

Book XI.  
Title XXXIV. (XXXIII)

Concerning the risk of those that mentioned persons (to City Offices).  
De periculo nominatorum.)

11.34.1. Emperor Gordian to Severinus.

If those who were made magistrates by you and Your Colleague, were solvent at the time when the honor of the magistracy was relinquished, (then) though you did not even ask sureties, you did not become liable through the risk of selecting them, by reason of the fact that by some accident their patrimony was diminished, since those should impute to their delay, and make good the loss which the city sustained by their fault, who, while they should have sued them in the public name, failed to do so.

Note.

The magistrates (duumviri) nominated their successors, and were responsible for them, if they were not solvent at the end of their administration. Cujacius on this law. Their responsibility did not extend to the successors of their own successors, as shown by law 2 of this title.

Responsibility for nominations made to an office was general. The rule applied to municipal magistrates who nominated or appointed guardians for minors and failed to take adequate security. C. 5.75; C. 5.33.1 note. That a man who nominated another to an office (which was equivalent to an election during the later empire) was responsible for any default during the administration of the man thus nominated appears in various laws, as in C. 10.72.3; C. 10.2.3; C. 10.32.1; C. 10.32.23, and see title 36 of this book.

11.34.2. The same Emperor to Rufinus.

If the successor of your successor did not nominate a responsible magistrate for his place, loss by reason of his administration can in no manner fall upon you. For each person is compelled to bear only the risk arising from his nomination of his own successor, and the hands of the law cannot rightfully be extended to reach the nominator of the nominator.