

Book IV.  
Title XII.

That a wife cannot be sued for her husband, nor a husband for his wife, nor a mother for her son.

(Ne uxor pro marito vel maritus pro uxore vel mater pro filio conveniatur.)

Bas. 24.4.

4.12.1. Emperors Diocletian and Maximian to Asclepodota.

You unnecessarily dispute about the contracts of your husband, whether they are valid or not, since it is sufficient for you that you cannot be sued for your husband, if you did not make any contract on your own behalf. Nothing could have been demanded from you, because of the senate decree,<sup>1</sup> even if you voluntarily became his surety.

Given April 4 (287).

4.12.2. The same Emperors to Terentia.

The laws prohibit wives from being sued on account of the default of their husbands.<sup>2</sup> Therefore, our comptroller of the fisc (rationalis) will, if you show that the property of which the fisc took possession is your property, follow the public law.<sup>3</sup>

Given September 3 (287).

4.12.3. The same Emperors and the Caesars to Carpophorus.

Since you state that you did not give the property as a dowry for your daughter, but that you assigned it to her for her support aside from the dowry, it cannot be seized for municipal duties or burdens of her husband, any more than can the property of the mother for those of the son; nor can a husband be sued for the obligation of his wife, unless he makes himself personally responsible. The law is certain that no one is responsible under another's contract.

Given at Sirmium September 11 (293).

4.12.4. The same Emperors and the Caesars to Philotera.

Since you say that you have been sued for your son because you seem to have contributed something toward the payment of his debts, you are not at all forbidden to use your defenses before the person who has jurisdiction in this matter, so that he will not permit you to be forced to pay another's debt.

Given August 23 (301).

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<sup>1</sup> [Blume] C. 4.29.

<sup>2</sup> In the margin next to this sentence Blume has placed a question mark, along with the comment "revamp."

<sup>3</sup> [Blume] See C. 4.29 and C. 8.27.11 note; C. 5.14.11; C. 8.17.12 note.