

Book I.
Title XLV.

Concerning the office of civil judges.
(De officio civilium iudicum.)

1.45.1. Emperors Arcadius, Honorius and Theodosius to Curtius, Praetorian Prefect.

Titled persons (honorati) who are engaged in litigation shall not have the right to sit with the judge during the time in which the merits and result of their case are considered.

Given at Rome February 3 (408).

C. Th. 1.20.1.

Note.

Titled persons (honorati) had a right to sit with the judge, if present. C. 1.48.3; C. 12.19.5 and note. 3 Bethmann-Hollweg 190. But that right was denied to one whose case was being tried.

1.45.2. Emperors Honorius and Theodosius to Anthemius, Praetorian Prefect.

If anyone wants to claim exemption from public duties, which he is asked to perform, by any title of right, he must go before the judge (governor) and make his claim known by whatever allegations he thinks proper. If the judge (governor) should refuse to hear him, which we think is unlikely, he, the judge, shall be punished by a fine of 30 pounds of gold, and his official staff by a fine of 50 pounds.

Given at Constantinople July 19 (409).

Note.

The duties and functions here mentioned were those in municipalities by persons liable therefor. See C. 10.32 and subsequent titles. The duties were called liturgies. Certain persons were exempt therefrom either temporarily or permanently. Claims for exemption could be made, and it was the governor who passed upon the validity thereof. C. 10.46.1. As noted in the instant law, he was required to hear the application and could not arbitrarily reject the claim.