during which time it was customary in the Church to read the Acts of the Apostles, as we learn from several passages in Chrysostom, which plainly shew, that he takes Pentecost for the whole fifty days between Easter day and Whit Sunday. One of his

¹ Vicecom. de Ritib. Bapt. lib. i. cap. 25.
 eratic. Par. viii. Observ. 4. p. 134.

² Habert. Archi-
³ Cave, Prim. Christ. p. 307.

⁴ Cod. Th. lib. xv. tit. 5. de Spectaculis. leg. 5. Paschæ etiam et Quinquagesimæ diebus (quamdiu cælestis lumen lavacri, imitantia novam sancti baptismatis lucem vestimenta testantur: quo tempore et commemoratio apostolicæ passionis, potius Christianitatis magistræ, a cunctis jure celebratur) omni theatrorum atque circensium voluptate populis denegatâ, &c.

Homilies is chiefly spent in giving an answer to this question,¹ why the Acts of the Apostles are read in Pentecost? The sermon itself bears this title; and in answer to the question, he says, that on every festival such portions of Scripture were read as particularly related to that festival. Thus on the day of our Saviour's passion all such Scriptures were read, as had any relation to the cross; on the great Sabbath, or Saturday before Easter, they read all such portions of Scripture as contained the history of his being betrayed, crucified, dead, and buried; on Easter day they read such passages as gave an account of his resurrection. But then it seemed a difficulty why the Acts of the Apostles, which contain the history of their miracles done after Pentecost, should be read in this interval, before Pentecost was fully ended. To this he answers, that the miracles of the Apostles, contained in that book, were the great demonstration of our Saviour's resurrection: and therefore the Church appointed that book to be read always immediately after our Saviour's resurrection, to give men the evidences and proofs of that holy mystery, which was the completion of their redemption. And hence it became a standing rule over the whole Church to read the Acts in these fifty days of Pentecost, as appears from many other places of Chrysostom,² Austin,³ Cassian,⁴ and the fourth Council of Toledo,⁵ which because I have had occasion to recite at large in a former book,⁶ I forbear to repeat in this place.

SECT. 3.—All Fasting and Kneeling at Prayers prohibited at this Season, as on the Lord's Day.

During this season likewise they generally prohibited all fasting and kneeling at prayers, as on the Lord's day, be-

¹ Chrys. Hom. 63. Cur in Pentecoste acta legantur. t. v. p. 919.

² Chrys. Hom. 33. in Gen. p. 478. Hom. 47. t. 5. p. 637. Hom. 48. in inscript. altaris. t. v. p. 650.

³ Aug. Tract. 6. in Joan. 1. 9. p. 24.

Hom. 83. de diversis.

⁴ Cassian Institut. lib. ii. cap. 6.

⁵ Conc. Tolet. 4. can. 16.

⁶ Book XIV. chap. iii. n. 3.

cause at this time they more especially celebrated with joy the memorial of our Saviour's resurrection. This is plain from those words of Tertullian,¹ " We count it unlawful to fast, or to worship kneeling on the Lord's day ; and we enjoy the same immunity from Easter to Pentecost." Epiphanius says the same,² that though the Ascetics of the Church fasted on the stationary days, that is, Wednesdays and Fridays, or other times, yet they neither fasted nor kneeled on the Lord's day, or the whole fifty days of Pentecost. And this custom about kneeling was made a standing rule by the Council of Nice : for whereas, say they,³ there are some, who kneel on the Lord's day, and the fifty days of Pentecost ; that an uniform way of worship may be observed in all churches, it seems good to the holy synod, that prayer be made to God standing. Yet all churches did not exactly conform to this rule, nor observe these customs so precisely in Pentecost, as they did on the Lord's day. For St. Austin says,⁴ he was not certain that these things were in use in all churches, either in Pentecost or the Lord's day. And Cassian says more expressly,⁵ that in the monasteries of Syria, they had no great regard to this rule, which forbad kneeling at prayers or fasting in Pentecost, though their neighbours, the Egyptians, were very precise and punctual in the observation of both those customs ; which made him more curious to enquire into the ground and reason of these observations : and their answer was,⁶ that this festival being kept in honour

¹ Tertul. de Coron. Mil. cap. 3. Die Dominico jejunium nefas ducimus, vel de geniculis adorare. Eâdem immunitate à die Paschæ in Pentecosten usque gaudemus.

² Epiphan. Expos. Fid. n. 22.

³ Con. Nic. can. 20.

⁴ Aug. Ep. 119. ad Januar. cap. 17. Ut autem stantes in illis diebus, et omnibus Dominicis oremus, utrum ubique servetur ignoro.

⁵ Cassian Collat. xxi. cap. II. Cæpimus diligentius percontari, cur apud Ægyptis tanta observantia caveretur, ne quis penitus totis Quinquagesimæ diebus vel genua in oratione curvaret, vel usque ad horam nonam jejunare præsumeret, eoque id diligentius perscrutabamur, quod nequaquam hoc tantâ cautione servari in Syriæ monasteriis videramus.

⁶ Ibid. cap. 20. Ideo in ipsis diebus nec genua in oratione curvantur, quia inflexio genuum velut pœnitentiæ ac luctus indicium.

and memory of our Saviour's resurrection, it was a time of more than ordinary joy; and fasting and kneeling were incongruous at such a season, because they were indications of deep mourning, and a more than ordinary repentance: therefore they neither fasted nor prayed kneeling on these days, or the Lord's day, but sung praises and hallelujahs to God, in honour and thankfulness for our Saviour's resurrection. This custom of singing hallelujah in many churches was peculiar to this season; but in some churches it was used upon other occasions. Of which the reader may find a full account in a former book,¹ where we treat of the psalmody of the Church.

SECT 4.—And all Public Games and Stage-plays; but not Pleading at Law forbidden, or bodily Labour.

To proceed with the present festival, we may observe further, that it was of so great esteem and veneration, that Theodosius junior, a pious prince, thought it proper to forbid all public games and diversions, as well of the theatre, as the circus, during this whole season, because this was a time of more solemn worship, when the minds of Christians ought to be wholly employed in the service of God, and commemorating of those wonderful miracles that were wrought in confirmation of the Gospel by the hand of the Apostles, as he words it in his law made for this purpose.² But business of law and administration of justice was a more necessary thing than sports and pastimes; and therefore there was no cessation of those enjoined at this season, but only in the first week after Easter, which was reckoned into the paschal festival. As soon as this was over, the law was open again, and all actions commenced afresh, as at other times, which is evident from that discourse of St. Austin, which he preached on the octaves of Easter, or *Domi-*

¹ Book XIV. chap. ii. sect 4.
Spectaculis. leg. 5.

² Cod. Th. lib. xv. tit. 5. de

nica in Albis, where he says,¹ the days of vacation are now past, and those of convening, exactions, and law suits succeed in their room. So that in this respect the remainder of these fifty days was inferior to the other great festivals; but this was the only thing, in which there appears to be any distinction or difference in law made between them. And in regard to ecclesiastical affairs, they were observed with almost the same religious solemnity as the other festivals, as appears from what has now been said upon them: only some learned men make a just remark, that the observation of this solemnity did not oblige men, especially those of the poorer sort, to a strict abstinence from bodily labour. For this was a rule only for the Lord's day, and some of the greater festivals, as appears from the author of the Constitutions, who, speaking of the days, on which servants were to rest from their labour,² mentions the Lord's day, and the Sabbath, and the nativity of Christ, and Epiphany, and the great week in Lent, and Easter week, and Ascension day, and Pentecost, as it signifies the particular day of the descent of the Holy Ghost upon the Apostles, but says nothing of Pentecost in the larger acceptation, as it signifies the whole fifty days between Easter and Whitsuntide. The Council of Eliberis has a pretty severe Canon against some,³ who kept Pentecost at a wrong season, not fifty, but forty days after Easter. But it does not clearly appear, that they intended the whole fifty days should be observed, but only the particular day of Pentecost at its proper season. Or if they intended more, yet Alaspinæus thinks,⁴ they made no rule about keeping these days as days of perfect vacation from bodily labour, but only days of relaxation from fasting and kneeling, and days of public joy and thanksgiving, and

¹ Aug. Serm. 19. ex Editis a Sirmondo. t. x. p. 811.
lib. viii. cap. 33.

² Constitut.
³ Con. Eliber. can 43. Pravam institutionem emendari placuit, juxta auctoritatem Scripturarum, ut cuncti diem Pentecostes post Pascha celebremus, non Quadragesimam, sed Quinquagesimam. Qui non fecerit, novam hæresim induxisse notetur.

⁴ Alasp.
in Loc.

holding religious assemblies for prayer and receiving the eucharist, which probably was administered every day during this whole season. And in these things consisted the observation of Pentecost in this larger acceptation.

SECT 5.—Of Ascension Day, its Antiquity and Observation.

In the course of this long continued festival of Pentecost we are to take more special notice of one particular day, before we come to Whitsunday; that is, of the feast of our Saviour's ascension or assumption into heaven. The observation of this festival was so ancient, that St. Austin could derive its original from no other fountain, but either apostolical institution, or the general agreement of the Church in some plenary council. For those things, says he,¹ which are received and observed over all the world, not as written in Scripture, but as handed down to us by tradition, we conceive to be either instituted by the Apostles themselves, or some numerous councils, whose authority is of very great use in the Church. Such are the anniversary solemnities of our Saviour's passion, and resurrection, and ascension into heaven, and the coming of the Holy Ghost from heaven. It is certain, therefore, the feast of ascension was generally observed all over the Church long before St. Austin's time. Chrysostom often speaks of it under the name of Ἀνάληψις, or our Lord's assumption into Heaven. For not to mention those two sermons in Sir H. Savil's edition upon the ascension,² which are reckoned spurious, he has one upon the assumption,³ the credit of which was never called in question, wherein he styles this festival the illustrious and refulgent day of our Lord's assumption into heaven. And in another

¹ Aug. Ep. 118. ad Jannarium. Illa quæ non scripta, sed tradita custodimus, quæ quidem toto terrarum orbe observantur, datur intelligi, vel ab ipsis apostolis, vel plenariis conciliis, quorum in ecclesiâ saluberrima auctoritas, commendata atque statuta retineri. Sicut quod Domini passio, et resurrectio, et ascensio in cœlum, et adventus de cœlo Spiritus Sancti anniversariâ solennitate celebrantur.

² Chrys. Hom. 63 et 71. tom. vii. edit. Savil.

³ Ibid. Hom. 35. in Assumpt. t. v. p. 533. ed. Paris.

homily upon Whitsunday,¹ recounting the great solemnities that had just gone before, he says, “ We have lately celebrated our Saviour’s passion, his resurrection, and then his ἀνοδὸν εἰς ἔσανδον, *his return to heaven*, that is, the feast of his ascension. In like manner the author of the Constitutions puts Ascension day into the number of the great Christian festivals,² because on this day our Saviour’s economy on earth was completed. Among the Cappadocians the day was called *Episozomene*. For so Leo Allatius tells³ us he found it noted in a manuscript of Gregory Nyssen’s works. And one of Chrysostom’s homilies is said to be preached Κυριακῇ σωζομένης,⁴ or ἐπισωζομένης, which the curators of Sir H. Savil’s edition take to be *Dominica in Albis*, or the Sunday after Easter; but Suicerus⁵ and Allatius understand it of the Sunday after Ascension day, which from thence took its denomination. Why Ascension day was so called is not very easy to conjecture. Perhaps it might be, because by our Saviour’s assumption into Heaven again, the whole economy of his incarnation and the world’s redemption was now completed, as the author of the Constitutions words it. And Chrysostom much after the same manner says,⁶ “ On this day God and man were reconciled together; on this day that ancient enmity was destroyed, and that long war ended; on this day an admirable and unexpected peace was restored to us. After God in his anger had destroyed man and beast from off the earth by an universal deluge, we that were unworthy of the earth were this day exalted to Heaven; we that were not worthy to reign below, were advanced to a kingdom above. We ascended above the heavens, and took possession of a royal throne; and that nature of ours, against which the cherubims were set to guard paradise, was this day set above the cheru-

¹ Chrys. Hom. 37. in Pentecost. p. 560.
cap. 33.

² Constit. lib. viii.

³ Allat. de Dominicis et Hebdomad. Græcor. n. 28.

⁴ Chrys. Hom. 19. ad Pop. Antioch.

⁵ Suicer. Thesaur.

Eccles. Voce, Ἐπισωζομένη.
p. 535 & 535.

⁶ Chrys. Hom. 35. in Ascens. t. v.

bims." He means, that Christ, as the first-fruits of our nature in perfection, was exalted unto heaven; and all his members in some measure now partake of that glory, and hope in due time to meet him in the clouds, and to be translated to the same place, whither their forerunner is gone before them. This is the best account I can give at present of the name, *Episozomene*, and the application of it to the celebrated festival of our Saviour's ascension or assumption into heaven. I need not stand now to enquire into the manner of its observation; for being in the midst of Pentecost, it certainly had all the solemnity that belonged to that festival, and never passed without a proper discourse, to excite men to elevate their souls, and ascend with Christ in heart and mind to heaven, in hopes of obtaining it as their proper mansion both for body and soul hereafter to all eternity. But as for any such ridiculous pageantry as has been used in some places to represent Christ's ascension in the Church, by drawing up an image of Christ to the roof of the church, and then casting down the image of Satan in flames, to represent his falling as lightning from heaven, with abundance more of the same kind, (which the curious reader may find described by Hospinian out of Naogeorgus,¹) the Ancient Church was wholly a stranger to it; this being the invention of later ages, when superstitious ceremonies had debased religion into sport and ridicule, and made the great things of God's law look more like ludicrous pomp and comedy, than venerable mysteries of the Christian faith. But I return to the Ancient Church.

SECT. 6.—Of Pentecost in the stricter Sense, as denoting the Festival of the Descent of the Holy Ghost upon the Apostles.

The conclusion of this great festival season was Pentecost, taken in the stricter sense for that particular day commonly called Whitsunday, or Pentecost, when they commemorated the descent of the Holy Ghost upon the Apos-

¹ Hospin. de Festis Christian. p. 72.

bles; which happening upon the day, which the Jews called Pentecost, or the fiftieth day after the Passover, (a day of great note among the Jews, both for the memorial of the law delivered at Mount Sinai, and also for the gathering and bringing in of their harvest;) it retained the same name of Pentecost among the Christians; though they kept it not as a Jewish feast, but only as a commemoration of the glorious effusion of the spirit in the gift of tongues and other miraculous powers, made at this time upon the disciples. Hence it had also the name of *Ἡμέρα Πνεύματος*, *the day of the Holy Ghost*, as we find in Nazianzen¹ and others. And some learned men think,² it was hence called Whitsunday, partly because of those vast diffusions of light and knowledge, which upon this day were shed upon the Apostles, in order to the enlightening of the world; but principally, because this being one of the stated times of baptism in the Ancient Church, they who were baptized put on white garments, in token of that pure and innocent course of life they had now engaged in. The original of this feast is by some carried as high as the Apostles. Epiphanius was of opinion,³ that St. Paul meant it in those words, when he said, he hastened to be at Jerusalem on the day of Pentecost, Acts, xx. 16. But because interpreters generally take that in another sense, we will lay no stress upon it. However it is certain this feast was observed in the time of Origen: for he speaks of it in his books against Celsus⁴: as does also Tertullian before him,⁵ and Irenæus before them both in his book concerning Easter, as the author of the questions under the name of Justin Martyr informs us, where, speaking of the custom of standing at prayers on the Lord's day and Pentecost, he says,⁶ this custom obtained from the days of the Apostles, as Irenæus, bishop of Lyons and Martyr, testifies in his book of Easter, where he also makes mention of

¹ Naz. Oral. xlv. de Pentecost. tom. i. p. 712.

Christ. Par. I. cap. vii. p. 192.

n. 6.

de Idol. cap. xiv.

² Cave Prim.

³ Epiph. Har. lxxv. Arian.

⁴ Orig. cont. Cels. lib. viii. p. 392.

⁵ Tertul.

⁶ Justin. Quæst. et Respons. ad Orthodox. q. 115.

Pentecost, in which we kneel not, because it is equivalent to the Lord's day, being a symbol of the Lord's resurrection. St. Austin says,¹ the law was written by the finger of God, and given to Moses on this day; and that was a type of the Holy Ghost, called the finger of God in the Gospel, which Christ promised to his disciples as a comforter, and sent to them on the fiftieth day after his passion and resurrection. And all such eminent facts, as were done upon certain days, were annually celebrated in the Church, that the anniversary feast might preserve the useful and necessary memorial of them. This festival of Pentecost in particular was observed the whole week after till the octaves, or Sunday following, without fasting or kneeling, and then the Church returned to her usual stationary fasts on Wednesdays and Fridays, and in some places a strict fast all the week succeeded this festival, as we learn from the second Synod of Tours:² but this was a new institution, as was also the Rogation fast for three days in Ascension Week; of which more hereafter in their proper place.

CHAP. VII.

Of the Festivals of the Apostles and Martyrs.

SECT. I.—The Original of the Festivals of Martyrs.

WE have hitherto considered those festivals, which peculiarly related to our Lord's economy on earth, and were ob-

¹ Aug. cont. Faust. lib. xxxii. cap. 12. Pentecosten, id est, a passione et resurrectione quinquagesimum diem celebramus, quo nobis Sanctum Spiritum Paracletum, quem promiserat, misit: quod futurum etiam per Judæorum Pascha significatum est, cum quinquagesimo die post celebrationem ovis occisæ, Moses digito Dei scriptam legem accepit in monte, &c.

² Con. Turon. ii. can. 18. De Paschâ usque Quinquagesimam, exceptis rogationibus, omni die prandium præparetur. Post Quinquagesimam totâ hebdomadâ exactè jejunetur.

served over the whole Church as memorials of the great acts of his life and death : but besides these there were another sort of festivals instituted by the Church in honour of the Apostles and martyrs, by whose actions and sufferings Christianity was chiefly propagated and maintained in the world. The first original of these festivals is not certainly known,¹ but learned men commonly carry it as high as the second century. And there is plain evidence for this: for they are not only frequently spoken of in Cyprian and Tertullian, but long before in the Epistle of the Church of Smyrna to the Church of Philomelium, recorded by Eusebius,² where speaking of the martyrdom of Polycarp their bishop,³ who suffered about the year 168, they tell their brethren, that they intended by God's permission to meet at his tomb, and celebrate his birth day, meaning the day of his martyrdom, with joy and gladness, as well for the memory of the sufferer, as for example to posterity.

SECT. 2.--Why called their Natalitia or Birth Day.

Where we may observe their peculiar phrase in styling the day of his martyrdom his birth day : which was according to the usual style of the Church in this affair: for so Tertullian³ and others use the words *Natalitia* and *Natales*, meaning not their natural birth, but their nativity to a glorious crown in the kingdom of heaven. I have noted before in speaking of the civil festivals,⁴ that the *Natales* or *Birth days* of the Emperors often signifies not their natural, but political birth day, or the day of their inauguration to the imperial crown: and so it was with the Church, whenever she spake of the nativities of her martyrs, she meant not the day of their natural birth, but the day wherein by suffering death

¹ Hospin. de Festis Christian. cap. iv. p. 14. Cave Prim. Christ. Par. i. cap. vii. p. 195.

² Euseb. lib. iv. cap. 15.

³ Tertull.

de Cor. Mil. cap. iii. Oblationes pro defunctis, pro natalitiis, annuâ die facimus. Con. Laod. can. li. *Μαρτύρων γενέθλια*. Ambros. Hom. lxx. Depositionis dies Natalis dicitur, &c.

⁴ Chap. i. sect. 4.

they were born again to a new life, and solemnly inaugurated to a celestial kingdom, and a crown of endless glory. To this purpose, Peter Chrysologus bids his auditors, when they hear of the birth day of a saint, not to imagine that it means the day of his carnal birth on earth,¹ but the day, on which he was born from earth to heaven, from labour to rest, from torments to delight and pleasure. In this sense Tertullian says,² St. Paul was born again by a new nativity at Rome, because he suffered martyrdom there. In like manner, Prudentius says,³ a martyr's birth day is the day of his passion. And Chrysostom gives the reason of this,⁴ because the death of a martyr is not properly a death, but an endless life; for the sake of which, all things were to be endured, and death itself to be despised. Upon this account the ancient author under the name of Origen says,⁵ when they celebrated the memorials of those holy men, they kept not their first nativity, as being the inlet to sorrow and temptation; but the day of their death, as the period of their miseries, and that which sets them beyond the reach of temptations. We celebrate the day of their death, because they die not even when they seem to die.

SECT. 3.—These Festivals usually kept at the Graves of the Martyrs.

Now these solemnities were usually celebrated at the graves or monuments of the martyrs, which, according to the custom of burying in those times, were commonly without the cities in large *Cryptæ* under ground; where in times of persecution the Christians were often used to meet for safety, when they could not enjoy their Churches. And in after ages, churches were built over these graves, which

¹ Chrysol. Serm. 129. *Natalem sanctorum cum auditis, charissimi, nolite putare illum dici, quo nascuntur in terrâ de carne, sed de terrâ in cælum, de labore in requiem, de cruciatibus ad delicias, &c.*

² Tertul. *Scorpiac. cont. Gnosticos. cap. xv.*

³ Prudent. *Hymn. xi. de Hippolyto. Natalemque diem passio festa refert.*

⁴ Chrys. *Hom. xliii. de Romano Martyre. tom. i. p. 577.*

⁵ Orig. in *Job. lib. iii. tom. i. p. 437. Vid. Euseb. Emissen. Serm. de S. Genesio.*

were therefore called *Martyria*, *Areæ*, *Cæmeteria*, *Mensæ*, *et Memoriam Martyrum*, as I have shewn at large in a former Book.¹ To these places they resorted, whenever they celebrated the memorial of any particular martyr. Which is the reason, why in the ancient panegyrics of the Fathers upon particular martyrs, we sometimes hear them speaking of leaving the city churches upon the anniversaries of the martyrs, and going out into the country to the monuments or memorials of the martyrs, to hold assemblies there, where the martyrs lay buried. Thus Chrysostom, in one of his Homilies upon the martyrs, says,² as before, when the festival of the Macabees was celebrated, all the country came thronging into the city; so now, when the feast of the martyrs, who lie buried in the country, is celebrated, it was fit the whole city should be transferred thither. And in another Homily upon St. Drosis,³ he says, though they had spiritual entertainment in the city, yet their going out to the saints afforded them both great profit and pleasure.

SECT. 4.—And mostly confined to those particular Churches where the Martyrs suffered and lay buried.

Whence we may observe, that those festivals at first were not general festivals, like those of our Lord, observed over the whole Church, but chiefly celebrated in those particular churches, where the martyrs suffered and lay buried. As the festival of Polycarp was chiefly celebrated at Smyrna, and that of Cyprian at Carthage, at the places where they were bishops, and suffered martyrdom: this being most for the edification of the people, to have the examples of their own martyrs, who lived and died among them, proposed to their imitation. And this is confirmed by a peculiar remark made by Sozomen upon the two churches of Gaza and Constantia, in Palestine,⁴ that though they were not above twenty fur-

¹ Book VIII. chap. i. sect. 9.
ribus. tom. v. p. 972.

² Chrys. Hom. lxxv. de Marty-

³ Hom. lxxvii. in Drosid. tom. v. p. 989.

⁴ Sozom. lib. v. cap. 3.

longs distant from one another, yet they had each of them their own bishop and clergy, and distinct festivals of their own particular martyrs,—“*ἰδία πανηγύρεις μαρτύρων.*” To this purpose it was customary for every church to have her own *Fasti*, or *Kalendar* of martyrs; and public notaries to take the account of what was said and done to or by the martyrs at their passions; out of which, general martyrologies were made by men in after ages, collecting all these particular accounts into one body, which Valesius¹ and Pagi² own to be the first original of the Roman and all other martyrologies, which are not so ancient as the kalendars. For such kalendars and public acts were originally kept in every church to preserve the memorial of their martyrs. As is evident from Tertullian,³ who speaks of the Church having her *Census* and *Fasti*, that is, as Rigaltius and others well explain it, her rolls or accounts both of her expences on the poor, and the acts or passions of her martyrs. To which Cyprian also plainly refers,⁴ when, being in exile, he sent to his clergy to be careful in setting down the days, on which the martyrs suffered, that there might be an anniversary commemoration made of them.

SECT. 5.—Usual to read the Acts or Passions of the Martyrs on their proper Festivals.

These acts or passions of the martyrs, when they were carefully taken and preserved genuine without corruption, were commonly read in the Church upon the anniversary commemoration and proper festival of the martyr. The third Council of Carthage, which forbids all other books to be read in the Church besides the Canonical Scripture, excepts the passions of the martyrs,⁵ as books that might be read

¹ Vales. de Martyrologio Romano. ad calcem Eusebii.

² Pagi. Critic. in Baron. an. lxiv. n. 6.

³ Tertul. de Coron. Mil.

chap. xiii. Habes tuos census, tuos fastos. &c.

⁴ Cyp. Ep. xxxvii.

al. xii. ad Cler. p. 27. Denique et dies eorum quibus excedunt, annotate, ut celebrentur hic a nobis oblationes et sacrificia ob commemorationes eorum.

⁵ Con. Carth. iii. can. 47. Liceat legi passiones martyrum, cum anniversarii eorum dies celebrantur.

on their anniversary days of commemoration. St. Austin, and Pope Leo, and Gelasius, often mention the reading of such histories in the African and Roman Churches. Cæsar-ius Arelatensis, and Alcimus Avitus, and Ferreolus speak of the same in the French Churches. And some think, not improbably, that such sort of histories and passions of the martyrs, had particularly the name of *Legenda*, *Legends*, upon this account, because they were used to be read in the Church on the festivals of martyrs: but the fabulous writers of lives, such as the author of the *Golden Legend*, and other monkish impostors, have since written the lives of saints and martyrs in such a scandalous manner, as to alter the signification of the good old word, and make a legend pass for a romantic fiction, and mere imposture. Of which learned men even in the Romish Church, such as Ludovicus Vives, and Melchior Canus, and Papebrochius,¹ and Pagi,² have made frequent and just complaints; confessing, that even their breviaries and passionals, are often filled with such monstrous fables, as would make a wise man blush to hear or read them in the public offices of the Church; and which they desire heartily to see perfectly reformed. Particularly Pagi exposes the fiction of Ursula,³ and her eleven thousand companions, all virgins, said to be martyred at Colen at one time under Cyricius, a pope that never was in being; and he tells us the Roman Martyrology and Breviary have dropped the number as an incredible fiction; as also did the Colen editors, and the school of the Sorbon, retaining the name of Ursula, but being ashamed of her eleven thousand companions, notwithstanding that Hermanus Crombak wrote a large volume, called *Ursula Vindicata*, to defend this monstrous fable. It were easy to give many other such instances, but this one is sufficient to shew the difference between the modern passionals, and the simplicity of those of the ancient Church, the reading of which was one part of their solemn exercise upon these festivals.

¹ Papebroch. Conat. Histor. Chronol. p. 43.
Baron. an. 302. n. 18 and 19.

² Pagi Critic. in

³ Pagi Crit. an. 383. n. 3.

SECT. 6.—And to make panegyrical Orations upon them.

To these they commonly added a panegyrical oration or sermon of their own composing, in commendation of the virtues of the martyr, to excite their audience, which was usually very great upon such occasions, to the imitation of them. We have a great many instances of such orations in Chrysostom, Basil, Nazianzen, Nyssen, Austin, Ambrose, Leo, Chrysologus, and others. Where the whole design of the orator is so to extol the excellencies of the saint, as to inflame his auditory with the love of his admirable virtues. This was the great end and design of keeping these festivals, and of their meeting together upon such occasions, partly to pay a due respect and honour to the memory of the dead, and partly to engage themselves to imitate such great and brave examples. It is thus the Church of Smyrna in their epistle to the Church of Philomelium tell their brethren,¹ they intended annually to meet at Polycarp's tomb, and celebrate his birth day with joy and gladness, as well for the memory of the sufferer, as for example to posterity: but as for any other honour of religious worship (which their enemies the Jews suggested they would be inclined to give him) they declared they had no such intention: for they could never be induced either to forsake Christ, who suffered for the salvation of the whole world, or to worship any other. Him, as being the Son of God, we worship and adore: but the martyrs, as the disciples and followers of the Lord, we love with a deserved affection, for their exceeding great love toward their own king and master; desiring to be made partners and fellow-disciples with them. In like manner St. Austin says, our religion consists not in the worship of dead men: because if they lived piously, they are not esteemed such as would desire that kind of honour; but would have him to be worshipped by us, through whose illumination they rejoice to have us

¹ Ap Euseb. lib. iv. cap. 15.

partners with them in their merit. They are therefore to be honoured for their imitable and worthy examples,¹ not to be worshipped for religion. So again in answer to the ealumny of the Manichees,² who made no conscience of falsely accusing the Catholics of giving them divine honour and adoration, he says, we celebrate the memories of the martyrs with religious solemnity, to excite ourselves to their imitation, and to become partners in their merits, and to have the benefit of their prayers: yet so, as that we never offer any sacrifice to a martyr, but only to the God of the martyrs. For what priest, standing at the altar in the places where the holy bodies lie, ever said, we offer unto thee, Peter, or Paul, or Cyprian? But whatever is offered, is offered unto God that crowned the martyrs, at the memorials or graves of those, whom he crowned, that the very places may admonish us of our duty, and raise our affection, and quicken our love both toward them, whom we may imitate, and toward Him, who enables us to imitate them. Imitation, we see, was the great thing designed by these festivals and all the eloquent discourses that were made upon the martyrs: they were not so much intended to be panegyrics and praises of the martyrs, who were above them and needed them not, as to be flaming and warm engagements upon the audience, to induce them to imitate the glorious actions and virtues of the martyrs. Thus Chrysostom expressly tells his auditory, beginning one of these panegyrics with these words:³ blessed Barlaam hath called us together to this holy festival with great solemnity; not to praise him, but to imitate him; not to be hearers of his encomium, but to be followers of his worthy actions. For then the martyrs are chiefly sensible of honour done to themselves, when they see their fellow servants made partakers of their own goodness. Therefore if any one would praise the martyrs, let him imitate the

¹ Aug. de Vera Relig. cap. 55. Honorandi sunt ergo propter imitationem, non adorandi propter religionem. ² Aug. Cont. Faust. lib. xxi. cap. 20.

³ Chrys. Hom. 73. de Barlaam Martyr. t. i. p. 886.

martyrs: if any one would give the champions of religion their just encomium, let him emulate their labours. This will bring no less pleasure to the martyrs than their own virtues. And he closes the same discourse with this exhortation: thou art a soldier of Christ, beloved, put on thy armour, and mind not thy dress: thou art a generous combatant, quit thyself like a man, and regard not external comeliness. So shall we imitate these holy men: so shall we honour these valiant warriors, these crowned champions, these friends of God. It were easy to cite hundreds of passages out of Chrysostom and other ancient writers to the same purpose. For this was the great drift of all their panegyrics and discourses upon these festivals, to assure men, that to copy after the example of the martyrs was the greatest honour they could shew to these renowned champions of the Christian faith. And it always had its proper effects upon men's minds. For as in times of persecution, Tertullian told the heathen,¹ that the blood of the martyrs was the seed of the Church; and the more they were cut down, the more they grew; the exquisite cruelty that was used to destroy them, did only allure greater numbers to come over to their party: so Chrysostom afterwards assures us,² that the very memory of the martyrs wrought wonderful effects upon the minds of men: it confirmed them against the assaults of wicked spirits, it delivered them from impure and absurd thoughts, and set their minds in great tranquillity. The death of the martyrs was still an exhortation to Christians,³ the support of the Church, the confirmation of Christianity, the destruction of death, the demonstration of the resurrection, the reproach of devils, the condemnation of Satan, the doctrine of philosophy, an exhortation to despise the things of this world, and the way to lead men to the desire of a better, a comfort to men in affliction, a mo-

¹ Tertul. Apol. cap. 50. Nec quicquam tamen proficit exquisitor quæque crudelitas vestra: illecebra est magis sectæ: plures efficimur, quoties metimur à vobis; semen est sanguis Christianorum.

² Id. ad Scapul. cap. v. Hanc sectam tunc magis ædificari scias, cum cæci videtur.

³ Chrys. Hom. xx. t. v. p. 290.

³ Id. Hom. 67. de S.

Droside. t. v. p. 991.

tive to patience, an engagement to fortitude, and in a word the root and fountain and mother of all that is good. When you see the martyrs despise life,¹ though you be the most stupid and negligent of all creatures, you cannot but entertain sublime and exalted thoughts, contemning pleasures, despising riches, and desiring to have your conversation in heaven. If you languish under a disease, the passions of the martyrs will afford you one of the strongest arguments to engage you to patience; if you are oppressed with poverty, or any other evils, cast but your eye to the bitterness of the torments, which they endured, and you have a present consolation and remedy for all the troubles that can befall you. For this reason I love above all things the commemorations of the martyrs; I love and embrace them all, but especially those, wherein we commemorate the martyrdom of women (such as Drosis, about whom he was now speaking:) because by how much they are the weaker vessel, by so much greater is their grace, their trophy more illustrious, their victory more glorious, not only for the weakness of their sex, but because the enemy of human nature is overcome by that, by which it was first vanquished. For by a virgin the devil first slew Adam, and by a virgin afterwards Christ overcame the devil; and that very sword, which was sharpened against us, cut off the head of the dragon. He often repeats this famed aphorism, that the honour of the martyrs³ is to imitate their fortitude and virtue; and as frequently inculcates Tertullian's observation,³ that the blood of the martyrs waters the beautiful plants of the Church. For as plants, grow the more for being watered, so the faith flourishes the more for being opposed,⁴ and the more it is persecuted, the more it grows: nor does water make a garden more fertile, than the blood of the martyrs does the Church. For this reason the Ancients strained all their eloquence to set off the constancy and gallantry of the martyrs on their proper festivals, that hereby they might induce their hearers to copy after such great and brave examples.

¹ Chrys. Hom. 67. de S. Droside. t. v. p. 994.

² Chrys. Hom. 47. in

Julian. Martyr. t. i. p. 611.

³ Hom. 74. de Martyrib. t. i. p. 898.

⁴ Hom. 40. in Juventin. et Maximum. t. i. p. 547.

SECT. 7.—The Communion always administered upon these Days.

And because, as Chrysostom observes,¹ the blood of Christ, which he first shed for the martyrs themselves, was the great thing that animated so many thousands to lay down their lives with joy and alacrity for his sake, that they might communicate in his sufferings, and be made conformable to his death: therefore these festivals of the martyrs never passed without a general communion of the whole Church partaking of the blessed symbols of Christ's body and blood, the oblation of which was always celebrated upon these occasions. This we learn from the same St. Chrysostom, who, dissuading his people from intemperance upon one of these solemnities, bids them consider,² how absurd it was after such a meeting, after a whole night's vigil, after hearing the holy scriptures, after participating of the divine mysteries, after such a spiritual repast, for a man or woman to be found spending whole days in a tavern. The foundation of his argument is laid upon this supposition, that they had received the eucharist in the church before, in celebrating the memorial of the martyrs. And so Sidonius Apollinaris represents the matter, when speaking of the festival of St. Justus, one of their proper martyrs at Lyons, he says,³ that after they had kept his vigil the night preceding, they assembled again by day at nine in the morning, when the priests did *rem divinam facere*, offer the oblation or consecrate the eucharist, as Savaro rightly expounds it.

SECT. 8.—And herein a particular Commemoration of the Martyrs was made, called, the Oblation or Sacrifice of Praise and Thanksgiving to God for them, and Prayer for a general Consummation and happy Resurrection.

And at this time particularly they made a more solemn commemoration of the martyrs in the oblation of the Eucharist; which being a sacrifice of praise and thanksgiving to God for the example of their noble courage and sufferings

¹ Chrys. Hom. 74. de Martyr. t. i. p. 899.
de Martyr. t. v. p. 779.

² Sidon. lib. v. Ep. 17.

³ Chrys. Hom. 59.

on the behalf of religion, it was therefore commonly styled the oblation or sacrifice made for the natiuities of the martyrs. Thus we find it in Tertullian,¹ we make oblations for the dead, for their birth days, o new birth unto heaven and happiness, on their anniversary commemorations. In like manner, Cyprian bids his clergy,² register the days, on which any of the confessors suffered death, that commemoration might be made of them among the memorials of the martyrs, and that oblations and sacrifices might be made for them on the solemn days of their commemoration. So again in another epistle,³ ye remember how we are used to offer sacrifices for them, as often as we celebrate the passions and days of the martyrs by an anniversary commemoration. There is some little dispute indeed among some of the Ancients, what was to be understood by these sacrifices or oblations for the martyrs. St Austin was of opinion, that they could only mean the sacrifice of praise and thanksgiving to God for their glorious deaths and brave examples. And this no doubt was one part of the sacrifice they speak of: but when he says,⁴ that he, who prays for a martyr, does an injury to the martyr, because martyrs have attained to a sort of perfection in this life, and have no need of the prayers of the Church: this is not so consistent with the general practice of the Church, which was used to pray for patriarchs, prophets, apostles, and martyrs, as considering them in a state of imperfection still, so long as their bodies continued in the grave: which the apostle himself allows, when he says, "God having provided some better thing for us, that they without us should not be made perfect:" therefore the Church may be supposed, by her sacrifices and oblations for martyrs to understand

¹ Tertul. de Coron. Mil. cap. iii. Oblationes pro de functis, pro natalitiis, annuâ die facimus.

² Cypr. Ep. xxxvii. al. xii. p. 27. Denique et dies eorum quibus excedunt annotate, ut commemoraciones eorum inter memorias martyrum celebrare possimus.—Et celebrentur hic à nobis oblationes et sacrificia ob commemoraciones eorum.

³ Ep. xxxiv. al. xxxix. p. 77. Sacrificia pro eis semper, ut meministis, offerimus, quoniam martirum passiones et dies anniversariâ commemoratione celebramus.

⁴ Ang. Ser. xvii. de Verbis Apostoli. tom. x. . 132.

prayers, as well as praises and thanksgivings, that they and all the faithful might obtain a perfect consummation in bliss by the means of an happy resurrection. And that the Church did sometimes thus offer the sacrifice of prayer even for martyrs themselves, I have fully evinced in a former¹ book, and therefore need say no more of it in this place.

SECT. 9.—The Night preceding any of these Festivals commonly observed as a Vigil, with Psalmody and Prayers.

But we must observe, that for the solemnizing of these festivals of the martyrs, they commonly kept a vigil the night preceding, which they spent, as they did those before the Lord's day and other great festivals, in psalmody, hymns, and prayers till the morning light. This is plain from Chrysostom's exhortation to the people upon one of these festivals:² ye have turned the night into day, *διὰ τῶν παννυχίδων τῶν ἱερῶν*, by keeping your holy station all the night: do not now turn the day into night again by drunkenness and intemperance, and wanton and lascivious songs. In like manner Sidonius Apollinaris,³ describing the manner of their solemnizing the festival of St. Justus, bishop of Lyons, takes notice not only of the observation of the day, but of the preceding vigil. "We met," says he, "at the grave of St. Justus; it was a morning procession before day; it was an anniversary solemnity; the confluence of people of both sexes was so great, that the church, though very capacious and surrounded with cloisters, would not contain them. When the service of the vigil was ended, which the monks and clerical singers performed with alternate melody, we separated for some time, but went not far away, as being to meet again at three o'clock, that is, nine in the morning, when the priests were to perform divine service, that is, the service of the communion, as on a festival." Thus the festivals of the martyrs were always introduced with a vigil, according to the manner of the Lord's day.

¹ Book xv. chap. iii. sect. 16.
tom. v. p. 779.

² Chrys. Hom. lix. de martyr.

³ Sidon. lib. v. Ep. 17.

SECT. 10.—Common Entertainments made by the Rich for the Use of the Poor upon these Festivals at the Graves of the Martyrs, till Abuses caused them to be laid aside.

It was usual also upon these days, for the rich to make feasts of charity, or common entertainments for the use of the poor at the graves of the martyrs. Some learned men¹ think this may be one meaning of those sacrifices and oblations, which are said to be made at the monuments of the martyrs; and others there are,² who think this was the only meaning of them; because the word *natalitia*, in propriety, signifies the donations or *largesses*, which men were used to make upon their birth days, rather than the birth days themselves. But not to dispute this matter by way of criticism with any, it is certain they had their *συμπόσια*, or *feasts of charity*, and common banquets on these days at the graves of the martyrs. The ancient writer under the name of Origen says,³ on these solemnities they met together, both clergy and people, inviting the poor and needy, and refreshing the widows and the orphans; that so their festival might not only be a memorial of the happy state of the deceased, but in respect of themselves also an odour of a sweet smell in the sight of God. In like manner, Constantine says,⁴ sober feasts were made by many for the relief of the poor, and such as stood in need of their assistance. So Chrysostom,⁵ dissuading his people from running to the diabolical entertainments that were used to be made at Daphne one of the suburbs of Antioch, tells them, if they desired a coporeal, as well as a spiritual table upon any of these festivals, they might as soon as the assembly was done, recreate and feast their bodies under a vine or fig-tree near the monument of the martyr, and thereby secure their conscience from condemnation. For the very sight of the martyr, being near them, and as it were standing by their table, would not

¹ Cave Prim. Christ. par. i. chap. vii. p. 204.

² Hospin. de

Festis. cap. iii. p. 10. Junius. Not. in Tertul. de coron. Mil. cap. iii.

³ Orig. in Job. lib. iii. p. 437.

⁴ Const. Orat. ad Sauctos. cap. xii.

⁵ Chrys. Hom. xlvii. in Sanct. Julian. tom. i. p. 613.

suffer their pleasure to run out into excess and degenerate into sin; but as a good father or a master, being looked upon with the eye of faith, would restrain all ridiculous mirth, and cut off all indecent pleasures, and take away all lascivious motions of the flesh, which could not be avoided, if they went to the vain pomps of Daphne, where the devil reigned in the midst of them. It appears from this, that these feasts were then managed with great sobriety and gravity, and chiefly used as they were originally designed, for the use and benefit of the poor. And as such, they are recommended by Nazianzen,¹ Theodoret,² Paulinus,³ and others, being indeed nothing more than those common feasts of charity, called *agapæ*, and derived from apostolical practice, only now applied to the festivals of the martyrs. But as the best things by the corruptions of men often degenerate into abuses, so it fared with this laudable practice. Some made use of it only as an opportunity of gratifying their covetousness and desires of filthy lucre; others hence took occasion to indulge themselves in revellings and dancings; and some were so vain as to think, that even rioting and drunkenness at such times was for the honour of the martyr. The last of these abuses was so notorious, that the Manichees hence took occasion to rail at the church, and calumniate her as encouraging such abominable practices in her people: which though it was a malicious slander in respect of the church, who did all she could to discourage such excesses; yet in respect of the people, the fact was too true, and the charge too well-grounded to be denied of them all in general. Therefore St. Austin in answer to the objection, is forced to own the charge in part as true: I know, says he,⁴ there are many, who superstitiously worship graves and pictures: I know many that drink luxuriously and excessively over the

¹ Naz. 10. *Carm. de Diversis vitæ Generibus.* tom. i. p. 80.
Therapeutic. Serm. viii.

² Theod.

³ Paulin. natal. *Felicis.*

⁴ Aug. de *Moribus Eccles. Cathol. can. xxxiv.* tom. i. p. 331. *Novi multos esse sepulchrorum, et picturarum adoratores: novi multos esse qui luxuriosissimè super mortuos bibant, et epulas cadaveribus exhibentes, super sepultos seipsos sepeliant, et voracitates ebrietatesque suas deputent religioni.*

dead, and when they make a feast for the deceased, bury themselves over those that lie buried in the graves, and after all place their gluttony and drunkenness to the account of religion. But I advise you to leave off railing at the Catholic Church for this: for in speaking against the morals of such men, you only condemn those, whom the Church herself condemns, and daily labours to correct them as wicked children. They, who make themselves drunk in the memorials of the martyrs,¹ says he again in another place in answer to the same objection, are so far from having the approbation of the Church, that she condemns them for being guilty of that vice in their own private houses: it is one thing that we are commanded to teach, and another thing that we are commanded to correct, and forced to tolerate and endure, till we can amend it. St. Ambrose happily corrected this intemperance at Milan,² by prohibiting all such feasts in the Church: and St. Austin made use of his example to persuade Aurelius, the primate of Carthage,³ to use his authority to do the same in the African Churches. Upon which Aurelius got a Canon made in the third Council of Carthage,⁴ obliging the clergy to refrain from all such feasting in the church, and as much as in them lay, to restrain the people from the same practice. This had been prohibited before by the Council of Laodicea,⁵ forbidding all feasts of charity, and all eating, and spreading of tables in the Church: and it was prohibited afterwards by the second Council of Orleanse in France,⁶ where a general Canon was made, that no one should pretend to pay any vow in the Church by singing, or drinking, or any loose behaviour whatsoever: because God was rather provoked, than appeased by such vows as these. There was another evil custom prevailing in France in the time of king Clodoveus II. about the year

¹ Aug. cont. Faust. lib. xx. cap. xxi. Vid. Ambros. de Elia et Jejunio. cap. xvii. Cypr. de Duplici Martyrio. p. 42.

² Vid. Aug. Confes. lib. vi.

cap. ii.

³ Aug. Ep. lxxiv. ad Aurel.

⁴ Con. Carth. iii. can. xxx.

⁵ Con. Laodic. can. 28.

⁶ Con. Aurel. ii. can. xii. Ne quis in

Ecclesiâ votum suum cantando, bibendo, vel lasciviendo exsolvat: quia Deus talibus votis irritatur potius quam placatur.

650, when the first Council of Chalons was held, which endeavoured by a Canon to correct it,¹ viz. that on the festivals of martyrs and dedications of churches, companies of women, were used to come before the church, singing filthy and obscene songs, whilst they should have been at divine service: whom they therefore order to be repelled, and if they persisted obstinate in their wickedness, to be prosecuted with the severest censures of the Church. St. Basil mentions another abuse of these festivals,² which was men's keeping markets at these times and places, under colour of making better provision for these feasts: but he smartly rebukes this as a great encroachment upon piety, wholly unbecoming such solemnities, which were designed purely for prayer and the commemoration of the virtues of holy men, for our encouragement and imitation; and he tells such men, they ought to remember the severity of our Saviour, who whipped the buyers and sellers out of the temple, when by their marketings and merchandize they had turned the house of prayer into a den of thieves. There are many other abuses and corruptions, which crept into the Church at this door in after-ages, such as the invocation of Saints and Martyrs, the worshipping of relics, pilgrimages and visitings of shrines, and the like superstitious practices, which, as they were utterly unknown or disallowed in the purer ages of the Church, so it is none of my business here further to pursue.

SECT. II.—What Festivals observed in Memory of the Apostles.

But it may be inquired, whether any particular days were set apart in memory of the Apostles and first disciples of Christ? to which I answer, that as many of them as were martyrs, and the time and place of their passions was known, there is no reason to question, but that they had anniversary

¹ Con. Cabillon. i. can. xix. Noscitur valde esse indecorum, quod per dedicationes basilicarum, vel festivitates martyrum, ad ipsa solennia confluentes chorus femineus turpia quidem et obscæna cantica decantare videntur, dum aut orare debeant, aut clericos psallentes audire, &c.

² Basil. Regul. Major. q. xl.

commemorations among the rest of the martyrs, at least from the time that the festivals of martyrs began to be observed in the Church. Thus the martyrdom of St. Peter and St. Paul was observed at Rome, either upon the 29th of June, or the 22d of February: for the day is disputed between bishop Pearson¹ and Pagi,² and I will not pretend to decide the controversy between them. But it is generally agreed both by the ancients and moderns, that they both suffered martyrdom at the same time in the persecution under Nero at Rome. This Eusebius³ shews out of Caius Romanus, Tertullian, Origen, and Dionysius of Corinth; who say, that the one was crucified, and the other beheaded; and that their trophies or monuments were the one in the *Via Ostiensis*, and the other in the Vatican, till Pope Xystus removed them into the catacombs, or subterraneous vaults, as the old *Indiculus Depositionis Martyrum* calls them, for greater security in the heat of persecution. And here it was, that St. Jerom says,⁴ when he was a school boy at Rome, he often went with others of his companions into the cryptæ or cemeteries under ground, to see their sepulchres among the rest of the martyrs. So that it being unquestionable, that St. Peter and St. Paul were crowned with martyrdom at Rome, there is no doubt to be made, but that their festivals were anciently observed there, and elsewhere, as other festivals of the martyrs. And the like may be concluded of all the other apostles, who suffered martyrdom in the several countries where they preached the Gospel.

SECT. 12.—The Festival of the holy Innocents.

Besides these, the ancient Church kept a festival in memory of the holy innocents that were slain at our Saviour's birth. The ancient writers never speak of them but under the title of Christian martyrs. Cyprian says,⁵ the nativity of Christ began *a martyriis infantium*, immediately with

¹ Pearson. *Annal. Cyprian.* an 258. p. 63.

² Pagi *Critic.* in

Baron. an. 258. sect. iii.

³ Euseb. *Lib.* ii. cap. 25. *Lib.* iii. cap 1.

⁴ Hieron. *Com.* in Ezek. cap. xl. p. 636.

⁵ *Cypr. Ep.* lvi. al. lviii.

ad Thibaritanos. p. 123.

life for the sake of one; meaning, that he made them all martyrs for the sake of Christ, whom he thought to have slain among them. Before all these Irenæus says,¹ Christ when he was an infant made infants martyrs for himself, and sent them before him into his kingdom. Pope Leo² and Fulgentius speak of them in the same style, as infant martyrs and co-partners in the passion of Christ, who suffered martyrdom for Him without knowledge or grief.

But Origen goes a little further, and not only calls them the first-fruits of the martyrs, but says,³ their memorial was always celebrated in the Churches after the manner or order of the saints, as being the first martyrs that were slain for Christ. And St. Austin says more than once,⁴ that the Church received them to the honour of her martyrs, which seems to imply, that some peculiar festival was appointed for their commemoration. But whether this at first was a distinct festival from the Epiphany, or rather kept on the same day, is a matter that may bear some dispute; because Prudentius, Fulgentius, and Leo speak of the innocents only upon this day, and not upon any other occasion.

SECT. 13.—The Festival of the Maccabees.

But we are further to observe, that anciently they celebrated not only the festivals of the Christian martyrs, but also some of the more eminent martyrs of the Old Testament: such as the seven Maccabees, whose courage in opposing the tyrant Antiochus Epiphanes, and dying for the defence of the Jewish law, seems to have been generally over the whole Christian Church in the fourth century, about which time we find abundance of panegyrics made upon

¹ Iren. lib. iii. cap. 18. Ipse infans cum esset, infantes hominum martyres parans, &c.

² Leo Serm. 7. in Epiphan. p. 33. Fulgent. Hom. 4. de Epiphan. et Innocentibus, p. 541.

³ Orig. Hom. 3. de Diversis, t. ii. p. 436. Horum memoria semper ut dignum in ecclesiis celebratur, secundum integrum ordinem sanctorum, ut primorum martyrum pro Domino occisorum.

⁴ Aug. de Libero Arbitrio. lib. iii. cap. 23. l. i. p. 29. In honorem martyrum receptos commendat ecclesia. It. Ep. 28. ad Hieronymum.

them. Chrysostom has three homilies upon this occasion,¹ wherein he speaks of their festival being celebrated at Antioch with more than ordinary concourses of people. St. Austin says,² the Christians had a church there called by the name of the Maccabees: and he himself has two sermons upon their festival, in which he shews that they were esteemed in reality Christian martyrs. And hence it appears that their feast was solemnly observed in the African Churches; for he begins his first Homily with these words, "*Istum diem nobis solennem fecit gloria Maccabæorum.—This day is made a festival to us by the glory of the Maccabees.*" Gregory Nazianzen has a sermon upon the same occasion,³ wherein he says, this present festival is kept in memory of the Maccabees, who though they are not had in so great honour by some, because they strove not for mastery by the grace of Christ, yet they are worthy of all due respect and veneration, because they contended valiantly for the laws of their fathers, and the truth of religion, as then revealed to them. We find the like discourses among those of Gaudentius, bishop of Brixia,⁴ and Eusebius Emissenus,⁵ and Leo,⁶ bishop of Rome. Which manifestly shews, that this was a festival of great note throughout the whole Church. And the reason is given by Gregory Nazianzen: because they were really admirable in their actions, yea, more admirable in one respect than the martyrs that came after Christ. For, says he, if they suffered martyrdom so bravely before Christ's coming, what would they not have done had they lived after Him, and had the death of Christ for their example? For this reason this festival was particularly celebrated all over the Christian Church, but upon what day I am not yet able to inform the reader, save only that the Roman martyrology places it upon the first of August.

¹ Chrys. Hom. 44, 49, & 50. tom. i. de Diversis. t. x. p. 585.

² Aug. Hom. 109 & 110.

³ Naz. Orat. 22. de Maccabæis. t. i.

p. 397.

⁴ Gaudent. Serm. 15. de Maccabæis.

⁵ Euseb. Emissen. Hom. de Jisdem.

⁶ Leo Serm. 82. de Septem

Maccabæis. p. 81. Valerian. Hom. 18. de Maccabæis. *ibid.* p. 749.

SECT. 14.—Of the general Festival of all the Martyrs.

But I must acquaint him with one thing more concerning these festivals of the martyrs: that because the number of them was exceeding great, and every particular Church could not observe them all, therefore they chose to have one solemn day for the general commemoration of all the martyrs. This was on a certain day, not long after Pentecost or Whitsunday, as we learn from one of Chrysostom's Homilies upon this occasion,¹ where he says, there are not yet seven days passed since we celebrated the great and holy solemnity of Pentecost, and now again a choir, or rather a camp and army of martyrs overtakes us, an army like the camp of angels, which appeared to Jacob. This seems therefore to have been either what we now call Trinity Sunday, or some day very near it. For the Greeks called this, Κυριακὴ τῶν Ἀγίων, *the Sunday of all the martyrs*, as Leo² Allatius shews out of Callistus's *Synaxarion* and Leo Sapiens, who has an oration upon this day, entitled, upon all the holy martyrs. The name Trinity Sunday is but of modern use. The Ancients had no such festival, because every Lord's day was esteemed the feast of the Holy Trinity. Durandus says,³ Gregory the Fourth, about the year 834, first instituted the festival of the Holy Trinity, and that of the angels together. But Potho Prumiensis will not allow it to be so ancient, for he says,⁴ it began to be used in the monasteries not long before his time, which was about the year 1150. And it appears from a decree of Alexander the third, that it was not observed at Rome in his time, anno 1179. For he says,⁵ the feast of the Holy Trinity is

¹ Chrys. Hom. 74. de Martyribus Totius Orbis. t. i. p. 895.

² Allat. de Hebdom. et Dominicis Græcor. n. 31.

³ Durandi. Ra-

tional. lib. vii. cap. 34.
Hospin. de Festis. p. 73.

⁴ Potho de Statu Domus Dei. lib. iii. ap

⁵ Decretal. Gregor. lib. ii. tit. 9. de Feriis. cap. 2. Festivitas S. Trinitatis, secundum consuetudinem diversarum regionum à quibusdam consuevit in octavis Pentecostes, ab aliis in Dominicâ primâ ante adventum Domini celebrari. Ecclesia siquidem Romana in usu non habet, quod in aliquo tempore hujusmodi celebret spiritualiter

diversely observed according to the custom of different countries; some keeping it on the octaves of Pentecost, and others on the first Sunday before Advent. But in the Roman Church it is not used to be celebrated as any particular festival; for we say every day, Glory be to the Father, and to the Son, and to the Holy Ghost, and such other things as appertain to the praise of the Trinity. So that Trinity Sunday being wholly unknown to the Ancients under that particular name, it is most probable this was the day, on which a general commemoration was made of all the martyrs in the world, as St. Chrysostom's Homily bears it in the title. For the multitude of martyrs being vastly great, it was impossible that particular days should be assigned to each of them; and therefore every Church chiefly celebrated the days of her own martyrs, (which often came once or twice in a week,¹) and added one solemn day for the commemoration of them all in general: of which I have nothing more particularly to remark, but that the Ancients on this day commonly exerted themselves, and shewed the utmost of their skill in the art of oratory, (of which many of them were great masters) in describing the passions, and setting forth the glory of those victories and trophies that were so frequently and so surprizingly acquired by the martyrs. It is a beautiful stroke of Chrysostom's pen, in his homily upon this occasion,² with which I will end this chapter upon these festivals of the martyrs. "The devil," says he, "introduced death into the world, but the wisdom of God turned it to our honour and glory; for hereby he opened the way to martyrdom, and made our destruction become the occasion of a crown. The devil designed to ruin us by death, but Christ inverted his design, and makes use of death to introduce us into Heaven by martyrdom. Here, as

festivitatem, cum singulis diebus, gloria Patri, et Filio, et Spiritui Sancto, et similia dicantur ad laudem pertinentia Trinitatis.—See also *Microlog. de Observ. Eccles. cap. 60.*

¹ See Chrys. Hom. 40. in *Juveninum. t. i. p. 546.* Hom. 65. de *Martyr. t. v. p. 971.* Theodor. Serm. 8. de *Martyr. t. iv. p. 605.* ² Chrys. Hom. 74. de *Martyr. Totius Orbis. t. i. p. 893.*

in all other battles, there were armies engaged on both sides, the martyrs on the one side, and tyrants on the other. The tyrants were armed, and the martyrs naked; yet, they that were naked got the victory, and they that carried arms were vanquished. What an astonishing engagement was this? He that is beaten, proves victor over him that beats him; he that is bound, overcomes him that is at liberty; he that is burnt, tames him that burns him; and he that dies, vanquishes him that puts him to death. These are astonishing things: but it is grace that works these miracles; they are above the strength of nature." Thus the Ancients extolled their martyrs, those heroes of Christianity, by just praises and commendations, and endeavoured to provoke others to piety and virtue by their example, which was the great end and design of these holy solemnities and frequent meetings at the memorials of the martyrs.

CHAP. VIII.

Of some other Festivals of a later Date and lesser Observation.

SECT. I.—Of the Encœnia or Feasts of Dedications of Churches.

BESIDES these festivals, which were of greater antiquity in the Church, there were some others added in the fourth and fifth centuries, which, either for their novelty, or their more limited observation, were far inferior to the former, and of less esteem in the Church. Among these we may reckon the Encœnia, or anniversary feasts kept in memory of the dedication of churches. The first dedication or consecration of churches, which began in the time of Constantine after the demolishing of them in the Diocletian persecution, and rebuilding of them in the peaceable times that succeeded afterwards, has been largely spoken of under another head:¹

¹ Book VIII. chap. ix. sect. I. &c.

here I only take notice of one particular, which properly concerns this place, that is, the anniversary festival, which was sometimes observed in memory of the first dedication of churches. Sozomen gives a famous instance of this in the church of Jerusalem:¹ for, he says, in memory of the dedication of their church, which Constantine built to the honour of our Saviour, they were used to keep an anniversary festival, which lasted for eight days together, during which time both they of the church, and all strangers, who flocked thither in abundance, held ecclesiastical assemblies, and met together for divine service. And from this example the custom was received and propagated in other churches. For Bede says,² Gregory the Great in his letters to Austin and Mellitus, the first Saxon bishops here in England, ordered them to allow the people liberty on their annual feasts of the dedications of their churches to build themselves booths round about the church, and there feast and entertain themselves with eating and drinking, in lieu of the ancient sacrifices while they were Heathens. Hospinian says,³ in the German tongue these feasts were called *Kyrchweiches*, that is, *church feasts*, whence comes our English name, church wakes, which is of the same import.

SECT. 2.—Of the Anniversary Festivals of Bishops' Ordinations.

Another sort of festivals, much of the same nature with the former, were the anniversary solemnities, which bishops held in their own churches in memory of their ordination. These are sometimes called *natales episcopi vel episcopatus*, *bishops' birth-days*, which denote not the days of their natural birth; nor yet the days of their death, as in the former case of martyrs; but the days of their ordination, or nativity to the episcopal office, or throne of the Church: in like

¹ Sozom. lib. ii. cap. 26.

² Bede. Hist. lib. i. cap. 30.

³ Hospin de Festis. in Appendice de Enceniis. p. 113.

manner, as we have shewn before,¹ the *natales imperatorum* often denote, not their natural birth-days, but the days of their inauguration or advancement to the throne of the empire. That such days were observed as anniversary festivals, I have had occasion once before to shew,² out of several Homilies of St. Austin and Pope Leo, which were preached by them upon these occasions. To which I shall here add what St. Austin says also of the Donatists,³ that they agreed with the Church in this practice. For though Optatus Gildonianus, one of their bishops, was a very base man, yet they made no scruple to celebrate his *natalitia*, the anniversary of his ordination, with great solemnity, honouring him with the kiss of peace in the midst of the holy mysteries, and mutually giving and receiving the eucharist from him; which circumstances plainly shew, that by his *natalitials*, nothing else can be meant but the anniversary of his ordination, when it was usual for the bishop to invite his neighbouring bishops to join in the solemnity with him, which was observed with reading, psalmody, preaching, praying, and receiving the Eucharist, as other solemn festivals. Paulinus likewise takes notice of this particular circumstance,⁴ that they were used to invite their fellow bishops to come and celebrate these their spiritual nativities with them: for so, he says, he himself was invited by Anastatius bishop of Rome to celebrate his birth-day. The like we find in the epistles of St. Ambrose,⁵ Pope Hilary⁶ and several others.

Now the design of these anniversaries was very excellent, to put bishops in mind of the great and weighty burden that

¹ Book xx. chap. 1.

² Book iv. chap. vi. sect. 15.

³ Aug. cont. Literas. lib. ii. cap. 23. Cujus natalitia tantâ celebratione frequentabatis, cui pacis osculum inter sacramenta copulabatis, in ejus manibus eucharistiam ponebatis, &c.

⁴ Paulin. Ep. xvi. ad Delphinum. Nos ipsos ad natalem suum invitare dignatus est.

⁵ Ambros. Ep. v. ad Felic. Episc. Comensem. Tum ego nostris fabulis in-textui diem natalis tui. Natalem tuum prosequemur nostris orationibus, &c.

⁶ Hilar. Ep. ii. ad Tarronens. Lectis in Conventu Fratrum, quos natalis mei festività congregarat, literis vestris. Con. tom. iv. p. 1036. Sixtus. Ep. ad Joan. Antioch. Con. tom. iii. p. 1261. Anastas. Vit. Adrian. 1.

was laid upon them, and to be a fresh occasion of recollecting with themselves how faithfully, and conscientiously, and carefully they had discharged the trust committed to them. Thus St. Austin represents the matter in one of his sermons upon this occasion.¹ “A bishop,” says he, “ought to consider every day, and every hour, and with a continual care, what a weighty dispensation is committed to him, and what an account thereof he is to make to his Lord. But when the anniversary day of our ordination returns, then the honour of this office is chiefly reflected on, as if it were then first imposed upon us. But there is this difference, that on the day when we first received the office, we had only to consider how we ought to behave ourselves in it: but every day after, and especially on that day when the solemnity returns, we not only look forward, and with great caution and foresight consider what we ought to do for the time to come; but also look back to what is past, and carefully recollect what we have already done; that we may go on to imitate ourselves, if we have done any thing well; or if otherwise we have done things that are blame-worthy, be careful not to repeat them again in time to come. Therefore on this solemnity of my ordination, I say to those, who are my debtors by trespassing against me: if any man becomes my enemy, because I tell him the truth; if I seem troublesome to any, because I give him good advice; if I am forced to offend any man’s will, whilst I seek his profit: to these I say, “be ye not like to horse and mule, which have no understanding. For these creatures chiefly kick and bite those, who take care of them and only touch them gently to cure their wounds. So you and I are at strife one with the other; but the cause makes a distinction. Thou art an enemy to thy physician, I only an enemy to thy disease: thou art an enemy to my diligence, I only to thy pestilential distemper.” “They rewarded me evil for good,” says the psalmist, “but I give myself unto prayer.” What did he pray? “Father, forgive them, for they know not

¹ Aug. Hom. xxiv. ex. l. tom. x. p. 172.

what they do." " Rejoice and be exceeding glad," says Christ, " when men revile you, and say all manner of evil against you for righteousness sake : for great is your reward in heaven." But we would have you correct your perverseness, and acknowledge our charity, and render love for love : we would not have our reward augmented by your destruction. Next I must speak to those, to whom I am a debtor. For I am not so vain as to think, that I have injured no man since I first took the burden of this office upon me. I know my infirmity, and pray to the Lord my God day and night, and beg the assistance of your prayers for the cure of it. If then in the hurry and difficulty of various cares, I have at any time been so distracted, as not to hear the petition of him that made suit to me ; if I have looked upon any with a sourer countenance than there was occasion for ; if I have given any one sharper words than I ought to have done ; if I have troubled any one that was in anguish of spirit, and needed my help, by an improper answer ; if I have overlooked any poor man importuning me, when I was intent upon some other business, or put him off to another time, or grieved his soul by any sharp sign or intimation : if I have been above measure angry at any one for entertaining any false suspicion of me, as one man is apt to be jealous of another ; or if I have humanly suspected any one as guilty of a crime, from which his own conscience could clear him : I beseech all you, to whom I confess myself a debtor for these and the like offences, to believe me to be your debtor. For the tender mother, when she is in great straits, sometimes treads, though not with her whole weight, upon her young whom she cherishes, and yet ceases not to be a mother. Forgive me, that ye may be forgiven : and commend my care for you to the Lord, that he may mercifully pardon my past offences, and guide my way under this burden for the future, so as may be pleasing in his eyes, and profitable for you ; that ye may be found my joy and crown, and not my confusion and punishment at his appearance."

