

Book X.
Title LXXI.

Concerning municipal clerks (tabularii), scribes (scribae), logographi, and assessors
(censuales).
(De tabulariis scribis logographis et censualibus.)

Headnote.

The "tabularius" appears to have been what we may call a city clerk, keeping the municipal records and its books and the tax roll showing the taxes due. Receipts for taxes might be registered with him. Note C. 10.2.2. At C. 10.25.1 he is threatened with severe punishment, if found guilty of any fraud in connection with the tax lists. But he did not collect the taxes. In some respects, he occupied the same relative position as the tabularius or numerarius, accountant, under the governors (see C. 10.72.13) and as the numerarius, accountant, in the higher offices. See also law 3 of this title, where he is considered as accountant the same as the provincial accountant. He had other duties to perform. Inst. 1.11.3 provides that if an adoption (adrogation) was made pursuant to a rescript of the emperor of a minor under the age of puberty, security should be given to a tabularius. See C. 8.47.2. D. 43.5.3.3 shows him to have been a custodian of wills, though not an exclusive one. By C. 6.30.22.2 it appears that he was active in the matter of taking inventories of the property of deceased persons. See also C. 7.72.10.2 and Novel 1, c. 2, 1, which show him to have participated along similar lines. He was also required to be present when wills of blind persons were made. C. 6.22.8. See also Novel 73, c. 8, providing for a case when there was no tabularius¹ in the place. So, too, he participated in matters relating to orphans. C. 1.3.31; Novel 131, c. 15. It is accordingly seen that the tabularius of a city was an official of importance. See generally on this subject, Pfaff, Tabellio und Tabularius 19 et seq. See note C. 4.21.17.

The logographus probably occupied the same or a similar position as the tabularius. He was the tabularius of the eastern portion of the empire.

The scriba took down the proceedings of the municipal senate and the judicial proceedings of the municipal magistrates.

The duties of the assessors need hardly to be mentioned; they assisted the imperial assessors. See 3 Pauly-Wissowa 1913 - bottom.

See, generally, Gothofredus on C. 8.2.1; Cujacius on C. 10.71; Humbert, 2 Les Finances etc. 228-230; 1 Karlowa 901.

10.71.1. Emperor Constantius to Catullinus, Praetorian Prefect.

No municipal clerk whatever, or scribe or logographus nor their sons shall serve in any imperial position, and if they are found in such position, even within the palace, without having completed five years (of such service), they shall be dragged therefrom and immediately returned to their municipal duties.

Given at Lauriacum June 24 (341).

C. Th. 8.2.1.

Note.

¹ Blume penciled a question mark in here.

If the persons mentioned had served in an imperial position for five years, they were protected.

10.71.2. Emperors Gratian, Valentinian and Theodosius.

Whatever decurion voluntarily shall have undertaken the duty as assessor (censualis), shall have the status which he himself has chosen, and he will entirely lay aside the dignity of his order if the necessity of submitting to inquiry under torture shall overtake him.

Given at Constantinople September 17 (384).

C. Th. 8.2.4.

Note.

Decurions were not subject to torture. C. 10.32.4 and note. Not so the assessor.

10.71.3. Emperors Arcadius and Honorius to Hadrianus, Praetorian Prefect.

We ordain by a general law that, whether necessary for the whole province or the various cities, free men (only) shall be chosen as accountants (tabularii), and access to hold such office shall henceforth not lie open to any person subject to servitude. 1. And if any master permits his slave or serf to keep the public records - he is liable only if he gives his consent, not if he has no knowledge thereof - he shall be responsible for the accounts kept by such slave or serf, in so far as the interest of the public is involved, and the slave shall be punished by the proper number of lashes and become forfeited to the fisc; for it was the business of the masters to take care that their own slaves should not mix in public affairs.

Given at Milan March 25 (401).

C. Th. 8.2.5.

Note.

It has already been heretofore stated, that there were public slaves. In the early empire, positions as mentioned in this law, and even very high positions, were filled by slaves. But slaves were gradually displaced by free men, partially, perhaps, accounted for by the fact that the number of slaves gradually decreased. See Buckland, Roman Law of Slavery 320. Serfs (coloni) in the later empire occupied a social position just above slaves, and though some of them were called free and some unfree, none were in fact free. This does not, however, include some small farmers, who were also called coloni, and who were in fact free men. But the number of such free farmers was not, in the later empire, very large. Feudal tendencies were very strong. Some of the municipal duties, however, clerical in nature, were still performed by slaves, as that of taking in and looking after the loaning of money. C. 11.37; C. 11.40.

10.71.4. Emperors Theodosius and Valentinian to Cyrus, Praetorian Prefect.

The assistants of curators of cities, scribes, accountants (logographi), diastoleis,² the names of which indicate persons, connected with public duties, or (municipal employees) called by any other name, must, without being protected by any honor or privilege, submit to the fortunes of their status, pursuant to the provisions of inexorable

² [Blume] Their duties are not known; they were probably connected with the accounts. See Cujacius on this law.

laws, so that the public interest may not suffer, and each of them, fettered by his father's, his ancestors' or his own ties, must be returned to his own guild (in case he leaves it).

Note.

This law shows that city employees, engaged in keeping its records and accounts and in similar duties were organized in a guild and their positions were hereditary, transmitted from father to son, and just as the curials could not, ordinarily, leave their curia, so these employees could not leave their employment. The same rule obtained in many occupations during the later empire.