

Book XII.
Title XXXVIII (XXXIX).

Concerning the baking and the transportation of the military supplies.
(De excoctione et translatione militariun annonarum.)

12.38.1. Emperors Arcadius and Honorius to Stilicho, Count and Master of both Military Forces.

The special collectors of military supplies (opinatores) to whom the products in the different provinces are sent¹ demand, contrary to all custom the baking of bread, although no troops (familii) are stationed there. Your illustrious authority, therefore, will restrain this new abuse, so that when the collectors of supplies are sent into the provinces, the ancient custom is observed.

Given at Milan September 13 (399).

C. Th. 7.5.1.

Note.

This law, as contained in the Justinian Code has very little meaning. Gothofredus remarks that the clause in the Theodosian Code and left out of the Justinian furnishes the only clue to the real meaning. The opinator was a special collector sent from the capital into the provinces for the purpose of urging the governors and those under him to promptly collect the taxes destined for military purposes. C. 12.37.11 and note. These special collectors had evidently been accustomed to go into the provinces and on the pretext of the cost of baking bread had required that the tax payers, in paying for their food supply tax in money, should pay an additional price to cover the expense of baking. The foregoing law forbade the addition of such amount in all cases when no soldiers were stationed in the province and no baking of bread was required. Gothofredus on this law.

The fact that the term 'familia' was at times used for a portion of the troops has already been mentioned in note C. 10.1.9.

12.38.2. The same Emperors and Theodosius to Hadrianus, Praetorian Prefect.

No person and not even our own house, is exempt in connection with the baking of the biscuit, which must be prepared for the devoted soldiers, or from the transportation of supplies. 1. If anyone, which we do not believe will happen, neglects to comply with the precepts in that regard, his agent will be severely punished, and if the owner appears to have knowledge of such contumacy, fourfold the amount, which, in proportion to his land tax has been assessed against him shall be demanded from him and paid without delay.

Given at Rome March 24 (404).

C. Th. 7.5.2.

Note.

The baking of biscuits and bread was not imposed upon the parties here mentioned, but the cost of it was, the assessment being according to the land tax (capitatio). The bakers were with the army. This burden, so imposed on land owners

¹ [Blume] The Theodosian Code here contains the clause 'so that they may, in valuing it, ask for a great price.'

was a burden in addition to the regular tax. See also C. 10.48.12. The duty and burden of hauling public supplies has already been mentioned in C. 10.16.6 and note, and that, too, was an additional burden. As to exemptions of imperial lands from special burdens, see note C. 10.19.4 and references there given.