

THE CODE OF OUR LORD THE MOST HOLY EMPEROR JUSTINIAN.

SECOND EDITION.

BOOK XI.

TITLE I.

CONCERNING THE TRANSPORTATION OF PUBLIC PROPERTY BY SHIP-OWNERS  
OR SHIP-MASTERS, AND THE ABOLITION OF THE TAX KNOWN AS LUSTRAL  
GOLD.

1 and 2. *These Laws are not Authentic.*

3. *The Emperor Constantine and the Caesar Julian to Olybrius, Prefect of the City.*

No violence shall be employed against ship-masters engaged in the transport of tributary grain, nor shall they be put to any annoyance or trouble, but must enjoy perfect security while both coming and going, and anyone who attempts to molest them shall be fined ten pounds of gold.

Given at Rome, on the *Kalends* of June, during the Consulate of Constantius, Consul for the ninth time, and the Caesar Julian, Consul for the second time, 357.

4. *The Emperors Arcadius and Honorius to Eusebius, Praetorian Prefect.*

We have ascertained that certain ship-masters have made property collected by way of tribute an object of commerce for their own benefit, and therefore We decree that they must, within a year, turn over whatever they have received, and take receipts for the same, showing the day of its delivery, which receipts must be exhibited by them within another year to the persons by whom the property was delivered for transportation.

Given at Milan, on the tenth of the *Kalends* of January, during the third Consulate of Arcadius and Honorius, 394.

5. *The Same Emperors to Flavianus, Prefect of the City.*

We wish those who have plundered ship-masters to make good the losses out of their own property, and therefore, in order to prevent any act of this kind from taking place hereafter, We decree that whoever is convicted of the robbery of a ship-master shall be compelled to pay a penalty of fourfold the amount taken.

Published at Rome, in the Apronian Forum, on the ninth of the *Kalends* of February, during the Consulate of Stilicho and Aurelian, 400.

6. *The Emperors Honorius and Theodosius.*

As there was a scarcity of ships among the ship-masters of the provinces of the East, and, on the pretext of obtaining vessels, search was made through the adjoining islands and the opportunity for sailing lost, and, on account of there being no means of transportation it was feared that the severity of the authorities would be exerted, it was with reason that Your Highness called together the Augustal Prefect and the Governor of the islands, together with the commanders of the fleet of Alexandria and Carpathia, and other ship-masters, in order that they might be held responsible for the transfer to the warehouses of the Imperial Metropolis of the supplies of grain usually transported by eastern ship-owners from the warehouses of Alexandria to the Capital of the Empire; and in lieu of the small compensation paid for transportation, immunity from payment of tribute or from the tax called *iliKov* was conferred upon the said ship-masters, in addition to the other privileges which were granted during the consultation which took place.

Given on the fourteenth of the *Kalends* of February, during the Consulate of Honorius, Consul for the eighth time, and Theodosius, Consul for the third time, 409.

7. *The Same Emperors to Anthemius, Prsetorian Prefect.*

Anyone who, having undertaken the transportation of property belonging to the government, abandons the direct route of navigation, and, following a different course, turns aside and sells the property committed to his care, shall be punished with death.

Given at Constantinople, on the fourteenth of the *Kalends* of August, during the Consulate of Honorius, Consul for the eighth time, and Theodosius, Consul for the third time, 409.

8. *The Same Emperors to Faustinus, Praetorian Prefect.*

Judges who permit loaded ships to remain in districts subject to their jurisdiction, under pretext of winter, when the weather is favorable for navigation, shall, with the citizens and the *curia* of the place, be compelled to pay the expenses incurred by the Governor out of their own property. Moreover, the ship-masters shall suffer the penalty of deportation, if it should be ascertained that they have committed any fraud.

Given at Ravenna, on the eighteenth of the *Kalends* of September, during the Consulate of Varana, 410.

TITLE II.

CONCERNING LAND AND ALL OTHER PROPERTY BELONGING TO SHIP-OWNERS.

1. *The Emperors Valentinian and Valens to Aurelian, Prefect of Subsistence.*

We order that even Our Imperial household shall be responsible to those with whom it has contracted obligations having reference to property liable in the name of a ship-owner.

Given on the third of the *Kalends* of October, during the Consulate of Lupicinus and Jovinus, 367.

2. *The Same Emperors and Gratian to Achilo, Proconsul of Africa.*

So far as property sold by ship-masters is concerned (as it is not right to prevent anyone from selling or buying), the purchaser shall be responsible for what is sold by the ship-master, in proportion to his share of the property disposed of, for the liability attaches to the property, and not to the person of the vendor. We do not direct that he shall become a ship-master who has purchased anything from one, but that he shall be liable for whatever he bought, in proportion to the value of the same.

For not all that the ship-owner possessed, and a portion of which the trader obtained, but only that portion which belonged to the shipowner in the beginning shall be liable for the payment of this obligation, and the residue of the property, which is not subject to it, shall remain free and exempt.

Again, where a house whose value consists in the beauty and ornamentation of the city, rather than in the income obtained from it, is sold by a ship-master, it is settled and it will be liable for this payerit only to the extent of its actual worth in money. Where, however, the land is of such limited extent that it cannot be subjected to such a charge, or where there are buildings whose repairs or reconstruction are arduous and difficult, or where houses are erected (as is frequently the case) merely for adornment, We are unwilling that any such display of munificence which may subsequently have taken place should be the subject of dishonorable competition by bidders; but the former character of the land and the amount of the payment should be taken into consideration, rather than the daily cultivation of the soil, whose value is increased by the industry of an energetic man.

3. *The Emperors Arcadius and Honorius to Messala, Praetorian Prefect.*

Those who, by any title whatsoever, obtain lands belonging to ship-owners, are compelled to assume the burdens attaching to the same, in accordance with the value of the property, as appraised in ancient times; and ship-owners are notified not to think that they can take advantage of this law by voluntarily disposing of their property through the transfer to persons who are insolvent.

An agreement of this kind, however, shall stand, so that if the land is conveyed to someone who is insolvent, the vendors will be held liable, and the Treasury can, first of all, have recourse to those who are solvent for any loss which it may have sustained.

Given at Milan, on the fourteenth of the *Kalends* of March, during the Consulate of Theodore, Consul for the fifth time, 399.

### TITLE III.

#### CONCERNING EXCUSES FOR SHIPS WHICH SHALL NOT BE ACCEPTED.

1. *The Emperors Arcadius and Honorius to Longinianus, Praetorian Prefect.*

Many persons protect their ships under various pretexts, and, for the purpose of preventing this kind of fraud, notice is hereby given that if anyone should think that, by means of false ownership, he can evade the requirements of the State, his vessel shall be confiscated to the Treasury. For while We do not forbid private individuals to own ships, We do not permit them on this account to be guilty of fraud, as everyone is bound to consult the public welfare when necessity demands it, and transport the property of the government without availing himself of any privilege enjoyed by persons of his social or official station.

Given at Ravenna, on the third of the *Ides* of January, during the Consulate of Arcadius, Consul for the seventh time, and Probus, 406.

2. *The Emperors Theodosius and Valentinian to Florentius, Praetorian Prefect.*

We order that no ship which has the capacity of more than two thousand *modii* before the happy *embola* shall be exempt from the public service, or the transportation of property belonging to the government, either by reason of some prerogative attaching to rank, or on account of religion, or because of any personal privilege, not even if an Imperial Rescript (whether it be an epistle or a pragmatic sanction) should be produced in opposition to the provisions of this most salutary law.

We desire that the aforesaid rule shall be observed in every instance, so that, generally speaking, when anything of this kind is brought forward contrary to law or the public welfare, in any transaction whatsoever, it shall not be valid. We shall punish any fraudulent attempt made to violate this law in any way whatsoever by the confiscation of the ship for which exemption is claimed.

### TITLE IV.

#### NO ADDITION SHALL BE MADE TO PUBLIC BURDENS.

1. *The Emperors Arcadius and Honorius to Rufinus, Praetorian Prefect.*

No one shall impose any private charge upon ship-masters who have already assumed public burdens, nor shall those who have been employed for the transport of grain be compelled, under any pretext, to assume other liabilities; for the ship-master will not only be civilly responsible for any expense incurred, as well as for the loss of his ship, but he will also be subjected to severe public punishment.

Given at Constantinople, on the fifth of the *Ides* of January, during the Consulate of Olybrius and Probinus, 385.

### TITLE V.

#### CONCERNING SHIPWRECKS.

1. *The Emperor Constantine.*

If a vessel is driven on land by shipwreck, or if it goes ashore at any time, it shall belong to the owners, and My Treasury shall advance no claim to it; for what right has the Treasury to take advantage of the misfortunes of others, so as to profit by such an unhappy occurrence?

2. *The Emperors Valentinian, Valens, and Gratian to Modestus, Praetorian Prefect.*

Where a ship-master alleges that he has had a wreck, he must hasten to appear before the judge of the province, who has jurisdiction, and prove the fact, by witnesses in his presence. A report shall then be made to the eminent Prefecture, so that the truth having been established within a year, the matter may properly be disposed of. It has been decided that if, through negligence, the term of a year should be permitted to elapse, any claims presented after that time shall not be admitted as being worthless, and introduced too late.

Given on the *Nones* of June, during the Consulate of Modestus and Arinthius, 372.

3. *The Emperors Gratian, Valentinian, and Theodosius to the Shipmasters of Africa.*

Whenever ships have been destroyed or sunk, an investigation shall be made by a competent judge, and two or three sailors must be examined, but the others should be released from any proceeding of this kind; for an expert questioner can obtain abundant information from the number of sailors aforesaid. The pilots, who have more knowledge, should be selected for this purpose; or if they have lost their lives, inquiry should be made of others. Moreover, when the violence of the storm has killed all the sailors, in order that the truth may be ascertained, their children, or those of the pilots can, after having been brought into court, be interrogated with reference to the death of those whom the ship-master asserts to have perished. The time of an inquiry of this kind shall run from the *Kalends* of April, to the first of the *Kalends* of October.

Given on the eighth of the *Ides* of February, during the Consulate of Gratian and Theodosius, 380.

4. *The Emperors Valentinian, Theodosius, and Arcadius to Tati-anus, Praetorian Prefect.*

Where property has been subjected to contribution and then lost in shipwreck, We are unwilling that those by whom this was done shall be, in any way molested, or held responsible by Us, whether they are senators or private individuals.

Given at Constantinople, on the fifteenth of the *Kalends* of August, during the Consulate of Tatianus and Symmachus, 391.

5. *The Emperors Honorius and Theodosius to the Ship-masters of Africa.*

With reference to wrecked ships, We decree that the cases shall be heard with all diligence, and if anyone is convicted of having appropriated property under such circumstances, the judge before whom this is proved shall have power to fine, deport, and proscribe those who are guilty, in accordance with their rank. If, however, he should neglect to hear the case within two years, and this time has elapsed, he will be responsible, the ship-master must be discharged on account of the fault of the judge, and the latter will be compelled to pay the value of half of the cargo of the vessel, and his subordinates shall pay the other half, on account of his failure to decide the case within the time prescribed by law.

Given at Ravenna, on the sixteenth of the *Kalends* of April, during the Consulate of Honorius, Consul for the ninth time, and Theodosius, Consul for the fifth time, 412.

6. *The Same Emperors.*

Where an investigation of a shipwreck is made in the usual way, and it is found that the vessel was lost in a storm, you should not grant release of liability for the cargo, but its value must be apportioned *pro rata* among the owners of the ship in a suitable manner.

## TITLE VI.

### CONCERNING MINERS, MINES, AND THE SUPERINTENDENTS OF THE LATTER.

1. *The Emperors Valentinian and Valens to Cresconius, Count of the Mines.*

After due deliberation, We have considered it proper to order that anyone who wishes to engage in the business of mining shall, in addition to what he gains, provide for the State by his own labor. Therefore) those who voluntarily pursue this occupation must be compelled by Your Excellency to pay to the government eight scruples to the ounce, which is called in

Greek ..... Anything which they may obtain over and above this amount shall preferably be sold to the Treasury, and the proper price be paid for it out of the Treasury of Our Largesses.

Given at Paris, on the fourth of the *Ides* of December, during the Consulate of Valentinian and Valens, 365.

*2. The Same Emperors to Germanianus, Count of the Imperial Largesses.*

In estimating the weight of metals, the usual custom should be observed, that is to say, fourteen ounces should be considered as making a pound.

Given at Rome, on the sixth of the *Ides* of January, during the Consulate of Lupicinus and Jovian, 367.

*3. The Emperors Gratian, Valentinian, and Theodosius to Florus, Praetorian Prefect.*

All persons engaged in mining on the lands of others shall pay one-tenth to the Treasury, and one-tenth to the owner of the property, and will be entitled to the remainder for themselves.

Given at Constantinople, on the fourth of the *Kalends* of September, during the Consulate of Antonius and Syagrius, 382.

*4. The Same Emperors to Eusinius, Praetorian Prefect.*

As the superintendents of mines in Macedonia, in that part of Dacia situated on the Mediterranean, and in Mysia and Dardania, appointed by the decurions of these provinces to regularly collect what is due to the government from the mines, sometimes abandon their places through pretended fear of the enemy, they shall be returned to the discharge of their duties, and none of them shall hereafter be permitted to fill any other office before they have, with energy and diligence, completed the term for which they were appointed to superintend the mines.

*5. The Emperors Valentinian, Theodosii, and Arcadius to Romulus, Count of the Imperial Largesses.*

Miners pursuing their occupations both in the province of Pontus and in that of Asia shall be compelled to pay seven scruples annually into the Treasury of the Imperial Largesses for every man employed.

Given at Constantinople, on the eleventh of the *Kalends* of March, during the Consulate of Arcadius, Consul for the second time, and Rufinus, 392.

*6. The Same Emperors to Paternus.*

We have learned that certain persons, under the pretext of opening quarries, have made extensive excavations, and by this means caused damage to the foundations of buildings. In cases of this kind, no one shall be given permission to make such excavations, even if marble is said to be situated under the foundations of the buildings.

Given at Constantinople, on the seventeenth of the *Kalends* of April, during the Consulate of Theodosius, Consul for the third time, and Abundantius, 393.

*7. The Emperor Theodosius to Maximin, Count of the Imperial Largesses.*

Minors of either sex, who have left the country in which they were born and emigrated to another, should undoubtedly, together with their offspring, be returned without delay to the place of their birth, even though they may have obtained employment in Our Imperial household. Moreover, they are hereby notified that they can, in no way, prejudice the rights of the Treasury, even if any one of them, who proved to be a minor, should have had his name inscribed upon the register of the census.

Given at Constantinople, on the fifth of the *Ides* of July, during the Consulate of Victor, 424.

## TITLE VII.

### CONCERNING DYERS OF PURPLE, INMATES AND SUPERINTENDENTS OF THE GYNECEUM, MASTERS OF THE MINT, AND CARRIERS.

#### 1. *The Emperor Constantine to the Bithynians.*

Masters of the mint should always retain their status, and shall not be released therefrom by the privileges attaching to any dignity whatsoever.

Given on the twelfth of the *Kalends* of August, during the Consulate of Gallicanus and Bassus, 317.

#### 2. *The Same Emperor.*

Persons employed in dyeing establishments, and the apartments of women where the manufacture and dyeing of cloths for the use of the palace are carried on, shall not endeavor to retain such places by intrigue, for fear that the goods manufactured there may, by adulteration, be rendered of inferior value, and if anyone should violate this law he shall be put to death.

#### 3. *The Emperors Valentinian and Valens to the Consular, Germanus.*

Freeborn women, who marry the overseers of *gyneceums*, in violation of formal warning given to them, and who prefer a disgraceful union of this kind to the nobility of their race, shall be reduced to the condition of their husbands.

Given at Milan, on the fourth of the *Kalends* of July, during the Consulate of Valentinian and Valens, 365.

#### 4. *The Same Emperors to Auxonius, Praetorian Prefect.*

For the present, carriers shall be allowed every fifth animal by way of compensation for transport.

Given at Martianopolis, on the *Ides* of December, during the Consulate of Valentinian and Valens, 365.

#### 5. *The Emperors Valentinian, Valens, and Gratian to Filmatius, Count of the Imperial Largesses.*

Those who have been convicted of harboring any woman belonging to a *gyneceum* shall be subjected to a fine of five pounds of gold.

Given at Cilicia, on the twelfth of the *Kalends* of September, during the Consulate of Modestus and Arintheus, 372.

#### 6. *The Emperors Gratian, Valentinian, and Theodosius to Eucherius.*

Anyone who conceals one of Our slaves, who is a weaver, shall be fined three pounds of gold for every one that he has concealed.

Published at Carthage, on the third of the *Kalends* of March, after the Consulate of Auxonius and Olybrius, 380.

#### 7. *The Same Emperors to Hesperius, Praetorian Prefect.*

We decree that no woman of high rank shall degrade herself by a shameful union with a man employed in the coinage of money. If anyone should violate this law, and does not renounce the connexion which she has formed, but still adheres to the union with the coiner, there is no doubt that she will prejudice both herself and her children, and be reduced to the condition of her companion.

(1) If any woman who is the dependent or vassal of another, without the knowledge of her master, or even with his knowledge, should unite herself with a man engaged in the coinage of money, and her master, having been notified, does not immediately separate these persons,

and resume possession of his vassal, he, having tacitly renounced control over her, is hereby notified that he will afterwards have no right to claim her services.

(2) As We are unwilling for a woman of different status to be united with a coiner of money, so We forbid the union of the daughter of a coiner and a man of another condition.

Dated at Aquileia, on the day before the *Ides* of March, after the Consulate of Auxonius and Olybrius, 380.

8. *The Same Emperors to Trifolius, Count of the Imperial Largesses.*

By the terms of this law, which is to be perpetual, We decree that carriers shall not be permitted to abandon their employment, or surreptitiously obtain another, before they have discharged the duties of the one to which they belong.

Given at Heraclia, on the ninth of the *Kalends* of August, during the Consulate of Richomer and Clearchus, 384.

9. *The Same Emperors to Principius, Praetorian Prefect.*

If anyone should be so bold as to make use of a ship destined for the collection of shellfish used for dyeing the Imperial purple, he shall be compelled to pay a fine of two pounds of gold.

Given at Aquileia, on the sixth of the *Kalends* of October, during the Consulship of Arcadius and Bauto, 385.

10. *The Emperors Arcadius, Honorius, and Theodosius to Pilometor, Count of the Imperial Largesses.*

We order that hereafter raw silk, as well as such as has been dyed, shall be reserved for Our exclusive use, and that the officers of the Bureau of Imposts, as well as the incumbents of any office whatsoever, shall be fined twenty pounds of gold if they permit the present law to be rashly violated by anyone.

