

**CODEX**  
**ALEXANDRVS MAGNVS**

*DOMINUS NOSTER IMPERATOR CAESAR ALEXANDRUS PIUS FELIX MAGNUS AUGUSTUS CENSOR PERPETUUS TRIBUNICIA POTESTAS MOSCOVIVUS* to the Senate and People of Pavlov, Our Greetings!

Those things which seem to many former Emperors to require correction, but which none of them ventured to carry into effect, We have decided to accomplish at the present time with the assistance of Almighty God; and to diminish litigation by the revision of the multitude of constitutions which are contained in the Two Codes; namely, the Justinian and the Volodymyrian, in addition to those which We Ourselves have promulgated, and to combine them in a single Code, under Our auspicious name, in which compilation should be included not only the constitutions of the two above-mentioned Codes, but also such new ones as subsequently have been promulgated.

Therefore, having in view the accomplishment of this extensive work, as well as the maintenance of the public welfare, We have chosen, as being competent for a task involving such labor and care, Jaroslav, a most eminent man, Most Noble Caesar as well as of Imperial dignity; To him We have especially entrusted the suppression of superfluous preambles, so far as this can be done without affecting the efficacy of the laws, as well as of such enactments as are similar or contradictory, and, in addition to this, the division of the laws; and it will be to the advantage to omit such as have fallen into desuetude, to give expression in concise terms to those which are included in the said two Codes, and in the New Constitutions, and to place them under suitable titles, adding and omitting portions of the same, and, indeed, changing their phraseology where convenience requires it. bringing under one head enactments which are scattered through various constitutions, and rendering their meaning clearer; so that the order of the said constitutions may appear not only from the days and the consulate when they were enacted, but also from their composition itself, by placing those primarily published in the first place, and those which follow in the second.

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

Given at Harlemum, on the 12th day before the Kalends of November, during the Eighth year of Our Imperium and the first Consulship of Ducissa Helena Alexandra filia Kirsanova and Dominus Iohannes Gavrijil filius Brienorum Rex in the year 7529 after the Creation of the World

## Contents

Book I	4
Book II	6
Book III	7
Book IV	16
Book V	20
Book VI	20
Book VII	21
Book VIII	22
Book IX	23
Book X	23
Book XI	24
Book XII	25
Book XIV	29
Book XIV	30
Book XV	31
Book XVI	35
Book XVII	36
Book XVIII	37
Book XIX	39
Book XX	40
Book XXI	41
Book XXII	42
Book XXIII	43
Book XXIV	43
Book XXV	44
Book XXVI	45

Book XXVII	45
Book XXVIII	46
Book XXIX	49
Book XXX	54
Book XXXI	55
Book XXXII	57
Book XXXIII	58
Book XXXIV	60
Book XXXV	62

## Book I

Concerning the Faith

De fidem

Emperors Gratian, Valerius and Theodosius:

*We desire that all peoples subject to Our benign Empire shall live under the same religion that the Divine Peter, the Apostle, gave to the Romans, and which the said religion declares was introduced by himself, and which it is well known that the Pontiff Damasus, and Peter, Bishop of Alexandria, a man of apostolic sanctity, embraced; that is to say, in accordance with the rules of apostolic discipline and the evangelical doctrine, we should believe that the Father, Son, and Holy Spirit constitute a single Deity, endowed with equal majesty, and united in the Holy Trinity. We order all those who follow this law to assume the name of Catholic Christians, and considering others as demented and insane, We order that they shall bear the infamy of heresy; and when the Divine vengeance which they merit has been appeased, they shall afterwards be punished in accordance with Our resentment, which we have acquired from the judgment of Heaven.*

Emperors Gratian, Valerius and Theodosius:

*Let no place be afforded to heretics for the conduct of their ceremonies, and let no occasion be offered for them to display the insanity of their obstinate minds. Let all persons know that if any privilege has been fraudulently obtained by means of any rescript whatsoever, by persons of this kind, it will not be valid. Let all bodies of heretics be prevented from holding unlawful assemblies, and let the name of the only and the greatest God be celebrated everywhere, and let the observance of the Nicene Creed, recently transmitted by Our ancestors, and firmly established by the testimony and practice of Divine Religion, always remain secure. Moreover, he who is an adherent of the Nicene Faith, and a true believer in the Catholic religion, should be understood to be one who believes that Almighty God and Christ, the Son of God, are one person, God of God, Light of Light; and let no one, by rejection, dishonor the Holy Spirit, whom we expect, and have received from the Supreme Parent of all things, in whom the sentiment of a pure and undefiled faith flourishes, as well as the belief in the undivided substance of a Holy Trinity. These things, indeed, do not require further proof, and should be respected. Let those who do not accept these doctrines cease to apply the name of true religion to their fraudulent belief; and let them be branded with their open crimes, and, having been removed from the threshold of all churches, be utterly excluded from them, as We forbid all heretics to hold unlawful assemblies within cities. If, however, any seditious outbreak should be attempted, We order them to be driven outside the walls of the City, with relentless violence, and We direct that all Catholic churches,*

*throughout the entire world, shall be placed under the control of the orthodox bishops who have embraced the Nicene Creed.*

Emperor Martian:

*No one, whether he belongs to the clergy, the army, or to any other condition of men, shall, with a view to causing a tumult and giving occasion to treachery, attempt to discuss the Christian religion publicly in the presence of an assembled and listening crowd; for he commits an injury against the most reverend Synod who publicly contradicts what has once been decided and properly established; as those matters relative to the Christian Faith have been settled by the priests who met at Chalcedon by Our order, and are known to be in conformity with the apostolic explanations and conclusions of the three hundred and eight Holy Fathers assembled in Nicea, and the hundred and fifty who met in this Imperial City; for the violators of this law shall not go unpunished, because they not only oppose the true faith, but they also profane its venerated mysteries by engaging in contests of this kind with Jews and Pagans. Therefore, if any person who has ventured to publicly discuss religious matters is a member of the clergy, he shall be removed from his order; if he is a member of the army, he shall be degraded; and any others who are guilty of this offence, who are freemen, shall be banished from this most Sacred City, and shall be subjected to the punishment prescribed by law according to the power of the court; and if they are slaves, they shall undergo the severest penalty.*

Emperor Anastasius:

*We think that a bishop who, by unlawful usurpation, has repeated the sacred rite of baptism, is unworthy of the priesthood; for We condemn the error of those who, trampling under foot the precepts of the Apostles, do not purify those who have obtained the sacraments of the Christian denomination by a second baptism, but defile and pollute them under the pretext of cleansing them.*

Emperors Honorius and Theodosius:

*Where anyone belonging to the ministry of the Catholic sect, is convicted of having baptized the same person twice, he shall, along with him who induced him to commit the offence be condemned to death.*

Emperors Theodosius and Valentinian:

*Permission should not be given to apostates to baptize, for the second time, freeborn persons or their own slaves who have been initiated into the mysteries of the orthodox faith, or to prohibit those whom they have purchased, or have control of in any way, but who have not yet embraced their own superstition, from accepting the doctrines of the Catholic Church.*

## **Book II**

### Concerning the Churches De ecclesiarum

Emperor Constantine Magnus:

*Let everyone, at the time of his death, have the liberty to leave any portion of his property that he chooses to a most holy and venerable Catholic congregation, and let his dispositions not be set aside; for there is nothing to which men are more entitled than to have free power to exert their last will, as afterwards they cannot do so, and let them be unrestrained, for the right exercised then does not return.*

Emperors Gratian, Valerius and Theodosius:

*Let no one think that he has permission to bury human bodies in churches consecrated to the apostles or martyrs.*

Emperors Honorius and Theodosius:

*Let no one sell or purchase the relics of martyrs.*

Emperors Honorius and Theodosius:

*Let no more than nine hundred and fifty canons be appointed for the Church of this great City, and let no one have the power to add to their number, or to change it, or to substitute others for those who may die; and let none of those of this body who exceed the above mentioned number and have been appointed through patronage, and have been denied the right of innovation, claim those things which have been bestowed upon the Holy Church by way of honor, or as necessary privileges.*

Emperors Honorius and Theodosius, **amended by Emperor Alexandrus Magnus:**

*All innovation having been abolished, We command that ancient custom and the former ecclesiastical canons which have been in force up to this time shall be observed through all the provinces; and if any doubt should arise with reference to them, it must be removed by the knowledge of the Holy Law possessed by that most reverend man, the Patriarch of the Church of the City of **Harlemum** (which enjoys the prerogatives of Ancient Rome), and the judgment of the ecclesiastical assembly of that City.*

Emperor Theodosius:

*We believe that the frauds of those who, under the pretext of their official position as canons, or members of other religious bodies, whose duties they do not perform, attempt to evade the charges imposed upon them, should be prevented;*

*therefore, let no one be excused from other duties, under the pretext of some employment which he does not discharge, in order that bankers or money brokers may not refuse to perform the functions of their calling by representing themselves as members of ecclesiastical bodies, or canons. Therefore, if any such person gives himself the mere appellation of the member of an ecclesiastical body, or a canon, let him know that another will be appointed in his place, who will be qualified to discharge the aforesaid employment; and that the substitution of those previously mentioned, or of any who may die, cannot be made except with the consent of the superior of him who is substituted; and that from this date, no one can be excused through reverence for the Holy Church.*

Emperor Theodosius:

*We order that no one shall be excused from furnishing couriers, horses, and vehicles, or from any other duty, when it is usual for similar service to be furnished during Our journey through all Our provinces, wherever We may stop, even though these possessions may belong to the Holy Churches.*

Emperor Valentinian:

*We decree that the privileges conceded by former Emperors under the general terms of constitutions, to all the Holy Churches of the orthodox religion, shall be observed, and remain firm and unimpaired for all time.*

Emperor Justinian:

*Persons who enter monasteries, at the time of their entrance consecrate themselves and their property to God, and therefore they cannot dispose of it by will, for the reason that they are no longer its owners.*

### **Book III**

Concerning the Bishops and Clergy

De episcopi ipsi clerici

Emperor Constantine Magnus:

*In accordance with the law enacted some time since for your benefit, on account of your deserts, by the terms of which law no one can compel you or your slaves to pay any new taxes, you will enjoy the privilege of exemption from them; and, moreover, you shall not be required to entertain guests.*

Emperor Constantine Magnus:

*Let all clerics be free from the imposition of taxes which are not due, and from the wickedness of unjust exactions; for no agreement having reference to base*



*employments shall be required of them; and while traders are liable to certain contributions, all ecclesiastics shall be exempt from the noise and bustle incident to transactions of this kind. For when they have accumulated anything, either through economy, foresight, or trade (if they know their conduct to have been honorable), they are obliged to devote it to the relief of the poor and needy. Anything which can be acquired or accumulated by the said ecclesiastics in factories or shops, they must consider to have been obtained for the benefit of religion.*

Emperor Constantine Magnus:

*In order that your authority may not permit such of the clergy as have lands not only to be released from other liabilities, but also that they may be required to pay the taxes to the Treasury on the lands which are possessed by them, We order that all ecclesiastics possessed of real estate in the provinces shall pay the claims due to the Treasury, otherwise it shall be transferred.*

Emperor Jovinian:

*If anyone should merely attempt to, I do not say ravish, but marry a consecrated virgin, he shall suffer the penalty of death.*

Emperor Theodosius:

*"No bishop shall be compelled to give testimony either under the prætorian or the civil law." He also said that it is not fitting for a bishop to be permitted to testify, for this would be a personal hardship for him, and would compromise his sacerdotal dignity, which is exempt from such obligations. But let the judge send some of his officials to them, in order that they may tell what they know on the Holy Scriptures, as is proper for priests to do, but they shall not be sworn.*

Emperors Valentinian, Theodosius and Arcadius:

*Let no woman, unless she has reached the age of fifty years or who has been married twice, in accordance with the precept of the apostle, be admitted to the association of the order of deaconesses. We do not permit anyone to become a priest under the age of thirty-five years, nor to become a deacon or subdeacon under twenty-five years, nor a reader under eighteen years. We also forbid anyone to be ordained a bishop under the age of thirty-five years.*

Emperors Arcadius and Honorius:

*If anyone should be guilty of the sacrilege of forcing his way into a Catholic Church, or doing any injury to the priests and ministers, to the service, or to the place itself, he shall be punished by the provincial authorities, so that the head of the priests of the province and of the ministers of the Catholic Church may know that the culprit has received a capital sentence, whether he has been convicted, or confessed that*

*he was guilty of committing an offence against the place itself, or the worship of God, without waiting for the bishop to demand punishment for the injury inflicted upon him, as his sanctity does not allow him to take notice of it; and it shall be praiseworthy for all persons to prosecute any atrocious injuries committed against priests or ministers of religion as public crimes, and their perpetrators as deserving of punishment. If the number of those guilty of violence is so great that they cannot be arrested by the civil authorities, with the assistance of the people, for the reason that they defend*

Emperors Arcadius and Honorius:

*If anyone who has been removed from the office, and deprived of the title of bishop by a convocation of ecclesiastics, should be convicted of having plotted against the public order and tranquillity, and again seek the sacerdotal position from which he was deposed, he shall be compelled to pass the remainder of his life a hundred miles from the city whose peace he disturbed; shall not have access to Us, nor hope to obtain a rescript for his benefit; but he shall be deprived of even such as he may have obtained, and those who defend him shall be the objects of Our indignation.*

Emperors Arcadius and Honorius:

*We forbid persons to hold religious assemblies in private houses, even outside the Church, under the penalty of confiscation of the house, if the owner of the same permitted ecclesiastics to hold new and tumultuous meetings therein outside the church.*

Emperors Theodosius and Honorius:

