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THE ITINERANT COURT OF CONSTANTINUS

Flavius Valerius Constantinus, of Serbian origin, was proclaimed emperor in York (Britain) on 25 July 306, ruling first the western part and, from 324, the unified empire.

After the resignation of Diocletian and Maximian (305 AD) the Caesars Galerius and Constantius (father of Constantine) ascended the throne, following the rules of succession of the tetrarchy designed by Diocletian. However, the death of Constantius in 306 caused the British legions to proclaim his son Constantine as imperator, which was rejected in Hispania. At the same time, Augustus Galerius appointed Caesar Valerius Severus a colleague. That same year the *populus* of Rome designed Maxentius, son of Maximian, emperor. The latter also returned to the political scene claiming the title of Augustus. Thus, once again, the civil war in the Roman Empire, was a confrontation that will last twenty years.

After a turbulent period in which seven Augustans were proclaimed simultaneously, Maxentius was defeated by Constantine at the Battle of the Milvian Bridge, on the outskirts of Rome, on 28 October 312, finally rising to the absolute power of the Western empire, while the *pars Orientalis* was ruled by Licinius, who signed peace with Constantine in 317. In 324, after besieging Byzantium and defeating Licinius' navy at the Battle of the Hellespont, Constantine managed to definitively defeat the Licinian forces at Chrysopolis and seize control of the entire empire.

In some respects, Constantine represents the birth of absolute and hereditary monarchy, anticipating the forms of government that will be imposed at the end of the Middle Ages. During his reign, important changes were introduced that affected all areas of low-empire society. He reformed the court, the laws, and the structure of the army. Constantine moved the capital of the empire to Byzantium which he renamed Constantinople. He died of illness in 337, 31 years after being made emperor in Britain. At the end of his life and only before he died, he was baptized to die as a Christian.

Under his empire, the practice of Christianity was authorized, although the deep motives and concrete circumstances of the *Edict of Milan* that in the year 313 au-

thorized religious freedom are still the subject of debate¹. A similar edict had already been issued in 311 by the tetrarch Galerius. Galerius' edict granted Christians the right to practice their religion, but not to recover the confiscated property. However, from the Edict of Milan, the Christian religion obtained privileges and penetrated Roman public life, arising public disorders between the different factions. Emperor Constantine convened the First Council of Nicaea (20 May to 25 July 325) to end some of the doctrinal problems affecting the Church of the early centuries, especially Arianism.

Constantine the Great continued the economic reform initiated by Diocletian with monetary measures (increasing the law of currency) and redoubled the fiscal pressure, which caused, in the long run, further impoverishment.

Constantine died on 22 May 337 in Nicomedia. On his death he was succeeded by his three sons, Constantine, Constans, and Constantius, dividing the empire among them.

We know Constantine's dispositions from both the Justinian and the Theodosian Codes, drafted in 429² at the behest of Emperor Theodosius II. The Code of Justinian collects 351 fragments attributed to Constantine to whose study we dedicate this work.

We do not know the identity of the jurists of the court of Constantine, as is usual in the postclassic period, in which the identity of the jurists is eclipsed by the imperial chancellery. Perhaps, Aurelio Arcadio Carisio is the only known name of this period³ and we cannot venture the authorship of the legal texts that we comment, on beyond the attribution that the code makes to the imperial authority.

As always when exegetical work is undertaken from Justinian sources, and especially when it is intended to analyse social, temporal, or geographical issues from the information contained therein, it should be warned of the possible partiality or corruption of the data. The texts may have been interpolated (although it is not a frequent phenomenon in postclassic texts), they have been corrupted in the post-Justinian transmission or the list of texts is not complete. It is likely that Constantine promulgated more constitutions than we know of and that these have not been preserved. In addition, it should be added that

Our study is limited to the analysis of the constitutions attributed to Constantine in the code of Justinian; focusing here on the temporal and spatial evolution of these norms, which will be correlated with the information obtained from the Theodosian Code that has been analysed by other specialists⁴.

¹ See: R. Stark, *The Rise of Christianity: How the Obscure, Marginal Jesus Movement Became the Dominant Religious Force in the Western World in a Few Centuries*, Princeton 1996; P. Castillo Pascual, *Año 312. Constantino: emperador, no cristiano*, Madrid 2010.

² Published in 438, entered into force on 1 January 439

³ D.V. Piacente, *Aurelio Arcadio Carisio. Un giurista tardoantico*, Epipuglia 2012.

⁴ J.L. Cañizar Palacios, *Los viajes de Constantino*, "Geryon" 1997, no. 15, pp. 193–203.

The legislative production of Constantine's chancellery contained in Justinian's code is inaugurated with a series of texts issued in Rome, in October 312. These constitutions may be promulgated after the Battle of the Milvian Bridge (28 October 312) in which Constantine defeated Maxentius, or perhaps in the days leading up to it. The legislative activity reflects certain stability in the exercise of power⁵ and Constantine's confidence in his rule of the empire. Although it could also be assumed that these texts could have originally corresponded to Maxentius, by the effect of certain *damnatio memoriae* had been attributed to the victor⁶.

CJ.5.52.5.pr *Ea, quae de temporibus in integrum restitutionum legibus cauta sunt, custodiri convenit, et si forte quis beneficio nostro aetatis veniam fuerit consecutus, ex eo die, quo indulgentia nostra in iudicio competenti fuerit intimata eique administratio rei propriae permissa, ut ad perseguendas in integrum restitutionum finiendasque causas iure tempus habeat praestitutum, ita tamen, ut numquam minoribus viginti quinque annis constitutis de his, quae ante impetratam veniam aetatis gesserunt, auxilium in integrum restitutionis denegetur.*

CJ.2.52.5.1, *Si quando sane in minoris iura successerit minor, minime prohibeatur, quintum et vicesimum aetatis suae annum transierit, in integrum restitutionis beneficio uti tempore illibato.*

CJ.2.52.5.2, *Quod si maioris fuerit minor iura nactus, quantum ad eas pertinet causas, quas ex persona maioris fuerit consecutus, tantum temporis ad exponendas in integrum restitutionis decidendasque causas accipere debebit, quantum defuncto, cuius heres aut bonorum possessor docebitur extitisse, reliquum fuerat.*

CJ.2.52.5.3, *Cum vero maior successionem fuerit adeptus minoris, si quidem civili iure ab intestato vel ex testamento successerit, mox cum fuerit adita hereditas, si vero honorario iure, ex quo bonorum possessio fuerit accepta, examinando in integrum restitutionis negotio solida sine ulla diminutione tempora supputentur.*

The next fragment that collects the codex is dated February 313, also in the city of Rome. If the dating is correct, we could conclude that the emperor remained in the capital of the empire for at least a few months, although we cannot specify how many because the following fragments, as we will see, lack location, until November 313 a text is dated (CJ.2.8.4) in the German Trier. It is plausible to consider the possibility that the emperor was in Rome during the period from October 312 to November 313. This is consistent with the fact that

⁵ Significantly, the earliest known rescripts of Constantine's chancellery come from the year 312. Previously (was proclaimed, as we said, in the year 306), possibly, Constantine did not feel strong enough in power, or the military campaigns did not allow it. It remains to be seen whether there were constitutions of Maxentius that have disappeared.

⁶ According to historiography, Maxentius occupied the Roman capital until October 29, the date on which Constantine entered the Roman capital Urbs. C.M. Odahl, *Constantine and the Christian Empire*, New York 2012.

in June (or perhaps February) 313 was approved, according to traditional opinion, the so-called Edict of Milan, which grants the inhabitants of the Empire freedom of worship.

CJ.11.58.1, *Quoniam tabularii civitatum per collusionem potentiorum sarcinam ad inferiores transferunt, iubemus, ut, quisquis se gravatum probaverit, suam tantum pristinam professionem agnoscat.* * Const. A. ad populum. *, 313, 2, Romae

The following fragment is dated March 313 but lacks an indication of the place. In it, the emperor forbids judges (imperial officials, really) to exempt any citizen from belonging to the curia, pointing out that – in case it is appropriate to release someone from the tax burdens – it must be the emperor himself who arranges it. It is a measure that increases political control over citizens and reserves for the Foreign Ministry the granting of exemptions.

CJ.10.32.14, *Nemo iudex aliquem suo arbitrio de curia liberet. nam si quis fuerit eiusmodi infortunio depravatus, ut debeat sublevari, de eius nomine ad nostram scientiam referri oportet, ut certo temporis spatio civilium munerum ei vacatio porrigatur.* * Const. A. ad Euagrim.

Finally, in October 313, a new rescript is issued to Basso that punishes with a fine of ten pounds the judges who prevent the parties from proving the falsity of the accusations directed against them.

CJ.1.22.3, *Puniri iubemus decem librarum auri multa iudices, qui vetuerunt precum argui falsitatem.* * Const. A. ad Bassum.

As has been said, and in the absence of other indications to the contrary, we suppose that all these constitutions were promulgated in Rome, where the emperor would have resided during the period 312–313. The fact that the emperor began his legislative career in the capital of the Empire and remained there for a long period seems to contradict the traditional view that Rome had ceased to be the centre of political power in the fourth century⁷.

At the beginning of the fourth century, Trier, with approximately 80,000 inhabitants, was the most populous city north of the Alps. Razed by the barbarians at the end of the third century, it was chosen along with Milan, as the capital of the Western Roman Empire during the tetrarchy, being the seat of Caesar Constantius Chlorus. Constantine established his seat in the Germanic city for quite some time, erecting in it the basilica that is still preserved. According to

⁷ This is stated, for example, by Cañizar Palacios, when analyzing the dating of fragments collected in the Theodosian code and find there only two texts dated in Rome. J.L. Cañizar Palacios, *Los viajes...*, p. 195.

the chronology of Justinian's code, the emperor arrived in Trier in November 313, his first rescript of this period being a text addressed to Aelian – proconsul of Africa – collected in CJ.2.8.3. We will find below a set of seven fragments dated in the year 314 whose location is lacking. However, in April of that same year, the text compiled in CJ.5.37.20 is issued, which is again set in Trier. Finally, we will find three fragments from November 314 with the same location (CJ.5.37.20, CJ.7.62.12, and CJ.12.61.1). In January 315 the Emperor is placed in Sirmi. We can conclude, therefore, with all the cautions already mentioned, that Constantine moved from Rome to Trier in October or November 313, where he remained until December 314⁸, when he transferred his court to Sirmi. However, we must consider the time it would have taken the court to move from one place to another in the middle of winter, which could be more than thirty days⁹.

The first of the rescripts issued in Treveris (November 313) threatens the lawyers of the treasury with serious penalties if they concealed public goods or sued citizens with false accusations.

