

Appendix 10: The Masters of soldiers in the *Compilation 'notitia dignitatum' (Cnd)*

§	Sections	page
1	Introduction	2
2	Official texts from 344-534 and copies of them that are independent of the <i>Cnd</i>	4
2a	The compilations of Roman imperial laws	5
2b	The accuracy of copies of the laws	7
2c	The importance of the laws	7
3	The master of soldiers	8
3a	The service position <i>M-</i>	8
3b	The rank, dignity and precedence of the service position <i>M-</i>	10
4	The Latin names for the service position <i>M-</i> in laws and inscriptions	12
4a	Summary of the names for <i>M-</i>	12
4b	<i>Magister equitum et peditum MEP</i>	13
4c	<i>Magister utriusque militiae MVM</i>	16
4d	<i>Magister militum MM</i>	18
4e	<i>Magisteria potestas MaP</i>	20
4f	Extraordinary <i>M-</i> (temporary, reserve and substitute officers)	22
4g	Other names used for the service position <i>M-</i>	23
4h	The designations <i>praesentalis</i> and <i>in praesenti</i>	24
	1. <i>praesentalis</i>	24
	2. <i>in praesenti</i>	28
5	The names <i>magister equitum ME</i> and <i>magister peditum MP</i>	30
5a	<i>Magister peditum</i>	31
5b	<i>Magister equitum</i>	34
6	The <i>Cnd</i> lists and pictures and their numbering	39
6a	Precedence lists	39
6b	Agency lists	40
6c	Pictures	41
6d	Numbering and reference	41
7	The <i>Cnd</i> names for the position <i>M-</i> compared with those in laws and inscriptions	42
7a	Unsynchronised and unstandardised names for positions <i>M-</i>	43
7b	The <i>Cnd</i> names for the service position <i>M-</i> in laws and inscriptions	43
	1. <i>magister peditum</i>	43
	2. <i>magister equitum</i>	43
	3. <i>magister equitum per gallias</i>	43
	4. regional designations <i>MEP</i>	44
	5. regional designations <i>MM</i>	44
	6. <i>magisteria potestas MaP</i>	44
	7. <i>in praesenti</i>	44
	8. <i>praesentalis</i>	44
	9. <i>pars equitum, pars peditum</i>	45
	10. <i>comes</i>	45
	11. Summary	46
7c	The name <i>magister utriusque militiae, etc MVM</i>	46
8	The <i>Cnd</i> positions <i>M-</i> and the number of coexisting officers serving as <i>M-</i>	46
9	The <i>Cnd</i> positions <i>M-</i> in the eastern lists	50
9a	Agency lists and pictures related to the 5 eastern <i>M-</i>	50
9b	Inaccurate representation of some pre- <i>Cnd</i> contents in the <i>Cnd</i>	52
9c	Differences in rank among eastern <i>M-</i>	53
9d	The <i>officia</i> associated with the eastern <i>M-</i>	54
	1. <i>officium cardinale</i>	55
	2. <i>officium in numeris militat & in officio deputatur</i>	56
	3. Military character of <i>officia</i>	57
	4. Size of <i>officia</i> directed by <i>M-</i>	57
	5. Soldiers and <i>apparitores</i>	58
	6. Status and duties of the <i>officium</i>	60
	7. Temporary <i>officia</i> ?	64
10	The 2 eastern central positions <i>M-</i>	66
10a	The laws	66
10b	The 2 eastern central lists <i>Cnd.9, 12</i>	67
10c	The 2 eastern domain lists in <i>Cnd.9, 12</i>	69
10d	Two corresponding series of pictures in <i>Cnd.7-8</i> and <i>10-11</i>	70
10e	Summary	71

contd > p.2

11	The <i>Cnd</i> positions <i>M-</i> in the western lists	72
11a	The <i>Cnd</i> names of the western positions <i>M-</i>	72
11b	Some differences between the eastern and western lists and pictures for the position <i>M-</i>	72
11c	The names of the western positions <i>M-</i> in laws and inscriptions	73
11d	Some names for western positions <i>M-</i> existing with eastern forms	74
12	The <i>Cnd</i> western lists with the names of <i>comitatenses</i> units	75
12a	The western lists of <i>comitatenses</i> units	75
12b	The 13 lists comprising <i>Cnd.102/5.53-260</i>	76
	1. The lists for the position <i>MEper gallias</i>	77
	2. The military units of the <i>comes africae, comes tingitaniae, comes britanniarum</i>	78
	3. The agency list of the <i>comes tingitaniae</i>	79
	4. The agency list of the <i>comes africae</i>	80
	5. The agency list of the <i>comes britanniarum</i>	80
	6. The 4 lists comprising <i>Cnd.102/5.53-90, 91-113, 170-186, 209-216</i>	81
13	The 2 <i>Cnd</i> western central lists (98/9 and 102/5.1-52)	86
13a	Two agency lists or one?	86
13b	The <i>officium</i> lists in the two central lists	87
13c	The pictures related to the western central lists	89
13d	The drawings related to the dignity of the position <i>M-</i>	91
14	The <i>Cnd</i> western central position <i>magister militum praesentalium</i>	92
14a	The <i>Cnd</i> name <i>MMpraesentalium</i>	92
14b	The law Cod.Theod.1.7.3	95
14c	The law Cod.Theod.1.7.3 compared with related items in the <i>Cnd</i>	95
14d	The designations <i>a parte peditum, a parte equitum</i>	97
15	Conclusion	98
#	Attachments	
1	Summary table. The Latin names for the service position <i>M-</i> in laws, inscriptions and a papyrus text.	100
2	The Latin names for the service position <i>M-</i> in copies of the main compilations of Roman imperial laws.	104
3	The Latin names for the service position <i>M-</i> in official inscriptions and a text written on papyrus.	108
4	A comparison of the Latin names for the service position <i>M-</i> that were used in related excerpts in copies of the main compilations of Roman imperial laws.	112
5	A comparison of the Latin names for the service position <i>M-</i> that were used for the same serving officer in both copies of the main compilations of Roman imperial laws and in official inscriptions.	114
6	Military units and soldiers in the main compilations of Roman imperial laws.	115
7	<i>Comes domesticorum / Comites domesticorum</i> and the <i>scholae domesticorum equitum</i> and <i>peditum</i> .	117
8	All the names that existed in the <i>Cnd</i> for the service position <i>M-</i> .	118
9	Differences and duplications in the representation of the western <i>comitatenses</i> units in the <i>Cnd</i> .	120
10	Headings to <i>officium</i> lists in the <i>Cnd</i> .	122
11	The items in the <i>Cnd</i> related to the name <i>magister militum praesentalium</i>	123
12	Ammianus Marcellinus	125-29

§[1] Introduction

In order to clarify some of the concepts and terminology used in this Appendix, the following section contains a partial summary of relevant parts of the introductory section §1: *The Compilation 'notitia dignitatum' (Cnd) - definitions and summary* that is printed at the beginning of the edition of the *Cnd*.

The name **Compilation 'notitia dignitatum' (Cnd)** identifies the entity that was the immediate common exemplar of all those available graphic entities that were derived from a compilation of lists and 89 pictures that began with the list item *Notitia dignitatum [...] in partibus orientis* and ended with the list item *Ceteri praesides [...] dalmatiae officium habent* and occupied 164 pages in the codex **Σ** that existed in the library of the Speyer cathedral chapter, at least between 1426/27-1550/51. The existence of a codex that was certainly **Σ** was last attested at Neuburg a.d. Donau on 1.Dec.1566 and no part of the codex **Σ** has been identified certainly as still being available now.

Each list in the *Cnd* consisted of one or more items.¹ All the intelligible items referred to entities (imperial service positions and service units, regions, places, factories, estates and official travel

¹ A list item is a separate or distinct part of a list and these items in the *Cnd* were identified, and separated from each other, either by the use of rubrication (writing an item in red ink rather than brown or black), or by spacing (beginning a new or separate line space - generally ruled in the primary copies), or by initial capital letter, or by punctuation or by any combination of these.

permits), or related matters, including some duties, and many of these entities and related matters are attested to have existed in the Roman state before c.500, although not all simultaneously. And no list item and no drawing in any picture in the *Cnd* referred to, or represented, any entity, or related matter, that can be shown to have been created or to have existed for the first time after c.500.

The *Cnd* was produced at some time between the mid-8thC and 1426/7 and, when it was created, the *Cnd* existed as part of a more extensive compilation of lists and pictures than the fragmentary remainder which comprised the *Cnd* in 1426/7. Moreover, the contents of the *Cnd* were derived, to an unknown extent, from an earlier (*pre-Cnd*) compilation (defined below) that was wholly or partly written in the same Carolingian minuscule script that was used in the production of the *Cnd*.

From what is known about the texts that were available to writers between the mid-8thC and 1426/7, it is improbable that they had the textual sources that would be required to create lists that for the first time referred to all the entities and related matters that were listed in the *Cnd* and that existed in the Roman state for the first time before c.500.

It is concluded, therefore, that each of the *Cnd* lists which contained items referring to those entities and matters was derived from a *pre-Cnd* list by the scribe(s) who produced the *Cnd*. A ***pre-Cnd list*** can be defined as: a list that contained, in whatever form of their words or numbers, or their sequence, at least all those items of which a ***copy*** (that is, a derivative, whether a reproduction or imitation or adaptation, or excerpt or abridgement), whether direct or indirect, existed in a list in the *Cnd* by 1426/7. The earliest *pre-Cnd* list could be referred to as a ***source list***.

It is also concluded that at least some *pre-Cnd* lists and pictures co-existed or were combined in a *pre-Cnd* compilation that was copied, either wholly or partly, by the scribe(s) who produced the *Cnd*. A ***pre-Cnd compilation*** is defined as the compilation of lists and pictures that contained or comprised, in whatever form or sequence of its lists and pictures, at least that combination of lists and pictures of which a ***copy***, whether direct or indirect, existed in the *Cnd* by 1426/7. The earliest *pre-Cnd* compilation could be referred to as the ***original compilation***, or Ω .² Some of the lists and their related pictures in the *Cnd* were derived from lists and pictures that demonstrably already co-existed in some manner, or in some compilation, not much later than c.500.

But apart from the fact that this original compilation must, as defined, have existed as a logical construct, nothing else is known about it: that is, it is not known where, when, why, how (in what manner and from what sources), by whom, or for whom, it was produced; or where, when, how (for what purpose), by whom, how often and for how long it was used; or whether and, if so, how its contents were changed during such use; or how often and how accurately and through how many successive copies an unknown amount of its contents were transmitted before they were copied, either wholly or partly, by the scribe(s) who produced the *Cnd*. On the basis of all the evidence that is available now, any statement purporting to be an answer to any of these questions is only a speculation and, as such, provides no historical evidence about the original compilation.

But it is possible to draw some inferences about *pre-Cnd* lists and *pre-Cnd* compilations from what is known about the contents of the *Cnd*. And at least one inference that may reasonably be drawn is that at least some lists in the *Cnd* were ultimately derived, either wholly or partly, from one or several ***official lists*** which may be defined as: lists that were created by some officer(s)³ within the Roman imperial service pursuant to their duties and used for functions within the service.

The inference, that at least some of the lists in the *Cnd* were ultimately derived, either wholly or partly, from official lists, is based on these observations:

- a The *Cnd* contained 1167 list items that referred to 992 military units,⁴ and 555 list items that named service positions in the *officium* (secretariat) lists,⁵ and there is no evidence to prove, or any analogy

² If this term is used, it must be emphasised that *original compilation* refers to 'the first or original compilation of lists and pictures', not to 'a compilation of original lists and pictures' because it is not known how much of such an original compilation comprised original lists and pictures rather than copies of some or all of them.

³ Unless otherwise indicated, the word *officer* is used, throughout this appendix, to refer to any statutory member of the Roman imperial service, irrespective of any rank.

⁴ See *Index 4: Military units* at: <https://www.notitiadignitatum.org/>

to suggest that these numbers of items could have been ultimately derived from lists that were not official lists.

- b one complete *officium* list that is contained in the copy of an imperial law was demonstrably derived from the same list of which an excerpt existed in an *officium* list in the *Cnd*; but no other copy, whether of the complete list in the copy of the law, or of an excerpt like the one in the *Cnd*, exists in any available text that is not derived either from that law or from the *Cnd*;
- c some list items in the *Cnd* referred to imperial service positions, and to some related matters, that are attested elsewhere only in copies of imperial laws.

The value of the *Cnd* as historical evidence about entities and related matters that are attested to have existed in the Roman state before c.500 depends upon the extent to which the items in the *Cnd* were an *accurate copy* of the items in official lists and texts. In order to determine that, it is necessary to compare the forms of the items (the spelling of words, their number, sequence and arrangement) that existed in the *Cnd*, insofar as the contents of the *Cnd* can be accurately represented from the primary copies of the *Cnd*, with those items that referred to the same entities or related matters in official lists and texts produced in the Roman state, or in copies of such texts that are independent of the *Cnd*.

The largest number of available official texts, or copies of them, that contain information about most of the entities and related matters that were mentioned in the *Cnd*, are the copies of Roman imperial laws and some administrative texts in inscriptions.

Since those texts contain a substantial number of references to the service position that was mostly named *magister militum*, and since the *Cnd* contained a greater number of names for that position - and more information about it - than for any other position in its lists, the position of that *magister* will be the subject of the following comparison between the *Cnd* and the official texts that are represented in copies of Roman imperial laws that were written between 344 and 534,⁶ and in inscriptions that were produced during the same period within the Roman state, or in copies of some that are no longer available. And, since the lists in the *Cnd* were entirely written in Latin, only texts that were written in that language (or a text in which a Latin name for the position *magister* was used) are considered.

In official texts represented in imperial laws and inscriptions, the position *magister* is variously named:

magister equitum et peditum (master of cavalry and infantry)=**MEP**, or
magister utriusque militiae (master of both <the cavalry and the infantry> service)=**MVM**, or
magister militum (master of soldiers)=**MM**, or, referring to the jurisdiction of the service position, as:
magisteria potestas (magisterial authority and/or power)=**MaP**.

In this appendix, these four names are collectively represented by the abbreviation **M-** unless a particular context requires that any of the individual names be used.

The *Cnd* did not use the name **MVM** but added two others in its western lists:⁷ namely,

magister equitum (master of cavalry)=**ME** and
magister peditum (master of infantry)=**MP**.

[2] Official texts from 344-534 and copies of them that are independent of the *Cnd*

In the Roman state, between 344 and 534, many official texts were produced that contained Latin names for the service position **M-** and various statements about that position. Some of these texts are available as either untransmitted or as transmitted texts.⁸

⁵ See *Index 6: Civil and military officia* at: <https://www.notitiadignitatum.org/>

⁶ The year 344 marks the date of the earliest available official text containing a name for, or representing, the service position **M-**, while 534 dates the sanctioning of the publication of the second edition of the compilation of Roman imperial laws in the *Codex Iustinianus*.

⁷ The lists in the *Cnd* were arranged in two compilations whose items refer to the civil and military services in the two parts into which the Roman state was divided, initially in 364 and, with modifications, permanently after 395-97. The lists among its first 82 pages (*Cnd*.1-82), referred exclusively to the eastern part of the Roman state and those among its last 80 pages (*Cnd*.85-164), to the western part. Of the 89 pictures, 43 were interspersed among the eastern lists, 44 among the western lists and, between them, 2 pictures (*Cnd*.83-84) whose relationship to the two compilations of lists is unknown.

The untransmitted texts include inscriptions on stone, containing declarations relating to the construction of, or repairs to, forts, walls and an aqueduct, or honorific dedications on pedestals for the statues of dignitaries. Other inscriptions exist on a *missorium* (metal plate) and on ivory *diptychs* (each of two hinged tablets), celebrating consular appointments. In addition, there is an administrative order written on papyrus.

The transmitted texts include a few manuscript copies of inscriptions on objects that are no longer available, or texts in mosaic pictures that no longer exist. But the greatest number of available transmitted texts representing official texts are the available manuscript copies of Roman imperial laws.⁹ These copies are demonstrably derived from official texts and contain most of the available evidence about the use of the name *M-* in official texts that were produced between 344-534 and are independent of the *Cnd*. Consequently, these copies of laws, supplemented by inscriptions referring to the name *M-*, will provide most of the evidence that is considered in this appendix and this evidence is simply referred to as "laws and inscriptions".

§[2a] *The compilations of Roman imperial laws*

Copies of some imperial laws exist in inscriptions, but most copies exist in manuscripts whose texts were indirectly derived from the two official compilations of those laws: namely, from the *Codex Theodosianus* (sanctioned for publication in 438 by the eastern emperor Theodosius 2),¹⁰ and from the *Codex Iustinianus* (whose second edition was sanctioned for publication in 534 by the eastern emperor Iustinianus 1).¹¹ Smaller compilations were made of some additional new laws (*novellae constitutiones*), that were enacted between 438-468 to supplement the *Codex Theodosianus*,¹² and similar compilations were intended to follow the *Codex Iustinianus* after 534.¹³

Neither the original compilations of the two *Codices* and *Novellae*, nor officially authorised copies of them, are available; but a representation of the immediate common exemplar of the primary copies of each compilation is represented in separate editions,¹⁴ and the most recent edition of each compilation is

⁸ *untransmitted texts* are those written, inscribed or carved on available objects, such as papyrus, metal, stone or ivory, or depicted in mosaic pictures; *transmitted texts* are those derived, through one or several successive manuscript copies, from an untransmitted text that is no longer available.

⁹ The term "imperial law" (hereafter simply "law") is used throughout this appendix to denote any written instruction or decision by the emperor as defined by the jurists Ulpianus, *institutionum lib. I* (Iustinianus: *Digesta seu Pandectae*(533):1.4.1) and Gaius (*Institutionum commentarii* 1.5) and in *Cod.Theod.* 1.1(438) and *Cod.Iust.* 1.14(534): *De legibus et constitutionibus principum et edictis*. Texts containing these judicially enforceable decisions were referred to by several terms, including: *lex*, *constitutio* (*decretum*, *edictum*, *epistula* or *litterae* with *subscriptio*), *rescriptum* (to *preces*, *consultationes*, *suggestiones*), *codicilli* (of appointment) and any imperial *mandatum*, *oratio*, *adnotatio*, *iussio*, *dispositio*, *praeceptio*, *iudicium* or similar.

¹⁰ The title *Codex Theodosianus* is attested in several laws such as *Cod.Theod.* 1.1.6(435), *Nov.Anth.* 3(468) and in the constitution *Haec quae*(528)§pr which also contains the description *Novellae constitutiones* for the new laws from the period 438-468.

¹¹ The title *Codex Iustinianus* is attested in the constitution *Summa rei*(529)§2 and in the constitution *Cordi nobis*(534) §5.

¹² The constitution *Haec quae*(528) refers to: *[.] multitudine quidem constitutionum, quae tribus codicibus Gregoriano et Hermogeniano atque Theodosiano continebantur, illarum etiam, quae post eosdem codices a Theodosio divinae recordationis aliisque post eum retro principibus, a nostra etiam clementia positae sunt, [.] in [.] codicibus [.] in quibus novellae constitutiones receptae sunt, [.]*.

¹³ The constitution *Cordi nobis*(534)§4 refers to a compilation *novellarum constitutionum* that may be needed after 534. No official compilation of these *Novellae* is known to have been made but derivatives of unofficial copies of some of them are available.

¹⁴ The most recent representations of the contents of the archetypes of the available primary copies of these *Codices* and *Novellae* exist in the following editions: *Cod.Theod.* = Mommsen, T. (ed.), *Theodosiani libri XVI cum constitutionibus Sirmondianis* (Berlin, Weidmann, 1904); *Nov. (etc.)* =

used in the following appendix. In order to distinguish the original *Codices* and *Novellae* from the copies of them in these editions, these copies will be referred to as Cod.Theod., Cod.Iust., and Nov.(followed by an abbreviation for the name of the emperor who issued the original: for example, Nov.Theod. refers to the copy of a *novella constitutio*, or new law, issued by Theodosius 2).

The laws in the two *Codices* and in the *Novellae* were almost all in the form of letters sent by the emperor, mostly to directors of agencies in the imperial service. Such letters usually began with an address, comprising the name(s) of the issuing emperor(s) and of the intended recipient, including the name of his service position. This address was followed by the text of the letter, followed by a subscript usually indicating the date when, and place from which, the letter was issued and, occasionally, the names of other officers to whom copies were to be sent. Most of the various names for the service position *M-* were contained in either the address or in the contents of the letters, and only a few in the subscripts.

While the *Novellae* were compilations of complete letters, the two *Codices* consisted only of edited excerpts from the letters and deliberately so. The *Codex Theodosianus* comprised 16 books, each of which was divided into a number of sections, each under a different *titulus* (title or heading), referring to a different category of imperial laws. The compilers of the *Codices* were instructed to collect all relevant available letters containing laws and then, from each of these letters, to excerpt any parts that were relevant to any of the titles that had been created for the sections of the *Codex*. All excerpts under the same title were to be in chronological order, beginning with the earliest. If different parts of a single letter were relevant to two or more different titles, those excerpted parts were arranged under those *tituli* in whatever parts of the *Codex* they existed. Where only one part of a letter was excerpted, the address and subscript of the letter were mostly retained with the excerpt. Where several parts were excerpted and placed under different titles in the *Codex*, the address and subscript were intended to be added to each excerpt, especially to enable their prescribed chronological arrangement.¹⁵

The *Codex Iustinianus*, which comprised 12 books, was compiled according to the same principles and its compilers incorporated, from the *Codex Theodosianus*, and from the subsequent *Novellae*, those laws that either were still valid in 528,¹⁶ or that could be adapted to suit the circumstances of that time. But, while the compilers of the *Codex Theodosianus* had been instructed to initially incorporate excerpts of any obsolete laws invalidated by later ones in the same *Codex* (to serve the needs of historians), the *Codex Iustinianus* was to include only laws that were valid at the time of its compilation.

Much is known about the compilation of the official and authorised *Codices* from which Cod.Theod. and Cod.Iust. are derived. Among the available copies of laws there are several that contain the imperial orders prescribing why, how, where, by whom and for whom the *Codices* were compiled and how they were to be used. The laws also indicate when the project began and when the compilation was completed.¹⁷ And the minutes of the meeting at which the Roman senate received its copy of the *Codex Theodosianus* in 438, refer to the existence of three authorised copies; indicate by whom further copies were made; and identify who was responsible for their accuracy. Moreover, during acclamations at that meeting, specific requests and suggestions were made to ensure that such accuracy was achieved.¹⁸

Meyer, P. (ed.), *Leges novellae ad Theodosianum pertinentes* (Berlin, Weidmann, 1905); *Cod.Iust.* = Krueger, P. (ed.), *Codex Iustinianus* (Berlin, Weidmann, 1877, and later reprinted with amendments); *Nov.Iust.* = Schoell, R. & Kroll, W. (eds.), *Iustiniani Novellae* (Berlin, Weidmann, 1895).

¹⁵ Cod.Theod. I.1.5(429), Cod.Theod. I.1.6(435), Nov.Theod. I(438).

¹⁶ Iustinianus, constitution *Haec quae*(528), constitution *Summa rei*(529), constitution *Cordi nobis*(534).

¹⁷ See notes 15-16.

¹⁸ The untitled texts, referred to as the *Gesta senatus populi Romani* of which a copy is printed in Mommsen, *Cod.Theod.*, 1904 pp.1-4. The acclamations included requests that many copies should be made available within the imperial service (*plures codices fiant habendi officii*) and in public departments (*in scriniis publicis sub signaculis habeantur*), especially to prevent the introduction of interpolations (*ne interpolentur constituta, plures codices fiant*) which would additionally be avoided if copies avoided the use of abbreviations (*ne constituta interpolentur, omnes codices litteris conscribantur*) or legal annotations (*notae iuris non adscribantur*).

By comparison, no such information is available about the source lists and original compilation (as defined above) from which an unknown amount of the contents in the *Cnd* was ultimately derived. As stated above, there is evidence that at least some of the contents in the *Cnd* were ultimately derived, either wholly or partly, from one or from several *official lists* produced by, and for, the Roman imperial service. The difference between the compilations of laws in *Cod.Theod.* and *Cod.Iust.*, and the compilation of lists and pictures in the *Cnd*, is that it is known that those compilations of laws were ultimately derived from official compilations of laws, compiled for official purposes, by officers within the imperial service, in a prescribed manner, in a known place and at a known time.

§[2b] *The accuracy of copies of the laws*

An assessment of the accuracy with which the names of service positions mentioned in the *Codices* were transmitted to, and represented in, *Cod.Theod.* and *Cod.Iust.* can be based to some degree on independent evidence.

Firstly, as stated above, the *Codex Iustinianus* contained copies and adaptations of many laws from the *Codex Theodosianus* so that, for each of the laws that existed in both *Codices*, the copy in *Cod.Iust.* can provide text that is independent of the one in *Cod.Theod.* for the corresponding law that existed in the *Codex Theodosianus* (in those cases where it is certain that the tradition of the copies derived from one *Codex* have not been contaminated from copies of the other *Codex*). Where such independence exists and where the same name for the service position exists in the same part of the same law in both *Cod.Theod.* and *Cod.Iust.* that form may be regarded as being an accurate copy of the corresponding one that existed in both *Codices*.¹⁹ A similar conclusion can be drawn where the same name exists in the complete laws in *Nov.Theod.* and in excerpts from those laws in *Cod.Iust.*²⁰

Secondly, the accuracy of the names used for the service position *M-* can also be assessed by comparing the name contained in those laws with the ones existing in inscriptions. A direct comparison is possible where the name of the position used in a law, and the one used in an inscription, both refer to the same named officer.²¹

A comparison between the names used in the laws and inscriptions is particularly useful in considering the names used for service positions in the addresses of the laws. As mentioned previously, where excerpts from the same law were placed under different titles in a *Codex*, the compilers needed to include the address and subscript of the complete law with each excerpt. Consequently, it could arise that, while one excerpt had the address that was actually used in the law, which should also have also been repeated for any other excerpt from the same law, such other excerpts may have received, instead of a copy of the original address, an adaptation that incorporated the form of the service position name that was most commonly used when the *Codex* was being compiled.²² But the service position names in the contents of the law (that is, the text excluding any address and subscript) would have been less likely to result from such potential changes and, therefore, could be considered as being a more reliable representation of the names used in the *Codices* than those in the addresses.

§[2c] *The importance of the laws*

The importance of the laws in *Cod.Theod.*, *Cod.Iust.*, and *Nov.*, as evidence for the names of the service position *M-* and of matters related to that position, exists primarily in the fact that their contents are derived ultimately from the official compilations of official texts.

As indicated in Table 1 below, there are 232 references to the various names for the service position *M-* during the period 344-534 and 187 of these references exist in *Cod.Theod.*, *Cod.Iust.*, and *Nov.* Equally important as their number is the fact that these names are contained in laws issued throughout that period

¹⁹ See Attachment 4 §3.

²⁰ See Attachment 4 §2.

²¹ See Attachment 5.

²² See §[4d].

of nearly two centuries; and that these laws represented both the eastern and the western part of the Roman state. Important for this study is not only the fact that the compilers of the *Codex Theodosianus* were instructed to include obsolete laws in their initial compilation, but also that, in doing so, they did not standardise the names for the position *M-* in their excerpts: that is, they did not replace the various names that they found in the earlier laws with the name *MM* that was common when they produced the *Codex*.²³ And, similarly, those earlier names were mostly not replaced by *MM* a century later when many laws from the *Codex Theodosianus* were copied or adapted into the *Codex Iustinianus*.²⁴

In attesting both the existence of the service position *M-* and the various names that were officially used to refer to it, one category of laws is of particular importance. This category comprises the laws prescribing, or referring to, the ranks of the most senior service positions, and the dignity attached to each of those positions, and the order of precedence among those to whom the dignities were awarded. The importance of dignities in the Roman state, and of precedence among dignitaries, is indicated not least by the observation that the each of the compilations *Cod.Theod.* and *Cod.Iust.* contains an entire book of laws on that subject.²⁵

§[3] *The Master of soldiers*

§[3a] *The service position M-*

At any particular time, during most of the period 344-534 there were usually two or more contemporary officers each of whom was appointed by the emperor to a separate service position named *M-*. Some of these names were later occasionally distinguished from each other by the addition of a regional designation, such as *per orientem*, to the name *M-* as, for example, in the name *MMper orientem*.

An appointment to serve in the position *M-*, and the length of service in that position, were solely at the discretion of the emperor. The position was not a progressional career position in which there was promotion from one position to another, or from a junior to a senior military grade or rank.

The emperor was the supreme commander of the army. The functionary who was appointed by the emperor to serve in the position *M-* was responsible, to the emperor, for the command of an allocated number of army units that operated in a specified area. The *M-* commanded that army, and exercised jurisdiction over its soldiers, as delegated by the emperor.²⁶

Different names were used to refer to the types of units, or sections, comprising the army allocated to a *M-* but, whenever that army was described as consisting of only two sections, these most commonly comprised the *comitatenses* (imperial escort units)²⁷ and the *limitanei* (boundary units, being mostly on the frontiers).²⁸ All soldiers were mostly referred to simply as *milites*.²⁹ The sons of veterans were obligated to serve in the army,³⁰ and after c.474 enlistment by others required imperial authorisation.³¹

²³ In *Cod.Theod.* three of the four *tituli* under which laws relating to the position *M-* are arranged use the term *MM* while the fourth uses *MaP*: *Cod.Theod.1.7: de officio magistris militum*; *Cod.Theod.6.6: de consulibus, praefectis, magistris militum et patriciis*; *Cod.Theod.6.7: de praefectis praetorio sive urbis et magistris militum*; *Cod.Theod.8.3: de privilegiis apparitorum magisteriae potestatis*.

²⁴ In *Cod.Iust.* all the four *tituli* corresponding to the above-mentioned ones in *Cod.Theod.* use only the name *MM*: *Cod.Iust.1.29 de officio magistris militum*; *Cod.Iust.12.3 de consulibus et non spargendis ab his pecuniis et de praefectis et magistris militum et patriciis*; *Cod.Iust.12.4 de praefectis praetorio sive urbis et magistris militum in dignitatibus exaequandis*; *Cod.Iust.12.54: de apparitoribus magistrorum militum et privilegiis eorum*.

²⁵ *Cod.Theod.6* and *Cod.Iust.12 (de dignitatibus)*.

²⁶ There are many laws about the jurisdiction of an *M-* over soldiers, which varied over time. Some of the more important laws include: *Cod.Theod.2.1.2(355)*, *Cod.Theod.8.3.12(364)*, *Cod.Theod.9.2.2(365)*, *Cod.Iust.3.13.6(413)*, *Cod.Iust.1.46.2(416)*, *Nov.Theod.4(438)*, *Nov.Theod.7.4(441)*, *Cod.Iust.12.59.8(c.468)*, *Cod.Iust.1.29.3(476-85)*, *Cod.Iust.12.35.186(492)*, *Cod.Iust.12.54.56(491-518)*, *Cod.Iust.7.62.38(529)*.

²⁷ From *comes* (companion - in this case, of the emperor), forming the *comitatus* (imperial companions, court) and *comitatenses* (imperial escort units). The word *comitatus* is used throughout the laws to refer to the companions - that is, the court - of the emperor. See also §[4h].

Unless his position was located at or near the court, an appointed *M*- assumed command of the army units which, in the area allocated to him, were under the immediate command of regional directors of soldiers, named *comites* or *duces* either *militum* or *limitum*.³² The units comprised both *comitatenses* and *limitanei* and the *comites* and *duces* became subordinate to any *M*- appointed to their region.³³ *Comites* and *duces* were not permitted to move units from their forts, boundaries or other locations without permission of the emperor or the *M*-.³⁴ They were also prohibited from moving soldiers between units of different classes since this involved changes in the status of soldiers.³⁵

²⁸ Cod.Theod.8.4.17(389?): *Cum ante placuisset, ut a primipilaribus secundum dispositionem divi Gratiani species horreis erogandae comitatensibus militibus ex more deferrentur, limitaneis vero pretia darentur, [.]*.

²⁹ See §[4d].

³⁰ Many laws mention this obligation including Cod.Theod.7.1.5(364), Cod.Theod.7.1.8(364/5).

³¹ Cod.Iust.12.35.17(c.474) - see note 48.

³² Cod.Theod.1.15.7(377): *comites militum*; Cod.Theod.1.7.3(398): *comites et duces diversarum provinciarum et limitum*; Cod.Theod.7.20.13(407): *comites et duces militum*; Cod.Theod.15.11.2(417): *duces limitum*; Nov.Theod.24(443): *duces limitum* = Cod.Iust.1.46.4(443): *duces militum*.

³³ Nov.Theod.24(443) *Imp. Theodosius et Valentinianus AA. Nomo magistro officiorum. || [.] §1: Inprimis itaque duces limitum [.] in ipsis plerumque limitibus commorari et milites ad antiquum redigere numerum, imminentibus magisteriis potestatibus diurnisque eorum exercitationibus inhaerere praecipimus. Castrorum quin etiam ipsis lusoriarumque pro antiqua dispositione curam refectionemque mandamus.* (there is another excerpt of the same provision in Cod.Iust.1.46.4).

Cod.Iust.12.59.8(c.468): - see note 285.

Cod.Iust.12.35.18(492): *Anastasius A. Iohanni magistro militum praesentalium || §pr: [.] necessarium esse perspeximus dicatissimos milites, qui de diversis praesentalibus numeris per Orientis partes noscuntur consistere, virorum spectabilium ducum iussionibus oboedire, [.] §8: duces, quibus fortissimi praesentales milites parare praecepti sunt, [.]*.

Cod.Iust.1.29.5(528-30): *Iustinianus A. Zetae viro illustri magistro militum per armeniam et pontum polemoniaticum et gentes. || [.] perspeximus oportere etiam partibus Armeniae et Ponto Polemoniaco et gentibus proprium magistrum militum per hanc legem constituere, [.] certasque provincias, [.] tuae curae cum suis ducibus commisimus, [.]* - see note 132.

Cod.Iust.1.27.2(534): *Iustinianus A. Belisario magistro militum per orientem || [.] §8: necessarium nobis esse videtur, ut extra comitatenses milites per castra milites limitanei constituentur, [.] ut, si forsitan commotio aliqua fuerit, possint ipsi limitanei sine comitatensibus militibus una cum ducibus suis adiuvere loca, ubi dispositi fuerint, [.]*

§17: *[.] decernimus, ut duces [.] per Africanos limites nihil amplius in sacratissimo palatio [.] vel in praetorio per Africam praefecturae vel magisteriae potestati praebeant, nisi quantum subter adnexa declarat notitia. [.]*: the fees are listed in §35.

Other laws include: Cod.Theod.7.1.9(367), Cod.Theod.1.7.3(398), Cod.Theod.7.20.139(407), Cod.Iust.12.35.17(c.474), Cod.Iust.1.29.4(491-518).

³⁴ Cod.Theod.1.7.1(359): *Imp. Constantius a. et Iulianus Caes. Hermogeni praefecto praetorio. || [.] quotiens aliqua necessitas depoposcerit transferri de loco milites ad alium locum, communicato tractatu cum magistro equitum ac peditum id fieri oportebit, ut ad ea loca, quae publica utilitas depoposcerit, transferantur.* And Cod.Iust.1.29.4(491-518): *Imperator Anastasius. || Milites de locis, in quibus consistunt, ad alia loca sine speciali nostrae serenitatis auctoritate nullatenus transferri praecipimus, nec eorum expensae in locis, in quibus consistunt, minuantur. [.]*

³⁵ Cod.Theod.7.1.18(400): *Idem AA. Stilichoni magistro militum. || [.] nolumus a numeris ad alios numeros milites nostros transferri. Sciant igitur comites vel duces, quibus regendae militiae cura commissa est, non solum de comitatensibus ac palatinis numeris ad alios numeros militem transferri non licere, sed ne de ipsis quidem pseudocomitatensibus legionibus seu de ripariensibus castricianis ceterisque cuiquam eorum transferendi militem copiam adtributam, quia honoris augmentum non ambitione, sed labore ad unumquemque convenit devenire. [.]*

The command and delegation structure that existed between an *M*- and the army is indicated in several laws, including those in the following sample:

Cod.Theod.7.1.2(349/52)	MEP → tribuni, praepositi → miles
Cod.Theod.7.1.9(367)	ME?/MM → duces, comites (quibus rheni est mandata custodia)
Cod.Theod.7.1.10(367)	MM → tribuni, praepositi → milites
Cod.Theod.12.1.113(386)	MEP → duces → tribuni, praepositi
Cod.Theod.7.1.13(391)	MVM → tribuni → multitudo legionum
Cod.Theod.12.1.128(392)	MVM → comes, dux → tribunus → viri militares
Cod.Theod.7.4.23(396)	Illustres comites {= <i>M</i> -} → tribuni numerorum sive vexillationum aut etiam scholarum → milites
Cod.Theod.7.1.17(398)	Illustres comites {= <i>M</i> -} → tribunus → numerus, legiones → miles
Cod.Theod.1.7.3(398)	MM → comites, duces diversarum provinciarum et limitum
Cod.Theod.7.13.18(407)	MM → tribuni, praepositi
Cod.Theod.7.20.13(407)	MVM → comites et duces militum (iudices militares) → tribuni, praepositi
Cod.Theod.7.17.1(412)	MaP → MMper thracias → dux mysiaco limite dux scythico limite
Cod.Theod.7.4.36(424)	M militiae p.or. → comites → tribuni, praepositi numerorum per provincias → duces → tribuni → milites
Nov.Theod.4(438)	MVMper orientem → duciani milites, limitanei milites per totum tractum orientis
Nov.Theod.24(443)	MaP → duces → princeps → praepositi castrorum → milites limitanei
Cod.Iust.9.39.2(451)§1a	MM → tribuni seu primates numerorum
Cod.Iust.12.59.8(c.468)	MM ad limites orientis, thraciarum, illyrici → duces → apparitores, limitanei, praepositi castrorum
Cod.Iust.12.35.17(474)	MM → duces → milites in numeris (equitum vel peditum) vel in limitibus

In c.400, the ranks within the units, in descending order from that of *tribunus*, were named as: *primicerius*, *senator*, *ducenarius*, *biarchus*, *circitor*, *eques* (in the *militia equestris*) and *tiro* (recruit).³⁶

§[3b] *The rank, dignity and precedence of the service position M*-³⁷

The service position *M*- was one of the nine most senior positions in the imperial service. By the beginning of the 5thC these nine positions were mostly arranged in the following rank order (from highest to lowest):

- 1 *praefectus praetorio* (director of the civil service) usually two contemporary officers, each in a separate position,
- 2 *praefectus urbis romae* (director city administrations),
- 3 *M*- {*MEP MVM MM MaP*} (master of soldiers) mostly two or more contemporary officers, each in a separate position,
- 4 *praepositus sacri cubiculi* (manager of the imperial household),
- 5 *quaestor sacri palatii* (chief legal officer at court),
- 6 *magister officiorum* (master of court services & imperial agents),
- 7 *comes sacrarum largitionum* (director of finance & treasury)
- 8 *comes rerum privatarum* (director of imperial private estates & revenues)
- 9 *comes domesticorum* (director of the corps of imperial household guards) - this position was not mentioned sufficiently often in relation to positions 5-8 to indicate its usual place within the sequence of the ranks of those positions.

This rank order is not stated in any law, but it can be constructed from a combination of:

- a the sequence in which the *tituli* naming service positions are arranged in Cod.Theod. and Cod.Iust.; and
- b the sequence in which the position names in a group of names are listed both in any *titulus* and in individual laws; and
- c the dignity (grade and division) attached to each service position or group of positions.

³⁶ Listed in this order in a copy of the letter written in c.398 by Eusebius Sophronius Hieronymus (St.Jerome) to Pammachius at Roma: §19 *[.] finge aliquem tribunitiae potestatis suo vitio regradatum, per singula militiae equestris officia, ad tironis vocabulum devolutum, [.] ex tribuno [.] fit [.] primicerius, deinde senator, ducenarius, centenarius, biarchus, circitor, eques, dein tiro; [.] (S.Eusebii Hieronymi Stridonensis presbyteri, Contra Ioannem Hierosolymitanum, ad Pammachium, liber unus, in Migne, J.P. (ed.), Patrologiae cursus completus, seu bibliotheca universalis [...] omnium ss. patrum, doctorum scriptorumque ecclesiasticorum, sive latinorum sive graecorum. Series latina, vol.20 (Paris 1865), cols.386-387.*

There is no reason to suppose that the ranks *tribunus* - *circitor*, associated in this letter with the *militia equestris* differed from those in the infantry, where *eques* would be replaced by *pedes*.

³⁷ The following paragraphs summarise details from *Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws* at: <https://www.notitiadignitatum.org/>

A dignity was a legislated degree of status that defined the position of its holder in the order of precedence (the order of priority observed in ceremonies and in social formalities) among the important members of society, and in the receipt of privileges and benefits that were attached to the dignity, such as the order in which dignitaries were admitted into the presence of the emperor, or in receiving acclamations and salutations in public, or in seating, speaking and making decisions at official functions and in the senate. Dignitaries received significant financial and taxation benefits, exemptions from obligations and certain immunities.

The dignities were mostly, but not exclusively, attached to all positions in the imperial service. Each such dignity was awarded either:

- a as an actual dignity:
 - 1 that was obtained by an officer on appointment to serve in the position to which the dignity was attached (who would be referred to, for example, as *vir illustris magister militum*); and
 - 2 was retained by a person retired from serving in such a position (*v.i. ex-magistro militum*); or
- b as an honorary dignity that awarded the dignity that was attached to a service position, without an appointment to the position,
 - 1 as if that person was being appointed to serve in the position (*v.i. magister militum vacans*); or
 - 2 as if that person had retired from having served in the position (also *v.i. ex-magistro militum*).

The dignities were divided into grades, and the three most senior grades were (from highest to lowest) the grades *illustris* (or *inlustris*), *spectabilis* and *clarissimus*. Each of these grades was partitioned into divisions that were defined according to the ranks of the service positions to which each grade of dignity was attached.

In the important order of precedence among serving, retired and honorary officers, holders of actual dignities preceded those with honorary dignities. Precedence among serving officers was determined by the ranks of the service positions to which they were appointed; and, among retired officers, by seniority (that is, priority in the date of the appointment) among all the officers retired from all those service positions to which the same dignity (grade and division) was attached. A similar determination by seniority was used in the two categories of honorary awards.

The first available reference to a law prescribing a rank order of positions, and the dignities attached to them, and the order of precedence among those to whom they had been awarded, was to a law that was later attributed to Valentinianus 1 (364-375).³⁸ It is not known whether his prescriptions were contained in a single law, but some features of them may be reflected in his law, dated 372, concerning the order of ranks of some service positions and the order of precedence among those to whom the dignity attached to each of those positions had been awarded. Five excerpts of different parts of this law are available, each under a different *titulus* in *Cod.Theod.*³⁹

In that law of 372, the dignity attached to the service position *MEP* was raised to the same division of the *illustris* grade as the one that was already attached to the service positions *praefectus praetorio* and *praefectus urbis*.⁴⁰ And so, from 372 onwards, the service position *MEP* was not only the highest ranking military position in the imperial service, but also one of the only three service positions to which the highest division of the highest grade of dignity was attached.

Including the law of 372, there are at least 14 significant laws that refer to aspects of the order of ranks of some or all of the nine service positions to which the *illustris* grade of dignity was attached,⁴¹ and among these 14 laws, 11 refer to the service position *M-* under various names.⁴²

³⁸ Cod.Theod.6.5.2(384): *Idem AAA. ad Praetextatum praefectum praetorio. || Caelestis recordantis Valentinianus, genitor nominis nostri, singulis quibusque dignitatibus certum locum meritumque praescribit. [.]*

³⁹ Cod.Theod.6.7.1 + Cod.Theod.6.9.1 + Cod.Theod.6.11.1 + Cod.Theod.6.14.1 + Cod.Theod.6.22.4

⁴⁰ Cod.Iust.12.4.1=Cod.Theod.6.7.1(372): *Imppp. Valentinianus, Valens et Gratianus AA. ad Ampelium p(raefectum) u(rbi). || Praefectum urbis praefectum praetorio magistros equitum ac peditum indiscretae ducimus dignitatis, usque adeo videlicet, ut, cum ad privatam secesserint vitam, eum loco velimus esse potioem, qui alios promotionis tempore et codicillorum adeptione praecesserit. [.]*

⁴¹ Cod.Theod.6.7.1(372), Cod.Theod.6.9.2(380), Cod.Theod.6.7.2(380), Cod.Theod.6.6.1(382), Cod.Theod. 11.16.15 (382), Cod.Theod.7.8.3(384), Cod.Iust.2.12.25(392), Cod.Theod.11.18.1(409/12), Cod.Iust.12.16.1(415), Cod.Theod.

§[4] *The Latin names for the service position magister (M-) in laws and inscriptions*

§[4a] *Summary of the names for M-*

In Cod.Theod., Cod.Iust., and Nov., there are 133 laws that contain 187 references to the service position *M-* (several laws refer to the same name more than once, or use more than one name in the same law to refer to the same position),⁴³ and these include 7 references to the name *ME*.

There are 42 inscriptions that contain 44 references to the service position *M-* (including 2 references to a retired or honorary officer: *ex-magistro*). These references include 6 manuscript copies of texts on objects that are no longer available. In addition, a text written on papyrus contains one reference to the name *MP*.

These names in the laws and inscriptions, compared with the same names that existed in the eastern and western lists in the *Cnd*, are tabulated as follows:

Table 1		Laws	Inscriptions	Papyrus	Cnd
magister peditum	<i>MP</i>	0	0	1 E1 w0	4 E0 w4
magister equitum	<i>ME</i>	7 E2 w5	0	0	7 E2 w5
magister equitum et peditum	<i>MEP</i>	23 E15 w8	10 E5 w5	0	4 E4 w0
magister utriusque militiae	<i>MVM</i>	26 E18 w8	23 E1 w22	0	0
magister militum	<i>MM</i>	101 E82 w19	11 E9 w2	0	27 E15 w11
magisteria potestas	<i>MaP</i>	27 E25 w2	0	0	6 E5 w1
Other (culmen militare, vir illustris comes)		3 E1 w2	0	0x	0
		187	44	1	47

The texts are classified as either **E** or **W** according to their association with, or reference to, either the **E**(astern) or **W**(estern) of the two parts into which the Roman state was divided, initially in 364 and, with modifications, permanently after 395-7.

In this table, the name *magister* (master) also denotes both the plural *magistri* (masters) and *magisterium* (mastership: domain, or sphere of activity of the position). The table does not include several alternative names that were used for those in the table,⁴⁴ nor the regional designations that are sometimes part of the names *MVM*, *MM*, *MaP*.⁴⁵ These additional names are listed in *Attachments 1-3*.

Table 1 indicates that, during the period 344-534, the laws and inscriptions mostly refer to the service position *M-* as *MEP* or *MVM* or *MM*, which are the only three service positions that are mentioned in both those categories of texts. The sequence in which these three names are listed corresponds to the

6.8.1(422), Cod.Theod.7.8.16(435), Cod.Iust.12.8.2(440-41), Cod.Iust.12.40.10(450-55), Cod.Iust. 10.32.64(475-84) and the *tituli* in: Cod.Theod.6(438): 6. *De consulibus, praefectis, magistris militum et patriciis*; 7. *De praefectis praetorio sive urbis et magistris militum*, 8. *De praepositis sacri cubiculi*, 9. *De quaestoribus, magistris officiorum, comite sacrarum largitionum et rerum privatarum* and in Cod.Iust.12(534): 3. *De consulibus [...] et de praefectis et magistris militum et patriciis*; 4. *De praefectis praetorio sive urbis et magistris militum in dignitatibus exaequandis*, 5. *De praepositis sacri cubiculi [...]*. 6. *De quaestoribus, magistris officiorum, comitibus sacrarum largitionum et rei privatae*.

⁴² Cod.Theod.6.7.1(372)W: *MEP*; Cod.Theod.6.7.2(380)E: *MEP*; Cod.Theod.6.6.1(382)W: *culmen militare*; Cod.Theod.7.8.3(384)E: *ex-MEP*; Cod.Iust.2.12.25(392)E: *magisterium militare*; Cod.Theod.11.18.1(409/12)W: *MM*; Cod.Theod. 6.8.1(422)E: *magisteria militaris potestas, magisterium militare*; Cod.Theod.7.8.16(435)E: *magisteria militaris potestas*; Cod.Iust.12.8.2(440-41)E: *MM*; Cod.Iust.12.40.10(450-55)E: *MM*; Cod.Iust. 10.32.64(475-84)E: *MM*.

⁴³ As described in *Attachments 1-3*.

⁴⁴ Such as, for example, the alternatives for the name *MEP* listed in §[4b].

⁴⁵ For example, *magister [...] -per diversas regiones, -per africanam, -per armeniam, -per dalmatiae, -per illyricum, -per orientem, -per thracias, -per gallias, -galliarum*.

chronological order, from earliest to latest, in which the names were mostly used. It may be useful, therefore, to consider those three names individually in that order before considering the remaining two names - *ME* and *MP* - about which there are some problems.

§[4b] *Magister equitum et peditum (MEP)*

In the laws and inscriptions, the service position abbreviated here as *MEP* is variously named: *magister equitum et peditum*, *magister equitum ac peditum*, *magister peditum et equitum*, *magister equitum peditumque*, and *magister equitum peditum*. These names identify the service position as being that of a *magister* (master) of *equites* (cavalry) and of *pedites* (infantry). There is no explanation, in any of those texts, why the words *equites* | *pedites* were used in the name of the position.

The combination of the words *equites* | *pedites* occurs only in the possessive plural form *equitum* and *peditum*, and almost exclusively in combination with some form of *magister* (or, once, *magisterium*). This combination exists 23 times in Cod.Theod./Cod.Iust.⁴⁶ (but not Nov.) and 10 times in inscriptions.⁴⁷

Except in conjunction with the word *magister* or *magisterium*, the combination of the two words, again in the possessive form *equitum* | *peditum*, occurs in a law of c.474 addressed to a *MM* and prohibiting him and any subordinate from enlisting, into any *numerus equitum vel peditum* or into a *limes* unit, any person who did not have a *probatoria* (imperial authorisation permitting enlistment).⁴⁸ While this law appears to distinguish *numeri equitum vel peditum* from units *in limite* or *in limitibus*, a law addressed in 534 to Belisarius, *MMper orientem*, describes the army stationed along a *limes* as comprising *milites pedites sive equites* who, in another part of the same law, are identified as being the *milites comitatenses* and *milites limitanei*.⁴⁹

Apart from the service position *MEP*, there were, however, two other positions each of whose names incorporated the possessive form *equitum* or *peditum*. These two positions were those of officers commanding the *scholae domesticorum* (corps of imperial household guards), which comprised a *schola domesticorum equitum* and a *schola domesticorum peditum*. These *scholae* were almost always commanded by a single officer in the service position named *comes domesticorum*.⁵⁰ But in c.450, a law regulating leave provisions and seniority grades among the *domestici* was addressed to Sporacius as *comes domesticorum peditum*.⁵¹ And the inscription in a diptych produced for Anastasius in 517 refers to him as *comes domesticorum equitum*. Two years later, a law dated 519 mentions *comites domesticorum*, one *equitum* and the other *peditum*, commanding *domestici* in the <schola> *equitum* and in the *schola peditum*.⁵²

⁴⁶ See Attachment 2.

⁴⁷ See Attachment 3.

⁴⁸ Cod.Iust.12.35.17(474?): *Imp. Zeno A. Marciano magistro militum*. || *Neminem in ullo numero equitum vel peditum vel in quolibet limite sine nostri numinis sacra probatoria in posterum sociari concedimus, consuetudine quae hactenus tenuit antiquata, quae magisteriae potestati vel ducibus probatorias militum facere vel militibus adiungere licentiam tribuebat, ut ii tantum in numeris vel in limitibus militent, qui a nostra divinitate probatorias consequuntur. [.]*

⁴⁹ Cod.Iust.1.27.2(534): *Iustinianus A. Belisario magistro militum per orientem* || [.] §5: *Quantos autem milites sive pedestres sive equites per unumquemque limitem qui debent ad custodiendas provincias et civitates, tua magnitudo, prout consideraverit, ordinet et nobis referat, [.]* and §8: *Pro limitaneis vero ordinandis (quia necessarium nobis esse videtur, ut extra comitatenses milites per castra milites limitanei constituentur, qui possint et castra et civitates limitis defendere et terras colere, [.] exemplum fecimus unius numeri limitaneorum, ut secundum exemplum, quod nos misimus, per castra et loca, quae providerit tua magnitudo, eos ad similitudinem nostri exempli ordinet, [.]*

⁵⁰ See Attachment 7.

⁵¹ In the list of dignitaries who were present with the emperor Marcianus at Session 6 of the Council of Chalcedon on 25 October 451, Sporacius was named *comes domesticorum* and, in the same list, Aetius was named *comes domesticorum et sacrorum stabulorum*. (See *Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws*, Attachment 8: Lists of dignitaries at: <https://www.notitiadignitatum.org/>)

These two service positions do not, however, provide an analogy for the use of the words *equites* | *pedites* in the name **MEP**. The position name of each *comes* related to a named section of the *domestici* (that is, the *comes domesticorum equitum* commanding the *schola domesticorum equitum*, and the *comes domesticorum peditum* commanding the *schola domesticorum peditum*). But when the *scholae* of the *domestici equites* and *domestici pedites* were commanded by a single *comes*, as mostly occurred, the position name of the latter contained no combination of the words *equites* and *pedites* as it did in the position name **MEP**. Moreover, there is no evidence in the laws and inscriptions that any officer serving as *M-* was allocated an army command over only cavalry units or only infantry units in a manner in which that command could be referred to as being that of either a *magister equitum* or a *magister peditum*. And there is no evidence in any law or inscription, for the official use of the name *magister peditum* that existed in an administrative text, dated 344, written on papyrus.⁵³

The earliest available reference to the service position name **MEP** occurs in a law, probably from 360, which mentions the *domus* (estate) of Eusebius, an eastern *consul* in 347,⁵⁴ and refers to him as *exconsule et exmagistro equitum et peditum*.⁵⁵ The title *ex-magistro equitum et peditum* could refer either to a retired officer who had served as **MEP**, or to an honorary officer.⁵⁶ But it is assumed that Eusebius had actually served as **MEP** and that he would have done so either before or during his consulship. In either case, whether as the title of a serving officer, or of an honorary officer, the title indicates that the position **MEP** existed already by c.347. A further reference to retired officers who had served as **MEP** is made in a law, dated 384, exempting any retiring **MEP** from the obligation to provide quarters to personnel in the imperial service.⁵⁷

The name **MEP**, in relation to a serving officer, is mentioned in a law dated 349/52, of which there are two excerpts in *Cod.Theod.*, that are both addressed to the *M-* Silvanus. The first excerpt is addressed: *ad Silvanum comitem et magistrum equitum et peditum* and the second one: *ad Silvanum comitem et magistrum militum*.⁵⁸ This law exhibits the problem, previously mentioned in connection with the

⁵² *Cod.Iust.2.7.25(519): Imp. Iustinus A. Marino p(raefecto) p(raetorio). || [.] §3: Licentiam eis praeterea facimus binos homines annis singulis itidem offerendi nostram adoratorios purpuram, statutis inserendos praesentalibus domesticis, unum equitum, alterum scholae peditum, in vacantem eorum locum qui defuncti sunt, [.] ita tamen, ut idem viri facundissimi, cum offerendos eosdem crediderint homines, bina solidorum pro singulis millia nihilque amplius noverint dependenda viris magnificis comitibus dicatissimorum domesticorum, id est equitum quidem pro eo, qui inter equites meriturus est, peditum autem pro eo, qui inter pedites inserendus est: [.]*

⁵³ See §[5a].

⁵⁴ Flavius Eusebius is identified as consul in 347 in the inscription EDCS-11400561: *Vulcacio Rufino et Fl(avio) Eusebio cons(ulibus) [.]*

This inscription and all others in this appendix are copied from the database: Clauss, M., Slaby, W.A., Kolb, A. & Woitas, B. (eds.), *Epigraphik-Datenbank Clauss / Slaby EDCS* in which each inscription is identified by a number added to the notation *EDCS-* as in the reference to the inscription cited here. The database is available at: (<http://db.edcs.eu/>)

⁵⁵ *Cod.Theod.11.1.1(360): Imp. Constantinus A. ad Proclianum. || Praeter privatas res nostras et ecclesias catholicas et domum clarissimae memoriae Eusebii exconsule et exmagistro equitum et peditum et Arsacis regis Armeniorum nemo ex nostra iussione praecipuis emolumentis familiaris iuvetur substantiae. [.]*

⁵⁶ See *Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws*, §[7] at: <https://www.notitiadignitatum.org/>

⁵⁷ *Cod.Theod.7.8.3(384): Imppp. Gratianus, Valentinianus et Theodosius aaa. Palladio mag(istro) officiorum. || Ab hospitalitatis munere domum privatorum nullus excuset praeter eos, qui ex praefectis summum sibi fastigium dignitatis agendo pepererunt, et ex magistris equitum ac peditum, quos decursi actus illustrat auctoritas, [.]*

⁵⁸ *Cod.Theod.7.1.2(?349/52): Imp. Constantius A. ad Silvanum com(item) et magist<um> equitum et peditum. || Si quis miles per comiteatu<m> dimissus fuerit a tribuno vel praeposito aut inconsulto eodem ab obsequio militari signisque discesserit, per singulos milites tribuni et praepositi quina pondo auri fisco inferant. [.]*

process used in compiling the *Codices*, where two or more excerpts from the same law were extracted and placed under different *tituli* in the compilation: that is, the name *MEP* presumably existed in the complete law and was retained with the first excerpt, while the name *MM*, in the address that was added to the second excerpt, was either a genuine contemporary synonym for *MEP* in c.350, or represented the name that was most commonly used for the position *M-* in 429-438 when the *Codices* were being compiled (that name being *MM*). These dual possibilities also explain the difficulty that exists in attempting to identify the earliest law in which the name *MM* was used officially.

Among the inscriptions, the service position name *MEP* was first used in two that are dated c.371. One inscription refers to the construction of a *castra* (fort), in the West, ordered by Equitius, *comes magister equitum peditumque* and managed by Augustianus, *dux limitis Valeriae* in c.371-2.⁵⁹ The other inscription mentions the construction of a *burgus* (fort), in the East in 371, by order of Iulius, *comes magister equitum et peditum* and constructed by the *equites VIII dalmatae* commanded by the *tribunus Vahalus*.⁶⁰

An earlier inscription, related to the construction of a church at Reims, initiated by Iovinus between 361-369, was mentioned by Flodoard in whose copy of the text of the inscription Iovinus is named *magister equitum peditumque*.⁶¹

The position name *MEP* was used in laws and inscriptions in both the eastern and western part of the Roman state during the period c.349-409 and was used in a western inscription, at some time during the 5thC, in reference to an un-named *MEP*.⁶² Thereafter, it next occurred in an eastern law, dated 491-518, and in an eastern inscription on the pedestal for a statue honouring Basiliscus in c.470.⁶³

The name *MEP* was last used in an inscription carved on three ivory diptychs that celebrated the appointment of the later emperor Iustinianus 1 as eastern *consul* in 521 and referred to him as *magister equitum et peditum praes.* (the abbreviation denotes either *praesentalis* or *praesentalium*).⁶⁴ The use of the name *MEP* by Iustinianus, at a time when the name *MM* had commonly supplanted both *MEP* and *MVM*, appears to confirm *MEP* as being the earliest of the three names since it is known that Iustinianus had a significant interest in restoring the use of earlier traditional positions, or at least their names, even though appointments to the position of *consul* lapsed after 541.⁶⁵ At about that same time, another western inscription praising an un-named *M-* possibly refers to his position as *MEP*.⁶⁶

and

Cod.Theod.8.7.3(349/52): *Imp. Constantius a. ad Silvanum comitem et magistrum militum. || Post alia: universi officiales diversorum officiorum, qui ex protectoribus epistulas meruerunt, officii pristinis militiaeque reddantur nec opponant quaesitae sibi vocabulum dignitatis. [.]*

⁵⁹ EDCS-29000580: *Imperatores Caesares dd(omini) nn(ostri) Valentinianus [e]t Valens fratres concordissimi victores maximi ac triumphatores [s]emperque Augusti / muros cum turribus horum castrorum a rudimentis fundamento/rum consurgere imperarunt dispo/nente Equitio v(iro) c(larissimo) comite mag(istro) equitum peditumque cur[a]nte Augustiano [[v(iro) c(larissimo) comite ord(inis)]] pr[i]mi et duce Val(eriae) limitis numini clementi(a)eq[u]e eorum dicatissimis. Four additional and similar inscriptions related to constructions ordered by Equitius are indicated in Attachment 3 # 136, 138-140.*

⁶⁰ EDCS-21200157: *Salvis d(ominis) n(ostris) Valentiniano Valente et Gratiano victorissimis semper Aug(ustis) dispositione Iuli v(iri) c(larissimi) com(itis) magistri equitum et peditum fabri/catus est burgus ex fundamento mano devotissimorum equitum VIII Dalm(atarum) s(ub) c(ura) Vahali trib(uni) in consulatum d(omini) n(ostri) Gratiani perpetui Aug(usti) iterum et Probi v(iri) c(larissimi).*

⁶¹ Flodoard, *Historia Remensis ecclesiae*, Lib.1, cap.16: | *Felix militiae sumpsit devota Iovinus | Cingula, virtutum culmen proventus in altum | Bisque datus meritis equitum peditumque magister, | Extulit aeternum saec<u>lorum in saecula nomen | Sed pietate gravi tanta haec praeconia vicit | [.]*. (also reported as EDCS-ID-10600004).

⁶² EDCS-27800687: *Hic in pace iacet Leontius ex optione officio magistri eq(uitum) et peditum [.]*

⁶³ Attachment 3 #161.

⁶⁴ Attachment 3 #166-168. On *praesentalis*, see §[4h1].

There is no evidence in any law or inscription that a regional designation was used as part of the service position name *MEP*.⁶⁷

§[4c] *Magister utriusque militiae (MVM)*

The expression *utraque militia* means "each *militia* (of two)" or "both one *militia* and also the other one", so that the service position name *magister utriusque militiae* was intended to refer to a "master of each *militia* (of two)" or "master of both one *militia* and also of the other *militia*". But the two *militiae* were not named or otherwise identified.

In fact, the entire imperial service was referred to as the *militia*,⁶⁸ and all its members as *militantes*.⁶⁹ The term *militia* denoted not only the entire imperial service, which was considered to be of paramount importance,⁷⁰ but also any service position within it.⁷¹ The imperial service was divided into a civil and a military section and, while the term *militia* referred to both these sections, the military service was sometimes referred to as the *militia armata* (the armed imperial service - that is, the army).⁷² There was

⁶⁵ Nov.Iust.13(535): de praetoribus populi: <Re-naming the service position *praefectus vigilum* as *praetor populi*> §1: *Igitur quoniam antiquis Romanis vehementer praetoris placuit nomen, propterea aestimavimus eos praetores plebis oportere nominare, qui ad custodiam et disciplinam constituti sunt [...] Et quemadmodum antiquitus [...] ita et nunc sint praetores quidem senatus,*

Nov.Iust.15(535): de defensoribus civitatum §praef: *Nisi velociter revocemus curam defensorum per competens officium, nec ipsam ulterius antiquorum nominum habebimus veritatem. [...] defensorum nomen pure demonstrat antiquitatem aliquos praeposuisse rebus, quatenus ex omni eas iniustitia vindicarent liberas.*

Nov.Iust.17(535): de mandatis principum §gloss?: *Ex libris antiquis, qui iura nominis Romani continebant, non ignorat tua sublimitas <Tribunianus, quaestor sacri palatii>, quanta de mandatis principum legum latores in suo quoque volumine conscripserunt. Quia igitur nobis reparantibus omnem vetustatem iam deperditam, iam deminutam, placuit etiam omnibus iudicibus nostris, [...] mandata dare, quibus inspectis omnia gubernare laudabiliter possint: [...]*

Nov.Iust.24(535)§1: *Haec considerantes nos, antiquitatem rursus cum maiori flore ad rempublicam reducentes et Romanorum nobiles nomen [etc];*

Nov.Iust.25(535)§pr: *Iustum igitur erit et eam administrationem decorare antiqua Romani officii conscribentem signa, et nunc eius magistratus (iudicem dicimus civilis cinguli et praesedentem armis) in unum colligere et praetoris appellatione decorare.*

⁶⁶ EDCS-10801669: *[...] rexisti fortes equitum peditumque catervas iure magisterii nobilitate gradu tu bello Gothias expulsis gentibus Alpes dedisti Latio victor in imperio [...]*

⁶⁷ Regional designations are listed in note 45.

