

Book XII.  
Title V.

Concerning the Grand Chamberlain, and concerning all chamberlains and their privileges.  
(De praepositis sacri cubiculi et de omnibus cubiculariis et privilegiis eorum.)

Headnote.

Grand Chamberlain and subordinates.

The Grand Chamberlain (praepositus sacri cubiculi) is not mentioned in book 1 of this Code among the other men of illustrious rank. There were two at each imperial court, one for the emperor, and the other for the empress. Law 5 of this title. The first Grand Chamberlain of which we find a record is in the year 326, in the reign of Constantine the Great. Dunlap, Grand Chamberlain, Roman and Byzantine Studies, Humanistic Series, University of Michigan Studies, vol. 14, 181. He received the illustrious rank probably during the reign of Theodosius, the Great, sometime after 379 A.D. Dunlap, supra 183. His tenure was at the pleasure of the emperor. We have a record that Eusebius, Grand Chamberlain of Constantius held his position from 335 A.D. to 361 A.D., and some of them probably acted as such until their death. Dunlap, supra 193. As will be seen by examining the first law of this title, he ranked equally with the other illustrious officials. His judicial competence was more limited than that of the other high ministers of State, the master of offices being given jurisdiction over some of the former's subordinates. C. 12.16.4; C. 12.25.3. He had, however, control over the so-called imperial household lands in Cappadocia (headnote C. 11.62; C. 11.69), and jurisdiction in civil cases affecting the serfs thereon. C. 3.26.11. It is probable, however, that he merely reviewed cases which had already been heard by the count of the imperial household lands, his subordinate, and who, till the enactment of Novel 30 by Justinian, had direct control of these lands. See Dunlap, supra 200. The Grand Chamberlain had, of course, the general supervision of the imperial household and was compelled to perform many ceremonial duties. See Dunlap, supra 200-202. He had as his direct subordinates:

1. The steward of the household, who and whose subordinates will be more fully considered at C. 12.25.

2. The decurions and silentiarii, more fully considered at C. 12.16.

3. The count of the imperial household lands (comes domorum), but as sufficient consideration to these lands has been made at headnote C. 11.62 and C. 11.69, it is not necessary to do so further at this place.

4. Probably a private imperial treasurer (saccularius), who could supply immediate needs. Dunlap, supra 223.

5. Chief (primicerius) of the imperial bedchamber, that is to say, chief of the ordinary chamberlains, who are more fully mentioned at note to law 4 of this title, and of whom there were many. His position corresponded to that of the chief of the official staff or whole bureau, of other high officials, and it may be that, as in the offices of the other illustrious officials there were separate bureaus, each with their chief, so there were divisions in the employees of the chief above mentioned, with chiefs of their own. But it is not probable that there were regular advancements from one rank to another, as in other offices. See Dunlap, supra 203-207.

6. Count of the Imperial Wardrobe (*comes sacrae vestis*). This official is mentioned but once in the Code, namely in C. Th. 11.18.1. A *schola* (corporation) of the imperial wardrobe is mentioned in C. 12.25.3. Imperial weaveries and dye-houses seem to have been under the control of the ministers of finance (C. 11.8), and the count of the imperial wardrobe probably received his supplies from them. Bureaus in one way or another connected with these supplies were found in the office of the count of the imperial exchequer. C. 12.23.7 and 12-14.

#### 12.5.1. Emperors Honorius and Theodosius to Florentius, Prefect of the City.

The Grand Chamberlain shall enjoy the same rank as those who have reached the eminent praetorian or city prefecture, or who have received the authority as master of the soldiers, and there shall be no difference (in rank) between them after they relinquish their administrative posts, either when adoring the power of Our Serenity, or when present, at their discretion, at customary festivities, assemblies, salutations,<sup>1</sup> or other functions (*officia*),<sup>2</sup> so that in reference to being seated, and in assemblies, the order of precedence shall be according to the order of promotion, provided they wear the customary (official) attire, since it has been clearly decreed that whoever precedes (in time) takes precedence (in rank), and that he, whom the emperor has chosen later, follows.

Given at Constantinople November 8 (422).

C. Th. 6.8.1.

#### 12.5.2. Emperors Theodosius and Valentinian to Proculus, City Prefect.

By this eternal law of Our Clemency, we ordain that all chamberlains who retire from our chamber before reaching the first place, excepting the steward (*castrensis*) and count of the imperial household lands (*comes domorum*), shall enjoy the following privileges, that is to say, their property shall not be burdened either by order of Your Highness or pursuant to the vexatious information (*calumnia*) of anyone by any duty of haulage on highways or byways, or to furnish horses for byways (*Angarias, sive parangarias vel etiam paraveredos*), and they shall not, in their time of leisure and peace, lose, by being compelled to perform sordid duties, the respectability which they acquired by their service. Their houses also, whether situated in this sacred city or in any other city, shall be exempt from the duty of quartering any persons of whatever rank. The rectors of the provinces and their apparitors will be punished by a fine of ten pounds of gold, if they disregard or in any way violate these provisions of Our Clemency. (428).

