

Book X.
Title LV.

Those who are released from their military oath, though they have not completed their service.

(De his qui non impletis stipendiis sacramento soluti sunt.)

10.55.1. Emperor Antoninus to Verinus.

Persons who have been released from their military oath in disgrace cannot occupy any position of honor, but they are not exempt from municipal liturgies.

10.55.2. Emperors Diocletian and Maximian and the Caesars to Carus, a veteran.

Since you were dismissed from service on account of advanced age, there is no doubt that your discharge was honorable. 1. You are, therefore, exempt from municipal liturgies as well as honors. However, the law does not permit you to use the privileges which are accorded to those who have served the full number of years, since you acknowledge that you were absolved from your oath before the fixed time of service was completed and before the full years of service were up.

Note.

Instead of "honors" (honorum), 1 Karlowa 613 wants to read "onerum" burdens, holding that the word refers to patrimonial liturgies, as the same word in C. 7.64.9. The instant law intimates that soldiers who had served their full time had greater exemptions than those who had not. What they were is not stated, and is not at all clear, Karlowa, supra, holding that the latter were exempt from patrimonial liturgies as well as personal liturgies. According to some texts, that does not seem to have been true. C. 12.46.1; D. 50.5.7 and 11. Other texts warrant the inference that they were exempt from at least some patrimonial liturgies. D. 50.5.18.20. See a full discussion in Kuhn 145-147. See also note C. 10.44.1 and note C. 12.46.1.

10.55.3. The same Emperors to Philapator.

Exemption from honors and personal liturgies is granted by law to veterans only if they are shown to have been honorably or for good cause after twenty years of service in the legion or cavalry. Inasmuch, therefore, as you state that you served in the cohorts,¹ you must know that you demand such exemption in vain.

¹ [Blume] The "cohortalis militia" was, generally speaking, the civil service, as opposed to military service. 1 Karlowa 877. It took its name from cohort, originally a military term. The service here referred to may, however, have been that of the apparitors of the provincial governors.