

Novel 28.

Concerning the Moderator of Hellespontus [Hellenopolis].  
(De Moderatore Helenoponti.)

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The same Augustus to Johannes, Praetorian Prefect.

Preface. To change and divide without just reason an area originally harmonious, united and standing on its strength, is not a good administrative act. For strength does not reside in numbers of men, but in the true effect of things. We have found this to be so in regard to the two provinces of Pontus, Hellespontus<sup>1</sup> [Hellenopolis] and Pontus Polemoniacus. For though this district had formerly been united under one magistrate, it subsequently was made into two, without any necessity and without any easily discoverable reason. That this is so, is confirmed by the fact that even at the present day the region has but one collector (tractator) of public tribute and levies. And if we count up the cities in the two provinces, they hardly number as many as are necessary for one province. Hellespontus [Hellenopolis] has eight cities: Amasia, Ibara, Euchaita, Zela, Andrappa, Sinope and Anusus, situated on the slope (toward the sea), ancient cities; and Leontonpolis, also should now be considered among the cities. Five other cities are found in Polemoniacus Pontus, Neocaesarea, Comana, Trapesus, Cerasus and Polemonium; for Pityus and Sebastopolis should be considered forts rather than cities. These then are the cities in the two provinces of Pontus. Back of these lies our Lazica, with the city of Petraen, which we permitted to be a, and to take the name of, city, and it uses the name of Our Piety and is called Justiniana. There are also the large and ancient forts of Archaeopolis and Rhodopolis, and in that number belong the forts recovered by us from the Persians, namely those of Scondis, Sarapanis, Murisius, Lysiris, and other places acquired by us in Lazica. Then follows the region of the Tzani, now under the control of our sway for the first time, which too has some cities recently built and will have others to be built soon hereafter. Other nations further back are the Suani, Scymni, Apsilae, Abasgi and others, now, by the grace of God, our friends, and belonging to us.

c. 1. But this dissertation on places has led us afar and we return to the subject of the two provinces of Pontus and their consolidation. We combine them both, containing ten cities, again into one province, reinstate the ancient union and give it a new name. The whole shall be called Helenspontus [Helenopolis], the name given to it by Constantine, of blessed memory, in honor of his noble mother, Helen, of blessed memory, who found for us the sacred sign of the Christians. The name of Poleman, who was some ancient tyrant from among many in Pontus, shall be discarded, first because it is the name of a tyrant, next because the province has already a city named after it, namely Polemonium, and because it is more becoming

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<sup>1</sup> In his notes at the end of Novel 24, Blume's manuscript has this as "Helenspontus." The original Latin "Helenoponti" is usually referred to today as Helenopolis.

that the province be designated by Christian and imperial names than by such as are indicative of war and tumult.

c. 2. The thirteen cities, accordingly, shall belong to one and the same province, although we deprive neither Amasia nor Noecaesarea of their distinction as metropolitan cities. Their bishops, beloved of God, who are metropolitans, shall be ordained here (in Constantinople); and so the bishops under them, shall be ordained by them, as has been the custom heretofore. We make no innovation as to the priesthood therein, for it was known in former time and is known at the present time, which is adorned by us, that many appointments of bishops are made in one province. There shall be one man at the head of this region, who shall govern both (of the former) provinces and shall be called moderator, or harmost in the common (Greek) tongue; for the term moderator is also ancient, worthy of the Roman dignity; and a harmost was a magistrate sent out by the Lacedaemonians (during their supremacy) to the cities subject to them.

c. 3. So the man who fills this magistracy shall be called Justinian Moderator of Helenapontus [Helenopolis]. The soldiers stationed in the province shall be subject to his orders. He shall have an adjutant (adresponsum), and men of every station shall be subject to his jurisdiction, without any right to set up any privilege against it. He shall hear all suits, civil, criminal and others, the minor ones orally and gratuitously, the ones that are important with the usual requirements of writing, with the payment of fees prescribed by our imperial constitution. The occupant of this magistracy shall receive the salary of the two former magistrates, amounting to 725 solidi. He shall have one official staff, and the duty and risk of the collection of the tribute shall devolve upon him and his staff jointly—the members of the latter being combined into one body (from the former two), and properly adapted (to their duties) as directed by the moderator. The counselor (assessor) of the magistrate shall receive 72 solidi from the fisc, and the official staff, consolidated from two into one, 447-1/3 solidi.

