

Book XI.
Title LX. (LIX.)

Concerning estates on the borders for the support of the soldiers (*limitotrophi*) and concerning lands, marshes and pastures on the border or belonging to the forts. (De fundis *limitotrophis* et terris et paludibus et pascuis *limitaneis* vel *castellorum*.)

Headnote.

This title deals with two kinds of lands, (a) *limitotrophi*, which were lands probably near the border of the empire, and which were required to furnish certain provisions for the soldiers on the border. Law 1 of this title and C. 11.62.8. The other lands referred to in this title were the *agri limitanei*, lands assigned to the soldiers on the border for their use. Note to law 3 of this title.

11.60.1. Emperors Valentinian, Valens and Gratian to Hicinius, Praetorian Prefect.

Tiberianus, having regard for the ability of each place, decided on certain lands upon which the duty should be imposed to carry grain to the border. 1. We therefore ordain by a general law, that the arrangement of Tiberianus must be observed, setting aside any order which the influence of any person or a secret petition may have elicited, and add also that no one shall hereafter be permitted to ask for anything which is unsuitable and should be rejected, and is contrary to an ancient, useful custom and contrary to this law.

Given September 14 (385).

Note.

This law clearly refers to the *fundi limitotrophi*, lands near the border, but in private hands, and which were required to furnish provisions for the soldiers. Upon certain of these lands rested the liturgy to haul these provisions.

11.60.2. Emperors Honorius and Theodosius to Asclepiodotus, Praetorian Prefect and Consul Ordinary.

Any (private) persons who occupy places surrounding forts, under any title whatever, must yield and leave them because the territory of the forts may rightfully be occupied only by those to whom they are assigned, and as was adjudged by the ancients; and if anyone in private station or a soldier, not assigned to the fort, shall hereafter be found holding any such place, he shall be punished by capital punishment and the loss of all his goods.

Given at Constantinople March 7 (423).

C. Th. 7.15.2.

Note.

It is clear that the instant law refers to the *agri limitanei*, lands assigned to the soldiers for their use and cultivation by them. Outside persons could not acquire them. See the next law.

11.60.3. Emperors Theodosius and Valentinian to Nomus, Master of Offices.

All the border lands, and marshes and rights, which, according to ancient arrangement, were accustomed to be cared for and plowed by the border soldiers, for

their own benefit free from every liturgy, and which are cultivated at present, shall firmly remain in their possession without the burden of any extortion, and if they are possessed by others, they shall be reclaimed from such holders, without reference to and period of prescription and assigned to said soldiers, without any burden of tribute whatever, as was anciently decided. If anyone attempts to violate our orders, the punishment of banishment will be inflicted, and if anyone - which he should not have dared - holds such estates, perchance, by purchase, he retains his right of action against the vendor.

Given at Constantinople September 12 (443).

Nov. C. Th. 24.1.4.

Note.

The border troops, (limitanei) were soldiers settled along the borders of the empire and who farmed lands assigned to them. 1 Kuhn 138-140; Marquardt, 2 Staatsverw. 590; Bury, 1 Hist. Later Roman Empire 98. Lampridius, on the life of Alexander Severus, says: "The lands taken from the enemy were presented to the leaders and soldiers of the frontier-armies, with the provision that they should continue to be theirs only if their heirs entered military service, and that they should never belong to civilians, for, he said, men serve with greater zeal if they are defending their own lands too. He added to these lands, of course, both draught animals and slaves in order that they might be able to till what they had received, and that it might not come to pass that, through a lack of inhabitants or the old age of the owners, the lands bordering on the country of the barbarians should be left uninhabited, for this, he thought, would be most discreditable."