

THE CODE OF OUR LORD THE MOST HOLY EMPEROR JUSTINIAN.

SECOND EDITION.

BOOK XII.

TITLE I.

CONCERNING DIGNITIES.

1. *The Emperor Antoninus.*

If as you state, your grandfather was of consular dignity, and your father had held the office of Pnetor, and you did not marry men of private condition, but those of illustrious rank, you will retain the eminent position of your family.

Without date or designation of Consulate.

2. *The Emperor Alexander.*

The gates of dignities do not lie open to men of bad reputation who are branded with infamy, and whose wickedness, baseness of life, and evil repute exclude them from the society of respectable people.

3. *The Emperor Gordian.*

The highest dignity does not abrogate the privileges of an inferior rank, previously obtained, or those attaching to military service.

4. *The Emperor Philip.*

We order that property belonging to senators, which they possess in different cities and provinces, and their retainers, shall be exempt from furnishing transportation, and any other requirements imposed by judges, as well as from all ignoble, extraordinary, and debasing services, and neither they nor their children shall, under any circumstances, be compelled to perform duties inconsistent with their rank.

5. *The Emperors Valerian and Gallienus.*

No urban Prefect shall, without Our authority or knowledge, subject a senator to the performance of any civil obligation whatsoever, and no one shall inflict such an atrocious injury upon Our Senate. For it is reserved for Us to issue any commands to persons of senatorial rank, as whatever is done by Our order becomes a distinction.

6. *The Emperors Diocletian and Maximian.*

Let no one who belongs to the lowest class of merchants, brokers, or persons engaged in vile or abject pursuits and employments, or who occupy base or dishonorable positions, attempt to enjoy any dignity. Anyone who has obtained such a place shall be deprived of it, and shall be restored to his former status.

7. *The Same Emperors and Caesars.*

When different judges require public works to be erected in cities, the property of senators shall not be liable to contribute to expenses of this kind.

8. *The Emperor Julian to Sallust, Praetorian Prefect.*

The rights of senators and the authority of their order (in which We Ourselves are also included) must be protected from all injury.

Given at Constantinople, on the ninth of February, during the Consulate of Mammertinus and Nevitta.

9. *The Same Emperor and Caesars.*

We forbid the children of freedmen to attain to the dignity of nobles.

10. *The Emperors Valens, Gratian, and Valentinian to Gracchus, Praetorian Prefect.*

We exempt men of illustrious rank from liability to torture. Given on the day before the *Nones* of January, during the Consulate of Gratian, Consul for the fourth time, and Merobaudus, 377.

11. *The Emperor Constantine.*

If a senator, or any other man of illustrious rank, has children born to him before he was raised to the above-mentioned dignity (which rule applies to sons as well as to daughters), they will follow the condition of their father. As children should not be excluded from the honors enjoyed by their fathers, a child born to a senator or other person of illustrious rank must be considered to be invested with that same rank and dignity.

12. *The Emperors Gratian, Valentinian, and Theodosius to Neotherius, Praetorian Prefect.*

Judges who have been convicted of having been polluted by dishonesty and other crimes shall be deprived of their commissions and dignities, and degraded to the lowest rank of plebeians, nor shall they afterwards enjoy those honors of which they have shown themselves to be unworthy.

Given at Thessalonica, on the eighteenth of the *Kalends* of February, during the Consulate of Gratian, Consul for the fifth time, and Theodosius, 380.

13. *The Emperors Valentinian and Valens.*

We raise women to the rank of their husbands, render them noble by birth, determine the jurisdiction to which they shall be subject, and change the places of their domicile. Moreover, if they should subsequently marry men of inferior position, they shall be deprived of their former dignity, and shall follow the condition of their last husbands.

Given at Constantinople, on the fourth of the *Kalends* of February, during the Consulate of Arcadius, Consul for the second time, and Rufinus, 392.

14. *The Emperors Gratian and Theodosius.*

We order that judges shall not have power to impose any public service upon a senator under any pretext whatsoever, no matter to what province he may belong.

15. *The Same Emperors to Eustathius, Prefect of the City.*

We grant authority to all persons of noble or illustrious rank to reside in any place whatsoever, and to journey and remain wherever they wish, without obtaining a permit to do so.

16. *The Same Emperors and Arcadius to Apollonius, Praetorian Prefect.*

When any serious crime has been perpetrated by a person of eminent rank, and he has been liberated under bond, We order that the accusation shall be submitted to Us. Any charges involving persons of inferior position must be referred to Your Highness, in order that you may decide what course should be pursued with reference to the offence 'which has been committed.

17. *The Emperors Honorius and Theodosius to Arcadius, Praetorian Prefect.*

Whenever any civil or criminal action is brought by a private individual against a person of illustrious rank, he shall not be annoyed by being compelled to give bond; but, by a special privilege, he shall be placed upon his honor, and only his oath shall be exacted as security. If, however, anyone should neglect to do this, and should fail to take the oath required as security, either in his own proper person, or by his attorney, the judge having jurisdiction shall order (in pecuniary actions) that the property in dispute shall be placed in possession of those who are entitled to it by the authority of the law and the nature of the case.

In criminal matters, however, the accused party shall be deprived of the dignity of which he

has rendered himself unworthy through perjury, and the judge is authorized to pronounce the sentence prescribed by the severity of the law upon the defendant as being deprived of his illustrious rank by his own crime, without referring the case to Us for consideration.

(1) We think that the following privilege should be added to those enjoyed by persons of illustrious rank, that is to say, persons of this kind should not be compelled to appear in court in either civil or criminal proceedings, except in pursuance of a written order.

18. *The Emperor Justinian.*

We order that, with the exception of the honor attaching to Imperial notices of recall, all inferior and superior magistrates invested with authority, as well as those who are designated illustrious shall, without first obtaining Our permission, be allowed to visit this Imperial Capital, whether they have formerly left it with the consent of the Emperor, or whether, residing in the provinces, they come here only when their business requires it.

TITLE II.

CONCERNING PRAETORS, PRAETORIAN HONORS, AND THE ABOLITION OF THE CONTRIBUTIONS KNOWN AS GLEBE, LEAF, AND SEVEN SOLIDI.

1. *The Emperors Arcadius and Honorius.*

No one of illustrious or noble rank who resides in a province shall, hereafter, be called to the Prefecture, but everyone of such persons shall remain safely and securely at home, in the enjoyment of his dignity.

2. *The Same Emperors to the Senate.*

We order that the impositions known as "glebe," "leaf," and "seven *solidi*," of every description, whether they have reference to persons or to property, shall be absolutely abolished, and that no contributions of this kind shall, hereafter, be exacted.

TITLE III.

CONCERNING CONSULS, AND THE PROHIBITION AGAINST THEIR SQUANDERING MONEY, AND CONCERNING PREFECTS, MILITARY COMMANDERS, AND PATRICIANS.

1. *The Emperor Valentinian.*

It was long since established, with reference to men of consular rank, that, as they were invested with the same honor and enjoyed the same privileges, those should take precedence who are superior only in point of time of service. For who of several persons possessing the same dignity should be considered entitled to priority unless the one who first obtained the position? He who subsequently became Consul, although he held the same office, should certainly give place to a predecessor.

This rule shall also be observed where anyone has repeatedly held the office of Consul; for, where the official insignia are frequently obtained, while they prove the virtues and the merits of the incumbent, they do not increase them, because nothing is added to the eminence of the position. Where, however, a Consul who has held one office after another acquires the dignity of patrician, he will be entitled to precedence over one who first secured that dignity, although he may have been more recently raised to patrician rank.

2. *The Emperor Leo.*

We wish to restore the Order of the Consulate to its ancient splendor, so that persons who obtain that honor may do so through their merits, and not by cultivating the favor of the people, and, laying aside the desire for gain, the candidates may have in view only the venerable practice of their ancestors and the auspicious ornaments of antiquity which are peculiar to the office. Therefore, We desire that other Consuls shall have this example before them, and We shall not suffer them to incur great expense to no purpose. Hence, Consuls

shall, hereafter, abstain from the vile practice of scattering money among the populace, and what they lose in this way and formerly squandered without any compensating advantage should be employed for better purposes, and in measures contributory to the public welfare. If, at the beginning of every consulate, a hundred pounds of gold is paid by the Consuls for the maintenance of the aqueduct of this great city, each of them will know that this sum has been given for the benefit of his country, and that what has been bestowed will remain a perpetual evidence of his generosity,

### *3. The Emperor Zeno.*

No one shall be permitted to attain to the high rank of the patriciate (which takes precedence of all others) unless he has first held the office of Consul, that of the Praetorian Prefecture of the East, or of Illyria, or of the City, or is known to have been a general of the army, or to have occupied the position of Master of the Offices, as only persons of this kind who are at present administering these public employments, or may do so hereafter, shall be permitted to attain the dignity of patrician, when We desire to confer it.

And, as We think that, in all respects, We should consult the interests of this Most Glorious City, which is the capital of the entire world, We order that all those who shall, hereafter, by the favor of the Emperor, be invested with the eminent dignity of honorary Consul, shall pay a hundred pounds of gold for the purpose of repairing the public aqueduct, just as those who, for a year, are elevated to the consular office, for it is only proper that this Most Flourishing City, by the munificent donation of a hundred pounds of gold, should be reminded of the benefits resulting from the bestowal of the honorary consulate.

### *4. The Same Emperor to Sebastian, Praetorian Prefect.*

We decree that all those who, up to this time, have been honorary Consuls, or who may become so hereafter, can, with the permission of the Emperor, conduct the business of the Consulate for a year, and that, having done so, they shall not be considered as having obtained any new distinction, or one which they have not yet acquired, but shall be considered to have again enjoyed the benefit of the consulship to which their honorary rank has already entitled them; and with reference to the adoration of the Imperial dignity, or any other honors and privileges which the Consuls could claim in former times, they are notified that the rank of Consul will date from the time when they were first appointed.

It should also be observed that where anyone of consular dignity afterwards becomes actual Consul, he shall not again be obliged to contribute a hundred pounds of gold for the maintenance of the aqueducts of this Glorious City, in accordance with the tenor of this Imperial constitution, as these were paid when he was raised to the position of honorary Consul.

### *5. The Emperor Justinian to John, Praetorian Prefect.*

We order that all those illustrious men whom We have raised to the high rank of patrician shall immediately, upon receipt of the Imperial commission, become the heads of households, and be released from paternal authority, lest it may appear that those who are honored by Us as fathers shall not be subject to the control of others. For, indeed, it would be intolerable for a father to be able, by emancipation, to release his son from the bonds of his authority, but that the Emperor should not have the power to free from the control of another one whom he has chosen to occupy the position of father to himself; for, if the contrary opinion did not prevail, the majesty of the Emperor would appear to be diminished by such an assumption. And while it is certain that this very rarely happens, as the son of a family does not often attain to the honor of patrician, although this is customary in the case of Consuls, still, in order that such an occurrence may not at some time take place, and no law be found applicable, We have decided that this Constitution shall be promulgated by Us.

TITLE IV.  
CONCERNING PRAETORIAN AND URBAN PREFECTS AND MILITARY  
COMMANDERS.

1. *The Emperor Valentinian.*

We place the Prefect of the City, the Praetorian Prefect, and the generals of cavalry and infantry in the same class, so far as their rank is concerned, as We desire that after they have retired to private life, those will take precedence who first, in order of time, have obtained promotion and the commissions which conferred their offices upon them.

2. *The Emperor Leo.*

A general of cavalry or infantry shall take precedence over anyone appointed Prefect, when both have relinquished this office and become private citizens, provided he was appointed before him; and, therefore, he who was first selected and the distinction of whose magistracy is of more ancient date shall take precedence in voting and speaking over a more recent appointee.

TITLE V.  
CONCERNING THE IMPERIAL CHAMBERLAINS, AND VALETS-DE-CHAMBRE  
AND THEIR PRIVILEGES.

1. *The Emperors Arcadius and Honorius.*

The officials having charge of the Imperial bedchamber shall enjoy the same rank as that conferred upon the Praetorian or Urban Prefects or upon those exercising the authority of generals of the army, so that, after they have relinquished the duties of their employment, no distinction shall be made between them, either in the solemnities accompanying the adoration of the Emperor, or in the solemn festivities, assemblies, attendance at court, or any other ceremony in which they may be called upon to take part. In such cases, the order observed shall be regulated by the date of their appointment, and they shall wear their usual costume, as it has been clearly decreed that he shall take precedence whose appointment was first in order of time, and that he shall rank second whose nomination is shown to be more recent.

2. *The Emperors Theodosius and Valentinian to Proculus, Praetorian Prefect.*

We order by this law, which shall be perpetually observed, that all officials of the Imperial bedchamber, after having retired from office, shall, before they are reappointed to the same places (with the exception of the Chamberlain of the Camp and Count of the Household) enjoy the following privilege, that is to say, they shall not hereafter be obliged by Your Highness to furnish post-horses, vehicles, or lodgings, nor shall they be required to perform ignoble services, lest they may, during the time of leisure and quiet, appear to lose the honors which they have obtained by service; and We decree that their houses, both in this Imperial City and in all towns whatsoever, shall be free from the annoyance of furnishing lodgings to anyone, no matter what his rank may be. If the Governors of provinces and their subordinate officers either connive at the violation of this Our law, or contravene its provisions in any way, they shall be fined ten pounds of gold.

3. *The Emperor Martian to John, Count and Master of the Offices.*

As it is certain that the officials of My Imperial bedchamber, as well as those of the August Empress, perform the same duties, and have access to the same secret apartments of the palace, they should not be subject to different jurisdictions, and We release them from obedience to the orders of other tribunals, so that they can only defend themselves against actions brought before Your Highness.

4. *The Emperor Leo, to Puseus, Praetorian Prefect.*

We decree that all slaves who have been donated by anyone for attendance in the Imperial bedchamber, or who may hereafter be given or appointed for such a purpose, and who

formerly were or hereafter may be attached to the service of the Emperor (even though the appointment may not have been made in writing) shall, after they have been associated with the other chamberlains, become free and freeborn, and be considered such, and We desire that this rule shall not only apply to those who are living, but also to all who are dead. For as this privilege is considered to be peculiar to the majesty of the Emperor, namely, that he should not make use of the services of slaves, as men of private condition do, but of those of freemen, it is extremely unjust that they alone should suffer the inconveniences incident to inferior rank.

It shall be lawful for such persons, just as in the case of others who enjoy the advantages of free birth, to make wills disposing of their estates, but no one must entertain any doubt that the property of such of them as die intestate will escheat to the Treasury as that of decedents who have left no lawful heirs.

We desire all these regulations to be diligently observed where persons have voluntarily given an eunuch to be employed in the duties of the Imperial bedchamber. If, however, the eunuch should have been placed there by force, or should have ventured to undertake the service of the Imperial bedchamber without the consent or knowledge of his master, the latter is authorized to invoke the aid of the law, and recover (together with his *-peculium*) him whom he can prove is his slave, and who, without his knowledge or consent, has entered the service of the Imperial bedchamber.

As, however, it is not proper for persons who have been injured to be denied the power of applying for relief, so We do not permit that the way for bringing vexatious lawsuits shall remain open too long, and therefore We fix the term of five years within which a master can institute proceedings against such slaves; and if he should fail to act within that time, he shall not be permitted either to claim the slave and his *peculium*, or even the property of his freedman as his own. All these rules which We have laid down with reference to the male attendants of Our bedchamber are also applicable to any females who have been or may be donated for this service, and We decree that they shall govern them and continue to be in force whether the said attendants are living or dead.

*5. The Emperor Anastasius to Eusebius, Master of the Offices.*

We order that the two illustrious chamberlains of Ourselves and Our Consort, the Empress, after having finished their terms of service, and having been raised to senatorial rank, shall have a right to wear the military belt whenever they visit their estates, or travel for any purpose, as this is conceded in compliance with their wishes, and will result in no one's injury.

TITLE VI.

CONCERNING QUAESTORS, MASTERS OF THE OFFICES, AND COUNTS OF THE  
IMPERIAL LARGESSES AND OF PRIVATE AFFAIRS.

*1. The Emperors Arcadius and Honorius.*

Those who have been honored with the office of Quaestor or Master of the Offices, or have been Counts of either of Our Treasuries, shall be received with the usual acclamations and shall not be passed by as unknown.

TITLE VII.

CONCERNING THE PRIMICERIUS, THE SECUNDICERIUS, AND NOTARIES.

*1. The Emperor Leo.*

We especially desire that notaries shall always retain their title; and therefore, if any members of this order retire in order to be at rest, or resign their offices, or relinquish them on account of old age, or should subsequently attain to any other dignity, they shall not lay aside the title obtained from their former employment, but shall add to it that of their subsequent dignity; and if any official, and especially if anyone attached to the office of Your Highness, should

rashly charge a former notary with any duties pertaining to the collection of taxes, the assessment of property, or anything else of this kind, he is hereby notified that as soon as he is detected, even though he may only have been guilty of negligence, he shall be heavily fined and excluded from the corps of accountants.

## 2. *The Emperor Justinian.*

We think that the eminent and noble body of tribunes of the Notaries who render important services to the public should be encouraged and increased by the bestowal of distinctions and privileges; hence We have deemed it proper to decide that those who have attained to the rank of *primicerius* shall remain in the office for the term of two years. Moreover, We order that those tribunes who, being occupied in their own affairs, absent themselves from the Imperial palace for a year, even though they may have obtained a permit to do so, shall lose one grade on account of their absence for that time; and if they should be absent for two years, they shall lose two grades; and if for three years, they shall lose three; and if for four years, they shall, in like manner, be subjected to the loss of four grades; and be placed below those who formerly were inferior to them in rank. Those who have failed to appear for a period of five continuous years shall have their names stricken from the registers of tribunes, but shall not be excluded from the Order, for men who are in this condition can perform none of the duties relating to the census, the imposition of taxes, the assessment of property, or any other matters of this kind.

We have considered it especially necessary to establish these rules in order that no one may, through political intrigue, official favor, or any other means whatsoever, attain to a rank to which he is not entitled, and take precedence of others without reference to service while transacting his own business.

When any tribune, after long and arduous service, is forced to retire on account of age, he shall, after having ceased to act as *primicerius* and chief accountant, obtain the rank of Master of the Offices, just as if he had discharged the duties of the latter, and shall wear the insignia of the same, according to ancient custom, and he can assume priority over all others even though they may have preceded him in point of time.

## TITLE VIII.

### CONCERNING THE MAINTENANCE OF THE ORDER OF DIGNITIES.

#### 1. *The Emperor Theodosius.*

If anyone should usurp a place to which he is not entitled, he cannot defend himself on the plea of ignorance, but he shall undoubtedly be considered guilty of sacrilege, as having disregarded the Imperial mandates.

Given at Milan, on the twelfth of the *Kalends* of June, during the Consulate of Richomer and Clearchus, 384.

#### 2. *The Emperors Theodosius and Valentinian.*

All persons are notified that the order of precedence shall be observed as follows: those who are performing the functions of an illustrious employment shall have the first rank; next come those who have formerly held such an office, and at present have a right to wear the military belt, the badge of illustrious dignity; and We assign the third place to those to whom the insignia of illustrious rank have been sent; fourth, those who, being present, have obtained honorary distinction through Our letters, without the military belt; and fifth, those who, while absent, have been invested with the insignia of illustrious dignity, without the military belt. We decree that the administrators, or Counts of Private Affairs, shall take precedence of those upon whom have been bestowed the honorary titles of illustrious dignity.

We do not, however, think that all those who, at present, are engaged in the public service should always be entitled to priority over such as are merely invested with the honorary title, but only where the parties are of the same rank, and one of them has the administration, as

well as the honors, and the other the honors alone. Hence, the Prefect takes precedence of the Quæstor, and not the Quæstor of the Prefect; and, in like manner, the active Quæstor takes precedence of the Quæstor who is not in office; and the Count of the Treasury, or the Count of Private Affairs, shall be preferred to an honorary Quæstor or Master of the Offices.

We decree that those should be numbered among the incumbents of offices who, being of illustrious rank, have, in Our Imperial Consistory, been previously entrusted with matters of ordinary importance, or whom We may hereafter charge with such duties; for example, where the prosecution of hostilities is committed to some general not in active service. For why, for instance, should not the distinguished general, Germanus, whom We have ordered to conduct a war against the enemy, be considered as discharging the duties of such an office? Or why should not the eminent Propentadius who, being a soldier, We have appointed, instead of the Praetorian Prefect, to superintend the organization of the army, be said to administer the Prefecture?

#### TITLE IX.

##### CONCERNING THE CHIEFS OF THE IMPERIAL BUREAUS.

###### 1. *The Emperor Anastasius.*

The indulgence of Our liberality should be bestowed upon the distinguished Chiefs of the Imperial Bureaus who, in the capacity of secretaries are, as it were, associated with the Emperor; and therefore We decree that, after they have relinquished their office, they shall be exempt from all contributions, whether these are imposed by civil or military authority, and that they shall be absolutely free from the annoyance of being compelled to submit to any contribution, public or private, that may be imposed by Your Highness.

