

### Edict 13.

Concerning the city of Alexandria and the Egyptian provinces.  
(De urbe Alexandrinorum et Aegyptiacis provinciis.)

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The same emperor (Justinian) to Johannes, glorious Praetorian Prefect of the Orient.

Preface. As we deem even the smallest things worthy of our care, much less do we leave matters that are important and uphold our republic without attention, or permit them to be neglected or in disorder, especially since we are served by Your Excellency who has at heart our welfare, and the increase of the public revenue, and the wellbeing of our subjects. Considering, therefore, that, though in the past the collection of public moneys seemed to be in fair order, in other places it was in such confusion in the diocese of Egypt that it was not even known here what was done in the province, we wondered that the status of this matter had hitherto been left disarranged; but God has permitted this also to be left (to be put in order) in our times and under your ministry. Though they (the officials) sent us grain from there, they would not contribute anything else; the taxpayers all unanimously affirmed that everything was collected from them in full, but the prefects of the country districts (pagarchae), the curials, the collectors of taxes (practores), and especially the officiating (augustal) prefects so managed the matter that no one could know anything about it and so that it was profitable to themselves alone. Since, therefore, we could never correct or properly arrange things, if the management were left in disorder, we have decided to curtail the administration of the man at the head of Egyptian affairs, namely that of the Augustal Prefect. For the mind of one man is hardly sufficient for so many burdens and to manage matters in such a way as to give a good account of himself to us.

c. 1. We therefore ordain that Your Sublimity, upon receiving this law concerning this matter will so use it, that it will be a credit to our enactment of it and to the ministrations of Your Excellency. We want a worshipful Augustal Prefect to govern Alexandria, and everything therein, as well as the two Egypts, but them alone,

excepting therefrom the city called Menelaites of the First Egypt and excepting Mareotis—for we shall make proper disposition as to them. We desire that he shall be prefect, as stated, not only of Alexandria, but also of both Egypts—Mareotis and Nenelaites aforesaid excepted—and the local judge of the aforesaid two provinces shall be subject to him alone, as heretofore. (We want the prefect), that is to say, the worshipful Augustal, on account of the multitude of people in the aforesaid large city, to have the rights of a military governor, so that the administration will not be divided and be under two magistrates—which we think is for the general good—but one man shall be at the head of that position and shall have control over all soldiers there, whether stationed in the large city of Alexandria, or, as stated, in the two Egypts.

c. 4. The good order of the city should be looked after and care taken that no sedition is raised among the populace, and the man in charge of the aforesaid position, having both civil and military power, should with God's aid in all things, look after such good order. He represents, so far as the soldiers are concerned in Alexandria and in both Egypts, the glorious masters of the soldiers in the province and of the Orient, and he shall have an adjutant (*ad responsum*) who must obey his orders. He shall have an augustal and ducal official staff of six-hundred men. The ducal shall not be separated from the augustal but there shall be but one official staff and one list. One hundred of the number shall be primates, fifty augustal and fifty ducal, in alternate order, so that the first will be augustal (primates), the second ducal and so on in the same order up to one hundred. Everything else shall be arranged as to the officiating magistrate seems best, provided, however, that the mixed augustal and ducal staff shall not exceed six hundred men.

c. 3. Everything done in connection with these matters must be reported to your office and by Your Sublimity to us, so that whatever is done well may be confirmed by us. After the official staff has been appointed, no one shall become an augustal apparitor without our letters-patent signed by our own hand, as heretofore. The name of the staff shall be that of augustal. The prefect, a man deemed worthy of the

imperial choice, and appointed by the emperor, shall take charge of the administration, keep his hands clean and in everything show himself worthy of the imperial selection. We shall give him not only the emolument from the fisc which the worshipful Augustal Prefect now has, namely fifty rations of food supply and fifty rations of forage, but we give him a material increase and want him to have annually forty pounds of gold instead of the rations of food supply, the customary expenses and the rations of forage, to be paid by the *vindex*<sup>a</sup> (from money) derived from the places and from the sources stated in the schedule attached to this law.

a. An official in cities collecting taxes instead of the curials. The office was created by Anastasius.

c. 4. His counselors<sup>a</sup> (assessors) shall receive five pounds of gold from the same funds and his official staff another thousand solidi, although it formerly received (only) a third thereof. Thus this matter will be arranged liberally, and worthy of our times. **1.** The first care of the man in charge of this office must be to look after the shipment (of grain to Constantinople—*embola*),<sup>b</sup> and the worshipful Augustal Prefect and the apparitors under him must, at the peril of the Augustal Prefect and his present and future property, and at the like peril of his apparitors and the peril of their life, take care that when the aforesaid grain supply for such shipment is collected and sent at the times fixed by law. **2.** He must also collect what is due from both Egypts, receive the rest (from the provinces) without delay and put it on ships, and take care to send to this city the full amount due as tribute for the shipment to be made here. The grain allowed by us to the great city of Alexandria shall, likewise, in so far as it comes from both Egypts, be collected at his peril and that of his apparitors, and in so far as it comes from other places and is delivered to him in accordance with the provisions more clearly shown in what follows, shall be received by him, to be distributed by him as supplies in the same city in the usual manner, so that, God willing, there will be an abundance in all things. The worshipful Augustal Prefect, in so far as the collection is concerned, and the soldiers under him and the honorable tribunes and every civil and public assistant, must take care, at their peril, that everything is attended to.