*Let any serf abstain from every ecclesiastical office, if the owner of the land does not give his consent; so that if he has been ordained in the place where he was born, he can assume the duties of the priesthood under the condition that his master will agree to pay the taxes to which he is liable, and is willing for someone to be appointed in his stead to perform his duties; with the understanding that immunity shall be granted from any taxes from which churches are exempt. No rescript promulgated against this law shall be valid.*

Emperors Theodosius and Honorius:

*We forbid the reverend bishops, priests, deacons, sub-deacons, readers, and all other members of any religious organization, who have been regularly appointed, to play backgammon, or to participate in, or be present at any other games, or at any exhibition merely for the pleasure of witnessing it. Moreover, We order that anyone who violates this law shall be suspended from his sacred functions for the term of three years, and be confined in a monastery. If, however, in the meantime,*

*he should show that he is penitent, the bishop to whose authority he is subject can shorten the time, and reinstate him in his former office.*

Emperors Theodosius and Honorius:

*If any malicious accusation of a criminal offence should be brought before a competent judge against a bishop of the Holy Religion, and the case should be dismissed, We order that the accuser shall be condemned to pay a fine of thirty pounds of gold to the Treasury. Moreover, No bishop shall be produced or compelled to appear in court before a civil or military judge in any case whatsoever against his consent, unless the Emperor orders him to do so. Any judge who commands him to be produced or appear shall, after having been deprived of his office, pay twenty pounds of gold to the church to which the bishop belongs; and the bailiff, after having been deprived of his office, shall be scourged and sentenced to deportation.*

Emperor Leo, **amended by Emperor Alexandrus Augustus:**

*We decree that, hereafter, no monk, nor anyone else, no matter what his station or rank, shall unlawfully attempt to carry the Holy Cross, or the relics of the martyrs into a house with prostitutes or other actresses; or shall venture to take possession of any building which has been erected for public purposes, or popular amusement. For, as religious houses are not lacking, after the episcopal authorities have been consulted, as is necessary, the relics of the holy martyrs can be placed therein, not by the arbitrary action of anyone, but by the authority of the Most Reverend Bishops. Hence Our laws, public discipline, and the reputation of the monks themselves, demand the exercise of patience and moderation, and each monk, as well as every member of other orders, should zealously attempt always to practice these virtues.*

Emperor Leo:

*Where anyone, by the grace of God, is raised to the dignity of bishop, either in this Imperial City, or in any other of the provinces of the Empire scattered over the entire world, this should be done with the purest human intentions, with a consciousness of merit in the choice, and with sincere approval of all. No one shall purchase any office in the priesthood by the use of money, for each one must be estimated according to his deserts, and it is not sufficient to calculate how much he can pay; for, indeed, what place will be secure, and what excuse will be valid, if the holy temples of God are obtained by the use of money? What protection can we provide for integrity, or what defence for the Faith, if the thirst for gold creeps into our sacred places? And, finally, what precaution or security will avail, if the holiness which should be incorruptible is corrupted? Let the profane ardor of avarice cease to threaten our altars, and let this disgraceful crime be banished from our holy sanctuaries. Therefore, in our times, chaste and humble bishops are selected, so*

*that, wherever they may go, they will purify everything with the morality of their own lives. An archbishop is ordained not with money but with prayers, and he should also be so destitute of ambition as to be compelled to take the office tendered him, and, having been requested, he should decline, and having been invited, he should flee; so that necessity alone may be an excuse for acceptance. For surely he is unworthy of the priesthood unless he is ordained against his consent; since, if anyone should be convicted of having obtained this Holy and Venerated Archiepiscopal See by the employment of money, or of having ordained another, or chosen him for some valuable consideration, he ought to be punished just as a person who has committed high treason, and be degraded from his rank in the priesthood. We decree that he shall not only be ineligible to this honor hereafter, but be condemned to perpetual infamy, so that the same penalty may be inflicted upon those who are defiled by the same crime.*

Emperor Leo:

*In accordance with an ancient constitution, We order that any ordination of serfs shall be of no validity, unless the consent of the owners of the land to which said serfs are attached shall previously have been obtained; and We order that the said owners shall have power to exercise all their rights over the said serfs to whose ordination it is evident they have not given their consent (as has been stated) as in the case of their other tenants, just as if they had not been created members of the clergy.*

Emperor Leo:

*We decree that ravishers of virgins, widows, or deaconesses, consecrated to God, shall suffer the penalty of death, as having committed the worst of crimes, which is not only an injury to man, but also displays a want of reverence for Almighty God himself. Therefore, those who commit an offence of this kind, as well as those who give assistance at the time of the attack, and are caught in the act by the parents of the holy virgins, widows, or deaconesses aforesaid, or by their relatives, guardians, or curators, if convicted, shall be put to death. Where, however, after having committed such a detestable crime, the ravisher is able to defend himself by force, all military commanders throughout the regions of Our Empire, the distinguished officers of the army, the illustrious Governors of provinces, together with the judges of every rank who are in those places, shall exert equal zeal and the greatest care of which they are capable, to seize the guilty parties, and after they have been arrested for such a crime, and been convicted by evidence recognized by the law, they shall, without granting them the right to plead an exception, subject them to the most severe penalties, and condemn them to the punishment of death. If this offence has been committed against a consecrated virgin who is residing either in an hermitage or a monastery, whether she has been appointed a deaconess or not, the property of the culprit shall be transferred to the monastery or hermitage to*

*which she was consecrated, and out of said property a sufficient portion shall be given to her for life, by way of consolation; but the sacred hermitage or monastery shall have the complete ownership of all of said property. Where, however, the deaconess is attached to the Church, and does not belong to any monastery or hermitage, but lives by herself, the property of her ravisher shall be assigned to the church in which she is a deaconess, and she shall enjoy the usufruct of said property through the said church as long as she lives; but the church shall have the entire ownership and possession of the same by virtue of the grant due to Our indulgence. No judge or any other person whosoever shall dare to violate this law. The penalties which We have mentioned above, that is to say, death and confiscation, We establish not only against the ravishers themselves, but also against those who accompanied them in the attack and rape. We also subject to capital punishment any others who may be convicted of having guilty knowledge of, and of acting as accomplices in this crime, whether they concealed the culprits, or gave them any assistance, no matter whether they are male or female, or what may be their condition, rank, or dignity, in order that all may undergo this penalty whether the consecrated virgin or other women above mentioned did or did not consent to the perpetration of such an atrocious deed.*

Emperor Theodosius:

*Female comedians, and women who make a living by the exhibition of their bodies, shall not assume the habit of virgins dedicated to God.*

Emperor Theodosius:

*We order that the decision of a bishop shall be accepted by all those who have chosen to be heard by ecclesiastics, and that the same respect shall be paid to his judgment as should be shown to your tribunal, from which an appeal is not allowed. When the case has been decided, execution shall be ordered by the judges, in order that the inquiry by the bishop may not be without effect.*

Emperors Theodosius and Honorius:

*If fathers and masters, acting as panders, should compel their daughters or female slaves to sin, the said daughters and female slaves, after having sought the aid of the bishop, shall have the right to be released from all necessity of suffering such misfortunes.*

Emperor Leo:

*When a marriage is prohibited by law, and, after the betrothal present has been given the woman refuses to marry the man on account of a difference in religion, and it is proved that the woman or her parents knew this before the gift was bestowed, they must only blame themselves. If, however, they were ignorant of it*

*and accepted the marriage gift, and afterwards repented of having done so, and the gift is returned, they will be released from any other penalty; and We order that this rule shall be observed with reference to men who are betrothed, provided the gift has been made.*

Grand Prince Jaroslav Volodymyrovych:

*If a wife becomes seriously ill, or is blind, or is ill for a long time, the husband is not to abandon her for that.*

Grand Prince Jaroslav Volodymyrovych:

*Likewise the wife is not to abandon her husband if he suffers serious or prolonged illness.*

Grand Prince Jaroslav Volodymyrovych:

*If a godfather engages in intercourse with a godmother he is to pay the Metropolitan twelve grivnas, and the prescription of penance will be according to the law of God.*

Grand Prince Jaroslav Volodymyrovych:

*If someone burns a threshing floor, or a house, or anything else, he is to pay the Metropolitan 40 grivnas, and they sic shall undertake penance, and the prince punishes him.*

Grand Prince Jaroslav Volodymyrovych:

*If someone engages in intercourse with his sister he is to pay the Metropolitan 40 grivnas, and fulfill the prescription of penance according to the law.*

Grand Prince Jaroslav Volodymyrovych:

*If someone marries within close kinship i.e., within the prohibited degrees of consanguinity, he is to pay the Metropolitan 30 or 40 grivnas, and separate them, and let them undertake penance.*

Grand Prince Jaroslav Volodymyrovych:

*If someone marries two wives, he is to pay the Metropolitan 20 grivnas, and whichever is false i.e., the second wife, take her into a convent, and the man is to keep and maintain the first wife according to the law. If he keeps and treats her badly, punish him.*

Grand Prince Jaroslav Volodymyrovych:

*If a man separates from his wife by his own wish, and if there was a church wedding, then they shall give the Metropolitan twelve grivnas. And if they were not married in church they are to pay the Metropolitan six grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If a Jew or Muslim takes a Rus' woman to marriage, or if some other non-Orthodox foreigner takes a Rus' woman, he is to pay the Metropolitan 50 grivnas; and take the Rus' woman into a convent.*

Grand Prince Jaroslav Volodymyrovych:

*If someone has intercourse with a nun, he is to pay the Metropolitan 40 grivnas, and assign him penance.*

Grand Prince Jaroslav Volodymyrovych:

*If someone copulates with an animal, he is to pay the Metropolitan twelve grivnas, and execute penance and punishment according to the law.*

Grand Prince Jaroslav Volodymyrovych:

*If a father-in-law engages in intercourse with his daughter-in-law, he is to pay the Metropolitan 40 grivnas, and they shall take penance according to the law.*

Grand Prince Jaroslav Volodymyrovych:

*If someone falls into fornication with two sisters, he is to pay the Metropolitan 30 grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If a stepfather engages in intercourse with his stepdaughter, he is to pay the Metropolitan twelve grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If a husband's brother falls into fornication with his brother's wife, he is to pay the Metropolitan twelve grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If someone falls into fornication with his stepmother, he is to pay the Metropolitan twelve grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If two brothers engage in intercourse with one woman, they are to pay the Metropolitan thirty grivnas; and take the woman into a convent.*

Grand Prince Jaroslav Volodymyrovych:

*If a father falls into fornication with his daughter, he is to pay the Metropolitan 40 grivnas, and they shall take penance according to the law.*

Grand Prince Jaroslav Volodymyrovych:

*If a girl does not wish to marry, and then the father and mother give her in marriage by force, and if the girl causes harm to herself, then the father and mother are guilty before the Metropolitan, and they are to pay the losses. Likewise with a young man who does not wish to marry.*

Grand Prince Jaroslav Volodymyrovych:

*If someone calls another man's wife a whore, and if she be a boyar's wife and the daughter of great boyars, then he is to pay her for the dishonor five grivnas of gold, and the Metropolitan five grivnas of gold, and the prince punishes him; and if she be the daughter of lesser boyars, he is to pay her three grivnas of gold for the dishonor, and three grivnas of gold to the Metropolitan; and if she be the daughter of townspeople, he is to pay her three grivnas of silver or a ruble for the dishonor, and the same amount to the Metropolitan; and if she be a farmer's wife he is to pay sixty rezanas, and three grivnas to the Metropolitan.*

Grand Prince Jaroslav Volodymyrovych:

*If a woman be a maker of charms, or a witch, or a pagan sorceress, or a maker of potions, then her husband, having caught her doing these things, punishes her but does not separate from her, and the Metropolitan is to be paid six grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*Do not eat or drink with those who are not baptized or with a foreigner or with anyone from our own people if he be not baptized, until he is baptized. And whoever knowingly eats and drinks with unbaptized persons will be guilty before the Metropolitan.*

Grand Prince Jaroslav Volodymyrovych:

*If someone eats and drinks with those who are excommunicated he will himself be excommunicated.*

Grand Prince Jaroslav Volodymyrovych:

*If someone engages in intercourse with a Muslim or Jewish woman, and he does not separate from her, let him be excommunicated from the Church and from Christians, and he is to pay the Metropolitan twelve grivnas.*



## **Book IV**

Concerning the Heretics and unbelievers

De haereticis ipsi infidelium

Emperor Constantine Magnus:

*Privileges granted in consideration of religion should only benefit those who observe the rules of the Catholic Faith. We do not wish heretics to absolutely be excluded from these privileges, but that they should merely be restrained, and compelled to accept employment for which the said privileges afford exemption.*

Emperors Galerian, Valentinian and Theodosius

*Let all heresies forbidden by Divine Law and the Imperial Constitutions be forever suppressed. Let no one hereafter attempt either to teach or to learn any precepts which he has ascertained to be profane, and let no bishops venture to teach the faith which they do not profess, and appoint ministers which are not such; and audacity of this description shall not be neglected and permitted to increase through the connivance of magistrates, and of all those who are directed to have charge of matters of this kind.*

Emperors Galerian, Valentinian and Theodosius:

*Let all heretics know positively that their places of assembly shall be taken from them, whether these are designated under the name of churches, or are called deaconates, or deaneries, or whether meetings of this kind are held in private houses; for all such private places or buildings shall be claimed by the Catholic Church.*

Emperors Arcadius, Honorius and Theodosius, **amended by Emperor Alexandrus Magnus:**