CJ.2.8.3, *Fisci advocatus poenam metuens caveat, ne fiscalia commoda occultet neve nullo negotio existente fisci nomine privatis audeat calumnias commovere.*

* Const. A. Aelian procons. Africae. *, 313, Treveris

The next fragment that we consider is dated in the year 313 but does not contain an indication of the month or the place of the expedition, so we do not know if it corresponds to the period of stay of the emperor in Treveris or Rome. It is a rescript addressed to Volusianus in which he decrees that those citizens who have been branded as infamy or convicted of a crime are excluded from the dignity of elected officials¹⁰. As is often the case, we do not know what the query was addressed to the emperor and therefore we can only venture if the sanction of the chancellery was directed at Volusian himself, or if the appointment of a competitor was discussed.

CJ.12.1.2, *Neque famosis et notatis et quos scelus aut vitae turpitudine inquinat et quos infamia ab honestorum coetu segregat, dignitatis portae patebunt.* * Const.

A. Volusiano pp. * 313.

⁸ During this year, the emperor participated in the German campaign against Alamanni and Franks, and at the Council of Arles, as narrated Cañizar Palacios. *Ibidem*, p. 196.

⁹ According to the “Orbis app”, of Stanford University, the journey – very difficult to perform in December – would take 37 and a half days and elapse on the north face of the Alps (present-day southern Germany) to the city of Aquincum (present-day Budapest) from where it would descend to Mursa (Osijek, Croatia) and from there to Sirmium (current Sremska Mitrovica in Serbia). <https://orbis.stanford.edu/>.

¹⁰ Gaius Ceionius Rufius Volusianus, prefect of Rome and consul in 314.

Already in the year 314, and therefore with some certainty we can affirm that in Treveris, the emperor Constantine promulgates a series of rescripts, the first of which is addressed to Maximum, prefect of Rome, in which he establishes that, before an accusation of “lèse majesté”, not only the accused but also the accuser must be tortured if you do not have evidence to prove your accusation. The explanation offered by the text is that in this way the truth can be known, but without a doubt, such a rigorous measure would also discourage unfounded accusations.

CJ.9.8.3pr., *Si quis alicui maiestatis crimen intenderit, cum in huiusmodi re convictus minime quisquam privilegio dignitatis alicuius a strictiore inquisitione defendatur, sciat se quoque tormentis esse subdendum, si aliis manifestis indiciis accusationem suam non potuerit comprobare.*

CJ.9.8.3.1, *eo, qui huius esse temeritatis deprehenditur, illum quoque tormentis subdi oportet, cuius consilio atque instinctu ad accusationem accessisse videbatur, ut ab omnibus commissi consciis statuta vindicta possit reportari., 314.*

The following text, given in February 314 and which we place in Trier, is a long constitution addressed to Verino, in which he raises the need for the debtors of the cities to maintain their solvency, establishing the real subrogation of the public credit on the assets transmitted by the debtor, so that the acquirers respond for the tax debts of the seller, unless the sale has been authorized, as is the case today with tax conditions in the transfer of the real estate. If it is not possible to find assets and the debtor is insolvent, the bankruptcy will be charged to the Public Treasury.

CJ.11.33.2pr., *Apud eos, quos superstites integris facultatibus esse pervideris vel quorum heredes incolumbia retinent patrimonia, sortes rei publicae perseverare debebunt, ita tamen, ut annuas usuras suis quibusque temporibus exsolvant, simul et rei publicae utile sit retinere idoneos debitores et ipsis commodum cumulum debiti minime nutriri. * Constant. A. Verino suo salutem. *, 314.*

CJ.11.33.2.1a, *Itaque quotiens minus idoneum deprehenditur eius patrimonium, cuius nomen civitati alicui 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 convenientur, personalem actionem contra eum habituri debitorem, qui ipsis solventibus liberatur., 314.*

CJ.11.33.2.1b, *Ab eo autem, a quo constat fortunarum suarum partem maximam recessisse, etiam reliquam portionem quae apud eum resederit transferri ad idoneum oportebit., 314.*

CJ.11.33.2.2, *Quod si quispiam debitor rei publicae civitatis fisco nostro locum fecerit, emptores, qui ex fisco nostro comparaverint, manifestum est secundum ius vetus et rescripta divorum constitutionesque nostras nullam debere molestiam sustinere., 314.*

The next object of our analysis is a text given in Trier, in April 314 and addressed to Euphemia, in which the emperor proclaims the ability of minors to demand accountability from guardians and curators, *as obliged by the title of a pledge*. The text does not clarify, however, whether this possibility requires that the minor has already reached the age of majority or, on the contrary, is being allowed to act procedurally when they are still minors¹¹:

CJ.5.37.20, *Pro officio administrationis tutoris vel curatoris bona, si debitores existant, tamquam pignoris titulo obligata minores sibimet vindicare minime prohibentur. idem est et si tutor vel curator quis constitutus res minorum non administravit.*
* Const. A. *, 314, 4, Treviris

The emperor continues in Trier, in November 314¹², where he issues a rescript to Catullinum clarifying that the appellant cannot be subjected to torture in a civil proceeding, clarifying that in criminal proceedings, the convicted person who appeals will remain in prison if he cannot offer a guarantor.

CJ.7.62.12, *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, si fideiussoris idonei copiam non habeant, perseverent.* * Const. A. ad Catullinum.
*, 314, 11, Treviris

In the same month and place, the emperor Constantine goes to Eliano, proconsul of Africa, for those citizens who consider themselves insulted by the high officials of the State (ducenarii, centenarians, or lawyers of the treasury) to sue before the Emperor to be punished.

CJ.12.61.1, *Si quis se a ducenariis vel centenariis vel fisci advocatis laesum esse cognoscit, adire iudicia et probare iniuriam non moretur, ut in eum qui convictus fuerit competenti severitate vindicetur.* * Constant. A. procons. Africae.
*, 314, 11, Treviris

According to the chronology of the sources we handle, in December 314, the imperial court moved to¹³ Sirmi, where it would remain only two months, moving in March 315 to Hadrumeto, in the vicinity of Carthago.

¹¹ L. Sanz Martin, *Interés patrimonial o actuación tuitiva en el desempeño del cargo de tutor sobre los menores incapaces independientes en el Derecho Romano*, “Revista General De Derecho Romano” 2021, no. 37.

¹² The Council of Arles was held in August 314. Since the emperor was, presumably in Trier, he might go to the French city to preside over it.

¹³ See: supra n. 9.

CJ.8.16.7pr., *Executores a quocumque iudice dati ad exigenda debita ea, quae civiliter poscuntur, servos aratores aut boves aratorios aut instrumentum aratorum pignoris causa de possessionibus abstrahunt, ex quo tributorum illatio retardatur.* * Const. A. ad provincial universes. *, 315, 1, Sirmi

CJ.8.16.7.1, *Si quis igitur intercessor aut creditor vel praefectus pagi vel vici vel decurio in hac re fuerit detectus, aestimando a iudice supplicio subiuetur.*, 315, 1, Sirmi

CJ.3.26.5, *Ad fiscum pertinent causas rationalis decimat, omnibus concussionibus prohibendis.* * Const. A. ad ursum. *, 315, 2,

In March 315, as it is said, the emperor places his court at Hadrumeto, 160 km from Carthago, capital of the Roman province of Bizacena, and issued a decree by which it provides that the husband can intervene, without the need for a mandate, in the affairs of his wife, although – he warns – if she gave him a commission, he must abide by him.

CJ.2.12.21pr., *Maritus citra mandatum in rebus uxoris sollemni satisfactione et alia observatione intercedendi habeat liberam facultatem, ne feminae persequendae litis obtentu in contumeliam matronalis pudoris irreverenter inruant nec conventibus virorum vel iudicii interesse cogantur.* * Const. A. ad concilium prov. Africae. *, 315, 3, Hadrumeto

CJ.2.12.21.1, *Sin autem mandatum susceperit, licet maritus sit, id solum exsequi debet, quod procuratio emissa praescripserit.*, 315, 3, Hadrumeto

The Code then locates a text issued in April of the same year and collected in CJ.9.49.17 whose location we lack, but which we can place in Hadrumeto or Carthago, since, a month later, in May, the Emperor dictates a decree in Carthago, which is collected in CJ.12.57.1:

CJ.9.47.17, *Si quis in metallum fuerit pro criminum deprehensorum qualitate damnatus, minime in eius facie scribatur, et in manibus et in suris possit poena damnationis una scriptione comprehendi, quo facies, quae ad similitudinem pulchritudinis caelestis est figurata, minime maculetur.* * Const. A. Eumelio. *, 315, 4,

CJ.12.57.1, *Omnes stationarii neque superexactionem audeant neque carcerem habeant, neve quis personam licet pro manifesto crimine apud se habeat in custodia, sciens quod, si quid tale fuerit commissum, capite puniendus est.* * Const. A. edict suo ad Afros. *, 315, 5, Karthagine

If the chronology of the Code is correct, in June 315 the imperial court embarked on the road to Trier, where it would remain until November of the same year. In this period are collected six fragments (CJ.11.62.1, CJ.10.16.4, CJ.6.56.3, CJ.9.20.16, CJ.10.19.1, and CJ.1.9.3) of which only the first (CJ.11.62.1) and the fifth (CJ.10.19.1) contain an indication of the place of the expedition, being dated the first in July and the last in November 315, both in Trier, so we suppose that it remained in the capital of the West during these months.

CJ.11.62.1, *Si quis fundos emphyteutici iuris salva lege fisci citra iudicis auctoritatem donaverit, donationes firmae sint, dummodo suis quibusque temporibus ea quae fisco pensitanda sunt repraesentare cogantur.* * Const. A. Cupito. *, 315, 7, Treviris

CJ.10.16.4, *Omnes pensitare debebunt, quae manus nostrae delegationibus adscribuntur, nihil amplius exigendi. nam si quis vicarius aut rector provinciae aliquid iam cuiquam crediderit remittendum, quod aliis remiserit, de propriis dare facultatibus compelletur.* * Const. A. ad Proclianum. *, 315, 7,

CJ.6.56.3, *Matres, quae puberes amiserunt filios, licet impuberibus eis tutores non petierunt, praescriptione non petiti tutoris ad excludendam eorum successionem minime debere praescribi certum est.* * Const. A. catullino procons. Africae. *, 315, 8,

CJ.9.20.16pr., *Plagiarii, qui viventium filiorum miserandas infligunt parentibus orbitates, metalli poena ceteris ante cognitis suppliciiis tenebantur.* * Const. A. ad domitium celsum vic. Africae. *, 315, 8,

CJ.9.20.16.1, *Si quis tamen eiusmodi reus fuerit oblatus, posteaquam super crimine patuerit, servus quidem vel libertate donatus bestiis obiciatur, ingenuus autem gladio consumatur.*, 315, 8,

CJ.10.19.1, *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.* * Const. A. ad Aelianum procons. Africae. *, 315, 11, Treviris

CJ.1.9.3, *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 nunc fieri cognovimus, ausus fuerit attemptare, mox flammis dedendus est et omnibus suis participibus concremandus.* * Const. A. ad Euagrim pp. *, 315, 11,

In December 315 or January 316, the Imperial Court moved to Rome, probably to celebrate the tenth anniversary of Constantine's proclamation¹⁴, which occurred after his father's death in 306. However, the stay in the urbs would be brief because as we will see, in May 316 the emperor is in Serdica (current Sofia, capital of Bulgaria).