Notes.

a. Kruger, in Kritik des Justin. Kodex, 162, assumes that the Augustal Prefect had two assessors, contrary to the usual rule, arising out of the fact the civil and military power was combined in one man. Hitzig, Die Assessoren, 89-90, denies that the use of the plural in this chapter indicates that the prefect had two assessors, pointing out that if he had more than one assessor, the number would have been stated, and that if two assessors were required to divide five pounds of gold, leaving only two and one-half for each, the salary of the prefect would have been much larger in proportion to the salary of assessors than was usual in other cases.

b. Embola—this term, says Rostovzeff, Soc & Econ. Life of the Roman Empire, was applied to the “shipment of corn to Alexandria (and Rome) or to the troops of occupation in Egypt.” He spoke of the time before the grain of Egypt was diverted from Rome to Constantinople. The term mentioned seems to be applied in the instant edict mainly, if not exclusively, to the annual grain supply collected and shipped from Egypt to Constantinople, although the edict also speaks specially of grain supply furnished Alexandria.

The transportation of all the grain, whether destined for Constantinople or Alexandria or the army, including the transportation from the interior to the Nile, by the Nile to Alexandria and from Alexandria to Constantinople was looked after by shipmen or ship owners, naucleri, who constituted a guild and who furnished their own ships or procured others. The membership of this guild was required, by turns, to work for the government in connection with such transportation, probably a year at a time. They received a certain compensation, called naulon, translated freight-money. See F. Oertel, Liturgie, 121-131. For guilds of shipment or ship owners, see C. 11.2.

c. 5. What is shipped from places not under his jurisdiction must, after it has been shipped, be received by him, at his peril, without any delay, and his official staff must, at its peril, send it in ships to this city. He must take care that nothing is exported from the cities, provinces, places, harbors and inlets under him, till the shipment (for this city) has sailed from the city of Alexandria, and not even then,

except in so far as it has been or is permitted by imperial orders and orders of your office. The soldiers under him must carry out the orders which he gives, as has been stated, and the shipmasters must receive the grain, place it on ships, and under God's guidance, carry it to this city.

Note.

While chapter 4 deals with grain for Constantinople as well as Alexandria, it is clear that the instant chapter deals only with grain for Constantinople—for the “shipment,” *embola*, previously mentioned.

c. 6. If he does not collect the grain from the two Egypts and does not see to it that what belongs to the shipment (*embola*) which is sent here is brought to the city of Alexandria and sent to this fortunate city before the end of the month of August (of each year), he must know that for the deficiency in the grain to be collected from the two Egypts for the shipment to this city (*embola*) or for the support (of the city of Alexandria), your office must collect at the rate of one solidus for each three *artabae*,<sup>a</sup> and the (Augustal) Prefect, even when he becomes a person in private station and his heirs and successors and his property will not in any manner be increased till this amount, reckoned (at one solidus) for each three *artabae*, is paid into your treasury. And he must also, at all events, in the times mentioned, make an inventory<sup>b</sup> (of the grain furnished)<sup>1</sup> from both Egypts.

a. *Artaba*—three and one-fourth Roman bushels. 2 Marquardt 226.

b. *Plenariam facere*—*Plenaria* seems to have been a statement, or invoice, perhaps somewhat in detail, showing the grain supplied furnished from the various and required sources. See note to Lingenthal on this law. It was sent to Constantinople and inspected. See C. 24.

c. 7. Inasmuch as the freight-money is closely connected with and inescapable from the care as to the shipment (*embola*), we also want to make provisions in regard thereto so that it will be fully and properly looked after. We, therefore, do not want

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<sup>1</sup> Blume penciled-in a question mark here.

the receiver of the freight-money to meddle with public tribute, make a rebate to some of the debtors, receive fees called endomica<sup>a</sup> and neglect the fisc, and on the other hand make improper demands from others, greater, perchance, than previously or at a time that is not usual. He shall not make that the occasion and the beginning of confusion, always alleging the necessity of freight-money, seeking to make profit out of the confusion, neglecting the treasury of your tribunal and in like manner eagerly striving that everything is done for the sake of his gain.

a. These were fees paid to collectors of taxes by the taxpayers in order to obtain milder treatment; in other words, they were bribe-money. See C. 10.19.9.

c. 8. Since, therefore, Your sublimity, carefully managing everything has informed us that the tribute for freight-money supplied by the city of Alexandria amounts to 80,000 gold pieces, and that the shipment of grain amounts to 800,000, we, therefore, want these 80,000 gold pieces for freight-charges to be paid to the receiver thereof from the subject provinces, cities, places and persons. We make this assignment so liberal so that nothing may happen either through delay or failure of shipment of grain. The worshipful Augustal Prefect and the official staff under him, combined and fused, as stated, into one staff out of the augustal and ducal staffs, must make the collections from the cities, places and persons designated for the receiver of the freight-money in the city of Alexandria and the two Egypts; the receiver of the freight-money likewise making this collection, so that it shall be made at the peril of the Augustal Prefect, as stated, and of his official staff and of the receiver of freight-money. The collection is also at the peril of the latter, so that he will collect the money without meriting any censure, and will expend it for the aforesaid purpose and distribute it to the shipmasters as has been the custom heretofore. This shall be done, along with such receiver, by, and at the peril of the Augustal Prefect and his official staff and the brave cohorts with their tribune, stationed in the various places. For the amount of the freight-charges must in every respect be fully collected, given to the receiver, administered by him in a proper and lawful manner and paid over to the shipmasters for the whole shipment. The grain

supply and the freight-charges then, and the management connected therewith shall be the first care (of the Augustal Prefect).

