

Book V.
Title XXIII.

Concerning the dotal estate.
(De fundo dotali.)

Bas. 29.6.19; D. 23.5.

5.23.1. Emperor Severus and Antoninus to Dida.

If lands were given as dowry at a fixed valuation, and it was agreed that the woman should have the right to elect—(whether to take the lands or the price thereof upon return of the dowry), still the Julian law applies.¹

Promulgated February 20 (213).

5.23.2. Emperor Gordian to Domitiana.

Husbands who receive a farm, not valued, owned in common with another, cannot sue for partition, although they may be sued for that purpose.

Promulgated October 2 (241).

Note.

A division of property was evidently considered the equivalent of an alienation under the Julian law referred to in law 1 of this title, and hence the husband was forbidden to ask for the division of dowry land, an undivided portion of which was owned by another. 9 Cujacius 510.

¹ [Blume] The Julian law forbade alienation of dowry land. C. 5.13.1.15. If land, however, was turned over to the husband at a fixed valuation, the valuation, not the land, became the dowry, and the husband became the owner of the land. C. 5.12.1 note. In such case the Julian law did not apply. But if the wife had the right to elect whether to take the land back or valuation, the Julian law applied.