

XV.—*Note on the Milites Stationarii of the Romans.* By HENRY SALUSBURY
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THE Home Office of Imperial Rome, as working through the *milites stationarii* and leaving their indelible mark on our country, was exhibited by Mr. H. C. Coote, in a paper read before us on December 5th, 1872. The novelty of the subject, whilst adding to its interest, rendered it difficult of worthy discussion at the hearing. I have now the permission—nay, the encouragement—of the author to offer some further illustrations of it.

According to this paper, the *stationarii*, like all other *milites*, were organized in *centuriæ* and *decuriæ*. They were the local constabulary, and, by their officers, the criminal magistracy of first instance. They were invented by Augustus, improved by Tiberius, for Italy, and thence extended throughout the Empire. Every *centuria*, every *decuria* of them, had its *statio* and district, to which it gave title. Their duties were to put in operation the criminal law. A private *stationarius*, or several under their *decurio*, arrested the suspected. Their *centurio*, if a case were made out, caused a *notoria* (indictment) to be drawn, and committed him for trial by the *præses* (circuit-judge). Such was the institution. As the Empire declined in power and contracted in extent, it drew in the soldiers of every kind from the provinces. The provincials, recognising the value of the institution described, retained the districts with their titles, replaced the uniform paid soldiery by multiform unpaid bodies of men, every nation in accordance with its own customs and legal ideas. In our country the district-titles were translated into hundred and tything. After a few generations the origin of these titles was utterly forgotten. A pre-Conquest attempt to account for them, which has been handed down to us, was as complete a failure as are the attempts made in our current legal histories.

Three points, by way of further illustration, have occurred to me. First, that the application of the words *centuria* and *decuria* as district titles was in conformity with old Roman precedent; secondly, that certain soldiers mentioned in the Gospels were clearly *stationarii*; thirdly, that, in later times and throughout Europe, the entitling of districts from personal offices has been the rule rather than the exception.

1. The word *tribus* was derived from numbers, but very early lost sight of them, and ceased, in the mind of a Roman, to involve a numerical idea. It also very early ceased to involve even a personal idea, for it was applied by Servius Tullius to his divisions of the Roman soil; so *centuria* and *decuria* seem, apart from numerical and personal ideas, to have been applied by Augustus and Tiberius to constabulary districts.

2. In the third chapter of St. Luke's Gospel is recorded the ministry of John the Baptist in the desert of Jordan in the fifteenth year of the Emperor Tiberius. Three classes of persons—the people, publicans, and soldiers—asked of him rules of conduct. The people were the Jews of every grade; to them was given universally applicable advice. The publicans were officers of the Roman Government, authorised to collect the taxes, which they farmed; to them was given advice specially applicable to their besetting temptation. But who were the soldiers?

Let us learn this from the advice given to them, which was:

In the Greek original:—Μηδένα διασείσητε μηδὲ συκοφαντήσητε· καὶ ἀρκείσθε τοῖς ὀφωνίοις ὑμῶν.

In the Latin Vulgate version:—"Neminem concutiatis, neque calumniam faciatis; et contenti estote stipendiis vestris."

In the English authorised version:—"Do violence to no man, neither accuse any falsely; and be content with your wages."

Two words, *διασείσητε* and *συκοφαντήσητε*, demand notice.

Σείειν and its intensitive *διασείειν* had, as equivalents in Latin, "*quatere*, *concutere*;" in English, "to shake, to shake thoroughly." They often bore a metaphorical sense, to stir, to harass the mind, and especially by legal process. The Basilica have a chapter, "*περὶ διασεισεως*," representing a chapter of the *Digesta*, "*De Concussione*."^a

Συκοφαντεῖν had, as equivalent in Latin, "*calumniari*, *calumniam facere*;" in English, "to accuse basely, to act as a base informer." It implied baseness in the agent, and the base often use falsehood.

^a B. lib. lx. tit. 24. D. lib. xlvii. tit. 13.

Διασεῖσις and *συκοφαντία* alone were but moral crimes. It was only after extortion by their means that they came within the grasp of law, often of the *Lex Cornelia De Falsis*.

That *διασεῖειν* bore here its metaphorical and special sense is clear from its being coupled with *συκοφαντῆιν*. So, in an oration of Antiphon, “*ἐτέρους τῶν ὑπευθύνων ἔσειε καὶ ἐσυκοφάντει*,” “he was harassing at law and basely accusing others of the accounters,” *i.e.*, the men who were under account for administration of office. The two verbs appear to form one phrase.

The Vulgate version of the Baptist's advice is perfect, and not only confirms the universal testimony borne by antiquity to the great linguistic learning of St. Jerome, but also shows that he was acquainted with the legal literature of his day.

The English version misses the metaphorical and special sense of the first verb, and somewhat narrows the sense of the second. I would suggest as more accurate, “Harass no man at law, neither accuse any basely; and be content with your wages.”

Now, publicans were of course to be found in every part of a Roman province; but how came there to be soldiers actually serving (*στρατευόμενοι*) in the desert of Jordan during time of peace? History being silent, we may not invent a camp in the neighbourhood, a garrison in Bethabara, or Ænon, or Salim. Scarcely would discipline have permitted or curiosity have induced soldiers of any Roman camp or garrison to stray far after a Jewish preacher. That these soldiers were of an army of Herod Antipas, the Tetrarch of Galilee, halting on march against Aretas, King of Arabia, is a very ingenious conjecture of the commentator Michaelis, but nothing more.

