

# LEGES NOVELLAE

AD THEODOSIANVM

PERTINENTES

EDIDIT

ADIVTORE TH. MOMMSENO

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BEROLINI

APVD WEIDMANNOS

MDCCCXV

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## CAPVT OCTAVVM.

# CONSTITVTIONVM ACCEPTORES ET TEMPORA LOCIQVE.

Hoc capite laterculos duos proponimus, alterum eorum, quibus constitutiones inscriptae sunt, alterum annorum dierum locorum, quos subscriptiones prae se ferunt. Constitutionum auctores, scilicet imperatores, de quibus in altero laterculo suis locis disseretur, separatim recensere supervacuum visum est. Neque magis opus est leges exponere in laterculis duobus instituendis observatas, quippe de quibus Mommsen in volumine primo p. CLVII sqq. accuratissime atque sagacissime disputaverit. Ex constitutionibus extra Novellarum syllogas servatis receptae non sunt nisi Iustinianae ad a. 438—457 spectantes, scilicet imperatorum Theodosii II. et Marciani: quarum inscriptiones atque subscriptiones a Tribonianis interpolatae, in plerisque deinde codicibus decurtatae aut non servatae nisi per Haloandrum Cuiacium Contium alios, ubi authenticae constitutiones ipsae desunt, multo minorem atque in Novellis fidem merentur. — Formulas in subscriptionibus sollemnes, quae constitutionis *datae, acceptae, propositae* dies locosque enuntiant, Mommsen l. l. p. CLIII sqq. explicavit; de Novellarum subscriptionum singularitatibus supra p. LXXXII sq. egi. — De consulibus aliisque magistratibus conferas Mommseni *Chronica minora* (I p. 530 sqq.) et Seeckii dissertationes apud *Pauly-Wissowa* (vol. I—V) proditas.

## I. CONSTITVTIONVM ACCEPTORES.

### IMPERATORES.

**DOMINVS VALENT(INIANVS) INCLITVS VICTOR AC** 447 Oct. 1 (Theod. 2).  
**TRIVMPHATOR SEMPER AVGVSTVS FILIVS**  
*(scil. Theodosii pp. A. patris)*

Imperatores
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### SENATVS. POPVLVS.

**CONSVLES PRAETORES TRIBVNI PLEBIS SENATVS** 450 Mart. 5 (Valent. 1, 3).  
*scil. urbis Romae*

**SENATVS VERBIS CONSTANTINOPOLITANAE** 439 Sept. 12 (Theod. 15, 1)  
*urb. Const. om. Iust. 1, 14, 8* 446 Oct. 17 (Iust. 1, 14, 8).

**SENATVS** 458 Ian. 11 (Maiorian. 1).  
*scil. urbis Romae*

**POPVLVS ROMANVS** 440 Iun. 24 (Valent. 9)  
 445 Ian. 18 (Valent. 16).

**POPVLVS** 440 Mart. 3 (Valent. 5)  
*scil. urbis Romae Valent. 5* 451 Iul. 13 (Iust. 1, 12, 5).  
*urbis Constantinopolitanae*  
*Iust. 1, 12, 5*

**EDICTVM** 450 Oct. 11 (Marcian. 1).  
**THEOD. II.**

Senatus, populus
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PRAEFECTI PRAETORIO.

Praefecti  
praetorio  
Italiae

PRAEFECTI PRAETORIO ITALIAE (ILLYRICI AFRICAE).

