CODEX JONATHANUS

Imperator Caesar Jonathan Augustus, Western Emperor and Autocrat of the Romans, Emperor and Consul of Austenasia, King of the Kings of the Carshalton Nations, Protector of Monovia, Orly, and Sabovia, to the noble Representatives of the Towns of Austenasia, our greetings:

On the seventh of April in the year of the consulship of Flavius Decius, that is, the year 529 of the Common Era, our great predecessor Emperor Justinian I promulgated a compilation of laws, edicts and rescripts by previous emperors, publishing a second version updated with laws of his own on the sixteenth of November five years later. This compilation of laws, known as the Codex Justinianus or Code of Justinian, has been described as one of the founding documents of the legal tradition of western society.

Reflecting on the lack of a civil code for Austenasia, and eager to adapt this great work so as to make it appropriate for use in the contemporary Empire, Our Imperial Majesty began on the fifth of May last year to go through the Codex Justinianus, taking those laws which could be applied to the Empire of today - making amendments where necessary or useful, as did the compilers of the original Code - and sorting them into books by subject, so as to create a Code suitable for modern use.

Many were unsuitable for inclusion due to being concerned with archaic issues irrelevant to the present day, such as slavery, dowries, and the father's patriarchal control of the family. Some - for example, many of those dealing with inheritance - were not included due to contradicting laws already passed by the Empire of Austenasia on that matter. Others, while originally promulgated in a spirit foreign to the attitudes of today - for example, forbidding Jews to enslave Christians - have been retained due to not actually contradicting in effect any laws or morals held to by the contemporary Empire.

Neither were laws included where both a date of their promulgation and the name of the emperor or emperors who passed them could not be found, or where the dates given could not be matched with the emperors alleged to have given the laws (not including obvious typographical mistakes by the translator, which have been corrected and included). Others, such as those concerned with killing in self-defence or with the crimes of theft and robbery, have not been included due to such subjects being covered in much greater detail by Austenasian law already in force.

We finally completed this work earlier this month, and now present it before you so that your authority may confirm it in the same manner as an Imperial Decree. However, due to the unique status of this promulgation, while this Code is our eighteenth Imperial Decree, it shall not be referred to in accordance with our fifteenth Imperial Decree, but simply as the Codex Jonathanus.

We order that, should this Code be confirmed by your authority, it shall enter into force on the nineteenth day of this month, to coincide with two thousand years since the death of the first emperor, the eternally remembered Augustus, from whom all imperial authority has descended. We hope that the confirmation of this Code shall provide for the settlement of any civil disputes brought before the magistrates, and uphold and enrich the legal system of the Empire.

Decreed at Wrythe this thirteenth day of August during the second year of our reign, in the year of the consulship of Eritoshi Augusta and Imperator Caesar Jonathan Augustus, that is, the year 2014 of the Common Era, during the imperium of Akihito, Our own Imperial Majesty, and Taeglan I Nihilus.

Contents

1: Book I, Concerning courts and the justice system
15: Book II, Concerning pacts and contracts
19: Book III, Concerning debts and creditors
27: Book IV, Concerning guardians
33: Book V, Concerning marriage and divorce
37: Book VI, Concerning family matters
38: Book VII, Concerning compromises
39: Book VIII, Concerning property
48: Book IX, Concerning inheritance
52: Book X, Concerning deposits
53: Book XI, Concerning rights of religious groups
55: Book XII, Concerning taxes and the Treasury
58: Book XIII, Concerning supplications
59: Book XIV, Concerning powers of the Monarch
60: Book XV, Concerning the law
61: Book XVI, Concerning Representatives
62: Book XVII, Concerning Town Councils
63: Book XVIII, Concerning burial places
64: Book XIX, Concerning statues and images
65: Book XX, Concerning Sunday
66: Book XXI, Concerning other matters

Book I
Concerning courts and the justice system
De iudiciorum et actio iustitia

Antoninus Pius, 28 September 155:
It is a matter belonging to the province of a trial's judge as to whether a defendant must exhibit their accounts.

Septimius Severus and Antoninus Caracalla, 7 July 194:
A judge or magistrate before whom a suit is tried will order public records, criminal as well as civil, to be exhibited for inspection for the purpose of discovering the truth.

Septimius Severus and Antoninus Caracalla, 9 April 205:
Infamy is not incurred by a fine.

Antoninus Caracalla, 11 March 212:
Those who want to accuse another of a crime should have proof, since neither law nor equity permit that power be given of inspecting the documents of others; for if the prosecutor fails to prove their case, the defendant, though they show nothing, will prevail.

Antoninus Caracalla, 7 July 213:
An appeal by a party who remained contumaciously absent when they were called to conduct their case shall not be considered after the matter has been previously summarily investigated, and they have been condemned.

Antoninus Caracalla, 29 September 213:
If one thinks that their lawyer has been guilty of collusion with the opposite party, and they prove the accusation, condemnation of the lawyer for the temerity of their actions will not be lacking, and the principal case will then be tried anew. But if they do not prove such collusion, they shall be known as one guilty of false accusation, and the judgement in the main case, from which no appeal has been taken, will stand.

Antoninus Caracalla, Rome, 28 September 216:
If one accused of a crime has died, the crime as well as the penalty ended with their death, and prosecutors are relieved from the necessity of prosecution.

Alexander Severus, 25 March 222:
You say that a decision was rendered, which you contend to be without force because rendered contrary to a prior adjudication from which no appeal was taken. If you have the proof of that at hand, the second decision does not, without the aid of appeal, have the force of a final decision.

Alexander Severus, 15 July 222:
If a case heard in the Imperial Court is in a matter of common interest, a decision in answer thereto has all in view even if directed to only one.

Alexander Severus, 3 January 223:
If a judge or magistrate appointed for a definite matter gives judgement on some other matter, they acted without effect.

Alexander Severus, 24 February 223:
A person who stands accused of a crime cannot undertake the defence of a case (of another) until their own innocence is established.

Alexander Severus, 7 March 224:
No person, if they are so well educated that they can extend legal aid to those who desire it, is forbidden to do so.

Alexander Severus, 1 March 227:
Whatever a lawyer alleges in the presence of those whose causes they conduct is to be considered the same as if alleged by they whose causes they conduct.

Alexander Severus, 18 December 229:
It is certain that a decision rendered by a judge or magistrate in violation of the usual rules in administering justice does not have the force of a judgement.

Gordian III, 11 July 239:
An adjudication between others gives no advantage to those not in the case, nor can it ordinarily injure them.

Gordian III, 29 July 239:
It is certain that a decision may be given by a magistrate against those who were summoned, but refused to appear.

Gordian III, 13 December 239:
If a court decides against a person under the age of sixteen years of age who appeared in court with their adversary without consent of their parent or guardian, the decision will be without legal effect.

Gordian III, 3 November 240:
There is no doubt that an Acting Representative, representing and administering a Town in place of a Representative, may try a case involving the public good by being Judge at the Town Court.

Gordian III, 11 September 241:
A person properly accused is not any the less held for a crime because they say that someone else commissioned them to do the act. For it is not unknown that in such case, besides the principal defendant, the person also, who commissioned them, shall themselves be arrested and tried.

Philip, 7 April 245:
Private (id est, self-written) documents, certificates or notations, if not supported by other testimony do not alone suffice for proof.

Valerian and Gallienus, 30 August 255:
The trustworthiness of members of the same family as witnesses in favour of each is disapproved as credible, except when also testifying against another member of that same family.

Carus, 13 July 283:
If a magistrate has imposed a fine on you outside of a case and beyond any limits set by law, there can be no doubt that such act, which appears to have been done contrary to law, can have no validity and may be annulled without appeal.

Diocletian and Maximian, 1 January 285:
Purchased decisions, given by corrupt judges for a price, have long ago been declared by emperors to be invalid even without an appeal therefrom.

Diocletian and Maximian, 2 April 286:
Those witnesses should be summoned, in order to show the truth, which are able to place their judicial oath above every favour and influence.

Diocletian and Maximian, 14 February 290:
It is not to be doubted that if anything relevant is left unsaid by the defence, prosecution or lawyers, the judge or magistrate is to supply and mention what they know to be in conformity with the law.

Diocletian and Maximian, 30 March 290:
It is certain that a decision given against parties who are absent without contumacy, not having been summoned by the usual notices, is invalid.

Diocletian and Maximian, 29 September 290:
When the time for the presence of your opponent has been fixed, and the usual formality of law has been observed, and your opponent has been summoned to appear by three notices, and they persevere in contumacy, it is in harmony with law for the magistrate to hear the allegations of the party present and make a judgement on the case.

Diocletian and Maximian, 22 October 290:
It is a wholesome provision that three citations to contumacious parties are sufficient.

Diocletian and Maximian, 13 May 291:
Since you did not leave the court of the magistrate voluntarily, but through necessity, the rule of law does not permit the decision rendered against you while absent, in view of the necessity of such absence, to prejudice you, should you have not completed delivering your testimony in regards to the case.

Diocletian and Maximian, 9 March 293:
Cases or lawsuits ended by legal compromises must not be revived unless the compromise is then not adhered to.

Diocletian and Maximian, 19 August 239:
The law is very clear that even in criminal actions, nothing can injure parties who are not in court, even though something done therein seems to be prejudicial to them.

Diocletian and Maximian, 17 June 293:
If a decision against you was legally rendered and you did not appeal, you know that you must acquiesce in the decision.

Diocletian and Maximian, 14 January 294:
A minor under the age of sixteen years may sue and be sued in a civil case by consent of their parent or guardian.

Diocletian and Maximian, Nicomedia, 3 April 294:
Parents and children cannot testify against each other even voluntarily.

Diocletian and Maximian, 18 April 294:
Since it often happens that a judge or magistrate is necessarily compelled to grant postponements by reason of the absence of documents or persons, it is proper that the time for procuring proof be fixed. We think that this should be regulated as follows: if the persons or documents sought are in the same province when the suit is pending, a postponement not exceeding three months should be given; if they are in another province of the same region, it is just that a delay of up to six months be granted; if they are overseas, a period of up to nine months should be allowed. The judges and magistrates should construe this to mean not that in this way they have the power to grant postponement at will, but that they should allow a delay only for the most urgent reason and when the necessity of the desired proof requires it, nor should it be readily granted more than once in the same trial, nor for the purpose of dragging out the suit.

Diocletian and Maximian, 15 October 294:
No one shall be compelled to bring a civil or criminal action if they do not wish to do so.

Diocletian and Maximian, Burtudizis, 3 November 294:
If you are confident that the claim of plaintiff will lack proof, you have no need to set up a defence. But if you acknowledge the claim, and allege that you are protected by a defence, it is necessary only to try this defence.

Diocletian and Maximian, 29 November 294:
It has often been determined that litigation among third persons cannot even in a similar transaction prejudice an absent person, that is, not a party to the suit.

Diocletian and Maximian, 25 December 294:
When the plaintiff acknowledges that they cannot prove their allegations they do not thereby impose upon the defendant the necessity of proving the contrary, since in the nature of things the burden of proof does not rest upon the person who denies a claim.

Diocletian and Maximian, Nicomedia, 29 December 294:
It is in vain for anyone to attempt to reopen legal cases which have already been decided, under the excuse of the absence of a lawyer.

Diocletian and Maximian, 30 December 294:
A person who alleges payment has the burden of truth.

Constantine I, 6 March 314:
A person who is summoned to appear in court must be granted time to gather evidence against the complaint or to produce documents or witnesses.

Constantine I and Licinius, 15 May 314:
The foremost aim in all things should be justice and equity, rather than to follow the strict letter of the law.

Constantine I, Arelatum, 13 August 316:
Whoever attempts through influence to reopen a question closed by the Monarch or a judge or magistrate shall be immediately condemned in favour of the adversary.

Constantine I, Rome, 21 July 317:
In the prosecution of lawsuits, trustworthy documents and the testimony of witnesses have equal weight.

Constantine I, Sirmium, 7 February 318:
Whether only a part or the whole time permitted for postponement is granted, the judge or magistrate must refrain from doing anything further in the case till the time given has passed. Public holidays, whether extraordinary or usual, shall not be excepted from the time of the postponement, but shall be included therein.

Constantine I, 24 April 319:
An ancient custom and long usage is of no mean authority, but it shall not have the effect of contravening common sense or the law.

Constantine I, Sirmium, 25 October 319:
A judge or magistrate who gives a wrong decision as a result of bribery or favouritism shall, in punishment, not only lose their good name, but they will also be liable to the party whom they injured for the risk involved in the litigation.

Constantine, Forum of Trajan, 25 March 320:
Whenever an examination of forgery should happen to be made, it shall be made thoroughly, by logical deductions, witnesses, comparison of writings and other footprints of the truth. Nor shall the whole burden of the trial or the proof fall on the accuser alone, but the judge or magistrate shall stand between both disputants.

Constantine I, Serdica, 30 June 320:
Should a defendant have been kept in custody before a trial, they should not be put in iron handcuffs which fit tight to the bones, but in loose chains - if, forsooth, the nature of the crime demands the severity of chains at all - so that the accused may not be in pains, while at the same time their custody is ensured. They should not suffer while shut up in the darkness of a dungeon beneath the surface of the earth, but should be nourished by access to the light of the sun. This, too, must be observed, that neither those who perform the duties of jailor, nor their servants, shall be permitted to sell their cruelty to the prosecutor, nor keep their prisoners from their trial so as to have them waste away in misery in the confines of the prison.

Constantine I, Sirmium, 12 January 321:
Judges and magistrates should first of all clear up the nature of the question in dispute by careful inquiry and frequently ask both parties if they want to add anything new.

Constantine I, Savaria, 26 July 322:
If any judicial decisions are found without date or the names of consuls, they shall have no validity as precedent.

Constantine I, 20 March 325:
If any lawyers are found to have preferred great and unlawful profit to their good name, demanding, under the name of payment, a certain portion of the result of the very transactions which they undertook to protect, to the great damage and spoliation of the litigant, it is decreed that all who persist in such perverseness shall be entirely forbidden from the profession of lawyer.

Constantine I, 30 July 325:
No hearing whatever shall be given to anyone who splits up the contents of a cause, and wants to air before different judges or magistrates what can be decided in one trial.

Constantine I, Treveris, 29 December 328:
If some person of power becomes insolent, and the police and courts of their Town or Duchy personally are unable to punish, try, or pronounce sentence against them, they should report their name to us, so that means may be taken as to how to protect the public interest and the injured common people.

Constantine I, Constantinople, 1 November 331:
We give full liberty to all to applaud, by public acclamation, judges and magistrates who are just and vigilant, so as to promote the progress of their honour. On the other hand, we give liberty to accuse, by complaining voices, the unjust and the evil-doers, in order that the vigour of our punishment may destroy them. The Representatives shall make us acquainted with the voices of our subjects.

Constantine I, Constantinople, 4 May 333:
Different documents, which contradict each other, produced by one and the same party, can have no force.

Constantine I, Constantinople, 27 September 333:
We direct that physicians need not be brought to court but may be represented by proxy.

Constantine I, Constantinople, 17 June 334:
No minor under the age of sixteen years, widow, or person long afflicted or weak with disease shall be compelled to appear at our Imperial Court. Trial of the dispute shall be had within the province of said party, and every precaution shall be taken that they may not be compelled to go outside of the province. But if said minor under the age of sixteen years, widow, or other wretched through the injuries of fate pray a rescript of Our Imperial Majesty, especially when they fear anyone's power, their adversaries shall appear before us in our Imperial Court.

Constantine I, Naissus, 25 August 334:
We have long since directed that witnesses, before they give their testimony, must be put under the sanctity of an oath, and that more credence should be given to witnesses of honourable standing than to others. We also make it plain that the testimony of only one witness shall not be considered at all.

Constantine I, 15 March 336:
Since it often happens that a civil proceeding is interrupted in order to first inquire into a crime, which is done in order that the question of greater moment rightly be preferred to the lesser, whenever the criminal matter is disposed of in any manner, the civil cause must be decided as if brought into court anew, so that the end of the criminal process becomes, as it were, the beginning of the civil proceeding from the day that a decision between the parties has been rendered (in the criminal matter).

Constantius II and Constans, Aquileia, 9 April 340:
If an action is brought between private persons and the Treasury, opportunity to ask for postponement shall be denied to neither party, if good reasons require it.

Constantius II, 7 April 341:
The right of appeal exists in large and small cases; for a judge should not think that they are insulted because a litigant resorts to an appeal.

Constantius II, 9 December 344:
No murderer, poisoner, or person committing open violence, shall have an appeal accepted when they have been convicted by proofs, have been proven guilty by witnesses and have, in addition thereto, confessed their crime. Just as we order that rule to be followed, so, too, when one is shown to be guilty by witnesses, documents and other proofs, and a judgment of conviction is rendered against them, but they have made no confession out of their own mouth, or has said something against themselves when put to fear, it is just that the right of appeal should not be denied them.

Constantius II, Milan, 22 July 355:
Members of secret services must remember to notify the police of any crimes, and that upon them lays the burden of proof, not without danger to themselves if it appears clear that they have brought false accusations against persons who are innocent. The bad custom by which they have sent people to gaol shall cease.

