

Book IV.
Title LIX.¹

Concerning monopolies, and concerning unlawful assembly of merchants and concerning prohibited and illegal agreements of artificers, contractors and bath-keepers.

(De monopoliiis et de conventu negotiatorum illicito vel artificum ergolaborumque nec non balneatorum prohibitis illicitisque pactionibus.)

4.59.1. (In Greek) Emperor Leo.

No one shall enjoy a monopoly in any place or city of any material or thing, salt excepted, not even if he has obtained (the right to the monopoly) by an imperial rescript, nor shall he bring forward or offer a petition for that purpose.

1. And in order that what has been worthily ordered and decided may remain fully in force, we do not permit the illustrious officiating quaestor, the other glorious nobles of the imperial palace, the worshipful notaries, the worshipful *secunderius* or *tertiocerus* of the splendid tribunes and the officiating worshipful *referendarii*s to be unacquainted with this imperial will, in case they hereafter accept such petitions, or lend their help to any of such people, either by giving them information or indications, or making suggestions to them, or by supplying them with anything important or needful.

2. Whoever of the bureau of memorials, or palatine officials, or others in the imperial service assists them by writing or suggesting anything, or in any other manner giving them aid, shall be punished by the loss of his official girdle, and by confiscation of his property. Bearing this in mind, all our subjects may, in accordance with this law, enter into contracts which are not forbidden.

(473).

Note.

The nobility in Rome were, in Justinian's time, divided into those that were of illustrious, worshipful, and honorable rank, the quaestor of the palace, who may be called the attorney general of the empire, was one of those of highest rank. The notaries here mentioned were not notaries in the modern sense of that term, but were secretaries to the emperor, and are considered in C. 12.7. Their chief was called *primecerius*, the second in rank *secunderius*, the third in rank *tertiocerus*, and together with others were at times called tribunes and notaries. The referendary was a secretary of the emperor. See note C. 12.7.2. The bureau of memorials was one of the imperial bureaus considered at C.12.8.

4.59.2. Emperors Zeno to Constantinus, City Prefect.

We order that no one shall have a monopoly, acquired either on his own initiative or by the authority of an imperial rescript heretofore or hereafter elicited, or by the authority of a pragmatic sanction, or by an imperial notation, of any kind of cloth, fish, shell-fish, sea-urchin, or of any other article used for food or for any other purpose; nor shall anyone swear or agree in any unlawful meeting not to sell the various articles of commerce for less than the price agreed on.

1. Building artificers also and contractors, persons of the other trades and bath-keepers, are entirely forbidden to agree among themselves not to complete any work let to someone else, or not to interfere in any undertaking put in charge of another; and every

¹ [Blume] Rev. 2/21/32.

person has permission, without injurious results to him, to complete any work commenced but left unfinished by another, and to denounce every such offense without fear and without any court expense.

2. And if anyone shall dare to carry on any monopoly, his goods shall be confiscated and he shall be sent into perpetual exile.

3. If the chiefs, moreover, of the various trades hereafter dare to make agreements as to fixing prices of things, or if they enter into and bind themselves by any other illegal contracts, we decree that they shall be punished by a fine of fifty pounds of gold. Your official staff will be punished by a fine of forty pounds of gold, if condemnations pursuant to our salutary order for prohibited monopolies and forbidden agreements of guilds are not, perchance, inflicted by reason of any venality, dissimulation, or some other disobedience of duty.

Given December 16 (483).

Note.

C. 8.10.12.9b also treats of the subject of work commenced by one contract being finished by another, and makes provisions similar to those mentioned in the foregoing law.