

Book I.
Title XXVI.

Concerning the office of Praetorian Prefect of the Orient and Illyria.
(De officio praefectorum praetorio Orientis et Illyrici.)

Headnote.

This title purports to deal only with the praetorian prefects of Illyria and the Orient. These were the only prefects of the empire in the beginning of Justinian's reign and prior to the time when the western Roman empire was re-conquered by him. Justinian then created the prefecture of Africa considered in the next title. That title is voluminous and deals with the officials under the praetorian prefect. Both titles alike, of course, relate to praetorian prefects in general, or the differences in the offices were, at least, not great. A detailed consideration of the subject is, accordingly, deferred till we come to the next title.

1.26.1. Emperor Alexander to Theodotus.

A complaint filed with the praetorian prefect cannot be considered as having the effect of a joinder of issue.
Given September 30 (230).

Note.

A supplication addressed to the emperor might have the effect of joinder of issue in a case. Headnote C. 1.19 and C. 1.20. But a petition addressed to the praetorian prefect had no such effect, and the instant rescript was written to point out this difference.

1.26.2. The same emperor to Restitutulus.

If a rule made by the praetorian prefect is general, and not contrary to the law or constitutions, and no innovation has been subsequently made therein by my authority, it should be treated as valid.
Given August 13 (235).

Note.

This shows that praetorian prefects had the right to make rules and regulations which were not in conflict with law. See headnote C. 1.27. A number of praetorian edicts have come down to us, confirming the statement made in this law.

1.26.3. Emperors Valentinian, Theodisius and Arcadius to Tatianus, Praetorian Prefect.

If Your Sublimity should find some judges (governors) useless (for performance of their duties) on account of bad health long drawn out, or on account of negligence, theft or similar vice, you will, after removing them from office, substitute others in their place, subject the thieves to proper punishment, and report to Our Clemency their punishment, not their crimes.
Given at Milan May 2 (389).
C. Th. 1.5.9.

Note.

This rescript shows the great power of the praetorian prefects over the various governors within their jurisdiction. See headnote C. 1.27.

1.26.4. The same emperors to Addens, Count and Master of the Forces.

The trial of an ordinary judge (governor) belongs to the jurisdiction of the illustrious prefecture, even in cases of a wrong committed by him against a soldier. Given at Constantinople, January 14 (393).

Note.

This law confirms the provision of the preceding one. In this instance, the military commander had evidently sought to punish a governor for a wrong inflicted by the latter on a soldier, but he had no authority to do so, since a governor of a province, called ordinarily judge, could be punished only by the praetorian prefect under whose jurisdiction the governor was.

1.26.5. Emperors Arcadius, Honorius and Theodosius to Anthemius, Praetorian Prefect.

If any persons hereafter feel compelled to resort to complaints on account of undue burdens, in connection with transportation on land or sea, the rescripts which are issued concerning the disposition of these and similar matters, shall be sent to the office of Your Sublimity.

Given at Constantinople December 7 (405).

Note.

The praetorian prefect was at the head of administrative affairs within his prefecture. This included matters of taxation and burdens (called liturgies) akin to taxation, such as transportation duties. See headnote to Book 10 of the Code, and to C. 1.27.