Given at Constantinople, on the fifth of the *Kalends* of July, during the Consulate of Arcadius, Consul for the sixth time, and Probus, 406.

11. *The Emperor Theodosius and the Caesar Valentinian to Maximin, Count of the Imperial Largesses.*

Dyers of purple who, after having abandoned and repudiated the duties of their own status, and alleged to have accepted honors and employments forbidden to them, shall be returned to the requirements of their own trade and original condition. Those, however, who, it is evident, have become possessed of the property of persons restricted by their birth to certain occupations, shall be compelled to return said property to its former owners, no matter under what title they may have obtained possession of the same. If, however, those having possession of such property choose to be subjected to the disabilities of a condition inferior to their own, rather than to restore the property, they are hereby notified that they will hereafter be considered members of the profession of those whose property they have acquired, and they are also notified that they will be held strictly accountable for any balance due from said owners, without being allowed to offer any excuse whatsoever.

Given at Constantinople, on the seventeenth of the *Kalends* of November, during the Consulate of Victor, 424.

12. *The Same Emperor and Caesar to Maximin, Count of the Imperial Largesses.*

Children born of the daughter of a dyer of purple, whose father belongs to another condition, are notified that they follow the condition of their mother.

Given on the ninth of the *Kalends* of June, during the Consulate of Theodosius, Consul for the eleventh-time, and the Caesar Valentinian, 429.

13. *The Emperors Theodosius and Valentinian to Acacius, Count of the Imperial Largesses.*

If anyone belonging to the body of superintendents of the *gyne-ceums*, or to those of the linen weavers, *lympharii*, masters of the mint, dyers of purple, or any other associations connected with the Imperial Largesses, should hereafter desire to retire from the body to which he belongs, he shall not readily be released and another substituted in his place, but only such persons as you may approve as suitable shall be accepted.

Moreover, he who, through Imperial favor, has been permitted to have his place taken by another, shall entertain no doubt that he and his children, together with all their property, will still remain connected with the body from which they have been permitted to withdraw.

Given at Constantinople, on the seventh of the *Kalends* of March, during the Consulate of the Emperors Theodosius, Consul for the twelfth time, and Valentinian, Consul for the second time, 426.

14. *The Same Emperors.*

Those who have been placed in charge of Our private wardrobe and treasury, the chiefs of the weavers and dyers, and all other persons charged with duties of this kind, shall not be permitted to perform them, or to have access to the property of the Imperial Treasury, before furnishing proper security for the administration of their offices; and they are notified that they cannot, hereafter, ask to be excused from furnishing such security.

15. *The Same Emperors.*

Children, proved to have been descended from a father or mother who are gatherers of the shellfish used for the Imperial purple, must entertain no doubt that they belong to the above-mentioned condition.

Given at Constantinople, on the tenth of the *Kalends* of April, under the Consulate of Hierius and Ardiburus, 427.

16. *This Law is not Authentic.*

TITLE VIII.

CONCERNING CLOTHING COMPOSED ENTIRELY OF SILK AND GOLD, AND OF THE DYE OF THE IMPERIAL PURPLE.

1. *The Emperors Valentinian and Valens to Archelaus, Count of the Imperial Largesses.*

We prohibit men from making or weaving garments composed of silk and gold for private use, as We order that they shall only be made in the *gyneceums*.

Adopted at Martianopolis, on the fifteenth of the *Kalends* of August, during the Consulate of our Prince Valentinian and Victor, 369.

2. *The Emperors Gratian, Valentinian, and Theodosius to Florus, Praetorian Prefect.*

No one shall have clothing woven of wool, linen, and gold, as this is one of the Imperial prerogatives. Anyone who makes use of such forbidden garments, to which he has no right, shall be severely punished.

Given at Constantinople, on the third of the *Kalends* of April, during the Consulate of Antonius and Syagrius, 382.

3. *The Emperors Theodosius, Arcadius, and Honorius.*

We do not permit wool to be dyed with any color resembling the Imperial purple, nor do We permit silk to be dyed rose-color, and afterwards with another tint, but there is no reason why white should not be dyed any color whatsoever. Those who violate this law shall suffer the punishment of death.

4. *The Emperor Theodosius to Maximin, Count of the Sacred Largesses.*

Let all persons of either sex and of every rank, trade, profession, and station, abstain from the possession of clothing expressly reserved for the Emperor and his family, and let no one weave or make silk cloaks and tunics in his own house. Everything dyed with the Imperial purple, without being mixed with any other color, shall be removed from the building where this was done, and all tunics and cloaks which are dyed with the Imperial purple shall be surrendered. No threads dyed with Imperial purple shall hereafter be woven into cloth, and all garments entirely composed of silk shall, in the future, be delivered to Our Treasury; and let no one demand payment for the same, as impunity from violated law will be sufficient compensation.

Again, in order that no one may subsequently incur the penalty of this New Constitution, We decree that he shall be considered guilty of high treason.

Given at Constantinople, on the seventeenth of the *Kalends* of February, during the Consulate of Victor, 424.

##### *5. The Emperors Theodosius and Valentinian.*

We have again, by the provisions of a recent law, forbidden traffic in purple, although it was already prohibited by innumerable constitutions. And We now order that, at a certain time, there shall be sent to the Phoenician manufacturers the seventh officer of the Bureau of Receipts, the sixth of the Bureau of Imposts, the fifth of the Bureau of Archives, the fourth of the Bureau of the Imperial Wardrobe, and in order that they may not be guilty of fraud, and may exert proper diligence, We decree that they shall be fined twenty pounds of gold if they do not properly discharge the duties required of them.

Given at Constantinople, on the eighth of the *Ides* of March, during the Consulate of Isidore and Senator, 436.

#### TITLE IX.

##### CONCERNING MANUFACTURERS.

##### *1. The Emperors Valentinian, Theodosius, and Arcadius to Tatianus, Praetorian Prefect.*

We order that all manufacturers shall deliver the articles made by them, and not pay money in their stead, and that the iron furnished shall be of good quality, and readily melted, in order that there may be less opportunity for fraud, and the public welfare be the better provided for.

Given on the fifteenth of the *Kalends* of November, during the Consulate of Theodosius, Consul for the second time, and Cynegius, 388.

##### *2. The Emperors to Rufinus, Master of the Offices.*

We order that the chief of the manufacturers shall, after the lapse of two years of continuous service, be not only discharged, but also treated with honor; and be included among the protectors of the guild of manufacturers, as well as sent every two years for the purpose of congratulating the Emperor.

Given at Milan, on the eighth of the *Ides* of March, during the Consulate of Valentinian, Consul for the fourth time, and Neotherius, 393.

##### *3. The Emperors Arcadius and Honorius to Osius, Master of the Offices.*

Indelible marks, that is to say, well-known brands, should be placed upon the arms of apprentices to manufacturers, so that in this way they may easily be recognized, if they should attempt to conceal themselves, and that those who are marked in this way, as well as their children, can unquestionably be identified by their guild whenever they surreptitiously, for the purpose of avoiding labor, have succeeded in obtaining admission to membership in any other guild.

Given at Constantinople, on the eighteenth of the *Kalends* of January, during the Consulate of Honorius, Consul for the fourth time, and Eutychianus, 398.

#### *4. The Emperors Honorius and Theodosius to Anthemius, Praetorian Prefect.*

When anyone desires to be enrolled in the Organization of Manufacturers in the city in which he was born, or in which he has fixed his domicile, after they have been assembled, and before any documents are drawn up, he must prove that neither his grandfather nor his father was a decurion, and that he owes nothing to the Order of the Decurionate, and is under no liability to any citizen, and, after the proper formalities have been complied with before the Governor of the province, or (if he should be absent) before the defender of the city, the candidate shall be admitted into the association which he has selected.

If, in violation of the provisions of this law, anyone should secretly obtain admission to the guild of manufacturers, he is hereby notified that he shall be returned to the order to which he belongs, and compelled to discharge his duties to his country, and that no privilege of time, or previous service will entitle him to exemption.

Given at Constantinople, on the fifteenth of the *Kalends* of June, during the Consulate of Honorius, Consul for the ninth time, and Theodosius, 412.

#### *5. The Emperors Theodosius and Valentinian.*

It has been provided by law that artisans must confine themselves to their own trades, and, together with their children, remain in the one to which they belong, until their labors are ended by death.

Finally, any offence committed by one renders the entire number responsible, which rule has been established to cause them to be more careful in the selection of their members, and exercise supervision over their acts, since the loss sustained by one is felt by all. Therefore, all of them constitute, as it were, but a single body, and are compelled to answer for the delinquency of one, when circumstances demand it.

#### *6. The Emperors Leo and Anthemius to Eufirmius, Master of the Offices.*

We order that those artisans engaged in manufactures for the Emperor, as well as their wives and children, who are also said to be artisans, shall not be required to answer in court, unless before the tribunal of Your Highness, to whose jurisdiction they belong and under whose power they are. Nor shall they, after their term of service has expired, under any circumstances, be liable to civil or curial obligations, or be illegally molested by the illustrious Governors of provinces or their subordinates.

#### *7. The Emperor Anastasius to the Master of the Offices.*

No member of the guild of manufacturers shall hereafter lease property, or engage in the management or cultivation of land belonging to another; and any owner who ventures to violate this law by knowingly entrusting his personal effects or land to the administration of artisans shall lose it; and the latter, after having undergone severe punishment and the confiscation of their property, shall be sentenced to perpetual exile.

Every time that it may be necessary to require the transport of arms, Your Highness shall notify the eminent Prefecture, and state the quantity of arms, and the place from which they are to be transferred, in order that the Prefect may immediately order the illustrious Governor of the province to provide ships or vehicles out of those belonging to the public, for the conveyance of said arms, in accordance with the notice served upon him by Your Highness. If, after notice has thus been given by Your Highness to the Prefecture as aforesaid, delay or negligence on the part of the authorities should occur, and the transport of the arms should, for this reason, be prevented, We order that the accountant at that time in office in the Prefecture shall, with the other officials responsible for the delay, be sentenced to a fine of fifty pounds of gold, and that the said amount of gold shall be paid into the Treasury as soon as it is collected. In addition to this, We subject the illustrious Governor of the province, as well as his subordinates, to a fine of thirty pounds of gold, when, through their connivance, the transport of arms was delayed.

TITLE X.  
CONCERNING THE VALUE OF ANCIENT MONEY.

1. *The Emperor Constantine.*

We order that the *solidi* coined by former Emperors shall be paid and accepted by purchasers and vendors, and that no dispute shall arise with reference to them, provided they are of the proper weight, and genuine, and all persons are hereby notified that if they violate this law they will be subjected to severe punishment.

2. *The Same Emperor.*

When the value of a *solidus* is depreciated, it is necessary for all articles purchased with it to be diminished in the same proportion.

3. *The Emperors Gratian, Valentinian, and Theodosius.*

You must notify all persons by the proposed Edict that an uniform value of all *bryzat solidi* will be established, and that anyone who, through the blindness of avarice, either disobeys Our orders or fraudulently attempts to change the appearance of these coins, will be punished by death.

TITLE XI.

NO ONE SHALL BE PERMITTED TO ADORN THE BRIDLES OR SADDLES OF THEIR  
HORSES OR THEIR OWN BELTS WITH PEARLS, EMERALDS, OR HYACINTHS,  
AND CONCERNING THE ARTIFICERS OF THE PALACE.

1. *The Emperor Justinian.*

No one shall hereafter be permitted to decorate the bridles and saddles of his horses, or his own belts with pearls, emeralds, or hyacinths, or to insert them therein. We, however, permit them to adorn the bridles and saddles of their horses, and their own belts with other jewels. We order that, hereafter, all jewels of every description shall be removed from *cucurnii*, and that buckles which are valuable only for the gold of which they are composed, and their workmanship, shall be used on military cloaks.

Moreover, if anyone should violate this law, he is hereby notified that he will immediately be fined fifty pounds of gold. Again, no private person shall be permitted to make anything out of gold and jewels, which is reserved for Imperial use and adornment (with the exception of ornaments usually worn by women, and the rings of both sexes), and no one shall be allowed to manufacture anything of this kind under the color or pretext of making a present of the same to the Emperor, for he does not expect it, nor does the reverence due to royalty require such donations by private individuals.

If anyone should, hereafter, violate any of the provisions of this law, and be so bold as to fabricate any ornaments decorated with gold and jewels which are exclusively destined for the use of the Emperor, with a view to their being offered to him, he is hereby notified that he will be sentenced to pay a fine of a hundred pounds of gold, and also suffer capital punishment.

Imperial ornaments must be made in the palace, by the artificers attached to the same, and not indiscriminately in private residences or workshops. Therefore, We order that this offence shall be punished with exemplary severity, in order that private persons may not rashly venture to make what is solely reserved for the splendor and adornment of the sovereign. If anyone should commit an act in violation of this law, We order that the fine above mentioned shall be collected by the officers of the palace, and paid into the Treasury of the Imperial Largesses.

## TITLE XII.

### CONCERNING MARINES.

#### 1. *The Emperors Valentinian and Valens to Auxonius, Praetorian Prefect.*

We desire the Seleucian fleet, as well as all the others, to be subject to the orders of the office which is dependent upon Your Excellency, so that the number of marines may be made up from the volunteers or supernumeraries of other fleets, and We direct that of Seleucia to be placed at the disposition of the Count of the East, for the purpose of clearing the seas of pirates, and for any other necessary service.

## TITLE XIII.

### CONCERNING THE DECURIALS OF THE CITY OF ROME.

#### 1. *The Emperors Valentinian, Theodosius, and Arcadius to Trifolius, Praetorian Prefect.*

When anyone thinks that a decurial should be deprived of privileges by process of law, he is notified that application must be made to the judge of the *curia*.

Given at Milan, on the fourteenth of the *Kalends* of February, during the Consulate of Timasius and Promotus, 389.

#### 2. *The Emperors Arcadius, Honorius, and Theodosius to Exuperantius, Julius and other Decurials.*

We, by Our authority, confirm the laws relating to decurials enacted by former Emperors, as well as by Our Divine Father. Therefore, We desire all judges to be informed that no one can, with impunity, attempt to subject a member of this body to any corporeal penalty, or venture to deprive him of any of the privileges which have been legally conferred upon him, for We wish this association to retain all its ancient privileges.

Given at Rome, on the eighth of the *Ides* of July, during the Consulate of Honorius, Consul for the sixth time, and Aristenetus, 404.

## TITLE XIV.

### CONCERNING THE PRIVILEGES ENJOYED BY MEMBERS OF CORPORATE BODIES OF THE CITY OF ROME.

#### 1. *The Emperors Valentinian, Theodosius, and Arcadius to Alypius, Prefect of the City.*

No one shall be permitted, or have the right to impose any new burden upon the inhabitants of the City of Rome, but, for the honor of the Eternal City, We order that the privileges of the members of its bodies corporate shall remain intact. The members of such bodies of the City of Rome who have established homes in foreign countries, shall be compelled by the Governors of the provinces to return, in order that they may discharge the duties which, from ancient times, have been formally imposed upon them.

## TITLE XV.

### CONCERNING BAKERS.

#### 1. *The Emperors Gratian, Valentinian, and Theodosius.*

Any slave of the Superintendent of the Public Warehouses, who either through intrigue, favor, the use of money, or by any other means, may hereafter obtain a dignity or an office, shall be deprived of what he acquired in violation of Our order, and, having been fined twenty pounds of gold, shall be returned to the body to which he formerly belonged.

Every special privilege which, under any circumstances, has been obtained contrary to this law, is hereby absolutely annulled.

## TITLE XVI.

### CONCERNING THE PORK-BUTCHERS, WINE-MERCHANTS, AND OTHER CORPORATIONS.

#### 1. *The Emperors Valentinian, Theodosius, and Arcadius to Albinus, Prefect of the City.*

As dealers in hogs in the Eternal City are engaged in an occupation advantageous to the Roman people, they shall forever be exempt from the performance of ignoble services.

Given at Rome, on the eighth of the *Kalends* of September, during the Consulate of Timasius and Promotus, 389.

#### 2. *The Emperors Arcadius and Honorius.*

Any member of the corporation of pork butchers, who appears in court either as plaintiff or defendant, will be subject to the jurisdiction of the Urban Prefect.

Given at Rome, on the eighteenth of the *Kalends* of February, during the Consulate of Bassus and Philip, 408.

## TITLE XVII.

### CONCERNING MEMBERS OF CORPORATIONS AND MONEY BROKERS.

#### 1. *The Emperors Theodosius and Valentinian to Cyrus, Prefect of the City.*

When any persons, under the pretext of being deans or members of corporate bodies, do not discharge the duties of the same, or attempt to evade other obligations, We think that their fraudulent acts should be opposed, lest someone, on the ground of already having one employment, may claim exemption from the burdens of another, and to prevent the functions of bankers or brokers from being avoided by those who have only the titles of members of corporate bodies, or deans. Therefore, if one of such persons should call himself a member of a corporate body, or a dean, while he is only such in name, he is hereby notified that another who is capable of the discharge of the duties aforesaid shall be subrogated, in his place, as in the subrogation of the persons above mentioned, or that of those who are removed by death, dependent always upon the consent of the superior officer of the individual subrogated.

(1) So far as the supernumeraries who are enrolled in such bodies are concerned, none of them can be excused on the ground of patronage, or by virtue of any other privilege, for this is Our decree, and it is the duty of Your Highness and your office to diligently see that it is obeyed. We order that this shall apply equally to all persons, so that no one attached to Our palace, as well as those belonging to the churches, may succeed in being excused on account of any favor or prerogative whatever.

But in order that We may not appear to have promulgated this rule solely with reference to those actually employed, We direct it to be stated and published that, where any transfer is made from the provinces by means of a petition of the members of a corporation, this shall be done under the terms of a former constitution; that is to say, the rule which was laid down in the first place shall subsequently be observed without any innovation.

## TITLE XVIII.

### CONCERNING LIBERAL STUDIES IN THE CITIES OF ROME AND CONSTANTINOPLE.

#### 1. *The Emperors Theodosius and Valentinian, to the Prefect of the City.*

We order that all those who, having illegally assumed the title of professor, are accustomed to teach their pupils, collected together from all parts of the world, and assembled in public places, or in cells, shall not continue to practice this vulgar ostentation; and if anyone should attempt to do so, after We have prohibited and condemned it by the promulgation of the present law, he shall not only be branded with the infamy which he deserves, but shall also be expelled from the city where he unlawfully pursues his calling.

