

Book I.
Title XXVII.

Concerning the office of the Praetor Prefect of Africa and concerning the whole organization of that diocese.

(De officio praefecti praetorio Africae et de omni eiusdem dioeceseos statu.)

Headnote.

Preliminary. For a better understanding of the following chapters in the Code, a brief outline of the organization of the Roman Empire may be given, but historical works will have to be consulted for greater details. The organization as contemplated in the Code was the one initiated by Diocletian and Constantine the Great in the latter part of the third and the beginning of the fourth century of the Christian era, and little need be said about the time previous to that. During the Republican period, Rome was governed mainly by two consuls, two or more praetors (C. 1.39 and note), quaestors (financial officers and not to be confused with the imperial quaestor of the later period, mentioned at C. 1.30), aediles and a prefect of food supply. The provinces were governed by ex-consuls and ex-praetors sent to them by the Senate, and these governors, so sent, had their retinue of course. After the empire was established, the provinces were, for a time, divided into senatorial and imperial, the later consisting mainly of those in which an army was required. The senate continued to send out ex-consuls and ex-praetors, all called proconsuls, into the senatorial provinces. The proconsul was accompanied by a quaestor, who was a financial officer, and looked after the collection of the revenue, but who seems to have been largely subservient to the proconsul. Fiscal matters, however, specially reserved for the emperor, were looked after by an imperial agent called procurator, appointed by the emperor himself, and who, in a measure, kept a check on financial matters in the province. These officers governed for one year and had no army under them. The imperial provinces, which included the rich Egypt—considered as the special property of the emperors—were governed by prefects or legates appointed by the emperor, and who held office for a much longer time than the governors of the senatorial provinces, and were retained during the pleasure of the emperor, and for as long as three to ten and even twenty-five years. These prefects or legates had authority over the soldiers stationed in the province and generally plenary jurisdiction in all civil and criminal cases. The governors in the imperial provinces were attended by a procurator, who was independent of the former and looked after the collection of taxes and the disbursements to the soldiers. These procurators were later, commencing with the third century A.D. called rationales. These officials, of course, too had their retinue. Thus a governor for such province usually had one legate (whereas the proconsul usually had here), who was authorized to act for the governor to a limited extent in case of the absence or inability of the latter to act. He also had interpreters, bailiffs, lectors, engineers and other attaches. The procurator, too, had his retinue. Diocletian separated the military from the civil authorities, but it is probably that this separation had already been commenced by Aurelian, for we already find the so-called presidents of provinces during his time—that is to say, governors without any military authority. Arnold, Roman Provincial Administration 171-172.

Other officers were appointed from time to time during the empire. The emperor could not attend to all matters himself. He accordingly surrounded himself with secretaries to look after the different matters, and we early find the prototype of the

imperial bureaus, mentioned in C. 12.9 and 19, who looked after the correspondence, appeals to the emperor and other matters. A city prefect was established for Rome, who gradually usurped the duties of the praetors, the judicial officers of Rome. This office was continued during the later empire. See C. 1.29 and notes. The highest office came to be that of the praetorian prefect, who, during the early period, however, was mainly a military officer and who had charge of the so-called praetorian guard stationed at Rome, and whose authority, further, probably extended over the soldiers in Italy. Mattingly, The Imperial Civil Service of Rome 93. In time he acquired a wide civil and criminal jurisdiction and presided in the imperial council in the absence of the emperor. Mattingly, supra 93. The next highest office was considered that of the prefect of Egypt, who had a “juridical” under him, an office still found in Justinian’s time. C. 1.57. Augustus also organized the “watch”—police and firemen—at Rome, who were governed by the prefect of the watch. C. 1.43. The prefect of food supply continued under the empire largely as during the Republican period, although he became a subordinate of the city prefect. Augustus also organized the imperial post (C. 12.50), and we find prefects in connection therewith. And various agents or officers were appointed from time to time as the need therefor arose. See among other authorities, Mattingly and Arnold, supra.

The third century, A.D., was one of turbulence. The tenure of the position of emperor was precarious. Many emperors were murdered by the soldiers, who thereupon crated another. Diocletian, and probably Aurelian, clearly perceived that one of the crying needs was to curb the soldiery, and to give no one sufficient power to raise a successful rebellion or sedition. The empire was accordingly wholly reorganized under Diocletian and Constantine the Great, the civil was separated from the military authority, and the empire was divided into comparatively small provinces and a regular bureaucracy and eastern despotism was established. With these preliminary remarks, we may pass onto considering the organization of the empire as it is found in the Code.

I. Up to the time of Diocletian and Constantine the Great (about 300 A. D.), the Empire was united, the boundaries, however, changing from time to time. In the fourth century, it tended to be divided into a western and an eastern empire, Constantinople being the capital of the latter. According to the Register of Dignities and Dignitaries that has come down to us, each was divided into two prefectures. In the West were the prefectures of Gaul and of Italy, the former embracing, in the rough, Britain, Gaul and Spain, and the latter Italy, Western Illyria, and what was called Africa, from which Egypt was excluded. In the Eastern portion of the empire were the two prefectures of Illyria and of the Orient, the former embracing, roughly, the modern Serbia, Albania and Greece, the latter the remaining portion of the empire in the east. At the head of each prefecture was a praetorian prefect. Each prefecture was divided into a certain number of dioceses, and these dioceses in turn into a certain number of provinces. The prefecture of Gaul contained the dioceses of Britain, Spain and two in Gaul; the prefecture of Italy, the dioceses of Italy, Africa (not including Egypt) and Western Illyria (not to be confused with the diocese of Illyria) was the smallest, embracing two dioceses that of Dacia in the north and that of Macedonia in the south, and occupying, as already stated, approximately the territory of the modern Serbia, Albania and Greece. The prefecture of the Orient was extensive, embracing five dioceses as follows: (1) Diocese of Thrace, occupying about the territory of the recent Bulgaria, extending to the Aegean Sea and what was recently left of the European Turkey; (2) The Diocese of Asia, occupying what is now the

southwestern portion of Asia Minor, with Ephesus as its capital; (3) The Diocese of Pontus, occupying the northern portion of Asia Minor along the shores of the Pontus, (4) the diocese of the Orient, occupying a part of western Asia Minor, and Syria, Palestine and part of Arabia; (5) the diocese of Egypt—which at one time, however, belonged to the diocese of the Orient. Most, though not all, of these dioceses were governed by vicars, Italy having two. They were representatives of the praetorian prefect or the master of the soldiers, or both. Nov. 36 pr. There was no vicar in the diocese of Dacia, which must, accordingly, have been under the direct control of the praetorian prefect. And the person governing the diocese of the Orient came to be known as the Count of the Orient, and the governor of Egypt as the Augustal Prefect. The provinces were governed by presidents, correctors and consulars, frequently referred to simply as governors, or judges. Among the provincial governors were three proconsuls, who were not under the control of the vicars or praetorian prefects, but directly under the emperor—the proconsul of Africa, who governed the province in which Carthage was located, the proconsul of Asia, who governed Hellesponus and the islands along the coast of Asia Minor, and the proconsul of Achaia. Nor was the subordination of vicars to the praetorian prefects and the provincial governors to the vicars complete or strictly graded; for the relations between the provincial governors and the prefect were direct; and the emperor might communicate with any of these officials at will.

This situation remained substantially as here outlined until the western empire was overrun by the Teutonic nations. In the early part of the fifth century the dioceses of Africa was conquered by the Vandals and held by them for about a century, after which it was reconquered by Justinian, and erected into an independent prefecture. Italy, too, commenced to be overrun by the barbarians in the early part of the fifth century, and the last of the western emperors perished in 476 A.D. The Goths occupied Italy for some time, and though nominally under the emperor who had his throne in the East, they really governed Italy independently. But Justinian reconquered Italy, and he attempted to re-establish the government that had existed there previously, making some changes, however. The jurisdiction of the prefect, for instance, was curtailed, and Sicily was put under a special praetor, from whom an appeal passed directly to the quaestor at Constantinople. See Novel 75 appended to C. 7.62. The two vicars were also probably discontinued. The reorganization of Justinian, however, did not continue long.

