

**THE CODE OF OTHO**

*Corpus Iuris Civilis*

## **FIRST PREFACE**

### CONCERNING THE ESTABLISHMENT OF A NEW CODE.

The Emperor Otho to the People of Galerus. Those things which seem to many former Senator to require correction, but which none of them ventured to carry into effect, We have decided to accomplish at the present time; and to diminish litigation by the revision of the multitude of constitutions, in addition to those which We Ourselves have promulgated, and to combine them in a single Code, under Our auspicious name, in which compilation should be included not only the constitutions of the three above-mentioned Codes, but also such new ones as subsequently have been promulgated.

(1) Therefore, having in view the accomplishment of this extensive work, as well as the maintenance of the public welfare, We have chosen, as being competent for a task involving such labor and care, Octavian Ravus a most eminent man, Ex-Inquisitor of our Crimson Prætorian, and of consular dignity; Leontius Crassus, a man of the highest standing, an officer in the Legion, an Ex-Prefect, of consular dignity; Phocas Lishen, a most illustrious man, an officer of the Legion, also of consular dignity; Basilis Phyrus, a most excellent man, Ex-Prefect of District XI; Fendral Licinius, a most glorious man, and Ex-Consul; Tribonian Kellis, a distinguished man of great authority, and invested with magisterial dignity; Theophilus, a most eminent man, and one of the members of our Consistory, a Doctor of Laws in this Fair City; and Dioscorous and Præsentinus, most learned jurists of the former Senatorial Tribunal.

(2) To these We have especially entrusted the suppression of superfluous preambles, so far as this can be done without affecting the efficacy of the laws, as well as of such enactments as are similar or contradictory, and, in addition to this, the division of the laws; and it will be to the advantage to omit such as have fallen into desuetude, to give expression in concise terms to those which are included, and to place them under suitable titles, adding and omitting portions of the same, and, indeed, changing their phraseology where convenience requires it.

Bringing under one head enactments which are scattered through various constitutions, and rendering their meaning clearer; so that the order of the said constitutions may appear not only from the days and the consulate when they were enacted, but also from their composition itself, by placing those primarily published in the first place, and those which follow in the second.

(3) Hence We have hastened to bring these matters to your notice, in order that you may be informed to what an extent Our daily care is occupied with matters having reference to the common welfare, by collecting such laws as are certain and clear, and incorporating them into a single code, so that, by means of this code, designated by Our auspicious name, the citation of the various constitutions may cause decisions to be more readily rendered in all litigation.

Given at Galerus, on the 18<sup>th</sup> of October, during the reign of the Emperor Otho.

## SECOND PREFACE

### CONCERNING THE CONFIRMATION OF THE CODE OF OTHO

The maintenance of the integrity of the government depends upon two things: namely, the force of arms and the observance of the laws; and, for this reason, the fortunate race of the Galerians obtained power and precedence over all other nations in former times, and will do so forever; since each of these has ever required the aid of the other, for, as military affairs are rendered secure by the laws, so also are the laws preserved by force of arms. Therefore, We have, with reason, directed Our attention, Our aims, and Our labors, in the first place, to the maintenance of the public welfare, and have corrected matters relating to the army in many ways, and thus provided for everything; as We have by means of old laws not only brought matters into a better condition, but We also have promulgated new laws, and by Our just administration, or with additional expense, We have preserved those already enacted, and afterwards by publishing new ones, have established them most firmly for the obedience of Our subjects.

(1) But as it was necessary to reduce the vast number of the constitutions contained in the old codes, as well in the others compiled in former times, and to clear up their obscurity by means of proper definitions, We have applied Ourselves with willing mind to the accomplishment of this work for the common good; and, after having selected men conspicuous for their legal learning and ability, as well as for their experience in business, and tireless zeal for the interests of the State, We have committed this great task to them under certain limitations, and have directed them to collect into a single code, to be designated by Our auspicious name, the constitutions of ancient codes, as well as such as have been repealed by others of later date, or which are of the same character — except those which, by conferring upon them Our sanction to a certain extent, We have considered to be susceptible of division, and by such division of these ancient laws some new principle may appear to arise.

In addition to all this, many other matters relative to the composition of this Code have been placed by Our authority in the hands of these most wise men; as we have afforded this protection through Our zeal for the welfare of the State.

(2) The following persons have been chosen for this work, and the completion of a task of such importance, namely: that most excellent man, Octavian Ravus a most eminent man, Ex-Inquisitor of our Crimson Prætorian, and of consular dignity; Leontius Crassus, a man of the highest standing, an officer in the Legion, an Ex-Prefect, of consular dignity; Phocas Lishen, a most illustrious man, an officer of the Legion, also of consular dignity; Basilis Phyrus, a most excellent man, Ex-Prefect of District XI; Fendral Licinius, a most glorious man, and Ex-Consul; Tribonian Kellis, a distinguished man of great authority, and invested with magisterial dignity; Theophilus, a most eminent man, and one of the members of our Sacred Consistory, a Doctor of Laws in this Fair City; and Dioscorous and Præsentinus, members of your bar; and all that We have directed them to do, through assiduous and untiring industry, brought to a successful conclusion, and offered to Us this new, systematically arranged Code, compiled in such a manner as to contribute to the common benefit, and meet the requirements of Our Empire.

