

januari 250 All the inhabitants of the empire were required to sacrifice before the magistrates of their community 'for the safety of the empire' by a certain day. When they sacrificed they would obtain a certificate recording the fact that they had complied with the order. That is, the certificate would testify the sacrificant's loyalty to the ancestral gods and to the consumption of sacrificial food and drink as well as the names of the officials who were overseeing the sacrifice.

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305 Imperatores Constantius, Maximianus. Quoniam consulis, an similis observantia a nobis adiciendarum feriarum, quae rebus feliciter gestis proveniunt, ad appellationum quoque tempora porrigenda sit, verine carissime, rescribi placuit experientiae tuae, ut in causis provocationum iugiter et sine additamento eiuscemodi dierum tempora scias servari debere et supra dictorum dierum in appellationum causis minime fieri adiectionem. CONSTANTIUS ET MAXIM. AA. ET SEV. ET MAXIMIN. NOBB. CC. VERINO. D. NON. ... APOLLONIO SUPERIORIS CONSTANTIO V ET MAXIMIANO V CC. CONSS.

LAW OF CONSTANTIUS I AND GALERIUS ON DEBTORS TO THE FISC (305-306)

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Of this constitution Greek and Latin versions exist, both fragmentary in their inscriptions and each exhibiting approximately the same concluding part of the law. The Greek text, reported in 1752, though supposed to be a translation of the Latin document, is more complete than the Latin text, discovered in Lycia, Asia Minor, before 1902, and therefore it is here translated. Among the fisc's privileges was the right, in seeking satisfaction from a person indebted to it, to exact from the person who was indebted to the fisc's debtor a debt which he happened to owe to the fisc's debtor. But this procedure was pursued only when the fisc's debtor was impoverished and could not discharge his debt to the fisc. This constitution abolishes all notations about debts owed by the fisc's debtor to it, insofar as these have come to the fisc by a certain day after its debtors have been released, or concocted by the Caesarians, who were apparitors of fiscal officials and whose corruption was notorious; and the office staffs of all magistrates or officials are ordered to send to the imperial court such records, lest the fisc's debtors later should be disturbed.

1) ... and weighing with care ..., lest per chance anything announced by us should escape notice, the occasion for which might furnish to the aforesaid persons' rash lawlessness any opportunity to plot against innocent persons' property, by appropriate words we have thought that it must be corrected.

2) Therefore, it is our pleasure that as many persons as suffered false accusations in the matter of those persons' notations, when they, subjected to adverse fortune's judgments, have given grounds for action to the fisc before September 19 of our fifth consulship, that is, of course, of Constantius and Maximian, Augusti, shall be freed by our Piety's good services and for the future shall be afraid absolutely of no such annoyance from the fisc. For to our Humanity's thought it seems unjust that any persons should be annoyed by those writings which either an enemy has written purposely, that he may avenge himself even after death, or those which the Caesarians' unrestrained and cursed malignity has fabricated, as if for the sowing of profitable plunder.

3) And that the records of such annoyances, extirpated from the roots, forever may be buried, know that our sanction's mandates have been issued to the effect that by all means all notations that have remained on the aforesaid day in the fisc's offices, whether prepared in books or on papers or in any documents at all, straightway shall be sent to the imperial court and that, of course, after these our Piety's kindnesses, since such documents do not remain in the aforesaid offices, occasions shall not be afforded to the Caesarians for constantly despoiling our provincials in their customary manner.

4) Hereafter there shall be no summons into the fiscal court, unless by manifest proofs and by correctly written sureties, because these our directions of instructions have been transmitted, so that, if anyone hereafter in a similar way supplies notations for our fisc's accounts, no person on such notation shall be molested, but all notations shall be sent straightway to our imperial court, where pursuant to our Humanity's sanction an examination is made.

5) If an annoyance is contrived for anyone by this record of notations, he must appeal to the court of the governor or of the prefects, whose responsibility it shall be to issue sentence and to avert injustice and whose decision with appropriate vigor shall be against those persons who, it is established, continue in their former insubordination.

45 CHAPTER XIII: Of Constantius his Father, who refused to imitate Diocletian, Maximian, and Maxentius, in their Persecution of the Christians.

AT a time when four emperors shared the administration of the Roman empire, Constantius alone, following a course of conduct different from that pursued by his colleagues, entered into the friendship of the Supreme God.

50 For while they besieged and wasted the churches of God, leveling them to the ground, and obliterating the very foundations of the houses of prayer, he kept his hands pure from their abominable impiety, and never in any respect resembled them. They polluted their provinces by the indiscriminate slaughter of godly men and women; but he kept his soul free from the stain of this crime. The involved in the mazes of impious idolatry, enthralled first themselves, and then all under their authority, in bondage to the errors of evil demons, while he at the same time originated the profoundest peace throughout his dominions, and secured to his subjects the privilege of celebrating without hindrance the worship of God. In short, while his colleagues  
55 oppressed all men by the most grievous exactions, and rendered their lives intolerable, and even worse than death, Constantius alone governed his people with a mild and tranquil sway, and exhibited towards them a truly parental and fostering care. Numberless, indeed, are the other virtues of this man, which are the theme of praise to all; of these I will record one or two instances, as specimens of the quality of those which I must pass by in silence, and then I will proceed to the appointed order of my narrative.

60 **7 januari 306** Imp(eratores) Caes(ares) Fl(avius) Val(erius) Constantius, G(alerius) Val(erius) Maximian(us), p(ii) f(elices) in(victi) Aug(usti), p(ontifices) m(aximi), Ger(manici) m(aximi) V, Sar(matici) m(aximi) III, Per(sici) m(aximi) II, Br(ittannici) m(aximi) II, Car(pici) m(aximi) V, Ar(menici) m(aximi), Med(ici) m(aximi), Ad(iabenici) m(aximi), tr(ibunicia) p(otestate) XIV, co(n)s(ules) VI, p(atres) p(atriciae), p(roconsules) |d(omini) n(ostri) Diocletian(us) et Maximian(us), patr(es) Aug(ustorum) et Caes(arum) d(omini) n(ostri) Sever(us) et Maximin(us), nob(ilissimi) Caes(ares) nomina mili|tum, qui  
65 militaver(unt) in coh(ortibus) pr(aetoris) Aug(ustorum) et Caes(arum) dec(em) I, II, III, IV, V, VI, VII, VIII, IX, X, piis vindicib(us), ui pie et fortiter militia|functi sunt, ius tribvimus conubii dumtaxat cum singulis et primis uxoribus, ut, etia(m) si pe(re)grini iuris feminas in matrimonio suo iunxerint, proinde liberos tollant acxi (sic) ex duobus civibus Romanis natos.

70 a(nte) d(iem) VII id(us) Ian(uarias) |d(ominis) n(ostris) Constantio Aug(usto) VI et Maximian(o) Aug(usto) VI co(n)s(ulibus) coh(ors) IX pr(aetoria) August(orum) et Caesar(um) |Valerius Clemens|natione Italus. Descript(um) et reco(gn)it(um) ex tabula aenea qu(a)e fixa est Rom(a)e in muro pos(t) templu(m) divi Aug(usti) ad Minervam. Valeri Caiani; Valeri Albin; Valeri Vitalis; Valeri Valentini; Valeri Victor(is); Valeri Traiani; Valeri Ianuari.

75 CHAPTER XV: Of the Persecution raised by his Colleagues.

BY command of the supreme authorities of the empire, the governors of the several provinces had set on foot a general persecution of the godly. Indeed, it was from the imperial courts themselves that the very first of the pious martyrs proceeded, who passed through those conflicts for the faith, and most readily endured both fire and sword, and the depths of the sea; every form of death, in short, so that in a brief time all the royal palaces were bereft of pious men. The result  
80 was, that the authors of this wickedness were entirely deprived of the protecting care of God, since by their persecution of his worshipers they at the same time silenced the prayers that were wont to be made on their own behalf.

#### **MAXIMINIANVS A. VIII ET MAXIMINVS A II**

85 **30 april 311** Eusebius, H.e., 8.17.3-10 Constantine, Galerius, Licinius, Maximin II  
Persecution against Christians is officially ended, and Christians are asked to pray for the emperors and the empire. See our persecution page for more information on this period.

#### **30 april 311 Edict of Toleration (Galerius)**

34 "Inter cetera quae pro rei publicae semper commodis atque utilitate disponimus, nos quidem volueramus antehac iuxta leges

90 veteres et publicam disciplinam Romanorum cuncta corrigere atque id providere, ut etiam Christiani, qui parentum suorum  
 reliquerant sectam, ad bonas mentes redirent, 2 siquidem quadam ratione tanta eosdem Christianos voluntas invasisset et tanta  
 stulti tia occupasset, ut non illa veterum instituta sequerentur, quae forsitan primum parentas eorundem constituerant, sed  
 pro arbitrio suo atque ut isdem erat libitum, ita sibimet leges facerent quas observarent, et per diversa varios populos  
 congregarent. 3 Denique cum eiusmodi nostra iussio extitisset, ut ad veterum se instituta conferrent, multi periculo  
 subiugati, multi etiam deturbati sunt. 4 Atque cum plurimi in proposito perseverarent ac videremus nec diis eosdem cultum ac  
 95 religionem debitam exhibere nec Christianorum deum observare, contemplatione mitissimae nostrae clementiae intuentes et  
 consuetudinem sempiternam, qua solemus cunctis hominibus veniam indulgere, promptissimam in his quoque indulgentiam nostram  
 credidimus porrigendam. Ut denuo sint Chrsitiani et conventicula sua componant, ita ut ne quid contra disciplinam agant. 5  
 <Per> aliam autem epistolam iudicibus significaturi sumus quid debeant observare. Unde iuxta hanc indulgentiam nostram  
 debebunt deum suum orare pro salute nostra et rei publicae ac sua, ut undique versum res publica praestetur incolumis et  
 100 securi vivere in sedibus suis possint." 35 Hoc edictum proponitur NICOMEDIAE PRIDIE KALENDAS MAIAS IPSO OCTIES ET MAXIMINO  
 ITERUM CONSULIBUS.

*Translation:* (34.) Among other arrangements which we are always accustomed to make for the prosperity and welfare of the  
 republic, we had desired formerly to bring all things into harmony with the ancient laws and public order of the Romans, and  
 to provide that even the Christians who had left the religion of their fathers should come back to reason; since, indeed, the  
 105 Christians themselves, for some reason, had followed such a caprice and had fallen into such a folly that they would not obey  
 the institutes of antiquity, which perchance their own ancestors had first established; but at their own will and pleasure,  
 they would thus make laws unto themselves which they should observe and would collect various peoples in diverse places in  
 congregations. Finally when our law had been promulgated to the effect that they should conform to the institutes of  
 antiquity, many were subdued by the fear of danger, many even suffered death. And yet since most of them persevered in their  
 110 determination, and we saw that they neither paid the reverence and awe due to the gods nor worshipped the God of the  
 Christians, in view of our most mild clemency and the constant habit by which we are accustomed to grant indulgence to all, we  
 thought that we ought to grant our most prompt indulgence also to these, so that they may again be Christians and may hold  
 their conventicles, provided they do nothing contrary to good order. But we shall tell the magistrates in another letter what  
 they ought to do. Wherefore, for this our indulgence, they ought to pray to their God for our safety, for that of the  
 115 republic, and for their own, that the republic may continue uninjured on every side, and that they may be able to live  
 securely in their homes. (35) This edict is published at Nicomedia on the day before the Kalends of May, in our eighth  
 consulship and the second of Maximinus.

311 Eusebius, H.e., 9.1.3-6 Maximin II

His governmental officials are ordered to stop persecuting Christians, and to spread the message down to the local level.

120 311-312 Eusebius, H.e., 9.7.3-14 Maximin II

Maximin re-institutes persecution against the Christians. If they will not return to paganism, they should be banished from  
 the cities.

### 312 CONSTANTINO A. II ET LICINIO II CONSS.

28 september 312 Aditus competens iudex considerato tutelae iudicio eam curabit ferre sententiam, quam agnitam legibus esse  
 providerit. PP. IV KAL. SEPT. CONSTANTINO ET LICINIO AUGG. II CONSS.

28 oktober 312 Constantine was directed in a dream to cause the heavenly sign to be delineated on the shields of his soldiers,  
 and so to proceed to battle. He did as he had been commanded, and he marked on their shields the letter X, with a  
 perpendicular line drawn through it and turned round thus at the top, being the cipher of Christ. Having this sign (XP ), his  
 troops stood to arms. The enemies advanced, but without their emperor, and they crossed the bridge. The armies met, and fought  
 with the utmost exertions of valor, and firmly maintained their ground. In the meantime a sedition arose at Rome, and  
 Maxentius was reviled as one who had abandoned all concern for the safety of the commonweal; and suddenly, while he exhibited

the Circensian games on the anniversary of his reign, the people cried with one voice, Constantine cannot be overcome! Dismayed at this, Maxentius burst from the assembly, and having called some senators together, ordered the Sibylline books to be searched. In them it was found that: "On the same day the enemy of the Romans shall perish." Led by this response to the hopes of victory, he went to the field. The bridge in his rear was broken down. At sight of that the battle grew hotter. The hand of the Lord prevailed, and the forces of Maxentius were routed. He fled towards the broken bridge; but the multitude pressing on him, he was driven headlong into the Tiber.

30 december 312 Imp. Constantinus a. ad Claudium Plotianum correctorem Lucaniae et Brittiorum. Si in negotio civili cognitis utrisque actionibus pronuntiaveris te ad nostram scientiam relaturum, consultationis exemplum litigatoribus intra decem dies edi aput acta iubeas, ut, si cui forte relatio tua minus plena vel contraria videatur, is refutatorias preces similiter tibi aput acta offerat intra dies quinque, quam illi exemplum consultationis tuae obtuleris. Iam dicationis tuae est omnia, quae aput te vel aput alios gesta fuerint in eo negotio, consultationi tuae cum refutatoriis litigantis adnectere, ita ut scias et decem dies, intra quos edi consultationem oportet, et quinque, intra quos preces refutatoriae offerendae sunt, continuos debere servari. Nam quinque diebus transactis nec offerentem preces refutatorias litigatorem debebis audire, sed sine his, quoniam intra statutum tempus oblatae non sunt, gesta omnia ad nostram referre scientiam. Et cetera. DAT. III KAL. IAN.

135 TREVIRIS CONSTANTINO A. III ET LICINIO III CONSS.

Erravi p. CL V consularem harum legum trabens ad acceptionem: nam a. 312 m. Decembri Constantinus non fuit Treveris.

TITULUS OPERIS PUBLICI p. 491

### 313 CONSTANTINO A. III ET LICINIO III CONSS.

140 A. 312 devicto Maxentio Constantinus Roma perrexit Mediolamum ibique nuptias sororiae Constantinae cum Licinio celebravit. Ibidem convenerunt de Christianorum cultu libere admittendo, qua de re deinde edictum propositum est a Licinio Nicomediae de id. Iun. Inde Galliam Constantinus repetivit. Quaedam subscriptiones temporibus et locis eo ducunt, ut Constantinus Mediolani fuerit d. VI id. Mart, deinde hinc a. 313/4 exegerit Treveris.

18 januari 313 Imp. Constantinus a. ad populum. Post alia: de delatoribus iam certa statuimus; quibus si quis contra fecerit, poenam capitalem excipiet. PROPOSITA XV KAL. FEB. CONSTANTINO A. III ET LICINIO III CONSS.

15 februari 313 Imp. Constantinus a. ad populum. Quoniam tabularii civitatum per collusionem potentiorum sarcinam ad inferiores transferunt, iubemus, ut, quisquis se gravatum probaverit, suam tantum pristinam professionem agnoscat etc. PP. XV. KAL. FEBR. ROMAE. CONSTANTINO A. III. ET LICINIO III. CONSS.

150 *Interpretatio.* Si tabularii aut hi, quibus exactionis libri traduntur, potentiores voluerint relevare et, quod relevaverint, inferioribus addiderint, is, qui gravatum se probaverit, non amplius dissolvat, quam secundum censum se ostenderit suscepisse.

5 maart 313 Imp. Constantinus a. ad Philippum vicarium urbis. Si quis ab actore rerum privatarum nostrarum sive a procuratore fuerit vexatus, super eius calumniis vel depraedationibus deferre querimoniam non dubitet. Quae res quum fuerit comprobata, sancimus, ut idem, qui contra provincialem quicquam moliri fuerit ausus, publice concremetur, quoniam gravior poena constituenda est in hos, qui nostri iuris sunt et nostra debent custodire mandata. DAT. III. NON. MART. HERACLEAE, CONSTANTINO A. III. ET LICINIO III. CONSS.

155 *Interpretatio.* Quicumque ab actore dominico vel procuratore fuerit alicuius iniuriae improbitate vexatus, de eorum calumniis vel depraedationibus ad principem convolare debet. Quae res si potuerit approbati, eos, qui circa provinciales talia facere ausi sunt, placuit incendio concremari, quia graviores poenas principes constitui voluerunt in eos, qui sui iuris sunt et sua debent custodire mandata.

160 10 maart 313 Imp. Constantinus a. ad Aemilium virum perfectissimum rationalem. Si quando adnotationes nostrae contineant possessionem sive domum quam donaverimus integro statu donatam, hoc verbo ea vis continebitur, quam antea scribebamus, cum adiacentibus et mancipiis et pecoribus et fructibus et omni iure suo, ut ea, quae ad instructum possessionis vel domus pertinent, tradenda sint. DAT. VI ID. MAR. MEDIOLANO CONSTANTINO A. III ET LICINIO III CONSS.

15 maart 313 Imp. Constantinus a. ad Evagrium Pf. P. Nemo iudex civilium munerum vacationem cuiquam praestare curiali conetur,

- 165 vel aliquem suo arbitrio de curia liberet. Nam si quis fuerit eius modi infortunio depravatus, ut debeat sublevari, de eius nomine ad nostram scientiam referri oportet, ut certo temporis spatio civilium munerum ei vacatio porrigatur. PP. ID. MART. CONSTANTINO A. III. ET LICINIO III. CONSS.
- Interpretatio.* Nullus iudex vacationem indebitam tribuat curiali, nec eum de suo officio studeat liberare. nam si ita tenuis cuiuscumque curialis et exhausta facultas est, ut ei publici oneris necessitas non credatur, ad principis iussit referri notitiam.
- 170 **1 juni 313** Idem a. ad Eusebium virum perfectissimum praesidem Lyciae et Pamfyliae. Plebs urbana, sicut in Orientalibus quoque provinciis observatur, minime in censibus pro capitatione sua conveniatur, sed iuxta hanc iussionem nostram immunis habeatur, sicuti etiam sub domino et parente nostro Diocletiano seniore Augusto eadem plebs urbana immunis fuerat. DAT. KAL. IUN. CONSTANTINO A. III ET LICINIO III CONSS.
- 175 **juli 313** When I, Constantine Augustus, and I, Licinius Augustus, came under favorable auspices to Milan and took under consideration everything which pertained to the common weal and prosperity, we resolved among other things, or rather first of all, to make such decrees as seemed in many respects for the benefit of every one; namely, such as should preserve reverence and piety toward the deity. We resolved, that is, to grant both to the Christians and to all men freedom to follow the religion which they choose, that whatever heavenly divinity exists may be propitious to us and to all that live under our
- 180 government.
- juli 313** When we, Constantine and Licinius, emperors, had an interview at Milan, and conferred together with respect to the good and security of the commonwealth, it seemed to us that, amongst those things that are profitable to mankind in general, the reverence paid to the Divinity merited our first and chief attention, and that it was proper that the Christians and all others should have liberty to follow that mode of religion which to each of them appeared best; so that that God, who is
- 185 seated in heaven, might be benign and propitious to us, and to every one under our government."
- 21 juli 313** Augg. et caess. Flaviae Aprillae. Cum profitearis te certa quantitate mancipium ex sanguine comparasse, cuius pretium te exsolvisse dicis et instrumentis esse firmatum, hoc a nobis iam olim praescriptum est, quod, si voluerit liberum suum recipere, tunc in eius locum mancipium domino dare aut pretium quo valuisset numeraret. Etiamnunc, si a suis parentibus certo pretio comparasti, ius domini possidere te existimamus. Nullum autem ex gentilibus liberum adprobari licet. SUBSCR. XII
- 190 KAL. AUG. CONSTANTINO AUG. III CONSS.
- 10 augustus 313** IMP. CONSTANTINUS A. AD RUFINUM P(RAEFECTUM) P(RAETORIO). Ferri non potest in titulos militaris laudis inreperere eos, qui nec aciem viderint nec signa perspexerint nec arma tractaverint. Ideoque si qui ex protectoribus vel ex praepositis vel ex tribunis epistulas reportaverint, non habeant privilegium, quod merentur qui ordine militiae sub armorum labore decurso ad hunc honorem pervenerint. P(RO)P(OSITA) IV ID. AUG. SIRMIO CONSTANTINO A. III ET LICINIO III CONSS.
- 195 **28 september 313** [...]Ita ergo venditionum omnium est tractanda sollemnitas, ut fallax illa et fraudulenta venditio penitus sepulta depereat. Cui legi deinceps cuncti parere debebunt, ut omnia diligenti circumspectione quaesita per universas successiones tuto decurrant neque aliquem ex improvidentia casum malignae captionis horrescant. D. IV KAL. SEPT. A PRAEFECTO PRAETORIO AD CORRECTOREM PICENI AQUILEIA. ACC. XIV KAL. OCT. ALBAE CONSTANTINO AUG. III. CONSS.
- 21 oktober 313?** CT 16.2.2 Constantine
- 200 Christian clergy shall be exempted from compulsory public service as not to interfere with their divine services. [The Codex gives the date as 319, but Seeck, Elliot, and Pharr suggest that it should be dated to 313, and that the following law is a clarification of this one. This law has many parallels to the letter of Constantine to Anullinus, proconsul of Africa, listed immediately above, dating to Spring of 313. Coleman-Norton leaves the 319 date.]
- 205 **31 oktober 313** Imp. Constantinus a. Haereticorum factione comperimus ecclesiae catholicae clericos ita vexari, ut nominationibus seu susceptionibus aliquibus, quas publicus mos exposcit, contra indulta sibi privilegia praegraventur. Ideoque placet, si quem tua gravitas invenerit ita vexatum, eidem alium subrogari et deinceps a supra dictae religionis hominibus huiusmodi iniurias prohiberi. DAT. PRID. KAL. NOV. CONSTANTINO A. III ET LICINIO III C. CONSS.
- 31 oktober 313?** CT 16.2.1 Constantine

210 Certain catholic clerics are being harassed by heretics so that compulsory public services are too much for them to bear. They should be relieved of their civic duties, and replacements found, and in the future, clerics should not be forced to fulfill compulsory public services. [The addressee is unspecified, and Pharr and Coleman-Norton emend the year to 319. This law may go with the immediately preceding law for North Africa, or it may be a later, more general law. Elliot and Seeck leave the date without emendation.]

215 **Edict of Milan** (Lactantius)

Licinius vero accepta exercitus parte ac distributa traiecit exercitum in Bithyniam paucis post pugnam diebus et Nicomediam ingressus gratiam deo, cuius auxilio vicerat, retulit ac die Iduum Iuniarum Constantino atque ipso ter consulibus de resituenda ecclesia huius modi litteras ad praesidem datas proponi iussit:

220 2 »Cum feliciter tam ego [quam] Constantinus Augustus quam etiam ego Licinius Augustus apud Mediolanum convenissemus atque universa quae ad commoda et securitatem publicam pertinerent, in tractatu haberemus, haec inter cetera quae videbamus pluribus hominibus profutura, vel in primis ordinanda esse credidimus, quibus divinitatis reverentia continebatur, ut daremus et Christianis et omnibus liberam potestatem sequendi religionem quam quisque voluisset, quod quicquid <est> divinitatis in sede caelesti. Nobis atque omnibus qui sub potestate nostra sunt constituti, placatum ac propitium possit existere. 3 Itaque hoc consilium salubri ac reticissimi ma ratione ineundum esse credidimus, ut nulli omnino facultatem abnegandam putaremus, qui vel observationi Christianorum vel ei religioni mentem suam dederet quam ipse sibi aptissimam esse sentiret, ut possit nobis summa divinitas, cuius religioni liberis mentibus obsequimur, in omnibus solitum favorem suum benivolentiamque praestare. 4 Quare scire dicationem tuam convenit placuisse nobis, ut amotis omnibus omnino condicionibus quae prius scriptis ad officium tuum datis super Christianorum nomine <continebantur, et quae prorsus sinistra et a nostra clementia aliena esse> videbantur, <ea removeantur. Et> nunc libere ac simpliciter unus quisque eorum, qui eandem observandae religionis Christianorum gerunt voluntatem. Citra ullam inquietudinem ac molestiam sui id ipsum observare contendant. 5 Quae sollicitudini tuae plenissime significanda esse credidimus, quo scires nos liberam atque absolutam colendae religionis suae facultatem isdem Christianis dedisse. 6 Quod cum isdem a nobis indultum esse pervideas, intellegit dicatio tua etiam aliis religionis suae vel observantiae potestatem similiter apertam et liberam pro quiete temporis nostri <esse> concessam, ut in colendo quod quisque delegerit, habeat liberam facultatem. <Quod a nobis factum est. Ut neque cuiquam> honori neque cuiquam religioni <detrahitur> aliquid a nobis <videatur>. 7 Atque hoc insuper in persona Christianorum statuendum esse censuimus, quod, si eadem loca, ad quae antea convenire consuerant, de quibus etiam datis ad officium tuum litteris certa antehac forma fuerat comprehensa. Priore tempore aliqui vel a fisco nostro vel ab alio quocumque videntur esse mercati, eadem Christianis sine pecunia et sine ulla pretii petitione, postposita omni frustratione atque ambiguitate restituant; qui etiam dono fuerunt consecuti, eadem similiter isdem Christianis quantocius reddant, etiam vel hi qui emerunt vel qui dono fuerunt consecuti, si petiverint de nostra benivolentia aliquid, vicarium postulent, quo et ipsis per nostram clementiam consulatur. Quae omnia corpori Christianorum protinus per intercessionem tuam ac sine mora tradi oportebit. 9 Et quoniam isdem Christiani non [in] ea loca tantum ad quae convenire consuerunt, sed alia etiam habuisse noscuntur ad ius corporis eorum id est ecclesiarum, non hominum singulorum, pertinentia, ea omnia lege quam superius comprehendimus, citra ullam prorsus ambiguitatem vel controversiam isdem Christianis id est corpori et conventiculis eorum reddi iubebis, supra dicta scilicet ratione servata, ut ii qui eadem sine pretio sicut diximus restituant, indemnitate de nostra benivolentia sperent. 10 In quibus omni bus supra dicto corpori Christianorum intercessionem tuam efficacissimam exhibere debebis, ut praeceptum nostrum quantocius compleatur, quo etiam in hoc per clementiam nostram quieti publicae consulatur. 11 Hactenus fiet, ut, sicut superius comprehensum est, divinus iuxta nos favor, quem in tantis sumus rebus experti, per omne tempus prospere successibus nostris cum beatitudine publica perseveret. 12 Ut autem huius sanctionis <et> benivolentiae nostrae forma ad omnium possit pervenire notitiam, prolata programmata tuo haec scripta et ubique proponere et ad omnium scientiam te perferre conveniet, ut huius nostrae benivolentiae [nostrae] sanctio latere non possit." 13 His litteris propositis etiam verbo hortatus est, ut conventicula <in> statum pristinum red derentur. Sic ab eversa ecclesia usque ad restitutam fuerunt anni decem, menses plus minus quattuor.

255 *Translation:* When I, Constantine Augustus, as well as I Licinius Augustus fortunately met near Mediolanurn (Milan), and were considering everything that pertained to the public welfare and security, we thought -, among other things which we saw would be for the good of many, those regulations pertaining to the reverence of the Divinity ought certainly to be made first, so that we might grant to the Christians and others full authority to observe that religion which each preferred; whence any Divinity whatsoever in the seat of the heavens may be propitious and kindly disposed to us and all who are placed under our rule And thus by this wholesome counsel and most upright provision we thought to arrange that no one whatsoever should be denied the opportunity to give his heart to the observance of the Christian religion, of that religion which he should think

260 best for himself, so that the Supreme Deity, to whose worship we freely yield our hearts) may show in all things His usual favor and benevolence. Therefore, your Worship should know that it has pleased us to remove all conditions whatsoever, which were in the rescripts formerly given to you officially, concerning the Christians and now any one of these who wishes to observe Christian religion may do so freely and openly, without molestation. We thought it fit to commend these things most fully to your care that you may know that we have given to those Christians free and unrestricted opportunity of religious

265 worship. When you see that this has been granted to them by us, your Worship will know that we have also conceded to other religions the right of open and free observance of their worship for the sake of the peace of our times, that each one may have the free opportunity to worship as he pleases; this regulation is made we that we may not seem to detract from any dignity or any religion.

Moreover, in the case of the Christians especially we esteemed it best to order that if it happens anyone heretofore has

270 bought from our treasury from anyone whatsoever, those places where they were previously accustomed to assemble, concerning which a certain decree had been made and a letter sent to you officially, the same shall be restored to the Christians without payment or any claim of recompense and without any kind of fraud or deception, Those, moreover, who have obtained the same by gift, are likewise to return them at once to the Christians. Besides, both those who have purchased and those who have secured them by gift, are to appeal to the vicar if they seek any recompense from our bounty, that they may be cared for through our clemency,. All this property ought to be delivered at once to the community of the Christians through your intercession, and without delay. And since these Christians are known to have possessed not only those places in which they were accustomed to assemble, but also other property, namely the churches, belonging to them as a corporation and not as individuals, all these things which we have included under the above law, you will order to be restored, without any hesitation or controversy at

275 all, to these Christians, that is to say to the corporations and their conventicles: providing, of course, that the above arrangements be followed so that those who return the same without payment, as we have said, may hope for an indemnity from our bounty. In all these circumstances you ought to tender your most efficacious intervention to the community of the Christians, that our command may be carried into effect as quickly as possible, whereby, moreover, through our clemency, public order may be secured. Let this be done so that, as we have said above, Divine favor towards us, which, under the most important circumstances we have already experienced, may, for all time, preserve and prosper our successes together with the

280 good of the state. Moreover, in order that the statement of this decree of our good will may come to the notice of all, this rescript, published by your decree, shall be announced everywhere and brought to the knowledge of all, so that the decree of this, our benevolence, cannot be concealed.

313 early Eusebius, H.e., 9.5.15-20 Constantine  
Any property which has been taken from the Christians in persecution is to be restored. This includes gardens, buildings, or

290 any other property, and is to be done in haste.

313 Lactantius, De Mort., 46.6 Licinius  
Licinius instructs his prefects and tribunes to pray a prayer which he learned in a dream from an angel, asking the "Supreme Holy God" to take care of the empire and grant their requests.

313 early Eusebius, H.e., 10.5.1-14 Constantine Licinius  
295 The "Edict of Milan." Each person may be given authority to practice his religion in the way he sees fit. Not only are Christians allowed to worship as they choose, but any property taken from Christians must be restored. This ordinance is to be

published everywhere. [The empire was not made officially Christian until 380 under Theodosius. See the law on Feb 28, 380.]

313 Eusebius, H.e., 9.9a.1-9 Maximin II

Maximin writes his governors, instructing them, in light of the Edict of Milan, to stop the persecution he recently renewed (above, 311-312).

313 Eusebius, H.e., 9.10.7-11 Maximin II

This is Maximin's official edict of toleration. Some of his governors were continuing the persecution, so he granted Christians full and public freedom to gather and worship. He orders any property confiscated from Christians during persecution to be returned.

313 early Eusebius, H.e., 10.6 Constantine

He orders imperial subsidies to be given to the catholic priests of North Africa. In addition, those who are seducing the catholic Christians of North Africa need to be corrected. [Those who are seducing the catholic Christians are either Donatists or pagans.]

313 early Eusebius, H.e., 10.7 Constantine

He releases all catholic clergy from compulsory public service. [This particular letter dealt with North Africa.]

313 Eusebius, H.e., 10.5.18-20 Constantine

Constantine orders both catholic and Donatist representatives to go to Rome, where the bishop Miltiades will preside over a council to deal with the schism in North Africa. This gives bishops the right to judge ecclesiastical cases. [This council met in October of 313 and ruled in favor of the Caecilian. The Donatists appealed, and so Constantine summoned the Council of Arles.]

313 late Eusebius, H.e., 10.5.21-24 Constantine

Constantine orders both catholic and Donatist representatives to travel to Arles, where a larger council of bishops from all over the West will hear both sides and rule on the schism in North Africa.

313 late Optatus, De sch. Don., Appendix 3 Constantine

Constantine writes to Aelafius his ambassador to North Africa, instructing him to bring the representative from both sides to Arles at public expense, and stressing the need to heal the schism. [The Council of Arles took place in August of 314.]

#### 314 VOLVSIANO ET ANNIANO CONSS.

Pace inter duos imperatores rupta 'bellum Cibalense fuit a. d. VIII id. Oct.', quo finito eodem anno vel certe proximo incipiente pacem restitutam esse iude confirmatur, quod a. 315 ambo imperatores simul consules processerunt. Deine, ut ait auctor originis Constantianae 19, Constantinus reversus est Serdicam. Quae refragantur constitutiones infra relatae, secundum quae Constantinus a. 314 ab Octobri ad Decembrem Treviris fuit, videntur mendose traditiae.

1 januari 314 Imp. Constantinus a. ad Maximum praefectum Urbi. pr. Si quis alicui maiestatis crimen intenderit, cum in huiusmodi re convictus minime quisquam privilegio dignitatis a strictiore inquisitione defendatur, sciat se quoque tormentis esse subdendum, si aliis manifestis indiciis accusationem suam non potuerit comprobare. Cum eo, qui huius esse temeritatis deprehenditur, illum quoque tormentis subdi oportet, cuius consilio atque instinctu ad accusationem accessisse videbitur, ut ab omnibus commissi consciis statuta vindicta possit reportari. In servis quoque vel libertis, qui dominos aut patronos accusare aut deferre temptaverint, professio tam atrocis audaciae statim in admisso ipsius exordio per sententiam iudicis comprimatur ac denegata audientia patibulo adfigatur. PROPOSITA KAL. IANUAR. VOLVSIANO ET ANNIANO CONSS.

30 januari 314 Imp. Constantinus a. Locrio Verino suo salutem. pr. Aput eos, quos superstites integris facultatibus esse pervideris vel quorum heredes incolumbia retinent patrimonia, sortes kalendarii perseverare debebunt, ita tamen, ut annuas usuras suis quibusque temporibus exolvant, cum simul et rei publicae utile sit retinere idoneos debitores et ipsis commodum cumulum debiti minime nutriri.

1. Et quia nefas est obnoxiiis corporibus alienatis circumscribi civitates, placuit, si qui debitor rei publicae civitatis quippiam ex eo patrimonio, quod habuit, cum pecuniam rei publicae sumeret, donaverit vel distraxerit vel qualibet in alium



ratione contulerit, qualitate rei alienatae perspecta atque omnibus debitoris facultatibus consideratis, quas habuit, cum ei pecunia crederetur, pro rata ab eo, qui ex debitoris facultatibus aliquid detinet, ex sorte atque usuris postulari. Itaque quotiens minus idoneum deprehenditur eius patrimonium, cuius nomen kalendario civitatis alicuius invenitur obnoxium, iudex omni diligentiae sollicitudine debeat inquirere, ad quos ex qualibet condicione transierint debitoris facultates, ut singuli aequa aestimatione habita pro rata rerum quas possident conveniantur, personalem actionem contra eum habituri debitorem, qui ipsis solventibus liberatur. Ab eo autem, a quo constat fortunarum suarum partem maximam recessisse, etiam reliquam portionem quae aput eum resederit transferri ad idoneum oportebit.

2. Quod si quispiam debitor rei publicae civitatis fisco nostro locum fecerit, emptores quidem, qui ex fisco nostro comparaverint, manifestum est secundum ius vetus et rescripta divorum constitutionesque nostras nullam debere molestiam sustinere, cum huiusmodi casibus rem publicam placuerit fortuita dispendia sustinere; qui vero aliquid ex eiusdem bonis principali liberalitate fuerint consecuti, iuxta legem latam obnoxii erunt rei publicae habita solidarum facultatum consideratione, quae fuerant debitoris, cum pecuniam rei publicae sumeret, ut pro rata corporis, quod ex largitate nostra retinent, competentem sortis atque usurarum partem exigantur.

3. Quod si quis debitor non comparuerit vel certe ita omnia sua consumpserit, ut nemo aliquam rem ex eius bonis possideat, id quoque debitum convenit ad dispendium rei publicae pertinere. Ideoque periculo curatoris kalendari et magistratum et creatorum aput idoneos vel dominos rusticorum praediorum pecunia collocanda est. PROPOSITA III KAL. FEB. VOLUSIANO ET ANNIANO CONSS.

6 maart 314 Imp. Constantinus A. ad Ursum Vicarium Dat. II. Non. Mart.

IMP. CONSTANTINUS A. AD URSUM VICARIUM. Si quando quis rescriptum ad extraordinarium iudicem reportaverit, dilatio ei penitus neganda est. Illi autem, qui in iudicium vocatur, danda est ad probanda precum mendacia vel proferenda aliqua instrumenta vel testes, quoniam instructus esse non potuit, qui praeter spem ad alienum iudicem tradebatur. DAT. PRID. NON. MART. VOLUSIANO ET ANNIANO CONSS.

*Interpretatio.* Quando ab aliquo principe praeceptio fuerit surrepta, ut ad alium iudicem quam cui commissus est, adversarium suum pertrahat audiendum, sicut ille, qui petitor est, indutias si petierit, accipere non debuit, ita illi, qui ad iudicium adducitur, dilatio debita non negetur, ut facilius aut per scripturam aut per testes probare valeat illum a quo pulsatus est falsa supplicatione meruisse, quod petiit.

19 maart 314 Imp. Constantinus a. ad Volusianum. Si navicularius originalis levamentarius fuerit, nihilo minus aput eosdem, aput quos et parentes eius fuisse videntur, firmiter permanebit. DAT. XIV KAL. APRIL. VOLUSIANO ET ANNIANO CONSS.

25 maart 314 MP. CONSTANT(INUS) A. ET C. Pro officio administrationis tutoris vel curatoris bona, si debitores existant, tamquam pignoris titulo obligata minores sibimet vindicare minime prohibentur. DAT. VII KAL. APRIL. TREV(IRIS) VOLUSIANO ET ANNIANO CONSS.

*Interpretatio.* Quicumque tutor sive curator negligentia administrationis suae debitor minoribus comprobatur, noverit facultates suas ita obligatas, ut, si non satisfecerit, ratione deducta, bona sua a minoribus loco pignoris teneantur.

1 april 314 Imp. Constantinus A. ad Probum PP. Kal. Apr.

Imp. Constantinus a. ad Probum.  
pr. Si quae mulieres liberae vel a servis vel a quolibet alio vim perpressae contra voluntatem suam servilis condicionis hominibus iunctae sint, competenti legum severitate vindictam consequantur.

1. Si qua autem mulier suae sit immemor honestatis, libertatem amittat atque eius filii servi sint domini, cuius se contubernio coniunxit. Quam legem et de praeterito custodiri oportet. PROPOSITA KAL. APRIL. VOLUSIANO ET ANNIANO CONSS.

*Interpretatio.* Per vim contra voluntatem servo iuncta alieno et vindictam consequitur. Si vero sponte fit ancilla, et eius filii servi sunt.

25 april 314 Imp. Constantinus a. ad Volusianum. Universi devotionis studio contendant, si quos ingenuis natalibus procreatos sub tyranno ingenuitatem amisisse aut propria contenti conscientia aut aliorum iudiciis recognoscunt, natalibus suis restituere, nec exspectata iudicis interpellatione. Nam si quis contra conscientiam suam vel certissima testimonia plurimorum

385 in eadem avaritiae tenacitate permanserit, severissima poena mulctabitur. Placet autem, etiam eos periculo subiugari, qui scientes ingenuos servitutis necessitatem per iniuriam sustinere dissimulant. PROP. VIII. KAL. MAI. ROMAE, VOLUSIANO ET ANNIANO CONSS.

*Interpretatio.* Ingenui, qui tyranni temporibus addicti sunt servituti, ingenuitati reddantur. Quod si quis sciens hoc ordine addictum ingenuum in servitute tenuerit, noverit in se legibus vindicandum.

390 28 oktober 314 IMP. CONSTANTINUS A. PALATINIS BENE MERITIS SUIS SALUTEM. A palatinis tam his, qui obsequiis nostris inculcata officia praebuerunt, quam illis, qui in scriniis nostris, id est memoriae epistularum libellorumque, versati sunt, procul universas cal(um)nias sive nominationes iubemus esse summotas, idque beneficium ad filios eorum atque nepote(s) ipso ordine sanguinis pervenire atque immunes eos a cunctis muneribus sordidis et personalibu(s) permanere cum universis mobilibus et manci(pi)is urbanis, neque iniurias eis ab aliquibus inferri, it(a) ut, qui haec contempserit, indiscreta dignitate poenas debitas exigatur. DAT. IV KAL. NOV. TREVIRIS VOLUSIANO ET ANNIANO CONSS.

395 3 november 314 Imp. Constantinus a. ad Catulium. Post alia: minime fas est, ut in civili negotio libellis appellatoriis oblatis aut carceris cruciatus aut cuiuslibet iniuriae genus seu tormenta vel etiam contumelias perferat appellator; absque his criminalibus causis, in quibus, etiamsi possunt provocare, eum tamen statum debent obtinere, ut post provocationem in custodia perseverent. Ea custodita moderatione, ut eorum provocaciones recipiantur, qui easdem non a praeiudicio interposuisse noscuntur aut etiam ante causam examinatum et determinatam, sed universo negotio peremptoria praescriptione finito vel per cuncta membra decurso, contra iudicem interpositae esse noscantur etc. DAT. III. NON. NOV. TREVIRIS. ACC. XV. KAL. MAI. HADRUMETO [Sousse], VOLUSIANO ET ANNIANO CONSS.

400 *Interpretatio.* Ista lex hoc praecipit, non debere appellantem aut carceris custodia aut cuiuslibet iniuriae afflictione constringi, exceptis tamen criminalibus causis, in quibus similis accusantem et accusatum condicio poenae custodiaeque constringit: et eorum appellationes dicit debere recipi, sed ita, ut qui appellaverit, in custodia teneatur, quo usque ad alium iudicem crimina obiecta perveniant, ut discussis ad integrum omnibus, aut de absoluteione aut de damnatione accipiat sententiam finitivam.

405 3 november 314 Imp. Constantinus a. ad Catulium. Qui sententiam laturus est, temperamentum hoc teneat, ut non prius capitalem in quempiam promat severamque sententiam, quam in adulterii vel homicidii vel maleficii crimine aut sua confessione aut certe omnium, qui tormentis vel interrogationibus fuerint dediti, in unum conspirantem concordantemque rei finem convictus sit et sic in obiecto flagitio deprehensus, ut vix etiam ipse ea, quae commiserit, negare sufficiat. DAT. III. NON. NOV. TREVIRIS. ACC. XV. KAL. MAI. HADRUMETI [Sousse], VOLUSIANO ET ANNIANO CONSS.

410 *Interpretatio.* Iudex criminorum discutiens non ante sententiam proferat capitalem, quam aut reus ipse fateatur, aut convictus aut per innocentes testes vel per conscios criminis sui aut homicidium aut adulterium aut maleficium commisisse manifestius convincatur.

415 30 december 314 IMP. CONSTANTINUS A. IULIO ANTIOCHO PRAEFECTO VIGILUM. Annotationes nostras sine rescriptione admitti non placet, id[eo]que officium gravitatis tuae observet, sicut semper est custoditum, ut rescripta vel epistulas potius nostras quam adnotationes solas existimes audiendas. DAT. III K. IAN. TREV(IRIS) VOLUSIANO ET ANNIANO CONSS.

EDICT OF CONSTANTINE I CONCERNING THE ACCUSATIONS (314-323)

420 Two chapters of this edict are preserved in CTh. 9, 5 and in CJ 9, 8, 3. Three copies of the edict on stone have been discovered: one somewhere in Asia Minor, before 1600, but now lost; one in Lycia, also in Asia Minor, before 1902; one in Crete, reported in 1889, which exhibits all of the surviving part of the edict. The date is doubtful, for the superscription and the subscription preserved in the codes do not agree by an interval of about a decade, but the codes and the stones all agree in the subscription, which is dated 314 A.D.

425 1) Copy of the sacred edict.  
2) ... it has been proved that very many persons not only in respect to their fortunes ... accusations ... sometimes ... by cases of this kind those who are accused as well as those who are summoned for evidence are afflicted with very serious annoyances. Wherefore, taking counsel for the security of our provinces, we provide remedies of this character, that an

430 accuser indeed may not entirely be repulsed from court, but whoever believes that he can add proofs to his charges may have the free opportunity to approach a judge and may reveal the defendant by clear evidence of the offenses, so that according to the nature of the deeds suitable punishment may be inflicted on the person who is convicted. But if he is not at all able to establish those charges which he makes he shall know that he must be subjected to a very severe sentence.

3) To be sure, if anyone charges someone with the crime of treason, since the accusation of such a kind not at all protects anyone by the privilege of any high rank from a very strict inquisition, he shall know that he also must be subject to torture if he is not able to establish his accusation by other clear evidences and proofs, since in the case of the person who is detected in this temerity this fact properly shall be elicited also by torture, namely, by whose advice and instigation it appears that he entered upon the accusation, so that punishment from all persons who are accessory to so great a deed can be exacted.

4) Moreover, it is known to all how often an opportunity also to approach a judge has been denied to informers not only by the statutes of our parents, but also by our ordinances, since a hearing must not be granted to persons of this kind, because indeed they must be subjected to punishment in accordance with the daring of such great wickedness.

5) Also in the case of slaves or of freedmen who attempt to accuse or to report their masters or their patrons we decree that the law according to the statute of the ancient law also must be observed, namely, that, to be sure, the declaration of such atrocious audacity shall be repressed immediately in the inception of its commission itself by the judge's decision, and, after a hearing has been denied, whoever proceeds to the desperate boldness of this kind shall offer, affixed to a gibbet, an example to all others, lest anyone of like audacity should appear in the future.

6) To be sure, that everywhere counsel may be taken for the security of innocent persons, it is our pleasure that defamatory informations shall not be accepted. And if anyone discovers these displayed anonymously, he shall be bound to remove them immediately and to tear them in pieces or to consume them by fire. And in these cases it shall be proper for the judges to take note of such a kind that, if perchance such information is brought to them, they shall direct it to be burned by fire, since a writing of such kind properly shall be removed completely from a judge's hearing, but an investigation shall remain against those persons who dare to display information of such a sort, that, when discovered, they shall be subjected to the due punishments of their temerity.

7) Accordingly, we have written about all these matters not only to our prefects but also to the governors and the treasurer and the master of our private estate, by whose other copy, when our edict has been published, it is declared most fully what kind of law and statute it contains.

8) Publicly posted January I in the consulship of Volusianus and Annianus.

314 Optatus, De sch. Don., Appendix 5 Constantine

Constantine, frustrated, orders the dissatisfied Donatists, who will not yield to the rulings of Arles, to be brought to his court for the hearing for which they have appealed.

### 315 CONSTANTINO A. IV ET LICINIO IV CONSS.

22 januari 315 IMP. CONSTANTINUS A. AD CONSTANTIUM. Si quis iter faciens bovem non cursui destinatum, sed aratris deditum duxerit abstrahendum, per stationarios et eos, qui cursui publico praesunt, debito vigore correptus aut iudici, si praesto fuerit, offeratur aut magistratibus municipalibus competenti censura tradatur eorumque obsequio transmittatur, aut si eius fuerit dignitatis, ut nequaquam in eum deceat tali vigore consurgere, super eius nomine ad nostram clementiam referatur. Qui enim explicaverit mansionem, si forte boves non habuerit, immorari debet, donec fuerint exhibiti ab his, qui cursus publici curam gerunt, nec culturae terrae inservientes abstrahere. ACC. XI KAL. FEB. CARALIS CONSTANTINO A. IV ET LICINIO IV CONSS.

februari 315 Imperator Constantinus. Ad fiscum pertinentes causas rationalis decidat, omnibus concussionibus prohibendis.

CONST. A. AD URSUM. D. NON. FEBR. CONSTANTINO A. IV ET LICINIO IV CONSS.

25 februari 315 Idem a. ad Volusianum praefectum Urbi. Qui a praeiudicio appellaverit vel ab executoribus rerum antea statutarum atque alterius auditorii praepropere iudicia poposcerit, XXX follium poena multetur, ita ut omnem causam ipse sine

- dilatione discingas, quippe cum et causam tuam videaris esse factururus, si per coniventiam huiusmodi appellationem admiseris. Si quas sane de omni causa interpositas esse provocaciones perspexeris, in earum disceptatione observare debebis, quod iam pridem a nobis est evidentissime constitutum. PROPOSITA V KAL. MART. ROMAE CONSTANTINO A. IV ET LICINIO IV CONSS.
- 475 8 maart 315 IMP. CONSTANTINUS A. AD VERSENNIUM FORTUNATUM CONSULAREM AQUARUM. Promotionis ordo custodiendus est, ut primus in officio sit, qui prior fuerit in consequendo beneficio principali. DAT. VIII ID. MART. THESSAL(ONICA) CONSTANTINO A. IV ET LICINIO IV CONSS.
- 480 20 maart 315 Imp. Constantinus a. ad Mygdonium castrensem s. palatii. Si quis forte decesserit eorum, qui communi nomine donatum aliquid a nostra impetraverunt clementia, nec superstites dereliquerit successores, placet, non ad extraneam quamcumque personam, sed ad socium vel consortem pervenire portionem illius, qui intestatus aut sine liberis defunctus est. DAT. XII. KAL. APRIL. ANTIOCHIA, CONSTANTINO A. IV. ET LICINIO IV. CONSS.
- 485 *Interpretatio.* Si aliquis ex iis mortuus fuerit, ad quos nominatim munificentia nostra processit, et nec testamentum fecisse, nec filios reliquisse cognoscitur, placet, ut portionem eius is, cum quo pariter defunctus accepit, id est socius eius acquirat: merito enim socius praefertur, ubi filii nulla persona intervenisse cognoscitur.
- 490 20 maart 315 Idem a. Eumelio. Si quis in ludum fuerit vel in metallum pro criminum deprehensorum qualitate damnatus, minime in eius facie scribatur, dum et in manibus et in suris possit poena damnationis una scriptione comprehendi, quo facies, quae ad similitudinem pulchritudinis caelestis est figurata, minime maculetur. DAT. XII KAL. APRIL. CAVILLUNO CONSTANTINO A. IV ET LICINIO IV CONSS.
- 495 29 maart 315 Imp. Constantinus a. ad rationales. Quicumque thesaurum invenerit et ad fiscum sponte detulerit, medietatem consequatur inventi, alterum tantum fisci rationibus tradat, ita tamen, ut citra inquietudinem quaestionis omnis fiscalis calumnia conquiescat. Haberi enim fidem fas est his, qui sponte obtulerint quod invenerint. Si quis autem inventas opes offerre noluerit et aliqua ratione proditus fuerit, a supra dicta venia debebit excludi. DAT. III KAL. APRIL. CONSTANTINO A. IV ET LICINIO IV CONSS.
- 495 28 april 315 IMP. CONSTANTINUS A. AD CONSTANTIUM P(RAEFECTUM) P(RAETORIO). Quoniam iniquissime tyrannus constituit, ut, qui ex cohortali militia honestam missionem et vacationem rerum suarum meruerint, civilibus officiis et curiae necessitatibus inserviant, placet hac lege cessante eos, qui cohortali militia completis XX stipendiis discesserint, ad nulla deinceps civilia munera vel curiae devocari. Quam rem et circa officiales praesidium observari conveniet. DAT. IV KAL. MAI. CONSTANTINO AUG. IV ET LICINIO IV CONSS.
- 500 10 mei 315 IDEM A. EDICTO SUO AD AFROS. Stationariis primipilarum, quorum manifesta sunt loca, coram mandatum est, ut, si extra modum aliquid extorserint, sciant se capite puniendos: praeterea ne carcerem habeant neve quis personam pro manifesto crimine apud se habeat in custodia neve quis amplius quam duos agasones ex provincia secum habeat vel de Numidia sibi adiungat neve ex aliis provinciis agasonem habeat vel qui alicuius iam stationarii minister fuit. P(RO)P(OSITA) VI ID. MAI. KARTHAG(INE) CONSTANTINO A. IV ET LICINIO IV CONSS.
- 505 13 mei 315 Imp. Constantinus a. ad Ablavium. Aereis tabulis vel cerussatis aut linteis mappis scripta per omnes civitates Italiae proponatur lex, quae parentum manus a parricidio arceat votumque vertat in melius. Officiumque tuum haec cura perstringat, ut, si quis parens adferat subolem, quam pro paupertate educare non possit, nec in alimentis nec in veste impertienda tardetur, cum educatio nascentis infantiae moras ferre non possit. Ad quam rem et fiscum nostrum et rem privatam indiscreta iussimuas praebere obsequia. DAT. III ID. MAI. NAISSO CONSTANTINO A. IV ET LICINIO IV AA. CONSS.
- 510 1 juni 315 Idem a. Amabiliano praefecto annonae. Navicularios ad consortium pistorum urbicorum nominatos neque ulla hereditatis successione pistoribus obnoxios absolvi ab hoc munere oportebit. Quod si hereditario iure forsitan pistoribus teneantur, facultatem habeant, si forte maluerint, obventicias pistorum hereditates eidem corpori reddere aut quibuscumque proximis defuncti cedere, ut ipsi a pistorum consortio liberentur. Quod si hereditatem amplectantur, necesse est successionis ratione pistorii muneris societatem eos suscipere et ex propriis facultatibus onera navicularia sustinere, viro clarissimo praefecto urbi super hac re videlicet disceptante. DAT. KAL. IUN. TREVIRIS CONSTANTINO A. IV ET LICINIO IV CONSS.
- 515 *Interpretatio.* Quaecumque contra leges a principibus fuerint obtenta, non valeant.

2 juni 315 IMP. CONSTANT(INUS) A. AD UNIVERSOS PROVINCIALES. Intercessores a rectoribus provinciarum dati ad exigenda debita ea, quae civiliter poscuntur, servos aratores aut boves aratorios pigneris causa de possessionibus abstrahunt, ex quo tributorum inlatio retardatur. Si quis igitur intercessor aut creditor vel praefectus pacis vel decurio in hac re fuerit detectus, a rectoribus provinciarum capitali sententia subiugetur. DAT. IV NON. IUN. SIRMIO CONSTANTINO A. IV ET LICINIO CONSS.

*Interpretatio.* Multi pro fiscali debito servos cultores aut boves aratorios de possessionibus causa pignoris auferre praesumunt, de quorum laboribus tributa redduntur, et ideo si quis creditor vel curator pacis vel curialis aut quicumque exactor hoc facere praesumpserit, a provinciae iudice puniatur.

18 juni 315 Imp. Constantinus a. ad Proclianum. Praeter privatas res nostras et ecclesias catholicas et domum clarissimae memoriae Eusebii exconsule et exmagistro equitum et peditum et Arsacis regis Armeniorum nemo ex nostra iussione praecipuis emolumentis familiaris iuветur substantiae. Datianus enim vir clarissimus patricius, qui hanc olim gratiam fuerat consecutus, auferri sibi id cum tanta instantia depoposcit, cum quanta alii poscere consuerunt. Ideoque omnes pensitare debebunt quae manu nostra delegationibus adscribuntur, nihil amplius exigendi. Nam si qui vicarius aut rector provinciae aliquid iam cuiquam crediderit remittendum, quod aliis remiserit de propriis dare facultatibus compelletur. DAT. XV KAL. IUL. CONSTANTINOPOLI [?] CONSTANTINO A. IV ET LICINIO IV CONSS.

25 juli 315 IDEM A. AD BASSUM. Placuit post completum vicesimum et quintum annum ex eo, quo vicesimi et sexti anni dies inluxerit, ad interponendum contestationem in urbe Roma usque ad anni tricesimi extremum diem spatia prorogari, et intra centesimum urbis Romae militarium, si tamen ab his iudicibus, qui Romae sunt, fuerit iudicandum: per omnem vero Italiam usque ad finem anni vicesimi et noni: in ceteris omnibus provinciis usque ad completum annum vicesimum et octavum. Quo transacto tempore manifesto omnes sciant legum sibi deinceps praesidia denegari quandoquidem contestationis necessitate. depulsa finiendas integri restitutionum decidendasque causas certo genere clausurimus. Eandem autem custodiri temporum convenit rationem, si forte quis beneficio nostro aetatis veniam fuerit consecutus, ex eo die, quo indulgentia nostra in iudicio competenti fuerit intimata eique administratio rei propriae reserata, ut ad persequendas in integrum restitutiones finiendasque causas iuge tempus habeat praestitutum. Si quando sane in minoris iura successerit minor, minime prohibetur, cum quintum et vicesimum aetatis suae annum transierit, integri restitutionis beneficio uti tempore inlibato. Quod si maioris fuerit minor iura nactus, quantum ad eas pertinet actiones, quas ex persona maioris fuerit consecutus, tantum temporis ad exponendas integri restitutiones decidendasque causas accipere debet, quantum defuncto, cuius heres aut bonorum possessor docebitur extitisse, relicum fuerat. Cum vero maior successionem fuerit adeptus minoris, siquidem civili iure ab intestato vel ex testamento successerit, mox cum creta fuerit vel adita hereditas, si vero honorario iure, ex quo bonorum possessio fuerit accepta, examinando integri restitutionis negotio solida sine ulla deminutione tempora subputentur, quae non pro locis, regionibus atque provinciis, in quibus morantur qui heredes aut bonorum possessores sunt, observari iubemus, sed in quibus defuncti domicilia conlocaverant [collocaverant]. DAT. VIII KAL. AUG. NAISSO. PROP(OSITA) ROM(AE) NON. OCTOB. CONSTANTINO A. IV ET LICINIO CONSS.

*Interpretatio.* Iustum videtur, ut post xxv. annum, ubi xxvi. annus fuerit ingressus, deposita apud iudicem contestatione petat, qui sibi voluerit ea, quae in annis minoribus aut per se aut per tutores vel curatores vitio male acta sunt, salva et integra pro aetatis infirmitate restitui. In his dumtaxat provinciis, usque ad xxviii. annum, si contestatus fuerit, integra ei, salvo principali negotio, quae male amiserat, reformentur. Nam et qui serenitati nostrae pro venia aetatis crediderit supplicandum, hoc sibi noverit esse concessum, ut sine praeiudicio indulgentiae nostrae, quod in sequenti lege comprehensum est, usque ad constitutum superius tempus liberum habeat in rerum, quas male gesserat, proprietatem restitui. Quod si forsitan minor annis in illius hereditate successerit, qui et ipse in annis minoribus ab hac luce discessit, non prohibendus est, quum ad xxvi. annum pervenerit, ut sibi, unde illi competeat, reparationem agendarum rerum interposita contestatione requirat. Sin vero minor hereditatem illius, qui plena et integra aetate defecit, acceperit, mox in integrum fuerit restitutus, ea tempora in negotiis prosequatur, quae defuncto maiori legibus competeabant. Quum autem maior minori seu ex testamento seu ex quocumque iure successerit, quum primum ad eum hereditas defuncti pervenerit, quicquid pupillo potuit pro integri restitutione

competere, in illius transeat actionem: ita ut illius provinciae forum sequatur, in qua defunctus minor habitasse dignoscitur.  
 27 juli 315 IDEM A. AD PROCULUM PROC(ONSULEM) AFRIC(AE). Si ex memorialibus vel [ex] palatinis nostris aliquis ad agendas  
 curas re[i] publicae vel alterius officii fuerit destinatus, m[i]nime ab eo representatio postuletur equoru[m]. Qui autem in  
 palatio obsequia non praebuerun[t], sed ex alio hominum genere sunt, equos sollemnes pro huiusmodi acta representent. DAT. VI  
 565 KAL. AUG. CONSTANTINO A. IV ET LICINIO CONSS.

1 augustus 315 Imp. Constantinus a. ad Domitium Celsum vicarium Africae. Plagiarii, qui viventium filiorum miserandas  
 infligunt parentibus orbitates, metalli poena cum ceteris ante cognitio suppliciis tenebantur. Si quis tamen eiusmodi reus  
 fuerit oblatu[s], posteaquam super crimine patuerit, servus quidem vel libertate donatus bestiis primo quoque munere obiiciatur,  
 liber autem sub hac forma in ludum detur gladiatorium, ut, antequam aliquid faciat, quo se defendere possit, gladio  
 570 consumatur. Eos autem, qui pro hoc crimine iam in metallum dati sunt, numquam revocari praecipimus. DAT. KAL. AUG. CONSTANTINO  
 A. IV. ET LICINIO IV. CONSS.

*Interpretatio.* Hi, qui filios alienos furto abstulerint et ubicumque transduxerint, sive ingenui sive servi sint, morte  
 puniantur.

3 augustus 315 Imp. Constantinus a. Rufino Octaviano correctori Lucaniae et Brittiorum. Quicumque extraordinarium iudicium  
 575 praefectorum vel vicariorum elicuerit vel qui iam consecutus est, eius adversarios et personas causae necessarias minime ad  
 officium praefectorum vel vicarii pergere aut transire patiaris, sed de omni causa in tuo iudicio praesentibus partibus atque  
 personis ita his temporibus ipse cognosce, quae ex eo die computabis, ex quo causa in tuo iudicio coeperit inchoari, ut tunc  
 demum, si ei, qui extraordinarium iudicium postulaverit, tua sententia displicebit, iuxta ordinem legum interposita eam  
 provocatio suspendat atque ad suum iudicem transitum faciat. DAT. III NON. AUG. TREV(IRIS) CONSTANTINO IV ET LICINIO IV CONSS.

augustus 315 Augg. et caess. Rutiliae Primae. Ingenuos progenitos servitutis adfligi dispendiis minime oportere etiam nostri  
 580 temporis tranquillitate sancitur, nec sub obtentu initaie venditionis inlicite decet ingenuitatem infringi. Quare iudicem  
 competentem adire par est, qui in liberali causa ea faciet compleri, quae in huiuscemodi contentionibus ordinari consuerunt,  
 secundum iudiciariam disciplinam partibus audientiam praebiturus. PP. IBID. AUG. ROMAE CONSTANTINO ET LICINIO AUGG. IV CONSS.

28 augustus 315 IDEM A. AD POPULUM. Contra ius rescripta non valeant, quocumque modo fuerint inpetrata. Quod enim publica iura  
 585 perscribunt, magis sequi iudices debent. P(RO)P(OSITA) IV KAL. SEPTEMB. ROMAE CONSTANTINO A. III ET LICINIO IV CONSS.

13 september 315 Imp. Constantinus a. et caes. ad populum. Si quid a fisco fuerit occupandum vel a nobis de cetero pro unius  
 cuiusque meritis obsequiisque donandum vel ab eodem distrahendum, intra annum, omnibus vel a petitione vel a comparatione se  
 abstinentibus ii, qui putant iniuste res proprias a fisco esse comparatas, contra eundem agere contendant scientes  
 gratulantesque, quod annua spatia, intra quae suum repetant, sint indulta, ac si probaverint iustitiam petitioni suae adesse,  
 590 recipiant et nostro beneficio habeant restituta. DAT. ID. SEPT. ROMAE CONSTANTINO A. IV ET LICINIO IV CONSS.

18 september 315 Imp. Constantinus a. ad Evagrium praefectum praetorio. Ad omnes iudices litteras dare tuam convenit  
 gravitatem, ut, in quibuscumque oppidis dendrofori fuerint, centonariorum adque fabrorum collegiis adnectantur, quoniam haec  
 corpora frequentia hominum multiplicari expediet. DAT. XIV KAL. OCTOB. NAISSO, ACCEPTA VIII ID. NOVEMB. CONSTANTINO A. IV ET  
 LICINIO IV CONSS.

1 oktober 315 Idem a. ad Crispinum. Quoniam dubitasti, utrum ex numero dierum an ex nominatione kalendarum computari duum  
 595 mensum spatia debeant, forma publici iuris observanda est, quae manifeste declarat, quid pro dierum diversitate praeceperit  
 comprehendendi. DAT. KAL. OCTOB. CONSTANTINO A. IV ET LICINIO IV CONSS.

15 oktober 315 CT 16.8.1 Constantine  
 The Jewish community may not stone a Jewish convert to Christianity. Anyone who participates in such an act shall be burned.  
 600 If anyone from the people joins the Jewish sect, he shall receive the deserved punishments with them.

