

Chapter XVII: Foundation Of Constantinople.--Part III.

The manly pride of the Romans, content with substantial power, had left to the vanity of the East the forms and ceremonies of ostentatious greatness. [73] But when they lost even the semblance of those virtues which were derived from their ancient freedom, the simplicity of Roman manners was insensibly corrupted by the stately affectation of the courts of Asia. The distinctions of personal merit and influence, so conspicuous in a republic, so feeble and obscure under a monarchy, were abolished by the despotism of the emperors; who substituted in their room a severe subordination of rank and office from the titled slaves who were seated on the steps of the throne, to the meanest instruments of arbitrary power. This multitude of abject dependants was interested in the support of the actual government from the dread of a revolution, which might at once confound their hopes and intercept the reward of their services. In this divine hierarchy (for such it is frequently styled) every rank was marked with the most scrupulous exactness, and its dignity was displayed in a variety of trifling and solemn ceremonies, which it was a study to learn, and a sacrilege to neglect. [74] The purity of the Latin language was debased, by adopting, in the intercourse of pride and flattery, a profusion of epithets, which Tully would scarcely have understood, and which Augustus would have rejected with indignation. The principal officers of the empire were saluted, even by the sovereign himself, with the deceitful titles of your Sincerity, your Gravity, your Excellency, your Eminence, your sublime and wonderful Magnitude, your illustrious and magnificent Highness. [75]

The codicils or patents of their office were curiously emblazoned with such emblems as were best adapted to explain its nature and high dignity; the image or portrait of the reigning emperors; a triumphal car; the book of mandates placed on a table, covered with a rich carpet, and illuminated by four tapers; the allegorical figures of the provinces which they governed; or the appellations and standards of the troops whom they commanded. Some of these official ensigns were really exhibited in their hall of audience; others preceded their pompous march whenever they appeared in public; and every circumstance of their demeanor, their dress, their ornaments, and their train, was calculated to inspire a deep reverence for the representatives of supreme majesty. By a philosophic observer, the system of the Roman government might have been mistaken for a splendid theatre, filled with players of every character and degree, who repeated the language, and imitated the passions, of their original model. [76]

[Footnote 73: *Scilicet externae superbiae sueto, non inerat notitia nostri, (perhaps nostroe;) apud quos vis Imperii valet, inania transmittuntur. Tacit. Annal. xv. 31. The gradation from the style of freedom and simplicity, to that of form and servitude, may be traced in the Epistles of Cicero, of Pliny, and of Symmachus.*]

[Footnote 74: The emperor Gratian, after confirming a law of precedency published by Valentinian, the father of his Divinity, thus continues: *Siquis igitur indebitum sibi locum usurpaverit, nulla se ignoratione defendat; sitque plane sacrilegii reus, qui divina praecepta neglexerit.*

Cod. Theod. 1. vi. tit. v. leg. 2.]

[Footnote 75: Consult the Notitia Dignitatum at the end of the Theodosian code, tom. vi. p. 316. * Note: Constantin, qui remplacea le grand Patriciat par une noblesse titree et qui changea avec d'autres institutions la nature de la societe Latine, est le veritable fondateur de la royaute moderne, dans ce quelle conserva de Romain. Chateaubriand, Etud. Histor. Preface, i. 151. Manso, (Leben Constantins des Grossen,) p. 153, &c., has given a lucid view of the dignities and duties of the officers in the Imperial court.--M.]

[Footnote 76: Pancirolus ad Notitiam utriusque Imperii, p. 39. But his explanations are obscure, and he does not sufficiently distinguish the painted emblems from the effective ensigns of office.]

All the magistrates of sufficient importance to find a place in the general state of the empire, were accurately divided into three classes. 1. The Illustrious. 2. The Spectabiles, or Respectable. And, 3. the Clarissimi; whom we may translate by the word Honorable. In the times of Roman simplicity, the last-mentioned epithet was used only as a vague expression of deference, till it became at length the peculiar and appropriated title of all who were members of the senate, [77] and consequently of all who, from that venerable body, were selected to govern the provinces. The vanity of those who, from their rank and office, might claim a superior distinction above the rest of the senatorial order, was long afterwards indulged with the new appellation

of Respectable; but the title of Illustrious was always reserved to some eminent personages who were obeyed or revered by the two subordinate classes. It was communicated only, I. To the consuls and patricians; II. To the Praetorian praefects, with the praefects of Rome and Constantinople; III. To the masters-general of the cavalry and the infantry; and IV. To the seven ministers of the palace, who exercised their sacred functions about the person of the emperor. [78] Among those illustrious magistrates who were esteemed coordinate with each other, the seniority of appointment gave place to the union of dignities. [79] By the expedient of honorary codicils, the emperors, who were fond of multiplying their favors, might sometimes gratify the vanity, though not the ambition, of impatient courtiers. [80]

[Footnote 77: In the Pandects, which may be referred to the reigns of the Antonines, Clarissimus is the ordinary and legal title of a senator.]

