

Book VII.
Title XXXVIII.

That the right to recover imperial private property or that of the temples shall not be barred by prescription.
(*Ne rei dominicae vel templorum vindicatio temporis exceptione summoveatur.*)

Headnote.

The property of the temples referred to in the title was probably the property formerly belonging to the heathen temples, and confiscated for the benefit of the crown domain. See *Gothofredus ad C. Th.* 10.1.15. The Christian churches were protected by other legislation. In C. 1.2.23, Justinian extended the prescription of one hundred years when the action was by a church or pious foundation and related to succession, legacies, gifts or contracts of sale. The same time was given when money was left for redemption of captives. This privilege, first relating only to the East, was extended to the West by Nov. 9. But in 541, the time was reduced to forty years. Nov. 111.

7.38.1. Emperors Valentinian and Valens to Probus, Praetorian Prefect of the Gauls.

It has been often ordered that slaves and freedmen and serfs belonging to imperial property and their offspring and grandchildren who have left our possessions and have entered different kinds of public service, shall, shorn of the girdle of office which they fraudulently obtained, and of the position of dignity, if any, which they may have obtained, be returned to our property, without reference to any limitation of time made by law.

Given November 21 (365).

7.38.2. Emperors Valentinian, Theodosius and Arcadius to Dextrus, Count of the Private Estate.

We order that all lands in any province which have been sold or in any manner alienated by serfs of the emperor, of cities or of churches, shall be restored by those who detain them wrongfully and contrary to law, without bar by the ordinary period of prescription, and fraudulent purchasers shall not even have the right to demand back the price (which they paid).

Given at Constantinople July 3 (387).

7.38.3. Emperors Arcadius and Honorius to Paulus, Count of the Private Estate.

If any places belonging to the imperial dominion are unlawfully occupied by anyone, they shall be restored to their former status according to the former census list. Your Authority, therefore, will declare void any rescripts fraudulently obtained, disregard the prescription of a long time and any new inscription on the census roll, and restore it to the property from which it was severed. For long (illegal) possession or change in the census roll could not destroy the privilege of our ownership.

Given at Constantinople March 28 (396).

G. 11.67.2.

C. Th. 10.1.15.