During his stay in Rome, the emperor dictates four constitutions, according to Justinian's code:

CJ.5.37.21, *Pupillorum seu minorum defensores, si per eos donationum condicio neglecta est, rei amissae periculum praestent.* * Constant. A. ad Maximum pp. *, 316, 2, Romae

CJ.9.22.21pr., *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.* * Const. A. maecilio Hilariano correctori Lucaniae et Brittiorum. *, 316, 2,

¹⁴ On this date, according to tradition, the Arch of Constantine was inaugurated in the imperial capital.

CJ.10.32.15, *Universos decuriones volumus a tabellionum officiis temperare.* * Const. A. Hilariano correctori Lucaniae et Brittiorum. *, 316, 2,

CJ.9.22.21.2, *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.*, 316, 2,

In May 316, as it is said, the chancellery is in Bulgaria, where a rescript is issued addressed to Aconio Catullino, proconsul of Africa and collected in CJ.8.53.26:

CJ.8.53.26pr., *Si quis in emancipatum minorem, priusquam fari possit aut habere rei quae sibi donatur adfectum, fundum crediderit conferendum, omne ius compleat instrumentis ante praemissis.* * Constant. A. aconium catullino procons. Africae. *, 316, 5, Serdicae

CJ.8.53.26.1, *Quod per eum servum, quem idoneum esse constiterit, transigi placuit, ut per eum infanti adquiratur.*, 316, 5, Serdicae

We cannot say with certainty how long the emperor remained in Serdica since the following fragment offered by the Code is dated December 316 but lacks a geographical indication:

CJ.1.14.1, *Inter aequitatem iusque interpositam interpretationem nobis solis et oportet et licet inspicere.* * Constant. A. Septimio Basso pu. *, 316, 12,

In any case, in January 317, the imperial court was in Sirmi where it perhaps remained for a few months until its transfer, in June of the same year, to Thessalonica:

CJ.7.62.14, *Litigatoribus copia est etiam non conscriptis libellis ilico appellare voce, res poposcerit iudicata, tam in civilibus quam in criminalibus causis.* * Const. A. ad Bassum pu. *, 317, 1, Sirmi

CJ.10.13.1pr., *Is, cuius tacite 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.* * Const. A. rationalibus hispaniarum. *, 317, 3,

In July 317, in Thessalonica, the chancellery issued a series of rescripts, immediately moving to Rome, where the emperor appeared in August of the same year.

CJ.6.1.4.2, *Quod si ad praedictam poenam solvendam is qui susceperit minime sufficiat, aestimatione competentis iudicis castigatio in eum procedet.*, 317, 7, Thessalonicae

CJ.6.1.4.3, *Quod si servus ingenuum se esse mentitus sub mercede apud aliquem fuerit, nihil is qui eum habuit poterit incusari.*, 317, 7, Thessalonicae

CJ.6.1.4.4, *Sane mancipium torqueri oportet, ut manifestetur, utrum propter lucrum capiendum callide a domino ad domum vel agrum eius qui suscepit immissus est, an non.*, 317, 7, Thessalonicae

CJ.6.1.4.5, *Quod si maligne factum esse ex servi interrogatione patuerit, servo etiam suo eum qui hoc fecerit privari oportet et ad fiscum pertinere mancipium.*, 317, 7, Thessalonicae

CJ.6.1.4pr., *Quicumque fugitivum servum in domum vel in agrum inscio domino eius susceperit, eum pari alio vel viginti solidis reddat.* * Const. A. ad Valerianum. *, 317, 7, Thessalonicae

It is still surprising how quickly the imperial court seems to cover the long distances of the Empire. Between Thessaloniki and Rome, there is, according to the Orbis application of Stanford University, 2,100 km being the fastest maritime route that, despite everything, would require, even in summer, 16 days of travel.

In Rome the emperor will issue a rescript addressed to the people and, presumably, a second, collected in CJ.11.8.1.

CJ.4.21.15, *In exercendis litibus eandem vim obtinent tam fides instrumentorum quam depositiones testium.* * Constant. A. ad pop. *, 317, 8, Romae

CJ.11.8.1, *Monetarios in sua semper durare condicione oportet nec dignitatis cuiuscumque privilegio ab huiusmodi condicione liberari.* * Constant. A. ad Bithynos. *, 317, 8,

In December 317 we met the Emperor in Cordoba, on the only occasion he issued a rescript in the Iberian Peninsula.

CJ.3.24.1, *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. *, 317, 12, Cordubae

Sadly, we cannot know how long the imperial court remained in Hispania since the rest of the fragments of the year 317 do not contain an indication of the place of issue; however, the visit could be brief since in February 318 the Emperor is in Sirmi.

CJ.6.1.3, *Si fugitivi servi deprehendantur ad barbaricum transeuntes, aut pede amputato debilitentur aut metallo dentur aut qualibet alia poena adficiantur.* * Const. A. et licin.c. ad Probum. *, 317

CJ.7.19.7pr., *Si quando negotium status fuerit exortum, si ab eius parte qui dicitur servus aliquid dicatur dominus abripuisse, prius considerari placet, utrum de possessione servitutis in libertatem reclamandum putet an vero ex possessione libertatis in servitutem vocatur.* * Const. A. ad Bassum. *, 317

CJ.7.19.7.1, *Ac si eum de obsequiis servilibus libertatem constiterit flagitare, ante decidi status convenit causam atque ita praeberi direptorum negotiorum, si res exegerit, audientiam.*, 317

CJ.7.19.7.2, *Quod si ei qui ad servitum vocatur quicquam direptum esse memoretur, universa quae constiterit ablata ita demum reddi convenit ei, qui servus esse contenditur, si modo salvam rem futuram per idoneos fideiussores promiserit.*, 317

CJ.7.19.7.3, *Nam si tales non potuerit dare, tunc ea convenit, de quibus in iudicio tractabitur, sequestrari in eum diem, in quo controversia sopietur, ita ut ex isdem, si alia facultas esse non poterit, tantum litis sumptibus et alimoniae hominis subministretur, quantum moderato iudicis arbitrio fuerit aestimatum.*, 317

CJ.7.19.7.4, (1) *autem necdum lite de statu mota res ab aliquo direptae sint et sententia de restituenda possessione rerum lata ille, ne sententiae satisfaceret, de statu controversiam movit, necessitatem habebit et sine satisfactione easdem res reddere et tunc causam liberalem secundum iuris ordinem exercere.*, 317

From the year 318 we have only two rescripts in the Code of Justinian, issued in February, and dated in Sirmi:

CJ.3.11.3, *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. *, 318, 2, Sirmi

CJ.3.11.4, *A procedente iudice dilationem non convenit postulari, etiamsi utraque parte praesente tribuatur, non alias nisi causa cognita indulgeri queat et cognitio causae non interpellatione planaria, sed considerente magis iudice legitime colligatur, et, si forte dilationis petitio fuerit improbata, suscepta quaestio per sententiam iudicis dirimatur.* * Const. A. ad catullinum procons. Africae. *, 318, 2, Sirmi

In January 319 the Emperor is in Corinth, where he issues a rescript addressed to Ianuarium and a second to the provincial governors.

CJ.9.40.2, *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 elucid innocentiam suam purgare suffecerit, nihilo minus facultates eius penes fiscum remaneant.* * Const. A. ad ianuarium. *, 319, 1, Corintho

CJ.10.1.6, *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.* * Constant. A. ad provinciales. *, 319, 1,

However, in February of the same year appear texts dated in Rome and Sirmi, which could be an indication of a corruption of the copy that has come down to us:

CJ.9.18.3.1, *Accusatorem autem huius criminis non delatorem esse, sed dignum magis praemio arbitramur.*, 319, 2, Romae

CJ.7.61.1pr., *Si quis iudicum duxerit esse referendum, nihil inters partes pronuntiet, sed magis super quo haesitandum putaverit, nostram consulat scientiam aut, si tulerit sententiam, minime postea, ne a se provocetur, relatione promissa terreat litigantes, sciens, quod, si hoc fecerit, nihilo minus iure appellationum res agitabitur.* * Const. A. profuturo praef. annonae. *, 319, 2, Sirmi

CJ.7.61.1.1, *Sed nec ad nos mittatur aliquid, quod plena instructionem indigeat.*, 319, 2, Sirmi

CJ.7.61.1.2, *Quotiens autem ad nostram scientiam iudex se polliceatur relaturum, consultationis exemplum litigatoribus ilico edi apud acta iubeat, ut, si cui forte relatio minus plena vel contraria videatur, is refutatorias preces similiter apud acta sine aliqua frustratoria dilatione offerat.*, 319, 2, Sirmi

CJ.5.40.2, *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 producantur.* * Const. A. et licin.c. ad Symmachum. *, 319, 2,

In March, according to the chronology of the Code, the Chancellery moves to Carthago:

CJ.11.63.1pr., *Emphyteuticarios gravant coloni agros praeter consuetudinem usurpantes, quos nullis culturis erudierunt, sollemnitatis id eos attractare permittat, quod eorum labore vel olivetis est obsitum vel vinetis. sed et inriguas fontium aquas usurpare conantur, quarum fructus solis emphyteuticariis debentur.* * Const. A. *, 319, 3, Carthagine

CJ.11.63.1.1, *Ideoque placuit, ut deinceps aquarum ius potestatesque penes emphyteuticarios permaneant, tantumque ex eis colonis impertiatur, quantum culturis eorum agrorum sufficere manifestum est, quos ipsi colunt.*, 319, 3, Carthagine

CJ.11.63.1.2, *Pro modo autem superfluae inrigationis, quam ultra culturas suas usurpaverint, emphyteuticariis possessoribus pensiones accessionesque praebeant.*, 319, 3, Carthagine

CJ.11.65.1, *Emphyteuticarii possessores, qui mansuetudinis nostrae beneficio ad extraordinaria minime devocantur munera, sicut ceteri provinciales obsequium suum muniendis itineribus impendant. nulla enim ratione debent ab hoc, quod in commune omnibus profuturum est, seiungi.* * Const. A. ad Proculum procons. Africae. *, 319, 5, Carthagine

Again, in May 319, we find texts dated in Rome and Sirmi:

