

The incursions of the barbarians into the Roman Empire frequently destroyed the property of whole districts, and hence an extraordinary remedy was occasionally necessary to meet the situation. One such situation is depicted in Appendix VIII to the Justinian Novels, a law enacted probably shortly after 555 A.D., in which Justinian provided for the liquidation of a debt by an extraordinary method. This law is as follows:

Appendix VIII to Novels.

A law enacted for the benefit of debtors in Italy and Sicily.
(*Le quae data est pro debitoribus in Italia et Sicilia.*)

In the name of our Lord Jesus Christ, emperor Caesar Flavius Justinian, Alimannicus, Gothicus, Francicus, Germanicus, Anticus, Alanicus, Vandalicus, Africanus, pious, fortunate, renowned victor and triumpher, ever Augustus to Narses Panfronius and the Senate.

Since the passing of a barbarous time always gives the occasion to enact new laws in place of the old to meet the new situation, it is necessary to meet the common difficulties of men by a general remedy. All of the supplications to us from Italy have moved us to consent to some innovations in regard to the payment of loans on interest, they demanding a remedy, lest, though the common calamities, they would lose their income and succumb to the impossibility of paying their debts. Giving heed to such supplications, we ordain by the present law that throughout Italy and Sicily, for loans of money made up to the time of the recent incursion of the Franks, and after the expiration of five years from the time that peace was fully restored, half of the loan, or, if the debtor wishes, half of his property, shall be given to the creditor (in payment of the loan), and no interest shall be due on any such contract from the date of the loan up to the time of the completion of the aforesaid five-years) period. If pledges given for the debt perished through the destruction in Italy, the debtor and the creditor shall share the

result in common, so that the creditor cannot sue for the loan and the debtor cannot bring any action for the property (that was in the possession of the creditor). But if the pledged property still exists, the principal of the debt shall be paid to the extent of (the value of) such property. If part of the pledged property is found to be safe, the creditor shall receive his principal back in that proportion. If a creditor (who had possession) suppresses or conceals the amount of the pledged property (which is safe), making the barbarous time the occasion for that, for the purpose of profit to himself, and the debtor can prove this, the creditor will lose his debt and must return the pledged property. Persons who^(a) reduce income and interest to principal, which the laws do not even permit in good times, will be deprived of such addition by this sanction, so that whatever income or interest is paid (by the debtor will be applied on the principal).

(a) *Necessitatem debiti facientem* - left untranslated. The law is in somewhat mutilated condition, and was not discovered till 1825. Its date is probably a little after 555 A.D., during which year the incursion mentioned occurred.