

Book II.
Title XXXIV (XXXV).

If one seeks restitution of rights against his own delict.

2.34.1. Emperors Severus and Antoninus to Longinus.

In crimes, indeed, minors are not aided by the favor usually extended to those of their age. For infirmity of mind does not excuse bad conduct. But when a delict is not committed intentionally, but arises out of a contract, no offense¹ is committed, although damage in money is assessed as a penalty, and the aid of restitution of rights is, therefore, also available to minors in such matter.

Given October 15 (200).

2.34.2. Emperors Diocletian and Maximian and the Caesars to Procula.

Though it is clear that no one can be excused in delicts by reason of age, still it is agreed that when a mother fails to have a guardian appointed for her sons by reason of thoughtlessness due to her youthful age, she is not at all to be denied the right to inherit from them, since that is true only in case of mothers who are of age.

March 3 (294).

Note.

If mothers did not ask for the appointment of a guardian for their minor children, they could not inherit from the latter. C. 6.53.3 and note. Note C. 5.31.4. The rule did not apply if the mother herself was a minor.

¹ Blume underlined “offense” & put a question mark above it and in the margin after the line. Scott’s version is quite different: “If, however, the crime does not proceed from the mind, but from some other source, the offender will not be liable to punishment...” 6 [12] Scott 232 (as C. 2.35.1).