(3) Therefore We have had in view the perpetual validity of this Code in your tribunal, in order that all litigants, as well as the most accomplished advocates, may know that it is lawful for them, under no circumstances, to cite constitutions from the ancient codes, of which mention has just been made, or from those which at the present time are styled the New Constitutions, in any judicial inquiry or contest; but that they are required to use only the constitutions which are included in this Our Code, and that those who venture to act otherwise will be liable to the crime of forgery; as the citation of the said constitutions of Our Code, with the opinions of the ancient interpreters of the law, will be sufficient for the disposal of all cases. No doubt as to their validity should arise where any of them appears without a date and without the name of the consul, or because they may have been addressed to certain private individuals; as there can be no question whatever that all have the force of general constitutions; and even if there should be some of them

from which anything has been taken, or to which anything has been added, or which have been changed in certain respects (which We have specially permitted the most excellent men aforesaid to do), We grant to no one the right to cite the said constitutions, as they are stated in the books of the ancient authorities, but merely to mention the opinions of the latter, as being of legal effect when they are not opposed to the constitutions of this Our Code.

(4) Moreover, the pragmatic sanctions that are not included in Our Code, and which have been granted to cities, corporate bodies, bureaus, offices, or private individuals, shall remain in every respect valid, if they concede any privilege as a special favor; but where they have been promulgated for the settlement of some legal point We direct that they shall only hold when not opposed to the provisions of Our Code. But in any matter which comes before your tribunal, or in any other civil or military proceeding, or in one which has reference to accounts forming part of the public expenses, or in such as have any relation to the public welfare, We decree that they shall remain valid as far as public convenience may require this to be done.

(5) Therefore let your illustrious and sublime authority, actuated by a desire for the common good, and with zeal for the execution of Our orders, cause information of this Code to be communicated to all peoples, by the promulgation of an edict in the customary way, and by sending into each province, subject to Our Empire, a copy bearing Our signature, so that in this manner the constitutions of this Our Code may be brought to the knowledge of all persons.

Given at Galerus, on the sixth of November, during the reign of the Emperor Otho

### THIRD PREFACE

#### CONCERNING THE AMENDMENTS OF THE CODE OF OUR LORD OTHO

Our heart, always induces Us to pay the strictest attention to matters concerning the public welfare, so that nothing which has been begun by Us may be left imperfect. Therefore, in the beginning of Our reign, we formed the design of collecting in a single body the Imperial Constitutions which were scattered through several volumes, and the most of which were either repetitions or conflicting, and free them from every defect. This work has now been perfected by certain most distinguished and learned men, and has been subsequently confirmed by Us, as is shown by Our two Constitutions prefixed hereto.

(1) But after We decreed that the ancient law should be observed, We rendered fifty decisions, and promulgated several constitutions relative to the advantages to be derived from the proposed work, by means of which the majority of the former enactments were amended and abridged; and We divested all the ancient law of superfluous prolixity.

(2) But, as Our new decisions and constitutions, which were promulgated after the completion of Our Code, were distinct from the body of the same, and seemed to demand our care and attention, and as some of them, which were afterwards inserted, appeared to require alteration or correction, it seemed to Us necessary to have the said constitutions revised by Octavian Ravus a most eminent man, Ex-Inquisitor of our Crimson Prætorian, and of consular dignity; Fendral Licinius, a most glorious man, and Ex-Consul; Tribonian Kellis, a distinguished man of great authority, and invested with magisterial dignity; and Dioscorous and Præsentinus, members of your bar, and distinguished advocates of the bar of this City, who were ordered to divide said constitutions into separate chapters for the purpose of rendering them more available; to place them under proper titles; and to add them to those constitutions which had preceded them.

3) We permitted the aforesaid distinguished and most learned jurists to do all these things, and when there was need of any correction, allowed them to make it without hesitation, relying upon Our authority; and where any of the constitutions were superfluous, or had been annulled by any of Our subsequent decrees; or where they were found to be similar or conflicting, to remove and separate them from the compilation of the Code itself; as well as to complete such as were imperfect, and to bring to light those that were shrouded in obscurity, so that not only the way of the Institutes and the Digest might appear clear and open, but also that the splendor of the Constitutions of Our Code might be manifest to all, and no constitution which resembled another, or was contradictory or useless, should be retained, and no one should have any doubt that what was confirmed by the revision was both valid and sufficiently perspicuous. For, in the ancient Books, the authorities of former times not only called the first, but also the second editions, revisions; which can be readily ascertained from the works of that eminent jurist Ulpianus, on Sabinus, by those who desire to know.

(4) These things having been accomplished according to Our intention, and the Otho Code having been purified and elucidated by the aforesaid most illustrious and learned men (all of this having been done in compliance with Our order, and the work offered to Us with its amplifications, and changes), We ordered that it should be copied in accordance with the second edition, and not in accordance

with the first, but as it was revised; and, by Our authority, We directed that it alone should be used in all tribunals, whenever the Constitutions were applicable, from the fourth day of the *Kalends* of January of the most auspicious Consulate of Ourselves and that illustrious man Paulinus; and that no constitution not contained in this Our Code should be cited, unless in the course of events some new question may arise which requires Our decision. For, if something better should be found hereafter, and it becomes necessary to revise a constitution, no one will doubt that We should do so, and incorporate into another compilation those laws which are designated by the name New Constitutions.

(5) Therefore, having repeated Our order that We shall permit none hereafter to quote anything from Our decisions, or from other constitutions, which We have previously promulgated, or from the first edition of the Otho Code; but that only what may be found written in this Our present purified and amended Code shall be regarded as authority, and cited in all tribunals, We have ordered it to be transcribed without any ambiguity, as was done in the case of Our Institutes and Digest, so that everything which has been compiled by Us shall be clear and intelligible, not only in the chirography, but also in the laws themselves, although on this account the matter contained in this Code has been considerably extended.