⁶⁸ The imperial service is defined Cod.Theod.16.5.48(410) as: <*militia*> *quae nostris obsecundat imperiis.*

⁶⁹ For example, when distinguishing personnel in the imperial service from those outside the service, as in Cod.Theod.9.40.21(412/13): *Sed hanc omnibus privatis atque militantibus licentiam damus.*

⁷⁰ Cod.Theod.6.26.1(362): *In rebus prima militia est, secundus in litterarum praesidiis pacis ornatus.*

⁷¹ The use of *militia* to refer to service positions occurs, for example, in Cod.Theod.7.20.4(325): *si ex comitatensi militia senectutis vel debilitatis causa dimissi fuerint [...]*; Cod.Theod.12.1.22(336): *cum decuriones [...] ad diversas militias confugiant, [...]*; Cod.Theod.12.1.56(363): *si vero intra decennium recens athuc erit ratio militiae limitanae;* Cod.Theod.17.22.8(372): *filios veteranorum, qui armatae militiae paruisent, [...] qui comitatensi digni possint esse militia, [...]*; Cod.Theod.6.29.11(414): *qui [...] ad maiores militias festinant;* Cod.Iust.8.13.27(528): *militiam, quae vendi [...] transmitti potest;* Cod.Iust.12.33.6(529): *qui postea ad quandam militiam adspirare temptaverint;* Cod.Iust.4.65.35(527-534): *eos qui [...] sub excelsis magistris militum tolerare noscuntur militiam;* Cod.Iust.12.33(534)title: *qui militare possunt [...] et ut nemo duplici militia [...] utatur.*

⁷² For example: Cod.Theod.7.1.5(364), Cod.Iust.11.68.3(365?), Cod.Theod.7.1.6(368-73), Cod.Theod. 8.7.12(372), Cod.Theod. 7.20.10(369), Cod.Theod.7.22.8(372), Cod.Theod.7.22.10(380), Cod.Theod. 12.1.88(382), Cod.Theod. 12.33.3(395-401), Cod.Theod.6.4.28(396), Cod.Theod.12.1.154(397), Cod.Theod.7.13.16(406), Cod.Theod. 6.27.16(413), Cod. Theod.12.1.147(416), Cod.Theod.6.24.9(416), Cod.Theod.16.8.24(418), Cod.Theod.2.3.21(423),

no equivalent term to denote the entire civil service, although that part of it which comprised the palace secretariats was occasionally identified as the *militia palatina* and was distinguished from the armed *militia* (mostly *militia armata* but sometimes *militia militaris*).⁷³

The earliest reference to the position *MVM* exists in a western inscription, dated 370, commemorating the construction of a *burgus* (fort) by order of Equitius, *comes et magister utriusque militiae*, pursuant to an imperial command.⁷⁴ In four similar inscriptions dated c.371-72, Equitius is once named *MEP* and three times *MVM*.⁷⁵

A law dated 384-5, denies the right to issue *evectiones* (official travel permits) to an unspecified number of *magistri militiae equestris ac pedestris* (masters of the cavalry service and of the infantry service).⁷⁶ This name, which occurs only in this law, may explain the meaning of the expression *utraque militia* and, if so, may represent a transitional form between the names *MEP* and *MVM*.

But there were also other divisions of the *militia armata* which, in a law of 372 was described as comprising a *militia comitatensis* and a *militia ripensis*.⁷⁷ In an earlier law with similar provisions, the two sections are named *militia equestris* [...] *et legionaria*.⁷⁸ There are also references to a *militia limitanea*⁷⁹ and a *militia scholaris*.⁸⁰ These examples indicate that the term *militia* could be used to describe any statutory unit within the imperial service.

Cod.Theod.8.4.28 (423), Cod.Iust.3.25.1(439), Cod.Iust. 3.23.2(440), Nov.Mai.1(450)§7, Cod.Iust.12.33.4(472?), Cod.Iust.4.20.14(486), Cod.Iust.12.34.1(528-9), Cod.Iust.1.27.2(534)§1, Nov.Iust.117(542)§11.

⁷³ Cod.Theod.8.7.19(397): *cuiuslibet iudicis apparitores, inter quos etiam praefectianos locamus, ad quamcumque aliam militiam vel palatinam vel militarem ambiendo transierint, retrahendi hos copiam illis, quos deseruere, tribuimus, [...] and, from the same law, Cod.Theod.12.1.154(397): si qui municipum vel palatinam vel armatam aliquando militiam debitis praetulerit functionibus, [...]; Cod.Theod.7.20.10(369): [...] qui non vel intra palatium congruo labore meruisse vel armatam invenitur sudasse militiam, his privilegiis careat quae militaribus palatinisque tribuuntur.*

⁷⁴ EDCS-14500961 (Ybbs an der Donau / Lauriacum) *DDD(ominorum) nnn(ostrorum) Valentiniani Valentis et Gratiani perennium Augustorum saluberrima iussionem hunc burgum a fundamentis ordinante viro clarissimo Equitio comite et utriusque(!) militiae magistro insistente etiam Leontio p(rae)p(osito) milites auxiliares Lauriacenses cur(a)e eius conmissi consulatus eorundem dominorum principumque nostrorum tertii ad summam manum perduxerunt(!) perfectiones*

⁷⁵ See Attachment 3 #137-140.

⁷⁶ Cod.Theod.8.5.43(384-5): *Idem AAA. ad Neoterium p(raefectum) p(raetorio). || Quibus ius ante non fuit evectio abstinencia, quibus fuit faciendarum moderatione rei publicae prospiciant. Illustres enim viri militiae equestris ac pedestris magistri, qui hac usurpatione caruerunt, multo in posterum patientius abstinebunt, cum et amantes rei publicae sint et circa communes utilitates nostris sibi animadvertant moribus esse vivendum. [...].*

One additional law is ambiguous. Cod.Theod.7.4.36(424) is addressed: *Idem AAA. Procopio magistro militiae per orientem* and could refer, either to the position *M- <utriusque> militiae* or *M- militiae <equestris ac pedestris>*.

⁷⁷ Cod.Theod.7.22.8(372): *Imppp. Valentinianus, Valens et Gratianus aaa. ad Probum praefectum praetorio. || Filios veteranorum, qui armatae militiae paruisent, [...] quibus vel corporis robur vel statura defuerit, qui comitatensi digni possint esse militia, ripensi poterunt copulari.*

⁷⁸ Cod.Theod.7.22.2(326): *Idem A. ad Severum <praefectum urbi>. || [...] §1: Si autem veteranorum filii, qui equestrem militiam toleraverunt, inter equites probari voluerint, habeant facultatem, [...]. §4: Ex his autem, qui militare voluerint, si qui minus apti sunt equestri militiae id efficiente calamitate membrorum et legionariae congrui esse noscuntur, deducendi ad nos, [...].*

⁷⁹ Cod.Theod.12.1.56(363): *Idem A. || Qui nati origine curiali militare munus adamaverunt, ubi X annorum stipendia confecta sunt, iussionum nostrarum auctoritate erunt curia immunes. Si vero intra decennium recens athuc erit ratio militiae limitanae, causa generis praeponderabit et originis: curiis enim adgregabuntur.*

⁸⁰ Cod.Theod.12.1.38(346/357): *Idem AA. ad Anatolium praefectum praetorio. || Quoniam nonnulli curiis derelictis domesticorum seu protectorum se consortio copularunt, scholari etiam quidam nomen*

After c.371-72, the name *MVM* occurs mostly in eastern laws (18/26) but predominantly in western inscriptions (22/23). These western inscriptions use the name in relation to 10 different officers between c.370-c.471/83, while the one eastern inscription applies it to an officer from the period 478-485. The name *MVM* in the laws is used mostly before 410 (20/25), while in the inscriptions the position is mentioned over a longer period: 12 inscriptions before 410 and 11 after that date.

It was in conjunction with the name *MVM* that regional designations first began to be used in laws, beginning with two laws dated 393.⁸¹ The designations used were: *MVMper african* once, and *MVMper orientem* at least twice⁸². In the laws, these regional designations added to the name *MVM* occur only in eastern laws and none exist in inscriptions.

No available law refers to an *ex-magistro utriusque militiae* but the title exists on the diptych celebrating the western consulship of Asturius (Astyrius) in 449.⁸³

One eastern law is included in this appendix among those using the name *MVM* but the allocation is uncertain. This law is addressed to a *magister militiae per orientem*,⁸⁴ but it is uncertain whether this was intended to refer to *militiae <equestris ac pedestris>* or to *<utriusque> militiae*, although the meaning is perhaps the same. Another eastern law, which is only addressed *comitibus utriusque militiae*, is also included because it is one extract of a law of which another extract has the address *com(itibus) et magistris utrius<que> mil(itiae)*.⁸⁵

§[4d] *Magister militum (MM)*

The name *magister militum* means *master of soldiers* and in a law dated 527-34, the word *milites* is defined as soldiers in each of three categories: those serving under a *MM*; those in the eleven *scholae <palatinae>* (corps of imperial bodyguards), and those among *foederati* (allies).⁸⁶

An almost identical definition is contained in the copy of the Latin translation of a law issued by Justinianus in 542, which extends the definition to include soldiers in any expeditionary army and those enrolled in any *militia armata*.⁸⁷ And in the law of 534 addressed to Belisarius, the *milites comitatenses* and *milites limitanei* are, together, also referred to as *milites pedites sive equites*.⁸⁸ All these *milites* were under the jurisdiction of a *M*.⁸⁹

dederunt militiae aut palatinis sunt officii adgregati, cunctos iubemus omni frustratione submota ad curias revocari. [.]

⁸¹ Cod.Theod.9.7.9(393) addressed *Item AAA. Gildoni com(iti) et magistro utriusque militiae per african* and Cod.Theod.16.8.9(393) addressed: *Idem AAA. Addeo comiti et magistro utriusque militiae per orientem*.

⁸² See Attachment 2 #50, 51, 92 and possibly 89.

⁸³ EDCS-29600312: *Fl(avius) Astyrius v(ir) c(larissimus) et inl(ustris) com(es) ex mag(istro) utriusq(ue) mil(itiae) cons(ul) ord(inarius)*.

⁸⁴ Cod.Theod.7.4.36(424): *Idem AA. Procopio magistro militiae per orientem*.

⁸⁵ Cod.Theod.7.9.3(393 Iul.29): *Imp. Valentinianus, Theod(osius) et Arcad(ius) AAA. Abundantio, Stilichon<ni> et ceteris comitibus utriusque militiae*; Cod.Theod.7.4.18(393 Iul.29): *Imp. Valentinianus, Theod(osius) et Arcad(ius) AAA. Abundantio, Stilichoni et ceteris comitibus et magistris utriusque mil(itiae)*.

⁸⁶ Cod.Iust.4.65.35(527-34): *Imp. Iustinianus ad senatum. || [.] §1: [.] Iubemus itaque omnes omnino, qui sub armis militant, sive maiores sive minores (milites autem appellamus eos, qui tam sub excelsis magistris militum tolerare noscuntur militiam quam in undecim devotissimis scholis taxati sunt, nec non eos, qui sub diversis optionibus foederatorum nomine sunt decorati) saltem in posterum ab omni conductione alienarum rerum temperare [.]*.

⁸⁷ Nov.Iust.117(542)§11: *Quod autem a nobis sancitum est de his qui in expeditionibus sunt et in militiis constituti, sive milites sint sive foederati sive scholares sive alii quidam sub alia quacumque militia armata constituti, melius ordinare perspeximus*.

⁸⁸ Cod.Iust.1.27.2(534) §5 and §8: - see note 49.

As mentioned in §[2b], it is possible that the compilers of the *Codices* could have substituted the later name *MM* for the earlier names *MEP* or *MVM* in the address of a law, when they extracted more than one excerpt from a law and placed the excerpts under different *tituli* in the *Codices*, because they needed to provide an address for each one. Such changes may have occurred in four laws that are addressed to a *M-*

Reference has already been made to two excerpts in Cod.Theod. that were derived from a single law addressed to Silvanus, with one excerpt addressed to him as *MEP* and the other as *MM*.⁹⁰ And in the same compilation there are another two excerpts, both probably from the same law, addressed to Stilicho as *MM* in one and as *MVM* in the other.⁹¹ There are other excerpts that are probably also from the same law but are divided between the two compilations. For example, one excerpt of a law, in Cod.Theod., is addressed to Equitius as *MM* while the other excerpt from probably the same law but in Cod.Iust., is addressed to him as *MEP*.⁹² Similarly, an excerpt in Cod.Theod. is addressed to Theudorum as *ME* while another in Cod.Iust., is addressed to Theodotum as *MM*.⁹³

Consequently, where only one excerpt of a law is represented in either Cod.Theod. or in Cod.Iust., with the name *MM* in its address, and where the officer and his position are not attested elsewhere, it is not possible to determine whether the name *MM* may have replaced an earlier name. And, for that reason, it is not possible, therefore, to indicate the date when the name *MM* was first used officially in the address of a law.

But the service position names in the contents of the law (that is, in the text other than any address and subscript) are less likely to have been subject to changes resulting from the process affecting some addresses and are, therefore, probably more likely to be accurate representations of the names that were used in the *Codices*, as indicated by the comparisons mentioned previously⁹⁴. The first available western law in whose contents the name *MM* is used is dated 365 in both Cod.Theod. and Cod.Iust.,⁹⁵ while the first such eastern law is dated 406 in the same two compilations.⁹⁶

⁸⁹ For example, Cod.Iust.9.3.1(365): *Valentinianus et Valens AA. Valentino consulari Picensi || Si miles in provincia repertus crimen publicum commiserit, eum rector provinciae sub custodia constituat atque ita vel causae meritum vel personae qualitatem ad magistrum militum* {Cod.Theod.9.2.2: *ad magistros militum*} referat.

⁹⁰ Cod.Theod.7.1.2(349/52): *ad Silvanum comitem et magistr<um> equitum et peditum*; Cod.Theod.8.7.3(349/52): *ad Silvanum comitem et magistrum militum*.

⁹¹ Cod.Theod.7.13.18(407): *Stilichoni comiti et magistr<ro> militum*; Cod.Theod.7.20.13(407): *Stilichoni comiti et magistro utriusque militiae*.

⁹² Cod.Theod.7.1.8(365): *ad Equitium comitem et magistrum militum*; Cod.Iust.11.68.3(365): *ad Equitium magistrum equitum et peditum*.

⁹³ Cod.Theod.3.14.1(370/373): *ad Theudorum* [?Theodorum] *magistrum equitum*; Cod.Iust.4.41.1(370/373?): *ad Theodotum* [?Theodoto] *magistrum militum*. It is generally assumed that both represent the name Theodosius.

⁹⁴ See §[2b], referring to Attachment 4, #2 and #3.

⁹⁵ Cod.Theod.9.2.2(365): *Quisquis fuerit, quem crimen pulsat, quem negotium tangit, comprehensum eum iudex sub custodia constituat atque ita vel causae meritum vel personae qualitatem ad nos referat, vel, si longius fuerimus, ad illustres viros praefectos praetorio, sive ad magistros militum, si militaris fuerit persona, ne sub specie vel verae vel ementitae dignitatis facinora dilabantur. [.]* adapted in Cod.Iust.9.3.1: *Si miles in provincia repertus crimen publicum commiserit, eum rector provinciae sub custodia constituat atque ita vel causae meritum vel personae qualitatem ad magistrum militum referat*.

⁹⁶ Cod.Theod.7.11.1(406): *[.] inquietudinem a curiis et civitatibus praecipimus prohiberi nec ullas privatas ab his succendi balneas ad tribunorum sive ad minorum comitum usus, sed inlustribus tantum viris comitibus ac magistris militum, si tamen id voluerint, concessum esse cognoscant hoc ministerium*. adapted in Cod.Iust.1.47.1 *[.] nec [.] ad tribunorum vel ducum aliorumve militarium comitum usus [.]*. *Illustribus enim tantum viris comitibus ac magistris militum [.] hoc ministerium indulgemus[.]*.

The position names in some laws can be compared with the names in contemporary inscriptions, or copies of them,⁹⁷ and among these inscriptions there is apparently none that refers to the position *MM* before 434.⁹⁸

The name *MM* is the one that is used most often in Cod.Theod., Cod.Iust. and *Nov.* which together contain 150 references to the position *M-* comprising: *MEP* 23, *MVM* 26, and *MM* 101. The name *MM* was also the one that was used almost exclusively to refer to the position *M-* after 534, both within and beyond the borders of the Roman state.⁹⁹ By contrast, among the 44 inscriptions, the name that was used most often during the period 344-534 was *MVM* 23, compared with *MEP* 10 and *MM* 11.

The regional designations that were first used in conjunction with the name *MVM* in two eastern laws dated 393, were used more often, and in a greater variety, in conjunction with the name *MM*. These designations in the eastern laws include: *MMper orientem* OR *orientis* OR <*militum*> *orientalium*; *MMper thracias*; *MMper illyricum* OR *illyrici*; *MMdalmatiae*; *MMper armeniam et pontum polemoniacum et gentes*; and *MMper diversas regiones*. There are no such designations in western laws.

Among the eastern inscriptions the regional designations are *MMper orientem*,¹⁰⁰ and *MMper thracia(s?/m?)*.¹⁰¹ The only western inscription that contains such a designation is the one that commemorates Aetius in c.439. Its text initially refers to his service position as *MMper gallias* and then, within the same sentence, as *MVM* and the latter appears to have been part of his official title since it was followed by his other titles: *consul ordinarius et patricius*.¹⁰²

No available law refers to an *ex-magistro utriusque militiae* but the title exists on the diptych celebrating the eastern consulship of Soterichus Philoxenus in 525.¹⁰³

§[4e] *Magisteria potestas* (*MaP*)

The service position *M-* was occasionally identified by the name *magisteria potestas*, (*MaP*) which denoted the magisterial authority and/or power.

The name *magisteria potestas* was used exclusively to refer to the service position *M-* and not to that of any other *magister* in the imperial service. This is confirmed by the section headings in Cod.Theod. and Cod.Iust. In the book dealing with the subject *dignitates* (dignitaries, dignities) in both Cod.Theod. and Cod.Iust. the *tituli* mention three service positions that contained the name *magister*: the service position *M-*;¹⁰⁴ the position *magister officiorum*;¹⁰⁵ and those of the *magistri scriniorum* (masters of the imperial

⁹⁷ See Attachment 5.

⁹⁸ See Attachment 3 #157.

⁹⁹ As, for example, in inscriptions such as: EDCS-11600069 (Italia - Pesaro / Pisaurum): *magistro(t) militum*; EDCS-09700769 (Africa - Sbeitla/Sufetula): *magister militu(m)*; EDCS-41300206 (Africa - Carthago): *magistro militu(m)*; EDCS-16400557 (Africa - Carthago): *magist(e)u(t) militum*; EDCS-46200102 (Africa - Carthago): *[m]agist(er) mil(itum) p[er] Numi[d(iam)]*; EDCS-05502803 (Hispania - Cartagena / Carthago Nova): *magister mil(itum) Spaniae*; EDCS-19900435 (Roma): *mag(ister) m(i)l(itum)*; EDCS-24501914 (Africa - Sbeitla/Sufetula): *m(a)g(ister) m(i)l(itum)*; EDCS-16900024 (Mauritania - Matifou / Rusguniae): *mag(ister) m(i)l(itum)*.

¹⁰⁰ See Attachment 3 #165.

¹⁰¹ See Attachment 3 #169.

¹⁰² See Attachment 3 #158a-b = EDCS-01000523 (Roma, c.439): *[R[1]O[3] [n]ec non et magistro militum per Gallias quas dudum [o]b iuratas bello pace victorias Romano imperio reddidit magistro utriusq(ue) militiae et secundo consuli ordinario atq(ue) patricio semper rei publicae [i]npenso omnibusq(ue) donis militarib(us) ornato huic [s]enatus populusq(ue) Romanus ob Italiae securitatem quam procul domitis gentib(us) peremptisque [B]urgundionib(us) et Gotis oppressis vincendo praestit[it] iussu principum dd(ominorum) nn(ostrorum) Theodosi et Placidi [Valenti][n]iani pp(iissimorum) Augg(ustorum) in atrio libertatis quam [ingenio? suo?] [pa]rens erigit dilatat et tuetur aequae st[atuam aere]am(?) conlocavit morum proba opum refugio delatorum ut hostium inimicissimo vindici libertatis pudoris ultor(i)*

¹⁰³ EDCS-29600318: *Fl(avius) Theodorus Filoxenus Soterichus Filoxenus vir illust(ris) || com(es) domest(icorum) ex magistro m(ilitum) per Thracia(-m? -s?) et consul ordinar(ius)*

bureaus),¹⁰⁶ and while Cod.Theod. relates its *titulus* 8.3 to the name **MaP**, the corresponding *titulus* 12.54 in Cod.Iust. represents that with the name **MM**.

To emphasise this relationship between the names **M-** and **MaP**, additional defining words were sometimes added. In one law, the noun *potestas* was preceded by the adjective *militaris* to form the name *magisteria militaris potestas* for which the same law has the alternative *magisterium militare*.¹⁰⁷ In another law, the name *magisteria militum potestas* refers to the jurisdiction of the **M-** over *milites*,¹⁰⁸ while a further law uses **MaP** in relation to the secretariat of a **MM**.¹⁰⁹ In two laws a regional designation is added to form the name *magisteria per orientem potestas*.¹¹⁰ And one law includes three variations: *magister militum*, *magisteria potestas* and *magisteria militum potestas*.¹¹¹

The laws and inscriptions do not contain any statements that explain why the service position **M-** was occasionally identified by the name **MaP**. Apart from its use as a general alternative for the name **M-**, the name **MaP** is mostly used in relation to the *apparitio* (secretariat, usually referred to as *officium*) associated with the position **M-**,¹¹² and once generally to denote the *administratio* of an **M-**.¹¹³

¹⁰⁴ *Tituli*: Cod.Theod.6.6(438): *De consulibus, praefectis, magistris militum et patriciis* = Cod.Iust.12.3(534): *De consulibus [.] et de praefectis et magistris militum et patriciis*;
Cod.Theod.6.7: *De praefectis praetorio sive urbis et magistris militum* = Cod.Iust.12.4: *De praefectis praetorio sive urbis et magistris militum in dignitatibus exaequandis*;
Cod.Theod.8.3: *De privilegiis apparitorum magisteriae potestatis* = Cod.Iust.12.54: *De apparitoribus magistrorum militum et privilegiis eorum*.

¹⁰⁵ *Tituli*: Cod.Theod.6.9(438): *De quaestoribus magistris officiorum, comite sacrarum largitionum et rerum privatarum* = Cod.Iust.12.6(534): *De quaestoribus magistris officiorum, comitibus sacrarum largitionum et rei privatae*;

¹⁰⁶ *Tituli*: Cod.Theod.6.11(438): *De magistris scriniorum* = Cod.Iust.12.9(534): *De magistris scriniorum*.

¹⁰⁷ Cod.Theod.6.8.1(422): *Honorius et Theodosius AA. Florentio praefecto urbi. || Qui sacri cubiculi nostri fuere praepositi [.] ea dignitate fungantur, qua sunt praediti, qui eminentissimam praetorianam vel urbanam meruerint praefecturam aut certe militarem magisteriam potestatem, ita ut sit inter eos post depositas administrationes nulla discretio, [.]* = Cod.Iust.12.5.1: *Sacri cubiculi praepositi ea dignitate fungantur, qua sunt praediti, qui eminentissimam praetorianam vel urbanam meruerint praefecturam aut certe militarem magisteriam potestatem, ita ut sit inter eos post depositas administrationes nulla discretio, [.]*
Cod.Theod.6.8.1 continued *[.] qui praetorianam vel urbanam praefecturam vel militare magisterium post eorum profectionem sortiti sunt [.]* which is not represented in *Cod.Iust*.

¹⁰⁸ Cod.Theod.7.8.16(435): *Idem AA. Valerio magistro officiorum et ex consule ordinario. || [.] His vero, qui praefecturae dignitatem habent aut ipsius apicis administratione aut actu magisteriae militum potestatis aut quod praepositi sacri nostri cubiculi fuerint aut quod honorarios eiusdem praefecturae meruerint codicillos, cum priore lege una domus excusaretur, [.]*

¹⁰⁹ Cod.Iust.1.27.2(534): §35: *[.] in officio magisteriae militum potestatis[.]* -see note 111.

¹¹⁰ Cod.Iust.1.29.3(476-85): *Imp. Zeno A. Sebastiano praefecto praetorio. || Eos, qui ultra statutos in officio magisteriae per orientem potestatis militant, civilium quoque iudicum sententiis super quolibet negotio subiacere: ipsis quin etiam statutis in tributariis collationibus civilium quoque iudicum dispositionibus procul dubio parituris. [.]*
Cod.Iust.12.35.18(492): *Imp. Anastasius A. Iohanni magistro militum praesentalium. || [.] §pr: ad magnificam magisteriam per orientem potestatem; §1: ad praedictam magisteriam per orientem potestatem; §6: apud excelsam magisteriam per orientem potestatem; §8: ad imminuendam potestatem magisteriae per orientem administrationis. [.]*

¹¹¹ Cod.Iust.1.27.2(534): *Idem A. Belisario magistro militum per orientem. || [.] §17: [.] decernimus, ut duces [.] per Africanos limites nihil amplius in sacratissimo palatio [.] vel in praetorio per Africam praefecturae vel magisteriae potestati praebeant, nisi quantum subter adnexa declarat notitia. [.] §35:[.] Item notitia consuetudinum, quas in sacro laterculo et in praetorio amplissimae praefecturae per Africam, iam in officio magistri militum pro tempore dux praebere oportet uniuscuiusque limitis sic: in sacro laterculo solidi vi: in officio magisteriae militum potestatis pro insinuandis administrationis suae divinis nostrae serenitatis adfatibus solidi xii: in officio amplissimae praefecturae per Africam pro insinuandis eiusdem chartis solidi xii.*

The earliest use of the name *MaP* occurs in a western law, dated 398.¹¹⁴ And apart from one additional western law, dated 426,¹¹⁵ all other references to the name *MaP* occur in 17 eastern laws between 412-534. The two western laws use only the name *MaP*, while some eastern laws incorporate an additional adjective (*militaris*), or noun (*militum*), or a regional designation (*per orientem*).¹¹⁶ In the laws, the name *MaP* was used only once in the plural number.¹¹⁷

The name *MaP* is not attested in any inscription and it is not used as the name for the position *M-* in the address of any law.

§[4f] *Extraordinary M- (temporary, reserve and substitute officers)*

There were usually two or more contemporary officers each of whom was appointed to an *ordinary position* named *M-* (that is, a position regarded as a regular one to which a series of serving officers was successively or consecutively appointed). But the military duties associated with the service position *M-* were sometimes also performed by functionaries appointed to an *extraordinary position*: (meaning not an ordinary position) which was usually a temporary additional position, not a temporary appointment to fill a vacancy in an ordinary or regular position.

Such an extraordinary position was held by Gildo, who was appointed as *MVMper african*, at some time before 393.¹¹⁸ Following his rebellion against the western emperor Honorius, and later defeat in 398, his position as *MVMper african* was replaced by that of *comes africae*.¹¹⁹

A different extraordinary position could be held by a *magister militum vacans* (honorary reserve officer),¹²⁰ who could be appointed to conduct a specific military campaign. Such officers, at the end of the campaign, were entitled to the superior privileges shared by retiring *M-* who had served in that position, rather than receiving the inferior privileges shared by honorary officers.¹²¹ The number of such extraordinary appointments throughout the period 344-534 is not known.

¹¹² For example, Nov.Theod.7.4(441): *Idem AA. Ariobindo magistro militum. ||* refers to §pr: *de adparitionibus magisteriae potestatis* and *adparitorem magisteriae [...] potestatis*; §2: *adparitores magisteriae potestatis*; §3: *adparitores magisteriae potestatis*; §4: *adparitorem [...] magisteriae potestatis*; §8: *adparitor magisteriae potestatis* among 12 references to *magister militum* (including 2 addressees) and 1 to *magistri militum*. At the end of the law: *Eodem exemplo Aspari viro inlustri comiti et magistro militum et exconsuli ordinario.*

Cod.Iust.4.21.20(530): *Idem A. Iuliano praefecto praetorio. ||* [...] §4: *Et hoc observari tam in omnibus sacris scriniis nostris quam in apparitione omnis sublimissimae praefecturae nec non magisteriae potestatis ceterisque omnibus iudiciis, quae in orbe nostro constituta sunt, his omnibus in posterum observandis. [...]*

Cod.Theod.1.7.3(398): see note 377.

Cod.Iust.11.48.18(426): see note 115.

¹¹³ For example, Cod.Iust.12.35.18(492): *Imp. Anastasius A. Iohanni magistro militum praesentalium. ||* [...] §8: *Dispositiones autem ante latas non ad imminuendam potestatem magisteriae per orientem administrationis, sed pro tuitione locorum ac securitate publica noscitur praestitisse, [...]*

¹¹⁴ Cod.Theod.1.7.3(398): *Impp. Arcadius et Honorius Stilichoni magistro militum. ||* [...] *comitibus et ducibus [...] principes et numerarii ex officio magisteriae potestatis mittantur [...]*

¹¹⁵ Cod.Iust.11.48.18(426): *Impp. Theodosius et Valentinianus AA. Basso praefecto praetorio. ||* *Colonos nulla ratione ad ullum quamvis humilioris militiae locum sinimus admitti: sed nec apparitores magisteriae potestatis censibus adscriptos probari concedimus, [...]*

¹¹⁶ See Attachment 2.

¹¹⁷ Nov.Theod.24(443) - see note 33.

¹¹⁸ Cod.Theod.9.7.9(393) is addressed: *Idem AAA. Gildoni comiti et magistro utriusque militiae per African.*

¹¹⁹ Cod.Theod.1.7.3(Sept.398) refers to the position *comes per african* - see note 377.

¹²⁰ See *Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws*, §[7] at: <https://www.notitiadignitatum.org/>

Other extraordinary positions were held by officers who performed functions on behalf of, or acting as substitutes for, a *M-*. These deputies are described as *vicem agens magistri militum* (acting in place of a/the master of soldiers).¹²² One law mentions a *comes domesticorum* performing such a function.¹²³ Another law states that any officer who had already been awarded the dignity *comes ordinis primi* (imperial companion, first division), and who had then acted for a *MM*, was subsequently awarded the division of the *spectabilis* grade of dignity that was attached to the service position of all *comites* and *duces* (regional and provincial directors of soldiers), other than those in the diocese of either *Aegyptus* or of *Pontica* (to whose service positions a higher division of the *spectabilis* grade of dignity was attached than that of the remaining *comites* and *duces*).¹²⁴

§[4g] *Other names used for the service position M-*

The laws include three references to the service position *M-* that do not include the words *magister*, *magisterium* or *magisteria potestas* but are included among the positions considered in this appendix.

A western law, dated 382, determines that in the order of precedence among those who have held the position of *consul* (the highest dignity in the Roman state but not a service position), the precedence of those who have held only the position of *consul* is lower than that of those who have held not only the position of *consul* but also the highest position in either the civil service or the military service, referring to the latter of these two positions as *culmen militare* ("the military summit" or "peak"),¹²⁵ meaning the position *M-* which was the highest-ranked service position within the *militia armata*.

¹²¹ Cod.Iust.12.8.2(440-41): *Imp. Theodosius et Valentinianus AA. Cyro praefecto praetorio. || [.] §3. Inter administratores illos etiam numerari decernimus, quibus illustribus in sacro nostro consistorio cinctis aliquid ordinariae dignitatis vel antea commisimus vel postea commitemus peragendum, verbi gratia si vacanti magistro militum belli cura committatur. §4. Cur enim aut vir magnificus Germanus magister militum vacans appellatur, cui bellum contra hostes mandavimus?*

¹²² A description sent by Iohannes or Epiphanius concerning their mission to bishop Dorotheus in Thessalonica in 519 refers to certain actions having been undertaken *[.] a Candido v.s. vicario magistri militum praetorianorum in iudicio praefectorum [.]* and later refers to the same Candidus in similar terms as *magistri militum vicario Candido comite*.
Guenther, O., *Epistulae imperatorum pontificum aliorum inde ab anno 367 usque ad annum 553 datae, Avellana quae dicitur Collectio*. (Corpus scriptorum ecclesiasticorum latinorum vol.35) 2 parts: Ep.1-104; Ep.105-244, (Wien, Tempsky, 1895-1898), v.1, pp.642-644 # 186: *Indiculus qui directus est a Iohanne episcopo vel ab Epiphanio presbytero de Thessalonica <Oct.519>*.

¹²³ Cod.Theod.15.11.1(414): *Imp. Honorius et Theodosius AA. Mauriano comiti domesticorum et vices agentis magistri militum. || Occidendorum leonum cunctis facimus potestatem, [.] Occidendi igitur memoratas feras, et ducibus et officiis eorum conventis, cunctis licentia tribuatur. [.]*

¹²⁴ Cod.Theod.6.14.3(413): *Imp. Honorius et Theod(osius) AA. Prisciano praefecto urbi. || Post alia: eos, qui sub comitivae primi ordinis dignitate peculiariter ad quamlibet provinciam vel provincias defendendas milite credito auctoritate nostri numinis destinantur, et eos, qui vicem illustrium virorum magistrorum militum susceperint peragendam, ducibus, qui praeter Aegyptum et Ponticam in aliis provinciis administraverint, adaequamus. [.]*

The references to *duces* and *provinciae* in this law are stated more precisely (to distinguish them from *comites* and *dioeceses*) in another extract from the same law in:

Cod.Theod.6.13.1(413): *<I>mpp. Honorius et Theodosius AA. Prisciano praefecto urbi. || Praepositos ac tribunos scholarum, qui et divinis epulis adhibentur et adorandi principis facultatem antiquitus meruerunt, inter quos tribunus etiam sacri stabuli et cura palatii numerantur, si primi ordinis comitivam cum praepositura meruerint et casu ad altiora non pervenerint, deposito sacramento inter eos, qui comites Aegypti vel Ponticae dioeceseos fuerint, quorum par dignitas est, haberi praecipimus. Sin absque honore comitivae cuiuslibet scholae regimen fuerint nacti, absolutos militia inter eos, qui duces fuerint provinciarum, numerari iubemus. Et cetera. [.]*

¹²⁵ Cod.Theod.6.6.1(382): *Gra(tia)nus, Valentinianus et Theodosius AAA. ad Severum praefectum urbi. || [.] Sed ut consulatus anteponeendus est omnibus fastigiis dignitatum, in omni etiam curiae senatoriae actu sententia coetu, si quis consulatu et praefectura vel culmine militari conspicuus est, pridem consulari praefereendus haud dubio est. [.]*

Another western law, dated 396, directs that instructions are to be sent, through the *virii illustres comites*, to the *tribuni of numeri*, *vexillationes* and *scholae* about procedures related to animal rations¹²⁶ The *virii illustres* (or *illustres*) who had jurisdiction over the *tribuni of numeri* and *vexillationes* were the *illustres comites (et magistri)* or *M-*.

An eastern law, dated 398, orders that any soldier who is sent to the *comitatus* (court) by any *numerus* (military unit) or by any *tribunus* is to report immediately to the *virii illustres comites*. The copy of this law in Cod.Theod. differs from that in Cod.Iust. which, after *comites*, adds the words *sub quorum regimine constituti sunt* ("under whose control they have been placed"), identifying those *comites* as the *illustres comites (et magistri)* or *M-*.¹²⁷

§[4h] *The designations praesentalis and in praesenti*

[4h1] *praesentalis*

During most of the period 344-534, there were usually two or more contemporary officers each of whom was appointed to a separate service position named *M-*. These positions were sometimes distinguished from each other by the addition of a regional designation to the common service position name, such as *MVMper africanam*, or *per orientem*; *MMper orientem* or *orientis*, *MMper thracias*, *MMper illyricum*, *MMper diversas provincias* and *MMper gallias*; and *MaPper orientem*. With the exception of the designation *per gallias*, which exists in only one western inscription,¹²⁸ all the other designations occur in eastern laws and some in eastern inscriptions.

An additional designation, which did not refer to a region, is mentioned in two eastern laws. The first law, dated c.443, names the service position of a particular *M-* as *magister militum praesentalis* (*MMpraesentalis*), while the second, dated 492, refers to the position as *magister militum praesentalium* (*MMpraesentalium*). And one of these two forms is represented by the abbreviation *praes.* in the name *magister equitum et peditum praes. (MEPpraes.)* that exists in an eastern inscription that was repeated on three diptychs in 521.

In those two laws, the adjective *praesentalis* is used:

- a to identify one or more service positions *M-* from other such positions; and
- b to distinguish some military units from others.

The use of *praesentalis*, to identify particular military units or soldiers, other than in combination with the word *magister*, is also made in three further laws dated between 519-534.

These five laws are the only ones in which forms of the word *praesentalis* exist. All these five laws are eastern and exist only in Cod.Iust. In these five laws, of which the earliest is dated c.443, the adjective *praesentalis* is used to describe or qualify the noun *magister* (2 times), *milites* (6), and the military units *domestici* (2), *numeri* (1) and *agmina* (1).

These five eastern laws, and the repeated inscription, dated 521, are the following:

¹²⁶ Cod.Theod.7.4.23(396): *Idem AA. Hilario praefecto praetorio. || [.]. Ad omnium utique numerorum sive vexillationum aut etiam scholarum tribunos per viros illustres comites sublimitas tua faciat pervenire, ut meminerint faenum militibus isdem capitibus praestandum iuxta legem divi Valentiniani de quinta decima indictione nec tamen ad oppidum deferendum.. = Cod.Iust.12.37.8 Arcadius et Honorius AA. Hilario PP || [.]. Ad omnium itaque numerorum sive vexillationum aut etiam scholarum tribunos vel viros illustres comites sublimitas tua faciat pervenire, ut meminerint faenum militibus iustis capitibus praestandum iuxta legem divi valentiniani nec tamen ad oppidum deferendum.*

¹²⁷ Cod.Theod.7.1.17(398): *Idem AA. Romuliano praefecto urbi. || [.]. Sin vero quisquam <miles> missus a numero vel a tribuno ad comitatum serenitatis nostrae pervenerit, <Cod.Iust.12.35.13 adds: aliter enim eos hoc facere vetamus> ilico se viris illustribus comitibus <Cod.Iust.12.35.13 adds: sub quorum regimine constituti sunt> offerre festinet et causas profectionis exponat, ut et responsum caeleste mereatur et citam remeandi accipiat facultatem. [.].*

¹²⁸ Attachment 3, #158.

Cod.Iust.12.54.4(c.443)E: ¹²⁹ <i>addr.</i>	magistro militum praesentali { <i>Cuiacus</i> }; magistorum militum tam praesentalium quam orientalium;
Cod.Iust.12.35.18(492)E: ¹³⁰ <i>addr.</i>	magistro militum praesent{-alium - <i>Cuiacus</i> };
§ <i>pr.</i>	de [...] praesentalibus numeris;
§1 <i>a.</i>	alterius [...] magistri militum praesentalis;
§4:	milites praesentales;
§6:	milites praesentales;
§6 <i>a.</i>	milites praesentales;
§8:	praesentales milites;
Cod.Iust.2.7.25(519)E: ¹³¹	praesentalibus domesticis;
Cod.Iust.1.29.5(528-30)E: ¹³²	de praesentalibus [...] agminibus;
Cod.Iust.12.17.4(527-34)E: ¹³³	praesentalium domesticorum;
Inscriptions (521)E: ¹³⁴	mag(ister) eqq(uitum) et p(editum) praes.{-entalium?/-entalis?}.

While the word *praesentalis* does not exist in Cod.Theod. or Nov. or in any western law or inscription, it is used in copies of two official letters written in c.526 by the senator Cassiodorus, at the Ostrogothic court in Ravenna,¹³⁵ about the appointment of the Gothic officer Tuluin (Toluin) to a position named *patricius*

¹²⁹ Cod.Iust.12.54.4(c.443)E: *Idem AA. Apollonio magistro militum praesentali et Anatolio magistro militum per orientem. || Numerarios virorum illustrium magistrorum militum tam praesentalium {praesentalium KI} quam orientalium qui ordine stipendiis militiae fuerint decorati, exeuntes tribunis praetorianis partis militaris, [,], sociari praecipimus: ita videlicet, ut post completam militiam ab omnibus indictionibus tam militarium quam civilium iudicium semper habeantur immunes. §1. Principatus vero munere functos tribunis vigilum militaribus volumus adgregari.*

¹³⁰ Cod.Iust.12.35.18(492)E: - see note 236.
§*pr.* *milites, qui de diversis praesentalibus numeris per Orientis partes noscuntur consistere, [,].*
§1. *ad responsum, qui de officio alterius viri excelsi magistri militum praesentalis [,] destinatur, [,].*
§4. *voluerint viri spectabiles duces etiam praesentales devotissimos milites adhibere, [,].*
§6. *milites praesentales [,].*
§6*a.* *si [,] milites praesentales iussione viri spectabilis ducis incusati ac moniti fuerint, [,].*
§8. *duces, quibus fortissimi praesentales milites parare praecepti sunt, [,].*

¹³¹ Cod.Iust.2.7.25(519)E: *[.] §3. Licentiam eis praeterea facimus binos homines annis singulis itidem offerendi nostram adoraturos purpuram, statutis inserendos praesentalibus domesticis, unum equitum, alterum scholae peditum, in vacantem eorum locum qui defuncti sunt, [,].*

¹³² Cod.Iust.1.29.5(528-30)E: *Imp. Iustinianus A. Zetae viro illustri magistro militum per armeniam et pontum polemoniaco et gentes. || [,] perspeximus oportere etiam partibus Armeniae et Ponto Polemoniaco et gentibus proprium magistrum militum per hanc legem constituere, [,] elegimus certasque provincias, [,] tuae curae cum suis ducibus commisimus, comite Armeniae penitus sublato, certosque subdidimus numeros, non modo quos in praesenti novos constituimus, sed etiam de praesentalibus et orientalibus et aliis agminibus segregatos, non tamen quantitatem eorum agminum minuentes:[,] quia plures eis addidimus [,].*

¹³³ Cod.Iust.12.17.4(527-34)E: *Imp. Iustinianus A. Vigilantio comiti domesticorum consulari ac patricio. || [,] si quis virorum fortium praesentalium domesticorum in equitum schola secundocerii locum indeptus diem interea supremum clauserit, heredes eius non reliqui tantum temporis, quod eidem gradui superesse monstratur, verum etiam insequentis anni, [,].*

¹³⁴ EDCS-29600317 *diptych (Milano)*, EDCS-66200013 *diptych (Paris)*, and *diptych (New York)*- see Attachment 3 #166, #167, #168.

¹³⁵ Following the deposition of the western emperor Romulus by Odovacer in 476, and the assassination of the previous emperor Iulius Nepos (the last western emperor) in Dalmatia in 480, the eastern emperor Zeno, in 488, sent the Ostrogothic king Theoderic to displace Odovacer, who was killed in 493. Theoderic ruled Italia as king but nominally administered it for the eastern emperor. This form of administration remained under the successors of Theoderic until the reconquest of Italia by the eastern emperor Iustinianus beginning in 535.

praesentalis,¹³⁶ which Theodor Mommsen believed was the Ostrogothic equivalent of the name *MMpraes*.¹³⁷

The laws and inscriptions in which the word *praesentalis* is used do not explain its origin or indicate its meaning. *Praesentalis* is an adjective that is related to the participle and adjective *praesens* that was used to denote the equivalent of the English word *present* - referring to both time (*now, at this time*)¹³⁸ and to existence of a person or persons in a place (that is, *present* as opposed to *absent*).¹³⁹ The noun *praesentia* (presence) occurs in several laws, mostly without a preposition, but sometimes with *sub*. The form *praesentalis* may have been an extended form of *praesens*,¹⁴⁰ or a shortened form of *praesentialis* (the adjective derived from *praesentia*).¹⁴¹

It is generally assumed that *praesentalis* was used in the above-mentioned laws and inscriptions to identify a particular *M*- or military units that were present at or near the imperial court. This connection is not explicitly stated or defined in any available official text, or copy of one.¹⁴² But the use of both *praesentalis* and *per orientem* in the laws of c.443 and 492 to identify and distinguish between two *magistri* suggests that the former adjective, like the regional designation in the latter phrase, referred to a location, suggesting that the general assumption is probably correct. But if that is accepted, two observations need to be added.

¹³⁶ *Variae*, 8.9 (c.526): *Tuluin v.i. patricio Athalaricus rex || §3: Atque ideo te cum favore divino suggestu praesentalis patriciatu evehimus.[.]* and *Variae*, 8.10 (c.526): *Senatui urbis romae Athalaricus rex || [.] §11: [.] hunc itaque virum bellis exercitatum, felicitate clarum, prudentia comprobatum, quod deo auspice dictum sit, ad patriciatu praesentalis culmen eveximus*. Mommsen, T.(ed.) , *Cassiodori senatoris Variae* (Monumenta Germaniae Historica [...] auctorum antiquissimorum tomus XII) (Berlin, 1894), pp.238 and 241.

A related term is used in reference to Liberius, formerly *praefectus praetorio* in *Galliae*, who was awarded a dignity, apparently at court: *Variae* 11.1 (533) *Senatui urbis Romae, <Cassiodorus> senator praefectus praetorio. || §16: [.] Ea quae asserimus iam creverunt. respicite namque patricium Liberium praefectum etiam Galliarum, exercituaelem virum, [.] accepit enim et praesentaneam dignitatem, ne de re publica bene meritus diu absens putaretur ingratus. [.]*. Mommsen, 1894, pp.327-330.

¹³⁷ Mommsen, T., *Ostgothische Studien*, Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde 14 1889, pp.506-508.

¹³⁸ For example, *Cod.Theod.*6.4.21(372): *praesens labor*; *Cod.Theod.*7.13.12(397): *praestatione praesenti*; *Cod.Theod.*6.26.3(382): *aetate praesenti vel in relicum*; *Cod.Theod.*7.13.20(410): *praesenti tempore*; *Cod.Theod.*12.6.5(365): *in praesens tempus*; *Cod.Theod.*8.7.21(426): *ad praesentem diem*; *Cod.Theod.*11.20.6(430): *in praesentem diem*; *Cod.Theod.*10.10.12(380): *ex praesenti die*; *Cod. Theod.*9.16.10(371): *gestis praesentibus adque praeteritis*; *Cod.Theod.* 10.20.4(368): *ad praesens remedium*; *Cod.Theod.*11.1.22(386): *in praesens etiam in posterum*; *Cod.Theod.*2.23.1(423): *praesens forma*; *Cod.Theod.*11.20.5(424): *statutis praesentibus*; *Cod.Theod.*3.10.1(409): *praesentis legis* (elsewhere also with *edicti, sanctionis, constitutionis, iussionis, indictionis*).

¹³⁹ For example: *Cod.Theod.*2.27.1(421): *inter absentes / inter praesentes*; *Cod.Theod.*1.9.3(405): *praesentes absentibus praeferrantur*; *Cod. Iust.*8.53.30(459): *sive absens sive praesens rector provinciae sit*; *Cod.Theod.*1.16.1(315): *in iudicio praesentibus partibus atque personis*; *Cod.Theod.*4.4.3(396?): *ut et praesentes videant subscriptores*; *Cod.Theod.*4.17.5(386): *condicio partibus praesentibus habita non potest immutari*; *Cod.Theod.*9.1.13(376): *sociabitur et de praesentibus*; *Cod.Theod.*7.12.1(323): *praesentes in castris atque apud signa milites esse debeant*; *Cod.Theod.*7.16.3(420): *praesente protectore seu duciano*; *Cod.Theod.*10.8.5(435): *praesente fisci patrono*.

¹⁴⁰ Perhaps formed similarly to such related words as: *cohors*>*cohortalis*, *oriens*>*orientalis*, *sacerdos*>*sacerdotalis*.

¹⁴¹ *Praesentia+lis*, which exists in two of the primary copies used for the edition of *Cod.Iust.* 12.54.4(c.443) - see note 129.

¹⁴² Although the name *magister militum praesentalium* may have been represented by the term *magister militum praetorianorum* in the description from 519 - see note 122.

First, when *praesentalis* is used, as it mostly is, to identify particular military units, it does not identify units that were permanently present with the imperial court. This is apparent from the law of 492 which prescribes a continuing arrangement concerning the immediate jurisdiction by provincial *duces* over *milites praesentales* who were distributed throughout the east (*milites qui de diversis praesentalibus numeris per orientis partes noscuntur consistere, virorum spectabilium ducum iussionibus oboedire*) and were under their direct command (*duces quibus fortissimi praesentales milites parare praecepti sunt*).¹⁴³ Similarly, the law dated c.528-30 that created the position *MMper armeniam* allocated to his agency several categories of military units that included some that were detached from the *numeri praesentales* (*numeros de praesentalibus segregatos*).¹⁴⁴

Second, in the laws and inscriptions, *praesentalis* is used only in relation to a particular service position *MM* or specific military units. It is not used to refer to any service position other than *MM*, or to any civil units, or any other person or entity in the vicinity of either the emperor or the court.

The presence of the emperor was identified by reference to his *comitatus* (companions) which was defined as comprising those by the side of the emperor.¹⁴⁵ Like the emperor, his *comitatus* was described as being sacred,¹⁴⁶ and it was situated in a particular place.¹⁴⁷ Any delegation, person or object, sent to the emperor was referred to as being sent to the *comitatus*.¹⁴⁸ The *praefectus praetorio* <orientis> who was present at court was not described as being *praesentalis*, but as being *in nostro comitatu*.¹⁴⁹ Any soldier who was present, and seconded for duties, with the emperor (*qui praesentes divino obsequio nostrae clementiae deputati sunt*) while the court was present in the city (*praesente comitatu*) was to be made known to the emperor immediately, while any soldier who was sent to the court (*missus [...] ad comitatum serenitatis nostrae*), from any *numerus*, or by any *tribunus*, was to report to the *virii illustres comites* (that is, the *M-* who were present with the court).¹⁵⁰ Among honorary officers, those who were present in court (*praesentes in comitatu*) to receive their *cingulum* (service belt) or *codicilli* (document of appointment or award) from the emperor (*a nostro numine*) had a higher precedence than those who were absent (*absentibus*) and to whom those items were sent.¹⁵¹

¹⁴³ Cod.Iust.12.35.18(492) - see note 236.

¹⁴⁴ Cod.Iust.1.29.5(528-30) - see note 132.

¹⁴⁵ Cod.Iust.12.18.1(416), longer version in Cod.Theod.6.25.1: *praepositi labarum [...] quos nostri lateris comitatus illustrat*.

¹⁴⁶ Cod.Theod.11.20.47(386): *ad comitatum sacrum*; Cod.Theod.6.23.4(437): *ad sacratissimum comitatum*.

¹⁴⁷ Cod.Theod.9.40.20(408): *Si quis ex proscriptorum numero comitatum nostrae serenitatis sive moenia aeternae urbis intraverit, deportatione plectetur*. Cod.Iust.9.40.20(455): §7. *Si qui vero in hac alma urbe nati sunt <haeretici>, tam sacratissimo comitatu quam omni per provincias metropolitana civitate pellantur*.

¹⁴⁸ Cod.Theod.12.12.10(385): *ad sacrum mansuetudinis nostrae comitatum legationes*; Cod.Theod.8.5.48(386): *aurum sacrarum largitionum vel argentum ad comitatum nostrum destinatur*; Cod.Theod.15.11.2(417): *bestias quae ad comitatum ab omnibus limitum ducibus transmittuntur*;

¹⁴⁹ Cod.Iust.7.62.32(440): *virum illustrem praefectum praetorio, qui in nostro est comitatu*.

¹⁵⁰ Cod.Theod.7.1.17(398)E: *Idem aa. Romuliano praefecto Urbi. || pr. Si qui {Cod.Iust.12.35.13 = Nemo} miles ex his, qui praesentes divino obsequio nostrae clementiae deputati sunt et qui in hac esse urbe praesente comitatu concessi sunt quive de aliis numeris vel legionibus sunt, repertus fuerit [...], nobis ilico nuntietur, [...]. §1. Sin vero quisquam missus a numero vel a tribuno ad comitatum serenitatis nostrae pervenerit, ilico se viris illustribus comitibus {Cod.Iust.12.35.13 adds = sub quorum regimine constituti sunt} offerre festinet et causas protectionis exponat, ut et responsum caeleste mereatur et citam remeandi accipiat facultatem*.

¹⁵¹ Cod.Iust.12.8.2(441-2): *Omnes privilegia dignitatum hoc ordine servanda cognoscant, ut primo loco habeantur ii, qui in actu positi illustres peregerint administrationes: secundo venient vacantes, qui praesentes in comitatu illustris dignitatis cingulum meruerint: tertium ordinem eorum prospicimus, quibus absentibus cingulum illustris mittitur dignitatis: quartum honorariorum, qui praesentes a nostro numine sine cingulo codicillos tantum honorariae dignitatis adepti sunt: quintum eorum, quibus absentibus similiter sine cingulo mittuntur illustris insignia dignitatis*.

[4h2] *in praesenti*

It is generally believed that the adjective *praesentalis*, and its presumed meaning (present at or near the emperor or the imperial court), were represented by the phrase *in praesenti*. The available evidence does not certainly support this belief.

As previously mentioned, the adjective *praesens* in the laws was used to denote the equivalent of the English word *present* (referring both to time, and to existence of a person or persons in a place - denoting the opposite of *absent*). The phrase *in praesenti* was used with the same two meanings, But the adjective and phrase tended to be used more with one meaning than the other. The phrase *in praesenti* was used mostly to refer to time (at present,¹⁵² now,¹⁵³ for the present,¹⁵⁴ present age,¹⁵⁵ in the present case / matter / instance / letter / compilation / Code,¹⁵⁶ present measure - of tax,¹⁵⁷ and similar), while *praesens* was used more often to denote the existence of a person or persons in a place.¹⁵⁸

The twofold meaning shared by *praesens* and *in praesenti* - although with the different emphasis just noted - does not extend to the adjective *praesentalis*. The latter does not refer to time, nor to the existence of just any person near the emperor or at the court. In the laws and inscriptions that use it, *praesentalis* refers only to officers serving as *MM* near the emperor or at the court, or to specific military units that were either stationed in that central location, or were detached from those central units to operate in some regions. And the phrase *in praesenti* is not similarly attested.

An example of the use of both *in praesenti* and *praesentalis*, in the same law, has already been noted in the law, dated 528-30, that created the position *MMper armeniam* and allocated to this new agency some military units comprising "not only those new ones we have enrolled at present (*in praesenti*), but also those detached from the court units, and from eastern and other troops" (*numeros de praesentalibus et orientalibus et aliis agminibus segregatos*).¹⁵⁹

There are five eastern laws that not only contain the phrase *in praesenti*, but also concern officers in the imperial service whose functions were performed at the court or in the palace. But in four of these laws *in praesenti* refers to time, not a location - a reference to the latter would have been superfluous given the known location of the agencies or departments or units that are named.

a The first law (dated 497-9) concerns privileges granted to the *silentiarii* (palace ushers and imperial attendants). These privileges were granted not only to those "serving at present" (*in praesenti militantium*), both during their service (*militia*) and in their retirement, but also to those recruited later.¹⁶⁰

¹⁵² Cod.Theod.15.7.1(367/71); Cod.Theod.12.6.30(408); Cod.Theod.16.2.43(418); Cod.Theod.16.8.24(418); Cod.Theod.11.20.5(424); Cod.Theod.11.20.6(430)§4; Nov.Theod.5.3(441); Nov.Theod.24(443)§4; Nov.Mar.3(451)§2; Cod.Iust.2.7.15(472); Cod.Iust.2.7.16(474); Cod.Iust.2.7.17(474); Cod.Iust.2.7.20(497)§1; Cod.Iust.4.29.21(517); Cod.Iust.5.27.6(517); Cod.Iust.12.19.13(522-6)§1; Cod.Iust.3.28.32(529); Cod.Iust.1.14.12(529)§3; Cod.Iust.7.6.1(531)§1a; Cod.Iust.7.17.2(531)§pr, §2; Cod.Iust.1.1.8(533)§10.

¹⁵³ Cod.Iust.5.13.1(530)§pr, §2a, §13a; Cod.Iust.2.55.5(530)§3; Cod.Iust.8.17.12(531)§1; Cod.Iust.8.37.14(531); Cod.Iust.1.17.2(533)§21, Cod.Iust.1.3.54(533?)§1, §9.

¹⁵⁴ Cod.Theod.11.30.11(321).

¹⁵⁵ Cod.Iust.1.17.2(533)§11.

¹⁵⁶ Cod.Theod.4.11.2(349); Nov.Val.8.1(440)§3; Cod.Iust.6.61.5(473)§1; Cod.Iust.2.55.4(529)§2, §34; Cod.Iust.6.43.1(529)§2; Cod.Iust.6.27.4(530); Cod.Iust.7.15.1(530)§3; Cod.Iust.3.38.12(530); Cod.Iust.5.37.26(531); Cod.Iust.6.50.18(531)§1; Cod.Iust.7.6.1(531)§8; Cod.Iust.7.17.2(531)§3; Cod.Iust.8.17.12(531)§7; Cod.Iust.1.17.2(533)§17; Cod.Iust.1.1.7(534)§10; Iust.const.*cordi nobis*(534)§5.

¹⁵⁷ Cod.Theod.11.20.6(430)§2.

¹⁵⁸ For example, Cod.Theod.15.7.1(367/71): *iudices si in praesenti sunt*; Cod.Theod.7.4.28(406): *in praesenti postulare*.

¹⁵⁹ Cod.Iust.1.29.5(528-30) - see note 132.

¹⁶⁰ Cod.Iust.12.16.5(497-9)§4: *Omnibus videlicet antelatis privilegiiis in persona non tantum in praesenti militantium, sed etiam postea eidem consortio inserendorum tam tempore militiae quam post eam depositam observandis*.

- b The next three laws, dated 527, are part of a series ordering that the number of *adiutores* (assistants) seconded from the imperial *scrinia* (bureaus) to perform duties under the *quaestor sacri palatii* (chief legal officer at court) be reduced to the previously prescribed statutory number of 26.
- the first law refers to the present abundance of assistants beyond the statutory number (*qui praeter praedictam dispositionem in praesenti exuberant*);¹⁶¹
 - the second law prohibits the addition of any new officers to those there at present (*ne alius adiutor [...] his qui in praesenti sunt [...] addatur*);¹⁶² and
 - the third law repeats the prohibition using those same words.¹⁶³
- c In the fifth law, *in praesenti* refers to presence (in a place). This law, dated 362, relates to *domestici* (household guards) and prescribes that rations are to be provided to the 50 officers who are ordered to be present (*in praesenti*) in whatever *schola* (either *equitum* or *peditum*) and that the others, who would like to be present (*in praesenti*) are to receive none and are to be sent home.¹⁶⁴
- Like the *silentiarii* and *adiutores* in the preceding four laws, the *domestici* were also serving at court, so that if *in praesenti* was meant to identify that location, it was superfluous as there was no alternative. The law simply distinguishes between those who are ordered to be present (*in praesenti*) from those who would like to be.
- When, more than a century later, some *domestici* were seconded for duties away from the court as *deputati* from the *scholae*,¹⁶⁵ requiring a distinction to be made between the latter and the *domestici* at court (not, as in the law of 362, between the statutory number to receive rations and those not to be employed), the *domestici* at court were referred to, in two eastern laws, as *domestici praesentales*.¹⁶⁶

There is, finally, one other law in Cod.Iust. that has been regarded as providing evidence attesting the association of the name *magister militum* with the phrase *in praesenti*.¹⁶⁷

This eastern law, Cod.Iust.12.59.10(472?), prescribes that all *probatoriae*, which authorise enlistment within a number of agencies and departments, must be original documents (not copies) that are issued by the

¹⁶¹ Cod.Iust.12.19.13(c.527)§1: *Sancimus itaque reduci ac renovari statutum ordinis terminum, non ut eximantur adiutoribus ii, qui praeter praedictam dispositionem in praesenti exuberant, [.]*.

¹⁶² Cod.Iust.12.19.14(c.527)§2: *Ad haec illud observandum sancimus, ne alius adiutor propter quamcumque ambitionem his, qui in praesenti sunt, vel post eorum deminutionem addatur, licet in veterem numerum redacti fuerint.*

¹⁶³ Cod.Iust.12.19.15(c.527)§3: *Sed in praesenti [...] comperimus [etc.].* §5: *Illo videlicet observando, ne alius adiutor per quamcumque ambitionem his qui in praesenti sunt vel post eorum deminutionem, licet in veterem numerum redacti fuerint, addatur: [.]*.

¹⁶⁴ Cod.Theod.6.24.1(362)E: *Imp. Iulianus A. Secundo praefecto praetorio. || Scias senum capitum domesticis per singulas quasque scholas, quinquagenis iussis in praesenti esse, iuxta morem debere praestari, ceteris, qui ultra numerum in praesenti esse voluerint, neque annonarias neque capitum esse mandandum, sed omnes cogendos ad plurimos suos ac terras redire.*

¹⁶⁵ Several laws refer to *deputati* as, for example, Cod.Theod.6.24.5(392/3) - *deputati* among the *domestici* and Cod.Iust.12.37.17(491-518) - *deputati* among *milites* in general.

¹⁶⁶ Cod.Iust.2.7.25(519) and Cod.Iust.12.17.4(527-34) - see above notes 128 and 130.

