

NVNERIC NEGIDIO INCERTVM<sup>1</sup> STIPVLATVS EST,<sup>2</sup> CVIVS REI DIES FVIT, QVIDQVID OB EAM REM NVNERIVM NEGIDIVM AVLO AGERIO DARE FACERE OPORTET et reliqua.<sup>3</sup> 137. At<sup>4</sup> si cum sponsore aut fideiussore agatur<sup>5</sup>, praescribi solet in persona quidem sponsoris hoc modo: EA RES AGATVR<sup>6</sup>, QVOD AVLVS AGERIVS DE LVCIO TITIO INCERTVM STIPVLATVS EST, QVO NOMINE NVNERIVS NEGIDIVS SPONSOR EST, CVIVS REI DIES FVIT; in persona vero fideiussoris: EA RES AGATVR<sup>5</sup>, QVOD NVNERIVS NEGIDIVS PRO LVCIO TITIO INCERTVM FIDE SVA ESSE IVSSIT, CVIVS REI DIES FVIT<sup>7</sup>; deinde formula subicitur.<sup>8</sup>

138. Superest, ut de interdictis dispiciamus.

139. Certis igitur ex causis praetor aut proconsul principaliter auctoritatem suam finiendis controuersiis interponit.<sup>9</sup> quod tum maxime facit, cum de possessione aut quasi possessione<sup>10</sup> inter aliquos contenditur; et in summa aut iubet aliquid fieri aut fieri prohibet. formulae autem et uerborum<sup>11</sup> conceptiones, quibus in ea re utitur, interdicta decretae uocantur.<sup>12</sup> 140. Vo-

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reser

1) incerte V. 2) stipulatus est] stipem V. 3) reliq̄ V.  
4) at Polenaar. ā (i. e. aut) V. 5) agat V. 6) agetur V.  
7) rei dies fuit Goeschen. heres defuit V. 8) subigitur V.  
9) interponit Caplick. proponit V. 10) aut quasi possessione del. Albertario, quod improbat Arangio-Ruiz. 11) et uerborum Hu. uerborum et V. 12) decretae uocantur suppl. Goeschen. 13) sine uitio Scipio Maffei. debitio V.

§ 138. cf. I. 4, 15 pr. Paul. 5, 6. D. tit. 43, 1. C. tit. 8, 1.

§ 139. cf. I. 4, 15 pr. D. 39, 5, 27 (Pap. 354). 43, 8, 2, 5 (Ulp. 1492). 8, 1, 20 (Iav. 206). Fr. Vat. 92. Interpr. ad Paul. 5, 6, 1. Isid. orig. 5, 25 33 (Bruns II<sup>7</sup>. 82). Cic. pro Caec. 13, 36. lcx Rubr. c. 19 (Bruns I<sup>7</sup>, 97).

§ 140. cf. I. 4, 15, 1. infra 4, 142. ne sine uitio] cf. infra 4, 148 sq. neue in loco sacro] cf. D. tit. 43, 6.