





dentibus, mensuramque illius ad centum usque virorum numerum extendimus, & utriusque magistratus annonas 2, illi adignamus, sed & adlectori & reliquis. Quae quidem subiectis sacra huic nostrae constitutionis descriptionibus clara faciemus. Habet item Adreponsum 3, sive apocristarum, ut inter milites omnia recte gerantur atque ordine adeoque & aliis eum milibus qui per dictam provinciam stationes agunt, imperitate sancimus.

C A P. II. Mitemus sane, qui id officii suscepturus est, unum aliquem de probatis, & de numero nostrorum procerum, unde & olim proceres procedebant, suisque laboribus adornabant rempub. nunc residentem in solo Italico, nunc proficiscentes ad loca forensia. Ac talis quidem semper fuit ipsius memor, & unde illi haec administratio accesserit, venerandum se prebeat subditis, horrendum latrocinantibus & maleficis, omnia maiore cum fiducia peragens. Neque dubium quin parvis utetur manibus, quandoquidem & officium gratis suscipit: & alioqui lex nostra nuper a nobis lata, omnibus omnino magistratibus in ipsa descriptis, praecipit ut manus contineant (qua de causa & iuramentum 6 praestant) & secundum leges nostras iudicent, omnemque aequitatem & iustitiam subditis impertiant. Eo pacto cum reipub. fide statum veteres Romani exornarent, omnibus aliis rebus publ. potiti sunt. Quis enim hunc magistratum non revereat simul & horreat, videns duplici eum forma excubitas agere, tum ut quae lex iubet, facile ordinet, tum vero, si quid de lege violatur, ut hoc armis corrigat? §. 1. Quibus autem de rebus Praetorem Pifidiae in lege quae de ipso conscripta est, appellavimus, de iisdem pulchrum putavimus & hunc appellare. Oportet enim ut cum undique gratuitum hoc officium suscipiat, ab omnibus, & ipse fordibus alienissimus sit, his solis contentus, quae fides praestat, prout iam ante de praedialibus officiis lata lex differit, ut item in rebus gerendis syncerum & iustum se praebet, ac quo modo administrationis ratio permitta est, ita & ipse harmoniam animi sui nunc acutiorebus & intentis, nunc lenioribus & remissis sonis contemperet. §. 2. Odio quoque habeat & puniat omne adulterium 8, ad haec homicidium, sed multo 9 his vehementius raptus virginum. Caeteros etiam maleficos, si quidem incurabili morbo laborant, citra exceptionem puniat: si vero mediocriter, ad meliorem frugem transponat. Insuper neminem improbe agentium revereat, nisi 10 dives, etiam maiore aliqua dignitate praeditus sit, propterea enim de numero praestantiorum electum ipsum mittimus, ut pro sua potestate necesse non habeat, quicumque alii attendere, quam nobis & legibus, secundum 11 quas & ipse iudicat, & subditos vitam insitueret procreat.

C A P. III. Sed neque foecordia se deat, neque illi injuriam faciat, ne eius provinciae homines cui praestit, propter injurias illic acceptas, regionem 12 suam relinquat & continue nobis hic faciant negotia.

Quin ipse prius audientiam his quae ad eum referuntur, praebet, eaque disceptet: & usque memor honoris quem illi detulimus, ita administrationis laboribus se exerceat, ut laudem inde, & a rationibus getti magistratus reddendis dicendaque causa immunitatem consequatur. Illud certo sciens, quod si quis non adeat referens domesticam sibi rem incommodis affectam esse, siquidem expertus apud eum, jus suum obtinuit, hunc ipsum sine aliquo dato responso remitemus: si vero cum prius ad ipsum retulisset, deinde non obtemperato jure suo, ad nos decurrat, tunc non illi nos in posterum, sed ei qui magistratu fungitur, iudicium constituemus, & quemadmodum ampliores ei honorem reddidimus, ita & si foecordiae eum se dare, & his quae in ipsum contumeliosus, negligentius uti deprehenderimus, operam feremus legibus, & conventum eum animadvertione 13 persequemur: & quemadmodum illud neque verba nostra, neque leges, neque formam & gradum magistratus veretur, ita neque nos ipsum veremur, sed perinde ei obviamus, ut & ipse rerum administratione utatur: & sive fordibus eum manibus uti, sive ad effectum aliquem referat, sive leges nostras transgredi deprehenderit, nos vigore legis ad facti sui rationem reddendam, eum sitemus: neque enim ut subditos servaremus, pecunias aut quapiam aliarum rerum quae nobis suppetere, peperimus.

C A P. IV. Oportet praeterea ipsum providere, ut omnia recte atque ordine fiant in civitatibus, & primum quidem ut civitates sub ipso collocatae, seditionibus 14 careant, ex omni parte aequitatem conservans, & summo studio prospiciens ne nimium subditis indulgeat, & frena relaxet.

