Book II.
Title XXIII (XXIV).

Concerning restitution of rights of sureties of minors.

2.23.1. Emperors Severus and Antoninus to Myro.
After you have been restored to your rights, on account of the benefit extended to age, you are[1] not compelled to be responsible to the purchaser, to whom you sold a landed estate as part of our paternal property, for the risk of eviction (therefrom). But that fact does not absolve the sureties who became responsible for you. Hence, you may[2] be sued in an action on mandate, if your sureties paid money or have been adjudged to pay it, provided that you are not also on that account aided by restitution to your rights.
Promulgated September 26 (194).
Note.
A vendor impliedly warranted that the purchaser would not be evicted. C. 8.44.

2.23.2. Emperors Diocletian and Maximian to Curio.
If she, who sold you land (possessions) after interposition of a decree of the president, is only aided on account of her age, there is no doubt that her surety will be bound by the contract on his own account. But if the contract appears to have been made through fraud, the, clearly, the interests of both the seller as well as the surety are to be consulted.
Written April 26 (287).
Note.
In this case the minor, with permission of the court, which was necessary (C. 5.70.11), sold land. She evidently gave surety, in order to insure transfer of the property. The transfer was not made. The minor could refuse to make it for the reason that the land was sold too cheaply. She had the right to restitution of rights for that reason. C. 5.70.1. But if that was the reason for refusing to make the transfer, the surety was held, since in that case the restitution of rights was given only on account of age. If, however, there was fraud in the transaction, then both the minor as well as the surety could defend on that ground.

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[1] Blume penciled in "will" above "are" and penciled in a question mark in the margin, without striking "are."
[2] As above, Blume penciled in "will" above "may" and put a question mark in the margin without striking "may."