

The Twelve Tables

Translated and arranged by P. R. Coleman-Norton

Table I. Proceedings Preliminary to Trial

1. If the plaintiff summons the defendant to court, the defendant shall go. If the defendant does not go, the plaintiff shall call a witness thereto. Then only the plaintiff shall take the defendant by force.

2. If the defendant attempts evasion or take to flight, the plaintiff shall lay hand on the defendant.

3. If disease or old age shall be an impediment, he who shall summon the defendant to court shall grant him a conveyance; if the plaintiff shall not wish, the plaintiff shall not spread a covered carriage with cushions.

4. For a freeholder (taxpayer whose fortune is valued at not less than 1,500 copper coins) a freeholder shall be surety for his appearance at trial. For a proletary (non-taxpayer whose fortune is rated at less than a freeholder's) any one who shall be willing shall be surety.

5. When the parties come to terms, an official shall announce it.

6. If the parties do not agree on terms, they shall state their cases in the *comitium* [meeting-place] or, in the *forum* [market-place] before noon. Both parties shall appear in person and shall argue the matter.

7. If one of the parties shall not have appeared, after noon the judge shall adjudge the case in favor of him present.

8. If both parties be present, sunset shall be the time-limit of the proceedings.

9. Both parties shall post sureties and subsureties for their appearance.

Table II. Trial

1. The legal action of solemn deposit demands that each litigant shall wager either 500 copper coins or 50 copper coins: 500 copper coins for solemn deposit when the subject of the dispute is valued at 1,000 copper coins or more, 50 copper coins when estimated at less than 1,000 copper coins. But if the controversy concerns the liberty of a human being, however valuable may be the person, the solemn deposit shall be 50 copper coins.

2. A dangerous disease or a day appointed for the hearing of a case with an alien, when the latter is a party . . . If any of these circumstances be an impediment for judge or arbitrator or party, on this account the day of trial shall be deferred.

3. Whoever shall have need of evidence, he shall go on every third day to cry before the doorway of the witness's house.

Table III. Debt

1. Of debt acknowledged and for matters judged in court thirty days shall be allowed by law for payment or for satisfaction.

2. After that elapse of thirty days without payment hand shall be laid on the debtor. He shall be brought into court.

3. Unless the debtor discharges the debt or unless some one appears in court to guarantee payment for him, the creditor shall take the debtor with him. He shall bind him either with thong or with fetters, of which the weight shall be not less than fifteen pounds or shall be more, if the creditor chooses.

4. If the debtor chooses, he shall live on his own means. If he cannot live on his own means, the creditor, who shall hold him in bonds, shall give him a pound of bread daily; if the creditor shall so desire, he shall give him more.

5. Unless the debtors make a compromise, the debtors shall be held in bonds for sixty days. During those days they shall be brought to the magistrate into the *comitium* on three successive market-days and the amount for which they have been judged liable shall be declared publicly. Moreover on the third market-day the debtors shall suffer capital punishment or shall be delivered for sale beyond the Tiber River.

6. On the third market-day the creditors shall claim shares of the debtor's property. If they shall have claimed more or less than their shares, it shall be with impunity.

Table IV. Paternal Power

1. A dreadfully deformed child shall be killed quickly.

2. If a father thrice surrender a son for sale, the son shall be free from the father.

3. To repudiate his wife, her husband shall order her to mind her own affairs, shall take her keys, and shall expel her.

4. Into a legal inheritance an infant is admitted, if he shall have been born within 10 months of the death of his father.

Table V. Inheritance and Guardianship

1. Women shall remain under guardianship, even though they shall become of full age which is 25 years. The Vestal Virgins are excepted and shall be free from control.

2. The movable possessions of a woman who is under tutelage of her agnates [blood relatives on her father's side] shall not be

acquired rightfully by long usage or long possession, save if these possessions by herself shall have been delivered with the sanction of her guardian.

3. According as a person shall have ordered regarding his property or the guardianship of his estate, so shall be the law.

4. If a person die intestate and have no self-successor, the deceased's nearest male agnate shall have possession of the estate.

5. If there be no male agnate, the deceased's clansmen shall have possession of the estate.

6. To persons for whom a guardian shall not have been appointed by will, to them their agnates shall be guardians.

7. If a person be insane, if there be not a guardian for him, rightful authority over his person and over his property shall belong to his agnates and in default of these to his clansmen. If a person be a spendthrift, he shall be prohibited from administering his own goods and he shall be under the guardianship of his agnates.

8. If a freedman shall have died intestate without self-successor, his patron shall take the inheritance of a Roman citizen-freedman . . . from said household into said household.

9. Items which are in the category of debts due to or incurred by a deceased person shall be divided among his heirs by mere operation of law in proportion to their portions of the inheritance.

10. Apportionment of an estate occurs, when coheirs wish to withdraw from common and equal participation in the inheritance

Table VI. Ownership and Possession

1. When a person shall make bond and conveyance, according as he has specified with his tongue, so shall be the.

2. Both conveyance and surrender in court are confirmed.

3. Articles which have been sold and delivered are not acquired by the buyer otherwise than if he has paid the price to the seller or has satisfied him in some other way, that is, by providing a guarantor or a security.