c. 4. The occupant of this magistracy shall appoint no vicars of his in the cities, as is also stated in the imperial mandates, but he shall himself visit them, without being prevented by any law or pragmatic sanction of the past to the contrary. He may live in a metropolitan or in another city, wherever he wishes, provided that the city selected by him can accommodate him. He must accept no gift and must inflict no damage; neither he nor a member of his official staff nor a soldier, under him, must accept anything from our subjects, nor live at another's expense. He must not oppress our subjects, nor permit the soldiers under him to do so, as already stated in the imperial mandates. Mindful of the oath which he has taken and bearing in mind that he has received the office without paying therefor, and that he has received no small increase of salary, he must abstain from accepting any gift, and that if he does, he must return it with penalty; nor shall he merit his official staff to do anything of the kind. Unless he sees to it that the soldiers under him are content with the salaries which they receive, he will not escape our indignation, and will be compelled to make good to our subjects the damage inflicted by them, by taking that

amount out of the salary (of the offending soldiers). **1.** For we want this magistracy to be more influential and important by the number of the members of the official staff, of whom there shall be one-hundred, and by the splendor of the official, whom we rank among those of worshipful dignity, so that we may be able to count, where necessity requires it, on magistrates who are honorable and fitted to carry out our orders. For what could be expected of men who were at the head of provinces as formerly established, who, but few in number, ruled over but few, received small compensation from the fisc, but gave much, were compelled to extort money and were intent upon one thing—to gradually repay the creditors who hounded them for the return of the money which they paid for the office. Hence they betrayed our subjects, and were engaged in obtaining money by methods that were impious and full of peril. **2.** Reflecting on these things, we not only renounced the income from such source, but also paid out much money of our own; and where an office had, perchance, been sold to a man by our predecessors, to redeem it, releasing our subjects from the tribute (of repaying that amount), and in place thereof to give a solace (by way of higher salary) to the persons receiving such tribute, so as to permit our subjects to be participants of liberty. For it was reserved for us—God, it seems bestowing such bounty upon us—not only to give liberty to Africans and people of that region, but also that those in the midst of our state who were sold annually, and not even permitted to remain subject to the same purchaser, but transferred in short time from the control of one to that of another, should be liberated by us from such detriment of condition and shame.<sup>a</sup> We deemed it proper for us to offer this as thanks to God, who put the imperial crown on our head, who, with the consent of all, gave us the purple, left us by our father, and who bestowed such benefits upon us as he has bestowed upon no one before us.

a. Reference was doubtless here made to the annual change of governors—these being depicted as purchasers of the provincials.

c. 5. The man, accordingly, who comes to occupy that magistracy, remembering how many men and cities he will govern, how great his power will be, changed as the office is from one of consular and presidential rank, to a greater one and one of worshipful rank, should spare our subjects, preserve them from harm, keep his hands clean, enrich the fisc, take care to advance its interests, abstain from receiving private gifts, give cities their just dues in their public and private (municipal) affairs, visit them, look after them, do nothing, small or great, for profit to himself, look after his good name, keep his oath in every way and show himself acceptable to us in all things. **1.** He must permit no one to affix his placard<sup>a</sup> to another's land or buildings, which frequently happens, particularly in Pontus. That right belongs solely to the fisc and the imperial house. If he finds such placards in another's name, he must tear them down immediately, [and] investigate the man who put them up. If the man himself who claims to be the owner has done so, he must confiscate his property (affixing public placards thereto), breaking the man's placards, as it were, over his head. But if that was done by a procurator of another's property, the placards must also, as we have just said, be broken over his head, and severe punishment visited upon him, so that upon learning these things the person

interested may know that he cannot inflict wrongs on our subjects either personally or through satellites, or through others, hired to further his greed.

a. See Novel 17 c. 15—affixed for the purpose of laying claim to the property. The subject of placards placed on the property of others is more fully considered in C. 2.14.1 and note and references there given.

c. 6. The moderator should, similarly, also punish persons who rob, seek after the property of others, ravish women and seize goods, cattle or other like property, so as to maintain the law, justify our judgment of him and give us no cause to regret that we dispensed with the officers whose duties it was to pursue robbers or prevent violence, while robbers overrun the country without punishment by him. For we give him soldiers, so that, by using them, he cannot be easily overcome by those who commit wrong.

c. 7. These exhortations are general. He may learn the details from the general law concerning the organization of magistracies and from the imperial mandates, which, given to him, will explain how he shall conduct his office. If he does these things (as stated), he will not be unacceptable to us, will consecrate his life to God and to the law, and will be entitled to indulge in hopes for the future by reason of his (creditable) administration. A schedule is attached to this law, which states what compensation he, his assessor and his official staff will receive from the fisc, and what fee he himself must pay for the insignia of his office, so that when he knows how great is the liberality of the gift which we make him, and how small the fee to be paid for the insignia of the office, he may perform his duties in a becoming manner, and hope, in the future, to govern more territory and more people, if he properly performs the duties in hand.

c. 8. We also grant him the right that appeals from him shall be heard as appeals from worshipful judges, jointly by the glorious prefect and the glorious quaestor, according to the method of appeals by consultation and advice. Appeals in his province involving less than 500 solidi, taken from other judges, though they heard the case upon assignment, provided they are not themselves of worshipful rank, shall be heard by himself, acting in place of the emperor; so that, honored by us also in this respect, he may be mindful of the increased power conferred upon him by us, and may so conduct himself as to show himself to be upright in the eyes of all of our subjects, of us, and especially of God and of the law.

Epilogue. Your Sublimity, upon learning these provisions, will give him the salary, and will acknowledge him to have such position of honor (as herein stated), so that many may rightly and eagerly seek the honor and dignity now conferred upon him. Given July 16. 535.