

Appendix IV.

That no one shall be subjected to quartering on account of private or public matters.

(Ne quis metetur ob occasiones privatas aut publicas).

The same emperor (Justinian).

The republic supports our army for us for the reason * * * *

1. No magistrate or comptroller (rationalis) or others who look after the public revenue, shall quarter in anyone's house on account of a public debt; but if he thinks that debtors have concealed themselves within a house, let him employ (the proper) public officials to search for them, and if he finds them, produce them in public and make the collection without molesting houses in any manner. If he needs any military assistance for the collection of taxes, he shall not employ soldiers just recruited for that purpose, but those who are old in the service and understand public order, and make the collection, with due fidelity, not in houses, but publicly.

Note.

The law deals but very little with quartering or billeting. The instant chapter shows, however, that no quartering was permitted simply for the purpose of collecting taxes. Public officials could drag the tax payers out of their house, however, and they could be put under arrest, as shown by C. 10, 19, 2 and 3. Soldiers were frequently used for the purpose in aiding in the collection of taxes, as shown by the instant law, by edict 13, and by many other laws.

Appendix IV c. 2.

c. 2. The constitution forbids everyone to use soldiers in private matters or make any trouble for anyone through them, knowing that if they attempt anything of the kind, they will, for that attempt alone, be deprived of almost every action which the law gives them against debtors. It directs that soldiers assigned to the duty of collecting taxes must abstain from receiving any fees, and from receiving anything from anyone, but to be content with their own salary. It commits the observance of all that has been said to the care of the bishops and magistrates of the places.

Note.

That soldiers could not be used for private purposes is frequently stated in the laws. See c. 12,35,13 and note and several references there given.

C. 5. It further forbids magistrates and all others to destroy the house of anyone, unless it be for the purpose of * * * ^(a) with the owner of the house, so nevertheless that no one is injured by the new work; it provides for payment of twice the damage inflicted on the owner of the house and for a penalty of ten pounds of gold, and that magistrates and others who manage the public revenue must be in fear of the emperor's wrath. Written * * *

(a) Text is corrupt.