

## THE LAWS OF THE TWELVE TABLES

### TABLE I.

Concerning the summons to court.

Law I.

When anyone summons another before the tribunal of a judge, the latter must, without hesitation, immediately appear.<sup>[1]</sup>

Law II.

If, after having been summoned, he does not appear, or refuses to come before the tribunal of the judge, let the party who summoned him call upon any citizens who are present to bear witness.<sup>[2]</sup> Then let him seize his reluctant adversary; so that he may be brought into court, as a captive, by apparent force.

Law III.

When anyone who has been summoned to court is guilty of evasion, or attempts to flee, let him be arrested by the plaintiff.

Law IV.

If bodily infirmity or advanced age should prevent the party summoned to court from appearing, let him who summoned him furnish him with an animal, as a means of transport. If he is unwilling to accept it, the plaintiff cannot legally be compelled to provide the defendant with a vehicle constructed of boards, or a covered litter.<sup>[3]</sup>

Law V.

If he who is summoned has either a sponsor or a defender, let him be dismissed, and his representative can take his place in court.<sup>[1]</sup>

Law VI.

The defender, or the surety of a wealthy man, must himself be rich; but anyone who desires to do so can come to the assistance of a person who is poor, and occupy his place.

Law VII.

When litigants wish to settle their dispute among themselves, even while they are on their way to appear before the Prætor, they shall have the right to make peace; and whatever agreement they enter into, it shall be considered just, and shall be confirmed.

Law VIII.

If the plaintiff and defendant do not settle their dispute, as above mentioned, let them state their cases either in the *Comitium* or the Forum, by making a brief statement in the presence of the judge, between the rising of the sun and noon; and, both of them being present, let them speak so that each party may hear.

Law IX.

In the afternoon, let the judge grant the right to bring the action, and render his decision in the presence of the plaintiff and the defendant.

Law X.

The setting of the sun shall be the extreme limit of time within which a judge must render his decision.

## TABLE II.

Concerning judgments and thefts.

Law I.

When issue has been joined in the presence of the judge, sureties and their substitutes for appearance at the trial must be furnished on both sides. The parties shall appear in person, unless prevented by disease of a serious character; or where vows which they have taken must be discharged to the Gods; or where the proceedings are interrupted through their absence on business for the State; or where a day has been appointed by them to meet an alien.

Law II.

If any of the above mentioned occurrences takes place, that is, if one of the parties is seriously ill, or a vow has to be performed, or one of them is absent on business for the State, or a day has been appointed for an interview with an alien, so that the judge, the arbiter, or the defendant is prevented from being present, and the furnishing of security is postponed on this account, the hearing of the case shall be deferred.

Law III.

Where anyone is deprived of the evidence of a witness let him call him with a loud voice in front of his house, on three market-days.

Law IV.

Where anyone commits a theft by night, and having been caught in the act is killed, he is legally killed.<sup>[1]</sup>

Law V.

If anyone commits a theft during the day, and is caught in the act, he shall be scourged, and given up as a slave to the person against whom the theft was committed. If he who perpetrated the theft is a slave, he shall be beaten with rods and hurled from the Tarpeian Rock.<sup>[1]</sup> If he is under the age of puberty, the Prætor shall decide whether he shall be scourged, and surrendered by way of reparation for the injury.

Law VI.

When any persons commit a theft during the day and in the light, whether they be freemen or slaves, of full age or minors, and attempt to defend themselves with weapons, or with any kind of implements; and the party against whom the violence is committed raises the cry of thief, and calls upon other persons, if any are present, to come to his assistance; and this is done, and the thieves are killed by him in the defence of his person and property, it is legal, and no liability attaches to the homicide.

Law VII.

If a theft be detected by means of a dish and a girdle, it is the same as manifest theft, and shall be punished as such.<sup>[2]</sup>

Law VIII.

When anyone accuses and convicts another of theft which is not manifest, and no stolen property is found, judgment shall be rendered to compel the thief to pay double the value of what was stolen.

Law IX.

Where anyone secretly cuts down trees belonging to another, he shall pay twenty-five asses for each tree cut down.

