

Book XII.
Title XXIII.

Concerning the palace officials of the Imperial Exchequer and of the Crown Domain.
(De palatinis sacrarum largitionum rerum privatarum.)

Headnote.

Officials in office of counts of the imperial exchequer and crown domain.

The count of the imperial exchequer is considered at C. 1.32, and the count of the private domain at C. 1.33. The former received the taxes payable in gold and certain indirect taxes, while the count of the crown domain was in charge of most of the public lands. See also headnote C. 10, and headnote to C. 11.62. Certain general rules governing men in the imperial civil service are mentioned in C. 12.59 and are summarized in headnote to C. 1.27. The employees considered in the instant title bore the special name of "palatines," which, in general, means palace officials. So the employees in the office of the praetorian prefect were specially known as praefectiani.

12.23.1. Emperors Constantius and Constans to Veronicianus, Vicar of Asia.

The palatines need to pay only the taxes levied on their taxation-units (capitibus seu jugis), and they are exempt from extraordinary and sordid liturgies, and from payment of commutation money for recruits.

Given at Constantinople May 7 (346).

C. Th. 11.16.6.

Note.

As the officials in the imperial bureaus at C. 12.19.4, so the palatines, as the officials in the offices of the two ministers of finance were specially known, were directed to simply pay their taxes - assessed against their tax units - capita embracing slaves, animals and unfree serfs, and juga embracing land. Then the law specifies the exemptions: namely, from extraordinary and sordid liturgies and from payment of commutation money for recruits. Now there were some liturgies aside from those specifically mentioned at this place, as shown by headnote C. 10.42. So that the point is somewhat in doubt as to whether exemption from liturgies was intended to be absolutely complete. See also law 10 of this title.

12.23.2. Emperors Valentinian, Valens and Gratian to Tatianus, Count of the Imperial Exchequer.

No treasurer, or a member of the official staff of the count of the imperial exchequer, shall in any manner re-seek his employment after he has once been found to be a thief, or obtain any position of rank thru corrupt solicitation, or any other position in the imperial service.

Given at Antioch January 25 (377).

C. Th. 8.7.14.

12.23.3. Emperors Gratian, Valentinian and Theodosius to Pancratius, Count of the Crown Domain.

Reinstating the former arrangement, palatines shall be sent to act as chiefs (principatum) of the official staff of the count of the household domains in Cappadocia, whom even the count of the household domains must fear, if he commits anything dishonest. You must, therefore, each year, select and send suitable men from among the messengers (mittendarii) for this purpose.¹

Given at Scopi July 3 (379).

Note.

The emperor had certain lands in Cappadocia and other places, the income of which went to supply the imperial household with money and other necessary things. These lands were under the general control of the Grand Chamberlain. The count of these household lands was under the control of the latter, and had an official staff of his own. The other public lands were under the control of the count of the crown domain, and from that office accordingly, the chief of the staff of the count of the household lands was selected. During Justinian's time, a change in the management of these lands was made, and the office of count of the household lands as a separate office abolished, his powers being vested in the governor of Cappadocia. See headnote C. 11.62; C. 11.69 and notes, and Novel 30.

12.23.4. The same Emperor to Hesperius, Praetorian Prefect.

There shall be nothing in common and no association between the judges (governors) and the palatines of Our Clemency, who are sent by the counts, but, excepting the deference, which is owing to and must be paid to the rectors of the provinces not only by the lower but also superior officers, they shall each attend to their respective duties.

Given at Sirmium December 6 (379).

C. Th. 6.30.4.

Note.

This law has reference to the fact that certain members in the offices of the counts of the imperial exchequer and of the crown domain were from time to time sent into the provinces, for the purpose of watching and urging on the collection of the taxes and the rentals from imperial lands, the supervision of which rested in the hands of the governors of the provinces. See C. 10.19.7 and C. 10.30. The ordinary provincial governors had the rank of "honorable" (clarissimus), and it may be noted that it is implied in this law that some of these agents sent into the provinces ranked higher than the governors.

12.23.5. The same Emperors to Nebridius, Count of the Crown Domain.

Some, after having completed the regular order of palatine service, in which they were engaged, and have attained the honor (of the first place therein) attempt to pass into the bureau of stenographers (exceptorum). We therefore ordain by this law, that no opportunity to do so shall be left for anyone. Everyone shall follow the regular order of that bureau, in which he first sought service, and whoever has already occupied the chief position (principatus) in his own bureau shall not seek to finish his service in any other.

