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"Totam urbem tuendam esse commissam" (Cic., in Verr. 2,5,36) : the Aediles as Guardians of Order in Republican Rome

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‘TOTAM URBEM TUENDAM ESSE COMMISSAM’
(CIC., IN VERR. 2,5,36): THE AEDILES AS GUARDIANS
OF ORDER IN REPUBLICAN ROME*

I. PRELIMINARY REMARKS

Under the Republic the office of the plebeian and curule aediles was, to a large extent, to maintain and supervise security and public order in the city. Their duties, which were diverse in themselves, spanned a broad range, encompassing *cura urbis*, *cura ludorum*, and *cura annonae*¹. *Cura urbis* deserves special note. A fairly detailed account of the duties it entailed was given by Cicero on his election to the office of aedile (*aedilis adsignatus*), in one of his five orations against Gaius Verres, governor of Sicily, who was charged with extortion:

Cic., in *Verr.* 2,5,36: *Nunc sum designatus aedilis; habeo rationem quid a populo Romano acceperim; mihi ludos sanctissimos maxima cum cura et caerimonia Cereri, Libero, Liberaeque faciundos, mihi Floram matrem populo plebique Romanae ludorum celebritate placandam, mihi ludos antiquissimos, qui primi Romani appellati sunt, cum dignitate maxima et*

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¹ Cic., *De leg.* 3,7,7: *Suntoque aediles curatores urbis annonae ludorumque sollemnium.*

religione Iovi, Iunoni, Minervaeque esse faciundos, mihi sacrarum aedium procurationem, mihi totam urbem tuendam esse commissam; ob earum rerum laborem et sollicitudinem fructus illos datos, antiquiorem in senatu sententiae dicendae locum, togam praetextam, sellam curulem, ius imaginis ad memoriam posteritatemque prodendae.

This passage from Cicero's speech is currently considered the fullest description of the office of curule aedile². The duties he enumerated included the organisation of ceremonies in honour of the gods, custody of the temples, and care of the city as a whole, which was entrusted to the magistrate holding this office. Cicero gives the impression of complaining about the enormous number of duties with which he had been encumbered on his election to the office of curule aedile. This impression is enhanced in his subsequent words, where he tries to see the privileges afforded those who hold this office – the right to speak in the senate, to wear the *toga praetexta*, to sit in the curule chair, and to exercise the *ius imaginum*.

Of the catalogue of duties, the most interesting is the scope of powers designated by the words "*mihi totam urbem tuendam esse commissam*". To verify Cicero's statement – whether his claim was a true description of the aedile's duties, or whether calling the aedile the magistrate entrusted with the care of the entire city was a gross exaggeration – we shall first have to consider the meaning of the term *cura urbis*. In fact it covered a broad range of responsibilities for the city, including concern for security and public order within its bounds. The duties concerning public order involved keeping the city clean and inspecting sanitation. Aediles were also responsible for securing free and ready access for inhabitants to public facilities, and for keeping the principal municipal amenities and installations, such as the aqueducts, in efficient working order³. Secondly, concern for public order also meant concern for the citizens' "moral cleanliness", and the prevention

² L. ROSS TAYLOR, *Cicero's Aedileship*, «AJP» 60/1939, p. 199.

³ Front., *De aq.* 94-99; M. KURYŁOWICZ, *Nadzór magistratur rzymskich nad porządkiem publicznym*, [in:] *Bezpieczeństwo i porządek publiczny – historia, teoria*,

and punishment of any infringements of the moral order⁴. The subject of this paper will be *cura urbis* in the former sense, and the issues associated with it.

A considerable part of the aediles’ duties as *curatores urbis* is recorded in two sources. The first is Papinian’s passage *de cura urbis* preserved in Title 10 of Book 43 of Justinian’s *Digests*, entitled *De via publica et si quid in ea factum esse dicatur*; and the second is an excerpt from Irni municipal law:

D. 43,10,1pr.-2: Ἐκ τοῦ ἀστυνομικοῦ μονοβιβλίου τοῦ Παπινιανοῦ Οἱ ἀστυνομικοὶ ἐπιμελείσθωσαν τῶν κατὰ τὴν πόλιν ὁδῶν, ὅπως ἂν ὀμαλισθῶσιν καὶ τὰ ρεύματα μὴ βλάβηται τὰς οἰκίας καὶ γέφυραι ὧσιν οὗ ἂν δέη. Ἐπιμελείσθωσαν δὲ, ὅπως οἱ ἴδιοι τοῖχοι ἢ τῶν ἄλλων ἢ τῶν περὶ τὰς οἰκίας ἅ εἰς τὴν ὁδὸν φέρει μὴ σφαλερὰ ἢ ἵνα ὡς δεῖ καθαιρῶσιν οἱ δεσπότες τῶν οἰκιῶν καὶ ἐπισκευάζωσιν. ἔαν δὲ μὴ καθαιρῶσιν μηδὲ ἐπισκευάζωσιν, ζημιούτωσαν αὐτοῦς, ἕως ἂν ἀσφαλῆ ποιήσωσιν. Ἐπιμελείσθωσαν δὲ, ὅπως μηδεὶς ὀρύσσει τὰς ὁδοὺς μηδὲ χωνυῆ μηδὲ κτίσει εἰς τὰς ὁδοὺς μηδέν· εἰ δὲ μὴ, ὁ μὲν δοῦλος ὑπὸ τοῦ ἐντυχόντος μαστιγοῦσθω, ὁ δὲ ἐλεύθερος ἐνδεικνύσθω τοῖς ἀστυνόμοις, οἱ δὲ ἀστυνόμοι ζημιούτωσαν κατὰ τὸν νόμον καὶ τὸ γεγονός καταλύετωσαν⁵.

praktyka: Konferencja naukowa. Hadle Szklarskie, 26 września 2003 r., ed. E. URA, Rzeszów 2003, p. 45.

⁴ More on the aediles’ supervision of public morality in M. KURYŁOWICZ, ‘*Loca aedilem metuentia*’ (*Sen. de vita beata 7.1.3*). *Z działalności edylów rzymskich na rzecz ochrony porządku i moralności publicznej*, «*Annales UMCS*», Sec. G Ius, 32-33/1985-1986, p. 129-131; IDEM, *Zur Marktpolizei der römischen Ädilen*, [in:] *Au-delà des frontières. Mélanges de droit romain offerts à Witold Wołodkiewicz*, II, Warszawa 2000, p. 454. To a certain extent the aediles’ tasks in keeping the city clean and overseeing moral salubrity overlapped with the duties of the censors, who were responsible for public morality in the Republic and had the power to monitor and fine those whose conduct diverged from the moral standards. See T. MOMMSEN, *Römisches Staatsrecht*³, II.1, Graz 1952 (reprint), p. 377-382.

