

Appendix 5.

Concerning raw silk. (De metaxa.)

Customs officials (commerciarii) should buy raw silk from barbarians at 15 solidi per pound, and resell it to dealers in silk, or to others for the same price, and in a state of purity without string or other attachment and without dirt. But if anyone who is not a¹ customs official buys anything from barbarians and imports raw silk, the customs official can take it away from him, and the purchaser will be deprived of his property and perpetually exiled. Similarly, the customs official and dealer in raw silk will be punished if they buy or sell for an amount above that stated.

Merchants of such wares must give a bond to the city prefect that they will not secretly but publicly sell everything which they sell; for they will be punished (for violation). The Count of the Imperial Exchequer must, in accordance herewith, enter upon the books of the fisc the price of all silk which is turned over to him to the fisc. The purchaser, moreover, who is forced to pay more than the fixed price, may sue the seller and recover two-fold; for the seller will then suffer the penalty stated.

Note.

The date of this law is fixed by Zacharia von Lingenthal in 9 Men. de l'acadam. de St. Pet. 6 (ser. 7) at between 540 A.D. and 545 A.D. As noted in C. 4.40.2, the Count of Commerce, who was under the Count of the Imperial Exchequer, was the only person authorized to buy silk. This provision had been made in order to prevent the Persian traders from taking advantage of competition to raise the price of silk. So the Count of Commerce, through his agents, the commercarii, purchased

¹ This portion of the appendix starts on a new page in Justice Blume's manuscript, at the top of which he penciled-in "Beginning to 4.40.2." This apparently refers to C. 4.40.2, which states: "As was previously ordered, we also now direct that no one except the Count of Commerce (comes commerciorum) shall have the right to acquire silk from the barbarians." As has been noted previously, Justice Blume initially attached parts of the Novels to Code sections he deemed they affected.

all silk and turned over what was necessary to the public factories that ministered to the need of the imperial court, and sold to private enterprises all that was not so required. In 540 A.D., war broke out between Rome and Persia, the silk trade was interrupted, and the price went up. So Justinian gave instruction not to pay more than fifteen gold pieces for a pound of it. But the Persians did not care to sell for this price, and the silk factories of Berytus and Tyre suffered severely, and as the supplies dwindled, the factories raised the price of silk products. The emperor then intervened and fixed 8 gold pieces a pound as the maximum of silk stuffs. Bury, 2 Hist. Later Roman Empire 331.