¹ At the end of this manuscript volume, Blume wrote: "Reconcile 12.20.4 and 12.23.3?"

Given at Constantinople October 11 (383).
C. Th. 6.30.5.

Note.

The offices of the counts of the imperial exchequer and of the crown domain contained, as more fully noted in law 7 of this title, a number of bureaus, each of these bureaus and regular advancement from one position to another till the position of chief therein was attained. That finished the service, and a man could not then go into another bureau, for that would have disarranged the regularity of advancement of the men therein. Nor could a man serve the second time in the same position, and for the same reason. These rules are stated in various rescripts. See, e.g. C. 12.25.1; C. 12.26.1; C. 12.56.2. That did not prevent advancement, however, to higher positions. Thus we saw already in law 3 of this title that men from the office of these counts might be sent into Cappadocia, to become chiefs of the staff of the count of the household lands. So imperial messengers were advanced to become chiefs in the offices of some of the high officials, such as proconsuls and vicars. See Register of Dignities. See also C. 12.59.7.

12.23.6. The same Emperors to Probus, Praetorian Prefect.

Your Excellency will take notice that you are to have nothing to do with the palatine officials, so that hereafter you will not think yourself entitled to impose any burdens upon them, and you will besides, prohibit the governors of the provinces, from attempting anything of the kind hereafter.

Given at Milan October 26 (384).

C. Th. 6.30.6.

12.23.7. The same Emperors to Trifolius, Count of the Imperial Exchequer.

We decree for the various bureaus of the imperial exchequer at court (Constantinople), the following ranks, and the members must be content with them, and must know that they are barred from corruptly soliciting any other, even though some one of them shall have succeeded in obtaining special dispensation through some intercession asked for by him. They shall have the compensation (annonas) according to the limit fixed for the respective ranks, and they shall receive no other.

12.23.7.1. A short catalogue of the ranks which we have decided to have in the several bureaus of the department of the imperial exchequer is as follows:

12.23.7.2. In the bureau of stenographers (exceptorum): One prefectissimus of the second class, that is to say, the chief (primicerius) of the whole bureau (scholae); one prefectissimus, that is to say, the chief (primicerius) of the stenographers; two ducenarii, that is to say, a tertiocerius and quartocerius; one centenarius, that is to say, the chief (primicerius) of documents (instrumentorum); two bearers of messages (epistolares); 36 (inferior officials) of the first grade (formae primae); 4 of the second grade; 3 of the third grade.

Note.

Perfectissimus.

The term "perfectissimus" (perfect) had not been in use at all or little for over a century before Justinian's time. The term is also mentioned in title 32 of this book.² The chief of the whole official staff, that is to say, of the whole bureau (totius officii), bore, in later times, the same rank as the vicars, namely that of worshipful, while the chiefs of the separate bureaus (sub-bureaus) had the title of "honorable." Kuhn, 1 Verfass. d. R. R. 189; C. T. 6.30.19.

The chief of the whole official staff, or the whole bureau (totius officii), is not mentioned in this law, unless the text is corrupt and the first official here mentioned was intended to designate him, which is not unlikely. His title was that of primicerius, just as that of the chiefs of the separate bureaus. Not Dign. 13.22. The stenographers, considered as a separate organization, independent of any bureau, had their own chief, and it may be that the reading of Cujacius is correct, who eliminated "one perfectissimus, that is to say chief of the stenographers," and substitutes "that is to say the chief of the stenographers;" in other words, he reads the text as only referring to one perfectissimus, who was the chief of the stenographers. In any event, the foregoing refers to the following:

1. The chief of the bureau (primicerius). He is referred to in the N.D. 13.32, as the secunderius, which means that he was second in rank in the whole official staff, and only the chief of the whole staff ranked above him.

