

Book VI.
Title LIII.

When a legacy or trust vests.
(Quando dies legati vel fideicommissi cedit.)

Bas. 44.19.110; D. 36.2.

6.53.1. Emperors Severus and Antoninus to Agrippa.

If you prove to a competent judge that an annuity was left you by a legacy or trust, you have the right to demand it at the beginning of each year.

Subscribed May 30 (198).

6.53.2. The same to Priscus.

We have learned that a farm was left to several persons named, it being stipulated that it should belong to the last survivor. Whoever the last survivor, therefore, was, transmitted it to his heir, and the trust is at an end.

Promulgated July 18 (204).

6.53.3. The same to Aelia.

If Pontianilla arrived at the age at which she was to receive the legacy or trust, bequeathed to her, she transmitted the claim to her heirs, though she died before actually receiving the legacy or trust.¹

Promulgated July 28 (204).

6.53.4. The same to Ammia.

If a bequest to a wife gave her the usufruct in property immediately, and the property itself when she should have children, the legacy to the property itself vests immediately when a son is born, and it makes no difference if he dies.²

Promulgated August 1 (208).

6.53.5. Emperor Alexander to Maximus.

By the words: "I give and bequeath to Aelia Severina my daughter by Secunda 10 (Sestertia), which she shall have when she arrives at legal age," no condition is imposed on the trust or legacy, but the claim therefore appears to be postponed to the day of her legal age. 1. And, therefore, if Aelia Severina, daughter of the testator, to whom the legacy was left, died after the legacy vested, she transmitted her right of action (to claim the legacy) to her heir, and payment should be made as if the time that Severina, if she had not died, would have been twenty-five years of age. 2. For the jurists are agreed that as far as the profits arising from a trust-bequest is concerned, the completed year, and not the beginning thereof, is to be awaited.

Promulgated December 20 (226).

Note.

¹ [Blume] See note 6 to C. 6.51.1.

² [Blume] See note 6 to C. 6.51.1.

In this case the legacy was considered as having been given as from a day certain to arrive, and was therefore unconditional, and vested when the testator died, though no claim thereto could be made till the time fixed arrived. Hence claim for the legacy could be made when the time arrived, and the beneficiary being dead, her heirs could claim it. See note 6 to C. 6.51.1. As to conditions in a legacy see C. 6.45 and 46.

6.53.6. Emperors Diocletian and Maximian and the Caesars to Eusebius.

If a trust was left to your sister by a codicil of the intestate decedent, and she died after the trust vested, you could not conceal the fact that though she did not know of the trust, a right of action therefore accrued, subject to the Falcidian fourth in favor of the heir on intestacy.

Subscribed at Trellis May 1 (293).

Note.

As noted in C. 3.30.19 and note, an heir, not a self-successor, did not acquire an inheritance if he did not know of it. The rule was different as to legacies and trusts. A self-successor became heir by operation of law, though he did not know of it. C. 6.55.8; C. 6.30.3.