

Novel 156.

Concerning the division of the offspring
of serfs.

(De prole colonorum dividenda).

The same Augustus (Justinian).

Preface.

The managers of the holy church of Apamia have reported to us that male serfs subject to others had united themselves to female serfs belonging to (the property of the church), and they ask that the female serfs, as well as their children, who follow the status of their mother, should be restored to them. While asking this, they seem to be unaware of the provisions of the constitution recently enacted. (Novel 162, c. 2).

c. 1. For if free persons unite themselves to unfree female serfs, the, according to the rule stated in the constitution, the children follow the status of their mother, and they do not become free; if both (the male and female) are serfs, that rule does not apply in every respect, but as we recently ordered and ordained, the offspring will be divided. If the children are of an even number, they will be divided evenly, if of an uneven number or there is only one child, the mother will have the preference, since she had the greater burden. So if there is one child, it follow the status of the mother; if there are three children, one of them will be subject to the master of the father, and so the mother, as stated, will always have the preference. And so the people of Apamia may know, that the offspring must be divided in this manner, and they may understand that the controversy existing throughout a long time has been settled by our legislation. (a)

(a) Nov. 162 here referred to was enacted in 539 A.D., so that the present Novel was written after that date.