Novel 89.

## Concerning natural children.

## (De naturalibus liberis)

Emperor Justinian Augustus to Johannes, glorious prefect of the Orient the second time, exconsul, oridinary and patrician.

Preface. The former Roman legislation did not trouble itself with the name of natural children; no friendly feeling existed concerning it, and it was, as it were, a foreigner and a stranger in the republic. But from the time of Constantine,(a) of blessed memory, it is found written in the book of the constitutions, and the emperors thereafter, gradually led to entertain a more moderate and humane opinion enacted laws, some of which permitted fathers to give and leave these children something, and some of which found means whereby the latter might be released from their former status as natural children and might become legitimate and the heirs of their fathers. Gradually, the legislation was extended to grandchildren,(b) and, coming down to shortly before our time, the matter assumed a variety of aspects. And we have been zealous in two respects, namely, to lead as many people as possible from the former condition of slavery into freedom, and to transform natural children into legitimate ones. For one must not pay his attention to punishing and forbidding, but to cure an evil; one must indeed avoid the bad, but also discover a means of betterment. Since, therefore, some provisions are found in the book of the constitutions which we collected from among the legislation of former emperors concerning natural children, and since, when treating of guardians, we ourselves made some provisions concerning such children, while we found other provisions already made, we ourselves making many laws concerning them, embodying some of these laws in the aforesaid collection of the constitutions, and enacting some of them after that time, and in order that these

provisions may not remain dispersed, we have thought it best to put them all into one constitution which embodies all the enactments, as corrected, regarding natural children.

(a) C. 5, 27, 1.

(b) C. 5, 27, 12.

C. 1. It is clear that some men are free as well as legitimate; that others are at first wanting therein, slaves becoming free men and natural children becoming legitimate; that some are at the same time, natural children and also have some rights of succession; and that others, finally, do not enjoy the condition of natural children but are unworthy thereof. Hence it is proper for us to make our constitution so that every one will know what the law is as to natural children. We shall, therefore, in the first place indicate who are natural children, and in what manner they may acquire the rights of legitimacy, for which we have devised many ways; what rights of succession they have, how harshly antiquity treated them and how much more humanely deal with them. And we shall not overlook that, as stated, some are not even considered worthy of the name of natural children by the laws. Nature in the beginning, when establishing its laws as to procreation and before there were any written laws, made all children free as well as free born; The creator of things gave to the first parents children who were both free and legitimate. But wars and fights and debauchery and lust brought about a different situation. Wars brought slavery; want of chastity brought the status of natural children. But the law, offering a remedy for such sins, brought manumission to slaves, going to much trouble and introducing a thousand ways therefor. And imperial constitutions opened the doors of legitimacy to those that were not legitimate. And we do not mention this matter merely incidentally (obiter sancimus), nor do we

want our subjects to obey this law in a negligent manner. 1. Legitimate children will be born to men from a marriage which they enter into either by the execution of a marriage contract, and also without it, provided that males united themselves to females with the intention of entering into a legitimate marriage with them. But since we also saw this matter exposed to slander we made a distinction and provided what should be done in order to effect a legitimate marriage, by those who, by fortune, are advanced to a station of dignity, what should be done by men in median station, and what, finally, the plebeians might do.(a) The succession of children born of these marriages is clear. If the children are legitimate, the law shows the manner of succession, concerning which it has taken much trouble.(b) This, then, is the situation as to legitimate children. Those that are not born of a legitimate marriage, or are born in slavery, shall, if deemed worthy of freedom, remain natural children. But the laws point out various methods to acquire legitimacy, and after these are enumerated we shall proceed to provide for the remaining things.

(a)Nove. 74 cc 4 and 5 appended to C. 5, 5, 29.
(b)See C. 6, 9- 61.

