

The Twelve Tables, c. 450 B.C.E.

Table I.

1. If anyone summons a man before the magistrate, he must go. If the man summoned does not go, let the one summoning him call the bystanders to witness and then take him by force.

Table II.

2. He whose witness has failed to appear may summon him by loud calls before his house every third day.

Table III.

1. One who has confessed a debt, or against whom judgment has been pronounced, shall have thirty days to pay it in. After that, forcible seizure of his person is allowed. The creditor shall bring him before the magistrate. Unless he pays the amount of the judgment or someone in the presence of the magistrate interferes on his behalf as protector, the creditor so shall take him home and fasten him in stocks or fetters. He shall fasten him with not less than fifteen pounds of weight or, if he chooses, with more. If the prisoner choose, he may furnish his own food. If he does not, the creditor must give him a pound of meal daily; if he choose he may give him more.

Table IV.

1. A dreadfully deformed child shall be quickly killed.
2. If a father sell his son three times, the son shall be free from his father.
3. As a man has provided in his will in regard to his money and the care of his property, so let it be binding. If he has no heir and dies [without a will], let the nearest agnate [male relative] have the inheritance.
5. A child born after ten months since the father's death will not be admitted into a legal inheritance.

Table V.

1. Females should remain in guardianship even when they have [reached adulthood].
3. The provisions of the will of a paterfamilias [head of the household] concerning his property shall be under the power of his relatives.

Table VI.

1. When one makes a bond and a [transferral] of property, as he has made formal [contract] so let it be binding.

Table VII.

1. Let them keep the road in order. If they have not paved it, a man may drive his team where he likes.
9. Should a tree on a neighbor's farm be bent crooked by the wind and lean over your farm, you may take legal action for removal of that tree.
10. A man might gather up fruit that was falling down onto another man's farm.

Table VIII.

2. If one has maimed a limb and does not compromise with the injured person, let there be retaliation. If one has broken a bone of a freeman with his hand or with a cudgel, let him pay a penalty of three hundred coins. If he has broken the bone of a slave, let him pay one hundred and fifty coins. If one is guilty of insult, the penalty shall be twenty-five coins.
10. Any person who destroys by burning any building or heap of corn deposited alongside a house shall be bound, scourged, and put to death by burning at the stake provided that he has committed the said misdeed with malice aforethought; but if he shall have committed it by accident, that is, by negligence, it is ordained that he repair the damage or, if he be too poor to be competent for such punishment, he shall receive a lighter punishment.

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

13. It is unlawful for a thief to be killed by day....unless he defends himself with a weapon; even though he has come with a weapon, unless he shall use the weapon and fight back, you shall not kill him. And even if he resists, first call out so that someone may hear and come up.

23. A person who had been found guilty of giving false witness shall be hurled down from the Tarpeian Rock.

26. No person shall hold meetings by night in the city.

Table IX.

4. The penalty shall be capital for a judge or arbiter legally appointed who has been found guilty of receiving a bribe for giving a decision.

5. Treason: he who shall have roused up a public enemy or handed over a citizen to a public enemy must suffer capital punishment.

6. Putting to death of any man [who has not been convicted] is forbidden.

Table X.

1. No one is to bury or burn a corpse in the city.

Table XI.

1. Marriages should not take place between plebeians and patricians.

Table XII.

2. If a slave shall have committed theft or done damage with his master's knowledge, the action for damages is in the slave's name.

5. Whatever the people had last ordained should be held as binding by law.

Source:

From: Oliver J. Thatcher, ed., *The Library of Original Sources* (Milwaukee: University Research Extension Co., 1901), Vol. III: *The Roman World*, pp. 9-11.

Scanned by: J. S. Arkenberg, Dept. of History, Cal. State Fullerton. Prof. Arkenberg has modernized the text.

READING AND COMPREHENSION QUESTIONS

Answer the following questions on your OWN paper. Make sure you restate the questions and use complete sentences. Source specific laws by citing the table number and the number of the law.

1. What do these laws say about Roman values (what they consider to be important)?
2. Which law do you think is the most fair? Why? Which is the most unfair? Why?
3. Which law deals with due process, the idea that an accused person is innocent until proven guilty?
4. How do the Twelve Tables show inequality in Roman society?
5. Explain how the Twelve Tables influenced modern law.