

Novel 8 (Appendix).

An edict issued to all the bishops of the places and the holy patriarchs, beloved of God.

Since we take care of the state delivered to us by God, and take pains that our subjects may enjoy justice, we have enacted the subjoined law, which we thought well to make known to Your Holiness and through you to all the people in the provinces. Your Piety and the other bishops should, therefore, be watchful, and if any wrong is committed by magistrates, to report it to us, lest the inviolable and just provisions enacted by us may be neglected. For if we, taking compassion on our subjects because, aside from the payment of the public tribute, they are burdened by great wrongs and thefts of our magistrates on account of the sales of provinces which were being made, and have endeavored to eradicate these evils by the subjoined law, but you negligently fail to report them to us, then we at least have made our expiatory offering to God, but you must render an account to Him for the injuries to others which, without our knowledge, are inflicted on men in your midst. Hence, since you are present in the provinces and are solicitous for the welfare of all alike, it becomes your duty to report to us these who carry on their administration justly as well as those who violate this law, so that, when we have been informed, we may punish the latter and reward the former. When the law, moreover, is posted up and made known to all, it shall be taken and deposited by the side of the holy vases within the holy church as though consecrated to God and enacted for the benefit of the men created by Him. You would do even better and be more useful to the people in your midst, if you would have it engraved on tablets or stones on the porches of the holy church, to make the reading and possession (knowledge) of the provisions of the law of easy access.

c. 1. But if we have given so much attention to the question of the integrity of magistrates, it must be clear that we would much less permit defenders (of cities) to accept or give anything. They must pay indeed for the edicts issued to them (confirming their election), by the office of the glorious prefects four solidi if the city

is large, and three solidi if the city is one of the smaller ones, and no more. They must not accept anything from anyone, except the compensation that may be legally payable to them from the public treasury. If they receive nothing from the public treasury, they shall take nothing except what is authorized in the imperial constitution. If they or their record-keepers, called chartularii, or any others of the persons about him, are found to have taken anything, they shall return fourfold the amount thereof, shall be removed from their position, exiled perpetually, chastised with corporal punishment and give place to better men, to assume the duties of those that are wicked. You (the bishops) should also be watchful over these things and hinder and report those that act contrary hereto, so that no evil deeds may remain hidden, and being hidden, remain unpunished, but that, on the contrary, equity and justice may flourish among our subjects. Unless, moreover, the magistrates heretofore appointed refrain from all thievery after the enrollment of this law on the records, they also will be subject to the punishments provided therein. This edict is issued to the bishops.

A copy of the edict which has been issued to the people of Constantinople is in the following words:

How much care we exercise for the benefit of our subjects is shown by a recent law which we have written to our glorious prefects. But it is proper that you, too, know the pains which we take for the welfare of all. We have, therefore, issued the law in the form of an edict, so that you may sing hymns to our Lord God, to Jesus Christ, our Savior and to our reign, that we have taken so much pains for your benefit.

A list of the amounts to be paid by each of the mentioned magistrates as customary fee: No magistrate shall venture to receive or give any sum beyond that mentioned herein.

1. By the worshipful Count of the Orient the following: to our imperial bed-chamber, 63 solidi; to the honorable Chief (primicerius) of the Tribunes and

notaries, together with the four bureaus of the imperial register, 50 solidi; to his aide, 3 solidi, to the staff of the glorious prefects, for the order (as to the appointment), 80 solidi.

2. By the Proconsul of Asia the following: to our imperial bedchamber, 63 solidi; to the chief of the tribunes and notaries, together with the four bureaus of the imperial register, 40 solidi; to his aide, 3 solidi; to the staff of the glorious prefects for the order (as to the appointment), 80 solidi.

3. By the worshipful Count of Phrygia Pocatiana the following: to the three worshipful secretaries (chartularii) of our emperor [imperial] bedchamber, 9 solidi; to the chief of the tribunes and notaries, 24 solidi; to his aide, 3 solidi; to the staff of the glorious prefects for the order (as to the appointment), 50 solidi.

Note.

It will be noted here that fees were paid to three different sets of officials: (1) to the three record-keepers of the emperor (technically, of his bed-chamber); this chartularius—record-keeper—is mentioned in c. 7 of this Novel; the general subject of chartularius is considered at headnote c. 12.49; (2) to the Chief of the Notaries and his bureaus and his aide; these officials kept what was called the greater register of dignitaries and are more fully considered at C. 12.7.1, note; (3) to the official staff of the praetorian prefect for the “order.” The original of the certificate of appointment was probably made out by the chief of the notary and his assistants (1Karlowa 846); a copy was probably kept by the emperor’s record-keepers, and the “order” issued by the office of the praetorian prefect was probably in the nature of an edict, giving notice of the appointment. But see, Otto, Schilling, & Sintenis, who think that this “order” was the certificate of appointment.

4. By the worshipful Count of the First Galatia the following: to the worshipful secretaries of the imperial bed-chamber, 9 solidi; to the primicerius of the tribunes

and notaries, 24 solidi; to his aide, 3 solidi; to the staff of the glorious prefects for the order (as to the appointment), 50 solidi.

5. By the Vicar of the Long-Wall the following: to the three secretaries of our imperial bed-chamber, 9 solidi; to the chief of the tribunes and notaries, 24 solidi; to his aide, 3 solidi; to the staff of the glorious prefects for the order (as to the appointment), 40 solidi.