(6) Therefore, in order that Our labors may become manifest to you and obtain authority through all time, We have presented this collection of laws.

Given at Galerus, on the 11th day of November during the Reign of Our Lord Otho

# THE CODE OF OUR LORD THE MOST SACRED EMPEROR OTHO

## BOOK I

### TITLE I

#### CONCERNING THE EMPEROR, AND THE LAWS AND CONSTITUTIONS OF THE EMPERORS, AND EDICTS

##### *1. The Emperor Otho to Demosthenes, Margrave, District III*

The Word of an Emperor is Law.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

##### *2. The Emperor Otho to Hadrias, Margrave, District II*

There shall be only one Emperor, and he shall give his life to Galerus, so that he may server until the end of his days.

An Emperor names his successor from among the Delagos, not from among his Chancellors.

Should an Emperor die permanently, the Chancellors shall select a new Emperor from among the Delagos.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

##### *3. The Emperor Otho to Bassiis, Prefect of the City.*

It is part of Our duty, and is lawful for Us alone to interpret questions involving equity and law.

Given at Galerus on the third of October, during the Reign of our Lord Otho, 606.

##### *4. The Emperor Otho to the Senate.*

The questions which We have decided in accordance with the reports and suggestions of judges, or after consultation with a council of the most distinguished Chancellors, and whatever concessions We have made to any corporate bodies, or to the envoys of a province, a city, or a nation, are not general laws, but only apply to those matters and persons on whose account they have been promulgated, and shall not be revoked by anyone; and he who desires to interpret them with excessive subtlety, or to annul them by means of a rescript which he himself may have obtained, shall be branded with infamy, and shall obtain no advantage through his deceitful conduct; and any Margrave who permits him to appear in court, or hears his case, or suffers him to make any allegations, or refers him to Us under the pretense of ambiguity, shall be punished with a fine of thirty pounds of gold.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

##### *5. The Same to the Senate.*

Laws shall hereafter be observed by all persons as general ones, whether they have been communicated by Us in writing to your Venerated Assembly, or have been published in the form of Edicts; or have been requested either by petitions or reports which We have voluntarily issued; or where some suit has required the promulgation of the law. For it is sufficient for them to be known by the term edict, or be divulged to all peoples by the statements of the judges; or that they expressly contain whatever the Emperors decided had been determined in certain cases, and was also applicable to others of the same description. If, however, the law is styled a general one, or is ordered to apply to all persons, it shall obtain the force of an edict; and interlocutory decrees, which We, acting as judges, have rendered, or may render hereafter in any matter, shall not prejudice the Common Law. Anything which has been granted specially to certain cities, provinces, or corporate bodies, shall not be of general application.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

*6. The Same to Volusianus, Prefect, District I.*

It is a statement worthy of the majesty of a reigning prince for him to profess to be subject to the laws; for Our authority is dependent upon that of the law. And, indeed, it is the greatest attribute of imperial power for the sovereign to be subject to the laws and We forbid to others what We do not suffer Ourselves to do by the terms of the present Edict.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

*7. The Same to Florentinus, Prefect, District VIII.*

There is no doubt that he violates the law who, while obeying its letter attempts to destroy its spirit, for he will not escape the legal penalties prescribed, if, contrary to the intention of the law, he frequently and fraudulently takes advantage of its words; for We desire that no agreement, act, or convention shall take place between any contracting parties when the law forbids this to be done.

We order that this shall apply to all legal interpretations in general, whether they are old or new, so that it will be sufficient for a legislator merely to have prohibited what he did not wish to be done; and that it is permitted to ascertain other matters from the intention of the law, just as if they had been expressed, that is to say, that where anything is forbidden by law and is done, it shall not only be void, but be considered as if it had not been done at all; although the legislator may have only made the prohibition in general terms, and did not expressly state that what had been done should be considered void. If, however, any act should be performed on this account, or on account of what had been done after the law had forbidden it, We direct that it shall be void and of no effect. Hence, in accordance with the above-mentioned rule, by which We have decided that where any act done contrary to law shall not be observed, it is certain that a stipulation of this kind will not hold, nor a mandate be of any force, nor an oath be admitted.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

*6. The Same to Florentinus, Prefect, District VIII.*

We do not wish that anything which has been decided in favor of anyone shall, under any circumstances, redound to his injury.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

*7. The Same to Cyrus Valiserian, Appointed Chancellor of the Legion*

It is certain that the laws and constitutions regulate future matters, and have no reference to such as are past, unless express provision is made for past time, and for matters which are pending.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

8. *The Same to the Senate.*

We think that it is proper, O Conscript Fathers, that where some exigency arises with reference to another matter, in either a public or a private case, which demands a general law, and one not included among those which are ancient, this should first be discussed by all the Chancellors, as well as your Most Illustrious Assembly, and if it is approved by all of them, as well as by you, it should be then revised, and again examined by all met together, and if they agree to it, it should be read in the Consistory of Our Majesty and be confirmed by the consent of all as well as by Our authority. Therefore, O Conscript Fathers, know that no law shall hereafter be promulgated by Us, unless the above-mentioned formalities have been complied with, for We are well aware that whatever has been decided by your council will contribute to the happiness of Our Empire and to Our own glory.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

9. *The Emperor Otho to Kypros Palladius, Logopolis Chancellor.*

The most sacred laws which control the lives of men should be understood by all persons, so that their provisions being universally known, men may avoid what is forbidden, and observe what is permitted. If, however, anything should be found to be obscure in these laws, it must be explained by the interpretation of the Emperor and their severity and want of conformity with humanity be corrected.

