

Book XI.
Title LXI. (LX)

Concerning pastures of the city and of the Crown Domain.
(De pascuis publicis et privatis.)

11.61.1. Emperors Valentinian and Valens to Rufinus, Praetorian Prefect.

Since there is no reason why the rental of the woodland pastures belonging to the Crown Domain should be increase, such increase shall not at all be made at the pleasure of the municipal senate. We learn that greater rent has been imposed by the local senates, so that the animals belonging to the Crown Domain be kept from the pastures; which Julian, of blessed memory, decided by an ancient command, should not be done. Wherefore Your Highness will, after notifying the rectors of the provinces, not permit bidding (for the highest rental) to be introduced, as cities have lately done, but the situation shall remain as it was formerly fixed.

Given at Luceria September 23 (365).

C. Th. 7.7.2.

Note.

This law is taken from C. Th. 7.7.2. Another rescript was issued on this subject by the same emperors, as shown by C. Th. 7.7.1, which forbade the increase of rentals on pasture lands. Pelham, Essays on Roman History 308, says of these two laws: "From these (laws) we learn that (1) there was a fixed charge (pensio) payable for the privilege of grazing upon the imperial grounds; (2) that this charge had been increased in amount by the local authorities, i.e. that private persons competing for the privilege had run up the price; (3) that the result was the exclusion of the imperial flocks themselves from these grounds. How this result had followed is not quite clear. Apparently the private 'conductor,' by paying a higher price, endeavored to secure for himself the sole use of the grazing ground to the exclusion of the 'grex dominica.' The emperors in consequence order that no such increase of the customary 'pensio' shall be allowed and that no such exclusive rights shall be thereby created." He further says that the instant law implies that private graziers found difficulty in finding pasture grounds, and that therefore competition for imperial lands was keen. He does not quite explain, how the local senate could have had anything to do with these pastures, in as much as the crown domain had its own governing officials. Otto, Schilling & Sintenis conjecture that the cities were the lessees, and bid a high price. See further as to imperial pastures, C. 11.67.1.

11.61.2. Emperors Arcadius and Honorius to Simplicius, Count and Master of the Forces.

Your great authority must direct that the animals of the soldiers shall be kept from the public meadows of Apamenus, and all (soldiers) must know that a fine of 12 pounds of gold must be paid into the fisc from their emoluments, and from those of your official staff, if anyone hereafter attempts to injure the aforesaid meadows. The same penalty will be inflicted if the private meadows of the Antiochians are devastated; but the curials must take care to provide pastures for the military animals, without infliction of any injury on the provincials.

Given at Constantinople March 11 (398).

C. Th. 7.7.3.

11.61.3. Emperors Honorius and Theodosius to the Counts and Masters of the Soldiers.

It is intolerable that meadows of our provincials, and particularly those of the Crown Domain should be molested by the soldiers. We have therefore decided, by a law sent to the exalted prefecture, that this should henceforth cease. Your Magnificence will not delay to advise all parties interested in this matter not to permit landholders or serfs to be unlawfully oppressed on account of meadows.

Given September 5 (415).

C. Th. 7.7.5.