

Book VIII.
Title XXIX.

If suit is brought after a sale of a pledge.
(Si vendito pignore agatur.)

Bas. 25.7.45, etc.

8.29.1. Emperor Alexander to Agrippa.

If it is proven that your creditor, who had the right to sell his pledge, fraudulently sold a farm (which was pledged), the president of the province, whom you petition, will order the creditor to pay you the damage sustained by you. 1. And if the damage cannot be collected from the condemned creditor and it is shown that the purchaser (of the farm) bought in bad faith, the president will, upon paying to such purchaser the purchase money of the farm, together with interest, order the purchaser, who bought in bad faith, to restore the farm, together with the income therefrom, to you.

Promulgated September 1 (222).

8.29.2. The same to Aemilius.

Your father, or you, if his inheritance belongs to you, may demand the slaves, which you say were sold by a creditor without any right, from those who are in possession of them. But if the period of prescription has run against such demand, let you father claim the value of the slaves from the creditor who sold them without right.¹

Promulgated December 30 (222).

8.29.3. The same to Claudius.

If your wife has proven to the president that, when she owed thirty gold pieces, the creditor through favoritism sold the slaves (who were pledged and who were) of greater value, for twenty gold pieces, and that he (such creditor) is insolvent, the president will order the purchasers to restore the slaves to you, upon payment to them of the price they paid.²

Promulgated September 16 (223).

8.29.4. Emperor Gordian to Eudemus.

Since you allege that a sale of the pledged land was made by the creditor contrary to good faith, the conditions customary in selling pledges not having been observed, go before the president of the province and bring the proper action, not only against the creditor, but also against the purchaser in possession, if you can show that the latter participated with the former in the fraud, so that upon cancellation of the sale in bad faith, an accounting of the income and of the damage inflicted may be had.

Promulgated April 1 (240).

¹ Blume penciled in here: "Assumes [illegible] fraud of purchaser also."

² [Blume] The sale apparently was deemed fraudulent, if not made for a just price.
C. 8.27.4 note.

8.29.5. Emperors Diocletian and Maximian and the Caesars to Nonna.

If a purchaser, without any collusion on his part, bought pledged property (pignus), sold by a pledgee before he was paid, the heir of the creditor and not the heir of the purchaser who is in possession of the property should be sued for the recovery of any surplus.

Subscribed at Nicomedia December 17 (294).

Note.

As to sale in good faith, mentioned in this title, see note to C. 8.27.4. That a purchaser who was not guilty of any fraud was protected, see C. 8.27.7 and 18.