We do not, however, apply this prohibition to such as are accustomed to impart instruction privately, in the homes of their scholars, where they only occupy themselves with the latter, and teach them in their own houses; but where they are among those who have been appointed lecturers of the Capitol, they are hereby notified that they are forbidden, under all circumstances, to give lessons in the homes of their pupils, and they are warned that if they are convicted of having violated this law they will be absolutely deprived of the privileges by virtue of which they have been authorized to only impart instruction in the Capitol. Therefore they shall have the special right to give instruction, in the first place, in those branches of knowledge which the teaching of Roman eloquence approves; that is to say, the professors of oratory shall be three in number, and there shall be four professors of grammar, and also among those who are known to excel in serious declamation, five sophists and ten rhetoricians shall be appointed.

But as We do not desire youths only to receive instruction in these arts, We have deemed it proper to associate with the professors above enumerated others of more profound learning and scientific attainments. Hence, We wish one who is competent to explain the secrets of philosophy, and two versed in jurisprudence and the laws to be joined with them.

Your Highness shall see that special places are assigned to each of the above-mentioned instructors, so that neither the scholars nor the teachers may interrupt one another, and no confusion of tongues or of voices may distract the ears or minds of any of them from the study of letters.

Given at Constantinople, on the third of the *Kalends* of March, during the Consulate of Theodosius, Consul for the eleventh time, and Valentinian, 425.

#### TITLE XIX.

##### CONCERNING THE VEHICLES OF PERSONS INVESTED WITH HONORS.

###### 1. *The Emperors Gratian, Valentinian, and Theodosius to Nebridius, Prefect of the City.*

Persons who have been invested either with civil or military honors shall always be entitled to make use of vehicles suitable to their rank, that is to say, carriages, in this Imperial City.

Given at Constantinople, on the third of the *Kalends* of February, during the Consulate of Our Prince Honorius, and Evodius, 386.

#### TITLE XX.

##### CONCERNING THE PRIVILEGES OF THE CITY OF CONSTANTINOPLE.

###### 1. *The Emperor Ronorius and Theodosius.*

The City of Constantinople shall not only enjoy the privileges enjoyed by Italy, but also those of ancient Rome.

#### TITLE XXI.

##### CONCERNING THE METROPOLIS OF BERYTUS.

###### 1. *The Emperors Theodosius and Valentinian to Hormisdas, Praetorian Prefect.*

We decree that the City of Berytus, already renowned for its admirable qualities, shall, for good and sufficient reasons, be adorned with the title and dignity of a metropolis, and therefore it is hereby constituted a metropolitan city. Tyre shall lose none of its rights, but shall remain the capital of the province, through the favor granted by Our ancestors. Berytus shall become a metropolis by our own authority, and both cities shall enjoy the same privileges.

#### TITLE XXII.

##### CONCERNING THE CONTRIBUTION OF GRAIN MADE TO THE CITY OF ROME.

###### 1. *The Emperors Valentinian, Valens, and Gratian to Julianus, Prefect of Subsistence.*

Masters of ships must swear before Governors or magistrates that the grain which they have received is of good quality, and the official before whom this oath is taken must satisfy himself by actual inspection that none of it is spoiled. The Prefect of Subsistence is ordered to see that this is done at the time when the grain is brought to the port of the Imperial City.

Given on the eighteenth of the *Kalends* of July, during the Consulate of Gratian and Dagalaifus, 366.

*2. The Emperors Arcadius and Honorius to the Senate.*

Where immunity from the delivery of wheat or barley to the City is granted, it will be void, as rescripts specially issued contrary to the public welfare are of no force or effect.

Given at Milan, on the seventeenth of the *Kalends* of May, during the Consulate of Csesarius and Atticus, 397.

*3. The Same Emperors to Messala, Praetorian Prefect.*

We shall not, hereafter, permit anyone to petition for exemption from sending provisions to the City of Rome, nor shall We suffer any rescripts, which may have been obtained in any way for that purpose, to be considered valid.

We decree that those who violate this law shall be liable to a penalty of double damages, and any vicegerents or other magistrates who may, hereafter, be convicted of the misappropriation of grain destined for the city shall suffer the penalty of deportation, and their principal subordinates be put to death.

Given on the fourth of the *Kalends* of October, during the Consulate of Theodore, Consul for the fifth time, 399.

TITLE XXIII.

CONCERNING GRAIN DESTINED FOR THE CITY OF CONSTANTINOPLE.

*1. The Emperors Honorius and Theodosius to Ursus, Prefect of the City.*

No one, not even a member of the Imperial household, shall be furnished with grain from the public warehouses for the purpose of subsistence; but the entire amount shall be delivered to slaves, and be baked into bread for distribution among the houses. For it is in this way that the privileges granted by the Emperor Constantine of glorious memory, as well as by My grandfather the Emperor Theodosius, should be observed; for want will increase, if grain given for the purpose of subsistence is known to have been applied to other uses, and the people will be compelled to purchase for themselves what they otherwise would have been able to sell to others.

Given at Constantinople, on the tenth of the *Kalends* of August, during the Consulate of Theodore, Consul for the seventh time, and Palladus, 416.

*2. The Emperors Theodosius and Valentinian to Leontius, Prefect of the City.*

The sum set apart for the purchase of grain shall remain the same forever, nor shall any Prefect of the City, after his administration is terminated, be permitted to diminish the said sum, or convert it to other uses, but a written statement shall be filed, setting forth the amount furnished bakers, as well as the quantity of bread to be delivered by them without their being subjected to extortion.

We order that anyone who dares to violate this law by fraudulently appropriating any of said grain shall restore double the amount, and any profit which may be obtained by way of interest shall be added to the principal, and be classed as such, to be expended in the purchase of grain. The provisions of this law shall be inscribed upon tables of brass.

Given at Constantinople, on the fifth of the *Kalends* of December, during the Consulate of Ariobindus and Aspar, 434.

#### TITLE XXIV.

##### CONCERNING CIVIL CONTRIBUTIONS OF GRAIN.

1. *The Emperors Theodosius, Arcadius, and Honorius to Proculus, Prefect of the City.*

It is perfectly clear that, by virtue of the privilege granted by the Divine Constantine, contributions of grain for public subsistence should be made, not so much on account of rank, as because of the merits of individuals, and therefore none of such persons shall have the right, as a member of a privileged class, to claim any of such contributions. Where, however, they have been bestowed on account of personal merit, they shall be valid; so that where anyone has transferred the privilege of obtaining subsistence either to his own heirs by right of blood, or to strangers by sale, the transaction shall stand, whether the title is based upon inheritance or alienation.

Given at Constantinople, on the seventh of the *Kalends* of July, during the Consulate of Arcadius, Consul for the second time, and Rufinus, 392.

2. *The Emperor Martian.*

We grant, by Our liberality, in addition to the usual allowance, a donation of a hundred and twenty-five measures of wheat out of the grain stored in the public warehouses of this city, for every day of the present sixth indiction, dating from the first of the *Kalends* of January. And We order that instructions to this effect shall be sent to the Sublime Prefecture of the East, in order that it may be informed of the amount of Our donation and immediately comply with Our commands. We direct this apportionment always to be granted to Our subjects hereafter, and that this law shall be perpetually valid.

#### TITLE XXV.

##### CONCERNING STURDY BEGGARS.

1. *The Emperors Gratian, Valentinian, and Theodosius to Severus, Prefect of the City.*

All those who adopt the uncertain calling of public beggars shall be examined and their physical condition and age be ascertained, and if they have been reduced to this state through idleness, and not by disease, those of them who are slaves shall become the property of the person who detected them. Where, however, they are free by birth, they shall be subjected as vassals to whoever has exposed them and proved their imposture. If they are fugitives, or others have advised them to adopt the profession of beggars, the rights of action of their masters shall remain unimpaired.

Given on the twelfth of the *Kalends* of July, during the Consulate of Antonius and Syagrius, 382.

#### TITLE XXVI.

##### CONCERNING BOATS PLYING ON THE TIBER.

1. *The Emperors Valentinian and Valens to Symmachus, Prefect of the City.*

Anyone who is shown to have a vessel for navigation on the Tiber shall be subjected to the burdens imposed by the State. Therefore, any vessel found upon the Tiber will be liable to the proper and ordinary services exacted by the government, and no rank or privilege will avail to obtain exemption from this public requirement.

Given on the eighth of the *Ides* of October, during the Consulate of the Divine Jovian, and Varronian, 364.

#### TITLE XXVII.

##### CONCERNING GRAIN DESTINED FOR THE CITY OF ALEXANDRIA.

1. *The Emperors Honorius and Theodosius to Anthemius, Praetorian Prefect.*

In estimating the amount of grain which should be transported to the City of Alexandria, We confirm the provisions made by Your Highness concerning the duties of *crithologues* and *zygostases*, and the preservation of the property belonging to masters of vessels. We order that decurions shall be deprived of the opportunity for peculation, and that they shall be excluded from the exercise of these functions, which shall be discharged by officials whose appointment and capacity have been approved by you.

Given at Constantinople, on the fifth of the *Kalends* of February, during the Consulate of Honorius, Consul for the ninth time, and Theodosius, 412.

2. *The Emperors Theodosius and Valentinian to Isidore, Praetorian Prefect.*

We decree that a hundred and ten measures of grain shall be added to the daily apportionment of the City of Alexandria, and that no one shall be deprived of the amount which he has received up to the present time. We also decree that what has previously been distributed under the name of *perissochoregia* shall hereafter be designated as alms bestowed in the name of the Emperor.

Given at Constantinople, on the day before the *Nones* of June, during the Consulate of Isidore and Senator, 436.

TITLE XXVIII.

CONCERNING THE PRIMATES OF THE CITY OF ALEXANDRIA.

1. *The Emperors Theodosius and Valentinian to Isidore, Praetorian Prefect.*

We release the corporate bodies of the City of Alexandria from the duty of taking care of the river, and, in accordance with the tenor of your regulations, decree that four hundred *solidi* shall be set aside annually for this purpose from the tax imposed upon the said city, which has been collected in different ways from ships plying on the Nile.

Given at Constantinople, on the day before the *Nones* of July, during the Consulate of Isidore and Senator, 436.

TITLE XXIX.

CONCERNING THE RIGHTS OF THE STATE.

1. *The Emperor Antoninus to Dionysius.*

It has been decided that if any judgment should be rendered against the State, in a case in which no defence was made, and defenders were not, nor should have been appointed, no prejudice will result, so far as any actions to which the State may be entitled are concerned.

2. *The Same Emperor to Phorodius and Others.*

Inquiry should be made of the judge having jurisdiction whether the State, to whose place you have succeeded, for the reason that you allege that you have satisfied the debt due to it, still retains the right of hypothecation to the land in question. If it did not acquire that right through some special provision made for the purpose, and this was not expressly stated in the obligation, its case should not be distinguished from that of other creditors who have the right of personal action.

3. *The Emperor Alexander to Salvinius.*

In extraordinary proceedings, it is customary for relief to be granted to the State in the same way as to a female minor.

4. *The Emperor Diocletian and Maximian to Urbanus.*

If, in conformity to custom, the city you have mentioned sold the land occupied by ruined buildings, the Governor of the province will permit nothing to be done which is contrary to this practice.

## TITLE XXX.

### CONCERNING THE ADMINISTRATION OF PUBLIC AFFAIRS.

#### 1. *The Emperor Gordian.*

It is perfectly evident that the possessor of land under emphyteusis cannot be deprived of the same without his consent, if the rent is regularly paid at the time when it is due.

#### 2. *The Emperors Diocletian and Maximian, and the Caesars.*

You are aware that proceedings for the collection of damages should be instituted against those who administer the affairs of the State, and are required by the duties of their office to accept a trust left under a condition, but have failed to discharge their duties in this respect.

## TITLE XXXI.

### CONCERNING THE SALE OF PROPERTY BELONGING TO THE STATE.

#### 1. *The Emperor Alexander.*

If you purchased land sold by the government unconditionally, and the sale has been perfected, you need be under no apprehension that you can be deprived of the ownership of the same by the subsequent offer of a higher price, provided the time designated for such an offer to the Treasury has expired, unless the city in question is, under such circumstances, controlled by a local custom.

#### 2. *The Emperors Valerian and Gallienus.*

Although a larger sum appears to have been offered as rent for the public land in question, still the lease should not be declared void under the pretext of this increase, especially when you state that a considerable time has elapsed since the contract was made.

#### 3. *The Emperor Leo.*

Where a house acquired through an inheritance, a legacy, a trust, or a donation, or any supply of grain, or any buildings, or slaves come within the jurisdiction of this renowned Capital, or of any other city of the Empire, it shall be lawful for the municipality entitled to said property to enter into a contract of sale to its own advantage, and the highest price possible having been obtained at said sale, the proceeds shall be expended for the repair or construction of public edifices.

We, intending diligently to provide for the interests of cities, and to prevent persons from doing anything to their disadvantage, and desiring such sales to proceed without the commission of fraud, corrupt bargaining, or connivance of any description, do hereby decree that if anyone should hereafter sell to this glorious City a house, civil supplies, or any buildings or slaves whatsoever belonging to others, this shall not be done unless by the authority of the Emperor.

Moreover, in the provinces, all, or a majority of the decurions, or of the officials, or the owners of land in the city, to whom the property aforesaid belongs, shall be present; and We order that after the Imperial document authorizing the sale has been produced, each one of them shall give his opinion as to what he thinks to be beneficial to his country, so that, finally, by reading the decree in the presence of the proper authorities, the purchaser may obtain a good title.

We decree that contracts of sale made in this manner, whether they are completed at the time, or are perfected subsequently, shall be valid.

## TITLE XXXII.

### CONCERNING THE DEBTORS OF CITIES.

#### 1. *The Emperor Antoninus.*

It has been established by My Constitutions, as well as by those of the Divine Emperors, My predecessors, that a debtor to the government cannot be invested with any official honor before he has discharged his indebtedness.

## 2. *The Emperor Constantine to Verinus.*

You should see that the funds of cities are loaned to persons who are solvent, or whose heirs retain the estates of their fathers intact, provided they pay the interest annually at the very time when it is due, as it is advantageous to the State to have debtors who are solvent, and it is beneficial to the latter that the amount of their indebtedness should not be increased. And, for the reason that it is wrong for losses to be sustained by cities, through the alienations of corporate bodies indebted to them, it has been decided that if any debtor of a city should give away, sell, or otherwise dispose of to another any part of the property of which he was possessed at the time when he borrowed the public money, the nature of the property alienated and the entire fortune of the debtor, which he possessed at the time that the money was lent to him, being taken into consideration, the principal and interest of the debt can be collected from him who obtained anything from the estate of the debtor in proportion to what he received.

Therefore, whenever the estate of such a debtor is found to be insolvent, and a claim is held against it by any city, the judge must use all diligence and exert every effort to ascertain to whom the property of the debtor has been transferred, so that each of the parties, after an equitable estimate has been made, can be sued in proportion to the amount of the property of which he has possession, and he will be entitled to a personal action against the debtor aforesaid, who has been released from liability, by the payments which have been made.

The person to whom the greater portion of his property is proved to have been transferred by the debtor will have the right to demand the transfer of the remainder, in order that, by so doing, he may become solvent.

It is clear that if any debtor to the city should surrender his property to Our Treasury, those who purchase it from the Treasury cannot, in accordance with the ancient law and the Imperial Rescripts and Constitutions, be compelled to suffer any annoyance. But if the debtor should not do this, or if he has squandered all his property, so that no one can have possession of any of it, the loss of the debt must then be sustained by the government; and therefore the authorities of cities should be careful to lend their money to persons who are solvent, or are the owners of rustic estates.

Published on the third of the *Kalends* of February, during the Consulate of Volusianus and Annianus, 314.

## TITLE XXXIII.

### CONCERNING THE LIABILITY OF THOSE WHO MAKE APPOINTMENTS.

#### 1. *The Emperor Gordian.*

Although you did not require those who were appointed magistrates by you and your colleague to furnish sureties, still, if they were solvent at the time when they relinquished the honor of the magistracy, they did not, for that reason, render you liable for any accidental circumstance by which the value of their estates was reduced, as those who could have sued them in the public name, and neglected to do so at the time when they retired from office, must only blame themselves, and make good the loss sustained by the State if it occurred through their fault.

2. *The Emperor Philip and the Csesar Philip.* If the successor of your successor did not appoint a solvent magistrate in his place, the responsibility for his administration can, by no means, attach to you personally; for one is only compelled to assume responsibility for the successor whom he himself appointed, and the power of the law does not extend to the appointment of one who, in his turn, was appointed by another.

#### TITLE XXXIV.

### CONCERNING THE LIABILITY OF THOSE WHO BECOME SURETIES FOR MAGISTRATES.

#### 1. *The Emperor Antoninus.*

It has been decided by Me, as well as by My Father, the Divine Severus, that the sureties of magistrates are only responsible for the administration of those for whom they become liable, so far as matters pertaining to the management of their office are concerned, and not for any penalties which they may have incurred through negligence or crime.

#### TITLE XXXV.

### IN WHAT ORDER PERSONS MUST BE SUED.

#### 1. *The Emperor Antoninus.*

Although the care of money belonging to a city may have been committed to two persons, still, each of them is not liable to it merely for the portion which he received, but in full. Moreover, when the State demands indemnity, the property of him who transacted the business shall first be taken, and then (if it is not sufficient to satisfy the claim) recourse must be had to his colleague.

Although you are the heirs of one of the city officials, it is not reasonable that you should be liable where, after the death of your principal, any fraud or negligence has been committed by his colleagues.

#### 2. *The Emperor Gordian.*

Whenever an official duty is imposed upon two persons, not separately but jointly, and in such a way that each of them is considered responsible in full, recourse cannot, under any law, be had to the person who made the appointment, before the pecuniary resources of both of those who administered the office are formally ascertained to have been exhausted.

Where, however, they were appointed to administer different branches of the same employment, each should be held liable for that part of the office of which he had charge; and the same rule applies to their sureties. But when indemnity cannot be obtained from them, then recourse should be had to him who appointed them, and if he should prove unable to discharge the indebtedness, the Governor will not be ignorant of the fact that each of the officials is liable for the acts of the other.

#### 3. *The Same Emperor.*

If you have been created duumvirs, under the express condition that you should be equally responsible for one another, there can be no doubt that you are each liable for the other's acts, as it has been established that in case of the appointment of magistrates, recourse should first be had to those who made the appointment. And you understand that this rule must also be observed where We, Ourselves, are personally interested.

