

Book VII.
Title LXVIII.

If one out of several appeals.
(Si unus ex pluribus appellaverit.)

Bas. 9.1.156.157.

7.68.1. Emperor Alexander to Licinius.

If it is shown to a judge that the decision against those whose appeal was pronounced just was the same as that against you, and no distinction exists by reason of diversity of facts, he will not be unaware that, according to many decisions, the fruits of victory (on appeal) belong also to you.
Promulgated August 20 (223).

Note.

If a man appealed in a case in which several were interested, the result of the appeal, if favorable, benefited all; but this was true only, when they all had the same grounds for the appeal. D. 29.1.10.4. And if there was a separate judgment against several defendants, each was required to appeal for himself. D. 49.1.10 pr.

7.68.2. The same to Serenius.

If in one and the same case only one has appealed, and his appeal was pronounced just, it will also benefit the party who did not appeal. But if the appellant obtained relief from the decision by reason of his age, this rescript will not benefit a party who was older and did not exercise his right of appeal.
Subscribed September 11 (224).