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# *The Journal* *of* *Theological Studies*

APRIL, 1929

## NOTES AND STUDIES

### CHAPTERS IN THE HISTORY OF LATIN MSS OF CANONS

#### IV. THE CORBIE MS (C), NOW PARIS. LAT. 12097<sup>1</sup>

THE late Professor Ingram Bywater used to say that the real lover of books bought them 'for their margins'. The humanism of the Renaissance, reproduced in our day by the Professor, stands at the very opposite pole of culture and civilization from the Gaul of Merovingian times: and of those times and that country the manuscript of which I want in this paper to give some account is no inapt representative. Certainly in the matter of margins it is the very antithesis of Bywater's ideal. I think I have never seen a book with less free space on the page: and the fault does not lie with modern binders, for the Corbie MS is bound in wooden boards of a quite remote antiquity—not indeed contemporary with that part of the MS with which I am here primarily dealing, but not more than a century or two later, and possibly contemporary with the incorporation of the complete MS in the library of the monastery of Corbie near Amiens.

But before we can profitably study the history of the MS, we must be informed in detail as to its present contents. It is thirty-eight years since I made acquaintance with the MS on my first visit to the Bibliothèque Nationale in April 1891: and I suppose I have collated bits of it, or verified in proof my earlier collations, on most of my subsequent visits. In September 1919, indeed, when I was able to travel abroad again after some eight years' interval, I think it had not returned from its war-time refuge in the south of France. But in the May of 1921 I spent a week in Paris on the special business of preparing material on the history of the principal MSS of Canons with a view to a course of lectures on the Birkbeck foundation at Trinity College

<sup>1</sup> The three previous papers under this heading were published in the JOURNAL more than a quarter of a century ago: April 1900, January 1901, April 1903. As it happens, all three dealt, like the present paper, with Gallic MSS (A\* T A).

Cambridge 'The origins and growth of early Western Canon Law'—lectures which I still hope some day to develop into a book. And of all Gallic MSS of Canons the Corbie MS is the oldest.

I had before me of course the full description of the contents of the MS in Friedrich Maassen's *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande* (1870) pp. 556–574. What is there specially valuable is the transcription on pp. 557–568 of the two lists of contents contained (before the beginning of the collection proper of canons) near the head of the MS: what is absent is any note of the gatherings of the MS, and these it is important to take into account wherever it may be a question of the end of one constituent part of the MS and the beginning of another.

1. In the first place it is to be noted that the collection of Canons and of appendices to it is preceded by a sheet of six leaves, numbered separately from the rest of the MS, with the title (in capitals) *CODIX GREGORII | NAZIANZENI | A RVFINO IN LA[TIN]V̄ TRANSLATVS MISSVS | AD APRONIA|N̄V̄ IN QVO LIBER·I | APOLOGETIC' | INCIPIT PROLO | . . .* The handwriting is at the earliest of the ninth century. At what date it was incorporated into our MS we do not know: but it is no recent insertion, since its second leaf bears in the upper margin the heading *Questiones quorundam canonum ecclesiasticorum*—which obviously refers not to this sheet but to the MS as a whole—in a mediaeval hand.<sup>1</sup> We do know (see Delisle, *Cabinet des manuscrits*, ii 435) that the second catalogue of Corbie books (saec. xii) contains the title 'Gregorii Nazianzeni liber', and the third (c. A.D. 1200) 'Gregorii Nazianzeni apologeticus'.

2. Our real concern is with what next follows, the main body of the volume, a MS of eighteen sheets, all but one of them<sup>2</sup> complete quaternions, independently numbered. Not all the eighteen quaternion signatures are now entirely decipherable: but there are traces on fol. 15 *b* of II, on fol. 23 *b* of III, while from 31 *b* to 111 *b* everything is legible and regular (save that the signature to the eighth sheet was, it seems, in the first instance, wrongly set on fol. 64 *a* instead of on fol. 63 *b*); on fol. 119 *b* there are only traces of xv, but again foll. 127 *b*, 135 *b* shew xvi and xvii quite clearly. Finally foll. 136–143 conclude the series with one more complete quaternion: of which, however, the original hand wrote the matter of rather less than the first four leaves, ending in the middle of fol. 139 *b*.