17 oktober 315 Dominus Constantinus et caesares. Prisca legum aequitate praeclusa variis ambagum versutiis exquisita donatio,  
 licet titulum emptionis vel debiti tenorem comprehendere videatur, tamen claris testationibus probata debet in irritum  
 devocari, si quidem consultissima ratione videatur esse provisum matrimonio constante donationes inter virum et uxorem  
 altrinsecus agitata nullam firmitatem habere. Nec sibi debent mulieres blandiri, si tamquam venditores vel debitores ad

605 eludendas legum sanctiones mariti earum se falso videantur esse professi. Quare Vettium Rufinum clarissimum virum praefectum  
 urbi amicum nostrum, cuius notio est, adire non prohiberis, qui partium allegationibus examinatis petitioni tuae secundum  
 iuris providebit iustitiam. D. XIV KAL. NOV. MEDIOLANO CONSTANTINO ET LICINIO CONSS.  
 18 oktober 315 Imp. Constantinus a. ad Evagrium. pr. Iudaeis et maioribus eorum et patriarchis volumus intimari, quod, si quis  
 post hanc legem aliquem, qui eorum feralem fugerit sectam et ad dei cultum respexerit, saxis aut alio furoris genere, quod  
 610 nunc fieri cognovimus, ausus fuerit adtemptare, mox flammis dedendus est et cum omnibus suis participibus concremandus. Si  
 quis vero ex populo ad eorum nefariam sectam accesserit et conciliabulis eorum se adplicaverit, cum ipsis poenas meritas  
 sustinebit. DAT. XV KAL. NOV. MURGILLO CONSTANTINO A. IV ET LICINIO IV CONSS.  
 29 oktober 315 IMP. CONSTANTINUS A. AELIANO PROCONSULI AFRICAE. Omnes civiles causas et praecipue eas, quae fama celebriores  
 sunt, negotia etiam criminalia publice audire debebis tertia, vel ut tardissime quarta vel certe quinta die acta conficienda  
 615 iussurus. Quae omnia legati quoque coercitione commoniti observabunt. DAT. III K. NOV. TREV(IRIS), CONSTANTINO A. IV ET  
 LICINIO IV CONSS.  
 1 november 315 Idem a. ad Aelianum proconsulem Africae. Possessores cum satisfecerint publicae collationi, cautiones suas ad  
 tabularios publicos deferant, ut eas tabularii sive sexagenarii periculi sui memores suscipiant a collatoribus, ipsas species  
 quae debentur ex horreis suis ad civitates singulas per menses singulos perlaturis, ne illatio tributorum ex solis apochis  
 620 falsis vel imaginariis cognoscatur. Et cetera. DAT. KAL. NOV. TREVIRIS CONSTANTINO A. IV ET LICINIO IV CONSS.  
 1 november 315 Imp. Constantinus a. ad Aelianum proconsulem Africae. Post alia: ducenarii et centenarii sive sexagenarii non  
 prius debent aliquem ex debitoribus convenire, quam a tabulario civitatis nominatim breves accipiant debitorum. Quam quidem  
 exactionem sine omni fieri concussione oportet ita ut, si quis in iudicio questus, quod indebite exactus est vel aliquam  
 inquietudinem sustinuit, hoc ipsum probare potuerit, severa in exactores sententia proferatur. DAT. KAL. NOV. TREVIRIS  
 625 CONSTANTINO A. IV ET LICINIO IV CONSS.  
 3 november 315 Imp. Constantinus a. ad Catulinum. Moratorias dilaciones frustratoriasque non tam appellationes quam  
 ludificationes admitti non convenit. Nam sicut bene appellantibus negari auxilium non oportet, ita his, contra quos merito  
 iudicatum est, inaniter provocantibus differri bene gesta non decet. Unde quum homicidam vel adulterum vel maleficum vel  
 630 veneficum, quae atrocissima crimina sunt, confessio propria vel dilucida et probatissima veritatis quaestio probationibus  
 atque argumentis detexerit, provocationes suscipi non oportet, quas constat non refutandi spem habere, quae gesta sunt, sed ea  
 potius differre tentare. Qui de variis litibus causisque dissentiunt, nec temere, nec ab articulis praeiudiciisque, nec ab  
 his, quae iuste iudicata sunt, provocare debebunt. Quod si reus in homicidii vel maleficii vel adulterii vel veneficii crimine  
 partem pro defensione sui ex testibus quaestioneque proposita possit arripere, parte vero obrui accusarique videatur, tunc  
 635 super interposita appellatione ab eodem, qui sibi magis, quae pro se faciant, testimonia prodesse debere affirmat, quam ea,  
 quae adversus ipsum egerint, nocere, deliberationi nostrae plenum arbitrium relinquatur. DAT. III. NON. NOV. TREVIRIS. ACC.  
 XV. KAL. MAI. HADRUMETI, VOLUSIANO ET ANNIANO CONSS.  
*Interpretatio.* In civilibus causis vel levioribus criminibus, quae legibus non tenentur inserta, appellationi constituta  
 legibus dilatio praestanda est, et suspendenda est per appellationem sententia iudicantis. At vero homicidis, adulteris et  
 640 reliquis, quos lex ista comprehendit, si convicti confessique fuerint et appellare voluerint, dilatio denegetur, sed statim in  
 manifestis criminibus convicti iudicis est sententia proferenda, aut certe de magnis criminibus et maioribus personis ad  
 principis est notitiam deferendum.  
 8 november 315 IMP. CONSTANTINUS A. PROC(ONSULI) AFRIC(AE). Si quis se a ducenariis vel centenariis ac praecipue fisci  
 advocatis laesum esse cognoscit, adire iudicia ac probare iniuriam non moretur, ut in eum qui convictus fuerit competenti  
 severitate vindicetur. DAT VI ID. NOV. TREVIRIS, ACC. XV KAL. MART. CARTHAGINE CONSTANTINO A. IV ET LICINIO IV CONSULIBUS.  
 645 12 december 315 Imp. Constantinus a. ad Catullinum proconsulem Africae. Si quis corpora aeneo frumento obnoxia distraxerit, ab  
 omni interpellatione liber sit, quamvis alia corpora possederit sive coemerit libera ab aenei frumenti inquietudine.  
 Comparatores enim rerum obnoxiarum teneri oportet pro modo eius rei, quam adepti sunt, etiamsi extra liberalitatem rem fuerint  
 consecuti. Sed quia plerique ex magistratibus aenei frumenti pensitationi obnoxii vel ipsi sibi, dum administrant, alios

subrogarunt vel redempti pro aliis alios creaverunt, rescissis subrogationibus ad eiusdem aenei frumenti pensitationem teneantur. Illos enim solos ex subrogatis perseverare oportet, quos constiterit idoneos esse facultatibus et minus idoneorum loco non a redemptis magistratibus subrogatos. DAT. PRID. ID. DECEMB. SIRMI CONSTANTINO A. IV ET LICINIO IV CONSS.

**30 december 315** Idem a. Amabiliano praefecto annonae Africae. Officii cura est, ut omnes omnino appellationes, quaecumque fuerint interpositae, sollemniter curet accipere nec in recipiendis libellis aliquod genus iniuriae inferendum cuiquam existimet. PROPOSITA III KAL. IAN. CONSTANTINO A. IV ET LICINIO IV CONSS.

**315** Augustine, C. Cres., 3.70.81 and Letter 88.4 Constantine

It had been discovered that the evidence used against Caecilian was based on a forgery, and so Constantine summons the forger to appear before him and the Donatists in Rome, so that once the evidence is presented, the schism can be healed.

**315** Optatus, De sch. Don., Appendix 6 Constantine

Constantine summons the catholic and Donatist representatives from North Africa to a third hearing at Milan, where the new evidence can be examined before them all, including Caecilian, whom he has summoned from North Africa.

**315** Optatus, De sch. Don., Appendix 8 Constantine

Constantine tells the prefect of Africa to have the churches prepare for his visit (which never actually took place), when he would come deliver a verdict on the schism and rule what type of worship is acceptable and bring uniformity back to the church.

### **316 SABINO ET RUFINO CONSS.**

**3 december 316** Imp. Constantinus A. Septimio Basso P. U.

Dat. III. Non. Decbr.

IDEM A. SEPTIMIO BASSO P(RAEFECTO) U(RBI). Ubi rigorem iuris placare aut lenire specialiter exoramur, id observetur, ut rescripta ante edi[c]tum propositum impetrata suam habeant firmitatem, nec rescripto posteriore derogetur priori. Quae vero postea sunt elicita, nullum robur habeant, nisi consentanea sint legibus publicis; maxime cum inter aequitatem iusque interpositam interpretationem, nobis solis et oporteat et liceat inspicere. DAT. III NON. DECEMB. SABINO ET RUFINO CONSS.

**11 januari 316** IMP. CONSTANT(INUS) A. AD DOMITIUM CELSUM VICARIUM. Nemo iudex officialem ad eam domum, in qua materfamilias agit, cum aliquo praecepto aestimet esse mittendum, ut eandem in publicum protrahat, cum certum sit debita eius, quae intra domum considerato sexu semet contineat, domus eius vel cuiuscumque rei habita distractione publicis necessitatibus posse servari. Quod si quis in publicum matremfamilias posthac crediderit protrahendam, inter maximos reos citra ullam indulgentiam capitali poena vel exquisitis potius exitii suppliciis plectetur. DAT. III ID. IANUAR. TREV(IRIS) SABINO ET RUFINO CONSS.

*Interpretatio.* Nullus iudicum matronam in domo sua residentem per quemcumque apparitorem ad publicum existimet protrahendam, sed circa eam, pro sexus reverentia, conventio honesta servetur: quum, si quid eam debere constiterit, constrictis eius auctoribus possit exsolvi. Nam si quis contra fecerit, summo supplicio se afficiendum esse cognoscat.

**6 mei 316** IMP. CONSTANT(INUS) A. IULIO VERO PRAESIDI TARRACONENSIS. Cum semel negotium necessitate vel casu temporibus fuerit exemptum ac postea per indulgentiam clementiae nostrae redintegratio praestetur, intra quattuor menses iudicantis arbitrium, non ulterius, litigatoribus praerberi oportet, etiamsi per obreptionem aliquid a nobis iterata supplicatione meruerint. DAT. PRID. NON. MAI. VIENNAE SABINO ET RUFINO CONSS.

*Interpretatio.* Quando aliqua causa, necessitate intercedente vel casu, promissum tempus excesserit, et principali beneficio eam litigator meruerit reparare, non amplius ad definiendum negotium iudices quam quattuor menses litigatoribus praestent. Quibus exactis, etiamsi aliud dominorum beneficio obtinuerint, nullatenus audiantur.

**3 februari 316** IDEM A. AD MAXIMUM P(RAE)F(ECTUM) U(RBI). Posta alia: Minorum defensores, si per eos donationum condicio neglecta est, rei amissae periculum praestent. ET CETERA. DAT. III NON. FEB. ROM(AE) SABINO ET RUFINO CONSS.

*Interpretatio.* Si in his, quae minoribus donari possunt, per tutoris negligentiam sive colludium donationis solennitas vel condicio impleta non fuerit, id, quod minori deperierit, de proprio cogitur exsolvere.

**3 februari 316** IMP. CONSTANTINUS A. AD MAXIMUM P(RAEFECTUM) U(RBI). Donatio, sive directa sit sive mortis causa instituta, sive condicionibus faciendi ac non faciendi suspensa, sive ex aliquo notato tempore promissa, sive animo dantium



accipientiumve sententiis, quantum ius sinit, cognominata, sub hac fieri debet observatione, ut quas leges indulgent actiones  
 695 condiciones pactionesque contineat, hisque penitus cognitae vel recipiantur, si complacitae sunt, vel reiciantur, si sunt  
 molestae; ita ut minorum defensores, si per eos donationum condicio neglecta est, rei amissae periculum praestent. In  
 conscribendis autem donationibus nomen donatoris, ius ac rem notari oportet, neque id occulte aut per imperitos aut privatim,  
 sed ut tabulae aut quodcumque aliud materiae tempus dabit vel ab ipso vel ab eo, quem sors ministraverit, scientibus plurimis  
 perscribatur et corporalis traditio subsequatur ad excludendam vim adque inruptionem advocata vicinitate omnibusque arbitris  
 700 adhibitis, quorum postea fide probabitur donatam rem, si est mobilis, ex voluntate traditam donatoris vel, si immobilis,  
 abscessu donantis novo domino patefactam, actis etiam adnectendis, quae aput iudicem vel magistratus conficienda sunt. DAT.  
 III NON. FEB. ROM(A) SABINO ET RUFINO CONSS.

*Interpretatio.* Donatio aut directa est aut mortis causa conscribitur. Directa donatio est, ubi in praesenti res donata  
 traditur. Mortis causa donatio est, ubi donator, dum advivit, rem, quam donat, sibi reservat, scribens: si prius mortuus fuero  
 quam tu, res mea ad te perveniat, ut postea ad illum, cui donat, non ad heredes donatoris res donata perveniat. Quod si prius  
 705 moriatur, cui res mortis causa donata est, res in iure permaneat donatoris. Est et alia donatio, ubi donator obligat illum,  
 cui donat, ut aliquid faciat aut non faciat, id est, si aliquid iubeat fieri, quod impossibile iudicetur, aut quod honestati  
 contrarium videatur; aut si id ordinet fieri, quod honestum est et possit impleri: quia tunc infirmatur donatio, quando  
 condiciones honestatis possibilis impletae non fuerint. Nam si inhonestae et impossibiles condiciones ponantur, remotis  
 710 condicionibus firma donatio est. Est item et alia, in qua sibi donator certum tempus possessionis reservat. Quae tamen omnes  
 donationes superius comprehensae si modum excesserint lege conscriptum, unde possint certae personae de immodica donatione  
 proponere, hoc est si quartam sibi facultatis suae donator non reservaverit, non valebunt. Sed praeterea illa donatio contra  
 legem est, si quis rem in lite positam, quae repetitur, aut recto ordine donet aut condicionem contra bonos mores, hoc est  
 causam cuiuslibet criminis, donator in donatione conscribat. Minoribus vero si quid fuerit per donationem a quocumque oblatum  
 sive collatum, tutores vel curatores eorum debent studere, ne quid firmitati donationis desit. Quod si eorum negligentia  
 715 donatio ad effectum perducta non fuerit, ad eorum dispendium pertinebit, ita ut quicquid minores de donatione perdididerint,  
 curatores vel tutores illis de propria facultate restituant. In conscribendis autem donationibus hic ordo servandus est, ut  
 donatio nomen prius contineat donatoris vel illius, cui donatur deinde res, quae donantur, sive in agris sive in mancipiis  
 sive in quibuslibet rebus atque corporibus, nominatim in donatione conscribendae sunt, non occulte, sed publice, non privatim  
 vel secrete, sed aut in tabulis aut in chartis aut ubicumque legatur facta donatio. Quam tamen donationem, si literas novit,  
 720 donator ipse subscribat: si vero ignorat, praesentibus plurimis eligat, qui pro ipso subscribat: et hanc ipsam donationem  
 gestorum sollemnitas et corporalis traditio subsequatur, ita ut, si mobilia donantur, praesentibus plurimis tradantur: si vero  
 ager vel domus donatur, quod moveri non potest, ut inde donator abscedat et novo domino pateat res donata, si tamen sibi de  
 his rebus usumfructum donator non reservaverit. Gesta vero donationum aut apud iudicem aut apud curiam alleganda sunt.

23 december 316 Imp. Idem a. ad. Vettium Rufinum praefectum Urbi. Ex donatione principum aut quocumque modo rem ad fiscum  
 725 pertinentem usque ad nostra decennalia sine aliqua interpellatione possidentes, secundum ius enim haec intelligitur esse  
 possessio, securi possideant. PROPOSITA X K. IAN. ROMAE SABINO ET RUFINO CONSS.

13 augustus 316 Idem a. Petronio Probianus suo salutem. Ex illo tempore, quo in civilibus causis, quae inter privatos moventur,  
 consulturum vel relaturum te esse promiseris vel appellationis a te interpositae sollemnia completa fuerint, nihil posthac  
 tibi quodlibet speciale ac requisitum vel quibuscumque modis favoris gratiam praeferens audiendum est, sed observandum, ut  
 730 iuxta priora statuta sollemnitatis more expleto gesta ad comitatum omnia dirigantur. Et cetera. DAT. ID. AUG. ARELATO;  
 PROPOSITA ID. OCTOB. THEVESTE SABINO ET RUFINO CONSS.

13 augustus 316 Idem a. Petronio Probianus suo salutem. Supplicare causa pendente non licet nisi forte ei, cui opinionis  
 exemplum negatum est vel instructionis universae subpressa transmissio. Quo facto crimen iudici sacrilegii imminet, qui hoc  
 735 commisso litigatori supplicandi necessitatem imponit: cui aliter supplicanti dimidiae partis rei de qua agitur imponenda est  
 multa, ut pro iudicis aestimatione fisco pretium inferat. Eo etiam, qui terminatam rescripto vel consultatione quaestionem  
 exquisito suffragio refricare conabitur, quoniam maius crimen admittit, in omnem litis aestimationem protinus condemnando et

sub sacramenti observatione omni venia deneganda, si quis contra haec supplicare temptaverit. DAT. ID. AUG. ARELATO; PROPOSITA ID. OCTOB. THEVESTE SABINO ET RUFINO CONSS.

740 **5 juli 316** Unde ex corpore Theodosiani: imp. Constantinus a. et Iulianus caes. ad Taurum pp. (ad locum:) multabuntur iudices, qui rescripta contempserint aut distulerint. DAT. III NON. IUL. CONSTANTINO A. VII ET IULIANO CONSS.

Item eodem corpore [Theodosiani]: imp. Constantinus a. ad Maximum praefect. Urb. (inter cetera et ad locum:) pactiones eas valere volumus, si cum legibus consentiant et reliqua. DAT. VI NON. FEBR. ROMAE SABINO ET RUFINO CONSS.

745 **20 april 316** IDEM A. ACONIO CATULLINO PROCONS(ULI) AFRIC(AE). Si quis in emancipatum minorem, priusquam dari possit aut habere rei quae sibi donatur affectum Italicum sive stipendiarium fundum crediderit conferendum, omne ius compleat instrumentis ante praemissis et inductione corporaliter impleta. Quod propter adtestationem fidei per eum servum, quem idoneum esse constiterit, transigi placuit, qui eo usque in statu suo permanebit, donec is, cuius facultatibus cesserit, annos Laetoriae legis egressus legitimam compleverit aetatem, quo tunc demum, si eius integritas ac fides fuerit comprobata, si ita sederit possidentibus, libertatis praemium consequatur. DAT. XII KAL. MAI. SERDICAЕ SABINO ET RUFINO CONSS.

750 **1 mei 316** IDEM A. AD CASSIUM P(RAEFECTUM) U(RBI). Promulgatum dudum est donationes nullo alio modo firmas posse detineri, nisi apud actorum contestationem confectae fuerint. Sed quia multi aliena vel non pleno iure ad se pertinentia donantes extra patriam et provinciam, in qua possident, acta conficiunt, placet, ut nulli liceat extra provinciam laremque suum donationum instrumenta apud acta allegare, sed in quo domicilium habuerit adque possessiones constitutae sunt, aput suum ordinarium iudicem vel, si eum abesse contigerit, aput curatorem municipalesve eiusdem civitatis. Nam si hoc praetermissum fuerit, nullam firmitatem habere donationes sancimus. DAT. KAL. MAI. ROM(A) SABINO ET RUFINO CONSS.

755 **14 mei 316** IDEM A. AD TITIANUM. Quoniam plerique nodosis et validissimis fustibus inter ipsa currendi primordia animalia publica cogunt quidquid virium habent absumere, placet, ut omnino nullus in agitando fuste utatur, sed aut virga aut certe flagro, cuius in cuspide infixus brevis aculeus pigrescentes artus innocuo titillo poterit admonere, non ut exigat tantum, quantum vires valere non possunt. Qui contra hanc fecerit sanctionem promotus, regradationis humilitate plectetur: munifex poenam deportationis excipiat. DAT. PRID. ID. MAI. SABINO ET RUFINO CONSS.

760 **6 juni 316** CI 1.13.1 Constantine  
Constantine adds a fourth legal method for freeing slaves - one may now publicly free his slave in a church before the bishop.

765 **28 juli 316** Imp. Constantinus a. Mechilio Hilariano correctori Lucaniae et Brittiorum. pr. Si quis decurio testamentum vel codicillos aut aliquam deficientis scripserit voluntatem, vel conscribendis publicis privatisque instrumentis praebuerit officium, si falsi quaestio moveatur, decurionatus honore seposito, quaestioni, si ita poposcerit causa, subdatur. Sed non statim desinit esse decurio, qui in huius modi facto fuerit deprehensus. Quantum enim ad municipales pertinet necessitates, decurio permanet; quantum ad rem gestam et veritatem reserandam, uti decurionatus honore non poterit. Nec vero is, qui ante fuerit tabellio, ad eludendam quaestionem super his, quae ante conscripsit, factus decurio defendi hac poterit dignitate, quoniam scripturae veritas, si res poposcerit, per ipsum debet probari auctorem. DAT. III. KAL. FEBR. ACC. KAL. AUG. SABINO ET RUFINO CONSS.

770 Interpretatio. Si quis curialis voluntatem morientis aut quodlibet publicum documentum scripserit, et de falsitate accusatur, seposita primitus dignitate, si necesse fuerit, subdatur examini: qui si convincitur, a curia non expelletur, sed curiae dignitate privabitur, id est ut honoratus esse non possit. tabellio vero, qui amanuensis nunc vel cancellarius dicitur, etiamsi ad curiae pervenerit dignitatem, si de falsitate accusatus fuerit aut convictus, subdatur examini, ut per ipsum, per quem confecta est, scripturae veritas approbetur.

775 **30 januari 316** Idem a. Mecilio Hilariano correctori Lucaniae et Brittiorum. Universos decuriones volumus a tabellionum officiis temperare. Nemo autem ad decurionatum vocatus excusare se poterit eo, quod fuerit tabellio, cum et huiusmodi homines, si sint idonei, vocari ad decurionatum oporteat. Lex enim, quae decuriones a tabellionum officiis voluit submovere, ad decurionatum tabelliones vocari non prohibet. DAT. III KAL. FEB. SABINO ET RUFINO CONSS.

780 **316** Augustine, C. Cres., 7.71.82 Constantine  
Constantine, after hearing the charges brought against Caecilian, declares him innocent.

316 Constantine

[Constantine passes a law against the Donatists, now lost, but mentioned in CT 16.6.2 (on Oct 17, 377). This law seems to be repealed in 321 or 322 by a law recorded by Optatus, C. Don. Date uncertain.]

785 **317 GALLICANO ET BASSO CONSS.**

19 januari 317 Idem a. ad Octavianum comitem Hispaniarum. Hi, qui honoris indebiti arripere insignia voluerunt, cum in consilium primates municipesque coguntur, adsistunt sedentibus his, quibus emeritis omnis honor iure meritoque debetur. Ideoque sublimitas tua nullum omnino faciet praesidatus praerogativa laetari, nisi qui cunctos in patria gradus egressus per ordinem venerit, ita ut illi etiam, qui praesidatum ante tempus reportarunt, post expletos honores civicos honestamentis praestitis potiantur. PROPOSITA XIV KAL. FEB. GALLICANO ET BASSO CONSS.

790

28 januari 317 ... DAT. V KAL. FEBR. GALLICANO ET BASSO CONSS.

*Interpretatio.* Septem testibus civibus Romanis praesentibus tertio ex senatus consulto Claudiano denuntiandum.

10 maart 317 Idem a. ad Bassum praefectum Urbi. Si quis per violentiam alienum fundum invaserit, capite puniatur. Et sive quis ex eius parte, qui violentiam inferre temptaverit, sive ex eius, qui iniuriam repulsaverit, fuerit occisus, eum poena adstringat, qui vi deicere possidentem voluerit. DAT. VI ID. MART. ROMAE GALLICANO ET BASSO CONSS.

795

15 maart 317 Imp. Constantinus a. rationalibus Hispaniarum. Is, cuius tacitae fidei commissa fuerit hereditas, statim officio gravitatis tuae nuntiet et gesta prodat et continuo quod actum fuerit renuntiet, et post hanc fidem tertiam ab omnibus defuncti bonis percipiat portionem. Quod si ab uxore defuncti istud officio devotionis tuae fuerit revelatum, ipsa etiam, quam defunctus esse voluit heredem, si gesta aperuerit, tali praemio mancipetur, ut ex omni patrimonio medium consequatur et cum fisco nostro celebret divisionem, id etiam habitura privilegium, ut prior eligat portionem; et tunc occultator ille gestorum, fisci et mulieris pariter inimicus, exutus omni patrimonio suo ac fisco vindicato in insulam deportetur. DAT. ID. MAR. GALLICANO ET BASSO CONSS.

800

18 mei 317 Imp. Constantinus a. ad Catulinum proconsulem Africae. Qui in iudicio manifestam detegitur commisisse violentiam, non iam relegatione aut deportatione insulae plectatur, sed supplicium capitale excipiat, nec interposita provocatione sententiam, quae in eum fuerit dicta, suspendat, quoniam multa facinora sub uno violentiae nomine continentur, quum aliis vim inferre tentantibus, aliis cum indignatione repugnantibus verbera caedesque crebro deteguntur admissae. Unde placuit, si forte quis vel ex possidentis parte vel ex eius, qui possessionem temerare tentaverit, interemptus sit, in eum supplicium exseri, qui vim facere tentavit et alterutri parti causam malorum praebuit. DAT. XV. KAL. MAI. SERDICAE, GALLICANO ET BASSO CONSS.

805

*Interpretatio.* Convictus in iudicio de evidenti violentiae crimine capite puniatur, nec sententiam iudicis qui damnatus est qualibet appellatione suspendat: et si fortasse homicidia ab utraque parte commissa fuerint, in illum vindicetur, qui ut alium per caedem expelleret, violenter ingressus est.

810

23 mei 317-319 CT 9.16.3 Constantine

Magicians and such who use their art against the minds of men are guilty and shall be punished; however, to use this art for good, to seek favorable weather during harvest for example, is allowable under the law. [The date listed is 321-324; however, Bassus, the prefect to whom the law was issued, held office from 317-319.]

815

6 juni 317 Idem a. ad Bassum praefectum Urbi. Litigatoribus copia est etiam non conscriptis libellis ilico appellare voce, cum res poposcerit iudicata. DAT. VIII ID. IUN. SIRMIO GALLICANO ET BASSO CONSS.

21 juli 317 IDEM A. AD BITHYNOS. Primpilaribus post emeritam militiam perfectissimatus vel ducenae vel centenae vel egregiatus dari dignitas potest. DAT. XII KAL. AUG. GALLICANO ET BASSO CONSS.

820

21 juli 317 Imp. Constantinus a. ad Bithynos. Caesarianos in actu dumtaxat constitutos ad perfectissimatus vel ducenae vel centenae vel egregiatus dignitates non oportet admitti. Sed si inculpate compleverint suum officium et ab omni vacent ratione fiscali iudicio, datam huiusmodi dignitatem prodesse eis oportet. DAT. XII KAL. AUG. GALLICANO ET BASSO CONSS.

21 juli 317 Imp. Constantinus a. ad Bithynos. Monetarios in sua semper durare condicione oportet nec dignitates eis perfectissimatus tribui vel ducenae vel centenae vel egregiatus. DAT. XII KAL. AUG. GALLICANO ET BASSO CONSS.

825 21 juli 317 Idem a. ad Bithynos. Eos qui in palatio militarunt et eos quibus provinciae commissae sunt quique merito amplissimarum administrationum honorem perfectissimatus vel egregiatus adepti sunt, nec non et illos, qui decuriones vel principales constituti cuncta suae patriae munera impleverunt, frui oportet dignitate indulta. Si vero decurio suffragio comparato perfectissimatus vel ducenae vel centenae vel egregiatus meruerit dignitatem declinare suam curiam cupiens, codicillis amissis suae conditioni reddatur, ut omnium honorum et munerum civilium discussione perfunctus iuxta legem municipalem aliquam praerogativam obtineat. Eum quoque, qui originis gratia vel incolatus vel ex possidendi condicione vocatur ad curiam, perfectissimatus suffragio impetrati dignitas non defendit, qua remota tradi eum curiae oportebit. DAT. XII KAL. AUG. GALLICANO ET BASSO CONSS.

24 september 317 Imp. Constantinus A. ad Bassum PP. VIII. Kal. Oct. Carali

830 12 december 317 Imperator Constantinus. Quicumque non illustris, sed tantum clarissima dignitate praeditus virginem rapuerit vel fines aliquos invaserit vel in aliqua culpa seu crimine fuerit deprehensus, statim intra provinciam in qua facinus perpetravit publicis legibus subiugetur nec fori praescriptione utatur. Omnem enim huiusmodi honorem reatus excludit. CONST. A. AD OCTAVIANUM COM. HISPANIARUM. D. PRID. NON. DEC. SERDICAЕ. ACC. V NON. MART. CORDUBAE GALLICANO ET BASSO CONSS.

835 *Interpretatio.* Quicumque damnabile vel puniendum legibus crimen admiserit, non se dicat in foro suo, id est in loco, ubi habitat, debere pulsari: sed ubi crimen admissum est, ab eius loci iudicibus vindicetur, nec de eius persona ad principem referatur.

### 318 LICINIO V ET CRISPO C. CONSS.

845 7 februari 318 Imperator Constantinus Sive pars sive integra dilatio fuerit data, eo usque iudicis officium conquiescat, donec petiti temporis defluerint curricula. Feriae autem, sive repentinae sive sollemnes sint, dilationum temporibus non excipiantur, sed his connumerentur CONST. A. PROFUTURO PRAEF. ANNONAE. D. VII ID. FEBR. SIRMI LICINIO V ET CRISPO CONSS.

9 februari 318 Imperator Constantinus. A procedente iudice dilationem non convenit postulari, etiamsi utraque parte praesente tribuatur, cum non alias nisi causa cognita indulgeri queat et cognitio causae non interpellatione planaria, sed considente magis iudice legitime colligatur, et, si forte dilationis petitio fuerit improbata, suscepta quaestio per sententiam iudicis dirimatur. CONST. A. AD CATULLINUM PROCONS. AFRICAE. D. V ID. FEBR. SIRMI LICINIO V ET CRISPO CONSS.

850 318 Constantinus et caess... Donatione secundum iuris normam perfecta nec ea quae matres in filios contulerunt revocari iura permittunt. Sane si generaliter tantummodo vel stipulatione interposita vel mancipatione totius patrimonii donatio celebrata est, id quod donatum est stare non potest, cum haec donatio ad id ut proprietates possit transferri non valeat. Quare num hoc modo tibi consuli possit, rectorem provinciae interpellare poteris... LICINIO V ET CRISPO CONSS...

855 10 april 318 IMP. CONSTANTINUS A. FLORIANO PRAES (IDI). Veteranis, qui ex die V nonarum Iuliarum, cum prima per Thraciam victoria universo orbi inluxit, et qui postea apud Nicomediam nostram missionem meruerunt, certa per edictum indulgentiam, quae scribendi tabulis vel encauto et cerussa conscribere detur eis licentia. Edictum autem continens indulgentiam nostram ad devotionem tuam misimus, ut et tua dicatio et cuncti alii recognoscant, quid praestitimus memoratis. P(RO)P(OSITA) IV ID. APRIL. LICINIO V ET CRISPO CAESARE CONSS.

860 23 juni 318 CT 1.27.1 Constantine  
Constantine gives Christians the right to take their cases before an ecclesiastical court rather than a secular court. The ruling of those bishops will carry the same authority as a secular court.

### 319 CONSTANTINO A. V ET LICINIO C. CONSS.

865 13 januari 319 IDEM A. AD IANUARINUM. Quicumque ex eo die, quo reus fuerit in iudicio petitus, intra anni spatium noluerit adesse iudicio, res eius fisco vindicentur et si postea repertus nocens fuerit, deprehensus saeviori sententiae subiugetur. Sed et si argumentis evidentibus et probatione dilucida innocentiam suam purgare suffecerit, nihilo minus facultates eius penes fiscum remaneant. DAT. ID. IANUAR., ACC. V KAL. AUG. CORINTHO CONSTANTINO A. V ET LICINIO CAES. CONSS.

1 februari 319 Imp. Constantinus a. ad Maximum. Nullus haruspex limen alterius accedat nec ob alteram causam, sed huiusmodi

870 hominum quamvis vetus amicitia repellatur, concremando illo haruspice, qui ad domum alienam accesserit et illo, qui eum  
suasionibus vel praemiis evocaverit, post ademptionem bonorum in insulam detrudendo: superstitioni enim suae servire cupientes  
poterunt publice ritum proprium exercere. Accusatorem autem huius criminis non delatorem esse, sed dignum magis praemio  
arbitramur. PROPOSITA KAL. FEB. ROMAE CONSTANTINO A. V ET LICINIO CAES. CONSS.

875 **4 februari 319** IMP. CONSTANT(INUS) A. AD SYMMACHUM. Si quando minoribus vel adultis inferenda lis erit vel ab ipsis minoribus  
vel adultis cuidam quaestio movenda sit, non alias cursus temporis incoetur, nisi ab universis, quos officii sollicitudo  
constringit, hoc est tutoribus, sive testamento sive decreto dati sunt, vel curatoribus, per quos minores defenduntur, vel  
iisdem omnibus sollemni more lis fuerit intimata. Quod si divisum administrationis periculum per provincias sit, his tantum  
omnibus insinuari convenit et ab ipsis inferri litem, qui in ea provincia tutelae vel curae officium sustinent, ne de aliis  
provinciis defensores minorum ad iudicia perducantur. DAT. PRID. NON. FEBR. SIRMIO, ACCEPTA VIII ID. MART. CORINTHO  
CONSTANTINO A. V ET LICINIO C. CONSS.

880 *Interpretatio.* Si quis contra eos, qui in annis minoribus constituti sunt, litem forte commoverit, aut si a parte ipsorum reus  
aliquis arguatur, ex eo tempora computanda sunt, ex quo tutor sive curator minoris aut per iudicem aut per curiam intulerit  
seu exceperit actionem: ita tamen, ut si in diversis provinciis istius officii homines sunt, id est, curatores vel tutores,  
qui minorum causas tueantur, qui in eadem provincia fuerint, ubi intentio nata probatur, ipsi aut ingerant aut excipiant  
actiones: quia nolumus, ut ad aliam provinciam defensores minorum pro audientiae necessitate ducantur. Hic de iure adiectum  
est.

885 **10 februari 319** Idem a. profuturo praefecto annonae. Si quis iudicum duxerit esse referendum, nihil pronuntiet, sed magis  
super quo haesitandum putaverit, nostram consulat scientiam aut, si tulerit sententiam, minime postea, ne a se provocetur,  
relatione promissa terreat litigantes. DAT. IV ID. FEB. SIRMIO CONSTANTINO A. V ET LICINIO C. CONSS.

890 **16 februari 319** IMP. CONSTANTINUS A. AD OCTAVIANUM. Veteranorum liberos aptos militiae, quorum quidam ut desides recusant  
militarium munerum functionem, quidam adeo ignavi sunt, ut cum dispendio corporis militiae velint necessitatem evadere,  
iubemus, si ad militiam inutiles resectis digitis iudicentur, curialibus sine aliqua ambiguitate muneribus atque obsequiis  
adgregari. DAT. XIV KAL. MART. SIRMIO, ACC(EPTA) VII ID. APRIL. REGIO CONSTANTINO A. V ET LICINIO C. CONSS.

895 **11 maart 319** Idem a. ad Priscum rationalem. Ne principali liberalitate praeventa dominium quis rei alienae affectet, iubemus,  
quotiens iure suadente aliquorum bona ex officio tuo fuerint occupata, breves eorum plenissimos ad virum perfectissimum  
comitem et amicum nostrum mitti, ne fraudibus caesianorum inminuantur vel petentibus aliquid abiuretur; poena contra  
rationalem et officium eius proposita, si petitorem ante possidere permiserint id quod ei donatum est priusquam praedicti  
breves commeaverint. DAT. V ID. MAR. SIRMIO CONSTANTINO A. V ET LICINIO CAES. CONSS.

900 **18 maart 319** Imp. Constantinus a. ad Verinum. Quicumque adulterina fecerit numismata, poenam pro discretione sexus et  
condicionis suae diversitate sustineat, hoc est ut, si decurio vel decurionis sit filius, exterminatus genitalem solo ad  
quamcumque in longinquo positam civitatem sub perpetui exilii condicione mittatur ac super facultatibus eius ad nostram  
scientiam referatur; si plebeius, ut rebus amissis perpetuae damnationi dedatur; si servilis condicionis, ultimo supplicio  
subiugetur. DAT. ET PP. XV KAL. APRIL. CONSTANTINO A. V. ET LICINIO CAES. CONSS.

905 **26 maart 319** Imp. Constantinus a. ad Verinum vicarium Africae. Si quando famosi libelli reperiantur, nullas exinde calumnias  
patiantur hi, quorum de factis vel nominibus aliquid continebunt, sed scriptio auctor potius requiratur et repertus cum  
omni vigore cogatur his de rebus, quas proponendas credidit, comprobare; nec tamen supplicio, etiamsi aliquid ostenderit,  
subtrahatur. PP. IV. KAL. APRIL. KARTHAGINE, CONSTANTINO A. V. ET LICINIO C. CONSS.

910 *Interpretatio.* Qui famosam chartam ad cuiuscumque iniuriam et maculam conscripserit, in secreto aut in publico affixerit  
inveniendamque proiecerit, illi, contra quem proposita est chartula, non nocebit, nec famae eius aliquid derogabit. Sed si  
inveniri potuerit, qui huius modi chartulam fecit, constringatur, ut probet, quae conscripsit: qui si etiam, quae scripsit,  
probare potuerit, fustigetur, qui infamare maluit quam accusare.

**29 maart 319** Idem a. ad Bassum praefectum Urbi. Manente lege, qua praescriptum est, intra quot dies opinionis sive relationis  
exemplum privatis iudex debeat exhibere et refutatorii libelli intra quot dies rursus iudicibus offerendi sint, tam in

privatis quam etiam in fiscalibus causis ex eo die, quo fuerit quaestio terminata vel ex quo relationem iudex per sententiam promiserit, intra vicensimum diem quaecumque ad instructionem pertinent causae, ad comitatum nostrum properantissime volumus adferri. Quod nisi factum fuerit, ab universo officio viginti transactis diebus, quos post latam sententiam placuit supputari, intra viginti alios dies qui sequuntur tantum fisco nostro praecipimus inferri, quanti per aestimationem rationalis emolumentum litis, cuius suppressa fuerat instructio, fidelissime potuerit aestimari. Cui capitale supplicium imminet, si rigorem legis quocumque modo mollire temptaverit. Eadem poena officio imminente, si quando appellatione vel consultatione pendente vel post decisas nostris responsionibus causas ei, quod ullo modo fuerit impetratum, damnabilem voluerit coniventiam commodare. Nam decreta nostra debet ingerere iudicanti ut ipso etiam dissimulante iudice reluctari et tamquam manibus iniectis eos de iudicio producere ac rationum officio traditos statuti prioris nexibus obligare, quorum desideriis violari nostras prospexerit sanctiones. PROPOSITA IV KAL. APRIL. ROMAE CONSTANTINO A. V ET LICINIO C. CONSS.

13 april 319 IMP. CONSTANT(INUS) A. AD LUCRIUM VERINUM. Fratres uterini ab inofficiosis actionibus arceantur et germanis tantummodo fratribus adversus eos dumtaxat institutos heredes, quibus inustas constiterit esse notas detestabilis turpitudinis, agnatione durante sine auxilio praetoris petitionis aditus reseretur. DAT. ID. APRIL. SIRMIO CONSTANTINO A. V ET LICINIO C. CONSS.

*Interpretatio.* Fratribus uterinis, id est diversis patribus et una matre natis, non liceat de inofficioso contra testamentum fratris agere. Sed germanis fratribus praetermissis, id est uno patre natis, si turpibus personis, id est infamibus fuerit hereditas derelicta, hoc est aut pro libidine meretricibus, aut pro inhonesto affectu naturalibus aut certe thymelicis, vel de libertis suis, agendi contra testamentum licentia reservatur: si tamen is ipse germanus non pro crimine suo exilio fuerit deputatus, aut per captivitatem fuerit servus effectus, aut per emancipationem successionis vel actionis iura perdidit.

13 april 319 Imperator Constantinus. Fratres vel sorores uterini ab inofficiosi actione contra testamentum fratris vel sororis penitus arceantur: consanguinei autem durante vel non agnatione contra testamentum fratris sui vel sororis de inofficioso quaestionem movere possunt, si scripti heredes infamiae vel turpitudinis vel levis notae macula adsparguntur vel liberti, qui perperam et non bene merentes maximisque beneficiis suum patronum adsecuti instituti sunt, excepto servo necessario herede instituto. CONST. A. AD LUCRIUM VERINUM. D. ID. APRIL. SIRMIO CONSTANTINO A. V ET LICINIO C. CONSS.

28 april 319 IDEM A. AD RUFINUM P(RAEFFECTUM) P(RAETORIO). De cubiculis nostris vacatione donatos vel diversis obsequiis palatinis aut scriniis memoriae epistularum libellorumque vel officio largitionum comitatensium singularumve urbium, sed et officio admissionum ad legum nostrarum privilegia volumus pertinere, ut nec ipsi nec filii nec nepotes eorum ad curiam vel honores vel munera municipalia devocentur. Meritoque his iungimus largitionales urbium singularum, ne privilegio separentur quos dignitas propemodum similis copulavit, memorati namque palatinorum matriculis adtinentur, quique sub castrensi militant. Quibus omnibus condonamus, ne exactorum vel turmariorum, quos capitularios vocant, curam subeant vel obsequium temonariorum vel prototypiae. Nam beneficiis nostris ita digni sunt, ut etiamsi quis ad diversas administrationes post obsequia palatina pervenerit, isdem debeat uti privilegiis, quoniam maior dignitas nulli debet praeiudicium facere. Nemo igitur ex filiis praedictorum vel servis castrensi peculio conquisitis professionibus censualibus inseratur vel numero ad crescentium locove deficientium subrogetur, si non fuerit innexus voluminibus censualibus. Personalibus etiam et corporalibus muneribus liberentur, sive adhuc in palatio observant, sive optata quiete donati sunt. Quibus omnibus privilegiis coniungimus agentes in rebus, licet meritis militaribus videantur esse subnixi. DAT. V KAL. MAI. SIRMIO CONSTANTINO A. V. ET LICINIO C. CONSS.

7 mei 319 Imp. Constantinus a. ad Proculum proconsulem Africae. Emphyteuticarii possessores, qui mansuetudinis nostrae beneficio ad extraordinaria minime devocentur, sicut ceteri provinciales obsequium suum muniendis itineribus impendant. Nulla enim ratione debent ab hoc, quod in commune omnibus profuturum est, esse seiuncti. PROPOSITA NON. MAI. KARTHAGINE CONSTANTINO A. V ET LICINIO CAES. CONSS.

11 mei 319 Imp. Constantinus a. ad Bassum. Si virgis aut loris servum dominus adflixerit aut custodiae causa in vincla coniecerit, dierum distinctione sive interpretatione depulsa nullum criminis metum mortuo servo sustineat. Nec vero immoderate suo iure utatur, sed tunc reus homicidii sit, si voluntate eum vel ictu fustis aut lapidis occiderit vel certe telo usus letale vulnus inflixerit aut suspendi laqueo praeceperit vel iussione taetra praecipitandum esse mandaverit aut veneni virus

infuderit vel dilaniaverit poenis publicis corpus, ferarum vestigiis latera persecando vel exurendo admotis ignibus membra aut tabescentes artus atro sanguine permixta sanie defluentes prope in ipsis adegerit cruciatibus vitam linquere saevitia immanium barbarorum. DAT. V ID. MAI. ROMAE CONSTANTINO A. V ET LICINIO C. CONSS.

960 12 mei 319 IMP. CONSTANTINUS A. AD RUFINUM P(RAEFECTUM) P(RAETORI)O. Posta alia: Litigia sententiis vel tra[ns]actionibus terminata non sinimus restaurari. DAT. IV ID. MAI. IPSO A. V ET L[IC(INIO) C. CONSS.]

12 mei 319 IMP. CONSTANT(INUS) A. AD RUFINUM P(RAEFECTUM) P(RAETORI)O. Pater noster nullam voluit liberalitatem valere, si actis inserta non esset. Nos etiam inter sponsos quoque ac sponsas omnesque personas eam solam donationem ex promulgatae legis tempore valere sancimus, quam testificatio actorum secuta est. DAT. IV ID. MAI. SIRMIO CONSTANTINO A. V ET LICINIO C. CONSS.

965 Interpretatio. Ante tempus legis istius donationes etiam sine gestorum testificatione valebant. Nunc vero post hanc legem nec nuptialis nec quaelibet alia inter quascumque personas donatio, de quibuscumque rebus, valere potest, si gestis non fuerit allegata.

15 mei 319 Idem a. ad populum. Haruspices et sacerdotes et eos, qui huic ritui adsolent ministrare, ad privatam domum prohibemus accedere vel sub praetextu amicitiae limen alterius ingredi, poena contra eos proposita, si contempserint legem.

970 Qui vero id vobis existimatis conducere, adite aras publicas adque delubra et consuetudinis vestrae celebrate sollemnia: nec enim prohibemus praeteritae usurpationis officia libera luce tractari. DAT. ID. MAI. CONSTANTINO A. V ET LICINIO CONSS.

15 mei 319 CT 9.16.2 Constantine

Even friendship with the owner of the house is no excuse for a soothsayer to enter a residence.

16 mei 319 Imp. Constantinus a. ad Severum rationalem Africae. Posta alia: possessiones atque mancipia exempta fisci patrimonio quibusdam donavimus. Haec directo iure atque perpetuo absque omni quaestione volumus obtineri poena contra rationales et magistris privatae rei atque officiales proposita, si quid contra tentaverint etc. PP. XVI. KAL. IUN. ROMAE IN FORO TRAIANI, CONSTANTINO A. V. ET LICINIO C. CONSS.

975 Interpretatio. Quicumque agri atque mancipia quibuscumque personis de fisci nostri iure donantur, apud eos, quibus donata sunt, sine suspitione aliqua volumus permanere: contra ordinatores domorum dominicarum poena proposita, si contra praeceptionem facere cognoscuntur.

28 mei 319 Idem a. Amabiliano praefecto annonae. pr. Si quis navicularius per obreptionem vel quacumque ratione immunitatem impetraverit, ad excusationem eum admitti nullo modo volumus. 1. Sed et si quis patrimonium naviculario muneri obnoxium possidet, licet altioris sit dignitatis, nihil ei honoris privilegia, in hac parte dumtaxat, opitulentur, sed sive pro solido sive pro portione huic muneri teneatur. Nec enim aequum est, ut patrimonio huic functioni obnoxio excusato commune onus non omnes pro virili sustineant portione. PROPOSITA V KAL. IUN. CONSTANTINOPOLI CONSTANTINO A. V ET LICINIO CAES. CONSS.

985 30 mei 319 Idem a. ad provinciales. Iustas etiam et quae locum habent fisci actiones praecipimus concremari ob hoc solum, quod suis temporibus prolatae non sunt. Iam calumniae privatorum eo saltem arceantur exemplo, quo iustas fisci lites silere praecipimus. DAT. III KAL. IUN. CONSTANTINO A. V ET LICINIO C. CONSS.

990 9 juni 319 IMP. CONSTANTINUS A. AD LEONTIUM. Dudum sanximus, ut nullus ad singula officia administranda ambitione perveniat, vel maxime ad tabularios, nisi qui ex ordine vel corpore officii uniuscuiusque est. Hos enim officia sibi iniuncta tamdiu agere iubemus, quoad idoneos esse manifestum est aut aetate non impediende complere id posse monstrantur, ut administratione aput unum iugiter permanente fides quoque eius appareat. Si quis ergo ex suffragio ambitionis ad officia fisco obnoxia accesserit, multae nomine denas lib(ras) auri exigatur. P(RO)P(OSITA) V ID. IUN. HIERAPOL(I) CONSTANTINO A. V ET LICINIO CAES. CONSS.

995 22 juni 319 Idem a. ad Severum vicarium. Ne causas, quae in nostram venerint scientiam, rursus transferri ad iudicia necesse sit, instructiones necessarias plene actis inseri praecipimus. Nam cogimur a proferenda sententia temperare, qui sanximus retractari rescripta nostra ad opiniones vel etiam relationes iudicum data non oportere, quoniam verendum est, ne lis incognito negotio dirimatur adempta copia conquerendi. Quare perennibus inuretur iudex notis, si cuncta, quae litigatores instructionis probationisque causa recitaverint, indita actis vel subiecta non potuerint inveniri. DAT. X KAL. IUL. AQUILEIAE  
1000 CONSTANTINO A. V ET LICINIO C. CONSS.

1005 1 juli 319 Imp. Constantinus a. ad Antonium Marcellinum praesidem provinciae Lugdunensis primae. Rei annonariae emolumenta tractantes, ut cognosceremus, quanta reliqua per singulas quasque provincias et per quae nomina ex huiusmodi pensitationibus resedissent, cognovimus hanc esse causam maxime reliquorum, quod nonnulli captantes aliquorum momentarias necessitates sub hac condicione fundos opimos comparent et electos, ut nec reliqua eorum fisco inferant et immunes eos possideant. Ideoque placuit, ut, si quem constiterit huiusmodi habuisse contractum atque hoc genere possessionem esse mercatum, tam pro solidis censibus fundi comparati quam pro reliquis universis eiusdem possessionis obnoxius teneatur. DAT. KAL. IUL. AGRIPPINAE CONSTANTINO A. V ET LICINIO C. CONSS.

1010 1 juli 319 Idem a. Patroclo. Nulla praeditos dignitate ad sordida descendere conubia servularum etsi videtur indignum, minime tamen legibus prohibetur; sed neque conubium cum personis potest esse servilibus et ex huiusmodi contubernio servi nascuntur. Praecipimus itaque, ne decuriones in gremia potentissimarum domorum libidine ducente confugiant. Si enim decurio clam actoribus atque procuratoribus nescientibus alienae fuerit servae coniunctus, et mulierem in metallum trudi per sententiam iudicis iubemus et ipsum decurionem in insulam deportari, bonis eius mobilibus et urbanis mancipiis confiscandis, praediis vero et rusticis mancipiis civitati, cuius curialis fuerat, mancipandis, si patria potestate fuerit liberatus nullosque habeat liberos vel parentes vel etiam propinquos, qui secundum legum ordinem ad eius successionem vocantur. Quod si actores vel procuratores loci, in quo flagitium admissum est, fuerunt conscii vel compertum facinus prodere noluerunt, metallo eos convenit implicari. Si vero dominus hoc fieri permisit vel postea cognitum celavit, si quidem in agro id factum est, fundus cum mancipiis et pecoribus ceterisque rebus, quae cultui rustico sustinentur, fisci viribus vindicetur; si vero in civitate id factum est, dimidiam bonorum omnium partem praecipimus confiscari, poenam augentes, quoniam intra domesticos parietes scelus admissum est, quod noluit mox cognitum publicare. Igitur si legis latae die repperietur quisquam patrimonium suum alienasse atque in dominum servulae contulisse, ordini liceat diligenter inquirere, ut ita rei publicae civitatis quod de facultatibus supra dicti fuerit deminutum, in pecunia sarciatur. DAT. KAL. IUL. AQUILEIAE CONSTANTINO A. V ET LICINIO C. CONSS.

1025 15 juli 319 Imp. Constantinus a. ad Bassum. Si non a dominis libertas detur mancipio alieno, si quidem ab his iudicibus impetrabitur, quibus dandi ius est, sine ulla trepidatione poenae facilis dissolutio est. Si vero iubentibus nobis quicquam lege actum esse doceatur, et non dominus, ut alienum mancipium manumitteretur, petiisse, tunc eodem, qui in conspectu nostro libertatem monstrabitur consecutus, ei protinus, ad cuius proprietatem pertinet, restituto, is, qui mancipium alienum fallendo principis conscientiam manumisit, mancipia duo cogatur domino eius dare, cuiusmodi sexus, aetatis atque artis constiterit esse manumissum, et alia tria fisco eademque ratione similia. quae mulcta non semper imponitur, sed potius conquiescit, si forte manumissus inferentem sibi quaestionem status obiecta legitima praescriptione potuerit excludere; quum sibi amissi mancipii damna debeat imputare, qui in perniciem suam gesta taciturnitate firmaverit. PROP. ID. IUL. CONSTANTINO A. V. ET LICINIO CAES. CONSS.

1035 *Interpretatio.* Si aliquis mancipium manumittere praesumpserit alienum et id sub praesentia principis vel in ecclesia fecerit, hac poena tenebitur, ut et manumissus a domino revocetur, et alia duo mancipia eiusdem aetatis aut sexus aut certe artificii, quod ille, qui est manumissus, scierit, dare cogatur. Si vero ille, qui manumissus dicitur, repetentem dominum sub hac praescriptione superaverit, ut iam firmitatem status sui temporibus tueatur, tunc ille, qui manumisit, non est constringendus ad poenam, dum ille, qui repetit, praeiudicium domini sui incurrerit aut taciturnitate nutrierit.

1040 18 juli 319 IMP. CONSTANTINUS A. CONSULIBUS, PRAETORIBUS, TRIBUNIS PLEBIS, SENATUI SALUTEM DICIT. Placuit salva reverentia et pietate sacris nominibus debita, ut potestas quidem et ius fruendi res liberorum suorum in sacris constitutorum in maternis dumtaxat facultatibus penes patres maneat, destituendorum autem liberorum eis licentia derogetur. Casset itaque in maternis dumtaxat successionibus commentum cretionis et res, quae ex matris successione fuerint ad filios devolutae, ita sint in parentum potestate adque dominio, ut fruendi pontificium habeant, alienandi eis licentia derogetur. Nam maternum patrimonium, quod filiis in potestate constitutis obvenerit, cum patre mortuo sui iuris fuerint, praecipuum habere eos et sine cuiusquam consortio placuit. Quod si pater suum filium patremfamilias videre desiderans eum emancipaverit, repraesentare ei maternam debebit substantiam, ita ut filius accepto munere libertatis rei que suae dominus effectus, ne videatur ingratus, tertiam partem custoditae sibi rei muneris causa parenti offerat, aestimatione, si res dividi coeperint, bonorum virorum arbitrio



- 1045 permittenda, quam tertiam alienare quoque pater, si hoc maluerit, habebit liberam potestatem. Ante emancipationem autem parentes, penes quos maternarum rerum utendi fruendique potestas est, omnem debent tuendae rei diligentiam adhibere et quod iure filiis debetur in examine poscere et sumptus ex fructibus inpigre facere et litem inferentibus resistere adque ita omnia agere, tamquam solidum perfectumque dominium et personam gerant legitimam, ita ut, si quando rem alienare voluerint, emptor vel is cui res donatur observet, ne quam partem earum rerum, quas alienari prohibitum est, sciens accipiat vel ignorans.
- 1050 Docere enim pater debet proprii iuris eam rem esse quam donat aut distrahit; et emptori, si velit, sponsorem aut fideiussorem licebit accipere, quia nullam poterit praescriptionem opponere filiis quandoque rem suam vindicantibus. DAT. XV KAL. AUG. AQUIL(EIAE), RECITATA APUT VETTIUM RUFINUM P(RAEFECTUM) U(RBI) IN SENATU NON. SEPT. CONSTANTINO A. V. ET LICINIO C. CONSS.
- Interpretatio.* Legis istius reliqua pars in aliis legibus continetur: hoc tantum de reliquis legibus plus habet, ut patres, qui filiorum res gubernare iussi sunt, negotia eorum summo studio et integritate agere procurent, ut nihil per negligentiam eorum filiis pereat, sed fructus rerum maternarum sine aliqua negligentia redigi vel vendi faciant, ut ex tempore competenti, sicut lex novella dicit, portiones suas filii sine aliqua imminutione percipiant. Res filiorum patribus alienare non liceat, hoc est nec vendere nec donare. Quod si fortasse praesumpserint, emptor, vel qui donator accesserit, grandi se sollicitudine et cura custodiant, ne filiorum res a patre venditas aut donatas accipiant, aut scientes aut etiam nescientes: sed compellant patrem, qui venditor vel donator fuerit, et filiorum res in sua retinet potestate, ut probet suum esse, quod tradidit. Etiam ut suspicionem suam possit abstergere, fideiussorem a patre venditore percipiat, qui obligatione rerum suarum damnus emptori non faciat: quia defuncto patre licet filiis res suas a quibuscumque personis, sive venditae sive donatae a patre fuerint, in suum dominium revocare.
- 25 juli 319 IMP. CONSTANT(INUS) A. AD SYMMACHUM VIC(ARIUM). Optimum duximus non ex eo die, quo se quisque admissum dolum didicisse memoraverit, neque intra anni utilis tempus, sed potius ex eo die, quo adseritur commissus dolus intra continuum tempus anni eis, quibus esse decertandi ius invenitur, eiusmodi actionem causa cognita deferri; ita ut, si forte is, contra quem res agitur, longius ullo genere discesserit, nec denuntiandi necessitate petitor oneretur nec eius qui aberit praesentia postuletur. Nec tamen adsistere, si velit, quisquam prohibeatur examini, contra quem decernenda intentio huiusmodi fuerit expetita: ita ut impetrata doli actione lis ad suum iudicem translata intra biennii spatia decidatur, ratione temporis custodita, cum legitime fuerit apud suum iudicem coepta, exemplo litium ceterarum. Perpetuo vero silentio conquiescat, nisi ex die, quo impetrata fuerit actio, intra continuum biennium quod sequitur, omnis lis fuerit decisa. Omnes igitur sciant neque incipiendae post biennium neque ante completum biennium coeptae, post biennium finiendae doli actionis concessam licentiam. DAT. VIII KAL. AUG. NAISSO CONSTANTINO A. V ET LICINIO C. CONSS.
- Interpretatio.* Dolus malus est, quoties per aliquam scripturam vel fraudem ea, quae definita sunt, per scripturae argumenta mutantur. Vel si quis per chartarum suppositionem aut per surreptionem aliquam id, quod contra se futurum sit, ut consentire videatur, inducitur, vel quum his similia discutiente iudice probantur admissa. Et ideo ille, qui queritur, dolo se fuisse gravatum, intra biennium suas et incipiat et definiat actiones: ultra sibi nec ad inchoandum, nec ad definiendum tempus noverit esse concessum. Nam si aut illum, qui dolum admisisse dicitur, aut illum, qui pertulit, absentem esse contigerit, a tempore, quo apud iudicem agere coeperit, biennium ad definiendam actionem sciat sibi esse permissum.
- 29 juli 319 Idem a. ad Festum praesidem Sardiniae. Quicumque coercitionem mereri ex causis non gravibus videbuntur, in urbis Romae pistrina dedantur. Quod ubi tua sinceritas coeperit observare, omnes sciant eos, qui, sicut dictum est, ex levioribus causis huiusmodi meruerint subire sententiam, ergastulis vel pistrinis esse dedendos adque ad urbem Romam, id est ad praefectum annonae, sub idonea prosecutione mittendos. DAT. IV KAL. AUG. CONSTANTINO A. V ET LICINIO CONSS.
- 13 augustus 319 Idem Aureliae Sabiniae sive Gaudiosae. Licet in potestate filii degentes donationum effectum a patre sibi conlatarum mox consequi minime posse videantur, tamen perseverantia voluntatis ad instar mortis causa donationis huiusmodi liberalitatem redigi oportere retro principum rescriptis cognoscitur esse concessum. Unde virum clarissimum praefectum urbi amicum nostrum, cuius notio est, adire non prohiberis, qui omnibus rite consideratis, quae in precem tuam conferenda tu duxisti, pro experientia sua recte iudicari curabit. D. IDIBUS AUGUSTIS ROMAE CONSTANTINO ET LICINIO AUGG. CONSS.
- 13 augustus 319 Imp. Constantinus a. ad profuturum praefectum annonae. Cunctis pistoribus intimari oportet, quod, si quis

1090 forte possessiones suas ideo putaverit in alios transferendas, ut postea se, rebus in abdito collocatis, minus idoneum adseveret, tamquam in locum eius alio subrogando, nihil ei haec astutia nec detestabilia commenta profutura sunt, sed in obsequio pistrini sine ulla excusatione durabit nec ad eius iura revocabuntur, si quas emptiones transcripserit. PROPOSITA ID. AUG. CONSTANTINO A. V ET LICINIO CAES. CONSS.

1095 13 augustus 319 IMP. CONSTANT(INUS) A. AD PROFUTURUM P(RAE)F(ECTUM) ANNONAE. Venditionis atque emptionis fidem nulla circumscriptionis violentia facta rumpi minime decet. Nec enim sola pretii vilioris querella contractus sine ulla culpa celebratus litigioso strepitu turbandus est. P(RO)P(OSITA) ID. AUG. CONSTANTINO A. V ET LICINIO C. CONSS.

*Interpretatio.* Quum inter ementem et vendentem res fuerit definito pretio comparata, quamvis plus valeat, quam ad praesens venditur, hoc tantummodo requirendum est, si nihil fraudis vel violentiae egit ille, qui comparasse probatur. Et si voluerit revocare, qui vendidit, nullatenus permittatur.

1100 27 augustus 319 Imp. Constantinus a. ad Catullinum proconsulem Africae. Patrimoniales fundos extraordinariis oneribus vel mediae aut tertiae portionis obsequiis fatigari non convenit, cum eosdem et auri speciem et frumenti plurimum modum constet persolvere, ita ut qui violare statuta temptaverit puniatur. PROPOSITA VI KAL. SEP. KARTHAGINE CONSTANTINO A. V ET LICINIO CONSS.

1105 1 september 319 CT 9.16.1 Constantine  
A soothsayer who approaches another's private residence for any reason is in violation of the law. The "superstitions" of soothsayers are limited to public ceremonies. [The date listed is February 1, but Pharr notes that Maximus, the prefect to whom the law was issued, assumed this office on September 1; thus, either September 1 is accurate, or the date actually was February 1 of the year 320.]

1110 7 september 319 IDEM A. IULIO SEVERO. Cum [Quum] ad patrem aliquid ex materna successione interposita cretione pervenerit et ad liberos maternarum rerum successiones defluerint, ita eas haberi placet in parentum potestate, ut dominium tantum possessionis usurpent, alienandi vero licentiam facultatemque non habeant, ut, cum aetates legitimae liberorum ad emancipationem parentes invitaverint et patresfamilias videre liberos suos voluerint, tertiam partem maternorum bonorum eis filii tamquam muneris causa offerant; quam suscipiendam patres putaverint, faciendae divisionis arbitrium permitti oportebit iustitiae bonorum virorum, per quos facta divisione tertiam partem oblatam parentes ita accipien(t, ut alienandae quoque eius par)tis habeant facultatem, s(i modo ullus potuerit inve)niri, cui placeat hanc am(plecti licentiam, cum omni) modo filios conducant ad(niti, ut pio sedulitatis affec)tu mereantur accipere eam, quam (atribus dederint), portionem. DAT. VII ID. SEPT. MED(IOLANO), ACC. NON. OCT. CONSTANTINO A. V ET LICINIO CAES. CONSS.

1120 *Interpretatio.* Materna bona filiorum defuncta uxore pater ita possideat, ut usumfructum de his habeat: sed quantum aut quam diu habeat, lex novella constituit: distrahendi tamen aut donandi ex his nullam pater habeat potestatem. Sane si filium mortua matre emancipaverit, de bonis maternis, id est de emancipati filii portione ipse filius muneris causa de maternis bonis tertiam offerat portionem: quae tamen in ipsius proprietate mansura est ita, ut eam pater bonis viris dividendibus consequatur. Si tamen tantum patris nomen ad hoc adduci potuerit, ut rem filiorum impia cupiditate suscipiat, aut aliis derelinquat: studere tamen filios decet, ut id, quod parentibus causa emancipationis obtulerint, servitio et pietate recipiant.

1125 6 oktober 319 Idem a. ad Bassum Pf. U. Si quis ad se fundum vel quodcumque aliud asserit pertinere, ac restitutionem sibi competere possessionis putat, civiliter super possidendo agat, aut impleta solennitate iuris crimen violentiae opponat, non ignarus, eam se sententiam subiturum, si crimen obiectum non potuerit comprobare, quam reus debet excipere. Quod si omnia interpellatione vim possidenti intulerit, ante omnia violentiae causam examinari praecipimus, et in ea requiri, quis ad quem venerit possidentem, ut ei, quem constiterit expulsum, amissae possessionis iura reparentur, eademque protinus restituta violentus, poenae non immerito destinatus, in totius litis terminum differatur, ut, agitato negotio principali, si contra eum fuerit iudicatum, in insulam deportetur, bonis omnibus abrogatis. Quod si pro eo, quem claruerit esse violentum, sententia proferetur, omnium rerum, de quibus litigatum est, media pars penes eum resideat, cetera fisci viribus vindicentur. PP. PRID. NON. OCT. ROMAE, CONSTANTINO A. V. ET LICINIO C. CONSS.

Interpretatio. Si quis adversarium suum ita apud iudicem crediderit accusandum, ut se asserat violentiam pertulisse, ad probationem rei eum convenit attineri: quod si probare non potuerit, quem dixerat violentum, eandem poenam suscipiat, quam ille, quem impetit, convictus potuisset excipere. De reliquo haec lex praetermittenda est, quia in quarto libro sub titulo unde vi, quae tamen temporibus posterior inventa est, habetur exposita.

7 oktober 319 IDEM A. AD BASSUM P(RAEFFECTUM) U(RBI). Iuxta divi Pii consultissimi principis instituta valere donationes placet inter liberos et parentes in quocumque solo et cuiuslibet rei liberalitas probabitur extitisse, licet neque mancipatio dicatur neque traditio subsecuta, sed nuda tantum voluntas claruerit, quae non dubium consilium teneat nec incertum, sed iudicium animi tale proferat, ut nulla quaestio voluntatis possit inrepere et conlata inter ceteras exceptas Cinciaei legi personas obtinere propriam firmitatem, sive mancipationis decursa fuerit sollemnitas vel certe res tradita doceatur. Quam legem ad lites volumus pertinere, quaecumque tempore iussionis nostrae inveniuntur esse suspensae et quae post futurae sunt, ne transacta negotia refricentur. DAT. NON. OCT. CONSTANTINO A. V. ET LICINIO CAES. CONSS.

12 oktober 319 IMP. CONSTANT(INUS) A. ET C. AD BASSUM P(RAEFFECTUM) U(RBI). In universis litibus placet non prius puberem iustam habere personam, nisi interposito decreto aut administrandi patrimonii gratia aut ad litem fuerit curator datus, ut iuxta praecedentia nostrae provisionis statuta legitime initiatae litis agitata in iudiciis controversia finiatur. DAT. IV ID. OCTOB. AQUIL(EIAE) CONSTANT(INO) A. V ET LICINIO C. CONSS.

