

Book VI.
Title XVIII.

The right of possession granted to husband and wife.
(Unde vir et uxor.)

D. 38.11; Bas. 45.5.2.

6.18.1. Emperors Theodosius and Valentinian to Hierius, Praetorian Prefect.

A husband and wife inherit from each other, on intestacy, the whole of the property, according to ancient law, whenever there are no parents, children or relatives who may inherit by statutory or natural law, and in such case the fisc is excluded. Given at Constantinople February 20 (428).

C. Th. 5.1.9.

Note.

A husband and wife inherited from each other only in case there were no blood-relatives of the decedent's within the degree of relationship fixed by law. Justinian changed this law by Novel 53, in case the husband or wife were poor, and gave him a fourth part of the estate in such case. This right was confirmed as to the wife by c. 5, Nov. 117, but it was taken away again as to the husband. (See headnote C. 6.56.) The provisions follow:¹

¹ In keeping with a later decision by Blume, the provisions, in fact, do not follow.