

Book I.
Title XXIX.

Concerning the office of the Master of Both Forces.
(De officio magistri militum.)

Headnote.

Masters of Soldiers. The masters of soldiers were the officials in supreme command of the soldiers. But there were a number of them. In the Orient we find: (a) The masters of soldiers praesentales, that is to say, stationed at the imperial court. These naturally had more influence in regard to the troops than the masters of the soldiers stationed elsewhere. The troops under their immediate control were called "prasentales" (C. 12.35.18), which meant nothing more than that they were the troops under the control of the master of the soldiers resident at the imperial court. Strange to say, according to the Register of Dignities, each of these masters, though in 1 Not. Dign. Orient 5 divided into the master of the infantry and the master of the cavalry, were in command of both cavalry and infantry, one having 12 squadrons (of 500 men each) of cavalry, and 24 legions of infantry (of 1,000 men each), the other having 6 squadrons of cavalry and 23 legions of infantry, the term "auxilia" being used as the equivalent of a legion. These soldiers were stationed in Constantinople, or the provinces close to it, and when necessary came under the control of dukes who were not under the immediate command of the masters of the soldiers mentioned here.

(b) Master of the Soldiers in the Orient with 10 squadrons of cavalry and 11 legions of infantry and 10 or 11 legions of the auxiliary field army (pseudocomitatenses).

(c) The master of the soldiers of Thrace with 7 squadrons of cavalry and 20 legions of infantry.

(d) The master of soldiers of Illyria with 2 squadrons of cavalry and 23 legions of infantry, belonging to the field army and the army auxiliary thereto.

In the West, according to the Register of Dignities, there was a master of infantry and a master of cavalry, stationed at the imperial court, and a master of cavalry of Gaul.

Under the Masters were the counts and the dukes, of the former there were six in the West and two in the East; of dukes there were 12 in the West, and 13 in the East. The office of the duke or count and that of civil governor were combined in some places, an arrangement that was extended by Justinian, as will be noticed from the various novels enacted by him. The duke was the highest military office outside of the masters of the soldiers, and the latter were chosen from among the former. The military counts here mentioned were not ordinarily of a higher rank than the dukes, and generally occupied about the same position as the dukes, the same officer frequently being known as count and duke, in which event, the addition of the term count was simply an added honor, without changing the rank any. The military counts and dukes were generally of the second grade of honor, belonging to the worshipful (spectabiles), the counts being ordinarily counts of the first class. It may be here noted, however, that the term count was used in connection with many officials, was frequently only honorary, and in some cases, as in that of the count of the Orient, designated a civil officer of worshipful rank, the same as a vicar. See 4 Pauly-Wissowa 662, 663; 5, 1869. Each of the masters, as well as most or all of the counts and dukes had an official staff in pattern of the official staffs of the civil officers, like governors, praetorian prefects and others. Justinian, as

will be noted by law 5 of this title, created an extra master of the soldiers in the East, and another in the Balkans. 2 Cambridge Med. Hist. 32. The masters of the soldiers, counts and dukes were the military judges and as such seem to have had considerable jurisdiction. See C. 1.46-48, and references there made.

The army consisted of (a) household troops, (b) the field army (comitatenses), and (c) the various border troops. The pseudocomitatenses received their name from the fact that Constantine withdrew a number of soldiers from the frontier provinces to increase the field army, these withdrawn troops being known as pseudocomitatenses. Bury, 1 History of the Later Roman Empire 36. They probably could be used either in conjunction with the field army or the border troops. In addition to this, in order to more fully protect the borders, the Roman emperors saw to it that there were confederates (foederati) among the barbarians, to whom a tribute was paid. The army after Constantine numbered well over 600,000 men. Later, however, it was reduced to about 150,000 men. Bury, 1 History of the Later Roman Empire; 2 History of the Later Roman Empire 78.

We have noticed in C. 1.27.2 that there were special military borders created by Justinian, each under the command of a duke. Some of these had existed before. Justinian increased them in various parts of the empire during the early part of his reign, and he also increased the number of fortifications all along the borders of the empire during the early part of his reign, and he also increased the number of fortifications all along the borders of the empire, ordinarily having two lines thereof. Certain jurisdiction over the borders in the East and their defenders was given the Master of Offices. C. 1.31.4 and note. For other details, see 2 Cambridge Medieval History 30-34. See also 1 Karlowa 830, 860, and C. 12.35-39. As to the duke of Southwestern Asia, see Novel 115.