#### 4. *The Emperors Diocletian and Maximian.*

As you allege that you and your colleague, while in office, lent the public money at interest, and some of the claims cannot be collected from certain debtors to the State, and as you are ready to make good the loss growing out of any transaction in which you alone were concerned, the result will be that if the administrations of you and your colleague were distinct, recourse can be had to the successors of the latter, or to the persons now in possession of his property. And if the State should not be entirely indemnified, those who appointed him can be sued, and finally if anything should remain unpaid by your colleague, you will be responsible for negligence, since it has been decided that those who first made the nomination are liable as sureties.

TITLE XXXVI.

NO FREEMAN CAN BE COMPELLED TO PERFORM THE FUNCTIONS OF A MUNICIPAL SERVANT.

1. *The Emperors Valerian and Gallienus.*

If, as you allege, you obtained your freedom by a decree of the decurionate, you should not be obliged to serve the city against your consent, and the municipal curator will remember this fact, especially as slaves are required to perform this duty.

2. *The Emperors Diocletian and Maximian.*

If you, being freeborn, should be compelled by the city to discharge the duty of a servant, you can invoke the aid of the Governor and the protection of the law, as far as custom authorizes this to be done.

TITLE XXXVII.

THE EXPENSES OF THE OFFICE TO WHICH THEY HAVE BEEN APPOINTED MUST BE BORNE BY ALL THE INCUMBENTS OF SAID OFFICE.

1. *The Emperor Maximian.*

As you state that you, with others, have been appointed to administer the office of Superintendent of Couriers, and that you alone have discharged the duties of the same, having been deserted by your colleagues; any expense which you may have incurred should, by a decree of the Governor, be divided proportionately among all who are required to share in the administration of the office. He will not be ignorant of your liability to public censure, if he should ascertain that you, also, have been derelict in the performance of your duty.

TITLE XXXVIII.

CONCERNING THOSE AGAINST WHOM LEGAL PROCEEDINGS ARE INSTITUTED ON ACCOUNT OF THE OFFICE WHICH THEY HAVE ADMINISTERED.

1. *The Emperor Antoninus.*

As the money belonging to the city, which was lent at interest, was not lost through your fault, it is sufficient for you to be responsible for the principal, and not for the interest.

TITLE XXXIX.

CONCERNING THE PAYMENTS AND RELEASES OF DEBTORS TO THE STATE.

1. *The Emperor Alexander to the Quatuorvirs and Decurions of the Fabretians.*

Receipts given by public slaves only release debtors from liability when they are countersigned by the treasurer, or are approved by the authority of those having the right to make the collections.

Moreover, he who is said to have made payment, and can produce the receipt of the person to whom the money was given, is only considered to have a good defence, if he is able to show that what he paid was placed in the Treasury of the City. If it should be proved that your curator, assisted by the fraud of the slave, intercepted any money paid by the debtors, the slave shall be compelled to refund the amount lacking out of his own *peculium*.

TITLE XL.

CONCERNING EXHIBITIONS, ACTORS, AND PROCURERS.

1. *The Emperor Constantine.*

We do not discourage public diversions, but, on the other hand, exhort citizens to re-establish the exhibitions of strength and skill in the arena. And, besides, as officials desire to render themselves popular by considering the tastes and pleasures of the people, We the more readily

permit them to do so, provided they bear the expense.

Given on the sixth of the *Ides* of March, during the Consulate of Valens, Consul for the fifth time, and Valentinian, 376.

2. *The Emperors Oration, Valentinian, and Theodosius to Valerian, Prefect of Illyria.*

Your Highness should be aware that those persons who occupy themselves in raising disturbances should be subjected to no other punishment but that of engaging in combats in the circus.

Given on the eighth of the *Ides* of May, during the Consulate of Eucherius and Syagrius, 381.

3. *The Same Emperors to Valerian, Prefect of the City.*

Anyone who uses for his private profit or convenience the horses which We, Ourselves, or the ordinary consuls, have set apart for the public races, shall be fined one pound of gold.

Given on the eighth of the *Kalends* of May, during the Consulate of Eucherius and Syagrius, 381.

4. *The Emperors Theodosius, Arcadius, and Honorius to Rufinus, Praetorian Prefect.*

If the portrait of a buffoon in short garments, or one of a charioteer with wrinkled breast, or of a vile actor, should be placed in the public porticoes, or anywhere in the city in which Our statues are usually erected, it shall immediately be removed; nor shall it, hereafter, ever be lawful for the representations of such degraded persons to be exhibited in respectable places. We do not, however, forbid such pictures to be set up at the entrance of the theatre or circus.

Given at Heraclea, on the third of the *Kalends* of July, during the Consulate of Arcadius, Consul for the third time, and Honorius, Consul for the second time, 396,

5. *The Emperors Honorius and Theodosius to Anthemius, Praetorian Prefect.*

No person in authority shall permit chariot-horses, charioteers, wild animals, actors, or citizens to be conducted from one city to another, or from one province to another, lest, while they are intemperately soliciting popular applause, they may interfere with the transaction of public business, and interrupt the celebration of public festivals in the towns; and anyone who fails to obey this regulation will be liable to the penalty imposed upon violators of the law.

Given at Constantinople, on the eighth of the *Ides* of August, during the Consulate of Honorius, Consul for the eighth time, and Theodosius, Consul for the third time, 409.

6. *The Emperors Theodosius and Valentinian to Florentius, Praetorian Prefect.*

We do not suffer either fathers or masters who, acting as procurers, impose upon their daughters or female slaves the necessity of prostituting themselves, to enjoy the right of ownership of property, or to claim immunity for such a crime. It is therefore decided that, as the result of Our indignation, they shall not possess any authority over their daughters or slaves, and that nothing can be acquired for them by their instrumentality; and any slaves and daughters, whom poverty has reduced to such an humble condition, shall be permitted to implore the aid of bishops, judges, and defenders of the city, if they desire to do so, in order to be released from the necessity of pursuing this wretched calling.

If their procurers aforesaid should think that they have the right to compel or require them, against their will, to continue in their disgraceful occupation, they shall not only lose the power which they had over them, but their property shall be confiscated, and they shall be sentenced to the public mines.

This penalty is less severe than that imposed where a woman is forced by a procurer to indulge in promiscuous sexual intercourse without her consent.

Given on the eleventh of the *Kalends* of May, during the Consulate of Felix and Taurus, 428.

## TITLE XLI.

### CONCERNING THE EXPENSES OF GAMES.

#### 1. *The Emperors Diocletian and Maximian.*

As you say that the Governor of the province has applied the funds which were intended for public exhibitions to the repair of the walls of the city, what has been done for the general welfare cannot be revoked by Us, but the regular performances of the arena shall take place in accordance with ancient custom, after the repairs of the walls have been completed. For in this way, by strengthening the walls, provision is made for the defence of the city, and those matters which have reference to the public safety having been accomplished, the games can be celebrated afterwards.

## TITLE XLII.

### CONCERNING AQUEDUCTS.

#### 1. *The Emperor Constantine to the Consular, Maximilian.*

We desire that the owners of land through which canals pass shall be exempt from extraordinary charges, in order that their labors may keep the aqueduct clear of filth of every description, and no other requirement shall be imposed on the possessors of said land to prevent them from occupying themselves with other matters, and taking care to keep the channels of the aqueduct in good condition. If they should fail to do this, they shall be punished with the loss of their property, for the Treasury will obtain the land of him through whose negligence the aqueduct became obstructed.

Moreover, all such persons are hereby notified to plant trees at intervals of fifteen feet on both sides of the aqueduct traversing their premises; and it shall be the duty of the judge to see that these trees are cut down, if at any time they should sprout, to prevent their roots from injuring the aqueduct.

Given on the fifteenth of the *Kalends* of June, during the Consulate of Gallicanus and Symmachus, 330.

#### 2. *The Emperors Valentinian, Theodosius, and Arcadius to Pan-cratius, Prefect of the City.*

If anyone should hereafter be so insolent as to attempt to interfere with the convenience of this Most Flourishing City, "by conducting water on his own land from a public aqueduct, he is hereby notified that the said land will be confiscated, and added to Our private domain.

Given at Constantinople, on the eighth of . . . , during the Consulate of Timasius and Promotus, 389.

#### 3. *The Same Emperors to Albinus, Prefect of the City of Rome.*

We order that those to whom a supply of water has been either formerly or recently granted by Our indulgence shall obtain the same from the reservoir, or from the springs themselves, and that they shall not take it from the principal canals, so as to divert their course, or diminish the amount; nor shall they draw it from the aqueduct itself.

If anyone should do otherwise, he shall not only forfeit the privilege which he formerly enjoyed, but shall be severely punished, according to his personal status.

Given at Rome, on the fifth of the *Kalends* of September, during the Consulate of Timasius and Promotus, 389.

#### 4. *The Emperors Arcadius and Honorius to Astorius, Count of the East.*

We decree that the use of water, based upon ancient and well-established ownership, shall continue to be enjoyed by citizens entitled to the same, and that they shall not be disturbed by any innovation; provided, however, that each one takes the same amount of water which he was allowed in former times, and that he takes it in the same way. Those who, by the use of

secret canals, abuse their privilege for the purpose of irrigating their fields, or adding to the attractions of their gardens, shall be punished.

Given on the *Kalends* of November, during the Consulate of Caesarius and Atticus, 397.

*5. The Emperors Theodosius and Valentinian.*

If anyone, through the generosity of the Emperor, should obtain the right to use water, he must have the written authority to do so registered, not by the illustrious Governor of the province, but by Your Excellency, and anyone who attempts to have it registered by the Governor shall be punished with a fine of fifty pounds of gold, and the same penalty shall be imposed upon this official, if he accepts a rescript conferring such a privilege, when it has been surreptitiously obtained. The subordinates of the said Governor shall also be subjected to punishment by Your Highness. In addition to this, You must determine the quantity of water, both hot and cold, which should be devoted to the service of the public baths, in proportion to the number of citizens who use them, as well as the amount of superfluous water to which those persons to whom We have granted the privilege shall be entitled.

*6. The Same Emperors.*

Every servitude permitting water to be drawn from the aqueduct of Hadrian, whether for domestic use, for the irrigation of land, for country villas, or for baths, either by virtue of an Imperial Rescript, or secured by usurpation, is hereby absolutely abolished; for We prefer that the aforesaid aqueduct should be used to provide water for the public, hot and cold baths, and for Our palace.

We decree that this law shall, by all means, be observed hereafter, and that permission shall be granted to no one, in answer to a petition, to take water from the said aqueduct, nor shall anyone venture to pierce it for that purpose. All persons who, for any reason whatsoever, may think that they are entitled to this privilege (or any official who dares to grant it, or even receive a petition for that purpose), are hereby notified that they will be fined a hundred pounds of gold for the benefit of the Treasury. We order that no trees shall be planted within ten feet of a public aqueduct, but that, on each side of the same, the space of ten feet shall remain unoccupied and unobstructed.

Moreover, We decree that the same rule shall be observed with reference to the leaden pipes which conduct water to the hot baths, called by the name of Achilles, which We have learned that Your Highness has erected; for We desire that the above-mentioned pipes shall only be used for providing the hot and cold baths with water, which is the purpose for which you intended them.

Your Highness must also give authority to your subordinates to exercise supervision over houses, suburban villas, and baths, without running any risk, in order to prevent deception from being practiced, or suppression, or any other illegal act from being committed by anyone against the public welfare, so far as the use of water is concerned.

*7. The Same Emperors.*

All taxes on ladders which can be collected, as well as those paid by the laborers called *zizaceni*, shall be employed for the repair of the aqueducts of this Renowned City. It should also be observed that none of those who have the right to use the water shall be subjected to any expense for repairs, as it would be abominable for the inhabitants of this Beautiful City to be compelled to purchase water.

*8. The Emperor Zeno.*

We order, by this law, that if any Urban Prefect should convert to other purposes money provided for the construction or maintenance of aqueducts, he shall be compelled to refund the amount out of his own property to be used for the said aqueducts.

A separate treasurer shall be appointed to receive the money provided by the illustrious

Consuls, which has been donated by their liberality, or has been, or may hereafter, be obtained from other sources to insure a supply of water for the public.

9. *The Same Emperor to Poratias.*

We decree that careful investigation shall be made of fountains which were originally public, as well as those which, derived from private sources, have afterwards become public and then been converted to the use of private individuals, as well as of such as have been surreptitiously obtained by Imperial Rescripts; and, by all means, where a privilege of this kind is known to have been secured unlawfully, and not under the pretext of Imperial sanction, so that its rights may be restored to the Capital, and what was once public shall not become private, but shall be devoted to the use of the entire community.

Imperial Rescripts or pragmatic sanctions which have been obtained by any persons, contrary to the welfare of the City, should be declared illegal and void; nor can any prescription of long time be advanced for the purpose of curtailing the rights of the City.

10. *The Same Emperor to Pentius.*

We decree that nothing shall be done by anyone, no matter what his rank, for the purpose of interfering with the smaller aqueducts, or the public fountains which flow into them. Whoever, either secretly or openly, relying upon his authority, diverts any of the water from the said branches of the aqueduct or fountains, or clandestinely takes water from the public aqueducts, shall be compelled to make complete restitution of the same.

We also order that hereafter no trees whatever shall be planted near the said aqueducts, in order that the walls of the latter may not be ruined by their roots. The prohibition is known to have been established by the ancient constitutions, and all persons are notified that, hereafter, any villa, field, bath, mill, or garden in which public water is used, or in or about which trees have been planted by the owner thereof which may injure the aqueduct, will subject the man or the building to proscription, and his property shall be confiscated to the Treasury. This penalty shall not be revoked even by an Imperial Rescript.

Again, We decree that all inspectors and guardians of water, who are styled *hydrophylacs*, who are appointed to have supervision of the aqueducts of this Imperial City, shall bear Our name stamped upon their hands for the purpose of identification, so that by this means they may be known to all, and not be called upon to perform other services, either by the Stewards of Our Household, or by anyone else, and be employed as couriers, or discharge various public duties.

When any of said water-inspectors dies, We order that whoever is summoned to take his place shall be designated with the same mark, so that, being thus associated in a common service, they must exercise constant vigilance for the preservation of the water, and not occupy themselves with other matters.

11. *The Emperor Justinian to Servus, Praetorian Prefect.*

We order, by this law, that the Divine Constitution promulgated by the Emperor Theodosius, of illustrious memory, with reference to those who wish to obtain the right to take water from the public fountains, shall be confirmed, so that no one, either in this Most Holy City, or in the provinces, shall be permitted to draw water from any public aqueduct or fountain without a special permit issued by the Emperor in the usual manner, and duly recorded, either by Your Highness, or by other officials having authority to do so.

Those who violate this law, or permit it to be done, shall not only be condemned to pay a fine of ten pounds of gold, but shall also be severely punished.

TITLE XLIII.

CONCERNING GLADIATORS.

1. *The Emperor Constantine to Maximus, Praetorian Prefect.* Sanguinary exhibitions are not

proper in the midst of civil tranquillity and domestic peace, for which reason We absolutely prohibit gladiatorial contests.

Published at Berytus, on the *Kalends* of October, during the Consulate of Paulinus and Julian, 325.

TITLE XLIV.

CONCERNING THE CHASE OF WILD BEASTS.

1. *The Emperors Honorius and Theodosius to Maurianus, Count of the Domestics.*

We grant permission to everyone to kill lions, and no one shall have any fear of prosecution on this account. Moreover, We order that wild beasts which are sent by the dukes of frontiers to Us cannot, while on the way, be kept in any city longer than seven days. The violators of this law shall pay a fine of five pounds of gold to the Treasury.

Given on the thirteenth of the *Kalends* of June, during the Consulate of Constantius and Constans; and also at Constantinople, on the fifth of the *Kalends* of October, during the Consulate of Our Lord Honorius, Consul for the eleventh time, and Constantius, Consul for the second time, 417.

TITLE XLV.

CONCERNING THE MAY FESTIVAL.

1. *The Emperors Arcadius and Honorius to Csesarius, Praetorian Prefect.*

We have decided that the May Festival shall be re-established for the benefit of the people of the provinces, provided that decency be observed, and modesty and chastity be maintained.

Given at Constantinople, on the seventh of the *Kalends* of May, during the Consulate of Arcadius, Consul for the fourth time, and Honorius, Consul for the third time, 196.

TITLE XLVI.

THE USE OF ARMS WITHOUT THE KNOWLEDGE OF THE EMPEROR IS  
FORBIDDEN.

1. *The Emperors Valentinian and Valens to Buleforus, Consular of Campania.*

No one shall, hereafter, without Our knowledge and consent, have the right to bear arms of any description whatever.

Given on the third of the *Nones* of October, during the Consulate of the Divine Jovian and Varronian, 364.

TITLE XLVII.

CONCERNING FARMERS, TENANTS OF LAND REGISTERED ON THE CENSUS,  
AND SERFS.

1. *The Emperor Constantine.*

Farmers engaged in sowing seed or gathering their crops shall not be subjected to extraordinary civil burdens, in order that proper time may be given them for performing their necessary labors.

2. *The Emperor Constantine to Dulcitius, Consular of Emilia.*

When anyone wishes to sell or donate land, he cannot retain for himself the serfs attached to it, nor can he by any private agreement transfer them elsewhere. For those who think that serfs are an advantage should either keep them on the land, or relinquish them to those to whom it has been sold, if they themselves do not expect to obtain any benefit for the land alone.

Given at Milan, on the third of the *Kalends* of May, during the Consulate of Constantius,

Consul for the ninth time, and Julianus, Consul for the second time, 357.

3. *The Emperor Valentinian and Valens to Faventius, Vicegerent of Italy.*

Anyone who, through Our liberality, obtains vagrant slaves from deserted lands will, on this account, be liable to the Treasury for the annual payment of the same amount of rent which the Treasury formerly received from the land to which the slaves were recently attached.

We desire that this rule shall also apply to those who have permitted slaves of this kind to settle on their own land.

Given at Milan, on the day before the *Kalends* of August, during the Consulate of Valentinian and Valens, 365.

4. *The Same Emperors to Modestus.*

Owners of land are notified that either they or their agents will be compelled to pay the tribute originally imposed upon the serfs, in the places from which they came. We decree that those shall be excepted from this rule who are the owners of land, no matter what may be its value, and who have been registered in their own names as owners in the office of the census; for it is proper that they themselves should pay the tribute in grain to the regular collector, in proportion to the amount of their possessions.

