

Book XI.
Title LXX. (LXIX.)

Concerning the different urban and rural estates of the temples and cities and concerning the municipal income.

(De diversis praediis urbanis et rusticis templorum et civitatum et omni reditu civili.)

11.70.1. Emperor Julian to Atarbinus.

For the buildings which persons have erected on public ground, they shall be compelled to pay an agreed rental.

Note.

Municipalities rented out public places for shops, etc., and derived considerable revenue therefrom. C. 8.11.19 and note.

11.70.2. The same Emperor to Secundus, Praetorian Prefect.

The cities of Pomphylia and all other cities may firmly hold whatever property they acquire for themselves.

11.70.3. Emperors Arcadius and Honorius to Hadrianus, Count of the Imperial Exchequer.

It is certain that a third of the rental (canon) which is annually paid for the places and lands of the city should suffice for the restoration of the public walls.

Given August 6 (395).

C. Th. 5.13.35.

Note.

A provision similar to the instant law is found in C. 8.11.11 where 'canon,' however, is called 'reditus,' showing that 'canon' in the instant law meant rental. That law related to the Western portion of the empire. Lands belonging to cities had gradually been appropriated by the emperors, and finally they received only a third of the income from the lands that were left. It seems that among these lands, those formerly belonging to the heathen temples were counted. See His, Domanen 37-41.

11.70.4. The same Emperors to Caesarius, Praetorian Prefect.

We order that persons who have or shall become possessors of patrimonial estates or (former) estates of the (heathen) temples on first bid shall hold the property in firm ownership, so that no such person's possession may thereafter be uncertain, but hold as his own the property which has been or shall be confirmed in him upon the payment of the price.

Note.

If fiscal lands were put up, the ordinary rule was, that a person who first bought it did not get it, if within a certain time a higher bid was made. C. 10.3.4 and note. The rule did not apply to municipal property. C. 11.32.1. Nor did it apply to patrimonial lands as stated here and in C. 11.62.3, nor to lands formerly belonging to heathen lands - according to the instant law. See a fuller note on this subject at C. 11.71.2.

11.70.5. Emperors Valentinian and Marcian to Palladius, Praetorian Prefect of the Orient.

If anyone since the time of the consulship of Ausonius and Olybrius (379 A.D.) has, by gift, purchase or other title received any possessions, houses or workshops of any cities, free from municipal rental (civile canone) provided that they are shown to belong to the city - particularly of this eternal city to which we owe great favor, or any of its possessions, the income of which is devoted to games (agonetheticas possessiones), we direct them to pay to the city to which the possessions belong the rent (canon) imposed upon them according to the public records. 1. For if we do not permit debts due to private persons, to be repudiated, much more should the amounts owing to cities be paid since it is enough that the possessors retain in perpetual ownership property which they received through our liberality. 2. But if there are properties of cities which now pay the regular rent (canon) into our private treasury (of the crown domain) either because they were never exempted or subsequently assessed, they are not affected by this law, but they must pay to the private treasury the rent (canon) which they now pay, and the ownership of such property shall likewise firmly remain in the hands of present holders and their successors and subsequent holders.

Given at Constantinople January 18 (451).

Nov. Marc. 3.

Note.

Grants of land free from 'canon' - rent or taxes - have already been considered in notes to C. 11.66.7 and C. 11.69.2. The emperors sought to get rid of such exemptions.

11.70.6. Emperor Zeno to Aelianus, Praetorian Prefect.

We ordain by this perpetual law that to the city of Nicaea or its inhabitants is restored the right to collect from the time of the third indiction just past, 400 solidi as the yearly income of rent (canon civilis) belonging to that city from its possessions, that is from Calamus and Heliobomus, from the Market Variarius, together with those lying in the territory of the City of Apamena,¹ and that which since the time that the sanction of Marcian, of blessed memory, was enacted, has been done in prejudice of the city is nullified, and that which by the same sanction was turned over to the cities and in the meantime has been at any time diminished, is by the authority of this constitution of our serenity restored to the cities, and no judicial power or imperial rescript, though fortified by an additional statement, can diminish the force of the general law, often announced. If anyone does otherwise, he will be struck by a heavy punishment.

About 480 A.D.

¹ [Blume] The text is corrupt. See 2 Cujas 760.