

Book IV.  
Title XIII.

That a son cannot be sued for his father, nor a father for his son, nor a freedman for his patron.

(Ne filius pro patre vel pater pro filio emancipato vel libertus pro patrono conveniatur.)

Bas. 24.4.

4.13.1. Emperor Gordian to Candidus, a soldier.

A father, who is not a surety, cannot be sued for the money which his son, who is sui juris, borrowed; nor can he be sued for the son whom he has in his power, if the latter made a contract without his order. So, if a loan is made to the son<sup>1</sup> in violation of the Macedonian<sup>2</sup> decree of the Senate, he is responsible only to the extent of the special property (peculium) of the son. 1. Hence, if money was extorted from your father by a creditor of your brother, for which your father was not liable, he can recover it by the assistance of the president of the province.

Promulgated October 5 (238).

4.13.2. Emperors Diocletian and Maximian to Neoterius and Eutolmius.

The president of the province will take care that you are not disturbed, contrary to law, by him who called your father to municipal duties, when, as you say, you have been emancipated by your father.<sup>3</sup>

Given January 25 (286).

4.13.3. The same Emperors and the Caesars to Theogenes.

It has been clearly provided by law that if an unemancipated son has been made decurions without the consent of the father, the latter cannot be disturbed on the former's account.<sup>4</sup>

Given at Sirmium April 22 (294).

4.13.4. The same Emperors and the Caesars to Achaeus.

That a son cannot be sued in a personal action because of municipal duties or a debt of his surviving father is plain.<sup>5</sup>

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<sup>1</sup> Blume penciled this in above the typewritten original but also placed a question mark in the margin. The original read: "So, if the son entered into a contract which was not made in violation of the Macedonian decree..." Scott's version is in accord with Blume's change. See 6 [13] Scott 24.

<sup>2</sup> [Blume] This prohibited a loan being made to the son. See C. 4. 28 infra; see also C. 4. 26.

<sup>3</sup> [Blume] D. 50.4.16.2 provides: "A son is not compelled, against his will, to become a surety for his father that the municipality will be protected against loss." This is probably to which reference is had above. The same is true of the next constitution. Great financial burdens rested upon parties who filled municipal offices and performed municipal duties. See C. 10.32 and subsequent titles.

<sup>4</sup> [Blume] C. 10.32.5; C. 10.62.4 to a similar effect.

Subscribed at Sirmium February 18 (294).

4.13.5. The same Emperors and the Caesars to Lampetius.

Freedmen or slaves cannot be sued for contracts of their patron or master.

Subscribed April 11 (294).

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<sup>5</sup> Blume has added here in the margin: “nomine” and a question mark, evidently not being certain of the meaning of that word, in its context of the Latin original. Scott translates the phrase identically. See 6 [13] Scott 25.