c. 9. In the second place we want Your Sublimity, and the man who for the time being occupies your office, and the bureau clerks (*scriniarii*) and collectors (*tractentai*) of both Egypt and of Alexandria to see to the collection of the public tribute that goes into the two treasuries of your tribunal, special and general, from the cities, persons, their sureties, and the places designated for that purpose, and which, too, are subject to this imperial law. Nor can the worshipful Augustal Prefect, nor the official staff under him, nor the God-loving bishop of Alexandria give any letter granting the right of asylum (*logos*)<sup>a</sup> or exempt anyone from public tribute or interfere for any reason with the collection pertaining to the treasury of Your Sublimity or to persons delegated for that purpose unless the collectors (*tractors*) or those who in the province represent them ask that to be done for the purpose of assistance. If such request is made, or Your Glory or the person occupying your office for the time being so directs, it will be necessary for the Augustal Prefect then in office and the soldiers under him and their tribunes and the official staff under the same magnificent Augustal Prefect and every civil and public assistant, to come to the assistance of the bureau clerks and see to it that all who are liable for contributions properly due to either treasury of the tribunal of Your Glory, pay without delay and without resistance the public tribute imposed on them. If any inhabitant of either Egypt or of Alexandria—except Mareotis and Menalaites concerning which we shall make proper provisions in what follows—who is liable for such contribution, refuses to make payment or makes any opposition in any way, the worshipful Augustal Prefect who has civil as well as military power, and the chiefs and the tribunes of the cohorts do not compel him or them to pay what is due and act honestly toward the fisc, they, the magnificent Augustal Prefect and all assistants of whom we have made mention will stand in danger of losing the girdle (of their office) and of having to pay (a fine) to the fisc to be applied on the debts that are due; those (the taxpayers) that offer any resistance will have their property confiscated and they will be ejected from the country.<sup>b</sup> It is clear moreover, that the

person who is Augustal Prefect for the time being is subject to the power and the direction of Your Glory in all things ordered by you, just as has been heretofore true.

a. Right of asylum. This subject is more fully mentioned in C. 1.12 and headnote, and see the next chapter of the law. This relates to flight to a church for the purpose of protection. A “logos” as used in this connection was a letter granting the right of asylum. See headnote C. 1.12. Such letters (logoi) were granted by church authorities, as well as by governors and other persons, and were issued, primarily, for the purpose of authorizing a person who had fled to an asylum to leave it with the right of exemption from molestation during his absence therefrom. The time limit for such letters was fixed in novel 17, c. 6, at thirty days, during which time the bearer of the letter was permitted to return to the asylum without molestation. In later times, letters of that kind were issued to persons who had never entered an asylum, gave the bearer protection from molestation for a certain time, and were issued to spare the bearer the trouble to enter the asylum and permitted him to do certain things and go to certain places without hindrance and forbade interference with the bearer’s freedom. The right of asylum was generally denied to public debtors. 46 Savigny-Z.R.A. 33-40. [On the right of asylum in Justinian’s time, see also William S. Thurman, “A Law of Justinian Concerning the Right to Asylum,” 100 Transactions & Proc. Am. Philological Ass’n. 593 (1969).]

b. This chapter gives us a vivid illustration of the pressure brought to bear upon taxpayers to pay their taxes promptly. Evasion was hardly possible, for the military forces of the empire were compelled to see that they were paid. See also c. 11, *infra*.

c. 10. If, however, Your Glory and the bureau clerks and collectors or those who represent them in the province, want to give any persons a letter granting the right of asylum (logos), they will do so at their own peril; the God-beloved patriarch may give such letter (only) for as many days and under such conditions as ordered by Your Excellency or as asked by the collectors. If a letter is given contrary thereto, it shall be entirely void. Nor do we for any cause permit a letter granting the right of asylum to be given to any persons liable for taxes of any kind, unless these persons



accept the right upon condition that they will live publicly (and not hide) and pay everything which they owe to the fisc within certain days or will give sufficient security to the bureau clerks or the collectors. If a person receives such letter contrary hereto, it shall be the same as though he had not received it, and he shall be subject to exaction even within sacred enclosures. **1.** If the God-beloved stewards and defenders of the churches are required to make the loss thereby sustained by the public good out of his, the archbishop's and out of their own property. If they are poor, the claim shall be satisfied out of the property of the holy church.**2.** If they give such letter against the wish of the God-beloved archbishop, not only shall what they have done be void, but they must make good the damage to the public, and the blessed patriarch, if they did so contrary to his wish, must deprive them of their position and eject them from the priesthood. **3.** If, however, a judge gives a letter to anyone who owes a public debt delegated to your treasuries, contrary to what is forbidden, that is to say, the Augustal Prefect or the honorable tribunes or chiefs of the cohorts, they will be deprived of their dignity and office, and must indemnify the fisc for all damage sustained, even after they are in private station, and not only while living but also when dead; for they and their heirs and their property alike are liable for the collection thereof, so that, in fear of punishment, nothing of the kind will be done, and they will not escape the penalty till the whole debt is paid. **4.** If anyone abstracts a person who is liable (for such taxes) from holy enclosures or places, (to hide him), or obstructs the collection (of taxes), he and his heirs, successors and property, too, will be liable for the entire amount which such person so taken away owed, and subject to the collection thereof. Those, moreover, who, as sated, are responsible for the whole matter, namely the collectors and bureau clerks, shall have full authority in, and complete charge of, the matter, and shall send to your treasury, general and special, the whole tribute due from the aforesaid cities, provinces and places to your treasuries, and deliver it to such parties as you may decide.