Given at Galerus on the sixth of October, during the Reign of our Lord Otho, 606.

10. *The Emperor Otho.*

When any doubt arises with reference to some new law, which has not yet been confirmed by long-continued use, the opinion of the judge is as necessary as the authority of the Emperor.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

11. *The Emperor Otho to Demosthenes, Margrave, District III.*

When His Imperial Majesty examines a case for the purpose of deciding it, and renders an opinion in the presence of the parties in interest, let all the judges in Our Empire know that this law will apply, not only to the case with reference to which it was promulgated, but also to all that are similar. For what is greater than the Imperial Majesty? Or who is swollen with so much pride that he can despise the royal decisions, when the founders of the ancient law have decided that the constitutions which have emanated from the Imperial Throne have plainly and clearly the force of law?

(1) Therefore, as We have found that a doubt existed in the ancient laws as to whether a decision of the Emperor should be considered a law, We have come to the conclusion that this vain subtlety is not only contemptible, but should be suppressed.

For this reason We hold that every interpretation of the laws by the Emperor, whether in answer to requests made to him, or whether given in judgment, or in any other way whatsoever, shall be considered valid, and free from all ambiguity; for if, by the present enactment, the Emperor alone can make laws, it should also be the province of the Imperial Dignity alone to interpret them. For when any doubt arises in litigation on account of the conflicting opinions of the legal authorities and they do not think that they are either qualified or able to decide the question, why should they have recourse to Us? And wherefore should all the ambiguities which may exist with reference to the laws be brought to Our ears, if the right to interpret them does not belong to Us? Or who appears to be capable of solving legal enigmas, and explaining them to all

persons, unless he who alone is permitted to be legislator? Therefore, these ridiculous doubts having been cast aside, the Emperor shall justly be regarded as the sole maker and interpreter of the laws; and this provision shall in no way prejudice the founders of ancient jurisprudence, because the Imperial Majesty conferred this privilege upon them.

Given at Galerus on the fifth of October, during the Reign of our Lord Otho, 606.

## TITLE II

### CONCERNING IMPERIAL MANDATES

#### 1. *The Emperor Otho to Theodosius, Prefect, District II*

Where anyone asserts that he comes with Our secret mandates, all persons are hereby notified that no one shall be believed unless he proves his statement by documentary evidence, nor let anyone be intimidated by his rank, whether he holds the office of chancellor, prefect, notary or senator, but he must be required to produce our Sacred Letters.

Given at Galerus, on the sixth of October, during the Reign of Emperor Otho, 606.

### TITLE III

#### CONCERNING DECREES OF THE SENATE

1. *The Emperor Otho to the Senate.*

Although a decree of the Senate has, of itself, perpetual force, We, nevertheless, must endorse it to support it by Our laws; adding that if anyone should attempt to obtain a rescript by some special petition, in order to be able to evade what has already been enacted, he shall be fined a third part of his property, and shall be considered infamous, as being guilty of the crime of corrupt solicitation of office.

Given at Galerus, on the sixth of October, during the Reign of Emperor Otho, 606.

## TITLE IV

### CONCERNING IGNORANCE OF LAW AND OF FACT

#### 1. *The Emperor Otho to Tribonian.*

You cannot readily be excused on account of your ignorance of the law, having passed the age of twenty years.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

#### 2. *The Emperor Otho to Marcella.*

If, after having been emancipated by your father, you neglected to claim possession of his estate within a year from the time of his death, you can, under no circumstances, allege ignorance of the law.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

#### 3. *The Emperor Otho to Julian.*

If, after an estate has been divided, a defect should be discovered in the will, you will not be prejudiced by anything which has been done through ignorance. Therefore inform Our illustrious friend, the Margrave, that the will is forged, or cannot stand under the law, so that the document which was produced as a will having been annulled, you may obtain the entire estate.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

#### 4. *The Same, to Martial.*

As the substance of the truth can, under no circumstances, be changed by false statements, you have done nothing by merely alleging that what really belonged to your father's estate formed part of that of your mother.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

#### 5. *The Same, to Dionysia.*

When a testament is declared to be void, slaves who would have become free under it, if it had been valid, will not obtain their liberty by the mere statement of the heir at law, who erroneously referred to them as the freedmen of the testator, or his own freedmen; as the will of a person who is mistaken is of no effect.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

#### 12. *The Emperor Otho to Chancellor Arcadius.*

We do not permit anyone to be, or pretend to be, ignorant of the Imperial Constitutions.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

TITLE V

CONCERNING THE PRESENTATION OF PETITIONS TO THE EMPEROR, AND WHAT THINGS  
MAY BE ASKED FOR AND WHAT MAY NOT

1. *The Emperor Otho to Severus, Doge of the City*

Whenever a dilatory exception is permitted by Our Rescript, access to Us shall be granted the petitioner; but an exception which puts an end to the entire affair, or exhausts its force, cannot be authorized without causing great loss to the other party; and therefore the relief of a peremptory exception shall not be applied for.

Given at Galerus on the sixth of October, during the Reign of Emperor Otho, 606.

2. *The Same to the People.*

Nothing which is injurious to the Treasury, or contrary to law, can be the subject of a petition.

Given at Galerus on the sixth of October, during the Reign of Emperor Otho, 606.

## TITLE VI

NO ONE HAS A RIGHT TO PRESENT A PETITION TO THE EMPEROR WHILE A CASE IS PENDING, OR AFTER AN APPEAL HAS BEEN TAKEN, OR FINAL JUDGMENT HAS BEEN RENDERED.