4. It shall be sufficient to make good those faults which have been named by one's tongue, while for those flaws which the vendor has denied expressly, when asked about these, the vendor shall undergo a penalty of double damages.

5. For a loyal person and for a person restored to allegiance there shall be the same right of bond and of conveyance with the Roman people.

6. Against an alien title of ownership shall be valid forever.

7. A prescriptive title of movable things is completed by one year's possession, but a prescriptive title of an estate and of buildings is completed by two years' possession.

8. A person who had been a slave and who has been declared to be a free man in a will on some condition, if he shall have given 10,000 copper coins to the heir, although the slave has been alienated by the heir, by giving the money to the purchaser shall enter into his freedom.

9. If any woman not married be unwilling to be subjected in this manner by possession to the hand of her husband, she shall be absent from his house for three successive nights in every year and by this means shall interrupt the possession of each year.

10. If the parties join their hands on the disputed property when pleading in court, the actual possessor shall retain provisional possession; but, when it is a case of personal freedom, the magistrate shall grant the right of claim provisionally to the party asserting the person's freedom.

11. If he find that another has used his timber in building a house or in supporting vines, a person shall not dislodge from the framework the timber fixed in buildings in vineyard; but he shall have the right of action for double damages against him who has been convicted of fixing such timber.

12. Whenever the vines have been pruned, until fruit shall have been gathered therefrom, the owner shall not recover the timber.

Table VII. Real Property

1. Ownership within a strip of five feet along a boundary shall not be acquired by long usage.

2. The way round each outer wall of a building shall be two and one-half feet.

3. If the parties disagree, boundaries shall be marked by three arbitrators.

4. Regulations relating to inclosures, inherited plots, cottages.

5. The width of a road extends to eight feet on a straight stretch, but it extends to sixteen feet on a bend.

6. Neighboring persons shall mend the roadway. If they keep it not laid with stones, one shall drive one's beast vehicles across the land where one shall wish.

7. If rain-water do damage through artificial diversion from its natural channels, the offending owner shall be restrained by an arbitrator.

8. If a water-course directed through a public place shall do damage to a private person, to the same private person shall be the right to bring an action, that damage shall be repaired for the owner.

9. Branches of a tree may be lopped all around to a height of fifteen feet. If a tree on a neighbor's farm be bent crooked by the wind and lean over one's farm, one can take legal action for removal of that tree or at least of the offending part of it.

10. The owner of a tree may gather its fruit which falls upon another's farm.

Table VIII. Torts or Delicts

1. If any person had sung or had composed a song, which caused slander or insult to another person . . . he should be clubbed to death.

2. A person who had sung an evil spell . . .

3. If a person has broken another's limb, unless he make agreement for compensation with him, there shall be retaliation in kind.

4. If a person has broken or has bruised a bone with hand club, he shall undergo a penalty of 300 copper coins, if to an injured freeman, or of 150 copper coins, if to an injured slave.

5. If a person shall have done simple harm to another, penalties shall be 25 copper coins.

6. If a person shall have caused loss . . .

7. If a quadruped shall be said to have caused damage, legal action shall be sanctioned either for the surrender of the animal which made the damage or for the offer of assessment for the damage.

8. If a person pasture his cattle on a neighbor's land, he shall be liable to a legal action.

9. He who has enchanted crops . . . nor should he decoy another's corn . . .

10. For pasturing on or for cutting secretly by night another's crops acquired by tillage shall be in the case of an adult hanging and death by sacrifice to Ceres; a person under the age of puberty (under 15 years of age) shall either be scourged at the discretion of the magistrate or make composition by paying double damages for the harm done.

11. Who shall have destroyed by burning a building or a stack of corn set alongside a house is ordered to be bound, scourged, burned to death, provided that knowingly and consciously he shall have committed this; but if this be by accident or by negligence, either he is ordered to repair the damage or, if he be too poor to be competent for such punishment, he shall be chastised more lightly.

12. Any person who shall have felled wrongfully other persons' trees shall pay 25 copper coins for every tree.

13. If theft has been done by night, if owner has killed the thief, the thief shall be held killed lawfully.

14. It is forbidden that a thief be killed by day . . . Unless the thief defend himself with a weapon, even though the thief shall have come with a weapon, unless the thief shall use that weapon and shall resist, you shall not kill him. And even if the thief resist, you shall shout, that some persons may hear and assemble.

15. In the case of all other thieves caught in the act it is ordained that freemen be scourged and be adjudged [as bondsmen] to the person against whom the theft has been committed, provided that they had done this by day and had not defended themselves with a weapon; that slaves caught in the act of theft be whipped with scourges and be thrown from the rock; that boys below the age of puberty (under 15 years old) be flogged at [the magistrate's] discretion and that damage done by them be repaired.