We desire that this privilege shall also be transmitted to their descendants, and by the latter to their next of kin. The office of Your Highness shall be condemned to pay a fine of fifty pounds of gold, if you permit this law to be violated in any respect whatever.

#### TITLE X.

##### CONCERNING THE COUNTS OF THE CONSISTORY.

###### 1. *The Emperors Gratian, Valentinian, and Theodosian.*

Generally speaking, We decree that those upon whom the title of Count of Our Consistory has been conferred shall be deemed equal in rank to the distinguished Proconsuls.

###### 2. *The Emperor Justinian.*

The distinguished Counts of Our Consistory, together with their wives, their children, and their slaves, shall enjoy the same privileges in bringing actions at law, and in defending the same, as the illustrious chiefs of the guild of agents are entitled to, in accordance with the Imperial Pragmatic Sanction of the Emperor Zeno, of Divine Memory.

#### TITLE XI.

##### CONCERNING THE COUNTS AND TRIBUNES OF ASSOCIATIONS.

###### 1. *The Emperor Valentinian.*

The chiefs and tribunes of the various associations whose members serve at the Imperial banquets, and from former times have enjoyed the privilege of adoring the Emperor (among whom are included the Counts of the Imperial Stables, and those having charge of the palace), where they have been invested with the title of Count of the First Rank and have not attained to a higher dignity, We order shall, after they have relinquished their office, be classed with the Counts of Egypt or Pontus, whose relative position is the same. We order that those who have not risen to a more exalted degree of nobility shall, after they have retired from service, be considered equal in dignity to the dukes of the provinces.



TITLE XII.  
CONCERNING MILITARY COUNTS.

1. *The Emperor Leo.*

Those who, after having led armies in provinces beyond seas, have, in consideration of their merits, obtained the rank of Count of the First Rank, shall be entitled to the same honors as those who have been invested with the insignia of the proconsulship.

2. *The Emperor Anastasius.*

We place in the same class with dukes who have administered their office in the provinces (with the exception of those of Egypt and Pontus) all who have been appointed by Our authority Counts of the First Rank, and dispatched with armies for the protection and defence of any of the provinces, or have undertaken the duties of generals.

TITLE XIII.  
CONCERNING THE COUNTS AND CHIEF PHYSICIANS OF THE IMPERIAL PALACE.

1. *The Emperor Zeno.*

We decree that the Chief Physicians of the palace who have obtained the dignity of Count of the First Rank shall hold the same position as vicegerents, whether they have already retired from office, or may hereafter do so, in order that no difference of degree may exist between the vicegerents and dukes who are still administering their offices, and those who have obtained the title of Count of the First Rank, except that arising from the length of time which he who is in office or has attained the insignia of count may have served.

TITLE XIV.  
CONCERNING THE COUNTS WHO GOVERN THE PROVINCES.

1. *The Emperor Zeno.*

Those who have been occupied in the civil or judicial administration of the government, and have become entitled to the rank of Count of the First Rank, shall enjoy the privileges attaching to the office of Imperial Vicegerent, after they have relinquished their official employments.

TITLE XV.  
CONCERNING THE PROFESSORS WHO, BY GIVING INSTRUCTION IN THE CITY  
OF CONSTANTINOPLE, HAVE ATTAINED TO THE RANK OF COUNT.

1. *The Emperor Valentinian.*

It has been decided that grammarians, both Greek and Latin, Sophists, and jurists practicing their profession in this Imperial City, who being regularly registered, have distinguished themselves for good morals, and can show that they possess the ability to teach eloquence, as well as skill in interpretation, and talent in debate, and who have been considered worthy of becoming members of the Senate, after they have passed twenty years in their profession, and in imparting knowledge, shall be honored, and placed in the same class with the Imperial Vicegerents.

TITLE XVI.  
CONCERNING SILENTARII AND THEIR DECURIONS.

1. *The Emperors Honorius and Theodosius, to Ursus, Prefect of the City, and Aurelian, Praetorian Prefect of Illyria.*

The decurions of Our palace, after having faithfully performed their duties and relinquished their office, shall have the choice of either receiving from the Emperor the title of Master of the Offices or that of illustrious Count of the Domestics, that is to say, the rank of those in

active service, so that they may enjoy the privilege not only of adoring the Emperor, but also of saluting public officials, as well as all the other advantages attaching to the above-mentioned dignities, in addition have the honor of being present at the meetings of Our Imperial Consistory.

## 2. *The Same Emperors to Venantius, Praetorian Prefect.*

Every decurion, or *silentarius*, shall be exempt from the service of furnishing horses and other extraordinary impositions; nor shall he pay any tax which is usually imposed under such circumstances, and no authority or necessity shall subject him to anything of this kind.

## 3. *The Emperor Valentinian.*

Decurions and *silentarii* are notified by this law that all the privileges formerly granted them by other Divine Emperors are hereby confirmed, even where they have been promoted to a superior position, and their rights shall not be prejudiced by the issue of any pragmatic sanction, nor shall the authority of the Prefecture subject them to the necessity of furnishing post-horses or lodgings; and We hereby release them from all ignoble services, from the burning of lime, and from the charge of the superindiction.

We decree that their houses, not only in this Imperial City, but also everywhere else, shall be exempt from providing lodgings, no matter by whom this may be authorized, and a fine of ten pounds of gold shall be imposed upon the judges of the provinces and their offices if they violate this Our law.

We add to the above-mentioned privileges, that the said decurions and *silentarii*, after they have retired from office and have been included among the illustrious senators, shall have a right to the honors of the *curia* without performing any duties, and can rejoice in the full possession of their dignities and immunities. Under this regulation, however, only thirty *silentarii* shall be entitled to this honorable distinction, and We decree that three decurions, and no more, shall enjoy the above-mentioned privileges, after they have discharged their official duties uninterruptedly for thirty consecutive years.

## 4. *The Same Emperor.*

In order that the *silentarii* may not be removed from their places near Our person to appear in court, We order that those who desire to bring either civil or criminal actions against any member of the guild of *silentarii*, or his wife, cannot proceed in any other tribunal than that of the distinguished Master of the Offices.

## 5. *The Emperor Justinian.*

We order that the illustrious *silentarii* in service, when they are under the control of their parents, shall possess as *castrense peculium* whatever they may have obtained, or may hereafter acquire by way of emoluments, donations, inheritance, or from any other source, while in office; nor can their parents, if they survive them, claim such property for themselves, or take it from them; nor, after their death, can their own brothers, or any other of their heirs, divide the same as belonging to the estates of the said deceased persons, as they cannot be deprived of the fruit and profits of their labors. For the same reason, We do not permit the *silentarii* to be compelled to account for, or place in the mass of the estate of their deceased parents, any property which they may have received from their relatives, or from any other source, or which they may hereafter obtain, at the time that they were admitted into the corps of the *silentarii*, and they shall not be assessed or compelled to pay any money by way of contribution under such circumstances.

We order that they shall be exempt from the administration of guardianship and curatorship, as they should not be obliged to transact the business of others; for the reason that, on account of the services required of them by Us, they cannot devote proper care or attention to their own affairs.

Moreover, their children, who have already reached or may hereafter attain to the rank of

distinguished counts or tribunes, shall, by no means, be compelled to undertake or conduct the administration of the Prefecture without their consent, and all privileges heretofore conferred upon those now in office shall also be enjoyed by persons hereafter admitted to the same body, and this rule shall apply not only while they are in active service, but also after their retirement.

#### TITLE XVII.

##### CONCERNING DOMESTICS AND PROTECTORS.

###### 1. *The Emperors Valentinian and Valens.*

Domestics and protectors belonging to the royal palace shall have a right to embrace the Imperial Vicegerents when they salute them, for it would practically be an act of sacrilege if this honor were not allowed those who are considered worthy of touching the Imperial purple.

###### 2. *The Same Emperors and Gratian.*

The *primicerius* of both the corps of domestics and protectors, after obtaining the office of tribune, shall have the rank to which dukes are entitled; and others of the same body, to the number of ten, shall enjoy the consular dignity.

###### 3. *The Same Emperors to Sposaterus, Count of the Foot Domestics.*

Any domestic who is absent, but not on public business nor under a permit granted for that purpose, and fails for the space of two years to discharge the duties which he owes to the Emperor, shall be reduced five grades, and if he is proved to have been away for three consecutive years, he shall be reduced ten. If he should be absent for four years, he shall be assigned to the lowest place; and where he has been a wanderer for the term of five years, he shall be deprived of the insignia of his office; for those who discontinue the performance of their functions for so long a time, when they should perform them assiduously, are unworthy of membership in the order.

###### 4. *The Emperor Anastasius.*

We have determined that it should be decreed and established by this pragmatic sanction, which shall be perpetually observed, that where anyone has obtained the place of *secundicerius* in the corps of mounted domestics, and dies while administering the office, his heirs shall have the right to his salary and perquisites, not only for the remainder of that year, but also for the following year, that is to say, during which he would have performed the duties of *primicerius*, so that his heirs will be entitled to all his emoluments, just as if he had survived until the expiration of his term of office.

#### TITLE XVIII.

##### CONCERNING THE SUPERINTENDENTS OF PUBLIC WORKS.

###### 1. *The Same Emperor.*

Those who have been appointed by Us Superintendents of Public Works shall rank as nobles entitled to the same position as persons of consular dignity, for members of Our retinue are worthy of distinction.

#### TITLE XIX.

##### CONCERNING PERSONS ATTACHED TO THE OFFICE OF IMPERIAL SECRETARY, AND OTHERS WHO ARE EMPLOYED IN THE SAME.

###### 1. *The Emperors Gratian, Valentinian, and Theodosius to Cynegius, Praetorian Prefect.*

We place the Imperial secretaries employed in drawing up memorials, letters, petitions, and inventories in the same class as vicegerents, and declare them entitled to the same rank as those who, as the subordinates of prefects, have been appointed to the government of departments from the time when they obtained the office. Such officials, who have

subsequently been promoted to the position of vicegerents, take precedence over others who have not yet attained to that dignity, and shall not be liable to any ignoble service whatever.

*2. The Emperors Valentinian, Theodosius, and Arcadius to Con-stantius, Praetorian Prefect of the Gauls.*

Those who serve in the offices of the Imperial Secretaries, and exercise the functions of ordinary or distinguished judges, shall not be summoned to court, or compelled to accept public employment against their will. Superior officials, *cornicularii*, and the heads of departments are hereby notified that they will be fined three pounds of gold, to be collected out of their property, if they do not permit them to enter Our Consistory, or the office of Secretary of the Judges, or if proper respect is not shown them when they are admitted into the Imperial presence, or if they should be refused permission to sit with the judges. Given on the sixth of the *Ides* of November, during the Consulate of Timasius and Promotus, 389.

*3. The Emperors Theodosius, Arcadius, and Honorius.*

Those who are employed in the offices of the Secretary of the Imperial Palace, that is to say if, after they have served for twenty years in drawing up memorials, letters, petitions, and inventories, they should decide to retire, shall be raised to the consular dignity, and they should, in consequence, obtain the same honors as are usually conferred upon former Consuls; nor shall anyone be permitted to annoy them by imposing any duty upon them, or by ordering them to perform any service.

*4. The Emperors Arcadius and Honorius.*

We order that the property of all those employed in the offices of the Imperial Secretaries, that is to say, those who draw up memorials, letters, petitions, and inventories, shall be secure and exempt from the imposition of any compulsory contribution for ignoble purposes, and that the said persons shall have no apprehension of an assessment, or any other exaction, and shall only be liable to the payment of the usual tax; so that the dignity obtained by their labor may not be subjected to any extraordinary burden, or be compelled to contribute to the fund of vehicles or post-horses; and this shall apply to anyone at present serving in said offices, as being the privilege and exemption to which their long service and their industry entitle them.

We decree that this rule shall also apply to their estates, and that they shall continue to enjoy this privilege, even though they may be promoted to a higher position; so that no matter what their rank and fortune hereafter may be, they will still profit by the advantages obtained by their service in the office of the Imperial Secretaries.

*5. The Emperors Honorius and Theodosius to Faustinus, Praetorian Prefect.*

By way of granting a special favor, We order that those who are employed in the offices of the Secretaries charged with drawing up memorials, letters, and petitions shall, from the receivers to the *Mello-proximi*, obtain the dignity and honor of nobles, and like the others who are serving in the same offices, shall legally be entitled to attend the meetings of Our Council, just as ordinary judges can do; so that they upon whom We have conferred this noble rank may know that they can claim the same respect as other distinguished persons, and be informed that they have received permission from Us to enter and sit in Our Council.

Given at Ravenna, on the eighth of the *Ides* of June, during the Consulate of Lucius, 413.

*6. The Same Emperor and Valentinian.*

We decree that, hereafter, those who are employed in the three bureaus of the Secretaries' office having charge of memorials, letters, and petitions, shall obtain the rank of *Proximi* after one year's instead of two years' service, as was formerly prescribed.

Given at Constantinople, on the eighth of the *Ides* of February, during the Consulate of Theodosius, Consul for the seventh time, and Palladius, 416.

*7. The Emperors Theodosius and Valentinian to Nomus, Master of the Offices.*

We order that the promotion of persons employed in the offices of the Imperial Secretaries shall be dependent upon their length of service, and that all supernumeraries stationed in the said offices shall occupy the vacant places which they may obtain, in the same order. This rule shall be applied in such a way that no one who has been recently enrolled can aspire to a place to which he has no right; except where he is found to be more competent to perform the work, and has been decided to be worthy of promotion by the testimony of fifteen of the employees of the said office of Secretary, and entitled to precedence, which shall be confirmed by oath.

We desire that this rule shall be observed by everyone, with the exception of the sons of those next in order of preferment. For We decree that each of those shall cause one of his sons to be admitted into the order, with strict reference to priority of time (even if he is known to be lax in the performance of his duties), and he shall be preferred to those of more recent appointment, but who are more competent. We order that any supernumerary, who has been admitted as an active member, shall pay to the one next in succession the sum of two hundred and fifty *solidi* and twenty or fifteen *solidi* to the *Melloproximus* or assistant, in compliance with the custom of each Secretary's office.

If, however, any of the supernumeraries, with a view to avoiding paying the money, should decline the promotion to which he is entitled, the place shall be offered to the next one in order, upon payment of the aforesaid sum, so that if the second, the third, or any other should refuse to accept the place, it may be given to the immediate successor of him who last refused it.

Moreover, We are unwilling for those who have declined promotion in their regular order to be excluded from their grade, but when another vacancy occurs, We order that they shall have full power to obtain it upon the same terms which they formerly rejected, namely, by paying the sum of money requisite to secure the place.

#### *8. The Same Emperors to Nomus, Master of the Offices.*

We decree that those first in order in the office of the Imperial Secretaries, as well as in that of the Count of the Inventories, whose fidelity, long-continued industry, ability, probity, and diligence deservedly commend them to promotion shall, when their terms of service have expired, obtain for life the insignia of office of Count of Our Consistory, and shall continue to enjoy all the privileges which have previously been conferred upon them; for We have decided that persons to whom the secrets of Our government have been deservedly committed should be adorned and decorated with the honor of the office aforesaid.

#### *9. The Emperor Leo to Patricius, Master of the Offices.*

Those who are employed in the offices of Our Imperial Secretaries, and have been granted a temporary leave of absence cannot, during that time, be subjected to civil suits or criminal prosecutions, but with their wives and children shall remain unmolested and not be liable to public taxes or employments, and they can even claim exemption from these after their terms of service have expired. Their houses, likewise, which they own in the provinces, shall be free from the annoyance of lodging soldiers.

#### *10. The Same Emperor to Hilarianus, Count, and Master of the Offices.*

We direct that the number of employees in the office of the Secretary charged with keeping records shall not exceed sixty-two; those in the department of letters are limited to thirty; those in that of petitions to twenty-four; and that those whose duty it is to decipher and copy old laws in the bureau of historical documents shall never be less than four in number. Moreover, those persons above mentioned who are employed in the Bureau of Records shall never perform double service, nor shall they draw up duplicates, so that several persons will not be engaged in performing the duties of one, and nothing be left for the others to do.

#### *11. The Emperor Zeno.*

If anyone employed in the offices of the Imperial Secretaries, that is to say, in those of the records, inventories, letters, and petitions, who has already been appointed, should die, the substitute who occupies the vacancy as being next in the line of promotion shall pay, by way of consolation to the heirs, successors, children, and creditors of the decedent, the sum prescribed by the Imperial Constitutions of the Emperors Theodosius and Valentinian, of Divine Memory. Those who lent money to the deceased to enable him to secure the position, even if the succession or estate should not be accepted or entered upon, will still be entitled to preference over the others; and the children, the agnates, and the cognates shall have the right to receive the said sum of money, not by way of inheritance, but as a privilege, and they shall be permitted to demand it, and bring suit for its recovery; and Our law must not be evaded or violated by the commission of any fraudulent act, and especially as there can be no doubt that, when the distinguished *Proximi* of the Secretaries' office die without having completed their terms, they can transmit to their heirs and successors the remainder of their salaries, without any diminution whatsoever.

12. *The Same Emperor to Celer, Master of the Offices.*

We order that persons employed in the offices of the Imperial Secretaries, as well as their parents, wives, and children, shall not be obliged to answer in any civil or criminal proceeding, except before the tribunal of Your Highness. Moreover, their tenants, serfs, and slaves residing in this Imperial City shall enjoy the same privilege, and the assistants of the *Proximus*, or the ordinary employees, shall only be compelled to be sworn; so that if anyone of them is forced to appear in court, he will only be required to furnish security by oath; and if he has no real property, any slaves or serfs belonging to him will be released, if their master becomes surety for them.

(1) We also order that the amount to be donated as *sportulse* shall be reduced, and that only one *solidus* shall be paid to each one of the court officials during the progress of a case; and two where it is brought before Your Highness; and a half a *solidus* must be paid to the copyists for drawing up the papers; and if the case should be referred to an arbiter, one *solidus*, and no more, shall be paid to him; and We decree that the third part of a *solidus* shall be given to the officers for their services, not only for publication of notices, but also for the report and the inventory.

We direct that the eminent Patron of the Treasury in office at the time, as well as those officials whose duty it is to diminish litigation, shall demand or extort nothing from them; and We order that half of the expenses which may be incurred by the above-mentioned persons in the proceedings before Your Highness shall only be paid by them in tribunals in the provinces, so that if they become involved in litigation with reference to contributions of grain, or guardianship, or curatorship, or notice not to construct a new work, and where the case is brought before a higher tribunal, as for instance, before the Prefect of Subsistence, or the patron of the Noble Prefecture of the City, or of the Architects, the parties cannot be compelled to pay more by way of costs and expenses than the amounts above prescribed with reference to proceedings before the tribunal of Your Highness.

(2) We order all these rules to be observed, whether the parties to the action themselves desire to conduct the case, or to have it done by their attorneys, or even by their defenders. This will only apply when they have been notified in writing to appear.

(3) If, however, they should be proceeded against by deposition, or in any other way, no payment of *sportulte* shall be required of them, either by the office of the illustrious assistant, or by anyone else, and they shall be entitled to all the above-mentioned privileges, as well as of those afterwards granted by former Emperors, not only in favor of such as are still in office and afterwards become engaged in that service, but also of such as have retired, or may hereafter withdraw from the employments aforesaid, so that they, together with their wives, children, vassals, and slaves, may reap the benefit of said privileges.

(4) And as We desire all litigants to be treated with equal justice in the controversies brought

before judicial tribunals, We decree that the benefit of the privileges aforesaid shall also be shared by their adversaries; and for this reason We order that those who are employed in the Bureau of Records shall not only enjoy the privileges granted by Us in bringing, but also in defending actions for them; and that those employees in the said Department who have retired, and fixed their domicile in the provinces through love of tranquillity, shall still be protected in the enjoyment of all the rights conferred upon persons of this kind, by the law which We have recently promulgated; and that they shall obtain all the advantages and benefits derived from the same.

13. *The Emperor Justinian to Proculus, Quaestor of the Imperial Palace.*

Having ascertained that Our predecessors, the Emperors, formerly fixed the number of deputies of Your Highness, and declared that it should not be lawful for any larger number to assume the name or discharge the duties of the office, and that there should only be twelve of them in the Bureau of Records, and seven in the other two Bureaus of Imperial Letters, and Petitions, and in consideration of the fact that afterwards the number was increased by political intrigue, so that the routine of the office was disturbed, and business interfered with through the swarm of employees to such an extent that there is at present very little difference between the number of recorders and their deputies:

(1) Hence We decree that the law fixing the number of persons employed shall be restored, and that number reduced, but not in such a way that any of the deputies who exceed the prescribed number shall be dismissed, but that hereafter no one shall be appointed to the place until the number has been decreased, and only those authorized by law remain. Any deputies who may relinquish their office on account of promotion to a higher dignity, for example, those who are raised to that of *laterculus* in the office of the Imperial Secretary, or who obtain the second place in the other two offices, after they have been appointed *proximi*, shall not be prevented from subrogating to themselves those whom they may select for that purpose, even though the latter may be entitled to precedence, and although the number may not yet have been reduced to what it was originally.

