

Book X.
Title XL.

Concerning inhabitants and where each person appears to have his domicil and concerning persons who, for the purpose of studying, live in another city.
(De incolis et ubi quis domicilius habere videtur et de his qui studiorum causa in alia civitate degunt.)

Bas. 54.2; D. 50.1.

10.40.1. Emperor Antoninus to Paulinus.

You are not prejudiced by the fact that while you were an inhabitant (incola) of a city, you undertook some civic duty, if you transferred your domicile before you were called to other honors.

10.40.2. Emperor Alexander to Crispus.

Those who live in a place for the purpose of studying, will not be considered as having their domicile there, unless, according to a letter of the Divine Hadrian, they live in the place after the expiration of ten years. Nor (will a place be considered) a father's domicile, which he frequently visits on account of the fact that his son studies there.

1. But if you are shown to have had your domicile in the splendid city of Laodicea for other reasons, your pretence (that you live there to study) will not avail you to escape municipal duties.

10.40.3. Emperors Diocletian and Maximian to Alexander.

It is true that those who live in (surrounding) territory of a city, as inhabitants thereof, cannot be compelled to take on municipal liturgies or honors.

Note.

Bas. 54.2.3 states the exact opposite of the instant law, namely that a person who is an inhabitant of the surrounding territory of the city is compelled to undertake municipal liturgies and honors. It is apparent that either the Justinian law as preserved to us did not contain "non" or that the law had been changed in the meantime.

10.40.4. The same Emperors to Alexander.

Since you state in your petition that you neither originated from nor inhabit the city, the authority of the public law does not permit that you be compelled to undertake municipal liturgies solely because you have a house there or other property, even though that was received from a decurion.

10.40.5. The same Emperors to Maximus.

If you have fixed your domicil in the home-city of your wife or in any other city, you have voluntarily subjected yourself, under the law governing inhabitants, to the duty to assume municipal liturgies.

10.40.6. The same Emperors and the Caesars to Marcellus.

It is certain that in the absence of a special privilege possessed by a city, no one may be compelled to perform municipal liturgies there except one who originated therefrom or who has his voluntary domicile there.

10.40.7. The same Emperors and Caesars to Aurelius.

A citizen becomes such by birth, manumission, election (adlectio) and adoption; but inhabitants (incolas), as the Divine Hadrian clearly declared in his edict, become such by their domicile. 1. And there is no doubt that a person has his domicile in the place where he made his hearth and placed the principal amount of his property and fortune and which he does not leave unless temporarily called away; such a place that, when he is away from it, he is wandering in a strange land, and when he ceased to wander, he returns to it.

10.40.8. Emperors Valentinian, Theodosius and Arcadius to - - - , Augustal Prefect.

Senators will be considered as having the domicile of their dignity (rank) in this imperial city.

Given March 1 (390).

Note.

At the time of the enactment of this law, it meant mainly that senators of the empire were exempt from municipal duties and honors of their native city or in which they became inhabitants. But practically all exemption of curials from curial duties was taken away by later laws, and only few exceptions were left. C. 10.32.64 and note. That law, however, applied to persons who belonged to curia, that is to say, persons who were curials by birth, and the instant law was probably still left applicable in so far that an imperial senator could not be compelled to perform municipal duties simply because he lived in a certain place, if he did not belong to the curia of that place by birth. The instant law is not found in the Basilica, showing that in later times exemptions from curial duties were still further curtailed.

10.40.9. The same Emperors to Martinianus, Count of the Orient.

We elevate women through the honor of their husbands, and through his sex, nobilize them, and through them fix their legal forum, and change their domicile. If they, however, thereafter, marry a man of lower rank, they will lose their former rank and follow the condition of their subsequent husband.¹

Given at Constantinople November 10 (392).

¹ [Blume] Also found at C. 12.1.13.