

Book X.
Title LXII.

Concerning sons and in what manner a father is responsible for them.
(De filiis familias et quemadmodum pater pro his teneatur.)

10.62.1. Emperor Severus and Antoninus to Eutyclus.

The point of law is not doubtful that a father is not responsible for the administration of his emancipated son as decurion, although he consents thereto. A father is so responsible only when the son is still in his power. A person, moreover, appears to consent when he does not make his dissent to a nomination manifest before witnesses.

Note.

If a father wanted a son under his paternal power to become a decurion, he was responsible for him. C. 10.32.1. He was not responsible for him, if the son became a decurion against his wishes. C. 10.32.5. Nor was, according to the instant law, a father responsible for his emancipated son who became a decurion, though he consented thereto. As to paternal power, see C. 8.46.

10.62.2. Emperor Aurelian to Aspasius.

Since you say that you appealed, you thereby make it sufficiently appear that you are interested in the matter. For when your son was nominated, the only thing that you could do was not to consent to the bestowal of the honor and publicly protest against it in the presence of witnesses.

Note.

It was not necessary for the father to appeal in such cases. Law 4 of this title.

10.62.3. Emperors Diocletian and Maximian to Crispinus.

If sons have been called to the duty of the protostasia along with the father and they are still under paternal power, they should be liberated from such duty, since it seems very unjust that two persons from the same family and house should be appointed to bear such burden. But you may without hesitation retain for such duty sons who are emancipated and are clearly no longer members of the father's family.

Note.

Father and son, if the latter was unemancipated, could not both be called to a liturgy. C. 10.41.1. The rule was different, when the son was emancipated. As to protostasia, see C. 10.2.8. The position related to collection of taxes.

10.62.4. The same Emperors to Alexander.

The magistrate appointed your son as curator (of public works or public money) without danger to yourself, and no necessity of appealing was incumbent upon you. But the person who nominated your son to that office while the latter was still in his father's power, and did so without your consent, will be responsible for all loss in connection with that office, provided that your son was not previously appointed as decurion by your consent.

Note.

If the father consented that his unemancipated son should become a decurion, then he became responsible for the administration of an office conferred upon the latter. C. 10.32.1. If he gave no such consent, and the son was made curator, and therefore decurion, notwithstanding the fact, he was not responsible. But the person who nominated the son was. C. 11.34.