

Book II.
Title XXIX (XXX).

If (restitution of rights is demanded) against a gift.

2.29.1. Emperors Diocletian and Maximian to Theodota.

If things were given you before marriage, in a suitable measure, by your husband under age at the time of the betrothal, in the presence of his curator, they cannot be recalled under the pretense of minority.

Written November 3 (285).

2.29.2. The same emperors and the Caesars to Mida.

If your father made a gift to you and your brother—both emancipated—he, by subsequently transferring a portion thereof to another, could not deprive you of it.¹ Nor, if your brother consented to the father giving away part of the rural landed estate acquired by him, could he, on account of the authority of the senate decree² lose the ownership thereof. Restitution of rights is not even necessary in such cases. 2. As to other things, however, which may be transferred without the decree,³ he may ask the aid of restitution of rights, if, after the things were given him, he thereafter, while a minor, gave the like consent to his father to give them away to another, provided the time fixed for restitution has not elapsed.

Given December 25 (293).

¹ [Blume] See C. 8.53.24.

² [Blume] Evidently refers to oration of Severus in the senate, fixing conditions under which landed estates of minors could be sold. D. 27.9.1. Other similar provisions of later date are found in C. 5.37.22; C. 5.72.3. The sons here were minors.

³ [Blume] Lit. “without the recitation of the decree.” Decisions were read in open court. C. 7.44. Decrees of sale, perhaps, were similarly dealt with.