⁵ D. 43,10,1pr.-2 (Pap. *de cura urbis*): *Curatores urbium curam agant viarum in urbe, ut complanentur et flumina aedificiis ne noceant et pontes sint ubi opus est*. 1.

Irn. 19 [R(ubrica). De iure et potestate aedilium]: aediles municipii Flavi Irn[i]tani sunt, annonam aedes sacras loca sacra religiosa oppidum vias vicos cloaca<s> balinea macellum pondera mensuras exigendi aequandi, vigilias cum res desiderabit exigendi ...

First of all, Papinian's remark may raise doubts as to the *curatores urbium* he mentions. What was the connection between their office and the aediles?⁶ *Curatores urbium* is a Latin translation of the Greek *astunomikoi*, magistrates responsible for care of the city⁷. In view of the duties of the *curatores urbium* Papinian enumerated in this passage, we are justified in thinking that he deliberately availed himself of the

Item curam agant, parietes privati [aliorumve delendum] quaeve alia circa domus viam attingunt vitiosa ne sint, ut domini aedium sic ut oportet eas commendent et reficiant. quod si non commundabunt vel non reficient, multando eos, donec ea firma reddant. 2. Item curam agant, ne quis in viis fodiat neve eas obruat neve quicquam in viis aedificet.

⁶ The *astunomikoi* were not the only Greek magistrates with powers corresponding to those of the Roman aediles. Other magistrates with similar powers were the *agoranomoi*. The main difference between the aediles and their counterparts in Greek cities may be observed in the scope of their respective duties. While aediles performed the duties of *cura urbis*, *cura annonae*, and *cura ludorum*, in Greece each of these offices was held by a separate magistrate. The *astunomikoi* were responsible principally for the protection, maintenance and conservation of public roads. The *agoranomoi* dealt with municipal food supplies. See J.-C. RICHARD, *Les origins de la plebe romaine. Essai sur la formation du dualisme patricio-plébéien*, Rome 1978, p. 582; O.F. ROBINSON, *Ancient Rome. City Planning and Administration*, London-New York 1992, p. 58; G. GROSSO, *Corso di diritto romano. Le cose. Con una «nota di lettura» di Filippo Gallo*, «Rivista di Diritto Romano» 1/2001, p. 63; M. KURYLOWICZ, *Zur Tätigkeit römischen Ädilen: Teil III*, «OIR» 9/2004, p. 92; A. UBBELOHDE, *Die Interdicte zum Schutze des Gemeingebrauches*, Erlangen 1893, p. 311, expressed his outright rejection of the treatment of Roman aediles and the *astunomikoi* as equivalent offices. Instead he tried to indicate similarities between the *astunomikoi* and the municipal magistrates. He also drew attention to the *quattuorviri viis in urbe purgandis*, lower-order magistrates with respect to aediles, whose powers regarding *cura viarum* (as described by Papinian) ideally matched those of the *astunomikoi*. See A. UBBELOHDE, *op. cit.*, p. 311-314.

⁷ O. F. ROBINSON, *op. cit.*, p. 57-58.

analogy with these magistrates to emphasise the municipal nature of aedileship and the duty associated with it to exercise custody over security and public order in the city.

On the grounds of the two passages cited we may divide the aedile’s duties into three categories. First, *cura viarum* in the sense of supervision of the public roads and precincts. Secondly, *cura aquarum*, which entailed the supply of water to the city and its distribution. The third category of the aedile’s duties was custody of the public buildings, temples, and sanctuaries (*cura aedium*)⁸.

II. *CURA VIARUM*

Of all the tasks associated with the aediles’ duties of *cura urbis* listed in the cited passage of *de cura urbis* (D. 43,10,1pr.), Papinian put custody of the city’s public roads first (*curam agant viarum in urbe*). He stressed that the aediles’ powers and liabilities were limited only to roads within the city bounds, which was an outcome of the municipal nature both of the office and of the roads. A partial explanation of this problem is provided by Ulpian in a passage from his commentary on a praetor’s edict announcing the issue of an interdict for the protection of public roads⁹.

D. 43,8,2,24 (Ulp. 68 *ad ed.*): *Hoc interdictum [ne quid in via publica itinereve publico facere immittere] tantum ad vias rusticas pertinet, ad urbicas vero non: harum enim cura pertinet ad magistratus.*

According to Ulpian’s record, the protection of public roads was to be administered in either of two ways, depending on the location of the road. Municipal roads (*viae urbicae*) were the responsibility of

⁸ PS. 5,6,2; G. WISSOWA, s.v. *aedilis*, «RE» 1/1894, col. 454; T. MOMMSEN, *RSR*, II.1, p. 477; W.W. RAMSAY, *A Manual of Roman Antiquities*, London 1863, p. 157-158; W. KUNKEL, R. WITTMANN, *Staatsordnung und Staatspraxis der römischen Republik*, München 1995, p. 487.

⁹ D. 43,8,2,2 (Ulp. 68 *ad ed.*): *Ait praetor: in via publica itinereve publico facere immittere quid, quo ea via idve iter deterius sit fiat, veto.*

magistrates; while an interdict *ne quid in via publica itinereve publico facere immittere* regulated the protection of country roads (*viae rusticae*). The authority and powers to protect the public roads and streets within the city were held by the censors¹⁰, aediles and inferior magistrates appointed to keep the municipal and country roads clean (*quattuorviri viis in urbe purgandis* and *duoviri viis extra urbem purgandis*)¹¹.

