# The Novels of Justinian 

A Complete Annotated English Translation
Volume 1

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Novel Translation C.I.C. III Title key-words
no. page no. page no.
\(\left.$$
\begin{array}{lccl}1 & 53 & 1 & \begin{array}{c}\text { Heirs: Falcidian share } \\
\text { Remarried women: no right of prefer- }\end{array} \\
3 & 65 & 10 & \begin{array}{c}\text { ence, etc. }\end{array} \\
4 & 75 & 18 & \begin{array}{c}\text { Limit on clergy-numbers for Great } \\
\text { Church and its dependent churches }\end{array} \\
4 & 83 & 24 & \begin{array}{c}\text { Debt-recovery: creditors to proceed first } \\
\text { against principal debtors; only then }\end{array} \\
5 & 89 & 28 & \begin{array}{l}\text { against their sureties }\end{array}
$$ <br>
6 \& 97 \& 35 \& Clengasteries, monks, hegumens <br>

7 \& 111 \& 48 \& Church propedure for ordinations inalienable\end{array}\right\}\)| Office-holders to be appointed without |  |  |
| :--- | :--- | :--- |
| 8 | 127 | 64 |

| 17 | 195 | 117 | Mandata principis |
| :---: | :---: | :---: | :---: |
| 18 | 207 | 127 | Children's legal share of inheritance, and other such heads |
| 19 | 221 | 138 | Children born before dowry-contracts |
| 20 | 223 | 140 | Officials serving on appeals |
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| 29 | 313 | 218 | Paphlagonia: praetor |
| 30 | 319 | 223 | Cappadocia: proconsul |
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| 32 | 339 | 239 | Creditor not to hold farmer's land (Thrace) |
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| [34 (Latin) $=32$ Greek] |  |  |  |
| 35 | 345 | 242 | Quaestor's adiutores |
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| 37 | 353 | 244 | Africa: church property reclaimable |
| 38 | 359 | 246 | Councillors: bequest to children who are councillors |
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| 40 | 373 | 258 | Church of Resurrection: alienation allowed |
| 41 Latin | 377 | 261 | Quaestor exercitus: appointment of Bonus [summary text] |
| [41Greek $=50]$ |  |  |  |
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| 44 45 | 393 397 | 273 | Notaries: to leave protokolla attached to papyri, etc. |
| :---: | :---: | :---: | :---: |
| 45 | 397 | 277 | Jews, Samaritans, heretics: not exempt from councillors' liturgies, but may testify against orthodox evading status as councillors |
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| 51 | 421 | 295 | Women on stage: not to be called on for either surety or oath of permanence |
| 52 | 425 | 297 | 1. No taking in distraint of person, property or money; 2. individual's gift to Sovereign not to require record |
| 53 | 429 | 299 | Summoner for appearance in court in outlying provinces to give surety for payment of judge's award. Recipient of writ to have 20 days to consider. One who fails to appear after giving bond under oath must pay plaintiff's whole costs, and argue case under subsequent surety. Conditions under which state appointments may be hypothecated. Persons married without dowry or pre-nuptial gift, if indigent, to inherit a quarter of estate from predeceased spouse, whether or not there are children |


| 54 | 437 | 306 | 1. Registered estate workers: constitution applicable only from date of promulgation. 2. Religious houses may exchange immovable possessions on execution of decretum |
| :---: | :---: | :---: | :---: |
| 55 | 441 | 308 | Church property: exchange and emphyteusis |
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| 68 | 495 | 347 | Succession to gains in childlessness to be brought into successions to gains on marriage, for facta executed later than this law; for those earlier, Leo's constitution to be in force |


| 69 | 497 | 349 | Governors of provinces to be obeyed in all proceedings; cases to be tried there, without exception for any privilege other than divine pragmatic directive |
| :---: | :---: | :---: | :---: |
| 70 | 503 | 355 | Councillors to be released from council on being honoured with prefecture only if receiving the actual office |
| 71 | 507 | 357 | Illustres to plead financial cases through representatives; also cases on iniuriae under criminal procedure. Those of Most Distinguished status may plead financial cases both in person and through procuratores |
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| 78 | 541 | 383 | Freedmen not to need the right to gold rings and free-birth status; matrimonial contracts automatically to legitimise marriage for freedwomen; on the making of a dowry, even a slavewoman also to be free, her marriage lawful and her offspring legitimate |
| 79 | 547 | 388 | Monks and nuns: before whom to be tried |
| 80 | 551 | 390 | Quaesitor |
| 81 | 559 | 397 | Sons to be released from authority of others by reason of high rank, and of episcopate |
| 82 | 563 | 400 | Judges; choice of them not to be accompanied by oath |