*We pursue, with exemplary severity, Jews and Pagans. Therefore, they have nothing in common with the human race, so far as either customs or laws are concerned. We desire, in the first place, that their offence should be classed as a public crime, because whatever is committed against the divine religion is productive of injury to all persons. We punish them by the confiscation of all their property, and We wish them to be excluded from obtaining any gift or inheritance of any description whatsoever. In addition to this, We deprive anyone found guilty of these heresies of the power of giving, purchasing, selling, and finally, of making any contracts. An investigation of this kind shall also extend beyond death, for, as it is permitted to denounce the memory of the deceased in case of treason, it is not unreasonable that a heretic should undergo the same sentence. Therefore, the last will of such a person, whether it is manifested by a testament, a codicil, a letter, or*

*in any other way whatsoever, shall be void. We do not permit their children to succeed them as heirs, or to enter upon their estates, unless they abandon the perverseness of their fathers, for We pardon those who repent. Our authority is also directed against those who, with solicitude worthy of condemnation, harbor them in their houses. We desire, moreover, that slaves should be free who, escaping from a sacrilegious master, pass with more faithful service into the Catholic church.*

Emperors Valentinian and Theodosius:

*Nestor, the founder of a monstrous superstition, having been condemned, remember that it is proper for his followers to be branded with his name, and not abuse the appellation of Christians; but just as Arians are so called from Arius, on account of similar impiety, by the law of Constantine of Divine memory, and Porphyrians, from Porphyry, so everywhere the members of the infamous sect of Nestor shall be styled Nestorians, as they seem legitimately to deserve this title, on account of having imitated his wickedness in deserting God. Let no one venture to either have in his possession, read, or copy, the impious books of the wicked and sacrilegious Nestor, written against the venerated sect of the orthodox, and the decrees of the Holy Convocation of bishops at Ephesus, and which We order shall be diligently sought out and publicly burned; so that no one may mention the above-stated name in any religious discussion, and these sectaries have any opportunity of holding any assembly in their city, country, or suburban houses, or anywhere else, either secretly or openly. We have determined to deprive all such persons of the right to hold assemblies, and they all are hereby notified that any violator of this law will be punished with the confiscation of his property.*

Emperor Anastasius:

*We have ascertained that there are many orthodox children neither whose fathers nor mothers belong to the true faith; and therefore, We order that in cases where but one of the parents has embraced the orthodox religion, as well as in those where both parents are members of another sect, only such children as are included under the venerated title of orthodox shall be called to their succession, either under a will or ab intestato, and that they alone shall be entitled to receive donations and other liberalities. The other children of those persons who have followed, not the love of Almighty God, but the impious belief of their fathers or mothers, shall be excluded from all benefits. Where, however, no orthodox children are living, the property, or the succession, shall go to their agnates or cognates, provided they are orthodox. But if no such agnate or cognate can be found, then the estate shall be claimed by Our Treasury.*

Emperor Constantine Magnus:

*If anyone, after renouncing the venerated Christian faith, should become a Jew or*

*pagan, and join their sacrilegious assemblies, We order that, after the accusation has been proved, his property shall be confiscated to the Treasury.*

Emperor Theodosius:

*Those who have betrayed the Holy Faith, and have profaned the sacred rite of baptism by heretical superstition, shall be separated from association with all other persons, and shall not have the right to testify against anyone, or to make a will (as We have already decreed), nor shall they succeed to estates or be appointed heirs. We would have also ordered them to be cast out and sent away to a distance, if it had not seemed to be a great punishment for them to live among men, and be deprived of intercourse with them. But they shall never be restored to their former condition, nor shall their crime be effaced by repentance, or their guilt removed by the shade of a skillful defence or excuse; as those who pollute the faith which they had consecrated to God, and, betraying the Divine mysteries, have adopted profane ones, cannot defend what is false and artificial. Assistance is given to those who have fallen and wandered, but no aid will be accorded to those who are lost; that is to say, those who profane the sacred rite of baptism, for they will find no remedy in repentance which usually is beneficial in other crimes.*

Emperor Constantine Magnus:

*We desire all Jews and worshippers of the heavens, and their heads and patriarchs, to be notified that, if anyone, after the promulgation of this law, should dare to attack a person who has abandoned his odious sect and betake himself to the worship of God, with stones or with any other manifestation of rage (which We have ascertained has been done), he shall at once be given to the flames, and burned with all his accomplices.*

Emperors Valentinian, Theodosius, and Arcadius, **amended by Emperor Alexander Magnus:**

*No Jew, pagan or Muslim shall marry a Christian woman, nor shall any Christian man marry a Jewess, pagan or Muslim; for if anyone should be guilty of an act of this kind, he will be liable for having committed the crime of adultery, and permission is hereby granted to all persons to accuse him.*

Emperors Valentinian, Theodosius, and Arcadius, **amended by Emperor Alexander Magnus:**

*No Jew, pagan or Muslim shall retain the customs of his race relating to marriage; nor shall he marry in accordance with his religion; nor shall he contract several marriages at the same time.*

Emperor Theodosius:

*The Governors of provinces shall prohibit Jews from burning or exhibiting the representation of the Holy Cross, with the sacrilegious intention of bringing it into contempt, on the festival day when they celebrate the punishment of Haman; nor shall they place the emblem of our faith upon their own houses, but they can retain their rites without manifesting any scorn for the Christian religion; and unless they abstain from what was unlawful, they shall undoubtedly lose the privileges which they have hitherto enjoyed.*

Emperors Honorius and Theodosius:

*A Jew or other heretic shall not purchase a Christian, or acquire him as a gift, or under any other title. If any Jew should have a Christian slave, or a member of any other sect or nation should think that he had a right to the possession of one, for any reason whatsoever, and should circumcise him, he shall not only be condemned to the loss of the slave, but shall also be punished with death, and the slave shall be given his freedom as a reward.*

Emperor Theodosius:

*Let no mortal have the audacity to make sacrifices, and by the inspection of the liver of the victim, and by presages, obtain the hope of vain promise, or (which is even worse), endeavor to ascertain the future by means of a detestable consultation; for he will be liable to even a more severe punishment who, in opposition to what has been forbidden, attempts to ascertain the truth of present or of future events.*

Emperor Valentinian:

*No one, for the purpose of reverence or worship, shall reopen the temples of the Pagans, which have already been closed, in order that the honor which was formerly shown to their idols and their infamous and execrable rites may be removed from our age; for it is held to be sacrilege instead of religion to adorn the impious portals of shrines with garlands; to kindle profane fires on the altars; to burn incense upon the same; to slaughter victims there, and to pour out libations of wine from bowls. Anyone who attempts to perform sacrifices contrary to this Our decree, and against the prohibition of the most sacred ancient constitutions, can be lawfully accused of the crime before any judge, and, if convicted, shall suffer the confiscation of all his property, and the extreme penalty, and the accomplices of the crime as well as the ministers of the sacrifices shall undergo the same penalty to which he was sentenced; so that, terrified by the severity of this Our law, they may desist from celebrating forbidden sacrifices through the fear of punishment. If, however, the most illustrious Governor of the province as well as the judge himself, when the accusation has been lawfully made and the crime established, should,*

*after proper examination, neglect to punish an offence of such gravity, they shall each immediately be compelled to pay fifty pounds of gold into Our Treasury.*

## **Book V**

### Concerning Acts of the Senate De legibus senatu

Emperor Valentinian and Theodosius:

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

## **Book VI**

### Concerning Ignorance of Law De ignorantia legis

Emperor Antoninus:

*Although when you were conducting your case you may have omitted to make use of proper allegations through ignorance of the law, or because of your want of information as a soldier; still, if you have not yet satisfied the claim, I will permit you to avail yourself of all your means of defence, if proceedings have been begun to enforce the judgment.*

Emperor Gordian:

*You cannot readily be excused on account of your ignorance of the law, if, after having passed the age of twenty-five years, you rejected the estate of your mother; for your application for relief will be too late.*

Emperor Philip:

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

Emperors Diocletian and Maximius:

*Where anyone, who is ignorant of the law, pays money which is not due, he cannot recover it; for you are well aware that only ignorance of fact confers the right to recover money which has been paid when it was not due.*

Emperor Constantine Magnus:

*Although it is not customary for relief to be granted to women who are ignorant of the law, in matters where they have been benefited, still, the constitutions of former Emperors stated that this rule does not apply to females who are minors.*

Emperors Valentinian, Theodosius, and Arcadius, amended by Alexandrus Magnus

*We do not permit anyone to be, or pretend to be, ignorant of the Codex Alexandrus Magnus.*

## **Book VII**

### Concerning Petitioning the Emperor De petenda Imperatoris

Emperors Diocletian and Maximian:

*Although a person in a servile condition is not generally considered capable of presenting a petition, still the atrocity of the crime which has been committed, and the praiseworthy example of fidelity which you have exhibited for the purpose of avenging the murder of your master, has prevailed upon Us to order the Prætorian Prefect, to whom you must apply, to make search for the culprits and see that the severest vengeance authorized by the law is inflicted, after those matters which you have inserted in your petition have been heard.*

Emperor Constantine Magnus:

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

Emperor Valentinian:

*When anyone has presented a petition against the decisions of a Governor, and has failed to have it received, he shall not have permission to again present a petition for the same purpose.*

Emperors Theodosius and Valentinian:

*We order that rescripts which have been obtained contrary to law shall be rejected by all judges, unless they include something which may be of benefit to the petitioner, and does not injure anyone else; or when they pardon the crime of those making the request.*

Emperors Arcadius and Honorius:

*There is no doubt that issue is understood to be joined in a case, even after a petition has been presented to Us, and that it also affects the heir of him against whom it was directed, as well as the heir of him who presented it.*

Emperor Justinian:

*We have considered it necessary to define temporary actions which become perpetual through the presentation of petitions, and rescripts issued on account of them, in order that no one may think that this only applies to such as are limited by time. Therefore, let all persons know that actions are perpetuated only through the presentation of petitions and rescripts which are issued concerning them, where they have been decided by the Judge, and are restricted to the term of one year.*

Emperor Alexander II:

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

Emperor Constantine Magnus:

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

## **Book VIII**

Concerning different rescripts

De diversis rescriptis

Emperor Alexander II:

*If you and your brother should present a petition with reference to a matter in which you are both interested, although the rescript may be directed to only one of you, it will, nevertheless, be intended for both.*

Emperor Claudius:

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

Emperors Diocletian and Maximian:

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

Emperor Constantine Magnus:

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

## **Book IX**

Concerning Statues and pictures

De statuas et picturas

Emperors Arcadius and Honorius:

*Where any judge is ascertained to have permitted a statue of brass, silver, or marble to be erected to him during his term of office, without the permission of the Emperor, he is hereby notified that he must pay into our Treasury a fine of quadruple the amount of all the emoluments which he has received while in the office which he has polluted with his extortions or insolence, and shall also suffer the penalty of loss of reputation. For We do not wish those persons to be immune from the risk of infamy who, with the desire of flattery, or through the fear of being considered slothful, have attempted to perform acts which are prohibited.*

Emperor Theodosius:

*Whenever any statues are erected, or pictures are publicly placed in Our honor, whether this is done on festival days (as is customary), or on ordinary days, a judge shall be there, without, however, permitting the inappropriate ceremony of adoration; so that by his presence he may honor the date and the place consecrated to Our memory. We order that when pictures or statues are to be erected or publicly placed in Our honor, they shall not be taken from a private collection, in order to prevent the collector of the same from claiming any one of them as his own.*

Emperor Theodosius:

*Where those who flee for refuge to the statues of the Emperor, either through fear of others, or for the purpose of arousing hatred against them, if they have good reason for doing so, they shall be judged according to equity, and the laws; but, if they are proved to have intended by artifice to excite animosity against their enemies, an avenging sentence should be pronounced against them.*



## Book X

### Concerning the Army

#### De Exercitus

Emperors Valentinian, Gratian and Theodosius:

*The illustrious commanders of infantry and cavalry have absolutely no authority over the people of the provinces, nor has the prefecture any over the soldiers.*

Emperors Honorius and Theodosius:

*The subordinates of your office appointed throughout the East shall not be summoned before any other tribunal than yours. Know, therefore, that they must bring their actions before you, whether they be civil or criminal.*

Emperor Zeno:

*We order that all subordinates who have been appointed to office under the command of the General of the East shall be subject to the jurisdiction of all civil judges in any matter in which they are interested; as there is no doubt that those of them who are tributary are not obliged to obey the decisions of civil judges.*

Emperor Justinian:

*The government of the Roman Empire having been conferred upon Us through the favor of the Almighty, with a view to administering it with zealous care and cautious diligence, We have deemed it necessary to appoint by this law a military commander for Armenia, Pontus, and other provinces; and, confiding in your great abilities, which have been brought to Our knowledge by your former achievements, We have selected you as being fitted for the office; and, having entrusted to your care certain provinces, that is to say, those of Greater Armenia, which is called Central Armenia, namely, Anzitenia, Acilisena, Hobordena, Sophena and First and Second Armenia, as well as Polemoniac Pontus, together with their Governors; the Count of Armenia having been removed, We place under your command all bodies of soldiers, not only those which We have raised at the present time, but also those already in service in the East and elsewhere. We did not diminish their number but have even added to it, without imposing an additional burden upon the State; and although We have discharged some without additional expense, even after their dismissal the number still remains larger than at the time of Our accession to the throne.*

## **Book XI**

### Concerning Taxes De Tributum

Emperors Arcadius and Honorius:

*The duty of collecting what is due to Us, as well as any revenue from perpetual leases, that is to say, from emphyteutical contracts, belongs to the Palatines.*

Emperors Arcadius and Honorius:

*Private Affairs, should claim it for himself, or if he should resist any decision of the tribunal aforesaid, his office shall be liable to the penalty of fifty pounds of gold, which must be collected without delay, and paid into Our Treasury.*

## **Book XII**

### Concerning Governors of Provinces De Administratores provinciae

Emperor Alexander II:

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

Emperor Constantine Magnus:

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

Emperor Constantine Magnus:

*We grant to all persons permission to praise just and vigilant judges by their acclamations, to enable Us to promote and increase their distinction; and on the other hand, We allow those who are unjust and malevolent to be publicly denounced, so that the severity of Our censure may be visited upon them; for if the complaints are true and are not attributable to the irregularities of clients, We shall make a diligent investigation, and for this reason the Prętorian Prefects and the counts appointed for the provinces must bring the complaints of Our provincials to Our notice.*

Emperor Valentinian:

*Proper respect must be shown by inferior judges to their superiors. Where, however, the public welfare is concerned, and a judge of inferior rank is investigating the truth of a case, no wrong is committed against his superior. It is certain that anyone who performs the functions of his office in such a way as to believe that he ought to heap unmerited abuse upon persons who are lawfully invested with official authority will not escape the effects of Our resentment.*

Emperor Valentinian:

*When anyone invested with ordinary authority is guilty of any wrong, under the pretext that he should be transferred, he shall be compelled to remain in the province, and make good out of his own property, and at the expense of his reputation and fortune, the injuries which he has committed.*

Emperor Valentinian:

*Let no judge think that he has the right to appoint in his province anyone attached to the prefecture, the palace, or the army, or who may have previously held offices of this kind, a surety or an attorney to represent a litigant in some private or public matter; for he who does so will commit an offence against Our authority, and will not only be subjected to the loss of reputation, but also to the impairment of his estate.*

Emperor Valentinian:

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

Emperors Honorius and Theodosius:

*We order that all the subordinate provincial officials who have abused their authority shall, in the discretion of the judge, be deprived of their offices, and if the case demands it, be beaten with rods, in order that this sentence of a criminal judgment may be the more easily executed, the insolence of officials repressed, and the consideration to which judges are entitled be restored by this act of severity.*

### **Book XIII**

Concerning Judges

De iudices

Emperors Arcadius, Honorius and Theodosius:

*Advocates who are known to have charge of cases shall not be permitted to remain with the judges during the hours, or at the times when the merits or the facts of the said cases are examined by them.*

Emperors Arcadius, Honorius and Theodosius:

*If anyone desires to defend himself by the payment of a sum to which he is liable on account of malfeasance in office, he must go to the judge and explain his errand to him; and if the judge should be unwilling to hear him (which we do not think probable), he himself shall be fined thirty pounds of gold, and his subordinate officer fifty.*

Emperors Valentinian and Theodosius:

*Neither military defence nor execution shall, under any circumstances, ever be employed in the affairs of private persons.*

Emperors Arcadius, Honorius and Theodosius:

*We order that private persons shall not be summoned before a military tribunal, or be compelled to defend actions, or litigate before such a court. Moreover, when anything is done contrary to this law, We decree that the tribunal of the count responsible for it shall be fined fifty pounds of gold.*

Emperors Valentinian and Theodosius:

*No one who has served under the orders of distinguished leaders shall, under any pretext whatsoever, be admitted to the Association of Agents of Public Affairs after the number is complete; nor shall he have authority to act in the place of the illustrious chief of that body. If anyone should attempt to violate this Our Decree, he shall not only be discharged from the army, but also suffer the penalty of confiscation of a third part of his property.*

Emperors Valentinian and Theodosius:

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

Emperor Constantine Magnus:

*Let no judge think that an officer may be sent with an order to a house in which the mother of a family resides, for the purpose of publicly arresting her, as it is certain that the debts of one who, on account of her sex, remains at home, can be paid by the sale of her house, or any of her property; because if anyone should, after this, believe that the mother of a family can be publicly arrested, he shall be reckoned among the greatest of criminals, and be condemned to the penalty of death, without any indulgence whatever.*

Emperors Valentinian and Theodosius:

*All judges are hereby notified that honor should be paid to persons of exalted rank, and to such of these as are sometimes brought into court, nor shall they presume to style them brothers in their official documents; and the subordinate officials charged with this duty shall be fined if they violate the law.*

Emperor Zeno:

*No illustrious Governor of a province, consular ruler, magistrate, or anyone who has received the insignia of the administration of a higher office, that is to say, the illustrious proconsuls, augustal prefects, Counts of the East, or deputies of provinces, or any general or commander of a division of the army, or any count of the Imperial Palace, shall after he has been succeeded, presume to leave the place which he is known to have ruled before the prescribed term of fifty days has elapsed; but, during that time, Governors and consular rulers, the distinguished judges civil as well as military, and other magistrates, shall reside openly in the principal city where they have exercised jurisdiction, and shall not conceal themselves in their own houses, or on the frontiers, or in any fortified buildings, but shall appear before all the persons whom they formerly governed, and in the most public places; so that every one may have ample opportunity to file complaints against them, for theft or other crimes; and that everyone may be defended from injury by his successor; and if he should be accused, it will be at the risk of his office, as well as of that of the curia and the defender of the city; and, having given his oath as security, after he has been brought into court, he can defend himself against those who complain of him (as already stated), and protect himself by means of the law. No excuse shall be allowed him for departing from the province before the prescribed time has elapsed, either on account of an Imperial summons, or because of the offer of another administration in compliance with an order from your illustrious tribunal, appointing him to the place of a Governor of another province in obedience to a notice from the above mentioned, or any other civil or military authority whatsoever (no matter what public office he holds), which may be either produced or drawn up; and finally, the practice of any stratagem or artifice of any kind must be excluded, so that Our commands may take effect in every way by which We provide for the safety of all Our provinces.*

*If, however, anyone should, with a rashness worthy of punishment, think that this most salutary law may be evaded or violated, although he may not unreasonably be considered guilty of high treason, still, he shall be compelled to pay a fine of fifty pounds of gold to the Public Treasury, and a similar penalty shall be imposed upon the official who succeeded him, and did not adopt proper measures to place him under restraint, or neglected immediately to give information of his flight.*

- I. We do not wish for an official to surrender his administration before his successor has reached the boundaries of the province, even though he may have been notified by letters, or an Edict addressed to his office or to the people of the province, that he has been superseded.*
- II. Anyone, then, who by taking to flight, does not observe the present law, can be brought back by your order, or that of the illustrious Governor of the province, from wherever he may be found, even in this Most Flourishing City, and conducted without any obstacle to the place which he has ruled, and be compelled to remain there for the space of six months; so that, in the meantime, any crimes or thefts which he may have committed may not remain concealed, and the official who did not prevent him from departing against the tenor of the law (as he was in honor bound to do), shall be fined thirty pounds of gold.*
- III. If, however, during the said term of fifty days, he should be accused before the above-mentioned time has elapsed, and the case should not be terminated, and he should be civilly prosecuted for theft, and have appointed an attorney, after the fifty days have expired, he shall have the right to depart; but if he has been criminally accused, and there is documentary evidence against him, he will be compelled to remain in that place until the trial has been concluded.*
- IV. All judges, before whom, on account of their right of jurisdiction, or by the order of your illustrious tribunal, either civil or criminal cases may be brought, are hereby notified that they must end the above-mentioned litigation within twenty days after it has been begun; and if they should permit this time to be exceeded, We direct that they themselves shall be sentenced to pay a fine of ten pounds of gold, and any criminal prosecution or civil action which has been instituted before their courts shall be legally terminated by the lapse of the aforesaid term.*

Emperor Alexander Severus:

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

Emperor Alexander Severus:

*It has often been stated in rescripts that My agents, or receivers of public money, have no right to impose fines.*

Emperor Gordian:

*The Secretaries of the Government, in greek Logista, has no right to impose a fine.*

### **Book XIV**

Concerning the Bringing of an Action

De Ab iis autem actio

Emperor Antoninus:

*You, yourself, must ascertain the proof necessary to establish the fact that you are entitled to the money which you allege you have deposited, for your demand that your adversary produce his accounts cannot be conceded; as to order this is the exclusive duty of the judge, after proper cause has been shown.*

Emperor Antoninus:

*He before whom proceedings are brought shall order public documents, both civil and criminal, to be produced, for the purpose of being examined, in order to ascertain the truth.*

Emperor Antoninus:

*An action having been begun only presents the image of the future proceeding, as it can either be amended or changed in accordance with the authority of the Perpetual Edict, or when equity permits the court to grant it.*

Emperor Antoninus:

*Persons who wish to bring an accusation must have the evidence, for neither law nor equity permits that power be granted to inspect the documents of the other side. Therefore, if the plaintiff does not prove his allegations, the defendant shall be discharged, even if he himself furnishes no evidence.*

Emperor Alexander II:

*It is not new for a party from whom money is demanded in a suit to ask that the accounts of his creditor be produced, in order to establish the truth of the claim.*

Emperor Alexander II:

*The Rescripts published by the Divine Antoninus, My Father, and Myself, conform to the principles of law and equity, as they are not different from, or contrary to one another; for a great distinction exists between a party who brings an action for a claim, who can be barred from recovery by an exception on the ground of fraud, when the defendant desires accounts to be produced by which he alleges that he can protect himself, which the justice of the case itself requires; and where the plaintiff demands evidence to be produced by the party who is sued for the claim,*

*when, in this instance, it is not proper that the prayer of the petition should be established by instruments belonging to him against whom suit was brought.*

### **Book XIV**

Concerning courts

De courts

Emperor Alexander II:

*The rules of ordinary courtesy demand that respect be shown by a freedman to the wife of the person who manumitted him; hence he is forbidden to summon her to court, even when this is necessary, without obtaining the consent of the Judge.*

Emperor Gordian:

*The law is perfectly clear on the point that where the benefit of the Edict is not invoked, a patron or a patroness, their parents, their children, and also their heirs, even if they are strangers, cannot be summoned to court by their freedmen, or the children of the latter; nor in a case of this kind can ignorance be alleged as an excuse, since in accordance with natural reason, honor is due to persons of this description. Therefore, when you acknowledge that you have summoned the son of your patron to court without previously obtaining the permission of the Governor, you will, in vain, ask to be exempted from the penalty prescribed by the Perpetual Edict by virtue of a rescript which has been given you.*

Emperors Diocletian and Maximian:

*Persons who are under the control of their fathers cannot bring suit against them. But, if you have been emancipated, you will not be forbidden to do so, provided you have claimed the benefit of the Edict; and this rule also applies to the mother.*

### **Book XV**

Concerning agreements

De pacta

Emperor Alexander Severus:

*The uncertainty of a condition can be terminated between two brothers by an equitable agreement. Therefore, when you allege that, by the terms of a trust, if your father should die without issue, he will leave his share of the estate to Licinius Fronto; the agreement with reference to the sixth part of the estate being given to the said Licinius Fronto, which was made at the time when Philinus had no*



*children, will not, for that reason, appear to be unjust, because after the division had been made, as was intended, he died leaving you his son.*

Emperor Alexander Severus:

*If, after the sale of the estate has been made by you, you can prove that the creditors of said estate have brought suit against the purchasers, and the latter have voluntarily undertaken the defence, you can then very properly protect yourself on the ground of an implied agreement.*

Emperor Antoninus:

*When you have paid your creditor a part of the debt, and it has been informally agreed between you and him that he will not demand the remainder, on account of your defence of his affairs, undertaken in good faith with your support, you will be released from this obligation, partly by the Civil, and partly by the prætorian law, for a perpetual exception based on an informal agreement, or on the ground of had faith, will bar the collection of the remainder, as whatever has been paid through ignorance can be recovered.*

Emperor Julius Maximus:

*If you become the heir of your debtor, the action against him to which you are entitled will be extinguished by merger, as soon as you enter upon the estate. If, however, after you have obtained the estate in court, you should deliver it to the party against whom you have obtained the judgment, under the condition and agreement that if you do not accept the estate, he shall satisfy the other creditors, as well as yourself, for what is due to you; a contract of this kind must be observed, and if this is not done, an action based on the stipulation will be granted, provided an agreement was made; or the action *prescriptis verbis* will lie, if no stipulation was entered into.*

Emperor Alexander II:

*You allege that an agreement was made between your father and your stepmother, at the time when she gave a tract of land as a dowry, to the effect that she would pay the interest to the creditors to whom the land was hypothecated. You cannot bring suit against her, even though it may be proved that the agreement was made a part of the stipulation. If, however, a tract of land, which has been appraised, is given by way of dowry (and this appears in the instrument), an action on sale will lie, in order that the agreement may be carried out.*

Emperor Gordian:

*If a stipulation was added to the agreement under which you allege that your adversary promised to pay a certain sum by way of penalty if he did not abide by it,*

*you can, by virtue of the stipulation, compel him to do what is included in the agreement, or you can, in the usual way, exact the penalty provided by the stipulation; as, without observing the ordinary legal formalities, you will in vain demand that the property of your adversary be transferred to you.*

Emperors Diocletian and Maximinian:

*When you allege that sons who have been appointed testamentary heirs are so charged that the one who dies first must transfer to the other his share of the estate, and as you assert that this precarious substitution of the brothers has been abandoned by common consent, the reason for the execution of the trust no longer exists.*

Emperors Diocletian and Maximinian:

*When you state that it was agreed between you, without having been committed to writing, that the inheritances of your brothers should be divided into equal shares, and that it can be proved by the form of the transaction that this agreement was actually made, you can protect yourself by an exception, if you have possession of the property. When, however, your adversary has possession, you must understand that no right of action will arise from such an agreement, if you did not provide for it by a stipulation, and your adversary will not be permitted to avail himself of the transaction, unless he is ready to carry out what was agreed upon.*