Given at Constantinople, on the *Kalends* of May, during the Consulate of Gratian and Dagalaifus, 366.

5. *The Same Emperors to Orientis.*

The owners of land shall only exact from their serfs what it produces, and they must not collect their rent in money, which rustics need not pay unless the custom of the country requires it.

6. *The Same Emperors and Gratian to Germanus.*

The Governors of provinces shall compel all fugitive serfs, whether attached to the glebe or not, as well as tenants without distinction of sex, occupation, or status, to return to the land where they are registered, and have been born and reared.

7. *The Same Emperors to Maximus.*

Just as it is not lawful for serfs attached to the soil to be sold separately, so rustic slaves and registered serfs shall, by no means, be disposed of in this way. Nor can anyone fraudulently evade this law (which has often been done in the past with respect to serfs attached to the glebe) by conveying a small portion of the land to the purchaser, and transferring therewith all the slaves belonging to the entire tract; but where all the land, or a certain part of the same is sold to anyone, the same proportion of slaves and serfs shall pass with it, and the corresponding number of the same shall either be delivered or remain with the former owners or possessors. If the purchaser should disobey this law, he must consider the price which he paid as lost, and the vendor shall, nevertheless, have a right to recover the slaves with any offspring they may have.

If the vendor should, for any reason, decline to take advantage of this provision, and die without having done so, We grant the right of recovery to his heirs against those of the purchaser, without permitting prescription for long time to be pleaded, for no one can entertain any doubt that he is a possessor in bad faith who has bought anything contrary to the provisions of the laws.

8. *The Same Emperors to Probus.*

All fugitive serfs who conceal themselves upon the land of another shall be recovered, together with the tribute which they owe, that is to say, if those in whose possession the slaves are found know that they were fugitives, and belonged to someone else, and were used for his own benefit, in other words, if they cultivated land the crops of which were to be given to the

owners, or any other services were exacted of them, and they did not obtain any compensation for their labor, the tribute imposed upon them and which was lost by the Government shall be collected from the proprietor of the land.

Where, however, the fugitives concealed the fact that they were of servile condition, and represented themselves to be free when they applied to another person, and cultivated land for the purpose of giving only a portion of the crops to the owner of the same, reserving the remainder for their own *peculium*, or if they received a fixed salary for the performance of certain services, any tribute which may be due to the government shall be collected from the fugitives themselves; for it is clear that a private contract was made. But when any debtors are found among these fugitives (as is usually the case where men of this kind are engaged in commercial transactions), the judge shall compel what is due to be paid by those who are liable to the creditors entitled to the same.

#### 9. *The Same Emperors to the People.*

Exemptions which have been specially granted, that is to say, of both land and personal taxes accorded by the municipal magistrates or Governors of provinces, are hereby annulled, and those who enjoy them shall be returned to their former condition.

Given at Milan, on the third of the *Nones* of March, during the Consulate of Merobaudus, Consul for the second time, and Saturninus, 383.

#### 10. *The Same Emperors to Cynegius, Praetorian Prefect.*

Formerly the rule with reference to the poll-tax was that it should be imposed upon every man, and every two women; it shall now be imposed upon every two or three men, or every four women. Therefore, Your Highness will order the amounts of this tax as above indicated to be justly and properly inscribed on the public registers, in the country of the Comanenses, in that of the Ariatensians and Second Armenia, in the country of the Amasenes, in Helenopontus, in the country of the Diocaesareans, and in Second Cappadocia.

#### 11. *The Emperors Arcadius and Honorius.*

We decree that original serfs shall be exempt through no privilege, dignity, or authority, but that all the rights which have been at any time obtained by them through favor shall be abrogated, and that they shall be restored to their owner, or to the land to which they were attached.

#### 12. *The Same Emperors to Florentinus.*

We desire that slaves, tributary serfs, or tenants shall remain with their masters, for as all of them are apprehensive of punishment, a slave would have no desire to flee, if he did not know with whom he could take refuge. For no slave would abandon his master if he was not aware where he could conceal himself, and every person should receive only those strangers whom he is convinced are freeborn, and he should, through dread of becoming amenable to the laws, decline to entertain anyone who merely asserts that he is free. Therefore, if one of the above-mentioned fugitives should be found, he who is harboring him shall pay twelve pounds of gold to Our Treasury; and We order that he must not only return the fugitive to his master, but also give him another slave of the same value, in addition.

#### 13. *The Same Emperors to Vicentius.*

We decree that, so far as the origin of tenants and serfs is concerned, they shall be considered as of the same condition, even though their names may differ; and any children born to them shall follow the condition of their father.

(1) The following rule must also be observed. Where a man is the owner of two tracts of land, one of which has more serfs than are required for its cultivation, he can transfer those which are not needed to the tract which is deficient; and if the said tracts should be conveyed to different persons, the transfer of the serfs above mentioned shall stand, but the owner of the

land from whom they were taken must restore their relatives to them.

14. *The Same Emperors to Vicentius.*

If serfs that are held by anyone in good faith flee and take refuge with others, and then attempt to deny their status, they must first be returned to the possessor in good faith, and then the case of their birth and ownership can be determined.

15. *The Emperors Honorius and Theodosius.*

No collector of debts owing to the Treasury shall ever, in the name of their masters, molest serfs who are indebted to it, for the reason that We declare that serfs are so absolutely attached to the glebe that they should not be removed therefrom for a single instant of time.

16. *The Same Emperors to Palladius.*

Where a woman, who is shown to be a serf by birth, marries a freeman in any city or place whatsoever, it has been decided by the ancient laws that all her offspring will follow her condition.

17. *The Same Emperors to John.*

It is declared by juriconsults that nothing which can, in any way, prejudice the title of the land to which a serf is attached, shall be done by him without the knowledge or consent of the owner.

18. *This Law is Not Authentic.*

19. *The Emperor Valentinian.*

We do not, under any circumstances, permit serfs to be admitted into the army, nor do We grant them the privilege of serving as aids to commanders, because, in this instance, We take into consideration not only the rights of their masters, but also the honor of the public service.

20. *The Emperor Justinian to Demosthenes, Praetorian Prefect.*

With a view to accelerating the progress of litigation, We order that when serfs, of any class whatsoever, dispute the title of their master to the land which they cultivate, and We are in doubt on the point whether the master is the owner of the land or not, or whether the serfs themselves are entitled to the ownership of the same, it is hereby decreed in such cases that the serfs must furnish sufficient security before their claims can be heard, except where their masters are unable to defend themselves by prescription of long time, and the sureties furnished must guarantee that if the masters gain the case, they will pay what is due to them.

A surety of this kind shall only be accepted for the term of three years, and, at the expiration of that time, he must be replaced by another, and, in the meanwhile, the serfs shall, under no circumstances, be annoyed by their masters on account of any quitrent to which the latter may be entitled.

(1) Where, however, the serfs are either unwilling or unable to do this, then the annual quitrent shall be exacted by the judge, at the usual time when it was paid to the owners, and it shall either be deposited in a church or with the magistrate of the city within whose jurisdiction the land is situated; or, if the local church is not suitable for the deposit of the money, it shall with every necessary precaution be placed in the metropolitan church, and after the decision has been rendered, it must either be paid to the owners of the land, or refunded to the serfs.

(2) Moreover, when the quitrent does not consist of money, but is either wholly or in part paid by the delivery of a certain portion of the crops, the latter must be sold by the court, and the proceeds of the same deposited in the manner aforesaid.

(3) The above-mentioned provisions have reference to quitrent paid to the owners of land, and We must now pass to the duties required by the State.

If the serfs themselves were in the habit of paying what was due to the Treasury in a certain way, they shall continue to do so, without prejudice to the owners of the land, who have no right to interfere with the discharge of the indebtedness to the State, so long as the serfs remain quiet, and offer no opposition. Where, however, it was the custom for the owners of the land to receive the entire amount, and pay a portion of it to the Treasury, retaining the remainder for themselves in satisfaction of their quitrent, then, if a surety is furnished by the serfs, he must guarantee the payment, not only of the quitrent to the owner, but also the tax due to the State, in order that the obligations of the owners to the Treasury may be discharged. No prejudice shall, on this account, result to the serfs, for the owners must remain content with the security furnished with reference to the quitrent to which they are entitled.

(4) Where, however, no security was furnished, but the property has been sequestered and the money deposited, the judge shall take from the amount sufficient for the payment of what is due to the Treasury, and the owner shall be given receipts, just as if he himself had paid it, while the remainder due for quitrent must be deposited in a safe place, until the termination of the lawsuit.

No prejudice shall result either to the serfs or their masters (because of any security of this kind) from the sequestration of the property, or the payment of the sum due to the Treasury, but everything shall remain in suspense until a decision has been rendered by the court disposing of the entire affair, clearing up the whole controversy, and showing who was the owner of the land, and to whom the receipts for what was due to the Treasury shall hereafter be given, and to whom the quitrent shall be paid or belong.

Read seven times in the New Consistory of the Palace of Justinian.

Given . . . . during the Consulate of Decius, 529.

21. *The Same Emperor to the Senate.*

In order that it may no longer be doubted what is the status of a child born to a female serf and a freeman, or to a female serf and a slave, or to a male serf and a female slave, or whether the condition of the serf or a slave is rendered worse, We order that what has been provided by former laws with reference to children of this kind, who are the issue of female serfs and freemen, shall remain unaltered; and therefore any issue of serfs shall follow the condition of their mother.

If, however, a child should be born to a male slave and a female serf, or to a female slave and a male serf, it shall follow the condition of its mother, whether she was a slave or a serf, which rule has hitherto only been observed with respect to free persons and slaves. For does any difference exist between slaves and serfs, both being under the control of their masters, as a slave can be manumitted with his *peculium*, and a serf be released from ownership along with the land to which he is attached?

22. *The Same Emperor to Julianus, Praetorian Prefect.*

As we are aware that our laws do not allow the rights of any one to be prejudiced on account of his condition, either from his admissions, or because of any written document, unless additional evidence is produced, We order that an admission alone, or any private written paper shall not be sufficient to decide whether or not a man is a serf, but that some other instrument in writing, either taken from the public records or derived from some other source recognized by law, must be offered for the purpose of confirming a document of this kind. For, in the settlement of such controversies, it is better for the condition of anyone to be established by different proofs, and that men who, perhaps, are free, may not be reduced to servitude, merely by admissions, or by the production of private papers.

If, however, the writing should be confirmed by a subsequent admission, or a deposition (made voluntarily, and without the employment of force, or as the result of necessity), or if an instrument having reference to his status, or any other public document, which had been recorded, should be produced in which the party in question wrote, stated, and deposed that he

was a serf, then the result of all these combined proofs, that is to say, of the writing, the admission, and the deposition, would be that the person who wrote and made the solemn declaration aforesaid was what he represented himself to be.

(1) Again, a doubt, which is not unreasonable, formerly arose, where the son of a serf had remained at liberty free for the term of thirty or forty years, or even longer, while his father was still living, and cultivating the soil, and the owner of the land, for the reason that he was satisfied with the services of his father, did not require the presence of the son on his premises, whether, after the death of the father or after he had become infirm, and incapable of agricultural toil, his son could be excused on the ground of his long-continued freedom; and, because for many years he had neither cultivated the soil, nor performed any other of the labors of a serf, his master could only blame his own neglect, as every duty which he required was performed by his father.

In all cases of this kind, it seems to Us to be very harsh that the rights of the master should be prejudiced by the absence of his serfs, who, having been born on the land and afterwards being absent, cultivated it by means of either their fathers, their brothers, or other relatives ; for as a portion of his body remained upon the land in the form of his relatives, he should not be considered either to have been absent, to have been on a journey, or to have possessed his freedom. The rights of the owner shall therefore remain unimpaired, and so long as the ascendants, descendants, or collaterals of the serf shall remain on the land, he himself shall be considered to be there.

### *23. The Same to John, Praetorian Prefect.*

As it would be extremely unjust for land, which was in the beginning provided with serfs, afterwards to be deprived of its members, as it were, and serfs residing on the lands of others to cause serious loss to the owners of the land, We decree that, as in the case of decurions, no one is released from his obligations by lapse of time, so those belonging to the condition of serfdom cannot be liberated by the passage of years; nor can anyone of this class claim his freedom on account of any protracted negotiation, but he shall always remain a serf, and be attached to the glebe; and if he should lie concealed, or attempt to withdraw from the soil, he shall, like a fugitive slave, be understood to have stolen himself by long-continued treachery, and shall remain in this class, together with all his offspring (if he should have begotten any upon the land of another), and shall be liable to the payment of quitrent, from which he cannot be released by any act of generosity whatsoever.

(1) Since the Anastasian Law provides that the children of anyone who has been attached to land as a serf for thirty years shall remain there, and not have the power to migrate elsewhere, the question arose 'whether the children of either sex—even though they may not have remained for the term of thirty years on the land or in the village— should be considered serfs, or whether only their father, who had belonged to this class, should, for that time, be designated as such, We hereby order that the children of serfs shall, in accordance with the terms of the above-mentioned law, remain forever free, and cannot be reduced to an inferior condition; still, they shall not have permission to leave the land and migrate elsewhere, but must always remain attached to the soil which their fathers have cultivated.

Moreover, the owners of the land to which such serfs are attached must be careful not to annoy them in any way, nor inflict any violence on them; but if this should be proved to have been done, and a decision rendered by a judge to that effect, the Governor of the province in which the act was perpetrated shall see that the injury is atoned for (if any took place), and the ancient custom with reference to the quit-rent is observed; and permission shall be granted to the serfs to leave the places where they reside.

We decree that this rule shall apply not only to serfs themselves, but also to their children of both sexes and of all ages, so that any who have been born upon the land may remain there subject to the same regulations and conditions under which We have prescribed that their parents should reside upon land owned by others.

(2) Again, no one shall be permitted knowingly and deliberately to harbor on his own premises any serf or dependent attached to the land of another. Where, however, he has received him in good faith, and afterwards ascertains that someone else is entitled to his services, or is notified of this fact by the owner of the land, or the master of the serf, either in person or by his agent, he must restore the serf with all his *peculium*, and his offspring. If he should fail to do this, he shall be compelled to settle all claims due to the Treasury, whether derived from the land, or payable annually, for which the serf was liable during the time he remained with him. This shall be accomplished by the care and diligence of the prefect and the Governor of the province, by whom punishment shall be inflicted, and restitution shall be made in accordance with the ancient constitutions.

24. *The Same Emperor to John, Praetoricm Prefect.*

We decree that, when male serfs marry free women, no matter with what intention or by what contrivance, either with or without the knowledge of their masters, the women as well as any children who are known to have been born from such a marriage shall retain their freedom. It should, however, undoubtedly be observed that where a child ig'born to a free husband and a wife who is a serf, it will follow the servile condition of the mother, and will not enjoy the freedom of its father.

And, in order that serfs may not think that an attempt of this kind will go unpunished (which is greatly to be feared), and that the condition of men of this kind may not decrease little by little on account of their marriages with free women, We decree that if any such act should be perpetrated by a male serf, his master shall himself have full authority to punish him by the imposition of a moderate penalty (or the Governor of the province can do so), and separate him from the woman. If he should neglect to do this, he can only blame his own negligence for any loss which he may sustain.

TITLE XLVIII.

CONCERNING THE EXEMPTION OF CITIZENS FROM THE CAPITATION TAX.

1. *The Emperors Constantine to Eusebius, Governor of Lycia and Pamphilia.*

The people of the City of Rome (as is also the case in the provinces of the East) shall not be subjected to the imposition of a poll-tax, but are by this law entitled to exemption from the same.

Given on the *Kalends* of June, during the third Consulate of Constantine and Licinius, 313.

TITLE XLIX.

IN WHAT CASES REGISTERED SERFS CAN ACCUSE THEIR MASTERS.

1. *The Emperor Constantine.*

Any serf, from whom more is exacted by his master than was required of him in former times, and he was previously accustomed to pay, should appear before a judge as soon as he can obtain access to him and prove the offence, so that he who is convicted of having demanded more than he was in the habit of receiving may be prohibited from doing so hereafter, having first restored what he is known to have extorted by this illegal demand.

2. *The Emperors Arcadius and Honorius.*

Serfs inscribed upon the register of the census are not subject to the same tributes as those whose names are not enrolled thereon, but as they who are compelled to make annual payments as the result of their condition are, to a certain extent, in a state of servitude, it would be intolerable for them to be permitted to institute legal proceedings against persons by whom there is no doubt that they can be sold along with the land to which they are attached. We shall hereafter deprive them of permission to do this, for no serf must dare to bring his master, to whom he and all his property are known to belong, into court, for it has frequently been decided that a serf cannot, without the knowledge of his master, sell, or alienate in any

other way, the land to which he is attached, just as he whom the laws do not permit to have any property of his own, and who is not authorized to acquire or transfer it, and whom the laws only permit to obtain and hold property for the benefit of his master, cannot appear against the latter in court. Hence We exclude persons of this kind from appearing against their masters or patrons in all civil proceedings, except in cases of extortion, in which former Emperors have granted this privilege, and We also deny them the right to prosecute the latter criminally by accusations of a public character, except where some injury has been committed against them or their relatives.

#### TITLE L.

##### CONCERNING THE SERFS OF PALESTINE.

###### 1. *The Emperors Valentinian and Valens.*

As the law promulgated by Our predecessors prescribes that serfs shall remain in the condition in which they were born in all the other provinces subject to Our Empire, so, in order that they may not be able to depart from those places which they are engaged in cultivating, or abandon the soil which should always be tilled by them, and as this does not apply to the owners of land in the Province of Palestine, We now decree that no serf of Palestine shall have the right to wander about, and boast that he is free, but shall, as in other provinces, be subject to the proprietor of the land, so that he cannot depart therefrom without being liable to punishment; and it is also added that full authority to claim him is hereby granted to the said proprietor.

#### TITLE LI.

##### CONCERNING THE SERFS OF THRACE.

###### 1. *The Emperors Arcadius and Honorius.*

The poll-tax is hereby forever abolished throughout the entire Province of Thrace, and only the land tax shall be paid. And, in order that permission may not appear to have been granted to serfs liable to tribute, to withdraw and wander wherever they please, they themselves shall be retained in their original condition; and, even though they may appear to be freeborn, they shall still be considered to be attached to the land where they originated; nor shall they have the power to go wherever they choose, or to change their residence, but the owners of the land shall exercise over them the rights and care of patrons and the authority of masters.

Moreover, if anyone should think he has the right to harbor or retain a serf, he shall be compelled to pay two pounds of gold to him whose land the fugitive serf abandoned, and he shall also surrender the latter, together with all his *peculium* and his children.

