

That governors, whether having a civil or military office, shall remain in the province fifty days after quitting the office.

(Ut praesides quingaginta dies etc. )

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Emperor Justinian Augustus to Johannes, glorious Praetorian Prefect of the Orient the second time, ex consul-ordinary and patrician.

Preface.

(a)

We know that a law has already been enacted that those who have a magistracy, either civil or military, shall not, after retiring from office, leave the place until after the expiration of fifty days, during which they shall remain publicly within the metropolis, ready to give satisfaction to those who want to sue them, and that they shall not leave the province even under the pretext that they have been called here, and that if they do so, they shall be sent back to the province. But we have learned that some are so audacious that even after the enactment of that law they leave the province and come to this city before they retire from office, in fear of their acts and in order not to suffer for their offenses.

(a) C. 1, 49, 1; Novel 8, c. 9.

c. 1. We therefore ordain that no magistrate in any province, either in the Orient, the Occident or both, shall be permitted to leave it before he retires from his office, but on the contrary he shall also after retiring the office - for we renew the ancient law - remain, and publicly live, in the province which he governed, and shall cause a public record to be made of the day when he departs, so that it may appear clear whether he has confidence in (the righteousness of) his conduct or not. 1. But if any civil or military magistrate, while functioning as such, and even after retiring therefrom, leaves the province, the magistrate who does so

without our order shall be guilty of treason, sent back to the province to answer his accusers, and thereafter suffer the highest penalty for treason. And if, having retired from office, he does not publicly live in the province during the lawful number of days, but flees therefrom, the provisions already made by us for such cases shall be in force. 2. And we further make this general order, that when anyone has received a magistracy, he must hold on to it; his successor must not send what is called an edict (announcing his arrival) while still outside of the province; or let the former retire, while he himself loiters on the way or remains in this city, or first goes to some other provinces to see his native country or to do other things accustomed to be done by fortunate and lazy people, but he must enter upon the office, the reigns of which he has assumed, speedily, so that, while one retires and the other fails to arrive, the province may not be without a magistrate. Such successor shall send a friendly letter to the officiating magistrate, which directs the official staff to meet him on the way, only two days before he enters the province. The man who officiates as magistrate and administers the office shall receive the salary thereof up to that time. The successor shall not receive the public salary from the time of the issuance of the letters-patent or from the time of issuance of orders by your office, <sup>(a)</sup> but as stated, from the time that he enters the province, and up to that time it shall be paid to the man who administers the office and to no one else. For to leave a province without a magistrate cannot be tolerated or borne, (as would be the case) if some one, perhaps a man inexperienced in affairs, were appointed as a delegate by our appointee to fill the latter's place, while the man (then) administering the province would depart before the arrival of the (proper) time and be deprived of the salary which he should have received until retiring from the office. He shall retire when the successor approaches the province

and only two days before the latter enters it. (b)

Notes.

(a) See note to Novel 8, "list of fees, 3."

(b) By Novel 128, c. 20, appended to C. 1,40, it was provided that the incoming governor might appoint a legate, or representative, for himself before entering the province. Perhaps, the provisions of the instant law, seeking to have some governor in the province at all times, did not work well. The stay of fifty days in the province was also required by Novel 128, c. 23. But the strictness of leaving was somewhat relaxed. If the governor was appointed to another position, he might leave, but was in that event required to appoint an agent to answer all demands against him. By Novel 161, c. 1, appended to C. 1,40, it was provided that suits here contemplated should be finished in twenty days; that if not finished within the fifty days, the governor might leave upon appointing an agent; but he was required to stay if the suit was a criminal case.

Epilogue. We want these provisions to be forever observed by the office of Your Sublimity, and when you have learned that the successor has come to the province, you will transfer his predecessor's salary to him; but otherwise you will pay it to the former magistrate, as we have directed, until the successor arrives in the province and shows himself to his subjects. Your Sublimity will take care to carry this, our will, declared by this imperial law, into force and effect.

Given November 1, 539.