Law X.

Where anyone, in order to favor a thief, makes a compromise for the loss sustained, he cannot afterwards prosecute him for theft.

Law XI.

Stolen property shall always be his to whom it formerly belonged; nor can the lawful owner ever be deprived of it by long possession, without regard to its duration; nor can it ever be acquired by another, no matter in what way this may take place.<sup>[1]</sup>

### TABLE III. Concerning property which is lent.

Law I.

When anyone, with fraudulent intent, appropriates property deposited with him for safe keeping, he shall be condemned to pay double its value.

Law II.

When anyone collects interest on money loaned at a higher rate per annum than that of the *uncia*, he shall pay quadruple the amount by way of penalty.<sup>[2]</sup>

Law III.

An alien cannot acquire the property of another by usucaption; but a Roman citizen, who is the lawful owner of the property, shall always have the right to demand it from him.

Law IV.

Where anyone, having acknowledged a debt, has a judgment rendered against him requiring payment, thirty days shall be given to him in which to pay the money and satisfy the judgment.

Law V.

After the term of thirty days granted by the law to debtors who have had judgment rendered against them has expired, and in the meantime, they have not satisfied the judgment, their creditors shall be permitted to forcibly seize them and bring them again into court.

Law VI.

When a defendant, after thirty days have elapsed, is brought into court a second time by the plaintiff, and does not satisfy the judgment; or, in the meantime, another party, or his surety does not pay it out of his own money, the creditor, or the plaintiff, after the debtor has been delivered up to him, can take the latter with him and bind him or place him in fetters; provided his chains are not of more than fifteen pounds weight; he can, however, place him in others which are lighter, if he desires to do so.

Law VII.

If, after a debtor has been delivered up to his creditor, or has been placed in chains, he desires to obtain food and has the means, he shall be permitted to support himself out of his own property. But if he has nothing on which to live, his creditor, who holds him in chains, shall give him a pound of grain every day, or he can give him more than a pound, if he wishes to do so.

Law VIII.

In the meantime, the party who has been delivered up to his creditor can make terms with him. If he does not, he shall be kept in chains for sixty days; and for three consecutive market-days he shall be brought before the Prætor in the place of assembly in the Forum, and the amount of the judgment against him shall be publicly proclaimed.

Law IX.

After he has been kept in chains for sixty days, and the sum for which he is liable has been three times publicly proclaimed in the Forum, he shall be condemned to be reduced to slavery by him to whom he was delivered up; or, if the latter prefers, he can be sold beyond the Tiber.

Law X.

Where a party is delivered up to several persons, on account of a debt, after he has been exposed in the Forum on three market days, they shall be permitted to divide their debtor into different parts, if they desire to do so; and if anyone of them should, by the division, obtain more or less than he is entitled to, he shall not be responsible.<sup>[1]</sup>

#### TABLE IV. concerning the rights of a father, and of marriage.

Law I.

A father shall have the right of life and death over his son born in lawful marriage, and shall also have the power to render him independent, after he has been sold three times.<sup>[2]</sup>

Law II.

If a father sells his son three times, the latter shall be free from paternal authority.

Law III.

A father shall immediately put to death a son recently born, who is a monster, or has a form different from that of members of the human race.

Law IV.

When a woman brings forth a son within the next ten months after the death of her husband, he shall be born in lawful marriage, and shall be the legal heir of his estate.<sup>[1]</sup>

#### TABLE V. concerning estates and guardianships.

Law I.

No matter in what way the head of a household may dispose of his estate, and appoint heirs to the same, or guardians; it shall have the force and effect of law.<sup>[1]</sup>

Law II.

Where a father dies intestate, without leaving any proper heir, his nearest agnate, or, if there is none, the next of kin among his family, shall be his heir. '

Law III.

When a freedman dies intestate, and does not leave any proper heir, but his patron, or the children of the latter survive him; the inheritance of the estate of the freedman shall be adjudged to the next of kin of the patron.

Law IV.

When a creditor or a debtor dies, his heirs can only sue, or be sued, in proportion to their shares in the estate; and any claims, or remaining property, shall be divided among them in the same proportion.

