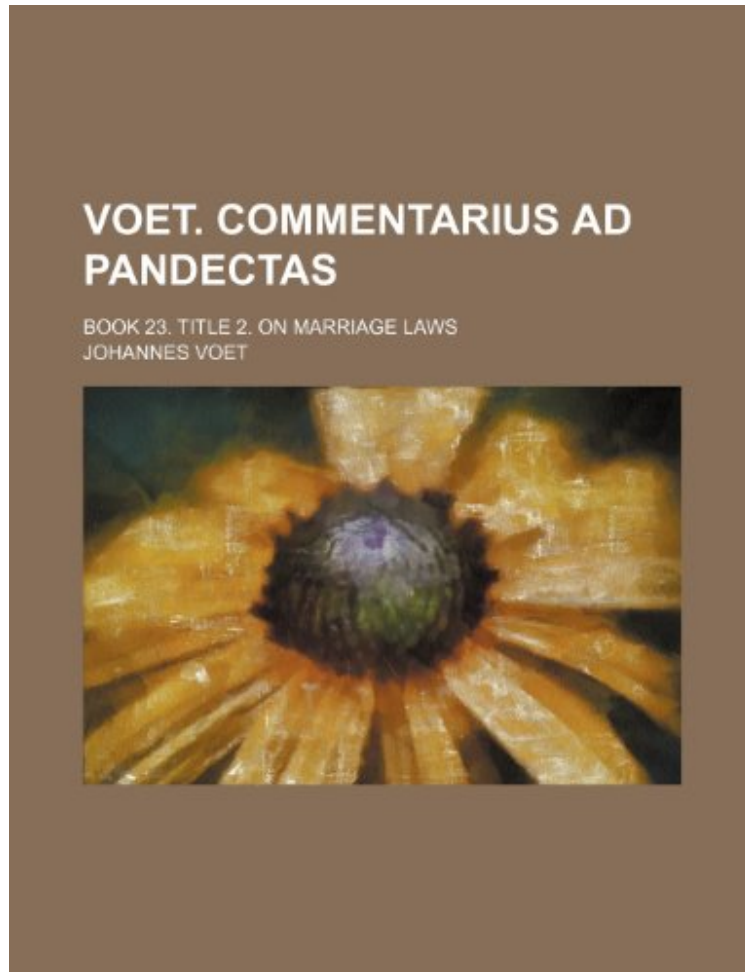


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regarded with favour by the Roman law, and even alienations of sacred things could be made for that purpose (C. 1. 2. 21.), and gifts of more than five hundred aurei were ratified although not published in the register of public acts; (C. 8. 54. 34.) so too it seemed right that the transactions of a woman in order to free her husband from captivity or prison ought to be confirmed and established, provided that she had made favourable terms, and a prudent person could not have purchased liberation and freedom more cheaply. But if she seems to have been cheated owing to the weakness of her sex, and to the fact that others had made her anxious for her husband's safety, so that she stipulated for far more than it was just to pay for her husband's release, then it is scarcely possible that she and her husband would be held bound for more than the sum which should have been stipulated, Eodem burch de jure conjugum tit. 2. cap. 1. num. tilt. But apart from this case, which was regarded with favour by the law, mere absence on the part of the husband was not regarded as sufficient justification to establish the wife's contract which had been entered into without his knowledge; whenever, for instance, the husband is unavoidably absent on account of banishment, for the marital control is by no means lost in this manner, and his consent could easily be obtained during his absence by means of letters; or he could give a general mandate to his wife, as to a procuratrix, so as to enable her to contract during his ...