These are pious thoughts and excellent contemplations, flowing with expressions of great humility and charity : and

they serve to shew us, both what a deep sense the Ancients had of the weight and burden of the episcopal office, and also after what manner they entertained their auditories with useful discourses upon these anniversary festivals of their own ordination.

SECT. 3.—Of Festivals kept in Memory of any great Deliverances or signal Mercies vouchsafed by God to his Church.

Another sort of festivals was observed as annual thanksgivings to God for any great favours and blessings vouchsafed by God to his Church. Thus Sozomen says,¹ the Church of Alexandria kept an anniversary thanksgiving upon the twelfth of the kalends of August, that is, the twenty-fifth of June, for their deliverance from a terrible earthquake, and inundation of the sea, in the reign of Julian, which was so great, that boats were found upon the tops of houses. In memory of this they kept a festival, which they called, *γερύσια σεισμῆς*, *the memorial of the earthquake*, which was observed in the time of Sozomen with great solemnity, the people offering eucharistical prayers to God, and setting up lights all over the city for joy. The Constantinopolitans kept such another festival on the twenty-fourth of September, in memory of their deliverance from an earthquake, which is mentioned by Marcellinus Comes,² in his Chronicle, as lasting with great violence for eleven days together. Among these, we may also reckon their thanksgiving after any signal victories; such as that of Constantine, over the tyrant Licinius, whereby the Christians were delivered from the oppression of all their persecutors, and gave God solemn thanks and praise both in city and country for the glorious success of Constantine's arms, and their own deliverance by his victories, as Eusebius more than once declares,³ in setting forth the great achievements of Constantine for the Christian Church. So he, that had ordered all possible ho-

¹ Sozom. lib. vi. cap. 2. Vid Ammion. Marcellin. lib. xxvi. in fine.

² Marcell. Chron. Cos. Basilio.

³ Euseb. Hist. lib. x. cap. 9. et de Vit. Constant. lib. ii. cap. 19.

nour to be done to the martyrs,¹ had himself a share in the panegyrics that were made upon them, and next under God was celebrated as the great supporter of the Christian faith. But these seem not to have been festivals of long continuance, but to have ended their period with the life of the emperor, on whose account they were observed in the Church.

SECT. 4.—Of the Feast of the Annunciation.

But from this time festivals grew and multiplied in the Church. Hospinian² thinks the feast of the Annunciation was as old as Athanasius, because there is mention made of it in a sermon that goes under his name.³ Others carry it higher to the time of Gregory Thaumaturgus, because there is a sermon also attributed to him upon the same subject. But the best critics, Dr. Cave,⁴ Du Pin,⁵ Hammond l'Estrange,⁶ and Rivet,⁷ reject both these as spurious writings: and even Bellarmin and Labbee reckon them dubious. They were written by Maximus, or some author after the time that the Monothelite heresy appeared in the world, which was in the seventh century. So the antiquity of this festival cannot be deduced from them. Neither could it be a festival in those times by the ancient rules of the Church, which forbade the celebration of all festivals in Lent, except the Sabbath and the Lord's day, as appears from the Council of Laodicea.⁸ But before the time of the Council of Trullo it was come into use. For that Council,⁹ renewing the fore-said prohibition of Laodicea, makes a further exception in behalf of the Annunciation: forbidding all festivals to be kept in Lent, except the Sabbath and the Lord's day, and the holy Annunciation; which shews that by this time it was become a noted festival: and therefore we may date its ori-

¹ Vid. Euseb. de Vit. Const. lib. iv. cap. 23.
Festis.

² Athan. Serm. de S. Deipara.

³ Hospin. de

⁴ Cave.

Hist. Literar. tom. i. p. 146.

⁵ Du Pin. Bibliothec. tom. ii.

⁶ Ham. L'Estrange. Alliance of Div. Offic. cap. v. p. 148.

⁷ Rivet.

Critic. Sacr. lib. iii. cap. 5.

⁸ Con. Laodic. can. li.

⁹ Conc. Trull. can. iii.

ginal from the seventh century, when we find sermons began to be made upon it.

SECT. 5.—Of the Festival called Hypapante, afterward Purification and Candlemas Day.

Another festival of later date was that, which is commonly called the purification of the Virgin Mary, or Candlemas day. This at first among the Greeks went by the name of *Hypapante*, Ὑπαπαντή, which denotes the meeting of the Lord by Simeon in the temple, in commemoration of which occurrence it was first made a festival in the Church; some say in the time of Justin, the Emperor; others in the time of his successor Justinian, anno 542. There is indeed an Homily among St. Chrysostom's works,¹ which if it were genuine, would carry this feast an hundred years higher; for it is upon this festival under this very name of Hypapante. But all learned men are agreed that it is none of his. And particularly Leo Allatius cites a passage out of Georgius Hamartolus's Chronicon,² which shews, that there was no such festival in Chrysostom's time, but that it was first instituted in the reign of Justinian. At this time began the Hypapante to be celebrated, says he, which before was not numbered among the festivals of our Lord. For Chrysostom says the festivals of Christ's economy here upon earth were proportioned to the number of the days of the creation of the world. The first is his nativity in the flesh; the second, Epiphany; the third, the day of his passion; the fourth, the day of his glorious resurrection; the fifth, his assumption into heaven; the sixth, the descent of the Holy Ghost; the seventh, the great day of the general resurrection, which has no succession nor end. For that is an eternal festival, or perpetual Sabbath and rest for the people of God, to be celebrated with much joy and gladness by those that shall be heirs of such things as eye hath not seen, nor ear heard, neither have entered into the heart of man to con-

¹ Chrys. tom. vi. Hom. 22. de Occursu et Simeone.

² Hamartol. Chron. in Vita Justin. ap. Allat. de Hebdomad. Græcor. n. i. p. 1493.

ceive the things that God hath prepared for them that love him. Thus far Georgius Hamartolus out of Chrysostom. And all the historians that come after him, agree in the same thing, that this was no festival in the Church till the time of Justin, or Justinian. Cedrenus¹ fixes its original to the last year of Justin. But Landulphus Sagax,² Siffridus Presbyter,³ Martin Polonus,⁴ Nicephorus,⁵ Sigebert,⁶ and Paulus Diaconus,⁷ cited by Xylander,⁸ and Suicerus,⁹ deduce it only from the reign of Justinian. And Baronius himself¹⁰ does not deny it, only he would have it first instituted in honour of the Virgin Mary, which the very name of Hypapante confutes, which signifies the coming of Simeon to meet the Lord in his temple, according to the revelation made to him, that he should not see death, till he had seen the Lord's Christ: and the Greeks always reckoned it among those festivals, which they called *Festa Dominica*, festivals appointed in honour of our Lord as Leo Allatius himself informs us.

SECT. 6.—The Original of Festivals in Honour of Confessors and other Holy Men.

He that would see more of the increase and progress of festivals, may consult Hospinian,¹¹ who has noted the original of every distinct festival successively as they were instituted in the following ages of the Church. I only note that he allows confessors and other holy men to have had their memorials something earlier than Cardinal Bona himself will allow. For Bona thinks this honour was only paid to martyrs properly so called,¹² and not to confessors, or any other saints for the four first ages: and he says, that in Fronto's kalendar, written about nine hundred years ago, there are

¹ Cedren. Compend. p. 300.

² Landulph. Vit. Justin.

³ Siffrid. Epitom. Hist. lib. i.

⁴ Poloni Chronic.

⁶ Niceph. lib. xvii. cap. 28.

⁶ Sigebert. an. 512.

⁷ Paul.

Diac. lib. xvi.

⁸ Xyland. Not. in Cedren. p. 688.

⁹ Suicer. Thesaur. Eccles. tom. ii. p. 1374.

¹⁰ Baron. an. 544. tom.

vii. p. 350.

¹¹ Hospin. de Festis. cap. iv.

¹² Bona Rer.

Liturg. lib. i. cap. xv. n. 2. Confessorum festiuitates scrius receptæ sunt in ecclesiâ, et in Frontonis Calendario ante nongentos annos scripto non nisi quatuor ascripti sunt, Gregorius Magnus. Leo Papa. Martinus Turonensis. et Sylvester.

not above four saints, that were not martyrs, named throughout the whole year, viz. Pope Sylvester, Pope Leo, Martin of Tours, and Gregory the Great. But Hospinian's observation is more exact: for Sozomen says expressly,¹ that it was customary in Palestine long before to celebrate the anniversary days of such men as had been eminent among them for piety and virtue, such as Hilarion of Gaza, Abrilius of Anthedon, Alexion of Berthagathon, and Alaphion of Asalea, who were no martyrs, but only men of renown for their piety, by whose virtues the Christian religion had made a considerable progress in many heathen cities in the reign of Constantius; for which reason their memory was celebrated in those places with the anniversary festivals. And so Baronius² observes out of St. Jerom,³ that Hilarion himself kept a vigil preceding the day of Antonius's death in commemoration of him. Therefore whatever might be the custom of the Western Church, it is plain in the eastern parts the anniversary commemoration of confessors and other eminent saints was introduced a little sooner.

¹ Sozom. lib. iii. cap. 14.

² Baron. an. 358. n. 23.

³ Hieron. Vit. Hilarion. cap. xxvi. *Confessus est fratribus instare diem Dormitionis beati Antonii; et pervigilem noctem in ipso quo defunctus fuerat loco, a se debere celebrari.*

BOOK XXI.

OF THE FASTS IN USE IN THE ANCIENT CHURCH.

CHAP. I.

Of the Quadragesimal or Lent Fast.

SECT. 1.—What this Fast was originally, Forty Days or Forty Hours.

NEXT to the festivals observed in the Ancient Church, we are to take a view of their solemn and stated times of fasting. These, like the festivals, were some of them weekly, and some annual, that is, such as returned at a certain season only once a year. Among those that came only once a year, the Quadragesimal or Lent fast, was the most famous. The Greeks called it Τεσσαρακοστή, and the Latins *Quadragesima*, both which words denote the number forty, whence this fast for some reason was called Quadragesimal, but whether for its being a fast of forty days, or only forty hours, is variously disputed among learned men. They of the Romish Church generally maintain, that it was always a fast of forty days, and that as such it was of apostolical institution. And there are some of the Protestant communion, who are of the same opinion. Others think it was only of ecclesiastical institution, and therefore as it was variable and alterable by the Church's power, so it was variously ob-

served in different Churches, and grew by degrees from a fast of forty hours to a fast of forty days, still retaining the name of the Quadragesimal fast under all its variations. This is what Bishop Morton,¹ and Bishop Taylor,² and Peter du Moulin,³ and Daille,⁴ and Chamier,⁵ have largely disputed against the Romanists. And even among the Papists some writers of no mean rank, such as Melchior Canus,⁶ and Cajetan say,⁷ it was only such an apostolical rule or custom, as left the Church at liberty to alter it, as she did some other things, upon just and proper occasions, and to abrogate it by introducing a contrary practice. But this is a question I shall not here debate, but only enquire into matter of fact, by whom this fast was first instituted, and of what duration and length it was when it first began to be observed in the Church. Dr. Cave, in his *Primitive Christianity*, p. 182, says, this fast was very ancient, but far from being an apostolical Canon. And he cites Mr. Thorndike, of religious assemblies, together with Bishop Taylor for the same opinion.

SECT. 2.—Some Probability that at first it was only a Fast of Forty Hours, or the Two Days from the Passion to the Resurrection.

Now the reasons persuading learned men to believe that it was not instituted by the Apostles, at least not as any necessary rule obliging all men to fast forty days, are these that follow.

1. Because there is some probability that at first it was only a fast of forty hours, or the time that our Saviour lay in the grave, that is, the Friday and Saturday before Easter, the time that Christ the bridegroom was taken from his disciples between his passion and his resurrection. Tertullian,

¹ Morton. *Catholick Appeal*. lib. ii. cap. xxiv. p. 304.

Duct. Dubitant. Book III. cap. iv. p. 631, &c.

Popery. lib. vii. controv. v. cap. vii. p. 516.

Quadrages. lib. iii. cap. 9.

cap. 7.

⁶ Canus *Loc. Theol.* lib. iii. cap. 5.

p. 143.

² Taylor.

³ Moulin. *Novelty of*

⁴ Dallæ. *de Jejun. et*

⁵ Chamier. *Panstrat.* tom. iii. lib. xix.

⁷ Cajetan.

was censured by Catharin for this. *Vid. Illyricum de Sectis Papisticis*,

when he was a Montanist, disputing against the Catholics, says,¹ they thought themselves obliged only to observe those two days, in which the bridegroom was taken away from them. This he elsewhere calls the Paschal fast,² which all observed in common as a public fast with great religion. And again,³ objecting to the Catholics their observation of other fasts, besides the two days, in which Christ was taken away from them, such as the half-fasts of their stationary days, and their other fasts upon bread and water, he makes them answer, that those other fasts were kept at every man's liberty and will, and not by any express command. So that they thought themselves obliged only to observe those two days, on which the bridegroom was taken away from them. This Irenæus calls the fast of forty hours before Easter, if we retain the vulgar and common reading. For writing to Pope Victor about the difference between the Eastern and Western Churches concerning the time of Easter, he tells him,⁴ there had been differences not only about the time of Easter, but about the manner of fasting. For some thought they ought to fast one day, others two, others more; and others measured their day (or their fast, as Valesius observes it ought to be read) by the computation of forty hours, joining day and night together. And this variety among those that observe the fast did not begin in our age, but long before us among our ancestors, many of whom probably not being very curious and exact in their observation, handed down to posterity the custom as it had been, through simplicity or private fancy, introduced among them. And yet, nevertheless, all these lived peaceably one with another, and we also keep peace to-

¹ Tertul. de Jejun. cap. 2. Certè in evangelio illos dies jejunio determinatos putant, in quibus ablatus est sponsus; et hos esse jam solos legitimos jejuniorum Christianorum.

² Tertul. de Orat. cap. 14. Sic et die Paschæ, quo communis et quasi publica jejunii religio est, meritò depominus osculum.

³ Tertul. de Jejun. cap. 13. Convenio vos et præter Pascha jejunantes citra illos dies quibus ablatus est sponsus: et stationum semiijeunia interponentes, et vos interdum paue et aquâ victitantes, ut cuique visum est: denique respondetis hæc ex arbitrio agenda, non ex imperio.

⁴ Irenæ. ap. Euseb. lib. v. cap. 24.

gether. For the difference in observing the fast does only so much the more commend the common unity of faith, in which all are agreed. I must not here conceal from the reader, that there are several learned men, who think one clause in this passage ought to be read a little otherwise. They say, Rufin's old translation and Sir H. Savil's copy read it thus: some fast one day, some two, some more, some forty days. Hence they also argue, that a Lent of forty days was observed in the time of Irenæus. So Bishop Beverege,¹ Bishop Patrick,² Bishop Hooper,³ and others, who have written peculiar dissertations on this subject. On the other hand, all the manuscripts used by Stephens and Valesius in their accurate editions are so pointed, as to make the word forty refer, not to days, but hours only. It is no easy matter to determine a point of such a critical nature between so many learned men; but if I may be allowed to conjecture in so obscure a case, I should incline to compromise the dispute, and as it were, divide the matter between them, by saying, first, that in the time of Irenæus and Tertullian, the Catholics allowed the fast of forty hours between our Saviour's death and resurrection, call it a fast of one or two days, as we please, to have the nature of an evangelical command, partly from the example and practice of the Apostles, and partly from those words of our Saviour, "The days will come that the bridegroom shall be taken from them, and then shall they fast:" which, as we have seen, they understood of the time of about forty hours that our Saviour lay in the grave; from whence it is not improbable, that the first notion and name of the most strict Quadragesimal fast might take its original. Which is enough to prove the perpetuity of a Quadragesimal fast before Easter, as of constant use in the Church. 2dly. That at the same time that Irenæus and Tertullian wrote, there were other additional days of fasting superadded to these by

¹ Bevereg. Cod. Can. Vindic. lib. iii. cap. 7.
Fasting in Lent. chap. xvi. p. 143.
chap. iii.

² Patrick of
³ Discourse of Lent. Part I.

several Churches, but with a great deal of variety in their number and observation, being at every Church's liberty to appoint what number of these additional days she thought fit, which, though they were in some Churches more, and in some fewer, and none of them full forty days, till after the time of Gregory the Great, yet they all went by the name of the Quadragesimal fast, either because they came near the number of forty days, or because they were an appendix to the Paschal fast, which was most ancient, and originally called Quadragesimal. When first these additional days came in, is not very easy to determine;¹ but that they were taken up by some Churches in the time of Irenæus and Tertullian is beyond dispute, from what has been alleged out of each of them: for they both speak of more days than two as observed in many Churches, only with this difference, that the one were observed as more necessary, being founded upon the words of Christ himself; and the other were at the Churches' free liberty and choice, as being purely of ecclesiastical institution, and therefore varying in their number in different Churches, according to the wisdom and discretion of those that appointed them. And this opens the way to a second argument or reason, inducing many learned men to believe, that the Lent fast, as comprising the precise number of forty days, was neither of apostolical institution nor practice.

SECT. 3.—Great Variety in Point of Time observable in the Celebration of this Fast in many Churches.

Because if there had been any such apostolical order or example, it is scarce accountable how such great variety in point of time should immediately happen in the observation of this fast, as we are sure in fact did happen in many Churches; some keeping it only three weeks, some six, some seven, and yet none of them hitting upon the precise number of forty days of fasting. Socrates² gives this ac-

¹ Bishop Gunning, *Lent Fast*, p. 114, thinks there is mention made of a ten day's fast in Lucian's *Philopatris*.

² Socrat. lib. v. cap. 22.

count of it in describing the difference of rites and ceremonies in divers Churches. "One may observe," says he, "how the Ante-Paschal fast is differently observed by men of different Churches. The Romans fast three weeks before Easter,¹ only the Sabbaths and Lord's days excepted. The Illyrians, and all Greece, and the Alexandrians, fast six weeks, and call that the Quadragesimal fast. Others (meaning the Constantinopolitans) begin their fast seven weeks before Easter, but only fast fifteen days by intervals, and yet they also call this the Quadragesimal fast. And it is wonderful, that when they differ so much about the number of days, they should all call it Quadragesimal, and assign different reasons for this appellation. But we may observe not only a difference in the number of days, but in the manner of their abstinence. For some abstain from all living creatures; others of all living creatures only eat fish; some eat fowls together with fish, because, according to Moses, they say, they come of water. Others abstain from seeds (or berries) and eggs; others eat dry bread only, and some not so much as that. There are some that fast till nine o'clock, that is, three in the afternoon, and then eat any kind of meat. Other nations observe other customs in their fasts, and that for various reasons. And since no one can shew any written rule about this, it is plain the Apostles left this matter free to every one's liberty and choice, that no one should be compelled to do a good thing out of necessity or fear." Sozomen gives the like account of these variations.² "The Quadragesimal fast before Easter," says he, "some observe six weeks, as the Illyrians and Western Churches, and all Lybia, Egypt, and Palestine; others make it seven weeks, as the Constantinopolitans and neighbouring nations as far as Phœnicia; others fast three only of those six or seven weeks by intervals; others the three weeks next immediately before Easter, and others fast only two weeks, as the Montanists."

¹ Some think this is only to be understood of the Novatians at Rome. See Bishop Hooper of Lent, p. 84 and 139.

² Sozom. lib. vii. cap. 19.

SECT. 4.—Lent consisted not of above Thirty-six Fasting Days in any Church till the Time of Gregory the Great, because all Sundays were universally excepted out of the Fast, and all Saturdays except one in all the Eastern Churches.

Cassian has something of the same observation: for, he says, some Churches kept their Lent six weeks, and some seven; and yet none of them made their fast above thirty-six days in the whole. For though six weeks be forty-two days, yet all Sundays were excepted out of the fast; and then six days being subducted, there remained but thirty-six days of fasting. In like manner those Churches, which kept seven weeks, that is, forty-nine days, to their Lent, excepted not only the Lord's day, but all Saturdays save one, out of the number of fasting-days; and therefore thirteen days upon that account being subducted,¹ the remainder was still but thirty-six. And this was the whole of Lent till the time of Gregory the Great, who speaks of forty-two days² as the appointment of Lent, but taking away the Sundays, the remainder is only thirty-six. Now that this was so, is evident from what has been discoursed before of the Lord's day and the Sabbath,³ where I have fully shewn, that the Lord's day was never allowed to be kept a fast, but always observed as a festival, even, in Lent, in all Churches of the world; and in the Oriental Churches the Saturday or Sabbath was excepted out of the number of fast-days also. To what I have said before, I shall only add here one passage of Chrysostom, where he gives the reason why this exception of these two days was made in the Lent-fast: as there are stations, says he,⁴ and inns in the public roads for weary travellers to refresh themselves, and rest from their labours, that they may more cheerfully go on again in their

¹ Cassian. Collat. xxi. cap. 24. &c. Vid. Basil. Hom. 2. de Jejunio. tom. i. p. 228. Hom. 14. cont. Ebriet. p. 419.

² Greg. Hom. 16. in Evangelia. tom. iii. p. 42. Sex dies Dominici subtrahuntur, non plus in abstinentiâ quàm triginta et sex dies remanent.

³ Book XX. chap. ii. sect. 5. and chap. iii. sect. 5.

⁴ Chrys. Hom. 11. in Gen. t. ii. p. 106.

⁴ Chrys. Hom. 11. in

journey: and as in the sea there are shores and havens for seamen to betake themselves to when they are in a storm, and refresh themselves from the violence of the winds, and then begin sailing again; so the Lord hath appointed these two days in the week, as stations, and inns, and shores, and havens, for those to rest in, who have taken upon them the course of fasting in this holy time of Lent, that they may refresh their bodies a little from the labour of fasting, and recreate their minds, and after these two days are past, to go on again with cheerfulness in the journey, which they have begun. From hence it is apparent, that in some of the Eastern Churches, where the whole time of Lent was but six weeks or forty-two days, when the Saturdays and Sundays were deducted, the remainder of fasting days were not above one-and-thirty; and where they were most, not above thirty-six. See Bishop Gunning, *Lent fast*, p. 156.

SECT. 5.—Who first added Ash-Wednesday and the other three Days in the Roman Church to the beginning of Lent.

Who first added Ash-Wednesday and the other three days to the beginning of Lent in the Roman Church, to make them completely forty, is not agreed among their own writers. Some say, it was the work of Gregory the Great, but others ascribe it to Gregory the Second, who lived above an hundred years after, in the beginning of the eighth century. But as Azorius says,¹ it is not very material, whether of the two was the author of the addition, since it is confessed to be an addition to Lent, after it had continued six hundred years without it. And this is a plain demonstration, that Lent in this notion at least, as taken for the precise number of a forty days fast, could not be of apostolical institution, whatever it might be in any other form or duration.

SECT. 6.—Whether the Ancients reputed Lent to be an Apostolical Institution.

But many of the Ancients do not allow it in any form to be an apostolical institution, but only an useful order and ap-

¹ Azor. Institut. Moral. lib. vii. cap. 12. par. 1.

pointment of the Church. So Cassian says expressly,¹ that as long as the perfection of the primitive Church remained inviolable, there was no observation of Lent: but when men began to decline from the apostolical fervour of devotion, and give themselves overmuch to worldly affairs, then the priests in general agreed to recall them from secular cares by a canonical induction of fasting, and setting aside a tenth of their time for God. For so he reckons,² that the thirty-six days, which was then the fixed term of Lent, were by computation the tenth of the whole year. Cassian was a disciple of St. Chrysostom's, and he seems to have had his notion and sentiments about the original of Lent from him: for Chrysostom gives much the same account of it:³ why do we fast these forty days? Many heretofore were used to come to the communion indevoutly and inconsiderately, especially at this time, when Christ first gave it to his disciples: therefore our forefathers considering the mischief arising from such careless approaches, meeting together appointed forty days for fasting and prayer, and hearing of sermons, and holy assemblies, that all men in these days being carefully purified by prayer, and almsdeeds, and fasting, and watching, and tears, and confession of sins, and other the like exercises, might come according to their capacity with a pure conscience to the holy table. St. Austin sometimes delivers himself after the same manner, though at other times he seems to derive the original of Lent from the authority of the Gospel. In one place he says,⁴ though fasting in general be prescribed in the New Testament, yet what days men ought to fast, or

¹ Cassian. Collat. xxi. cap. 30. Sciendum igitur sanè, hanc observantiam Quadragesimæ, quamdiu ecclesiæ illius primitivæ perfectio inviolata permansit, penitus non fuisse.—Verum cum ab illâ apostolicâ devotione desciscens, quotidie credentium multitudo suis opibus incubaret, &c. Id tunc universis sacerdotibus placuit, ut homines curis secularibus illigatos, et penè continentia vel compunctionis ignaros, ad opus sanctum canonicâ jejuniorum indictione revocarent, et velut legalium decimarum necessitate compellerent.

² Vid. Cassian. ibid. cap. xxv.

³ Chrys. Hom. lii. In eos qui primo Pascha jejunant. tom. v. p. 709.

⁴ Aug. Ep. lxxxvi. ad Casulan. p. 147. Ego in Evangelicis et Apostolicis literis — video præceptum esse jejunium: quibus autem diebus non oporteat jejunare, et quibus oporteat, præcepto Domini vel Apostolorum non invenio definitum.

what not, he finds not defined by any precept of Christ or his Apostles. In another place specifying more particularly the several solemnities observed by Christians, he says,¹ “there was some foundation and authority for them in Scripture: for we know out of the Gospel what day our Lord suffered and was buried, and rose again from the dead, and therefore the observation of these days was added by the Councils of the Fathers, and the whole world was persuaded, to celebrate the Paschafter that manner. The forty days fast has authority both in the Old Testament from the fast of Moses and Elias, and also from the Gospel, because our Lord fasted so many days.” He adds a little after,² that the supputation of Easter and fifty days of Pentecost are firmly collected out of Scripture. For as the custom of the Church has confirmed the observation of those forty days before Easter, so has it also confirmed the distinction that is made between the eight days of Neophytes (or the time of the newly baptized wearing their white garments) from the rest, that the eighth day might accord with the first. Here are two things very observable in St. Austin’s words. 1. That the authority and foundation, which the Lent fast has out of the Gospel, is the same that it has out of the Old Testament, which was not any precept, but the example of Moses and Elias. 2. That the Lent fast is owing to the Councils of the Fathers and the custom of the Church, in like manner as the eight days of the Neophytes, and the fifty days of Pentecost owe their observation to the same original; concerning which no one doubts, but that though there may be remotely some foundation for them in Scripture, yet there is no express command, but that they owe

¹ Aug. Ep. cxix. ad Januar. cap. 15. Ex Evangelio quia jam manifestum est quo etiam die Dominus crucifixus est, et in sepulturâ fuerit, et resurrexit, adjuncta est etiam ipsorum dierum observatio per Patrum Concilia, et orbi universo Christiano persuasum est eo modo Pascha celebrari oportere. Quadragesima sane jejuniorum habet auctoritatem et in veteribus libris ex jejuniis Moysi et Eliæ, et ex Evangelio, quia totidem diebus Dominus jejunavit.

² Ibid. cap. xvii. Hæc de scripturis firmissimè tenentur, id est, Pascha et Pentecoste. Nam ut quadraginta illi dies ante Pascha observentur, ecclesiæ consuetudo roboravit, sic etiam ut octo dies Neophytorum distinguantur à cæteris, id est, ut obtavus primo concinat.

their original purely to the Councils of the Fathers, and the custom of the Church.

SECT. 7.—In what Sense some of them say it is a Divine Institution.

Now by this we understand what others of the Ancients mean, when they say, the forty days fast is a divine institution, and derived from the authority of Scripture. As St. Jerom says,¹ Moses and Elias fasting forty days, were filled with the conversation of God; and our Lord himself fasted so many days in the wilderness, that he might leave to us the solemn days of fasting. And again,² our Lord, the true Jonas, being sent to preach in the world, fasted forty days, and leaving us the inheritance of fasting under this number he prepares our souls for the eating of his body. There are many the like expressions occur in the writings of St. Basil,³ Theophilus⁴ and Cyril⁵ of Alexandria, Petrus Chrysologus,⁶ and several others, which Bishop Beverege has put together upon this occasion. But none of these intended to say, that there is any direct and express divine command for it, but only some precedent or example in the extraordinary practice of the forty days fast of our Saviour, or those of Moses and Elias: which is not enough to ground a precept upon, because such extraordinary examples are not imitable, neither can they be reduced to practice but in a much lower way, which may warrant the Church to appoint a fast of forty days, but not to impose it as a matter of divine command. Chrysostom among the Ancients saw this very clearly, and therefore he says,⁷ Christ did not say to his disciples, I have fasted, although he might have spoken of those forty days: but, “Learn of me, for I am meek and lowly in heart:” and when he sent them to preach the Gospel, he did not tell them, they should fast, but eat such things as were set before them. This I speak not, says he, to depreciate fast-

¹ Hieron. in Isai. lviii. p. 262.

⁶ Basil. Hom. ii. de Jejun.

⁵ Cyril. Homil. Pascha. passim.

⁷ Chrys. Hom. xlvii. in Mat. p. 425.

² Idem. in cap. iii. Jonæ.

⁴ Theoph. Paschal. Ep.

⁶ Chrysol. Ser. xi. et 136.

ing, God forbid, but to give it extraordinary commendations. Only I am sorry ye should think this, which is in the lowest rank of virtues, sufficient to salvation, whilst other things of greater value, charity, humility, mercy, which exceed even virginity itself, are wholly neglected. By this it is plain, they did not think the example of Christ sufficient to authorise the imposition of a forty days fast as a matter of divine injunction.

SECT. 8.—How far allowed to be a Tradition or Canon Apostolical.

But it must be owned, some of them call it a tradition or Canon apostolical. St. Jerom says,¹ we observe one Lent in the year according to the tradition of the apostles. Pope Leo calls it the apostolical institution of a forty days fast,² which the apostles instituted by the direction of the Holy Ghost. But it is no small diminution to the judgment of Pope Leo, that Mr. Pagi and Quesnel observe of him,³ that he was used to call every thing an apostolical law, which he found either in the practice of his own Church, or decreed in the archives of his predecessors, Damasus and Siricius. And for St. Jerom, he himself tells us, he sometimes calls particular customs of churches by the name of apostolical traditions: for writing about the sabbath, which some churches kept a fast, and others a festival, he says,⁴ every country may abound in their own sense, and take the precepts of their ancestors for apostolical laws. And if St. Jerom did so here, we may easily apprehend his meaning: if he did otherwise, he was certainly mistaken: since it appears from the premises, that the apostolical Lent was much short of the Lent St. Jerom speaks of, and increased to the number of forty days by various steps and gradations. The apostolical Lent was only a fast of a few days before Easter: by the time of Dionysius, of Alexandria, it was come to be a whole

¹ Hieron. Ep. liv. ad Marcella.
de Quadragesimâ.

² Leo Serm. vi. et ix.

³ Pagi. Critic. in Baron. an. lxxvii. n. 15.

Quesnel. ibid.

⁴ Hieron. Ep. xxviii. ad Lucin. Unaquæque provincia abundet in sensu suo, et præcepta majorum leges apostolicas arbitretur.

week, and perhaps somewhat more, anno 250. At Rome about the same time (as a very learned person thinks,¹ who has written very accurately upon this subject) it was three weeks, in the time when Cornelius and Novatian were contending about the bishopric of Rome: which made the followers of Novatian stick to that term in the times of Soerates, when Lent was improved to six weeks in Rome. From three weeks, that learned person thinks, it was first advanced to six, either by the Council of Nice in its fifth Canon, or not long before it. And then it began commonly to be called Quadragesima, or the forty days fast, because, though in strictness the fasting days were but thirty-six, or thirty-one, yet the first of them was at least forty days before Easter, and that gave denomination to the whole. And thus it was in the time of St. Jerom: but it is a wrong conclusion in him, that because there was an apostolical fast of some few days before Easter, which afterwards improved by various degrees into a fast of forty days, therefore the fast of forty days must needs be of apostolical institution: and it is more insufferable in those, who, after four other days were added to thirty-six to make them precisely forty days of fasting, still pretend it is the very same Lent that was originally settled in the Church by the apostles. The matter in itself is not great, but the prejudice and confidence of men in managing a dispute is wonderful, when they will maintain a paradox, that may with such glaring evidence be so easily confuted. For as Bishop Taylor says very well upon the point,² if any man should say, that kings were all created as Adam was, in full stature and manhood by God himself immediately, he could best be confuted by the midwives and the nurses, the school-masters, and the servants of the family, and by all the neighbourhood, who saw them born infants, who took them from their mother's knees, who gave them suck, who carried them in their arms, who made them coats, and taught them their letters, who observed their growth, and changed their ministeries about their persons. The same is the case of the pre-

¹ Bishop Hooper of Lent. p. 139 et 84.
Dub. Book III. cap. 17. p. 632.

² Taylor. Duct.

sent article. He that says our Lent, or forty days fast before Easter, was established by the apostles in that full growth and state we now see it, is perfectly confuted by the testimony of those ages that saw its infancy and childhood, and helped to nurse it up to its present bulk. And with this I shall end the present inquiry about the original and progress of Lent in the first ages of the Church.

SECT. 9.—What were the Causes or Reasons for instituting the Lent Fast.
1. The Apostles' Sorrow for the Loss of their Master.

The next inquiry may be into the causes and reasons of its institution. And here first of all, if we respect the original institution, the reason is given by Tertulian, who makes the Catholics say, as we have heard before, that the reason of the apostles fasting at this time was, because the bridegroom was taken away from them. In compliance with which practice the Ancients generally observed those two days, in which our Saviour lay in the grave, with the greatest strictness, as we shall see more hereafter. Though the Montanists, who pretended to the spirit of prophecy, understood the taking away of the bridegroom in another sense, for our Saviour's ascension or assumption into heaven: and therefore they kept one of their Lents or fasts (for they had three in the year) after our Lord's ascension, in opposition to the Church, which celebrated the whole time of Pentecost as a solemn festival. This we learn from St. Jerom,¹ who not only says, the Montanists kept three Lents in the year, but also that they kept one of them after ascension,² pretending to know by their new inspiration, that that was the time, which our Saviour meant, when he said, the bridegroom shall be taken from them, and then shall they fast. So both the Catholics and the Montanists agreed upon the reason of a fast, though they applied it to a different time according to their different apprehensions.

¹ Hieron. Ep. 54. ad Marcellam. Illi tres in anno faciunt quadragesimas, quasi tres passi sint salvatores. ² Id. Com. in Mat. ix.

SECT. 10.—Secondly, the Declension of Christian Piety from its first and primitive Fervour.

Cassian gives another reason for the institution of Lent:¹ he says at first there was no observation of Lent, as long as the perfection of the primitive Church remained inviolable: for they who fasted as it were all the year round, were not tied up by the necessity of this precept, nor confined within the strait bonds of such a fast, as by a legal sanction: but when the multitude of believers began to depart from that apostolical devotion, and brood continually upon their riches; when instead of imparting them to the common use of all, they laboured only to lay them up and augment them for their own private expenses, not content to follow the example of Ananias and Saphyra; then it seemed good to all the bishops by a canonical induction of fasts to recal men to holy works, who were bound with secular cares, and had almost forgotten what continency and compunction meant, and to compel them by the necessity of a law to dedicate the tenth of their time to God. To the same purpose Pope Leo says,² whilst men are distracted about the various cares of this life, their religious hearts must needs be defiled with the dust of this world: and therefore it is provided by the great benefit of this divine institution, that the purity of our minds might be repaired by the exercise of these forty days, in which we may redeem the failings of other times, and do good works, and exercise ourselves in religious fasting.

SECT. 11.—Thirdly, that Men might prepare themselves for a worthy Participation of the Communion at Easter.

A third reason was, that men might prepare their souls for a worthy participation of the communion at Easter. For though men at first were used to communicate every Lord's day, and to keep themselves continually in a constant, habi-

¹ Cassian Collat. xxi. cap. 30.

² Leo. Serm. iv. de Quadragesimâ.

tual preparation for that holy mystery; yet as the primitive spirit of Christianity declined, men came by degrees to communicate chiefly at Easter, and some at no other time but that only. For the sake of these men therefore the observation of the preceding fast was much urged, that by proper and spiritual exercises, they might be duly prepared to receive the communion at Easter, who could not be prevailed upon to frequent it at other seasons. This is what we have heard St. Chrysostom say before,¹ that because men were used to come indevoutly and inconsiderately to the communion, especially at Easter, when Christ first instituted the holy supper, therefore the Fathers considering the mischiefs arising from such careless approaches, met together, and appointed forty days of fasting, that in these days men being carefully purified by prayer, and almsdeeds, and fasting, and watching, and tears, and confession of sins, and other the like exercises, might come with a pure conscience to the holy table. To the same purpose in another place,² as they that take great pains to run in a race, reap no advantage, if they fail of the prize: so we have no benefit from all the labour and pains we bestow upon fasting, unless we can come with a pure conscience to partake of the holy table. For this end we use fasting and Lent, and assemblies for so many days together, and hearing, and praying, and preaching, that by our diligence in the use of these means, and regard to the divine commands, we may wipe off the sins of the whole year that stick to us, and so with spiritual boldness and reverence partake of the unbloody sacrifice. The like is said by St. Jeron,³ that our Lord fasting forty days, and leaving us the inheritance of fasting under this number, prepares our souls for the eating of his body. And this I take to have been the principal cause of the Church's enlarging her Lent to the length of forty days, as occasion required, from such small beginnings, as it seems to have had in its first original.

¹ Chrys. Hom. 52. In eos qui primo Pascha jejunant. t. v. p. 709.

² Hom. xxii. de Irá. t. i. p. 276.

³ Hieron. in Jon. cap. iii.

SECT 12.—Fourthly, that Catechumens might prepare themselves for Baptism.

Besides these general reasons for the observation of Lent, there were two particular reasons more peculiarly respecting two orders of men in the Church, viz. the Catechumens, who were preparing for baptism, and the Penitents, who were preparing for absolution. It has been noted elsewhere,¹ that Easter was the fixed and solemn time both for admitting Catechumens to baptism, and re-admitting penitents after lapsing, and performing a solemn penance, into the communion of the Church again. And solemn fasting was preparatory to each of these. Justin Martyr speaks of a general fast of the whole Church together with the Catechumens,² who presented themselves to baptism; as many, says he, as are persuaded, and do believe that the things taught and said by us are true, and promise to live accordingly, they are instructed to pray, and with fasting to beg of God remission of sins, we praying and fasting together with them. Then they are brought to the place where water is, and are regenerated after the same manner of regeneration as we were regenerated before them. This is a plain account of a public fast before baptism. Afterward when the time of baptism was settled to Easter, it is certain, the Lent fast was observed by the Catechumens, as preparatory to their baptism. For Cyril of Jerusalem thus addresses himself to the Catechumens:³ the present season is a season of confession: all worldly cares are to be laid aside; for you strive for your souls. You that have been busy about the things of the world, and troubled in vain so many years, will ye not bestow forty days in prayer for the salvation of your souls? So again,⁴ there is a large time given you: you have the penance before you of forty days, sufficient space and opportunity to put off the old garments, and put on the new. Upon this account all candidates of baptism were obliged to give in their names forty days before baptism, which Cyril calls *ὄνοματογραφία*,⁵ *the entering of their names*, in the same place. This is intimated by the fourth Council of Carthage, which orders,

¹ Book. IX. chap. vi. sect. 7.

² Justin. Apol. ii. p. 93.

³ Cyril. Catech. i. n. 5.

⁴ Id. in Præfat. n. iii.

⁵ Ibid. n. i. et iii

that they, who are to receive baptism,¹ shall give in their names, and continue a long time under abstinence from wine and flesh, and use imposition of hands, and frequent examination. The time of forty days is not particularly specified here, but it is plainly expressed in one of the Canons of Siricius,² which speaks of giving baptism at Easter only to such as gave in their names forty days before and continued under the daily discipline of exorcism, prayer and fasting. Which shews that this fast of forty days was then a time more peculiarly observed by such Catechumens as were preparing for baptism at Easter following.

SECT. 13.—And Penitents for Absolution at Easter.

The like discipline was observed toward penitents, who after their canonical penance was completed, were generally absolved about the time of the Paschal festival: and therefore it is reasonable to suppose, that the preceding time of Lent was always more strictly observed by them, as a decent preparation for the absolution they then expected. Not that this was the only time of penance, especially for great and scandalous criminals; for many of these were kept under penance for many years successively, as has been shewn in a former book: but the ordinary time of absolving them was Easter; as we learn not only from the testimony of St. Ambrose³ and others, alledged heretofore in the discourse of absolution,⁴ but from Gregory Nyssen, who says,⁵ the anniversary solemnity of Easter was not only the time of regenerating Catechumens, but of begetting those again to a lively hope, who had forfeited it by their sin, but were desirous to regain it by repentance and conversion

¹ Con. Carthag. iv. can. 85. Baptizandi nomen suum dent, et diu sub abstinentiâ vini et carni, ac manûs impositione, crebrâ examinatione baptismum percipiant.

² Siric. Ep. i. ad Himerium. cap. ii. Generalia baptismatis tradi convenit sacramenta his duntaxât electis, qui ante quadraginta vel eo amplius dies nomen dederint, et exorcismis, quotidianisque orationibus atque jejuniis fuerint expiati.

³ Ambros. Ep. 33.

⁴ Book XIX. chap. ii. sect. 10.

⁵ Nyssen. Ep. Canon. ad Letoium, in Prefat.

from dead works, to walk again in the paths of life. The same is intimated in the Canons of Ancyra,¹ and those of Peter of Alexandria, and the Epistles of Cyprian, all of which speak of Easter as the great and solemn time of admitting penitents, as a learned prelate of our Church has with great judgment and acuteness observed out of them.² And thence we may infer, that penitents, who were bound to strict rules of penance all the year round, and many times year after year under a long course of discipline, were more exactly careful in the observation of this season, in hopes of obtaining their absolution in the close of it. Whence St. Jerom observes,³ that forty was a number proper for penitents, and fasting, and sackcloth, and tears, and perseverance in deprecating God's anger. For which reason Moses also fasted forty days in Mount Sinai; and Elias, flying from Jezebel, and the wrath of God impending upon Israel, is described as fasting forty days. Our Lord also himself, the true Jonas, who was sent to preach to the world, fasted forty days; and leaving us the inheritance of his fasting, he still prepares our souls for the eating of his body by the same number.

SECT. 14.—Lent generally observed by all Christians, though with a great Liberty and just Allowance to Mens Infirmities, being in a great Measure left to their own Discretion.

Thus we see, Catechumens and public penitents were strictly obliged to the observation of Lent, as part of their discipline and preparation for baptism and absolution. Nor was the great body of the Church backward at this season to concur in fasting and prayer with them. For St. Chrysostom says,⁴ though at other times when we preachers cry up and preach the duty of fasting never so much all the year, scarce any one hearkens to what we say; yet when the

¹ Conc. Ancy. can. vi. Petri Alex. can. i. Cypr. 56. Ep. Edit. Oxon.

² Bishop Hooper of Lent. cap. vi. p. 93.

³ Hieron. Com. in

Jon. 3.

⁴ Chrys. Hom. lii. In eos qui Pascha jejnant.

tom. v. p. 709.

season of forty days is come, though none exhort or advise them, the most negligent set themselves to it, taking admonition and advice from the very season. Lent, it seems, was then generally reputed a proper time to fast, and repent, and mourn for sin, that such as were negligent at other times, might take this opportunity to recollect and humble themselves, and come duly prepared to the communion at the Easter festival. Therefore he adds immediately, if a Jew or a Heathen ask you, why you fast? do not tell him, it is for our Saviour's passion, or the cross: for so you will give him an handle to accuse you: for we do not fast for the passion, or the cross, but for our sins, because we are come to the holy mysteries. The passion is not the occasion of fasting or mourning, but of joy and exultation: we mourn not for that, but for our sins, and therefore we fast. But then this fast was observed with a great deal of liberty. For he says in the same place, if a man come with a pure conscience, he keeps the pasch, whether he partakes of the communion to day or to-morrow or at any other time. And therefore he says,¹ in another place, it was usual in Lent for the people to ask one another, how many weeks they had fasted, and one would answer, he had fasted two weeks, another three, another all. And what advantage is it, if we have kept the fast without mending our morals? if another says, I have fasted the whole Lent, say thou, I had an enemy, and I am reconciled to him; I had a custom of reviling, and I have left it off; I was used to swearing, and I have broken the evil habit. It is of no advantage to fast, if our fasting do not produce such fruits as these. In other places he intimates, that a great liberty was allowed men in regard to their infirmities, and that they were left in a great measure to fast at their own discretion. Let no one, says he,² place his confidence in fasting only, if he continues in his sins without reforming. For it may be one, that fasts not at all, may obtain pardon, if he has the excuse of bodily infirmity:

¹ Chrys. Hom. xvi. ad Pop. Antioch. tom. i. p. 211.
Hom. xxii. de Iiâ. tom. i. p. 277.

² Chrys.

but he that does not correct his sins, can have no excuse. Thou hast not fasted by reason of the weakness of thy body : but why art thou not reconciled to thy enemies ? canst thou pretend bodily infirmity here ? if thou retainest hatred and envy, what apology canst thou make ? in such crimes as these thou canst not fly to the refuge of bodily weakness. So again more copiously prosecuting this matter in another place :¹ if thou canst not pass all the day fasting by reason of bodily weakness, no wise man can condemn thee for this. For we have a kind and merciful Lord, who requires nothing of us above our strength. He neither requires abstinence from meat, nor fasting simply of us, nor that for this end we should continue without eating only ; but that sequestering ourselves from worldly affairs, we should spend all our leisure time in spiritual things. For if we would order our lives soberly, and lay out our spare hours upon spiritual things, and eat only so much as we had need of, and nature required, and spend our whole lives in good works, we should not need the help of fasting. But because human nature is negligent, and gives itself rather to ease and pleasure : therefore our kind Lord, as a compassionate father, hath found out this medicine of fasting for us, that we should abridge ourselves in our pleasures, and transfer our care of secular things to works of a spiritual nature. If therefore there be any here present, who are hindred by bodily infirmity, and cannot continue all the day fasting, I exhort them to have regard to the weakness of their bodies, and not upon that account deprive themselves of this spiritual instruction, but for that very reason to pay more diligent attendance on it. For there are many ways besides abstinence from meat, which will open to us the door of confidence towards God. He therefore that eats, and cannot fast, let him give the more plentiful alms, let him be more fervent in his prayers, let him shew the greater alacrity and readiness in hearing the divine oracles : for the weakness of the body is no impediment in such offices as these : let him be reconciled to

¹ Chrys. Hom. x. in Gen. tom. ii. p. 91.

his enemies, and forget injuries, and cast all thoughts of revenge out of his mind. He that does these things, will shew forth the true fasting, which the Lord chiefly requires. Therefore I exhort you, who are able to fast, to go on with all possible alacrity in this good and laudable work. For by how much more our outward man perishes, so much more our inward man is renewed. For fasting restrains the body, and checks and bridles its inordinate sallies; but makes the soul much brighter, and gives it wings to mount up and soar on high. Do you also exhort your brethren, that are not able to fast for the weakness of their bodies, that they should not upon that account absent themselves from this spiritual food: but teach them and inform them what you have learned of us, that he that eats and drinks with moderation, is not unworthy of this auditory, but only he that is negligent and dissolute. Tell them what the Apostle says, “both he that eateth, eateth to the Lord: and he that eateth not, to the Lord he eateth not, and giveth God thanks:” therefore he that fasteth, giveth God thanks, who has enabled him to bear the labour of fasting; and he that eateth, gives God thanks: likewise, that this is no prejudice to the salvation of his soul, if he be otherwise willing and obedient. I have recited these passages at large out of Chrysostom, to shew what notion he had of the obligation men were under to observe the Lent fast. If men were in health and able to bear it, the rule and custom was for them to observe it; and they generally did so without any farther admonition: but if they did not comply, their non-compliance did not debar them from the communion at Easter, or lay them under any ecclesiastical censure as great delinquents. On the other hand, if they pleaded bodily infirmity and weakness, that was always accepted as a just apology, provided that they made it appear by their other good works, that they were sincere and zealous, and not merely acting a part in the business of religion.

And some footsteps of this liberty, in leaving men to a discretionary observation of Lent, are described by learned men in several other writers. Bishop Hooper¹ observes out

¹ Disc. of Lent. p. 61.

of Tertullian,¹ that except Friday and Saturday before Easter, the Catholics in his time kept no other days of fasting in Lent but only at discretion; and that their fast was for the most part private, and not distinguished by any public action. And bishop Taylor asserts the same,² not only out of Tertullian, but Socrates, Prudentius, Victor Antiochenus, Prosper, and St. Austin: for the fasts of the Church were arbitrary and chosen, without necessity and imposition from any authority. He means not only the imposition of apostolical or divine authority upon the Church in general, but the imposition of them by any authority of the Church upon her own members, as laying any necessary obligation on them. And this is true of the three or four first ages of the Church, but more questionable of those that followed after. For the fourth Council of Orleans orders,³ that all who refused to fast on Saturday in Lent, should be made liable to ecclesiastical censure. And among those called the apostolical Canons⁴ there is one that orders, that every clergyman, who not being infirm refuses to fast in Lent, shall be deposed; and laymen to be suspended from communion for the same transgression. But this is one of those Canons, which are known to be of later date, and therefore cannot be concluded to be according to the ancient rule of the Church.

SECT. 15.—How the Montanists differed from the Church about the Imposition of Fasts.

From this it will be easy to account for the difference, which happened between the Church and the Montanists about the imposition of fasts. Montanus is condemned by the writers of that age for making new laws about fasting. In the fragment of Apollonius, mentioned by Eusebius,⁵ it is laid to his charge, that he was the first “ὁ νηστείας νομοθεστήσας, *who imposed fastings by his laws.*” Which

¹ Tertul. de Jejun. cap. 2. and 13.

² Taylor. Duct. Dub. p. 629.

³ Con. Aurel. iv. an. 541. can. 2. Sed neque per Sabbata absque infirmitate quisquam solvat quadragesimale jejunium.—Si quis hanc regulam irruperit, tanquam transgressor disciplinae à sacerdotibus censeatur.

⁴ Can. Apost. 69. See also Con. Toletan. viii. can. ix.

⁵ Euseb.

lib. v. cap. 18.

some understand, as if he was the first that ever brought fasting under any rule or law. Which cannot be true: for, as we have seen before, the Church also thought she had a rule for fasting two days before Easter: and Tertullian also in vindication of Montanus tells the Catholics, which they themselves did not deny,¹ that their bishops were used to appoint fasts upon necessary occasions of the church. Therefore this could not be the dispute then, whether fasting might be imposed by a law: but the Montanists said, beside the fast of Lent observed by the Catholics, there were other fasts imposed by the Spirit under the ministry and revelation of the will of God made to Montanus. For the Montanists kept three Lents in the year,² each of these two weeks; and that upon dry meats in perfect abstinence from flesh; and these also as necessary to be observed, as injunctions of the Spirit by the new revelation made to Montanus, which they preferred before the writings of the Apostles, and said these laws were to be observed for ever. Which is the reason why the Montanists in the time of Sozomen kept their Antepaschal fast still confined to two weeks, when the Catholics fasted a much longer space. For, as a learned person observes,³ those great fasters would hardly have been left behind, had not those two weeks been the space determined them by their prophet, and they obliged to keep punctually to all his institutions. This then was the great dispute between the Catholics and the Montanists, whether the Spirit had appointed these fasts? which the Montanists asserted; and the Catholics denied. And therefore though the Church augmented her fast from two days to forty, yet still she did it with a great deal of liberty reserved to every particular Church, and every particular Church in a great measure left all her members to judge of their own abilities by christian prudence

¹ Tertul. de Jejunii cap. 13. Bene autem, quod et episcopi universæ plebi mandare jejunia assolent, non dico de industria stipulum conferendarum, ut vestræ capturæ est, sed interdum et ex aliquâ sollicitudinis ecclesiasticæ causâ.

² Hieron. Ep. liv. ad Marcellam. It. Com. in. Itag. cap. i. Tertul. de Jejun. cap. 15.

³ Bishop Hooper of Leat. p. 65.

and discretion; exhorting men to fast, but imposing rigidly upon none more than they were able and willing to bear, nor enforcing it under pain of ecclesiastical censure.

SECT. 16.—The Lent Fast kept with a perfect Abstinence from all Food every Day till Evening.

The manner of observing Lent among those, that were piously disposed to observe it, was to abstain from all food till evening. For anciently a change of diet was not reckoned a fast; but it consisted in a perfect abstinence from all sustenance for the whole day till evening. And in this the Lent fast differed from the *Semijejunia*, or *half fasts* of the ordinary stationary days, as we shall see hereafter. St. Ambrose, speaking of the Lent fast, says,¹ it was a total abstinence every day throughout the whole season, except on the Sabbath and the Lord's day. And in another place, exhorting men to observe the Lent fast,² he bids them defer eating a little, the end of the day is not far off. So Chrysostom frequently in his Lent sermons speaks of the same circumstance.³ Let us set a guard upon our ears, our tongues, and minds, and not think that bare fasting till the evening is sufficient for our salvation.⁴ What profit is it to fast, and eat nothing all the day, if you give yourself to playing at dice, and other vain pastimes, and spend the whole day many times in perjuries and blasphemies? the true fast is abstinence from vices.⁵ For abstinence from meat was appointed upon this occasion, that we should curb the tone of our flesh, and make the horse obedient to his rider. He that fasts, ought above all things to bridle his anger, to learn meekness and clemency, to have a contrite heart, to banish the thoughts of all inordinate desires, to set the watchful eye of God before his eyes, and his uncorrupted judgment;

¹ Ambros. de Elia et Jejun. cap. x. et dominicam jejunatur diebus.
ii. p. 37.

Quadragesima totis præter sabbatum
² Id. Ser. viii. in Psal. 118. Differ aliquantulum, non longè finis est diei.

⁴ Hom. vi. in Gen. p. 60.

³ Chrys. Hom. iv. in Gen. tom.
⁵ Hom. viii. in Gen.

p. 79.

to set himself above riches, and exercise great liberality in giving of alms, and to expel every evil thought against his neighbour out of his soul. This is the true fast. Therefore let this be our care: and let us not imagine, as many do, that we have fasted rightly, when we have abstained from eating until evening. This is not the thing required of us; but that, together with our abstinence from meat, we should abstain from those things that hurt the soul, and diligently exercise ourselves in things of a spiritual nature.¹ Bellarmine himself shews the same out of St. Basil and other ancient writers,² who speak always of the Lent fast as a perfect abstinence from all food till evening. And it is very remarkable by what he cites out of Micrologus, Gratian, and St. Bernard, that this custom continued till the twelfth century even in the practice of the Romish Church.

SECT. 17.—Change of Diet, not accounted a proper Fast for Lent, without perfect Abstinence till Evening.

Whence it were easy to conclude, that the pretence of keeping Lent only by change of diet from flesh to fish, or a more delicious food, which allows men the use of wine and other delicacies, is but a mock fast, and a mere innovation, utterly unknown to the Ancients, whose Lent fast was a strict and rigorous abstinence from all food till the evening. Their refreshment was only a supper, and not a dinner of any kind: and then it was indifferent, whether it was flesh or any other food, provided it was used, as became the refreshment of a fast, with sobriety and moderation. They generally indeed abstained from flesh, and wine, and fish, and all other delicacies at this season: but yet there was no such universal rule or custom in this matter, but that when men had fasted all the day, they were allowed to refresh themselves with a moderate supper upon flesh or any other food without distinction. This appears from the observation which Socrates makes upon the different manner

¹ Bellarm. tom. iv. de Bonis Oper. lib. ii. cap. 2.
Hom. i. de Jejun.

² Basil

of fasting in Lent: some, says he,¹ abstain from all kind of living creatures; others abstain from all but fish; others eat fowls as well as fish, saying, that, according to Moses, they come of the water; others abstain from fruits and eggs; others eat only dry bread; and others even not so much as that. Yet the greatest Ascetics made no scruple to eat flesh in Lent, when a just occasion required it. Sozomen tells a² remarkable story of Spiridion, bishop of Trimitus in Cyprus, that a stranger once happening to call upon him in his travels in Lent, he having nothing in his house but a piece of pork, ordered that to be dressed and set before him: but the stranger refusing to eat flesh, saying he was a Christian, Spiridion replied, for that very reason thou oughtest not to refuse it; for the word of God has pronounced all things clean to them that are clean. Eusebius tells a like³ story of one Alcibiades, a martyr, who being a great Ascetic, had used to abstain from flesh all his life, and live only upon bread and water; which course of life he continued even in prison: but it was revealed to Attalus, one of his fellow-prisoners, that Alcibiades did not well to refuse using the creatures of God, and thereby give scandal to others. Upon which admonition, Alcibiades changed his manner of living, and began to use all meats indifferently with thanksgiving. By this it appears, that the eating or not eating of flesh, was a thing indifferent to them at all times, and that they made no scruple to eat flesh even in Lent, upon a necessary occasion, without any prejudice to their rules of fasting. But the thing they chiefly guarded against, was luxury, and pampering the body, under pretence of fasting. St. Austin⁴ makes a smart reflexion in one of his sermons upon such pretenders as these: there are some observers of Lent, says he, that study deliciousness more than religion, and seek out new pleasures for the belly, more than how to chastise the concupiscence of the old man; who by costly and plentiful provisions, strive to outdo the varieties and tastes of the

¹ Soerat. lib. v. cap. xxii.

³ Euseb. lib. v. cap. iii.
tom. x. p. 550.

² Sozom. lib. i. cap. xi.

⁴ Aug. Sermon. lxxiv. de Diversis.

several fruits of the earth. They are afraid of any vessels, in which flesh has been boiled, as if they were unclean; and yet in their own flesh fear not the luxury of the throat and the belly. These men fast, not to diminish their wonted voracity by temperance, but by deferring a meal to increase their immoderate greediness. For when the time of refreshment comes, they rush to their plentiful tables, as beasts to their mangers, and stuff their bellies with great variety of artificial and strange sauces, taking in more by devouring, than they are able to digest again by fasting. There are some likewise, who drink no wine, that they may provide themselves other more agreeable liquors, to gratify their taste, rather than set forward their salvation: as if Lent were intended, not for the observation of a pious humiliation, but as an occasion of seeking out new pleasures. They did not think commutation of diet a proper fast, if the abstinence of the day was spoiled by any immoderate indulgence of an evening banquet: much less did they esteem it a fast to dine upon delicacies, and use a mere abstinence from flesh without deferring the time of their ordinary meal till evening; but they abstained all the day from food of any kind, and then contented themselves with a sober and plain refreshment in the close of it, without any scrupulous nicety about the kind of their food, so long as they used it only with temperance and moderation.

SECT. 18.—What they spared in a Dinner, not spent in Evening Luxury, but bestowed on the Poor.

And what they thus spared from their own bodies in abridging them of a meal, they, that were piously disposed, bestowed upon the bellies of the poor. This we learn from one of the Homilies of Cæsarius Arelatensis, or whoever was the author of it, under the name of St. Austin:¹ before all things, says he, on our fasting days, what we were used to spend upon a dinner, let us bestow upon the poor, that no one concern himself about providing a sumptuous

¹ Aug. Serm. lvi. de Tempore, tom. x. p. 252.

supper, or an exquisite and delicious feast, and seem rather to have changed the diet of his body, than diminished any thing in the quantity of it. There is no profit in keeping a long fast all the day, if afterward a man overwhelm his soul either with the delicacy of his meat, or the abundance of it. That, which is gained by the fast at dinner, ought not to be turned into a feast at supper, but be expended on the bellies of the poor. *Proficiat eleemosynis, quod non expenditur mensis*, says Leo,¹ that *which is not expended upon our tables should be laid out in alms*, and then it will bring us in great gain. Origen says,² he found it in some book as a noted saying of the Apostles, “Blessed is he, who fasts for this end, that he may feed the poor; this man’s fast is acceptable unto God.” Mercy and piety, as Chrysologus words it,³ are the wings of fasting, by which it mounts up to Heaven, without which it lies dead upon the earth. Therefore when we fast, let us lay up our dinner in the hands of the poor, that the hands of the poor may preserve for us what our bellies would destroy. The hand of the poor is the treasury of Christ: fasting without mercy is but an image of famine: fasting without works of piety is only an occasion of covetousness; because by such sparing, what is taken from the body only swells in the purse.

SECT. 19.—All Corporeal Punishments forbidden by the Imperial Laws in Lent.

Therefore Lent was thought the proper season for exercising more abundantly all sorts of charity. Let us spend those vacant hours, says Cæsarius or St. Austin,⁴ which we were used to lavish away without any benefit to our souls, now in visiting the sick, in searching the prisons, in entertaining strangers, in reconciling those that are at variance with one another. This was required of those more especially, who pretended bodily infirmity, that they could not

¹ Leo Ser. 3. de Jejun. Pentecost. Levit.

56. de Temp. t. x. p. 252.

³ Chrysol. Serm. 8. de Jejun.

² Origen. Hom. 10. in

⁴ Aug. Hom.

fast, as we have heard before out of St. Chrysostom.¹ Thou canst not fast by reason of the weakness of thy body: but why art thou not reconciled to thy enemy? Canst thou pretend bodily infirmity here? If thou retainest hatred and envy, what apology canst thou make? In such crimes as these thou canst not take sanctuary in bodily weakness. He that cannot fast, let him give the more plentiful alms, let him be reconciled to his enemies, let him forget injuries, and cast all thoughts of revenge out of his mind. This was a time when men expected mercy and pardon from God, and therefore it was the more reasonable they should be more eminent in the exercise of mercy toward their brethren. Upon this account the imperial laws forbade all prosecution of men in criminal actions, which might bring them to corporal punishment and torture, during the whole season. Theodosius the Great made two laws to this purpose:² in the forty days, which by the laws of religion are solemnly observed before Easter, let the examination and hearing of all criminal questions be superseded: and in the holy days of Lent,³ let there be no punishments of the body, when we expect the absolution of our souls. St. Ambrose⁴ mentions a like answer given by the younger Valentinian, in the case of some rich noblemen, who were prosecuted in a criminal cause before the provost of the city, who inclined to give a speedy sentence against them: but the Emperor sent him an inhibition, forbidding any sentence of blood to be pronounced during the holy season. Nor was there any exception made to this rule, but only in the case of the Isaurian robbers, whose practices were so very dangerous to the common safety, that Theodosius junior thought it proper to allow their examination by scourging and the rack at any

¹ Chrys. Hom. 22. de Ira. t. i. p. 277, and Hom. 10. in Gen. t. ii. p. 91. See before, sect. 14.

