

Book I.
Title XXVIII.

Concerning the office of prefect of the city.
(De officio praefecti urbis.)

Headnote.

City Prefect. He was the highest civil administrator in the city of Rome. A prefect of the city of Constantinople seems to have existed from 359 on, and his authority was similar to the authority of the prefect of Rome. This officer had authority over the minor officials of the city, including the prefect of food supply, the prefect of the watch, the superintendents of the granaries, the curators of the statues, baths, aqueducts, drains, theaters and other public buildings of the city. Before Africa was conquered by the Vandals, there was a special prefect of food supply of Africa, under the prefect of the city of Rome, through whom the corn supply was furnished to Rome.

The master of the census, together with his clerks, the censuales (note C. 12.21.2) were under him, as the various guilds in the city were under his supervision. The city prefect was, in short, the supreme head of the city government.

He was also the highest judge in the city, though his jurisdiction in civil cases of the first instance is not clear. He alone of the officials wore the toga, instead of the military girdle worn by other officials. He supplanted the former praetors in Rome, the former judges under whose guidance the Roman law had developed. See headnote C. 3.13; also C. 1.39.

He had appellate jurisdiction from the court of the inferior judges in the city, which included the praetors, the prefect of food-supply, who judged cases coming within the sphere of his power, the prefect of the watch, who, too judged minor cases coming within the sphere of his power, but who referred important cases to the city prefect. There was in Constantinople also a special officer, called the inquisitor, who tried criminal cases. Novel 80 provided for that official. Certain special referees also were appointed in the city of Constantinople. The novel providing for them is also hereto appended.¹ The city prefect had jurisdiction not only over the city but of the territory within 100 miles thereof. He was given appellate jurisdiction also in cases appealed from other portions of the empire, which varied from time to time. On that head, see headnote C. 7.62. See generally headnote C. 3.13; 3 Bethmann-Hollweg 58-67; 1 Karlowa 863, 868; Hodgkins, Letters of Cassiodorus 87; Cass., Var. 6.4; 1 Cambridge Medieval History 50; Bury, 1 History of Later Rome 28.

1.28.1. Emperors Valentinian and Valens to Valusianus, Prefect of the City.

Desirous of giving the city and the management of the food-supply a firm status, we have decided not to leave the care of this food supply to all the officials. And lest the prefect of the city should consider his right to be abridged, if the complete care thereof were transferred to the prefect of food supply, we entrust to the city prefecture the diligent supervision thereof, but not so that the office of the prefect of food supply is obscured, but so that both magistrates shall watch over the civic food supply as far as their duties require, and their joint duty shall be performed so that the inferior in rank

¹ Blume did not, in fact append that Novel and had penciled a question mark into the margin next to this sentence.

acknowledges the merit of the superior, and the superior shall conduct himself that he may know from the name itself what rights are due to the prefect of the food supply. Given at Milan April 3 (368).

Note

The prefect of the food supply was under the city prefect and had an official staff of his own. The instant law was intended to indicate that while this was the relation of the two officials, each should perform his proper function. See C. 1.44; C. 12.58 and notes.

1.28.2. The same emperors to Ampelius, Prefect of the City.

Since Your Sincerity is not unaware of what has been ordered by promulgated sanctions, you will also properly observe pursuant to our precept, you must not undertake to summon any persons from the province, except our officials, or people of this propitious city subject to prosecution for sedition.

1.28.3. Emperors Valens, Gratian and Valentinian to Rufinus, Praetorian Prefect.

The prefecture of the city takes precedence over magistracies, taking from others what he may use without injury or detriment of another's honor.

Given July 13 (376).

C. Th. 1.6.7.

Note.

The last sentence is somewhat obscure. It is translated by Otto, Schilling & Sintenis as follows: "And he (the city prefect) may exert an influence upon the administration of the others so, however, as not to hurt the right of office and honor of the latter." It would, however, seem that the thought is that he is above the others (so takes from them) to the extent consistent with leaving to them the honors due them.

That the city prefect took precedence over the others in the city is shown by Novel 62. That did not mean that his office was higher than that of the praetorian prefect. The latter's jurisdiction extended mainly to territory outside of the city, and as to that his office was the highest in the empire, next to the emperor.

1.28.4. Emperors Valentinian, Theodosius and Arcadius to Severinus, Count of the Sacred Treasury.

You must know that all the various guilds situated in the city of Constantinople, as well as all citizens and inhabitants are subject to the jurisdiction of the city prefecture.

Given at Milan April 15 (391).

C. Th. 1.10.4.

1.28.5. Emperor Theodosius to Constantius, Prefect of the City.

The chief (primicerius) of the assistants (adjutorum) of the staff of your office shall, during the two years during which he receives this position according to the custom formerly established, have charge of the personnel (personarum) (in his office), and all usurpation and corrupt solicitation (on the part of others), shall cease. And it is to be added that if anyone of the above mentioned order is shown, prevented by death or for any other reason, to have lost the grade of his service, his place shall be taken by the person who follows him in regular order on the register, and the wrong of the customary but unlawful solicitation (to take his place) shall cease.

Given at Constantinople December 20 (424).
C. Th. 1.6.12.

Note.

This law is somewhat obscure. Cujacius, Obs. 13, c. 1, substitutes “epistolarum” for “personarum” which appears in the Code, so that, if this substitution is correct, the primicerius mentioned was to have charge of the correspondence. If the text is correct, however, the only meaning that may be attached to it is that he should have charge of the personnel of the whole office, seeing to it that the rules and regulations relating to them should be observed.

It is, too, somewhat uncertain who was meant by “primicerius.” It is not improbable that the same person was meant who at other places is referred to as primicerius, subadjuva or adjutor—in other words the second assistant to the chief of the whole official staff, the term “adjutor” here being intended to refer to the assistants in the office in general, for the term had sometimes a general, sometimes a specific meaning.