A number of changes were introduced by Justinian. Hitherto the policy had been one of division of responsibility and not placing too much power in the hands of any one official. Justinian found that on account of turbulent conditions, it was better to place more responsibility in the hands of one man, and many changes were made with this end in view. Most of the vicars were discontinued, and other officers created. In some instances, however, as in Egypt, and in the diocese of the Orient, instead of concentrating power in one man's hands, he divided it. See Novel 30 and Novel 75. See also as to Justinian's changes Bury, 2 History of the Later Roman Empire 338-346.

Excepted from the prefectures above mentioned were the capitals of the empire, Rome and Constantinople. They each had a separate government, at the head of which was the city prefect.

Praetorian Prefect. The office of this official originated with the empire. He was the right hand man of the emperor and gradually came in control and superintendence of all affairs civil and military. There were ordinarily two and sometimes three praetorian prefect, who administered the affairs of the office jointly. When Diocletian divided the

empire into four parts—two directly under two emperors, and two directly under two Caesars—each of the emperors and the Caesars had a prefect. After Constantine, each of the prefectures had its own prefect, those at the imperial court (praesentalis), naturally having larger influence. Though the praetorian prefects remained the highest officials in the empire, next to the emperor, their original powers were considerably curtailed: the master of offices took over many of the civil affairs, and the masters of the soldiers received supreme control over military affairs, so that the praetorian prefects after this time were purely civil officers. Their functions were as follows: (1) They often made the laws enacted by the emperor known to the public by edicts issued by them. They also, by edict, promulgated certain orders of their own which were not in conflict with the laws. C. 1.26.2. (2) They had an important part in the fiscal affairs for the government, sent out the annual tax levy to the various provinces, collected, through their subordinates, the governors of the provinces, all the revenues and paid most of the officials and the soldiers. They had a treasury of their own, called arca, which was the recipient of the revenue of the tax called annona, the tax payable in kind, or commuted into money-payments, and which constituted the largest tax after Diocetian; they were, accordingly, the collectors and disbursing agents of the larger part of the revenues of the empire. See headnote Book 10; headnote C. 10.16; note C. 10.17.2; note C. 10.19.9 and other laws and notes in Book 10. (3) They had general supervision of the governors of the provinces, who were required to make reports to them and to the vicars at stated times. They had jurisdiction over delinquencies of the governors, could suspend them from office, punish them and put a substitute in their stead until a report could be made to the emperor. C. 1.26.3. (4) They were the highest appellate judges in the empire. They could not, ordinarily, hear cases of first instance, though this rule was modified in later times, permitting them to summon anyone subject to their jurisdiction, except soldiers, before them. 3 Bethmann-Hollweg 56; Nov. Theod. 7.2.1; C. 1.3.325. By C. 1.3.32.1 and C. 1.3.25 pr. They were given exclusive jurisdiction over suits against clergymen in Constantinople. They heard cases on appeal from vicars and other persons of worshipful rank, as well as cases on appeal from provincial governors, if they were nearer than vicars, or were present. The subject of appeals, however, was modified from time, and certain appeals, involving a limited amount, heard by men of worshipful rank, could not be appealed. For the subject of appeals generally, see headnote C. 7.62. A general outline of the courts of the empire is given in headnote C. 3.13. (5) They had jurisdiction over the public post (C. 12.50) in conjunction with the master of offices, the latter of whom, however, may be said to have had the ultimate control thereof. See Boak, Master of Offices 74-80. See generally, 3 Bethmann-Hollweg, Civil-prozess 46-58; 1 Karlowa, R.R. Gesch. 853-856.

Justinian provided by Novel 151 that no provincial apparitor and curial could be taken into court in another province without the order of the praetorian prefect, added to an imperial order. The same emperor directed by Novel 152 that an imperial order concerning public affairs (for instance concerning public works, as suggested by Cujacius in his notes on this Novel) should first be filed for record with the praetorian prefect and confirmed by him, before sending it to governors, etc.

Other High Functionaries. The capitals, Rome and Constantinople, were excluded, as already stated, from the prefectures, and were governed by a city prefect who was the highest functionary and the highest judge therein. C. 1.28; headnote C. 3.13(3).

Then there were other high functionaries who were connected with central government at the imperial court, and not with every prefecture. The quaestor was what may be called the Attorney-General. C. 1.30. There were two ministers of finance, the Count of the Imperial Exchequer and the Count of the Crown (imperial) Domain, the former of whom controlled the treasury which received the taxes payable in gold (aside from that which belonged to the annona), and the latter of whom controlled the public, that is to say, the imperial domains, aside from certain domains, the income of which went to support the imperial household. C. 1.32 and 33, and references. The Grand Chamberlain presided at the imperial household and had under his control the so-called imperial household lands, particularly those in Cappadocia. C. 12.5 and headnote. The Master of Offices was in control of the public post, and of the Scholarians, part of the imperial household troops, and of a number of offices dealing with public affairs. C. 1.31.

There were counts of the domestics and protectors—imperial household troops. C. 12.17. In addition to these there were the masters of the soldiers, part of whom were connected with the central government at the imperial court, and part of whom had their seat of administration elsewhere. C. 1.29. The functions of these officials will be dealt with more fully at the places indicated. Consuls continued to exist until 541 A.D., but the office was merely honorary and was not connected with the performance of any special governmental duties. C. 12.3 and headnote.

The times of service of these functionaries was generally for a year, subject to be lengthened by the emperor. After the expiration of the year, the time of service was either extended, or the official was put into another position, or he became an ex-official (vacans) either with the title of the office which he had held or a higher title. The praetorian prefects, however, seem to have been named for an indefinite period, although they did not ordinarily remain in office for more than a year. They were all appointed directly by the emperor, receiving letters-patent, that is to say, certificates of appointment made out by primicerius, chief of the notaries, or the laterculensis, a subordinate of the quaestor. They all received a salary, which was high compared with the apparently small salaries of their clerks. These salaries were, under Diocletian and succeeding emperors, paid in supplies in kind for themselves and their horses, but were later converted into money-payments. Upon their appointment, they were, up to the time of the legislation of Justinian (Novel 8), required to pay a so-called nomination money (suffragium) to the person recommending them, which sometimes came very high, as well as a certain amount to the emperor (1Karlowa 870), and fees for the execution of the letters-patent and the registration thereof. All officials, high or low, except the city prefects, wore a military girdle of office (cingulum), inasmuch as all offices were organized in pattern of the army; hence the expression of taking away their girdle was equivalent to ousting them from office.

Official Staffs. These officials, as well as the emperor himself, had, of course, many assistants, who performed the clerical duties. Chief among these were those whose work was closely connected with that which came under more or less close supervision of the emperor himself, namely the chief of the notary, and his assistants. C. 12.7. They kept the proceedings of the imperial council when meeting for affairs of state. Next should be mentioned the masters of the imperial bureaus (C. 12.9), namely of memorial, of correspondence, of appeal cases and of arrangements. They took their assistants from employees in corresponding bureaus, each of which had a chief (C. 12.19). The

assistants of the quaestor, too, came from the same bureaus. The masters just mentioned, had to do with the drafting of laws, answering correspondence, attending to petitions and appealed cases, and drawing up a program of the emperor's daily work, so that these clerks were in comparatively close touch with the emperor and his work.