The municipal law laid down for the city of Heraclea at the close of the Republic, *lex Iulia municipalis (Tabula Heracleensis)*, offers an excellent source of information on the scope of aediles' powers regarding public roads¹². The second part¹³ of this law deals with the management of public roads and precincts, and contains an extensive account of the duties of aediles concerning the protection of such public sites:

Tab. Her. 2,20-23: Quae viae in urbe Rom(a) propiusve u(rbem) R(omam) p(assus) M, ubei continente habitabitur; sunt erunt, quouius ante aedificium earum quae | via erit, is eam viam

¹⁰ Compared with the role of the aediles in *cura urbis*, the duties of the censors were somewhat more "creative". They had the authority to build new roads. The *Via Appia* (otherwise known as the *Regina Viarum*, built by Appius Claudius Caecus, 312 BC); the *Via Postumia* (148 BC, by Spurius Postumius Albinus); the *Via Flaminia* (220 BC, by Gaius Flaminius) and the *Via Popilia* (132 BC, by Popilius Laenas) were some of the public roads built by censors. See R. LAURENCE, *The Roads of Roman Italy: Mobility and Cultural Change*, London 1999, p. 15, 22, 30; R.A. STACCIOLI, *Strade dei Romani*, English transl.: *The Roads of the Romans*, Los Angeles 2003, p. 60-61, 74, 76. Some authors deny that the censors had the authority to build roads, e.g. G. RADKE, *Viae publicae Romanae*, «RE», Suppl. 13, München 1973, col. 1433-1438, who is of the opinion that only the *Via Appia* was built by a censor.

¹¹ For more on the *quattuorviri viis in urbe purgandis* and *duoviri viis extra urbem purgandis* see R. KAMIŃSKA, *Ochrona dróg publicznych przez urzędników rzymskich*, «Zeszyty Prawnicze» 8.2/2008, p. 85-89; EADEM, *Ochrona dróg i rzek publicznych w prawie rzymskim w okresie republiki i pryncypatu*, Warszawa 2010, p. 64-67.

¹² FIRA I, p. 143-146.

¹³ E. BISHAM, *The End of the 'Tabula Heracleensis': A Poor Man's Sanctio?* (1), «Epigraphica» 59/1997, p. 126, who divided the text of *Tabula Heracleensis* into five parts.

arbitratu eius aed(ilis), quoi ea pars urbis h. l. obvenerit, tueatur; isque aed(ilis) curato, uti quorum | ante aedificium erit, quamque viam h. l. quemque tueri oportebit, ei omnes eam viam arbitratu eius tueantur, neve eo | loco aqua consistat, quominus commode populus ea via utatur.

As this excerpt from the *lex Iulia municipalis* shows, aediles’ duties of *cura viarum* involved all the operations strictly connected with the maintenance of the public roads¹⁴, keeping them unobstructed and safe for travel¹⁵. The *Tabula Heracleensis* gives a fairly laconic account of the scope of aediles’ duties regarding *cura viarum*. Generally the legislator tends to use the terms *tueor* and *cura*. More specific operations, such as repairing (*reficere*; *Tab. Her.* 2.26,28), paving (*sternere*; *Tab. Her.* 2.26,53), or cleaning (*purgare*; *Tab. Her.* 2.50) the public roads are mentioned less frequently. A detailed account of road maintenance occurs in a passage from Ulpian’s commentary to the praetor’s edict *De via publica et itinere publico reficiendo*:

D. 43,11,1,1 (Ulp. 68 *ad ed.*): *Viam aperire est ad veterem altitudinem latitudinemque restituere. sed et purgare refectionis portio est: purgare autem proprie dicitur ad libramentum proprium redigere sublato eo quod super eam esset. reficit enim et qui aperit et qui purgat et omnes omnino, qui in pristinum statum reducunt.*

¹⁴ W. KUNKEL, R. WITTMANN, *op. cit.*, p. 483. Although basically aediles dealt with the restoration and cleaning of the roads, there were a few cases of aediles constructing roads. In 295 BC two curule aediles, Gneius Ogulnius and Quintus Ogulnius, put a new top surface on the road from the *Porta Capena* to the Temple of Mars, financing the project with fines on usury. See Liv. 10,23,11-12; M.E. LABATUT, *L’administration des travaux publics a Rome*, Paris 1867, p. 19; T.R.S. BROUGHTON, *The Magistrates of the Roman Republic*, I, Atlanta 1951, p. 176. Two plebeian aediles, Publicius Malleolus and Marcus Publicius Malleolus, built the *Clivus Publicius*. See Varr., *de ll.* 5,32; Ovid., *Fast.* 293-295; M.E. LABATUT, *op. cit.*, p. 19; T.R.S. BROUGHTON, *op. cit.*, p. 219.

¹⁵ G. WISSOWA, *op. cit.*, col. 454; R. ORESTANO, *Il “problema delle persone giuridiche” in diritto romano*, Torino 1968, p. 306; U. BRASIELLO, *Lineamenti di storia del diritto romano*, Roma 1972, p. 163; T. MACIEJEWSKI, *Historia powszechna ustroju i prawa*, Warszawa 2000, p. 44.

Thus, according to Ulpian road maintenance comprised repairs and cleaning. Repairs meant restoring a road to its original height and width, and cleaning meant restoring it to its original level by removing waste from the road surface¹⁶. According to *Tab. Her.* 2.20-21 in the *lex Iulia municipalis*, the liability to maintain the road surface rested first and foremost on house owners whose properties adjoined the road. Hence it was the aediles' duty to see that landlords were carrying out their obligations and to manage public works. If a magistrate found that the persons liable were not carrying out their obligations and road repairs were needed, he could subcontract the task and charge the landlord or administrator of the property concerned with costs¹⁷.

Apart from the duty to maintain the roads, the aediles' *cura viarum* also meant the duty to keep the roads clean, hygienic, and traversable for traffic.

D. 43,10,1,4 (Pap. *de cura urb.*): *Item curam agant, ne quid ante officinas proiectum sit: praeterquam si fullo vestimenta siccet vel faber rotas foris ponat: ponunto autem hi quoque sic, ut vehiculum iter facere possit. 5. hi quoque sic, ut vehiculum iter facere possit. Ne sinunto autem neque pugnari in viis nec sterces proici nec cadavera nec pelles eo conici.*

On the basis of Papinian's text we may conjecture that the greatest amount of work to carry out the duties associated with road maintenance fell to those aediles who were responsible for trading areas. As his words indicate, aediles saw to it that the streets were kept clean by preventing the accumulation of waste in front of workshops, shops, and private households, especially rented accommodation (*insulae*). However, since some goods for sale as well as refuse was put out onto the streets, it was the aediles' job to make sure that the road would

¹⁶ D. 43,21,1,6; R. KAMIŃSKA, *Ochrona dróg i rzek ...*, p. 104.