(2) We think that the following rule should be established, because it is supported by precedents, and for the reason that it is consonant with the principles of justice, namely: that a petition should be presented to the illustrious Quaestor, then in office, by him who has been given permission to appoint someone in his stead, requesting his signature, and setting forth the term of service and the rank of the person to be subrogated, as well as a full statement of the case, that is to say, why he should be permitted to appoint the individual whom he desires to subrogate to himself. In the appointment of such deputies, the time when the petition was presented should be taken into consideration, so that the first accepted will always be preferred to one admitted subsequently, and the date of the petition should govern the order of appointment, which rule should also be observed with reference to almost all offices.

14. *The Same Emperor to Tatian, Master of the Offices.*

We order, by this law, that when the deputies of the Quaestor of Our Imperial Palace have been brought into court, either in civil or criminal proceedings, the strict rule of law and justice shall be obeyed; so that if this should be done without any written documents, the oral statement of the applicant will be sufficient. If, however, papers should be filed in a complaint against one or more of the deputies, all the necessary documents shall be produced, and the deputies must comply with all the proper and legal formalities required in proceedings of this kind.

(1) And, since it is preferable to depend upon evidence and precedents rather than upon unsuitable customs, We decree that what is shown to have prevailed in cases involving employees in the Bureau of Petitions, as well as those in that of Imperial Letters, shall be observed, so far as the deputies in the Bureau of Imperial Records are concerned, so that those who have obtained permission to travel by virtue of a public leave of absence can remain abroad without any diminution of their pay or emoluments; for the illustrious *Proximi* and

*Melloproximi*, or, in their absence, their deputies, are compelled to pay the absentees whatever may be due them, either out of their own property, or out of the balance of the taxes or contributions, even though the leave of absence may extend beyond the *Kalends* of January, and include holidays.

(2) We have established these regulations in order that no deputies can, by political intrigue, be added to those who are at present in office, or even after their number has been diminished, although they may have been reduced to their ancient status.

15. *The Same Emperor to Tatian, Master of the Offices.*

We have already published certain rules having reference to the deputies of the illustrious Quaestor of Our Palace concerning the business of the office, the first of which directs that, until their number is reduced to its ancient footing, none of them can be dismissed for the sole reason that there are more of them than are authorized by law, except where one is promoted to the rank of *laterculus* in the Bureau of Records, or to the second place in the other two Bureaus, that is to say, those of Imperial Letters and Imperial Petitions; for when these relinquish their offices they have permission to substitute for themselves anyone else whom they may select, who shall be placed in the lowest rank among the deputies, even though they may occupy a higher one among those recommended for the place.

Again, another rule has been promulgated, at the suggestion of Proculus, of illustrious memory, by which We ordered that those deputies who, on account of some accident of fortune, as, for instance, through old age or disease, had become unable to discharge their duties, could substitute other deputies in their stead, which the said Proculus of illustrious memory communicated to Us with the endorsement of the deputies themselves. But as We have ascertained that, in violation of the present law, the number of deputies in the Bureau of Imperial Records, as well as in the two other Imperial Bureaus, that is to say, in those of Imperial Letters and Imperial Petitions, deputies have been both added and removed, and that this has been done under the pretext of a sale, in order that it may not occur hereafter, We communicate the present law to Your Excellency, by which We order that those shall, in accordance with an Imperial Rescript previously issued by Us, only be permitted to substitute others in their stead where they have obtained the rank of *laterculus* in the Bureau of Records, or the second place in the other two offices, and the other law which We have promulgated on this subject shall be abolished.

Permission shall not be granted to any of the said deputies, unless he has obtained the promotions hereinbefore mentioned, to appoint another to take his place under any circumstances whatever, so that, in this way, the said deputies may be reduced to their ancient number, that is to say, twelve, in the Imperial Bureau of Records, and seven in the other two Bureaus, namely those of Imperial Letters and Imperial Petitions and Inquests.

This law has been established in order that no deputies may, through political intrigue, be added to those who are in office at present, or even after their number has been diminished, notwithstanding it may be the same that it was in ancient times. For if We should decide to prohibit any changes, even though they might be the result of some accidental circumstances, much more reason exists for Our forbidding others to be introduced while the prior incumbents were still in office.

All the remaining provisions of the former law shall remain in full force.

TITLE XX.

CONCERNING AGENTS EMPLOYED IN THE TRANSACTION OF BUSINESS.

1. *The Emperors Arcadius, Honorius, and Theodosius to Anthemius, Master of the Offices.*

No one belonging to the Association of Agents shall, hereafter, attempt to occupy a place rendered vacant by the death of another; but he who, by length of service and merit, can claim promotion, and is entitled to the position, shall obtain it, and no objection shall be of any



avail.

Given at Constantinople, on the day before the *Kalends* of July, during the Consulate of Honorius, Consul for the sixth time, and Aristenetus, 424.

2. *The Emperors Ronorius and Theodosius to Helio, Master of the Offices.*

No one shall, hereafter, without the authority of the Emperor, be permitted to degrade an agent, or exclude him from the association to which he belongs. For after he has proved his membership, he need entertain no fear of the censure of a judge, nor any insult provoked by the humbleness of his origin.

Given at Constantinople, on the third of the *Ides* of November, during the Consulate of Honorius, Consul for the tenth time, and Theodosius, 415.

3. *The Emperor Leo to Patricius, Master of the Offices.*

Confirming the register of agents made by Your Highness, We order that hereafter the number of *decenarii* shall not exceed forty-eight, and the number of *centenarii* shall not be more than two hundred, and that, in both instances, candidates shall not be considered eligible unless they have passed through the inferior degrees. In like manner, the number of *biarchs* shall be limited to two hundred and fifty; that of the *circiti* to three hundred, and the number of knights to four hundred and fifty members.

This rule, which has been adopted at the suggestion of Your Highness, shall remain forever in force, so that if any one of the *decenarii* whose members We have decreed shall be fixed at forty-eight should die, his heirs at law or testamentary heirs will be entitled to his salary and emoluments, just as he himself would have been if he had lived; for which reason his successor shall not be appointed until his term of office has expired.

No one shall be entitled to enjoy the pay and privileges attaching to membership in the Association of Agents without the sanction of the Emperor, which must be entered on the registers in the office of the Imperial Secretary of Records.

4. *The Same Emperor to Patricius, Master of the Offices.*

As, in the first place, it has been decreed that those agents who have attained to the rank of *ducenarius* or *centenarius* shall, in this Imperial City, be subject to the authority of no other judge, or, indeed, to the supervision of anyone else whomsoever, except that of the distinguished Master of the Offices, to whom is conceded the right of appointing someone to represent them in court, We decree that this rule shall be especially applicable in criminal cases, for it would be absurd if he who had no jurisdiction over pecuniary matters should be obliged to render a decision affecting the life and reputation of another. We order that this privilege shall also be granted to those who temporarily administer the office, although We are aware that, so far as they are concerned, an ancient custom to the contrary has been observed up to this time; still they should entertain no doubt that if, after having relinquished the above-mentioned office, they should not be included among the *centenarii*, they will be subject to the Common Law. We forbid the enjoyment of this privilege to all the abovementioned *centenarii* residing in the provinces, unless they are absent in the discharge of some public duty, and, in accordance with the ancient rule, We also order them to comply with the decisions of the ordinary judges.

TITLE XXI.

CONCERNING THE OVERSEER OF AGENTS EMPLOYED IN THE TRANSACTION OF BUSINESS.

1. *The Emperor Leo to Patricius, Master of the Offices.*

We decree, by this law, which shall remain perpetually in force, that agents employed in the transaction of business who, through length of service, have attained the rank of overseer shall, to the number of four each year, in regular succession, be appointed under-assistants to

each of the Bureaus of Construction and of the Barbarians, with the exception of those among them who, either in person or by others, are engaged in any kind of trade; for the latter are forbidden by the Imperial Constitutions to hold the office, excepting such as have undertaken the administration and supervision of the property of others. We desire that they shall aspire to such employments, whose efforts have received the approbation of members of the body to which they belong.

Those also are excluded from this Imperial privilege who, while belonging to the said Association of Agents, have become attached to the offices of the Imperial Secretaries, presided over by the *Primicerius* or *Tertiocerus*, and who are employed as deputies in drawing up public documents, as they cannot work in two places at the same time; and, in addition to the emoluments which they obtain from the aforesaid posts of secretaries, they should be content with the honor of being chief.

If, indeed, they should be disabled by disease or age, or incapacitated for any other reason whatsoever, so as to be unable to perform the duties of the aforesaid office, We, in consideration of their former services, do hereby order that they themselves shall, on their own responsibility, have the right to select others to fill their places, by appointing persons who are solvent and of good morals, and possess the requisite knowledge and skill to perform their duties in the said offices of the Imperial Secretaries.

## 2. *The Emperor Anastasius to Celer, Master of the Offices.*

We decree by this most salutary law that agents employed in the transaction of business shall, as in the case of officials charged with the collection of *sportulss*, in the judicial duties assigned to them, be liable to the costs, the payment of which they or their adversaries may be condemned, and that the same rule shall apply where attorneys have been appointed by them to conduct their cases, and they shall enjoy the benefits which have already been granted by the Imperial Constitutions to those engaged in the service of the government; and where a solvent surety must be provided, he shall be a member of the same body, and they will not be compelled to offer a stranger.

Still, all privileges that may have been granted by Imperial Constitutions to *centenarii*, *decenarii*, *chartularii*, or illustrious chiefs, after they have retired from service, and which have been enjoyed up to the present time, shall remain intact and inviolate; as it would be extremely absurd, and even rash, for this evidence of Our liberality to diminish, by some subtle interpretation, the privileges already conceded, when the intention was that they should be increased.

The same rule shall be observed with reference to the mothers and wives of those persons, as well as to children who are under their control, so that neither they nor their slaves may be compelled to perform any other service, and any of the above-mentioned persons residing in the provinces shall be entitled to the same privileges. All of them, however, shall be required to pay their share of the *sportulss*, and the expenses of litigation, that is, the third part of the sum above mentioned. Any persons who, in any way or at any time, violate this law, or permit it to be done, shall be liable to a fine of ten pounds of gold, and be subjected to other severe penalties.

## TITLE XXII.

### CONCERNING THE CHIEFS OF AGENTS EMPLOYED IN THE TRANSACTION OF BUSINESS.

#### 1. *The Emperor Zeno.*

We reward agents employed in the transaction of business after they have retired from office, with the honors of the chieftainship; and therefore those who, without the authority of the Emperor, have been raised to this dignity, cannot, as officials, be charged with any matters having reference to public or private affairs; and they cannot, without the interposition of Imperial authority, be compelled to appear in person, even where they are called upon to do

so in the place where they reside.

We desire advocates to be notified of this, lest, without the knowledge of the Emperor, they may present some claim against a person of this kind, which should not be done even where it has reference to matters in which others are interested, and where fraud is said to have been committed.

In case this law is violated, We order that ten pounds of gold shall be paid by your office to Our Treasury.

### 2. *The Emperor Anastasius.*

We order that, in all actions at law, no matter who the persons concerned may be, even if they are of senatorial dignity, recourse shall especially be had to the chiefs of the agents for the transaction of business, and that all other matters which are usually submitted to the Senate shall hereafter be in charge of the officers of the census, and that the rights of the parties shall not be prejudiced by any rescript which has been surreptitiously obtained.

### 3. *The Same Emperor.*

We order that the chiefs of the agents for the transaction of business shall, among other privileges, be invested with the dignity of Proconsul.

### 4. *The Emperors Theodosius and Valentinian to Valentius, Master of the Offices.*

The chiefs of the agents employed in the transaction of business shall be permitted to have domestics attached to their offices on whose fidelity and industry they think that they can rely, even if the latter have previously discharged the same duties.

If any agent employed in the transaction of business should not have been able to perform his duties, for the term of twenty-five years, on account of the infirm condition of his health, and, by the vote of the entire body to which he belongs, should attain to the dignity of chief, We order that he shall enjoy the same privileges to which those are entitled who have obtained that honor by continuous service for the full term required by law. In the congratulations of judges, however, We order that the latter shall take precedence, when they can allege that they have enjoyed official honors for a longer time than the former. Where any of the officers of the census or their attendants are guilty of violating the rights of those who have been appointed to chieftainship, they shall be condemned to pay a fine of twenty pounds of gold.

### 5. *The Same Emperor to Cyrus, Praetorian Prefect.*

We order that those agents employed in the transaction of business who have regularly passed through the grade of *decenarius* to that of chief, or have been appointed deputies of the illustrious Master of the Offices, when they are included among those who are honored, shall obtain the title of vicegerent.

### 6. *The Same Emperors to Nomius, Master of the Offices.*

We decree that the chief of agents employed in the transaction of business, who frequently attain the above-mentioned rank, after having been exposed to great dangers, and sometimes to the risk of loss of life; when their time of service has expired, shall, for the remainder of their lives, be entitled to the honor of Count of the First Rank; remaining at the same time in the enjoyment of all of the privileges previously conferred upon them.

### 7. *The Emperor Leo to Nicosterus.*

Anyone who, being a member of the body of cohortals, has a son born to him during the time he is serving in the association of agents employed in the transaction of business, before he attains to the rank of chief, and although he himself, after his term of service has expired, just as any other freeman, will not be subject to any of the restrictions imposed by members among the cohortals, he will, nevertheless, leave his son liable to them.

If, however, he should have a son born to him after he has obtained the dignity of chief, the

said son, even if he was not enrolled in the body of agents employed in the transaction of business, will remain free and secure from any obligation attaching to the condition of cohortal, as he was born to a father who is free, and absolutely independent of the liabilities attaching to this condition.

#### 8. *The Emperor Anastasius.*

With a view to the interests of the numerous persons who become members of the association of agents employed in the transaction of business, We order that whenever the illustrious chiefs of the said association have finished their term of service, their wives, children, slaves, or vassals who may be required to appear in court and defend themselves in person, or by their attorneys, shall not be compelled to pay the officers more than one *solidus* by way of *sportulss*; and not more than a third part of a *solidus* shall be given to the attendants of a vicegerent or a Governor, and that no extortions or annoyances shall be practiced with reference to the furnishing of sureties, but such sureties shall be provided as the defender of the district may consider to be suitable, so that, in accordance with the tenor of the general edicts, those who possess immovable property either in the Capital or in the provinces shall only be bound to furnish security by oath, and such as is based upon the property which they themselves possess. It should also be added that no summons shall be valid unless it is reduced to writing.

In like manner, with reference to what has been provided concerning other officials, whenever civil or criminal proceedings are instituted against them, the executive officer having charge of the civil or criminal case from beginning to end shall be content with the payment of a single *solidus* by way of fees; and two *solidi* shall be paid by them, or their wives, for recording Imperial letters, or for filing a simple claim against persons presumed to be liable; and whenever copies are demanded, those whose duty it is to give them shall not hesitate to do so, after having demanded and received a *solidus*.

We order that the executive officers shall not have authority to collect more than three *solidi* for furnishing documents to those who are entitled to them, and that not more than one *solidus* shall be paid to an arbiter, and half a *solidus* to the attorney of the Treasury, and half a *solidus* shall be paid to notaries for the preparation of any papers which they may be required to draw up from the beginning to the end of the case, as has already been stated. Where, however, suit is brought, not before an arbiter but before a superior judge, the said illustrious magistrate cannot collect more than four *solidi* for instituting the proceedings, and for the record of the papers only two *solidi* shall be paid. No one shall be annoyed by the exaction of any other sums for costs than those above mentioned; and this rule shall apply to all persons, whether the parties bring actions against others, or whether they are sued as defendants.

### TITLE XXIII.

#### CONCERNING SPIES AND DETECTIVES.

##### 1. *The Emperor Constantine to Julian, Praetorian Prefect.*

Spies and detectives, or any persons whose duty it is to inform the judges of crimes which have been committed, are required to establish their accusations, and they will run great risk if it should be proved that they have falsely accused anyone who is innocent, for the disgraceful practice by which they are permitted to arbitrarily imprison persons must be abolished.

##### 2. *The Same Emperor to Taurus, Praetorian Prefect.*

We think that agents employed in the transaction of business should be mindful of Our orders in the care and inspection of the public post, and that this will be in every respect to the advantage of the State; therefore, We order that this duty shall entirely devolve upon officials of this kind and upon no others. The said officials must use extraordinary diligence to prevent any interference with the transport of the mails, and prevent more from being demanded than is customary.

He who attempts to do anything of this kind shall be deprived of the profit of his dishonorable conduct, and notice should be given of his act either to the judges, or the detectives, even though he may assert that We have directed great speed to be used because of the urgency of the matter; and no persistency nor the rank of the individual concerned will have any effect. Therefore, We forbid any money to be demanded for an animal not set apart for the transport of the mails. Whoever perpetrates an offence of this kind shall be compelled to pay fourfold the amount that he received.

*3. The Emperor Constantine to the Agents Employed in the Transaction of Business.*

All condemnations by prefects of those among you who have been charged with the inspection of the post, and have honestly discharged their duty, are hereby annulled, but the sentences of any who have acted dishonestly, or have tarnished the honor of the service, shall not only be confirmed, and a more severe penalty shall be inflicted, in addition.

*4. The Emperors Arcadius and Honorius to Marcellus, Master of the Offices.*

We decree that agents employed in the transaction of business shall be sent, in turn, to each province, where they should be charged not only with the inspection of the post, but also with the transportation of public property. They shall have nothing in common either with the judges, or the inhabitants of the provinces, nor shall unlawful contributions be collected by them from ships, nor shall they gratuitously receive petitions, take testimony, or decide legal controversies, which they are not authorized to do, nor shall they commit anyone to prison, but they must attend to postal matters exclusively.

TITLE XXIV.

CONCERNING OFFICERS OF THE PALACE ATTACHED TO THE BUREAUS OF THE IMPERIAL LARGESSES AND PRIVATE AFFAIRS.

*1. The Emperors Valentinian and Valens.*

Palatines are only liable to the payment of the poll-tax, and impositions on land, and are released from all extraordinary and ignoble contributions, tributes, and burdens of every description.

Given at Constantinople, on the *Nones* of May, during the Consulate of Constantius, Consul for the fourth time, and Constans, 342.

*2. The Emperors Valens, Gratian, and Valentinian to Count Tatian.*

No fiscal officer, or subordinate of the Count of the Treasury, who has once been convicted of breach of trust can, under any circumstances, be reinstated, or obtain any other dignity by intrigue or other means, or perform the functions of any public employment whatsoever.

*3. The Emperors Gratian, Valentinian, and Theodosius to Pancratius.*

The former rule having been restored, a Palatine, in preference to all others, shall be despatched to Cappadocia to act as Count of the Houses, and if he should be guilty of dishonesty, you will be responsible, therefore you should, every year, select a Palatine suitable for this place and send him there.

*4. The Same Emperors to Hesperius, Praetorian Prefect.*

There shall be nothing in common, nor any connection between the different judges and the officers of the palace who are despatched by the counts upon a mission; but (with the exception of the respect which is due, and should be shown not only by inferior officials, but also by those of exalted rank, as well as by residents of the provinces, to the Governors of the same), the Palatines shall not go beyond what is required of them.

*5. The Same Emperors to Nebridius, Praetorian Prefect.*

Certain members of the Order of Palatines, after their terms of service have expired, have tried to obtain admission among those employed in the Bureaus of Transportation. Hence We

order, by this law, that hereafter, no one who attempts to do this shall be heard, but each shall remain attached to the bureau in which he chose to serve, and he shall not be transferred to another place, even if he has already attained to the highest rank in his own order.

6. *The Same Emperors to Probus, Praetorian Prefect.*

Your Excellency is hereby informed that you can exercise no authority over the subordinates of the Palatines, and that hereafter you will not be permitted to make any addition to them whatever. We also forbid the Governors of the provinces to attempt anything of this kind.

7. *The Same Emperors to Trifolius, Count of the Imperial Largesses.*

We decree, by the present law, that all persons employed in the Bureau of the Imperial Largesses shall be of the number hereinafter specified, so that they may remain satisfied, and be aware that no addition can, under any circumstances, be made to their number, even though someone may desire to obtain admission through the benefit of a special privilege obtained from the Emperor. We also desire to determine the amounts of the contributions of grain to be made, dependent upon the rank of the person, and to provide that they shall not, hereafter, be increased.

