

Book IX.
Title V.

Concerning suppression of private prisons.
(De privatis carceribus inhibendis.)

9.5.1. Emperor Zeno to Basilius, Praetorian Prefect.

We order that no one whatever, in the splendid city of Alexandria, or in the Egyptian diocese, or in any province under our sway, shall be permitted to keep a private prison in his field or house, and the worshipful, officiating Augustal prefect, and the honorable rectors of the provinces shall take care and always be on the watch that the oft-mentioned arrogance of such nefarious men be totally suppressed. 1. Now, after the enactment of this salutary constitution, the worshipful, officiating Augustal (prefect) and every moderator of a province will incur the risk of a charge of treason, if, with knowledge of such crime, he fails to avenge injured majesty; and the chiefs (primates) of the official staffs will risk the leashes of the same charge, if they fail, as soon as they learn of the commission of the forbidden crime in any place, to immediately notify the judge under whom they serve of the necessity of suppressing this most nefarious crime. 2. For it is clear that those who commit such crime must, themselves, according to the tenor of the ancient laws and of the constitutions, be subjected, as guilty of treason, to the penalty of death.

Given at Constantinople July 1 (486).

9.5.2. Emperor Justinian to Mena, Praetorian Prefect.

We forbid the erection of any private prisons in any cities or villages. The constitution orders that private prisons shall not be erected; that those who do so shall be subjected to punishment and stay in a public prison as long as some other person was confined in a prison erected by them, no matter what the status or rank of such persons may be; they shall also lose the suit which they have against those whom they confined. The bishops and magistrates shall look after this. If a magistrate neglects this, he incurs the risk of the loss of his goods and of his safety.

Given at Constantinople January 18 (529).

Note.

This law, in abbreviated form is also found in C. 1.4.23. Only powerful persons could have maintained private prisons and these laws show the existence of feudal baronies. [This last word is not entirely legible.] See headnote C. 11.54.