

Book II.
Title XIV (XV).

Concerning those who put placards on their landed estates in the name of dignitaries, or who use their name as a pretense in a lawsuit.

2.14.1. Emperors Arcadius and Honorius to Messala, Praetorian Prefect.

We have noticed that many defendants, in despair of the righteousness of their causes, oppose the placards of influential men and the privileges of men of honorable rank to those by whom they are sued.

1. And lest the misuse these names and placards in fraud of the laws and to the terror of adversaries, persons (of influence) who knowingly connive at such fraud shall by public sentence be branded with infamy.¹

2. But if they did not give their consent that labels or placards in their names should be fastened to the buildings of others, those who did so shall be scourged with leaden balls and sent into perpetual exile in the mines.

3. Whoever, therefore, has been sued, although he is the possessor of the property in dispute and of the legal right thereto and has received the notice of a suit brought in the customary manner and in his defense (*contradictoris libellis*) or thinks that he should introduce notices in the name of another (as owner), shall be punished by the loss of the possession or legal right which by this fraud he attempted to retain or evade, nor shall he have opportunity of renewing the action, even though the merits of a likely cause support him.²

4. Persons, indeed, who voluntarily suffer themselves to be involved in lawsuits of others shall, when they are entitled to neither ownership nor possession, be branded as men careless of their reputation, and, for a consideration, engaged in chicanery.
Given at Milan December 27 (400).

Note.

The instant law prohibited defendants from using the names of dignitaries and placing themselves under their protection. To that end, placards or labels in the name of such dignitaries were forbidden. The use of placards, showing the ownership of property was common. Godefroy on C. Th. 2.14. They were not illegal, provided, however, that they were used honestly. The use of the name of a dignitary, in order to frighten a rightful claimant, could not be used, because such use could not be for anything except a dishonest purpose.

Other provisions relate to the same subject or one akin thereto. Thus C. 11.54.1 prohibited the use of the names of dignitaries in fraud of the public taxes. C. 11.54.2 prohibited dignitaries from extending their patronage to peasants and serfs. Novel 17, c. 15 provided: "You will threaten persons who undertake to put up their signs and their names on lands and on workshops in cities that do not belong to them, with the danger that if they do so, they will forfeit their property to the fisc."³ For if a man attempts to seize property that belongs to the fisc, he will pay the penalty therefor with his own property, and the public signs put thereon will be an example to others that

¹ [Blume] Bas. 7.10.1.

² [Blume] i.e., though his possession is based on just grounds.

³ Here, and in the following sentence, Blume has underlined "fisc" and placed a question mark in the adjacent margin.

they will be subject to the same penalty if they commit like acts.” See to a similar effect, Nov. 17, c. 15; Nov. 28, c. 5; Nov. 29, c. 4; Nov. 30, c. 8; Nov. 164. But otherwise persons were forbidden to put up any on the property of others, either because of patronage extended to others, or in order to lay claim to the property of others. See also the next title and Nov. 164.

The instant law was passed in 400 A.D., and it will be noticed that the so-called libellary procedure in force in Justinian’s time was used at the time of the enactment of this law. See C. 2.1. headnote.