c. 11. We ordain, moreover, that the worshipful Augustal Prefect must assist those that are sent from your office for that purpose as well as the collectors (tractatores)

and bureau clerks, or those who represent them in collections to be made by them and belonging to your treasury, general or special. **1.**<sup>2</sup> If any persons, moreover, from the aforesaid territory are dishonest toward the fisc and are bent upon raising some tumult, so as to escape exactions, the collector or bureau clerks, or those who represent them, may notify the magnificent Augustal Prefect, and the latter must, at his peril and that of his official staff, command the soldiers to assist in the matter, arrest such dishonest persons, and collect, at their peril, the amount that is due to your treasuries, so that, by the aid of the civil and military power, collection may be made without delay and sent to this great city. And the honorable tribunes of the brave soldiers and especially the primates among them, may know, that if they are negligent in this and fail to compel the taxpayers to do everything that we have stated, their salaries will be in danger; for they must be retained by the then officiating Augustal Prefect and paid into your treasuries at his peril, and their tribunes and the primates among them will have their property confiscated, and must be in fear of capital punishment, and the whole cohort will be removed from the district and sent to places beyond the Istria or Danube for the purpose of guarding the boundaries there. **2.** And the persons themselves who are dishonest toward the fisc and make such compulsion necessary will have their property confiscated and they will be sent into perpetual exile, to live in the cities of Sebastopol and Pityusa on the outermost coast—and on the Pontus Euxinus. We impose the same and equal care upon the worshipful Augustal Prefect in respect to the taxes due to the imperial exchequer and in connection with everything belonging to it, which must be looked after in the city of Alexandria and both Egypts by him and his official staff. For these, too, we have seen at heart, and he and his official staff must, at their peril, look after the collection of the tribute of the imperial exchequer and everything that by any title belongs to it, so that such public tribute which belongs to the imperial treasury must be collected and paid to it at the peril of the Augustal Prefect and the official staff under him. If any of these things are neglected, his office and his property will be in peril, and that not only while he is in

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<sup>2</sup> There is no section 1 in Blume's manuscript, or Schoell and Kroll's Latin version. However, there is a section 1 in this position of Schoell and Kroll's Greek text.

office, but also after he has relinquished it; likewise his successors and heirs; for not only will he be responsible for such collections, but also his heirs and his successors, until all that is owing to the imperial exchequer from the places subject to the Augustal Prefect has been paid. Nor shall his subjects be given any letter of the right of asylum by anyone except those who are responsible for the collection and, as stated, the worshipful, then officiating, Augustal Prefect and the official staff under him are responsible. The money shall be paid to the devoted palatine officials of the imperial exchequer who are in charge thereof, and those who, in addition, are sent for this purpose by the glorious official who is in charge of this important office. Nor shall they permit any letter granting the right of asylum to be given in violation of what has been heretofore stated, nor permit collections to be obstructed in any way. The devoted soldiers, moreover, stationed in these districts and cities shall suffer the same thing (as heretofore restated in connection with them), unless they give assistance, and unless the money is collected in every respect and paid to those who are sent for the purpose, and the same alacrity shall be exhibited and collections shall be made in the same manner as we have specified in connection with the treasuries of the praetorian prefect (arcarii).

c. 12. We also give the right to the worshipful Augustal Prefect to give orders in everything to the soldiers and prefects of country districts (pagarchis) and those who manage fiscal affairs under his administration and authority, without, however, giving him the right by his own power to remove the prefects of the country districts who conduct themselves fraudulently in regard to the grain supply or freight charges or other public tribute destined for the purposes mentioned or for provincial expenses. But if they commit any such wrong, he may not indeed remove them, but put them under guard and inquire for others who will administer matters honestly, and report all of it here to your office, and through it to the emperor, so that we may investigate everything and direct what is proper both as to the ejection of those who have managed matters dishonestly, as well as to the substitution for the prefects of the country district (chosen in place of the former) and as to the delivery (to others) of what belongs to the district and of the property of the

(former) prefects. 1. The curials, too, of Alexandria and of both Egypts shall be under him and all those who manage the public revenue in the districts subject to him and assigned to him for collection. He shall also have the right to have them, though they are in other districts not subject to him, to be brought before him and demand the taxes from them, and if property owners in Alexandria or in the two Egypts reside in some other place, or live in a province not subject to him, he may bring them back to the district which they deserted, so that there may be no impediment in the collection of revenue incumbent upon him. This shall apply also if any persons owe public tribute belonging to your treasuries and if the collectors or those who represent them and who perform services in connection with the collections belonging to your treasury, general or special, report anything of that kind to him. For in that case, he shall likewise send for and bring them, so as to suffer collection at the hands of your collectors. Nor may the debtors living in other places set up an objection to the Augustal Prefect in fiscal cases that he is not the competent judge over them, and we want that to apply also in connection with exactions for the imperial exchequer.

c. 13. The remaining care of the Augustal Prefect and his official staff in connection with collections will be concerning the military expenses in Alexandria and both Egypts and the municipal and customary outlay of the city of Alexandria and of both Egypts. These must be collected and paid over at the peril of the worshipful Augustal Prefect and his official staff, and no longer by the clerk of the bureau of Your Sublimity, whom the Egyptians, because of his management of military affairs, call a soldier, and whose office we abolish, but the worshipful Augustal Prefect and his official staff shall make the collection in any manner they wish at their peril, furnish the devoted soldiers stationed in the city of Alexandria and in both Egypts their expenses, assigning the proper amount thereof from the subject-places and cities, the devoted soldiers making the collection thereof at their peril.

