

Book VII.
Title XXX.

Things common to usucapion (prescription).
(Dommunia de ususcationibus.)

Dig. 4. ?¹; Inst. 2.6.

7.30.1. Emperor Alexander to Savinus.

The possession of one who holds anything under lease, is not, though his possession is physical, deemed to be that of himself, but that of the owner. For a serf (colonus) or lessee of land does not acquire the prescriptive right of long possession.² Promulgated March 26 (226).

7.30.2. The same to Onesima.

You say that you bought the slave, mentioned in you petition, a long time ago. But if you stop to think that no prescriptive title can be obtained to property of my fisc, you will realize that you must answer in the action brought by the fisc, and that you could not become owner (of the slave) unless it is evident that he was not born of a female slave belonging to the fisc.³ Promulgated March 7 (231).

7.30.3. The same to Pantherius.

If Antiochus knowingly had possession of your slave in bad faith, your claim against his heir, though in possession in good faith, is not because of defect (of bad faith) existing in the beginning, barred by prescription.

Note.

It will here be noted that the good faith necessary for a prescriptive title must have existed from the beginning. Hence the heir's good faith did not suffice. See also next law.

¹ Question mark in original.

² [Blume] See headnote to C. 7.26.

³ [Blume] See headnote to C. 7.26.