

Book XI.
Title LXV. (LXIV)

Concerning contributions (collatione) of the patrimonial and emphyteutic lands.
(De collatione fundorum patrimonialium et emphyteuticorum.)

11.65.1. Emperor Constantine to Proculus, Proconsul of Africa.

The emphyteutic possessors, who by the kindness of Our Clemency are exempted from extraordinary liturgies must, like the other provincials, help construct and repair the roads. For they should not, for any reason, be relieved from anything which is for the common benefit.¹

Promulgated May 7 (319).

C. Th. 15.3.1.

11.65.2. The same Emperor to Catullinus, Proconsul of Africa.

(Imperial) Patrimonial estates should not be burdened with extraordinary liturgies or the half or the third portion thereof, since it is clear that they already pay the greatest measure of gold and grain. And if any one attempts to violate these orders, he will be punished.²

Promulgated at Carthage August 27 (319).

C. Th. 11.16.1.

11.65.3. Emperor Julian.

All those who hold (imperial) patrimonial estates in common or alone, must, for them, be called on for the liturgies (munerum) resting upon these estates, some either for their share or the whole thereof, just as the necessity of public contribution (pensationis) binds every private person.³

Given March 28 (362).

C. Th. 11.19.2.

11.65.4. Emperors Valentinian and Valens to Germanianus, Count of the Sacred Largess.

It has been decided that possessors of emphyteutic and patrimonial land may deliver to the office of the imperial comptrollers (rationalis) that part of the rental which they may have on hand whenever they wish to do so, in not more, however than three separate installments per annum, and receive from it the customary receipt for the payment on the same day, provided that the whole sum must be paid into the imperial treasury before the ides of January (January 13th) of each year. The officials will be severely punished if they deny anyone who wishes the right to make payment at any time of the year - provided that the number of payments do not exceed 3 times a year - or delay in issuing a receipt. 1. The property holders may complain of this before the curators, magistrates or other persons who have the right of making records, so that the

¹ [Blume] See headnote C. 11.42, as to these liturgies, and note C. 10.19.4.

² [Blume] See headnote C. 10.42, where this law is mentioned.

³ [Blume] See headnote C. 10.42, where this law is mentioned.

insolence of the officials upon whom punishment is to be visited may appear therefrom, and the property holders protected.

Given at Remi May 19 (366).

C. Th. c. 13. 20.

Note.

A provision that payments of gold should be accepted at any time is found in C. 10.72.1. As to three annual payments, see note to c. 2, Novel 128.

11.65.5. Emperors Arcadius and Honorius to Messala, Praetorian Prefect.

The regular tribute due from patrimonial lands shall be collected in all the provinces by the ordinary judges (governors) and delivered by them (to the proper place). The aforesaid judges, moreover, must know that none of the tribute of the Crown Domain or whatever is derived from the same sources (the patrimonial and emphyteutic land) is to be diverted to other purposes, if they do not want their boldness to be restrained by severe punishment.

Given at Milan May 17 (399).

(See 10.75.3.)

Note.

This law is said (His, supra 19), to make a contrast between patrimonial and emphyteutic lands on the one hand and the crown domain lands on the other in the clause which states that the income from the crown domain and that which comes from the same source (ex iisdem titulis), namely, as His says, from the patrimonial lands, should not be diverted etc.