[Footnote 78: Pancirol. p. 12-17. I have not taken any notice of the two inferior ranks, Praefectissimus and Egregius, which were given to many persons who were not raised to the senatorial dignity.]

[Footnote 79: Cod. Theodos. l. vi. tit. vi. The rules of precedency are ascertained with the most minute accuracy by the emperors, and illustrated with equal prolixity by their learned interpreter.]

[Footnote 80: Cod. Theodos. l. vi. tit. xxii.]

I. As long as the Roman consuls were the first magistrates of a free state, they derived their right to power from the choice of the people. As long as the emperors condescended to disguise the servitude which they imposed, the consuls were still elected by the real or apparent suffrage of the senate. From the reign of Diocletian, even these vestiges of liberty were abolished, and the successful candidates who were invested with the annual honors of the consulship, affected to deplore the humiliating condition of their predecessors. The Scipios and the Catos had been reduced to solicit the votes of plebeians, to pass through the tedious and expensive forms of a popular election, and to expose their dignity to the shame of a public refusal; while their own happier fate had reserved them for an age and government in which the rewards of virtue were assigned by the unerring wisdom of a gracious sovereign. [81] In the epistles which the emperor addressed to the two consuls elect, it was declared, that they were created by his sole authority. [82] Their names and portraits, engraved on gilt tables of ivory, were dispersed over the empire as presents to the provinces, the cities, the magistrates, the senate, and the people. [83] Their solemn inauguration was performed at the place of the Imperial residence; and during a period of one hundred and twenty years, Rome was constantly deprived of the presence of her ancient magistrates. [84]

[Footnote 81: Ausonius (in *Gratiarum Actione*) basely expatiates on this unworthy topic, which is managed by Mamertinus (*Panegyri. Vet. xi. [x.] 16, 19*) with somewhat more freedom and ingenuity.]

[Footnote 82: Cum de Consulibus in annum creandis, solus mecum
volutarem.... te Consulem et designavi, et declaravi, et priorem
nuncupavi; are some of the expressions employed by the emperor Gratian
to his preceptor, the poet Ausonius.]

[Footnote 83:

Immanesque... dentes
Qui secti ferro in tabulas auroque micantes,
Inscripti rutilum coelato
Consule nomen Per proceres et vulgus eant.
--Claud. in ii. Cons. Stilichon. 456.

Montfaucon has represented some of these tablets or dypticks see
Supplement a l'Antiquite expliquee, tom. iii. p. 220.]

[Footnote 84:

Consule laetatur post plurima seculo viso
Pallanteus apex: agnoscunt rostra curules
Auditas quondam proavis:
desuetaque cingit Regius auratis
Fora fascibus Ulpia lictor.
--Claud. in vi. Cons. Honorii, 643.

From the reign of Carus to the sixth consulship of Honorius, there was
an interval of one hundred and twenty years, during which the emperors

were always absent from Rome on the first day of January. See the Chronologie de Tillemonte, tom. iii. iv. and v.]

On the morning of the first of January, the consuls assumed the ensigns of their dignity. Their dress was a robe of purple, embroidered in silk and gold, and sometimes ornamented with costly gems. [85] On this solemn occasion they were attended by the most eminent officers of the state and army, in the habit of senators; and the useless fasces, armed with the once formidable axes, were borne before them by the lictors. [86] The procession moved from the palace [87] to the Forum or principal square of the city; where the consuls ascended their tribunal, and seated themselves in the curule chairs, which were framed after the fashion of ancient times. They immediately exercised an act of jurisdiction, by the manumission of a slave, who was brought before them for that purpose; and the ceremony was intended to represent the celebrated action of the elder Brutus, the author of liberty and of the consulship, when he admitted among his fellow-citizens the faithful Vindex, who had revealed the conspiracy of the Tarquins. [88] The public festival was continued during several days in all the principal cities in Rome, from custom; in Constantinople, from imitation in Carthage, Antioch, and Alexandria, from the love of pleasure, and the superfluity of wealth. [89] In the two capitals of the empire the annual games of the theatre, the circus, and the amphitheatre, [90] cost four thousand pounds of gold, (about) one hundred and sixty thousand pounds sterling: and if so heavy an expense surpassed the faculties or the inclinations of the magistrates themselves, the sum was supplied from the Imperial