Maassen rightly points out that even these 139 leaves, though they

<sup>1</sup> I owe to the kindness of M. Omont these details about the Gregory fragment.

<sup>2</sup> Probably the incomplete quaternion was the first: and as there is no gap in the subject-matter, the missing leaf was probably the first leaf, left blank as a guard leaf.

form a single whole transcribed throughout in the same hand, betray traces of an original nucleus and of an addendum mainly concerned with the papacy of Leo the Great: for two lists at the head of the MS correspond with the contents of the MS as far as the list of signatures of the First Council of Arles (fol. 91), and the second list closes with the rubric 'Haec sunt in hunc librum concilia canonum uel epistolae sedis apostolicae per uniuersas prouincias de diuersis constitutionibus datas quae in capitolis supra scribtis continentur numero XLIII'.

To this indication of the composite origin of this section of the Corbie MS more must be said when we return to the problem of the sources of the MS and their date and place. But first we must deal with the MS as it lies before us, and confine ourselves to the testimony of handwriting and gatherings. Maassen's otherwise admirable account fails of completeness just because he has not drawn all the deductions available from the evidence under this last head. He does not emphasize, as he should have done in § 666 (p. 569), the important distinction between the additions that are found on foll. 139 *b*-143 *b* and those that follow later: both sets were no doubt added by others than the original hand, but the former were definitely intended for the purpose of using up the vacant leaves of a final incomplete quaternion of an existing MS, while the remainder of the MS as we have it now, foll. 144-232, is made up of no less than six independent accretions in different hands, each of them making a fresh commencement with a new gathering, though all of them are of such small extent that they must have been meant to be appendices to the main *corpus* rather than complete self-contained entities on their own account.

What then are the documents supplied to fill the vacant leaves of the last gathering of the principal MS?

*a.* An uncial hand, foll. 139 *b* to the end of 142 *b*, gives the First Council of Clermont in Auvergne of A. D. 535 and the *Notitia Galliarum*. The latest Gallican council now extant in the main body of the MS is the Council of Orleans of A. D. 511: but the lists of contents shew that the Fourth Council of Arles of A. D. 524 ought to have had a place there also. Thus the Council of A. D. 535 is a natural addition in chronological order.

*b.* A semi-uncial hand (not that of the main body of the MS) makes a final addition, on fol. 143 *a*, of the following letter of certain clerics to their bishop Polychronius:

'Dño s̄co et in xp̄i caritate merito Polochronio Francus Paulus Valeria[nus] prebi, Sesinnus arcediaċ, et omnes clereci.

Patria graui sumus exire necessitate compulsi, et casus qui uos extorres de patria fecit nos etiã conpolit exolare: sed orationib' uestris sc̄i

Castori epi sumus humanitate palpati, qui uestro intuitu ordinauit locū in quo requiē habere possimus. uos quē inpinsissima caritate erga nos egisse scimus gratiā ei pro nobis qui uestri sumus conuenit repinsare: quia totū nobis parū credimus nisi in aliquo tanto uiro a uobis quē multo susceperat gratia conpinsetur. cuius a nobis epistola per harū gerolos directa fuerat nisi ipse fuisset alibi occopatus. domine scē, iustū est ut ad plebē uestrā uisitandā ad sc̄m pasche diē uenire dignimini: quia si benedictionis uestrae alimento fuerint repalpati facilius se credunt posse peregrinationis necessitatē sustenire, et quib' longū tempore uestra praesentia denegatur [p.?] saltem uisitatio dño auxiliante praestetur. speramus praece qua nos ualere confidemus ut fatigationē uestrā nobis tanti habeas non negare ad nos usq. discurras. et supra memorato episcopo necnon et aliis fratribus insinuare dignimini, quia scimus quantū in uestra absentia uestro intuitu praestare dignantur, tantū per uestrā praesentiā peregrinationē nostrā independentes maiora credimus debeant consolare'.