Law V.

Where co-heirs desire to obtain their shares of the property of an estate, which has not yet been divided, it shall be divided. In order that this may be properly done and no loss be

sustained by the litigants, the Prætor shall appoint three arbiters, who can give to each one that to which he is entitled in accordance with law and equity.

Law VI.

When the head of a family dies intestate, and leaves a proper heir who has not reached the age of puberty, his nearest agnate shall obtain the guardianship.<sup>[1]</sup>

Law VII.

When no guardian has been appointed for an insane person, or a spendthrift, his nearest agnates, or if there are none, his other relatives, must take charge of his property.

#### TABLE VI. concerning ownership and possession.

Law I.

When anyone contracts a legal obligation with reference to his property, or sells it, by making a verbal statement or agreement concerning the same, this shall have the force and effect of law. If the party should afterwards deny his statements, and legal proceedings are instituted, he shall, by way of penalty, pay double the value of the property in question.

Law II.

Where a slave is ordered to be free by a will, upon his compliance with a certain condition, and he complies with the condition; or if, after having paid his price to the purchaser, he claims his liberty, he shall be free.

Law III.

Where property has been sold, even though it may have been delivered, it shall by no means be acquired by the purchaser until the price has been paid, or a surety or a pledge has been given, and the vendor satisfied in this manner.

Law IV.

Immovable property shall be acquired by usucaption after the lapse of two years; other property after the lapse of one year.

Law V.

Where a woman, who has not been united to a man in marriage, lives with him for an entire year without the usucaption of her being interrupted for three nights, she shall pass into his power as his legal wife.<sup>[1]</sup>

Law VI.

Where parties have a dispute with reference to property before the tribunal of the Prætor, both of them shall be permitted to state their claims in the presence of witnesses.

Law VII.

Where anyone demands freedom for another against the claim of servitude, the Prætor shall render judgment in favor of liberty.

Law VIII.

No material forming part of either a building or a vineyard shall be removed therefrom. Any one who, without the knowledge or consent of the owner, attaches a beam or anything else to his house or vineyard, shall be condemned to pay double its value.

Law IX.

Timbers which have been dressed and prepared for building purposes, but which have not yet been attached to a building or a vineyard can legally be recovered by the owner, if they are stolen from him.

Law X.

If a husband desires to divorce his wife, and dissolve his marriage, he must give a reason for doing so.

#### TABLE VII. concerning crimes.

Law I.

If a quadruped causes injury to anyone, let the owner tender him the estimated amount of the damage; and if he is unwilling to accept it, the owner shall, by way of reparation, surrender the animal that caused the injury.<sup>[1]</sup>

Law II.

If you cause any unlawful damage . . . <sup>[2]</sup> accidentally and unintentionally, you must make good the loss, either by tendering what has caused it, or by payment.

Law III.

Anyone who, by means of incantations and magic arts, prevents grain or crops of any kind belonging to another from growing, shall be sacrificed to Ceres.<sup>[3]</sup>

LAW IV.

If anyone who has arrived at puberty, secretly, and by night, destroys or cuts and appropriates to his own use, the crop of another, which the owner of the land has laboriously obtained by plowing and the cultivation of the soil, he shall be sacrificed to Ceres, and hung.

If he is under the age of puberty, and not yet old enough to be accountable, he shall be scourged, in the discretion of the Praetor, and shall make good the loss by paying double its amount.

LAW V.

Anyone who turns cattle on the land of another, for the purpose of pasture, shall surrender the cattle, by way of reparation.

LAW VI.

Anyone who, knowingly and maliciously, burns a building, or a heap of grain left near a building, after having been placed in chains and scourged, shall be put to death by fire.<sup>[1]</sup>

If, however, he caused the damage by accident, and without malice, he shall make it good; or, if he has not the means to do so, he shall receive a lighter punishment.

LAW VII.

When a person, in any way, causes an injury to another which is not serious, he shall be punished with a fine of twenty *asses*.

LAW VIII.

When anyone publicly abuses another in a loud voice, or writes a poem for the purpose of insulting him, or rendering him infamous, he shall be beaten with a rod until he dies.

