

Novel 116.

Concerning soldiers.
(De militibus.)

Preface. Next to the benevolence of God, the security of our subjects lies in the management and institution of military affairs; for when these have been established by the providence of God, the impudence of barbarians is kept in check, and the condition of our republic is bettered. But inasmuch as some persons, unmindful of their own safety, dare secretly to take away the soldiers and confederates who should fight for the liberty of the republic against the enemy, and employ them in their own private affairs, we have resolved to forbid everyone by the present law to secretly hereafter take away any soldiers of any division whatever or any confederates or to have them in his house or on his possessions, for we undergo many labors on account of them, exercising them and leading them on expeditions, in order that they may serve for the common interests.

c. 1. Everyone, therefore, must take notice, that whoever has taken the trouble to have and detain, in any manner, any soldiers or confederates in his house or on his possessions, employing them for any of their private work, and who does not, within thirty days, to be counted from the time of the publication of the present law in that place, expel them, his property will be confiscated to the fisc, and he himself will be shorn of his dignity and position of service; the soldiers and confederated who remain with them after the time fixed will be deprived of their girdle (of service), and will be subjected to the extremest punishment. And the presidents of the provinces must know that if in the places governed by them, (such soldiers or confederates) are found with any procurator, or other persons, are detained in any house or by any owner thereof, or on any possessions or in connection with any private work, and they do not immediately seize and punish them, and send such soldiers to the division in which they serve and the confederates to their commanding officer, they themselves must pay a fine of ten pounds of gold and will

be sent into exile as persons who dare to neglect our orders. No one shall make use of any imperial sanction made in connection therewith or order of a magistrate (in apposition to these provisions) and no one of our magistrates shall accept any such sanction or order, but the soldiers shall, with all celerity be sent back to their division, and the confederates to their commanding officer, to fight for the public interests. And we do not hereafter permit any of our soldiers or confederates to be occupied in any private work.^a

a. See C. 12.35.13 and note.

Epilogue. Your Sublimity, upon knowing this, our will, declared by the present law, will cause it to be made known in this fortunate city by edicts issued in the usual manner, and in the provinces by orders transmitted thereto.

Given April 9, 542.