¹⁶⁷ Cod.Iust.12.59.10(c.472)E: *Idem A. Erythrio praefecto praetorio || Hac sanctione decernimus, ut in posterum nemini licentia sit edendi exemplaria his, qui sociandi sunt cuicumque militiae, quam sine divinis probatoriis adipisci non possunt, [.]* §1. *Quamvis autem manifestum sit de huiusmodi probatoriarum observatione excepta esse certorum iudicum officia, tamen ne ullius ignorantiae relinquatur occasio, omnium officiorum, quibus necesse est per sacras probatorias militiae sociari, notitiam in sacris apicibus subdendam esse censuimus. [.]* §3. *Et est notitia. Scrinii memoriae probatoriae agentium in rebus, [.]* §4. *Item scrinii sacrarum epistularum sic: in officii virorum illustrium praefectorum praetorio orientis et illyrici et urbis, [.]* §5. *Item scrinii sacrarum libellorum: officii virorum magistrorum militum utriusque prae[?], orientis et illyrici, [.]* officii virorum spectabilium ducum Palaestinae, Mesopotamiae, novi limitis Phoenices, Osrhoenae, Syriae et Augustae Euphratensis, Arabiae et Thebaidis, Libyae, Pentapoleos, utriusque Armeniae, utriusque Ponti, Scythiae, Mysiae primae, secundae, Daciae, Pannoniae, officii virorum spectabilium comitum Aegypti, Pamphylliae, Isauriae, Lycaoniae et Pisidiae.

imperial *scrinia* (bureaus). To identify the agencies and departments concerned, the law includes a *notitia* (list) of them in which their names are arranged according to which *scrinium* prepares the *probatoriae* for each one. This *notitia* indicates that the *scrinium sacrorum libellorum* (bureau of sacred petitions) produces the *probatoriae* for enlistments in the agencies directed by *magistri militum* and by *duces* and *comites*. And this list begins with the words: *Item scrinii sacrorum libellorum <probatoriae> officii virorum magistrorum militum utriusque prae[?] orientis et illyrici*. The symbol [?] does not occur in Cod.Iust., but is used here to indicate the point at which the transmitted text becomes uncertain owing to the existence of alternatives in the primary copies from which the text of Cod.Iust. is constructed.

Paul Krueger, in his first edition of Cod.Iust., printed: "officii virorum *illustrium* magistrorum militum utriusque *militiae in praesenti*, Orientis et Illyrici," (the italics were removed from later reprints) and, in the accompanying notes cited the manuscript alternatives as: {prefecti *KXlb*, praefectis *Ola praesentis dett=deteriores*} and identified Cui(acius) as the source of the interpolated additions "*illustrium*" and "*militiae in praesenti*" (although no part of *praesenti* was printed in italics by Krueger).¹⁶⁸

The phrase *magistrorum militum utriusque militiae in praesenti* is unattested; and the combination of *militum* and *utriusque militiae* within a single title is absurd. It is probable that Cujas derived *in praesenti* from the copy of the *Cnd* that he used in various sections of his commentary.

Gregor Haloander, in his edition of Cod.Iust., printed: *officij uirorum magistrorum militum utriusq(ue) praefecturae Orientis & Illyrici*,¹⁶⁹ which is consistent with the primary alternatives used by Krueger. And although the phrase *utriusque praefecturae orientis et illyricum* is not attested else in Cod.Iust., the phrase *utriusque praefecturae* is used in another law.¹⁷⁰

Various speculative readings can be proposed for the word that existed between *utriusque* and *orientis* in the phrase *magistrorum militum utriusque prae[?] orientis et illyrici* but this law, Cod.Iust.12.59.10, provides no evidence for the existence of a service position name *M-* that incorporates the phrase *in praesenti*.

To conclude, it has been observed that in the laws and inscriptions:

- a the adjective *praesentalis*:
 - i does not exist in Cod.Theod. or Nov., or in any western law, or in any western inscription;
 - ii exists 12 times in 5 eastern laws (dated c.443, 492, 519, 527-534, 527-534) in which the references are to *magister militum praesentalis* (2), *magister militum praesentalium* (2), *milites praesentales* (4), *domestici praesentales* (2), *numeri praesentales* (1), *agmina praesentalia* (1);
 - iii is used to qualify the name *magister* 2 times and the name *milites* and the names of military units (*numeri*, *agmina*, *domestici*) 10 times;
 - iv exists in 1 inscription (dated 521) that is repeated on 3 diptychs and refers to *magister equitum et peditum praes.* in which the meaning of the abbreviation is uncertain.
- b the phrase *in praesenti*:
 - i does not exist in conjunction with any name for the service position *M-*;
 - ii is not certainly used to denote presence near the emperor or present at or near the imperial court.

§[5] *The names magister equitum (ME) and magister peditum (MP)*

There are significant problems in relation to the names *ME* and *MP*. Simply stated, the laws and inscriptions do not contain the name *MP*, while the name *ME* exists in only 7 laws (but no inscriptions) in which the use of the name *ME* as both the official and complete name of a service position is uncertain.

¹⁶⁸ Krueger, 1877, p.1097 <see note 14>.

Iacobii Cuiacii, iurisconsulti, *Ad tres postremos lib(ros) cod(icis) d(omi)n(i) Iustiniani commentarii*. [.] (Lyon, 1562), p.309 wrote that, while many were wanting to read: *Officii virorum magistrorum militum vtriusque praefecturae Orientis & Illyrici*, he proposed *Officii virorum illustrium magistrorum militum utriusque militiae in praesenti, Orientis & Illyrici*.

¹⁶⁹ *Codicis DN Iustiniani [..] libri XII ex fide antiq. exemplarium [..] à Greg. Haloandro diligentissime purgati recognitique*. (Nürnberg, Petreius, 1530), p.587.

¹⁷⁰ Nov.Val.2.2(442)§2: [..] *sive utriusque praetorianae sive urbanae praefecturae*.

In the laws and inscriptions, the three names **MEP MVM MM** are collectively mentioned 194 times (**MEP** 33, **MVM** 49, **MM** 112). In addition, there are 27 references to **MaP** (in laws but not inscriptions) And there are 3 descriptive references to the position **M-** (only in laws) that do not incorporate the words *magister*, *magisterium* or *magisteria potestas*. The name **ME**, however, occurs in only 7 laws (but in no inscription during 344-534), while **MP** exists in an administrative text written on papyrus in 344, but in no law and in no inscription.

These observations may be tabulated as follows, which includes a summary of the dates when, or the period during which, the names were mostly used.

Table 2

Name	Laws	Dates	Inscriptions	Dates	Papyri.	Date
MP					East = 1 West = 0	344
ME	East = 2 West = 5	347, 386 365 - c372, 423				
MEP	East = 15 West = 8	c349 - c500 364 - 409	East = 5 West = 5	371, c470, 521 c363 - c399, 4 ^c , 6 ^c ?		
MVM	East = 18 West = 8	383 - 438 c385 - 460	East = 1 West = 22	c480 370 - c480		
MM	East = 82 West = 19	c350 - 534 365 - 440	East = 9 West = 2	506, 525, c535 434, c439		
MaP	East = 25 West = 2	412 - 534 398, 426				
Other	East = 1 West = 2	398 382, 396				
Total	East = 143 West = 44		East = 15 West = 29		East = 1 West = 0	

These observations raise two issues in relation to the names **ME** and **MP**: namely,

- whether there was a service position officially named either **ME** or **MP**; and
- whether there was any service position to which there was allocated jurisdiction, or a command, over only cavalry or only infantry soldiers or units in a manner in which the appointee to that position could be referred to officially as being either a **ME** or **MP**.

§[5a] *Magister peditum*

The only available official text, or copy of one that is both independent of the *Cnd* and that mentions the name **MP** is an administrative order, written on papyrus and dated 344.¹⁷¹ The text on the papyrus was created at the time to which it refers and is an official letter, from Valacius, the *dux* of *Aegyptus*, to Abinnaeus, commander of the *ala* at Dionysias,¹⁷² and is dated, in its last line, by naming the two contemporary consuls as follows: *Fl(auius) Leontio praef(ecto) praet(orio) et Fl(auius) Sallustio mag(istro) ped(itum) uu cc coss* (=viris clarissimis consulibus), which dates the letter to 344 and identifies the consul Flavius Sallustius as *magister peditum*, and the other consul, Leontius, as *praefectus praetorio*.¹⁷³

Leontius was consul for the entire year 344 in the eastern part of the Roman state, administered by the emperor Constantius 2. In the western part, administered by the emperor Constans, two western laws,

¹⁷¹ Genève, Bibliothèque Publique et Universitaire, Papyrus Lat.III (previously Genève Papyrus 45): facsimile, transcript and bibliography in Bruckner, A., Marichal, R., Dorandi T. (eds.), *Chartae Latinae antiquiores*. (49 vols., Lausanne, UrsGraf, 1954-1998), vol.1 (1954) No.8 pp.20-21

¹⁷² Bell, H.I., Martin, V., Turner, E.G., Van Berchem, D., *The Abinnaeus archive. Papers of a Roman officer in the reign of Constantius II*. (Oxford, Clarendon Press, 1962), pp.37-38.

¹⁷³ Attested in this position in laws addressed to him between 11.Oct.340 (Cod.Theod.7.9.2) and 6.Jul.344 (Cod.Theod.13.4.3).

dated 28 May and 29 June,¹⁷⁴ and two western inscriptions, dated 28 June and 17 September,¹⁷⁵ identified the consular colleague of Leontius as Sallustius, as mentioned in the Egyptian papyrus and in an eastern law dated 6 July 344¹⁷⁶. But in four earlier western inscriptions, dated between 21 January and 8 April in that same year,¹⁷⁷ the consular colleague of Leontius was named Bonosus.

Three years later, an eastern law, dated May 347, was addressed to a Bonosus who is apparently named *magister equitum*.¹⁷⁸ If the *magister* Bonosus to whom this law of 347 was addressed is the same Bonosus as the consular colleague of Leontius in 344, and if the *magister* Bonosus had already been named *magister equitum* before 21 January 344, and if he continued as such until May 347, then the Bonosus of 344 could be identified with the Bonosus of 347. Such a speculative identification would mean that the consular colleague of Leontius in 344 would be equated not only with a Sallustius named *magister peditum*, but also with a Bonosus named *magister equitum*.

Such a coincidence (Leontius having as his colleague someone named *magister equitum* and also someone named *magister peditum*), and the absence of the name of Bonosus from all available consular *fasti* (lists of consuls in calendars and almanacs), have together led to the speculation that the names Bonosus and Sallustius may refer to the same person: for example, to a Flavius Sallustius Bonosus (or a similar name) who was referred to as *magister peditum* in 344 and *magister equitum* in 347, and that each of these names was an incomplete reference,¹⁷⁹ either to the name *magister equitum et peditum* or *magister peditum et equitum*.¹⁸⁰

In the available and identified evidence, however, there is no overlap between the dateable references to the consuls Leontius and Bonosus (21 Jan.- 8 Apr) and those to the consuls Leontius and Sallustius (28 May - 17 Sept.), suggesting the probability that the references to Bonosus and Sallustius are to two

¹⁷⁴ Cod.Theod.12.1.37(344): *Idem aa. ad Placidum praefectum praetorio <Italiae, Illyricum, Africae>. [...etc..] Dat. V kal. iunias Leontio et Sallustio cons. <28 May>;* Cod.Theod.8.10.2(344): *Imp. Constantius a. Ebulidae viro clarissimo vicario Africae [...etc..] Dat. III kal. iul. Leontio et Sallustio cons. (29 June).*

¹⁷⁵ EDCS-21100672 (Etruria, Capena): *III Kal(endas) Iulias Leontio et Sal(l)ustio (28 Jun.);* EDCS-33800180 (Roma): *XV Kal(endas) Oct(obres) Leontio et Sallusi<=>io (17 Sept.);* and probably EDCS-37400847 (Roma): *pac[e Leonti]o et Salu[stio vv cc cons];* and possibly EDCS-22700981 (Etruria, Capena): *III Idus Iulias [Leontio et Sallu]s[t]io cons(ulibus) (13 Jul.).*

¹⁷⁶ Cod.Theod.13.4.3(344): *Imp. Constantius et Constans aa. ad Leontium praefectum praetorio <orientis>. [...]. Dat. prid. non. iul. Leontio et Sallustio cons. (6 Jul.)*

¹⁷⁷ EDCS-22700982 (Etruria, Capena): *Leontio et Bonoso ccss (=consulibus) XII Kal(endas) Febr(u)arias (21 Jan.);* EDCS-22700983 (Etruria, Capena): *Leontio et Bonoso ccss (=consulibus) VIII Kal(endas) Febr(u)arias (25 Jan.);* EDCS-22700984 (Etruria, Capena): *Leontio et Bono[so cons.] Florentinus in pace ... Martias ; (-Mar.)* EDCS-04900041 (Samnium, Larino): *FFII(avis) Leontio et Bonoso con(sulibus) d(atum) Kal(endis) Aprili(bu)s (1 Apr.);* EDCS-11400562 (Bruttium & Lucania, Paestum): *Flaviis Leontio et Bonoso cons(ulibus) VI Idus Apriles (8 Apr.);* EDCS-10900473 (Etruria, Rignano Flaminio): *[3Leonti]o et Bonoso con[ss];* EDCS-40400903 (Roma): *Leontio et Bonoso cons(ulibus).*

¹⁷⁸ Cod.Theod.5.6.1(347): *Imp. Constantius A. ad Bonosum magistrum equitum [copies HNOE have militum];* see note 190.

¹⁷⁹ As, for example, in the case of Iovi<n?>us to whom the law Cod.Theod.8.1.10 is addressed, on 25 May 365, as *magister equitum*, but a few days later, on 31 May, another law, Cod.Theod.7.1.7(365): is addressed to him as *magister equitum et peditum*.

¹⁸⁰ The sequence *peditum et equitum* is used in both compilations: Cod.Theod. 8.1.5(357)E: *Hoc vitium corrigentes nos etiam iussimus utiliter a patre praecepta servari et litteris ad magistrum peditum et equitum datis iussioni effectum praecipimus commodari.* and Cod.Iust.1.29.1(386/7)W: *Viri illustres comites et magistri peditum et equitum in provinciales nullam penitus habeant potestatem, nec amplissima praefectura in militares viros.*

different persons. The evidence is presently insufficient to resolve the issue.¹⁸¹ And the three laws and two inscriptions naming Sallustius as a *consul* do not refer to any service position, nor do the four inscriptions referring to Bonosus. Consequently, the administrative document on papyrus does not provide certain (indisputable) evidence for the existence of a service position whose complete name was *magister peditum* (**MP** -).

The following observations can be made:

- a In the laws, inscriptions and one papyrus document there are 232 references to a service position named **M**- during the period 344-534. All these texts either are themselves, or are derived from, official texts produced in both the eastern and western part of the Roman state, over nearly two centuries.
- b The reference to the name **MP** in the official text on papyrus dated 344 is not certainly attested as the complete name of a service position.¹⁸²
- c In the remaining 231 references (187 in laws and 44 in inscriptions), the only names for the position **M**- that exist in *both* the laws and the inscriptions are the 194 referring to **MEP** (L=23, I=10), to **MVM** (L=26, I=23) and to **MM** (L=101, I=11).
- d The laws and inscriptions:
 - i do not contain the name **MP** or any descriptive reference to such a name;¹⁸³
 - ii do not contain any evidence that any service officer, whether in an ordinary or an extraordinary service position named **M**- was allocated a command over only infantry units in a manner in which the command could be referred to as being that of a *magister peditum* (**MP**).¹⁸⁴

On the basis of these observations it is concluded that, with the exception of the reference to Sallustius as **MP** in 344, there is no available evidence that the name **MP** was officially used to refer to a service position during the period 344-534.

This conclusion is not an argument "from silence".¹⁸⁵ Given the number of available official texts, or copies of them independent of the *Cnd*, that are represented in laws and inscriptions produced during almost two centuries, in both parts of the Roman state, the absence of a name **MP** cannot be explained as resulting from a lack of evidence, or any restriction of that evidence either in time or in place.

¹⁸¹ Speculation on a possible explanation is proposed by Salway, B., *Roman consuls, imperial politics and Egyptian papyri: the consulates of 325 and 344 CE*: Journal of Late Antiquity 1 2008 pp.278-310.

¹⁸² See note 178 (Cod.Theod.5.6.1) and note 190 (Cod.Iust.6.62.2).

¹⁸³ Among the 231 names, there are only 3 (all in laws) that do not include either the word *magister* or *magisterium*: namely, Cod.Theod.6.6.1(382) which, under a *titulus* including *de* [...] *magistris militum* refers to the *culmen militare*; and both Cod.Theod.7.4.23(396) and Cod.Theod.7.1.17(398) referring to *virii illustres comites*. See Attachment 1.

¹⁸⁴ And those texts contain no evidence that there was any service position whose name included any form of the name *pedites* in the command structure previously exemplified, which includes *comes* or *dux militum* but never *comes* or *dux peditum* - see §[3a].

¹⁸⁵ McGrew, T., *The argument from silence*: Acta analytica: International periodical for philosophy in the analytical tradition 29 2014 pp.215-228: (Abstract: p.215): *The argument from silence is a pattern of reasoning in which the failure of a known source to mention a particular fact or event is used as the ground of an inference, usually to the conclusion that the supposed fact is untrue or the supposed event did not actually happen. Such arguments are widely used in historical work, but they are also widely contested.* [...] (p.218: Examples): *The following examples illustrate the argument from silence at work in the study of history.* [...] (3) *In his Germania, Tacitus sets himself the task of enumerating the peoples of Germany. Therefore, the absence of a certain Germanic people from the Germania proves (or at least makes it very probable) that it did not exist at the end of the first century AD.* (4) *The Notitia Dignitatum mentions all the provinces of the Empire; therefore, the absence from these lists of a people or a province proves (or at least makes it very probable) that it did not then exist.* [...] *In evaluating (3), a non-specialist might well hesitate, asking how complete our text of the Germania is and wondering about the sources at Tacitus' disposal; something similar goes for (4).*

Nor can it be attributed to any standardisation of position names, either in the compilation of the two *Codices* or during the transmission of their contents into the copies from which Cod.Theod., or Cod.Iust. were constructed because the latter retain the earlier names *MEP* and *MVM* (which are also attested in contemporary inscriptions). In fact, while none of those official texts contained any reference to the name *MP*, Cod.Theod. contains the name *ME* in 7 laws (one of which is represented in Cod.Iust.).

Even more significant than the absence of the name *MP* from all laws and inscriptions in general, is the fact that 14 of those laws, dated between 372 and 465-84, regulated aspects of the ranks of all nine service positions to which the *illustris* grade of dignity was attached, and also of the precedence, privileges and benefits that those dignities conferred.¹⁸⁶ It is not possible for *MP* to have been the official name of a service position and also to be absent from every one of those laws.

§[5b] *Magister equitum*

The name *ME* occurs in official texts that are independent of the *Cnd* in three different contexts.

First, the name *magister equitum* (*ME*) was used from the earliest years of the Roman Republic. During the earlier centuries of the Republic, the most senior magistracy was that of *consul* to which two citizens were elected annually, with equal executive authority (*imperium*) and power (*potestas*), and one of their duties was to lead the army in campaigns. When these two equal magistrates were unable to resolve a critical issue, the *senatus* decreed that one of them was to select a person to be appointed to the extraordinary position of *dictator*. This magistrate was appointed for a maximum period of six months; exercised supreme authority and power; and, on his appointment, co-opted a person to the extraordinary position *ME* as his deputy. Despite that name, this deputy was not just the commander of cavalry and the position was not defined as such. There was no *ME* when there was no *dictator*; and there was no *ME* in the armies of the *consules*. A later jurist likened the relationship between *dictator* and *ME* to that between the emperor and a *praefectus praetorio* (referring to the time when, before the creation of the position *M-*, such a *praefectus* was the director of the entire military service under the supreme command of the emperor).¹⁸⁷

Second, an inscription dated c.300, suggests that the name *ME* could be have been used to refer to a cavalry commander within a *legio*. The epitaph commemorates Iulius, a supernumerary *centurio* in the *legio XI Claudia* who, acquiring equestrian skills, advanced to a position named *ME*.¹⁸⁸ No later inscription with the name *ME* is apparently available. Three papyri produced in 348 contain a Greek title that could be represented by the Latin name *ME*.¹⁸⁹

Third, the name *ME* exists in 7 laws. In 6 of these, the law is addressed to a named officer and the name *ME* is contained in the address of the law. These laws, arranged in chronological order, from earliest to latest, are the following:

¹⁸⁶ See note 42.

¹⁸⁷ Iustinianus: *Digesta (seu Pandectae)* (533): 1.11.1: (Charisius, magister libellorum, *Libro singulari de officio praefecti praetorio*): [...] *apud veteres dictatoribus ad tempus summa potestas crederetur et magistris equitum sibi eligerent, qui ad sociati participales curae ad militiae gratia secundam post eos potestatem gererent: regimentis rei publicae ad imperatores perpetuos translatis ad similitudinem magistrorum equitum praefecti praetorio a principibus electi sunt.* [...] (Mommsen, T. (ed., revised Kruger, P.), *Iustiniani Digesta*, Berlin, Weidmann, 1908).

¹⁸⁸ Inscription: EDCS-01601102, from Aquileia (dated c.291-320): *Iulius centurio supernumerarius leg(ionis) XI Claudiae stip(endiorum) XXIII annor(um) circiter XXXX / tiro probitus ann(or)um XVI postea profecit disce(n)s equitum ordine factus mag(ister) equitum positus hic*

¹⁸⁹ The consuls in 348 were Flavius Philippus, eastern *praefectus praetorio*, and Flavius Salia. These names were recorded in the dating of three papyrus documents produced in Egypt: B(erliner) G(riechische) U(rkunden) 3.917 (1.Jan.-25.Apr.348); BGU 2.405 (6.Mar.348), BGU 2.456 (1.Apr.348) (copies at: <http://papyri.info>) in which Salia is named *magistros ton hippeon* which is considered to be a Greek representation of the Latin name *magister equitum*.

- 1 Cod.Theod.5.6.1(347)E = Cod.Iust.6.62.2
The law is addressed, in both copies, to Bonosus as **ME**, but there are alternatives in the copies from which both Cod.Theod. and Cod.Iust. are constructed.¹⁹⁰ The law concerns the property of intestate soldiers in *vexillationes* (one of the names for *comitatenses* cavalry) and it commands Bonosus to make its regulation known *universis tam legionibus quam vexillationibus comitatensibus seu cuneis* in which the name *legiones* refers to infantry (see Attachment 6).
- 2 Cod.Theod.8.1.10(365 Mai.25)W
The law is addressed *Iovio magistro equitum*, but another law (Cod.Theod.7.1.7, 365 Mai.31), sent to the same officer in the same year and month, is addressed *Iovio magistro equitum et peditum*. Law 8.1.10 concerns the allowance due to *actuarii in numeri palatini, comitatenses* and *pseudocomitatenses*, while 7.1.7 refers to *plures de diversis numeris*. The word *numerus* (military unit) is sometimes used to denote *comitatenses* in general, or specifically to *comitatenses* infantry as in Cod.Theod.7.4.23(396), which mentions *numeri sive vexillationes aut scholae* (see Attachment 6).
- 3 Cod.Theod.7.1.9(367 Ian.29)W
The law is addressed *ad Iovinum magistrum equitum* and instructs him to command both the *comites* and *duces*, and those guarding the Rhine (*tam duces quam etiam comites et quibus rheni est mandata custodia*), not to provide pack horses to royal envoys or delegates. But another law, dated two weeks later (Cod.Theod.7.1.10, 367 Febr.14) and addressed *ad Iovinum magistrum militum* commands that young men, fit for enlistment but present as the *lixae* (camp-followers) of *milites*, are to be surrendered to the *tribuni* or *praepositi*. Another law, (Cod.Theod.7.20.11, Ian.29, but the year is uncertain) is also addressed *ad Iovinum magistrum militum* and confirms the right of veterans to freely occupy and cultivate any abandoned properties. In the copy of an inscription, Iovinus is identified as *magister equitum peditumque* (Attachment 3 #135).
=> It is generally assumed that the laws in 2 and in 3 refer to the same person.
- 4 Cod.Theod.3.14.1(Mai.28 the year is uncertain)W
The law is addressed *ad Theodorum* (Theodorum) *magistrum equitum* and prohibits intermarriages between barbarians and provincials. And another law, also on the subject of barbarians (Cod.Iust.4.41.1, date unknown) is addressed *ad Theodotum* (Theodoto) *magistrum militum* forbids the export of wine and listed foods to barbarians.
=> It is generally assumed that both these laws were addressed to Theodosius.
- 5 Cod.Theod.4.17.5(386)E
The law is addressed *Timasio comiti et magistro equitum* and states that any agreement that is announced to those persons who are present, when it is announced, cannot be changed. Timasius is named in an inscription and a papyrus that do not name his service position.¹⁹¹
- 6 Cod.Theod.2.23.1(423)W
The law is addressed *Crispino comiti et magistro equitum* and states that any *miles* in the *armata militia* who constructs any building on, or encloses, previously unoccupied and vacant public land now has protected legal title to the land.
- 7 Cod.Theod.6.22.4(372)W
The law is addressed *Ampelio praefecto urbi* and states that a person who is awarded the honorary dignity *magisterium equitum* has a position of precedence after that of *proconsul* (see below).

The evidence that **laws 1-6** provide in relation to the name **ME** is difficult to evaluate because:

- a the name **ME** occurs only in the address to the law, not its other contents and, as previously noted, a name in an address is potentially less likely to be accurate than a name in the contents of a law;
- b none of these 6 laws in Cod.Theod. appears to be an excerpt of a larger law of which another excerpt exists in the same compilation so that addresses cannot be compared; and
- c only one of these laws derived from the *Codex Theodosianus* is represented by a copy in both *Cod.Theod.* and *Cod.Iust.*, again limiting the availability of possible comparative evidence.

¹⁹⁰ Cod.Theod.5.6.1(347): *Imp. Constantius A. ad Bonosum magistrum equitum* [*militum* in copies HNOE]. *Universis tam legionibus quam vexillationibus comitatensibus seu cuneis insinuare debebis, uti cognoscant, quum aliquis fuerit rebus humanis exemptus atque intestatus sine legitimo herede decesserit, ad vexillationem, in qua militaverit, res eiusdem necessario pervenire.*Dat. v. id. mai. Hierapoli, Rufino et Eusebio coss. <11 May>.

The same law is repeated in Cod.Iust.6.62.2, similarly addressed *Bonosus mag. equitum* [*militi et equitum* in the *Summa Perusina*]. The *Summa Perusina* is a manuscript (Perugia, Biblioteca capitolare di San Lorenzo, ms.32) that contains annotations to, and summaries of, laws in an independent or primary copy of Books 1-8 of the *Codex Iustinianus*.

¹⁹¹ PLRE = Jones, A.H.M., Martindale, J.R. & Morris, J.(eds.) *Prosopography of the later Roman empire, vol.1 A.D.260-393* (Cambridge, U.P., 1971) 1 pp. 914-915: Flavius Timasius.

And there are problems with individual laws.

- a In Law 1, the name **ME** exists among manuscript alternatives that contain elements of attested official names in both Cod.Theod. and Cod.Iust. And while this law is addressed to Bonosus as **ME**, and refers to the property of soldiers in cavalry units, he is instructed to make the law known to all the infantry (*legiones*) and cavalry units (*vexillationes seu cunei*) under his direction. If, therefore, the name **ME** were an accurate copy of the complete name that existed in the *Codex Theodosianus*, then **ME** must have denoted something other than the command of only cavalry units.¹⁹²
- b In each of the laws 2-4, the officer who is addressed as **ME** in one law is addressed in another law with a different title, that is elsewhere attested as official:
 - #2 Iovius **ME** => Iovius **MEP**;
 - #3 Iovinus **ME** => Iovinus **MM**;
 - #4 Theodorus **ME** => Theodotus **MM**.
- c Each of the laws 5-6 is addressed to an officer as **ME** but the service position of each officer is not represented in any other available law or inscription and cannot, therefore, be confirmed.

Law 7 (Cod.Theod.6.22.4) differs from laws 1-6 in three respects:

- a the name **ME** occurs in the contents of the law and not in its address;
- b the name **ME** refers to an honorary dignity; and
- c this law is part of a larger law referring to ranks, dignities and precedence.

In §[3b] it was noted that a law attributed to Valentinianus 1 (364-375) prescribed a rank order of service positions, the dignities attached to them, and the order of precedence among dignitaries. While that law is not available some features of it may be reflected in his law of 372 of which five excerpts are available, one of which is **Law 7** Cod.Theod.6.22.4, mentioned above.

Each of the five excerpts of the law of 372 in Cod.Theod. is arranged under a different *titulus* in book 6 (whose subject was ranks, dignities and precedence). These *tituli* are mostly arranged, as expected, according to the ranks (from highest to lowest) of the positions to which each *titulus* refers. The five excerpts, and the *titulus* under which each was placed, are as follows:

- 1 Cod.Theod.6.7.1 *de praefectis praetorio sive urbis et magistris militum* states that these three positions have an 'equal' (*indiscreta*) dignity.
- 2 Cod.Theod.6.9.1 *de quaestoribus, magistris officiorum, comite sacrarum largitionum et rerum privatarum* states that these four positions have precedence over the position *proconsul*.
- 3 Cod.Theod.6.11.1 *de magistris scrinorum* states that these positions have precedence over the position *vicarius*.
- 4 Cod.Theod.6.14.1 *de comitibus rei militaris* states that officers who have been awarded the dignity *comes ordinis I* after leading overseas campaigns shall give the place (*locum praestent*)¹⁹³ to those in the position *proconsul*.¹⁹⁴

¹⁹² An analogy exists in the law Cod.Iust.12.17.4(527-34), which is addressed to the *comes domesticorum* <*equitum et peditum*> but prescribes benefits for the heirs of a *secundocarius* in the cavalry corps of the household guard at court (*schola domesticorum equitum praesentalium*) who dies before reaching the rank of *primicerius*. (A subsequent supplementary instruction, Cod.Iust.12.17.5, extended the same privilege to the equivalent rank in the infantry corps).

¹⁹³ *locum praestent* "shall give the place" means "make available the place"- this is, yield precedence to, or have a position of precedence after. The use of the term *locus* to refer to rank, dignity or precedence occurs in several laws.

For example: Cod.Theod.6.5.2(384): *Valentinianus [...] singulis quibusque dignitatibus certum locum meritumque praescripsit*; Cod.Theod.12.1.117(387): <praefectus praetorio> *quibus propter loci dignitatem rerum summa commissa est*; Cod.Iust.12.8.2(440-1)§pr: *primo loco habeantur ii, qui in actu positi illustres peregerint administrationes*; Cod.Theod.6.27.10(396): *Inter eos, qui consularitatis gesserint dignitatem, et eos, qui meruerint principatum, is gradu potior habeatur, qui prior locum dignitatis acceperit*; Cod.Theod.6.8.1(422): *suae locum vindicet dignitatis*; Cod.Theod.6.22.8(425): *modis omnibus sciret se in officii publicis ei postferendum, qui eundem locum positus in potestate gessisset*; Cod.Theod.12.1.187(436): *si qui inter illustres etiam viros locum occupaverint non laborioso administrationis actu, sed honorario titulo dignitatis*.

- 5 Cod.Theod.6.22.4 *de honorariis codicillis* states that a person who has been awarded an honorary *magisterium equitum* shall give the place (*locum praestent*) to those in the position *proconsul*.¹⁹⁵

The five excerpts are represented in Cod.Theod. as independent laws.

- a The first three laws (Cod.Theod.6.7.1, 6.9.1, 6.11.1) name different service positions, arranged in their rank order, from *praefectus praetorio* down to the *magistri scriniorum* (masters of imperial bureaus).
- b The fourth law (Cod.Theod.6.14.1) refers to an officer in an un-named position who has been awarded the dignity *comes ordinis primi* (imperial companion, first division), which identified a person who was either actually, or nominally, a member of the *comitatus* (court) of the emperor.
- c The fifth law (Cod.Theod.6.22.4), refers to the *honorarii codicilli* (document of the honorary appointment or award) of the *magisterium equitum* (mastership of cavalry). This formulation refers to the honorary award of the dignity that was attached to a service position named **ME** but without an appointment to serve in that position. The law refers to a potential award, not to one that was actually made. And there is no corroborating evidence that such an award was ever made.

A person who was awarded such an honorary dignity would have been named *ex-magistro equitum* (**ex-ME**), which is the same name that would also have been used for an officer who had retired from serving in a position named **ME** (where these two different dignities needed to be distinguished, the latter could have used the supplementary designation *inter agentes*).¹⁹⁶ As noted previously, a law refers to Eusebius as **ex-MEP** in c.347. An inscription from 449 mentions an **ex-MVM** and another one from 525 an **ex-MM**.¹⁹⁷ But no available law and no inscription mentions an **ex-ME**, whether retired or honorary.

Almost every serving officer, in a position whose dignity had a grade below that of *illustris*, either sought, or was in a group which was legislatively awarded, the honorary grant of the dignity that was attached to a higher-ranked service position than the one in which the officer actually served. This was because the additional dignity enhanced his position of precedence in retirement and, therefore, bestowed more benefits and exemptions. In the civil service, the main positions, in their rank order, comprised *praefectus praetorio*, *proconsul* (provincial governor, *level 1*), *vicarius* (vice-prefect of a diocese), *consularis* (provincial governor, *level 2*) and *praeses* (provincial governor, *level 3*). Already by 383, a *vicarius*, or *consularis*, or *praeses* could be awarded the honorary dignity *ex-praefecto praetorio* (the order of precedence among such dignitaries in the civil service was minutely regulated).¹⁹⁸

If the name **ME** in Cod.Theod.6.22.4 were an incomplete form of the name **MEP** mentioned in Cod.Theod.6.7.1, then an honorary award of the dignity attached to the position **MEP** (*illustris* grade, division 1) would be similar to an honorary award of the dignity attached to the position *praefectus*

¹⁹⁴ Cod.Theod.6.14.1(372): *Imppp. Valentinianus, Valens et Gratianus aaa. Ampelio praefecto Urbi. || Post alia: qui contemplatione meritorum ducto intra provincias transmarinas strenuissime milite primi ordinis comitivam fuerint consecuti, ea reverentia altissimarum dignitatum viris subiungantur, ut his locum praestent, qui proconsulatus insignibus adornantur. Et cetera.*

¹⁹⁵ Cod.Theod.6.22.4(372): *Imppp. Valentinianus, Valens et Gratianus aaa. Ampelio praefecto Urbi. || Post alia: qui contemplatione meritorum honorarios magisterii equitum adepti sunt codicillos, ea reverentia altissimarum dignitatum viris subiungantur, ut his locum praestent, qui proconsulatus insignibus adornantur. Et cetera.*

¹⁹⁶ For example, in Cod.Iust.12.16.1 (which is an adaptation of a law of 415 derived from the *Codex Theodosianus* and represented in Cod.Theod.6.23.1): *Decuriones nostri palatii post [...] deposita sacramenta militiae electionem habeant, sive ex magistro officiorum velut agentes dignitatem consequi a nostra maiestate maluerint, sive inter viros illustres comites domesticorum, videlicet inter agentes, taxari, ut tam in adoranda nostra serenitate quam in salutandis administratoribus et reliquis praedicti honoris privilegiis nec non in nostro consistorio his honor omnifariam observetur.*

¹⁹⁷ **ex-MEP** (see Attachment 2 #010), **ex-MVM** (Attachment 3 #159), and **ex-MM** (Attachment 3 #169).

¹⁹⁸ Cod.Theod.6.22.7(383) - see *Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws*, Table.4 Honorary dignities of retired officers. at: <https://www.notitiadignitatum.org>

praetorio (*illustris* grade, division 1) that could be made to a *proconsul*, *vicarius*, *consularis* or *praeses*. But Cod.Theod.6.22.4 does not associate its reference to an honorary *ME* with the service position *MEP* mentioned in Cod.Theod.6.7.1; nor does it indicate the categories of officers to whom it could be awarded.

In the military service, the comparable position to *vicarius* was that of *dux*. But no law or inscription indicates that a *dux* or similar officer was awarded an honorary dignity *M*-. Instead, the position of precedence of a *dux* was enhanced by the award of the dignity *comes ordini primi*, which is the dignity mentioned in law Cod.Theod.6.14.1. This dignity could be added to another dignity and, if so, the combined dignities were usually named in the title of the officer: for example, *comes et magister militum*.¹⁹⁹ The addition of the dignity *comes ordinis primi* to an existing dignity below the *illustris* grade, advanced the place of the recipient in the order of precedence.

A law of 413, of which 6 excerpts exist in *Cod.Theod.*,²⁰⁰ regulated the order of precedence of these *comites ordinis primi* among whom there were military officers who had conducted provincial campaigns, and others who had acted as substitutes for *MM*. These officers were associated with the dignity attached to the position of *duces* who administered provinces,²⁰¹ which is almost exactly the group identified in Cod.Theod.6.14.1 that refers to military commanders who, having conducted overseas campaigns, and having then been awarded the *comitiva ordinis primi*, were to give precedence to a *proconsul* as defined in the formula *his locum praestent qui proconsulatus insignibus adornantur*. The identical formula is repeated in Cod.Theod.6.22.4 in relation to any person who is awarded the honorary *ME*, but there is no further information about the alleged dignity.

In other words, the laws provide no information about how the honorary dignity attached to a position *ME* would differ from an honorary dignity attached to the service position *MEP* that is mentioned in a preceding excerpt from the same law of 372.

The position of precedence of the *comitiva ordinis primi* (in 6.14.1) is defined with exactly the same formula as that of the honorary *ME* (in Cod.Theod.6.22.4) which places them both between those of *proconsul* and *vicarius*. And, finally, an award of an honorary *ME* (which would be reflected in a title *ex-ME*) is not represented in any law or inscription. Considered together, these observations indicate that Cod.Theod.6.22.4 actually provides no certain evidence for the existence of a service position named *ME*.

The surveyed evidence concerning the name *ME* indicates the following:

- a The name *ME* is not represented in any inscription produced during the period 344-534.²⁰²
- b The name *ME* is mentioned once in each of 7 laws in *Cod.Theod.*: comprising 2 eastern laws (dated 347 and 386) and 5 western laws (dated 365-c.372 and 423).
- c In 5 of those 7 laws, the name *ME* is not certainly attested as the complete official name of a service position:

¹⁹⁹ Cod.Theod.7.1.8(364/5). Similarly Cod.Theod.1.1.6(435): *comes et quaestor*; Cod.Theod.8.5.8(356/7): *comes et magister officiorum*; Cod.Theod.11.30.56(396) Nebridius *proconsul asiae* = Cod.Iust.11.50.2(396) Nebridius *comes asiae*; Cod.Theod.11.36.33(406) Nestorius *comes et dux <tripolitanae>*.

²⁰⁰ In the law of 413: Cod.Theod.6.13.1, retiring *praepositi scholarum*, *tribuni scholarum*, *tribuni sacri stabuli*, and *cura palatii* with the *comitiva ordini primi* are associated with the *comes aegypti* and *comes ponticae*; those without the *com.ord.pr.* are associated with *duces provinciarum*; + Cod.Theod.6.14.3: those with the *com.ord.pr.* who had conducted provincial military campaigns, and those (without *com.ord.pr.*?) who acted as substitutes for *MM* are associated with *duces provinciarum*; + Cod.Theod.6.15.1: retiring *assessores* (advisers, particularly lawyers of *illustris* grade officers) with the *com.ord.pr.* are associated with *vicarii*; + Cod.Theod.6.16.1: palace *archiatri* (physicians) with the *com.ord.pr.* are associated with *vicarii* and *duces*; + Cod.Theod.6.17.1: provincial governors with the *comes.ord.pr.* are associated with *vicarii*; + Cod.Theod.6.20.1: certain minor functionaries with the *com.ord.pr.* are associated with *consulares*.

²⁰¹ Cod.Theod.6.14.3(413), from the same law: *eos, qui sub comitivae primi ordinis dignitate peculiariter ad quamlibet provinciam vel provincias defendendas milite credito auctoritate nostri numinis destinantur, et eos, qui vicem illustrium virorum magistrorum militum susceperint peragendam, ducibus, qui praeter Aegyptum et Ponticam in aliis provinciis administraverint, adaequamus*.

²⁰² For the apparent use of a comparative Greek term, see note 189.

- i The earliest law that mentions the name *ME* (Cod.Theod.5.6.1) is the only one of the 7 laws for which an independent copy from the same law in the *Codex Theodosianus* is available in Cod.Iust. And in both of these two copies the name *ME* exists among manuscript alternative forms that contain elements of attested official position names;
 - iii The name *ME* in each of the 3 laws Cod.Theod.8.1.10; 7.1.9; 3.14.1 differs from an attested official name in another law addressed to the same officer;
 - iv The name *ME* in Cod.Theod.6.22.4 refers to an honorary dignity *ME* but the laws and inscriptions provide no evidence that one was ever made (there is no reference to an *ex-magistro equitum*);
 - v The name *ME* in the remaining 2 laws (Cod.Theod.4.17.5; 2.23.1) is associated with named officers about whose positions there is no available comparative evidence in any official text or in a copy of one.
- d There is no evidence in any law or inscription that a position named *ME* existed in the command and delegation structure (*M*- => *dux* || => *tribunus, praepositus* => *miles*).
- e There is no evidence in any law or inscription that any service officer, whether in an ordinary or an extraordinary service position named *M*- was allocated a command over only infantry units in a manner in which the command could be referred to as being that of a *magister equitum (ME)*. Those laws that not only contain the name *ME*, but also refer to military units, do not name only cavalry units so that, if the name *ME* in *Cod.Theod.* were an accurate copy of the complete name that existed in the *Codex Theodosianus*, then *ME* must have denoted something other than the command of only cavalry units.

On the basis of these observations, it is concluded that the available evidence is insufficient to determine whether the name *ME* was an abbreviated reference to the name *MEP*. If not, there is insufficient evidence to explain:

- a why the name *ME* was used to refer to a position with command of both cavalry and infantry;
- b why the name *ME* exists in the aforementioned 7 laws (although disputed in the law of 347) but not in any inscriptions during the period 344-534;
- c why, when the name *ME* exists in 7 laws, the name *MP* exists in none.

§ *Ammianus Marcellinus*

The names *magister equitum* and *magister peditum* exist, among other names, in the transmitted text derived from the composition, produced by c.390, that is attributed to Ammianus Marcellinus and is represented in several editions which are collectively referred to here as AM.²⁰³ As a text derived from an unofficial and literary composition, AM is not considered in this appendix. But, given the general use that is made of it in connection with the subject of this appendix, a list of the names for the service position *M*- in AM has been compiled and presented in Attachment 12, in which those names are compared, where possible, with those in laws and inscriptions. Apart from a few comments in that Attachment, I must leave it to those with greater knowledge of the origin and transmission of the text that is represented in AM to speculate on the reasons for the divergence between its names and those in the laws and inscriptions.

§[6] *The lists and pictures in the Cnd and their numbering*

The *Cnd* consisted of lists interspersed with 89 pictures. These lists and pictures are described as follows.

[6a] *Precedence lists*

The *Cnd* contained two lists, each of which began with the words *Notitia dignitatum* and contained the names of the service positions of directors of agencies in the imperial service, down to and including the position of provincial governors. The first of these two lists, *Cnd.1/2*, named positions in the eastern part of the Roman state, while the second list, *Cnd.85/6*, named those in the western part (the two parts corresponding to those into which the Roman state was administratively divided, initially in 364 and, with modifications, permanently after 395-7). Both lists contained almost the same categories of service position names. And, since these names were arranged in a sequence that was based generally on the

²⁰³ Rolfe, J.C. (ed.& transl.), *Ammiani Marcellini rerum gestarum libri qui supersunt (with an English translation)*. (3 vols, Loeb classical library) (London, William Heinemann, 1935-1940), based substantially on the edition by C.U. Clark (Berlin, 1910-1915).

order of the ranks of the positions (from highest to lowest),²⁰⁴ these two lists are referred to here as *precedence lists*.

Following each precedence list, almost all the remaining lists in the *Cnd* were *agency lists* (described below), each of which contained items relating to an agency directed by an officer serving in the different positions that were named in the precedence list (with the exception of the composite list related to the two *comites domesticorum*, and the composite list for the several *magistri scriniorum*, in both the eastern and western lists).²⁰⁵

In the *Cnd*, the agency lists were arranged mostly in the same sequence in which the service positions of the directors of those agencies were named in the precedence lists. But each precedence list was neither a table of contents to the lists that followed it, nor an index to them,²⁰⁶ as indicated especially by the observation that each precedence list contained the service position names of some directors whose agency lists did not exist in the *Cnd*.

The *Cnd* did not contain any agency list associated with a director whose position was not named in the precedence list. And no agency lists contained any item referring either to the existence of any other agency list or to any of the contents particular to it.

[6b] *Agency lists*

Almost all the lists in the *Cnd* were *agency lists*. Each of these was associated with a different one of the many agencies in the imperial service,²⁰⁷ and almost all of these agency lists were divided into:

- a a *domain list* comprising
 - i an initial item (usually rubricated) that began mostly with the words *sub dispositione*, followed by the title of, and the grade of dignity attached to, the service position of the director of the agency; and
 - ii other items referring to the particular combination of matters (service positions, units, entities and sometimes duties) that was unique to each agency and was under the management and jurisdiction of the director; and
- b an *officium* (secretariat) *list* comprising either:
 - i an initial item (usually rubricated) that began mostly with the word *officium* and was followed by a list of service positions and units under the joint responsibility of the director and of the *princeps* (chief officer) of the *officium* (the agency secretariat); or
 - ii a single item (usually rubricated) containing the word *officium* but comprising a statement identifying a group of officers, who were assigned either from the imperial *scrinia* (bureaus) or a *schola* (corps) to assist in the functions of an agency (actually, a department) within the imperial secretariat.

In most of the eastern lists, the secretariat list was followed by a list item, usually comprising the service position name of the agency director and a number stating the annual allowance of *evectiones* (official travel permits) granted to the agency.

It is not known what relationship existed between the *pre-Cnd* lists that were represented in the *Cnd* by the domain lists and the *officium* lists: that is, it is not known whether the *pre-Cnd* list that first contained at least all those items of which a copy existed in a *Cnd* domain list, co-existed with the *pre-Cnd* list first that contained at least all those items of which a copy existed in the *Cnd* *officium* list of the same agency.²⁰⁸

²⁰⁴ Generally, the order of rank for the individual positions to which the *illustris* grade of dignity was attached. The categories of the positions to which lesser grades were attached, among which civil preceded military positions, a geographical order was mostly followed.

²⁰⁵ The *Cnd* also contained the fragmentary *officium* list of the *dux libyarum* (*Cnd*.54.14-19).

²⁰⁶ In his edition (1839-1853) Eduard Böcking interpolated the title *Index* to each precedence list and Otto Seeck in his edition (1876) printed the same title in the page headers to each list.

²⁰⁷ *Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws*, §[3] at: <https://www.notitiadignitatum.org/>

²⁰⁸ This issue arises from the apparently unnecessary repetition, within an agency list, of the name of the service position of the agency director in *officium* headings: for example, *officium viri illustris praefecti praetorio*; *officium autem suprascriptae magisteriae per orientem potestatis*; *officium*

[6c] *Pictures*

The 89 pictures interspersed among the lists in the *Cnd* comprised 75 full-page pictures (each being a picture that was unaccompanied by any list, or any list item, on the same page) and 14 part-page pictures (each on the same page as a list - none of which extended onto the next page).

The pictures interspersed among the lists mostly existed as single pictures, but sometimes as a *series* (that is, between two and six consecutive pictures that were not separated from each other by intervening lists). With the exception of the two pictures *Cnd*.83-84:

- a each picture comprised a series of drawings that were all enclosed within a single rectangular frame;
- b each full-page picture occupied the same area as the one that was prepared (generally ruled) to receive the maximum amount of text on pages without pictures, while each part-page picture had the same width as the former but varying lesser heights;
- c each picture, or the first picture in any series had, above its upper frame, a picture caption that included the name of the service position mentioned in the first item of the list that immediately followed the picture or series of pictures;
- d each picture, or the first picture in any series was divided into two *compartments*,²⁰⁹ sometimes called registers:
 - i the *upper compartment* contained the drawing of a rectangular emblem that was either decorated with geometric stripes, or was inscribed with alphabetic letters, or was blank (was undecorated and uninscribed) and, in some pictures, was accompanied by the drawing of a scroll. The emblem was occasionally drawn as placed on a table, beside which, in some pictures, there was also the drawing of a decorated stand. All the drawings in the upper compartment represented entities that were not named in the following list, and no drawing in the upper compartment was identified by a drawing caption within the frame that enclosed all the drawings comprising the picture.
 - ii the *lower compartment* of every picture contained drawings representing entities that were named, or entities that were related to those that were named, in the domain list within the immediately-following agency list.
- e No drawing in any picture represented any item that was named in the *officium* list which immediately followed the domain list within each agency list.

[6.d] *Numbering and reference*

By 1426/7, the *Cnd* occupied 164 pages, comprising eastern lists with 43 interspersed pictures (pages 1-82), western lists with 44 interspersed pictures (pages 85-164) and, between these compilations, two other pictures (pages 83-84).²¹⁰ The lists contained items and the pictures contained drawings. Some pictures and drawings were associated with captions, while some drawings contained inscriptions.

But the *Cnd* did not have a title that comprehended its entire compilation of lists and pictures. It did not have any preface, table of contents or index. There was no system of numbering attached to its pictures, drawings, picture captions, drawing captions, drawing inscriptions, lists or list items. And there was no division of its contents into numbered sections such as books, titles, chapters, sections or paragraphs.

But it is known on which of the 164 pages within the *Cnd* each list and picture existed and, therefore, these page numbers are used to refer to each list and picture. These page numbers are placed immediately after the abbreviation *Cnd*: so the first picture, which was on page 3, is referred to as *Cnd*.3.

Almost all the lists in the *Cnd* occupied a single page, but seven lists did not (those on pages 1-2, 56-7, 85-6, 98-99, 102-105, 110-111 and 156-8) and it is not known which was the last item on one page and the first on the next, because the primary copies of the *Cnd* have different numbers of lines per column on their pages. In these seven cases, therefore, the *Cnd* list is referred to with a composite page number: for example, the first list, which occupied two pages, is referred to as *Cnd*.1/2.

suprascripti viri illustris magistri officiorum; officium autem viri spectabilis comitis orientis, and similar.

²⁰⁹ Except the two pictures illustrating the agency list of each of the two *praefecti praetorio*, in which each compartment occupied an entire picture.

²¹⁰ See note 7. The 72nd page in the *Cnd* did not contain either a picture or a list.

To permit more precise reference to the contents that existed in the *Cnd*, additional numbers have been interpolated after each page number, or composite page number: the picture and drawing captions are identified by a letter after the page number (e.g. the picture caption on page 10 is numbered *Cnd.10.a*) and list items by a number added to the page number (e.g. the first list item on page 9 is numbered *Cnd.9.1*). In the seven lists that extended beyond a single page, the items are numbered continuously from the first item to the last, preceded by the composite page number (e.g. the first item in the precedence list on pages 1-2 is numbered *Cnd.1/2.1* and the last item *Cnd.1/2.127*).²¹¹

§[7] *The Cnd names for the position M- in the Cnd compared with those in the laws and inscriptions*

The following two tables list the various names that existed in the *Cnd* for the service position *M-*.

Table 3a Names for the service position <i>M-</i> in the <i>Cnd</i> EASTERN LISTS & Picture captions = <i>Cnd.1 - 82</i>				Number of times the name exists in						
				Cnd		Laws		Inscriptions		Papyr.
				EL	WL	E	W	E	W	E
Precedence list										
1	magistri equitum & peditum in praesenti duo	pl	1							
2	equitum & peditum per orientem	pl	1							
3	equitum & peditum per thracias	pl	1							
4	equitum & peditum per illyricum	pl	1							
Agency lists and pictures										
5	magister militum praesentalis	P D	4		2					
6	magister militum per orientem	P D T	3		6		1			
7	magister militum per thracias	P D	2		1					
8	magister militum per illyricum	P D	2		1					
9	magisteria in praesenti potestas	S	2							
10	magisteria per orientem potestas	S	1		4					
11	magisteria per thracias potestas	S	1							
12	magisteria per illyricum potestas	S	1							
13	magister(:)? milit(:)? in praesenti	T	1							
14	magister(:)? militum in praesenti	T	1							
15	magister(:)? militum per thracias	T	1							
16	magister(:)? militis per illyricum	T	1							

pl=Precedence list; P=Picture caption, D=Agency domain list, S=Agency secretariat list, T=Travel permit item

Table 3b Names for the service position <i>M-</i> in the <i>Cnd</i> WESTERN LISTS & Picture captions = <i>Cnd.85 - 164</i>				Number of times the name exists in						
				Cnd		Laws		Inscriptions		Papyr.
				EL	WL	E	W	E	W	E
1	magister peditum in praesenti	pl		1						
2	magister equitum in praesenti	pl		1						
3	magister equitum per gallias	pl S		2						
	magister equitum galliarum	D		1						
	magister equitum galliarum (comes et)	D		1						
4	magister peditum	P		1				1		
5	magister equitum	P		1	2	5				
6	magister peditum praesentalis	D S		2						
7	magister equitum praesentalis (comes et)	D		1						
8	magisteria potestas	S		1	16	2				
9	magister militum praesentalium	I		7	2					
10	magister militum praesentalium a parte peditum	I		2						
11	magister militum praesentalium [...] a parte peditum [...] a parte equitum	I		2						
12	magister praesentalium a parte peditum	I		1						

pl=Precedence list; P=Picture caption, D=Agency domain list, S=Agency secretariat list, I=Items in other agency lists
Excluded from the above figures are the three items: *Cnd.128.20, 23-24* (see Attachment 11).

²¹¹ A concordance to the numbers interpolated in their editions by Eduard Böcking, *Notitia dignitatum et administrationum omnium tam civilium quam militarium in partibus orientis et occidentis*. (Bonn, Marcus, 1839-1853) Vol.1 (1839), Vol.2 (1849), Vol.3 (1850), Vol.4 (1853). and by Otto Seeck, *Notitia Dignitatum accedunt Notitia urbis Constantinopolitanae et Latercula prouinciarum* (Berlin, Weidmann, 1876; repr.1962) is available at: <https://www.notitiadignitatum.org/>

§[7a] *Unsynchronised and unstandardised names for positions M-*

It appears that at least some of the names that existed in the *Cnd* for service positions were neither synchronised nor standardised. For example, the position named (*magister*) *equitum et peditum per orientem* in the precedence list, was *magister militum per orientem* in the agency domain list, and *magisteria per orientem potestas* in the agency secretariat list and *magistri militum per orientem* in the item referring to travel permits, but all these names referred to the same position. Similarly, the position named *dux moesiae secundae* in the precedence list and agency domain list, was named *dux moesiae inferioris* in the item related to travel permits. These and other such differences in the *Cnd* may indicate that, like the laws represented in Cod.Theod. and Cod.Iust., the *pre-Cnd* items or lists represented in the *Cnd* may not all have been produced at the same time, or may have been incompletely edited later.

§[7b] *The Cnd names for the service position M- in laws and inscriptions*

The laws and inscriptions from the period 344-534 refer mostly to the service position *M-* using one of the four names *MEP*, *MVM*, *MM*, *MaP*. The first three names are the only ones that are mentioned in both laws and inscriptions, and the sequence in which the names are listed (*MEP*, *MVM*, *MM*) corresponds to the chronological order, from earliest to latest, in which they were mostly used.

The following statements about the names that were used for the position *M-* in the *Cnd* compare the evidence described in sections §[4]-§[5] with the names that existed in the *Cnd*. It will be observed that, while most of the names for the position *M-* in the *Cnd* included words, or combinations of words, that were used in the official names *MEP*, *MM* and *MaP*, some other words, or combinations of words in the *Cnd* are not attested in any law or inscription. As mentioned in §[7c], the name *MVM* did not exist in the *Cnd*.

§[7b1] *magister peditum*

{*Cnd* = *magister peditum*, *magister peditum in praesenti*, *magister peditum praesentalis*} western items

The name *MP* is mentioned in an eastern official text dated 344 in which *MP* is not certainly attested as the complete name of a service position. Apart from that text, the name *MP* is not mentioned in any law or inscription produced in the eastern or western part of the Roman state during the period 344-534. The absence of the name *MP* from all those texts is completely incompatible with the pre-eminence that was attributed to the position named *MP* in western lists in the *Cnd*, which included the statement in the latter that the position *MP* had jurisdiction over all *comites rei militaris* and *duces*, each of whom commanded both cavalry and infantry units. And the laws and inscriptions provide no evidence to indicate that there existed at some time an officer who was allocated command over only infantry units, as implied by the list of military units in the domain list associated with the name *MP*. The name *MP* did not exist in any eastern list in the *Cnd*.

§[7b2] *magister equitum*

{*Cnd* = *magister equitum*, *magister equitum in praesenti*, *comes et magister equitum praesentalis*, *magister equitum per gallias*, *magister equitum galliarum*, *comes et magister equitum galliarum*} western items

The name *ME* does not exist in any inscription produced during the period 344-534 but, unlike the name *MP*, the name *ME* exists in 7 laws dated between 347-423. The evidence suggests, but is insufficient to prove, that the name *ME* was an abbreviation for the name *MEP*. And where laws containing the name *ME* also refer to military units, they indicate that the *ME* commanded not only cavalry units so that, if the name *ME* in Cod.Theod. were an accurate copy of an official name, it would have denoted something other than the command of only cavalry units. This conclusion was also indicated within the *Cnd* in which the position named *MEper gallias* was represented as commanding both cavalry and infantry units. The name *ME* did not exist in any eastern list in the *Cnd*.

§[7b3] *magister equitum per gallias*

{*Cnd* = *magister equitum per gallias*, *magister equitum galliarum*, *comes et magister equitum galliarum*} western items

The name *MEper gallias* or *galliarum* does not exist in any law or inscription. The designation *galliae* (plural), which was generally used to refer to the diocese *galliae*, and also as part of the name *praefectus praetorio galliarum*, occurs only once in association with the name *M-* in an inscription dated c.439. This inscription identifies Aetius, initially as *magister militum per gallias* and then also as *magister utriusque militiae* (without any regional designation). Both these names, *MM* and *MVM*, refer to the command of

both cavalry and infantry units and this combination is consistent with the two lists of military units associated with the position named *MEper gallias* in the *Cnd*.

§[7b4] *regional designations with the name MEP*

{*Cnd* = magister equitum et peditum per orientem, magister equitum et peditum per thracias, magister equitum et peditum per illyricum} eastern items

The official use of the name *MEP* is confirmed in laws and inscriptions, but none of these names was combined with any regional designation. These designations are first used with the later name *MVM*, which did not exist in the *Cnd*. The names *MEPper orientem*, *MEPper thracias*, *MEPper illyricum* that existed in the eastern precedence list in the *Cnd* are, therefore, not attested as official names.

§[7b5] *regional designations with the name MM*

{*Cnd* = magister militum per orientem, magister militum per thracias, magister militum per illyricum} eastern items

The laws exemplify the official use of the names *MMper orientem*, *MMper thracias*, *MMper illyricum* that existed in the eastern lists of the *Cnd*. The inscriptions confirm the official use of *MMper orientem* and *ex-MMper thracia(-s?/-m?)*. An inscription also validates the name *MMper gallias*, but this was not used in the *Cnd*.

§[7b6] *magisteria potestas MaP*

{*Cnd* = magisteria in praesenti potestas, magisteria per orientem potestas, magisteria per thracias potestas, magisteria per illyricum potestas} eastern items

{*Cnd* = magisteria potestas} western item

The name *MaP* is not used in inscriptions. In the laws, *magisteria potestas* is used mostly in the singular,²¹² and mostly to refer to the position of a central *M-* (that is, one near the emperor or at the court). Only two eastern laws (dated 476-85 and 492) use the name *MaP* to refer to a regional service position, identified by the addition of the regional designation *per orientem*.²¹³ Consequently, the central and regional designations *in praesenti*, *per thracias* and *per illyricum* that existed in the eastern lists in the *Cnd* in combination with the name *MaP* are not confirmed as having been used officially.

The name *MaP* is used in only two western laws (dated 398, 426). In the western lists in the *Cnd* the name *magisteria potestas* existed in only one item and without any central or regional designation.

§[7b7] *in praesenti*

{*Cnd* = magister equitum et peditum in praesenti, magisteria in praesenti potestas, magister(;) milit(;) in praesenti} eastern items

{*Cnd* = magister peditum in praesenti} western item

The phrase *in praesenti* is not used in inscriptions. In the laws it is not used in conjunction with any name for the service position *M-*. In the *Cnd*, *in praesenti* existed as a synonym for *praesentalis*,²¹⁴ which was used in laws apparently to denote presence near the emperor or at the court. But in the laws, *in praesenti* mostly refers to "present time" ("now", "at present" etc.) and only infrequently to "present" (presence of a person in a place - opposite of "absent") and, where this second meaning is intended, it is not definitely used in any law to denote presence near the emperor or at the court. The combination of the phrase *in praesenti* with the name *M-*, *ME*, *MP*, as in the *Cnd*, exists only in texts derived from the *Cnd*.

§[7b8] *praesentalis*

{*Cnd* = magister militum praesentalis} eastern items

{*Cnd* = magister peditum praesentalis, magister equitum praesentalis, magister militum praesentalium | magistri militum praesentalium a parte peditum | magistri militum praesentalium a parte peditum, magister praesentalium a parte peditum, magistr(;) militum praesentalium [...] a parte peditum [...] a parte equitum | magistri militum praesentalium [...] a parte peditum [...] a parte equitum} western items

The adjective *praesentalis* is not used in any western law or inscription. It is used in 5 eastern laws (one in c.443 and four between 492-534) to refer to the position *MM*, and to *milites*, *numeri*, *agmina* and *domestici*. In addition, one eastern inscription, dated 521 and repeated on three diptychs, indicates the

²¹² The phrase *magisteria potestas* appears to have been used only once in the plural form: Nov.Theod.24(443)§1 [.] *Eos <duces> igitur, [.] in ipsis plerumque limitibus commorari et milites ad antiquum redigere numerum, imminentibus magisteriis potestatibus [.] praecipimus. [.]*

²¹³ Cod.Iust.1.29.3(476-85): representing *magisteria per orientem potestas*; Cod.Iust.12.35.18(492): representing *magisteria per orientem potestas* and *potestas magisteriae per orientem administrationis*.

²¹⁴ For example: *Cnd*.1/2.5 <magister> *in praesenti* = 10.a <magister> *praesentalis* = 12.1 <magister> *praesentalis* = 12.44 <magisteria> *in praesenti* = 12.52 <magister(;)> *in praesenti*. Similarly, *Cnd*.23.47 <Curiosus cursus publici> *praesentalis* = 107.41 <Curiosus cursus publici> *in praesenti*.

official use of the name *magister equitum et peditum praes.*(the expanded form is unknown: *-entalis?* or *-entalium?*).

The laws and inscription confirm, therefore, the official use of the name *magister militum praesentalis* that existed in 2 picture captions and 2 list items in the eastern lists in the *Cnd*. They also attest the official use of the names *magister militum praesentalium* and *magistri militum praesentalium* that existed among the western lists in the *Cnd* in 15 items throughout 12 *officium* lists, and in 1 heading in a fragmentary series of other lists. But the phrases *a parte peditum* and *a parte equitum* that were added to those names in the western lists do not exist in combination with any name for the position *M-* in any law or inscription. The names *magister peditum praesentalis* and *magister equitum praesentalis* exist only in texts derived from the *Cnd*.

§[7b9] *pars peditum, pars equitum*

{*Cnd* = *magister militum praesentalium a parte peditum* | *magistri militum praesentalium a parte peditum*, *magister praesentalium a parte peditum*, *magistr(;) militum praesentalium* [...] *a parte peditum* [...] *a parte equitum* | *magistri militum praesentalium* [...] *a parte peditum* [...] *a parte equitum*} western items

The word *pars* (part) is used in various contexts in the laws. But no law or inscription refers either to a *magister* (or to *magistri*) *a parte peditum* (or *a parte equitum*) or to *milites a parte peditum* (or *a parte equitum*). But the use of the word *pars* to refer to the cavalry or infantry part of a specific group of soldiers does occur in the copy of an official letter written in c.507/11 at the Ostrogothic court in Ravenna by (again)²¹⁵ the senator Cassiodorus, referring to *domestici partis equitum et peditum*.²¹⁶ This was apparently a reference to the Gothic equivalent of the Roman *scholae domesticorum equitum et peditum*, but these are not similarly distinguished in any law or inscription by any name incorporating any form of the word *pars*.