Julian, 17 June 362:
Parties who do not appeal within the proper time will be denied the opportunity of reopening the case. All, therefore, who did not appeal the decision of any judge under the pretence of fear, will be refused reinstatement of the suit. Those who in truth suffered force may make a protest to our Imperial Majesty within the time fixed for taking the appeal, setting forth their reasons for appeal with clear proof of why the protest is made, so that, when they have done this, the aid of equity will be extended to those as though the appeal was lawfully taken.

Valentinian I and Valens, Milan, 21 January 365:
If a soldier commits a crime, the police shall put them in custody and report to the soldier's commanding officer concerning the merits of the cause and the status of the person.

Valentinian I and Valens, Rome, 17 September 365:
If anyone shall deem it advisable to address an appeal to us against a conviction of their High Court, and they shall finally be defeated, they shall have no further right of appeal in regard to the same matter.

Valentinian I and Valens, Ancyra, 28 May 368:
Proper deference must be paid by judges of Town Courts to those of High Courts. However, when the public interest is involved, no harm is done the superior in rank by the fact that the inferior judge has investigated the truth. But whoever employs the insignia of their office to inflict unworthy insults on others will not escape the stings of our displeasure.

Valentinian I, Valens and Gratian, Rome, 18 August 368:
We ordain that no appeal whatever shall be permitted, when satisfaction of a fiscal debt or of the ordinary burden of a tax is demanded or when payment of public or private dues (assuming that they are clearly due) is asked and proven, and the judicial power will necessarily be exercised against disobedience.

Valentinian I and Valens, 23 August 368:
If anyone is so impudent as to think that a lawsuit should be conducted by reproaches, rather than by reason, they shall suffer loss of their good name. Nor is any indulgence to be extended to anyone who neglects the case in hand in order to openly or covertly abuse their adversary. Furthermore, no one shall purposely protract a case.

Valentinian I, Valens and Gratian, Treves, 1 March 370:
Care must be taken that those whom merit or age has made famous in court are not all engaged on one side of a lawsuit, making it necessary that the other side be defended by persons young and inexperienced. If, therefore, there are in any court only two or more of those whose reputation is preeminent above that of others, it is the duty of the presiding judge to make a fair assignment of the lawyers, extend equal help of the several lawyers to the litigants and make an equal division among them. If any lawyer assigned by a judge denies their legal aid to any party without just excuse, they shall be deprived of their right to appear in court.

Valentinian I, Valens and Gratian, 21 January 371:
We believe it best to provide by this ever-enduring law that magistrates whose duty it is to try and decide cases must first frame their decisions, not hurriedly, but with deliberation, duly consider and correct them, and then with fidelity inscribe them in a protocol, and from that read them to the parties as written, without power to change them thereafter.

Valentinian I, Valens and Gratian, Trier, 3 December 374:
We order that all judges and magistrates shall, after trial of the case, give final judgement by reading their written decisions. And we add that a decision not written is not entitled to the name of a decision, and the formality of an appeal is not necessary to vacate such faulty unwritten decrees.

Valens, Gratian and Valentinian II, 1 December 376:
I. We direct by this general law that no one shall be their own judge or magistrate or decide their own case, for to give anyone power to render a decision in their own case would be iniquitous.
II. The laws deprive every one of the right to give testimony in their own cause.

Valens, Gratian and Valentinian II, Triers, 12 January 378:
I. We order that all persons who henceforth fabricate suspicious writings and produce them in court shall, if they do not prove them genuine, be detained as persons accused of fraud.
II. It has been generally held by most of the jurists that whenever both a civil and criminal action lies in connection with a matter, both actions may be brought, without reference as to whether the one or the other is brought first, so that if a civil action is brought first, the criminal action is not barred, and vice versa.

Gratian and Valentinian II, Ravenna, 18 August 378:
We permit Representatives and Town Councillors to perform, in lawsuits, the function of a lawyer, provided that they do not appear against the Town in which they obtain such honour.

Gratian, Valentinian II and Theodosius I, Rome, 22 September 379:
A decision given by an improper or incompetent judge or magistrate does not bind the litigants.

Gratian, Valentinian II and Theodosius I, Thessalonica, 15 January 380:
The magistrates convicted of having become stained by theft or other crime shall be deprived of their position as such, and they shall not thereafter flatter themselves with the honour of which they proved themselves unworthy.

Gratian, Valentinian II and Theodosius I, Constantinople, 30 December 380:
In reference to those who are held in custody, we direct, by this plain provision, that swift punishment shall be visited upon them that are guilty, and long incarceration shall not be inflicted on them that are to be released.

Gratian, Valentinian II and Theodosius I, Constantinople, 8 May 381:
When it is found that an accusation was unfounded, the punishment of infamy shall follow the most malicious accuser, so that each and every person may hereafter know that it is not permitted to put in motion the action of the magistrate in a matter which cannot be proven.

Gratian, Valentinian II and Theodosius I, Constantinople, 18 May 382:
All accusers should know that they must make public accusations only in matters which can be shown by suitable and sufficient witnesses, or by absolutely credible proofs, or other circumstances suitable for proof as clear as the light of day.

Gratian, Valentinian II and Theodosius I, Milan, 4 April 383:
All magistrates shall keep their hands off of money and property, and must not consider another's quarrel the object of their prey.

Valentinian II, Theodosius I and Arcadius, Constantinople, 22 June 386:
We order, we exhort, that if perchance any person shall have been in any manner oppressed by a magistrate; if anyone knows that a judicial decision was sold; if a penalty was remitted for a price, or inflicted through avarice; if anyone, in a word, can prove that a magistrate has for any reason been dishonest, let them come forward either while such magistrate still occupies the office or thereafter, and bring their accusation, prove it, and thus carry back victory and glory.

Valentinian II, Theodosius I and Arcadius, Milan, 18 November 386:
When a case involving the right of possession and the disturbance thereof is tried, the decision will be executed although an appeal is taken.

Valentinian II, Theodosius I and Arcadius, Milan, 23 January 389:
We give permission that inquiry concerning a codicil or other document produced may be made in a civil or criminal proceeding, as the accuser claiming it to be forged may elect.

Valentinian II, Theodosius I and Arcadius, 8 August 389:
We order that all days should be court days, other than public holidays. We also add the holy paschal days, seven preceding and seven succeeding Easter; Sundays, too, which the ancients rightly named the Lord's days and which return at regular intervals, shall be put in this class.

Valentinian II, Theodosius I and Arcadius, Milan, 15 February 390:
Representatives and Nobles must personally appear in court in criminal cases, although in civil cases before magistrates they may conduct their suits by procurators.

Arcadius and Honorius, Milan, 25 December 395:
An accusation of cattle raiding may be made not only in writing but also without it.

Arcadius and Honorius, Constantinople, 22 July 396:
If anyone has filed a petition of appeal, they have the right to change their mind and receive their petition back, so that they may not be deprived of the benefit of a just repentance.

Arcadius and Honorius, Constantinople, 25 July 399:
We order that where there is guilt, there shall be punishment. We relieve from anxiety relatives, acquaintances and friends who are not accomplices of a crime, for kinship or friendship is no crime. Let the responsibility for offences, accordingly, rest upon the authors thereof, and let fear progress no further than where crime is found. Let this be known to all the judges and magistrates.

Arcadius and Honorius, 20 November 399:
A delay of more than nine months shall not be given, even in order to procure evidence across the seas, to litigants who litigate concerning personal status or concerning property.

Arcadius, Honorius and Theodosius II, Constantinople, 14 October 406:
We give everyone the right, provided they wish to do so, to answer in court by a representative they have appointed, unless, at times, perchance, the mighty authority of the Monarch or the judge of a High Court, on specially just grounds, calls persons before them.

Honorius and Theodosius II, Ravenna, 25 January 409:
If a trial is underway in which it is necessary to keep the accused imprisoned while the proceedings are not ongoing, judges shall see accused persons brought forth from the custody of the prison and shall interrogate them, to ensure that humane treatment is not being denied to persons imprisoned by corrupt guards. It shall be ensured that provisions are supplied to prisoners who have none.

Honorius and Theodosius II, Ravenna, 17 March 412:
We decree that inquiries as to submerged ships shall not be held in private, nor their outcomes kept secret.

Honorius and Theodosius II, Constantinople, 27 April 413:
We give the Magister Militum the power to hear civil cases between soldiers.

Honorius and Theodosius II, Ravenna, 28 August 415:
The law has decreed that defences of lack of jurisdiction of the court over the person of defendant must be set up by the litigants in the beginning of the suit.

Honorius and Theodosius II, Ravenna, 8 July 421:
In civil cases, an order of a magistrate summoning a person who hides themselves to appear does not injure their reputation.

Honorius and Theodosius II, Constantinople, 30 March 423:
When a suit has been terminated and finished, no action shall thereafter lie to recover the expenses thereof, unless the magistrate who rendered the decision in the main suit has declared in their decision, in the presence of the parties, that the expenses should be

paid to the victor of the cause. For it is wrong that after a suit is terminated and finished, another action should arise out of the matters involved in the first one.

Honorius and Theodosius II, Ravenna, 6 August 423:
Whoever institutes an accusation may know that reckless lying will not remain unpunished, since punishment is due for malicious accusers.

Theodosius II and Valentinian III, Ravenna, 14 March 426:
Whenever a legal enquiry is necessary concerning a matter appertaining to the Imperial Residence, the Crown Stewards shall defend and bring actions in no other manner than in accordance with the regular procedure of law, to which all other people are subject. They shall not interfere in transactions of other litigants or disturb the decision of the judges through their influence; they shall mix in no private or public transaction. Those who belong to us should observe our mandates.

Valentinian III and Marcian, Constantinople, 11 October 450:
A party convicted of vexatious litigation will, in a civil cause, aside from the defendant's costs and expenses, taking into consideration the amount demanded by plaintiff, or the distance of the journey, be condemned to pay an amount in the discretion of the magistrate.

Leo I and Anthemius, Constantinople, 28 March 469:
Those who untangle the doubtful fate of lawsuits and by the strength of their defence in public and in private matters raise up the fallen and repair the weakened, serve humanity no less than if they saved their country and their kin by battles and by wounds. We do not consider that those only battle for our empire that rely upon their swords, their shields and their cuirass, but lawyers also; for advocates of just causes battle by their eloquence, and relying upon the strength of their glory-giving eloquence, defend the hope, the life, the offspring, of those in distress.

Zeno, 1 July 486:
We order than no one whatever in any province under our sway shall be permitted to keep a private prison on their property. The arrogance of such nefarious persons shall be totally suppressed.

Zeno, 26 March 487:
Every judge and magistrate shall, at the end of the trial, order the defeated party to pay all expenses of litigation, and has permission to order the payment of one-tenth more than the amount paid out whenever the insolence of the defeated party gives them cause to do so, provided that the amount over and above the expense shall go to the Treasury, unless the magistrate gives a part of it to the victor in order to repair the damages which they have sustained. In case, however, a defendant against whom judgment is rendered shows their good faith by paying the costs of their opponent before the end of the trial, or if the plaintiff abandons the suit, they will escape condemnation to pay the costs.

Anastasius I, Constantinople, 1 July 491:
We warn all the judges and magistrates of our whole state, whether in major or minor positions, not to suffer any former decision of the Imperial Court which is contrary to the law or adverse to the public interest to be brought forward in the trial of any case, but not to hesitate to follow in every respect the general law.

Justinian I, Constantinople, 1 June 528:
I. If anyone shall have used witnesses, and the same witnesses shall be produced against them in another action, they shall not be at liberty to object to them, unless they can show that enmity has afterwards arisen between them and the witnesses, by reason of which the laws direct witnesses to be rejected, without, however, depriving them of their right to prove their testimony false by their own statements. And if they can show by clear proof that the witnesses have been corrupted by a gift, or the promise of a gift of money, they may also set up that fact.
II. In order to diminish, as near as possible, the heedlessness of witnesses through whom many untrue facts are made to appear as true, we give notice to all who have been given due bills in writing, that they shall not be readily heard to claim that they have paid the debt in whole or in part without a written receipt. They cannot show the fact by low and perhaps corrupted witnesses, but must produce five witnesses of good standing and of the best and untarnished reputation, who were present when the payment was made and who will testify under oath that the debt was paid in their presence. All should know that under these provisions, they pay a debt in whole or in part without taking a written receipt at their peril, unless they prove such payment by witnesses in the manner aforesaid. If, of course, a written receipt was in fact given, and it was lost by accident, fire, shipwreck or other misfortune, the persons who have suffered in this manner may, upon proving the cause of the loss, also prove by witnesses the fact of such payment, and thus escape the consequence of the loss of the document.

Justinian I, Constantinople, 18 January 529:
We forbid the erection of any private prisons in any place. Private prisons shall not be erected; those who do so shall be subject to punishment for false imprisonment, no matter what the status or rank of such persons may be; they shall also lose any civil suit which they may have had against those whom they confined.

Justinian I, Constantinople, 21 January 529:
We entirely prohibit private jails to be established. Whoever is detained therein shall be liberated.

Justinian I, Constantinople, 6 April 529:
A party who was victorious shall not make an appeal merely on the ground that the award did not include their costs and expenses of litigation or less than proper, since they acknowledge that the main judgement itself is correct. The judge to whom the appeal would have been made will, if they find that the victorious party should be awarded their costs and expenses, make an order to that effect and fix the just amount thereof, without an appeal having been made. We furthermore forbid all useless appeals which merely give trouble to the judges.

Justinian I, Constantinople, 7 April 529:
If judgment debtors - those ordered by a judge or magistrate to pay money in the form of a fine or damages - defer payment of the money which they are ordered to pay, they must pay interest thereon at the rate of one per cent per month after the expiration of four months from the date of the rendition of the judgment, or from the time that a decision is affirmed, in case an appeal is taken.

Justinian I, Constantinople, 30 October 529:
I. If the Imperial Majesty has judicially examined a case in the Imperial Court and has given a decision in regards to the interpretation and implementation of the law, then all

judges and magistrates within our empire must take notice that this is the law not only in the particular case but also in all similar cases.
II. No judge or magistrate needs to follow the answer to an inquiry directed to them by any eminent figure or high official which they do not believe to be correct. We ordain that all our judges and magistrates must follow in the footsteps of truth, of law and of justice.

Justinian I, 25 February 530:
When someone shall have produced a document of other paper, and has shown it to be genuine, but afterwards the person against whom the paper or document is produced attempts to show that it was forged, in such event, in order that it may not be doubted whether the person who produced it must produce it again, or whether its previously established trustworthiness is sufficient, we ordain that if anything of the kind happens, they who want the paper produced again must first take an oath that they make the request thinking that they can prove the instrument or paper to be false; for they might be aware that the paper has perchance been lost, or burned, or defaced, and pretending that they want it, make their demand in view of the difficulty of production. After the plaintiff or claimant has taken such oath, and a written complaint has been laid before the proper judge or magistrate, the person producing the document must also lay it before the judge or magistrate of the court, so that the question of its forgery may be aired before them. But if they say that it is not possible for them to produce it, because they have been deprived of the ability to do so by fortuitous circumstances, they shall take an oath that they do not have the paper, have not given it to another, that it is not deposited with another by their wish, and that they have not committed any fraud so that it might not be produced, but that the paper has truly been lost without any fraud, and that its production is impossible for them. If they take such an oath, they shall be absolved from the necessity of producing it. But if they will not take the foregoing oath, then the paper shall have no validity as to whom it was produced against, but shall be considered forged and utterly void. No further punishment shall, however, be inflicted on those who do not wish to take the oath, since some persons stand, perchance, in such awe thereof, that they will not take it even if true. This opportunity (of having the document reproduced) is given only while the matter is still pending before the judge or magistrate. If final judgment has been rendered, and is not suspended by appeal, and there is no hope that the cause is still existent through the usual reconsideration (on appeal), then no complaint of that kind can justly be granted, lest causes be reinvestigated during infinite time, and transactions which are closed should, contrary to our intention, be re-opened in that manner.

Justinian I, Constantinople, 27 March 530:
Lest lawsuits extend almost into infinite time and exceed the measure of life of man, we have deemed it advisable to hasten to enact the present law which shall be in force everywhere and shall not be abridged in any place or at any time. Hence, we decree that all actions, concerning money of any amount or concerning the status of any persons, or concerning any right of cities or of private persons, or concerning possession, ownership, pledge, servitude, or any other matters in regard to which men litigate one against the other, shall not be protracted beyond the period of three years after joinder of issue, excepting herefrom only cases which involve fiscal rights or which relate to public duties. And no judges, regardless of their rank, are permitted to protract lawsuits beyond the period of three years. And if one party procrastinates so that the other is wearied by long delay, and the limit of three years is almost reached, that is, when only six months remain, the judge, upon one party complaining of the other's absence, may call on the latter to appear. Judges must always open their ears to complaints of this

kind. If such call has been made three different times, a period of ten days being given between each call, and the absent party is not then found, and fails to appear either personally or by an authorized attorney with power to act, then the judge shall examine the case as to what has been shown before them. If not sufficient has been shown from which to reach a correct conclusion for the case, the present party shall not only be excused from appearing at court, but the absent party shall be condemned to pay all costs ordinarily incurred in lawsuits. If, however, from what is before them, a way can be found in the absence of a party, by which it becomes clear to the judge as to what should be decided, and it appears to the judge that the absent party has the better cause, the judge shall not hesitate to render their decision for them and against the present party, excepting from the condemnation only the expenses which the present party shall under oath declare to have expended, because we impose this punishment (to pay such expenses) on the absent party who has the better cause, solely on account of their disobedience. What has been applied to judges in this law applies also, where applicable, to magistrates.