² Cod. Theod. lib. ix. tit. 35. de Questionibus. Leg. 4. Quadraginta diebus, qui, auspicio caerimoniarum, paschale tempus anticipant, omnis cognitio inhibeatur criminalium questionum.

³ Ibid. leg. 5. Sacratissimæ Quadragesimæ diebus nulla supplicia sint corporis, quibus absolutio expectatur animarum.

⁴ Ambros. de Obitu Valentin. Ut nihil cruentum sanctis præsertim diebus statueretur.

time, not excepting any day in Lent or the Easter festival,¹ because it was greater charity to discover their wicked counsels and conspiracies, to preserve the life and safety of other innocent men, than to grant any reprieve or respite to such criminals upon the account of the holy season. So that mercy and charity was still the thing in view, as most proper to be shewed to the bodies of men at such a season, when all expected, by their fasting and repentance, to obtain absolution of their souls from the hands of God, as one of the forementioned laws elegantly words it.

SECT. 20.—Religious Assemblies and Sermons every Day in Lent.

Lent was a time of more than ordinary strictness and devotion, and therefore in many of the great Churches they had religious assemblies for prayer and preaching every day throughout the whole season. I cannot affirm that it was so in every parochial church and country village: but that it was so in the greater or Cathedral churches, is evident from undeniable proofs and matter of fact. Chrysostom's Homilies on Genesis, and those famous ones of the Statues, called *Ἀνδριάντες*, to the people of Antioch, were sermons preached after this manner day after day in the Lent season, as any one may be satisfied that looks but into them. I will only relate one single passage in one of these Homilies, which will give any reader satisfaction.² "This is not," says he, "the only thing that is required, that we should meet here every day, and hear sermons continually, and fast the whole Lent: for if we gain nothing by these continual meetings and exhortations, and seasons of fasting, to the advantage of our souls, they will not only do us no good, but be the occasion of a severer condemnation. If after so much care and pains bestowed upon us, we continue the same; if the angry man does not become meek,

¹ Cod. Th. lib. ix. tit. 35, de Quæstionibus. Leg. 7. Prœvinciarum iudices moneantur, ut in Isaurorum latronum quæstionibus nullum Quadragesimæ, nec venerabilem Pascharum diem existiment excipiendum, &c.

² Chrys. Hom. 11. in Gen. t. i. p. 107.

and the passionate mild and gentle ; if the envious does not reduce himself to a friendly temper, nor the covetous man depart from his madness and fury in the pursuit of riches, and give himself to almsdeeds and feeding the poor ; if the intemperate man does not become chaste and sober, and the vain-glorious learn to despise false honour, and seek for that which is true ; if he that is negligent of charity to his neighbour, does not stir up himself, and endeavour not only not to come behind the publicans, who love those that love them, but also to look friendly upon his enemies, and exercise all acts of charity toward them ; if we do not conquer these affections, and all others that spring up from our natural corruption, though we assemble here every day, and enjoy continual preaching and teaching, and have the assistance of fasting: what pardon can we expect, what apology shall we make for ourselves ?” By this it is plain, no day passed in Lent without a sermon to put men in mind of the great duties of Christianity, and reformation and repentance, which were more peculiar to the design of that holy season.

SECT. 21.—And frequent Communion, especially on the Sabbath and the Lord’s Day.

They had also frequent communions at this time, at least on every Sabbath and Lord’s day. For though the festivals of martyrs were not ordinarily to be celebrated in this time of humiliation, yet the Sabbath and the Lord’s day were kept as standing festivals even in Lent, as has been shewn before ; and therefore on these days they offered the oblation of bread and wine in the eucharist, as at other seasons. But by a Canon of the Council of Laodicea,¹ this oblation seems confined to those two days ; for it is prohibited to offer it upon any other : and that may seem to imply, that there was no communion on any other days in Lent. But then it may be considered, that in the time of

¹ Con. Laodic. can. 49.

the Council of Trullo,¹ there was a custom of communicating on other days in Lent upon the pre-sanctified elements, that is, such as had been consecrated the Lord's day before. And if we can suppose this custom to have been anciently in the Church, then nothing hinders but that they might have a daily communion in Lent, as well as a daily sermon; which seems most agreeable to the fervent piety of those primitive ages: but in a doubtful matter I will not be positive, seeing there is otherwise evidence enough for frequent communion in Lent, by supposing it only to be administered on every Sabbath and Lord's day.

SECT. 22.—All Public Games and Stage Plays prohibited at this Season.

For the further advancement of piety and encouragement of religious assemblies at this season, all public games and stage plays were utterly forbidden by the laws of the Church. Gothofred thinks,² the whole time of Lent is included in that famous law of Theodosius junior, which prohibits all public games and shews on days of supplication, when the minds of Christians ought wholly to be employed in the worship of God. For though Lent be not expressly named in that law, yet it is comprized in the general name of the days of supplication. And it is certain the Church was very solicitous to restrain men from these pleasures and diversions at this holy season. Gregory Nazianzen has a very sharp epistle written to one of the judges upon this occasion,³ wherein he thus rebukes him: you that are a judge transgress the laws in not observing the fast; and how will you observe the laws of man, who transgress and despise the laws of God? Purge the judgment-seat, lest one of these two things befall you, either to be really wicked, or to be thought so. To exhibit profane shews is to make yourself a spectacle. In a word, stand corrected, O Judge, and you will sin less for the future. St. Chrysostom,

¹ Con. Trull. can. 52.
leg. 5. et Gothofred, in Loc.

² Cod. Th. lib. xv. tit. 5. de Spectaculis.
³ Naz. Ep. 71. al. 74. ad Celeusium.

in his Lent sermons, with equal zeal sets himself to chastise and correct this grand abuse of the holy season. He prefaces one of these Homilies with this sharp invective against those that frequented the horse-races of the circus at this time: when I consider, says he,¹ how at one blast of the devil ye have forgotten all my daily admonitions and continued discourses, and run to that pomp of Satan, the horse-race in the circus, with what heart can I think of preaching to you again, who have so soon let slip all that I said before? This is what chiefly raises my grief, yea, my anger and indignation, that together with my admonition, ye have cast the reverence of this holy season of Lent out of your souls, and thrown yourselves into the nets of the devil. What profit is there in your fasting? What advantage in your meeting together so often in this place? He pursues the same argument in the next discourse,² dissuading them in a very pathetic way to waive this unseasonable practice: subdue, I beseech you, this wicked and pernicious custom, and consider, that they, who run to the circus, not only do much harm to themselves, but are the occasion of great scandal to others. For when the Jews and Gentiles see you, who are every day at church to hear a sermon, come notwithstanding to the horse-race, and join with them in the circus, will they not reckon our religion a cheat, and entertain the same suspicion of us all? They will sharpen their tongues against us all, and for the offence of a few condemn the whole body of Christians. Neither will they stop here, but rail at our head, and for the servant's fault blaspheme our common Lord, and think that a sufficient apology and excuse for their own errors, that they have something to object to the life and conversation of others. By this it appears, there was no pardon for those, who were so eager after the public diversions, as to follow them in Lent, when men's public professions of repentance, humiliation, and sorrow, made it utterly unseasonable and absurd to pursue the vain recreations and pleasures of the world,

¹ Chrys. Hom. 6. in Gen. t. ii. p. 49.

² Ibid. Hom. 7. p. 61.

which at such a juncture could become none but those, who lived in darkness and heathenish superstition.

SECT. 23.—As also the Celebration of all Festivals, Birth-days, and Marriages, as unsuitable to the present Occasion.

For the same reason they forbid the celebration of all festivals of martyrs at this season, except it were upon the Sabbath or the Lord's day: because all festivals were days of rejoicing, which were not consistent with deep humiliation and mourning belonging to a strict and severe fast: but the Sabbath and the Lord's day were excepted from fasting even in Lent, as has been noted before; and therefore on these days the festivals of Martyrs might be celebrated, but on no other during the whole time of Lent, as appears from an express Canon of the Council of Laodicea,¹ made in this behalf. And by another Canon of the same Council,² all celebration of marriages and birth-days are absolutely forbidden in Lent. Where, by birth-days, called Γενέθλια in the Canon, we are to understand private men's natural birth-days, which being celebrated with great tokens and solemnities of joy, with feasting and other ceremonies of pleasure and delight, were not proper to be kept in the time of fasting, as being things inconsistent and incompatible with one another; and the rather to be forborne, because at this time the Church did not allow the solemnizing of the natiivities or birth-days of her martyrs, which otherwise were of great esteem in the Church.

SECT. 24.—The great Week before Easter observed with greater Strictness and Solemnity.

These were the common rules observed in keeping the Lent fast, when it was come to the length of forty days. But there was one week, called the *Hebdomas Magna*, or the great week before Easter, which they observed with greater strictness and solemnity above all the rest. No one can

¹ Con. Laodic. can. 51.

² Can. 52. *ibid.*

better describe it to us than St. Chrysostom,¹ who tells us, it was called the great week, not because it consisted of longer days, or more in number than other weeks, but because at this time great things were wrought for us by our Lord. For in this week the ancient tyranny of the devil was dissolved, death was extinct, the strong man was bound, his goods were spoiled, sin was abolished, the curse was destroyed, paradise was opened, heaven became accessible, men and angels were joined together, the middle wall of partition was broken down, the barriers were taken out of the way, the God of peace made peace between things in heaven and things on earth; therefore it is called the great week: and as this is the head of all other weeks, so the great sabbath is the head of this week, being the same thing in this week, as the head is in the body. Therefore in this week many increase their labours; some adding to their fastings; others to their watchings; others give more liberal alms, testifying the greatness of the divine goodness by their care of good works, and more intense piety and holy living. As the Jews went forth to meet Christ, when he had raised Lazarus from the dead, so now not one city but all the world go forth to meet Him, not with palm branches in their hands, but with almsdeeds, humanity, virtue, fasting, tears, prayers, fastings, watchings, and all kinds of piety, which they offer to Christ their Lord. And not only we, but the emperors of the world honour this week, making it a time of vacation from all civil business, that the magistrates, being at liberty from business of the law, may spend all these days in spiritual service. Let the doors of the courts, say they, now be shut up: let all disputes and all kinds of contention and punishment cease, let the executioner's hands rest a little: common blessings are wrought for us all by our common Lord, let some good be done by us his servants. Nor is this the only honour they shew to this week, but they do one thing more no less considerable. The imperial letters are sent abroad at this time, commanding all prisoners to be set at liberty from their chains. For as our Lord, when He descended into hell, set free those that

¹ Chrys. Hom. in Psal. 115. sive de Hebdomade Magnâ. tom. iii. p. 821.

were detained by death; so the servants, according to their power imitating the kindness of their Lord, loose men from their corporal bonds, when they have no power to relax the spiritual. All this is repeated by Chrysostom in another of his Lent sermons much in the same words,¹ which therefore it is needless to recite at length in this place: but it will not be improper to review the particulars, and confirm them by parallel passages of other writers. It is evident the strict observation of this week was in use in the time of Dionysius, Bishop of Alexandria, who was scholar to Origen, though with some difference according to men's ability or zeal in observing it: for he thus speaks of it in his canonical epistle:² some make a superposition of the whole six days, continuing all the time without eating; some add two days together, some three, some four, and some not one. Now to those, who have borne such superpositions, continuing without sustenance, and grow unable to hold out, and are ready to faint, to them leave is to be given for an earlier refreshment. But if there be any, who have been so far from superponing the preceding days, that they have not so much as kept a common fast, but it may be have feasted on them, and then coming to the two last days, Friday and the Saturday, have kept a fast of superposition on them, and think they do a great thing, if they hold out till break of day: I cannot think these have striven equally with those, who have been engaged in the exercise more days before.

SECT. 25.—What meant by the Fasts, called *ὑπερθέσεις* and *Superpositiones*, Superpository or Additional Fasts in this Week.

It is plain from hence, that in this great week many made an addition to the common way of fasting. For whereas in the foregoing part of Lent they took some refreshment every evening, and never fasted on the sabbath; now they not only fasted on the sabbath in this week, but added to it some one day, some two, some three, some four, some five days,

¹ Chrys. Hom. xxx. in Gen. tom. ii. p. 426.
can. i. ap. Bevereg. Pandect. tom. ii. p. 3.

² Dionys. Epist. Canon.

which they passed in perfect abstinence, eating nothing all this week till the morning of the resurrection. This kind of fasting the Greeks call Ὑπερθέσεις, and the Latins *Superpositiones*, *superpository* or *additional fasts*. Dionysius in the place last mentioned uses the name Ὑπερτιθέμενοι, for those that passed the whole six days fasting. And Epiphanius speaking of the manner of observing the same six days, says,¹ all the people kept them “ ἐν ξηροφαγία, *living on dry meats*,” namely bread and salt and water, which they only used at evening: and they, that were more zealous, superadded two, three, and four days, and some the whole week till cock-crowing on Sunday morning. Where we may observe two sorts of additions made to the common fast in this week above others; first that they confined themselves to the use of dry meats only, which they did not generally in the former part of Lent; and secondly that they continued their fast for several days together without any sustenance, some passing over the whole six days in this rigorous way without any abatement. And so Epiphanius represents it in another place,² where he speaks of the manner of observing the holy week of the Pasch: some continued the whole week ὑπερτιθέμενοι, making one continued fast of the whole; others eat after two days, and others every evening. This was otherwise called ἐπισυνάπτειν, and *jejunia conjungere et continuare*, as we find in Sozomen and Tertullian. For Sozomen speaking of Spiridion’s way of observing the great paschal week, says,³ at that time he was used with his whole family ἐπισυνάπτειν τὴν νησειαν, *to join one day of fasting to another*, and only eat at a certain day, continuing without any food all the days between. And this in Tertullian’s phrase is *jejunia conjungere, to join one day of fasting to another*; ⁴ *et sabbatum continuare cum jejuniis parasceues*,⁵ to make Friday and Saturday in the passion week

¹ Epiphan. Epitom. Fid. n. xxiii. Οἱ δὲ σπυδαῖοι διπλὰς ἢ τριπλὰς ἢ τετραπλὰς ὑπερτίθενται, ἢ ὅλην τὴν ἑβδομάδα τινὲς ἄχρι ἀλκετρούων κλάγνης, τῆς κυριακῆς ἐπιφωσκίσης. Vid. Constit. Apost. lib. v. cap. 18.

² Epiphan. Hær. xxix. Nazoræor.

³ Sozom. lib. i. cap. 11.

⁴ Tertul. de Patient. cap. xiii.

⁵ Tertul. de Jejun. cap. xiv.

Vid. Constitut. Apostol. lib. v. cap. 18.

one continued fast. This was an exercise, which many of those, who followed the ascetic life, used at other times: for Evagrius, speaking of the monks of Palestine, says,¹ they observed “ τὰς καλσμένας ὑπερθεσίμους, those called *superpository fasts*,” continuing them for two or three days, and some for five days together. This in the Latin writers is called *Superpositio Jejunii*: as in the fragment of *Victorinus Petavionensis*, published by Dr. Cave,² where he speaks of the several sorts of fasts observed among Christians, some of which were only till the ninth hour, some till evening, and some with a superposition or addition of one fasting day to another. Though we must note, that superposition of a fast is not always taken in this sense, but sometimes denotes a new appointed fast of any kind, though it had nothing extraordinary but only the newness of the imposition in it, as we find in the Council of Eliberis,³ of which more hereafter in its proper place.

SECT. 26.—Of their several Sorts of Abstinence.

Valesins,⁴ in his Notes upon Eusebins, speaks of three kinds of fasts among them. The first called *Jejunium Nonæ*, because it held only till nine o’clock, that is, three in the afternoon, and was proper to the weekly assemblies on Wednesday and Friday, or the stationary days, on which they celebrated the communion, and therefore was also called *Jejunium quartæ*, and *sextæ feriæ*, and *Semijejunium stationum*. The second was the quadragesimal fast, which even held till the evening. The third he calls *jejunium ὑπερθέσεως*, or *superpositionis*, a superabundant fast, which held till cock-crowing or break of day, and was proper to the paschal week before Easter. But, as that learned person enumerates and explains, his account is imperfect. For here is no notice taken of the *Xerophagia*, which he

¹ Evagr. lib. i. cap. 21.

² Victorin. de Fabricâ Mundi. ap. Cave Hist. Literar. vol. i. p. 103. Ratio ostenditur, quare usque ad horam nonam jejunamus, usque ad vesperam, aut superpositio usque in alterum diem fiat.

³ Con. Eliberit. can. xxiii. et xxvi.

⁴ Vales. in Eus. lib. v. cap. xxiv. p. 103.

himself owns to be mentioned by Tertullian: and then the explication given of the *ὑπέροθεις*, or *superpositio*, though true, is not complete, because it signifies other kind of fasts than what he mentions. I shall therefore give a more distinct account both of several kinds and several days of fasting.

The first kind of fast was abstinence from all meat till evening. This was properly and absolutely called *jejunium* and *jejunium perfectum*. Next to this was the *semi-jejunium* or *statio*, which belonged to Wednesdays and Fridays, and ended at nine o'clock, or three in the afternoon. This was commonly called the half fast, because it ended before night, and might be kept together with the reception of the holy communion, which was never allowed upon a perfect fast day.¹ It had the name *statio* from its imitation of military discipline.

That it ended at nine o'clock appears from Tertullian.² And this was the quarrel betwixt him and the Psychici,³ as he there calls the catholics, that the catholics would always end their stations at nine o'clock, whereas he and the Montanists continued them till evening.

SECT. 27.—Christians more liberal in their Alms and Charity during Passion Week above others.

The next addition mentioned by Chrysostom, as made in the spiritual exercise and observation of this week, is their more liberal distribution of alms to the poor, and exercise of all kinds of charity to those that stood in need of it. For the nearer they approached to the passion and resurrection of Christ, by which all the blessings in the world were

¹ Tertul. de Orat. cap. xiv. Si statio de militari exemplo nomen accipit: nam et militia Dei sumus.

² Tertul. de Jejun. can. ii. where speaking of the stations, he says, Quando et orationes fere nona hora concludat de Petri exemplo quod Act. x. refertur.

³ Ibid. cap. x. Æque stationes nostras ut indignas, quasdam verò et in serum constitutas, novitatis nomine incusant, hoc quoque munus, et ex arbitrio obeundum esse dicentes, et non ultra nonam detinendum de suo scilicet more. Ib. can. x. ad fin. speaking of the Montanists, Hæc erit statio sera, quæ ad vesperam jejunans pianguiorem orationem Deo immolat. Id. cap. i. Arguunt nos (Psychici) quod stationes plerumque in vesperam producamus.

poured forth upon men, the more they thought themselves obliged to shew all manner of acts of mercy and kindness toward their brethren.

SECT. 28.—This Week a Week of Rest and Liberty for Servants.

Particularly this week before Easter, and the following week was a time of rest and liberty to servants. Many in great charity had their freedom granted them, in imitation of the spiritual liberty, which Christ at this time had procured for all mankind. This is clear from what has been shewn before,¹ out of Gregory Nyssen, and the laws of Theodosius, which allow all juridical acts done in favour of slaves in the fifteen days of the paschal solemnity, in which both the pasch of the cross, and the pasch of the resurrection are equally included. Both these weeks likewise were equally set apart for divine service: and for that reason all servants had a vacation from their ordinary bodily labour, that they might have more leisure and opportunity to attend the worship of God and concerns of their souls. The author of the Constitutions,² in conformity to this custom, which he found in the practice of the Church, gives this direction: in the whole great week, before Easter, and the week following, let servants rest from their labour; because the one is the time of our Lord's passion; and the other of his resurrection; and servants have need to be instructed in the knowledge of those mysteries.

SECT. 29.—A general Release granted at this Time by the Emperors to all Prisoners, both Debtors and Criminals, some particular Cases of Criminals only excepted.

That particular sort of charity, which Chrysostom speaks of, as shewn by the emperors to all prisoners, as well criminals as debtors, in granting them a general release out of prison at this season, is demonstrated from the imperial laws still in being: for they are said to grant this indulgence with a particular respect to the paschal solemnity, which

¹ Book XX. chap. v. sect. 6 and 7.

² Constit. lib. viii. cap. 33.

includes as well the great week before, as the week following Easter day.¹ And so not only Chrysostom, but St. Ambrose understood it,² when he said, the holy days of the last week in Lent was the time when the bonds of debtors used to be loosed. Wherefore whatever has been said before of this indulgence as belonging to the Easter festival, is so to be understood as belonging to this holy and great week of our Saviour's passion, when these indulgences first commenced, and continued in force till the whole festival was ended.

SECT. 30.—All Processes at Law, as well Civil as Criminal, suspended this whole Week before Easter.

What Chrysostom says further of the emperor's commanding all suits and processes at law to cease in this great week, and the tribunal doors to be shut up, is taken from the express words of the law of Theodosius, still extant in both the Codes. For these, appointing what days shall be exempted from juridical actions,³ expressly mention the fifteen days of the paschal solemnity, the week preceding and the week following Easter. St. Austin speaks of the same:⁴ and Scaliger mentions a law of Constantine,⁵ wherein he had made a like decree, that the two paschal weeks, the one immediately before, and the other following Easter, should be exempted from all business of the law. The design of which was, that nothing of animosity, or contention, or cruelty, or punishment, or bloodshed should appear at this holy season, when all men were labouring to obtain mercy and pardon by the blood of Christ; and that men sequestering themselves from all civil and worldly business, might with greater assiduity attend the exercises of piety, which were peculiar to the solemn occasion.

SECT. 31.—The Thursday in this Week how observed.

The Thursday in this week, which was the day, on which

¹ Cod. Th. lib. ix. tit. 38. de Indulgent. Criminum. leg. iii. et iv.

² Ambros. Ep. xxxiii. ³ Cod. Theod. lib. ii. tit. 8. de Feriis. leg. ii. Sanctos quoque Paschæ dies, qui septeno vel præcedunt numero, vel sequuntur, in eâdem observatione numeramus.

⁴ Aug. Sermon. xix. ex editis

a Sirmondo.

⁵ Scaliger. de Emendat. Tempor. lib. vii. p. 776.

Christ was betrayed, and instituted the communion at his last supper, was observed with some peculiar customs. For on this day, in some of the Latin Churches, the communion was administered in the evening after supper, in imitation of the communion of the Apostles at our Lord's last supper. As we find by a provision made in one of the Canons of the third Council of Carthage¹, that the sacrament of the altar should always be received by men fasting, except on one anniversary day, when the Lord's last supper was solemnly commemorated. St. Austin takes notice of the same custom,² and withal observes, that the communion in some places was administered twice on this day; in the morning for the sake of such as could not keep the day a fast, and in the evening for those that fasted till evening, when they ended their fast, and received the communion after supper. He likewise tells us, there was a particular reason, why many could not fast upon this day, and therefore they received the communion in the morning: for it was customary with many, who had kept Lent, to bathe and wash their bodies on this day, as the Catchumens did, in order to appear decently, pure and clean from the filth, which their bodies might have contracted by the austerities of Lent, when they came to be baptised on the Vigil, or night between the great Sabbath and Easter day: they could not bear both bathing and fasting, and therefore they fasted not on this day, but received the communion in the morning, and eat their dinner as at other times; whilst others fasted all the day, and received the communion after supper.

On this day the *Competentes*, or *candidates of baptism*, publicly rehearsed the Creed before the bishop or presbyters in the Church, as we learn from the Council of Laodicea,³ which fixes this rehearsal to the fifth day of the great week; and from Theodorus Lector,⁴ who says, Timotheus Bishop of Constantinople was the first that ordered the

¹ Con Carth. iii. can. 29. Ut sacramenta altaris non nisi à jejunis hominibus celebrentur, excepto uno die anniversario, quo cœna domini celebratur.

² Aug. Ep. 118. ad Januar. cap. 7.

³ Con. Laodic. can. 46.

⁴ Theodor. lib. ii. p. 563.

Creed to be recited in every church assembly, which before was used to be repeated only once a year by the Catechumens on the Parasceue, or preparation to our Saviour's passion, when the bishop was wont to catechise them.

On this day it was customary for servants to receive the communion, as we find in Joannes Moschus,¹ who tells us a remarkable story of one, who laid up the eucharist in his chest, which he had brought home from church with him “ τῆ ἁγία καὶ μεγάλη πέμπτη, — on this great and holy fifth day of the passion week ;” under which name we find it also in the title of one of Chrysostom's sermons upon this day,² τῆ ἁγία καὶ μεγάλῃ πεντάδῃ. The modern ritualists call it *Maundy Thursday*, *Dies Mandati*, because on this day our Saviour washed his disciples' feet, and gave them commandment to follow his example ;³ or because he instituted the sacrament of his supper upon this day, commanding his disciples to do the same in remembrance of him, as others expound it.⁴ But the Pope's custom of excommunicating all people and princes, that are enemies to the Roman Church, on this day, and among the rest the King of Spain for invading the rights of the Church,⁵ (whom he absolves again without asking any pardon on Good Friday ;) as it is a grand ridicule and mock of Church discipline, so it is without all foundation in the practice of the Ancient Church.

SECT. 32.—Of the Pas-sion Day, or the Pasch of our Lord's Crucifixion.

Some with greater probability suppose, that such public penitents, as had completed their penance for one, two, three years or more, the Lent preceding ; (for the years of penance were usually reckoned from Easter to Easter :) were absolved on this day. At least it is certain they were reconciled either this or the day following. For St. Ambrose says very expressly,⁶ that the day of relaxation of pe-

¹ Mosch. Prat. Spir. cap. lxxix. Proditione Judæ. tom. v. p. 453.

of Div. Offic. p. 142.

of Faith.

² Chrys. Hom. xxx. de

³ See Bp. Sparrow's Ration-

⁴ Vid. Lestrange Alliance

⁵ Bull. in Cœnâ Domini. Moulin. Buckler

⁶ Ambros. Ep. xxxiii. ad Sororem. Erat dies quo

sesc Dominus pro nobis tradidit, quo in ecclesiâ pœnitentia relaxatur.

nance in the Church, was the day, on which our Lord gave Himself for us. Which must mean either the day, on which He was betrayed by Judas; or the day of his passion, when He offered Himself a sacrifice for the sins of mankind; that is the Parasceue, or Good Friday, or the Pasch, as it is often called, meaning *the Pasch of the Cross*, Πασχα Σαυρώσιμον, in opposition to the Πασχα Ἀναστάσιμον, or *Pasch of the Resurrection*. Nor was it only particular absolutions that were granted to public penitents on this day of the passion, but a general absolution or indulgence was proclaimed to all the people observing the day with fasting, prayers, and true contrition or compunction. As we find in the fourth Council of Toledo, which makes a complaint, that in some of the Spanish Churches the day of the Lord's passion was not regularly observed: for the Church doors were shut up, and no divine service performed: wherefore they order,¹ that the mystery of the cross should be preached on this day, and that all the people should wait for the indulgence or absolution, that being cleansed by the compunction of repentance and remission of sins, they might worthily celebrate the venerable feast of the Lord's resurrection, and come pure and clean to partake of the sacrament of his body and blood. They further condemn such as ended their fast on this day at the ninth hour, and order,² that all, except little children, old men, and the sick, should spend the whole day in abstinence and mourning, and not give over their fast, "*ante peractas indulgentiæ preces, before the prayers of absolution were ended.*" Whence it may be inferred, that this absolution was the close of the public service of this day, which whoever did not attend, was to be denied the communion on Easter day, because, as the Canon words it, he paid not a due respect by abstinence to the passion of his Lord. Indeed this day, as we have seen before, was one of those two great days, which all Christians in general thought themselves obliged strictly to observe: even

¹ Con. Toletan. iv. can. 6. Oportet eodem die mysterium crucis prædicari, atque indulgentiam criminum clarâ voce omnem populum præstolari, &c.

² Ibid. can. vii.

they, who kept no other Lent, religiously observed these, as the days, on which the bridegroom was taken from them: and that seems to be the reason why this Canon treats those with a little more severity, who neglected the day of our Saviour's passion, because they contemned the general custom and observation of Christians.

SECT. 33.—Of the Saturday or Great Sabbath before Easter.

The Saturday, or Sabbath in this week was commonly known by the name of the Great Sabbath;¹ as we find it termed in Chrysostom and others. It had many peculiarities belonging to it. For this was the only sabbath throughout the year that the Greek Churches and some of the Western kept as a fast. All other sabbaths even in Lent were observed as festivals together with the Lord's day, as has been shewn several times before: but this Great Sabbath was observed as a most solemn fast, which some joined with the fast of the preceding day, and made them both but one continued fast of superposition; and they, who could not thus join both days together without some refreshment, yet observed the Saturday with great strictness, holding out their fast till after midnight, or cock-crowing in the morning. Thus we find it ordered in the Constitutions,² conformable to the practice of the Church: let as many as are able, fast the Friday and the Sabbath throughout, eating nothing till cock-crowing in the morning: but if any cannot “*τὰς δύο συνάπτειν ὅμῃς, join both days together*” in one continued fast, let him however keep the sabbath a fast: for the Lord speaking of himself, said “When the bridegroom shall be taken away from them, in those days shall they fast.” So this day was kept an universal fast over the whole Church: and they continued it not only till evening, but till cock-crowing in the morning, which was the supposed time of our Saviour's resurrection. The preceding time of the night was spent in a vigil or pernoctation, when they assembled toge-

¹ Chrys. Ep. i. ad Innocent. tom. iv. p. 680.
lib. v. cap. 18.

² Constit.

ther to perform all parts of divine service, psalmody, and reading the Scripture, the law, the prophets, and the Gospel, praying, and preaching, and baptizing such of their catechumens as presented themselves to baptism: all which acts are particularly mentioned by the author of the Constitutions in his description of the paschal vigil.¹ The account of the several vigils observed in the Church has been given in a former Book:² here I only take notice of this one, which was the most famous of all others, between the Great Sabbath and Easter day. Of which there is frequent mention made in the ancient writers, Chrysostom,³ Epiphanius,⁴ Palladius,⁵ Gregory Nyssen,⁶ and many others. Particularly Lactantius and St. Jerom tells us, they observed it upon a double account. This is the night, says Lactantius,⁷ which we observe with a pernoctation or watching all the night for the advent of our King and God: of which night there is a twofold reason to be given, because in this night our Lord was raised to life again after his passion; and in the same He is expected to return to receive the kingdom of the world, that is, to come to judgment. St. Jerom says,⁸ it was a tradition among the Jews, that Christ would come at midnight, as he did upon the Egyptians at the time of the Passover: and thence, he thinks, the apostolical custom came, not to dismiss the people on the paschal vigil before midnight, expecting the coming of Christ: after which time presuming upon security, they keep the day a festival. Eu-

¹ Constit. lib. v. cap. xix.

² Book XIII. chap. ix. sect. 4.

³ Chrys. Hom. xxx. in Gen. p. 426. Ep. i. ad Innocent. tom. iv. p. 680.

⁴ Epiphan. Expos. Fid. n. 22.

⁵ Pallad.

Vit. Chrysost. cap. ix.

⁶ Nyssen. Orat. in Resur. Domin.

⁷ Lact. lib. vii. cap. 19. Hæc est nox quæ nobis propter adventum Regis ac Dei nostri pervigilio celebratur: cujus noctis duplex ratio est, quod et in eâ vitam tum recepit, cum passus est: et postea orbis terræ regnum recepturus est.

⁸ Hierom. in Mat. xxv. 6. Traditio Judæorum est, Christum mediâ nocte venturum, in similitudinem Ægyptii temporis, quando Pascha celebratum est, et exterminator venit, et Dominus super tabernacula transiit, et sanguine agni postes nostrarum frontium consecratæ sunt. Unde reor et traditionem apostolicam permansisse, ut in die vigiliarum Paschæ, ante noctis dimidium populos dimittere non liceat expectantes adventum Christi, &c.

sebins says,¹ in the time of Constantine this vigil was kept with great pomp: for he set up lofty pillars of wax to burn as torches all over the city, and lamps burning in all places, so that the night seemed to outshine the sun at noon-day. Nazianzen also speaks of this custom of setting up lamps and torches both in the Churches and their own private houses: which, he says,² they did as a Prodomus or forerunner of that great Light the Sun of righteousness arising on the world on Easter day. Tertullian intimates, that this vigil was solemnly kept in his time by all sorts of people, by women as well as men: for writing against the marriage of Christian women with heathens, among other arguments he puts this question to them,³ to dissuade them from such dangerous engagements: what unbelieving husband will be content to let his wife be absent from him all night at the celebration of the paschal vigil? And it is plain from Socrates, that the sectaries as well as the catholics had this night in great veneration: for it was upon one of these paschal vigils,⁴ that the Sabbatians, who were a subdivision of the Novatian schismatics, were seized with such a panie terror in the night, that flying in a strange confusion through a straight passage from the place, where they were met they pressed so hard upon one another, that threescore and ten of them were trodden to death.

This night was famous above all others for baptizing of catechumens; as we learn not only from the general account given of the ancient time of baptizing, as fixed chiefly to the paschal solemnity; but more particularly from those sad relations made by St. Chrysostom⁵ and Palladius,⁶ of the barbarous invasion of Chrysostom's Church, and the assaults made upon him, and his clergy and people, as they were assembled together this night to keep the paschal vigil, and baptize the catechumens. Where, among other grievous

¹ Euseb. Vit. Const. lib. iv. cap. 22 et 57.

² Naz. Orat.

xlii. de Pasch. p. 676.

³ Tertul. ad Uxor. lib. cap. iv. Quis

denique solennibus Paschæ abnoctantem securus substinebit?

⁴ Soerat. lib. vii. cap. 5.

⁵ Chrys. Ep. i. ad Innocent. tom. iv.

p. 680.

⁶ Pallad. Vit. Chrysost. cap. ix.

acts of hostility, they take notice of this one unparalleled instance of indecent cruelty, that the enemy forced the women catechumens, who were divested in order to baptism, to fly away naked, and slew many of them in the very baptisteries, making the holy fonts swim with blood. And yet in this one night, notwithstanding the tumult, three thousand persons were baptized; as is particularly noted by Palladius, from whence it is easy to conclude, that this night was a celebrated time of baptism; and that as the penitents were restored the day before to the communion, which they had lost, so on this day the catechumens were made complete Christians, and admitted to the communion, which they never had before, and both in order to participate of the holy eucharist on Easter day. So we have seen the whole practice of the Church from first to last in relation to the observation of Lent, or the first great anniversary fast of forty days.

CHAP. II.

Of the Fasts of the Four Seasons; Of Monthly Fasts, and the Original of Ember-Weeks and Rogation Days.

SECT. I.—The Fast of March, or the first Month, the same with the Lent Fast.

THE next anniversary fasting days were those, which were called *Jejunia quatuor temporum*, the *fasts of the four seasons of the year*. These were called the fasts of the first, fourth, seventh and tenth months, or the fasts of the spring, summer, autumn and winter, observed in March, June, September and December, which were accounted the beginning of the four several seasons of the year. These were at first designed, not to be the seasons of ordination, but to beg a blessing of God upon the several seasons of the year, or to return thanks for the benefits received in each of them, or

to exercise and purify both body and soul in a more particular manner at the return of these certain terms of stricter discipline and more extraordinary devotion. One of the first, that speaks formally of these fasts under the name and number of the four seasons, is Pope Leo in his sermons about the year 450, in one of which he thus recounts them:¹ “the ecclesiastical fasts are so distributed through the whole year, that there is a law of abstinence affixed to all the four seasons. For we keep the spring fast in Lent, the summer fast in Pentecost, the autumnal fast in the seventh month, and the winter fast in the tenth month.” In another place he says,² “these fasts are incessantly renewed with the course of days and times, that the medicinal power of them may put us in mind of our infirmities.” Philastrius also speaks of four noted annual fasts kept by the Church in the course of the year:³ but instead of the fast of September he puts the fast of Epiphany, reckoning them in this order: the Church celebrates four fasts in the year; the first before the Nativity, the second before the Pasch, the third before Epiphany, and the fourth in Pentecost. So that these four fasts were not exactly the same in the time of Philastrius, that they were in the time of Pope Leo. The spring fast, or the fast before Easter is evidently the Lent fast, of which we have spoken before: for as yet there was no particular week in Lent set aside for ordinations, to make a distinct fast of it, as we shall see hereafter.

SECT. 2.—The Fast of Pentecost.

The fast of Pentecost, which Leo calls the summer fast, is mentioned also by Athanasius: for in his apology to

¹ Leo. Serm. viii. de Jejun. x. Mensis. Ita per totius anni circulum distributa sunt, ut lex abstinentiæ omnibus sit ascripta temporibus: si quidem jejunium vernum in Quadragesimâ, æstivum in Pentecoste, autumnale in mense septimo, hyemale autem in hoc, qui est decimus, celebramus.

² Serm. vii. de Jejun. Decimi Mensis. Et. Serm. ix. de Jejun. Septimi Mensis.

³ Philastr. Hær. xvii. Bibl. Patr. tom. iv. p. 48. Per annum quatuor jejunia in ecclesiâ celebrantur. In Natali primum, deinde in Paschâ, tertium in Epiphaniâ, quartum in Pentecoste.—Ab Ascensione inde usque ad Pentecosten diebus decem.

Constantius he says,¹ the people in the week after the holy Pentecost, having finished their fast, went to pray in the cemetery or church-yard. The Council of Girone in Spain² fixes this to the week after Pentecost, so that after the solemnity of that festival was over, a three days fast was to be kept on Thursday, Friday and Saturday in the week immediately following. The second Council of Tours appoints the³ whole week after Pentecost to be kept an exact fast by those of the monastic life. But whether this was in the week following Whitsunday, or the week after that, appears not from those Canons. Neither were these fasts of the four seasons so fixed to any certain week, but that they sometimes varied a week or more in their observation, as appears from the Council of Salegunstade,⁴ which gives particular directions how to order and accommodate these variations. And in one of our English Councils held at Oxford,⁵ under Stephen Langton, anno 1222, which settles the fast of the four seasons, it is intimated, that the fast of Pentecost was differently observed by many: for some kept it in the week after the Litanies, or Rogation days, and others in the week of Pentecost. Which shews, that there was no universal rule or tradition about this fast in the Church.

SECT. 3.—The Fast of the Seventh Month, or the Autumnal Fast.

The fast of the seventh month, or the autumnal fast, is not so much as mentioned by Philastrius, nor any other writer that I know of, before Pope Leo. But after him Gelasius speaks of it,⁶ as one of the four solemn times of ordina-

¹ Athan. Apol. de Fugâ. tom. i. p. 704.

² Con. Gerundens. can. ii.

Ut expletâ solennitate Pentecostes, in sequenti septimanâ, a quintâ feriâ in sabbatum, per hoc triduum abstinentia celebretur.

³ Con. Turon.

ii. can. xviii. Post quinquagesimam totâ hebdomadâ exactè jejulent.

⁴ Con. Salegunstad. an. 1022. can. ii.

⁵ Con. Oxon. can. viii.

Con. tom. xi. p. 275. In Martio primâ hebdomadâ jejunandum est feriâ quartâ et sextâ et sabbato. In Junio in secundâ, quod dupliciter observatur & pluribus, in primâ hebdomadâ Pentecostes. In Septembri per tres dies.

In proximâ septimanâ integrâ ante natalem Domini.

⁶ Gelas.

Ep. ix. ad Episcopos Lucaniæ. cap. xi.

tion, which were always accompanied with fasting from the time that they were first introduced into the church: but this was not till after the time of Pope Leo:¹ for though he often speaks of the fast of September, or the seventh month, yet he never so much as intimates, that it was a stated time of ordination, but assigns other reasons for it, because it was fit men should purge themselves from sin at the return of every various season of the year.

SECT. 4.—The Advent or Nativity Fast, called the Fast of December, or the Tenth Month.

The fast of December, or the tenth month, by some called the Advent or nativity fast, is mentioned by Philastrius, as one of the four solemn fasts of the church. This fast anciently was kept from the festival of St. Martin till Christmas day, three days in the week, Mondays, Wednesdays and Fridays, as we find in the first Council of Maseon, which orders², that it should be observed after the manner of Lent, that is, that the oblation should not be celebrated on those days, and that the Canons should be read at this time, that no one might pretend ignorance for the non-observance of them. The second Council of Tours appoints³ the monks to fast every day during this season. But in the Council of Salegunstade⁴ and Oxford⁵ this fast is reduced to the week immediately before Christmas.

SECT. 5.—The Fasts at Epiphany.

Besides these fasts at the four seasons, Philastrius mentions a fast before Epiphany, or rather, as has been observed before, put it in the room of the fast of September. The

¹ Leo. Serm. ix. de Jejun. vii. Mensis. p. 88. ² Con. Matiscon. i. can. ix. Ut a feriâ Sancti Martini usque ad natalem Domini secundâ, quartâ et sextâ Sabbati jejunetur, et sacrificia quadragesimali ordine celebrentur. In quibus diebus canones legendos esse sancimus, ut nullus fateatur se per ignorantiam deliquisse. ³ Con. Turon. ii. can. xviii. De Decembri usque ad natalem Domini omni die jejunent. ⁴ Con. Salegunstad. can. ii. In Decembri illud observandum erit, ut proximo sabbato ante vigiliam natalis Domini celebretur jejunium. ⁵ Con. Oxon. can. viii. ut supra. In proximâ septimanâ integrâ ante natalem Domini jejunandum.

second Council of Tours takes notice of this, and tells us,¹ it was a fast of three days, and that it was appointed particularly at that time in opposition to the heathen festivals, which they were used to observe with a great deal of corruption, and licentious revellings for three days together; which three days therefore the fathers rather chose to make days of abstinence and private Litanies, to restrain the people from running into the extravagant riots and excesses of the heathen. So that new year's day, or Circumcision, was rather kept as a fast, than a festival, for several ages in the Church. For it appears from the foresaid Council, that the Kalends of January were included in the three days, which was called the Epiphany fast.

SECT. 6.—Of Monthly Fasts.

In some places they had also monthly fasts throughout the year, except in the two months of July and August. Thus it was in Spain, by an order of the Council of Eliberis, which orders,² that extraordinary fasts should be celebrated every month, except those two, because of the sickliness of the season. That these were something more than the ordinary fasts of Wednesday and Friday, seems evident from the name that is given them of fasts of superposition, which in this place denotes not the length of the fast, but the newness of the imposition, as Albaspinaeus observes upon the place; though what sorts of fasts they were is not very easy to determine. If I may be allowed to conjecture in an obscure matter, I should conclude this superposition of fasts, was the addition of Monday to Wednesday and Friday, because we find it so in one of the French Councils,³

¹ Con. Turon. ii. can. xviii. Inter natalem Domini et Epiphaniam omni die festivitates sunt. Excipitur triduum illud, quo ad calcandam Gentilium consuetudinem, patres nostri statuerunt privatas in Kalendis Januarii fieri litanias, &c.

² Con. Eliber. can. xxiii. Jejuniorum superpositiones per singulos menses placuit celebrari, exceptis diebus duorum mensium Julii et Augusti, ob eorundem infirmitatem.

³ Con. Turon. ii. can. xviii. Post quinquagesimam totâ hebdomadâ exacté jejunent, Postea usque ad Kalendas Augusti ter in septimanâ jejunent secundâ, quartâ et

which ordering the manner of fasting in several months of the year for those of the ascetic life, appoints them to fast three times a week, viz. on Monday, Wednesday, and Friday, from Pentecost till August; and so again for the months of September, October and November. But August is excepted, because in this month every day almost was celebrated as the festival of some martyr,¹ with the manication, or morning service proper to a festival. Besides that the Council of Eliberis itself, in another Canon,² introducing the Saturday fast into Spain, which before was used to be a festival, for that reason calls it a fast of superposition, because it was newly taken into use in Spain, after the example of the Church at Rome. But if this conjecture about monthly and superpository fasts be not satisfactory every reader is at liberty to judge for himself upon better light and information.

SECT. 7.—The Original of the Four Ember Weeks, or Ordination Fasts.

Some think the Ember weeks, or ordination fasts, were the same with the fasts of the four seasons, and therefore commonly take it for granted, that what proves the one, proves the other also. But I have formerly had occasion to shew,³ that for several ages there were no certain times of ordination settled by the Church, but that she ordained persons to all offices and degrees at any times, as the necessity of affairs required. And when the fasts of the four seasons were first instituted, they were appointed for other ends, and not upon the account of ordinations: because the ordinations in the Church of Rome were still performed in December only, after the fasts of the four seasons were in use, till Simplicius, about the year 467, added February to De-

sextâ die, exceptis his qui aliquâ infirmitate constricti sunt. In Augusto, quia quotidie missæ sanctorum sunt, prandium habeant. In Septembri toto et Octobri et Novembri, sicut prius dictum est, ter in Septimana.

¹ Con. Turon. 2. can. xix. Toto Augusto manicationes fiant, quia festivitates sunt et missæ.

² Con. Eliber. can. xxvi. Errorem placuit corrigi, ut omni Sabbati die jejuniorum superpositionem celebremus.

³ Book IV. chap. vi. sect. 6.

ember. This is noted by Amalarius Fortunatus,¹ as I have shewn before: and Mr. Wharton tells us,² he found the same remark made by Ivo Carnotensis, in a manuscript book of his ecclesiastical offices. The Council of Ments, in the time of Charles the Great, mentions the fasts of the four seasons,³ and fixes them to the first week in March, the second week in June, the third week in September, and the week in December that comes immediately before Christmas day; but yet says nothing of their being Ember weeks, or the fasts of ordination. And some think Gregory VII. was the first that ordered the ordination fasts, and the fasts of the four seasons, to concur exactly together; before which time, as the seasons of ordination were arbitrary and moveable, so were the fasts that depended on them, which were always of use in the Church, though not always fixed to four certain seasons.

SECT. 8.—The Original of the Rogation Fast.

About the middle of the fifth century, there was a new fast begun in France by Mamerens, Bishop of Vienna, under the name of the Litany or Rogation days, which were the three days immediately before Ascension day, in the middle of Pentecost. The affixing of a fast to these days was altogether new, because heretofore the whole fifty days of Pentecost were one entire festival, and all fasting and kneeling were prohibited at this time, as has been shewn in the last book.⁴ Supplications or litanies were in use before upon extraordinary occasions, but Mamerens was the first that fixed them to these days: and many Churches in the West followed his example, as Sidonius Apollinaris informs us.⁵ But the Spanish Churches chose rather to stick by the

¹ Amalar. de Offic. Eccles. lib. ii. cap. I.

² Wharton. Auctar.

ad Usser. Hist. Dogmat. de Scriptur. et Sacris Vernaculis. p. 363. Omnes apostolicos a Beato Petro usque ad Simplicium Papam ordinationes tantum in jejuniis Decembris celebrasse, adnotavit Ivo Carnotensis in Libro de Ecclesiasticis Officiis MS.

³ Conc. Mogunt. can. 34. De Quatuor

Temporibus observandis.

⁴ Book XX. chap. vi.

⁵ Sidon. lib. v. Ep. 14. lib. vii. Ep. 1.

old custom of keeping Pentecost an entire festival: and therefore the Council of Girone ordered,¹ that this fast of the Rogation days should rather be kept in the week after Pentecost, and appointed another such Litany or Rogation fast to be kept on the kalends or first day of November, which is now become the festival of All Saints, transferred from Trinity Sunday. The fifth and sixth Councils of Toledo appointed another Litany fast to be kept on the ides or thirteenth day of December.² And the seventeenth Council of Toledo, anno 694, made a more general decree,³ that such litanies or rogations should be used in every month throughout the year. And under this head of monthly fasts, we may conclude that the Rogation fast of Pentecost, though not received at first, might perhaps come at last to be admitted in the Spanish Churches: which yet is not indisputably certain, because Walafridus Strabo, who lived a whole age after this Council, observes of them,⁴ that they refused to keep any fast in Pentecost, but put it off till afterward, because it is written, “The children of the bride-chamber cannot fast, so long as the bridegroom is with them.” But whether he made this observation of the Spanish Church as it was in his own time, or as it was in former times, when the Council of Girone forbid all fasting in Pentecost, is a little doubtful: and therefore I content myself with bare hinting the thing here,⁵ and leave it as a matter under dispute, that may admit of further enquiry. For the Greek Church, the thing seems more uncontested, that they never had any Rogation fast in the time of Pentecost. For besides the silence of all the ancient Greek writers about it, Leo Allatius, who was originally a Greek, assures us,⁶ that the present Greek Church knows nothing of the three Rogation days before Ascension; neither have they any stated

¹ Con. Gerundens. can. 2 et 3.

Tolet. 6. can. 2.

³ Con. Tolet. 17. can. 6.

de Offic. Eccles. cap. 28.

Book XIII. chap. i. sect. 10.

Græcor. p. 1456. Rogationes Iriduanæ ante Ascensionem Domini Græcis ignotæ sunt, nec ulla habent stata jejunia inter Pascha et Pentecosten.

fasts between Easter and Pentecost, no not so much as the half-fasts of Wednesdays and Fridays, which were observed as stationary days in all other parts of the year. And both he and Gretser reprove those,¹ who ascribe the observation of the Rogation fast to them, upon a mistaken ground, as if the word *Διακαιήσιμος*, which signifies the week after Easter, or the week of renovation, was to be read, *Διακενίσσιμος*, the week of maceration or fasting, supposing it to be the week of the Rogation fast, when indeed there never was any such fast in use among them. So that as this fast was of no long standing in the Western Church, nor universally received there, so it is plain, the Eastern Church knew nothing of it, but always kept Pentecost an entire festival, according to the ancient and general rule of the Church.

CHAP. III.

Of the Weekly Fasts of Wednesdays and Fridays, or the Stationary Days of the Ancient Church.

SECT. I.—The Original of these Fasts.

Thus far we have considered the annual fasts of the Ancient Church, which were kept at their stated times in the revolution of every year. Beside these they had their weekly fasts on Wednesdays and Fridays, called the stationary days, and half fasts, and fasts of the fourth and sixth days of the week, by the Latins *feria quarta et sexta*, and by the Greeks *τετράς κ̅ παρασκευή*. These are certainly as ancient as the time of Clemens Alexandrinus and Tertullian. For Clemens, describing his Gnostic, or perfect Christian, says,² he understands the mystery of the fasts of the fourth and sixth days, which are called by the names of Mercury and Venus among the Gentiles. He therefore fasts

¹ Gretser in Codinum. lib. iii. cap. 9. p. 877. Edit. Oxon.

² Clem. Alex. Strom. 7.

all his life from covetousness and lust; meaning that those were the peculiar vices of Mercury and Venus among the heathen. Not long after, Tertullian, disputing against some,¹ who were against all religious observation of times and seasons, because of those words of the Apostle, Gal. iv. 5. "Ye observe days and months, and times and years," thus refutes them from the practice and observation of the whole Church: if the Apostle has wholly cancelled all observation of times and days, and months and years, why do we celebrate the Pasch in its annual return and revolution? Why do we spend the fifty days after in perpetual joy? Why do we set apart the fourth and sixth days of the week for our stations, and the *Parasceue*, or Friday, for our fasts? In like manner Origen.² We have the forty days of Lent consecrated to fasting: we have the fourth and sixth days of the week, on which we observe our solemn fasts. And Victorinus the martyr,³ who lived in the latter end of the third century, speaks of both these days as religiously observed with fasting, either till nine o'clock, that is, three in the afternoon, or till evening, or by a superposition, as they called it, to the next day. And he particularly tells us, they observed Friday as a stationary day, because it was the passion of our Lord Jesus Christ. Which is also noted by Peter, Bishop of Alexandria, who lived in the same age, and died a martyr a little after in the Diocletian persecution. For thus he speaks in one of his Canons:⁴ "let no one blame us for observing the fourth day of the

¹ Tertul. de Jejun. cap. 14. Si omnem in totum devotionem temporum et dierum et mensium et annorum erasit Apostolus, cur Pascha celebramus in annuo circulo, in mense primo? cur quinquaginta exinde diebus in omni exultatione decurrimus? cur stationibus quartam et sextam Sabbati dicamus? Et Jejunii Parasceuen?

² Orig. Hom. 10. in Levit. tom. 1. p. 159. Habemus quadragesimæ dies jejunii consecratos. Habemus quartam et sextam septimanæ dies, quibus solenniter jejunamus.

³ Victorin. de Fabrica Mundi. ap. Cave. Histor. Literar. tom. i. p. 103. Nunc ratio veritatis ostenditur, quare dies quartus tetras nuncupatur; quare usque ad horam nonam jejunamus, usque ad vesperam, aut superpositio usque in alterum diem fiat—Sextus dies parasceue appellatur: hoc quoque die ob Passionem Domini Jesu Christi, aut stationem Deo, aut Jejunium facimus.

⁴ Petr. Alex. can. 15.

week, and the *parasceue*, or day of preparation, viz. Friday, or the sixth day, on which days we have a rational appointment to fast, from ancient tradition: on the fourth day, because the Jews conspired to betray our Lord; and on the preparation, or sixth day, because then our Lord suffered for us."

SECT. 2.—The Reasons of their Institution.

Many other such testimonies occur in the writers of the fourth and following ages, St. Basil,¹ St. Jerome,² St. Austin,³ Epiphanius,⁴ and the authors of the apostolical Canons and Constitutions:⁵ but those already alleged are most pertinent to shew the antiquity of the observation. Some derive the original of these fasts from apostolical institution. So Epiphanius and the author of the Constitutions; which, as a learned person rightly observes,⁶ is a good argument of their antiquity, seeing those authors could derive them from no other fountain but apostolical institution. However, St. Austin does not carry the matter so high, but rather accounts them an appointment of the Church upon reasons taken out of the Gospel. This reason, says he,⁷ may be given why the Church fasts chiefly on the fourth and sixth days of the week, because it appears, upon considering the Gospel, that on the fourth day, which we commonly call *feria quarta*, the Jews took counsel to kill our Lord; and on the sixth day our Lord suffered: for which reason the sixth day is rightly appointed a fast. Peter, Bishop of Alexandria,⁸ assigns the same reason for the observation of these fasts, and so does the author of the Apos-

¹ Basil. Ep. 289. Ep. 86. ad Casulan.

² Hieron. in Galat. cap. 4.

³ Aug.

Fidei. c. 23.

⁴ Epiphanius. Hæres. 77. n. 2. It. Expos.

c. 23.

⁵ Can. Apost. 69. Constitut: Apost. lib. v. c. 15. lib. vii.

⁶ Bevereg. Cod. Can. Vindic. lib. iii. cap. 10. sect. 2.

⁷ Aug. Ep. 86. ad Casulan. Cur autem quarta et sexta maxime jejUNET ecclesia, illa ratio reddi videtur, quod considerato evangelio, ipsa quarta Sabbati, quam vulgo quartam feriam vocant, consilium reperiuntur ad occidendum Dominum fecisse Judæi. Intermissis autem uno die—passus est Dominus (quod nemo ambigit) sexta Sabbati: quapropter et ipsa sexta recte jejunio deputatur.

⁸ Pet. Alex. can. 15.

tolical Constitutions, and Victorinus Martyr in the passages already cited. So that whatever original these fasts had in point of time, the Ancients seem generally to agree in the reason of their institution, that they were made fasts in regard to our Saviour's being betrayed and crucified on these days, which the Churches thought proper to be kept in perpetual remembrance, by the return of a weekly observation.

SECT. 3.—How they differed from the Lent Fast and all others in Point of Duration.

But we are to note, that these fasts being of continual use every week throughout the year, except in the fifty days between Easter and Pentecost, were not kept with that rigour and strictness, which was observed in the time of Lent. For the Lent fast, as has been shewn before, commonly held till evening every day that it was observed: but these weekly fasts ordinarily held no longer than nine o'clock, that is, three in the afternoon, unless any chose voluntarily to protract them till the evening, or by a superposition (as Victorinus Martyr phrases it) extended them to the morning of the next day. And for this reason they are commonly spoken of by the distinguishing names of *Stationes et Semijejunia, stations and half-fasts*; because on these days they continued the church assemblies till three o'clock in the afternoon, and no longer; whereas a perfect and complete fast was never reckoned to end before evening. Tertulian often speaks of them under these covert appellations, in many places besides that already cited. In one place he styles them,¹ *Stationum Semijejunia, the half fasts of the stations*. In other places he distinguishes three sorts of abstinence,² under the names of *Jejunationes, Xerophagiæ, and Stationes*. Where by *Jejunationes* he understands the complete fasts, which held till evening; by *Xerophagiæ*, the abstaining from flesh, and living upon dry meats; and by *Stationes*, the fasts till nine a clock. Which he therefore calls³ *officia recusati vel recisi vel retardati pabuli*; the

¹ Tertul. de Jejun. cap. xiii.

² Ibid. cap. i. et xi.

³ Ibid. cap. xi.

offices of wholly refusing meat till evening; or retrenching it to live upon dry meats, bread and water; or retarding the meal till nine o'clock. And again,¹ the bridling of the appetite, *per nullas interdum, vel seras, vel aridas escas*, either by wholly abstaining from meat till evening, or by deferring the meal to a late hour, that is, three in the afternoon, or by abstaining from flesh, and feeding only upon dry meats, bread and water. In all which distinctions any one may plainly discern, that the stations and half fasts are put to denote the weekly fasts of Wednesday and Friday, which among the Catholics held only till nine o'clock, though Tertullian and the Montanists pleaded stiffly for having them protracted till the evening, urging a new revelation and authority from the Holy Ghost for such imposition. But the Church kept constant to her ancient practice, continuing these fasts to nine o'clock and no longer, as appears from the account, which Epiphanius gives of them in his own time, speaking of the customs of the Catholic Church: on the fourth and sixth days of the week,² says he, we continue fasting to the ninth hour. And again on the fourth and sixth days throughout the whole year, except in the fifty days of Pentecost, a fast is kept in the holy Catholic Church to the ninth hour. And therefore Prudentius describing the passion of Fructuosus, a Spanish bishop and martyr, brings him in thus answering for himself;³ "we keep fast to day, I cannot drink: the ninth hour is not yet come." Where he plainly refers to the hour of the day, to which these stationary fasts continued. And in another place,⁴ it is now near

¹ Tertul. de Jejun. cap. i.

² Epiphan. Expos. Fid.

³ Prudent. Peristeph. Hymn. vi. Jejunamus, ait, recusato potum: nondum nona diem resignat hora.

⁴ Id. Cathemerin. Hymn. viii.

Nona submissum rotathora solem,

Partibus vixdum tribus evolutis,

Quarta de-vexo superest in axe

Portio lucis.

Nos brevis voti dape vindicata,

Solvimus festum, fruimurque meusis

Affatim plenis, quibus imbuatur

Plena voluptas.

the ninth hour, and the sun begins to decline: three parts of the day are scarce ended, and the fourth remains. We now offer up our prayers and receive the Eucharist, and then we break off our festival and go to our ordinary refreshment. In which words the festival denotes one of these stationary days, on which they held religious assemblies in the Church, offered up their devotions, received the eucharist, and then at nine o'clock broke up the assembly, and went to their ordinary meal.

SECT. 4.—With what Solemnity they were observed.

And hence we learn, that these stationary days were not only observed with fasting, but with religious assemblies, and solemn devotions in the Church, with receiving the eucharist, and the usual service of the Lord's day in all particulars, save that the sermon perhaps was omitted, which was never omitted on the Lord's day. St. Ambrose, exhorting his hearers to observe the usual fasts of the Church, gives a like account of the service of these stationary days. For the fast of Lent, he exhorts them to put off their meal to the end of the day,¹ because that was the regular way of observing Lent; but there were many other days, on which they were to come to Church presently after noon, and sing their hymns, and celebrate the oblation or eucharist, and then their fast was ended. In which words, as he plainly intimates that the fast of the stationary days was shorter than that of Lent, so he expressly affirms, that on those days they held religious assemblies at Church in the afternoon, and there exercised themselves in singing of hymns and receiving the eucharist. Which is the same account as is given by Tertullian, St. Basil, and Soerates, as I have had occasion to note elsewhere,² only with this differ-

¹ Ambros. Hom. viii. in Psal. cxviii. vers. 62. Differ aliquantulum, non longe est finis diei. Imo plerique sunt ejusmodi dies, ut statim meridianis horis adveniendum sit in ecclesiam, canendi hymni, celebranda oblatio.

² Book XII. chap. ix. sect. 2.

ence, that Socrates says, at Alexandria they had sermons on these days, and all the other service of the Church, but not the communion; in which that Church was singular and differing from the practice of all other churches.

SECT. 5.—How the Catholics and Montanists disputed about the Observation of them.

However, this difference in this matter, nor in any other customs and usages of the like nature, raised no dispute in the Catholic Church, because the things were indifferent in themselves, and the Church always practised them with a just regard to Christian liberty, having no express command for them in the word of God. The Church never tied them upon men's consciences as divine injunctions, but only as laudable, ecclesiastical institutions, or at most, as customs descending from ancient tradition, and, in the opinion of some, from apostolical practice. Therefore though the greatest persons readily observed them (as Socrates observes of Theodosius Junior,¹ that he fasted often, especially upon Wednesdays and Fridays, which he did with an earnest desire ἀκρῶς Χειραυλῆεν, *to live up to the height of Christian perfection*;) yet if men's infirmities or employments would not suffer them to go so far as others in the observation of these days, a just allowance was made, and no severity of ecclesiastical censure, further than admonition, passed upon them. The clergy indeed, bishops, presbyters, and deacons, and all inferior orders belonging to the Church, are by some Canons obliged to observe these and other fasts under pain of deposition and degradation:² and this was thought not unreasonable, because they had ordinarily no other employment but assiduously to attend the service of the Church. But even this would not satisfy the wild and enthusiastic rigor of the Montanists. For they extended these fasts from morning till evening, and would oblige all men to observe them in that extent, not as ordinary usages

¹ Socrat. lib. vii. c. 21.

² Canon, Apost. lxxix.

and customs of the Church, but as necessary and indispensable divine injunctions lately given to the world by the new inspiration of the Holy Ghost speaking in their great prophet Montanus, who, as they pretended, had authority from God to give more perfect laws and rules of living to the Church, than any that were delivered by the apostles. This was the dispute between them and the Church, as appears from Tertullian's Book *De Jejuniis adversus Psychicos*, of fasting, against the carnal, as he slanderously and contumeliously terms the Catholics, whilst he wrote against the Church in defence of the new hypothesis of the Montanists. The dispute was not, whether the Church had an ordinary power to appoint days of fasting proper for her own edification. For this she always claimed and practised, as appears from this whole account that has been given of her fasts; and also from what Tertullian says concerning them:¹ that the bishops of the Church, besides the stated and ordinary annual and weekly fasts, were wont sometimes to enjoin their respective charges to observe certain occasional fasts upon emergent necessities of the Church. But the Montanists pretended to impose their new fasts as divine laws, by special direction of the Holy Ghost. And therefore it was, that Apollonius, an ancient ecclesiastical writer, mentioned by Eusebius,² charged Montanus as setting up for a lawgiver in imposing fasts. Which imposing fasts by a law, must import his presuming to command fasts as of necessary obligation by divine precept, and as peculiar dictates from the new pretended inspirations of the Holy Ghost. For otherwise, the bishops of the Church would have been chargeable with the same crime; because it is certain they appointed fasts, both occasional and constant, yet with just liberties of human laws, for the benefit and edification of the Church. And herein, I conceive, consisted the true difference between them. The one had a just authority to make proper rules about fasting for order and edification, and

¹ Tertul. de Jejun. cap. xiii. Episcopi universæ plebi mandare jejunia assolent interdum ex aliqua sollicitudinis ecclesiasticæ causâ.

² Ap. Euseb. lib. v. cap. 18. ἕτερος ἔστιν ὁ νητείας νομοθετήσας.

used their authority only for that end, keeping within their proper bounds: but the other had no authority at all, being no governors or rulers of the Church, and yet pretended to a divine authority to impose necessary and universal laws of fasting upon the Church, as by the peculiar impulse and direction of the Holy Ghost. And upon this they made a schism, and set up a new communion and conventicles in opposition to the Church, because she would not comply with their pretended oracles and inspirations, which she knew proceeded only from the spirit of imposture.

SECT. 6.—How the Wednesday Fast came to be changed to Saturday in the Western Churches.

