

Book III.
Title VII.

That no one shall be compelled to bring a civil or criminal action against his will.
(Ut nemo invitus agree vel accusare cogatur.)

Bas. 7.19.4.

3.7.1. Emperors Diocletian and Maximian to Camerius.

No one shall be compelled to bring a civil or criminal action if he does not wish to do so.

Given October 15 (284).

Note.

The rule of the foregoing law was occasionally sought to be abused. Thus, as stated in Novel 112, c. 1,¹ some persons sometimes brought a suit and then abandoned it, under the pretense that they had a right to do so and were not required to prosecute their suit. Justinian held in the foregoing Novel that the rule of the foregoing law did not apply in such cases.

The rule applied also in criminal cases. It seems that persons had been compelled to bring accusations in such cases when they did not want to do so. And that fact, doubtless, had something to do with the rule stated above. Headnote C. 10.11; Geib, Roman Criminal Process 524. The rule was at times violated. Geib, supra.

¹ Blume penciled in this question mark.