The Latin of Merovingian Gaul displays a large independence of classical rules and constructions: so far as I can see, the bishop is addressed normally in the plural, according to the *vous* of modern French, with occasional lapse into the singular, *habeas . . . discurras*. Even so, I am not sure that I have correctly caught the drift of the letter: but it would seem that Polychronius was already an exile from his see, and that the same disaster which had caused his retirement had now affected the writers of the letter as well; indeed the reference to the *plebs* suggests that not only the clergy but the people had to migrate *en masse*. Whether this migration had already commenced, or whether it was only impending, is not clear. Another bishop, Castorius, had at Polychronius's request arranged for them a place of refuge: but the purpose of the letter is to urge their own bishop to pay his people a temporary visit at the Easter festival in order to encourage them to face the prospect of being uprooted from their homes. Polychronius, it would seem, had had to retire in one direction, they were going to the diocese of Castorius in another; but we are not told how it was that if he had been forced to retire from his post, he could manage to come back again to take leave of his people.

A letter of so entirely 'occasional' a character is not likely to have been copied into a MS, even to fill up a blank leaf, except by some one to whom the matter dealt with was of immediate interest. In other words, if we knew when and where Polychronius and Castorius were bishops, we should be able to make a good guess of the date and place of our MS—or at any rate of its home soon after it was written.

Of Castorius I have not come on any trace. But a Polychronius was bishop of Sisteron (Sigesterica) on the Durance, between Grenoble

and Aix, and signed the canons of the councils of Valence in 584 and Mâcon in 585, in both cases under the form 'Pologronius' (Maassen, *Concilia Aevi Merovingici* [M. G. H. Legum Sectio iii, Concilia Tom. 1] pp. 163, 173). The date would suit fairly well: the locality is of course far removed from Corbie, but both the two other Gallic MSS of Canons which are most closely connected with C in time and subject-matter were written in the south, the Cologne MS (K) probably in Provence, the Toulouse MS (T) certainly at Albi.

3. There remain still some ninety leaves of the MS as we have it in its complete form. But far from constituting one single addition, they can be sorted out into no less than six, three of them of only one gathering apiece, the other three varying from sixteen leaves to thirty in extent. All six consist roughly of Canon Law material, councils and papal and royal letters: quite obviously, therefore, they are successive appendices grafted one after another, as occasion offered, on to the main stock of the manuscript. No piece in any of the additions comes down below the limit of the sixth century (the Council of Paris of A.D. 573 is the latest): nor do any of the several scribes write after the seventh century. Speaking generally, we may picture to ourselves a process of accretion, spread over something like a century, as fresh matter came bit by bit into the hands of those responsible for the custody of the original MS and was incorporated into their *corpus* of Canon Law.

The first appendix, like the last but one, has suffered some loss, since the final document belonging to it is incomplete: perhaps, therefore, it had at first lain loose within the boards (if indeed there were yet boards) of the main collection. As we have it, it consists of nineteen leaves, foll. 144-162, that is, two quaternions and some extra leaves. It is not impossible that the two quaternions, foll. 144-159, had an independent existence, since they present one main document, the *Breviatio canonum* of the Carthaginian deacon Fulgentius Ferrandus, put together about the middle of the sixth century. But on fol. 159 *b* a new semi-uncial hand begins the Council of Vaison of 529, which required an extra two or three leaves to complete it. Once more vacant space was utilized to squeeze in the record of a new document: an uncial hand begins a letter of King Childebert († 558) to his clergy and people<sup>1</sup>—which breaks off at the end of fol. 162 *b*, probably because the final leaf of a binion has been lost, possibly because the scribe only wanted to fill up an existing vacuum, and just wrote as much as he could get in.

4. The second appendix, mostly in uncial, consists of a single quaternion, foll. 163-170, containing the Acts of the Fourth Council of Paris, and (on fol. 169, therefore again perhaps to fill up vacant pages) a letter of Chlodochar (Chlothair), king of the Franks, 'omnibus agenti-

<sup>1</sup> Printed in Sirmond *Concilia Galliae* i 300, Mansi *Concilia* ix 738, Pertz *Leges* i 1.

bus'.<sup>1</sup> The date of the Council is 573: Chlothair died in 561. The last page, fol. 170 *b*, is for the most part blank.

