

Book VIII.
Title XXXI.

If one or more heirs of a creditor or debtor pays or receives his part of the debt.
(Si unus ex pluribus heredibus creditoris vel debitoris patrem suam debiti solvereit vel
acceperit.)

Bas. 25.7.53.54.

8.31.1. Emperors Valerian and Gallien to Taurus.

The law is clear and unquestioned that when a creditor dies, leaving many heirs, the right of a personal action is, according to the law of the twelve tables, apportioned among them, but the whole of a pledge is security for each of them.¹ Berger, Teilungsk. 56; Dernberg, Pfandr. 40.

Given April 17 (257).

8.31.2. Emperors Diocletian, Maximian and the Caesars to Claudia.

The right of a personal action against heirs is apportioned among them according to the portion each receives, but where many things, in possession of different parties, have been pledged, the holders are not sued for the debt in proportion to the value of the property which they severally hold, but for the whole sum due, so that they must either pay the whole debt or give up what they hold, since the action to recover the property (vindicatio) does not bind the person, but follows the property.

Subscribed at Anchialis October 28 (294).

¹ [Blume] To the same effect is D. 13.7.8.2.