c. 2. The first method which makes them legitimate and which is at the same time of benefit to the cities is the one introduced by Theodosius of blessed and recent memory.(a) It was provided by him that either a part or all of the natural sons might be made curials and that natural daughters might be married to curials. But since this method provided by the law is not simple and the provisions are not uniform as to assigning these children to the curia or concerning succession,(b) the manner in which and from whom they inherit,

and who, in turn inherits from them - we have thought it best that this should be the first subject of legislation and thereafter to deal with the remaining methods of legitimation; for the results thereof are easily stated. 1. If a man, therefore, is the father of natural children, whether he is a curial or is free from a curia, and whether he is the father of legitimate children or only of natural children he shall have the right to offer some or all of them to the curia, although the children, perchance, have obtained the illustrious dignity, provided that they are not such as would, (c) though curials, free them from that status. The manner of making them members of the curia, may be by the father, during his life time making them such publicly, as was done in the case of Philocalus, by his father, who declared this fact in the theater of that place and in that way made him a curial, as shown in the constitution of Leo (d) of blessed memory. Whether, therefore, a man is made a curial, so pronounced by his father, or whether the father makes him such by declaring that fact on the public records (actis interpositis), or whether, when about to die, he states in his testament that they ought to be curials; if (in such case) they take under the will, they shall immediately become legitimate and freed from the status of natural children. And if the son or sons offer to become such voluntarily, after the father's death, they will, in case there is no legitimate offspring, become legitimate and curials. So that the father may make his natural children curials though he has legitimate offspring; but in case they offer to become such voluntarily, they shall be accepted only if there is no legitimate offspring. This then is the situation in reference to making (children) members of the curia, embodying in the present law the provisions which are contained in scattered portions of past enactments. Nor shall such presentment to the curia be made without order or haphasardly, and

we must make the methods known by which that may be done. 1. A man, therefore, born in a certain city, whether he is a curial or not, may present his natural son to the curia of such city where he was born. If such son is not a citizen thereof, but was born on some landed estate or in a village, he may be presented by his father, or he may present himself, to the city to which such landed estate or village belongs. It is clear that a father, grandfather or remoter ascendant may present him, though the person so presenting him has legitimate children. Such natural son may present himself if he has no legitimate brothers or sisters. 3. If a man who may present his natural children to a curia was born in this great city (Constantinople) or in ancient Rome, we give him permission to make such presentment to any metropolitan city. And this rule shall apply to daughters, so that they may be married to curials of the city in which(the father)was born or to which the landed estate or village (in which he was born) belongs, or if he is at the same time free and a citizen of Rome or Byzantium (Constantinople), to a curial of the curia of any other city, provided it is a metropolitan city. And we have the welfare of curiae so at hear, and this method of reaching the rights of legitimacy so pleases us, that if a man is the father of natural children, he may, though they were born of a female slave, make them both free as well as present them to a curia in the manner set forth by us. And we state further, that though the father does not present his son, the latter may, if he has once been made free, present himself to the curia, that is to say, in a case where there is no legitimate offspring.

(a) C. 5, 27, 3 and 9.

(b) See C. 5, 27, 3, 4, 9; Nov. 38, c. 2-4 appended to C. 10, 35.

(c) C. 10 32, 66; Nov. 81 pr. appended to C. 8, 48.

(d) C. 5, 27, 4.

c. 3. And since different provisions have been made concerning the succession of such persons, we have deemed it not improper to also lay down rules, as before stated, concerning such successions. If any natural son, accordingly, becomes a curial according to this rule (we refer to such presentment), he shall be heir of his father both on intestacy as well as pursuant to a testament, in no different manner from a legitimate child, and he may receive a gift from his father, not greater, however, than the portion of a child, legitimate from the beginning, who receives the smallest portion. If they have once agreed to the presentment to the curia, and have thereby become legitimate children, they are then not permitted to abstain from the inheritance of their father, or to relinquish the gift made to them and once accepted by them and abandon their status. They shall remain curials and have, in the manner previously stated, whatever has been left or given to them. 1. If they do not accede to the presentment to the curia, and prefer to remain free, though natural children, rather than to be enriched and be curials, but it appears later that they are in possession of all or part of what has been given or left them or that they have alienated it, they will at once become subject to the curial status even against their will, in order that they may not falsify the law, receive a gain by reason of their presentment to the curia, but spurn the condition on account of which they were deemed worthy of the gift. And we make these provisions equally for males presented to the curia as for daughters who marry curials, so that there may be no difference whether a man undergoes the duties of a curia through males, or whether he wants to increase the curia through his son-in-law, married to his daughter, and, as far as in him lies, add new curials through their sons, to the former curials.