(1) The following is the list of the employees of each of the Bureaus of the Imperial Largesses.

8. *The Same Emperors to Trifolius, Count of the Imperial Largesses.*

The suggestion which you have made concerning all Palatines who should be sent upon missions is hereby confirmed, and it is decided that every year three *ducenarii*, and as many *centenarii* as you may deem advisable, shall be despatched as aforesaid.

9. *The Emperors Valentinian, Theodosius, and Arcadius.*

Let no one think that he can assume any official duties, either in the Bureau of the Imperial Largesses, or in that of Private Affairs, unless he has been especially authorized to do so by the Emperor.

10. *The Emperors Theodosius, Arcadius, and Honorius.*

We order that those Palatines who, after having been employed in the Department of Accounts in the Bureau of Imperial Largesses, and have finished their terms of service, shall, as assistants and *primiceri*, of different offices, enjoy the same privileges which We have recently bestowed upon agents employed in the transaction of business; that is to say, they shall be exempt from the payment of the contributions required of those entering the said Orders, and shall not be liable to other burdens.

11. *The Emperors Arcadius and Honorius.*

We establish the same regulation for the Bureau of the Imperial Largesses, as well as for that of Private Affairs, which We have promulgated with reference to the *proximi* of the Imperial Secretaries' office, and decree that the chief shall remain for two years in the discharge of his duty, and that the privileges which have already been conferred by the laws upon those offices, or upon the *primiceria*, by the Imperial Constitutions, shall remain unchanged and unimpaired.

12. *The Emperor Theodosius.*

It will not be necessary for the Palatines residing in this Imperial City to appear in court before the illustrious Urban Prefect, unless the case involves the erection of houses, servitudes, or the contribution of grain; and in all other legal proceedings, pecuniary as well as criminal, they shall only be obliged to answer before the illustrious counts. We permit the Governors of provinces to only have jurisdiction over the civil and criminal cases of such Palatines as are subject to their administration in civil as well as criminal cases, where the said Palatines are not engaged in public matters, provided that, if a criminal sentence must be pronounced against them, this shall not be done unless the illustrious count, in whose service

the defendant is engaged, has first been notified and given his consent at the instance of the Governor of the province.

13. *The Same Emperor and the Csesar Vcdentinicm to Eudoxius, Count of the Imperial Largesses.*

Among the other prerogatives which have previously been conferred upon the body of employees attached to the Bureau of Imperial Largesses is the one that its *Primicerius* and the three other *Primicerii* of the secretaries' office shall receive the military dignity of Prastorian Tribune; and no contribution, either public or private, shall be imposed upon them by the authority of any judge whatsoever.

14. *The Same Emperors to Florentius, Praetorian Prefect.*

We order that the Palatines attached to the Bureau of Our Private Affairs shall enjoy the same privileges conferred upon those who belong to the Bureau of the Imperial Largesses. For, as the nature of the service is the same, it seems to be only just and proper that both offices should enjoy similar privileges. Therefore, We decree that the *Primicerii*, as well as the three first officers of the Bureau of Private Affairs, after their terms of service have expired, shall be permitted to adore the Emperor with the praetorian military tribunes, and that they shall retain all other privileges bestowed upon them by the Imperial Constitutions, so that they will not be subject to any tax or contribution of a private or public character, imposed by any judge whomsoever; but shall enjoy the dignity to which they have attained, exempt from all requirements and all molestation.

TITLE XXV.

CONCERNING STRATORS.

1. *The Emperors Arcadius and Honorius to Zosimus, Governor of New Epirus.*

We have published a general edict throughout all the provinces providing that only one *solidus* can be demanded by *strators* as a fee for their services; and We have prescribed a certain form to be observed in the offering of horses for the public service, in order that the people of Our provinces may know what rule must be observed. We have also made persons liable to the Treasury for a certain number of *solidi*, by way of fine, if they should venture to give to *strators* what they are forbidden to demand. The office of Your Excellency shall be fined a hundred pounds of gold, if, being aware that the above offence has been committed, you do not immediately punish it with all the severity authorized by law.

TITLE XXVI.

CONCERNING CASTRENSIARII AND MINISTERIANII.

1. *The Emperor Constantine.*

The successors of those employees in the office of Your Excellency whose terms have expired shall be appointed in accordance with their merits, and their time of previous service, in compliance with the formalities prescribed by the Imperial Rescripts, that is to say, after the lapse of two years; and permission shall not be given those who have completed their terms of service to be reappointed, or again to perform the same official duties.

2. *The Same Emperor to Scholasticus, Castrense of the Imperial Palace.*

If anyone of the *Castrensiarii* should be raised to the first, second, or third class in the body to which he belongs, he shall be entered upon the registers as the last supernumerary of the third class.

3. *The Emperors Valentinian and Theodosius.*

Those who are attached to the service of the Imperial Wardrobe, as well as their mothers and wives, cannot have civil or criminal proceedings instituted against them, unless this is done before Your Highness.

#### 4. *The Emperor Augustus.*

The officials above mentioned, who are in Our Imperial service (whose functions are- enumerated in detail in the note hereto annexed) can, under no circumstances, be subjected to the jurisdiction of any inferior or superior judge, but can only be brought into court by Your Highness; so that they cannot, at any time, be sued in the tribunal of any other magistrate, and be compelled to answer, except in that presided over by Your Highness. But, in order that, in this court, they may not be subjected to enormous expense, or too readily and without good cause be called to account by any judge whomsoever, We have deemed it advisable to fix the amount of fees, and prescribe the number of sureties, providing, above all things, that such persons cannot be sued without a signed or written order issued under the direction of Your Highness.

Moreover, after having been sued, they shall not be compelled to furnish any other surety than the agent having charge of their affairs, or one of their principal subordinates, who will be responsible for the person of the defendant without the execution of any bond; and they shall answer in court either in their own proper persons, or by a regularly appointed attorney, whether a civil action is brought against them, or they are criminally accused. Nor shall they be obliged to pay the bailiffs, by way of fees, more than one *aureus*, during the whole of the litigation. They shall not be required to give more than three *solidi* to those who appear for them in the case, and conduct it, whether it is terminated in the lower court, or an appeal is taken and prosecuted, or whether any other legal proceedings take place from the beginning to the end of the action; and We order that those who receive these sums shall always remain satisfied with the same. In ordinary judicial inquiries, only two *solidi* shall be paid for the service of notices.

(1) Again, these privileges shall not only apply to the parties themselves, but also to their mothers and their wives, and shall remain inviolate.

We also decree, by this law, that where necessity demands, the latter shall only be obliged to furnish their sons and their husbands as sureties; and that the above-mentioned persons, during their term of service, as well as afterwards, shall enjoy all the privileges and benefits granted by the Constitution of the Emperor Martian, of Divine memory; all of which shall remain in force, with the exception of the provision by which they were, at that time, placed under a different jurisdiction.

(2) They shall be compelled to pay to the Advocate of the Treasury, or the clerks who discharge their duties before arbiters, only the third part of a *solidus*, from the beginning to the end of the litigation. When the case is tried before arbiters, they shall be obliged to pay half a *solidus*, and where the party resides in the provinces, and after having been sued is unable to furnish sureties, he can only be compelled to be sworn, and no proceedings can be instituted against him, at any time, unless in pursuance of an order of Your Highness; except where they have reference to tribute, the performance of civil functions, and the prosecution of crimes, which the general provisions of the laws require to be examined and tried in the places where they have been committed.

We decree, by the present law, that the illustrious Assistant of Your Highness shall be charged with the duty of seeing that none of the regulations which We have established are violated in any way.

#### TITLE XXVII.

#### CONCERNING DEANS.

##### 1. *The Emperors Theodosius, Valentinian, and Arcadiiis.*

Four of the body of deans, who have attained to the highest rank of their service, shall discharge the duties of *Primicerius* for the term of two years, and cannot remain any longer in this office; and those next in order shall, after the expiration of two years, as aforesaid, succeed them, without either favor or intrigue being allowed to have any effect.



2. *The Emperors Theodosius and Valentinian to Nonius, Master of the Offices.*

Mindful of the consideration to which the members of Our household are entitled, We decree that deans shall not be brought into other courts in compliance with the wishes of their adversaries, but shall only be subject to the jurisdiction of the Masters of the Offices, for in this way the respect due to Us will not be violated, and those who bring suit against them will be answered in accordance with law. We order that, as in the case of agents employed in the transaction of business, no one shall be permitted to bring the above-mentioned persons before another tribunal, and that the defendants shall be permitted to choose their sureties from the chiefs of their organization.

TITLE XXVIII.

CONCERNING SURVEYORS.

1. *The Emperor Zeno.*

The *Primicerius* of the surveyors shall, after two years of service, be admitted into the body of agents for the transaction of business.

TITLE XXIX.

CONCERNING THE PRIVILEGES OF THOSE WHO ARE EMPLOYED IN THE  
IMPERIAL PALACE.

1. *The Emperor Constantine.*

We order that the Palatines, as well as those whose duty it is to render Us their personal attendance, and the employees of the Imperial Secretaries, that is to say, those who are attached to the Bureaus of Records, Letters, and Petitions, shall be exempt from any appointments to offices involving ignoble services; and We decree that their sons, grandsons, and other descendants shall enjoy the same privileges, and, together with all their personal property and urban slaves, shall be exempt from all base public charges; and no injury shall be inflicted upon them by anyone whomsoever.

Anyone who violates this law, no matter what his rank may be, shall pay the prescribed penalty.

2. *The Same Emperor to Rufinus, Praetorian Prefect.*

We desire Our chamberlains, who have retired from office, as well as the Palatines employed in different branches of the service, and the subordinates of the Bureaus of Records, Letters, and Petitions, and also all Palatines stationed either in the palaces of the different cities of Our Empire, or in the camps, to enjoy the same privilege; so that neither they, nor their sons or grandsons, shall be compelled to accept public office or discharge municipal duties. We release them all from performing the functions of any base or corporeal public employment, for they are worthy of Our favor to such an extent that they shall be entitled to their *castrense peculium*, whether they are still attached to the palace, or have been permitted to go into retirement.

We also concede all these privileges to agents employed in the transaction of business, even though they may be considered to belong to the military profession.

3. *The Emperors Gratian, Valentinian, and Theodosius.*

Men who have been employed in Our palace shall be exempt from all contributions; and, although they may be persons of property, shall not be subjected to the arrogance and rapacity of government officials.

4. *The Same Emperors.*

We desire all those who have held different positions in the palace to obtain only the insignia of the one which they occupied at the time of their discharge. All must be promoted in regular order, and shall receive the Palatine honors, in accordance with seniority of service.

Anyone who is rash enough to violate this law shall suffer the penalty for sacrilege.

### TITLE XXX.

#### CONCERNING THE PRIVILEGES OF THE FAVORED DIVISIONS OF THE ARMY.

##### 1. *The Emperors Theodosius, Arcadius, and Honorius.*

We deny distinguished military counts the right to scourge and degrade senators and *ducenarii*, for when any acts are committed which deserve punishment of this kind, We wish them to be brought to the attention of Your Highness.

Moreover, We decree that their domestics cannot be created senators, *ducenarii*, or *centenarii*, and anyone who violates this Imperial Constitution shall be fined five pounds of gold. If anything of this kind should be attempted in the Bureau of Barbarians, or, if attempted, should not be denounced, a fine of ten pounds of gold shall be imposed.

It has been established, not without reason, that anyone who, on account of his rank, We have decreed shall be excluded from the office of domestic either permanently, or for the term of five years; cannot, through the favor of the count, and, under another name, administer the said office which he is forbidden by law to hold.

##### 2. *The Emperors Honorius and Theodosius.*

We decree, by this law, that those who have served in different organizations, and, when their terms have expired, have attained to the rank of *Primicerii*, and whom after their adoration, the Emperor has raised to the illustrious dignity of count, shall enjoy all the rights and privileges attached to the above-mentioned rank; and, subsequently, until the end of their lives, shall only be subject to the jurisdiction of Your Highness, and shall not be compelled to take part in any civil litigation by the order of any other magistrate whomsoever. We desire, however, that in criminal controversies and public tributes, they shall be subject to the jurisdiction of the Governors of provinces, lest the public welfare may suffer, or crime increase, under the pretext of privileges which have been granted them.

##### 3. *The Emperor Anastasius.*

We order that whenever members of favored divisions of the army and their wives (if their husbands are still living, or even when they have become widows through their death), as well as their mothers who are widows, and their children, if they have not been specially placed under the jurisdiction of some other judge, together with their slaves, have been made parties to either a civil or a criminal proceeding, and judgment has been rendered against them in the tribunal of Your Highness, they shall not be annoyed by being required to furnish a strange surety, but, in accordance with ancient custom, can provide the surety from their own organization.

The following rule must also be observed, namely: in criminal cases, five other persons selected among the thirty principal members, counting from the *Primicerius*, to the thirtieth in rank, shall be appointed sureties, together with the accountant (provided the latter is willing and does not refuse), or if the five principal members should refuse (as above stated) a single surety along with the accountant, to be selected from strangers, shall be given in criminal cases alone.

Officials shall not be paid more than one *solidus* by the parties, as a fee, whether they answer in person, or by an attorney.

(1) We decree that where the case is submitted to an arbiter, only one *solidus* shall be paid as a fee for joining issue, and another, and no more, for the rendering of the final award by the arbiter.

(2) If the case should be brought before your tribunal, either in the first place, or on appeal, the parties shall only be obliged to pay three *solidi* for filing the papers and reading the same, and two others for the trial of the case and the rendition of the judgment.

(3) Whenever a case in which the members of the aforesaid organization, their wives, or children are interested, has been sent from the tribunal of Your Highness to that of the Governor of the province, We decree that not more than half the ordinary costs shall be collected.

It should also be added that, where any of these persons, having obtained leave of absence, have gone to the provinces, no actions except criminal prosecutions and cases involving the payment of tribute shall be brought against them for five months, within which term they must return. When, however, after the expiration of the fifth month of their leave of absence, proceedings are instituted against them before the tribunal of Your Highness, they will experience no inconvenience in furnishing sureties, for We order that recourse be had to juratory security.

(4) Moreover, We decree that when legal proceedings have been begun against members of the said organization, or their mothers, wives, children, or slaves (as has already been stated), verbally and without having been committed to writing, they shall not, in accordance with the distinction above set forth, be compelled to pay anything by way of *sportulse*, nor shall their mothers, wives, children, or slaves be obliged to do so. If, however, the matter is of such a character that, with the consent of the parties, cognizance can be taken of it even without its being reduced to writing, the case shall be tried without the proceedings being written; and if the above-mentioned persons should lose their case, they will only be required to pay one *solidus*, by way of fees, to the executive officer having charge of the same. Where, however, the nature of the case demands that the proceedings be committed to writing, in this instance, it will be necessary for the proper legal documents to be drawn up, and the rules above stated, which prescribe the amount of fees to be paid when suits are decided and disposed of, shall be observed.

#### TITLE XXXI.

##### CONCERNING THE CASTRENSE PECULIUM OF ALL PALATINES.

###### 1. *The Emperor Constantine.*

We order that all the Palatines, upon whom Our Edicts have heretofore bestowed certain privileges, shall hold as *castrense peculium* any property which they may have obtained through their own frugality, or by Our donations, while they resided in the Imperial palace. For what is there that should rather be considered *castrense peculium* than property acquired with Our knowledge, and almost under Our eyes? Nor are persons strangers to the dust and toil of camps, who, belonging to Our retinue, are always ready to execute Our commands, are diligent and learned, and undergo the tediousness of journeys, and the hardship of expeditions. Therefore, Our Palatines, who are entitled to the benefits of the privileges of the Edict, shall retain as their individual property whatever they may have acquired while in Our palace, either by their industry (as has been already stated), or by Our donations.

#### TITLE XXXII.

##### CONCERNING THE EQUESTRIAN DIGNITY.

###### 1. *The Emperor Justinian.*

We order that the Roman knights shall be placed in the next rank after those who are designated as most illustrious.

#### TITLE XXXIII.

##### CONCERNING THE DIGNITY OF PERFECTISSIMATUS.

###### 1. *The Emperor Justinian.*

Those who have obtained patents conferring the distinction of *perfectissimatus* shall not be entitled to the same unless they have been liberated from the servile condition, are not indebted to the Treasury, or the *curia*, do not belong to the guild of bakers, or any other body

of this kind, have not purchased the honor with money, or managed the business of any private individual.

#### TITLE XXXIV.

WHO CAN SERVE IN THE ARMY AND WHO CANNOT, AND CONCERNING SLAVES WHO ASPIRE TO ENTER THE MILITARY SERVICE OR BE RAISED TO ANY DIGNITY. NO ONE CAN HAVE TWO EMPLOYMENTS, OR HOLD TWO DIGNITIES AT ONCE.

##### 1. *The Emperors Severus and Antoninus.*

If you desire to enlist in the army, apply to those who have the right to accept you. Moreover, you should not be ignorant of the fact that those who enlist in the army for the purpose of avoiding litigation can be discharged upon the demand of their adversaries.

##### 2. *The Emperor Alexander.*

It has been established that enlistment in the army, even by the sons of decurions, in order to fraudulently evade municipal duties to which they are liable, will be of no avail.

##### 3. *The Emperors Diocletian and Maximian.*

Your Highness should use the greatest diligence to prevent serfs and foresters from being enrolled in the army, whether they are volunteers, or are compelled to do so against their will.

##### 4. *The Emperor Leo.*

No one of the condition of decurion, or cohortal, shall hereafter be permitted to enlist in the army.

##### 5. *The Emperor Justinian.*

Those persons who, up to this time, have been invested with two, three, or more dignities, which, according to former custom, are not compatible, but separate and distinct, shall be given the choice to retain whichever one they prefer, and reject the others; so that they may permanently hold the one which they have chosen, and may, undoubtedly, be excluded from those which they have rejected.

Moreover, no one shall, hereafter, have the right to belong to more than one order at the same time; and all persons are forbidden (as has previously been stated) to have two or more employments, or to add another dignity to which one he may already possess; and those who think that they can petition for something which has been prohibited by Us shall be sentenced to pay ten pounds of gold as a fine for their presumption, even though they may have derived no benefit from it; and all who surreptitiously obtain authority from the Emperor for this purpose (which sometimes happens) shall be fined ten pounds of gold.

When the officials attached to the different bureaus having charge of matters of this kind do not resist such applications, and violate the law, they shall be punished with a fine of ten pounds of gold. If this law should be disregarded in any respect, all persons are hereby notified that whatever has been illegally permitted, done, or inscribed upon the public records, shall be considered as not having been obtained or decreed in any way, or entered upon any register.

All persons who have obtained promotion in the military service, as well as in the civil administration in the provinces, whether they are employed at present or may be employed hereafter, are also notified that their rank, when authorized by the Emperor, shall be retained by them, and that, after their terms of service have expired, they will have permission to choose between the two dignities which they have received (whichever one they may prefer), so that they can decide whether they will keep their former dignity and renounce the one subsequently bestowed, or *vice versa*.

We, however, through Our inclination to be indulgent, have determined that all shall be free

to adopt the above course, if the post which is to be relinquished is included among those that can be sold and transferred to others, and the price paid for the same is received; hence this can now be done, as was previously the practice in the army. Those, however, are excepted, and are not required to obey this Imperial law (which shall prevail for all time) who have two similar employments, as in the case of the members of the favored divisions of the army, whom it is customary to appoint as candidates, as well as the *laterculii* and the *pragmaticarii*, and private secretaries who enjoy the distinction of being attached to the Bureau of the Imperial Records, and the agents engaged in the transaction of business, who are invested at the same time with several dignities which have a common resemblance.

#### 6. *The Emperor Justinian.*

With reference to slaves who, either with or without the knowledge of their master, may hereafter aspire to any office, We order that in case the latter was ignorant of the fact, he can appear before a competent judge, and prove that his slave was prompted without his knowledge (and this will be sufficient where the contrary cannot be proved), and if he does so, the slave shall, in consequence, be removed from office, and again brought under the control of his master.

Where, however, the slave obtained promotion with the knowledge of his master, the latter shall not only forfeit his right of ownership to him, but also his right of patronage, and the slave will become free; and if he proves to be useful in the service in which he is employed, he shall continue in it, but if he should not be fit, he shall be dismissed. So far as these slaves, who are at present engaged in such employments, and who have already served a considerable time, are concerned, We grant permission to their masters, within the term of thirty days (to be reckoned from the promulgation of the present law) to either appear before Us, or before judges having jurisdiction, and prove that their slaves were promoted to office without their knowledge, and recover their ownership of them. When, however, the said term has expired, they shall be deprived of all rights of ownership and patronage.