Most of the principal officials had a number of bureaus in their office, the head of each of these bureaus constituting their official staff. A good idea may be formed by considering the various bureaus in the office of the praetorian prefect, as outlined in the present title. Some of the offices, of course, had need of a greater number of clerks than others, and the office-force was built up according to the needs of the office. Certain clerks were required in all or nearly all the offices. That was true, for instance, with accountants and clerks to attend to correspondence. The offices of the praetorian prefects, vicars, and similar officers, provincial governors and some of the dukes and counts had jurisdiction in litigation between private individuals and in ordinary criminal cases, and the membership of, and bureaus in, these offices were naturally much alike. This all these offices had an accountant, clerk to attend to correspondence, clerk of the civil court, and sheriff or marshal (commentariensis). All of the official staffs had a chief. The name of many of these chiefs was princeps, who was, in many instances, taken from among the ducenarii of the imperial messengers (agentes in rebus), as stated in headnote C. 12.20. The princeps, however, of the official staff of the ordinary provincial governors, was generally chosen from among the membership of the officials under the governor, as shown by the register of dignities. The princeps sent from among the imperial messengers were, in a measure, intermediaries between the central government as a whole and the office of which they were chief. In some instances they disappeared, as is true, for example in the case of the office of the praetorian prefect of Africa, where the cancellor (cancellarius) seems to have acted as chief. In other cases the cornicularius, ordinarily the first assistant to the princeps, seems to have supplanted the latter. Hodgkin, Letters of Cassiodorus 96. The chief of the official staff of the master of offices was called adjutor, the chief of the imperial bureaus of memorials, correspondence and on-appeal proximus, the chief of the notaries primicerius. The term "primiscrinus" was frequently used, as the name indicates, for the chief of one of the bureaus in these offices. The cornicularius, as already stated, was ordinarily the chief assistant of the princeps, and the second assistant was ordinarily called adjutor or subadjuva, and the three constituted the primate of the office and were responsible for the government thereof. 1 Karlowa 881, 883. Other members of the official staffs are more particularly mentioned in the within title. These various officials who were the heads of the official staff, or the chiefs of the various bureaus in the office, took their assistants from among the stenographers and record-keepers mentioned in the notes to the within title. Most of the official staffs and their rights and privileges are mentioned in Book 12 of the Code, and the functions of some members thereof, as, for example, of the accountants, are treated in considerable detail there. The term "apparitors" was a general term, applied to the clerks in the higher offices, the clerks in the offices of the provincial governors being ordinarily called cohortales or cohortalini, but in this translation are generally mentioned as provincial apparitors, to distinguish them from the others. The apparitors in some of the offices were also at times known by a special name—those of the praetorian prefect as praefectiani, those of the master of offices as magistrilitani; those of the prefect of the city as urbaniciani, those of the minister of finance as palatini. Nearly all of these officials were required to be appointed by the emperor and to have certificates of appointments (probataria), signed by the emperor and the official under whom they served. 1 Karlowa

878. The time of service of the members of the official staffs was generally short, for one year, sometimes for two years, and advancement from one position to a higher one was the rule. The staff was responsible for what was done by the holder of office, under whom it served, and we frequently find that the official staff was threatened with a similar punishment as the former, in case of violations of law. See generally 1 Karlowa 868-888.

Organization of re-conquered Africa. Some special remarks should be added as to the reorganization of Africa. It fell into the hands of the Vandals in the first half of the fifth century and remained in their hands for about a century. Justinian, through his general Belisarius, re-conquered it, as he also re-conquered Italy, which had fallen into the hands of the Goths. Africa was thereupon divided into seven provinces, three of which were governed by consulars and four by presidents. The first three were Zeugitana (Carthage), Byzacena and Tripolis or Tripolitana; the last four were Numida, the two Mauretanas, and the island of Sardinia, which was part of the African possessions. Africa was sometimes referred to as a "diocese." That was because it had formerly been a diocese in the praetorian prefecture of Italy. Justinian, however, made a separate prefecture of it.

In addition to these divisions, which were for purposes of civil administration, Justinian established five so-called borders (limites), which have been denominated as frontier-provinces. This subject is considered in C. 1.27.2. He placed dukes at the head of each of these border, and each of them had, aside from the soldiers under them, a counselor and forty members on their staff and certain gentlemen at arms. No special provision for the payment of these gentlemen at arms was made, and they were paid out of the amount of salary allowed to the dukes; special provisions, however, were made for the payment of the others. The dukes were under a master of soldiers. On the subject generally, see 2 Cambridge Medieval History 222-224.

1.27.1. In the name of Our Lord Jesus Christ, Emperor Caesar Flavius, Justinianus, Allamannicus, Gothicus, Franciscus, Germanicus, Anticus, Alanicus, Vandalicus, Africanus, pious, fortunate, renowned Conqueror and Triumpher and ever Augustus, to Archaealaus, Praetorian Prefect of Africa.

What thanks and praises we should offer to our Lord Jesus Christ, the mind can neither conceive nor the tongue can utter. 1. We already formerly received many bounties from God, and we acknowledge His innumerable benefactions showered on us and we recognize that we have done nothing worthy thereof; but above all, that which the Omnipotent God has now, for His praise and glory, deemed proper to demonstrate through us exceeds all wonderful works which have happened in the course of time—namely that freedom should, through us, in so short a time be received by Africa, which 105 years before was captured by the Vandals, who were enemies both of mind and of body. 2. For they converted minds not able to bear various torments and punishments to their faith by re-baptising them; they cruelly subjected men born free to barbarian yoke. 3. They even besmirched the holy churches of God with their perfidy; they made stables of other churches. 4. We have seen venerable men, with tongue cut off at the root, eloquently bespeak the punishment visited on them. Others dispersed through the different provinces after various torments and finished their life in exile. 5. By what language, therefore, or by what works, worthy of God, can we give thanks, that He deemed it proper that the injuries to the church should be avenged through me, the least of His servants, and that the people of so many provinces should be saved from the yoke

of servitude? 6. This grace of God was not granted to our predecessors, who were not only not permitted to liberate Africa, but who saw Rome itself captured by these Vandals, and all imperial ornaments transferred thence into Africa. 7. Now, indeed, God, in His mercy, has not alone delivered Africa and all its provinces to us, but He has also restored the imperial ornaments to us which had been captured at and taken from Rome. 8. After so many favors, therefore, which the Divinity has bestowed upon us, we ask our Lord God to keep the provinces which He deigned to restore to us strong and unimpaired, and cause us to govern them according to His will and pleasure; to make the whole of Africa feel the mercy of the Omnipotent God and cause its inhabitants to recognize from what cruel barbarian captivity and yoke they have been freed, and with how much liberty they are permitted to pass their lives under our most felicitous reign. 9. We further humbly ask, through the prayers of the ever holy and glorious Virgin Mary, the Mother of God, that He may give through us, the least of his servants, and in His name, whatever our republic needs, and make us worthy to do His service. 10. By the aid of God, accordingly, we ordain by this imperial law, for the happiness of our empire, that all Africa, which God has granted us shall receive, through His mercy, the best administrative organization possible and shall be a prefecture by itself, so that, as the Orient and Illyria, so, too, Africa may be specially adorned by our Clemency, by the great praetorian office. 11. We order Carthage to be the capital thereof, and the name of the prefecture which we now give to Your Excellency to govern shall be added to that of the other prefectures in the prefect of public documents. 12. And, with God's help, seven provinces, together with their judges, shall be in this prefecture; of which, Tingi, Carthage, which was formerly called proconsular, Byzacium and Tripolis shall have consular rector, but the others, that is Numidia, Mauritania, and Sardinia, shall with the aid of God, be governed by presidents. 13. The staff of Your Magnitude, and of every officiating magnificent prefect of Africa, shall be composed of 396 men, to serve in the different bureaus and offices. The staff of each of the consulars and presidents shall be composed of fifty men. 14. These emoluments of Your Magnificence, of the consulars, the presidents, and the members of the staffs from the public treasury is shown by the annexed schedule. 15. We wish, therefore, that all our administrators should strive to manage their positions in accordance with the will, and in the fear, of God, and fittingly pursuant to our selection and appointment, so as not to be given to covetousness, and without committing any violence upon the taxpayers or permitting the governors or the members of their staffs or anyone else to do so. For though we endeavor, by the aid of God, that the taxpayers should be unharmed in all the provinces, we especially consult the interests of the taxpayers of the African diocese, who, after a captivity of so long a time, are, through us, with the aid of God, permitted to look upon the light of liberty. 16. All violence, therefore, and avarice shall cease, and justice and truth shall prevail as to all our taxpayers. Thus both God will be pleased and the taxpayers, like the others of our republic, will be quickly relieved and flourish. 17. Fees also shall be demanded by the officers of the magnificent prefect of Africa as well as the other administrators only as fixed in our laws, and observed in the whole of the empire, and no one shall dare to ask more than the (legal) amount at any time or in any manner. 18. We have also deemed best to ordain by the present ordinance that the judges (governors) in Africa, shall not be compelled to incur any great expense for making the records or entering letters-patent (of their appointment) in the imperial register or in the bureau of the praetorian prefect, so that, if they themselves are not aggrieved by these expenses, there will be no necessity of burdening the taxpayers of Africa therewith. 19. We order, therefore, that the governors