LAW IX.

When anyone breaks a member of another, and is unwilling to come to make a settlement with him, he shall be punished by the law of retaliation.

LAW X.

When anyone knocks a tooth out of the gum of a freeman, he shall be fined three hundred *asses*; if he knocks one out of the gum of a slave, he shall be fined a hundred and fifty *asses*.

LAW XL

If anyone, after having been asked, appears either as a witness or a balance-holder, at a sale, or the execution of a will, and refuses to testify when this is required to prove the genuineness of the transaction, he shall become infamous, and cannot afterwards give evidence.

LAW XII.

Anyone who gives false testimony shall be hurled from the Tarpeian Rock.

LAW XIII.

If anyone knowingly and maliciously kills a freeman, he shall be guilty of a capital crime. If he kills him by accident, without malice and unintentionally, let him substitute a ram to be sacrificed publicly by way of expiation for the homicide of the deceased, and for the purpose of appeasing the children of the latter.

LAW XIV.

Anyone who annoys another by means of magic incantations or diabolical arts, and renders him inactive, or ill; or who prepares or administers poison to him, is guilty of a capital crime,<sup>[1]</sup> and shall be punished with death.

LAW XV.

Anyone who kills an ascendant, shall have his head wrapped in a cloth, and after having been sewed up in a sack, shall be thrown into the water.<sup>[2]</sup>

LAW XVI.

Where anyone is guilty of fraud in the administration of a guardianship, he shall be considered infamous; and, even after the guardianship has been terminated, if any theft is proved to have been committed, he shall, by the payment of double damages, be compelled to make good the loss which he caused.

Law XVII.

When a patron defrauds his client, he shall be dedicated to the infernal gods.

#### TABLE VIII. concerning the laws op real property.

Law I.

A space of two feet and a half must be left between neighboring buildings.<sup>[1]</sup>

Law II.

Societies and associations which have the right to assemble, can make, promulgate, and confirm for themselves such contracts and rules as they may desire; provided nothing is done by them contrary to public enactments, or which does not violate the common law.

Law III.

The space of five feet shall be left between adjoining fields, by means of which the owners can visit their property, or drive and plow around it. No one shall ever have the right to acquire this space by usucaption.

Law IV.

If any persons are in possession of adjoining fields, and a dispute arises with reference to the boundaries of the same, the Prætor shall appoint three arbiters, who shall take cognizance of the case, and, after the boundaries have been established, he shall assign to each party that to which he is entitled.

Law V.

When a tree overhangs the land of a neighbor, so as to cause injury by its branches and its shade, it shall be cut off fifteen feet from the ground.

Law VI.

When the fruit of a tree falls upon the premises of a neighbor, the owner of the tree shall have a right to gather and remove it.

Law VII.

When rain falls upon the land of one person in such a quantity as to cause water to rise and injure the property of another, the Prætor shall appoint three arbiters for the purpose of confining the water, and providing against damage to the other party.

Law VIII.

Where a road runs in a straight line, it shall be eight feet, and where it curves, it shall be sixteen feet in width.

Law IX.

When a man's land lies adjacent to the highway, he can enclose it in any way that he chooses; but if he neglects to do so, any other person can drive an animal over the land wherever he pleases.

#### TABLE IX. concerning public law.

Law I.

No privileges, or statutes, shall be enacted in favor of private persons, to the injury of others contrary to the law common to all citizens, and which individuals, no matter of what rank, have a right to make use of.

Law II.

The same rights shall be conferred upon, and the same laws shall be considered to have been enacted for all the people residing in and beyond Latium, that have been enacted for good and steadfast Roman citizens.

Law III.

When a judge, or an arbiter appointed to hear a case, accepts money, or other gifts, for the purpose of influencing his decision, he shall suffer the penalty of death.

Law IV.

No decision with reference to the life or liberty of a Roman citizen shall be rendered except by the vote of the Greater *Comitia*.

Law V. Public accusers in capital cases shall be appointed by the people.<sup>[1]</sup>

Law VI.

If anyone should cause nocturnal assemblies in the City, he shall be put to death.

