

Book XI  
Title III.

Concerning Estates of Shipmen.  
(De praediis naviculariorum.)

11.3.1. Emperors Valentinian and Valens to Aurelianus, Prefect of the Food Supply.  
We direct that the House of Our Clemency, too, must acknowledge the duty which it owes as to the property subject to shipping burdens.  
Given September 29 (367).  
C. Th. 13.6.5.

Note.

Certain lands were charged with the burden of providing ships for the transportation of public supplies. If these lands became imperial property, they nevertheless remained subject to this burden.

11.3.2. The same Emperors and Gratian to Chilo, Procounsul of Africa.

Since it is not right to forbid a contract of sale and purchase as to property subject to shipping-burdens, the purchaser shall be subject to this shipping-burden, in proportion to the property acquired. For the property, not the person of the buyer, is subject to this burden. 1. Nor do we order the purchaser to become a member of the guild of public seamen, but the part purchased shall be liable for its property proportion. Not all of the patrimony of the man who buys a small tract shall be subject to shipping-burden, but that portion which in the beginning belonged to a public seaman, shall alone be obligated thereto, and the remainder of his patrimony, free from these fetters, shall remain exempt and immune. 2. Houses, the upkeep of which is more for ornament of the city than for an income, shall when sold by the public seamen, be subject to shipping duty only in proportion to the income therefrom, if rented. If on account of limited space of the place, it produces no income; or if any one adds to the city, as an ornament, a structure the erection of which is difficult, or an expensive embellishment, or if he ornaments his habitation as is often done in a praiseworthy spirit, we do not want the ornamentation subsequently added to be the cause of an undue valuation, but the former appearance of the place and the income therefrom shall be considered for that purpose rather than the embellished condition added through the industry of a spirited man.

Given August 3 (375).  
C. Th. 13.6.7.

Note.

By the terms of this law, all lands subject to shipping duties, remained so. The lands might be transferred, but the transferee was subject to the burdens attached thereto, without, however, himself becoming a member of the guild of public seamen, though the claim was evidently made that by acquiring such property, or a part of it, made them members of such guild. Limitations as to the valuation to be fixed thereon - which implies that a certain amount of money was to be paid for the purpose of helping to bear the shipping duties - are mentioned, so as not to discourage improvements on the land.

It is said by Rostovzeff, Soc. & Econ. Hist. note 20, page 602, that the responsibility of the members of the guild of public seamen was not collective, but that

such responsibility was always personal. But that could have been true only partially. The guild as a whole had to see that ships were provided, that men were hired, that ships sailed and hauled the supplies. The money necessary for these purposes was evidently collected from the lands subject to shipping duty. The laws in C. Th. 13.6 clearly show that these lands were considered, in a sense at least, as lands belonging to the corporation; the corporation complained because some persons sought to withdraw part of them, and it was given a right of action to recover them for the benefit of the corporation. The corporation, doubtless, determined each year the amount of assessments which were required to be paid by the lands.

### 11.3.3. Emperor Arcadius and Honorius to Messala, Praetorian Prefect.

Those who have by any title received from seamen estates subject to shipping duties, are liable for such shipping duties according to the valuation of the land originally affixed thereto; and they need not think that conditions which a poor vendor, at the behest of the buyer, agrees to fulfill will be of any advantage to them, and, further, the rule will remain in force, that if the estate is transferred to a purchaser who is poor, the vendors of the estate transferred, too, remain liable, and let it be plain, above all, that the interests of the fisc must be looked after by the persons able to do so.

Given February 16 (399).

C. Th. 13.6.8.

#### Note.

The principle stated in the two previous laws that lands once subject to shipping duties remained so, is repeated in this law. This duty could not be evaded by a seller who was poor covenanting to pay the money due for shipping duties, thereby relieving the buyer. And on the other hand, if the buyer was poor, the seller remained liable, just as a seller remained liable for taxes generally if he sold property to a buyer who was poor, as is fully stated in note to C. 4.47.3. See also C. 11.66.3.