5. Again an appendix follows of one quaternion only, foll. 171–178, entirely in uncial. It contains the Fifth Council of Orleans of A. D. 549: and, again perhaps to fill up the remainder of the gathering, a brief summary of canonical penalties for various ecclesiastical offences, the authorities being indicated only by the initial words. Now Maassen has given (p. 872 sq.) the references for these 'capitula de multis canonibus excerpta': and apparently all are drawn from the matter of the Corbie MS as we have it—not simply of the main nucleus, but the appendices as well. What suggested to me this conclusion, is the agreement of the form of the references as given in Maassen's list with the form of titles in the body of the MS: with 'breue statutorum' compare 'breuis statutorum', p. 559, with 'exemplum fidei Nicene' compare 'exemplum fidei Nicaenae', p. 570 (in both cases indicating Rufinus's abbreviation of the Nicene Canons), with 'De sinodo Cartaginense' of the *Statuta Ecclesiae Antiqua* compare 'Constituta sinodica Chathagenensis', p. 572.

But from this conclusion a further result of some interest can be deduced, namely, that when this little compilation of the third appendix was put together, both the fourth appendix, which contains Rufinus, and the fifth appendix, which contains the *Statuta*, were already part of the MS. In other words, the various appendices lay loose, and the order in which they were ultimately bound up was not necessarily the order in which they were written.

6. The fourth appendix—fourth in the present order of the MS, but, as we have just seen, not necessarily fourth in the order in which they were written—consists of two quaternions, foll. 179–194, nearly but not quite all in uncial, and nearly all of Roman or at any rate non-Gallic origin. Its principal contents are: (1) Nicaea; the Creed, and the canons in the abbreviation of Rufinus, the whole under the title *Exemplum fidei Nicaenae*. (2) An imperial Constitution, that numbered thirteenth of the so-called Constitutions of Sirmond—in semi-uncial, while the pieces that precede and follow are uncial. (3) Three Papal letters, one of Siricius (to Himerius of Tarragona, A. D. 385) and two of Leo (to Anastasius of Thessalonica, A. D. 446, and to Rusticus of Narbonne, A. D. 444), followed by another brief series of excerpts, which as the heading tells us were collected 'from the canons above written' as bearing on a particular point of clerical discipline: 'tituli infra scripti ad hoc de supra scriptis chanonibus excerpti sunt, ut unusquisque breuiter possit agnoscere quod clerici post crimina capitalia non possint ad honorem pristinum reuocari.' Note that our MS is in use as a living source of Canon Law: it is consulted for some one in

<sup>1</sup> Sirmond i 318, Mansi ix 962, Pertz i 3.

authority, and (as had to be done in days before 'systematic' collections came into being) the different councils had all to be looked through to see what prescriptions any of them might contain bearing on the point at issue. But a difficulty meets us here: a canon of Nicaea and canons of four Gallic councils, written out in full, follow on this title and ought therefore to be found somewhere in the MS. The Nicene canon, as cited from Rufinus's abbreviation, is there all right, and in this same appendix: but of the four Gallic councils cited, Epaon (517) is indeed contained in the next appendix, but Valence (374), Orleans I (511), and Orange I (441) are nowhere now in the MS at all. *Either* then they were once in the MS, but have fallen out since this fourth appendix was put together, *or* the fourth appendix (or at least this part of it) was copied bodily from some other MS of Gallic councils. One curious feature of the main body of our MS may be mentioned in this connexion: for the second of the two lists of contents prefixed to it contains under the numbers XXV-XXXIII a series of Gallic councils *including all those we want*, though the text of the MS contains nothing of them save the title of the first, the Council of Valence.

A letter of a bishop Leo to King Childebert<sup>1</sup> concludes this appendix, but has nothing except the handwriting to connect it with the preceding matter.

7. The next appendix is the longest of all, and now consists of thirty leaves, but was originally even longer. Three complete quaternions, foll. 195-218, are followed by what may once have been a quaternion, of which the last leaf had been cut away before use: but as it stands there is a loss of either one or two pairs of conjugate leaves in the middle of the gathering between foll. 220 and 221. Then after fol. 221 comes a binion, of which the last leaf has gone, but without any corresponding loss of matter, the text ending complete on fol. 224.