Note.

It will be noted that the collection of military supplies were to be made at the peril (a) of the Augustal Prefect, (b) of his official staff and (c) of the soldiers. The

responsibility rested equally upon them all. A similar principle is stated in other portions of the edict. The emperors were afraid to leave the responsibility to any one person, and particularly in connection with the collection of taxes, in money or kind, checks and balances were attempted to be created, in order to create efficiency and honesty. But the attempts were ordinarily not successful.

c. 14. You will compel the officiating vindex (tax collector) of the city of Alexandria to make the outlays which are to be made by him for heating the public baths and for the other customary municipal requirements which are expressly set forth in a schedule appended to this imperial law. This schedule will state plainly from what places and sources and persons this expense shall be collected, the amount thereof and how it shall be administered, the customary amount of the municipal outlay in both Egypts being delivered to the cities therein<sup>a</sup> at the peril of the provincial magistrate of these districts. In connection with those matters which are managed by the Augustal Prefect at his risk and that of his official staff, he shall have permission to grant, by letter, the right of asylum, and do everything which he thinks best, since he and his official staff are responsible therefor. The outlay made in the city of Alexandria shall be attended to by those who have heretofore customarily done so. **1.** No one, moreover, under the pretense that he is not subject to the Augustal Prefect, and not even the Augustal Prefect or his official staff, shall commit any wrong or fraud either in connection with contributions or shipment of grain supply, but these transactions shall be free from corruption and for the best interests of the state, and they must recognize the necessity thereof<sup>b</sup> and know that they will be liable to the severest punishment if they are guilty of any wrong or fraud in connection therewith.

a. Literally "to these cities" instead of "to the cities therein," the two Egypts being treated as cities. The cities included territory surrounding them, so that the whole territory was actually taken up by "cities."

b. I.e. of the contributions and of the shipment.

c. 15. We also have thought it best to include in this law what was reported to us by Your Sublimity. For you, while examining everything with care, discovered in the archives of the time of Anasasius of blessed memory when Marianus of glorious memory administered the affairs of state, that a public tablet was made when Potamon was at the head of affairs in the city of Alexandria as vindex (tax collector). On this tablet he stated the export duties derived from various sources, amounting to 1469 gold pieces expended in this manner; 492 gold pieces for the so-called anticantharus,<sup>a</sup> 558 ½ gold pieces for the receiver of freight-charges, the whole sum amounting to 1469 (and a half) gold pieces. Afterwards the curials received from the same<sup>b</sup> export duty, 100 gold pieces and the officiating Augustal Prefect received 320 gold pieces for 36 horses which he furnished for the horse races in the same city of Alexandria. This status remained in this way not only during the second indiction of the past tax cycle of 15 years ago. From that time on, by the negligence of some, by the fraud of others and by the theft of many, a loss occurred in this matter from time to time, so that the public baths were deprived of their 492 gold pieces and the freight-charges of 558 ½ gold pieces, the opportunity therefore being given to them (the exporters) by obtaining permission partly from the imperial court, partly from your office, for the export of time from said city of Alexandria without export duty, and of other articles subject thereto. And so the said city sustained a gradual loss.

a. Anticantharus—some think this to be a species of ship; Zacaria von Lingenthal believes it to be money expended to make up the deficiency in grain caused by the consumption thereof by insects.

b. Thus Zacharis von Lingenthal, and evidently correctly. Adding this and the 320 gold pieces below, the total export duty collected was 1889 ½ gold pieces, mentioned in the next chapter...

c. 16. Praising Your Sublimity, therefore for being also interested in this matter, we ordain that no one shall gain by reason of such imperial or prefectorial orders (permitting articles to be exported without tax), but all shall pay the amount that was paid up to the time of the glorious Strategius. Further, the worshipful Augustal Prefect shall make no greater outlay of money than was usual before and during the

time of the glorious Strategius, nor shall anyone, by any innovation, meddle with and claim these import duties, but the ancient status which existed to and at the time of Strategius shall be preserved; nor shall any occasion for contention be given to the Augustal Prefect (and the vindex), the one saying that he has received nothing, the other that he has received less; but from the whole sum of 1889 gold pieces, 369 shall be subtracted; for we want to be kind rather than severe, and for the purpose of aiding the officiating Augustal Prefect,<sup>a</sup> the remaining 1520 gold pieces from that source, but that much only, shall be expended (to-wit, for his benefit); out of that he shall receive 320 gold pieces for the 36 horses which he must furnish for the horse races in the city of Alexandria according to an ancient custom; the remaining 1200 gold pieces shall be counted on his salary. In this way the matter is easy, preserving the ancient course and giving no one an opportunity for dishonesty. For we have provided the expenses of heating of the baths and for the anticarus and public freight-charges from other sources, as shown by the schedule attached to this imperial law.

a. The meaning is obscure, unless it refers to the result of absence of contention above mentioned, and administration of laws relating to export duties.

