

Book VIII.
Title XXVIII.

That a debtor cannot prevent the sale of pledges.
(Debitorem venditionem pignorum impedire non posse.)

Bas. 25.7.43.44.

8.28.1. Emperors Severus and Antoninus to Marcellus.

If there are parties who wish to purchase the land mortgaged to you, they are not prevented from doing so by a provision of the debtor's testament, that none of the lands should be sold (by the creditor)¹, adding by way of penalty that it should (in case of violation of the prohibition) go to the fisc. For it is manifest that he cannot, by such limitation, diminish the rights of the creditor.

Given April 26 (207).

8.28.2. Emperor Gordian to Nepas.

A notice of the debtor warning his creditor not to sell the pledged property, or warning the parties who wish to buy, has effect only if he pays to the creditor the whole sum, principal and interest, which is due, or if, in case of refusal of the creditor to accept, he deposits the money and shows that fact, as is proper, by sufficient proof. 1. If any part, either of the principal or interest, is not paid, the sale of the pledged property cannot be prevented, and the purchaser does not (in such case), though he knows of the warning given by the debtor to the creditor, become, for that reason, a possessor in bad faith.

Promulgated August 3 (239).

¹ [Blume] "a se," should be "a te."