Concerning suppression of private prisons.
(De privatis carceribus inhibendis.)

9.5.1. Emperor Zeno to Basilius, Praetorian Prefect.
     We order that no one whatever, in the splendid city of Alexandria, or in the
Egyptian diocese, or in any province under our sway, shall be permitted to keep a private
prison in his field or house, and the worshipful, officiating Augustal prefect, and the
honorable rectors of the provinces shall take care and always be on the watch that the oft-
mentioned arrogance of such nefarious men be totally suppressed. 1. Now, after the
enactment of this salutary constitution, the worshipful, officiating Augustal (prefect) and
every moderator of a province will incur the risk of a charge of treason, if, with
knowledge of such crime, he fails to avenge injured majesty; and the chiefs (primates) of
the official staffs will risk the leashes of the same charge, if they fail, as soon as they
learn of the commission of the forbidden crime in any place, to immediately notify the
judge under whom they serve of the necessity of suppressing this most nefarious crime.
2. For it is clear that those who commit such crime must, themselves, according to the
tenor of the ancient laws and of the constitutions, be subjected, as guilty of treason, to the
penalty of death.
Given at Constantinople July 1 (486).

9.5.2. (Synopsis in Greek) Emperor Justinian to Mena, Praetorian Prefect.
     We forbid the erection of any private prisons in any cities or villages. The
constitution orders that private prisons shall not be erected; that those who do so shall be
subjected to punishment and stay in a public prison as long as some other person was
confined in a prison erected by them, no matter what the status or rank of such persons
may be; they shall also lose the suit which they have against those whom they confined.
The bishops and magistrates shall look after this. If a magistrate neglects this, he incurs
the risk of the loss of his goods and of his safety.
Given at Constantinople January 18 (529).

Note.
     This law, in abbreviated form is also found in C. 1.4.23. Only powerful persons
could have maintained private prisons and these laws show the existence of feudal
baronies. See headnote C. 11.54.