#### TITLE LII.

##### CONCERNING THE SERFS OF ILLYRIA.

###### 1. *The Emperors Valentinian, Theodosius, and Arcadius.*

We decree that the vassals and tenants of both Illyria and the neighboring countries shall not have permission to abandon the land to which it is certain that they are attached by origin and birth, but shall continue to cultivate it, not on the condition of paying tribute, but under the name and appellation of serfs; so that if they desert it and go elsewhere, after having been brought back they can be placed in chains, and subjected to other punishment. The penalties denounced against those who receive the serfs of others, even if they are not known to be such, shall be enforced, and shall consist of indemnity for the services which were lost, and the injury sustained by the place which they abandoned, as well as of a fine, the amount of which We leave to the discretion of the court; so that the owner of the land on which the serf is shown to have been employed may be compelled to suffer punishment in proportion to the nature of the offence; nor shall there be any ground for ignorance, as the mere fact that he kept possession of a serf who was unknown to him will, of itself, be sufficient to establish the

offence.

Again, if anyone should receive a slave in any of the countries above mentioned, he shall not be allowed to excuse himself through ignorance, but will be liable to a penalty of fourfold damages; and, in addition, must make good the losses sustained by the owner of the slave.

We decree that the same rule that We have prescribed concerning emancipated serfs shall be observed with reference to freedmen who are harbored in this way.

#### TITLE LIII.

NO ONE SHALL EXTEND PROTECTION TO PEASANTS OR SUPPORT THEM IN ANY CHANGES WHICH THEY MAY MAKE.

1. *The Emperor Leo to Eryfh/rius, Praetorian Prefect.*

If anyone, after the publication of this law, should, for the purpose of defrauding the State out of any tax or obligation which is due, claim the protection of a person of rank, whatever has been enacted on this period been abolished.

2. *The Emperor Justinian.*

We decree that when the tributary of anyone marries a woman who is the tributary of another, or, on the other hand, when some one's female slave marries the slave of another, the children of the tributary, as well as those of the slave, will follow the fortune of their mothers, and will belong to the owners of the latter.

#### TITLE LIV.

PEASANTS SHALL NOT BE SUBJECTED TO ANY NEW OBLIGATIONS.

1. *The Emperors Diocletian and Maximian, and the Caesars.*

No peasant, residing outside the walls of a town, who pays his poll-tax or contributes his amount of grain, shall be subjected to any other obligations by the Receiver of Our Treasury, nor shall he be compelled to furnish mules or horses for the public service.

2. *The Emperors Valentinian and Valens to Probus, Praetorian Prefect of Illyria.*

Any of those belonging to the retinue of Governors of provinces, who hold the first rank in different offices, and, under the pretext of public duty, have the power to commit extortion and impose upon any peasant who is required to render them services, just as if he was their own slave, or deprive him of his slaves or his cattle, for the purpose of converting them to their own use, shall, having been deprived of all their property, be sentenced to perpetual exile, and any peasant who voluntarily assists in the perpetration of such acts shall be punished with equal severity.

Given at Agrippina, on the day before the *Kalends* of October, during the Consulate of Valentinian and Valens, 365.

#### TITLE LV.

THE RESIDENTS OF A MOTHER-VILLAGE ARE NOT PERMITTED TO TRANSFER THEIR LANDS TO STRANGERS.

1. *The Emperors Leo and Anthemius to Nicostratus, Praetorian Prefect.*

Through motives of humanity, We deem it necessary for the following provision to be added to those previously enacted with reference to what are called "mother-villages," to prevent the owner of land from transferring the same to a stranger, under any circumstances. Hence, if anyone should desire to alienate land which belongs to him, he shall not be permitted, under the terms of any contract whatsoever, to convey the ownership and possession of said land to anyone except a registered inhabitant of the same village, and all strangers are hereby notified that if they attempt to conclude, or obtain possession of property by means of a transaction of this kind, in violation of what is forbidden by law, every such agreement entered into will be

of no force or effect, and if it has been completed, and the property delivered, the latter shall merely be returned.

#### TITLE LVI.

##### NO RESIDENT OF A VILLAGE SHALL BE LIABLE FOR THE DEBTS OF OTHER RESIDENTS OF THE SAME VILLAGE.

###### 1. *The Emperor Zeno.*

It is not only a serious offence in law, but it is also contrary to the principles of natural equity that persons should be molested on account of the debts of others, and therefore, We forbid injustice of this kind to be perpetrated against the inhabitants of villages under any circumstances.

#### TITLE LVII.

##### CONCERNING TAXES, TAX GATHERERS, APPRAISERS, AND INSPECTORS.

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

As the receivers of taxes in cities, acting in collusion with powerful persons, are in the habit of transferring the greater part of the burden of taxation to persons of inferior rank, everyone who is able to prove that he has been imposed upon in this way shall only be required to pay the amount originally allotted to him.

Given at Rome, on the fifteenth of the *Kalends* of February, during the Consulate of Constantine, Consul for the third time, and Licinius, 313.

###### 2. *The Emperors Gratian, Valentinian, and Theodosius to Eutropius, Praetorian Prefect.*

Anyone who cuts down his vines, or removes the buds from his fruit trees, for the purpose of avoiding the payment of taxes, and fraudulently represents himself to be poor, shall be subject to the penalty of the law as soon as he is detected. But as you are found to have done this without fraudulent intent, and not for the purpose of causing sterility or the failure of the fruit crop, but in order to increase production, you will incur no criminal responsibility.

Given at Constantinople, on the day before the *Nones* of June, during the Consulate of Eucherius and Syagrius, 381.

###### 3. *The Same Emperors to Cynegius, Praetorian Prefect.*

If anyone should make complaint of having been imposed upon, and an appraiser should be despatched for the purpose of investigation, and the tributary should then remove his agent, or eject his tenant, under the pretext of his obstinacy, he shall, by Our authority, be compelled to pay the amount of the tax fixed by the appraiser, during his own absence, or that of his agent.

Given at Constantinople, on the sixth of the *Kalends* of April, during the Consulate of Our Prince Honorius and Evodius, 386.

###### 4. *The Emperors Theodosius, Arcadius, and Honorius to Rufinus, Praetorian Prefect.*

All land shall be inscribed upon the rolls of the Census, and whenever relief is demanded, the amount of tax assessed upon sterile and barren soil shall be made up by a levy upon that which is cultivated and productive.

Given at Constantinople, on the third of the *Nones* of April, during the Consulate of Theodosius, Consul for the third time, and Abundantius, 393.

###### 5. *The Same Emperors to Rufinus, Praetorian Prefect.*

Those who complain of having been imposed upon by appraisers, and allege that they have been subjected to unjust burdens, have the right to accuse them, if any indulgence was granted to others, or any property was fraudulently misappropriated, and shall be entitled to relief, where they can prove that they have been treated with injustice, or that a criminal transaction

has taken place, for the purpose of favoring others.

This, however, should be done within a year after the record was made, by which it appears that an inequitable burden was imposed, and, during the same time an accusation must be brought against the appraiser, and the fact that he has favored another in consideration of having been paid must be established, so that he may be held responsible for the amount of the excess which he fraudulently misappropriated from the contribution due to the State.

This action shall not be barred by lapse of time, except in the case of minors who are undefended. Those who were absent on public business, but who acted within the time prescribed by law, shall, for this reason, have power to apply to the courts for relief.

Given at Constantinople, on the third of the *Kalends* of December, during the Consulate of Our Lord the Emperor Theodosius, Consul for the third time, and Abundantius, 393.

#### *6. The Emperors Arcadius and Honorius to Eusebius, Praetorian Prefect.*

When appraisers and examiners are found guilty of negligence, or of illegally favoring anyone, they shall not only be subjected to the loss of their property, but shall also be forced to pay a fine equal to four times the amount of their salaries. Those who are convicted of having accepted anything to the prejudice of the people of the provinces shall be compelled to pay fourfold damages.

Given at Milan, on the fourth of the *Kalends* of April, during the Consulate of Arcadius and Honorius, Consuls for the third time, 396.

#### *7. The Emperors Honorius and Theodosius to Sebastian, Count of the First Rank.*

Where abandoned land has been transferred by an appraiser to anyone, the latter shall retain possession of the same without being disturbed. Moreover, We do not permit the Treasury to molest the new owner, on account of any previous contributions which remain unpaid, as one should not be responsible for the fault of another. If, however, any private individual should allege that land abandoned up to the present time is encumbered in his favor, or that he is entitled to it for some other reason, he must prove his allegations without delay, either in person, or through someone else authorized by law to do so, in order that, if his claim is an equitable one, the property may be transferred to him, and he who received it from the appraiser shall be reimbursed for the expenses incurred in the improvement of the property.

But, to prevent donations, once made, from being interfered with by means of litigation, We decree that the term of six months shall be established, within which time he who thinks that he has a good title to the property must institute the proper proceedings to recover it. When, however, the term above designated is permitted to expire, We are unwilling for any attempt to be made for its recovery. If anyone should, either in his own proper person, or by his representatives, neglect to take this step, when the appraiser adjudges him the land, and the six months should elapse, he shall not be able to do so at any time thereafter.

Given at Ravenna, on the day before the *Ides* of March, during the Consulate of Honorius, Consul for the eleventh time, and Constantius, Consul for the second time, 417.

### TITLE LVIII.

#### CONCERNING ABANDONED LANDS AND WHEN SUCH AS ARE BARREN ARE CONSIDERED TO BE ATTACHED TO THOSE THAT ARE FERTILE.

##### *1. The Emperor Constantine.*

As Our relative, the Divine Aurelian, ordered the decurionates of cities to be responsible for the taxes due on abandoned lands, as well as on those whose owners cannot be found, so We decree that, after the first three years of possession, they shall be exempt from all enforced contributions.

We decree that this law shall be observed, and if it should be established that the said decurionates are not able to pay the taxes assessed on said lands, the latter shall be divided

among the citizens.

## 2. *The Same Emperor.*

When anyone buys land from a tenant holding under emphyteusis, or having a private right to the same through inheritance, upon which other real property is dependent, and the strength of the latter having become undermined, it falls into decay, any burdens attaching to the ownership of the said land which was useless while in the hands of the person who abandoned it must be borne by the purchaser.

Given at Thessalonica, on the eighth of the *Ides* of December, during the Consulate of Felicianus and Titian, 337.

## 3. *The Emperors Valentinian and Valens.*

Anyone who obtains deserted land under a grant of immunity from taxation for a certain time shall not be placed in possession of the same before sureties, who are solvent, have been furnished at the risk of the decurions, or he has hypothecated lands of his own which should be of good quality, and thereby have given sufficient security that the land acquired by him will not be abandoned with any detriment to the public welfare.

4. *The Same Emperors and Gratian to Crescentius.* Testamentary heirs are also obliged to sustain fiscal burdens imposed upon unproductive land belonging to the estate, or if they think that they should reject the estate, they must restore to it everything which they have received therefrom, by any right or title whatsoever. Given on the fourth of the *Ides* of July, during the Consulate of Gratian, Consul for the second time, and Probus, 337.

## 5. *The Emperors Valentinian and Theodosius.*

Persons who have acquired productive lands from the State shall also receive other lands which have been abandoned, and if they should consider themselves aggrieved by the addition of lands which they formerly abandoned through disgust, they must transfer them to other decurions, who will hold them under the condition of paying the taxes assessed upon both, for it would be unjust for the choice land to be retained by a few persons, and the decurionate to be oppressed with the burden imposed by the remainder.

## 6. *The Same Emperors.*

Where a lessee is in possession of a fertile tract of land, which has been acquired from the public domain, or from some temple, an unproductive tract shall be united with it. When, however, the lessor refuses to accept it, another possessor must be sought for on the same terms, and if a voluntary lessor cannot be found, then the land shall revert to the ancient possessors, that is to say, the decurions, or any others whomsoever, with the addition of the barren land as above mentioned, after solvent sureties have been furnished.

Given at Constantinople, on the fifteenth of the *Kalends* of February, during the Consulate of Merobaudus and Saturninus, 383.

## 7. *The Same Emperor.*

Anyone who cultivates an abandoned tract of land belonging to Our private domain, and renders it fertile and valuable shall, in accordance with the rule established in such cases, become the private owner of the same forever, and shall hold it as his own property, just as if he had acquired it by inheritance from his ancestors, and shall have the right to bequeath it to his descendants; nor can anyone, by the production of a rescript, or of any other Imperial written instrument, exclude him from the enjoyment of the fruits of the labor which he has performed.

Moreover, We order that those who are in possession of rich and fertile lands, or even think that they are now entitled to any such, shall be liable for all taxes due at the time on lands which have been abandoned. Those, likewise, who hold lands which are neither fertile nor altogether sterile, under the tenure of emphyteusis, as in the case of those who are also in need

of relief, must remember that after the term of two years has expired they shall, in conformity with the ordinary rule, be liable for the regular taxes which may be due.

No one, no matter what his rank or power may be, shall be released from the obligation of receiving as his own lands which have been abandoned, and which formed part of Our patrimony, and he must pay the tributes and tax imposed upon them.

It should also be specially observed that the adjoining owners will primarily be liable for this payment, and if the said lands do not join, and are not in the same neighborhood, those farther away will be responsible. The appointment should be made in such a way as to be based upon propinquity, or regulated by the intervening space, and in such a way as to be in conformity with justice and moderation, so that what is for the profit of all may be effected by universal consent.

*8. The Emperors Valentinian, Theodosius, and Arcadius to Tatian, Praetorian Prefect.*

Where anyone desires to cultivate fields abandoned by their owner, whether they are situated at a distance, or are adjacent to his own premises, and whether they belong to private individuals, or are part of the public domain, he is hereby notified that he has Our authority to do so; provided, however, that if the new cultivator establishes himself on the vacant or abandoned land, and the former owner wishes to assert his right to the same within the term of two years, he shall have the right to do so, after having, in the first place, reimbursed the recent occupant for any expenses which he may have incurred. If, however, the said term of two years has expired, he who remained silent during the time shall have no right to either the possession, or ownership.

*9. The Same Emperors and Uonorius.*

All those, without exception, who hold under a lease lands belonging to Our private domain, are hereby informed that they are required to accept lands of inferior fertility along with those which are productive, and they must not refuse to hold them, or, if they reject fields which are sterile, they must surrender those which are fertile.

*10. The Emperors Arcadius and Honorius to Eutychianus, Praetorian Prefect.*

Persons who have received rich and fruitful lands from the State shall be compelled to accept, along with them, a proportionate amount of sterile and unproductive soil.

Given at Constantinople, on the *Nones* of March, during the Consulate of Honorius, Consul for the fourth time, and Eutychianus, 398.

*11. The Same Emperors to Hadrian.*

The owners of abandoned lands shall be summoned by public proclamation to return, resume possession of the same within the term of six months, and pay any taxes which may be due. If, however, they show by their absence that the land did not produce crops sufficient to pay the tribute, and they refuse to return, the land shall be transferred to those who are willing to accept it, and who promise that they will certainly pay the tribute in arrears. They shall then obtain undisputed ownership of the said land, and are notified that, if afterwards they discharge the indebtedness they will be subjected to no annoyance, and will not, through the intrigues of anyone whomsoever, be deprived of the land which they occupy. We also enjoin upon them the payment of tribute from the time when they first acquired possession of the land in question.

*12. The Emperors Honorius and Theodosius to Seleucus, Praetorian Prefect.*

We order, by this law, that no possessor of land which is profitable shall be rendered liable for debts due from other persons whose land is unproductive, and that fertile lands shall not be considered as united with others which are sterile, unless it is shown that they belong to the same person; and this rule is established to prevent any extortion from being committed under any pretext or fiction.

Given at Ravenna, on the day before the *Kalends* of February, during the Consulate of Honorius, Consul for the eighth time, and Theodosius, Consul for the fifth time, 412.

13. *The Same Emperors.*

The managers and the owners of land are warned that if, through their fault, the tribute due on account of said land is not paid, it will be absolutely necessary for the ownership of the same to be transferred.

14. *The Same Emperors.*

Lands which decurionates have, under some contract, which has been duly registered with the Governor of the province, either abandoned or conveyed to others, shall remain permanently in the possession of those who cultivated them, and pay the tribute due to the Treasury, and the decurionates shall not have the power to reclaim them.

15. *The Same Emperors to Sebastianus.*

Where anyone has legally received, from the proper authority, any deserted lands, taxes upon which were levied for the benefit of the navy, and which have remained abandoned up to this time, it is proper that they should be improved in every respect, and that the naval assessment should not be imposed upon them except when other financial burdens have been suspended.

16. *The Same Emperors to Hermogenes.*

When anyone, by the authority of the Emperor, receives unproductive lands forming part of the Imperial domain, under the agreement to pay a certain tax, We desire him to retain undisputed possession of the same in consideration of his paying annually the amount which the Emperor has declared must be paid; and We decree that the said land shall hereafter not be subjected to any new tax, additional burden, or imposition whatsoever, as it would be absurd for persons, at Our request, to improve unproductive lands which demand the exertion of great labor, or the expenditure of entire fortunes to complete said improvements, so that being deceived, and compelled to assume an unexpected burden, they may allege that they have been, as it were, defrauded; and that if they had known that the lands had been transferred to them under such conditions, they would have refused to accept them, or even to engage in their cultivation.

17. *The Emperor Valentinian.*

We order that no decurion shall be responsible for any taxes due from the lands of others, but shall only be obliged to pay what is assessed upon his own property.

Given at Ravenna, on the fifth of the *Kalends* of May, after the Consulate of Felix and Taurus, 429.

TITLE LIX.

CONCERNING LANDS AND THEIR BOUNDARIES, MARSHES, PASTURES,  
FRONTIER MILITARY STATIONS, AND THE GARRISONS OF FORTRESSES.

1. *The Emperors Valentinian, Valens, and Gratian to Licinius, Praetorian Prefect.*

Tiberianus designated certain lands whose owners were charged with the transportation of grain to the frontiers after having carefully weighed the ability of the latter to discharge this duty, hence We, by this general law, do order that the regulations of Tiberianus shall be observed, hereby annulling every exemption which may have been obtained through the influence of anyone, or by means of some petition furtively presented for that purpose; and, in addition, We decree that, for the future, no one shall be permitted to evade this ancient custom, or refuse obedience to the present law, or request that it may not be enforced.

2. *The Emperors Honorius and Theodosius.*

The possessor of lands attached to fortresses must surrender and abandon them, for the reason that only those to whom they have been assigned are entitled to hold lands attached to

fortresses, unless some ancient custom is applicable to them.

