

Book III.
Title XXV.

In which cases persons in the imperial service may not raise objection to the venue.
(In quibus causis militantes fori praescriptione uti non posunt.)

Bas. 7.5.92.

3.25.1. Emperors Theodosius and Valentinian to Florentius, Praetorian Prefect.

We ordain that all the soldiers of the body guard (*domestici*), and the imperial messengers (*agentes in rebus*) and every other person who lays claim to any position of rank, shall answer the summons of the moderators of the provinces in connection with any public indebtedness, and no defense as to the venue shall prevail if set up by those from whom such public debts is demanded.

1. Those, too, must answer (in the province) who are engaged in private matters¹ who are idling in the provinces, or who, not belonging to the armed soldiery, are (chief) lessees, whether of imperial property, or of the property of influential persons, or of anyone else, unless, perchance, they show that they received leave of absence for a year in order to attend to their private affairs.

2. The same rule also applies to those who have received imperial permission to engage in trade while in the imperial service; they, too, shall answer the summons of the rectorors of the provinces.

Given at Constantinople February 17 (439).

Note.

It was noted at C. 3.13.7 note, that the venue of cases against certain persons in the imperial service was in the court of their superior, but that law, too, just as the foregoing law, provided that if these persons were engaged in their own private affairs, they lost their privilege of their own forum. See also C. 3.23.

¹ Blume has placed a question mark in the adjacent margin and has added in parenthesis “Bas. has curis.” Scott has: “...men occupied in the transaction of private business...”
6 [12] Scott 288.