(judges) of the African diocese, civil as well as military, shall pay for the customary entering of the letters-patent and making the records of their promotions, in the imperial register, no more than six solidi, and in the bureaus of the prefects not more than twelve solidi. 20. If anyone exceeds this limit, the judge himself shall be subjected to the loss of thirty pounds of gold, his staff not only to a similar loss, but also to capital punishment. And if anyone shall venture to disobey our commands in any manner, and shall, in fear of God, fail to keep them, he shall not only lose his rank and his property, but he shall also be subjected to capital punishment. 21. With God's aid, the schedule is as follows: 100 pounds of gold as rations for food supplies and fodder (pro annoniam et capitu) for the praetorian prefects of the whole of Africa in office; for rations of food supply for the counselors, 20 pounds of gold; for rations of food supply for the chancellors, 7 pounds of gold.

Note.

Annona and capitus, or capitum. These both represent rations. The annona consisted of grain, oil, wine and other things; the capitus (or capitum), fodder and bedding for animals. When, under Diocletian, the currency became very much depreciated, the salaries of soldiers and officials were paid in kind. Each man received a certain number of rations. Later these rations were paid in money (headnote Book 10 and headnote C. 10.16). Still these money-payments—salaries—continued to be known as rations, under the names as above mentioned. See also note under sub. 22 herein.

Counselors-assessors. Each of the governors, vicars, and other higher officials, including the praetorian prefects, had a counselor, or assessor, as he was commonly called, who acted as legal advisor. This official is specially mentioned in title 51 of this book. Krüger, Kritik d. Just. Codex 162, states that the text was corrupted and that the praetorian prefect had in fact but one assessor.

Chancellor. This was an official, who, while perhaps guarding the rail fencing off the court of the praetorian prefect and other judges from outsiders, too, is specially mentioned in title 51 of this book, where further details will be mentioned. See Krüger, Kritik 163-165.

1.27.1.22. Likewise to the members of the official staff thus:

To the ten men in the first bureau, 19 1/2 annonae, 12 1/2 capiti, making 147 1/2 solidi; thus to the chief accountant (numerarius), 6 annonae, each valued at 5 solidi, and 4 capiti, each valued at 4 solidi, making 46 solidi; to the second in rank (secunderius), 3 annonae, each valued at 5 solidi, and 2 capiti, each valued at 4 solidi, making 23 solidi; to the third in rank, 2 annonae, each valued at 5 solidi, and 1 1/2 capiti, each valued at 4 solidi, making 16 solidi; to the fourth, fifth and sixth in rank, 1 1/2 annonae each, each annona valued at 5 solidi, and 1 capitus each, the capitus valued at 4 solidi, making 34 1/2 solidi; to the remaining four, 1 annona each, the annona valued at 5 solidi, and 1/2 capitus each, the capitus valued at 4 solidi, making 28 solidi.

Annona and Capitum.

It will be noticed here that each annona was valued at five solidi, and each capitus at four solidi. Throughout this work, the solidus is approximated at \$3 each. [The approximate dollar values have been omitted, as Blume struck through some himself and

since they would be misleading today—ed.] To illustrate: It is stated above that the ten men of the first bureau should have 19 1/2 annonae and 12 1/2 capiti. The former valued at 5 solidi each would make 97 1/2; the latter valued at 4 solidi each would make 50 solidi, which added together make the 147 1/2 solidi above mentioned. These 147 1/2 solidi were distributed as follows: To the chief, 46 solidi; to the second in rank 23 solidi; to the third in rank 16 solidi; to the fourth, fifth and sixth in rank a combined total of 34 1/2 solidi; to the remaining four, a combined total of 28 solidi. These added together make the 147 1/2 solidi.

These salaries were very small. But it must be remembered that in the preceding portions of the law it has already been stated that they also received certain fees.

1.27.1.23. For the second bureau, as above set forth (in regard to the first bureau.). In the third bureau, as above set forth.

Note.

Numerarius – chief accountant.

Up to here four bureaus have been mentioned, and in view of the fact that the second, third and fourth bureaus are not specifically described, all the four bureaus were doubtless similar. At the head of each was a numerarius, a chief accountant. All the bureaus, accordingly, were occupied with financial affairs, namely the taxes and rents that went into the treasuries of the two ministers of finance, in so far as they were under the control of the praetorian prefect, and keeping the accounts thereof. C. 12.49 deals specially with these officials. C. 12.49.10 speaks of an adjutor as a first assistant of the numerarius, and a chartularius as a second assistant, the former countersigning all documents executed by the numerarius, the chartularius performing the same functions in some respects. The second and third in rank mentioned in the instant law probably corresponded to the adjutor and chartularius mentioned in C. 12.49.10. Krüger, Kritik 167; 1 Karlowa 884. As to the distinction between these four bureaus and the bureau of the praetorian chest, see paragraph 37 below and note.

1.27.2.24. To the ten men in the bureau of the aide (primiscrinus) that is subadjuva, 14 annonae, 11 1/2 capiti, making 116 solidi, thus: to the primiscrinus, 3 annonae at 5 solidi, and 2 capiti, each capitus valued at 4 solidi, making 23 solidi; to the second in rank, 2 annonae, each annona valued as above set forth, and 1 1/2 capiti, each capitus valued as above set forth, making 16 solidi; to the third and fourth in rank 1 1/2 annonae, each annona valued as above mentioned and 1 capitus, the capitus valued as above set forth, making 23 solidi; to the remaining 6 men 1 annona each, the annona being valued at 5 solidi, and 1 capitus, 4 solidi to the capitus, making 54 solidi.

Note.

The term primiscrinus designates a person who was chief of a bureau. He was at times a first assistant of the chief of the official staff, and was at times called subadjuva. See headnote C. 12.54. It is clear that in the instant case he was at the head of a separate bureau in the office of the praetorian prefect and that he had nine men under him. Their duties were to execute, through subordinates, the decisions and judgments in civil cases, as the commentariensis executed the judgments in criminal cases. 3 Lydus, de mag. 11-15; Krüger, Kritik 167; 3 Bethmann-Hollweg 146; Hodgkin, Letters of Cassiodorus 193.

1.27.1.25. To the twelve men in the bureau of the marshal (commentariensis), 17 annonae and 14 1/2 capiti, making 143 solidi, thus: to the first marshal (primo comentariensi) 3 annonae, each annona valued at 5 solidi, and 2 capiti, each capitus valued at 4 solidi, making 23 solidi; to the three men next to him, 2 annona each, at 5 solidi to the annona and 1 1/2 capiti, at 4 solidi to the capitus, making 48 solidi; to the remaining eight men, 1 annona each, at 5 solidi to the annona, and 1 capitus each, at 4 solidi to the capitus, making 72 solidi.