Justinian I, Constantinople, 27 November 531:
We ordain that a judgment debtor must, after a period of four month's grace, pay interest at the rate of one per cent per month, but only on the principal and not on interest which arising out of a prior contract was included in the judgment. We have already forbidden the charge of interest on interest, and leave no case unnoticed in which that might be attempted to be done.

Book II
Concerning pacts and contracts
De pactorum et contractorum

Antoninus Pius, 12 October 150:
A written promise that a person will abide by the terms of an agreement being negotiated may be demanded of another representing them should it be uncertain that they have the right to do so.

Antoninus Caracalla, 28 July 213:
It is undoubted law that pacts made contrary to the laws and constitution, or contrary to good morals, have no force.

Antoninus Caracalla, Rome, 1 July 215:
You are not bound by a contract made while under the age of sixteen.

Maximinus I, 9 January 236:
In the case of equitable contracts an action arises on a pact made in connection therewith only if the pact is made as part of the same transaction; for whatever is agreed on thereafter, gives rise not to a claim but to a defence only.

Gordian III, 5 October 238:
If a person not old enough to give consent to a contract entered into one, it shall, on account of the indiscretion of their age, be void.

Gordian III, 1 April 241:
If a stipulation is added to a pact in which the other party promises to pay a penalty, if they should not abide by the agreement, the first party, when suing upon the stipulation, will succeed in having that which was embraced within the agreement performed, or they may demand the penalty in the stipulation.

Trebonianus Gallus and Volusianus, 14 March 252:
A division of property made between siblings is not to be considered void because it was not made in writing, since the truth of the fact itself is sufficient to make it valid.

Diocletian and Maximian, 8 May 286:
That a purchase and a sale require consent and that an insane person cannot give their consent is clear. But it is not doubted that such persons, more than sixteen years of age, may make sales and enter into any other contracts at intervals when they are sane.

Diocletian and Maximian, 20 September 290:
The magistrate will take care to compel the purchaser, who takes possession and receives the produce, to pay any unpaid purchase price together with interest.

Diocletian and Maximian, 6 January 293:
If you can prove to a magistrate that a contractual obligation was extorted through fear of death or bodily pain, or dread, or threats of death, then the magistrate will not be permitted to consider the instrument valid.

Diocletian and Maximian, 24 February 293:
If an error in computation arises in connection with one or more contracts, it will not prejudice the truth. Hence, it is axiomatic law that though accounts are often computed,

they may again be opened if the matters are not adjudicated or if no compromise has been made. And if through error in computation a person promised to pay a sum which they did not in fact owe, they have a right to be released from such promise.

Diocletian and Maximian, Byzantium, 4 April 293:
It is plain that a purchase and sale already entered into, but nothing having been done toward performance, may be dissolved by mere agreement and consent. Hence, if gold has been given as earnest money, one can recover it pursuant to the agreement to abandon the sale contract.

Diocletian and Maximian, Byzantium, 5 April 293:
I. Just as each one is, in the first place, at liberty to make or not make a contract, so no obligation once entered into can be renounced without the consent of the other party. Hence, all may know that when they are once bound by a voluntary contract, they cannot repudiate it without the consent of the other party.
II. To rescind a sale and prove bad faith, it is not sufficient merely to show that one sold the property at a smaller price than was paid for it.

Diocletian and Maximian, 5 May 293:
It has been rightly held that a partnership may be formed where one member contributes the money and the other the work.

Diocletian and Maximian, 9 September 293:
The law is clear that a trust or legacy paid under a mistake of fact may be recovered.

Diocletian and Maximian, Sirmium, 11 September 293:
A husband cannot be sued for the obligation of his wife, unless he makes himself personally responsible. The law is certain that no one is responsible under another's contract.

Diocletian and Maximian, 28 September 293:
It does not suffice to rescind a pact because it was made late in the night, since no time of day nullifies the consent of a sane mind over sixteen years of age.

Diocletian and Maximian, 16 December 293:
If a seller of property did not, in violation of the agreement, deliver it at the time agreed on, they can be sued for what it was worth to the purchaser to have had it delivered at that time.

Diocletian and Maximian, 18 December 293:
A contract is not void because the price is not paid in money but in cattle, with the consent of the seller.

Diocletian and Maximian, 25 December 293:
A contract of letting and hiring may be valid without writing.

Diocletian and Maximian, 11 February 294:
The rule of law is that if a condition which is not impossible is attached to a gift, failure of the receiver of the gift to comply with the condition gives rise to a condiction.

Diocletian and Maximian, Sirmium, 25 March 294:
A purchase and sale has no force without a price. However, if a price has been agreed on, though not paid, and possession only is delivered, such contract is not considered void and the purchaser is no less a rightful possessor because payment of the sum which had been agreed on is denied.

Diocletian and Maximian, 15 April 294:
A mandate not commenced to be executed is invalidated by the death of the giver thereof.

Diocletian and Maximian, 29 April 294:
No title of dignity should bring odium and damage upon anyone. Hence the rank of an adversary is not alone sufficient to establish the fear through which one might say a contract only entered into through fear was entered into.

Diocletian and Maximian, 29 September 294:
If a person who undertook to execute a mandate for the purchase of goods and who received money for that purpose is faithless to their trust, they are liable for the amount of damage resulting to their principal.

Diocletian and Maximian, 18 October 294:
Whoever makes a payment to someone who falsely claims to be an agent of the former's creditor may bring an action to recover the amount, but not an action to be released from the debt.

Diocletian and Maximian, 24 November 294:
If a person causes it to be stated in writing that another has done what they in fact did themselves, the actual fact prevails rather than the writing.

Diocletian and Maximian, 5 December 294:
If property is given to another upon condition that they should, in turn, give you certain agreed things monthly or yearly, an action lies on the facts to compel performance of the agreement, since such a contract is not considered to be without consideration, but the stated condition is valid by reason of the delivery by you of your own property.

Theodosius I, Arcadius and Honorius, Constantinople, 12 February 393
Military force shall never be employed in connection with private agreements, either as a guard or to enforce any order.

Arcadius and Honorius, Constantinople, 11 October 395:
If anyone over sixteen years of age should, contrary to a pact entered into without compulsion, freely and voluntarily, think of repudiating it by failing to perform their promises, they shall not only be branded by infamy, but shall also be deprived of their right of action, pay the penalty which is proved to have been inserted in the pact, and lose all right to the property in question, as well as all advantages obtained through the pact. All these shall belong, as gain, to those who have preserved inviolate the provisions of the pact.

Zeno, Constantinople, 28 March 484:
If lessees of another's property do not restore such property to the owners who want it back, but wait until the final judgment in a lawsuit, they shall not only lose the property

leased but shall also pay to the winning party the value thereof, as in a case where a party invades the property of another.

Justinian I, Constantinople, 1 June 528:
Contracts of sale, exchange or gift, which need not be registered, and contracts of earnest money, or of any other transaction, which are agreed to be put in writing, and contracts of compromises which, pursuant to agreement, are to be evidenced by a written document, shall have no effect until the final clean draft of the document has been drawn, and they have been confirmed by the parties by their signatures, so that no one shall have permission to claim any right under such contract or compromise until these things are done, whether such claim is made under a contract still in rough draft, though signed by one or both of the parties, or under a contract of which the final draft has been made, but which has not yet been completed. This shall apply to instruments hereafter to be completed, as well as to those which have been already written but have not yet been executed. We also add that if any earnest money is hereafter paid in connection with the intended purchase of any property, whether accompanied by writing or not, then, although no special agreement is made of what shall become of such money if the contract is not performed, the person promising to sell must, upon refusal to do so, restore double what he has received, and the person promising to buy must, upon refusal to do so, lose the amount paid, without right to reclaim it.

Justinian I, 1 August 530:
A great doubt arose among the ancient jurists as to a sale where a man bought property with the understanding that the price should be the valuation put upon the property by another. Settling this doubt, we order that if a sale is made at a valuation to be fixed by some other person, such sale shall be valid whether in writing or oral, upon condition that if the person named fixes the price, it must be paid as fixed by them, and the sale shall be carried into effect, provided that if such contract shall be reduced to writing, it must be duly completed and executed according to the provisions of our law. But if the person appointed will not or cannot fix the price, then the sale shall be held for naught, as one where no price is fixed, and there shall be no further speculation or conjecture in the future, whether the contracting parties had a definite person or merely a good man in view to fix the price, since we deem the latter entirely unlikely and by this sanction remove that consideration from such contract. We order that these provisions shall also apply in leases of the kind.

Justinian I, Constantinople, 1 September 531:
If a person in signing an instrument, agreed thereby that they will not claim any privilege as to venue because of their official position or rank or because of any sacerdotal prerogative - though it was formerly doubted whether such writing should be binding, and that they who made the pact should not violate their agreement, or whether they should have the right to set up their privilege, to disregard their writing - we ordain that no one shall be permitted to violate their pact and deceive the co-contracting parties. All our judges and magistrates, therefore, shall follow this rule in trials, and that shall apply also to arbitrators arranging a compromise.

Book III
Concerning debts and creditors
De debitorum et creditorum

Septimius Severus and Antoninus Caracalla, 22 October 194:
A debtor pledges as security property without the owner's consent in vain.

Septimius Severus and Antoninus Caracalla, 30 June 196:
As a creditor, who claims money, must show that it was given, so, on the other hand, a person who affirms that it has been repaid must furnish proof thereof.

Septimius Severus and Antoninus Caracalla, 1 September 197:
If you can show that no money was delivered on a loan agreed to be made, and therefore property was pledged as security in vain, you can sue to recover the pledge.

Septimius Severus and Antoninus Caracalla, 22 May 197:
The property of a guardian who does not hold any of his ward's property cannot be seized for a debt of the latter.

Septimius Severus and Antoninus Caracalla, 1 September 197:
If one alleges that money agreed to be loaned was not delivered to them, and that a due bill given was accordingly void, and they can prove that a pledge was given, they have an action to recover the loan pledged.

Septimius Severus and Antoninus Caracalla, 27 September 200:
Although interest cannot be claimed on a loan of money without the binding force of a stipulation, still whatever interest has been paid pursuant to a pact, cannot be reclaimed as money not owing, nor is it to be credited on the principal.

Septimius Severus and Antoninus Caracalla, 30 July 203:
There is no doubt that money paid by mistake, but not pursuant to an order of court, may be recovered by condiction. If one can prove, therefore, that they paid their creditor more than was due, they can recover it. But ones asks in vain that interest on the money be paid; for in such an action only the amount paid but not owing may be recovered.

Septimius Severus and Antoninus Caracalla, 1 May 205:
Though creditors who, upon non-payment of the money, take possession of property pledged as security according to agreement are not considered as using force, still they should acquire possession pursuant to the authority of the magistrate.

Septimius Severus and Antoninus Caracalla, 7 July 205:
If against a creditor claiming greater interest on a stipulation it is shown that they subsequently received a lesser rate for a certain number of years, a defence may be made that there was an implied pact for the lesser rate to the paid.

Septimius Severus and Antoninus Caracalla, 14 October 205:
If you have proven to the magistrate that the property involved in the litigation is yours, you may know that they could not be pledged as security for a debt to a creditor by another, unless you knew of that being done, and remained silent in fraud of an innocent creditor.

Antoninus Caracalla, 11 February 212:
The creditor should, if they can, prove by their documents the amount which they claim, and that they have a stipulation for the payment of interest. The fact that interest was at one time paid by consent does not create an obligation.

Antoninus Caracalla, 4 June 212:
It is in the power of they that owe on several contracts to designate, at the time of making payment, on which contract they make it. If the debtor does not do so, the choice is that of the person who receives the money. If neither of them express their wish, the amount paid shall be first applied on interest, and the remainder on the principal.

Antoninus Caracalla, Rome, 25 July 213:
If one has paid their creditor part of the money owed, but it was agreed between them that a part of the debt should not be claimed for any reason, then they are released from the obligation to pay that part, for the perpetual defence that a pact was made defeats the claim for the remainder, and even allows it to be recovered if paid by mistake.

Antoninus Caracalla, 17 September 215:
If the obligation to pay a debt is transferred to another by novation of the debt, lawfully made, there is no doubt that the sureties of the first contract are released, if they did not enter into any obligation in connection with the second contract.

Antoninus Caracalla, 29 June 215:
If a debtor who owned property sold it before they owed anything, they who the debtor sold it to shall not be disturbed.

Alexander Severus, 9 February 223:
A delegation of a debt cannot be effectively made unless the new debtor enters into an agreement with the creditor, agreeing to pay.

Alexander Severus, 15 October 223:
Although the produce of land pledged as security for a debt, even though that is not specifically stated is considered as impliedly included in the pledge, nevertheless none of the jurists have held that lands which are purchased with the money derived from such produce are also included.

Alexander Severus, 3 November 223:
If property which is pledged as security for a debt is sold by the creditor, they have a right to sue the debtor for the amount remaining due.

Alexander Severus, 1 June 225:
When a creditor publicly offers property for sale which has been pledged to them as security for a loan, they should, if they do so in good faith, notify their debtor, and, if possible, in the presence of witnesses. So if you can prove that any fraud was perpetuated in connection with the sale of the pledged property, go before the magistrate, so that you may bring an action which lies on that account.

Alexander Severus, 17 September 229:
If it appears that money is mutually owing from one to the other, the amounts should, of course, be set-off against each other by operation of law, as from that time that they were respectively owing, to the extent that they offset each other; and interest is due only for the excess, provided that a claim therefore still subsists.

Gordian III, 20 August 238:
As long as the whole amount due is not paid to a creditor, even though the greater amount thereof is paid, they do not lose the right to sell the property pledged to them as security for the debt.

Gordian III, 5 October 238:
A parent cannot be sued for the money which their child borrowed.

Gordian III, 26 October 238:
You have no right to sue the creditor of another, because offering them the debt due them from such other you want them to transfer the obligation to you, since you do not suggest that you purchased the obligation from them, although when payment is made by a third party in the name of the debtors, the obligation is usually extinguished.

Gordian III, 3 April 239:
If, before the property pledged as security for the debt was sold, you offered the money to the creditor, and they did not accept it, but a testimonial with witnesses has been made thereof, and the matter remains in that condition now, a sale of the pledge is not valid.

Gordian III, 21 April 239:
Since you say that the property which you brought from a debtor and which had been pledged to another as security for a loan was bought with the latter's knowledge who released their pledge, then since their pledge became void through their consent, unless a new agreement was entered into which again created a pledge, the property cannot be claimed as though the pledge still existed.

Gordian III, 1 April 240:
Since you allege that a sale of the property pledged as security for a debt was made by the creditor contrary to good faith, the conditions customary in selling pledges not having been observed, go before the magistrate and bring the proper action, not only against the creditor, but also against the purchaser in possession, if you can show that the latter participated with the former in the fraud, so that upon cancellation of the sale in bad faith, and accounting of the income and of the damage inflicted may be had.

Gordian III, 29 June 240:
As it is unjust that debtors should refuse payment of their debts when documents are destroyed by fire, so no immediate credence should be given those who allege such misfortune. Their creditors must, therefore, know that when documents do not exist, they must show by other means of proof that their petition is true.

Gordian III, 8 September 241:
If the debt which you mention was released by an invalid pact, you are not forbidden to still demand it, and you may, in the usual manner, claim the property pledged as security for it.

Philip, 15 May 245:
Rescripts have often been issued that statements of accounts of the deceased, found among their goods, cannot alone suffice for proof of anything owing them. The law is the same, even when the deceased has stated in their last will that certain money or certain things are owed to them.

Gallienus, 260:
The debts of a decedent should be paid by the heirs in proportion to their inheritance.

Gallienus, 4 September 262:
It would be a pernicious precedent that a document should be credited whereby a person makes another their debtor by their own notation. Hence, none should be able to prove a debt by such notations.

Diocletian and Maximian, Tiberias, 31 May 286:
It would be intolerable that tenants who pay their rent according to agreement could be sued for a personal debt of the lessor.

Diocletian and Maximian, 25 February 287:
A creditor cannot be prevented, when there are two or more joint debtors of the same debt, to demand its payment from whichever of them they wish. And, if you prove accordingly that upon demand you satisfied the whole debt, the magistrate will not hesitate to lend you their assistance against the party who received the loan jointly with you.

Diocletian and Maximian, 20 May 287:
If the debtors refuse to pay, you should sell the property pledged as security, in good faith and in the usual manner; for in that way it will be apparent whether or not the sale price suffices to pay the debt. If anything remains due, you are not forbidden to pursue the remaining amount.

Diocletian and Maximian, 13 January 290:
Debtors should first be given notice to pay. If they fail to do so when called upon, the magistrate will not hesitate to lend you the aid of their authority in claiming the pledges of security which are specially provided for in a document.