2. The Ducenarii. There were two of these, called tertiocerius and quartocerius, which meant that they were third and fourth in rank and might be translated as third and fourth assistants respectively. The term has generally, however, been left untranslated, since we have no equivalent term. They ranked next to the chief of the separate bureau. Their name originated probably from the fact that they, when the term was first applied, received 200,00 sesterces as salary. We find ducenarii among the imperial messengers (agentes in rebus). C. 12.20.3. Officials by this name also seem formerly to have served as collectors of taxes in the provinces. C. 10.19.1. Officials designated by this name are also mentioned in C. 1.27.2 as members of the staffs of the dukes. They, nor the centenarii mentioned below must be confused with the officials by that name who were members of the corps of imperial messengers mentioned in C. 12. 20. The names here merely designate officials mostly of a comparatively low rank in the various bureaus. Kruger, Kritik 185.

3. Centenarius. This name probably originated from the fact that this official, when the name was first applied, received a salary of 100,000 sesterces. An official by this name was also found among the imperial messengers and among the former tax collectors in the provinces. C. 12.20.3; C. 10.19.1. This official was next in rank to the ducenarii, and might be called the fifty assistant, although the term is generally left untranslated, since we have no equivalent term.

4. Epistolares - bearers of messages. These officials were, according to Gothofredus, bearers of communications of new levies. That seems to be borne out by a passage in Salvianus, but he cannot have referred to notices of regular or special tax levies, since that matter seems to have been under the jurisdiction of the praetorian

² Blume wrote at the end of this manuscript volume: "Why perfectissimus of the third class throughout?"

prefect. See C. 10.17.2 note. They were probably bearers of various kinds of messages relating to the various bureaus in the office of the count of the imperial exchequer.

5. Forma. Inferior officials, below in rank to those above mentioned, and stated in this law as belonging to a "forma," which can mean nothing more or less than "grade." These officials then were of the first, second and third grade. See Cujacius on this law, and Gothofredus on C. T. 6.30.7.

These various officials recur in the following subdivisions of this law, and this note, accordingly, largely applies to all. The primary purpose of this law was to fix the salaries of the various employees in these bureaus. No amounts are mentioned, but there was evidently a fixed schedule for each rank. The title perfectissimus was clearly a title of rank, and that must have been true also as to ducenarius, centenarius and the others here named, for the beginning of the law specifically says that the "dignities," that is to say ranks, of the various officials are mentioned, and that the salaries are fixed accordingly. The "dignity," however, of the ducenarius, centenarius etc., was no such dignity as went with the rank of those who bore one of the three regular titles of honorable, worshipful and illustrious.

12.23.7.3. In the bureau for soldiers (numerorum) one perfectissimus of the third class; one ducenarius; two centenarii, two bearers of messages; three (inferior officers) of the first grade; one of the second grade; two of the third grade.

Note.

This bureau had to keep account of the outlays to soldiers. 4 Pauly-Wissowa 675.

12.23.7.4. In the bureau of accounts (tabulariorum): one perfectissimus of the third class; one ducenarius; one centenarius; one bearer of messages; three (inferior officers) of the first grade; five of the second grade.

12.23.7.5. In the bureau of the annual taxes: one perfectissimus of the third class; one ducenarius; one centenarius; two bearers of messages; four (inferior officers) of the first grade; four of the second grade.

12.23.7.6. In the bureau of special messengers (mittendarii): one decenarius; five centenarii; nine bearers of messages; seven (inferior officers) of the first grade; thirty-three of the second grade.

Note.

The mittendarii were among the officers sent out into the provinces to urge the collection of taxes. See C. 10.19.7. These officials are also mentioned in C. 1.27.1.30, and their functions seem to have been similar to those of the singulares mentioned in C. 12.7.1.29. Officials under the name of "opinator" were sent out by the praetorian prefect to look after the military supplies (C. 10.19.7; C. 12.37.11), and officials under the name of "compulsor" to look after other taxes. C. 10.19.9. See on the mittendarii and singulares, Kruger, Kritik d. J. K. 170,171. See also law 2 of this title. The Register of Dignities does not mention a bureau of these officials, they at that time probably being employees of the bureau of annual taxes, mentioned above.

12.23.7.7. In the bureau of gold bullion (auri massae): one perfectissimus of the third class; that is, the chief of the bureau (primicerius) of gold bullion (sacrae massae). A perfectissimus (of the third class); that is the secundarius (first assistant chief); two ducenarii, that is, the tertiocerius and quartocerius; four centenarii; four bearers of messages.

12.23.7.8. Goldsmiths of (imperial) wares (aurifices specierum): One perfectissimus (of the third class); 3 ducenarii; 6 centenarii; 8 bearers of messages; 8 (inferior officers) of the first grade; 4 of the second grade.