treasury. [91] As soon as the consuls had discharged these customary duties, they were at liberty to retire into the shade of private life, and to enjoy, during the remainder of the year, the undisturbed contemplation of their own greatness. They no longer presided in the national councils; they no longer executed the resolutions of peace or war. Their abilities (unless they were employed in more effective offices) were of little moment; and their names served only as the legal date of the year in which they had filled the chair of Marius and of Cicero. Yet it was still felt and acknowledged, in the last period of Roman servitude, that this empty name might be compared, and even preferred, to the possession of substantial power. The title of consul was still the most splendid object of ambition, the noblest reward of virtue and loyalty. The emperors themselves, who disdained the faint shadow of the republic, were conscious that they acquired an additional splendor and majesty as often as they assumed the annual honors of the consular dignity. [92]

[Footnote 85: See Claudian in *Cons. Prob. et Olybrii*, 178, &c.; and in *iv. Cons. Honorii*, 585, &c.; though in the latter it is not easy to separate the ornaments of the emperor from those of the consul. Ausonius received from the liberality of Gratian a *vestis palmata*, or robe of state, in which the figure of the emperor Constantius was embroidered.

Cernis et armorum proceres legumque potentes:

Patricios sumunt habitus; et more Gabino

Discolor incedit legio, positisque parumper

Bellorum signis, sequitur vexilla Quirini. Lictori cedunt aquilae, ridetque togatus Miles, et in mediis effulget curia castris.

--Claud. in iv. Cons. Honorii, 5.

--strictaque procul radiare secures.

--In Cons. Prob. 229]

[Footnote 87: See Valesius ad Ammian. Marcellin. l. xxii. c. 7.]

[Footnote 88:

Auspice mox laeto sonuit clamore tribunal;

Te fastos ineunte quater; solemnia ludit

Omina libertas; deductum Vindice morem

Lex servat, famulusque jugo laxatus herili

Ducitur, et grato remeat securior ictu.

--Claud. in iv Cons. Honorii, 611]

[Footnote 89: Celebrant quidem solemnes istos dies omnes ubique urbes quae sub legibus agunt; et Roma de more, et Constantinopolis de imitatione, et Antiochia pro luxu, et discincta Carthago, et domus fluminis Alexandria, sed Treviri Principis beneficio. Ausonius in Grat. Actione.]

[Footnote 90: Claudian (in Cons. Mall. Theodori, 279-331) describes, in a lively and fanciful manner, the various games of the circus, the theatre, and the amphitheatre, exhibited by the new consul. The

sanguinary combats of gladiators had already been prohibited.]

[Footnote 91: Procopius in Hist. Arcana, c. 26.]

[Footnote 92: In Consulatu honos sine labore suscipitur. (Mamertin. in Panegyri. Vet. xi. [x.] 2.) This exalted idea of the consulship is borrowed from an oration (iii. p. 107) pronounced by Julian in the servile court of Constantius. See the Abbe de la Bleterie, (Memoires de l'Academie, tom. xxiv. p. 289,) who delights to pursue the vestiges of the old constitution, and who sometimes finds them in his copious fancy]

The proudest and most perfect separation which can be found in any age or country, between the nobles and the people, is perhaps that of the Patricians and the Plebeians, as it was established in the first age of the Roman republic. Wealth and honors, the offices of the state, and the ceremonies of religion, were almost exclusively possessed by the former who, preserving the purity of their blood with the most insulting jealousy, [93] held their clients in a condition of specious vassalage. But these distinctions, so incompatible with the spirit of a free people, were removed, after a long struggle, by the persevering efforts of the Tribunes. The most active and successful of the Plebeians accumulated wealth, aspired to honors, deserved triumphs, contracted alliances, and, after some generations, assumed the pride of ancient nobility. [94] The Patrician families, on the other hand, whose original number was never recruited till the end of the commonwealth, either failed in the ordinary course of nature, or were extinguished in so

