

Edict 2.

That presidents shall not give the right of asylum in fiscal causes.
(Ne praesides in fiscalibus causis asyli jus dent.)

The same emperor (Justinian) to Johannes, Praetorian Prefect.

Preface. We have learned from what Your Glory has orally reported to us that the presidents of provinces have laid no small difficulty in the way of collecting the tribute granting the right of asylum at will. So those who collect the public tribute, using this protection, fail to transmit the gold paid to them, retain the greater portion of it themselves, and while owing the gold, misuse the right of asylum granted them. **1.** We therefore ordain by this pragmatic sanction addressed to Your Excellency that you, by your edicts, forbid all the honorable presidents of the provinces to grant any right of asylum in fiscal causes; but they may give such right to those that seek it, only in private causes, and only for a limited time, without the right, when the time has expired, to again and again renew it in perpetuity. All must know that if they receive such right (in fiscal causes), they will derive no advantage therefrom, but anyone, ordered to pay the public tribute owing by them, may arrest them and the right of asylum granted them in the provinces shall be of no use to them, but only those shall be secure, who have received the right of asylum by an imperial order or by mandates of Your Excellency.

Note.

The right of asylum was a right to stay within a sacred precinct without molestation. This was extended later to exemption from molestation, for a limited time, even without being within a sacred enclosure. See c. 6, Novel 17, and Edict 13. Under the provisions of Edict 13, the right of asylum might be given for fiscal causes. The edict related to Egypt. . [For more on the this edict and the right of asylum in Justinian's time, see William S. Thurman, "A Law of Justinian Concerning the Right to Asylum," 100 Transactions & Proc. Am. Philological Ass'n. 593 (1969).]

c. 1. Since, moreover, we have been informed by Your Glory that some persons have gone into the different provinces to make inquisition of those who have given themselves over to the error of the heretics, and have on that ground arrested many of our subjects and have received much money from them as fees, we ordain that persons who have dared to do so, shall be arrested, taken before the honorable presidents of the provinces, and pay back, after proof, threefold the amount which they received, returning to the persons damaged the amount they paid, and paying twofold of such amount to the fisc. **1.** The members of the official staff, moreover, under the worshipful vicar of the diocese of Asia, shall cause the collection of the public tribute to me made at their peril and at the peril of their property, since, as also reported by Your Excellency to Our piety, there is a deficiency in the number of the provincial apparitors, which number has been reduced to but few, while the vicar has for a long time also administered the office of the honorable president in Phrygia Pacantiana.^a So the members of the official staff of the vicar, shall, by order of the now or hereafter officiating vicar, collect the public contributions and pay them into the fisc. **2.**¹ The receivers of taxes, moreover, stationed in any province, shall distinctly state separately the amount that is paid for the treasury of Your Excellency and the amount belonging to the Imperial Exchequer, and by such receipts make known the amount paid (to each), and they shall not transfer the amount paid from one treasury to the other.

Epilogue. Your Excellency will direct this, our will, declared in this imperial pragmatic sanction, to be carried into effect.

Note.

¹ Blume inserted a question mark in the margin here. It is not clear why. Thurman's translation is: "We decree that the indigenous tax receivers in each province shall separately enter the gold paid to them in the receipts that they issue and shall distinguish the payments that they receive that pertain to the depository of your Excellency from those that pertain to our Sacred Imperial Largesses." [Footnotes omitted.] William Sims Thurman, THE THIRTEEN EDICTS OF JUSTINIAN TRANSLATED AND ANNOTATED at 5 (1964).

^a See Novel 8, c. 2. [Blume penciled a question mark into the margin next to this note. In the chapter referred to, it is stated that the official in question shall henceforth be called the count of Phrygia Pacatania, hence his statement below:

“This edict, or constitution, was issued doubtless before Novel 8 was issued in 535.² See c. 2 of that Novel.”

² Justice Blume penciled-in a question mark between these two sentences. Chapter 2 of Novel 8 ordains that the president of Phrygia Pacatiana shall henceforth be referred to as the Count of Phrygia Pacatiana. Presumably, Blume believed this dateless edict predated Novel 8, issued in 535, because the edict refers to the office in question as president, rather than count. It is not clear why he later came to question this judgment.