¹⁷ *Tab. Her.* 2.32-33, 40: *Quemquomque ante suum aedificium viam publicam h.l. tueri oportebit, quei eorum eam viam arbitrato eius aed(ilis) quouis oportuerit, non tuebitur; eam viam aed(ilis), quouis arbitrato eam tueri oportuerit, tuendam locato. Ei quei eam viam tuendam redemerit, tamtae pecuniae eum eosve adtributio sine d(olo) m(alo).*

not be impassable for traffic due to this. In view of the urban way of life conducted in the streets, with trading done in front of shops, and refuse left outside the buildings¹⁸, the duties of aediles Papinian describes were absolutely indispensable in the conditions prevailing in Rome. It was essential to keep the roads in good order both from the point of view of freedom of passage and of public health and hygiene (*salubritas publica*). The removal of excrement from the streets (*in viis nec stercus proici nec cadavera nec pelles eo conici*) was to prevent evil smells and the spread of disease¹⁹.

The cleaning and repairing of the sewers had a similar purpose:

D. 43,23,1,2 (Ulp. 71 *ad ed.*): ... *quorum utrumque et ad salubritatem civitatum et ad tutelam pertinet: nam et caelum pestilens et ruinas minantur immunditiae cloacarum, si non reficiatur.*

The aediles' duties of *cura viarum* were connected with the inspection of the municipal system of drains and sewers. Failure to keep the sewers clean and in good repair meant the risk of the air being contaminated and buildings collapsing²⁰. Therefore control of the city's sanitation was another of the aediles' duties, and to carry it out they were authorised to inspect the baths, taverns, street canteens and the food sold in them, as well as the municipal drains and sewerage network²¹. To keep it

¹⁸ J. CARCOPINO, *op. cit.*, p. 53-58.

¹⁹ R. FISCHER, *op. cit.*, p. 100, 101. M. KURYŁOWICZ, *Publiczne porządki i nieporządki pogrzebowe w okresie wczesnego cesarstwa rzymskiego*, [in:] *Ochrona bezpieczeństwa i porządku publicznego w prawie rzymskim*, ed. K. AMIELAŃCZYK, A. DEBIŃSKI, D. SŁAPEK, Lublin 2010, p. 165 ff., writes that the streets and roads in the city were littered with human corpses, and that this was not an unusual sight. For more on this subject see p. 164-171.

²⁰ R. KAMIŃSKA, *Ochrona 'salubritas publica' na przykładzie 'interdicta de cloacis'*, [in:] *'Salus rei publicae suprema lex'. Ochrona interesów państwa w prawie karnym starożytnej Grecji i Rzymu*, ed. A. DEBIŃSKI, H. KOWALSKI, M. KURYŁOWICZ, Lublin 2007, p. 77.

²¹ Suet., *Tib.* 34; *Claud.* 38; D. SABATUCCI, *op. cit.*, p. 309; A.A. SCHILLER, *Roman Law: Mechanisms of Development*, Malta 1978, p. 185.

in working condition they carried out inspections of the sewers and whenever necessary managed cleaning projects and overhauls²².

Another of the aediles' responsibilities under *cura viarum* was traffic control²³ and road safety. Pedestrians were an even more distinctive phenomenon on the streets of Roman towns than vehicles. Overcrowding, an atmosphere of permanent noise and congestion, and chaotic traffic were typical features of just about every city in the Empire, especially Rome, where the sudden and rapid increase in population was the most acute, giving rise to a building boom²⁴. Several measures were taken to resolve the problems with traffic in the towns. One of them was to impose limits on traffic within the urban boundaries at given times during the day and year:

Tab. Her. 2.56-58: Quae viae in u(rbe) R(oma) sunt erunt intra ea loca, ubi continenti habitabitur, ne quis ne ieis vieis post k. Ianuar. | primas plostrum interdiu post solem ortum, neve ante horam X diei ducito agito ...

As this passage from the *Tabula Heracleensis* shows, in the city of Rome there was a ban²⁵ on vehicular traffic on all roads from sunrise to sunset, viz. for ten hours a day, after the Calends of January, when

²² These powers, too, were held by both aediles and censors. The work of Marcus Agrippa testifies to the broad range of powers held by aediles in the inspection of the municipal drains and sewers. See M.E. LABATUT, *op. cit.*, p. 15-16.

²³ Most probably traffic control was another of the aediles' duties. D. SABBATUCCI, *L'edilità romana: magistratura e sacerdozio*, [in:] *Atti della Accademia Nazionale dei Lincei, Memorie. Classe di Scienze morali, storiche e filologiche*, ser. VIII, VI, Roma 1954, p. 316, writes that traffic control was the aediles' principal office, while the rest of their road duties (viz. keeping the roads clean) were merely subsidiary and ancillary. See also W. KUNKEL, R. WITTMANN, *op. cit.*, p. 483.

²⁴ L. ZERBINI, *La città Romana. Studi e vita quotidiana*, Firenze-Milano 2008, polish transl.: A. BRZÓSKA, *Starożytne miasto rzymskie. Historia i życie codzienne*, Warszawa 2008, p. 93.

²⁵ The ban on vehicular transit traffic through Rome was not absolute; the legislator gave a precise list of the categories of persons exempted, along with reasons for the exemptions. See *Tab. Her. 2.59-65*.

pedestrian traffic was at its most intense²⁶. Although the law does not say this explicitly, we may assume that the persons responsible for the observance of this regulation were the curule and plebeian aediles, as well as the *quattuorviri viis in urbe purgandis* and *duoviri viis extra urbem purgandis*. The legislator did not specify the penalty for violations of the ban, either. We may speculate that it must have been a fine, and that the aediles administered it.

An edict *de feris* issued by the curule aedile provided particular protection for pedestrians. According to O. Lenel it read as follows: *Deinde aiunt aediles: ne quis canem, verrem [vel minorem], aprum, lupum, ursum, pantheram, leonem, qua vulgo iter fiet, ita habuisse velit, ut cuiquam nocere damnumve dare possit*²⁷. This reconstruction is based to a large extent on two passages from Ulpian's commentary on the edict, cited below²⁸:

D. 21,1,40,1 (Ulp. 2 *ad ed. aedil. curul.*): *Deinde aiunt aediles: ne quis canem, verrem vel minorem aprum, lupum, ursum, pantheram, leonem,*

D. 21,1,42 (Ulp. 2 *ad ed. aedil. curul.*): *qua vulgo iter fiet, ita habuisse velit, ut cuiquam nocere damnumve dare possit. si adversus ea factum erit et homo liber ex ea re perierit, solidi ducenti, si nocitum homini libero esse dicetur, quanti bonum aequum iudici videbitur, condemnetur, ceterarum rerum, quanti damnum datum factumve sit, dupli*²⁹.