Interpretatio. Si pupillis actio inferatur, quamvis adulti videantur, ad litem venire non possunt, nisi forte aetas eorum curiae testificatione firmetur, aut certe provisus curator patrimonium pupilli vel negotium tueatur.

15 oktober 319 IDEM A. AD MAXIMUM P(RAEFFECTUM) U(RBI). Cum veterum sententia displiceat, quae donationes in sponsam nubtiis quoque non secutis decrevit valere, ea, quae largiendi animo inter sponso et sponsas celebrantur, redigi ad huiusmodi condiciones iubemus, ut, sive in potestate patris degere sive ullo modo proprii videantur esse iuris et tamquam futuri causa matrimonii aliquid sibi ipsi vel consensu parentum mutuo largiantur, si quidem sponte vir sortiri noluerit uxorem, id quod ab eo donatum fuerit nec repetatur traditum et, si quid apud donatorem resedit, ad sponsam submotis ambagibus transferatur. Quod si matrimonii non contrahendi causa ab sponsa, vel in cuius agit potestate, detegatur extitisse, tunc sponso eiusque heredibus sine aliqua deminutione redhibeantur. Quae similiter observari oportet et si ex parte sponsae in sponsum donatio facta sit; nullis causis ulterius requirendis, ne forte mores aut origo dicatur, vel quidquam aliud opponatur, quod sibi quisquam non convenire existimat, cum longe ante, quam sponsalia contrahantur, haec cuncta prospici debuerint. Sola igitur indagetur voluntas et mutata animi sententia ad restitutionem seu repetitionem rerum donatarum sufficiat, cum universis causationibus pulsus nihil amplius constare debeat, nisi ut appareat, qui sibi contrahendum matrimonium dixerit displicere. Et quoniam fieri potest, ut moriatur alter adhuc incolumi voluntate, priusquam nubtiae contrahantur, congruum duximus, eo, in quem fuerat facta donatio, ante matrimonium diem functo, quae sponsaliorum titulo vel data vel ullo genere donata sunt, ad eum qui donaverat revocari: eo etiam qui donaverat ante nubtias mortuo mox infirmari donationem et ad eius heredes sine aliqua difficultate retrahi res donatas. Quod beneficium usque ad personam patris ac matris, filiorum etiam, si qui de priore matrimonio fuerint, stare decernimus, si quocumque modo ex his persona aliqua defuncto successerit. Quod si ex his nulla persona defuncti heres erit, sed ex reliquis gradibus quisquam succedat, donationes convenit etiam non insecutis ex causa mortis nubtiis convalescere, quoniam illis tantum personis credimus consulendum. DAT. XVII KAL. NOVEMB. P(RO)P(OSITA) VI KAL. S(UPRA)S(CRIP)TAS ROM. CONSTANTINO A. V ET LICINIO CAES. CONSS.

Interpretatio. Quoties inter sponso et sponsas de futuris nubtiis specialiter fuerit definitum, et donationem sponsaliciae largitatis vir in sponsam suam aut ex consensu parentum aut ipse, si sui iuris est, propria voluntate conscripserit et omnem scripturarum sollemnitate firmaverit, ita ut et gesta legitime facta doceantur, et introductio locorum vel rerum traditio subsequatur: quicquid tali et tam solenni donatione ad ius dominiumque sponsae transierit, si vir sponte eam, quam depectus est factis supra scriptis sollemnibus chartis, accipere noluerit uxorem, omnia, quae sunt tradita, non reposcat. Et si quid de nominatis tam sollemniter rebus et traditis apud se habere dignoscitur, ad sponsae dominium, quam accipere noluit, sine dilatione aliqua transferatur. Reliquum legis istius opus non fuit explanare, quia sequentibus legibus vacuatur.

20 oktober 319 Imp. Constantinus a. Octaviano correctori Lucaniae et Brittiorum. Qui divino cultui ministeria religionis

impidunt, id est hi, qui clerici appellantur, ab omnibus omnino muneribus excusentur, ne sacrilego livore quorundam a divinis obsequiis avocentur. DAT. XII. KAL. NOV. CONSTANTINO A. V. ET LICINIO C. CONSS.

*Interpretatio.* Lex haec speciali ordinatione praecipit, ut de clericis non exactores, non allectos facere quicumque sacrilega ordinatione praesumat, quos liberos ab omni munere, id est ab omni officio omnique servitio iubet ecclesiae deservire.

23 oktober 319 IDEM A. AD FELICEM PRAESIDEM CORSICAE. Posta alia: Si petitores probaverint interpellantes se saepius esse dilatos atque ita labsum temporis incurrisse per negligentiam atque desidiam gravitate tua audientiam differente, indemnitas petitorum pro modo litis, quae in altercationem fuerit adducta, de tuis facultatibus sarcietur. DAT. IX KAL. NOVEMB. SIRM(IO) CONSTANTINO A. V ET LICINIO C. CONSS.

*Interpretatio.* Si repetentem iudex per negligentiam usque eo distulerit, ut causam suam transactis legitimis temporibus perdat, omnia, quaecumque in illius iudicio iuste sibi potuit vindicare, ei de ipsius iudicis facultatibus, habita aestimatione, reddantur.

23 oktober 319 IDEM A. AD FELICEM PRAESIDEM CORSICAE. Cum sex menses transcurrerint, breves omnium negotiorum ab officio tuo descripti commeent ad scrinia eminentissimae praefecturae, ut his recensitis et ad scrinia nostra perlatis pandatur, quis iudicum et in quibus discingendis causis fidelem operam praestiterit, quo vel dignus praemium mereatur vel negligens coercionem incurrat: adeundi tuum iudicium vel avaritia tui officii data provincialibus facultate. De eo sane, qui pretio depravatus aut gratia perperam iudicaverit, ei vindicta quem laeserit non solum existimationis dispendiis, sed etiam litis discrimine praebetur. DAT. IX K. NOV. SIRMIO CONSTANTINO A. V ET LICINIO CAES. CONSUL.

1 november 319 IMP. CONSTANTINUS A. ANTIOCHO P(RAE)F(ECTO) VIGILUM. Iussione subversa, qua certu[s] advocatorum numerus singulis tribunibus praefinitus est, omne[s] licentiam habeant, ut quisque ad huius industriae laudem in quo vol[uerit] auditorio pro ingenii sui virtute nitatur. DAT. K. NOV. SERDICAЕ CONST(ANTINO) A. V ET LICINIO C. CONSS.

1 november 319 IDEM A. AD ANTIOCHUM P(RAE)F(ECTUM) VIGILUM. Destituuntur negotia et temporibus sui[s] excidunt, dum advocati per multa officia et diversa secretaria rap[i]untur; ideoque censuimus, ne hi, qui semel protestati fuerint, quod ap[ud] te causas acturi sunt, apud alium iudicem agendi habeant potest[a]tem. P(ROPOSITA) K. NOV. SERDICAЕ CONST(ANTINO) A. V. ET LICINIO C. CONSS.

17 november 319 Imp. Constantinus a. ad Verinum vicarium Africae. Si quis in parentis aut filii aut omnino affectionis eius, quae nuncupatione parricidii continetur, fata properaverit, sive clam sive palam id fuerit enisus, neque gladio, neque ignibus, neque ulla alia solenni poena subiugetur, sed insutus culeo et inter eius ferales angustias comprehensus serpentum contuberniis misceatur et, ut regionis qualitas tulerit, vel in vicinum mare vel in amnem proiciatur, ut omni elementorum usu vivus carere incipiat, ut ei coelum superstiti, terra mortuo auferatur. DAT. XVI. KAL. DEC. LICINIO V. ET CRISPO C. CONSS. ACC. PRID. ID. MART. KARTHAGINE, CONSTANTINO A. V. ET LICINIO C. CONSS.

*Interpretatio.* Si quis patrem matrem, fratrem sororem, filium filiam aut alios propinquos occiderit, remoto omnium aliorum genere tormentorum, facto de coriis sacco, qui culeus nominatur, in quo quum missus fuerit, cum ipso etiam serpentes claudantur: et si mare vicinum non fuerit, in quolibet gurgite proiciatur, ut tali poena damnatus nullo tempore obtineat sepulturam.

20 november 319 Idem a. ad Pacatianum vicarium Brittaniarum. Unusquisque decurio pro ea portione conveniatur, in qua vel ipse vel colonus vel tributarius eius convenitur et colligit; neque omnino pro alio decurione vel territorio conveniatur. Id enim prohibitum esse manifestum est et observandum deinceps, quo iuxta hanc nostram provisionem nullus pro alio patiatur iniuriam. DAT. XII KAL. DECEMB. CONSTANTINO A. ET LICINIO C. CONSS.

27 november 319 Imp. Constantinus a. ad Ianuarinum Pf. U. Si post strepitum accusationis exortae abolitio postuletur, causa novae miserationis debet inquiri, ut, si citra depectionem id fiat, postulata humanitas praebetur; sin aliquid suspicionis exstiterit, quod manifestus reus depectione celebrata legibus subtrahatur, redemptae miserationis vox minime admittatur, sed adversus nocentem reum, inquisitione facta, poena competens exseratur. DAT. VI. KAL. DEC. SERDICA, CONSTANTINO A. V. ET LICINIO C. CONSS.

*Interpretatio.* Si quem poenituerit accusare criminaliter et inscriptionem fecisse de eo, quod probare non potuerit, si ei cum

accusato innocente convenerit, invicem se absolvant. Si vero iudex eum, qui accusatus est, criminosum esse cognoverit et inter reum et accusatorem per corruptionem de absolute reatus convenerit, is, qui reus probatur, remoto colludio, poenam excipiat legibus constitutam.

1225 **1 december 319** Imp. Constantinus a. Rufino Pf. P. Si decurio sine liberis intestatus diem vitae solverit, cui neque voluntas postrema legibus fulta, neque alio iure gradu proximo heres exstiterit, bona eius curiae suae commodis cedant, id est ordinis utilitati proficiant, cuius corpori fatali necessitate exemptus est, nulli praebenda licentia postulandi haec bona ut vacantia de nostra clementia, etiamsi revera et testamentum et successor deesse legitimus approbetur; omni etiam beneficio, si quod fuerit impetratum, protinus infirmo. DAT. KAL. DEC. SIRMIO, CONSTANTINO A. V. ET LICINIO CAES. CONSS.

1230 *Interpretatio.* Si curialis intestatus moriens neque filios neque proximos derelinquat, curia, cuius ordini subducitur, quicquid reliquerit, vindicabit, ita ut nullus audeat ea quasi bona caduca a principibus postulare. Quod si fecerit, non valebit: nam testamentum faciendi curialibus lex ista tribuit potestatem.

1235 **1 december 319** Imp. Constantinus a. ad populum. Comprimatur unum maximum humanae vitae malum, delatorum exsecranda pernicies, et inter primos conatus in ipsis faucibus stranguletur, et amputata radicitus invidiae lingua vellatur, ita ut iudices nec calumniam nec vocem prorsus deferentis admittant; sed si qui delator exstiterit, capitali sententiae subiugetur. DAT. ET PP. IN FORO TRAIANI KAL. DEC., CONSTANTINO A. V. ET LICINIO C. CONSS.

*Interpretatio.* Delatores dicuntur, qui aut facultates prodiderint alienas aut caput impetierint alienum. Quicumque delator cuiuslibet rei exstiterit, in ipso proditoris initio a iudice loci correptus continuo stranguletur, et ei incisa radicitus lingua tollatur, ut si quis proditor futurus est, nec calumnia nec vox illius audiatur.

1240 **13 december 319** Imp. IDEM A. CREPEREIO DONATIANO. Rescripta, quibus usi non fuerint qui in fata concedunt, heredes possunt allegare, ut congrue impetrata successoribus emolumenta adquirant. P(RO)P(OSITA) ID. DECEMB. CONSTANT(INO) A. V ET LICINIO C. CONSS.

1245 **26 december 319** IDEM A. AD PROCULUM. Et publicae disciplinae interest et proconsulari convenit dignitati, ut publicarum exactionum ceterarumque rerum curam et notitiam ad tuam redigas potestatem, ita ut non officialium instructione et voce fraudulenta contentus sis, sed ipsorum iudicum curam responsionemque condiscas praefecti annonae et rationalium, si fidelis est ea instructio. Ita enim provincialibus contra iniquas exactiones poterit subveniri. DAT. VII K. IAN. CONSTANTINO A. V ET LICINIO CAES. CONSUL.

1250 **26 december 319** Imp. Constantinus a. ad Proculum. Preces et impetrata rescripta non placet admitti, si decisae semel causae fuerint iudiciali sententia, quam provocatio nulla suspendit, sed eos, qui tale rescriptum meruerint, etiam limine iudiciorum expelli. DAT. VII KAL. IAN. CONSTANTINO A. V. ET LICINIO C. CONSS.

**320 CONSTANTINO A. VI ET CONSTANTINO C. CONSS.**

1255 **31 januari 320** IMP. CONSTANTINUS A. AD POPULUM. Qui iure caelibes habebantur, imminentibus legum terroribus liberentur adque ita vivant, ac si numero maritorum matrimonii foedere fulcirentur, sitque omnibus aequa condicio capessendi quod quisque mereatur. Nec vero quisquam orbus habeatur: proposita huic nomini damna non noceant. Quam rem et circa feminas aestimamus earumque cervicibus inposita iuris imperia velut quaedam iuga solvimus promiscue omnibus. Verum huius beneficii maritis et uxoribus inter se usurpatio non patebit, quorum fallaces plerumque blanditiae vix etiam opposito iuris rigore cohibentur, sed maneant inter istas personas legum prisca auctorita[s]. DAT PRID. KAL. FEB. SERDICAЕ, P(RO)P(OSITA) KAL. APRIL. ROM(AE) CONSTANTINO A. VI ET CONSTANTINO. C. CONSS.

1260 **31 januari 320** CT 8.16.1 Constantine  
Laws passed in former times which punished celibacy and childlessness are now repealed. This applies to women as well.

**1 februari 320** Idem a. ad populum. Nemo carcerem plumbatarumque verbera aut pondera aliaque ab insolentia iudicum repperta supplicia in debitorum solutionibus vel a perversis vel ab iratis iudicibus expavescat. Carcer poenaliu[m], carcer hominum noxiorum est officialium et cum denotatione eorum iudicum, quorum de officio cohercitores esse debebunt, qui contra hanc legem admiserint. Securi iuxta eam transeant solutores: vel certe, si quis tam alienus ab humano sensu est, ut hac indulgentia

- 1265 ad contumaciam abutatur, contineatur aperta et libera et in usus hominum constituta custodia militari. Si in obdurata nequitia permanebit, ad res eius omnemque substantiam cives eius accedant, solutionis obsequio cum substantiae proprietate suscepto. Qua facultate praebita omnes fore credimus proniores ad solvenda ea, quae ad nostri usus exercitus pro communi salute poscuntur. DAT. KAL. FEB. CONSTANTINO A. VI ET CONSTANTIO CAES. CONSS.
- 20 februari 320 Idem a. ad edictum. Filios decurionum, qui decem et octo annorum aetate vegetantur, per provinciam Karthaginem muneribus civicis adgregari praecipimus. Neque enim opperendum est, ut solvantur familia et sacris explicentur, cum voluntates patrum praeiudicare non debeant utilitatibus civitatum. PROPOSITA X KAL. MART. CONSTANTINO A. VI ET CONSTANTIO C. CONSS.
- 25 februari 320 Idem a. ad Aelianum proconsulem Africae. Licet serventur in officio tuo et vicarii exemplaria libellorum, qui in Africa oblatis sunt, tamen eos quorum nomina continent metu absolutos securitate perfrui sinas solumque moneas, ut ab omni non solum crimine, sed etiam suspitione verisimili alieni esse festinent. nam qui accusandi fiduciam gerit, oportet comprobare, nec occultare quae scierit, quoniam praedicabilis erit ad dicationem publicam merito perventurus. PROPOSITA V KAL. MAR. CARTHAGINE CONSTANTINO A. VI ET CONSTANTINO C. CONSS.
- 1 maart 320 IDEM A. cum introisset principia et salutatus esset a praefectis et tribunis et viris eminentissimis, adclamatum est: Auguste Constantine, dii te nobis servent: vestra salus nostra salus: vere dicimus, iurati dicimus. Adunati veterani exclamaverunt: Constantine Aug, quo nos veteranos factos, si nullam indulgentiam habemus? Constantinus A. dixit: Magis magisque conveteranis meis beatitudinem augere debeo quam minuere. Victorinus veteranus dixit: muneribus et oneribus universis locis conveniri non sinamur. Constantinus A. dixit: Apertius indica; quae sunt maxime munera, quae vos contumaciter gravant? Universi veterani dixerunt: ipse perspicis scilicet. Constantinus A. dixit: iam nunc munificentia mea omnibus veteranis id esse concessum perspicuum sit, ne quis eorum nullo munere civili neque in operibus publicis conveniatur neque in nulla conlatione neque a magistratibus neque vectigalibus. In quibuscumque nundinis interfuerint, nulla proponenda dare debebunt. Publicani quoque, ut solent agentibus super compellere, ab his veteranis amoveantur; quiete post labores suos perenniter perfruantur. Fisco nostro quoque eadem epistula interdiximus, ut nullum omnino ex his inquietaret, sed liceat eis emere et vendere, ut integra beneficia eorum sub saeculi nostri otio et pace perfruantur et eorum senectus quiete pos[t] labores perfruatur. Filios quoque eorum defendant decertationes, quae in patris persona fuerunt, quosque optamus florescere sollicitius, ne si contumaces secundum eosdem veteranos comprobati potuerint, decimentur his sententiis, cum praesidali officio adiungentur. Probabilius iussionem meam curabunt ergo stationarii milites cuiusque loci cohortis, et parentes eorum desperationem, et ad sanctimoniam conspectus mei sine ulla deliberatione remittere, ut sint salvi, cum senas consecuntur poenas indulgentiae. DAT. KAL. MART. IN CIVITATE VELOVOCORUM CONSTANTINO AUG. VI ET CONSTANTINO CAES. CONSS.
- 9 maart 320 IMP. CONSTANTINUS A. AELIANO P(RAEFECTO) U(RBI). Religiosis vocibus [sena]tus amplissimi persuasi decernimus, ut quaestor[es] ea praerogativa utantur, qua consules et praetor[es], ita ut, si quis intra annum sextum decimum nomin[ati]us fuerit absens, cum editio muneris celebratur, condemnationis frumentariae nexibus minime teneatu[r,] quoniam memoratae aetati placet hoc privilegium suffragari. DAT. VII. ID. MART. SIRMI CONSTANTINO A. VI ET CONSTANTIO CAES. CONSS.
- 1 april 320/326? Imp. Constantinus a. ad populum. pr. Si quis nihil cum parentibus puellae ante depectus invitam eam rapuerit vel volentem abduxerit, patrocinium ex eius responsione sperans, quam propter vitium levitatis et sexus mobilitatem atque consilii a postulationibus et testimoniis omnibusque rebus iudiciariis antiqui penitus arcuerunt, nihil ei secundum ius vetus prosit puellae responsio, sed ipsa puella potius societate criminis obligetur.
1. Et quoniam parentum saepe custodiae nutricum fabulis et pravis suasionibus deluduntur, his primum, quarum detestabile ministerium fuisse arguitur redemptique discursus, poena immineat, ut eis meatus oris et faucium, qui nefaria hortamenta protulerit, liquentis plumbi ingestione claudatur.
2. Et si voluntatis assensio detegitur in virgine, eadem, qua raptor, severitate plectatur, quum neque his impunitas praestanda sit, quae rapiuntur invitae, quum et domi se usque ad coniunctionis diem servare potuerint et, si fores raptoris frangerentur audacia, vicinorum opem clamoribus quaerere seque omnibus tueri conatibus. sed his poenam leviolem imponimus solamque eis parentum negari successionem praecipimus.

3. Raptor autem indubitate convictus si appellare voluerit, minime audiatur.

1310 4. Si quis vero servus raptus facinus dissimulatione praeteritum aut pactione transmissum detulerit in publicum, Latinitate donetur, aut, si Latinus sit, civis fiat Romanus: parentibus, quorum maxime vindicta intererat, si patientiam praebuerint ac dolorem compresserint, deportatione plectendis.

5. Participes etiam et ministros raptoris citra discretionem sexus eadem poena praecipimus subiugari, et si quis inter haec ministeria servilis condicionis fuerit deprehensus, citra sexus discretionem eum concremari iubemus. DAT. KAL. APRIL.

1315 AQUILEIA, CONSTANTINO A. VI. ET CONSTANTINO C. CONSS.

*Interpretatio.* Si cum parentibus puellae nihil quisquam ante definiat, ut eam suo debeat coniugio sociare, et eam vel invitam rapuerit vel volentem, si raptori puella consentiat, pariter puniantur. Si quis vero ex amicis aut familia aut fortasse nutrices puellae consilium raptus dederint aut opportunitatem praebuerint rapiendi, liquefactum plumbum in ore et in faucibus suscipiant, ut merito illa pars corporis concludatur, de qua hortamenta sceleris ministrata noscuntur. Illae vero, quae rapiuntur invitae, quae non vocibus suis de raptore clamaverint, ut vicinorum vel parentum solatio adiutae liberari possent, parentum suorum eis successio denegetur. Raptori convicto appellare non liceat, sed statim inter ipsa discussionis initia a iudice puniatur. Quod si fortasse raptor cum parentibus puellae paciscatur, et raptus ultio parentum silentio fuerit praetermissa, si servus ista detulerit, Latinam percipiat libertatem, si Latinus fuerit, civis fiat Romanus. Parentes vero, qui raptori in ea parte consenserint, exsilio deputentur. Qui vero raptori solatia praebuerint, sive viri sive feminae sint, ignibus concrementur.

1320 4 april 320 Imp. Constantinus a. ad Bassum vicarium Italiae. Posta alia: ubi puellae ad annos adultae aetatis accesserint et adspirare ad nuptias coeperint, tutores necesse habeant comprobare, quod puellae sit intemerata virginitas, cuius coniunctio postulatur. Quod ne latius porrigatur, hic solus debet tutorem nexus adstringere, ut se ipsum probet ab iniuria laesi pudoris immunem. Quod ubi constiterit, omni metu liber optata coniunctione frui debet; officio servaturo, ut, si violatae castitatis apud ipsum facinus haereat, deportatione plectatur, atque universae eius facultates fisci viribus vindicentur, quamvis eam poenam debuerit sustinere, quam raptori leges imponunt. DAT. PRID. NON. APRIL. AQUILEIA, CONSTANTINO A. VI. ET CONSTANTINO C. CONSS.

1335 *Interpretatio.* Ubi primum puellae sub tutore viventes ad annos pervenerint nuptiales, et quicumque petitor accesserit, non prius puella iungatur, nisi virginitas illius, quod a tutore servata sit, fuerit approbata: nam si ab ipso tutore convincitur eius violata virginitas, statim exsilio deputetur, et res illius omnes fiscus usurpet.

26 april 320 Idem a. ad Aelianum proconsulem Africae. Cum antehac lege de appellationibus data statutum sit, ne quis a praeiudicio vel ab executione interponeret provocationem neve huiusmodi appellatio ab his, qui vice nostra iudicant, admittatur, ne in perniciem plurimorum interpositis a praeiudicio appellationibus vel moratoriis quibusdam frustrationibus interiectis litigia protrahantur, tamen nunc poenam addi placuit, ut intellegant universi principalis negotii disceptatione causas suas munire debere et non ab ipsis quodammodo primae interlocutionis exordiis vel ab executionibus provocare, cum et illis, qui impatienter ab articulo appellandum putaverint, post cognitionem totius causae liceat appellare et his, qui sero ab executionibus provocant, facultas appellandi minime fuerit denegata. Si quis igitur tali usus appellatione fuerit in tuo iudicio deprehensus, ipsum quidem XXX follium poena multes, causam autem universam, eius dumtaxat, qui a praeiudicio vel ab executione temere appellaverit, sine ulla dilatione discingas, cum in nostro auditorio dari minime dilationem oporteat, interpositae appellationis tempore sufficiente litigatoribus ad perferendam instructionem plenissimam. PROPOSITA VI KAL. MAI. KARTHAGINE CONSTANTINO A. VII ET CONSTANTINO CAES. CONSS.

1345 19 mei 320 Idem a. ad Dometium Dracontium magistrum privatae rei Africae. Cum fiscus litem patiatur aut inferat, anni spatium ad determinandam causam spectari oportet, quia hoc ad instruendum satis est et diutius non oportet privatorum sive fisci emolumenta fatigari. DAT. XIV KAL. IUN. SERDICAЕ CONSTANTINO A. VI ET CONSTATE C. CONSS.

1350 23 mei 320 IMP. CONSTANTINUS A. AD SEVERUM P(RAEFECTUM) U(RBI). Omnes pala(t)nos, quos edicti nostri iam dudum certa privileg(ia) superfundunt, rem, si quam, dum in palatio nost(ro) morantur, vel parsimonia propria quaesiv(e)rint vel donis nostris fuerint consecuti, ut ca(stren)se peculium habere praecipimus. Quid enim tam (ex) castris est, quam quod nobis

consciis ac prope (sub) conspectibus nostris acquiritur? Sed nec alieni su(nt) a pulvere et labore castrorum, qui signa nostra comitantur, qui praesto sunt semper actibus, quos intentos eruditis studiis itinerum prolixitas et expeditionum difficultas exercet. Ideoque palatini nostri, qui privilegiis edicti uti potuerint, peculia sua praecipua retineant, quae, dum in palatio constituti sunt, aut abore, ut dictum est, proprio aut dignatione nostra quaesiverint. P(RO)P(OSITA) X KAL. IUN. CONSTANTINO A. VI ET CONSTANTIO CAES. CONSS.

26 mei 320? CT 16.2.10 Constantine

Clerics of the church are exempt from tax payments and menial compulsory public services, as are their wives, children, and servants. This applies even if they made the money by trade. This is an incentive to join the clergy. It is assumed their money will be used to help the poor, which is why it is not taxed. [The date given for this law is 353. But the consuls listed do not match those living in 353, and both Pharr and Coleman-Norton have chosen to put this law in 320.]

30 juni 320 IMP. CONSTANTINUS A. AD FLORENTIUM RATIONALEM. In quacumque causa reo exhibito, sive accusator existat sive eum publicae sollicitudinis cura perduxerit, statim debet quaestio fieri, ut noxius puniatur, innocens absolvatur. Quod si accusator aberit ad tempus aut sociorum praesentia necessaria videatur, id quidem debet quam celerrime procurari. Interea vero exhibito non ferreas manicas et inhaerentes ossibus mitti oportet, sed prolixiores catenas, ut et cruciatio desit et permaneat fida custodia. Nec vero sedis intimae tenebras pati debet inclusus, sed usurpata luce vegetari et, ubi nox geminaverit custodiam, vestibulis carcerum et salubribus locis recipi ac revertente iterum die ad primum solis ortum ilico ad publicum lumen educi, ne poenis carceris perimatur, quod innocentibus miserum, noxiis non satis severum esse cognoscitur. Illud etiam observabitur, ut neque his qui stratorum funguntur officio neque ministris eorum liceat crudelitatem suam accusatoribus vendere et innocentes intra carcerum saepta leto dare aut subtractos audientiae longa tabe consumere. Non enim existimationis tantum, sed etiam periculi metus iudici imminet, si aliquem ultra debitum tempus inedia aut quocumque modo aliquis stratorum exhausserit et non statim eum penes quem officium custodiae est adque eius ministros capitali poena subiecerit. DAT. PRID. CAL. IUL. SERDICAE CONSTANTINO A. VI ET CONSTANTINO CAES. CONSS.

8 juli 320 Idem a. ad Crispinum. Si quis per absentiam nominatus ad provocationis auxilium cucurrerit, ex eo die interponendae appellationis duorum mensum tempora ei computanda sunt, ex quo contra se celebratam nominationem didicisse se monstraverit. Nam praesenti, qui factam nominationem cognovit et appellare voluerit, statim debet duorum mensum spatium computari. DAT. VIII ID. IUL. CONSTANTINO A. VI ET CONSTANTINO C. CONSS.

18 juli 320 Idem a. ad Bassum praefectum praetorio. Cum constitutio emissa praecipiat nullum deinceps decurionem vel ex decurione progenitum vel etiam instructum idoneis facultatibus adque obeundis publicis muneribus opportunum ad clericorum nomen obsequiumque confugere, sed eos de cetero in defunctorum dumtaxat clericorum loca subrogari, qui fortuna tenues neque muneribus civilibus teneantur obstricti, cognovimus illos etiam inquietari, qui ante legis promulgationem clericorum se consortio sociaverint. Ideoque praecipimus his ab omni molestia liberatis illos, qui post legem latam obsequia publica declinantes ad clericorum numerum confugerunt, procul ab eo corpore segregatos curiae ordinibusque restitui et civilibus obsequiis inservire. PROPOSITA XV KAL. AUG. CONSTANTINO A. VI ET CONSTANTIO CAES. CONSS.

18 juli 320? CT 16.2.3 Constantine

This law references a previous law, stating that no decurion or anyone else capable of fulfilling compulsory public service should be admitted to the clergy, but only those from the poorer ranks should take ecclesiastical office. The previous law is either non extant, or a textual emendation is necessary (see note). This law clarifies that the restriction of decurions becoming clergy was not retroactive, and so decurions who had joined the clergy before the promulgation of the first law did not have to leave their positions in the church. [Seek and Elliott change the year of this law and of 16.2.6 (listed on June 1, 320) to 329. According to their emendation, the previously mentioned law in 16.2.3 is actually 16.2.6, and the decurions were not restricted from the clergy until 329.]

28 juli 320 IMP. CONSTANT(INUS) A. FURIO FELICI. Advocatorum errores in competenti iudicio litigatoribus non praeiudicant. DAT. V KAL. AUG. CONSTANTINO A. VI ET CONSTANTINO C. CONSS.

*Interpretatio.* Advocatus, si in suscepti causa aliquid in praeiudicium per errorem dixerit, praeiudicare ei, a quo adhibitus



est, nullatenus debet: si continuo de ipso errore fuerit reclamatum.

1400 26 augustus 320 Idem a. ad populum. Cum ius vetus ingenuas fiscalium servorum contubernio coniunctas ad decoctionem natalium cogat nulla vel ignorantiae venia tributa vel aetati, placet coniunctionum quidem talium vincula vitari, sin vero mulier ingenua vel ignara vel etiam volens cum servo fiscali convenerit, nullum eam ingenui status damnum sustinere, subolem vero, quae patre servo fiscali, matre nascetur ingenua, mediam tenere fortunam, ut servorum liberi et liberarum spurii latini sint, qui, licet servitutis necessitate solvantur, patroni tamen privilegio tenebuntur. Quod ius et in fiscalibus servis et in patrimoniorum fundorum originariis et ad emphyteuticaria praedia et qui ad privatarum rerum nostrarum corpora pertinent servari volumus. Nihil enim rebus publicis ex antiquo iure detrahimus nec ad consortium huius legis copulamur urbium quarumcumque servitia; volumus ut civitates integram teneant nec [imminutam] interdicti veteris potestatem. Si vel error improvidus vel simplex ignorantia vel aetatis infirmiae lapsus in has contubernii plagas depulerit, haec nostris sanctionibus sit excepta. DAT. VI KAL. SEPT. SERDICAЕ CONSTANTINO A. VII ET CONSTANTIO CONSS.

1405 *Interpretatio.* Ingenua, quae se fiscali servo iunxerit, sive sciens sive ignara, ipsa manebit libera, filii vero eius et Latini et spurii erunt, qui, quamvis liberi sint, iuri tamen obtingunt patronorum. Idem est et si servo emphyteuticario se sociarit ingenua vel patrimoniali aut ex privata re principum excepto iure rei publicae, quod lex praesens voluit conservatum.

1410 30 september 320 Imp. Constantinus a. ad Maximum rationalem Africae. Secundorum marmorum ex quibuscumque metallis volentibus tribuimus facultatem, ita ut, qui caedere metallum atque ex eo facere quodcumque decreverint, etiam distrahendi habeant liberam potestatem. DAT. PRID. KAL. OCTOB. CONSTANTINO A. VI ET CONSTANTINO CAES. CONSS.

1415 13 oktober 320 IDEM A. AD UNIVERSOS VETERANOS. Veterani iuxta nostrum praeceptum vacantes terras accipiant easque perpetuo habeant immunes, et ad emenda ruri necessaria pecuniae in nummo viginti quinque milia follium consequantur, boum quoque par et frugum promiscuarum modios centum. Qui autem negotii gerendi habuerit voluntatem, huic centum follium summam immunem habere permittimus. Praeter hos ergo, qui vel domicillis vel negotiis detinentur, omnes, qui vacatis et nullum negotium geritis, ne inopia laboretis, ad hoc remedium debetis concurrere. DAT. III ID. OCT. CONSTANTINOP(OLI) CONSTANTINO A. VI ET CONSTANTINO CAES. CONSS.

1420 4 december 320 Idem a. ad Ianuarinum agentem vicariam praefecturam. Ut accusatoribus patientia praebenda est, si quem persequi in iudicio volunt, ita famosis libellis fides habenda non est nec super his ad nostram scientiam referendum, cum eosdem libellos flammis protinus conducatur aboleri, quorum auctor nullus existit. PROPOSITA PRID. NON. DEC. ROMAE CONSTANTINO A. VI ET CONSTANTINO CAES. CONSS.

1425 17 december 320 Imp. Constantinus a. ad Maximum. Si quid de palatio nostro aut ceteris operibus publicis degustatum fulgore esse constiterit, retento more veteris observantiae quid portendat, ab haruspicibus requiratur et diligentissime scriptura collecta ad nostram scientiam referatur, ceteris etiam usurpandae huius consuetudinis licentia tribuenda, dummodo sacrificiis domesticis abstineant, quae specialiter prohibita sunt. Eam autem denuntiationem adque interpretationem, quae de tactu amphitheatri scripta est, de qua ad Heraclianum tribunum et magistrum officiorum scripseras, ad nos scias esse perlatam. DAT. XVI KAL. IAN. SERDICAЕ; ACCEPTA VIII ID. MAR. CRISPO II ET CONSTANTINO II CC. CONSS.

1430 **321 CRISPO II ET CONSTANTINO II CC. CONSS.**

1435 12 januari 321 Sane etiam ex eo querimoniae litigantium oriuntur, quod a vobis, qui imaginem principalis disceptationis accipitis, appellatum adminicula respuuntur. Quod inhiberi necesse est. Quid enim acerbius indigniusque est, quam indulta quempiam potestate ita per iactantiam insolescere, ut despiciatur utilitas provocationis, opinionis editio denegatur, refutandi copia respuatur? Quasi vero appellatio ad contumeliam iudicis, non ad privilegium iurgantis inventa sit vel in hoc non aequitas iudicantis, sed litigantis debeat considerari utilitas. DAT. PRID. ID. IAN. SIRMIO CRISPO II ET CONSTANTINO II CC. CONSS.

1440 12 januari 321 IMP. CONSTANT(INUS) A. AD MAXIMUM. Iudicantem oportet cuncta rimari et ordinem rerum plena inquisitione discutere, interrogandi ac proponendi adiciendique patientia praebita ab eo: ut, ubi actio partium limitata sit, contentiones non occursu iudicis, sed satietate altercantium metas compresserint, saepius requiratur et crebra interrogatione iudicis

frequentetur, ne quid novi resideat, quod adnecti allegationibus in iudiciaria contentione conveniat, cum ad alterutrum hoc proficiat, sive definienda sit causa per iudicem sive ad nostram scientiam referenda. Nec ad nos mittatur aliquid, quod plena instructione indigeat. DAT. PRID. ID. IANUAR. SIRMIO CRISPO II ET CONSTANTINO II CC. CONSS.

1445 *Interpretatio.* Iudex quum causam audire coeperit, litigatorum assertiones vel responsiones patienter accipiat et omnia plena discussione perquirat. Nec prius litigantibus sua sententia velit obviare, nisi quando ipsi peractis omnibus, iam nihil amplius in contentione habuerint, quod proponant: et tam diu actio ventiletur, quousque rei veritas invenitur. Frequenter interrogari oportet, ne aliquid praetermissum fortasse remaneat: quia si apud ipsum finienda causa est, totum debet agnoscere. Sin vero ita res exigit, ut ad principis notitiam deferatur, plena discussis omnibus data relatione debet esse suggestio etc

1450 20 januari 321 [IMP. C]ONSTANTINUS A. AD SEVERUM P(RAEFECTUM) U(RBI). Si quis iudicio nos[tr]o se adeptum codicillos adstruxerit et idem vel su[pe]rna codicillorum impressio vel scriptura adstipuletur interior, tamen si ad hoc pecuniam constabit speratam, nihilominus reiectus in plebem, quo plus extorquere conatus est, abdicetur. Hos enim solos, qui intra [p]alatium versati sunt vel administrationibus functi, [ad] honores excipi oportebit ceteris cunctis exemptis et [cu]rriis restitutis. Si qui tamen bonorum virorum suffra[gio] nulla data pecunia vel provinciae legatione suscep[ta] nostris sunt obtutibus inlustrati, hi duumviratus, curas, [fla]monium provinciae lucrati cetera munerum publi[c]orum obire non abnuant. Qui

1455 vero coemptis procuratorum administrationibus post lucra de fisco captata vacationem meruerunt, sive perfectissimi sunt sive inter egregiorum ordinem locumque constiterint, decuriones nominentur. Quibus illi quoque addendi sunt, qui neque ex administrationibus sunt et tamen ut perfectissimi delitescunt. DAT. X KAL. FEB. SIRMIO, ACC. NON. APRIL. CRISPO II ET CONSTANTINO II CC. CONSS.

1460 6 februari 321 Imperator Constantinus. Liberi de inofficioso querellam contra testamentum parentum moventes probationes debent praestare, quod obsequium debitum iugiter, prout ipsius naturae religio flagitabat, parentibus adhibuerunt, nisi scripti heredes ostendere maluerint ingratos liberos contra parentes extitisse.

1. Sin autem mater contra filii testamentum inofficiosi actionem instituat, inquiri diligenter iubemus, utrum filius nulla ex iusta causa laesus matrem novissima laeserit voluntate nec luctuosam ei et legitimam reliquerit portionem, ut testamento remoto matri successio deferatur.

1465 2. Si tamen mater inhonestis factis atque indecentibus machinationibus filium forte obsedit insidiisque eum vel clandestinis vel manifestis appetiit vel inimicis eius suas amicitias copulavit atque in aliis sic versata est, ut inimica eius potius quam mater crederetur, ut hoc probato invita etiam acquiescat filii voluntati. CONST. A. AD CLAUDIUM PRAES. DACIAE. D. VIII ID. FEBR. SERDICAЕ CRISPO II ET CONSTANTINO II CC. CONSS.

1470 6 februari 321 IDEM A. AD CLAUDIUM PRAESIDEM DACIAE. Licet legum auctoritas filiorum potius quam matrum personis voluit laborem incumbere, ut de inofficioso agentes intra praefinita tempora doceant nullo suo vitio factum nec offensionem se parentibus praestitisse, sed iugiter obsecutos, ut naturae ipsius religio flagitabat, disciplinam inlaesam inoffensamque servasse, ut his probatis remove parentum valeant testamenta: tamen si mater contra filii testamentum inofficiosi actionem instituat, inquiri diligenter iubemus, utrum filius nulla ex iusta causa laesus matrem novissima laeserit voluntate nec luctuosam ei et legitimam reliquerit portionem, ut testamento remoto matri successio deferatur, si tamen defuncto consanguinei

1475 agnati non sint superstites, an mater inhonestis factis atque indecentibus votis filium forte obsedit insidiisque eum vel clandestinis vel manifestis adpetiit vel inimicis eius suas amicitias copulavit atque in aliis sic versata est, ut inimica eius potius quam mater crederetur, ut hoc probato invita etiam acquiescat filii voluntati. DAT. VIII ID. FEBRUAR. SERDIC(AE) CRISPO II ET CONSTANTINO II CC. CONSS.

1480 *Interpretatio.* Quamvis leges filiis, si praetermissi testamento fuerint, maiorem quam matribus agendi dederint potestatem, ut de inofficioso matris testamento proponant, id est, si quarta debitae portionis suae filio dimissa non fuerit: ita tamen, si probare potuerint, quod matris in nullo laeserint pietatem, sed se obsequium, ut decuit, praestitisse: sic testamentum matris, in quo praetermissi fuerint, non valebit. Nam si mater contra testamentum filii, quod inofficiosum dixerit, agat, debet diligenter requiri, si contra filium mater nihil egisse probatur, aut si nullis insidiis vel publice vel secrete eum laedere fortasse tentaverit: nec forsitan consilium adversus filium inimicis suis, quod impium est, auxiliumque praestiterit. Quod si

- 1485 factum non fuerit, potest remove praetermissa mater, quia ei quartam de rebus suis portionem filius non dimisit, quod filius fecerat testamentum: si tamen filio fratres consanguinei agnati, id est uno patre nati, aut eorum filii per virilem sexum non esse probantur. Nam si mater, ut superius dictum est, pro manifestis inimicitiiis suis praetermissa docebitur, invita acquiescat laesi filii voluntati.
- 1490 27 februari 321 Imp. Constantinus a. Petronio Probiano: pr. Res uxoris, quae vel successione qualibet vel emptione vel etiam largitione viri in eam ante reatum iure pervenerant, damnato marito, illibatas esse praecipio nec alieni criminis infortunio stringi uxorem, cum paternis maternisve ac propriis frui eam integro legum statu religiosum sit. Et donatio maritalis ante tempus criminis ac reatus collata in uxorem, quia pudicitiae praemio cessit, observanda est, tamquam si maritum eius natura, non poena subduxerit; capacitatis privilegio videlicet et modo inspecto, ut consideretur, quid capere potuit.
- 1495 1. Si quid etiam in emancipatos liberos ante tempus criminis ac reatus patrem contulisse claruerit, integrum isdem et citra inquietudinem reservetur.
2. Quod vero nec uxor nec emancipati liberi potuerint vindicare, captum et incorporatum ita ad me referri specialiter censeo, ut illud quoque addatur, utrum filios habeat qui damnatus est, simulque adiciatur, utrum iidem apud se ex causa donationis aliquid vindicarint.
- 1500 3. Sed in his, qui fiscalibus actibus nexi sunt et pro ratiociniis proscribuntur et condemnantur, placuit, si quid proprium uxor habuit vel a marito datum, in quantum capere potuit, ante initum actum, ex quo origo fraudis ac vitii in iudicium deducta est, si quid deinde in emancipatos filios donatione collatum, antequam orto nexu suffugium potius quam munificentia frausque temptetur intemeratum aput accipientium iura persistere; nec quicquam fisco in qualibet causa teneatur obnoxium, nisi quod in dominio proprio, cum obligari ortus est, habuit vel quod agens tam suo quam uxoris vel filiorum vel cuiuscumque praeterea nomine comparavit.
- 1505 4. Exceptis dumtaxat caesarianis, qui ab omni iuris beneficio excluduntur, nisi probata a me purgataque ratiocinia fuerint, ut quod innoxie habuerint transmittendi copiam habeant. DAT. III KAL. MART. SERDICAE CRISPO II ET CONSTANTINO II CC. CONSS.
- 3 maart 321 Imperator Constantinus. Omnes iudices urbanaeque plebes et artium officia cunctarum venerabili die solis quiescant. Ruri tamen positi agrorum culturae libere licenterque inserviant, quoniam frequenter evenit, ut non alio aptius die frumenta sulcis aut vineae scrobibus commendentur, ne occasione momenti pereat commoditas caelesti provisione concessa CONST.
- 1510 A. HELPIDIO. PP. V NON. MART. CRISPO II ET CONSTANTINO II CONSS.
- 3 maart 321 CI 3.12.2 Constantine
- All judges, inhabitants of cities, and craftsmen should rest on Sunday. But farmers are free to work on Sunday as necessary.
- 3 maart 321 CT 16.10.1 Constantine
- If a public structure is struck by lightning, according to custom an inquiry will be made of the soothsayers as to the portent of the lightning.
- 1515 15 maart 321 IDEM A. AD IULIUM VERUM VIC(AR)UM ITALIAE. Palatinis nostris, qui ob spectatum laborem otio donati sunt, sub obtentu pensitationum, quae repraesentari consuerunt, tolerantia munerum sordidorum atque indigni oneris quorundam temeritate inponitur. Quod facinus licet graviore poena plectendum est, tamen ita volumus emendari, ut gravitas tua ex officio rationum aeris speciem postulet et in tabulas ei formatae legis huius apices inprimat, ut, si quid tale sustineant, ad eas inlico quasi ad praesentia remedia perfugiant atque ab intentato onere liberentur. P(RO)P(OSITA) ID. MART. CRISPO II ET CONSTANTINO II CC. CONSS.
- 1520 7 april 321 Imp. Constantinus a. ad edictum. Si quem susceptorem evertisse constiterit rationem et ad solvendum non esse idoneum, creator eius hac necessitate teneatur, ut, quidquid ille dilapidavit, ipse de propriis rebus instauret compellaturque damnum omne sarcire, quod non esset illatum, si in idoneis nominandis competens adhibitum esset examen. DAT. VII ID. APRIL.
- 1525 CRISPO II ET CONSTANTINO II CC. CONSS.
- 9 april 321 IMP. CONSTANT(INUS) A. AD VERINUM. Omnes adulescentes, qui honestate morum praediti paternam frugem vel maiorum patrimonia urbana vel rustica conversatione rectius gubernare cupiunt et imperiali auxilio indigere coeperint, ita demum aetatis veniam impetrare audeant, cum vicesimi anni clausae aetas adulescentiae patefacere sibi ianuam coeperit ad firmissimae

- 1530 iuventutis ingressum: ita ut post impetratam aetatis veniam iidem ipsi principale beneficium allegantes non solum  
 perscriptorum annorum numerum probent, sed etiam testibus advocatis honesta aut simili aut potiore dignitate praeditis morum  
 suorum instituta probitatemque animi testimonio vitae honestioris edoceant. Quod cum ea condicione effecerint, in alienatione  
 praediorum ius tantum legitimae aetatis optinebunt, quantum per annorum dimensiones ac temporum leges et natura singulis  
 quibusque deferre consuevit. Feminas quoque, quarum aetas biennio viros non sera pubertate praecedit, servato etiam in hoc  
 1535 temporis intervallo decem et octo annos egressas ius aetatis legitimae mereri posse sanximus: sed eas, quas morum honestas  
 mentisque sollertia, quas certa fama commendat. Has vero propter pudorem ac verecundiam in coetu publico demonstrari testibus  
 non cogimus, sed percepta aetatis venia annos tantum probare tabellis vel testibus misso procuratore concedimus: ut etiam  
 ipsae in omnibus contractibus tale ius habeant, quale viros habere praescripsimus. Ita ut senatores apud gravitatis tuae  
 officium de suis moribus et honestate perdoceant, perfectissimi apud vicariam praefecturam, equites Romani et ceteri apud  
 praefectum vigilum, navicularii apud praefectum annonae. Cui aetati quoniam inter plenam perfectamque adulescentiam et  
 1540 robustissimam iuventutem media est, firmatae aetatis appellationem inponimus, ut prima aetas pueritiae sit, sequens  
 adulescentiae, firmata haec tertia, quarta legitima, quinta senectus habeatur. In ipsis etiam contractibus hac appellatione  
 consignanda, ut non nudum nomen venditoris inseratur tabulis emptionum, sed ab illo, qui firmatae aetatis sit et honestus vir  
 habeatur, emisse illum significetur, et venditorem esse firmatae aetatis: ita tamen, ut, quia spes adempta perfidiae est, et  
 in vendendis praediis diligentiores esse persistant qui beneficium meruerunt principale, nec praedia sine decreto alienent.  
 1545 DAT. V ID. APRIL. THESSAL(ONICA). P(RO)P(OSITA) III KAL. IUN. ROM(AE) CRISPO II ET CONSTANTIO II CC. CONSS.
- Interpretatio.* Adolescentes, qui honestis moribus esse probantur et ad gubernandas facultates suas idoneam cupiunt habere  
 personam, oportet eos primum, antequam ad legitimam aetatem perveniant, id est, ubi vir viginti annorum esse coeperit,  
 auxilium principis implorare, et accepto huius rei beneficio, eo ordine apud testificationem publicam allegare, ut probent, se  
 viginti annorum implexisse curricula et honesta conversatione transigere, et sic praedia sua in aliena iura cum decreti tamen  
 1550 interpositione, transferre liberam habeant potestatem. Feminae vero, sicut biennio in pubertate minores sunt, ita et transacto  
 biennio, ubi ad xviii. annum pervenerint, eas tamen, quas morum et honestatis commendat opinio, non in publico annos probare  
 suos cogendae sunt, sed misso procuratore per scripturam annos eos, quos superius diximus, se habere demonstrent et similem,  
 quam viri in contractibus habeant facultatem: ita ut qualis vel quam digna persona sit, apud talem iudicem haec, quae dicta  
 sunt, debeat approbare. Ergo quum fuerint post adolescentiam hac aetate firmati, in ipsis quoque scripturis vel venditionum  
 1555 instrumentis, honestos se et firmatos aetate conscribant. Hoc tamen illis liceat, qui beneficium, ut diximus, principis pro  
 confirmanda aetate meruerint, ne praedia sua sine iussu iudicis vel decreto, quod ex praecepto iudicum vel consensu curialium  
 datur, alienare praesumant.
- 11 april 321 Idem a. Menandro. Propter neglegentiam iudicum, qui imperialia praecepta differunt, ad diversas provincias  
 diversos misimus, qui ad scientiam nostram referant, quae vel diligentia promota viderint vel desidia corrupta culpaverint.  
 1560 Monendi autem iudices sunt, qui instaurare publica opera debent, ut de effectis eis potius quam inchoatis ad nostram scientiam  
 referant, nisi forte iusta ratione petendum sit aliquos, si forte defuerint, impensarum titulos provideri. De rebus autem  
 praecipuis maximisque, non de quibuscumque vilissimis nostrum debent interpellare consilium. DAT. III ID. APRIL. SIRMI CRISPO  
 II ET CONSTANTINO II CC. CONSS.
- 18 april 321 Imp. Constantinus a. ad Dometium Dracontium. Quotiens plures fundum patrimonialem possident, pro portionibus  
 1565 fieri a singulis non vetetur illatio. Quorundam enim probata industria ceterorum culpa poterit coherceri. DAT. XV KAL. MAI.  
 SIRMI, ACCEPTA XV KAL. IUN. KARTHAGINE CRISPO II ET CONSTANTINO II CONSS.
- 18 april 321 CT 4.7.1 Constantine  
 This law augments the law of June 8 316. Any slave freed before a bishop is automatically granted Roman citizenship. Clergy  
 may free their slaves through their wills and it may be immediately enacted by a bishop.
- 1570 19 april 321 Imp. Constantinus a. Osio episcopo [HOSIO EP(ISCOP)O] Qui religiosa mente in ecclesiae gremio servulis suis  
 meritam concesserint libertatem, eandem eodem iure donasse videantur, quo civitas Romana solennibus decursis dari consuevit.  
 Sed hoc dumtaxat iis, qui sub adspectu antistitum dederint, placuit relaxari. Clericis autem amplius concedimus, ut, quum suis

1575 famulis tribuunt libertatem, non solum in conspectu ecclesiae ac religiosi populi plenum fructum libertatis concessisse dicantur, verum etiam quum postremo iudicio libertates dederint, seu quibuscumque verbis dari praeceperint ita ut ex die publicatae voluntatis, sine aliquo iuris teste vel interprete, competat directa libertas. DAT. XIV. KAL. MAI. CRISPO II. ET CONSTANTINO II. CONSS.

1580 Interpretatio. Qui manumittendi in sacrosancta ecclesia habuerit voluntatem, tantum est, ut sub praesentia sacerdotum servos suos velit absolvere, noverit eos, suscepta libertate cives esse Romanos: nam si clerici suis mancipiis dare voluerint libertatem, etiamsi extra conspectum fecerint sacerdotum vel sine scriptura verbis fuerint absoluti, manebit, sicut civibus Romanis, integra et plena libertas.

1585 18 mei 321 Imp. Constantinus a. ad Constantino Pf. P. Matri ius liberorum non habenti, interveniente licet patruo ceterisque, inter quos agnationis incorrupta iura per ordinem porriguntur, et quicumque deinceps agnati erunt, a quibus consanguinitatis iure mater poterat excludi, placet omnium filii bonorum, quotiescumque ab intestato venit, deferri tertiam portionem etiam patruo eiusque filio et dumtaxat nepoti, agnatione minime durante (si forte per emancipationem cuiusquam fuerit consanguinitas diminuta), beneficio pari deferri tertiam portionem, licet habeat mater ius liberorum. Nec immerito, si quando supra dicto subnixa mater fuerit privilegio, agnatione dirempta ultra nepotis gradum nostrum beneficium minime placuit extendi, ne, multis personis vocatis, plus ablatum matri, minus additum videretur. Sive igitur unus exstiterit pluresve patrui, eorumque filius aut etiam filii et nepotes neptesve, non amplius quam sola tertia universorum bonorum simul omnibus vel singulis pro suis quibusque gradibus deferenda est. Et eodem genere, si plures erunt, a quibus mater possit excludi, non plus quam tertia bonorum matri adversus omnes competere debet. Supra dictae ergo originis existentibus personis agnatis in infinitum, matri adversus omnes censuimus subveniendum, licet non omnibus adversus matrem, sed certis superius comprehensis personis hoc auxilium tribuatur; ita ut, nec petita bonorum possessione (quoniam huius legis, non praetoris est beneficium), illico, ut sibi delatae portionis dies exstiterit, aditione simplici, arrepto rerum quolibet corpore vel animi destinatione patefacta, plenum dominium delatae sibi portionis consequantur, facultate eis perpetua, dum advixerint, tribuenda in adeunda concessa sibi parte successionis. Nec enim ad eos, qui eorundem successores erunt, nisi ipsis prius, quos indulgentiae nostrae ratio complectitur, quaesita fuerit hereditas, transire quicquam iubemus, sed penes eos manere, apud quos ante istam legem residere potuisset. DAT. XIV. KAL. IUN. SIRMII, CRISPO II. ET CONSTANTINO II. CAESS. CONSS.

1600 Interpretatio. Si mater ius liberorum non habeat, hoc est, si ingenua tres partus vivos et libertina quattuor non ediderit et unicum filium intestatum fortasse perdidit, et filius moriens patruum unum vel plures aut certe patrui vel patruorum filios vel nepotes plures cum matre reliquerit, qui tamen emancipati non fuerint, mater in tertia portione in filii intestati hereditate succedat, et duas partes patruus, vel si plures patrui fuerint, aut filii vel nepotes sibimet vindicabunt. Quod si mater liberorum ius habeat, et patruus vel patruus cum matre superfuerint, etiamsi emancipati sunt, duas partes de bonis filii intestati morientis mater consequatur, quae ius liberorum habet, et tertiam patruus vel patruus: qui si defuerint, filii patruorum, quanti fuerint, aequales sibi per capita faciant portiones. Quod si filii patruorum defuerint, simili etiam nepotes patruorum divisione succedant. Sed in hac successione sola constitutio praesens sufficit, ut inter matrem, patruos eorumque filios et nepotes bonorum possessio praesumatur; quae si fortasse adita non fuerit hereditas, et hi, qui adire debuerant, moriuntur, heredes eorum a successione non aditae hereditatis excludit: quia evidenter haec lex constituit, ut non adita hereditas non transeat ad heredes. Hic de iure addendum est.

1610 19 mei 321 IDEM A. AD BASSUM P(RAEFECTUM) U(RBI). Altero ex litigatoribus in lite defuncto cursum temporis esse reparandum latis iam dudum legibus continetur. DAT. XIII KAL. IUN. SIRMIO CRISPO II ET CONSTANTINO II CC. CONSS.

Interpretatio. Si unus ex litigatoribus, sive pulsatus sive petitor, intra constitutum per scripturam tempus fortasse defecerit, tempora, quae fuerant statuta, successoribus renoventur.

1615 22 mei 321 Imp. Constantinus a. et c. ad Bassum Pf. P. Eorum est scientia puniendi et severissimis merito legibus vindicanda, qui magicis accincti artibus aut contra hominum moliti salutem aut pudicos ad libidinem deflexisse animos deteguntur. Nullis vero criminationibus implicanda sunt remedia humanis quaesita corporibus aut in agrestibus locis, ne maturis vindemiis metuerentur imbres aut ruentis grandinis lapidatione quaterentur, innocenter adhibita suffragia, quibus non cuiusque salus aut

existimatio laederetur, sed quorum proficerent actus, ne divina munera et labores hominum sternerentur. DAT. X. KAL. IUN. AQUILEIA, CRISPO ET CONSTANTINO CAESS. CONSS.

*Interpretatio.* Malefici vel incantatores vel immissores tempestatum vel ii, qui per invocationem daemonum mentes hominum turbant, omni poenarum genere puniantur.

1620 1 juli 321 Imp. Constantinus a. ad Iunium Rufum consularem Aemiliae. Penes illum vectigalia manere oportet, qui superior in licitatione exstiterit, ita ut non minus quam triennii fine locatio concludatur, nec ullo modo interrumpatur tempus exigendis vectigalibus praestitutum. Quo peracto tempore, licitationum iura conductionumque recreari oportet, ac simili modo aliis collocari; capitali sententia subiugando, quem plus aliquid, quam statutum est, a provincialibus exegisse constiterit. DAT. 1625 KAL. IUL. CRISPO II. ET CONSTANTINO II. CONSS.

*Interpretatio.* Vectigalia sunt, quae fisco vehiculorum subvectione praestantur, hoc est aut in litoreis locis navibus aut per diversa vehiculis merces deportant, cuius rei conductelam apud strenuas personas triennio esse praecipit, et continuo hanc exactionem aliis iterum permittendam, qui maiorem summam praestationis obtulerint. Ex qua conductione aut exactione, si quis plus, quam praeceptum fuerit, exigere tentaverit, ita ut mercatorem vel provincialem sub hac exactione gravare coeperit, 1630 periculo capitis se noverit esse damnandum.

3 juli 321 IMP. CONSTANT(INUS) A. HELPIDIO. Sicut indignissimum videbatur diem solis veneratione sui celebrem altercantibus iurgiis et noxiis partium contentionibus occupari, ita gratum ac iucundum est eo die quae sunt maxime votiva compleri. Atque ideo emancipandi et super his rebus acta non prohibeantur. P(RO)P(OSITA) V NON. IUL. CARALIS CRISPO II ET CONSTANTINO II CC. CONSS.

1635 *Interpretatio.* Quamvis sancto die dominico omnes lites ac repetitiones quiescere iusserimus, emancipare tamen ac manumittere minime prohibemus, et de his rebus gesta confici pari ordinatione permittimus.

3 juli 321 Idem a. ad populum. Habeat unusquisque licentiam sanctissimo catholicae venerabilique concilio decedens bonorum quod optavit relinquere. Non sint cassa iudicia. Nihil est, quod magis hominibus debetur, quam ut supremae voluntatis, post quam aliud iam velle non possunt, liber sit stilus et licens, quod iterum non redit, arbitrium. PROPOSITA V NON. IUL. ROMAE 1640 CRISPO II ET CONSTANTINO II CAESS. CONSS.

3 juli 321 CT 16.2.4 Constantine  
Every person shall have the right to leave property to the catholic Church in his will.

3 juli 321 CT 2.8.1 Constantine  
This is an exception to the law passed March 3, 321 regarding Sunday. Though most legal work is still forbidden, the legal 1645 transactions connected to freeing slaves may be conducted on Sunday.

13 juli 321 Idem a. Menandro. Universi provinciales pro his rebus, quas ad usum proprium vel ad fiscum inferunt vel exercendi ruris gratia revehunt, nullum vectigal a stationariis exigantur. Ea vero, quae extra praedictas causas vel negotiationis gratia portantur, solitae praestationi subiugamus. DAT. III ID. IUL. CRISPO II ET CONSTANTINO CONSS.

1 augustus 321 [IMPERIAL EDICTS WITH REGARD TO PROFESSORS, GRAMMARIANS, DOCTORS, AND STUDENTS](#) p. 19

1650 1 augustus 321 Imp. Constantinus a. ad Volusianum. pr. Medicos, grammaticos et professores alios litterarum immunes esse cum rebus, quas in civitatibus suis possident, praecipimus et honoribus fungi; in ius etiam vocari eos vel pati iniuriam prohibemus, ita ut, si quis eos vexaverit, centum milia nummorum aerario inferat a magistratibus vel quinquennialibus exactus, ne ipsi hanc poenam sustineant.

1. Servus eis si iniuriam fecerit, flagellis debeat a suo domino verberari coram eo, cui fecerit iniuriam, vel, si dominus 1655 consensit, viginti milia nummorum fisco inferat, servo pro pignore, donec summa haec exsolvitur, retinendo.

2. Mercedes etiam eorum et salaria reddi praecipimus.

3. Quoniam gravissimis dignitatibus vel parentes vel domini vel tutores esse non debent, fungi eos honoribus volentes permittimus, invitos non cogimus. PROPOSITA KAL. AUG. SIRMIO CRISPO ET CONSTANTINO CC. CONSS.

1660 1 augustus 321 Idem a. Menandro. Rusticanos usibus propriis vel culturae ruris necessaria revehentes vectigal exigere non sinimus: capitali poena proposita stationariis et urbanis militibus et tertiis augustanis, quorum avaritia id temptari

firmatur. Pro ceteris autem rebus, quas quaestus gratia comparant vendituri, solitum eos oportet vectigal agnoscere. DAT. K. AUG. CRISPO II ET CONSTANTINO CONSS.

1665 28 augustus 321 IMP. CONSTANT(INUS) A. AD VERINUM. Cum dividundae res erunt, dubitari non potest ab heredibus suis consensum sine ulla controversia commodandum. Quod vero ad huiusmodi spectat scripturas, in quibus talis defunctorum fuisse mens  
1670 invenitur, ut de testamento intellegatur tantummodo cogitatum, etsi repugnare ius videatur, huiusmodi quoque conscriptiones inter suos dumtaxat heredes valere oportet, quemadmodum valent scripturae simpliciter incoatae, quas nulla sollemnitatis adminicula defendunt, solis nixae radicibus voluntatis. Licet enim sub testamenti vocabulo coeptae, cum perfectae non sint neque appellari aliter ullo modo possint, evanuisse videntur, tamen dispositiones ultimae coloratam iuris imaginem referentes iustius in se legum proclivem favorem debent provocare. Quam ob rem cum filiis ac nepotibus civili iure vel auxilio praetoris ut suis heredibus defuncti successio defertur, etiamsi coeptum neque inpletum testamentum esse memoretur, vel si ab utilitate verborum vel sollemnitate iuris inanis scriptura esse dicatur, considerari specialiter voluntatem placet et obsecundari protinus, cum res dividuntur, nec retineri amplius, quam quod singulorum personis detegetur adscriptum, ut et memoria defuncti non violetur parentis et occasiones litium dirimantur. DAT. IV KAL. SEPTEMB. CRISPO II ET CONSTANTINO II CONSS.

1675 *Interpretatio.* Quando facultas patris inter filios vel nepotes dividitur, specialiter voluntas patris vel avi paterni debet in omnibus custodiri, cuius testamentum etiamsi non fuerit perfectum, aut si non legitimo numero testium subscribatur, nec gestis allegetur, tamen si agnoscitur defunctus, de quo supra dictum est, de facultate sua aliquid ordinasse, quicquid unumquemque de filiis ac nepotibus cuiuscumque sexus habere voluerit, hoc sibi sine consortis repetitione defendat: nec praesumat aliquis, quod alteri consorti auctor ille dimiserit. Sed hoc inter filios ac nepotes ex filiis masculis observetur, quod voluntate auctoris per quamcumque scripturam probabitur ordinatum.

1680 16 september 321? Imp. Constantinus a. ad Maximum pf. U. pr. In quaestione testamenti, quod deportati filius remeante patre fecisset, remotis Ulpiani atque pauli notis, Papiniani placet valere sententiam, ut in patris sit filius potestate, cui dignitas ac bona restituta sunt.

1. Ita tamen, ut gesta per filium, cuius consilia legitima aetas firmaverat, rata sint, eodem in potestatem patriam redeunte, ne eorum rescissio efficiat, quod est maxime absurdum, eodem tempore nec in patris nec in sua quemquam fuisse potestate.

1685 2. Minores enim aetate iure quicquam agere prohibentur. Quibus si damnato patre tutor datus est, necesse est, ut ab officio recedat, regresso eo, quem non solum nomine redire, sed etiam officium suum nulla pravitate corruptum liberis praebere oportet, ut eorum bona tueatur et augeat. Nam si patria potestate ad corrumpendi atque effundendi patrimonii licentiam abutetur, ut furioso ac dementi, item prodigo, libidinum omnium vitiorumque servo non est eorum pecunia committenda: ab administratione fugiat: neque tutor esse desinat, omniaque minoris dispendia suis ipse damnis praestet. Sententia vero  
1690 deportationis nullo patrem praepiudicio deminuat. Quem si comperta integritas ut natura, ita officio liberis restituerit, ei gubernacula rerum tradenda sunt, cuius, ad imitationem publici iuris, provisa custodia est. Quae nisi bonis patribus detur, luctuosior erit reditus quam discessus.

