

Book II.
Title XXXII (XXXIII).

If (restitution is demanded) against the payment made by a debtor or by the minor himself.

2.32.1. Emperors Diocletian and Maximian and the Caesars to Soterus.

After the pattern of other debtors, guardians, too, are released who pay to curators what they owe by reason of their guardianship, but the benefit (of restitution) permitted by the perpetual edict, may be implored before the lapse of the time granted for that purpose, and whether it is to be given can be determined upon investigation of the matter. Given February 8 (294).

Note.

A guardian (tutor) acted until the minor arrived at the age of puberty; the person acting for the minor after that time was called curator. Here a guardian settled with the curator; but that was not final. Restitution of rights might be obtained by the minors to set the release aside.

Justinian enacted a law that payment of a due bill, and perhaps other payments, might be made with the approval of the court, and that in such event no restitution of rights could be obtained. That did not apply to payment of rents, and apparently other current payments. C. 5.37.25 and 27.

2.32.2. The same emperors and Caesars to Laurina.

It is in consonance with reason that the right to reclaim a legacy not owning should be granted, though paid by a minor under error of law,¹ provided that the time during which aid of restitution is given has not yet elapsed. Given at Sirmium March 18 (294).

¹ [Blume] Generally no error of law, but only an error of fact, gave rise to relief. C. 1.18.