

Novel 58. (Authenticum 59).

That the holy mysteries shall not be performed in private houses.  
(Ne in privatis domibus sacra missa fiat.)

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The same Augustus (Justinian) to John, Praetorian Prefect of the Orient the second time, ex-consul and patrician.

It has already been prescribed in ancient laws, that no one shall be permitted to celebrate the holy mysteries at home, but that the holy rites and the worship of God shall be public, according to the sanctions, delivered to us, contained in the holy canons, and we enact the present law, which shall be strictly enforced. For we forbid all inhabitants of this great city, and all under our sway, to have any chapels in their houses in which to celebrate the holy mysteries and do things, not in accord with the catholic and apostolic precepts. But if some of them want to have chapels in their houses, we permit that only for the purpose of prayer, and nothing shall be done that pertains to divine ministry. If any persons want to have, aside from them, houses in which he may attend divine service without attending other churches, we are not opposed to that, provided that they invite some clergymen thereto of the holy church here or of the holy churches under (the church here), and to be assigned thereto in the discretion and upon approval of the holy archbishop, or (if it is) in the province, in the discretion of the holy bishops. But no innovation shall be made by the present law as to the rights of the Beatitude (the archbishop here), which he in any manner has here or in the provinces as to appointments or management, but all rights given him at any time, shall now and hereafter be in force. We ordain, moreover, that Your Glory shall maintain these provisions and make them known to all through your own orders, so that this law will be in force everywhere. And we have instructed the glorious prefect of this fortunate city and the holy archbishop and universal patriarch, that these provisions shall forever be maintained by both civil and sacerdotal authority. And the owners of houses must take notice, that if they fail to observe these provisions, they will be subject to imperial displeasure, and the houses in which anything of the kind (contrary hereto) is done will be confiscated and added to the imperial treasury. If they already have anything of the

kind (in violation hereof) in their houses, they must take notice, that if they do not change them within three months after the publication of this law, and conform them to the rule here fixed, they will be subject to the penalty just stated. And we want that done in truth and not in sham, for only the truth is acceptable to us. We want Your Sublimity to maintain these provisions, and you must not permit anything of the kind (in violation hereof) to be done. And you must take notice, that if you or your successors in office, have received information thereof and have not prohibited it, you and your successors in office must pay 50 pounds of gold (\$10800), and the official staff under you the same penalty, and if the members permit a matter, which lies near our heart and which preserves the unity of the holy church and which forbids things plainly forbidden to be done secretly, to be neglected when violated, they will be in danger of losing their position; and besides that, the house in which anything of the kind is done, will be confiscated and added to the imperial treasury.

This law is, moreover sent also to the holy patriarch of this fortunate city, so that he, too, may look after this matter. For we want it to remain in force in the future, maintained by the sacerdotal and civil authorities.

Given at Constantinople, November 3, 537, in the 11th year of the reign of the emperor Justinian.