c. 4. A son given the rights of legitimacy in such manner, is made a legitimate relative only of his father, and we do not, as by a fiction, make him a blood relative of his father in a threefold manner - this is to say, a relative of those from whom the father himself descended, of of his collateral relatives or of his descendants. A natural son, given to the curia, shall be the lawful successor only of his father, and he shall have nothing in common with the latter's ascendants, descendants, or agnate or cognate collateral relatives, and shall have no part of their inheritance. We give him (however) the privilege, that since he does not become their successor, neither are they called as his successors, unless he appoints them as his heirs, or they him. He becomes legitimate only in relation to his father and will be considered a blood relative only of him.

c. 5. We must provide, then, who are the successors of men made legitimate in this manner. If they have children or grandchildren by a legitimate marriage, who are also curials, they shall inherit from him. For who is more rightly called to the inheritance of his father than a legitimate son? If he has children who are not curials, whensoever born, the legal portion shall go to the curia and to tthe fisc, and the remaining portion, howsoever much it may be, shall go to the children who are not curials. If he has no offspring and dies intestate, three fourths shall go to the curia and the fisc, according to the provisions recently made,(a) and the remaining fourth to the intestate heirs, or if he made a testament, to the heirs appointed therein. For the law, once accepting him as a curial and binding him to the curia also regulates the succession from him and the order and course of his life. If a member of the family, or an outsider, whether appointed as heir or not, wants to go to before

the emperor and offer himself to the curia, he may do so, and receive the portion destined for the curia, and become a curial and successor both as to fortune and in the performance of duties, if the emperor consents.

(a) C. 5, 27, 9 and Nov. 38 c. 1-4 amended to C. 10, 35.

c. 6. If a man (so made legitimate) has no legitimate, but only natural children he may appoint them as his heirs subject to the burden of the curia. And his writing to that effect shall suffice for presentment to the curia, and no addition thereto, as under the former laws, and no presentment during his life time, shall be required, but the appointed children, if free, shall immediately become curials and heirs, and they shall have three fourths of the property of the father, in proportion as he has distributed it. If he leaves them the whole property, he will do still better; but he must leave them, in any event, three fourths of the property and must know that though he leaves them less, the deficiency must, pursuant to law, be made up. If the children accept the inheritance, they shall become curials; if some accept and others decline, the portion of those declining shall belong to those that accept. If all of them decline, then the whole of the three fourths of the property shall go to the curia as if there were no children. If the father has made such last will and has no legitimate offspring, the legal portion (one fourth) goes to the heirs on intestacy; the natural children, some or all, may, if they wish, offer themselves to the curia (to become curials), and the three fourths of the property shall go to those of them that become curials. If such father has children which a female slave bore him, and he manumitted and presented them to the curia either during his life time or by

testament, such children shall be accepted and become curials, as the testator wished or in accordance with their own wish (by presenting themselves to the curia as curials); if they offer themselves to the curia, they shall, as stated, receive three fourths of the property. For we want those that become curials to have, in any event, three fourths of the property, whether the father made a testament or whether he failed to disclose his wishes. If he only manumitted such children without presenting them to the curia, but they, either one, some or all of them, want to join the curia, the three fourths of the property shall go to those that join, in equal portions, If no one of the natural children either wishes to join, or is presented to, the curia, the curia shall receive three fourths of the property, It is clear, however, that the fisc shares in the succession of the property at the same time, according to the constitution enacted by us. These, then, are the clear provisions made by us concerning natural children who become legitimate by joining the curia, and the manner in which they are presented to it, and concerning successions.

c. 7. In one of three other constitutions[a] Zeno, of blessed memory, hardly wrote anything relating to the future, but it refers to the past. We permitted it to be embodied (in the book of constitutions), lest we should, perhaps, deprive those benefitted thereby - since they might under it, have (legitimate) offspring - of such benefit. And no more do wepermit the constitution of Anastasius, of blessed memory, which permits the adoption of natural children, to trouble our subjects hereafter, and we permit it to remain only so that we shall not deprive anyone of any benefit which he may expect to derive therefrom; for it is becoming always to be the author of good, and not to destroy the good which has previously

been conferred upon people. But we adopt our father's constitution wisely and fitly enacted, which forbids the adoption of natural children, for it is incongruous to indiscriminately join natural children, as strangers, to legitimate children.
(a) C. 5, 27, 5, 6 and 7 are meant.