Note.

Marshal or sheriff.

The commentariensis, originally referring to a person keeping records, and as such originally appearing in various departments, came, commencing about the end of the fourth century A.D., to be applied to the chief assistant of the judge in criminal matters, and we may call him the marshal or sheriff, since he had the duties which these persons generally have, although he also acted as clerk of court in criminal cases. The praetorian prefect had, as indicated above, two of them, one evidently above the other. An official of that kind, of course, was among the official staff of every judge, civil and military, as procounsuls, vicars, dukes, governing counts and the simple provincial governors. This official received all criminal complaints, took accused persons in custody, kept them in prison, through other agents under him, and was the keeper of prisons. On his order, prisoners were examined under torture, and he carried out the sentences of the court. He had a number of assistants in his office, taken from the corps of exceptores, shorthand writers (headnote C. 12.49), who, however, had also other writers assisting them. As among other officials, the assistants in the office advanced step by step until they themselves occupied the office of marshal. 3 Lydus, de mag. 17, describes the great awe in which the commentariensis in the office of the praetorian prefect was held. See 3 Bethmann-Hollweg 147-148; Hodgkin, supra 104-106; Krüger, supra 167; 1 Karlowa 884; 4 Pauly-Wisowa, Real-Encyc. 759-767.

1.27.1.26. To the ten men in the bureau of the clerk of the civil court (ab actis), 14 annonae and 12 capiti, making 118 solidi as follows: to the first, 3 annonae, for each annona 5 solidi, and 2 capiti, each capitus valued at 4 solidi, making 23 solidi; to the second and third, 2 annonae each, 5 solidi for one annona, and 1 1/2 capiti each, each capitus valued at 4 solidi, making 32 solidi. To the remaining 7, one annona each, an annona valued at 5 solidi, and 1 capitus each, a capitus valued at 4 solidi, making 63 solidi.

Note.

Ab actis – clerk of civil court.

This official held a similar position in civil matters as the marshal, commentariensis, did in criminal matters, except that the execution of judgments was left to the aide, primiscrinus above mentioned. We may translate the term as clerk of the civil court. He introduced the plaintiff and defendant into the court or made a short statement of the nature of the case to the presiding judge, watched the course of the proceedings, listened to the judge's decision and made a full statement of the case for the registers or journals of the court. There were elaborate indices to the journals, so as to find any matter contained therein easily, and the records also contained marginal notes, called personalia, which made it easy to grasp the contents. There were at times two of these officials. They participated in seeing that advocates of the court did not break the rules governing them. C. 2.7.2.6. The clerk of the civil court was found in all the courts

having jurisdiction in civil matters, except (at the time, at least, when the Register of Dignities was compiled) in the military courts which dealt primarily with criminal matters, though with civil matters to some extent, namely soldiers [who] were involved in civil suits. The assistants in this bureau came from the corps of shorthand writers. 3 Lydus 21, supra; Hodgkin, supra 106-108; 3 Bethmann-Hollweg 148; 1 Karlowa 884; Krüger, Kritik 168.

1.27.1.27. To the six men in the bureau of petitions (libellorum), 7 1/2 annonae and 6 1/2 capiti, making 63 1/2 solidi, thus: To the first 2 annonae, 5 solidi to the annona, and 1 1/2 capiti, 4 solidi to the capitus, making 16 solidi; to the second, 1 1/2 annonae, 5 solidi to the annona, and 1 capitus, at 4 solidi to the capitus, making 11 1/2 solidi; to the remaining 4 men, one annona each, at 5 solidi to the annona and 1 capitus at 4 solidi to the capitus, making 36 solidi.

Note.

Bureau of petitions.

This was also known, in other offices, a scrinium epistularum, and the chief officer thereof -clerk of petitions-as a libellis or subscribendarius. The chief officer of this bureau and his assistants answered petitions and letters. See 1 Karlowa 886; 3 Bethmann-Hollweg 153.

1.27.1.28. To the sixty men of the corps (schola) of shorthand writers (exceptorum) 74 annonae and 62 capiti, making 618 solidi, thus: To the first and second, three annonae each, 5 solidi to the annona, and 2 capiti each, 4 solidi to the capitus, making 46 solidi; to the five men, 2 annonae each, 5 solidi to the annona and 1 capitus each, at 4 solidi to the capitus, making 70 solidi. To ten remaining men, 1 1/2 annonae each, at 5 solidi to the annonae and 1 capitus each, at 4 solidi to the capitus, making 115 solidi. To the remaining 43 men, one annona each, 5 solidi to the annona and 1 capitus each, 4 solidi to the capitus, making 387 solidi.

Note.

Corps of shorthand writers – stenographers – exceptionares.

The chiefs of the bureaus heretofore mentioned were part of the official staff, so-called, of the praetorian prefect. Some others will be mentioned below. There were also certain scholae, which meant simply a corps of men, not a part of the official staff, but from among whom the heads of the bureaus took their assistants, and who, when regularly employed therein, became, of course, members of the bureau. One of these scholae, or corps of men, were the stenographers, found in every department of the imperial service. See headnote C. 12.49 for greater details. The foremost of them were called Augustales. Krüger, supra 170.

1.27.29. To the fifty men in the corps (schola) of horsemen (singulariorum), 52 1/2 annonae and 50 capiti, making 462 1/2 solidi, thus: To the first, 2 annonae, at 5 solidi to the annona, and 1 capitus at 4 solidi to the capitus, making 145 solidi; to the second, third and fourth, 1 1/2 annonae each, at 5 solidi to the annonae and 2 capitus each, at 4 solidi to the capitus, making 34 1/2 solidi. To the remaining 46 men, 1 annona each, at 5 solidi to the annona and 1 capitus at 4 solidi to the capitus, making 414 solidi.

Note.

Horsemen.

The singulars or singularii, fifty in number, were persons employed in the office of the praetorian prefect, each probably equipped with one horse, and only one-whence their name-and were probably employed for communications with official in the provinces under the control of the praetorian prefect, such as the vicars and ordinary provincial governors. They corresponded evidently to the imperial messengers-agentes in rebus-under the Master of Offices. Officers by this name were also found in other offices, such as the vicars and dukes, or at least some of them. They and other officers engaged in similar duties belonging to the illiterati, that is to say, unlettered officials, as opposed to those who were required to perform clerical work. See Krüger, supra 170; 3 Bethmann-Hollweg 156; Karlowa 887.

1.27.1.30 To the fifty men of the corps (schola) of messengers (mittendariorum), 52 1/2 annonae and 50 capiti, making 462 1/2 solidi, thus: to the first 2 annona, at 5 solidi to the annona and 1 capitus at 4 solidi to the capitus, making 14 solidi; to the second, third and fourth, 1 1/2 annonae each at 5 solidi to the annona and 1 capitus at 4 solidi to the capitus, making 34 1/2 solidi. To the remaining 46 men, 1 annona each, at 5 solidi to the annona and 1 capitus each at 4 solidi to the capitus, making 414 solidi.

Note.

Messengers – mittendarii.

These men doubtless performed functions similar to the horsemen, singularii, in the preceding paragraph. Ordinarily men by that name were found only in the offices of the ministers of Finance. 1 Karlowa 888. See also, 3 Bethmann-Hollweg 156; Krüger, supra 171.