#### 7. *The Same Emperor.*

Where any master permits his slave to be raised to any honor, for instance, where he consents for him to enter the army, he shall be deprived of the ownership of the slave and of the rights to which patrons are entitled. For how can it be tolerated that men who have received donations at Our hands should still be considered in bondage, and, perhaps, along with their masters, be admitted to the presence of the Emperor? Therefore, under such circumstances, where not military service, but some other honor has been acquired by slaves, with the consent of their masters, the same rule as previously established shall be observed, in order that Our laws may not be considered to contain imperfections.

Again, masters are notified that, as in the case of the previous constitution which treats of slaves of this description, unless they proceed within thirty days from the time when they were notified, appear before a judge having jurisdiction, and take measures to deprive slaves of their dignities, they shall lose their ownership of said slaves, and their right of patronage over them. After the said slaves have become free and are included among freeborn persons, We will decide whether they shall retain the dignities to which they have attained, or whether they shall be deprived of them as being unworthy.

### TITLE XXXV.

#### MERCHANTS SHOULD NOT SERVE IN THE ARMY.

##### 1. *The Emperor Justinian.*

We forbid those engaged in trade, either in this city or in the provinces, with the exception of bankers who are established in this capital, to serve in the army hereafter. We order them not to enlist, as they are useful in all contracts, but We authorize them to accept any other employment, without fear of violating the present law.

When, however, any merchants whom We have forbidden to enter the military service have already enlisted, We grant them permission to abandon their occupations and retain their rank in the army, being Well aware that if they afterwards engage in any mercantile transactions, they will be dismissed from the service. We wish any bankers of this city, who have already enlisted, to remain in the army, as they should be permitted to do so if they abandon their business.

Therefore, after the promulgation of this law, all merchants shall be discharged from military service with the exception of those engaged in the fabrication of arms, who shall not be prohibited from pursuing their occupation, and shall still retain authority to transact business of this kind.

#### TITLE XXXVI.

#### CONCERNING MILITARY AFFAIRS.

##### 1. *The Emperor Antoninus.*

You cannot, under the right of *postliminium*, legally demand your pay and your donations for the time during which you allege you were a captive in the hands of the enemy.

##### 2. *The Same Emperor.*

If you have served for twenty years in the army, no degrading services can be imposed upon you.

##### 3. *The Emperor Augustus.*

Soldiers who have been dishonorably discharged from the service are branded with infamy, and are not entitled to any honors which are ordinarily conferred upon men of good reputation. They shall, however, have the right to reside wherever they please, with the exception of places from which they are expressly excluded.

##### 4. *The Emperor Alexander.*

My father, the Divine Marcus Antoninus, decreed that the property of deceased deserters should be confiscated.

##### 5. *The Emperor Gordian.*

As you state that your sister's husband, after having been a deserter for seven years, was pardoned by Us, you have no right to ask that he should be considered as having been in the military service during that time. Hence, as We have pardoned him, he will be held to have served in the army, except while he was a deserter, and therefore he cannot collect his pay during the period of his desertion.

##### 6. *The Same Emperor.*

When soldiers have been discharged on account of illness, it is not customary for them to be reinstated under the pretext that their health has been restored when they were not hastily dismissed, unless it is shown by the report of physicians, and after examination by a competent magistrate, that they have contracted some disease.

##### 7. *The Same Emperors.*

You have no ground for apprehension that your reputation as a veteran will be injured because you have been guilty of some violation

of military law, especially as it has been decided that soldiers, after having been honorably discharged, cannot be branded with infamy for offences previously committed, even where these could be perpetrated by persons in civil life.

##### 8. *The Emperor Philip.*

A soldier who has been discharged because of illness will suffer no loss of reputation.

9. *The Emperor Constantine and the Caesar.*

Where anyone, with malicious intent, affords an opportunity for barbarians to commit depredations against the Roman people, or if he should share the booty obtained by them in some other way, he shall be burned alive.

10. *The Same Emperor.*

Soldiers, who have been authorized by Us to have their families join them, shall only include their wives, children, and the slaves purchased with their *peculium castrense*, but not those registered in the Bureau of the Census, and Your Excellency shall see that this rule is complied with.

11. *The Emperors Gratian, Valentinian, and Theodosius.*

Neither tribunes, nor common soldiers, shall have the right to wander about, but shall remain with their standards in the barracks and other places allotted to them. If anyone should violate this law, which has been promulgated as necessary, a report shall immediately be made to Us with reference to the said soldiers or tribunes, by the Governor or the defender of the district, in order that the severest penalty may be inflicted upon them.

12. *The Emperors Arcadius and Honorius.*

As all the legions are encamped on the banks of the river, We, by way of precaution, decree that no one shall defile the waters of the stream, which are used for drinking purposes, by depositing any filth therein, and that no one shall violate public decency by washing horses while naked, but this shall be done in a lower part of the river, far from the sight of anyone.

13. *The Same Emperors.*

No soldier belonging to the Imperial bodyguard, at present stationed in this Capital, whether he is attached to a legion or to some other branch of the service, shall dare to engage in any other occupation, either in his own behalf, or for the benefit of someone else, without the consent of his commander; and whoever is convicted of an offence of this kind shall be discharged from the army and compelled to suffer the usual penalties. Those who are proved to have employed a soldier in any private undertaking shall be fined five pounds of gold. Where anyone, having been sent by his company, or by the tribune (for We forbid this to be done under other circumstances) comes to Our Court, he must immediately present himself before the illustrious Counts having jurisdiction of such matters, and explain the cause of his journey, in order that he may receive a favorable answer, and speedily obtain permission to return. When the Governors of provinces ascertain that soldiers, having left their commands, are wandering about the country, they must cause them to be arrested and placed in custody until We can be notified and determine what should be done under the circumstances.

14. *The Same Emperors.*

We are unwilling for Our soldiers to be transferred from one corps to another. Therefore the counts and dukes to whom the duty of controlling the soldiers is entrusted are notified that not only are soldiers not allowed to be transferred from the corps appointed for the service of the Emperor or the palace to others, but that they, themselves, have no authority to permit soldiers belonging to the legions of the Emperor, or stationed in camps established on the frontiers, to be transferred to the command of either of them, unless the Emperor orders this to be done for reasons connected with the public welfare; because every soldier should have an opportunity to increase his reputation, not through intrigue, but by experiencing the hardships of the service.

If anyone should violate this law, he is hereby warned that a pound of gold will be exacted by way of fine for every soldier transferred in this manner.

15. *The Emperor Leo to Aspar, General of the Army.*

Soldiers who are armed and supported by the State ought to devote themselves to the public

welfare alone, and not engage in the cultivation of the soil, the care of animals, or the pursuit of commerce, but should apply themselves exclusively to the performance of their military duties; and Your Highness must not hereafter permit them to concern themselves with any of the above-mentioned occupations, but order them to be constantly with the company to which they belong, so that they may be prepared for war by the daily exercise of arms.

If any military judge should, contrary to Our prohibition, cause a soldier to be employed on any private estate, or in any private houses, or in any other similar services, he is hereby notified that a fine of one pound of gold for every soldier so employed will immediately be imposed by way of fine upon him who violated this law, as well as upon the person who profited by the labor.

*16. The Same Emperor to Dioscoms.*

We forbid military men to perform civil duties, and if they should undertake anything of this kind, We decree that they shall at once be immediately dismissed from the army, and deprived of all privileges.

This law will render Our authority formidable to anyone who may rashly attempt to violate its salutary provisions.

*17. The Emperor Zeno.*

We do not permit anyone hereafter to enlist in a corps of cavalry or infantry on the frontier without first obtaining Our consent. By an ancient custom, which has prevailed up to the present time, permission was granted to magistrates or officers to examine those who desired to enlist, so that those only might serve on the frontiers who had been accepted by the Emperor. The distinguished generals of the army, as well as the other commanders, thought, however, that it was necessary to supply the places of those who were killed, and having made a careful investigation, We have resolved, at their suggestion, to determine what and how many soldiers shall be enlisted in each corps, and on each boundary, so that, finally, We have come to the conclusion that this shall be decided by casting lots.

It is part of the duty of the office of Your Highness to impose a fine of a hundred pounds of gold if this law, which We have promulgated, should, in any respect, be violated.

*18. The Emperor Anastasius to John, General of the Army.*

For the purpose of controlling the collectors of taxes and the inhabitants of the provinces, as well as soldiers, without subjecting them to any injury or expense, as far as this can be done, We have decided that it is necessary for all soldiers who are at present serving in the East to obey the orders of their illustrious commanders, so that when anything involving the common safety arises and must be attended to, the proper remedy may be applied by the military garrison stationed in the neighborhood; in other words, both civil and criminal cases which affect the soldiers aforesaid shall not be brought for hearing before the magistrate of highest authority in the East, but shall be determined by the tribunal of Your Highness, under whose jurisdiction they are, or by that of their own commanders.

(1) While it has been the custom, up to this time, for the opinions of Your Highness to be referred to the above-mentioned magistracy, established in the East, they must now be submitted to the illustrious commanders whom the civil magistrates and their assistants are required to recognize as judges, and whose orders they must be careful to obey. Permission shall not be refused to such a magistrate, or to his successor, to render a decision in cases where Your Highness cannot interpose your authority according to the rule which We have promulgated, and which properly come under the jurisdiction of the general-in-chief.

We also grant permission to the official who formerly had sole cognizance of these matters not only to have them investigated by his assistants, but to encourage the latter to aid one another, so that the examination of public and private causes, and even executions, shall not take place in their absence.



We do not consider it necessary to appoint attendants for each of these commanders, for fear that such a large number of individuals may cause some injury to Our soldiers.

(2) But in order that the public welfare, as well as that of our brave soldiers, may, in every respect be provided for, We think that the amount of *sportulse* should be reduced, and We order that the magistrates themselves shall not, either in criminal or civil cases, even if they are the result of public prosecutions, be permitted to exact more than one *solidus* from each individual, whether the soldiers are unwilling to pay, or voluntarily make the tender, so that if the entire corps or all the leaders are involved, only a double amount of fees shall be paid; for in instances of this kind We do not permit more than two of the principal defendants who have been mentioned at the institution of the proceedings to be sued, which is provided by the laws, when a syndic is nominated, as is customary.

(3) This provision having been added, the soldiers, or their syndics, as well as all those who incur expense by coming into court, cannot be forced to pay more than one *solidus*, which should be employed to compensate the magistrates and their assistants; and the latter shall not be permitted to exact any more, either personally or through the pious men who comply with the Ducian judgment or cause it to be obeyed; so that so far as the expenses of litigation are concerned, the same rule may be observed with reference to those who desire to bring actions against soldiers.

(4) It will depend upon the judgment and wisdom of the illustrious generals, according to the nature of the matter in dispute, or the amount which is demanded by their adversaries from the soldiers, whether the case shall be referred to the military commanders themselves, or to the judges invested with jurisdiction in the same district.

(5) These commanders shall have supervision over the magistrates and their assistants, and shall see that the decurions, or collectors of taxes, do not cause soldiers who are under the orders of their commanders any expense, so that the said commanders can, in time of peace, review and call the troops together whenever they desire to do so.

(6) If, however, it should become necessary for the soldiers to go elsewhere, they must, by all means, abstain from committing any wrong against the decurions, or the collectors of taxes; and if, in going and coming, only thirty days should be required, they can compel their expenses to be paid (without, however, subjecting the collectors or decurions to annoyance), but if they should be forced to remain longer in strange places, the expense incurred during the thirty days, as aforesaid, shall be paid after they have arrived at their destination.

(7) But as We have ascertained that certain persons have been so rash and unjust as to bring some of the soldiers above mentioned not only before the tribunal of Your Highness, but also before that of the eminent magistrate who presides in the East, for the purpose of accusing them at the same time before both tribunals, and obtaining different judgments against the same persons for the same causes, in order that, hereafter, such snares may not be laid for Our soldiers, and to prevent confusion from arising in complaints brought against them, no one shall be permitted to accuse any soldier, or soldiers, before the tribunal of Your Highness, and prosecute him, or them, either civilly or criminally, even though he may have obtained an order of the judges, or of the commanders, when the former have any matter before you which has not yet been decided.

(8) On the other hand, it should be observed that, when any soldier, or soldiers, attached to the service of the Emperor, are accused by order of the distinguished commander-in-chief, and reprimanded, permission shall be refused the prosecutor to accuse, or bring the same soldier, or soldiers, before the tribunal of Your Highness, and he shall not be permitted to do so, even if he can prove that the said soldier, or soldiers, have committed a criminal offence, or are civilly liable; and the complaints having been separated, Your Highness must decide the criminal cases, and the military commander, the civil ones, or *vice versa*.

(9) Where any such soldier has committed an offence audaciously, as well as in violation of justice, he shall be punished in pecuniary cases by the loss of the suit, and shall have

judgment rendered against him for damages on account of the act for which he was responsible; and, in criminal cases, he shall suffer the penalty of the law for malicious prosecution.

(10) We intend that the laws previously enacted shall be applicable to the preservation of public security and the protection of different places, and not employed for the purpose of diminishing the power of the magistrate invested with the administration of justice in the East, as there is no doubt that the military commanders themselves, whom the soldiers are obliged to obey, are subject to the supreme authority of this official.

#### TITLE XXXVII.

##### CONCERNING THE CASTRENSE PECULIUM OF SOLDIERS AND THE SUBORDINATES OF THE PREFECTS.

###### 1. *The Emperor Alexander to Priscianus.*

If your son was under your control at the time when he purchased property in his own name, there is no doubt that it belongs to you. Movable property, however, which is given to a son by his father, or his mother, or any other relatives or friends, on his departure to the army, is included in his *peculium castrense*, to which also belongs any inherited personal effects which he could not receive except as a soldier; and even immovable property is placed in this category. The estate of a mother, however, even when it passes while her son is in the army, is not embraced in his *peculium castrense*. Land which is donated is also not included, but that which has been purchased with money taken from the *castrense peculium* constitutes part of the latter.

###### 2. *The Same Emperor to Felix.*

The son of a family cannot alienate any property without the consent of his father, unless he has a *castrense peculium*.

###### 3. *The Same Emperor to Felicianus.*

He who informed you that the bond of paternal authority is abolished by the military oath, is mistaken, for soldiers still remain under the control of their fathers, but their *peculium castrense* is their own, and their fathers have no right to it.

###### 4. *The Emperor Gordian.*

As you state that you have been appointed heir by your brother, who is serving with you in the same camp, it is reasonable that the estate should rather be included in your *castrense peculium* than that it should belong to your father, under whose control you are; for it is certainly probable that association with your comrade-in-arms in the toils and privations of foreign military service, and your participation in the same rewards, has increased fraternal affection, and rendered you dearer to one another.

###### 5. *The Emperors Diocletian and Maximian.*

We understand that the *peculium* of a son who died while in the army belongs to his father, even though the latter may not have acquired his estate.

###### 6. *The Emperor Constantine.*

It is well known that the Imperial Secretaries, the Recorders, and all others employed in the offices of Your Highness, can claim the right of *castrense peculium*, just as if they were enrolled in the First Legion of Our Empire, and We decree that this right shall remain inviolate.

#### TITLE XXXVIII.

##### CONCERNING THE DISTRIBUTION OF MILITARY SUBSISTENCE.

###### 1. *The Emperors Constantine and Julian.*

A custom which has recently been revived provides that during the time of an expedition Our soldiers usually have not only biscuit and bread, wine and vinegar, but also pork and mutton, issued to them; so that they receive biscuit every other day, bread every third day, wine on one day and vinegar on another, pork every day, and mutton every two days.

*2. The Emperors Valentinian and Valens.*

We order that soldiers shall not bring straw for themselves beyond the twentieth milestone.

*3. The Same Emperors to Victor, General of the Army.*

Neither soldiers nor their commanders shall, under any circumstances, dare to take anything from the inhabitants of the provinces by way of subsistence; for all soldiers are notified that the advantages which they derive by having rations issued to them should cause no loss to residents of the provinces.

*4. The Same Emperors.*

We order by a salutary provision that, on all frontiers, the purveyors appointed by the inhabitants of the adjacent provinces shall transport provisions to cantonments from places in the neighborhood, so that the soldiers stationed in the veteran camps may thus obtain two-thirds of their supplies, and not be compelled to transport more than the third part of the same.

*5. The Emperors Valentinian, Valens, and Gratian to Probus, Praetorian Prefect.*

Commissaries must, before the expiration of thirty days, punctually render their true accounts, and they shall be compelled to make restitution from their own property for any supplies which they may have misappropriated, or failed to deliver to their corps, and for which they are responsible, either to the soldiers themselves, or to the warehouses belonging to the government.

*6. The Same Emperors to Modestus, Praetorian Prefect.*

Our brave and devoted soldiers shall receive their rations from the public stores and their pay, every day, or at the proper time, that is to say, before the expiration of a year; and if they wish to defer the receipt of what they are entitled to, and do not apply for it within the term designated by law, it shall be claimed by the Treasury for Our benefit.

*7. The Emperors Theodosius, Arcadius, and Honorius.*

No soldier shall be permitted to demand the price of supplies sent into the provinces during a time of scarcity, which he rejected in time of plenty, so that where anyone neglects to claim them on account of the abundance of the crops, during the year, and afterwards, what was rejected should be valued at a high price because of the dearth, he cannot, without violating this law, either demand, or obtain what he once declined to accept.

*8. The Emperors Arcadius and Honorius to Hilarius, Praetorian Prefect.*

It is proper that We should go to the relief of the inhabitants of the provinces, and therefore, Your Highness will communicate to the tribunes of all reserves, divisions, or corps, and to the illustrious commanders of the same, that they must remember to furnish hay to the soldiers in proper quantities, in accordance with the law of the Divine Valentinian, without their being required to convey it into the towns.

*9. The Same Emperors.*

Your Excellency will see that contractors enter upon the registers the nature and amount of the supplies distributed, so that it may clearly appear upon what day they were furnished to each company. And if it should be ascertained that the commissaries, or their subordinates, have received more than was recorded in the office of Our Secretary, they shall be compelled to restore twofold the amount, which shall be given to the contractors as soon as they themselves demand it, for numerous applications have been made to the generals of both branches of the military service, asking that We decree, by a law, that, before the beginning of

the indiction, schedules shall be faithfully and truly drawn up, and filed in the office of Our Secretaries, in accordance with which distribution may be made by the contractors.

10. *The Same Emperors to Eutychianus, Praetorian Prefect.*

We order that, in all the provinces, from the month of November, new wine shall be distributed to the soldiers, as old wine is considered to be too expensive.

11. *The Same Emperors.*

Commissaries, that is to say officials employed in the distribution of rations to the soldiers, shall not engage in trade of any kind with the people of the provinces, so that everything which is due can be demanded by the military commanders, or the officials appointed by the provinces, and be paid within the term of a year.

12. *The Same Emperors and Theodosius to Anthemius, Praetorian Prefect.*

For the seven days during which the praetorian tribunes are authorized to obtain provisions at a low price, for their own benefit, they cannot purchase any other kind of property for less than it is sold in the market.

13. *The Emperors Honorius and Theodosius to Anthemius, Praetorian Prefect.*

We decree, by this second law, that when any soldier attempts again to claim supplies which have already been furnished, or dares to change the rates which have been established, if he is a general, he shall be fined a hundred pounds of gold, and his subordinate officers shall be condemned to pay an equal sum, in addition to the penalty for sacrilege which is imposed upon all those who openly violate the Imperial Decrees.

14. *The Same Emperors to the General Constantine.*

It is necessary for paymasters to give, without delay, to those officials whom, on account of their services, We have assigned to the command of regiments, as many *solidi* from the Treasury of Subsistence as there are commissaries, and they shall render an account of their administration of the provender issued for horses, when this is required by the soldiers, so that if any of them should die before receiving what he was entitled to for any reason whatsoever, payment may be made to his heirs.

15. *The Same Emperors to Asclepiodotus, Praetorian Prefect.*

We order that all supplies that are ordinarily issued to the officers and attendants of the Imperial palace, as well as to the staff of the offices of the secretaries and all other bureaus, and which those who are commissioned to collect them, actuated by cupidity and license, are accustomed to exact with severity from the inhabitants of the provinces, shall be estimated in the same way as the supplies issued to the soldiers from the Department of Subsistence; and that Your Highness cause the distribution of the same to be made to all the persons above designated, conformably to the amount demanded by the public welfare.

16. *The Emperor Anastasius to Longinus, General of Cavalry and Infantry.*

We decree, by this Imperial Constitution, that those to whom, by order of the office of Your Highness, the distribution of rewards, or the bestowal of any other benefits upon soldiers is entrusted, shall, in the first place, swear to discharge the duties imposed upon them in accordance with justice, and that, in compliance with the provisions of this Our most salutary law (as has been previously stated), the paymaster must disburse with his own hands, and without any deceit or fraud on his part, the pay to which each soldier is entitled; so that he can, consistently with the principles of equity, transact with a commissary such business as is usually despatched under such circumstances.