c. 8. It remains therefore for us to consider the methods, devised by us, which confer legitimacy,upon children who were natural children. And we shall not trouble about their rights of succession; for we grant those who have once been made legitimate the same rights of succession by those who are legitimate from the beginning. If a man, therefore, enters into a marriage contract with a woman free from the beginning or freed, with whom he might enter into a marriage, and with whom he lived as his concubine, whether he is already the father of legitimate children or not, the marriage will be lawful, and the children already born as well as those still in the womb shall be legitimate. And though he has no children thereafter or those born thereafter die, the offspring before such marriage shall nevertheless be legitimate. For his affection toward the children so born, which induced him to enter into such marriage contract, at the same time afforded the opportunity for the children subsequently born of acquiring the right of legitimacy. Hency it would be incongruous that an occasion, found by the children subsequently born and given to them by the children first born, should not at the same time confer the right of legitimacy on the latter and relieve them from all anxiety in connection with their right to inherit from their father; for it is clear that the later children are legitimate pursuant to law which has a respect for a marriage contract, but that the marriage contract itself found its beginning and cause in the former association (between the man and the woman.) Hence we have put both the earlier and the later children into one class, have

destroyed all opportunity for unjust attacks by several constitutions and have provided that although a father should have no children after such marriage contract, still he would then have legitimate children (in the earlier ones). For the birth of later children depends on fate and accident, as does also the death of those already born; but the proof of affection, giving to those born before the execution of the marriage contract their status of free birth, is not such as may be destroyed. 1. And it has been added, for just reasons, that a child, conceived before the marriage contract, but born thereafter, gives assistance (towar legitimacy) to itself, since it also is able to give such assistance to those born earlier. And we have devised a rule which best explains the status of those that are born; for since there was doubt as to whether the time of the conception or the time of the birth should be considered, we enacted that, for the benefit of the children, the time of birth and not the time of conception should govern; and so if we can imagine cases in which it would be better to have the time of conception govern rather than the time of birth, then, we have directed, the former shall govern, which would be better for the child.

c. 9. And we have further provided, (a) that if a man should want to make his offspring legitimate, but should not have he woman who is the mother of the children as his wife, or if he, loving the children very much, but the woman should not as to him, be without reproach, and he should not consider her worthy of the name of a legitimate wife - if, accordingly, the woman should be dead (b) or she should not be considered worthy of legitimate marriage, if if the children should act dishonestly, and purposely hide the

woman after she perchance had come into possession of some wealth through a child or otherwise, in order that the father might not, in case of the death of the woman, by reason of becoming legitimate, have the usufruct (of the property) as in the case where he has his children in his power - in such cases, if a man has no legitimate children, but only natural children, and he wants to make them legitimate, but he has no woman as his wife, or the woman is not without stain, or she is absent, or he has no opportunity of executing a marriage contract for some other reason - for what is the situation if one of them joins the priesthood?) We give him permission, as we have already done - when, as stated he has no legitimate children - to make the children legitimate in the following manner. Since there are methods by which slaves are led back to liberty and to the status of free birth, and they are returned to nature, so a father, who has no legitimate offspring, shall, pursuant to imperial rescript, have the right to restore his (natural children), provided they are born of a free woman, to their rights according to nature and to their original rights of free birth, and thereafter have them, as legitimate children, in his power. For in the beginning, when nature alone made laws for men, before the enactment of written laws, there was no difference between natural and legitimate offspring, but the first children of the first parents were, as soon as they were born, legitimate, as we have already stated; and as among free men nature made all men free, but slavery was invented by wars, so in this case, too, nature indeed produced legitimate offspring, but lust branded them with the mark of natural children. And as the conditions (of slaves and/of natural children) are like, so a like remedy is properly provided - the one was provided by our predecessors, the other is provided by us.

In the cases aforesaid, therefore, the father shall be permitted, to leave the mother in her former status, and address a petition to the emperor, stating that he wants to restore his natural children to their natural condition and to their original right of free birth, so that they may be in his paternal power and not be in any way different from legitimate children. If this is done, the children shall have the benefit of our assistance. By this method alone do we remedy the lapses and inventions of nature in connection with those who have no legitimate children, and by this direct method correct the impulses of nature.

(a) These provisions closely follow Nov. 74, particularly c. 1 thereof.