- FAVSTVS**  
[Anicius Achillius Glabrio Faustus v. c.  
et inl. tertio expraefecto urbi prae-  
fectus praetorio et consul ordinarius  
*pleno nomine titulisque nuncupatur in  
Gestis senatus*]  
438 Iul. 8 (Valent. 1, 1) — Dec. 25 (Gesta sena-  
tus Romani de Theodosiano publicando:  
Theod. I p. 1 sqq.).
- MAXIMVS**  
II  $\overline{ppo}$  omnes  
v. inl. patricius appellatur 445 Dec. 8  
(Valent. 19)  
(cons. II a. 443)  
439 Aug. 28 (Valent. 3)  
440 Ian. 24 (Valent. 4) — Iun. 4 (Valent. 7, 1)  
441 Feb. 20 (Valent. 10)  
[440/441] . . . . (Valent. 1, 2).
- FAVSTVS**  
II om. (vide supra)  
442 Aug. 13 (Valent. 2, 2).
- PATERIVS**  
(cons. a. 443)  
442 Sept. 27 (Valent. 7, 2).
- QVADRATIANVS**  
443 Mai. 25 (Valent. 6, 2).
- ALBINVS**  
II  $\overline{ppo}$  Illyrici Italiae et Africae Valent.  
2, 3; II  $\overline{ppo}$  Valent. 12 — 13 — 14 — 18;  
II  $\overline{ppo}$  et patricius Valent. 21, 1 (inscr.  
et subscr.) — 21, 2 — 22 — 23<sup>1)</sup> —  
25<sup>2)</sup> — 26.  
443 Aug. 17 (Valent. 2, 3) — Oct. 19 (Valent. 12)  
444 Sept. 11 (Valent. 14)  
445 Iun. 19 (Valent. 18) — Iun. 21 (Valent. 13)  
446 Oct. 21 (Valent. 21, 1) — Dec. 15 (Valent.  
22) — Dec. 26 (Valent. 21, 2)  
447 Mart. 13 (Valent. 23) — Iun. 3 (Valent. 25)  
448 Iun. 3 (Valent. 26).
- <sup>1)</sup> cf. subscr.: antelata edicto Albini v. inl. II  
 $\overline{ppo}$  et patricii.  
<sup>2)</sup> cf. subscr.: antelata edicto Albini v. c.  
(cons. a. 444)
- FIRMINVS**  
 $\overline{ppo}$  et patricius Valent. 31 — 32 — 34 —  
35 — 36  
449 Iun. 17 (Valent. 27)<sup>1)</sup>  
451 Ian. 31 (Valent. 31 — 32) — Iul. 13 (Va-  
lent. 34)  
<sup>1)</sup> cf. subscr.: sub edicto F. viri inl.  $\overline{ppo}$ .  
452 Apr. 15 (Valent. 35) — Iun. 29 (Valent. 36).
- STORACIVS**  
(vide sub praefectis urbi)  
454 Oct. 28 (Valent. 2, 4).
- BASILIVS**  
 $\overline{ppo}$  (om. II) et patricius Ser. 1 — 2  
(cons. a. 463)  
458 Mart. 10 (Maiorian. 2) — Oct. 26 (Maio-  
rian. 6) — Nov. 6 (Maiorian. 7)  
463 Feb. 20 (Sev. 1)  
465 Sept. 25 (Sev. 2).
- LVPERCIANVS**  
468 Feb. 21 (Anthem. 1) — Mart. 19 (Anthem. 2  
et 3).

Praefecti  
praetorio  
Orientis

PRAEFECTI PRAETORIO ORIENTIS.

- FLORENTIVS**  
 $\overline{ppo}$  Orientis Theod. 1  
Cf. Theod. 15, 1, 8 a. 439 Sept. 12: vir  
inlustris atque magnificus  $\overline{ppo}$  Ori-  
entis et exconsul F. — Theod. 18, 4 a. 439  
Dec. 6: vir inlustris F. praetorianae  
praefecturae administratione subful-  
tus — (Theod. 26, 21 a. 444 Nov. 29:  
vir inlustris et consularis F.)  
438 Ian. 31 (Theod. 3) — Feb. 15 (Theod. 1) —  
Feb. 25 (Theod. 4)  
439 Ian. 20 (Theod. 7, 1 — Iust. 1, 51, 10) —  
Apr. 3 (Iust. 1, 24, 3) — Apr. 7 (Theod. 8  
— 9) — Apr. 19 (Theod. 10, 1 — 10, 2) —  
Mai. 30 (Iust. 1, 52, 1) — Iun. 8 (Theod. 5, 2)  
— Iun. 17 (Iust. 2, 15, 2) — Iul. 10 (Theod.  
11 — 12) — Sept. 7 (Theod. 14) — Sept. 12  
(Theod. 16) — Oct. 20 (Theod. 17, 1) —  
Nov. 26 (Iust. 9, 27, 6)  
? 445 Feb. 11 (Iust. 1, 3, 22)  
. . . . . (Iust. 12, 23, 14).