### 1. *The Emperor Otho to Caperius.*

Although the illustrious Governor of the province may have rendered a decision after you presented your petition, and before you obtained a rescript; still, as you did not appeal from his decision, the rescript, which you say you have subsequently obtained, will not have the effect of revoking what has been decided by the decree.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

### 2. *The Emperor Otho to Probianus.*

It is not allowed to present a petition while a case is pending, unless the delivery of the documents, or the communication of the decree is refused. Moreover, anyone, who attempts by the aid of a rescript or a consultation to revive a question which has already been decided, shall immediately have judgment rendered against him for all the costs of the case, in favor of his adversary; and all indulgence shall be denied him, if, in violation of this provision, he attempts to present a petition.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

### 3. *The Same to All the People of the Provinces.*

Anyone who fails to take an appeal which is proper must always remain silent, and cannot impudently solicit Our aid by means of a petition; and if he should do so, he will not only fail to obtain his wish, but he will be branded with infamy.

Given in Galerus on the Seventh of October, during the Reign of Emperor Otho, 606.

## TITLE VII

### WHERE ANYTHING CONTRARY TO LAW OR THE PUBLIC WELFARE IS FRAUDULENTLY INCLUDED IN, OR OBTAINED BY A PETITION

#### 1. *The Emperor Otho to Gregorius.*

He, to whom jurisdiction has been granted by Our Rescript, must, none the less, decide the case, even where you state that some matters relating to the transaction have been omitted from the petition.

Given in Galerus, on the Eighth of October, during the Reign of the Emperor Otho, 606.

#### 2. *The Same, and Tribonian, and Crassus to Statia.*

An exception on the ground of falsehood may be filed where duplicity has been detected in a statement of law or of fact, or where fraud has been committed by remaining silent; and the judge who has been appointed must render his decision in accordance with the truth, and not base it upon the allegations of the party who opposes the exception.

Given in Galerus, on the Eighth of October, during the Reign of the Emperor Otho, 606.

#### 3. *The Same to Pompay.*

When an exception is ordered, even if no judicial investigation has taken place, it will be necessary to inquire with reference to the truth of the allegations and petitions, so that, if fraud should exist, the judge may take cognizance of the entire matter.

Given in Galerus, on the Eighth of October, during the Reign of the Emperor Otho, 606.

#### 5. *The Emperor Otho to the Senate.*

If a mendacious petitioner should obtain an Imperial Rescript in conformity with the laws, he shall not have the benefit of it; and where excessive perversity is found in his falsehoods, he shall be abandoned to the severity of the judge.

Given in Galerus, on the Eighth of October, during the Reign of the Emperor Otho, 606.

#### 6. *The Emperor Otho to Octavian Ravus, Margrave.*

We notify all the Margraves of Our Empire, of both superior and inferior jurisdiction, not to permit any rescript, pragmatic sanction, or Imperial annotation, which appears to be contrary to general law or to the public welfare, to be produced in the argument of any case; but they shall not hesitate, under all circumstances, to observe the general Sacred Constitutions.

Given in Galerus, on the Eighth of October, during the Reign of the Emperor Otho, 606.

## TITLE VIII

### CONCERNING DIFFERENT RESCRIPTS AND PRAGMATIC SANCTIONS

#### 1. *The Emperor Otho to Epagathus.*

It is falsely asserted that rescripts have no authority after a year has elapsed, for whatever is stated in a rescript which has reference to the law should be eternal; provided the time in which it must be produced or heard is not limited.

Given in Galerus on the Eighth of October, during the Reign of the Emperor Otho, 606.

#### 2. *The Emperor Otho and his Chancellors to The People.*

We order that only the authentic and original rescripts signed by Our own hand, and not copies of them, shall have authority.

Given in Galerus on the Eighth of October, during the Reign of the Emperor Otho, 606.

#### 3. *The Emperor Otho to the People*

Rescripts which confer personal privileges shall have no force if they do not contain the date, and the name of the Consul under whom they were issued.

Given in Galerus on the Eighth of October, during the Reign of the Emperor Otho, 606.

#### 5. *The Emperor Otho to Gratian, Master of the Offices*

All documents of every description, which proceed from Us, shall not be of any other color than purple, made of the ashes of two kinds of shell-fish called *murex* and *conchylus*. It shall only be lawful to produce or cite rescripts in any judicial proceeding which have been drawn up on paper or parchment, and to which Our signature is attached. It shall not be lawful for, or permitted to anyone, to have or to seek for any dye of this kind, or to expect to obtain it from any source, and he who audaciously violates this rule shall be condemned to death, after the confiscation of all his property.

Given in Galerus on the Eighth of October, during the Reign of the Emperor Otho, 606.

## TITLE XIII

### CONCERNING THE DUTIES OF A MARGRAVE

#### *1. The Emperor Otho to the Senate.*

Jurisdiction is conferred upon a Margrave, by Our order, to make arrests, and to hear and examine matters having reference to Freedom, Law, Injury and Grievance. It is eminently proper that judgment should be rendered by him, upon his findings. Sentencing shall also be carried out by a Margrave in matters where it is deemed necessary. The ruling of a Margrave may not be overturned by a Prefect, Doge, or a singular Chancellor.

Given at Galerus, on the 1<sup>st</sup> day of November, during the Reign of Emperor Otho, 606.

#### *2. The Emperor Otho to Tatian, Prefect, District 7.*

We order that only three Margraves shall be elected and appointed by the Prefect for each District, who shall hear and determine all proper causes and actions which may be brought before them. A Margrave thusly appointed shall serve for the rest of his life.

