

Book XII.  
Title XLII (XLIII).

Concerning leave of absence.  
(De commeatu).

12.42.1. Emperor Constantine and the Caesar to Aelianus.

No provost or tribune of the cohorts, or vicar and no person under them, shall, during an expedition, given any leave of absence to a soldier from the places where they are stationed as guards (praetendant). 1. If anyone violates this law, and lets a soldier go, contrary to this law, on a leave of absence at a time of an incursion of the barbarians, or if any soldier is absent when he should be in camp and near his standards, such act will be punished by death.

Given April 28 (323).

C. Th. 7.12.1.

12.42.2. Emperors Gratian, Valentinian and Theodosius to Syagrius, Master of Offices.

If members of the bureaus or imperial messengers or palace officials, that is to say, those under the counts of the imperial exchequers and of the crown domain, are absent for six months beyond the day of leave of absence or the time limit of the passport on the public post,<sup>1</sup> he shall be reduced in rank five places. A person who is forgetful of the order giving him leave of absence and takes a vacation of a year on his own responsibility shall give way in rank to the next ten, and if anyone slothfully fails to do his duty for four years he shall be reduced below the next forty under him in rank; and if anyone fails to come back even after the period of four years, his name shall be stricken from the roll of officials.

Given October 1 (379).

C. Th. 7.12.2.

12.42.3. Emperors Honorius and Theodosius to Gaisonis, Count and Master of the Forces.

If any official without leave of absence spend a year in sloth and peace at his own hearth or in any other place, he will be reduced in rank below the next ten; an official guilty of such offense for the period of two years, may deplore the fact that twenty have preceded him; the third year he will weep because thirty have advanced above him, and in the fourth year, he can have no hope of pardon and his name will be stricken from the roll.

Given at Ravenna June 12 (413).

C. Th. 7.19.16.

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<sup>1</sup> [Blume] Passport - issued doubtless to an official sent into the province on some errand. See Gothofredus C. Th. 7.12.2. See also the next law. C. 12.7.2 and C. 12.17.3 have similar provisions as the instant law and the next law.