

Book II.
Title X.

That judges shall supply what advocates omit.

2.10.1. Emperors Diocletian and Maximian to Honoratus.

It is not to be doubted that if anything is left unsaid by litigants or by those assisting in the suit, the judge is to supply and mention what he knows to be in conformity with the statutes and public law.

Given February 14 (290).

Note.

This refers to supplying rules of law, not facts, Bas. 8.1.43 notes. It may, however, be stated that the examination of witnesses and facts was under the direction of the judge or his counselor (assessor), and by reason thereof facts might be supplied which otherwise might have remained unnoticed. See C. 3.1 9.