

Book XI.  
Title LIII. (LII)

Concerning the Illyrian serfs.  
(De colonis Illyricianis.)

11.53.1. Emperors Valentinian, Valens and Gratian to Probus, Praetorian Prefect.

We order that the serfs and tenants (inquilinos) in Illyria and neighboring districts shall have no right to depart from the land to which they belong by birth and origin. 1. They are bound to the soil, not by tie of tribute, but under the name and in the character of (free) serfs (colonorum), so that if they leave and go to some other place, they shall be recalled and subjected to chains and chastisement. Punishment shall also be visited upon persons who shall have received another's unknown serf, in that they must make remuneration for the work of the serf, must compensate the damage which has been caused to the place deserted by the serf, and must pay a fine the amount of which we leave to the discretion of the judge. So that the owner of the estate also where the stranger is shown to have been, shall be punished in proportion to his wrong-doing, nor shall ignorance serve as an excuse, because the fact that he has kept an unknown person shall alone be sufficient to constitute a crime. 2. Further, if any person in the above mentioned districts receives a slave, ignorance shall be no excuse and he shall pay a fourfold penalty, besides making remuneration for the work of the slave and compensating the damages done. 3. If any person unlawfully receive a freedman, the same provisions shall apply which we have made in case of reception of free serfs. Given June 29 (371).

Note.

It is apparent that the instant law deals with free serfs, as clearly shown by the last sentence. These serfs, the law states, were not bound to the tributary tie. Now that in all probability did not contemplate any poll tax, but the tributary tie must have represented something else, namely, as held by Leo, the tax of the unfree serf as a chattel. See Note C. 11.48.10.

As to penalties for keeping fugitive slaves, see C. 11.48.12; C. 11.52.1; C. 6.3.13.