1.27.1.31. To the thirty men of the corps (schola) of couriers (cursorum) 32 1/2 annonae and 30 capita, making 282 1/2¹ solidi, thus: to the first, 2 annonae at 5 solidi to the annona and 1 capitus, at 4 solidi to the capitus, making 14 solidi; to the second, third, and fourth, 1 1/2 annona at 5 solidi to the annona and 1 capitus at 4 solidi to the capitus, making 34 1/2 solidi; to the remaining 26 men, 1 annona each, at 5 solidi to the annona and 1 capitus at 4 solidi to the capitus, making 234 solidi.

Note.

Couriers.

These were probably employed for messages which were sent but a short distance. Krüger, supra 171.

1.27.1.32. To the 12 men in the corps (schola) of the nomenclators, 13 annona and 12 1/2 capiti, making 115 solidi, thus: to the first, 2 annona at 5 solidi to the annona and 1 1/2 capiti, at 4 solidi to the capitus, making 16 solidi; to the remaining 11 men, 1 annona each, at 5 solidi to the annona and 1 capitus each at 4 solidi to the capitus, making 99 solidi.

Note.

Nomenclators.

The nomenclators were the bailiffs in court employed to call out the names of the advocates engaged in a civil case, and seem to have been helpers of the clerk of the civil courts. Krüger, supra 171; [3?] Bethmann-Hollweg 149.

¹ Blume penciled in a question mark above this figure.

1.27.1.33. To the six men in the corps (schola) of jailors (stratorum), 7 annonae and 6 capita, making 59 solidi, thus: to the first, 2 annonae at 5 solidi to the annona and 1 capitus at 4 solidi to the capitus, making 14 solidi; to the remaining five men, 1 annona each, 5 solidi for the annona, and 1 capitus, 4 solidi for a capitus, making 45 solidi.

Note.

Jailors.

The term strator had several meanings. Krüger, supra 171-173, in fully discussing the meaning of the term in its various significations, concludes that here were meant the jailors who were assistants of the marshal or sheriff. See also C. 9.4.1, where the term also occurs as meaning jailor.

1.27.2.34. To the ten men in the corps (schola) of criers (praeconum), 11 annonae and 10 1/2 capiti, making 97 solidi, thus: to the first 2 annonae, 5 solidi for the annona, and 1 1/2 capiti, 4 solidi for a capitus, making 16 solidi; to the remaining nine men, 1 annona each, 5 solidi for each annona and 1 capitus, 4 solidi for a capitus, making 81 solidi.

Note.

Court-criers or heralds.

These officials, bailiffs of the court, were connected with all the courts.

1.27.1.35. To the ten men in the corps of standard bearers (draconariorum): to the first, five solidi for an annona, and 1 1/2 capitus, 4 solidi for an annona, making 16 solidi; to the remaining nine men, 1 annona each, 5 solidi for an annona, and 1 capitus each, 4 solidi for each capitus, making 81 solidi.

Note.

Banner-carriers.

The draconarii were the carriers of the flag. It was a military term and was adopted as applying to officials in the civil service. Krüger, supra 174 says that their duties were not known.

1.27.1.36. To the twenty men in the bureau of public works, 28 annonae, 21 capiti, making 224 solidi, thus: to the first, 3 annonae, 5 solidi to an annona, and 2 capiti, 4 solidi to a capitus, making 23 solidi; to the next three men, 2 annonae each, 5 solidi to an annona, and 1 capitus, 4 solidi to a capitus, making 42 solidi; to the next six men, 1 1/2 annonae each, 5 solidi to an annona, and 1 capitus each, 4 solidi to a capitus, making 69 solidi; to the remaining ten men, 1 annona each, 5 solidi to an annona and 1 capitus each, 4 solidi to a capitus, making 90 solidi.

Note.

Bureau of public works.

This bureau looked after the public works erected by the various provincial governors under the praetorian prefect.

1.27.2.37. To the twenty men in the bureau of the chest (arca), 28 annonae, 21 capiti, making 224 solidi, thus: to the first, 3 annonae, 5 solidi to the annona, and 2 capiti, 4 solidi to the capitus, making 23 solidi; to the next three men, 2 annonae each, 5 solidi to the annona, and 1 capitus each, 4 solidi to the capitus; making 42 solidi; to the next six men, 1 1/2 annona each, 5 solidi to the annona, and 1 capitus each, 4 solidi to the capitus, making 69 solidi; to the remaining ten men, 1 annona each, 5 solidi to the annona, and 1 capitus each, 4 solidi to the capitus, making 90 solidi.

Note.

Bureau of the chest of the praetorian prefect.

We saw above that there were four bureaus, each headed by a numerarius, were occupied with financial affairs. Here we find another bureau also occupied with similar matters. The difference arises out of the following:

(1) The income of the empire was derived, generally speaking, from rents, derived from the rentals due from tenants of the public domain, leased either for a limited time or pursuant to perpetual leases. This income went into the treasury of the count of the crown domain, one of the ministers of finance; (2) from taxes payable in gold, consisting either of direct land taxes or indirect taxes; these were payable into the treasury of the count of the imperial exchequer; (3) from taxes called the annona, which was a tax payable in kind under Diocletian and subsequent emperors, some of it, however, gradually more and more becoming commuted into money payment, but still being called annona. The last tax went into the treasury, or chest, of the praetorian prefect. All or at least most of these taxes were collected by the governors, who in turn were under the praetorian prefect, and whose office, accordingly, had to do more or less with all of these various taxes, the four bureaus first above mentioned dealing with the first and second classes of income here mentioned, the bureau of the praetorian chest dealing only with the annona. The ministers of finance also had bureaus which dealt with the rent and taxes that went into their respective treasuries, and a great deal of duplication of work, must, accordingly, have ensued. See headnote to Book 10, and other notes in that book.

1.27.1.38. To the fifty men in the corps (schola) of the record keepers (chartularii), 58 annonae, 52 1/2 capiti, making 500 solidi, thus: To the first, 3 annonae of 5 solidi each, 2 capiti of 4 solidi each, making 23 solidi; for each of the next three men, 2 annonae of 5 solidi each and 1 1/2 capiti of 4 solidi each, making 48 solidi; to each of the next six men, 1 1/2 annonae of 5 solidi, and 1 capitus of 4 solidi, making 69 solidi; to each of the remainina 40 men, 1 annona of 5 solidi, and 1 capitus of 4 solidi, making 360 solidi.

Note.

Record keepers – chartularii.

From these assistants were chosen in the various bureaus. These men are more fully considered in headnote to C. 12.49.

1.27.1.39. This makes 396 men, 498 annonae of 2490 solidi, 420 1/2 capiti of 1682 solidi; a total of 4172 solidi.

1.27.1.40. Likewise for the annonae and capita of the corrector, 448 solidi; for his staff, 160 solidi.

Note.

It will be noticed that this constitution here passes on to deal with officials other than the praetorian prefect, namely on to the provincial governors, one of whom had the title consularis, instead of president. There is a lacuna here, and the regulations as to these governors and their staffs and officials are lost. The provision of the 160 solidi for the official staff of the consular is very small, and cannot be correct. Krüger, supra 176, conjectures that the salary there mentioned perhaps was that of the assessor, counselor of the consular.

1.27.1.41. For the five officiating physicians, 49 annonae, 18 1/2 capiti, making 319 solidi, thus: For the first in rank, 15 annonae, 6 capiti, 99 solidi; for the second in rank, 10 annonae, 5 capiti, 70 solidi; to each of the other three, 8 annonae, 2 1/2 capiti, 150 solidi.

Note.

The physicians mentioned here, and the grammarians mentioned in the next paragraph were probably those paid by the government, and had nothing to do with the consular.

1.27.1.42. For the two grammarians, 10 annona each, 5 capiti each, making 70 solidi each; to the two orators (sophistis oratoribus), 10 annonae and 5 capiti each, making 70 solidi each.