§[7b10] *comes*

{*Cnd* = *comes et magister equitum praesentalis*, *comes et magister equitum galliarum*} western items

As mentioned in §[5b], the award of the dignity *comes* (imperial companion) bestowed on its recipient either actual or nominal membership of the *comitatus* (court) of the emperor. Serving officers appointed to a position *M-* were the highest ranking officers in the imperial service to whom an award of the dignity *comes* was made. Serving officers appointed to the two highest ranking positions in the civil section of the imperial service, named *praefectus praetorio* and *praefectus urbis*, are not recorded in the laws as having been awarded the dignity *comes* even though the *praefectus praetorio* was apparently considered to be a member of the *comitatus*.²¹⁷

The distribution of awards of the dignity *comes* among officers in the position *M-* is attested in the laws and inscriptions as follows:

Table 4: The dignity *comes* associated with names for the service position *M-*

Service positions	Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530	#	
ME	Laws	E				1					1												1
		W										1											1
MEP	Laws	E		1		1	1																2
		W				1	1																2
	Insc	E				1																	1
		W				1																	1
MVM	Laws	E				1	10	2	1				2		1								11
		W					2																6
	Insc	E						5	1	2						1	2						1
		W				4																	15
MM	Laws	E		1	1				2	2			1										7
		W							1	1													2
	Insc	E																					-
		W									1												1

In the *Cnd* the dignity *comes* did not exist in the eastern lists and existed in only two items in the western lists: once in the name *comes et magister equitum praesentalis* (*Cnd*.102/5.1) and once in the name *comes et magister equitum galliarum* (*Cnd*.102/5.217). The association of the dignity *comes* with the name *magister*

²¹⁵ See notes 135-136.

²¹⁶ *Variae*, 1.10 §2: *Domestici partis equitum et peditum, qui nostrae aulae videntur iugiter excubare, quod ex magnis fieri doloribus solet, adunata nobis supplicatione conquesti sunt ab illo arcario praefectorum pro emolumentis sollempnibus nec integri ponderis solidos percipere et in numero gravia se spendia sustinere.[.]* Mommsen, 1894 <see note 136> p.18.

²¹⁷ See note 149.

equitum is made in the address of one eastern law and of one western law, but the two named officers are not represented in any other law (or inscription).²¹⁸

§[7b11] Summary

The preceding comparison, between the names used in the *Cnd* for the service position *M-* and those existing in the laws and inscriptions, indicates that the names used for the position *M-* in the *Cnd* may be divided into three groups:

- 1 Names in the *Cnd* that are attested as accurate representations official names
 - in laws and inscriptions: magister militum praesentalis, magister militum praesentalium, magister militum per orientem, magister militum per thraciam(-s?/-m?),
 - in laws but not inscriptions: magister militum per illyricum, magisteria potestas, magisteria per orientem potestas
- 2 Names in the *Cnd* (i) whose *italicised* words in combination with the word "magister" do not exist in inscriptions, and are not certainly attested as official in the laws; and (ii) whose underlined words in combination with the word "magister" are not attested in the laws or inscriptions:
 - magister *equitum*, magister *equitum* in praesenti, comes et magister *equitum* praesentalis, magister *equitum* per gallias, comes et magister *equitum* galliarum.
- 3 Names in the *Cnd* that associated the underlined words with either 'magister' or 'magisteria' are not attested as official names in the laws and inscriptions
 - magisteria per thracias potestas, magisteria per illyricum potestas.
 - magister equitum & peditum in praesenti, magister equitum & peditum per orientem,
 - magister equitum & peditum per thracias, magister equitum & peditum per illyricum,
 - magister militum in praesenti, magisteria in praesenti potestas,
 - magister peditum, magister peditum in praesenti, magister peditum praesentalis
 - magister militum praesentalium a parte peditum [.] | [.] <praesentalium>a parte equitum.

The names in the third group are regarded as being inaccurate representations of official names for the position *M-*. It is not known whether these inaccurate representations existed in a *pre-Cnd* compilation or were created in the *Cnd*.

§[7c] *The name magister utriusque militiae, etc MVM*

Although the official use of the names *MEP*, *MVM*, *MM*, *MaP* for the service position *M-* is attested in both laws and inscriptions in both parts of the Roman state, the name *MVM* was not used in the *Cnd*.

Among the 26 laws containing *MVM*, 18 were eastern, and among the 23 inscriptions with *MVM*, 22 were western. In fact, almost half of the 44 eastern and western inscriptions that mention the position *M-*, contain the name *MVM*. Consequently, the absence of the name *MVM* from the entire *Cnd*, but especially from its western lists, invites speculation, particularly in connection with the observations that:

- a 22/23 of the available inscriptions that use *MVM* are from the western part of the Roman state;
- b 17/22 of these western inscriptions were produced during the period 370-430 (which is the period that is mostly mentioned in speculations about the date of the first *pre-Cnd* compilation); and
- c 12/17 of these western inscriptions produced during the period 370-430 associate the name *MVM* with the additional dignity *comes* which existed in the *Cnd* only in its western lists and only in association with two separate positions that contained the name *ME*).

§[8] *The Cnd positions M- and the number of coexisting officers serving as M-*

Most people who consider those contents of the *Cnd* that relate to the command structure of the late Roman military service either implicitly assume, or state, that all the positions named *M-* in the *Cnd* existed simultaneously during most of the period between the mid-4th and mid-5thC. The following section considers the available evidence for the number of positions *M-* that existed in each of the two parts of the Roman state during that period.

²¹⁸ In the eastern law Cod.Theod.4.17.5(386), addressed: *Idem AAA. Timasio comiti et magistro equitum*; and in the western law Cod.Theod.2.23.1(423), addressed: *Imp. Honorius et Theodosius AA. Crispino comiti et magistro equitum*.

In the *Cnd* the eastern precedence list *Cnd.1/2*, and agency lists *Cnd.9, 12, 15, 18, 21* referred to the following five positions *M-*:

Precedence list magister equitum & peditum in praesenti duo magister equitum & peditum per orientem magister equitum & peditum per thracias magister equitum & peditum per illyricum	Agency lists magister militum praesentalis magister militum praesentalis magister militum per orientem magister militum per thracias magister militum per illyricum	magisteria in praesenti potestas magisteria in praesenti potestas magisteria per orientem potestas magisteria per thracias potestas magisteria per illyricum potestas
--	--	---

The western precedence list, *Cnd.85/6*, contained references to three service positions named *M-*, each of which was represented as that of the director of an agency represented by an agency list. The various names of these positions in the *Cnd* were:

Precedence list magister peditum in praesenti magister equitum in praesenti magister equitum per gallias	Agency lists magister peditum magister equitum magister equitum galliarum	magister peditum praesentalis comes & magister equitum praesentalis comes & magister equitum galliarum	magisteria potestas
---	--	--	---------------------

Some western lists contained additional names in 12 *officium* lists and a heading in another list:

magister / magistri militum praesentalium magister / magistri militum praesentalium a parte peditum magistri militum praesentalium [...] a parte peditum [...] a parte equitum	magister praesentalium a parte peditum
--	--

In attempting to relate the evidence in the laws and inscriptions for the position *M-* to the eight positions named in the precedence lists in the *Cnd*, there are four particular problems.

- a The *Cnd* contained no dates. The date of the creation of the earliest *pre-Cnd* lists that were represented by lists in the *Cnd* is unknown. And the number of consecutive copies and/or revisions of that *pre-Cnd* list before the production of the *Cnd* is also unknown.
 - b Where a law or inscription that mentions the name *M-* and that law can be certainly dated, the law indicates only when the particular position existed, but not when it was created or when it ceased to exist. Only a very few laws refer to the creation or to the abolition of a service position. These few laws indicate, for example, that the position *magister militum per armeniam et pontum polemoniaticum et gentes* was created in 528-30 and that the position *comes armeniae* was abolished at the same time;²¹⁹ that the position *magister militum* in Africa was created in 534;²²⁰ and that the position *vicarius dioeceseos ponticae* was abolished in April 535 and restored in Sept.538.²²¹
- No law or inscription provides a date to indicate when any one of the eight positions named in the *Cnd* was created or when it ceased to exist. It is not known, therefore, how many of those eight positions existed simultaneously in any particular year.
- c Where the laws or inscriptions refer to a position *M-*, but do not add either a central or regional designation to the name, the position cannot be certainly identified as one of the eight positions represented in the *Cnd*, even where a location is either named in, or can be inferred from, the law or inscription. This is because the laws refer not only to ordinary positions but also to extraordinary ones that were not mentioned in the *Cnd*. Those extraordinary positions included temporary reserve, and substitute positions, as well as personal positions such as that awarded to Gildo.²²²
 - d The number of officers serving as *M-* in any particular year is not stated in any law or inscription, and the number cannot be established from their texts. There are:
 - i. 36 eastern laws (347-534) and 24 western laws (365-460) each addressed to a single named officer, among whose positions 12 contain designations (*praes.1, per orientem 6, per africanam 1, per thracias 1, dalmatiae 1, per illyricum 1, per armeniam [...] 1*);²²³

²¹⁹ Cod.Iust.1.29.5(528-30) - see note 132.

²²⁰ Cod.Iust.1.27.2(April 534): §17 and §35 - see note 111.

²²¹ Nov.Iust.8(20.Apr.535)§3 and Edictum Iustiniani.8(15.Sept.538): in Schoell, R. & Kroll, W. (eds.), *Novellae <Iustiniani>* in Krueger, P. & Mommsen, T.(eds.), *Corpus Iuris Civilis*. (Berlin, Weidmann, 1912-1922), vol.3 (1912), pp.68 and 768-72.

²²² See §[4f].

²²³ See Attachment 2, (eastern laws): Refs: 001, 002, 003, 011, 017, 018, 034, 040, 042, 043, 045, 046, 050, 051, 052, 053, 055, 057, 071, 074, 080, 081, 087, 089, 097, 098, 105, 106, 110, 111, 116, 118,

- ii. 2 eastern laws that are addressed to a single named officer, with a subscript in the law indicating that a copy is sent to another named officer, but without designations;²²⁴
- iii. 2 eastern laws that are addressed jointly to two named officers, of which only one law contains the designations *praesentalis* and *per orientem*.²²⁵

There is no law that is sent to more than two named officers. Where more than two officers are the intended recipients of a law, or where the law related generally to the position *M-*, the laws refer either simply to the position *M-* or anonymously to an undefined number of officers.²²⁶

The evidence in the laws and inscriptions that can be related to the eight service positions *M-* that were named in the *Cnd* can be tabulated as follows:

Table 5: Service positions identified in the laws

Date	Src.	Central position	Regional position	Ref.
393	LEA	#<central <i>M-</i> >	MVM oriens, <i>MVM africa</i>	50, 51
c.400	LEC	#<central <i>M-</i> >	MM oriens	66
412	LEA	#<central <i>M-</i> >	MM oriens, MM thraciae	74, 71
414	LEA	#<central <i>M-</i> >	MM oriens	80
415	LEA	#<central <i>M-</i> >	MM oriens	81
424	LEA	#<central <i>M-</i> >	MM oriens	89
438	LEC	#<central <i>M-</i> >	MM oriens	92
c.439	IW	#<central <i>M-</i> >	<i>MM galliae</i>	158a
440-41	LEC		<i>MM vacans</i>	95
c.443	LEA+C	MM praes.	MM oriens	99
c.472	LEC	MM utr. praes[.]	MM oriens, MM illyricum	109
473	LEA	#<central <i>M-</i> >	<i>MM dalmatia</i>	110
476-85	LEC	#<central <i>M-</i> >	MaP oriens	113
491-518	LEA	#<central <i>M-</i> >	MM illyricum	118
492	LEA+C	MM praes., MM praes.	MaP oriens	119
506	IE	#<central <i>M-</i> >	MM oriens	165
521	IE	MEP praes.		166-68
525	IE	#<central <i>M-</i> >	exMM thrac.	169
528-30	LEA	#<central <i>M-</i> >	<i>MM armenia [.]</i>	127
534	LEA	#<central <i>M-</i> >	MM oriens	131
<p>Src L=law; E=east, W=west, A=address, S=subscript, C=contents, I=inscription. Ref. the reference numbers are those that are used in Attachment 2 and Attachment 3. <i>Italics</i> the name refers to a position that was not named in the <i>Cnd</i> #<central <i>M-</i>> where a regional <i>M-</i> is attested the simultaneous existence of at least one central <i>M-</i> is assumed.</p>				

119, 120, 127, 131; (western laws): 014, 015, 019, 020, 021, 022, 024, 025, 026, 027, 059, 060, 062, 063, 064, 068, 069, 073, 077, 079, 086, 093, 102, 107.

²²⁴ Cod.Theod.1.8.1(415): sent to Florentius *MM* and a copy sent to Sapricius *MM*; Nov.Theod.7.4(441): sent to Ariobindus *MM* and a copy to Aspar *MM*.

²²⁵ Cod.Theod.7.4.18(393): sent to Abundantius and Stilicho *MVM* (*Abundantio, Stilichoni et ceteris comitibus ac magistris utriusque militiae*) is part of a law of which another excerpt (Cod.Theod.7.9.3) is addressed to the same two officers, that refers to them only as *comites utriusque militiae* (*Abundantio, Stilichoni et ceteris comitibus utriusque militiae*).
Cod.Iust.12.54.4(c.443): is addressed to Appolonius *MM-praesentalis* and Anatolius *MM-per orientem*.

²²⁶ For example: Cod.Theod.8.1.5(357) (to pp): *litteris ad magistris peditum et equitum datis iussioni effectum praecipimus commodari*; Cod.Theod.12.1.38(357) (to pp): *de qua re magistris equitum ac peditum [.] commonendos* Cod.Theod.8.7.11(371) to Severus *MM*, ending: *emissa ad magistris militum et comites et duces omnes*; Cod.Theod.7.13.8(380) edictum: *sic hoc [.] inlustribus viris magistris equitum peditum fuerit intimatum*; Cod.Theod.12.1.113(386) addressed: *universis comitibus et magistris equitum et peditum*; Cod.Theod.1.21.1(393) addressed: *comitibus et magistris utriusque militiae*; Cod.Theod.7.4.24(398) addressed to pp?: *ad inlustres quoque magistris utriusque militiae sacri apices cucurrerunt*; Cod.Theod.7.7.5(415) addressed: *comitibus et magistris militum*; Cod.Theod.12.1.181(416) (to pp): *ad viros inlustres magistris militum scripta mittantur*.

This table does not include a law, dated c.468, that refers both to *magistri* and to the *limites of oriens, thraciae* and *illyricum*.²²⁷ These three regions correspond exactly, in both their names and the sequence in which they are named in the law, to the positions *Mper orientem* | *Mper thracias* | *Mper illyricum* that existed in the *Cnd*, so that the plural *magistri* in this law could be interpreted as confirming the contemporary existence of those three positions in c.468. This may be correct, although the law may merely be naming the regions in which *numeri* were located.

It should also be noted, however, that this law transfers to the *magister officiorum* an unspecified amount of jurisdiction over *duces*, their *apparitores* (secretariat officers) and the *praepositi limitanei & castrorum* (commanders of borders and forts) throughout the three dioceses, provided that the traditional power which *magistri militum* have long held in relation to the *limites of oriens, thraciae* and *illyricum* is retained. Since the law, which is addressed to the *magister officiorum*, does not refer to a central *M-*, and since the ultimate jurisdiction over these *limites* belonged to that central position and not to the regional *M-*, as was still the case (at least in relation to *oriens*) in 492,²²⁸ there is some doubt whether plural *magistri militum* refers to three contemporary regional *M-*, or to *M-* appointed to these three positions at various times over a long period (*ex longo tempore*), or to successive appointees to positions as central *M-* of whom the contemporary one(s) would be most affected by this law. Moreover, the definition of the *limites*, and the number of regional positions *M-*, were not constant.²²⁹

As noted in §[5a], the laws and inscriptions that refer to a position *M-* in the western part of the Roman state do not refer to a position named *MP*. And although there are four laws addressed to named officers serving in positions named *ME*, three of these officers, in other laws, are identified as either *MEP* or *MM*. No named officer to whom a western law is addressed is identified with either a central or a regional designation. The only such designation exists in an inscription (c.439) that uses the name *MMper gallias*.

No western laws are simultaneously addressed to more than one named officer serving as *M-*. A law, dated 372, addressed to Severus *MM*, about returning to specific civic duties of anyone who attempted to avoid them by gaining a military command, is stated in the subscript to have been sent *ad magistros militum et comites et duces omnes*.²³⁰ But two laws about important military regulations, issued by Stilicho *MM* to *comites et duces omnes*, or similar, do not refer to any other officer serving as *M-*.²³¹

From the evidence available in the laws, the inscriptions and the *Cnd*, in relation to the eight positions in the *Cnd* representing the service position *M-*, it is concluded that this evidence,

- a in relation to all positions:
 - i does not indicate how many persons were appointed as serving officers in any position named *M-*, whether ordinary or extraordinary, in either the eastern or western part of the Roman state in any particular year;

²²⁷ Cod.Iust.12.59.8(c.468): [.] *magistris militum consuetudine ac potestate, si qua ad limites aliquos orientis thraciarum et illyrici ex longo tempore hactenus obtinuit, reservata.* - see note 285.

²²⁸ Cod.Iust.12.35.18(492) - see note 236.

²²⁹ Nov.Theod.24(443) adds the *limites of Pontica, Aegyptus, Thebais* and *Libya* to the *limites of oriens, thraciae* and *illyricum* (see note 284), while Cod.Iust.12.59.10(c.472), which actually names positions *M-*, mentions *oriens* and *illyricum* but not *thraciae*. - see note 167.

²³⁰ Cod.Theod.8.7.11(371): *Imppp. Valentinianus, Valens et Gratianus aaa. Severo magistro militum. || Si quando praefectus praetorio vel vicarius aut rector provinciae significaverit eum, qui chartis ac ratiociniis publicis invenitur obnoxius, ad praeposituram castris ac militum transisse, retractus illi adsignetur officio, a quo ad necessitatem praestandi ratiocinii devocatur; tamen in reiecti vero locum is potissimum destinatur, cui meritorum adstipulentur insignia. Dat. X kal. ian. Gratiano a. II et Probo cons., emissa ad magistros militum et comites et duces omnes.* The words *emissa* [.] *omnes* are absent from the copy in Cod.Iust.12.59.1.

²³¹ Cod.Theod.1.7.3(398): prescribes appointments to the secretariats *viris comitibus et ducibus diversarum provinciarum et limitum*; and Cod.Theod.7.1.18(400): orders that *comites vel duces quibus regendae militiae cura commissa est* are not to transfer soldiers between various categories of military units.

- ii indicates that, unless there is an unambiguous name for a position, or supporting evidence, the identification of any position named in any law or inscriptions, with any of the positions *M-* named in *Cnd*, cannot be certainly made (if the creation of circular arguments is to be avoided);
- b in relation to the five positions in the eastern lists in the *Cnd*:
 - i does not indicate when each of the five positions was created, or when it ceased to exist;
 - ii does not indicate how many of the five positions were contemporary (existed simultaneously) in any particular year;
 - iii does not indicate why the position *Mper orientem* is the one that is mentioned more often and over a longer period than the other two; or why the position *Mper orientem* occurs simultaneously only once with the position *Mper thracias* and once with the position *Mper illyricum*, or why the positions *Mper thracias* and *Mper illyricum* are not named together in any law.
 - iv does not indicate why, apart from its predominant reference to the central position(s), the name *MaP* is attested in laws only in relation to the regional position *Mper orientem* (but not to the regional positions *Mper thracias* or *Mper illyricum*).
- c in relation to the three positions in the western lists in the *Cnd*:
 - i does not indicate when any of these was created or ceased to exist, or whether all three western positions named in the *Cnd* actually existed at any time;
 - ii does not indicate why no law is simultaneously addressed to more than one named officer serving as *M-* in the western part of the Roman state.

As a general conclusion it is necessary to emphasise, again,

- that the available evidence does not attest the simultaneous existence, in any particular year, or during any precisely dateable period of years, of all the eight positions named *M-* in the *Cnd* and
- that in addition to some or all of those eight positions there existed, at various times, occasional appointments to extraordinary positions as *M-* (temporary, reserve, substitute).

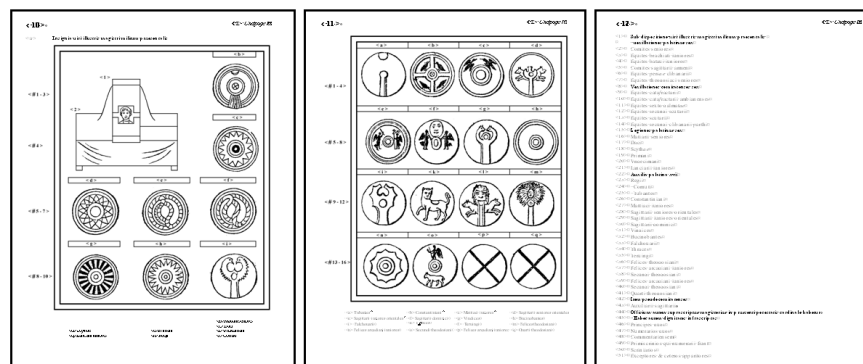
Consequently, not every reference, in a law or inscription or literary text, to an officer serving as *M-*, has to be regarded as referring to one of the 5 eastern or 3 western positions named in the *Cnd* unless such an identification can be made with certainty.

§[9] *The Cnd positions M- in the eastern lists*

In the *Cnd*, the five service positions named *M-* were referred to in the eastern precedence list *Cnd.1/2*, and in the agency lists *Cnd.9, 12, 15, 18, 21*, and in the captions to the pictures *Cnd.7-8, 10-11, 13-14, 16-17, 19-20* that were associated with those lists.

§[9a] *Agency lists and pictures related to the five eastern M-*

In the eastern lists, each of the five positions named *M-* was represented as that of the director of an agency. The agency of each of these directors was represented in the *Cnd* by an agency list and each of these five lists was immediately preceded by two pictures that were not separated by intervening lists. Within the *Cnd* the *format* of the 5 lists (that is, the sort of items selected, and their arrangement or spatial distribution within the domain and *officium* lists), and format of the 10 pictures (the sort of entities represented in drawings and their arrangement) was sufficiently common among them to indicate that these lists and pictures were produced to conform to the same model or pattern. This format is exemplified in these images, representing the pictures *Cnd.10-11* and their related agency list *Cnd.12*:



In this common format, the agency domain list named the cavalry units and then all the infantry units, usually under headings naming their classes (*cavalry vexillationes palatinae*, *vexillationes comitatenses* and infantry *legiones palatinae*, *auxilia palatina*, *legiones comitatenses*, <legiones> *pseudocomitatenses*) but not every domain list contained units from every class.

In the series of two pictures preceding each of the five agency lists, the upper compartment contained the drawing of a rectangular emblem, drawn as placed on a table. The lower compartment in each first picture was extended into the entire second picture and contained the drawings of a series of discs, variously decorated and arranged in horizontal rows. Several 4th-5thC objects contain carvings, paintings, mosaics or drawings of discs with similar designs in pictorial contexts in which those discs represent military shields, indicating that the drawings of discs in the *Cnd* also represented the shields of military units. This identification is confirmed by the fact that each drawing of a disc was surmounted by a caption derived from a different one of the names of the units mentioned in the following domain list.

The number of units named in each of the five domain lists, and the number of drawings representing shields, are tabulated as follows:

Table 6:

(a) The number of cavalry and infantry units in the eastern lists related to M-

<i>Cnd: P(ic) L(ist)</i>	(P)7-8 (L)9	(P)10-11 (L)12	(P)13-14 (L)15	(P)16-17 (L)18	(P)19-20 (L)21
<i>Picture captions</i>	MMpraesentalis	MMpraesentalis	MMper orientem	MMper thracias	MMper illyricum
Cavalry					
vex. pal.	5	6		3	
vex. com	7	6	10	4	2
Total cavalry	12	12	10	7	2
Infantry					
leg. pal.	6*	6*			1*
aux. pal.	18*	17*(1)	2*(2)		6*
leg. com			9*	20+1(3)*	8*
pseudocom.		1	10*		9
Total infantry	24	24	21	21	24
(1) 19 unit names were listed but 2 names are duplicated (item 37 = item 39 and item 38 = 40).					
(2) these 2 infantry unit names are not preceded by a heading naming their class (<i>legiones palatinae</i> ?, <i>auxilia palatina</i> ?).					
(3) 20 units are named in the list which is augmented here by 1 additional unit named in the drawing captions.					
* identifies the list units whose names were represented in the captions of the drawings representing shields.					

(b) and the representation of those units in the captions of drawings representing shields

<i>Picture captions</i>	MMpraesentalis	MMpraesentalis	MMper orientem	MMper thracias	MMper illyricum
Shields					
First picture	8	8	5	5	3
Second picture	16	16	16	16	12
Total shields	24	24⁽¹⁾	21	21	15

Two significant facts are apparent from these figures:

- none of the drawings representing shields is associated with a caption naming any cavalry unit. The exclusion of cavalry units from captioned drawings was not necessarily determined by the size of the pictures. In almost all illustrated primary copies of the *Cnd*, the area occupied by each of the 10 eastern and 8 western pictures occupies almost the same area, and their drawings (a rectangular emblem, a table and discs representing shields) represented the same type of objects. In the first western series, the first two pictures (*Cnd*.92-93) together contained the drawings of 42 shields, and those in the second series (*Cnd*.100-101) together had 39 pictures (see §[13c]). If a similar format had been used in the eastern pictures, all units in all five lists could have been represented by drawings of captioned shields.
- while all the eastern captions represented only infantry units, not all classes were consistently represented by captions. The *oriens* domain list (*Cnd*.15.2-35) included 10 *legiones pseudocomitatenses* (*Cnd*.15.26-35) that were all represented by captions (*Cnd*.14.g-q) above the drawings of shields (*Cnd*.14.7-16). By contrast the 9 *legiones pseudocomitatenses* units in the *illyricum* domain list (*Cnd*.21.24-32) were not represented by captions or drawings. It is noted, however, that all 24 infantry units named in

this *illyricum* list could all have been represented in such drawings if the two pictures (*Cnd.19-20*) had contained the same number of shields as those in the first two series of eastern pictures (*Cnd.7-8* and *10-11*). Had this been done, the five series of pictures would have displayed, respectively, 24-24-21-21-24 drawings, which would have meant that the *illyricum* pictures (*Cnd.19-20*) would have contained more drawings than those in the *oriens* (*Cnd.13-14*) or *thraciae* list (*Cnd.16-17*) pictures. And that would have been pictorially inconsistent with the order in which the agencies were listed, which was apparently according to the ranks of their directors, as mentioned below, §[9c].

§[9b] *Inaccurate representation of some pre-Cnd contents in the Cnd*

There are indications that some list items, drawings captions and drawings in the *Cnd* inaccurately represented corresponding *pre-Cnd* contents.

- a The second central domain list (*Cnd.12.1-43*), under the heading *auxilia palatina xvii* (or *decem & septem*) named 19 units because the names of two of the units were duplicated: *Felices arcadiani iuniores* (*Cnd.12.37=39*) and *Secundi theodosiani* (*Cnd.12.38=40*). These were followed by the *Quarti theodosiani* (*Cnd.12.41*) and, as the final unit, the *Auxilarii sagittarii* (*Cnd.12.43*). These last 4 units and the 2 duplicated names (diagram, row1), were represented in the associated picture (*Cnd.11*) by 4 drawing captions (row 2) and 4 drawings representing shields (row 3) among which, the last two were decorated with a simple cross (X).

<i>Cnd.12 List</i>	37 Fel.Arcad. iun.	38 Secundi.Theod.	39 Fel.Arcad. iun.	40 Secundi.Theod.	41 Quarti Theod.	42 Item pseudoc.	43 Auxil.sagitt.
<i>Cnd.11 Captions</i>	n. Fel.Arcad. iun.	o Secundi.Theod.	p Fel.Arcad. iun.		q Quarti Theod.		
<i>Cnd.11 drawings</i>	13 decorated	14 decorated	15 cancelled X		16 cancelled X		

Among the 284 drawings of decorated discs representing shields in the *Cnd*, the two discs *Cnd.11.15 - 16* were the only two that had the same cross (X), or cancellation mark, drawn from one side of the outer circle to the other side, across an otherwise undecorated disc²³². It is apparent that this marking (X) in the two adjoining drawings, was somehow related to the existence of the two duplicated list items (*Cnd.12.37=39* and *12.18=40*) and to the representation of one of these items (*Cnd.12.37=39*) in a caption (*Cnd.11.p*) because the two drawings marked (X) could have been decorated, and captioned, to represent the shields of the last two infantry units (*Quarti Theodosiani* and *Auxilarii sagittarii*), given the availability of possible decorations in the corresponding picture (*Cnd.8*), as described in §[10d].

It is unknown whether the (X) markings that existed in the *Cnd* were created in the latter or were derived from a *pre-Cnd* picture. But the discrepancy between the 19 listed names and the total 17 in the list heading suggests that the duplications did not exist in the earliest *pre-Cnd* list. It can be concluded, therefore, that the two duplicated names in the *Cnd* were an inaccurate copy of those in a *pre-Cnd* list. And it is probable that at least one drawing caption, and the last two drawings of undecorated shields in *Cnd.11*, were inaccurate copies of corresponding contents in a *pre-Cnd* picture.

- b The list *Cnd.18.11-31* named 19 *Legiones comitatenses* that were all represented by drawing captions in the preceding pictures *Cnd.16-17*. The last drawing representing a shield (*Cnd.17.16*) had the drawing caption *Gratianenses* (*Cnd.17.q*) that was not represented by a unit name in the following domain list. Given the relationship that existed throughout the *Cnd* between the list items and the drawing captions of discs representing shields (and between list items and the drawing captions over the drawings of forts in other pictures), it is certain that the name *Gratianenses* existed in a *pre-Cnd* list and that *Cnd.18.11-31* was an inaccurate representation of that *pre-Cnd* list.
- c There may have been another inaccuracy in these eastern pictures in the *Cnd*. The two units *Felices arcadiani seniores* and *Felices honoriani seniores* (*Cnd.15.13-14*), whose names identified them as infantry units, were listed between the last cavalry unit (*Cnd.15.12*) and the heading *Legiones comitatenses* (*Cnd.15.15*) that preceded the remaining infantry units. But the class of the two units *Cnd.15.13-14* was not identified by a preceding heading. In the regional *illyricum* list *Cnd.21*, the classes *legio palatina* and *auxilium palatinum* preceded that of *legio comitatensis*. It is open to speculation whether a heading for the class *legiones palatinae* or *auxilia palatina* existed in a *pre-Cnd* list from which *Cnd.15.13-14* were derived, but was later not transmitted; or whether such a heading was not present in any *pre-Cnd* list; or whether the two units were *legiones comitatenses* that had come to be listed before rather than after the heading naming that class at *Cnd.15.15*.

²³² See the picture on p.51.

§[9c] *Differences in rank among eastern M-*

As mentioned in §[3b], the position *M-* had, by 372, the *illustris* grade of dignity attached to it and, in that year, the service position *MEP* was raised to the same division of the *illustris* grade as the one that was attached to the highest ranked positions in the civil service (*praefectus praetorio* and *praefectus urbis*). Precedence among all serving officers was determined by the rank of the service position to which each was appointed but, among retired officers, by seniority among those with the same grade and division of dignity.

No law indicates that there was any difference in the dignity (grade and division) among those serving in contemporary positions named *M-*. But there were, apparently, differences in the rank. The rank order of service positions is not explicitly stated in any law but the order, especially of those to which the *illustris* grade of dignity was attached, can be constructed on the basis of several criteria, including the sequence in which the names of positions are listed in various laws. The rank order constructed from those criteria, for the positions to which the *illustris* grade of dignity was attached, is consistent with the sequence in which those positions were listed in the eastern precedence list *Cnd.1/2.2-16*.²³³ Given this observation, it can be concluded that the positions *M-* within the precedence list (*Cnd.1/2.5-8*) are also listed in rank order.

No law prescribes or describes any statutory difference in rank among contemporary positions *M-* but there are at least two laws that imply such a difference between at least the central *M-* and two regional positions *M-* on at least two occasions.

The first of these is an eastern law, dated 412, addressed to Constans, *MMper thracias*, prescribing that a specific number of patrol boats is to be made available on the Danube river bordering *Moesia II* and *Scythia*. The prescribed number is to be achieved through both the construction of new vessels and repairs to existing ones. The project is to be completed within the next seven years, and annual reports on progress must be made, and the law prescribes penalties regarding both those instructions: a *dux* responsible for any failure in meeting the required number of constructions and repairs is fined 30£ of gold,²³⁴ and the *officium* of the *dux* is fined 50£. Moreover, if the *officium* of the *MMper thracias* fails to send to the *officium* of the *MaP* an annual report on either the progress of the project, or any dereliction, the *officium* of the *MMper thracias* is also fined 50£.²³⁵ This reference in the law to the responsibility of the *officium* of a regional *MM* to the *officium* of the central *MaP* implies that the regional *M-* was in some manner accountable to, or at least under the surveillance of, the central *M-*, and had a lower rank.

The second law, also eastern, was addressed in 492 to Iohannes, *MMpraes.* to specify the court in which civil and criminal cases are to be conducted concerning the *milites* in those (*comitatenses*) *praesentales* units which had been allocated to the immediate command of *duces* throughout the diocese *oriens* (*per orientis partes*).²³⁶ Previously, jurisdiction over these *milites* had been delegated to the *MaPper orientem*

²³³ Occasional variations in the order in which the positions *quaestor sacri palatii* and *magister officiorum* were listed are indicated in *Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws*, Attachment 2,(4) at: <https://www.notitiadignitatum.org/>

²³⁴ The symbol £ is used for the Latin *libra* ("pound" - which was approximately 0.74 of the current weight denoted by that term).

²³⁵ Cod.Theod.7.17.1(412): *Imp. Honorius et Theodosius aa. Constanti magistro militum per Thracias. || [.] in Mysiaco limite, [.] in Scythico [.] si memoratus Lusoriarum numerus cum omni suo instrumento non fuerit apparatus, dux quidem, cuius tempore dispositio fuerit ista neglecta, triginta librarum auri, officium vero eius quinquaginta procul dubio multabitur, etiam sublimitatis tuae officio quinquaginta libras auri condemnationi subiciendo, si non per singulos annos aut completum numerum aut certe neglegentia praetermissum magisteriae potestati suggesserit. [.]*

²³⁶ Cod.Iust.12.35.18(492): *Imp. Anastasius A. Iohanni magistro militum praesent. {alium Cuiacus} || §pr. [.] necessarium esse perspeximus dicatissimos milites, qui de diversis praesentalibus numeris per Orientis partes noscuntur consistere, virorum spectabilium ducum iussionibus oboedire, [.] ita videlicet, ut etiam agentibus causas tam criminaliter quam civiliter praefati milites iam non apud magnificam magisteriam per orientem potestatem vel ex sententiis seu praeceptionibus eius, sed per interlocutiones seu dispositiones tam excelsae tuae sedis, sub cuius iurisdictione consistunt, quam eorundem ducum respondeant.*

who tried the cases in his court, assisted by an *ad responsum* (adjutant) sent from the *officium* of the *MMpraes*. The current law states (i) that the *milites* need no longer obey any summons by the *MaPper orientem*; (ii) that the delegated jurisdiction over these *milites* is being transferred from the *MaPper orientem* to the *dux* to whose command the soldier had been allocated, and (iii) that the *ad responsum* previously sent to the *MaPper orientem* was now to be sent to assist in the court of the *dux*. Finally, the law ambiguously asserts that the changes made by these regulations (*dispositiones*) do not diminish the *potestas* of the *MaPper orientem* because the *duces* remain subordinate to that *potestas*.²³⁷ This law indicates the superior authority or jurisdiction of the central *MMpraes*. over the *duces*, in comparison with that of the regional *MaPper orientem*, and implies that the rank of the latter is inferior to that of the central *MMpraes*.

§[9d] *The officia associated with the eastern M-*

The *officium* (secretariat) list in each of the five eastern agency lists *Cnd*.9, 12, 15, 18, 21 was preceded by two rubricated *items*.

The first of these items is represented as follows:

- *Cnd*.9.42: *Officium autem suprascriptae magisteriae in praesenti potestatis in numeris militat & in officio deputatur.*

- *Cnd*.13.44: *Officium autem suprascriptae magisteriae in praesenti potestatis cardinale habetur.*

- *Cnd*.15.36: *Officium suprascriptae magisteriae per orientem potestatis cardinale habetur.*

§1. *Eo scilicet observando, ut ad responsum, qui de officio tuae sublimitatis huc usque ad praedictam magisteriam per orientem potestatem moris erat destinari, viris spectabilibus ducibus inhaesurus mittatur tam per se quam per adiutores suos eosdem iudices observare et iussiones eorum implere curaturus: licentia ei non deneganda, etiam ad responsum, qui de officio alterius viri excelsi magistri militum praesentalis pro hac nostra dispositione destinatur, in locis, in quibus apparitionis tuae sublimitatis ad responsum non contigerit reperiri, suam sollicitudinem pro emergentibus maxime causis peragere. [.]*

§1a. *Cuius etiam illi qui de altero officio mittendus est praebemus facultatem, ut non tantum per adiutores suos, id est ad responsum, sed etiam invicem se adiuvando nec publicis nec privatis causis vel executionibus abesse videantur.*

§1b. *Ad singulos etenim duces ad responsum de apparitionibus vestris non prospeximus oportere destinari, ne per multitudinem eorum [.] damna contra milites nostros augeri contingat.*

§4. *[.] si quando ad eosdem duces milites fuerint arcessiti vel de locis in quibus constituti sunt movere praecepti, [.] ita scilicet, ut pro militibus inspiciendis, quodcumque voluerint viri spectabiles duces etiam praesentales devotissimos milites adhibere, non immodicam multitudinem eorum tempore pacis convocare procurent. [.]*

§6. *Quoniam vero comperimus quosdam temerario atque iniquo proposito anteriore tempore certos e memoratis militibus tam in iudicio sublimitatis tuae quam apud excelsam magisteriam per orientem potestatem in accusationem deduxisse [.] ne postea [.] confusio generetur, nemini licere apud sedem magnitudinis tuae accusatione contra militem seu milites praesentales deposita conventionemque oblata eundem vel eosdem milites criminaliter seu civiliter per iussionem virorum spectabilium ducum inquietare.[.]*

§6a. *Idemque versa vice observari, ut, si quidam miles seu milites praesentales iussione viri spectabilis ducis incusati ac moniti fuerint, licentia denegetur agenti postulationem seu accusationem in iudicio tuae sublimitatis contra eundem militem vel eosdem milites deponere.*

§6b. *Nec si eundem vel eosdem tam criminaliter quam civiliter obnoxios esse firmaverit, facultatem eidem agenti superesse separatim intentionibus suis pro criminalibus quidem iudicium tuae celsitudinis, pro civilibus autem viri spectabilis ducis seu versa vice occupare. [.]*

§8. *Dispositiones autem ante latas non ad imminuendam potestatem magisteriae per orientem administrationis, sed pro tuitione locorum ac securitate publica noscitur praestitisse, cum non dubium sit ipsos etiam duces, quibus fortissimi praesentales milites parare praecepti sunt, sub eadem excelsa potestate esse constitutos.*

²³⁷ Reminiscent of similar ambiguous statements, as in *Cod.Iust*.12.59.8(c.462): *magistris militum [.] potestate [.] reservata* (see note 285) or, as perhaps one of the best examples, *Cod.Theod*.1.6.5(368) referring to the competing jurisdictions of the *praefectus urbis* and *praefectus annonae*.

- Cnd.18.32: *Officium autem magisteriae per thracias potestatis in numeris militum <-> & in officio deputatur.*
- Cnd.21.33: *Officium autem magisteriae per illyricum potestatis in numeris militat & in officio deputatur.*

The second item, which was the same in all five agency lists, was:

- Cnd.9.43, 13.45, 15.37, 18.33, 21.34: *Habet autem dignitates infrascriptas.*

The first of these two items divided the five *officium* lists into two groups:

- agency lists Cnd.13, 15 each with an *officium cardinale*
- agency lists Cnd.9, 18, 21 each with an *officium* that *in numeris militat & in officio deputatur*.

These two groups of *officia*, and the service positions in each, in the order in which these positions were listed, are as follows:

Table 7

Cnd.15.38-44	Cnd 12.46-51	Cnd.9.44-49	Cnd.18.34-39	Cnd.21.35-40
MM per orientem	MM praesentalis	MM praesentalis	MM per thracias	MM per illyricum
<i>officium cardinale</i>		<i>officium in numeris militat & in officio deputatur</i>		
Princeps	Principes duos	Princeps	Princeps	Princeps
Numerarii duo	Numerarii duo	Numerarii duo	Numerarii duo	Numerarii duo
Commentariensis	Commentariensis	Commentariensis	Commentariensis	Commentariensis
Adiutor				
	Primiscrinii qui numerarii fiunt	Primiscrinii qui numerarii fiunt	Primiscrinii qui numerarii fiunt	Primiscrinii qui numerarii fiunt
Scriniarii	Scriniarii	Scriniarii	Scriniarii	Scriniarii
Mensores				
Exceptores et ceteri apparitores	Exceptores et ceteri apparitores	Exceptores et ceteri apparitores	Exceptores et ceteri apparitores	Exceptores et ceteri apparitores

princeps: chief officer of the *officium*;
commentariensis: custodian & judicial officer;
primiscrinii: chief officer of the (finance) bureau;
exceptor: secretary (incl. shorthand writer);

numerarius: chief accountant;
adiutor: assistant;
scriniarius: officer of the (finance) bureau;
apparitor:²³⁸ subordinate officer of the *officium*.

The name *apparitio* is used in some laws as a synonym for *officium*²³⁹ so that the secretariat of an agency and its officers were referred to as either *apparitores* or *officiales*. The word *apparitio* did not exist in the *Cnd*, but *apparitor* existed in the *officia* associated with agencies directed by the *M*- in both the eastern and western lists, and once in that of the *proconsul achaiae*. But in all other secretariat lists that contained a collective word denoting its personnel, the word *officialis* was used. In the *tituli* in both Cod.Theod. and especially Cod.Iust., the older word *apparitor* was preferred over the more recent *officialis*.

§[9d1] *officium cardinale*

The exact meaning of the adjective *cardinalis*, in reference to an *officium*, is unknown. The only use of that adjective in reference to an official position exists in the copy of a text that was written in c.540 at the Ostrogothic court in Ravenna by (yet again) the senator Cassiodorus.²⁴⁰ Among the *formulae* (pro-

²³⁸ A general term for subordinate officers, mostly clerical, in any civil or military agency: for example, Cod.Theod.8.7.19(397): *Post alia: cuiuslibet iudicis apparitores, inter quos etiam praefectianos locamus, ad quamcumque aliam militiam vel palatinam vel militarem ambiendo transierint, retrahendi hos copiam illis, quos deseruere, tribuimus, ita ut vilissima quaelibet officia ac mancipatus quoque, si modo ab his cui nati sunt ordo exegerit, administrent. §1. In quorum idem servandum, quod in curialium, successione decernimus, ut etiam si patres haec fugerint, teneatur agnatio. Et cetera.*

²³⁹ For example, Cod.Theod.1.10.4(391): *[.] non per officium palatinum, sed per apparitionem sedis urbanae [.]*.

²⁴⁰ See note 136 (*praesentalis*) and note 216 (*pars equitum et peditum*). Cassiodorus was also the only writer in Latin to refer to the position *regendarius* (*Variae*, 11.29, *de regentario*: Mommsen, 1894 <see note 136>, p.347) that is not mentioned in the laws and is an alternative form of *regerendarius* that occurs only in texts derived from the *Cnd*. Apart from the reference to it by Cassiodorus, the position *regendarius* is mentioned in a transliterated Greek form only in copies of a composition by Ioannes Philadelphus Lydos (at 3.4.21: Bandy, A.C., *Ioannes Lydos, On Powers or The Magistracies of the Roman State*, Philadelphia, American Philosophical Society, 1983, pp.166-167).

forma letters of appointments to positions) that he drafted, one referred to the position of a *princeps in Roma*.²⁴¹ This *formula principatus* states that the *officium comitiacum* (the secretariat of royal agents at the court, directed by the *magister officiorum* in Ravenna) should be represented in Roma, but that the *princeps* of that *officium* needs to remain at Ravenna and, therefore, that a *vicarius* (deputy) of the *princeps* is to be sent to Roma. The *princeps* at Ravenna is referred to in the *formula* as the *princeps cardinalis*, who is distinguished from the *princeps* who is being sent to Roma as his deputy (*vicarius*). In this context, the adjective *cardinalis* distinguished a *princeps* from a deputy (*vicarius*) representing his position elsewhere.

This single example of the use of the adjective *cardinalis* in the copy of an official text does not clarify its use in the *Cnd* to describe both a central *officium* (*Cnd*.12) and a regional one (*Cnd*.15).

§[9d2] *officium in numeris militat & in officio deputatur*

In the laws, the term *numerus* is used with at least three different meanings when referring to army units: namely,²⁴²

- a any military unit (e.g. *numerus militum*; *numerus limitaneorum*); or
- b any *comitatenses* unit, including *palatini* (e.g. *numeri comitatenses* distinguished from *pseudo comitatenses*); or
- c any infantry unit in the *comitatenses* (e.g. *numeri* distinguished from *vexillationes* and *scholae*).

Also in the laws, the verb *deputo* (-are) most consistently means "to assign" something or someone for some purpose,²⁴³ including the assignment of a person to a position or to an *officium*.²⁴⁴ Where it had the latter meaning, the term *deputatus* sometimes referred to an officer who, being a member of a particular unit or agency, was transferred temporarily to a position in another unit or agency.

The statement *officium in numeris militat & in officio deputatur* means, therefore, an *officium* that serves in army (*comitatenses*) units (*officium in numeris militat*) from which "it is assigned as (to be) the *officium*" (& *in officio deputatur*). In other words, "the *officium* is staffed by serving soldiers assigned to it from army units".

Such an *officium*, staffed by soldiers assigned from army units would have been inconsistent with the status, the personnel and the responsibility of the *officium* of an agency as described in the laws.

²⁴¹ *Variae* 7.31: *Formula principatus in urbe roma*: §1: *Cum in urbe Roma plurima fieri censeamus et necesse sit partem ibi esse comitiaci officii, ut utilitates publicae videantur impleri, more nostro prospeximus, ut, quia principem cardinalem obsequiis nostris deesse non patimur, tu eius locum vicarii nomine in urbe Roma sollemniter debeas continere, quatenus et ille primates sui laboribus perfruatur et tu in alterius honore possis discere, quod in tuo debeas feliciter exhibere.* §2: *Si quos etiam comitiacorum ad comitatum iudicaveris esse dirigendos consulens obsequio nostro, tuo subiacebit arbitrio. eos autem, quos retinendos putaveris, indulta securitate potientur, ita tamen, ut vicissim omnia modereris, quatenus nec excubantes continuus labor atterat nec segnes iterum rubigo otii fugienda consumat.* (Mommson, 1894 <see note 136>, p.218).

²⁴² The following examples are derived from Attachment 6.

²⁴³ For example, *Cod.Theod.*6.4.13(361): *deputari fabricis debet*; *Cod.Theod.*4.13.7(374/5): *civitatum deputetur expensis*; *Cod.Theod.*6.30.12(390): *qui palatinis intra aulam obsequiis deputandi sunt*.

²⁴⁴ *Cod.Theod.*8.7.8(365): *Praefecturae cornicularios, qui annis singulis ex numero deputatorum exeunt, post transactos corniculos nostram adorare purpuram volumus*; *Cod.Theod.*8.7.13(372): *numquam officiales iudicum in quolibet militum numero deputentur*; *Cod.Theod.*8.4.18(394): *Ex his, qui de numero comitianorum vel ex apparitione culminis vestri <prae f. praet.> consulari officio deputati sunt, nullus ambiendi et transfugiendi in alterius militiae ordinem habeat facultatem*; *Cod.Theod.*6.30.15(399): *praecipimus [...] singulis scriniis vel rectoribus definitum numerum supernumerariorum deputari*; *Nov.Theod.*7.4(441): *itaque [...] quos obsequiis magistri militum deputatos [...] Per singula officia [...].* See also *Cod.Theod.*6.24.5(393) and *Cod.Theod.*7.1.17(398).

§[9d3] *Military characterisation of officia*

There are relatively few laws that refer specifically to *officia* in agencies directed by a *M*-. It must be emphasised, however, that those laws apply equally to all *M* -: that is, the laws make no distinctions between these *officia* or prescribe individual variations.

As noted in §[4c], the entire imperial service was referred to as the *militia* and its members as *militantes* and even officers in the civil service were sometimes referred to in terms that were normally reserved for military positions and units. For example, *officiales* (secretariat officers) in the agency directed by the *praefectus praetorio* were granted rights as if they were enrolled as soldiers serving in the *legio I adiutrix*,²⁴⁵ while in the *officia* of provincial governors, the *officiales* were generally referred to as *cohortales* or *cohortalini*,²⁴⁶ although they were distinguished from the *cohortales* in the military *cohortes* units.²⁴⁷ And a law, dated 365, represented by differing copies in Cod.Theod. and Cod.Iust., states that all officers serving in the *officium* of an agency directed by a *M*- are identified as belonging to the *ordo militaris* (military order).²⁴⁸

The characterisation of the imperial service as a *militia*, and the classification of the secretariat officers of a *M*- as being within the *ordo militaris* applied equally to the agency and *officium* of every *M*- and do not, therefore, explain the description *in numeris militat* in three of the five eastern agency lists.

§[9c4] *Size of officia directed by M-*

Every *officium* list in the *Cnd* was an abridgement of, or an excerpt from, a more extensive *pre-Cnd* list of the service positions in the *officium* of a corresponding agency. Excerpts in the *Cnd* were indicated by the different levels of detail in eastern and western lists for comparable agencies, while abridgements were indicated by descriptions such as *ceteri apparitores* or *reliqui officiales* ("the remaining officers"). Consequently, the actual number of officers in the *officium* in each of the five agencies directed the eastern *M*- is not apparent from the *officium* list in the *Cnd*. In those lists, the service positions from *princeps* to *exceptores* (inclusive) refer mostly to the names of only the main positions, while those of others were collectively described by the phrase *ceteri apparitores* (etc.).

A law dated 441 states that, in the *officium* of the *MM*, the total number of officers who could avail themselves of the *praescriptio fori*²⁴⁹ (the right to nominate the court of the *MM* as the only one in which

²⁴⁵ Cod.Iust.12.36.6(444): *Ius castrensis peculii tam scriniarios quam exceptores ceterosque, qui in officio tui culminis merendi licentiam habere noscuntur, ac si in legione prima adiutrice nostra militent, inviolatum habere praecipimus*. See also Cod.Iust.12.52.3(444). The actual *legio I adiutrix* was mentioned in the *Cnd* as stationed in Valeria (*Cnd*.143.29).

²⁴⁶ Cod.Theod.8.5.66(407): *cohortales* or Cod.Theod.6.35.14(423): *cohortalini* or Cod.Theod.8.4.30(436): *cohortales apparitores* whose service was identified as a *militia*: Cod.Theod.8.4.1(315/24): *cohortalis militia*; Cod.Theod.16.5.48 (410): *cohortalis militia*, *cohortalina militia*. Their status was low and their service was compulsory (mostly hereditary). They were prohibited, almost continually, from transferring to other agencies within the service, and they were also prohibited from legitimately obtaining dignities: for example, Cod.Theod.8.4.30(436): *Si cohortalis apparitor aut obnoxius cohorti ad ullam posthac adspiraverit dignitatem, spoliatus omnibus impetrati honoris insignibus ad statum pristinum revocetur, liberis etiam in tali eius condicione susceptis fortunae patriae mancipandis*. See also Cod.Iust.12.57.14(471).

²⁴⁷ Cod.Theod.7.20.4(325): *Comitatenses et ripenses milites atque protectores [.] §3: Alares autem et cohortales dum militant, propria capita excusent, veteranis quoque eadem excusationis solacia habituris. [.]*

²⁴⁸ Cod.Theod.12.6.6(365): *Idem AA. ad Mamertinum praefectum praetorio. || [.] susceptores [.] qui in officio magistrorum equitum et peditum militarunt, [.] ordinis sint militaris [.] = Cod.Iust.12.54.2 *Qui in officio magistrorum equitum ac peditum militiam sortiti sunt, ordinis sint militaris*.*

²⁴⁹ *praescriptio fori* ("limitation of the forum") that is, restriction of the number of courts that had the authority to adjudicate legal actions by or against an officer, other than the court of the director of the agency in which the the officer served and under whose jurisdiction the officer was considered to be.

litigation by or against the officer could be settled judicially) was limited to 300,²⁵⁰ and that all the other personnel (*ceteri omnes*), who were in excess of that number, could not claim this privilege.²⁵¹

This law raises two issues in relation to the *Cnd* description of an *officium* [.] *deputatur*. Firstly, if an *officium* had been staffed by serving soldiers, they could not have been separated into two groups of which one was denied the privilege of the *praescriptio fori*.²⁵² And, secondly, other laws indicate that the removal of at least 300 soldiers from combat duties to perform secretariat functions was not possible. Soldiers were not permitted to be absent from their units, especially during expeditions,²⁵³ and at other times, no more than 30 soldiers were permitted to be absent on leave simultaneously from any *numerus*.²⁵⁴

§[9d5] *Soldiers and apparitores*

A general distinction between soldiers and *apparitores* is evident from laws relating to a particular category of enlistment.

The sons of army veterans, and of soldiers, were obligated to serve in the army,²⁵⁵ and several laws responded to attempts to evade this obligation.²⁵⁶ But the sons of *apparitores* of any *officium* who were still in service, or had been dismissed, or died in wars, were required to serve in the positions occupied by their fathers.²⁵⁷ indicating that these sons were not soldiers (if they had been, they would have been obligated to serve in the army). And this is emphasised by the observation that those veterans' sons who attempted to avoid being recruited into the army by enlisting in civil or public *officia* were compulsorily

²⁵⁰ The 300 referred to in the law would be those officers who, in several other laws, were referred to as the *statuti* (statutory officers - that is, those comprising the prescribed number of officers authorised to be enlisted in an *officium*) who were distinguished from the *supernumerarii* (provisional statutory officers, usually listed on a separate *matricula* in the *officium* but graded similarly to the *statuti*). For the distinction between *statuti* and *supernumerarii* see, for example, Cod.Theod.6.30.17(399) and Cod.Theod.6.32.2(422). *Supernumerarii* differ from *vacantes* (honorary reserve officers) or *honorarii* (honorary officers).

²⁵¹ Nov.Theod.7.4(441): *Idem* <Theodosius et Valentinianus> *AA. Ariobindo magistro militum*. || [.] §1. *Per singula officia virorum inlustrium magistrorum militum trecentos excipi lege pridem promulgata decrevimus, quos nec in provincialibus nec in praetorianae vel urbicariae praefecturae iudicio sine permisso viri inlustri magistri militum litigare conveniet; ceteros omnes, qui supra praedictum sunt numerum quasi nec militantes et apud inlustriissimas praefecturas et apud viros clarissimos rectores provinciarum de quolibet negotio pulsari et conveniri et respondere sine cinguli praescriptione decernimus.* §2. *Probari autem adparitores magisteriae potestatis neque curiales neque cohortales neque censibus volumus adscriptos.* [.] adapted in Cod.Iust.12.54.5(491-518). Similar provisions are contained in Cod.Iust.1.29.3(476-85): *Zeno A. Sebastiano praefecto praetorio* || *Eos, qui ultra statutos in officio magisteriae per orientem potestatis militant, civilium quoque iudicum sententiis super quolibet negotio subiacere: ipsis quin etiam statutis in tributariis collationibus civilium quoque iudicum dispositionibus procul dubio parituris.*

²⁵² The final appellate jurisdiction over all soldiers in the *numeri* was with the *M*- both before and after 492, as indicated in Cod.Iust.12.35.18(492) - see note 236.

²⁵³ Cod.Iust.12.42.1(323); similarly, Cod.Theod.7.1.2(349/352).

²⁵⁴ Cod.Iust.12.37.16(491-518)§2-§4a

²⁵⁵ See note 30.

²⁵⁶ For example, Cod.Theod.7.1.5(364), Cod.Theod.7.22.8(372), Cod.Theod.7.22.10(380), Cod.Theod.7.13.10(381).

²⁵⁷ Cod.Iust.12.47.1(331): *Imperator Constantinus*. || *Ii, qui ex officialibus quorumcumque officiorum geniti sunt, sive eorundem parentes adhuc sacramento tenentur sive iam dimissi erunt, in parentum militiam vocentur.* (Cod.Theod.7.22.3: *in parentum locum procedant.*). The law in *Cod.Iust.* is one of only two laws under the *titulus* Cod.Iust.12.47(534): *De filiis officialium militarium qui in bello moriuntur*. The version in *Cod.Theod.* is one of 12 laws under the *titulus*: Cod.Theod.7.22(438): *De filiis militarium apparitorum et veteranorum*.

enlisted in the army,²⁵⁸ especially in either *comitatenses* or *ripenses* units.²⁵⁹ Service in all civil *officia* was denied to sons of army veterans.²⁶⁰

The *apparitores* of each *dux* were civil officers whose enlistment in the *officium* required an imperial authorisation (*probatoria*) which, according to a law dated c.472, was prepared by, and issued from, the *scrinium libellorum* (imperial bureau of petitions) and, according to the same law, that *scrinium* also prepared and issued the *probatoriae* for enlistments in the *officia* of *MMpraesf.l*, *MMorientis*, *MMillyrici*.²⁶¹ By contrast, *probatoriae* authorising enlistment for service in military units had been issued by both *M-* and *duces* until c.474 when their right to do so was withdrawn.²⁶²

There is, incidentally, no evidence in any law that service in the *officium* of a *M-* was available as an alternative employment for soldiers who had been rendered incapable of combat service owing to age, injuries or other physical limitations. Obligated recruits who were unable to enlist for reasons related to health or stature were mostly required to undertake compulsory public service as *decuriones*, but were occasionally freed from such obligations.²⁶³ Any prospective recruits who mutilated themselves to be incapable for service were, nevertheless, enlisted in the army.²⁶⁴

There were also differences between the status of *apparitores* in the *officium* of a *M-* and that of soldiers in army units.

- a a law states that, while the *matriculae* (classified rolls) on which the names of the *apparitores* were registered were military rolls (*matriculae militares*), the *apparitores* did not have the testamentary rights of serving soldiers according to the *ius militare*.²⁶⁵
- b a law determines that the *cohortales* and the *officiales* of the *MEP* (plural) cannot "adore the imperial purple"²⁶⁶ unless they have served "under arms" and have been present on "all expeditions":²⁶⁷ that is, had accompanied the *M-* on campaigns (*officia* or senior personnel accompanied a civil or military

²⁵⁸ Cod.Theod.7.22.10(380): *Idem AAA. ad Felicem comitem Orientis. || Non solum in diversis officiis militantes, sed etiam vacantes rebus propriis veteranorum ac militum filios armatae militiae volumus sociari. Nulla igitur sit excusationis occasio.*

²⁵⁹ Cod.Theod.7.22.8(372): *Imppp. Valentinianus, Valens et Gratianus aaa. ad Probum praefectum praetorio. || Filios veteranorum, qui armatae militiae paruisent, si in officiis publicis vel ministerio chartularum atque observatione rationum inveniuntur, sciat tua sinceritas esse revocandos. Etenim hi, quibus vel corporis robur vel statura defuerit, qui comitatensi digni possint esse militia, ripensi poterunt copulari.*

²⁶⁰ Cod.Theod.7.22.12(398): *Impp. Arcadius et Honorius aa. Stilichoni comiti et magistro utriusque militiae. || Quoniam filii veteranorum ad diversa officia se contulerunt, hac sanctione praecipimus, ut ab his, qui nunc sunt in officiis occupati, nulli iuniores repetantur, ac deinceps post hoc edictum aditum veteranorum filii militandi per civilia officia esse praeclusum.* See also Cod.Theod.7.22.6(349).

²⁶¹ Cod.Iust.12.59.10(c.472) - see note 167.

²⁶² Cod.Iust.12.35.17(c.472) - see note 48.

²⁶³ Cod.Theod.7.1.5(364).

²⁶⁴ Cod.Theod.7.13.10(381).

²⁶⁵ Cod.Iust.6.21.16(496): *Anastasius A. Hierio praefecto praetorio || Scriniarios vel apparitores, qui virorum magnificorum magistrorum militum iussionibus vel actibus obtemperant, etsi nomina eorum matriculis militaribus referri videantur, nullatenus in ultimis a se conficiendis voluntatibus iuris militaris habere facultatem decernimus.*

²⁶⁶ *Adorare purpuram (nostram)*: referring to a ceremony often associated with the conferral of a dignity, honour or privilege by the emperor and sometimes marked the completion of a prescribed period of employment in the imperial service.

²⁶⁷ Cod.Theod.8.7.4(353/4): *Idem a. ad viros clarissimos praefectos praetorio. || Post alia: de cohortalibus adque magistrorum equitum et peditum officialibus iubemus, ut minime de cetero ad adorandam purpuram nostram veniant, nisi si sub armis militiam toleraverint et omnibus expeditionibus adfuerint.*

agency director on his official tours in his domain). Such a prescription would have been unnecessary if the *officium* had been staffed by soldiers.

c the privileges earned by serving soldiers exceeded those of officers serving in *officia*.²⁶⁸

The laws referring to the *officium* of a *M*- provide no evidence for the existence of any *officium* that was staffed by serving soldiers assigned to it from army units. Consequently, while the meaning of the description *officium* [...] *deputatur* is clear, the descriptions refers to an *officium* about which no law contains any regulations. And this is because such an *officium* would have been inconsistent with the laws concerning the status and the personnel and the responsibility of an ordinary or regular *officium* in the imperial service.

§[9d6] *Status and duties of the secretariat*

Every *officium* existed to assist and to advise the director of an agency, whether civil or military, in fulfilling his duty to implement legally all government policies and any imperial instructions (*mandata*), through the agency that was under his delegated jurisdiction. The ultimate responsibility of the *officium* was to the emperor, not to the director, and, to that extent, the *officium* was independent of the latter.

Once established, an agency was a permanent or continuing entity until it was abolished. The *officium* of the agency was staffed by serving officers who held progression career positions in which advancement was by promotion (based on seniority and performance) through a series of positions of increasing rank. And employment, from enlistment until retirement, was mostly within the same *officium*. In contrast to the staff of the *officium*, the director did not reach his position by a statutory progression through a series of positions. Instead, he was appointed by the emperor and his tenure was entirely at the discretion of the latter and often brief.

The director was responsible and accountable to the emperor for the management of the agency; but he was jointly responsible, with the agency *officium*, for the implementation of laws, imperial instructions and policy. This joint responsibility is exemplified by the many laws indicating that the director and *officium* were both subject to penalties for transgressions against those laws.

