

Book XI.
Title XXXII. (XXXI.)

Concerning the sale of the property of the city.
(De vendendis rebus civitatis.)

11.32.1. Emperors Severus and Antoninus to Herculianus.

If you bought lands at a sale by the city without any condition, and the sale is completed, you worry without cause that dominion may be taken from you by reason of an addition to the bid. For the periods fixed for increasing bids relate only to fiscal matters, unless the city has a law of its own.

Note.

Where property of the fisc (state) was sold, an increased amount could be bid within a certain, fixed time, thus avoiding the first sale. But this rule did not apply to municipal property. C. 10.3.4 and note, and see full note at C. 11.71.2.

11.32.2. Emperor Antoninus.

Although an increased bid has been made for a lease of public lands, yet a contract for a lease should not be broken because of a higher offer, especially when, as you state, so much time has already elapsed since the making of the contract.

11.32.3. Emperor Leo to Erythrius, Praetorian Prefect.

If any house bread rations, buildings or slaves have or shall hereafter become the property of this famous, or any other city by inheritance, legacy, trust or gift, the cities may enter into an advantageous contract of sale concerning them, so that the amount collected therefrom may be used for the repair or restoration of the public walls. 1. Providing, however, by unwearied care that no one may be able to do anything disadvantageous to the city, but that sales of this kind shall be made without fraud, bribery, collusion or connivance, we order that the following shall be forever observed, namely, that if any house, bread rations, or any buildings or slaves belonging to this famous city, shall be sold, this shall not be done without imperial authority. 2. But in the provinces, each of the curials, men of rank and possessors in the city, to which the aforesaid property belongs, shall, when all or the greater part of them are present and assembled, given his opinion, in the presence of the holy scriptures, as to what he thinks for the best advantage to the city, and only after the decree is read in the provincial court will the purchaser receive the proper protection. 3. Contracts of sale which have already been completed or are to be entered into hereafter to be entered into, shall, (if made as above mentioned) be valid.

Given February 25 (469).

Note.

The first part of this law is also found at C. 6.24.12. Provisions were here made for proper sale of certain property that came to a municipality. In the provinces it could only be sold when the curials, men of rank and possessors had given their consent and when the sale had been approved by the governor of the province. The men of rank were doubtless the senators or other titled persons residing in the city but not subject to curial

duties, and the possessors seem to have been the small property owners who did not own enough land to become curials. 1 Karlowa 902, 903. See also headnote C. 10.32.