

Book IV.
Title LVI.

If a slave is sold upon condition not to be prostituted.
(Si mancipium ita venierit ne prostituatur.)

4.56.1. Emperor Alexander to Socrates.

If a female slave was sold upon condition that she should be taken away (from the holder), if she should be prostituted, the prefect of the city, our friend, will give the person (who first sold her upon such condition), to whom such right is granted by the constitution of the divine Hadrian, the power to take her away; but if the prefect learns that such person, contrary to the condition which he fixed himself, has permitted the woman to be used for dishonorable gain, she is, according to the rule laid down by the same emperor, entitled to liberty, and the prefect will cause her to be taken before the praetor, who has jurisdiction of causes concerning liberty, so that a suit may be instituted, and the condition of sale once made, will not be destroyed because ownership has passed through several successive purchasers without similar condition, to the party who first prostituted her.¹

Promulgated October 30 (223).

4.56.2. The same Emperor to Severus.

The woman who, according to your statement, was sold upon condition that she should not be prostituted, and if she were, should become free, should be caused by the official staff² to be brought before the (proper) tribunal, so that, if a controversy arises over the pact, the cause may be conducted before the person who has jurisdiction thereof. If the pact was made, and the condition therein fixed has arisen, the woman is entitled to her liberty. And the condition is valid although not inserted in the contract of sale, and shown only by letter, or proved to have been made orally.

Promulgated December 1 (223).

4.56.3. The same Emperor to Aurelius Aelius.

A female slave who is sold upon condition that her body should not be made an object for gain should not be prostituted in an inn under the pretense of rendering service, lest the condition be evaded through fraud.

Promulgated January 13 (225).

¹ [Blume] Prostituting female slaves was forbidden by Emperor Leo and Justinian. C. 11.41.6 and 7. Nov. 14. See also D. 18.1.56; D. 40.8.6 and 7.

² [Blume] Officium militare. The rescript seems to have been addressed to the prefect of the city.