many foreign and domestic wars, or, through a want of merit or fortune, insensibly mingled with the mass of the people. [95] Very few remained who could derive their pure and genuine origin from the infancy of the city, or even from that of the republic, when Caesar and Augustus, Claudius and Vespasian, created from the body of the senate a competent number of new Patrician families, in the hope of perpetuating an order, which was still considered as honorable and sacred. [96] But these artificial supplies (in which the reigning house was always included) were rapidly swept away by the rage of tyrants, by frequent revolutions, by the change of manners, and by the intermixture of nations. [97] Little more was left when Constantine ascended the throne, than a vague and imperfect tradition, that the Patricians had once been the first of the Romans. To form a body of nobles, whose influence may restrain, while it secures the authority of the monarch, would have been very inconsistent with the character and policy of Constantine; but had he seriously entertained such a design, it might have exceeded the measure of his power to ratify, by an arbitrary edict, an institution which must expect the sanction of time and of opinion. He revived, indeed, the title of Patricians, but he revived it as a personal, not as an hereditary distinction. They yielded only to the transient superiority of the annual consuls; but they enjoyed the pre-eminence over all the great officers of state, with the most familiar access to the person of the prince. This honorable rank was bestowed on them for life; and as they were usually favorites, and ministers who had grown old in the Imperial court, the true etymology of the word was perverted by ignorance and flattery; and the Patricians of Constantine were

reverenced as the adopted Fathers of the emperor and the republic. [98]

[Footnote 93: Intermarriages between the Patricians and Plebeians were prohibited by the laws of the XII Tables; and the uniform operations of human nature may attest that the custom survived the law. See in Livy (iv. 1-6) the pride of family urged by the consul, and the rights of mankind asserted by the tribune Canuleius.]

[Footnote 94: See the animated picture drawn by Sallust, in the Jugurthine war, of the pride of the nobles, and even of the virtuous Metellus, who was unable to brook the idea that the honor of the consulship should be bestowed on the obscure merit of his lieutenant Marius. (c. 64.) Two hundred years before, the race of the Metelli themselves were confounded among the Plebeians of Rome; and from the etymology of their name of Coecilius, there is reason to believe that those haughty nobles derived their origin from a sutler.]

[Footnote 95: In the year of Rome 800, very few remained, not only of the old Patrician families, but even of those which had been created by Caesar and Augustus. (Tacit. Annal. xi. 25.) The family of Scaurus (a branch of the Patrician Aemilii) was degraded so low that his father, who exercised the trade of a charcoal merchant, left him only ten slaves, and somewhat less than three hundred pounds sterling. (Valerius Maximus, l. iv. c. 4, n. 11. Aurel. Victor in Scauro.) The family was saved from oblivion by the merit of the son.]

[Footnote 96: Tacit. Annal. xi. 25. Dion Cassius, l. iii. p. 698.

The virtues of Agricola, who was created a Patrician by the emperor Vespasian, reflected honor on that ancient order; but his ancestors had not any claim beyond an Equestrian nobility.]

[Footnote 97: This failure would have been almost impossible if it were true, as Casaubon compels Aurelius Victor to affirm (ad Sueton, in Caesar v. 24. See Hist. August p. 203 and Casaubon Comment., p. 220) that Vespasian created at once a thousand Patrician families. But this extravagant number is too much even for the whole Senatorial order. unless we should include all the Roman knights who were distinguished by the permission of wearing the laticlave.]

[Footnote 98: Zosimus, l. ii. p. 118; and Godefroy ad Cod. Theodos. l. vi. tit. vi.]

II. The fortunes of the Praetorian praefects were essentially different from those of the consuls and Patricians. The latter saw their ancient greatness evaporate in a vain title.

The former, rising by degrees from the most humble condition, were invested with the civil and military administration of the Roman world. From the reign of Severus to that of Diocletian, the guards and the palace, the laws and the finances, the armies and the provinces, were intrusted to their superintending care; and, like the Viziers of the East, they held with one hand the seal, and with the other the standard,

