

Book XII.
Title LII (LIII).

Concerning the apparitors and their privileges of the praetorian prefect.
(De apparitoribus praefectorum praetorio et privilegiis eorum.)

12.52.1. Emperors Valentinian and Valens to Mamertinus, Praetorian Prefect.

It is our wish that the chief assistants (cornicularii) of the praefecture, each of whom leaves his employment in a year, shall after their term of office expires (have the right to) adore our purple;¹ and persons who have filled that position and have received leave of departure, shall have undisturbed leisure, and shall not be drafted as collector of taxes or perform any public burden.

Given at Milan January 30 (365).

C. Th. 8.7.8.

Note.

The cornicularius is mentioned in the register of Dignities as next to the chief (princeps) of the official staff of the praetorian prefect. See headnote C. 1.27. The privilege of adoring the purple, that is to say, appearing in presence of the emperor, was considered very great.

12.52.2. The same Emperors to Zozimus, President of the New Epirus.

We forbid apparitors in the office of the praetorian prefect (praefectioni) to interfere in the collection of taxes in the provinces, or rather engage in gain and profit to themselves, to the detriment of the provincials. We further deny them the custody of warehouses or undertake the functions of an inspector of the public post. If one of them becomes a violator of this law, he shall feel our wrath and indignation.

Given at Milan November 18 (373).

C. Th. 12.10.1.

Note.

As the officials in the offices of the ministers of finance were called palatini, so the officials in the office of the praetorian prefect were called praefectiani. As to their various bureaus etc. see C. 1.27.1.

They were forbidden to collect taxes from the provincials. Some of these officers were sent out into the provinces to urge the governors and their staff to cause all collections to be made, but they could not themselves engage in collecting them. See C. 10.19.7 and 9 and notes. Neither were they permitted to become inspectors of the public post (curiosi) in the province, that is to say, curiosi, as both Cujacius and Gothofredus, on this law, agree. (curarum jus et arbitrium). The reason lay in the fact that these curiosi were taken from the corps of imperial messengers. See C. 12.22.2.

12.52.3. Emperors Theodosius and Valentinian to Zorlus, Praetorian Prefect.

The chief assistants (cornicularii) and their aides (primiscrinii) and the accountants (numerarii) who finish the duties of their service in the office of Your Sublimity in regular order and obtain the desired rest from their labors, shall, as a reward

¹ [Blume] appear at the imperial court.

for their many efforts in behalf of the state, be always exempt from all liturgies (indictio) imposed either by military or civil governors; and shall be subject only to the jurisdiction of civil, but not of military, courts. 1. We think it right to add this to this law, that if any apparitor in the office of the praetorian prefect (praefectianus) during his service or after he lays his girdle aside, dies, without a legal will, and without leaving intestate successors, his property shall not escheat to the fisc but shall be claimed by your magnificent office for the treasury of Your Highness. Clerks (scriuarii) stenographers (exceptores) and others in the office of Your Highness, shall, while serving in our first auxiliary legion,² be subject to your jurisdiction in cases in which they are sued. If they live in provinces they shall answer in the court of the provincial rector, unless they are engaged in a public duty.

About 444 A.D.

Note.

These apparitors were apparently given complete exemption, in the same words as masters of the imperial bureaus in C. 12.9.1, from all liturgies. The law must, however, be construed in conjunction with C. 10.32.67, which limited exemption from curial duties to but few persons who had retired from imperial service.

The superiors of officials ordinarily had exclusive jurisdiction over the latter in civil and criminal cases, except when they lived in a province. If engaged in public duties in the provinces, however, jurisdiction over them was the same as though they were engaged in service in the capital. See full not on the subject C. 3.13.7.

If the apparitors here mentioned died without testament or intestate heirs, their property fell to their fellow-apparitors. A similar provision is found in C. 6.62.3.

² [Blume] This phrase is the equivalent of the phrase 'while serving in the office of the praetorian prefect.' That office was the highest in the empire and was considered of the same importance as the first legion, and the phrase mentioned was used merely as a circumlocution. See Kuhn, 1 Verfass. d. R. R. 154. See also C. 12.36.6.