

Novel 9.

That the Roman Church shall enjoy the privilege of a prescriptive period of one hundred years.

(Ut ecclesia Romana centum annorum habeat praescriptionem.)

The same Augustus (Justinian) to the blessed Johannes, holy Archbishop and Patriarch of ancient Rome.

As the origin of laws was in ancient Rome, so no one doubts that the highest bishopric is to be found there. Hence we have thought it necessary to make the fatherland of laws, and the font of the sacerdotal order illustrious by the enactment [of] a special law of our majesty, so that thereby the vigor thereof may be extended from there to all the Catholic churches as far as the sea, and that our law specially dedicated to the honor [of] God, apply to the whole Occident as well as the Orient, where there are possessions already belonging to our churches or are hereafter to be acquired by them. While former laws fixed the prescriptive period at thirty years, making it somewhat longer in cases of mortgages, we do not want our churches to be defeated by any such periods of time, especially in cases in which they have sustained (a loss of property) or in cases of debt (to them). But we direct that only the lapse of a period of one hundred years may be set up against them as a defense, so that the rights of the churches shall remain unaffected during the whole of that time, and no defense of prescription except that of one hundred years shall be set up against them, since that time is generally taken as the longest time of [human life.

Therefore Your Holiness will extent the benefit of this law to]¹ the Catholic churches of the whole Occident, and to be extended to the orient where your holy churches

¹ The bracketed words are from Scott's translation, as Blume's typist seems to have skipped a line in transcribing his handwritten manuscript. See 7 (16) Scott, The Civil Law 66 (photo. reprint 1973)(1932). In their forthcoming original translation, Miller and Saaris have the relevant material as: "Instead, we enact that only the temporal exceptio which may be brought against them is the passage of one hundred years, so that ecclesiastical rights are to remain intact throughout the time stated, and so that no exceptio other than that of one hundred years can oppose

have any property, so that it may be a votive-offering worthy of the omnipotent God and a protection of the property of the churches, and that no unjust support may be left for wicked men, and a safe refuge for those who sin even knowingly, but that only he may be protected as innocent who in fact is so, but not he who seeks to protect himself by a dishonest allegation, merely relying upon time rather than upon his uprightness. And what we have dedicated to the venerable, high apostolic seat of peter in the honor of God, shall forever remembering the beneficence of our reign through this law, be enjoyed in every land and every island of the Occident, as far as the confines of the ocean, and we extend this privilege, as heretofore stated, not only to the Roman church in the west, but also to the Orient, where the Roman Church has or shall have possessions. All our judges, high and low, who are Christians and orthodox, shall enforce this law, and the violators hereof, must, in addition to celestial punishment, be in fear of the vigor of our law, and of the penalty of fifty pounds of gold. This law shall apply not only in cases which shall arise hereafter, but also to those already pending.

Your holiness, therefore, receiving the present law of Our Clemency, which is a pious and holy offering to God, may deposit it among the sacred vessels, to be preserved by you, and to be protection of all the possessions of the church.

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them—that being recognized as, in general, the limit of a long-lived person’s lifespan. Your Holiness is therefore to have this law, for the benefit for the benefit of the catholic churches...”