After having done this, the commissary shall be permitted, either immediately or after the lapse of one or two years—where the sum due to the soldier has been paid—to collect not more than the third part of a *solidus* for everyone disbursed, as no commissary will be allowed to contract to receive more than a third of a *solidus* for any period or term of years,

nor shall he be permitted to exceed this amount, no matter how long a time may have elapsed.

(1) When, however, any controversy arises between a commissary and a soldier with reference to the agreement or transaction entered into at the time of payment, We order that the sums of money which are due to the soldier from the Imperial paymaster shall, according to the custom observed up to this time, remain either in the hands of the latter or in those of the commissary until the case has been heard, and the dispute between the commissary and the soldier settled by a written decision, so that the soldier cannot, in any way or under any circumstances, suffer loss, except where it is proved that he is indebted under a just and legal contract made with the commissary.

(2) We desire that the following rule shall be observed with reference to those who are away under leave of absence, namely: that the money which, according to the provisions of the Imperial constitutions, is payable to soldiers to the number of thirty—this number only being entitled to furlough at once—shall be deposited with their commanders, provided they are included among those who, at the time of payment, were registered by the commissary as having obtained leave of absence, and are not more than thirty in number, as aforesaid; so that when the said soldiers return, they may be entitled to indemnity, after having stated the reason for their absence to their commander. Permission should not be granted to the tribune to send away more than thirty soldiers at one time under the pretext of a furlough.

(3) If, by the violation of Our most salutary Constitution, a tribune should venture to dismiss more than thirty soldiers on furlough, the money payable to those over and above the said number of thirty should undoubtedly be entered by the paymasters upon the public registers.

(4) The tribune, moreover, is hereby notified that, in addition to the penalties already prescribed for an offence of this kind, he will be compelled to pay out of his own property to each of the soldiers exceeding the number of thirty, not only what they are entitled to from the government, but also any sums which they may have lost on account of their unjust mission, and the said tribune cannot relinquish his command until he has indemnified the said soldiers, and repaired all the injury which he inflicted upon them, that is to say, upon those above the number of thirty to whom he granted leave of absence.

(5) It should be added, with reference to the evidence to be submitted, that ten of the principal commanders, as well as the other officers, having been sworn, must each state that payment was made in his presence and under his own eyes, and that every soldier received from the right hand of the paymaster the sum to which he was entitled. These facts, having been established and reduced to writing, shall be sent to Us by the tribune, or by the commanders, within three months from the time when this took place.

(6) Care should especially be taken that the paymaster should have no doubt, at the time, that, after the money had been paid to him out of the public Treasury, he must perform his duties within the space of from two to four months, in accordance with the rule which has been established; and when, by delaying payment, he dares to retain the public money in his possession for a longer period, he is notified that he will be liable, under all circumstances, to indemnify the soldiers out of his own property for any loss which the latter may have sustained through this transaction.

All those who violate the above-mentioned law, either by deferring payment for a longer time than was prescribed, or in any other respect, are warned that they will not only lose their rank, but also will be liable to the confiscation of their pay; and if they are subjected by Your Highness to a fine exceeding the amount of their pay for the violation of the Imperial Constitution, the surplus shall be distributed among the other soldiers.

(7) When, however, the same official, at the same time, commits an offence, the guilty party should be sent before Us, or at all events before the supreme magistrate, as an offence of this kind cannot come within the jurisdiction of him who takes the place of the latter. Where the crime of one who has dared to violate the provisions of Our most salutary Constitution, or any of the Imperial ordinances, has been detected and perfectly established, the guilty party can,

under no circumstances, escape the penalties provided; so that all soldiers who have been injured by the violation of the terms of the above-mentioned constitutions shall be permitted to appear before Us by one or two of their number, commissioned to represent them all; and, after having filed their complaints, and proved what they have suffered as the result of the violation of Our Constitution, he who has been guilty of doing so shall suffer the punishment prescribed in such cases.

(8) Moreover, We decree that, under all circumstances, the paymaster shall have no hesitation in paying the wives or children of deceased soldiers the sums to which, in accordance with an Imperial Constitution already promulgated, they are entitled from the date of the death of the former.

*17. The Emperor Justinian.*

As it often happens that, for good and imperative reasons, soldiers are detailed as guards, or for some other duty of this description, and it is not proper for the public to be subjected to any loss or expense, We decree that where any soldiers, no matter to what corps they may belong, have been, or may hereafter be appointed by Us as guards for some decurionate, or church, or for certain persons (as previously stated), or for any other purpose, and in order that no injury may be sustained by the public being compelled to furnish them subsistence, or pay, We order that the expenses incurred by them shall, by all means, be paid out of the property of the person or persons whom they have been, or may hereafter be appointed to protect, and that the Public Treasury shall only be liable for subsistence or pay in the places from which the soldiers aforesaid have already or may hereafter come; or, if the persons above mentioned should refuse to provide for them, the said soldiers shall not leave the places where they are stationed, or if they have done so, they must return without delay.

The following rule shall be implicitly observed, namely, that no soldier shall be detailed to protect anyone whomsoever, without the special written order of the Emperor, and it shall be the duty of Your Highness, whenever an order of this kind is issued by Us with reference to the appointment of any soldiers as guards, to have the fact registered, as well as what should be given to them by the persons whom they are appointed to guard, and also to cause this to be published; and if the public should be subjected to any expense on this account, you will be obliged to pay the amount out of your own property, as well as a fine of thirty pounds of gold, as a penalty for your negligence, or even for your connivance. The Governors of provinces and their subordinate officers will be liable to the same punishment if they either violate Our ordinances, or permit them to be violated.

*18 and 19. These Laws are not Authentic.*

TITLE XXXIX.

CONCERNING THE COOKING AND THE TRANSPORT OF PROVISIONS FOR THE  
ARMY.

1. *The Emperor Arcadius to the General of the Army.* Commissaries who have charge of provisions in the different provinces shall not compel persons with families to bake bread for the army, contrary to established custom. Therefore Your Excellency must visit with proper punishment any usurpation of power of this kind, and when such officials are sent into the provinces the ancient custom must be observed.

*2. The Same Emperor.*

No one shall be exempt from the requirement of baking biscuit for our brave soldiers, or from the transport of supplies, and even Our household shall not be excused from duties of this kind. If anyone should fail to obey what is ordered, which We do not think will be the case, he shall be punished with the greatest severity in the person of his agent, so that if it should be proved that the principal was aware of his refusal—after he is known to have been in default—he shall be compelled to pay fourfold the amount allotted to him as his share of the general contribution.

## TITLE XL.

### CONCERNING THE CLOTHING OF SOLDIERS.

#### 1. *The Emperors Valentinian, Theodosius, and Arcadius.*

We order that all distributions of clothing shall be made by the Treasury of Our Largesses between the *Kalends* of September and the *Kalends* of April, and if this is not done, the Governor of the province, or he who represents him, shall suffer the penalty which your sense of justice may prescribe.

#### 2. *The Emperors Valentinian, Arcadius, and Honorius.*

The Provinces of Thrace must furnish clothing for twenty soldiers, Scythia and Mysia shall furnish clothing for thirty, every year; Egypt, and a part of the East, shall each provide clothing for three hundred, and Asia and Pontus shall furnish the same quantity annually; but, throughout the provinces of the East, money can be paid instead of providing clothing. Among these, however, the provinces of Osroena and Isauria are excepted; for it is settled that they shall, by no means, be required to pay money instead of furnishing clothing.

#### 3. *The Emperors Arcadius and Honorius.*

We decree that for each military cloak, not two-thirds of an *as*, but a *solidus*, shall be paid to our brave soldiers of Illyria.

#### 4. *The Emperors Honorius and Theodosius.*

Sums representing the estimated value of military clothing shall be collected from contractors to be paid into Our Treasury of Largesses, so that five-sixths of the same may be paid in silver to the soldiers, and the remaining sixth paid by Our employees, without any inconvenience to themselves or to the public. When it is proved that they especially desire it, the contributions shall be made in kind to those of inferior rank.

## TITLE XLI.

### CONCERNING FURRIERS AND QUARTERMASTERS.

#### 1. *The Emperors Theodosius, Arcadius, and Honorius.*

If any of Our quartermasters should remove the marks from houses destined for lodgings, or the names of those who are to be entertained there, he shall be liable to prosecution for forgery under the terms of this Constitution.

#### 2. *The Emperors Arcadius and Honorius.*

For the purpose of preventing any injustice being committed by quartermasters or hosts in whatever city We ourselves may be, or in whatever place Our soldiers may be encamped, We desire that the owner shall undisturbed and secure retain two-thirds of his house, and that the other third shall be devoted to the reception of guests, so that, the building having been divided into three parts, the owner may have the privilege of choosing the first, and the guest select the one which he wishes, but the remaining one shall be relinquished to the owner; for it is entirely consonant with equity and justice that he who has become the owner of property by inheritance, purchase, or construction, shall have the right to select and hold that part of his building which he prefers, as well as the one not selected.

Warehouses intended for the storage of merchandise shall not be included in the division above mentioned, but shall remain untouched and free, and shall be protected from any injury by guests, and shall be set apart for the sole use of the owners, or lessees.

If, however, there should be no stable in the third part of the house assigned to the military (as is usually the case), a portion of the outbuildings shall be set apart for that purpose, according to the number of animals which require shelter, or the size of the house, unless the owner should make some other arrangement.

To promote hospitality, We decree that half of a house, instead of a third, shall be reserved for the use of persons of illustrious rank; under the condition, however, that one of the parties (if he is free and desires to do so) shall make a division of the building in accordance with justice, and the other have the right to take his choice, and We order that this shall remain unchanged; and those enjoying the rank of illustrious are hereby notified that if they take more than We have established by a general rule, and rashly violate the latter, they shall be compelled to pay a fine of thirty pounds of gold to Our Treasury, and the others be deprived of their positions.

*3. The Same Emperors.*

We desire all judges to know that whenever they are present, Praetors must not render ordinary decisions.

*4. The Same Emperors.*

We order that the obligation to receive soldiers as guests shall not be imposed upon artisans, no matter where their houses may be, and that the same exemption shall also be granted at Antioch, and other cities where factories are situated, of course in the absence of the Imperial retinue.

*5. The Emperors Honorius and Theodosius.*

We free all members of the Imperial household from any anxiety with reference to the lodging of soldiers. Therefore, in the first place, no quartermaster shall encroach upon any public property or private residence, no matter what right he may claim, or by whom he has been appointed. For We give permission to any owner, or agent, and even to the people, to drive away anyone who may attempt to take possession of the premises of another for the purpose of making such preparations, and he need apprehend no criminal accusation; but he is notified that the right of private vengeance is granted him, and that he can legally restrain the first one who comes, as he could a person guilty of sacrilege.

We also decree that any Governor and his subordinate officials, by whose direction a field has been set apart for someone forbidden to enter it, shall be temporarily suspended from office.

We grant hospitality only under the following condition, namely: that nothing be demanded from the host which is necessary for the sustenance of either man or beast, that the journey of all be accelerated and continuous, and that no one shall be permitted to long remain, lest a protracted stay may cause some injury to the property. Any superintendent, collector, or subordinate officer, while serving in the army, or on a journey, shall be punished with a fine of ten pounds of gold if he demands anything from those in whose house he has obtained lodging. We wish in this way to abolish the custom of certain wicked persons, so that if they should be proved to have voluntarily obtained anything, contrary to Our order, they shall not remain unpunished.

*6. The Emperors Theodosius and Valentinian.*

It is also provided that no improper demands shall be required under the pretext of hospitality, nor can anyone even ask a bath from the owner of the house.

*7. The Same Emperor.*

Soldiers returning from the army, or leaving for the seat of war, shall be lodged at the base of towers on the walls of the Imperial City.

*8. The Same Emperors.*

We order that the Chief Physicians of Our palace, as well as professors of letters in the City of Rome, and those employed in the necessary, or liberal arts, together with teachers of painting (provided they are freeborn) shall be exempt from furnishing lodgings as long as they live.

*9. The Same Emperors.*



All those who are required to furnish lodgings in their houses, whether they do so on the requisition of quartermasters, or whether they have been promised indemnity under some agreement, cannot be compelled to suffer the annoyance of charges or contributions on account of their houses. Hence We do not wish that anyone of this Flourishing City, or anywhere else, no matter what his rank or position, after having had his own house exempted by a military privilege from the obligation of lodging soldiers, can himself demand to be lodged in the house of others. This rule must also be observed in the provinces; and We refuse this right of having their houses exempt to all those upon whom an illustrious dignity has been conferred, either while they still hold it, or after it has been relinquished by them.

We order that these regulations shall, likewise, be observed with reference to those whose administration of office has rendered them distinguished, even where they have obtained from Us the title of illustrious. All persons are hereby notified that, when anyone who has had an honor conferred upon him, and has secured the privilege of having his house exempt from lodging soldiers, so far as a third part of it is concerned, demands at the same time lodging for himself in the houses of others, on the ground that he has a right to the exemption because of the honor which was conferred upon him, he shall be deprived of the legal privileges which he has attempted to abuse.

When, however, he is included among those upon whom no dignity has been bestowed, he shall be fined *a* hundred pounds of gold for the benefit of the Treasury of the Imperial Largesses.

#### 10. *The Emperors Valentinian and Martian.*

We order, by this law, that if anyone should have obtained both consular and patrician rank, he shall enjoy the right to have three of his houses exempt, and to hold them secure from the obligation of lodging guests; and his heirs, his sons, his father and his mother, his grandchildren as well as his brother, his sister and his wife, shall enjoy the privilege of having two of their houses exempt. One who has only obtained the honors of the consulship shall have two-thirds of his houses exempt, and, after his death, his heirs shall have the right to have one-third of their houses free from the obligation of lodging soldiers. One who has been decorated with the dignity of patrician, but not with that of the consulship, shall be entitled to the same privilege as the heirs above mentioned. Prefects, as well as generals of the army, as long as they live, shall have two houses exempt from furnishing lodgings. Heirs of the above-mentioned persons, however, can only protect one of their houses by a similar exemption. Masters of the Offices, or Quaestors, shall have only one-third of their houses free from the obligation of lodging soldiers during their lives, and their heirs shall only have a single house exempt. The Counts of Domestics, of the Protectors of the Imperial Largesses and of Private Affairs, as well as the eminent *Primicerius*, and Chief of Notaries, shall each have all their houses free from the burden of furnishing lodgings during their lifetime; but their heirs are notified that they can only enjoy this privilege for half of one of their houses, and the third part of the remaining half shall be assigned for the use of guests.

Where illustrious persons have demanded any honorary exemptions whatsoever, without having obtained the consent of the Emperor, they shall, after the promulgation of this decree, give up all their houses to guests instead of the third prescribed by law, with the exception of buildings set apart for the storage of supplies, which are situated in streets or narrow lanes.

We order that this rule shall be observed with reference to all houses which are subject to the obligation of lodging, so that no one can allege any ground for exemption on account of an Imperial rescript, annotation, or pragmatic sanction; and the provisions which We have established by this law shall be observed by all persons in this Eternal City.

#### 11. *The Emperor Zeno.*

We order that the ten tribunes, in their order of rank, after the *primicerius*, shall be exempt from the obligation of furnishing lodging in the houses which they own in this Imperial City.

12. *This Law is not Authentic.*

#### TITLE XLII.

##### CONCERNING SUPPLIES WHICH SHOULD NOT BE FURNISHED TO GUESTS.

1. *The Emperor Constantine.*

No one in the name of counts, tribunes, officers, or soldiers shall, under the pretext of supplies, extort from their hosts mattresses, wood, or oil, nor shall he take anything of this kind, even with the consent of his hosts, but the inhabitants of our provinces shall be safe from impositions of this kind, and all counts, tribunes, officers, and soldiers who exact them will be liable to severe punishment.

#### TITLE XLIII.

##### CONCERNING FURLOUGHS.

1. *The Emperors Arcadius and Honorius.*

No commander, chief of cohorts, their lieutenants or friends, shall be permitted, at any time during an expedition, to grant soldiers leave of absence from the camp and their standards, even in places where they are stationed, no matter what their rank may be.

If anyone should be so bold as to violate this law, and, contrary to its provisions, should grant a furlough to a soldier at a time when an attack of the barbarians is expected, and when the soldiers ought to be in camp, under their standards, he shall be punished with death.

2. *The Emperors Gratian, Valentinian, and Theodosius.* Persons employed in the offices of the Imperial Secretaries, of those of the Agents for the Transaction of Business, or of those of the Palatines, and any official charged with the distribution of Imperial and private rewards, who has been absent for the space of six months after the expiration of his furlough or order to depart, shall be degraded to a place after the five which immediately follow him.

Moreover, anyone who, unmindful of the commands which he has received, voluntarily remains absent for a year after the expiration of his furlough, shall be degraded to the eleventh rank among those serving below him; and finally, if anyone should neglect his duties in this respect for the term of four years, he shall be placed after the fortieth of those who succeed him. Those who do not appear after the end of the fourth year shall, with good reason, be stricken from the rolls of the army.

3. *The Emperors Honorius and Valentinian.*

If any soldier, without having obtained leave of absence, should pass a year at home, or anywhere else in idleness, he shall be reduced ten grades; if he should be convicted of having been absent for two years, he shall be reduced twenty; if he should be absent for three years, he shall be reduced thirty; and one who, having been absent for four years, has been stricken from the rolls of the army, shall not be pardoned.

#### TITLE XLIV.

##### CONCERNING NEW RECRUITS.

1. *The Emperors Valentinian and Theodosius.* No raw recruit, veteran, or any employee of the Census shall be admitted into the army.

2. *The Emperors Gratian, Valentinian, and Theodosius.*

Any slave who enlists as a recruit, after having been convicted, shall be compelled to pay a pound of gold to Our Treasury, and shall then be restored to his master, if the latter was not aware of what he had done.

3. *The Emperor Anastasius.*

New recruits should always be placed in the rear ranks of the army, and We do not permit any

of them to obtain a higher place, unless their assiduity in the discharge of their duties and the requirements of the service render this advisable.

#### TITLE XLV.

#### CONCERNING THE PROTECTION OF THE SHORES OF THE SEA, AND HIGHWAYS.

##### 1. *The Emperors Gratian, Valentinian, and Theodosius.*

We decree, by this most salutary law, that prohibited merchandise shall not be transported to barbarous nations; and that any vessels which depart from any port or shore shall not be molested, or sustain any damage; provided, however, that their masters state for what province they are bound; so that this having been proved, they cannot afterwards be subjected to any indignity or annoyance.

#### TITLE XLVI.

#### CONCERNING DESERTERS AND THOSE WHO HARBOR THEM.

##### 1. *The Emperor Theodosius.*

If any person should receive a deserter on his land or under his roof, and permit him to remain concealed for a considerable time on his premises, the steward or agent of the place, who knowingly and intentionally committed such an offence, shall be subjected to capital punishment, and the owner of the property where the deserter remained concealed shall be punished with the loss of the same, if he was aware of the facts. Again, when any freeborn person betrays a deserter, he shall obtain the ownership of the property by way of reward. We do not merely speak of those who, serving under fortunate standards, respect the rules of discipline, but also of those who, while receiving their pay, are shown to have revealed the hiding place of deserters. He shall be considered a deserter who absents himself from his standards in time of war.

A soldier who voluntarily returns shall not be liable to punishment for his offence, but anyone who conceals himself through criminal idleness should be denounced by him in whose house he has taken refuge, or by the public officials; and, wherever he may be found, shall be given up to the vengeance of the authorities to suffer death by the sword. When the Governor of a province, either through favor or dissimulation, defers inflicting the penalty, he shall be subjected to the loss of his property and reputation, and officials of superior rank who are guilty of this offence shall be put to death.

##### 2. *The Emperor Leo.*

If deserters, after having been found, attempt to resist and defend themselves by arms, they shall be punished as rebels on account of their rashness; and Governors of provinces must use great caution lest such persons may attempt to protect themselves from the crime of desertion by the use of forged documents, and prevent them from escaping by the aid of false or counterfeit letters.

##### 3. *The Same Emperor.*

Those soldiers who, after having left their camps, commit depredations or robbery, shall not escape the severity of the magistrate.

#### TITLE XLVII.

#### CONCERNING VETERANS.

##### 1. *The Emperor Constantine.*

When the Emperor was saluted by the prefects, tribunes, and distinguished officers, he was acclaimed as follows: "Emperor Constantine, God preserve you for us, for your safety is ours; we speak the truth, and we confirm it by our oaths." The assembled veterans cried out: "Emperor Constantine, what will become of us, if we have no privileges?" The Emperor replied: "I should increase the happiness of My veterans more and more, rather than diminish

it." The veteran Victorinus said: "We are not allowed to be ordered to all places for the discharge of duty and the performance of military service."