Law VII.

If anyone should stir up war against his country, or delivers a Roman citizen into the hands of the enemy, he shall be punished with death.



TABLE X. Concerning religious law.

Law I.

An oath shall have the greatest force and effect, for the purpose of compelling good faith.

Law II.

Where a family adopts private religious rites every member of it can, afterwards, always make use of them.<sup>[1]</sup>

Law III. No burial or cremation of a corpse shall take place in a city.<sup>[2]</sup>

Law IV.

No greater expenses or mourning than is proper shall be permitted in funeral ceremonies.

Law V.

No one shall, hereafter, exceed the limit established by these laws for the celebration of funeral rites.

Law VI.

Wood employed for the purpose of constructing a funeral pyre shall not be hewn, but shall be rough and unpolished.

Law VII.

When a corpse is prepared for burial at home, not more than three women with their heads covered with mourning veils shall be permitted to perform this service. The body may be enveloped in purple robes, and when borne outside, ten flute players, at the most, shall accompany the funeral procession.

Law VIII.

Women shall not during a funeral lacerate their faces, or tear their cheeks with their nails; nor shall they utter loud cries bewailing the dead.

Law IX.

No bones shall be taken from the body of a person who is dead, or from his ashes after cremation, in order that funeral ceremonies may again be held elsewhere. When, however, anyone dies in a foreign country, or is killed in war, a part of his remains may be transferred to the burial place of his ancestors.

Law X.

The body of no dead slave shall be anointed; nor shall any drinking take place at his funeral, nor a banquet of any kind be instituted in his honor.

Law XI.

No wine flavored with myrrh, or any other precious beverage, shall be poured upon a corpse while it is burning; nor shall the funeral pile be sprinkled with wine.

Law XII.

Large wreaths<sup>[1]</sup> shall not be borne at a funeral; nor shall perfumes be burned on the altars.

Law XIII.

Anyone who has rendered himself deserving of a wreath, as the reward of bravery in war, or through his having been the victor in public contests or games, whether he has obtained it through his own exertions or by means of others in his own name, and by his own money, through his horses, or his slaves, shall have a right to have the said wreath placed upon his dead body, or upon that of any of his ascendants, as long as the corpse is at his home, as well as when it is borne away; so that, during his obsequies, he may enjoy the honor which in his lifetime he acquired by his bravery or his good fortune.

Law XIV.

Only one funeral of an individual can take place; and it shall not be permitted to prepare several biers.

Law XV.

Gold, no matter in what form it may be present, shall, by all means, be removed from the corpse at the time of the funeral; but if anyone's teeth should be fastened with gold, it shall be lawful either to burn, or to bury it with the body.

Law XVI.

No one, without the knowledge or consent of the owner, shall erect a funeral pyre, or a tomb, nearer than sixty feet to the building of another.

Law XVII.

No one can acquire by usucaption either the vestibule or approach to a tomb, or the tomb itself.

Law XVIII.

No assembly of the people shall take place during the obsequies of any man distinguished in the State.

TABLE XI. supplement to the five preceding ones.

Law I.

Affairs of great importance shall not be transacted without the vote of the people, with whom rests the power to appoint magistrates, to condemn citizens, and to enact laws. Laws subsequently passed always take preference over former ones.

Law II.

Those who belong to the Senatorial Order and are styled Fathers, shall not contract marriage with plebeians.

TABLE XII. supplement to the five preceding ones.

Law I.

No one shall render sacred any property with reference to which there is a controversy in court, where issue has already been joined; and if anyone does render such property sacred, he shall pay double its value as a penalty.

Law II.

If the claim of anyone in whose favor judgment was rendered after the property had been illegally seized, or after possession of the same had been delivered, is found to be false, the Prætor shall appoint three arbiters, by whose award double the amount of the profits shall be restored by him in whose favor the judgment was rendered.

Law III.

If a slave, with the knowledge of his master, should commit a theft, or cause damage to anyone, his master shall be given up to the other party by way of reparation for the theft, injury, or damage committed by the slave.

END OF THE LAWS OF THE TWELVE TABLES.

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