

Book II.
Title XXII (XXIII).

Concerning a minor house-son (one under paternal power).

2.22.1 (2). Emperor Gordian to Candidianus, a soldier.

If your brother was under paternal power when he received a loan and made the contract neither by order of his father nor contrary to the senate decree, he may, on account of the indiscretion of his age, ask for restitution of his rights as against his duebill.

Promulgated October 5 (238).

Note.

The senate decree—Macedonian—forbade loans to unemancipated sons without the consent of the father. C. 4. 28. If a loan was in violation thereof, the decree gave a sufficient remedy; if not, restitution of rights might be had. Savigny, 7 System 287 ff.

2.22.2. The same emperor to Tryphon, a soldier.

If an unemancipated son under the age of twenty-five years entered into a suretyship for a stranger, he is not forbidden to ask for restitution of rights. And he can demand such restitution of rights. And he can demand such restitution even if he became surety for his father, but did not, upon the latter's death, inherit his property.

Given July 1 (241).

Note.

The Macedonian senate decree did not apply when a house-son became surety for another, so restitution of rights was necessary. If he became surety for his father and was the latter's heir, he was liable for the debts of his father anyway, so restitution of rights was useless.