I have but one thing more to observe concerning these weekly fasts, which is, the change that was made of one of them from Wednesday to Saturday in the Western churches. In the Eastern Church, Saturday or the Sabbath was always observed as a festival: and so some learned men think it was originally in the Western Church also, as has been shewn¹ before in the last Book. However, it is certain, that about the time of the Council of Eliberis Saturday was made a fast in some of the Western Churches. For that Council² orders it to be observed as a fast in the Spanish Churches. And St. Austin acquaints us,³ that it was kept as a fast in his time at Rome, and some other of the Western and African Churches. So that in all these places for some time they kept three fasts in the week by the superposition of Saturday to the other two. But in process of time the Saturday fast grew more into repute than the Wednesday, which by degrees came to be neglected or omitted, till at last, as a learned person has observed,⁴ in all churches which embraced the Saturday fast Wednesday was wholly laid aside.

¹ Book XX. cap. iii. sect. 6.

² Con. Eliber. can. xxvi. *Errorem placuit corrigi, ut omni sabbati die jejuniorum superpositionem celebremus.*

³ Aug. Ep. lxxxvi. ad Casulan.

⁴ Albaspin. *Observat.*

lib. i. c. 13.

BOOK XXII.

OF THE MARRIAGE-RITES OBSERVED IN THE
ANCIENT CHURCH.

CHAP. I.

A short Account of the Heretics, who condemned or vilified Marriage anciently, under pretence of greater Purity and Perfection; and of such also as gave License to Community of Wives and Fornication.

SECT. 1.—Community of Wives first taught by Simon Magus.

Before I enter upon the history of the Church's practice in relation to the holy office of matrimony, and the several rites and usages observed in the celebration thereof, it will not be amiss to give a short account of those heretics, who immediately upon the first plantation of the Gospel set themselves to vilify and contemn marriage, either by openly condemning it as a thing unlawful under the Gospel, upon pretence that the Gospel required greater purity and perfection; or by granting license for community of wives and promiscuous fornication. Though God had instituted marriage as an honourable state in man's innocency, and our Saviour had allowed it as such, reducing it to its primitive institution; and the Apostle had said, "that marriage was honourable in all, and the bed undefiled:" yet, according to

the Spirit's prediction, there presently arose some, who departed from the faith, giving heed to seducing spirits and doctrines of devils, forbidding to marry; and others, who taught men to commit fornication with license and impunity. This latter doctrine was immediately broached by Simon Magus, the arch-heretic against the faith. For, as St. Austin informs us,¹ he taught the detestable impurity of the promiscuous use of women. Which is also signified by Epiphanius and Irenæus,² when they say, that Simon corrupted venerable marriage by his filthiness in following his own lusts with Helena, his strumpet. Theodoret gives a more particular account of his impiety,³ telling us the ground of his doctrine, how he taught, that the old prophets were only the servants of the angels, who made the world: upon which account he encouraged his followers not to regard them, nor dread the threatenings of the law, but as free, to do whatever they listed; because they were to be saved, not by good works, but by grace. And upon the strength of this principle, they who were of his sect gave themselves up boldly without restraint to all manner of lusts and intemperance, often practising magical incantments and sorcery, as divine mysteries, to bring about their amorous designs. All which agrees very well with that short account, which is given by Damascen,⁴ and the author of the *Predestinarian Heresy*, published by Sirmondus,⁵ who say, that Simon taught the promiscuous use of women without distinction; and that God regarded not chastity, forasmuch as the world was not made by him, but by angels.

SECT. 2.—Afterward by Saturnilus and the Nicolaitans, and many Others.

One of the chief of Simon's scholars was Saturnilus, or Saturninus, a Syrian, who confirmed Simon's impurity, as

¹ Aug. de Hæres. cap. 1. Docebat autem detestandam turpitudinem indifferenter utendi fœminis.

² Epiphan. Hær. l. 1. Simon. al. xxi. n. 2.

Iren. lib. i. cap. 20.

³ Theod. Fabul. Hæret. lib. i. cap. 1. t. i.

p. 193.

⁴ Damascen. e Hæres. p. 576. Concubitum passim sine delectu corporum docebat.

⁵ Prædestinat. lib. i. cap. 1. Dicebat

castitatem ad Deum non pertinere, Deum mundum non fecisse.

St. Austin says,¹ and that upon the very same foundation, viz. that God did not regard the world, because it was made by certain angels without his knowledge, or against his will. Others say, he condemned matrimony and procreation of children universally, and that he was the first that asserted openly that marriage was a doctrine and work of the devil. So Irenæus,² Epiphanius,³ Theodoret,⁴ and others after them. Perhaps he might maintain both opinions, equally injurious to lawful matrimony. For it has been no unusual thing with men that have stiffly opposed matrimony, to be more favourable to real impurity and fornication.

The Nicolaitans are said by all writers to have trod in the steps of Simon Magus, in teaching the liberty of fornication. And this is supposed to be the doctrine and deeds of the Nicolaitans condemned in the Revelations. For it is certain there were some at that time, who taught men to commit fornication, as appears from the reproof given to the Angel of the Church of Thyatira, Rev. ii. 20. "Thou sufferest that woman Jezebel, who calleth herself a prophetess, to teach and to seduce my servants to commit fornication." Which makes some learned men think, that the doctrine of Jezebel was the same with that of the Nicolaitans, and that they are but different names of the same persons. For all ecclesiastical writers agree, that the Nicolaitans held this doctrine. Irenæus,⁵ Tertullian,⁶ and Epiphanius,⁷ make Nicolaus, one of the seven deacons, to be the author of it. But others excuse him, and say, it was a doctrine taken up by those, who pretended to be his followers, grounded upon some mistaken words of his, which had no such meaning. So Clemens Alexandrinus⁸ more than once apologizes for him. And in like manner, Eusebius,⁹ Theodoret,¹⁰ and St.

¹ Aug. de Hæres. cap. 3. Saturninus turpitudinem Simonianam in Syriâ confirmasse perhibetur: qui etiam mundum solos angelos septem præter conscientiam Dei Patris fecisse dicebat.

² Iren. lib. i. c. 22.

³ Epiph. Hæres. 23.

⁴ Theod. Hæret. Fab. lib. i. c. 3.

⁵ Iren. lib. i. c. 27.

⁶ Tertul. de Præscript. cap. 46.

⁷ Epiph. Hæres. 25.

⁸ Clem. Alex. Strom. 2. p. 491. Strom. 3. p.

523. Ed. Oxon.

⁹ Euseb. lib. iii. c. 29.

¹⁰ Theod. Hæres.

Fab. lib. iii. c. 1.

Austin.¹ But it is agreed on all hands, that either he or his disciples brought in such a doctrine, which is condemned as the doctrine and deeds of the Nicolaitans in the Revelations. Afterwards it was propagated by Prodicus, the author of the impure sect of the Adamites, and by the Carpoerations and Gnostics, of whose impurities I need not stand to make a particular narration.

SECT. 3.—Hence arose the Calumny of the Gentiles against the Christians in general, that they practised Impurity in their Religious Assemblies.

I only observe, that from these vile practices of the sects under the name of Christians, arose that common charge of the heathens against the Christians in general, that they practised impurities in their religious assemblies. For some of these sects not only made a common practice of fornication and uncleanness, but adopted them into the mysteries of their religion. Clemens Alexandrius² particularly charges it upon the Carpoerations, and Theodoret³ upon the Adamites, the followers of Prodicus, who was a disciple of Carpoerates. Epiphanius⁴ and St. Austin add to these the Gnostics; concerning whom St. Austin remarks,⁵ that as they went by different names in different parts of the world, some called them Borboritæ, wallowers in the mire, because of their extreme impurity, which they were said to exercise in their mysteries. And of Carpoerates, the father of the Carpoerations, he remarks,⁶ how he taught all manner of filthiness and invention of evil, saying, that this was the only way to escape and pass safe by the principalities and powers of the air, who were pleased therewith, that so men might come to the highest heaven. Now these were

¹ Aug. de Hær. c. 5.

² Clem Strom. 3. p. 511. Vid. Philastr.

Hær. 57.

³ Theod. Hær. Fab. lib. i. cap. 8.

⁴ Epiphan.

Hær. 26.

⁵ Aug. de Hæres. cap. 6. Nonnulli eos etiam Borboritas vocant, quasi cœnosos, propter nimiam turpitudinem, quam in suis mysteriis exercere dicuntur.

⁶ Ibid. cap. 7. Carpocrates docebat omnem turpem operationem, omnemque ad inventionem peccati: nec aliter evadi atque transiri principatus et potestates, quibus hæc placent, ut possit ad cœlum superius perveniri.

doctrines of devils indeed, scarce heard of among the Gentiles, that a man should commit lewdness with his father's wife; and that men should do evil that good might come, and that the best way to escape the devils' power, was to become slaves to them, and do the things that pleased them. Wherefore the heathens knowing that such things were taught and practised among heretics, who went under the name of Christian, made no distinction, but threw the charge upon all Christians in general; and so by reason of "their pernicious ways (or as some copies read it, 2 Pet. ii. 2. their lascivious ways) the way of truth was evil spoken of."

SECT. 4.—These Doctrines being fetched from the very Dregs of Gentilism, and scandalous in the Eyes of sober Heathens.

And this was done so much the more plausibly, and with a better grace, because there were but few among the heathen themselves that allowed such practices. The doctrines were fetched by heretics from the very dregs of Gentilism, and they were scandalous in the eyes of all wise and sober heathens. Some of the more barbarous nations indeed allowed of community of wives, and practised promiscuous adultery. Solinus Polyhistor affirms it of the Ethiopians,¹ called Garamantes; and Julius Cæsar gives the same account of the Britons:² but in all the civilized part of the world, throughout the whole Roman empire, we meet with but one instance of it, in the Heliopolitans of Phœnicia, among whom, by the law of their country, Socrates says,³ all women were common; so that no child knew his own father, because no distinction was made between parents and children. They also gave their virgins to be defiled by all strangers that came among them. And this iniquity, established by a law, continued among them till Constantine abrogated it by a contrary law, and builded them churches, and settled a bishop and clergy among them, by which means they were converted to Christianity, and brought to

¹ Solin. cap. 33.

² Cæsar de Bello Gallie. lib. v.

³ Socrat. lib. i. c. 18.

the orderly course of the rest of mankind in this particular, which was always reckoned scandalous among the very Gentiles. For Solinus, describing the lasciviousness of the Garamantes, which made that no child could know his own father, nor have any reverence for him, says,¹ upon this account the Garamantes, were reckoned a degenerate people among all nations; and that not without reason, because they had destroyed the discipline of chastity, and by that wicked custom lost all knowledge of succession among them. It is true indeed, Plato is generally accused by the ancient writers of the Church for saying, that a community of wives ought to be established in his commonwealth. The charge is brought against him by Theophilus,² Bishop of Antioch, first of all; then by St. Jerom,³ Chrysostom,⁴ and Theodoret.⁵ But if what Clemens Alexandrinus pleads in his behalf be true, there must be some mistake in the accusation. For he says,⁶ Plato did not teach the community of wives after they married, but only that the world was like a theatre, which is common to all spectators: so women, before they were married, were any man's right that could obtain them; but after they were married, they were every man's property, and no longer common. But be this matter as it will, it is certain the main current of the heathen laws were against such practices; and therefore it was the more abominable for heretics to introduce them into the purest of all religions, which was so much a friend to lawful marriage, and so great an enemy to all uncleanness.

SECT. 5.—Marriage condemned as unlawful by Tatian and the Encratites.

But these were not the only heretics that infested the Christian Church upon this point. There were others, who

¹ Solin. cap. 33. *Ea propter Garamantici Æthiopes inter omnes populos degeneres habentur: nec immerito, quia afflicta castitatis disciplina, successionis notitiam ritu improbo perdidit.* ² Theoph. ad Autolye. lib. iii. p. 207.

³ Hieron. Ep. ad Ocean. lib. ii. advers. Jovin.

⁴ Chrys. Hom. 5. in Titum. p. 1725. Hom. 4. in Act.

⁵ Theod. de Curand. Græcor. Affect. Serm. 9.

⁶ Clem. Strom. 3. cap. 2. p. 514. Ed. Oxon.

railed at marriage as simply unlawful under the Gospel, and would have all men abstain from it as a matter of necessity, without which they could not be saved. This doctrine was first taught by Saturnilus and Marcion, as Irenæus informs us,¹ but afterwards better known among the Encratites, a sect begun by Tatian the scholar of Justin Martyr, who after his master's death divided from the church upon this and some other points, asserting that marriage was no better than fornication, and therefore all men ought to abstain from it: thereby, says our author, annulling the primitive work of God, and tacitly accusing Him, who created man, male and female for the propagation of mankind. Epiphanius,² speaking of these Encratites, says, that they taught openly that marriage was the work of the devil. Theodoret says the same,³ that they observed celibacy, terming marriage fornication, and the lawful joining of man and woman together the work of the devil. Which is also confirmed by St. Austin,⁴ who adds, that upon this account they would admit no married person into their society, whether male or female.

SECT. 6.—Also by the Apostolici or Apotaetici.

Not unlike these was that other sect, who called themselves Apostolici, from a vain pretence of being the only men, who lead their lives according to the example of the Apostles; and Apotaetici, from a shew of renouncing the world more than other men. St. Austin says,⁵ they arrogantly assumed these names, because they would not receive into their communion any, who were married, or kept the possession of any thing in property to themselves; and that

¹ Iren. lib. i. cap. xxx. et ap. Euseb. lib. iv. c. xxix. Hær. 47.

² Epiph.

³ Theod. Hær. Fab. lib. i. c. xx.

⁴ Aug. de Hær. cap. xxv. Encratitæ nuptias damnant, atque omnino pares eas fornicationibus aliisque corruptionibus faciunt: nec recipiunt in eorum numerum conjugio utentem, sive marem sive fœminam.

⁵ Aug. de Hæres. cap. xl. Apostolici, qui se isto nomine arrogantissimè vocaverunt, eo quod in suam communionem non reciperent utentes conjugibus, et res proprias possidentes.—Nullam spem putant eos habere qui utuntur his rebus, quibus ipsi carent.

they allowed no hope of salvation to such as used either of those things, which they renounced.

SECT. 7.—By the Manichees, Severians, and Archontici.

St. Austin brings the same charge against the Manichees he says,¹ they condemned marriage, and prohibited it as far as they could, forbidding men to beget children, for which marriage was ordained. The Severians and Archontics said, that woman was the work of the devil, and therefore they that married fulfilled the work of the devil, as Epiphanius reports of them.² And Clemens Alexandrinus³ speaking of the same heretics, or some others like them, says,³ they taught, that marriage was downright fornication, and that it was delivered by the devil.

SECT. 8.—By the Hieracians, and Eustathians.

After these arose up one Hierax, whose disciples are called Hieracians, who taught with a little more modesty, but no less erroneously, that marriage was a thing belonging only to the Old Testament, and since the coming of Christ it was no longer to have place; neither could any one in the married state obtain the kingdom of heaven. So Epiphanius represents their doctrine.⁴ And upon this account St. Austin says,⁵ they admitted none but monks and nuns, and such as were unmarried into their communion. The same tenets were stily maintained by one Eustathius, whom Socrates⁶ and Sozomen,⁷ call Bishop of Sebastia, and Valesius⁸ defends them in so saying, though Baronius⁹ labours to prove him to be another man. However, it is agreed on all hands, that there was one of this name, who

¹ Aug. de Hær. cap. xlvi. Nuptias sine dubitatione condemnant, et quantum in ipsis est prohibent, quando generare prohibent, propter quod conjugia copulanda sunt.

² Epiph. Hær. xlv. n. ii.

³ Clem. Strom. iii.

cap. ix. p. 540.

⁴ Epiph. Hær. lxvii. n. i.

⁵ Aug. de Hær.

cap. xlvii. Monachos tantum et Monachas et conjugia non habentes in communionem recipiunt.

⁶ Socrat. lib. ii. cap. xliii.

⁷ Sozom. lib. iv. cap. xxiv.

⁸ Vales. in Socrat. lib. ii. c. xliii.

⁹ Baron. an. 361. n. xlv.

was so great an admirer of the monastic life, that for the sake of it, he condemned all marriage in general, and taught that no one that lived in a married state could have any hope in God. Upon which, many wives forsook their husbands, and husbands their wives: many servants deserted their masters, to join with him in this new way of living; and many withdrew from the public assemblies of the Church and held private conventicles, upon pretence, that they could not communicate with the ministers of the Church, because they were married persons: as the fathers of the Council of Gangra largely set forth his errors in their declaration against them.¹

SECT. 9.—Who were condemned in the Council of Gangra, and those called the Apostolical Canons.

And to give some check to his errors, they used their authority in making several Canons against them, having first deposed the author. In the first Canon they say, if any accuses marriage, or blames or abhors a woman, who is otherwise faithful and pious, for sleeping with her husband, as if upon that account she could not enter into the kingdom of God, let him be Anathema. The fourth Canon is to the same purpose, if any one condemn or separate from a married presbyter, under pretence that it is unlawful to partake of the oblation when such an one ministers, let him be Anathema. The ninth in like manner, if any one retire from the world, and live a virgin, or contain, as abominating marriage, and not for the excellency and holiness of a virgin life, let him be Anathema. The fourteenth, if any woman forsake her husband, minding to turn recluse out of an abhorrence of marriage, let her be anathema. They add in the close of all, we write not these things to cut off any from the Church of God, who are minded to give themselves to an ascetic life according to the scriptures, but only those, who make such a life an occasion of pride, to lift themselves

¹ Con. Gangren. in Præfat.

up above those, who live in a more plain and simple manner, introducing novelties against the scriptures and the rules of the church. We admire virginity, when accompanied with humility; and applaud continency when attended with gravity and piety; and allow of a retirement from worldly affairs, when it is done with humility; but we also honour cohabitation in chaste marriage; and in a word, desire that all things may be done in the Church according to the traditions delivered to us in the scripture and rules of the Apostles. By the traditions of the Apostles these fathers might mean, either the rules about marriage delivered by the Apostles in scripture, or the rules given in those, which are called the Apostolical Canons, which were at that time of common use in the church. One of which runs in these terms:¹ if any bishop, presbyter, or deacon, or any other of the sacred roll abstain from marriage, or flesh, or wine, not for exercise of an ascetic life, but out of abhorrence, thereby blaspheming and calumniating the workmanship of God, and forgetting that God created all things very good, and made man, male and female: let him amend, or else be deposed and cast out of the church. And so let a layman be treated likewise.

By all this it is evident, that the Church had a mighty struggle with those ancient heretics, who inveighed bitterly against marriage under the Gospel state, and wrought upon many weak minds to commit great disorders, under pretence of a more refined way of living and fanciful perfection, which the Gospel had no where enjoined as of necessity to mankind; but only they, who were able to receive it, might receive it at their own liberty and discretion, provided they made their own liberty no snare to other men's consciences, nor imposed a matter of free choice, as a necessary obligation upon the rest of mankind.

SECT. 10.—The Error of the Montanists about second Marriages and of the Novatians also.

The church had also another contest with the Monta-

¹ Canon. Apōst. li.

nists about second marriages. Theodoret says,¹ Montanus made laws to dissolve marriage. And the same was objected to him by Apollonius, an ancient writer in Eusebius,² who opposed the new spirit of Montanus, when he first began to appear in the world: this is the man that teaches the dissolution of marriages, says he, in this charge against him: which some later writers by mistake understand of his prohibiting marriage in general, as the heretics, of whom we have just been speaking. Whereas Montanus did not deny the lawfulness of marriage, but only second marriages, as is evident from Tertullian, who was the chief advocate of that heretic against the church. His books *De Monogamia*, and *Exhortatio Castitatis*, were written purposely on this subject: in both which he declaims very heartily indeed against second marriages, as no better than adultery; but he never gives the least intimation, that he or any other Montanist had the same opinion of the first. Nay, he begins his book of *Monogamy* with these remarkable words,³ “heretics take away marriage, and the Psychici or carnal men,” by whom he means the Catholics, “repeat it: the one marry not so much as once, the other marry more than once. But neither is such continency to be praised, because it is heretical; nor such liberty to be defended, because it is carnal. The one destroys the God of marriage, the other confounds Him. The one blasphemes Him, the other is luxurious against Him. But among us, who are deservedly called spiritual, from the acknowledgment of spiritual gifts, continency is religious, and our liberty observed with modesty and moderation, because they both stand with the Creator. We acknowledge one matrimony, as we do one God.” So

¹ Theod. Hær. Fab. lib. iii. cap. ii. τὸν γάμον διαλύειν ἐροποδίτησε.

² Euseb. lib. v. cap. xviii. ἄτος ἐστὶν ὁ δὲ ἀάξας λύσεις γάμων.

³ Tertul. de Monogam. cap. i. Hæretici nuptias auferunt, psychici ingerunt.—Verum neque continentia ejusmodi landanda, quia hæretica est; neque licentia defendenda, qui psychica est. Illa blasphematur, ista luxuriatur. Illa destruit nuptiarum deum, ista confundit. Penes nos autem, quos spirituales merito dici facit agnitio spiritalium charismatum, tam continentia religiosa est, quam licentia verecunda, quandoquidem ambæ cum Creatore sunt. Unum matrimonium novimus, sicut unum Deum.

that it is plain, that the Montanists ought not to be charged with denying the lawfulness of marriage in general, which they defended against other heretics, but only the liberty of second and third marriages, which they rejected upon the pretence of receiving some new revelations from the Holy Ghost. And therefore when the Ancients say, they taught men to dissolve marriage, or forbid men to marry, they are always to be understood as speaking of second marriages and not of the first, as Epiphanius well explains himself,¹ when he writes against them.

The Novatians were in the same sentiments with the Montanists, rejecting all from communion, who were twice married. Which we learn not only from Epiphanius² and other private writers against them, but also from the rule made in the great Council of Nice concerning them,³ that when any of the Novatians returned to the Catholic Church, they should be obliged to make profession in writing, that they would submit to the decrees of the Catholic Church, particularly in this, that they would *διγάμοις κοινωνεῖν*, *communicate with Digamists*, or those that were married a second time. Which shews us both what was the opinion of the Novatians upon this point, and what was the general sense of the Catholic Church in opposition to it. And if any private writers have spoken any thing harshly or indecently of second marriages, their opinion is not either to be defended or urged as the sentiment of the Church, as I have had occasion to shew in a former book concerning the discipline of the church,⁴ where this matter is more fully discussed.

¹ Epiph. Hær. xlvi. n. ix.

² Id. Hær. lix. n. iv.

³ Con. Nic. can. viii.

⁴ Book. XVI. chap. xi. sect. vii.

CHAP. II.

Of the just Impediments of Marriage in particular Cases, shewing, what Persons might or might not be lawfully joined together; and of the Times and Seasons when the Celebration of Marriage was forbidden.

SECT. I.—Christians not to marry with Infidels, or Jews, or Hereticks, or any of a different Religion.

HAVING thus given an account of the several opinions and practices of heretics, derogatory either to marriage in general, or to the repetition of it after the decease of a former consort, I now come to shew what restraints the Church herself laid upon some particular sorts of persons, by her rules prohibiting them to marry, either for some time, or at least not in such circumstances as were thought just impediments of marriage in certain particular cases. Of this nature was the rule forbidding Christians to marry with infidels or heathens, because of the danger and scandal that would attend the being joined so unequally with unbelievers. The Apostle leaves the woman, whose husband is dead, at liberty to marry, to whom she will, only with this proviso, that it be in the Lord, 1 Cor. vii. 39. Which the Ancients generally so understood, as to take it for a command that Christians should marry only Christians, and not infidels, or persons of a different religion. Cyprian in his book of Testimonies out of scripture,¹ brings this text and two others out of St. Paul's Epistles, to prove that Christians ought not to join in matrimony with the Gentiles. His other proofs are, "1 Cor. vi. 15. Know ye not that your bodies are the members of Christ? Shall I then take

¹ Cypr. Testimon. ad Quirin. lib. iii. cap. lxii. Matrimonium cum gentilibus non jungendum.

the members of Christ and make them members of an harlot? God forbid." And 2 Cor. vi. 14. "Be ye not unequally yoked with unbelievers." And in his book *de Lapsis*¹ he complains, that among other causes why God sent that terrible persecution upon Christians, one reason was, that many of them had joined themselves in matrimony with infidels, and prostituted the members of Christ to the infidels. In like manner Tertullian before him gives the same sense of the words of the Apostle. For certainly, says he,² in prescribing that the woman should only marry in the Lord, lest any believer should contract matrimony with an heathen, he defends the law of the Creator, which every where forbids marrying with those of another nation, or heathens of another religion. So again,³ she, that was to marry, was only to marry in the Lord, that is, not to a heathen, but to a brother: because the old law also forbade the marrying with strangers. He pursues this argument at large in his second book to his own wife, where urging first the same text of the Apostle, he concludes,⁴ that it is fornication and adultery for Christians to join in marriage with Heathens, and that they, who do so ought to be cast out of the communion of the Church. And in another place, he says,⁵ Christians did not marry with heathens, for fear they should draw them into idolatry, which was the first rite that was used in celebrating their marriages. St. Jerom urges the same authorities of the Apostle against such marriages: when the Apostle, says he,⁶ adds, "only in the Lord," he there-

¹ Cypr. de Lapsis. p. 123. Jungere cum infidelibus vinculum matrimonii, prostituere gentilibus membra Christi.

² Tertul. Cont. Marcion. lib. v. cap. vii. Certe præscribens, tantum in domino esse nubendum, ne quis fidelis ethnicum matrimonium contrahat, legem tuetur Creatoris, Allophylorum nuptias ubique prohibentis.

³ Id. de Monogam. cap. vii. Et illa nuptura in Domino habet nubere, id est, non ethnico, sed fratri: quia et vetus lex adimit conjugium Allophylorum.

It cap. xi. Propterea adjecerit, tantum in Domino, ne scilicet post fidem ethnico se nubere posse præsumeret.

⁴ Id. ad Uxor. lib. ii. cap. iii. Hæc cum ita sint, fideles gentiliū matrimonia subeuntes stupri reos esse constat, et arcendos ab omni communicatione fraternitatis, &c.

⁵ Id. de Coron. Mil. cap. xiii.

⁶ Hieron. Ep. xi. ad Gerontiam de Monogamiâ. Quod addit tantum in Domino, amputat ethnicorum conjugia, &c.

by cuts off all making marriages with the Heathen. Concerning which sort of marriage he says in another place, "be ye not unequally yoked with unbelievers: for what fellowship hath righteousness with unrighteousness? And what communion hath light with darkness? And what concord hath Christ with Belial? Or what part hath he that believeth with an infidel?" St. Jerom, indeed, in another place, laments the transgression of these rules, and sharply reproves the transgressors.¹ Now many women, says he, despising the command of the Apostle, are married to heathens, not considering that they become part of that body, whose ribs they are. The Apostle pardons those, who were married to heathens before they believed in Christ, but not those, who being Christians, afterward were married to Gentiles: to whom he thus speaks in another place, "be not unequally yoked with unbelievers," &c. I am sensible, says St. Jerom, I shall anger and enrage many matrons, who as they have despised their Lord (in being married to heathens), so they will rant at me, who am but a flea and the meanest of all Christians. Yet I will speak what I think, and say what the Apostle has taught me; that they are not on the side of righteousness, but unrighteousness; not of light, but of darkness; not of Christ, but of Belial; not temples of the living God, but temples and idols of dead men. Would you have me speak more plainly, that a Christian woman ought not to be married to an heathen? Hear the same Apostle: "the woman is bound," says he, "as long as her husband liveth: but if her husband be dead, she is at liberty to be married to whom she will, only in the Lord:" that is, to a Christian. He that allows second or third marriages in the Lord, forbids even a first marriage with an Heathen. I say this, that they, who compare marriage to virginity, may yet at least understand that digamy and trigamy, second and third marriages, are far above such marriages with heathens. St. Ambrose is no less earnest in

¹ Id. cont. Jovin. lib. i. cap. 5. Nunc pleræque contemntes Apostoli jussionem, junguntur gentilibus, &c.

dissuading all Christians from engaging in such unequal marriages, not only with heathens but heretics; pathetically exhorting parents, who had the chief hand and authority in disposing of their children, to beware of such dangerous matches. "Beware," says he,¹ "O Christian, that thou give not thy daughter to a Gentile or a Jew: beware, I say, that thou take not a wife to thee, who is a Gentile, or a Jew, or an alien, that is, an heretic, or any one that is a stranger to the faith." And again,² writing to one Virgilius some instructions about the execution of the ministerial office, he bids him teach the people carefully this one thing, not to join in matrimony with strangers, but with Christian families. For though we read of many people destroyed with an heavy destruction for violating the laws of hospitality; and of dreadful wars commenced upon uncleanness: yet there is scarce any thing more grievous than marrying with strange women; which is both an incentive to lust and discord, and the forge of sacrilege. For when marriage ought to be sanctified with the sacerdotal veil and benediction, how can that be called a marriage, where there is no agreement in faith? When their prayers ought to be in common, how can there be any mutual conjugal love, where there is such disparity in their devotion? Many men by this means have frequently betrayed their faith, as the Israelites did in the wilderness, when by the seducement of the Midianitish women they joined themselves to Baalpeor. The Author also of the short Notes upon the Epistles, under the name of St. Ambrose,³ gives the same interpretation of St. Paul's words, let the woman marry only in the Lord: let her marry without suspicion of uncleanness, and let her marry to a man of her own religion. This is to marry in the Lord. In like manner Sedulius⁴ and Theodoret⁵ upon the same place:

¹ Ambros. de Abrahamo. lib. i. cap. 9.

² Id. Ep. 70. ad Vigil.

³ Pseudo.-Ambros. in 1 Cor. vii. 39. *Tantum in Domino: hoc est, sine suspicionē turpitudinis nubat, et religionis suæ viro nubat. Hoc est in Domino nubere.*

⁴ Sedul. in 1 Cor. vii. 39. *Cui voluerit nubat, tantummodo Christiano, non Gentili.*

⁵ Theod. in 1 Cor. vii. 39. *Μόνον ἐν κυρίῳ, ἢ τρεῖν, ὁμοπίστῳ, ἐσσεβῆ, σωφρόνως, ἐγγάμως.*

let her marry to one of the same faith, to a godly man, in sobriety, and according to the law. Upon this account St. Austin being solicited by one Rusticus an heathen, to give his consent that his son might marry a certain woman that was a Christian, tells him,¹ that though it was absolutely in his power to give any virgin in marriage, yet he could not give a Christian to any but a Christian. This St. Austin spake according to the known rules and practice of the Church. For though he himself in his own private opinion did not think such marriages so clearly and expressly forbidden in the New Testament, as others did; yet he thought there were probable reasons to make it a very doubtful case: and that was enough to deter any one from venturing on it, and also sufficient to oblige the ministers of the Church not to give any encouragement to it, either by consenting to such marriages, or authorizing them in their ministrations. Yet if the question were, whether such persons so offending against the rules of the Church, were to be denied either baptism or communion, he reckons this to be a matter of some doubt not so clearly to be resolved, as the question about manifest fornicators and adulterers. The manifest crimes of uncleanness, says he,² do absolutely debar men from baptism, unless they be corrected by a change of will and repentance: and in doubtful cases; as marrying with heathens, we are by all means to endeavour that such marriages be not contracted. For what need have any persons to run their heads into so great danger in doubtful matters? But if such marriages be made, I am not sure that the parties concerned ought to be denied baptism in this case as in the former. Indeed the punishment of such contracts was not always and every where the same in the Church, though it was agreed

¹ Aug. Ep. 231. ad Rusticum. certissime noveris, etiamsi nostræ absolutæ sit potestatis quamlibet puellam in conjugio tradere, tradi à nobis Christianam nisi Christiano non posse.

² Aug. de Fide et Oper. cap. xix. Quæ manifesta sunt impudicitiae crimina, omnimodo a baptismo prohibenda sunt, nisi mutatione voluntatis et pœnitentiâ corrigantur: quæ autem dubia, omnimodo conandum est, ne fiant tales conjunctiones. Quid enim opus est in tantum discrimen ambiguitatis caput inmittere? si autem factæ fuerint, nescio utrum illi qui fecerint, similiter ad baptismum non debere videantur admitti. Vid. Aug. de Adulterin. Nupt. lib. i. c. 25.

on all hands to prohibit and discourage them as dangerous and dubious, or manifestly sinful. Some canons barely forbid the thing, without assigning any ecclesiastical punishment to the commission of it. So in the Council of Laodicea, one canon says,¹ that they who are of the Church, ought not to give their children in marriage promiscuously to heretics. And another,² that they ought not to marry with all heretics indifferently, nor give their sons or daughters to them, unless they will promise to become Christians. The prohibition in the third Council of Carthage extends only to the sons and daughters of bishops and the clergy,³ that they should not marry with Gentiles, heretics or schismatics, but particularly mentions no others. The Council of Agde runs in the same words with the Council of Laodicea,⁴ that none shall marry with heretics, unless they will promise to become Catholic Christians. And so the Council of Chalcedon⁵ forbids the readers and singers among the inferior clergy to marry either Jew, Gentile, or heretic, unless they would promise to embrace the orthodox faith: and this is enjoined the clergy under pain of canonical censure. But the first Council of Arles goes a little farther with respect to the whole body of Christians, and orders,⁶ that if any virgins, who are believers, be married to Gentiles, they shall for some time be separated from communion. The Council of Eliberis not only forbids such marriages in one canon,⁷ for fear of spiritual adultery, that is, apostacy from the faith; though there was a pretence, that young women were so numerous, that they could not find Christian husbands enough for them: but also in another Canon orders,⁸

¹ Con. Laodic. can. x. ² Ibid. can. xxxi. ³ Con. Carth.iii. can. 12. Ut filii vel filiae episcoporum, vel quorumlibet clericorum, gentilibus vel hæreticis vel schismaticis matrimonio non jungantur. ⁴ Con. Agathen. can. 67. Non oportet cum omnibus hæreticis miscere connubia, et vel filios vel filias dare, sed potius accipere, si tamen profitentur christianos futuros esse se et catholicos. ⁵ Con. Chalced. can. xiv. ⁶ Con. Arelat i. can. 11. De puellis fidelibus quæ gentilibus junguntur, placuit ut aliquanto tempore à communione separarentur. ⁷ Con. Eliber. can. xv. Propter copiam puellarum gentilibus minimè in matrimonium dandæ sunt virgines Christianæ; ne ætas in flore tumens in adulterio animæ resolvatur. ⁸ Ibid. can. xvi. Catholicas puellas neque Judæis neque hæreticis dare placuit: eo quod

such parents as gave their daughters in marriage to Jews or heretics, to be five years cast out of the communion of the Church. And a third Canon orders,¹ that if any parents married their daughters to idol-priests, they should not be received into communion even at their last hour. The second Council of Orleans forbids all Christians to marry Jews,² because all such marriages were deemed unlawful: and if any upon admonition refused to dissolve such marriages, they were to be denied all benefit of communion. Thus stood the discipline of the Church at that time in reference to all such marriages. Nor was the civil law wanting to confirm the ecclesiastical with its sanction. For by an edict published by Valentinian and Theodosius, which is twice repeated in the Theodosian Code,³ and stands still as law in the Justinian Code, if any Jew presumes to marry a Christian woman, or a Christian takes to wife a Jewish woman, their crime is put into the same class with adultery, that is, made a capital crime, and not only relations but any one has liberty to accuse and prosecute them upon such transgression. Constantius before this had made it a capital crime for a Jew to marry a Christian woman,⁴ but laid no penalty upon the Christian marrying a Jew. But this being thought a defect by Theodosius, he supplied it by that new

nulla esse possit societas fidei cum infideli. Si contra interdictum fuerint parentes, abstineri per quinquennium placet.

¹ *Ibid. can. xvii. Si qui forte sacerdotibus idolorum filias suas junxerint, placuit, nec in fine eis danda esse communionem.*

² *Con. Aurelian. ii. can. 18. Placuit ut nullus Christianus Judæam, neque Judæus Christianam in matrimonio ducat uxorem: quia inter hujusmodi personas illicitas nuptias esse censemus. Quod si commoniti, à consortio hoc se separare distulerint, a communionis gratiâ sunt sine dubio submovendi.*

³ *Cod. Theod. lib. iii. tit. 7. de Nuptiis. leg. ii. Nequis Christianam mulierem in matrimonium Judæus accipiat, neque Judæum Christianus conjugio sortiatur: nam si quis aliquid hujusmodi admiserit, adulterii vicem commissi hujus crimen obtinet: libertate in accusandum publicis quoque vocibus relaxatâ. Vid. Cod. Th. lib. ix. tit. 9. ad Legem Juliam de Adulteriis. leg. v. Et Cod. Justin. lib. i. tit. 7. de Judæis. leg. vi.*

⁴ *Cod. Theod. lib. xvi. tit. 8. de Judæis. leg. vi. Quod ad mulieres pertinent, quas Judæi in turpitudinis suæ duxere consortium, in gynecio nostro ante versatas, placet easdem restitui in gynecio: idque in reliquum observari, ne Christianas mulieres suis jungant flagitiis: vel, si hoc fecerint, capitali periculo subjungentur.*

law, which more expressly made it capital for them both. And so all possible restraint was laid upon such marriages that the civil power could think of.

SECT. 2.—All Christians obliged to acquaint the Church with their Designs of Marriage before they completed it.

And to prevent the inconveniences attending such unequal marriages, all Christians were obliged to acquaint the bishop of the Church beforehand with their design of marrying, that if any such obstacle appeared, they might be dissuaded and diverted from it. Thus Ignatius in his epistle to Polycarp:¹ it becomes those that marry, and those that are given in marriage, to take upon them this yoke with the consent or direction of the bishop, that their marriage may be according to the will of God, and not their own lusts. And this is evident from several passages in Tertullian, who often speaks of taking advice and counsel beforehand about this matter from the Church, for speaking of some women, who were married to heathens, he says,² he could not but wonder either at their own petulancy, or the prevarication and unfaithfulness of their counsellors. Intimating, that in this case they had taken counsel of others, and not of the Church, who would not have given them counsel and consent to have married heathens. In another place,³ says he, how shall I sufficiently set forth the happiness of that marriage, which the Church brings about by her procurement, and the oblation confirms, and the angels report it when done, and the Father ratifies it. Here, not to dispute at present the meaning of any words, the Church's bringing about the marriage must at least signify its being done by her advice and counsel, if not her ministry and benediction;

¹ Ignat. Ep. ad Polycarp. n. v. Πρόπει τοῖς γαμβροῖσι, ἢ ταῖς γαμβρυναῖς, μετὰ γνώμης τῆ ἐπισκόπου τὴν ἔνθεσιν ποιῆσθαι ἵνα ἂ γάμος ἢ κατὰ Θεόν, ἢ μὴ κατ' ἐπιθυμίαν.

² Tertul. ad Uxor. lib. ii. cap. 2. Cum quædam istis diebus nuptias suas de ecclesiâ tolleret, id est, gentili conjungeretur; idque ab aliis retrò factum recorderer, miratus aut ipsarum petulantiam, aut consiliariorum prævaricationem, &c.

³ Ibid. cap. ix. Unde sufficiam ad enarrandam felicitatem ejus matrimonii, quod ecclesia conciliat, et confirmat oblatio, et obsignatum angeli renunciant, et Pater rato habet?

which some are unwilling to allow ; but of this more by and by. To proceed: Tertullian, when he was turned Montanist, dissuaded all widows from marrying a second time, and among other arguments, he urges them with this: ' with what face canst thou request such a second marriage of those, who are not allowed themselves to have what thou askest of them ; viz. of the bishop, who is but once married ; and of the presbyters and deacons, who are in the same state ; and of the widows, whose society thou hast refused ? Here he plainly says, that the whole Church was acquainted with any person's intention to marry, who as it were asked leave of every order of the Church, even the widows as well as the clergy, that if any one had any just objection against them, as, that they were about to marry an heathen, or Jew, or heretic, or one too nearly related, or without consent of parents, or any thing of the like nature, a timely intimation might be given of it, and such marriage be prevented, or at least not be authorized and ratified by the consent of the Church. This is plainly the meaning of petitioning the Church in the case of marriage : not that the Church assumed any arbitrary power of granting or refusing marriage to any persons, but only of disallowing those against whom there lay some just objection, as this in the first place of any one's being about to join in matrimony with an heathen ; which, though it might be effected in those times by other means, yet it was never to be done by the agnizing, or consent, or ministration of the Church ; as appears from the whole account that has here been given of the Church's practice in relation to such marriages with heathens.

SECT. 3.—Not to marry with Persons of near Alliance, either by Consanguinity or Affinity, to avoid Suspicion of Incest.

Another rule of the Church prohibiting certain persons from joining together, was, when they were too nearly

¹ Tertul. de Monogam. cap. xi. Quales es id matrimonium postulans, quod eis à quibus postulas, non licet habere ; ab episcopo monogamo, à presbyteris et diaconis ejusdem sacramenti ; à viduis, quarum sectam in te recensasti ? Et illi planè sic dabunt viros et uxores, quomodo hucellas : hoc enim est

related to each other, either by consanguinity or affinity, which would have made the marriage incestuous, by coming within the degrees prohibited by God in Scripture. How far the Christian morals exceeded the heathen in this particular (notwithstanding the false charge of the heathens against them for committing incest in their religious assemblies) I have fully shewn in another place,¹ where I have also noted the penalties both ecclesiastical and civil, that according to the discipline of those times were put upon all incestuous persons. Here I shall only add a little more particular account of such degrees as made marriage to be deemed incestuous, and a perfect nullity, whenever it was so contracted. The Council of Agde gives this account of them:² concerning incestuous conjunctions, say they, we allow them no pardon, unless the offending parties cure the adultery by separation from each other. We reckon incestuous persons unworthy of any name of marriage, and dreadful to be mentioned. For they are such as these: if any one pollutes his brother's relict, who was almost his own sister, by carnal knowledge: if any one takes to wife his own sister: if any one marries his step-mother or father's wife: if any one joins himself to his cousin-german: if a man marries any one nearly allied to him by consanguinity, or one whom his near kinsman had married before: if any one marries the

apud illos, omni petenti te dabis: et conjungent vos in ecclesiâ virgine, unius Christi unicâ sponsâ.

¹ Book XVI. chap. xi. sect. 3.

² Con. Agathen. cau.

xvi. De incestis conjunctionibus nihil prorsus veniæ reservamus, nisi quum adulterium separatione sanaverint. Incestos verò nullo conjugii nomine deputandos, quos etiam designare funestum est. Hos enim censemus esse: si quis relictam fratris, quæ pene prius soror extiterat, carnali conjunctione polluerit: si quis frater germanam uxorem duxerit: si quis novercam duxerit: si quis consobriinæ suæ se sociaverit: si quis relictæ vel filiæ avunculi misceatur, aut patrui filiæ, vel privignæ suæ: aut qui ex propriâ consanguinitate aliquam, aut quam consanguineus habuit, concubitu polluat, aut duxerit uxorem. Quos omnes et olim, et sub hæc constitutione incestas esse non dubitamus, et inter catechumenos manere et orare præcipimus. Quod ita præsentî tempore prohibemus, ut ea quæ sunt hactenus instituta non dissolvamus. Sanè quibus conjunctio illicita interdicitur, habebunt ineundi melioris conjugii libertatem.

relict or daughter of his uncle by the mother's side, or the daughter of his uncle by his father's side, or his daughter-in-law, that is, his wife's daughter by a former husband. All which both heretofore, and now under this Constitution, we doubt not to be incestuous: and we enjoin them to abide and pray with the Catechumens, till they make lawful satisfaction. But we prohibit these things in such manner for the present time, as not to dissolve or cancel any thing that has been done before. And they who are forbidden such unlawful conjunctions, shall have liberty to marry more agreeably to the law. This Canon is repeated almost word for word in the Council of Epone,¹ only the last clause is read negatively, they shall not have liberty to marry again. Which is plainly a corruption crept into the text by the negligence of some unskilful transcriber. For, in the second Council of Tours,² this very Canon of Epone is cited and read in the same manner as it is in the Council of Agde, and the Roman Correctors upon Gratian observe,³ that it is so read in the Register of Gregory, and the Capitulars of Charles the Great. I only observe further, that whereas the marriage of cousin-germans is reckoned incestuous in these Canons, it was not so in the ancient laws of the Church, till Theodosius first made it so by the advice of St. Ambrose: which inhibition did not last long: for Arcadius revoked it, and Justinian revived the old law by inserting it into his Code. Of all which I have given a more ample account in a former Book.⁴ What is necessary to be added in this place, is only this further remark: that whatever the Church at any time reckoned to be incest, that was always esteemed a just impediment of marriage, and accordingly urged as a lawful cause, why persons so nearly allied should not come together in marriage; or if they did, it was a just reason to inflict the censures of the Church upon them, till they dissolved such pretended marriage by separating from each other.

¹ Con. Epaunen. can. xxx.

² Con. Turon. ii. can. xxii.

³ Gratian. Caus. xxxv. Quæst. 2. cap. viii. de Incestis.

⁴ Book XVI. chap. xi. sect. 4.

SECT. 4.—Children under Age not to marry without the Consent of their Parents or Guardians or next Relations.

Another reason of inhibition in this affair was, when children under age went about to marry without the consent of their parents or guardians or next relations, who in case the parents were dead, had the paternal power and care of them. The civil law was extremely severe in this case, not only against the raptors themselves, who stole young virgins against their parents' consent; and all that aided and assisted them therein, who were either to be banished, or burned alive; but also against the virgins themselves, who conspired in such matches against the parents' will: as I have had occasion to show heretofore from several laws of Constantine, Constantius, Valentinian, and Gratian, mentioned in both the Codes.¹ Now this being the case of the imperial laws, the Church was exceeding cautious not to transgress or incur any blame upon this score. Tertullian seems to testify for his own time, when he says,² that children could not rightly and lawfully marry without the consent of their earthly parents, as well as the approbation of their Father in heaven. And that the Church allowed no clandestine marriages:³ for all such, that were not publicly beforehand professed or notified before the Church, were in danger of being judged fornication and adultery: and they could not be excused from guilt under pretence of being real matrimony. St. Austin in like manner asserts the power of parents in this case. For speaking of a young virgin, who was a minor, under the protection of his Church, to keep her safe from all attempts of making her a prey to any raptor, he says,⁴ her age would not yet permit him to give, or so

¹ See book XVI. chap. ix. sect. 2.

² Tertul. ad Uxor. lib. ii. cap. 9.

Nam nec in terris filii sine consensu patrum rite et jure nubent.

³ Id. de pudicit. cap. 4. Ideo penes nos occultæ quoque conjunctiones, id est, non prius apud ecclesiam professæ, juxta mœchiam et fornicationem judicari periclitantur. Nec inde consertæ obtentu matrimonii crimen eludant.

⁴ Aug. Ep. 233. In eâ verò ætate est, ut si voluntatem nubendi haberet, nulli adhuc dari vel promitti deberet—Habet Materteram, &c. Fortassis quæ nunc non apparet, apparebit et mater, cujus voluntatem in tradendâ filiâ omnibus, ut arbitror, natura præponit: nisi eadem puella in eâ jam ætate fuerit, ut jure licentiori sibi eligat ipsa quod velit.

much as promise her to any one, though by her own consent; because she had an aunt, without conferring with whom he neither could nor ought to do any thing in the matter. Besides, though her mother did not then appear, yet perhaps hereafter she might appear, and then nature gave her will the preference before all others in disposing of her daughter, unless she were arrived to that age, which gives her a free liberty and right to dispose of herself. St. Basil often speaks of such minors stolen and married clandestinely without the parents' consent:¹ but he says such pretended marriages were not matrimony, but fornication; and of no validity, but null, unless the parents thought fit to ratify them afterwards by their consent: meanwhile the transgressors were to do the penance of harlots and fornicators in the Church. And there was the more reason both for this caution antecedent, and subsequent severity, because not only the civil law under Christian emperors, but the old Roman law under heathens was very precise and strict in this matter of the necessity of consent of parents to a lawful marriage; without which it was reckoned illegitimate, and the children spurious. Justinian has inserted some of the laws of the heathen emperors, Severus and Antoninus Caracalla, relating to this matter, into his Code.² And it otherwise appears from Apuleius, who alluding to several particulars, which render a marriage null, as being against law, thus brings in Venus insulting Psyche for pretending to be married to her son Cupid: "A marriage with so great disparity, huddled up privately in a village without witnesses, the father not consenting,³ cannot be thought a lawful marriage: and therefore thy son will be spurious or a bastard." What therefore was thought so necessary to legitimate a marriage among the heathens, was certainly much more so among the Christians. And there is no example, that I know of, to be found of the Church's

¹ Basil. can. 22, 38, 42.

² Cod. Justin. lib. v. tit. 4. de Nuptiis.

leg. 1 et 2.

³ Apulei. de Asino Aureo, lib. vi. p. 104. Impares nuptiæ, et præterea in villâ sine testibus, et patre non consentiente factæ, legitimæ non possunt videri: ac per hoc spurius ille nascetur.

allowing or approving any marriage to be lawful, where the consent of the parents, disposing of their children when under age, was not had first or last to the ratification of it.

SECT. 5.—Slaves not to marry without Consent of their Masters.

The same power and right, which parents had over their children, masters had over their slaves: and for this reason no slave could marry without the consent of his master; or if any did, it was in the master's power whether he would ratify or rescind the marriage. If slaves, says St. Basil,¹ marry without the consent of their masters, or children without the consent of their parents, it is not matrimony, but fornication, till they ratify it by their consent. And again,² if a slave marry without the consent of her master, she differs nothing from an harlot. For contracts, made without the consent of those under whose power they are, have no validity, but are null.

SECT. 6.—Persons of Superior Rank not to marry Slaves.

Another thing required to a lawful marriage was, that there should be some parity of condition between the contracting parties. Persons of a superior rank might not debase themselves to marry slaves. The civil law requires that they should be *pares genere et moribus*,³ of equal rank and condition. By which the law did not mean, that they should be equal in fortune, but that there should be no such disparity in their condition as between a freeman and a slave; nor any such disparity in their morals, as between an actress and a senator, or any one of a liberal and ingenious education; as the matter is accurately explained in one of the laws of Valentinian and Marcian upon this head.⁴ “We do not intend her to be judged of a low and abject

¹ Basil. can. 42.

² Id. can. 38.

³ Cod. Th. lib. iii.

tit. 7. de Nuptiis. leg. 1.

⁴ Cod. Justin. lib. v. tit. 5. de Incestis

et Inutilibus Nuptiis. leg. 7. Humilem vel abjectam fœminam minimè eam judicamus intelligi, quæ licet pauper, ab ingenuis tamen parentibus nata sit: unde licere statuimus senatoribus, et quibuscunque amplissimis dignitatibus præditis, ex ingenuis parentibus natas, quamvis pauperes, in matrimonium sibi accipere, nullamque inter ingenuas et opulentiores ex divitiis et opulen-

condition, who though she be poor, yet is born of liberal and ingenuous parents. And therefore we declare it lawful for senators, or any others of the highest dignity, to marry women that are born of ingenuous parents, although they be poor, and that there shall be no distinction in this case between ingenuous women and those that are rich by a great and opulent fortune. But we account these women only vile and abject persons, viz. a slave, or the daughter of a slave; a freed-woman, or the daughter of a freed-woman; an actress, or the daughter of an actress; an inn-keeper, or the daughter of an inn-keeper, or of a pander, or of a gladiator, that is, one that was used to fight with men or wild beasts upon the stage; or any who was wont to sell small wares publicly in the market. With such women as these it is just to forbid senators to join in marriage." Constantine had made a law before to forbid all senators,¹ and governors of provinces, and city magistrates, and high priests of provinces, to marry slaves, or freed-women, or actresses, &c., under pain of infamy and outlawry, and of having their children illegitimate and incapable of succeeding to any part of their father's substance or possessions. And the better to secure women of noble extract from the base attempts of vile and abject men, and those of infamous character, the law provided with great caution, that no one of an inferior condition should solicit a woman of any noble family, or try to gain her by corrupting those that were about her by any clandestine arts, but that her relations

tiore fortunâ esse distantiam. Humiles verò abjectasque personas eas tantummodo mulieres esse censemus; ancillam, ancillæ filiam; libertam, libertæ filiam; scenicam, scenicæ filiam; tabernariam, tabernarii vel lenonis vel arenarii filiam; aut eam quæ mercimoniis publicè præfuit. Ideoque hujusmodi inhîbuisse nuptias senatoribus harum fœminarum, quas modo enumeravimus, æquum est.

¹ Cod. Justin. lib. v. tit. 25. de Naturalibus Liberis. leg. I. Senatores, seu præfectos, vel quos in civitatibus duumviralitas, vel sacerdotii, id est, phœniciarchiæ vel syriarchiæ ornamenta condecorant; placet maculam subire infamiæ, et alienos à Romanis legibus fieri; si ex ancillâ, vel ancillæ filiâ; vel libertâ, vel libertæ filiâ; vel scenicâ, vel scenicæ filiâ; vel humili vel abjectâ personâ, vel lenonis aut arenarii filiâ, vel quæ mercimoniis publicè præfuit, susceptos filios in numero legitimorum habere voluerint, &c.

should be consulted,¹ and all things be transacted publicly in the presence of the nobles, who were not to be supposed inclinable to give way to any such fraud in bringing about any such unequal contract. Nay, the curiales, or common councilmen of any city, were expressly forbidden, by a law of Constantine,² to marry a woman that was a slave, under pain of the woman's being condemned to the mines, and the man himself to perpetual banishment, with confiscation of all his moveable goods and city slaves to the public, and all his lands and country slaves to the city, of which he was a member. And there is no doubt, but that what was so severely punished in the civil state, was as duly regarded in the ecclesiastical, that they might not be accessory or aiding to any such illegal practices, which would have reflected great dishonour and scandal on the Church; though I remember no ecclesiastical Canons expressly made against them.

SECT. 7.—Judges of Provinces not to marry any provincial Woman, during the Year of their Administration.

There were also some reasons of State, why a judge of a province should not marry any woman of that province during the year of his administration. Not because it was below his dignity, but because he might reasonably be supposed, by virtue of his power and superior influence over all about him, to overawe and terrify a woman into a compliance of marriage against her real inclinations, and not leave her parents or guardians at free liberty to dispose of her at their own discretion. To prevent which inconvenience and oppression, Theodosius made a law,³ that if any

¹ Cod. Justin. lib. v. tit. 25. de Naturalibus Liberis. leg. 1. Nuptias nobiles nemo redimat, nemo sollicitur, sed publicè consulatur affinitas, adhibeatur frequentia procerum.

² Cod. Th. lib. xii. tit. 1. de Decurionibus. leg. 6. Si decurio fuerit alienæ servæ conjunctus, et mulierem in metallum trudi sententiâ judicis jubemus, et ipsum decurionem in insulam deportari, &c.—Vid. Apulei. lib. vi. Impares nuptiæ non sunt legitimæ.

³ Cod. Th. lib. iii. tit. 6. leg. 1. Si quis in potestate publicâ positus, atque honore provinciarum administrandarum, qui parentibus, aut tutoribus, aut curatoribus, aut ipsis quæ matrimonium contracturæ sunt, potest esse terri-

judge of a province, who might be a terror to parents, or tutors and guardians, or to women that might contract marriage, should betroth a woman during the time of his administration; if afterwards either the parent or the woman herself should change their mind, they should be free from the snare and punishment of the law, which appoints in that case a quadruple restitution to be made for breach of contract." And this order extends not only to the judge himself, but to his children, grand-children, kinsmen, counsellors, and all his domestics, who might be supposed to terrify women into marriage contracts by virtue of the judge's power. Yet if any woman, that was so betrothed, was minded to fulfil the contract, and make good her espousals after his administration was ended, she might lawfully do it. By which it is plain, that this was only a restraint laid upon certain persons for a season, viz. upon provincial judges, not to marry any woman of their own province during the year of their administration. They were not debarred from marrying any others, but only those of their own province for the prudent reasons which the law assigns.

SECT. 8.—Widows not to marry again till twelve Months after their Husband's Death.

The case was much the same with widows: they were not restrained from marrying a second time, but yet they were tied up and limited by law not to do this till a year after the death of their former husband. This was the law of the old Romans, even from the time of their first founder Romulus. But the Roman year being then but ten months, the time of a widow's mourning was no longer at first; nor was it enlarged for many ages after, though the year itself was quickly enlarged by Numa to twelve months; yet still the widow's year was only according to the old computation. So that whenever we read of a widow's mourning a

bilis, sponsalia dederit; jubemus, ut deinceps sive parentes, sive eadem mutaverint voluntatem, non modò juris laqueis liberentur, pœnæque expertes sint, quæ quadruplum statuit, sed extrinsecus data pignora lucrativa habeant, si ea non putent esse reddenda, &c.—See also Cod. Th. lib. iii. tit II. Si quicumque præditus potestate nuptias petat invitæ.

year after her husband's death, it is to be understood of the Romulean year of ten months only. And so the matter stood till the time of Theodosius, who added two months to the former term by an express law, which runs in these words:¹ "If any woman after the loss of her husband, make haste to be married to another within the space of a year, (for we have added a little time to the ten months, though we think it but a small term), let her be branded with the marks of infamy, and deprived of the honour and privilege of a genteel and noble person; and let her forfeit whatever goods she is possessed of, either by the right of espousals, or by the last will and testament of her deceased husband.

SECT. 9.—Women not to marry in the absence of their Husbands till they were certified of their Death.

If any woman's husband went abroad, and continued absent from her, there was no time limited for her marrying again, but she must wait till she was certified of his death: otherwise she was reputed guilty of adultery. So St. Basil:² she, whose husband is absent from home, if she cohabit with another man, before she is satisfied of his death, commits adultery. This was the case of a soldier's wife, marrying after the long absence of her husband, yet before she was certified of his death, as he determines in another canon:³ but he reckons her more pardonable than another woman, because it was more probable that he might be dead. In these cases, if the first husband appeared again, he might claim his wife, and the second marriage was null and of no effect, as is determined in the Council of Trullo,⁴ where these canons of St. Basil are repeated. But the civil law allowed a soldier's wife to marry after four years' expectation.⁵

¹ Cod. Th. lib. iii. tit. 8. de Secundis Nuptiis. leg. 1. Si qua ex feminis perduto marito, intra anni spacium alteri festinarit innubere (parum enim temporis post decem menses servandum adjicimus, tametsi idipsum exiguum putemus) probosis inusta notis, honestioris nobilisque personæ et decore et jure privetur; atque omnia, quæ de prioris mariti bonis, vel jure sponsaliorum, vel judicio defuncti conjugis consecuta fuerat, amittat.

² Basil. can. 31.

³ Id. can. 36.

⁴ Con. Trul. c. 93.

⁵ Cod. Justin. lib. v. tit. 17. leg. 7.

SECT. 10.—Guardians not to marry Orphans in their Minority, till their Guardianship was ended.

By the old Roman law a guardian might not marry a woman, to whom he was guardian; neither might he give her in marriage to his own son. There are several laws of Severus, Philip, and Valerian in the Justinian Code to this purpose.¹ The only exception then was, when the guardian did it by the prince's licence and particular rescript. But Constantine determined this matter with another distinction, which was,² that the guardian should not marry the orphan, whilst she was a minor, and under his care; but when she was of age he might marry her, first proving, that he had not defiled her in her minority. But if he had offered any injury to her before, he was not only debarred from marrying her, but was also to be banished, and all his goods to be confiscated to the public.

SECT. 11.—When first the Prohibition of spiritual Relations marrying one with another came in.

By some rules, though not of the first and prime antiquity, certain degrees of spiritual relations were prohibited from making marriages one with another. The thing was first thought of by Justinian, who made a law,³ forbidding any man to marry a woman, for whom he had been godfather in baptism; because nothing induces a more paternal affection, or juster prohibition of marriage, than this tie, by which their souls are in a divine manner united together. The Council of Trullo improves this matter a little further,⁴ and forbids the godfather not only to marry the infant, but

¹ Cod. Just. lib. v. tit. 6. De interdicto matrimonio inter pupillam et tutorem seu curatorem, eorumque filios. leg. 1, 4, 6, 7.

² Cod. Th. lib. ix. tit. 8. leg. 1. Ubi puella ad annos adultæ ætatis accesserit, et aspirare ad nuptias cœperit, tutores necesse habent comprobare, quod puellæ sit intemerata virginitas, cujus conjunctio postulatur. Quod ne latius porrigatur, hic solus debet tutorem nexus adstringere, ut seipsum probet ab injuriâ læsi pudoris immunem: quod ubi constiterit, omni metu liber, optatâ conjunctione frui debebit.

³ Cod. Just. lib. v. tit. 4. de Nuptiis, leg. 26

⁴ Con. Trul. cau. 53.

the mother of the infant, for whom he was surety; ordering such as have done so, first to be separated, and then to do the penance of fornicators. The Canon Law afterward extended this relation to the baptizer and the baptized, and to the catechist and catechumen,¹ and I know not what other degrees of spiritual kindred: and the popes with the same reason might have used their authority to have prohibited all Christians from marrying one with another; because by baptism and many other ties they are more undoubtedly spiritual brethren. But Estius owns this too absurd to be maintained,² because it would oblige all Christians either to abstain from marriage, or else to marry infidels: and yet he gravely defends all the other extravagant prohibitions upon the infallible authority of the Church.

SECT. 12.—Whether a Man might marry after a lawful Divorce?

But to return to the ancient Church. Many of the primitive writers were of opinion, that the bond of matrimony was not dissolvable by any thing but death. And therefore they not only condemned polygamy, or marrying a second wife while the first was living; and marrying after an unlawful divorce, which was much the same thing with polygamy in real estimation; but they reckoned it unlawful also to marry after a lawful divorce: because though there might be reason for a separation, yet they thought there was no dissolution of the marriage so long as both the parties were living. I shall say nothing further here of the unlawfulness of polygamy, or of marrying again after an unlawful divorce; because I have had occasion heretofore³ to speak fully of the laws and discipline of the church against both these: but the prohibition of marrying again after a lawful divorce is what deserves a little further consideration.

And here I observe, that the Ancients were divided in their sentiments upon the point. Origen was against marry-

¹ Sext. Decretal. lib. iv. tit. iii. de Cognat. Spirituali, cap. ii.

² Estius in Sent. lib. iv. Dist. xlii. sect. i.

³ Book XVI. chap.

xi. sect. v. and vi.

ing after such a divorce, yet he says,¹ there were some bishops in his time, who permitted a woman to marry whilst her former husband was living. Which was indeed against scripture, which says, “The woman is bound so long as her husband liveth:” and, “she shall be called an adulteress, if whilst her husband liveth, she be married to another man.” Yet they did not permit this altogether without reason: for perhaps for the infirmity of such as could not contain, they tolerated that, which was evil, to avoid that, which is worse, though contrary to that, which was written from the beginning. Here it is reasonable to suppose, that those bishops, who allowed men and women to marry after divorce, did not think it simply evil, though it was so in Origen’s opinion. And the same is to be said of Constantine, who made a law,² that a man for three crimes, adultery, soerey, and pandery, might lawfully put away his wife and marry another. For as Gothofred rightly observes, in saying, that unless she was guilty of one of those three crimes, he might not marry another, it is plainly implied, that if he proved her guilty of any of the three, he had liberty to put her away and marry another. The author under the name of St. Ambrose was of the same opinion. For expounding those words of the Apostle, a brother or a sister in such a case is not under bondage, he says,³ if Esdras cast out the

¹ Orig. Hom. vii. in Mat. tom. ii. p. 67. Scio quosdam, qui præsent ecclesiis, extra Scripturam permisisse aliquam nubere, viro priori vivente: et contra Scripturam fecerunt quidem, dicentem, mulier ligata est quanto tempore vivit vir ejus: item, “vivente viro adultera vocabitur si facta fuerit alteri viro.” Non tamen omnino sine causâ hoc permisierunt; forsitan enim propter hujusmodi infirmitatem incontinentium hominum, pejorum comparatione quæ mala sunt permisierunt, adversus ea quæ ab initio erant scripta.

² Cod. Th. lib. iii. tit. xvi. de Repudiis. leg. i. In masculis etiam, si repudium mittant, hæc tria crimina inquiri conveniet, si mœcham, vel medicamentariam, vel conciliatricem repudiare voluerit: nam si ab his criminibus liberam ejecerit, omnem dotem restituere debet, et aliam non ducere.