- CYRVS**  
 ᾠπῶ et consul designatus *Theod.* 20 — 439 Dec. 6 (*Theod.* 18)  
*Iust.* 1, 14, 7 — 2, 7, 8 (*Contius*) 440 Ian. 22 (*Iust.* 8, 11, 21) — Apr. 5 (*Iust.* 1, 14, 7) — Mai. 20 (*Iust.* 3, 4, 1) — Mai. 21 (*Iust.* 7, 63, 2) — Sept. 21 (*Theod.* 7, 2 — 20) — Dec. 29 (*Theod.* 7, 3) — Dec. 30 (*Iust.* 2, 7, 8)  
 441 Iun. 26 (*Theod.* 5, 3) — Aug. 18 (*Iust.* 1, 55, 10)  
 ... (Iust. 7, 62, 32 — 10, 71, 4 — 11, 43, 5 — 11, 43, 6 — 12, 8, 2 — 12, 21, 5 — 12, 50, 21).
- THOMAS**  
 442 Feb. 25 (*Iust.* 1, 3, 21 — 10, 32, 60)  
 ... (*Iust.* 12, 57, 13).
- APOLLONIVS**  
 442 Aug. 21 (*Iust.* 2, 7, 9) — Dec. 16 (*Theod.* 22, 1) — Dec. 28 (*Iust.* 10, 30, 3)  
 443 Mart. 9 (*Theod.* 22, 2) — Mai. 22 (*Theod.* 23)  
 ... (*Iust.* 12, 1, 16).
- ZOILVS**  
 ᾠπῶ Orientis *Iust.* 1, 51, 11 444 Feb. 26 (*Iust.* 1, 51, 11 — 12, 9, 1) — Apr. 22 (*Theod.* 17, 2) — Iul. 20 (*Theod.* 15, 2)  
 ... (*Iust.* 12, 36, 6 — 12, 52, 3).
- HERMOCRATES ᾠπῶ ORIENTIS**  
 444 Nov. 29 (*Theod.* 26).
- TAVRVS**  
 ᾠπῶ *om.* *Iust.* 10, 49, 2 445 Feb. 17 (*Iust.* 1, 2, 11 — 10, 49, 2).  
 ... (*Iust.* 12, 49, 8).
- PROTOGENES**  
 (cons. a. 449)
- HORMIDAS**  
 Ἐπαρχος πραιτωρίων *Iust.* 1, 1, 3 (Coll. Const.) 448 Feb. 17 (*Iust.* 1, 1, 3)  
 449 Ian. 9 (*Iust.* 5, 17, 8)  
 450 Ian. 9 (*Iust.* 5, 14, 8) — Apr. 3 (*Iust.* 6, 52, 1)  
 ... (*Iust.* 11, 22, 1).
- PALLADIVS**  
 v. inl. ᾠπῶ Orientis *Marcian.* 2 subscr. — 450 post Oct. 11 (*Marcian.* 2)  
 ὁ μεγαλοπρεπέστατος Ἐπαρχος τῶν πραιτωρίων *Iust.* 1, 3, 23 (*Calch. gr.*), ᾠπῶ Orientis *Marcian.* 3. *Iust.* 1, 3, 23 (*Calch. lat.*) 10, 5, 2 451 Ian. 18 (*Marcian.* 3) — Nov. 12 (*Iust.* 1, 2, 12 — 1, 11, 7) — Dec. 21 (*Iust.* 9, 39, 2) — Dec. 28 (*Iust.* 10, 5, 2)  
 452 Feb. 7 (*Iust.* 1, 1, 4)<sup>1)</sup> — Iun. 18 (*Iust.* 2, 7, 10) — Iul. 6 (*Iust.* 1, 3, 23)  
 454 Apr. 4 (*Marcian.* 4)  
 455 Apr. 22 (*Marcian.* 5) — Apr. 24 (*Iust.* 1, 3, 24) — Aug. 1 (*Iust.* 1, 5, 8 — 1, 7, 6)  
 (450 vel 455?) ... (*Iust.* 1, 51, 12).
- <sup>1)</sup> Authenticae constitutioni inscribitur *universis populis* (cf. *Maassen, Quellen* p. 330 § 321 n. 11). — In Actis concilii Calchedonensis (cf. *Haenel, Corp. Leg.* p. 255) habetur πρόθεμα τοῖς πόλιταις ἡμῶν τοῖς Κωνσταντινουπόλιταις.
- CONSTANTINVS**  
 ᾠπῶ (*om.* II) *omnes* (cf. *Pauly-Wissowa* IV, 1091 n. 6) 456 Mart./Apr. (*Iust.* 1, 4, 13) — Iul. 18 (*Iust.* 10, 22, 3)  
 ... (*Iust.* 1, 3, 25 — 4, 41, 2).

