

Book IX.
Title XLVIII.

That without the emperor's order certain judges shall not be permitted to confiscate property.
(Ne sine jussu principis certis iudicibus liceat confiscare.)

Bas. 60.67.1.

9.48.1. Emperors Theodosius and Caesar Valentinian to Hierius, Praetorian Prefect.

No judges except those who possess the highest power of administration¹, shall be permitted, in connection with the misfortune of proscription², to confiscate all of a man's property, unless a report thereof is (first) made to us.

Given at Constantinople January 23 (425).

C. Th. 9.41.1.

¹ [Blume] This excludes all vicars and all governors of any province. The law as it stood in the Theodosian Code required a detailed report of the crime, the evidence thereof, and other details.

² [Blume] Proscription includes the idea of forfeiture of both life and property. The person condemned became an outlaw. See title Proscription in Smith's Dict. of Greek and Roman Antiquities. This is not, however, true in all the cases where the term proscription is used or implied; e.g. in C. 9.49.2, and C. 9.51.1. The main thought embraced in the term is confiscation and public sale of property; it connotes, of course, the idea that there has been a condemnation of which it was the result.