

Book I.
Title XLIX.

That all civil and military judges shall, after quitting their post of administration, remain for 50 days in the cities or localities.

(Ut omnes tam civiles quam militares iudices post administrationem depositam per quinquaginta dies in civitatibus vel certis locis permaneant.)

1.49.1. Emperor Zeno to Sebastian, Praetorian Prefect.

No honorable president of the provinces, consulars, or rectors, nor those who have received the badges of a higher honor, that is to say, the worshipful proconsuls or Augustal prefect or Count of the Orient, or the vicar of any territory or the duke or count of any border or count of the imperial household property shall, after he has received a successor, dare to depart from the places which he has governed until the fixed number of days has passed.

1. But during that time, the presidents and consulars and correctors shall publicly remain in their capital, the worshipful judges, civil and military, shall publicly remain in their more illustrious capital of the diocese which they governed, nor shall they hide at home or within holy precincts, or regions or in the house of men of power, but shall appear in the most frequented places and in sight of all those whom they recently governed, so that free opportunity may be open to all to lodge complaints concerning thefts and other crimes against them. Such official shall be protected from all insult by the care of his successor, and at the peril of the latter's official staff and by the curials and defender of the city. If he is called into court to answer a complaint, he shall only be required to give a guaranty by oath (for his appearance), and as has been said, he shall answer according to law.

2. Nor shall he have permission to depart from the province before the appointed time, by any imperial letter of recall, or letters-patent for another post, or by any order of your high office, to become moderator of another province, or by any direction of the above mentioned, or by any other civil or military authority to take charge of any public post or that he be produced or brought (anywhere else). Lastly, no adroit artifice or cunning devised for the occasion shall be of any avail, and the things we have ordained for the safety of all shall in every way be carried into full effect.

3. But if anyone, by punishable rashness thinks of undertaking to evade or violate this most beneficial law, he will be compelled—although he would (in that event) not unjustly be adjudged guilty of treason—to pay 50 pounds of gold into the public treasury; a similar punishment will be inflicted on his successor who has taken up the administration after him and who makes no honest effort to retain him or immediately report his flight.

4. The former official must not quit his office till his successor has arrived at the boundaries of the province, although the latter has sent him a letter or has issued a manifesto or edict (announcing his arrival) to the official staff and provincials.

5. Whoever attempts to evade the present law, but flees, shall, wherever he may be found, though in this city, be returned to his province without hindrance from your Highness, and by the assistance of the rector of the province in which he is found, there to remain through the period of six months, since during that length of time his crimes and thefts cannot fail to be disclosed.

6. The official staff, moreover, which—while paying him the respect due him—fails to prevent him from departing in violation of the law, shall be punished by a fine of 30 pounds of gold.

7. If complaint is, perchance, lodged against him within the 50 days, and the litigation is not finished when the aforesaid time expires, then, if the suit is a civil suit, though one for theft, he may appoint a duly authorized procurator and depart immediately after he lapse of 50 days, but if a criminal complaint is made against him, he must, enmeshed in the snares of the accusation, necessarily remain till the termination of the cause.

8. All judges who try these cases, civil or criminal, either by the authority of their office, or by the direction of your high office, must finish them within twenty days after they shall have been commenced. And if they are negligent, they shall themselves pay a fine of 10 pounds of gold, the pending criminal complaint, however, or civil claim, to be lawfully terminated in the manner aforesaid.

Given at Constantinople, October 11 (479).

Note.

Similar legislation to that here mentioned is found in Novel 8, c. 9. A special constitution was enacted on the subject by Justinian in 539, namely Novel 95.