CJ.9.14.1pr., *Si virgis aut loris servum dominus adflixerit aut custodiae causa in vincula coniecerit, dierum distinctione sive interpretatione depulsa nullum criminis metum mortuo servo sustineat.* * Const. A. ad Bassum. *, 319, 5, Romae

CJ.12.1.3, *Maior dignitatis nulli debet circa prioris dignitatis seu militiae privilegia praeiudicium facere.* * Const. A. ad rufinum pp. *, 319, 5, Sirmi

CJ.12.28.2.1, *Quibus omnibus condonamus, ne exactarum vel turmariorum, quos capitularios vocant, curam subeant vel obsequium temonariorum vel pentaprotiae aut etiam tironis praestationem agnoscant.*, 319, 5, Sirmi

CJ.12.28.2.2, *Nam beneficiis nostris ita digni sunt, ut etiam censualibus vel personalibus vel corporalibus muneribus liberentur et habeant castrense peculium, sive adhuc palatium observant sive optata quiete donati sunt.*, 319, 5, Sirmi

CJ.12.28.2.3, *Quibus omnibus privilegiis coniungimus agentes in rebus, licet militaribus videantur esse subnixi.*, 319, 5, Sirmi

CJ.8.52.2, *Consuetudinis ususque longaevi non vilis auctoritas est, verum non usque adeo sui valitura momento, ut aut rationem vincat aut legem.* * Const. A. ad Proculum. *, 319, 5,

In July, the emperor moved to Aquileia, on the shores of the Adriatic, where he remained until October of the same year when he moved to Rome:

CJ.5.5.3.2, *Quod si actores vel procuratores loci, in quo flagitium admissum est, fuerunt conscii vel compertum facinus promere noluerunt, metallo eos convenit implicari.*, 319, 7, Aquileiae

CJ.4.47.2pr., *Rei annonariae emolumenta tractantes cognovimus hanc esse causam maxime reliquorum, quod nonnulli captantes aliquorum momentarias necessitates sub hac condicione fundos comparant, ut nec reliqua eorum fisco inferant et immunes eos possideant.* * Const. A. ad Antonium Marcellinum praes. *, 319, 7,

CJ.7.10.7pr., *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.* * Const. A. ad Bassum. *, 319, 7,

CJ.4.47.2.1, *Ideoque placuit, ut, si quem constiterit huiusmodi habuisse contractum atque hac lege possessionem esse mercatum, tam pro solidis censibus fundi comparati quam pro reliquis universis eiusdem possessionis obnoxius teneatur, necesse sit eum qui comparat censum rei comparatae agnoscere, nec licere cuidam rem sine censu comparare vel vendere.*, 319, 7,

CJ.7.10.7.2, *Quae multa non semper imponitur, sed potius conquiescit, si forte manumissus inferentem sibi quaestionem status obiecta legitima praescriptione potuerit excludere, sibi amissi mancipii damna debeat imputare, qui in perniciem suam gesta taciturnitate firmaverit.*, 319, 7,

CJ.6.60.1pr., *Res, quae ex matris successione fuerint ad filios devolutae, ita sint in parentum potestate, ut fruenti dumtaxat habeant facultatem, dominio videlicet earum ad liberos pertinente.* * Const. A. conss. praett. tribb. plebis senatui salutem. *, 319, 8, Aquileia

CJ.5.34.11, *In universis litibus placet non prius puberem iustam habere personam, nisi interposito decreto aut administrandi patrimonii gratia aut in litem fuerit curator datus, ut iuxta praecedentia nostrae pietatis statuta legitime initiatae litis agitata in iudiciis controversia finiatur.* * Const. A. et const. c. ad Bassum pu. *, 319, 10, Aquileiae

CJ.9.12.7pr., *Si quis ad se fundum vel quodcumque aliud adserit pertinere ac restitutionem sibi competere possessionis putat, civiliter super possidendo agat aut impleta sollemnitate iuris crimen violentiae opponat, non ignarus eam se sententiam subiturum, si crimen obiectum non potuerit comprobare, quam reus debet excipere.*
* Const. A. ad Bassum pu. *, 319, 10, Romae

Again, the court moves in November to address Sirmi and immediately (in December) to Serdica:

CJ.7.49.2, *De eo, qui pretio depravatus aut gratia perperam iudicaverit, ei vindicata quem laeserit non solum existimationis dispendiis, sed etiam litis discrimine praebeatur.*
* Const. A. ad felicem praes. corsicae. *, 319, 11, Sirmi

CJ.5.3.15.1, *Quod si sponsa vel is in cuius agit potestate causam non contrahendi matrimonii praebuerit, tunc sponso eiusque heredibus sine aliqua deminutione per conditionem aut per utilem in rem actionem redhibeantur.*, 319, 11,

CJ.5.3.15.2, *Quae similiter observari oportet et si ex parte sponsae in sponsum donatio facta sit.*, 319, 11,

CJ.9.42.2.1, *Sin autem per depectionem vel pecuniis a reo corruptus ad postulandam abolitionem venit, redemptae miseracionis vox minime admittatur, sed adversus nocentem reum inquisitione facta poena competens exseratur.*, 319, 12, Serdicae

CJ.9.42.2.2, *Hi autem, qui suas suorumque iniurias defendunt et qui cognatos suos in accusationem deduxerunt, omnimodo abolitionem petere non prohibentur.*, 319, 12, Serdicae

The following texts, issued in 319 and early 320, lack an indication of the place of issue:

CJ.7.1.4, *Apud consilium nostrum vel apud consules praetores praesides magistratusve earum civitatum, quibus huiusmodi ius est, adipisci potest patronorum iudicio sedula servitus libertatem.* * Const. A. ad Maximum pu. *, 319

CJ.10.19.2.2, *Si in obdurata nequitia permanebit, ad res eius omnemque substantiam eius exactor accedat solutionis obsequio substantiae proprietate suscepto. qua facultate praebita omnes fore credimus proniores ad solvenda ea, quae ad nostri usus exercitus pro communi salute poscuntur.*, 320, 2

Included below are some fragments, issued in March 320 and filed in the *civitas velovacorum* whose location is not easy. Stanford University's Interactive Orbis Map does not provide any results for this search. Bruzen de la Martiniere¹⁵, quoting Ortelius, refers to Bellovaci, who identifies as a Belgian tribe. Matthews¹⁶,

¹⁵ A.A. Bruzen Della Martiniere, *Le grand dictionnaire géographique et critique*, vol. 10, Chez P. Gosse, P. of Hondt, 1730, p. 94.

¹⁶ J.F. Matthews, *Laying down the Law: A Study of the Theodosian code*, Yale University Press 2000, p. 37.

for his part, indicates that the *Civitas Velovocorum* would be an unknown place near Serdica, in present-day Bulgaria. In this place would be the emperor in March 320 until he moved, in April, to Aquileia, to immediately take up residence in Rome.

CJ.12.46.1.4, *In quibuscumque nundinis interfuerint, nulla ad venditionem proponenda dare debebunt.*, 320, 3, in civitate velovocorum

CJ.12.46.1.5, *Publicani quoque, ut solent agentibus super compellere, ab isdem veteranis amoveantur. quiete post labores suos perenniter perfruantur.*, 320, 3, in civitate velovocorum

CJ.12.46.1.7, *Sed etiam nullo munere civili, id est corporali sive personali, vel de portorio onere eos adfici concedimus.*, 320, 3, in civitate velovocorum

CJ.7.13.3, *Si quis servus raptus virginis facinus dissimulatione praeteritum aut pactione transmissum detulerit in publicum, libertate donetur.* * Const. A. ad pop. *, 320, 4, Aquileia

CJ.8.57.1.1, *Quam rem et circa feminas aestimamus earumque cervicibus imposita iuris imperia velut quaedam iuga solvimus promiscue omnibus.*, 320, 4, Romae

CJ.9.22.22.1, *Ne accusatori tantum quaestio incumbat nec probationis ei tota necessitas indicatur, sed inter utramque personam sit iudex medius nec ulla interlocutione divulgat quae sentiat, sed tamquam ad imitationem relationis, quae solum audiendi mandat officium, praebeat notionem, postrema sententia quid sibi liqueat proditurus.*, 320, 4, In foro Traiani

CJ.9.22.22pr., *Ubi falsi examen inciderit, tunc acerrima fiat indago argumentis testibus scripturarum collatione aliisque vestigiis veritatis.* * Const. A. ad Maximum pu. *, 320, 4, In foro Traiani

CJ.7.57.7, *Quod magno conflictu sententia decerni solet, id paucis litteris temere adscriptis definiri fas non est.* * Const. A. ad Bassum pp. *, 320, 4,

In July 320, the imperial court would move again to Serdica, where it remains, probably until January 321, when it moves to Aquileia:

CJ.9.4.1pr., *In quacumque causa reo exhibito, sive accusator existat sive eum publicae sollicitudinis cura produxerit, statim debet quaestio fieri, ut noxius puniatur, innocens absolvatur.* * Const. A. ad florentium rationalem. *, 320, 7, Serdicae

CJ.9.4.1.1, *Quod si accusator aberit ad tempus aut sociorum praesentia necessaria videatur, id quidem debet quam celerrime procurari.*, 320, 7, Serdicae

CJ.9.4.1.2, *Interea vero exhibito non ferreas manicas et inhaerentes ossibus mitti oportet, sed prolixiores catenas, si criminis qualitas etiam catenarum acerbiteriam postulaverit, ut et cruciatio desit et permaneat fida custodia.*, 320, 7, Serdicae

CJ.9.4.1.3, *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 dignoscitur.*, 320, 7, Serdicae

CJ.9.4.1.4, *Illud etiam observabitur, ut neque his qui stratorum funguntur officio neque ministris eorum liceat crudelitatem suam accusatoribus vendere et innocentes intra carcerum saepa leto dare aut subtractos audientiae longa tabe consumere.*, 320, 7, Serdicae

CJ.9.4.1.5, *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 atque eius ministros capitali poena subiecerit.*, 320, 7, Serdicae

CJ.1.35.1, *Legati non solum civiles, sed etiam criminales causas audiant, ita ut, si sententiam in reos ferendam perviderint, ad proconsules eos transmittere non morentur.*
* Const. A. Aelian procons. Africae. *, 320, 10,

CJ.7.63.1, *Si quis per absentiam nominatus vel ad duumviratus aliorumque honorum infulas vel munus aliquod evocatus ad provocationis auxilium cucurrerit, ex eo die interponendae appellationis duorum mensum tempora ei computanda sunt, ex quo contra se celebratam nominationem didicisse monstraverit. nam praesenti, qui factam nominationem cognovit et appellare voluerit, statim debet duorum mensum spatium computari.* * Const. A. ad crispinum. *, 320, ,

