

Book V.
Title XLVI.

If the mother has promised indemnity.
(Si mater indemnitatem promiserit.)

Bas. 38.8.22-23.

5.46.1. Emperor Alexander to Bruttia.

The magistrates appointed the guardians which you asked, at their own risk, rather than that you, contrary to the condition of your sex, should be held responsible by the fact that you asked such guardians to be appointed for your children at your risk.¹

Promulgated March 13 (234).

5.46.2. Emperor Philip and Caesar Philip to Asclepiades and Menander.

You aver that certain matters of your minor wards under the age of puberty were managed by their mother and maternal grandfather, they promising to hold you harmless by reason thereof. If that is so, and the minors, when they have become of legal age, prefer to sue you (because of such management) rather than their mother and maternal grandfather, you do not unjustly ask indemnity from those who, as you say, formerly undertook such management at their own risk.

Promulgated July 12 (246).

5.46.3. Emperors Diocletian and Maximian and the Caesars to Gaianus.

You uselessly claim to hold your mother responsible because she asked for the appointment of a guardian with insufficient property, since she is not responsible unless the decree specially provided that he was appointed at her risk.²

Subscribed December 1 (293).

¹ [Blume] Headnote C. 5.42.

² [Blume] See headnote C. 5.42.