

Book VII.
Title III.

Concerning the annulment of the law Fufia Caninia.
(De lege Fufia Caninia tollenda.)

Inst. 1.7.

7.3.1. Emperor Justinian to Mena, Pret. Prefect.

We direct that a bequest of freedom made in a testament, either directly or indirectly (by way of trust), shall be just as valid as freedom bestowed among the living, and the law Fufia Caninia shall cease (to be valid) in the future and shall not prevent indulgent orders of testators, in favor of their slaves, to be carried into effect.
Given at Constantinople June 1 (528).

Note.

The law Fufia Caninia was passed in the reign of Augustus, was designed to put a check on reckless testamentary manumissions by which testators sought to glorify themselves. An owner of three slaves could manumit only two; an owner of from four to ten, only one-half; and owner of eleven to thirty, only a third; and owner of thirty-one to one hundred, only a fourth; and in no case more than one hundred. The slaves manumitted must be specified by name; if their names were arranged in a circle and more than the lawful number were manumitted, none received their freedom. See Gaius 1.42-46; Ulpian seq. 1.24.25; Paul Sent. 4.14. Justinian, in Inst. 1.7, says: "By the law Fufia Caninia a limit was placed on the number of slaves who could receive testamentary manumission; but we have thought proper to repeal this law, as an obstacle to freedom, and to some extent invidious, for it was certainly inhuman to take away from a man on his deathbed the right of liberating the whole of his slaves, which he could have exercised at any moment during his lifetime, unless there were some other obstacle to the manumission."