<u>Novel 121.</u>

That payments of interest made from time to time shall be counted to make up the
double (i.e. when such interest equals the principal, no more need be paid.)
(Ut quae per partes fiunt usurarum solutions in duplum computentur.)

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Emperor Justinian to Arsilius, President of Tarsus.

<u>Preface.</u> Since curials have addressed us with supplications, and we look after their
interests, we permit no devices to subvert our laws, or agreements obtained by
trickery to be valid.

c. 1. Eusebius and Apththonius, the suppliants, inform us that they are grandsons of
Demetrius, and sons of Palladius, son of Demetrius; that Demetrius borrowed five
hundred gold pieces from Artemedorus, agreeing to pay interest; that they (the
informers) had recently obtained an imperial rescript, which ordered that if double
the amount of the debt was paid, no more could be collected according to our laws;
that Epimachus and Artemonis, the heirs of Artemidorus, the creditor, had stated
that they—the informers—had lied in their supplication to the emperor, and should
not have received our assistance, since the debt was not satisfied and only 949 gold
pieces had been paid. The suppliants say that their father, Palladius, together with
Paulus, and with Demetrius, his father, paid 867 gold pieces; but Artemonis and
Prisciana, children of Artemidorus and grandparents of (the above mentioned)
Epimachus and Artemonis, had said that a partial payment did not affect the
principal, but that they would credit it all on the interest; that the president of the
province said the same in his decision; and therefore a demand was made on
Palladius to give, in place of the former duebill for 500 gold pieces, another for 600
gold pieces (which was done). The suppliants say that Palladius paid 72 gold pieces
at various times, and they themselves, Eusebius and Aphthonius, paid 10 gold
pieces, making a total of 949 gold pieces; that the judge trying the case had not
considered that the complaint rested upon one—original—foundation, and had not
admitted it, but wanted to render judgment for the payment of 600 gold pieces, as
principal. So the suppliants pray to be relieved from this, and that, counting the

principal debt at 500 gold pieces, if they would pay 51 gold pieces more, which is the balance due on 1,000 gold pieces, they should be released from the whole debt and receive back the bond for 600 gold pieces.

<div align="center">Note.</div>

The parties agreed that the total payments made amounted to 949 gold pieces. The debtors relied on the provision that no more than double the original amount loaned—namely double of 500 gold pieces or a total of 1,000 gold pieces— could be collected by the creditor; but the creditors contended that this provision did not apply for the reason that the payments had been made at various times. If the contention of the debtors was right, it required but 51 additional gold pieces to to pay the whole loan, notwithstanding the fact that in the meantime a new duebill for 600 gold pieces had been given. As shown in the next chapter, Justinian held with the debtors.

c. 2. Therefore, since our laws do not permit payment of more than double the amount loaned, differing from former laws merely in this, that the latter apply the principle only if no payment had been made, while we also permit the debt to be paid by partial payments in amounts which reach double the loan, we ordain that computation shall be made accordingly, and that when the suppliants pay the remainder due on 1,000 gold pieces, they shall have the bond for 600 gold pieces returned to them, so that no double exaction may be made.

Epilogue. Your Magnificence will take care to put this our will, and the provisions in this imperial pragmatic sanction, into force, so that the contrary interpretation adopted in the decisions mentioned by the suppliants, may be made ineffective, and that whatever has been or shall be surreptitiously done contrary to law, by one of the parties be rendered void. May the divinity preserve you through many years, beloved brother.
Given April 15, 535.