

Book I.
Title XX.

When a complaint delivered to the emperor constitutes a joinder of issue.
(Quando libellus principi datus litis contestationem facit.)

Bas. 2.5.

1.20.1. Emperors Arcadius and Honorius to Remigius, Augustal Prefect.

There is no doubt that a joinder of issue is recognized to exist whenever a petition is delivered to Our Tranquility, and that it is in force against the heir of the defendant and in favor of the heir of the complainant.

Given at Constantinople March 21 (396).

C. Th. 1.2.10.

1.20.2. Emperor Justinian to Mena, Praetorian Prefect.

We have deemed it necessary to define those actions limited by time which are perpetuated by the delivery of complaints (to us) and rescripts issued thereon, lest anyone think that this applies to other actions, which must be brought¹ within certain times. Let all, therefore, take notice that only those actions can be perpetuated by delivery of complaints (to us) and rescripts issued thereon, which are granted by the praetor and are limited to one year.

Given at Constantinople, April 1 (529).

Note.

The subject of limitation of actions, including the actions granted by the praetor, is fully considered at note C. 7.39.3.

¹ Blume penciled in “adjudged?” above “brought” without striking the latter and also penciled in a question mark in the adjacent margin. Scott translated this sentence as: “We have considered it necessary to define temporary actions which become perpetual through the presentation of petitions, and rescripts issued on account of them, in order that no one may think that this only applies to such as are limited by time.” 6 [12] Scott 123.