1.27.1.43. Your Magnitude, therefor, knows the disposition made by this imperial constitution as to the civil magistrates and their officials, that is to say, as to the officials of the bureaus of the powerful prefecture and as to the apparitors (cohortalini) (staff), and you will put it into effect on September 1 of the coming 13th indiction, cause it to be obeyed and to become known to all by public edicts. Those who were appointed by Your Sublimity, according to the present imperial constitution, shall enjoy continuance of their present positions. We have, with the aid of God, made provision for military magistrates and their officials, and for the whole army in another ordinance.

1.27.2 The same Emperor to Belisarius, Master of Offices in the Orient.

We always enter into all plans and commence all acts in the name of our Lord Jesus Christ. For through Him we have received the rights of sovereign, through Him we have firmly established eternal peace with the Persians, through Him we have overthrown the bitterest enemies and the mightiest tyrants, through Him we have overcome many difficulties, through Him it has been permitted us to protect Africa and again reduce it to our power, and we are confident that through His aid, it will be well governed and firmly retained under our rule. 1. Hence, we have already, through His grace, appointed in each African province magistrates and their staffs for the civil administration, assigning the emoluments which each is to receive. And now again thinking of its welfare, we provide for its armed forces and the commanders of the soldiers. Hence we ordain that the duke of the boundary of the province of Tripolitana (Tripolis) shall have his headquarters in the city of Greater Leptis, the duke of the province of Byzacena in Capsa and Theleptis alternately, the duke of the province of Numidia at Constantia, the duke of the province of Mauritania at Caesarea. 2. We likewise order that Your Magnitude shall put at the straits opposite Spain, at a place called Septum (Centa) such number of soldiers as seems proper to you, together with their tribune, a man of prudence and in all things devoted to the empire, who can guard both the crossing itself, and report to the worshipful duke all things that take place in Spain, in Gaul and among the Franks, so that the duke himself may report these things to Your Magnitude. You will also cause such number of swift cutters (dromones) to be stationed at this crossing as you may think proper. 3. We order a duke to be appointed for Sardinia, with headquarters beside the mountains where the Barbaricini can be seen, who shall be such number of soldiers as a guard as you may deem proper. 4. And all shall watch over the provinces committed to their care, protect our subjects unharmed from every incursion of enemies, and by invoking the help of God day and night, and by diligent labor, to extend the African provinces to the limits where

the Roman republic had its boundaries before the invasion of the Vandals and the Moors, and which were guarded by the ancient military watches, as is shown by the forts and burgs. 4a. They shall especially strive to seize and hold the cities which were occupied near the forts and boundaries, when they were under the control of Rome, after having, with the aid of God, expelled the enemy from these regions, and dukes and soldiers shall proceed to those places where the former boundaries and forts of the provinces were when the African provinces were under the sway of the Roman government. 4b. This, we hope, will soon come to pass in our time, with the consent of God, by whose aid they were restored to us, so that the provinces with their ancient boundaries may be preserved in safety and peace, and may be kept unharmed by the vigils and labors of the devoted soldiers and by the care of the officiating worshipful dukes, since it is proper that guards should protect the boundaries of the province, so that the enemy can make no incursions into or devastate any places which our subjects occupy. 5. The number of soldiers, infantry or cavalry that ought to be placed on each border to guard the provinces and the cities should be arranged by Your Magnitude, according to your judgment, and reported to us, so that, if the arrangement shall seem sufficient to us, we may confirm it, but if we think that something more ought to be done, we may provide for it. 6. What the duke shall receive as compensation for himself and his soldiers and what his staff shall receive is stated in the subjoined schedule. 7. The dukes and soldiers, therefore, shall, as above mentioned, meanwhile be stationed according to our order in the places and cities as we have directed, till through our labor and by the aid of God, extended to us and to the republic,² they can be placed in places on the ancient boundary of each respective province as such boundary was when held unimpaired, under Roman sway. It has seemed necessary to us that aside from field troops (comitatenses), boundary troops should be stationed in camps, who can defend the camps and cities of the border, and cultivate the fields, so that the provincials, seeing them in these regions, may also betake themselves thither. For the organization of border-soldiers, we have drawn a pattern for one of the troops thereof, which we enclose, and you can place the soldiers at camps and in regions, as Your Magnitude deems prudent, in similitude to the pattern sent you. If you should find suitable men among the provincials themselves, or among those who were soldiers therein, you should enlist them in the number of the border troops on each border, so that if, perchance, a disturbance arises, they and their dukes may protect the place where they are stationed without the aid of the field troops and without going far beyond the borders, so that no detriment be inflicted on the aforesaid border troops by the dukes or the men under them, nor shall they fraudulently convert to their own use the customary emolument out of the latter's income.³ These provisions shall apply not only to the border troops but to the field troops as well. 9. And we order each duke, and the tribunes of his soldiers to keep the soldiers always trained in the exercise of arms, nor permit them to straggle, so that if necessity arises, they may be able to resist the enemies, and dukes or tribunes shall not dare to send any soldiers away from there on furlough, lest, while looking to advance their won interests, they may leave our provinces unprotected. 9a. For if the above mentioned dukes, or their staff, or tribunes should dare to leave soldiers on furlough,⁴ or should derive any advantage from their emolument, they

² Blume probably meant "empire" here. Elsewhere in this title he typed "republic" but later lined it out and penciled in "empire."

³ Blume penciled in beside this: "Or is it 'service'?"

⁴ [Blume] Otto, Schilling & Sintenis translate "commeatalem dimittere" in C. 1.27.2.9 and "commeatalem relinquere" in C. 1.27.2.9a as meaning dismiss a paid soldier.

shall not only pay fourfold thereof to be paid to the public treasury, but they shall also be deprived of their dignity (position). 9b. The dukes and tribunes should rather, aside from the emoluments assigned to them for their labor, hope for remunerations through our bounty, rather than to obtain a gain through leave of absence of the soldiers, or from their emoluments, since soldiers are stationed so that through them the provinces may be protected, especially since we have provided sufficient emolument for the dukes and their staff, and have always furnished opportunity so that each of them could, according to his labor, reach better grades and higher rank. 10. And after it shall please God that through Your Magnitude the ancient boundary shall have been reestablished and everything has been put in good condition, the worshipful dukes shall aid each other, when necessity and the occasion demands, so that the provinces or their borders may, with the aid of God, be kept unharmed, by their vigils and their labors. 11. As, moreover, we want our magistrates and soldiers to be courageous and stern toward the enemies, so we want them to be mild and kind toward our taxpayers and inflict upon them no harm or injury. And if any soldier dares to inflict injury upon our taxpayers, a suitable punishment worthy of the emperor shall be inflicted at the peril of the worshipful duke or the tribune, and the taxpayers shall be indemnified. 12. If our magistrates are appealed to in any causes, the process servers shall receive no greater fees than are fixed by our laws, under fear of punishment provided in those laws, in case of transgression. 13. When, moreover, with God's aid, our African provinces shall be organized by Your Magnitude, according to our direction, and the borders are reestablished to their ancient position, and African shall be held as it formerly was—when all these things shall, with God's aid, have been arranged and completed while you are there, and Africa shall, through your labors, have received back its ancient boundaries, and when you shall have informed us of the full organization of the whole African diocese—that is, how many and what soldiers are stationed in each place or city and how many border troops are stationed in each place or on each border, then Your Magnitude shall return to our Clemency. 14. And in the meanwhile, if it shall appear to Your Magnitude that some cities or camps established on the border are too large, and cannot on that account be properly protected, you will arrange to have them constructed in such manner that they can be well guarded by a few. 15. When the time comes that Your Magnitude, having arranged everything, shall have returned to us, as ordered, the dukes of each border shall, whenever they need anything for adjustment in cities or camps, or for pay or food supply, promptly advise the magnificent prefect of Africa, so that the latter may do everything that is needed, lest delay injure the provinces. 16. Whatever he does, and whatever necessary things are still to be provided for, and everything that takes place there shall be frequently reported to us by the above mentioned magnificent prefect of Africa and the worshipful dukes, so that the things well done may be ratified and the things that should be more fully done may be carried out pursuant to our direction. 17. We also order that the dukes who are to be stationed on the African borders shall not pay to any person or rank in our imperial palace, or to the praetorian prefecture in African or to the office of the master of the soldiery anything more than the annexed schedule (notitia) specifies. 17a. And if anyone demands or accepts anything more than is specified in the annexed schedule, he shall pay thirty pounds of gold as a fine, and be subject to the peril of the displeasure of Our Serenity; and no other person, dignity or official, shall receive anything from them except those whose names are contained in the subjoined schedule. 18. And we order further, that, with God's aid, each duke or his staff shall receive his emoluments, according to the amount mentioned (continet) in the subjoined schedule, from the tribute of the African