For example, as mentioned in §[9c], a law prescribed a penalty of 30£ gold for a *dux* and 50£ gold for his *officium* if defence improvements were not met, and 50£ gold for the *officium* of the regional *MM* if any failure was not reported to the central *M*-. Another law informs the *MVM* that both the soldiers and the *officium* will incur a penalty of 12£ gold if meadows at Apamea are again mutilated by animals used by the army. In most such laws, the penalty for the *officium* was greater than that for the director. In almost all instances, the penalty was imposed on the entire *officium*, but sometimes, also additionally, on its senior officers.²⁶⁹

The penalty against the *officium* was greater because of the dual responsibility imposed on it by the central government, in addition to its administrative (judicial, financial and clerical) tasks. The first responsibility of an *officium* was to provide legal advice to the director regarding his duties;²⁷⁰ and the second was not only to contradict the director in any attempt by him to deviate from instructions and policies, but also to actively resist any unlawful instruction that he issued.²⁷¹

For example, one law prohibited *MM* (plural) from extorting *limitanei* or *foederati* units and threatened, with a four-fold penalty, any *apparitores* who carried out an order to do so.²⁷² Another law which denied the *MM* the authority to issue *evectiones* (travel permits) threatened his *officium* with a severe penalty if

²⁶⁸ Cod.Theod.7.1.6(368/373): *Idem AA. Mauris Sitifensibus. || pr. Si quis armatae sacramenta militiae impigro quinquennii labore pertulerit, avo licet ac patre sit decurione progenitus, ab omni nexu curiali personam dumtaxat propriam vindicaverit. §1. Diversis autem officiis servientes quinque et viginti annis in militia decursis pari securitate donamus. Et cetera.*

²⁶⁹ For example: Cod.Theod.9.3.7(409).

²⁷⁰ For example: Cod.Theod.14.3.12(365/70), Cod.Theod.11.29.5(374), Cod.Theod.6.35.10(380).

²⁷¹ Cod.Theod.11.30.34(364), Cod.Theod.16.10.10(391), Cod.Theod.8.5.57(397), Cod.Theod.14.3.20(397), Cod.Theod.11.30.58(399), Cod.Theod.11.30.59(399), Cod.Theod.16.5.46(409), Nov.Mai.4(458)§1.

²⁷² Nov.Theod.24(443)§1-3.

he continued to do so.²⁷³ A law denying any *MM* the right to issue *probatoriae* to enlist soldiers in any *numerus equitum vel peditum*, or soldiers on any *limes*, prescribes a penalty of 100£ gold for any violation by the *officium*.²⁷⁴

The responsibility of the *officium* did not end when the agency director was replaced by his successor. A director of civil or military regional agency, including a *comes rei militaris* or *dux*, was required to remain, for 50 days after his successor had arrived, in the region that he had administered, so that any complaints could be investigated, and if the agency *officium* failed to prevent the departure of its former director, it was subject to a penalty of 30£ gold.²⁷⁵

Central to the joint responsibility of the director and the agency *officium* was the *princeps* (chief officer). Every administrative act of the *officium* required the written approval (*adnotatio*) of the *princeps*;²⁷⁶ no *apparitor* was to perform any service, for anyone, without an order from the *princeps*;²⁷⁷ no person was to be produced in any court without the authorisation of the *princeps*,²⁷⁸ and no court order was to be acted upon without his knowledge.²⁷⁹ While an approval to be enlisted in any *officium*, whether civil or military, required a documentary imperial authorisation (*probatoria*), prepared in one of the imperial bureaus,²⁸⁰ the employment and dismissal of officers in the *officium* was controlled by the *princeps* through his management of the classified roll (*matricula*) of the agency personnel.²⁸¹

The relationship between the agency director and the *princeps*, both jointly responsible for the implementation of imperial policy, was not dissimilar to the relationship existing currently in parliamentary systems, in which a minister ('director') implements policy through a ministry ('agency'), comprising a domain - such as defence - and a department ('secretariat') with its permanent secretary ('chief of the secretariat').

The importance of the *princeps* was based not only on his position as the chief officer of the *officium*, which was responsible for ensuring that the actions of the agency director were not inconsistent with laws, imperial instructions and policy, but also on his position as the representative of the central government in its surveillance of the actions of the agency director.

In the eastern part, the surveillance by the central administration came increasingly under the control of the *magister officiorum* (master of court services & imperial agents). This director controlled, in his agency and under his jurisdiction, the *schola agentum in rebus* (corps of imperial agents) from among whose officers the *princeps* of the *officium* in most eastern civil and military agencies was appointed. Even in the *officium* of the *praefectus praetorio* (the highest ranked position in the imperial service), the

²⁷³ Cod.Theod.8.5.56(396).

²⁷⁴ Cod.Iust.12.35.17(c.474).

²⁷⁵ Cod.Iust.1.49(tit.)534: *Ut omnes tam civiles quam militares iudices post administrationem depositam per quinquaginta dies in civitatibus vel certis locis permaneant.* Cod.Iust.1.49.1(475): *Imperator Zeno A., Sebastiano praef. praet. || [.] §6: Officium etiam, quod eum (debito tamen honore servato) non prohibuerit contra legis tenorem discedere, triginta librarum auri dispendio ferietur. [.]*

²⁷⁶ Cod.Theod.6.28.4(387): *Imppp. Valentinianus, Theodosius et Arcadius aaa. ad Pinianum praefectum <u.r>. || Nulla executio sine adnotatione principis usurpatione officii concedatur, hoc adiecto, ut, etiamsi intercessio in locis degentis officii fuerit impertita, adscriptio tamen principis executionem fieri oportere demandet. Quae definitio si fuerit praeterita, decem libras auri fisco nostro ab officio sinceritatis tuae statim iubemus inferri. [.]* For any contravention, the *officium* is fined £10 gold.

²⁷⁷ Cod.Theod.6.28.1(379): *Imppp. Gratianus, Valentinianus et Theodosius aaa. ad potitum vicarium urbis. || Nemo officialium in munus aliquod nisi principe ordinante mittatur. Si quis autem scriniariorum vel cuiusquam alterius loci quemquam officialium in aliquod munus principe nesciente direxerit, trium librarum auri condemnatione plectetur.* The person responsible for any contravention is fined 3£ gold.

²⁷⁸ Cod.Theod.6.28.3(386).

²⁷⁹ Cod.Theod.6.28.6(399).

²⁸⁰ Cod.Iust.12.59.10(c.472) - see note 167.

²⁸¹ Nov.Val.28(449) - see note 281.

princeps was appointed from the *schola agentum in rebus*,²⁸² and there is no evidence to indicate that the same form of appointment did not apply in the *officium* of a *M*-. And to ensure that such appointments were not compromised, or open to collusion, any officer retiring from an *officium* was forbidden from enrolling in the *schola agentum in rebus* to ensure that he was subsequently not able to be appointed from the *schola* to be the *princeps* of the *officium* from which he had retired. A law dated 443 exemplifies this provision in relation to the *officium* of any *dux*.²⁸³

In the same year, 443, the surveillance by the *magister officiorum* over the activities of any regional *M*- was further increased when he was given the responsibility for inspecting the frontier defences and their military units, and for providing an annual report of inspections to the emperor.²⁸⁴ In c.468 an ambiguous law states that *duces*, their *apparitores* (secretariat officers), the *limitanei*, and the *praepositi* (commanders) of *castra* (camps or forts) were all to be under the jurisdiction of the *magister officiorum*, provided that the powers previously exercised by the *magistri militum* on the frontiers of *oriens*, *thraciae* and *illyricum* were maintained.²⁸⁵ And finally, in 529, it was prescribed that any appeal against a decision of any director of a military agency, including appeals against decisions by a *M*-, were to be heard jointly by the *praefectus praetorio* and *quaestor sacri palatii* (chief legal officer at court), whose decisions were final.²⁸⁶

It appears that surveillance of the activities of military *comites* and of *duces* was exercised, in the first instance, by the central *M*-. In the eastern part of the Roman state, this is exemplified in the law dated 412, mentioned above in §[9c], which required the *officium* of the *dux* to report to that of the *MM-per thracias* which was to report to that of the central *MaP*.²⁸⁷ A similar system of surveillance operated in the western part of the Roman state, at least by the end of the 4thC. This is indicated in a law dated 398

²⁸² Nov.Val.28(449): *Imp. Theodosius et Valentinianus aa. Opilioni magistro officiorum*. || [.] §1. *Igitur [.] hac edictali lege consulimus, [.] ut inconsulto principe, qui ex eadem schola <agentum in rebus> ad obsequia praefecturae praetorianae post infinita discrimina et consumpta aetatis parte meliore pervenit, primores designati officii nil usurpent, neque praefectianus aliquis summae sumat militiae sacramenta neque matriculis eximatur praeter eius conscientiam atque consensum, ita ut eadem matricula officii praetoriani in principis potestate consistat. [.]*

²⁸³ Cod.Iust.1.46.3(443): *Theodosius et Valentinianus. AA. Anatolio magistro militum*. || *Nemo de his, qui in virorum spectabilium ducum officiis militaverint, scholae agentum in rebus quacumque subreptione post completam militiam societur, ne agendi vices viri clarissimi principis accipiat facultatem. [.]*

²⁸⁴ Nov.Theod.24(443) adapted partly into Cod.Iust.1.31.4(443). Nov.Theod.24: *Imp. Theodosius et Valentinianus AA. Nomo magistri officiorum*. || [.] §5. *Id autem curae perpetuae tui culminis {= magister officiorum} credimus iniungendum, ut tam Thracici quam Inlyrici nec non etiam Orientalis ac Pontici limitis, Aegyptiaci insuper Thebaici Libyci {=Cod.Iust.1.31.4: ut super omni limite sub tua iurisdictione constituto} quemadmodum se militum numerus habeat castrorumque ac lusoriarum cura procedat, quotannis mense Ianuario in sacro consistorio significare nobis propria suggestione procures, [.]*

²⁸⁵ Cod.Iust.12.59.8(c.468): *Leo A. Iohanni magistro officiorum* || *Viros spectabiles duces eorumque apparitores nec non limitaneos castrorumque praepositos tantummodo ex sublimis tui iudicii sententia conveniri nec aliis subiacere iudicibus praecipimus: illustribus scilicet ac magnificis viris magistris militum consuetudine ac potestate, si qua ad limites aliquos orientis thraciarum et illyrici ex longo tempore hactenus obtinuit, reservata.*

Appeals against decisions taken by *duces*, and even *M*-, were later transferred entirely to the joint jurisdiction of the *magister officiorum* and *quaestor sacri palatii*: Cod.Iust.7.62.38(529): *Idem <Imp.Iustinianus> A. Demostheni praefecto praetorio* || *Si quando duciano iudicio appellatio fuerit oblata, [.] sive inter spectabiles idem dux connumeretur sive illustri dignitate decoratur sive etiam maiore, cum etiam magisteriae potestatis homines nec non consulares saepe utilitate publica poscente ad huiusmodi curam perveniunt, [.] appellationem ex quocumque duce venientem non ut antea erat dispositum, sed apud virum sublimissimum magistrum officiorum nec non virum excellentissimum nostri palatii quaestorem communi audientia praeposita in sacro auditorio more consultationem, viris devotis epistularibus excipientibus, ventilari: [.]*

²⁸⁶ Cod.Iust.7.62.38(529) - see note 285.

²⁸⁷ Cod.Theod.7.17.1(412) - see note 235.

which ordered that, the *princeps* and the *numerarii* (accountants) of the *comes africae* are to be appointed from the *officium* of the *MaP* (meaning the central *M-*) in the same way that they are being appointed the *officia* of the other *comites* and *duces*.²⁸⁸

It will be apparent that the description *officium [.] deputatur* in the *Cnd* was inconsistent with the laws concerning the semi-independent status, the personnel and the responsibilities of *officia* in the imperial service. An *officium* staffed by soldiers assigned to it from army units, would have operated under a military command and discipline structure that would have made it impossible for the *officium* to meet its responsibilities of advising the agency director and, if necessary, of resisting any delinquency by him. And such an *officium* could not have been jointly responsible, with the director of the agency, for the implementation of government policies and imperial instructions.

In summary, the observations about the *officia* associated in the *Cnd* with five eastern *M-* and described as *officium cardinale* (*Cnd*.12.44, 15.36) and *officium in numeris militat & in officio deputatur* (*Cnd*.9.42, 18.32, 21.33) include the following:

- a The two descriptions *officium cardinale* and *officium [.] deputatur* exist only in texts derived from the *Cnd*.
- b It is unknown whether the two descriptions existed in the earliest *pre-Cnd* lists that were represented by the 5 eastern *officia* lists in the *Cnd* or whether such descriptions were annotations that were added or interpolated (perhaps as a marginal or interlinear note) in a later *pre-Cnd* text during the transmission of that text.
- c The reason for division of the five *officia* into two groups, identified by the two descriptions, is not apparent from the minor differences in the service positions named in the five *officia* lists. The positions in the three *officia* described as *officium [.] deputatur* were identical, and these positions differed from the remaining two described as *officium cardinale* only to the extent that the one in *Cnd*.12 had two *principes* instead of one in all the others, while *Cnd*.15 listed both an *adiutor* and *mensores* instead of *primiscrinii [.] numerarii* in the others.
- d The five *M-* were listed in rank order of their positions in both the precedence list *Cnd*.1/2 and in the sequence in which the agencies associated with them were arranged in the *Cnd*. The use of *cardinalis* was, therefore, unrelated to the ranks of the five *M-* since the two *M-* associated with an *officium cardinale* were listed second and third among the five.
- e The meaning of the description *officium cardinale*, and the reason for its existence in the *Cnd*, are not known. The purpose of this description was to express some difference between an *officium cardinale* and an *officium [.] deputatur*.
- f The use of *cardinalis* in relation to the two *officia* (*Cnd*.12.44, 15.36) is not clarified by texts from the 6thC. As mentioned above, Cassiodorus distinguished the *princeps cardinalis* from his *vicarius* (deputy or substitute), while Isidorus suggested the general meaning of "principal, chief, fundamental, important (of prime importance)".²⁸⁹
- g Laws relating to the *officium* of an agency directed by a *M-* applied equally to all *M-* and these laws either state or imply that these *officia* were staffed by civil officers, not by serving soldiers assigned from army units;
- h An *officium [.] deputatur* is not regulated in, and is incompatible with, the laws referring to *officia* because an *officium* that was staffed as described in the *Cnd* could not have met the prescribed responsibilities of *officia* to advise and, if necessary, to resist, the agency director.

Consequently, there are two alternatives:

either

- 1 the description *officium [.] deputatur* represented in the lists *Cnd*.9, 18, 21 was an accurate representation of an *officium* that actually existed during the period 344-534 and, therefore, the agencies containing such an *officium* existed temporarily, and possibly intermittently, as did the appointments of *M-* to direct those agencies;

²⁸⁸ Cod.Theod.1.7.3(398) - see note 377 and Attachment 11.

²⁸⁹ A copy of the *Etymologiarum sive originum libri XX* compiled by Isidorus Hispalensis (560-636), uses the adjective *cardinalis* once. A description of the names of winds includes the statement (13.11.14): *Ex omnibus autem ventis duo cardinales sunt: Septentrio et Auster*.

- or
- 2 the agencies represented in the lists *Cnd.9, 18, 21* were permanent and continuing ones within the imperial service, as were the appointments of *M-* to direct those agencies and, therefore, the description *officium [.] deputatur* in those lists was an inaccurate representation of an *officium* within the service during the period 344-534.

§[9d7] *Temporary officia* ?

Some people have speculated that each of the three *officia* described as an *officium [.] deputatur* was, or could have been, a temporary or short-term *officium* in which the administrative tasks that were associated with the duties of a *M-* were performed by soldiers in the units under his immediate command.

Two types of temporary *officia* could be imagined: a provisional *officium* that perhaps existed between the creation of an agency and the enlistment of an ordinary or regular *officium*; or, alternatively, an extraordinary *officium* that assisted an extraordinary *M-* (as described in §[4f]).

In regard to the first alternative, no law attests the existence of such a provisional *officium*. Three laws refer to the creation of agencies. The first law, which mentions the creation of the agency directed by the *MMper armeniam [etc]*, refers to the military units allocated to the new agency, and to the name of the agency that it replaces, but not to any *officium*.²⁹⁰ The other two laws, which established the agencies of the *praefectus praetorio*, and of the *duces* in the reconquered diocese and provinces in Africa in 534, contain details of their *officia*, including the names of positions and their allowances, but no indication that the stated arrangements were provisional.²⁹¹

In relation to the second alternative, the laws that mention the appointment or the operations of an extraordinary *M-* (temporary, reserve or substitute) make no reference to an associated *officium*. But while the laws do not mention such *officia*, some form of these must have existed to assist an extraordinary *M-* with the administrative tasks (judicial, financial and clerical) that were necessarily associated with the command, provisioning and discipline of expeditionary army units. And it is probable that those tasks were performed by soldiers in the units under the immediate command of the *M-* (as had been the situation with the staff of imperial provincial governors before the reforms of Diocletianus). It may be conjectured that the personnel of such *officia* were not mentioned in the laws because they were not recognised as permanent *officia* within permanent agencies.

Any speculations about the *officia* in the five eastern agencies directed by *M-* would consider what is known about those five positions *M-*. The *Cnd* related two of these positions to an *officium cardinale* (one central *M-* *Cnd.12 MMpraes.* and one regional *M-* *Cnd.15 MMper orientem*) and the other three to an *officium [.] deputatur* (one central *M-* *Cnd.9 MMpraes.* and two regional *M-* *Cnd.18 MMper thracias* and *Cnd.21 MMper illyricum*). In the following comments, the two central and three regional positions *M-* are considered separately.

Some observations can be made about the regional positions *MMper orientem MMper thracias* and *MMper illyricum* with an *officium [.] deputatur*) in comparison the position *MMper orientem* with an *officium cardinale*).

- a A law dated c.468 transfers to the *magister officiorum* an unspecified amount of jurisdiction over *duces*, their *apparitores* and the *praepositi limitanei & castrorum* (commanders of borders and forts), provided that the traditional or customary power that *magistri militum* have long held in relation to the *limites* of *oriens*, *thraciae* and *illyricum* is retained.²⁹² These three "border" regions correspond to the names of the agencies represented by the lists *Cnd.15:oriens*, *Cnd.18:thraciae* and *Cnd.21:illyricum*. And this law identifies these three areas, in c.468, as those in which *M-* have traditionally exercised power, but any regional *M-* (whose positions the law does not name) exercised that power subject to the ultimate jurisdiction of the central *M-* over the military personnel within these three areas.²⁹³

²⁹⁰ Cod.Iust.1.29.5(528-530).

²⁹¹ Cod.Iust.1.27.1(534) the position *praefectus praetorio africae*; Cod.Iust.1.27.2(534) the position named *MaP* (in §17) and *MM* (in §35) - see note 111.

²⁹² Cod.Iust.12.59.8(c.468) - see note 285.

²⁹³ The ultimate jurisdiction of the central *magistri* over the border regions is exemplified in Cod.Theod.7.17.1(412) and Cod.Iust.12.35.18(492).

- b Between 347-534, there were at least 60 laws that were each addressed to a named officer serving in the position *M-*. Of these 6 were addressed to *MMper orientem* but only one each to a *MMper thracias* and to a *MMper illyricum*.²⁹⁴
By comparison one letter each was also addressed to a *MMper africam*, to a *MMdalmatae*, and to a *MMper armeniam [etc]* whose positions were not mentioned in the *Cnd*.²⁹⁵
- c Between 393-443, there were only 4 laws that were each addressed to two named *M-*²⁹⁶ (no available laws are addressed to more than two named officers) and among these, the only one that includes designations with the names of the positions is addressed to *MMpraes.* and *MMper orientem*. And this general law, dated c.443, concerns the dignities that are to be awarded to the *princeps* and to the *numerarii* retiring from the *officia* of all *M-*.
- d The *officium* of a *MMper orientem* is referred to explicitly in 6 laws,²⁹⁷ and implicitly in another law in connection with his court.²⁹⁸
By comparison, the *officium* of a *MMper thracias* is mentioned only in a law dated 412,²⁹⁹ (which prescribes an ascending sequence of accountability and reporting from the *officium* of a *dux* to the *officium* of the *MMper thracias* to the *officium* of the central *MaP*) and the *officium* of a *MMper illyricum* is mentioned only in a law dated c.472,³⁰⁰ (which refers to the *officium* of at least one *MMpraes.* and that of a *MMper illyricum* but not that of a *MMper thracias.*).
- e The only law addressed to a *MMper illyricum* prohibits any relocation of military units from existing locations without imperial authorisation and, if permission is granted, requires involvement of the *praefectus praetorio* (whose many responsibilities included rations or pay and allowances within the imperial service, and the costs associated with troop movements).³⁰¹
- f The name *MaP*, which was mostly used to refer to the central *M-*, is also attested referring to the *MMper orientem* but not to either the *MMper thracias* or *MMper illyricum*.³⁰²
- g The inscriptions refer to a *MMper orientem* in 506 and an *ex-MMper thracia(-s?|-m?)*³⁰³, in 525.³⁰⁴

These observations do not prove, but would not be inconsistent with the possibility, that in comparison with a permanent position *MMper orientem*, with an *officium cardinale*, the positions *MMper thracias* and *MMper illyricum*, each with an *officium [.] deputatur*, were temporary positions to which appointments were made intermittently (perhaps resulting from the fluctuating Roman control of the Danubian border).

The *pre-Cnd* lists that were represented by the domain lists *Cnd*.18, 21 need not have been in agency lists associated with the positions *MMper thracias* and *MMper illyricum*. Those pre-Cnd lists may have been just regional lists of military units deployed in the dioceses *Thraciae* and *Illyricum*. There was no necessary connection between official lists of regional *comitatenses* units (like those represented by the domain

²⁹⁴ Oriens: Cod.Theod.16.8.9(393), Cod.Theod.12.1.175(412), Cod.Theod.1.7.4(414), Cod.Theod.8.1.15(415), Cod.Theod.7.4.36(424), Cod.Iust.1.27.2(534); Thraciae: Cod.Theod.7.17.1(412); Illyricum: Cod.Iust.1.29.4(491-518).

²⁹⁵ Africa: Cod.Theod.9.7.9(393); Dalmatia: Cod.Iust.6.61.52(473); Armenia & Pontus polemoniachus: Cod.Iust.1.29.5(528-30).

²⁹⁶ Addressed to two named *M-* not identified by designations: Cod.Theod.7.4.18+7.9.3(412) - see notes 85 and 2251; Cod.Theod.1.8.1(415) - see note 224; Nov.Theod.7.4(415); - see notes 112 and 210. Addressed to two named *M-* with identified designations: Cod.Iust.12.54.4(c.443) - see notes 129 and 224.

²⁹⁷ Cod.Theod.12.1.175(412), Cod.Theod.1.7.4(414), Cod.Theod.8.1.15(415), Cod.Iust.12.54.4(c.443), Cod.Iust.12.59.10(c.472), Cod.Iust.1.29.3(476-85).

²⁹⁸ Cod.Iust.12.35.18(492).

²⁹⁹ Cod.Theod.7.17.1(412) - see note 235.

³⁰⁰ Cod.Iust.12.59.10(c.472) - see note 167.

³⁰¹ Cod.Iust.1.29.4(491-518).

³⁰² Cod.Iust.1.29.3(476-85), Cod.Iust.12.35.18(492).

³⁰³ *ex-MM*: that is, either a retired officer or honorary officer.

³⁰⁴ See Attachment 3 #165 and 169.

lists in *Cnd*.15, 18, 21) and either ordinary or extraordinary regional positions *M*-: that is, the units listed in the *Cnd* as being in the dioceses *Thraciae* and *Illyricum* did not exist in such official lists either only because, or only when, there was a serving *MMper thracias* or *MMper illyricum*. It was observed from the laws mentioned in §[3a] that regional units, comprising mainly both *comitatenses* and *limitanei* soldiers, were under the immediate command of both *comites* and *duces* and these were subject to a regional *M*- whenever one was appointed. The military units in a region were, therefore, listed either in association with *comites* and *duces*, or with an *M*-, as exemplified in the *Cnd* in its western lists where most of the regional *comitatenses* units were named in lists associated with the position of a regional *M*- and the positions of *comites rei militaris*, as mentioned in §[12a].

§[10] *The two eastern central positions M-*

In the preceding section §[9d7] it was suggested that the evidence in the laws referring to the regional *MMper orientem* (*Cnd*.15 directing an *officium cardinale*) and to the two regional *MMper thracias* and *MMper illyricum* (*Cnd*.18 and *Cnd*.21 each directing an *officium* [...] *deputatur*) would not be inconsistent with the possibility that the positions *MMper thracias* and *MMper illyricum* were temporary positions to which appointments were made intermittently.

A similar conclusion could be suggested in relation to the central *MMpraes.* (*Cnd*.9 directing an *officium* [...] *deputatur*) when compared with the other central *MMpraes.* (*Cnd*.12 directing an *officium cardinale*) on the basis of the following observations from both from the laws and the *Cnd*.

§[10a] *The laws*

During the period 344-534, there were 36 eastern laws each addressed to a named officer serving in the position *M*-. Of these laws, 6 were addressed to *MM-per orientem* but only 1 each to a *MMper thracias*, a *MMper illyricum*, a *MMper africam*, a *MMdalmatiae*, and a *MMper armeniam* [etc]. During that period it is probable that there was, at all times, at least one central *MMpraes.*, and that this officer was the recipient of most laws that were addressed to a single *M*- whose position was not identified with either a central or regional designation.

During the same period, 344-534, among the laws addressed to named officers, only two included the central designation *-praes.* One of these, dated c.443, is addressed jointly to Appolonius, *magister militum praesentalis* (*MMpraes.*) and Anatolius, *magister militum per orientem* (*MMper orientem.*);³⁰⁵ the other law, dated 492, was addressed to Ioannes, *magister militum praesentalium* (*MMpraes.*).³⁰⁶ No law is addressed jointly to two or more *M*- serving simultaneously in two or more central positions.

In the law addressed to the *MMpraes.* Iohannes in 492, the immediate jurisdiction over the *milites* in the *numeri praesentales* that were stationed in eastern regions is transferred from the *MMper orientem* to the *duces* in those regions.³⁰⁷ It advises Iohannes that an *ad responsum* (adjutant) and an *adiutor* (assistant) are to be sent from his *officium* (*de officio tuae sublimitatis*) to assist *duces* in their adjudication of cases. And it adds that if no *ad responsum* is available from the *apparitio* (i.e. *officium*) of Iohannes, one may be sent from the *officium* of "another" or "the other" *MMpraes.* (*de officio alterius viri excelsi magistri militum praesentalis*).³⁰⁸

This reference to a second central *MM* and his *officium*,³⁰⁹ is not without problems:

- a *alterius* is the possessive form of the adjective *alter-a-um*, which generally means "the other" (of two) but is used in the laws mostly to refer to "another" (among a particular category of things),³¹⁰ so that

³⁰⁵ Cod.Iust.12.54.4(c.443) - see notes 129 and 225.

³⁰⁶ Cod.Iust.12.35.18(492) - see note 225.

³⁰⁷ Cod.Iust.12.35.18(492) - see note 236.

³⁰⁸ Cod.Iust.12.35.18(492)§1: [...] *de officio alterius viri excelsi magistri militum praesentalis* [...].

³⁰⁹ Cod.Iust.12.35.18(492)§1b: [...] *ad responsum de apparitionibus vestris* [...].

³¹⁰ Cod.Iust.5.34.5(293): *a praeside alterius provinciae*; Cod.Theod.13.5.5(326): *sive plebei seu potioris alterius dignitatis*; Cod.Iust.3.13.4(331): *aut comitis orientis vel alterius spectabilis iudicis impleret auxilium*; Cod.Theod.8.4.18(394): *transfugiendi in alterius militiae ordinem*; Cod.Theod.11.24.4(399): *cuiuslibet ille fuerit dignitatis*; Cod.Theod.11.28.11(416): *primipili vel cuiuslibet alterius tituli gratia*;

it is not known whether the reference *alterius magistri* is to "of the other" (one of two), or "of another" (one of several) *MMpraes.* The assumption that the meaning must be "of the other" just because only two central positions were represented in the *Cnd.*, is not only the beginning of a circular argument, but also an unwise assumption, since a law dated 535, which names the recipients to whom copies are being sent, identifies three *MMpraes.*³¹¹

- b a second *MMpraes.* is not named in the address to the law,³¹² nor named as the recipient of a copy of it;³¹³ that is, the law does not state that another central position actually existed at this time; the law simply authorises a contingency provision (*qui de officio alterius viri excelsi magistri militum praesentalis [...] destinatur, in locis, in quibus apparitionis tuae sublimitatis ad responsum non contigerit reperiri*);
- c the law states that an *ad responsum* sent from "another" or "the other" central *officium* is to have the same rights as those of the *ad responsum* sent from the *officium* directed by the *MMpraes.* (Iohannes) to whom the law is addressed, suggesting that the second *ad responsum* did not, either initially or normally, have those rights (perhaps because his status was not that of a normal *apparitor*);
- d the soldiers whose jurisdiction is being transferred by this law are identified as being under the ultimate jurisdiction of the agency directed by the *MMpraes.* (Iohannes) to whom the law is addressed;³¹⁴
- e in abolishing an existing process that allowed a soldier to be accused about the same matter simultaneously in several different courts, the law identifies these courts: once as the court of the *MMper orientem*,³¹⁵ and four times as the court of the *MMpraes.* (Iohannes) to whom the law is addressed,³¹⁶ without referring to a court of any other *MMpraes.*

These observations from the laws do not support the assumption, based on the *Cnd.*, that there were two, and only two, ordinary or permanent central positions *MMpraes.* in the eastern part of the Roman state.

§[10b] *The two eastern central lists Cnd.9, 12*

The contents of the two central lists *Cnd.9* and *Cnd.12*, had the format (domain=>*officium*=>*evectiones*) common to almost all agency lists among the eastern lists in the *Cnd.* . But the representation of their contents as being those of two separate agency lists, raises some issues.

- a In the precedence list *Cnd.1/2* the service positions to which an *illustris* grade of dignity was attached were named in the rank order (highest to lowest) of those positions during most of the period before 534.³¹⁷ Given the order in which the regional positions *MMper orientem*, *MMper thracias*, *MMper illyricum* were arranged in the *Cnd.*, it is unexpected that the central list *Cnd.9 MMpraes.* (with an *officium* [*deputatur*]) preceded the central list *Cnd.12 MMpraes.* (with an *officium cardinale*).

Cod.Theod.12.3.2(423): *ut alterius fortunae vel honoris homines*; Cod.Theod.8.1.17(433) *alterius sacramenti privilegiis perfruantur*; Cod.Theod.5.3.1(434): *vel cuiuslibet alterius loci clericus*; Cod.Iust.2.7.8(440): *a cohortis vel alterius vilioris condicionis*; Nov.Val.35(452): *corporatus urbis Romae vel cuiuslibet urbis alterius*; Cod.Iust.1.3.26(459): *cuiuslibet alterius professionis*; Cod.Iust.12.25.4(474): *alterius iudicis minoris vel maioris*; Cod.Iust.1.49.1(475): *vel codicilli alterius administrationis*; Cod.Iust.3.24.3(485-6): *nullius alterius iudicis*; Cod.Iust.12.29.3(484-91): *alterius iudicis iurisdictioni*.

- 311 According to Nov.Iust.22(535): *epil.* there were, at that time, three: Germanus, Zitta (Tzitta,Sittas), Maxentianus.
- 312 Unlike, for example, in Cod.Iust.12.54.4(c.443) addressed to Appolonius and Anatolius.
- 313 Unlike, for example, in Cod.Theod.1.81(415) which is addressed to Florentius, but is concluded with a note stating that a copy was sent to Sapricius (*scripta eodem exemplo Sapricio magistro militum*).
- 314 Cod.Iust.12.35.18(492)§pr: *dispositiones [...] excelsae tuae sedis sub cuius iurisdictione <praefati milites> consistunt.*
- 315 Cod.Iust.12.35.18(492)§6: *apud excelsam magisteriam per orientem potestatem.*
- 316 Cod.Iust.12.35.18(492)§6: *in iudicio sublimitatis tuae and apud sedem maginitudinis tuae*; §6a: *in iudicio tuae sublimitatis*; §6b: *iudicium tuae celsitudinis.*
- 317 With the exception that the position *quaestor sacri palatii* mostly preceded that of *magister officiorum*.

- b The names of the two central positions in the *Cnd* were indistinguishable; and they were the only two positions with that characteristic among the positions of agency directors in the eastern lists. In the *Cnd*, whenever the category name of an agency director referred to more than one position (such as *praefectus praetorio*, *magister equitum & peditum*, *proconsul*, *vicarius*, *comes rei militaris*, *dux*, *consularis*, *corrector*, *praeses*) the unique positions within the category were distinguished from each other by designations added to the category name (for example, *praefectus praetorio orientis*, *praefectus praetorio illyrici*). But there was no distinction between the position names of the two *MMpraes.* in any of the items in which the names were listed, as represented in this table:³¹⁸

Table 8

Precedence list <i>Cnd.1/2</i>	5	Magistri equitum & peditum in praesenti duo
		<i>MM-praes. Cnd.7-9 *</i>
		<i>MM-praes. Cnd.10-12 *</i>
Picture caption	7.a:	magister militum praesentalis
Domain list heading	9.1:	magister militum praesental(is)
Officium list heading	9.42	magisteria in praesenti potestas
Evectiones item	9.50	Magister(:) milit(:) in praesenti
		9.50 Magister(:) militum in praesenti
* The names in this table are in the <i>nominative</i> form (<i>case</i>) whereas some in the <i>Cnd</i> were in the <i>genitive</i> .		
(:) indicates that the word in the <i>Cnd</i> contained an abbreviation whose expansion is unknown.		

- c In the precedence list, item *Cnd.1/2.5* was apparently *Magistri equitum & peditum in praesenti duo*. This item is unusual, not only because of the unattested combination of *magister in praesenti*,³¹⁹ but also because the plural *magistri* was ambiguous in its location.

The four items that existed in *Cnd.1/2.5-8*³²⁰ are represented as follows:

Magistri equitum & peditum in praesenti duo (& **OPLB** et **TVM**; praesenti **OPT** praesenti **LBVM**; duo **OPTLVM II B**)
 Equitum & peditum per orientem (& **OPBVM** et **TL**)
 Equitum & peditum per thratias (& **OPLVM** et **TB**; thratias **OPTVM** thracias **LB**)
 Equitum & peditum per illyricum (& **OPVM** et **TLB**; illyricum **PTBVM** ylliricum **OL**)

in which the first word, *magistri*, was intended either to precede each of the three following items:

Magistri equitum & peditum in praesenti duo
 <magistri> Equitum & peditum per orientem
 <magister> Equitum & peditum per thratias
 <magister> Equitum & peditum per illyricum

or was intended to represent the singular *magister* in all four items:³²¹

Magistri
 <magister> equitum & peditum in praesenti duo
 <magister> Equitum & peditum per orientem
 <magister> Equitum & peditum per thracias
 <magister> Equitum & peditum per illyricum

in which the singular *magister* would be incompatible with *duo* in the same item. Obviously, *magister* was to be understood in the last three items and would also have referred to the first item if the number (*duo*) had not been added. And when that number was added, the addition was inconsistent with use of such numbers elsewhere in this precedence list.

In this list, wherever an item comprised both the category name of a position and a number, that item was followed by the names of the individual positions denoted by that number: for example,

| Comites domesticorum duo | Equitum | Peditum |
 | Proconsules ii | Asiae | Achaiae |
 | Vicarii iiii | Asianae | Ponticae | Thraiarum | Macedoniae |³²²

³¹⁸ Böcking, 1839-53, distinguished the two *M-* (in the page headers to the pictures and lists associated with them) as *Magister militum praesentalis I* and *Magister militum praesentalis II* and Seeck, 1876, copied this. The numbers *I* and *II* did not exist in the *Cnd*.

³¹⁹ See §[4h2] and §[7b7]]

³²⁰ The *Cnd* did not, of course, have any item numbers - see §[6].

³²¹ A similar arrangement and abridgement existed within the same precedence list in the items:

Cnd.1/2.20 Magistri scrinorum
 .21 Memoriae
 .22 Epistolarum
 .23 Libellorum
 .24 Craecarum

in which the plural *magistri scrinorum* was not intended to represent the first two words of each of the following four items.

so that the item *Magistri equitum & peditum in praesenti duo* would be the only exception to the observed pattern. This fact, together with the observation that the names for the two central positions were identical, suggests the probability that the number *duo* did not exist in the earliest *pre-Cnd* list that was represented by *Cnd.1/2* and that the number was interpolated later, to create agreement between the precedence list and the existence, at that time of two central lists of which those in *Cnd.9* and *Cnd.12* are a copy.

- d The *officium* in the central list (*Cnd.9*) and in the three regional lists (*Cnd.15, 18, 21*) each had a single chief officer (*Habet [...] principem*).³²³ But the second central agency, *Cnd.12*, with an *officium cardinale*, had two (*Habet [...] principes duos*) and this was the only *officium* list in the *Cnd* that had more than one *princeps*.³²⁴

§[10c] *The two eastern domain lists in Cnd.9, 12*

In each of the two central lists *Cnd.9* and *Cnd.12*, the domain list consists entirely of the names of military units, arranged under headings naming their classes (the cavalry *vexillationes palatinae* and *vexillationes comitatenses*, and the infantry *legiones palatinae*, *auxilia palatina*, and *pseudocomitatenses*: the central lists did not include any *legiones comitatenses*).³²⁵

The similarity between these two domain lists is greater than that which existed between any other two *Cnd* domain lists that consisted of military units. The similarity is observed in the number of units, their classes, and the listing of corresponding units in the same sequence. The main examples are tabulated as follows:

Table 9

Magister militum praesentis		Magister militum praesentis	
36 Units = 12 cavalry + 24 infantry		36 Units = 12 cavalry + 24 infantry	
<i>List Cnd.9</i>		<i>List Cnd.12</i>	
9	Equites catafractarii biturigentes	9	Equites catafractarii
11	Equites quinto dalmatae	11	Equites sexto dalmatae
13	Equites primi scutarii	12	Equites secundi scutarii
15	Equites primi clibanarii parthi	14	Equites secundi clibanarii parthi
<i>List Cnd.9</i>		<i>List Cnd.12</i>	
27	Constantiani	26	Constantiniani
28	Matijaci seniores	27	Mattiaci iuniores
29	Sagittarii seniores gallicani	28	Sagittarii seniores orientales
30	Sagittarii iuniores gallicani	29	Sagittarii seniores orientales
37	Felices honoriani iuniores	37	Felices arcadiani iuniores
39	Primi theodosiani	38	Secundi theodosiani
40	Terzii theodosiani	41	Quarti theodosiani

³²² And, similarly, the remaining lists in *Cnd.1/2* following each of these rubricated items: | Comites rei militaris duo, | Duces per aegyptum duo | per ponticam unus | per thracias duo | per illyricum ii | Consulares quindecim per orientem v | per asianam tres | per ponticam ii | per thracias duo | per illyricum tres | Praesides xl | per aegyptiacam quinque | per orientem viii | per asianam vii | per ponticam viii | per thracias quatuor | per illyricum octo | Correctores ii |.

³²³ See Table 8.

³²⁴ And it was one of only two *officium* lists in which a number was attached to the word *princeps*: the agency directed by the *dux syriae et eufratensis syriae* included the items: *Officium [...] habet [...] principem unum* (*Cnd.65.22-23*).

In the *Cnd*, three military officers were described as directing dual administrations, in which each officer serving as both regional director of soldiers and as provincial governor. The *Cnd* named these three positions as those of the *comes per isauriam et praeses* (*Cnd.54*), the *dux et praeses mauritaniae caesariensis* (*Cnd.137*) and the *dux arabiae et praeses* (*Cnd.61*). The first two of these directors were each listed as having a single *officium* with one *princeps*. But the *dux arabiae* had two *officia*: one as *dux* (*Cnd.61.24-30*) and the other as *praeses* (*Cnd.61.31-39*) each headed by its own *princeps*, whereas the eastern central list *Cnd.12* had only one *officium* but two *princeps*.

³²⁵ See Table 7.

The first writer who reported these similarities, in greater detail, was Dietrich Hoffmann,³²⁶ who concluded that the similarities attested a deliberate plan in the formation of the army.³²⁷

An alternative possibility is that the domain lists *Cnd.9* and *Cnd.12* represented two *pre-Cnd* lists that had been derived from an earlier single list that was at some time divided into two parts to indicate the fact that there were sometimes two contemporary *M*- both serving simultaneously in the position *MM-praes*.

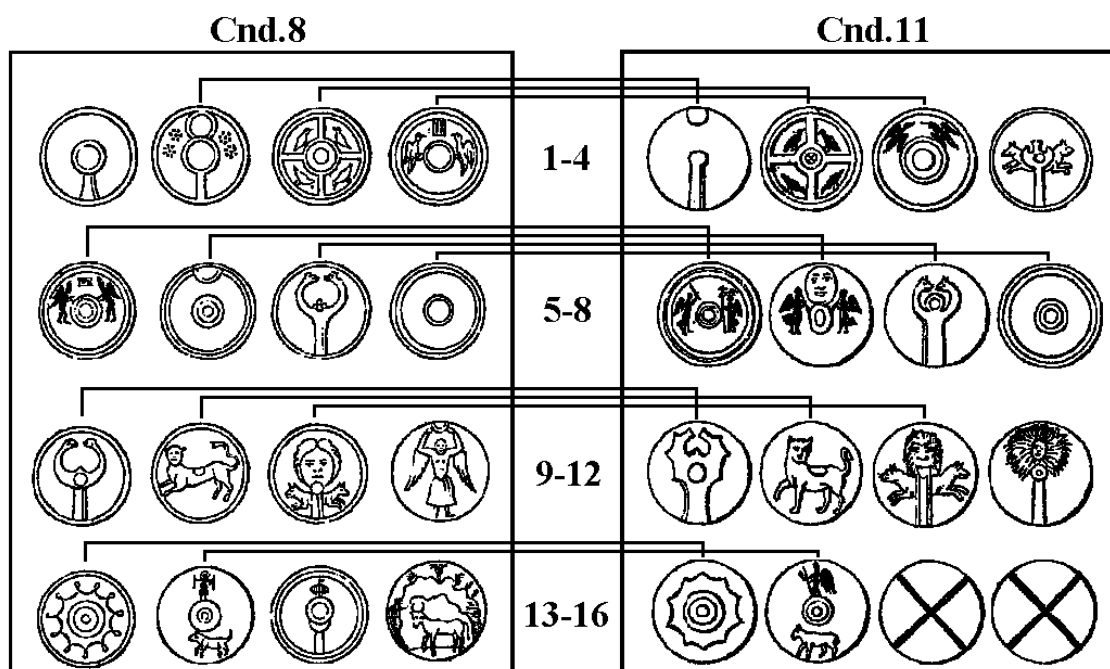
§[10d] *Two corresponding series of pictures Cnd.7-8 and 10-11*

The similarities between the two domain lists in *Cnd.9* and *Cnd.12* were matched by similarities in the pictures *Cnd.7-8* and *Cnd.10-11* that included drawings of discs representing shields captioned with the names of infantry units.

Any comments about drawings in the *Cnd* are made in the context of the fact that the exact form of every drawing in the *Cnd*, and of any decoration, is unknown. That is, while it is often certain as to what is being *represented* by a drawing and decoration in the primary copies, the exact *form* of the drawing and decoration that existed in the *Cnd* is unknown: firstly, because no primary copy has exactly the same form as that existing in any other primary copy and, secondly, because - in the absence of the *Cnd* - no drawing in any primary copy can be identified as being an accurate copy of the drawing in the *Cnd*.

For example, where all the drawings of a shield in the primary copies agree that the corresponding drawing in the *Cnd* had a decoration representing a bird (*Cnd.7.4* or *7.5*), the exact form of the decoration in the *Cnd* is unknown because no drawing of that bird is exactly the same in all the primary copies. Even where the decoration of a shield consists of only a single central circle, its diameter varies between copies. Where there is sufficient agreement among the drawings in the primary copies it is often possible, therefore, to suggest the entity or the geometric pattern that was represented by a drawing or its decoration in the *Cnd* but not its exact form in the latter.

From the drawings in the primary copies it is apparent that picture *Cnd.8* contained several drawings whose decorations were similar to those on corresponding drawings in picture *Cnd.11* as indicated in the following picture (whose drawings are derived from those in the primary copy **W**):



and these drawings and their captions are identified in the following table:

³²⁶ Hoffmann, D., *Das spätrömische Bewegungsheer und die Notitia dignitatum*. (Epigraphische Studien 7/I, 7/II) (Düsseldorf, Rheinland, 1969-1970), pp.10-15, referring to the two lists on pp.492-493.

³²⁷ Hoffmann, 1969-70, p.10.

Table 10

Magister militum praesentalis				Magister militum praesentalis				
36 Units = 12 cavalry + 24 infantry				36 Units = 12 cavalry + 24 infantry				
Total number of shields = 24				Total number of units = 24				
Picture Cnd.8				Picture Cnd.11				
Cap.	Row 1			Draw.	Row 1			Cap.
a	Salii	1						
b	Constantiani	2 =	1	Tubantes			a	
c	Matoiaci seniores	3 =	2	Constantiniani			b	
d	Sagittarii seniores gallicani	4 =	3	Mattiaci iuniores			c	
				4	Sagittarii seniores orientales		d	
Row 2				Row 2				
e	Sagittarii iuniores gallicani	5 =	5	Sagittarii iuniores orientales			e	
f	Tertii sagittarii ualentis	6 =	6	Sagittarii dominici			f	
g	Defensores	7 =	7	Vindices			g	
h	Raetobarii	8 =	8	Bucinobantes			h	
Row 3				Row 3				
i	Angleuarii	9 =	9	Falchouarii			i	
k	Hiberi	10 =	10	Thraces			k	
l	Visi	11 =	11	Teruingi			l	
m	Felices honoriani iuniores	12	12	Felices theodosiani			m	
Row 4				Row 4				
n	Victores	13 =	13	Felices arcadiani iuniores			n	
o	Primi theodosiani	14 =	14	Secundi theodosiani			o	
p	Tertii theodosiani	15	15	Felices arcadiani iuniores <repeat of 11.n>			p	
q	Felices theodosiani isauri	16	16	Quarti theodosiani				
Cap. = drawing caption; Draw. = drawing number				= similar / common / co-ordinated decoration				

Each of these two pictures *Cnd.8* and *Cnd.11* was the second picture in a series of two: the series of pictures *Cnd.7-8* preceded list *Cnd.9* and the series *Cnd.10-11* illustrated list *Cnd.12*.

The first picture in each of these two series, that is, pictures *Cnd.7* and *Cnd.10* also exhibited similarities, but of a different kind.³²⁸ Each of these two pictures contained 8 drawings representing shields. Among their first 6 drawings, both pictures contained 1 shield with radial panels (**A**) and 1 with two quadrupeds & a crescent (**B**). To these the first picture added 2 shields each with a bird (**C**) and 2 with a star (**D**); while the second picture added 2 with a sun (**F**) and 2 with twisted ropes (**F**). The sequence (top to bottom, left to right) in which the shields with these decorations was arranged into the two pictures was:

	Row 1	Row 2	Row 3		Row 4	
<i>Cnd.7</i>	A	C =	= C	D =	= D	B
<i>Cnd.10</i>	B	E =	= E	F =	= F	A

The writer who first examined the decorations of these drawings in detail was Robert Grigg,³²⁹ who concluded that the similarities in *Cnd.7-8* and *Cnd.10-11* perhaps resulted from an attempt to represent a visual analogy for the closely related lists.³³⁰

§[10e] *Summary*

- a The evidence in the laws referring to the five eastern positions *M-* would not be inconsistent with a conclusion that the positions *MMpraes.* (*Cnd.12*) and *MMper orientem* (*Cnd.15*), related in the *Cnd* with an *officium cardinale*, were ordinary or permanent positions, while the positions *MMpraes.* (*Cnd.9*), *MMper thracias* (*Cnd.18*) and *MMper illyricum* (*Cnd.21*), each associated in the *Cnd* with an *officium [.] deputatur*, were temporary positions to which appointments were made intermittently.

³²⁸ For the pictures, see page 90. (copy **W** omits both quadrupeds in drawing "B" in row 1 = *Cnd.10#3*)

³²⁹ Grigg, R., *Inconsistency and lassitude: the shield emblems of the Notitia dignitatum*: Journal of Roman Studies 73 1983 pp.132-142 & pl. 3-10, which developed observations that he made earlier in *Portrait-bearing codicils in the illustrations of the Notitia dignitatum*: Journal of Roman Studies 69 1979 pp.107-124 in pp.110-112.

³³⁰ Grigg, 1983, p.140: 'I find it easier to believe that the unexplained co-ordination of emblems was fictional and perhaps motivated by a desire to create a visual analogy for the very real parallelism between the two praesental lists.'

- b The references in the laws to the position *M-* do not support the assumption, based on the *Cnd*, that there were two, and only two, ordinary or permanent central positions *MMpraes.* in the eastern part of the Roman state. A potential second *MMpraes.* is suggested in the law dated 492 and three contemporary officers are attested in a law dated 535.
- c Two positions *MMpraes.* in the *Cnd* were represented by indistinguishable names and the reference *duo* in *Cnd.1/2.5* was inconsistent with the use of all other similar numbers in the same *Cnd* list.
- d The similar number of units, their categories, and the sequence in which they were named in the domain lists *Cnd.9* and *Cnd.12* suggests that those two lists represented two *pre-Cnd* lists that had been derived from an earlier single list that was at some time divided into two parts.
- e The similarities in both the decoration and sequence of the drawings of shields of military units in the pictures *Cnd.7-8* (related to *Cnd.9*) and *Cnd.10-11* (related to *Cnd.12*) suggest that one of these series of picture was imitated by the other.

§[11] *The Cnd positions M- in the western lists*

§[11a] *The names of the western positions M-*

The western precedence list, *Cnd.85/6*, referred to three service positions named *M-*, each of which was identified as the director of an agency represented by an agency list. The various names of these positions in the *Cnd* were:

magister peditum in praesenti	magister peditum	magister peditum praesentalis	
magister equitum in praesenti	magister equitum	comes & magister equitum praesentalis	magisteria potestas
magister equitum per gallias	magister equitum galliarum	comes & magister equitum galliarum	

In addition, some regional *officium* lists each described the *princeps* of each as being appointed from the *officium* of one, or several, central *M-* variously named:

magister / magistri militum praesentalium	
magister / magistri militum praesentalium a parte peditum	magister praesentalium a parte peditum
magistri militum praesentalium [.] a parte peditum [.] a parte equitum	

And, immediately following the *officium* list associated with the last regional director of soldiers (the *dux mogontiacensis*), the *Cnd* contained a series of lists beginning with an item that included the name of the position:

magister militum praesentalium a parte peditum.³³¹

§[11b] *Some differences between the eastern and western lists and pictures for the position M-*

The western lists and pictures that were associated with the position *M-* differed in several respects from the corresponding eastern ones. Among these differences the most apparent included the following:

- a the five eastern positions *M-* and the three western positions *MP*, *ME* and *MEper gallias* were all named in a precedence list, in an agency list associated with each *M-*, and (except for the position *MEper gallias*) in the caption to the first picture in a series of pictures related to each agency list. Apart from those two lists and captions, no eastern position *M-* was mentioned in any other eastern list item or picture caption. By contrast, a western central position *M-* was mentioned in several western lists in addition to the precedence list and the agency lists of the positions *MP* and *ME*.
- b The western precedence list *Cnd.85/6* named the positions of 6 *comites rei militaris* and 12 *duces* and all except two of these were named in the agency list of the *MP* as being under the jurisdiction of the latter (only 10 of the 12 *duces* were named, omitting the *dux sequanicae* and *dux tractus armoricani et nervicani* although the *Cnd* contained agency lists for both, in which it was stated that the *princeps officii* of each was appointed by the central *M-*). There was no comparable list of *comites* and *duces* in of the agency list of the western *ME* or in those of any of the five eastern *M-*.
- c the domain list of each eastern *M-* comprised both cavalry and infantry units, as did the domain list of the western *MEper gallias*. But the domain list of the western *MP* included only infantry units and that of the western central *ME* only cavalry units.
- d in the domain lists of the eastern *M-*, the military units were listed in the sequence cavalry=>infantry, (consistent with the early position name *magister equitum et peditum - MEP*). The same sequence was also used in most other lists of military units in the *Cnd*,³³² and was reversed in only two laws.³³³

³³¹ All these names for the position *M-*, are also tabulated in *Attachment 8*.

But in the western lists, the agency list of the *MP* (naming only infantry) preceded that of the *ME* (naming only cavalry). The same sequence (infantry=>cavalry) existed in the domain list for the *MEper gallias* but there are indications that this was a reversal of the sequence cavalry=>infantry that existed in the *pre-Cnd* list represented by that domain list in the *Cnd*. Yet in the only law in which the words *numeri* and *vexillationes* coexisted and were used to denote *comitatenses* infantry and cavalry, they were named in the sequence (infantry=>cavalry).³³⁴

- e In the agency lists for the five eastern positions *M-* and for the two central western positions named *MP* and *ME*, the domain list was followed by the secretariat list. But the agency list for the *MEper gallias* was arranged in the sequence: domain list (infantry) => secretariat list => domain list (cavalry).
- f the two pictures associated with the agency list of each eastern *M-* contained drawings of discs representing shields that were captioned with the names of only infantry units mentioned in the following domain list. The shields in the six pictures associated with the agency list of the western *MP* were also captioned with the names of only infantry units. But those in the two pictures preceding the agency list related to the central *ME* represented only cavalry units.
- g There were no pictures explicitly identified as being related to the agency list associated with the position *MEper gallias*.

§[11c] *The names of the western service positions M- in laws and inscriptions*

As previously noted,³³⁵ the laws and inscriptions provide the following facts about the names that were used for the position *M-* in the western lists in the *Cnd*:

- a the following names do not exist in the laws and inscriptions and are, therefore, not attested as accurate copies of names used officially or in official texts:

<i>magister peditum</i>	(<i>Cnd</i> .92.a)
<i>magister peditum in praesenti</i>	(<i>Cnd</i> .85/6.5)
<i>magister peditum praesentalis</i>	(<i>Cnd</i> .98/9.1 and 98/9.149)
<i>magister equitum in praesenti</i>	(<i>Cnd</i> .85/6.6)
<i>magister equitum praesentalis</i>	(<i>Cnd</i> .102/5.1)
<i>magister equitum per gallias</i>	(<i>Cnd</i> .85/6.7 and 102/5.163)
<i>magister equitum galliarum</i>	(<i>Cnd</i> .102/5.114 and 102/7.217)
<i>magister militum praesentalium a parte peditum</i>	(<i>Cnd</i> .149.4 and 156/8.22)
<i>magister praesentalium a parte peditum</i>	(<i>Cnd</i> .132.12)

- b the use of the following names in official texts is attested, as indicated:

<i>magister equitum</i>	(<i>Cnd</i> .100.a)
used in 2 eastern and 5 western laws but not certainly as the complete name of a position <i>M-</i> and is not used to refer to that position in any inscription.	
<i>magisteria potestas</i>	(<i>Cnd</i> .102/5.45)
used in both eastern and western laws, but not in inscriptions.	

³³² The sequence (cavalry=>infantry) was also used in the naming of the *domestici* (imperial household guards: *Cnd*.29 and 114) The same sequence existed in the naming of the non-*comitatenses* military units in most of the agency lists associated with the regional military directors: *dux thebaidos* (*Cnd*.56/7), *dux palaestinae* (*Cnd*.59), *dux arabiae* (*Cnd*.61), *dux foenicis* (*Cnd*.63), *dux syriae & eufratensis* (*Cnd*.65), *dux osrhoenae* (*Cnd*.67), *dux mesopotamiae* (*Cnd*.69), *dux armeniae* (*Cnd*.71), *dux scythiae* (*Cnd*.74), *dux moesiae II* (*Cnd*.76), *dux moesiae I* (*Cnd*.78), *dux daciae ripensis* (*Cnd*.80), *comes tingitaniae* (*Cnd*.130), *dux pannoniae II* (*Cnd*.141), *dux valerianae* (*Cnd*.143), *dux pannoniae I* (*Cnd*.145), *dux raetiae I&II* (*Cnd*.147), *dux belgicae II* (*Cnd*.152). Among similar agency lists, infantry units are named first only in those associated with the positions: *comes r.m. per aegyptum* (*Cnd*.52), *dux tractus armoricani & nervicani* (*Cnd*.151) and *dux britanniorum* (*Cnd*.154) {britanniorum OPLV=britanniorum TM britanniarum AB [LAB were independently derived from an absent copy of the *Cnd* that was independent of any primary copy of the *Cnd*]. The form *-iorum* instead of *-orum* also existed in *Cnd*.23.42 and 63.14}.

³³³ Cod.Theod.8.1.5(357) and Cod.Iust.1.29.1(386/7) - see note 180.

³³⁴ The western law Cod.Theod.7.4.23(396) - see note 119.

³³⁵ In §[4e, 4h, 5a, 5b], which are partly summarised in §[7b].

magister militum praesentalium / magistri militum praesentalium

(*Cnd.*128.23+24, 133.4, 137.11, 139.17, 147.24, 151.17, 154.41, 156/14)

used in two eastern laws dated c.443 and 492, and possibly in one eastern inscription dated 521 (on 3 diptychs as *magister equitum et peditum praes.(-entalis?/-entalium?)*).

- c the phrase *in praesenti* does not exist in conjunction with any name for the service position *M-* in any law or any inscription.
- d there is no evidence, in any law or inscription, that any officer serving as *M-*, whether in an ordinary or an extraordinary position:
 - i was allocated a command over only infantry units in a manner in which the command could, as a result, be referred to as being that of a *magister peditum (MP)*; or
 - ii was allocated a command over only cavalry units in a manner in which the command could, as a result, be referred to as being that of a *magister equitum (ME)*.
- e The domain list associated in the *Cnd* with the position *MEper gallias* comprises both *comitatenses* cavalry and infantry units indicating that the name *ME* must have denoted something other than the command of only cavalry units.
- f no western law is addressed to more than one named officer serving as *M-*, whereas two eastern laws are each addressed to 2 named *M-*, and another 2 eastern laws are each addressed to one named *M-* but have a note stating that a copy is sent to another named *M-*.

§[11d] *Some names for western positions M- existing with eastern forms*

As just noted, the western lists of the *Cnd* represent the service positions of two *M-* with names, or combinations of names, whose underlined words are not attested, in any law or inscription, as having been combined with the word *magister*:

*Cnd.*92.a: *magister peditum*, 85/6.5: *magister peditum in praesenti*, 98/9.1 & 149: *magister peditum praesentalis*

*Cnd.*100.a: *magister equitum*, 85/6.5: *magister equitum in praesenti*, 102/5.1: *comes et magister equitum praesentalis*.

The existence of these unattested names in the western lists in the *Cnd* can be compared with the existence of the phrase *in praesenti* and the eastern adjective *praesentalis* in the alleged names of service positions in comparable position names in the eastern lists. The comparable eastern and western items are the following:

Table 11: Names for the service positions of the central *M-* in the *Cnd*

Eastern lists	Western lists
<i>Precedence list:1/2.5</i> magistri equitum et peditum in praesenti duo	<i>Precedence list: 85/6</i> magister peditum in praesenti magister equitum in praesenti
<i>Domain list headings (sub dispositione): 9.1, 12.1</i> [...] magistri militum praesentalis [...] magistri militum praesentalis	<i>Domain list headings (sub dispositione): 98/9.1, 102/5.1</i> [...] magistri peditum praesentalis [...] comitis et magistri equitum praesentalis
<i>Secretariat list headings (officium ...): 9.42, 12.44</i> [...] suprascriptae magisteriae in praesenti potestatis [...] suprascriptae magisteriae in praesenti potestatis	<i>Secretariat list headings (officium ...): 98/9.149, 102/5.45</i> [...] suprascripti magistri peditum praesentalis [...] suprascriptae magisteriae potestatis

Given that:

- a the phrase *in praesenti* is not used in inscriptions and is not used in any law in association with any name for the service position *M-*;
- b the adjective *praesentalis* exists in combination with *magister* only in eastern laws (c.443 and the other four from between 492-534), and in an inscription, repeated in 521 on three diptychs;
- c the eastern name *magister militum praesentalis* is attested in laws, and probably in a repeated inscription, but the western names *magister peditum praesentalis* and *magister equitum praesentalis* exist only in copies of the *Cnd*;

it is apparent that the existence of the phrase *in praesenti* and the adjective *praesentalis* in corresponding items in eastern and western lists in the *Cnd* cannot have been created twice independently. Those eastern names were the model from which the western names were either initially derived, or later amended. A possible reverse relationship (west to east) is precluded by the fact that the word *praesentalis* is attested only in eastern laws after c.443 and an eastern inscription reproduced in 521 on

three objects. It is not known whether the western imitation of the phrase and adjective that existed in the corresponding eastern list items occurred in a *pre-Cnd* compilation or only in the *Cnd*.

§[12] *The Cnd western lists with the names of comitatenses units*

§[12a] *The lists of comitatenses units*

In the *Cnd*, all the eastern military units that were explicitly identified as *comitatensis* units were named only in the agency lists associated with the five eastern positions *M*-. By contrast, most western *comitatenses* units were named twice:

- the *comitatenses* infantry units were named in the agency list *Cnd.98/9*, associated with the position *MP*, whose domain list included the names of only infantry units. All except 5 of these units were also named in the captions to the drawings representing shields in the pictures *Cnd.92-97* that preceded the agency list. The captions and the domain list together identified **128 infantry units**.
- the *comitatenses* cavalry units were named in the agency list *Cnd.102/5.1-52*, associated with the position *ME*, whose domain list included the names of only cavalry units. All except 2 of these units were also named in the captions to the drawings representing shields in the pictures *Cnd.100-101* preceding the agency list. The captions and domain list together identified **41 cavalry units**.
- these two central agency lists were immediately followed, in *Cnd.102/5.53-260*, by 13 lists that comprised 1 *officium* list and 12 domain lists (mostly partial) comprising the names of *comitatenses* infantry units (in lists 1-3, 5-8) and cavalry units (in lists 9-13). These lists identified **139 infantry units** and **44 cavalry units**.³³⁶

All these lists are indicated in the following table, in which the headings under which the units were named are printed in bold type (*the italicised numbers 1-13, along the right side margin did not exist in the Cnd but are used in the table to simplify some references to the lists in the following descriptions*):

Table 12

<i>Cnd</i>	*	List headings	Contents of the lists
92-97	P	Insignia v.i. magistri peditum	6 pictures
98/9.1-19	D	Sub dispositione v.i. magistri peditum praesentalis	6 comites, 10 duces
98/9.20-148		Legiones palatinae, Auxilia palatina, Legiones comitatenses, Pseudocomitatenses	128 infantry
98/9.149-155	S	Officium suprascripti magistri peditum praesentalis	6+ secretariat positions
100-101	P	Insignia v.i. magistri equitum	2 pictures
102/5.1-44	D	Sub dispositione v.i. et comitis magistri equitum praesentalis Vexillationes palatinae, Vexillationes comitatenses	41 cavalry units
102/5.45-52	S	Officium suprascriptae magisteriae potestatis	7+ secretariat positions
102/5.53-90	D	Qui numeri ex praedictis per infrascriptas provincias habeantur intra italiam	37 infantry units 1
102/5.91-113	D	Intra illyricum cum v.s. comite illyrici	22 infantry units 2
102/5.114-162	D	Intra gallias cum v.i. magistro equitum galliarum	48 infantry units 3
102/5.163-169	S	Officium v.i. magistri equitum per gallias	7+ secretariat positions 4
102/5.170-186	D	Intra hispanias cum s. comite	16 infantry units 5
102/5.187-191	D	Intra t̄ngit̄niam cum v.s. comite	4 infantry units 6
102/5.192-204	D	Intra africanam cum v.s. comite africae	12 infantry units 7
102/5.205-208	D	Cum v.s. comite britanniarum	3 infantry units 8
102/5.209-216	D	Item vexillationes intra italiam	7 cavalry units 9
102/5.217-229	D	Intra gallias cum v.i.comite et magistro equitum galliarum	12 cavalry units 10
102/5.230-249	D	Intra africanam cum v.s. comite africae	19 cavalry units 11
102/5.250-256	D	Intra britannias cum v.s. comite britanniarum	6 cavalry units 12
102/5.257-260	D	Intra t̄ngit̄niam cum v.s. comite t̄ngit̄niae	3 cavalry units 13
106	P	Insignia viri illustris magistri officiorum	

Abbreviations (not used in the *Cnd*): P D S = P(ictures), D(omain list), S(ecretariat=*officium* list); v.i. and v.s. = v(ir) i(llustris), v(ir) s(pectabilis)

§[12b] *The 13 lists comprising Cnd.102/5.53-260*

In order to place the following observations about these lists in their proper context, it is necessary to make the following introductory comments.