PRAEFECTI PRAETORIO ILLYRICI.

- THALASSIVS ᾠπῶ ILLYRICI**  
 439 Aug. 11 (*Theod.* 13).
- TREODORVS V. INL. ᾠπῶ INLYRICI**  
 444 Nov. 29 (*Theod.* 26).
- VALENTINIANVS ᾠπῶ ILLYRICI** (Ἐπαρχος τοῦ Ἰλλυρικοῦ)  
 452 Iul. 6 (*Iust.* 1, 3, 23 [*Chalc.*]).

Praefecti  
 praetorio  
 Illyrici

Praefecti  
urbis Romae

PRAEFECTI VRBI.  
PRAEFECTI VRBIS ROMAE.

PIERIVS	440 Iun. 9 (Valent. 8, 1).
AVXENTIVS	441 Ian. 27 (Valent. 8, 2).
STORACTVS ( <i>vide sub praef. praet. Italiae</i> )	443 Mart. 13 (Valent. 11).
AVXENTIVS II FV	445 Apr. 14 (Valent. 20).
EPITYNCANVS Cf. CIL. VI, 1662: Fl. Eurycles Epityn- canus v̄c praef. urb.	450 Apr. 24 (?) (Valent. 29).
AEMILIANVS	458 Iul. 11 (Maiorian. 4).

Praefecti  
urbis  
Constantino-  
politanae

PRAEFECTI VRBIS CONSTANTINOPOLITANAE.

CYRVS ( <i>vide sub praef. praet. Or.</i> ) p̄ om. Iust. 11, 18, 1	439 Mart. 23 (Iust. 1, 2, 9 — 11, 18, 1) — Nov. 1 (Iust. 8, 11, 20).
TATIANVS Cf. CIL. III, 738	450 Dec. 18 (Iust. 1, 39, 2 — 12, 2, 1). 452 Iul. 6 (Iust. 1, 3, 23 [Calch.]).

Magistri  
militum

MAGISTRI MILITVM.

