

Novel 85.

Concerning arms.

Emperor Justinian Augustus to Basileides, glorious Master of the Offices.

Preface. Calling upon the great God and Jesus Christ, our Saviour, and invoking His aid, we strive to keep our subjects, whom God has given us to govern, from all damage and harm, and prohibit fights, which, undertaken through thoughtlessness, end in slaughter, and bring double penalty—that which the combatants bring upon themselves and that which the law visits upon them for their madness.

c. 1. As we want men to be exempt from such manner of death, we direct that no private person shall manufacture arms, but they shall be made only by those employed in the factories of arms, called armories; and they shall only manufacture them, but shall not sell them. And we do not even permit the armorers assigned to the troops (from among the guilds of armorers), who are also called “deputies,”* and who receive a salary from the fisc, to make any arms or sell them, but they shall simply take care of the arms of the soldiers in the troop in which they themselves serve. If they make any arms, they shall be taken from them and sent to the imperial armories to be added to the public arms.

Note.

*The armorers belonged to a separate guild; some of them were assigned to troops of soldiers to take care of the arms of the soldiers belonging to that troop. These are the men mentioned here.

c. 2. We also want this to be observed by those (armorers) who are in the ranks of the artillerymen,* stationed in different cities, among whom we have placed men who are experienced in making arms. These men shall only repair and keep in order the public arms in the public armories in the different cities, and if they make any kind of new arms, they shall deliver them to the custody in the public armories, and shall in no event sell them to anyone.

Note.

*Balistarii—operators of ballista, which were hurling engines. A full discussion of this subject is found in Smith’s Dictionary of Greek and Roman Antiquities under the subject of “tormentum.”

c. 3. This must be obeyed by the armorers enrolled among the artillerymen at the peril of the chiefs of the cities, in which care we have placed the artillerymen themselves, as well as the care and custody of the public armories. And if any “deputies” or (other) armorers sell any arms, the magistrates of the cities must take care that such men are punished, and must further see that the purchasers of such arms deliver them up, without compensation, and that the arms are confiscated to the fisc. Having obtained this plan from God who governs us, we ordain by the present law that no private persons shall make, sell or engage in the commerce of any arms in any city or province of our republic, and only persons enrolled among the armorers shall make them, and they shall deposit them in the imperial armory.

And we further ordain that it shall be your duty and that of your successors to designate, at the peril of the first five of the bureau of armorers, some of the record keepers (chartularii) in that bureau, who are under your jurisdiction, whose reputation is good and who are suitable, who may keep a watch of those in this fortunate city and in other cities of the republic that manufacture arms, and prohibit all private persons, and all others except those enrolled in the imperial armories among the armorers, to make arms, and to take the arms from all private persons who are found so daring as to do so, and sent them to the imperial armory. And if they find among the private workmen any suitable artisans, who wish to be enrolled in the imperial service, they shall put their names on the register and send us the register, so that such men may, by an imperial rescript, be placed where there are public armories, and that, while making public arms, they may receive a salary from the treasury. If the foregoing is done and carefully guarded by the persons mentioned, no opportunity will be given either to private persons in cities, or to farmers who cultivate the farms, to use arms against each other or committing slaughter in which many men are killed, or to have the public tribute fail while those

who cultivate the soil are either killed or take to flight through fear. **1.** Those moreover who are sent by Your Sublimity from the aforesaid bureau of armorers must, after having forbidden all private persons from making arms, receive assurance from the magistrates and their official staffs and from the defenders and fathers of the cities that they will not thereafter give anyone permission to do anything contrary to our prohibition, but that they will observe the orders made by the present law—a pecuniary penalty as well as capital punishment hanging over them. For we ordain that if the prefect of the great city of Alexandria neglects what has been ordered by us, he must pay a penalty of twenty pounds of gold and will lose his magistracy, and his official staff must pay a penalty of twenty pounds of gold and suffer capital punishment; the presidents of the other provinces will be visited with a penalty of ten pounds of gold and they themselves and the members of their official staff will incur the risk of losing their office; the defenders and the fathers of the cities will be punished by a fine of three pounds of gold and suffer capital punishment, if they find out anything of the kind and do not punish it, or do not inform those who may do so, but keep it under cover.

c. 4. In order to make it clear what arms are prohibited by us to be made by all private and other persons except those enrolled in the imperial armories, and which are prohibited to be sold to private persons, we also are pleased to indicate them. We forbid all private persons to make and sell: bows, arrows, broad, two-edged swords (*spathas*), swords carried on the hips, cuirasses, pikes, lances made in any form or shape, javelins called *monocontia* by the Isaurians and the missiles called *zibynoi*, also shields and helmets. We permit no one to make these arms except those who are enrolled in the imperial armories. We permit only small knives to be made by and sold to private persons, which cannot be readily used in war. Your Sublimity, therefore, will cause this general law to be made public in this imperial city as well as in the other cities of the republic, so that all may know and obey it.

c. 5. You will also let [know]¹ the record-keepers (chartularii) from the bureau of armorers whom we have mentioned, and who are overseers, as stated, that if they are negligent, they will not only suffer a pecuniary penalty but also corporal punishment, and that they will be dismissed from service, aside from the fact that the members of that bureau will no longer be permitted to look after these matters, but that duty will be given to others.

Epilogue. Your Sublimity, and your successors, will take care to carry this our will, declared in this law, into force and effect, in fear of our indignation, if a matter so beneficial to our republic is not carried out.

Given at Chalcedon, June 25, 539.

¹ Justice Blume's translation here appears to have been influenced by the German version of this Novel, which both uses the command form *Du wirst...*, "you will" and the verb *anziegen*—to notify; hence my completion here as "let know," which of course is awkward. However, Schoell and Kroll's Latin edition begins *Denuntiamus*, "we order." Scott's English translation is more in keeping with the Latin version in that he begins: "We notify the chartularies who have been appointed from the aforesaid Bureau of Armorers..."