²⁶ B. SITEK, 'Tabula Heracleensis (Lex Julia municipalis)'. *Tekst. Thumaczenie. Komentarz*, Olsztyn 2006, p. 46.

²⁷ O. LENEL, *Das 'Edictum perpetuum'*, Leipzig 1927, p. 566.

²⁸ The commentary to the edict issued by the curule aedile Paulus preserved in the Digests, D. 21,1,41 (Paul. 1 *ad ed. aedil. curul.*): *Et generaliter aliudve quod noceret animal, sive soluta sint, sive aligata, ut contineri vinculis, quo minus damnum inferant, non possint*, is not part of the text of the edict itself. See also O. LENEL, *op. cit.*, p. 566; G. IMPALLOMENE, *L'editto degli edili curuli*, Padova 1955, p. 87-88, note 3.

²⁹ A text almost identical in meaning but slightly shorter is contained in a passage of Justinian's Institutions. See I. 4,9,1: *Ceterum sciendum est aedilicio edicto prohiberi nos canem verrem aprum ursum leonem ibi habere, qua vulgo iter fit: et si*

According to Ulpian the edict on wild beasts prohibited the keeping of dangerous animals in places regularly attended by people, to prevent them from causing injury to humans or damage to property. Emphatically, the aedile did not issue an injunction on the possession of wild animals, but merely on keeping them in places where they were likely to cause injury or damage³⁰. We may speculate that the environs of the Circus Maximus, where shows featuring wild beasts (*venationes*) were put on, were an area subject to special surveillance³¹. However, the edict did not clearly specify the categories of locations subject to the injunction, viz. whether it applied only to public areas or private premises as well. We must bear in mind that the aediles' chief concern as regards *cura urbis* was the protection of public order. Hence we may assume that aediles also took action if a dangerous animal was kept on private premises, since in both situations it was a hazard to passers-by.

Liability for damage or injury caused by wild animals varied over a range determined by the gravity of the damage or injury. The maximum fine, amounting to 200 solidi (viz. 200 thousand sesterces)³², was applicable if a wild animal caused the death of a freeman. If a freeman was injured, a judge ruled on the amount of the fine (*quanti bonum aequum iudici videbitur*). In the event of bodily harm to any other person or damage to property the fine imposed was

adversus ea factum erit et nocitum homini libero esse dicetur, quod bonum et aequum iudici videtur, tantum dominus condemnetur, ceterarum rerum, quanti damnum datum sit, dupli.

³⁰ T. PALMIRSKI, *How the Commentaries to 'de his qui deiecerint vel effuderint' and 'ne quis in suggrunda' Edicts could be used on the Ground of 'edictum de feris'*, «RIDA» 53/2006, p. 326; IDEM, *Odpowiedzialność za szkody wyrządzone przez zwierzęta według 'edictum de feris'*, «CPH» 59.1/2007, p. 178.

³¹ H. HEUMANN, E. SECKEL, *Handlexicon zu den Quellen des römischen Recht*, Graz 1971, s.v. *venari*, p. 580; L. ZERBINI, *op. cit.*, p. 105.

³² O. LENEL, *op. cit.*, p. 566. The *solidus* was not introduced until the reign of Constantine, as a type of *aureus*. See H. HEUMANN, E. SECKEL, s.v. *aureus*, p. 47, s.v. *solidus*, p. 523; *Oxford Latin Dictionary*, ed. P.G.W. GLARE, Oxford 2007, s.v. *solidus*, p. 1782.

double the value of the loss³³. Liability under the edict *de feris* was objective, viz. independent of the liable person’s guilt³⁴. Moreover, it was also independent of the right of ownership of the animal. In other words custody, “having the said thing in one’s hands” (*corpus*)³⁵ gave sufficient grounds for liability, as observed in the following passage from *Pauli Sententiae* on *actio de feris*:

*P.S. 1,15,2: Feram bestiam in ea parte, qua populo iter est, colligari [praetor prohibet] <aediles prohibent>: et ideo, sive ab ipsa sive propter eam ab alio alteri damnum datum sit, pro modo [admissi extra ordinem] actio in dominum vel custodem datur*³⁶.

An *actio de feris* was brought against the person who had custody of the animal (*corpore possidere*), regardless of whether they owned it or not³⁷.

Although we do not know much about the edict *de feris* itself – not even when it was issued – nonetheless we can say it was characteristic of the scope of powers attributed to the curule aedile. It represented a cross between the aedile’s duties under *cura urbis* and *cura ludorum*. Aediles were the magistrates responsible for the organisation of public

³³ The principles governing the penalties in the edict *de feris* are very similar to those in the praetor’s edict *de his qui deiecerint vel effuderint*. See T. PALMIRSKI, ‘Effusum vel deiectum’, [in:] *Au-delà des Frontières. Mélanges Wołodkiewicz II*, Warszawa 2000, p. 671-672, 676 ff.; IDEM, *How the Commentaries...*, p. 328 ff.; IDEM, *Odpowiedzialność za szkody ...*, p. 179. For more on liability and jurisdiction under *de his qui deiecerint vel effuderint* see W. WOŁODKIEWICZ, ‘Deiectum vel effusum’ oraz ‘positum aut suspensum’ w prawie rzymskim, «CPH» 22.2/1968, p. 33-35; IDEM, ‘Obligaciones ex variis causarum figuris’ (ricerche sulla classificazione delle fonti delle obbligazioni nel diritto romano classico), «RISG» 14/1970, p. 203-204.

³⁴ W. WOŁODKIEWICZ, M. ZABŁOCKA, *Prawo rzymskie. Instytucje*⁵, Warszawa 2009, p. 257.

³⁵ Ibidem, p. 131.

³⁶ According to Paulus this prohibition was imposed by a praetor. However, the passage in question in *Pauli Sententiae* is believed to have been interpolated. See O. LENEL, *op. cit.*, p. 566, note 9.

³⁷ G. IMPALLOMENI, *op. cit.*, p. 86; T. PALMIRSKI, *How the Commentaries ...*, p. 330-331; IDEM, *Odpowiedzialność za szkody ...*, p. 181.

games and festivities (*ludi*), and had to ensure the peaceful staging of such events; they were also responsible for the preparations and performance of circus entertainments³⁸.

