

Appendix III.

Order of emperor Justinian as to the privilege of the council of Byzacium.

(Jussio Justiniani imperatoris pro privilegio concilii Byzaceni).

Emperor Flavius, Justinian, Alamannicus etc. to Dacianus, metropolitan bishop of Byzacium.

Our Serenity was always specially solicitous to preserve the ancient order, which we never neglected, unless it would be to better it; especially is this true when a question as to an ecclesiastical matter arises, which clearly has been defined by the rules of the fathers, or, rather, which was inspired by the divine spirit; for it is clear that whatever decisions were made by apostolic authority are divine. Hence it is that we want that preserved as to the African councils which antiquity decided, and the obedience of subsequent generations maintained, and has been brought down unimpaired to the present age. No primate shall claim any privilege for himself which he is not, by any writing, found to have received; he shall arrogate to himself nothing which he is not shown to have had at all times. Let no one, in his ambitions flatter himself with rescripts obtained ex parte, or with examples which violate custom. That shall preserved as law which, prescribed in the councils, posterity preserved; for any usurpations in prejudice of what had been decided, should be corrected rather than imitated. If the authority of councils, therefore, gave anything to the metropolitan bishop of Carthage or to the primates of Numidia and Byzacium which custom preserved unimpaired, for that any one may wish, that he may claim, and he may hope for that to be confirmed by our sanction. We are simply guardians and upholders of antiquity. Nor will

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ecclesiastical vengeance, or ours, against those who through proud ambition or secret demands are shown to have violated antiquity, be lacking, in as much as, holy and pious father, the man who does not fear to disregard and violate the decisions of the fathers, injures the Divinity. Your Beatitude, therefore, will cause this imperial pragmatic sanction, made by Our Eternity, to be carried into effect and to be observed. May the Divinity preserve you through many years, holy and pious father.

Given Oct. 29, 542, in the 16th year of the reign of the emperor Justinian.