

Sed jam necesse est, si alia pars augmentum prestat, alteram ²⁵ quoque partem incrementum celebrare: & si quidem vir alieno are non impeditur, in reliquo quibuslibet procedat, augmentum. **A**si debitor sit, ne fraudu erga creditoris sufficio subesse fortes, donatarum rerum dominum transferatur. **A**ccep. 13. Kal. Mai. Hispali, NEPTONIANO & PACATO CONSS. 339.

Donatio ante nuptias facta mulier in minori etate non indiget insinuatione. **S**alic.

17. Imp. THEOD. & VALENT. AA. Hierio PP.

Minoribus ³ aetate feminis, etiam auctorum testificatione ⁴ in ante nuptias donatione ad eas facta omisita ⁵, si patris auxilio delittuus est, iuste confutetur, ut firma donatio sit. Dat. 10. Kal. Mart. CONSTANTINOP. TAUR. & FELICE CONSS. 428.

Quod alterum ex conjugibus revertitur deo, quod dedit, non tenetur filii primi matrimonii reservare. **B**ald.

18. Imp. ZENO A. Sebastianio PP.

Si liberis ex priore matrimonio procreatis pater ad secundas migraverit nuptias, vel non migraverit: nihil omnino filii prioris conjugii ex donatione ⁶ ante nuptias quam ipse, vel alius pro ipso uxori quandam ejus matrem communium liberorum donaverit, servare cogitur: quoniam & mater libera ex priore matrimonio extantibus, post secundas nuptias, multoque amplius si non fuerit alteri marito sociata, nihil iisdem filii ex dote ⁷ quam patri corum ipsa, vel alius pro ea ⁸ obtulerit, servare competitur.

Constante matrimonio & donatio propter nuptias possunt de novo augeri, & de novo confitui, & pacta de novi apponi, vel vetera prorogari. **B**ald.

19. Imp. JUSTINUS 9. A. Archelao PP.

Sic constante matrimonio confilium augenda dote ¹⁰ inierit, vel uxor forte, vel eius nomine quilibet aliis: nihilominus marito quoque licet, seu pro marito cuiuslibet alii, tanto donationem ¹¹ ante nuptias additamente maiorem facere, quanto dote augeretur tirus. Nec ¹² oblit in hujusmodi munificientis interdictis esse liberalitates ¹³ tempore nuptiarum: Indulgementum ¹⁴ est namque consenfui communis partium: ne, cum negetur augenda potestas donationis, dote etiam pigris constitutus augmentum. Idemque licere pricipimus, etiam in his matrimonis, in quibus interdum ¹⁵ accidit ante nuptias quidem donationem nullam esse, solam vero dote marito mulierem obtulisse: ut etiam runc muliere dote augente, licet ¹⁶ marito quoque donationem in uxorem suam ejusdem ¹⁷ quantitatibus facere, quantum aucta dos continere dignoscitur: pactis ¹⁸ videlicet de redhibitione, vel retentione aucta dos, vel donationis (prout partes consenserint) pro jam statuto modo ineundis, sive injungendis veteribus ¹⁹ pactis, quae initio nuptiarum de ante nuptias donatione, & dote principaliter constituta inita sunt. Jura etiam hypothecarum ²⁰, que in augenda dote vel donatione fuerint, ex eo tempore initium accipiunt, ex quo eadem hypothecatione fuerint, & non ²¹ ad prioris dotes, vel ante nuptias donationis tempora referantur. **T** Sed & si contrario maritus & uxor ad deminudam dote, & ante nuptias donationem consenserint: licet eis ad similitudinem ²² deminudionis quae in dote fit, etiam ante nuptias minuere donationem: ut pacta de amborum deminutionibus ²³ ineunda, & prima & legitima, esse intelligentur: exceptio videlicet his casibus, in quibus aut maritus ex priore matrimonio liberos habens, ad secundas migraverit nuptias: aut uxor similiter ex anteriori matrimonio liberos extantibus, secundo marito se junerit: in hoc enim secundo matrimonio vel parte mariti, vel a parte mulieris, vel utraque (si hoc etiam acciderit) interdictum esse deminutionem dotes: ante nuptias, donationes ne ²⁴ aliquid aduersus filios prioris matrimonii machinari videatur, consenserunt.

In AUTHENT. De aequal. dot. & propter nupt. don. §. aliud. coll. 7. tit. 9. al. 8. Novell. 97. cap. 2.

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