Again, in January 321 we have a contradiction between the places of dating of the texts since on the one hand, we find texts such as CJ.9.18.4 issued in Aquileia and, on the other, fragments such as CJ.3.1.9 also dated January 321, in Sirmi and CJ.8.10.6, located in Viminacium (Serbia), a city located 200 km from Sirmium:

CJ.9.18.4.1, *Nullis vero criminationibus implicanda sunt remedia humanis quaesita corporibus aut in agrestibus locis innocenter adhibita suffragia, ne maturis vindemiis metuerentur imbres aut ruentis grandinis lapidatione quaterentur, quibus non cuiusque salus aut aestimatio laederetur, sed quorum proficerent actus, ne divina munera et labores hominum sternerentur.*, 321, 1, Aquileiae

CJ.9.18.4pr., *Eorum est scientia punienda et severissimis merito legibus vindicanda, qui magicis adincti artibus aut contra salutem hominum moliti aut pudicos animos ad libidinem deflexisse deteguntur.* * Const. A. et c. ad Bassum pp. *, 321, 1, Aquileiae

CJ.3.1.9, *Iudices oportet imprimis rei qualitatem plena inquisitione discutere et tunc utramque partem saepius interrogare, ne quid novi addere desiderent, hoc ipsum ad alterutram partem proficiat, sive definienda causa per iudicem sive ad maiorem potestatem referenda sit.* * Const. A. ad Maximum. *, 321, 1, Sirmi

CJ.8.10.6pr., *Si quis post hanc legem civitate spoliata ornatum, hoc est marmora vel columnas, ad rura transtulerit, privetur ea possessione, quam ita ornaverit.* * Const. A. helpidio agenti vicem pp. *, 321, 1, viminacii

CJ.7.62.16, *Etiam eos, qui imaginem principalis disceptationis accipiunt, appellationum adminicula necesse est accipere.* * Const. A. ad Maximum. *, 321, 1, Sirmi

In February 321 it does seem possible to assure that the emperor is in Serdica.

CJ.3.28.28.1, *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.*, 321, 2, Serdicae

CJ.3.28.28.2, *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 adquiescat filii voluntati.*, 321, 2, Serdicae

CJ.3.28.28pr., *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.* * Const. A. ad claudium praes. Daciae. *, 321, 2, Serdicae

CJ.5.16.24pr., *Res uxoris, quae vel successione qualibet vel emptione vel etiam largitione viri in eam ante reatum iure pervenerant, damnato ac mortuo ex poena marito vel in servilem condicionem ex poenae qualitate deducto, illibatas esse praecipio nec alieni criminis infortunio stringi uxorem, cum paternis maternisque ac propriis frui eam integro legum statu religiosum sit.* * Const. A. petronius Probianus. *, 321, 3, Serdicae

CJ.5.16.24.1, *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.*, 321, 3, Serdicae

CJ.3.12.2, *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. A. helpide. *, 321, 3,

In June 321 the Emperor again went to Rome where he stayed until October to travel to Sirmi:

CJ.2.44.2.2, *Sed senatores quidem clarissimi viri in hac regia urbe commorantes apud sublimitatem tuam, ceteri vero apud praetorem, in provinciis autem omnes apud earum rectores de suis moribus et honestae perdoceant.*, 321, 6, Romae

CJ.2.44.2.3, *Hi vero, qui contra memoratam dispositionem veniam aetatis impetraverint, sciant eam nullas vires obtinere.*, 321, 6, Romae

CJ.1.2.1, *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 iam aliud velle non possunt, liber sitis stilus et licitum quod iterum non redit arbitrium.* * Const. A. ad pop. *, 321, 7, Romae

CJ.4.61.4, *Penes illum vectigalia manere oportet, qui superior in licitatione extiterit, 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.* * Const. A. ad iunium rufum. *, 321, 7,

CJ.9.51.13pr., *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.* * Const. A. ad Maximum pu. *, 321, 10, Sirmi

CJ.9.51.13.1, *Ita tamen, ut gesta per filium, cuius consilia legitima aetas firmaverat, rata sint eodem in potestate patria redeunte, ne eorum rescissio efficiat, quod est maxime absurdum, eodem tempore nec in patris nec in sua quemquam fuisse potestate.*, 321, 10, Sirmi

CJ.9.51.13.2, *Minores enim aetate iure quicquam agere pro prohibentur. quibus si damnato patre tutor datus est, necesse est, ut ab officio suo recedat regresso eo, quem non solum nomine redire, sed etiam officium suum nulla pravitate corruptum liberis praebere oportet, ut eorum bona tueatur et augeat.*, 321, 10, Sirmi

CJ.9.51.13.2a, *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.*, 321, 10, Sirmi

CJ.9.51.13.2b, *Ab administratione fugiat neque tutor esse desinat omniaque minoris dispendia suis ipse damnis praestet.*, 321, 10, Sirmi

CJ.9.51.13.2c, *Sententia vero deportationis nullo patrem praeiudicio 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.*, 321, 10, Sirmi

CJ.9.51.13.3, *Ideoque tantum ad restitutionem indulgentia valeat, quantum ad correctionem sententia valuit, utque deportationis ipsum per se nomen rerum omnium spoliatio est, ita indulgentiae restitutio bonorum ac dignitatis uno nomine amissorum omnium sit recuperatio. et filii emancipationem a patribus officii petant, ut libertatem non damnationis, sed lenitatis paternae testem habeant.*, 321, 10, Sirmi

Again, the court returned to Rome in December 321:

CJ.7.13.2, *Servi, qui monetarios adulterinam monetam clandestinis sceleribus exercentes detulerint, civitate Romana donantur, ut eorum domini pretium a fisco percipiant.* * Const. A. ad ianuarium. *, 321, 12, Romae

CJ.9.24.1pr., *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.* * Const. A. ad ianuarium. *, 321, 12, Romae

CJ.9.24.1.1, *Accusatoribus etiam eorum immunitatem permittimus, cuius modus, quoniam dispar patrimonium est, a nobis per singulos statuatur.*, 321, 12, Romae

CJ.9.24.1.2, *Si quis autem militum huiusmodi personam susceptam de custodia exire fecerit, capite puniatur.*, 321, 12, Romae

CJ.9.24.1.6, *Viduae autem ac pupillos speciali dignos indulgentia credidimus, ut viduae nec in proximo constitutae domo sua vel possessione careant, si nulla apud ipsas tam gravis conscientiae noxa resideat, impuberes vero, etiamsi conscii fuerint, nullum sustineant detrimentum, quia aetas eorum quid videat ignorat.*, 321, 12, Romae

CJ.9.24.1.7, *Tutores tamen eorum, si in proximo sint, quoniam ignorare eos, quid in re pupilli geritur, non oportet, haec poena expectabit, ut de rebus eorum, si idonei fuerint, tantum fisco inferatur, quantum a pupillo fuerat inferendum.*, 321, 12, Romae

CJ.3.36.26.1, *Si vero in huiusmodi voluntate designatis liberis alia sit mixta persona, certum est eam voluntatem quantum ad illam dumtaxat permixtam personam pro nullo haberi.*, 321, , Romae

CJ.7.66.6, *Si unus ex litigatoribus adhuc pendente appellatione defunctus sit, non residuum tantum temporis heredes eius habent, sed etiam alios quattuor menses. sin autem ad deliberationem hereditatis certum tempus indulgetur, post elapsum eius idem tempus quattuor mensum numerabitur, ne ignorantes negotium vel etiam super adeunda hereditate dubitantes, priusquam aliquod commodum sentiant, damnis adfici compellantur.* * Const. A. ad Bassum pu. *, 321, ,

In January 322 we find texts issued in Serdica and Sirmi. The trip between one city and another – is separated by 544 km. It would take, according to the Orbis application, 15 days, so, both locations may be correct.

CJ.5.71.18, *Si minores vel ex patris nomine vel ex suo, debitis dumtaxat fiscalibus ingruentibus, vel ex privatis contractibus reperiantur obnoxii, decreti interpositio a Constantiano praetore celebranda est, probatis examussim causis, ut patefacta rerum fide firma venditio perseveret.* * Const. A. et const. c.ad Severum. *, 322, 1, Serdicae

CJ.7.16.42, *Placuit eos qui nascuntur matrum condicionibus uti, quarum mox visceribus exponuntur. 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 lucis auctoribus frui.* * Const. A. ad Maximum pu. *, 322, 1, Sirmi

Constantine again returned to Rome in April 322:

CJ.3.11.5, *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 iudicii quidem cognitionum nostrarum dilatio tribui solet.* * Const. A. ad Maximum. *, 322, 4, Romae

CJ.1.23.4, *Si qua beneficia personalia sine die et consule fuerint deprehensa, auctoritate careant.* * Const. A. ad Lusitanians. *, 322, 8,

The year 323 begins with the emperor's visit to Thessalonica¹⁷, where he will issue a rescript addressed to Maximum that appears in CJ7.18.3 and CJ.8.46.10. In this city, according to the chronicles, Constantine prepared the campaign that he would develop the following year against Licinius.

¹⁷ From this year the presence of the Emperor in the East intensifies, probably in connection with the campaign against Licinius.

CJ.7.18.3pr., *Si quis 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.* * Const. A. ad Maximum pu. *, 323, 1, Thessalonica

CJ.7.18.3.2, *Ea vero, quae testamento vel donatione quaesita sunt aut quae ex earum rerum emolumentis empta confectaque sunt, eidem ingenuo deputentur. quae tamen universa exacto libertatis iudicio, quae a supra dictis rebus discernantur, in sequestro esse oportet, ut his ab utroque deductis atque in medio iure collocatis ad eorum proprietatem uterque contendat.*, 323, 1, Thessalonica

CJ.8.46.10, *Libertati a maioribus tantum impensum est, ut patribus, quibus ius vitae in liberos necisque potestas olim erat permessa, eripere libertatem non liceret.* * Const. A. ad Maximum pu. *, 323, 1, Thessalonicae

In April 323 we find, for the first time, Constantine in the capital he founded in Byzantium, which is surprising since, according to tradition, the founding ceremony of the city was held on November 8, 324, after Constantine's victory over Licinius.

