

Book I.
Title XXXIV.

Concerning the office of the Count of the Imperial Patrimony.
(De officio comitis sacri patrimonii.)

Headnote.

Count of Patrimony. The emperor Anastasius created the office of Count of Patrimony, who was of illustrious and equal rank with the Count of the Crown Domain, and he had charge of all private property which after the enactment of this law, or which probably shortly before became governmental property. It is a matter of dispute as to how long this office lasted. Justinian probably abolished it, and the property under his control then came under the control of the Count of the Crown Domain. The subject is more fully mentioned in headnote C. 11.62, preface and (3).

Seek, in 4 Pauly-Wissowa 676, maintains that the Count of the Patrimony was created to take charge of all the property previously in charge of the Count of the Crown Domain, the latter only retaining power in connection with confiscations and the suits in connection therewith. This, however, is not the generally accepted opinion, as may be seen from what is said in headnote C. 11.62.

1.34.1. Emperor Anastasius.

If any private property has fallen or will fall to the fisc, it shall be placed in control of the Count of the Imperial Patrimony who shall manage it in pattern of the Count of the Crown Domain. All farmers, serfs and emphyteuticaries (long lessees) subject to him shall enjoy the same privileges as those who are subject to the provost (praeposito) and Count of the Crown Domain, and they shall neither sue nor be sued except before the Count of the Imperial Patrimony. The official staff, moreover, of the Count of the Imperial Patrimony shall have the same privileges as the official of the Count of the Crown Domain had from the beginning.¹

1.34.2. The same emperor.

The rectors of the provinces and their official staffs must, at their peril, take care that the property belonging to the imperial patrimony sustains no loss, and that the returns therefrom are not diminished or taken by fraud. The Count of the Patrimony shall be permitted to fine them, and compel them, after their term office to make good the loss, and no pretext of sterility or other pretext shall be accepted as an excuse.

1.34.3. No seal shall be placed or levy made by the Count of our Treasuries on property denounced (by informers) before the adjudication of the cause is made; in this case, too, the defendant shall only bear the expense (of fees) incurred for himself, nor shall he be able to appeal before a definitive decision is given.²

¹ [Blume] See headnote C. 11.62.

² [Blume] The same rule laid down in C. 1.33.5.