

Novel 145.

That no duke or biocolyte shall hereafter have any right to go to either of the Phrygias or Pisidia, or send any of those under him to arrest anyone; and that the inhabitants of these provinces shall not go before these men who carry on these magistracies in Lycaonia and Lydia, to lay a complaint against others before them, since the civil magistrates suffice for the prosecution of cases that will arise.
(Ne ullam in posterum facultatem habeat dux aut biocolyta, etc.)

The same Augustus (Justinian) to Areobindus, Praetorian Prefect, ex-prefect of this fortunate city and ex-Master of the Soldiers.

Headnote.

We saw at headnote C. 1.29, that various dukes were established along the borders of the empire. Parts of what is now southwestern Asia Minor were inhabited by turbulent people. According to the Register of Dignities, Or., 24, a vicar governed this territory, which was the so-called diocese of Asia, comprising the provinces of Pamphylia, Lydia, Lycaonia, Pisidia, and the two Phrygias. The office of vicar was abolished by novel 8, c. 2, appended to C. 12.38 [not appended in this edition]. That novel was issued in 535 A.D. Sometime thereafter, however, Justinian, finding that there was too much turbulence here, placed a duke over part of this territory, comprising the provinces of Pisidia, the two Phrygias, Lycaonia and Lydia, as appears from novel 145 issued in 553 A.D. By that novel the duke's jurisdiction was curtailed, and confined to Lydia and Lycaonia.

The duke so established over this territory was known by the special name of biocolyta. A biocolyta was a man who suppressed violence, as appears from novel 128, c. 21, and see note giving other references. Inasmuch as the duke of this territory was established for that purpose, he received that special name. See Cujacius on this novel.

Preface. We find a proper remedy in each case for what constantly takes place, but return to the former order of things when necessity ceases, since we apply medicine only in so far as the disease extends. And that is also the object of the present imperial law. For as not long ago we learned of civil tumults and incursions of

robbers in both provinces of Phrygia and into Pisidia, for the cure of which the civil magistrate did not suffice, we gave these provinces and Lycaonia and Lydia in charge of a military magistrate, giving the man put in charge the name of duke or biocolyta. Now the inhabitants of both Phrygia and of Pisidia have come before us stating that the acts formerly committed in these provinces have ceased; that there are no bands of robbers and that the provinces are not given over to seditions, and that they are unable to bear the burden of the magistracy created by us, because the employees thereof are constantly going through the provinces, arresting men and inflicting damages on them; and that the places are filled with military tumults, so as to render them entirely uninhabitable themselves, and that the civil magistrates are sufficient for correcting matters; that many of the inhabitants of the provinces, turning the modesty of the remainder to their advantage, and misusing those surrounding this magistracy, for their protection, seize innocent people and obtain things for themselves that are unjust.

c. 1. As they have often stated this, we, taking compassion on them, have undertaken the enactment of the present law, by which we ordain that hereafter the aforesaid provinces—that is to say, Phrygia Saltutaris, Phrygia Pocatiana and Pisidia—shall be exempt from the jurisdiction of said magistrate (the duke) whom we put over these provinces and over Lycaonia and Lydia; and the men who from the present time on fill that magistracy shall have no right, either to be in these provinces, as though having a share in the administration thereof, or to send any of the men of their official staff or those who in any manner are under them there to arrest anyone. And the inhabitants thereof shall not even have any right to run to such officiating magistrate to institute complaints against each other, whether in a civil or in a criminal suit, and they must be in fear (in case of violation hereof) of a penalty of thirty pounds of gold, since we have forbidden access to these provinces to such officiating magistrates (the dukes), and those who belong to their official staff. They (the dukes), therefore, shall not send any orders to these provinces or to the inhabitants thereof, or claim any jurisdiction over anything pertaining thereto or to them, but they must be content with Lycaonia and Lydia, and they have power

only therein as though we had, from the beginning, confined their magistracy to these two provinces, without adding either province of Phrygia or Pisidia. We release these provinces from every trouble arising therefrom (i.e. from such interference), and the civil magistrates shall attend to everything, both matters relating to civil and criminal suits; and they must know that if any highway robbery or invasion or seizure of property is perpetrated in these places and they fail to prosecute such acts and fail to reclaim the property taken, they must make good the damage arising therefrom both while officiating as such magistrate as well as after they have retired from office. And if the person officiating as the military magistrate in Lycaonia and Pisidia hereafter dares to go into the provinces (of the two Phrygias or Pisidia) or to send any of his official staff into them, we give the bishops of the cities authority to prevent him or those that are sent by him from entering, and to expel them therefrom, since they are forbidden to go there by the present law; and further a penalty of thirty pounds of gold hangs over such officiating magistrate and over those who are ordered to obey him, if he directs anything of the kind, or they dare to carry it out, and he (the magistrate) will further incur the risk of the loss of his magistracy and of his property.

Epilogue. Your Glory, learning of these provisions of the present law, will make the necessary directions consonant therewith, and issue edicts and orders to the governors of the provinces and to the bishops of the cities, so that this law may be posted up in the cities and what it has pleased us to sanction in this matter may be made known to all.

Given February 8, 553.