c. 17. We have made Mareotis a part of Libya and it may happen that persons from the city of Alexandria, caught in popular seditions may flee there in order to avoid the punishment visited on them by the Augustal Prefect; and we therefore ordain that the officiating worshipful Augustal Prefect may send a sheriff (commentariensis) there for that purpose, but that purpose alone, with a public letter directed to the man occupying the position of president of the province of Libya, to arrest the guilty persons and deliver them over through his apparitors and soldiers, so that no person guilty of popular tumult in the city of Alexandria may flee there to avoid punishment at the hands of the Augustal Prefect. Further, the men in charge of the region (of Libya) may, if he finds such persons, arrest and punish

them<sup>a</sup> ...<sup>3</sup> We have, accordingly, limited and established this magistrate (the Augustal Prefect), on this basis, to do things stated in this law. Thus sufficient provision, in every respect settled and distinct, has been made to care for matters, and no occasion will be given to those who are seeking it, for confusion or theft.

a. Thus giving joint jurisdiction to both. Ordinarily crimes were punished at the place of commission.

c. 18. From that point our solicitude is directed to the duke of the border of Libya whom we have stationed at Paratonium, giving him a military force to keep the barbarians there in check. For we want the worshipful Duke of Libya to have his seat, as stated, in Paratonium and the cities under his jurisdiction in which there are soldiers under him and subject to his orders. He will receive the salary assigned to him, namely 930 gold pieces in place of the 90 rations of food supply and the 120 rations of supplies for horses, and also 400 gold pieces in place of the 50 rations of food supply and 50 rations of horse-supplies payable in gold. His official staff will receive 187 ½ gold pieces, and the soldiers, too, that is to say, those from among the Libyan and Paratonian Justinians who are stationed in the aforesaid places shall receive the salary assigned to them by the fisc. And it is clear that the customary things heretofore given in the places subject to him (the Duke) must also be given hereafter. Similarly the provincial judge and the official staff under him will receive their salaries. **1.** But since, if any one computes all these expenses, it appears that the collections from the places subject to him (the Duke) or from Libya are not sufficient, we have therefore deemed it necessary to give him the so-called Mareotis and the city Menelaites of the first Egyptian province. For he would not be in position to furnish the soldiers under him their salaries out of the fisc, if the

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<sup>3</sup> Missing words thus indicated in Schoell and Kroll's Latin text. William Thurman's translation of the Greek text is: "In addition, he who is in charge (ephistemi) of the various districts (meros) of Libya shall have permission to confine (synecho) and punish such men, if he finds any, and the Augustal and the administrator (archon) of Libya shall clear the region by their common action." William S. Thurman, *The Thirteen Edicts of Justinian Translated and Annotated* (June, 1964) (unpublished Ph.D. dissertation, University of Texas)(on file with Perry-Casteneda Library, University of Texas) at 17.



payment thereof depended on or were made by someone else, and innumerable anxieties and confusion would arise by reason of the dissent among the magistrates, so he (the Duke) shall be in charge of the places stated, and he and his official staff and the civil judge, together with his official staff, shall, upon their responsibility, make the collections and distribute them among the soldiers and themselves, so that the expenses and salaries collected at their peril, may be received from these sources.

c. 19. In order not to permit anyone to commit any fraud in this connection, or make the expenses larger or diminish the income, we have made proper provision also in this regard and have made it clear in the schedule appended to this imperial law, how much tribute is due to the tribunal of Your Sublimity, and what will have to be paid from the aforesaid provinces and places, from Libya itself, and from Mareotis and the city of Menelaites, and the expenses that are to be paid therefrom to the judges and their official staff, for the customary expenses, and for the support of the devoted soldiers. The worshipful Augustal Prefect and his official staff and any other provincial magistrate (from Egypt) shall have nothing to do with the aforesaid Duke or the provinces, cities and places subject to him, but he, the worshipful Duke or the provinces, cities and places subject to him, but he, the worshipful Duke and the civil magistrate of Libya shall have exclusive authority in the aforesaid places in all cases civil and criminal and in tax-collections; but the judge of Libya and everyone who have possessions in or live in these regions shall be subject to him in reference to public exactions, so that he can send (collectors) to them and demand payment and do everything required by reason of such collections.

c. 20. Since, moreover, the imperial exchequer also receives something from the provinces and places subject to the aforesaid duke of the border of Libya, we bestow an equal and similar care upon it, and ordain that the aforesaid duke of Libya and of Mareotis and of the city of Menelaites (for we also give him these places) and the judge of the province and their official staffs, shall, at their peril, collect for the imperial exchequer everything that is due from any of the aforesaid places, so that it

will all be annually collected without any deficiency and transported by them to the city of Alexandria and delivered to the devoted palatine official, upon whom the duty of functioning as provost (praepositus) there is imposed. And they must give assistance, knowing that they, the officiating duke, the officiating judge (of the province) and their official staffs, will be in peril if they do not look after these things in every respect; the soldiers, too, shall render assistance, and if they fail to do so, they will be in peril of suffering the same punishment which we have imposed upon the soldiers stationed in the city of Alexandria and the two Egypts in case of failure to render such assistance in such matter. Nor may anyone give a letter granting the right of asylum (logos) in connection with revenues of imperial exchequer, except for the causes stated above, against the consent of the devoted palatine officials having charge or of those who are otherwise sent for the collection of taxes due the imperial exchequer by the person who is their superior (Count of the Imperial Exchequer); but exaction (of such taxes) may also be made within the place of refuge, and everything shall be done in connection with the exactions for the imperial exchequer in Libya, Mareotis and the Egyptian city of Menelaïtes, which we have provided to be done in the city of Alexandria and in the two Egypts in connection with collections for the treasuries of the praetorian prefect.

c. 21. The account of freight-charges or of the special or general treasury of Your Sublimity shall have nothing in common with the administration of the Libyan border and the exactions in the provinces subject to the Duke or in the places now added, namely Mareotis and the city of Menelaïtes of the first Egyptian province, according to the provisions heretofore made; and the whole tribute from Libya as well as from Mareotis and from the city of Menelaïtes, in any manner and from any source (ordinarily) belonging to the administration of Your Sublimity, shall go toward the expenses above mentioned, that is to say, for the support of the officials in charge and their official staffs and the soldiers and for the ordinary expenses. Everything said by us as to the collections for the imperial exchequer must be carried out in every respect.

