

Book XI.  
Title XXX. (XXIX)

Concerning the rights of the City Communities.  
(De jure rei publicae.)

11.30.1. Emperor Antoninus to Dionysius.

If a judgment was rendered against an undefended city under circumstances when defenders had not been elected and no order for their election had been made, its rights are not prejudiced.

11.30.2. The same Emperor to Aphrodisius.

Whether the community, to whose rights you have succeeded, has (had) a lien on the estate because, as you state, you paid the debt, is to be tried by the proper judge. For if it did not obtain such right by special rescript (*beneficio*) or if it did not make provision for a special lien, its cause is no different from that of other creditors who have an action in *personam*.

Note.

The fisc (state) had a lien on the property of its debtor. That was not, however, true with a city (D. 42.5.37; Cujacius on this law; C. 8.18.4) until the enactment of C. 11.32.2, when the old rule was nearly entirely abrogated, and which, while not giving a city a lien, strictly speaking, gave the city the right to sue a person who bought all or portion of the property of the city's debtor.

A subsequent debtor might pay off a prior debtor and be subrogated to the rights of the latter, provided that such was the understanding. C. 8.17.1; C. 8.18.1.

11.30.3. Emperor Alexander to Saturninus.

It is customary to aid a city community just as in case of a minor under the age of puberty, by extraordinary aid.

11.30.4. Emperors Diocletian and Maximian to Urbanus.

If the community, which you mention, sold the lot, according to the law of the city, after your buildings collapsed, the rector of the province will not permit anything to be done contrary to the tenor of this law.

Note.

It appears from this that if an owner failed to rebuild when the old building had fallen, the lot might be confiscated, so that some one might use it for rebuilding.

2 Cujacius 706 on this law. See also note to C. 8.10.3.