12.23.7.9. Makers of solidi (gold coins): One ducenarius; seven centenarii; six bearers of messages; nine (inferior officers) of the first grade; eighteen of the second grade.

12.23.7.10. Sculptors and other workmen: One centenarius; five bearers of messages; six (inferior officers) of the first grade; eighteen of the second grade.

12.23.7.11. In the bureau of gold for shipment (ad responsum): One perfectissimus of the first class; two perfectissimi of the second class; three ducenarii; two centenarii; three correspondents; three (inferior officials) of the first grade; two of the second grade; one of the third grade.

12.23.7.12. In the bureau of the silver coin, called miliarensis: One perfectissimus of the first class; one ducenarius; one (inferior official) of the first grade; two of the second grade; three of the third grade.

Note.

Milliarenses, says Cujacius on this law, were coins paid out to the soldiers. They were worth about twenty-two cents under Constantine and about twenty-six under Julian.

12.23.7.13. In the bureau of vestments: One perfectissimus of the first class; one perfectissimus of the second class; one ducenarius; one centenarius; two bearers of messages; seven (inferior officials) of the first grade; four of the second grade.

Note.

The bureau of vestments as a whole probably included the clothing for the army as well as for the imperial household, as may be noticed from subdivisions 13 and 14 herein. The officials looking after the imperial robes were again divided into two separate divisions, as may be noticed from the same subdivisions of this law. The distinction between the subdivisions is not clear; but in subdivision 13, the officers are called officiales, which denotes that they were of the regular members of the official staff, in subd. 14, they are called deputati, which appears to refer to persons assigned or sent, but just how, does not appear. The deputati of the imperial messengers were the persons sent and assigned to certain duties. It may be that the deputati of the instant law were persons assigned from that corporation of officials to the bureau of vestments of the count of the imperial exchequer. In any event, these deputati were officials. Gutherius, De Officii Domus Augustae 501.

12.23.7.14. Officials of the imperial robes (sacrarum vestium): two ducenarii; two centenarii; two bearers of messages; seven (inferior officials) of the first grade; ten of the second grade; nine of the third grade.

12.23.7.15. The deputati (officials) of the imperial wardrobe (sacrae vestis): two perfectissimi of the second class; two ducenarii; two centenarii; two bearers of messages; three (inferior officials) of the first class.

12.23.7.16. In the bureau of silver: A perfectissimus of the second class; one centenarius; one bearer of messages; four (inferior officials) of the first class; three of the second class; one of the third class.

12.23.7.17. In the bureau of copper money (ad pecunias); one perfectissimus of the second class; two (inferior officials) of the first grade; two of the second grade; five of the third grade.

12.23.7.18. The (imperial) court-silversmiths: one ducenarius; two centenarii; two bearers of messages; eight (inferior officials) of the first class; twenty-five of the second class.

12.23.7.19. Gilders (barbaricarii): one centenarius; two correspondents; eight (inferior officials) of the first class; one of the second class.

Given at Heraclea June 10 (384).

C. Th. 6.30.7.

Note.

A short synopsis of the various bureaus here mentioned is contained in Humbert, 2 Les Finances 129. The bureaus correspond with those given by the Register of Dignities, except that of the special messengers, as already mentioned. The text of that register has been translated by Farley, and has been published by the Department of History of the University of Pennsylvania, and some of the translated terms herein have been adopted from that translation. It may be mentioned here that none of the funds that came into the hands of the count of the imperial exchequer seem to have been handled by any of these bureaus, but by separate agencies. And it may be here further said, that there were still other agents under the control of this minister of finance, who were not connected with the official staff. More details will be given in C. 1.32.

12.23.8. The same Emperors and Arcadius to Trifolius, Count of the Imperial Exchequer.

Just and advantageous to the special messengers (mittendarii) among the palatines has appeared to us the suggestion which you have sent to us, that from among them one ducenarius each year, and three centenarii, should be freed from their service, as may be deemed advisable in view of their number.

Given at Constantinople March 12 (385).

12.23.9. Emperors Arcadius, Honorius and Theodosius to Nestorius, Count of the Crown Domain.

No one shall deem himself authorized to assume the girdle of service in the office of the imperial exchequer or of the crown estate, unless he has received the written permission of Our Clemency.³

Given at Ancyra August 12 (405).