The hand is not the same throughout, for of the seven documents contained in the appendix the first is in semi-uncial, the second partly in uncial and partly in semi-uncial, the remainder entirely in uncial. But the subject-matter is relatively homogeneous: six Gallic councils, Vannes (A.D. 465), Orleans I (A.D. 511), Arles II (saec. v), Agde (A.D. 506), Epaon (A.D. 517), Orleans III (A.D. 538), are only interrupted, between Epaon and Orleans III, by certain 'constituta sinodica Chartagenensis episcoporum docentorum quattuordecim'. But of what follows under this heading nothing but the beginning—the anathematisms against the Pelagians of the council of May 1, 418—is African, the rest, the *Statuta Ecclesiae Antiqua*, is recognized on all hands as a systematic compilation of Canon Law, in about (perhaps in exactly) a hundred sections, put together in Southern Gaul, probably at Arles,

<sup>1</sup> Printed in the Benedictine *Collectio Conciliorum Galliae* i 1005.



*circa* A.D. 500. The *lacuna* between foll. 220 and 221 above referred to has caused the loss of the few last of the *Statuta* and of the first twelve canons of the Third Council of Orleans. Thus the appendix as a whole is a supplement of Gallic canonical material of the last third of the fifth century and the first third of the sixth.

8. The last appendix, the sixth, like the third and fourth, consists of a single complete quaternion, foll. 225-232. The hand is uncial: but it distinguishes itself from every one of the other hands, whether of the body of the MS or of the appendices, by its rare beauty. One wonders whether it is not a solitary product, among the various Gallic scripts, of Italian calligraphy. Nor do the contents quite exclude such a theory: the matter is Nicene and Sardican only—whereas all the foregoing appendices contain at least some trace of Gallican origin—and the Nicene canons are in the Roman version of Dionysius, while such Sardican canons as there was room for (to fill up the sheet) betray a similar origin: both in Nicaea and Sardica the text has its closest affinities with the unique witness to Dionysius's first edition, the Mainz MS, now Vat. Pal. 577. This does not prove an Italian source, but at least it makes it not improbable.

This long account of the accretions which the main body of the Corbie MS experienced during a period of may be half a century, may be a century, after it was written, has not I think been unfruitful, if it serves to make more real to us the conditions of Church life in the Merovingian age and indeed almost in the darkest part of it: for we shall not be far wrong if we say that the MS itself was not written before A.D. 550 and that the additions to it were complete by A.D. 625. Perhaps the seventh century may have seen things fall to an even lower level: at least throughout the sixth there was some attempt being made, in the centre to which our MS then belonged, to keep the collection of Church Law up to date by the incorporation of this or that fresh element into it.

But after all what concerns us most is not what came after, but what went before, the constitution of the main body of the MS. From what sources did the scribe who wrote the first 139 leaves derive his material? Into what component parts can we analyse it? What historical lessons can we learn by the way?

*a.* Let us first look at the Papal list which heads the collection. Its very presence there is full of significance. In some quarters of the Western world, in Africa certainly, in north or north-eastern Italy, we should not expect to find this particular feature in a *corpus* of Canon Law. It does not necessarily mean that the collection to which it is prefixed is primarily made up of Roman or at any rate non-Gallic

material. That explanation would account for the Papal lists in MSS of the Quesnel collection, because that collection is definitely of a universalizing and Romanizing character, and though put together in Gaul contains practically nothing that originated on Gallic soil. But the Corbie collection, like the sister collection of the Cologne MS (K), which also has a papal list (though, it should be noted, at the end not at the beginning of the MS), gives full place and recognition to the Gallic councils: C and K are handbooks of all the Canon Law that had validity in the Gallican Church, native and foreign alike. The presence of Greek and African material enforces the idea that Canon Law is an inheritance common to the whole Church, though it develops in each region on its own lines. The presence of Papal decretals implies that the Roman Church has its separate contribution to make, and that it is made not by councils and canons but by the personal initiative of Popes. And the additional presence of the papal list, and especially as the preface to the collection, marks the time when the Church of Gaul took on a new orientation towards Rome as the centre of the Church, and towards the Popes as the unifying element of what might have otherwise have seemed a vast congeries of ecclesiastical legislation, always growing, always developing in each district in some sort of independence of the rest. That centripetal movement acquired force and momentum in Arles, the capital of south-eastern Gaul, at the end of the fifth and beginning of the sixth century. The original Corbie MS was written at some place near enough, and at some date late enough, to experience something of the effect of the new movement.

