

# 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 INSULT

Slapping or creating harmful insulations 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. Verbal (Verborum) 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

**Annelies Wilder-Smith**



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