

Novel 139.

Remission of the penalty for unlawful marriages.
(Remissio poenae illicitarum nuptiarum.)

In the name of our Lord Jesus Christ, or God, Emperor Caesar Flavius Justinian to
Florus, Count of the Crown Domain.

Preface. Your Glory has reported to us that the inhabitants of the village of Syndys and the Jews in Tyre are subject to our imperial constitution^a by reason of unlawful marriages without paying the fourth part of their property according to the order made in reference thereto;^b that some of them are already in the third state of life^c and are the fathers of children, and therefore supplicate us in tears not to be compelled to send their wives away, but that they may retain them; that the children already born or still to be born might become their heirs, and that they might not be in fear on account thereof.

a. Nov. 12, c. 3, appended to C. 9.9 [not appended in this edition].

b. Nov. 12, c. 3 provides that unlawful marriages must be dissolved, and if dissolved within two years, a fourth part of the property only, instead of all of it, should be confiscated.

c. The first age is treated by Justinian as the age up to the time of puberty; the second age as that between the time of puberty and the age of twenty-five years; the third age the period beyond twenty-five years of age. See C. 1.4.30; C. 6.26.10; Nov. 72 pref.

c. 1. We therefore ordain that for the remission of such penalty each shall pay ten pounds of gold on account of the matters aforesaid; the severer penalty shall be remitted only for them; they may retain their wives, and the children born or to be born to them may be their self-successors (heirs of their body).^a We do not ordain this as an example, for every one else must know that if he seeks anything of the kind—aside from the fact that he will have his petition denied—he will lose all of his property, and further will be subjected to corporal punishment and sent into perpetual exile. No one, however, shall molest those upon whom we (by this law)

bestow a special imperial bounty, or their wives or children already born or to be born or their property, either by any judicial decision or in any other manner.

a. See headnote C. 6.9.

Epilogue. Your Glory will take care to carry this our will, declared by this pragmatic sanction, and which has the force of a grant of a special favor, into force and effect.

(No date.)