

Book IX.
Title VI.

If the accused or accuser dies.
(Si reus vel accusator mortuus fuerit.)

Bas. 60.56 and Bas. 60.41.34-35.

9.6.1. The crime of desertion is absolved by the death of the soldier who deserted.

9.6.2. Emperor Antoninus to Eutychianus.

Although Marcellus who was accused of the crime of forgery (falsi) has died, the charge against him thereby becoming extinct, the accusation nevertheless has not come to an end, since you say that his wife as well as yourself are also accused of the same crime. Promulgated September 26 (215).

9.6.3. The same Emperor to Proculus.

If the person whom you accused of homicide or of some other crime, has died, you are fruitlessly summoned to be punished for abandoning the accusation, since the crime as well as the penalty ended with his death, and you were thereby relieved from the necessity of prosecution.

Promulgated September 28 (216) at Rome.

9.6.4. Emperor Alexander to Veronicianus.

Although Annianus, whom your warrantor¹ accused of the crime of forgery (of an instrument) has died, still if a civil suit, as you say, involves your interest and someone else has commence to use the instrument, called in question, against you, you are not forbidden to institute an accusation (against the latter). For although such accusation can no longer subsist, as against the principal (who committed the forgery), after his death, still if someone else has wanted to use the forged instrument, he runs the risk of that crime.

Given December 27 (227).

9.6.5. Emperor Gordian to Rufus.

The law is well known that if persons accused of public crimes die, whether they committed such crime personally or by agent, their property will not be refused to their heirs, though the accusation is pending, except in cases where the death occurs through suicide.

Promulgated October 27 (238).

Note.

See C. 6.22.2, having a similar provision. See also note C. 9.50.2.

9.6.6. The same Emperor to Julianus.

¹ [Blume] Auctor - perhaps the maker of a supposed instrument of pledge of land sold by the warrantor.

If any one is condemned to capital punishment or deportation, and he has appealed and he dies pending the appeal, the crime is ended with his death. 1. The same is true if the accuser dies pending the appeal. But if the former was sentenced to relegation² and part of his property was confiscated, from which sentence he appealed, the reason of such appeal will nevertheless be examined after his death, since it must be determined whether the partial confiscation is valid or not.
Promulgated July 27 (239).

² [Blume] A mild form of deportation. See note to 9.1.13.