

Edict 4.

Concerning the magistracy of Phoenicia Libanica.  
(De magistratu Phoeniciae Libanicae.)

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The same emperor (Justinian) to Johannes, glorious praetorian prefect of the Orient the second time, exconsul and patrician.

Preface.

Our law already directs that magistrates shall be appointed without making gifts, and this shall be in force in every respect.

c. 1. In examining everything we have, for the purpose of securing the fidelity of our subjects and for the purpose of protecting places, combined some magistracies, divided others, gave one one form, another another, making some more illustrious with a more distinguished name than the one heretofore in use, and introduced praetors, proconsuls, moderators and counts into the state according to former usage, doing everything which is for the good of the empire. We have, accordingly, also thought it best to transfer the magistracy of Phoenicia near the Lebanon from one of ordinary rank to one of the rank of worshipful, make the magistrate a moderator and assign him a salary of ten pounds of gold (\$2160) without paying any money into the fisc for this promotion. The tractator (manager of the (fiscal) bureau) of Phoenicia (tractator) shall pay, out of the revenue of the same province, ten pounds of gold annually (\$2160) to the officiating chief (primicerius) of the tribunes of the notaries for the position of honor (munere) recently bestowed upon him, which is also called a benefice (beneficium), and he shall be content with that. The moderator shall keep his hands off every gift, and shall have the use of soldiers as our imperial constitution permits.

Note.

As to tractator, see note C. 10,23,3; as to chief of notaries, see note C. 12,7,1.

c. 2. We give him (the moderator) the splendid troop of the brave Tertiodelmati<sup>(a)</sup> in the district in Phoenicia, who shall obey and follow him and comply with his commands made in connection with the collection of taxes, the discipline in the state and the protection of the cities. Your Excellency learning of these provisions - direction having also been ordered by us to be given this magistrate - will assign him the ten pounds of gold, as salary, from the taxes from that province, provided that the amount directed to be annually paid by the procurator of the fiscal accounts to the worshipful chief (primicerius) of the honorable tribunes of the notaries, shall not be diminished, but nothing else shall be added thereto. 1. His (the moderator's) first duty shall be to look after the fisc; he shall secondly see to the good order in the cities, and thirdly that justice is dealt out to private parties, since everything which, as stated, has been written by us in our imperial constitution concerning the status of moderators and the other magistrates shall also apply to him. 2. If the aforesaid troop of the devoted Tertiodelmati is transferred to other places pursuant to our order, we shall see that another troop is given him in place of it, so that he will not in any way be lacking in the usual and in efficient assistance. The worshipful duke shall have no part in the matter stated. We do not want him to have anything to do with the soldiers specifically given to the worshipful moderator, or with any civilians, or with lawsuits which they may have with each other, or with any suit in which a private person is defendant; he has no right to take part in these matters, since there is a great difference between a military charge and a civil administration; they ought to be separated as the fathers of the state arranged and decided. The worshipful dukes must know that if they dare to have anything to do with civil matters, they will not even have charge of any military affairs and will become subject to the civil magistrate. We do not want

the civil magistrate to be in any way inferior to the magistracy of the duke; he shall, as stated, look after the collection of taxes with all severity, protect private persons from harm, and prevent the worshipful dukes, or the honorable tribunes, or any one from the houses of powerful persons or the imperial patrimony, or the crown domain or the imperial house, from inflicting any damage on our subjects; he shall not bend or fear, but govern our subjects firmly, and do everything that is provided in the case of other moderators. And so everything shall be attended to by him.

(a) The name of a troop of soldiers.

c. 3. The worshipful dukes, however, shall have the right to receive his salary from the source assigned to him by the moderator of the province, since it is clear that they will not be so negligent in the performance of their duties, as not to be able to collect their own salary; if he does any act contrary hereto, he will be punished by a fine of twenty pounds of gold (\$4320).

Epilogue. Your Sublimity will zealously carry this, our will, declared by this imperial law, into force and effect.