

when abroad by any pretext whatever, the person both sending and sent shall be disabled to sue in law or equity, or to be executor or administrator to any person, or to enjoy any legacy or deed of gift, or to bear any office in the realm, and shall forfeit all his goods and chattels, and likewise all his real estate for life.

2. THE power of parents over their children is derived from the former consideration, their duty; this authority being given them, partly to enable the parent more effectually to perform his duty, and partly as a recompense for his care and trouble in the faithful discharge of it. And upon this score the municipal laws of some nations have given a much larger authority to the parents, than others. The antient Roman laws gave the father a power of life and death over his children; upon this principle, that he who gave had also the power of taking away^a. But the rigor of these laws was softened by subsequent constitutions; so that^b we find a father banished by the emperor Hadrian for killing his son, though he had committed a very heinous crime, upon this maxim, that "*patria potestas in pietate debet, non in atrocitate, consistere.*" But still they maintained to the last a very large and absolute authority: for a son could not acquire any property of his own during the life of his father; but all his acquisitions belonged to the father, or at least the profits of them for his life^c.

THE power of a parent by our English laws is much more moderate; but still sufficient to keep the child in order and obedience. He may lawfully correct his child, being under age, in a reasonable manner^d; for this is for the benefit of his education. The consent or concurrence of the parent to the marriage of his child under age, was also directed by our antient law to be obtained: but now it is absolutely necessary; for without it the contract is void^e. And this also is another means, which the law has put into the parent's hands, in order the better to discharge

^a Ff. 28. 2. 11. Cod. 8. 47. 10.

^b Ff. 48. 9. 5.

^c Inst. 2. 9. 1.

^d 1 Hawk. P. C. 130.

^e Stat. 26 Geo. II. c. 33.

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