

Book XII.
Title IX.

Concerning the Master of Bureaus.
(De magistris scriniorum.)

Headnote.

The present title deals with the masters of the imperial bureaus. These bureaus are dealt with at title 19 of this book, but their close connection with the masters of the bureaus makes it advisable that a note relating to them be made here. There were four of these bureaus; of memorials, correspondence, appeal-cases and arrangements. The term "bureau" has been used herein variously. In the first place, the magistrates, including the governors, vicars and most of the illustrious officials, had what was called an "official staff" or "bureau," sometimes by "office." This officium frequently contained separate departments, generally called scrinium, bureau; but the imperial bureaus were entirely separate and apart from the others, had an independent status, and were called imperial (or rather sacred), because connected with the work in which the emperor was more or less directly and immediately interested.

It may be said at the outset that the masters of the imperial bureaus had nothing to do with the bureau of arrangements. The principal business of that bureau seems to have been to draw up the program of the emperor's daily work and make corresponding arrangements. The chief official of that bureau was a count, and he and his bureau were under the control of the Master of Offices. Bury, in 21 Harvard Studies of Classical Philology 23; Boak, Master of Offices 83.

The other imperial bureaus were those of memorials, correspondence, and appeal cases. The masters of the imperial bureaus had a corresponding name, there being a master of memorials, two masters of correspondence, one for Latin and one for Greek correspondence, and a master of appeal-cases. We should, accordingly, naturally, conclude that the masters were the heads of these bureaus, but they were not, the bureaus having been placed under the control of the Master of Offices, at least from the time of Constantine the Great. Boak, supra p. 82. Each of these bureaus had a chief, called proximus, and assistant chief, called melloproximus, stenographers, and other employees, called memoriales, epistulares and libellenses respectively, though the term memoriales was also used to designate the employees of all the three bureaus. 1 Karlowa 837; Boak, supra 14; Bury, supra 24. The instant title, however, shows the close connection between the master of the bureaus and the proximus - actual chief, and we might well call the masters the chiefs, the proximus the assistant master, and the melloproximus the second assistant master.

The bureaus were, as stated, under the Master of Offices. He controlled the number to be employed therein, which consisted of regulars, as well as supernumeraries, and had jurisdiction in cases, criminal and civil, in which the employees were interested. C. 12.17.12 deals with the subject more fully.

As to the work performed by the employees, some were subject to (a) the Master of the Offices, (b) some to the quaestor, and (c) some to the masters of the three imperial bureaus now under consideration. We shall consider these matters now in more detail.

1. Work under Master of Offices.

The certificates of appointments, probatoriae, or "imperial warrants," as Boak calls them, entitling persons to be admitted to official staffs in the imperial service, were issued by these imperia bureaus, the work being divided among them. C. 12.59.10. This work was under the supervision of the Master of Offices. As to other certificates of appointment see note C. 12.7.1, and below, where duties under the quaestor are mentioned.

2. Work under the Quaestor.

The quaestor, whom we might call the attorney general of the empire, had no official staff of his own, but took his assistants from among the bureaus here considered, 12 from the bureau of memorials, and 7 from each of the other two bureaus. C. 12.19.13. Part of the members of the bureau of memorials acted as record-keepers of what was called the minor or lesser register (laterculum) of dignities, and this work, too, was under the supervision of the quaestor. C. 1.30.1 and 2; see note C. 12.7.1 as to the greater register; C. 1.30.1 note, as to the minor register.

3. Work under the masters of the imperial bureaus, and the work of these masters.

(a) The master of the bureau of memorials put into proper form the verbal comments of the emperor, or notations made by the emperor on the margin of documents, and despatched them. He also answered requests (preces) from individuals, himself preparing the answers. But in respect to his action on judicial questions, he was by Novel 114, c. 1, placed under the supervision of the quaestor. Boak, supra 84; Bury, supra 24. His assistants came from the bureau of memorials.

(b) The master of the bureau of correspondence. They were the secretaries for correspondence, dealt with communications of legations from foreign states and from municipalities in the empire, with requests for advice from officials, consultationes, and with certain petitions or requests, such as probably were connected with his other duties. In matter dealing with legations, their work was probably subject to the supervision of the Master of Offices. Letters to be written in, or translated into Greek, were under the Master of Greek correspondence. Boak, supra 84; Bury, supra 24. The assistants come from the bureau of correspondence.

(c) The masters of the bureau of appeal-cases, dealt chiefly with cases appealed to the imperial court, and matters connected therewith. Boak, supra 85; Bury, supra 24. This bureau was sometimes called "libellorum," sometimes "cognitionum," sometimes by the use of both of these terms. The assistants came from the bureau of appeal-cases.

Some of the work of these bureaus was evidently similar in character, so letters and petitions of the same nature were probably answered at times by one of the bureaus, at other times by another.

12.9.1. Emperors Theodosius and Valentinian to Zoilus, Praetorian Prefect of the Orient.

The liberality of Our Benevolence should be extended to the worshipful masters of all the imperial bureaus, who, in a measure, seem to sit by the side of Our Majesty (to give assistance). 1. After retiring from office, therefore, they shall be entirely exempt from the imposition of every burden (indictionis onere) by civil or military judges. They shall not be annoyed even by the exalted office of Your Highness, by imposing upon

them any burden, public or private. This benefit is also extended to the assistant master chiefs of the bureaus (proximos), and ex-chiefs of the sacred bureaus. The officials of your staff will be punished by a fine of ten pounds of gold, if they permit any innovation contrary to the statutes of Our Clemency.
Given this 25th day of February (444).

Note.

This deals with exemption from liturgies of masters of the imperial bureaus. These liturgies are dealt with in headnote to C. 10.32 and in laws and notes to laws in Book 10, title 32, and subsequent titles. Exemption from liturgies of other employees in these bureaus is mentioned in C. 12.19.4 and C. 12.28, laws 1-3. Employees of these bureaus occupied a rather favorable position in regard to liturgies, and though curials, they were exempt from curial duties during and after their time of service. C. 10.32.67. The rights of the masters of these bureaus was also extended to the officers immediately under them - the proximi. The difficulty in the instant law is the construction of "indictionis onere" - literally "by the burden of any indiction." The German translation construes it to refer to the yearly tax. It is difficult to believe, however, that these men were exempt from ordinary taxes. C. 10.46 and note. It is more reasonable to say that reference was intended to be made to liturgies, from which, evidently, they were exempt - including the so-called patrimonial liturgies, municipal and imperial. The prohibited burden was that imposed by civil or military magistrates. But taxes were imposed by the indiction of the emperor (note C. 10.17.2), and he was not included in the term "civil or military magistrates." Exemption in the words here mentioned was also given by C. 12.52.2 and C. 12.54.4.

The term "magistrate" is represented by the term "judex" in the Latin. Municipal magistrates were not judices as here used, and burdens imposed by the latter seem therefore not to have been included in the exemption. It was shown in note to C. 10.41.1 that liturgies were probably ordinarily assigned and distributed by municipal magistrates, and if the officials mentioned in the instant law were not exempt from them, their exemptions were not great, which would be inconsistent with the large exemptions granted to inferior officials in the same bureaus. It would, accordingly, seem that exemption was granted from all liturgies, no matter by whom assigned. This remark would seem to apply to C. 12.52.2 and C. 12.54.4. See comment and discussion on these laws in note to C. 10.41.1.