(b) There is in the Greek text immediately succeeding these words, but in brackets, the words "that is to say the wife." The phrase has been left untranslated, as it would seem to be entirely out of place. The death of the woman not the man's wife, is evidently intended, just as in Nov. 74 c. 1. The first part of the sentence is involved.

c. 10. And in case a father who has only natural children is prevented from doing this by fortuitous circumstances, but he states in his testament that for one of the reasons above mentioned, he wants his children to be legitimate and his heirs, he shall also have the right to do that; provided that the children, after the death of the father, must supplicate the emperor, show this fact and produce the testament, and they shall (thereupon) be heirs according to law, receiving such right both from the father and from the emperor, or what is the same thing, from nature and at the hands of law.

c. 11. These provisions shall apply as to all those who are given the rights of legitimacy only when the children consent. For as it is not permitted for fathers to give up paternal power against the wishes of the children, so much the less have wethought it just or in keeping with imperial power or with legislation, to bring a son, who perhaps, fears the father, under paternal power against his wish or consent, either by presentment to the curia or by the execution of a marriage contract or in any other manner. 1. If there are several children, and some of them are willing and others are not, those that are willing shall become legitimate, leaving the others in their status as natural children. And we make this provision without destroying any method (of legitimation) pursuant to former laws, but add this method, where the others are not applicable. For in all cases where there are legitimate children, and also natural children born after or before the former were born, the rights of legitimacy cannot be conferred upon the latter except by presentment to the curia or by the method of execution of a marriage contract introduced in our constitutions. 2. But since we deem the method of adoption of natural children which was formerly considered as not improper by some of former emperors, as incongruous, we reject it, as stated, pursuant to the constitution of our father, that constitution aiming at chastity, and it is improper that what has once been rightly rejected should be recalled to our republic. Having, accordingly, ordained and declared in what manner citizenship and legitimacy may be obtained, nothing remains to be said as to succession by such children; for the right of succession, possessed by those who are legitimate from the beginning, will also be possessed by them (i.e. those who are made legitimate.)

c. 12. The children, accordingly, that have been made legitimate, having been distinguished from the children who remain natural children, it remains to regulate the right of succession of the latter. Valentine, Valentinian and Gratian were the first (a) who were pleased to deal more humanely with natural children, providing that if the father of natural children should have legitimate offspring, the former should have but a twelfth and that along with their mother; permitting nothing more to be given them or left them in a last will; if there should not be natural children, but only a concubine - the man having no lawful wife - for then only are men permitted to have a concubine - only a twenty fourth was allowed (to be given to such concubine); if the father should have no legitimate children, nor a father nor mother, a fourth was permitted to be given them (such natural children) along with their mother, and that whatever was given them in any manner should remain within that limit; that the remainder should go to the heirs upon intestacy, as was also provided, though imperfectly, by the sons of Theodosius the First, (b) l. And although we have already recently enacted a humane law (c) permitting in case of the lack of legitimate children, a half, instead ofa fourth to be left to the natural children, through the liberality of the father, we nevertheless, enact the present law, since by reason of the things that have happened since that time, we have considered the matter more fully and view it more humanely. We certainly think that many things of the past and delinquencies of the present times worthy should be corrected and we liberate men from unconscientious conduct. Some men, not having the liberty to leave to their natural children as much as they wish, appoint others as heirs upon condition to deliver the property to the children; but the heirs immediately act wickedly and violate the wish of the testator, or what is worse, they swear falsely - without mentioning what has been related to us

about noteworthy persons of the past who were guilty of such conduct. 2. In order, therefore, not to permit the continuance of such conduct, and in order that what is permitted to be done in relation to strangers and unknown persons, may not be forbidden to be done in relation to natural children, we therefore ordain by the present law, that if a man has legitimate children, he cannot leave to his natural children and their mother more than a twelfth, and he cannot give them more than that amount. We ratify that much of the former constitution, and if he attempts in any manner to give them more, the excess shall belong to the legitimate children. If he has no children, but only a concubine, he may leave or give her one half. 3. If he has no legitimate children or ascendants to whom a testator must, pursuant to law, leave a part of his property, he may appoint his natural children as heirs to the whole of his property, and may divide it among them as he wishes, and may give it to them by simple gift, prenuptial gift, dowry or in any other lawful manner. Thus he will not longer be in need of men who are ready to commit wickedness and perjury, but express his wish in a direct manner. Ifhe has ascendants, he must leave them the portion which the law and our constitution directs, but he shall have the right to leave the remainder to his natural children. These provisions are made for those who state their wishes in a written and lawful testament.(a) 4. But if a man dies without leaving legitimate offspring, either children, grandchildren or remoter descendants, or lawful wife, and without having disposed of his property by testament, and his relatives, or perhaps manumittor, ask for the right of possession of his property, or the fisc, which we do not spare in this matter, claims his property, but the decedent lived with a free concubine and had children by her - for we have only such persons in mind, when there can be no doubt as to the woman having lived at his home as his concubine and as to

