

Book II.
Title XLIV (XLV).

Concerning those who have received the rights of majority.

Headnote.

By *venia aetatis*—literally, forgiveness, or grace, as to age—here translated “by rights of majority,” granted by the emperor, the minor was enabled to transact business for himself, as though he were of age, with the limitation that, as in other cases of minors, immovable property could not be alienated without consent of court.

C. 3. h.t. Referred to also in C. 2.52.5; C. 5.1.5; C. 5.74.3; C. 7.62.10.1.

2.44.1. Emperor Aurelian to Agathocles.

It is very clear that those who have received the rights of majority cannot, even though they appear to be able to manage their property but poorly, receive the aid of restitution of rights. Lest he who contracts with them might seem to be defrauded by imperial authority.

Promulgated July 1 (274).

2.44.2. Emperor Constantine to Verinus, City Prefect.

All adolescents¹ who, of honorable conduct of life, desire to manage the paternal savings of their grandfathers' patrimony (inherited by them), and who need imperial help in connection therewith, may hope to receive the rights of majority only when they have completed their twentieth year, provided that after they have received it by an imperial rescript they must, in person, present the imperial grant of favor (before the proper official) and must not only prove that they have reached the number of years prescribed, but must also show, by suitable witnesses called, their moral conduct, integrity, and evidence of a creditable life.

1. We ordain that women also, whom honorable conduct of life and mental alertness commends, may receive the rights of majority after they have finished their eighteenth year; but we do not compel them, on account of shyness and modesty of women to be shown² in a public assembly; but after receiving the rights of majority, they need to prove their age only by witnesses or by documents, through a procurator sent for that purpose so that they likewise may have the rights in all transactions which, as we have written, men shall have, provided that they shall not alienate their landed estate without a decree of court.

2. Now, senators (who are minors), men of honorable rank, living in this imperial city shall produce proof concerning their conduct and honorable life before Your Sublimity, the others shall do so before the praetor; those who live in the provinces (shall all do so) before the rectors thereof.

3. Persons, however, who have received the rights of majority contrary to the aforesaid provision must know that they are of no effect.

Promulgated at Rome May 30 (321).

¹ [Blume] Minors over the age of puberty and under twenty. C. Th. 2.17.1 and commentary of Godefredai [probably should be Gothofedus]. Also Glueck 31, 144 ff.

² [Blume] Omit testibus.

2.44.3. Emperor Justinian to Mena, Praetorian Prefect.

We order that those who have obtained or shall obtain rights of majority by imperial clemency, shall have no right to alienate or even to mortgage their immovable property, without the interposition of a decree of court in all cases in which a decree is necessary to those who have not yet received the rights of majority in order to alienate or mortgage their property, so that in this respect the situation of all minors shall be alike, whether rights of majority have been asked or not.³

Given April 6 (529).

2.44.4. The same emperor to the Senate.

If anyone wants anything given or done and makes mention of “legal age,” or says simply (that he is) of “perfect age,” we want that to be understood only of the age completed by the passing of twenty-five years, and not the age artificially supplied by imperial favor. And we ordain that this shall be understood especially in substitutions (as heir) or restitutions of trusts;⁴ but not any the less in other matters, unless someone has specially added, that something or other shall take place out of the grant of the rights of majority.

Given at Constantinople July 22 (530).

³ [Blume] C. 5.37.22.

⁴ [Blume] As to substitutions of heirs, see C. 6.25 and 26, and as to restitutions—trusts—see C. 6.42.