3. Ideoque tantum ad restitutionem indulgentia valeat, quantum ad correctionem sententia valuit. Utque deportationis ipsum per se nomen rerum spoliatio est, ita indulgentia reditus bonorum ac dignitatis uno nomine amissorum omnium sit  
1695 recuperatio. Et filii emancipationem a patribus officiis petant, ut libertatem non damnationis, sed lenitatis paternae testem habeant. DAT. XVIII. KAL. OCT. SIRMIO, CRISPO II. ET CONSTANTINO II. CAESS. CONSS.

*Interpretatio.* Si quis pater in exsilium missus filium in maiore aetate reliquerit, quaecumque de bonis propriis gessit filius, iuxta sententiam papiniani rata et firma permaneant, nec contra aut testamentum aut transactionem filii reversus pater venire permittitur. Sane quum redierit pater, si filium vivum invenerit, filium in ius suum paterna potestate recipiet.

1700 Ceterum quod de rebus propriis absente patre filius gessit, reversus pater revocare non poterit. Quicquid vero filii in annis minoribus constituti fecerint, penitus non valebit: qui tamen si pro aetate vel absentia patris aut tutores aut curatores acceperint, reversus pater filios, repulsis curatoribus vel tutoribus, cum omni facultate recipiet: ea tamen condicione, ut rem filiorum ita administret ac regat, ut non solum detrimenta non sentiant, sed studio patris res et facultas proficiat filiorum. Quod si pater aut prodigus aut negligens aut eversor aut libidini deditus esse convincetur, et filiorum res impie ac

- 1705 dementer vastare ac dilapidare cognoscetur, filii talis patris, tanquam eo mortuo, sub tutore aut curatore consistant: quia sicut aequum est, ut bonus et utilis pater rem filiorum regendam administrandamque recipiat, ita iniquum est, ut in damnum filiorum reversus facultates a tutoribus curatoribusve reservatas dementi subversione dilaceret.  
 28 september 321 IMP. CONSTANTINUS A. AD MAXIMUM P(RAEFECTUM) U(RBI). Perpetuas prudentium contentiones eruere cupientes Ulpiani ac Pauli in Papinianum notas, qui, dum ingenii laudem sectantur, non tam corrigere eum, quam depravare maluerunt, aboleri praecipimus. DAT. IV K. OCT. CRISPO ET CONSTANTINO CONSS.
- 1710 20 november 321 Idem a. ad Ianuarinum. pr. Quoniam nonnulli monetarii adulterinam monetam clandestinis sceleribus exercent, cuncti cognoscant necessitatem sibi incumbere huiusmodi homines inquirendi, ut investigati tradantur iudiciis, facti conscios per tormenta ilico prodituri ac sic dignis suppliciis addicendi.  
 1. Accusatoribus etiam eorum immunitatem permittimus, cuius modus, quoniam dispar census est, a nobis per singulos statuatur. servos etiam, qui hoc detulerint, civitate Romana donamus, ut eorum domini pretium a fisco percipiant.  
 1715 2. Si quis autem militum huiusmodi personam susceptam de custodia exire fecerit, capite puniatur.  
 3. Appellandi etiam privato licentia denegetur; si vero miles aut promotus huiusmodi crimen incurrerit, super eius nomine et gradu ad nos referatur.  
 4. Si dominus fundi vel domus conscium esse probabitur, deportari eum in insulam oportebit, cunctis eius rebus protinus confiscandis; si vero eo ignaro crimen commissum est, possessionem aut domum debet amittere, in qua id scelus admissum est. Actor fundi vel servus vel incola vel colonus, qui hoc ministerium praebuit, cum eo qui fecit supplicio capitali plectetur, nihilo minus fundo vel domo fisci viribus vindicanda.  
 1720 5. Quod si dominus ante ignorans, ut primum repperit, scelus prodidit perpetratum, minime possessio vel domus ipsius proscriptionis iniuriae subiacebit, sed auctorem ac ministrum poena capitalis excipiet. DAT. XII KAL. DEC. ROMAE CRISPO II ET CONSTANTINO II CC. CONSS.
- 1725 11 december 321 Idem a. decurionibus Agrippiniensibus. Cunctis ordinibus generali lege concedimus iudaeos vocari ad curiam. Verum ut aliquid ipsis ad solacium pristinae observationis relinquatur, binos vel ternos privilegio perpeti patimur nullis nominationibus occupari. DAT. III ID. DEC. CRISPO II ET CONSTANTINO II CC. CONSS.  
 11 december 321 CT 16.8.3 Constantine
- 1730 Jews can and should serve on municipal councils; however, two or three Jews may be given permission to be exempt from this compulsory public service.  
 321 Emperor Constantine. Inter omnes dumtaxat heredes suos, qui ex quolibet venientes gradu tamen pares videantur esse, vel emancipatos, quos praetor ad successionem vocat, sive coeptum neque impletum testamentum vel codicillus seu epistula parentis esse memoratur sive quocumque alio modo scripturae quibuscumque verbis vel iudiciis inveniantur relictas, iudicio familiae erciscundae, licet intestato ad successionem liberi vocentur, servato senatus consulti auxilio defuncti dispositio custodiatur, etsi sollemnitate legum huiusmodi dispositio fuerit destituta. 1. Si vero in huiusmodi voluntate designatis liberis alia sit mixta persona, certum est eam voluntatem quantum ad illam dumtaxat permixtam personam pro nullo haberi. CONST. A. AD BASSUM. D. ROMAE K... CRISPO II ET CONSTANTINO II CC. CONSS.  
 321 Eusebius, VC, 4.20 Constantine
- 1740 Constantine requires all soldiers to gather on Sundays and recite a prayer he composed to the almighty God. [The date is somewhat speculative. Eusebius only records that this took place shortly after Sunday was declared a day of rest.]  
 CHAPTER XX: The Form of Prayer given by Constantine to his Soldiers.  
 "WE acknowledge thee the only God: we own thee, as our King and implore thy succor. By thy favor have we gotten the victory through thee are we mightier than our enemies. We render thanks for thy past benefits, and trust thee for future blessings. Together we pray to thee, and beseech thee long to preserve to us, safe and triumphant, our emperor Constantine and his pious sons." by his troops, and such the prayer they were instructed to offer up to God.  
 1745 321-322 Optatus, De sch. Don., Appendix 9 Constantine  
 Constantine orders toleration of Donatists in North Africa. No action is to be taken against them. [Based on CT 16.6.2 (on Oct



17, 377, below), it may be surmised that this repeals a law against the Donatists which is no longer extant.]

1750

**322 PROBIANO ET IULIANO CONSS.**

15 januari? 322 IMP. CONSTANTINUS A. AD SEVERUM. Minores, qui intra vig[inti quin]que annorum aetatem sunt, praedium vel mancipium rusti[cum sine] decreti interpositione alienatum, etiam non petita in inte[grum res]titutione, poterunt vindicare; ita ut, si hac lege proposita ta[ntum] ad metas vicesimi et quinti anni supererit, ut coepta lis [intra] eiusdem anni finem terminari non possit, inchoata lis pos[sit proten]di. Sed et ii, quos eadem lex exacto vicensimo et quint[o anno] intra viginti et sex annos deprehenderit, inchoare pe[titiones] suas non morentur, quoniam usque ad vicensimum et [sextum] annum ita inchoatae litis tempora concluduntur. Qu[i vero] post hoc tempus agere temptaverit, expellatur, ut iam [certus] securusque possessor sit. DAT. XV K. IAN. SERD[ICAE] PROBIANO ET IV[LIANO CONSS.]

1755

9 februari 322 IDEM A. AD AGRICOLANUM. Cum ius evidens atque manifestum sit, ut intendendi criminis publici facultatem non nisi ex certis causis mulieres habeant, hoc est, si suam suorumque iniuriam persequantur, observari antiquitus statuta oportet; neque enim fas est, ut passim mulieribus accusandi permissa facultas sit. Alioquin in publicis olim quaestionibus interdum aut admissa probatio est aut accusantis auctoritas. Patroni etiam causarum monendi sunt, ne respectu compendii feminas, securitate forsitan sexus in actionem inlicitam proruentes, temere suscipiant. P(RO)P(OSITA) V ID. FEB. PROBIANO ET IULIANO CONSS.

1760

*Interpretatio.* Feminis nisi in sua suorumque causa quemquam accusare non liceat, quia susceptione alienarum causarum legibus prohibentur. Advocati etiam commonendi sunt, ne contra leges suscipiant in alienis causis feminas litigare cupientes.

1765

24 maart 322 Imperator Constantinus. Cum a nobis fuerit ad appellationem consultationemve rescriptum, sive sit primo iudicio petita dilatio sive ea tributa non sit sive nec petita quidem, eam dare cuiquam non licebit eadem ratione, qua nec in iudiciis quidem cognitionum nostrarum dilatio tribui solet. CONST. A. AD MAXIMUM. PP. ROMAE VIII K. APRIL. PROBIANO ET IULIANO CONSS.

1770

22 mei 322 IDEM AUG. AD MAXIMUM P(RAEFECTUM) U(RBI). Denuntiari vel apud provinciarum rectores vel apud eos, quibus actorum conficiendorum ius est, decernimus ne privata testatio mortuorum aut in diversis terris absentium aut eorum, qui nusquam gentium sint, scripta nominibus falsam fidem rebus non gestis adfigat. DAT. X KAL. IUN. SIRMIO PROBIANO ET IULIANO CONSS.

*Interpretatio.* Contestari apud rectores provinciae vel defensores aut omnes, apud quos gesta conficiuntur, litem iubemus, ne ullus nomen absentis aut mortui vel qui non potuerit inveniri, in litis contestatione recipiat, ne falsitatis inveniat occasio.

1775

22 mei 322 IDEM A. AD MAXIMUM P(RAEFECTUM) U(RBI). Eum, qui sciens iudicio adesse neglexerit, ut contumacem iudex poena multabit. DAT. X K. IUN. SIRMIO PROBIANO ET IULIANO CONSS.

12 juni 322 Imp. Constantinus a. ad Maximum praefectum Urbi. ...uxisset, eorum omnium iudicio fieret copia. Quod quidam ita interpretati sunt, ut contractis in litem omnibus et adsertionibus iam ordinatis et profligatis exactisque paene iudiciis, si cui earum personarum, quae in quaestione sunt, partus accidisset, quasi accessione absentiae necessariae spectataeque personae novari tempora iuris esse adfirment. Sed cum aliud sit abesse, aliud necdum natum esse, placuit eos qui nascuntur matrum condicionibus et iure uti, quarum mox visceribus exponuntur, neque ideo, quod natus quidam est, tempora iudicii renovari. ante litem vero nati suo omnes nomine in quaestionem vocentur, quoniam hos solos, qui in lite nati erunt, omnem fortunam matrum complecti oportet et aut iustis tradi dominis aut libertate frui cum lucis auctoribus, cum eorum nulla propria veriorve possit esse defensio quam matrum. DAT. PRID. ID. IUN. SIRMIO PROBIANO ET IULIANO CONSS.

1780

1785

6 juli 322 Idem a. Menandro. Provinciales egestate victus atque alimoniae inopia laborantes liberos suos vendere vel obpignorare cognovimus. Quisquis igitur huiusmodi repperietur, qui nulla rei familiaris substantia fultus est quique liberos suos aegre ac difficile sustentet, per fiscum nostrum, antequam fiat calamitati obnoxius, adiuvetur, ita ut proconsules praesidesque et rationales per universam africanam habeant potestatem et universis, quos adverterint in egestate miserabili constitutos, stipem necessariam largiantur atque ex horreis substantiam protinus tribuant competentem. Abhorret enim nostris moribus, ut quemquam fame confici vel ad indignum facinus prorumpere concedamus. DAT. PRID. NON. IUL. ROMAE PROBIANO ET IULIANO CONSS.

1790

1795 20 juli 322 Imp. Constantinus a. ad Maximum Pf. U. Si quis libertate utentes eiusque compotes inopinatos in discrimen ingenuitatis adducat, si eos forte assertio defecerit, circumductio praebetur, assertorem quaeri titulo per literas indicante; ne causa per silentium ignoretur vel absurde etiam proclametur: ut, qui comperissent, vellent asserere, vel cunctantes etiam cogentur; neu, si assertor defuerit, vincti, multis eos scientibus liberos, a dominis ducantur.

1800 1. Ideoque sancimus: si quis assertoris inops atque ignotus, circumlustratis provinciae populis, desertus tradatur ei, qui servum dixerit, non infracta, sed dilata libertate, assertore invento vires recolligat, et suis renovatis defensionibus resistat in iudicio, possessoris iure privilegiisque subnixus, quamquam de domo illius processerit. Neque enim illa possessio est in tempus accepti, sed exspectatio assertoris in tempore non reperti; ita ut, si instaurata lite restitutisque in sua iura partibus, pro libertate fuerit lata sententia, iniuriae impudentiaeque causa adversarius pari numero servorum mulctetur, quotquot erunt, qui in servitutum petiti sunt: iis vero non condemnatur, qui in ipsa fuerint lite progeniti.

1805 2. Quod si quis ante assertorem repertum vel ante sententiam fuerit mortuus, heredibus causam status probantibus mulctatius servus tradatur: et heredes eius, qui libertatem temerabat, si implacabilem animum indicant, eadem maneat mancipiorum lex atque condicio; si liberos sinent, quos clausos repererint, occidunt cum personis delicta.

3. Minorum defensores eadem manebit mancipiorum mulcta: ac iudicio his, quos defenderant, reoscentibus, rei male gestae dabitur aestimatio.

4. Quum id proprio periculo fecerit assertor, ut rem salvam fore promittit, ita satis accipiat de mulctae redhibitione.

1810 5. Libertatem victis hostibus victorum dominatio abstulit; leges vero iniuriosos poena afficiunt et fama spoliunt, dictumque in iurgio in adversarium immodestius iactatum petulantiusque fustum poenam subire cogitur: atque non erit impunita labefactatio atque oppugnatio libertatis, quae in convictis quoque punitur. iniustum est autem, alienum ad servum recepisse, et alterius servi abductione condemnatur. DAT. XIII. KAL. AUG. SIRMIO, PROBIANO ET IULIANO CONSS.

*Interpretatio.* Si aliquis in libertate positum ad servitium conetur addicere, iubet pulsatum ex ordinatione iudicis per populos et per publicum duci, ut defensorem sui status inveniat et inventum assertorem per chartam petat a iudice, ne silentio ingenuitas opprimatur. Quod si aut ipse sibi adesse aut assertorem non potuerit invenire, tradatur domino repetenti ad servitium, non ad poenale supplicium: ita ut non per hanc traditionem ex integro spes libertatis amittat, nisi quum habuerit locum, invento assertore libertatis suae statum asserat legibus audiendus. Quod si tali ordine reparata lite, qui pulsantur, ingenuos se esse docuerint, tunc ille, a quo ingenuitas iniuste fuerat appetita, tot mancipia his, quos ad servitutum vocabat, eius aetatis et sexus dare cogatur, illis in condemnatione non annumerandis his, qui, dum causa protrahitur, in lite nati esse probantur. Quod si ex his, qui ad servitutum vocantur, dum per assertorem requirendum aut alia occasione causa protrahitur, aliqui moriantur, et heredes eorum statum ingenuitatis obtinuerint, pro illius persona, quae in lite mortua est, heredibus suis eius compensatio, sicut et pro vivis, a pulsante reddenda est. Si vero ille moriatur, qui liberos conabatur addicere, et filios aut heredes dimittat, si persequi voluerint causam, quam pater aut auctor inchoaverat, et victi fuerint, ad supra scriptam satisfactionem tenendi sunt, ut alia tot mancipia male pulsatis satisfaciant. Si vero agere noluerint, nec persequi eos tentaverint, sed etiam in custodiam ab auctore redactos absolverint, erunt a mulctae condemnatione securi, quia non in auctoris sui vitio perstiterunt. Quod si forte minores sint, et tutor eorum vel curator causas eorum adversus ingenuitatem prosequi velit, et fuerit superatus, ipse de propria facultate ad satisfactionem tenendus est. Si vero post secundam reparationem assertor inventus periculo suo addicti causam crediderit replicandam, ut, si vincatur, peculium aut servitia susceptorum vel ipsos reddere debeat: similiter et ille, qui pulsat, dato fideiussore promittat se praedictum numerum vel meritum mancipiorum, vel quod ab his in peculio reposcit, satisfacere, quum fuerit superatus.

1820 26 juli 322 IMP. CONSTANT(INUS) A. AD LUSITANOS. Si qua posthac edicta sive constitutiones sine die et consule fuerint deprehensae, auctoritate careant. DAT. VII KAL. AUG. SAVARIAE PROBIANO ET IULIANO CONSS.

1825 30 oktober 322 Imp. Constantinus a. ad Maximum praefectum praetorio. Propter crispi atque helenae partum omnibus indulgemus praeter veneficos homicidas adulteros. ACC. III KAL. NOV. ROMAE PROBIANO ET IULIANO CONSS.

1835

**323 SEVERO ET RVFINO CONSS.**

**18 februari 323** Idem a. ad Maximum Pf. U. Libertati a maioribus tantum impensum est, ut patribus, quibus ius vitae in liberos necisque potestas permissa est, eripere libertatem non liceret.

- 1840 1. Si quisquam minor venundatus actum maior administravit, quoniam minoris emptio scientiam non obligat, eum ad libertatem venientem emptionis actusque a maiore administrati praescriptio non tenebit:
2. Nec vero ille, qui apud quempiam pro servo educatur, ac maior effectus vendenti veluti domino acquievit actuque administrato iam paene extremam relegit libertatem, (quoniam neque maior effectus originem suam noverat, neque eam, quam ignoraverat, venditionem patiens deseruisse iudicandus est) minori similis, eadem emptionis atque actus administrati
- 1845 praescriptione non alligabitur, sed utrique dabitur assertio.
3. Paria etiam in libertinis erunt, qui quaestu quodam in eandem rursus servitutem relabuntur. Sed eorum hac exceptione causa distinguenda est, ut, qui impuberes intra annum quartum decimum manumissi ac deinceps in servitio retenti ignorata libertate non utantur, maioresque venundati actum gerant, ab assertione non arceantur: quum illi aetati tributae libertatis ignoratio aut oblivio concessa est. Qui vero memoria firma venditioni post factae non nescius innectitur, huius legis beneficio carebit.
- 1850 4. Et quoniam vicissim etiam ipsis, qui his rem commiserunt, medendum est, si quisquam omnium, qui supra comprehensi sunt, in libertatem proclamaverit, id, quod apud se esse eius, qui se dominum dicit, profitebitur, quoniam de eo non dubitatur, reddi ac referri iudex protinus pronuntiabit.
5. Quod vero petitur, si id fuerit negotiatione controversum, per cautionem assertoris, ut alia lege comprehensum est, conservabitur, ac petitio differetur, ut, si fuerit approbata propria libertas, gestarum rerum ab eodem ratio atque omne, quod
- 1855 debebitur, reposcatur, ut servitute depulsus, qui pro domino quondam fuerat, habeat, quod ut servo domini iure largitus est, et quae ex earum rerum quaestu ac fructibus conciliata sunt, et quae de furtivis compendiis obscure capta ac parta sunt, quum liberum esse non oporteat, quod apud servum dominus peculii nomine collocaverat.
6. Ea vero, quae testamento aut donatione quaesita sunt, aut quae ex earum rerum emolumentis empta confectaue sunt, eidem ingenuo deputentur.
- 1860 7. Quae tamen universa exacto libertatis iudicio, quo a supra dictis rebus discernuntur, in sequestri esse oportet, ut, his ab utroque deductis atque in medio iure locatis, ad eorum proprietatem uterque contendat. DAT. XV. KAL. MART. THESSALONICA, SEVERO ET RUFINO CONSS.

*Interpretatio.* Minor venditus, si post viginti et quinque aetatis suae annos iam maior effectus servierit aut in rebus emptoris actor aut cuiuslibet rei ordinator fuerit constitutus, quum de ingenuitate sua proclamaverit, sine praeiudicio

1865 servitii, quod gesserit, audiatur, nec hoc ei praeiudicium generet, quod eius, a quo emptus est, domum aut utilitates in annis maioribus positus visus est ordinasse. Hoc etiam de libertis lex haec praecepit custodiri, ut, qui intra quattuordecim annos fuerint manumissi et actum in maiore aetate positi gesserint patronorum, libertati eorum actus non praeiudicet servitutis, sed quum voluerint, suas aut de ingenuitate aut de libertinitate, intra tempora legibus constituta, proferant actiones. Sic etiam, si quis minor ingenuus a quolibet fuerit educatus et, liberum se esse nesciens, fuerit a nutritore distractus et actum vel

1870 utilitatem illius, a quo emptus est, ut servus gesserit, priusquam triginta annorum praeiudicio teneatur, potestatem habeat reclamandi, et quasi minor is, priusquam tempora suppleantur, amissam recipiat libertatem. Quicquid vero eis ille, a quo empti sunt, vel tradidit vel donavit vel quaecumque ex rei suae administratione profecit, totum retinendi ac revocandi habeat potestatem. Si vero huiusmodi personis aliquid a quibuscumque aliis aut testamento aut donatione collatum est, id solum sibi iam liberi vindicent: nam quod de re patroni libertus vel emptoris ingenuus, dum serviret, profecit, libertati redditus

1875 libertus patrono, ingenuus emptori restituat. Hi vero, qui in annis maioribus constituti sunt, scientes se esse ingenuos vel libertinos, si vendi acquieverint, in ea, ad quam scientes sua voluntate transeunt, servitute permaneant.

**EPISTULA ABLABI PRAEFECTI PRAETORIO ET CONSTANTINI IMPERATORIS DE IURE CIVITATIS ORCISTANORUM p. 491**

*Interpretatio.* Si quis cum quibuslibet hostibus praedas egerit aut praedam cum praedonibus divisit, incendio concremetur.

**13 april 323** Idem a. ad Florentinum. Si nominatus magistratus aliquis refragetur, non appellatio, sed querimonia hoc dicetur, appellationis enim verbum in maioribus rebus dici oportet. Similiter et si ad exactionem annonariam nominatus de iniustitia

1880

queratur, non appellatio, sed querella hoc esse videbitur. Ideoque nec tempora appellationum servandasunt, sed mox super huiusmodi querimoniis disceptandum. DAT. ID. APRIL. CONSTANTINOPOLI SEVERO ET RUFINO CONSS.

13 april 323 Imperator Constantinus. A nullo iudice praesumi decet, ut auctoritate sua ferias aliquas condat. Nec enim imperiales ferias vocari oportet, quas administrator edixerit, ac per hoc, si nomine eximuntur, etiam fructu carebunt  
1885 CONSTANT. A. AD SEVERUM. D. ID. APRIL. SIRMI SEVERO ET RUFINO CONSS.

28 april 323 [IM]P. CONSTANTINUS A. ET C. Ne cui liceat praepositorum vel decurionum vel tribunorum cohortium quocumque genere cuiquam de militibus a castris atque signis vel his etiam locis, quibus praetendant, discedendi commeatum dare. Si quis vero contra legem facere ausus fuerit et militem contra interdictum commeatu dimiserit atque id temporis nulla eruptio erit, tunc deportatione cum amissione bonorum adficiatur; sin vero aliqua barbarorum incursio extiterit et tunc, cum praesentes in  
1890 castris atque aput signa milites esse debeant, quisquam afuerit, capite vindicetur. DAT. IV KAL. MAI. SEVERO ET RUFINO CONSS.

29 april 323 IMP. CONSTANTINUS A ET C. Si quis barbaris scelerata fa(c)tione facultatem depraedationis in Romano(s) dederit vel si quis alio modo factam dividerit, (vi)vus amburatur [comburatur]. DAT. IV KAL. MAI. SEVERO ET RUFIN(O) CONSS).

21 mei 323 Idem a. ad Ulpium Flavianum consularem Aemiliae et Liguriae. Ab extraordinariis omnibus fundi patrimoniales adque emphyteuticarii per Italiam nostram constituti habeantur immunes, ut canonica tantum et consueta dependant ad similitudinem  
1895 per Africam possessorum. DAT. XII KAL. IUN., LECTA APUT ACTA SEVERO ET RUFINO CONSS.

25 mei 323 Idem a. ad Helpidium. Quoniam comperimus quosdam ecclesiasticos et ceteros catholicae sectae servientes a diversarum religionum hominibus ad lustrorum sacrificia celebranda compelli, hac sanctione sancimus, si quis ad ritum alienae superstitionis cogendos esse crediderit eos, qui sanctissimae legi serviunt, si condicio patiatur, publice fustibus  
1900 verberetur, si vero honoris ratio talem ab eo repellat iniuriam, condemnationem sustineat damni gravissimi, quod rebus publicis vidicabitur. DAT. VIII KAL. IUN. SIRMI SEVERO ET RUFINO CONSS.

25 december 323 CT 16.2.5 Constantine

Christians shall not be forced into participating in pagan practices; anyone who forces a Christian into such an act shall be publicly beaten, unless he holds an honorable rank, in which case he will be fined and the money given to the state treasury. [The date listed is May 25, but according to Coleman-Norton, Pharr and Elliot, Constantius would not have been in Sirmium  
1905 (where the law was issued) until December, so the date should be Dec. 25, 323.]

31 december 323 Imp. Constantinus a. Quoniam decessoris tui litterae missae ad Proculianum tribunum et magistrum officiorum continent quorundam provincialium mancipia abducta pro pignore sub officio retineri, eo quod vestes canonicas vel equos minime intulerunt, atque haec mancipia neque dominos solutis debitis recepisse neque alios comparasse, veritos ne haec rescinderetur distractio: iubemus duorum mensum spatium ad solvenda debita mancipiorum dominis indulgeri, quo transacto nisi debita fuerint persoluta, firmiter mancipia comparabunt quicumque ad emptionem accesserint. PROPOSITA PRID. KAL. IAN. CASTULONE SEVERO ET  
1910 RUFINO CONSS.

323 Martyrdom of Habib the Deacon Licinius

All who will not make a pagan sacrifice were to be burned with fire. [The persecution under Licinius is described in Eusebius, H.e. 10.8.14-19 and VC 1.51-56 and 2.1-2.5. The Martyrdom of Habib the Deacon is a Syriac document from Egypt, now at the  
1915 British Museum. This persecution only affected the eastern portions of the empire.]

CHAPTER LI: Intrigues of Licinius against the Bishops, and his Prohibition of Synods.

AND at first he made secret inquiry respecting the ministers of God subject to his dominion, who had never, indeed, in any respect offended against his government, in order to bring false accusations against them. And when he found no ground of accusation, and had no real ground of objection against them, he next enacted a law, to the effect that the bishops should  
1920 never on any account hold communication with each other, nor should any one of them absent himself on a visit to a neighboring church; nor, lastly, should the holding of synods, or councils for the consideration of affairs of common interest, be permitted. Now this was clearly a pretext for displaying his malice against us. For we were compelled either to violate the law, and thus be amenable to punishment, or else, by compliance with its injunctions, to nullify the statutes of the Church; inasmuch as it is impossible to bring important questions to a satisfactory adjustment, except by means of synods. In other

1925 cases also this God-hater, being determined to act contrary to the God-loving prince, enacted such things. For whereas the one assembled the priests of God in order to honor them, and to promote peace and unity of judgment; the other, whose object it was to destroy everything that was good, used all his endeavors to destroy the general harmony.

CHAPTER LII: Banishment of the Christians, and Confiscation of their Property.

1930 AND whereas Constantine, the friend of God, had granted to His worshipers freedom of access to the imperial palaces; this enemy of God, in a spirit the very reverse of this, expelled thence all Christians subject to his authority. He banished those who had proved themselves his most faithful and devoted servants, and compelled others, on whom he had himself conferred honor and distinction as a reward for their former eminent services, to the performance of menial offices as slaves to others; and at length, being bent on seizing the property of all as a windfall for himself, he even threatened with death those who  
1935 professed the Saviour's name. Moreover being himself of a nature hopelessly debased by sensuality, and degraded by the continual practice of adultery and other shameless vices, he assumed his own worthless character as a specimen of human nature generally, and denied that the virtue of chastity and continence existed among men.

CHAPTER LIII: Edict that Women should not meet with the Men in the Churches.

1940 ACCORDINGLY he passed a second law, which enjoined that men should not appear in company with women in the houses of prayer, and forbade women to attend the sacred schools of virtue, or to receive instruction from the bishops, directing the appointment of women to be teachers of their own sex. These regulations being received with general ridicule, he devised other means for effecting the ruin of the churches. He ordered that the usual congregations of the people should be held in the open country outside the gates, alleging that the open air without the city was far more suitable for a multitude than the houses  
1945 of prayer within the walls.

CHAPTER LIV: That those who refuse to sacrifice are to be dismissed from Military Service, and those in Prison not to be fed.

FAILING, however, to obtain obedience in this respect also, at length he threw off the mask, and gave orders that those who held military commissions in the several cities of the empire should be deprived of their respective commands, in case of  
1950 their refusal to offer sacrifices to the demons. Accordingly the forces of the authorities in every province suffered the loss of those who worshiped God; and he too who had decreed this order suffered loss, in that he thus deprived himself of the prayers of pious men. And why should I still further mention how he directed that no one should obey the dictates of common humanity by distributing food to those who were pining in prisons, or should even pity the captives who perished with hunger; in short, that no one should perform a virtuous action, and that those whose natural feelings impelled them to sympathize with  
1955 their fellow-creatures should be prohibited from doing them a single kindness? Truly this was the most utterly shameless and scandalous of all laws, and one which surpassed the worst depravity of human nature: a law which inflicted on those who showed mercy the same penalties as on those who were the objects of their compassion, and visited the exercise of mere humanity with the severest punishments.

1960 CHAPTER LV: The Lawless Conduct and Covetousness of Licinius.

SUCH were the ordinances of Licinius. But why should I enumerate his innovations respecting marriage, or those concerning the dying, whereby he presumed to abrogate the ancient and wisely established laws of the Romans, and to introduce certain barbarous and cruel institutions in their stead, inventing a thousand pretenses for oppressing his subjects? Hence it was that he devised a new method of measuring land, by which he reckoned the smallest portion at more than its actual dimensions, from  
1965 an insatiable desire of acquisition. Hence too he registered the names of country residents who were now no more, and had long been numbered with the dead, procuring to himself by this expedient a shameful gain. His meanness was unlimited and his rapacity insatiable. So that when he had filled all his treasuries with gold, and silver, and boundless wealth, he bitterly bewailed his poverty, and suffered as it were the torments of Tantalus. But why should I mention how many innocent persons he

1970 punished with exile; how much property he confiscated; how many men of noble birth and estimable character he imprisoned, whose wives he handed over to be basely insulted by his profligate slaves, and to how many married women and virgins he himself offered violence, though already feeling the infirmities of age? I need not enlarge on these subjects, since the enormity of his last actions causes the former to appear trifling and of little moment.

1975 CHAPTER LVI: At length he undertakes to raise a Persecution.  
FOR the final efforts of his fury appeared in his open hostility to the churches, and he directed his attacks against the bishops themselves, whom he regarded as his worst adversaries, bearing special enmity to those men whom the great and pious emperor treated as his friends. Accordingly he spent on us the utmost of his fury, and, being transported beyond the bounds of reason, he paused not to reflect on the example of those who had persecuted the Christians before him, nor of those whom he himself had been raised up to punish and destroy for their impious deeds: nor did he heed the facts of which he had been  
1980 himself a witness, though he had seen with his own eyes the chief originator of these our calamities (whoever he was), smitten by the stroke of the Divine scourge.

CHAPTER I: Secret Persecution by Licinius, who causes Same Bishops to be put to Death at Amasia of Pontus.  
1985 IN this manner, he of whom we have spoken continued to rush headlong towards that destruction which awaits the enemies of God; and once more, with a fatal emulation of their example whose ruin he had himself witnessed as the consequence of their impious conduct, he re-kindled the persecution of the Christians, like a long-extinguished fire, and fanned the unhallowed flame to a fiercer height than any who had gone before him.  
At first, indeed, though breathing fury and threatenings against God, like some savage beast of prey, or some crooked and wriggling serpent, he dared not, from fear of Constantine, openly level his attacks against the churches of God subject to his  
1990 dominion; but dissembled the virulence of his malice, and endeavored by secret and limited measures to compass the death of the bishops, the most eminent of whom he found means to remove, through charges laid against them by the governors of the several provinces. And the manner in which they suffered had in it something strange, and hitherto unheard of. At all events, the barbarities perpetrated at Amasia of Pontus surpassed every known excess of cruelty.

1995 CHAPTER II: Demolition of Churches, and Butchery of the Bishops.  
FOR in that city some of the churches, for the second time since the commencement of the persecutions, were leveled with the ground, and others were closed by the governors of the several districts, in order to prevent any who frequented them from assembling together, or rendering due worship to God. For he by whose orders these outrages were committed was too conscious of his own crimes to expect that these services were performed with any view to his benefit, and was convinced that all we  
2000 did, and all our endeavors to obtain the favor of God, were on Constantine's behalf. These servile governors then, feeling assured that such a course would be pleasing to the impious tyrant, subjected the most distinguished prelates of the churches to capital punishment. Accordingly, men who had been guilty of no crime were led away, without cause punished like murderers: and some suffered a new kind of death, having their bodies cut piecemeal; and, after this cruel punishment, more horrible than any named in tragedy, being cast, as a food to fishes, into the depths of the sea. The result of these horrors was again, as  
2005 before, the flight of pious men, and once more the fields and deserts received the worshipers of God. The tyrant, having thus far succeeded in his object, he farther determined to raise a general persecution of the Christians:and he would have accomplished his purpose, nor could anything have hindered him from carrying his resolution into effect, had not he who defends his own anticipated the coming evil, and by his special guidance conducted his servant Constantine to this part of the empire, causing him to shine forth as a brilliant light in the midst of the darkness and gloomy night.

2010 CHAPTER III: How Constantine was stirred in Behalf of the Christians thus in Danger of Persecution.  
HE perceiving the evils of which he had heard to be no longer tolerable, took wise counsel, and tempering the natural clemency

of his character with a certain measure of severity, hastened to succor those who were thus grievously oppressed. For he judged that it would rightly be deemed a pious and holy task to secure, by the removal of an individual, the safety of the greater part of the human race. He judged too, that if he listened to the dictates of clemency only, and bestowed his pity on one utterly unworthy of it, this would, on the one hand, confer no real benefit on a man whom nothing would induce to abandon his evil practices, and whose fury against his subjects would only be likely to increase; while, on the other hand, those who suffered from his oppression would thus be forever deprived of all hope of deliverance.

Influenced by these reflections, the emperor resolved without farther delay to extend a protecting hand to those who had fallen into such an extremity of distress. He accordingly made the usual warlike preparations, and assembled his whole forces, both of horse and foot. But before them all was carried the standard which I have before described, as the symbol of his full confidence in God.

CHAPTER IV: That Constantine prepared himself for the War by Prayer: Licinius by the Practice of Divination.

HE took with him also the priests of God, feeling well assured that now, if ever, he stood in need of the efficacy of prayer, and thinking it right that they should constantly be near and about his person, as most trusty guardians of the soul. Now, as soon as the tyrant understood that Constantine's victories over his enemies were secured to him by no other means than the co-operation of God, and that the persons above alluded to were continually with him and about his person; and besides this, that the symbol of the salutary passion preceded both the emperor himself and his whole army; he regarded these precautions with ridicule (as might be expected), at the same time mocking and reviling the emperor with blasphemous words. On the other hand, he gathered round himself Egyptian diviners and soothsayers, with sorcerers and enchanterers, and the priests and prophets of those whom he imagined to be gods. He then, after offering the sacrifices which he thought the occasion demanded, inquired how far he might reckon on a successful termination of the war. They replied with one voice, that he would unquestionably be victorious over his enemies, and triumphant in the war: and the oracles everywhere held out to him the same prospect in copious and elegant verses. The soothsayers certified him of favorable omens from the flight of birds; the priests declared the same to be indicated by the motion of the entrails of their victims. Elevated, therefore, by these fallacious assurances, he boldly advanced at the head of his army, and prepared for battle.

CHAPTER V: What Licinius, while sacrificing in a Grove, said concerning Idols, and concerning Christ.

AND when he was now ready to engage, he desired the most approved of his body-guard and his most valued friends to meet him in one of the places which they consider sacred. It was a well-watered and shady grove, and in it were several marble statues of those whom he accounted to be gods. After lighting tapers and performing the usual sacrifices in honor of these, he is said to have delivered the following speech:

"Friends and fellow-soldiers! These are our country's gods, and these we honor with a worship derived from our remotest ancestors. But he who leads the army now opposed to us has proved false to the religion of his forefathers, and adopted atheistic sentiments, honoring in his infatuation some strange and unheard-of Deity, with whose despicable standard he now disgraces his army, and confiding in whose aid he has taken up arms, and is now advancing, not so much against us as against those very gods whom he has forsaken. However, the present occasion shall prove which of us is mistaken in his judgment, and shall decide between our gods and those whom our adversaries profess to honor. For either it will declare the victory to be ours, and so most justly evince that our gods are the true saviours and helpers; or else, if this God of Constantine's, who comes we know not whence, shall prove superior to our deities (who are many, and in point of numbers, at least, have the advantage), let no one henceforth doubt which god he ought to worship, but attach himself at once to the superior power, and ascribe to him the honors of the victory. Suppose, then, this strange God, whom we now regard with ridicule, should really prove victorious; then indeed we must acknowledge and give him honor, and so bid a long farewell to those for whom we light our tapers in vain. But if our own gods triumph (as they undoubtedly will), then, as soon as we have secured the present victory, let us prosecute the war without delay against these despisers of the gods."

Such were the words he addressed to those then present, as reported not long after to the writer of this history by some who heard them spoken. And as soon as he had concluded his speech, he gave orders to his forces to commence the attack.

2060 **324 CRISPO III ET CONSTANTINO III CC. CONSS.**

**8 maart 324** Idem a. Helpidio. Ex quocumque Hispaniae litore portum urbis Romae navicularii navis intraverit, quae onus dumtaxat fiscale subvexerit, eandem sine interpellatione cuiusquam abire praecipimus nec ulli extraordinario oneri deservire, ut facilius iniuncta sibi possit implere obsequia. DAT. VIII ID. MART. THESSALONICAE CRISPO III ET CONSTANTINO III CONSS.

**24 april 324** Idem a. ad edictum Calchedoniensium et Macedoniensium.

2065 Quotienscumque aliquam adscriptionem fieri necesse est, rectorum consiliis et dispositione uniuscuiusque civitatis fiat adscriptio, ne libidini et commodo potiorum multitudo mediocrium subiecta gravibus et iniquissimis adficiatur iniuriis. ACCEPTA VIII KAL. MAI. CRISPO III ET CONSTANTINO III AA. CONSS.

**16 mei 324** Imp. Constantinus a. ad Constantium praefectum praetorio. Remotis Licini tyranni constitutionibus et legibus omnes sciant veteris iuris et statutorum nostrorum observari debere sanctionem. PROPOSITA XVII KAL. IUN. CRISPO III ET CONSTANTINO III CAESS. CONSS.

2070

Leges huius anni et a. 321 passim perturbatus esse supra monuimus. - Post victoriam de Licinio Constantinus se contulit Thessalonicam, ubi occidi iussit Licinium legesque emisit diabus Mart. 8 et Apr. 9. Praeterea et rerum memoria a hunc annum deficit et sunscriptiones.

**19 juni 324** Imp. Constantinus a. Dalmatio. pr. Quoniam cognovimus nonnullos vacationem a nobis personalium munerum impetrasse, alienos pro suis liberis nostris conspectibus offerentes, iubemus eos, cum hoc probatum sit, indulto beneficio privari, eos autem, qui cuiuscumque sexus liberos quinque habeant, impetrata semel vacatione potiri, ita ut, si in hoc numero filius legitimae aetatis inveniatur, obeundis statim pro suo patre muneribus adplicetur, patribus, qui filios vel filias quinque habuerint, promissa legibus immunitate servanda. 1. Quod si quis propter censum tenuem vacationem meruerit atque hoc probaverit, beneficio potiatur, si propter rerum angustias ad personalia vocabatur obsequia. DAT. XIV KAL. FEB. SIRMIO CRISPO III ET CONSTANTINO II CONSS.

2080

**9 juli 324** Idem a. ad Hilarianum proconsulem Africae. Si quis decurio vel propriae rei causa vel rei publicae cogatur nostrum adire comitatum, is non ante discedat quam insinuato iudici desiderio proficiscendi licentiam consequatur. Quod si pro sua audacia parvi aliquis hanc fecerit iussionem, deportationis exitum sortiatur. PROPOSITA VII ID. IUL. KARTHAGINE CRISPO III ET CONSTANTINO III CONSS.

2085

**324** Eusebius, VC 2.48-60 Constantine

Constantine encourages all citizens of the empire, both pagan and Christian, to live in peace and unanimity without restraining the other group. [See note on the authenticity of anti-pagan legislation in the Life of Constantine.]

CHAPTER XLVIII: Constantine's Edict to the People of the Provinces concerning the Error of Polytheism, commencing with Some General Remarks on Virtue and Vice.

2090

"VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to the people of the Eastern provinces.

"Whatever is comprehended under the sovereign laws of nature, seems to convey to all men an adequate idea of the forethought and intelligence of the divine order. Nor can any, whose minds are directed in the true path of knowledge to the attainment of that end, entertain a doubt that the just perceptions of sound reason, as well as those of the natural vision itself, through the sole influence of genuine virtue, lead to the knowledge of God. Accordingly no wise man will ever be surprised when he sees the mass of mankind influenced by opposite sentiments. For the beauty of virtue would be useless and unperceived, did not vice display in contrast with it the course of perversity and folly. Hence it is that the one is crowned with reward, while the most high God is himself the administrator of judgment to the other.

2095

"And now I will endeavor to lay before you all as explicitly as possible, the nature of my own hopes of future happiness.

2100

CHAPTER XLIX: Concerning Constantine's Pious Father, and the Persecutors Diocletian and Maximian.



2105 "THE former emperors I have been accustomed to regard as those with whom I could have no sympathy, on account of the savage cruelty of their character. Indeed, my father was the only one who uniformly practiced the duties of humanity, and with admirable piety called for the blessing of God the Father on all his actions, but the rest, unsound in mind, were more zealous of cruel than gentle measures; and this disposition they indulged without restraint, and thus persecuted the true doctrine during the whole period of their reign. Nay, so violent did their malicious fury become, that in the midst of a profound peace, as regards both the religious and ordinary interests of men, they kindled, as it were, the flames of a civil war.

CHAPTER L: That the Persecution originated an Account of the Oracle of Apollo, who, it was said, could not give Oracles because of "the Righteous Men."

2110 "ABOUT that time it is said that Apollo spoke from a deep and gloomy cavern, and through the medium of no human voice, and declared that the righteous men on earth were a bar to his speaking the truth, and accordingly that the oracles from the tripod were fallacious. Hence it was that he suffered his tresses to droop in token of grief, and mourned the evils which the loss of the oracular spirit would entail on mankind. But let us mark the consequences of this.

2115 CHAPTER LI: That Constantine, when a Youth, heard from him who wrote the Persecution Edict that "the Righteous Men" were the Christians.

2120 "I call now on thee, most high God, to witness that, when young, I heard him who at that time was chief among the Roman emperors, unhappy, truly unhappy as he was, and laboring under mental delusion, make earnest inquiry of his attendants as to who these righteous ones on earth were, and that one of the Pagan priests then present replied that they were doubtless the Christians. This answer he eagerly received, like some honeyed draught, and unsheathed the sword which was ordained for the punishment of crime, against those whose holiness was beyond reproach. Immediately, therefore, he issued those sanguinary edicts, traced, if I may so express myself, with a sword's point dipped in blood; at the same time commanding his judges to tax their ingenuity for the invention of new and more terrible punishments.

2125 CHAPTER LII: The Manifold Forms of Torture and Punishment practiced against the Christians.

2130 "THEN, indeed, one might see with what arrogance those venerable worshipers of God were daily exposed, with continued and relentless cruelty, to outrages of the most grievous kind, and how that modesty of character which no enemy had ever treated with disrespect, became the mere sport of their infuriated fellow-citizens. Is there any punishment by fire, are there any tortures or forms of torment, which were not applied to all, without distinction of age or sex? Then, it may be truly said, the earth shed tears, the all-encircling compass of heaven mourned because of the pollution of blood; and the very light of day itself was darkened in grief at the spectacle.

CHAPTER LIII: That the Barbarians kindly received the Christians.

2135 "BUT what is the consequence of this? Why, the barbarians themselves may boast now of the contrast their conduct presents to these creel deeds; for they received and kept in gentlest captivity those who then fled from amongst us, and secured to them not merely safety from danger, but also the free exercise of their holy religion. And now the Roman people bear that lasting stain which the Christians, at that time driven from the Roman world, and taking refuge with the barbarians, have branded on them.

2140 CHAPTER LIV: What Vengeance overtook those who on Account of the Oracle raised the Persecution.

"BUT why need I longer dwell on these lamentable events, and the general sorrow which in consequence pervaded the world? The perpetrators of this dreadful guilt are now no more: they have experienced a miserable end, and are consigned to unceasing punishment in the depths of the lower world. They encountered each other in civil strife, and have left neither name nor race behind. And surely this calamity would never have befallen them, had not that impious deliverance of the Pythian oracle

2145 exercised a delusive power over them.

CHAPTER LV: Constantine gives Glory to God, makes Grateful Acknowledgment of the Sign of the Cross, and prays for the Churches and People.

2150 "AND now I beseech thee, most mighty God, to be merciful and gracious to thine Eastern nations, to thy people in these provinces, worn as they are by protracted miseries; and grant them healing through thy servant. Not without cause, O holy God, do I prefer this prayer to thee, the Lord of all. Under thy guidance have I devised and accomplished measures fraught with blessings: preceded by thy sacred sign I have led thy armies to victory: and still, on each occasion of public danger, I follow the same symbol of thy perfections while advancing to meet the foe. Therefore have I dedicated to thy service a soul  
2155 abundantly proved, to the confirmation and increase of my faith. I hasten, then, to devote all my powers to the restoration of thy most holy dwelling-place, which those profane and impious men have defiled by the contamination of violence.

CHAPTER LVI: He prays that All may be Christians, but compels None.

2160 "MY own desire is, for the common good of the world and the advantage of all mankind, that thy people should enjoy a life of peace and undisturbed concord. Let those, therefore, who still delight in error, be made welcome to the same degree of peace and tranquility which they have who believe. For it may be that this restoration of equal privileges to all will prevail to lead them into the straight path. Let no one molest another, but let every one do as his soul desires. Only let men of sound judgment be assured of this, that those only can live a life of holiness and purity, whom thou callest to a reliance on thy holy laws. With regard to those who will hold themselves aloof from us, let them have, if they please, their temples of lies:  
2165 we have the glorious edifice of thy truth, which thou hast given us as our native home. We pray, however, that they too may receive the same blessing, and thus experience that heartfelt joy which unity of sentiment inspires.

CHAPTER LVII: He gives Glory to God, who has given Light by his Son to those who were in Error.

2170 "And truly our worship is no new or recent thing, but one which thou hast ordained for thine own due honor, from the time when, as we believe, this system of the universe was first established. And, although mankind have deeply fallen, and have been seduced by manifold errors, yet hast thou revealed a pure light in the person of thy Son, that the power of evil should not utterly prevail, and hast thus given testimony to all men concerning thyself.

CHAPTER LVIII: He glorifies him again for his Government of the Universe.

2175 "THE truth of this is assured to us by thy works. It is thy power which removes our guilt, and makes us faithful. The sun and the moon have their settled course. The stars move in no uncertain orbits round this terrestrial globe. The revolution of the seasons recurs according to unerring laws. The solid fabric of the earth was established by thy word: the winds receive their impulse at appointed times; and the course of the waters continues with ceaseless flow, the ocean is circumscribed by an immovable barrier, and whatever is comprehended within the compass of earth and sea, is all contrived for wondrous and  
2180 important ends.

"Were it not so, were not all regulated by the determination of thy will, so great a diversity, so manifold a division of power, would unquestionably have brought ruin on the whole race and its affairs. For those agencies which have maintained a mutual strife would thus have carried to a more deadly length that hostility against the human race which they even now exercise, though unseen by mortal eyes.  
2185

CHAPTER LIX: He gives Glory to God, as the Constant Teacher of Good.

"ABUNDANT thanks, most mighty God, and Lord of all, be rendered to thee, that, by so much as our nature becomes known from the diversified pursuits of man, by so much the more are the precepts of thy divine doctrine confirmed to those whose thoughts are

2190 directed aright, and who are sincerely devoted to true virtue. As for those who will not allow themselves to be cured of their error, let them not attribute this to any but themselves. For that remedy which is of sovereign and healing virtue is openly placed within the reach of all. Only let not any one inflict an injury on that religion which experience itself testifies to be pure and undefiled. Henceforward, therefore, let us all enjoy in common the privilege placed within our reach, I mean the blessing of peace, endeavoring to keep our conscience pure from all that is contrary.

2195 CHAPTER LX: An Admonition at the Close of the Edict, that No One should trouble his Neighbor.  
"ONCE more, let none use that to the detriment of another which he may himself have received on conviction of its truth; but let every, one, if it be possible, apply what he has understood and known to the benefit of his neighbor; if otherwise, let him relinquish the attempt. For it is one thing voluntarily to undertake the conflict for immortality, another to compel others to do so from the fear of punishment.

2200 "These are our words; and we have enlarged on these topics more than our ordinary clemency would have dictated, because we were unwilling to dissemble or be false to the true faith; and the more so, since we understand there are some who say that the rites of the heathen temples, and the power of darkness, have been entirely removed. We should indeed have earnestly recommended such removal to all men, were it not that the rebellious spirit of those wicked errors still continues obstinately fixed in the minds of some, so as to discourage the hope of any general restoration of mankind to the ways of truth."

2205 324 Eusebius, VC 2.46 Constantine

After his victory over Licinius, Constantine gives permission to restore, repair, or enlarge the churches in the east which had been damaged in the persecution under Licinius. The governors are instructed to give whatever help is requested.

2210 CHAPTER XLVI: Constantine's Letter to Eusebius and Other Bishops, respecting the Building of Churches, with Instructions to repair the Old, and erect New Ones on a Larger Scale, with the Aid of the Provincial Governors.

"VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to Eusebius.

2215 "Forasmuch as the unholy and willful rule of tyranny has persecuted the servants of our Saviour until this present time, I believe and have fully satisfied myself, best beloved brother, that the buildings belonging to all the churches have either become ruinous through actual neglect, or have received inadequate attention from the dread of the violent spirit of the times.

"But now, that liberty is restored, and that serpent driven from the administration of public affairs by the providence of the Supreme God, and our instrumentality, we trust that all can see the efficacy of the Divine power, and that they who through fear of persecution or through unbelief have fallen into any errors, will now acknowledge the true God, and adopt in future that course of life which is according to truth and rectitude. With respect, therefore, to the churches over which you yourself preside, as well as the bishops, presbyters, and deacons of other churches with whom you are acquainted, do you admonish all to be zealous in their attention to the buildings of the churches, and either to repair or enlarge those which at present exist, or, in cases of necessity, to erect new ones.

2225 "We also empower you, and the others through you, to demand what is needful for the work, both from the provincial governors and from the Praetorian Praefect. For they have received instructions to be most diligent in obedience to your Holiness's orders. God preserve you, beloved brother." A copy of this charge was transmitted throughout all the provinces to the bishops of the several churches: the provincial governors received directions accordingly, and the imperial statute was speedily carried into effect.

324 Eusebius, VC 2.44-45 Constantine

2230 Constantine passes a law against idol-worship, statues, divination, and especially against pagan sacrifices. [See note on the authenticity of anti-pagan legislation in the Life of Constantine.]

CHAPTER XLIV: That he promoted Christians to Offices of Government, and forbade Gentiles in Such Stations to offer Sacrifice. AFTER this the emperor continued to address himself to matters of high importance, and first he sent governors to the several

provinces, mostly such as were devoted to the saving faith; and if any appeared inclined to adhere to Gentile worship, he forbade them to offer sacrifice. This law applied also to those who surpassed the provincial governors in rank and dignity, and even to those who occupied the highest station, and held the authority of the Praetorian Praefecture. If they were Christians, they were free to act consistently with their profession; if otherwise, the law required them to abstain from idolatrous sacrifices.

CHAPTER XLV: Statutes which forbade Sacrifice, and enjoined the Building of Churches.

SOON after this, two laws were promulgated about the same time; one of which was intended to restrain the idolatrous abominations which in time past had been practiced in every city and country; and it provided that no one should erect images, or practice divination and other false and foolish arts, or offer sacrifice in any way. The other statute commanded the heightening of the oratories, and the enlargement in length and breadth of the churches of God; as though it were expected that, now the madness of polytheism was wholly removed, pretty nearly all mankind would henceforth attach themselves to the service of God. His own personal piety induced the emperor to devise and write these instructions to the governors of the several provinces: and the law farther admonished them not to spare the expenditure of money, but to draw supplies from the imperial treasury itself. Similar instructions were written also to the bishops of the several churches; and the emperor was pleased to transmit the same to myself, being the first letter which he personally addressed to me.

324 Eusebius, VC 2.24-42 Constantine

After his victory over Licinius, Constantine addresses the wrongs committed against Christians in the eastern half of the empire. All exiled Christians, as well as those banished to the mines or made slaves, are to return to their previous position. All who were deprived of property are to have their property restored. Anyone who has lost rights or military office is to be restored. Christians are given the right to leave their property to the church in their wills.

[The authenticity of this document has been questioned, but papyrus discovered in the twentieth century strengthened the case for authenticity. See A.H.M. Jones, "Notes of the Genuineness of the Constantinian Documents in Eusebius' Life of Constantine," The Journal of Ecclesiastical History 5 (1954), pp. 197-200.]

CHAPTER XXIV: Law of Constantine respecting Piety towards God, and the Christian Religion.

"VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS to the inhabitants of the province of Palestine.

"To all who entertain just and sound sentiments respecting the character of the Supreme Being, it has long been most clearly evident, and beyond the possibility of doubt, how vast a difference there has ever been between those who maintain a careful observance of the hallowed duties of the Christian religion, and those who treat this religion with hostility or contempt. But at this present time, we may see by stilt more manifest proofs, and still more decisive instances, both how unreasonable it were to question this truth, and how mighty is the power of the Supreme God: since it appears that they who faithfully observe His holy laws, and shrink from the transgression of His commandments, are rewarded with abundant blessings, and are endued with well-grounded hope as well as ample power for the accomplishment of their undertakings. On the other hand, they who have cherished impious sentiments have experienced results corresponding to their evil choice. For how is it to be expected that any blessing would be obtained by one who neither desired to acknowledge nor duly to worship that God who is the source of all blessing? Indeed, facts themselves are a confirmation of what I say.

CHAPTER XXV: An Illustration from Ancient Times.

"FOR certainly any one who will mentally retrace the course of events from the earliest period down to the present time, and will reflect on what has occurred in past ages, will find that all who have made justice and probity the basis of their conduct, have not only carried their undertakings to a successful issue, but have gathered, as it were, a store of sweet fruit as the produce of this pleasant root. Again, whoever observes the career of those who have been bold in the practice of oppression or injustice; who have either directed their senseless fury against God himself, or have conceived no kindly feelings towards their fellow-men, but have dared to afflict them with exile, disgrace, confiscation, massacre, or other miseries of the like kind, and all this without any sense of compunction, or wish to direct thoughts to a better course, will

find that such men have received a recompense proportioned to their crimes. And these are results which might naturally and reasonably be expected to ensue?

2280 CHAPTER XXVI: Of Persecuted and Persecutors.

"FOR whoever have addressed themselves with integrity of purpose to any course of action, keeping the fear of God continually before their thoughts, and preserving an unwavering faith in him, without allowing present fears or dangers to outweigh their hope of future blessings - such persons, though for a season they may have experienced painful trials, have borne their afflictions lightly, being supported by the belief of greater rewards in store for them; and their character has acquired a  
2285 brighter luster in proportion to the severity of their past suffer-rags. With regard, on the other hand, to those who have either dishonorably slighted the principles of justice, or refused to acknowledge the Supreme God themselves, and yet have dared to subject others who have faithfully maintained his worship to the most cruel insults and punishments; who have failed equally to recognize their own wretchedness in oppressing others on such grounds, and the happiness and blessing of those who preserved their devotion to God even in the midst of such sufferings: with regard, I say, to such men, many a time have their  
2290 armies been slaughtered, many a time have they been put to flight; and their warlike preparations have ended in total ruin and defeat.

CHAPTER XXVII: How the Persecution became the Occasion of Calamities to the Aggressors.

"FROM the causes I have described, grievous wars arose, and destructive devastations. Hence followed a scarcity of the common  
2295 necessaries of life, and a crowd of consequent miseries: hence, too, the authors of these impieties have either met a disastrous death of extreme suffering, or have dragged out an ignominious existence, and confessed it to be worse than death itself, thus receiving as it were a measure of punishment proportioned to the heinousness of their crimes. For each experienced a degree of calamity according to the blind fury with which he had been led to combat, and as he thought, defeat the Divine will: so that they not only felt the pressure of the ills of this present life, but were tormented also by a most  
2300 lively apprehension of punishment in the future world.

CHAPTER XXVIII: That God chose Constantine to be the Minister of Blessing.

"AND now, with such a mass of impiety oppressing the human race, and the commonwealth in danger of being utterly destroyed, as if by the agency of some pestilential disease, and therefore needing powerful and effectual aid; what was the relief, and what  
2305 the remedy which the Divinity devised for these evils? (And by Divinity is meant the one who is alone and truly God, the possessor of almighty and eternal power: and surely it cannot be deemed arrogance in one who has received benefits from God, to acknowledge them in the loftiest terms of praise.) I myself, then, was the instrument whose services He chose, and esteemed suited for the accomplishment of his will. Accordingly, beginning at the remote Britannic ocean, and the regions where, according to the law of nature, the sun sinks beneath the horizon, through the aid of divine power I banished and utterly  
2310 removed every form of evil which prevailed, in the hope that the human race, enlightened through my instrumentality, might be recalled to a due observance of the holy laws of God, and at the same time our most blessed faith might prosper under the guidance of his almighty hand.

CHAPTER XXIX: Constantine's Expressions of Piety towards God; and Praise of the Confessors.

"I said, under the guidance of his hand; for I would desire never to be forgetful of the gratitude due to his grace. Believing, therefore, that this most excellent service had been confided to me as a special gift, I proceeded as far as the regions of the East, which, being under the pressure of severer calamities, seemed to demand still more effectual remedies at my hands. At the same time I am most certainly persuaded that I myself owe my life, my every breath, in short, my very inmost and secret  
2320 thoughts, entirely to the favor of the Supreme God. Now I am well aware that they who are sincere in the pursuit of the heavenly hope, and have fixed this hope in heaven itself as the peculiar and predominant principle of their lives, have no

need to depend on human favor, but rather have enjoyed higher honors in proportion as they have separated themselves from the inferior and evil things of this earthly existence. Nevertheless I deem it incumbent on me to remove at once and most completely from all such persons the hard necessities laid upon them for a season, and the unjust inflictions under which they have suffered, though free from any guilt or just liability. For it would be strange indeed, that the fortitude and constancy of soul displayed by such men should be fully apparent during the reign of those whose first object it was to persecute them on account of their devotion to God, and yet that the glory of their character should not be more bright and blessed, under the administration of a prince who is His servant.

CHAPTER XXX: A Law granting Release from Exile, from Service in the Courts, and from the Confiscation of Property.

"LET all therefore who have exchanged their country for a foreign land, because they would not abandon that reverence and faith toward God to which they had devoted themselves with their whole hearts, and have in consequence at different times been subject to the cruel sentence of the courts; together with any who have been enrolled in the registers of the public courts though in time past exempt from such office let these, I say, now render thanks to God the Liberator of all, in that they are restored to their hereditary property, and their wonted tranquility. Let those also who have been despoiled of their goods, and have hitherto passed a wretched existence, mourning under the loss of all that they possessed, once more be restored to their former homes, their families, and estates, and receive with joy the bountiful kindness of God.

CHAPTER XXXI: Release likewise granted to Exiles in the Islands.

"FURTHERMORE, it is our command that all those who have been detained in the islands against their will should receive the benefit of this present provision; in order that they who rill now have been surrounded by rugged mountains and the encircling barrier of the ocean, being now set free from that gloomy and desolate solitude, may fulfill their fondest wish by revisiting their dearest friends. Those, too, who have prolonged a miserable life in the midst of abject and wretched squalor, welcoming their restoration as an unlooked-for gain, and discarding henceforth all anxious thoughts, may pass their lives with us in freedom from all fear. For that any one could live in a state of fear under our government, when we boast and believe ourselves to be the servants of God, would surely be a thing most extraordinary even to hear of, and quite incredible; and our mission is to rectify the errors of the others.

CHAPTER XXXII: And to those ignominiously employed in the Mines and Public Works.

"AGAIN, with regard to those who have been condemned either to the grievous labor of the mines, or to service in the public works, let them enjoy the sweets of leisure in place of these long-continued toils, and henceforth lead a far easier life, and more accordant with the wishes of their hearts, exchanging the incessant hardships of their tasks for quiet relaxation. And if any have forfeited the common privilege of liberty, or have unhappily suffered dishonor, let them hasten back every one to the country of his nativity, and resume with becoming joy their former positions in society, from which they have been as it were separated by long residence abroad.

CHAPTER XXXIII: Concerning those Confessors engaged in Military Service.

"ONCE more, with respect to those who had previously been preferred to any military distinction, of which they were afterwards deprived, for the cruel and unjust reason that they chose rather to acknowledge their allegiance to God than to retain the rank they held; we leave them perfect liberty of choice, either to occupy their former stations, should they be content again to engage in military service, or after an honorable discharge, to live in undisturbed tranquility. For it is fair and consistent that men who have displayed such magnanimity and fortitude in meeting the perils to which they have been exposed, should be allowed the choice either of enjoying peaceful leisure, or resuming their former rank.

CHAPTER XXXIV: The Liberation of Free Persons condemned to labor in the Women's Apartments, or to Servitude.

2365 "LASTLY, if any have wrongfully been deprived of the privileges of noble lineage, and subjected to a judicial sentence which  
has consigned them to the women's apartments and to the linen making, there to undergo a cruel and miserable labor, or reduced  
them to servitude for the benefit of the public treasury, without any exemption on the ground of superior birth; let such  
persons, resuming the honors they had previously enjoyed, and their proper dignities, henceforward exult in the blessings of  
liberty, and lead a glad life. Let the free man, too, by some injustice and inhumanity, or even madness, made a slave, who has  
2370 felt the sudden transition from liberty to bondage, and oftentimes bewailed his unwonted labors, return to his family once more  
a free man in virtue of this our ordinance, and seek those employments which befit a state of freedom; and let him dismiss  
from his remembrance those services which he found so oppressive, and which so ill became his condition.

CHAPTER XXXV: Of the Inheritance of the Property of Martyrs and Confessors, also of those who had suffered Banishment or  
2375 Confiscation of Property.

"NOR must we omit to notice those estates of which individuals have been deprived on various pretenses. For if any of those  
who have engaged with dauntless and resolute determination in the noble and divine conflict of martyrdom have also been  
stripped of their fortunes; or if the same has been the lot of the confessors, who have won for themselves the hope of eternal  
treasures; or if the loss of property has befallen those who were driven from their native land because they would not yield  
2380 to the persecutors, and betray their faith; lastly, if any who have escaped the sentence of death have yet been despoiled of  
their worldly goods; we ordain that the inheritances of all such persons be transferred to their nearest kindred. And whereas  
the laws expressly assign this right to those most nearly related, it will be easy to ascertain to whom these inheritances  
severally belong. And it is evidently reasonable that the succession in these cases should belong to those who would have  
stood in the place of nearest affinity, had the deceased experienced a natural death.

2385 CHAPTER XXXVI: The Church is declared Heir of those who leave no Kindred; and the Free Gifts of such Persons Confirmed.

"BUT should there be no surviving relation to succeed in due course to the property of those above-mentioned, I mean the  
martyrs, or confessors, or those who for some such cause have been banished from their native land; in such cases we ordain  
that the church locally nearest in each instance shall succeed to the inheritance. And surely it will be no wrong to the  
2390 departed that that church should be their heir, for whose sake they have endured every extremity of suffering. We think it  
necessary to add this also, that in case any of the above-mentioned persons have donated any part of their property in the way  
of free gift, possession of such property shall be assured, as is reasonable, to those who have thus received it.

CHAPTER XXXVII: Lands, Gardens, or Houses, but not Actual Produce from them, are to be given back.

2395 "AND that there may be no obscurity in this our ordinance, but every one may readily apprehend its requirements, let all men  
hereby know that if they are now maintaining themselves in possession of a piece of land, or a house, or garden, or anything  
else which had appertained to the before-mentioned persons, it will be good and advantageous for them to acknowledge the fact,  
and make restitution with the least possible delay. On the other hand, although it should appear that some individuals have  
reaped abundant profits from this unjust possession, we do not consider that justice demands the restitution of such profits.  
2400 They must, however, declare explicitly what amount of benefit they have thus derived, and from what sources, and entreat our  
pardon for this offense; in order that their past covetousness may in some measure be atoned for, and that the Supreme God may  
accept this compensation as a token of contrition, and be pleased graciously to pardon the sin.

CHAPTER XXXVIII: In what Manner Requests should be made for these.

2405 "BUT it is possible that those who have become masters of such property (if it be right or possible to allow them such a  
title) will assure us by way of apology for their conduct, that it was not in their power to abstain from this appropriation  
at a time when a spectacle of misery in all its forms everywhere met the view; when men were cruelly driven from their homes,  
slaughtered without mercy, thrust forth without remorse: when the confiscation of the property of innocent persons was a

2410 common thing, and when persecutions and property seizures were unceasing. If any defend their conduct by such reasons as these, and still persist in their avaricious temper, they shall be made sensible that such a course will bring punishment on themselves, and all the more because this correction of evil is the very characteristic of our service to the Supreme God. So that it will henceforth be dangerous to retain what dire necessity may in time past have compelled men to take; especially because it is in any case incumbent on us to discourage covetous desires, both by persuasion, and by warning examples.