Deinde neque opera 15 in civitatibus negligat, ne per hanc causam diminuantur, vel aquarum ductus, vel ipsorum pontium 16 transitus, vel murorum munitio, vel cura itinerum, sed omnia reficiat, aut saltem ad nos referat, ut partim ex civibus ea redditis, partim nostra liberalitate quaeant reficere. §. 2. Neque item committat ut exactoribus 17 qui a nostris hinc proceribus comment, sit in aliquo damnum subditis nostris inferendi licentia, aut ut hi subditos nostros gravent qui consuetas illas iustitias adferunt, quae olim ad subventionem eorum qui mediocriter vitam insituerant, de thronis tuis procedebant, nunc injungentes murorum reparaciones, nunc curam itinerum, nunc imaginum, pontium, portuum, aquaeductuum publicorum renovaciones, locorum denique publicorum ablationes, & adium quasi in solo non iusto adificatarum demolitiones, & id genus alia magis ad necendas calumnias expedita: sed ipsemet haec ad animi sui curam revocabit, omnia peracturus absque dispendio. Si vero nobis visum fuerit eam rem inspectione indigere, sacra pragmatica forma utemur, quam sane & ad tuam magistratum, si videbitur, mittimus, qua secundum ipsum alteri quoque hanc inquisitionem injungamus. Ita aliquando respirabunt subditi, ita denuo efflorescent civitates, ita qui eas incolunt, magnum incrementum capient, neque de patriis sedibus diffident 18 rerum suarum incolatum propter praedictam improbitatem quali terriculentum aliquod metuentes.

C A P. V. Scire igitur oportet excellentiam tuam, quod unus & simplex hic magistratus, non duplex futurus sit, ut omnia quae fides utriusque prius officio praebat, ea secundum descriptionem sacrae huic nostrae legi subiectam, tam ipsi detur, quam circa ipsum versari solitis, & cohorti eius: quemadmodum & hactenus praebita sunt. §. 1. Et publicorum tributorum exactio ipsi simul & obtemperantibus et praetorianis cohortibus incumbet: habebitque utriusque officii insignia, tamen plurima militaria sunt: tamen & in vehiculo 19 fidebit argenteo, & praecedet ipsum securis, (nam & hoc consularis imperii signum 20 est) firmiliter & fasces 21 ipsi cum solennitate praebit: obervabitque cum universis exercitibus, qui per eam provinciam stationes habet, cui cura erit, ut & latrocinia recitet, & injuria factiose optuletur, & subditos nostros mansuetos inter se & modestos reddat. §. 2. Sed neque comitibus 22 permitit, ut ad publica tributa annuatim, animumve adiacent. Sed & inter spectabiles ipse collocabitur, tamen qui eam administrationem suscipit, majoris forte fit dignitatis, si quidem dignatio eorum, qui provincias regunt, talis futura est, qualem nos ad quaque administrationem idoneam fore judicaverimus. Ipsum vero, propter imperium quod gerit, conveniens est inter 23 spectabiles numerari, inter quos & proconules & comites Orientis, Galatiae, & Phrygiae sunt. §. 3. Unde & ipse causis quae in ejus moventur provincia, tam pecuniarias, quam civiles & liberalibus, audientiam praebet, ut id genus magistratibus licet. Appellationes 24 quoque contra ejus sententias interpositas examinantur hic ex more qui jam pridem in spectabilibus magistratibus obtinuit, tam gloriosissimum factorum nostrorum praetorium praefecti, quam gloriosissimus quaestor, (prout jam inde ab initio traditum est) 25 quod alter jam magistratus civilis factus fit admittit legibus, quas 26 etiam in ipsa arma imperium habere volumus.

C A P. VI. Secundum legem vero nuper a nobis positam, si quae causa inter provinciam tuam mota quingentorum 27 aureorum quantitate non excedat, quae per provocationem deinde a vobis transferatur iudice, de hac non Pacatiana Phrygiae comes (ut prius 28 diximus) sed ipse cognoscat, est ex delegatione, sive 29 nostra, sive alicujus gloriosissimum nostrorum procerum causa alicui commissa sit, modo propter rationes quas nuper in constitutione de appellationibus lata praefertimus, spectabilis non sit: & causae finem imponet, non (ut olim) post etiam hic mittenda, ne ob parvas occasiones magnorum ea res dispendiorum subditis nostris aniam praebet. Haec autem & nos illi manifestata faciemus. Siquidem studio habere potentia nostra, non tantum ut administrationis 30 signa eis codicillis (quos vocant) praebemus, qualia spectabilibus magistratibus attribui solent, sed etiam ex mandatis 31 principalibus, quae veteres olim principes & legislatores responsa praedictis edita vocabant: quae cum nos descripsimus, iustissimum in sacro nostro reponi laterculo, ut inde semper una cum codicillis praebentur magistratibus: ac hi quidem ipsum conferant officium, illa vero dirigant administrandi officii rationem. Caeterum ex descriptione quae sacra huic nostrae legi subijcitur, clarum erit tum quid ipsum, cum deligitur, occasione codicillorum officii praetore conveniat, tum etiam quid ipsi simul & adlectori, ac cohorti ejus & publico erogabitur. Sed & si quos vicinarum et provinciarum praefides circa tributariam rationem negligentius inveneris, non alium emittes, sed ipsos spectabiles praefides fatigabis, ut vicinarum provinciarum praefidibus si foecordia se decant, imminet, & procreant, quo magis ea omnibus in publicum modis inferant.