SIGISVVLTVS COMES ET MAGISTER VTRIVSQVE MILITIAE (Occ.) Cf. Valent. 9, 10 a. 440 Iun. 24: vir in- lustrissimus magister militum S.	440 Mart. 20 (Valent. 6, 1).
AETIVS VIR INL. COM. ET MAG. VTRIVSQVE MILI- TIAE ET PATRICIVS (Occ.): sic Valent. 17; patricius tantum nominatur Valent. 33. (Cf. Valent. 9, 8 a. 440 Iun. 24: excel- lentissimus vir patricius noster A. — Valent. 36, 2. 11 a. 452 Iun. 29: magni- ficus vir parens patriciusque noster A.) (cons. III. IV a. 446. 454.)	445 Iul. 8 (Valent. 17) 451 Ian. 31 (Valent. 33).
RICIMER V. INL. COM. ET MAG. VTRIVSQVE MILI- TIAE ATQVE PATRICIVS (Occ.) Cf. Maiorian. 1, 13 a. 458 Ian. 11: erit apud nos cum parente patricioque nostro R. rei militaris pervigil cura (cons. a. 459.)	460 Mart. 28 (Maiorian. 11).
AIOBINDVS MAGISTER MILITVM (Or.)	441 Mart. 6 (Theod. 7, 4).
ASPAR ( <i>scil.</i> Fl. Ardabur Aspar cons. a. 434) VIR INLVSTRIS COMES ET MAGISTER MILITVM ET EXCONSVL ORDINARIVS (Or.)	441 Mart. 6 (Theod. 7, 4).
ANATOLIVS MAGISTER MILITVM PER ORIENTEM (per Or. om. Iust. 1, 46, 3 — 12, 59, 7) Cf. Theod. 4, 7 a. 438 Feb. 25: vir subli- mis A. magister per Orientem utri- usque militiae (cons. a. 440.)	443 Ian. 28 (Iust. 1, 46, 3) ... (Iust. 12, 54, 4 [Cui. 1584] — 12, 59, 7).
APOLLONIVS MAGISTER MILITVM PRAESENTALIS (Or.)	... (Iust. 12, 54, 4 [Cui. 1584]).

MAGISTRI OFFICIORVM.

FLEGETIVS (Or.)	441 Apr. 17 (Theod. 21).	Magistri officiorum
NOMVS (Or.) comes et mag. off. <i>Iust.</i> 1, 24, 4 (cons. a. 445)	443 Sept. 12 (Theod. 24) 444 Ian. 16 (Theod. 25) — Mart. 28 ( <i>Iust.</i> 1, 24, 4) ... (Iust. 12, 19, 7 — 12, 19, 8 — 12, 21, 6 — 12, 26, 2).	
OPILIO (Occ.) (cons. a. 453)	449 Sept. 11 (Valent. 28) 450 Oct. 3 (Valent. 30).	
VINCOMALVS (Or.) magister divinatorum officiorum et consul designatus = μάγιστρος τῶν θεῶν ἀφ- φικίων καὶ ἑπαιτος δεσφύρατος <i>Iust.</i> 1, 3, 23 (Calch.)	452 Iul. 6 ( <i>Iust.</i> 1, 3, 23 [Calch.] ... (Iust. 12, 40, 10 [O] <sup>1</sup> ). <sup>1</sup> ) vingal'o O <sup>a</sup> , vincl'o O <sup>b</sup>	

COMITES SACRARVM LARGITIONVM.

FLORIANVS (Occ.)	447 Apr. 25 (Valent. 7, 3 — Valent. 24).	Comites sacrarum largitionum
HERMOGENES V. INL. COMES SACRARVM LARGI- TIONVM (Or.)	450 post Oct. 11 (Marcian. 2).	
EVDOXIUS (Or.) ( <i>vide sub comitibus r. p.</i> ; cons. a. 442)	... (Iust. 11, 78, 2 — 12, 23, 13 [Rus- sardus]).	

COMITES RERVM PRIVATARVM.

MARCELLINVS (Or.) <i>Cf.</i> Theod. 17, 1, 2 a. 439 Oct. 20: vir in- lustris comes sacrarum largitionum M. vicem agens viri inlustris $\overline{\text{c}}\overline{\text{r}}\overline{\text{p}}$ .	438 Mai. 9 (Theod. 5, 1).	Comites rerum privatarum
AVRELIANVS (Or.)	438 Nov. 4 (Theod. 6).	
EVDOXIUS (Or.) ( <i>vide supra</i> )	440 Mai. 20 (Theod. 19).	
GENETHLIUS V. INL. COMES RERVM PRIVATA- RVM (Or.) <i>Cf. Hardouin, Acta Concil. II p. 53/54.</i> 273/274.	450 post Oct. 11 (Marcian. 2).	
ENNODIVS (Occ.)	458 Sept. 4 (Maiorian. 5).	

PRAEPOSITI SACRI CVBICVLI.

ARTAXES (Or.)	442 Apr. 9 ( <i>Iust.</i> 3, 26, 11).	Praepositi sacri cubiculi
MAXIMINVS V. INL. COMES ET PRAEPOSITVS SACRI CVBICVLI (Or.)	450 post Oct. 11 (Marcian. 2).	