As to those of consular rank.

6. By the President of the First Palestine: to the three worshipful secretaries (chartularii) of our imperial bed-chamber, 9 solidi; to the honorable chief (primicerius) of the tribunes and notaries, 24 solidi; to his aide, 3 solidi; to the official staff of the glorious prefects for the order (as to the appointment), 40 solidi.

Note.

The same provision is made, in the same language, for the same employees and for the same purpose as to the following magistrates:

7. The President for the Second Palestine.

8. The President of Maritime Phoenicia.

9. The President of the Second Syria.

10. The President of Theodarad.

11. The President of Asrhoena.

12. The President of the first Cilicia.

13. The President of Cyprus.
14. The President of Pamphylia.
15. The President of Bithynia.
16. The President of Hellespantus.
17. The President of Lydia.
18. The President of Phrygia.
19. The President of Pisidia.
20. The President of Lyconia.
21. The President of Nova Justiniana.
22. The President of the second Armenia.
23. The President of Great Armenia.
24. The President of the first Cappadocia.
25. The President of the second Cappadocia.
26. The President of Helenapontus.
27. The President of Europa.
28. The President of Thrace.

29. The President of Rhodapa.

30. The President of Haeminontus.

31. The President of Caria.

32. The President of Lycia.

33. The President of First Augustamnica.

34. By the President of Libya Superior the following: to the three worshipful secretaries (chartularii) of our imperial bed-chamber, 9 solidi; to the honorable chief (primicerius) of the tribunes and notaries, 15 solidi; to his aide, 3 solidi; to the official staff of the glorious prefects for the order (as to the appointment), 36 solidi.

Note.

The same provision is made, in the same language, for the same employees and for the same purpose as to the following magistrates:

35. The President of the First Egypt.

36. The President of the Second Egypt.

37. The President of Second Augustamnica.

38. The President of Third Palestine.

39. The President of Arabia.

40. The President of the Euphrates.

41. The President of Mesapotomia.

42. The President of the Second Cilicia.

43. The President of the First Armenia.

44. The President of the Second Galatia.

45. The President of Honorius.

46. The President of the Islands.

47. The President of the Second Moesia.

48. The President of Scythia.

49. By the defender of each city, for the order (of approval), to the official staff of the glorious prefects, 4 solidi, if the city is of metropolitan rank, and 3 solidi in the case of the other cities, and nothing more. For we do not even want the defenders to give anything to the (higher) magistrates or to anyone else, or receive anything, except what they customarily receive from the public treasury, and they must know that if it is reported to us that one of them has violated these orders, he must return fourfold the amount which he received, will be deprived of his office and will be sent into perpetual exile. And if the presidents of the provinces are neglectful in relation thereto and permit the defenders to commit thievery, they too will be subject to the same punishment.

The oath which must be taken by those who assume a magistracy.

“I swear by Almighty God and His only begotten Son Jesus Christ, our Lord, and by the Holy Spirit and the holy and glorious Mother of God, the ever-virgin Mary, and by the four Gospels which I hold in my hands, and by the holy archangels Michael and Gabriel, that I will maintain for our masters, Justinian and Theodora, his consort, a pure conscience and blameless service in connection with the office delivered to me by them, and that I will freely and without fraud or circumvention undertake and do all work and labor for their government and empire in connection with the magistracy granted me by them; that I am in communion with the Holy Catholic and Apostolic Church of God, nor will I in any manner do anything against it, so far as I may be able, or permit anyone else to do so. I further swear the same oath that I have not given and will not give anything whatever on account of the office delivered to me or aid extended to me; that I have not promised or stipulated to send and I will not send anything from the province, as purchase money (suffragium) to the emperor, the glorious prefects, the other worshipful magistrates, or those about them, or to anyone else. But as I have received the magistracy free of charge, so I will maintain integrity toward the subjects of our pious masters, content with the salary assigned to me from the public treasury. And first of all I shall take pains to attend with zeal to the collection of the taxes, collect them with severity and without yielding in anything from those who are contumacious and need the application of force, without looking to anyone for gain, and without collecting more than is just from, or remitting anything to, anyone, on account of favor or hatred. I will treat in a paternal manner those who are compliant and as far as able, protect the subjects of our pious masters from harm. I will be impartial in [to] both parties in a lawsuit as well as in public causes, grant nothing to any party contrary to law, but will pursue all wrongdoers and preserve justice according to my best judgment. I will keep the innocent free from wrong, impose the legal punishment upon the guilty, and, as has been stated, maintain justice for all parties in public and private causes, and (I will so act) if I discover the public treasury (fisc) to have been damaged. Not only will I do this personally, but will also endeavor to choose a counselor (assessor) and other persons about me who are imbued with the same spirit, lest, although I may be honest myself, those about me would steal and commit

wrongs, and if anyone does so, I will mend the wrong done by him, and dismiss him from office. If I fail to keep all this, may I here and in the future, before the terrifying judgment seat of our Lord God and Jesus Christ, our Savior, be associated with Judas, and afflicted with the leprosy of Gehazi, ^a and the terror of Cain, aside from being subject to the punishments provided by the law of my imperial masters.

a. 2 Kings, c. 5.