

Novel 71.

Note: In line with the last constitution of the foregoing title is Novel 71, which is as follows:

That persons of illustrious rank shall conduct their causes in civil cases, and cases for intentional wrong brought criminally, by procurators, according to the privilege granted them; that persons of honorable rank (clarissimi) may conduct civil cases personally or by procurator.

Emperor Justinian to Johannes, glorious Praetorian Prefect of the Orient, the second time, ex-consul and patrician.

Preface. Some provisions were made in consideration of honor and greater dignity, but have turned out not to confer honor but to result in damage. So we have thought it best to correct this matter by a short law. It is stated in some constitutions that persons of honorable rank shall not conduct causes personally, but shall do so through a procurator. This was formerly provided for the honor of dignitaries. But we find many persons in possession of dignities (high positions of state), we are of honorable rank, and are called counts, tribunes or by other similar names; but their property is of moderate amount, not sufficient to permit them to appoint a procurator and incur the expense in connection therewith.

c. 1. We therefore ordain that such ancient provision shall apply to persons of illustrious rank, and they shall conduct their cases by a procurator; they shall also do so in criminal cases for intentional wrong according to the privilege granted them,^a so that they need not, on the one hand, sit with the magistrates on the bench, and again stand up while they themselves are engaged in litigation;^b for such a situation is delicate, either lowering the dignity of the dignitaries or preventing the proper conduct of judicial proceedings. But aside from persons of illustrious rank, everyone shall have permission to conduct (civil) cases by procurator or personally without hindrance, damage or penalty by reason thereof.

a. C. 9.35.11.

b. C. 3.24.3¹

Epilogue. Your Sublimity will cause this our will, declared by this imperial law, to be made known to all in the usual manner.

Given June 1, 538.

¹ Blume inserted a question mark here. The constitution referred to, handed down by the emperor Zeno, does indeed appear to be relevant.