

Book XI.
Title XXXVII. (XXXVI)

That no free man shall be compelled against his will to manage a business matter (actum)
of the public.
(Ne quis liber invitus actum rei publicae gerere cogatur.)

11.37.1. Emperor Alexander to Urbicus.

If, as you state, you were given your freedom by a decree of the local senate, the curator of the city must not be unaware that you should not be compelled against your will, to manage a business matter of the city, since slaves should perform such duty.

Note.

It is shown by C. 10.71.3 that tabularii, city clerks who also kept the account of the municipality were, in Justinian's time, free men, and it is stated in the note to that law that the tendency was to displace slaves by free men. That subject is fully discussed by Buckland, Roman Law of Slavery 318-324. We find in the instant law that some of the duties, clerical in nature, were evidently still in Justinian's time performed by public slaves. The duty so performed is referred to as "actum gerere." An 'actor' publicus administered public property and kept accounts. But the term evidently was intended to have a more limited meaning here, since the tabularius was a free man. It seems to have here referred solely or mainly to one who looked after the details of loaning out the public money by taking security etc., and taking in such money, as shown by C. 11.40. See Cujacius on this law.

11.37.2. Emperors Diocletian and Maximian to Tiberius.

If, while you were free, you were compelled by the city to manage a business matter, you could have implored the aid of the president and the law, according as usage required.