Emperors Diocletian and Maximinian:

*If you have a right of action growing out of a legacy or a trust against the heirs of your former husband, and it is proved that you have relinquished it in favor of others of the heirs, understand that where you bring suit against the debtors, an exception based on the agreement cannot prejudice you in any way.*

Emperors Diocletian and Maximinian:

*Where money has been paid for some years under an agreement without consideration, he who made payment cannot afterwards compel the other party to refund what was received on the ground of its not having been due, unless a stipulation to that effect has been added.*

Emperor Justinian:

*Where anyone, when drawing up an instrument, states that he will not avail himself of any exception to which he is entitled on account of his military rank, his dignity, or his prerogative as a member of the priesthood, although it formerly might have been doubted whether it was necessary to comply with this agreement, if the person who made it did not repudiate it, or whether he had the power to violate it and exercise his right, We order that no one shall be permitted to repudiate his written agreement and deceive the contracting parties, for it is*

*provided by the Edict of the Judge himself that informal agreements which are not contrary to law, or which have been entered into with fraudulent intent, must, under all circumstances, be observed; wherefore would not such agreements be valid in this instance, as there is another rule of ancient law which provides that all persons have the right to repudiate anything which has been done for their benefit. Hence, all Our judges must observe this rule in litigation, and it applies to ordinary judges of inferior jurisdiction.*

Emperor Antoninus:

*No agreement or compromise made with certain curators or guardians shall be of any advantage to the others, so far as any property which they have, or should have administered, either separately or conjointly, is concerned; and, therefore, if you have three curators and compromise with two of them, you will not be prevented from suing the third.*

Emperor Alexander II:

*As you assert that you have compromised with the heir of your former guardian, if you did so after arriving at your majority, you will in vain demand that the contract be rescinded; for although (as you say), no instrument was drawn up, still, as it is established by your statement that the contract was actually made, the written instrument which usually contains the evidence of the transaction is not necessary.*

Emperor Alexander II:

*As you allege that your mother, after having filed a complaint that the will was inofficious, has compromised with some of the heirs, and agreed to accept a portion of the estate and abandon the suit, the law will not permit you, as the heir of your mother, to renew a complaint which she has abandoned; if, however, the agreement was not carried out, you can properly sue a portion of the heirs to the extent of the interest of each. For where a stipulation is attached to an agreement, an action based on it will lie; or if the verbal obligation was omitted, an equitable action to show that the transaction was concluded *pręscriptis verbis* should be granted.*

Emperors Diocletian and Maximinian:

*It is stated in the Perpetual Edict that a compromise effected through fear is not valid; but it is not every kind of apprehension which is sufficient to rescind those which have been made by consent, but the fear must be proved to be such as threatens danger to life, or suffering to the body. The nature of the principal cause is not, however, sufficient to prove violence or fraud; hence if nothing of this kind can be established, it will, by no means, be necessary for controversies which have been terminated to be renewed. But, as you assert that the person with whom you have compromised is the son of your female slave, and is your slave, if the facts*

*stated in the petition are true, another reason exists for declaring the agreement void; for there is no doubt whatever that, under the law, masters who make agreements with their slaves cannot be held liable under any such contracts.*

Emperors Diocletian and Maximinian:

*It is prohibited by an Imperial Rescript to revive any case or litigation which has been terminated by lawful compromise.*

Emperors Diocletian and Maximinian:

*It is not forbidden to compromise or make an agreement with reference to a capital crime, with the exception of adultery; and in other public crimes which do not involve the penalty of death no compromise can be made, except where an accusation of forgery is made.*

Emperors Diocletian and Maximinian:

*It having been shown that a compromise made by the transfer of the ownership of property or by the dismissal of an action has actually taken place through the intervention of friends, the demand of the plaintiff that it should be rescinded under the pretext of duress discloses his bad faith.*

Emperors Diocletian and Maximinian:

*A compromise is of no effect unless something is given, retained, or promised.*

## **Book XVI**

Concerning infamy  
De dedecus narravere

Emperor Alexander Severus:

*The disgrace of infamy will not be inflicted upon you by the mere fact that you have been thrown into prison, or have been placed in chains, by order of the judge.*

Emperor Alexander Severus:

*He who has been condemned to pay double damages by the Governor for having exacted from his debtors more than was due, can not be considered to have been convicted of theft, robbery with violence, or peculation.*

Emperor Alexander Severus:

*If you are said to have deserved a more severe sentence, and the Proconsul, being induced by certain reasons, imposes a milder one, and orders you to be removed from the rank of decurion for the term of two years, it is clear that after it has elapsed, you will not be included in the number of persons who are infamous,*

*because the judge is considered to have remitted his prohibition excluding you from the Order of Decurions after the expiration of two years.*

Emperor Alexander Severus:

*It is forbidden for decurions and their sons to be whipped with rods, but if the illustrious Proconsul should decide that you have committed an injury rendering you liable to such punishment, you will be branded with infamy.*

Emperor Alexander Severus:

*Those who are condemned to the public works for a certain time, retain their former condition, but after the time has elapsed they will be subjected to the penalty of infamy.*

Emperor Alexander Severus:

*No one becomes infamous for the reason that he has rejected his father's estate.*

Emperor Alexander Severus:

*If you have been condemned for theft, you will undergo the penalty for infamy, without having been whipped. If property which someone else has stolen is found in your possession, and you are not aware of the fact, a severe sentence will not injure your reputation.*

Emperor Alexander Severus:

*When it is shown, by the decree of the Governor, that you have plundered an estate, even if another penalty should be imposed upon you, you will not escape the infamy attaching to the crime of theft.*

Emperor Alexander Severus:

*The obligation of mourning exacted of women having been diminished by the Decree of the Senate, they are excused from assuming sombre clothing, and manifesting other indications of grief, but they are not permitted to contract marriage within the period during which a wife usually mourns for her husband; for even if a widow should be married within this time, not only she, but also the man who knowingly married her, even though he be a soldier, becomes guilty of want of decency, under the terms of the Perpetual Edict.*

Emperors Diocletian and Maximinian:

*Those who exercise the disgraceful occupation of usury, and unlawfully collect interest on interest, should be branded with infamy.*

## **Book XVII**

Concerning the imperial insignia  
De ornamentis imperialibus

Emperors Honorius and Theodosius:

*It is the exclusive privilege of Imperial Majesty that Our houses and possessions should be indicated by the display of Our titles, and therefore let all persons know that everything upon which Our name appears becomes public property.*

Emperors Valentinian and Theodosius:

*Let no one presume to raise the royal standard or insignia upon the land of another, without the order of a competent judge, no matter who the person may be, or under what title he holds possession; even though it may be established that he is not the owner, or an unjust possessor, or a rash trespasser, who has possession of the property. We decree that if he who does this is a plebeian, he shall be subjected to the extreme penalty; if he is a man of illustrious rank, a decurion, a soldier, or a member of the clergy, his property shall be confiscated, and he shall not only be deported from the City of Rome, but he shall also be deprived of his freedom, and all judges shall see that this law is executed. We grant authority not only to those to the injury of whom an act of this kind has been committed, in violation of right and of the laws, but to all their children and slaves, without the fear of false accusation or of prosecution for crime, to remove or deface the insignia, and even to destroy the standards above mentioned; and We also decree that the judges and their subordinates shall be fined thirty pounds of gold, if they permit an accusation of this kind to be made, or anyone to sign it.*

## **Book XVIII**

Concerning voluntary acts  
De actionum voluntariarum

Emperor Alexander Severus:

*It has been established for the benefit of minors that if anyone has transacted their business to their advantage, when the necessity was urgent, an action should be granted against them to the extent to which they may have profited. The expense which you allege you have incurred in behalf of the minor by taking him to Rome for the purpose of having guardians appointed for him, is granted you by law; if his maternal aunt does not prove that she was ready to have this done on her own responsibility.*

Emperor Alexander Severus:

*If you have paid a sum of money for your brother, who is your co-heir, you can avail yourself of the action based on voluntary agency, and if you have been compelled to pay a debt in full, for the purpose of releasing a pledge, you will be entitled to bring this action; or you can collect what is due to you by a suit in partition, if judgment has not already been rendered in an action of this kind brought between you.*

Emperor Alexander Severus:

*Anyone who undertakes to transact the business of a minor, by the direction of her guardian, is not considered to have done so in the place of her guardian, but he will be liable to the ward in an action based on voluntary agency.*

Emperor Alexander Severus:

*Where a freedman has transacted the business of a daughter of his patron as a mark of respect, he will not have the right to bring an action against her on the ground of voluntary agency.*

Emperor Antoninus:

*You have a right to bring the civil suit based on voluntary agency against those who have administered your affairs, and your rights will not be prejudiced if you have delayed bringing it because you belong to the army, as this kind of an action is only extinguished by the prescription of long time.*

Emperor Alexander Severus:

*If a son should discharge a debt for his father, he will not be entitled to an action to recover the amount which he paid, whether he was under paternal control at the time he made the payment, or was independent, provided he paid the money as a donation; and therefore, if your father, being his own master and transacting business for his father, paid his debt without having been directed to do so, you can bring an action on the ground of voluntary agency, against your paternal uncles.*

Emperor Gordian:

*If, influenced by paternal affection, you have furnished means of support to your daughter-in-law, or have paid out money as salaries to teachers, you will have no right to recover such expenses. Where, however, you have expended anything for your daughter-in-law with the intention of recovering it, you will have the right to bring an action on the ground of voluntary agency.*

Emperor Justinian:

*Where anyone has interfered with the administration of the affairs of another, against the consent of the owner of the property, who has even forbidden him to*

*do so, a doubt is entertained by certain eminent authorities whether such a person has a right to bring suit against the said owner to recover expenses which he had incurred with reference to it; and some of them declare that a direct or an equitable action can be brought by him, and others (among whom was Salvius Julianus), deny that this can be done, but now We, in deciding the question, and in accordance with the opinion of Julianus, order that if the owner of the property was opposed to the other transacting his business, and forbade him to do so, he can bring neither a direct nor an equitable action against him; that is to say, after notice had been given him by the owner that he did not authorize him to attend to his affairs, even though he may have done so advantageously. Then, if the owner should find that a considerable amount of money had been properly expended, and fraudulently pretending not to be aware of it, he should forbid the party in question to transact his business, in order to prevent him from being reimbursed his expenses previously incurred, We, by no means, suffer this to be done, but direct that no action will lie in his favor to recover money spent for improvements, after the time when he was notified, whether this was done in writing or not, where other persons were called to witness that the notice was given; and with reference to expenses previously incurred, if they were beneficial, We permit the agent to bring suit against the owner in the ordinary way.*

### **Book XIX**

Concerning acts performed under fear  
De sub metu gesta

Emperor Alexander Severus:

*The opinion has been given that the right to pursue property which has been taken by violence or theft, even if it has been afterwards destroyed, remains unimpaired under the law.*

Emperor Alexander Severus:

*As you acknowledge that you not only gave security to pay a sum of money, but that you also have paid it, it is not clear why you ask that it shall be returned to you because you have been subjected to violence, when it is not probable that you would have hastened to make payment without complaining that the note was forcibly extorted, unless you allege that you also suffered violence when you paid the money.*

Emperor Gordian:

*Where your grandfather was compelled, either by force or fear, to sell a certain tract of land, and then the purchaser sold it to another, if you have become the heir of your grandfather, you have a right to appear before the Governor of the*



*province, and petition that the land be restored to you, after the price has been returned; since it has been decided that, in a case of this kind, a real action should be granted in accordance with the terms of the Perpetual Edict, provided the person who purchased the land in the second place cannot rely upon the prescription of long-continued possession.*

Emperors Diocletian and Maximinian:

*It is not necessary for any office which a man may hold to cause him injury; therefore, you are advised that the senatorial dignity of your adversary is not alone sufficient to cause the fear by which you allege the contract has been entered into.*

Emperors Diocletian and Maximinian:

*If you can prove in the presence of the Governor of the province that an instrument calling for a donation, a compromise, a stipulation, or any other kind of an obligation or contract, has been extorted by the fear of death or bodily injury, or through apprehension caused by threats of death, he will not, in accordance with the terms of the Edict, suffer the contract to stand.*

Emperors Diocletian and Maximinian:

*It is established that fear must not only be proved by threats and disputes, but by the violence of the act.*

Emperor Constantine Magnus:

*If anyone, merely apprehensive of the influence of a person holding an office of trifling importance, should be induced to sell him property belonging to himself, situated in the same province or place where he is discharging the duties of his office, what has been purchased shall be returned, and the purchase-money may even be retained; and those who have acquired anything by extortion through making an improper use of the names of their wives and friends shall be liable to a similar penalty.*

## **Book XX**

Concerning fraud

De dolum

Emperor Alexander Severus:

*When a surety, having paid the amount of the debt and interest, purchases the pledges from the creditor, he ought to restore to you the ownership of the same, together with any profits which he may have honestly collected, in order to avoid exposing himself to an action for fraud arising from breach of faith.*

Emperor Antoninus:

*The action for fraud is permitted, after proper cause is shown, when no other will lie.*

Emperors Diocletian and Maximinian:

*As you state that it was agreed between yourself and the person who you say had formed a connection with a female slave that he should give you a male slave in her stead, you understand that if you have manumitted her, or have delivered her to him, and he has manumitted her, you have not the power to revoke her freedom; but if the time has not yet expired, and the other party has violated the contract, you can ask that an action for fraud be granted you. If, however, you still have the ownership of the said slave, and you should appear before the Governor of the province, you can recover her with her children, if no question should arise as to her status.*

