

Book VI.  
Title XV.

(The right of possession of an inheritance) given to statutory (common law) heirs and cognates.  
(Unde legitimi et unde cognati.)

D. 38.7.8; Bas. 40.8.

Headnote.

In default of children and grandchildren, the nearest collateral heirs who were agnates inherited, and in default of them, the nearest cognate relatives. The within title deals with both. Nothing particular need be added to what has already been said in the headnote to title 9. Three of the laws in this title provide that cognates could not obtain any of the inheritance without asking for the right of possession; that is to say, they inherited only under the praetorian system of succession. But as heretofore mentioned, the difference between agnates and cognates was abolished by Nov. 118 of Justinian, and there was, thereafter, but one system of succession.

6.15.1. Emperor Alexander to Ulpian.

You are not forbidden to acquire the property of your intestate maternal cousins, if it does not legally belong to anyone of nearer relationship, and if you have demanded the right of possession thereof.

Given January 10 (224).

6.15.2. Emperors Diocletian and Maximian to Soziones.

Since you state that your second cousin, that is the son of your maternal cousin, died intestate, you know that you cannot claim his inheritance without the grant of the right of possession thereof.

Given May 26 (290) at Laodicea.

6.15.3. The same Emperors and the Caesars to Felix.

Succession to a maternal grandfather is also by the praetorian law offered to grandchildren in equal portions.

Given at Sirmium October 15 (293).

6.15.4. The same Emperors and the Caesars to Syrisca.

The question is not whether or not anyone has possession of property of an inheritance without intention of acquiring the inheritance, but whether he accepted the inheritance or demanded the right of the possession thereof.

Given at Sirmium December 22 (293).

6.15.5. The same Emperors and the Caesars to Plato.

It is certain that no one can inherit by right of cognate relationship without asking the right of possession of the inheritance. Cognate relatives of a deceased, who do not wish the property, are not compelled to claim such right.

Given at Sirmium February 20 (294).