COMITES DOMESTICORVM.

SPOBACIVS (Or.) c. d. peditum <i>Iust.</i> 12, 17, 3 c. d. et consul <i>Iust.</i> 12, 3, 2	..... (ante 450 Iul. 28) ( <i>Iust.</i> 12, 17, 3) ..... (452) ..... ( <i>Iust.</i> 12, 3, 2).	Comites domesti- corum
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PRAESIDES.

VNIVERSI RECTORES PROVINCIARVM	458 Mai. 8 (Maiorian. 3).	Praesides
CONSVLARIS TVSCIAE SVBVBICARIAE: ROGA- TIANVS	459 Apr. 17 (Maiorian. 9).	

CONSTITVTIONARIJ.

FLAVIVS ANASTASIVS } 443 Dec. 23 (const. de constitutionariis:  
HILARIVS MARTINVS } Theod. I p. 4).  
(*Omissus constitutionariorum titulus sup-  
pletur Gestis senatus Romani: Theod. I*  
*p. 1, 9)*

MAGISTRATV NON ENVNTIATO.

ISIODORVS COMES (Occ.) 444 Iul. 14 (Valent. 6, 3).

SINE DESTINATIONE.

..... inter 444 Sept. 11 et 445 Ian. 18 (Valent. 15).

II. CONSTITVTIONVM TEMPORA  
ET LOCI.

DD. NN.<sup>1)</sup> IMPP. THEODOSIVS ET VALENTINIANVS

AA.<sup>2)</sup> 426—450 Iul. 28.

<sup>1)</sup> sic Valent. 14 — 17 — 18 — 19 — 21, 1 — 23 — 25.

<sup>2)</sup> *Theod. pp. A. pater* in epistula ad generum Theod. 2. — *Domini [nostri] Imp. Caesares* in Valentiniani III. constitutione ad constitutionarios Flavium Anastasium et Hilarium Martinum data X k. Ian. Romae a. 443 (cf. Theod. I p. 4).

438 THEODOSIO A. XVI ET FAVSTO <sup>1)</sup> V̄. C̄.<sup>2)</sup> CONSS.<sup>3)</sup>

<sup>1)</sup> *D. N. Theod. A. XVI cons. et qui fuerit nuntiatus* primis anni mensibus subscribitur constitutionibus Orientalibus: sic Theod. 1 — 3; *Theod. A. XVI cons. omissis et q. f. n.* Theod. 4.

<sup>2)</sup> v̄. c̄. om. Theod. 5.

<sup>3)</sup> *Gesta senatus Romani* de Theodosiano in Occidente publicando (cf. Theod. I p. 1 sqq.) edita Romae sub d. VIII k. Ian. plena utriusque consulis nomina exhibent, scilicet domino [nostro] Flavio Theodosio Aug. [XVI] et Anicio Achillio Glabrione Fausto v̄. c̄. (cf. etiam de Rossi, *Inscr. chr. urb. R.* I n. 700).

Valentinianus III. cum uxore Eudoxia, Theodosii II. filia, Ravennam ingressus est (Mommesen, *Chron. min.* II p. 79; cf. Theod. I p. 1, 14), ubi eum degisse Iul. 8 Valent. 1, 1 docet. — Theodosius II. Constantinopoli.

438	prid. k. Feb.	Constantinopoli	Florentio ꝑꝑ̄ō [Orientis]	Theod. 3
438	XV k. Mart.	Constantinopoli	Florentio ꝑꝑ̄ō Orientis	Theod. 1
438	V k. Mart.	Constantinopoli	Florentio ꝑꝑ̄ō [Or.]	Theod. 4
438	VII id. Mai.	Constantinopoli	Marcellino cꝑꝑ̄. [Or.]	Theod. 5, 1
438	VIII id. Iul.	Ravennae	Fausto ꝑꝑ̄ō [Italiae]	Valent. 1, 1
438	prid. non. Nov.	Constantinopoli	Aureliano cꝑꝑ̄. [Or.]	Theod. 6