The Emperor Constantine responded: "State more clearly what are the principal disabilities under which you labor." All the veterans answered: "You yourself are aware of them." The Emperor Constantine replied: "From this moment, through My liberality, I perceive that it is necessary for the privilege to be granted you that no veteran shall be obliged to perform any civil duty, or public service, pay any tax imposed by magistrates, contribute anything to the markets, or be subject to any imposition on account of sales. The framers of the revenue, also, shall not interfere with veterans who, after their long service, shall forever enjoy tranquillity.

"By the same letter, We also forbid the Treasury to molest veterans in any way, but they shall be permitted to buy and sell, earn money by engaging in any profitable business, trade in merchandise, and shall not only enjoy these privileges in quiet and peace during Our reign, but We do not permit them to be liable to municipal duties, that is, to any corporeal or personal service, or to any charge for transportation."

### 2. *The Same Emperor.*

Provision should be made that veterans who have been raised to the dignity of protectors, or who have attained various honors on account of their merit, shall not be subjected to scurrilous abuse of any kind. If anyone should be convicted of this offence, the Governors of the provinces having jurisdiction, after having ascertained the facts, must punish the guilty party in accordance with his rank.

### 3. *The Same Emperor.*

Veterans who, through negligence, do not cultivate their lands, or lead honest lives, but commit robberies, shall be deprived of all of the privileges of their order, and shall suffer the penalties imposed by the Governors of the provinces.

### 4. *The Emperors Theodosius.*

No one who has ceased to belong to the army can be obliged again to enter the service, either with his consent or without it. The decisions of magistrates which have been rendered in violation of this provision shall have no validity, except when it is found that the investigation began at a time when the accused party was still in the army, for then We order that the case shall be heard and decided by the military judges, as the accused person was still in the service, unless the parties can defend themselves under a privilege specially granted by the Emperor.

## TITLE XLVIII.

### CONCERNING THE SONS OF MILITARY OFFICERS WHO DIE DURING WAR.

#### 1. *The Emperor Constantine.*

The sons of military officers, whether their fathers are still in the service or have been discharged, are called to the same division to which their fathers belonged.

#### 2. *The Emperors Arcadius and Honorius.*

The sons of centurions of first companies of the *triarii* must follow the condition of their fathers.

#### 3. *This Law is not Authentic.*

## TITLE XLIX.

### CONCERNING THE OFFERING OF GOOD WISHES.

#### 1. *The Emperors Arcadius and Honorius.*

When the Happy New Year is begun by a common exchange of good wishes, We freely receive what is offered to the officers in pounds of gold and *solidi* of full weight; ordering

that, hereafter, in subsequent years, everyone shall bring and bestow gifts of this description upon his commander.

## TITLE L.

### CONCERNING ACCOUNTANTS, RECORDERS, CLERKS, ASSISTANTS, SECRETARIES AND COLLECTORS OF THE CAPITAL, AND OTHER JUDICIAL OFFICERS, MILITARY AS WELL AS CIVIL.

#### 1. *The Emperors Valentinian and Valens.*

The insatiable and fraudulent conduct of accountants, who perform different services for the Governors, must be restrained, as we formerly ordered, and now again order, by subjecting them to torture, placing them upon the rack, and lacerating their flesh.

#### 2. *The Emperors Gratian and Theodosius.*

Those who were formerly called the accountants of Consuls and Governors shall, hereafter, by this Our law, be designated registrars, and are notified that they will be liable to torture if they do not frequently render reports of their administration in writing either to the judges, or to those who, under Our authority, visit the provinces, or to the collectors of debts and other claims.

They are also notified that they will be liable to payment along with debtors, unless all obligations are discharged upon their demand; still, I order that the term of two years shall be granted registrars to comply with this law.

#### 3. *The Same Emperors.*

We direct the accountants attached to your office to wear the belt, and have the rank of soldiers.

#### 4. *The Emperors Valentinian, Theodosius, and Arcadius.*

In every province two accountants, styled registrars, shall be appointed, one of whom shall have charge of the accounts of the Treasury, and the other control of that of the Largesses; and both of them are hereby warned that if anything should be unlawfully removed, or misappropriated during the administration of either, he who has concealed his guilt from the judge shall be subjected to the severest punishment.

#### 5. *The Same Emperors.*

We forbid officials belonging to the retinues of provincial judges, who are not attached to the cohortal service, and receive no pay from the Treasury, to have any apprehensions of being molested in the discharge of their duties, even when they are decurions; provided they perform the municipal functions of their respective cities; and, after having retired from office, they should not forget to return to their own *curise*.

#### 6. *The Emperors Arcadius and Honorius.*

In order that the recorders of military organizations may not be assisted by their colleagues to the detriment of all concerned, Your Illustrious Highness will order all soldiers of the division to avoid associating or entertaining any relations with them. If, after having been warned, they fail to obey orders, there is no doubt that they can be subjected to the same penalties as the recorders themselves.

#### 7. *The Emperor Leo.*

Your Highness will see that the Recorders of the City of Constantinople, as well as of Thymela, and of the different *curias* of other cities, are not appointed except with the approval of the Emperor, as has been customary. If anyone within your jurisdiction should be convicted of having done what is forbidden by this law, he shall be suitably punished.

#### 8. *The Same Emperor.*

We order that the secretaries and accountants attached to the office of Your Highness shall, hereafter, under no circumstances, borrow money, or be compelled to render themselves liable to anyone for public expenses, as We do not wish them to be subjected to any annoyance after having retired from military service.

*9. The Emperors Leo Junior and Zeno.*

We order that, hereafter, no one without regard to his military rank shall perform the duties of bookkeeper, or, after having retired from that employment, shall aspire to service in the army; for, where anyone transacting business for individuals is deprived of all military privileges, it will be of no use for him to attempt to carry on any trade or commit any fraud with reference to the accounts for the correctness of which he is responsible.

*10. The Emperor Zeno.*

No secretary shall be permitted to accept the services of accountants more than four times, nor to continue them in this employment. We decree that this rule shall be observed with reference to notaries, when for a time they aid accountants, so that the continuance of their service, as assistants, shall be interrupted by an interval of two years, and for notaries by an interval of one. Permission is not given to assistants to descend to the rank of notaries, except when they have once been dismissed, so that, in the countries of the East, the services of temporary assistants shall be granted to accountants, provided they are selected out of thirty whose names have been suggested by the accountant himself. In the provinces of Asia, also, they shall be appointed by the accountant from fifty whose names have been mentioned by the latter; and in the provinces of Pontus and Thrace, the power of selecting assistants from all the people shall be indiscriminately granted to accountants at their pleasure.

(1) It is necessary for all notices, orders, claims and, generally speaking, any public documents whatever, not only to be examined and signed by the assistants, but also that mention shall be made of the others with whom the contract was entered into, as well as of the notary who examined and signed the document.

(2) If any instrument should be issued from any bureau in the East, in Asia or in Thrace, without the observance of this provision, the officer responsible shall be prosecuted for forgery, with the exception of such public documents as may proceed from the offices of the Secretary of the Provinces of Pontus, for the reason that Your Highness has established the rule that the assistant and notary shall alone sign such papers; so that, if this law should be violated in any respect, the accountants shall be punished by the loss of rank and pay for the term of a year; but the assistants shall be fined fifty pounds of gold, and the notaries fifteen pounds of gold by way of penalty.

*11. The Same Emperors.*

In pursuance of petitions presented to the office of Your Highness, praying that the time within which the documents of accountants shall be valid, be fixed, not for the term of two years, but for that of one year, We, approving these petitions, revoke the provision promulgated with reference to the term of two years, and substitute therefor the term of only one year.

*12. The Emperor Anastasius.*

We order, by this Imperial pragmatic sanction, that what formerly was prescribed with reference to praetorian tribunes, which dignity was conferred upon those who had retired from military service in the office of Your Highness, shall be re-established, and that this honor shall be conferred upon them, in addition to any which they at present enjoy, so that the decree releasing them from military duty shall also contain the mention of the honor aforesaid.

This shall also suffice to enable them to obtain that dignity and the privileges attached to the same, without any special order issued with the sanction of the Emperor; provided, however,

that by a decision of the said authority, they obtain the distinction of Count of the First Rank, that is to say *Cornicularius*, Notary, First Secretary, Chief-Accountant of the Bureaus of Macedonia and Decia, Inspector of Public Works, and State Treasurer.

This rule shall also apply to those who, after the promulgation of the New Constitution of the Emperor Zeno of Divine Memory, have relinquished their military rank; which constitution refers to the same penalties and the same persons.

## TITLE LI.

### CONCERNING THE PUBLIC POST, POST-HORSES, AND VEHICLES.

#### 1. *The Emperor Constantine.*

We decree that the horses set apart for the service of the public post shall be urged on, not with clubs or sticks, but only with whips; and those who violate this law shall be punished.

#### 2. *The Same Emperor.*

Permission is refused to Governors, Receivers of the Public Treasury, and other persons in the service of the State who distribute grain and provender for cattle, to make use of post-horses. Nor shall anyone have the right to travel on any other road than the public highway, with the exception of Your Highness, who is entitled to use the public vehicles and to travel wherever reason or necessity demands.

#### 3. *The Emperors Arcadius and Honorius.*

Permits for travel can be demanded by everyone, and judges, as well as guards of the public posts, shall permit no one to pass without first having examined his permit. When anyone refuses to produce it, or is convicted of travelling without one, or attempts to use the public posts beyond the time specified by his permit, We order that he shall be arrested wherever found, and if he is in the enjoyment of any dignity, his case shall be referred to you, and to the illustrious Count and Master of the Offices. Moreover, a penalty which you think to be proper must be inflicted upon others, dependent upon the place where they have been arrested, and their rank in the army.

#### 4. *The Emperors Honorius and Theodosius.*

He shall be presumed to have a mounted comrade, who, while only one or two horses are mentioned in his permit, takes a third. This, however, does not make any difference, and it should not be considered a crime for anyone in the transaction of his business to take a journey, or to commit his affairs to a courier, provided he does not violate the terms of his permit.

#### 5. *The Emperor Theodosius.*

When anyone, no matter what his dignity or military rank may be, while travelling in a public vehicle, turns aside from the direct route, a suitable penalty shall be inflicted upon him.

#### 6. *The Same Emperors.*

We have granted members of the Senate the right to make use of public conveyances when they travel, where it is necessary for them to come to Us; provided, however, that they do this either when they are summoned by Us, or when they depart from Our court. Therefore, if anyone should hereafter rashly presume to make use of a public conveyance contrary to what has been provided, he will incur Our displeasure.

#### 7. *The Same Emperor.*

The fourth part of the post-horses shall be replaced in every province, but it is unreasonable for the stables to be built at public expense. Hence We have decided that this shall be done at the charge of the provinces in which the stables are situated, as they are very advantageous not only to the public but also to the people of the provinces, to whom we give the manure of the animals by way of compensation.

8. *The Emperor Valentinian.*

In order that moderation may be observed in travelling, two post-horses shall be dispatched each way every day, and the penalty of five pounds of gold shall be imposed upon those who fail to observe this regulation.

9. *The Emperor Leo.*

We deny to judges the power to grant permission to travel in public conveyances, as this privilege is solely reserved for Us, yourself, and the illustrious Master of the Offices; for it is not granted either to the Prefect of the City, to the generals or commanders of armies, to vicegerents, or to anyone else, except the two officials above mentioned, to whom this privilege has been conceded by Us. Judges have the right to allow this privilege only to persons whom they know to be engaged in the exercise of public functions, and they are notified that if they violate Our law that they will be fined twenty-five pounds of gold, and their subordinates will be fined fifty.

10. *The Same Emperor.*

Under the severe penalties above imposed, We forbid persons engaged in buying and selling to make contracts for transportation, and to treat animals belonging to the public as merchandise.

11. *The Same Emperor.*

No private individual shall make use of the privilege of having horses furnished, even though he may have the right to ask it.

12. *The Emperors Valentinian, Theodosius, and Arcadius.*

As, for the same reason, the care of post-horses should become the subject of discussion, We decree that the saddle, with the bridle, shall be valued at six pounds of gold, and that a horse shall not be valued at more than the same sum, with the understanding that, if anyone should exceed the amount established by the Emperor, the saddle shall be confiscated to the Treasury, with the exception of the gold ornaments which are required to be kept by the groom in bags provided for that purpose.

13. *The Same Emperors.*

We do not permit grooms to be annoyed by the shameful depredations of those who use post-horses; and, therefore, if anyone should remove or cut off any of the harness of the horses, the wretch shall be punished by the judges and inspectors of highways. All persons are hereby notified that if Our order is not obeyed, the guilty party will be compelled not only to make good all losses sustained, but will also be branded with infamy, and fined.

14. *The Same Emperors.*

The charge of the public post shall, in accordance with the custom of the neighborhood, be committed either to the decurions, the cohortals, or to those who are willing to receive it from the Eminent Prefecture, on their own responsibility.

15. *The Emperor Zeno.*

If anyone should think that he can bring an extra horse with him for a journey, he shall pay the Treasury four times the value of the animals brought in excess of the prescribed number.

16. *The Same Emperor.*

Those only shall be permitted to use public vehicles who, being sent as envoys by different nations, desire to arrive speedily in Our presence.

17. *The Same Emperor.*

Let no one dare to remove a driver attached to the postal service from his duties, either by solicitation or by receiving him, under the penalty of ten pounds of silver.



18. *The Same Emperor.*

When forage is valued at a high and exorbitant price, animals belonging to the public are openly ill treated by slaves and attendants, and, to avoid this taking place, Your Highness must see that forage is not lacking at the different stations, and that the inhabitants of the provinces are not subjected to annoyance beyond what is reasonable and just.

19. *The Same Emperor.*

We have ascertained that the inhabitants of the provinces are compelled to furnish, at a reasonable rate, not only forage for horses, but also the money required for the postal service, and that, in addition to this, they are oppressed by being required to provide harness for the same. Therefore, the Governors of provinces must take care that no dispute shall arise with reference to the public post, and that decurions or provincials are not, through fraudulent representations, forced to furnish animals which they are not obliged to.

20. *The Same Emperor.*

No military commander, after having once entered his province, can, afterwards, for the purpose of travel, make use of the vehicles or horses belonging to the postal service, nor can anyone attached to his office do so, but he must use his own animals even for military expeditions. We order that the same rule shall apply to the officers of cohorts, so that none of them travelling through his own province may hereafter attempt to avail himself of a post-horse, as he will know that this is prohibited by an Imperial Constitution.

When any military commander, or any of his retinue, or any officer of a cohort, thinks that he can violate what We have decreed, he shall be fined a pound of gold for every animal which he has made use of.

21. *The Emperor Anastasius.*

No one, no matter to what order he may belong, or what rank he may hold, or what duties he may discharge in the Holy Church, or the Imperial palace can, during an expedition, employ any animal or vehicle belonging to the postal service.

22. *The Emperor Justinian.*

We decree that the ambulatory post shall be abolished and suppressed throughout the entire East, as well as in the cities of other regions, under the jurisdiction of Your Highness; provided, however, that where We have made any arrangement for the passage of Our brave soldiers, and ordered their transfer from one place to another, a requisition shall be made on the Treasury of Your Highness for the transport and repair of arms, and payment be made to owners, who are accustomed to hire out their animals; and We decree that, under the above-mentioned circumstances, no judge but yourself, no matter what his rank may be, shall have power to grant the use of such animals.

23. *The Same Emperor.*

We order that no one—no matter to what organization he may belong, what office he may hold, what military rank he may have, or what his status may be, throughout the entire region of the East, and regardless of the reason for his journey, or his return—shall employ more than one horse either belonging to the Government or to himself, even if the judge has permitted him to take more than one, unless a special permit has been granted by Us, setting forth the number of animals which he shall be entitled to use; those, however, undoubtedly being excepted who are engaged in transporting the public money; for, in this instance, it is proper that as many animals be furnished, without Our express authority, as may be required for the transport and protection of the coin; and anyone who, at any time or in any way, violates Our commands, or permits them to be violated, shall be condemned to pay a fine of fifty pounds of gold.

## TITLE LII.

### CONCERNING DRIVERS AND STATIONS.

#### 1. *The Emperor Constantine.*

Drivers of post-horses are only entitled to two days, in addition to the ordinary delays, at the different stations, and no longer time shall be granted to anyone, even if he is accompanied by necessary persons, unless he is one of those who have charge of animals and horses intended for the use of the Emperor; so that, after having been sent back to the Organization of Drivers, he can be allotted the number of five days, and no one shall have authority to remain beyond that period of time in any place that he pleases.

## TITLE LIII.

### CONCERNING THE SUBORDINATES OF THE PRAETORIAN PREFECTS AND THEIR PRIVILEGES.

#### 1. *The Emperor Leo.*

We desire that the officials of the Prefecture who retire every year shall do Us homage after their terms have expired; and when they have done so, We grant them the right to enjoy repose, so that they shall not be compelled to accept any office or employment of any description whatever.

#### 2. *The Same Emperors.*

We forbid the subordinates of praetorian prefects to interfere with the collection of taxes in the provinces, to the injury of the people, or for their own advantage; and, moreover, We do not allow them to act as guards of warehouses, or to assume any of the rights or authority of the *curias*. If one of them should be so rash as to violate the present law, We wish him to be subjected to a penalty in proportion to the gravity of his offence.

#### 3. *The Emperor Anastasius.*

The officers of the Praetorian Prefect, his principal secretaries and accountants, in addition to all those who, in the office of Your Highness and in the course of the performance of their military duties, desire to rest from their labors shall, by way of reward for the many hardships endured for the State, always be exempt from every civil or military tax, and be subject to the jurisdiction of civil judges, and not to that of those belonging to the army.

We decree that the following provision shall be added to this law, namely: that if any officer attached to the Prefecture should, either while he is in active service, or after he has retired, die without making a properly executed will, and leave no legal heirs, his entire estate shall not escheat to the Imperial Treasury, but can be claimed by the treasurers of Your Highness. We concede to your secretaries and collectors, as well as to all other persons attached to your office, who serve in Our First Legion, the right to a hearing, solely in cases where proceedings have been brought against them. We order that those who reside in the provinces shall, however, only answer before the Governors, unless the performance of some public duty has been imposed upon them.

## TITLE LIV.

### CONCERNING THE ATTENDANTS OF THE PREFECT OF THE CITY.

#### 1. *The Emperors Oration, Valentinian, and Theodosius.*

No one, with the exception of those belonging to the retinue of eminent officials having charge of the collection of taxes, of posts, and of the Urban Prefecture, shall be permitted each year to appear before the Emperor and render his homage. None of the incumbents of office in the provinces shall have the right to come before the Emperor and adore him, and all privileges of this kind are hereby abolished.

#### 2. *The Emperors Arcadius and Honorius.*

Any attendant of the Illustrious Prefecture of the City who has, by fraud, deceived the baker of the palace, shall, after having been accused and convicted, remain forever attached to the Organization of Bakers.

#### TITLE LV.

##### CONCERNING THE STAFF OFFICERS OR GENERALS AND THEIR PRIVILEGES.

1. *The Emperors Valens, Valentinian, and Gratian.* Those who hold the offices of generals of cavalry and infantry are released from the responsibility of any appointment.

2. *The Emperors Theodosii and Valentinian.*

Those who, while discharging the duties of generals of cavalry or infantry, have drawn any office by lot, shall be considered members of the Military Order.

3. *The Emperor Martian.*

We do not wish the attendants attached to the offices of magistrates, or members of *curiae* or cohorts, to be enrolled for service in the Census.

4. *The Same Emperor.*

We decree that persons having charge of the accounts of generals, whether they are attached to the immediate service of the Emperor, or are serving in the East, and who have been admitted to the privileges and receive the pay of soldiers, when they retire from office, shall live with the praetorian tribunes of the Military Order, and be treated by them with the respect to which they are entitled by their labors; so that, after the ranks of the army are complete, they may be exempt from all contributions, as well as from all military and civil duties. We wish that those of them who occupy the highest positions shall rank with the military tribunes of the guards.

5. *The Emperor Zeno.*

We order that those under your command (provided they are registered among the number established by law) shall enjoy the prescription of the bar, but that those who are above this number, and are regarded as not included in the military service, shall be excluded, and assigned to the Illustrious Prefecture, and the distinguished Governors of the provinces, without being allowed to avail themselves of this prescription, which is the peculiar privilege of soldiers.

#### TITLE LVI.

##### CONCERNING THE ATTENDANTS OF THE PROCONSUL AND THE LIEUTENANT OF THE EMPEROR.

1. *The Emperor Constantine.*

We do not wish any decurions, or members of some other body, to be attached to your office, and if there should be any of these acting as your attendants, We order that they shall be immediately restored to the duties which they are required to perform.

2. *The Emperors Valentinian, Valens, and Gratian.*

We are of the opinion that four hundred deputies should be set apart for the service of your office from among those against whom no complaint can be made by any member of the Government.

