

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 <sup>violate in</sup> 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.

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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 (\$12.00) if the city is large, and three solidi (\$9.) if the city is one of the smaller ones, and no more. They must not accept anything from anyone, except the compensation <sup>which</sup> 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.

prefects for the order (as to the appointment), 30 solidi.

3. By the worshipful Count of Phrygia Parastase the following: to the three worshipful secretaries (chartularii) of our 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), 30 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

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

"How much care we <sup>have</sup> exercise for the benefit of our subjects is also 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 of the welfare of all. We have, therefore, issued the law in the certifi- form of an edict, so that you may sing hymns to our Lord God, to tary Jesus Christ, our Saviour and to our reign, that we have taken so the 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 (\$189); to the honorable chief (primicerius) of the tribunes and notaries, 24 solidi; to his aide, 3 solidi; to the staff of the glorious four bureaus of the imperial register, 50 solidi (\$150); to his aide, 3 solidi (\$9), to the staff of the glorious prefects, for the order (as to the appointment), 80 solidi (\$240).
2. By the proconsul of Asia the following: to our imperial bed-chamber, 63 solidi; to the chief of the tribunes and notaries, together with the four bureaus of the imperial register, 40 the 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 Pacatiana the following: to the three worshipful secretaries (chartularii) of our <sup>imperial</sup> 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), 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 bureaux and his aide; these officials kept what was called the greater register of dignities 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 (Karlowa 1, 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 & Sentennis, 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 our 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

As to the rank of president or corrector.

same employees and for the same purpose as to the following  
magistrates:

7. The president of the second Palestine.
8. The president of maritime Phoenicia.
9. The president of the second Syria.
10. The president of Theodara.
11. The president of Asrhoena. Note.
12. The president of the first Cilicia. same language, for the same
13. The president of Cyprus. purpose as to the following magistrates:

14. The president of Pamphylia.
15. The president of the first Egypt.
16. The president of Bithynia.
17. The president of the second Egypt.
18. " " Hellespantus.
19. " " Second Augustamnica.
20. " " Lydia.
21. " " Third Palestine.
22. " " Phrygia.
23. " " Arabia.
24. " " Pisidia.
25. " " the Euphrates.
26. " " Lyconia.
27. " " Mesopotamia.
28. " " Nova Justiniana.
29. " " the second Cilicia.
30. " " the second Armenia.
31. " " First Armenia.
32. " " Great Armenia.
33. " " Second Galatia.
34. " " the first Cappadocia.
35. " " Honorus.
36. " " the second Cappadocia.
37. " " the Islands.
38. " " Helenapontus.
39. " " Second Moesia.
40. " " Europa.
41. " " Scythia.
42. " " Thrace.

43. By the "defender" Rhodapa. city, for the order (of approval) to
  44. the official staff Haeminontus. rious prefects, 4 solidi. If the city
  45. is of metropolitan rank, 3 solidi in the case of other cities.
  46. " " Caria, and 3 solidi in the case of other cities.
  47. " " Lycia.
  48. " " First Augustamnica.
  49. " " First Augustamnica.
- nothing, 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

As to the rank of president or corrector.

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. " " " " Second Augustamnica.
- 38. " " " " Third Palestine.
- 39. " " " Arabia.
- 40. " " " the Euphrates.
- 41. " " " Mesopotomia.
- 42. " " " the Second Cilicia.
- 43. " " " " First Armenia.
- 44. " " " " Second Galatia.
- 45. " " " Honorius.
- 46. " " " the Islands.
- 47. " " " " Second Moesia.
- 48. " " " 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 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



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 <sup>holy and pious</sup> our masters, Justinian and Theodora, his consort, a pure  
conscience and blameless service in connection with the office deliver-  
ed to me by them, and that I will freely and without fraud or circum-  
vention 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, with-  
out 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 <sup>to</sup> 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.

...there are possessions ... to be acquired ... period at ... mortgages, we ... by any other periods of ... (a loss of ... that only ... set up against ... shall remain ... defense of pres- ... set up against ... longest time of ... and to be extended ... any property, so that ... potent God and a