

Book XI.
Title LXVII. (LXVI)

Concerning lands and woodland pastures of the imperial property (rei dominicae).
(De fundis et saltibus rei dominicae.)

11.67.1. Emperors Valentinian, Theodosius and Arcadius to Drepanius, Count of the Crown Domain.

If any stranger puts herds of sheep or mares into the woodland pastures (saltus) of our imperial property (rei dominicae), they shall be immediately claimed for the fisc. And if this is hereafter attempted through venal connivance of the procurators, we order them (the latter) to be subjected to severe punishment.

Note.

The rei dominicae mentioned in this law and the title hereof is generally accepted as referring to the crown domain. Cujacius on this law; His, supra 27.

It is also clear that 'saltus' in this law meant woodland pastures. These 'saltus' have been fully considered by Pelham, Essays on Roman History 304-311. See also C. 11.61.

11.67.2. Emperors Theodosius, Arcadius and Honorius to Paulus, Count of the Private Domain.

If any places belonging to the emperor (sacrum dominium) have been occupied unlawfully, they shall be restored to their former status on the census list books, and all rescripts, obtained surreptitiously, prescription of a long time (10 and 20 years) and prejudice resulting from any new inscription on the census roll, shall be brushed aside in such case. 2. For neither a deceptive request, long possession, or change in the census roll could destroy the privileges of our ownership.

Given at Constantinople March 28 (396).

C. Th. 10.1.15.

Note.

This law is nearly a duplicate of C. 7.38.3. The long possession here mentioned was the ordinary prescriptive period of 10 and 20 years. See headnote C. 7.26. These laws show that prescription did not run against the government except in special cases. Title could be acquired even against the government by adverse possession for forty years. C. 11.62.14; C. 11.66.7.