III. *CURA AQUARUM*

Cura aquarum was another administrative area, alongside *cura viarum*, where censors' and aediles' powers overlapped. However, the powers of aediles were clearly of secondary importance in respect of *cura aquarum*. They could only exercise certain of their powers regarding *cura aquarum* if for some reason the censors could not perform the duty. One such situation occurred whenever there was a vacancy in the censor's office³⁹. That there was such a relation between the censors and aediles is testified to by a passage from *De aquaeductu Urbis Romae* in which Frontinus discusses the issues involved in the licensing of the use of public water resources by private individuals⁴⁰:

Front., *De aq.* 95: *Ad quem autem magistratum ius dandae vendendaeve aquae pertinuerit in iis ipsis legibus variatur. interdum enim ab aedilibus, interdum a censoribus permissum*

³⁸ T. PALMIRSKI, *How the Commentaries...*, p. 324; IDEM, *Odpowiedzialność za szkody ...*, p. 174.

³⁹ Elections to the office of censors were not held annually, but usually every five years, for a term in office of eighteen months. See A. TARWACKA, *Wybór i objęcie urzędu przez cenzorów w starożytnym Rzymie*, «Zeszyty Prawnicze» 10.2/2010, p. 113.

⁴⁰ Under the Republic the parties entitled to claim the right to a special water licence were the *principes civitatis*, those who enjoyed a superior social status; and service-providers such as dyers' workshops and baths. A licence could be issued free of charge or for a fee, depending on the status of the licensee. See A. MALISSARD, *Les Romains et L'Eau. Fontaines, Salles du Bains, Thermes, Égouts, Aqueducs ...*, Paris 1994, p. 288-289. Under the Republic a water licence authorised its holder to an additional quota only of *aqua caduca*, viz. the surplus flowing out of the water tanks and therefore of poorer quality for drinking. Thus it could be dispensed to private individuals. See S.C. PÉREZ-GÓMEZ, *Regimen juridico de las concesiones administrativas en el derecho romano*, Madrid 1996, p. 234-236; G.M. GERER KRAEMER, *El derecho de aguas en Roma*, Madrid 2008, p. 167-168.

invenio; sed apparet quotiens in re publica censores erant, ab illis potissimum petitum, cum non erant, aedilium eam potestatem fuisse.

According to Frontinus, the right to distribute and sell water (*ius dandae vendendaeve aquae*) belonged to the censors⁴¹. It could only devolve to the aediles in the event of the censors' absence⁴².

The aediles' powers to make decisions regarding the distribution and use of public water supplies went further. Not only did they decide on the use of water by private parties, but also in situations when water was needed for public purposes. Frontinus describes one such case, the water supply for the Circus Maximus:

Front., *De aq.* 97: *Quanto opere autem curae fuerit ne quis violare ductus aquamve non concessam derivare auderet, cum ex multis apparere potest, tum et ex hoc quod Circus Maximus ne diebus quidem ludorum circensium nisi aedilium aut censorum permissu inrigabatu, ...*

This passage shows the care taken to prevent damage to the aqueduct or the drawing of water by unauthorised persons, as evidenced by the fact that water was supplied to the Circus Maximus only when the aediles or censors issued a licence, and this applied even on days when games or circus events were scheduled. Not even the administrators organising games were exempt from applying for a water licence⁴³. However, we may assume that such applications were lodged in the first instance with the censors. Aediles were empowered to issue water licences only if the censors were away. Thus the aediles' range of

⁴¹ M. E. LABATUT, *op. cit.*, p. 7; M. KURYŁOWICZ, 'Tresviri capitales' oraz edylowie rzymscy jako magistratury policyjne, «Annales UMCS», Sec. G Ius, 40/1993, p. 75; R. KAMIŃSKA, 'Cura aquarum' w prawie rzymskim, «Zeszyty Prawnicze» 10.2/2010, p. 96-97.

⁴² M. PEACHIN, *Frontinus and the 'Curae' of the 'Curator Aquarum'*, Stuttgart 2004, p. 97-99; G. DE KLEIJN, *The Water Supply of Ancient Rome. City Area, Water and Population*, Amsterdam 2001, p. 94; O.F. ROBINSON, *op. cit.*, p. 96-97; A. MALISSARD, *op. cit.*, p. 290.

⁴³ R. KAMIŃSKA, 'Cura aquarum' w prawie ..., p. 99-100.

duties definitely increased whenever there were no censors to handle them. On the other hand, when the censors were available the duties of the aediles were basically to inspect the public water supply and the conduits and installations for its transport and distribution⁴⁴. The aediles were also responsible for the supervision of contractors for public works, especially as regards the maintenance and repair of the water supply system.

Front., *De aq.* 96: *Tutelam autem singularum aquarum locari solitam invenio positamque redemptoribus ...; eorumque operum probandorum curam fuisse penes censores, aliquando et aediles, interdum etiam quaestoribus eam provinciam obvenisse, ut apparet ex S.C. quod factum est C. Licinio et <Q.> Fabio consulibus.*

According to Frontinus the maintenance of the aqueducts was usually contracted out to entrepreneurs (*redemptores*), whose work was supervised by magistrates and officially accepted and endorsed in a *probatio*. The magistrates authorised to prove such work were first and foremost the censors, who could delegate this duty to lesser magistrates, usually aediles and occasionally quaestors⁴⁵.

In the city of Rome the aediles were also responsible for the quality and distribution of public water. They controlled the supply of water to private individuals to prevent its excessive use and discover cases of water being drawn over and above the prescribed limit. Frontinus' citation from one of the republican laws on the principles for the use of public water and the penalties envisaged for abuse may serve as evidence of the importance of this task and the difficulties in carrying it out:

Front., *De aq.* 97,5-8: *In eisdem legibus adiectum est ita: "Ne quis aquam oletato dolo malo, ubi publice saliet. Si quis oletarit, sestertiorum decem milium multa esto."* *Cuius rei*

⁴⁴ W. KUNKEL, R. WITTMANN, *op. cit.*, p. 488.

⁴⁵ R. KAMIŃSKA, 'Cura aquarum' w *prawie* ..., p. 97; F. MILLAR, *The 'Aerarium' and Its Officials under the Empire*, «JRS» 54/1964, p. 33-34, 75.

causa aediles curules iubebantur per vicos singulos ex eis qui in unoquoque vico habitarent praediave haberent binos praeficere, quorum arbitratu aqua in publico saliret.