CJ.1.56.1, *Decuriones ad magistratum vel exactionem annonarum ante tres menses vel amplius nominari debent, ut, si querimonia eorum iusta videatur, sine impedimento in absolvendi locum alius subrogetur.* * Const. A. ad florentium pp. *, 323, 4, Constantinopoli

the date of the previous text may be erroneous, since at the same time we find dated this other fragment issued in Sirmi:

CJ.3.12.3, *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.* * Constant. A. ad Severum. *, 323, 4, Sirmi

The texts dated May 323 are also not useful to us since they lack geographical location:

CJ.12.35.9, *Si quis barbaris scelerata factione facultatem depraedationis in Romanos dederit, vel si quis alio modo factam diviserit, vivus amburatur.* * Const. A. et c. aelio pp. *, 323, 5,

CJ.12.42.1pr., *Ne cui liceat praepositorum vel tribunorum cohortium vel vicariorum et familiarium eorum tempore expeditionis quocumque genere cuiquam de militibus a castris atque signis vel his etiam locis, in quibus pertendant, discedendi commeatum dare.* * Const. A. et c. Aelian. *, 323, 5,

CJ.12.42.1.1, *Si quis vero contra hanc legem facere ausus fuerit et militem contra interdictum commeatu dimiserit eo tempore, in quo barbarorum incursio extiterit, et tunc, praesentes in castris atque apud signa milites esse debeant, quisquam afuerit, capite vindicetur.*, 323, 5,

We will have to wait, therefore, until July 324 to find a fragment dated in Carthago. The silence of the chancellery between May 323 and July 324 may be due to the military campaign against Licinius that ended with the Battle of Adrianople

CJ.10.32.16, *Si quis decurio vel propriae rei causa vel rei publicae cogatur nostrum adire comitatum, is non ante discedat, quam insinuato iudici desiderio profiscendi licentiam consequatur. quod si pro sua audacia parvi aliquis hanc fecerit iussionem, indignationem competentem sortiatur.* * Const. A. ad Hilarianum procons. Africae. *, 324, 7, Carthagine

CJ.10.39.5, *Si quis 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 temptaverit vel qualibet fraude niti, ut originem propriae civitatis eludat, duarum civitatum decurionatus onera sustineat, in una voluntatis, in una originis gratia.* * Constant. A. ad Maximum vic. orientis. *, 325, 1,

In March 325, already as sole emperor, Constantine moved to Treveris:

CJ.10.75.1, *Nullus iudicum id, quod a re publica ex collatione susceperit, mutui interventione opposita vel invadat vel conetur invadere.* * Const. A. *, 325, 3, Treveris

We cannot claim that the following fragment, issued in April 325, was delivered in Trier or any intermediate city on the road to Nicaea, where the emperor was in June 325. The route between both cities could be done by land, passing through Sirmium, or by sea. In the first case, the distance would be shorter (3,017 km) but the crossing – according to the Orbis application – would last 71 days. Instead, by sea, the imperial court could have covered more than 5,000 km of distance in 50 days.

CJ.2.6.5, *Si qui advocatorum existimationi suae immensa atque illicita compendia praetulisse sub nomine honorariorum ex ipsis negotiis quae tuenda susceperint emolumentum sibi certae partis cum gravi damno litigatoris et depraedatione poscentes fuerint inventi, placuit, ut omnes, qui in huiusmodi scaevitate permanserint, ab hac professione penitus arceantur.* * Constant. A. helladio. *, 325, 4,

CJ.1.19.2, *Quotiens rescripto nostro 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.* * Constant. A. Severo pu. *, 325, 6, Nicaeae

This location coincides with the celebration of the Council of Nicaea (May–June 325)

In August 325 a series of rescripts are issued whose location is not preserved:

CJ.10.72.1pr., *Susceptores publicos absque omni mora aurum suscipere censemus, ne quis per hanc occasionem sumptus facere compellatur.* * Const. A. ad euphrasium rationalem trium provinciarum. *, 325, 8,

CJ.10.72.1.1, *Nam si solvere volens a suscipiente fuerit contemptus, testibus adhibitis contestationem debet proponere, ut hoc probato et ipse securitatem debitam commissi nexu liberatus emolumentis accipiat et, qui suscipere neglexerit, eius ponderis quod debebatur in duplum fisci rationibus per vigorem officii praesidis inferre cogatur.*, 325, 8,

CJ.10.72.1.2, *Quod autem susceptores iudice cuius interest negligente violaverint, ex ipsius iudicis facultatibus sarcietur.*, 325, 8,

CJ.10.73.1, *Aurum, quod infertur a collatoribus, si quis vel solidos voluerit vel materiam appendere, aequa lance et libramentis paribus suscipiatur.* * Const. A. ad euphrasium rationalem trium provinciarum. *, 325, 8,

Again, in January 326, we find Constantine in Serdica:

CJ.9.11.0. *De mulieribus quae servis propriis se iunxerunt. CJ.9.11.1pr., Si qua servo suo occulte rem habere detegitur, capitali sententia subiugetur, tradendo ignibus verberone.* * Const. A. ad pop. *, 326, 1, Serdicae

CJ.9.11.1.1, *Sitque omnibus facultas crimen publicum arguendi, sit officio copia nuntiandi, sit etiam servo licentia deferendi, cui probato crimine libertas dabitur.*, 326, 1, Serdicae

CJ.9.11.1.2, *Filii etiam, quos ex hac coniunctione habuit, exuti omnibus dignitatis insignibus in nuda maneant libertate, neque per se neque per interpositam personam quolibet titulo voluntatis accepturi aliquid ex facultatibus mulieris.*, 326, 1, Serdicae

Although, texts dated in Sirmi in the same month also appear:

CJ.10.1.7.2, *Sane in huiuscemodi quaestione si Caesariani nomen inciderit, ad usurpationem constitutionis istius non debet accedere, si quidem consuetudo fraudium, quibus praedicti omnia temerare consueverunt, exceptionem eorundem meruerit.*, 326, 1, Sirmi

CJ.10.1.7pr., *Defensionis facultas danda est his, quibus aliquam inquietudinem fiscus infert, facultates eorundem adhuc controversia pendente inquietari describique fas non sit.* * Const. A. *, 326, 1, Sirmi

And some fragments without a specific location:

CJ.12.30.1pr., *Omnes palatinos, quos edicti nostri iam dudum certa privilegia superfundunt, rem, si quam, dum in palatio nostro morantur, vel si parsimonia propria quaesierint vel donis nostris fuerint consecuti, ut castrense peculium habere praecipimus. quid enim tam ex castris est, quam quod nobis consciis ac prope sub conspectibus nostris acquiritur?* * Const. A. ad Severum pu. *, 326, 1,

CJ.12.30.1.1, *Sed nec alieni sunt a pulvere et labore castrorum, qui signa nostra comitantur, qui praesto sunt semper actibus, quos intentos eruditus studiis itinerum prolixitas et expeditionum difficultas exercet.*, 326, 1,

CJ.12.30.1.2, *Ideoque palatini nostri, qui privilegiis edicti uti potuerunt, peculia sua praecipua retineant, quae, dum in palatio constituti sunt, aut labore, ut dictum est, proprio aut dignatione nostra quaesierint.*, 326, 1,

A month later, in February 326, constitutions were issued in Heraclea, the nearest city of Serdica than of Sirmium.

CJ.9.4.2.1, *Ita enim quasi sub publico testimonio commemoratio admissi criminis fiet, ut iudicibus inmodice saevientibus freni quidam ac temperies adhibita videatur.*, 326, 2, Heracleae

CJ.9.4.2pr., *Si quis in ea culpa vel crimine fuerit deprehensus, quod dignum claustris carceris et custodiae squalore videtur, auditus apud acta, de admissio constituterit, poenam carceris sustineat atque ita postmodum eductus apud acta audiatur.* * Const. A. ad Euagrim. *, 326, 2, Heracleae

In fact, in the same month of February, the emperor seems to be in the Bulgarian capital:

CJ.8.34.3pr., *Quoniam inter alias captiones praecipue commissoriae pignorum legis crescit asperitas, placet infirmari eam et in posterum omnem eius memoriam aboleri.* * Const. A. ad pop. *, 326, 2, Serdicae

CJ.8.34.3.1, *Si quis igitur tali contractu laborat, hac sanctione respiret, quae praeteritis praesentia quoque depellit et futura prohibet. creditores enim re amissa iubemus recuperare quod dederunt.*, 326, 2, Serdicae

Returning to Sirmium in March, where he will develop an intense legislative work:

CJ.2.27.2, *In integrum restitutione minoribus adversus commenticias venditiones et adversus tutorum seu curatorum insidias sanctionum praesidio cautum esse non dubium est.* * Const. A. ad pop. *, 326, 3, Sirmi

CJ.5.72.4, *Et sine interpositione decreti tutores vel curatores quarumcumque personarum vestes detritas et supervacua animalia vendere permittimus.* * Const. A. ad pop. *, 326, 3, Sirmi

CJ.5.37.22.1, *Praecipimus itaque, ut haec omnia nulla nulli tutorum curatorumve liceat vendere, nisi hac forte necessitate et lege, qua rusticum praedium atque mancipium vendere vel pignorare vel in dotem dare in praeteritum licebat, scilicet per inquisitionem iudicis, probationem causae, interpositionem decreti, ut fraudi locus non sit.*, 326, 3, Sirmi

CJ.5.37.22.2b, *Et tolerabilius 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 inedia atque verberibus eos adficiat.*, 326, 3, Sirmi

CJ.5.37.22.3, *Nec vero domum vendere liceat, in qua defecit pater, minor crevit, in qua maioris imagines aut videre fixas aut revulsas non videre satis est lugubre, ergo et domus et cetera omnia immobilia in patrimonio minorum permaneat, nullumque aedificii genus, quod integrum hereditas dabit, collapsum tutoris fraude depereat.*, 326, 3, Sirmi

CJ.5.37.22.4, *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 alimoniarum taxatione pascantur.*, 326, 3, Sirmi

CJ.5.37.22.5, *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.*, 326, 3, Sirmi

CJ.5.37.22.6, *Iam ergo venditio tutoris nulla sit sine interpositione decreti, exceptis his dumtaxat vestibis, quae detritae usu aut corruptae servando servari non potuerint.*, 326, 3, Sirmi

CJ.5.37.22.7, *Animalia quoque supervacua minorum quin veneant, non vetamus.*, 326, 3, Sirmi

CJ.5.37.22pr., *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.* * Const. A. ad pop. *, 326, 3, Sirmi

CJ.12.50.2pr., *Praesidibus et rationalibus ceterisque, quibus propterea res publica et annonae et alimenta pecoribus ministrat, usurpandi paraveredi licentia derogetur.* * Const. A. ad acyndinum pp. *, 326, 3,

From Sirmi the emperor will go to Aquileia and from there to Rome, in the space of a month:

CJ.9.10.1, *Si tutor pupillam quondam suam violata castitate stupraverit, deportatione subiugetur atque universae eius facultates fisci viribus vindicentur, quamvis eam poenam debuerit sustinere, quam raptori leges imponunt.* * Const. A. ad Bassum vic. italiae. *, 326, 4, Aquileiae

CJ.6.7.2.1, *Sane si is, qui in nostro consilio vindicta liberatus est, post coercionem ex paenitentia dignum se praestiterit, ut ei civitas Romana reddatur, non prius fruatur beneficio libertatis, quam si hoc patronus eius oblati precibus impetraverit.*, 326, 4, Romae

However, his stay at the Urbs will be very brief, since in May he is already in Nicomedia, a trip that should have taken the Court about 21 days.