But the list itself is not homogeneous. Down to Pope Hormisdas inclusive it gives with the name of each pope the years, months, and days of his pontificate: that part of it was therefore drawn up under Hormisdas's successor John, i. e. between A. D. 523 and 526. From John to Vigilius, rather more than a quarter of a century later, the list, though the work of the same scribe, gives only the years, not the months or days: an earlier list was therefore brought up to date in the time of Vigilius's successor Pelagius I (A. D. 555-560). Now if we examine the MS itself (that is to say, the 139 leaves written by the original scribe) we find that that too falls into two parts: for both the tables prefixed to the collection of canonical matter correspond to the contents as far as fol. 91 only, and the second table moreover closes with the rubric, already cited, 'Haec sunt in hunc librum concilia canonum uel epistolae sedis apostolicae . . . numero XLIII'. Clearly, then, the archetype of the Corbie MS ended at this point. The latest document now extant in this portion of the MS is an epistle of Pope Symmachus (A. D. 501-514) to Caesarius of Arles, but both the tables include the Fourth Council

of Arles of A. D. 524, which must therefore certainly have stood in the archetype, though it was not reproduced by the scribe of the Corbie MS—as it was apparently the final document of the archetype, the leaves containing it may have fallen out or become illegible before our MS was copied from it. I think we can hardly be wrong if we bring into connexion a papal list drawn up between 523 and 526 and a body of material of which the last and latest element—last in date, and latest in its position in the MS—was a council of 524.

Thus the archetype of C takes us back to the end of the first quarter of the sixth century and to the neighbourhood of Arles. We get also a *terminus a quo* for the date of the MS as we have it. Can we get any further in fixing a *terminus ad quem*?

Here comes in a consideration of the papal list as continued down to Pope Vigilius. If we can assume, as seems reasonable, that that continuation brought the list up to date, then C was written out as it stands under the pontificate of Pelagius I, not later than A. D. 560. Nor are the contents of the forty leaves or so (foll. 91–139) with which C has supplemented its exemplar at all discrepant with a date about the middle of the century: they include the seventh *Actio* of the Council of Constantinople of A. D. 448, with the Tome and some other dogmatic letters of St Leo, so that they correspond aptly to the revived interest excited in the West about the Council of Chalcedon by the proceedings of the Emperor Justinian and Pope Vigilius.

An archetype of about the year 525: a copy of it made and added to before 560: half a dozen mostly rather slight enlargements, all (with the possible exception of the last) executed during the following half-century; the initial impetus and most of the development belonging to south-eastern Gaul, with (it may be) some slight trend northward before the ultimate transference of the bulky volume to the new monastery of Corbie near Amiens, founded by Bathildis, mother of Chlothair III, about A. D. 657<sup>1</sup>: and finally some indication of contact with Italy in a single gathering at the close. Even the awkward and unattractive appearance of a Merovingian book may conceal a history not without interest, that will yield its secrets to patient and persistent enquiry.

*Additional note on the constituent parts of the archetype of C.*

It will I think conduce to clearness if I throw into a separate note such further conclusions as I am able to suggest about the processes of growth and development that lie behind the collection of c. A. D. 525 which it has seemed to be possible to identify as the archetype of C.

<sup>1</sup> See *Gallia Christiana* x 1263 and appendix col. 281. The *Dictionary of Christian Antiquities* ii 1250 col. b wrongly gives the date as A. D. 550.

As above stated, this archetype is reproduced in the first ninety-one leaves of the existing MS. But the archetype itself gives indications in turn of its own composite character.

Maassen (pp. 560, 561) already pointed out that the three first items of the MS, the canons of Ancyra, Neocaesarea, and Gangra, must in the original form of the collection have been followed immediately by nos. xv, the close of the synodical letter of the Council of Gangra, and xvi, the canons of Nicaea. The inserted items, iv-xiv, are mainly papal letters of Innocent, Zosimus, Celestine, and Leo<sup>1</sup>; they appear to represent a very primitive collection of the most important decretals of the first half of the fifth century, but by what accident the insertion was made at so arbitrary a point we can no longer decide. We can only say that it goes back behind the immediate archetype of C, for it reappears in substance in the collection of the Toulouse-Albi MS.