Diocletian and Maximian, 14 February 290:
It is unlawful to demand interest on interest.

Diocletian and Maximian, 22 June 290:
If you refrained from accepting your parent's inheritance and none of their property was signed over to you as a gift in fraud of creditors, the magistrate will not permit you to be sued by their private creditors.

Diocletian and Maximian, Heraclia, 30 April 293:
The law is certain and clear that where the same property is pledged as security for a debt to two different creditors, the creditor who received the earlier pledge when they made a loan has the better right to claim the pledged property.

Diocletian and Maximian, Heraclia, 1 May 293:
When the debtor has sold property pledged as security, the law is undoubted that the creditors have the option to sue the debtor, or the persons who possess the pledged property in an action in rem.

Diocletian and Maximian, 3 May 293:
It is most certain that a debtor cannot make the condition of their creditor worse by making a sale or gift of property pledged as security. Hence if you are confident that you can prove that the property was pledged to you, you may lay claim to it.

Diocletian and Maximian, 18 May 293:
Although somebody bought property with the money which they received from you as a loan, such property did not become a pledge by the fact that the money was loaned, unless they pledged it specially or generally. Nothing, of course, prevents you from claiming the debt in an action brought before the magistrate.

Diocletian and Maximian, 10 October 293:
If, upon going before the magistrate, you have proven that you have satisfied the creditor against whom you direct your petition, by paying the amount owing, or by turning property over to them, in payment, or by the sale of property for a price balancing the amount due, or if a part only is due and you offered that to them, the magistrate will see that property pledged as security by agreement is restored to you, since it is clear also that if a debt is paid to a creditor or non-payment thereof is due to their fault, they may, by action, be compelled to return what they had received as security.

Diocletian and Maximian, 1 December 293:
If debtors alienate property pledged as security for a loan without the consent of their creditors, the pledge is not released.

Diocletian and Maximian, 16 December 293:
I. If it appears that the property of your deceased debtor is heirless and is not claimed by the Treasury, you rightfully ask the magistrate to put you in possession of what is owed to you.
II. Just as a creditor in possession of property pledged as security for an unpaid debt is not responsible for any acts of God, so they are responsible for fraud, or neglect, and lack of custody.

Diocletian and Maximian, 15 January 294:
A creditor cannot be compelled to demand payment. Therefore if your creditors refuse to accept payment of your debt, sue them in front of the magistrate for the return of the property pledged for security.

Diocletian and Maximian, Sirmium, 4 February 294:
The fact that the proof of an obligation, owing by many in several proportions, is contained in one document, does not hinder its collection. And if those to whom you loaned money promised by stipulation to deliver you wine, regret of the transaction does not render the contract invalid.

Diocletian and Maximian, Sirmium, 12 February 294:
A fire does not release a debtor from their debt.

Diocletian and Maximian, 13 February 294:
Debtors who deny their debts should not be terrified by armed force. If a claimant fails to prove their claim or is defeated by a defence, they must be absolved; otherwise they must be condemned and compelled to pay by methods provided by law.

Diocletian and Maximian, Sirmium, 18 February 294:
That a son cannot be sued in a personal action because of an unperformed duty or unpaid debt of his surviving father is plain.

Diocletian and Maximian, 28 February 294:
If less than the whole of a debt was paid you, and you did not give a release to the debtor, you are not forbidden to sue for the amount not shown to have been paid.

Diocletian and Maximian, Sirmium, 1 May 294:
The claim of creditors can neither be destroyed nor changed by pact among their debtors.

Diocletian and Maximian, 25 July 294:
One cannot recover from the owner of the land amounts which they loaned to the tenants of the owner on their own account.

Diocletian and Maximian, Sirmium, 25 September 294:
After one who gave a mandate for the making of a loan to another personally pays the lender, they may rightly demand payment thereof, together with interest, from the person who received the loan, or from their heirs.

Diocletian and Maximian, Viminacium, 29 September 294:
If oil or any fruits are given as a loan, the reason of the uncertainty of price is persuasion that addition as interest of the same property should be allowed.

Diocletian and Maximian, Varianum, 13 October 294:
The debt of the estate of a decedent is, by operation of law, divided among the heirs in proportion to the amount of the estate received by each, and a pact among the heirs of the debtor cannot place the obligation due to a creditor upon one heir only. Hence, one may sue their co-heir for the production of due bills of the estate, owned in common, or if an agreement made in dividing the property has not been carried out, they can sue them for their damages.

Diocletian and Maximian, 20 October 294:
The laws do not permit that free persons should become slaves of their creditors on account of debts.

Diocletian and Maximian, 21 October 294:
No debtor may, without their consent, be delegated to the creditor of a creditor.

Diocletian and Maximian, 29 October 294:
A third person, liberating property pledged as security by payment, may sue to recover what they have paid but cannot by such payment acquire ownership of the pledged property.

Diocletian and Maximian, Byzantium, 10 November 294:
If property pledged as security is sold by the creditor and the sale brought more than the amount due, the debtor may bring an action to recover the surplus.

Diocletian and Maximian, Nicomedia, 27 November 294:
A demand that creditors should not sue them that received the loan, but the heirs of the person to whom in turn they loaned the money, is plainly contrary to the rule of law.

Diocletian and Maximian, Nicomedia, 26 December 294:
A creditor cannot be compelled to refrain from claiming property pledged to them as security.

Valens, Gratian and Valentinian II, Hierapolis, 6 July 377:
Among the papers of one whose property was confiscated a note book is said to have been found containing the names of debtors and persons who made contracts with him. Since the debts, however, mentioned in the note book, were proved neither by witnesses, nor by acknowledgments in writing, we have deemed it unjust that any person should make another their debtor by a simple notation of their own. We, therefore, by this order, forbid that to be the occasion for a vexatious suit; the note book shall be rejected as worthless and no person whose name is mentioned therein shall be called on for payment. We order that this shall be followed in other similar cases.

Honorius and Theodosius II, Ravenna, 11 July 422:
I. If obligations of any kind have been transferred to influential persons, the creditors shall be punished by loss of their debt, for it seems to be plain avarice of creditors, when they purchase others as collectors of their rights of action.
II. The property of one person cannot be taken for the debts, public or private, of another.

Honorius and Theodosius II, Ravenna, 15 July 422:
It is taught aloud by the law and the jurists that the possessions of a person cannot be pledged as security for a debt without the consent of the owner.

Justinian I, Constantinople, 1 December 526:
Since it is unjust and contrary to the spirit of our times that the remains of a deceased person should be insulted by those who hinder their sepulchre by demanding the payment of a debt, alleging that the deceased is their debtor, and lest such insult might be offered hereafter by compelling those whose duty it is to look after the funeral of the deceased to lose their rights, any act done, between the deceased being prepared for burial and being laid to rest, either collecting what is claimed to be due or taking a due-bill or a surety or pledges, shall be entirely void, and the pledges given shall be restored, the money paid returned, the sureties released, and, in general, everything, without any change whatever, shall be returned to its former situation and the principal transaction shall be dealt with anew.

Justinian I, Chalcedon, 20 September 529:
Many, after receiving a receipt for rent or interest, deny, in case a doubt arises concerning them at any time, that they have the receipt, thus making the right of a plaintiff litigant dubious. Desirous to uproot this evil, we order that if in the foregoing or other similar private transactions, the person giving the receipt wants a copy, with the signature of the receiver attached, or a counter-receipt, he shall be entitled thereto, and the receiver of the receipt must give a counter-receipt. Provided, however, if the giver of the receipt fails or neglects to take such counter-receipt, he shall not be prejudiced thereby, since equity forbids that an enactment for the benefit of parties should become a detriment to them.

Justinian I, Chalcedon, 1 October 529:
That no interest on interest might be demanded of debtors had indeed been provided in former laws, but not fully guarded. For if it were allowed to reduce interest to principal and then to exact a stipulation for interest for the whole amount, what difference would it make to debtors, from whom interest would in fact be demanded on interest? A law to that effect would be simply verbiage, and not strike at the root. We, therefore, by this plainest of laws, direct, that no one shall be permitted to reduce interest accrued in past or future time to principal, and then again exact a stipulation (for the interest on the

whole), and if this is done, interest shall indeed always remain interest, and shall not be increased by itself drawing interest, and only the former principal can be increased by interest.

Justinian I, Constantinople, 18 October 532:
We hasten to eradicate cheating and decree that if anyone, through fraud and trickery has demanded (and received) a due bill for a greater amount than is due him, and has been called into court, then, if they repent of their cheating before the case begins and acknowledges the true amount, they shall not be mulcted in damages; but if they persists in their contentions and are convicted of claiming an excessive amount, they shall not only lose such excess, but the whole debt as well. Compromises, however, shall even in such case be valid.

Book IV
Concerning guardians
De tutorum

Septimius Severus and Antoninus Caracalla, 17 February 197:
If a guardian is appointed for a minor against the last wish of the minor's parent, the magistrate will order such guardian to be removed without loss of their good name. But if they have been convicted of fraud, this rescript will be of no use to them in keeping them from becoming infamous.

Septimius Severus and Antoninus Caracalla, 5 April 203:
Those who have five living children may be excused from managing a guardianship.

Septimius Severus and Antoninus Caracalla, 1 May 204:
One is wrong in thinking that they are exempt from acting as guardian because they are a eunuch.

Septimius Severus and Antoninus Caracalla, 9 September 204:
Persons blind, deaf, mute, insane, or permanently disabled may be excused from managing a guardianship.

Septimius Severus and Antoninus Caracalla, 12 October 205:
If someone manages three guardianships at the same time, undertaken in earnest, they will not be burdened by a fourth guardianship.

Antoninus Caracalla, 27 January 212:
A guardian of a minor cannot pledge the property of the minor whose affairs they manage as security for a loan, unless said loan is for the benefit of the minor in question.

Antoninus Caracalla, 5 June 213:
It was long ago provided that a guardian must pay legal interest on the money which they convert to their own use.

Antoninus Caracalla, 25 July 213:
If you have been temporarily appointed in place of a guardian who was absent, and they have returned after having finished their business, you need not doubt that the affairs of the minor are in their hands and care.

Antoninus Caracalla, Rome, 29 July 213:
It is manifest that the office of guardians is finished when the minor reaches the age of sixteen years.

Antoninus Caracalla, 13 August 213:
A guardian may be accused as a person suspected of misconduct if it should be thought that they manage the property fraudulently, provided that their office has not expired by reason of the ward arriving at the right age, for if the guardian ceases to be such by reason of that fact, they must be sued in an action on the guardianship.

Antoninus Caracalla, 5 November 214:
A minor's cause may be defended by another of their guardians should some refuse to do so.

Alexander Severus, 27 June 223:
A paternal aunt is not forbidden to ask for the appointment of guardians for the children of her brother, should both he and the mother of said children be dead or permanently exiled.

Alexander Severus, 28 December 223:
If guardians were appointed for several siblings in a testament, then although one of them has become of age, the right to the guardianship does not pass to them.

Alexander Severus, 5 May 224:
That the period of fifty days fixed for giving an excuse by those who are appointed as guardians commences to run from the order of the magistrate or the testament of the parent will be made known to the persons called to perform that duty. If anyone injured by the order of the magistrate who had jurisdiction in the matter does not appeal against it within that time, the order must be obeyed.

Alexander Severus, 26 May 224:
It is customary for the magistrates to confirm the appointment of guardians over their children made in a will by deceased parents.

Alexander Severus, 22 July 224:
No one is excused from managing a guardianship because of the fact that they are a creditor or debtor of the person for whom they were appointed guardian, but they should have someone associated with them in their duty, so that the minor who needs someone else's help may be protected in case the matter should require it.

Alexander Severus, 7 July 226:
Persons who manage a guardianship in one province are not responsible for the administration of a guardian who manages the property of the same ward in another.

Alexander Severus, 6 August 226:
It is settled law that a guardian cannot be legally appointed by a letter or by an imperfect testament of a parent. But it is customary in such cases for the magistrate who has jurisdiction in the matter to follow the wish of the parents in appointing guardians.

Alexander Severus, 1 February 228:
One will not be excused from managing a guardianship because they lost an eye.

Alexander Severus, 13 January 229:
The magistrate will compel, where necessary, guardians to undertake their administration. If they persevere in their contumacy, they may be sued as persons suspected of misconduct so that others may be asked to be appointed in their place.

Alexander Severus, 25 October 229:
If the heirs of those who managed a guardianship received any property of the ward, they are compelled to restore it, and it is not to be doubted that they must also render an account for what the guardian should have managed but failed to do so.

Alexander Severus, 22 July 230:
If one incurs a loss of property by the fault or fraud of their guardian, the magistrate will take care that the damage be made good by the guardian or the person who

appointed them, and will not hesitate to send the matter to the criminal courts if the act done by the guardian was so clearly fraudulent that they should be punished for a criminal offense.

Alexander Severus, 6 December 231:
The magistrate will decide whether or not one is able to act alone as a guardian because the property owned by their ward is widely distributed, that is to say, situated in various places, or because of other reasons, and whether others ought to be appointed.

Alexander Severus, 8 December 231:
When one is appointed as guardian they should, in order to be excused from managing property of their wards in a province other than the one in which they are and live, have demanded such excuse within fifty days. If they failed to do so, the right to be excused is barred through the lapse of time, but whether other guardians should be associated with them on account of the widely scattered patrimony will be decided by the magistrate, in case they should learn that the guardian is unable to handle it all.

Alexander Severus, 25 December 233:
In suing guardians as persons suspected of misconduct, the chief consideration is not the amount of property they have, but whether they have done anything carelessly or fraudulently.

Gordian III, 22 October 238:
A voluntary management of a guardianship does not abrogate any privileges.

Gordian III, 9 November 238:
An action of removal against a guardian may be brought not only by parents and ancestors of either sex, but also by cognate relatives, outsiders - even infamous persons - and the minor themselves.

Gordian III, 23 February 240:
The magistrate will order the person who is accused as a suspected (of misconduct) guardian to abstain from the management of their ward's property during the pendency of the cause. But another person is meanwhile to be appointed to manage the property in their stead.

Gordian III, 24 April 243:
That guardians who sue for debts to their wards or for recovery of property deposited cannot be compelled to give a surety (to the debtor) is clear.

Philip, 23 July 244:
One occupied with the duties of a soldier may not be appointed as guardian, though they want to be, and though they may be one of the statutory persons to act as such and though they were designated as such in a testament.

Philip, 30 March 245:
If the property of a ward, which the guardian should have had stored in a warehouse or should have sold, was instead in their home and consumed by fire, they ask without just reason that the loss resulting from their fault or negligence should not be theirs but that of their ward.

Philip, 21 August 245:
Many rescripts have stated that guardians should not be responsible for accidental losses against which they could not provide.

Philip, 20 March 246:
If someone is over 70 years of age, they may excuse themselves in the customary manner if they are called on to manage a guardianship.

Valerian and Gallienus, 3 January 258:
If some land belonging to a ward was sold by their guardian, especially if it were sold as though belonging to the guardian and not to the ward, the ward has an unimpaired right of suit against the guardian.

Valerian and Gallienus, 15 March 260:
A guardian may be appointed by order of the magistrate as a substitute, that is to say in place of one suspected, convicted, exiled, or deceased.

Diocletian and Maximian, 20 April 290:
It is settled law that a person who is native of another town, and does not reside where they are nominated as guardian, cannot be legally appointed as such by the magistrate to whose jurisdiction they are not subject, and they will not be answerable for not assuming a duty wrongly enjoined on them.

Diocletian and Maximian, 11 September 290:
If you were appointed as guardian pursuant to a petition to the court or pursuant to a testament but you show by clear proof that you did not learn of your appointment, and that this was not due to your negligence, but happened by reason of pardonable want of knowledge, you will not be responsible (as guardian) during the time which passed without your knowledge (of your appointment).

Diocletian and Maximian, 5 March 293:
If those who were your guardians while you were a minor thereafter continued to manage your property or let out your land, you may properly sue them.

Diocletian and Maximian, 12 April 293:
Whatever minors have lost by the fraud or by the gross or slight negligence of a guardian, or by failure to acquire what could have been acquired by the latter, comes in question in an action on guardianship.

Diocletian and Maximian, Heraclea, 22 April 293:
Guardians do not have unlimited power to give away the property of their ward. They can give proper possession to purchasers only when in the course of their administration they sell property on a ground which gives the right to do so.

Diocletian and Maximian, 31 December 293:
Guardians are by virtue of their office responsible for the collection of the accounts due to their wards. Hence they shall call upon the debtors to make payment.

Diocletian and Maximian, 20 January 294:
It is certain that the office of guardian is not ended simply by the desire of the ward.

Diocletian and Maximian, 29 April 294:
It is clear that suspected guardians who are removed for fraud, not those also who are removed for negligence, become infamous.

Diocletian and Maximian, 27 November 294:
It is consonant with reason that guardians are not responsible for the management of property (of their wards) for the time which follows after guardianship is ended, and the duty of administration has ceased.

Diocletian and Maximian, Nicomedia, 20 December 294:
If one was appointed as guardian by order of the magistrate and, having an excuse, they were released, it is clear that the risk of administration does not fall on them.