16. Thefts which have been discovered through use of platter and loincloth shall be punished just as if the culprits had been caught in the act. For cases of stolen goods discovered by other means than by platter and loincloth or introduced the penalty is triple damages.

17. If a person plead on case of theft, in which the thief shall not be caught in the act, the thief shall compound for the loss by paying double damages.

18. A stolen thing is debarred from prescription.

19. No person shall practise usury at a rate of more than one-twelfth . . . if he do, a usurer shall be condemned for quadruple damages.

20. In a suit concerning an article deposited with a person who has failed to return the article legal action for double damages is granted.

21. If guardians be suspected of mal-administration, there is the right to accuse them on suspicion . . . the legal action against guardians shall be for double damages.

22. If a patron shall have defrauded a client, he shall be forfeited solemnly.

23. Whoever shall have allowed himself to be called as a witness or shall have been a scales-bearer, if he as a witness pronounce not his testimony, he shall be dishonored and incapable of giving evidence.

24. The penalty for false testimonies is that any person who has been convicted of speaking false witness shall be precipitated from the Tarpeian Rock.

25. If a weapon has sped from one's hand rather than if the wielder has hurled it, . . . he shall atone for the accidental deed by providing the substitution of a ram as a peace-offering to prevent blood-revenge.

26. For administering a noxious drug . . .

27. No person shall hold nocturnal meetings in the city.

28. Members of guilds have the power to make for themselves any binding rule which they may wish, provided that they violate nothing in accordance with public law.

Table IX. Public Law

1. Laws of personal exception shall not be proposed.

2. Laws concerning the person of a citizen shall not be passed except by the greatest assembly and through those whom the consuls have placed upon the registers of the citizenry.

3. A judge or an arbitrator legally appointed, who has been convicted of receiving money for declaring a decision, shall be punished capitally.

4. Provisions pertaining to the investigators of murder appointed to have charge over capital cases.

5. Whoever shall have incited a public enemy or whoever shall have delivered a citizen to a public enemy shall be punished capitally.

6. It is forbidden to put to death . . . unconvicted any one whomsoever.

Table X. Sacred Law

1. A dead person shall not be buried or burned in the city.

2. More than this shall not be done. The funeral pyre shall not be smoothed with the axe.

3. Expenses of a funeral shall be limited to three mourners wearing veils and one mourner wearing a small purple tunic and ten flute-players.

4. Women shall not tear their cheeks or have a sorrowful outcry on account of the funeral.

5. The bones of a dead person shall not be collected that one may make a funeral afterward. An exception is for death in battle or on foreign soil.

6. Anointing by slaves and every kind of drinking-bout is abolished . . . there shall be no costly sprinkling, no myrrh-spiced drink, no long garlands, no incense-boxes.

7. Whoever wins a crown himself or through his chattel or by his valor, a crown is bestowed on him, when he is burned or buried . . . on him (who has won it) and on his father it shall be laid with impunity.

8. This also shall not be done: to make more than one funeral and to spread more than one bier for one person.

9. Gold shall not be added to a corpse. But him whose teeth shall have been fastened with gold, if a person shall bury or shall burn him with that gold, it shall be with impunity.

10. It is forbidden for a new pyre or a burning-mound to be erected nearer than sixty feet to another person's buildings without the owner's consent.

11. It is forbidden for a vestibule of a sepulcher and a burning-mound to be acquired by prescriptive title.

Table XI. Supplementary Laws

1. Intermarriage between plebeians and patricians shall not occur.

2. Regulations concerning intercalation.

3. Declaration concerning days deemed favorable for official legal action.

Table XII. Supplementary Laws

1. There shall lie a levy of distress against a person who has bought an animal for sacrifice and pays not the price; likewise against a person who makes not payment for that yoke-beast which any one has lent for this purpose, that therefrom he may raise money to spend on a sacred banquet sacrifice.

2. If a slave shall have committed theft or shall have done damage . . . with his master's knowledge . . . the action for damages is in the slave's name. Arising from delicts committed by children and by slaves of a household . . . actions for damages shall be appointed, that the father or the master can be allowed either to undergo assessment of the suit or to deliver the delinquent for punishment.

3. If a person has taken a thing by a false claim, if he should wish . . . the magistrate shall grant three arbitrators; by their adverse arbitration . . . the defendant shall compound for loss caused by paying double damages from enjoyment of the article.

4. It is forbidden to dedicate for consecrated use any thing of which there is a controversy about its ownership; otherwise a penalty of double the amount involved shall be suffered.

5. Whatsoever last the people have ordained, this shall be binding and valid.

Unplaced Fragments

There are extant about a dozen fragments of whose place in the Twelve Tables we are ignorant. In nearly every instance these fragments consist of only one word or phrase, which later Latin antiquarians have preserved to illustrate an ancient spelling or to explain an archaic usage or to point a definition.

The longest fragment only is worth reproduction for the present purpose: To appeal from any judgement and sentence is allowed.

END OF TEXT

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