

Novel 52.¹

That the property of one personal shall not be seized because of another, but shall be restored fourfold. Nor shall one man be troubled or injured because some other man struck or injured some one. A gift from private person to the emperor does not need to be registered.

(Ne aut personae aut rei aut pecuniae pignatio fiat etc.)

Emperor Augustus to Johannes, glorious Praetorian Prefect the second time, ex-consul and patrician.

Preface. Dishonest seizures and illegal exactions by that means have been rebuked by other laws, particularly those enacted by us; and we cannot understand how it happens that though such practice is forbidden by so many laws, it still exists and is practiced and exhibits greater strength than the restraint of the laws.

c. 1. We accordingly ordain that no seizure (of one man's property for some one else) shall be valid in our republic, either at fairs - where, as we learn, that is especially done - or in fields as in cities or in villages, either as against inhabitants of cities or of villages or as against serfs or anybody else, or at any time, and a man who dares to extort money or anything else from one man for another by seizure shall restore it fourfold to the man against whom such force was used, and he shall further lose his right of action against the man on whose account he made such exaction. For it is absurd that a debt owing by one man should be demanded from another, or that one man should be troubled because another has committed an act of wantonness or outrage, simply because he may be a fellow-villager with him, or that he should be maltreated, outraged, or suffer any trouble because of another, or without cause have any insult heaped upon himself and perhaps even suffer corporeal punishment at the hands of the president of the province, and the latter must know that if they do not act accordingly and (such unlawful) seizures are undertaken in their provinces, they will not escape punishment at our hands.

¹ Under this line in his manuscript, Justice Blume has: "Append to C. 11.57. See C. 4.12.4."

c. 2. We have also determined to add to this law that, as gifts made by the emperor to others do not need to be registered, but are valid by virtue of their own force, so, too, gifts made by private persons to the emperor, need not be registered on the records, no matter what the amount thereof may be, provided that they are publicly made by notaries (tabelliones), are subscribed by the donor of the gift and are witnessed and executed in the form required in the case of gifts. For it would not be consistent that the emperor could not acquire property from private persons in the manner as they from him. The inequality arose out of the recent order contained in the constitution of Zeno, of blessed memory, that imperial gifts need not be registered. Inasmuch as this matter appeared incomplete, we have completed it, and want that provision to apply both to gifts made by the emperor to private individuals and to gifts made by private individuals to the emperor, so that justice may be restored through equality.^a

^a As to gifts between emperor and empress, see C. 5.16.26.

Epilogue. Your Sublimity will cause the provisions in this imperial constitution to be made known to all by your own edicts in the usual manner.

Given August 18, 537.