

Book XI.  
Title X. (IX.)

Concerning makers of arms.  
(De fabricensibus.)

Headnote.

The arsenals were state factories, under the control of the master of offices, for the purpose of making arms for the government. In the Orient there were 16 state arsenals, in Illyria five, in Italy six, in Gaul nine. Up to the time of Justinian, the manufacture of arms was not a state monopoly, but it was made so in 539 A.D. when Justinian, by Novel 85 forbade the manufacture of weapons by, or sale, to civilians. He provided that the master of offices should appoint certain men from the bureau armorers to see that the law was not violated, and, among other things take promises from the governors, their staffs, and defenders and curators (fathers) of cities that they would not permit any violation of the law.

The armorers, employees in these arsenals, constituted a hereditary guild. They were branded on the arms, just as soldiers were so that they could be recognized and returned to their work, if they should attempt to flee. The whole corporation was liable for the delinquency of one of its members. See, Boak, Master of Offices 86-89; 1 Karlowa 916.

The members of the guild were, generally, probably selected by the guild itself, as is indicated by laws 4 and 5 of this title, though these nominations, perhaps, were required to be confirmed by the emperor the same as the guild members mentioned in C. 11.8.16. Novel 85, c. 3, provided, however, that suitable employees for the arsenals might be selected by the men appointed to see that this Novel was enforced, sending the names to the emperor for confirmation. It also appears from that Novel that the armorers received salaries or compensation, confirming the provisions of C. 11.8.16. See also headnote C. 9.12 and C. 11.47. See Nov. 85.

11.10.1. Emperors Valentinian, Theodosius and Arcadius to Tatianus, Praetorian Prefect.

We direct that no money shall be turned over to arsenals in place of goods (metal), but that the goods themselves shall be promptly delivered, so that iron ore may be had from a good vein and which is ductile or easily melted. In this way the ability to commit fraud may be the more easily taken away and the public interest advanced. Given October 18 (388).

C. Th. 10.22.2.

Note.

If money had been furnished instead of material, embezzlement of some of the money might have been covered up by buying poor iron ore.

11.10.2. The same Emperors to Rufinus, Master of Offices.

We direct that the chief (primicerius) of the arsenal, shall after the period of two years not only have freedom from service but also a position of honor, so that each may, in his own time, be enrolled among the protectors (of the same armory, for the period of two years), to adore Our Eternity.

Given at Milan March 8 (390).  
C. Th. 10.22.3.

Note.

The words in bracket should, both according to Cujacius and Gothofredus, be omitted, as being an interpretation, holding that there were no protectors of the arsenals. The protectors referred to were the members of the emperors body-guard considered at C. 12.17. A position of that kind was very much coveted.

11.10.3. Emperors Arcadius and Honorius to Hosius, Master of Offices.

Brands, that is public marks, shall be put on the arms of armorers in imitation of recruits, so that in that way may be recognized those who hide and those who surreptitiously avoid their work and have become engaged in some (other) public service. Persons who conceal them or their children, will, without question, be claimed for the arsenals.

Given at Constantinople December 15 (398).  
C. Th. 10.22.4.

11.10.4. Emperors Honorius and Theodosius to Anthemius, Praetorian Prefect.

If any one thinks of joining the guild or armorers in the city in which he was born, or in which he selected his domicile, he shall, when the proper parties have been called together, made a record (written document), showing that neither he, his grandfather or father were born a curial; that he owes nothing to the curia of the city, and that he is not subject to any municipal liturgy. When this record is made before the moderator of the province or, in his absence before the defender of the city, then only he may be admitted to the service which he seeks. But if anyone has crept into the guild of armorers without this precaution, he may know that he will be returned to the liturgies of the curia of his native city, and no lapse of time or prerogative of service shall avail him.

Given at Constantinople May 18 (412).  
C. Th. 10.22.6.

Note.

It was stated at C. 10.32.32 that persons who were subject to curial duties could not become armorers. No lapse of time prevented them being returned. C. 10.32.55.

11.10.5. Emperors Theodosius and Valentinian to Aurelianus, Count of the Crown Domain.

It is provided by law that armorers must work their own trade, and that, exhausted by their labors,<sup>1</sup> they, together with their offspring, shall remain attached to the trade to which they were born. 1. A breach of duty committed by one, is committed at the peril of the whole number, so that, held responsible for their selections,<sup>2</sup> they may keep a watch

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<sup>1</sup> [Blume] The text is perhaps somewhat corrupted. The meaning clearly is that when the parents quit, the children take their places.

<sup>2</sup> [Blume] The members of the guild of armorers evidently selected their own members, as is also indicated by law 4 of this title. It is possible that C. 11.8.16 was meant to apply also to this corporation, though that is uncertain on account of the position given that law

over the acts of their associates, and the damage caused by one is at the peril of all. Thus all shall, if the matter requires it, be responsible for the fraud of any one of them, as in a corporation.<sup>3</sup>

Given November 4 (439).

11.10.6. Emperors Leo and Anthemius to Emphemius, Master of Offices.

We direct that those who belong to the armorers of the imperial arsenal, or their wives or sons, who likewise are said to belong to the service as armorers, need not answer those who sue them in any place except in the court of Your Sublimity, under whose jurisdiction and authority they are. Nor shall they, after the completion of their service, be unlawfully disturbed by the rectors of the provinces or their officials about municipal (civilibus) or curial liturgies for which they are shown to be in no manner liable.

Note.

The subject of special judicial jurisdiction of superiors in office over their subordinates, see note C. 3.13.7.

11.10.7. The same Emperors to Euphemius, Master of Offices.

No armorer shall hereafter attempt to lease, manage or farm another's property. If the owners venture to violate these statutes of Our Piety, they shall lose the property or lands which they put in charge of persons whom they know to be armorers, and the armorers shall be severely punished, lose their property, and sent into perpetual exile. 1. If transportation (argariac) on the post-roads is necessary for transporting arms, Your Sublimity must order letters to be sent to the eminent prefecture, indicating the number of arms to be transported and from which place, so that he may, by his order immediately call upon the moderators (governors) of the province to furnish transportation facilities according to the number of arms to be transported, so that the necessary ships or transportation on the public post-road may be immediately provided for at public expense (de publico), according to the notification of Your Sublimity. 2. But, if, after Your Sublimity has written to the eminent prefecture, any tardiness or negligence intervenes in transmitting the orders of the prefecture and the transportation of arms is thereby delayed, the officiating chief accountant (numerarius) of the office of that prefecture, as well as the others, charged with a duty in connection therewith, shall be condemned to a fine of five pounds of gold, to be collected immediately and paid to the fisc. Further, a fine of 30 pounds of gold shall be paid by the governors of provinces and their apparitors if the transportation of arms is delayed by their fault and tardiness, after they have been notified.

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in the Code. Novel 85, c. 3, made special provision for selecting employees. See headnote to this title.

<sup>3</sup> [Blume] velut in corpore unius formae.