

Book II.  
Title XIII (XIV).

That influential persons shall not be permitted to lend aid to litigants or transfer actions to themselves.

2.13.1. Emperors Diocletian and Maximian and the Caesars to Aristobulus, greeting:

The divine Claudius, an emperor very skilled in the law, our parent, very divinely provided that persons who should call powerful persons to their aid, should be punished by the loss of their suit, so that with this fear before them, judicial disputes would un their accustomed course, rather than be propped up by the assistance of influential persons.

1. It is evident that he was so moved by the complaints of the provincials that he made the rectorors of the provinces the guardians of that law and avengers of its violation, namely that they should inflict severe punishment upon agents (actores) or procurators employed in aid of lawsuits either gratuitously or when purchased.

2. Wherefore, since it is of importance to all generally, and especially to those of the lower classes who are often oppressed by the grievous intercessions of dignitaries, you should give a hearing to the litigants; nor fear lest you injure men of honorable rank, since the divine Claudius specially made the rector of the province the judge in such matters, and, if the matter should demand, the avengers.

Given September 10 (293).

2.13.2. Emperors Honorius and Theodosius to Johannes, Praetorian Prefect.

If obligations of any kind have been transferred to influential persons, the creditors shall be punished by loss of their debt. For it seems to be plain avarice of creditors, when they purchase others as collectors of their rights of action.

Given at Ramenna July 11 (422).

Note.

Assignments of rights of action were not specially favored in later law. Transfer of a matter in litigation was forbidden. C. 8.36.2. So it was unlawful to purchase an interest in a lawsuit. C. 4.35.20 and note. Laws were passed under which the assignee could not recover more than he paid for an assigned cause of action, except in cases where it was given to him. C. 4.35, laws 22, 23, 24. And the two preceding laws altogether forbade assignments of causes of action to dignitaries (potentiores). The reasons are not far to seek. On account of official corruption, laxity in the enforcement of the laws, lawlessness in general, men frequently sought the protection of the powerful, and thereby sought to gain an advantage over others. And it is clear from the fact that the present laws were passed, that such advantage had frequently been obtained. See also the next two titles.