

Book XII.
Title XXVIII.

Concerning the privileges of those who serve in the sacred palace.
(De privilegiis eorum qui in sacro palatio militant.)

12.28.1. Emperor Constantine to the well deserving palatine officials, greeting:

We order that the palace officials, both those who have blamelessly performed their duty in our service, as well as those serving in our bureaus, that is the bureaus of memorials, correspondence and petitions, shall be removed from all vexation and from nominations (to municipal offices), and this benefit shall accrue to their sons and grandsons, in the order of blood relationship (*ipso ordine sanguis*), and they, together with all their movable property and urban slaves, shall remain exempt from all sordid and personal liturgies, and no intentional wrong shall be committed against them. If anyone ignores these orders, the proper fines shall be demanded from them without regard to their rank.¹

Given at Triste (Triveris) October 29 (314).

C. Th. 6.35.1.

Note.

The officers given exemptions in this law were (1) officers who had served in the imperial bureaus, and (2) those officers who had served the emperor directly, such as chamberlains etc. No reference was intended to be made generally to all the officials serving in the various imperial departments in the capital. See Gothofredus on this law. Exemption was given from being nominated to any positions in cities and from all person and sordid liturgies. The exemption is specific and seems to refer to officers who had retired from office (and their offspring). They could not, of course, perform personal liturgies while serving the emperor, as already stated in note C. 12.16.3. But it is doubtful that officers other than those who had served in the imperial bureaus were exempt from personal liturgies, if they were of curial origin, for C. 10.32.67, enacted in 529 A.D., limited such exemption to these officials who had served in the imperial bureaus, to imperial messengers, and a few others, leaving all others of curial origin subject to curial duties. If the officers were not of curial origin, then, of course, they were not subject to any personal liturgies.

12.28.2. The same Emperor to Rufinus, Praetorian Prefect.

Those who have been presented with freedom from service in our chambers, or from the various duties (in the immediate service of the emperor - *obsequi is palatinia*) in this palace,² and the officials who belong to the bureaus of memorials, correspondence, petitions and arrangements, and the members in both offices of the palatines (i.e. palatines of either treasury) serving at court or in the various cities, and those who serve

¹ At the end of this manuscript volume, Blume wrote: "12.28.1—*ipso ordine sanguinis*?"

² Blume penciled a question mark into the margin here. Scott translates this as: "We desire Our chamberlains, who have retired from office, as well as the Palatines employed in the different branches of the service..." See 7 [15] Scott 27 (where this law is C. 12.29.2).

as ushers (admissionales) and as steward (castrensis) in the imperial palace, shall, together with their sons and grandsons, have the privilege of exemption from municipal honors and liturgies. 1. We grant all these the privilege of not needing to fill the post of tax collector or of recruiting officer of cavalry, who are called capitularii; and they need not act as collectors of commutation money for recruits (obsequium temonariorum vel pentaprotiae), or furnish recruits. For they are sufficiently worthy of our kindness, so as to be exempt also from serving as assessors (censualibus) and from personal and bodily liturgies, and to have the right to possess their own special property (castrense peculium), whether they still perform duty in the palace, or have been granted their wished-for rest. We grant all these privileges also to the imperial messengers (agentes in rebus), although they appear to belong to the armed soldiery.

Given at Sirmium April 27 (319).

C. Th. 6.35.3.

Note.

Exemptions were here granted to (1) those that had served as chamberlains, (2) those who had been in the immediate service of the emperor, which included the chamberlains already mentioned and those under the steward of the palace, imperial body-guards and others, the word obsequium, as shown by Gothofredus in his commentary to C. Th. 6.30.12, referring to the service immediately under the emperor; (3) those that were serving in the imperial bureaus, who also were granted fuller exemptions in C. 12.19.4; (4) officers in the offices of the count of the crown domain and the imperial exchequer and those under these two counts in the cities in the provinces - for they had officers scattered over the empire. The exemptions from liturgies granted in the instant law were limited. The liturgies mentioned were all personal liturgies, if we except the version of Gothofredus (note to C. Th. 11.23.3), and substitute prototypiae for pentaprotiae, for he says that prototypia was a duty similar to that performed by the temonarius, who was a collector of commutation money. The present law, however, must be construed in the light of C. 10.32.67, which limited the exemptions from curial duties to a very few people.

12.28.3. Emperors Gratian, Valentinian and Theodosius to Eutropius, Praetorian Prefect.

Those who have departed from our court (aula) shall be exempt from the imposition of all liturgies; they shall not, on the pretence that they are experienced and suitable, be subject to the arrogance and greed of the accountants (numerarii).

Given at Constantinople February 3 (381).

C. Th. 6.35.11.

Note.

This law, too, must be construed in the light of C. 10.32.67, a later law, which limited exemptions from curial duties to but very few persons. Apparently exemptions from personal liturgies only were intended - specific reference to a personal liturgy being made in the last part of the law. The subject is not clear, however.

12.28.4. The same Emperors and Arcadius to Pinianus, Prefect of the City.

All who have been engaged in the performance of various duties, in the palace, shall enjoy the insignia of the rank which they received upon leaving, to the extent that they shall take precedence in rank and seat to those who subsequently receive a

governorship in the provinces or a palace dignity. 1. If anyone rashly violates this order, he shall suffer the punishment of sacrilege.

Given at Milan July 6 (386).

C. Th. 6.35.13.

Note.

This, of course, was limited to those who occupied the same or equal positions, and did not apply to those who occupied a higher position.