

Book XII.
Title XXV.

Concerning the palace servants and workers.
(De castrensiis et ministerianis.)

Headnote.

Castrensis - steward of the imperial household.

As will be noticed by law 1 of this title, the rank of the steward was that of worshipful. It seems probable that he supervised all the appointments and attendants of the palace, except the chamberlains, the palace guards, the corps of ushers, and a few others under the master of offices. He exercised his supervision under the general control of the Grandchamberlain. See C. 12.5. Among the other duties of the steward was that of looking after the spreading and serving of the royal table. Hodgkin, Letters of Cassiodorus 88; Dunlap, Grandchamberlain 210. The following were his subordinates:

1. Pages (paedagogiani). Not later than the reign of Hadrian a school for the training of pages was established. Young boys of handsome appearance were here taught the arts and graces of court service, richly clad, grouped according to size, color and hair, and attending the emperor at home, abroad, at table, the bath and on the chase. They had a special apartment or dormitory, known as the paedagogium. They entered the service while quite young, before the age of puberty, and their term of service might be as long as fifteen years. They lent splendor to the imperial court rather than usefulness. Dunlap, supra 211-212.

2. Lackeys or servants - ministeriales. Among these we find fullers, tailors, bakers, cooks, butlers, carvers, waiters, cup-bearers, tasters, superintendents of the banquet hall, decorators of the banquet hall and others. They were divided into regulars and supernumeraries, each of these being divided into three grades, the first, second and third grade. Law 2 of this title. Promotion from among the supernumeraries seems to have been regularly to the lowest grade of the regulars, the person promoted ranking last. Dunlap, supra 213.

3. Curator of the palace (curae palatii). These included a caretaker of the furniture, the picture gallery, the gold and silverware and others. Dunlap, supra 214.

4. The official staff of the steward (officium). That the steward had an official staff of his own is well attested by the Register of Dignities, of the Orient, 17 and of the Occident, 15. These consisted of an accountant (tabularius) of the emperor, an accountant of the empress, an aide (adjutor), and a record-keeper, or secretary as Dunlap calls him (chartularius), to whom the records and rolls of the palace service were entrusted, and who had a department of his own. Dunlap, supra 215.

12.25.1. Emperors Honorius and Theodosius to Narsus, Count and Seneschal of the Sacred Palace.

When, according to the provisions of the imperial orders, the officials in the office of Your Worshipfulness have completed the fixed time of service, that is two years, they shall pass out of office, their places shall be filled by those following them according to the deserts of their labor and service; and no one shall, after completion of his service, and after relinquishing the office, have permission to return again to the same service or position.

Given at Constantinople February 8 (416).

C. Th. 6.32.1.

Note.

It was customary in nearly all the departments of the imperial service for new members to be enrolled in the lowest rank and to receive regular advancement from one rank to another until they arrived at the head of their respective corps. See Dunlap, Grandchamberlain 204. It would, of course, not do if this regular order of promotion was to be carried out for a man who had reached the top of one bureau or office to serve again in the same or lower position therein. This has already been mentioned at C. 12.23.5.

12.25.2. The same Emperors to Scholasticus, Count and Castellan of the Sacred Palace.

If any one (of the supernumeraries) of the first, second or third grade (forma), shall by special imperial permission obtain a position (gradum) among the regulars, he shall occupy the position in the register as the last in rank of the third grade (forma).

Given at Constantinople January 12 (422).

C. Th. 6.32.2.

Note.

The grades here mentioned (forma) are also mentioned in C. 12.23.7, and see note to subdivision 2 thereof. It will also be noted that there were regulars, entered on the register of officials, and supernumeraries.

12.25.3. Emperors Leo and Anthemius to Johannes, Count and Master of Offices.

Those who serve in the department of the sacred wardrobe, and their mothers and wives, shall not be compelled to answer in any criminal or civil cause commenced against them, except in the tribunal of Your Sublimity.

Note.

The high officials ordinarily had jurisdiction, civil and criminal, over those under them, to the exclusion of anyone else. This subject is considered at C. 3.13.7 note. The Grandchamberlain's jurisdiction in these matters was, however, limited as already stated at headnote C. 12.5, and his place was generally taken by the master of offices. See also the next law.

12.25.4. Emperors Leo and Zeno to Hilarianus, Count and Master of Offices.

Above all, those assigned to our service, whose offices the subjoined schedule mentions specifically, shall be summoned by the order of no other judge, except only by that of Your Magnitude, so that they need to answer complaints in the forum of no other judge, inferior or superior, except only in the tribunal of Your Amplitude. 1. And lest they be burdened by great expenses even in that tribunal, or be summoned easily by the

mere verbal (nudis) mandate of anyone, we order that the measure of fees and provision for suretyship be observed, and above all, that they shall not be summoned without writing, or without complaint lodged in court and without the order of Your Magnitude being served on them; and when they are summoned they shall not be compelled to furnish to the process-servers (exsecutores), for their appearance, any surety other than the accountant (actuarius), or one of the primates of their department (schola), without writing, whether they intend to answer in court personally, by a procurator, and whether they are sued in a civil case, or are accused in criminal causes. 2. And no one who happens to be summoned needs to give to the process-servers, on account of the summons, more than one gold piece (from the beginning) to the end of the lawsuit. For bringing the case to a hearing, the conduct of the trial, and bringing the persons into court as a result of a simple demand against them, whether on appeal, or brought before the court in any other manner, those having the right to receive fees, shall be content with only three solidi to the end of the suit, and for a record of the proceedings given them only two solidi need be paid. 3. These privileges shall belong not only to them, but also fully and completely to their mothers and wives, who, if necessity arises, by reason of any case brought against them, shall be committed to the charge of their sons and husbands, nor shall any other surety be required of them. The above mentioned officials, during and after their term of service, and those who have completed the time of service in the same position since the enactment of the former pragmatic sanction for their benefit, shall enjoy all privileges (granted them), including those which they say were granted them by the rescript of Marcian, of blessed memory, which rescript shall remain in force except as to the provision directing them to answer in the court of various judges. 4. They shall pay to the advocate of the fisc, and to the stenographers (exceptores) in the office of the referee, only the third part of a solidus from the beginning to the end of a suit; for a copy of the proceedings before the referee, they shall pay only half of a solidus. If one of them is summoned while located in a province, and he lacks a surety, he shall furnish only a guaranty (for his appearance) under oath, and we direct by the present law that he shall never be summoned unless pursuant to the order of Your Magnitude, except in cases involving payment of tribute or performance of liturgies, or for crimes, which must be investigated, tried and punished in the place where committed as provided by general laws. The aide (adjutor) of Your Sublimity is appointed as the watchman to see that none of these provisions are secretly violated.

474 A.D.

Note.

The instant law, too, gave jurisdiction to the master of the offices over the officials mentioned in this title, as is also stated in law 3 of this title. Further, certain privileges were granted them in regard to the amount of fees they were required to pay in connection with the proceedings in court, and in regard to the sureties which they were required to furnish therein. This subject is more fully considered in C. 3.2, and further details are not necessary to be mentioned here. The schedule mentioned in the law is lacking. See also C. 12.29.3 and note; and C. 12.21.8.