

Novel 125.

Concerning Judges.

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Emperor Justinian to Peter, Praetorian Prefect.

Preface. Since some of the judges, after much of the litigation has been carried on and after they have inflicted much damage upon litigants in causes before them, make use of reference (of the case) to Our Serenity, we thought best to remedy this evil by the present law, so that causes may not be delayed and investigations take another beginning.

c. 1. We accordingly order that no judge shall in any manner or at any time, in any case brought before him, refer any matter to Our Serenity, but shall fully try the case and give judgment according to what to him seems just and legal. If the parties acquiesce in the judgment, the latter shall be carried out in accordance with the tenor of the law. If anyone deems himself prejudiced by the decision, he may resort to a legal appeal which shall be carried on and receive its ending according to the rules of law. If there are two or more judges trying the case, and a dissension arises among them, each shall decide according to what to him seems best.

Epilogue. Your Sublimity and all other judges, high or low, must take care to obey the provisions made by our Serenity in the present and ever-enduring law. Edicts must be issued by Your Sublimity in this imperial city, and orders sent to the presidents of the provinces, so that all may know what we have enacted for the benefit of litigants.

Given at Constantinople, Dec. 18, 543.