The lists in the *Cnd* comprised two precedence lists, one eastern (*Cnd.1/2*) and one western (*Cnd.85/6*). Each of these was followed almost exclusively by agency lists (one of which was fragmentary by

³³⁶ See Attachment 9.

1426/7),³³⁷ with the exception of four composite lists, comprising one relating to the positions *comites domesticorum* and the other to those of *magistri scriniorum* within both the eastern and western lists.³³⁸

In addition to the precedence list and agency lists, the compilation of western lists also contained a third category of lists. This consisted of two series of lists: the first series, *Cnd.102/5.53-260*, comprised 13 lists, each identified by a heading, and the second series, *Cnd.156/8.22-87*, which was a fragmentary by 1426/7, comprised lists arranged under 12 list headings, of which one was duplicated.³³⁹

These two series of lists had some common features.

- a Each of the two series of lists immediately followed an agency list on the same page and without any intervening blank space or gap: that is, the lists *Cnd.102/5.53-260* immediately followed the agency list associated with the position *ME* (that ended at *Cnd.102/5.52*), and the lists *Cnd.156/8.22-87* followed the agency list associated with the position *dux mogontiacensis* (that ended at *Cnd.156/8.21*).
By contrast, no part of any agency list in the *Cnd* occupied the same page as any part of any other agency list (excepting only the agency lists associated with the positions of both western *praefecti praetorio* that existed together on the same page, *Cnd.89*).
- b The first item in each of the two series of lists (*Cnd.102/5.53: numeri ex praedictis [etc.]* and *Cnd.156/8.22: Item praepositurae magistri militum [etc.]*) referred to items in another list that did not immediately precede that item. But no other agency list in the *Cnd* referred to the existence of any other agency list.
- c The first item in each series referred to the agency list associated with the position of the central *M-*, either indirectly (*Cnd.102/5.53: numeri ex praedictis [etc.]*) or directly (*Cnd.156/8.22: Item praepositurae magistri militum [etc.]*).
- d The series *Cnd.102/5.53-260* did not have a heading comprehending all its 13 lists, while the fragmentary condition of the second series, *Cnd.156/8.22-87* makes it uncertain whether its first heading referred to the entire list.

The first series, *Cnd.102/5.53-260*, existed between the agency list associated with the position *ME* (*Cnd.102/5.1-52*) and the agency list related to the position *magister officiorum* (*Cnd.107*). But that location, between two agency lists, does not identify all 13 lists as comprising a single list divided into 13 sections. And these 13 lists were not identified as being a single list, either by any single heading for the entire series, or by any reference system since, as mentioned previously,³⁴⁰ the *Cnd* did not have any system of numbering attached to its pictures, drawings, picture captions, drawing captions, drawing inscriptions, lists or list items; and its contents were not divided into numbered sections such as books, titles, chapters, paragraphs, list or items.

In other words, the 13 lists comprising *Cnd.102/5.53-260* did **not** have

- any numbers such as: *Caput VII* (Böcking 1839-53) or *cap.VII* or *VII* or *Oc.VII* (Seeck 1876); or
- any headings such as: *Numeri sub magistris militum* (Böcking), or *Distributio numerorum* (Seeck).

These numbers and headings, that were interpolated into their editions by both Böcking and Seeck, on the basis of unwarranted assumptions, have misrepresented these 13 lists in the *Cnd* in ways that have occasioned a widespread and continuing misunderstanding of their contents.

Although the fragmentary condition of the second series of lists, *Cnd.156/8.22-87* makes it impossible to determine the exact relationship between the first heading and all the lists that followed it, these lists also did **not** have

- the numbers: *Caput XL* (Böcking 1839-53) or *cap.XLII* or *XLII* or *Oc.XLII* (Seeck 1876); or
- the headings: *Praepositurae mag. mil. praes. ped.* (Böcking), or *Praepositurae magistri peditum* (Seeck).

³³⁷ *Cnd.54.14-19*: the agency list associated in with the position *dux libyarum*.

³³⁸ *Cnd.30: comites domesticorum equitum sive peditum*; *Cnd.36: magister memoriae [etc.]*; *Cnd.114: comites domesticorum equitum sive peditum*; *Cnd.117: magister memoriae [etc.]*.

³³⁹ Nelson, C.A.H. & Nelson L.H., *Occident 42 of the Notitia Dignitatum - dating and structure: Res publica litterarum: studies in the classical tradition* (Univ. Kansas, Lawrence) 3 1980 pp.115-129) correctly identified the lists *Cnd.156/8.22-87* as representing fragments of a larger group of *pre-Cnd* lists.

³⁴⁰ See §[6].

§[12b1] *The agency list for the position named MEper gallias*

The service positions to which the highest division of the *illustris* grade of dignity was attached by 375 were, in order of decreasing rank, those of *praefectus praetorio*, *praefectus urbis* and *M-*,³⁴¹ and they were listed in this order, not only in the laws and in the compilations of the latter, but also in the precedence lists in the *Cnd*, and in the sequence of the agency lists associated with the positions named in that precedence list. And since the position *MEper gallias* was named in the precedence list immediately after the positions named *MP* and *ME*, and since each of those positions was each associated with an agency list, it would be expected that those two agency lists would be followed by one related to the position *MEper gallias*.

That position in the *Cnd*, between the list associated with a central *M-* and the following agency list related to the position *magister officiorum*, was occupied by the series of 13 lists *Cnd.102/5.53-260*. But among these 13, there were the following three lists that were associated with the service position *MEper gallias*:

102/5.114-162	D	Intra gallias cum viro illustri magistro equitum galliarum	48 infantry units	3
102/5.163-169	S	Officium viri illustris magistri equitum per gallias	7+ secretariat positions	4
102/5.217-229	D	Intra gallias cum viro illustri comite et magistro equitum galliarum	12 cavalry units	10

whose contents comprised those of an ordinary agency list (that is: a domain list and an *officium* list).

The fact that these three lists represented two parts of a *pre-Cnd* agency list whose contents were arranged in the sequence:

- domain list:** cavalry (102/5.217-229) => infantry (102/5.114-162)
officium list (102/5.163-169)

which is the same as the arrangement as that in the similar agency lists of the 5 eastern *M-*, is indicated by two observations:

- the *domain list* (*infantry*) in *Cnd.102/5.114-162* immediately preceded the *officium* list *Cnd.102/5.163-169*; and
- the heading (*Cnd.102/5.217*) that preceded the names of the cavalry units (*Cnd.102/5.218-229*) contained the complete title of the position (that is, combined the name of the service position *M-* with the dignity *comes*),³⁴² identifying it as the opening heading to an entire domain list.³⁴³

This demonstrates that the three lists (3,4,10) in the *Cnd* represented a *pre-Cnd* agency list whose parts and their sequence (*domain cavalry*, *domain infantry*, *officium*) were common to those of most agency lists in the *Cnd*, but which was subsequently divided into two parts (*cavalry*)|-(*infantry*, *officium*) of which the first part (*cavalry*) was not only placed after the second (*infantry*, *officium*), but also not consecutively. And, therefore, the three lists in the *Cnd* were an inaccurate copy of a *pre-Cnd* agency list.

Although it was transformed before its representation in the *Cnd*, this agency list for the position *MEper gallias*, whose domain comprised both cavalry and infantry units (as did the domains of the eastern *M-*) also demonstrates that the position name *ME* did not denote the position of a *M-* who commanded only cavalry units.

§[12b2] *The military units of the comes africae, comes tingitaniae, comes britanniarum*

The 13 lists in *Cnd.102/5.53-260*, included the following 6 lists associated with three *comites rei militaris*:

102/5.187-191	D	Intra t̄ngitāgiam cum v.s. comite	4 infantry units	6
102/5.192-204	D	Intra africam cum v.s. comite africae	12 infantry units	7
102/5.205-208	D	Cum v.s. comite britanniarum	3 infantry units	8
102/5.230-249	D	Intra africam cum v.s. comite africae	19 cavalry units	11
102/5.250-256	D	Intra britannias cum v.s. comite britanniarum	6 cavalry units	12
102/5.257-260	D	Intra tingitāniam cum v.s. comite tingitaniae	3 cavalry units	13

³⁴¹ See §[3b].

³⁴² *Cnd.102/5.217*: [.] *viro illustri comite et magistro equitum galliarum*, compared with the shorter title [.] *viro illustri magister equitum galliarum* in the heading to the preceding infantry list *Cnd.102/5.114*.

³⁴³ As it did in the agency list associated with the position of the central *ME*, whose title in the opening heading also referred to the dignity *comes*: *Cnd.102/5.1*: [.] *viri illustris comitis et magistri equitum praesentalis*.

But the first two of these three *comites* commanded not only *comitatenses*, but also *limitanei* units and these were named in their *Cnd* agency lists, whose parts were arranged as follows (the agency list of the *comes britanniarum* did not have a list of *limitanei* units):

Table 13

	<i>Cnd.127</i>	<i>Cnd.129</i>	<i>Cnd.133</i>
Picture caption <i>drawings</i>	Comes africae <i>16 drawings of forts</i>	Comes tingitaniae <i>8 drawings of forts</i>	Comes britanniae <i>1 drawing of a fort</i>
	<i>Cnd.128</i>	<i>Cnd.130</i>	<i>Cnd.133</i>
Domain <i>list heading</i> <i>list items</i>	Sub dispositione v.s. comitis africae <i>limitanei</i> * Praepositus limitis <i>(16 praepositi in various places)</i>	Sub dispositione v.s. comitis tingitaniae Limitanei Praefectus alae <i>(6 positions in various places)</i>	Sub dispositione v.s. comitis britanniarum Provincia britannia
Secretariat <i>list items</i>	Officium autem habet idem v.s. comes hoc modo <i>(9 list items)</i>	Officium autem habet idem v.s. comes hoc modo <i>(9 list items)</i>	Officium autem habet idem v.s. comes hoc modo <i>(7 list items)</i>
Abbreviation (this was not used in the <i>Cnd</i>): v.s. = v(ir) s(pectabilis) * see note 345			

When a regional military agency included both *comitatenses milites* and *milites limitanei* these two categories were separately identified, as is apparent from the arrangements prescribed by Iustinianus, when he ordered the restoration of former military deployments in the diocese *Africa* upon its reconquest in 534.³⁴⁴ And the *Cnd* lists of *comitatenses* and *limitanei* units that were associated in the *Cnd* with the *comes africae* and *comes tingitaniae* indicate that these lists represented *pre-Cnd* domain lists that comprised both categories of units within an agency list.

§[12b3] *The agency list of the comes tingitaniae*

As indicated in Table 13, the military units named in the domain list of the *comes tingitaniae* immediately followed a heading consisting of the single word *Limitanei*, while the border positions named in the domain of the *comes africae* were listed under a heading whose letters were derived from a misreading of the word *Limitanei*.³⁴⁵ The word *limitanei* did not exist in the agency list of any other *comes* or *dux* in the *Cnd* so that its presence in *Cnd.128* and *Cnd.130* implied that the military entities that were listed under that heading were distinguished from another category of entities, listed under a different heading, which can have been only for the *comitatenses* units that were named among the 13 lists in *Cnd.102/5.53-260*.

That a *pre-Cnd* agency list of the *comes tingitaniae* contained both a list of the *comitatenses* units represented by *Cnd.102/5.257-260* & 187-191, and the *limitanei* units and *officium* represented by the agency list *Cnd.130*, and that those two classes of units were named under those two headings (*comitatenses* and *limitanei*) in that *pre-Cnd* agency list, is indicated by the list of all three cavalry units within the 13 lists, among which they were named as:

³⁴⁴ Cod.Iust.1.27.2(534): *Iustinianus A. Belisario magistro militum per orientem* || [.]
§4. *Et omnes diligenter [.] festinent, [.] laborando, usque ad illos fines provincias Africanas extendere, ubi ante invasionem Vandalorum et Maurorum res publica Romana fines habuerat et ubi custodes antiqui servabant, sicut ex clusuris et burgis ostenditur. [.]*
§7. *Sicut ergo [.] duces ac milites secundum nostram dispositionem in locis seu civitatibus quibus iussimus sedeant, [.] in quibus uniuscuiusque provinciae antiquus limes constitutus erat, quando florente Romana re publica memoratae provinciae integrae tenebantur.*
§8. *Pro limitaneis vero ordinandis [.] necessarium nobis esse videtur, ut extra comitatenses milites per castra milites limitanei constituentur, qui possint et castra et civitates limitis defendere et terras colere, [etc.]. Haec autem non solum in limitaneos volumus observari, sed etiam in comitatenses milites.*
§13. *Cum autem [.] per labores tuos antiquos fines omnis Africa receperit, et docuerit nos de omni ordinatione totius Africanae dioeceseos, id est quanti et qui milites in quibus locis vel civitatibus constituti sunt et quanti limitanei in quibus locis vel limitibus constituti sunt, tunc iubemus tuam magnitudinem ad nostram clementiam remeare. [.]*

³⁴⁵ The heading *Cnd.130.2* in the domain list for the *comes tingitaniae* was *Limitanei* (in the primary copies **OPTLABVVM**) but the corresponding heading *Cnd.128.2*, for the *comes africae*, was *Vinitanei - Vinitanei OPLVM, Vmctanei T, Limitanei AB* [see note 332 relating to **LAB**] which apparently resulted from a confusion of the letters **lm** and **un** during its transmission.

Cnd.102/5.258: equites scutarii seniores comitatenses
Cnd.102/5.259: equites sagittarii seniores comitatenses
Cnd.102/5.260: equites cardueni comitatenses.

The classification of these three cavalry units being *comitatenses* units was attested by the fact that all three were also named in the central cavalry list, *Cnd.102/5.1-44*.³⁴⁶ Consequently, the addition of the designation *comitatenses* to the name of each cavalry unit in *Cnd.102/5.258-260* was unnecessary to distinguish these units from any other cavalry units in *Cnd.102/5.209-260*. Apparently, therefore, in a *pre-Cnd* agency list, the three units were listed under the heading *comitatenses*, to distinguish them from the following list of *limitanei* and, when this *pre-Cnd* list was copied (that is, when the list of *comitatenses* was excerpted to become part of the 13 lists), the heading *comitatenses* was included with each of the three unit names as represented in *Cnd.102/5.258-260*.

That *pre-Cnd* agency list was represented in the *Cnd* in two parts, as illustrated in the following table and described below:

Table 14

<i>Cnd.102/5.53-260</i>	<i>pre-Cnd</i> agency list	<i>Cnd.130.1-9</i>
Ingra tingitaniam cum v.s comite tingitaniae ←	Sub <v> v.s. com<v> tingitaniae	Sub dispositione v.s. comitis tingitaniae
cavalry com. <i>Cnd.102/5.258-260</i> ←	Comitatenses	
infantry <i>Cnd.102/5.188-191</i> ←	# cavalry units	
	# infantry units	
	Limitanei →	→ Limitanei
	Praefectus alae →	→ Praefectus alae
	Tribunus cohortis	→ Tribunus cohortis
	(several positions in different locations)	(several positions in different locations)
	Officium	→ Officium

In other words, a *pre-Cnd* agency list related to the *comes tingitaniae*

- a contained a domain list comprising both *comitatenses* and *limitanei* units whose names were arranged under those two words as headings;
- b the first part of the domain list (*comitatenses*)
 - i was excerpted and transferred to be associated with the lists of *comitatenses* units represented by those in *Cnd.102/5.53-260*; in which
 - ii that excerpt was divided into two parts, whose initial sequence (cavalry=>infantry) was inverted (infantry=>cavalry), which were placed in two non-consecutive positions among the lists in *Cnd.102/5.53-260*; and
- c the remainder a *pre-Cnd* agency list (the domain list of the *Limitanei* units and the *officium* list) comprised the contents that were represented by the agency list *Cnd.130*.

§[12b4] *The agency list of the comes africae*

The process described in relation to the agency list associated with the position of *comes tingitaniae*, and to the list of *comitatenses* units related to that position, is also proposed for the corresponding lists of the *comes africae*. While the designation *comitatenses* was included with the name of all three cavalry units of the *comes tingitaniae* among the 13 lists in *Cnd.102/5.53-260*, it was included with the name of only one of the 19 cavalry units commanded by the *comes africae*.³⁴⁷ But the existence of the heading *Limitanei* in the *Cnd* agency list of the *comes africae*, and the existence of the lists of the *comitatenses* cavalry and infantry units under his command among the 13 lists, together suggest that the *Cnd* lists for this *comes* represented a similar *pre-Cnd* agency list to that represented by the *Cnd* lists for the *comes tingitaniae*.

A similar conclusion is suggested in relation to the agency list, and the military units list, associated with the position of *comes britanniarum*. But there were some noteworthy differences.

³⁴⁶ *Cnd.102/5.258=102/5.22; 102/5.259=102/5.43; 102/5.260=102/5.42.*

³⁴⁷ *Cnd.102/5.246: Equites scutarii iuniores comitatenses.* The word *comitatenses* may have been used to distinguish that unit from the *Equites scutarii iuniores scolae secundae* (*Cnd.102/5.248*) that were named in the same list. But it may also be significant that this unit, *Cnd.102/5.246*, with the *comes africae* was the only one of his cavalry units whose name was not mentioned in the central cavalry list *Cnd.102/5.1-44*.

§[12b5] *The agency list of the comes britanniarum*

The only military units that were associated in the *Cnd* with the position *comes britanniarum* were those named in 2 lists of *comitatenses* units (3 infantry and 6 cavalry) among the 13 lists in *Cnd.102/5.53-260*. The 2 lists were arranged in the same manner among the 13 lists as those for the *comes tingitaniae* and *comes africae*: that is, the infantry list preceded the cavalry one, and the two lists existed in non-consecutive positions. But, unlike the *Cnd* agency lists for those two *comites*, the list for the *comes britanniarum* (*Cnd.133*) did not contain either the heading *Limitanei*, or any list of military units or border positions. Instead, its domain list had the single item *Cnd.133.2: Provincia britannia*.³⁴⁸

The presence of that single item, and the representation of it by a captioned fort in the associated picture, likened the agency list for the *comes britanniarum* (*Cnd.133*) to the pseudo agency lists, on the following two pages in the *Cnd*, for the *comes italiae* (*Cnd.134*) and the *comes tractus argentoratensis* (*Cnd.135*). Each of these two lists also contained a domain list consisting of only a single item but, unlike the agency list for the *comes britanniarum*, neither contained an *officium* list, and neither of the *comites* was associated with the command of any military units named in the 13 lists.

These observations suggest that the *comitatenses* units related to the *comes britanniarum* in *Cnd.102/5.53-260* and the agency list *Cnd.133* was derived from a *pre-Cnd* list whose domain list comprised only the *comitatenses* cavalry and infantry units represented by *Cnd.102/5.205-208* and *250-256*, but no *limitanei*. It is speculated that, when the list of *comitatenses* units had been excerpted and transferred to comprise part of the 13 lists represented by *Cnd.102/5.53-260*, the remainder of the *pre-Cnd* agency list retained only the *officium* list that was represented by the list in *Cnd.133*. And to enable that *officium* to be represented as part of an agency list, the absent (excerpted and transferred) domain list was replaced with the interpolated list item *Provincia britannia*. The identification of that item as an interpolation is suggested by the fact that the item did not refer to either of the two provinces *Britannia I* or *Britannia II*, or to the diocese *Britanniae*, and by the probability that the item would not have existed if the agency list had included the *comitatenses* units that were represented in *Cnd.102/5.205-208* and *250-256* as being *cum viro spectabili comite britanniarum*.

Observations similar to those made in this section about *pre-Cnd* agency lists associated with the *comites tingitaniae*, *africae*, *britanniarum*, were first made and published by Erich Polaschek in 1936.³⁴⁹

§[12b6] *The 4 lists comprising Cnd.102/5.53-90, 91-113, 170-186, 209-216*

As mentioned in the preceding four sections, the 13 lists that comprised *Cnd.102/5.53-260* included:

- a 3 lists that represented, in a transformed copy, a *pre-Cnd* agency list for the position *MEper gallias* that existed in the exact position of the rank of that service position relative to the ranks of the positions associated with the agency lists that immediately preceded and followed it in the *Cnd*; and
- b 6 lists that represented excerpts from the domain lists of 3 *pre-Cnd* agency lists for the positions *comes africae*, *comes tingitaniae* and *comes britanniarum*. And each of these 3 excerpts, when transferred to accompany the transformed agency list for the *MEper gallias*, was divided into two parts that were placed, in an inverted sequence (infantry=>cavalry), in non-consecutive positions within the collection of lists that were represented within the 13 lists.

so that these 9 lists in the *Cnd* inaccurately represented the arrangements in and, therefore, were inaccurate copies of, the *pre-Cnd* lists from which they were derived. The transformation that produced the 3 lists (a), and the excerpts and transfers that produced the 6 lists (b), required only the items that were represented in the *Cnd* for the positions *ME-per gallias*, and for the *comes africae*, *comes tingitaniae* and *comes britanniarum* and could, therefore, have occurred at any time.

The remaining 4 lists among the 13 named the *comitatenses* infantry units *intra italiam*, *intra illyricum* and *intra hispanias*, and the *comitatenses* cavalry units *intra italiam*. These 4 lists were the following ones that are numbered (1,2,5,9) in Table 12:

³⁴⁸ The primary copies have: prouincia OPLBV = prouintia T, prouincia AM; britania O, britannia TV, britanniae LAB, britā P, absent M.

³⁴⁹ Polaschek, E., *Notitia dignitatum*: in Pauly, A., Wissowa, G., Kroll, W., Mittelhaus, K., & Ziegler, K.(eds.), *Real-Encyclopädie der klassischen Altertumswissenschaft*. (Stuttgart, Druckenmüller) hbd.33 1936 coll.1077-1116 in col.1100.

102/5.53-90	D	Qui numeri ex praedictis per infrascriptas provincias habeantur intra italiam	37 infantry units	1
102/5.91-113	D	Intra illyricum cum v.s. comite illyrici	22 infantry units	2
102/5.170-186	D	Intra hispanias cum s. comite	16 infantry units	5
102/5.209-216	D	Item vexillationes intra italiam	7 cavalry units	9

The following observations can be made about these four lists:

- 1 These four lists of military units (*Cnd.102/5.53-90*, 91-113, 170-186, 209-216) can be divided into two groups: the first three lists named only *comitatenses* infantry units, and the fourth list named only *comitatenses* cavalry units.
- 2 The heading to the first list identified its units as *numeri* (*Cnd.102/5.53*) and the heading to the fourth list referred to its units as *vexillationes* (*Cnd.102/5.209*). These two words coexist in only one law in which *numeri* refers to *comitatenses* infantry and *vexillationes* to *comitatenses* cavalry.³⁵⁰
The use of the word *numeri* in item *Cnd.102/5.53*, to refer to *comitatenses* infantry units, cannot have been derived from the context in which the word *numerus* existed in any other item in the *Cnd*.
- 3 In the only law in which the words *numeri* and *vexillationes* coexist, and are used to denote *comitatenses* infantry and *comitatenses* cavalry, they are named in that sequence (infantry=>cavalry) which corresponds to the sequence in which the two western central lists existed in the *Cnd*, in which the list with the position *MP* (*Cnd.98/9*), that named only *comitatenses* infantry units, was followed by the list with the position *ME* (*Cnd.102/5.1-52*), that named only *comitatenses* cavalry units.
That sequence was the reverse of the one (cavalry=>infantry) that existed in the *Cnd* in the agency lists associated with the five eastern positions *M-* and in *pre-Cnd* agency list that was represented by the lists *Cnd.102/5.217-229* and 114-169 for the *MEper gallias*.³⁵¹
- 4 Among the 4 lists, the first list (*Cnd.102/5.53-90*) began with the heading: *Qui numeri ex praedictis per infrascriptas provincias habeantur intra italiam*. These words were written immediately after the last item of the agency list associated with the central position *ME*, on the same page as the latter and without any intervening blank space or gap.
The last list (*Cnd.102/5.209*) began with the heading: *Item vexillationes intra italiam* which also followed the preceding list without any intervening blank space or gap.
- 5 Since the words *numeri* and *vexillationes* referred to *comitatenses* infantry and cavalry (#2 above) the heading *Qui numeri ex praedictis per infrascriptas provincias habeantur intra italiam* meant: "the infantry (units) which, from (among) the previously-mentioned (ones), shall/may be had (located, stationed) throughout the below-written provinces within *Italia*."
The words *Item vexillationes intra italiam* mean: "Also the cavalry (units) within *Italia*".
The adverb *item* has many meanings, including "also, likewise, further, next, moreover", and it existed thirteen times within the *Cnd*:³⁵²
 - a once (*Cnd.102/5.209*) among the 4 lists;
 - b once (*Cnd.61.31*) at the beginning of a list of *officium* positions;
 - c once (*Cnd.156/8.22*) at the beginning of a list of military entities that were unrelated to the agency list that immediately preceded the word *Item* (#6 below); and
 - d ten times at the beginning of a list of military units or entities that immediately followed other lists of military units within the same agency list.
indicating that *item* denoted a repetition, in regard to the following list of cavalry units, of the description in the opening heading that preceded lists of infantry units, thereby comprehending the bracketed words in the sentence: (*qui*) *vexillationes (ex praedictis per infrascriptas provincias habeantur) intra italiam*.

³⁵⁰ Cod.Theod.7.4.23(396)=Cod.Iust.12.37.8 - see note 126.

³⁵¹ Also see note 332.

³⁵² *Cnd.12.42* and 15.25 and 21.23: *Item pseudocomitatenses*; 61.31: *Item officium praesidis eiusdem provinciae*; 74.18 and 76.20: *Item legiones riparienses*; 78.10 and 80.19: *Item legiones*; 102/5.209: *Item vexillationes*; 154.16: *Item per lineam valli*; 156/8.22: *Item praepositurae*; 156/8.63: *Item in provincia italia*; 156/8.66: *Item in provincia italia mediterranea*.

- 6 It is uncertain whether the phrase *per infrascriptas provincias* and the following two words, *intra italiam* in *Cnd.102/5.53* were represented as one item in the *Cnd* or as two items.³⁵³

But that uncertainty does not affect the fact that *provinciae* cannot refer to any of the three regional designations (*Italia, Illyricum, Hispaniae*) that were used in the 4 lists, since all three refer to dioceses. If *provinciae* was used correctly, it means that the lists of units, certainly within the diocese *Italia*, and probably also within dioceses *Illyricum* and *Hispaniae*, were accompanied in a *pre-Cnd* list by headings or by annotations that indicated the provincial location of those units within a diocese, and that such headings or annotations were not represented in the *Cnd*.

The presence of provincial designations in similar lists of military units or entities was indicated by a second series of lists in *Cnd.156/8.22-87*. This series, which was fragmentary in the *Cnd*,³⁵⁴ began with the heading: *Item praepositurae magistri militum praesentalium a parte peditum in italia* which was written after the last item in the agency list associated with the position *dux mogontiacensis*, on the same page and without any intervening blank space or gap.

This fragmentary series in *Cnd.156/8.22-87* and the series of 4 lists *Cnd.102/5.53-90, 91-113, 170-186, 209-216*, shared two common features that distinguished them from all the other lists in the *Cnd*:

- a the first item in both series referred to the existence of another list (*ex praedictis* or *Item praepositurae*) which, demonstrably, was not the list that immediately preceded that first item; and
- b the first heading in both series refers to the position of the central *M-*, either explicitly (*praepositurae magistri militum praesentalium*) or implicitly (*numeri ex praedictis* - referring to *comitatenses* infantry units named in the agency list related to the central position named *MP*).

In this second series, of lists *Cnd.156/8.22-87*, the military units and entities were arranged under the headings represented in the following table:

Table 15

156/8.1-12	D	Sub dispositione viri spectabilis. ducis mogontiacensis	11 service positions
156/8.13-21	S	Officium autem habet idem v.s dux hoc modo	8+ secretariat positions
156/8.22	D	Item praepositurae magistri militum praesentalium a parte peditum in italia	
156/8.23-24		in provincia <u>ve</u> etia inferiore	praef.classis
156/8.25-27		in provincia flaminia	praef. mil; praef. classis
156/8.28-29		in provincia liguria	praef.classis
156/8.30-31		in provincia campania	praef.classis
156/8.32-36		in provincia gallia <u>ri</u> parensi	praef.classis; praef.mil; trib.coh.
156/8.37-38		in provincia populana	trib.coh.
156/8.39-40		in provincia lugdonensi prima	praef.classis
156/8.41-42		in provincia lugdonensi senonia	praef.classis
156/8.43-48		in provincia hispaniae callaecia	praef.leg; trib.coh.
156/8.49-50		in provincia tarraconensi	trib.coh.
156/8.51-62		-	praef.laetorum (12 items) *
156/8.63-65		Item in provincia italia	praef.sarmat. gentil. (2 items)*
156/8.66-87		Item in provincia italia	praef.sarmat. gentil. (21 items - fragmentary last item)*
159	P	Consularis campaniae	

*Laeti and Sarmatae are listed together in a western law addressed to Stilicho, *MVM* in 400.³⁵⁵

The heading *Cnd.156/8.22: Item [.] in italia* was followed by four headings naming *provinciae in italia* in which units associated with the position of the central *M-* were stationed. This suggests the probability that the words *per infrascriptas provincias [.] intra italiam* in *Cnd.102/5.53* represented those in a *pre-Cnd* list in which such a heading was followed by similar references to the provincial locations of the listed military units associated with the central *M-*.³⁵⁶

³⁵³ A list *item* is defined in note 1. In the primary copies of *Cnd.102/5.53*, *intra italiam* begins on a new line in **OT**; continues on the same line in **PLVM**; *Intra italiam* begins on a new line in **AB**.

In the primary copies of *Cnd.102/5.209*, *intra italiam* begins on a new line in **OP**; continues on the same line in **NTVM**; *intra Italiam* continues on the same line in **LAB**.

³⁵⁴ See §[12b].

³⁵⁵ Cod.Theod.7.20.12(400): *Imp. Arcadius et Honorius AA. Stilichoni magistro utriusque militiae. || pr. [.] Quisquis igitur laetus alamannus sarmata vagus vel filius veterani aut cuiuslibet corporis dilectui obnoxius et florentissimis legionibus inserendus testimoniales ex protectoribus vel cuiuslibet dignitatis obtinuit vel eas, quae nonnumquam comitum auctoritate praestantur, ne delitiscat, tirociniis castrensibus inbuatur. [.]*

The units of *comitatenses* infantry in the central list (*Cnd.98/9*) were divided into four groups, each under a heading identifying its class name. Although the corresponding infantry units in the list *Cnd.102/5.53-90 intra italiam* were not identified with their class names, the units were mostly named in the same sequence in which they were named in the central list (*Cnd.98/9*).

But there were at least three interruptions to the sequence of the listings between *Cnd.102/5.78AP*||79LP; 85PS||=>86LC, 86LC|-?||88AP that may have reflected changes in the provincial location of the units:

Table 16				
102/5. 98/9.	102/5. = 98/9.	102/5. = 98/9.	102/5. = 98/9.	102/5. = 98/9.
.54 = .21 LP	.62 = .36 AP	.70 = .47 AP	.78 = .89 AP	.86 = .122 LC
.55 = .22 LP	.63 = .37 AP	.71 = .48 AP	.79 = .29 LP	.87 = . -
.56 = .23 LP	.64 = .38 AP	.72 = .53 AP	.80 = .30 LP	.88 = .64 AP
.57 = .24 LP	.65 = .39 AP	.73 = .70 AP	.81 = .106 LC	.89 = .74 AP
.58 = .25 LP	.66 = .39.1 AP	.74 = .74 AP	.82 = .116 LC	.90 = .137 PS
.59 = .26 LP	.67 = .43 AP	.75 = .75 AP	.83 = .103 LC	
.60 = .34 AP	.68 = . -	.76 = .77 AP	.84 = .110 LC	
.61 = .35 AP	.69 = .44 AP	.77 = .79 AP	.85 = .131 PS	
L(egio)P(alatina); A(uxilium)P(alatinum); L(egio)C(omitatensis); PS(eudocomitatensis legio)				

7 The two headings *numeri [.] intra italiam* (*Cnd.102/5.53*) and *[.] vexillationes intra italiam* (*Cnd.102/5.209*) did not identify the agency to which those units belonged. And there is no evidence that those military units were associated with any agency related to the position *comes italiae* that was mentioned elsewhere in the *Cnd*. This conclusion is indicated by the observations that:

a neither of the two lists of military units that immediately followed the phrase *intra italiam* in *Cnd.102/5.53-260* was associated with either the position *comes italiae*, or with the dignity *comes* attached to any service position.

The absence of such a reference distinguished these two lists from all other headings among the 13 lists in *Cnd.102/5.53-260* each of which identified the position of the regional commander as either *magister* or *comes*; and

b there was no evidence that *Cnd.134* represented a *pre-Cnd* agency list that contained a domain list that either comprised or included *comitatenses* units.

Cnd.134 was represented an agency list but contained only one item: *Tractus italiae circa alpes*, and no *officium* list and, as mentioned previously,³⁵⁷ was probably an interpolation.

It is concluded, therefore, that the military units listed under the headings *numeri [.] intra italiam* and *vexillationes intra italiam* were associated with the agency directed by an officer other than a *comes italiae*.

8 The first of the 4 lists began with the heading: *Qui numeri ex praedictis per infrascriptas provincias habeantur intra italiam*.

The phrase *ex praedict-* and the participle and adjective *praedictus/a/um* did not exist elsewhere in the *Cnd*. But the phrase *ex praedict-* exists in several laws,³⁵⁸ which exemplify its meaning: *ex* (from, out of, according to); *praedictis* (aforementioned, preceding, previously-named). The heading stated, therefore, that the list of *numeri* that follows it were derived from among those previously mentioned (*qui numeri ex praedictis [numeris]*).

³⁵⁶ Similar provincial headings existed in the agency lists of four eastern regional directors of soldiers: *Cnd.52.25: Provinciae augustamnicae*; *Cnd.65.10: In augusto eufratensi*; *Cnd.71.6: In ponto*; *Cnd.52.25: In provincia thracia*, and there are indications that additional provincial headings existed in *pre-Cnd* lists from which other such agency lists in the *Cnd* were derived.

³⁵⁷ See §[12d]#2.

³⁵⁸ *Cod.Theod.11.14.3(397): ex praedictis* (species horreaticae) *aliquid usurpare*; *Cod.Theod.5.14.36(399): ex praedicto iure fundorum*; *Cod.Theod.5.6.3(409): ex praedicto genere hominum*; *Cod.Theod.16.5.50(410): ex praedictis bonis*; *Cod.Theod.14.16.3(434): quidquid ex praedicta ratione adcreverit*; *Cod.Iust.8.53.30(459): apud quemlibet* (rector, magistratus, defensor) *ex praedictis*; *Cod.Iust.2.58.2(531): ex praedicta dissimulatione*.

The only western list of *numeri* that preceded the heading *Qui numeri* (Cnd.102/5.53) was the central list that existed in Cnd.98/9.20-148 within the agency list related to the position *MP*. This central list of *numeri* was a comprehensive list that named 128 *comitatenses* infantry units distributed throughout the western part of the Roman state. In this comprehensive central list, the *numeri* were arranged in groups under headings that named their classes: *legiones palatinae*, *auxilia palatina*, *legiones comitatenses*, *pseudocomitatenses*.

But that comprehensive central list of *numeri* in Cnd.98/9:

- a was separated from the *qui numeri* heading and list Cnd.102/5.53-90 by the intervening central list Cnd.102/5.1-52 naming *vexillationes* associated with the position named *ME*;
- b did not contain any headings or annotations to identify the regions (either *dioeceses* or *provinciae*) in which the *numeri* were stationed; and
- c did not identify which *numeri*, from among those in the comprehensive list in Cnd.98/9, were under the immediate command of the central *M-*.

and these two pieces of information (b-c) could not have been derived from any *pre-Cnd* comprehensive list that contained only the headings that were represented in Cnd.98/9.20-148.

Information about the location of most western *numeri*, and about the agency in which they were stationed, was available from the agency lists related to the *MEper gallias*, *comes africae*, *comes tingitaniae* and *comes britanniarum*.

But the same information was not available to identify the units in *Italia*, *Illyricum* and *Hispaniae* because there were no agency lists associated with the *comites* in *Illyricum* and *Hispaniae* and because the *pre-Cnd* comprehensive list represented in Cnd.98/9 did not identify the units in *Italia* under the immediate command of the central *M-*. And, because that information was not available there, the *pre-Cnd* lists represented by Cnd.102/5.53-90, 91-113, 170-186 were produced to indicate which *numeri*, from among those named in the preceding comprehensive list, were stationed in *Italia-Illyricum-Hispaniae* and, in identifying the *numeri* that were in *Italia*, the *pre-Cnd* list that was represented by Cnd.102/5.53-90 identified the units that were under the immediate command of the central *M-* at or near the court, since the latter was at Ravenna, *intra italiam*, during most of the 5thC.

- 9 The last of the 4 lists, Cnd.102/5.209-216, began with the heading: *Item vexillationes intra italiam* which was followed by a list of seven *comitatenses* cavalry units.

The relationship between this *vexillationes* list Cnd.102/5.209-216, and the comprehensive list of *vexillationes* in the central list Cnd.102/5.1-54 associated with the position *ME*, was the same as the relationship, described in #8, that existed between the *numeri* lists Cnd.102/5.53-90, 91-113, 170-186 and the comprehensive list of *numeri* in the central list Cnd.98/9, related to the position *MP*. And the cavalry list Cnd.102/5.209-216 identified those *vexillationes* which, from among those named in the preceding comprehensive list represented by Cnd.102/5.1-52, were under the direct command of the central *M- intra italiam*.

- 10 The *pre-Cnd* lists represented by the lists Cnd.102/5.53-90 (*qui numeri* [...] *intra italiam*) and Cnd.102/5.209-216 (*vexillationes intra italiam*) immediately preceded the *pre-Cnd* agency list associated with the position *MEper gallias* and, in that location, occasioned the transformation of the latter to agree with the sequence (infantry=>cavalry) that was based on the sequence of the preceding agency lists Cnd.98/9 (infantry) and Cnd.102/5.1-52 (cavalry) which had been arranged to agree with the names of the service positions *MP* (Cnd.85/6.5) and *ME* (Cnd.85/6.6) in the precedence list. And that transformed agency list of the *MEper gallias* was then augmented by domain list excerpts transferred from the agency lists of the *comes africae*, *comes tingitaniae* and *comes britanniarum*.

That transformation, and those excerpts and transfers, can have occurred in any *pre-Cnd* compilation. As previously mentioned, the use of the word *numeri* in item Cnd.102/5.53, to refer specifically to *comitatenses* infantry units, and the identification of the *numeri* under the direct command of the central *M- intra italiam*, cannot have been based on information that was available in any *pre-Cnd* compilation that contained only what was represented by the *Cnd*. By contrast, the transformation of a *pre-Cnd* agency list for the *MEper gallias*, and the excerpt and transfer of domain list items from a *pre-Cnd* agency lists for the *comites africae*, *tingitaniae* and *britanniarum*, could have been produced at any time and required no information other than that represented in the *Cnd*, and no knowledge other than that which could be derived from that information.

- 11 The remaining two lists among the 4 named only *comitatenses* infantry units. The names in the first list, *Cnd.102/5.91-113*, had the heading: *Intra illyricum cum viro spectabili comite illyrici*, and the second list *Cnd.102/5.170-186*, was headed: *Intra hispanias cum viro spectabili comite*.

The available evidence about these two positions is insufficient to provide a reasonable explanation about the *pre-Cnd* lists from which those in the *Cnd* were derived.

The positions *comes illyrici* and *comes <hispaniarum>? intra hispanias* were not named in either the western precedence list *Cnd.85/6*, or in the lists *Cnd.98/9.2-19* of *comites* and *duces* under the jurisdiction of the position **MP**, and neither position was that of the director of an agency represented by an agency list, nor identified as occupying an ordinary service position.

Table 17

Precedence list <i>Cnd.85/6</i>		Agency list related to MP <i>Cnd.98/9</i>		Individual agency lists	
.30	Comites rei militaris	.2	Comites militum	<i>Cnd.</i>	
.31	Italiae	.3	Italiae	128	Africa
.32	Africae	.4	Africae	130	Tingitania
.33	Tingitaniae	.5	Tingitaniae	132	Litoris saxon(-) per britanniam
.34	Tractus argentoratensis	.6	Tractus argentoratensis	133	Britanniarum
.35	Britanniarum	.7	Britanniarum	134*	Italia
.36	Litoris saxonici per britannias	.8	Litoris saxonici per britannias	135*	Argentoratensis

The only conclusion that can actually be demonstrated in relation to these two *comites* and lists is that these two infantry lists provided information (about units in *Illyricum* and *Hispaniae*) that was not available in - could not have been derived from - any *pre-Cnd* agency list that contained only what was represented in the *Cnd*.

- 12 The total number of *comitatenses* units *intra italiam* (that is, the units under the immediate command of the central **M-**, represented in the *Cnd* as two positions named **MP** and **ME**) was comparable to that of other positions **M-**, all of which, both eastern and western, commanded both cavalry and infantry units. The comparative figures are tabulated as follows:

Table 18 *Comitatenses* and other units commanded by **M-** and by *comites rei militaris*

Position	E a s t e r n l i s t s					W e s t e r n l i s t s							
	Mpr.	Mpr.	Mor.	Mthr.	Millyr.	MP	ME	MEpg.	coAfr.	coTng.	coBrit.	collyr.	coHsp.
<i>Cnd</i>	9	12	15	18	21	102/5ital	102/5ital	102/5gall	102/5afr	102/5tng	102/5brit	102/5illyr	102/5hsp
cavalry													
vex pal	5	6	-	3	-	-	5	3	-	-	-	-	-
vex com	7	6	10	4	2	-	1	8	18		1		
							+1*	+1*	+1*	3	+5	-	-
	12	12	10	7	2	-	7	12	19	3	6	-	-
infantry													
leg pal	6	6	-	-	1	8	-	-	3	-	-	-	-
aux pal	18	17	2	-	6	20	-	17	1	2		13	11
leg com	-	-	9	21	8	5	-	10	7	2		5	5
pseudocom	-	1	10	-	9	2	-	10	1	-		3	-
						+2*		+11*			+3*	+1*	
	24	24	21	21	24	37**	-	48**	12**	4**	3**	22**	16

Praepositurae	<i>Cnd.156/8</i>
Italia	20
Galliae	25
Hispaniae	6

Limitanei	<i>Cnd.128</i>	<i>Cnd.130</i>
	16	7
		+1

* This number of units was not named in the central lists *Cnd.98/9* or *Cnd.102/5.1-52* so their classes are unknown (see Attachment 9).

** This number includes duplications of units named in central lists (that is, units either transferred, or divided, between different regions):³⁵⁹

3 cavalry units: *Cnd.* 102/5.213 Italia =.219 Galliae 222 Galliae =.253 Britanniae 232 Africa =.258 Tingitania
 3 infantry units: *Cnd.* 102/5.82 Italia = .191 Tingitania 122 Galliae =.112 Illyricum 201 Africa =.190 Tingitania

Summary:

The *Cnd* did not contain a "chapter" or section numbered "VII" or any heading such as "Numeri sub magistris militum" or "Distributio numerorum". These misleading numbers and headings were interpolated by, respectively, Böcking and Seeck to refer to the series of 13 lists *Cnd.102/5.53-260*.

These 13 lists *Cnd.102/5.53-260* comprised a transformed representation of a *pre-Cnd* agency list of the *ME-per gallias*, augmented by excerpts that had been transferred to it from *pre-Cnd* agency lists of the *comes africae*, *comes tingitaniae* and *comes britanniarum*.

³⁵⁹ See Attachment 9 (2).

That transformed list, and those transferred excerpts, were added to four earlier lists that identified those *comitatenses* units that were located *intra italiam*, *intra illyricum* and *intra hispanias*, from among the units named in the comprehensive lists represented by *Cnd.98/9* and *Cnd.102/5.1-52*.

Any discussion of the 13 lists *Cnd.102/5.53-260* should begin with a consideration of those 4 lists, which are those that would remain if an agency list for the *ME-per gallias* were reconstructed from 3 lists among the 13 and if the units related to the *comes africae*, *comes tingitaniae* and *comes britanniarum* in another 6 lists were relocated to their agency lists.

§[13] *The Cnd western central lists 98/9 and 102/5.1-52*

The preceding section §[12b6] noted that two lists *qui numeri* (*Cnd.102/5.53-90*) and *item vexillationes* (*Cnd.209-216*) represented lists that had been produced to indicate those *numeri* and *vexillationes* which, from among those named in the comprehensive lists represented in *Cnd.98/9* and *Cnd.102/5.1-52*, were under the immediate command of the central *M- intra italiam*.

The expression, "the central *M-*", is deliberately chosen because it can be used to refer to either one position or to several positions and because there is some doubt about whether the lists *Cnd.98/9* and *Cnd.102/5.1-52* accurately represented two separate *pre-Cnd* agency lists.

§[13a] *Two agency lists or one?*

While the *Cnd* represented the two central lists as two agency lists (each with a domain list and *officium* list) there are several observations that occasion doubts about the extent to which that was an accurate representation of corresponding *pre-Cnd* lists. These observations include the following:

- a the two western central lists each named only one category of *comitatenses*: the first list, *Cnd.98/9*, in an agency list for a position named *MP*, comprised only infantry units, and the second list, *Cnd.102/5.1-52*, in an agency list for a position named *ME*, consisted only of cavalry units.
All other six agency lists related to *M-*, both eastern and western, named units in both categories with each *M-*, as did the domain lists of the *comites africae*, *tingitaniae*, and *britanniarum* who also commanded *comitatenses* units.
- b the name *MP* is not mentioned in any law or inscription and the name *ME* is not certainly attested as the complete official name of a service position.
- c no law or inscription attests any officer serving as *M-*, whether in an ordinary or extraordinary position, as being allocated command of only infantry or only cavalry *comitatenses* units;
- d the name *ME* did not denote the position of a *M-* who commanded only cavalry, as indicated by the position *MEper gallias*, which commanded both cavalry and infantry;
- e the first central list represented the *MP* as having jurisdiction over all western *comites rei militaris*, each commanding both *comitatenses* cavalry and infantry, but no such jurisdiction was assigned in the second central list to the position *ME*;
- f the two western central lists each contained a comprehensive list of *comitantenses* units distributed throughout the western part of the Roman state.
All other lists of *comitatenses* units, both eastern and western, named units only in either two eastern central areas, or in three eastern and one western regional areas (*oriens*, *thracia*, *illyricum*, *galliae*);
- g the first central list, *Cnd.98/9*, with the comprehensive list of infantry units, was separated from the list of infantry under the command of the *M- intra italiam*, *Cnd.102/5.53-90*, by the intervening second central list, *Cnd.102/5.1-52*, with the comprehensive list of cavalry units.
It is more likely than not, that the *pre-Cnd* lists that were represented by the lists *numeri [.] italiam* (*Cnd.102/5.53-90*) and *vexillationes [.] italiam* (*Cnd.209-216*) were two parts of a single list that was attached to a single *pre-Cnd* comprehensive central list, rather than two parts divided between and added to two central comprehensive lists.
- h the ratio 1:5 of cavalry to infantry units *intra italiam* was the second lowest among the eight position *M-* in the *Cnd*,³⁶⁰ suggesting either an unusual circumstance in relation to the western central cavalry list, or the probability that the two western central lists coexisted in a single *pre-Cnd* list.
- i the representation, in the *Cnd*, of the *pre-Cnd* agency list for the *MEper gallias* exemplified a *pre-Cnd* agency list that had been:

³⁶⁰ See Table 18.

- i divided into two parts | (1) cavalry || (2) infantry, *officium*| that were
 - ii arranged in inverted sequence | (2) infantry, *officium* || (1) cavalry
- to agree with the preceding sequence of the central infantry (**MP**) and cavalry (**ME**) lists, which agreed with the sequence of the positions named **MP** and **ME** in the precedence list *Cnd.85/6.5-6*.

Given these observations, there are several possible explanations about the two western central lists that were represented as two agency lists, including:

1. the possibility that there were two *pre-Cnd* agency lists, and that one of these attributed all the *comitatenses* infantry units to the control of a **MP**, while the other assigned all *comitatenses* cavalry units to the control of a **ME**, almost exactly as represented in *Cnd.98/9* and *Cnd.102/5.1-52*;
or
2. the possibility that there were two *pre-Cnd* agency lists, one for a position named **MP** and another for a position named **ME**, each of which commanded both *comitatenses* cavalry and infantry units (as did the other 6 positions **M-** in the *Cnd*), but that these two dual category lists (cavalry+infantry) were later converted to one infantry list and one cavalry list so that these single category lists could be used as agency lists whose domains agreed with the position names **MPeditum** and **MEquitum** in the precedence list (even though the position **MEquitum per gallias** commanded both categories);
or
3. the possibility that there were two *pre-Cnd* agency lists, one for a position named **MP** and another for a position named **ME**, and all cavalry units and all infantry units, together with jurisdiction over all *comites rei militaris* and *duces*, were attributed to the position **MP** and none to the position **ME**,³⁶¹ but this list was later divided into one cavalry and one infantry list (in the same way that the *pre-Cnd* agency list for the **MEper gallias** was divided into two parts) so that these single category lists could be used as agency lists whose domains agreed with the position names **MPeditum** and **MEquitum** in the precedence list.

The evidence is insufficient to decide between these and other possibilities, but the observations in the following sections §[13b] and §[13c] need to be considered in any speculations.

§[13b] *The officium lists in the two central lists*

Like almost all the agency lists in the *Cnd*, the two central lists each consisted of a *domain* list and *officium* list. The two central lists began with the following headings to their domain list:

Cnd.98/9.1: Sub dispositione viri illustris magistri peditum praesentalis

*Cnd.102/5.1: Sub dispositione viri illustris comitis et magistri equitum praesentalis*³⁶²

These two headings had the standard form that existed in both the eastern and western agency lists, comprising: the name of the service position, preceded by the name of the grade of dignity that was attached to the position.

But the *officium* list in both of the central lists had features that may indicate that these secretariat lists did not accurately represent *pre-Cnd* lists.

- a By 375, the highest division of the *illustris* grade of dignity was attached to the positions *praefectus praetorio*, *praefectus urbis* and **M-**, and among these three, the first two were the highest-ranked positions.

In the *Cnd* the *officium* list for the two eastern *praefecti (oriens, illyricum)* and three western ones (*italia, galliae, roma*) all began with the words *officium viri illustris* (once in a plural form) that were followed by the name of the position: e.g. *officium viri illustris praefecti praetorio orientis*.

³⁶¹ Such a position would be similar to those in the *Cnd* that were named in both the precedence list and in an item among the agency lists, but were either not represented at all, or not effectively, by an agency (domain + *officium*) list: for example, *Cnd.1/2.9=21.42: praepositus sacri cubiculi*; *Cnd.85/6.15=114.5: primicerius sacri cubiculi*; *Cnd.85/6.31=134.1: comes italiae*; *Cnd.85/6.34=135.1: comes tractus argenteratensis*.

³⁶² This heading was similar to: *Cnd.102/5.217: cum viro illustri comite et magistro equitum galliarum* that preceded the list of *comitatenses* cavalry units commanded by the **ME-per gallias**.

And among the *M-* that form existed in relation to the position *MEper gallias* (Cnd.102/5.163: *Officium viri illustris magistri equitum per gallias*).

By contrast the headings for the two western central *M-* were:

Cnd.98/9.149: *Officium suprascripti magistri peditum praesentalis (MP)*

Cnd.102/5.45: *Officium suprascriptae magisteriae potestatis (ME)*

These were the only 2 *officium* headings in which the first word, *officium*, was followed by *suprascript-* instead of *autem* (61) or *vir-* (6) or *non* (1) or *praesidis* (1).³⁶³

- b The form *suprascripti + service position* (Cnd.98/9.149) did not exist elsewhere in the *Cnd*. An expanded form existed in 4 eastern lists and 1 western items (Cnd.23.36; 26.17; 28.7; 113.28) in the form *suprascripti viri+dignity+position*: e.g. *suprascripti viri illustris magistri officiorum*.
- c The form *suprascriptae magisteriae potestatis* in (Cnd.102/5.45) did not exist elsewhere in the *Cnd*. The *officium* of each eastern *M-* all had *magisteria potestas* (the 2 central *officia* with *suprascriptae*, the 3 regional *officia* without) but all 5 included a designation (*in praesenti*, or *per orientem* or *per thracias* or *per illyricum*) with the words *magisteriae potestatis*. Cnd.102/5.45 had no such designation.
- d The name *magisteria potestas* that existed in the *officium* heading in each of the five eastern lists for *M-*, and in the second central list related to *ME* (Cnd.102/5.45), was not used in the first central list for the position *MP*, even though the name *magisteria potestas* was used to refer to the central position of Stilicho *MM*, in the important western law Cod.Theod.1.7.3(398)addressed to him.³⁶⁴
- e The *officium* list related to the central *ME*, included the position *Primiscrinus* immediately after that of *Numerarius*. The same combination existed elsewhere in the *Cnd* only in the *officium* of the *proconsul africae* (but with two *numerarii* instead of one). The two positions *Numerarius*, *Primiscrinus* in Cnd.102/5.47-48 may be related, either to the item *Primiscrinii qui numerii fiunt* that existed in four of the *officia* of the five eastern *M-*, or to an item such as Cnd.91.23 *Primiscrinus sive numerarius* in the *officium* list of the *praefectus urbis <romae>*.

With the exception of that additional position, *primiscrinus*, the two *officia* in the central lists Cnd.98/9 and Cnd.102/5.1-52 were identical, as indicated in the following table that names the officer positions in the 5 eastern and 3 western *officia* directed by *M-*:

	A	B	C	D	E	F
Princeps	1		1	1	1	1
Principes duo		1				
Numerarii						3
Numerarii duo	2	2	2			
Numerarius				2	2	
Primiscrinus					3	
Commentariensis	3	3	3	3	4	2
Adiutor	4			4	5	4
Primiscrinii qui numerarii fiunt		4	4			
Scriniarii	5	5	5			
Regerendarius				5	6	5
Mensores	6					
Exceptores	7	6	6	6	7	6
Apparitores ceteri	8	7	7			
Apparitores reliqui				7	8	7
A	magister militum per orientem Cnd.15		D	magister peditum Cnd.98/9		
B	magister militum praes. Cnd.12		E	magister equitum Cnd.102/5.1-52		
C	magister militum praes. Cnd.9 magister militum per thracias Cnd.18 magister militum per illyricum Cnd.21		F	magister equitum per gallias Cnd.102/5.114-169 & 217-229		
the numbers in each of the 6 columns refer to the sequence in which the officer positions were named in each <i>officium</i> list						

³⁶³ See Attachment 10.

³⁶⁴ See note 377 and §[14].

§[13c] *The pictures associated with the central lists*

All the agency lists associated with a position *M-* in the *Cnd* (except the transformed list related to the *MEper gallias*) were preceded by a series of pictures. The first picture in each series contained a drawing representing a table supporting a rectangular emblem accompanied by drawings of variously decorated discs, representing the shields of military units, each of which was drawn below a drawing caption that was related to a different one of the units named in the following agency list. These drawings representing shields were extended onto a second page or, in one case, onto five pages.

There were differences between the eastern and western pictures associated with the agency lists of *M-*:

- a The agency lists of the five eastern *M-* were each preceded by a series of 2 pictures (*Cnd*.7-8, 10-11, 13-14, 16-17, 19-20). The first western central list was preceded by a series of 6 pictures (*Cnd*.92-97) while the second western central list (*ME*) was preceded by a series of 2 pictures (*Cnd*.100-101).
- b The first picture in each of the 5 eastern series had a picture caption that included a designation with the position name (e.g. *Insignia viri illustris magistri militum praesentalis* or *Insignia viri illustris magistri militum per orientem*). The first picture in each of the 2 western series also had a picture caption, but without any designation (*Insignia viri illustris magistri peditum*, *Insignia viri illustris magistri equitum*).
- c In the agency lists of the 5 eastern *M-*, the domain list comprised both cavalry and infantry units, but the shield captions in all ten pictures represented only infantry units. The western central list *Cnd*.98/9 (*MP*) named only infantry units and all the shield captions in the 6 pictures *Cnd*.92-97 represented only that category.

Similarly, the western central list *Cnd*.102/5.1-52 (*ME*) named only cavalry units which was the only category represented in the two pictures *Cnd*.100-101. And, within the *Cnd*, these two pictures were the only ones whose drawing captions, over discs representing shields, named *comitatenses* cavalry units.

- d The agency list of the *MEper gallias* (*Cnd*.102/5.217-229, 114-169) was the only agency list for a position *M-* that was not preceded by pictures, or a picture caption, in the *Cnd*.
- e Each of the five eastern series of pictures contained shield drawings that represented a particular category of the units stationed in the area or region allocated to each *M-*. But the shield drawings in the two western series represented the units in comprehensive lists and most of these were not under the immediate command of the central *M-*.
- f The 5 series of eastern pictures each contained sufficient shield drawings to ensure that every infantry unit named in the 5 related domain lists could be represented by a captioned drawing.

But both western series had an insufficient number of shield drawings for the number of units to be represented:

- i The 6 pictures (*Cnd*.92-97) contained 123 drawings while the following list *Cnd*.98/9 named 128 infantry units.³⁶⁵

Four of those 128 units named in *Cnd*.98/9 were not represented by drawings but, as described elsewhere,³⁶⁶ 4 shield drawings and captions for these units were present in a *pre-Cnd* series of pictures.

A fifth unit was not represented by a drawing because its name was combined with that of another unit within the same single list item (*Cnd*.98/9.39: *Batavi | matriciaci seniores*) and was, therefore, not identified as a separate unit when the captions were either added or revised.

- ii The 2 pictures (*Cnd*.100-101) contained 39 shield drawings while the list (*Cnd*.102/5.2-44) named 41 cavalry units.

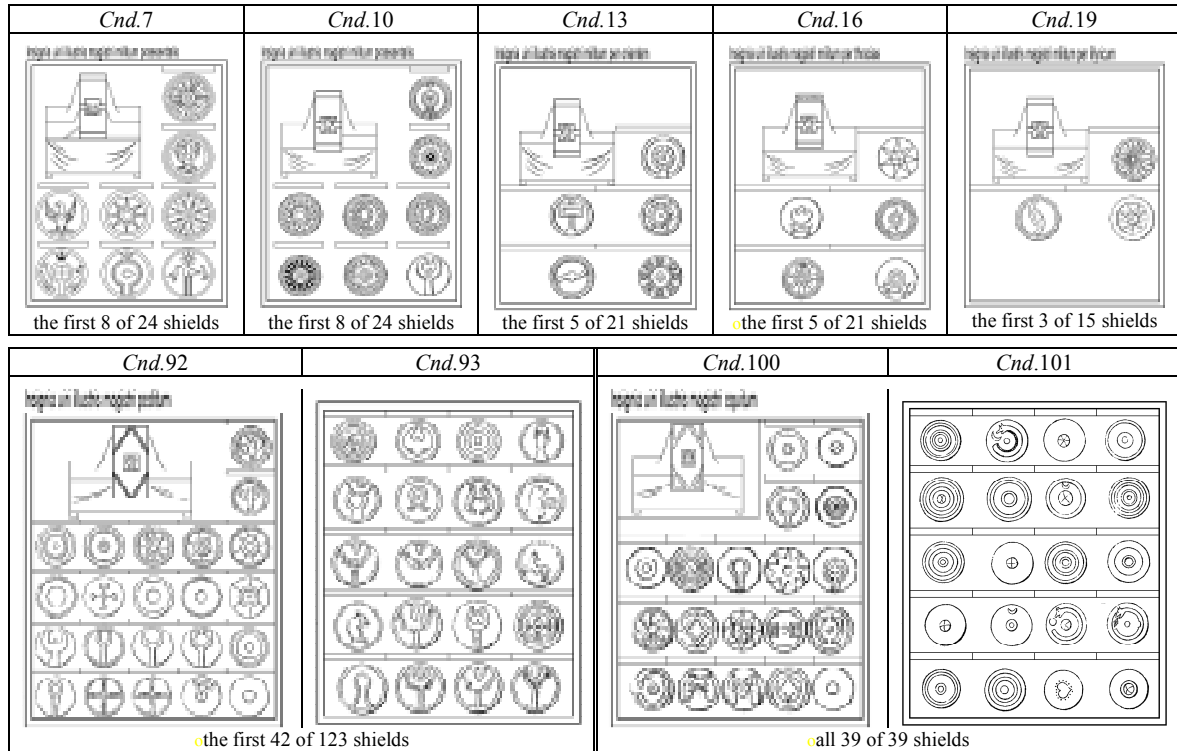
The captions to the shield drawings omitted the names of the last two units (*Cnd*.102/5.44-45) and there is no evidence, either that a *pre-Cnd* series contained an additional two drawings, or that any single list item contained the name of more than one unit.

This observation, concerning the presence of 39 shield drawings instead of 41 in the series (*Cnd*.100-101), combined with the observation about the apparent absence of a series of pictures for the (transformed) agency list of the *MEper gallias*, may be relevant to the consideration of the relationship that may have existed, in a *pre-Cnd* compilation, between the lists that were represented by the two western central lists *Cnd*.98/9 and *Cnd*.102/5.1-52.

³⁶⁵ See Attachment 9.

³⁶⁶ See *Appendix 9: Shield emblems in the Cnd* at: <https://www.notitiadignitatum.org/>

To clarify the following comments, it may be useful to compare the two pictures in the series *Cnd.100-101* with the first picture in each of the 5 eastern series, and with the first two pictures in the western series *Cnd.92-97*.



It is apparent from the comparison that the 41 cavalry units named in (*Cnd.102/5.2-44*) could all have been represented by a captioned shield drawing in (*Cnd.100-101*) if, in the first picture (*Cnd.100*), there had been:

- a 4 rows of 5 each (as in the first picture, *Cnd.92*, in the preceding series); and
- b 1 shield drawing, instead of 4, beside the drawing of a table (as in the 3 eastern pictures *Cnd.13, 16, 19*),

The fact that this was not done, and that 2 listed units were not represented by captioned drawings, suggests an alternative.

Observing:

- a that no first picture in any of the other series contained 4 shield drawings beside that of a table, and
 - b that the first picture to each of the other three central lists (*Cnd.7, 10, 92*) had only 2 such drawings,
- it is possible that a *pre-Cnd* picture represented by *Cnd.100* also had 2 shields beside the table but that another 2 were later added. Without those additional 2 shields, the pictures *Cnd.100-101* would have represented a *pre-Cnd* series with 37 shields (17+20).