12.23.10. Emperors Honorius and Theodosius to Johannes, Praetorian Prefect.

We direct that the palatines who faithfully keeping the accounts of the imperial treasuries who have come to the limit and end of their service, and the assistant (adjutor) and the chiefs (primicerii) of the different bureaus, shall have the privileges, which were recently bestowed by Our Clemency upon the corporation (schola) of the imperial messengers, so that they shall be freed from furnishing recruits, and shall be exempt from the other burdens.

Given at Ravenna June 7 (413).

C. Th. 6.30.20.

Note.

The officials here granted certain exemptions from certain liturgies were the chief of the whole bureau, his assistant, and the chiefs of the separate bureaus enumerated in law 7 of this title. For exemptions of palatines generally, see law 1 of this title and note.

12.23.11. The same Emperors to Ansius, Count of the Imperial Exchequer and Taurus, Count of the Crown Domain.

In conformity with the ordinance which we promulgated concerning the assistant masters (proximis) of the imperial bureaus,⁴ we direct that a yearly service, instead of service for two years, shall also be perpetually observed in the office of the imperial exchequer and of the crown domain, and the privileges, which are granted to such bureaus or chiefs, shall be preserved intact and undiminished.

Given at Constantinople June 29 (416).

C. Th. 6.30.21.

12.23.12. Emperors Theodosius and Valentinian, Caesar, to Maximinus, Count of the Imperial Exchequer.

The devoted palatines in this imperial city ought not to be compelled to litigate before the prefect of the city, except in matters that concern building, servitudes and food supply. In all other causes, civil and criminal, they should be required to answer only before their illustrious counts. 1. We permit rector, however, of provinces, within the confines of their jurisdiction, to try causes civil as well as criminal arising therein between palatine officials, who are not occupied with public business, with the limitation, however, that no sentence be pronounced against them in a criminal cause upon suggestion of the provincial judge, unless the illustrious count under whom the accused serves, permits it.

Note.

³ [Blume] This refers to the so-called probatoria. See headnote C. 1.27.

⁴ [Blume] C. 12.19.6.

A magistrate with a staff under him had generally the exclusive jurisdiction of the members of the staff in all matters criminal and civil. This subject is fully considered in note to C. 3.13.7. The privilege must have been of considerable importance at times.

12.23.13. The same Emperors to Eudoxius, Count of the Imperial Exchequer.

Among other prerogatives - heretofore received by the bureaus (scholae) of the imperial exchequer - the chief (primicerius) of the whole bureau and three chiefs (primicerii) of the (separate) bureaus shall enjoy the rank of the praetorian military tribune, and by the direction of no judge shall a public or private duty be enjoined upon them.

Note.

The title of praetorian tribune (tribunus praetorianus) was an honorary title, the significance of which is not clear. It is mentioned in C. 12.49.12; C. 12.54.4; C. 12.23.14.

12.23.14. The same Emperors to Florentius, Praetorian Prefect.

We order that the devoted palatine officials of the crown domain of our majesty shall have the same privileges as the palatine officials serving in the imperial exchequer. For since their service appears to be equal and similar, it seems just and proper that each official staff should glory in the same privileges. 1. Thus we decree that the chiefs of the whole staff, and the three chiefs (primates) of the (separate) bureaus of the crown domain, shall at the end of the service, be numbered among the praetorian military tribunes, and retain the privileges granted to them by our imperial constitutions, to adore Our Clemency. They shall not be burdened by any duty, or care, private or public, by order of any judge, but may enjoy the honor of their rank exempt from all such burden and from every trouble.

Note.

Office of Crown Domain.

The Not. Dign. 14.9-13, mentions the chief of the whole staff, or whole bureau, and four chiefs (primicerii) of four separate bureaus, namely (a) the bureau of remitted debts, (b) of rentals, (c) of receipts, and (d) of private bounties, while this and the preceding law mention only the chief of the whole bureau and three separate bureaus. The chiefs of the separate bureaus are called primates in this law, but primicerii in the preceding law. Inasmuch as the duties of the employees in the office of the crown domain were similar to those of the employees in the office of imperial exchequer, it was but proper that the chiefs therein should be given the same privileges, as the chiefs of the imperial exchequer.