Frontinus tells us that the law laid down a fine for any act resulting in the pollution of water available in the public fountains. For this reason the curule aediles were instructed to appoint two of the local inhabitants or landlords in each district to look after the fountains in their neighbourhood⁴⁶. Frontinus' account shows that the people of Rome worked in close co-operation with the aediles. This regulation for the overseeing of the public fountains was no doubt advantageous for both parties, citizens and magistrates alike. In many places throughout his treatise Frontinus stressed that the water supply was a public amenity and available to all, therefore the discovery and prevention of abuses and thefts was in the public interest. Even if in certain cases there were parties who held a special right to draw water, they could only exercise it on public consent or else they were charged a water-rent (*vectigal*). At all events, in the latter situation, when the rent-payers were parties operating workshops or service providers, the fact that they were drawing large quantities of water and on better conditions also worked in the public interest, since it meant a better quality of services⁴⁷. Moreover, in this case, too the aediles and censors were responsible for the maintenance of the quality of water drawn from the Tiber and keeping the riverbed clean. They also handled projects to prevent and repair any damage caused by seasonal river floods⁴⁸.

⁴⁶ C. KUNDEREWICZ, *Studia z rzymskiego prawa administracyjnego*, Łódź 1991, p. 140; A. MALISSARD, *op. cit.*, p. 298.

⁴⁷ G. DE KLEIJN, *op. cit.*, p. 98.

⁴⁸ C. VARELA GIL, *Los administradores de Roma (desde el morigen de la ciudad hasta Justiniano)*, «RGDR» 7/2006, p. 10.

IV. *CURA AEDIUM*

Cura aedium was associated with the creation of the office of plebeian aedile, which was established for the protection of the plebeian temples, in which all the resolutions passed by the plebs (*omnia scita*)⁴⁹ were deposited. The aediles exercised special care over the Temple of Ceres, which became their headquarters⁵⁰. The worship of this goddess was one of the most popular plebeian cults, and her temple, which was dedicated in 496 BC, was an exceptional edifice, the only building to be erected in compliance with the counsel of the Sibylline Books and founded by the aediles⁵¹. The protection of the temples, which was one of the most ancient of the aediles' duties, was a sacred office, though only in part, for although they were places of worship, temples were also public institutions⁵². Under the Republic the curule and plebeian aediles had the authority to inspect public and private buildings. Just how important *procuratio aedium sacrarum*, overseeing the temples, was, is indicated in Cicero's oration against Verres (Cic., *in Verr.* 2,5,36), in which he lists it alongside the general *cura urbis* as one of his duties as aedile. The task was distinctly characteristic of these magistrates; so much so that the office was said to owe its very name to it⁵³:

Varr., *de ling. Lat.* 5,81: *Aedilis qui aedes sacras et privates procuraret.*

Fest., s.v. *aedilis*, p. 12 (L): *Aedilis initio dictus est magistratus, quia aedium non tantum sacrarum, sed etiam privatarum curam gerebat. Postea hoc nomen ed ad magistratus translatum est.*

⁴⁹ D. 1,2,2,21 (Pomp., *l.s. enchir.*): *Itemque ut essent qui aedibus praeessent, in quibus omnia scita sua plebs deferebat, duos ex plebe constituerunt, qui etiam aediles appellati sunt.*

⁵⁰ W. KUNKEL, R. WITTMANN, *op. cit.*, p. 475.

⁵¹ E. M. ORLIN, *Temples, Religion and Politics in the Roman Republic*, Boston 2002, p. 25, 26.

⁵² E. MAKOWIECKA, *Sztuka Rzymu od Augusta do Konstancyntyna*, Warszawa 2010, p. 60.

⁵³ W. KUNKEL, R. WITTMANN, *op. cit.*, p. 487.

Both Varro and Festus give the information that the aediles were the magistrates whose duties included looking after public and private buildings. *Procuratio aedium sacrarum* entailed not only supervision of the work of the guardians of the temples (*aeditui*) and protection of their furnishings and resources, but they were also responsible for the material and structural condition of particular temples⁵⁴. They financed the costs of this work out of their personal funds or from fines they could impose as aediles⁵⁵. We may assume that the powers of the curule and plebeian aediles were equal in this respect⁵⁶.

On the other hand there are some doubts as to the powers of aediles with respect to private buildings. The fundamental question concerns the nature and extent of the actions they could undertake on the grounds of *cura aedium privatarum*. Essentially it was the occupant who was charged with the maintenance of the private property in which he resided in good repair. But inspection by a magistrate was warranted by the need to prevent buildings which fell into a bad state of repair

⁵⁴ M.E. LABATUT, *op. cit.*, p. 27; A. DĘBIŃSKI, 'Sacrilgium' w prawie rzymskim, Lublin 1995, p. 84 note 79, p. 99-100; W. KUNKEL, R. WITTMANN, *op. cit.*, p. 487.

⁵⁵ Curule aediles had the power to impose fines in connection with their jurisdiction over street-markets. See M. KURYŁOWICZ, *Przestępstwa spekulacji 'contra annonam' w prawie rzymskim*, «Folia Societatis Scientiarum Lublinensis» 34/1993, Hum. 1, p. 13; IDEM, *Zur Marktpolizei der römischen ...*, p. 455; IDEM, *Działalność edylów rzymskich w okresie republiki w sprawach agrarnych*, [in:] *Honeste vivere ... Księga pamiątkowa ku czci Profesora Władysława Bojarskiego*, Toruń 2001, p. 103-104. Kuryłowicz describes cases where a fine was imposed on cattle breeders who sub-leased pasturelands from the state and violated tax regulations. More on fines as a penalty administered by aediles in M. KURYŁOWICZ, *Zur Tätigkeit römischen ...*, p. 99-102. The curule aedile L. Postumius Megellus funded the erection of the *Aedes Victoriae* out of fines he had collected (Liv. 10,33,8). Likewise curule aedile Q. Fabius Guergens used funds from fines to build the *Aedes Veneris* (Liv. 10,31,7). The plebeian aediles C. Fundanius and Tiberius Sempronius Gracchus applied funds from fines to raise the *Aedes Iovis Libertatis* on the Aventine (Gell. 10,6). L. Publicius Malleolus and M. Publicius Malleolus, founders of the *Clivus Publicius*, erected the *Aedes Florae* next to the *Circus Maximus* (Tac., *Ann.* 2,49); M.E. LABATUT, *op. cit.*, p. 25-26; T.R.S. BROUGHTON, *op. cit.*, p. 165, 178, 216, 219; P. PACE, *Gli Acquedotti di Roma*, Roma 1998, p. 59, 60.

