

Novel 16.

That clergymen shall be transferred from one church to another to take the place of a fixed number of those who have died.

(Ut clerici ex altera ecclesia transferantur in alteram ad statutum deficientium numerum.)

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The same Autustus (Justinian) to Anthimus, holy and blessed archbishop and Universal Patriarch.

Preface. We recently enacted a law concerning the number of ordinations (appointments), and according to it, they must not be excessive, either in the holy Great Church of this fortunate city or in the remaining churches. We ratify this law and declare it to be valid in every respect. Since, however, it is our purpose to curtail appointments, thereby reducing the too great an outlay of the holy Great [Church] to a moderate and bearable amount and to diminish the amount of the expense, we, having cast about us in every way, come to enact the present law, not at all different from the former one, but arising from the same motive, and which might be of still greater advantage to the holy Great Church.

c. 1. For we ordain, that if it happens in some of the holy churches, which are managed and the expense of which is born by the holy Great Church, that a presbyter, deacon, reader or singer dies, no outsider shall immediately supplant him, but it shall be determined what the number of reverend clergymen therein is. And if that number is not yet below, but is still above that originally defined and fixed, no appointment shall be made in the place of the decedent until the number (originally fixed) is restored. If the number has been reduced, so that it is necessary, in order that the fixed number may not be lacking, to put another clergyman in the place of the deceased, then Your Beatitude shall look around to see, whether there is a superfluous clergyman, of the same grade, in the other churches, aside from the holy Great Church, and (if so) put him in the other's place, and no new appointment shall be made. In that way, when that which is deficient, is supplied by that which is redundant, a beautiful harmony will be created, pleasing to God, and the holy Great

Church may thereby gradually be freed from debt. Otherwise, when that which is deficient, is supplied by something outside, and that which is redundant is not diminished, a long and definite time will pass by, before that which is redundant will be diminished.

Epilogue. Your Beatitude, therefore, must zealously carry the provisions justly made by us for the benefit of the holy churches into force and effect. For if anything is done contrary hereto, the person who contrary to this law dares to take an appointment must take notice, that he will receive no benefit therefrom, and expenses incurred in that manner must not be charged to the account of the holy church by the reverend stewards, but they themselves must bear the loss arising therefrom, receiving this as the fruit of their negligence out of their own property. Given at Constantinople, August 13, 535.