Note.

The meaning of this chapter evidently is that while the taxes mentioned in chapter 18 ordinarily belonged to the department of the praetorian prefect—all expenses of soldiers and officials being ordinarily paid by that department—these taxes should not be paid into the treasury of the praetorian prefect, but should all be expended in the province of Libya. The reason lay in the fact that the province was not able to furnish any surplus. Nor did that province contribute anything toward the freight-charges of shipping grain, as previously mentioned in the edict. But the tribute belonging to the treasury of the imperial exchequer was required to be collected and paid as mentioned in chapter 20.

c. 22. And since we are also solicitous that our subjects who are wronged should not suffer by reason of distances and the troubles arising therefrom and particularly because Mareotis lies in the neighborhood of the city of Alexandria, and some persons creating a tumult at that place to to Mareotis and no longer fear the worshipful Augustal Prefect of the city of Alexandria, we ordain that the man who for the time being is the honorable civil magistrate of Libya, shall upon his responsibility, select an honest man, and send him to act in his stead, and who shall have his office in Mareotis and the city of Menelaïtes, and shall hear civil, criminal and other cases that are brought in the neighborhood of Mareotis and the city of Menelaïtes, doing what is just. He shall arrest seditious persons that have fled from Alexandria, and send them to the worshipful Augustal Prefect, with a public letter, so that no such act will go unpunished. If the worshipful Augustal Prefect wants to arrest some seditious persons who have fled to Mareotis, he may send one of his officers, with a public letter, to the vicar of the magistrate of the province of Libya, so that the seditious persons are arrested at this peril and sent to the city of Alexandria. We give the aforesaid vicar 20 apparitors from the official staff of the provincial magistrate of Libya, and 50 soldiers from among those who are stationed there, so that he may have men who obey and minister to him and so that he may be sufficiently powerful to do what is necessary to be done. The aforesaid apparitors and soldiers shall serve him in maintaining order and doing everything else that is necessary to be done by the man who functions in place of the (provincial

magistrate). He shall have 100 gold pieces as his salary. This, then, is the end of the provisions for the diocese of Libya.

c. 23. It is proper that from here we pass over (to consider) the boundary of Thebes, that is to say, the two provinces of Thebes, which are in the charge of the worshipful duke appointed by us. Obedient to him also shall be the provincial magistrates of these provinces. He shall have the same rank as the Augustal Prefect, as though he himself were the augustal prefect, and he shall in all things be subject to the orders of Your Sublimity and the Tribunal of the Orient, as is also the Augustal Prefect. We give him the jurisdiction and power which the Augustal Prefect has...<sup>a</sup> <sup>4</sup> long ago given him, that is to say in both of the provinces of Thebes.

a. The provisions here lacking probably gave him the same powers as given to the Augustal Prefect. Zacharia von Lingenthal.

c. 24. He must, at his peril, first of all collect the grain for the shipment to this city (embola), send and deliver it to the worshipful Augustal Prefect of the city of Alexandria, and see to it, at his peril, that within the time mentioned all of the grain is, in fact, transmitted, which is assessed against his provinces and the cities and places (under him), and which belongs to the grain supply for shipment to this city, and for the support, granted by us, of the city of Alexandria, so that no delay occurs in connection therewith, since all the risk is on him and on the staff under him. The soldiers, too, stationed in these places, and their tribunes and every city and public assistant will be held responsible, if they do not aid in this matter. It will be necessary that part belonging to the shipment to this city is in fact placed by him upon the ships on the river by the ninth of the month of August (of each year), and to issue a general receipt (plenarium),<sup>a</sup> and that the grain itself be transported to the city of Alexandria by the tenth of September (of each year), and delivered to the

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<sup>4</sup> Thurman states here: "At this point there is a lacuna in the MS. of 6 lines. Zacharia von Lingenthal remarks that it is likely that such material is missing as is found in 1.1-5 about the Augustal and in 2.1 about the duke of Libya (Lex 62, n. 188)." Id. at 61.

worshipful Augustal Prefect, or to those who are assigned to that duty by the latter; the amount given to the great city of Alexandria for support (must be delivered) by the 15<sup>th</sup> of October (of each year). For it is clear that unless all of the grain to be shipped here or destined for the support of the city of Alexandria is transported to Alexandria and delivered to the worshipful Augustal Prefect, placing it at his disposal, within the time mentioned, the deficiency in the grain not so delivered will be collected from him at the rate of a gold piece for three artabae.<sup>b</sup> This responsibility rests upon him not only during life or while he is holding office, but also after he retired to private station and beyond the time of his death; for his heirs and his property will be liable therefor, and they and it will, through his negligence, have to answer for such risk, care and collection till payment of the whole debt is made in such manner. Nor do we make any innovation hereby, requiring something that has not been required before. For we know that the glorious John, son of the magnificent Komytys, deceased, transported all of the grain into the city of Alexandria and delivered it to the then Augustal Prefect before before the end of the month of August of the first indiction now passed. This was also done by the present administrator, the glorious Orion (as shown by the invoices—plenaries) made under John and Orion and which Your Sublimity and ourselves examined. It would be negligence and betrayal (for the Duke) not to imitate those who did this; for we have made him greater and more powerful and have bestowed upon him the dignity and jurisdiction of an augustal prefect; it would be intolerable for an official to have greater power but do less than his predecessors and subject the whole republic to peril, at the same time he would be creating perpetual trouble for himself, losing his position, sued after retirement to private life, and paying his debt, after his death, through his heirs, until the public would be indemnified for the amount not exported by (a gold piece for) each three artabae,<sup>b</sup> the collection to be made by the office of Your Sublimity.