It may be coincidental, but:

- the military units listed in the domain of the *MEper gallias* named exactly 37 infantry units that were attested as *comitatenses*; and,
- *comitatenses* infantry units were the only ones represented in the captions to shield drawings in all the other series of pictures related to the agency lists of the *M-*, both eastern and western.

The list of infantry units *intra gallias* (*Cnd.102/5.114-162*) actually named 48 units, but only 37 of these were also named in the central list *Cnd.98/9*. The additional 11 units were named among the last 14 units in the Gallic list *Cnd.102/5.149-162*. Within those 14 units, only three (*Cnd.102/5.154-5, 158*) were named in the central list (*Cnd.98/9.146-148*) and, in that comprehensive list, they were the last three names and were classed as *pseudocomitatenses*. It is assumed from this that the other 11 units in the Gallic list *Cnd.102/5.149-162* were also in the same class, but that is not attested since the lists of military units in *Cnd.102/5.53-260* did not have class headings such as those in the comprehensive lists in *Cnd.98/9* and *Cnd.102/5.1-52*. Moreover, the agency list of the *MEper gallias* in the *Cnd* represented a *pre-Cnd* agency that had been transformed and which may, like the *pre-Cnd* agency lists of the *comites africae* and *tingitaniae*, have also contained *limitanei* units.

The preceding considerations suggest the possibility that two *pre-Cnd* pictures, associated with a *pre-Cnd* agency list of the *MEper gallias*, had been converted into the form, and located in the position, that was represented by the pictures *Cnd.100-101*. If this possibility is considered to be reasonable, it may need to be included in any speculation about whether the two western central lists *Cnd.98/9* and *Cnd.102/5.1-52* represented a single *pre-Cnd* list that had been divided into two parts.

§[13d] *The drawings related to the dignity of the position M-*

During most of the 5thC, the *illustris* grade of dignity was attached to the same nine positions (some of which were usually held by two or more contemporary officers), from *praefectus praetorio* to *comes domesticorum*.³⁶⁷ These nine positions were mostly divided into two groups differing from each other by the ranks of the positions within each group and the two groups corresponded to two divisions of the *illustris* grade. The usual two groups were:

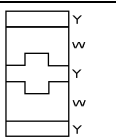






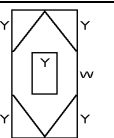






Service positions	Ranks	Dignity	
		Grade	Divisions
praefectus praetorio	1	Illustris	1
praefectus urbis	2	Illustris	1
magister militum	3	Illustris	1
praepositus sacri cubiculi	4	Illustris	1
quaestor sacri palatii	5	Illustris	2
magister officiorum	6	Illustris	2
comes sacrarum largitionum	7	Illustris	2
comes rerum privatarum	8	Illustris	2

The rank order of these 9 positions was apparent from the sequence in which they were named (from the highest rank to the lowest) in the precedence lists represented in the *Cnd*. And the illustris grade that was attached to those 9 positions was stated in the domain list headings in the *Cnd* agency lists. But the two divisions of the illustris grade and, therefore, the two groups of these positions, are apparent from Cod.Theod., Cod.Iust. and Nov., but were not described or defined in the *Cnd* and could not have been determined from any *pre-Cnd* compilation that contained only the information that was represented by the *Cnd*.


Those divisions were, however, indicated by different decorations on a particular drawing, but not in a way in which those decorations could be identified as referring to the divisions of the grade of dignity, or in which their distribution among specific pictures could be explained, without a prior knowledge of the laws that created and reflected those two divisions and the positions that were related to them.



As mentioned in §[6c], with the exception only of the two pictures *Cnd.83-84*, each picture, or the first picture in each series of pictures, contained the drawing of a rectangular emblem which, especially in the pictures related to agencies directed by officers with the *illustris* grade of dignity, was decorated with geometric stripes and was drawn as placed on a table.³⁶⁸

In the eastern pictures related to agencies directed by officers with the *illustris* grade of dignity, the 12 rectangular emblems pictures were decorated with one of two different designs or patterns that were distributed among the drawings of the rectangular emblems as follows:

	 4 praefectus praetorio illyrici  7 magister militum praes.  10 magister militum praes.  13 magister militum per orientem  16 magister militum per thracias  19 magister militum per illyricum		 22 magister officiorum  24 quaestor  25 comes sacrarum largitionum  27 comes rerum privatarum  29 comes domesticorum equitum  29 comes domesticorum peditum
---	---	---	---

Y = yellow/gold, W= white;

 indicates that the emblem was drawn as placed on a table;

 /  indicates that the central rectangle contained the drawing of either one or of two human portraits or busts.

³⁶⁷ See §[3b] and *Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws*.

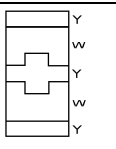


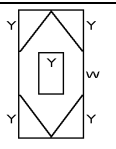








³⁶⁸ See *Appendix 8: The rectangular emblems in the Compilation 'notitia dignitatum' (Cnd)* at: <https://www.notitiadignitatum.org/>

The two decorations were not distributed according to the grade *illustris* (which was attached to all these positions), nor according to the different ranks of the positions (which differed as previously described), nor according to any criterion other than the divisions of the *illustris* grade of dignity.

The importance of these drawings exists in the number of different decorations and their distribution. While these two decorations have not been certainly attested as accurate copies of decorations that were officially used on Roman objects, their distribution among these 12 rectangular emblems agrees exactly with the two divisions of the *illustris* grade of dignity, and with the two groups of positions to which each grade and division of the *illustris* dignity was attached.

In the 12 eastern drawings, the existence of two different decorations to indicate the two divisions of the *illustris* grade dignity, and the distribution of those decorations among the 12 eastern emblems, to identify the two groups of positions to which each division of the *illustris* grade dignity was attached, was consistent with the laws about the *illustris* grade and about the ranks of the positions related to each division of the grade.

By contrast, the distribution of the same two decorations among the 10 rectangular emblems in the corresponding western pictures was not consistent with those laws. In those 10 western drawings, the distribution of the two decorations among the rectangular emblems placed the two positions that were identified in the *Cnd* as *MP* and *ME* within the second division of the *illustris* grade, instead of the first division that was accorded to the five positions *M-* in the eastern drawings.:

Table 22		Cnd western lists	
	<ul style="list-style-type: none">  87 praefectus praetorio italiae  90 praefectus urbis romae 		<ul style="list-style-type: none">  92 magister peditum  100 magister equitum  106 magister officiorum  108 quaestor  109 comes sacrarum largitionum  112 comes rerum privatarum  114 comes domesticorum equitum  114 comes domesticorum peditum

The reason for the difference between the eastern and western distribution of the two decorations on the rectangular emblems is not explained in the available evidence. Speculative possibilities about the association of the western positions *M-* with the second-division decoration could include:

- a that the decoration reflected the period before 372 when the position *M-* had not yet been incorporated into the division of the *illustris* grade that was attached to the positions *praefectus praetorio* and *praefectus urbis*;
- b that a second-division decoration was used because someone considered that a *magister peditum* and a *magister equitum* could not be in the same division of the *illustris* grade as an eastern *magister militum*;

§[14] *The western central position 'magister militum praesentalium'*

§[14a] *The Cnd name 'MM-praesentalium'*

The western precedence list contained the following three names for positions *M-*:

Cnd.85/6.5: magister peditum in praesenti

Cnd.85/6.6: magister equitum in praesenti

Cnd.85/6.7: magister equitum per gallias.

each of which was represented as being the position of the director of an agency that was represented by an agency list. And in those lists, the names of the positions were referred to as:

Cnd.98/9: magister peditum praesentalis

Cnd.102/5.1-52: comes et magister equitum praesentalis and magisteria potestas

Cnd.102/5.217 comes et magister equitum galliarum (the agency list sections were rearranged in the *Cnd*)

114 *magister equitum galliarum*

163 *magister equitum per gallias.*

These names, that existed in the precedence list and in the three agency lists, did not exist in any other list in the *Cnd*.

By contrast, 14 items in the *officium* lists of 12 western agency lists, and 1 heading in another series of lists, referred to a position *M-* that was not named in the precedence list and was not named as director of an agency represented by an agency list. These 15 references existed in the following items:

Table 23

<i>officia</i>		
102/5.164	principem	ex officiis magistrorum militum praesentalium uno anno a parte peditum alio a parte equitum
128.20	principem	ex officiis magrm(:) militum praesentalium uno anno a parte peditum alio a parte equitum
128.23	commentariensem	ex officio magistrum militum praesentalium alternis annis
128.24	numerarios duos	ex utrisque officiis magistros militum praesentalium singulos
130.11	principem	ex officio magistr(:) militum praesentalium uno anno a parte peditum alio anno a parte equitum
133.4	principem	ex officio magistri militum praesentalium alternis annis
137.11	principem	ex officio magistri militum praesentalium alternis annis
139.17	principem	ex officiis magistrorum militum praesentalium alternis annis
147.24	principem	ex officiis magistrorum militum praesentalium alternis annis 147.25 numerarios duos ex utrisque officiis praesentalibus singulos
151.17	principem	ex officiis magistrorum militum praesentalium alternis annis 151.18 numerarium a parte peditum uno anno
154.41	principem	ex officiis magistrorum militum praesentalium alternis annis 154.43 numerarios ex utrisque officiis omni anno
156/8.14	principem	ex officiis magistrorum militum praesentalium alternis annis 156/8.15 numerarium a parte peditum semper 156/8.16 commentariensem a parte peditum semper
132.12	principem	ex officio magistri praesentalium a parte peditum
149.4	principem	ex officiis magistrorum militum praesentalium a parte peditum
<i>praepositurae</i>		
156/8.22		praepositurae magistri militum praesentalium a parte peditum

The form of each of these 15 items in the table represents the form that existed in the *Cnd*, and several of these forms differ from those in which the corresponding items were represented in the edition published by Otto Seeck in 1876.³⁶⁹

Seeck based his representation of the form of each of these items on three assumptions:

- that the name *magister militum praesentalium a parte peditum* was synonymous with the name *magister peditum (MP)*, as indicated by the fact that he represented the item *Cnd.156/8.22: Item praepositurae magistri militum praesentalium a parte peditum in italia*, which he thought was the title to the series of lists *Cnd.156/8.22-87*, with the title *Praepositurae magistri peditum* in his page-headers to pp.215-219;³⁷⁰
- that the adjective *praesentalis* qualified the noun *magister* and not *miles*;
- that the nouns *magister* and *officium* agreed in number (singular or plural).

On the basis of these assumptions, Seeck introduced the following emendations into his edition (indicated below by *italics* letters in the underlined words):

- Cnd.130.11* Principem ex officio magistr(:) militum praesentalium uno anno a parte peditum alio anno a parte equitum
Seeck 1876 p.178 Principem ex officiis magistrorum militum praesentalium, uno anno a parte peditum, alio anno a parte equitum
- Cnd.130.13* Numerarios duos singulos ex officio supradicto
Seeck 1876 p.178 Numerarios duos, singulos ex officiis supradictis
- Cnd.132.12* Principem ex officio magistri praesentalium a parte peditum
Seeck 1876 p.181 Principem ex officio magistri militum praesentalis a parte peditum
- Cnd.133.4* Principem ex officio magistri militum praesentalium alternis annis
Seeck 1876 p.183 Principem ex officiis magistrorum militum praesentalium alternis annis
- Cnd.137.11* Principem ex officio magistri militum praesentalium alternis annis
Seeck 1876 p.185 Principem ex officiis magistrorum militum praesentalium alternis annis
- Cnd.149.4* Principem ex officiis magistrorum militum praesentalium a parte peditum
Seeck 1876 p.203 Principem ex officio magistri militum praesentalis a parte peditum
- Cnd.158.22* Item praepositurae magistri militum praesentalium a parte peditum in italia
Seeck 1876 p.215 Item praepositurae magistri militum praesentalis a parte peditum | In Italia

It is not known whether, and if so to what extent, similar assumptions by scribes may have affected *pre-Cnd* texts during their transmission.

³⁶⁹ A comparison of the forms in the new edition and those produced by Böcking, 1839-1853 and Seeck, 1876, are indicated in Attachment 11.

³⁷⁰ Böcking, 1839-1853 pp.118-122 used the page-header: *Praepositurae mag. mil. praes. ped.*

The 15 items listed in the table contained the following three names for the position *M*-:

- 1 magister militum praesentalium (Cnd.133.4, 137.11)
magistri militum praesentalium (Cnd.139.17, 147.24, 151.17, 154.41, 156/8.14)
- 2 magister militum praesentalium a parte peditum (Cnd.156/8.22 and probably 132.12)
magistri militum praesentalium a parte peditum (Cnd.149.4)
- 3 magistri militum praesentalium [...] a parte peditum [...] a parte equitum (102/5.164)

while the *Cnd* form of the remaining 4 items (Cnd.128.20, 128.23, 128.24, 130.11) is unknown.

Among these three names, the one that was common to them all was the name *magister* or *magistri militum praesentalium* (*MMpraesentalium*).

Only one of the 15 items did not exist in the *officium* list of a western agency list. That item existed in the fragmentary series of lists Cnd.156/8.22-87. In this series, which named military units in various provinces within the dioceses *Italia*, *Galliae* and *Hispaniae*, the first list was headed (Cnd.156/8.22): *Item praepositurae magistri militum praesentalium a parte peditum in italia*, in which the phrase *intra italiam* identified the *MMpraesentalium* as the central *M*-.³⁷¹

As noted previously,³⁷² *praesentalis* does not exist in western laws and was not used in eastern laws before c.443. In the *Cnd*, it existed in conjunction with the name *M*- in two eastern picture captions (Cnd.7.a and 10.a: *magister militum praesentalis*) and two eastern list items (Cnd.9.1 and 12.1: *magister militum praesentalis*) and this name also existed in two eastern laws (c.443 and 492).³⁷³ In the western lists *praesentalis* existed in three list items (Cnd.98/9.1; 98/9.149: *magister peditum praesentalis* and Cnd.102/5.1: *magister equitum praesentalis*) and these two names exist only in texts derived from the *Cnd*.³⁷⁴ In all these items in the *Cnd*, *praesentalis* existed in the singular and described *magister*.

Among the 15 *Cnd* items containing the name *MMpraesentalium*, at least 3 items (Cnd.133.4, 137.11, 156/8.22), and probably 2 others (Cnd.132.12, 128.23) combined the singular *magister* with the plural *milites praesentales* in the position name *magister militum praesentalium*. This is consistent with the use of the adjective *praesentalis* in the 5 eastern laws that contain it, and in which it is used in the combinations *magister militum praesentalis* (2 times), *magister militum praesentalium* (2), *milites praesentales* (4), *domestici praesentales* (1), *numeri praesentales* (1) and *agmina praesentalia* (1).³⁷⁵

Since the name *MMpraesentalium*, which existed in 15 items in western *Cnd* lists, is attested in two eastern laws dated c.443 and 492 but in no western ones, and since the word *praesentalis* elsewhere in the *Cnd* existed only in the singular form in combination with *magister*, it must be concluded that the name *MMpraesentalium* could not have been derived from any *pre-Cnd* compilation that contained only the names *magister militum praesentalis* or *peditum praesentalis* or *equitum praesentalis* that were represented in the *Cnd*: that is, the name *MMpraesentalium* must have been introduced into a *pre-Cnd* compilation by someone who had knowledge of the use of that name in the east (if not also knowledge of either of the two laws in which the name is now known to have been used).

The existence in the *Cnd* of the name *MMpraesentalium*, which is attested in the laws as a name that was used officially, differs from the western names *magister peditum praesentalis* and *magister equitum praesentalis*, which are not attested in laws or inscriptions and about which there is circumstantial evidence to indicate that the adjective *praesentalis* in those items was derived from its existence in eastern names for the position *M*- in a *pre-Cnd* compilation.³⁷⁶

³⁷¹ The identification was not based on, nor assured by, the reference to *milites praesentales* since, as mentioned in §[4h1], *milites praesentales* were also stationed in regions as, for example, those with the *magister militum per orientem* - Cod.Iust.12.35.18(492) - whereas *Italia* identified the location of the court which, during most of the 5thC was at Ravenna and, therefore, referred to the central *M*-

³⁷² See §[4h1].

³⁷³ Cod.Iust.12.54.4(c.443), Cod.Iust.12.35.18(492) - see notes 129-130.

³⁷⁴ Also see §[11d].

³⁷⁵ See §[4h1].

³⁷⁶ See §[11d].

§[14b] *The law Cod.Theod.1.7.3*⁽³⁹⁸⁾

As mentioned above, 14 of the 15 items in which the name *MMpraesentalium* existed in the *Cnd* were items within western *officium* lists, and 12 of those items referred to the appointment of the *princeps* of the *officium* in a regional agency from among officers in the agency of the central *M*-. This method of appointment is described, and its application was extended, in the law *Cod.Theod.1.7.3*⁽³⁹⁸⁾.³⁷⁷

This law, addressed to Stilicho *MM*, instructs him to ensure that the *princeps* (chief of the *officium*) and the *numerarii* (accountants) are to be sent each year (*unius anni spatio*) from the *officium* of the central *M*- (*ex officio magisteriae potestatis*) to the *comes africae*, in the same manner that they are also being sent to the *comites* and *duces* of the various provinces and borders (*sicut [...] viris comitibus et ducibus diversarum provinciarum et limitum [...] mittantur*).

The fact that this instruction was implemented is confirmed by three items in the *officium* list of the *comes africae*:

Cnd.128.20 Principem ex officii magrm(+) militum praesentalium, uno anno a parte peditum, alio a parte equitum
128.23 Commentariensem ex officio magistrum militum praesentalium alternis annis
128.24 Numerarios duos ex utrisque officii magistrum militum praesentalium singulos

The statements in these three items were similar to those contained in 11 other western *officium* lists in the *Cnd*.³⁷⁸ Most of those items also include the position *commentariensis* among those appointed from the central *officium*. If the inclusion of that position in the *Cnd* was an accurate representation, then the items in the latter refer to a later law of which no copy is available.

The law *Cod.Theod.1.7.3*⁽³⁹⁸⁾ is not represented in *Cod.Iust.* and there are no indications that its provisions were implemented in the eastern part of the Roman state. Although the law refers to the appointment only of *principes* and *numerarii*, the law is especially important for two reasons:

- a It describes a method of appointment for whose implementation the texts derived from the *Cnd* provide the only available evidence.
The statements in the two items *Cnd.128.20*, *24*, and similar items in 11 other western *officium* lists, indicate that these items were ultimately based on knowledge of the provisions represented in this law (or a similar later one that is not available). And this observation is evidence for the fact that at least some of the list items in the *Cnd* were ultimately derived, either wholly or partly, from official texts.
- b While those items in 12 western *officium* lists in the *Cnd* were ultimately derived from a law whose provisions about the appointment of the *princeps* and *numerarii* were described in *Cod.Theod.1.7.3*, the representation of those provisions in the *Cnd* was inaccurate as a result of changes that were introduced during the transmission of the text. And the law not only enables these changes to be identified, but also to indicate what the items in the *Cnd* were probably intended to describe.

§[14c] *The law Cod.Theod.1.7.3 compared with related items in the Cnd*

The primary copies of the *Cnd* provide the only available evidence for the implementation of the provisions represented in the law *Cod.Theod.1.7.3*, and that law may also indicate what the *Cnd* items were intended to mean, but there are also some differences between those items and the law.

- a The law refers to the *comes africae* as *vir spectabilis* but to the other *comites* (*rei militaris*) and *duces* as *viri clarissimi*. In the *Cnd* the *spectabilis* grade of dignity was attached to the positions of all western *comites* and *duces*. The earliest law that refers to a *vir spectabilis dux* is the eastern law *Cod.Theod.7.4.30*(409)=*Cod.Iust.12.37.13* followed next by the eastern law *Cod.Theod.8.4.27*(422).
This means either that the items in the *Cnd* reflect a later law, or that an earlier *pre-Cnd* text was later revised.

³⁷⁷ *Cod.Theod.1.7.3*⁽³⁹⁸⁾: *Imp. Arcadius et Honorius Stilichoni magistro militum. || Sicut clarissimis viris comitibus et ducibus diversarum provinciarum et limitum, ita et viro spectabili comiti per africanam principes et numerarii ex officio magisteriae potestatis mittantur, sub ea tamen condicione, ut emenso unius anni spatio singuli qui designati sunt intra africanam officio functi et actuum suorum et fidei, quam exhibuerint rei publicae, reddendam sibi non ambigant rationem. Dat. id. sept. Mediolano Honorio a. IIII et Eutychiano consul. <398 Sept. 13>*

³⁷⁸ See Attachment 11.

- b The law states that the appointments to be made from a central *officium* to the *comes africae* are already also being made to other *comites* and *duces*. It is not known when these other appointments began to be made.
The law implies, but does not explicitly state, that it refers to all other *comites* and *duces*. But the *Cnd* contained four *officium* lists (in *Cnd*.141, 143, 145, 152) that did not refer to appointments from the central *M-*.
- c In the 14 *Cnd* lists that referred to appointments from a central *officium*, the position *commentariensis* was added to the two secretariat positions (*princeps, numerarius/ii*) that are named in the law.
The appointment of a *commentariensis* from a central *officium* was explicitly stated only in *Cnd*.128.23 (perhaps implicitly in other lists which include abridgements, denoted by various forms of *utr(:), uterque, ut supra, supradictus*, whose meaning is contextually mostly uncertain and partly unknown).
The name *numerarius* or *numerarii* was explicitly associated with a central *officium* in only *Cnd*.128.24, 147.24, 151.18, 154.43, 156/8.15 (perhaps implicitly in other lists - see the previous comment)
- d The law does not state the number of *numerarii* in the *officium* of each *comes* or *dux*.
In the *Cnd*, the numbers varied:
- i 1 *numerarius* in *Cnd*.141, 143, 145, 151, 152, 156/8;
 - ii 2 *numerarii* in *Cnd*.128, 130, 132, 133, 137, 147 and also probably also in *Cnd*.102/5.163-169, 139, 149, 154, in which no number is stated.
- e The appointment of the *princeps* and *numerarius/ii* from a central *officium* suggests that those two secretariat positions were the most important at the time of the law.
This is confirmed by the observation that these two positions occupied the first two places in the *officium* lists *Cnd*.132, 137, 139, 147, 149, 151, 156/8 in which they immediately preceded the position *commentariensis* (in the sequence p-n-c).³⁷⁹
In *Cnd*.130, 133, 154 the three positions also occupied the first three places, but were listed in the sequence (p-c-n). And that sequence also existed in *Cnd*.102/5.163-169, in which the *commentariensis* was not appointed from a central *officium*. It also existed in *Cnd*.128, but in this *officium* the three positions existed as items 1,4,5 instead of 1,2,3.
The origin and significance of these differences are unknown.
- f The law *Cod.Theod*.1.7.3 implies that the period of employment in the positions of the *princeps* and *numerarius* appointed from a central *officium* was for one year (*unius anni spatium*). This period of appointment was indicated in the *Cnd* by various references to *uno anno, alio anno* and *alternis annis* in the descriptions that referred to appointments from the *officium* of the central *M-*.
The *Cnd* contained the following three forms of these descriptions relating to appointments to the position *princeps*:
- i (princeps) ex officii magistrorum militum praesentalium alternis annis (*Cnd*.139.17, 147.24, 151.17, 154.41, 156/8.14)
or ex officio magistri militum praesentalium alternis annis (*Cnd*.133.4, 137.11)
 - ii (princeps) ex officii magistrorum militum praesentalium a parte peditum (*Cnd*.149.4)
or ex officio magistri praesentalium a parte peditum (*Cnd*.132.12)
 - iii (princeps) ex officii magistrorum militum praesentalium uno anno a parte peditum alio a parte equitum (*Cnd*.102/5.164)
or ex officio magistr(um) militum praesentalium uno anno a parte peditum alio anno a parte equitum (*Cnd*.130.11)
- These *Cnd* descriptions attest the annual period of appointment (*uno anno, alio anno*) that was prescribed in *Cod.Theod*.1.7.3. But the meaning of the remaining descriptions is unknown: partly because the *Cnd* descriptions varied between a singular and plural while the law refers to one *officium* and one central *M-*; but mainly because the meaning of the *Cnd* references to a *parte peditum* and a *parte equitum*, in the context in which it was used, is unknown.
There is insufficient evidence to determine the meaning of the phrase *alternis annis*. The combination of *ex officio magistri militum* and *alternis annis* could be interpreted to mean that appointments from the *officium* of the central *M-* were made only every second year, which would be incompatible with the prescriptions in *Cod.Theod*.1.7.3. But it would appear that, given the existence of the phrases: *uno*

³⁷⁹ This same sequence *princeps=> numerarius/ii=> commentariensis* (p-n-c) also existed in the four *officia* *Cnd*.141, 143, 145, 152 that received no appointments from a central *officium*: namely, *Cnd*.141: *dux pannoniae II*; *Cnd*.143: *dux valeriae ripensis*; *Cnd*.145: *dux pannoniae I & norici ripensis*; *Cnd*.152: *dux belgicae secundae*.

anno a parte peditum alio anno a parte equitum, the phrase *alternis annis* was probably intended to represent an abridgement of the former.

- g the law is addressed to Stilicho as *MM* and refers to appointments from his *officium*, that is referred to as the *officium* of the central *MaP* (*ex officio magisteriae potestatis*). There is no mention of another central *officium* or of another central *M-*, (the name *MaP* was used only once in the plural number in the laws).³⁸⁰

The *Cnd* references to the central *officium* varied between a singular and plural number.

While the exact form of some of the descriptions in the *Cnd* cannot be certainly reconstructed, the remainder referred to appointments being made from, either:

- i. an *officium* of a *MM* in *Cnd*.132.12, 133.4, 137.11, and possibly 130.11, 128.23; or
- ii the *officia* of more than one *MM*: *Cnd*.102/5.164, 139.17, 147.24, 149.14, 151.17, 154.41 156/8.14, and possibly 128.20, 128.24.

The laws did not display an entirely consistent agreement in number (singular or plural) between *magister* and *officium*, as exemplified in the statement: *Cod.Theod*.12.6.6(365): *qui in officio magistrorum equitum et peditum militarunt* which was adapted, but without a change in number, in *Cod.Iust*.12.54.2: *qui in officio magistrorum equitum ac peditum militiam sortiti sunt*.

But this is probably not an explanation for the variation between *officium* and *officia* in the *Cnd* when considering that the law of 398 refers to a single *officium* and is addressed to a single central *M-*.

Throughout the 15 items listed in Table 23, the existence of the possessive plural form *praesentalium* in the *Cnd* is known with certainty from the agreement of all primary copies of the *Cnd*. As already mentioned, in all other combinations of the words *magister* and *praesentalis* in the *Cnd* both agree in the singular (in 4 eastern and 2 western items) so that it is unknown whether, in the items referring to more than one central *officium*, the plural *militum praesentalium* caused a change to a singular *magister* and, consequentially, to a singular *officium* (as exemplified in some of the emendations made by Seeck).

§[14d] *The designations a parte peditum /a parte equitum*

Among the 15 items that contained the name *MMpraesentalium* in the *Cnd* western lists, 14 existed in 12 *officium* lists and 1 in a heading to a list that was not related to an *officium*. Among these 14 items, 5 used the phrases *a parte peditum* and/or *a parte equitum* in the following two forms:

- i ex officiis magistrorum militum praesentalium uno anno a parte peditum alio a parte equitum (*Cnd*.102/5.164, 128.20?)
ex officio magistr(orum) militum praesentalium uno anno a parte peditum alio anno a parte equitum (*Cnd*.130.11?)
- ii ex officiis magistrorum militum a parte peditum (*Cnd*.149.4)
ex officio magistri a parte peditum (*Cnd*.132.12?)

In addition to these 5 items, there existed 1 other item that contained the name *MMpraesentalium* and that was not part of an *officium* list. That item was the heading (*Cnd*.156/8.22): *praepositurae magistri militum praesentalium a parte peditum* which suggested, like item *Cnd*.149.4, that *a parte peditum* referred to *magister militum praesentalium* (rather than, for example, to *officium*).

The following observations can be made about these 6 items:

- a the two phrases, *a parte peditum* and *a parte equitum* coexist in the first two of the 15 items that contained the name *MMpraesentalium* in the *Cnd*. This is important because the first item that names a position or describes a circumstance that is repeated in following lists is sometimes more likely to contain a more accurate or less abridged copy of the intended form of that item.³⁸¹
- b the name *magister peditum praesentalium a parte peditum* existed in two items (*Cnd*.156/8.22 and 149.4) but the *Cnd* did not have the name *magister militum praesentalium a parte equitum*.

³⁸⁰ *Nov.Theod*.24(443) - see note 33 and §[4e].

³⁸¹ For example, according to the *Cnd*, the *princeps* of the *officium* of some directors of diocesan civil agencies, and of most directors of regional and provincial military agencies, were officers who, with the *ducenarius* grade dignity, were appointed from the *schola agentum in rebus* (corps of imperial agents) under the jurisdiction of the *magister officiorum*.

The first item in the *Cnd* that referred to such an appointment described it as, *Cnd*.40.5: *Principem de schola agentum in rebus ducenar(orum) qui adorata clementia principali cum insignibus exit transacto biennio*. The next two occurrences, *Cnd*.42.18, 46.11. omitted the words *transacto biennio* and, by the fifth one, the item was *Cnd*.50.9: *Principem qui de schola agentum in rebus est*.

- c the name *magister peditum praesentalium a parte peditum* exists only in texts derived from the *Cnd*.
- d the two phrases do not exist in any law or inscription.
- e the two phrases in combination with the word *magister* (singular or plural) exist only in texts derived from the *Cnd*.
- f the two phrases in combination with the word *domestici* exist in the copy of a text written by Cassiodorus at the Gothic court in Italia c.507/11, to refer to the cavalry and infantry in the royal household guards (*domestici partis equitum et peditum*).³⁸²
- g the two phrases existed only in the sequence *a parte peditum* => *a parte equitum* which is consistent with the sequence *MP* and *ME* in both the precedence lists and two western central lists of *comitatenses* units.
- h the name *magister militum* (cavalry+infantry) and the phrase *a parte peditum* (infantry) are incompatible (which explains why the combination does not exist in the laws and inscriptions).

In the *Cnd*, the name *MMpraesentalium* existed in most western *officium* lists but not in the precedence list or as director of an agency represented by an agency list, while the names *MP* and *ME* existed in the precedence list and in the central lists represented as agency lists, but in no *officium* list.

As mentioned previously,³⁸³ the name *MMpraesentalium*, which is attested in eastern laws as having been used as an official name, must have been introduced into a *pre-Cnd* compilation by someone who had knowledge of that use of that official name. It is apparent that this person was not prepared to use the names *magister peditum praesentalis* or *magister equitum praesentalis* (which exist now only in texts derived from the *Cnd*) that were available in the two western central agency lists. It is unlikely that this person would have used the unattested name *magister militum praesentalium a parte peditum*. So the suspicion exists that the two phrases *a parte peditum* and *a parte equitum* resulted from an attempt, by someone else, to relate the name *MMpraesentalium* to the names *MP* and *ME*.

It is interesting to note that the 15 items in the *Cnd* that contained the name *MMpraesentalium*, which is attested in eastern laws, included the 12 items that are the only available evidence that attest the implementation of the provisions described in Cod.Theod.1.7.3 regarding the appointment of *principes* to regional military *officia*. This raises unanswerable questions about whether the 12 items that were represented in the *Cnd* existed in the earliest *pre-Cnd* list for each *officium*, or whether they were added later and, if so, whether as a supplement to, or as a replacement for, a corresponding *pre-Cnd* item.

[15] Conclusion

It is certain that many of the lists that existed in the *Cnd* were ultimately derived, either wholly or partly, from lists that were created as official lists in the Roman imperial service. Most list items in the *Cnd* referred to, or represented, entities and related matters that are attested to have existed in the Roman state at various times before c.500, although not all simultaneously in any particular year. No item in the *Cnd* referred to any entity and related matter that can be proved to have been created, or to have existed for the first time, after c.500.

The value of the items in the *Cnd* as historical evidence depends upon the number of items that were ultimately derived from official lists created in the Roman state and the accuracy with which such items were represented in the *Cnd*.

A determination of the extent to which the lists in the *Cnd* were derived from such official lists depends, firstly, on the extent to which the items in the *Cnd* can be reconstructed from the primary copies of it and, secondly, on the extent to which the form in which an entity or related matter was represented in the *Cnd* (that is, the spelling of words and their sequence in any item) was consistent with the form in which the same entity or related matter was represented in Latin official texts, or copies of them that are independent of the *Cnd*. Those texts are now available mostly as copies of Roman imperial laws, supplemented by administrative texts produced in the Roman state as inscriptions on objects or texts written on papyrus.

In this appendix, a comparison is made between the references that existed in the *Cnd* to the service position *M-* (which, in official texts, was mostly named *magister militum* - master of soldiers), and the

³⁸² See §[7b9].

³⁸³ See §[14a].

references that exist to the same position, and related matters, in the copies of imperial laws and in inscriptions. The large number of both those copies of laws, and of inscriptions; and the variety of the places in which the original texts were created (in both the eastern and western parts of the Roman state); and the extensive period during which the original texts were produced (344-534) are together sufficient to enable useful conclusions to be drawn.

The results of this comparison are described in conclusions to various sections throughout this appendix and, without repeating any of these here, a few general observations may be appropriate.

A comparison between the names for the service position *M-* that existed in the *Cnd*, and those in the copies of imperial laws and in inscriptions, indicates, firstly, that several of the names in the *Cnd* were inaccurate representations of the names existing in those copies of imperial laws and in inscriptions; and, secondly, that the extent of the inaccuracy was significantly greater in the western lists in the *Cnd* than in its eastern lists.

Although the *Cnd* contained different names for each of the five eastern positions *M-*, at least one of the *Cnd* names for each eastern position is attested as having been used in the laws or inscriptions, while the same is not true for any of the names that existed in the *Cnd* for the three western positions *M-*.

Indeed, among those western names in the *Cnd*, unhistorical and confected names such as *magister peditum praesentalis*, or *magister militum praesentalium a parte peditum* indicated, in different ways, attempts to attach eastern elements to western names by someone who was ignorant of the names that were officially used for the western positions *M-*.

Those invented and false names are associated with the unexplainable observation that, while the *Cnd* identified its first western central position *M-* with the name *magister peditum*, and allocated to that position a jurisdiction over all regional directors of soldiers, and over all *comitatenses* infantry units in the western part of the Roman state, the name *magister peditum* does not exist in any law or in any inscription produced during the period 344-534. And no law or inscription refers to any service position to which there was allocated the command of only infantry units in a manner in which the appointee to that position could be referred to officially as being a *magister peditum*.

In addition to the inaccurate representation of the official names for the position *M-* in some of the names that existed in the *Cnd*, it is certain that the western lists associated with a regional *M-*, and the lists related to three *comites* commanding *comitatenses* within the *Cnd*, were transformed copies of *pre-Cnd* agency lists that had the same sorts of items, in the same arrangement, as most agency lists in the *Cnd*. These transformations, which included excerpts from *pre-Cnd* agency lists, and transfers of items between *pre-Cnd* agency lists, required no information other than the items as represented in the *Cnd*, and no contemporary knowledge of the entities or related matters to which those items referred. These changes could, therefore, have been produced in any *pre-Cnd* compilation or, possibly, even during the production of the *Cnd*.

These few comments do not imply that the eastern lists for the position *M-* in the *Cnd* were wholly consistent with matters related to the positions *M-* in the laws and inscriptions. There is, for example, no evidence that all five eastern positions *M-* named in the *Cnd*, or only five positions, existed simultaneously in any particular year or period, or that two central positions *M-* co-existed as ordinary and permanent positions. And, in relation to their *officia*, the *officium cardinale* associated with two of the five positions is unattested in any text independent of the *Cnd*, while the *officium [.] in numeris militat* for the remaining three positions, which is also unattested independently, is inconsistent with the provisions in the laws relating to agency secretariats.

Consequently, in relation to the imperial service position *M-*, the value of the items in the *Cnd* as historical evidence is twofold: firstly, items in the *Cnd* can validate, and be themselves validated by, evidence that is available in texts that are independent of the *Cnd*. And, secondly where any item in the *Cnd* cannot be validated by independent evidence, it provides only probable or possible evidence for the existence of an entity or related matter that existed in the Roman state. (depending on the extent to which the item can be reconstructed from the primary copies of the *Cnd*, and on the context in which the item occurred in the *Cnd*).

But where the forms of items referring to entities and related matters in the available copies of Roman imperial laws, and in administrative texts in inscriptions produced in the Roman state differ significantly from the forms that existed in the *Cnd* to refer to the same entities and matters, there is no available

evidence about either the earliest *pre-Cnd* compilation, or about the transmission of its contents, that would justify or require that the forms of items in the *Cnd* should be preferred to the forms in those copies of laws and in administrative texts.

Attachment 1: Summary table. The Latin names for the service position *M-* in laws, inscriptions and a papyrus text

In the following table, these abbreviations are used:

Laws E / W

identify the part of the Roman state in which the emperor who created the law initially and mostly resided, being either the **E**(astern) or **W**(estern) of the two parts into which the Roman state was administratively divided, initially in 364 and, with modifications, permanently after 395-7;

Inscriptions and Papyrus E / W / R

identify the **E**(astern) or **W**(estern) part of the Roman state in which the text containing the name of the service position was written on papyrus or inscribed on a stone, metal or ivory object (within the Western part, objects located within **R**(oma) are separately identified);

Cnd EL / WL

identify the **E**(astern) **L**(ists) and the **W**(estern) **L**(ists) that were contained in the *Cnd* and referred, respectively, to the eastern and western part of the Roman state. The **EL** and related pictures occupied pages 1-82 and the **WL** and pictures pages 85-164.

All service position names, whether singular or plural in the texts referred to, are written in the singular form (with one exception).

Names for the service position of magister (militum, etc)	Number of times the name is used in					<i>Cnd</i>	
	Laws		Inscriptions		Papyr		
	E	W	E	W	E	EL	WL
magister peditum							
magister peditum	-	-	-	-	1	-	1
<i>Cnd</i> magister peditum in praesenti	-	-	-	-	-	-	1
<i>Cnd</i> magister peditum praesentalis	-	-	-	-	-	-	2
magister equitum							
magister equitum & <i>Cnd</i>	2	4	-	-	-	-	1
magisterium equitum (<i>honorarii codicilli</i>) W 372	-	1	-	-	-	-	-
<i>Cnd</i> magister equitum in praesenti	-	-	-	-	-	-	1
<i>Cnd</i> magister equitum praesentalis	-	-	-	-	-	-	1
<i>Cnd</i> magister equitum per gallias	-	-	-	-	-	-	2
<i>Cnd</i> magister equitum galliarum	-	-	-	-	-	-	2
magister equitum & peditum							
magister equitum et/ac peditum	10	7	1	1	-	-	-
magister equitum peditumque	-	-	1	4	-	-	-
magisterium equitum peditumque	1	-	-	-	-	-	-
magister peditum & equitum	1	1	-	-	-	-	-
magister equitum peditum	1	-	-	-	-	-	-
magister equitum et peditum praes.	-	-	3	-	-	-	-
<i>Cnd</i> magister equitum & peditum in praesenti <i>duo</i>	-	-	-	-	-	-	1
<i>Cnd</i> magister equitum & peditum per orientem	-	-	-	-	-	-	1
<i>Cnd</i> magister equitum & peditum per thracias	-	-	-	-	-	-	1
<i>Cnd</i> magister equitum & peditum per illyricum	-	-	-	-	-	-	1
exmagistro equitum & peditum	2	-	-	-	-	-	-
magister utriusque militiae							
magister militiae equestris ac pedestris	-	1	-	-	-	-	-
magister utriusque militiae	13	7	1	21	-	-	-
magister utriusque militiae per africam	1	-	-	-	-	-	-
magister utriusque militiae per orientem	2	-	-	-	-	-	-
magister militiae per orientem	1	-	-	-	-	-	-
comes utriusque militiae	1	-	-	-	-	-	-
exmagistro utriusque militiae	-	-	-	1	-	-	-

Names for the service position of magister (militum, etc)	Number of times the name is used in					Cnd	
	Laws		Inscriptions		Papyr	EL	WL
	E	W	E	W	E		
magister militum							
magister militum (in the section titles <i>Cod.Theod.1.7; 6.6; 6.7</i>)	3						
magister militum (in the section titles <i>Cod.Iust.1.29; 12.3; 12.4; 12.54</i>)	4						
magister militum	52	19	7	1	-	-	-
magisterium militare	2	-	-	-	-	-	-
magistri militum per diversas regiones	1	-	-	-	-	-	-
magister militum per orientem & Cnd	6	-	1	-	-	3	-
magist-? militum orientis	1	-	-	-	-	-	-
magist-? militum orientalium	1	-	-	-	-	-	-
magister militum per thracias & Cnd	1	-	-	-	-	2	-
Cnd magister(:) militum per thracias	-	-	-	-	-	1	-
ex-magistro militum per thracia(:)	-	-	1	-	-	-	-
magister militum per illyricum & Cnd	1	-	-	-	-	2	-
Cnd magister(:) militis per illyricum	-	-	-	-	-	1	-
magist-? militum illyrici	1	-	-	-	-	-	-
magister militum per gallias	-	-	-	1	-	-	-
magister militum dalmatiae	1	-	-	-	-	-	-
magister militum per armeniam [etc]	1	-	-	-	-	-	-
magister militum praesentalis & Cnd	1	-	-	-	-	4	-
magister militum praesentalis alter	1	-	-	-	-	-	-
magister militum praesentalium	1	-	-	-	-	-	7
magist-? militum praesentalium	1	-	-	-	-	-	-
magist-? militum utriusque prae[?]	1	-	-	-	-	-	-
Cnd magister(:) milit(:) in praesenti	-	-	-	-	-	1	-
Cnd magister(:) militum in praesenti	-	-	-	-	-	1	-
Cnd magister militum praesentalium a parte peditum	-	-	-	-	-	-	2
Cnd magister praesentalium a parte peditum	-	-	-	-	-	-	1
Cnd magister militum praesentalium [...] a parte peditum [...] a parte equitum	-	-	-	-	-	-	2
magister militum vacans	2	-	-	-	-	-	-
magisteria potestas							
magisteria potestas (in the section title <i>Cod.Theod.8.3</i>)	1						
magisteria potestas & Cnd	16	2	-	-	-	-	1
magisteria militaris potestas	1	-	-	-	-	-	-
magisteria militum potestas	2	-	-	-	-	-	-
Cnd magisteria in praesenti potestas	-	-	-	-	-	2	-
magisteria per orientem potestas & Cnd	4	-	-	-	-	1	-
Cnd magisteria per thracias potestas	-	-	-	-	-	1	-
Cnd magisteria per illyricum potestas	-	-	-	-	-	1	-
magisteria per orientem administratio	1	-	-	-	-	-	-
Other service position names not including <i>magister</i>							
culmen militare	-	1	-	-	-	-	-
vir illustris comes	1	1	-	-	-	-	-
Column totals	143	44	15	29	1	24	24
Combined totals	187		44		1	48	
Uncertain <i>Cnd</i> items excluded from the preceding figures							
<i>Cnd.128.20</i>	m? militum praesentalium [...] a parte peditum [...] a parte equitum						1
<i>Cnd.128.23</i>	m? militum praesentalium						1
<i>Cnd.128.24</i>	m? militum praesentalium						1

Chronological and regional distribution of the figures in the preceding Summary Table:

Name of the service position	Part	Decades 340-530														Total						
		340	350	360	370	380	390	400	410	420	430	440	450	460	470		480	490	500	510	520	530
<i>Papyrus administrative text</i>																						
magister peditum	E	1																				1

<i>Laws</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530
magister equitum	E		1				1															2
	W				2	1					1											4
<i>magisterium equitum (honorarii codicilli)</i>	W					1																1

<i>Laws</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530
magister equitum et/ac peditum	E		1	5	1		2												1			10
	W				4	2			1													7
<i>magister equitum peditum</i>	E						1															1
<i>magisterium equitum peditumque</i>	E						1															1
<i>magister peditum et equitum</i>	E		1																			1
	W						1															1
<i>exmagistro equitum et/ac peditum</i>	E				1		1															2

<i>Inscriptions</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530
magister equitum et peditum	E					1								1? *								2
<i>magister equitum peditumque</i>	W				1	1																2
	R							1														1
	E															1					1	2
<i>magister equitum et peditum praes.</i>	E																				3	3

*? See Attachment 4 #177

<i>Laws</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530
magister utriusque militiae	E						2	11														13
	W							2	2				2		1							7
<i>magister militiae equestris ac pedestris</i>	W						1															1
<i>magister utriusque militiae per africanam</i>	E							1														1
<i>magister utriusque militiae per orientem</i>	E							1				1										2

comes utriusque militiae
 Cod.Theod.7.9.3(393) with the address: *ceteris comitibus utriusque militiae* is one extract of a law of which another extract (Cod.Theod.7.4.18) has the address: *ceteris comitibus et magistris utriusque militiae*.

magister militiae per orientem
 = Cod.Theod.7.4.36(424): Procopio magistro militiae per orientem ? militiae <equestris ac pedestris> ? <utriusque> militiae

<i>Inscriptions</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530
magister utriusque militiae	E															1						1
	W					4		1	1	1	1					1						9
	R							6			3	1			2							12
<i>exmagistro utriusque militiae</i>	W												1									1

<i>Laws</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530	
magister militum	E		1	2				1	1	4	2		19	4	1?	2	3	1	1		6	4	52
	W			4	4			1	4	5			1										19
<i>Section titles in the books in Cod.Theod.&Cod.Iust.</i>		E										3										4	7
magisterium militare	E							1			1												2
magistri militum per diversas regiones	E																					1	1
magister militum per orientem	E								1	3			1									1	6
magist-? militum orientis	E															1							1
magist-? militum orientalium	E												1										1
magister militum per illyricum	E																		1				1
magist-? militum illyrici	E															1							1
magister militum per thracias	E									1													1
magister militum dalmatiae	E															1							1
magister militum per armeniam <etc>	E																				1		1
magister militum praesentalis	E												1										1
magister militum praesentalis alter	E																	1					1
magister militum praesentalium	E																	1					1
magist-? militum praesentalium	E												1										1
magist-? militum utriusque prae[?]	E															1							1
magister militum vacans	E												2										2
<i>Inscriptions</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530	
magister militum	W											1											1
	E																					7	7
magister militum per gallias	R											1											1
magister militum per orientem	E																		1				1
exmagistro militum per thracia(=)	E																				1		1

<i>Laws</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530	
magisteria potestas	E									2			8			?	1		1		1	2	16
"	W							1			1												2
<i>Section title in the books in Cod.Theod.</i>		E										1											1
magisteria militaris potestas	E											1											1
magisteria militum potestas	E											1										1	2
magisteria per orientem potestas	E															1		3					4
magisteria per orientem administratio	E																	1					1

Other names

<i>Laws</i>		Part	340	350	360	370	380	390	400	410	420	430	440	450	460	470	480	490	500	510	520	530	
culmen militare	W						1																1
vir illustris comes	E							1															1
vir illustris comes	W							1															1

The W law, Cod.Theod.6.6.1(382) is the only law under the heading *de consulibus, praefectis, magistris militum et patriciis*.

The E law, Cod.Theod.7.1.17(398) refers to *milites* sent to court (*comitatus*) and under the authority of *v.i. comites* there which can only refer to *v.i. comites (et magistri)*, as indicated in the copy of the law in Cod.Iust.12.35.13 (*viris illustribus comitibus, sub quorum regimine constituti sunt*).

The W law, Cod.Theod.7.4.23(396) is to be communicated to *tribuni de numeri, vexillationes* and *scholae* through the *v.i. comites* who would comprise the *magistri* of soldiers and, depending on which *scholae* are meant, either *magister officiorum* and/or *comes domesticorum*

Attachment 2: The Latin names for the service position *M-* in copies of the main compilations of Roman imperial laws.

The following table lists the different names used in Cod.Theod., Cod.Iust., and in the related *Novellae*, for the service position generally named *magister militum*. The laws are arranged in chronological order and the following abbreviations are used:

Ref:

These numbers (1-133) are used to identify corresponding laws in Attachments 2-3 and are extended (134-176) to refer to corresponding inscriptions and writing on papyrus in Attachments 3-4.

Law

Refers to CTh (=Cod.Theod.), Clu (=Cod.Iust.), Nov.(+ abbreviated name of the issuing emperor), and any other Roman imperial laws related to, but not included in, these compilations.

Laws that are linked by =| in Cod.Theod. and Cod.Iust. are considered to be different excerpts from the same law, or =|? possibly from the same law.

Date:

Indicates the known date or, in italics, the probable date, of the creation of the law.

By:

Identifies the part of the Roman state in which the emperor who created the law initially and mostly resided - being either the **E**(astern) or **W**(estern) of the two parts into which the Roman state was administratively divided, initially in 364 and, with modifications, permanently after 395-7;

Position:

Indicates the name of the serving officer, or the name of the service position, or both, contained in the law and whether the name occurs in the **A**(ddress) or **C**(ontents) of the law or in a **S**(ubscript) naming additional recipients of copies of the law.

The names of the service position and, if stated, the names of the serving officers to whom the laws are addressed, have been converted to their corresponding singular or plural nominative form if a different form exists in the law.

Ref	Law	Date	By	Position
001	CTh.5.6.1	347	E	A Bonosus magister equitum = Clu.6.62.2
002	CTh.7.1.2 =	349/52	E	A Silvanus comes et magister equitum et peditum
003	CTh.8.7.3 =	349/52	E	A Silvanus comes et magister militum
004	CTh.8.7.4	353/4	E	C - magistri equitum et peditum
005	CTh.8.7.5	353/4	E	C - magistri equitum et peditum
006	CTh.8.1.5	357	E	C - magistri peditum et equitum
007	CTh.12.1.38	357	E	C - magistri equitum ac peditum
008	CTh.15.12.2	357	E	C - magistri equitum ac peditum
009	CTh.1.7.1	359	E	C magister equitum ac peditum
010	CTh.11.1.1	360	E	C Eusebius, exconsule et exmagistro equitum et peditum
011	CTh.7.4.12	364	E	A Victor magister militum = Clu.12.37.3
012	CTh.8.3.1	364	W	C - magistri equitum ac peditum = Clu.12.54.1
013	CTh.9.2.2	365	W	C - magistri militum Clu.9.3.1 = magister militum
014	CTh.8.1.10	365	W	A Iovi<n?>us magister equitum
015	CTh.7.1.7	365	W	A Iovi<n?>us magister equitum et peditum
016	CTh.12.6.6	365	W	C - magistri equitum et peditum Clu.12.54.2 = magistri equitum ac peditum
017	CTh.7.1.8 = ?	365	E	A Equitius comes et magister militum
018	Clu.11.68.3 = ?	365	E	A Equitius magister equitum et peditum
019	CTh.7.20.9	366	W	A Dagalaifus magister militum
020	CTh.7.1.9	367	W	A Iovinus magister equitum
021	CTh.7.1.10	367	W	A Iovinus magister militum
022	CTh.7.20.11	368?	W	A Iovinus magister militum
023	CTh.8.5.30	368	W	C - inlustres magistri equitum et peditum
024	CTh.3.14.1 = ?	370/3?	W	A Theodorus magister equitum
025	Clu.4.41.1 = ?	370/3?	W	A Theodotus magister militum
026	CTh.8.7.11	371	W	A Severus magister militum = Clu.12.59.1 C magistri militum et comites et duces omnes (absent Clu)
027	CTh.7.1.11	372	W	A Severus magister militum
028	CTh.12.1.78	372	W	C - inlustres comites et magistri equitum ac peditum
029	CTh.6.7.1 =	372	W	C - magistri equitum ac peditum = Clu.12.4.1

Attachment 2

030	CTh.6.22.4 =	372	W	C	-	magisterium equitum (<i>honorarii codicilli</i>)
031	CTh.7.13.8	380	E	C	-	inlustres magistri equitum peditum
032	CTh.6.7.2	380	E	C	-	magisterium equitum peditumque = Clu.12.4.2
033	CTh.6.6.1	382	W	C	-	culmen militare
034	CTh.9.39.1	383	E	A	Ellebichus	comes et magister utriusque militiae
035	CTh.8.5.44	384	E	C	-	magister equitum ac peditum
036	CTh.10.20.11	384	E	C	-	inlustres magistri utriusque militiae
037	CTh.7.8.3	384	E	C	-	exmagistris equitum ac peditum
038	CTh.8.5.43	384-5	W	C	-	inlustres magistri militiae equestris ac pedestris
039	Clu.1.29.1	386/7	W	C	-	illustres comites et magistri peditum et equitum
040	CTh.4.17.5	386	E	A	Timasius	comes et magister equitum
041	CTh.12.1.113	386	E	A	universi comites et magistri equitum et peditum	
042	CTh.7.1.13	391	E	A	Richomeres	comes et magister utriusque militiae = Clu.12.35.12
043	CTh.12.1.128	392	E	A	Abundantius	comes et magister utriusque militiae = Clu.12.32.42
044	Clu.2.12.25	392	E	C	-	magisterium militare
045	CTh.1.5.10 = ?	393	E	A	Addaeus	comes et magister utriusque militiae = Clu.1.26.4
046	CTh.1.7.2 = ?	393	E	A	Addaeus	comes et magister utriusque militiae
047	CTh.1.21.1	393	E	A	comites et magistri utriusque militiae	= Clu.1.46.1
048	CTh.7.4.18 =	393	E	A	Abundantius, Stilicho et ceteri comites et magistri utriusque militiae	
049	CTh.7.9.3 =	393	E	A	Abundantius, Stilicho et ceteri comites utriusque militiae	
050	CTh.16.8.9	393	E	A	Addaeus	comes et magister utriusque militiae per orientem
051	CTh.9.7.9	393	E	A	Gildo	comes et magister utriusque militiae per africanam
052	CTh.6.24.6	395	E	A	Addaeus	comes et magister utriusque militiae
053	Clu.12.33.3	395-401	E	A	Pulcher	magister utriusque militiae
054	CTh.7.4.23	396	W	C	-	viri illustres comites (<i>military</i>) = Clu.12.37.8
055	CTh.8.5.56	396	E	A	Simplicius	magister militum
056	CTh.7.1.17	398	E	C	-	viri illustres comites (<i>military</i>) = Clu.12.35.13
057	CTh.7.7.3	398	E	A	Simplicius	comes et magister utriusque militiae
058	CTh.7.4.24	398	E	C	-	inlustres magistri utriusque militiae = Clu.12.37.9
059	CTh.1.7.3	398	W	A	Stilicho	magister militum
				C		magisteria potestas
060	CTh.7.22.12	398	W	A	Stilicho	comes et magister utriusque militiae
061	CTh.11.24.4	399	E	C	-	magister utriusque militiae
062	CTh.7.5.1	399	W	A	Stilicho	comes et magister utriusque militiae = Clu.12.38.1
063	CTh.7.20.12	400	W	A	Stilicho	magister utriusque militiae
064	CTh.7.1.18	400	W	A	Stilicho	magister militum = Clu.12.35.14
065	CTh.7.18.11	403	W	C	-	magistri militum
066	CTh.7.8.8	400/5	E	C	-	comes et magister militum per orientem
067	CTh.7.11.1	406	E	C	-	inlustres comites ac magistri militum Clu.1.47.1= illustres
068	CTh.7.13.18 =	407	W	A	Stilicho	comes et magister militum
069	CTh.7.20.13 =	407	W	A	Stilicho	comes et magister utriusque militiae
070	Clu.1.55.8	409	W	C	-	illustres magistri equitum et peditum
071	CTh.7.17.1	412	E	A	Constans	magister militum per thracias
				C		magisteria potestas
072	CTh.11.18.1	409/12	W	C	-	magistri militum
073	CTh.7.18.17	412	W	A	Constantius	magister militum
074	CTh.12.1.175	412	E	A	Lupianus	comes et magister militum per orientem
075	CTh.6.14.3	413	E	C	-	inlustres magistri militum = Clu.12.35.14
076	Clu.3.13.6	413	E	C	-	magisteria potestas
077	CTh.7.18.16	413	W	A	Gaiso	comes et magister militum = Clu.12.42.3
078	CTh.15.11.1	414	W	A		magister militum (<i>com.dom. vices agens</i>) = Clu.11.45.1
079	CTh.7.4.34	414	W	A	Constantius	magister militum = Clu.12.37.14
080	CTh.1.7.4	414	E	A	Hypatius	magister militum per orientem = Clu.1.29.2
081	CTh.8.1.15	415	E	A	Hypatius	magister militum per orientem
082	CTh.7.7.5	415	E	A	comites et magistri	militum = Clu.11.61.3
083	CTh.1.8.1	415	E	A	Florentius	magister militum
				S	<i>copy sent to</i>	Sapricius, magister militum
084	CTh.12.1.181	416	W	C	-	inlustres magistri militum
085	CTh.6.8.1	422	E	C	-	militaris magisteria potestas = Clu.12.5.1 militare magisterium (<i>absent Clu</i>)
086	CTh.2.23.1	423	W	A	Crispinus	comes et magister equitum
087	Clu.3.21.2	423	E	A	Macedonius	magister militum

Attachment 2

088	CTh.1.8.3	424	E	C	-	magister militum	= Clu.1.30.2
089	CTh.7.4.36	424	E	A	Procopius	magister militiae per orientem	
090	Clu.11.48.18	426	W	C	-	magisteria potestas	
091	CTh.7.8.16	435	E	C	-	magisteria militum potestas	
092	Nov.Theod.4	438	E	C	-	Anatolius, magister utriusque militiae per orientem	
093	Nov.Val.6.1	440	W	A	Sigisvuldus	comes et magister utriusque militiae	
094	Nov.Val.9	440	W	C	-	Sigisvuldus, inlustrissimus magister militum	
095	Clu.12.8.2	440-1	E	C	-	vacans magister militum	
					-	Germanus, magister militum vacans	
096	Nov.Theod.7.4	441	E	A	Ariobindus	magister militum	
				S	<i>copy sent to</i>	Aspar, inlustris comes et magister militum	
				C		magisteria potestas (x6) magister militum (x9) inlustris magister militum (x1) inlustres magistri militum (x1) = excerpts in Clu.7.62.33; 12.54.3; 3.23.2	
097	Clu.1.46.3 = ?	443	E	A	Anatolius	magister militum	
098	Clu.12.59.7 = ?	443	E	A	Anatolius	magister militum	
099	Clu.12.54.4 = ?	443	E	A	Appolonius	magister militum praesentis	
				A	Anatolius	magister militum per orientem	
				C		magistri militum tam praesentium quam orientalium	
100	Nov.Theod.24	443	E	C	-	magisteria potestas magisteria potestas magister militum inlustres magistri militum (x2)	= excerpts exist in Clu.1.31.4; 1.46.4; 11.60.3
101	Clu.1.51.11	444	E	C	-	magistri militum	
102	Nov.Val.17	445	W	A	Aetius	inlustris comes et magister utriusque militiae	
103	Clu.12.40.10	451-2	E	C	-	magistri militum	
104	Clu.9.39.2	451	E	C	-	illustres magistri militum	
105	Clu.12.35.15 =	458	E	A	Aspar	magister militum	
106	Clu.4.65.31 =	458	E	A	Aspar	magister militum	
107	Nov.Mai.11	460	W	A	Ricimer	inlustris comes et magister utriusque militiae	
108	Clu.12.59.8	c.468	E	C	-	illustres magistri militum	
109	Clu.12.59.10	c.472	E	C	-	magistri militum utriusque prae[?] orientis et illyrici	
110	Clu.6.61.5	473	E	A	Nepos	magister militum dalmatiae	
111	Clu.12.35.17	474?	E	A	Marcianus	magister militum	
				C		magisteria potestas magistri militum	
112	Clu.12.3.3	474-491	E	C	-	magister militum	
113	Clu.1.29.3	476-85	E	C	-	magisteria per orientem potestas	
114	Clu.10.32.64	475-84	E	C	-	magistri militum	
115	Clu.3.24.3	485-6	E	C	-	magisteria potestas	
116	Clu.12.49.11	485-6	E	A	Cato	magister militum	
117	Clu.12.54.5	491-518	E	A	magistri militum	-	
118	Clu.1.29.4	491-518	E	A	Ioannes	magister militum per illyricum	
119	Clu.12.35.18	492	E	A	Ioannes	magister militum praesentium	
				C		magisteria per orientem potestas (x3) potestas magisteriae per orientem administrationis magister militum praesentis alter	
120	Clu.12.37.16	491-518	E	A	Longinus	magister equitum ac peditum	
				C		magisteria potestas	
121	Clu.6.21.16	496	E	C	-	magistri militum	
122	Clu.4.65.35	527-34	E	C	-	magistri militum	
123	Clu. <i>Haec quae</i>	528	E	C	-	Leontius, magister militum Phocas, magister militum	
124	Clu. <i>Summa rei</i>	529	E	C	-	Leontius, magister militum	
125	Clu.10.32.67	529	E	C	-	magister militum	
126	Clu.7.62.38	529	E	C	-	magisteria potestas	
127	Clu.1.29.5	528-530	E	A	Zeta	illustis magister militum per armeniam et pontum polemoniacum et gentes	
				C		magister militum	
128	Clu.4.21.20	530	E	C	-	magisteria potestas	
129	Clu.8.53.36	531	E	C	-	magistri militum	
130	Clu.9.13.1 <i>shorter version</i> Clu.1.3.53	533	E	C	-	magistri militum per diversas regiones	
						magistri militum per diversas nostri orbis regiones	

131	Clu.1.27.2	534	E	A	Belisarius	magister militum per orientem
				C		magisteria potestas magister militum magisteria militum potestas
132	Clu.7.67.2	534/362	E	C	-	magistri militum <i>amended copy of the law represented by CTh.11.30.30(362)</i>
133	Clu.12.50.9	534/382	E	C	-	magistri militum <i>amended copy of the law represented by CTh.8.5.40(382)</i>

Section titles in the books in Cod.Theod. and in Cod.Iust.

CTh.1.7	438	E	CTh section title	magister militum	= Clu.1.29
CTh.6.6			CTh section title	magistri militum	= Clu.12.3
CTh.6.7			CTh section title	magistri militum	= Clu.12.4
CTh.8.3			CTh section title	magisteria potestas	Clu.12.54 = magistri militum

Clu.1.29	534	E	Clu section title	magister militum
Clu.12.3			Clu section title	magistri militum
Clu.12.4			Clu section title	magistri militum
Clu.12.54			Clu section title	magistri militum

Attachment 3: The Latin names for the service position *M-* in official inscriptions and a text written on papyrus.

A Latin name for the service position that is mostly named *magister militum* exists in a text written on papyrus and in texts inscribed on objects of various materials, or is reported in copies of such inscriptions from objects no longer available.

The names are arranged in the known, or probable, chronological order in which the document or the inscriptions were created. Where an inscription exists on a stone, the place at which it was discovered is indicated according to the name of the province in which that place was located in the provincial organisation that is known to have existed c.400, except that those identified as having been located in Roma are separately identified.

All inscriptions are copied from the database:

Clauss, M., Slaby, W.A., Kolb, A. & Woitas, B. (eds.), *Epigraphik-Datenbank Clauss / Slaby EDCS* at: <http://db.edcs.eu/>

and each is identified by its number (ECDS-#) in that database.

