

Book I.
Title LIII.

Concerning contracts of governors (judicum) or their officials, and about prohibiting gifts to be made to them, and that they, during their time of administration, shall not, without imperial sanction, build houses for themselves.

(De contractibus judicum vel eorum qui sunt circa eos et inhibendis donationibus in eos faciendis et ne administrationis tempore proprias aedes aedificent sine sanctione pragmatica.)

1.53.1. Emperor Justinian to Mena, Praetorian Prefect.

Those who hold an administrative position in this flourishing city cannot buy movable or immovable property or build a house without a special imperial rescript permitting them to do so.

1. They must refuse all donations, knowing that no such gifts of any property in any amount whatever will be valid unless after they go out of office, the giver confirms the gift by special writing or unless a period of five years passes during which no complaint concerning it is made by the donor or his heirs.

2. And we entirely forbid governors of provinces not only to take donations but also to make purchases of any property, movable or immovable, excepting the necessary food and clothing, and also to construct buildings, even though they have imperial rescripts permitting them to do any of these things. Nor shall a gift or sale made to them be valid though a period of five years has passed after they have gone out of office, or though the consent of the donor or vendor has been added subsequent to their administration.

3. We have deemed it necessary, moreover, to apply these provisions to their private secretaries (domesticus) and counselors (assessors), adding, further, that nothing of the kind can, without peril, be done through the intervention of a third party. We further ordain that these provisions shall apply to past transactions, unless they have been settled by compromise or adjudication.

Given at Constantinople December 9 (528).

Note.

According to C. 4.2.3, administrators of a territory could not loan interest at money. C. 4.2.16 forbade loans at interest to governors. By C. 2.19.11, property transferred to an official in fear of oppression was required to be returned. By C. 2.19.2, sales, gifts, and compromises extorted by persons of power were declared voidable. Marriage of a governor during his term in office to a woman of his province was forbidden. C. 5.4.6. See further C. 5.7.1 and note. All these laws were passed for the purpose of preventing official oppression. It may be noted that gifts to provincial governors never became valid, whereas gifts made to administrators in the city might be verified.