Besides, what had soldiers of a camp or garrison to do with harassing at law or with basely accusing? Why should they be urged to be content with their regular pay?

The answers supplied by Mr. Coote's paper are clear and forcible. These soldiers were *stationarii*, local constables of the district where the Baptist was preaching. They, like the publicans of the same district, were led by leisure and curiosity to mingle with the Jewish crowds, understood the local language (for such must have been that used by the preacher), were conscience-stricken with his earnestness, and asked his advice.

As in the cases of the people and the publicans, the Baptist passed by legal duties, for his mission was not political, and touched moral duties only. He knew

the besetting temptations of *stationarii*, the same temptations which assail local constables of all ages and countries, and which are chiefly three, namely, to domineer over those under them, to court favour of those over them, to covet irregular gain. To domineer over the subject people was wrong, so far as it consisted in harassing by legal process; to court favour of the government was wrong, so far as it consisted in making, for show of zeal, charges which without breach of duty might be omitted; to covet irregular gain was wholly wrong. This third temptation lay at the root of the two first.

Bribery appears to have been so frequent at this period, as between the Jews and their masters of every grade, that if not offered by the former it was expected by the latter. The chief priests "gave large money unto the soldiers, saying 'Say ye, His disciples came by night and stole him away while we slept. And if this come to the governor's ears we will persuade him and secure you.' So they took the money and did as they were taught." Here is shadowed forth a plan of bribing the Roman constabulary or garrison of Jerusalem upwards from private to commandant, so well established that the lower ranks, in faith of its success, readily ran the peril of military capital punishment. The same vice was found in a higher place, affecting a higher person—the place Cæsarea, the Roman seat of government; the person, the supreme Roman officer of the province. Felix "hoped that money should have been given him of Paul that he might loose him: wherefore he sent for him the oftener and communed with him."

The three moral precepts corresponding to the three temptations were :—Harass no one at law. Act not as base informers. Be content with regular pay. The whole duty of man as a local constable could scarcely have been better summed up.

This event took place in the Roman province of Judæa; but we can refer the institution of *stationarii* in the same and neighbouring regions to a period many years before Judæa became a Roman province, when the Emperor Augustus was administering the yet undivided kingdom of Herod the Great; and we can assert its continuance in the four governments into which that kingdom was parted; for we find *stationarii* in Galilee while yet a tetrarchy.

In the eighth chapter of St. Matthew's Gospel, and in the seventh chapter of St. Luke's Gospel, is recorded the miraculous cure of a centurion's servant at Capernaum. This centurion, who had dwelt with his family in the town long enough to be known for his kindness to the Jewish inhabitants, to have built them a synagogue, and to have formed intimate friendships with the chief of them, and who had, also, a definite status in a legion, a commander over him and

soldiers under him, he and those soldiers must have been the *stationarii* of the constabulary district or hundred of Capernaum. Otherwise we must conjecture that the cautious Augustus, or the suspicious Tiberius, had entrusted an unreliable Jewish tetrarch with a most dangerous instrument, a moveable Roman legion.

We may fairly conclude that the Roman emperors, from Augustus downwards, organised *stationarii* in every territory falling under their control, and, consequently, in Gaul and Britain simultaneously with the Roman occupation of each.

3. Titles of districts derived from those of personal offices, surviving even the memory of their derivation, and then applied to new districts of the same class as the old, are widely prevalent.

Let us take two instances, *parochia* and *comitatus*.

Early in the Christian era the originally Greek but adopted Latin word *parochus* acquired an ecclesiastical sense, as signifying a provider of things spiritual, a Christian minister. As Christianity became locally settled, a ministerial district was assigned to a *parochus*, and called *parochia*. The primary Christian *parochus* and *parochia* were a bishop and his diocese. *Parochia* in this sense was used by St. Jerome, writing in the fourth century. At first the bishop and his clergy dwelt together about the church of the *parochia* or diocese, the latter ministering as visitors to distant congregations. Next subordinate churches came to be built, the ministers visitant became resident near them, and subordinate *parochiæ* were constituted, which in process of time exclusively appropriated the title. Both *parochus* and *parochia* entered the Italian, Spanish, and Portuguese languages, as *paroco* or *parroco*, and *parochia*, *parrocchia*, or *parroquia*, in the limited senses of a curate and his cure. *Parochus* scarcely retained its place in official or legal Latin, but *parochia* appears in documents of several ages and countries.

The *comes* or count of an English or Norman king was originally called by his Christian name only, as Comes Haroldus, Comes Ricardus. When he received a district to hold and govern under his superior, such district was called his *comitatus* or county, and its proper name sometimes became part of his ordinary description. The Norman kings of England, warned by continental examples, checked the overgrowing power of their counts by reducing the connection of count with county as such to a mere receipt by him of a portion, the third penny, of its revenue, and placing every county under a vice-comes or sheriff, an annual officer immediately accounting to the Crown. Yet they not only retained the convenient title of county for these districts which had actually been ruled by

counts, but also gave the same title to new districts of the same class which had never been so ruled.

Thus in *parochia* and *comitatus* we have two classes of English districts, one ecclesiastical the other civil, bearing titles derived from titles of office, which are in that connection long obsolete. Both words have so long flourished apart from their roots, that those roots and the modes of growth therefrom have been utterly forgotten. Of this kind is, doubtless, the relation of hundred and tything to *centuria* and *decuria stationariorum*.