1.29.1. Emperors Gratian, Valentinian and Theodosius to Eusignius, Praetorian Prefect.

The illustrious counts and masters of infantry and cavalry shall have no jurisdiction whatever over the provincials, nor the magnificent (praetorian) prefecture over soldiers.

Note.

This law lays down the rule that jurisdiction over soldiers and civilians should be separated. See full note to C. 1.46.2. It will be noticed that the masters of the soldiers were here given the prefix "count." Evidently the full title of these officials was "count and master."

1.29.2. Emperors Honorius and Theodosius to Hypatius, Master of the Forces in the Orient.

The regular (statuti) apparitors of your office should not be dragged before another tribunal. Your illustrious magnificence will therefore take notice, that whether they are sued in a civil or criminal cause, the litigation should take place before you. Given at Constantinople December 13 (414).
C. Th. 1. 7. 4.

Note.

Not only were soldiers subject to the military courts, but the apparitors—the official staff and the clerks—under the military commanders. This was in accordance with the general rule, fully stated in note C. 3.13.7, that superiors had jurisdiction over their inferiors. For an exception to the rule, see next law.

1.29.3. Emperor Zeno to Sebastianus, Praetorian Prefect.

Those who are not part of the regular officials in the office of Master of the Soldiers in the Orient are subject to the jurisdiction of the civil judges in every matter; even the regular officials must, without question, obey the directions of civil magistrates in matters of taxes.

Note.

There were ordinarily certain persons, called supernumeraries—persons on the waiting list—who did not belong to the regular office force, but who would take the place of persons dying or otherwise leaving the office. These men were subject to the jurisdiction of the civil judges. It may be noted further that the apparitors themselves were subject to the civil authorities in matters of taxation.

1.29.4. Emperor Anastasius to Johannes, Master of the Forces in Illyria.

We direct that the soldiers shall not be transferred from the places in which they are stationed to other places without the special authority of Our Serenity, nor shall their pay be diminished in the place where they are stationed. But if, perchance, some urgent or necessary cause arises, the magnificent praetorian prefecture as well as our office should immediately look after the public interest and protection, and send us information indicating the places from which the soldiers should be transferred as well as those to which they should be sent, and also the names of the brave legions in which these soldiers are enrolled, as well as the quantity of the food supplies, and above all the reason on account of which these soldiers should be transferred, so that after such information the proper arrangements may be ordered by our authority.

Note.

The emperor retained the general control of the armies, and they could not be transferred from one place to another without his sanction. The praetorian prefect was interested in such transference for the reason that the army was paid from his treasury, and hence [he] was required to know where the various divisions thereof were located.

1.29.5. Emperor Justinian to Leta, the illustrious master of the forces throughout Armenia, Pontus, Polemoniacurs and (other) regions (gentes).

Since the Roman rule has been conferred on us by a propitious divinity, we have concluded after careful consideration and solicitous care that we should by this law establish a separate master of forces in Armenia, Pontus Polemoniacus and other regions, and we have chosen Your Magnitude, well recommended to us by previous conduct, confident that you will be suitable for such position, and we have committed certain provinces, that is Greater Armenia, which is called the interior, and other regions—namely Anzetena, Ingelena, Asthianena, Sophena, Sophanena, in which Martyropolis is located, and Balabitenia—and the first and second Armenia and Pnotus Polemoniacus, together with their dukes, to your care, entirely abolishing the office of Count of Armenia and we have put under our command certain soldiers, not only the new onews which we have just enrolled, but also some taken from those under the master of soldiers at the imperial court (praesentales), and from those in the Orient, and from other forces, without, however, diminishing their number. For while we have added some to them without burden to the republic and without increase of expense, so we have withdrawn some, but so that after such withdrawal they remain more numerous than they were before our felicitous times.

Note.

Justinian also seems to have added a master of soldiers of Moesia to those of Illyria and Thrace. 2 Cambridge Medieval History 32.