

Novel 67 (Authenticum 69).

That no one shall build a chapel against the wish of the bishop. And that he must first make provision for the care and up-keep of the chapel to be built. And that bishops shall not be absent from their churches. And concerning the alienation of immovable church property.

(Ut oratorium nemo aedificet praeter voluntatem episcopi. Et ut prius definiat ea quae pertinent ad curam et statum oratorii aedificandi. et episcopi ne desint suis ecclesiis. Et de alienatione ecclesiasticarum rerum immobilium.)

The same Augustus (Justinian) to Mena, holy and blessed archbishop and Universal Patriarch.

Preface. We have embraced in many laws matters pertaining to the holy churches, but need another one that will suffice for newly emerging matters. For many, to make a name for themselves, make haste to found holy churches; then, when they are built, they pay no further attention to them, and do not assign suitable income to them for lighting the lights, and for the support of those engaged therein and for the holy ministry, but leave them standing as bare buildings, to be destroyed, or deprived of all sacred ministry.

c. 1. We ordain therefore that, before everything, no one shall be permitted to commence to build a monastery, church or chapel, until the God-beloved bishop of the place has consecrated the place by proceeding there publicly, offering up vows at the place and affixing a cross, and until he has made the matter known to all. For many about to build chapels, look after their own disease (heresy), not becoming builders of orthodox churches, but of unlawful grottos.

Note.

See also C. 1. 2. 15; Nov. 57, c. 2, and Novel 131, c. 10.

c. 2. Next, he shall not build a new church, until he talks with the God-beloved bishop and fixes the amount which he assigns for lighting the lights, the sacred ministry, the maintenance of the house and the support of those engaged therein; if that appears sufficient, he shall first make a gift of what is to be so assigned, and

then build the house. If a man has no sufficient means for this, but perchance wants to do this so as to make a name for himself, and that he may be called the founder of the church, there are many churches in this imperial city and in the provinces, which, though sufficiently well managed, are, nevertheless in danger of falling on account of age, or which are small and not equipped as those who minister in them wish, and he may take one of these churches and finish it up; provided, however, that this, too, must be done according to the advice of the God-beloved bishop of the orthodox church. In this way it will come about that he may be called the founder of a holy house, without expending any further money, since the expenses already customarily assigned therefor must be furnished by those who also supplied them in the first place.

c. 3. We also ordain, that, according to the law already enacted by us,^a the God-beloved bishops must remain in their churches, must not desert them, spend a great deal of time here, and compel the stewards in the province to send them their expenses out of the property of the holy church, thus receiving their expenses from thence, but not staying there. We therefore ordain, the law already enacted by us remaining in force, that if the God-beloved bishop is absent from the holy church a rather long time, no expenses shall be sent to him from the province, but the money shall be used for pious purposes or for the church, and he, while he wanders about here, shall not burden the holy church with his expenses. It is, moreover, clear, that if he is absent for a long time, the provisions already made by us, will apply.

a. Novel 6, cc. 2-3, appended to c. 1. 3; also Novel 57, c. 1, appended to c. 1. 3.
[These are not appended in this version.]

c. 4. And since we have already ordained, that whenever an alienation of immovable property of the church is to be made, this shall proceed upon the making of a decree (by the governor of the province), as stated in a constitution recently enacted by us^a and that the decree should be made not only in the presence of the metropolitan bishop, but nothing was provided as to what should be done in case the holy metropolitan bishop should be about to make a sale, or the reverend stewards of

that holy church, so we also add this, that two of the bishops, dear to God, under him, whomever he may choose, shall be present. The other matters already provided by us shall be observed, with the addition, that two of the bishops, dear to God shall be present so that he may seem to carry on the transaction in conjunction with his council; and just as he adds trustworthiness and authority to the matter, when he is present (at the council) under him, so also the synod under him, present by two bishops, dear to God, seems to make the matter, which receives its testimonial from the holy synod, certain.

a. Nov. 7, c. 9; but see Novel 120.

Epilogue. You will make this, our law, sent to the see of Your Beatitude and to the other holy patriarchs, known through your own letters to the metropolitan bishops under you, who, in turn, will make it known to the bishops under them, so that nothing that has been directed by us, may remain hidden.

Given at Constantinople, May 1, 538 A.D., in the 12th year of the reign of the emperor Justinian.