CJ.9.9.29.1, *Sed et his personis legem imponimus, ut crimen abolitione, si voluerint, compescant.*, 326, 5, Nicomediae

CJ.9.9.29.4, *Sacrilegos autem nuptiarum gladio puniri oportet.*, 326, 5, Nicomediae

CJ.9.9.29pr., *Quamvis adulterii crimen inter publica referatur, quorum delatio in commune omnibus sine aliqua legis interpretatione conceditur, tamen ne volentibus temere liceat foedare conubia, proximis necessariisque personis solummodo placet deferri copiam accusandi, hoc est patri fratri nec non patruo et avunculo, quos verus dolor ad accusationem impellit.* * Const. A. ad Euagrim. *, 326, 5, Nicomediae

Nor would the Emperor stay long in Nicomedia, because two months later, in July, we find him in Cappadocia, which is 1047 km away.

CJ.5.26.0. *De concubinis.* CJ.5.26.1, *Nemini licentia concedatur constant marriage concubinam penes se habere.* * Const. A. ad pop. *, 326, 7, caesarea

We have below a series of fragments that lack indication of the place of issue, so we cannot know the location of the Court until January 328, when we will find it in Trier:

CJ.10.32.17, *Qui derelicta curia militaverit, revocetur ad curiam.* * Const. A. ad Euagrim pp. *, 326, 7,

CJ.1.5.1, *Privilegia, quae contemplatione religionis indulta sunt, catholicae tantum legis observatoribus prodesse oportet. haereticos non solum his privilegiis alienos esse volumus, sed et diversis muneribus constringi et subici.* * Const. A. ad dracilianum. *, 326, 9

CJ.6.62.1, *Si quis navicularius sine testamento et liberis vel successoribus defunctus sit, hereditatem eius non ad fiscum, sed ad corpus naviculariorum, ex quo fatali sorte subtractus est, deferri praecipimus.* * Const. A. mastichiano praef. annonae. *, 326, ,

CJ.10.1.7.1, *Ubi ergo controversia extiterit fisco alicuius patrimonium vindicante, apud eum omnibus facultatibus constitutis cognitio ventiletur, ut, 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 fraudem ablatum.*, 326, ,

CJ.2.52.6.1, *Quod si defensio rei dilationis suffragium postulaverit, eandem adserta causa citra obstaculum temporis deferri sancimus, quia nequaquam in ipsius steterat potestate, quando litigio pulsaretur. dari igitur debet, etsi impetrata dimensio sese ultra temporis definitionem proferat. qua dilatione, si a reo impetretur, etiam actor in requirendis probationibus uti minime prohibetur.*, 327, 8,

CJ.7.62.18, *Quoniam nonnulli fisci debitores, 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 sollempnitatis praestitutos ad facienda haec appellatoris cura defuerit, deserta ab eo provocatio aestimetur moxque debitum exigatur.* * Constant. A. Victori rationali urb. Romae. *, 327, 8,

CJ.12.46.2, *Providendum est, ne veterani protectoria dignitate cumulati, aut qui honores varios pro meritis suis consecuti sunt, incongruis pulsentur iniuriis, si quis in hoc crimine fuerit deprehensus, rectores provinciarum pro iurisdictione sua examineantes factum pro sui qualitate eos coerceant.* * Const. A. Maximo pp. *, 328, 1, Treveris

The next location of the chancellery will be Rome, where the Emperor will issue a rescript to Aemilianus in May 328.

CJ.11.48.1, *Numquam rationibus vel colligendis frugibus insistens agricola ad extraordinaria onera trahatur, providentiae sit opportuno tempore his necessitatibus satisfacere.* * Const. A. ad Aemilianum pp. *, 328, 5, Romae

In September of the same year, a constitution will be issued in Serdica, collected in CJ.4.43.2.

CJ.4.43.2pr., *Si quis propter nimiam paupertatem egestatemque victus causa filium filiamve sanguinolentos vendiderit, venditione in hoc tantummodo casu valente emptor obtinendi eius servitii habeat facultatem.* * Const. A. provincialibus suis. *, 329, 9, Serdicae

CJ.4.43.2.1, *Liceat autem ipsi qui vendidit vel qui alienatus est aut cuilibet alii ad ingenuitatem propriam eum repetere, modo si aut pretium offerat quod potest valere, aut mancipium pro huiusmodi praestet.*, 329, 9, Serdicae

Probably the Emperor continued in Serdica in October, however, a fragment collected in CJ.1.19.3 seems to locate him in Rome:

CJ.1.19.3, *Nec damnosa fisco nec iuri contraria postulai oportet.* * Const. A. ad pop. *, 329, 10, Romae

The rest of the texts dated October 329 place it in Serdica

CJ.10.32.18.1, *Omnes enim, qui obsequia publicorum munerum declinare temptaverint, simili condicione teneri oportet.*, 329, 10, Serdicae

CJ.10.32.18pr., *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 reperti fuerint, biennio integro onera duumviratus cogantur agnoscere.* * Const. A. *, 329, 10, Serdicae

Again, the court moved to Heraclea in November 329.

CJ.10.32.19, *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 munus societatem convenientur.* * Const. A. ad lucretium paternum. *, 329, 11, Heracleae

The preserved fragments of the year 330 lack indication of the place where they were issued:

CJ.11.43.1pr., *Possessores, per quorum fines formarum meatus transeunt, ab extraordinariis oneribus volumus esse immunes, ut eorum opera aquarum ductus sordibus oppleti mudentur, nec ad aliud superindictae rei onus isdem possessoribus attinendis, ne circa res alias occupatiurgi repurgium formarum facere non occurrant.* * Const. A. ad maximilianum consularem aquarum. *, 330, 1,

CJ.3.39.3pr., *Si quis super iuris sui locis prior de finibus detulerit querimoniam, quae proprietatis controversiae cohaeret, prius super possessione quaestio finiatur et tunc agrimensor ire praecipitur ad loca, ut patefacta veritate huiusmodi litigium terminetur.* * Const. A. ad tertullianum. *, 330, 3,

CJ.8.4.5, *Invasor locorum poena teneatur legitima, si tamen vi loca eunde invasisse constiterit. nam si per errorem aut incuriam domini loca ab aliis possessa sunt, sine poena possessio restitui debet.* * Constant. A. ad tertullianum. *, 330, 3,

CJ.3.39.3.1, *Quod si altera pars, ne huiusmodi quaestio terminetur, se subtraxerit, nihilo minus agrimensor in ipsis locis iussione rectoris provinciae una observante parte hoc ipsum faciens perveniet.*, 330, 3,

CJ.1.18.11, *Quamvis in lucro nec feminis ius ignorantibus subveniri soleat, tamen contra aetatem adhuc imperfectam locum hoc non habere retro principium statuta declarant.* * Constant. A. Valeriano vic. *, 330, 5,

CJ.3.39.4, *Si constiterit eum qui finalem detulerit quaestionem, priusquam aliquid sententia determinetur, rem sibi alienam usurpare voluisse, non solum id quod male petebat amittat, sed quod magis unusquisque contentus suo rem non expetat iuris alieni, qui inreptor agrorum fuerit in lite superatus, tantum agri modum, quantum adimer tempte temptavit, amittat.* * Const. A. ad Bassum pp. *, 330, 7,

In August 331 Constantine met in his Byzantine capital, this may be the first decree he issued here:

CJ.7.62.19pr., *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 provocare non sinimus.* * Const. A. ad universos provinciales. *, 331, 8, Constantinopoli

The rest of the texts issued on the same date and in the following months do not indicate the place:

CJ.12.47.1, *Ii, qui ex officialibus quorumcumque officiorum geniti sunt, sive eorundem parentes adhuc sacramento tenentur sive iam dimissi erunt, in parentum militiam vocentur.* * Constant. A. ad Euagrim pp. *, 331, 8,

CJ.8.36.2, *Lite pendente actiones, quae in iudicium deductae sunt, vel res, pro quibus actor a reo detentis intendit, in coniunctam personam vel extraneam donationibus vel emptionibus vel quibuslibet aliis contractibus minime transferri ab eodem actore liceat, tamquam si nihil factum sit, lite nihilo minus peragenda.* * Const. A. ad provincials. *, 331, 8,

CJ.1.21.3, *Qui licitam provocationem omiserit, perpetuo silere debebit nec a nobis impudens petere per supplicationem auxilium. quod si fecerit, desiderio suo carebit et ignominiae poena notabitur.* * Const. A. ad provincials. *, 331, 8,

CJ.3.13.4, *Nemo post litem contestatam ordinariae sedis declinet examen, nec prius praefecti praetorio aut comitis orientis vel alterius spectabilis iudicis imploret auxilium, sed appellatione legibus facta ad sacrum auditorium veniat.* * Const. A. ad provincial universes. *, 331, 10,

CJ.6.36.7, *Si idem codicilli quod testamenta possent, cur diversum his instrumentis vocabulum mandaretur, quae vis ac potestas una sociasset? igitur specialiter codicillis instituendi ac substituendi potestas iuris auctoritate data non est.* * Constant. A. ad Maximum pp. *, 332, 1,

In April 332 a rescript is issued in Marcianópolis, which is 366 km from Constantinople.

Perhaps we can assume that the Emperor remains in this zone all this time.

