

Book I.
Title XXXI.

Concerning the office of the master of Offices.
(De officio magistri officiorum.)

Note.

Master of Offices. The history and functions of this official fully and in detail by Boak in his Master of Offices. The office seems to have been created by Diocletian, which was one of the steps by which the power of the praetorian prefect was shorn. He became one of the illustrious dignitaries at the court of the emperor, or emperors when more than one. His functions were various:

1. He had supervision over the so-called scholarians, palace troops which had taken the place of the praetorian cohorts. These palace or household troops are described in headnote C. 12.17, and in C. 12.29. The master had judicial authority over them, their wives, widowed mothers and children (except children who were under someone else's control) and slaves in civil and criminal cases. Provincial governors, however, had control over them in the provinces, if they were there, in criminal cases and in tax matters. The master might delegate this judicial authority to the judges in the provinces and doubtless did so in most cases when the above mentioned persons were there. C. 12.29.2 and 3. Boak, supra 62, 62.

2. The master also had the supervision of the imperial messengers (*agentes in rebus*) who may also be called the secret service men of the empire and who acted as messengers of the emperor and the master of offices and some of whom also as chiefs of various official staffs. The subject is fully mentioned in C. 12, titles 20-22 and in laws 1 and 2 of this title. They also acted as inspectors of the imperial or public post.

3. The master also had supervision in part of the imperial or the public post fully described in C. 12.50. The system of post consisted of animals and vehicles conducted by attendants or person privileged to use the post, along the great highways of the empire, and must have been an institution of first class magnitude. Previous to Constantius, the post was under the supervision of the praetorian prefect, but thereafter the inspection thereof and of passes thereon were made by the *curiosi* (C. 12.22), part of the imperial messengers, who, as already stated, were under the control of the master of offices. The right to use the public post was evidenced by passes. The right to issue them varied from time to time but finally rested solely in the power of the master of offices and the praetorian prefect. But even the latter's right was kept in check. For the chief (*principes*) of his official staff was one of the imperial messengers. The oversight of maintaining the public post remained in the eastern portion of the empire in the hands of the praetorian prefect, but in the west seems to have passed into the hands of the master of offices. Boak, supra 76.

4. The master of offices also had supervision over the *mensores*—quartering-masters—who made provision for billeting or quartering soldiers, officers and the emperor in various parts of the empire and along the routes of their journeys. These quartering-masters are more fully mentioned at C. 12.27, and the subject of quartering at C. 12.40. The master of offices was required to see that the subjects of the empire were not unduly or unlawfully burdened.

5. The master further had supervision of the imperial bureaus, mentioned fully at headnote C. 12.9 and C. 12.19. But his control in this respect was but partial. These

imperial bureaus were used for various purposes. The masters of these bureaus, doing work more or less directly under the emperor, were not under the master of offices. Then, too, the quaestor, an illustrious functionary, the attorney general, took his employees from these bureaus.

6. The master also sometime in the fourth century obtained the control of the state arsenals, described in C. 11.10 and headnote. They had previously been under the authority of the praetorian prefect and he later regained such control in the west. To assist him in the supervision of the arsenals and armorer, the master had, at least in the East, special bureaus, four imperial messengers of the rank of chief being annually admitted thereto. C. 12.20.5. So, too, the master had supervision of the imperial factories for the making of goods for the imperial family. Note C. 12.20.5; Boak 103.

7. He also was required to make an annual report as to the military borders established in the empire, and he gained nearly all judicial authority over the defenders thereof. Law 4 of this title and note; Boak 89-91.

8. The master was a member of the imperial council. He also acted in the capacity of foreign secretary. He had a special corps of ushers under him. He arranged all imperial audiences, both of private persons and officials and ambassadors from foreign states, which were usually held in the imperial council. He was also master of ceremonies at the imperial court.

9. Some of the judicial authority of the master has already been mentioned. It was the rule ordinarily to give the heads of the great offices judicial control over their inferiors. Note C. 3.13.7. There were exceptions to that and the master of offices had such judicial control over persons over whom we should not have expected it. That was true, for instance, in the case of chamberlains (C. 12.5.3), and the men of the imperial wardrobe and their mothers and wives (C. 12.25.3) and others under the steward of the household (C. 12.25.4).

1.31.1. Emperor Constantius to the imperial messengers (agentes in rebus).

Preserving the privileges long ago granted to your corps (schola), no one shall obtain a position as decenarius, centenarius and biarchus by influence, but only by labor; the position of chief (princeps) shall be attained only by him who has completed his service; those called thereto in regular order of service and labor must take charge of positions (ad curas agendas) and undertake embassies (cursum).¹ Furthermore, the aide (adjutor of the master of offices) upon whom depends the condition of the whole corps (schola), and the safety of the master (of offices), shall be spotless in his morals and endowed with learning, and must be brought before us by the master of offices, so that he may be appointed in our discretion.

Given and published at Rome November 1 (359).

C. Th. 1.9.1.

Note.

