

Book X.
Title LII.

Concerning those who by reason of the number of children or by reason of poverty
deserve exemption.

(De his qui numero liberorum vel paupertate excusationem meruerunt.)

10.52.1. Emperor Alexander to Verecundus.

The number of children does not excuse anyone from (municipal) honors.

Note.

Three children gave exemption from some personal liturgies (C. 10.65.1), five children in other cases. Laws 3 and 5 of this title. Only a great number of children gave exemption from those liturgies which were said to "cohere" to municipal honors (D. 50.5.2.1), the number of such children being specified in C. 10.32.24 as thirteen. See Cujacius on this law. No number of children gave exemption from municipal "honors." See C. 10.69.1.

10.52.2. Emperor Philip and Caesar Philip to Severinus.

It has been deemed best to hold that a son who is captured by the enemy and not yet returned, will not avail the father for exemption from personal liturgies.

10.52.3. The same Emperor and Caesar to Nonnus.

Grandsons who take the place of their parents, are accustomed to be of avail (in obtaining exemption from liturgies) in place of the latter. 1. And, therefore, if the number of five children is supplied by grandchildren who take the place of their deceased parents, the person whom you state to be your father is excused from personal municipal liturgies according to law.

10.52.4. Emperors Diocletian and Maximian to Domnus.

Since you state that you have given your property to your son and that you have nothing, you will not, in view of the property ceasing to be yours, be subject to municipal liturgies.

Note.

Poverty gave exemption from liturgies. Cujacius on this law. D. 27.1.7. See note C. 10.41.1; see also law 6 of this title.

10.52.5. The same Emperors and the Caesars to Marcia.

Our divine parents have decided that, as in the case of men, women are excused from personal liturgies, which are imposed on them in view of their sex, if they have five surviving children.

Note.

Women were subject to some personal liturgies, as shown by this law and by C. 10.64.

10.52.6. Emperor Constantinus to Dalmatius.

Those who have five children of either sex, shall retain the benefit of an exemption once obtained. But if there is a son of legal age among these children, he shall perform liturgies in place of his father, and fathers who have five sons or daughters shall continue to have the exemption promised them. 1. And if anyone is exempted because of the smallness of his property, and he has shown that fact, he shall enjoy such exemption, if, because of his want of property, he is called on to perform personal liturgies.

C. Th. 12.17.1.

Note.

Formerly, a man who was unable to meet his patrimonial liturgies, was compelled to do corporeal work. The instant law, as already stated in law 4 of this title, gave exemption from all liturgies to a man who had no or little property. That is the opinion stated by Gothofredus on the instant law. These personal liturgies ordinarily consisted of some position of responsibility, and it was evidently deemed unwise to put any man in charge thereof who did not have a reasonable amount of property. There were some "sordid" personal liturgies, which in some cases must have involved corporeal work of a low nature, and not requiring the possession of any property, but such liturgies could not be imposed on a curial. See headnote to C. 10.32. The instant law apparently, therefore, deals with curials. As to whether such sordid liturgies were, during the later times, imposed on others than curials is not clear. It must be remembered that some authorities maintain that all the municipal liturgies that were imposed, were, during the later empire, imposed on curials, and, apparently, even excluding small landed proprietors therefrom. If that is correct, these "sordid" liturgies must have been performed by hired labor-slaves and others.