

Book II.
Title XXXVIII (XXXIX).

If restitution of rights is demanded by a minor so that he may abstain from an inheritance.

2.38.1. Emperors Severus and Antoninus to Florentius and others.¹

If you refrained from having anything to do with your paternal inheritance, a declaration before witnesses (that you did not want it) it was not necessary, since in such case the truth needs no support of words. But if you acted as heirs or received the right of possession of the inheritance, you should receive the aid of restitution of rights on account of your age, to which aid is customarily given.²

Promulgated March 3 (198).

2.38.2. Emperor Gordian to Herodota.

If, when your grandfathers had appointed you heir by testament, you did not enter upon their inheritance, you are at liberty, after repudiating the paternal succession, by the aid of restitution of rights, by which you say you are protected in virtue of your age, to obtain the inheritance of our forebears now, though you did not previously enter upon it.

Promulgated February 3 (241).

¹ [Blume] C. Greg. 2.17.

² [Blume] For the method of accepting an inheritance under the civil law, or receiving the right of possession under the praetorian law, see C. 6.9 headnote. The grantee of the later right was technically known as “possessor of goods,” and his right as “possession of goods,” but the technical expressions are not used herein, but the terms are translated according to the actual meaning. For reasons for wanting to repudiate an inheritance that had been accepted, see C. 2.24.1 note. When that was done, the creditors were all called in, according to Nov. 119, c. 6. See also C. 6.31.6, treating of this subject.