

Book IV.
Title XXII.

That actual facts control fictitious¹ statements.
(Plus valere quod agitur quam quod simulate concipitur.)

Bas. 22.1.81.

4.22.1. Emperors Valerian and Gallienus to Rufinus.

In contracts, the truth of the facts should be considered more potent than the writing itself.

Promulgated May 30 (259).

Note.

Similar in C. 4.31.6.

4.22.2. Emperors Diocletian and Maximian and the Caesars to Soterus.

Fictitious documents stating that the wife instead of the man himself made a purchase cannot change the truth. The question of fact will therefore be investigated by the president of the province.²

Given April 22 (294).

4.22.3. The same Emperors and the Caesars to Marina.

When a sale appears to be made on account of a pledge, the actual transaction, not what was written concerning it will be considered.

Given November 24 (294).

4.22.4. The same Emperors and the Caesars to Decius.

If a person causes it to be stated in writing that another has done what he in fact did himself, the actual fact prevails rather than the writing.

Given November 24 (294).

4.22.5. The same Emperors and the Caesars to Victor.

If he persuaded you to sign, without reading, but in reliance on his good faith, a written instrument of purchase, as though it were a lease, which you had authorized him to make, there is no doubt that neither of the two contracts will be valid, since in both of them the consent of one of the parties was lacking.

Given December 20 (294).

¹ Without striking "fictitious," Blume penciled in above it "pretended." Scott also has "fictitious." See 6 [13] Scott 49.

² C. 4.50.4 note.