⁵⁶ C. VARELA GIL, *op. cit.*, p. 9.

from becoming a hazard to public premises, temples, and public order and safety. Inspection by a magistrate was necessitated above all by the specific nature of urban buildings. In the early Republic buildings tended to have a single storey. The favourite type of residence was a spacious, well-appointed *domus*, which was feasible at the time in view of the city's relatively small population. However, by the end of the Republic a change had ensued. Due to the dramatic population explosion a revolution occurred in building styles, and now tall and congested structures were the predominant type. *Insulae*⁵⁷, residential buildings consisting of rented accommodation, became characteristic not only of the city's poorer districts. Owing to the cramped conditions and chaotic urban planning prevalent in built-up areas there was no other option for the erection of temples other than in the vicinity of residential buildings. No better sites were available, and even the way the temples were built was reminiscent of the principles employed in the construction of private buildings⁵⁸. Hence the supervision exercised by aediles of the city's public and private buildings alike seems all the more justified. A key point on their agenda was inspecting the condition of walls and preventing any damage which shoddy walls could have caused. If an aedile found a building in a bad condition he had the duty to inform the individual responsible for it of the need to carry out repairs or an overhaul, and if he refused to comply with the order the magistrate could impose a fine⁵⁹.

⁵⁷ Cheap rented housing was called *insulae*, separated off from each other like islands by a narrow passage. See L. ZERBINI, *op. cit.*, p. 86.

⁵⁸ The typical feature these buildings shared was their location adjoining street fronts, with entrances only from the street. Their back or even side walls could be completely obscured, depending on the position of neighbouring buildings. Another common characteristic of municipal buildings, including religious edifices, was their "terrace" arrangement. See E. MAKOWIECKA, *op. cit.*, p. 61-62, where the temples are described as built alongside each other with their short elevations, entrance-halls, and stairways leading out onto the street, and with no exits on the back.

⁵⁹ M.E. LABATUT, *op. cit.*, p. 30-31.

V. FINAL REMARKS

The words of Cicero quoted at the beginning of this essay were by no means an exaggeration. Even though my observations have been restricted to *cura urbis*, I believe I have sufficiently demonstrated that the office of the aediles did indeed entail care of the city as a whole. If we recall that the aediles were also responsible for *cura annonae* and *cura ludorum* Cicero’s opinion will sound all the more convincing. Furthermore, as I pointed out at the beginning, *cura urbis* had a double nature. On the one hand it involved tasks associated with keeping the city clean and inspecting the state of its sanitation. On the other hand it put the aediles in the position of guardians of the citizens’ moral salubrity. Both offices put them in the category of municipal magistrates. As municipal magistrates in the former role the aediles were assigned the duties of *cura viarum*, the basic idea of which was to keep the streets and roads passable, particularly for vehicular traffic⁶⁰. Under *cura aquarum* the aediles monitored the aqueducts and the entire network and facilities of the public and private water supply. Aediles were also responsible for the care of public buildings and facilities such as baths, theatres, as well as of temples and sanctuaries (*procuratio aedium sacrarum*)⁶¹. To a certain extent even the objective of their duty to inspect private houses, *cura aedium privatarum* was to protect public premises. The idea behind this duty was to prevent potential damage which could be caused due to defects in the construction or the poor condition of private buildings raised *in publico*. Moreover, the aediles were bound by law to intervene in the event of private buildings or installations being constructed illegally or on public land⁶². Another circumstance which indicates the municipal nature of aedileship was the fact that the aediles held the right to perform their

⁶⁰ A. CORBINO, *Le ‘viae’ della legislazione decemvirale*, «Labeo» 29/1983, p. 234; W. KUNKEL, R. WITTMANN, *op. cit.*, p. 483. This was probably why the aediles and censors were called *curatores viarum*. See M.E. LABATUT, *op. cit.*, p. 19.

⁶¹ A. D’ORS, *De nuevo sobre la ley municipal*, «SDHI» 50/1984, p. 182-183.

⁶² W. KUNKEL, R. WITTMANN, *op. cit.*, p. 483-484.

duties under *cura urbis* only on the area within the city, as far as to the first milestone out of Rome.

Another characteristic feature of the aediles' office is the fact that a substantial part of their powers under *cura urbis* was linked or overlapped with the powers of the censors. However, the aediles were never subordinated to the censors, and they carried out their duties on an independent basis. One of the facts testifying to their independent status is that they embarked on interventional actions at their sole discretion and covered the expenses incurred thereby out of their own pockets or out of funds accrued from the fines they imposed.

TOTAM URBEM TUENDAM ESSE COMMISSAM (CIC., *IN VERR.* 2,5,36).

EDYLOWIE STRAŻNIKAMI PORZĄDKU W RZYMIE REPUBLIKAŃSKIM

Streszczenie

W republice kompetencje edylów kurulnych i plebejskich były bardzo szerokie. Obejmowały ogólną pieczę nad miastem (*cura urbis*), troskę o zaopatrzenie i rozdzielnictwo zboża (*cura annonae*) oraz organizację igrzysk (*cura ludorum*). Każde z tych zadań charakteryzowało edylów jako magistratury miejskie. Najbardziej rozwinięty katalog obowiązków istniał w ramach *cura urbis*, a wszystkie one miały na celu zapewnienie ogólnego porządku i bezpieczeństwa w mieście. W związku z tym, *cura urbis* obejmowała zadania o charakterze typowo porządkowym. W pierwszej kolejności należała do nich *cura viarum*, tj. troska o czystość dróg, ulic i placów. Edyłowiem dbali także o stan sanitarny miasta (*salubritas publica*), co wiązało się m.in. z kontrolą i konserwacją systemu kanalizacyjnego. Poza tym, należał do nich nadzór nad budynkami publicznymi i prywatnymi. W ramach *cura aedium* troszczyli się zatem o ich stan techniczny, a w przypadku konstrukcji publicznych, mieli zapobiegać ich uszkodzeniom. W rękach edylów znajdowała się również *cura aquarum*, czyli administrowanie wodami publicznymi. Do ich kompetencji należało więc zaopatrywanie miasta w wodę i związana z tym piecza nad akweduktami oraz troska o żeglowność i czystość Tybru.