CJ.5.1.2, *Si is, qui puellam snadem provincia degens supersederit, eiusque spatii fine decurso in alterius postea coniunctionem puella pervenerit, nihil fraudis ei sit, quae nuptias maturando vota sua diutius ludi non passa est.* * Const. A. et const.c. ad pacatianum pu. *, 332, 4, Marcianopoli

In September of the same year he legislated again in Constantinople:

CJ.6.1.6.1, *Quod non solum utrisque iurgantibus proderit, sed etiam servorum animos a fuga poterit detertere.*, 332, 9, Constantinopoli

CJ.6.1.6pr., *servum quispiam repetit fugitivum et alius vitandae legis gratia, quae in occultantes mancipia certam poenam statuit, proprietatem opponet, vel in vocem libertatis eum animaverit, ilico nequissimus verbero super quo ambigitur tormentis subiciatur, ut aperta veritate diceptationi terminus fiat.* * Const. A. ad Tiberianum com. hispaniarum. *, 332, 9, Constantinopoli

However, the movements of the court do not cease, since in March 333 he is in Carthago:

CJ.4.62.4, *Si provincialium nostrorum querella de conductorum aviditate extiterit et probatum fuerit ultra vetustam consuetudinem et nostrae terminos iussionis aliquid eos profligasse, rei tanti criminis perpetuo exilio puniantur. sub conspectibus autem tuis vel eorum, qui tuae gravitati succedunt, licitationis cura servetur.* * Const. A. ad felicem pp. *, 333, 3, Carthagine

However, the displacement is brief, because in May it is located again in Constantinople, where it will remain until October:

CJ.5.37.23, *Si tutoris vel curatoris culpa vel dolo, eo quod vectigal praedio emphyteutico impositum minime dependere voluissent, minori fuerit amissum, damnum quod ei contigit ex substantia eorum resarciri ne,*

cesse est. * Const. A. Felici. *, 333, 5, Constantinopoli

CJ.8.53.27.1, *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.*, 333, 5, Constantinopoli

CJ.8.53.27.2, *Gesta autem confici super rebus etiam alibi collocatis ubicumque sufficit.*, 333, 5, Constantinopoli

CJ.8.53.27pr., *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 configi potest, vel id quod vere gestum est aboleri.*
* Const. A. ad Severum com. hispaniarum. *, 333, 5, Constantinopoli

CJ.10.53.6.1, *Mercedes etiam eorum et salaria reddi iubemus, quo facilius liberalibus studiis et memoratis artibus multos instituant.*, 333, 10, Constantinopoli

In November 333 will remain in Aquileia and no indication of place will appear again until July 334:

CJ.11.8.2, *Procuratores rei privatae baphii et gynaeicii, per quos et privata nostra substantia tenuatur et species in gynaeiciis confectae corrumpuntur, in baphyis etiam admixta temeratio naevum adducit inquinatae adlutionis, suffragiis abstineant, per quae memoratas administrationes adipiscuntur, vel, si contra hoc fecerint, gladio feriantur.* * Const. A. ad felicem. *, 333, 11, Aquileia

CJ.1.22.4, *Etsi non cognitio, sed executio mandatur, de veritate precum inquiri oportet, ut, si fraus intervenit, de omni negotio cognoscatur.* * Const. A. ad barbarum Pompeianum consularem campaniae. *, 333, 11,

CJ.3.38.11, *Possessionum divisiones sic fieri oportet, ut integra apud successorem unumquemque servorum vel colonorum adscripticiae condicionis seu inquilinorum proxima agnatio vel adfinitas permaneret. quis enim ferat liberos a parentibus, a fratribus sorores, a viris coniuges segregari? igitur si qui dissociata in ius diversum mancipia vel colonos traxerint, in unum eadem redigere cogantur.* * Const. A. gerulo. *, 334, 5,

CJ.12.49.1, *Vorax et fraudulentum numerariorum propositum, qui diversis obsequiis rectoribus obsequuntur, ita inhibendum est, ut antea sanximus et nunc itidem sancimus condicioni eos subdi tormentorum et eculeis atque lacerationibus subiacere.* * Constant. A. veronician vic. Asiae. *, 334, 6, Optato et Paulino cons

Again the Emperor returns to his new city in July 334.

CJ.3.14.0, *Quando imperator inter pupillos vel viduas vel miserabiles personas cognoscat et ne exhibeantur.*

CJ.3.14.1pr., *Si contra pupillos viduas vel diutino morbo fatigatos et debiles impetratum fuerit lenitatis nostrae iudicium, memorati a nullo nostrorum iudicum compellantur comitatui 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.* * Const. A. ad andronicum. *, 334, 7, Constantinopoli

CJ.3.14.1.1, *Quod si pupilli vel viduae aliique fortunae iniuria miserabiles iudicium nostrae serenitatis oraverint, praesertim alicuius potentiam perhorrescunt, cogantur eorum adversarii examini nostro sui copiam facere.*, 334, 7, Constantinopoli

In August 334 a constitution is issued in Nicomedia.

CJ.6.21.15pr., *Milites in expeditione degentes, si uxores aut filios aut amicos aut commilitones suos, postremo cuiuslibet generis homines amplecti voluerint supremae voluntatis adfectu, quomodo possint ac velint testentur, nec uxorum aut filiorum eorum, voluntatem patris reportaverunt, meritum aut libertas dignitasque quaeratur.* * Constant. A. ad pop. *, 334, 8, Nicomediae

CJ.6.21.15.1, *Proinde sicut iuris rationibus licuit ac semper licebit, si quid in vagina aut in clipeo litteris sanguine suo rutilantibus adnotaverint, aut in pulvere inscripserint gladio sub ipso tempore, quo in proelio vitae sortem derelinquunt, huiusmodi voluntatem stabilem esse oportet.*, 334, 8, Nicomediae

Again, we find the Emperor in Constantinople in April 335

CJ.10.11.5pr., *Omnes iudices invigilare praecipimus delatores sine fisci advocato denuntiantes poenis adficere. apertissimi enim iuris est, ut, quod ex cuiuscumque patrimonio ceciderit in casum, et legibus et retro iuris ordine fisci advocatis agentibus vindicetur.* * Const. A. ad provinciales. *, 335, 4, Constantinopoli

CJ.10.11.5.1, *Sed quia nonnulli praecipites secundum ius possessa patrimonia deferre non cessant, damus omnibus qui se laesos existimant contra delatores severitatem iudicum implorare ferro destrictam.*, 335, 4, Constantinopoli

In November 335 appears a text signed in Nicopolis, located in modern Preveza (Greece).

CJ.1.40.4, *In officiales praefectorum cursum publicum laniantes vel prava contra utilitatem publicam molientes vindicandi tibi dedimus potestatem, ita ut praefectos de eorum culpa facias certiores.* * Const. A. ad periculum praes. *, 335, 11, Nicopolipoli

CJ.5.3.16.1, *Quod si sponsa interveniente vel non interveniente osculo donationis titulo (quod raro accidit) fuerit aliquid sponso largita et ante nuptias hunc vel illam mori contigerit, omni donatione infirmata ad donatricem sponsam sive eius successores donatarum rerum dominium transferatur.*, 336, 7,

In 336, without more precise indication of the date, a constitution is issued in CJ.5.27.1 in Carthago.

CJ.5.27.1.2, *Sive itaque per ipsum donatum est qui pater dicitur, vel per alium sive per interpositam personam, sive ab eo emptum vel ab alio, sive ipsorum nomine comparatum, statim retractum reddatur quibus iussimus aut, si non existunt, fisci viribus vindicetur.*, 336, , Carthagine

CJ.5.27.1.3, *Quod si existentes et in praesentia rerum constituti agere noluerint pacto vel iureiurando exclusi, totum sine mora fiscus invadat.*, 336, , Carthagine

CJ.5.27.1.4, *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.*, 336, , Carthagine

The Emperor died in Nicomedia in May 337. His last rescript, without indication of the place, is collected in CJ.5.17.7.1.

CJ.5.17.7.1, *Ideoque observandum est, ut, si adulterii suspicio nulla sit nec coniunctio furtiva detegitur, nullum periculum ab his quorum coniugio erant copulatae vereantur, si conscientia maritalis tori furtim esset violata, disciplinae ratio poenam congruam flagitet.*, 337

Finally, we have a series of five fragments that lack an indication of the date of issue:

CJ.3.26.6, *Si quis adversus conductorem nostrum aliquid agendum crediderit, viro illustri comiti rerum privatarum referri oportet, ne et iudici existimationis et officio eius salutis discrimen immineat.* * Constantius A. ad italicum. *, 2,

CJ.10.52.6pr., *Eos qui cuiuscumque sexus liberos quinque habeant, impetrata semel vacatione potiri convenit, ita ut, si in hoc numero filius legitimae aetatis inveniatur, obeundis statim pro suo patre muneribus applicetur, patribus, qui filios vel filias quinque habuerint, promissa legibus immunitate servanda.* * Const. A. Dalmatio. *, 2, Sirmium

CJ.10.52.6.1, *Quod si quis propter censum tenuiorem vacationem meruerit atque hoc probaverit, beneficio potiatur, si propter rerum angustias ad personalia vocatur obsequia.*, 2, Sirmium

CJ.6.9.8, *Quicumque res ex parentum vel proximorum successione iure sibi competere confidit, sciat sibi non obesse, si per rusticitatem vel ignorantiam facti vel absentiam*

vel quamcumque aliam rationem intra praefinitum tempus bonorum possessionem minime petisse noscatur, quoniam haec sanctio huiusmodi consuetudinis necessitatem mutavit. * Const. A. ad dionysium. *, , 3, Heliopoli

CJ.10.21.2, *Satis sit debitorem annonarum ad solvendi necessitatem capione pignorum conveniri.* * Const. A. restituto praes. sardiniae. *, , 12, Thessalonicae

Conclusions

The present work contains a brief and provisional analysis of the constitutions of the Emperor Constantine included in the Code of Justinian, focusing on the geographical and temporal aspects. From the study of the texts, we can conclude that the imperial chancellery developed an important legislative work between the battle of Puente Milvio (October 312) and the death of the emperor, which occurred in May 337. Despite the political and military vicissitudes, legislative activity was constant and enduring.

Likewise, we can see how the court dominated the entire empire subjected to imperial power, deploying its action in almost all territories, from Hispania to Asia, through Africa and Europe. Perhaps missing is the presence of the Emperor in Britain, where he was initially proclaimed after the death of his father (York, July 306). In view of the texts issued by the Imperial Chancellery, it shows the ability to cover great distances even in the months of harsh winter is surprising, which reveals an enormous logistical and military efficiency.

After our analyze, we can suggest that the date or the place of any fragments may be corrupted, for instance, CJ.1.56.1, which is dated in Constantinople in April 323, when the city was yet not founded.

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Summary

Emperor Constantine was the last great ruler of the unified Roman Empire. He ascended the throne after the death of his father, Emperor Constantius, and gained power after several civil wars. In his reign the practice of Christianity was authorized. In this work we examine the places and dates of dating of the constitutions contained in the Code of Justinian to verify that the Court of Constantine effectively exercised power throughout the Empire, covering long distances even in winter times. In some cases, the dating offers inconsistent results which suggests a possible alteration of the texts.

Keywords: Constantinus, court, Code Of Justinian, postclassical law

WĘDROWNY SĄD KONSTANTYNA

Streszczenie

Cesarz Konstantyn był ostatnim wielkim władcą zjednoczonego Cesarstwa Rzymskiego. Wstąpił na tron po śmierci swojego ojca, cesarza Konstancjusza, i zdobył władzę po kilku wojnach domowych. Za jego panowania praktyka chrześcijaństwa została zatwierdzona. W tym artykule badamy miejsca i daty konstytucji zawartych w Kodeksie Justyniana, aby sprawdzić, czy dwór Konstantyna skutecznie sprawował władzę w całym Imperium, pokonując duże odległości nawet w czasach zimowych. W niektórych przypadkach datowanie oferuje niespójne wyniki, co sugeruje możliwą zmianę tekstów.

Słowa kluczowe: Konstantyn, sąd, Kodeks Justyniana, prawo postklasyczne