

Appendix I.¹

Concerning persons bound to the soil and serfs.
(De adscripticiis et colonis.)

Emperor Justinian Augustus to Dominicus.

Preface. The inhabitants of Lugdunum (Lyon) have come before us, stating that because we heretofore passed a law^a by which we ordered that unfree (adscripticiis) or free serfs (colonis) cohabiting with free woman, bring forth free children; their farms and the tribute due from them is prejudiced thereby because the farmers leave them in as much as they are born of free mothers.

^a C.11.48.24. See Nov. 54, c. 1; Nov. 156; Nov. 162, c. 3.

c. 1. Correcting this, we ordain that, in accordance with the ancient law enacted concerning unfree and free serfs who are farmers, their offspring shall be unfree and free serfs, provided that the mother only was free at the time she gave birth to children; for we do not permit free birth to be prejudiced, if such a (free) woman was married to a man who was neither an unfree or a free serf; for in such case only does this law apply. We therefore ordain by a general law that a person who is the

¹ This Appendix and the following 6 Appendices, along with the Edicts, are found after the Novels under the general heading *Corporis CLXVIII Novellarum Appendices*, in volume III of Mommsen, Kruger, Schoell, & Kroll's edition of the Corpus Juris Civilis. The Appendices are given the specific heading *II. Appendix Constitutionem Dispersarum*, i.e., Appendix of Scattered Constitutions. By "scattered" the editors mean that these additional constitutions of Justinian are not found in the collections of the Novels the editors used for the main body (the *Authenticum* and the *Greek Collection of 168*—the latter in its Codex Marcianus form, which did contain the Edicts), but were found in the manuscripts of other Novels collections. Most of these constitutions were gathered from two manuscripts versions of the Epitome Juliani, an early Novels collection. The editors provide the source for each in notes to the text. For more on the Epitome Juliani and other collections of the Novels see Timothy G. Kearley, *The Creation and Transmission of Justinian's Novels*, 102 LAW LIBR. J. 377, 383 (2012), available at http://uwacadweb.uwyo.edu/blume&justinian/AJCNovels2/NovelsArt_LLJ_ed.pdf.

offspring of a free or unfree serf follows the status of the father. Thus, dear father, the contributors to the fisc will be kept free from harm. We have made the present law to remedy the situation and we direct Your Highness to observe this provision in every part of Illyria, so that owners will not be damaged through that source.

Note.

While this law is not altogether clear, the rule announced in it seems to be that of Novel 162, c. 2. In case of a marriage between an unfree serf and a free woman, the offspring was free, but only a free serf if the father was a farmer. The net result of the legislation left the offspring of a free or unfree serf on the land on which he or she was born, except in cases where such offspring, numbering more than one child, was divided as mentioned in Novel 162, c. 3, and in Novel 156.

Epilogue. Your Glory therefore will hasten to carry this our will signified by this imperial law into effect, a fine of ten pounds of gold hanging over the person who violates it or permits it to be violated.

Given April 7, 540.