

# THE ROMAN LAWS OF THE TWELVE TABLES, c.449 BCE

(A REPRESENTATIVE SELECTION)



## PROCEEDINGS BEFORE TRIAL

Accused must attend court

In case of apprehension, accuser shall grant transportation

A witness can stand in for the accused

Leading court can lead to forced appearance

If both parties are present proceedings end at sunset



## TRIAL PROCEDURES

Severe fines of any party may delay trial

Party needing witness or evidence may call the home of the witness every 3rd day



## LAND RIGHTS

Dispute allows travelers to choose alternate route on road built by someone on his land

Fallen tree from neighbor's farm can be rightfully removed

Fruits falling from one's trees onto neighbor's land can be kept by the neighbor



## LAWS OF INJURY

Striking or creating harmful incantations leads to execution

Injuring another results in reciprocal injury or compensation

False testimony leads to being thrown from the Tarpeian Rock

Nighttime gatherings within the city are prohibited



## JUDGMENT ON DEBT

30 days allowed for continued debt payment

If unpaid, creditor can keep debtor in chains no lighter than 15 pounds

60 days allowed to reach compromise

Unresolved debt leads to debtor's execution or sale into slavery across the Tiber



## PATRIARCHAL POWERS

Deformed child shall be killed at birth

Father has authority over children's lives

Son becomes free if sold into slavery 3 times by the father

Husband can divorce wife by instructing her to take her belongings and leave



## INHERITANCE & GUARDIANSHIP

Women post-Verul (Virgins) always under guardianship due to frailty of character

Reckless spenders can't manage by guardians, nearest male relative has authority over these individuals

Estate of one without direct male heir goes to nearest male relative in the male lineage



## OWNERSHIP & POSSESSION

Verbal promises are binding

Continuous cohabitation for 1 year is considered marriage

Open and continuous land use for 3 years grants ownership claim (1 year for other things)



## PUBLIC LAW

Laws must not be made or decided secretly or exclusively

Laws of personal exceptions and privileges are forbidden

Judges accepting bribes for decisions face execution

No one should be executed without proven guilt in court



## FUNERAL RITES

No burial or burning of dead in the city

No gathering of bones for second funeral, except for death in battle or abroad

Prohibition on excessive drinking and displays of wealth

Adorning corpse with gold is forbidden, excluding existing gold dental work



## SUPPLEMENT: MARRIAGE

Inter-marriage of plebeians and patricians prohibited

Godfathers must delay marriage until completing training

Regulations set for permissible fact of legal proceedings and judgments



## SUPPLEMENT: PUNISHMENTS

Decisions and enactments by the Roman people are legally binding

False accusations face double penalty or death

Eight forms of punishment: fines, shackles, flogging, law suits, reciprocal injury, public humiliation, exile, enslavement and execution



# Studies In Roman Law

**Thomas Mackenzie**



## Studies In Roman Law:

**Studies in Roman Private Law** Alan Watson,1990-07-01 This edited collection brings together recent scholarship on the understanding of Roman private law From studying the Latin texts of some of the most famous and influential Roman scholars such as Livy and Cicero Watson has built an invaluable resource on the details of Roman law The topics covered in this volume include Eruptio gentis the right to marry outside the gens Manus marriage Divorce Acquisition of Possession Acquisition of Ownership Acquisition of Young Drunkenness Personal injuries Including analysis of little studied Latin texts this important volume comes from one of the world s foremost authorities on Roman law comparative law legal history and law and religion

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Studies in Roman Law Reuven Yaron,1968 *Studies in Roman Law* T. Mackenzie,1898 The Oxford Handbook of Roman Law and Society Paul J. du Plessis,Clifford Ando,Kaius Tuori,2016 The Handbook is intended to survey the landscape of contemporary research and chart principal directions of future inquiry Its aim is to bring to bear upon Roman legal study the full range of intellectual resources of contemporary legal history from comparison to popular constitutionalism from international private law to law and society This unique contribution of the volume sets it apart from others in the field Furthermore the volume brings the study of Roman law into closer alignment and thus into dialogue with historical sociological and anthropological research in law in other periods The volume is therefore directed not simply to ancient historians and legal historians already focused on the ancient world but to historians of all periods interested in law and its complex and multifaceted relationship to society Studying Roman Law Paul du Plessis,2013-09-30 Studying Roman Law is an introductory guide aimed at sixth formers students and those with a general interest wishing to obtain a basic overview of Roman private law during the first three centuries of the Common Era It is not meant to be a replacement for more comprehensive and technical manuals on Roman law but should rather be seen as introductory reading Written in non specialist language it contains a basic overview of the sources of Roman private law and a guide to their use together with a survey of the main areas of the law using primary sources in translation It also explains the different contexts in which these rules arose and operated as well as the mechanisms by which they were enforced against the backdrop of one of the most sophisticated and influential legal systems of the ancient world *Law in the Roman Provinces* Kimberley

Czajkowski,Benedikt Eckhardt,Meret Strothmann,2020-06-10 The study of the Roman Empire has changed dramatically in

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