

Book I.
Title L.

Concerning the office of him who officiates in place of a judge.
(De officio eius qui vicem alicuius iudicis obtinet.)

Headnote.

This title does not deal with any legate or representative of a governor, but with an official who functioned as such in place of the regular official, as might be true for instance when the regular official died and someone else was temporarily put in his place. Such an official had all the powers of a regular one and not merely delegated powers. [See] Cujacius on this title, and see particularly law 2 of this title.

1.50.1. Emperor Gordian to Domitius, Praetorian Prefect.

There is no doubt that a person governing a province in place of a president may try a case involving the public good. Indeed, if the public interest comes in question in any transaction, the defenders of the state, if they think that there is merit in the matter, may, according to the laws of the deceased emperors, demand (its) restitution to (its) former condition.

Given November 3 (240).

1.50.2. Mandates of the Emperors Theodosius and Valentinian sent to Antiochus, Praetorian Prefect through the referendary, which are as follows:

At the suggestion of Your Magnificence, that those who govern a province as vice-rector by order of the emperor or our high office should have the power, upon petition, to appoint guardians and curators, also to issue decrees for the sale of the property of ministers and of similar persons and of curials; also to order emancipations according to laws, and to do all things within the jurisdiction of the rector of a province, we have deemed it proper to direct that upon order of Your Highness, they shall have the power to do the things aforesaid.

Given at Constantinople, October 14 (427).

Note.

As to referendaries, imperial secretaries, see note C. 12.7.2 and Novel 10.