

Book XII.
Title LIV (LV).

Concerning the apparitors of the masters of the soldiers and their privileges.
(De apparitoribus magistrorum militum et privilegiis eorum.)

Headnote.

There were several masters of the soldiers (or of the infantry and of the cavalry) in the East and in the West, as will be more fully noted at C. 1.29. Aside from the various soldiers and military officers under them, they had an official staff, the members of who were known as apparitors, just as the members of other official staffs of the higher officers were known under that name. According to the Register of Dignities, the staff of the Master of the Soldiers at Court, in the East, consisted of a chief of staff (princeps), two accountants (primiscrinii), bureau-clerks, stenographers, and other apparitors. The general duties of the chief of the whole staff, the accountants and stenographers are easily conceived. The marshal was probably charged with affairs relating to military offenses and military prisoners and corresponded to the marshal or sheriff under civil judges.¹

12.54.1. Emperors Valentinian and Valens to Artemus, Corrector.

Whoever shall show that they are serving in the office of the Master of Cavalry and of infantry, shall be exempt from any nomination (to any municipal office or liturgy). Given at Aquillia September 19 (364).

C. Th. 8.3.1.

Note.

During the time of service, these apparitors could not well perform any liturgies or fill any position of honor in cities, as already mentioned in note C. 12.16.3. If they were subject, however, to curial duties, they might be dragged back to their native city, to perform their duties. C. 10.32.55.

12.54.2. The same Emperors to Mamertinus, Praetorian Prefect.

Persons who serve in the office of the masters of cavalry and infantry, belong to the military order.

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

We want neither curials, cohortales,² unfree serfs, to become apparitors of the master of soldiers.

Given at Constantinople March 6 (441).

¹ [Blume] The term primiscrinii indicates a chief of a bureau. The term seems to have been used for an officer who at times was designated as adjutor, aide, a term, though sometimes referring to an assistant in general, was sometimes used to designate assistants to the chief, and themselves chiefs of a separate bureau. See C. 12.29.3; 3 Bethmann-Hollweg 146; Hodgkin, Letters of Cassiodorus 103. See for other information as to official staffs, headnote C. 1.27. See also C. 1.27.1.24 and note.

² [Blume] provincial apparitors.

Nov. Theod. 7.4.2.

Note.

Curials were bound to their condition and could be dragged back to the curia to perform their duties. C. 10.32.55. The same was true with cohortales -- apparitors of the provincial governors. Nor could serfs become apparitors in the office of the Masters of the Soldiers. Serfs are here designated as 'censibus adscripti' -- serfs enrolled in the tax books the same as slaves and animals. They were the unfree serfs as shown by Leo in his capita in his capitatio plebeia and capitatio humana, 102, et seq. But there can be no doubt that in later times at least no serf, free or unfree, could serve as apparitor in any of the offices. C. 11.48.17.

12.54.4. The same Emperors to Apollonius, Master of the Offices in the presence and to Anatolius, Master of the Soldiers in the Orient.

We direct that the accountants (numerarii) of the illustrious masters of the soldiers in the presence and of the Orient, who have become honored by reason of their position and service shall, as a reward of their labor, be numbered among the praetorian tribunes, and be exempt from all liturgies imposed by civil or military magistrates, after their service is completed. Persons that have filled the office of chief (principatus) shall become military tribunes of the watches (vigilum).

Note.

Exemption from liturgies is here granted in the same words as in C. 12.9.1, the note to which should be examined. Exemption was apparently from all liturgies, except that so far as personal liturgies were concerned, the instant law should be construed in light of the later law at C. 10.32.67, which relieved but few persons, after their term of service with the imperial government, from curial duties.

12.54.5. Emperor Anastasius to the Masters of the Forces.

We ordain that those only who serve as regulars in your offices shall be protected from being sued in other courts³ but the supernumeraries may be sued and summoned as though not in service, both before the illustrious prefectures and before the honorable rectors of the provinces, and they must answer without right to object to the jurisdiction.

Note.

Superiors had, ordinarily, jurisdiction in civil and criminal cases over their inferiors, and the latter could not, ordinarily, be sued in other courts. See full note at C. 3.13.7.

³ [Blume] fori praescriptione muniri - a prescription of the forum was the right to object to the forum where suit was brought.