Leaving then the insertion, the scheme of the ancestor of C in numbers i-iii, xv-xix, was to give the Greek nucleus of Canon Law, so far as it had at that time penetrated to Gaul, in a connected series in the following order—Ancyra, Neocaesarea, Gangra, Nicaea, Antioch, Laodicea, Constantinople. Unfortunately, at the central point, the Council of Nicaea, the witness of C becomes gravely defective. The title leads us to expect that all is right: *Incipiunt canones ecclesiae seu statuta concilii Nicaeni in quo fuerunt episcopi CCCXVIII*. But nothing follows save the shorter preface and the subscriptions of the bishops: then we break off with the colophon *Explicit concilium Nichenum*. What has happened to the canons? It is natural to guess that they are omitted because the scribe knew that they occurred elsewhere in the MS. But the guess cannot be substantiated: for though they do indeed occur in two distinct forms in the appendices, there is no trace of them at all in the work of the original scribe.

We are not, however, entirely at a loss in deciding in what exact form the Nicene canons were contained in the archetype, and ought to have appeared in C. Maassen has rightly seen (1) that the version was the so-called Isidorian; (2) that the canons were not only the Nicene canons proper, but the Sardican canons as well, reckoned (as in all the earliest Italian and Gallic collections) for Nicene. To his arguments I can add another, which has the interesting result of establishing a connexion

<sup>1</sup> Those of Pope Leo all belong to his earlier years of office, the latest being the letter to Turribius of Astorga of A.D. 447. None of the dogmatic letters is included: alike from these inserted items, and from the archetype of C as a whole, both the canons of Chalcedon and the doctrinal questions agitated in the council are wholly absent. It should be noted that Maassen is in error on p. 559 in connecting no. xiii, the letter of the presbyters Marcellinus and Faustinus, with the emperors Valentinian III and Theodosius II: he should have written Valentinian II and Theodosius I.

at this point between the ancestry of C and the ancestry of a contemporary MS of canons in North Italy.

In the first part (1899) of *Ecclesiae Occidentalis Monumenta Iuris Antiquissima* I published in five parallel columns the Latin material for the names of the bishops present at Nicaea, and the second column rested on the concordant evidence of C and of V, a sixth-century Verona MS, lix (57). V is beyond question an Italian MS, in all probability written for the library of the Church of Verona, to which it still belongs. If we turn to the 'little preface' of the Isidorian version (*ib.* part ii [1904], p. 173), we find that, apart from the omission of the final sentence in C, the close relationship between C and V is again abundantly clear. And the colophon of C reappears (p. 90) in identical form in V. We have therefore reason to suppose that the canons of Nicaea-Sardica would, if we had them extant in C, have corresponded to the form in which they are in fact extant in V (p. 179). Nor is this all. We have seen that the grouping of documents in C at this point reappears unaltered in the Toulouse MS: and the Toulouse MS, unlike C, retains some (though, it is true, only a few) of the Nicene-Sardican canons, thus giving us an opportunity of testing the relationship of the text to that of V. But that relationship turns out to be very close: VT go together—and sometimes go together against all other MSS, as for instance in the colophon of the last Nicene-Sardican canon (p. 486<sup>1</sup>), *Finiunt decreta concilii Nicaeni (Nicheni T)*.

Now this common text and arrangement of VCT is confined to the Council of Nicaea-Sardica. It does not reappear in anything like the same closeness of relationship in the other Greek councils. In other words it takes us back to a date when Nicaea-Sardica circulated alone. We do not know that that was ever the case in Gaul: when St Ambrose quotes a canon of Neocaesarea, under the name Nicene, he was in all probability using a Gallic collection—Milan was then perhaps even more closely connected with Gaul than with Rome: the Gallic tradition apparently from the fourth century extended the patronage of the name and authority of Nicaea not only to the canons of Sardica but at least to those also of Ancyra, Neocaesarea, and Gangra. Whether CT borrowed from Italy, or whether, as is less likely, V borrowed from Gaul, or whether both CT and V borrowed from Rome, is a further problem that I do not raise on this occasion. It would take me too far from the immediate purpose of the investigation of C.

C. H. TURNER.

<sup>1</sup> Not yet published, though I hope it will be in the course of 1929.