If any private individual, who is not a soldier of the garrison of a fortress, should hereafter be found in possession of such lands, he shall be punished with death and the confiscation of his property.

### *3. The Emperors Theodosius and Valentinian.*

Where soldiers have been accustomed to take care of, and plow lands on the frontiers, together with the marshes in the neighborhood, for their own benefit, under some ancient law, free from all public burdens, and when the said lands are, at present, in cultivation, they shall be held by said soldiers without question as to their title, and free from the imposition of any tax; and if such lands are in the possession of Others, they can not be acquired by the latter through lapse of time, and can be recovered from all those who hold them; and We desire them to be transferred to the said soldiers without being liable to any enforced contribution, as was prescribed by an ancient law.

The penalty of confiscation shall be inflicted upon those who violate the present rule, for when anyone by purchase holds possession of property like that above mentioned (which he should, by no means, venture to do), he will unquestionably have a right of action against the vendor.

## TITLE LX.

### CONCERNING PUBLIC AND PRIVATE PASTURES.

#### *1. The Emperors Valentinian, Theodosius, and Arcadius.*

As there is no reason why the rent of pastures belonging to Our private domain should be increased, this must not be done according to the pleasure of decurions, for We have learned that higher rent has been collected by them, and that they have also excluded animals belonging to Our private domain from said pastures. The Emperor Julian, of Divine Memory, forbade this by a decree which he promulgated, and therefore, Your Excellency having summoned the Governors of provinces, will inform them that this liberty which the municipalities have assumed cannot be tolerated, but that the same custom which was established in ancient times shall continue to prevail.

#### *2. The Emperors Arcadia and Honorius.*

Your Excellency must see that animals belonging to soldiers are excluded from all public fields and pleasure grounds, and forbid them to be pastured there, and all persons, including your subordinate officials, are notified that if anyone should, hereafter, make use of the above-mentioned fields for this purpose, he shall be compelled to pay twelve pounds of gold to the Treasury, and the same penalty shall be imposed if the fields belonging either to private individuals, or to the citizens of Antioch, are trespassed upon in this manner.

Decurions must, however, provide for the maintenance of animals belonging to the soldiers, without causing any injury to the inhabitants of the provinces.

#### *3. The Emperors Honorius and Theodosius to All Counts and Generals.*

Lands belonging to the inhabitants of Our provinces, as well as those of Our private domain, must not be injured or interfered with by soldiers, and therefore, by the present law, which has been promulgated to the Prefecture for execution, We decree that this abuse shall not occur hereafter. Your Highness will not delay to see that all necessary measures are taken, in this instance, for the enforcement of the laws, and you must not permit the owners or tenants of land to be annoyed by any acts of soldiers whatsoever.

Given on the *Nones* of September, during the Consulate of Honorius, Consul for the tenth time, and Theodosius, Consul for the sixth time, 415.

## TITLE LXI.

### CONCERNING LANDS AND FORESTS BELONGING TO THE EMPEROR, AND EMPHYTEUTICAL CONTRACTS AND LESSEES UNDER THE SAME.

#### 1. *The Emperor Constantine to Cypitus.*

If anyone should, without judicial authority, alienate lands held under emphyteusis, the alienation shall stand, provided the person who received them is compelled to pay the rent due to the Treasury at the specified times.

Published on the seventeenth of the *Kalends* of July, during the Consulate of Constantine, Consul for the fourth time, and Licinius, Consul for the third time, 315.

#### 2. *The Same Emperor to Dracontius.*

We order that the failure to pay rent due for land belonging to the domain of the Emperor, within the time prescribed, whether the payment is to be in money or grain, shall not prejudice the ownership of minors, nor shall they sustain any injury if what is due should be paid a little later, provided the judge compels the guardian or curator, through whose negligence payment was deferred, to make good the loss sustained, and also subjects him to the penalties incurred for the non-performance of his duty.

#### 3. *The Emperors Valentinian and Valens to Germanianus, Count of the Imperial Largesses.*

Those persons who have received lands by the right of emphyteusis cannot refuse to pay the rent, under the pretext that the land was sterile, even if they have fraudulently obtained a rescript for that purpose. Nor shall they be deprived of the said lands, even if a higher rent has been promised by another, but they shall remain forever in the hands of those who have received them, and of their posterity, although a rescript to the contrary may have been obtained against them.

#### 4. *The Emperors Valens, Gratian, and Valentinian.*

Persons who have obtained lands forming part of Our private domain, which have come into Our possession in different ways and are now held under emphyteusis, shall have no fear of their being confiscated, for We convey the entire ownership of said lands, rather than merely lease them, provided the lessees afterwards, at the proper times, pay the rent which has been agreed upon.

#### 5. *The Emperors Gratian and Valentinian.*

When any person receives land belonging to Our domain, which has been abandoned by former tenants, or those who held under emphyteusis, from the proper authority, he shall retain said land forever, by an undisputable right, nor shall the demands of any second claimant be heard.

#### 6. *The Emperors Gratian, Valentinian, and Theodosius.*

Persons to whom lands belonging to the Imperial domain situated in the provinces of Asia or Pontus, and which has been donated to them by Us, or by Our Divine Ancestors, shall hold possession of the same without molestation, and transmit them to their heirs.

So far as the transmission of the property is concerned We desire that this rule shall apply not only to descent to their heirs, but also to every kind of contract which the donees may enter into.

#### 7. *The Same Emperors to Cynegius.*

Those who obtain lands forming part of the Imperial domain, or which belong to the State under emphyteusis by Our order, if they are sufficiently solvent to pay the rent, must pledge their own property by way of security for such payment, to provide against the said lands being abandoned. When, however, they are not solvent, they can acquire the land by emphyteutical right, after having furnished proper sureties, and the officials whose duty it is

to have charge of such matters are notified that if any loss results from their negligence, and the security given should not prove to be good, they themselves will be responsible.

8. *The Same Emperors to Nedearchus.*

All the lands belonging to Our private domain, situated in the Mesopotamian and Osdroenian provinces, and which were set apart by the orders of Our Imperial predecessors for the use of soldiers on the frontier, shall all be restored to their former condition, notwithstanding any objection which may be urged against this as everything which was formerly destined for the necessities of the frontier should be preserved, and no one shall be heard who advances any claim based either upon a rescript, an Imperial annotation, an emphyteutical contract, or a lease of any description, which has been obtained through Our liberality.

9. *The Emperors Arcadius and Honorius.*

All persons are hereby notified that with the exception of the tax, nothing in common exists between land privately purchased by the Emperor and that already belonging to the Imperial domain, so that appraisers must never confuse the two, and those who venture to violate the present law shall be severely punished.

10. *The Same Emperors to Eutychianus, Praetorian Prefect.*

Your Highness will order that only those lands belonging to Our private domain, which have been granted to anyone through Our liberality with the reservation of a specified tax, shall be considered in the same class with those also forming part of Our private domain, which have been rented conditionally, so that any tenants who are oppressed by the burdens imposed upon them may be relieved, and their liabilities transferred to others who are more prosperous, and the apportionment of tribute thus be equally divided.

11. *The Emperors Honorius and Theodosius.*

We order that the right of emphyteusis, by which land is held without being subject to any other requirement, shall remain forever unimpaired, but We are unwilling that mere possession should obtain the benefit of prescription, which possession has been invalidated without the existence of any special obligation.

12. *The Emperors Theodosius and Valentinian to Taurus, Praetorian Prefect.*

Possessors holding land of the Imperial domain by the right of emphyteusis, and who, up to this time, have not purchased the property, cannot be compelled to do so, but they shall be considered as having paid the price of the same; and hence they obtain the benefit of Our generosity, so that the emphyteutas aforesaid will obtain through Our liberality what another could secure by paying the purchase-money. They are advised that the title to the land which they cultivate, and of which they have obtained possession either by inheritance, private purchase, Imperial generosity, or in any other way whatsoever, will remain unimpaired and inviolate, and that permission will be granted all holding under emphyteusis to emancipate slaves attached to said land of the Imperial domain as they are the owners of said land.

13. *The Same Emperors to Florentius.*

We order that, hereafter, no one shall be allowed to transfer to private individuals any portion of the Imperial domain, or any lands situated on the frontier, or any forests throughout the East, whether said lands are subject to taxation or exempt.

Persons who violate this law shall be liable to a penalty of fifty pounds of gold, which, shall be incurred by a petitioner, as well as by the officer who grants the request, even though an Imperial annotation or a pragmatic sanction may be produced by way of justification.

14. *The Emperor Anastasius.*

We order that all those who, in any diocese, province, forest, or city whatsoever, have now, or may hereafter obtain possession of lands belonging to the Imperial domain, or to temples, or to a director of the public games, or to any other government official whomsoever, without

any title, up to this time, for forty years without interruption (this possession being computed not only with reference to those who now hold the land, but also with reference to others who formerly held it), or who may hereafter possess real property of this kind for the aforesaid term of forty years, need entertain no fear of a public action, or of molestation or annoyance of any description whatsoever, concerning the ownership of the land or buildings above mentioned. But if they pay the annual tax imposed, which is dependent upon the nature of the right under which the said lands or premises are held by him to whom they were granted, they shall be considered as absolutely belonging to those who are now in possession, or may afterwards obtain possession of the same.

Hence all persons shall be excluded from raising the question as to their ownership, under any pretext whatsoever, and an exception based upon any title, or even without any title to actual possession, for the term of forty years, will suffice; and it must be added that those also who can prove that lands of this kind were originally given to them by order of the Emperor, exempt from any liability, and that they have lawfully been in possession of them for forty consecutive years without the payment of rent, no tax which (as above stated) has not been imposed during the possession of forty years can afterwards be levied, for the reason that We have established the rule that, in both cases, that is to say, where the tax is either reserved or released, the rights of the parties in possession shall, without any change whatever, remain in the same condition in which they continued during the term of forty years, as aforesaid.

## TITLE LXII.

### CONCERNING SLAVES AND SERFS ATTACHED TO THE PRIVATE DOMAIN OF THE EMPEROR, PASTURES, AND LANDS HELD UNDER EMPHYTEUSIS.

#### 1. *The Emperors Valentinian and Valens.*

Serfs commit a wrong against emphyteutas by taking possession of lands of greater extent than they are accustomed to cultivate, as they are not legally entitled to handle any which have not been planted with olive orchards, or vines by their own labor. They also attempt to illegally make use of the water of springs, the benefit of which emphyteutas, alone, are permitted to enjoy. It has therefore been decided that, hereafter, the right to and enjoyment of water shall only be permitted to emphyteutas, and that serfs shall obtain from them no more than is manifestly required for the irrigation of the fields which they themselves cultivate, and that they must make arrangements with the emphyteutas in possession to pay rent for any superfluous water which they may need for the purpose of tillage.

#### 2. *The Emperors Valens, Gratian, and Valentinian.*

Receivers of the Treasury shall, by the authority of this law, rescind all grants of freedom which may have been bestowed upon slaves attached to Our Imperial domain, or to lands held under emphyteusis, by persons who are not the owners of the same.

#### 3. *The Emperors Gratian, Valentinian, and Theodosius, to Posthumianus, Praetorian Prefect.*

We have ascertained that serfs who, from ancient times, have been attached to Our private domain, have been removed by persons to whom the same has been granted by Us, and that their own slaves, or other serfs, have been placed there in their stead. Therefore, by the authority of this Edict, We direct that those who, hereafter, attempt anything of this kind, shall be deprived of the said land.

#### 4. *The Same Emperors to Cynegius, Praetorian Prefect.*

It was recently established by Our laws, enacted with reference to maintaining Our domain in good condition, that the serfs who formerly cultivated the land, and have in some instances settled elsewhere, and others who have enlisted in the army, could be reduced to the status of their ancestors, and recalled to the discharge of their specific duties.

We do not, however, by any means intend that those who, having performed military service, deserve to be left in leisure and peace, and are entitled to the privilege of veterans, should

exchange their weapons for plows and hoes.

#### TITLE LXIII.

### CONCERNING FUGITIVE SERFS ATTACHED TO THE IMPERIAL ESTATES, AND TO FORESTS AND LANDS HELD UNDER EMPHYTEUSIS.

#### 1. *The Emperors Valentinian, Theodosius, and Arcadius.*

Whenever any sons of decurions, or serfs attached to the Imperial domain, or to any of the forests belonging to the same, with reference to which their ancestors or parents were required to perform public duties, have with the connivance of military officers, or other persons, enlisted in the army, or obtained other employment, they shall be recalled to their municipal duties or to the cultivation of their lands by the commanders and tribunes aforesaid, nor shall their past military service be of any advantage to them.

#### 2. *The Same Emperors to Cynegius, Praetorian Prefect.*

Anyone who leads astray or secretly harbors a serf attached to the Imperial domain shall not only be compelled to restore him, but shall also be subjected to a fine of a pound of gold by way of penalty.

Published at Constantinople, on the eighth of the *Kalends* of November, during the Consulate of Our Prince Honorius, and Evodius, 886.

#### 3. *The Emperors Honorius and Theodosius.*

All persons attached to lands belonging to the Imperial domain, who have been removed therefrom by the authority of an Imperial annotation or rescript which has been or may hereafter be obtained, and who are serving in any rank in the army, shall immediately be sent back under a suitable guard appointed by the Governor of the province.

#### TITLE LXIV.

### CONCERNING OBLIGATIONS IMPOSED UPON THE OCCUPANTS OF LANDS BELONGING TO THE IMPERIAL DOMAIN AND OTHERS HELD UNDER EMPHYTEUSIS.

#### 1. *The Emperor Constantine to Proculius, Proconsul of Africa.*

Possessors holding under emphyteusis, although they may have been released from extraordinary impositions through Our indulgence are, nevertheless, like other inhabitants of the provinces, liable to the payment of taxes for the repair of the roads, for there is no reason why they should be exempt from what is for the common benefit of all.

Published at Carthage, on the *Nones* of May, during the Fifth Consulate of Constantine, and the Caesar Licinius, 319.

#### 2. *The Same Emperor to Catulinus.*

It is not proper for lands constituting part of the Imperial domain to be subjected to extraordinary burdens, or be compelled to give half or a third of the crop, as it is well known that they, for the most part, already pay a rental either in money or in grain.

Anyone who attempts to violate this law shall be punished.

Published at Carthage, on the sixth of the *Kalends* of September, during the Fifth Consulate of Constantine and Licinius.

#### 3. *The Emperor Julian.*

All persons who are in possession of land belonging to the Imperial domain, whether they hold them in common or in their entirety, shall be required to pay their shares of all taxes charged against said land, either in proportion to their ownership or to the full amount, just as the necessities of the public welfare impose the obligation of payment upon all private

individuals.

Given on the fifth of the *Kalends* of April, during the Consulate of Mamertinus and Nevitta, 362.

#### 4. *The Emperors Valentinian and Valens.*

It has been decided that the possessors of land held under emphyteusis, as well as of that belonging to the Imperial domain, shall be permitted to give to the Receiver of the Treasury, at any time that they wish, as much of the rent as they may have (provided that it is not paid in more than three installments during each year), and that they shall be entitled to receipts for said payments, upon the same day, as is customary, provided that the entire sum due is paid to the Public Receivers before the *Ides* of January.

Any official who refuses to accept these payments on account, at any time of the year (provided they do not exceed three in number), or is guilty of delay in giving a written receipt for the same, shall be subjected to severe punishment.

The possessors of the land or their agents must, under such circumstances, apply to a magistrate or someone who represents him, and has power to act, so that the insolence of the officials may be proved and punished, and the interests of the parties be protected.

#### 5. *The Emperors Arcadius and Honorius.*

The tax imposed upon occupants of the Imperial domain, in all the provinces, shall be collected by the ordinary judges, and whatever is obtained shall be deposited in the Treasury.

Moreover, the above-mentioned judges are notified that none of the private property of the Emperor, nor any of the tax derived from the same, shall be devoted to other purposes, unless they desire their audacity to be punished with exemplary severity.

### TITLE LXV.

#### CONCERNING THE LANDS BELONGING TO THE PRIVATE ESTATE OF THE EMPEROR, AND THE FORESTS ATTACHED TO THE IMPERIAL HOUSEHOLD.

##### 1. *The Emperor Constantine.*

All persons are notified that any property which they have purchased or may purchase from Our Treasury can, under no circumstances, again be claimed by Us, that all such possessions are irrevocable, and that the ownership of the same may be transmitted to their heirs for all time.

##### 2. *The Emperors Valentinian and Valens.*

Those whose private convenience demands the acquisition of lands belonging to Our private domain can apply to Your Excellency, set forth their wishes by means of a petition, and rest assured that every estate will pass to the new owner, together with the tax or financial burden to which it is at present liable, so that, no matter what may be expended upon the property by his care or industry, or whatever increase of slaves or cattle may take place, he will not be subjected to any additional poll or land tax, but that the benefit of the same will accrue solely to the owners of the property and their heirs.

Moreover, if anyone should fail to pay the tax due each year, at the designated time, and he is proved to be in default, he shall be compelled to make payment without delay. And if he should be found to be insolvent, and not able to pay the prescribed tax, We order that the property which he received for Our estate shall be transferred to someone else who is solvent, but that the latter shall not be oppressed with the payment of the arrears of his predecessor.

##### 3. *The Emperors Gratian and Valentinian.*

Where anyone, having acquired land belonging to Our private estate in his own name, either by the right of emphyteusis or under an ordinary lease, transfers the said land to a person who is insolvent, and unable to pay the tax or rent to which the land is liable, he who transferred

the same shall be subrogated to his successor, and shall always remain responsible for the payment of what is due.

*4. The Emperors Gratian, Valentinian, and Theodosius.*

All lands belonging to the temples shall be committed to the care and administration of the Stewards of Our private estate, and they must always exert themselves with peculiar zeal to the collection of the entire amounts due from them, as has always been the case.

*5. The Emperors Arcadius and Honorius.*

The use of water destined for the irrigation of Our lands is said to have been appropriated by many persons, and this having occurred through the connivance or deceit of Our Stewards, the usually fertile soil, which has been deprived of it, has failed to yield any crops to the cultivators of the same. Therefore, for the reason that it is extremely unjust that Our estates, formerly in a flourishing condition, should now become arid and barren, We order that the water shall be conducted to its previous destination, irrespective of any prescription.

*6. The Same Emperors.*

No one having charge of Our Imperial domain shall molest another who has served for thirty years as the member of a guild, a decurionate, a barough, or any other corporate body without his right being challenged, but the latter shall continue to be a member of the said decurionate or corporate body to which he is attached.