a. See note to c. 6.

b. See note to c. 6.

c. 25. He will be in charge of soldiers and of people in private station—of the former by virtue of his military power, of the latter by virtue of his authority as an augustal prefect; and subject to him, of course, as stated before, will be the provincial judges, who govern the provinces mentioned, and their official staffs and every city and public assistant, and prefects of country districts and curials and in short all who are or live in these provinces or oversee districts or in any manner handle public affairs. He shall have the right to have them brought before him though they live in provinces not subject to him, but only in matters pertaining to collection of taxes, doing this also when persons living in their respective places subsequently flee. In this manner the collection of public tribute will be made without (opportunity for) evasion. If he finds prefects of country districts, for whom he is responsible, conducting themselves dishonestly in regard to the export of grain supply or the freight-charges or the provincial expenses, he shall not, indeed, remove them, but put them under bond, and look around for other suitable persons for that work and report the matter to the office of Your Sublimity, so that disposition may be made thereof after being reported to the emperor by you and by those who at any time occupy your position, and so that those who are accused of dishonesty, may, if it seems best to us, be removed, and those chosen in their place may be substituted for them, if we think them to be responsible, and may receive into their hands the districts and the property of the former prefects thereof, an imperial order and an edict from your office being issued in regard thereto.

c. 26. We want him therefore in the first place to look after the shipment of grain supply (to this city) and the support for the city of Alexandria, so that he, at his own risk and that of the provincial judges and the official staffs under them, shall send to Alexandria the amount thereof which the districts and cities under him contribute. The honorable tribunes, too, and every city and public assistant, will be in danger, both in regard to their girdle of office as well as in regard to their property, as their personal safety, if they do not render assistance. He shall send and deliver the grain supply for this city in the city of Alexandria and to the Augustal Prefect thereof or the person assigned to that duty by the latter by the tenth day of the month of

September of each indiction. He shall send and deliver the amount which we give for the support of the city of Alexandria to the Augustal Prefect or the person assigned to that duty by the latter by the tenth day of the month of October, as we have heretofore provided. He shall make out an inventory (plenariam) according to what has been stated above.

c. 27. Next—a matter connected with the foregoing—we speak of the freight-charges—he must, at his peril and that of the provincial judges and the official staffs under them, see to it that the tribute assigned for freight charges is gathered in without diminution from the cities, places and persons mentioned in the schedule appended to this law, and that the gold due from these sources is demanded and paid into the receiver of such freight-charges within the time specified, without exceeding that time, so that they will not put any impediment in the way of that money, for that in turn would be an impediment to the shipment of the grain supply (embola). The risk of this matter rests upon him (the Duke), so that double the amount of whatever he fails to pay the receiver of freight-charges within the time fixed will be collected from him and his official staff. The taxes from this district under him, due to the treasuries of Your Sublimity, shall be collected by the official staff of Your Sublimity and by the bureau clerks (scriniarii) and collectors (tractatores) of the aforesaid provinces and at their risk, from the places, cities and persons specified in the schedule to this law, (this schedule) making the collections easier. They shall make these collections and send them here.

c. 28. No letter granting the right of asylum shall be given by anyone, either by the person in charge (duke) or bishop of the city of the worshipful Augustal Prefect of the city of Alexandria, except pursuant to an order of your office, or unless the collectors and bureau clerks or persons representing them ask for it, and must be confined within the time and be made upon the conditions, as directed by your office, or as they (the collectors and clerks) wish it. This right shall not be given except upon condition, that they (the receivers thereof) shall leave the holy places within a certain time and take care to publicly pay the debt in full or give such

surety therefor as the bureau-clerks of your tribunal, who are responsible in this matter, choose to take. A letter of asylum given contrary hereto shall be no assurance at all, and the person inconsiderately receiving it must submit to exaction (of the tax) even within the sacred enclosures, and in addition thereto the person giving such letter, and his heirs, successors and property will be liable to the exactions and demands arising therefrom. If the God-beloved bishops give such letter contrary thereto, the God-beloved stewards and the defenders of the churches under him must make good the damages arising therefrom, first out of his and their own property, but if they are unable to pay, out of the property of the holy church. If they give the right to anyone against the wish of the God-beloved bishop, not only shall what they have done be void, but they shall also make good the damage to the fisc; besides, if they do anything of the kind against the wish of the bishop, they shall be removed from the position which they fill and ejected from the priesthood. If a judge gives such assurance to any debtor of your treasuries contrary hereto, (that is) if tribunes or chiefs...

Note.

The ending of the constitution is lacking. The schedules mentioned therein as being attached thereto are also missing. The constitution was probably enacted in 538 or 539 A.D. See note of editor of edition; also Mathias Gelzer, Studien zur Byzantium Verw., 22.<sup>5</sup>

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<sup>5</sup> Thurman states: "About ½ page of the MS. is left blank. Not only is there no section on Arcadia, but also the appended schedule (apographe) is missing (Lex 75, n.240.)" Id. at 70.