

Novel 159 c.1

Aware, therefore, that the case before us is one involving interpretation both of laws and of a will, we have concluded that we must incorporate the decision on it not merely in a judgement, but in a law, so as to preclude strife over such questions for others, as well as deciding the present dispute.

Hence, on closer and more exact scrutiny of the terms of the will, we have found that alienation has been forbidden to the actual sons who were going to succeed to the inheritance, when they were about to die childless, but not, further, to those who would eventually succeed them: it was enough for the departed to confine the prohibition to his children. Should they, too, pass away leaving children, he had not wished to interfere with what was being bequeathed, nor to extend his ban on alienation further than his children's lifetime; it was only the codicil made for the suburban estate that forbade also those who would succeed to the property under the will of Hierius of illustrious memory (the younger Hierius, that is) to alienate the suburban estate, with the addition of the wish of the departed that it should remain permanently in the family.

Such, then, are the points that have been disputed.