

Book IV.
Title LV.¹

If a slave is sold to be exported.
(Si servus exportandus veneat.)

4.55.1. Emperors Severus and Antoninus to Petronia Flavilla.

Slaves exported pursuant to a condition of the contract of sale and which provides further that they may be resealed (if not exported), may, before condition broken, be manumitted by the purchaser or his successor in interest.

1. They will, however, after manumission, be claimed by the fisc, and sold into perpetual slavery under the same condition, if they are found in places prohibited by the contracting parties.

2. Reseizure (by the seller) before manumission is not denied, and such slaves will not, therefore, be claimed by the fisc (in such case).

Promulgated September 17 (200).

Note.

Slaves were numerous in the Roman empire. They were often sold subject to certain conditions, some of which were for the benefit of the vendor, some for the benefit of the slave, and some as a mere punishment. If a slave was sold on condition to be exported, the condition was entirely for the benefit of the vendor, or regarded as a condition for his protection, and could be waived by him. D. 18.7.1; Vat. Frag. 6. If not remitted, and the slave was manumitted instead of being exported, the manumission was void. C. 4.55.3. And he could, in that event, as stated in the foregoing law, and if he returned with the consent of the owner, also be resealed by the original vendor, provided that a condition of reseizure was embodied in the contract of sale; if no such condition was made, but only a stipulation was exacted for a money penalty, then no such right of reseizure by the original vendor existed; he, in that case, could only recover the money penalty, and the slave was forfeited to the fisc. Law 2 h.t.

4.55.2. The same Emperors to Sezus Nedymus.

If you exacted a stipulation to the effect that you would have a right of reseizure, you can use that right. But if you failed to do so and only have a stipulation for a penalty, the slave indeed will be forfeited to the fisc and you will have your action on the stipulation. The question in all such matter, however, is whether the slave came, by the consent of the master, into a prohibited place. Promulgated October 26 (200).

Note.

If the slave returned to the prohibited place without the consent of the master, or became a fugitive, the penalty imposed did not apply. A slave could not impose liabilities on the master in that way. D. 18.7.9.

4.55.3. Emperor Alexander to Novius, freedman.

If the female slave was sold upon condition to be exported, and is not exported, but she is manumitted by the purchaser who remains in the same city, she could not acquire her liberty contrary to the condition of sale, and if you, therefore, go before my procurator, he will do his duty.

¹ [Blume] Rev. 2/20/32.

Promulgated March 12 (223).

4.55.4. The same Emperor to Aurelisu Papia.

I am moved by what you say that you, their master, were sold by your own slaves, upon that you should not remain in your fatherland, and that you were manumitted by the person to whom the first purchaser had sold you. 1. Wherefore a competent judge will lend his authority against the party whom you say is present, and if the accusation is true, will, as an example, vindicate such execrable crime with capital punishment. But till you shall prove what you allege, your status seems to be what it was found to be after manumission.

Promulgated June 21 (224).

Note.

It will be noted that it seems to have been possible at times for slaves to sell their own master.

4.55.5. The same emperor to Sextianus Serapion.

A slave sold by the master to be exported from his city, must also remain away from Rome; if such slave is to be exported from a certain province, he must also remain away from Italy. Hence if you can prove that the condition agreed on has been violated, you can use the right which you have on that account.

Promulgated January 27 (225).