

Book II.
Title IX.

Concerning errors of the advocates and of those drawing up complaints and supplications.

2.9.1. Emperor Alexander to Aurelia.

Whatever the advocates allege in the presence of those whose causes they conduct is to be considered the same as if alleged by the litigants themselves.
Promulgated March 1 (227).

Note.

Errors of advocates did not injure litigants. L. 3 h.t. So if an advocate was in collusion with the adversary, the case could be reopened. C. 2. 7. 1. So a misstatement of fact in a petition to the emperor did not prejudice a party. L. 2 h.t. If an advocate, however, made a misstatement while the party was present, and the latter did not contradict it immediately, or within three days thereafter (law 3 h.t.) and no appeal was taken from the judgment, no relief could be granted by reason of such misstatement.

2.9.2. Emperor Gordian to Rogatus, Soldier.

The errors of those who draw up requests, that is, supplications to the emperor manifestly can not prejudice the truth, and therefore if you can clearly prove that the condemnation, which you say was mentioned in the petition, never took place, the person who is to try the case is not unaware that this (the reference to condemnation) should not harm your claims.
Promulgated June 22 (238).

Note.

Here the first supplication to the emperor made mention of a condemnation which never took place. In answer to a second supplication, it was stated that this mention, if wrong, should not prejudice the petitioner.

2.9.3. Emperors Diocletian and Maximian and the Caesars to Ulpia.

Litigation ended by final decision should not be reopened by rescripts.¹ Nor can the rule adopted that the errors of advocates shall not injure litigants help you, since you represent that you were present and did not openly and immediately, that is in the next three days, make objection, nor, after the decision, if that displeased you, employ the remedy of appeal.
Given August 27 (294).

¹ [Blume] See as to compromise C. 2.4.16.