Constantine I, Rome, 3 February 316:
If through a guardian a condition attached to a gift to their ward was neglected, they must make good the loss.

Constantine I, 4 February 319:
If the administration of a guardianship in any province is separate from that in another, only the guardians may sue or be sued in a particular province who officiate therein, lest defendants of minors be summoned to court from other provinces.

Constantine I, Sirmium, 15 March 326:
We permit guardians to sell worn-out vestments and unnecessary and unwanted animals without an order of the magistrate.

Theodosius II and Valentinian III, Constantinople, 12 September 439:
Guardians may be appointed in testaments written in any language, and such appointment is as valid as if it had been done in English.

Anastasius I, 1 April 498:
We ordain that a sibling over the age of eighteen will, if they have no legal excuse, be called to the statutory guardianship of their younger siblings should their parents die when they are still children.

Anastasius I, 1 January 499:
We ordain that the honourable silentiarii, who perform the duty of their office by our side, may be excused from guardianships.

Justinian I, 30 October 529:
No brother or other person contemplated by statute shall be called to guardianship unless they have completed the eighteenth year of their life.

Justinian I, Constantinople, 18 March 530:
Looking after the interests of natural children, we give permission to their parents to appoint a guardian for them as to property which they give or leave to them in any manner, within the limit fixed by our laws. Such a guardian should cause their appointment to be confirmed by the proper magistrate and so manage the minor's property.

Justinian I, 1 September 530:
Since some are visited by the misfortune of continuous insanity, while others are not without occasional relief from this disease, having lucid intervals at certain times, and since there is a great difference even in the latter situation, some having short, others having longer intervals of lucidity, antiquity debated whether the intercession of a guardian was necessary during these intervals, or whether the necessity thereof would cease during such times, to be renewed with the renewal of the sickness. Settling this doubt, we accordingly ordain that since it is uncertain when such insane persons might have a lucid interval, whether after a long or a short lapse of time, and it is not unlikely that they may often be on the confines of sanity and insanity and long be in such doubtful condition so as to often appear to some to be healed of their disease, the guardianship shall not cease, but the one appointed shall continue as guardian while such insane person lives, because there is hardly any time during which such sickness may not exist. But in the intervals when lucidity is perfect, the guardian shall not do anything, but the wards themselves may, during such time, do all things that sane persons do; but if the insanity reappears, the guardian must authorize all contracts, so that they shall have the name of the guardian during all of the time, but the duty as such only whenever the sickness reappears, lest frequent appointments of a guardian be necessary which would be ludicrous and lest such guardian spring into existence at one time and disappear at another.

Justinian I, Constantinople, 1 September 351:
We ordain that if there are several guardians, the authorization of one shall suffice on behalf of all, in case the administration is not divided either as to place or property; for in the latter instance it is necessary for each to give their individual authorisation to the ward as to the property in their locality. But this must be understood as applying only if the act done does not itself dissolve the guardianship. For it would be absurd that the guardianship should be dissolved without the consent, or perhaps even without the knowledge of a guardian.

Justinian I, Constantinople, 21 October 531:
We ordain that no guardian of a minor or of insane or other persons, for whom guardians are appointed according to ancient laws or our constitutions, shall refuse to defend a lawsuit which they have undertaken, but they shall defend such person in every possible way from the beginning of the suit and shall prepare and carry it through according to law, knowing that this is a necessary duty of guardianship. And if they refuse or neglect to do this, they shall not only be removed as suspected of dishonourable conduct and lose their good name, but they shall also be compelled to make good the loss sustained by reason thereof by the above mentioned persons. We also add in order not to leave this subject ambiguous, that guardians may, without order of court, sell for a just price which then prevails at the place where the sale is made, the produce either collected as rents of lands or otherwise obtained from the property of their wards; that is to say, wine, oil, grain or other produce, and they shall handle the money collected from the sale of these fruits the same as the other property of their wards.

Book V
Concerning marriage and divorce
De matrimoniorum et discidiorum

Alexander Severus, 3 February 223:
Antiquity agreed that marriage should be without compulsion. It is clear, therefore, that a pact or contract against separation of the married couple is without force.

Alexander Severus, 5 November 229:
Marriage is not dissolved by the exile of one of the spouses.

Gordian III, 25 February 241:
The consent of any kindred or relatives is not required for marriage, but only the consent of the person where marriage is in question.

Valerian and Gallienus, Antioch, 15 May 258:
I. One cannot successfully sue for a gift promised to them, as to their betrothed, by a person who, pretending to be single, solicited them in marriage when in fact they had a spouse at home, since, having such spouse at home, they were not in fact their betrothed.
II. One who has two spouses will be visited with infamy.

Diocletian and Maximian, Sirmium, 14 April 293:
One betrothed may renounce the betrothal and marry another.

Diocletian and Maximian, Tirallum, 1 May 293:
If a person gave property to their betrothed before marriage or even before their betrothal, and delivered unquestioned possession to them, it is certain and the law is plain that it is no longer their property.

Diocletian and Maximian, 8 February 294:
If one gives property to the betrothed or to the spouse of their child, without any condition for its return and delivered unquestioned possession to them, the gift cannot be recalled although the marriage is dissolved by divorce.

Diocletian and Maximian, 16 June 294:
Although it is not provided by any law of ours or of our predecessors that the division of the children among the parents should be made according to sex, the proper magistrate, nevertheless, will decide whether, in case of divorce, the children should live with and be supported by the father or the mother.

Diocletian and Maximian, Nicomedia, 28 August 294:
The wish of a father to have his daughter divorce her husband is of no force. Moreover, no constitution directs that an unwilling woman must return to her husband.

Diocletian and Maximian, Nicomedia, 15 December 294:
Even if written announcement of a divorce is not delivered or has not become known to the other spouse, a valid divorce nevertheless dissolves the marriage.

Diocletian and Maximian, Sirmium, 30 December 294:
A mother has no power to dissolve her daughter's marriage.

Diocletian and Maximian, 1 May 295:
No one is permitted to contract marriage with a daughter, granddaughter, great-granddaughter, or with a mother, grandmother, great-grandmother, aunt, great-aunt, sister, daughter of a sister, or the sister's granddaughter by her daughter; or with the daughter of a brother or the brother's granddaughter by his daughter; or with his stepdaughter, stepmother, daughter-in-law, mother-in-law, who are relatives by marriage, or with others forbidden by the ancient law. Everyone must abstain from such a marriage.

Constantine I, Caesarea, 16 June 326:
No one shall be permitted to have a concubine during marriage.

Gratian, Valentinian II and Theodosius I, Thessalonica, 17 June 380:
If an official endowed with any power of governance uses such power in connection with a contract for marriage while their intended spouse is unwilling, they shall, though the forbidden marriage has not been entered into, nevertheless, be subject to a fine for such an attempt, and we order that when they have retired from their position, they shall not be entitled to claim any honour due to completion of their completed service to which they would otherwise have been entitled. This, too, is to be added, that the person whom they tried to circumvent by such unlawful conduct, together with their household, shall be permitted, while the official is still in power, to evade their depravity by petitioning our Imperial Majesty to make arrangements to remove them from the jurisdiction of the official.

Arcadius and Honorius, Constantinople, 8 December 396:
If anyone has become polluted by an impure or forbidden marriage they shall be considered as having no spouse, nor shall children whom a wife may bear be considered legitimate.

Arcadius and Honorius, Nicaea, 11 June 405:
Permission is given by this salutary law for first cousins to intermarry. We reinstate the respect therefor under the ancient law, suppress the cause of accusations in connection therewith, and declare matrimony between first cousins to be legal, whether such cousins are children of two brothers, two sisters, or of a brother and sister. Children born of such marriage shall be considered legitimate and heirs of their fathers.

Honorius and Theodosius II, Ravenna, 1 February 409:
Some persons, overlooking the provision of ancient law, stealthily ask an edict from us granting them permission for a marriage which they know they should not enter into, often pretending to have the consent of the intended spouse. We therefore, forbid by the provision of the present law, betrothals of that kind. If any person is, in violation hereof, granted permission to marry pursuant to a stealthy petition, they need entertain no doubt that the marriage which they contracted unlawfully will be void, that the children born of such marriage will be illegitimate, and that the permission which they asked for and which was granted them is of no effect.

Theodosius II and Valentinian III, 9 January 449:
We direct that a lawful marriage may be entered into by consent, but cannot be dissolved without sending a bill of divorce. For regard for the children demands that dissolution of the marriage should be more difficult. We, moreover, designate with clearness by this most salutary law the causes of a divorce. For as we justly forbid the dissolution of marriages without just cause, so we want a married party, who is pressed

by adverse circumstances, to be freed by our, though unfortunate, still necessary assistance. If any person, therefore, finds that their spouse is an adulterer, murderer, poisoner, conspirator against our rule, or is condemned for forgery, or is a violator of sepulchres, a robber of sacred edifices, a highwayman, a harbourer of highwaymen, a cattle thief, a kidnapper, or if they prove that they laid snares for their life by poison, sword, or in any other sinister manner; or that they inflicted them with lashings or beatings, then we give them permission, necessary in such cases, to avail themselves of the help of divorce and legally prove the causes thereof. And any agreements, of course, made contrary to the present orders of our majesty, will be contrary to law and of no validity.

Zeno, Constantinople, 1 September 475:
Although some of the Egyptians have married widows of a deceased brother, for the reason that these widows were said to have remained virgins until and after the death of their husbands, thinking, forsooth (which was the opinion of certain founders of the laws) that marriage was not in fact complete until their bodies had been joined, and although the marriage with such widows were then considered valid, nevertheless, we ordain by the present law that if any marriage of that kind takes place, the contracting parties and their offspring shall be subject to the rule of the ancient law, and such marriages shall not, like the Egyptian marriages we have just mentioned, be considered or recognised as valid.

Anastasius I, 15 February 497:
If a bill of divorce was sent during marriage by the common consent of the husband and wife, and the bill contains none of the causes of mentioned in the well-considered law of Theodosius and Valentinian, of blessed memory, the divorce shall still be considered valid.

Justinian I, 11 December 528:
To the causes formerly specifically defined for which bills of divorce are legally sent, we add another, namely, that if the husband is unable for two continuous years after the beginning of the marriage to conceive with his wife on account of impotency, the woman may send a bill of divorce to the husband.

Justinian I, Chalcedon, 17 September 529:
When anyone, without a marriage contract, has children by a woman, marriage to whom is not by law prohibited and whom he took to his bed, and thereafter by reason of the same affection a marriage contract is executed, and he has other children from this marriage, we order that the children who were born subsequent to the marriage contract shall not claim all the property for themselves because of being children that are legitimate, as against their brothers and sisters who were born before the marriage contract, and oust the latter from any inheritance. Such injustice is not to be tolerated. For since the affection for the prior offspring furnished the reason for the execution of the marriage contract, and the occasion for the birth of subsequent children, it would be most unjust that the subsequent offspring should exclude the former as illegitimate; the subsequent children should rather give thinks to their brothers and sisters through whom they themselves acquired the name and status of legitimate children. Hence we ordain in cases of this kind, that all the children, whether born before or after the execution of the marriage contract shall be treated with equality. All that are born of the same parents shall enjoy a like status

Justinian I, Constantinople, 22 July 530:
We ordain that if any one makes marriage a condition in any contract for giving or doing or not giving or not doing something, and they fix the time of the marriage or mention the marriage at all, the condition shall not be considered fulfilled, in whole or part until the actual celebration of the marriage; not when the time for marriage arrives, but when the vows of marriage are actually taken. Thus the disputes as to the ancient law are settled, and the immense volumes of books may at length be reduced to moderate measure.

Book VI
Concerning family matters
De quae in familiam

Marcus Aurelius and Lucius Verus, 13 April 161:
A competent magistrate will if necessary order a parent to be supported by their child, if they are financially able to do so.

Septimius Severus and Antoninus Caracalla, 5 February 197:
If a child does their duty toward their parents, they will not deny them their parental affection. If they should fail to do so voluntarily, the child may go before a competent magistrate and they will order the parents to support the child according to their ability. But if they deny that they are the child's parents, the magistrate will examine into that question first.

Alexander Severus, 7 February 223:
The rearing of a minor can be committed to no one better than their parents. But whenever a dispute arises over it between parents, a relative, a guardian, et cetera, the magistrate, when called upon, shall examine into the standing and relationship of the persons disputing to determine where the minor should be raised. And if they decide by whom they shall be raised, the person so designated must comply with the magistrate's order.

Diocletian and Maximian, Byzantium, 9 April 293:
One may go before a magistrate and demand to see their children.

Diocletian and Maximian, Nicomedia, 16 November 294:
It is plain law that children cannot be transferred by parents to another, either by sale, gift, pledge, or in any other manner, even if the receiver pretends ignorance of the facts.

Valentinian I and Valens, 30 November 365:
We grant parents the right to correct minors in proportion to the character of the offence, so that those who are not induced to observe decorum in life by praiseworthy examples in the family may be compelled to do so by correcting them by chastisement. We do not give unlimited discretion in punishing faults of conduct, but parental authority may correct erring ways of a youthful relative so long as such chastisement causes no wound or bodily harm and is not dealt with an implement or fist.

Valentinian I, Valens and Gratian, 5 March 374:
If a parent has cast out and abandoned their child, they shall be subjected to the legal punishment. And we give no right to reclaim them, either to parents or guardians, if cast out and exposed by them in a way which may have caused their death, for it cannot be said that a child belongs to a person who abandons it.

Book VII
Concerning compromises
De compromissorum

Valerian and Gallienus, 29 June 258:
If you have admitted that you yourself suspected the genuineness of documents as soon as they were produced, it is too much to ask the magistrate to permit you to claim as forged said documents if you have by them acquiesced in making a compromise.

Carinus and Numerian, 25 December 283:
If one's adversary declines, contrary to an agreement, to appear before an arbitrator agreed upon to help negotiate a compromise, then they are liable to any penalty formerly agreed upon.

Diocletian and Maximian, Byzantium, 2 April 290:
Compromises made on account of intimidation shall not be valid. Not every kind of fear, however, suffices to rescind settlements made by consent, but the fear must be proven to be such as is based on danger to life or torture of the body.

Diocletian and Maximian, 3 October 293:
When it is stated in writing that the things which are agreed to be given or retained on account of a compromise are received by the person who was to receive them under the agreement, as though they were a purchaser, then, since fictitious transactions are regarded as void, payment of the fictitious price will be demanded in vain.

Diocletian and Maximian, 9 May 294:
It is clear that a person of sound mind, though ill in body, may rightfully enter into a compromise, and one should not, dishonestly, ask to have the agreement rescinded on the pretence of bodily ill-health.

Diocletian and Maximian, Nicomedia, 23 November 294:
It is dishonest for one to ask that a compromise carried out by the transfer of ownership or by performing a service, should be rescinded on the pretence of fear, when it is shown that it was, in fact, made even in the presence of friends.

Diocletian and Maximian, 21 December 294:
When promises, made by reason of a compromise, are not carried out, the penalty mentioned in the added stipulation, to be paid in case the agreement should be violated, may be demanded.

Diocletian and Maximian, 28 December 294:
Although a person who makes a compromise immediately repents thereof, the compromise cannot be rescinded and the lawsuit renewed; and whoever alleges that a compromise can be avoided within a certain time makes a false statement.

Arcadius and Honorius, Constantinople, 11 October 395:
If anyone over sixteen years of age should, contrary to a compromise entered into without compulsion, freely and voluntarily, think of repudiating it by failing to perform their promises, they shall not only be branded by infamy, but shall also be deprived of their right of action, pay any penalty which is proved to have been inserted in the compromise, and lose any advantages obtained through the compromise. All these shall belong, as gain, to those who have preserved inviolate the provisions of the compromise.

Book VIII
Concerning property
De proprietatum

Antoninus Caracalla, 11 November 211:
If one thinks that they have an action against a person who built their house different from what it formerly was, so that it obstructs their lighting, they are not forbidden to bring suit in the usual manner.

Antoninus Caracalla, Rome, 28 July 213:
It has often been stated that property may be seized, as a pledge, and sold, to enforce a judgment, by order of the magistrate or judge who has jurisdiction, for the authority of the one ordering the seizure takes the place of a just obligation under a contract.

Antoninus Caracalla, 21 October 213:
If one can prove that the lower part of a building which touches the ground belongs to them, there is no doubt that a part placed above it by a neighbour is also under their ownership. Furthermore, a structure built upon somebody's land rightfully belongs to them, while it remains in that condition, but if it is torn apart its material returns to its first owner, provided that it was not constructed with the intention of making a gift to the owner of the land.

Antoninus Caracalla, 6 September 214:
One should not be expelled, against their will, from a room which they hired, if they pay the rent to the owner of the apartment house, unless such owner proves that it is necessary for their own use, or that they want to improve it, or that the tenant conducted themselves badly in the rented room.

Antoninus Caracalla, 18 November 214:
As your co-owner could not alienate the portion of the property belonging to you without your consent, so they, by selling or pledging it as security for a debt, did so only for their portion. Hence, you may know that any such contract of theirs could not prejudice your ownership.

