

### Edict 11.

That weighers and minters in Egypt shall have no right hereafter to ask anything for pure gold (obryza) but that coined money shall be made there the same as in this great city, putting on the coin a stamp according to (indicating) the weight.

(*Ut nullam copiam habent ponderatores et monetarii apud Aegyptios posthac quicquam pro obrussa exigendi, sed ad instar magnae hujus urbis signatum illis aurum fiat, signa vero illi imponant secundum pondus in signato servatum.*)

### Headnote.

It seems that coins were made in Alexandria of less weight than shown by the stamp thereon. The weighers here mentioned seem to have been the *xygostatai*, mentioned also in C. 10, 73, 2, who were appointed in every city so that true weights might obtain, and the persons making payments might not be cheated. See also paratitlon of Gothofredus, C. T. 12, 7. It would seem that they, as well as the minters in Alexandria, in receiving gold, took a certain amount of it for their own benefit, similar to the *epimetrum*, extra payment, which collectors of taxes received, so as to be sure that they sustained no loss. This amount of gold so retained by the weighers and minters was called *obryza*, which meant pure gold. Gothofredus on C.T. 7, 24, 1. If the gold was coined, the minters in coining it subtracted a certain amount therefrom. The weighers apparently stamped the weight on these coins. Gothofredus on C. T. 12, 7, 2. But in doing so, they marked the coins as though containing the weight of the whole amount of gold delivered to them. In other words, the weight was short the amount of *obryza* retained by the minters and the weighers. The result, of course, was, that when these coins were used in commercial transactions, the difference between the actual weight and the amount stamped thereon was considered

in computing the amount necessary to be paid in coins, the difference sometimes amounting to as high as nine gold pieces in a pound of gold. There were 72 gold pieces to a pound. C. 10, 72, 5. Justinian accordingly abolished the practice of taking obryza either on the part of the weighers and minters or on the part of the public, directed that the true weight should be stamped on all coins, and that this true weight should be accepted as such in all commercial transactions. See also Cujacius on C. 11, 11, 3 (2, 695).

Justinian states in this Novel, that the practice of taking obryza was confined to Alexandria. But it would seem that a certain amount was demanded as such, in order to insure the full amount payable, in other transactions long before the enactment of this law. See Cujacius, supra, and Gothofredus on C. 7, 24, 1. The particular evil in Alexandria seems to have been that the coins made were actually underweight -- a practice that probably had not been adopted anywhere else.

The same Emperor (Justinian) to Peter, glorious praetorian prefect of the Orient the second time, and count of the imperial exchequer the second time and exconsul.

Preface.

What is called obryza by the Egyptians, unknown in former times, has recently become troublesome in connection with contracts and has come into use to such ridiculous extent, that nine gold pieces are given for each pound of gold. We have thought it best to suppress and abolish it, so that it may not hurt the public interests and be troublesome in contracts of subjects, especially since, as we have learned, this absurd situation exists mainly in Alexandria alone, but not in Egypt (generally) or in other cities of that province.

Edict 11.

c. 1. We therefore ordain that gold in the diocese of Egypt shall be treated (coined) according to ancient usage, although in the meantime coinage, which is called absolute<sup>(a)</sup> by the Alexandrians, has been corrupted, so that no one can demand anything for the badly invented "obryza," and the gold used in Egypt shall also be computed in connection with contracts the same as the gold coined in this great city. This shall be observed at the peril of the officiating Augustal prefect in Alexandria and the Official staff under him.

(a) This probably meant coinage the stamp of which stated the true weight or value.

c. 2. Since the weigher and minters are the source of this fraud, we enjoin upon him (the Augustal prefect), who has these officers under his control, to appoint them under proper assurance by them that they will render assistance in connection with contracts by "absolute" coinage, and that if any stamping (on coins) is to be done, they will put the true weight on the stamped coin, and it shall not be permitted, according to the custom heretofore wrongfully followed, to inscribe upon the stamped coins anything but the true weight. If they venture to do anything (contrary hereto), their property will be confiscated, and they will be subjected to bodily punishment, as persons who have not even subsequent to this order desisted from their customary dishonesty. And they must, in sending gold as usual to the Augustal prefect and whoever may officiate as such and to the collector of imposts (albarcha) who now officiates or may hereafter officiate as such, and the superintendent of the imperial treasury pay it over without any charge for obryza. (pro obrussa).

Note to c. 2. Edict 11.

the weighers and minters received the gold mentioned here as having to be sent by them to certain officials probably from the tax payers, or from the officials collecting the taxes, acting as it were, as intermediaries only.

c. 3. We direct him (the Augustal prefect) and his successors in office and the apparitors under them to look after this matter, and they may know that if it appears that they have demanded anything from the imperial collectors of imposts (alabarchae) or from the provost of the imperial exchequer for obryza, they will be compelled to pay it out of the salary assigned to them and their apparitors, as well as out of their own property, not only while they are in office, but also after they have retired from it, and whether they received their part pursuant to a written concession, or without one, since such charge (obrusa) is not ancient, but has arisen in recent times. 1. And you will also announce to traders who have been accustomed to make a profit (therefrom), that if they accept anything for obryza or take into account, their property will be confiscated and they will be subjected to bodily punishment. For we direct that a matter so badly commenced, and which has progressed to such extent, and which injures the whole republic, shall hereafter be abolished pursuant to the present law and shall not hereafter be troublesome in contracts. This shall be observed at the peril of the Augustal prefect, and whoever occupies that office hereafter, and at the peril of their official staff, so that even the memory of such practice shall be destroyed, and contracts made in the diocese be liberated therefrom.

Epilogue.

Your Glory will direct this our will, declared by this imperial law, to be carried into force and effect and to be observed. Given December 27 (559).