

Book VIII.  
Title XXX.

Concerning the redemption of a pledge.  
(De luitione pignoris.)

8.30.1. Emperors Severus and Antoninus to Antiocha.

An heir of only a portion of an inheritance cannot receive his proportion of property pledged unless he pays the whole debt.<sup>1</sup>  
Promulgated March 30 (206).

8.30.2. Emperor Gordian to Domitius.

You should know that though a personal action is barred (by limitation), the lien of a pledge remains in force.  
Promulgated May 21 (240).

Note.

Where, in the United States, foreclosure must be by action in court, it is now generally held that where the action on the debt is barred, the right of foreclosure is also barred. See C. 7.37.7.

8.30.3. Emperors Diocletian and Maximian and the Caesars to Florus.

If, upon going before the president, you have proven that you have satisfied the creditor against whom you direct your petition, by paying the amount owing, or by turning property over to him, in payment, or by the sale of property for a price balancing the amount due, or if a part only is due and you offered that to him, or upon his refusal to accept it, you sealed and deposited it, the president will see that the property pledged by agreement is restored to you, since it is clear also, under the perpetual edict, that if a debt is paid to a creditor or non-payment thereof is due to his fault, he may, by action, be compelled to return what he had received as security.<sup>2</sup>  
Subscribed October 10 (293).

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<sup>1</sup> [Blume] See C. 8.27.16 of similar tenor; also 8.31.

<sup>2</sup> [Blume] This action is dealt with in C. 4.24.