Alexander Severus, 19 February 222:
If one sold their house, compelled thereto by force, what was not done in good faith will not be considered valid.

Alexander Severus, 20 March 222:
If a child's parents delivered property to them after reaching the age of sixteen which they had bought in the name of their child before they reached that age, they thereby acquire ownership thereof.

Alexander Severus, 30 October 222:
Neither one's parent nor one's spouse may sell their property against their will or without their knowledge, and in such a case one can sue to recover their property. But if one afterwards consented to this sale or lost ownership in some other manner, they have no case against the purchaser, but they are not forbidden to sue the seller for the price.

Alexander Severus, 1 November 222:
Ownership of property is not only shown by the documents of purchase, but by any other legal proof.

Alexander Severus, 1 December 222:
The owners of warehouses which are broken into must, if complaint is made thereof, produce the guards necessary to protect the property therein; if the owners have specifically guaranteed the custody of the property, they are responsible for it.

Alexander Severus, 22 December 222:
I. To demolish buildings for speculation and despoil them of their marble is forbidden by the edict of Vespasian and by a senate decree, unless authorised by the Town Council or Governor or a magistrate. An exception is made if some material is transferred from one house to another of the same owner, but such transfer is not permitted to the extent of marring the sight by tearing down whole buildings.
II. If a controversy is raised against you by someone as to the real estate which you allege to have bought in good faith, notify the seller, and if you win the case you will have what you purchased. But if you are evicted, you will recover from the vendor the damage you have sustained, in which will be included the price paid for the property.

Alexander Severus, 29 April 223:
The demand of your adversary, that you state the name of the vendor of the property which you acknowledge to have been in your possession, is proper. For it does not befit a person desirous of avoiding suspicion to say that they have purchased from a transient and unknown person.

Alexander Severus, 15 August 223:
A bye-law does not permit the taking of water which arises on another's private property, without the consent of the owner of said property.

Alexander Severus, 22 November 223:
The right to pursue the value of things which have been taken by force or theft remains undiminished if said things have subsequently perished.

Alexander Severus, 25 November 223:
If the vendor of property showed the boundaries and guaranteed that no one would invade them, and you are evicted from them, the eviction is at the peril of the vendor. But if they sold the property while not showing the boundaries, the vendor has nothing to do with such suit as to its boundaries.

Alexander Severus, 5 February 224:
A person is not forbidden, if no agreement to the contrary is made, to sublet property which they have hired, for use by the sub-lessee.

Alexander Severus, 26 March 224:
Since you say that the roots of trees situated and growing in the neighbouring property threaten the foundations of your own building, the magistrate will settle the matter. A neighbour should not be injured even by trees.

Alexander Severus, 4 June 228:
If a person to whom one gives money for a specific purpose only uses part of the money for that person and converts the remainder to their own use, they commit theft.

Alexander Severus, 7 December 234:
It is not necessary for a purchaser of property to retain a tenant to whom the former owner let it, unless they bought it with that condition; but if it is shown that they in

some manner, though not in writing, agreed that the lease should continue, they may be compelled in an action to comply with the agreement.

Gordian III, 8 August 238:
If the parent or grandparent of one was compelled to sell their land by force or fear, then, even if the purchaser has gone so far as to sell it to another, nevertheless, if one is heir to their parent or grandparent they may go before the magistrate and demand that, upon the return of the price paid, the land be restored to them, provided that the second purchaser has not already held the land for more than twenty years.

Gordian III, 2 September 238:
A trustee appointed by the Consuls or a magistrate has no power of appointing a fellow trustee over the same property.

Gordian III, 22 February 239:
One is unaware of the truth in thinking that the heirs of a lessee do not succeed to the rights of a lease, since, if the lease is perpetual, it is transmitted to the heirs.

Gordian III, 5 August 239:
If a sale was extorted from you by force, fear of death or bodily pain, and you did not afterwards voluntarily confirm it, then if the property is not restored, and you successfully sue within a year, you will be awarded fourfold the value of what you were forced to sell.

Gordian III, 29 November 239:
When a river abandons its former channel and makes another for itself, the field round which it flows remains that of the former owner. But if it carries the soil off gradually, adding it to another field, such added soil is acquired by the right of alluvion, by the person whose land is thereby increased.

Gordian III, 27 December 239:
It makes no difference whether the force was used by the purchaser or by another with the knowledge of the purchaser - if one is compelled, through force or fear, to sell their possessions for less than their value, they will obtain judgment that whatever was dishonestly done shall be reversed.

Gordian III, 17 December 241:
If your landed-estates were sold contrary to the decree of the senate which forbade the alienation of land belonging to minors, sue the possessor thereof so that if you prove the fact, the property shall be returned to you, and all fruits thereof recovered, unless it appears that the purchaser was one in good faith.

Philip, 8 August 244:
A rescript has often been issued that lessees or their heirs cannot be compelled against their will to continue as lessees after the expiration of the lease.

Philip, 29 March 245:
If your partner in owning a building refuses to contribute their part of the expense in repairing it, and you alone made the repairs, and the amount expended by you for your partner's potion is not repaid to you within four months, and the non-payment thereof is due to your partner's fault, you may, according to the ancient law, sue for the right of the ownership of the whole.

Philip, 1 August 245:
If you were defeated in an action to retain or recover property, not through the wrongful action of the magistrate but for a legal reason, you may claim any pledge given as a guarantee against eviction.

Philip, 29 October 245:
You ask with no good reason that damage inflicted on your property on leased premises by the attack of robbers should be made good by the tenant who was guilty of no fault.

Decius, 28 March 250:
Good possessory title is acquired of property given by a person to an infant and delivered, and although opinions of authors differ, it seems wiser, meanwhile, that delivery should give legal possession, although the will to take was in the meantime incomplete; otherwise, as stated in the response of the learned Papinian, legal possession could never be acquired for an infant even through a guardian.

Valerian and Gallienus, 3 January 258:
Not only are minors forbidden to alienate lands, but they cannot transfer their ownership thereof either pursuant to compromise or exchange, much less by gift, or in any other manner. Hence, if you gave a farm to your brothers pursuant to a compromise, you can bring a real action to recover it, but if you received anything from them through the same agreement, you should, in turn, restore that.

Valerian and Gallienus, 26 November 258:
If you show, as you allege, that you made a gift subject to a duty, you have an action upon the ground that the person to whom you made the gift has refused to comply with the condition; that is to say, you have an action in which the former ownership may be restored to you.

Gallienus, 29 July 260:
The terms of a lease must be observed, and no rent beyond the amount agreed on can be demanded. And if the time for which the property was leased has expired, and the lessee holds over under the same lease, the agreement must be considered as impliedly renewed.

Claudius II, 25 April 269:
It shall not be permitted that, contrary to established custom, one should be deprived of the use of water which flows from a spring belonging to them, since it would be harsh and nearly cruelty that a flow of water arising from their lands should be wrongly conducted away for the use of neighbours when their lands are thirsting.

Carus, 12 January 283:
A possession of which one made you a gift could not be sold by them upon the mere ground that they repented the gift.

Carus, 8 September 283:
If a minor gave a promise in writing to give up property, such writing will not injure their right to sue for its return, since it is contrary to the authority of the senatorial decree.

Carinus, Rome, 27 January 284:
Even though a gift does not appear to be made by letter, still it is not doubtful that it may be made by words.

Diocletian, Milan, 11 February 286:
There is no doubt that gifts between absent persons may be valid.

Diocletian, 11 March 286:
If you made a gift subject to the limitation that upon the death of the recipient it should revert to you, the gift is valid, since it may be made for a time, certain or uncertain, the limitation, of course, which is annexed, to be observed.

Diocletian and Maximian, 28 October 286:
If one sold property for less than half of its true value, it is just that they should receive it back through the authority of a judge, or that the purchaser should pay them what is lacking of the just price and keep the property.

Diocletian and Maximian, 7 January 290:
The ownership of property is transferred by delivery and usucaption (prescription), but not by naked pacts.

Diocletian and Maximian, 1 August 290:
Although possession as owner cannot be acquired by mere intention, it may, nevertheless, be retained by intention alone. If someone, therefore, failed to cultivate the land, which was left untilled in the past, without any intention to abandon it, but they simply deferred the cultivation thereof for some reason, they could not be prejudiced by reason of the misfortune of the time gone by.

Diocletian and Maximian, Heraclea, 27 February 291:
Whoever hired their own property thinking it to be property of another does not transfer ownership thereby, but makes an ineffectual contract of hire.

Diocletian and Maximian, 1 October 291:
A completed gift does not admit subsequent conditions.

Diocletian and Maximian, Sirmium, 1 January 293:
If somebody is shown to have built a window in somebody's wall without their permission, by force or secretly, they will be compelled to tear the new work down at their expense, and restore the former condition of the wall.

Diocletian and Maximian, Sirmium, 26 February 293:
If anyone knowingly sowed another's field or put plants thereon, and these have struck their roots into the ground, they justly become part of the soil, for he makes the seed and the plants the property of the owner instead of making, through such action, the soil his own.

Diocletian and Maximian, Byzantium, 5 April 293:
It is certain and plain that one managing a landed estate on behalf of another has no right, unless he has received a special mandate to sell, to dispose of the ownership of any of the property. Hence if one purchases the farm from them, who were the vendors, without the consent of the owner, they must clearly understand that any demand that

the ownership be conceded to them pursuant to such purchase, is neither valid nor honest.

Diocletian and Maximian, 27 April 293:
No one makes a gift unknowingly or unwillingly. One cannot lose what they did not have in mind or did not specially mention in writing.

Diocletian and Maximian, Heraclea, 30 April 293:
Only on account of debt, and pursuant to an order of a magistrate made after investigation, is undeveloped land of a minor permitted to be sold.

Diocletian and Maximian, 16 May 293:
No one is forbidden to transfer their undivided interest in property to another as a gift.

Diocletian and Maximian, Sirmium, 18 May 293:
If it is shown that something was given you by letter, the brevity of the document does not prejudice the gift if it is shown to have been properly made.

Diocletian and Maximian, 17 September 293:
One cannot give as a gift without the consent of the owner what they do not own.

Diocletian and Maximian, 27 November 293:
Old age alone constitutes no impediment to the making of a gift.

Diocletian and Maximian, Sirmium, 30 December 293:
One's sibling is not permitted to annul a gift of theirs in contemplation of death legally made.

Diocletian and Maximian, 13 February 294:
Landed-estates sold contrary to the senate decree which forbade the alienation of land belonging to minors cannot legally be held even by a second purchaser unless the fixed prescriptive period of five years has elapsed.

Diocletian and Maximian, 14 March 294:
If somebody paid the price to the managing agents of another who sold them property without mandate (authority), and it is not shown that the consent of the owner either preceded or followed the contract, the price shall be restored to them.

Diocletian and Maximian, Anchialus, 8 April 294:
If, while a minor, you with the consent of your guardian, but without an order of the relevant magistrate, sold land, you could not, according to the senatorial decree, lose the ownership thereof or right thereto, and it is clear that you may bring an action to recover it, together with any fruits thereof.

Diocletian and Maximian, 1 May 294:
It is certain that before the return of stolen property, the responsibility for all damage to it is on the thief.

Diocletian and Maximian, 27 September 294:
If the one you gave a gift to returned it to you pursuant to a later agreement, the document which evidenced the granting of the gift cannot prejudice the subsequent transaction.

Diocletian and Maximian, 7 December 294:
Not even land owned in common between minors is under the senatorial decree permitted to be sold without an order of the magistrate. For it has long been the rule that only when a co-owner, who is of age, asks for a division, may an alienation be made without an order of the magistrate.

Diocletian and Maximian, Nicomedia, 13 December 294:
I. An owner of private property is not forbidden to sell a certain portion of their land, changing its boundaries, and retain the rest. Nor may the purchaser claim more than they bought by measurement pursuant to the sale, under the pretext that the former boundaries were different.
II. When one is given the unhindered possession of property as a gift, they are not any the less able to hold it because the execution of a document relating thereto was omitted.

Diocletian and Maximian, 18 March 296:
Land can in no manner be sold by a minor without an order of the magistrate, unless it should be perceived that the alienation thereof was directed to be made by the last will of the testator from whom the property was acquired by the minor.

Constantine I, Trier, 22 January 314:
No one doubts that possession may be looked at in a double aspect, one consisting of a right, the other of physical occupation, and both are legal only when confirmed by the silence and muteness of all adversaries. Hence one cannot be considered in possession as owner while a suit and controversy is pending, who, though they hold it physically, is doubtful and uncertain as to their right of possession by reason of the suit.

Constantine I, Serdica, 20 April 316:
If anyone wants to give property to an infant before the latter is able to speak, or has capacity of will to receive the property given to them, they must complete the transaction by executing a document evidencing the gift.

Constantine I, Bessium, 22 February 330:
If anyone has brought a proceeding to determine the boundaries of their property which also involves the question of the ownership of the property, the proposition as to the possession shall be settled first and then a surveyor must be sent to the property, so that the suit may be ended when the truth is known. Even if the opposing party absents themselves to prevent the adjudication of such question, a surveyor, accompanied by the party present, shall still be sent for the said purpose.

Constantine I, 23 June 330:
If it is shown that one who brought an action to settle boundaries usurped property of another before any (judicial) determination was made, they shall lose not only what they wrongly claimed, but, so that everyone may be content with their own and may not seek the property of another, the person who invaded another's field and is defeated in the litigation shall lose as much of their own as they sought to take from the other.

Julian, 362:
Whoever builds on public property at their own expense, by which they do no damage to the area, may hold the building as their own, and thanks are due them for having ornamented the area.

Julian, Antioch, 2 December 362:
Public buildings ought always to be kept for public use.

Gratian, Valentinian II and Theodosius I, Vincentia, 27 May 381:
Formerly relatives and consorts had the right to keep outsiders from purchasing property (belonging to a relative or consort), nor could men sell property which they had for sale at their discretion. But since this has only the appearance of being proper, and it seems to be a grave wrong, that men should be compelled to handle their property in a manner contrary to their wish, the ancient law is abrogated and everyone my seek and approve of his own purchaser as he pleases, unless the law specially forbids certain persons to do this.

Honorius and Theodosius II, Constantinople, 5 May 420:
In all provinces persons may, if they wish, surround the farms or places which they own with a wall.

Leo I, Constantinople, 2 March 459:
One has the right to register their gifts of any of their property, wherever located, before a magistrate. And as a gift itself depends on the will of the giver, so they have the right to make their gift public, as they wish.

Leo II and Zeno, Constantinople, 10 October 474:
We give full liberty to everyone to search for any treasure - that is to say, for movable property deposited by unknown owners in ancient times - on their own premises and enjoy it when it is found; provided it is searched for without any means forbidden by law, so that a gift of God may no longer be disturbed by any envious and malicious report, and it will, accordingly, be superfluous to petition for something which is already permitted by law; and the requisite bounty of imperial magnanimity may seem to have been granted in advance. No one, however, shall dare to search for hidden riches on their own account on the property of others against the consent or wish or without knowledge of the owners. And if anyone shall petition us concerning such matter, or shall, contrary to the tenor of this law, search for and find a treasure on another's property, they shall turn it all over to the owner of the place, and shall be punished as a violator of a most just law. But if anyone, either in ploughing or otherwise cultivating another's ground, or by some accident, and not as a result of an intentional search, perchance finds a treasure on another's property, they shall divide what they have found, retaining half of it themselves, and giving the other half to the owner of the place. Thus each person may enjoy their own and not covet the property of another.

Zeno, Constantinople, 1 March 478:
We do not deem it necessary for neighbours or other persons to be witnesses to gifts which are enrolled on the records of magistrates, for testimony of private individuals is not necessary where public records suffice.

Zeno, Constantinople, 28 March 484:
As former and present laws provide punishment for intruders of another's property, so it is not unreasonable that lessees and persons who detain the property of another also should not remain unpunished, if they, without any lawful claim thereto, resist lessors who wish to retake possession, according to law, of property which they permitted others to have on sufferance, and do not immediately - that is without judicial proceeding - give up possession to those lawfully entitled thereto.

Justinian I, Constantinople, 6 April 529:
In case property of minors has at any time been alienated by their guardians without a judicial order, and such minors, have, after becoming of age, failed to complain thereof for a long time so that such ineffectual alienation may be confirmed by long silence, we think that a definite time should be fixed for such ratification. We, therefore, direct that if for five continuous years after the age of minority has been passed, that is after their twenty-first year no complaint was made concerning such alienation by said minor, it shall not be disturbed by reason of the omission of the judicial order, but the property shall be considered alienated.

Justinian I, Constantinople, 18 March 530:
We ordain generally that all gifts legally made shall remain valid and in force unless the recipient of the gift shall be found ungrateful toward the donor, in that they commit a violent crime against their person or property, or in that they refuses to comply with any agreements attached to the gift, either in writing or oral, and which the recipient of the gift stipulated to carry out. For these reasons, but for them only, if proven upon trial by clear proof, gifts made to them may be rescinded, so that no one may have license to take another's property, and laugh at the weakness of the donor. We order that these provisions shall apply, however, only to the original parties, and the successors of the donor shall have no right to institute complaints of that kind. For if the person themselves who suffers these things keeps silent, their silence shall remain permanent and shall not be interrupted by their posterity, either as against the person said to be ungrateful or as against their successors.

