

Concerning inheritances.

(De hereditatibus.)

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Preface.

There is nothing greater than God and justice. Nothing that should be done, could be done without them, especially in our state; by their aid it is possible to govern justly and to lead our subjects to love and kindness of heart. So we, too, learning from God and from justice - though we are overburdened with care to the end that the Romans may increase in virtue and that the barbarians may be conquered - are not without solicitude, that proper provisions be made in things which are of benefit to private people. Since, therefore, we have corrected many things which were formerly in confusion, we have thought it useful to also reduce to order matters in connection with inheritances, which have long been neglected. For we have learned that some persons, stalking about, interfere with the property of decedents, neither permitting testaments to be enforced, or intestate successions to take place, affixing their seals to movable property, and putting placards on immovable property, and in this manner making sport of the succession of decedents and interfering with the regular order of succession. Now since it is impossible to learn the details which happen in such multitude of matters, we have thought it best to make a general law in regard thereto.

c.1. We therefore ordain that everyone shall enjoy his property and his rights and transmit them to his successors without infringement. No one shall invade his property or inflict damage on his heirs or put placards or seals on property contrary to our law. We confirm intestate successions of men's inheritances and do not declare last wills legally made to be invalid. For since we always

watch, and are solicitous, for the welfare of our subjects, and Our Majesty bestows great care to look after their well-being, why should we not also look out for them in this respect and willingly bestow our benefaction upon them? We are confident that this will be pleasing to God; we call this justice, and we believe that our empire will thereby be made safe and peaceful. Let this law, therefore, also be numbered among our other good deeds, and let our subjects, released from former troubles, and deemed worthy of such solicitude on the part of Our Majesty, give thanks to God and after Him to us, propitiating God with prayers, that, with the enemies conquered, we may also bestow much other protection upon them.

Epilogue. The glorious curators of the imperial property and the greater and lesser magistrates in this fortunate city as well as in the provinces, must obey this, our will, declared in this imperial law, fearing the confiscation of their property and capital punishment if they violate this, our sanction. Your Glory, therefore, will post up this, our law, in conspicuous places in this fortunate city, and will send it to the provinces by means of the usual orders. Given November (or December), 574.

Note.

The foregoing Novel was enacted by Tiberius, successor of Justin, but is embodied in the collection of the Justinian Novels. It clearly shows the lawlessness existing in the Roman empire at this time. The pretense of protection extended is puerile. Full legal remedies already existed for the protection of inheritances, one of which has just been mentioned. The trouble was, that these legal remedies were not effective, and were not enforced or, on account of the turbulence of the times, enforceable. The laws always discouraged violence, as will be more fully noted in C. 8, 4, 8, but the discouragement was frequently but theoretical.