R I T O R U M. Praesentem itaque legem nos quidem sacrum nostrum constitutionum volumini iustissimum inferi: ipse vero ea suscepta, omnia ex illius praescripto agas, immortalem perpetuo beneficii nostri memoriam praese ferentis.

Oportet 32 Lyconiae praetori in hunc modum praebere. Ipsi quidem annonarum capitum & reliqui solatii nomine, solidos cccc. ejus adlectori, solidos lxxii. ejus cohorti, aureos lxxi. Rufum oportet eum praebere spectabilibus chartularis sacri cubiculari per causam codicillorum, solidos lxx. primicerio clarissimum tribunorum notiarum & laterculenibus 33, solidos xxiv. ejus adiutori, solidos lxxi. cohorti gloriosissimum praefectorum pro iulianibus & omni alia causa, solidos lxx.

T I T. V. DE 34 PRAETORE THRACIAE. NOVELLA CONS. ET L. XXVI.

Imp. Justin. Angl. Joann. gloriosiss. factorum per Orientem praetorium praefecto, iterum excoislati & patricio.

P R A E F A T I O. Illud in confesso est, quod si quis Thraciam regionem nomet, statim una cum dicto virilitas quaedam animum, & militarium copiarum, bellorum 36 ac pugnae cogitatio fubeat. Sunt enim ista ingenta & quasi patrio quodam jure huic regioni attributa. Itaque &

1 Ut praetor Lyconiae ad centum usque apparitoris habeat. 2 Ut praetor Lyconiae habeat non solum civilem, sed & militarium magistratus annonas. 3 Hinc adreponsum Straboni. lxxii. adreponsum, de apocristarum ad Novell. 24. cap. 4. Julianus hic, habent autem & Adreponsum, adde Nov. 123. c. 25. 4 Praetores provinciarum olim ex numero procerum electi. 5 Praetantur gratis iudicantur, qui gratuito administrationem suscipiunt. 6 Novell. 8. c. 7. 7 In appellatur Novell. 31. c. 3. ubi Praetor. Novell. 24. §. hinc. 8 lxx. ff. de offic. praef. 9 Raptus virginis grave crimen, qui videtur ut scelus homicidii gravius esse, ut hinc. cap. 2. 10 Judicandum est ex legibus. lxx. ff. de offic. iud. 11 Novell. 24. c. 3. 12 de Novell. c. 1. in fin. 13 ff. de offic. praef. 14 ff. de offic. praef. 15 ff. de offic. praef. 16 ff. de offic. praef. 17 d. cap. 4. 18 cap. 3. 19 hic. Novell. 24. c. 1. 20 Scuris, & fasces insignia proconulis. 21 Sive virgae Jul. 22 Novell. 17. c. 4. 23 Ut praetor Lyconiae sit inter spectabiles magistratus. 24 Si provocatio portoria fuerit contra praesentem praetorem Lyconiae, vel alterius qui in Lyconiae praesentem sit, quod vult, ut in ipso, quod Praetor Lyconiae civilis factus sit magistratus: similis ratio adfertur Novell. 24. cap. 4. 25 Leges imperium in ipsa arma habere jubet Imperator: adde l. divina vob. 4. Cod. de legibus. 26 ff. de Nov. 24. c. 8. 27 ff. de offic. praef. 28 ff. de offic. praef. 29 ff. de offic. praef. 30 ff. de offic. praef. 31 ff. de offic. praef. 32 ff. de offic. praef. 33 ff. de offic. praef. 34 ff. de offic. praef. 35 ff. de offic. praef. 36 ff. de offic. praef. 37 ff. de offic. praef. 38 ff. de offic. praef. 39 ff. de offic. praef. 40 ff. de offic. praef. 41 ff. de offic. praef. 42 ff. de offic. praef. 43 ff. de offic. praef. 44 ff. de offic. praef. 45 ff. de offic. praef. 46 ff. de offic. praef. 47 ff. de offic. praef. 48 ff. de offic. praef. 49 ff. de offic. praef. 50 ff. de offic. praef. 51 ff. de offic. praef. 52 ff. de offic. praef. 53 ff. de offic. praef. 54 ff. de offic. praef. 55 ff. de offic. praef. 56 ff. de offic. praef. 57 ff. de offic. praef. 58 ff. de offic. praef. 59 ff. de offic. praef. 60 ff. de offic. praef. 61 ff. de offic. praef. 62 ff. de offic. praef. 63 ff. de offic. praef. 64 ff. de offic. praef. 65 ff. de offic. praef. 66 ff. de offic. 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