

Novel 103.

Concerning the procounsel of Palestine.
(De proconsule Palaestinae.)

Written to Johannes, glorious Praetorian Prefect, the second time, exconsul and patrician.

Preface.

We have already raised other presidents of provinces, who previously were unimportant and were unable to do anything powerful, to a higher position, partly giving them the rank of worshipful, partly raising the salary of them and their counselors (assessors) and unofficial staff and bestowing all other things upon them (belonging to persons of worshipful rank), including the right to hear appeals. We gave some of them the honors of a proconsul, others those of the so-called count, others those of a praetor, others those of a moderator, and by always devising something that is distinguished we have shed a new luster upon our state. And the metropolis Caesarea has come into our mind, the principal city of the first Palestine, which ought to enjoy greater honors than the others, since it formerly had a proconsul who governed it, but has been reduced from a superior to an inferior rank. Formerly all of Palestine was combined, then was divided into three parts and not even the proconsulship remained, but the office was reduced to what is called the ordinary magistracy (to which only the title of honorable-clarissimus was attached), although it (the city) is ancient and honored, both when it was first established by Strato, from Greece, its founder, as well as when Vespasian, of blessed memory, glorious emperor, father of Titus, of blessed memory—which alone was a sufficient glory for him—gave it the name of the Caesars, it having been previously called by the name of the tower of Strato, and bestowed that honor upon it, because he there became emperor after his victories over the Jews. 1. We see, moreover, that it is the capital city of a great and wonderful region, sheds lustre

on the state because of the amount of taxes (that it pays) and because of its eminence in devotion; the province has noble cities, raises good citizens, replete with precepts of wisdom, and famous as priests, and above all, in it the Creator of all, our Lord Jesus Christ, the word of God, Saviour of the whole human race, was seen on earth and humbled Himself to assume our shape.

c. 1. Why should we not honor this city and re-establish it as a proconsulate and give the right to the man who fills this office to be and to be called proconsul? We do this by this imperial pragmatic sanction, which we want to be known as the special law for Caesarea. We make the man filling this magistracy a proconsul, grant him the right to be enrolled among those that have the rank of worshipful. He shall have all rights pertaining to such magistracy, hear all cases on appeal that involve up to ten pounds of gold (\$2160), to be brought before him from both of the Palestinian provinces, and he shall be powerful in all things so that he may be able to better and more vigorously carry out our mandates. He may use the ancient toga, a sign of nobility, namely the purple garment, wear it on festal days, and glory in such honor. He shall be at the head of that many cities and have soldiers under him, and shall do everything that is advantageous to the fisc and to our subjects. We give him twenty-two pounds (\$4752) of gold as a salary, which he may divide among himself and his counselor (assessor) and his official staff as he wishes, notifying us of the division made, so that we may confirm it by our pragmatic sanction. For we cannot tolerate to see him and his counselor receive the former scanty salary and have his official staff be without aid, though engaged in the labor and peril of collecting so much tribute. It shall, therefore, give him willing help, collect the public tribute, and abstain from accepting gifts.

c. 2. The officiating worshipful duke of the place shall have nothing to do with civil cases or the collection of public tribute, but he himself (the proconsul) shall decide all private and public cases, as stated, and he shall especially see to it that the public tribute is paid without delay, and that he keeps his hands clean. By observance of this precept, the worshipful Stephanus, who now is the first (proconsul) there, has met with our approval, and we are persuaded that, judging from his past actions, he will also carry this out in the future. He shall, most of all, look after the good behavior in the cities, and that no popular tumults occur therein. And it is also to the special credit of the above mentioned man (Stephanus), that when he received this province - (which he did) for the special reason, among others, because it was troubled with seditions on account of the diversity of religious beliefs - he pacified it and liberated it from disturbance. And we direct him to do this also in the future, and if anything of that sort happens in the second Palestine, to enter it also and quell the disturbance, and permit nothing troublesome to be committed there - there especially - since we find that many tumults have arisen there, having no unimportant results.

c. 3. ^{he needs} If/any soldiers stationed in the province, we shall also give them to him from among any of the troops of the brave soldiers, as we deem proper, both as an ornament in the cities and for the good conduct of those that live in the country, as well as for the collection of the tribute. And the imperial pragmatic sanction which was recently given him concerning this, shall remain in force, which forbids the worshipful duke and the illustrious master of the soldiers to withdraw the soldiers who serve him, lest tumults in the cities be the result thereof - which will never happen if he administers the civil magistracy, looks after the good behavior of the subjects, has military support, and punished any delinquencies

of the soldiers as well as the others by the aid of the former.

1. The positions of the worshipful duke and the proconsulate shall be entirely separate. The duke will be at the head of the soldiers - the boundary soldiers and confederates and other men in the province under arms, except the soldiers assigned to the proconsul; the proconsul will look after and have the care of civilians and civil affairs and the soldiers who serve him. But no one shall be exempt from the jurisdiction of the proconsul in connection with the public tribute or a popular uprising, but he shall be at the head of all, and govern all; no one shall resist his orders, and the originator of a sedition will not have the opportunity to defraud the fisc or inflict wrong on the citizens; nor can he set up any privilege of an office or dignity or priesthood or of anything else, but can escape punishment only because of his innocence. 2. These rights then, have we, as stated, granted to this magistrate, and we want him, pursuant to this imperial pragmatic sanction, to uphold them in perpetuity. And we direct that Your Sublimity, too, must always uphold them, and that in this manner (as herein set forth), they be inscribed as special directions in your office, and that all the people of Palestine may hereafter know that the right of a proconsulate has been returned to them, that they have a proconsul as governor of the first Palestine as before, and that he, raised above the former arrogance, ^(a) is endowed with greater honor, due to the city.

(a) Of others, who looked down on the governor because of his inferior station.

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

Given July 1, 536.