³ Ambros. in i. Cor. vii. xv. Si Esdras dimitti fecit uxores aut viros infideles, ut propitius fieret. Deus, nec iratus esset, si alias ex genere suo acciperent: (non enim ita præceptum his est, ut remissis istis alias minime ducerent;) quanto magis, si infidelis discesserit, liberum habebit arbitrium, si voluerit, nubere legis suæ viro?—Non est peccatum ei qui dimittitur propter Deum, si alii se junxerit. Contumelia enim Creatoris solvit jus matrimonii, &c.

infidels, and allowed the faithful to marry other wives: how much rather, if an infidel departs of his own accord, shall the believing woman have liberty, if she pleases, to be married to a man of her own religion? and he gives this reason for it: because an indignity offered to the Creator dissolves the obligation of matrimony with respect to him, who is deserted, so that he is excused though he be joined to another forasmuch as an infidel is injurious both to God and to matrimony itself by desertion. Epiphanius speaks not only his own sense, but the sense of the church in his time. And he says plainly, that though the clergy were prohibited from marrying a second wife after the death of the first; yet the people were not only allowed to marry again in such a case, but also in case of divorce,¹ if a separation was made upon the account of fornication or adultery, or any such criminal evil, and a man thereupon was joined to a second wife, or a woman to a second husband, the word of God did not condemn them, nor exclude them from the church nor eternal life, but tolerate them because of their infirmity; not that a man should have two wives at the same time, but that being divorced or separated from the first, he might lawfully be joined to a second. Petavius freely owns,² that this is a full proof in fact of the Church's sentiments at that time: only he says, the matter was not then fully determined nor settled by any general Council. Which is not very material to the present enquiry; which is not about the determinations of the Councils of Florence or Trent, but about the sense and practice of the ancient Church. Now what Epiphanius observes concerning the toleration of such marriages in the Church without any check of ecclesiastical censure, is further confirmed even from the Council of Arles, and St. Austin, though they were of a different opinion from Epiphanius as to the sense of Scripture. They thought men were forbidden to marry again after divorce

¹ Epiphanius. Hæc. lix. n. iv. "Ἐνεκεν τινός προφάσεως πορνείας, ἢ μοιχείας, ἢ κακῆς αἰτίας χωρισμῶ γενομένων, συναφθέντα δευτέρα γυναῖκι ἐκ αἰτιάται ὁ θεῖος λόγος, ἐδὲ ἀπὸ τῆς ἐκκλησίας ἢ τῆς ζωῆς ἀποκηρύττει. &c.

² Petav. in Loc. p. 255. Illis temporibus nondum ea res ab ecclesiâ definita prorsus fuerit. &c.

whilst the first wife was living: but they did not think this so clearly revealed, as to make it an high crime and just matter of excommunication, like other plain cases of adultery. The Council orders,¹ that such men shall be dealt with and advised, as much as might be, not to marry a second wife, while the former, that was divorced for adultery, was living: but they say not a word of any ecclesiastical censure to be passed upon them, if they did otherwise, And St. Austin confesses,² there was a very great difference to be made between such as put away their wives for adultery, and married again, and such as did so upon other reasons: for this question, whether he, who without doubt has liberty to but away his wife for adultery, be to be reckoned an adulterer, if he marries again; is a matter so obscurely resolved in scripture, that a man may be supposed to err venially about it. And therefore he concludes, that all that the ministry has to do in this case, is only to persuade men not to engage in such marriages: but if they will marry notwithstanding the contrary advice that is given them, he will not venture to say, that such men ought therefore to be kept out of the Church. St. Austin was fully persuaded in his own mind, that such marriages after divorce were unlawful. For he often repeats it in his works,³ and uses what arguments he could to dissuade men from them; not scrupling to declare

¹ Con. Arelat. i. can. x. Placuit, ut in quantum potest, consilium eis detur, ne viventibus uxoribus suis, licet adulteris, alias accipiant.

Note, that Petavius reads this canon differently from all the printed editions: for whereas they read the beginning of it thus, “De his qui conjuges suas in adulterio deprehendunt, et iidem sunt adolescentes fideles, et prohibentur nubere:” he contends that it ought certainly to be read, “Non prohibentur nubere:” and then, as he says, it is another evident proof, that innocent persons after a lawful divorce were not prohibited to marry in those days. Petav. Animadvers. in Epiphan. Hær. lix. p. 255. See also St. Basil. Can. ix. to the same purpose.

² Aug. de Fide et Oper. cap. xix. Quisquis uxorem adulterio deprehensam dimiserit et aliam duxerit, non videtur æquandus eis, qui exceptâ causâ adulterii dimitunt et ducunt. Et in ipsis divinis sententiis ita obscurum est, utrum et iste, cui quidem sine dubio adulteram licet dimittere, adulter tamen habeatur, si alteram duxerit, ut quantum existimo venialiter ibi quisque fallatur.

³ Vid. Aug. De Adulterinis Conjugiis. lib. i. cap. i. et xxiv. De Nuptiis et Concup. lib. i. cap. x. De Bono Conjugali. cap. vii. De Sermone Dom. in Monte. lib. i. c. xiv. lib. lxxxiii. quæst. q. lxxxiii.

his opinion of them, as suspicious and doubtful marriages, that might stand charged with adultery. But then, he nowhere intimates, that the Church either did or ought to treat persons so marrying as she did other adulterers, whose adultery was more indisputable, either by dissolving the marriage, or bringing the persons under excommunication and public penance in the church: but rather declares the error of such persons to be venial, because it was not so expressly condemned in scripture. And thus much Estius owns,¹ only he says, it was not then condemned by any general council. There is one instance indeed, given by St. Jerom,² of a woman doing public penance in the church for marrying a second husband after she had divorced herself from the first upon the account of his adultery, and his other intolerable practices. But this was a voluntary act of her own, and not done till after death of her second husband: the Church did not impose this penance on her, whilst her husband was living, nor yet when he was dead; but she chose it of her own accord, and submitted to it without any compulsion. Had there been any general law then in the Church, either to dissolve such marriages, or bring the parties to public penance, no doubt the bishop of Rome would have called upon them both whilst the husband was living, to have complied with the rule and the discipline of the Church: but this not being done, seems to be an argument, that then it was not the custom of the Roman Church to inflict any public censures upon such as married again after a lawful divorce, but only to use what arguments she could to dissuade men and women from such marriages till the former husband or wife were dead: or else, if they did engage in them, to exhort them to repent of such engagements, as crimes prohibited by the Apostle. Which St. Jerom himself³ does with

¹ Estius in Sent. lib. iv. Dist. xxxv. n. xi.

Epitaph. Fabiolæ. Ep. xxx. ad Oceanum. Quis hoc crederet, ut post mortem secundi viri in semetipsam reversa, saccum indueret, ut errorem publice fateretur, et totâ urbe spectante Romanâ, ante diem Paschæ, basilica quondam Laterani staret in ordine pœnitentium? &c.

² Hieron.

Ep. cxlvii. ad Amandum.

no small vehemence, according to his manner, telling a woman, who had so married a second husband, that she was an adulteress for so doing, and that she ought not to receive the communion till she repented of her crime. By which I suppose he means her obligations to private repentance, and not any solemn penance imposed by the public discipline of the church. Yet in the Spanish Church before this time there seems to have been something of public discipline exercised against such persons, especially women, joining in second marriages whilst the first husband was living. For in the Council of Eliberis there is a Canon, which orders,¹ that if a woman, who is a believer, put away an adulterous husband, who is also a believer, and go about to marry another, she shall first be dissuaded from it: but if notwithstanding that she does marry, she shall not receive the communion till her first husband be dead, unless the necessity of sickness require it to be given her. But as this was but a Canon of a private Council, so here are several exceptions and abatements in it. First, it only respects women, and not men. Then again it only relates to women, that were believers, and not catechumens, who by the next Canon are allowed notwithstanding to be admitted to baptism, as St. Austin also determined. Thirdly, the husband also that was deserted, must be a believer: for the case is otherwise, if he was an heathen. Lastly, she is allowed the communion at the point of death, though she never relinquished the second husband. So that as yet the prohibition was not universal upon many accounts. Afterwards we find in one of the laws of Honorius, that if a woman² could prove her reason weighty and sufficient for a divorce, she might not only retain her dowry and the donations of her epousals, but also within five years have liberty to marry again. And a man, if he could

¹ Con. Eliber. can. ix. *Fœmina fidelis, quæ adulterum maritum reliquerit fidelem, et alterum ducit, prohibeatur ne ducat; si duxerit, non prius accipiat communionem, nisi quem reliquerit prius de sæculo exierit, nisi forte necessitas infirmitatis dare compulerit.*

² Cod. Th. lib. iii. tit. xvi. *De Repudiis. leg. ii. Si graves causas probaverit, quæ recedit, dotis suæ compos, sponsalem quoque obtineat largitatem, atque a repudii die post quinquennium nubendi recipiat potestatem. &c.*

prove his reasons for divorce weighty against his wife, might not only retain her dowry and gifts of espousal, but have liberty to marry another wife whenever he pleased. Or if they were only light faults, and not high crimes, that he had to allege against his wife, he was to leave her her dowry, but might reclaim any espousal gifts, and have liberty to marry another wife after two years. But if a man put away his wife for no reasons at all, but only his own moroseness, he was condemned to live in perpetual celibacy for his insolent divorce, and the woman had liberty within a year to be married to another man. And there are several laws of Theodosius junior, and Valentinian III., and Anastatius in the Justinian Code,¹ which grant the same liberty of marrying after lawful divorces. But these laws are not altogether approved by the writers of the Church in those times. For as we have heard St. Austin and St. Jerom express their dislike before, so we may find the same in Chrysostom,² and Ambrose,³ and Pope Innocent,⁴ and other writers of that age, who reckon the laws of the state too loose and favourable to such as married after divorce. Which serves only to confirm the observation, which I made at first, that the Ancients were divided upon this point, and treated it only as a problematical question, though the Council of Trent has since turned it into an article of faith,⁵ and damned all those that come not into her sentiments about it. And in her sentence, to note this by the by, she has also condemned some of her own popes and Councils of later ages, which Gratian has recorded. Pope Zechary allows a woman,⁶ whose husband had committed incest with her sister, to put him away, and marry, to whom she would in the Lord. And Gregory III. allows a man to put away his wife for infirmity and marry another.⁷ The Council of Tribur says,⁸ if a son

¹ Cod. Just. lib. v. tit. 17. De Repudiis. leg. viii. et ix.

² Chrys. Hom. xvii. in Mat.

³ Ambros. de Abraham. lib. i.

c. 4.

⁴ Innoc. Ep. iii. ad Exuper. c. vi.

⁵ Con. Trident.

Sess. xxiv. can. 7.

⁶ Ap. Gratian. Caus. xxxii. Quæst. vii.

cap. 23. Nubat in Domino cui vult.

⁷ Ibid. Caus. xxxii.

Q. vii. c. 18.

⁸ Ibid. cap. xxiv. Si quis cum novercâ suâ

dormierit, neuter ad conjugium potest pervenire: sed vir ejus potest, si vult, aliam accipere, si se continere non potest.

commits incest with his mother-in-law, the father may put her away, and marry another, if he pleases. And the Council of Vermeriæ (which in some copies of Gratian is falsely called the Council of Eliberis) says,¹ if a woman take counsel with others to compass the death of her husband, he may dismiss her for the attempt, and marry another, if he pleases. So that the new legislators at Trent were as much at variance with their own canon law, as they were with the Ancient Fathers upon this subject.

SECT. 13.—Whether an Adulterer might marry an Adulteress, whom he had defiled, after the Death of her Husband ?

Nor are the Roman Casuists better agreed with the Ancients upon another question relating to the impediments of marriage, viz. whether an adulterer may marry another man's wife after the death of her husband, having been guilty of adultery with her, whilst her former husband was living: the modern Canonists commonly resolve this in the negative. The Council of Tribur, in Germany, which was held in the year 895, under Pope Formosus, proposes a famous case of a man, who defiled another man's wife, and swore he would marry her after her husband's death: the Council peremptorily determines this to be unlawful:² we anathematize such a marriage and forbid it to all Christians. It is not lawful therefore, nor agreeable to the Christian religion, that any one should use her in matrimony, whom he had before defiled by adultery. Peter Lombard³ and Gratian⁴ cite other authorities of Pope Leo and the Council of Althæum to this purpose: and the modern Canonists commonly stand to their determination,⁵ only making some nice dis-

¹ Con. Vermer. ap. Gratian. caus. xxxi. q. i. cap. 6. Si qua mulier in mortem mariti sui cum aliis consiliata sit, ipse vir potest uxorem dimittere, et si voluerit, aliam ducere.

² Con. Tribur. can. xl. Tale conubium anathematizamus, et Christianis omnibus obseramus. Non licet ergo, nec Christianæ religioni oportet, ut ullus eâ utatur in matrimonio, cum quâ prius pollutus erat adulterio.

³ Lombard, Sent. Dist. xxxv. lib. iv.

⁴ Gratian. caus. xxxi. q. 1.

⁵ Vid. Estium

in Sent. lib. iv. dist. xxxv. n. 13.

tinctions to reconcile these Canons to better authorities of the Ancients. For the Ancients in this matter were of another opinion. St. Austin resolves the question in the affirmative,¹ universally and without distinction, that when a woman's husband was dead, to whom she was truly married, she might become the true and lawful wife of another, with whom before she had committed adultery. And again,² it is manifest, that they, who at first join wickedly together in concubinage, may afterward by changing their wills make a just an honest marriage together. And therefore the Council of Eliberis determined,³ that though a woman, who left her husband, and lived adulterously with another, should not communicate so long as her husband was living; yet she might after his death, because then she became the lawful wife of him, with whom before she had only lived in adultery. Albaspin,⁴ in his notes upon this Canon, makes this candid remark: in those times you may observe, that matrimony might stand firm and valid between adulterers, who had to do with one another whilst the true and lawful husband was living: which now is so prohibited, that a woman, even after the death of her husband, cannot make a true and lawful marriage with her adulterer, but only by the dispensation of the pope. Which is a plain and ingenuous confession of the difference between the ancient and modern way of resolving this question; and perhaps tacitly intimates the true reason of inventing so many new impediments in the business of matrimony, that the pope might have it in his power to grant frequent dispensations. All

¹ Aug. de Nuptiis et Concup. lib. i. cap. 10. Mortuo viro cum quo verum connubium fuit, fieri verum connubium potest cum quo prius adulterium fuit.

² Id. de Bono Conjugali. cap. xiv. Posse sane fieri nuptias ex male conjunctis, honesto postea Placito consequente, manifestum.

³ Con. Eliber can. ix. Fœmina quæ maritum reliquerit, et alterum duxerit, non prius accipiat communionem, nisi quem reliquerit, prius de sæculo exierit.

⁴ Albaspin. in Loc. Illis temporibus, ut vides, matrimonium poterat stare et validum esse inter adulteros, qui vivente vero et legitimo marito rem simul habuerant: Quod hodiè ita prohibitum est, ut ne quidem post mortem mariti mulier possit cum adultero nuptias firmas et legitimas facere, nisi summo dispensante pontifice.

that the Ancient Canons required in this particular case, was only that the criminals should perform a just and satisfactory penance for their former adultery, but they never forbade them to marry, nor dissolved the marriage, if it was contracted regularly after the death of the former husband, without any other impediment to hinder or disannul it. As appears from another Canon of the Council of Eliberis, which orders,¹ that if a widow commit adultery with a man, and afterward take him for her husband, she shall do five years' penance, and then be reconciled to the communion, or by the communion: but if she leaves him, and marries any other, she shall not have the communion even at her last hour. Where it is observable, that the Council is so far from prohibiting or disannulling the marriage of an adulteress with her adulterer, that they oblige her to keep him for her husband, and take no other, under pain of being refused the communion even at the hour of death. Which is abundantly sufficient to shew us the sense of the Ancients upon this point, that they never reckoned it needed a dispensation to bring adulterers into a lawful marriage, though this has been the current practice of the Roman court now for many ages.

SECT. 14.—The Celebration of Marriage forbidden in Lent.

I have but one thing more to observe concerning the ancient prohibitions of marriage; and that relates to the time or season, in which it might or might not be regularly celebrated. The most ancient prohibition that we meet with of this kind is that of the Council of Laodicea,² which forbids all marriages as well as birth-days to be celebrated in Lent. And this is the only prohibition in point of time that we meet with in any of the genuine records of those early ages.

¹ Con. Eliber. can. lxxii. Si qua vidua fuerit mœchata, et eundem postea habuerit maritum, post quinquenni tempus, actâ legitimâ pœnitentiâ, placuit eam communione reconciliari. Si alium duxerit, relicto illo, nec in fine dandam esse ei communionem.

² Con. Laodic. can. iii. "Ὅτι ἐξ εἰς ἔν τεσσαρακοσῆ γάμος ἢ γενέθλια ἐπίτελειν.

Peter Lombard¹ and Gratian² cite a Canon out of the Council of Lerida, anno 524, which forbids marriages not only in Lent, but three weeks before the festival of St. John Baptist, and from the beginning of Advent to Epiphany; ordering likewise all marriages that are made in these intervals to be annulled. But there is no such Canon now extant in the tomes of the Councils, which makes it suspicious, that it is some Canon of a much later date than the Council that is pretended. Martin Bracarensis lived some time after the Council of Lerida, and in his Collection of Canons, which he published anno 572, in the Council of Lugo, he takes notice of the prohibition made at Laodicea, but not of the pretended one at Lerida,³ nor of any other. Which is a further argument, that as yet there was no prohibition of marrying, but only in Lent, known in Spain, when the Bishop of Braga made his collection of Canons for the use of the Spanish Church. Pope Nicholas I. lived about the year 860: and he also takes notice of the prohibition of marriage in Lent,⁴ but mentions no other season. Yet Mr. Selden says,⁵ the Council of Aquisgranum, or Aix la Chapelle, held anno 836, under the Emperor Lewis I., forbids marriages to be celebrated on the Lord's day, by a new injunction: which I do not find in the place by him quoted. However, the Council of Salegunstade, anno 1022, under Benedict VIII. and the Emperor Henry II. made an order,⁶ that no Christians should marry from Advent to the octaves of Epiphany, nor between Septuagesima Sunday and the octaves of Easter, nor in fourteen days before the festival of St. John Baptist, nor upon fast days, nor the vigils of the solemn festivals. And from that time, as Mr. Selden shews at large, these were prohibited times of marriage in most Churches. The learned reader, who would see further into this matter, together with the practice of the French and

¹ Lombard. Sent. lib. iv. dist. 32.

² Gratian. Caus. 33. quæst.

iv. cap. 10.

³ Martin Bracar. Collect. Canon. c. 48.

⁴ Nicol. Respons. ad Consulta Bulgaror.

⁵ Selden. Uxor Hebraic.

lib. ii. cap. 30. p. 313. ex Synodo Aquisgran. par. ii. can. 17.

⁶ Con. Salegunstad. can. 3.

English Churches in the following ages, may consult the elaborate discourse of that curious writer. For I must return to the Ancient Church.

CHAP. III.

Of the Manner of making Espousals preceding Marriage in the Ancient Church.

SECT. I.—How the Sponsalia or Espousals differed from Marriage.

When persons, against whom there lay no lawful impediment, were disposed to join in matrimony with each other, they were obliged to go through certain preliminaries appointed by custom or law, before they could ordinarily complete the marriage, or regularly come together. These went by the general name of sponsalia, espousals or betrothing. This differed from marriage, as an obligation or contract antecedent to a future marriage may be supposed to differ from marriage actually solemnized and completed. And there were several distinct ceremonies proper and peculiar to each. For which reason, though they be by some writers confounded, I chuse to speak separately of them here; as the ancient law, which either appointed or confirmed them, always does, giving them distinct titles in both the Codes. For there we find one title, *De Sponsalibus et Donationibus ante Nuptias, Of Espousals and Gifts before Marriage*:¹ and another *De Nuptiis, Of Marriage itself*.² To give a summary account of the ceremonies observed in each of these, we may observe first of the espousals, that they consisted chiefly in a mutual contract or agreement between the parties concerning their future marriage, to be performed within a certain limited time: which contract was confirmed

¹ Cod. Th. lib. iii. tit. 5. Cod. Justin. lib. v. tit. 1 et 3.

² Cod. Th. lib. iii. tit. 7. Cod. Justin. lib. v. tit. 1.

by certain gifts or donations, called *arræ et arrabones*, the earnest of marriage; as also by a ring, a kiss, a dowry, a writing or instrument of dowry, with a sufficient number of witnesses to attest it. After which there was no receding from the contract, or refusal to be made of marriage, without great penalties and forfeitures in law, and incurring many times the highest censures of the Church. These were the preparatory ceremonies, or harbingers and fore-runners of the future marriage, which were generally observed by obligation of the Roman laws, though not all of equal necessity to all manner of persons: for the law made some distinctions, and allowed of dispensations in some of these points to certain orders of men in some particular cases. As to the marriage itself, custom generally prevailed to have it solemnized by the ministers of the Church; though as the state of the Roman empire then stood, this was not absolutely necessary by any law; nor were those marriages annulled that were performed otherwise. But when it was done by the ministers, it was performed with a solemn benediction, together with the ceremonies of a veil, and a coronet, and some other rites; of which more in their proper place.

SECT. 2.—Free Consent of Parties necessary in Espousals.

I begin with the ceremonies observed in espousals. Where first of all there was necessary a free consent of the parties contracting. This was the old Roman law, called *Lex Papia et Julia*, confirmed by Diocletian, and inserted by Justinian into his Code.¹ The discipline of the laws does not permit, that a son should be compelled to marry a wife against his will. And therefore, though parents had a right to dispose of their children in marriage, and children

¹ Cod. Justin. lib. v. tit. 4. De Nuptiis. leg. 12. Nec filium quidem familias invitum ad uxorem ducendam cogi, legum disciplina permittit. Igitur sicut desideras, observatis juris præceptis, sociare conjugio quam volueris non impedieris: ita tamen ut contrahendis nuptiis patris tui consensus accedat.

could not legally marry without their consent, as is expressed in the same law, as has been fully shewn before;¹ yet children had an equal right to dispose of themselves, and ought not to be compelled by their parents to make any contract absolutely against their own inclinations. If a virgin was betrothed by the consent of a father,² or a mother, or a guardian, before she was ten years old, in that case she might still refuse to complete the marriage without any quadruple forfeiture, (which the law required for breach of contract in other cases) either to be exacted of her or her parents; because she was not yet of age to give any consent to an espousal: as Gothofred shews out of Dio and the ancient laws. If she was above ten, and not yet full twelve years old, when she was betrothed by her parents, and afterwards refused to complete the marriage, her parents might be amerced, but not the virgin; because she was not yet of age and ripeness of judgment to give her free consent to such a contract. If she was above twelve years old, when she made the contract, she was liable to be amerced quadruple by law for not completing the marriage according to the espousal contract. But then she had a just action of recovery of whatever she forfeited, against a mother, or a tutor, or a guardian, if she could prove that she was compelled by force to give her assent to the acceptance of the *arræ*, or donations made to her upon the espousal. And for the same reason, as I have shewn before,³ any woman, who entered into an espousal contract with a governor

¹ Chap. ii. sect. 4.

² Lex Theodosii in Cod. Th. lib. iii. tit. 5.

De Sponsalibus. leg. 6. Patri, matri, tutori, vel cuilibet, ante decimum puellæ annum datis sponsalibus, quadrupli pœnam remittimus, etsi nuptiæ non sequantur. Quod si decimo anno vel ultra, pater quisve alius, ad quem puellæ ratio pertinet, ante duodecim annos, id est, usque in undecimi metas, suscepta crediderit pignora esse retinenda, deinceps adventante tempore nuptiarum à fide absistens, quadrupli fiat obnoxius.—Duodecimo autem anno impleto, quisquis de nuptiis paciscitur, si quidem pater, semetipsum obliget; si mater, curatorve, aut alii parentes puella fiat obnoxia. Cui quidem contra matrem, tutorem, curatorem, eumve parentem, actio ex bono et ex æquo integra reservatur eorum pignorum, quæ ex propriis juxta pœnam juris facultatibus reddiderit, si ad consensum accipiendarum arrarum ab his se ostenderit fuisse compulsam.

³ Chap. ii. sect. 7.

of a province during the year of his administration, was at perfect liberty, when the year was ended, whether she would fulfil the contracts, and marry him or not: because it was presumed, that he being in super-eminent authority and power, might overawe a woman, and terrify her into an espousal against her will and real inclination. Such provident care did the ancient law take to secure the liberty of such as entered into espousal contracts, that nothing of this kind should stand firm, but what was voluntarily agreed upon by the free consent of each contracting party, without any force or violence of any kind intervening to compel them.

SECT. 3.—The Contract of Espousals usually testified by Gifts, called *Arræ*, or *Donationes Sponsalitiæ*, which were sometimes mutually given and received both by the Man and Woman.

When the contract was thus made, it was usual for the man to bestow certain gifts on the woman, as tokens and pledges of the espousal: and sometimes, but not so commonly, the woman made presents to the man upon the same account. These are sometimes called *Sponsalia*, *espousals*, and sometimes *Sponsalitiæ Donationes*, *espousal gifts*, and *Arræ* and *Pignora*, *earnests and pledges* of future marriage: because the giving and receiving them was a confirmation of the contract, and an obligation on the parties to take each other for man and wife, unless some legal reason gave them liberty to do otherwise. These were commonly given by the men, as I said, and sometimes by the women, though but rarely, as is noted in one of the laws of Constantine, which orders,¹ that if the woman give any thing to the man upon the time of espousal, which is a thing that seldom happens, in case either the man or the woman chanced to die before the marriage was completed, the whole dominion and property of whatever she gave should return to her, if she sur-

¹ Cod. Th. lib. iii. tit. 5. De Sponsalibus. leg. 5. Si sponsa sponsaliorum titulo (quod rarò accidit) fuerit aliquid sponso largita, et ante nuptias hunc vell illam mori contigerit, omni donatione infirmatâ, ad donatricem sponsam, sive ejus successores donatarum rerum dominium transferatur.

vived, or else to her heirs and successors." And the case was much the same with the donations made by the man to the woman, upon the death of either party before marriage: only with this difference, that if the man confirmed his donation by the intervention of the solemn kiss, of which ceremony more by and by. then in case of death the donation was to be divided between the survivor and the heirs of the deceased party: but if the ceremony of the kiss was not superadded, the whole donation was to be restored, in case either party died, either to the donor himself surviving, or to his heirs and successors. Though by a former law of Constantine,¹ the donations both of the man and woman were exactly upon the same foot, and both to be restored in case of death without any distinction.

SECT. 4.—These Donations to be entered into Public Acts, and set upon Record.

To make these donations more firm and sure, it was required that they should be entred into public acts, and set upon record, as well to ascertain them against the accidents of death, as against the falseness and perfidiousness of either party. This is expressly provided in one of the laws of Constantine,² that no donation between man and woman in the business of espousals should be of any force, unless it was testified by a public act. But this afterward received some limitations. For Constantine himself, by another law,³ made an exception in the case of minors: that if any espousal-gifts were given to women that contracted and married under age, they should not be revoked upon pretence that they were not entered into public acts. And this was confirmed by another law of Theodosius junior referring to it;⁴

¹ Cod. Th. lib. iii. tit. 5. leg. 2.

² Cod. Th. lib. iii. tit. v.

De Sponsalibus. leg. 1. Inter sponsos quoque ac sponsas, omnesque personas, eam solam donationem, ex promulgatæ legis tempore, valere sancimus, quam testificatio actorum secuta est.

³ Ibid. leg. 3. Si futuris conjugibus, tempore nuptiarum intra ætatem constitutis, res fuerint donatæ et traditæ; non ideò posse eas revocari, quia actis consignare donationem quondam maritus noluit.

⁴ Ibid. leg. 8. Illâ manente lege, quæ minoribus ætate fœminis, etiam actorum testificatione omissâ, si patris

who also added another exception, that if the donation did not exceed the sum of two hundred shillings, there should be no necessity to have it recorded to make it firm. Justinian extended this exception further to the sum of three hundred shillings,¹ and at last to five hundred,² to be ascertained to the woman, if given to her upon espousal, without any further insinuation, as the law terms it, or entering into public acts and monuments, to make it secure in law from all reclaiming.

SECT. 5.—The Contract further testified by Giving and Receiving of a Ring.

Together with these espousal-gifts, or as a part of them, it was usual for the man to give the woman a ring, as a further token and testimony of the contract. This was an innocent ceremony used by the Romans before the times of christianity,³ and in some measure admitted by the Jews: whence it was adopted among the christian rites of espousal without any opposition or contradiction: I say, the rites of espousal: for that it was used in the solemnity of marriage itself originally, does not so evidently appear: though some, who confound the rites of espousal with those of marriage, bring the evidences of the former, as proofs of the latter custom. That the ring was used in espousals, and not in the solemnity of marriage itself, in the time of Pope Nicholas, anno 860. seems pretty evident from the distinct account, which he gives of the ceremonies used in the Roman Church, first in espousals, and then in the solemnity of marriage, which he plainly speaks of as distinct things.” With us, “says, he,”⁴

auxilio destitutæ sint, juste consultit, &c.—Item, in illâ donatione, quæ in omnibus intra ducentorum solidorum est quantitatem, nec actorum confectio querenda est.

¹ Cod. Justin. lib. viii. tit. 56. De Donationibus. leg. 34. Sancimus omnem donationem ante nuptias factam, usque ad trecentos solidos cumulatam, non indigere monumentis, &c.

² Ibid. leg. 36.

³ Vid. Selden. Uxor. Hebr. lib. ii. cap. 14. et 25. p. 253.

⁴ Nicol. Respons. ad Consulta Bulgarorum. Con. tom. 8. p. 517. et. ap. Gratian caus. xxx. quæst. v. cap. 3. Apud nos trates post sponsalia, quæ futurarum nuptiarum sunt promissio, fœdera quæque consensu eorum qui hæc contrahunt, et eorum in quorum potestate sunt, celebrantur. Postquam arris sponsam sibi sponsus, per digitum fidei annulo

after the espousals, which are a promise of future marriage the marriage-covenants are celebrated, with the consent of those, who have contracted, and of those, in whose power they are. "Then he describes distinctly the ceremonies peculiar to each." In the espousals the man first presents the woman, whom he betrothes, with the arræ or espousal-gifts; and among these he puts a ring upon her finger; then he delivers the dowry agreed upon by both parties, in writing before witnesses invited on both sides to attest the agreement. Thus far the espousals. After this, either presently, or in some convenient time following, that nothing might be done before the time appointed by law, they are both brought to the nuptial solemnity. Where first of all they are placed in the church, to offer their oblations by the hands of the priest: and then they receive the benediction and the celestial veil: and after this going out of the church they wear crowns or garlands upon their heads, which are kept in the church for that purpose. Here we have the ceremonies of espousals, and the ceremonies of marriage distinctly described: and among the ceremonies of espousals, we find the ring, but not mentioned again in the ceremonies of marriage: which makes it probable, that it was then only a ceremony of the former, and not of the latter. And thus it was used among the ancient Christians, in their espousals, as an *Arra* or earnest of their future marriage, but not in the solemnity of marriage itself, as far as we can learn from any accounts that are given of it. St. Ambrose speaks of it, but only amongst the rites of espousal, and not of marriage. For describing the behaviour of St. Agnes, the virgin, when the governor of Rome courting her offered her

insignitum desponderit; dotemque utrique placitam sponsus, ejus scripto pactum hoc continente, coram invitatis ab utrâque parte tradiderit; aut mox, aut apto tempore (ne videlicet ante tempus lege definitum tale quid facere præsumant) ambo ad nuptialia fœdera perducuntur. Et primùm in ecclesiam Domini cum oblationibus, quas offerre debent Deo per sacerdotis manum, statuuntur: sicque demum benedictionem et velamen celeste suscipiunt. Post hæc autem de ecclesiâ egressi coronas in capitibus gestant, quæ semper in ecclesiâ ipsâ sunt solitæ reservari.

the espousal gifts, he brings her in thus replying,¹ “depart from me, thou solicitor to sin: for I am already prevented by another lover, who has bestowed upon me much better ornaments, and betrothed me with the ring of his faith, being far more noble both in birth and dignity:” meaning Christ, to whom she was espoused spiritually by the profession of virginity. And before him Tertullian speaks of the *Annulus Pronubus*,² or *ring of espousals before marriage*; inveighing against the heathens for having degenerated from the institutions of their ancestors, which taught women modesty and sobriety, when they knew no other use of gold but upon one of their fingers, which their spouse adorned with the ring of espousals. He does not expressly say, that the ring was used by Christians, but he speaks of it as a laudable ceremony, that might be used by any, and was actually used by the heathens in their espousals. And in another place he says,³ it was innocently used in their espousals: and therefore a Christian might lawfully be present either at the espousals, or the marriages of the heathens, as at any other private and common solemnity, of giving a youth the *Toga Virilis*, *the habit of a man*, or giving a slave a new name at his manumission: for all these things were pure and clean of their own nature; and neither the ring in espousals, nor the joining of a man and woman in marriage descended originally from any honour of an idol. Clemens Alexandrinus is cited by Mr. Selden himself⁴ as an evidence of the antiquity of the use of the ring in espousals among Chris-

¹ Ambros. Ep. xxxiv. *Discede à me fomes peccati* — quia jam ab alio amatore præventa sum, qui mihi satis meliora obtulit ornamenta, et annulo fidei suæ subarravit me longè tenobilior et genere et dignitate.

² Tertul. Apol. cap. 6. Circa fœminas quidem etiam illa majorum instituta ceciderunt, quæ modestiæ, quæ sobrietati patrocinebantur; cum aurum nulla norat præter unico digito, quem sponsus oppignerasset annulo pronubo.

³ Id. de Idololatr. cap. 16. Circa officia privatarum et communium solemnitarum, ut togæ puræ, ut sponsalium, ut nuptiarum, ut nominalium, nullum putem periculum observari de flatu idololatriæ quæ intervenit. Causæ enim sunt considerandæ, quibus præstatur officium. Eas mundas esse opinor per semetipsas: quia neque Vestitus Virilis, neque annulus, aut conjunctio maritalis de alicujus idoli honore descendit.

⁴ Selden. Uxor. Hebr. lib. ii. cap. 25. p. 252. Clem. Pædagog. lib. iii. cap. 11. p. 287.

tians. He says the ring is given her, not as an ornament, but as a seal, to signify the woman's duty in preserving the goods of her husband, because the care of the house belongs to her.

SECT. 6.—And by a solemn Kiss and Joining of Hands.

Another ceremony used in espousals sometimes, was the solemn kiss, which the man gave to the woman in confirmation of the contract. This was a known rite used among Christians in their sacred and religious offices, to testify their cordial love and union and friendship one with another, of which I have spoken in another place.¹ Therefore Constantine in one of his laws made it a ceremony of espousals,² being as proper for this act as any other. And he laid some stress upon it. For if a man betrothed a woman by the intervention of the kiss, then if either party died before marriage, the heirs of the deceased party were intitled to half the donations, and the survivor to the other half: but if the contract was made without the intervention of the solemn kiss, then upon the death of either party before marriage, the whole of the espousal gifts was to be restored to the donor or his heirs at law. And this was made a standing law by Justinian, who inserted it into his Code.³ This ceremony was an ancient rite used by the heathens, together with joining of hands, in their espousals: as we learn from Tertullian, who says,⁴ virgins came veiled to the men, when they made their espousals by a kiss and joining of their right hands together; which was the first resignation of

¹ Book XV. chap. iii. sect. 3.

² Cod. Th. lib. iii. tit. 5.

De Sponsalibus. leg. v. Si ab sponso rebus sponsæ donatis, interveniente osculo, ante nuptias hunc vel illam mori contigerit, dimidiam partem rerum donatarum ad superstitem pertinere præcipimus, dimidiam ad defuncti vel defunctæ hæredes. — Osculo verò non interveniente, sive sponsus sive sponsa obieri totam infirmari donationem, et donatori sponso sive hæredibus ejus restitui.

³ Cod. Justin. lib. v. tit. 3. De Donation. ante Nuptias. leg. xvi.

⁴ Tertul. de Veland. Virgino. cap. xi. Apud ethnicos velatæ ad virum ducuntur: ad desponsationem velantur, quia et corpore et spiritu masculino mixtæ sunt, per osculum et dexteram, per quæ primum resig-
narunt pudorem, &c.

their virgin bashfulness, when they joined both in body and spirit with a man. Now these ceremonies, being innocent in themselves, seem to have been adopted by Christians with other such customs into their espousals, who never scrupled any innocent rites because they had been used by heathens, except such as naturally tended to defile them with some unavoidable stain of idolatry and superstition.

SECT. 7.—And by settling of a Dowry in Writing.

Another part of the espousals was the husband's settling a dowry upon the woman, to which she should be intituled after his death. There are several laws in both the Codes relating to this matter,¹ and containing abundance of law cases, which are not proper to be inserted in this discourse. I only observe two things: first, that the stipulation or promise of a dowry was so usual, that one of the Councils of Arles, mentioned by Gratian,² has a Canon that orders, that no marriage should be made without a dowry, but that there should be something more or less promised according to men's ability. Secondly, this stipulation was commonly made in writing or public instruments under hand and seal: whence the civil law so often speaks of the *Instrumenta Dotalia*, the instruments of dowry, that were ordinarily required in marriage contracts. And in allusion to these, Asterius Amasenus,³ dissuading men from divorce, asks them, how they would rescind and cancel their covenants of marriage? What covenants do you think I mean? Those wherein the dowry is written, signed with your own hand, and sealed with your own seal? These are strong and firm enough indeed: but I carry my meaning a little higher, to the words of Adam: "This is flesh of my flesh, and bone of my bone: she shall be called woman." This is a plain allu-

¹ Cod. Th. lib. iii. tit. 13. De Dotibus. lib. ii. tit. 21. De Inofficiosis Dotibus. Cod. Justin. lib. v. tit. 11, 12, 13, 14, 15.

² Con. Arelat. can. vi. ap. ratian. caus. xxx. q. v. cap. 6. Nullum sine dote fiat conjugium: juxta possibilitatem fiat dos.

³ Aster. Hom. in Mat. xix. 3. ap. Combefis. Auctarium Novum. p. 82.

sion to the then known custom of making instruments of dowry before marriage, and confirming them with their hand and seal, to give them legal strength and obligation.

SECT. 8.—And by transacting the whole Affair before a competent Number of Witnesses.

To make the whole business of espousals not only the more solemn, but also the more firm and sure, it was usual to transact the whole affair publicly before a competent number of chosen witnesses, that is, the presence of the friends of each party, to avoid chiefly clandestine contracts. I know not whether the law specified any certain number, otherwise then calling it *Frequentia et Fides Amicorum*,¹ *the presence and testimony of friends*: but custom seems to have determined it to the number of ten: as appears from a noted passage in St. Ambrose,² where speaking to a virgin, that had fallen from her virgin state, he thus argues with her: if any woman, who before ten witnesses has made espousals, and is joined in marriage with a mortal man, cannot without great danger commit adultery: how do you think will it be, when a spiritual marriage, that is made before innumerable witnesses of the Church, and before the Angels, the heavenly host, is broken by adultery? This gives us evidently to understand, that then the common practice was to celebrate both espousals and marriage at least before ten witnesses to attest them.

SECT. 9.—How far the Obligation of Espousals extended.

Now when the contract of future marriage was thus settled by espousals, it was not lawful for either party to join in marriage with any other, under very severe penalties,

¹ Cod. Th. lib. iii. tit. 7. De Nuptiis. leg. i. et iii.

² Ambros. ad Virginem Lapsam. cap. vi. Si inter decem testes confectis sponsaliis, nuptiis consummatis, quævis viro fæmina conjuncta mortali, non sine magno periculo perpetrat adulterium: quid putas fore, si inter innumerabiles testes ecclesiæ, coram Angelis, exercitibus cæli, facta copula spiritalis per adulterium solvitur?

(which both the civil and ecclesiastical law inflicted, unless the time of marriage was fraudulently protracted beyond two years, which was the time limited for the duration of espousals. Augustus Cæsar by those famous laws, called the Julian and Papian Laws, had so restrained the time of espousals, as that if a man did not consummate the marriage within two years, he could reap no benefit from his espousals. But whereas soldiers, who were absent upon public affairs, might seem to require a longer time, Constantine by one of his laws limited them to two years also. So that if a woman, who was espoused to a soldier, had waited two years, and the marriage was not completed,¹ she was then at liberty to marry to any other, because then it was not her fault, but the man's, who protracted the marriage beyond the time which the law appointed. But if a father, or a mother, or a tutor, or a guardian, or any other relation, who had betrothed a virgin to a soldier, should afterward, before the two years were expired, give her in marriage to any other, he should be liable to be banished, as guilty of a perfidious breach of contract. By another law he also appointed,² that if a man, who had espoused a woman, should afterward refuse to marry her, upon any frivolous pretence that he did not like her morals, or her pedigree, or started any other such trifling objection, the woman might retain whatever gifts he had made her upon espousal, and recover of him whatever more he had promised her upon the same score, though it was yet actually remaining in his own possession. And on the other hand, if the woman, who was

¹ Cod. Th. lib. iii. tit. 5. De Sponsalibus. leg. iv. Patri aut matri puellæ, aut tutori, vel curatori, aut cuilibet ejus affini non liceat, cum prius militi puellam desponderit. eandam alii in matrimonium tradere. Quod si intra biennium, ut perfidiæ reus in insulam relegatur. Quod si pactis nuptiis transcurso biennio, qui puellam desponderit, alteri eandem sociaverit, in culpam sponsi potius quàm puellæ referatur, nec quicquam noceat ei, qui post biennium puellam marito alteri tradiderit. Vid. Cod. Justin. lib. v. tit. 5. De Sponsalibus. leg. ii.

² Cod. Th. lib. iii. tit. 5. De Sponsalibus. leg. ii. Siquidem sponte vir sortiri noluerit uxorem, id quod ab eo donatum fuerat, nec repetatur traditum, et siquid apud donatorem resedit, ad sponsam submotis ambagibus transferatur, &c.

espoused at full age, that is, when she was twelve years old, refused to make good her contract; or her parents or guardians would not permit her to do it; or if a widow, who was of age to make her own espousal contract, afterward fled from it: then they were not only to forfeit all their espousal gifts, but also to be amerced quadruple for their falseness and breach of contract. As appears from several laws of Theodosius and Honorius,¹ which intimate also, that this was the old Julian and Papian law of the Roman empire from the time of Augustus. And though Leo and Anthemius a little moderated this penalty, yet they did not quite take it away, but only reduced it from quadruple to double, and so Justinian left it² as the standing law of the empire in his Code. The ecclesiastical law was no less severe against all such perfidiousness in espousal contracts. For the Council of Eliberis orders,³ that if any parents broke the faith of espousals, they should for their crime be kept back three years from the communion. And if either the man or the woman, who were espoused, were guilty of the same crime, they should undergo the same punishment. It was further appointed by the Council of Ancyra,⁴ that if any one stole a woman, that was espoused to another, she should be taken from him, and restored to the former, who had before espoused her, although the raptor had committed a rape and done violence to her. And the Council of Trullo determines⁵ it to be downright adultery for a man to marry a woman, that was betrothed to another, during the life of him, who had espoused her. Siricius says,⁶ it was a sacrilegious

¹ Cod. Th. lib. iii. tit. 5. De Sponsal. leg. vi. et vii. It. tit. vi. leg. i. et tit. x. leg. i.

² Cod. Just. lib. v. tit. i. De Sponsalibus. leg. v. ³ Con. Eliber. can. liv. Si qui parentes fidem frugerint sponsaliorum, triennii tempore abstineant se a communione. Si sponsus vel sponsa in illo gravi crimine fuerint deprehensi—Superior sententia servetur.

⁴ Con. Ancyra. can. xi.

⁵ Con. Trull. can. xxviii.

⁶ Siric. Ep. i. ad Himerium cap. iv. De conjugali autem violatione requisisti, si desponsatam alii puellam alter in matrimonium possit accipere. Hoc ne fiat omnibus modis inhibemus: quia illa benedictio, quam nupturæ sacerdos imponit, apud fideles cujusdam sacrilegii instar est, si ullâ transgressionem violetur.

act for a man to marry a woman that was before espoused to another; because it was violating the benediction, which the priest had given to the woman espoused in order to her future marriage. By which we are given further to understand, that a ministerial benediction was sometimes used in espousals, as well as marriage, though they were then separate acts from one another. But the obligation of espousals is not to be extended further than the law required, which in several cases admitted of just limitations and exceptions; as in case a parent disposed of a child in espousals before she was ten years old; or at any other age against her own free choice and consent; or in case a judge of a province made espousals with a provincial woman during the year of his administration; or any other man protracted the time of marriage beyond the two years, which was limited by law for the duration of espousals. In all these cases, espousals became void, and it was no crime not to fulfil them, because the laws themselves only made them obligatory with such provisions and restrictions.

SECT. 10.—Whether they were simply and absolutely necessary to precede a just and legal Marriage?

There remains one question more to be resolved concerning espousals, that is, whether in whole or in part the ceremony of espousals was simply and absolutely necessary to go before a marriage, to make it just and legal? These are two very different questions, whether it be necessary to observe an espousal-contract? And, whether it be necessary to make such a contract at all before marriage, in order to make the marriage legal? And as in the first question the law made the obligation precisely necessary, except in cases otherwise by law determined: so in the second question it laid no general obligation upon men at all to make formal espousals before marriage, but only upon some certain orders of men, for the dignity and conveniency of their order. This appears plainly from a law of Theodosius junior, wherein he allows the legality of marriage without any of the ceremonies of espousal preceding. If the instruments

of donation, or the instruments of dowry be wanting,¹ or the nuptial pomp, or other celebrities of marriage, let no one reckon upon that account, that the marriage is not good, which is otherwise rightly made; or that the children born in such a marriage are not to be esteemed legitimate; if the marriage be celebrated between persons of equal rank, without any legal impediment, with the consent of both parties, and the testimony and approbation of friends. Here, as Gothofred observes, four things are precisely required to a legal marriage. First, equality of condition: a person of liberal fortune was not to marry a slave, or one of vile and infamous character. 2. No legal impediment must prohibit their uniting: a Christian must not marry an infidel or Jew, nor one of his near kindred, nor a provincial judge a woman of his own province in the time of his administration: because these were things prohibited by the law. 3. There must be free consent of both parties, without which no marriage was valid or firm. 4. There must be consent of parents and a sufficient number of friends to attest the fact and prevent clandestine marriage. These things being observed, there was no necessity of a preceding espousal, or any of the ceremonies and formalities of it, to make the marriage good in law; all necessaries being thus provided in the act of marriage itself, as it is now with us at this day, among whom the formality of espousals is in a great measure laid aside. And thus the matter continued from the time of Theodosius to Justinian, who thought it reasonable to make a little exception to the former law. For in one of his Novels, made after his Code,² which has the former law of Theodosius in the same terms he afterward made a distinction betwixt the nobles and those of the inferior order. The

¹ Cod. Th. lib. iii. tit. 7. De Nuptiis. leg. iii. Si donationum ante nuptias, vel dotis instrumenta defuerint, pompa etiam aliaque nuptiarum celebritas omittatur, nullus æstimet ob id deesse rectè alias inito matrimonio firmitatem; vel ex eo natis liberis jura posse legitimorum auferri; si inter pares honestate personas, nullâ lege impediende fiat consortium, quod ipsorum consensu atque amicorum fide firmatur.

² Justin. Novel. lxxiv. cap. 4. In majoribus dignitatibus et quæcunque usque ad nos, et senatores,

greater dignities, and senators, and men in high stations were not to marry without first settling the dowry and antenuptial donation, and all other ceremonies, which became great names. But the better sort of military men, and tradesmen, and men of honourable profession, might if they pleased, marry without instruments of donation and dowry: yet not altogether without stipulation of dowry and evidence of their marriage. For they were to go to a church, and there before the defensor of the church make public profession of their marriage: and he, taking three or four of the most reverend of the clergy of the Church, shall draw a public attestation, shewing, that in such an indiction, and in such a month, on such a day of the month, in such a year of our reign, when such an one was consul, such a man and such a woman came before him in that church, and were joined together in matrimony. And if both of them, or either of them, are minded to carry away with them a copy of such attestation, the defensor of the church and the other three shall make one for them and subscribe it. And however that be, the defensor shall lay up the original attestation in the archives of the church; that it may be a muniment to all; and they shall not be reputed to have come together with nuptial affection, unless this be done, and the matter be so witnessed with letters testimonial. When this is so done, both the marriage and the offspring shall be reputed legitimate. This is the order to be observed, where there is no instrument of dowry or of antinuptial donation. For the testimony of bare witnesses without writing is suspicious. This was the order for persons of a middle rank and condition to avoid clandestine marriages. Then the law goes on for persons of the lowest rank and poorer con-

et magnificentissimos illustres, neque fieri hæc omninò patimur: sed sit omninò et dos et antenuptialis donatio, et omnia quæ honestiora decent nomina. Quantum viro in mililiis honestioribus, et negotiis, et omnibus professionibus dignioribus est, si voluerint legitimè uxori copulari, et non facere nuptialia documenta: non sic quomodocunque, et sine cautione effusè, et sine probatione hoc agant: sed veniant ad quandam orationis domum, et fateantur sanctissimæ illius ecclesiæ defensori. Ille autem adhibens tres aut quatuor exinde reverendissimorum clericorum attestationem, conficiat, &c.

dition, that is, husbandmen and common soldiers, who were occupied in tilling the land and war, and were supposed to be ignorant of civil causes or the law; their marriage is declared legitimate, though they came together only before witnesses without any instrument in writing at all. Yea, if such an one took a woman for his wife upon oath,¹ touching the holy gospels, whether in the church or out of the church, the marriage was legitimate, if the woman could make legal proof that she was so married to him; and she might claim a fourth part of his substance, though she had no instrument of dowry to shew for it. I have transcribed this long passage of Justinian, both because it shews in general the different ways of marrying, that were then allowed by the civil law, and also in particular that there was no absolute necessity of the preceding formality of ante-nuptial instruments of dowry or donation to make a marriage firm and valid in all cases. And by this we may fairly understand and interpret that difficult Canon of the first Council of Toledo, which orders,² that a man, who has not a wife, but only a concubine instead of a wife, shall not be rejected from the communion, provided he be content to be joined to one woman only, whether concubine or wife, as he pleases. Before the matter was fully settled by these laws of Theodosius and Justinian, a woman that was married to a man without the ante-nuptial instruments of dowry and donation, and other formalities of the law, was not called a wife, but only a concubine, in the language of the law: but in the ecclesiastical sense she was reputed a true wife, because she bound herself by marriage contract to be just and true to one man, though they joined together without the preceding formalities of ante-nuptial espousal, which the law then required: and therefore the Fathers at Toledo made no distinction between a wife and a concubine, as to what concerned the discipline of the Church; provided the woman, whom the law called a concubine,

¹ Justin. Novel. lxxiv. cap. 5. Et Novel. cxvii. cap. 4. ² Con. Tolet. i. can. 17. Is qui non habet uxorem, et pro uxore concubinam habeat, à communione non repellatur, tantùm ut unius ulieris, aut uxoris, aut concubine, ut ei placuerit, sit conjunctione con-

was in reality a wife by marriage contract; though she wanted the formality of espousal, which was then required in the civil law, but afterwards relaxed in some cases by the Edicts of Theodosius and Justinian, as I have here shewn, after the time of the Council of Toledo. And thus much for the laws and rules concerning espousals before marriage: I now come to the rites and ceremonies of marriage itself.

CHAP. IV.

Of the Manner of Celebrating Marriage in the Ancient Church.

SECT. 1.—The Solemnities of Marriage between Christians usually celebrated by the Ministers of the Church from the Beginning.

HERE the first questions will be, by whom the ceremonies and solemnities of marriage were anciently performed? And whether the benediction of a minister was necessary, as in after ages, to make a marriage firm and good according to the laws of Church and State? To answer these questions aright we must premise some necessary distinctions: 1. Between marriages made among Christians one with another, and marriages made between Christians and infidels, Jews, heathens, and heretics. 2. Between marriages made according to the tenor and direction of the laws, and marriages made against them. 3. Between disapproving of the undue manner of a marriage, and declaring it absolutely no marriage, or utterly null and void. Now if the question be first concerning Christians marrying one with another, by whom the solemnity of marriage was performed? By a minister of the Church, or by any other? I answer, that it is most probable, that in fact for the first three hundred years the solemnities of marriage were usually performed by the ministers of the Church. But secondly, if Christians happened to marry with Jews, or heathens, or heretics (as they sometimes did) then as the Church did altogether discou-

rage such marriages, so it is probable that the ministers of the Church never had any hand or concern in solemnizing them. But thirdly, whilst the Roman laws allowed such marriages, it was not in the power of the Church to reverse or annul them, but only to punish the delinquents by her censures. Only in such cases as the laws prohibited, as all incestuous marriages; and children marrying against the consent of their parents, which the Roman laws not only prohibited, but many times annulled: I say, in such cases the Church could go a little further, being warranted by the laws of the state, as well as the laws of God to declare such marriages void. 4. Though the Church disapproved of any undue manner of marriage that the state forbid; as marrying without espousals and instruments of dowry, whilst the civil law was against it: yet she did not proceed so far, as to declare such marriages absolutely no marriages, or utterly null and void. Concerning the three last points there are no disputes worth mentioning among learned men. But concerning the first point a great dispute is raised by Mr. Selden: for he will by no means allow,¹ that it was the general practice among Christians, when they made marriages one with another, to have the marriage solemnized by a minister of the Church. He owns, it was sometimes so done by the choice of the contracting parties, or their parents inclining to it; but he asserts, they were under no obligation of law so to do, nor did any general custom prevail to give it so much as the title of a general practice. But Mr. Selden in this is contradicted by eminent men of his own profession. He himself owns,² that Dionysius, Gothofred, and Hotoman are against him in point of law: and Jacobus Gothofred, the famous commentator upon the Theodosian Code, is against him in point of practice. The former Gothofred³ and Hotoman⁴ are of opinion, that the words *Vota Nuptiarum* in one of Justinian's laws, means the celebra-

¹ Selden. Uxor. Hebr. lib. ii. cap. 29, p. 305.
p. 306.

² Dionys. Gothofred. Not. in Cod. Justin. lib. v. tit 4.

De Nuptiis. leg. xxiv.

³ Hotoman. Quæst. Illustr. Q. xxv.

tion of marriage by the clergy: the other Gothofred thinks the passage hardly express enough to be a full proof of the matter: but then he is clear against Mr. Selden in point of practice. For he says the Ancient Church in general, and the African Church in particular were ever wont to celebrate marriages by the solemn benediction of the clergy. And he gives very good proofs of his assertion.¹ His first evidences are from Tertullian, who in one place has these remarkable words:² “how can I sufficiently set forth the happiness of that marriage, which the Church makes or conciliates, and the oblation confirms, and the benediction seals, and the angels report, and the father ratifies.” In which words, Gothofred says,³ the Church is said to conciliate the marriage, because in those times men commonly asked wives of the ecclesiastics, and consulted them about their marriage, and the profession of marriage was made before them, and finally the ecclesiastics gave wives by their benediction. He adds, that Tertullian in this place alludes to the five rites of the Gentiles used in their marriages: 1. The *proxenetæ*, or *conciliators of marriage*. 2. The offering of the kiss and espousal donations. 3. The obsignation of the instruments. 4. The testimony and presence of witnesses and friends. 5 and lastly. The consent of parents in the marriage of their children. To which Tertullian opposes as many things intervening in a Christian marriage, viz. 1.

¹ Gothofred. in Cod. Th. lib. iii. tit. 7. de Nuptiis. leg. 3.

² Tertul. ad Uxor. lib. ii. cap. 1. Unde sufficiam ad enarrandam tantam felicitatem matrimonii, quod ecclesia conciliat, et confirmat oblatio, et obsignat benedictio, angeli renunciant, pater rato habet.

³ Gothofred. ibid. Quo quidem loco ecclesia matrimonium conciliare dicitur, quia ab ecclesiasticis ferme conjuges postulabantur, superque matrimonio hi consulebantur, apud hos matrimonii professio fiebat; benedictione denique ecclesiastici conjuges dabant: et in summam illo loco Tertullianus alludit ad quinque ritus gentilitios, qui in nuptiis interveniebant: conciliatores scilicet seu proxenetæ nuptiarum; oblationem osculi et arrarum; obsignationem tabularum; amicorum testiumque fidem et præsentiam; parentis denique consensum, si de liberorum nuptiis ageretur: quibus Tertullianus totidem quæ in matrimonio Christiano interveniebant, opponit: conciliationem ecclesiæ seu ecclesiasticorum; oblationem precum; obsignationem quæ fit benedictione ecclesiasticorum; renuntiationem, fidem, testimonium angelorum; *ratihabitionem* Patris nostri cœlestis.

The conciliation of the Church or the ecclesiastics. 2. The oblation of prayers (I add, perhaps also the oblation of the eucharist, which commonly went together). 3. The obligation made by the benediction of the ecclesiastics. 4. The renunciation, faith, and testimony of the angels. And 5. The ratification or confirmation of our Father, who is in Heaven. A second passage alledged by Gothofred out of Tertullian is, where he speaks of clandestine marriages, saying,¹ “ Among us, secret marriages, that is, such as are not publicly professed before the Church, are in danger of being condemned as fornication and adultery.” And in another place, speaking of second marriages, and dissuading all persons from them, he says,² “ How canst thou ask such a marriage of those, who cannot themselves have what thou askest of them? For the bishop, the presbyters, and the deacons, and the widows of the Church, whose society thou rejectest, are all Monogamists, or but once married. Yet they will give husbands and wives as they do morsels, that is, to every one that asks, and join you together in the Virgin Church, the only spouse of one Christ.” Mr. Selden excepts against this passage, as making the widows have the same concern in the marriage as the ministers: but that is a plain mistake; for the widows might be concerned in giving their consent and approbation, which Tertullian calls the conciliation of marriage; but the ministers were concerned further in giving the benediction also. This benediction is spoken of likewise by St. Ambrose, as the custom of the Italic Churches in his time: for, says he,³ when marriage ought to be sanc-

¹ Tertul. de Pudicitia. cap. 4. Ideò penes nos occultæ quoque conjunctiones, id est, non prius apud ecclesiam professæ, juxta mœchiam et fornicationem judicari periclitantur, &c.

² Id de Monogamia. cap. 11. Qualis es id matrimonium postulans, quod eis, à quibus postulas, non licet habere? Ab episcopo monogamo, à presbyteris et diaconis ejusdem sacramenti, à viduis quarum sectam in te recusasti; et illi planè sic dabunt viros et uxores quomodo buccellas: hoc enim est apud illos, omni petenti te dabis, et conjungent vos in ecclesiâ virgine, unius Christi unicâ sponsâ.

³ Ambros. Ep. 70. Cum ipsum conjugium velamine sacerdotali et benedictione sanctificari oporteat, quomodo potest conjugium dici ubi non est fidei concordia?

tified by the sacerdotal veil and benediction, how can that be called a marriage, where there is no agreement in the faith? Gothofred thinks also that the same custom may be deduced out of those words of Ignatius:¹ “It becomes both men and women when they marry, to make the union *μετὰ γνώμης τοῦ ἐπισκόπου*, with the will and direction of the bishop, that the marriage may be according to the Lord, and not merely according to the instigation of their own lusts.” And further from what Gregory Nazianzen says, of the marriage of Olympias,² that a great number of bishops were present at the solemnity, and that he himself was present in heart and will, celebrating the festival, and joining the right hands of the young couple together, and both of them to the hand of God. Where joining of them to the hand of God, is plainly but another expression for the benediction. This is further evident from the fourth Council of Carthage, which orders,³ that both the man and the woman that are to be blessed by the priest, should be presented by their parents, or by their *paranymphs*, *bridemen*, who stood in the stead of their parents. Thus far the evidences produced by Gothofred. To which we may add that of St. Austin, who lived at the time of the Council of Carthage, where, he tells us,⁴ it was in the bishop’s power absolutely to give women in marriage, but they could not give them to men that were heathens. The benediction is not here expressly mentioned, but considering the whole affair was in the bishop’s power, the benediction may easily be inferred from it. And Possidius in his life makes express mention of it. For he says, it was St. Austin’s opinion, which he learned from the Institutes of St. Ambrose, that a priest indeed ought not to be a solicitor of marriage in making matches between men and women: but when they themselves had

¹ Ignat. Ep. ad Polycarp.

² Naz. Ep. 57.

³ Con.

Carth. 4. can. 13. Sponsus et sponsa, cum benedicendi sunt à sacerdote, à parentibus suis vel paranymphis offerantur, &c.

⁴ Aug. Ep. 234.

ad Rusticum. Etiamsi nostræ absolutæ sit potestatis quamlibet puellam in conjugium tradere, tradi a nobis Christianam nisi Christiano non posse.

agreed upon the matter,¹ then at their joint request he ought to be present, either to confirm their agreement, or give it the benediction. In like manner St. Chrysostom, inveighing against the lascivious and diabolical pomps, which some used at their marriages, says,² they ought rather to teach the virgin modesty in the entrance upon marriage, and to call for the priest, and by prayer and benediction, tie the knot of unity in marriage; that the husband's love might increase, and the wife's chastity might be improved; that the works of virtue might enter into the house by all that was then done, and the wiles and works of the devil be cast out. This is a plain account of what that father desired, and what was practised by the better sort of Christians in such solemnities. Siricius, Bishop of Rome, lived about the same time with St. Chrysostom and St. Austin, and he particularly mentions the benediction of the priest as used in marriage, giving it as a reason,³ why a woman that is espoused to a man, ought not to be married to any other, because among Christians it was reckoned a sort of sacrilege to violate the benediction, which was given by the priest to a woman upon her espousal. And after him Pope Hormisdas, who lived about the year 520, a little before the time of Justinian, made a decree,⁴ that no one should make a clandestine marriage, but receiving the benediction of the priest, should marry publicly in the Lord. These evidences are abundantly sufficient to shew what was the general practice of Christians in this matter from the very first ages.

¹ Possid. Vit. Aug. cap. 27. Sed planè ad hoc sibi jam illis consentientibus, petitum interesse debere affirmabat sacerdotem, ut vel eorum jam pacta et placita firmarentur, vel benedicerentur.

² Chrys. Hom. 48. in Gen. t. ii. p. 681. Δείον—*ιέρειας καλεῖν, ἃ δι' ἐνχῶν ἐλόγιων τὴν ὁμόνοιαν τοῦ συνοικεῖσιν συσφίγγειν, &c.* Agreeably to this St. Basil calls marriage the *bond or yoke that men take upon them by benediction*—ὁ δὲ τῆς ἐλόγιας ζυγός.—Basil. Hom. 7. in Hexamer. t. i. p. 81.

³ Siric. Ep. 1. ad Himerium. cap. 4. et ap Gratian. caus. 27. quæst. ii. cap. 50. De conjugali violatione requisisti, si desponsatam alii puellam alter in matrimonium possit accipere? Hoc ne fiat omnibus modis inhibemus; quia illa benedictio, quam nupturæ sacerdos imponit, apud fideles ejusdam sacrilegii instar est, si ullâ transgressione violetur.

⁴ Hormisdæ Decret. capt 6. Nullus fidelis, ejuscunq̄ conditionis sit, occultè nuptias faciat, sed benedictione acceptâ à sacerdote publice nubat in Domino.

SECT. 2.—In what Cases it might happen to be otherwise.

And as to any exceptions that may be alleged against such an universal practice, they are of little moment. Some marriages indeed, notwithstanding all the care and advice of the Church, were made between Christians and heathens: and in that case, the ministers of the Church could have no hand in the marriage, nor give any benediction to it, because it was directly contrary to the rules of the Church, that any Christian should marry an heathen. Again, some Canons discouraged, though they did not absolutely forbid second and third marriages after the death of a first wife or husband, and forbid any presbyter to be present at them. The Council of Neocæsarea has a Canon to this purpose:¹ “No presbyter shall be present at the marriage feast of those that marry twice: for a Digamist requires penance. How then shall a presbyter by his presence at such feasts give consent to such marriages? And if he might give no consent to them by his presence, much less might he authorize them by his solemn benediction.” Peter Martyr² and the Gloss upon Gratian³ understand this Canon as forbidding the clergy to have any concern in the marriage of proper Polygamists, or such as married a second wife whilst the first was living; which is no more than all the clergy are prohibited at this day: for polygamy may not now be authorized by sacerdotal benediction. But if we take the Canon in the common sense of marrying a second wife after the first was dead, and suppose the clergy forbidden to give the benediction to such marriages: yet this was but a Canon of a particular Council, which never much prevailed. For we are sure in fact, that second marriages had generally sacerdotal benediction, as well as the first: and therefore whatever might happen upon the strength of that Canon, could be no great exception to the general practice. But that, which gave the greatest liberty to marry without sacer-

¹ Con. Neocæsar. can. 7.
10. p. 277.