2415 CHAPTER XXXIX: The Treasury must restore Lands, Gardens, and Houses to the Churches.  
"NOR shall the treasury itself, should it have any of the things we have spoken of, be permitted to keep them; but, without venturing as it were to raise its voice against the holy churches, it shall justly relinquish in their favor what it has for a time unjustly retained. We ordain, therefore, that all things whatsoever which shall appear righteously to belong to the churches, whether the property consist of houses or fields and gardens, or whatever the nature of it may be, shall be restored  
2420 in their full value and integrity, and with undiminished right of possession.

CHAPTER XL: The Tombs of Martyrs and the Cemeteries to be transferred to the Possession of the Churches.  
"AGAIN, with respect to those places which are honored in being the depositories of the remains of martyrs, and continue to be memorials of their glorious departure; how can we doubt that they rightly belong to the churches, or refrain from issuing our  
2425 injunction to that effect? For surely there can be no better liberality, no labor more pleasing or profitable, than to be thus employed under the guidance of the Divine Spirit, in order that those things which have been appropriated on false pretenses by unjust and wicked men, may be restored, as justice demands, and once more secured to the holy churches.

CHAPTER XLI: Those who have purchased Property belonging to the Church, or received it as a Gift, are to restore it.  
"AND since it would be wrong in a provision intended to include all cases, to pass over those who have either procured any  
2430 such property by right of purchase from the treasury, or have retained it when conveyed to them in the form of a gift; let all who have thus rashly indulged their insatiable thirst of gain be assured that, although by daring to make such purchases they have done all in their power to alienate our clemency from themselves, they shall nevertheless not fail of obtaining it, so far as is possible and consistent with propriety in each case. So much then is determined.

2435 CHAPTER XLII: An Earnest Exhortation to worship God.  
"AND now, since it appears by the clearest and most convincing evidence, that the miseries which ere while oppressed the entire human race are now banished from every part of the world, through the power of Almighty God, and at the same time the counsel and aid which he is pleased on many occasions to administer through our agency; it remains for all, both individually  
2440 and unitedly, to observe and seriously consider how great this power and how efficacious this grace are, which have annihilated and utterly destroyed this generation, as I may call them, of most wicked and evil men; have restored joy to the good, and diffused it over all countries; and now guarantee the fullest authority both to honor the Divine law as it should be honored, with all reverence, and pay due observance to those who have dedicated themselves to the service of that law. These rising as from some dark abyss and, with an enlightened knowledge of the present course of events, will henceforward render to  
2445 its precepts that becoming reverence and honor which are consistent with their pious character.  
Let this ordinance be published in our Eastern provinces."

324 Eusebius, VC 2.64-72 Constantine  
Constantine writes to Alexander of Alexandria and his priest Arius, attempting to compel them to put aside what he sees as a  
2450 trifling disagreement over words.

CHAPTER LXIV: Constantine's Letter to Alexander the Bishop, and Arius the Presbyter.  
"VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to Alexander and Arius.



"I call that God to witness, as well I may, who is the helper of my endeavors, and the Preserver of all men, that I had a twofold reason for undertaking that duty which I have now performed.

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CHAPTER LXV: His Continual Anxiety for Peace.

"MY design then was, first, to bring the diverse judgments formed by all nations respecting the Deity to a condition, as it were, of settled uniformity; and, secondly, to restore to health the system of the world, then suffering under the malignant power of a grievous distemper. Keeping these objects in view, I sought to accomplish the one by the secret eye of thought, while the other I tried to rectify by the power of military authority. For I was aware that, if I should succeed in establishing, according to my hopes, a common harmony of sentiment among all the servants of God, the general course of affairs would also experience a change correspondent to the pious desires of them all.

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CHAPTER LXVI: That he also adjusted the Controversies which had arisen in Africa.

"FINDING, then, that the whole of Africa was pervaded by an intolerable spirit of mad folly, through the influence of those who with heedless frivolity had presumed to rend the religion of the people into diverse sects; I was anxious to check this disorder, and could discover no other remedy equal to the occasion, except in sending some of yourselves to aid in restoring mutual harmony among the disputants, after I had removed that common enemy of mankind who had interposed his lawless sentence for the prohibition of your holy synods.

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CHAPTER LXVII: That Religion began in the East.

"FOR since the power of Divine light, and the law of sacred worship, which, proceeding in the first instance, through the favor of God, from the bosom, as it were, of the East, have illumined the world, by their sacred radiance, I naturally believed that you would be the first to promote the salvation of other nations, and resolved with all energy of thought and diligence of inquiry to seek your aid. As soon, therefore, as I had secured my decisive victory and unquestionable triumph over my enemies, my first inquiry was concerning that object which I felt to be of paramount interest and importance.

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CHAPTER LXVIII: Being grieved by the Dissension, he counsels Peace.

"BUT, O glorious Providence of God! how deep a wound did not my ears only, but my very heart receive in the report that divisions existed among yourselves more grievous still than those which continued in that country so that you, through whose aid I had hoped to procure a remedy for the errors of others, are in a state which needs healing even more than theirs. And yet, having made a careful inquiry into the origin and foundation of these differences, I find the cause to be of a truly insignificant character, and quite unworthy of such fierce contention. Feeling myself, therefore, compelled to address you in this letter, and to appeal at the same time to your unanimity and sagacity, I call on Divine Providence to assist me in the task, while I interrupt your dissension in the character of a minister of peace. And with reason: for if I might expect, with the help of a higher Power, to be able without difficulty, by a judicious appeal to the pious feelings of those who heard me, to recall them to a better spirit, even though the occasion of the disagreement were a greater one, how can I refrain from promising myself a far easier and more speedy adjustment of this difference, when the cause which hinders general harmony of sentiment is intrinsically trifling and of little moment?

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CHAPTER LXIX: Origin of the Controversy between Alexander and Arius, and that these Questions ought not to have been discussed.

"I UNDERSTAND, then, that the origin of the present controversy is this. When you, Alexander, demanded of the presbyters what opinion they severally maintained respecting a certain passage in the Divine law, or rather, I should say, that you asked them something connected with an unprofitable question, then you, Arius, inconsiderately insisted on what ought never to have been conceived at all, or if conceived, should have been buried in profound silence. Hence it was that a dissension arose between

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you, fellowship was withdrawn, and the holy people, rent into diverse parties, no longer preserved the unity of the one body. Now, therefore, do ye both exhibit an equal degree of forbearance, and receive the advice which your fellow-servant righteously gives. What then is this advice? It was wrong in the first instance to propose such questions as these, or to  
 2500 reply to them when propounded. For those points of discussion which are enjoined by the authority of no law, but rather suggested by the contentious spirit which is fostered by misused leisure, even though they may be intended merely as an intellectual exercise, ought certainly to be confined to the region of our own thoughts, and not hastily produced in the popular assemblies, nor unadvisedly in trusted to the general ear. For how very few are there able either accurately to comprehend, or adequately to explain subjects so sublime and abstruse in their nature? Or, granting that one were fully  
 2505 competent for this, how many people will he convince? Or, who, again, in dealing with questions of such subtle nicety as these, can secure himself against a dangerous declension from the truth? It is incumbent therefore on us in these cases to be sparing of our words, lest, in case we ourselves are unable, through the feebleness of our natural faculties, to give a clear explanation of the subject before us, or, on the other hand, in case the slowness of our hearers' understandings disables them from arriving at an accurate apprehension of what we say, from one or other of these causes the people be reduced to the  
 2510 alternative either of blasphemy or schism.

CHAPTER LXX: An Exhortation to Unanimity.

"LET therefore both the unguarded question and the inconsiderate answer receive your mutual forgiveness. For the cause of your difference has not been any of the leading doctrines or precepts of the Divine law, nor has any new heresy respecting the  
 2515 worship of God arisen among you. You are in truth of one and the same judgment: you may therefore well join in communion and fellowship.

CHAPTER LXXI: There should be no Contention in Matters which are in themselves of Little Moment.

"FOR as long as you continue to contend about these small and very insignificant questions, it is not fitting that so large a  
 2520 portion of God's people should be under the direction of your judgment, since you are thus divided between yourselves. I believe it indeed to be not merely unbecoming, but positively evil, that such should be the case. But I will refresh your minds by a little illustration, as follows. You know that philosophers, though they all adhere to one system, are yet frequently at issue on certain points, and differ, perhaps, in their degree of knowledge: yet they are recalled to harmony of sentiment by the uniting power of their common doctrines. If this be true, is it not far more reasonable that you, who are the  
 2525 ministers of the Supreme God, should be of one mind respecting the profession of the same religion? But let us still more thoughtfully and with closer attention examine what I have said, and see whether it be right that, on the ground of some trifling and foolish verbal difference between ourselves, brethren should assume towards each other the attitude of enemies, and the august meeting of the Synod be rent by profane disunion, because of you who wrangle together on points so trivial and altogether unessential? This is vulgar, and rather characteristic of childish ignorance, than consistent I with the wisdom of  
 2530 priests and men of sense. Let us withdraw ourselves with a good will from these temptations of the devil. Our great God and common Saviour of all has granted the same light to us all. Permit me, who am his servant, to bring my task to a successful issue, under the direction of his Providence, that I may be enabled, through my exhortations, and diligence, and earnest admonition, to recall his people to communion and fellowship. For since you have, as I said, but one faith, and one sentiment respecting our religion, and since the Divine commandment in all its parts enjoins on us all the duty of maintaining a spirit  
 2535 of concord, let not the circumstance which has led to a slight difference between you, since it does not affect the validity of the whole, cause any division or schism among you. And this I say without in any way desiring to force you to entire unity of judgment in regard to this truly idle question, whatever its real nature may be. For the dignity of your synod may be preserved, and the communion of your whole body maintained unbroken, however wide a difference may exist among you as to unimportant matters. For we are not all of us like-minded on every subject, nor is there such a thing as one disposition and  
 2540 judgment common to all alike. As far, then, as regards the Divine Providence, let there be one faith, and one understanding

among you, one united judgment in reference to God. But as to your subtle disputations on questions of little or no significance, though you may be unable to harmonize in sentiment, such differences should be consigned to the secret custody of your own minds and thoughts. And now, let the preciousness of common affection, let faith in the truth, let the honor due to God and to the observance of his law continue immovably among you. Resume, then, your mutual feelings of friendship, love, and regard: restore to the people their wonted embracings; and do ye yourselves, having purified your souls, as it were, once more acknowledge one another. For it often happens that when a reconciliation is effected by the removal of the causes of enmity, friendship becomes even sweeter than it was before.

CHAPTER LXXII: The Excess of his Pious Concern caused him to shed Tears; and his Intended Journey to the East was postponed because of These Things.

"RESTORE me then my quiet days, and untroubled nights, that the joy of undimmed light, the delight of a tranquil life, may henceforth be my portion. Else must I needs mourn, with constant tears, nor shall I be able to pass the residue of my days in peace. For while the people of God, whose fellow-servant I am, are thus divided amongst themselves by an unreasonable and pernicious spirit of contention, how is it possible that I shall be able to maintain tranquility of mind? And I will give you a proof how great my sorrow has been on this behalf. Not long since I had visited Nicomedia, and intended forthwith to proceed from that city to the East. It was while I was hastening towards you, and had already accomplished the greater part of the distance, that the news of this matter reversed my plan, that I might not be compelled to see with my own eyes that which I felt myself scarcely able even to hear. Open then for me henceforward by your unity of judgment that road to the regions of the East which your dissensions have closed against me, and permit me speedily to see yourselves and all other peoples rejoicing together, and render due acknowledgment to God in the language of praise and thanksgiving for the restoration of general concord and liberty to all."

324 Mss: Paris syr. 62 and Brit. Mus. Add. 14, 526 and 528. Constantine Constantine directs bishops from all over the east to assemble at Nicaea, redirecting the council which was originally planned to meet in Ancyra.

### 325 PAVLINO ET IULIANO CONSS.

12 februari 325 Idem a. ad universos provinciales. Tyranni et iudicum eius gestis infirmatis nemo per calumniam velit quod sponte ipse fecit evertere nec quod legitime gestum est. DAT. PRID. ID. FEB. PAULINO ET IULIANO CONSS.

25 februari 325 Imp. Constantinus A. ad Silvium Paulum Magistrum Italiae Dat. V. Kal. Mart. Nicomediae IMP. CONSTANTINUS A. AD SILVIUM PAULUM MAG ITALIAE. Posta alia: Ne tua gravitas occupationibus aliis districta huiusmodi rescriptorum cumulis oneretur, placuit has solas causas gravitati tuae iniungere, in quibus persona potentior inferiorem aut minorem iudicem premere potest aut tale negotium emergit, quod in praesidali iudicio terminari fas non est, vel quod per eosdem praesides diu tractatum apud te debeat terminari. DAT. V K. MART. NICOM(EDIAE) PAULINO ET IULIANO CONSUL.

6 maart 325 Imp. Constantinus a. Nullus iudicum id, quod a re publica ex collatione susceperit, mutui interventione obposita vel invadat vel conetur invadere. DAT. PRID. NON. MART. TREVIRIS PAULINO ET IULIANO CONSS.

Annus est concilii Nicaeni (Mai. 20-Aug. 25), cui interfuit imperator. Vincennalia sine celebrata sunt incipiente imperatoria anno visesimo, id est hoc anno Iul. 25. Ea quod ait Hieronymus vix ipso die Iul. 25 Nicomediae celebrari potuerunt, nisi propter iter quod parabat anticipata sunt. Post actum concilium Constantini in Orientem itineris etiam subscriptiones quaedam memoriem servarunt. - Hiemem a. 325/6 Constantinus videtur exegisse in Thracia; nam Aquae videntur intellegi Constantinopolitanae, item Heraclea quae fuit Perinthus.

30 maart 325 IDEM A. HELLADIO. Saepius claruit quosdam ex advocatis existimationi su[ae] immensa atque inlicita compendia praetulisse nomine honorarior[um].

18 april 325 IMP. CONSTANT(INUS) A. AD DRACILIANUM AGENTEM VICES P(RAE)FECTORUM) P(RAE)TORI)O. Quicumque fruges humidas vel

- 2585 arentes indigentibus mutuas dederint, usurae nomine tertiam partem superfluum consequantur, id est ut, si summa crediti in duobus modis fuerit, tertium modium amplius consequantur. Quod si conventus creditor propter commodum usurarum debitum recuperare noluerit, non solum usuris, sed etiam debiti quantitate privandus est. Quae lex ad solas pertinet fruges: nam pro pecunia ultra singulas centesimas creditor vetatur accipere. P(RO)P(OSITA) CAESAREA XV KAL. MAI. PAULINO ET IULIANO CONSS.
- 2590 *Interpretatio.* Quicumque fruges humiditas, id est vinum et oleum, vel quodcumque annonae genus alteri commodaverit, non plus ab eo propter usuram quam tertiam partem accipiat, id est ut supra duos modios, qui accepit, tertium reddat. Quod si conventus fuerit ille, qui commodat, et pro maiore usura noluerit debitum suum, adiecto tertio modio, a debitore recipere, etiam debitum perdat. Quam rem ad solas fruges praecipimus pertinere. Nam quando pecunia fuerit commodata, nisi unam tantum centesimam a creditoribus exigi non iubemus.
- 2595 **22 mei 325** IDEM A. SEVERO P(RAEFECTO) U(RBI). Quotiens rescripto nostro praeiudicium vel moratoria praescriptio remittitur, aditus supplicandi pandatur: quod autem totius negotii cognitionem tollit et vires principalis negotii exhaurit, sine gravi partis alterius dispendio convelli non potest. Nec praescriptionis igitur peremptoriae relaxatio petatur, nec contra edictum supplicetur. DAT X KAL. IUN. NICIAE PAULINO ET IULIANO CONSS.
- 2600 **17 juni 325** Idem a. ad Maximum praefectum Urbi. pr. Comitatusenses et ripenses milites atque protectores suum caput, patris ac matris et uxoris, si tamen eos superstites habeant, omnes excusent, si censibus inditi habeantur. Quod si aliquam ex his personis non habuerint vel nullam habuerint, tantum pro suo debent peculio excusare, quantum pro iisdem, si non deessent, excusare potuissent, ita tamen, ut non pactione cum alteris facta simulato dominio rem alienam excusent, sed vere proprias facultates.
- 2605 1. Veteranos autem post emeritae missionis epistulas tam suum quam uxoris caput excusare sancimus aut, si honestam missionem meruerint, suum caput tantummodo excusare ceteros. Omnes veteranos de quocumque exercitu una cum uxore sua unius capituli frui excusatione praecipimus.
- 2610 2. Ripensis autem veteranus, qui ex priore lege post viginti quattuor stipendia honesta missione impetrata unius excusatione capituli fruebatur, etiam si viginti stipendiis completis honestam missionem meruerit, ad exemplum comitatensium militum unum caput excuset. Intra viginti etiam stipendia dimissus, quoniam inbecilli et debiles censibus non dedicantur, eodem beneficio utatur.
- 2615 3. Alares autem et cohortales dum militant, propria capita excusent, veteranis quoque eadem excusationis solacia habituris. Qui quocumque tempore in quibuscumque partibus meruerint missionem, si ex comitatensi militia senectutis vel debilitatis causa dimissi fuerint, indiscreto stipendiorum numero duo capita excusaturis, id est suum adque uxoris; et ripensibus indiscrete idem privilegium habituris, si se ob belli vulnera dimissos probaverint: ita ut, si quis eorum post quindecim stipendia intra viginti et quattuor annos ex militia decesserit, sui tantum capituli excusatione fruatur; uxorem enim ripensis, si militia decesserit post viginti et quattuor annos, excusari oportet. PROPOSITA XV KAL. IUL. ANTIOCHIAE PAULINO ET IULIANO CONSS.
- 2620 **11 juli 325** Idem a. ad Maximum. Quoniam diversis praestitimus, ut legionibus vel cohortibus deputentur vel militiae restituantur, quisquis huiusmodi beneficium proferat, requiratur, utrum ex genere decurionum sit vel ante nominatus ad curiam, ut, si quid tale probetur, curiae suae et civitati reddatur. Quam formam circa omnes, qui iam dudum probati in militaribus officiis agunt vel restituti militiae sacramento muniuntur vel postea per suffragia probabuntur, observari conveniet.
- 2625 **19 juli 325** Idem a. ad Eufrasium rationalem trium provincialiarum. pr. Post alia: pro multis etiam et in diversis locis constitutis liceat simul auri pondus inferre, ita ut pro omnibus fundis securitas emissis cautionibus detur, ne separatim ab unoquoque auro exacto multis et adsiduis incrementis provincialium utilitas fatigetur. Hoc quoque addimus, ut unusquisque quod debet intra anni metas, quo tempore voluerit, inferat et per tabularium apparitorem illatio cognoscatur absque omni mora auro suscipiendo, ne quis in aliena civitate sumptus faciat vel, quod est gravius, legem commissi frustratus incurrat. Nam si solvere volens a suscipiente fuerit contemptus, testibus adhibitis contestationem debet proponere, ut hoc probato et ipse securitatem debitam commissi nexu liberatus cum emolumentis accipiat et qui suscipere neglexerit, eius ponderis quod debebatur duplum fisci rationibus per vigorem officii tui inferre cogatur. DAT. XIV KAL. AUG. PAULINO ET IULIANO CONSS.

- 2630 19 juli 325 Imp. Constantinus a. ad Eufrasium rationalem trium provinciarum. Si qui solidos appendere voluerit, auri cocti septem solidos quaternorum scripularum nostris vultibus figuratos adpendat pro singulis unciis, XIV vero pro duabus, iuxta hanc formam omnem summam debiti illaturus. Eadem ratione servanda, et si materiam quis inferat, ut solidos dedisse videatur. Aurum vero quod infertur aequa lance et libramentis paribus suscipiatur, scilicet ut duobus digitis summitas lini retineatur, tres reliqui liberi ad susceptorem emineant nec pondera deprimant nullo examinis libramento servato, nec aequis ac paribus suspenso statere momenti. Et cetera. PROPOSITA XIV KAL. AUG. PAULINO ET IULIANO CONSS.
- 2635 30 juli 325 IDEM A. AD SEVERUM P(RAEFECTUM) U(RBI). Nulli prorsus audientia praebetur, qui causae continentiam dividit et ex beneficii praerogativa id, quod in uno eodemque iudicio poterat terminari, apud diversos iudices voluerit ventilare: poena proposita, si quis contra hanc supplicaverit sanctionem atque alium super possessione alium super principali quaestione iudicem postulaverit, ut, rei quae petebatur integra aestimatione subducta, quintam portionem rei publicae eius civitatis inferat, in cuius finibus res de qua agitur constituta est. P(RO)P(OSITA) III KAL. AUG. PAULINO ET IULIANO CONSS.
- 2640 *Interpretatio.* Nullus penitus audiatur, qui unius causae propositionem apud duos iudices partiri voluerit, ut apud unum de negotio principali proponat, et ab alio sibi momenti beneficio rem postulet consignari. Quod si quis hoc facere fortasse praesumpserit, eiusmodi poena se noverit condemnandum, ut nec illud, quod repetit, ulla ratione recipiat, et quintam portionem facultatum suarum, de quantum ibi possederit, reipublicae civitatis illius cedat, in cuius finibus res, de qua agitur, fuerit constituta.
- 2645 29 augustus 325 IMP. CONSTANTINUS A. AD CONSTANTIUM P(RAEFECTUM) P(RAETORIO). Edicto omnes provinciales monemus, ut, si interpellantes proprios praesides contempti fuerint, gravitatem tuam interpellent, ut, si id culpa vel neglegentia praesidum admissum esse constiterit, ilico ad scientiam nostram referat gravitas tua, quo possint congrue coerceri. DAT. IV K. SEPT. ANTIOCHIAE PAULINO ET IULIANO CONSS.
- 2650 17 september 325 Imp. Constantinus a. Aurelio Helladio. IDEM A. AD UNIVERSOS PROVINCIALES. Si quis est cuiuscumque loci ordinis dignitatis, qui se in quemcumque iudicum comitum amicorum vel palatinorum meorum aliquid veraciter et manifeste probare posse confidit, quod non integre adque iuste gessisse videatur, intrepidus et securus accedat, interpellet me: ipse audiam omnia, ipse cognoscam et si fuerit conprobatum, ipse me vindicabo. Dicat, securus et bene sibi conscius dicat: si probaverit, ut dixi, ipse me vindicabo de eo, qui me usque ad hoc tempus simulata integritate deceperit, illum autem, qui hoc prodiderit et comprobaverit, et dignitatibus et rebus augebo. Ita mihi summa divinitas semper propitia sit et me incolumem praestet, ut cupio, felicissima et florente re publica. P(RO)P(OSITA) XV KAL. OCTOB. NICOMEDIAE PAULINO ET IULIANO CONSS.
- 2655 17 september 325 Imp. Constantinus a. Aurelio Helladio. Etsi veteris iuris definitio et retro principum rescripta in iudicio petitori eius rei quam petit necessitatem probationis dederunt, tamen nos aequitate et iustitia moti iubemus, ut, si quando talis emergerit causa, in primordio iuxta regulam iuris petitor debeat probare, unde res ad ipsum pertineat; sed si deficiat pars eius in probationibus, tunc demum possessori necessitas imponatur probandi, unde possideat vel quo iure teneat, ut sic veritas examinetur. DAT. NAISSO XV KAL. OCTOB. PAULINO ET IULIANO CONSS.
- 2660 1 oktober 325 Imp. Constantinus a. Maximo praefecto praetorio. Cruenta spectacula in otio civili et domestica quiete non placent. Quapropter, qui omnino gladiatores esse prohibemus eos, qui forte delictorum causa hanc condicionem adque sententiam mereri consueverant, metallo magis facies inservire, ut sine sanguine suorum scelerum poenas agnoscant. PROPOSITA BERYTO KAL. OCTOB. PAULINO ET IULIANO CONSS.
- 2665 1 oktober 325 CT 15.12.1 Constantine  
Since gladiatorial games are eliminated, those criminals who formerly would have been made gladiators as punishment, are now to be sent to the mines.
- 2670 7 oktober 325 Idem a. ad Constantium praefectum praetorio. Quoniam relictis curiis nonnulli ad militiae praesidia confugiunt, omnes, qui nondum primipilo inveniuntur obnoxii, solutos militia ad eandem curiam reverti praecipimus: his solis in militia permansuris, qui pro loco atque ordine iam pastui adtinentur. DAT. NON. OCTOB. PAULINO ET IULIANO CONSS.
- 25 december 325 Idem a. ad Maximum vicarium Orientis. Si qui vel ex maiore vel ex minore civitate originem ducit, si eandem evitare studens ad alienam se civitatem incolatus occasione contulerit, et super hoc vel preces dare tentaverit vel qualibet

fraude niti, ut originem propriae civitatis eludat, duarum civitatum decurionatus onera sustineat, in una voluntatis, in una originis gratia. PP. VIII. KAL. IAN. PAULINO ET IULIANO COSS.

2675 *Interpretatio.* Si quicumque curialis de ea, in qua natus est, civitate ad aliam transire voluerit, condicionem curiae debitam nullatenus possit evadere, nec si hoc ipsum mereri interposita supplicatione tentaverit, nec ullo argumento necessitates aut servitia civitatis suae pro eo, quod habitationem mutare voluit, possit evadere. Nam quicumque hoc fecerit et se in aliam civitatem transtulerit, hoc iubet, ut in utraque serviat civitate, id est in una pro condicione nascendi et in alia pro habitandi voluntate deserviat.

2680

Canon XII van Nicaea

[bron [http://www.earlychurchtexts.com/main/nicaea/canons\\_of\\_nicaea\\_02.shtml](http://www.earlychurchtexts.com/main/nicaea/canons_of_nicaea_02.shtml)]

XII. Quicumque vocati per gratiam, primum quidem ardorem fidei suam ostenderunt, et cingulum militiae deposuerunt, postea vero ut canes ad suum vomitum reversi sunt, ita ut aliqui et pecuniam darent, et beneficiis militiam repeterent, hi decem annis jaceant, post triennii auditionis tempus. In his autem omnibus observare oportet propositum et modum poenitentiae.

2685

Quicumque enim et timore, et lacrymis, et patientia, et bonis operibus conversionem absque simulatione demonstrant, hi definitum tempus auditionis implentes, tum demum orationibus communicabunt, et postea licebit episcopo, de his aliquid humanius cogitare. Quicumque vero indifferenter tulerunt, et habitum Ecclesiam introeundi sibi arbitrati sunt ad conversionem sufficere, hi definitum tempus omnino impleant.

[bron <http://www.ccel.org/ccel/schaff/npnf214.vii.vi.xviii.html>]

2690

**Canon XII.**

As many as were called by grace, and displayed the first zeal, having cast aside their military girdles, but afterwards returned, like dogs, to their own vomit, (so that some spent money and by means of gifts regained their military stations); let these, after they have passed the space of three years as hearers, be for ten years prostrators. But in all these cases it is necessary to examine well into their purpose and what their repentance appears to be like. For as many as give evidence of their conversions by deeds, and not pretence, with fear, and tears, and perseverance, and good works, when they have fulfilled their appointed time as hearers, may properly communicate in prayers; and after that the bishop may determine yet more favourably concerning them. But those who take [the matter] with indifference, and who think the form of [not] entering the Church is sufficient for their conversion, must fulfil the whole time.

2695

2700

Notes. ANCIENT EPITOME OF CANON XII.

*Those who endured violence and were seen to have resisted, but who afterwards yielded to wickedness, and returned to the army, shall be excommunicated for ten years. But in every case the way in which they do their penance must be scrutinized. And if anyone who is doing penance shews himself zealous in its performance, the bishop shall treat him more leniently than had he been cold and indifferent.*

2705

LAMBERT. The abuse of this power, namely, of granting under certain circumstances a relaxation in the penitential exercises enjoined by the canons—led, in later times, to the practice of commuting such exercises for money payments, etc.

2710

HEFELE. In his last contests with Constantine, Licinius had made himself the representative of heathenism; so that the final issue of the war would not be the mere triumph of one of the two competitors, but the triumph or fall of Christianity or heathenism. Accordingly, a Christian who had in this war supported the cause of Licinius and of heathenism might be considered as a lapsus, even if he did not formally fall away. With much more reason might those Christians be treated as lapsi who, having conscientiously given up military service (this is meant by the soldier's belt), afterwards retracted their resolution, and went so far as to give money and presents for the sake of readmission, on account of the numerous advantages which military service then afforded. It must not be forgotten that Licinius, as Zonaras and Eusebius relate, required from his soldiers a formal apostasy; compelled them, for example, to take part in the heathen sacrifices which were held in the camps, and dismissed from his service those who would not apostatize.

2715

BRIGHT. This canon (which in the Prisca and the Isidorian version stands as part of canon 11) deals, like it, with cases which had arisen under the Eastern reign of Licinius, who having resolved to "purge his army of all ardent Christians" (Mason, Persec. of Diocl. p. 308), ordered his Christian officers to sacrifice to the gods on pain of being cashiered (compare Euseb. H. E. x. 8; Vit. Con. i. 54). It is to be observed here that military life as such was not deemed unchristian. The case of Cornelius was borne in mind. "We serve in your armies," says Tertullian, Apol. 42 (although later, as a Montanist, he took a rigorist and fanatical view, De Cor. 11), and compare the fact which underlies the tale of the "Thundering Legion," – the presence of Christians in the army of Marcus Aurelius. It was the heathenish adjuncts to their calling which often brought Christian soldiers to a stand (see Routh. Scr. Opusc. i. 410), as when Marinus' succession to a centurionship was challenged on the ground that he could not sacrifice to the gods (Euseb. H. E. vii. 15). Sometimes, indeed, individual Christians thought like Maximilian in the Martyrology, who absolutely refused to enlist, and on being told by the proconsul that there were Christian soldiers in the imperial service, answered, "Ipsi sciunt quod ipsis expediat" (Ruinart, Act. Sanc. p. 341). But, says Bingham (Antiq. xi. 5, 10), "the ancient canons did not condemn the military life as a vocation simply unlawful... I believe there is no instance of any man being refused baptism merely because he was a soldier, unless some unlawful circumstance, such as idolatry, or the like, made the vocation sinful." After the victory of Constantine in the West, the Council of Arles excommunicated those who in time of peace "threw away their arms" (can. 2). In the case before us, some Christian officers had at first stood firm under the trial imposed on them by Licinius. They had been "called by grace" to an act of self-sacrifice (the phrase is one which St. Augustine might have used); and had shown "their eagerness at the outset" ("primum suum ardorem," Dionysius; Philo and Evarestus more laxly, "primordia bona;" compare τὴν ἀγάπην σου τὴν πρώτην, Rev. ii. 4). Observe here how beautifully the ideas of grace and free will are harmonized. These men had responded to a Divine impulse: it might seem that they had committed themselves to a noble course: they had cast aside the "belts" which were their badge of office (compare the cases of Valentinian and Valens, Soc. iii. 13, and of Benevolus throwing down his belt at the feet of Justina, Soz. vii. 13). They had done, in fact, just what Auxentius, one of Licinius' notaries, had done when, according to the graphic anecdote of Philostorgius (Fragm. 5), his master bade him place a bunch of grapes before a statue of Bacchus in the palace-court; but their zeal, unlike his, proved to be too impulsive – they reconsidered their position, and illustrated the maxim that in morals second thoughts are not best (Butler, Serm. 7), by making unworthy attempts – in some cases by bribery – to recover what they had worthily resigned. (Observe the Grecised Latinism βενεφικίους and compare the Latinisms of St. Mark, and others in Euseb. iii. 20, vi. 40, x. 5.) This the Council describes in proverbial language, probably borrowed from 2 Pet. ii. 22, but, it is needless to say, without intending to censure enlistment as such. They now desired to be received to penance: accordingly they were ordered to spend three years as Hearers, during which time "their purpose, and the nature (εἶδος) of their repentance" were to be carefully "examined." Again we see the earnest resolution of the Council to make discipline a moral reality, and to prevent it from being turned into a formal routine; to secure, as Rufinus' abridgment expresses it, a repentance "fructuosam et attentam." If the penitents were found to have "manifested their conversion by deeds, and not in outward show (σχήματι), by awe, and tears, and patience, and good works" (such, for instance, Zonaras comments, as almsgiving according to ability), "it would be then reasonable to admit them to a participation in the prayers," to the position of Consistentes, "with permission also to the bishop to come to a yet more indulgent resolution concerning them," by admitting them to full communion. This discretionary power of the bishop to dispense with part of a penance-time is recognized in the fifth canon of Ancyra and the sixteenth of Chalcedon, and mentioned by Basil, Epist. 217, c. 74. It was the basis of "indulgences" in their original form (Bingham, xviii. 4, 9). But it was too possible that some at least of these lapsi might take the whole affair lightly, "with indifference" ἄδιαφόρως – not seriously enough, as Hervetas renders – just as if, in common parlance, it did not signify: the fourth Ancyrene canon speaks of lapsi who partook of the idol-feast ἄδιαφόρως as if it involved them in no sin (see below on Eph. 5, Chalced. 4). It was possible that they might "deem" the outward form of "entering the church" to stand in the narthex among the Hearers (here, as in c. 8, 19, σχῆμα denotes an external visible fact) sufficient to entitle them to the character of converted penitents, while their conduct out of church was utterly lacking in seriousness and self-humiliation. In that case there could be no question of shortening their penance

2760 time, for they were not in a state to benefit by indulgence: it would be, as the Roman Presbyters wrote to Cyprian, and as he himself wrote to his own church, a "mere covering over of the wound" (Epist. 30, 3), an "injury" rather than "a kindness" (De Lapsis, 16); they must therefore "by all means" go through ten years as Kneelers, before they can become Consistentes. There is great difficulty about the last phrase and Gelasius of Cyzicus, the Prisca, Dionysius Exiguus, the pseudo-Isidore, Zonaras and most others have considered the "not" an interpolation. I do not see how dropping the "not" makes the meaning  
 2765 materially clearer.

**Canon 12 Readmission for those who returned to the military**

As for those who were called by grace and at first zealously threw away their military uniforms, but then later returned like dogs to their own vomit (so that some regained their military positions through bribes and gifts), let these spend three years  
 2770 as hearers and ten years as prostrators. But in all such cases it is necessary to carefully examine their intentions and their repentance. If they give evidence of their conversions by their actions (and not mere pretence), with fear, tears, perseverance, and good works, then they may properly join the assembly in prayers once they have fulfilled their appointed time as hearers. Beyond that, the bishop may make an even more lenient (*philanthropion*) decision concerning them. But those  
 2775 who take the matter with indifference, and who think the prescribed form of entering the church is sufficient for their readmission, must fulfill the whole time.

**325 Constantine**

Constantine is on record as having addressed the council at Nicaea three times. The first time he discouraged the bishops from  
 2780 accusing one another, and then burned the accusations. The second, he expressed his desire that the schism caused by the Arians be healed. Third, he dismissed the council and encouraged the use of the Nicene Creed.

**325 Gelasius, H.e. 3, appendix 1 Constantine**

Constantine explains to the congregation at Nicomedia why he exiled their bishop Eusebius. Eusebius had been the leading  
 2785 proponent of Arianism, and had encouraged Arians from Egypt even after the Council of Nicaea. He warns them not to defend him, or they too will be punished. [Within a few years, Eusebius of Nicomedia had regained the emperor's favor. He was eventually made bishop of Constantinople and baptized Constantine on his deathbed.]

**325 Gelasius, H.e. 3, appendix 2 Constantine**

Constantine warns a certain Theodotus that if he does not support and uphold the ruling of the Council of Nicaea, he will be  
 banished as other bishops already have.

**325 Eusebius, VC 3.17-20 Constantine**

2790 Constantine encourages all churches throughout the empire to celebrate Easter according to the ruling of the Council of Nicaea. There is no penalty for disobedience, however.

CHAPTER XVII: Constantine's Letter to the Churches respecting the Council at Nicaea.

"CONSTANTINUS AUGUSTUS, to the Churches. "Having had full proof, in the general prosperity of the empire, how great the favor  
 2795 of God has been towards us, I have judged that it ought to be the first object of my endeavors, that unity of faith, sincerity of love, and community of feeling in regard to the worship of Almighty God, might be preserved among the highly favored multitude who compose the Catholic Church. And, inasmuch as this object could not be effectually and certainly secured, unless all, or at least the greater number of the bishops were to meet together, and a discussion of all particulars relating to our  
 2800 most holy religion to take place; for this reason as numerous an assembly as possible has been convened, at which I myself was present, as one among yourselves (and far be it from me to deny that which is my greatest joy, that I am your fellow-servant), and every question received due and full examination, until that judgment which God, who sees all things, could approve, and which tended to unity and concord, was brought to light, so that no room was left for further discussion or controversy in relation to the faith.



2805 CHAPTER XVIII: He speaks of their Unanimity respecting the Feast of Easter, and against the Practice of the Jews.  
 "AT this meeting the question concerning the most holy day of Easter was discussed, and it was resolved by the united judgment  
 of all present, that this feast ought to be kept by all and in every place on one and the same day. For what can be more  
 becoming or honorable to us than that this feast from which we date our hopes of immortality, should be observed unfailingly  
 by all alike, according to one ascertained order and arrangement? And first of all, it appeared an unworthy thing that in the  
 2810 celebration of this most holy feast we should follow the practice of the Jews, who have impiously defiled their hands with  
 enormous sin, and are, therefore, deservedly afflicted with blindness of soul. For we have it in our power, if we abandon  
 their custom, to prolong the due observance of this ordinance to future ages, by a truer order, which we have preserved from  
 the very day of the passion until the present time. Let us then have nothing in common with the detestable Jewish crowd; for  
 we have received from our Saviour a different way. A course at once legitimate and honorable lies open to our most holy  
 2815 religion. Beloved brethren, let us with one consent adopt this course, and withdraw ourselves from all participation in their  
 baseness. For their boast is absurd indeed, that it is not in our power without instruction from them to observe these things.  
 For how should they be capable of forming a sound judgment, who, since their parricidal guilt in slaying their Lord, have been  
 subject to the direction, not of reason, but of ungoverned passion, and are swayed by every impulse of the mad spirit that is  
 in them? Hence it is that on this point as well as others they have no perception of the truth, so that, being altogether  
 2820 ignorant of the true adjustment of this question, they sometimes celebrate Easter twice in the same year. Why then should we  
 follow those who are confessedly in grievous error? Surely we shall never consent to keep this feast a second time in the same  
 year. But supposing these reasons were not of sufficient weight, still it would be incumbent on your Sagacities to strive and  
 pray continually that the purity of your souls may not seem in anything to be sullied by fellowship with the customs of these  
 most wicked men. We must consider, too, that a discordant judgment in a case of such importance, and respecting such religious  
 2825 festival, is wrong. For our Saviour has left us one feast in commemoration of the day of our deliverance, I mean the day of  
 his most holy passion; and he has willed that his Catholic Church should be one, the members of which, however scattered in  
 many and diverse places, are yet cherished by one pervading spirit, that is, by the will of God. And let your Holinesses'  
 sagacity reflect how grievous and scandalous it is that on the self-same days some should be engaged in fasting, others in  
 festive enjoyment; and again, that after the days of Easter some should be present at banquets and amusements, while others  
 2830 are fulfilling the appointed fasts. It is, then, plainly the will of Divine Providence (as I suppose you all clearly see),  
 that this usage should receive fitting correction, and be reduced to one uniform rule.

CHAPTER XIX: Exhortation to follow the Example of the Greater Part of the World.  
 "SINCE, therefore, it was needful that this matter should be rectified, so that we might have nothing in common with that  
 2835 nation of parricides who slew their Lord: and since that arrangement is consistent with propriety which is observed by all the  
 churches of the western, southern, and northern parts of the world, and by some of the eastern also: for these reasons all are  
 unanimous on this present occasion in thinking it worthy of adoption. And I myself have undertaken that this decision should  
 meet with the approval of your Sagacities, in the hope that your Wisdoms will gladly admit that practice which is observed at  
 once in the city of Rome, and in Africa; throughout Italy, and in Egypt, in Spain, the Gauls, Britain, Libya, and the whole of  
 2840 Greece; in the dioceses of Asia and Pontus, and in Cilicia, with entire unity of judgment. And you will consider not only that  
 the number of churches is far greater in the regions I have enumerated than in any other, but also that it is most fitting  
 that all should unite in desiring that which sound reason appears to demand, and in avoiding all participation in the perjured  
 conduct of the Jews. In fine, that I may express my meaning in as few words as possible, it has been determined by the common  
 judgment of all, that the most holy feast of Easter should be kept on one and the same day. For on the one hand a discrepancy  
 2845 of opinion on so sacred a question is unbecoming, and on the other it is surely best to act on a decision which is free from  
 strange folly and error.

CHAPTER XX: Exhortation to obey the Decrees of the Council.

2850 "RECEIVE, then, with all willingness this truly Divine injunction, and regard it as in truth the gift of God. For whatever is determined in the holy assemblies of the bishops is to be regarded as indicative of the Divine will. As soon, therefore, as you have communicated these proceedings to all our beloved brethren, you are bound from that time forward to adopt for yourselves, and to enjoin on others the arrangement above mentioned, and the due observance of this most sacred day; that whenever I come into the presence of your love, which I have long desired, I may have it in my power to celebrate the holy feast with you on the same day, and may rejoice with you on all accounts, when I behold the cruel power of Satan removed by  
2855 Divine aid through the agency of our endeavors, while your faith, and peace, and concord ever? where flourish. God preserve you, beloved brethren"

The emperor transmitted a faithful copy of this letter to every province, wherein they who read it might discern as in a mirror the pure sincerity of his thoughts, and of his piety toward God.

2860 325 Socrates, H.e. 1.9 Constantine

Constantine exhorts the Alexandrians to follow the Nicene faith, which he praises, and to disavow Arius, whom he condemns. The council is to be regarded as the will of God.

#### Imperial Laws and Letters Involving Religion, AD 311-364

2865 Zie <http://www.fourthcentury.com/imperial-laws-and-letters-involving-religion-ad-311-364/>  
en <http://www.churchhistory101.com/feedback/fathers-military.php>

#### 326 CONSTANTINO A. VII ET CONSTANTIO C. CONSS.

2870 27 januari 326 IMP. CONSTANT(INUS) A. ET C. AD MAXIMUM P(RAEFECTUM) U(RBI). Si is, qui dignitate Romanae civitatis amissa Latinus fuerit effectus, in eodem statu munere lucis excesserit, omne peculium eius a patrono vel a patroni filiis sive nepotibus, qui nequaquam ius agnationis amiserint, vindicetur. Nec ad disceptationem veluti hereditariae controversiae filiis liceat accedere, cum eius potissimum status ratio tractanda sit, non quem beneficio libertatis indultae sortitus acceperit, sed is, in quo munere lucis excesserit. DAT. III KAL. FEB. SERDIC(AE) IPSO A. VII ET C. CONSS.

2875 *Interpretatio.* Si quis civis Romanus libertus, intercedente culpa, Latinus libertus fuerit effectus, si in eadem Latinitate, sine reparatione prioris status, ab hac luce discesserit, facultates illius patronus vel patroni filii vel nepotes, qui tamen per virilem lineam descendunt et emancipati non fuerint, sibimet vindicabunt. Nec si filios, quos civis Romanus generavit, fortasse dimiserit, aliquid de eius hereditate praesumant: quia non quaerendum est, in qua libertate nati fuerint, sed in qua pater eorum positus condicione defecerit.

2880 28 januari 326 IMP. CONSTANT(INUS) A. AD POPULUM. Quoniam inter alias captiones praecipue commissoriae legis crescit asperitas, placet infirmari eam et in posterum omnem eius memoriam aboleri. Si quis igitur tali contractu laborat, hac sanctione respiret, quae cum praeteritis praesentia quoque depellit et futura prohibet. Creditores enim re amissa iubemus recipere quod dederunt. DAT. PRID. KAL. FEBR. SERDIC(AE) CONSTANTINO A. VII ET CONSTANTIO C. CONSS.

2885 *Interpretatio.* Commissoriae cautiones dicuntur, in quibus debitor creditori suo rem, ipsi oppignoratam ad tempus, vendere per necessitatem conscripta cautione promittit: quod factum lex ista revocat et fieri penitus prohibet: ita ut, si quis creditor rem debitoris sub tali occasione visus fuerit comparare, non sibi de instrumentis blandiatur, sed quum primum voluerit ille, qui oppressus debito vendidit, pecuniam reddat et possessionem suam recipiat.

2890 3 februari 326 Idem a. ad Evagrium. Si quis in ea culpa vel crimine fuerit deprehensus, quod dignum claustris carceris et custodiae squalore videtur, auditus aput acta, cum de admissio constiterit, poenam carceris sustineat atque ita postmodum eductus aput acta audiatur. Ita enim quasi sub publico testimonio commemoratio admissi criminis fiet, ut iudicibus inmodice saevientibus freni quidam ac temperies adhibita videatur. DAT. III NON. FEB. HERACLEAE CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.

2895 **3 februari 326** Imp. Constantinus a. Africano v. c. Quae adulterium commisit, utrum domina cauponae an ministra fuerit, requiri debeat, et ita obsequio famulata servili, ut plerumque ipsa intemperantiae vina praebuerit; ut, si domina tabernae fuerit, non sit a vinculis iuris excepta, si vero potantibus ministerium praebuit, pro vilitate eius, quae in reatum deducitur, accusatione exclusa, liberi, qui accusantur, abscedant, quum ab his feminis pudicitiae ratio requiratur, quae iuris nexibus detinentur, hae autem immunes a iudiciaria severitate praestentur, quas vilitas vitae dignas legum observatione non credidit. DAT. III. NON. FEBR. HERACLEAE, CONSTANTINO A. VII. ET CONSTANTIO C. CONSS.

2900 *Interpretatio.* Tabernae domina, hoc est uxor tabernarii, si inventa fuerit in adulterio, accusari potest: si vero eius ancilla vel quae ministerium tabernae praebuit, in adulterio fuerit deprehensa, pro vilitate dimittetur. Sed et ipsa tabernarii uxor, si tam vilis ministerii officium egerit et in adulterio fuerit deprehensa, accusari non potest a marito.

It should be ascertained whether the woman who committed adultery was the owner of the inn, or only a servant; and if, by employing herself in servile duties (which frequently happens), she gave occasion for intemperance, since if she were the mistress of the inn, she will not be exempt from liability under the law.

2905 Where, however, she served liquor to the men who were drinking, she would not be liable to accusation as having committed the offense, on account of her inferior rank, and any freemen who have been accused shall be discharged, as the same degree of modesty is required of these women as of those who are legally married, and bear the name of mothers of families.

Those, also, are not subject to judicial severity who are guilty of fornication or adultery, and the vileness of whose lives does not render them worthy of the attention of the law..

2910 **15 februari 326** IDEM A. AD ACINDYNUM P(RAEFFECTUM) P(RAETORI)O. Praesidibus et rationalibus ceterisque, quibus propterea res publica et annonae et alimenta pecoribus subministrat, usurpandi agminalis seu paraveredi licentia derogetur. Quibus illud quoque licere non patimur, ne quid de provincialibus citra ordinem poscant nisi hi tantum, quorum fides cognita est, cum usus necessitatis exegerit. Vestrae vero gravitatis ubi ratio exegerit, cursus publicus praesto est, quibus si a publico itinere aliqua militari via devertendum fuerit, ubi evectio non erit, publicis utemini agminalibus, sed modice et temperate tantum ad usum proprium necessariis. Quae res si neglecta fuerit, vobis aestimationis vestrae notam incurrentibus praesides periculum sustinebunt, cum super hac re exploratores iam missi sint. Quae enim mala provincialibus inferantur, conici ex eo etiam potest, quod nostris itineribus, quos publica utilitas movet, magna atque anxia dispositione vix vicenorum agminalium numerus subministrari queat. P(RO)P(OSITA) XV KAL. MART. CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.

2920 **18 februari 326** IDEM A. AD ACINDYNUM P(RAEFFECTUM) P(RAETORI)O. Praesidibus et rationalibus ceterisque, quibus propterea res publica et annonae et alimenta pecoribus subministrat, usurpandi agminalis seu paraveredi licentia derogetur. Quibus illud quoque licere non patimur, ne quid de provincialibus citra ordinem poscant nisi hi tantum, quorum fides cognita est, cum usus necessitatis exegerit. Vestrae vero gravitatis ubi ratio exegerit, cursus publicus praesto est, quibus si a publico itinere aliqua militari via devertendum fuerit, ubi evectio non erit, publicis utemini agminalibus, sed modice et temperate tantum ad usum proprium necessariis. Quae res si neglecta fuerit, vobis aestimationis vestrae notam incurrentibus praesides periculum sustinebunt, cum super hac re exploratores iam missi sint. Quae enim mala provincialibus inferantur, conici ex eo etiam potest, quod nostris itineribus, quos publica utilitas movet, magna atque anxia dispositione vix vicenorum agminalium numerus subministrari queat. P(RO)P(OSITA) XV KAL. MART. CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.

2925 **8 maart 326** IMP. CONSTANT(INUS) A. AD BASSUM P(RAEFFECTUM) U(RBI). Advocatos, qui consceleratis depectionibus suae opis egentes spoliante atque nudante, non iure causae, sed fundorum, pecorum et mancipiorum qualitate rationeque tractata, dum eorum praecipua poscunt coacta sibi pactione transcribi, ab honestorum coetu iudiciorumque conspectu segregari praecipimus. DATA VIII ID. MART. CONSTANT(INO)P(OLI) CONSTANT(INO) A. VIII ET CONSTANTIO CONSS.

2930 *Interpretatio.* Advocati, id est causas agentes, qui per iniquam cupiditatem susceptos, quorum causas acturi sunt, prius cogunt de rebus suis taliter scriptura intercedente pacisci, ut omnia, quae meliora sunt in agris aut in mancipiis aut in pecoribus, ad eos sub promissa defensione perveniant, et ideo qui tam scelerati in eos, quibus patrocini promittunt, fuerint deprehensi, et a conventu honestorum virorum et iudiciorum communione praecipimus segregari.

2935 **15 maart 326** IMP. CONSTANT(INUS) A. AD POPULUM. In integrum restitutione minoribus adversus commenticias venditiones et

adversus tutorum insidias sanctionum praesidio cautum esse non dubium est: ac si quid forte iidem de suo in fraudem tutelae alienasse docerentur, fraudatorio interdicto prospectum esse minoribus declaratur. DAT. ID. MART. SIRMIO. IPSO A. VII ET CAES. CONSS.

*Interpretatio.* In annis minoribus constitutis multum legibus constat esse prospectum. Et ideo adversus tutorum fraudes vel venditiones, quas minoribus aliquibus commentis extorserint, aut quicquid sub tutelae nomine iniuste egerint, noverint legis beneficio revocandum.

15 maart 326 IDEM A. AD POPULUM. Lex, quae tutores curatoresque necessitate adstrinxit, ut aurum argentum gemmas vestes ceteraque mobilia pretiosa, urbana etiam mancipia, domos balnea horrea atque omnia intra civitates venderent omniaque ad nummos redigerent praeter praedia et mancipia rustica, multum minorum utilitati adversa est. Praecipimus itaque, ut haec omnia nulli tutorum curatorumve liceat vendere, nisi hac forte necessitate et lege, qua rusticum praedium atque mancipium vendere vel pignorarare vel in dotem dare in praeteritum licebat, scilicet per inquisitionem iudicis, probationem causae, interpositionem decreti, ut fraudi locus non sit. Ante omnia igitur urbana mancipia, quia totius supellectilis notitiam derunt, semper in hereditate et in domo retineant; nam boni servi fraudem fieri prohibebunt, mali, si res exegerit, sub quaestione positi poterunt prodere veritatem. Atque ita omnia observabunt, ut nec inventaria minuere nec mutare vel subtrahere aliquid tutor valeat: quod in veste margaritis gemmis et in vasculis ceteraque supellectili necessarium est. Et tolerabilis est, si ita contigerit, servos mori suis dominis quam servire extraneis: quorum fuga potius tutori adscribitur, sive negligentia dissolutam patiatur esse disciplinam sive duritia vel indeia at verberibus eos adficiat. Nec enim dominos execrantur, sed magis diligunt, ita ut haec lex per hoc quoque melior antiqua sit: tunc enim remota servorum custodia etiam vita minorum saepius prodebat. Nec vero domum vendere liceat, in qua defecit pater, minor crevit, in qua maiorum imagines aut videre fixas aut revulsas non videre satis est lugubre. Ergo et domus et cetera omnia immobilia in patrimonio minorum permaneant nullumque aedificii genus, quod integrum hereditas dabit, conlapsum tutoris fraude depereat. Sed et si parens vel cuiuscumque heres est minor reliquerit deformatum aedificium, tutor testificatione operis ipsius et multorum fide id reficere cogetur: ita enim annui redditus plus minoribus conferent quam per fraudes pretia deminuta. Servi etiam, qui aliqua sunt arte praediti, operas suas commodo minoris inferent, et reliqui, qui in usum minoris domini esse non poterunt quibusque ars nulla est, partim labore suo, partim alimoniatarum taxatione pascantur. Lex enim non solum contra tutores, sed etiam contra feminas immoderatas atque intemperantes prospexit minoribus, quae plerumque novis maritis non solum res filiorum, sed etiam vitam addicunt. Huic accedit, quod ipsius pecuniae, in qua robur omne patrimoniorum veteres posuerunt, fenerandi usus vix diuturnus, vix continuus et stabilis est: quo facto saepe intercidente pecunia ad nihilum minorum patrimonia deducuntur. Iam ergo venditio tutoris nulla sit sine interpositione decreti: exceptis his dumtaxat vestibus, quae detritae usu aut corruptae servando servari non poterint.] vel curatore sollicito, ut easdem inspiciat frequenti re[cogni]tione incolumes. Animalia quoque supervacua minorum veneant, non vetamus. DAT. ID. MART. SIR(MIO) CONSTANTINO (A. VII E)T CONSTANTIO C. CONSS.

25 maart 326 Imp. Constantinus a. ad Maximum praefectum Urbi. pr. Cum in praeterito is mos in iudiciis servaretur, ut prolatis instrumentis, si ea falsa quis diceret, a sententia iudex civilis controversiae temperaret eoque contingeret, ut imminens accusatio nullis clausa temporibus petitorum possessoremve deluderet, commodum duximus, ut, etsi alteruter litigantium falsi strepitum intulisset, petitori tamen possessorive momentum prolatorum instrumentorum conferret auctoritas, ut tunc civili iurgio terminato secunda falsi actio subderetur.

1. Volumus itaque, ut primum cesset inscriptio. Sed ubi falsi examen inciderit, tunc ad morem pristinum quaestione civili per sententiam terminata acerrima fiat indago argumentis testibus scripturarum collatione aliisque vestigiis veritatis. Nec accusatori tantum quaestio incumbat nec probationis ei tota necessitas indicatur, sed inter utramque personam sit iudex medius nec ulla quae sentiat interlocutione divulget, sed tamquam ad imitationem relationis, quae solum audiendi mandat officium, praebat notionem, postrema sententia quid sibi liqueat proditurus.

2. Ultimum autem finem strepitus criminalis, quem litigantem disceptantemque fas non sit excedere, anni spatio limitamus, cuius exordium testatae aput iudicem competentem actionis nascetur auspiciis: capitali post probationem supplicio, si id exigat magnitudo commissi, vel deportatione ei qui falsum commiserit imminente. PROPOSITA VIII KAL. APRIL. IN FORO TRAIANI

- 2980 CONSTANTINO A. VII ET CONSTANTIO C. CONSS.  
 30 maart 326 IDEM A. AD SEVERUM. Veteranorum filios propter privilegia parentibus eorum indulta vacare non patimur, sed  
 programme per omnes civitates proposito diligenter quaesitos ad alterutrum compelli iubemus, ut aut decurionatus muneribus  
 obtemperent aut militent, observaturo devotionis tuae officio, ut qui probantur ab annis viginti usque ad viginti et quinque  
 annos aetatem agant. Si autem veteranorum filii, qui equestrem militiam toleraverunt, inter equites probari voluerint, habeant  
 2985 facultatem, ita ut cum singulis equis idoneis praedicto adgregentur obsequio. Quod si quis duos equos habeat vel unum idoneum  
 et servum unum, cum circitoria militet dignitate et binas annonas accipiat, qui gradus praebetur aliis post laborem.  
 Singularum autem civitatum decurionibus intimetur, ut veteranorum filios, qui praedictae aetatis sunt, si militare noluerint  
 vel minus inveniantur idonei, ad curialia vocare non morentur obsequia, si tamen patrimoniis idonei esse noscuntur. Ex his  
 autem, qui militare voluerint, si qui minus apti sunt equestri militiae id efficiente calamitate membrorum et legionariae  
 2990 congrui esse noscuntur, deducendi ad nos protectori qui ob hoc missus est consignentur. DAT. III KAL. AUG. AQUILEIA  
 CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.  
 11 april 326 Idem a. Lucio Verino. In arbitrio suo possessor habeat, ne suario pecuniam solvat, quod ideo permissum est, ne  
 in aestimando porcorum pondere licentia suariis praebetur. Quod si iuste porcos suarius aestimaverit, huic pecuniam  
 2995 possessor, cui pensationis utriusque copia est indulta, numerabit. Ne autem suario in suscipienda pecunia detrimenti aliquid  
 adferatur, singulis quibusque annis ea pretia porcinae possessor adnumeret, quae usus publicae conversationis adtulerit. Et  
 quoniam non semper nec in omnibus locis una est forma pretiorum, pro diversitate locorum et temporum in specie pretia danda  
 sunt, nisi ipsa porcina praestetur. Iudices autem regionum monendi sunt, ut per singulos annos ad scientiam tuam referant,  
 quae in quibus locis sunt pretia porcinae, ut instructione hac a tua gravitate perpensa tunc demum suarii per diversa  
 3000 proficiscantur et pretia suscipiant, quae in his regionibus versari cognoveris. Queri enim suarii non poterunt, quia nihil  
 interest, carius an vilius comparent, cum, quantum pretium daturi sunt, a possessore accipiant; et possessores erunt moderati  
 in specie distrahenda, cum se sciant, quanto maiora pretia pro carne poposcerint, tanto plus suariis soluturos. DAT. III ID.  
 APRIL. CONSTANTINO A. VII ET CONSTANTIO C. CONSS.  
 19 april 326 Imp. Constantinus a. Maximiliano Macrobio... Quoties verbera dominorum talis casus servorum comitabitur, ut  
 moriantur, culpa nudi sunt, qui, dum pessima corrigunt, meliora suis acquirere vernulis voluerunt. Nec requiri in huius modi  
 3005 facto volumus, in quo interest domini incolume iuris proprii habere mancipium, utrum voluntate occidendi hominis an vero  
 simpliciter facta castigatio videatur. Toties etenim dominum non placet morte servi reum homicidii pronuntiari, quoties  
 simplicibus quaestionibus domesticam exercent potestatem. Si quando igitur servi plagarum correctione, imminente fatali  
 necessitate, rebus humanis excedunt, nullam metuant domini quaestionem. DAT. XIV. KAL. MAI. SIRMIO, CONSTANTINO A. VII. ET  
 3010 CONSTANTIO C. CONSS.  
*Interpretatio.* Si servus, dum culpam dominus vindicat, mortuus fuerit, dominus culpa homicidii non tenetur, quia tunc  
 homicidii reus est, si occidere voluisse convincitur. nam emendatio non vocatur ad crimen.  
 26 april 326 Idem a. ad Evagrium Pf. P. Quamvis adulterii crimen inter publica referatur, quorum delatio in commune omnibus  
 sine aliqua legis interpretatione conceditur, tamen, ne volentibus temere liceat foedare connubia, proximis necessariisque  
 3015 personis solummodo placet deferri copiam accusandi, hoc est patri vel consobrino et consanguineo maxime fratri, quos verus  
 dolor ad accusationem impellit. Sed et his personis legem imponimus, ut crimen abolitione compescant. In primis maritum  
 genialis tori vindicem esse oportet, cui quidem ex suspitione etiam ream coniugem facere, nec intra certa tempora  
 inscriptionis vinculo contineri, veteres retro principes annuerunt. Extraneos autem procul arceri ab hac accusatione censemus.  
 Nam etsi omne genus accusationis necessitas inscriptionis adstringat, nonnulli tamen proterve id faciunt et falsis contumeliis  
 matrimonia deformant. PP. NICOMEDIAE VII. KAL. MAI., CONSTANTINO A. VII. ET CONSTANTIO C. CONSS.  
 3020 *Interpretatio.* In adulterio extraneam mulierem nullus accuset, sed propinqui, ad quorum notam pertinet, hoc est frater  
 germanus, frater patruelis, patruus et consobrino, qui tamen ante inscriptionem, si accusata acquieverit, possunt per  
 satisfactionem veniam promereri. Reliqui ab accusatione prohibentur. Maritis sane etiam ex suspitione accusare permissum est.  
 Although the crime of adultery is included among public offenses, the accusation of which is granted to all persons without

3025 distinction, still, in order that those who inconsiderately wish to cause discord in households may not be allowed to do so, it is hereby decreed that only the nearest relatives of the guilty party shall have the power to bring the accusation; that is to say, the father, the brother, and the paternal and maternal uncles, whom genuine grief may impel to prosecute. We, however, also give the said persons permission to revoke the accusation, by withdrawing it, if they should so desire.

The husband, above all others, should be considered the avenger of the marriage bed, for he is permitted to accuse his wife on suspicion, and he is not forbidden to retain her, if he only suspects her; nor will he be liable if he files a written

3030 accusation when he accuses her as her husband, a privilege which was established by former Emperors.  
 17 mei 326 Idem a. ad Evagrium praefectum praetorio. Quoniam curias desolari cognovimus his, qui per originem obnoxii sunt, militiam sibi per supplicationem poscentibus et ad legiones vel diversa officia currentibus, iubemus omnes curias admoneri, ut, quos intra XX stipendia in officiis deprehenderint vel originem defugisse vel spreta nominatione militiae se inseruisse, hos ad curiam retrahant et de cetero sciant esse servandum, ut qui derelicta curia militaverit, revocetur ad curiam, non solum si originalis sit, sed et si substantiam muneribus aptam possidens ad militiam confugerit vel beneficio nostro fuerit

3035 liberatus. DAT. XVI KAL. IUN. CONSTANTINO A. VII ET CONSTANTIO C. CONSS.  
 20 mei 326 Idem a. ad Rufinum praefectum praetorio. Archiatri omnes et ex archiatri ab universis muneribus curialium, senatorum et comitum perfectissimorumque muneribus et obsequiis, quae administratione perfunctis saepe mandantur, a praestationibus quoque publicis liberi immunesque permaneant nec ad ullam auri et argenti et equorum praestationem vocentur, quae forte praedictis ordinibus aut dignitatibus adscribuntur. Huius autem indulgentiam sanctionis ad filios quoque eorum statuimus pervenire. DAT. XII KAL. IUN. CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.

3040 21 mei 326 IDEM A. AD MAXIMUM P(RAEFECTUM) U(RBI). Quodam tempore admissum est, ut non subscriptio, sed professio criminis uno sermone ex ore fugiens tam accusatorem quam reum sub experiendi periculo de patria, de liberis, de fortunis, de vita denique dimicare cogeret. Ideoque volumus, ut remota professionis licentia ac temeritate ad subscriptionis morem ordinemque criminatio referatur, ut iure veteri in criminibus deferendis omnes utantur, id est ut sopita ira et per haec spatia mentis tranquillitate recepta ad supremam actionem cum ratione veniant atque consilio. DAT. XI KAL. IUN. SIRMIO, ACC. ROMAE CONSTANTINO A. VII ET CONSTANTIO C. CONSS.

*Interpretatio.* Si quis iratus crimen aliquod temere cuilibet obiecerit, convicium non est pro accusatione habendum, sed 3050 permissio tractandi spatio, id quod iratus dixit, per scripturam se probaturum esse fateatur. Quod si fortasse resipiscens post iracundiam, quae dixit, iterare aut scribere fortasse noluerit, non ut reus criminis teneatur.

29 mei 326 Imp. Constantinus a. ad populum. pr. Si qua cum servo occulte rem habere detegitur, capitali sententiae subiugetur, tradendo ignibus verberone, sitque omnibus facultas crimen publicum arguendi, sit officio copia nuntiandi, sit etiam servo licentia deferendi, cui probato crimine libertas dabitur, quum falsae accusationi poena immineat.

3055 1. Ante legem nupta tali consortio segregetur, non solum domo, verum etiam provinciae communione privata, amati abscessum defleat relegati.

2. Filii etiam, quos ex hac coniunctione habuerit, exuti omnibus dignitatis insignibus, in nuda maneant libertate, neque per se neque per interpositam personam quolibet titulo voluntatis accepturi aliquid ex facultatibus mulieris.

3. Successio autem mulieris ab intestato vel filiis, si erunt legitimi, vel proximis cognatisque deferatur vel ei, quem ratio iuris admittit, ita ut et quod ille, qui quondam amatus est, et quod ex eo suscepti filii quolibet casu in sua videntur 3060 habuisse substantia, dominio mulieris sociatum a memoratis successoribus vindicetur.

4. His ita omnibus observandis, et si ante legem decessit mulier vel amatus, quoniam vel unus auctor vitii censurae occurrit.

5. Sin vero iam uterque decessit, soboli parcimus, ne defunctorum parentum vitiis praegravetur; sint filii, sint potiores fratribus, proximis atque cognatis, sint relictas successionis heredes.