<i>Papyrus</i>		<i>Date</i>	<i>Excerpt naming the position and officer</i>
Sallustius			
134	Genève, Bibl.Publ.& Univ. Pap.Lat.III (Aegyptus)	344E	Fl(avio) Sallustio mag(istro) ped(itum)
Inscriptions			
Iovinus		<i>Date</i>	<i>Excerpt naming the position and officer</i>
135	EDCS-10600004 <i>from a manuscript copy</i> (Belgica secunda)	c.362-363w	Iovinus [...] equitum peditumque magister
Equitius			
136	EDCS-14500961 (Noricum ripense)	370w	viro clarissimo Equitio comite et utriusque(!) militiae magistro
137	EDCS-29000580 (Valeria ripensis)	c.371-2w	Equitio v(iro) c(larissimo) comite mag(istro) equitum peditumque
138	EDCS-26600573 (Valeria ripensis)	371w	inlustris viri utriusque militiae magistri Equitis comitis
139	EDCS-09900345 (Valeria ripensis)	371w	inlustris viri [utriusque mi]litiiae magistri Equiti comitis
140	EDCS-20900013 (Valeria ripensis)	372w	inlustris viri utriusque militiae magistri Eouiti(!) comitis
Iulius			
141	EDCS-21200157 (Arabia)	371E	Iuli v(iri) c(larissimi) com(itis) magistri equitum et peditum
Theodosius			
142 ?	EDCS-19800532 (Roma)	c.390w	coniugi divi [Theodosi inlustris] comitis utrius[que militiae mag(istri) m]atri d(omini) n(ostris) Theodosi <i>referring to c.369-375</i>
Stilicho			
143	EDCS-18100541 (Roma)	393-408w	Fl(avi) Stilichonis v(iri) c(larissimi) et inl(ustris) com(itis) et mag(istri) utriusque militiae
144	EDCS-18100542 (Roma)	393-408w	Fl(avi) Stilic(honis) co(mitis) magist(ri) utriusq(ue) milit(i)ae
145	EDCS-14805080 (Valeria-Ital)	c.398-399w	com]itis et magi[stri utriusque mil]itiae
146a 146b	EDCS-17600826 (Roma)	c.399w	v(iri) c(larissimi) et inlustris comitis et magistri utriusq(ue) militiae Stilichonis v(iri) c(larissimi) et inlustris com(itis) et mag(istri) utriusq(ue) militiae Stilichonis

147	EDCS-18100539 (Roma)	c.399w	Flavio Stilichoni inlustrissimo viro magistro equitum peditumque comiti domesticorum tribuno praetoriano
148	EDCS-01000516 (Roma)	400-404w	Fl(avio) Stilichoni v(iro) c(larissimo) et inlustris magistro utriusque militiae et consuli ordinario
149	EDCS-18100540 (Roma)	c.405-406w	viro bis consuli ordinario magistro utriusque militiae comiti domesticorum et stabuli sacri
150 ?	EDCS-19900381 (Roma)	c.405-406w	inlustris viri comitis et [[[magistri utriusq(ue) militiae]]]
??			
151	EDCS-11500058 <i>from a manuscript copy</i> (Campania)	409w	Giamnalivistedici [m]a[g]ist[ro] utriusque militiae
Constantius			
152	EDCS-10600442 <i>medieval inscription based on a diptych</i> (Belgica prima)	417-419w	(A)elius C(o)nstancius vir c(on)s(u)laris comes et magist(er) utriusq(ue) militi(a)e atq(ue) patricius et s(e)c(un)do c(on)sul ordinarius
153	EDCS-18100526 (Roma)	420w	Fl(avio) Constantio v(iro) c(larissimo) et inlustris comiti et magistro utriusq(ue) militiae patricio et tertio cons(uli) ordinario
154	EDCS-18100527 (Roma)	420w	..]ntio illustri viro [c]omiti et magistro utriusq(ue) [m]ilitiae patricio consuli [ordina]rio [t]er
Felix			
155	EDCS-52700516 <i>diptych (Paris)</i>	428w	Fl(avii) Felicis v(iri) c(larissimi) com(itis) ac mag(istri) utr(ius)q(ue) mil(itiae) patr(icii) et co(n)s(ulis) ord(inarii)
156	EDCS-01000528 <i>from a manuscript copy of mosaic in Basilica S.Giovanni in Laterano</i> (Roma)	428-430w	Fl(avius) Felix v(ir) c(larissimus) magister utriusque militiae patricius et cons(ul) ord(inarius)
Ardabur Aspar			
157	EDCS-22100967 <i>missorium (Firenze)</i>	434w	+ Fl(avius) Ardabur Aspar vir inlustris com(es) et mag(ister) militum et consul ordinarius
Aetius			
158a 158b	EDCS-01000523 (Roma)	c.439w	magistro militum per Gallias magistro utriusq(ue) militiae et secundo / consuli ordinario atq(ue) patricio
Asturius (Astyrius)			
159	EDCS-29600312 <i>diptych (Darmstadt)</i>	449w	Fl(avius) Astyrius v(ir) c(larissimus) et inl(ustris) com(es) ex mag(istro) utriusq(ue) mil(itiae) cons(ul) ord(inarius)
Ricimer			
160	EDCS-26900690 <i>from a manuscript copy of mosaic in Basilica S.Agata dei Goti in suburra</i> (Roma)	457-472w	Fl(avius) Ricimer v(ir) i(n)lustris magister utriusque militiae patricius et ex cons(ule) ord(inario)
Basiliscus			
161	EDCS-15000148 (Thracia)	c.470E	equitum / peditumque magister / consul patricius [...] tu Basilisce

Theodovius Valila			
162	<i>Manuscript copy</i> <i>from a manuscript copy (Carta Cornutiana in the Liber pontificalis) of a bequest by him dated 471</i>	471w	Flavius Valila qui et Theodovius vir clarissimus et inlustris comes et magister utriusque militiae
163	<i>Inscriptions</i> <1> EDCS-19900048 <i>and, in the same place,</i> <2> EDCS-18400319 (Roma)	471-483w	<1> Fl(avius) Theodobius ⁽¹⁾ v(ir) c(larissimus) et inl(ustris) com(es) [<i>et mag(ister) utr(iusque) mil(itiae?)</i>] <2> 3] et ma[g(ister)] utriusq(ue) milit(ae)
Flavius Appalius ILLUS Trocundes			
164	EDCS-09701202 (Syria salutaris)	478-485E	Fl(avius) Appalius Illus Trocundes vir inl(ustris) com(es) et mag(ister) utr(ius)q(ue) mil(itiae) patr(icius) et cons(ul) o(rd(inarius))
Fl. Areobindus Dagalaifus			
165	EDCS-10800650 <i>diptych (Zürich)</i>	506E	Fl(avius) Areob(indus) Dagal(aifus) Arebindus v(ir) i(nlustris) ex c(omite) sac(ri) sta(buli) et m(agister) m(ilitum) p(er) Or(ientem) ex c(onsule) c(onsul) ord(inarius)
Iustinianus			
166	EDCS-29600317 <i>diptych (Milano)</i>	521E	✚ Fl(avius) Petr(us) Sabbat(ius) Iustinian(us) v(ir) i(nlustris) ✚ com(es) mag(ister) eqq(uitum) et p(editum) praes(entium/entalis?) et c(onsul) ord(inarius)
167	EDCS-66200013 <i>diptych (Paris)</i>	521E	✚ Fl(avius) Petr(us) Sabbat(ius) Iustinian(us) v(ir) i(nlustris) ✚ com(es) mag(ister) eqq(uitum) et p(editum) praes(entium/entalis?) et c(onsul) ord(inarius)
168	EDCS-66200013 <i>diptych (New York) this transcript from Delbrueck No.28, p.143. *</i>	521E	✚ Fl(avius) Petr(us) Sabbat(ius) Iustinian(us) v(ir) i(nlustris) ✚ com(es) mag(ister) eqq(uitum) et p(editum) praes(entium/entalis?) et c(onsul) ord(inarius)
Soterichus Philoxenus (<i>magister 491/518, consul 525</i>)			
169	EDCS-29600318 <i>diptych (Paris)</i>	525E	Fl(avius) Theodorus Filoxenus Soterichus Filoxenus vir illust(ri)s com(es) dom(esticorum) / exmagistr(o) m(ilitum) per Thracia(s/m?) et consul ordinar(ius)
Solomon			
170	EDCS-14900055 (Africa)	534-536E	[<i>per Solomo</i>]nem excellenti[ssimum] magistrum militu[m <i>pr(a)efectum p]r(a)ef[toriorum Afric(a)e ex] consule ac [<i>patricio</i>]</i>
171	EDCS-13000630 (Numidia)	534-536E	per Solomonem gloriosiss(imum) et excell(entissimum) magistro militum ex consul(e) praefect(o) Libiae ac patricio
172	EDCS-23100477 (Numidia)	534-536E	providentia Solomonis excellen[tissimi] magistri militum ex consule bis pr(a)efecto praetoriorum Africae hac patricio
173	EDCS-15700083 (Numidia)	534-536E	providentia biri excellentissimi Solomonis magistri militum ex consule ac patricii

174	EDCS-15700081 (Numidia)	534-536E	probidentia b[<i>iri exc</i>]ellentissimi Solomonis magistri militum ex co[<i>nsule ac patricii</i>]
175	EDCS-28701408 (Numidia)	534-536E]mi Solomonis magistri militum ex con[
176	EDCS-09800401 (Numidia)	534-536E	providentia So[l]omonis magistro militum ex cons(ule) praefect(o) / Africae et pat[r]icius

Unidentified *magistri*

177	EDCS-27800687 (Dalmatia)	4-5thCW	Hic in pace iacet Leontius ex optione officio magistri eq(uitum) et peditum
178	EDCS-10801669 (Liguria) <i>copy of inscription on unavailable object</i>	535-54W	rexisti fortes equitum peditumque catervas iure magisterii nobilitate gradu tu bello Gothias expulsis gentibus Alpes dedisti Latio victor in imperio /

* Delbrueck, R., *Die Consulardiptychen und verwandte Denkmäler*. (Studien zur spätantiken Kunstgeschichte; im Auftrage des deutschen Archäologischen Instituts. No.2) Berlin & Leipzig, 1929.

Attachment 4: A comparison of the Latin names for the service position *M-* that were used in related excerpts in copies of the main compilations of Roman imperial laws.

The names of the service position have been converted to their corresponding singular or plural nominative form if a different form exists in the law.

(1) Names of the service position in the Titles under which the laws are arranged in Cod.Theod. and Cod.Iust.

Th.1.7 Title	438	E	magister militum	Iu.1.29 Title	534	E	magister militum
Th.6.6 Title	438	E	magistri militum	Iu.12.3 Title	534	E	magistri militum
Th.6.7 Title	438	E	magistri militum	Iu.12.4 Title	534	E	magistri militum
Th.8.3 Title	438	E	magisteria potestas	Iu.12.54 Title	534	E	magistri militum

(2) Complete laws represented in excerpts

Nov.Theod.7.4 (441)E of which excerpts exist in Cod.Iust.7.62.33; 12.54.3; 3.23.2.

N.T.7.4 §2 §6 §8	magisteria potestas	Iu.12.54.3	magisteria potestas
	magister militum	Iu.3.23.2	magisteria potestas
	magisteria potestas magister militum	Iu.7.62.33	magisteria potestas magister militum

Nov.Theod.24 (443)E of which excerpts exist in Cod.Iust.1.31.4; 1.46.4.

N.T.24	magisteriae potestates magisteria potestas	Iu.1.46.4	magisteriae potestates magisteria potestas
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In the following tables, the abbreviations -A and -C indicate whether the name of the service position occurs in the A(ddress) or in the C(ontents) of the law; E and W refer to the eastern and western part of the Roman state (as defined in Attachment 1).

(3) Excerpts of the same part of the same law in the two compilations (Cod.Theod./Cod.Iust.)

Law	Date	Part	Name of service position	Ref	Name of service position
Th.5.6.1	347	E	magister equitum -A (militum <i>HNOE</i>)	Iu.6.62.2	magister equitum -A (militi et equitum <i>S</i>)
Th.7.4.12	364	E	magister militum -A	Iu.12.37.3	magister militum -A
Th.8.3.1	364	W	magistri equitum ac peditum -C	Iu.12.54.1	magistri equitum ac peditum -C
Th.9.2.2	365	W	magistri militum -C	Iu.9.3.1	magister militum -C
Th.12.6.6	365	W	magistri equitum et peditum -C	Iu.12.54.2	magistri equitum et peditum -C
Th.8.7.11	371	W	magister militum -A	Iu.12.59.1	magister militum -A
Th.6.7.1	372	W	magistri equitum ac peditum -C	Iu.12.4.1	magistri equitum ac peditum -C
Th.6.7.2	380	E	magisterium equitum peditumque -C	Iu.12.4.2	magisterium equitum peditumque -C
Th.7.1.13	391	E	magister utriusque militiae -A	Iu.12.35.12	magister utriusque militiae -A
Th.12.1.128	392	E	magister utriusque militiae -A	Iu.10.32.42	magister utriusque militiae -A
Th.1.5.10	393	E	magistri utriusque militiae -A	Iu.1.26.4	magistri utriusque militiae -A
Th.1.21.1	393	E	magistri utriusque militiae -A	Iu.1.46.1	magistri utriusque militiae -A
Th.7.4.23	396	W	virii illustres comites (<i>military</i>) -C	Iu.12.37.8	virii illustres comites (<i>military</i>) -C
Th.7.1.17	398	E	virii illustres comites (<i>military</i>) -C	Iu.12.35.13	virii illustres comites (<i>military</i>) -C
Th.7.4.24	398	E	magistri utriusque militiae -C	Iu.12.37.9	magistri utriusque militiae -C
Th.7.5.1	399	W	magister utriusque militiae -A	Iu.12.38.1	magister utriusque militiae -A
Th.7.1.18	400	W	magister militum -A	Iu.12.35.14	magister militum -A
Th.7.11.1	406	E	magistri militum -C	Iu.1.47.1	magistri militum -C
Th.6.14.3	413	E	magistri militum -C	Iu.12.12.2	magistri militum -C
Th.7.18.16	413	W	magister militum -A	Iu.12.42.3	magister militum -A
Th.15.11.1	414	W	magister militum -A	Iu.11.45.1	magister militum -A
Th.7.4.34	414	W	magister militum -A	Iu.12.37.14	magister militum -A
Th.1.7.4	414	E	magister militum per orientem -A	Iu.1.29.2	magister militum per orientem -A
Th.6.8.1	422	E	militaris magisteria potestas -C	Iu.12.5.1	militaris magisteria potestas -C
Th.1.8.3	424	E	magistri militum -C	Iu.1.30.2	magistri militum -C

(4) Excerpts of different parts of the same law in the same compilation (Cod.Theod./Cod.Theod., or Cod.Iust./Cod.Iust.)

Law	Date		Name of service position	Ref	Name of service position
Th.7.1.2	349/52	E	magister equitum et peditum -A	Th.8.7.3	magister militum -A
Iu.12.35.15	458	E	magister militum -A	Iu.4.65.31	magister militum -A

? Probably excerpts of different parts of the same law in the same compilation

Law	Date	Part	Name of service position	Ref	Name of service position
Th.1.5.10	393	E	magister utriusque militiae -A	Th.1.7.2	magister utriusque militiae -A
Th.7.4.18	393	E	magister utriusque militiae -A	Th.7.9.3	magister utriusque militiae -A
Th.7.13.18	407	W	magister militum -A	Th.7.20.13	magister utriusque militiae -A
Iu.1.46.3	443	E	magister militum -A	Iu.12.59.7	magister militum -A

(5) Excerpts of different parts of the same law in the two compilations (Cod.Theod./Cod.Iust.)

none				none	
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? Probably excerpts of different parts of the same law divided between the two compilations (Cod.Theod./Cod.Iust.)

Th.7.1.8	365	E	magister militum -A	Iu.11.68.3	magister equitum et peditum -A
Th.3.14.1	370/3 ?	W	magister equitum -A	Iu.4.41.1	magister militum -A

Attachment 5: A comparison of the Latin names for the service position *M-* that were used for the same serving officer named in both copies of the main compilations of Roman imperial laws and in official inscriptions.

The following notations are used:

Ref. Each of these numbers identifies the law or inscription according to the number assigned to it in either Attachment 2 (for laws) or Attachment 4 (for inscriptions).

* Identifies a manuscript copy of the unavailable inscription.

** Identifies a medieval inscription on stone based on a diptych.

*** Identifies a manuscript copy of the unavailable mosaic.

The names of the service position have been converted to their corresponding singular nominative form if a different form exists in the law or in the inscription.

Serving officer	Name of service position	Laws		Name of service position	Inscriptions	
		Date	Ref.		Date	Ref.

Iovi<n?>us	magister equitum	365	014	magister equitum peditumque*	c.362-3	135
Iovi<n?>us	magister equitum et peditum	365	015			
Iovinus	magister equitum	367	020			
Iovinus	magister militum	367	021			
Iovinus	magister militum	368?	022			

Equitius	magister militum	365	017	magister utriusque militiae	370	136
	magister equitum et peditum	365	018	magister equitum peditumque	c.371-2	137
				magister utriusque militiae	371	138
				magister utriusque militiae	371	139
				magister utriusque militiae	372	140

Stilicho	magister utriusque militiae	393	048	magister utriusque militiae	393-408	143
	comes utriusque militiae	393	049	magister utriusque militiae	393-408	144
	magister militum	398	059	magi[.] [..]itiae	c.398-9	145
	magister utriusque militiae	398	060	magister utriusque militiae	c.399	146a
	magister utriusque militiae	399	062	magister utriusque militiae	c.399	146b
	magister utriusque militiae	400	063	magister equitum peditumque	c.399	147
	magister militum	400	064	magister utriusque militiae	400-4	148
	magister militum	407	068	magister utriusque militiae	405-4	149
	magister utriusque militiae	407	069			

Constantius	magister militum	412	073	magister utriusque militiae**	417-19	152
	magister militum	414	079	magister utriusque militiae	420	153
				magister utriusque militiae	420	154

Aspar Ardabur	magister militum	458	105	magister militum	434	157
	magister militum	458	106			

Aetius	magister utriusque militiae	445	102	magister militum per gallias	c.439	158a
				magister utriusque militiae	c.439	158b

Ricimer	magister utriusque militiae	460	107	magister utriusque militiae***	457-72	160
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Attachment 6: Military units and soldiers in the main compilations of Roman imperial laws.

Code	Date	Part	Names listed in the order in which they occur in each law
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Laws pre-344

Cod.Iust.7.64.9	286-305		legio vel vexillatio - milites
Cod.Iust.10.55.3	286-305		militia in legione vel vexillatione
Cod.Theod.7.12.1	323		cohortes - milites <i>Cod.Iust.12.42.1</i>
Cod.Theod.7.20.4	325		comitatenses et ripenses milites atque protectores - milites comitatenses - alares et cohortales - militia comitatensis - ripenses
Cod.Theod.7.22.2	326		militia equestris - equites - <milita> legionaria - protector

Laws addressed to *praefecti praetorio*

Cod.Theod.7.13.1	353	E	auxiliares cunei
Cod.Theod.12.1.38	346/357	E	consortio domesticorum seu protectorum - scholaris militia - munus comitatense sub armis militiae
Cod.Theod.7.4.14	365	E	milites riparienses
Cod.Theod.7.20.10	369	W	classis - laeti - legio - cohors - militia armata - militares
Cod.Theod.10.23.1	369/70	E	classis seleucena - classici <i>Cod.Iust.11.13.1</i>
Cod.Theod.7.22.8	372	W	militia armata - militia comitatensis - <militia> ripensis
Cod.Theod.7.13.7	375	E	numeri - numeri comitatenses - cunei auxiliaeque in ripa
Cod.Theod.8.5.43	384-5	W	militia equestris ac pedestris
Cod.Theod.8.4.17	389?	E	milites comitatenses - <milites> limitanei
Cod.Theod.7.4.22	396	W	scholae - vexillationes comitatenses - <vexillationes> palatinae - legiones - auxilia
Cod.Theod.7.4.23	396	W	numeri - vexillationes - scholae <i>Cod.Iust.12.37.8</i>
Cod.Theod.7.4.30	409	E	miles limitaneus <i>Cod.Iust.12.37.13</i>
Cod.Theod.7.15.2	423	E	miles castellanus <i>Cod.Iust.11.60.2</i>
Nov.Theod.4	438	E	<it.> duciani vel limitanei milites limitaneus miles per totum tractum orientis - milites
Cod.Iust.2.7.25	519	E	domestici praesentales - <schola> equitum - schola peditum - comites domesticorum equitum / domesticorum peditum

Laws addressed to *praefecti urbis*

Cod.Theod.7.1.17	398	E	miles - numeri - legiones <i>Cod.Iust.12.35.13</i>
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Laws addressed to *magistri (MEP MVM MM)*

Cod.Theod.5.6.1	347	E	ad Bonosum mag(istrum) equitum {militum HNOE} tam legiones quam vexillationes comitatenses seu cunei = <i>Cod.Iust.6.62.2</i> Bonoso magistro equitum {militi et equitum S=Summa Perusina}
Cod.Theod.8.1.10	365	W	Iovi<n?>o magistro equitum <numeri> palatini - numeri comitatenses - pseudocomitatenses - numeri
Cod.Theod.7.1.13	391	E	Richomeri com(iti) et magistro utriusque mil(itiae) multitudo legionum <i>Cod.Iust.12.35.12</i>
Cod.Theod.7.20.12	400	W	Stilichoni magistro utriusque mil(itiae) laetus alamannus - sarmata - legiones
Cod.Theod.7.1.18	400	W	Stilichoni mag(istro) mil(itum) numeri - milites - <numeri> comitatenses - numeri palatini - legiones pseudocomitatenses - castriciani riparienses <i>Cod.Iust.12.35.14</i>
Cod.Theod.7.4.36	424	E	Procopio magistro militiae per orientem numeri per provincias - milites
Cod.Iust.12.35.17	474?	E	Marciano magistro militum numerus equitum vel peditum vel in quolibet limite - qui in numeris vel in limitibus militent
Cod.Iust.1.29.4	491-518	E	Iohanni magistro militum per illyricum milites - numeri
Cod.Iust.12.35.18	492	E	Iohanni magistro militum praesent(alium) numeri praesentales per orientis partes - milites - milites praesentales
Cod.Iust.1.29.5	528-530	E	Zetae v.i magistro militum per armeniam [etc] numeri de praesentalibus et orientalibus et aliis agminibus
Cod.Iust.1.27.2	534	E	Belisario magistro militum per orientem §1 militiae armatae (pl) - §5 milites sive pedestres sive equites per limitem - §8 milites comitantenses, milites limitanei, numerus limitaneorum,

Laws addressed to *magister officiorum*

Nov.Theod.24	443	E	[.] duces limitum <Cod.Iust.1.46.4 militum> praepositi castrorum, milites limitanei, gentes foederati, numerus militum
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Laws addressed to *comes sacrarum largitionum*

Cod.Theod.10.20.11	384	E	milites - numeri
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Laws addressed to *proconsul africae*

Cod.Theod.8.7.12	372 <i>May</i>	W	miles - numerus - armata militia - in legionibus vel in numeris
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Laws addressed to *praefectus augustalis*

Cod.Theod.1.14.1	386	E	milites castrenses
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Laws addressed to *vicarius asiae*

Cod.Theod.7.1.16	398	E	miles in provincia sine suo numero <i>Cod.Iust.12.35.13</i>
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In a law addressed to ?

Cod.Theod.12.1.56	363	E	militia limitanea
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Ad senatum

Cod.Iust.4.65.35	527-534	E	§1: milites autem appellamus eos, qui tam sub excelsis magistris militum tolerare noscuntur militiam quam in undecim devotissimis scholis taxati sunt, nec non eos, qui sub diversis optionibus foederatorum nomine sunt decorati
Nov.Iust.117	542	E	§11: qui in expeditionibus sunt et in militiis constituti, sive milites sint sive foederati sive scholares sive alii quidam sub alia quacumque militia armata constituti,

Edictum ad provinciales

Cod.Theod.7.13.8	380	E	turmae militum
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Attachment 7: Comes domesticorum / Comites domesticorum and the scholae domesticorum equitum and peditum

Source	Text	Date - E(ast) /W(est)	Person	Service position (nominative form)
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4thC

Cod.Theod.12.1.38	Law - contents	357?-E		comes domesticorum
Cod.Theod.6.24.2	Law - address	364-W	Severus	comes domesticorum
Cod.Theod.6.24.3	Law - address	364-W	Severus	comes domesticorum
Cod.Theod.6.24.5	Law - address	392/3-E	Addaeus	comes domesticorum
EDCS-01200100	Inscr. - Stone - Köln	392/4-W	?	comes domesticorum
EDCS-18100539	Inscr. - Stone - Roma	c.399-W	Stilicho	comes domesticorum

5thC

EDCS-18100540	Inscr. - Stone - Roma	c.405/406-W	Stilicho	comes domesticorum
Cod.Theod.16.5.42	Law - address	408-W	Valens	comes domesticorum
Cod.Theod.11.18.1	Law - contents	409/12-W	<i>list</i>	praefecti, magistri militum, comites domesticorum <etc>
Cod.Theod.15.11.1= Cod.Iust.11.45.1	Law - address	414-W?	Maurianus	comes domesticorum et vices agens magistri militum
Cod.Iust.12.16.1	Law - contents	415-E		ex-comitibus domesticorum
Cod.Iust.12.40.10	Law - contents	450-55-E	<i>list</i>	comites domesticorum et protectorum et sacrarum largitionum et privatarum <etc>
Cod.Iust.12.17.3	Law - address	c.450-E	Sporacius	comes domesticorum peditum
Chalcedon *	List of dignitaries	451-E	Sporacius	comes domesticorum
Chalcedon *	List of dignitaries	451-E	Aetius	comes domesticorum et stabulorum
Cod.Iust.10.32.64	Law - contents	484?-E		comes domesticorum
Cod.Iust.10.32.66	Law - contents	497-99-E		comes domesticorum

6thC

EDCS-32400088	Inscr. - Ivory diptych	517-E	Anastasius	comes domesticorum equitum
EDCS-25700606	Inscr. - Ivory diptych	517-E	Anastasius	comes domesticorum equitum
Cod.Iust.2.7.25	Law - contents	519E		comes domesticorum equitum praesentales domestici scholae equitum comes domesticorum peditum praesentales domestici scholae peditum
EDCS-29600318	Inscr. - Ivory diptych	525-E	Philoxenus	comes domesticorum
EDCS-32100581	Inscr. - Ivory diptych	525-E	Philoxenus	comes domesticorum
Cod.Iust.12.17.4	Law - address	527-34--E	Vigilantius	comes domesticorum
EDCS-05502088	Inscr. - Ivory diptych	539-E	Apion	comes domesticorum
EDCS-31200896	Inscr. - Ivory diptych	540-E	Iustinus	comes domesticorum
Nov.Iust.107	Law - address	541-E	Bassus	comes domesticorum
Nov.Iust.108	Law - address	541-E	Bassus	comes domesticorum
EDCS-21300841	Inscr. - Ivory diptych	541-E?W?	Basilius	ex-comite domesticorum

* Chalcedon, Council of - Session 6, 25.Oct.451 (Mansi, G.D., *Sacrorum Conciliorum nova et amplissima collectio*. (31 vols. Firenze et Venezia, 1758-1798) vol.7, cols.128-129) see *Appendix 11: Dignities and dignitaries in the main compilations of Roman imperial laws*, Attachment.8.

Post-Roman administration in Italia

Under Odovacer (476-490) and Theodericus (490-526) - Cassiodorus, *Variae* 6.11 has a formula for a *comes domesticorum vacans* but none for a service position named *comes domesticorum*.

The following were probably actual positions under Odovacer, but honorary under Theodericus.

EDCS-18400181	Roma	c.480-W	Faustus	comes domesticorum
EDCS-18400183	Roma	? - W	Anastasius	ex-comite domestocurm
EDCS-38600233	"	"	"	"
EDCS-00900543	Roma	491/518-W	Florianus	ex-comite domesticorum
EDCS-19900391	Roma	519-W	Valentinianus	comes domesticorum
EDCS-25900270	Roma	521-W	Valerius	ex-comite domesticorum
<i>Anonymous & undated</i>				
EDCS-18400305	Roma			ex-comite domesticorum
EDCS-25900293	Roma			ex-comite domesticorum
EDCS-59100078	Roma			ex-comite domesticorum
EDCS-19900074	Roma			[3 co]m(es?) dom(esticorum)
EDCS-25900286	Roma			[3 co]m(es?) do«m»(esticorum)

Attachment 8: All the names that existed in the *Cnd* for the service position *M-*.

The names of the service position in (A) have been converted to their corresponding singular or plural nominative form if a different form existed in the *Cnd*.

(A) All the names for the position *M-* in the **precedence lists** and in headings in **agency lists**

Cnd 1-82 (eastern lists)	Cnd.85-164 (western lists)
<p>Precedence list items: 1/2.5-8</p> <p><i>Notitia dignitatum</i> [..] magistri equitum et peditum in praesenti duo equitum et peditum per orientem equitum et peditum per thracias equitum et peditum per illyricum</p>	<p>Precedence list items: 85/6.5-7</p> <p><i>Notitia dignitatum</i> [..] magister peditum in praesenti magister equitum in praesenti magister equitum per gallias</p>
<p>Picture captions: 7.a, 10.a, 13.a, 16.a, 19.a</p> <p><i>Insignia</i> [..] [..] magister militum praesentalis [..] magister militum praesentalis [..] magister militum per orientem [..] magister militum per thracias [..] magister militum per illyricum</p>	<p>Picture captions: 92.a, 100.a</p> <p><i>Insignia</i> [..] [..] magister peditum [..] magister equitum</p>
<p>Agency list</p> <p><u>Domain list heading:</u> 9.1, 12.1, 15.1, 18.1, 21.1</p> <p><i>Sub dispositione</i> [..] [..] magister militum praesentalis [..] magister militum praesentalis [..] magister militum per orientem [..] magister militum per thracias [..] magister militum per illyricum</p> <p><u>Officium list heading:</u> 9.42, 12.44, 15.36, 18.32, 21.33</p> <p><i>Officium</i> [..] [..] magisteria in praesenti potestas [..] magisteria in praesenti potestas [..] magisteria per orientem potestas [..] magisteria per thracias potestas [..] magisteria per illyricum potestas</p> <p><u>Travel permits:</u> 9.50, 12.52, 15.45, 18.40, 21.41</p> <p><evectioes> [..] magister(:) milit(:) in praesenti magister(:) militum in praesenti magistri militum per orientem magister(:) militum per thracias magister(:) militis(;) per illyricum</p>	<p>Agency list</p> <p><u>Domain list heading:</u> 98/9.1, 102/5.1, 102/5.114 & 217</p> <p><i>Sub dispositione</i> [..] [..] magister peditum praesentalis [..] comes et magister equitum praesentalis <infantry> [..] magister equitum galliarum Intra gallias cum [..] <cavalry> [..] comes et magister equitum galliarum Intra gallias cum [..]</p> <p><u>Officium list heading:</u> 98/9.149, 102/5.45, 102/5.163</p> <p><i>Officium</i> [..] [..] magister peditum praesentalis [..] magisteria potestas [..] magister equitum per gallias</p> <p style="text-align: center;">↓ (B) 14 items that referred to the <i>officium</i> of the central <i>M-</i> in 12 regional <i>officium</i> lists and 1 item that referred to the central <i>M-</i> in another list ↓</p>

Attachment 8

List	Cnd	Central	Name of position <i>M-</i>
1	102/5.164	officia	magistrorum militum praesentalium uno anno a parte peditum alio a parte equitum
2	128.20	officia	magrm(;) militum praesentalium uno anno a parte peditum alio a parte equitum
	128.23	officium	magistrum militum praesentalium alternis annis
	128.24	officia	magistros militum praesentalium
3	130.11	officium	magistr(;) militum praesentalium uno anno a parte peditum alio anno a parte equitum
4	133.4	officium	magistri militum praesentalium alternis annis
5	137.11	officium	magistri militum praesentalium alternis annis
6	139.17	officia	magistrorum militum praesentalium alternis annis
7	147.24	officia	magistrorum militum praesentalium alternis annis
8	151.17	officia	magistrorum militum praesentalium alternis annis
9	154.41	officia	magistrorum militum praesentalium alternis annis
10	156/8.14	officia	magistrorum militum praesentalium alternis annis
11	132.12	officium	magistri praesentalium a parte peditum
12	149.4	officia	magistrorum militum praesentalium a parte peditum
?	156/8.22	praep.	magistri militum praesentalium a parte peditum

=> see also Table 24, p.94.

Attachment 9: Differences and duplications in the representation of the western *comitatenses* units in the lists and pictures in the *Cnd.*

(1) Differences between the picture captions and list items.

Infantry units

<i>Cnd.</i> 92-97 pictures		<i>Cnd.</i> 98/9 MP list		<i>Cnd.</i> 102/5.53-208 lists	
123 captioned discs - 5 units named in 98/9.39.1; 48, 49, 50, 71 are absent		125 list items (list headings totals: 12+65+32+18= 127) - 2 units captioned in 94.p, 95.g are absent - item 98/9.39 combines the names of 2 units		142 list items - 3 units each duplicated: 89=191, 112=122, 190=201 - 6 units named in 98/9.58,73,92,126,135,136 are absent - has 17 units not named in 98/9	
together represented 128 units				represented 139 units	
92.t	Bataui □	39 - ap	Bataui <u>matriciaci</u> seniores 39.1	65 - It	Bataui seniores
	□	48 - ap	Exculcatores seniores	66 - It	Matiaci seniores
	□	49 - ap	Sagittarii tungri	71 - It	Exculcatores seniores
	□	50 - ap	Exculcatores iuniores	92 - Ill	Sagittarii tungri
93.m	Augustei	58 - ap	Augustei	174 - Hi	Exculcatores iuniores
	□	71 - ap	Brachiat	117 - Ga	Brachiat iuniores
94.f	Marcomanni sen.	73 - ap	Honoriani marcomanni seniores		□
95.f	Felices iuniores	92 - ap	Felices iuniores gallicani		□
94.p	Bataui iuniores	81.1	Bataui iuniores <britannici>	124 - Ga	Bataui iuniores
95.g	Atecotti iuniores	92.1	Atecotti iuniores	130 - Ga	Atecotti iuniores gallicani
96.t	Constantici	126 - lc	Flauiae uictrices constantinae id est constantici		□
97.g	Taurunenses	135 - ps	Taurunenses		□
97.h	Antianenses	136 - ps	Antianenses		□
			□	68 - It	Victores seniores
			□	87 - It	Placidi ualentianici felices
			□	113 - Ill	Catarienses
			□	149 - Ga	Balistarii
			□	150 - Ga	Defensores iuniores
			□	151 - Ga	Garronenses
			□	152 - Ga	Anderemiciani
			□	153 - Ga	Acincenses
			□	156 - Ga	Cursarienses iuniores
			□	157 - Ga	Musmagenses
			□	159 - Ga	Insidiatores
			□	160 - Ga	Truncensimani
			□	161 - Ga	Abulci
			□	162 - Ga	Exploratores
			□	206 - Br	Victores iuniorum britannici
			□	207 - Br	Primani iuniores
			□	208 - Br	Secundani iuniores

Cavalry units

<i>Cnd.</i> 100-101 pictures		<i>Cnd.</i> 102/5.1-44 ME list		<i>Cnd.</i> 102/5.209-260 lists	
39 captioned discs - 2 units named in 102/5.43, 44 are absent		41 list items		47 list items - 3 units each duplicated: 213=219, 222=253, 232=258 - 5 units named in 102/5.8,11,34,36,44 are absent - has 8 units not named in 102/5.1-44	
together represented 41 units				represented 44 units	
100.g	Cornuti iuniores	8 - vp	Equites cornuti iuniores		□
100.k	Valentinianenses	11 - vp	Equites constantes ualentianenses seniores		□
101.m	Comites iuniores	34 - vc	Comites iuniores		□
101.o	Sagittarii iuniores	36 - vc	Sagittarii iuniores		□
	□	43 - vc	Equites sagittarii seniores	259 - Ti	Equites sagittarii seniores comitatenses
	□	44 - vc	Cuneus equitum promotorum		□
			□	216 - It	Equites constantes ualentianenses iuniores
			□	221 - Ga	Equites brachiat iuniores
			□	246 - Af	Equites scutarii iuniores comitatenses
			□	251 - Br	Equites catafractarii iuniores
			□	252 - Br	Equites scutarii aureliaci
			□	254 - Br	Equites stablesiani
			□	255 - Br	Equites Syri
			□	256 - Br	Equites taifali

Abbreviations: **ap**=auxilium palatinum, **lc**= legio comitatensis, **ps**= legio pseudocomitatensis, **vp**=vexillatio palatina, **vc**=vexillatio comitatensis
Af=Africa, **Br**=Britanniae, **Ga**=Galliae, **Il**=Illyricum, **Ti**=Tingitania, **It**=Italia,

(2) Duplicated names of military units within the western lists of *comitatenses* units.

Infantry units

98/9.65	Valentinianenses iuniores	ap	=> =>	102/5.112 102/5.122	Valentinianenses Valentinianenses	Illyricum Galliae
98/9.116	Septimani iuniores	lc	=> =>	102/5.82 102/5.191	Septimani iuniores Septimani iuniores	Italia Tingitania
98/9.27	Secundae flaviae constantinianae	lc	=> =>	102/5.201 102/5.190	Constantiniani Constantiniani	Africa Tingitania

Cavalry units

102/5.7	Equites cornuti seniores	vp	=> =>	102/5.213 102/5.219	Equites cornuti seniores Equites cornuti seniores	Italia Galliae
102/5.19	Equites honoriani seniores	vc	=> =>	102/5.222 102/5.253	Equites honoriani seniores Equites honoriani seniores	Galliae Britanniae
102/5.22	Equites scutarii	vc	=> =>	102/5.232 102/5.258	Equites scutarii seniores Equites scutarii seniores comitatenses	Africa Tingitania

Abbreviations: **ap**=auxilium palatinum, **lc**= legio comitatensis, **vp**=vexillatio palatina, **vc**=vexillatio comitatensis

Attachment 10: Headings to *officium* lists in the *Cnd.*

3.58	Officium uiri illustris praefecti praetorio orientis
6.17	Officium uirorum illustrium praefectorum praetorio per illyricum
9.42	Officium autem suprascriptae magisteriae in praesenti potestatis in numeris militat & in officio deputatur
12.44	Officium autem suprascriptae magisteriae in praesenti potestatis cardinale habetur
15.36	Officium autem magisteriae per orientem potestatis cardinale habetur
18.32	Officium autem magisteriae per thracias potestatis in numeris militat & in officio deputatur
21.33	Officium autem magisteriae per illyricum potestatis in numeris militat & in officio deputatur
23.36-7	Officium autem suprascripti uiri illustris magistri officiorum de schola agentum in rebus Est ita
25.4	Officium non habet sed adiutores de scriniis quos uoluerit
26.17	Officium autem suprascripti uiri illustris comitis sacrarum largitionum habet
28.7	Officium autem suprascripti uiri illustris comitis rerum priuatarum habet
32.5	Officium autem suprascripti uiri spectabilis castrensis habet
34.4	Officium autem non habet sed adiutorem de schola notariorum
36.9	Officium autem de ipsis nemo habet sed adiutores electos de scriniis
38.5	Officium autem habet ita
40.4	Officium autem habet ita
42.17	Officium autem uiri spectabilis comitis orientis habet ita
44.8	Officium autem habet ita
46.10	Officium autem uiri spectabilis uicarii dioceseos asianae habet ita
48.13	Officium autem habet ita
50.8	Officium autem habet
52.35	Officium autem habet ita
54.4	Officium autem habet ita
56/7.47	Officium autem uiri spectabilis ducis thebaidos habet ita
59.32	Officium autem habet ita
61.24	Officium autem habet uiri spectabilis ducis arabiae et praesidis ita
61.31	Item officium praesidis eiusdem prouinciae
63.29	Officium autem habet ita
65.22	Officium autem habet ita
67.21	Officium autem habet ita
69.18	Officium autem habet ita
71.31	Officium autem habet ita
74.26	Officium autem habet ita
76.28	Officium <i>autem</i> habet ita = PTLB; Officium habet ita OVM
78.30	Officium autem habet ita
80.33	Officium autem habet ita
81.3	Offitium autem habet ita
82.3	Offitium autem habet ita
89.38	Officium uiri illustris praefecti praetorio italiae
89.87	Officium uiri illustris praefecti praetorio galliarum
91.17	Officium uiri illustris praefecti urbis
98/9.149	Officium suprascripti magistri peditum praesentalis
102/5.45	Officium suprascriptae magisteriae potestatis
102/5.163	Officium uiri illustris magistri equitum per gallias
107.37	Officium autem infrascripti uiri illustris magistri officiorum de scola agentum in rebus habetur hoc modo
110/1.76	Officium autem uiri illustris suprascripti comitis sacrarum largitionum habet
113.28	Officium autem suprascripti uiri illustris comitis rerum priuatarum habet
115.5	Officium autem uiri spectabilis castrensis habet
116.3	Officium autem non habet sed adiutores
118.3	Officium autem habet ita
119.15	Officium autem supradictus uir spectabilis uicarius habet ita
120.9	Officium autem habet idem uir spectabilis uicarius hoc modo
122.11	Officium autem habet idem uir spectabilis hoc modo
124.20	Officium autem habet idem uir spectabilis uicarius hoc modo
126.9	Officium autem habet idem uir spectabilis uicarius hoc modo
128.19	Officium autem habet idem uir spectabilis comes hoc modo
130.10	Officium autem habet idem uir spectabilis comes hoc modo
132.11	Officium autem habet idem uir spectabilis comes hoc modo
133.3	Officium autem habet idem uir spectabilis comes hoc modo
137.10	Officium autem habet idem uir spectabilis dux et praeses hoc modo
139.16	Officium autem habet idem uir spectabilis dux hoc modo
141.40	Officium autem habet idem uir spectabilis hoc modo
143.44	Officium autem habet idem uir spectabilis dux hoc modo
145.35	Officium autem habet idem uir spectabilis dux hoc modo
147.23	Officium autem habet idem uir spectabilis dux hoc modo
149.3	Officium autem habet idem uir spectabilis dux hoc modo
151.16	Officium autem habet idem uir spectabilis dux hoc modo
152.5	Officium autem habet idem uir spectabilis dux hoc modo
154.40	Officium autem habet idem uir spectabilis dux hoc modo
156/8.13	Officium autem habet idem uir spectabilis dux hoc modo
160.3	Officium autem habet ita
162.3	Officium autem habet ita
164.3	Officium autem habet hoc modo

Attachment 11: The items in the *Cnd* related to the name *magister militum praesentalium*

The following transcripts representing the items in the *Cnd* incorporate:

- **Items & numbers:** All the items numbered (102/5.164 to 156/8.22) below represent those that existed in the *Cnd*, but the numbers are interpolated (that is, did not exist in the *Cnd*).
- **Italics letters:** the *Cnd* form of the word is uncertain because the primary copies have equally valid alternatives for the italicised alphabetic symbol or symbols.
- **Underline:** the *Cnd* form of the word is probably an inaccurate representation, in the underlined alphabetic symbol or symbols, of the word in a *pre-Cnd* item.
- **(:):** This symbol indicates that the letters between this sign and the preceding word gap comprised an abbreviated word in the *Cnd* and that the expansion of the abbreviation is either unknown or uncertain.

magister equitum per gallias / galliarum.

102/5.164	Princeps ex officiis magistrorum militum praesentalium, Vno anno a parte peditum, Alio a parte equitum
102.5.165	Commentariensis
102/5.166	Numerarii ex uiris & officiis singularis
	<hr/>
Böcking 1849 edn p.38	Numerarii ex uiris et Officiis Singulares
Seeck 1876 edn. p.137	Numerarii ex utrisque officiis singulis annis

comes africae

128.20	Principem ex officiis magrm(:) militum praesentalium, uno anno a parte peditum, alio a parte equitum
128.23	Commentariensem ex officio <u>magistrum</u> militum praesentalium alternis annis
128.24	Numerarios duos ex utrisque officiis <u>magistros</u> militum praesentalium singulos
	<hr/>
Böcking 1849 edn p.77	Principem ex Officiis Magistrorum Militum Praesentalium, uno anno a parte Peditum, alio a parte Equitum Commentariensem ex Officiis Magistrorum Militum Praesentalium alternis annis Numerarios duos ex utrisque Officiis Magistrorum Militum Praesentalium singulos
Seeck 1876 edn. p.175-6	Principem ex officiis magistrorum militum praesentalium, uno anno a parte peditum, alio a parte equitum Commentariensem ex officiis magistrorum militum praesentalium alternis annis Numerarios duos ex utrisque officiis magistrorum militum praesentalium singulos
	<hr/>
128.20:	[magr̄m O mgr̄m L magistrum AVMP ^I magistri TB]
128.23:	[magistrum OPTVM mgr̄m L magistri B ex...annis <i>absent</i> A praesentalium <i>absent</i> T]
128.24:	[magistros OTLAVMP ^I magistri B]

comes tingitaniae

130.11	Principem ex officio magistr(:) militum praesentalium uno anno a parte peditum alio anno a parte equitum
130.12	Commentariensem ut supra
130.13	Numerarios duos singulos ex officio supradicto
	<hr/>
Böcking 1849 edn p.79	Principem ex Officio Magistri Militum Praesentalium, uno anno a parte Peditum, alio anno a parte Equitum Commentariensem ut supra Numerarios duos, singulos ex Officio supra dicto
Seeck 1876 edn. p.178	Principem ex officiis magistrorum militum praesentalium, uno anno a parte peditum, alio anno a parte equitum Commentariensem ut supra Numerarios duos, singulos ex officiis supradictis
	<hr/>
130.11:	[magistr̄ OL magistr̄ T magistrum PAVM magistri B]

comes litoris saxonici / saxon(:) per britanni(am /as)

132.12	Principem ex officio magistri praesentalium a parte peditum
132.13	Numerarios duos <i>ut supra ex officio supra</i>
132.14	Commentariensem ex officio <i>supra</i>
	<hr/>
Böcking 1849 edn p.81	Numerarios duos ex Officio supra dicto Commentariensem ex Officio ut supra
Seeck 1876 edn. p.181	Principem ex officio magistri <i>militum</i> praesentalis a parte peditum Numerarios duos ut supra ex officio supradicto Commentariensem ex officio supradicto
	<hr/>
132.13:	[ut supra. ex officio supra. O , ut supra ex officio supradicto TLAB , ut supra VM , ex officio supra P]
132.14:	[ex officio supra OP , supradicto TLAB , ut supra VM]

comes britanni(ae /arum)

133.4	Principem ex officio magistri militum praesentalium alternis annis
133.5	Commentariensem ut supra
133.6	Numerarios duos singulos ex utr(:) offic(:) sup(:)
	<hr/>
Böcking 1849 edn p.83	Numerarios duos, singulos ex utroque Officio supra dicto
Seeck 1876 edn. p.183	Principem ex officiis magistrorum militum praesentalium alternis annis Numerarios duos, singulos ex utrisque officiis <i>suprascriptis</i>

dux limitis mauritaniae caesariensis / dux et praeses provinciae mauritaniae et caesariensis

137.11	Principem ex officio magistri militum praesentalium alternis annis
137.12	Numerarios duos singulos ex officiis supra singulis
137.13	Commentariensem ex officiis supra singulis alternis annis
Böcking 1849 edn p.87	Numerarios duos, singulos ex Officiis supra scriptis
	Commentariensem ex Officiis superscriptis, alternis annis
Seeck 1876 edn. p.185	Principem ex officiis magistrorum militum praesentalium alternis annis
	Numerarios duos, singulos ex officiis superscriptis
	Commentariensem ex officiis superscriptis alternis annis

dux limitis tripolitani / dux provinciae tripolitanae

139.17	Principem ex officiis magistrorum militum praesentalium praes(:) alternis annis
139.18	Numerarios utrosque
139.19	Commentariensem utrumque
Böcking 1849 edn p.89	Principem ex Officiis Magistrorum Militum Praesentalium alternis annis
Seeck 1876 edn. p.187	Principem ex officiis magistrorum militum praesentalium [praes.] alternis annis

dux rætiae primae et secundae / dux provinciae rætiae primae et secundae

147.24	Principem ex officiis magistrorum militum praesentalium alternis annis
147.25	Numerarios duos ex utrisque officiis praesentalibus singulos
147.26	Commentariensem ex utrisque officiis alternis annis
Böcking 1849 edn p.103	-
Seeck 1876 edn. p.201	-

dux sequanicae / dux provinciae sequanici

149.4	Principem ex officiis magistrorum militum praesentalium a parte peditum
149.5	Numerarium utr(:)
149.6	Commentariensem ut supra
Böcking 1849 edn p.105	Numerarium utrumque
Seeck 1876 edn. p.203	Principem ex officio magistri militum praesentalis a parte peditum
	Numerarium ut <i>supra</i>

dux tractus armoricani et nervicani / dux tractus armoricani

151.17	Principem ex officiis magistrorum militum praesentalium alternis annis
151.18	Numerarium a parte peditum /no anno
151.19	Commentariensem de officiis alternis annis
Böcking 1849 edn p.107	-
Seeck 1876 edn. p.205-6	Commentariensem de officiis <i>superscriptis</i> alternis annis

dux britanni(ae /arum, britanniorum <!>)

154.41	Principem ex officiis magistrorum militum praesentalium alternis annis
154.42	Commentariensem utr(:)
154.43	Numerarios ex utrisque officiis omni anno
Böcking 1849 edn p.115	Commentariensem utrumque
Seeck 1876 edn. p.212	Commentariensem ut <i>supra</i>

dux mogontiacensis

156/8.14	Principem ex officiis magistrorum militum praesentalium alternis annis
156/8.15	Numerarium a parte peditum semper
156/8.16	Commentariensem a parte peditum semper
Böcking 1849 edn p.117	Principem ex Officio Magistrorum Militum Praesentalium alternis annis
Seeck 1876 edn. p.214	-

Item praepositurae

156/8.22	Item praepositurae magistri militum praesentalium a parte peditum in Italia
Böcking 1849 edn p.118	ITEM PRAEPOSITURAE MAGISTRI MILITUM PRAESENTALIUM A PARTE PEDITUM IN ITALIA
Seeck 1876 edn. p.215	Item praepositurae magistri militum praesentalis a parte peditum In Italia

Attachment 12: Ammianus Marcellinus

The transmitted text derived from the unofficial, literary composition (c.390) attributed to Ammianus Marcellinus has been represented in several editions, including that produced by J.C. Rolfe, (ed.& transl.), *Ammiani Marcellini rerum gestarum libri qui supersunt (with an English translation)*. (3 vols, Loeb classical library) (London, William Heinemann, 1935-1940), whose representation of the text, based substantially on the edition by C.U. Clark (Berlin, 1910-1915), is hereafter referred to as **AM**.

§1 Names and descriptive terms for the service position *M-* in the AM text

culmen magnum militiae

16.6.1<referring to an event in the year 356-7>.

magister armorum

15.5.24<355>, 15.5.36<355>, 16.7.3<356-7>, 20.1.2<360>, 20.9.5<360>, 27.12.5*<368-70>, 31.12.1<378>, 31.13.18<378>.

magister armorum per gallias 25.8.11<363>, 26.5.2<364>.

magister armorum per illyricum 29.6.3<373>

magisterium armorum 21.8.1<361>.

magisterium 25.10.6<363> <armorum per gallias 25.8.11>

magister equitum

14.2.20<354>, 14.9.3<354>, 14.11.3<354>, 15.4.1<354-5>, 15.13.3<356>, 16.4.3<356>, 16.8.13<356-7>, 17.2.1<357-8>, 17.10.1<358>, 18.4.3<359>, 19.9.2<359>, 20.4.6<360>, 21.8.3<361>, 21.9.7<361>, 21.10.5, <361>, 21.12.2<361>, 21.16.2<361>, 23.6.14<363>*, 26.1.6<364>, 26.5.2<364>, 27.2.1<365>, 27.5.1<366>, 28.5.15<370>, 29.3.6<372>, 29.3.7<365-71>, 29.5.4<373>, 30.2.4<377>, 31.7.1<377>, 31.12.6<378>.

magister equitum per illyricum 22.3.1<361>.

ex-magistro equitum 14.10.2<342>.

agens pro magistro equitum 15.13.3<354-5>.

magister equitum et peditum

magisterium equitum et peditum 25.8.9<363>.

ex-magistro equitum et peditum 22.11.2<363>.

magister militiae

31.16.8<378>.

magister militiae equestris 25.1.11<363>*.

magistri militiae pedestris equestrisque 21.13.3.<361: Arbitio, Agilo>

magister peditum

15.5.8<355>, 16.2.4<356>, 16.11.7<357>, 17.6.2<357-8>, 20.2.1<360>, 21.12.16<361>, 27.5.4<367>, 27.6.3<367>, 28.5.2<370>.

magisterium peditum 14.11.24<354>, 16.11.2<357>, 15.5.17<355>.

magisterii dignitas

18.5.5<359>, 26.5.11<365>.

magisterii potestas

16.10.21<357>.

magistri rei castrensis

27.10.6<368: Iovinus, Severus>.

rector <*equitatus*>

29.4.5<372>.

rector militiae

26.5.2<364>.

rector militiae equestris 26.4.1<364>.

rector militiae pedestris 15.5.2<355>, 18.3.1<359>.

rector militum

26.7.11<365>.

curare militiam pedestrem 18.5.5<359>.

curare militiam equestrem et pedestrem 27.5.9 <367Victor, Arintheus>.

curare exercitum pedestrem 29.4.3<372>.

* see 4.2 below

§2 Summary of the names and descriptive terms for the service position *M*- in the AM text

Service position or Description	Retired or Honorary officer	Position domain & jurisdiction
culmen magnum militiae 1	x	
magister armorum 8	x	magisterium armorum 1
magister armorum per gallias 2		magisterium <armorum ger gallias> 1
magister armorum per illyricum 1		
magister equitum 29	ex-magistro equitum 1	x
magister equitum per illyricum 1		
<i>agens pro magistri equitum</i> [.] 1		
x	ex-magistro equitum et peditum 1	magisterium equitum et peditum 1
magister militiae 1	x	x
magister militiae equestris 1		
magister militiae pedestris equestrisque 1		
<i>curare militiam pedestrem</i> 1		
<i>either</i> <i>curare militiam equestrem et pedestrem</i> 1		
<i>or</i> <i>curare militiam equestrem</i> <i>curare militiam pedestrem</i> 1		
magister peditum 9	x	magisterium peditum 3
<i>curare exercitum pedestrem</i> 1		
magistri rei castrensis 1	x	x
x	x	magisterii dignitas 2
x	x	magisterii potestas 1
rector (<i>equitatus</i>) 1		
rector militiae 1		
rector militiae equestris 1		
rector militiae pedestris 2		
rector militum 1		

§3 Comparison of the names in AM with those in laws and inscriptions.

The positions of named officers in AM can sometimes be compared with the names in laws and in inscriptions.

In the following table, officers are arranged in the approximate chronological order in which a name is mentioned in AM. The *Item* number beside each law or inscription refers to the corresponding numbers in Attachment 2 (laws) and Attachment 3 (Inscriptions) and the abbreviations *Th.* and *Iu.* denote, respectively, Cod.Theod. and Cod.Iust.

AM			Laws & Inscriptions			
Position names in AM	Ref	Date	Position names	Ref	Date	Item
Hermogenes (E) ex-magistro equitum	14.10.2	342				
Ursicinus (E) magister equitum	14.2.20	354				
magister equitum	14.9.3	354				
magister equitum	14.11.3	354				
magister armorum	15.5.24	355				
magister armorum	15.5.36	355				
magister equitum	15.13.3	356				
magisterii potestas	16.10.21	357				
magister equitum	18.4.3	359				
militiam pedestrem <i>curare</i>	18.5.5	359				
magister peditum	20.2.1	360				
magister armorum	31.13.18	378				

AM			Laws & Inscriptions			
Barbatio (E)						
magisterium peditum	14.11.24	354				
magisterium peditum	16.11.2	357				
magister peditum	16.11.7	357				
magister peditum	17.6.2	357-8				
rector militiae pedestris	18.3.1	359				
Arbetio (E)						
magister equitum	15.4.1	354-5				
magnum culmen militiae	16.6.1	356-7				
magister equitum	16.8.13	356-7				
magister militiae pedestris	21.13.3	361				
equestrisque						
Silvanus (E)						
rector militiae pedestris	15.5.2	355	magister equitum et peditum	Th.7.1.2	349/52?	2
magister peditum	15.5.8	355	magister militum	Th.8.7.3	349/52	3
magisterium peditum	15.5.17	355				
magister peditum	16.2.4	356				
Marcellus (E) =>Gallia						
magister equitum	16.4.3	356				
magister armorum	16.7.3	356-7				
ex-magistro equitum et peditum	22.11.2	363				
Severus (W) =>Gallia						
magister equitum	17.2.1	357-8				
magister equitum	17.10.1	358				
Sabinianus (E)						
magisterii dignitas	18.5.5	359				
magister equitum	19.9.2	359				
Lupicinus (E) =>Gallia						
magister armorum	20.1.2	360				
magister equitum	20.4.6	360				
magister equitum	26.5.2	364				
Gomoarius (W)						
magister armorum	20.9.5	360				
Nevitta (W)						
magisterium armorum	21.8.1	361				
magister equitum	21.8.3	361				
magister equitum	21.10.5	361				
Lucillianus (E)						
magister equitum	21.9.7	361				
magisterium equitum et peditum	25.8.9	363				
Iovinus (W)						
magister equitum	21.12.2	361	magister equitum peditumque	EDCS-10600004	c.362-3	136
magister equitum per illyricum	22.3.1	361	magister equitum	?Th.8.1.10	365	14
magister armorum per gallias	25.8.11	363	magister equitum et peditum	?Th.7.1.7	365	15
magister armorum per gallias	26.5.2	364	magister equitum	Th.7.1.9	367	20
magister equitum	27.2.1	365	magister militum	Th.7.1.10	367	21
magister rei castrensis	27.10.6	368	magister militum	Th.7.20.11	368?	22
Agilo (E)						
magister peditum	21.12.16	361				
magister militiae pedestris	21.13.3	361				
equestrisque						
Dagalaifus (W)						
magister equitum	26.1.6	364	magister militum	Th.7.20.9	366	19
rector militiae equestris	26.4.1	364				
rector militiae	26.5.2	364				

AM			Laws & Inscriptions			
Equitius (W)						
magisterii dignitas	26.5.11	365	magister militum	Th.7.1.8	365	17
rector militum	26.7.11	365	magister equitum et peditum	Iu.11.68.3	365?	18
magister armorum per illyricum	29.6.3	373	magister utriusque militiae	EDCS-14500961	370	137
			magister equitum peditumque	EDCS-29000580	c.371-2	138
			magister utriusque militiae	EDCS-26600573	371	139
			magister [utriusque mi]litiæ	EDCS-09900345	371	140
			magister utriusque militiae	EDCS-20900013	372	141
Victor (E)						
magister equitum	27.5.1	366	magister militum	Th.7.4.12	364	11
militiam equestrem et pedestrem <i>curare</i>	27.5.9	367		= Iu.12.37.3		
magister equitum	30.2.4	377				
magister equitum	31.7.1	377				
magister equitum	31.12.6	378				
Arintheus (E)						
magister peditum	27.5.4	367				
militiam equestrem et pedestrem <i>curare</i>	27.5.9	367				
Severus (W)						
magister peditum	27.6.3	367	magister militum	Th.8.7.11	371	26
magister rei castrensis	27.10.6	368	magister militum	=Iu.12.59.1		
magister peditum	28.5.2	370		Th.7.1.11	372	27
exercitum pedestrem <i>curare</i>	29.4.3	372				
Theodosius (W)						
magister equitum	28.5.15	370	[magister utriusque militiae]?	EDCS-19800532		143
magister equitum	29.3.6	372				
rector (<i>equitatus</i>)	29.4.5	372				
magister equitum	29.5.4	373				
Traianus (E)						
magister armorum	31.12.1	378				
Iulius (E)						
magister militiae	31.16.8	378	magister equitum et peditum	EDCS-21200157	371	142
Malarichus (W) <i>refused the</i>	25.8.11	363	-	-	-	-
magisterium armorum per gallias	25.10.6	363	-	-	-	-
Prosper (E)						
<i>agens pro magistro equitum</i>	15.13.3	354-5				

Position names not associated with named officers

magister equitum	21.16.2	361
magistri equitum	29.3.7	365-7

Positions within the Persian state

magistri equitum	23.6.14	363	<i>vitaxae =?bidaxs</i>
magister militiae equestris	25.1.11	363	<i>Merena</i>
magister armorum	27.12.5	368-70	<i>Arrabannes</i>

§4 Notes

4.1 *Magister equitum*

In AM, this name is also used to refer to the director of the military service in a region or province:

AM.21.16.2<361>: *Nec sub eo <Constantius 2> dux quisquam cum clarissimatu provectus est. [.] nec occurrebat magistro equitum provinciae rector nec contingi ab eo civile negotium permittebat.*

It is similarly used when referring to a military governor (*bidaxs*) in the Persian state - see 4.2

4.2 *Three names for Roman positions are used for positions in the Persian state*

magister armorum: 27.12.5<368-70>,

Sapor [.] Cyclaci [.] et Arrabani [.] commisit Armeniam - horum alter ante gentis praefectus, alter magister fuisse dicebatur armorum

magistri equitum: 23.6.14<363>,

Sunt autem in omni Perside hae regiones maximae, quas Vitaxae id est magistri equitum curant, et reges et satrapae [.]

magister militiae equestris: 25.1.11<363>,

immensa Persarum apparuit multitudo cum Merena equestris magistro militiae

These three references are underlined in §1.

4.3 Rector

The word *rector* is used in AM to refer to: army officers other than *magister* (14.2.15; 20.5.7; 21.4.5; 22.7.7; 30.4.2), a *tribunus* (31.8.9), *rectores provinciarum militiaeque* (25.8.12) and even the emperor Valentinianus 1 (27.7.1 *ex sententia rectoris et militum*).

4.4 Editorial issues

An example occurs at AM 21.13.3<361> where the edited text printed by John Rolfe has: *Arbitionem et Agilonem, equestris pedestrisque militiae magistros [..] properare coegit*, to which Rolfe adds (vol.2, 1940 p.156, note 3):

"*pedestris*, added by Val(esius = Valois) before *equestris*; after *eq.*, Momm(sen), Clark."

That is: either *equestris pedestrisque* or *pedestris equestrisque*. The sequence preferred by Mommsen, Clark and Rolfe is apparently based on the observation that elsewhere *Arbitio* is referred to as *magister equitum* (15.4.1, 16.8.13) and *Agilo* as *magister peditum* (21.12.16), and the assumption that, therefore, the sequence *Arbitio-Agilo* must be followed by the sequence *equestris-pedestris*. It is not explained why both cannot have been *magistri equestris pedestrisque militiae*. A similar issue exists at AM 27.5.9.

4.5 Chapter summaries

Gavin Kelly, (*Adrien de Valois and the chapter headings in Ammianus Marcellinus*, Classical Philology 104 2009 pp.233-242) states that the chapter headings that are printed in the Loeb edition produced by John Rolfe are copies of the chapter summaries created by Adrien de Valois (Hadrianus Valesius) in his edition printed in 1681. Kelly writes (p.234): "*the familiar chapter headings of modern texts [..] were composed as tables of contents for individual books, which is how the editions of Clark and Seyfarth print them, rather than to be placed at the head of individual chapters, as in the Loeb and Budé editions.*"

It should be noted that in producing these summaries, Valois incorporated service position names that do not exist in the transmitted text AM, such as *magister militum* (18.6, 19.3), contained in laws, inscriptions and the *Cnd*, and also the term *magister peditum praesentalis* (20.2) which exists only in texts derived from the *Cnd*.