² Pet. Mart. Loc. Com. lib. ii. cap.
³ Gratian. caus. 31. quest. i. cap. 8.

dotal benediction, was the allowance, which the laws of the empire granted to other ways of marrying besides that of solemnizing marriage by the benediction of the clergy. For though this had no great effect for the first three hundred years, whilst the laws continued heathen (for then the generality of Christians were no more disposed to marry without the benediction of the bishop or some of the clergy, than they were inclined to end their civil controversies any other ways than by the bishop's arbitration and decision): yet afterwards, when the laws became Christian, and no immediate provision was made to oblige men universally to solemnize marriage by the benediction of the clergy; but other ways were still allowed as sufficient to make a marriage good in law without it; men began to fall off from the ancient practice, some for one reason and some for another, till by degrees the primitive way of marrying among Christians came to be much dishonoured and neglected.

SECT. 3.—How the Primitive Practice was revived, when it came to be neglected.

This made some of the more zealous emperors, who about the eighth and ninth centuries were a little inclined to correct and reform some abuses, which the corruption of the times had brought in upon the discipline of the Church, to look upon this neglect of marrying without sacerdotal benediction as an abuse among the rest, and a deviation from the more ancient laudable practice. Hereupon they set themselves to revive the primitive custom, and make some more effectual provision than had hitherto been done, by more express and general laws to establish and confirm it. Charles the Great enacted a law in the West about the year 780, wherein he ordered,¹ that no marriage should be celebrated any other way than by blessing with sacerdotal prayers and oblations: and whatever marriages were per-

¹ Carol. Capitular. lib. vii. cap. 363. *Aliter legitimum non fit conjugium— nisi sponsa suo tempore sacerdotaliter cum precibus et oblationibus à sacerdote benedicatur, &c.*

formed otherwise, should not be accounted true marriages, but adultery, concubinage, or fornication. And about the year 900, Leo Sapiens,¹ in the eastern empire, revived the same ancient practice, which ever since continued to be the practice of the Church. Mr. Selden,² and Gothofred,³ both agree in this, that now the necessity of sacerdotal benediction was established by law: but they differ in one point, that Mr. Selden supposes this was the first beginning of the general practice of making marriages by sacerdotal benediction: whereas Gothofred thinks, it was only a reviving of a former ancient general practice, which for some ages had been much neglected. And that the truth lies on Gothofred's side, the reader from what had been said will be able very easily to determine.

SECT. 4.—Other Ceremonies used in Marriage, as Joining of Hands and Veiling.

Having thus resolved the main question concerning sacerdotal benediction, I now go on with the lesser ceremonies used in marriage. Among which we find the ancient rite of joining the right hands of the espousing parties together. For so we have heard Gregory Nazianzen already representing the marriage of Olympias,⁴ that it was done by joining the right hands of the young couple together, and both their hands to the hand of God. St. Ambrose⁵ also takes notice of the custom of veiling, as a ceremony used in marriage, when he says, the Christian marriage ought to be sanctified with the sacerdotal veil and benediction. Tertullian also mentions the custom of veiling as used by the heathens, which he commends,⁶ together with the ceremony

¹ Leo. Novel. lxxxix. *περὶ τῆς τὰ συνοικίᾳ ἀνευ τῆς ἱεραγ εὐλογίας μὴ ἐπιφύσθα.* ² Selden. Uxor. Hebraica lib. ii. cap. 29. p. 309. ³ Gothofr. in Cod. Th. lib. iii. tit. 7. De Nuptiis. leg. iii. p. 281. ⁴ Naz. Ep. lvii. ⁵ Ambros. Ep. lxx. Cùm ipsum conjugium velamine sacerdotali et benedictione sanctificari oporteat. &c. ⁶ Tertul. de Veland. Virgin. cap. xi. At quinetiam apud ethnicos velatæ ad virum ducuntur. Si autem ad desponsationem velantur, quia et corpore et spiritu cunctæ sunt per osculum et dexteras, &c.

of the solemn kiss and joining of hands. But these he speaks of rather as ceremonies used in espousals before marriage: though we may suppose them to be used in both, since the Latin name of marriage, *Nuptiæ*, is observed by the Roman antiquaries to have its name from *Obnubere*,¹ which signifies to veil or cover.

SECT. 5.—Untying the Woman's Hair.

Optatus seems to allude to another ceremony, which I have not yet found expressly mentioned in any other author: that is, the woman's loosing or untying her hair in the solemnity of marriage. For writing against the Donatists, who had re-consecrated the Catholic virgins, who before had espoused themselves to Christ, he says,² those virgins, to shew that they had renounced all secular marriage, had untied their hair to a spiritual husband, they had already celebrated a celestial marriage. Why therefore did ye compel them to untie the hair again? This seems to allude to some such custom in secular marriage: because he adds,³ that when women married a second time in the world, this was not used: which implies, that it was used the first time, though omitted in second marriages, as many other ceremonies of temporal festivity were, viz. gay dressing, and crowning, and what naturally followed them, the great concourse and acclamations of the people. But if any one thinks this was not an allusion to any ceremony used in secular marriages, but rather a ceremony actually used in spiritual marriages of virgins to Christ: because St. Jerom⁴ speaks of their cutting off their hair in some places, when they renounced the world, and devoted themselves to Christ: I will not stand

¹ Rosin. Antiquit. Rom. lib. v. cap. 35. p. 959.

² Optat. lib. vi.

97. Ut sæcularibus nuptiis se renunciâsse monstrarent, spiritali sponso solverant crinem, jam cælestes celebraverant nuptias. Quid est quod eas iterum crines solvere coegistis?

³ Ibid. Ut erines iterum solverent imperâstis. Hoc nec mulieres patiuntur, quæ carnaliter nubunt: ex quibus si alicui maritum mutare contigerit, non repetitur illa temporalis festivitas: non in altum tollitur: non populi frequentia procuratur.

⁴ Hieron

Ep. xlviii. cont. Sabinianum.

to contend about a matter both small and obscure, but go on to that, which is more certain in secular marriages, which is our present subject.

SECT. 6.—Crowning the new married Couple with Crowns or Garlands.

When the sacred office of benediction was over, and the married persons were ready to depart, it was usual to crown the bridegroom and bride with crowns or garlands, the symbols of victory. For now it was supposed they had hitherto striven virtuously against all manner of uncleanness, and therefore were crowned as conquerors in their marriage. St. Chrysostom mentions the ceremony,¹ and gives this account of it: crowns are therefore put upon their heads, as symbols of victory, because being invincible they entered the bride-chamber without ever having been subdued by any unlawful pleasure. So that this ceremony was used as a mark of honour and note of distinction, to reward their virtue, and put a difference between them and such as had before addicted themselves to fornication and uncleanness. For to what purpose, says Chrysostom again, should he wear a crown upon his head, who had given himself up to harlots, and been subdued by pleasure? Which seems to imply, that fornicators were denied this honour, when they came to marry: that being a part of their punishment among other acts of discipline in the Church. And upon the same account this ceremony was seldom or never used in second and third marriages, because though they were not absolutely condemned as unlawful, yet they were not reckoned so honourable as the first. As to the ceremony in general, Mr. Selden says,² it is mentioned by Gregory Nyssen, and Basil of Seleucia, and Palladius. And it is more than once noted by Sidonius Appollinaris, who, speaking of the marriage of Ricimer, and describing the pomp of it, says, now the virgin was delivered into his hands, now the bridegroom was

¹ Chrys. Hom. ix. in 1 Tim. p. 1567.

² Selden. Uxor. Hebr. lib. ii. cap. 24. p. 245. et Sherlogus in Cantic. Vestigat. xvii. n. 16.

honoured with his crown.¹ And again in his panegyric to Anthemius the emperor, speaking of the same marriage of Ricimer, who married the emperor's daughter, he says to Ricimer in the poetical strain,² this marriage was procured by your valour, and the laurel crown gave you the crown of myrtle alluding to the different customs of crowning warriors with laurel and bridegrooms with myrtle. This was indeed an old ceremony used in heathen marriages; as we learn from Tertullian,³ who reckons it an idolatrous rite as used by them, and therefore says Christians did not marry with heathens, lest they should draw them to idolatry, from which their marriages took their beginning. But the ceremony was innocent in its own nature, and therefore the Christians never made any scruple to adopt it into the rites of marriage, which they made among themselves, because it was a significant ceremony declaring the innocency of the parties joined together. For which it is still retained among the Greeks, as we learn from Nicetas, bishop of Heraclea,⁴ a modern greek writer, and Metrophanes Critopulus,⁵ and Dr. Smith,⁶ in his account of the Greek Church. It is also spoken of with approbation by Peter Martyr,⁷ and other Protestant writers, who commend it as a laudable ceremony for the reason given by St. Chrysostom. And it is still retained among the Helvetians, as Mr. Werndley informs us in his Notes upon the Tigurine Liturgy.⁸ But I return to the Ancient Church.

¹ Sidon. lib. i. Ep. 5. p. 29. Jam quidem virgo tradita est, jam coronâ sponsus honoratur.

² Id. Carm. ii. ad Anthem. ver. 503.

Hos thalamos, Ricimer, virtus tibi pronuba poscit,
Atque Dionæam dat Martia laurea myrtum.

³ Tertul. de Coron. Mil. cap. xiii. Coronant et nuptiæ sponsos: et ideò non nubimus ethnicis, ne nos ad idololatriam usque deducant, à quâ apud illos nuptiæ incipiunt.

⁴ Nicet. Respons. ap. Leunclavium. Jur

Græc. Rom. tom. i. p. 310.

⁵ Critop. Confess. fidei. cap. xii

⁶ Smith. Account. &c. p. 189.

⁷ Pet. Mart. Loc

Com. lib. ii. cap. x. n. 22.

⁸ Werndley. p. 152.

SECT. 7.—Carrying the Bride Home to the Bridegroom's House; how far necessary in some Cases of Law.

There was one custom more, which is not to be reckoned so much among the religious ceremonies, as to be put into the account of the pomp that attended marriage: and I should not have mentioned it in this place, but that it was required as necessary in some cases of law. That is, the custom of the woman's being carried by the husband home to his own house; whence the phrase *ducere uxorem* is so commonly used on the man's part for marrying a wife; as *nubere* is proper on the woman's part for being married, on account of the veiling used in marriage, as has been noted before. But I mention it not barely upon this account, but because in some cases it was a condition precisely required in law, before a man could lay claim to some privileges belonging to marriage. As appears from one of the laws of the Emperor Valens,¹ concerning the Tyrones, or soldiers newly listed into military service. To encourage the speedier recruiting of the army, Valens made a law, that every new soldier from the time of his listing, or taking the military oath, should be free from the capitation tax: and not only so, but if he served faithfully five years, his wife also should be free from the same tax, provided that after he had married her, he brought her to his own house, and did not leave her in her former habitation; for if he did so, she could not be proved to be his wife, and therefore should be kept with the burden of the tax upon her. Justinian² made

¹ Cod. Th. lib. vii. tit. 13. de Tyronibus. leg. vi. Si quinquennii tempus fidâ obsequii devotione compleverit, uxoriam quoque capitationem merito laborum præster immunem: eâ scilicet servandâ ratione, ut quam sibi uxorem copulaverit affecta, et in priore lare derelictam memorarit, inprobata (leg. inprobata) census sarcina sustineat.

² Cod. Justin. lib. v. tit. 4. De Nuptiis. leg. xxiv. Sancimus, si quis nuptiarum fecerit mentionem in quocumque pacto quod ad dandum vel ad faciendum concipitur, et sive nuptiarum tempus dixerit, sive nuptias nominaverit: non aliter conditionem intelligi esse adimplendam, nisi ipsa nuptiarum accedat festivitàs, &c.

a law of the same nature for other cases: that if any one made a bargain to give or to do any thing upon marriage, whether he called it the time of marriage, or named it marriage itself: the condition should not be interpreted to be fulfilled, till the festivity of marriage (which comprehended this ceremony of carrying the wife to the house of the husband) was completed. So that it was necessary in these cases for certain ends and purposes, though otherwise the marriage was sufficiently perfected without it. Yet it being an ancient custom, the pomp of the marriage was deemed imperfect, till this ceremony was used: as we may gather from that of Sidonius,¹ where he says, the pomp of the marriage was not yet fully completed, because the new bride was not yet removed to the house of her husband.

SECT. 8.—How far the Marriage Pomp was allowed or disallowed by the Ancient Fathers.

This was an innocent part of marriage pomp, which was often attended with the concourse and acclamations of the people. Neither was it reckoned any harm to have a decent *Epithalamium*, or modest nuptial song, or a feast of joy suitable to the occasion. But the *Fescennina*, or immodest ribaldry, that was sometimes used under the notion of the marriage pomp, and the scurrility and obscenity of actors and mimics fetched from the stage, together with the excessive revellings and dancings, that some called innocent nuptial mirth and diversion, were looked upon as great abuses; and accordingly proscribed and condemned by some Canons, and severely inveighed against by the Fathers, as things utterly unbecoming the modesty and gravity of Christian marriages. The Council of Laodicea says,³ Christians ought not at marriages βαλλίζειν ἢ ὀρχεῖσθαι, to use wanton balls or dancings, but dine or sup gravely, as becomes

¹ Sidon. lib. i. Ep. v. Nondum tamen cuncta thalamorum pompa defrenuit, quia necdum ad mariti domum nova nupta migravit.

² Con.

Laodic. can. liii.

Christians. Some by the word βαλλίζειν understand playing on cymbals and dancing to them. So Suidas¹ and Zonaras² interpret it. But the word denotes something more, viz. tossing the hands in a wanton and lascivious manner: and in that sense there might be good reason to forbid it: whereas bare music and dancing without any immodest or antic tricks seems hardly a crime worthy a Canon to forbid it. And if we may judge by Chrysostom's sharp invective against this and other extravagances committed at marriage feasts, there must be something more extraordinary in them. For speaking of Isaac's marriage with Rebecca, consider here, says he,³ how there was no satanical pomp, no cymbals, and piping, and dancing, no satanical feasting, no scurrilous buffoonery or filthy discourse, but all was gravity, wisdom, and modesty. Let husbands and wives now imitate these. For why should a husband from the very first suffer the ears of his young spouse to be filled with filth from lascivious and obscene songs, and such unseasonable pomp? Know you not that youth of itself is inclined to evil? Why do you bring the mysteries of venerable marriage upon the open stage? You ought to drive away all this sort, and teach the young bride modesty from the beginning. So again,⁴ discoursing of the marriage of Jacob and Leah, you see, says he, with what gravity marriages were anciently celebrated. Hear this all ye that admire satanical pomps, and disgrace the honour of marriage from the very beginning? Was there here any satanical dancings? Why do you bring such a plague into your house from the very first moment? Why do you call the actors from the stage, and with unseasonable expence wound the virgin's chastity? It is difficult enough without such fomenters to moderate the torrent of youthful affections: but when these things are added both by seeing and hearing, to raise a greater flame, and make the furnace of the affections rage more violently, how is it

¹ Suidas Voce βαλλίζειν.

² Zonar. in can. liii. Laodic.

Chrys. Hom. xlviii. in Genes. p. 680.

⁴ Id. Hom. lvi. in Gen.

³p. 743.

possible that the youthful soul should not be destroyed? From all this it is plain, that it was not a sober entertainment at a marriage feast, nor bare music and dancing, nor a modest nuptial song, that the Fathers so vehemently declaimed against as satanical pomps: but it was the obscene and filthy songs, the ribaldry and lascivious actions of mimics and buffoons brought from the stage, joined with their immodest dancings and other the like vanities, tending to corrupt youthful minds both by seeing and hearing, which they justly inveighed against, as unbecoming the modesty and sobriety of Christians. Any other innocent pomp, or mirth they freely allowed, denying only such as savoured of lightness or lewdness, or intemperance, which naturally tended, like evil communications, to corrupt good manners. And so I have done with the rites and ceremonies observed in the contracting and celebrating of marriage among the ancient Christians. There remains only one thing behind relating to marriage, and that is to shew how the bond of matrimony might in some measure be broken and dissolved by divorce, and what were reputed just and legal causes of divorce: of which, because it is a matter of some moment, I will treat distinctly in a particular Chapter.

CHAP. V.

Of Divorces: how far they were allowed or disallowed by the Ancient Christians.

SECT. 1.—The Ancients divided about the Sense of Fornication. Some taking it only for Carnal Fornication, and making it the only just Cause of Divorce.

THE Ancients were not perfectly agreed upon this question. The writers of the Church were divided among themselves, and the laws of the state differed from both. Our business therefore must be to explain the differences of these opinions, and the several practices that were founded

upon each of them. The ecclesiastical writers for the most part agreed in one thing, that there was no just cause of divorce allowed by Christ but only fornication: but then they differed about the notion of fornication: some took it in the obvious and vulgar sense for carnal fornication only; whilst others extended its signification to include spiritual fornication, or idolatry and apostacy from God, which they thought a lawful cause of divorce as well as the other. And some few thought all other sins, that are equal to fornication, were included in this notion of fornication, and so made them to be just causes of divorce also. They, who thought fornication or adultery was to be taken in the proper and literal sense, confined the business of lawful divorce to this cause only. Clemens Alexandrinus speaks in general against divorces,¹ as they were allowed and commonly practised in his time by the authority of the Roman laws, which made it necessary in case of adultery, and warrantable at least in many other cases. But Tertullian is more express, saying,² that the Creator allows no marriage to be dissolved but only for adultery. So Chrysostom in many places:³ Christ has left but one cause of divorce, that is, adultery. Again,⁴ Christ has taught us, that all crimes are to be borne with in the wife besides adultery. The Apostles, he says further,⁵ thought it hard and burdensome that a man should retain a woman full of all wickedness, and bear with a furious wild beast in his house: and yet he gave them this precept, Matth. xix. "Whosoever shall put away his wife, except it be for fornication, committeth adultery." And this he repeats in other places.⁶ Lactantius seems to have been of the same mind. For he says,⁷ God commanded that the wife should never be put away, but

¹ Clem. Strom. 2. cap. xxiii. p. 501.

² Tertul. cont. Marc.

lib. iv. cap. 31. Præter ex causâ adulterii nec Creator disjungit, quod scilicet ipse conjunxit, &c.

³ Chrys. Hom. 17. in Mat. p. 177.

⁴ Id. Hom. 1. De decem millium Debitore. l. v. p. 8.

⁵ Id. Hom.

63. in Mat. p. 552.

⁶ De Virginitate. cap. 28. l. iv. p. 339. Hom.

52. In eos qui Pascha jejunant. l. v. p. 720.

⁷ Lact. Epitome

Divin. Instit. cap. 8. Præcepit non dimitti uxerem, nisi crimine adulterii devictam: et nunquam conjugalis federis vinculum, nisi ruperit, resolvatur.

when she was overtaken in adultery: and the bond of the conjugal covenant can never be loosed, except it be when she breaks it; meaning by falseness to the marriage contract. St. Basil says the same,¹ that our Lord forbids divorce equally both to man and woman, save only in the case of fornication. In like manner Asterius Amasenus:² “ ‘ What God hath joined together, let not man put asunder.’ Hear this, ye hucksters, who change your wives as ye do your clothes; who build new bride-chambers as often and easily as ye do shops at fairs; who marry the portion and the goods, and make wives a mere gain and merchandize; who for any little offence presently write a bill of divorce; who leave many widows alive at once: know of a surety, that marriage cannot be dissolved by any other cause but death only or adultery.” St. Jerom understands the precept of Christ after the same manner:³ that the wife is not to be dismissed but only for fornication. And this was also the opinion of St. Ambrose.

SECT. 2.—Others took it to imply Spiritual Fornication, that is, Idolatry and Apostacy from God, and other Crimes of the like Nature.

But St. Austin and some others were of opinion, that fornication or adultery, which our Saviour makes to be the only just cause of divorce, was to be understood in a little more extensive sense, so as to make it include not only carnal fornication, but spiritual fornication also, that is, idolatry and apostacy from God, and all crimes of the like nature. The fathers of the fourth Council of Toledo were certainly of this opinion. For they order,⁴ that if any Jews were married to Christian women, they shall be admonished by the bishop of the place, that if they desire to continue with

¹ Basil. Can. 9. et Hom. 7. in Hexaemeron.
ap. Combefis. Biblioth. Patr. Auctar. Nov. t. i. p. 82.
Ep. 30. in Epitaph. Fabiolæ. Et Coment in Mat. 19.

² Aster. Hom. 5.

³ Hieron.

⁴ Con. Tolet. 4. can. 62. Judæi qui Christianas mulieres in conjugio habent, admonentur ab episcopo civitatis ipsius, ut si cum eis permanere cupiant, Christiani efficiantur. Quod si admoniti noluerint, separentur: quia non potest infidelis in ejus conjunctione permanere, quæ jam in Christianam translata est fidem.

them, they should become Christians. But if upon such admonition they refused, they should be separated; because an infidel cannot continue in matrimonial conjunction with one that was a Christian. And St. Austin for some time was clear in this opinion. For in his exposition of the sermon upon the mount, he says,¹ idolatry, which the infidels follow, and all other noxious superstition, is fornication: and the Lord permitted the wife to be put away for the cause of fornication. Whence he argues further, that if infidelity be fornication, and idolatry be infidelity, and covetousness be idolatry, there is no doubt to be made but that covetousness is also fornication. Whence he likewise concludes, that for unlawful lusts, not only such as are committed by carnal uncleanness with other men or women, but also for any other lusts, which make the soul by the ill use of the body go astray from the law of God, and perniciously and abominably corrupt it, a man may without crime put away his wife, and a wife her husband, because the Lord excepted the cause of fornication; which fornication we are compelled to take in the most general and universal sense. St. Austin advances the same notion in many other places:² yet in his *Retractations* he speaks a little more doubtfully of this matter, and says,³ “ It is a very dark and dubious question, whether a man may put away his wife for this sort of spiritual fornication; but for carnal fornication,

¹ Aug. de Serm. Dom. in Monte. lib. i. cap. 16. Idololatria, quam sequuntur infideles, et quælibet nexia superstitio fornicatio est. Dominus autem permisit causâ fornicationis uxorem dimitti.—Si infidelitas fornicatio est, et idololatria infidelitas, et avaritia idololatria, non est dubitandum et avaritiam fornicationem esse. Quis ergo jam quamlibet illicitam concupiscentiam potest rectè à fornicationis genere separare, si avaritia fornicatio est? Ex quo intelligitur, quod propter illicitas concupiscentias, non tantùm quæ in stupris cum alienis viris aut feminis committuntur, sed omnino quaslibet, quæ animam corpore malè utentem à lege Dei aberrare faciunt, et perniciose tarpiterque corrumpunt, possit sine crimine et vir uxorem dimittere, et uxor virum, quia exceptam facit Dominus causam fornicationis: quam fornicationem generalem et universalem intelligere cogimur.

² Aug. de Adulterinis Conjugiis. lib. i. cap. 18. tom. vi. de Fide et Oper. cap. 16. Epist. 89. ad Hilarium. in Respons. ad Quæst. 4.

³ Aug. *Retractat.* lib. i. cap. 19.

that he may put her away, is beyond all question." Hence it appears, that this was no very current doctrine in the Church: and yet there appear some footsteps of it before St. Austin. For Hermes Pastor has the same notion of fornication:¹ "Adultery," says he, "is not only in those, who defile their own flesh: but every one commits adultery that makes an idol. Therefore if a woman so commits adultery, and perseveres therein without repentance, depart from her, and live no longer with her; for otherwise thou wilt be partaker of her sin." And Origen² is generally reckoned by learned men³ as an assertor of this opinion, that if a woman was guilty of other crimes equal to, or greater than fornication; as, if she was a sorceress, or a murderer of her children, or the like; that for such crimes she might be lawfully divorced. But these authorities are not sufficient to counterbalance the former, and therefore I reckon this but a private opinion in the Church, for the three first ages.

SECT. 3.—This later Opinion from the Time of Constantine much countenanced by the Laws of the State. 1st. By Constantine himself.

But when Constantine came to the imperial throne, the laws of the State all turned this way, and were made in favour of divorce upon other causes besides that of carnal fornication. Women indeed had not immediately in all respects the same privilege as men: but yet for three crimes, specified in one of Constantine's laws,⁴ each sort were at liberty to make divorcees. The man was at liberty to give a bill of divorce to his wife, if she was either an adulteress, or a sorceress, or a bawd: and the woman on the other hand might give a bill of divorce to her husband, if he was a murderer, or a sorcerer, or a robber of graves: but for being a drunkard, or a gamester, or a fornicator, she had no power

¹ Herm. Pastor, lib. ii. Mandat. 4. Non solum mœchatio est illis, qui carnem suam coinquant: sed et is qui simulacrum facit, mœchatur. Quod si in his factis perseverat, et penitentiam non agit, recede ab illâ, et noli convivere cum illâ; alioquin et tu particeps eris peccati ejus.

² Orig. Hom. 7. in Mat.

³ Vid. Grotius in Mat. v. 32. Et Selden. Uxor. Hebr. lib. iii. cap. xxxi. p. 602.

tit. 16. De Repudiis. leg. 1.

⁴ Cod. Th. lib. iii.

against him. And here was the great inequality between the man and the woman, that the man had liberty by this law to put away his wife for adultery; but the woman had not the same privilege against an adulterous husband. And this is a thing frequently complained of by the ancient writers, who thought the man and the woman were upon the same foot and right by the law of God, and that a woman ought to have as much power to put away a fornicating husband, as an husband to put away a lewd wife. And as Gothofred observes,¹ there were some old Roman laws, which made the privilege equal: as the rescript of Antonine, mentioned by St. Austin,² and the judgment of Ulpian in the Pandects.³ But notwithstanding these laws, custom prevailed on the men's side, to give them licence to dismiss their wives for fornication, or even any slight cause, without allowing the same privilege to the woman. As Gothofred there evinces from the complaints made by Lactantius,⁴ Gregory Nazianzen,⁵ Asterius Amasenus,⁶ Chrysostom,⁷ Jerom,⁸ and several others. And Constantine was much inclined to correct these abuses and inequality of privileges in the matter of divorce between men and women: but in the first beginnings of reformation he could not do every thing as he piously intended; and therefore was in a manner constrained to make this law with some inequality to women, who might be put away for fornication, though they might not for the same crime put away their husbands. But as he in some measure restrained the great liberty of divorcing upon any occasion, which the heathen laws before had allowed men, so he granted men liberty in more cases to put away their wives, than had been generally thought consistent before with the strict interpretation of the law of Christ. For that, as I shewed before, takes the exception of fornication or adultery in the strictest sense: but Con-

¹ Gothofred in Locum.

Et De Bono Conjugali.

Jul. de Adulter. leg. xvi. n. 5.

⁵ Naz. Orat. 31.

19. in 1 Cor. Hom. 5. in 1 Thes.

² Aug. De Adulterin. Conjug. lib. ii.

³ Pandect. lib. xviii. tit. 5. ad Legem.

⁴ Lactant. lib. vi. cap. 23.

⁶ Aster. Hom. 5.

⁷ Chrys. Hom.

⁸ Hieron. Epitaph. Fabiolæ. Ep. 30.

stantine allowed divorce in cases, that cannot be called fornication in the strict sense, but require a much larger interpretation. And whether he consulted the Christian bishops at that time before he made his law; or whether the bishops then had that extensive notion of fornication including other great crimes, such as murder, sorcery, sacrilege, and the like, as Mr. Selden supposes they had, is what I will not venture to assert, because many in those times were of a different opinion.

SECT. 4.—Then by Honorius.

However it is certain, that the following emperors trod in the same steps, still adding more causes of divorce to the first three, which Constantine had allowed. For Honorius not only allowed of divorces both in men and women for great crimes, but also gave way to divorces for lesser faults, only imposing a slight penalty upon them. For by one of his laws,¹ a man for great crimes might put away his wife, and recover both his espousal-gifts and dowry, and marry again as soon as he pleased: and for lesser faults he might put her away without any other punishment than loss of the dowry, and confinement not to marry within two years. So that here was plainly permitted a greater liberty of divorce than had been allowed by the law of Constantine before. Which made Asterius Amasenus complain,² as we have heard before, that husbands were mere hucksters in marriage; changing their wives as they did their clothes; building new-bride chambers as often and as easily as they did their shops at fairs; marrying the portion and the goods, and making wives a mere gain and merchandize; for any little offence presently

¹ Cod. Th. lib. iii. tit. 16. De Repuliis. leg. 2. Si divortium maritus objecerit, ac mulieri grave crimen intulerit, persequatur legibus accensatam, impetratâque vindictâ et dote potiatur et suam recipiat largitatem, et ducendi mox alteram liberum fortiatur arbitrium. Si vero morum est culpa, non criminum, donationem recipiat, et dotem relinquat, aliam post biennium ducetur uxorem.

² Aster. Hom. v. ap. Combefis. Auctar.

writing a bill of divorce, and leaving many widows alive at once. And Gothofred himself complains, that this was the great blemish of this age:¹ for it had been more agreeable to the divine law, not to have suffered such divorces at all, rather than to have allowed them only with such slight penalties put upon them.

SECT. 5.—And Theodosius Junior.

But Theodosius junior went yet a little further in the former part of his reign. For he abrogated the two preceding laws of Constantine and Honorius, and reduced back again into use the old Roman laws about divorces, by a novel, anno 439. which runs in these terms:² we command that marriages be contracted by mutual consent; but when they are contracted, they shall not be dissolved otherwise than by giving a bill of divorce. But in giving a bill of divorce, and making enquiry into the causes or faults proper to be alleged for divorce, we think it hard to exceed the rules of the ancient laws. Therefore now abrogating those constitutions, which command heavy penalties to be laid upon husbands or wives dissolving marriage, we by this constitution appoint, that divorces, and faults alleged as reasons for divorce, and the punishments of such faults, be reduced to the ancient laws and the answers of the prudent. But this abrogation of those two former laws, as Mr. Selden observes,³ was doubtless displeasing to very many, as seeming to introduce again the licentiousness of old Paganism in the matter of divorces, and to permit them to be made for any fault or crime whatsoever. Therefore within a few years Theodosius himself revoked this constitution, making

¹ Gothofred. in Diet. Leg. Honorii.

² Theodos. Novel. 17. ad Calcem Cod. Th. Consensu licita matrimonia posse contrahi, contracta non nisi misso repudio dissolvi præcipimus.—Sed in repudio culpæque divortii perquirendâ, durum est legum veterum moderamen excedere. Ideo constitutionibus abrogatis, quæ nunc maritum nunc mulierem matrimonio soluto præcipiunt pœnis gravissimis coerceri, hæc constitutione repudia, culpas, culparumque coerciones ad veteres leges responsaque prudentum revocari censemus.

³ Selden. Uxor. Hebr. p. 567.

another law, anno 449. wherein he specified more particularly the causes, for which either man or woman might lawfully give a bill of divorce.¹ If any woman found her husband to be an adulterer, or a murderer, or a sorcerer, or attempting any thing against the government, or guilty of perjury; or could prove him a robber of graves, or a robber of churches, or guilty of robbery upon the highway, or a receiver or encourager of robbers, or guilty of plagiary or man-stealing; or that he associated openly in her sight with lewd women; or that he insidiously made attempt upon her life by poison or sword or any other way; or that he beat her with stripes contrary to the dignity of free-born women: in all these cases she had liberty to right herself by a bill of divorce, and make her separation good against him at the law. In like manner if the husband could prove his wife to be an adulteress, or a sorceress, or a murderer, or a plagiary, or a robber of graves, or a robber of churches, or an harbourer of robber; or that she feasted with strangers against his knowledge or his will; or that she lodged out all night without any just and probable cause against his consent; or that she frequented the games of the circus, or the theatre, or the place where the gladiators or fencers used to fight, against his prohibition; or that she made attempts upon his life by poison or sword or any other way; or was partaker with any that conspired against the government; or guilty of any false witness or perjury; or laid bold hands upon her husband: in all these cases the man had equal liberty to give his wife a bill of divorce, and make his action good against her at the law. But if the woman divorced herself without any of the foresaid reasons, she was to forfeit her dowry and espousal-gifts, and to remain five years without marrying again. And if she pretended to marry within that time, she was to be reputed infamous, and her marriage to be reckoned as nothing. But if she rightly proved her cause, she was to recover her dowry and antenuptial gifts, and had

¹ Cod. Just. lib. v. tit. 17. De Repudiis. leg. 8.

liberty to marry again within a year. And if the man made good his action against the woman, he might retain the dowry and espousal-gifts, and marry again as soon as he pleased.

SECT. 6.—And Valentinian the Third.

Not long after Valentinian III. published a novel, wherein abolishing the old Roman practice of making divorcees without any other cause but mere consent of both parties, which though forbidden by Constantine, was erept into use again, he reflects upon the first novel of Theodosius, which also permitted such divorcees by mutual consent; and ordered,¹ that the decrees of Constantius, or rather Constantine, for so it should be read, concerning the dissolution of marriage should be observed, permitting none to dissolve their marriage barely by mutual consent.

SECT. 7.—And Anastasius.

Yet notwithstanding this, Anastasius about the year 497, brought in that antiquated practice again. For though he commended the last constitution of Theodosius junior as an excellent law, yet he relaxed the force of it in this one point; ordering,² that if a divorcee was made by mutual consent of the man and woman, without alleging any of those causes against each other that are mentioned in Theodosius's law, the divorcee should be allowed; and the woman should not be obliged to wait five years before she married, as some former laws directed, but after one year was expired,

¹ Valentin. Novel. 12. De Episcopali Judicio. c. vii. In ipsorum matrimoniorum reverentiâ et vinculo, ne passim et temere deserantur, antiquatâ novellâ lege, quæ solvi conjugia solâ contraria voluntate permiserat, ea quæ à Divo Patre Nostro Constantio decreta sunt, intemerata servantur.

² Cod. Justin. lib. v. tit. 17. De Repudiis. leg. 9. Si constante matrimonio, communi consensu tam viri quàm mulieris repudium sit missum, quo nulla causa continetur quæ consultissimæ constitutioni Divæ Memoræ Theodosii et Valentiniani inserta est, licebit mulieri non quinquenium expectare, sed post annum ad secundas nuptias convolare.

she should have free liberty to marry as she pleased a second time.

SECT. 8.—And Justinian.

Thus stood the business of divorces in the civil law to the time of Justinian,¹ anno 528. when by a new decree of his own he not only confirmed all the causes of divorce that had been declared legal by the long constitution of Theodosius, but added one more to them which had never been mentioned before; viz. the case of imbecility in the man; whom the wife after two years for this reason might put away by a bill of divorce. And this he again repeats in one of his novels,² only with this difference, that instead of two years there should be allowed three. In another law he adds to all the former causes of divorce these that follow,³ viz. if the wife industriously use means to cause abortion; or be so lewd and luxurious, as to go into a common bath with men; or endeavour, when she is in matrimony, to be married to another man. But he hereby cancelled and abolished all such ancient laws as allowed of divorce for light and trivial causes. He repeats the same causes of divorce in other novels, and adds to them some other cases. As if a man or woman was minded to betake themselves to a monastic life, they might then give a bill of divorce without alleging any other cause of separation.⁴ Which was a new law of Justinian's: for this was never allowed as a just cause of divorce before. He allowed also that a bill of divorce might be given in case either party was a long time detained in captivity. Which sort of divorces were said to be made *cum bonâ gratiâ*,⁵ not for any crime, but as it is called, for other reasonable causes. Thus stood

¹ Cod. Justin. lib. v. leg. 10.

² Justin. Novel. 22.

cap. 6.

³ Cod. Just. Ibid. leg. 11.

⁴ Just.

Novel. 117. cap. 12. It cod. lib. i. tit. 3. de Episc. et Cler. Leg. 52. See

also Novel. 134. cap. 11.

⁵ Novel. 22.

the matter of divorces in the time of Justinian, when the civil law was fully revived and settled in the Roman empire. What new laws or alterations were afterward made by other princes either in the East or West to the time of the reformation, the reader that pleases may see in Mr. Selden,¹ who carries the history down to the last ages: but this is beyond the limits of the present discourse, which is designed only to account for the practice of Church or state in the primitive ages.

¹ Selden, *Uxor. Hebr.* lib. iii. cap. 29, 30, &c.

BOOK XXIII.

OF FUNERAL RITES, OR THE CUSTOM AND MANNER OF BURYING THE DEAD, OBSERVED IN THE ANCIENT CHURCH.

CHAP. I.

Of Cemeteries, or Burying Places, with an Enquiry, how and when the Custom of Burying in Churches first came in.

SECT. I.—A Cemetery a common Name for a Burying Place and a Church.
How this came to pass.

BEFORE we say any thing of the sacred rites and customs, observed in burying the dead, it will be necessary to give some account of the place where they were buried. That the Christians had anciently some places peculiar to themselves for burying their dead, is evident from hence, that they often met in times of persecution to celebrate divine service at the graves and monuments of their martyrs: which had not been proper places for such meetings, had they been common to them with the heathens. These were called by a general name Κοιμητήρια, *Cœmeteria*, *dormitories* or *sleeping places*, because they esteemed death but a sleep, and

the bodies there deposited not properly dead, but only laid to sleep till the resurrection should awaken them. These were otherwise called *Areæ Sepulturarum*,¹ and *Cryptæ*,² because they were vaults often made under ground, where the Christians could meet with greater safety to hold religious assemblies in time of persecution. Upon which account, as I have noted elsewhere,³ all these were common names both of burying places and places of religious assemblies. Whence the heathens often, when they would forbid Christians to hold any assemblies for divine service, forbade them their *Areæ*; as in that place of Tertullian, "*Areæ non sint*,—Let the Christians have none of their *Areæ* to meet in;"⁴ and the like prohibitions we find in other places. So in like manner Æmylian, the Roman Prefect, tells Dionysius, Bishop of Alexandria,⁵ that they should not have liberty to go into their cemeteries, as they called them, and there hold their assemblies for divine worship. In all which places it is evident the words are taken promiscuously both for burying places and places of assembling for religious worship. Which would incline a man almost to think, were there not otherwise insuperable arguments against it, that it was the ancient custom of the most primitive Christians to bury in churches.

SECT. 2.—No Burying Places in Cities or Churches for the first Three Hundred Years.

But upon a nicer inquiry and more exact view, we are sure there neither was nor could be any burying in churches properly speaking for the first three hundred years. Necessity sometimes forced the Christians, during this interval, to hold their assemblies in the burying places of the martyrs, and so make a sort of extraordinary and temporary

¹ Tertul. ad capul. cap. iii.

² Hieron. Com. in Ezek. cap. xl.

³ Book VIII. chap. i. sect. 9.

⁴ Vid. Tertul. ad

Scapul. c. iii. Et Gesta Purgationis Cæcilian. ad Calcem Optati. p. 272 et 277. Item Passio Cypriani. p. xii.

⁵ Ap. Euseb. lib. vii. cap. 11. Οὐδαμῶς ἐξέσται ἡμῖν, ἢ συνόδους ποιῆσθαι, ἢ εἰς τὰ καλούμενα κοιμητήρια εἰσεύναι.

churches of them; as they might do of any cave or place of retirement in such circumstances: for as Dionysius of Alexandria well words it,¹ “Every place is instead of a temple in time of persecution, whether it be a field, or a wilderness, or a ship, or an inn, or a prison.” But this occasional use in an extraordinary case and extreme necessity, does not properly make them churches, that is, places set apart only for divine service. And therefore the occasional meetings of the primitive Christians in their cemeteries, or at the graves and monuments of the martyrs, did not as yet turn them into churches: neither can it be said with any propriety upon this account, that they then buried in churches, but only that they made a sort of extraordinary churches or places of occasional assembly at the graves or burying places of the dead. Their churches, which were their standing and proper churches, were chiefly then in cities, and in most places it may be in cities only: and the Roman laws all that time forbade all burying in cities to persons of every rank and quality whatsoever. Consequently the Christians, who lived in a due obedience and subjection to the Roman laws in all things of an innocent and indifferent nature, no ways interfering with the necessary rules of their religion, were as ready to comply with this innocent law or custom as any others: and that is an undoubted argument, that the Christians neither did nor could then bury in churches. The heathens indeed themselves sometimes broke through the laws, and in spite of prohibition and restraint would presume to bury in cities: but we no where find this accusation of transgressing the laws in this particular brought against the Christians; but rather the Christians objected the transgression of it to the heathens: as Savaro, in his learned Notes upon Sidonius Apollinaris,² shews out of several passages of Clemens Alexandrinus, Arnobius, Laetantius, Julius Firmicus, Prudentius, and others. It was one of the original laws of the Twelve Tables, “*In Urbe ne*

¹ Ap. Euseb. lib. vii. cap. 22.

Savaro in Sidon. lib. iii. Ep. 12. p. 208. Et Dallæus de Objecto Cultûs Religiosi. lib. iv. cap. 7. p. 690.

sepelito, neve urito,¹—*Let no one bury or burn in the city.*” This was afterward confirmed, upon some transgression, by a decree of the senate when Duellius was consul, as Savaro shews further out of Servius’s observations upon Virgil. And then for some time the practice was to bury only in the suburbs, and not in the city, as the same author shews out of Tully, Livy, and Ovid. Afterward upon some invasion made again upon the law, for the heathens were still ambitious of burying in the temples, Hadrian published a new edict to forbid it,² laying a penalty of forty pieces of gold upon any one that should presume to bury in the city, and as much upon the judges that permitted it; ordering the place to be confiscated, and the body to be removed. And no municipal or private laws in this case, Ulpian says, were to be regarded against the general law of the prince. Antoninus Pius, successor to Hadrian, revived the same law, forbidding any to bury the dead within the cities, as Julius Capitolinus³, the writer of his life, informs us. And Gothofred⁴ cites Paulus the eminent lawyer, as concurring in the same judgment, and giving a good reason for it: “It is not lawful for any corpse to be buried in the city, that the sacred places of the city be not defiled.” Finally Diocletian⁵ mentions and confirms these preceding laws by a law of his own, wherein he gives the same reason against burying in cities, as Paulus did before. Hence it was, that graves and monuments were commonly erected by the highways’ side without the cities, as Varro an ancient Roman writer observes;⁶

¹ Cicero de Legibus. lib. ii. n. 58.

² Ulpian. in Digest.

lib. xlvii. tit. 12. de Sepulcro Violato. leg. 3. Divus Hadrianus rescripto pœnam statuit quadraginta aureorum in eos, qui in civitate sepeliunt; et in magistratus eadem qui passi sunt: et locum publicari jussit, et corpus transferri, &c.

³ Capitolin. Vit. Antonini Pii. p. 60. Intra

urbes sepeliri mortuos vetuit.

⁴ Paulus Sentent. lib. i. cap.

ult. Corpus in civitatem inferri non licet, ne funestentur sacra civitatis: et qui contra ea fecerit, extra ordinem punitur. Ap. Gothofred. in Cod. Th. lib. ix. tit. 17. de Sepulchris Violatis. leg. 6.

⁵ Cod. Justin. lib.

iii. tit. 44. de Religiosis et Sumptibus Funerum. leg. 12. Mortuorum reliquias, ne sanctum municipiorum jus polluat, intra civitatem condi jampridem vetitum est.

⁶ Varro de Linguâ Latinâ. lib. v. cited by Gothofred. Sepulchra ideo secundum viam sunt, quo prætereuntes admoneant, et se fuisse, et illos esse mortales. Vid. Tertul. de Testimonio Animæ. cap. 4.

giving a further reason for it, that passengers might be admonished that they themselves were mortal, as well as those that lay buried there. Augustus and Tiberius were buried in the *Via Appia*,¹ and Domitian in the *Via Latina*.² And accordingly Juvenal speaks of the dead in general,³ as those that lay buried in the *Via Flaminia* and *Latina*.⁴ St. Peter upon this account was buried in the *Via Triumphalis* beyond the Tiber, as St. Jerom informs us:⁵ and St. Paul in the *Via Ostiensis*, three miles without the gate of the city,⁶ as the same author and all others, that speak of their deaths, assure us. Nay, Sidonius Apollinaris assures us further, that the place where St. Peter was buried, though there was then a church built over it, was still in his time, Anno 470, without the *Pomæria*, or space before the walls of Rome. For speaking of his journey to Rome, he says, before ever he came at the *Pomæria* of the city, he went and saluted the church of the Apostles, which stood in the *Via Triumphalis*. Sidon. Lib. 1. Ep. 5. "*Priusquam vel Pomæria contingerim, Triumphalibus Apostolorum lminibus affusus, &c.*" Which implies that his monument and church was still without the walls. And so generally the graves and monuments of the martyrs are spoken of as being without the cities. As St. Cyprian's⁷ in the *Via Mappaliensis*. And Sixtus in the cemetery of Calixtus in the *Via Appia*⁸ and his six deacons in the cemetery of Prætextatus, *Via Appia*; and St. Laurence in the *Crypta, Via Tiburtina*. And upon this account in after ages, when they held assemblies at the monuments of the martyrs, we always find them speaking of going out of the cities into the country, where the martyrs lay buried. Thus Chrysostom in one of his Homilies upon the Martyrs says,⁹ "As before when the festival of the

¹ Seneca, Apocolocynt. Claud. Appiæ Viæ curator est, quâ scis et Divum Augustum et Tiberium Cæsarem ad Deos isse.

² Sueton.

Vit. Domitiani. cap. 17.

³ Juvenal. Sat. i. in fine. Quorum Flaminîa tegitur cinis atque Latinâ.

⁴ Vid. plura ap. Dempster.

in Rosini Antiq. Rom. lib. v. cap. ult. p. 1006.

⁵ Hieron. de

Scriptor. cap. 1.

⁶ *ibid.* cap. 5.

⁷ Passio

Cypriani. p. 14.

⁸ Pontifical. Vit. Sixti.

⁹ Chrys. Hom. 65. de Martyribus. t. v. p. 972.

Maccabees was celebrated, all the country came thronging into the city: so now, when the festival of the martyrs, who lie buried in the country, is celebrated, it was fit the whole city should remove thither." In like manner, speaking of the festival of Drosis the martyr, he says,¹ " Though they had spiritual entertainment in the city; yet their going out to the saints in the country afforded them both great profit and pleasure." From all which it is evident to a demonstration, that for the three first centuries the Christians neither did nor could bury in the cities or city-churches, because the Roman laws, with which they readily complied, were absolutely against it. If afterwards at any time we meet with martyrs lying in churches, that is only to be understood of the relics of martyrs translated into the city-churches, or of churches newly built in the country over the graves and monuments of the martyrs. Neither which has any relation at all to burying in churches; because the one was only the translation of their ashes in an urn some ages after, and the other rather an erecting of new churches in the places where the martyrs lay buried some ages before, than any proper burial of the martyrs in churches. Though this gave the first occasion in future times to the innovation that was made in this matter of burying in churches, as we shall see more hereafter.

SECT. 3.—But either in Monuments erected by the Public, or in Vaults and Catacombs in the Fields under Ground.

Meanwhile let it be observed, that the common way of burying, for this interval of three hundred years, was either in graves with monuments set over them in the public roads, or else in vaults and catacombs for greater safety made in the fields and under ground. For that they had such vaults for this purpose, called *Cryptæ* and *Arenaria*, from their being digged privately in the *sand* under ground is evident both from the ancient and modern accounts of them. Baronius tells us² there were about forty-three such in the sub-

¹ Chrys. Hom. 67. in Drosidem. l. v. p. 989.
226. n. 9.

² Baron. an.

urbs of Rome: and Onuphrius gives us a particular account of their names,¹ taken from the names of their founders, or such charitable persons as were at the pains or charge to build or repair them: and, what is chiefly remarkable, he tells us the places where they were, viz. not in the city, but in the ways or roads without the walls, leading from Rome to other places, as the *Via Appia, Aurelia, Ostiensis, Nomentana, Tiburtina, Latina, Salaria, Flaminia, Portuensis, Ardeatina, Lavicana, &c.* Which are the known roads leading to the neighbouring cities about Rome. And by this we may understand what St. Jerom means, when he says,² it was his custom, when he was a boy at school in Rome, on Sundays to go about and visit the sepulchres of the Apostles and martyrs, and often to enter into the vaults, which were digged deep into the ground, and on each side as one went in, had along by the walls the bodies of such as lay buried: and were so dark, that to enter in them was in the Psalmist's language, almost like "going down alive into hell:" the light from above peeped in but here and there, a little to take off the horror of darkness, not so much by windows as little holes and cranies, which still left a dark night within, and terrified the minds of such, as had the curiosity to visit them, with silence and horror. This is to be understood, not of any places within the city, but of those vaults which lay by the several ways round about Rome. And the description agrees very well with the account which Baronius gives of one of them,⁴ called the cemetery of Priscilla, discovered in his time, Anno 1578, in the *Via Salaria*, about three miles from Rome. He says, at the entrance of it there was one principal way, which on either side opened into divers other ways, and those again divided into other lesser ways, like lanes in a city; there were also some void open places fitted for their holding of religious assemblies, which

¹ Onuphr. de Cœmiteriis. cap. 12.

² Hieron. in Ezek.

cap. 40. p. 636. Dum essem Romæ puer—Solebam diebus Dominicis Sepulchra Apostolorum et Martyrum circumire, crebròque cryptas ingredi, quæ in terrarum profunda defossæ, ex utrâque parte ingredientium per parietes habent corpora sepultorum, &c.

⁴ Baron. an. 120. n. 2.

had in them the effigies and representations of martyrs. And likewise there were holes at the top of it to let in light, but these were long ago stopped up. These catacombs of Rome have made the greatest noise in the world, but there were such belonging to many other cities. Bishop Burnet describes those of Naples, which, he says,¹ are without the city, and much more noble and spacious than those of Rome. He supposes them to be made by the heathens, and not by the Christians: which is not a dispute material in our present enquiry: because, whether they were made by the one or the other, probably some were made by each,² they were still without the walls of the cities; which is enough to our present purpose. And to this agrees the testimony of that ancient writer under the name of St. Chrysostom, who says in general,³ that every city, nay, every village had their graves or burying places before the entrances into them, that they, who went in, might first consider what they themselves were, before they set a foot into the cities flourishing with riches, dignity, and power. “There are graves before cities, and graves before fields: every where the school of humility lies before our eyes.” Now I think, upon the whole we can hardly have better proof of any thing than we have of this, whether we consider law or fact, that for the first three hundred years under the Heathen Emperors the general rule and custom was to bury without the walls of the cities, and consequently neither in cities nor city-churches, unless by some connivance or transgression.

Hegesippus indeed, and Eusebius (lib. ii. cap. 23.), and St. Jerom after them, say, that St. James, Bishop of Jerusalem, was buried in the city, near the temple where he was slain: but St. Jerom owns there were some who thought he was buried upon Mount Olivet; which is much more probable, because it is certain from the Gospel, that it was the

¹ Burnet's Travels. Letter iv. p. 201.

² Christian

Catacombs are mentioned in a very ancient book called, *Depositio Martyrum*, cited by Bishop Pearson, *Annal. Cyprian. an. 258. p. 62.*

³ Chrys. Hom. 17. de Fide et Lege Naturæ. l. 6. p. 184. Πᾶσα πόλις, πᾶσα κώμη πρὸ τῶν εἰσοδίων τάφους ἔχει, &c. Vid. Tertul. de Testimon. Animæ. cap. 4.

custom of the Jews to bury without the city, Matth. xvii. 60. Luke vii. 12. John xi. 30. And Eusebius, speaking of the mausoleum or monument of Helena, Queen of Adiabene, says expressly it was “ ἐν προαστείοις, *in the suburbs*” of Jerusalem. Euseb. lib. ii. cap. 12. So that for any thing that appears to the contrary, it may be concluded to have been the general custom both of Christians, Jews, and Romans, to bury all their dead without the cities for the first three hundred years.

SECT. 4.—Burying in Cities and Churches prohibited by Christian Emperors for several Ages after.

Let us next examine how this matter stood in the next period of time, when the Emperors and laws were both become Christian. Now here we find that the laws stood for many ages just as they were before, forbidding all burying in cities; and some new laws were made, particularly prohibiting and restraining men from burying in churches. For when some persons in Constantinople began to make an invasion upon the laws, under pretence that there was no express prohibition of burying in churches made in them, Theodosius by a new law¹ equally forbade both burying in cities and burying in churches; and this whether it was only the ashes or relics of any bodies kept above ground in urns, or whole bodies laid in coffins: they were all to be carried and repositied without the city, for the same reasons that the old laws had assigned, viz. that they might be examples and memorials of mortality and the condition of

¹ Cod. Th. lib. ix. tit. 17. De Sepulchris Violatis. Leg. 6. Omnia, quæ supra terram urnis clausa, vel sarcophagis corpora continentur, extra urbem delata ponantur, ut et humanitatis instar exhibeant, et relinquunt incolarum domicilio sanctitatem. Quisquis autem hujus præcepti negligens fuerit, adque aliquid tale ab hujus interminatione præcepti ausus fuerit moliri, tertiâ in futurum patrimonii parte multetur: officium quoque quod sibi paret, quinquaginta librarum auri affectum dispoliatione merebitur. Ac ne alicujus fallax et arguta solertia ab hujus se præcepti intentione subducat, atque apostolorum vel martyrum sedem humanis corporibus aestimet esse concessam, ab his quoque, ita ut à relique civitatis, uoverint se atque intelligant esse submotos.

human nature to all passengers; and also that they might not defile the habitation of the living, but leave it pure and clean to them. And if any presumed to transgress henceforward the inhibition of this law, he was to forfeit the third part of his patrimony: and whatever officer was assisting in such a funeral, was to be amerced in a fine of forty pound of gold. And that no little quirk or subtlety should elude the intention of this law, and leave men at liberty to think, that this general prohibition of burying in the city did not exclude men from burying in the places where the ashes of the apostles and martyrs were repositied, it was expressly provided, that they should be secluded from these repositories, as well as any other places within the city. St. Chrysostom takes notice of this law, arguing thus with sinners, whom he reckons no better than mere graves and sepulchres, when dead in trespasses and sins. "Consider," says he,¹ "that no grave is allowed to be made in the city: therefore neither canst thou appear in the city that is above. For if this be forbidden in an earthly city, how much more in that which is heavenly?" In like manner in another place.² "If we bury dead bodies without the city, much more ought we to expel those, who speak dead words, offensive to others, and utter things they ought to conceal. For such mouths are the common pest and plague of the city." The author under the name of St. Chrysostom,³ probably Severianus of Gabala, one of his cotemporaries, had his eye upon this law, and those that went before, when he said, every city and village had their burying places before their entrance into them. This is not only an evidence of what went before, but also of the practice of his own times, pursuant to the law, about the year 400. Sidonius Apollinaris, a French bishop, lived almost a whole century after this, and he plainly intimates, that it was still the custom in France to bury without the walls of the city in the open

¹ Chrys. Hom. 37. al. 74. in Mat. p. 634. Ἐννόησον ὅτι ἐδεῖς τάφος ἐν πόλει κατασκευάζεται, &c.

² Id. Expos. Psalm 6. t. iii. p. 50. Ἐὶ τὰ νεκρὰ σώματα ἔξω τῆς πόλεως καταθάπτομεν, &c.

³ Id. Hom. 17. de Fide. t. vi. p. 184. Vid. Macarium. Hom. 50.

field. For speaking of the grave of his grandfather, he says,¹ it was a field where he lay buried, filled with funeral ashes and the bodies of the dead, in the road and suburbs of the city Arverne. And after this the Council of Braga, Anno 563, speaks of it again,² as a privilege even then firmly retained in the cities of France, that no corpse whatsoever was buried within the walls of any of their cities: and they make use of this as an argument, why no one should be buried in any church in Spain. Of which more by and by. In the mean while if we look into Africa, in the time of St. Austin, Anno 401, we find by an order made in the fifth Council of Carthage against the Donatists, that it was then the custom to bury still in the fields and highways. For the Donatists so buried the Circumcellions, their pretended martyrs, erecting them tombs in the fashion of altars to be their memorials. Upon which account that Council ordered,³ that such altars that were so erected by the roads or in the fields, as monuments of martyrs, in which it could not be proved that the bodies or relics of true martyrs were reposed, should be demolished, if it were possible, by the bishops of the respective sees, in whose dioceses they were found. Which was not so ordered, because they were buried in the fields or highways, for that was agreeable to the law made by Theodosius not long before; but because it was doubtful whether they were true martyrs or not. For neither the Catholics nor Donatists did then generally pretend to bury either in cities or in churches; but only some few of the Circumcellions, who were the fiercer and hotter part of them, in spite of all laws buried some of their pretended martyrs in the churches: but even these, as

¹ Sidon. lib. iii. ep. 12. Campus ipse dudum refertus tam bustualibus favillis, quam cadaveribus, nullam jamdiu serobem recipiebat, &c.

² Con. Bracarens. l. can. xxxvi. Firmissimum hoc privilegium usque nunc retinent Gallie civitates, ut nullo modo intra ambitum murorum civitatum eujuslibet defuncti corpus sit humatum, &c.

³ Con. Carth. 5. can. 14. Placuit, ut altaria, que passim per agros aut vias, tanquam memorie martyrum constituuntur, in quibus nullum corpus aut reliquie martyrum condite probantur, ab episcopis qui eisdem locis presunt, si fieri potest, evertantur.

Optatus tells us,¹ were taken up again and cast out, because it was not lawful to bury any corpse in the house of God. This is the first instance of any, that I remember, being buried in churches; and then it was contradicted by the bishop of the place, by whose order they were cast out. No alteration as yet was made in the law against burying in churches. For Justinian, who cut off the former part of Theodosius's law against burying in cities, retained still the latter part against burying in churches, inserting it into his Code:² "Let no one think that the places of the apostles and martyrs are allowed to bury human bodies in." And long after this the prohibition continued to the time of Charles the Great, though with some exceptions in favour of some eminent persons, as we shall see in the sequel of the story, examining by what steps and degrees the contrary custom came into the Church.

SECT. 5.—The first Step made toward burying in Churches was the building of Churches over the Graves of the Martyrs in the Country, or else translating their Relics into the City-Churches.

The first thing that gave occasion to any to think of burying in churches, was the particular honour that was done to martyrs in the fourth century, when the graves or monuments where they lay buried, and where the Christians had used to assemble in times of persecution formerly for the worship of God, had now churches erected over them in the country: or else their ashes and remains were translated into the city, and deposited in churches; and many times new churches were erected in the places where they were

¹ Optat. lib. iii. p. 68. In loco Octavensi occisi sunt plurimi, detruncati sunt multi; quorum corpora usque in hodiernum per dealbatas aras et mensas poterunt numerari. Ex quorum numero cum aliqui in basilicis sepelire cœpissent, Clarius presbyter in loco subbulensi ab episcopo suo coactus est ut insepultam faceret sepulturam. Unde proditum est mandatum fuisse fieri quod factum est, quando nec sepultura in Domo Dei exhiberi concessa est.

² Cod. Justin. lib. i. tit. 2. de Ecclesiis. leg. 2. Nemo apostolorum vel martyrum sedem humanis (leg. humanis) corporibus existiment esse concessam.

laid, thence called *Martyria*, *Propheteia*, *Apostolæa*, from the *martyrs*, *prophets*, or *apostles*, whose remains were translated into them. This was so much the known practice of the fourth century, that I need not stand to give any particular instances of it, but only remark in general, that it had so much the approbation of the Church in that age, as that no such kind of *Martyria* or churches were to be builded, unless the remains of some approved martyrs were repositèd in them. Which appears from a canon of the fifth Council of Carthage,¹ forbidding any memorials of martyrs to be accepted as such, unless either the body or the relics of a martyr were certainly known to be deposited there. But then this was nothing to burying in churches, but only an honour paid to the ashes of the martyrs, who had been dead and buried, it may be, some hundreds of years before; and cannot so properly be called a burying in churches, as a building of churches, and new erecting them in the ancient burying-places of the dead. But whatever it was, it was a peculiar privilege of the martyrs to have their remains thus repositèd in the body of the church: the laws forbade it still to all others, and the greatest persons had not this honour and favour allowed them, to be interred in the same place where the remains of the martyrs were repositèd.

SECT. 6.—The next was allowing Kings and Emperors to be buried in the Atrium, or Porch and other outer Buildings of the Church.

But kings and emperors had in this age a peculiar privilege above the rest of men, to be buried in the *Atrium*, or church-porch, or some other of the outer buildings of the church. Eusebius says,² Constantine had desired to be buried near the Apostles, whose memorial he had honoured

¹ Con. Carth. v. can. 14. Omnino nulla memoria martyrum probabiliter acceptetur, nisi aut ibi corpus, aut aliquæ certè reliquiæ sint, &c.

NOTE.—These relics were buried under the altar, not kept above ground upon the altar; for Mabillon says, No relics were set upon the altar to the tenth century. Mabil. de Liturg. Gallicanâ, lib. i. cap. ix. n. 4.

² Euseb. Vi. Constant. lib. iv, cap. 71.

by building a church called by their names. But this was not understood to be a desire to be buried in the church itself, but only in the porch before the church. And so far Constantius his son fulfilled his will, as Chrysostom more than once informs us. "His son," says he,¹ "thought he did his father Constantine a very great honour to bury him in the fisherman's porch. And what porters are to the Emperors in their own palaces, the same are the Emperors to the fishermen in their graves. The Apostles, as masters of the place, have their residence within; but the Emperors' ambition proceeds no further, than as neighbours and attendants to take possession of the porch before the church." Again, in another place, speaking of the same matter,² "At Constantinople they that wear the diadem take it for a favour to be buried, not close by the Apostles, but in the porch without the church, and kings are the fishermen's door-keepers." Thus also Theodosius senior, and Arcadius, and Theodosius junior are said, by some historians,³ to be buried. Which is probable enough, though the ancient historians Soerates, Sozomen and Theodoret say nothing of it. Hitherto then for five hundred years, we see, the generality of Christians were still buried without the city, and only kings and emperors allowed to be buried within the city; and yet this not in the church, but only in the *Atrium*, or *church-yard*, or in the porch, or other outer buildings of the church.

SECT. 7.—Then the People in the sixth Century began to be admitted into the Church-yards, but not into the Church.

In the beginning of the sixth century the people also seem to have been admitted to the same privilege of being buried in the *Atrium*, or *church-yard* before the church: but still they were forbidden by laws both ecclesiastical and civil to bury in the church. For Justinian in his new Code, dropping the former part of Theodosius's law, which obliged

¹ Chrys. Hom. xxvi. in 2 Cor. p. 929.
sit Deus. cap. viii. t. 5. p. 839.

² Id. Lib. Quod Christus
³ Niceph. lib. xiv. cap. 55.

all people to bury without the city, still retains the latter clause,¹ which forbids men to be buried in the seats of the martyrs and apostles. And about the year 563, the first Council of Braga in Spain allows men to be buried,² if need require, in the church-yard under the walls of the church, but utterly forbids any to be buried within: giving this reason for it, "that the cities of France still retained the ancient privilege firm, to suffer no dead body to be buried within the walls of the city; and therefore it was much more reasonable that this respect should be paid to the venerable matrys." We may conclude hence, as we have done before, that at this time in France they were so far from allowing burials in the church, that as yet they did not suffer any corpse to be buried in the church-yard, no, nor any where within the walls of the city. But some time after, about the year 658, or 895, when the Council of Nantes was held, (chronologers are not exactly agreed about the time) the people of France were also permitted to bury in the church-yard,³ or in the porch, or in the *Exhedræ* or *outer buildings* of the church, but not within the church itself and near the altar where the body and blood of Christ is consecrated. This rule is again repeated in the Council of Arles,⁴ and the Council of Mentz⁵ held Anno 813, in the time of Charles the Great, out of which that Emperor made a rule in his Capitulars to the same purpose.⁶ Not to insist upon the uncertain canon of

¹ Cod. Just. lib. i. tit. 2. de Ecclesiis. leg. i2. Nemo apostolorum vel martyrum sedem humanis corporibus existimet esse concessam.

