

Book XII.
Title XVII.

Concerning the domestics and protectors (soldiers belonging to the palace guards).
(De domesticis et protectoribus.)

Headnote.

Palace troops.

1. Scholarians (palace troops).

These were the palace troops that were substituted by Constantine for the old praetorian guard of which we read so much in the early history of the Roman Empire. These guards comprised several corps of scholarians; they were so called because there was assigned to them a hall, schola, where they were stationed. They belonged to the armed military service, and must not be confused with the so-called scholae, of men in the civil service. There was for instance a schola of imperial messengers, of record-keepers, of stenographers, and others. As to these men, the schola meant simply a department, corporation.

The Scholarians were composed of 3500 men, increased by Justinian to 5500 men, but again reduced by him to the old number. There were seven troops, or scholae, of 500 men each, until the increase by Justinian as mentioned. They received higher pay than the ordinary soldiers. Enrollment therein was esteemed as an honor, and was at first granted only to soldiers who had seen service, preferably to Germans, and later Armenians. By the time of Zeno the Isaurian, admission was no longer obtained as a reward of merit, but by favor, and finally by open purchase. This enervated the troops and made them unfit for service, and Leo created a special corps of excubitores (watchers) from among their number, to act as watches, instead of depending on the whole number. These troops were stationed at the capital of the empire, never leaving it, except to accompany the emperor. They were under the general supervision of the Master of Offices, who supervised the enrollment, pursuant to warrants of appointment signed by the emperor. Each of the troops had its own commander, tribune, probably generally made a count of the first order, who was, of course, a subordinate of the Master of Offices. Boak, Master of Offices, 60-63; Bury, 1 Hist. Later Roman Empire 37; Kuhn, 1 Verfass. d. R. R. 140; Marquardt, 2 Stvw. 589; C. 12.11.1; C. 1.31.3 and 5; C. 12.29; 2 Pauly-Wissowa, 2nd Series, 621-624, and vol. 6 at 1622.

2. Domestics and Protectors.

In addition to these troops, there was another body of palace troops, whose complete name seems to have been or finally become Domestics and Protectors. They consisted of both horse and foot, as a rule were stationed at the imperial court, but might be sent elsewhere. They seem to have been much less numerous than the Scholarians. They were under the command of a count of Domestics, who was independent of the Master of Offices and who had the illustrious rank. Only persons who had seen military service were enrolled among them. But this was not always true, if we accept C. 2.7.25 literally; for the lawyers of the praetorian prefecture recommended certain number each year to be enrolled among them as stated in C. 2.7.25, unless that constitution, as is probable, refers to the Scholarians, rather than the domestics and protectors, even though

the domestics are specially mentioned. Under the illustrious count were, according to Not. Dig. Or. 15, counts of the cavalry and of the infantry. According to C. 12.17.2, the separate troops seem to have been under the command of ten men (decemprimi), the chief of whom was called primicerius. See as to the Count of the D.¹, 4 Pauly-Wissowa 648-650.

12. 17. 1. Emperors Valentinian, Theodosius and Arcadius to Eusignius, Praetorian Prefect.

The domestics and protectors, shall, when they pay their respects, have the privilege of kissing the vicars of Your Highness.² For punishment similar to that in case of sacrilege will be imposed, if proper deference is not shown to those who are deemed worthy to touch our purple.

Given at Milan March 6 (387).

C. Th. 6.24.4.

12.17.2. Emperors Theodosius and Valentinian to Heliodorus, City Prefect.

The chief (primicerius) of the domestics and protectors of both departments (horse and foot), shall, after reaching the tribuneship, enjoy the worshipful rank, the same as those who have attained the position of duke. The first ten, inferior to him, shall, after finishing their term of office, enjoy the consular rank, that is to say, that of Clarissimus (Honorable), in addition to the (other) honors belonging to the first ten.

Given at Constantinople June 10 (432).

C. Th. 6.24.11.

Note.

As already stated, the separate troops of the domestics and protectors were commanded by ten men (decemprimi), the chief of whom was called primicerius. It seems that the latter, at the end of his service, received the title of tribune, and as such enjoyed the same rank as a duke, namely that of worshipful; the others, after the end of their service, were of the rank of clarissimus (honorable). See 6 Pauly-Wissowa 1622.

12.17.3. The same Emperors to Sporacius, Count of the Domestic Infantry.

If any domestic who is not called away on any public duty, and who lacks the customary leave of absence, shall absent himself from the duties owing to Our Serenity for a period of two years, he shall be placed in a grade below that of the next five following him; if his absence is shown to continue for the period of three years, he shall be reduced ten grades. If he is absent for the period of four years, he shall be placed last on the list. If he shall be gone for the period of five years, he shall be deprived of the girdle altogether, for it is not becoming that those who are idle and wander off on their own affairs, when they should be attentive to their duty, should be counted as members.

12.17.4. Emperor Justinian to Vigilantius, Count of the Domestics, and Consular and Patrician.

¹ This was a hand-written note referring, presumably, to the Count of the Domestics.

² [Blume] See note C. 12.19.2.

We believed it right, that by an eternally valid pragmatic sanction, we should determine and enact, that if anyone of the brave domestics who serve at our court having reached the position of first assistant chief (secunderius), in the school of cavalry, should die, his heirs shall receive not only the salaries and emoluments which he would have received during the remaining time of that position, but also those which he would have received during the following year, that is during the time that he would have been chief (primicerius), so that, as far as the question of gain, compensation and fruits of service is concerned, it shall be treated as though he had survived the last end of his service.

Note.

It will be noted that the rank among the domestics and protectors was according to this law: primicerius (chief); secunderius (first assistant chief). The third in rank, not here named, would be the tertiocerius. The first ten after the chief had a special rank, as noted in law 2 of this title.

12.17.5. The same Emperor.

The privileges granted to the first assistant chief (secunderius) of the cavalry, shall also apply to the first assistant chief of the infantry.