| 107 | 701 | 510 | Wills in children's favour |
| :---: | :---: | :---: | :---: |
| 108 | 705 | 513 | Restitution |
| 109 | 711 | 517 | Heretical women |
| 110 | 715 | 520 | Interest <on shipping loans> |
| 111 | 717 | 521 | Religious houses: abrogation of 100-year prescriptive period |
| 112 | 721 | 523 | Litigiosa; plaintiffs to give security before suing; when plaintiff cannot use privilege of not taking action against his will |
| 113 | 727 | 529 | Imperial orders not to delay hearing; this law to be included in initial proceedings |
| 114 | 731 | 533 | Imperial orders to be countersigned by quaestor |
| 115 | 733 | 534 | 1. Appeals, etc. to be tried under laws then in force <br> 2. 3-month maximum delay for party dissatisfied with pleas <br> 3. Reasonable grounds for ingratitude against children <br> 4. Reasonable grounds for ingratitude against parents <br> 5. No legal action to be taken against mourners for 9 days <br> 6. Precise wording of promises to pay |
| 116 | 747 | 549 | Soldiers |
| 117 | 751 | 551 | Dissolution of marriage: various heads |
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| 121 | 795 | 591 | Instalments of interest to count towards the double |
| 122 | 799 | 592 | Skilled workmen |
| 123 | 801 | 593 | Ecclesiastical matters: various heads |
| 124 | 829 | 625 | Litigants |
| 125 | 835 | 630 | Judges |
| 126 | 837 | 631 | Appeals |
| 127 | 841 | 633 | Nephews and nieces inheriting with ascendants, and other heads |


| 128 | 845 | 636 | Exaction and payment of taxes, and other heads |
| :---: | :---: | :---: | :---: |
| 129 | 859 | 647 | Samaritans |
| 130 | 863 | 650 | Troop-transit |
| 131 | 869 | 654 | Ecclesiastical canons and privileges |
| 132 | 879 | 665 | Faith |
| 133 | 881 | 666 | Monks, nuns and their life |
| 134 | 889 | 676 | Deputies; adulterous women, etc. |
| 135 | 903 | 690 | No bankrupt to be compelled to resort to surrender of property |
| 136 | 905 | 691 | Contracts with bankers |
| 137 | 913 | 695 | Ordination and appointment of bishops and clergy |
| 138 | 921 | 700 | Interest not to amount to more than double |
| 139 | 923 | 700 | Remission of penalty for certain unlawful marriages |
| 140 | 925 | 701 | Dissolution of marriage by consent enabled |
| 141 | 929 | 703 | Immorality |
| 142 | 933 | 705 | Castrators |
| 143 | 937 | 707 | Women raped; women who marry rapists |
| 144 | 941 | 709 | Samaritans |
| 145 | 945 | 711 | No dux or biocolytes of Lydia or Lycaonia to intervene between litigants in Phrygia or Pisidia; civil judges are competent |
| 146 | 949 | 714 | Hebrews |
| 147 | 953 | 718 | Arrears of tax up to indiction 7 to be remitted |
| 148 | 957 | 722 | Remission of tax-arrears |
| 149 | 961 | 723 | Provincial governors to be appointed, without charge, by local bishops, landowners and inhabitants, on surety. If they delay, no action to lie against governor over taxation |
| [150 | 967 | 725 | Same as 143; only minor changes] |
| 151 | 969 | 726 | Proceedings against councillor or provincial official must be with a sovereign command notified to prefects |


| 152 | 971 | 727 | Imperial commands on tax not to be valid without notification to praetorian prefects, and confirmation by them |
| :---: | :---: | :---: | :---: |
| 153 | 973 | 728 | Foundlings |
| 154 | 975 | 729 | Osrhoene: illicit marriages |
| 155 | 979 | 731 | Mothers to be liable for accounts for guardianship |
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| 159 | 991 | 736 | Substitute heirs to be limited to one degree |
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## EDICTS

[1 = Nov. 8 end
$2 \quad 1034$
31037
41039
$[5=$ Nov. 111]
$[6=$ Nov. 122 $]$
71043
$8 \quad 1051$
$9 \quad 1056$
$10 \quad 1065$
$11 \quad 1067$
$12 \quad 1073$
131076
APPENDIX
11105
$2 \quad 1107$
311091111
$4 \quad 1111$
$5 \quad 1113$

Adscripticii and coloni
796 Byzacium: privilege for synod
797 Byzacium: privilege for synod
797 No requisitioning
798 Silk
799 <Coloni who left under Vandals to remain free>
799 <Italy: various heads>:

1. Grants of Amalasuntha, Athalaric, Theodahad: confirmed
2. Grants of Totila: void
3. Loss of documents in captivity not to be prejudicial
4. <Restitution of property stolen in owner's absence>
5. No-one to hold another's property
6. Period of postliminium
7. Deeds not to be revoked as invalid
8. Property <to remain in possession as before>
9. Immunity from taxation
10. Tribute to be collected regularly
11. Laws to be published throughout provinces
12. Governors to be appointed locally, free of charge
13. Restitutio of property left behind by enemy
14. Restitution to be made to one who has had anything stolen
15. Marriages between slave and free during occupation
16. Slaves or coloni held by another
17. Virgins dedicated to God
18. Taxpayers not to be burdened as a result of purchases of produce
19. Measures and weights
20. Exchange of coinage
21. Compensation for things taken to be made, at the value
22. Annona for professionals
23. Civil cases to be judged under civil procedure
24. State exchanges to stand
25. Public works to be maintained from assigned taxes
26. Compulsory purchases to be made through traders
27. Those wishing to travel to emperor's presence not to be prevented suits of reclaim>

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