

Novel 70.

Concerning curials; that persons granted the prefectorial title shall only be released from the curia if they actually performed the duties thereof.

(De curialibus ut dignitate praefectoria potiti ita denuo a curia liberentur, si in actu positi acceperint.)

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Preface. Since many things provided for by former laws are neglected and not easily enforced, no legislation concerning them seems to exist. We know that even anciently there was a sort of prefecture, called honorary, letters-patent being granted by the emperor for the honor so sought; it was so named because only naked honorary title was thereby conferred on those who were deemed worthy thereof, and this title did not release decurions from their curial condition if they did not actually perform the duties of the (prefectorial) office. And as in the case of the glorious Masters of the Soldiers, the title does not release anyone from his curial condition, unless the duties of that office are actually performed—and our laws consider that office a prefecture, and the naked letters patent of the office confer a mere honorary title and do not effect a release from a curial condition—so in the case of the (real) prefecture, it is necessary for a person, in order to be released from such condition, to actually perform the duties of the office.

c. 1. Renewing this law, we ordain that if it pleases the emperor at any time to honor a decurion so as to release him from such condition, (he must) give him letters patent of the magistracy and actually put him in the position of prefect of ancient or new Rome or of the Orient, Occident, Libya or Illyria, all of which God has given us to govern; in which event he will occupy a position of great honor, for he will be transported in a carriage, hear the voices of heralds and ascent the judicial tribunal, and be released from the condition aforesaid. But if the emperor wants to confer merely a naked honor upon him, he will grant him letters patent; but that grant from the emperor, while it will make him a member of the Great Senate, will not release him from the provincial curia nor strike his name from the list of its members, but he will remain in his former condition, gaining only the honor, and he may give

thanks to God and to the emperor that he has been elevated from his former humble position to a higher one. This will be an addition to imperial rewards which will cost the fisc nothing and effects no release from former condition or usual duties, but the man who receives such honor will be elevated, more respected and more honorable than the other decurions by the very possession of such title.

Epilogue. Your Sublimity will take care to observe this, our will, knowing that we have not taken anything from decurions but have placed them in a position of greater honor; you must, accordingly, notify the cities of this by your edicts, so that the decurions therein may, upon knowing this, give praise to our reign.

Given June 1, 538.