The imperial messengers, agentes in rebus, were a special corps of men, consisting, in the time of Leo, of 1242 men, who for the most part acted as special agents in looking after the interests of the empire, sent out by the emperor or the master of

¹ Blume struck the rest of this sentence from "ad curas agendas," placed a question mark in the margin, & added in pencil "on the public post." However, it seems that Scott may be more correct in translating this last clause as "so that those who are entitled to the position, as well as their assistants, may discharge their duties in accordance with priority of service." 6 [12] Scott 140.

offices on various missions throughout the empire. They have been called secret service men. The subject is fully considered at C. 12.20.21 and 22. There were various grades of them, ducenarii, centenarii, biarchi, circitores and equites, the names representing the various grades. The principes (chiefs) among them were persons who had completed the service, and were frequently sent to serve as chief of an official staff of one of the higher offices. The imperial messengers were under the supervision of the Master of Offices, and he selected his official staff from among them. The chief of that staff was not known as principes—the usual name—but as adjutor (aide), who could not be appointed as such without the consent of the emperor, and whose position was evidently considered of considerable importance and apparently as the titular head of all of the imperial messengers. For biarchus see C. 12.20.3.

1.31.2. Emperors Valentinian, Theodosius and Arcadius to Principius, Master of Offices.

No imperial messenger shall have any position of service or employment out of his turn, although he has obtained permission from us through stealth. If anyone will be shown to have obtained a rescript of that kind, he shall be returned to the position which he had improperly left, and that person only may precede others in grade whom longer service and greater labor calls thereto.

Published at Hadremetum March 9 (386).

C. Th. 1.9.2.

Note.

The principle of this rescript is also stated in C. 12.20.1, namely that the imperial messengers advanced regularly from grade to grade, and they were not permitted to violate the rule in connection therewith.

1.31.3. Emperors Theodosius and Valentinian to Phleetius, Count and Master of Offices.

The devotion of the scholarians, already proven to our parents, has especially been proven by their affection of Our Serenity. We have therefore believed it well to immediately grant whatever is demanded to advance and preserve their privileges. Approving, therefore, the suggestions of Your Highness, we deny to the worshipful counts of the scholarians the right of punishing by corporal punishment or of reducing in rank senaors and ducenarii and actions worthy of such punishment must be referred to Your Sublimity.

Given at Constantinople April 17 (441).

Nov. Th. 21.

Note.

The scholarians were a body of household troops at the imperial court and under the supervision of the Master of Offices. Headnote C. 12.17; C. 12.29. The senators and ducenarii were apparently part of these troops belonging to different grades. Willems, Le droit public 571, note. See also note C. 12.29.1.

1.31.4. The same emperors to Nomus, Master of Offices.

We believed it best to enjoin upon Your Highness the continuous duty to personally make an annual report to us as to the number of soldiers and the status of the camps and fortresses on every² military border under your jurisdiction.

Given at Constantinople September 12 (443).

² Without striking this typewritten line, Blume penciled in above it “in connection with (super).”

Nov. Th. 21.1.5.

Note.

The military borders are mentioned in headnote to C. 1.29. They were commanded by the dukes who were under the supervision of the master of the soldiers. But it was evidently desired to obtain a credible report on the conditions of the defenses of the empire through an official who was not directly concerned with them, and hence this duty—in the Orient only, however—was entrusted to the master of offices who had the imperial messengers under his control. The result of the right here given ended in giving the master of offices judicial authority over the defenders of the military borders, subject to certain privileges of the master. C. 12.59.8. Appeals from the dukes were not heard by the masters of the soldiers but by the master of the offices and the quaester. C. 7.62.38. See generally, Boak, Master of Offices 91; note C. 1.46.2.

1.31.5. Emperors Justinus and Justinian to Tatian, Master of Offices.

We order that only he shall in the future enter the service as scholarian who has received our approval, nor shall any one administering the position of Your Highness assign anyone by his own orders, as a member of our devoted scholarians, without an imperial warrant of approval (probatoria); whoever dares to enter that service without an imperial rescript must know that he will not alone be deprived of such position but will also be subjected to the punishment of 20 pounds of gold.

1. We also want this hereafter to be observed that if any place among the regular scholarians is vacant in any corps (schola), the person who is appointed thereto by an imperial rescript of Our Piety shall succeed to the position.

2. In addition to this, we want quarter-yearly lists made of the scholarians, at the direction of Your Sublimity and of every officiating excellent master of offices, to be furnished for³ deposit in the imperial bureau of the (Greater) Register, so that the knowledge as to the register of these men may always be definite and the state incur no loss.

Given at Constantinople, April 22 (527).

Note.

While the master had control of the scholarians, over their enrollment, discipline, and promotion, he could not enroll any recruits except those who had the imperial sanction. Boak, Master of Offices 62.

³ “Furnished for” has been inserted in pencil and a question mark placed in the margin. Blume’s typed original had “...to be deposited with...”, whereas Scott has “...sent to, and deposited in...” See 6 [12] Scott 141.