Justinian I, Constantinople, 18 October 531:
If a pact is made in connection with a sale or other alienation that the new owner shall not erect a burial monument in the place sold or transferred to them in some other manner, or consecrate it for any holy purpose, we ordain, although the point was doubted by the ancients, that such a pact shall be valid by virtue of this law, and shall remain inviolate. For it may perchance have mattered much to the vendor that they should not have a person as a neighbour whom they did not want and because of whom the prohibition was specially made. For if a vendor, or person alienating property in some other manner, would not transfer their right otherwise than upon reliance on such agreement, it would not be bearable that they should be deceived by putting a different construction on the contract.

Justinian I, Constantinople, 23 October 532:
Our Imperial Majesty has learned that some doubt arose among the ancients concerning protests against new construction, saying that if anyone sent a protest to stop a work, they could not, after the lapse of a year in which they sent it, again stop construction. This appears to us doubly iniquitous. For if they did not rightly prohibit the work, they ought not to stop it for a whole year, and if they rightly complained, they, likewise, should have permission to prohibit the building after the year. Avoiding, therefore, such injustice, we ordain that if anyone has sent such complaint, the magistrate shall make haste to decide the cause within three months. But if there is a question that is doubtful which hinders a prompt decision, the person who hastens to build may complete the structure in dispute after first furnishing security to the magistrate that, if they shall not have built lawfully, they will tear down the structure erected after the making of the complaint. In this way construction will not be stopped through foolish complaints and at the same time care is taken of the interests of complainants.

Book IX
Concerning inheritance
De hereditatum

Antoninus Pius, 146:
If heirs are appointed for unequal portions and were substituted for each other reciprocally and mention was made of any portions in the provision for the substitution, it must be considered that the testator impliedly referred to no other portions in connection with the substitution than that specifically mentioned in connection with the original appointment of heirs.

Septimius Severus and Antoninus Caracalla, 25 December 197:
If you are about to claim the inheritance of the man whom you say was your father, lay before the magistrate the proof of your claim.

Septimius Severus and Antoninus Caracalla, 30 May 198:
If you prove to a competent magistrate that an annuity was left you by a legacy or trust, you have the right to demand it at the beginning of each year.

Antoninus Caracalla, 25 April 215:
You are not forbidden to go before the magistrate and accuse a relative of despoiling your inheritance.

Antoninus Caracalla, 11 July 215:
An error of names occurring in the writing does not diminish the right arising out of legacies if no doubt exists as to what is bequeathed.

Alexander Severus, 16 March 223:
It is forbidden by a senate decree and by an edict of Claudius for those employed to write a testament to insert therein any provision of future benefit to themselves even if the testator should dictate such a provision, and any person doing so shall not inherit under said testament.

Alexander Severus, 15 September 223:
Whoever, uncertain of the quantity of an inheritance, sells it, persuaded by the purchaser that the quantity is small, cannot be sued to deliver the property or assign rights of action; and they may sue to recover it.

Alexander Severus, 9 March 224:
An inheritance cannot be taken from heirs, as unworthy, on the pretext that the burial of the deceased testator was not in compliance with the last wishes of the decedent.

Alexander Severus, 3 February 225:
The legacies which a husband or wife with their own hand added to the testament of their spouse will be considered as invalid.

Alexander Severus, 15 February 225:
The question of the intention of the deceased is a question in the judgement of the magistrate.

Alexander Severus, 1 June 225:
A testament once made public, although the material on which it was written in the first place by the testator was destroyed by an accident, is nevertheless valid.

Alexander Severus, 18 December 229:
A criminal proceeding is added to a civil suit, if it appears that a testator did not make their testament voluntarily, but was compelled to make it by the appointed heir, or to appoint as heirs persons whom they did not want.

Gordian III, 21 July 239:
If a testator erred in a name - given name or surname - but there is no uncertainty as to whom they meant, such error cannot stand in the way of truth.

Diocletian and Maximian, 1 January 285:
The law is well known that persons, who are shown to have hindered a person in making of a testament, are barred, as unworthy persons, from any benefit from the testator's inheritance.

Diocletian and Maximian, 1 July 290:
If the witnesses did not attest the testament in the presence of the testator, it is of no validity.

Diocletian and Maximian, 293:
If the testament was made legally and the heir or heirs are competent to receive the inheritance, it cannot be invalidated by an Imperial Edict.

Diocletian and Maximian, 6 July 293:
A testament legally made will not any the less be valid because it is shown to have been stolen after the death of the testator.

Diocletian and Maximian, 8 December 293:
The order of succession provided by the law of the Twelve Tables shows clearly that when a man dies intestate, his posthumous heir has a better right to his inheritance than the sibling of the decedent, though of full blood.

Diocletian and Maximian, Nicomedia, 26 June 294:
It is not doubtful that a sibling has preference over an uncle or aunt in inheriting on intestacy.

Diocletian and Maximian, 28 December 294:
It is nothing criminal for a husband or wife to induce their spouse by flattery and caresses to make their last will in their favour.

Constantine I, Serdica, 1 February 339:
I. Since it is undignified that testaments and last wishes of decedents should become invalid through useless technicalities, we deem it best to dispense with formalities, and in instituting an heir no particular form of words is necessary, whether that is done by imperative, direct or indirect words. An appointment shall be valid by whatever expressions or by whatever form or words that are made, provided only that the intention is thereby made clear. No solemnity of words is necessary.

II. Formality or words is not necessary to leave legacies or trusts, so that it makes no difference what case (of a noun) or what manner of speaking a testator uses in expressing their wishes in that respect.

Constantius II, Sirmium, 25 February 352:
Eunuchs, the same as others, may, by observing the rules of law, execute a testament, make a last will and write a codicil.

Valentinian I, Valens and Gratian, Contionacum, 7 August 371:
When the Emperor or the Empress are appointed as heirs, they shall have the same rights as others. That applies also to codicils and letters creating a trust, legally executed. And, as has been provided in previous law, it is permitted to make a testament in favour of the Emperor or Empress, and to change it.

Gratian, Valentinian II and Theodosius I, Thessalonica, 1 July 380:
It is neither doubtful nor uncertain that an inheritance or legacy or trust may be left just as to the Monarch as to any other person of rank or power.

Arcadius and Honorius, Milan, 27 July 395:
It is clear that a husband is excluded from the succession to the property of his wife who dies intestate, when she had blood-relatives surviving her, since the responses of jurists, as well as the law of nature itself, makes them her successors.

Arcadius and Honorius, 21 March 396:
A testament ought not to be held invalid because the decedent called it by different names, since superfluous matters are not prejudicial. For only the omission of necessary requirements renders wills ineffective and thwarts the testator's wishes.

Theodosius II and Valentinian III, Constantinople, 20 February 428:
A person may appoint a total stranger as their heir.

Theodosius II and Valentinian III, Constantinople, 12 September 439:
By this well-considered law, we ordain that persons making their testament in writing shall be permitted, if they do not want anyone to know its contents, to produce the writing, sealed or tied, or only closed and folded, and lay it before all of the witnesses at the same time, in order that it may be sealed and signed by them, provided that the testator shall, in the presence of the witnesses, state that what is laid before them is their testament, and provided that the testator signs the testament at its conclusion with their own hand in the presence of the witnesses. If this is done and the witnesses subscribe and deal it on one and the same day, the testament shall be valid, and shall not be void because the witnesses do not know the contents of the testament.

Justinian I, Constantinople, 11 December 528:
We direct that annuities provided by legacies or trusts which the testator wanted paid not only to a certain person but also to their heirs shall be so paid according to the wish of the testator to all heirs, and to the heirs of the heirs.

Justinian I, Constantinople, 18 March 530:
If it is shown that a testator changed their mind and executed a second testament in a perfectly legal manner, the first testament is made void.

Justinian I, Constantinople, 1 September 530:
That an insane person may, in lucid intervals, make a testament, though doubted by the ancients, has been accepted as true by past emperors and by ourselves. But we must now decide a matter which also occupied the attention of the ancients, namely what the situation is, if insanity overtakes them while making a testament. We, accordingly, decide that a testament of a person attacked by insanity in the act of making it shall be invalid. But if they make a testament or any last will during lucid intervals, commencing and finishing it without an attack of insanity, such testament or last will shall be valid if all other legal requisites of such proceeding are complied with.

Justinian I, Constantinople, 20 February 531:
Dispelling all obscurities of the Miscellaneous Julian law, we permit no one to take an oath according to the aforesaid law, but this law, together with the provisions for the Mucianian promise in connection therewith, shall be utterly void. Women shall be permitted, despite the threat of their husbands by which widowhood is enjoined on them, to enter into another marriage without taking an oath that they do so for the purpose of procreating children. The penalty fixed for such case shall no longer be enforced, and she may have the property left her by her husband, whether she have children or not, lest perjury be committed through legal compulsion and a colourable oath.

Justinian I, Constantinople, 1 November 531:
I. It is clear that, according to the intent of the enactment recently promulgated concerning the law Julia Miscella, not only is that law repealed as to women, but as to men as well.
II. Should two or more persons, in hopes that an inheritance would perhaps come to them by reason of blood relationship, have entered into pacts as to such hoped-for inheritance, in which it was specifically declared that if their relative should die leaving them the inheritance, certain specified things should obtain as to the inherited estate; or if perchance the benefit of the inheritance should come to only some of them, then certain pacts should be in force, then it is doubted whether these pacts should be held valid. The question arises because this agreement was made during the life of the person whose property they hope to inherit, and because the contracting parties did not make the pact as though the property would come to them in any event, but under two conditions, namely if the relative should die and if they, the contracting parties, should become the heirs of the estate. But all such agreements appear to us odious, and pregnant with unhappy and perilous results. For why should persons enter into a pact concerning the property of a living person without their knowledge? We therefore ordain that such pacts which have been entered into are contrary to good morals, and shall be invalid and shall not be carried out, unless, perchance, the person with reference to whose inheritance the pact was made consented thereto, and persevered in such consent to the time of their death; for then, if the pact is made with their knowledge and consent, the contracting parties are permitted to carry out the agreement made.
III. If a legatee conceals a testament but it was thereafter brought to light, it was doubted whether the person guilty of such concealment could claim the legacy left them therein. We think that this should not be permitted. Such legatee who wanted to defraud an heir out of their inheritance shall not receive the fruits of their cunning, but such legacy shall be taken from them, and it shall become the property of the heir, as if it had not been given at all.

Book X
Concerning deposits
De depositorum

Alexander Severus, 11 July 234:
If by the attack of robbers, or other fortuitous circumstances, ornaments deposited with somebody should be lost, the loss does not fall on the person who received the deposit, who, if no agreement to the contrary is specially made, is responsible only for negligence.

Gordian III, 15 July 239:
If somebody brings an action on a deposit, they do not unjustly also ask for payment of interest, since they ought to thank them that they do not bring an action for theft against them, inasmuch as a person who, knowingly and without consent of the owner, converts a deposit to their own use commits the crime of theft.

Diocletian and Maximian, Sirmium, 27 February 293:
It is certain that if a person who received money from one as a deposit loaned it out in their own or another's name, they, as well as their heirs, are liable to the depositor for fulfilment of the undertaking. But one has no right of action against the borrower of the money, unless the identical money exists, for in that case, they may bring an action against the possessor thereof.

Diocletian and Maximian, Nicomedia, 12 December 294:
A person who has not restored a deposit will, when sued in their own name and condemned, be compelled to restore it at the risk of infamy.

Justinian I, 30 October 529:
If anyone has received monies or other things as a deposit, they must promptly return them whenever the depositor wants them, and they cannot set up any counterclaim, a claim for deduction, or any defence under pretence that they have an action against the depositor, for they did not receive the deposit on condition that they might have an allowable right of retention, and that the good faith on which the contract is based might be turned into perfidy. And if something shall have been deposited by both parties (one with the other), the transaction shall not in such case be entangled by any counterclaim, but the things or money deposited by either party shall be returned as quickly as possible without hindrance; and first to the party who wants them first, and all legitimate action will subsequently be preserved for them. This shall apply also, as has already been said, if only one of the parties makes a deposit, and the other party shall claim a set-off against it, so that the things or money deposited shall be immediately restored, every legal right being preserved intact.

Book XI
Concerning rights of religious groups
De jus de coetus religiousi

Gordian III, 27 February 240:
Those who do not hesitate to knowingly seize, buy or sell property destined for, or already devoted to, religious purposes, although the sale is invalid, nevertheless have become enmeshed in the second-class felony of sacrilege.

Valerian and Gallienus, 259:
There is no doubt that the wrong was an aggravated one if it was committed against one occupying a sacerdotal office and wearing the garb and ornaments of that office, as it can be assumed that a religious leader is less likely to resist an attack on themselves.

Constantine I, Rome, 3 July 321:
Let everyone have permission to leave when they die, to any religious institution or organisation, any property that they choose. Such testaments shall not be void. It is due to all people to have a free pen for their last will, after which they can wish nothing more, and to exercise an untrammelled judgement in deciding their legacy.

Theodosius I, Constantinople, 28 June 381:
No bishop shall be made to give testimony in court.

Valentinian II and Theodosius I, Constantinople, 26 February 386:
No one shall sell or barter in items purported to be holy relics.

Arcadius and Honorius, Milan, 26 April 398:
If anyone shall commit the second-class felony of sacrilege by going into any church and assaulting the priest or disrupting the religious service, or damaging the church building, they shall be punished for their acts.

Honorius and Theodosius II, Ravenna, 1 April 409:
We ordain that no one shall abduct those who take refuge in a place of worship, adding that if anyone should violate this law, they are to be prosecuted for sacrilege.

Honorius and Theodosius II, Constantinople, 9 April 423:
Jews will be punished if it shall be shown that they have circumcised a person of another faith without their consent, or have directed it to be done.

Theodosius II and Valentinian III, 15 December 434:
If any clergyman, monk or nun dies without a last will and testament and leaves no parents, children, known blood relatives, or spouse, then any property belonging to them shall in all cases fall to the church or monastery to which they were united, after any outstanding debts or taxes are paid out of said property.

Leo I, Constantinople, 28 February 466:
We direct that no fugitives of whatever condition shall be expelled, delivered or dragged from any Christian church except by the permission of the bishop, priest or stewards of said church, nor shall any debt owing by said fugitive be demanded in their stead from the bishop, priest or stewards. Nor shall anyone be so detained or restrained in these churches as to be denied food, raiment or rest.

Justinian I, 529:
We order that no one shall be permitted to sell, hypothecate or pledge any holy vessels or vestments or other paraphernalia which are necessary for worship, since even ancient laws ordain that property devoted to God should be withdrawn from human bonds; but these things shall be reclaimed from those who dare to take them by the stewards and guardians of the sacred objects, leaving to the taker no right of action either for the recovery of the price or for interest on the money for which the property was pledged, but they shall be compelled by every means to make restitution of the property. If, moreover, the vessels or paraphernalia have been or shall be melted down or changed in any manner or broken, still the right to recovery shall lie either for the property itself or its value. If the cause of the redemption of captives requires it, then we permit both sale of such property devoted to God as well as hypothecation and pledge thereof, since it is not improper to prefer humans to vessels and vestments of every kind.

Justinian I, 530:
Should there be found in a testament a provision by which the testator appoints Jesus Christ as sole heir or an heir to a portion of their estate, without designating any church to receive their inheritance, we ordain that the inheritance willed shall be received by the nearest Christian church to where the decedent lived, superseded by the Christian church most regularly attended by the decedent should there have been one. But if anyone names an angel or saint as heir, without designating any church to receive their inheritance, then the nearest Christian church named in honour of said angel or saint to where the decedent lived shall receive the inheritance.

Book XII
Concerning taxes and the Treasury
De tributorum et fisci

Gordian III, 12 February 239:
If, on account of the misfortune of the loss of documents, one lacks proof of a payment made to a tax collector, an inspection of the accounts of the Treasury will demonstrate the truth.

Probus, 28 December 280:
The fact that one to whom your property had not been given voluntarily paid tax due from such property cannot prejudice you.

Constantine I, Rome, 18 January 313:
Since the tax collectors by collusion with the wealthy may transfer the burden to the lower classes, we order that whoever proves that they are overtaxed shall only be subject to their former burden.

Constantine I, 17 June 315:
If any tax collector or public official dares to release anyone from the payment of any part of a tax, they shall be compelled to give from their own property the amount released by them to others.

Constantine I, 1 July 319:
Investigating what would be advantageous in connection with taxes, we learned that some people take advantage of the momentary necessity of others and buy lands upon condition that they should not pay the taxes due to the Treasury and should hold the lands immune from taxes. Hence it has been decided that, if it is evident that anyone has entered into such a contract, and has bought any property upon that condition, they shall be liable for all taxes assessed against the property bought, as well as for all arrears against the same property, since a person who buys must necessarily pay any relevant taxes against the property bought, and no one shall be permitted to buy or sell property exempt from any applicable taxation.

Constantine I, Constantinople, 20 November 321:
Since some persons secretly and criminally make adulterated coins, all must know that it is incumbent on them to report these persons, so that they may be delivered to the judges and thus dealt with by suitable punishment. Those with knowledge of said crime who do not report it will be guilty of assisting an offender.