² Con. Braçar. i. can. 36. Corpora defunctorum nullo modo intra basilicam sanctorum sepeliantur, sed, si necesse est, deforis circa murum basilicæ usque adeò non abhorret. Nam si firmissimum hoc privilegium usque nunc retinent civitates Galliæ, ut nullo modo intra ambitum, murorum cujus libet defuncti corpus sit humatum, quanto magis hoc venerabilium martyrum debet reverentia obtinere?

³ Con. Namnetens. can. vi. Prohibendum est etiam secundùm majorum instituta, ut in ecclesiâ nullatenus sepeliantur, sed in atrio aut in porticu, aut in exhedris ecclesiæ. Intra ecclesiam verò et prope altare, ubi corpus et sanguis Domini conficitur, nullatenus sepeliantur.

⁴ Con. Arelat. iii. can. 21. De sepeliendis mortuis in basilicis illa constitutio servetur, quæ ab antiquis patribus constituta est.

⁵ Con. Moguntiac. can. 52. Nullus mortuus infra ecclesiam sepeliatur, &c.

⁶ Carol. Capitular. lib. i. cap. 159 ap. Lindebrog. Leg. Antiq. Nullus diinceps in ecclesiâ mortuum sepeliat.

the *Concilium Varense*, as it is called in Gratian,¹ which is a repetition of the canon of Nantes: we may add to these the rule made in the Council of Tribur,² another synod in the time of Charles the Great: “Let no layman for the future be buried in the church: yet such bodies as are already buried there, may not be cast out, but the pavement shall be so made over the graves, that no footstep of a grave shall appear. And if this cannot without great difficulty be done for the multitude of corpses lately buried there, let the place be turned into a *Polyandrium* or cemetery, and let the altar be removed thence, and set in some other place, where the sacrifice may be religiously offered to God.” While these laws were thus made in the West, giving men liberty to bury in cities and church-yards, but still restraining them in a great measure from burying in churches; Leo Sapiens in the East about the year 900, abrogated all the old laws against burying in cities, and left men at liberty to bury within the walls or without the walls of any city:³ but still says nothing of any licence to bury in churches. So that it is evident beyond all contradiction, that hitherto there was no general licence granted by any laws in any part of the world authorizing all sorts of persons to bury in churches without distinction, but many of the laws in this interval run peremptorily and universally against it.

SECT. 5 —And in this Period of Time, Kings, Bishops, Founders of Churches and other Eminent Persons were by some Laws allowed to be buried in Churches.

Yet some laws within this period of time were made with some limitations and exceptions in the case of great and eminent persons, such as kings, and bishops, and founders

¹ Gratian. caus. xiii. quæst. ii. cap. 15. ² Con. Tribur. can. 17. Præcipimus ut deinceps nullus laicus in ecclesiâ sepeliatur, &c. Corpora antiquitùs in ecclesiâ sepulta nequaquam projiciantur, &c. ³ Leo. Novel. 53. Ne igitur ullo modo inter civiles leges hæc lex recenseatur, sancimus; quin potius, ut à consuetudine rectè contemnitur, sic etiam decreto nostro prorsus reprobatur. Quicumque autem sive extra muros, sive intra civitatem sepelire mortuos volet, perficiendæ voluntatis facultatem habeto.

of Churches, and presbyters, and such of the laity as were singularly conspicuous and honorable for their exemplary sanctity and virtue. The Council of Mentz, mentioned before, qualifies the general prohibition with this exception; saying, none shall be buried in the church, except bishops, and abbots, and worthy presbyters and faithful laymen.¹ And the Council of Tribur,² only forbidding laymen to be buried in the church, may be supposed to allow it to the clergy. And this honour was paid to bishops and emperors some time before. For Soerates says,³ Proclus removed the body of St. Chrysostom from Comane to Constantinople, and laid it in the church of the Apostles. And Evagrius⁴ speaks of it as customary to bury the emperors and clergy in the church of the Apostles built by Justinian at Constantinople. This honour likewise was paid to founders of churches: they were allowed to be interred in their own structures. As Sozomen says,⁵ the wife of one Cæsarius was buried in the church near the *ambon, or reading-desk*, because her husband had been the founder of it. And Valesius thinks that Constantine was therefore buried in the church of the Apostles, because it was built by him. So he had a double title to this privilege, both as emperor and founder. But we may observe a difference between Constantine's age and this. In Constantine's time an emperor and a founder was buried only in the porch: but in the time of Sozomen any ordinary founder might be buried in the middle of the church.

SECT. 9.—The Matter at last left to the Discretion of Bishops and Presbyters, who should or should not be buried in Churches. Hereditary Sepulchres not yet allowed in the Ninth Century, but brought in by the Pope's Decretal.

Thus the thing went on from one degree to another, taking various steps and motions, partly by permission and

¹ Con. Moguntiac. can. 52. Nullus mortuus intra ecclesiam sepeliatur, nisi episcopi, aut abbates, aut digni presbyteri, aut fideles laici.

² Con. Tribur. can. 17. ut supra.

³ Soerat. lib. vii. cap. 45.

⁴ Evagr. lib. xiv. cap. 31.

⁵ Sozom. lib. ix. cap. 2.

relaxation of the laws, and partly by transgression of the laws and connivance in those, who had the execution of them. And the matter at last was left in a great measure to the discretion of bishops and presbyters to determine who should or should not be buried in churches, according to the merit and desert of the persons, who desired it. In the ninth century in France some families began to set up a claim to hereditary sepulchres in the church. But this was opposed, and the Council of Meaux, anno 845. made an order, that no one should pretend to bury any corpse in the church upon hereditary right,¹ but the bishops and presbyters should judge who were worthy of this favour according to the quality of their life and conversation. And after this we find some laws made in general against burying in churches. As that of the Council of Winchester under Lanfranc,² archbishop of Canterbury, anno 1076. Let no bodies of the dead be buried in churches. But so many exceptions had been made to the old laws, that it was no hard matter for any one, who had ambition or superstition enough to think, that he should be much benefited in his death by being buried in the church, to obtain this privilege. And these two reasons opened the way to greater liberties by far than the ancient Canons had allowed. For an opinion that it was of great service to men's souls to be buried in the church made men more eager than ever to obtain this privilege at their death. And Pope Leo III. had made a decree, which Gregory IX. inserted into his decretals,³ giving a sort of hereditary right to all persons to be buried in the sepulchres of their ancestors, according to the example, as it is said, of the ancient patriarchs. This was about the year 1230. Not long after which Boniface VIII. speaks of it⁴ as

¹ Con. Meldens. can. 72. *Ut nemo quemlibet mortuum in ecclesiâ, quasi hereditario jure, nisi quem episcopus et presbyter pro qualitate conversationis et vitæ dignum duxerit, sepelire præsumat.*

² Con. Winton. anno 1076. can. 9. con. tom. 10. p. 352. *In ecclesiis corpora defunctorum non sepeliantur.*

³ Gregor. Decretal. lib. iii. tit. 28. de sepulturis. cap. 1. *Statuimus unumquemque in majorum suorum sepulchris jacere, ut patriarcharum exitus docet.*

⁴ Sext. Decretal. lib. iii. tit. 12 de Sepulturis. cap. 2. *Cum quis cujus majores sunt soliti in aliquâ ecclesiâ sepeliri ab antiquo, &c.*

a customary thing for men to be buried in the church in the sepulchres of their ancestors. So that from these decretals, I think, may be dated the ruin of the old laws. For they took away that little power, that was left in the hands of bishops, to let people bury in the church, or not bury, as they should judge proper in their discretion, and put the right and possession of burying places in the church into the hands of private families. And others, who had no such right, being led by their ambition or superstition, could then easily purchase a right to be buried in the church, which was a thing that emperors themselves did not pretend to ask in former ages. I have been the more curious in deducing the history of this matter from first to last, because the innovation has been thought a grievance to some very learned and judicious men, and what they could have wished to have seen rectified at or since the reformation. This custom, says the learned Rivet,¹ which covetousness and superstition first brought in, I wish it were abolished with other relics of superstition among us; and that the ancient custom was revived, to have public burying-places in the free and open fields without the gates of cities. This would be more convenient for civil uses also: because in close places the air cannot but be affected with the nauseous smell of dead bodies: there is no good done by it to the dead, and the living are in manifest danger by it, especially in the time of contagious distempers, when infected bodies are promiscuously buried in churches, wherein men daily meet and assemble together. A thing, says he, which not without reason has ever appeared horrible to me and many others.²

¹ Rivet. in Gen. 47. Exercit. 171. p. 812. Hunc morem, quem invexit Avaritia et superstitio, valde vellem apud nos cum aliis superstitiois reliquiis esse abolitum, &c.

Grotius in Luc. 7. 12. makes a like complaint. Quod in memoriam martyrum olim inductum, nescio an satis sapienter retineatur.

² Philip Verheyen, Regius professor of physick in the University of Lovain, who died 1710, a man of great piety and humility, gave orders, that his body should not be buried in the church, but in the church-yard; leaving this epitaph, which was found after his death, written with his own hand.

Philippus Verheyen, Medicinæ doctor et professor, partem sui materialem

The like complaint is made by some among the Romanists, particularly by Durantus,¹ who was an eminent lawyer and president of the parliament of Tholouse. He commends the piety of the Ancients for not allowing the dead to be buried in the church, and Charles the Great for reviving and restoring the primitive institution, when it had been in some measure neglected: and withall, speaks it with great regret, that whereas heretofore emperors were buried only in the church-porch, now the custom is to let the meanest of the people commonly be buried in the church itself, against the laws and institutions of the ancient Christians. To which, after this digression I must now return again.

CHAP. II.

Some other Observations concerning the Place, and Manner, and Time of Burying.

SECT. I.—Consecration of Cemeteries not very ancient.

HAVING thus far considered in general the place of burying I now proceed to some more particular observations concerning the place, and manner, and time of burying among Christians. And here the first question may be, whether they used any formal consecration of their cemeteries as they did of their churches? Now, concerning this, in the first ages there is a perfect silence. No writer before Gre-

hic in cœmiterio condi voluit ne templum dehonestaret, aut nocivis halitibus inficeret. Requiescat in pace.—Roche Memoires of Literature, vol. I. p. 238. Lond. 1722. Svo.

The same author p. 328. observes out of Bacchinius' notes upon Agnellus, that in the tenth century none were buried in churches, but only in churchyards, or in little chapels built for that purpose.

¹ Durant. de Ritibus Eccles. lib. i. cap. 23.

gory of Tours, who lived about the year 570, makes any mention of it: but he says,¹ the burying places in his time were used to be consecrated by sacerdotal benediction. Durantus can trace the custom no higher;² and therefore we may conclude, that about this time, and not before, it became the practice of the Church. For the sacredness of sepulchres, that we so often read of before this, was from another reason, and not from their formal consecration.

SECT. 2.—The Sacredness of them arising from another Reason, and not from their formal Consecration.

For the heathens themselves were used to reckon these places sacred, and the violation of them a sort of sacrilege and violation of religion. As appears from the edicts of two heathen emperors, Gordian and Julian, which are still retained among the Christian laws. Gordian calls them things destined for religion,³ and things made a part of religion: and therefore orders, that all robbers of graves should be prosecuted as criminals guilty of an injury done to religion. In like manner Julian says,⁴ “The graves of the dead are consecrated hills; and to move a stone hence, or disturb the ground, or break a turf, has always been accounted next to sacrilege by our forefathers: to steal away the ornaments from the tablets or porticoes of graves, is a piacular crime and violation of religion, to be punished as doing injury to the dead.” Justinian in repeating this law of Julian in his Code,⁵ instead of *Pœna Manium*, reads it

¹ Greg. Turon. de Gloria Confessor. cap. 106.

² Durant. de

Ritibus. lib. i. cap. 23. n. 9.

³ Cod. Justin. lib. ix. tit. 19. de

Sepulchro Violato. leg. 1. Res religioni destinatas, quinimo jam religionis effectas, scientes qui contigerint, et emere et distrahere non dubitaverint, læsæ religionis inciderunt in crimen.

⁴ Cod Th. lib. ix. tit. 17.

de Sepulchris Violatis. leg. 5. Pergit audacia ad busta diem funetorum et aggeres consecratos: cum et lapidem hinc movere, terram sollicitare et cespitum vellere, proximum sacrilegio majores semper habuerint: sed ornamenta quidam tricliniis aut porticibus auferunt de sepulchris. Quibus primis consulentes, ne in piaculum incidant, contaminatâ religione bustorum hoc fieri prohibemus, pœna manium vindice cohibentes.

⁵ Cod.

Just. ubi supra. leg. 5.

Pœna sacrilegii cohibentes, inflicting both the name and punishment of sacrilege expressly upon this crime. And so the ancient poet does in that distich :

“ *Res ea sacra, miser, noli mea tangere fata :
Sacrilegæ bustis abstinere manus.* ”

Touch not my monument, thou wretch : it is a sacred thing : even sacrilegious hands commonly abstain from offering violence to the habitations of the dead.” All which shews, that graves and burying places were reckoned sacred things, both by heathens and Christians, without any formal consecration : and the Romans accounted it a piece of impiety in any case to disturb or violate the ashes of the dead, except it were those of their public enemies, whose graves were not reckoned sacred, as Paulus,¹ the great lawyer, determined : and therefore it was lawful for any one to take the stones of such graves and turn them to any other use, and no action of violating sepulchres could be brought against them.

SECT. 3.—The Way of adorning Graves, different among Heathens and Christians.

But in all other cases, the graves of the dead were places of great sacredness ; and consequently places of great security : insomuch, that they were reckoned safe repositories not only for the dead, to secure them from violence, but also for any ornaments that were set about them, or riches, that, together with the dead, were often buried with them. For the Romans often adorned their monuments with rich pillars of marble, and fine statues and images set about them. As appears from several laws in the Theodosian Code,² which are made to restrain the pillagers of them : and also from a great variety of Roman writers, which Gothofred mentions and alleges,³ in his Comment upon one of those laws, as

¹ Digest. lib. xlvii. tit. 12. de Sepulchro Violato. leg. 4. Sepulchra hostium nobis religiosa non sunt ; ideoque lapides inde sublato, in quemlibet usum convertere possumus : non sepulchri violati actio competit.

² Cod. Th. lib. ix. tit. 17. de Sepulchris Violatis. leg. 2 et 4.

³ Gothofred in leg. 2. ibid.

Pliny, Cicero, Aggenus, Propertius, Servius, and Entropius, who gives a particular account of Trajan's pillar, which was one hundred and forty feet high. The two Antonines indeed laid some restraint upon the excessive vanity and profuseness of the Romans in this matter, making severe laws against extravagance in burying, and building of sepulchres, as Julius Capitolinus informs us.¹ But this did not hinder men from adorning their monuments with marble statues and pillars, and such like common ornaments, as we afterwards find allowed in one of the laws of Gordian in the Justinian Code.² So that these monuments of the heathen were often very pompous and magnificent, both in building and ornament; which frequently made them become a prey and spoil to rapacious invaders. But we can hardly suppose this of any Christian sepulchres for the first three hundred years. Cains, an ancient writer and presbyter of the Church of Rome about the year 210, speaks of the trophies and monuments of St. Peter and St. Paul,³ which were then to be seen, the one in the Vatican, in the *Via triumphalis*, and the other in the *Via ostiensis*: but these trophies were not so magnificent, whatsoever they were, but that afterwards, about the year 258, they were translated by Pope Xystus⁴ into the catacombs, for fear of some indignity, that might be offered to them, in the heat of persecution. The most that we can suppose is, that they were grave-stones with an inscription, declaring their names and character, and the time and manner of their death. And some of them, we are sure, were not so much as this. For sometimes great multitudes of martyrs were buried in one common grave,

¹ Capitolin. Vit. Marci. Antonini. p. 78. Tunc Antonini leges sepeliendi, sepulchrorumque asperrimas sanxerunt: quandoquidem caverunt ne uti vellet fabricaret sepulchrum: quod hodieque servatur.

² Cod. Justin. lib. iii. tit. 44. De religiosis et sumptibus funerum. leg. 7. Statuas sepulchro superimponere, vel monumento ornamenta superaddere non prohiberis: cum jure suo eorum quæ minus prohibita sunt, unicuique facultas libera non denegetur.

³ Ap. Euseb. lib. ii. cap. 25.

⁴ Depositio Martyrum. ap. Pearson. Annal. Cyprian. p. 62. Tertio Kalendas julii. Petri in Catacombas, et Pauli Ostiense, Tusco et Basso Coss.

and then the inscription contained only the number, and not the names, or any particular account of them. Prudentius says,¹ he had observed one such grave, wherein sixty martyrs were buried together. St. James's monument at Jerusalem was no more than a pillar,² or grave-stone, with an inscription. And in after ages the Christians were not very fond of erecting stately monuments before they came to bury in churches. For they had observed what spoil and ravagement had been made of the heathen monuments: and how many laws the emperors were forced to make against the violation of sepulchres: which made many pious Christians think how much better and safer it was to build themselves monuments in their life-time by liberality to the poor, than to build stately and costly monuments for thieves and robbers to plunder at their pleasure. Thus St. Jerom says of Paula, that she gave all her substance to the poor, and wished not to have any thing at her death, but that she might be beholden for a winding-sheet to the charity of others. And Ephrem Cyrus left it upon his will, that nothing should be expended upon his funeral; but whatever should be appointed for that, should be given to the poor, as Gregory Nyssen reports,³ in the life of that great saint and luminary of the Eastern Church. And St. Basil exhorts rich men in general,⁴ rather to expend their superfluities in works of piety, than to build themselves costly sepulchres. "For what need have you of a sumptuous monument, or a costly entombing? What advantage is there in a fruitless expence? Prepare your own funeral whilst you live. Works of charity and merey are the funeral obsequies you can bestow upon yourself.

¹ Prudent. Peri Stephan. Hymn 4. de Hippolyto.

Quorum solus habet comperta vocabula Christus.

² Euseb. lib. ii. cap. 23. calls it *στῆλη*. and St. Jerom. Titulus. de Script. Eccles. cap. 2.

³ Nyssen. Vit. Ephrem. t. iii. p. 613.

⁴ Basil. Hom. in Divites. tom, I.

SECT. 4.—They differed also in the Manner of burying: the Heathens commonly burning the Body, and putting the Bones and Ashes in Urns: but the Christians buried the Body whole in the Earth, abhorring the Heathen Custom.

Another difference between heathens and Christians was in the manner of burying. For the heathen for the most part burned the bodies of the dead in funeral piles, and then gathered up the bones and ashes, and put them in an urn above ground: but the Christians abhorred this way of burying; and therefore never used it, but put the body whole into the ground; or if there was occasion for any other way of burying, they embalmed the body, to lay it in a catacomb, that it might not be offensive to them in such places, where they were sometimes forced to hold their religious assemblies. That the Christians used the plain and simple way of inhumation, and not burning, is evident from the objection of the heathen in Minucius:¹ “They abhor funeral piles, and condemn burning by fire, for fear it should hinder their resurrection.” To which the Christian answers:² “We do not, as ye suppose, fear any detriment from burying by fire, but we retain the ancient custom of inhumation as more eligible and commodious.” The same is evident from Tertullian, who says,³ some of the heathen abstained from burning upon a superstitious notion, that the soul hovered over the body after death: and therefore they would not burn the body out of a needless compassion to the soul. But, says he, our reason is piety and humanity to the body, not flattering it as relies of the soul, but abhorring cruelty in respect to the body itself, forasmuch as no man deserves to be destroyed by a penal death. In another place,⁴ he

¹ Minuc. p. 32. Inde videlicet et execerantur rogos, et dannant ignium sepulturas.

² Ibid. p. 101. Nec ut creditis, ullum damnum sepulturæ timemus, sed veterem et meliorem consuetudinem humandi frequentamus.

³ Tertul. de Anima. cap. 51. Et hoc enim in opinione quorundam est: propterea nec ignibus funerandum aiunt, parentes superfluò animæ: Alia est autem ratio pietatis istius, non reliquiis animæ adulatorix, sed crudelitatis etiam corporis nomine aversatrix, quod et ipsum homo non utique mereatur pœnali exitu impendi.

⁴ Id. de Resur. cap. 1. Ego magis ridebo vulgus, tunc quoque quam ipsos defunctos atrocissime ex-

derides the heathens for their contradictory customs, first in burning the body with great barbarity, and then making feasts and sacrifices at their graves by way of parentation, as they called it: which was to make the same fires both oblige them and offend them; to shew themselves cruel under the pretence of piety, and insult them by making feasts in behalf of those, whom they had burnt before. The critics are not agreed when or by what means this custom of burning was laid aside by the Romans. Some think it was forbidden by the two Antonines in their severe laws about funerals, mentioned before: but Gothofred and others, not without reason, think this a mistake; because not only Tertullian derides it as still customary among the heathen, but also because there is some intimation given in one of Theodosius's laws, that there was some remains of it even in his time: for he speaks of both customs, that is, of burying not only whole bodies in coffins under ground, but also of burying in urns above ground; which supposes the body to be burnt before, and the remains only, the bones and the ashes, to be put in an urn and kept above ground. However, it is certain, that this custom was quite worn out even among the heathen within the space of forty years after. For Macrobius, who lived in the time of the younger Theodosius, about the year 420, says expressly,² that the use or custom of burning the bodies of the dead, was quite left off in that age, and all that he knew of it was only from ancient reading. It is most probable, that the heathen custom altered by degrees from the time of Commodus the Emperor; for Commodus himself and many of his friends were buried by inhumation, and not by burning, as a learned person observes out of Xiphilin:³ and from that time the

urit, quos postmodum gulosissimè nutrit, iisdem ignibus et promerens et offendens. O pietatem de crudelitate ludentem!

¹ Cod. Th. lib. ix. tit. 17. de Sepulchris violatis. leg. 6. Omnia quæ supra terram urnis clausa, vel sarcophagis corpora detinentur, extra urbem delata ponantur, &c.

² Macrob. Saturnal. lib. vii. cap. 7. Licet urendi corpora defunctorum usus nostro seculo nullus sit, &c.

³ Burnet. Travels. let. iv. p. 210.

custom of burning might decrease, till at last under the Christian emperors, though without any law to forbid it, the contrary custom entirely prevailed, and this quite dwindled into nothing. But the Christians were always very tenacious of the plain way of burying by inhumation, and never would consent to use any other; reckoning it a great piece of barbarity in their persecutors, whenever they denied them this decent interment after death, as they sometimes did, either by exposing their bodies to the fury of wild beasts and birds of prey, or burning them in scorn and derision of their doctrine of a future resurrection. Thus, Eusebius says out of the epistle of the Church of Smyrna,¹ they treated Polycarp at the instigation of the Jews, burning his body, according to their own custom, after which the Christians were content to gather up his bones and bury them. And so they treated the martyrs of Lyons and Vienna in France, to the great grief of the Christians, whom they would not allow to bury them, but for six days together kept them above ground, and then burned their bodies, and cast their ashes into the river Rosne, in despite to their belief of a resurrection; crying out, "Now let us see whether they will rise again, and whether their God is able to deliver them out of our hands." As the same Eusebius² relates the story out of *The Acts and Monuments of their Passions*. Thus Maximus the president threatened Tharacus the martyr,³ that though he raised himself upon the confidence that his body after death should be embalmed and buried, he would defeat his hopes by causing his body to be burnt, and sprinkling his ashes before the wind. And it were easy to give other examples of the like usage of them upon such occasions, some of which are related by the heathen historian himself,⁴ not without some resentment and reflexion upon the unnatural cruelty and inhumanity of such proceedings.

¹ Euseb. lib. iv. cap. 15.

² Ibid. lib. v. cap. 1.

³ Acta Tharaci. ap. Baron. an. 299. n. xxi,

⁴ Ammian. Marcellin. lib. xxii. p. 211. Vid. Socrat. lib. iii. cap. 1. Euseb. lib. viii. cap. 6.

SECT. 5.—Embalming of Bodies much used by Christians. And why more by them than the Heathens.

From the last instance of the president's threatening the martyr Tharacus, that he should not be embalmed, it were easy to infer, that the custom of Christians was to bestow the honour and charge of embalming commonly upon their martyrs at least, if not upon others. But the custom seems to have been more general: for the heathen in Minucius¹ makes it a matter of reproach to Christians universally, that they would make use of no odours for their bodies whilst they lived, but reserved all costly ointments for their funerals. And Tertullian seems to intimate,² that the preparation of the body for its funeral with odoriferous spices was the general practice of Christians. "It is true," says he, "we buy no frankincense: but if Arabia complains of this, let the Sabeans know, that more of their costly wares is spent in burying of Christians, than the heathens spend in their temples in offering incense to their gods." One of the chief ingredients in this unction of the body or embalming was myrrh: whence Prudentius, alluding to the custom, says,³ "The Sabean myrrh anointing the body, by its medicinal virtue preserves it from corruption." This was the particular use and virtue of myrrh, as Grotius observes out of Pliny.⁴ And therefore he tells us further out of Herodotus also,⁵ that the Eastern nations were wont to make use of myrrh to embalm the bodies of the dead. And that the Jews used an unction as a preparation for burial, is infallibly certain in general both from the testimony of our Saviour given to the woman who anointed his body to the burial, and also from what St. John says in particular of Joseph of Arimathea, and Nicodemus, that they brought a mixture of

¹ Minuc. p. 35. Non corpus odoribus honestatis. Reservatis unguenta funeribus.

² Tertul. Apol. cap. 42. Thura planè non enimus. Si Arabiæ queruntur, sciant Sabæi pluris et carioris suas merces Christianis sepeliendis profligari, quam diis fumigandis. Vid. de Idololatria. cap. 11 Et Acta Euplii. ap. Baronium. an. 303. n. 149.

³ Prudent. Cathemerin. Hymn de Exequiis Defunctorum. Aspersione myrrha Sabæo corpus medicamine servat.

⁴ Grot. in Mat. ii. 11.

⁵ Herodot. lib. ii.

myrrh and aloes, about an hundred pound weight, and took the body of Jesus, and wound it in the linen clothes, with the spices, as the manner of the Jews is to bury, John xix. 39. From hence most probably the Christians took their intimation of paying the same respect to the bodies of the dead. The ancients also were of opinion that there was something mystically denoted in the presents made by the wise men to our Saviour at his birth, when they presented him with gifts, gold, frankincense, and myrrh: gold, as to a king; frankincense, as to God; and myrrh, as to a man that must die and be buried. For though they might intend none of these things, yet the Holy Ghost might direct these presents to be such as might signify all these things without their knowledge; as he directed Mary's anointing of Christ to his burial; for so our Lord himself was pleased to interpret and accept it, though perhaps that was not particularly in her intention. It is certain this was the general notion of the ancients concerning the myrrh presented to our Saviour: as Maldonat,¹ from Irenæus, Cyprian, Origen, Basil, Gregory Nyssen, Chrysostom, Ambrose, Austin, Jerom, Juvenus, and Sedulius. And the opinion seems to have taken its original from the practice of the Eastern countries in using myrrh in the preparation of dead bodies for their burial. And this concurring exactly with the Jewish custom and our Saviour's manner of burial, might probably the more incline the ancients to be curious in using the same preparation of dead bodies for their funeral. But they had also a further reason for it: for they were often obliged to bury their dead in those places where they were to assemble for divine service; and in that case it was necessary that they should use embalming to preserve the bodies from corruption, and make those places to be the less offensive: as I find a late ingenious writer is also inclined to think in his reflections on this subject.² Now the heathens having generally another way of burying, this custom was of no use among them: for it was incongruous

¹ Maldon. in Mat. ii. 11.

² Reeve's Apolog. not. on Miuucius. p. 76.

to use methods to preserve the body from corruption, which they intended immediately to destroy by fire and reduce to ashes in a funeral pile. These things were plainly contradictory to one another: and therefore as the Roman heathens made no use of embalming, so we may reckon this another difference between the Christian funerals and those of the heathens.

SECT. 6.—The Christians usually buried by Day, the Heathens by Night.

There was one difference more in point of time. For the heathens commonly performed their funeral obsequies by night: but the Christians, when they had liberty, and could do it with safety, always chose the day. In times of persecution indeed, it is reasonable to suppose, they might often be forced to celebrate their funeral offices, as they did others, in the security and silence of the night, to avoid the rage of their enemies. As we find an example in the passion of Cyprian,¹ whose body because of the curiosity of the Gentiles is said to be buried secretly in the night with lamps and torches. And yet even this was not always the case in those difficult times: for the judges were often better natured, than to deny them the common right and civility of burying, which they themselves thought was a debt due to human nature in general: and therefore, whatever other cruelties they exercised toward Christians, they ordinarily gratified them in suffering them to bury the martyrs, whom they had slain; as is evident from several of their acts or histories of their passions:² in which case there was no need to fly to the favour and security of the night, but they might bury, as they often did, in the open day. Thus when Polycarp was burnt, the disciples afterward were permitted quietly³ to gather up his bones and relics, and bury them as they pleased. And Asturius,⁴ a Roman senator, is famed for car-

¹ Passio Cypr. p. 14. Ejus corpus propter Gentilium curiositatem in proximo positum est cum cereis et scolacibus.

² Passio Maximiliani. ad calcem Lact. de Mort. Persec. p. 43. Pompeiana Matrona corpus ejus de judice meruit et imposuit Dormitorio suo, &c.

cap. 15.

³ Euseb. lib. 4.

⁴ Euseb. lib. 7. cap. 16.

rying Marinus on his own shoulders from the place of his martyrdom to his grave.

But however this matter stood in times of persecution, it is certain, that as soon as Constantine came to the throne, Christians chose to perform their funeral rites openly in the day: which they did all the time of Constantine and Constantius; at which Julian the Apostate was so highly offended, that he set forth an edict on purpose to forbid it, which is a certain evidenee in the case. We understand, says he,¹ that the bodies of the dead are carried to their graves with great concourse of people, and multitudes to attend them: which is an ominous sight and a defilement to the eyes of men. For how can the day be auspicious that sees a funeral? Or how can men go thence to the gods and to the temples? Therefore because grief in funeral obsequies rather chooses secrecy, and it is all one to the dead whether they be carried forth by night or by day, it is fit that such spectacles should not fall under the view of all the people, that true grief, and not the pomp and ostentation of obsequies should appear in funerals. This is a plain reflection on the practice of the Christians in the two foregoing reigns. It grieved Julian to see the Christians celebrate their funerals so openly by day, and with indications of joy rather than grief, especially in their translations of martyrs, which was of the same nature with funerals, and was performed with great magnificence and expressions of joy, with psalmody and hymns to God, in a general assembly and concourse of the people. As it was particularly in the translation of Babylus from Daphne to Antioch, which happened in his time, and was one of the great grievances in his reign, for, as the historian tells

¹ Cod. Th. lib. 9. tit. 17. de Violandis Sepulchris. leg. 5. Efferrī cognovimus cadavera mortuorum per confertam populi frequentiam, et per maximam insistentium densitatem: quod quidem oculos hominem infaustis incestat aspectibus. Qui enim dies est bene auspicatus à funere? aut quomodo ad deos et templa venietur? Ideòque quoniam et dolor in exsequiis secretum amat, et diem functis nihil interest, utrum per noctes an per dies efferantur liberari convenit populi totius aspectus, ut Dolor esse in funeribus, non pompa Exsequiarum, nec ostentatio videatur.

us,¹ all the Christians of Antioch, men and women, young men and virgins, old men and children accompanied the coffin all the way, having their precentors to sing psalms, at the end of every one of which the whole multitude joined by way of antiphonal response, with this versicle; “Confounded be all they that worship carved images, and that boast themselves in idols or vain gods.” This they did for the space of six thousand paces or forty furlongs, even in the hearing of Julian himself: which so enraged him, that the next day he put many of them into prison, and some to extreme torture and death. And this, no doubt, was the secret reason of his enacting that law against the manner of celebrating Christian funerals; though the law itself pretends other reasons, taken from the superstitious principles of his profound philosophy and religion. His first reason is, that the very sight of a funeral by day, and much more their attendance upon it, pollutes men so, that they are not fit all that day to attend upon the service of the gods. And therefore a priest or a magistrate, by the rules of the Roman superstition, was not allowed to attend upon any funeral by day, but only by night; as Gothofred,² out of the best Roman writers, Servius and Donatus, Aulus Gellius, Seneca, Tacitus and Dio, shews at large in his exposition of that law. This is a reason taken from the principles of his own superstition in religion. Another is taken from the principles of his philosophy, of which he pretended to be a great master; namely this, that the secrecy and silence of the night was fitter for sorrow, than the pomp and ostentation of the day, as he called it. A third reason was, that it was all one to the dead, whether they were buried by night or by day: and therefore it was more commodious to bury by night for the sake of the living, who by nocturnal funerals could not be polluted or offended. But the Christians despised these reasons both as unphilosophical, and ridiculous and irreligious. As to

¹ Soerat. lib. iii. cap. xviii. Sozomen. lib. v. cap. 19. Ruffin. lib. i. cap. 35. Theodor. lib. iii. cap. 10.

² Gothofred in dict. leg. Juliani.

the first, they knew no pollution arising from the attendance of a dead body or a funeral. The bodies of Christians were the members of Christ, both alive and dead; and they owned no defilement in accompanying such to their graves, who were there only laid asleep and at rest, as candidates of the resurrection. Whatever the Gentile theology might teach, they were fully persuaded that the dead were in the communion of Saints still, and as such might be communicated with and attended without any moral defilement or pollution. And for his second reason from philosophy, that the night is more convenient for sorrow, while the day only serves for pomp and ostentation: this was no argument to them, who were taught not to give way to excessive sorrow for the dead, nor to sorrow as others without hope for them that were only fallen asleep: for Christian mournings had also a mixture of joy and comfort in them: their funeral pomp was chiefly psalmody and praises, with which they conducted the deceased party to the grave: and such a pomp as that had nothing of ostentation in it: it served only to provoke the living to holiness and virtue, to be mindful of death, and to make a good preparation for it: and therefore was proper to be exhibited in open view, in the eyes of all the people, in the most public manner, among crowds of spectators and a general concourse. For all which the day was far more convenient than the night, the design of their funerals being to be seen of all the people. And therefore since it was an indifferent thing to the dead whether they were buried by day or by night, which was his third reason, the Christians chose the day for such solemnities, as being much more proper for the living, whose advantage herein was chiefly regarded.

And upon these reasons the Christians continued to perform their funeral obsequies by day, notwithstanding Julian's inhibition or reasons to the contrary. Gothofred thinks, that from this time there is no instance of their burying by night: against which he says there is nothing to be alleged but one passage in St. Ambrose, which seems to

speak still of funerals by night:¹ for writing to widows, he bids them consider, whether marrying again, and being conducted home with torches in the night, would not look as much like a funeral as a marriage? but Gothofred says, this is not any account of fact, or what was then practised, but only an allusion to the ancient custom of using torches both at marriages and funerals, according to that of the poet,

“*Vivite felices inter utramque facem,*”

which was the common acclamation of the people to the new married couple, “*Live happy all your lives between your marriage torch and your funeral torch.*” But I am not sure that this is a good answer, because there are other undeniable evidences in fact of Christians burying with lamps and torches attending the funeral. And therefore some other account seems necessary to be given of it: and it may be this: that the Christians even when they buried by day, used sometimes to carry lighted torches in the procession of the funeral, as a demonstration of joy: which they also did upon some other occasions. For St. Jerom says,² “in all the Churches of the East, when the Gospel was to be read, they lighted candles in the day-time, not to drive away the darkness, but to give a demonstration and testimony of their joy for the good news, which the Gospel brought, and by a corporeal symbol to represent that light, of which the Psalmist speaks, “thy word is a lamp to my feet, and a light unto my paths.” And therefore it is not improbable but that they might use the same ceremony in their funerals by day and for the same reason, to demonstrate their joy, rather than sorrow like the heathens. In fact it is evident beyond dispute, that they did use lighted torches at their funerals; and yet no intimation is given that their funerals were by night. Nazianzen. speaking of the obsequies of his brother

¹ Ambros. de Viduis. Cum accensis funalibus nox ducitur, nonne pompæ funeris exequias magis putat quàm thalamum præparari?

² Hieron. cont. Vigilant. cap. 3. Per totas Orientis ecclesias, quum legendum est evangelium, accenduntur luminaria jam sole rutilante, non utique ad fugandas tenebras, sed ad signum lætitiæ demonstrandum, &c.

Cæsarius, says expressly,¹ that his mother carried a torch in her hand before his body at his funeral. St. Jerom says,² the bishops of Palestine did the like at the funeral of the famous Lady Paula: some of them in honour to her carried her body to the grave, and others went before the corpse with lamps and torches in their hands. Gregory Nyssen gives the same account of the funeral of his sister Macrina,³ that the clergy went before the corpse, carrying lighted torches in their hands. And Theodoret,⁴ speaking of the translation of Chrysostom's body from Comanæ to Constantinople, says, there was such a multitude of people met him in ships in his passage over the Bosphorus, that the sea was even covered with lamps. St. Chrysostom himself speaks also of the use of lamps in their funerals.⁵ And in one of Justinian's⁶ novels the Acolythists are forbidden to exact any thing for their torches, because at Constantinople they were allowed for funerals out of a public fund, which was there provided for the interment of the dead. These are not bare allusions to an ancient custom, but plain accounts of fact, which either prove that Christians celebrated some of their funerals by night, or else that they used lighted torches by day; as some of the testimonies seem to intimate: For Chrysostom says, they used their lights before the dead to signify that they were champions or conquerors, and as such, conducted in triumph to their graves. And thus far, Gothofred's opinion may be admitted, that the Christians generally celebrated their funerals by day: but then this must be added to it, that they used lamps and torches lighted in the day, to express their joy, and signify their respect and honour to the deceased as a victorious combatant, who had conquered this world here below, and was now gone to take possession of a better world above.

¹ Naz. Orat. 10. in Cæsarium. t. 1. p. 169.

² Hieron. Ep.

27. ad Eustoch. in Epitaph. Paulæ. Translata episcoporum manibus, et cervicem feretro subjicientibus, cum alii pontifices lampadas cereosque præferrent.

³ Nyssen. Vit. Macrinæ. t. ii. p. 201.

⁴ Theod. lib. v. cap. 36.

⁵ Chrys. Hom. 4. in Hebr. p. 1784.

⁶ Justin. Novel. 59. cap. 5.

any weight could be laid upon the uncertain authority of the writer of the life of St. German Bishop of Auxerre in Surius, it would put the matter out of dispute: for he says,¹ the multitude of lights used at his funeral seemed to outdo the sun, and beat back its rays at noon-day. But without this uncertain testimony enough has been said to shew the difference between the custom of the heathens burying by night and the Christians burying by day, which is the principal thing I intended in this part of my discourse. I only add one thing by way of confirmation, that the Christians in this age generally celebrated the Eucharist at their funerals, which is a service belonging to the day, and not the night; and to the morning part of the day, and not the afternoon. Whence in one of the Councils of Carthage we find an order, that if any commendation of the dead was to be made in the afternoon, it should be performed only with prayers and not the celebration of the Eucharist: which is a certain argument, that their funerals were then generally by day, since the funeral office was in a manner appropriated to the eucharistical or morning service: but of this more hereafter in its proper place.

CHAP. III.

How they prepared the Body for the Funeral, and with what religious Ceremonies and Solemnities they interred it.

SECT. 1.—Christians always careful to bury the Dead even with the Hazard of their Lives.

Come we now to the ceremonies used in preparing the body for the funeral, and the solemnity of interring it. No act of charity is more magnified by the Ancients than this

¹ Surius. 30. Tul, ap. Durant. de Ritib. lib. i. cap. 23. n. 14.

of burying the dead: and therefore they many times ventured upon it even with the hazard of their lives. In times of persecution, and in times of pestilential diseases this could not be done without great danger; and yet they never scrupled it in either case. Asturius, a Roman senator,¹ took the body of Marinus the martyr from the place of execution, and carried it on his own shoulders to the grave. And Eutychianus is celebrated in the Roman martyrology and the pontifical for having buried three hundred and forty-two martyrs in several places with his own hands.² Sometimes they ventured to steal away the bodies of the martyrs in the night, when they could not otherwise either by money or entreaties get liberty to bury them. As we learn from the epistle of the Church of Lyons and Vienna in Eusebius,³ where the brethren express their profoundest sorrow and grief because their enemies would not suffer them to bury the bodies of their martyrs. For they kept such a strict guard upon them, that they could not come at them by night to take them away, neither would money prevail, nor any solicitations move the keepers to deliver the bodies up to be buried, but they kept them six days exposed in the open air, and then burned them, and scattered their ashes in the river, that there might be no relics of them remaining upon the earth. The brethren here ventured their lives by night, to have got the bodies, if it had been possible, to have given them a decent funeral. And there want not instances in the ancient martyrologies of some, who became martyrs themselves upon this account for their excessive charity to their brethren. The other difficult case, in which they expressed an equal charity and concern, was the time when pestilential diseases raged in the world. Even in this case they would never desert their brethren while alive, nor leave them unburied after death. Dionysius Bishop of Alexandria gives us a remarkable instance of this care,⁴ in that terrible plague that happened in Egypt in his time. He says, the Christians not only attended their brethren when they were sick,

¹ Euseb. lib. 7. cap. 16.

² Pontifical. Vit. Eutychiani.

³ Euseb. lib. v. cap. 1.

⁴ Ap. Euseb. lib. vii. cap. 22.

but also took care of them when they were dead, closing their eyes and mouths, laying them forth, watching with them, washing their bodies, dressing them and clothing them in garments proper for their burial, and then carrying them out on their own shoulders to their graves: in doing which they often ventured so far, that in a short time it was their own lot to have the same good offices done to themselves by others.

SECT. 2.—How they prepared the Body for Burial. First, Closing its Eyes and Mouth: a decent Circumstance observed by all Nations.

This passage of Dionysius shews us not only the great charity of the ancient Christians in burying the dead, but also some of the lesser circumstances and ceremonies than usually observed in preparing and decently composing the body for its burial. First, he says, they were used to close its eyes and mouth as soon as it was dead. Which was a custom of decency observed by all nations, and taught them as a comely thing by nature itself. Only the Romans added another ceremony to it, which had nothing of nature, but superstition in it: which was, as Pliny describes it,¹ to open their eyes again at the funeral pile, and shew them to heaven: which, according to the Roman superstition, was as necessary to be done, as it was necessary at first to close their eyes against the sight of men. The ground of this superstition I will not stand to enquire into, but only observe, that as the Christians rejected this ceremony because it was a mere superstition, so they retained the other as agreeable to that decency, which is taught by nature.

SECT. 3.—Then Washing the Body in Water.

The next circumstance mentioned by Dionysius was laying the body out, and washing it with water. This was a

¹ Plin. Nat. Hist. lib. xi. cap. 37. p. 204. *Morientibus oculos operire, rursusque in rogo patefacere, quirritium magno ritu sacrum est. Ita more condito, ut neque ab homine supremum eos spectari fas sit, et cœlo non ostendi nefas,*

ceremony used not only by the Greeks and Romans, but by the Hebrews also: from whom it was taken and continued by the Christians, as it is now by the Jews, though for more superstitious reasons than formerly, as Buxtorf acquaints us,¹ at this day. That it was a very early rite derived from the Jews to the Christians, we learn from the account, which is given of Tabitha, Acts, ix. 37. where it is said, that when she was dead, they washed her, and laid her in an upper chamber. And some will have this to be the meaning of the² Apostle, 1. Cor. xv. 29. where he speaks of being baptised or washed for the dead: which is not so certain. However, the custom is mentioned as usual among Christians, not only by Dionysius, but Tertullian, who says,³ the Christians used bathing as well as the heathens, at proper times for health, to preserve their vital heat and blood: for it was time enough to grow pale and cold when they came to be washed after death. This was also an innocent and decent ceremony, and therefore the Christians retained it, not for any mystical signification, that any of them mention, but as a civil rite, and comely preparation of the body for its burial. How long it continued in practice, I know not exactly: but Durantus gives later instances of its use,⁴ out of Gregory the Great, and Gregory of Tours, and Bede's Life of St. Cuthbert, and Eginhardus's Life of Charles the Great.

SECT. 4.—Dressing it in Funeral Robes: and these sometimes rich and splendid.

The next circumstance noted by Dionysius, is dressing and adorning the body in robes proper for its funeral. He takes no notice of anointing the body with precious ointment, nor of the use of any embalming, which was proper to be mentioned between washing and clothing; because this was not so generally used, as being a more

¹ Buxtorf. Synagog. Judaic. cap. 35. p. 501.
in Act. 9. 37.

² Vid. Beza.
³ Tertul. Apol. cap. 42. Labor honesta hora
et salubri, quæ mihi et calorem et sanguinem servet: rigere et pallere post
lavacrum mortuus possum.

⁴ Durant. de Ritib. lib. i. cap.
23. n. 13.

chargeable thing, and not so proper therefore to the deplorable case he was speaking of. But we have had occasion to speak enough of this before. The present circumstance of dressing and adorning the body in some robes or vestments proper for its burial, is mentioned by several other writers, who speak of these robes as differing much, either according to the dignity and quality of the deceased, or the quality of those, who prepared them. Eusebius says,¹ Asturius being a rich and noble Roman senator, wound up the body of Marinus the martyr, “*εἰ μάλᾳ πλεσίως, in a very rich garment,*” and so carried him to his grave. And Constantine, according to the dignity of an emperor, was buried in a purple robe, with other magnificence proper to the dignity of his person, as the same Eusebius informs us.² And St. Jerom signifies this to have been the custom of the rich,³ though according to his usual manner he somewhat, satirically inveighs against it: spare, I pray, yourselves, spare at least your riches, which ye love: why do you wind up your dead in clothes of gold? why does not your ambition cease in the midst of mourning and tears? cannot the bodies of the rich find a way to rot any otherwise than in silk? thus he at once gives us the custom, and his own tart reflexion on it; shewing himself a friend rather to the plain and common way of dressing the dead for their funeral: which was to wrap them up in clean linen clothes, after the example of Christ’s body, as the manner of the Jews was to bury. So St. Jerom says in another place,⁴ speaking of the woman that was seven times smitten: the clergy, whose office it was, wound up her bloody body in linen-clothes. And so Prudentius in his Hymn upon the Obsequies of the dead repre-

¹ Euseb. lib. vii. cap. 16.

² Euseb. de Vit. Const. lib.

4. cap. 66.

³ Hieron. Vit. Pauli.

Parcite, quæso, vobis, parcite saltem divitiis quas amatis.

Cur et mortuos vestros auratis obvolvitis vestibus?

Cur ambitio inter luctus lachrymasque non cessat?

An cadavera divitum nisi in serico putrescere nesciunt?

⁴ Hieron. Ep. 49. ad Innocent Clerici quibus id officii erat, cruentum linteo cadaver obvolverunt.

sents it as the most usual funeral dress.¹ And Athanasius says,² it was the custom of the Egyptians to use linen not only for the meaner sort of people, but for the nobles also and the martyrs. However, some adorning or other was always used: and therefore Sidonius Apollinaris represents it,³ as a thing contrary to the common way of burying in the Goths, that being forced to inter their slain in a tumultuous manner, they could neither wash them, nor clothe them for the grave, but threw whole loads of them naked and dropping with blood into the earth; which is usual enough in burying the slain of an army in the field, but no way agreeable to the manner of burying in time of peace. He, that would see more of this custom, may consult the learned Savaro's notes upon Sidonius, who gives other instances out of Arnobius, and Lactantius, and Corippus, and Gregory of Tours, and Constantius's life of Germanus, which I will not stand to repeat in this place. I only add that of St. Jerom,⁴ where he commends the lady Paula for her great charity to the poor, in that she never suffered any of their bodies to go without a funeral garment to their graves; and out of her immense propensity to the practice of this virtue, wished, that she herself might die poor, and be beholden to the charity of some other to give her a piece of linen to wrap up her body for its funeral: and to this subjoin that passage of St. Chrysostom,⁵ where he makes this funeral clothing to have something of signification in it, saying, "We clothe the dead in new garments, to signify or represent beforehand their putting on the new clothing of incorruption.

SECT. 5.—Watching and attending it in its Coffin till the Time of the Funeral.

The next circumstance mentioned in the short account of Dionysius, is the decent composing them in their coffin, and

¹ Prudent. Cathemer. in Hymn. ad Exequias Defunctorum. Candore nientia claro pretendere lintea mos est.

² Athan. Vit. Antonii.

³ Sidon. lib. iii. ep. 3. Quibus nec elutis vestimenta, nec vestitis sepulchra tribuebant.

⁴ Hieron. Epitaph. Paulæ. Quis inopum moriens non illius vestimentis obvolutus est?

⁵ Chrys. Hom. 116. t. vi.

Ed. Savil.

watching and attending them till the time of their funeral. It was the custom of all nations to let the dead corpse lie some time unburied, lest there should chance to be some vital spirit or remains of life in them, that might be quite destroyed by too hasty a funeral. For this reason the Romans let their body lie seven days; mean while using their ablution in warm water, and their several conclamations, as they called them, to try if there was any spirit left in them, which might be awaked and recovered to life again. If after the last conclamation no sign of life appeared, then *conclamatum est*, there was no remedy, after this cry they carried them forth to their funeral pile. The Roman antiquaries note further, that the rich were commonly laid in beds, and the poorer sort in coffins, in the porch or entrance of their houses, close by their gate. The Christians' ceremonies were in some things the same, and in some things a little refinement upon these. The common sort of people were laid in coffins of plain wood, as St. Ambrose and others inform us.¹ For in this the Christians chose rather to follow the heathens than the Jews; the Jews using no coffins, but only grave-clothes to wrap up the body, and biers to carry it to the grave. Others had their coffins adorned with more costly materials. Constantine was put in a coffin overlaid with gold, “ἐν χρυσῇ λάρονακι,” as both Eusebius and Soerates word it,² and that was covered also with a purple pall. St. Jerom says likewise, that Blesilla, the daughter of Paula, a rich lady in Rome, had her coffin covered with a cloth of gold: but St. Jerom himself did not like it; for he says immediately upon it,³ “it seemed to him as if he then heard Christ crying from heaven, I own not this garment: this clothing is none of mine; this ornament is the ornament of strangers.” From whence we may conclude, that this way of adorning coffins so pompously was

¹ Ambros. in Luc. 2. cited by Durant. de Ritib. lib. i. cap. 23.

² Euseb. Vit. Const. lib. iv. c. 66. Socrat. lib. i. cap. 40.

³ Hieron. Ep. 27. ad Paulam. Aureum feretro velamen obtenditur. Videbatur mihi tunc clamare de cœlo. Non agnosco vestes: amictus iste non meus: hic ornatus alienus est.

not very common among Christians. Neither did they imitate the heathens in their collocation in the porches or entrance of their houses: though Durantus says,¹ this old Roman custom is still continued at Paris: but they set their coffins either in some inner room of their house, or an upper room, as we read of Tabitha, Acts, ix. 37; or carried them to the church, where they watched with the body to the time of its funeral. Eusebius says,² Constantine's body was laid in his golden coffin covered with purple in one of the chief rooms of the palace, where lights were hanged round about it in golden candlesticks; and the body so adorned with the purple robe and royal diadem, was attended by the watchers for several days and nights together: such a splendid sight as was never seen from the foundation of the world before. Others chose immediately after death to be laid in the church, where the watchers also attended them till they were carried forth to their funeral. Thus Paulinus tells us,³ the body of St. Ambrose, as soon as it was dead, was carried into the church, and there they watched with him the night before Easter. And here, instead of the Roman conclamation, they were wont to make the church echo with psalmody, and hymns, and praises to God, which was a noble refinement upon the old ceremony of conclamation. Thus Gregory Nyssen represents the watching that was kept with the body of his sister Maerina.⁴ They watched and sung psalms all night, as they were used to do on the vigils or pernoctations preceding the festivals of the martyrs. And something of this kind is that, which St. Austin says⁵ was done in his mothers house some time after she was dead: Euodius took the psalter and began to sing a psalm, and the whole family answered alternately, "I will sing of mercy and judgment: unto thee, O Lord, will I sing."

¹ Durant. de Ritib. lib. i, cap. 23. n. 13.
lib. iv. c. 66.

² Euseb. Vit. Const.
³ Paulin. Vit. Ambros. Ad ecclesiam, antelucanâ horâ quâ defunctus est, corpus ipsius portatum est, ibique eâdem fuit nocte quam vigilavimus in Paschâ. Vid. Gregor. Turon. de Gloriâ Confessor. cap. 104.

⁴ Nyssen. Vit. Maerinae. t. ii. p. 200.

⁵ Aug.

Confess. lib. ix, c. 12.

SECT. 6.—The Exportation of the Body performed by near Relations, or Persons of Dignity, or any charitable Persons, as the Case and Circumstances of the Party required.

The last circumstance mentioned by Dionysius, is the exportation of the body to the grave: which in the particular case he speaks of, being the time of a raging plague and pestilence, was done by such charitable persons as were willing to venture their own lives to discharge these last pious offices to their dying brethren. And there were many occasions for this sort of charity in the three first ages, not only upon the account of infectious diseases, but for the multitude of martyrs, and numbers of the poor, who had nothing to depend upon but the kindness of such charitable persons in the Church. Sometimes this office was performed by the next relations; and sometimes by persons of rank and quality, when they designed to do a particular honour to the party deceased in regard to his merit and virtue. I have noted before, out of Eusebius,¹ how Asturius, a noble Roman senator, carried Marinus the martyr on his own shoulders to his grave: and how Eutychian, Bishop of Rome, is said to have buried above three hundred martyrs with his own hands. St. Jerom also tells us,² that the bishops of Palestine paid this particular respect to the famous Lady Paula, that they carried her forth with their own hands, and put their own necks under her coffin. So Gregory Nyssen says,³ that he and some others of the most eminent clergy carried his sister Macrina to her grave. Nazianzen also tells us,⁴ that St. Basil was carried *χειρὸν ἀγίων*, by the hands of the clergy in honour to his person.

SECT. 7.—Particular Orders of Men appointed in some great Churches, under the Names of *Copiatæ*, and *Parabolani*, to take Care of the Sick, and perform all these Offices for the Dead.

In the first ages the poor were buried at the common charge and charity of the Church, as we learn from Tertul-

¹ Euseb. lib. vii. cap. 16. See before, n. 1.

² Hieron. Ep. 27.

Epitaph. Paulæ. Translata episcoporum manibus et cervicem feretro subjicientibus.

³ Nyssen. Vit. Macrinæ. t. ii. p. 201.

⁴ Naz. Orat. 20. in Laud. Basil. p. 371.

lian's Apology, cap. xxxix. But afterward in some of the greater Churches, where there were multitudes of poor, in the beginning of the fourth century we find two orders of men set up in the Church, with a sort of clerical character, whose particular business was to attend the sick, especially in infectious diseases, and to do all offices that were necessary to be done in order to give the poor a decent funeral. The one were called *Parabolani*, from venturing their lives among the sick in contagious distempers; and the other *Copiatæ, Laborantes, Leticarii, Fossarii, Sandapilarii*, and *Decani*, answerable to the old Roman names *Libitinarii* and *Vespillones*, whose office was to labour in digging of graves for the poor, and carrying the coffin or bier, and depositing them in the ground, as most of the names signify: which it is sufficient only to hint here in this place, because I have given a full account of these orders of men in two distinct chapters in a former book.¹

SECT. 8.—Psalmody the great Ceremony used in all Processions of Funerals among Christians, in Opposition to the Heathen's Piping and Funeral-Song.

Now to proceed: whereas the heathens had their *Nænia* or *funeral-song*, together with their pipers and sometimes trumpeters to play before them:² instead of this the Christians chose to carry forth their dead in a more solemn manner with psalmody to the grave. We cannot expect to find much of this in the three first ages: while they were in a state of persecution: but as soon as their peaceable times were come, we find it in every writer. The author of the Apostolical Constitutions gives this direction,³ that they should carry forth their dead with singing, if they were faithful. "For precious in the sight of the Lord is the death of his Saints." And again it is said, "Return to thy rest, O my soul, for the Lord hath rewarded thee. And the memory of the just shall be blessed: and

¹ Book III. chap. viii. and ix.
lib. v. cap. 39. p. 991.
προπέμπετε αυτούς, &c.

² Vid. Rosin. Antiq. Rom.
³ Constit. lib. vi. cap. 30. *Ψάλλοντες*

the souls of the just are in the hand of the Lord." These probably were some of those versicles, which made up their psalmody upon such occasions. For Chrysostom speaking of this matter, not only tells us the reason of their psalmody, but also what particular psalms or portions of them they made use of as proper for this solemnity. "What mean our hymns,"¹ says he, "do we not glorify God, and give him thanks, that He hath crowned him that is departed, that He hath delivered him from trouble, that He hath set him free from all fear? Consider what thou singest at that time: 'turn again unto thy rest, O my soul, for the Lord hath rewarded thee.' And again. 'I will fear no evil, because thou art with me.' And again. 'Thou art my refuge from the affliction which compasseth me about.' Consider what these psalms mean. If thou believest the things, which thou sayest, to be true, why dost thou weep and lament, and make a mere pageantry and mock of thy singing? If thou believest them not to be true, why dost thou play the hypocrite so much as to sing?" He speaks this against those who used excessive mourning at funerals, shewing them the incongruity of that with this psalmody of the Church. And he uses the same argument frequently upon this occasion, dissuading men, not from moderate, but excessive sorrow, as inconsistent with the usual psalmody of the Church, and exposing them at the same time to the ridicule of the Gentiles. For what, said they, are these the men that talk so finely and philosophically about the resurrection? Yes indeed! But their actions do not agree with their doctrine. For whilst they profess in words the belief of a resurrection, in their deeds they act more like men that despair of it. If they were really persuaded that their dead were gone to a better life, they would not so lament. "Therefore," says Chrysostom,² "let us be ashamed to carry out our dead after this manner. For our psalmody, and prayers, and solemn meeting of fathers, and such a multitude of brethren, is not

¹ Chrys. Hom. 4. in Hebr. p. 1784 et 5. ² Chrys. Hom. 29. de Dormientib. t. v. p. 423. Vid. Hom. lxi. in Joan. et Hom. 6. de Pœnitent. in Edit. Latin. Hom. xiv. in 1 Tim. Hom. cxvi. t. 6. Edit. Savil.

that thou shouldst weep and lament, and be angry at God ; but give Him thanks for taking a deceased brother to Himself.' St. Jerom also frequently speaks of this psalmody as one of the chief parts of their funeral-pomp. He says,¹ at the funeral of the Lady Paula at Bethlehem, which was attended with a very great concourse of the Bishops, and clergy and people of Palestine, there was no howling or lamenting as used to be among the men of this world, but singing of psalms in Greek, and Latin, and Syriack, (because there were people of different languages present), at the procession of her body to the grave. And speaking of St. Antony's burying Paul the Hermit,² he says, he wound him up, and carried him forth, singing hymns and psalms, according to the manner of Christian burial. Gregory Nyssen gives the same account of the funeral of his sister Maerina,³ and Nazianzen of the funeral of his brother Cæsarius.⁴ And the practice was so universal, that Socrates takes notice of it among the Novatians,⁵ telling us how they carried the body of Paulus their Bishop at Constantinople with psalmody to his grave. And it being so general and decent a practice, it was a grievance to any one to be denied the privilege of it. Victor Uticensis,⁶ upon this account, complains of the inhuman cruelty of one of the Kings of the Vandals: who can bear, says he, to think of it without tears, when he calls to mind, how he commanded the bodies of our dead to be carried in silence without the solemnity of the usual hymns to the grave? For none were wont to be denied this privilege save only such as either laid violent hands upon themselves,⁷ or were publicly executed for their crimes, or died in a wilful neglect of baptism. Such were not allowed this solemnity of psalmody at their funeral; being in the same rank with excommunicated persons, who

¹ Hieron. Epitaph. Paulæ. Ep. 27.

² Id. Vit. Pauli. Obvoluto et prolato foras corpore, Hymnos quoque et Psalmos de Christianâ traditione decantans. &c.

³ Naz. Orat. x. t. 1. p. 169.

⁴ Nyss de Maerina.

⁵ Soerat lib. vii. cap. 46.

⁶ Victor de Persec. Vandal. lib. i. Bibl. Patr. t. 7. p. 589.

⁷ Con. Bracar. 1 can. 31. et. 35.

had no title to be partakers in any offices peculiarly appropriated to communicants in the church. But such as were called away out of the world in the vocation of God, as one of the Councils of Toledo¹ words it, that is the bodies of all pious and religious Christians, were allowed this honour of being carried to their graves with singing: but then that singing must not be those funeral-songs, which were commonly used among the Gentiles, accompanied with antic beating of their breasts, and the like: for it was sufficient for Christians, whose bodies were buried in hopes of a resurrection, to have the service of Divine songs, or psalmody bestowed upon them. This shews us another difference between the heathen and the Christian way of burial. The heathens were used to have their *Proficæ*, or women hired on purpose to make lamentation at their funerals: which even Lucian himself derides, bringing in a dead man, by way of *Prosopopœia*, asking this question, what does your lamentation signify to me, or your beating of the breast at the sound of the pipe? And Chrysostom,² in a more serious manner, reproves some, who in his time were still fond of this heathenish custom, whom he threatens, unless they amended, to prosecute them with the utmost severity of excommunication.

SECT. 9.—Crowning the Coffin with Garlands not allowed among Christians, though they scrupled not to carry Lights before them.

The heathens were used in their funeral pomp to crown their corpse, with garlands, in token of victory, as Clement Alexandrinus interprets it,³ drawing thence an argument to prove that their idol-gods were only dead men. Tertullian⁴ also expressly mentions their funeral crowns, but he condemns them among all the rest that he writes against

¹ Con. Tolet. 3. can. 22. Qui divinâ vocatione ab hâc vitâ recedunt, cum psalmis tantummodo, et psallentium vocibus debere ad sepulchra deferri. Nam funebre carmen, quod vulgo defunctis cantari solet, vel in pectoribus se, aut proximos aut familias cædere omnino prohibemus, &c.

² Chrys. Hom. iv. in Hebr. p. 1786,

³ Clem. Pædagog. lib.

ii. cap. 8.

⁴ Tertul. de Coron. cap. xiii.

in his book of the Soldier's Crown, where he reckons them all idolatrous, as used by the heathens. We do not find this custom used by Christians in their funeral rites. The heathen, in Minucius, makes it one topic of accusation against them,¹ that they did not crown their sepulchres: and Minucius in his answer owns the charge: "we do not crown the dead: and I wonder more at you, that ye give either torches or crowns to a dead man, who has no sense of them; when, if he be happy, he needs no flowers; and if he be miserable, he takes no pleasure in them. We adorn our funeral obsequies with the same tranquility that we live; not making fading crowns to ourselves, but expecting a crown of everlasting flowers from God." It is plain from this, that the Christians did not crown their dead. Neither, according to this reading of Minucius, could they use torches at their funerals. But this seems strange, when it is certain, that in the time of Minucius they were often forced to bury in the night. Therefore it is probable the word *facem* is crept into the text: for the sense and scope of the argument requires it not. However, in after-ages the Christians scrupled not to carry lights and torches by day before their dead, as an emblem of victory and joy, as we heard St. Chrysostom himself before³ explaining the reason of it. So that either the Christians did never scruple this ceremony, or else it must be said, they thought fit to adopt it into their rites in after ages.

SECT. 10.—Funeral Orations made in the Praise of eminent Persons.

When they had thus conducted the corpse to the place of burial, it was usual to make a funeral oration in the praise and commendation of the party deceased, if there was any thing singular and eminent in him, fit to be recom-

¹ Minuc. p. 35. Coronas etiam sepulchris denegatis. ² Ibid. p. 109. Nec mortuos coronamus. Ergo vos in hoc magis miror, quemadmodum tribuatis exanimi aut non sentienti facem, aut non sentienti coronam: cum et bealus non egeat, et miser non gaudeat floribus, &c.