6. Post legem enim hoc committentes morte punimus. qui vero ex lege disiuncti clam denuo convenerint, congressus vetitos 3065 renovantes, hi servorum indicio vel speculantis officii vel etiam proximorum delatione convicti poenam similem sustinebunt.

DAT. IV. KAL. IUN. SERDICAE, CONSTANTINO A. VII. ET CONSTANTIO C. CONSS.

*Interpretatio.* Si qua ingenua mulier servo proprio se occulte miscuerit, capitaliter puniatur. Servus etiam, qui in adulterio

dominae convictus fuerit, ignibus exuratur. In potestate habeat huius modi crimen quicumque voluerit accusare. Servi etiam aut ancillae, si de hoc crimine accusationem detulerint, audiantur: ea tamen ratione, ut si probaverint, libertatem consequantur, si fefellerint, puniantur. Hereditas mulieris, quae se tali crimine maculaverit, vel filiis, si sunt ex marito suscepti, vel propinquis ex lege venientibus tribuatur.

1 juni 326 Idem a. ad Ablavium praefectum praetorio. Neque vulgari consensu neque quibuslibet petentibus sub specie clericorum a muneribus publicis vacatio deferatur, nec temere et citra modum populi clericis conectantur, sed cum defunctus fuerit clericus, ad vicem defuncti alius allegetur, cui nulla ex municipibus prosapia fuerit neque ea est opulentia facultatum, quae publicas functiones facillime queat tolerare, ita ut, si inter civitatem et clericos super alicuius nomine dubitetur, si eum aequitas ad publica trahat obsequia et progenie municeps vel patrimonio idoneus dinoscetur, exemptus clericis civitati tradatur. Opulentos enim saeculi subire necessitates oportet, pauperes ecclesiarum divitiis sustentari. PROPOSITA KAL. IUN. CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.

1 juni 326 CT 16.2.6 Constantine  
This is a repetition and qualification of a law from July 18, 320. While the clergy are granted exemption from compulsory public services, exemption cannot be given indiscriminately to everyone who claims to be part of the clergy, because the wealthy are not supposed to be clergy. Also, the roles of the clergy cannot be expanded in order to help exempt more people from public services. When a clergyman dies, his successor should not be chosen from the wealthy, for the wealthy should assume secular obligations. [Seeck and Elliot (listed) emend both this law and the law 16.2.3, listed on July 18th, 320. They move both of these laws to 329, thus reversing their order. In that case, this law would be the original restriction on clergy exemptions, and 16.2.3 would be a qualification released a month later.]

23 juni 326 IDEM A. MENANDRO. Certis nuntiis compertum est, quod plures veluti sibi ac necessitatibus propriis petitas angarias taxato pretio distrahant. Quamvis itaque raro posthac et non nisi merentibus evectiones praebendae sint, omnes tamen, qui ubique sunt cursus publici observatione districti, inquirant, si quis in hoc genere criminis possit intercipi, ut emptor et venditor in insulam relegentur, illis etiam, qui observare iussi sunt, pro dissimulatione vel neglegentia idem supplicium luituris. Non inprobum tamen est, si is, qui angariam habet copiam, ad tutelam vitae vel laborem adeundum itineris pro solacio sibi quendam sociaverit. Namque hoc factum meretur veniam nec latere poterit explorantes; illud poena superius dicta plectendum est. Super qua re proconsules rectores provinciarum praefectos vehiculorum adque omnes, qui cursui publico praesunt, admoneri conveniet. DAT. X KAL. IUL. CONSTANTINO A. VII ET CONSTANTIO CAESARE CONSS.

29 juni 326 Idem a. Secundo praefecto praetorio. Provinciarum iudices commoneri praecipimus, ut nihil se novi operis ordinare ante debere cognoscant, quam ea compleverint, quae a decessoribus inchoata sunt, exceptis dumtaxat templorum aedificationibus. DAT. III KAL. IUL. CONSTANTINO A. VII ET CONSTANTIO C. CONSS.

6 juli 326 Idem a. ad Tertullum proconsulem Africae. Si quis nummum falsa fusione formaverit, universas eius facultates fisco addici praecipimus, atque ipsum severitate legitima coherceri, ut in monetis tantum nostris cudendae pecuniae studium frequentetur. DAT. PRID. NON. IUL. MEDIOLANO CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.

8 juli 326 Idem a. Antiocho praefecto vigilum. Quae tyrannus contra ius rescripsit non valere praecipimus, legitimis eius rescriptis minime impugnandis. DAT. VIII ID. IUL. ROMAE CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.

15 juli 326 Idem a. ad senatum. Super his, qui ex senatoribus ad navicularium munus a tyranno deieci sunt ac restitui suis natalibus deprecantur, placuit vestrae sanctitati iudicium examenque mandare, ut vos eligatis, qui splendori vestro patrimonii viribus et honestate vivendi et natalium dignitate respondent. Incongruum est enim tantae dignitatis arbitrium alteri potius quam vestris suffragiis sententiisque committere. Eorum autem, quos ut dignos elegeritis, nomina praefectus urbis nobis insinuet, ut vestrum iudicium comprobemus. DAT. ID. IUL. CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.

22 juli 326 Idem a. have, Felix, carissime nobis. Omnis intra centum pedes vicinitas, quantum ad horrea pertinet, arceatur ac si quid constructum fuerit, diruatur, quoniam experimentis nuperrimis palam factum est aedificiorum, quae horreis adhaerebant, incendiis fiscales copias laborasse. Quod si quis aedificandi amore publica damna neglexerit, non solum quod construxit, sed omnes res eius et quidquid in suo iure habuit, fisco adiudicari praecipimus. DAT. XI KAL. AUG. SIRMIO CONSTANTINO A. IV ET

CONSTANTIO C. CONSS.

- 3115 25 juli 326 IDEM A. AD MUSONIANUM P(RAEFECTUM) P(RAETORIO). Iam dudum nostrae clementiae iussa existunt, ut rectoribus provinciarum evectio facienda copia denegetur, quoniam cursui publico magna infertur perniciēs, si haec licentia latius panderetur. Ideoque hoc ipsum repetimus quod ante placuerat ac iubemus eos auctoritatis tuae litteris commoneri, ut iussis parere festinent. DAT. VIII KAL. AUG. CONSTANTIO A. VII ET CONSTANTIO C. CONSS.
- 3120 29 juli 326 Imp. Constantinus a. Tiberiano comiti per Africam. Ii magistratus, qui sufficiens duumviris in futurum anni officium nominationes impertiunt, periculi sui contemplatione provideant, ut, quamvis populi quoque suffragiis nominatio in Africa ex consuetudine celebretur, tamen ipsi nitantur pariter ac laborent, quemadmodum possint ii, qui nominati fuerint, idonei repperiri. Nam aequitatis ratio persuadet, nisi idonei fuerint nominati, ipsos, quorum est periculum, adtineri. DAT. NICOMEDIAE III KAL. AUG. CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.
- 3125 1 augustus 326 IDEM A. MAGNO AGENTI VICARIAM PRAEFECTURAM. Hoc interdicto prohibemus, ne quis agminales ac paraveredos aestimet postulandos: in eos enim, qui hoc temere praesumpserint, vindicari acrius oportebit iussione nostra cunctis provincialibus intimata. DAT. KAL. AUG. CONSTANTINO A. VII ET CONSTANTIO C. CONSS.
- 3130 3 augustus 326 Idem a. ad Iulianum praefectum Urbi. Nonnulli iudicum inferioris gradus a sententiis suis interponi provocationis auxilium aegre ferentes id efficiunt, ut nobis eorum relationes non necessariae et insolentes ingerantur. Igitur volumus, cum ab eorum sententiis fuerit provocatum, super ea quaestione, cuius appellatione interposita iudices esse desierunt, minime eos ad nostram referre clementiam, sed gravitatis tuae, cui nostram vicem commisimus, sacrum auditorium expectari. Dat. III non. aug. Heracleae Constantino a. VII et Constantio c. III cons.
- 3135 3 augustus 326 IMP. CONSTANTIIUS A. OLYBRIO PROC(ONSULI) AFRICAE. Paraveredorum exactio patrimonia multorum evertit et pavit avaritiam nonnullorum. Ideoque praelata iussione nostra provinciarum rectores excellentia tua commoneat, ut, exceptis agentibus in rebus, qui ad movendum militem mitti consuerunt, quisquis alius paraveredum exegerit, non ei cedat inpune, sed nec illi qui dederit. DAT. III NON. AUG. ANTIOCHIAE CONSTANTIO A. VII ET CONSTANTIO CAES. CONSS.
- 3140 11 augustus 326 Imp. Constantinus a. ad Severum pf. U. Nec interpellatis his, quibus pro laboribus suis ac meritis aliquid donaverimus, sed in iure suo, hoc est sine molestia litis manentibus, concitato iudicii, qui inquietudinem inferre tentaverit, examini tuo praesentari oportet, ut citra molestiam possidentis ius suum manifestis probationibus doceat: in quo partes reluctantis ipse suscipies, quoniam fructus liberalitatis nostrae pulsatur. Hac enim lege sancimus, ut, quicumque in tales venient querelas, secundum praedictam formam ius suum ostendant: his, quae comperta fuerint, ad nostram scientiam referendis, ut salva possidentium proprietate, quibus, ut dictum est, in perpetuum quaesita est firmitas possidendi, deliberationis nostrae sit, qualiter his, qui allegationes suas probaverint, beneficio lenitatis nostrae extrinsecus debeat subveniri. RECITATA III. NON. AUG. IN PALATIO, CONSTANTINO A. VII. ET CONSTANTIO C. CONSS.
- 3145 *Interpretatio.* Non inquietentur ii, quibus aliqua pro suo labore donavimus, sed omnibus, quae a nobis donata sunt, in ipsorum iure positae, is, qui eos inquietare voluerit, ad iudicii audientiam protrahatur, ut sine aliqua molestia possidentis ius suum pulsator valeat confirmare: omnibus, quae hac de re inter praefatos acta fuerint, ad nostram notitiam referendis, ut et nostris inquietatus remediis adiuvetur.
- 1 september 326 CT 16.5.1 Constantine  
Exemption from compulsory public services shall only be granted to clergy of the catholic church, and not to heretics or schismatics.
- 3150 18 september 326 Idem a. ad Ablavium praefectum praetorio. pr. Navicularios omnes per orbem terrarum per omne aevum ab omnibus oneribus et muneribus cuiuscumque fuerint loci vel dignitatis, securos vacuos immunesque esse praecipimus, sive decuriones sint sive plebei seu potioris alterius dignitatis, ut a collationibus et omnibus oblationibus liberati integris patrimoniis navicularium munus exercent. 1. Naves quoque eorum, quantaecumque fuerint, ad aliud munus ipsis invitae teneri non convenit, ad quodcumque litus accesserint; litorum custodibus et vectigalium praepositis exactoribus decurionibus adque rationalibus et iudicibus scituris, quod qui hanc legem violaverit capite punietur. DAT. XIV KAL. OCTOB. CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.
- 3155



25 september 326 Idem a. ad Bassum. Novatianos non adeo comperimus praedamnatos, ut his quae petiverunt crederemus minime largienda. Itaque ecclesiae suae domos et loca sepulcris apta sine inquietudine eos firmiter possidere praecipimus, ea scilicet, quae ex diuturno tempore vel ex empto habuerunt vel qualibet quaesiverunt ratione. Sane providendum erit, ne quid sibi usurpare conentur ex his, quae ante discidium ad ecclesias perpetuae sanctitatis pertinuisse manifestum est. DAT. VII KAL. OCT. SPOLETI CONSTANTINO A. VII ET CONSTANTIO C. CONSS.

25 september 326 CT 16.5.2 Constantine  
Novatians may possess their own church buildings and cemeteries, provided they are rightfully theirs and did not once belong to the catholic Church. [Novatians disagreed with the Church about absolution.]

22 oktober 326 Imp. Constantinus a. Severo. Iudices absentium, qui cuiuslibet rei possessione privati sunt, suscipiant in iure personam, et auctoritatis suae formidabile ministerium obiciant, atque ita tueantur absentes. Hos tamen iudices, quos absentium iussimus subire personam, intra hos terminos ministerii retinemus, ut, illibatis atque omnibus integris causae principalis internis, id solum diligenter inquirant, utrum eius, quolibet pacto, qui peregrinatur, possessio ablata est, quam propinquus vel amicus vel servulus quolibet titulo retinebat. Nec hos, qui deiecti sunt, absentium nomine possidentes, quia minime ipsis dictio causae mandata sit, ab experiunda re secludant, nec si servi sint, eorum reiiciant in iure personas, quia huiuscemodi condicionis hominibus causas orare fas non sit; sed post elapsa quoque spatia recuperandae possessionis legibus praestituta litigium eis inferentibus largiri conveniet, ut eos momentariae perinde possessioni restituant, ac si reversus dominus litigasset. Cui tamen, quolibet tempore reverso, actionem recuperandae possessionis indulsumus, quia fieri potest, ut restitutio propter servulos infideles vel negligentis propinquos vel amicos et colonos interea differatur. Absenti enim officere non debet tempus emensum, quod recuperandae possessioni legibus praestitutum est, sed reformato statu, qui per iniuriam sublatus est, omnia, quae supererunt, ad disceptationem litigii immutilata permaneant; iudicio reservato iustis legitimisque personis, quum valde sufficiat, possessionem tenentibus absentium nomine contra praesentium violentiam subveniri. DAT. X. KAL. NOV. MEDIOLANO, CONSTANTINO A. VII. ET CONSTANTIO CAES. CONSS.

*Interpretatio.* Omnes iudices specialiter admonemus, ut nullus, absentibus dominis, res eorum praesumat invadere, sed contra improbos homines omnia per personam iudicis vindicentur, salvo principali negotio. Quod si quis se adversus absentem negotium habere causatur, et si, cui illi, qui peregrinantur, rem suam commiserint gubernandam, nec actor nec procurator eorum aut aliquis servorum ad dicendam causam domino aut absente aut non iubente cogatur, sed si quid eis fuerit sublatum, mox his, qui domino absente exclusi sunt, quum interpellaverint, reformetur. Ipse vero dominus, si forte per negligentiam servorum res recepta non fuerit, quum de peregrinis redierit, possessionem suam momenti beneficio, etiamsi annus excesserit, nullatenus recipere prohibetur, sed restitutis in integrum omnibus, quae eo absente sublata sunt, integra causae actio proponatur, inter legitimas dumtaxat et integra aetate personas: quia dignum est, ut contra malitiam eorum, qui praesentes sunt, taliter absentibus iubeamus esse consultum.

3 november 326 IDEM A. AD PHILIPPUM P(RAEFECTUM) P(RAETORIO). Officiales, quos ex diversis officiis ex protectoribus epistulas impetrasse constiterit, pristinae reddi iubemus militiae. DAT. III NON. NOV. ARELATO CONSTANTINO A. VII ET CONSTANTIO CAES. CONSULIBUS.

24 november 326 Idem a. ad praefectos praetorio. Dudum lege promulgata sanxit nostra clementia, ut filii comitum et praesidum et rationalium magistrorumque privatae, qui tamen ex origine curialium descendunt, ordinibus necterentur. Nunc praecipimus, ut, qui perfuncti muneribus idonei reperti sint iudicio clementiae nostrae accedere ad honores praecepti ad honestas promotiones perveniant, eos vero, quos nescit principalis auctoritas, ... iudicio praefecturae commisimus, uti eos, qui ex genere videntur esse curialium et minus apti iudicio principali, ordinibus propriis restituant, illos vero, quos iudicio nostro proveximus, intactos esse perficiant; ita tamen, ut heredes eorum curiis mancipentur. Si quis sane decurio evertens fiscalia commoda, fugiens curiam ambitu ad senatum urbis inclytum pervenerit, minime admittatur. DAT. VIII KAL. DEC. CONSTANTINO A. VII ET CONSTANTIO C. CONSS.

24 december 326 Imp. Constantinus a. et Constantius caes. Pf. U. In codicillis, quos testamentum non praecedit, sicut in voluntatibus testamenti septem testium vel quinque interventum non deesse oportet: sic enim fiet, ut testantium successiones

- 3200 sine aliqua captione serventur. Si quando igitur testium numerus defecerit, instrumentum codicilli habeatur infirmum. Quod et in ceteris voluntatibus placuit observari. DAT. XI. KAL. IAN. CONSTANTINO A. VII. ET CONSTANTIO CAES. CONSS.  
 Interpretatio. Si quis non fecerit testamentum, sed vice testamenti fecerit codicillum, in quo codicillo legitima heredis institutio teneatur, et hunc ipsum eodem numero testium, hoc est septem aut quinque subscriptionibus faciat confirmari: si minus quam quinque, valere non poterit, sicuti et ceterae voluntates. nam secundum superiorem legem, si condito testamento  
 3205 postea factus fuerit codicillus, et in eo alium, quam in testamento fecerat, heredem voluerit nominare, in eo codicillo heredis institutio non valebit.  
 31 december 326 IDEM A. ET C. AD POPULUM. In feminis tutelam legitimam consanguineus patruus non recuset. DAT. PRID. KAL. IANUAR. IPSO A. VII ET C. CONSS.  
 Ista lex expositione non indiget.
- 3210 31 december 326 Idem a. Defensionis facultas danda est his, quibus aliquam inquietudinem fiscus infert, cum facultates eorundem athuc controversia pendente inquietari describique fas non sit. Ubi ergo controversia extiterit fisco alicuius patrimonium vindicante, aput eum omnibus facultatibus constitutis cognitio ventiletur, ut, cum rei exitus debere eas vindicari probaverit, tum demum res persequi liceat et super modo facultatum ac rerum interrogationem haberi, quae per condicionales servos investiganda est, ut, si quid subtractum fuerit, exigatur et extrinsecus tantum aliud multae nomine, quantum fuerat per  
 3215 fraudem ablatum. Sane in huiusmodi quaestione si caesariani nomen inciderit, ad usurpationem constitutionis istius non debebit accedere, si quidem consuetudo fraudium, quibus praedicti omnia temerare consuerunt, exceptionem eorundem meruerit.  
 DAT. PRID. KAL. IAN. SIRMIO CONSTANTINO A. VII ET CONSTANTIO CAES. CONSS.  
EDICTUM CONSTANTINI AD UMBROS p. 496  
Rescript of Constantine I on Hispellum (326-337)
- 3220 Although Constantine recognized Christianity as one of the religions of the State in 313 A.D. and perhaps embraced it himself at that time, probably for reasons of policy he continued to serve as pontifex maximus of the old Roman State religion. It is the opinion of Alföldi that he took this course to propitiate the conservative elements in the Empire and particularly the nobility, which was still predominantly pagan. In the inscription translated here the town of Hispellum in Umbria, Italy, where the marble tablet containing the rescript was found in 1733, had requested the right to build a temple to the Gens  
 3225 Flavia, to which Constantine's family belonged, to celebrate games there instead of at Volsinii, as had previously been the custom, and to rename the town in honor of the emperor's family. All there requests were granted with the proviso, however, that the celebrations at Volsinii must also continue to be held.  
 Copy of the sacred rescript.  
 Emperor Caesar Flavius Constantine Maximus Germanicus Sarmaticus Maximus Gothicus Victor Triumphator Augustus and Flavius  
 3230 Constantine and Flavius Julius Constantius and Flavius Constans.  
 We encompass with our untiring attention and care everything, indeed, that benefits human society; but this is the greatest task for our forethought: that all the cities whose splendid appearance and beauty distinguish them in the eyes of all provinces and of all regions not only shall keep their former dignity, but also shall be promoted to a still greater esteem by the grant of our Beneficence.
- 3235 Since, indeed, you aver that you have been annexed to Tuscia in such a way that by the established practice of ancient custom priests are created every other year in turn by you and by the aforesaid people of Tuscia, who exhibit stage plays and a gladiatorial show at Volsinii, a City of Tuscia; but that, because of the steepness of the mountains and the difficulties of the paths through the forests thither, you most earnestly request that permission shall be granted to your priest to abandon the necessity of going to Volsinii to celebrate the exhibition; and that we shall give a name from our cognomen to the  
 3240 community, which now has the name Hispellum and which you state is contiguous to and lying along the Flaminian Way and in which a temple of the Flavian Family is being built, of truly magnificent workmanship worthy of the greatness of its name; and that there that priest, whom Umbria selects annually, shall exhibit a festival of both stage plays and gladiatorial shows; and that this custom shall remain as regards Tuscia: that the priest created at Volsinii shall celebrate, as has been his wont,

the observation of the aforesaid exhibitions at that place: our assent is gladly granted to your prayer and desire.

3245 For from our own name we vouchsafe to the community of Hispellum an eternal designation, an appellation to be venerated, so that hereafter the aforesaid city shall be called Flavia Constans; and in its center we wish, as you desire, the temple of our Flavian Family to be completed of magnificent workmanship, but with this regulation added: that no temple dedicated in our name shall be defiled by the deceptions of any contagious and unreasonable religious belief; and so we also permit you to stage exhibitions in the aforesaid community, although in such manner that, as has been said, the celebration of Volsinii also shall not fall into disuse through the ages, but that there the aforesaid celebration also must be staged by priests chosen from Tuscia.

Thus, indeed, it will not appear that our actions especially derogate anything from old customs; and you, who are suppliants to us for the aforesaid causes, will rejoice that you have gained those things for which you have earnestly asked.

Rescript of Constantine I on Usucapion (326-333)

3255 Acquisition of ownership by usucapion in the provinces was possible after ten years if the possessor lived in the same province as the other claimants, or twenty years if he did not, and if the usucaptor could furnish a legal title, such as gift, informal sale, etc., and had undisturbed possession during the period. Constantine kept the old rule, but did not require proof of title after possession for forty years. The rescript is on a papyrus published in 1937.

3260 Imp. Constantinus Aug. et Constantinus et Constantius Nobb. Caess. Agrippino senatori: Et diutinae possessionis hactenus placuit ut haberetur ratio, ne ab iis si constat (rem) de qua est quaestio quadraginta annos possessam esse, possessionis titulus requireretur. Placuit etiam, iusto titulo ad annorum decem uel uiginti praescriptionem pertinente (?), possessorem adiuuari, et cetera.

3265 Our Lords Constantine Augustus and the most noble Caesars Constantine and Constantius to the Senator Agrippinus. It is our pleasure that the rule of long-time possession shall be observed thus far: that in the case of those persons who can prove possession for forty years, a title to their possession shall not be required. It is also our pleasure that the possessor for ten or twenty years with a legal title of prescription shall be confirmed in his possession, etc.

326 Eusebius, VC 3.30-32 Constantine

Constantine orders a church to be built over the holy sepulcher and commands the local government officials to assist.

CHAPTER XXX: Constantine's Letter to Macarius respecting the Building of the Church of our Saviour.

3270 "VICTOR CONSTANTIUS, MAXIMUS AUGUSTUS, to Macarius.

"Such is our Saviour's grace, that no power of language seems adequate to describe the wondrous circumstance to which I am about to refer. For, that the monument of his most holy Passion, so long ago buried beneath the ground, should have remained unknown for so long a series of years, until its reappearance to his servants now set free through the removal of him who was the common enemy of all, is a fact which truly surpasses all admiration. For if all who are accounted wise throughout the world were to unite in their endeavors to say somewhat worthy of this event, they would be unable to attain their object in the smallest degree. Indeed, the nature of this miracle as far transcends the capacity of human reason as heavenly things are superior to human affairs. For this cause it is ever my first, and indeed my only object, that, as the authority of the truth is evincing itself daily by fresh wonders, so our souls may all become more zealous, with all sobriety and earnest unanimity, for the honor of the Divine law. I desire, therefore, especially, that you should be persuaded of that which I suppose is evident to all beside, namely, that I have no greater care than how I may best adorn with a splendid structure that sacred spot, which, under Divine direction, I have disencumbered as it were of the heavy weight of foul idol worship; a spot which has been accounted holy from the beginning in God's judgment, but which now appears holier still, since it has brought to light a clear assurance of our Saviour's passion.

3285 CHAPTER XXXI: That the Building should surpass all the Churches in the World in the Beauty of its Walls, its Columns, and Marbles.

"IT will be well, therefore, for your sagacity to make such arrangements and provision of all things needful for the work,

that not only the church itself as a whole may surpass all others whatsoever in beauty, but that the details of the building may be of such a kind that the fairest structures in any city of the empire may be excelled by this. And with respect to the erection and decoration of the walls, this is to inform you that our friend Dracilianus, the deputy of the Praetorian Praefects, and the governor of the province, have received a charge from us. For our pious directions to them are to the effect that artificers and laborers, and whatever they shall understand from your sagacity to be needful for the advancement of the work, shall forthwith be furnished by their care. And as to the columns and marbles, whatever you shall judge, after actual inspection of the plan, to be especially precious and serviceable, be diligent to send information to us in writing, in order that whatever quantity or sort of materials we shall esteem from your letter to be needful, may be procured from every quarter, as required, for it is fitting that the most marvelous place in the world should be worthily decorated.

CHAPTER XXXII: That he instructed the Governors concerning the Beautifying of the Roof; also concerning Workmen, and Materials.

"WITH respect to the ceiling of the church, I wish to know from you whether in your judgment it should be panel-ceiled, or finished with any other kind of workmanship. If the panel ceiling be adopted, it may also be ornamented with gold. For the rest, your Holiness will give information as early as possible to the before-mentioned magistrates how many laborers and artificers, and what expenditure of money is required. You will also be careful to send us a report without delay, not only respecting the marbles and columns, but the paneled ceiling also, should this appear to you to be the most beautiful form. God preserve you, beloved brother!"

**327 CONSTANTIO ET MAXIMO CONSS.**

21 januari 327 IDEM A. AD MAXIMUM P(RAEFFECTUM) P(RAETORIO). Qui de statutis praesidalibus conqueruntur, cum ea in detrimentum legum prolata arbitrantur, ad tuae auctoritatis iudicium pervenire faciant, ut fractis atque convulsis quae perperam impressa sunt ne nomen quidem sententiae possint retinere. DAT. XII K. FEB. CONSTANTIO ET MAXIMO CONSS.

27 februari 327 Idem a. Acacio comiti Macedoniae. Mancipia adscripta censibus intra provinciae terminos distrahantur et qui emptione dominium nacti fuerint, inspiciendum sibi esse cognoscant. Id quod in possessione quoque servari rationis est: sublatis pactionibus eorundem onera ac pensationes publicae ad eorum sollicitudinem spectent, ad quorum dominium possessiones eadem migraverunt. DAT. III KAL. MART. THESSALONICAE CONSTANTIO ET MAXIMO CONSS.

21 april 327 Idem a. ad Annum Tiberianum comitem. Universis provinciarum rectoribus intimato nostram clementiam statuuisse veteranorum filios curialibus muniis innectendos; ita ut et ii, qui perfectissimatus sibi honore blandiuntur, trusi in curiam necessariis officiis publicis inserviant. PROPOSITA XI KAL. MAI. KARTHAGINE CONSTANTIO ET MAXIMO CONSS.

17 mei 327 Imp. Constantinus a. ad Afros. Quoniam succlamatione vestra merito postulastis, ne qua his, qui praestationes fiscales differunt, reliquorum laxitas proveniret, specialiter praecipimus observari, ut res eorum, qui fiscalibus debitis per contumaciam satisfacere differunt, distrahantur: comparatoribus data firmitate perpetua possidendi etc. DAT. XV. KAL. IUN. SERDICAЕ, CONSTANTINO ET MAXIMO CONSS.

*Interpretatio.* Quicumque agrorum suorum tributa implere contemnent, agri eius, qui tributa sua contemnet exsolvere, ab exactore vendantur, et qui comparaverint, firmissimo iure hoc ordine empta possideant.

3 juni 327 IDEM A. AD CONSTANTIIUM P(RAEFFECTUM) P(RAETORIO). Nulli quidem de bonis usurpandis vivorum nec dividendis contra bonos mores concessa licentia est: sed si praecipiente matre bona eius inter se liberi dividerunt, placuit omnifariam nobis huiusmodi divisionem durare, si modo usque ad extremum eius vivendi spatium voluntas eadem perseverasse doceatur. DAT. III ID. IUN. CONSTANTIO ET MAXIMO CONSS.

*Interpretatio.* Licet vivorum bona, ut dividantur, iniustum sit, tamen si mater vivens facultates suas filiis praeceperit et permiserit dividendas, et usque ad exitum vitae suae in eadem voluntate perstiterit, divisio inter filios facta perduret.

19 juli 327 IDEM A. AD IULIANUM P(RAEFFECTUM) U(RBI). Petendae in integrum restitutionis temporibus, ut iam constitutum est, observatis si dilatio ab actore petatur, quae intra metas lege comprehensas valeat artari, eandem quocumque flagitante causis

cognitis tribui oportebit: sin vero eiusmodi postulentur curricula, quae intra spatium lege receptum angustari non queunt, quippe si in confinio praedicti temporis petuntur et eius terminos prorogabunt, dilationem petitori denegari conveniet; in eius enim arbitrio fuerat tunc inferre litigium, cum petitae dilationis mora spatio superstite posset includi. Quod si  
 3335 defensio possidentium dilationis suffragia postulaverit, eandem adserta causa citra obstaculum temporis deferri sancimus, quia nequaquam in ipsius steterat potestate, quando litigio pulseratur. Dari igitur debet, etsi impetrata dimensio sese ultra constitutionis regulam proferat. Qua dilatione, si a possessore impetretur, etiam petitor in requirendis probationibus uti minime prohibetur. DAT. XIV KAL AUG.; P(RO)P(OSITA) ROMAE CONSTANTIO ET MAXIMO CONSS.

*Interpretatio.* Liqueat quattuor mensibus constitutum, ut petentibus pro requirenda omni instructione indutiae concedantur. Unde si illud spatium requiratur, quod indultum est, id est, quod quattuor menses non possit excedere, praestari conveniet. Si vero tales petantur indutiae, quae tempus lege constitutum excedant, petitori debet dilatio denegari, qui scire debuit actionem suam constituto tempore finiendam. Quod si ille spatium, qui rem possidet, fortasse petierit, dari sine impedimento temporis, quod petentibus datum est, omnino debet: quia scire non potuit, quando ab adversario provocaretur ad causam, et quando possessor spatium, ut respondere possit, acceperit, etiam petitor suis partibus poterit necessaria providere.

3345 **31 juli 327** Idem a. Victori rationali urbis Romae. Quoniam nonnulli fisci debitores, cum iussi fuerint debitam summam exsolvere, interposito provocationis auxilio vim executionis eludunt nec iam opinionis exemplum nec refutatorias preces curant petere vel offerre, placuit, ut, si intra dies complendis sollemnitatibus praestitutos ad facienda haec appellatoris cura defuerit, deserta ab eo provocatio aestimetur moxque debitum exigatur. DAT. PRID. KAL. AUG. CONSTANTIO ET MAXIMO CONSS.

3350 **27 september 327** IDEM A. AD MAXIMUM P(RAEFECTUM) P(RAETORIO). Universa, quae scriptura Pauli continentur, recepta auctoritate firmanda sunt et omni veneratione celebranda. Ideoque sententiarum libros plenissima luce et perfectissima elocutione et iustissima iuris ratione succinctos in iudiciis prolatos valere minime dubitatur. DAT. V. K. OCT. TREV(IRIS) CONSTANTIO ET MAXIMO CONSS.

**327** Socrates, H.e. 1.25 Constantine

3355 Constantine invites Arius to his court, where he may end his exile by confessing the Nicene faith before Constantine. Arius is allowed to use public transportation. [date uncertain]

### **328 IANVARINO ET IVSTO CONSS.**

3360 **1 maart 328** Imp. Constantinus a. ad Cerealem praefectum annonae. Mensae oleariae, quae ita caducae fuerint, ut nullus possit adserere dominium, vicenis follibus per officium distrahantur. Sed si quis mensam oleariam praedictis follibus emptam cariore pretio vendiderit, ferreis vinculis constrictus ad Illyricum transmittatur poenam congruam luiturus. Si quis autem mensam oleariam in dominio suo retinens vivendi cursum impleverit, eandem mensam ad successores proprios cum reliquis suis rebus hereditario poterit iure transmittere. DAT. KAL. MAR. NICOMEDIAE, ACCEPTA VIII ID. APRIL. ROMAE IANUARINO ET IUSTO CONSS.

3365 **9 mei 328** Idem a. ad Aemilianum praefectum praetorio. Extraordinariorum munerum distributio non est principalibus committenda, ideoque rectores provinciarum monendi sunt, ut eam distributionem ipsi celebrent manuque propria perscribant adque encauto nomina adnectant, ea forma servata, ut primo a potioribus, dein a mediocribus adque infimis quae sunt danda praestentur. Neque umquam sationibus vel colligendis frugibus insistens agricola ad extraordinaria onera trahatur, cum providentiae sit opportuno tempore his necessitatibus satisfacere. Quae res neglecta vicariorum tuorum verecundiam tangit, ad rectorum autem officiorum capita venietur. Manu autem sua rectores scribere debent, quid opus sit et in qua necessitate per singula capita vel quantae angariae vel quantae operae vel quae aut in quanto modo praebendae sint, ut recognovisse se scribant, exactionis praedicto  
 3370 ordine inter ditiores mediocres atque infimos observando. LECTA VII ID. MAI. ROMAE IANUARINO ET IUSTO CONSS.

**21 oktober 328** Idem a. ad Dionysium. Famosa scriptio libellorum, quae nomine accusatoris caret, minime examinanda est, sed penitus abolenda. Nam qui accusationis promotione confidat, libera potius intentione quam captiosa atque occulta conscriptione alterius debet vitam in iudicium devocare. PROPOSITA TYRO XII KAL. NOV. IANUARINO ET IUSTO CONSS.

3375 **29 december 328** A. AD MAXIMUM. Praesides provinciarum oportet, si quis potiorum extiterit insolentior et ipsi vindicare non possunt aut examinare aut pronuntiare nequeunt, de eius nomine ad nos aut certe ad gravitatis tuae scientiam referre, quo

provideatur, qualiter publicae disciplinae et laesis minoribus consulatur. et cetera. DAT. IV K. IAN. TREV(IRIS) IANUARINO ET IUSTO CONSUL.

29 december 328 Idem a. Maximo praefecto praetorio. Providendum est, ne veterani protectoria dignitate cumulati aut qui honores varios pro meritis suis consecuti sunt, incongruis pulsentur iniuriis, cum, si quis in hoc crimine fuerit deprehensus, rectores provinciarum conveniat ad tuum iudicium referre atque ad tuum officium praedictos dirigere, ut factum pro sui qualitate possit facillime coherceri. DAT. IV KAL. IAN. TREVIRIS IANUARINO ET IUSTO CONSS.

328 Gelasius H.e. 3.15.1-5 Constantine  
Constantine pleads with the bishop Alexander of Alexandria to accept Arius back into communion. [It is possible that this letter was written later to Athanasius.]

**329 CONSTANTINO A. VIII ET CONSTANTIO C. IV CONSS.**

Ad annum praecedentem quae diximus, ad hunc quoque pertinent. Serdicae Constantinum fuisse certe parte anni maiori ostendunt subscriptiones tam infra memoratae quam quae diem habet 339 Iun. 19.

18 april 329 IDEM A. SECUNDO P(RAEFECTO) P(RAETORIO) O ORIENTIS. Ordinarii iudicis provinciarum rectoris seu vicaria potestas ut speculatrix debet prave gesta corrigere. Sed officiales vestrae celsitudinis et vicariae potestatis placet ab exactionibus amoveri et per provincialia officia atque rectores cunctos exigi titulos. Nam si exactio minime impleatur, ante tribunal nostrum exhibitus capitis fortunarumque omnium periculum sustinebit. DAT. XIV K. MAI. CONSTANTINOPOLI CONSTANTINO A. VIII ET CONSTANTIO IV CONSS.

4 mei 329 Idem a. Helpidio. Pridem statutum fuit, ut, si ignorante quoque domino in fundo eius vel domo figuratus clam nummus cuderetur, sedem flagitii suo fiscus dominio vindicaret. Nunc discretionem fieri placet, ut, si dominus in proximo constitutus sit, cuius incuria vel neglegentia punianda est, praeceptum prius valeat, sin vero longissime ab ea domo vel possessione afuerit, nullum sustineat detrimentum. Viduas autem ac pupillos speciali dignos indulgentia credidimus, ut viduae nec in proximo constitutae domo sua vel possessione careant, si nulla aput ipsas tam gravis conscientiae noxa resideat, pupilli vero etiam si conscii fuerint, nullum sustineant detrimentum, quia aetas eorum, si tamen fuerint impuberes, quid videat ignorat. Tutores tamen eorum si in proximo sint, quoniam ignorare eos, quid in re pupilli geritur, non oportet, haec poena expectabit, ut ex rebus eorum, si idonei fuerint, tantum fisco inferatur, quantum pupillo fuerat auferendum. Quibus ita emendatis in omnibus capitulis lex pridem lata servabitur. DAT. IV NON. MAI. CONSTANTINO A. VIII ET CONSTANTIO IV CONSS.

28 juli 329 Idem a. ad concilium provinciae Africae. Non recte iudices iniuriam sibi fieri existimant, si litigator, cuius negotium sententia vulneratum est, a principali causa provocaverit, quod neque novum neque alienum a iudiciis est. Ideoque post negotium principale discussum litigatori liceat litem iuris remedio sublevare; et iudices observare debebunt, ne appellatores vel in carcerem redigant, vel a militibus faciant custodiri. PP. IV. KAL. AUG. KARTHAGINE, CONSTANTINO A. VIII. ET CONSTANTINO CAES. IV. CONSS.

*Interpretatio.* Lex ista hoc iubet, non debere iudices provinciarum assertiones appellantium ad suam iniuriam revocare, quia hoc nec novum nec alienum a iudiciis esse cognoscitur; et ideo hoc iubet, ut liceat litigatori vitiatam causam appellationis remedio sublevare. Hoc etiam specialiter praecepit, ut appellator nec in carcerem nec in quamcumque custodiam redigatur, sed agendum negotium suum liber observet.

17 augustus 329 Imp. Constantinus a. Italis suis. Secundum statuta priorum principum, si quis infantem a sanguine quoquo modo legitime comparaverit vel nutriendum putaverit, obtinendi eius servitii habeat potestatem: ita ut, si quis post seriem annorum ad libertatem eum repetat vel servum defendat, eiusdem modi alium praestet aut pretium, quod potest valere, exsolvat. Qui enim pretium competens instrumento confecto dederit, ita debet firmiter possidere, ut et distrahendi pro suo debito causam liberam habeat: poenae subiiciendis iis, qui contra hanc legem venire tentaverint. DAT. XV. KAL. SEPT. SERDICA, CONSTANTINO A. VIII. ET CONSTANTINO CAES. IV. CONSS.

*Interpretatio.* Si quis infantem a sanguine emerit et nutrierit, habendi eum et possidendi liberam habeat potestatem. sane si nutritum dominus vel pater recipere voluerit, aut eiusdem meriti mancipium nutritori dabit, aut pretium nutritor, quantum

- 3420 **valuerit, qui nutritus est, consequatur.**  
**29 september 329** Idem a. Si ad magistratum nominati aufugerint, requirantur et, si pertinaci animo latere potuerint, his ipsorum bona permittantur, qui praesenti tempore in locum eorum ad duumviratus munera vocabuntur, ita ut, si postea repperti fuerint, biennio integro onera duumviratus cogantur agnoscere. Omnes enim, qui obsequia publicorum munerum declinare temptaverint, simili condicione teneri oportet. DAT. III KAL. OCTOB. SERDICAE CONSTANTINO A. VIII ET CONSTANTIO IV CONSS.
- 3425 **25 oktober 329** Idem a. ad Lucretium Paternum. Vacuatis rescriptis, per quae munerum civilium nonnullis est vacatio praestita, omnes civilibus necessitatibus adgregentur, ita ut nec consensu civium vel curiae praestita cuiquam immunitas valeat, sed omnes ad munerum societatem convenientur. DAT. VIII KAL. NOV. HERACLEAE CONSTANTINO A. VIII ET CONSTANTIO IV CONSS.
- 25 november 329** Idem a. ad viros clarissimos praefectos praetorio. pr. Post alia: ad senatum decurio non adspiret manentibus athuc his, qui eandem dignitatem consecuti sunt. Filios sane militarium iuxta prius praeceptum aut patris militiam adsequi volumus aut, si detrectaverint militare et XXXV annos impleverint, curiis mancipari. DAT. VII KAL. DEC. CONSTANTINO A. VIII ET CONSTANTIO IV CONSS.

### 330 GALLICANO ET SYMMACHO CONSS.

- Hoc a. Febr. 22 Constantinus videtur constituisse Bessapaae ex Serdica proficiscens in Thrciam, ubi die Mai. 11 Constantinopolis dedicata est et ab ea inde die (primum 330 Iul. 16) Constantinoplis comparet in subscriptionibus;
- 3435 **5 februari 330** Idem a. Valentino consulari Numidiae. Lectores divinatorum apicum et hypodiaconi ceterique clerici, qui per iniuriam haereticorum ad curiam devocati sunt, absolvantur et de cetero ad similitudinem orientis minime ad curias devocentur, sed immunitate plenissima potiantur. DAT. NON. FEB. SERDICA GALLICANO ET SYMMACHO CONSS.
- 5 februari 330** CT 16.2.7 Constantine  
 3440 Lectors, subdeacons, and other clergy shall not have to serve as local senators. Given to the consular of Numidia.
- 22 februari 330** IMP. CONSTANTINUS A. AD TERTULLIANUM V(IRUM) P(ERFECTISSIMUM) COMITEM DIOECESEOS ASIANAE. Si quis super invasis sui iuris locis prior detulerit querimoniam, quae finali cohaeret cum proprietate controversiae, prius super possessione quaestio finiatur et tunc agrimensor ire praecipiat ad loca, ut patefacta veritate huiusmodi litigium terminetur. Quod si altera pars locorum adepta dominium subterfugiendo moras attulerit, ne possit controversia definiri locorum ordine, electus agrimensor dirigatur ad loca, ut, si fidelis inspectio tenentis locum esse probaverit, petitor victus abscedat; at si controversia eius claruerit, qui primo iudiciis detulerit causam, ut invasor ille poena teneatur edicti, si tamen vi ea loca eundem invasisse constiterit. Nam si per errorem aut incuriam domini loca ab aliis possessa sunt, ipsis solis cedere debent. DAT. VIII K. MART. BESSI GALLICANO ET SYMMACHO CONSS.
- 30 april 330** IDEM A. VALERIANO AGENTI VICARIAM P(RAE)F(ECTURAM). Quamvis in lucro nec feminis (ius ignora)ntibus subveniri soleat, contra aetatem adhuc imperfectam (locum) hoc non habere retro principum statuta declarant. Ne igi(tur so)luta matrimonii caritate inhumanum aliquid statuatur, (cense)mus, si futuris coniugibus tempore nubtiarum intra aeta(tem c)onstitutis res fuerint donatae et traditae, non ideo eas (posse) revocari, quia actis consignare donationem quondam (marit)us noluit. DAT. III K. MAI. GALLICANO ET SYMMACHO CONSS.
- Interpretatio.** Quamquam et feminis, quae per fragilitatem interdum excusari possunt, in aliquibus causis, si negligentes fuerint, lex subvenire noluerit, hic tamen specialiter voluit esse consultum, ut, si qua in pupillaribus annis marito fuerit copulata, et sponsalicia largitatem per negligentiam actis non allegaverit, huius legis beneficio, etsi gesta desint, inviolabilem in suo dominio donationem noverit permanere.
- 18 mei 330** Imp. Constantinus a. ad Maximilianum consularem aquarum. Possessores, per quorum fines formarum meatus transeunt, ab extraordinariis oneribus volumus esse immunes, ut eorum opera aquarum ductus sordibus obpleti mundentur, nec ad aliud superindictae rei onus isdem possessoribus adtinendis, ne circa res alias occupati repurgium formarum facere non occurrant. Quod si neglexerint, amissione possessionum multabuntur: nam fiscus eius praedium obtinebit, cuius neglegentia perniciem formae congesserit. Praeterea scire eos oportet, per quorum praedia ductus com meat, ut dextra laevaue de ipsis formis quindecim pedibus intermissis arbores habeant; observante tuo officio, ut, si quo tempore pullulaverint, excidantur, ne earum

radices fabricam formae conrumpant. DAT. XV KAL. IUN. GALLICANO ET SYMMACHO CONSS.

3465 21 juni 330 IDEM A. AD BASSUM P(RAEFECTUM) U(RBI). Si constiterit eum, qui finalem detulerit quaestionem, priusquam aliquid sententia determinetur, rem sibi alienam usurpare voluisse, non solum id quod male petebat amittat, sed quo magis unusquisque contentus suo rem non expetat iuris alieni, is, qui inreptor agrorum fuerit, in lite superatus tantum agri modum, quantum diripere temptavit, amittat. LECTA APUD ACTA XII KAL. IUL. GALLICANO ET SYMMACHO CONSS.

3470 *Interpretatio.* Si quis pervasor finium fuerit approbatus, eo quod, priusquam aliquid iudicio finiretur, id, quod alter tenerat, invasisset, non solum illud, quod male praesumpsit, amittat, sed ut non unusquisque rem alienam occupet, quum fuerit in causa devictus pervasor iuris alieni, tantum spatii restituat, quantum praesumpsit invadere.

26 juli 330 Imp. Constantinus a. Leontio Pf. P. Omnes solidi, in quibus nostri vultus ac veneratio una est, uno pretio aestimandi sunt atque vendendi, quamquam diversa formae mensura sit. Nec enim qui maiore habitu faciei extenditur, maioris est pretii, aut qui angustiore expressione concluditur, minoris valere credendus est, quum pondus idem exsistat. Quod si quis aliter fecerit, aut capite puniri debet, aut flammis tradi, vel alia poena mortifera. Quod ille etiam patietur, qui mensuram circuli exterioris arrosarit, ut ponderis minuat quantitatem, vel figuratum solidum adultera imitatione in vendendo subiecerit. DAT. VII. KAL. AUG. GALLICANO ET BASSO CONSS.

*Interpretatio.* Quicumque solidum circumciderit aut adulterum supposuerit aut falsam monetam fecerit, capite puniatur.

29 november 330 CT 16.8.2 Constantine

3480 Jewish elders shall be exempt from compulsory public service. If such men are currently decurions, they are exempt from travel.

30 november 330 Idem a. ad Ablavium praefectum praetorio. Qui devotione tota synagogis iudaeorum patriarchis vel presbyteris se dederunt et in memorata secta degentes legi ipsi praesident, immunes ab omnibus tam personalibus quam civilibus muneribus perseverent, ita ut illi, qui iam forsitan decuriones sunt, nequaquam ad prosecutiones aliquas destinentur, cum oporteat istiusmodi homines a locis in quibus sunt nulla compelli ratione discedere. Hi autem, qui minime curiales sunt, perpetua decurionatus immunitate potiantur. DAT. III KAL. DECEMB. CONSTANTINOPOLI GALLICANO ET SYMMACHO CONSS.

330 Constantine to Athanasius. Having therefore knowledge of my will, grant free admission to all who wish to enter into the Church. For if I learn that you have hindered or excluded any who claim to be admitted into communion with the Church, I will immediately send someone who shall depose you by my command, and shall remove you from your place.

330 Optatus, De sch. Don., appendix 10 Constantine

3490 Constantine writes to the Numidian catholic church, granting them exemption from compulsory public service. He orders that a new basilica be built at public expense, to replace a basilica taken by the Donatists.

330 Eusebius, H.e. 3.60-62 Constantine

3495 Constantine writes to Antioch, advising them not to elect Eusebius of Caesarea as their bishop, since that would go against canon 15 of the Council of Nicaea. Three letters in this connection survive.

CHAPTER LX: Constantine's Letter to the Antiochians, directing them not to withdraw Eusebius from Caesarea, but to seek some one else.

"VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to the people of Antioch.

3500 "How pleasing to the wise and intelligent portion of mankind is the concord which exists among you! And I myself, brethren, am disposed to love you with an enduring affection, inspired both by religion, and by your own manner of life and zeal on my behalf. It is by the exercise of right understanding and sound discretion, that we are enabled really to enjoy our blessings. And what can become you so well as this discretion? No wonder, then, if I affirm that your maintenance of the truth has tended rather to promote your security than to draw on you the hatred of others. Indeed, amongst brethren, whom the selfsame disposition to walk in the ways of truth and righteousness promises, through the favor of God, to register among his pure and holy family, what can be more honorable than gladly to acquiesce in the prosperity of all men? Especially since the precepts of the divine law prescribe a better direction to your proposed intention, and we ourselves desire that your judgment should be confirmed by proper sanction. It may be that you are surprised, and at a loss to understand the meaning of this



introduction to my present address. The cause of it I will not hesitate to explain without reserve. I confess, then, that on reading your records I perceived, by the highly eulogistic testimony which they bear to Eusebius, bishop of Caesarea, whom I have myself long well known and esteemed for his learning and moderation, that you are strongly attached to him, and desire to appropriate him as your own. What thoughts, then, do you suppose that I entertain on this subject, desirous as I am to seek for and act on the strict principles of right? What anxiety do you imagine this desire of yours has caused me? O holy faith, who givest us in our Saviour's words and precepts a model, as it were, of what our life should be, how hardly wouldst thou thyself resist the sins of men, were it not that thou refusest to subserve the purposes of gain! In my own judgment, he whose first object is the maintenance of peace, seems to be superior to Victory herself; and where a right and honorable course lies open to one's choice, surely no one would hesitate to adopt it. I ask then, brethren, why do we so decide as to inflict an injury on others by our choice? Why do we covet those objects which will destroy the credit of our own reputation? I myself highly esteem the individual whom ye judge worthy of your respect and affection: notwithstanding, it cannot be right that those principles should be entirely disregarded which should be authoritative and binding on all alike, so that each should not be content with his own circumstances, and all enjoy their proper privileges: nor can it be right, in considering the claims of rival candidates, to suppose but that not one only, but many, may appear worthy of comparison with this person. For as long as no violence or harshness are suffered to disturb the dignities of the church, they continue to be on an equal footing, and worthy of the same consideration everywhere. Nor is it reasonable that an inquiry into the qualifications of this one should be made to the detriment of others; since the judgment of all churches, whether reckoned of greater or less importance in themselves, is equally capable of receiving and maintaining the divine ordinances, so that one is in no way inferior to another, if we will but boldly declare the truth, in regard to that standard of practice which is common to all. If this be so, we must say that you will be chargeable, not with retaining this prelate, but with wrongfully removing him; your conduct will be characterized rather by violence than justice; and whatever may be generally thought by others, I dare clearly and boldly affirm that this measure will furnish ground of accusation against you, and will provoke factious disturbances of the most mischievous kind: for even timid flocks can show the use and power of their teeth, when the watchful care of their shepherd declines, and they find themselves bereft of his accustomed guidance. If this then be really so, if I am not deceived in my judgment, let this, brethren, be your first consideration, for many and important considerations will immediately present themselves, whether, should you persist in your intention, that mutual kindly feeling and affection which should subsist among you will suffer no diminution? In the next place, remember that he, who came among you for the purpose of offering disinterested counsel, now enjoys the reward which is due to him in the judgment of heaven; for he has received no ordinary recompense in the high testimony you have borne to his equitable conduct. Lastly, in accordance with your usual sound judgment, do ye exhibit a becoming diligence in selecting the person of whom you stand in need, carefully avoiding all factious and tumultuous clamor; for such clamor is always wrong, and from the collision of discordant elements both sparks and flame will arise. I protest, as I desire to please God and you, and to enjoy a happiness commensurate with your kind wishes, that I love you, and the quiet haven of your gentleness, now that you have cast from you that which defiled, and received in its place at once sound morality and concord, firmly planting in the vessel the sacred standard, and guided, as one may say, by a helm of iron in your course onward to the light of heaven. Receive then on board that merchandise which is incorruptible, since, as it were, all bilge water has been drained from the vessel; and be careful henceforth so to secure the enjoyment of all your present blessing, that you may not seem at any future time either to have determined any measure on the impulse of inconsiderate or ill-directed zeal, or in the first instance rashly to have entered on an inexpedient course. May God preserve you, beloved brethren!"

CHAPTER LXI: The Emperor's Letter to Eusebius praising him for refusing the Bishopric of Antioch.

THE Emperor's Letter to me on my refusing the Bishopric of Antioch.

3550 "VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to Eusebius.

"I have most carefully perused your letter, and perceive that you have strictly conformed to the rule enjoined by the

discipline of the Church. Now to abide by that which appears at the same time pleasing to God, and accordant with apostolical tradition, is a proof of true piety. You have reason to deem yourself happy on this behalf, that you are counted worthy, in the judgment, I may say, of all the world, to have the oversight of any church. For the desire which all feel to claim you for their own, undoubtedly enhances your enviable fortune in this respect. Notwithstanding, your Prudence whose resolve it is to observe the ordinances of God and the apostolic canon of the Church, has done excellently well in declining the bishopric of the church at Antioch, and desiring to continue in that church of which you first received the oversight by the will of God. I have written on this subject to the people of Antioch, and also to your colleagues in the ministry who had themselves consulted me in regard to this question; on reading which letters, your Holiness will easily discern, that, inasmuch as justice itself opposed their claims, I have written to them under divine direction. It will be necessary that your Prudence should be present at their conference, in order that this decision may be ratified in the church at Antioch. God preserve you, beloved brother!"

CHAPTER LXII: Constantine's Letter to the Council, depreciating the Removal of Eusebius from Caesarea.

"VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to Theodotus, Theodorus, Narcissus, Aetius, Alpheus, and the rest of the bishops who are at Antioch.

"I have perused the letters written by your Prudences, and highly approve of the wise resolution of your colleague in the ministry, Eusebius. Having, moreover, been informed of the circumstances of the case, partly by your letters, partly by those of our illustrious counts, Acacius and Strategius, after sufficient investigation I have written to the people of Antioch, suggesting the course which will be at once pleasing to God and advantageous for the Church. A copy of this I have ordered to be subjoined to this present letter, in order that ye yourselves may know what I thought fit, as an advocate of the cause of justice, to write to that people: since I find in your letter this proposal, that, in consonance with the choice of the people, sanctioned by your own desire, Eusebius the holy bishop of Caesarea should preside over and take the charge of the church at Antioch. Now the letters of Eusebius himself on this subject appeared to be strictly accordant with the order prescribed by the Church. Nevertheless it is expedient that your Prudences should be made acquainted with my opinion also. For I am informed that Euphronius the presbyter, who is a citizen of Caesarea in Cappadocia, and George of Arethusa, likewise a presbyter, and appointed to that office by Alexander at Alexandria, are men of tried faith. It was right, therefore, to intimate to your Prudences, that in proposing these men and any others whom you may deem worthy the episcopal dignity, you should decide this question in a manner conformable to the tradition of the apostles. For in that case, your Prudences will be able, according to the rule of the Church and apostolic tradition, to direct this election in the manner which true ecclesiastical discipline shall prescribe. God preserve you, beloved brethren!"

330 Eusebius, VC 3.52-53 Constantine

Constantine orders pagan altars and idols to be destroyed at Mambre. Those who used them are to be banished, and once the area has been purged a basilica is to be built. If the local governors ignore this command they will be punished.

CHAPTER LII: Constantine's Letter to Eusebius concerning Mambre.

"VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to Macarius, and the rest of the bishops in Palestine.

"One benefit, and that of no ordinary importance, has been conferred on us by my truly pious mother-in-law, in that she has made known to us by letter that abandoned folly of impious men which has hitherto escaped detection by you: so that the criminal conduct thus overlooked may now through our means obtain fitting correction and remedy, necessary though tardy. For surely it is a grave impiety indeed, that holy places should be defiled by the stain of unhallowed impurities. What then is this, dearest brethren, which, though it has eluded your sagacity, she of whom I speak was impelled by a pious sense of duty to disclose?"

CHAPTER LIII: That the Saviour appeared in this Place to Abraham.

"SHE assures me, then, that the place which takes its name from the oak of Mambre, where we find that Abraham dwelt, is defiled by certain of the slaves of superstition in every possible way. She declares that idols which should be utterly destroyed have been erected on the site of that tree; that an altar is near the spot; and that impure sacrifices are continually performed. Now since it is evident that these practices are equally inconsistent with the character of our times, and unworthy the sanctity of the place itself, I wish your Gravities to be informed that the illustrious Count Acacius, our friend, has received instructions by letter from me, to the effect that every idol which shall be found in the place above-mentioned shall immediately be consigned to the flames; that the altar be utterly demolished; and that if any one, after this our mandate, shall be guilty of impiety of any kind in this place, he shall be visited with condign punishment. The place itself we have directed to be adorned with an unpolluted structure, I mean a church; in order that it may become a fitting place of assembly for holy men. Meantime, should any breach of these our commands occur, it should be made known to our clemency without the least delay by letters from you, that we may direct the person detected to be dealt with, as a transgressor of the law, in the severest manner. For you are not ignorant that the Supreme God first appeared to Abraham, and conversed with him, in that place. There it was that the observance of the Divine law first began; there first the Saviour himself, with the two angels, vouchsafed to Abraham a manifestation of his presence; there God first appeared to men; there he gave promise to Abraham concerning his future seed, and straightway fulfilled that promise; there he foretold that he should be the father of a multitude of nations. For these reasons, it seems to me right that this place should not only be kept pure through your diligence from all defilement, but restored also to its pristine sanctity; that nothing hereafter may be done there except the performance of fitting service to him who is the Almighty God, and our Saviour, and Lord of all. And this service it is incumbent on you to care for with due attention, if your Gravities be willing (and of this I feel confident) to gratify my wishes, which are especially interested in the worship of God. May he preserve you, beloved brethren!"

### 331 BASSO ET ABLAVIO CONSS.

331 IMP. CONSTANT(INUS) A. AD ABLAVIUM P(RAEFECTUM) P(RAETORI)O. Placet mulieri non licere propter suas pravas cupiditates marito repudium mittere exquisita causa, velut ebrioso aut aleatori aut mulierculario, nec vero maritis per quascumque occasiones uxores suas dimittere, sed in repudio mittendo a femina haec sola crimina inquiri, si homicidam vel medicamentarium vel sepulchrorum dissolutorem maritum suum esse probaverit, ut ita demum laudata omnem suam dotem recipiat. Nam si praeter haec tria crimina repudium marito miserit, oportet eam usque ad acuculam capitis in domo mariti deponere et pro tam magna sui confidentia in insulam deportari. In masculis etiam, si repudium mittant, haec tria crimina inquiri conveniet, si moecham vel medicamentariam vel conciliatricem repudiare voluerint. Nam si ab his criminibus liberam eiecerit, omnem dotem restituere debet et aliam non ducere. Quod si fecerit, priori coniugi facultas dabitur domum eius invadere et omnem dotem posterioris uxoris ad semet ipsam transferre pro iniuria sibi inlata [illata]. DAT ... BASSO ET ABLAVIO CONSS.

*Interpretatio.* Certis rebus et probatis causis, inter uxorem et maritum repudiandi locus patet; nam levi obiectione matrimonium solvere prohibentur. Quod si forte mulier dicat maritum suum aut ebriosum aut luxuriae deditum, non propterea repudiandus est, nisi forte eum aut homicidam aut maleficum aut sepulcri violatorem esse docuerit, quibus criminibus convictus sine culpa mulieris merito videtur excludi, et mulier recepta dote discedit: nam si haec crimina mulier non potuerit approbare, hac poena mulctatur, ut et dotem, quam dederat vel pro ipsa data fuerat, et donationem, quam percepit, amittat atque etiam exsilii relegatione teneatur. Quod si a viro mulier repellatur, nec ipse, nisi certis criminibus ream docuerit, pro levi, ut assolet, iurgio repudiare non permittitur, nisi fortasse adulteram aut maleficam aut conciliatricem eam probare sufficiat. Quod si docere non potuerit, dotem mulieri restituat et aliam ducere non praesumat uxorem. Quod si forte tentaverit, habebit mulier liberam facultatem, quae innocens eiecta est, domum mariti sui atque omnem eius substantiam sibimet vindicare. Quod dignoscitur ordinatum, ut etiam secundae uxoris dotem repudiata iniuste mulier iubeatur acquirere.

1 maart 331 Idem a. ad Bassum Pf. P. Legis promulgatio, quae per sedecim annos bona fide in libertate durantes contra eos, qui inquietant, praescriptione defendit, non opitulatur his, qui ex ancillis matribus et ingenuis patribus orti per id tempus in libertatis affectu cum parentibus perdurarint, quandoquidem, nullo praecedente iusto legitimae possessionis initio, usurpatio

- 3640 libertatis nuda iactetur, quum neque redemptio a servitute neque vicarii traditio servuli vel peculii assignatio valeat demonstrari; qui tituli possint famulatus nexibus liberare eum, qui convenitur, si quo ex iis genere usus in libertate esset per annos sedecim demoratus. Iure enim communi maternam condicionem natum sequi necesse est, ita ut, etsi herilem lectulum ancilla ascenderit, non liberorum domino, sed servorum partum suscipiat. DAT. PRID. KAL. MART. BASSO ET ABLAVIO CONSS.  
*Interpretatio.* Lex aliquando fuerat promulgata, ut, si quis sedecim annos sine ulla molestia, nullo repetente vel pulsante, vixisset, et postea in servitium non veniret. Sed hoc illis prodesse non poterit, quos de ingenuis patribus et colonis mulieribus vel ancillis constiterit procreatos, nisi forte patres eorum pro filiorum capite dominis, quorum ancillas in consortio habent, aut vicaria mancipia cum peculiiis aut redemptionem status eorum solverint. Si vero patres hoc se persolvisse non doceant, non poterunt matrum condicionem mutare, aut mancipia dominis deperire, etiamsi de propriis dominis nascantur, nisi per manumissionem servuli condicione carere non possunt. Si quis in libertate positus ancillam sibi copulaverit in coniugium, si filii ex ipsis nati fuerint, origo matrem sequatur: simili modo, si liberta servum duxerit maritum, agnatio servum sequatur, quia ad inferiorem personam vadit origo.
- 3645 18 april 331 Imp. Constantinus a. ad Ablavium Pf. P. Quicumque puerum vel puellam proiectam de domo, patris vel domini voluntate scientiaque, collegerit ac suis alimentis ad robur provexerit, eundem retineat sub eodem statu, quem apud se collectum voluerit agitare, hoc est sive filium sive servum eum esse maluerit: omni repetitionis inquietudine penitus summovenda eorum, qui servos aut liberos scientes propria voluntate domo recens natos abiecerint. DAT. XV. KAL. MAI. CONSTANTINOPOLI, BASSO ET ABLAVIO CONSS.  
*Interpretatio.* Quicumque expositum recenti partu, sciente patre vel matre vel domino, collegerit ac suo labore educaverit, in illius, a quo collectus est, potestate consistat, seu ingenuum seu servum, quem nutrit, esse voluerit, et si adoptare voluerit in filium vel libertum aut in servitium permanere, propria utatur potestate.
- 3660 1 juli 331 IDEM A. Ne ii, qui procul ab officio sublimitatis tuae sunt, nullum meritum per sedulitatem vel obsequia praeferentes locum possint laborantibus debitum inreperere, exceptores placet pro loco et ordine suo ad commentarios accedere et eorum administrationi subrogari ceteris propulsatis, ita ut inter exceptores, prout quisque locum tempore adipisci meruerit, ordine et merito consequatur. DAT. KAL. IUL. TREVIRIS BASSO ET ABLAVIO CONSS.  
1 augustus 331 Idem a. ad universos provinciales. A proconsulibus et comitibus et his qui vice praefectorum cognoscunt, sive ex appellatione sive ex delegato sive ex ordine iudicaverint, provocari permittimus, ita ut appellanti iudex praebat opinionis exemplum et acta cum refutatoriis partium suisque litteris ad nos dirigat. A praefectis autem praetorio, qui soli vice sacra cognoscere vere dicendi sunt, provocari non sinimus, ne iam nostra contingi veneratio videatur. Quod si victus oblatam nec receptam a iudice appellationem adfirmet, praefectos adeat, ut aput eos de integro litiget tamquam appellatione suscepta. Superatus enim si iniuste appellasse videbitur, lite perdita notatus abscedet, aut, si vicerit, contra eum iudicem, qui appellationem non receperat, ad nos referri necesse est, ut digno supplicio puniatur. DAT. KAL. AUG. PROPOSITA KAL. SEPT. CONSTANTINOPOLI BASSO ET ABLAVIO CONSS.
- 3670 1 augustus 331 Idem a. ad universos provinciales. Qui licitam provocationem omiserit, perpetuo silere debet nec a nobis impudens petere per supplicationem auxilium. Quod si fecerit, deportationis poena plectendus est. DAT. KAL. AUG. PROPOSITA KAL. SEPT. BASSO ET ABLAVIO CONSS.
- 3675 1 augustus 331 IDEM A. AD UNIVERSOS PROVINCIALES. Posta alia: Si finalis controversia fuerit, tum demum arbiter non negetur, cum intra quinque pedes locum, de quo agitur apud praesidem, esse constiterit; cum de maiore spatio causa, quoniam non finalis, sed proprietatis est, apud ipsum praesidem debeat terminari. Et si socius quid petat a socio, ante praeses iudicet, an praestari aliquid oporteat et tunc demum illud per arbitros restituatur, quod constiterit esse solvendum. DAT. K. AUG. BASSO ET ABLAVIO CONSS.
- 3680 1 augustus 331 [IDEM A. AD] UNIVERSOS PROVINCIALES. Posta alia: Minorum defensores, [hoc es]t tutores vel curatores, si participes rei, quae lite posci[tur, it]a, ut iussum est, edere detractaverint eosdemque contra ve[rum] nominaverint, quoniam pupillo nihil vel adulto perire opor[tet, in] quolibet litis eventu tantum de proprio pecuniae fisco infe[rant, q]uantum aestimatione habita ex tertia parte colligitur. Quod[si pau]peres sint, capitis deminutione plectantur et desinant cives [esse

R]omani, ita ut ius integrum ipsis minoribus reservetur. ET CE[TERA. DJAT. K. AUG. BASSO ET ABLABIO CONSS.