3. *The Emperors Arcadius and Honorius.*

In any province where there is a proconsul, his duty requires him to perform those functions which are customary, and not insolently interfere with other matters.

## TITLE LVII.

### CONCERNING THE ATTENDANTS OF THE COUNT OF THE EAST.

#### 1. *The Emperor Zeno.*

Not more than six hundred attendants shall be attached to the office of Count of the East, which number We are satisfied will be sufficient for the requirements of the public.

## TITLE LVIII.

### CONCERNING THE ATTENDANTS ATTACHED TO THE COHORTS OF PRINCES AND THEIR CORNICULARII AND PRIMIPILARII.

#### 1. *The Emperor Constantine.*

Soldiers stationed in garrisons shall not venture to extort more taxes than are due, nor put anyone into prison, nor, themselves, keep anyone in custody, even though he may be clearly guilty of crime. Anyone who commits an offence of this kind is hereby notified that he will be punished with death.

#### 2. *The Emperors Theodosius, Arcadius, and Honorius.*

No judge shall presume to try or convict anyone, unless evidence is given under oath. We, however, except those who have charge of the public post in the provinces, for the general welfare does not permit assistance to be refused in a service of such importance.

#### 3. *The Same Emperors.*

We also extend to ordinary privileges which were granted by the Emperor Diocletian to the cohortals of Syria, and We order that they shall not be required to transport necessary supplies for either the army or navy, and that they shall not be inscribed upon the registers of the *curiae* without their consent. When, however, their military service has expired, and the duties of the Chief Centurion properly discharged, We grant them the right of exemption.

#### 4. *The Same Emperors.*

We desire that the subordinates of the Governors of the provinces subject to your authority shall be notified that, after having been installed in their offices, or accepted in the name of the cohorts or legions, they shall be entitled to all privileges.

#### 5. *The Same Emperors.*

Any centurion in Osroena, who rejoices in the possession of a large number of sons, can appoint one of them to his place, as succeeding to it by hereditary right; and, by way of showing his devotion to his country, he can place another in the *curia* of <sup>^</sup>desena, and provide for the others in any way that he may desire. If, however, he should only have two sons, he will be compelled to satisfy the cohort and the *curia*. Where he has only one, he must restore him to the Order of his country, and no privilege will avail against this rule. Hence We grant authority to their fathers, as well as to those who, by the terms of this law, are placed under the control of municipalities, to produce any members of a *curia* found to be exempt through the indulgence of princes, in order that they themselves, having been designated for the discharge of the same duties, may be compelled to perform them.

#### 6. *The Emperors Honorius and Theodosius.*

If an official subordinate, after having committed a crime, should take to flight, the edict by which he can be recalled must be complied with, under the condition prescribed by the laws; and if he does not appear, the court shall pass sentence upon him as a fugitive from justice, according to the nature of his offence. We do not grant pardons for crimes of this kind, nor do We remove them by indulgences.

#### 7. *The Emperor Theodosius.*

The attendants of ordinary judges, who have attained the rank of investigators, or continue in

their employments, cannot be discharged on account of age or length of service, before they have rendered their accounts. And if, before the account has been submitted, he who is liable should think that he is entitled to dismissal on account of some corporeal disease, or extreme old age, he shall not obtain it before paying everything due to the centurion.

Moreover, We desire that those who have been dishonorably discharged on account of the commission of crime shall not, under such circumstances, be permitted to retain their *peculium*, but shall be subjected to condign punishment, so that none of their property shall be removed from the office to which they are attached, which rule shall apply to the smallest company of the army.

#### 8. *The Emperor Valentinian.*

In appraising different kinds of military supplies, the same rule shall be observed with reference to their price as applies to the same articles when exposed to public sale.

#### 9. *The Same Emperor.*

A hundred attendants shall be attached to the office of each magistrate in Illyria (in which province the necessities of the public welfare especially demand that employments be granted to the subordinates of Governors) but, in excess of this number, no person shall aspire to this military rank or remain in it with the connivance of judges. Again, those who are summoned to the performance of functions of this kind should not be such as may attempt to obtain extraordinary profits under the empty name of military service, but those who will discharge their official duties with proper care and diligence.

#### 10. *The Same Emperor.*

Anyone who desires to take charge of the papers or registers, or obtain any other office in the cohorts, shall not be permitted to do so until his name has first been entered upon the records; and the penalty already prescribed shall be imposed upon those who think that, contrary to the Imperial enactments, any persons can be accepted, or any office whatsoever can be bestowed upon them.

#### 11. *The Emperor Leo.*

When anyone, belonging to the cohorts, has been dismissed from the service on account of prosecution for crime, or for idleness, if, after having solicited forgiveness, he should desire to be reinstated in his former position, he shall be required to present to Your Highness a pardon granted by the Emperor.

#### 12. *The Emperor Zeno.*

If the attendant of a cohort, or anyone attached to the same, should aspire to some dignity, he shall be deprived of all the insignia of the honor which he has obtained, and reduced to his former status. Any children born to him while in this condition will share the fortune of their father.

(1) If one of them should presume to aspire to military service, he cannot take advantage of any prescription of time, except that based upon the lapse of thirty years, but he shall be restored to his former status; nor shall he, or his children born afterwards, be permitted to refuse to pay what is due to the cohort.

(2) But in order that the attendant of a cohort, or his son, may not venture to aspire to another position, the example of his ancestors shall present an insuperable obstacle.

(3) Moreover, We order that all those who are engaged in different kinds of trade, as, for instance, money-brokers, jewelers, vendors of silverware and clothing, apothecaries, and others dealing in various articles of merchandise, or who have warehouses, shall be exempt from provincial employments, in order that all honor and military service may be free from contagion of this description.

#### 13. *The Same Emperor.*

We do not permit any centurion, or other officer attached to the Imperial bodyguard, to aspire to any other military place or civil occupation contrary to the public welfare, or to any other dignity to the prejudice of his former status. If anyone should be so audacious as to violate this most salutary law, or any Imperial edict to this effect, his act shall be considered as not having taken place, even though he may have obtained the position through a special display of Our indulgence, and We order that, without notifying him who, by the practice of the above-mentioned arts, has attempted to evade the duties which he owes to the public, he shall be immediately delivered up to the city from whence he came.

14. *The Emperor Anastasius.*

Anyone who, up to this time, has been obliged to discharge official duties in the cohorts, or was attached to the government of the province, or to any other branch of the military service, or has been raised to any dignity whatsoever shall, by no means, be permitted to enjoy the advantages which he has usurped and obtained contrary to law, even though he may be able to boast that the right to administer the affairs of a province, or of some command in the army, or of any other office whatsoever, has been bestowed upon him by a voluntary act of Our liberality. Henceforth, being deprived of all the benefits of the condition which he despised, he will not be able to acquire any of them either himself, or through the intervention of others, but will only be compelled to discharge the duties of a centurion ; and, from that time during the remainder of his life, he shall be obliged to perform the functions as a member of the *curia* of the city in which he was born, so that those who, after having aspired to any kind of military employment, or other office, after having completed their term of service in the army, must be restored to their native *curia*.

TITLE LIX.

CONCERNING THE ATTENDANTS OF THE PREFECT OF SUBSISTENCE.

1. *The Emperor Antoninus.*

The subordinate officials of the Urban Prefecture must not interfere with matters relative to subsistence, but the duties of the Prefecture of Subsistence shall be performed by means of the secret emulation of its attaches.

2. *The Emperor Constantine.*

The Prefect of Subsistence must collect the taxes required of his office by the instrumentality of his attendants, and, together with his subordinates, will be responsible for the exaction of the requisite contributions.

TITLE LX.

CONCERNING THE DIFFERENT OFFICIALS AND ATTENDANTS OF JUDGES, AND THEIR PREROGATIVES.

1. *The Emperor Constantius.*

When the Praetorian Prefect, his deputy, or the Governor of a province, notifies anyone having charge of the public documents or records that he has been transferred to other duties in the camp or in the army, someone must be appointed to whom he can render his accounts, and he who is assigned to his place should preferably be a person eminently worthy of distinction.

2. *The Same Emperor.*

None of those who have been dishonorably discharged from the army can again aspire to a place to which they are not entitled, without the consent of the Emperor. If anyone should fraudulently obtain such a place, he shall be fined five pounds of gold.

3. *The Emperor Justinian.*

No attendant of Your Highness, nor anyone attached to the office of the palace shall, under

the pretext of the public welfare, transact the business of a private individual in the same province in which he was born, or in which he resides, or where he has already discharged the duties of an employment of this kind. If this rule should be rashly violated, it will be the duty of the First Secretary of Your Highness to impose a fine of three pounds of gold upon the culprit, for the benefit of the Treasury. Moreover, any attendant who permits himself to be appointed to such a position shall be dismissed from the army. This penalty shall also be inflicted upon others, for instance, where a domestic, a protector, an attendant, or an agent for the transaction of business, or the employee of any office of the palace, persists in an usurpation of this kind in the same province in which he was born, or in that where he has established his domicile, and his name shall be stricken from the rolls; and he who allows himself to hold such an office shall be compelled to pay a pound of gold to the Treasury. Your subordinates, and the accountants and notaries of Palatines and counts, shall pay a pound of gold to the Treasury, unless what has been enacted is observed.

#### *4. The Same Emperor.*

Persons who have but little property are not forbidden to serve as attendants.

#### *5. The Emperors Gratian, Valentinian, and Theodosius.*

Any attendants who, after a hearing, have been dismissed on account of some fault or negligence, cannot hereafter aspire to any military employment; nor will a rescript be of any advantage to those who may be subjected to a penalty of exemplary severity, if, contrary to what has been prohibited by the Imperial Constitutions, they are guilty of contumacy in aspiring to such a position.

#### *6. The Emperors Theodosius and Valentinian.*

No one shall be permitted to hold the following offices, that is to say, those of the distinguished Proconsul of Asia, Count of the East, Augusta! Prefect, and their deputies, whom We have warned as being liable to a penalty of thirty pounds of gold, unless he has been recommended by a letter issued by the Imperial Secretaries. If any such person in your jurisdiction should be convicted of this offence, he shall be suitably punished, after the illegal acts which he committed have been declared to be void.

#### *7. The Same Emperors.*

We admit to the highest privilege of military distinction those who, after having performed with assiduous care the duties required by their former position, may think that they are worthy to obtain these honors; but not those who have withdrawn with the intention of indulging their cupidity, or to obtain a more profitable situation, or for the purpose of concealing crimes which they have previously committed, or in order to be able afterwards to commit others with impunity.

#### *8. The Emperor Theodosius.*

We decree that the distinguished commanders and their attendants, both those serving on the frontiers and those in command of camps, shall be solely under the jurisdiction of Your Highness, and not subject to any other judges; reserving for the illustrious and eminent generals of the army the power to decide any controversies arising between the soldiers on the frontiers in the provinces of the Orient, Thrace, and Illyria, in accordance with long-continued custom observed up to this time.

#### *9. The Emperor Valentinian.*

We decree that the honors to which registrars, clerks, and all other attendants of the Praetorian Prefecture of the East, as well as those belonging to the offices of the different judges are entitled, shall be distributed according to custom, as prescribed by the Imperial regulations having reference to military service; and not indiscriminately or arbitrarily, or merely by magisterial authority alone, or in pursuance of letters drawn up by officers of the army, but with the authentic and written sanction of the Emperor in accordance with Our will,

so that no deceit or fraud can possibly attach to them, and We order that only such persons shall be eligible who profess the true and Catholic faith.

Others, however, who are in the service (unless they belong to the number whom ancient custom has associated with the corps of attendants by those who established it) shall not only be dismissed from the service, if, on the accusation of anyone, they have been found guilty of fraud, but We decree that they shall undergo the penalty of proscription, and be deprived of all their property by confiscation.

#### 10. *The Same Emperor.*

We order, by this law, that hereafter no one shall be allowed to issue permits to those who should be enrolled in some branch of the military service, who cannot legally obtain such positions without the approbation of the Emperor; but the Imperial letters containing Our consent with the signature of those under whose jurisdiction the applicants are placed shall, at the risk of the commanding officers of every division, be furnished those who desire to enter the army.

The above-mentioned documents, signed by the said officers, shall, as is proper, be deposited with each of the authorities, and although it is clear that all other magistrates should be excepted from the observance of this act of approval, still, in order that no opportunity for the assertion of ignorance may remain, We decree that public notice shall be given by recording the same in the registers of all the officials who are required to admit such persons into the military service as are entitled to the same by instruments containing the sanction of the Emperor.

Therefore, application shall, in obedience to this regulation, hereafter enter the Imperial service either in Our palace or in any other office whatsoever; but (as has already been stated) those who are incapacitated by the terms of the Imperial Constitutions and cannot, either in compliance with ancient custom or, under the preceding rule requiring the consent of the Emperor, enter his service as set forth in the following notice, We order may do so; all persons being hereby notified that if they should attempt, either by connivance or negligence, to trifle in any respect with the Imperial regulations herein promulgated, they shall not only be punished by the confiscation of all their property, but also by death, as being guilty of the crime of deceit.

This notice shall be observed by all the employees of the Imperial Secretaries, and of those charged with the business of the palace and the Imperial Largesses, as well as with the private affairs of the Empress. It also applies to the Secretaries of the Imperial letters; the subordinates of the illustrious Praetorian Prefectures of the East, of Illyria, and of Rome; to those of the Proconsuls of Asia and Africa; of the Count of the East; of the Augustal Prefect; of the Count of the Houses Consecrated to God; of the Vicegerents of Asia, Pontus, Thrace, and Macedonia; and to the Treasuries of the Roman people.

It is likewise applicable to the Bureau of Imperial Petitions; to the employees of the generals of both branches of the service; to the Prefect of the East and Illyria; to all ushers, clerks, teachers, stewards, persons having charge of the tables and lamps, who are set apart for the service of the Imperial palace; to the chiefs of the first ten military corps of the Emperor; to the Imperial couriers, the distinguished generals of Palestine and Mesopotamia, the noble Counts of Phoenicia, Osroenia, Syria, the Euphrates, Arabia, Thebes, Lydia, Pentapolis, both provinces of Armenia, both provinces of Pontus, Scythia, the first and second provinces of Mysia, Dacia, Pannonia, and the distinguished Counts of Egypt, Pamphilia, Isauria, Lycaonia, and Pisidia.

## TITLE LXI.

### CONCERNING EXECUTIVE OFFICERS AND COLLECTORS OF TAXES.

#### 1. *The Emperors Arcadius and Honorius.*



In order that the collector attached to the palace, or the attendants of men of illustrious rank, may not wander through the different parts of the provinces, and the dread of military license cause apprehension, We decree, by this law, that all those who have been mentioned as being under the jurisdiction of the Governor of a province shall act with him, and that he shall inspect, order, and supervise everything, so that all business may be transacted with his approbation and on his responsibility.

### *2. The Same Emperors.*

Anyone attached to Our palace, who is in the provinces for any reason whatsoever, either for the purpose of compelling obedience to law, collecting taxes, or as adviser, the bearer of despatches, agent, Palatine or attendant of illustrious officials, shall only exert such authority as he has been especially invested with by his decurionate, and shall not, as a colleague, presume to discharge any duty which someone else has been directed to perform, so that these persons may not share one another's functions, and all do what has been entrusted to each individually.

### *3. The Emperors Theodosius and Valentinian.*

When anyone has been selected from the office of the Praetor, from that of the illustrious Count of the Imperial Largesses, from that of Our Private Affairs, or from any other place held by a subordinate, to occupy some other position, he is hereby notified that he must render his accounts to the proper official within a year, show that he has performed his duty, what collections he has made as well as what remains unpaid, who are in arrears, and through whose fault, or for what reason any deficiency has occurred in that province.

If, after the said term of a year has elapsed, he should still be found there, he shall be arrested as a robber, be removed from office, and condemned to a fine of ten pounds of gold, if he refuses to return. He shall also be placed in irons by the officials of the province and subjected to examination, and he shall not be entitled to defend himself on the ground of any privilege, or the pretext that some other business or task was subsequently imposed upon him, as We deprive him of the power to continue to make collections in the said province.

### *4. The Emperor Zeno.*

We order that no property belonging to another shall be taken for the public or private debts of any individual.

### *5. The Emperor Anastasius.*

If anyone should, through rashness and insolence, venture to violate Our orders, the Governor of the province, after having arrested him, shall be permitted to bring him before Your Highness for prosecution; and, where the collector is proved to have been guilty of having illegally exacted anything for himself, the provincial magistrate must punish his temerity as prescribed by law.

### *6. The Emperor Justinian.*

We order that the collection of public money shall be committed to whoever has been selected, in accordance with your judgment, or through the zealous care of the accountants, or magistrates, or under the direction of those temporarily in charge of the administration of your high office; but he will not be allowed to take up any other matter before having disposed of the one in question.

If, however, anyone should happen to depart for the purpose of attending to public business, in some province, and another case remains to be despatched by him; he will not be prevented from undertaking the settlement of both of them, but no more, if he has left this Imperial City, as he is not permitted to dispose of three without having previously obtained authority to do so from his official superiors. Those who have undertaken to decide a second case, or have permitted themselves to determine two at once, or even a third, shall be punished, not only with the loss of their positions and the confiscation of all their property, but also with

perpetual exile. This same penalty shall be inflicted upon accountants and their assistants, whose duty it is to see that a violation of this kind does not occur.

7. *This Law is Not Authentic.*

TITLE LXII.

CONCERNING THE PROFITS OF ADVOCATES AND THE EXTORTIONS OF OFFICIALS OR THEIR SUBORDINATES.

1. *The Emperor Constantine.*

When anyone finds that he has been injured by the military commanders of two hundred, or one hundred soldiers, or the Advocates of the Treasury, he should not hesitate to go into court and prove the injury which he has sustained, so that the guilty party, after having been convicted, may be punished with proper severity.

2. *The Same Emperor.*

In addition to the regular and legal contributions required, many extortions are committed by officials against the people of the provinces, not only in the different cities, but also in private houses, where they and their animals are gratuitously entertained. Hence all judges must take care not to permit injuries of this description to remain unpunished.

3. *The Emperors Gratian and Valentinian.*

Whenever a collector is accused and convicted of depredations, he must suffer the penalty prescribed by the law, without appealing to Our clemency.

4. *The Emperors Arcadius and Honorius.*

We desire to come to the relief of members of the *curise*, and persons interested in navigation, as well as those of all other organizations, in order that the attendants of judges may not be permitted in any way to plunder the people of the provinces.

TITLE LXIII.

CONCERNING THE CHIEF CENTURION OF THE TRIARII.

1. *The Emperor Gordian.*

The pay of centurions of the first rank begins to be due after their administration, and if anyone entitled to it should die before that time, it can be claimed by his heirs.

2. *The Emperors Diocletian and Maximian.*

Civil actions should not be transferred to the tribunals of other magistrates in the name of the Chief Centurion of the *Triarii*.

3. *The Same Emperors.*

The public welfare should take precedence of the contracts of private individuals, and therefore if it should be established that the Treasury has received what was due to it in the case of the centurion, you can demand the property hypothecated for the dowry, so that the latter may be paid.

4. *The Same Emperors.*

As the Emperor Aurelian decreed that children were liable for an obligation arising solely from the office of centurion held by their father, even though they were not his heirs, so, if you should not succeed to your father, and have none of his estate in your possession, the result will be that you cannot be sued by his creditors.

#### TITLE LXIV.

THOSE WHO ANNOUNCE THE OCCASIONS OF PUBLIC REJOICING OR THE NAMES OF THE CONSULS, OR WHO PUBLISH THE IMPERIAL CONSTITUTIONS OR ANY OTHER IMPERIAL OR JUDICIAL DOCUMENTS, SHOULD NOT RECEIVE EXCESSIVE SUMS FOR EXPENSES FROM PEOPLE AGAINST THEIR CONSENT.

1. *The Emperors Gratian, Valentinian, and Theodosius.*

Where an announcement of public prosperity is to be made, for instance, where war has ceased; or a victory has been won; or the honor of a royal, a consular, or any other robe of state is conferred; or where tranquillity follows the establishment of peace; or where We appear in answer to the demands of the people; We order that these announcements shall be made and received without incurring excessive expense.

We decree that the publication shall be unostentatious; that gifts shall be bestowed upon persons who are in want, and not upon those who are possessed of wealth; and We order that judges shall take care that the price of rejoicing shall not, by dishonorable collusion, be wrung from the poor.

If this law should be violated by sacrilegious dissimulation, the person who profits by what is collected shall be deprived of his reputation and his fortune; the same penalty shall be imposed upon him who ejected the money, and the officer who permitted it to be done shall be punished with a fine of thirty pounds of gold.

2. *This Law is Not Authentic.*

END OF THE CODE.