³ Chrys. Hom. iv. in Hebr. cited before, chap. ii, u. 6.

mended as an example and pattern of virtue to others, or worthy to be related as a just memorial and monument of his own merits and glory. We have several orations of this kind still remaining: as that of Eusebius at the funeral of Constantine; and those of St. Ambrose at the funerals of Theodosius and Valentinian, and his own brother Satyrus; and those of Gregory Nazianzen upon his father, and his brother Cæsarius, and his great friend St. Basil, and his sister Gorgonia; and that of Gregory Nyssen upon the death of Melitus, Bishop of Antioch, which Socrates, in one place,¹ calls “Ἐπικήδειον λόγον,” his *Funeral Oration*, and in another place,² “Ἐπιτάφιον,” his *Epitaph*. But St. Jerom’s Epitaphs upon Nepotian, Fabiola, and Paula, are of another sort, being only private characters composed by him to perpetuate their memory, but not delivered in public as Funeral Orations.

SECT. 11.—Together with Psalmody and the usual Service of the Church.

But whether there was a funeral oration or not, the other service of the church was usually performed at the interment of the dead; the whole service, if the burial was in the morning, when the oblation of the eucharist might be celebrated; or else only the psalmody and prayers, if the funeral was in the afternoon. The psalmody and prayers are largely described by the author under the name of Dionysius, the Areopagite,³ who speaks first of their singing hymns of thanksgiving to God for the party deceased, and his making a victorious end, and desiring that they may come to the same rest with him. Then the bishop makes a prayer of thanksgiving also to God for making the party persevere in the knowledge of God, and his Christian warfare unto death. Then the deacon reads such portions of scripture as contain the promises of a resurrection, and the hymn appertaining to the same purpose. Thus far was the service of the catechumens in this office of burial. After

¹ Socrat. lib. v. cap. 9.

² Id. lib. iv. cap. 25.

³ Dionys. Eccles. Hierarch. cap. vii. p. 406.

their dismissal, the chief deacon makes a commemoration of all saints departed, and proclaims them conquerors, giving the same elogium to him that was now to be interred, and exhorting all to follow his example, and beg of Christ an happy end. Then the bishop prays after this for him that was deceased, that God would forgive him all his sins contracted by human infirmity, and translate him into the place of light and the regions of the living, and give him a mansion in the bosom of Abraham, Isaac, and Jacob, whence all grief, and sorrow, and mourning are fled away. Then he gives him the kiss of peace, and anoints him with the holy oil, and so commits him to the earth. Here is no mention of the eucharist being celebrated in this office, but we find it in others: and the two last ceremonies of giving the kiss of peace, and anointing with oil, are in a manner peculiar to this author, and the former of them expressly forbidden in some other rules of burial. But the hymns and psalmody, and proper portions of scripture and prayers made a part of the burial office in all Churches. St. Jerom thus describes the funeral of Fabiola:¹ “The psalms were sung aloud, and the echo of the Hallelujahs shook the golden roof of the church.” So again at the funeral of Paula,² he speaks not only of their singing in the procession, but in the middle of the church also. The African Councils speak likewise of prayers used at the funerals of the dead: which prayers were particularly termed *Παραδέσεις* and *Commendationes*, *commendatory prayers*,³ being such as they used when they committed the bodies to the ground: and these are appointed to be such only as were approved in synod, that no corruption of faith through ignorance might creep into the offices of the Church. This is abun-

¹ Hieron. Epitaph. Fabiol. cap. 4. Sonabant psalmi, et aurata templorum tecta reboans in sublime quatiebat Alleluya.

² Id. Epitaph. Paulæ. Ep. 27. Alii choros psallentium ducerent in mediâ ecclesiâ, &c.

³ Con. Milevitan. can. 12. Orationes quæ probatæ fuerint in synodo, sive prefationes, sive commendationes, sive manus impositiones, ab omnibus celebrentur. Nec aliæ omnino dicantur, &c. Vid. Cod. Can. Eccles. Afric. can. 106.

dant proof that psalmody and prayers were always a part of the funeral service in the Church.

SECT. 12.—And sometimes the Oblation of the Eucharist.

And whenever it was a proper season, the communion was added to these also: that is, when the funeral or commendation of any person deceased was in the morning, which was the only proper time for the communion, because it was to be received by all fasting. This distinction is made in the third Council of Carthage, which orders,¹ first, that all men shall receive the communion fasting: and then adds, that if any commendation or funeral of a bishop or any other be to be celebrated in the afternoon, it should be done with prayers only, and not with the celebration of the eucharist, if they that assisted at the funeral office had dined before. This is a manifest evidence, that the communion was generally celebrated at funerals in this age, at least in the African church, unless some intervening circumstance of time made it otherwise. Accordingly Possidius tells us,² St. Austin was buried with the oblation of the sacrifice to God for the commendation of his body to the ground. And so St. Austin himself tells us,³ his mother Monicha was buried with the offering of the sacrifice of our redemption, according to custom, before her body was laid in the ground. This made Victor Uticensis bring in the people of Africa thus complaining,⁴ when all their clergy were driven away in the barbarous desolation of the Vandals, “Who shall now bury us, when we are dead, with the solemn prayers?”

¹ Con. Carth. 3. can. 29. Sacramenta altaris non nisi à jejunis hominibus celebrentur—Nam si aliquorum pomeridiano tempore defunctorum, sive episcoporum sive cæterorum commendatio facienda est, solis orationibus fiat, si illi qui faciunt, jam pransi inveniantur.

² Possid. Vit. Aug. cap. 13. Pro ejus commendanda corporis depositione sacrificium Deo oblatum est, et sepultus est.

³ Aug. Confess. lib. ix. cap. 12. Cum offerretur pro ea sacrificium pretii nostri, jam juxta sepulchrum posito cadavere, priusquam deponeretur, sicut fieri solet, &c.

⁴ Victor. de Persec. Vandal. lib. ii. Bibl. Patr. tom. vii. p. 600. Qui nos solennibus orationibus sepulturi sunt morientes.

And that we may not think this was a custom peculiar to Afric, Paulinus tells us,¹ St. Ambrose was so buried on Easter-day in the morning, after the divine sacrament had been administered. In like manner Eusebius describes the funeral of Constantine.² He says, the clergy performed the divine service with prayers: and lest we should take this for prayers only, he adds, they honoured him with the mystical liturgy, or service of the eucharist, and the communion of the holy prayers. So St. Ambrose gives us to understand it was in the funeral of Valentinian, by those words in his oration upon his death:³ “Bring me the holy mysteries, let us pray for his rest with a pious affection.” And so Euodius says,⁴ he buried his pious notary, singing hymns to God at his grave three days together, and on the third day offering the sacraments of redemption.

SECT. 13.—With particular Prayers for the Dead.

Now this was the rather done, because in the communion service, according to the custom of those times, a solemn commemoration was made of the dead in general, and prayers offered to God for them; some eucharistical, by way of thanksgiving for their deliverance out of this world's afflictions; and others by way of intercession, that God would receive their souls to the place of rest and happiness; that he would pardon their human failures, and not impute to them the sins of daily incursion, which in the best men are remainders of natural frailty and corruption; that he would increase their happiness, and finally bring them to a perfect consummation with all his saints by a glorious resurrection. All which prayers, as I have fully demonstrated in another place,⁵ could have no relation to the modern

¹ Paulin. Vit. Ambros. Illucescente die Dominico, cum corpus illius, peractis sacramentis divinis, de ecclesiâ levaretur portandum ad basilicam Ambrosianam, &c.

² Euseb. Vit. Const. cap. 71. Τὰ τῆς ἐνθάδε λατρείας δι' ἐνχῶν ἀνεπλήρουν. - - - - Μυστικῆς λειτουργίας ἀξιόμενον ἐκ κοινωνίας ὁσίων ἀπολαύον ἐνχῶν.

³ Ambros. de Obitu Valentin. p. 12. Date manibus sancta mysteria. Pio requiem ejus poscimus affectu.

⁴ Ap. Aug. Ep. 258.

⁵ Book XV. chap. iii. sect. 16.

groundless fancy of purgatory, but went upon other principles that perfectly overthrow it: but being agreeable to the sense and opinions of those times, they chose the rather to use the communion service at burials, because of these prayers that were constantly made therein to God for all holy men and women departed, among whom they reckoned the soul of him in particular, whom they were then about to commit to his grave. But whether they had a communion or not at the funeral, they had always prayers, as is evident from the last mentioned Canons of the Councils of Carthage and Milevis, which give directions about the use of them. And in these prayers, when there was no communion, they particularly commended the soul of the deceased to God, whence probably these prayers more especially had the distinguishing name of commendations. Besides these, it was usual to pray for them by private or sudden ejaculations, as we find examples in St. Ambrose's several orations upon the Emperors Theodosius, Valentinian, and Gratian, and his own brother Satyrus, and Gregory Nazianzen's funeral speech upon his brother Cæsarius, and St. Austin's private prayers for his mother Monicha: not to mention the prayers made for them annually upon their anniversary days of commemoration. One of these forms of prayer used at funerals is still remaining in the Constitutions, which I the rather choose to repeat here, because it fully shews, there was no relation to purgatory in those prayers, but quite the contrary, viz. a supposition that the soul of the deceased was going to a place of rest and happiness in Abraham's bosom. The form runs after this manner: First the deacon says,¹ "Let us pray for our brethren, who are at rest in Christ; that the merciful God, who hath taken the soul of this our brother, would forgive him all his sin, voluntary and involuntary, and of his great mercy and good-will place him in the regions of the just, that are at rest in the bosom of Abraham, Isaac, and Jacob, with all those, who have pleased God, and done his will from the beginning of the world, in

¹ Const. Apost. lib. viii. cap. 41.

the place whence sorrow, and grief, and mourning are fled away." After this the bishop makes another prayer in these words: "O Thou immortal and everlasting God, from whom every thing, whether mortal or immortal, has its being; who hast made man a rational creature, and inhabitant of the world, mortal in his constitution, but promised him a resurrection from the dead; who didst preserve Enoch and Elias from tasting death. O God of Abraham, God of Isaac, and God of Jacob, who art not the God of the dead, but of the living: because the souls of all live to thee, and the spirits of just men are in thy hand, whom torment cannot touch: look down now upon this thy servant, whom Thou hast chosen, and received to another state; pardon him whatsoever he has willingly or unwillingly sinned against Thee; grant him favourable angels, and place him in the bosom of patriarchs, prophets, apostles, and all those, who have pleased Thee from the beginning of the world, where there is no sorrow, grief, or trouble, but a place of rest for the godly, a land of quietness for the upright, and all those, who therein see the glory of thy Christ: by whom all glory honour, adoration, thanksgiving, and worship be to Thee, through the Holy Ghost, for ever. Amen."

Then the bishop prays again for the people there present. "Lord, save thy people, and bless thine inheritance, whom Thou hast purchased with the precious blood of thy Christ; feed them under thy right hand, protect them under thy wings, grant that they may fight the good fight, and may finish their course, and keep the faith, immutable, unblameable, unreprieveable, through our Lord Jesus Christ, thy beloved Son: to whom with Thee and the Holy Spirit be all glory, honour, and adoration, world without end. Amen."

These prayers for the dead are not made upon the Romish supposition of the souls being in purgatory or any place of torment, but plainly upon a quite contrary supposition of their being conducted by the holy angels to a place of rest, to the bosom of patriarchs, apostles, and prophets: which is an infallible demonstration, that the Church then knew nothing of a purgatory-fire to torment the dead for many ages after death; but all her prayers went upon another

supposition, which overthrows the belief of a purgatory fire, by placing the souls of the dead in a state of immediate rest and happiness.

SECT. 14.—A corrupt Custom of giving the Kiss of Peace and the Eucharist to the Dead, corrected by the Ancient Canons.

Whilst we are speaking of prayers for the dead, and the administration of the eucharist at funerals, we must not forget to mention a corrupt custom, which through ignorance or superstition crept into some places, but was strictly forbidden by the Canons. That was the custom of giving the kiss of peace and the communion to the dead. This had a semblance of piety in it, and doubtless arose from the laudable custom of celebrating the communion at funerals, of which it serves for a further testimony: but it was the effect of a blind superstition only. And therefore though the feigned author, under the name of Dionysius the Areopagite,¹ speaks with approbation of the ceremony of giving the kiss of peace to the dead: yet when this custom, together with that of giving the eucharist to the dead, began to creep into France about the year 578, the Council of Auxerre made a peremptory Canon against them both: “It is not lawful to give either the eucharist or the kiss of peace to the dead.”² The corruption of giving the eucharist to the dead had been moving in Afric some ages before in the time of St. Austin: but he and the rest of the fathers, who met in the third Council of Carthage gave check to it,³ forbidding such ignorant and weak presbyters, by whose folly the practice had been encouraged, to give way any longer to it, or misguide the people in such an erroneous opinion, as to make them think the eucharist was to be given to the dead: whereas our Lord said, “Take and eat:” but dead bodies can neither take nor eat it. The same persons thought,

¹ Dionys. Ecles. Hierarch. cap. 7.

² Con. Antissiodor. can. 12.

Non licet mortuis nec eucharistiam nec osculum tradi, nec velo vel pallis, corpora eorum involvi.

³ Con. Carth. 3. can 6. Placuit ut corporibus defunctorum eucharistia non detur. Dictum est enim à Domino, Accipite et edite: cadavera autem nec accipere possunt, nec edere, &c.

that dead bodies might also receive the other sacrament of baptism; as if there had been some peculiar virtue and efficacy in the outward elements of the sacraments themselves, without any sense or concurrence of faith in the receiver. Both which errors are censured also by St. Chrysostom;¹ and that of giving the eucharist to the dead more particularly by the Council of Trullo.² All which shews, that this was an error, which many superstitious people were very fond of; but it was never allowed or encouraged publicly by any authority in the Church. The custom of burying the eucharist in the coffin with the dead, which has so much prevailed in the Romish Church, is a novelty of later ages only, begun by Benedict the monk, but without any precedent or example in any of the ancient monuments of the Church, as I have had occasion to shew more fully in a former book.³ Let us therefore now pass on from these corruptions to the more approved practices of the Church.

SECT. 15.—Almsdeeds commonly added to Prayers for the Dead.

Almsdeeds, as a proper concomitant of prayers at all times, was now thought as seasonable as ever, to be given by the living for the dead. “Would you honour the dead? Give alms,” says St. Chrysostom in one of his Homilies.⁴ And in another,⁵ “Why do you call the poor after the death of any relation? Why do you desire the presbyters to pray for him? I know you will answer, that he may go into rest, that he may find a merciful Judge.” He commends this practice a little after, and thus presses rich men to it, that bury their heirs: “If many barbarous nations burn their goods together with their dead, how much more reasonable is it for you to give your child his goods when he is dead? Not to reduce them to ashes, but to make him the more glorious: if he be a sinner, to procure him pardon; if righteous, to add to his reward and retribution.” St. Jerom commends

¹ Chrys. Hom. 40. in I Cor. p. 668.

² Con. Trull. can. 83.

³ Book XV. chap. iv. sect. 20.

⁴ Chrys. Hom. 61. in Joan.

⁵ Id. Hom. 32. in Mat. p. 307.

Pammachius upon this account:¹ “whilst other husbands throw violets, and roses, and lilies, and purple flowers upon the graves of their wives, our Pammachius waters the holy ashes and bones of his wife with the balsam of alms.”

SECT. 16.—And repeated yearly upon the Anniversary Days of Commemoration of the Dead.

Some repeated these alms yearly upon the anniversary day of commemorating the dead. At these times they were used to make a common feast or entertainment, inviting both the clergy and the people,² but especially the poor and needy, the widows and orphans, that it might not only be a memorial of rest to the dead, but an odour of sweet smell to themselves in the sight of God, as the author under the name of Origen words it. St. Chrysostom says,³ they were more tenacious of this custom than they were of some others of greater importance, If they were to commemorate a child or a brother that was dead, they were pricked in conscience, if they did not fulfil the custom and call the poor, but at other times, even when they were to commemorate the death of Christ, they could overlook them.

SECT. 17.—But this often degenerated into great Excesses and Abuses, which are complained of as no better than the Parentalia of the Gentiles.

But this often degenerated into great abuses. For some, instead of feeding the poor, only made this an occasion of indulging themselves in great excesses: which was the fault that Tertullian so smartly reproves in the parentations of the Gentiles, when he objects to them their holding feasts at the graves of their parents, and junketing to excess,⁴ so

¹ Hieron. Ep. 26, ad Pammach. de Obitu Uxoris.

² Orig. in

Job. lib. iii. p. 437.

³ Chrys. Hom. 47. in 1 Cor. p. 565.

⁴ Tertul. de Testimon. Animæ. cap. 4. Quando extra portam cum obsoniis et maitæis tibi potiùs parentans ad busta recedis, aut à bustis dilutior redis. Id. de Resur. Carnis. cap. 1. Ipsos defunctos atrocissimè exurit, quos postmodum gulosissimè nutrit.

as to return drunk from thence, and beside their senses; feeding voraciously at the graves of those, whom in a mock piety, but real cruelty, they had burnt before, In the three first ages no heathen could retort this back again upon the Christians: but in the fourth age such excesses were committed by some, that the Manichees in St. Austin's time objected it to the Catholics, and the matter was so flagrant that St. Austin was forced to own it,¹ confessing that he knew many, who drank luxuriously over the dead, and when they made a feast for the deceased, buried themselves over the dead, and placed their gluttony and drunkenness to the account of religion. But he says, the Church condemned them, and daily laboured to correct them as wicked children. He complains of the same matter again in one of his epistles to Aurelius Bishop of Carthage,² where he desires these oblations for the dead might be so regulated, that they might not run into any sumptuousness or shameful excess: and if any thing was given in money upon that account, it should be distributed immediately among the poor, according to the primitive design and intent of such oblations. For such oblations the Church always willingly received, but never encouraged any other.³ The author of the book *De Duplici Martyrio* under the name of Cyprian,⁴ who wrote long after the time of St. Austin, has a like severe reflexion upon the intemperance of the African people. Drunkenness, says he, is so common in our Africa, that it is scarce reckoned any crime. Christians are compelled by Christians to be drunk even at the memorials of the martyrs. Which is no less a crime than offering a goat to Bacchus. But of this I have spoken largely in a former book,⁵ where I had occasion to reflect on the same excesses committed by some at the monu-

¹ Aug. de Moribus. Eccles. cap. 34. Novi multos esse, qui luxuriosissimè super mortuos bibant, et epulas cadaveribus exhibentes, super sepultos seipsos sepeliunt, et voracitates ebrietatesque suas deputent religioni.

² Aug. Ep. 64. ad Aurelium. It. Hom. 101. de Diversis.

³ Vid.

Con. Carth. 4. c. 95. et Con. Vasens. l. can. 4. de Oblationibus Defunctorum.

⁴ Cypr. de Duplici Mart. p. 42. Temulentia adeò communis est Africæ nostræ, ut propemodum non habeant pro crimine. Annon videmus ad martyrum memorias Christianum à Christiano cogi ad ebrietatem? &c.

⁵ Book XX. chap. vii. sect. 10.

ments of the martyrs on their anniversary festivals or commemorations. I now return to the funerals of the ancient Church.

SECT. 18.—Decent Expressions of moderate Sorrow at Funerals not disallowed; but the Heathenish Custom of hiring *Præficæ*, or Mourning Women, sharply reprov'd by the Ancients.

Moderate sorrow, when expressed in a decent manner for the loss of friends, is a thing so natural in itself, and so consistent, even with the joy and faith of a Christian, that the Ancients never said any thing against any one expressing such sorrow at a funeral. But two things they extremely disliked and sharply reprov'd; first immoderate grief, as unbecoming the character and profession of a Christian, whose conversation is in heaven already, and his hope and expectation no less than a crown and kingdom after death; who therefore ought not to grieve or sorrow above measure, but with a mixture of joy, that any friend is gone to heaven before him to take an earlier possession of it. The other thing they disliked was the heathenish custom of having women hired on purpose to lament and make an hideous crying and howling before the dead, with tearing their hair also, and many other ridiculous signs of mourning. The chief of these the Romans called *Præficæ*, from being set over the rest to guide and direct them in their funeral songs and lamentations, as Rosinus¹ describes them out of Varro and Lucilius, and Sextus Pompeius and Nonius Marcellus, and other Roman authors. Now this the Ancients extremely disliked and severely inveighed against as a mere heathenish custom. “Why do you beat yourself and lament,” says Chrysostom,² “and accuse the institution of Christ, who has overcome death, and made it only a sleep? If an heathen does this, he is worthy to be laughed to scorn: but if a Christian does it still, after he is assured of a resurrection, what apology or excuse can be made for him? and yet you

¹ Rosin. Antiq. lib. iii. cap. 31. et lib. v. cap. 39. Hom. 32. in Mat, p. 306.

² Chrys.

aggravate your crime by calling in heathen women to be your mourners, and to inflame your sorrow, not regarding what St. Paul says, what concord hath Christ with belial? and what part hath he that believeth with an infidel?" he then goes on to shew the monstrous folly and vanity of this practice, by great variety of arguments, and curiously answers all the little pleas, which such Christians made in behalf of themselves to excuse this unchristian deportment. In another place he treats them more sharply,¹ telling them, he was not only grieved but utterly ashamed to think how Christians debased and disgraced themselves in the eyes of the heathen, and Jews, and heretics by their weeping and wailing, and howlings, and lamentations, and other indecent practices in the open streets, for which the Gentiles derided them. For they were ready to say, how can any of these men despise death themselves, who cannot so much as bear the death of another? They are fine things indeed that are spoken by Paul, when he says, God delivered them, who through fear of death were all their life-time held in bondage: these are heavenly words truly, and very worthy and becoming the great kindness and love of God to men: but ye will not suffer us to believe these things, for ye contradict them by your own actions. Shew me your philosophy by your patience in bearing cheerfully the death of others, and then I will believe the resurrection. Thus he makes the heathen speak by a neat *Prosopopœia*, to shame such Christians, if it might be, into a more manly deportment. He adds withall, that such indecent behaviour of men and women, tearing their hair and making such hideous lamentation, was a crime for which, if they had their desert, they ought to be cast out of the Church, as in effect denying the resurrection. In short he tells them with the authority of a bishop, that if they persisted in that vile abuse of hiring heathen women to be their mourners, he would excommunicate them as idolaters. For if St. Paul calls the covetous man an idolater, much more may he be called so, who brings

¹ Chrys. Hom. 4. in Hebr. p. 1784.

the practice of idolaters among Christians. From thenceforth he peremptorily forbids them to make use of any such heathen mourners under the penalty of the highest ecclesiastical censure. By which, not to insist upon what he urges in other places,¹ nor what is said by other writers, we may easily judge, how great an abuse this way of indecent mourning was reckoned in the Church.

SECT. 19.—The Novendial of the Heathen rejected as a superstitious Practice.

The heathens had another custom of repeating their mourning on the third, and seventh, and ninth day, which was particularly called the *Novendiale*: and some added the twentieth, and thirtieth, and fortieth, not without a superstitious opinion of those particular days, wherein they used to sacrifice to their *Manes* with milk, and wine, and garlands, and flowers, as the Roman antiquaries inform us.² Something of this superstition, abating the sacrifice, was still remaining among some ignorant Christians in St. Austin's time; for he speaks of some, who observed a *Novendial* in relation to their dead,³ which he thinks they ought to be forbidden, because it was only an heathen custom. He does not seem to intimate, that they kept it exactly as the heathen did; but rather that they were superstitious in their observation of nine days of mourning, which was without example in scripture. There was another way of continuing the funeral offices for three days together, which was allowed among Christians, because it had nothing in it but the same worship of God repeated. Thus Euodius writing to St. Austin,⁴ and giving him an account

¹ Chrys, Hom. 6. in 1 Thes. Hom. 29. de Dormientibus. t. 7. p. 423.

² Resin. Antiq. lib. v. cap. 39. p. 997.

³ Aug. Quæst. 172. in

Gen. tom. iv, Nescio utrum inveniat alicui sanctorum in Scripturis celebratum esse luctum novem dies, quod apud Latinos Novendial appellant. Unde mihi videntur ab hac consuetudine prohibendi, si qui Christianorum istum in mortuis suis numerum servant, qui magis est in Gentilium consuetudine.

⁴ Euodii, Ep. 258. inter Epist. Aug. Exequias præbuimus satis honorabiles, et dignas tantæ animæ: nam per triduum hymnis Dominum collaudavimus super sepulchrum ipsius, et redemptionis sacramenta tertio die obtulimus.

of the funeral of a very pious young man, who had been his notary, says, he had given him honourable obsequies, worthy so great a soul: for he continued to sing hymns to God for three days together at his grave, and on the third day offered the sacraments of redemption. The author of the Constitutions¹ takes notice of this repetition of the funeral office on the third day, and the ninth day, and the fortieth day, giving peculiar reasons for each of them: let the third day be observed for the dead with psalms, and lessons, and prayers, because Christ on the third day rose again from the dead; and let the ninth day be observed in remembrance of the living and the dead; and also the fortieth day, according to the ancient manner of the Israelites mourning for Moses forty days; and finally let the anniversary day be observed in commemoration of the deceased. Cotelierius in his notes upon this place has observed several other ancient writers, who take notice of some of these days. Palladius in his *Historia Lausiaca*, cap. 26. mentions the third and the fortieth. Justinian in one of his Novels speaks² of the third, the ninth, the fortieth, and the anniversary day of commemorations; forbidding women, who professed the monastic life, to go into the monasteries of the men under pretence of any of these solemn communications of the dead. To these he adds, St. Ambrose in his funeral oration upon Theodosius, and Isidore of Pelusium, lib. i. ep. 114. and Eustratius Constantinopolitanus, mentioned by Photius, Cod. 171. To omit Damascen, Nicon, Phillippus Solitarius, Hincmarus, Theodore, Archbishop of Canterbury, or any later writers. Suicerus and Meursius take notice of the same custom in the word *Τριεννάται*, which signifies the *third* and *ninth day* of commemorating the dead, which, they say, was the custom of the Ancients. So that when St. Austin speaks against observ-

¹ Constit. lib. viii. cap. 42.

² Justin. Novel. 133. cap. 3. Sed neque aliam ingressuum occasionem excogitanto—per causam eorum que peraguntur circa exequias, quas scilicet memorias appellant, in tertium nonnumque diem convenientes, item cum quadraginta excesserint, aut etiam annus.

ing the ninth day, it was not what Cotelerius supposes, because he was ignorant of this practice, with St. Ambrose and many other of the Latins, wherein Cotelerius contradicts himself, having alleged St. Ambrose before as one that approved the practice: but it was because St. Austin had observed something amiss in the practice of some superstitious Christians, who kept the ninth day with some abuse, most probably rioting and excess, resembling the *Novendiale* of the heathens; as we have heard him complain before of the feasts, which such Christians made at the graves of the dead, too much resembling the *Parentalia* of the Gentiles.

SECT. 20.—The Custom of strewing Flowers upon the Graves of the Dead, retained without Offence.

The custom of strewing flowers upon the graves of the dead was reckoned innocent, and therefore was retained by some Christians without any rebuke. St. Ambrose and St. Jerom both mention it without any censure: only they seem to speak of it as chiefly the practice of the vulgar: for the more intelligent sort of Christians despised it as a trifle, and shewed their respect to the dead in acts that were more substantial. Thus St. Ambrose in praise of Valentinian, says,¹ I will not scatter flowers upon his grave, but perfume his spirit with the odour of Christ. Let others strew their baskets of flowers upon him: my lily is Christ, and with this flower only will I consecrate his remains. In like manner St. Jerom² commends his friend Pammachius for this, that whilst other husbands scattered violets, and roses, and lilies, and purple flowers upon the graves of their deceased

¹ Ambros. de Obitu Valentin. p. 12. Nee ego floribus tumulum ejus aspergam, sed spiritum ejus Christi odore perfundam. Spargant alii plenius lilia calathis: nobis liliū est Christus: hoc reliquias ejus sacrabo.

² Hieron. Ep. 26. ad Pammach. de Obitu Uxor. Cæteri mariti super tumulos conjugum spargunt violas, rosas, lilia, floresque purpureos; et dolorem pectoris his officiis consolantur. Pammachius noster sanctam savillam ossaque veneranda eleemosynæ balsamis rigat.

wives, and with such little offices assuaged the grief of their breasts; Pammachius watered the holy ashes and bones of his wife with the balsam of alms-deeds and charity to the poor. With these perfumes and odours he solaced the ashes of the dead that lay at rest, knowing that it was written, "as water will quench a flaming fire, so alms makes an atonement for sins."

SECT. 21.—As also wearing a Mourning Habit for some Time.

They had the same notion of going into a mourning habit for the dead: they did not condemn it, nor yet much approve of it, but left it to all men's liberty as an indifferent thing; rather commending those that either omitted it wholly, or in a short time laid it aside again, as acting more according to the bravery and philosophy of a Christian. Thus St. Jerom commends one Julian,¹ a rich man in his time, because having lost his wife and two daughters, that is, his whole family in a very few days, one after another, he wore the mourning habit but forty days after their death, and then resumed his usual habit again; and because he accompanied his wife to the grave, not as one that was dead, but as going to her rest. Cyprian indeed seems to carry the matter a little further: he says, he was ordered by divine revelation to preach to the people publicly and constantly, that they should not lament their brethren, that were delivered from the world by divine vocation; as being assured that they were not lost, but only sent before them; that their death was only a receding from the world, and a speedier call to heaven; that we ought to long after them, and not lament them; nor wear any mourning habit,² seeing they were gone to put on their white garments in heaven. No occasion should be given to the Gentiles justly to accuse and reprehend us, for lamenting those as lost and

¹ Hieron. Ep. 34. ad Julian. Laudent te—quod in quadragesimo die dormitionis earum lugubrem vestem mutaveris, et dedicatio ossium martyris candida tibi vestimenta reddiderit.

² Cypr. de Mortal. p. 164. Nec accipiendas esse hic atras vestes, quando illi ibi indumenta alba jam sumpserint, &c.

extinct, whom we affirm still to live with God; and that we do not prove that faith, which we profess in words, by the inward testimony of our hearts and souls. Cyprian thought no sorrow at all was to be expressed for the death of a Christian; nor consequently any signs of sorrow, such as the mourning habit; because the death of a Christian was only a translation of him to heaven. But others did not carry the thing so high, but thought a moderate sorrow might be allowed to nature, and therefore did not so peremptorily condemn the mourning habit, as being only a decent expression of such a moderate sorrow, though they liked it better if men could have the bravery to refuse it.

SECT. 22.—Some other Rites not allowed by the Ancients.

We find some other funeral rites mentioned by the spurious writers under the names of Dionysius the Areopagite and Athanasius. As the priests anointing the body with oil before it was put into the grave, for which the pretended Dionysius gives this reason,¹ that as in the ministration of baptism, after the person had put off his old garments, he was anointed with oil: so in the end of all things oil was poured upon the dead. The first unction called the baptized person to his holy fight and combat; the second unction declared that he had fought his fight and finished all his labour, and was now consummated and made perfect. This was quite different unction from the anointing or embalming of the body to its burial, of which we have spoken before: and as other writers say nothing of it, I let it pass as a thing uncertain, the bare testimony of this writer not being sufficient to establish an ancient ecclesiastical custom. We may say the same of another rite mentioned by the pretended Athanasius,² who speaks of lighting a mixture of oil and wax at the grave of the dead, as a sacrifice of burnt-offering to God. But besides the silence of others, there are two further prejudices against this, first, that it looks

¹ Dionys. Eccles. Hierarch. cap. vii.

² Athan. Serm. de Dormientibus, cited by Durant. de Ritibus. lib. i. cap. xxiii. n. 14. p. 235.

more like a piece of Jewish superstition than a Christian rite, and secondly, that the Council of Eliberis has an express Canon,¹ forbidding a ceremony not very different from this, viz. burning of wax tapers by day in the cemeteries of the dead, lest the spirits of the saints should be molested. And if any despised this order, they were liable to be cast out of communion for their contempt of it. I will not pretend to explain to the reader the reason of this inhibition, nor say that it forbids expressly the rite beforementioned: but there is some analogy and similitude between the two ceremonies, and therefore it is hence very probable, that neither of them were accepted or any ways approved by the Church.

SECT. 23.—To what Sort of Persons the Privilege of Burying with this Solemnity was denied.

We have now seen the whole manner of Christian burial among the Ancients, with all the rites, both sacred and civil, accompanying and attending it. I have only one thing more to observe concerning the whole in general: which is, that Christian burial with these solemnities was ever esteemed a privilege, and such as good men always desired when they could have it, and bad men were punished for their crimes with the denial and refusal of it by the Church, who laid it as a mark of censure and displeasure upon them, not to allow them the honour and privilege of that solemn interment, which was customary in the practice of the Church. Good men indeed were not above measure concerned for their bodies, so as to think it any real detriment or loss to them, if either the barbarity of their enemies or any other accident denied them this privilege: for in this case, as St. Austin largely discourses,² the faith of a Christian set him above any fear that might arise from the want of a burial: the consumption of wild beasts would be no

¹ Con. Eliber. can. 34. Cereos per diem placuit in cœmiterio non incendi: inquietandi enim spiritus sanctorum non sunt. Qui hæc non observaverint, arceantur ab ecclesiæ communione.

² Aug. de Civ. Dei. lib. i.

cap. 12 et 13.

prejudice to those bodies, which must rise again, and an hair of whose head could not perish. The Psalmist indeed says, and that with some concern, "They have given the dead bodies of thy servants to be meat to the fowls of the air, and the flesh of thy saints to the beasts of the land: their blood have they shed on every side of Jerusalem, and there was no man to bury them." But this, says St. Austin, is said more to exaggerate the cruelty of those, who did it, than the infelicity of those, who suffered it. For though these things may seem hard and direful in the eyes of men, "yet precious in the eyes of the Lord is the death of his saints." Therefore all these things, namely, the care of a funeral, the building of a sepulchre, the pomp of funeral obsequies, are rather for the consolation of the living, than for any benefit of the dead. If a sumptuous funeral be any advantage to the wicked, then a poor one or none at all may be some detriment to the just. The rich man that was clad in purple had a splendid funeral, by the ministry of his servants, in the sight of men; but the poor man full of sores had a much more splendid one in the sight of God, by the ministry of the angels, who did not carry him forth into a marble tomb, but translated him into Abraham's bosom. Some philosophers have despised the care of a funeral; and whole armies, whilst they were fighting for an earthly country, have been as regardless where they should lie, or to what beasts they should become a prey. And the poets have said plausibly enough upon this subject,

——— *Cælo tegitur qui non habet urnam.*

He that has no urn, has yet the heaven for a covering. Therefore let not the heathen insult over the bodies of Christians, that lie unburied, who have a promise that their flesh and all their members shall be reformed, not only out of the earth, but out of the most secret recesses of every other element, and in a moment of time be perfectly restored to their pristine and primitive state again.

This was the Christian's consolation, whenever malice or the necessity of their fate and condition denied them a funeral. In other cases they were very desirous to be decently interred among their brethren; and the living thought it a

piece of justice to the dead, to treat them handsomely after death, seeing their bodies had been the organs and vessels of the Holy Ghost to every good work; and were not only like a ring or a garment, mere external ornaments to the nature of man, but more intimately and nearly belonging to him, as part of his very essence and constitution. Upon this account, good men were equally careful both to pay this just debt to their holy brethren, and to make provision that the same good offices should be done to themselves. And this made it an honourable and desirable privilege to be buried after the manner of the faithful. But then it was a privilege, which belonged to none but such. All catechumens that died in a voluntary neglect of baptism, were excluded from the benefit of it, as we find by an order of the first Council of Braga,¹ and many passages of St. Chrysostom to this purpose,² which direct men to offer private alms and private prayers for them, but assure us they had no place in the public offices of the Church. The case was otherwise, when men died without baptism, not through any neglect or contempt of it, but by some unavoidable necessity, which happened and could not be foreseen or prevented, whilst they were piously and studiously preparing for baptism. In this case, either martyrdom or a man's own faith was thought sufficient to supply the want of baptism, as I have largely shewn in another place:³ and then they were buried with the same solemnity as other believers, being all one with them in the estimation of the Church.

Another sort of persons, to whom the Church denied the usual solemnity of burial, were the Biathanati, that is, such as laid violent hands upon themselves, being plainly guilty of murder, and that without repentance, by calling death upon themselves. And they put into the same class all those that were publicly executed for their crimes; because these were virtually and indirectly guilty of self-murder, in doing those things, which in the course of justice brought

¹ Con. Bracaren. l. can. 35.

² Chrys. Hom. 3. in Philip. p.

1224. Hom. 24. in Joan. p. 159. Hom. 1. in Act. p. 14.

³ Book X, chap. ii. sect. 20 et 21.

them to an untimely end; or at least such things as deserved a spiritual censure, as well as a temporal punishment. Upon this account the Council of Braga orders,¹ that both these sorts of men shall be denied the honour of being carried with the usual solemnity of Psalmody to the grave. The Council of Auxerre orders,² that the oblations of such as voluntarily hanged or drowned themselves, or killed themselves with the sword, or cast themselves from a precipice, or were any other ways guilty of a voluntary death, should not be received in the Church. And this was a punishment of the same nature as denying them a solemn burial. There is a like order in the second Council of Orleans,³ to refuse the oblations of such as lay violent hands upon themselves; but they except such as were killed for their crimes; I suppose upon a supposition, that such persons repented of their crimes before their execution. But if any one laid violent hands upon himself, or was actually killed in his crimes, there was no exception ever made in his favour. Optatus says,⁴ even one of the Donatist bishops denied the Circumcellions solemn burial, because they were slain in rebellion against the civil magistrate. Which shews, that this was a rule inviolably observed in the Church.

Another sort of persons, to whom the Church denied the privilege of solemn burial, were all excommunicated persons, who continued obstinate and impenitent in a manifest contempt of the Church's discipline and censures. Under which denomination all heretics and schismatics, that were actually denounced such by the censures of the Church, were included. For the office of burial belonged only to the *Fideles*, or communicants, that is, such as died either in the full communion of the Church, or else if they were excommunicate, were yet in a disposition to communicate by accepting and submitting to the rules of penance and discipline in the Church. In which case their desire of commu-

¹ Con. Bracar. i. can. xxxiv.

² Con. Aurelian, ii, can xiv.

³ Con. Autissiodor. can. 17.

⁴ Optat. lib. iii. p. 68.

nion was accepted, as the catechumens' desire of baptism, and they were treated as communicants, though they happened to die without a formal reconciliation in the Church: the Church in this case relaxed their censures, and received them into communion, and treated them as other communicants after death: of which I have given a more ample account, in speaking of the discipline of the Church, in a former book.¹

CHAP. IV.

An Account of the Laws made to secure the Bodies and Graves of the Dead from the Violence of Robbers and sacrilegious Invaders.

SECT. I.—The old Roman Laws very severe against Robbers of Graves and all Abuses and Injuries done to the Bodies of the Dead.

Though it does not strictly belong to the business of funeral rites to speak any thing of robbers of graves, and the laws made against them, yet because these have some relation to the dead, and some things also remarkable in them, I will add something upon this subject for the close of this whole discourse. I have hinted before,² that the Old Roman laws were very severe against all injuries and abuses offered either to the bodies or the monuments and sepulchres of the dead. They were reckoned sacred things; and therefore “if any violated a sepulchre, so as to draw out the body or the bones, it was a capital crime to be punished with death in persons of a meaner rank;³ and others of an higher fortune were either to be transported into some island, or otherwise banished or condemned to the mines,” as appears from the

¹ Book XIX. chap. ii. sect. xi.

² Chap. ii. sect. 2.

³ Digest. lib. xlvii. Tit. xii. de Sepulchro Violato. leg. xi. Rei sepulchrorum violatorum, si corpora ipsa extraxerint, vel ossa eruerint, humilioris quidem fortunæ summo supplicio afficiuntur: honestiores in insulam deportantur: alii autem relegantur, aut in metallum damnantur.

answer of Paulus in the Pandects, and those laws of the Christian Emperors,¹ which speak of the old laws punishing this crime with death. They made a distinction between the bodies and the sepulchres: he that violated the sepulchre only, but offered no injury to the body was not punishable with death, but either confiscation, or infamy, or banishment, or digging in the mines; but if he offered any indignity to the body itself his crime was capital, and his blood was required to expiate the offence; unless the dignity of his condition happened to be such as the law allowed to secure his life, and change the punishment of death into a penalty of some other nature.

SECT. 2.—This Severity continued for the most Part under the Christian Emperors, with some additional Circumstances.

This law continued all the time of Constantine: but Constans his son made a little alteration in the penalty; which lasted not very long; for it was presently after revoked by Constantius, and the old penalty revived again. Constans, in a first law about demolishing sepulchres, (making no mention of violating the bodies themselves) left the matter pretty much as he found it;² ordering all such as were concerned in demolishing of sepulchres, to be sent to the mines, if they were of a servile condition, and did it without the knowledge of their lord: but if they did it barely at his instance, by his authority and command, they were only to be exiled by a common banishment: and if the lord was found to have received any thing into his own house or farm, that was taken from a sepulchre, his house or farm, or whatever edifice it was, was to be confiscated to the public. But, in a second law,³ he took away the punishment of death, which the old laws appointed, and instead of it laid a mulet

¹ Cod. Th. lib. 9. tit. xvii. de Sepulchr. Violatis. leg. ii. et iii. et Valentin. Novel. 5. de Sepulchris.

² Cod. Th. ibid. leg. i. Si quis in demoliendis Sepulchris fuerit adprehensus, si id sine domini conscientia faciat, metallo adjudicetur: si vero domini auctoritate vel jussione urgeatur, relegatione pleectatur, &c.

³ Ibid. leg. ii. Factum solitum sanguine vindicari multae inflictione corrigimus, &c.

or fine of twenty pounds of gold upon all that should be found guilty in any thing of this nature. Constantius did not approve of this reduction or abatement of the ancient penalty, and therefore he revoked the indulgence of his brother Constans, and by two new laws of his own brought the ancient punishment of death into force again, with some additional punishment by way of fine also. His first law runs in these terms:¹ we understand there are some, who out of a greedy desire of gain pull down and demolish sepulchres, transferring the materials of the building to their own houses; now such, when their wickedness is detected, shall be subject to the punishment appointed by the ancient laws. In his other law, he first imposes a penalty of ten pounds of gold upon any one, that steals from a monument either stones, or marble, or pillars, or any other material, whether to use in any building, or to sell them: and then he subjoins,² that this punishment is intended as an addition over and above to the ancient severity: for he would not derogate any thing from that punishment, which was before imposed upon those, who offered violence to the graves of the dead; because, as he says in the beginning of his law, it was a double crime equally injurious both to the dead and the living; to the dead by destroying and spoiling their habitations; and to the living, by polluting them in the use of such materials in building. And he adds in the close, that his intention was to include within these penalties all such as meddled with the bodies and relics of the dead, as well as those, who defaced their sepulchres. There is also a law of Julian's in the Theodosian Code, wherein he first complains of the audaciousness of men in demolishing sepulchres and stealing away the ornaments of them; and then orders³ such to be prosecuted

¹ Cod. Th. *ibid.* leg. iii. Quosdam comperimus, luci nimium cupidos, sepulchra subvertere, et substantiam fabricandi ad proprias ædes transferre: hi detecto scelere animadversionem priscis legibus definitam subire debebunt.

² *Ibid.* leg. iv. Que pœna priscæ severitati accedit: nihil enim derogatum est illi supplicio, quod sepulchra violentibus videtur impositum. Huic autem pœnæ subiacebunt et qui corpora sepulta aut reliquias contrectaverint.

³ *Ibid.* leg. v. Hoc fieri prohibemus, pœnâ manuum vindicæ cohibentes.

with the severity of the former laws made against them. Finally Theodosius junior and Valentinian III. made a most severe law against all such invaders of what quality soever, appointing their punishment according to the dignity of the persons concerned.¹ If a slave or a countryman was apprehended in this crime, he was immediately to be put to the rack: And if he confessed that it was his own act, and his master was not concerned in it, he was to be put to death. If his master was concerned in it, he was punished in like manner. If a freeman was found guilty, who was but a plebeian and had no estate, he was also to suffer death. If he had an estate, or was in any dignity, he was to be amerced in half his estate, and for ever after to be made infamous in law. If a clergyman was found guilty of this crime, whether bishop or inferior, he was immediately to be degraded and lose the name of a clerk, and to be sent into banishment without redemption. And all judges are strictly charged to see this law duly put in execution. *Pax sepulchris, Peace be to the dead.*

SECT. 3.—No Indulgence allowed to Robbers of Graves by the Emperors at the Easter Festival.

To give these laws the greater force and terror, it was usual with the Emperors, when they granted their indulgence to several criminals, according to custom, at the Easter festival, still to except robbers of graves, with other great criminals, whom they thought unworthy of any such pardon or indulgence; such as men guilty of sacrilege, incest, ravishment, adultery, sorcery, necromancy, counterfeiting or adulterating the public coin, together with murder and treason: as we find the exceptions made in several laws of Valentinian, and Gratian, and Theodosius senior, and Theodosius junior, and Valentinian III., put together in one title in the Theodosian Code,² besides this famous law of Valentinian now recited.

¹ Valentin. Novel. 5. de Sepulchris, ad Calcem Cod. Theodos. Servos colonosve in hoc facinore deprehensos, duci prolious ad tormenta convenit. Si de sua tantum fuerint temeritate confessi, luan commissa sanguine suo, &c.

² Cod. Th. lib. ix. tit. 35. de indulgentiis Criminum. leg. 3. 4. 6. 7. 8.

SECT. 4.—For this Crime a Woman was allowed by the Laws to give a Bill of Divorce to her Husband.

And it is remarkable also, that Constantine, who allowed a woman liberty to put away her husband for three crimes, made this one of the three; if he was a murderer, or a sorcerer, or a robber of graves.¹ And Theodosius junior also puts the same crime among the legal causes of divorce, both in men and women, in one of his laws,² which Justinian not only put into his new Code, but confirmed by several laws and novels of his own composing, as has been already shewn more at large in handling the matter of divorces in the last book.³ Neither were the ecclesiastical laws wanting in the punishment of this crime, which was reputed the most barbarous and inhuman sort of robbery of any other; concerning which I have spoken fully under the head of ecclesiastical discipline,⁴ and therefore need say no more of it in this place.

SECT. 5.—One Reason tempting Men to commit this Crime, was the rich Adorning of the Heathen Sepulchres.

Now if it be inquired, what made men professing Christianity to be so much addicted to this vice, that there should be need of so many laws against it? I answer, there were three motives or temptations to this kind of robbery; two of which had something plausible in them; but the first had nothing but downright covetousness in it, arising from the rich ornaments and splendid furniture of many of the heathen monuments built over their graves; which some wicked Christians, as well as others, looking upon not so much with an envious, as a covetous and rapacious eye, took occasion either publicly or privately to make a spoil and plunder of them. This is evident from the complaints, made in the several laws, of such robbers carrying off marble stones, and

¹ Cod. Th. lib. iii. tit. 16. de Repudiis. leg. 1.

² Cod. Just.

lib. v. tit. 17. de Repudiis. leg. 8.

³ Book XXII. chap. v. sect. 8.

⁴ Book XVI. chap. vi. sect. 21.

pillars, and other rich furniture, either to adorn their own houses therewith, or make a gain of them by selling to others. Some were so base and sordid as to pull down monuments to make lime with, or sell them to others for that purpose, "*Coquendæ calcis gratia*," as one of the laws words it.

SECT. 6.—A more plausible Pretence was taken up from the Laws, that ordered all Heathen Altars and Images to be demolished.

But this rapacious humour was something covered with a plausible pretence of piety and zeal for the Christian religion. For Constantine, anno 333, had ordered all altars and images as well as temples to be destroyed: and the heathen monuments and sepulchres were often adorned with such images; which gave occasion, beyond the meaning of the law, to bad men to demolish the heathen monuments, under the notion of destroying images, and rooting out idolatry, and all the remains and footsteps of it. Had they kept within the intent of the law, only destroying images and altars, and not the graves themselves, there had been no just reason of complaint: but when under this pretence they destroyed not only the images, but the whole edifice of the monuments, erasing the titles, and disturbing the bodies or ashes of the dead, and carrying off marble stones and pillars, and whatever was ornamental or valuable about them, this was thought intolerable by the succeeding emperors, and therefore so many good laws were made against the hypocritical rapaciousness of such illegal pretenders to reformation. The law was good, had they used it lawfully: but they, through covetousness and rapine, went beyond their bounds: and therefore Constans, the son of Constantine, anno 349, ordered all these creatures to be called to an account, who had so abused the law of his father; and under pretence of destroying images, had the marble ornaments and pillars taken away,¹ and the stones thrown down

¹ Cod. Th. lib. ix. tit. 17. de Sepulchris. leg. 2. Universi itaque, qui de monumentis columnas vel marmora abstulerunt, vel coquendæ calcis gratiâ lapides dejecerunt, ex consulatu scilicet Dalmatii et Zenophili, singulas libras auri per singula sepulchra fisci rationibus inferant, &c.

to burn into lime. Whosoever of this sort could be discovered, from the time that Dalmatius and Zenophilus were consuls, that is, from the year 333, when Constantine first published his edict, which they fraudulently took the advantage of, they should forfeit to the emperor's coffer a pound of gold for every monument so defaced. And whoever for the future was found guilty of such rapine, should be amerced twenty pounds of gold to the use of the exchequer likewise. So that this pretence of demolishing heathen monuments under the notion of destroying idolatry, was a mere hypocritical act of covetousness, varnished over with a face of religion.

SECT. 7.—A Third Reason was, to get the Relics of Martyrs, to sell and make Gain of them.

There was also a third temptation of the same nature, which seems to have prevailed even among some of the more senseless and covetous elergy, which was the gainful trade of getting and selling the relics of martyrs. This made them for the sake of filthy lucre rob graves, and steal away the bones of martyrs, or any others, that they might have a sufficient stock of relics (true or false, it mattered not which) to feed the foolish superstition of such as were willing to let them make a gain of them. This kind of superstition, calculated to encourage covetousness and religious cheats, was stirring among some in the Church betimes. For though the Church for above five hundred years made no other use of the relics of martyrs, but only decently to inter them; yet some superstitious persons privately made another use of them. Optatus says,¹ Lucilla, the rich foundress, as one may call her, of the Donatist schism, was used, before she received the eucharist, to kiss the mouth of a certain martyr, which, whether true or false, she had pro-

¹ Optat. lib. i. p. 40. *Cum correptionem archidiaconi Cæcilianus ferre non posset, quæ ante spiritalem cibum et potum, os nescio cujus martyris, si tamen martyris, libare dicebatur, &c.*

cured, and kept by her for that purpose. For this she was gravely reproved by Cecilian, then archdeacon of Carthage: which she so resented and remembered, that when he came to be bishop, she being a rich, potent, factious woman, by her interest procured some others to be set up against him: which was the first beginning of the schism of the Donatists, founded upon the pride of an imperious woman, who was incorrigibly bent upon the superstitious veneration of the relic of a martyr. St. Austin likewise tells us,¹ there were in his time a great many wandering idle monks, hypocritical men, who by the instigation of Satan went about the world, selling relics of martyrs, which it was very doubtful whether they were the relics of true martyrs or not. However, they made a gainful trade of it; and no doubt were tempted upon that account to rob the graves of the martyrs, or some others, which would as well serve their purpose. In opposition to this sort of men, Theodosius the Great made an express law,² that no one should remove any dead body, that was buried, from one place to another; that no one should sell or buy the relics of martyrs: but if any one was minded to build over the grave, where a martyr was buried, a church to be called a martyrion in respect to him, he should have liberty to do it. This was then the honour that was paid to martyrs, to let them lie quietly in their graves, and build churches over them, which were dedicated to God and his service, not to any religious worship of the martyr; only in honour to him the church might be called a martyrion after his name: but beyond this no honour was to be given to him under any pretence of veneration: and to take up his body and make merchandize of his bones, was so far from

¹ Aug. de Opere Monachorum. cap. 28. Callidissimus hostis tam multos hypocritas sub habitu monachorum usquequaque dispersit, circumeuntes provincias, nusquam missos, nusquam fixos, nusquam stantes, nusquam sedentes: alii membra martyrum, si tamen martyrum, venditant: alii fimbrias et phylacteria sua magnificent, &c.

² Cod. Th. lib. ix. tit. 7. de Sepulchris Violatis. leg. 7. Humatum corpus nemo ad alium locum transferat; nemo martyrem distrahat, nemo mercetur: habeant verò in potestate, si quolibet in loco sanctorum est aliquis conditus, pro ejus veneratione, quod martyrion vocandum sit, addant quod voluerint fabricarum.

revelation, that it was reckoned a disturbing of his ashes and a robbing of graves, which was mere covetousness hypocritically covered under the name of religion. I question not but the law of Valentinian III., which speaks of bishops and others of the clergy, who were concerned in robbing of graves, was levelled against this sort of men, who digged up the bones of martyrs, and sold them as holy relics, to gratify their own lucre at the expence of superstitious people, who thought it an honour to a martyr to keep his bones above ground; whereas all the laws of Church and state then reckoned it a sacrilegious robbing of graves, and disturbance of those holy relics, which ought to have lain quiet and undisturbed to the resurrection.

SECT. S.—A peculiar Custom in Egypt to keep the Bodies embalmed and unburied in their Houses above Ground.

There was a peculiar custom in Egypt, which might have given great encouragement to this wicked practice; though we do not find men made that ill use of it; however it was disapproved upon another account. For the custom of Egypt was so to embalm the dead, as to keep them either in their houses, or in monuments or Mausoleums above ground: the body so ordered was by the ancient Greek writers called *τάφειλος*; the Egyptians called it *Gabbara*; and modern writers, *Mummia*, as Gataker observes,¹ from the Arabic word, *Mum*, which denotes wax, used chiefly in this embalming. Most ancient writers speak of this Egyptian way of embalming: and Tully more particularly takes notice of their keeping the bodies so embalmed in their own houses without any other burial.² This custom, it seems, was also retained among the Christians of Egypt, many of whom (it is certain not all) were wont not to bury their dead under ground, but, when they had embalmed them, to keep them still in their houses laid in beds, out of

¹ Gataker. Not. in Marc. Antonin. lib. iv. p. 175.
Tuseul. Quæst. lib. i. n. 108. Condiunt Egyptii mortuos, et eos domi ser-

² Cicero
vent.

reverence and honour for their persons. Athanasius says,¹ St. Antony the famous Egyptian hermit was very much offended at this custom, and therefore he was used with a great deal of freedom to tell the bishops of Egypt, that they ought to teach the people better, and endeavour to break the custom. For the bodies of the patriarchs and prophets were kept in their sepulchres unto this day; and the body of our Lord was laid in a grave to the time of his resurrection. By which arguments he shewed, that it was a sin for any man not to bury the bodies of his dead under the earth, although they were holy. For what can be greater or more holy than the body of the Lord? Upon this many people changed their custom, and buried the bodies of the dead under ground, giving God thanks that they were better instructed. It is added a little after, that St. Antony gave orders, that his own body should so be buried, which was accordingly done in a place that no one knew of beside the two persons that took care of his funeral. But it was not easy to break an inveterate custom, and therefore though many left off this way, yet many continued it still: for St. Austin speaks of it,² as a thing in use among the Egyptians in his time, at least to dry the bodies of the dead by their curious way of embalming, which made them almost as hard as brass and kept them from corruption. These in their language they called by a peculiar name, *Gabbaræ*; which, I think, we may english, *Egyptian Mummies*. He does not expressly say, they still kept them above ground, but he seems to intimate as much, in saying, they intended by their embalming to harden them like brass, and preserve them from corruption.

SECT. 9.—No religious Worship allowed to be given to Relics in the Ancient Church till after the Time of St. Austin.

We may hence draw several arguments, as Mr. Daille has

¹ Athan. Vit. Anton. t. ii. p. 502.

² Aug. Serm. 120. de Diversis. cap. xii. Ægyptii diligenter curant cadavera mortuorem; morem enim habent siccare corpora et quasi ænea reddere; gabbaras ea vocant.

done in a very curious and learned book,¹ to prove, that there was no religious worship given to the relics of saints and martyrs for several of the first ages in the church. For their great care then was to bury them under ground, (and not set them upon the altar as in after ages:²) this was the greatest respect they thought they could pay to them. St. Antony thought it was a great disrespect to keep them above ground unburied: the laws made it sacrilege to rob a grave for the sake of them, and absolutely forbid any one to buy or sell the relics of a martyr: Lucilla was reprov'd for paying an undue respect to them: St. Austin inveighs against the monks that went about the world selling the relics of martyrs: and he condemns those, who worshipp'd graves and pictures under pretence of honouring the dead,³ whom he puts into the same class with those, who made themselves drunk at the monuments of the martyrs, and placed their intemperance to the account of religion. All such, he says, were a scandal to the Church, whom she condemned as ignorant and superstitious men, and daily laboured to correct them as wicked children. There is one instance in the third century of some well-meaning Christians, who, after the martyrs Fructuosus and Eulogius were burnt, gathered up their remains, and would have kept them by them only out of respect and love, not for any religious worship: but Fructuosus after his passion appeared to them,⁴ and admonish'd them to restore immediately whatever part of the ashes any one out of love had taken to himself, and that putting them all together they should bury them in one common grave. The great care of the Church and of the martyrs themselves in those days, was not to have their re-

¹ Dallæus de Objecto Cultûs Religiosi. lib. iv.

² Mabillon de

Liturg. Gallicanâ. lib. i. cap. 9. n. 4. owns there were no relics set upon the altar even to the tenth century.

³ Aug. de Moribus Ecclesiæ Cathol. cap. 34. Novi multos esse sepulchrorum et picturarum adoratores; novi multos esse, qui luxuriosissimè super mortuos bibant, &c.

⁴ Acta Fructuosi. ap. Baron. an. cclxii. n. 68. Fructuosum post passionem apparuisse fratribus, et monuisse, ut quod unusquisque per caritatem de cineribus usurpaverat, restituerent sine morâ, unoque in loco simul condeudos curarent.

lies kept above ground for worship, but to be decently buried under the earth. And therefore when the heathen judge asked Eulogius the deacon, who suffered with Fructuosus his bishop, whether he would not worship Fructuosus as a martyr after death? He plainly replied, I do not worship Fructuosus,¹ but him only whom Fructuosus worships. The like answer was given by the brethren of the Church of Smyrna to the suggestion of the Jews, when at the martyrdom of Polycarp the Jews desired the heathen judge, that he would not permit the Christians to carry off the body of Polycarp, lest they should leave their crucified Master, and begin to worship this man in his stead: this suggestion, says the answer, proceeded purely from ignorance,³ and a false presumption, that we could either forsake Christ, or worship any other. For we worship Christ as being the Son of God: but the martyrs, as the disciples and followers of the Lord, we love with a due affection. for their great love of their own King and Master; with whom we desire to be partners and fellow-disciples, They add, that when his body was burnt, they gathered up the bones, more precious and valuable than any gold or precious stones, and buried them in a convenient place, where by God's permission they intended to meet and celebrate his birth-day with joy and gladness, as well for the memorial of those, who have bravely suffered and fought as champions before, as for the exercise and preparation of those that come after. I will only add one testimony more out of St. Austin, where he makes some pious reflexions upon the passions of the foresaid Fructuosus and Eulogius. He mentions the same answer of Eulogius to the judge, that the acts speak of; when the judge asked him, whether he would worship Fructuosus? he replied, I do not worship Fructuosus: but I worship Him, whom Fructuosus also worships. Upon which St. Austin makes

¹ Acta. Fructuosi. ap. Baron. an. cclxii. n. 62. Ego Fructuosum non colo, sed ipsum colo quem et Fructuosus.
² Acta Polycarpi.
 ap. Euseb. lib. iv. cap. xv.

this remark,¹ that hereby we are taught to honour the martyrs, but not to worship them, but only to worship the God, whom the martyrs worship. For we ought not to be such as the pagans are, whom we lament upon that very account because they worship dead men. For all those, whose names you hear, to whom temples are built, were men and all or most of them kings among men: as you have heard of Jupiter, Hercules, Neptune, Pluto, Mercury, Bacchus and the rest; whom not only the fictions of the poets, but the histories of all nations declare and evidence to have been men, who, having obliged the world with some temporal kindnesses, were after death worshipped by vain men, who called and esteemed them gods, and built temples to them as gods, and prayed to them as gods, and erected altars to them as gods, and ordained priests for them as gods, and offered sacrifices to them as gods: whereas the true God alone ought to have temples, and sacrifices ought to be offered to the true God alone. As for the martyrs, he says, they did neither take them for gods, nor worship them as gods. We give them no temples, nor altars, nor sacrifices; neither do the priests offer to them. God forbid! these things are only done to God, and offered to Him, from whom alone we obtain all good things, at the memorials of the martyrs. Therefore if any one asks thee, whether thou worship Peter? answer as Eulogius did concerning Fructuosus, I do not worship Peter, but I worship Him, whom Peter also worships. Then he brings in the example of Paul and Barnabas refusing to be worshipped by the Lycaonians, and the example of the angel refusing to be worshipped by St. John, and bidding him to worship God alone. After which he adds these remarkable words in the close, both against those, who kept feasts at the graves of the martyrs, and those, who worshipped them: “the martyrs hate your flaggons of wine, the martyrs hate your frying-

¹ Aug. Serm. 101. de Diversis. p. 571. Quo modo nos admonuit, ut martyres honoremus, et cum martyribus deum colamus. Neque enim tales esse debemus, quales paganos dolemus. Et quidem illi mortuos homines colunt, &c.

pans, the martyrs hate your drunken revellings at their graves ; I speak not these things to injure or reproach any who are not such : let them who do such things, take it to themselves: the martyrs,¹ I say, hate these things, and love not those that do them : but they much more hate and abhor any worship that is offered to them." These are plain evidences, that no religious worship was given to the martyrs, much less to their relics, by the church in the time of St. Austin: but some ignorant and superstitious persons were carried away with a blind zeal, to reckon those things to be an honour to the martyrs, which were a real reproach both to themselves and the church, and displeasing both to God and the martyrs ; to whom the greatest honour they could do, was to lay their relics quietly in the grave, and meet at their tombs to praise God for their glorious achievements and victories over the terrors of death, and to excite themselves to piety and constancy in the faith, by the provocation of their examples. Other honours to the dead the ancient Church knew none ; at least approved or encouraged none ; but laboured to correct and repress them wherever they appeared, as resembling too near, and savouring too much of the follies and superstitions of the gentiles, whose gods were only dead men, deified by their own consecration and worship, without any real foundation in nature : for by nature they were no gods : and this is the great irrefragable argument the ancients always made use of against them ; of which I have said enough both here and elsewhere,² and so I put an end to this discourse concerning the manner of treating the dead in the ancient church.

I have now gone through the whole state of the primitive Church, and given an account of the several parts of her public worship and offices of divine service: which in a great measure answers the design I at first proposed to

¹ Ang. Serm. 101. de Diversis. p. 572. Oderunt martyres lagenas vestras, oderunt martyres sarlagines vestras, oderunt martyres ebrietates vestras, sine injuriâ eorum dico qui tales non sunt, illi ad se referant qui talia faciunt: oderunt ista martyres, non amant talia facientes. Sed multo plus oderunt, si colantur.

² Book XIII. chap. iii.

myself, when I began this work. Another book more of miscellaneous rites might be added: but having laboured in this work for twenty years with frequent returns of bodily infirmities, which make hard study now less agreeable to a weakly constitution; and the things themselves being of no great moment; I rather choose to give the reader a complete and finished work with an index to the whole, than by grasping at too much, to be forced to leave it imperfect, neither to my own nor the world's satisfaction. I bless God for enabling me to go through the work with comfort and pleasure; I thank the world for their patience and approbation; and I thank my particular benefactors more, as I think I am obliged to do, for their suitable encouragement to a work of such a nature; I blame none for want of encouragement, nor any that dislike the whole, or any part of it: they may have reasons perhaps, which I know not of, and shall never enquire into. I hope however, that it may prove an useful work in some measure both to the present and future generations, as a learned prelate was once pleased to say to me, by way of approbation and encouragement, *Seris Arbores alteri Sæculo profuturas*: If so, I shall have my end: let the Church receive benefit, and God the glory of all.

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