

Book V.
Title II.

If the rector of a province or persons belonging to him have given betrothal gifts.
(Si rector provinciae vel ad eum pertinentes sponsalia dederint.)

Bas. 28.1.20.

5.2.1. Emperors Gratian, Valentinian and Theodosius to Eutripius, Praetorian Prefect.

If a person who has the honor of administering a province bestowed upon him, and who is, therefore, in position to inspire with fear parents, guardians, curators, or the maidens themselves, who want to marry, and the governor gives betrothal-money, we order that if the parents or the maidens themselves change their minds thereafter,¹ they are not alone released from the leashes of the law and the penalty fixed therein, but they may also keep the betrothal gift, if they do not want to return it.

1. We want this to be far-reaching, so it shall apply not only as to the Governor, but also to his sons, grandsons, relatives, counselors (assessors), and secretaries (domesticos), who had the governor's assistance.

2. We do not, however, forbid the marriage which was during the time of the governor's power contracted for by earnest money on behalf of the persons mentioned, to be completed (later), if the girl consents.

Given at Thessalonica June 17 (380).

Note.

Public policy demanded that a governor of the province should not use his authority either in connection with a marriage engagement, or in connection with actual marriage. He was forbidden to marry a woman in the province where he was governor (C. 5.4.6) or even to attempt to get one to marry him against her will or that of her parents (C. 5.7.1).

¹ Blume penciled in "thereafter" above his original translation "after he is out of office" and added a question mark in the margin. Scott uses "hereafter." See 6 [13] Scott 139.