

Book VII.
Title LXVII.

Concerning those who have not appealed thru fear of the judge.
(De his qui per metum iudicis non appellaverunt.)

Bas. 9.1.154.155.

7.67.1. Emperors Diocletian and Maximian and the Caesars to Diophanes.

If a decision against you was legally rendered and you did not appeal, you know that you must acquiesce in the decision. For you could not have feared anything in our court.

Subscribed June 17 (293).

7.67.2. Emperor Julian to Germanianus, Praetorian Prefect.

Parties who do not appeal within the proper time, will be denied the opportunity of reopening the case. All, therefore, who did not appeal from the prefects of the city, masters of offices, masters of the soldiery, pro-consuls, counts of the Orient, vicars, Augustal prefects or any other judge under the pretense of fear, will be refused reinstatement of the suit. 1. Those who in truth suffered force, may make a public protest within the time fixed for taking the appeal, setting forth their reasons for appeal with clear proof (why the protest is made), so that, when he has done this, the aid of equity will be extended to those as though the appeal was lawfully taken.

Promulgated (emissa) June 17 (362).

C. Th. 11.30.30.

Note.

D. 49.1.7 provides that if anyone fears, on account of the violent behavior of the judge, to give the notice of appeal to the trial judge, he may give public notice of appeal; that is to say, execute a public document, before a notary or other public official, and in the presence of witnesses, stating the facts. As to what was required to be stated is set forth in the present law - C. 7.62.2. The procedure was different if the trial judge refused to admit an appeal. An appeal lay from such refusal. C. 7.62.19 and note.