of the empire. The ambition of the praefects, always formidable, and sometimes fatal to the masters whom they served, was supported by the strength of the Praetorian bands; but after those haughty troops had been weakened by Diocletian, and finally suppressed by Constantine, the praefects, who survived their fall, were reduced without difficulty to the station of useful and obedient ministers. When they were no longer responsible for the safety of the emperor's person, they resigned the jurisdiction which they had hitherto claimed and exercised over all the departments of the palace. They were deprived by Constantine of all military command, as soon as they had ceased to lead into the field, under their immediate orders, the flower of the Roman troops; and at length, by a singular revolution, the captains of the guards were transformed into the civil magistrates of the provinces. According to the plan of government instituted by Diocletian, the four princes had each their Praetorian praefect; and after the monarchy was once more united in the person of Constantine, he still continued to create the same number of Four Praefects, and intrusted to their care the same provinces which they already administered. 1. The praefect of the East stretched his ample jurisdiction into the three parts of the globe which were subject to the Romans, from the cataracts of the Nile to the banks of the Phasis, and from the mountains of Thrace to the frontiers of Persia. 2. The important provinces of Pannonia, Dacia, Macedonia, and Greece, once acknowledged the authority of the praefect of Illyricum. 3. The power of the praefect of Italy was not confined to the country from whence he derived his title; it extended over the additional territory of Rhaetia as far as the banks of the Danube, over the dependent islands

of the Mediterranean, and over that part of the continent of Africa which lies between the confines of Cyrene and those of Tingitania. 4. The praefect of the Gauls comprehended under that plural denomination the kindred provinces of Britain and Spain, and his authority was obeyed from the wall of Antoninus to the foot of Mount Atlas. [99]

[Footnote 99: Zosimus, l. ii. p. 109, 110. If we had not fortunately possessed this satisfactory account of the division of the power and provinces of the Praetorian praefects, we should frequently have been perplexed amidst the copious details of the Code, and the circumstantial minuteness of the Notitia.]

After the Praetorian praefects had been dismissed from all military command, the civil functions which they were ordained to exercise over so many subject nations, were adequate to the ambition and abilities of the most consummate ministers. To their wisdom was committed the supreme administration of justice and of the finances, the two objects which, in a state of peace, comprehend almost all the respective duties of the sovereign and of the people; of the former, to protect the citizens who are obedient to the laws; of the latter, to contribute the share of their property which is required for the expenses of the state. The coin, the highways, the posts, the granaries, the manufactures, whatever could interest the public prosperity, was moderated by the authority of the Praetorian praefects. As the immediate representatives of the Imperial majesty, they were empowered to explain, to enforce, and on some occasions to modify, the general edicts by their discretionary

proclamations. They watched over the conduct of the provincial governors, removed the negligent, and inflicted punishments on the guilty. From all the inferior jurisdictions, an appeal in every matter of importance, either civil or criminal, might be brought before the tribunal of the praefect; but his sentence was final and absolute; and the emperors themselves refused to admit any complaints against the judgment or the integrity of a magistrate whom they honored with such unbounded confidence. [100] His appointments were suitable to his dignity; [101] and if avarice was his ruling passion, he enjoyed frequent opportunities of collecting a rich harvest of fees, of presents, and of perquisites. Though the emperors no longer dreaded the ambition of their praefects, they were attentive to counterbalance the power of this great office by the uncertainty and shortness of its duration. [102]

[Footnote 100: See a law of Constantine himself. *A praefectis autem praetorio provocare, non sinimus.* Cod. Justinian. l. vii. tit. lxii. leg. 19. Charisius, a lawyer of the time of Constantine, (Heinec. *Hist. Romani*, p. 349,) who admits this law as a fundamental principle of jurisprudence, compares the Praetorian praefects to the masters of the horse of the ancient dictators. *Pandect.* l. i. tit. xi.]

[Footnote 101: When Justinian, in the exhausted condition of the empire, instituted a Praetorian praefect for Africa, he allowed him a salary of one hundred pounds of gold. *Cod. Justinian.* l. i. tit. xxvii. leg. i.]

[Footnote 102: For this, and the other dignities of the empire, it may be sufficient to refer to the ample commentaries of Pancirolus and Godefroy, who have diligently collected and accurately digested in their proper order all the legal and historical materials. From those authors, Dr. Howell (History of the World, vol. ii. p. 24-77) has deduced a very distinct abridgment of the state of the Roman empire]

