

Book II.
Title XXVII (XXVIII).

If (restitution of rights is demanded) against a sale.

2.27.1. Emperor Alexander to Florentinus, a soldier.

If while you were under twenty-five years of age you promised the purchaser of your landed estate that you would raise no future controversy concerning it, and you confirmed that you would abide thereby by an oath taken corporally, you should not hope that I would become a sponsor of perfidy or perjury for you.

Given August 27.

Note.

The gist also stated in C. 2.43.3.4. To take an oath in the name of the emperor had the same effect. C. 2. 4. 41. But if fraud intervened, the minor was not bound. C. 2.4.42; 5 Donellus 1134. An oath was taken corporally, after the adoption of Christianity, by aying hand on the Bible. 10 Pauilly-Wissowa 1256; Colquhoun §2335. During paganism the method was different. Smith, Dictionary of Greek and Roman Antiquity under “jus jurandum.”

2.27.2. Emperor Constantine to the people.¹

There is no doubt that by the protection of the laws minors are protected by restitution of rights against fictitious sales, and against fraud of guardians or curators. Given at Sirmium March 15 (326).

¹ C. Th. 2.16.1.