Emperors Diocletian and Maximinian:

*If you, through emancipation, have become your own master, during the lifetime of your father, and have succeeded to the estate of your mother, and have compromised with your father in good faith, and he, after having administered your property as your lawful guardian, has manumitted you, you are advised that if a simple agreement has been made between you, your claim will be barred by an exception, but if a novation has been concluded with the proper formalities, and a release has followed, you will not be entitled to any action. Where, however, you have been greatly injured by the exercise of the deliberation solemnly accorded by you for the novation and release, an action for fraud will not lie in your favor, as this would be contrary to the respect which you owe to your father, but you should be granted an action in factum.*

Emperors Diocletian and Maximinian:

*Fraud must be proved by convincing evidence.*

## **Book XXI**

Concerning festivals

De feriae

Emperor Constantine Magnus:

*As you ask, my dear Verinus, whether the same rule should be observed, so far as the times of appeal are concerned, that apply to the festivals established by Us to celebrate the occurrence of fortunate events, We are pleased to answer you that*

*you should, where cases are appealed, observe the prescribed terms in their regular order, without the addition of days of this kind, for, under such circumstances, additions cannot be made to the observance of the days aforesaid.*

Emperor Theodosius Magnus:

*Although it is lawful to manumit and emancipate on Sunday, other business or litigation cannot be attended to on that day. The harvest festival extends from the eighth day of the Kalends of July until the Kalends of August; and permission is given to institute proceedings in court from the Kalends of August until the tenth of the Kalends of September. The festival of the vintage lasts from the tenth of the Kalends of September until the Ides of October. We desire the Holy Festival of Easter, that of the Epiphany, and the birthday of Our Lord, as well as the seven days which precede, and the seven which follow, to be quietly observed; and anything which is done in violation of this provision shall be absolutely void.*

Emperor Constantine Magnus:

*Let all judges, the people of cities, and those employed in all trades, remain quiet on the Holy Day of Sunday. Persons residing in the country, however, can freely and lawfully proceed with the cultivation of the fields; as it frequently happens that the sowing of grain or the planting of vines cannot be deferred to a more suitable day, and by making concessions to Heaven the advantage of the time may be lost.*

Emperors Gratian, Valentinian, and Theodosius:

*Every investigation of criminal matters shall be prohibited during the four days which precede the auspicious season of the ceremonies of Easter.*

Emperors Valentinian, Theodosius, and Arcadius:

*All employments, whether public or private, shall be suspended during the fifteen days of the Festival of Easter; still, every person shall have the right of emancipation and manumission during that time, and any proceedings relating to them are not prohibited.*

## **Book XXII**

Concerning avengening oneself

De se ulciscens

Emperors Valentinian, Theodosius, and Arcadius:

*We grant to all persons full authority to defend themselves, so that where any soldier or nocturnal depredator enters upon the land of a private person, or stops*

*him on the public highway, intending to attack him, everyone shall have permission to immediately subject him to proper punishment, and he shall suffer the death which he threatened, and undergo what he expected to inflict, for it is better to take advantage of the opportunity than to obtain retribution after death. Therefore, We authorize you to avenge yourselves, and We bring within the terms of the Edict those whom it would be too late to punish by a judgment; hence let no one spare a soldier, who must be encountered with weapons in the same manner as a thief.*

Emperors Valentinian, Theodosius, and Arcadius:

*We hereby grant legal authority to the inhabitants of provinces to arrest deserters, and when they dare to resist, We order them to be punished immediately, wherever they may be. All persons are notified that, for the sake of the common peace, they have a right to inflict public vengeance upon robbers, and deserters from the army.*

### **Book XXIII**

Concerning the establishment of boundaries

De correctio metas

Emperors Diocletian and Maximian:

*The owner of a tract of land cannot be prevented from selling a certain portion of it after having removed the boundaries and retaining the remainder. The purchaser cannot claim a greater amount of land than that which came into his hands in accordance with a contract of sale, under the pretext of certain boundaries existing during the time preceding the sale.*

Emperors Diocletian and Maximian:

*The difference of succession, and the consent of neighbors can, by either adding to or taking from lands, frequently change the position of ancient boundaries.*

Emperor Constantine Magnus:

*Where anyone first raises a question concerning the boundaries of his property, and it has reference to the contest of the ownership of the same, the question of possession must first be disposed of, and then the surveyor will be directed to go to the place, so that the truth having been ascertained, the controversy relating to the boundaries may be terminated. If, however, the other party should absent himself, in order that this question may not be decided, the surveyor shall, nevertheless, proceed to go to the place designated by the Governor of the province, and take his measurements in the presence of the adverse party.*

## **Book XXIV**

### Concerning burials and funerals De sepulturis et funera

Emperor Antoninus:

*If the remains of your son should be threatened by the waters of a river, or any other just and necessary cause should arise, you can transfer them to another place, with the consent of the Governor of the province.*

Emperor Antoninus:

*When a dead body has been brought on land belonging to you, either against your consent or without your knowledge, or a stone is placed there, this does not make the place religious. If, however, anyone should bring a corpse upon your land with your consent, the place will thereby become religious, as there is no doubt that a monument cannot be erected, nor any place be rendered religious, if the owner forbids this to be done.*

Emperor Gordian:

*You are not forbidden to place statues upon a tomb, or to decorate with ornaments a sepulchre which you allege that you have built, for everyone is perfectly free to avail himself of his right, provided that he does not do anything prohibited by law.*

Emperors Diocletian and Maximian:

*We do not forbid criminals to be buried who have suffered the punishment that they deserved.*

## **Book XXV**

### Concerning proofs De probationes

Emperor Antoninus:

*As a creditor who demands money, which he says he has loaned, is compelled to prove his claim, so, also, a debtor who alleges that he has discharged his obligations must furnish evidence of the fact.*

Emperor Alexander:

*You should not be sued for a debt of the colleague of your grandfather, if you can prove that the said colleague was solvent at the time when he withdrew from office.*

Emperors Diocletian and Maximian:

*As you allege that you are less than twenty-five years old, you should appear before the Governor of the province and prove your age.*

Emperors Diocletian and Maximian:

*Neither the circumstances attending your birth (even though you can prove that you are freeborn), nor the offices which you allege you have held, are sufficient evidence that your daughter was born free; for there is nothing which prevents you from being freeborn, and her from being a slave.*

Emperors Diocletian and Maximian:

*Blood relationship is not established by letters, but by the evidence of birth, or the ceremony of adoption; and where for the purpose of dividing an estate an arbiter is demanded by a female slave, against an absent person, whom she alleges is her brother, this does not affect the truth of the matter. Therefore, if you are confident that you can prove that you have sent a letter to the said female slave, as your sister, or if it is shown that an arbiter was demanded for her, as for a co-heir, in a case in partition, the question of brotherhood cannot be disposed of in this way.*

## **Book XXVI**

Concerning witnesses

De testibus

Emperor Alexander:

*If a controversy arises with reference to your being freeborn, defend your case by documentary evidence and arguments if you can do so; for witnesses alone are not sufficient to establish proof of free birth.*

Emperor Valerius:

*The testimony of members of a household is also rejected by the Civil Law.*

Emperor Numerius:

*It is certain that a case which is only proved by witnesses, and is not supported by any other lawful evidence, is of no force or effect.*

Emperors Diocletian and Maximian:

*There is no doubt that a slave cannot be subjected to torture for or against his master, but he can be put to the question for some act of his own.*

Emperors Theodosius and Honorius:

*We forbid freedmen, under a penalty, from giving unlawful and dishonorable testimony against their patrons, and as they must not voluntarily dare to give such testimony, so, if summoned as witnesses, they cannot be compelled to appear in court for that purpose.*

### **Book XXVII**

Concerning eunuchs

De castratus

Emperor Constantine Magnus:

*If anyone, after the promulgation of this law, should make any eunuchs in the Roman Empire, he shall be punished with death; and the slave, as well as the place where the crime was committed with the knowledge of his master, even though the latter may feign ignorance, shall be confiscated.*

Emperor Leo:

*We order that the ownership of men of the Roman citizenship, who have been made eunuchs either in a barbarous country or on Roman soil, can, under no circumstances, be transferred to anyone; and that the severest penalty shall be inflicted upon those who have dared to commit such an offence, including the notary who drew up the instrument of sale or of any other kind of alienation; and he who received the octava, or anything else by way of tax, shall be subjected to the same penalty. We, however, grant authority to all traders to buy or sell, wherever they please, eunuchs of barbarous nations who have been made such outside the boundaries of Our Empire.*

### **Book XXVIII**

Concerning betrothals

De desponsationes

Emperors Diocletian and Maximian:

*She who has already been betrothed to one man is not forbidden to repudiate her contract, and marry another.*

Emperor Constantine Magnus:

*If a man should, while residing in the same province agree to marry a girl and fail to do so within the term of two years, and the girl, after the expiration of the said time, should afterwards form an union with another, she will not be guilty of fraud who,*

*by contracting marriage, did not any longer suffer her vows to be treated with contempt.*

Emperors Theodosius and Honorius:

*If, after the pledges of betrothal have been given, either of the parties should die, We order the gifts to be returned, unless the deceased person had already given cause for not celebrating the marriage.*

Emperors Theodosius and Honorius:

*When a father makes a contract with reference to the marriage of his daughter, and is not able to carry it out on account of his death, whatever is proved to have been agreed to by the betrothed parties shall remain inviolate, and any compromise shown to have been made for the benefit of a minor by a guardian or curator shall be of no force or effect; for it would be extremely unjust for the decision of a guardian or a curator which was perhaps purchased, to be adopted in opposition to the wish of a father; especially as the greater number of women are even found to favor opinions contrary to their own interests.*

Emperors Gratian, Valentinian, and Theodosius:

*When anyone placed in a public position, and invested with the administration of a province, who is able to inspire fear in parents, guardians, curators, or the parties themselves that are about to contract matrimony, bestows betrothal gifts, We order that if, hereafter, either the parents or the parties themselves should change their minds, they shall not only be released from the restraints of the law, but also be free from the prescribed penalty, and, moreover, shall profit by the gifts bestowed, if they do not think that they should be returned. We desire that this law shall not only include public officials, but also their children, grandchildren, relatives, and subordinates; that is to say, that it shall apply to their counsellors and attendants, whom the said public officials employ in the matter. We do not forbid the marriage to take place after the functionary has relinquished his office, when the betrothed parties consent that the obligation for the articles donated during the term of the persons of whom We have spoken shall continue to exist.*

Emperors Severus and Antoninus:

*It makes a great deal of difference whether the property that a prospective husband donates to his future wife is delivered to her, and is afterwards received by him as dowry; or whether by giving it he intended to increase the dowry, so that he might appear to have received a larger sum than actually came into his hands. In the first instance, the gift is not prohibited by law, and the property given by way of donation is included in the dowry, and can be recovered by the action of dowry. In the latter instance, however, the donation has no legal effect, and what has been given as part of the dowry cannot be recovered.*



Emperors Severus and Antoninus:

*If you prove before the Governor of the province that you have given presents to the parents of Eutychia, in order to be able to marry her, he will order that unless Eutychia marries you what you have given shall be returned to you.*

Emperor Gordian:

*Anything which is given to a betrothed woman by her intended husband, under the condition that she shall acquire the ownership of the property when the marriage takes place, is without any effect.*

Emperor Justinian Magnus:

*If, during marriage, the wife, or anyone else in her name, should form the design to increase her dowry, it shall still be permitted the husband, or anyone else in his behalf, to increase the antenuptial donation to the extent that the dowry is augmented; and it cannot be objected to generosity of this kind that it was forbidden at the time of the marriage, for indulgence should be granted to the common consent of the parties, for fear that if the power of increasing the donation is refused, the increase of the dowry may be interfered with.*

*We order that the same rule shall also apply to those marriages in which it sometimes happens that no ante-nuptial donation is given, but that the woman only offers a dowry to her husband; so that when she increases her dowry, the husband shall likewise be permitted to increase his donation to his wife, to the same extent that the dowry is known to be increased, if the parties have consented to the return or retention of the increased dowry or donation; whether this has been done in compliance with the agreements prescribed by the ancients, or with those at present established, which, having reference to the ante-nuptial donation and the constitution of the dowry, were entered into at the commencement of the marriage.*

*Again, the rights of hypothecation, which arise from the increase of the dowry or donation, acquire their force from the date when the said hypothecation was contracted, and should not be referred to the time of the former dowry, or to that of the ante-nuptial donation.*

*If, however, on the other hand, both the husband and wife should agree to diminish the dowry and the ante-nuptial donation, they shall be permitted to diminish the latter in the same way that the diminution of the dowry is effected, and any agreements entered into with reference to the diminution of both shall be understood to be valid and legal, except, for instance, in those cases in which either the husband, having children by a former marriage, marries again, or the wife in like manner, while children by a former marriage are living, Unites herself to a*

*second husband; for in this second marriage, whether the husband or the wife, or both of them are concerned (if this should happen), We decree that any diminution of the dowry or the ante-nuptial donation shall be prohibited, in order to avoid any advantage being taken of children by a former marriage.*

*Now, however, if one party makes an increase the other must also do so, and if the husband is not prevented by his debts, the increase can be made of any kind of property whatsoever. But if he is in debt, in order to avoid any suspicion of fraud against his creditors, all his immovable property will be liable for the increase of the dowry, for if the woman, while owning real estate, should give movable property to increase her dowry, she cannot avail herself of her privilege against other creditors with reference to this portion of it.*

### **Book XXIX**

Concerning marriage

De matrimonium

Emperors Severus and Antoninus:

*When a question arises with reference to the marriage of a young girl, and the guardian, the mother, and the relatives cannot agree as to the selection of a husband, the decision of the Governor of the province must be obtained.*

Emperors Severus and Antoninus:

*If your father consented to your marriage, it makes no difference, so far as you are concerned, if he did not sign the marriage contract.*

Emperors Severus and Antoninus:

*Children cannot marry the concubines of their ascendants, for the reason that an act of this kind when committed by them is not praiseworthy, and indicates a lack of filial duty. Those who violate this law are guilty of the crime of fornication.*

Emperors Diocletian and Maximian:

*As you allege that you did not attain to the rank of an illustrious woman because your father was a senator, but for the reason that you contracted marriage with a member of the Senate, you will lose the exalted position which you obtained from your first husband, and be reduced to your former status, if you should subsequently marry a man of inferior degree.*

Emperors Diocletian and Maximian:

*If your wife is detained by her parents without her consent, and Our friend the Governor of the province is notified of the fact, he will grant your request, and*

*having caused the woman to be produced, you can consult her wishes in the matter.*

Emperors Diocletian and Maximian:

*No one can be compelled either to contract marriage in the beginning, or to renew it after it has once been dissolved. Therefore you understand that the unrestrained power of dissolving and contracting marriage cannot be rendered a matter of necessity.*

Emperors Gratian, Valentinian, and Theodosius:

*Widows under the age of twenty-five, even though they may have obtained the freedom of emancipation, still cannot marry a second time without the consent of their fathers. If, however, in the choice of a husband, the desire of the woman is opposed to that of her father, and other relatives, it is established (just as has already been decreed with reference to the marriage of virgins), that judicial authority should be interposed for the purpose of examination, and if the parties are equal in family, and in morals, he shall be considered preferable whom the woman has selected for herself. But in order to prevent those who are nearest in degree to the succession of widows, from hindering the latter from contracting honorable marriage, where any suspicion of this kind arises, We desire that authority of the courts should be invoked to prevent her estate from descending to them, if death should occur.*

Emperors Honorius and Arcadius:

*Marriage between first cousins is permitted by this salutary law, so that the former one having been annulled, and the temptation to calumny having been restrained, marriage between such cousins shall be considered lawful, whether they are the children of two brothers, or of two sisters, or of brother and sister; and any children by such a marriage shall be legitimate and can become the heirs of their parents.*

Emperor Alexander:

*If your freedwoman, who is also your wife, leaves you without your consent, she cannot marry another if you desire to retain her as your wife.*

Emperors Diocletian and Maximian:

*It is a matter of common notoriety that no one who is subject to the jurisdiction of the Roman Empire can have two wives at once; as, by the Edict of the Praetor, men of this description are branded with infamy, and a competent judge will not suffer a crime of this kind to go unpunished.*

Emperor Constantine Magnus:

*Marriage to a female slave cannot exist, for only slaves are born of an union of this kind. Therefore, We order that decurions, induced by licentious desires for female slaves, shall not resort to the houses of powerful men; and if a decurion, without the knowledge of the stewards or superintendents of the same, shall be found living with the female slave of another, We order that the woman shall be sentenced by the judge to the mines, and the decurion himself shall be deported to an island; and if he has been freed from the control of his father, and has neither children, parents, nor any near relatives who can be called to his succession as heirs at law, his property shall be confiscated for the benefit of the city in which he held the office of decurion. If, however, the stewards or superintendents of the house in which the offence was committed were aware of it, or, after it had been discovered, were unwilling to make it known, it is proper that they also should be sentenced to the mines.*

*If the owner of the house permitted this to be done, or, after having heard of it, concealed it, and the act was committed in the country, the land, together with the slaves and the cattle, as well as all other property requisite for agriculture, shall be confiscated to the Treasury. If, however, the act was committed in a city, We order that half of all the property shall be confiscated by way of increasing the penalty, because the offence, having been perpetrated in the owner's residence, he was unwilling to disclose it as soon as it became known to him.*

Emperors Valentinian, Theodosius, and Arcadius:

*We absolutely prohibit marriage with the wife of a brother, or with two sisters, even where a previous marriage has been dissolved in any way whatsoever.*

Emperors Severus and Antoninus:

*The authority of the Decree of the Senate, by which marriage between a female ward and the son of her guardian is very properly forbidden, must not be evaded under the pretext of ignorance and want of experience.*

Emperor Philip:

*There can be no doubt that a freedman who gave his female ward, the daughter of his patron, in marriage to his natural son who was born in slavery and was afterwards manumitted, is liable under the provisions of the Decree of the Senate, which forbids marriages of this description.*

Emperors Valentinian and Galerius:

*If you married your father's female ward before the account of the guardianship was rendered, or even after it was rendered, but before she attained her*

*twenty-fifth year, or before the available year expired, you cannot be considered to have contracted marriage with her, or to have had a child by such an union. Where, however, the father of the girl requested that the marriage should take place at the time of his death, and this was done in accordance with law, the child will be considered legitimate.*

Emperors Gratian, Valentinian, and Theodosius:

*Any woman, who hastens to contract a second marriage without having properly mourned for her first husband, becomes infamous by the effect of a well-known law; and besides, she cannot give to her second husband by way of dowry more than a third part of the property, nor can she leave him by her will more than a third of her estate.*

*Moreover, she will not be entitled to any inheritances, legacies, or trusts left to her by a last will, or by a donation mortis causa, for We order that all these things shall be claimed by the heirs, the co-heirs, or successors ab intestato of the deceased, lest We may not seem to have in view the benefit of the Treasury while We are attempting to correct this violation of morality. She shall also lose whatever her husband left her by his last will, even though the property bequeathed to her by her first husband may be without an owner, on account of her premature marriage; and in the first place, We decree that it shall descend to the ten persons enumerated in the Edict of the Praetor, that is to say, to the ascendants and descendants, and next in the collateral line as far as the second degree (the regular order of degrees being, of course, observed), and then it shall be acquired by the Treasury. Again, We do not permit such a woman, who has become infamous, to claim any estate on the ground of intestacy, either by the civil or praetorian law, beyond the third degree.*

*A woman who brings forth a child within the time prescribed for mourning shall be liable to the same penalty, provided there is no doubt that the said offspring does not belong to the deceased, for she should also be deprived of the usufruct of the ante-nuptial donation.*

*The same rule applies to a woman who, having accepted the guardianship of her children, marries a second time, in violation of her oath, without having previously applied for a guardian, rendered an account, and paid everything that she owed. At present, however, by a subsequent law, the oath is not exacted on her, but if she contracts a second marriage, she will be deprived of the guardianship.*

*Women who have had children by their first husbands, and marry a second time after the prescribed term of mourning has elapsed, transmit intact to their children all the property which they have received from their former husbands, whether*

*they obtained anything by marriage, by donations mortis causa, directly by will, under a trust, by virtue of a legacy, or through any other evidence of liberality from the estates of their first husbands (as has been previously stated), and they can transmit it to any one of their children (provided the latter is one of those whom We have decided to be entitled to such a succession), and whom the mother may, in consideration of its merits, consider worthy of her bounty.*

*Such women shall not presume to alienate property of this description to any stranger, or to a child born of the second marriage, and they shall have only the right of the possession and enjoyment of such*

*property during their lives, but the authority to alienate it is not granted them. For, if any of such property should be transferred by a woman of this kind to any person whomsoever, it shall be restored out of her own estate, in order that it may come unimpaired and intact into the hands of those children who We have decided are entitled to it.*

*We also add to this law, that if any of the children who are proved to have been born of the former marriage should die after the mother has disgraced herself by a second one, all the surviving offspring of the same marriage shall have a right to whatever the mother would be considered entitled to ab intestato, or under the will of her child by the same succession; and she shall only have possession of the share due to her for the term of her life, and must leave everything to the surviving children of the former marriage; nor shall she have power to bequeath property of this kind to any stranger whomsoever, or to alienate any of the same.*

*If she should not have had issue by her first marriage, or her child or children should die, she is hereby fully authorized to dispose of everything which she has acquired in any way, and shall be legally entitled to complete ownership of the same, and can leave it by will to anyone whom she may select.*

Emperors Valentinian, Theodosius, and Arcadius:

*When a husband, at his death, leaves his wife the usufruct of his property, and she contracts a second marriage, she shall lose the usufruct which she obtained from her first husband, and must surrender it to her children by him, from the day on which she married a second time. If, however, the children by the first marriage should still be in the weakness of infancy, and she does not give them the assistance of a guardian, but seizes an opportunity of this kind to appropriate the property which was left to them, all of it can be recovered by law, and she must surrender it with its profits, after having deducted the necessary expenses. This applies to the usufruct which a man, when making his last will, bequeathed out of his own property for the benefit of his wife. We, however, decree that where the*

*usufruct of ante-nuptial donations is concerned, the rules established by previous constitutions shall be observed.*

Grand Prince Jaroslav Volodymyrovych:

*On the wife, if she promises to remain a widow. If a woman promises to remain a widow after her husband's death, then squanders her late husband's property and remarries, she is to repay her children the property she lost.*

Grand Prince Jaroslav Volodymyrovych:

*If the children do not wish to live with her in the family residence, and she wishes to remain there, then her every wish is to be honored, and do not accede to the children's wish; but she may sustain herself on what her husband gave her, or, having received her portion of the estate, she may sustain herself by that.*

Grand Prince Jaroslav Volodymyrovych:

*And the children are to have no part of their mother's widow's portion, but to whomever the mother gives property, that person legitimately receives it; if she gives it to all, then all divide it equally; if she dies without having made a disposition of her property, then with whomever she lived and whoever fed her is to take her property.*

Grand Prince Jaroslav Volodymyrovych:

*If there be children of two husbands, and one mother, then the first children receive the estate of their own father, and the others the estate of their own father.*

### **Book XXX**

Concerning consuls

De consuli

Emperor Valentinian:

*It was long since established, with reference to men of consular rank, that, as they were invested with the same honor and enjoyed the same privileges, those should take precedence who are superior only in point of time of service. For who of several persons possessing the same dignity should be considered entitled to priority unless the one who first obtained the position? He who subsequently became Consul, although he held the same office, should certainly give place to a predecessor.*

*This rule shall also be observed where anyone has repeatedly held the office of Consul; for, where the official insignia are frequently obtained, while they prove the virtues and the merits of the incumbent, they do not increase them, because*

*nothing is added to the eminence of the position. Where, however, a Consul who has held one office after another acquires the dignity of patrician, he will be entitled to precedence over one who first secured that dignity, although he may have been more recently raised to patrician rank.*

Emperor Leo:

*We wish to restore the Order of the Consulate to its ancient splendor, so that persons who obtain that honor may do so through their merits, and not by cultivating the favor of the people, and, laying aside the desire for gain, the candidates may have in view only the venerable practice of their ancestors and the auspicious ornaments of antiquity which are peculiar to the office. Therefore, We desire that other Consuls shall have this example before them, and We shall not suffer them to incur great expense to no purpose. Hence, Consuls shall, hereafter, abstain from the vile practice of scattering money among the populace, and what they lose in this way and formerly squandered without any compensating advantage should be employed for better purposes, and in measures contributory to the public welfare. If, at the beginning of every consulate, a hundred pounds of gold is paid by the Consuls for the maintenance of the aqueduct of this great city, each of them will know that this sum has been given for the benefit of his country, and that what has been bestowed will remain a perpetual evidence of his generosity,*

Emperor Justinian Magnus:

*We order that all those illustrious men whom We have raised to the high rank of patrician shall immediately, upon receipt of the Imperial commission, become the heads of households, and be released from paternal authority, lest it may appear that those who are honored by Us as fathers shall not be subject to the control of others. For, indeed, it would be intolerable for a father to be able, by emancipation, to release his son from the bonds of his authority, but that the Emperor should not have the power to free from the control of another one whom he has chosen to occupy the position of father to himself; for, if the contrary opinion did not prevail, the majesty of the Emperor would appear to be diminished by such an assumption. And while it is certain that this very rarely happens, as the son of a family does not often attain to the honor of patrician, although this is customary in the case of Consuls, still, in order that such an occurrence may not at some time take place, and no law be found applicable, We have decided that this Constitution shall be promulgated by Us.*

## **Book XXXI**

Concerning murder and homicide  
De occidendum et homicidium



Grand Prince Jaroslav Volodymyrovych:

*If a man kills a man, then a brother may avenge a brother, or a father his son, or a son his father, or brother's sons their uncle; if there be no one to avenge the dead man, then the killer is to pay the dead man's kin 80 grivnas for the corpse, if the victim be the prince's man or the prince's overseer; if the victim be a Kievan Rus' man, junior member of the prince's retinue, or a merchant, or a boyar's overseer, or the prince's bodyguard, or someone under the prince's protection perhaps a freedman, or a Novgorodian? Slav, then the killer is to pay 40 grivnas for the homicide.*

Grand Prince Jaroslav Volodymyrovych:

*On homicide. If someone kills one of the prince's men in an assault, and members of the community do not find the killer, then those people in whose community the corpse lies are to pay 80 grivnas; if the victim be an ordinary free man, then the community is to pay 40 grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If a community begins to pay the bloodwite in the absence of the person who committed the murder, then that community is to pay the bloodwite over several years, inasmuch as they pay without the contribution of the man who committed the homicide.*

Grand Prince Jaroslav Volodymyrovych:

*If the killer be present in their community, then because he contributes to them for payment in similar cases, for that reason they must help the homicide discharge his obligation. Otherwise, that is, if the killer be absent from the community they must pay the bloodwite, but they are to pay a total of 40 grivnas only for the bloodwite, and the killer when he is discovered is to pay the compensation, and he is to pay as well his part of the 40 grivnas already paid by the community.*