Given at Milan, on the third of the *Kalends* of July, during the Consulate of Stilicho and Aurelian, 400.

*7. The Emperors Theodosius and Valentinian.*

No one shall purchase any part of the private estate of the Emperor which is not subject to some rental, and if anyone should, hereafter, enter into a prohibited contract of this description, We desire that he shall forever lose the price which he paid, and have no right to present any claim for expenses incurred, or for any improvements which he has made on the property, nor can he flatter himself that he will be entitled to any advantage arising from prescription, except where this is authorized by former laws.

Any officer of the palace who permits such a contract to be entered into, or who draws up a petition to this effect, must pay a fine of fifty pounds of gold to Our Treasury. No order which is prejudicial to Our interest shall be valid in a case of this kind, even though it may be an Imperial annotation or pragmatic sanction authorizing such a sale, contrary to what has been provided, nor shall the penalty imposed upon the officer of the palace be remitted.

TITLE LXVI.

CONCERNING THE LANDS AND FORESTS BELONGING TO THE PRIVATE  
DOMAIN OF THE EMPEROR.

*1. The Emperors Valentinian, Theodosius, and Arcadius.*

If anyone should turn his flock of sheep or his drove of horses into the pastures forming part of the private estate of the Emperor, it shall immediately be confiscated to the Treasury. If this should take place hereafter through the corrupt connivance of the Imperial Stewards, We order that they shall be subjected to the severest punishment.

*2. The Emperors Theodosius and Valentinian.*

Where anyone has the audacity to occupy lands belonging to Our private domain, the said lands shall be restored to their former condition, in accordance with the ancient registry, and any rescripts fraudulently obtained, or any prescription based upon long time, or any new record of the census shall, under such circumstances, be of no avail, for the title to Our property cannot be annulled by a false report, a lasting possession, or a new registry.

Given at Constantinople, on the fifth of the *Kalends* of April, during the Consulate of

Arcadius, Consul for the fourth time, and Honorius, Consul for the third time, 396.

TITLE LXVII.

CONCERNING THE CULTIVATORS AND SLAVES BELONGING TO THE DOMAIN OF THE EMPEROR, OR THE IMPERIAL TREASURY.

1. *The Emperor Constantine.*

No original serf attached to Our private domain shall be raised to any dignity, or be called upon to perform any curial duties, as it is not necessary for the decurions of towns and other citizens from whom any number of appointments of competent persons can be made, to be degraded by a selection of this kind for high municipal honors.

2. *The Same Emperor to Januarius, Praetorian Prefect.*

We order that Our serfs who have been employed by private individuals for the purpose of keeping accounts, or for the tillage of the soil, be reduced to their former status, and only be used in the cultivation of Our lands.

Moreover, the rule must hereafter be observed that none of them shall undertake the transaction of anyone's private business, or any other administration whatsoever.

3. *The Same Emperor to Equitius.*

Slaves and serfs, their children and grandchildren, and any other persons attached to Our lands and demesnes, who clandestinely engage in other occupations, shall be returned to their former status, even if they have already been enrolled in the army, for We decree that they shall be discharged and return, even if they have attained to the rank of protectors.

4. *The Emperors Gratian, Valentinian, and Theodosius.*

You will cause all children of either sex, born to men of free birth and female serfs or slaves, to be assigned to the condition to which their mothers belong.

5. *The Emperors Valentinian, Theodosius, and Arcadius.*

We do not permit serfs attached to Our private estates to be subject to tax, or compelled to perform extraordinary services, especially when these are said to be imposed upon them contrary to long-established custom.

6. *The Emperors Theodosius and Valentinian.*

Whenever it is decided to sell any portion of Our private domain to a serf, it must not be conveyed to one alone who may, perhaps, become a burden and annoyance to his associates, but two or more of the same origin and status shall be joined in the aforesaid transaction.

TITLE LXVIII.

CONCERNING CERTAIN LANDS, AND CHILDREN BORN TO SERFS ATTACHED TO THE IMPERIAL DOMAIN, AND OTHER PERSONS OF FREE CONDITION.

1. *The Emperor Zeno.*

If a free serf, of either sex, should marry a Tamiac man or woman, the children who are the issue of a union of this kind shall be considered Imperial serfs. If, however, a serf attached to the glebe, or a slave belonging to another, should marry a female serf or slave belonging to the Imperial domain, or a female serf or slave should marry a male serf or slave attached to the Imperial domain, the children born of such a marriage will be free, and We order that they shall enjoy the rights conferred by the ancient laws.

2. *The Emperor Justinian.*

We remember that a pragmatic sanction was promulgated which provided that when Tamiac estates situated in the provinces, as well as Gomatic lands subject to certain impositions (that is to say to land-taxes and tributes) were sold, the price paid for the same must be deposited in

the Public Treasury, but although, by the said pragmatic sanction, the most complete validity is given to contracts of sale of this description, still, in order to grant perpetual security to the purchaser, We do hereby order that by the terms of this Constitution all such purchases shall have an indisputable title to such lands.

#### TITLE LXIX.

##### CONCERNING DIFFERENT URBAN AND RUSTIC ESTATES BELONGING TO TEMPLES AND CITIES AND ALL CIVIL REVENUES.

###### 1. *The Emperor Julian.*

Where any persons erect buildings upon public lands, they shall be compelled to pay a fixed rent for the same.

###### 2. *The Same Emperors.*

The cities of Pamphilia, as well as all others, shall have an indefeasible right to any property they may acquire.

###### 3. *The Emperors Arcadius and Honorius to Our Beloved Vincent.*

It is certain that the third part of the tax payable annually on account of ground and lands belonging to the State is abundantly sufficient to provide for the repair of the public walls.

Given at Milan, on the third of the *Nones* of July, during the Consulate of Olybrius and Probinus, 395.

###### 4. *The Same Emperors.*

We decree that those who have offered the highest price for property belonging to the Imperial domain, or to the temples, and have been or may become the possessors of the same, shall have the indisputable ownership of said land, and that, hereafter, there shall be no question as to the right of possession of any of them, but each one shall hold the property as his own, where the contract is fulfilled by the payment of the purchase-money.

###### 5. *The Emperor Valerian.*

If any persons, after the Consulate of Ausonius and Olybrius, should, either by way of donation or purchase, or under any other title whatsoever acquire lands, houses, or warehouses owned by a municipality (and particularly to this Eternal City to which We owe especial favor), or any real property belonging to the Director of the Games, none of which are subject to any civil imposition, We order that the same tax shall be imposed upon them to which their former proprietors were liable, and which shall be established by having recourse to the records of the municipality 'to which said property belongs, for if We do not suffer the debts due to private individuals to be evaded, there is much more reason why what is legally due to cities should be liquidated, as it is sufficient for the possessors to pay the imposition for the sake of securing the perpetual ownership which they have acquired through Our indulgence.

Those who, at present, hold lands belonging to municipalities, shall discharge their obligations to the Treasury of Our Imperial Largesses, whether the lands have never been exempt from taxation, or it has subsequently been imposed, and if this law does not have reference to them, they should pay the tax to which they are now liable to Our private Treasury, as is customary, and the title to said property shall, in like manner, remain forever indisputably vested in them and their successors.

###### 6. *The Emperor Zeno.*

We order, by this law, which shall be valid for all time, that the right to collect forty *solidi* annually, a tax imposed upon property situated in the territory of the City of Apamena by the possessors of the same, that is to say, Callimachus, Eliburnus, Emptorius, Vera-torius, and Epotius, shall be restored to the City of Nicea and its inhabitants, after the expiration of the

third indiction.

Everything which was enacted by the law of the Emperor Martian, of Divine Memory, to the prejudice of the said City of Nicea, is hereby annulled, and whatever was granted by the said laws to the City, and which has in the meantime, under any pretext, been diminished shall, by the authority of Our present Constitution, be restored to the said cities, so that no judicial authority, nor any Imperial Rescript which may at any time be produced will, in any way, affect the validity of this frequently referred to general law.

If anyone should violate its provisions, he shall be severely punished.

#### TITLE LXX.

### CONCERNING THE LEASING OF LANDS OWNED BY CITIES, OR BELONGING TO THE TREASURY, THE TEMPLES, AND THE PRIVATE OR PUBLIC IMPERIAL DEMESNES.

#### 1. *The Emperors Gratian, Theodosius, and Arcadius.*

It is provided by an order of Our Divine Father that lands belonging to Our private domain shall be transferred by perpetual lease in such a way as to be at the risk of the officials making the transfer. For no one can fail to discharge his duty if the lands are assigned by judicial decree to persons who are solvent, or what is due to the Treasury be, in this way, properly secured, and when either one of these things is neglected, the rent can be collected from the property of the officials responsible for the transfer.

#### 2. *The Same Emperors to Nibrius.*

In accordance with an ancient law, lands belonging to the State should not be taken away from those to whom they have not been leased, and who have not been authorized by Us to hold them (when persons have fraudulently obtained possession of the same), provided they have improved them by diligent cultivation, and permission has subsequently been granted to occupy them.

#### 3. *The Emperors Honorius and Theodosius.*

All lands and estates belonging to the government, which have been offered at auction, and have, in conformity to law, been disposed of to the highest bidder, shall be leased to him in perpetuity.

#### 4. *The Same Emperors to Minervius, Count of Private Affairs.*

It is consonant with the principles of equity for ancient possessors of public lands to be preferred to recent lessees, if they are willing to pay a higher rent.

#### 5. *The Emperors Theodosius and Valentinian to Volusianus, Praetorian Prefect.*

Lands belonging to Our private domain which have once been leased in perpetuity, either directly by Our authority, or by that of Our illustrious Count of the Private Treasury, or which may be leased to anyone hereafter in this manner, cannot be transferred in perpetuity to another. For, by the present Edict, We decree that the possession of property leased in perpetuity cannot be transferred, even if the Emperor himself should sanction it, either upon request or voluntarily, by a written annotation or a pragmatic sanction. If the illustrious Count of Private Affairs should consent to a proceeding of this kind, in violation of the provisions of this law, he himself shall be compelled to pay a hundred pounds of gold by way of fine, and his subordinates shall be required to pay the same amount to the Imperial Treasury, and no order of this kind shall have any validity after the promulgation of this law, nor shall the land be leased to another, even though he may be willing to pay a higher rent.

Therefore, every person making a contract under a perpetual lease shall be secure, and he is informed that the property leased to him cannot be taken away from him or his heirs, or from those into whose hands it may come, either by inheritance, donation, sale or under any other title whatsoever. And in order that the Imperial generosity may not be circumscribed, the

Emperor can bestow property forming part of his private domain in perpetuity to anyone in possession of the same, if he desires to do so, whether the former has himself obtained it directly from Us, or has acquired it by any other title, for to relinquish payment of the rent is a favor which does not injure another, where the Emperor desires him to be designated as the owner, who formerly held the property under a perpetual lease.

And, indeed, if anyone should be found to have obtained any of Our land, not under a perpetual lease but under a temporary one, by the authority of the illustrious Count of Private Affairs, this circumstance will offer no obstacle to the generosity of the Emperor if he should wish to transfer to another as a donation what the party in possession had only leased for a specified time.

Again, if an increased rent should be offered by someone else for land of this description, the first tenant to whom the property was temporarily leased will have the right to retain the said land, if he offers as much as the other has done. Where, however, he acquired the said property under a perpetual lease, he shall remain in undisturbed possession of the same, as previously stated.

#### TITLE LXXI.

##### CONCERNING LESSEES AND AGENTS, OR COLLECTORS OF LANDS BELONGING TO THE TREASURY OF THE IMPERIAL HOUSEHOLD.

###### 1. *The Emperors Theodosius and Valentinian to Bassus, Praetorian Prefect.*

Lessees and other persons employed on the lands of the Imperial household, whenever any question arises with reference to the same requiring judicial investigation, must either defend or bring lawsuits as all other persons are legally required to do. And they shall not meddle with the business of other litigants, or officiously protect them, even when authorized to do so by a judicial decision, or, by turbulent and violent acts, dare to interfere with the execution of the law.

Nor shall they busy themselves with any matters either public or private, nor inform against any quiet household, lest they may afterwards repent of their thoughtless pertinacity, for a severe penalty is imposed upon those who are under Our immediate control, and are obliged to obey Our commands.

Given at Ravenna, on the day before the *Nones* of March, during the Consulate of Theodosius, Consul for the twelfth time, and Valentinian, Consul for the second time.

#### TITLE LXXII.

##### WHAT PERSONS ARE NOT PERMITTED TO LEASE LANDS BELONGING TO THE TREASURY.

###### 1. *The Emperors Arcadius and Honorius to Nestorius, Count of Private Affairs.*

No Palatine, who is attached to Our private service, has authority to lease property belonging to Our private domain, either in his own name or in that of anyone else whomsoever, for We do not allow this to be done by one who is a soldier or a decurion.

Given on the sixth of the *Kalends* of August, during the Consulate of Vincentius and Fravitta, 401.

#### TITLE LXXIII.

##### CONCERNING CONTRIBUTIONS IMPOSED UPON LANDS BELONGING TO THE TREASURY, TO THE PRIVATE DOMAIN OF THE EMPEROR, TO THE STATE, OR TO TEMPLES.

###### 1. *The Emperors Arcadius and Honorius to Firminus, Count of the Imperial Largesses.*

We grant permission to ordinary judges, as well as to the Governors of provinces, to decide questions arising between the stewards or lessees of Our private domain, but we reserve for

the Receivers of Our Private Treasury the right to collect any sums which may be due.

*2. The Same Emperors to Messala.*

Officers of the palace who have been given public letters by the illustrious Count of Private Affairs for the purpose of assisting collectors of the revenue, in order that the amounts due from the lands of Our private domain may the more readily be paid, are hereby directed to perform their duty with the greatest diligence, and if they should act rashly, they shall be reported by the ordinary judges to Your Highness, so that they may be severely dealt with.

*3. The Same Emperors.*

All lands, not only those which, for a long time, have belonged to Our private domain, but also those which have become the property of the Treasury through confiscation, shall not be released from pecuniary obligations by virtue of any privileges and exemptions of this kind; but notice is hereby given that every species of contribution, tax, and imposition shall be required of them, and collected without deduction.

TITLE LXXIV.

CONCERNING THE PRIVILEGES ENJOYED BY LANDS ATTACHED TO THE IMPERIAL HOUSEHOLD, AND THOSE BELONGING TO THE PRIVATE DOMAIN OF THE EMPEROR, AND FROM WHAT CONTRIBUTIONS THEY ARE EXEMPT.

*1. The Emperor Constantine.*

It is settled that lands belonging to Our private domain shall be exempt from all ignoble services, nor shall the lessees of the same or the serfs attached to them be subjected to any extraordinary impositions or additional charges.

Given on the eighth of the *Kalends* of February, during the Consulate of Placidus and Romulus, 347.

*2. The Emperors Arcadius and Honorius.*

For the sake of lightening the burdens of the people of the provinces, We desire that Our private estates shall be liable to the same contribution that all others are, but whenever grain is transported through places where it is not usual to carry it, and where it can be conveyed through other uninhabited regions, this rule will be violated, for the said grain should not be transported where it will cause any inconvenience or loss to the inhabitants of the provinces, hence, Your Excellency will cause it to be transported by the same route that was formerly taken.

*3. The Emperors Honorius and Theodosius.*

We order that the money paid as rent for lands belonging to Our private-domain, which have been leased in perpetuity, shall, like those of private individuals, be subject to the contributions imposed in behalf of applications for admission to corporate bodies.

*4. The Same Emperors to Asclepiodotus, Praetorian Prefect.*

We, by no means, include among ignoble services the construction of public highways, bridges, and works erected in honor of Our Imperial predecessors. Therefore, no class of men, of whatever rank or dignity, shall be exempt from assessments for the construction and repair of highways and bridges, and We also include the Imperial palaces in the provision.

Given at Constantinople, on the fifteenth of the *Kalends* of March, during the Consulate of Asclepiodotus and Marianus, 423.

*5. The Emperors Theodosius and Valentinian to Flavian, Praetorian Prefect.*

We decree that all the possessors of land hereinbefore mentioned shall, without any exception but the occupants of Our private domain, be liable to the contributions prescribed, the revenues of which We have frequently set apart for the requirements of the public welfare.

Given at Ravenna, on the thirteenth of the *Kalends* of May, during the Consulate of Bassus and Antiochus, 431.

TITLE LXXV.

CONCERNING THE IMPERIAL STUD.

1. *The Emperors Arcadius and Honoring to Csesarius, Praetorian Prefect.*

All persons, from the highest to the lowest, are notified by an edict to be published by Your Highness that they will be liable to a fine of a pound of gold for every horse or mare, whether they are Hermogenians or Palmates, which they take away, unless they voluntarily restore them; and those who are proved to have removed animals from any other drove shall be compelled to pay a fine of six ounces of gold to Our Treasury.

Given at Constantinople, on the day before the *Kalends* of December, during the Consulate of Olybrius and Probinus, 395.

TITLE LXXVI.

CONCERNING THE IMPERIAL PALACES AND BUILDINGS.

1. *The Emperors Theodosius and Valentinian to John,. Count of Private Affairs.*

We except all buildings which are set apart for Us, that is to say, the Imperial palaces, from the use and occupation of private persons.

TITLE LXXVII.

CYPRESS TREES FROM THE SACRED GROVES OF DAPHNE AND PERSEUS IN EGYPT SHALL NOT BE CUT DOWN, OR SOLD.

1. *The Emperors Arcadius and Honorius to Sylvanus, Count of Private Affairs.*

If anyone should purchase cypress trees cut down in the sacred groves of Daphne in Syria, or of Perseus in Egypt, he is notified that he will be fined five pounds of gold; and he who dares to sell the trees, which no one is permitted to purchase, shall be liable to the same penalty.

2. *The Emperors Theodosius and Valentinian to Eudoxius, Praetorian Prefect.*

All judges, of whatever rank, are hereby notified that hereafter, without the consent of Your Highness, permission will be refused them to cut down any trees in the sacred grove of Daphne at Antioch, or even to remove such as have fallen for any cause whatsoever. Nor can it be asserted by the Alytarch that he has the right to cut down a single cypress, for the reason that he has planted others.

And, lest it may appear that by denying him permission to cut down a cypress We are depriving him of a privilege of long standing, without compensation, We decree that he shall receive a pound of gold from Our Private Treasury for every cypress which he was entitled to cut down, and anyone who violates this law shall be condemned to pay a fine of fifty pounds of gold.