

Novel 130.

Concerning soldiers on the march.
(De transitu militum)

Emperor Justinian to Peter, glorious praetorian prefect.

Preface.

We think it of prime importance to our republic that our army be nourished on its marches without cause for censure and that our subjects be protected from all damage and injury.

c. 1. We therefore order that whenever our dukes and our armies march through any part of the country, they shall have agents (delegatores) with them to provide nourishment for them, and the president of any province through which the march is made must take care that the outlay necessary to be made is at hand, so that that part of our army which marches through any province may be nourished without causing censure. The commissaries (optiones) of each legion shall unhesitatingly accept supplies (optiones) of each legion shall unhesitatingly accept supplies (in kind) and distribute them to the dukes and soldiers, retaining as an emolument the fifteenth part fixed for their benefit. The usual receipt for the supplies furnished by the tax payers must be given them by the commissaries at the peril of the dukes that are with them and of the tribunes, counts, guides (diasostae) agents, and everyone of the prefect of each troop. Nor shall the soldiers take anything from the tax payers without compensation, on account of some supplies not having, perhaps, been furnished or on account of entrance-money (intrutuum), the very name of which we abolish so that our subjects may remain wholly unhurt and unharmed.

The delegatores were agents who looked after the procurement of provisions; the optio, commissary looked after the disbursements. See note C. 12, 37,5. Ordinarily, the primipilaris looked after provisions. (Note C. 12,37,9), and as ~~xx~~ shown by c. 7 of this Novel, they doubtless gave assistance to the army on the march. The commissaries retained a fifteenth part of the supplies for their compensation. As a similar compensation to others connected with the collection of taxes see C. 10, 72,9. The entrance money had been furnished soldiers when they entered a place, just as quarters were furnished them. But this novel forbade such payment, just as exactions for food were forbidden. C. 12,37,12. The instant Novel is referred to in Bury, Hist. L.R. Empire, 2,348. For forced sales, see c.10, 27.

c. 2. The soldiers shall be satisfied with products found at the place and shall not demand any not found in the province and thereby cause vexation and damage to our subjects.

c. 3. We order that landed proprietors shall, by the office of Your Sublimity, and without vexation, damage or fraud, be credited with the outlay shown in their receipt, on the tribute required to be paid by them to the fisco, during the tax year in which such outlay is made. If they have paid more in products than the tax which they are required to pay, we order them to be paid for the excess out of the money of the fisco of that province. If there is not sufficient fiscal money in the province which suffice for the payment of such expense, it shall be paid out of the general treasury managed by Your Glory, or the tax payers may deduct such

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excess payment from the payment to be made by them in the following tax-year, and they shall be credited therewith by those who collect the taxes. All these provisions shall be complied with and observed at the peril both of Your Glory and that of the head collectors (tractores)^(a) of each province, the presidents and their official staffs and the receivers and curials and all who handle the fiscal taxes.

(a) See note C. 10,23,3.

c. 4. We also order that no duke or soldier shall, on the occasion of marching through, take any money either from the cities or the landed proprietors. If anyone dares to do so, twofold the amount so taken shall be collected from him.

c.5. If any of the dukes, soldiers or commissaries fail to give a receipt for the products used by them, the tax payers furnishing such products may cause a record thereof to be made before the president, if he is in the place, and before the holy bishop of the city, or in case the president is not in the place, before the holy bishop of the city or the defender of the place in whose jurisdiction the property furnishing such products is located, and by such record make it known which of our dukes or with what army those failed to give the receipts were marching and the amount which they (the tax payers) furnished. These records shall be sent to Your Glory, and Your Sublimity must pay or credit our subjects with the amount furnished, as if the receipts had been furnished our subjects, as we have mentioned above, and the amount indicated in the record must be deducted from the salary assigned from the fisc to the dukes and soldiers who used the products furnished.

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c. 6. We also order that our dukes, or those guiding the army, and the agents (delegatores), shall, during the march send men ahead to the place where the army is expected to go to make provisions for supplies, nor shall they send them to other cities, possessions or farms, as if the army were to be there, or demand money from (such) possessions or farms. If they dare to receive anything on the account, we order that then, too, records shall be made as also is mentioned which state what was given and to whom, and those who are damaged shall be paid or given credit by Your Glory, in the manner aforesaid for the amounts stated in the record, and the dukes, guides and agents shall pay twofold the amount received on that account, but the quartering-masters, sent ahead (prometatores) shall suffer punishment and exile.

c. 7. If, moreover, any of the presidents, perchance, in collusion with the guides of the army, fail to provide provisions, and (the latter) for that reason take the soldiers through different cities and farms, we order that they shall lose their magistracy, and, together with their official staffs under them, suffer confiscation of property and exile, and our subjects shall be indemnified (for the amounts paid out) either as shown by the receipts given, or as shown in the records made in the manner aforesaid.

Note.

This shows that governors were required to give their assistance in providing supplies for the army. This they doubtless did through the *primipilaris* mentioned in note to C. 1 of this Novel and ⁱⁿ note to C. 12, 37, 9.

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c. 8. Those provisions shall apply not only when our dukes and soldiers march through, but also when any others, from any nation, are sent by us as auxiliary troops of our republic.

c. 9. In order, moreover, that the freedom of our subjects be not curtailed on account of quartering (the army), we ordain that the soldiers shall not claim lodging in the main rooms in which the owners of the houses live; these shall be left to the owners themselves, without molestation, and the soldiers must take lodging in other rooms. ^(a)

(a) as to quartering soldiers, see C. 12, 40.

Epilogue.

This, our will, and the provisions made by this law, must be made known by Your Glory in the imperial city, and to the holy bishops everywhere, to the presidents of the provinces and to all our subjects in every province and city, so that our subjects may know what provisions have been made by us for their safety, and that, if any violation hereof occurs and the persons damaged remain silent, they must lay the blame of the loss on themselves.

Given March 1, 545.