

Book II.  
Title LIII (LIV).

For which reasons persons of age receive restitution of rights.

2.53.1. Emperor Antoninus to Aemilianus.

If you were condemned while absent and undefended on account of the duty of an embassy made to me in good faith, you rightly ask the reinstatement of the action, so as to employ your defenses, unaffected by the previous decision. For it is accepted as law that those who perform the duty of an embassy enjoy the privilege of those who are absent on public business.

Promulgated March 3 (312).

Note.

Everyone could get restitution of rights against a judgment, if absent for any just cause. Ulpian in D. 4.4.12.7 (considered to have been interpolated); Steinwenter, Versäumnisverfahren, 69 note 4. See also C. 2.12.4.

2.53.2. The same emperor to Dionysius.

If you were unable to appear before the arbitrator (referee) because you were detained under military custody by the order of the president, and you prove to the president of the province that that is founded in truth, you will have the case reinstated. Promulgated September 19 (215).

2.53.3. Emperors Diocletian and Maximian to Proculus, a decurions.

The public law comes also to the aid of persons of age in equitable (good faith) contracts, by virtue of the official duty of the judge, upon hearing the cause.

Given August 5 (285).

Note.

As to equitable contracts, see C. 4.10.4, note. The rescript does not relate to restitution of rights. Bas. 10.36.3. It expresses simply that in equitable actions, by which equitable contracts were enforced, parties would be justly dealt with by the judge by virtue of his office—it was part of his duty to do so in such actions.

2.53.4. The same emperors to Priscianus.

A city usually enjoys the rights of minors and may, therefore, ask restitution. Given November 12 (285).

2.53.5. The same emperors and the Caesars to Licinianus.

If you, along with your father and mother, were captured by the enemy, and after they died there in captivity you returned and acquired their inheritance through the benefit of the Cornelian law, you are not forbidden to reclaim the property in a real action in pattern of an action analogous to that which is given those who are restored to their rights, subject to the defense of a year<sup>1</sup> which is accustomed to be set up.<sup>2</sup>

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<sup>1</sup> [Blume] The judicial year during which restitution of rights might be had.

Given April 16 (294).

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<sup>2</sup> [Blume] See also C. 8.50.9 and 18; C. 3.32.24. The parents would have been entitled to recover the property upon their return from captivity. The same right was given to their heir.