3685 1 augustus 331 Imp. Constantinus a. ad provinciales. Post alia: lite pendente illud, quod in controversiam devocatur, in coniunctam personam vel extraneam donationibus vel emptionibus vel quibuslibet aliis contractibus minime transferri oportet, tanquam nihil factum sit lite nihilominus peragenda. Quod si tutelae causa vertitur, post examen iudicis in supplementum pronuntiationis dentur arbitri, qui non iam arbitri, sed executores putandi sunt etc. DAT. KAL. AUG. BASSO ET ABLAVIO CONSS.

3690 *Interpretatio.* Res, quae proposita actione repetitur, transferri a possidente ad alterum nullis contractibus potest; neque inde aliqua fieri scriptura permittitur, nisi prius lis, de qua agitur, fuerit iudicio definita.

1 augustus 331 Imp. Constantinus a. ad universos provinciales. In insulam deportandi sunt cum amissione omnium facultatum, quae fisco addicendae sunt, ii, qui provocatione omissa litem reparare temptaverint contra comitum ceterorumque sententias qui vice nostra iudicaverint, firmantes se per metum appellationis omisisse auxilium. In qua re vel nostrum vel praefectorum praetorio ex nostra erit iussione iudicium. DAT. KAL. AUG. PROPOSITA KAL. SEPT. BASSO ET ABLAVIO CONSS.

3695 4 augustus 331 IDEM A. AD EVAGRIUM. Ii, qui ex officialibus quorumcumque officiorum geniti sunt, sive eorundem parentes adhuc sacramento tenentur sive iam dimissi erunt, in parentum locum procedant. DAT. PRID. NON AUG. BASSO ET ABLAVIO CONSS.

4 augustus 331 Idem a. ad Evagrium pf. p. Quoniam nonnulli diversarum civitatum curiales intemperanter minores, quibus publica tutela debetur, ad curiae consortium devocarunt, ut septem vel octo annorum constitutos nonnullos nominasse firmentur, decernimus, ut omnino nullus in curiam nominationibus devocetur, nec functionum obsequia subire cogatur, nisi qui decimum et octavum annum aetatis fuerit ingressus. Quod et in futurum arceri volumus, et eos eximi, qui infra eius aetatis terminos constituti iam nominati sunt, curialibus et vinculis absolvantur. Quum enim decimum et octavum annum aetatis intraverint, si militiae nomen inserere iuxta legem datam non potuerint vel supersederint, municipali poterunt dari obsequio. DAT. PRID. NON AUG. BASSO ET ABLAVIO CONSS.

3705 *Interpretatio.* Minores decem et octo annorum aetate curiales nec nominari a quibuscumque nec ad servitia applicari debere: quia hoc lex sufficere credit, ut a decem et octo annis necessitati publicae, si necesse fuerit, applicentur, ita ut, si qui infra hanc aetatem ante nominati iam fuerint, absolvantur.

12 augustus 331 Idem a. ad Evagrium pf. p. Nullus decurionum ad procuraciones vel curas civitatum accedat, nisi omnibus omnino muneribus satisfecerit patriae vel aetate vel meritis. Qui vero per suffragium ad hoc pervenerit administrare desiderans, non modo ab expetito officio repellatur, sed epistola quoque vel codicilli ab eo protinus auferantur, et ad comitatum destinantur. DAT. PRID. ID. AUG. BASSO ET ABLAVIO CONSS.

3710 *Interpretatio.* Ista lex hoc praecipit, nullum curialem, nisi omnibus curiae officiis per ordinem actis, aut curatoris aut defensoris officium debere suscipere, nisi omnibus, ut dictum est, ante muneribus satisfecerit, quae patriae ordine debentur. Nam si praefatus contra hanc praeceptionem quolibet suffragio aut sub quocumque obtentu honoris se munire voluerit, et obtentis careat et, ubi rerum domini fuerint, dirigatur.

3715 25 september 317 IDEM A. AD BASSUM. Decreta provincialium non prius ad comitatum perferri oportet, quam singuli quique iudicantes ea inspexerint atque probaverint suaque adscriptione signaverint. Si quid fiat contrarium, competens ultio exerceatur. P(RO)P(OSITA) VIII K. OCT. CARALI GALLICANO ET BASSO CONSUL.

6 oktober 331 Idem a. Quaecumque mulierum post hanc legem servi contubernio se miscuerit, et non conventa per denuntiationes, sicut ius statuebat antiquum, statum libertatis amittat. DAT. PRID. NON. OCT. BASSO ET ABLABIO CONSS.

3720 18 oktober 331 IDEM A. AD BASSUM P(RAE)FECTUM P(RAE)TORIO. Super his, qui a praeside vel a quolibet alio iudice sententiam dictam infirmari deprecant, sub eo fine sublimitatis tuae succedat examen, ut, si internis negotii usquequaque decursis ex evidenti claruerit sententiam a iure iustitiaque discedere, ea penitus explosa controversia de aequitate terminum capiat. Quod si consentanea sit legibus iam prompta sententia, eius pronuntiationis improbus oppugnator, si patrimonio circumfluit, biennio in insulam relegatione plectatur eiusque bonorum media portio fiscalibus compendiis addicta cedat: quod si agrestis vitae sit aut egentis, ad biennii tempus in metallum detrudendus est. Quam legem in annotationibus quoque nostris de iterando post sententiam iudicio custodire debebis. DAT. XIV K. NOVEMB. BASSO ET ABLAVIO CONSS.

3725 *Interpretatio.* Quicumque causa dicta discussoque negotio a quocumque fuerit superatus et hanc ipsam litem postea reparare

tentaverit, si pro ipso, qui antea addictus est, fuerit legibus lata sententia, prius iudicium non valebit. Nam si et apud alium iudicem fuerit superatus, si digna idoneaque persona est, biennio in exsilium deputetur, et medietatem facultatum suarum fiscus acquirat. Si vero indigna et pauperior persona est, in metallum biennio deputetur.

**1 november 331** IDEM A. AD PROVINCIALES. Praesides publicas notiones exercent frequentatis per examina tribunalibus, nec civiles controversias audituri secretariis sese abscondant, ut iurgaturus conveniendi eos nisi pretio facultatem impetrare non possit, et cum negotiis omnibus, quae ad se delata fuerint, exhibuerint audientiam et frequens praeconis, ut adsolet fieri, inclamatio nullum, qui postulare voluerit, deprehenderit, expletis omnibus actibus publicis privatisque sese recipiant.

Iustissimos autem et vigilantissimos iudices publicis adclamationibus conlaudandi damus omnibus potestatem, ut honoris eis auctiores proferamus processus, e contrario iniustis et maleficis querellarum vocibus accusandis, ut censurae nostrae vigor eos absumat; nam si verae voces sunt nec ad libidinem per clientelas effusae, diligenter investigabimus, praefectis praetorio et comitibus, qui per provincias constituti sunt, provincialium nostrorum voces ad nostrum scientiam referentibus.

**P(RO)P(OSITIA) K. NOV. CONSTANTINOPOLI BASSO ET ABLAVIO CONSUL.**

**1 november 331** IDEM A. AD PROVINCIALES. Cessent iam nunc rapaces officialium manus, cessent, inquam: nam nisi moniti cessaverint, gladiis praecedentur. Non sit venale iudicis velum, non ingressus redempti, non infame licitationibus secretarium, non visio ipsa praediis cum pretio. Aequae aures iudicantis pauperrimis ac divitibus reserentur. Absit ab inducendo eius qui officii princeps dicitur depraedatio; nullas litigatoribus adiutores eorundem officii principum concussiones adhibeant; centurionum aliorumque officialium parva magnaue poscentium intolerandi inpetus oblidantur eorumque,

qui iurgantibus acta restituunt, inexpleta aviditas temperetur. Semper invigilet industria praesidialis, ne quicquam a praedictis generibus hominum de litigatore sumatur. Qui si de civilibus causis quidquam putaverint esse poscendum, aderit armata censura, quae nefariorum capita cervicesque detruncet, data copia universis qui concussi fuerint, ut praesidium instruant notionem. Qui si dissimulaverint, super eodem conquerendi vocem omnibus aperimus apud comites provinciarum, aut apud praefectos praetorio, si magis fuerint in vicino, ut his referentibus edocti super talibus latrociniis supplicia proferamus.

**DAT. KAL. NOVEMB. CONSTANT(INO)P(OLI) BASSO ET ABLAVIO CONSS.**

*Interpretatio.* Officiales omnium iudicum venales esse non audeant, neque pretium de introitu occurrentium aut litigantium vel egressu requirant. Sed interpellantes tam divites, quam sine ullo praemio pauperes audiantur. Quod si rapaces esse voluerint, gladio puniantur, aut certe de eorum rapacitate dominicis auribus referatur.

**1 december 331** Idem a. hiereis et archisynagogis et patribus synagogarum et ceteris, qui in eodem loco deserviunt. Hiereos et archisynagogos et patres synagogarum et ceteros, qui synagogis deserviunt, ab omni corporali munere liberos esse praecipimus. **DAT. KAL. DEC. CONSTANTINOPOLI BASSO ET ABLAVIO CONSS.**

**1 december 331** CT 16.8.4 Constantine

Jewish priests and synagogue leaders are exempt from compulsory public service of a corporeal nature.

**332 PACATIANO ET HILARIANO CONSS.**

Constantinus Constantinopoli morabatur, sed m. Aprili videtur excurrisse Marcianopolim.

**11 april 332** IDEM A. AD LEONTIUM P(RAEFECTUM) P(RAETORI)O. Iam dudum sanximus, ut veteranorum filii, qui post sedecim annos militiae munus subire non possunt vel armis gerendis habiles non extiterint, curiis mancipientur. **DAT. III ID. APRIL. PACATIANO ET HILARIANO CONSS.**

**12 april 332** [IDEM] A. PACATIANO P(RAEFECTO) P(RAETORI)O Si is, qui puellam suis nubtiis pactus est, (intra) biennium exsequi nubtias supersederit eiusque spatii fine (decur)so in alterius postea coniunctionem puella pervene(rit, ni)hil fraudis ei sit, quae nubtias maturando vota sua diut(ius lu)di non passa est. **DAT. PRID. ID. APRIL. MARCIAN(O)P(OLI) PACATI[ANO] ET HILARIANO CONSS.**

**12 april 332** (IDEM A.) AD PACATIANUM P(RAEFECTUM) P(RAETORI)O. Patri puellae aut tutori aut curatori aut cui(libet) eius adfini non liceat, cum prius militi puellam despon(deri)t, eandem alii in matrimonium tradere. Quod si intra bi(enni)um, ut perfidiae reus in insulam relegetur. Quod si pac(tis n)ubtiis transcurso biennio qui puellam desponderit al(teri) eandem

sociaverit, in culpam sponsi potius quam puel(lae r)eferatur, nec quicquam noceat ei, qui post biennium pu(ella)m marito alteri tradidit. DAT. PRID. ID. APRIL. MARCIAN(O)P(OLI) (PACATIANO E)T HILARIANO CONSS.

*Interpretatio.* Si quis aut privatus aut militans, postquam sponderit, cum patre, tutore vel curatore puellae vel propinquis de puellae coniunctione definierit, debet post definitionem intra biennium nuptias celebrare. Quod si tarditate aut negligentia sponsi biennii tempus excesserit, et alio viro se puella coniunxerit, absoluta erit a calumnia, vel ipsa, vel quicumque suorum eam tradiderit: quia culpa est illius, qui differendo coniunctionem suam alteri nubendi locum patefecit. Nam si intra biennium data fuerit, quid observetur, evidentius sequente lege cognoscetur.

27 juli 332 Imp. Constantinus a. ad concilium Byzacenorum. Libertis ingratis in tantum iura adversa sunt, ut, si quadam iactantia vel contumacia cervices erexerint aut levis offensae contraxerint culpam, a patronis rursus sub imperia dicionemque mittantur. DAT. VI. KAL. AUG. COLONIAE AGRIPPINAE, PACATIANO ET HILARIANO CONSS.

*Interpretatio.* Quaecumque persona servilis a domino suo fuerit consecuta libertatem, si postea superbire coeperit aut patronum, id est manumissorem suum laeserit, amissa libertate, quam meruit, in servitium revocetur.

27 juli 332 IDEM A. AD CONCILIUM BYZACENORUM. Servus necessarius heres instituendus est, quia non magis patrimonium quam infamiam consequi videtur. Unde claret actionem inofficiosi fratribus relaxatam, cum infamiae aspergitur vitiis qui heres extitit, omniaque fratribus tradi, quae per turpitudinem aut aliquam levem notam capere non potest institutus. Ita in hac quoque parte, si quando libertis heredibus institutis fratres fuerint alieni, inofficiosi actione proposita praevaleant in omnibus occupandis facultatibus defuncti, quas ille perperam ad libertos voluerat pertinere. DAT. VI KAL. AUG. COLONIAE AGRIPPINAE PACATIANO ET HILARIANO CONSS.

*Interpretatio.* Si servo pro necessitate debiti a domino cum libertate hereditas fuerit dimissa, quia huiusmodi persona videtur infamis, germanis fratribus, qui praetermissi sunt, agendi contra testamentum datur facultas: ut remota infami persona, salva tamen, quam meruit, libertate, hereditatem germani fratres ad se debeant revocare. Nam et si praetermissis fratribus liberti per testamentum heredes fuerint instituti, simili modo germani defuncti eos a bonis fraternae hereditatis excludent, sibi que omnia, quae reliquerit, vindicabunt.

26 oktober 332 ...Si post adsertionem defensionemque ordinatam alius in iudicium acciri petiverit, adsertio quidem et defensio inter omnes ordinetur, ipse vero tot mancipia, quot petebat, fisco cogatur inferre. quod si adsertor defecerit, vel praedictam multam agnoscat vel, si per inopiam id implere non possit, in metallum detrudetur: eadem circa minorum defensores, cum liberalis causa agitur, forma servanda. Et cetera. DAT. VII K. NOVEMB. CONSTANTINOPOLI PACATIANO ET HILARIANO CONSS.

*Interpretatio.* Si post adsertionem defensionemque dispositam alius in iudicium qui se dominum dicit petierit exhiberi, inter omnes quidem ordinabitur adsertio, sed ipse ad certam poenam tenebitur. Idem est in adsertore vel defensoribus minorum.

29 oktober 332 Imp. Constantinus a. ad provinciales. Apud quemcumque colonus iuris alieni fuerit inventus, is non solum eundem origini suae restituat, verum super eodem capitationem temporis agnoscat. 1. Ipsos etiam colonos, qui fugam meditantur, in servilem condicionem ferro ligari conveniet, ut officia, quae liberis congruunt, merito servilis condemnationis compellantur implere. DAT. III. KAL. NOV. PACATIANO ET HILARIANO CONSS.

*Interpretatio.* Si quis alienum colonum sciens in domo sua retinuerit, ipsum prius domino restituat et tributa eius, quam diu apud eum fuerit, cogatur exsolvere: ipse vero, qui noluit esse, quod natus est, in servitium redigatur.

332 or 322 Eusebius, VC, 3.64-65 Constantine

Constantine forbids heretical groups to assemble. Their buildings must be surrendered to the catholic church. [See note on the authenticity of anti-pagan legislation in the Life of Constantine.]

### 333 DALMATIO ET ZENOFILO CONSS.

Constantinus Constantinopoli, unde excurrit ad vicinas Aquas.

19 april 333 (IDEM A. FELIC)I. Quoniam per neglegentiam seu proditionem tu(torum) et curatorum possessiones iuris enfyteutici vitio in(terce)dente commissi e minorum fortunis avelluntur, pla(cet, ut) tutor curatorve, cuius officio manente possessiones (mino)ris iuris enfyteutici praerogativam commissi offen(sa pe)rdiderint, tantum de facultatibus propriis censura im(mine)nte

minoribus restituat, quanto rem valere potuisse (cons)tabit. DAT. XIV K. MAI. CONST(ANTINO)P(OLI) DALMATIO ET ZENOFILO CONSS.  
*Interpretatio.* Si forte cesserit, ut minores possessionem iuris emphyteutici, hoc est, quod ex fisci bonis parentes eorum habere meruerant, sub qualibet praestatione tenuerint, et hoc per negligentiam sive proditorem tutoris aut imminutum fuerit aut certe sublatum, quicquid perierit, a tutore vel curatore esse reddendum.

3820 4 mei 333 Imp. Constantinus a. et c. ad Severum comitem Hispaniarum. Scripturae diversae et fidem sibi invicem derogantes, ab altera parte prolatae, nihil firmitatis habere potuerunt. DAT. IV. NON. MAI. CONSTANTINOPOLI, DALMATIO ET ZENOPHILO CONSS.

*Interpretatio.* Si quis multiplici scriptura contractum suum munire cupiens de una re venditionem et donationem proferat vel quaecumque alia documenta: omnia rescindantur, quia impugnantes se chartulas lex haec vetat admitti.

3825 4 mei 333 IDEM A. AD. SEVERUM COM(ITEM) HISPANIARUM. Data iam pridem lege statuimus, ut donationes interveniente actorum testificatione conficiantur. Quod vel maxime inter necessarias coniunctissimasque personas convenit custodiri, si quidem clandestinis ac domesticis fraudibus facile quidvis pro negotii opportunitate confingi potest vel id quod vere gestum est aboleri. Cum igitur ne liberos quidem ac parentes lex nostra ab actorum confectione secernat, id, quod necessario super donationibus apud acta conficiendis iam pridem statuimus, universos teneat, salvo tamen iuris privilegio, quod liberis et parentibus suffragatur, scilicet ne traditionis vel mancipationis sollemnitas sit necessaria. DAT. IV NON. MAI.

3830 CONST(ANTINO)P(OLI), DALMATIO ET ZENOFILO CONSS.

5 mei 333 IDEM A. MAXIMUM P(RAEFECTUM) P(RAETORI)O. Utilitate suadente annonarios et actuarios condicionales esse praecipimus, annonis etiam adiuvari et capitationem eorum qui censiti sunt haberi immunem. Ideoque tua sollertia competentia monebit officia, ut actuariis binas annonas, annonariis vero singulas protinus subministrent, capitationem quoque ipsorum tantum, qui ex his censiti sunt, faciat haberi immunem, quoad in actu fuerint constituti, nam postea vel laus eos et dignitas honorabit vel, si in culpa fuerint deprehensi, poena comitabitur. EMISSA III NON. MAI. DALMATIO ET ZENOFILO CONSS.

3835 5 mei 333 IMP. CONSTANTINUS A. AD ABLABIUM P(RAEFECTUM) P(RAETORI)O. Satis mirati sumus gravitatem tuam, quae plena iustitiae ac probae religionis est, clementiam nostram sciscitari voluisse, quid de sententiis episcoporum vel ante moderatio nostra censuerit vel nunc servari cupiamus, Ablabi, parens karissime atque amantissime. Itaque quia a nobis instrui voluisti, olim promulgatae legis ordinem salubri rursus imperio propagamus. Sanximus namque, sicut edicti nostri forma declarat, sententias episcoporum quolibet genere latas sine aliqua aetatis discretione inviolatas semper incorruptasque servari; scilicet ut pro sanctis semper ac venerabilibus habeantur, quicquid episcoporum fuerit sententia terminatum. Sive itaque inter minores sive inter maiores ab episcopis fuerit iudicatum, apud vos, qui iudiciorum summam tenetis, et apud ceteros omnes iudices ad executionem volumus pertinere. Quicumque itaque litem habens, sive possessor sive petitor vel inter initia litis vel decursis

3845 3845 antistitis, ilico sine aliqua dubitatione, etiamsi alia pars refragatur, ad episcopum personae litigantium dirigantur. Multa enim, quae in iudicio captiosa praescriptionis vincula promi non patiuntur, investigat et publicat sacrosanctae religionis auctoritas. Omnes itaque causae, quae vel praetorio iure vel civili tractantur, episcoporum sententiis terminatae perpetuo stabilitatis iure firmentur, nec liceat ulterius retractari negotium, quod episcoporum sententia deciderit. Testimonium etiam ab uno licet episcopo perhibitum omnis iudex indubitanter accipiat nec alius audiatur testis, cum testimonium episcopi a qualibet parte fuerit repromissum. Illud est enim veritatis auctoritate firmatum, illud incorruptum, quod a sacrosancto homine conscientia mentis illibatae protulerit. Hoc nos edicto salubri aliquando censuimus, hoc perpetua lege firmamus, malitiosa litium semina comprimentes, ut miseri homines longis ac paene perpetuis actionum laqueis implicati ab improbis petitionibus vel a cupiditate praepostera maturo fine discedant. Quidquid itaque de sententiis episcoporum clementia nostra censuerat et iam hac sumus lege complexi, gravitatem tuam et ceteros pro utilitate omnium latum in perpetuum observare convenit. DATA III

3855 NONAS MAIAS CONSTANTINOPOLI DALMATIO ET ZENOFILO CONSS.

5 mei 333 CS 1 Constantine

Judicial decisions made by bishops are to be upheld. Enforcement is to be the responsibility of the prefect. If a party to a lawsuit may request the case to be heard by a bishop rather than a secular judge, the request is to be granted.

13 mei 333 IDEM A. MAXIMUM P(RAEFECTUM) P(RAETORI)O. Utilitate suadente annonarios et actuarios condicionales esse



- 3860 praecipimus, annonis etiam adiuvari et capitationem eorum qui censiti sunt haberi immunem. Ideoque tua sollertia competentia monebit officia, ut actuariis binas annonas, annonariis vero singulas protinus subministrent, capitationem quoque ipsorum tantum, qui ex his censiti sunt, faciat haberi immunem, quoad in actu fuerint constituti, nam postea vel laus eos et dignitas honorabit vel, si in culpa fuerint deprehensi, poena comitabitur. EMISSA III NON. MAI. DALMATIO ET ZENOFILO CONSS. 27 september 333
- 3865 Idem a. ad populum. Beneficia divorum retro principum confirmantes medicos et professores litterarum, uxores etiam et filios eorum ab omni functione et ab omnibus muneribus publicis vacare praecipimus nec ad militiam comprehendi neque hospites recipere nec ullo fungi munere, quo facilius liberalibus studiis et memoratis artibus multos instituunt. PROPOSITA V KAL. OCTOB. CONSTANTINOPOLI DALMATIO ET ZENOFILO CONSS. tweede helft oktober 333
- 3870 (IM)P. CONSTANTINUS A. AD FELICEM. Procuratores rei privatae (b)afii et gynacei, per quos et privata nostra substantia tenua(t)ur et species in gynaeceis confectae corrumpuntur, in ba(fi)is etiam admixta temeratio inquinatae naevum adluvionis (a)dducit, suffragiis, per quae memoratas administratio(n)es adipiscuntur, abstineant vel si contra hoc fecerint, [n]umero civium Romanorum exempti gladio feriantur. DAT. ... K. NOV. AQUIL(EIAE) DALMATO ET ZENO(F)ILO CONSS. 11 november 333
- 3875 IDEM A. AD BARBARUM POMPEIANUM CONSULAREM CAMPANIAE. Etsi non cognitio, sed executio mandatur, de veritate precum inquiri oportet, ut, si fraus intervenit, de omni negotio cognoscatur. DAT III ID. NOVEMB. AQUIS DALMATIO ET ZENOFILO CONSS. 13 november 333
- 3880 IDEM A. ABLAVIO P(RAEFECTO) P(RAETORI)O. Veteranorum filii vel eorum, qui praepositi vel protectores fuerunt, vel ceterorum, qui quemlibet gradum militiae tenuerunt, si invalidi et inbecilli sint, curiis adgregentur, ita ut re familiari gaudentes et inaptos militiae curiarum societati coniungas. Quod etiam nos fecimus sub conspectu nostro his, quos deliciosis nutrimentis enervatos esse perspeximus. Qui igitur ex his patresfamilias sunt et idonei functionibus publicis, eligantur ad augendum curialium numerum, singularum civitatum ordinibus commonendis, ut quos norunt idoneos nominare non dubitent praeter eos, quos vigor et fortitudo defendendae rei publicae idoneos facit. Nam et duces singulorum limitum convenimus, ne deinceps veterani filius inutilis sacramento cingatur. Eos etiam, qui iam probati sunt, diligenter inspiciant, ut qui minus idonei repperiuntur sacramento soluti ad gravitatem tuam mittantur. DAT. ET P(RO)P(OSITA) ID. NOV. DALMATIO ET ZENOFILO [CONSS.]. 333 Eusebius, VC 4.36 Constantine
- 3885 Constantine orders Eusebius of Caesarea to prepare 50 copies of the Sacred Scriptures in well-prepared parchments, easily read aloud and portable, written by competent and accurate copyists. This is to be done as quickly as possible. CHAPTER XXXVI: Constantine' s Letter to Eusebius on the Preparation of Copies of the Holy Scriptures. "VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to Eusebius. "It happens, through the favoring providence of God our Saviour, that great numbers have united themselves to the most holy church in the city which is called by my name. It seems, therefore, highly requisite, since that city is rapidly advancing in prosperity in all other respects, that the number of churches should also he increased. Do you, therefore, receive with all readiness my determination on this behalf. I have thought it expedient to instruct your Prudence to order fifty copies of the sacred Scriptures, the provision and use of which you know to be most needful for the instruction of the Church, to be written on prepared parchment in a legible manner, and in a convenient, portable form, by professional transcribers thoroughly practiced in their art. The catholicus of the diocese has also received instructions by letter from our Clemency to be careful to furnish all things necessary for the preparation of such copies; and it will be for you to take special care that they be completed with as little delay as possible. You have authority also, in virtue of this letter, to use two of the public carriages for their conveyance, by which arrangement the copies when fairly written will most easily be forwarded for my personal inspection; and one of the deacons of your church may be intrusted with this service, who, on his arrival here, shall experience my liberality. God preserve you, beloved brother!"
- 3900 333 or 327 Socrates, H.e. 1.9 Constantine  
Constantine orders that Arians now be referred to as Porphyrians, that all works of Arius or Arians be burned, and that anyone hiding a work of Arius suffer capital punishment.

333 or 327 Gelasius, H.e. 3.19 Constantine

3905 Constantine sends a long, belittling letter to Arius and his followers. At the end, he threatens to heavily fine the Arians and force them to accept compulsory public services unless they immediately return to the catholic faith. If Arius returns, he promises to be lenient.

334 OPTATO ET PAVLINO CONSS.

3910 Constantinus Constantinopoli, unde excursus facit in prpvincias vicinas.

8 maart 334 Imp. Constantinus a. ad Pacatianum praefectum praetorio. Quoniam suariorum corpus ad paucos devenit, iubemus eos adstante populo Romano dicere, quibus excusatio sit delata, quibus provenerit onus, ut his in medium publicae rationis eductis exemplum rei naviculariae proponatur. Itaque dinoscant facultates proprias suariorum esse obnoxias muneri ac de duobus alterum eligant; aut retineant bona quae suariae functioni destricta sunt ipsique suario teneantur obsequio aut idoneos quos volunt nominent, qui necessitati idem satisfaciant. Nullum enim vacare ab huius rei munere patimur, sed sive honoribus evecti sive quolibet versutiae genere fugerunt, revocari eos iubemus idque ipsum teste et audiente populo Romano compleri ac nos super his consuli, ut animadvertam in eos, qui hac tergiversatione usi sint; de reliquo functionis huius vacatione nulli penitus tribuenda, sed eo qui subripere potuerit post beneficium infirmatum, salutis etiam periculum subituro. DAT. VIII ID. MART. ROMAE OPTATO ET PAULINO CONSS.

3920 30 maart 334 Idem a. ad Severum comitem Hispaniarum.

Insinuatum est quosdam patres principalis coniugii copulatione destitutos in perniciem filiorum ultra misericordiam sanguinis properare et receptis deinceps aliis matrimoniis maiorem sibi in rebus filiorum vindicare personam: qui quoniam in his usufructuarii remansisse videntur, usurpare ea ac pervertere confidunt, ut per hoc his, qui in orbitate remanserunt, nulla nec possidendi nec litigandi tribuatur occasio. Ideoque placet, ne quis pater receptis deinceps matrimoniis earum rerum, quae prioris coniugis fuerunt, sibi ius defendendum existimet nisi tutelae vice, donec minores probata aetate esse videantur. His autem moderatio nostra cuncta iubet servari adque restitui. PROPOSITA III KAL. APRIL. CONSTANTINOPOLI OPTATO ET PAULINO CONSS.

3925 30 april 334 IMP. CONSTANT(INUS) A. GERULO RATIONALI TRIUM PROVINCICIARUM. In Sardinia fundis patrimonialibus vel enfyteuticariis per diversos nunc dominos distributis oportuit sic possessionum fieri divisiones, ut integra apud possessorem unumquemque servorum agnatio permaneret. Quis enim ferat liberos a parentibus, a fratribus sorores, a viris coniuges segregari? Igitur qui dissociata in ius diversum mancipia traxerunt, in unum redigere eadem cogantur: ac si cui propter redintegrationem necessitudinum servi cesserint, vicaria per eum qui eosdem susceperit mancipia reddantur et invigila, ne per provinciam aliqua posthac querella super divisio mancipiorum affectibus perseveret. DAT. III. KAL. MAI. PROCULO ET PAULINO CONSS.

3935 *Interpretatio.* In divisione patrimoniorum seu fiscalium domorum sive privatorum observari specialiter debet, ut, quia iniustum est, filios a parentibus vel uxores a maritis, quum ad quemcumque possessio pervenerit, sequestrari, mancipia, quae permixta fuerint, id est uxor cum filiis et marito suo, datis vicariis, ad unum debeant pertinere, cui necesse fuerit commutare, quod sollicitudo ordinantium debet specialiter custodire, ut separatio fieri omnino non possit.

19 mei 334 IDEM A. AD VERONICIANUM VIC(ARI)UM ASIAE. Vorax et fraudulentum numerariorum propositum, qui diversis rectoribus obsequuntur, ita inhibendum est, ut et antea sanximus et nunc itidem sancimus, conditioni eos subdi tormentorum et eculeis adque lacerationibus subiacere nec ultra biennium hoc fungi obsequio. ET CETERA. DAT. XIV KAL. IUN. OPTATO ET PAULINO CONSS.

3940 19 mei 334 Imp. Constantinus a. ad Veronicianum vicarium Asiae. Post alia: damus provincialibus facultatem, ut, quicumque sibi a numerariis, qui diversis rectoribus obsequuntur, conquesti fuerint aliquas venditiones extortas, irritas inanesque efficiant, et male vendita ad venditoris dominium revertantur, amissione etiam pretii illicitis ac detestandis emptoribus puniendis. DAT. XIV. KAL. IUN. OPTATO ET PAULINO CONSS.

3945 Haec lex expositione non indiget.

18 juni 334 IDEM A. ANDRONICO. Si contra pupillos, viduas vel morbo fatigatos et debiles impetratum fuerit lenitatis nostrae iudicium, memorati a nullo nostrorum iudicum compellantur comitatu nostro sui copiam facere. Quin immo intra provinciam, in

qua litigator et testes vel instrumenta sunt, experiantur iurgandi fortunam atque omni cautela servetur, ne terminos provinciarum suarum cogantur excedere. Quod si pupilli vel viduae alique fortunae iniuria miserabiles iudicium nostrae serenitatis oraverint, praesertim cum alicuius potentiam perhorrescunt, cogantur eorum adversarii examini nostro sui copiam facere. DAT. XV KAL. IUL. CONSTANT(INO)P(OLI) OPTATO ET PAULINO CONSS.

*Interpretatio.* Quicumque adversus pupillos, viduas et aegrotos nostra praecepta meruerit, eos de locis suis commovendi vel extra provinciam suam usquam penitus protrahendi licentiam summovemus, ut ibi causam suam dicant, ubi instructiores esse et testimonia possint facilius invenire. Sane si ipsi, quorum fatigationi consulimus, nos crediderint expetendos, huic voluntati eorum veniendi aditum non negamus; ita ut adversarii eorum sub praesentia principis adesse per rectorem provinciae compellantur.

5 juli 334 Idem a. ad Pacatianum praefectum praetorio. Etsi potior aput nos privatorum causa est quam fisci tutela, praecipimus tamen, si a nobis plures defensacula fisci meruerint, eum praeponi ceteris, qui melior innocentia, potior litteris, pollentior reliquis examinata fide esse noscetur, etiamsi post alios hoc beneficium a nostra clementia reportavit. DAT. III NON. IUL. SINGIDUNO OPTATO ET PAULINO CONSS.

24 augustus 334 Idem a. ad Iulianum praesidem. Iurisiurandi religione testes prius, quam perhibeant testimonium, iam dudum arctari praecepimus, et ut honestioribus potius fides testibus habeatur. Simili more sanximus, ut unius testimonium nemo iudicum in quacumque causa facile patiatur admitti. Et nunc manifeste sancimus, ut unius omnino testis responsio non audiatur, etiamsi praeclarae curiae honore praefulgeat. DAT. VIII. KAL. SEPT. NAISSO, OPTATO ET PAULINO CONSS.

*Interpretatio.* Testes priusquam de causa interrogentur, sacramento debere constringi, ut iurent, se nihil falsi esse dicturos. Hoc etiam dicit, ut honestioribus magis quam vilioribus testibus fides potius admittatur. unius autem testimonium, quamlibet splendida et idonea videatur esse persona, nullatenus audiendum.

26 augustus 334 Imp. Constantinus a. ad Felicem. Architectis quam plurimis opus est; sed quia non sunt, sublimitas tua in provinciis Africanis ad hoc studium eos impellat, qui ad annos ferme duodeviginti nati liberales litteras degustaverint. Quibus ut hoc gratum sit, tam ipsos quam eorum parentes ab his, quae personis iniungi solent, volumus esse immunes ipsisque qui discent salarium competens statui. PROPOSITA VI KAL. SEPT. KARTHAGINE OPTATO ET PAULINO CONSS.

7 september 334 Idem a. ad Felicem. Commoda nobis visa est ea dispositio, quae expresse navicularios in hunc ordinem formavit, ut non promiscue, sed per vicissitudines rite servatas iuges cursus agnoscerent et exiguos implerent, quo ita levamentis alternantis auxilii cunctorum fortunae et tenuiorum potissimum confirmarentur nec necessitas fieret aliquos semper longiora lustrare ac plerisque obnoxios casibus fieri. Quod ne ulterius possit accidere, labor omnibus par et iustus adiunctus sit et subsidia pari ratione deferantur nec tenuiores in querellas infructuosae complorationis incurrant. PROPOSITA VII ID. SEPT. KARTHAGINE OPTATO ET PAULINO CONSS.

1 december 334 Idem a. naviculariis Orientis. Pro commoditate urbis, quam aeterno nomine iubente deo donavimus, haec vobis privilegia credidimus deferenda, ut navicularii omnes a civilibus muneribus et oneribus et obsequiis habeantur immunes et ne honores quidem civicos, ex quibus aliquod incommodum sentiant, subire cogantur. Ab administratione etiam tutelae, sive legitimae sive eius, quam magistratus aut provinciae rectores iniungunt, habeantur immunes. Et vacatione legis Iuliae et Pappiae potiantur, ut etiam nullis intervenientibus liberis et viri ex testamento uxorum solidum capiant et ad uxores integra voluntas perveniat maritorum. De proprietate etiam vel hereditate vel qualibet alia civili causa pulsati ne ex rescripto quidem nostro ad extraordinarium iudicium evocentur, sed agentibus in suo foro respondeant. Et ad exemplum Alexandrini stoli quaternas in frumento centesimas consequantur ac praeterea per singula milia singulos solidos, ut his omnibus animati et nihil paene de suis facultatibus expedentes cura sua frequentent maritimos commeatus. ACCEPTA KAL. DEC. OPTATO ET PAULINO CONSS.

334 Athanasius, Apol. sec. 68 Constantine Constantine, hearing that Arsenius is alive, has found all the charges against Athanasius to be false, the results of wicked plots against him. He condemns the recent disturbances in the streets of Alexandria. He instructs Athanasius to take this letter with him and read it publicly often. He promises to personally look into any future allegations or disturbances against Athanasius, and punish anyone bringing false accusations or stirring up trouble.

334 Athanasius, Apol. sec. 70 Constantine

In a letter, Constantine rebukes the Alexandrians for causing trouble and encourages them all to accept Athanasius, whom he has cleared of all charges against him.

3995 334 Athanasius, Apol. sec. 70 Constantine

Constantine praises John Archaph, a former leader of the Meletians, for uniting with Athanasius. He summons him to his court by means of public transportation.

335 CONSTANTIO ET ALBINO CONSS.

4000 Quod ad annos praecedentes diximus, ad hunc quoque pertinet.

335 Φλάουιος Φιλάγγριος στρ.[- ca. ? -]||'Οξυρυγχ[ε]ίτου χαίρ[ειν.]|Εύδαίμων προσελθὼν ἔφησ[εν]|ἔχειν χρεώστας ὁμολογο[υ]-| μένους, ὡς γνῶσει ἐκ τοῦ|ἀντιτύπου τοῦ ἐπίδοθέντο[- ca. ? -]||λιβέλλου. φρόντισον, εἰ ἀληθεύσῃ-|[τ]α.εὔροις, τὸ ἀζήμιον|[αὐτ]ῷ. φυλάξαι. (hand 2) ἔρρωσο.|[hand 4] Iulio Consta]ntio v(iro) c(larissimo) pat[r]icio|fratre d(omini) n(ostri) [- ca. ? -]||- ca. ? -

4005 21 maart 335 Idem a. ad provinciales. Omnes iudices invigilare praecipimus et delatores poenis afficere. apertissimi enim iuris est, ut, quod ex cuiuscumque patrimonio ceciderit in casum, et legibus et retro iuris ordine, fisci advocatis agentibus, vindicetur. Sed quia nonnulli praecipites secundum ius possessa patrimonia deferre non cessant, damus omnibus, qui se laesos existimant, contra delatores severitatem iudicum implorare ferro destrictam. Nemo enim potest delatorem plus agnoscere quam ille, qui iniuriam per eius nequitiam sustinuit. DAT. XI. KAL. APRIL. CONSTANTINOPOLI, CONSTANTIO ET ALBINO CONSS.

4010 Interpretatio. Custodientes iustitiam nomen persequimur delatorum, ita ut, quum agniti et convicti fuerint delatores, gladio puniantur.

17 april 335 IMP. CONSTANTINUS A. AD PACATIANUM. Ordines decuriarum scribarum librariorum et lictoriae consularis oblatis precibus meruerunt, ut in civilibus causis et editionibus libellorum officiorum sollemnitate fungantur, ita ut vetusta aetate servatum est, eo usque praerogativa veniente, ut militares intercessionem procul usque a liberalibus causis sese contineant.

4015 Rectores itaque quae iussimus observabunt. DAT. XV KAL. MAI. CONST(ANTINO)P(OLI) CONSTANTIO ET ALBINO CONSS.

4 augustus 335 Idem a. ad Felicem praefectum praetorio. Quoniam afri curiales conquesti sunt quosdam in suo corpore post flamonii honorem et sacerdotii vel magistratus decursa insignia praepositos compelli fieri mansionum, quod in singulis curiis sequentis meriti et gradus homines implere consuerunt, iubemus nullum praedictis honoribus splendentem ad memoratum cogi obsequium, ne nostro fieri iudicio iniuria videatur. DAT. PRID. NON. AUG. VIMINACIO CONSTANTIO ET ALBINO CONSS.

4020 335 Athanasius, Apol. sec. 59 Constantine

Constantine orders Athanasius to re-admit Arius or face deposition.

335 Eusebius, VC 4.42 Constantine

Constantine writes to the Council of Tyre, instructing them to put an end to all factions in the church.

13 september 335 Emperor Constantine the Great consecrates the Church of the Holy Sepulchre (Resurrection) in Jerusalem.

4025 CHAPTER XLII: Constantine's Letter to the Council at Tyre.

"VICTOR CONSTANTINUS, MAXIMUS AUGUSTUS, to the holy Council at Tyre.

"Surely it would best consist with and best become the prosperity of these our times, that the Catholic Church should be undivided, and the servants of Christ be at this present moment clear from all reproach. Since, however, there are those who, carried away by a baleful and furious spirit of contention (for I will not charge them with intentionally leading a life unworthy of their profession), are endeavoring to create that general confusion which, in my judgment, is the most pernicious of all evils; I exhort you, forward as you already are, to meet together and form a synod without delay: to defend those who need protection; to administer remedies to your brethren who are in peril; to recall the divided members to unity of judgment; to rectify errors while opportunity is yet allowed: that thus you may restore to so many provinces that due measure of concord which, strange and sad anomaly! the arrogance of a few individuals has destroyed. And I believed that all are alike persuaded

that this course is at the same time pleasing to Almighty God (as well as the highest object of my own desires), and will bring no small honor to yourselves, should you be successful in restoring peace. Delay not, then, but hasten with redoubled zeal to terminate the present dissensions in a manner becoming the occasion, by assembling together in that spirit of true sincerity and faith which the Saviour whom we serve especially demands from us, I may almost say with an audible voice, on all occasions. No proof of pious zeal on my part shall be wanting. Already have I done all to which my attention was directed by your letters. I have sent to those bishops whose presence you desired, that they may share your counsels. I have dispatched Dionysius, a man of consular rank, who will both remind those prelates of their duty who are bound to attend the Council with you, and will himself be there to superintend the proceedings, but especially to maintain good order. Meantime should any one, though I deem it most improbable, venture on this occasion to violate my command, and refuse his attendance, a messenger shall be dispatched forthwith to banish that person in virtue of an imperial edict, and to teach him that it does not become him to resist an emperor's decrees when issued in defense of truth. For the rest, it will be for your Holinesses, unbiased either by enmity or favor, but consistently with ecclesiastical and apostolic order, to devise a fitting remedy whether it be for positive offenses or for unpremeditated errors; in order that you may at once free the Church from all reproach, relieve my anxiety, and, by restoring the blessings of peace to those who are now divided, procure the highest honor for yourselves. God preserve you, beloved brethren!"

335 Athanasius, Apol. sec. 81 Dionysius

Dionysius, the imperial representative at the Council of Tyre, writes to the fact-finding commission sent from Tyre to Alexandria. He warns to be impartial as not to justify criticism about the way the case was handled.

335 Athanasius, Apol. sec. 86 Constantine

Constantine relates to the Council of Tyre how Athanasius met him unexpectedly in Constantinople, complaining about ill-treatment at Tyre. According to Athanasius' reasonable request, he now summons the Council of Tyre to relocate in Constantinople where the emperor can hear the charges against Athanasius. [When no one from Tyre appeared, the Emperor sent Athanasius into exile in Trier, either to keep him safe or to get him out of the way (Apol sec. 9). Athanasius was recalled by Constantius early in his reign.]

### 336 NEPOTIANO ET FACVNDI CONSS.

Constantinus Constantinopoli.

29 april 336 Imp. Constantinus A. ...ri fecit vel si ipsorum nomine comparavit, totum legitima suboles recipiat. Quod si non sint filii legitimi nec frater consanguineus aut soror aut pater, totum fisci viribus vindicetur. itaque liciniani etiam filio, qui per rescriptum sanctissimum dignitatis culmen ascendit, omnis substantia auferatur et secundum hanc legem fisco adiudicetur, ipso verberato compedibus vinciendo, ad suae originis primordia redigendo. LECT. III K. MAI. CARTHAGINE NEPOTIANO ET FACUNDO CONSS.

9 mei 336 Idem a. ad Severum. Navicularios Hispaniarum neque ad extraordinaria teneri officia neque alicubi retentos moras sustinere oportet, sed relatorias traditarum specierum intra decem dies a susceptoribus percipere, cumque ad aliquas insulas portus litora stationes accesserint, ostensis relatoriis nullam prorsus inquietudinem sustinere. DAT. XIV KAL. IUN. NEPOTIANO ET FACUNDO CONSS.

18 mei 336 CT 16.8.5 CT 16.9.1 CS 4 Constantine

Jews are not allowed to harass Jewish converts to Christianity, and will be punished in accordance with the nature of the act. Also, if a Jew circumcises a non-Jewish slave, the slave is to be taken from the Jew and remain free.

15 juli 336 Imp. Constantinus A. ad Tiberianum Vicarium Hispaniarum. Si a(b spons)o rebus sp(on)sae donatis interveniente osculo ante nubtias hunc vel illam mori contigerit, dimidiam partem rerum donatarum ad superstitem pertinere praecipimus, dimidiam ad defuncti vel defunctae heredes, cuiuslibet gradus sint et quocumque iure successerint, ut donatio stare pro parte media et solvi pro parte media videatur: osculo vero non interveniente, sive sponsus sive sponsa obierit, totam infirmari donationem et donatori sponso sive heredibus eius restitui. Quod si sponsa interveniente vel non interveniente osculo

- 4080 sponsaliorum titulo, quod raro accidit, fuerit aliquid sponso largita et ante nubtias hunc vel illam mori contigerit, omni donatione infirmata ad donatricem sponsam sive eius successores donatarum rerum dominium transferatur. DAT. ID. IUL. CONSTANT(INO)P(OLI). ACCEPTA XIV K. MAI. HISPALI NEPOTIANO ET FACUNDO CONSS.
- Interpretatio.* Si quando sponsalibus celebratis, interveniente osculo, sponsus aliquid sponsae donaverit, et ante nuptias sponsus forsitan moriatur, tunc puella, quae superest, mediam donatarum solenniter rerum portionem poterit vindicare, et dimidiam mortui heredes acquirunt, quocumque per gradum successionis ordine venientes. Si vero osculum non intervenerit, sponsus mortuo nihil sibi puella de rebus donatis vel traditis poterit vindicare. Si vero a puella sponso aliquid donatum est, et mortua fuerit, quamvis aut intercesserit aut non intercesserit osculum, totum parentes puellae sive propinqui, quod puella donaverat, revocabunt.
- 4085 **21 juli 336** Idem a. ad Gregorium. Senatores seu perfectissimos, vel quos in civitatibus duumviralitas vel quinquennialitas vel flamonii vel sacerdotii provinciae ornamenta condecorant, placet maculam subire infamiae et peregrinos a Romanis legibus fieri, si ex ancilla vel ancillae filia vel liberta vel libertae filia, sive Romana facta seu Latina, vel scaenica vel scaenicae filia, vel ex tabernaria vel ex tabernari filia vel humili vel abiecta vel lenonis vel harenarii filia vel quae mercimoniis publicis praefuit, susceptos filios in numero legitimorum habere voluerint aut proprio iudicio aut nostri praerogativa rescripti, ita ut, quidquid talibus liberis pater donaverit, sive illos legitimos seu naturales dixerit, totum retractum legitimae suboli reddatur aut fratri aut sorori aut patri aut matri. Sed et uxori tali quodcumque datum quolibet genere fuerit vel emptione collatum, etiam hoc retractum reddi praecipimus: ipsas etiam, quarum venenis inficiuntur animi perditorum, si quid quaeritur vel commendatum dicitur, quod his reddendum est, quibus iussimus, aut fisco nostro, tormentis subici iubemus. Sive itaque per ipsum donatum est qui pater dicitur vel per alium sive per suppositam personam sive ab eo emptum vel ab alio sive ipsorum nomine comparatum, statim retractum reddatur quibus iussimus, aut, si non existunt, fisci viribus vindicetur. Quod si existentes et in praesentia rerum constituti agere noluerint pacto vel iureiurando exclusi, totum sine mora fiscus invadat. Quibus tacentibus et dissimulantibus a defensione fiscali duum mensuum tempora limitentur, intra quae si non retraxerint vel propter retrahendum rectorem provinciae interpellaverint, quidquid talibus filiis vel uxoribus liberalitas impura contulerit, fiscus noster invadat, donatas vel commendatas res sub poena quadrupli severa quaestione perquirens. Licinniani autem filius, qui fugiens comprehensus est, compedibus vinctus ad gynaeci Carthaginis ministerium deputetur. LECTA XII K. AUG. CARTHAGINE NEPOTIANO ET FACUNDO CONSS.
- 4090 **22 augustus 336** Idem a. ad Evagrium praefectum praetorio. Cum decuriones decurionumque filii deque his geniti ad diversas militias confugiant, iubemus eos in quibuscumque officiis militantes exemptos militia restitui curiae exceptis his, qui in palatii nostri iam habentur officiis. DAT. XI KAL. SEPT. CONSTANTINOPOLI NEPOTIANO ET FACUNDO CONSS.
- 4095 **9 oktober 336** Idem a. Gregorio praefecto praetorio. Manu propria iudices universi periculo suo annonarias species et cetera, quae indictione penduntur, definitis quantitatis et comprehensis modis facta adscriptione designent. Cuius observantiae illa erit commoditas, ut post successionem quoque eorum facile requiratur, an exactores ultra quam oportuit de fortunis provincialium aliquid exculpere voluerunt. DAT. VII ID. OCTOB. NEPOTIANO ET FACUNDO CONSS.
- 4100 **20 oktober 336** Imp. Constantinus a. ad Felicem praefecto praetorio. Post alia: eum, qui ex iudaeo christianus factus est, inquietare iudaeos non liceat vel aliqua pulsare iniuria: pro qualitate commissi istius modi contumelia punienda etc. DAT. XII. KAL. NOV. CONSTANTINOPOLI. PP. VIII. ID. MAI. KARTHAGINE, NEPOTIANO ET FACUNDO COSS.
- 4105 **20 oktober 336** Haec lex interpretatione non eget.
- 4110 **20 oktober 336** IMP. CONSTANTINUS AD FELICEM PRAEFECTUM PRAETORII. Iam dudum quidem constitutionis nostrae saluberrima sanctio promulgata est, quam nostrae repetitae legis veneratione geminamus, ac volumus, ut, si quispiam iudaeorum christianum mancipium vel cuiuslibet alterius sectae mercatus circumcidere non perhorruerit, circumcisis quidem istius statuti mensura libertatis compos effectus eiusdem privilegiis potiatur: non fas iudaeo sit qui circumciderit mancipium generis memorati in obsequium servitutis retinere. Illud etenim hac eadem sanctione praecipimus, ut, si quispiam Iudaeorum reserans sibi ianuam vitae perpetuae sanctis se cultibus mancipaverit et Christianus esse delegerit, ne quid a Iudaeis inquietudinis vel molestiae patiat. Quod si ex Iudaeo Christianum factum aliquis Iudaeorum iniuria putaverit esse pulsandum, volumus istiusmodi
- 4120

4125 contumeliae machinatorem pro criminis qualitate commissi poenis ultricibus subiugari, Felix parens carissime. Quare  
 divinitatis affectu confidimus ipsum in omni orbe Romano qui nostri debita veneratione servata: ac volumus, ut excellens  
 sublimitas tua litteris suis per dioecesim sibi creditam commeantibus iudices moneat instantissime huiuscemodi debitam  
 reverentiam custodiri. DATA XII KAL. NOVEMB. PROPOSITA VII ID. MART. CARTHAGINE NEPOTIANO ET FACUNDO CONSS.

**337 FELICIANO ET TITIANO CONSS.**

4130 Constantinus moritur prope Nicomediam Mai. 22. - Filii tres Constantinus Constantius Constans Augusti creantur Sept. 8. Per  
 intervallum cum videatur regnum administratum esse sub nomine Augusti defuncti teste Eusebio, unica constitutio quae extat  
 hisce mensibus emissa Constantini nomen praescriptum habet.

4135 4 februari 337 IDEM A. AD GREGORIUM. Qui comparat, census rei comparatae cognoscat: neque liceat alicui rem sine censu vel  
 comparare vel vendere. Inspectio autem publica vel fiscalis esse debebit hac lege, ut, si aliquid sine censu venierit et id ab  
 alio deferetur, venditor quidem possessionem, comparator vero id quod dedit pretium fisco vindicante perdat. Id etiam placuit  
 neminem ad venditionem rei cuiuslibet accedere, nisi eo tempore, quo inter venditorem et emptorem contractus sollemniter  
 explicatur, certa et vera proprietas a vicinis demonstretur; usque eo legis istius cautione currente, ut, etiamsi subsellia  
 vel, ut vulgo aiunt, scamna vendantur, ostendendae proprietatis probatio compleatur. Nec inter emptorem et venditorem  
 sollemnia in exquisitis cuniculis celebrentur, sed fraudulenta venditio penitus sepulta depereat. DAT. PRID. NON. FEBRUAR.

4140 CONSTANT(INO)P(OLI) FELICIANO ET TITIANO CONSS.  
 21 mei 337 Idem a. ad concilium provinciae Africae. Sacerdotes et flamines perpetuos atque etiam duumvirales ab annonarum  
 praepositoris inferioribusque muneribus immunes esse praecipimus. Quod ut perpetua observatione firmetur, legem hanc incisam  
 aeneis tabulis iussimus publicari. PROPOSITA XII KAL. IUN. KARTHAGINE FELICIANO ET TITIANO CONSS.

4145 17 juli 337 Athanasius, Apol. sec. 87 Constantine II  
 Constantine announces that Athanasius is to be restored as bishop of Alexandria. He claims that the reason Athanasius had been  
 exiled was for his own safety. [Other bishops were also returned at the death of Constantine.]

4150 2 augustus 337 Idem a. ad Maximum praefectum praetorio. Artifices artium brevi subdito comprehensarum per singulas civitates  
 morantes ab universis muneribus vacare praecipimus, si quidem ediscendis artibus otium sit adcommodandum; quo magis cupiant et  
 ipsi peritiores fieri et suos filios erudire. DAT. IV NON. AUG. FELICIANO ET TITIANO CONSS.

4150 337 Athanasius, Apol. sec. 78 Constantius  
 A church is to be built for the priest Ischyrras, an opponent of Athanasius who accused him falsely.

CHAPTER I: Preface. - Of the Death of Constantine.

4155 ALREADY have all mankind united in celebrating with joyous festivities the completion of the second and third decennial period  
 of this great emperor's reign; already have we ourselves received him as a triumphant conqueror in the assembly of God's  
 ministers, and greeted him with the due mead of praise on the twentieth anniversary of his reign: and still more recently we  
 have woven, as it were, garlands of words, wherewith we encircled his sacred head in his own palace on his thirtieth  
 anniversary. But now, while I desire to give utterance to some of the customary sentiments, I stand perplexed and doubtful  
 which way to turn, being wholly lost in wonder at the extraordinary spectacle before me. For to whatever quarter I direct my  
 4160 view, whether to the east, or to the west, or over the whole world, or toward heaven itself, everywhere and always I see the  
 blessed one yet administering the self-same empire. On earth I behold his sons, like some new reflectors of his brightness,  
 diffusing everywhere the luster of their father's character, and himself still living and powerful, and governing all the  
 affairs of men more completely than ever before, being multiplied in the succession of his children. They had indeed  
 4165 previously the dignity of Caesars; but now, being invested with his very self, and graced by his accomplishments, for the  
 excellence of their piety they are proclaimed by the titles of Sovereign, Augustus, Worshipful, and Emperor.

CHAPTER II: The Preface continued.

4170 AND I am indeed amazed, when I consider that he who was but lately visible and present with us in his mortal body, is still, even after death, when the natural thought disclaims everything superfluous as unsuitable, most marvelously endowed with the same imperial dwellings, and honors, and praises as heretofore. But farther, when I raise my thoughts even to the arch of heaven, and there contemplate his thrice-blessed soul in communion with God himself, freed from every mortal and earthly vesture, and shining in a refulgent robe of light, and when I perceive that it is no more connected with the fleeting periods and occupations of mortal life, but honored with an ever-blooming crown, and an immortality of endless and blessed existence, I stand as it were without power of speech or thought and unable to utter a single phrase, but condemning my own weakness, and 4175 imposing silence on myself, I resign the task of speaking his praises worthily to one who is better able, even to him who, being the immortal God and veritable Word, alone has power to confirm his own saying.

4180 Imp. Constantinus a. ad Felicem praefecto praetorio. Si quis iudaeorum christianum mancipium vel cuiuslibet alterius sectae mercatus circumciderit, minime in servitute retineat circumcism, sed libertatis privilegiis, qui hoc sustinuerit, potiatur etc. DAT. XII. KAL. N

4185 *Interpretatio.* Si quis iudaeorum servum christianum vel cuiuslibet alterius sectae emerit et circumciderit, a iudaei ipsius potestate sublatus in libertate permaneat.

Imp. Constantinus a. ad Flavianum proconsulem Africae. Nemo propriis ornamentis esse privandas existimet civitates: fas si quidem non est acceptum a veteribus decus perdere civitatem veluti ad urbis alterius moenia transferendum. DAT. IV NON. FEB. MEDIOLANO, ACCEPTA VIII ID. IUL. CONSTANTINO A. ET CAES. CONSS. (... [357] febr. 2).

4190 5 jul 329? IDEM A. ET IULIANUS C. AD TAURUM P(RAEFECTUM) P(RAETORIO). Multabuntur iudices, qui rescripta contempserint aut distulerint. DAT. III NON. IUL. MEDIOLANO CONSTANTIO A. VIII ET IULIANO CAES. CONSS.

4195 ??? IMP. CONSTANTINUS A ... Petitor quem voluerit de consortibus pulset et quem vult per suam voluntatem praetereat, ea tamen condicione, ut qui pulsati non fuerint nullum de his quae iudicata fuerint praeiudicium patiantur, sed cum voluerint suas instituant actiones ...

4200 23 juni ??? IMP. CONSTANTINUS A. Iudex pro sua sollicitudine observare debebit, ut, si ad episcopale iudicium provocetur, silentium accommodetur et, si quis ad legem Christianam negotium transferre voluerit et illud iudicium observare, audiatur, etiamsi negotium apud iudicem sit inchoatum, et pro sanctis habeatur, quidquid ab his fuerit iudicatum: ita tamen, ne usurpetur in eo, ut unus ex litigantibus pergat ad supra dictum auditorium et arbitrium suum enuntiet. Iudex enim praesentis causae integre habere debet arbitrium ut omnibus accepto latis pronuntiet. DATA XIV? KAL. IULIAS CONSTANTINOPOLI. ... A. ET CRISPO CAES. CONSS.

4205 IMP. CONSTANTINUS A. AD PATERNUM VALERIANUM. Codicillis perfectissimatus fruuntur qui impetraverint, si abhorreant a condicione servili vel fisco aut curiae obnoxii non sint vel pistores non fuerint, vel non in aliquo ...

4210 Constantinus et caess. Multas saepe natas ex donatione causas cognovimus, in quibus vel adumbrata pro expressis vel inchoata pro perfectis vel plurima pro omnibus controversiam faciant, cum agentium visa pro ingenio ac facultate dicendi aut perfecta deformarent aut inchoata perficerent. Inde ius anceps ac pro dicentium impulso vaccillanti sententia non parum decreta differebant, maxime karissime ac iucundissime nobis. Hinc enim nuper exceptis personis dicta lex est, in quibus summum ius et voluntas omni libera sollempnitate, modo perfecta ortus suos praesenti munere opulentat. [249.1 tot 249.10]



IMP. Etsi minores vel ex patris nomine vel ex (suo, de)bitis dumtaxat fiscalibus ingruentibus, vel ex privatis  
 4215 co(ntracti)bus repperientur obnoxii, decreti interpositio a Const(antiniano) praetore celebranda est, probatis examussim  
 causis, (ut pate)facta rerum fide firma venditio perseveret. Haec cum [ita sint,] etiam suspecti tutores sub eius debent  
 examine postul[ari, contraria] quoque actione tribuenda; scilicet ut tunc demum ad exp[erientiam] tuam servatis legibus  
 recurratur, si apud utrumque p(raeto)rem, dum quaestio ventilatur, ab aliqua parte auxilium (pro)vocationis fuerit obiectum,  
 ut provocationis merita [subli]mis disceptator expendas. DAT.

4220 ... Agrippina d(ixit): τῷ τόπῳ ἐκείνῳ οὐκ ἐπαγόρχει. Constantinus A. d(ixit): Sed iure continetur, ne quis in  
 administratione constitutus aliquid compararet, unde quidem nihil interest, an in suo pago an in alieno comparavit, cum  
 constet contra ius eundem comparasse. Et adiecit: ignoratis fiscale affici totum, quidquid administrantes comparaverint?  
 Agrippina dixit: τοῦ τόπου ἐκείνου πραιπόσιτος οὐκ ἦν. ἐγὼ ἠγόρασα παρὰ τοῦ ἀδελφοῦ αὐτοῦ, ἴδε αἱ ὠναί. Constantinus A.  
 4225 d(ixit): recipient a venditore Codia et Agrippina competens pretium.

**IN NOMINE SANCTAE ET INDIVIDUAE TRINITATIS PATRIS SCILICET ET FILII ET SPIRITUS SANCTI.**

I Imperator Caesar Flavius Constantinus in Christo Iesu, uno ex eadem sancta trinitate salvatore domino deo nostro, fidelis  
 4230 mansuetus, maximus, beneficus, Alamannicus, Gothicus, Sarmaticus, Germanicus, Britannicus, Hunnicus, pius, felix, victor ac  
 triumphator, semper augustus, sanctissimo ac beatissimo patri patrum Silvestrio, urbis Romae episcopo et papae, atque omnibus  
 eius successoribus, qui in sede beati Petri usque in finem saeculi sessuri sunt, pontificibus nec non et omnibus  
 reverentissimis et deo amabilibus catholicis episcopis eidem sacrosanctae Romanae ecclesiae per hanc nostram imperialem  
 constitutionem subiectis in universo orbe terrarum, nunc et in posteris cunctis retro temporibus constitutis, gratia, pax,  
 4235 caritas, gaudium, longanimitas, misericordia a deo patre omnipotente et Iesu Christo filio eius et spiritu sancto cum omnibus  
 vobis.

II Ea quae salvator et redemptor noster dominus deus Iesus Christus, altissimi patris filius, per suos sanctos apostolos  
 Petrum et Paulum, interveniente patre nostro Silvestrio summo pontifice et universali papa, mirabiliter operari dignatus est,  
 liquida enarratione per huius nostrae imperialis institutionis paginam ad agnitionem omnium populorum in universo orbe  
 4240 terrarum nostra studuit propagare mansuetissima serenitas. Primum quidem fidem nostram, quam a praelato beatissimo patre et  
 oratore nostro Silvestrio universali pontifice edocti sumus, intima cordis confessione ad instruendas omnium vestrum mentes  
 proferentes et ita demum misericordiam dei super nos diffusam annuntiantes.

III Nosse enim vos volumus, sicut per anteriorem nostram sacram pragmaticam iussionem significavimus, nos a culturis  
 4245 idolorum, simulacris mutis et surdis manufactis, diabolicis compositionibus atque ab omnibus Satanae pompis recessisse et ad  
 integram Christianorum fidem, quae est vera lux et vita perpetua, pervenisse credentes iuxta id, quod nos isdem almificus  
 summus pater et doctor noster Silvester instruxit pontifex, in deum patrem omnipotentem, factorem caeli et terrae, visibilium  
 omnium et invisibilium, et in Iesum Christum, filium eius unicum, dominum deum nostrum, per quem creata sunt omnia, et in  
 spiritum sanctum, dominum et vivificatorem universae creaturae. Hos patrem et filium et spiritum sanctum confitemur, ita ut in  
 trinitate perfecta et plenitudo sit divinitatis et unitas potestatis: pater deus, filius deus et spiritus sanctus deus, et  
 4250 tres unum sunt in Iesu Christo. Tres itaque formae, sed una potestas.

IV Nam sapiens retro semper deus edidit ex se, per quod semper erant gignenda saecula, verbum, et quando eodem solo suae  
 4255 sapientiae verbo universam ex nihilo formavit creaturam, cum eo erat, cuncta suo arcano componens mysterio. Igitur perfectis  
 caelorum virtutibus et universis terrae materiis, pio sapientiae suae nutu ad imaginem et similitudinem suam primum de limo  
 terrae fingens hominem, hunc in paradiso posuit voluptatis; quem antiquus serpens et hostis invidens, diabolus, per  
 amarissimum ligni vetiti gustum exulem ab eisdem effecit gaudiis, eoque expulso non desinit sua venenosa multis modis  
 protelare iacula, ut a via veritatis humanum abstrahens genus idolorum culturae, videlicet creaturae et non creatori,

deservire suadeat, quatenus per hos eos, quos suis valuerit irretire insidiis, secum aeterno efficiat concremandos supplicio. Sed deus noster, misertus plasmae suae, dirigens sanctos suos prophetas, per quos lumen futurae vitae, adventum videlicet filii sui, domini dei et salvatoris nostri Iesu Christi, annuntians, misit eundem unigenitum suum filium et sapientiae verbum. Qui descendens de caelis propter nostram salutem natus de spiritu sancto et Maria virgine, verbum caro factum est et habitavit in nobis. Non amisit, quod fuerat, sed coepit esse, quod non erat, deum perfectum et hominem perfectum, ut deus mirabilia perficiens et ut homo humanas passiones sustinens. Ita verum hominem et verum deum praedicante patre nostro Silvestrio summo pontifice intellegimus, ut verum deum verum hominem fuisse nullo modo ambigamus; electisque duodecim apostolis, miraculis coram eis et innumerabilis populi multitudine coruscavit. Confitemur eundem dominum Iesum Christum adimpluisse legem et prophetas, passum, crucifixum, secundum scripturas tertia die a mortuis resurrexisse, assumptum in caelis atque sedentem ad dexteram patris, inde venturum iudicare vivos et mortuos, cuius regni non erit finis.

V Haec est enim fides nostra orthodoxa a beatissimo patre nostro Silvestrio summo pontifice nobis prolata; exhortantes idcirco omnem populum et diversas gentium nationes hanc fidem tenere, colere ac praedicare et in sanctae trinitatis nomine baptismi gratiam consequi et dominum Iesum Christum salvatorem nostrum, qui cum patre et spiritu sancto per infinita vivit et regnat saecula, quem Silvester beatissimus pater noster universalis praedicat pontifex, corde devoto adorare.

