

Novel 57.

Concerning clergymen who desert their church,
and concerning those who build sacred edifices.

(De clericis qui ab ecclesia sua destiterunt,
Et de his qui sacras aedes aedificant.)

The same Augustus (Justinian) to Mena, holy
archbishop of this imperial city and universal
patriarch.

Preface.

Many clergymen who are engaged in sacred buildings,
or even perhaps originally appointed (thereto) by some persons,
and who enjoy the usual support (annona), thereafter leave the
holy mysteries, for reasons which they (only) know, or on some
pretext separate themselves from the holy church in which they
are appointed.

c. 1. We therefore ordain that this shall not a hindrance
to the holy ministry, but others shall be appointed by the God-
beloved bishops, under which the former hold, and receive this
support. For we permit no one to make a gain out of what is
paid out to the holy churches by or through him, for it is wrong
to make any gain through defrauding others, but what was origin-
ally furnished (for the support of the clergymen) shall be
given at all times, in order that the holy ministry may not be
prejudiced thereby. And after others have been substituted by
the holy patriarch or the provincial bishops for the former
clergymen, no permission shall be given to those who left, to
return and expel the persons substituted, or compel those who
have been substituted and to those who want to return; but
those who have returned shall not receive anything, but the

Novel 57 c. 1 cont'd.

support shall be furnished those who were substituted after the departure of the former ones, nor shall any gain accrue therefrom to those who furnish it; but if they attempt to make such gain, they and their heirs and successors must at all event furnish the support and expenses (incident to collections) to those who were substituted, knowing that if they also afterwards commit any fraud, a part of their property will be assigned to our crown domain, so that the payment may be made by it. (a)

(a) See also Novel 67 cc. 2 and 3 appended to c. 1, 2 and 3.

NOVEL 57, c. 2.

We also prescribe, in honor and reverence of your see, that if any one shall build a church, or makes provisions for the support of those ministering therein, and wants to appoint some clergymen therein, he shall not have power to bring whom he wants to Your Piety, to be appointed without investigation or examination; but those that are brought shall be examined by Your Holiness, and (only) those shall be appointed by your decision or that of your successor to the see, who seem to you or your successor to be suitable and worthy of the ministry of God, so that sacred things may not be profaned -- as is forbidden by the holy scriptures -- but that they may remain inviolate, ineffable, inspiring holy fear, and may be administered piously and reverently.^(a)

(a) See also C. 1, 2, 15; Novel 67 cc. 1 and 2 ~~appended to C. 1, 2~~, and Novel 131 c. 10 ~~appended to C. 1, 2~~.

Epilogue. We ordain that Your Holiness must perpetually maintain these our provisions, declared by this imperial law, and you may know that we are no more solicitous for life itself, than for the welfare of the holy churches.

Given Oct. 18, 537, A.D., in the 11th year of the reign of the Emperor Justinian.