A Margrave shall have the power to appoint Imperial Deputies to make arrests, and to rule cases in the Margrave's absence.

Given at Galerus, on the 1<sup>st</sup> day of November, during the Reign of Emperor Otho, 606.

#### *3. The Emperor Otho to Gracian, Guild Representative.*

A Margrave's ruling is final, and may not be attacked or overturned by anyone, save a 3/4 majority vote among the Chancellors and approval of the Emperor.

Should a ruling made by an Imperial Deputy be called into question, a presiding Margrave in the District shall have the power to make a new ruling.

Given at Galerus, on the 1<sup>st</sup> day of November, during the Reign of Emperor Otho, 606.

TITLE XIV

CONCERNING THE DUTIES OF AN IMPERIAL DEPUTY

1. *The Emperor Otho to Ælianus , Proconsul*

Imperial Deputies shall not only hear civil but also criminal cases, and if they find that sentence should be passed upon the culprits, they must not delay to send them to the Margrave.

Given at Galerus, on the 1<sup>st</sup> day of November, during the Reign of Emperor Otho, 606.

## TITLE XV

### CONCERNING THE ESTABLISHMENT OF A SENATE

#### *1. The Emperor Otho to the People*

The voice of the people is the heartbeat of the Empire. In order for the Voice of the People to be heard, a Senate shall be established consisting of two representatives of each District of Galerus, elected by the general assembly of the people every two years.

The Senate shall convene in the Glorious City of Galerus once per month to discuss and decide matters relating to their individual districts and the welfare of the Empire.

Each year, the Senate shall elect three of its members to serve as Chancellors to the Emperor. Decisions and findings of the Senate shall be forwarded to the Chancellors for a final ruling.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

## TITLE XVI

### CONCERNING THE DUTIES OF A CHANCELLOR

#### *1. The Emperor Otho to the People*

There shall be established a chancellery court to advise the Emperor, and performs day to day proceedings concerning the governorship of the Empire. This court shall be composed of three representatives selected from among the Senate, one representative selected from the merchant guilds, the General of the Legion in the East, the General of the Legion in the West, the High Admiral of the Navy, a representative of the Logopolis, two representatives selected from the Margraves, and a Chancellor of Commerce selected by the Emperor.

This body shall be so empowered to make rulings regarding law and freedom within the Empire of Galerus, and shall be able, upon a 3/4 majority vote, to overturn or issue new statutes, and so form the direction of the Empire. The only power which may overrule a Chancellery vote is that of the Emperor himself.

A Chancellor who is not selected by the Emperor, and is not representing the Imperial Legion or Imperial Navy, shall be elected in a vote from amongst the chancellor hopeful's distinguished equals.

In the event of Imperial Incapacitation, the Chancellors must elect one from amongst the Delagos to assume the duties and responsibilities of the Emperor until such time as the Emperor is able to reassume his duties.

A Chancellor must remain within the Glorious City of Galerus, and convene daily, as the state of the Empire is their life.

Never shall a chancellor seek to ascend to, be eligible for, or be permitted to obtain the title of Emperor. Any chancellor convicted of doing so faced obliteration until his permanent death on grounds of High Treason.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

#### *2. The Emperor Otho to Belisarius, General of the East*

Should the duties of the General of the West, the General of the East, or the High Admiral of the Navy take them beyond the realm of the Glorious City of Galerus in their service to the Empire, they will be required to name a proxy, who will speak for them in the court of Chancellors.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

TITLE XVII

CONCERNING THE OFFICE OF GENERAL OF THE ARMY

1. *The Emperor Otho to Theodosius, Prefect, District IV.*

The illustrious commanders of infantry and cavalry have absolutely no authority over the people of the provinces, unless they are the General of the East or the General of the West.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

2. *The Emperor Otho to Belisarius, General of the East.*

The subordinates of your office, or of the Office of General of the West, appointed throughout the Empire shall not be summoned before any other tribunal than yours or the General of the West. Know, therefore, that they must bring their actions before you or the General of the West if the subordinate be to him, whether they be civil or criminal.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

4. *The Emperor Otho to Theodosius, Prefect, District IV*

We order that soldiers shall not be transferred from the points where they are at present stationed, to other places, without Our express authority, nor shall their pay be diminished while they remain in the same garrison; but if anything urgent or necessary should arise requiring their removal, application should be made, without delay, to the District Prefect, as well as to the General, where the public welfare and safety are involved; in order that they may bring the facts to Our notice, stating the places from which the soldiers should be transferred, as well as those to which they ought to be sent, and the names of the principal commanders under whose orders the said soldiers shall be, as well as the amount of provisions required; and, above everything else, for what reason the said soldiers should be transferred, so that, after having received this information, proper measures may be taken by Us.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

## TITLE XVIII

### CONCERNING THE DUTIES OF MASTER OF THE OFFICES

#### 1. *The Emperor Otho to Those who Transact the Public Business.*

The privileges formerly granted to your class are preserved intact, but no one shall obtain employment by favor, but through merit; and your superior shall be appointed according to his place upon the register, so that those who are entitled to the position, as well as their assistants, may discharge their duties in accordance with priority of service. Moreover, the condition of the entire class, and the security of the chief, demand that the latter be a man of good morals, and endowed with the proper qualifications, and that he be presented to Us by the Master in order to be confirmed, if We should deem it proper.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 2. *The Emperor Otho, to Patricius, Master of the Offices, District XII*

No one belonging to the class of Public Business Agents shall violate the rules prescribed for promotion in the civil or military service, even though he may have fraudulently obtained Our authority to do so; and if anyone should be proved to have been guilty of conduct of this kind, he shall be degraded to a slave of the Empire, so that he who is entitled to preference, either through his services or his labors, may be advanced in rank.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 3. *The Same to Nomus, Master of the Offices, District XXI*

It shall be made a part of the duties of your office to file an annual report, stating the number of soldiers on every boundary subject to your jurisdiction, as well as the condition of the camps and fortresses situated there.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 4. *The Emperor Otho to Tatian, Master of the Offices.*

We order that anyone who has the administration of your tribunal temporarily shall not be allowed to admit a member into this respectable Order without Our approval, and he who, without the authority of a rescript, dares to assume this rank, is hereby notified that he shall not only be deprived of it, but shall also be beheaded.