VI Ipse enim dominus deus noster, misertus mihi peccatori, misit sanctos suos apostolos ad visitandum nos et lumen sui splendoris infulsit nobis et abstracto a tenebris ad veram lucem et agnitionem veritatis me pervenisse gratulamini. Nam dum valida squaloris lepra totam mei corporis invasisset carnem, et multorum medicorum convenientium cura adhiberetur, nec unius quidem promerui saluti; ad haec advenerunt sacerdotes Capitolii, dicentes mihi debere fontem fieri in Capitolio et compleri hunc innocentium infantum sanguine et calente in eo loto me posse mundari. Et secundum eorum dicta aggregatis plurimis innocentibus infantibus, dum vellent sacrilegi paganorum sacerdotes eos mactari et ex eorum sanguine fontem repleri, cernens serenitas nostra lacrimas matrum eorum, ilico exhorruui facinus, misertusque eis proprios illis restitui praecepimus filios, datisque vehiculis et donis concessis gaudentes ad propria relaxavimus.

VII Eadem igitur transacta die, nocturna nobis facta silentia, dum somni tempus advenisset, adsunt apostoli sanctus Petrus et Paulus dicentes mihi: «Quoniam flagitiis posuisti terminum et effusionem sanguinis innocentis horruisti, missi sumus a Christo domino deo nostro, dare tibi sanitatis recuperandae consilium. Audi ergo monita nostra et fac quodcumque indicamus tibi. Silvester episcopus civitatis Romae ad montem Seraptem persecutiones tuas fugiens in cavernis petrarum cum suis clericis latebram fovet. Hunc cum ad te adduxeris, ipse tibi piscinam pietatis ostendet, in qua dum te tertio merserit, omnis te valitudo ista deseret leprae. Quod dum factum fuerit, hanc vicissitudinem tuo salvatori compensa, ut omnes iussu tuo per totum orbem ecclesiae restaurentur, te autem ipsum in hac parte purifica, ut relicta omni superstitione idolorum deum vivum et verum, qui solus est et verus, adores et excolas, ut ad eius voluntatem attingas.»

VIII Exsurgens igitur a somno protinus iuxta id, quod a sanctis apostolis admonitus sum, peregi, advocatoque eodem praecipuo et almifico patre et illuminatore nostro Silvestrio universali papa, omnia a sanctis apostolis mihi praecepta edixi verba, percunctatique eum sumus, qui isti dii essent: Petrus et Paulus? Ille vero non eos deos debere dici, sed apostolos salvatoris nostri domini dei Iesu Christi. Et rursum interrogare coepimus eundem beatissimum papam, utrum istorum apostolorum imaginem expressam haberet, ut ex pictura disceremus hos esse, quos revelatio docuerat. Tunc isdem venerabilis pater imagines eorundem apostolorum per diaconem suum exhiberi praecepit. Quas dum aspicerem et eorum, quos in somno videram figuratos, in ipsis imaginibus cognovissem vultus, ingenti clamore coram omnibus satrapibus meis confessus sum eos esse, quos in somno videram.

IX Ad haec beatissimus isdem Silvester pater noster, urbis Romae episcopus, indixit nobis poenitentiae tempus intro palatium nostrum Lateranense in uno cubiculo in cilicio, ut omnia, quae a nobis impie peracta atque iniuste disposita fuerant, vigiliis, ieiuniis atque lacrimis et orationibus apud dominum deum nostrum Iesum Christum salvatorem impetraremus. Deinde per manus impositionem clericorum usque ad ipsum praesulem veni, ibique abrenuntians Satanae pompis et operibus eius vel universis idolis manufactis, credere me in deum patrem omnipotentem, factorem caeli et terrae, visibilium et invisibilium, et in Iesum Christum, filium eius unicum, dominum nostrum, qui natus est de spiritu sancto et Maria Virgine, spontanea voluntate coram omni populo confessus sum; benedictoque fonte illic me trina mersione unda salutis purificavit. Ibi enim, me posito in fontis

4300 gremio, manu de caelo me contingente propriis vidi oculis; de qua mundus exurgens, ab omni me leprae squalore mundatum agnoscite. Levatoque me de venerabili fonte, indutus vestibus candidis, septemformis sancti spiritus in me consignationem adhibuit beati chrismatis unctionem et vexillum sanctae Crucis in mea fronte linivit dicens: «Signat te deus sigillo fidei suae in nomine patris et filii et spiritus sancti in consignatione fidei.» Cunctus clerus respondit: «Amen.» Adiecit praesul: «Pax tibi.»

4305 X Prima itaque die post perceptum sacri baptismatis mysterium et post curationem corporis mei a leprae squalore agnovi, non esse alium deum nisi patrem et filium et spiritum sanctum, quem beatissimus Silvester papa praedicat, trinitatem in unitate, unitatem in trinitate. Nam omnes dii gentium, quos usque hactenus colui, daemonia, opera hominum manufacta comprobantur etenim, quantam potestatem isdem salvator noster suo apostolo beato Petro contulerit in caelo ac terra, lucidissime nobis isdem venerabilis pater edixit, dum fidelem eum in sua interrogatione inveniens ait: «Tu es Petrus, et super hanc petram

4310 aedificabo ecclesiam meam, et portae inferi non praevallebunt adversus eam.» Advertite potentes et aurem cordis intendite, quid bonus magister et dominus suo discipulo adiunxit inquit: «Et tibi dabo claves regni caelorum; quodcumque ligaveris super terram, erit ligatum et in caelis et quodcumque solveris super terram, erit solutum et in caelis.» Mirum est hoc valde et gloriosum, in terra ligare et solvere et in caelo ligatum et solutum esse.

4315 XI Et dum haec praedicante beato Silvestro agnoscerem et beneficiis ipsius beati Petri integre me sanitati comperi restitutum, utile iudicavimus una cum omnibus nostris satrapibus et universo senatu, optimatibus etiam et cuncto populo Romano, gloriae imperii nostri subiacenti, ut, sicut in terris vicarius filii dei esse videtur constitutus, etiam et pontifices, qui ipsius principis apostolorum gerunt vices, principatus potestatem amplius, quam terrena imperialis nostrae serenitatis mansuetudo habere videtur concessam, a nobis nostroque imperio obtineant; eligentes nobis ipsum principem apostolorum vel eius vicarios firmos apud deum adesse patronos. Et sicut nostra est terrena imperialis potentia, eius

4320 sacrosanctam Romanam ecclesiam decrevimus veneranter honorare et amplius, quam nostrum imperium et terrenum thronum sedem sacratissimam beati Petri gloriose exaltari, tribuentes ei potestatem et gloriae dignitatem atque vigorem et honorificentiam imperialem.

XII Atque decernentes sancimus, ut principatum teneat tam super quattuor praecipuas sedes Antiochenam, Alexandrinam, Constantinopolitanam et Hierosolymitanam, quamque etiam super omnes in universo orbe terrarum dei ecclesias; et pontifex, qui

4325 pro tempore ipsius sacrosanctae Romanae ecclesiae extiterit, celsior et princeps cunctis sacerdotibus totius mundi existat et eius iudicio, quaeque ad cultum dei vel fidei Christianorum stabilitatem procuranda fuerint, disponantur. Iustum quippe est, ut ibi lex sancta caput teneat principatus, ubi sanctarum legum institutor, salvator noster, beatum Petrum apostolatus obtinere praecepit cathedram, ubi et crucis patibulum sustinens beatae mortis sumpsit poculum sui que magistri et domini imitator apparuit, et ibi gentes pro Christi nominis confessione colla flectant, ubi eorum doctor beatus Paulus apostolus pro

4330 Christo extenso collo martyrio coronatus est; illic usque in finem quaerant doctorem, ubi sanctum doctoris quiescit corpus, et ibi proni ac humiliati caelestis regis, dei salvatoris nostri Iesu Christi, famulentur officio, ubi superbi terreni regis serviebant imperio.

XIII Interea nosse volumus omnem populum universarum gentium ac nationum per totum orbem terrarum, construxisse nos intro palatium nostrum Lateranense eidem salvatori nostro domino deo Iesu Christo ecclesiam a fundamentis cum baptisterio, et

4335 duodecim nos sciatis de eius fundamentis secundum numerum duodecim apostolorum cophinos terra onustatos propriis asportasse humeris; quam sacrosanctam ecclesiam caput et verticem omnium ecclesiarum in universo orbe terrarum dici, coli, venerari ac praedicari sancimus, sicut per alia nostra imperialia decreta statuimus. Construximus itaque et ecclesias beatorum Petri et Pauli, principum apostolorum, quas auro et argento locupletavimus, ubi et sacratissima eorum corpora cum magno honore recondentes, thecas ipsorum ex electro, cui nulla fortitudo praevalet elementorum, construximus et crucem ex auro purissimo et

4340 gemmis pretiosis per singulas eorum thecas posuimus et clavis aureis confiximus, quibus pro concinnatione luminariorum possessionum praedia contulimus, et rebus diversis eas ditavimus, et per nostras imperialium iussionum sacras tam in oriente quam in occidente vel etiam septentrionali et meridiana plaga, videlicet in Iudaea, Graecia, Asia, Thracia, Africa et Italia vel diversis insulis nostram largitatem eis concessimus, ea prorsus ratione, ut per manus beatissimi patris nostri Silvestrii

pontificis successorumque eius omnia disponantur.

4345 XIV Gaudeat enim una nobiscum omnis populus et gentium nationes in universo orbe terrarum; exhortantes omnes, ut deo nostro  
 et salvatori Iesu Christo immensas una nobiscum referatis grates, quoniam ipse deus in caelis desuper et in terra deorsum, qui  
 nos per suos sanctos visitans apostolos sanctum baptismatis sacramentum percipere et corporis sanitatem dignos effecit. Pro  
 quo concedimus ipsis sanctis apostolis, dominis meis, beatissimis Petro et Paulo et per eos etiam beato Silvestrio patri  
 4350 nostro, summo pontifici et universali urbis Romae papae, et omnibus eius successoribus pontificibus, qui usque in finem mundi  
 in sede beati Petri erunt sessuri atque de praesenti contradimus palatium imperii nostri Lateranense, quod omnibus in toto  
 orbe terrarum praefertur atque praecellet palatiis, deinde diademam videlicet coronam capitis nostri simulque frygium nec non  
 et superhumeralis, videlicet lorum, qui imperiale circumdare assolet collum, verum etiam et clamidem purpuream atque tunicam  
 coccineam et omnia imperialia indumenta seu et dignitatem imperialium praesidentium equitum, conferentes etiam et imperialia  
 4355 scepra simulque et conta atque signa, banda etiam et diversa ornamenta imperialia et omnem processionem imperialis culminis  
 et gloriam potestatis nostrae.

XV Viris enim reverentissimis, clericis diversis ordinibus eidem sacrosanctae Romanae ecclesiae servientibus illud culmen,  
 singularitatem, potentiam et praecellentiam habere sancimus, cuius amplissimus noster senatus videtur gloria adornari, id est  
 patricios atque consules effici, nec non et ceteris dignitatibus imperialibus eos promulgantes decorari; et sicut imperialis  
 4360 militia, ita et clerum sacrosanctae Romanae ecclesiae ornari decernimus; et quemadmodum imperialis potentia officiis diversis,  
 cubiculariorum nempe et ostiariorum atque omnium excubiorum ornatu decoratur, ita et sanctam Romanam ecclesiam decorari  
 volumus; et ut amplissime pontificalis decus praefulgeat, decernimus et hoc, ut clerici eiusdem sanctae Romanae ecclesiae  
 mappulis ex lintheaminibus, id est candidissimo colore, eorum decorari equos et ita equitari, et sicut noster senatus  
 calciamenta uti cum udonibus, id est candido lintheamine illustrari: ut sicut caelestia ita et terrena ad laudem dei  
 4365 decorentur; prae omnibus autem licentiam tribuentes ipso sanctissimo patri nostro Silvestrio, urbis Romae episcopo et papae,  
 et omnibus, qui post eum in successum et perpetuis temporibus advenerint, beatissimis pontificibus, pro honore et gloria  
 Christi dei nostri in eadem magna dei catholica et apostolica ecclesia ex nostra synclitu, quem placatus proprio consilio  
 clericare voluerit et in numero religiosorum clericorum connumerare, nullum ex omnibus praesumentem superbe agere.

XVI Decrevimus itaque et hoc, ut isdem venerabilis pater noster Silvester, summus pontifex, vel omnes eius successores  
 pontifices diademam videlicet coronam, quam ex capite nostro illi concessimus, ex auro purissimo et gemmis pretiosis uti  
 4370 debeant et eorum capite ad laudem dei pro honore beati Petri gestare; ipse vero sanctissimus papa super coronam clericatus,  
 quam gerit ad gloriam beati Petri, omnino ipsam ex auro non est passus uti coronam, frygium vero candido nitore splendidam  
 resurrectionem dominicam designans eius sacratissimo vertici manibus nostris posuimus, et tenentes frenum equi ipsius pro  
 reverentia beati Petri stratoris officium illi exhibuimus; statuentes, eundem frygium omnes eius successores pontifices  
 4375 singulariter uti in processionibus ad imitationem imperii nostri.

XVII Unde ut non pontificalis apex vilescat, sed magis amplius quam terreni imperii dignitas et gloriae potentia coretur,  
 ecce tam palatium nostrum, ut praelatum est, quamque Romae urbis et omnis Italiae seu occidentalium regionum provincias, loca  
 et civitates saepefato beatissimo pontifici, patri nostro Silvestrio, universali papae, contradentes atque relinquentes eius  
 vel successorum ipsius pontificum potestati et ditioni firma imperiali censura per hanc nostram divalem sacram et pragmaticum  
 4380 constitutum decernimus disponenda atque iuri sanctae Romanae ecclesiae concedimus permanenda.

XVIII Unde congruum prospeximus, nostrum imperium et regni potestatem orientalibus transferri ac transmutari regionibus et  
 in Byzantiae provincia in optimo loco nomini nostro civitatem aedificari et nostrum illic constitui imperium; quoniam, ubi  
 principatus sacerdotum et christianae religionis caput ab imperatore caelesti constitutum est, iustum non est, ut illic  
 4385 imperator terrenus habeat potestatem.

XIX Haec vero omnia, quae per hanc nostram imperialem sacram et per alia divalia decreta statuimus atque confirmavimus,  
 usque in finem mundi illibata et inconcussa permanenda decernimus; unde coram deo vivo, qui nos regnare praecepit, et coram  
 4385 terribili eius iudicio obtestamur per hoc nostrum imperialem constitutum omnes nostros successores imperatores vel cunctos  
 optimates, satrapes etiam, amplissimum senatum et universum populum in toto orbe terrarum nunc et in posterum cunctis retro

temporibus imperio nostro subiacentem, nulli eorum quoquo modo licere, haec, quae a nobis imperiali sanctione sacrosanctae Romanae ecclesiae vel eius omnibus pontificibus concessa sunt, refragare aut confringere vel in quoquam convelli. Si quis autem, quod non credimus, in hoc temerator aut contemptor extiterit, aeternis condemnationibus subiaceat innodatus, et sanctos dei principes apostolorum Petrum et Paulum sibi in praesenti et futura vita sentiat contrarios, atque in inferno inferiori concrematus, cum diabolo et omnibus deficiat impiis.

XX Huius vero imperialis decreti nostri paginam propriis manibus roborantes super venerandum corpus beati Petri, principis apostolorum, posuimus, ibique eidem dei apostolo spondentes, nos cuncta inviolabiliter conservare et nostris successoribus imperatoribus conservanda in mandatis relinqui, beatissimo patri nostro Silvestrio summo pontifici et universali papae eiusque per eum cunctis successoribus pontificibus, domino deo et salvatore nostro Iesu Christo annuente, tradidimus perenniter atque feliciter possidenda.

Et subscriptio imperialis: Divinitas vos conservet per multos annos, sanctissimi ac beatissimi patres.

Datum Roma sub die tertio Kalendarum Aprilium, domino nostro Flavio Constantino augusto quater et Gallicano viris clarissimis consulibus. <https://droitromain.univ-grenoble-alpes.fr/>

<http://nordnum.univ-lille.fr/search?query=godefroy+1736&search-query=&search-query=1>

4405	301 T. Flavius Postumius Titianus II	Virius Nepotianus
	302 Flavius Valerius Constantius Caesar IV	C. Galerius Valerius Maximianus Caesar IV
	303 Imp. Caesar C. Aurelius Valerius Diocletianus Augustus VIII	Imp. Caesar M. Aurelius Valerius Maximianus Augustus VIII
	304 Imp. Caesar C. Aurelius Valerius Diocletianus Augustus IX	Imp. Caesar M. Aurelius Valerius Maximianus Augustus VIII
	305 Flavius Valerius Constantius Caesar V	C. Galerius Valerius Maximianus Caesar V
4410	306 Imp. Caesar Flavius Valerius Constantius Augustus VI	Imp. Caesar C. Galerius Valerius Maximianus Augustus VI
	307 Imp. Caesar M. Aurelius Valerius Maximianus Augustus IX (West)	Flavius Valerius Constantinus Caesar (West)
	Imp. Caesar Flavius Valerius Severus Augustus (East)	Galerius Valerius Maximinus Caesar (East)
	Imp. Caesar C. Galerius Valerius Maximianus Augustus VII (Rome; January-April)	Galerius Valerius Maximinus Caesar (Rome; January-April)
4415	308 C. Aurelius Valerius Diocletianus senior Augustus X	Imp. Caesar C. Galerius Valerius Maximianus Augustus VII
	Imp. Caesar M. Aurelius Valerius Maxentius Augustus (Rome; April-December)	Valerius Romulus I (Rome; April-December)
	309 Imp. Caesar C. Valerius Licinianus Licinius Augustus	Imp. Caesar Flavius Valerius Constantinus Augustus
	Imp. Caesar M. Aurelius Valerius Maxentius Augustus II (Rome)	Valerius Romulus II (Rome)
	310 Tattius Andronicus	Pompeius Probus
4420	Imp. Caesar M. Aurelius Valerius Maxentius Augustus III (Rome)	Imp. Caesar Galerius Valerius Maximinus Augustus II
	311 Imp. Caesar C. Galerius Valerius Maximianus Augustus VIII	Aradius Rufinus (Rome; from September)
	C. Caecionius Rufius Volusianus (Rome; from September)	Imp. Caesar C. Valerius Licinianus Licinius Augustus II
	312 Imp. Caesar Flavius Valerius Constantinus Augustus II	Imp. Caesar C. Valerius Licinianus Licinius Augustus II
	Imp. Caesar M. Aurelius Valerius Maxentius Augustus IV (Rome)	
4425	313 Imp. Caesar Flavius Valerius Constantinus Augustus III	Imp. Caesar C. Valerius Licinianus Licinius Augustus III
	Imp. Caesar Galerius Valerius Maximinus Augustus III (Rome, Egypt, inter alios)	
	314 C. Caecionius Rufius Volusianus II	Petronius Annianus
	315 Imp. Caesar Flavius Valerius Constantinus Augustus IV	Imp. Caesar C. Valerius Licinianus Licinius Augustus IV
	316 Antonius Caecinius Sabinus	C. Vettius Cossinius Rufinus
4430	317 Ovinus Gallicanus	Caesonius Bassus (from February)
	318 Imp. Caesar C. Valerius Licinianus Licinius Augustus V	Flavius Julius Crispus Caesar

Naspeuringen van Paul Theelen: Decreten en wetten van Constantijn 306-337

	319 Imp. Caesar Flavius Valerius Constantinus Augustus V	Valerius Licinianus Licinius Caesar
	320 Imp. Caesar Flavius Valerius Constantinus Augustus VI	Flavius Claudius Constantinus Caesar
	321 Flavius Julius Crispus Caesar II (West)	Flavius Claudius Constantinus Caesar II (West)
4435	Imp. Caesar C. Valerius Licinianus Licinius Augustus VI (East)	Valerius Licinianus Licinius Caesar II (East)
	322 Petronius Probianus (West)	Amnius Anicius Julianus (West)
	Post consulatum Licinii Augusti VI et Licinii Caesaris II (East)	
	323 Acilius Severus (West)	Vettius Rufinus (West)
	II post consulatum Licinii Augusti VI et Licinii Caesaris II (East)	
4440	324 Flavius Julius Crispus Caesar III	Flavius Claudius Constantinus Caesar III
	325 Valerius Proculus (January-May) [	Sex. Anicius Paulinus
	suff. Julius Julianus (May-December)	
	326 Flavius Valerius Constantinus Augustus VII	Flavius Julius Constantius Caesar
	327 Flavius Constantius	L. Valerius Maximus Basilius
4445	328 Flavius Januarinus	Vettius Justus
	329 Flavius Valerius Constantinus Augustus VIII	Flavius Claudius Constantinus Caesar IV
	330 Flavius Gallicanus	Aurelius Valerius Tullianus Symmachus
	331 Junius Annius Bassus	Ablabius
	332 Lucius Papius Pacatianus	Maecilius Hilarianus
4450	333 Flavius Dalmatius	Domitius Zenophilus
	334 Flavius Optatus	Amnius M'. Caesonius Nicomachus Anicius Paulinus Honorius
	335 Julius Constantius	Caesonius Rufius Albinus
	336 Virius Nepotianus	Tettius Facundus
	337 Flavius Felicianus	T. Fabius Titianus
4455	338 Flavius Ursus	Flavius Polemius
	339 Flavius Julius Constantius Augustus II	Flavius Julius Claudius Constans Augustus
	340 Septimius Acindynus	L. Aradius Valerius Proculus Populonium
4460	<b>CONSTITUTUM CONSTANTINI [Constitutum domini Constantini imperatoris]</b>	
	1. In nomine sanctae et individuae trinitatis patris scilicet et filii et spiritus sancti.	
	Imperator Caesar Flavius Constantinus in Christo Iesu, uno ex eadem sancta trinitate salvatore domino deo nostro, fidelis mansuetus, maximus, beneficus, Alamannicus, Gothicus, Sarmaticus, Germanicus, Britannicus, Hunnicus, pius, felix, victor ac triumphator, semper augustus, sanctissimo ac beatissimo patri patrum Silvestrio, urbis Romae episcopo et papae, atque omnibus	
4465	eius successoribus, qui in sede beati Petri usque in finem saeculi sessuri sunt, pontificibus nec non et omnibus reverentissimis et deo amabilibus catholicis episcopis eidem sacrosanctae Romanae ecclesiae per hanc nostram imperialem constitutionem subiectis in universo orbe terrarum, nunc et in posteris cunctis retro temporibus constitutis, gratia, pax, caritas, gaudium, longanimitas, misericordia a deo patre omnipotente et Iesu Christo filio eius et spiritu sancto cum omnibus vobis.	
4470	2. Ea quae salvator et redemptor noster dominus deus Iesus Christus, altissimi patris filius, per suos sanctos apostolos Petrum et Paulum, interveniente patre nostro Silvestrio summo pontifice et universali papa, mirabiliter operari dignatus est, liquida enarratione per huius nostrae imperialis institutionis paginam ad agnitionem omnium populorum in universo orbe terrarum nostra studuit propagare mansuetissima serenitas. Primum quidem fidem nostram, quam a praelato beatissimo patre et oratore nostro Silvestrio universali pontifice edocti sumus, intima cordis confessione ad instruendas omnium vestrum mentes	
4475	proferentes et ita demum misericordiam dei super nos diffusam annuntiantes.	

3. Nosse enim vos volumus, sicut per anteriorem nostram sacram pragmaticam iussionem significavimus, nos a culturis idolorum, simulacris mutis et surdis manufactis, diabolicis compositionibus atque ab omnibus Satanae pompis recessisse et ad integram Christianorum fidem, quae est vera lux et vita perpetua, pervenisse credentes iuxta id, quod nos isdem almificus summus pater et doctor noster Silvester instruxit pontifex, in deum patrem omnipotentem, factorem caeli et terrae, visibilium omnium et  
 4480 invisibilium, et in Iesum Christum, filium eius unicum, dominum deum nostrum, per quem creata sunt omnia, et in spiritum sanctum, dominum et vivificatorem universae creaturae. Hos patrem et filium et spiritum sanctum confitemur, ita ut in trinitate perfecta et plenitudo sit divinitatis et unitas potestatis: pater deus, filius deus et spiritus sanctus deus, et tres unum sunt in Iesu Christo. Tres itaque formae, sed una potestas.

4. Nam sapiens retro semper deus edidit ex se, per quod semper erant gignenda saecula, verbum, et quando eodem solo suae sapientiae verbo universam ex nihilo formavit creaturam, cum eo erat, cuncta suo arcano componens mysterio. Igitur perfectis caelorum virtutibus et universis terrae materiis, pio sapientiae suae nutu ad imaginem et similitudinem suam primum de limo terrae fingens hominem, hunc in paradiso posuit voluptatis; quem antiquus serpens et hostis invidens, diabolus, per amarissimum ligni vetiti gustum exulem ab eisdem effecit gaudiis, eoque expulso non desinit sua venenosa multis modis  
 4485 protelare iacula, ut a via veritatis humanum abstrahens genus idolorum culturae, videlicet creaturae et non creatori, deservire suadeat, quatenus per hos eos, quos suis valuerit irretire insidiis, secum aeterno efficiat concremandos supplicio. Sed deus noster, misertus plasmae suae, dirigens sanctos suos prophetas, per quos lumen futurae vitae, adventum videlicet filii sui, domini dei salvatoris nostri Iesu Christi, annuntians, misit eundem unigenitum suum filium et sapientiae verbum. Qui descendens de caelis propter nostram salutem natus de spiritu sancto et Maria virgine, verbum caro factum est et habitavit  
 4490 in nobis. Non amisit, quod fuerat, sed coepit esse, quod non erat, deum perfectum et hominem perfectum, ut deus mirabilia perficiens et ut homo humanas passiones sustinens. Ita verum hominem et verum deum praedicante patre nostro Silvestrio summo pontifice intellegimus, ut verum deum verum hominem fuisse nullo modo ambigamus; electisque duodecim apostolis, miraculis coram eis et innumerabilis populi multitudine coruscavit. Confitemur eundem dominum Iesum Christum adimplesse legem et prophetas, passum, crucifixum, secundum scripturas tertia die a mortuis resurrexisse, assumptum in caelis atque sedentem ad  
 4495 dexteram patris, inde venturum iudicare vivos et mortuos, cuius regni non erit finis.

5. Haec est enim fides nostra orthodoxa a beatissimo patre nostro Silvestrio summo pontifice nobis prolata; exhortantes idcirco omnem populum et diversas gentium nationes hanc fidem tenere, colere ac praedicare et in sanctae trinitatis nomine baptismi gratiam consequi et dominum Iesum Christum salvatorem nostrum, qui cum patre et spiritu sancto per infinita vivit et regnat saecula, quem Silvester beatissimus pater noster universalis praedicat pontifex, corde devoto adorare.

6. Ipse enim dominus deus noster, misertus mihi peccatori, misit sanctos suos apostolos ad visitandum nos et lumen sui splendoris infulsit nobis et abstracto a tenebris ad veram lucem et agnitionem veritatis me pervenisse gratulamini. Nam dum valida squaloris lepra totam mei corporis invasisset carnem, et multorum medicorum convenientium cura adhiberetur, nec unius quidem promerui saluti; ad haec advenerunt sacerdotes Capitolii, dicentes mihi debere fontem fieri in Capitolio et compleri hunc innocentium infantum sanguine et calente in eo loto me posse mundari. Et secundum eorum dicta aggregatis plurimis  
 4505 innocentibus infantibus, dum vellent sacrilegi paganorum sacerdotes eos mactari et ex eorum sanguine fontem repleri, cernens serenitas nostra lacrimas matrum eorum, ilico exhorruí facinus, misertusque eis proprios illis restitui praecepimus filios, datisque vehiculis et donis concessis gaudentes ad propria relaxavimus.

7. Eadem igitur transacta die, nocturna nobis facta silentia, dum somni tempus advenisset, adsunt apostoli sanctus Petrus et Paulus dicentes mihi: "Quoniam flagitiis posuisti terminum et effusionem sanguinis innocentis horruisti, missi sumus a Christo domino deo nostro, dare tibi sanitatis recuperandae consilium. Audi ergo monita nostra et fac quodcumque indicamus tibi.  
 4510 Silvester episcopus civitatis Romae ad montem Seraptem persecutiones tuas fugiens in cavernis petrarum cum suis clericis latebram fovet. Hunc cum ad te adduxeris, ipse tibi piscinam pietatis ostendet, in qua dum te tertio merserit, omnis te validudo ista deseret leprae. Quod dum factum fuerit, hanc vicissitudinem tuo salvatori compensa, ut omnes iussu tuo per totum orbem ecclesiae restaurentur, te autem ipsum in hac parte purifica, ut relicta omni superstitione idolorum deum vivum et verum, qui solus est et verus, adores et excolas, ut ad eius voluntatem adtingas."

4520 8. Exsurgens igitur a somno protinus iuxta id, quod a sanctis apostolis admonitus sum, peregi, advocatoque eodem praecipuo et  
almifico patre et illuminatore nostro Silvestrio universali papa, omnia a sanctis apostolis mihi praecepta edixi verba,  
percunctatique eum sumus, qui isti dii essent: Petrus et Paulus? Ille vero non eos deos debere dici, sed apostolos salvatoris  
nostri domini dei Iesu Christi. Et rursum interrogare coepimus eundem beatissimum papam, utrum istorum apostolorum imaginem  
4525 expressam haberet, ut ex pictura disceremus hos esse, quos revelatio docuerat. Tunc isdem venerabilis pater imagines eorundem  
apostolorum per diaconem suum exhiberi praecepit. Quas dum aspicerem et eorum, quos in somno videram figuratos, in ipsis  
imaginibus cognovissem vultus, ingenti clamore coram omnibus satrapibus meis confessus sum eos esse, quos in somno videram.

9. Ad haec beatissimus isdem Silvester pater noster, urbis Romae episcopus, indixit nobis poenitentiae tempus intro palatium  
nostrum Lateranense in uno cubiculo in cilicio, ut omnia, quae a nobis impie [peracta atque] iniuste disposita fuerant,  
vigiliis, ieiuniis atque lacrimis et orationibus apud dominum deum nostrum Iesum Christum salvatorem impetraremus. Deinde per  
4530 manus impositionem clericorum usque ad ipsum praesulem veni, ibique abrenuntians Satanae pompis et operibus eius vel universis  
idolis manufactis, credere me in deum patrem omnipotentem, factorem caeli et terrae, visibilium et invisibilium, et in Iesum  
Christum, filium eius unicum, dominum nostrum, qui natus est de spiritu sancto et Maria Virgine, spontanea voluntate coram  
omni populo professus sum; benedictoque fonte illic me trina mersione unda salutis purificavit. Ibi enim, me posito in fontis  
4535 gremio, manu de caelo me contingente propriis vidi oculis; de qua mundus exsurgens, ab omni me leprae squalore mundatum  
agnoscite. Levatoque me de venerabili fonte, indutus vestibus candidis, septemformis sancti spiritus in me consignatione  
adhibuit beati chrismatis unctionem et vexillum sanctae Crucis in mea fronte linivit dicens: "Signat te deus sigillo fidei  
suae in nomine patris et filii et spiritus sancti in consignatione fidei." Cunctus clerus respondit: "Amen." Adiecit praesul:  
"Pax tibi."

10. Prima itaque die post perceptum sacri baptismatis mysterium et post curationem corporis mei a leprae squalore agnovi, non  
4540 esse alium deum nisi patrem et filium et spiritum sanctum, quem beatissimus Silvester papa praedicat, trinitatem in unitate,  
unitatem in trinitate. Nam omnes dii gentium, quos usque hactenus colui, daemonia, opera hominum manufacta comprobantur  
etenim, quantam potestatem isdem salvator noster suo apostolo beato Petro contulerit in caelo ac terra, lucidissime nobis  
isdem venerabilis pater edixit, dum fidelem eum in sua interrogatione inveniens ait: "Tu es Petrus, et super hanc petram  
aedificabo ecclesiam meam, et portae inferi non praevalerunt adversus eam." Advertite potentes et aurem cordis intendite, quid  
4545 bonus magister et dominus suo discipulo adiunxit inquit: "Et tibi dabo claves regni caelorum; quodcumque ligaveris super  
terram, erit ligatum et in caelis et quodcumque solveris super terram, erit solutum et in caelis." Mirum est hoc valde et  
gloriosum, in terra ligare et solvere et in caelo ligatum et solutum esse.

11. Et dum haec praedicante beato Silvestrio agnoscerem et beneficiis ipsius beati Petri integre me sanitati comperi  
restitutum, utile iudicavimus una cum omnibus nostris satrapibus et universo senatu, optimatibus etiam et cuncto populo  
4550 Romano, gloriae imperii nostri subiacenti, ut, sicut in terris vicarius filii dei esse videtur constitutus, etiam et  
pontifices, qui ipsius principis apostolorum gerunt vices, principatus potestatem amplius, quam terrena imperialis nostrae  
serenitatis mansuetudo habere videtur concessam, a nobis nostroque imperio obtineant; eligentes nobis ipsum principem  
apostolorum vel eius vicarios firmos apud deum adesse patronos. Et sicut nostra est terrena imperialis potentia, eius  
sacrosanctam Romanam ecclesiam decrevimus veneranter honorare et amplius, quam nostrum imperium et terrenum thronum sedem  
4555 sacratissimam beati Petri gloriose exaltari, tribuentes ei potestatem et gloriae dignitatem atque vigorem et honorificentiam  
imperialem.

12. Atque decernentes sancimus, ut principatum teneat tam super quattuor praecipuas sedes Antiochenam, Alexandrinam,  
Constantinopolitanam et Hierosolymitanam, quamque etiam super omnes in universo orbe terrarum dei ecclesias; et pontifex, qui  
pro tempore ipsius sacrosanctae Romanae ecclesiae extiterit, celsior et princeps cunctis sacerdotibus totius mundi existat et  
4560 eius iudicio, quaeque ad cultum dei vel fidei Christianorum stabilitate procuranda fuerint, disponantur. iustum quippe est, ut  
ibi lex sancta caput teneat principatus, ubi sanctarum legum institutor, salvator noster, beatum Petrum apostolatus obtinere  
praecepit cathedram, ubi et crucis patibulum sustinens beatae mortis sumpsit poculum sui que magistri et domini imitator  
apparuit, et ibi gentes pro Christi nominis confessione colla flectant, ubi eorum doctor beatus Paulus apostolus pro Christo



4565 extenso collo martyrio coronatus est; illic usque in finem quaerant doctorem, ubi sanctum doctoris quiescit corpus, et ibi  
 proni ac humiliati caelestis regis, die salvatoris nostri Iesu Christi, famulentur officio, ubi superbi terreni regis  
 serviebant imperio.

13. Interea nosse volumus omnem populum universarum gentium ac nationum per totum orbem terrarum, construxisse nos intro  
 palatium nostrum Lateranense eidem salvatori nostro domino deo Iesu Christo ecclesiam a fundamentis cum baptisterio, et  
 duodecim nos sciatis de eius fundamentis secundum numerum duodecim apostolorum cophinos terra onustatos propriis asportasse  
 4570 humeris; quam sacrosanctam ecclesiam caput et verticem omnium ecclesiarum in universo orbe terrarum dici, coli, venerari ac  
 praedicari sancimus, sicut per alia nostra imperialia decreta statuimus. Construximus itaque et ecclesias beatorum Petri et  
 Pauli, principum apostolorum, quas auro et argento locupletavimus, ubi et sacratissima eorum corpora cum magno honore  
 recondentes, thecas ipsorum ex electro, cui nulla fortitudo praevalet elementorum, construximus et crucem ex auro purissimo et  
 gemmis pretiosis per singulas eorum thecas posuimus et clavis aureis confiximus, quibus pro concinnatione luminariorum  
 4575 possessionum praedia contulimus, et rebus diversis eas ditavimus, et per nostras imperialium iussionum sacras tam in oriente  
 quam in occidente vel etiam septentrionali et meridiana plaga, videlicet in Iudaea, Graecia, Asia, Thracia, Africa et Italia  
 vel diversis insulis nostram largitatem eis concessimus, ea prorsus ratione, ut per manus beatissimi patris nostri Silvestrii  
 pontificis successorumque eius omnia disponantur.

14. Gaudeat enim una nobiscum omnis populus et gentium nationes in universo orbe terrarum; exhortantes omnes, ut deo nostro et  
 4580 salvatori Iesu Christo immensas una nobiscum referatis grates, quoniam ipse deus in caelis desuper et in terra deorsum, qui  
 nos per suos sanctos visitans apostolos sanctum baptismatis sacramentum percipere et corporis sanitatem dignos effecit. Pro  
 quo concedimus ipsis sanctis apostolis, dominis meis, beatissimis Petro et Paulo et per eos etiam beato Silvestrio patri  
 nostro, summo pontifici et universali urbis Romae papae, et omnibus eius successoribus pontificibus, qui usque in finem mundi  
 in sede beati Petri erunt sessuri atque de praesenti contradimus palatium imperii nostri Lateranense, quod omnibus in toto  
 4585 orbe terrarum praefertur atque praecellet palatiis, deinde diademam videlicet coronam capitis nostri simulque frygium nec non  
 et superhumeralia, videlicet lorum, qui imperiale circumdare assolet collum, verum etiam et clamidem purpuream atque tunicam  
 coccineam et omnia imperialia indumenta seu et dignitatem imperialium praesidentium equitum, conferentes etiam et imperialia  
 sceptrum simulque et conta atque signa, banda etiam et diversa ornamenta imperialia et omnem processionem imperialis culminis  
 et gloriam potestatis nostrae.

15. Viris enim reverentissimis, clericis diversis ordinibus eidem sacrosanctae Romanae ecclesiae servientibus illud culmen,  
 4590 singularitatem, potentiam et praecellentiam habere sancimus, cuius amplissimus noster senatus videtur gloria adornari, id est  
 patricios atque consules effici, nec non et ceteris dignitatibus imperialibus eos promulgantes decorari; et sicut imperialis  
 militia, ita et clerum sacrosanctae Romanae ecclesiae ornari decernimus; et quemadmodum imperialis potentia officiis diversis,  
 cubiculariorum nempe et ostiariorum atque omnium excubiorum ornatu decoratur, ita et sanctam Romanam ecclesiam decorari  
 4595 volumus; et ut amplissime pontificalis decus praefulgeat, decernimus et hoc, ut clerici eiusdem sanctae Romanae ecclesiae  
 mappulis ex linteaminibus, id est candidissimo colore, eorum decorari equos et ita equitari, et sicut noster senatus  
 calciamenta uti cum udonibus, id est candido linteamine illustrari: ut sicut caelestia ita et terrena ad laudem dei  
 decorentur; prae omnibus autem licentiam tribuentes ipso sanctissimo patri nostro Silvestrio, urbis Romae episcopo et papae,  
 et omnibus, qui post eum in successum et perpetuis temporibus advenerint, beatissimis pontificibus, pro honore et gloria  
 4600 Christi dei nostri in eadem magna dei catholica et apostolica ecclesia ex nostra synclitu, quem placatus proprio consilio  
 clericare voluerit et in numero religiosorum clericorum connumerare, nullum ex omnibus praesumentem superbe agere.

16. Decrevimus itaque et hoc, ut isdem venerabilis pater noster Silvester, summus pontifex, vel omnes eius successores  
 pontifices diademam videlicet coronam, quam ex capite nostro illi concessimus, ex auro purissimo et gemmis pretiosis uti  
 debeant et eorum capite ad laudem dei pro honore beati Petri gestare; ipse vero sanctissimus papa super coronam clericatus,  
 4605 quam gerit ad gloriam beati Petri, omnino ipsam ex auro non est passus uti coronam, frygium vero candido nitore splendidam  
 resurrectionem dominicam designans eius sacratissimo vertici manibus nostris posuimus, et tenentes frenum equi ipsius pro  
 reverentia beati Petri stratoris officium illi exhibuimus; statuentes, eundem frygium omnes eius successores pontifices

singulariter uti in processionibus ad imitationem imperii nostri.

4610 17. Unde ut non pontificalis apex vilescat, sed magis amplius quam terreni imperii dignitas et gloriae potentia decoretur, ecce tam palatium nostrum, ut praelatum est, quamque Romae urbis et omnes Italias seu occidentalium regionum provincias, loca et civitates saepefato beatissimo pontifici, patri nostro Silvestrio, universali papae, contradentes atque relinquentes eius vel successorum ipsius pontificum potestati et ditioni firma imperiali censura per hanc nostram divalem sacram et pragmaticum constitutum decernimus disponenda atque iuri sanctae Romanae ecclesiae concedimus permanenda.

4615 18. Unde congruum prospeximus, nostrum imperium et regni potestatem orientalibus transferri ac transmutari regionibus et in Byzantiae provincia in optimo loco nomini nostro civitatem aedificari et nostrum illic constitui imperium; quoniam, ubi principatus sacerdotum et christianae religionis caput ab imperatore caelesti constitutum est, iustum non est, ut illic imperator terrenus habeat potestatem.

4620 19. Haec vero omnia, quae per hanc nostram imperialem sacram et per alia divalia decreta statuimus atque confirmavimus, usque in finem mundi illibata et inconcussa permanenda decernimus; unde coram deo vivo, qui nos regnare praecepit, et coram terribili eius iudicio obtestamus per hoc nostrum imperialem constitutum omnes nostros successores imperatores vel cunctos optimates, satrapes etiam, amplissimum senatum et universum populum in toto orbe terrarum nunc et in posterum cunctis retro temporibus imperio nostro subiacenti, nulli eorum quoquo modo licere, haec, quae a nobis imperiali sanctione sacrosanctae Romanae ecclesiae vel eius omnibus pontificibus concessa sunt, refragare aut confringere vel in quoquam convelli. Si quis autem, quod non credimus, in hoc temerator aut contemptor extiterit, aeternis condemnationibus subiaceat innodatus, et sanctos 4625 dei principes apostolorum Petrum et Paulum sibi in praesenti et futura vita sentiat contrarios, atque in inferno inferiori concrematus, cum diabolo et omnibus deficiat impiis.

4630 20. Huius vero imperialis decreti nostri paginam propriis manibus roborantes super venerandum corpus beati Petri, principis apostolorum, posuimus, ibique eidem dei apostolo spondentes, nos cuncta inviolabiliter conservare et nostris successoribus imperatoribus conservanda in mandatis relinqui, beatissimo patri nostro Silvestrio summo pontifici et universali papae eiusque per eum cunctis successoribus pontificibus, domino deo et salvatore nostro Iesu Christo annuente, tradidimus perenniter atque feliciter possidenda.

Et subscriptio imperialis:

4635 Divinitas vos conservet per multos annos, sanctissimi ac beatissimi patres. Datum Roma sub die tertio Kalendarum Aprilium, domino nostro Flavio Constantino augusto quater et Gallicano viris clarissimis consulibus.

The donation of Constantine (750-800)

4640 In the name of the holy and indivisible Trinity, the Father, namely, and the Son and the Holy Spirit. The emperor Caesar Flavius Constantine in Christ Jesus, the Lord I God our Saviour, one of that same holy Trinity, – faithful merciful, supreme, beneficent, Alamannic, Gothic, Sarmatic, Germanic, Britannic, Hunic, pious, fortunate, victor and triumpher, always august: to the most holy and blessed father of fathers Sylvester, bishop of the city of and to all his successors the pontiffs, who are about to sit upon Rome and pope, the chair of St. Peter until the end of time – also to all the most reverend and of God 4645 beloved catholic bishops, subjected by this our imperial decree throughout the whole world to this same holy, Roman church, who have been established now and in all previous times – grace, peace, charity, rejoicing, long-suffering, mercy, be with you all from God the Father almighty and from Jesus Christ his Son and from the Holy Ghost. Our most gracious serenity desires, in clear discourse, through the page of this our imperial decree, to bring to the knowledge of all the people in the whole world what things our Saviour and Redeemer the Lord Jesus Christ, the Son of the most High Father, has most wonderfully seen fit to bring about through his holy apostles Peter and Paul and by the intervention of our father Sylvester, the highest pontiff and 4650 the universal pope. First, indeed, putting forth, with the inmost confession of our heart, for the purpose of instructing the mind of all of you, our creed which we have learned from the aforesaid most blessed father and our confessor, Svlvester the

universal pontiff; and then at length announcing the mercy of God which has been poured upon us.  
 For we wish you to know, as we have signified through our former imperial decree, that we have gone away, from the worship of  
 idols, from mute and deaf images made by hand, from devilish contrivances and from all the pomps of Satan; and have arrived at  
 4655 the pure faith of the Christians, which is the true light and everlasting life. Believing, according to what he – that same  
 one, our revered supreme father and teacher, the pontiff Sylvester – has taught us, in God the Father, the almighty maker of  
 Heaven and earth, of all things visible and invisible; and in Jesus Christ, his only Son, our Lord God, through whom all  
 things are created; and in the Holy Spirit, the Lord and vivifier of the whole creature. We confess these, the Father and the  
 Son and the Holy Spirit, in such way that, in the perfect Trinity, there shall also be a fulness of divinity and a unity of  
 4660 power. The Father is God, the Son is God, and the Holy Spirit is God; and these three are one in Jesus Christ.  
 There are therefore three forms but one power. For God, wise in all previous time, gave forth from himself the word through  
 which all future ages were to be born; and when, by that sole word of His wisdom, He formed the whole creation from nothing,  
 He was with it, arranging all things in His mysterious secret place.  
 Therefore, the virtues of the Heavens and all the material part of the earth having been perfected, by the wise nod of His  
 4665 wisdom first creating man of the clay of the earth in His own image and likeness, He placed him in a paradise of delight. Him  
 the ancient serpent and envious enemy, the devil, through the most bitter taste of the forbidden tree, made an exile from  
 these joys; and, be being expelled, did not cease in many ways to cast his poisonous darts; in order that, turning the human  
 race from the way of truth to the worship of idols, he might persuade it, namely to worship the creature and not the creator;  
 so that, through them (the idols), he might cause those whom he might be able to entrap in his snares to be burned with him in  
 4670 eternal punishment. But our Lord, pitying His creature, sending ahead His holy prophets, announcing through them the light of  
 the future life – the coming, that is, of His Son our Lord and Saviour Jesus Christ – sent that same only begotten Son and  
 Word of wisdom: He descending from Heaven on account of our salvation, being born of the Holy Spirit and of the Virgin Mary, –  
 the word was made flesh and dwelt among us. He did not cease to be what He had been, but began to be what He had not been,  
 perfect God and perfect man: as God, performing miracles; as man, sustaining human sufferings. We so learned Him to be very  
 4675 man and very God by the preaching of our father Sylvester, the supreme pontiff, that we can in no wise doubt that He was very,  
 God and very man. And, having chosen twelve apostles, He shone with miracles before them and an innumerable multitude of  
 people. We confess that this same Lord Jesus Christ fulfilled the law and the prophets; that He suffered, was crucified, on  
 the third day arose from the dead according to the Scriptures; was received into Heaven, and sitteth on the right hand of the  
 Father. Whence He shall come to judge the quick and the dead, whose kingdom shall have no end. For this is our orthodox creed,  
 4680 placed before us by our most blessed father Sylvester, the supreme pontiff. We exhort, therefore, all people, and all the  
 different nations, to hold, cherish and preach this faith; and, in the name of the Holy Trinity, to obtain the grace of  
 baptism; and, with devout heart, to adore the Lord Jesus Christ our Saviour, who with the Father and the Holy Spirit, lives  
 and reigns through infinite ages; whom Sylvester our father, the universal pontiff, preaches. For He himself, our Lord God,  
 having pit on me a sinner, sent His holy apostles to visit us, and caused the light of his splendour to shine upon us. And do  
 4685 ye rejoice that I, having been withdrawn from the shadow, have come to the true light and to the knowledge of truth. For, at a  
 time when a mighty and filthy leprosy had invaded all the flesh of my, body, and the care was administered of many physicians  
 who came together, nor by that of any one of them did I achieve health: there came hither the priests of the Capitol, saving  
 to me that a font should be made on the Capitol, and that I should fill this with the blood of innocent infants; and that, if  
 I bathed in it while it was warm, I might be cleansed. And very many innocent infants having been brought together according  
 4690 to their words, when the sacrilegious priests of the pagans wished them to be slaughtered and the font to be filled with their  
 blood: Our Serenity perceiving the tears of the mothers, I straightway abhorred the deed. And, pitying them, I ordered their  
 own sons to be restored to them; and, giving them vehicles and gifts, sent them off rejoicing to their own. That day having  
 passed therefore – the silence of night having come upon us – when the time of sleep had arrived, the apostles St. Peter and  
 Paul appear, saying to me: "Since thou hast placed a term to thy vices, and hast abhorred the pouring forth of innocent blood,  
 4695 we are sent by, Christ the Lord our God, to give to thee a plan for recovering thy health. Hear, therefore, our warning, and

do what we indicate to thee. Sylvester – the bishop of the city of Rome – on Mount Serapte, fleeing they persecutions, cherishes the darkness with his clergy in the caverns of the rocks. This one, when thou shalt have led him to thyself, will himself show thee a pool of piety; in which, when he shall have dipped thee for the third time, all that strength of the leprosy will desert thee. And, when this shall have been done, make this return to thy Saviour, that by thy order through the whole world the churches may be restored. Purify thyself, moreover, in this way, that, leaving all the superstition of idols, thou do adore and cherish the living and true God – who is alone and true – and that thou attain to the doing of His will.”

4700 Rising, therefore, from sleep, straightway I did according to that which I had been advised to do by, the holy apostles; and, having summoned that excellent and benignant father and our enlightener – Sylvester the universal pope – I told him all the words that had been taught me by the holy apostles; and asked him who where those gods Peter and Paul. But he said that they

4705 where not really called gods, but apostles of our Saviour the Lord God Jesus Christ. And again we began to ask that same most blessed pope whether he had some express image of those apostles; so that, from their likeness, we might learn that they were those whom revelation had shown to us. Then that same venerable father ordered the images of those same apostles to be shown by his deacon. And, when I had looked at them, and recognized, represented in those images, the countenances of those whom I had seen in my dream: with a great noise, before all my satraps, I confessed that they were those whom I had seen in my dream.

4710 Hereupon that same most blessed Sylvester our father, bishop of the city of Rome, imposed upon us a time of penance – within our Lateran palace, in the chapel, in a hair garment, – so that I might obtain pardon from our Lord God Jesus Christ our Saviour by vigils, fasts, and tears and prayers, for all things that had been impiously done and unjustly ordered by me. Then through the imposition of the hands of the clergy, I came to the bishop himself; and there, renouncing the pomps of Satan and his works, and all idols made by hands, of my own will before all the people I confessed: that I believed in God the Father

4715 almighty, maker of Heaven and earth, and of all things visible and invisible; and in Jesus Christ, His only Son our Lord, who was born of the Holy Spirit and of the Virgin Mary. And, the font having been blessed, the wave of salvation purified me there with a triple immersion. For there I, being placed at the bottom of the font, saw with my own eyes a band from Heaven touching me; whence rising, clean, know that I was cleansed from all the squalor of leprosy. And, I being raised from the venerable font – putting on white raiment, be administered to me the sign of the seven-fold holy Spirit, the unction of the holy oil;

4720 and he traced the sign of the holy cross on my brow, saying: God seals thee with the seal of His faith in the name of the Father and the Son and the Holy Spirit, to signalize thy faith. All the clergy replied: “Amen.” The bishop added, “peace be with thee.”

And so, on the first day after receiving the mystery of the holy baptism, and after the cure of my body from the squalor of the leprosy, I recognized that there was no other God save the Father and the Son and the Holy Spirit; whom the most blessed

4725 Sylvester the pope doth preach; a trinity in one, a unity in three. For all the gods of the nations, whom I have worshipped up to this time, are proved to be demons; works made by the hand of men; inasmuch as that same venerable father told to us most clearly how much power in Heaven and on earth He, our Saviour, conferred on his apostle St. Peter, when finding him faithful after questioning him He said: “Thou art Peter, and upon this rock (petrani) shall I build My Church, and the gates of hell shall not prevail against it.” Give heed ye powerful, and incline the ear of .your hearts to that which the good Lord and

4730 Master added to His disciple, saying: “and I will give thee the keys of the kingdom of Heaven; and whatever thou shalt bind on earth shall be bound also in Heaven, and whatever thou shalt loose on earth shall be loosed also in Heaven.” This is very wonderful and glorious, to bind and loose on earth and to have it bound and loosed in Heaven.

And when, the blessed Sylvester preaching them, I perceived these things, and learned that by the kindness of St. Peter himself I had been entirely restored to health: I – together with all our satraps and the whole senate and the nobles and all

4735 the Roman people, who are subject to the glory of our rule – considered it advisable that, as on earth he (Peter) is seen to have been constituted vicar of the Son of God, so the pontiffs, who are the representatives of that same chief of the apostles, should obtain from us and our empire the power of a supremacy greater than the earthly clemency of our imperial serenity is seen to have had conceded to it, – we choosing that same prince of the apostles, or his vicars, to be our constant intercessors with God. And, to the extent of our earthly imperial power, we decree that his holy Roman church shall be

4740 honoured with veneration; and that, more than our empire and earthly throne, the most sacred seat of St. Peter shall be gloriously exalted; we giving to it the imperial power, and dignity of glory, and vigour and honour. And we ordain and decree that he shall have the supremacy as well over the four chief seats Antioch, Alexandria, Constantinople and Jerusalem, as also over all the churches of God in the whole world. And he who for the time being shall be pontiff of that holy Roman church shall be more exalted than, and chief over, all the priests of the whole world; and,

4745 according to his judgment, everything which is to be provided for the service of God or the stability of the faith of the Christians is to be administered. It is indeed just, that there the holy law should have the seat of its rule where the founder of holy laws, our Saviour, told St. Peter to take the chair of the apostleship; where also, sustaining the cross, he blissfully took the cup of death and appeared as imitator of his Lord and Master; and that there the people should bend their necks at the confession of Christ's name, where their teacher, St. Paul the apostle, extending his neck for Christ, was

4750 crowned with martyrdom. There, until the end, let them seek a teacher, where the holy body of the teacher lies; and there, prone and humiliated, let them perform I the service of the heavenly king, God our Saviour Jesus Christ, where the proud were accustomed to serve under the rule of an earthly king.

Meanwhile we wish all the people, of all the races and nations throughout the whole world, to know: that we have constructed within our Lateran palace, to the same Saviour our Lord God Jesus Christ, a church with a baptistry from the foundations. And

4755 know that we have carried on our own shoulders from its foundations, twelve baskets weighted with earth, according to the number of the holy apostles. Which holy church we command to be spoken of, cherished, venerated and preached of, as the head and summit of all the churches in the whole world – as we have commanded through our other imperial decrees. We have also constructed the churches of St. Peter and St. Paul, chiefs of the apostles, which we have enriched with gold and silver; where also, placing their most sacred bodies with great honour, we have constructed their caskets of electrum, against which no

4760 force of the elements prevails. And we have placed a cross of purest gold and precious gems on each of their caskets, and fastened them with golden keys. And on these churches for the endowing of divine services we have conferred estates, and have enriched them with different objects; and, through our sacred imperial decrees, we have granted them our gift of land in the East as well as in the West; and even on the northern and southern coast; – namely in Judea, Greece, Asia, Thrace, Africa and Italy and the various islands: under this condition indeed, that all shall be administered by the hand of our most blessed

4765 father the pontiff Sylvester and his successors.

For let all the people and the nations of the races in the whole world rejoice with us; we exhorting all of you to give unbounded thanks, together with us, to our Lord and Saviour Jesus Christ. For He is God in Heaven above and on earth below, who, visiting us through His holy apostles, made us worthy to receive the holy sacrament of baptism and health of body. In return for which, to those same holy apostles, my masters, St. Peter and St. Paul; and, through them, also to St. Sylvester, our father, – the chief pontiff and universal pope of the city of Rome, – and to all the pontiffs his successors, who until

4770 the end of the world shall be about to sit in the seat of St. Peter: we concede and, by this present, do confer, our imperial Lateran palace, which is preferred to, and ranks above, all the palaces in the whole world; then a diadem, that is, the crown of our head, and at the same time the tiara; and, also, the shoulder band, – that is, the collar that usually surrounds our imperial neck; and also the purple mantle, and crimson tunic, and all the imperial raiment; and the same rank as those

4775 presiding over the imperial cavalry; conferring also the imperial sceptres, and, at the same time, the spears and standards; also the banners and different imperial ornaments, and all the advantage of our high imperial position, and the glory of our power.

And we decree, as to those most reverend men, the clergy who serve, in different orders, that same holy Roman church, that they shall have the same advantage, distinction, power and excellence by the glory of which our most illustrious senate is

4780 adorned; that is, that they shall be made patricians and consuls, – we commanding that they shall also be decorated with the other imperial dignities. And even as the imperial soldiery, so, we decree, shall the clergy of the holy Roman church be adorned. And I even as the imperial power is adorned by different offices – by the distinction, that is, of chamberlains, and door keepers, and all the guards, – so we wish the holy Roman church to be adorned. And, in order that the pontifical glory

4785 may shine forth more fully, we decree this also: that the clergy of this same holy Roman church may use saddle cloths of linen  
of the whitest colour; namely that their horses may be adorned and so be ridden, and that, as our senate uses shoes with  
goats' hair, so they may be distinguished by gleaming linen; in order that, as the celestial beings, so the terrestrial may be  
adorned to the glory of God. Above all things, moreover, we give permission to that same most holy one our father Sylvester,  
bishop of the city of Rome and pope, and to all the most blessed pontiffs who shall come after him and succeed him in all  
4790 future times – for the honour and glory of Jesus Christ our Lord, – to receive into that great Catholic and apostolic church  
of God, even into the number of the monastic clergy, any one from our senate, who, in free choice, of his own accord, may wish  
to become a clerck; no one at all presuming thereby to act in a haughty manner.  
We also decreed this, that this same venerable one our father Sylvester, the supreme pontiff, and all the pontiffs his  
successors, might use and bear upon their heads – to the Praise of God and for the honour of St. Peter – the diadem; that is,  
the crown which we have granted him from our own head, of purest gold and precious gems. But he, the most holy pope, did not  
4795 at all allow that crown of gold to be used over the clerical crown which he wears to the glory of St. Peter; but we placed  
upon his most holy head, with our own hands, a tiara of gleaming splendour representing the glorious resurrection of our Lord.  
And, holding the bridle of his horse, out of reverence for St. Peter we performed for him the duty of groom; decreeing that  
all the pontiffs his successors, and they alone, may use that tiara in processions.  
In imitation of our own power, in order that for that cause the supreme pontificate may not deteriorate, but may rather be  
4800 adorned with power and glory even more than is the dignity of an earthly rule: behold we – giving over to the oft-mentioned  
most blessed pontiff, our father Sylvester the universal pope, as well our palace, as has been said, as also the city of Rome  
and all the provinces, districts and cities of Italy or of the western regions; and relinquishing them, by our inviolable  
gift, to the power and sway of himself or the pontiffs his successors – do decree, by this our godlike charter and imperial  
4805 constitution, that it shall be (so) arranged; and do concede that they (the palaces, provinces etc.) shall lawfully remain  
with the holy Roman church.  
Wherefore we have perceived it to be fitting that our empire and the power of our kingdom should be transferred and changed to  
the regions of the East; and that, in the province of Byzantium, in a most fitting place, a city should be built in our name;  
and that our empire should there be established. For, where the supremacy of priests and the head of the Christian religion  
has been established by a heavenly ruler, it is not just that there an earthly ruler should have jurisdiction.  
4810 We decree, moreover, that all these things which, through this our imperial charter and through other godlike commands, we  
have established and confirmed, shall remain uninjured and unshaken until the end of the world. Wherefore, before the living  
God, who commanded us to reign, and in the face of his terrible judgment, we conjure, through this our imperial decree, all  
the emperors our successors, and all our nobles, the satraps also and the most glorious senate, and all the people in the  
4815 whole world now and in all times previously subject to our rule: that no one of them, in any way allow himself to oppose or  
disregard, or in any way seize, these things which, by our imperial sanction, have been conceded to the holy Roman church and  
to all its pontiffs. If anyone, moreover, – which we do not believe – prove a scorner or despiser in this matter, he shall be  
subject and bound over to eternal damnation; and shall feel that the holy chiefs of the apostles of God, Peter and Paul, will  
be opposed to him in the present and in the future life. And, being burned in the nethermost hell, he shall perish with the  
devil and all the impious.  
4820 The page, moreover, of this our imperial decree, we, confirming it with our own hands, did place above the venerable body of  
St. Peter chief of the apostles; and there, promising to that same apostle of God that we would preserve inviolably all its  
provisions, and would leave in our commands to all the emperors our successors to preserve them, we did hand it over, to be  
enduringly and happily possessed, to our most blessed father Sylvester the supreme pontiff and universal pope, and, through  
him, to all the pontiffs his successors – God our Lord and our Saviour Jesus Christ consenting.  
4825 And the imperial subscription: May the Divinity preserve you for many years, oh most holy and blessed fathers.  
Given at Rome on the third day before the Kalends of April, our master the august Flavius Constantine, for the fourth time,  
and Gallicano, most illustrious men, being consuls.

See for manuscripts in the Vatican the website <https://digi.vatlib.it/>

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Naspeuringen van Paul Theelen: Decreten en wetten van Constantijn 306-337

	<b>Ianuarías, Augustas, Decembres</b>	<b>Februarias (not a leap year)</b>	<b>Februarias (leap year)</b>	<b>Martias, Maias, Iulias, October</b>	<b>Apriles, Iunias, Septembres, Novembres</b>
1	kalendis M*	kalendis M*	kalendis M*	kalendis M*	kalendis M*
2	ante diem IV nonas M	ante diem IV nonas M	ante diem IV nonas M	ante diem VI nonas M	ante diem IV nonas M
3	ante diem III nonas M	ante diem III nonas M	ante diem III nonas M	ante diem V nonas M	ante diem III nonas M
4	pridie nonas M	pridie nonas M	pridie nonas M	ante diem IV nonas M	pridie Nones
5	nonis M*	nonis M*	nonis M*	ante diem III nonas M	nonis M*
6	ante diem VIII idus M	ante diem VIII idus M	ante diem VIII idus M	pridie nonas M	ante diem VIII idus M
7	ante diem VII idus M	ante diem VII idus M	ante diem VII idus M	nonis M*	ante diem VII idus M
8	ante diem VI idus M	ante diem VI idus M	ante diem VI idus M	ante diem VIII idus M	ante diem VI idus M
9	ante diem V idus M	ante diem V idus M	ante diem V idus M	ante diem VII idus M	ante diem V idus M
10	ante diem IV idus M	ante diem IV idus M	ante diem IV idus M	ante diem VI idus M	ante diem IV idus M
11	ante diem III idus M	ante diem III idus M	ante diem III idus M	ante diem V idus M	ante diem III idus M
12	pridie idus M	pridie idus M	pridie idus M	ante diem IV idus M	pridie idus M
13	idis M*	idis M*	idis M*	ante diem III idus M	idis M*
14	ante diem XIX kalendas N	ante diem XVI kalendas N	ante diem XVI kalendas N	pridie idus M	ante diem XVIII kalendas N
15	ante diem XVIII kalendas N	ante diem XV kalendas N	ante diem XV kalendas N	idis M*	ante diem XVII kalendas N
16	ante diem XVII kalendas N	ante diem XIV kalendas N	ante diem XIV kalendas N	ante diem XVII kalendas N	ante diem XVI kalendas N
17	ante diem XVI kalendas N	ante diem XIII kalendas N	ante diem XIII kalendas N	ante diem XVI kalendas N	ante diem XV kalendas N
18	ante diem XV kalendas N	ante diem XII kalendas N	ante diem XII kalendas N	ante diem XV kalendas N	ante diem XIV kalendas N
19	ante diem XIV kalendas N	ante diem XI kalendas N	ante diem XI kalendas N	ante diem XIV kalendas N	ante diem XIII kalendas N
20	ante diem XIII kalendas N	ante diem X kalendas N	ante diem X kalendas N	ante diem XIII kalendas N	ante diem XII kalendas N
21	ante diem XII kalendas N	ante diem IX kalendas N	ante diem IX kalendas N	ante diem XII kalendas N	ante diem XI kalendas N
22	ante diem XI kalendas N	ante diem VIII kalendas N	ante diem VIII kalendas N	ante diem XI kalendas N	ante diem X kalendas N
23	ante diem X kalendas N	ante diem VII kalendas N	ante diem VII kalendas N	ante diem X kalendas N	ante diem IX kalendas N
24	ante diem IX kalendas N	ante diem VI kalendas N	ante diem VI kalendas N	ante diem IX kalendas N	ante diem VIII kalendas N
25	ante diem VIII kalendas N	ante diem V kalendas N	ante diem bis VI kalendas N	ante diem VIII kalendas N	ante diem VII kalendas N
26	ante diem VII kalendas N	ante diem IV kalendas N	ante diem V kalendas N	ante diem VII kalendas N	ante diem VI kalendas N
27	ante diem VI kalendas N	ante diem III kalendas N	ante diem IV kalendas N	ante diem VI kalendas N	ante diem V kalendas N
28	ante diem V kalendas N	pridie kalendas N	ante diem III kalendas N	ante diem V kalendas N	ante diem IV kalendas N
29	ante diem IV kalendas N	–	pridie kalendas N	ante diem IV kalendas N	ante diem III kalendas N
30	ante diem III kalendas N	–	–	ante diem III kalendas N	pridie kalendas N
31	pridie kalendas N	–	–	pridie kalendas N	–