province, commencing with the first of September of the coming felicitous 13th indiction. 19. And the schedule is this: With God's consent there should be assigned to the dukes and their staff, stationed in Africa, for supplies for themselves and rations for animals the following in each year: 20. To the honorable duke of the province of Tripolitana and his officials (hominibus) 190 annonae of 5 solidi each and 158 capiti of 4 solidi each, making for annonae and capiti 1582 solidi. 21. To the assessor of the duke, and to his official staff of 40 men, 96 1/2 annonae of 5 solidi each, 48 capiti of 4 solidi each, making for annonae and capiti, 67 1/2 solidi, divided as follows: 22. To the assessor, 8 annonae and 4 capiti; to the chief (primicerius) 5 annonae and 2 capiti; to the chief accountant (numerius) 4 annonae and 2 capiti; to the four ducenarii, 3 1/2 annonae each, making 14 annonae, and 1 1/2 capiti each, making 6 capiti. To the six centenarii, 2 1/2 annonae each, making 15 annonae, and 1 capitus each, making 6 capiti. To the eight biarchae, 2 annonae each, making 16 annonae, and 1 capitus, making 8 capiti. To the nine patrols (circitores), 2 annonae each, making 18 annonae, and 1 capitus each, making 9 capiti. To the eleven semissales, 1 1/2 annonae each, making 16 1/2 annonae and 1 capitus each, making 11 capiti.

Note.

The assessor and the primiscrinus and the numerarius were officials of comparatively high rank among these serving under the dukes, and we have met these names in c. 1 of this law. The ducentarii, centenarii, biarchae, and circitores were officials of lower rank. We meet these names among the membership of the imperial messengers (C. 12.20), where we find the ducenarius to be a very high official. But the officers of the same name under the dukes must not be confused with them, nor with the officials designated as ducenarii and centenarii in the office of the ministers of finance (C. 12.23). Their respective duties are not known, though we may conjecture that they were used as messengers or spies. Nothing is known as to the semissales. It is not unlikely that the word has come down to us in a corrupt state.

1.27.2.23. Likewise as to the honorable duke of the province of Byzacena and his men, 190 annonae of 5 solidi each, and 158 capiti of 4 solidi each, making for annonae and capiti 1582 solidi. 24. To the assessor of the duke and to his staff of forty men, 96 1/2 annonae of 5 solidi each, and 48 capiti of 4 solidi each, making for annonae and capita 674 1/2 solidi, divided thus: 25. To the 1 assessor, 8 annonae, 4 capiti. To the chief, 5 annonae, 2 capiti. To the chief accountant, 4 annonae, 2 capiti. To the four ducenarii, 3 1/2 annonae each, making 14 annonae, and 1 1/2 capiti each, making 6 capiti. To the six centenarii, 2 1/2 annonae each, making 15 annonae, and 1 capitus each, making 6 capiti. To the eight biarchae, 2 annonae each, making 16 annonae and 1 capitus each, making 8 capiti. To the nine patrols, 2 annonae each, making 18 annonae, and 1 capitus each, making 9 capiti. To the eleven semissales, 1 1/2 annonae each, making 16 1/2 annonae, and 1 capitus each, making 11 capiti.

1.27.2.26. Likewise to the right honorable duke of the Province of Nunidia, and his men, 190 annonae of 5 solidi each, and 158 capiti of 4 solidi each, making for annonae and capiti 1582 solidi. 27. To the assessor of the duke and to his staff of forty men, 96 1/2 annonae of 5 solidi each, and 48 capita of 4 solidi each, making for annonae and capita 674 1/2 solidi divided thus: 28. To the one assessor, 8 annonae, 4 capiti. To the chief, 5 annonae, 2 capiti. To the chief accountant, 4 annonae, 2 capiti. To the four ducenarii, 3 1/2 annonae each, making 14 annonae, and 1 1/2 capiti each, making 6 capiti. To the six

centenarii, 2 1/2 annonae each, making 15 annonae, and 1 capitus each, making 6 capiti. To the eight biarchae, 2 annonae each, making 16 annonae and 1 capitus each, making 8 capiti. To the nine patrols, 2 annonae each, making 18 annonae, and 1 capitus each, making 9 capiti. To the 11 semisales, 1 1/2 annonae each, making 16 1/2 annonae and 1 capitus each, making 11 capiti

1.27.2.29. Likewise to the honorable duke of the province of Mauritania and his men, 190 annonae of 5 solidi each, and 158 capiti of 4 solidi each, making for annonae and capiti 1582 solidi. 30. To the one assessor, 8 annonae, 4 capiti. To the chief, 5 annonae, 2 capiti. To the chief accountant, 4 annonae, 2 capiti. To the four ducenarii, 3 1/2 annonae each, making 14 annonae and 1 1/2 capiti each, making 6 capiti. To the eight biarchae, 2 annonae each, making 15 annonae, and 1 capitus each, making 6 capiti. To the eight biarchae, 2 annonae each, making 16 annonae and 1 capitus each, making 8 capiti. To the nine patrols, 2 annonae each, making 18 annonae, and 1 capitus each, making 9 capiti. To the eleven semisales, 1 1/2 annonae each, making 16 1/2 annonae, and 1 capitus each, making 11 capiti.

1.27.32. Likewise to the honorable duke of the island of Sardinia, and his men, 190 annonae of 5 solidi each, and 158 capiti of 4 solidi each, making for annonae and capiti 1582 solidi. 33. To the assessor of the duke and to his staff of 40 men, 96 1/2 annonae of 5 solidi each, and 48 capiti of 4 solidi each, making for annonae and capiti 674 1/2 solidi, divided thus: 34. To the one assessor, 8 annonae, 4 capiti. To the chief accountant, 4 annonae, 2 capiti. To the four ducenarii, 3 1/2 annonae each, making 14 annonae, and 1 1/2 capiti each, making 6 capiti. To the six centenarii, 2 1/2 annonae each, making 15 annonae, and 1 capitus each, making 6 capiti. To the eight biarchae, 2 annonae each, making 16 annonae, and 1 capitus each, making 8 capiti. To the nine patrols, 2 annonae each, making 18 annonae, and 1 capitus each, making 9 capiti. To the 11 semisales, 1 1/2 annonae each, making 16 1/2 annonae, and 1 capitus each, making 11 capiti.

1.27.35. Likewise the schedule of the customary payments which the officiating duke of each border ought to pay to the office of the imperial registry (laterculo), to the office of the powerful praetorian prefect of Africa and to the office of the master of the soldiery is as follows: To the office of the imperial registry, 6 solidi; to the office of the master of the soldiers for registering the imperial orders of Our Serenity as to his administration,⁵ 12 solidi; to the office of the powerful prefecture of Africa for registering the same papers, 12 solidi.

1.27.2.37 Thus Your Glory will carry these provisions, made by Our Eternity in this pragmatic sanction, into effect and direct it to be observed.

This law was promulgated at Constantinople April 13 (534).

⁵ Blume typed "appointment" but penciled in "administration" above it.