

Book II.
Title XV (XVI).

That no private person shall fasten placards¹ on his or another's lands nor hang up regal curtains.

2.15.1. Emperors Honorius and Theodosius to Flavianus, Praetorian Prefect.

It is a [prerogative]² of the imperial majesty, that only our homes and patrimonies be recognized³ by an inscription on placards with out name. All persons, therefore, may know that than on which the imperial (dominicum) name is inscribed must be made part of the public property.⁴

Given at Ravenna December 29 (408).

2.15.2. Emperors Theodosius and Valentinian to Florentius, Praetorian Prefect.

No one shall dare, without order from the proper judge, to hand up an imperial curtain or place a placard on another's property, which is in any manner in another's possession, although the person in possession is shown not to be the owner, but a wrongful possessor and rash invader.

1. We order, moreover, that he who dares to do this, shall, if he is plebeian, be punished by death; if he is of honorable rank (clarissimus) or a curial, or a soldier or a clergyman, his property shall be confiscated, he shall be sent into exile, and not only be deprived of his Roman citizenship but also of his liberty, and all the judges must carry out this law into effect.

2. We give permission to take down and break the placards and even to tear the curtains, not only to person to whose prejudice any such thing is done, contrary to justice and the laws, but (also) to all persons, free or slave, without (need of) fear (of imputation) of false accusation or of accusation of a crime, decreeing that judges and their staffs shall each be punished (by a penalty of) thirty pounds of gold if they permit such accusation to be brought, or if declared (orally), allow it to be written.

Given at Constantinople June 17 (439).

Note.

When a man wanted to lay claim to some land, or protect his own, he would, it seems, often put up a placard containing the name of the emperor, so as to make it appear that the property was that of the emperor or the fisc, thereby keeping anyone else away from the property or laying any claim thereto, though such claim might be rightful; or he would affix purple curtains to the door. Purple was the imperial color, and purple curtains, accordingly, would indicate that the property on which they would be found, belonged to the emperor. For the subject of affixing placards to property that fell to the imperial exchequer, see C. 10.10.3 and 5.

¹ [Blume] With the imperial name—Godefroy ad C. Th. 2.14.1.

² Partially illegible handwritten change—Scott uses “privilege.” Blumes’s typed original reads: “It becomes the imperial majesty, that only our homes...”

³ [Blume] lit. “read.”

⁴ [Blume] i.e. it will be confiscated.