

Book XI.  
Title LXVIII. (LXVII)

Concerning the imperial (dominicis) or fiscal farmers and slaves or those of the Crown Domain.

(De agricolis et mancipiis dominicis vel fiscalibus sive rei privatae.)

11.68.1. Emperor Constantine to Constantius, Praetorian Prefect.

No serf born on our Crown Domain, shall be called away to any positions of honor or liturgy in a city, for it is improper for the municipal senate and the others, from among whom in view of their number, and distinguished in all matters, nominations should be made, should not resort to making wrongful nominations for those highly important positions.

Note.

The slaves here mentioned were those of the crown domain. Cujacius on this law. Imperial domains and the serfs thereon were not subject to the municipal authorities, and, therefore, were not subject to liturgies which rested on curials and others in the city. This subject has been fully discussed in headnote C. 10.32. It must be borne in mind that municipal honors and liturgies were burdens, sometimes of extreme character.

11.68.2. The same Emperor to Jonnarius, Count of the Orient.

Our serfs, who belong to our Crown Domain, and suitable either for keeping accounts or for cultivating fields, shall (when they have departed) be recalled and shall be occupied only with our matters; and in the future none of them shall undertake to have charge of, or occupy themselves with, the affairs of another.<sup>1</sup>

11.68.3. The same Emperors to Equitius, Master of the Forces.

The slaves and serfs, their sons and grandsons, and anyone else who have fled from our lands and possessions and have secretly entered other service, shall be recalled, although they have taken the armed military oath. Even those who have become protectors shall be deprived of their girdle (of office) and returned.

Note.

The protectors were part of the palace guards. See C. 12.17. This law reiterates what is stated in so many other laws, that serfs shall be returned to their occupation. See C. 11.48.11, and note, and see also law 2 of this title.

11.68.4. The same Emperors and Gratian to Florianus, Count of the Crown Domain.

You must see to it that the offspring of a free-born man and a female serf or slave, is assigned to the condition of the mother.<sup>2</sup>

11.68.5. Emperors Valentinian, Theodosius and Arcadius to Cynegius, Praetorian Prefect.

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<sup>1</sup> [Blume] See C. 11.48.11 and note, and next law.

<sup>2</sup> [Blume] C. 11.48.16 and note.



We do not permit the imperial serfs to be assessed by a special tax (descriptionem) or to perform extraordinary functions, especially since burdens are said to be imposed upon them contrary to custom.

Note.

This principle is in consonance with C. 11.48.1, and C. 11.55.1, which forbade that any extraordinary burdens should be placed on serfs or that they should be called away from cultivation of their lands. 'Descriptio' seems to have been an extraordinary tax. Bury, 2 Hist. Later Roman Empire 352.

11.68.6. Emperor Theodosius and the Caesar Valentinian to Valerius, Count of the Crown Domain.

If land of our private patrimony is sold to a serf, it shall not be sold to only one who perhaps might become burdensome and grievous to his associates, but to others with him, two or more, with the same origin and having the same master (jure), shall be associated with him.

Given at Constantinople December 13 (425).

C. Th. 5.14.9.

Note.

This shows that serfs could become owners of private property, as also shown by Novel 162, c. 2. According to the instant law, however, imperial property could not be sold to one of them alone, but several were directed to be associated with him in the purchase, in as much as one might become haughty and look down upon the others.