Constantine I, 19 July 325:
I. We direct that tax collectors must without delay accept the tax. If a person who is willing to pay receives no attention at the hands of the tax collector, they should make out a protest in the presence of witnesses, and when that fact is proven they shall receive their receipt.
II. Any tax paid in gold, whether in gold pieces or bullion, must be received according to just and lawful weight.

Constantine I, Sirmium, 31 December 326:
Opportunity for defence must be given to persons disquieted by the Treasury, and it is not just that their property be disturbed or an inventory thereof made while the controversy is still pending. Whenever, therefore, a controversy arises through the

Treasury claiming property of any person, the property shall all remain in the possession of said person during the investigation. Only if the outcome of the matter proves that it should be claimed, may it be pursued.

Constans, Rome, 9 March 349:
Crown Stewards must, by the authority of law, be compelled to pay the same taxes as all others, lest exemption of Crown property burden the provincials.

Valentinian I and Valens, 2 December 368:
If any transaction has been laid open in court which discloses anything to the advantage of the Treasury, the relevant records shall be sent to the office of the Chancellor, so that after receipt of information they may know what by the aid of law may be owed to the Treasury.

Valentinian I, Valens and Gratian, Treves, 20 February 369:
Tax collectors shall demand only money, not services.

Valentinian I, Valens and Gratian, 14 May 369:
Whenever it shall be proved in any dispute that a revision of an account has been unjustly made and the Treasury official is unable to justify their act, they shall be assessed with a tax of the same kind and shall be compelled to pay the same amount which they wrongly charged another.

Valentinian I, Valens and Gratian, Noviodunum, 5 July 369:
Those who are indebted to the Treasury of Our Imperial Majesty, must, without delay, pay out of their property what they owe on their own account.

Valens, Gratian and Valentinian II, Antioch, 25 January 377:
No Chancellor, or member of the official staff of the Treasury, shall re-seek employment as such after they have been found to have committed theft or robbery.

Gratian, Valentinian II and Theodosius I, Milan, 5 March 383:
By authority of this edict of Our Imperial Majesty, tax collectors shall suffer punishment if they give any immunity to anyone through fraud, unlawful solicitation or power.

Gratian, Valentinian II and Theodosius I, Constantinople, 29 April 383:
The tax paid shall remain in the hands of the tax collectors the shortest time possible, and as soon as paid by the provincials shall be turned over to the imperial Treasury.

Gratian, Valentinian II and Theodosius I, Constantinople, 4 June 388:
Whoever attempts to escape a correct tax assessment and fraudulently pretends poverty shall, when detected, by subjected to suitable punishment.

Valentinian II, Theodosius I and Arcadius, Milan, 4 June 390:
Every person who remembers that they suffered extortion at the hands of a tax collector may come before the office of the Chancellor in order to reclaim whatever they have so paid in excess of what was due.

Theodosius I, Arcadius and Honorius, Constantinople, 12 April 393:
The tax collectors shall faithfully report and note the amount of the taxes and the sums collected, so that the Treasury may know from their report what has been collected and delivered.

Arcadius and Honorius, Milan, 10 August 396:
The best interests of the public and of the Treasury demand that payment of debts due to the Treasury should not be put off by clever tricks of debtors; hence, forbidding appeals on the part of those who clearly are shown to owe a debt, we direct that pursuant to this order, the benefit of an appeal shall be denied to a party who clearly owes a public debt.

Arcadius and Honorius, Milan, 14 March 400:
Whatever amount, over and above that due, has been collected by the tax collectors shall be paid back twofold and this must be immediately restored to the provincials.

Arcadius and Honorius, Milan, 27 February 401:
Taxes collected shall be sent without delay to the Treasury.

Anastasius I, 31 March 498:
We forbid taxes to be paid to tax collectors except while they function as public officials.

Justinian I, Constantinople, 6 April 529:
The Treasury shall not demand from debtors more than six per cent interest.

Book XIII
Concerning supplications
De obsecrationum

Constantine I, Sirmium, 10 February 319:
If any judge or magistrate thinks that any question ought to be referred to the Monarch, they must render no decision between the parties, but should consult us for advice on the point on which they hesitate. No reference to us must be made which lacks a complete report.

Constantine I, Rome, 24 September 329:
Nothing should be asked of the Monarch that is harmful to the Treasury or contrary to law.

Valentinian I and Valens, Rome, 17 September 365:
If anyone shall deem it advisable to address a supplication to us against the decisions of a Cabinet Minister, and they shall finally be defeated, they shall have no further right of supplication in regard to the same matter.

Valentinian I and Valens, Treves, 10 May 369:
If it should appear advisable or necessary in some lawsuits that our advice be sought and our response be awaited, the report of reference must embrace every point fully, and any records must necessarily be attached.

Theodosius I, Arcadius and Honorius, Constantinople, 3 March 394:
If any persons desire to have their wishes laid before the Monarch and ask some other person to assist them and by solemn promise agree to make compensation therefor, they shall carry out the promises when they have obtained what they sought, and if they cunningly delay, they may be forced to pay. But if the agreement contemplates delivery of country or urban estates, a contract in writing must be made by which they are transferred to the other person.

Honorius and Theodosius II, Constantinople, 4 September 410:
If we have made a law in response to a petition from any person, no inquiry shall be made as to who laid the petition before us.

Book XIV
Concerning powers of the Monarch
De potentiae Imperatoris

Alexander Severus, 22 December 232:
Though sovereignty has released the Monarch from the formalities of the law, nothing is so becoming to sovereign authority as to live according to the laws.

Gratian, Valentinian II and Theodosius I, Verona, 16 June 383:
If anyone claims to have been entrusted with our secret orders or mandates, all must know that no one is to be credited with anything except what they prove in writing, nor need anyone be terrified by the rank or office of anyone, whether that of a noble, cabinet minister, or military officer; but in all cases reference must be had to our imperial letter.

Gratian, Valentinian II and Theodosius I, Milan, 28 December 384:
The will of the Monarch in exercising the powers of the Throne is not to be disputed.

Valentinian II, Theodosius I and Arcadius, Milan, 1 February 385:
Imperial orders promulgated concerning administrative positions or positions of rank shall not be opposed.

Theodosius I, Arcadius and Honorius, Constantinople, 9 April 393:
If anyone lacks modesty and shame, and by dishonest and wanton slander attempts to insult Our Imperial Majesty as a tyrant or usurper, and drunkenly becomes a turbulent traducer of our reign, we do not want them to be subjected to punishment, nor feel the stings of retribution, since, if they acted through levity, they but deserves contempt, if through insanity, they are worthy of pity, if with intent to injure, they may be pardoned. Hence, let a report be made to us before any action is taken, so that we may consider the statements made in the light of the character of the person, and thus determine whether it should be overlooked or rightly prosecuted.

Arcadius and Honorius, Constantinople, 28 March 396:
If any places that are Crown property are unlawfully occupied by anyone, they shall be restored to their former status, for long (illegal) possession or change in the census could not destroy the privilege of our ownership.

Justinian I, Constantinople, 30 October 529:
Every interpretation of laws by the Monarch, made in whatever manner, shall be considered valid and unquestioned. For if it is conceded only to the Monarch to make laws, it should be befitting only the imperial power to interpret them.

Book XV
Concerning the law
De legis

Diocletian and Maximian, 31 March 292:
We order that the authentic, original laws signed by our own hand, not copies of them, shall be filed for record.

Diocletian and Maximian, 28 December 294:
Consent cannot be based on error. However, when anyone, in ignorance of the law, pays money, they cannot recover it. For money paid but not owing can be recovered only when paid in ignorance of the facts.

Valentinian II and Theodosius I, Vincentia, 27 May 391:
We permit no one to rely, actually or by pretence, on ignorance of the law.

Valentinian III and Marcian, Constantinople, 4 April 454:
The laws which bind the lives of all should be known by everyone, so that after clearer knowledge of the precepts of these laws all may omit doing acts which are forbidden and act freely in matters which are permitted. If some obscurity is, perchance, found in these laws, it should be clarified by imperial or parliamentary interpretation.

Leo I, 27 March 470:
It shall be lawful to bring forward in any court and consider as imperially sanctioned law only that which is subscribed on paper, papyrus or parchment, and featuring our signature.

Book XVI
Concerning Representatives
De vicariorum

Diocletian and Maximian, 14 July 286
The labour of those zealous to learn deserves that those who desire to choose counsellors as associates in public administrations, should call forth those whose learning they deem necessary for themselves, through hope of reward and honour.

Theodosius II and Valentinian III, Constantinople, 14 October 427:
Those who represent and administer a Town as Acting Representative by order of the Monarch or their Town Council will have the power to do all things within the jurisdiction of the Representative of a Town.

Zeno, Constantinople, 11 October 479:
No Representative shall, after they have received a successor, dare to permanently depart from the place which they have represented and administered until after fifteen days have passed. And they shall not hide at home or within holy precincts, or in the houses of men of power, but shall appear in the most frequented places and in sight of all those whom they recently represented and administered, so that free opportunity may be open to all to lodge complaints concerning misconduct, corruption or other crimes against them. Such individuals shall be protected from all insult and violence by the care of their successor. But if anyone, by punishable rashness thinks of undertaking to evade or violate this most beneficial law, they shall be guilty of a misdemeanour, as will their successor who has taken up the administration after them if they have made no honest effort to retain them or to immediately report their flight.

Book XVII
Concerning Town Councils
De conciliorum urbem

Diocletian and Maximian, 24 April 293:
The laws do not prohibit illiterate persons from performing the duties of a Town Council member.

Diocletian and Maximian, 294:
If the magistrate should find that you are over seventy years, you may resign from the Town Council.

Julian, Antioch, 1 March 363:
If any member of a Town Council is parent to thirteen children, they may be granted permission to resign from the Town Council.

Valentinian II, Theodosius I and Arcadius, Milan, 15 April 391:
You must know that all the various guilds situated in a Town, as well as all of its subjects and residents are subject to the jurisdiction of the Town Council.

Book XVIII
Concerning burial places
De sepulcrorum

Antoninus Caracalla, 25 October 213:
If buried remains are disturbed by the force of a river of if another proper and necessary reason arises, they may, upon order of the Representative of the Town, be translated to another place.

Antoninus Caracalla, 30 March 215:
If you buried a body in a sepulchre, you hallowed that ground; and there is no doubt that when this was done, that land could not be sold or pledged as security for a debt, since the sanctity of the law forbids that.

Philip, 26 November 245:
That a place devoted to the dead cannot be sold is clear. Nor is it doubtful, on the other hand, that a field not so consecrated, which is close to a monument, is governed by the rules pertaining to the profane, and may, therefore, be sold without hindrance.

Diocletian and Maximian, 31 August 286:
It is clear that sepulchres cannot be bequeathed in wills, but no one is forbidden to bequeath the right of burying a dead person therein.

Diocletian and Maximian, 6 December 287:
If a dead body has not yet been buried in a permanent sepulchre, it is not forbidden for it to be translated to one.

Constantius II, 28 March 349:
If anyone touches a sepulchre with intent to injure it, they will be punished by no less a fine than the known penalty of twenty pounds.

Constantius II, Milan, 13 June 357:
Those who violate sepulchres for building materials - the houses, as I might say, of the dead - seem to perpetrate a double crime; for they despoil the dead by tearing down, and they pollute the living by erecting a building with the material taken from the sepulchres. If anyone, therefore, takes stones, marble, columns or any other material from sepulchres for the purpose of building, or sale, they shall be compelled to pay no less than ten pounds to the Treasury. This punishment is in addition to the former penalty; for the former punishment of a fine of twenty pounds imposed on violators of sepulchres is in no way modified. Persons who rob interred bodies or steal the ornaments buried with them are subject to the same penalty.

Julian, Antioch, 12 February 363:
Audacity extends to the tombs of the dead and to burial mounds, whom our forefathers considered it almost a sacrilege to even move a stone therefrom, or disturb the earth or tear up the sod. And some of the things are removed for ornaments for dining rooms and porticoes. Consulting their interest, we prohibit this to be done, lest the transgressors fall into the sin of disturbing the sanctity of the dead.

Book XIX
Concerning statues and images
De statuarum et imaginum

Theodosius II, 5 May 425:
If at any time statues or images of us are erected, a public official of that place shall be present, without ambition for great adoration, but so that they may show that their presence has graced the day, the place, and our memory.

Theodosius II and Valentinian III, 3 April 439:
Whenever images or statues are erected to our Imperial Majesty, we direct that publicly acknowledged private contributions be refused lest any contributor recognise anything as their own in them.

Theodosius II and Valentinian III, 28 March 444:
It is proper that rewards of excellence should be granted to the deserving and that at the same time the honours of some should not be the occasion of injury to others. Whenever, therefore, a request is made for a statue to be erected to any living individual, the expense thereof shall not be paid out of the Treasury (therefore by taxpayers), but it shall be erected at their own expense by the person in whose honour it is sought to be built.

Book XX
Concerning Sunday
De Dominicae

Constantine I, 3 March 321:
All judges and magistrates and the people in the city should rest, and the work in all the crafts should cease, on the holy Sunday. But the people in the country may freely and lawfully apply themselves to the culture of the fields, since it often happens that grain can be sown in the furrows and vines planted in the trenches on no better day, so that the benefit conferred by the providence of God may not perish with the opportunity of the moment.

Leo I and Anthemius, Constantinople, 9 December 469:
Sunday shall not be open for the theatre, the strife of the circus, or the spectacle of wild beasts.

Book XXI
Concerning other matters
De aliorum

Diocletian and Maximian, 17 November 290:
One rightly possessing property, which they hold without blemish (id est without force, stealth or suffrance) may ward off an attack upon it, with the moderation of necessary protection.

Diocletian and Maximian, 18 December 293:
Just as every person is at liberty to choose any name, first and last, that they wish, for the purpose of recognition, so a change thereof involves no peril, for those who have no evil motive. Hence, if you have no fraudulent purpose, you are not forbidden, as has often been decided, to change your first or last name, and no prejudice to you can arise therefrom.

Diocletian and Maximian, Sirmium, 22 October 294:
No one is rightly prohibited from using a public highway.

Constantine I, 27 April 319:
The greater rank attained by anyone does not abridge the privileges obtained by reason of an already held rank or service.

Constantine I, Berytus, 1 October 325:
Bloody spectacles displease us amid public peace and domestic tranquillity. We therefore order that there may be no more gladiator combats.

Valens, Gratian and Valentinian II, Treves, 10 March 376:
We do not envy, but rather encourage, the embrace of pursuits which make a people happy, so that the giving of athletic contests may be restored.

Gratian, Valentinian II and Theodosius I, Constantinople, 2 February 383:
Whenever any event, fortunate to us, is announced; when wars cease; when we have victories; when the names of new consuls are enrolled; when it is to be made known that the conclusion of peace has brought repose; when we show the picture of the emperor to the wondering multitude, these things shall be announced to and received by the people without incurring immoderate expense.

Gratian, Valentinian II and Theodosius I, Constantinople, 30 January 386:
All persons of rank, civil or military, may always use the vehicles of their rank, that is, carriages, within the city of Constantinople.

Valentinian II, Theodosius I and Arcadius, 1 July 391:
We grant everyone the right to resist a soldier or a person in private station who enters fields as a nocturnal plunderer, or besets frequented roads with intentions of robbery, as by doing so they have incurred the danger which they themselves threatened.

Theodosius I, Arcadius and Honorius, Constantinople, 5 July 394:
Should officials inscribe their names on any work constructed with public money, they must include mention of Our Imperial Majesty.

Arcadius, Honorius, and Theodosius II, 2 October 403:
We rightly give permission for any person to seize a deserter and deliver them to their officers or to the police.

Valentinian III and Marcian, 452:
We have restored the order of the consulate to its ancient dignity so that the populace will gather about our seat of honour out of respect, and not out of any desire of plunder, and may behold the venerable attire of the fathers, and the felicitous ornaments of antiquity, upon abandoning all desire for gain. Future consuls must conduct their processions in accordance herewith and must not squander their money uselessly. The despicable custom, therefore, of scattering it about, shall cease, and the exalted consuls shall hereafter in their processions abstain from such foolish waste.

Leo I, Constantinople, 9 November 465:
Whoever, although not subject to any obligation, has voluntarily fulfilled any position of burden in any place, shall not be thereby prejudiced as to either their property or as to their status, but they shall remain free and exempt from being tied to said position. In fact, we ordain by this law that if anyone has voluntarily performed a public burden or function without being compelled to do and not for the sake of remuneration, they ought to be rewarded.

Justinian I, Constantinople, 22 September 529:
The game of dice is ancient, but in the course of times has become a calamity, thousands of others succumbing thereto. Some play it, not knowing anything of the game, except to name the figures on the dice, and have lost their property by playing day and night with silver, precious stones and gold. Desiring, therefore, to look after the interests of our subjects, we ordain by this general law that no one shall be permitted to play in private or public places, either in appearance or in earnest. If this order is violated, no penalty shall follow, but lost money shall be repaid and recovered in a proper action brought by those who have lost, or by their heirs.