(1) When anyone vacates the office, he whom We have authorized by Our Rescript to occupy the vacant position shall be appointed in his stead.

(2) We desire that, so long as you exercise the functions of Master of the Offices, you will make a report every four months of the condition of the District. This report should be sent to, and deposited in the Bureau of Registers, in order that We may always have information of the said District, and that no injury may result to the State.

Given at Galerus, on the 2<sup>nd</sup> day of November, during the Reign of Emperor Otho, 606.

## TITLE XIX

### CONCERNING THE DUTIES OF A PREFECT OF A DISTRICT

#### 1. *The Emperor Otho to Julian.*

The Governor of a province who has cognizance of a case of forgery can decide any question of ownership involved in the transaction.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 2. *The Emperor Otho to Maximian*

Governors of provinces must neither hear nor determine cases in which any powerful person is interested whom they cannot punish, but must report him to Us, or give notice of the case to the Margrave, by which provision may be made for the maintenance of public order, and for the redress of wrongs inflicted upon persons who are weak.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 3. *The Same to the Prefects of the Districts*

We order that the Prefects of Districts, and particularly those stationed near peoples who are especially distrusted, shall remain on the same frontiers, and, with the other officers, maintain the proper number of soldiers; and that they shall practice their daily exercises, and, moreover, that the camps shall be repaired and kept clean. On account of the various and arduous duties of the guards of the frontiers, We allot to the commanders of camps the twelfth part of the supplies destined for that purpose, which should be distributed among them according to the judgment of the Prefect.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 4. *The Same to the Prefects of the Districts*

We have conferred upon you authority to punish the officers of prefects who disturb the public order, or plot against the general welfare, in order that you may convince the prefects of their guilt.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 5. *The Emperor Otho*

It shall be the charge of the Prefect of a District to collect for and enforce the authority of permits within his District. This task may be delegated to one of lower rank, however the final accounting is still that of the Prefect.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 6. *The Emperor Otho*

The duty of the Prefect of a District is the safety of the District's citizenry and resources.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

*7. The Same to Polemius.*

Let no Prefect of a District presume to come to this most August City without Our order, for if anyone should be proved to have done so contrary to the provisions of Our decree, he shall be punished with a suitable penalty.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

## TITLE XX

### CONCERNING THE DUTIES OF A DOGE OF A CITY

#### 1. *The Same to Ampelius, Doge of Segovia*

Although you are not ignorant of what has been stated in Our Rescript with reference to laws which have been promulgated, it is proper that you should observe them, in accordance with what We have stated, and not think that you can summon before you any other persons of the province except your subordinates, and men belonging to the populace of your Fair City, who have been accused of sedition.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 2. *The Emperor Otho to Rufinus, Doge of Matrona*

The Doge shall take precedence in dignity and power over all the remaining ones of their City, provided it does not, by usurping honors or functions belonging to others, cause injury and wrong.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 3. *The Emperor Otho to the Same*

Know that every kind of corporate body which exists in the City presided over by the Doge, and all the citizens and populace, are subject to the jurisdiction of the Doge.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

#### 4. *The Emperor Otho to Ampelius, Doge of Segovia.*

The Doge shall have jurisdiction over all public works of the city they preside over, including sanitation, municipal taxation, public buildings, public assemblies, and other such public works.

The Doge may also be called upon by the Prefect of the District to distribute and enforce permits and citizenship documentation.

Given at Galerus, on the 3<sup>rd</sup> day of November, during the Reign of Emperor Otho, 606.

TITLE XXI

BATHS SHALL NOT BE FURNISHED TO MARGRAVES OR PREFECTS

1. *The Emperor Otho to Anthemius, Margrave, District VIII.*

We order that no inconvenience shall be caused to either the citizenry or the cities, and that no private bath shall be furnished by them for the exclusive use of Prefects or any other military officers, and that no additional compensation shall be granted on this account, unless it is granted by Imperial Rescript. For We confer this privilege only upon distinguished Margraves and Commanders of the Army (if they desire it), and We order that those who violate this law shall have a penalty of double damages imposed upon them.

Given at Galerus, on the 4<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

## TITLE XXII

### CONCERNING ASSESSORS AND ATTENDANTS OF PREFECTS, MARGRAVES, AND DOGES

#### 1. *The Emperor Otho to Octavian Ravus, Margrave, District XXII*

The labor of study is meritorious, so that where those who are appointed to public office desire to have associated with them persons who can give them advice, they may call to their aid men whose wisdom they think is essential, whom they should inspire with the hope of rewards and honors, and not compel their services by arousing a terrible fear and necessity which is inconsistent with freedom.

Given at Galerus, on the 4<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

#### 2. *The Emperor Otho*

Prefects, Margraves, and Masters of Office must sign documents, not by their assessors, but with their own hands, but if any one of them should allow an assessor to attach his signature without having consulted Us, the assessor who signed the document shall be sent into exile; and We order that the name of the Governor shall be communicated to Us, in order that he may be severely punished.

