

Book I.
Title XXIII.

Concerning various rescripts and pragmatic sanctions.
(De diversis rescripts et pragmaticis sanctionibus.)

1.23.1. Emperor Alexander to Superus.

If you and your brother filed a supplication (to the emperor) in a matter of common interest to you both, a rescript (in answer thereto) had you both in view although directed to only one of you.

Given July 15 (222).

1.23.2. The same emperor to Epagathus.

It is falsely claimed that the authority of rescripts is of no force after the lapse of a year, since rescripts pertaining to litigation (jus) should have perennial force, provided that the time in which the rescript may be alleged and heard is not limited therein.

Given October 26 (270).

Note.

It is apparent from this that a rescript sent in answer to a supplicant might direct that the questions raised should be tried within a specified time. If no time was specified the questions raised could be litigated at any time.

1.23.3. Emperors Diocletian and Maximian to Crispinus, President of the Phoenician Province.

We order that the authentic, original rescripts signed by our own hand, not copies of them, shall be filed for record.

Given March 31 (292).

Note.

In order that a suit might be properly commenced by the method of supplication and rescript issued thereon, the rescript was required to be filed and made of record, has been already stated in headnote to C. 1.19. And as there shown, notice was required to be given the adversary in order to give him an opportunity to come in and defend, just as that was required in any other case.

1.23.4. Emperor Constantine to Lusitanus.

If any rescripts directed to individuals are found without date or the names of consuls, they shall have no validity.

Given at Savaria July 26 (322).

C. Th. 1.1.1.

1.23.5. Emperors Valentinian, Theodosius and Arcadius to Nicetius, Prefect of the Food Supply.

It is akin to sacrilege to oppose imperial rescripts promulgated¹ concerning administrative positions or positions of rank.

Given at Milan February 1 (395).

Note.

¹ Blume has underlined “promulgated” and placed a question mark next to it.

Bestowing imperial positions was within the discretion of the emperor. Orders relating thereto were, of course, not contrary to any general law, and hence they were required to be implicitly obeyed.

1.23.6. Emperor Leo to Hilarianus, Master of Offices and Patrician.

The imperial orders, which the authority of Our Clemency shall write on any part of a leaf, shall appear in no other manner or color except only as embellished in purple script, forsooth marked by the brightness of the cooked purple fish and crushed (triti) shellfish.² And it shall be lawful to bring forward in any court and consider as rescripts only those which are subscribed on papyrus or parchment, by our signature. The making of this sacred ink shall be permitted or granted to no one; nor shall anyone seek or hope to make it; and whoever shall attempt to do so in a willful spirit shall, after proscription of his property, be punished by merited capital punishment.
Given March 27 (470).

1.23.7. Emperor Zeno to Sebastianus, Praetorian Prefect.

We direct that all rescripts, whether given out to petitioners or to any judge, and whether called annotations (annoatio) or pragmatic sanctions, shall be produced only upon condition that the prayers (of the petition) rest on truth; nor shall any petitioner obtain any advantage of the granted rescript, though he alleges the truth in court, unless the right to investigate the truth of the petition is shown to be reserved in the imperial grant.

1. And the magnificent quaestor and the worshipful masters of the bureaus, who shall dictate any imperial response (rescript) without the above mentioned addition, and judges who shall accept them, will undergo censure, and clerks in the bureau of memorials, or clerks writing pragmatic sanctions (pragmaticarii), or the assistants of the chief (primicerii) who shall write unauthorized dictated rescripts, shall be punished by the loss of the girdle (of office).

2. Pragmatic sanctions, besides, shall not be issued to individuals to be used in private transactions, but shall be issued when at any time a guild, school, body of officials, curia, city, province, or some society of men shall file a petition on some public matter, and in them, too, shall be reserved the right to investigate the truth.
Given at Constantinople, December 23 (477).

² Blume's final translation here is difficult to determine. The typewritten original after "in no other manner or color except..." reads, "in purple script, signed by the bright ink obtained from the purple fish." Without striking this he wrote the words noted in the main text above, a few of which are difficult to discern, and put a question mark in the margin.