#### Note.

Chamberlains who retired from office were granted certain exemptions from some patrimonial - imperial liturgies (C. 10.42 headnote), namely from furnishing haulage for the public post (C. 12. 50), billeting or quartering officials and troops (C. 12.40), and from "sordid" burdens, like burning lime. Nothing is said as to exemption from "personal" liturgies (headnote C. 10.32), except as to those that were "sordid" - of a low

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<sup>1</sup> [Blume] Salutationes - these were receptions of the officials, and at which the order of precedence was observed.

<sup>2</sup> [Blume] Officia - like funerals and marriages.

nature. Such exemption was granted them by C. 12.28.8. But that exemption, it would seem, applied in later times only if such chamberlains were not curials. If they were curials, they were subject, after retirement, to all curial, that is to say personal, duties and liturgies. C. 10.32.67.

#### 12.5.3. Emperors Leo and Anthemius to John, Count and Master of the Offices.

The chamberlains of our sacred chamber and of that of the esteemed Augusta, who are occupied by their duties, in attending the inner shrines of the imperial court, cannot attend different judicial tribunals, are exempted from attendance at other tribunals, and must answer only the actions brought against them in the tribunal of Your Sublimity.

Note.

The magistrates with officials under them had generally exclusive jurisdiction over the matter in civil and criminal matters. This subject is fully considered in note to C. 3.13.7.

#### 12.5.4. Emperor Leo to Pusaesus, Praetorian Prefect.

We order that all (slaves) who, by the liberality of anyone have heretofore been given, or who by any grant have been or will hereafter be given, to our sacred chamber, and who have this heretofore received or will hereafter receive the right to serve the emperor shall, after they have been added to the devoted chamberlains, be rendered, and seem to have been rendered free and freeborn, although no document or record in relation thereto has been executed. 1. This shall apply not only to the living but also to the dead. For since it is the special privilege of the imperial majesty to use the services, not of slaves, as people of private station do, but the honorable services of free people, it would be very iniquitous, if these only (the dead) should suffer the disadvantages of an inferior status. 2. They (the chamberlains) shall be permitted to make testaments, at their discretion, just like those who are decorated by the ornaments of free birth. If they die intestate, no one needs to doubt that their property will be claimed for the fisc, since the deceased will have no legal heirs. 3. All these provisions shall be strictly observed when anyone has freely and voluntarily given a eunuch for service in the imperial chamber. 4. If the eunuch, however, was taken from anyone by force, or if he shall dare to serve in the chamber against the wish or without the knowledge of the master, the latter may cite him to appear in the court designated for that purpose by imperial law, and recover, in addition to the peculium, the slave whom he can show to have entered the chamber without his consent or knowledge. 5. But as it is proper not to deny to the injured the opportunity to implore assistance, so, on the other hand, the path of persecution shall not long be open. A period of five years is, therefore, given within which masters may commence their action, and if they fail to do so in that time, the opportunity to reclaim the slave or his peculium, or his property as that of a freedman, shall be denied. 6. These provisions made concerning chamberlains, shall also apply to female chamberlains, living or dead, given or to be given by their masters to the imperial chamber.

Note.

In order to understand this law, it should be borne in mind, and is inferable from this law, that the chamberlains had generally been slaves, were eunuchs and could not, therefore, have children. While they were, under this law, permitted to make wills, their property fell to the fisc if they died intestate. They were, by this law, not alone made free

by the very fact of serving as chamberlains, but were also considered as freeborn. If they had not been considered as freeborn, but only as free, they would have been freedmen, and these did not, except in certain cases, and that principally under the later law, made by Justinian (C. 6.4.4), have full right of disposing of all of their property. The dead, accordingly, would have felt the disadvantage of an inferior condition, as stated in this law. Many of these chamberlains were, it seems given as a present by their masters. In the latter part of this law, female chamberlains are mentioned, who, doubtless, served the empress. Inasmuch as they could have children, some of the statements in the instant law could hardly apply to them. The number of chamberlains is not known, but it was probably large. See Dunlap, Grand Chamberlain, supra 205.

#### 12.5.5. Emperor Anastasius to Eusebius, Master of Offices.

We order that the illustrious provosts of the two sacred chambers, that of Our Piety and that of the Serene Empress, shall be permitted, after their terms of service, if they have been made members of the senatorial order, to wear the girdle of their office whenever they want to go away to inspect their lands or for other purposes, since that would seem to give them satisfaction and injures no one.

Note.

It will be noted from this law that there were two Grand Chamberlains at the imperial court, one of the emperor and the other of the empress, the former, doubtless having a much more exalted position than the latter.

From the time of Diocletian on, the empire was on a number of occasions divided into the Western and the Eastern Empire, and grand chamberlains were, of course, found at each court. Not only that, the so-called Caesars, too, the associates of the emperors, had a grand chamberlain, though probably not bearing identically the same title. Dunlap, supra 190-192.