

Book XII.
Title XLVII (XLVIII).

Concerning the sons of military apparitors who die in war.
(De filiis officialium militarium qui in bello moriuntur.)

12.47.1. Emperor Constantine to Euagrius, Praetorian Prefect.

Children of apparitors of any office, whether their parents are still in the service or have already been dismissed, must enter the service of their parents.

Given August 4 (331).

C. Th. 7.22.3.

Note.

During the later empire, the Roman society was organized almost into a caste system, sons following the work or labor or trade or profession of their father. This has been frequently mentioned in books 10 and 11 of the Code. See especially headnote C. 10, and headnote C. 11.2. See also the other laws of this title.

12.47.2. Emperors Gratian, Valentinian and Theodosius to Neoterius.

The sons of a primipilar should follow the condition of their father.

Note.

The primipilar was a sort of Governor's quartermaster. See note C. 12.37.9; C. 12.62.

12.47.3.

If anyone shall die in war in any manner, his son, if there is only one, or the elder of several, must immediately take his father's place, and receive his pay, if the father has not advanced higher than the rank of commissary (biarchus); but if such father attained a higher rank, the son shall only become a commissary (biarchus). For it is clear that if the elder son receives this salary he will also care for his brothers.

Note.

The biarchus, sometimes said to have been a commissary was found among the imperial messengers, and was in the third rank from the bottom. We may assume that the biarchus of this law was a soldier who had advanced to some extent in any event.