Grand Prince Jaroslav Volodymyrovych:

*But if the murderer killed the man either in a fight or openly at a feast, then the killer is to pay now with the community, for he himself has joined to the community to pay the bloodwite.*

Grand Prince Jaroslav Volodymyrovych:

*If the homicide occurs without cause during an assault. If a homicide occurred during an assault without any provocation, then the people in the community do*

*not pay for the murderer, but give him up with his wife and children for punishment and confiscation of his property.*

Grand Prince Jaroslav Volodymyrovych:

*If someone does not contribute to the community bloodwite system, then the people of a community do not help him, but he himself pays the bloodwite.*

Grand Prince Jaroslav Volodymyrovych:

*If an accusation of homicide is lodged against someone, and if the accused presents seven witnesses who testify to his good character, then the accusation and the obligation to pay the bloodwite are quashed; if the accused is a Viking or some other foreigner then he need present only two witnesses.*

Grand Prince Jaroslav Volodymyrovych:

*If a homicide is suspected solely on the basis of a skeleton or a corpse, then the community does not pay, since they do not know the name of the dead man and cannot recognize him.*

## **Book XXXII**

Concerning bloodwite or weregeld

De hominem occidit

Grand Prince Jaroslav Volodymyrovych:

*The bloodwite collector is to take seven buckets of malt for a week, and a ram or half a carcass of meat or two nogatas; and on Wednesday a kuna or cheese, and on Friday the same;1 and two chickens per day, and seven measures of bread, and seven measures of millet, and seven measures of peas, and seven measures of salt; all this is to be provided for the bloodwite collector and his deputy; and provide four horses for them, and feed the horses with oats; and for cash payments pay eight grivnas to the bloodwite collector and ten kunas as a transit fee, and twelve vekshas to the prince's man, and one grivna as a travel fee.*

Grand Prince Jaroslav Volodymyrovych:

*If the bloodwite be 80 grivnas, then the bloodwite collector is to receive sixteen grivnas and ten kunas and twelve vekshas, and one grivna as a travel fee, and three grivnas for the corpse lit., the head.*

Grand Prince Jaroslav Volodymyrovych:

*On the prince's page. If someone kills the prince's page or groom or cook, then he is to pay forty grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*For the homicide of the overseer or steward or stablemaster pay 80 grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*For the homicide of the prince's estate overseer or field overseer pay twelve grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*For the homicide of a contract laborer pay five grivnas. Likewise for killing a boyar's contract laborer pay the same amount.*

Grand Prince Jaroslav Volodymyrovych:

*On the craftsman and craftswoman. For the homicide of a craftsman or craftswoman pay twelve grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*For the homicide of a peasant or male slave pay five grivnas, and for the homicide of a female slave pay six grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*For the homicide of a tutor pay twelve grivnas, and the same amount for the homicide of a wet nurse, even if they are slaves.*

Grand Prince Jaroslav Volodymyrovych:

*If someone escapes the obligation to pay the bloodwite, then he must nevertheless pay one grivna of kuna to the bloodwite collector's deputy; and the one who made the accusation must pay the deputy another grivna; and the accused must also pay nine kunas for the aid which the deputy rendered him in escaping the bloodwite.*

### **Book XXXIII**

Concerning fighting

De pugnatum

Grand Prince Jaroslav Volodymyrovych:

*If someone strikes (a man) with a sword. If someone strikes a man with a sword, not having unsheathed it, or with the hilt of the sword, then the offender is to pay twelve grivnas as a fine for the offense.*

Grand Prince Jaroslav Volodymyrovych:

*If someone did unsheath the sword, but did not strike the man, then he is to pay one grivna of kuna.*

Grand Prince Jaroslav Volodymyrovych:

*If someone strikes another with a cudgel or cup or horn or with the flat of the sword, then he is to pay twelve grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If the victim is unable to bear it the blow, and strikes back with a sword, he is not at fault.*

Grand Prince Jaroslav Volodymyrovych:

*If someone strikes another man's arm, and the arm falls off or withers, if a leg falls off or withers because it was struck, or if an eye is damaged because it was struck or if the assailant strikes a nose, then the offender is to pay half the bloodwite 20 grivnas and ten grivnas to the victim for the maiming.*

Grand Prince Jaroslav Volodymyrovych:

*If someone cuts off a finger or toe, then the offender is to pay three grivnas as a fine, and one grivna of kuna to the victim himself.*

Grand Prince Jaroslav Volodymyrovych:

*If a man bloodied by a fight presents himself. If a man bloodied or bruised in a fight comes to the prince's residence, then he need seek no eyewitness, but the offender is to pay him compensation of three grivnas; if there be no marks on him, then he is to bring an eyewitness to confirm his account word for word; whoever began the fight is to pay 60 kunas; if the man bloodied or bruised by the fight is guilty of having started the fight, and witnesses confirm this, then that his bruises will serve as payment, since he started the fight.*

Grand Prince Jaroslav Volodymyrovych:

*If someone strikes another with a sword, but does not hack him to death, then he is to pay three grivnas as a fine and a grivna to the victim for the wound itself because there is a physician's fee; if the man dies, then the killer is liable for the bloodwite.*

Grand Prince Jaroslav Volodymyrovych:

*If a man either grabs a man to himself or shoves him away from himself, or strikes him across the face, or strikes him with a pole, and the victim produces two eyewitnesses, then the offender is to pay three grivnas as a fine; if the offender is a Viking or some other foreign resident, then the victim is to produce all the necessary eyewitnesses, and the two of them take the oath.*

Grand Prince Jaroslav Volodymyrovych:

*If someone tears out someone's beard, and leaves a mark, and people witness this, then the offender is to pay twelve grivnas as a fine; if the offense takes place without any people to witness it, then the accusation is only an accusation, and no fine accrues.*

Grand Prince Jaroslav Volodymyrovych:

*On teeth. If they knock out a man's tooth, and they see blood in his mouth, and people witness this, then the offender is to pay twelve grivnas as a fine, and another grivna to the victim for the tooth.*

Grand Prince Jaroslav Volodymyrovych:

*If a woman beats her husband, she is to pay the Metropolitan three grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If two women fight, exact from the guilty party either 60 rezanas or six grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If some man beats another man's wife, he is to pay her for the dishonor as the law prescribes, and six grivnas to the Metropolitan.*

Grand Prince Jaroslav Volodymyrovych:

*If a son beats his father or mother, let them punish him with the ruler's punishment, and he stands as guilty before the Metropolitan, and take such a youth into a church house monastery.*

Grand Prince Jaroslav Volodymyrovych:

*If someone sets fire to a house, or threshing floor, or anything else, he is to pay the Metropolitan 40 grivnas, and the prince punishes him.*

#### **Book XXXIV**

Concerning theft

De furtum

Grand Prince Jaroslav Volodymyrovych:

*If someone rides someone else's horse. If someone rides someone else's horse without having asked the owner's permission, then he is to pay three grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If someone loses a horse, or weapon, or clothes, and announces his loss in the market square, and subsequently recognizes his lost property in his own town, he is to take his own property back, and the offender is to pay him three grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If someone recognizes his own property which he lost or was stolen from him, either a horse, or clothes, or livestock, then he is not to say, "This is mine," but rather "Come to a confrontation to determine where you acquired the property"; if in the course of the confrontation process it emerges who was guilty, then the responsibility for theft lies with him, and the original victim may take back his property; if some property was destroyed, then the thief is also to begin payment for that; if the accused is a horse thief, then the community is to give him up to the prince for punishment; if the accused stole from a storeroom, then he is to pay three grivnas.*

Grand Prince Jaroslav Volodymyrovych:

*If someone purchases at market some stolen property, either a horse, or clothes or livestock, then the purchaser is to produce two free men or the customs officer to confirm that he purchased the property at market; if he maintains that he does not know from whom he purchased the stolen property then the eyewitnesses are to take the oath on his behalf, and the complainant is to take his own property; and concerning property lost and not recovered, the complainant may mourn his loss, and the other party his loss of money which he gave for the stolen property, since he does not know from whom he purchased stolen goods; if subsequently he recognizes the person from whom he purchased that property, then he is to take back his own money, and that newly discovered person is to pay the complainant for the unrecovered property as well as a fine to the prince.*

Grand Prince Jaroslav Volodymyrovych:

*If they kill someone at the storeroom or while he was engaged in any other theft, then they kill him like a dog and that is the end of the matter; if they hold him until morning light, then they must conduct the thief to the prince's residence; if they kill him, and people have seen the thief tied up, then the offenders are to pay twelve grivnas for that.*

Grand Prince Jaroslav Volodymyrovych:

*If someone steals some livestock from a barn or a storeroom, and he is alone, then he is to pay three grivnas and 30 kunas; if there be many thieves, they are each to pay three grivnas and 30 kunas.*

Grand Prince Jaroslav Volodymyrovych:

*If someone steals livestock in the field, either sheep or goats or swine, then he is to pay 60 kunas; if there be many thieves, then each is to pay 60 kunas.*

Grand Prince Jaroslav Volodymyrovych:

*If someone steals grain from the threshing floor or a storage pit, then, however many thieves there are, each is to pay three grivnas and 30 kunas.*

Grand Prince Jaroslav Volodymyrovych:

*And he who lost property by theft, as in the preceding articles takes it back if it is recovered, and he also receives a half-grivna for each year since it disappeared.*

Grand Prince Jaroslav Volodymyrovych:

*If the property is not recovered, then the offender is to pay three grivnas if it was the prince's horse, and two grivnas each for any other horse.*

Grand Prince Jaroslav Volodymyrovych:

*And these are payments for livestock. For a mare 60 kunas, 2 for an ox one grivna, for a cow 40 kunas, for a three-year-old cow 30 kunas, for a two-year-old cow a half-grivna, 5 kunas for a calf, 5 kunas for a swine, one nogata for a suckling pig, 5 kunas for a sheep, one nogata for a ram, and for a stallion if no one has yet ridden him one grivna of kuna, six nogatas for a foal, and six nogatas for cow's milk; these then are the fees peasants are to pay as compensation to the animals' owners when they pay a fine to the prince.*

Grand Prince Jaroslav Volodymyrovych:

*If the thieves be slaves, then the prince's jurisdiction obtains. If the thieves are slaves of the prince, or of boyars, or of monks, then the prince does not punish them with a fine, since they are not free, but their lord pays twice the usual compensation to the complainant for the offense.*

## **Book XXXV**

Concerning rape

De stuprum

Grand Prince Jaroslav Volodymyrovych:

*If someone abducts a girl with the aim of marrying her or rapes her, and if she be a boyar's daughter the offender is to pay five grivnas of gold for her dishonor and five grivnas of gold to the Metropolitan; if she be a daughter of lesser boyars the offender is to pay one grivna of gold, and one grivna of gold to the Metropolitan; if she be a daughter of the "good men and true" the offender is to pay two grivnas of silver for the dishonor, and a ruble to the Metropolitan; and those who help in the abduction are to pay 60 nogatas each to the Metropolitan, and the prince punishes them.*

Grand Prince Jaroslav Volodymyrovych:

*If someone rapes a boyar's daughter or a boyar's wife, then he is to pay five grivnas of gold for the dishonor, and the same amount to the Metropolitan; if someone rapes the daughter or wife of lesser boyars then he is to pay one grivna of gold, and a grivna of gold to the Metropolitan; if someone rapes the daughter or wife of well-to-do people he is to pay two rubles, and two rubles to the Metropolitan; if someone rapes the daughter or wife of common people he is to pay twelve grivnas of fur, and twelve grivnas of fur to the Metropolitan, and the prince punishes him.*

Grand Prince Jaroslav Volodymyrovych:

*If a boyar throws out his wife who is a daughter of great boyars, then he is to pay her 300 grivnas for the dishonor, and five grivnas of gold to the Metropolitan; if the woman be the daughter of lesser boyars he is to pay her one grivna of gold, and one grivna of gold to the Metropolitan; if she be the daughter of well-to-do people he is to pay her two rubles, and two rubles to the Metropolitan; if she be the daughter of common people he is to pay her twelve grivnas, and twelve grivnas to the Metropolitan, and the prince punishes him.*

Grand Prince Jaroslav Volodymyrovych:

*If a girl engages in sexual intercourse or becomes pregnant while she still lives with her father or mother, or while she is a widow, after having found her out, put her in a church house convent.*

Grand Prince Jaroslav Volodymyrovych:

*Likewise if a wife without her husband or even while living with her husband becomes pregnant by some other man, and kills the child, or throws it to the swine, or drowns it, having found her out, take her into a convent, and what her kinsmen pay to redeem her goes to the Metropolitan.*

Grand Prince Jaroslav Volodymyrovych:



*If someone prevails upon a girl to come to him and he gives her over for a group rape, then exact from the abductor one grivna of silver for the Metropolitan, and from the rapists 60 nogatas each, and the prince punishes them.*

Grand Prince Jaroslav Volodymyrovych:

*If a husband has intercourse with some woman other than his wife, then the husband is guilty before the Metropolitan, and the prince punishes him.*

Grand Prince Jaroslav Volodymyrovych:

*If a husband marries another woman, still not having been divorced from the old wife, the husband is guilty before the Metropolitan, and take the young i.e., more recent wife into a convent, and he is to resume living with the old i.e., first wife.*

Grand Prince Jaroslav Volodymyrovych:

*If a wife goes from her husband to marry another man, or if she has intercourse with that man apart from her husband, take that wife into a convent, and the adulterer is to pay the marriage fee to the Metropolitan as a fine.*