From their superior importance and dignity, Rome and Constantinople were alone excepted from the jurisdiction of the Praetorian praefects. The immense size of the city, and the experience of the tardy, ineffectual operation of the laws, had furnished the policy of Augustus with a specious pretence for introducing a new magistrate, who alone could restrain a servile and turbulent populace by the strong arm of arbitrary power. [103] Valerius Messalla was appointed the first praefect of Rome, that his reputation might countenance so invidious a measure; but, at the end of a few days, that accomplished citizen [104] resigned his office, declaring, with a spirit worthy of the friend of Brutus, that he found himself incapable of exercising a power incompatible with public freedom. [105] As the sense of liberty became less exquisite, the advantages of order were more clearly understood; and the praefect, who seemed to have been designed as a terror only to slaves and vagrants, was permitted to extend his civil and criminal jurisdiction over the equestrian and noble families of Rome. The praetors, annually created as the judges of law and equity, could not long dispute the possession of the Forum with a vigorous and permanent magistrate, who was usually admitted into the confidence of the prince. Their courts were deserted,

their number, which had once fluctuated between twelve and eighteen, [106] was gradually reduced to two or three, and their important functions were confined to the expensive obligation [107] of exhibiting games for the amusement of the people. After the office of the Roman consuls had been changed into a vain pageant, which was rarely displayed in the capital, the praefects assumed their vacant place in the senate, and were soon acknowledged as the ordinary presidents of that venerable assembly. They received appeals from the distance of one hundred miles; and it was allowed as a principle of jurisprudence, that all municipal authority was derived from them alone. [108] In the discharge of his laborious employment, the governor of Rome was assisted by fifteen officers, some of whom had been originally his equals, or even his superiors. The principal departments were relative to the command of a numerous watch, established as a safeguard against fires, robberies, and nocturnal disorders; the custody and distribution of the public allowance of corn and provisions; the care of the port, of the aqueducts, of the common sewers, and of the navigation and bed of the Tyber; the inspection of the markets, the theatres, and of the private as well as the public works. Their vigilance insured the three principal objects of a regular police, safety, plenty, and cleanliness; and as a proof of the attention of government to preserve the splendor and ornaments of the capital, a particular inspector was appointed for the statues; the guardian, as it were, of that inanimate people, which, according to the extravagant computation of an old writer, was scarcely inferior in number to the living inhabitants of Rome. About thirty years after the foundation of Constantinople, a similar magistrate was created

in that rising metropolis, for the same uses and with the same powers. A perfect equality was established between the dignity of the two municipal, and that of the four Praetorian praefects. [109]

[Footnote 103: Tacit. Annal. vi. 11. Euseb. in Chron. p. 155. Dion Cassius, in the oration of Maecenas, (l. lvii. p. 675,) describes the prerogatives of the praefect of the city as they were established in his own time.]

[Footnote 104: The fame of Messalla has been scarcely equal to his merit. In the earliest youth he was recommended by Cicero to the friendship of Brutus. He followed the standard of the republic till it was broken in the fields of Philippi; he then accepted and deserved the favor of the most moderate of the conquerors; and uniformly asserted his freedom and dignity in the court of Augustus. The triumph of Messalla was justified by the conquest of Aquitain. As an orator, he disputed the palm of eloquence with Cicero himself. Messalla cultivated every muse, and was the patron of every man of genius. He spent his evenings in philosophic conversation with Horace; assumed his place at table between Delia and Tibullus; and amused his leisure by encouraging the poetical talents of young Ovid.]

[Footnote 105: Incivilem esse potestatem contestans, says the translator of Eusebius. Tacitus expresses the same idea in other words; quasi nescius exercendi.]

[Footnote 106: See Lipsius, Excursus D. ad 1 lib. Tacit. Annal.]

[Footnote 107: Heineccii. Element. Juris Civilis secund ordinem Pandect i. p. 70. See, likewise, Spanheim de Usu. Numismatum, tom. ii. dissertat. x. p. 119. In the year 450, Marcian published a law, that three citizens should be annually created Praetors of Constantinople by the choice of the senate, but with their own consent. Cod. Justinian. li. i. tit. xxxix. leg. 2.]

[Footnote 108: Quidquid igitur intra urbem admittitur, ad P. U. videtur pertinere; sed et siquid intra contesimum milliarium. Ulpian in Pandect l. i. tit. xiii. n. 1. He proceeds to enumerate the various offices of the praefect, who, in the code of Justinian, (l. i. tit. xxxix. leg. 3,) is declared to precede and command all city magistrates sine injuria ac detrimento honoris alieni.]

[Footnote 109: Besides our usual guides, we may observe that Felix Cantelorius has written a separate treatise, De Praefecto Urbis; and that many curious details concerning the police of Rome and Constantinople are contained in the fourteenth book of the Theodosian Code.]