

Book IV.
Title IX.

Concerning condiction under the statute, or when there is no, or an unjust, consideration
(ground).

(De condicione ex lege et sine causa vel in justa causa.)

Bas. 24.3.1-4.

4.9.1. Emperors Diocletian and Maximian and the Caesars to Ulpian.

Although debts cannot be demanded before due, still if the president of the province has learned that you, by reason of your office as distributor of military food supplies (primipilus), have become debtor to the fisc, and that your property is exhausted, so that, to secure payment, only the money loaned out by you, at interest, seems to exist as an aid, he will tell your debtor, at least if solvent, to repay you before the due date, so that the money owing the fisc, whose cause, on account of public necessity, seems the better, may be repaid.

Subscribed at Sirmium July 20 (294).

Note.

For the office of primipilus: C. 12.62. The public treasury had a lien on his property. C. 8.14.2. Generally a debt could not be collected till due. For another exception see C. 5.12.29. For garnishment proceedings, see C. 4.15.

The condition in the foregoing rescript arose under the law. That condition is mentioned in C. 31.12.1c [sic]¹ and C. 6.30.22.6.

4.9.2. The same Emperors and the Caesars to Scylacius.

The law is not doubtful that though a due bill which is actually paid is retained, it is valueless in the hands of the creditor and, therefore, should be returned by condiction. Subscribed April 3 (293).

4.9.3. The same Emperors and the Caesars to Galatia.

If a possessor in bad faith is ousted from property, (then), if sued for the fruits still existing by vindicatio (action in rem), and for the fruits consumed by condiction, he is compelled to restore them.²

Subscribed February 8 (294).

4.9.4. The same Emperors and the Caesars to Alexander.

If you did not receive what you acknowledged in writing to have received, (then) be showing that the statutory time has not passed, or that, within that time, a protest was made, you can demand the help of the president that your due bill be returned.

Given December 16 (294).

Note.

¹ This is the citation as typed in the manuscript. Obviously, there is no Book 31 in the Code. It seems this reference should be to C. 3.31.12.1c.

² [Blume] See C. 3.31.1 note.

A maker of a due bill had the right to contest the validity thereof within two years in three different ways. C. 4.2.5; C. 4.3 headnote.