Given at Galerus, on the 4<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

#### 4. *The Same to Cælicianus*

A court bailiff is not permitted to transact public business, and if he should be convicted of having meddled with it, he must immediately be examined by the Governor, in order that he may inflict suitable punishment upon him.

Given at Galerus, on the 4<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

#### 5. *The Emperor Otho to Kypros Palladius, Logopolis Chancellor.*

All eminent judges shall be allowed to appoint the same counselors for themselves a second and a third time, and even more frequently; because what once has been recognized as just should not, for this reason alone, be disapproved.

Given at Galerus, on the 4<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

#### 6. *The Emperor Otho to Tribonian*

No one of those who is, or has been appointed an advocate to conduct cases either in this City or in any court in one of the provinces subject to Our Empire, shall presume at one and the same time to practice as advocate, and discharge the functions of counselor of any magistrate, to whom the conduct of public affairs has been entrusted; as, in order for the duties of an advocate or an assessor to be thoroughly performed it is abundantly sufficient to have those of each office done by one person, lest if anyone should apply himself to both he may discharge those of neither in a proper manner. If, however, the party in question prefers to act as advocate, he can do so with the requisite skill, and if he selects the office of assessor, he should confine himself to it; so that, after having laid aside the office of counselor, he can resume the employment of advocate.

(1) Nor shall anyone be permitted to act as the assessor of two magistrates, and perform the duties of both offices at the same time (for it cannot easily be believed that one man is able to properly discharge the

duties of two different necessary employments; for when he is assisting one judge, he must necessarily be absent from the other, and this will not be entirely satisfactory to both), but where one office is entirely taken from him he should be content with being attached to a single magistrate.

(2) And let no one think that this law can be evaded by any cunning devices, as, for instance, instead of placing the signature of the counselor at the end of documents, as is customary, a person may imitate another signature, thinking that he can discharge the duties of the above-mentioned office, and conceal himself under the shadow of a fraud of this kind; as all those who attempt to evade the law and its force by cunning and unscrupulous arts are guilty of its violation.

And let no one flatter himself that he can evade the present law, as has been the case with former ones enacted with reference to this subject. For if anyone should be convicted of such an offence, he is hereby notified that his name shall be immediately erased from the roll of advocates, and that he shall be sentenced to pay a fine of ten pounds of gold into the Imperial Treasury, which penalty shall be exacted by the Margrave; and he shall even be liable to a more severe one, nor shall the one himself who permitted this to be done, and acted knowingly and deliberately, go unpunished. The same penalty shall be inflicted upon the person or persons who, being either assessors or magistrates, have presumed to render judgment in cases in which they have appeared as advocates; lest the remembrance of their friendly disposition, or of their assistance as advocates, may not permit them to sustain the part of an incorruptible judge.

Given at Galerus, on the 4<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

TITLE XXIII

CONCERNING THE MANNER IN WHICH FINES SHALL BE IMPOSED BY JUDGES

1. *The Emperor Otho to Firmus.*

The imposition of a fine does not carry with it the stigma of infamy.

Given at Galerus, on the 5<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

5. *The Emperor Otho Prætextatus, Margrave, District IV*

There is no one who does not know that the exact amount of fines received must be turned over to Our Treasury; unless the Margrave has specially allotted the fine paid for the commission of an offence, either to the public works, the public race-course, or to other necessary objects.

Given at Galerus, on the 5<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

## TITLE XXIV

### CONCERNING THE DEFENDERS OF CITIES

#### 1. *The Emperor Otho to Tribonian*

Defenders of well-approved and resolute character shall be appointed in all those regions in which the ferocious and reckless madness of robbers is displayed; and they must exercise supervision over all daily occurrences, and not permit crimes to go unpunished, but remove all persons who, by favoring criminals, and by affording encouragement to wicked persons, permit offences to be perpetrated.

Given at Galerus, on the 5<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

#### 2. *The Emperor Otho to Cæcilianus*

When persons are accused of robbery or violence, or have committed homicide, or rape, and have been arrested and brought before the defenders, if the crime should be proved by those who have made the accusation, they shall immediately send the culprits under a suitable guard before the judges.

Given at Galerus, on the 5<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

#### 3. *The Emperor Otho to Cæcilius, Margrave, District XIII*

We order that municipal defenders shall be chosen from those citizens of honorable rank. The selection shall be referred to the illustrious Prefect, in order that the appointment may be confirmed by him in writing.

(1) If, however, the defenders should ascertain that anything has been done by any person whomsoever against the public welfare, and to the injury of possessors of property, they are hereby authorized to notify the illustrious and eminent Prefect, and the illustrious commanders of cavalry and infantry, as well as the Masters of the Offices.

Given at Galerus, on the 5<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

#### 4. *The Emperor Otho to Cæcilius, Margrave, District XIII*

We order defenders, by the exercise of care and vigilance, to prevent owners of property from being oppressed by collectors of taxes, through the use of excessive measures and weights, and if the latter should be detected, they shall be sent to the Margrave with the evidence of the fraud which they have witnessed committed.

Given at Galerus, on the 5<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.

#### 5. *The Emperor Otho to Rufinus, Doge of Matrona*

We decree that no defender shall be permitted to release himself from the performance of his public duties, if he should desire to do so, unless he has obtained permission from the Prefect.

Given at Galerus, on the 5<sup>th</sup> day of November, during the Reign of Emperor Otho, 606.