the children being his natural children, born and raised in his home - we permit all the children jointly, however many there are, to inherit, along with their mother, one sixth of the property of their intestate parent, the mother receiving a child's portion. This applies when the man had only one concubine by whom he had the children; or when the children remained in his home after the concubine died or was separated from him. In such case they shall inherit one sixth. But if he engages in indiscriminate lust, continuously changing one woman for another, and has a multitude of what we may well call prostitutes, and dies, leaving many concubines and children by them, he is worthy of our hatred, and he and his children and concubine must not be permitted to benefit under this law. For as a man cannot have legitimate children by another woman during the time that he is married, and has a lawful wife, so when a man, as has been stated, has a concubine, recognized by law, and has children by her, it will not be permitted that children born of lust, should inherit from him if he dies intestate. For unless we made this provision, there would be no distinction as to women - which of them he loved more, which of them less, and no distinction as to children. And we give the benefit of our law not to those who live in wantonness, but to those who live chastely. No difference shall be made between male and female children, for as nature makes no such distinction in connection with such matters, so we cannot make one law for males and another for females, 6. And in order to be clear and at the time consider paternal duty, (we direct) that if a man who has legitimate children also leaves natural children, the latter shall not receive anything on intestacy, but they shall be supported by the legitimate children in a becoming manner, in accordance with the amount of property, as may be determined by an upright man. This shall apply also when a man has a lawful wife, but has natural children by a concubine that previously died;

and the latter shall be supported by the heirs also in such case. As far as natural grandchildren are concerned, the provisions already specially made as to them, shall govern.(a)

(a) ℄. 5, 27, 12.

(a) The remainder of the chapter is largely repetitio n of part of Novel 18 c. 5.

c. 13. In the cases in which we have called natural children to an inheritance, the latter must observe filial conduct toward their natural fathers; and in the same measure as the father must take care of his natural children according to law, so a reciprocal duty exists toward fathers both in respect to succession as well as support, the same as we have prescribed for the latter.

c. 14. In as much as it has already been stated in some former constitutions(a) that fathers who give or leave anything to children, may also provide a guardian for them - the appointment so made to be confirmed (by the court) - we also direct now that this shall be valid, and we also permit mothers, according to the provisions already made concerning them,(b) to undertake the guardianship of their natural children, and do everything else that has been determined in case of (their guardianship) for legitimate children.

(a) C. 5, 29/

(b) C. 5, 35, 3.

c; 15. We come then to the last paat of this law, so that it, too, may be put in proper orde: and so that we may enumerate those who are not worthy even of the name of natural children. And in the first place whoever is procreated as the result of nefarious, incestuous and condemned embraces - for we do not call them marriages - will neither be called a natural child, nor will he be supported by

the father, nor will he have anything in common with this law. But we do not accept what has been said by Constantine, of blessed memory in the constitution written to Gregory[a] concerning children of that kind, since it has ceased to be in force through non-user; for it relates to Phoenician and Syrian chiefs[b] and duumvirs (chiefs of cities), and to men of perfect and honorable rank, and does not wish any of their children to be natural children, depriving them of the opportunity (even) of enjoying imperial munificence. We repeal that constitution in its entirety. 1. These provisions are enacted by us, so that no one will be unaware of our laws, or as to who are legitimate and who natural children, or to whom the rights of legitimacy are given, or in what manner the children that remain natural children are entitled to humane treatment, and in what manner proper honor is also shown them by being separated from those who are not considered worthy of being considered even natural children.

Epilogue. Your Sublimity will cause this our will, and the provisions made thereby for the betterment of men and as supplement to nature to be published by edicts, in order that this law may be made known to all, so that they may know what to do in such cases, and be aware of our care in their behalf, and that we occupy ourselves with what is of advantage to them in preference of everything else.

Given Sept. 1, 539.

(a) C. 5, 27, 1.

(b) As to these, who had certain powers in their provinces, see Gothofredus on C, Th. 6, 3, 1.