

Book V.
Title XX.

That no sureties or mandators be given for dowry.
(Ne fidei jussores vel mandatores dotium dantur.)

Bas. 28.9.2.

5.20.1. Emperors Gratian, Valentinian and Theodosius to Cynegius, Praetorian Prefect.

The rule arising either from law or custom that the husband should give his wife a surety for preservation of the dowry is abolished.

Given September (381).

5.20.2. Emperor Justinian to Julianius.

Amplifying the previous constitution by a general provision, we ordain that no surety or guaranty by mandate shall be demanded from the husband, or on his behalf or from anyone who receives a dowry. For if a woman thinks fit to entrust herself and her dowry to her husband, why should a surety or other guarantor be demanded in order to give rise to mistrust during their alliance?

Given July 23 (530).

Note.

A woman had in Justinian's time a lien for the return of her dowry, as already noted, and this to a large extent dispensed with the necessity of a surety. Before the laws fully protected the dowry by an implicit lien, it was customary to execute a contractual lien.