

Book V.  
Title LXXIV.

If one becoming of age has ratified a sale made without decree.  
(*Si major factus sine decreto factum alienationem ratam habuerit.*)

Bas. 10.4.64.

5.74.1. Emperors Diocletian and Maximian to Licinia.

Since you say that the curator of your father had chosen to sell, without decree of the president, rural land to the heir or guardian of a creditor, and that your father, deceived (after becoming of age), ratified the sale—if the land was sold for too small a price, and it appears that your father, falling into an inadvised error, mistakenly ratified the sale, it is proper that the deficiency in the price be accounted for. This should be done through the president, who, in his becoming wisdom, should give the opposite party, if he does not act in good faith, the option (to pay the deficiency in the price or) to restore the possession together with its fruits upon return of the money with legal interest. Promulgated October 7 (290).

5.74.2. The same Emperors and Caesars to Alexander.

If your lands were alienated by your guardian without decree of the president, and the illegal alienation was neither ratified by you nor rendered valid by the lapse of the fixed time, in favor of a possessor in good faith, the president of the province will restore your right to the property.  
Given at Sirmium January 1 (293).

5.74.3. Emperor Justinian to Mena, Praetorian Prefect.

In case property of minors—either of those who are under curatorship or of those who have been declared of age (received *veniam aetatis*)<sup>1</sup>—has at any time been alienated or pledged (by such curators), without a judicial order, and such minors, have, after becoming of age, failed to complain thereof for a long time so that such ineffectual alienation or pledge may be confirmed by long silence, we think that a definite time should be fixed for such ratification.

1. We, therefore, direct that if for five continuous years after the age of minority has been passed, that is after their 25<sup>th</sup> year no complaint was made concerning such alienation or pledge by such minor who made or gave it, it shall not be disturbed by reason of the omission of the judicial order, but the property shall be considered alienated or pledged from the beginning pursuant to a judicial decree.

2. Since minors are not permitted to make any gift even pursuant to a judicial decree, if one of them, even though he may have been declared of age, transfers immovable property to another as a gift, such transfer shall not, except in case of a marriage gift, be valid, unless the giver, after his 25<sup>th</sup> year acquiesces therein, for a period of ten years, while present, and for a period of 20 years while absent. In case of an heir

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<sup>1</sup> [Blume] See C. 2.44.

(of such minor) only the period of silence after such heir becomes of age will be counted against him.

Given at Constantinople April 6 (529).