

Book VI.
Title LXII.

Concerning inheritances of decurions, shipmasters, apparitors of provincial rectors and armorers.

(De hereditatibus decurionum naviculariorum cohortalium militum et fabricensium.)

6.62.1. Emperor Constantine to Mastichianus, Prefect of the food supply.

If a shipmaster dies without testament or children or successors, we direct that his estate shall not go to the fisc but to the guild of shipmasters, from which he was withdrawn by fate.

Promulgated (326) at Lastrona.

Note.

The laws in the present title are related to C. 6.51, relating to escheats, and provides that property shall not escheat to the fisc in certain cases where there are no heirs, as in ordinary cases.

The guild of shipmasters was responsible for furnishing food supplies to the capital cities, and their property was held responsible for any defalcations. Hence they were given some compensation by the present law.

Other cases not enumerated in the present title where similar disposition was made as in the present law are C. 1.3.20, relating to the property of clergymen who died intestate and without heirs; C. 10.14.1, relating to the property of a joint receiver of a gift from the emperor who died without heirs.

6.62.2. Emperor Constantius to Bonosus, Master of the Soldiery.

You should inform all legions as well as the bodyguards of cavalry troops at court and those on the march (cuneis), that they may know that if one of them is taken from human affairs and dies intestate and without an legal heir, his property necessarily belongs to the troop in which he served.¹

Given at Hierapolis May 11 (347).

C. Th. 5.4.1.

6.62.3. The same to Rufinus, Praetorian Prefect.

If an apparitor of a provincial rector (cohortalis) shall die without testament or without any heir, his estate shall belong, not to the fisc, but to the cohorts of the same province.

Given December 28 (349).

Note.

Similar disposition is made as to the inheritance of apparitors of the praetorian prefect in C. 12.52.3.

6.62.4. Emperor Theodosius and Valentinian to Florentius, Praetorian Prefect.

¹ Blume underlined “at court” in this law and placed a question mark in the adjacent margin. Scott translates this as: “It is your duty to notify the legions, as well as all other bodies of troops...” 6 [14] Scott 111.

We direct that the property of intestate decurions shall, if they die without an heir, belong to the curia of their mother-city.
Given March 11 (429).

Note.

Elaborate provisions were made from time to time as to what amount of a decurion's property should remain within the municipality, and he was limited in his right to dispose thereof by testament. Special provisions governed in such case, and on that account that subject has not been treated in the present book, and will be found in book 10. Testamentary limitations are considered in C. 10.35.

6.62.5. The same to Aurelianus, Count of the Private Estate.

If an armorer dies without children or legal heir and without a testament, his property, of whatever value it may be, shall belong to those who are liable as sponsors of the decedents for any property taken from the fisc. 1. In this way the account of the State remains unimpaired and the armorers who are responsible for damages and losses receive some compensation by reason of the loss of their colleagues.

Given at Constantinople November 4 (439).

Note.

Armorers were responsible for a man nominate by them to fill a vacancy - a principle applicable in many cases under the Roman law. See note C. 8.13.11; C. 5.33.1, note. Hence some compensation was granted them here. 9 Cujacius 876.