

Book XI.
Title VIII. (VII.)

Concerning the fishermen of the purple fish, imperial weavers, procurators of weaving,
minters and freight-haulers.
(De nurilegulis et gynaeciariis et procuratoribus gynaecii et de monetariis et bastagariis.)

11.8.1. Emperor Constantine to the Bithynians.

The minters shall always remain bound to their status nor shall the privilege of any rank release them therefrom.

Given July 19 (317).

C. Th. 10. 20. 1.

Note.

This law shows that there was a mint in Bithynia at the time of the issuance of this rescript. That appears to have continued (at Nicomedia). Bury, Hist. Later Roman Empire 537, says that under Anastasius there were only three mints, Constantinople, Nicomedia and Antioch; that under Justin I, Thessalonica and Cyzicus were added; that under Justinian money was coined also at Alexandria, Cherson, Carthage, Rome, Ravenna and in Sicily. The number of minters is not known. Their work was a liturgy and they were bound to their status, just as curials, public seamen and public miners.

11.8.2. The same Emperor to Felix.

The procurators of the crown estate, and the dyers and weavers,¹ through whom both our private substance is damaged, and the goods made in the weaving rooms are spoiled, and in the dye-works the bad mixtures of the polluted dye results in spoiled fabrics, must refrain from (employing) unlawful patronage (suffragiis) through which they obtain the positions mentioned; if they shall have violated these provisions they shall be punished by the sword.

Given October (333).

C. Th. 1.32.1.

Note.

A gynaecium was properly a place where women worked at spinning and weaving. Guthrie, De officiis domus Augustae 590. Cynaeciarii were organized as a guild and were apparently makers and weavers of good, such as silk and linen goods (Gothofredus, paratitlon to C. Th. 10.20), in imperial factories, although Stockle, Spatrom. u. byz. Zunfte 29, seems to confine the term to makers of silk goods in such factories. A distinction is drawn between them and linen weavers in C. 11.8.13. The main imperial silk factory was at Tyre, famous for making silk goods. Weaving houses were located in various parts of the empire, and dyeing houses were probably connected therewith. The procurators of these establishments, were according to the Register of Dignitaries, under the count of the imperial exchequer. Goods were made and dyed in these establishments both for the imperial house and for the army. See Gothofredus,

¹ [Blume] This is the interpretation given to this law by Bas. 54.16.2 and by Cujacius. Much in this law is obscure and it has doubtless come to us in a somewhat corrupted state. See lengthy note in Otto, Schilling and Sentennis.

supra. Aside from these imperial establishments, there were private ones also, although the making of and dyeing of purple goods came to be a state monopoly. C. 4.40.1; Bas. 19.1.80; Stockle, supra 30 at 111.

11.8.3. Emperors Valentinian and Valens to Germanus, a Consular.

If free born women marry weavers and they after being solemnly warned do not prefer the splendor of their birth to the low condition of their husbands (contuberniorum), they shall be bound by the condition of their husbands.

Given at Milan June 28 (365).

C. Th. 10.20.3.

Note.

This law shows that the condition of weavers was considered very low. Contubernium meant a marriage that was entered into between slaves.

11.8.4. The same Emperors, Praetorian Prefect.

As a remedy for the present, a fifth animal shall be furnished freight-haulers for the purpose of replacement.

Given at Marcionopolis December 13 (368).

C. Th. 10.20.4.

Note.

Freight-haulers (bastagarii) were in the employ of the government, probably were organized as a guild, and were bound to their condition just as decurions were to theirs and members of guilds generally were to theirs. Law 8 of this title. They are mentioned in C. 12.57.3, (where the provincial apparitors in Syria were exempted from the care of looking after the carriage of freight), and in the instant law and law 8 of this title. Carriage of freight is mentioned in the Register of Dignitaries, both of the Occident and the Orient, as under the supervision of the counts of the imperial exchequer and the crown domain, and superintendents of baggage are mentioned in the register referring to the Orient. It is clear that the bastagarii looked after the hauling of freight or baggage belonging to the two departments just mentioned. Humbert, 1 Les Finance etc. 373. Hudemann, Gesc. d. Rom. Postwesens 80, thinks they were confined to the Orient, were probably connected with the public post, and were probably furnished by the curials of cities to perform the duties above mentioned. As to the public post, see C. 12.50.

11.8.5. The same Emperors and Gratian to Philematius, Count of the Imperial Exchequer.

Whoever have been found to have in hiding any slave of the weaving rooms (gynaecii) shall be fined five pounds of gold.

Given at Cilicia August 21 (372).

C. Th. 10.20.7.

11.8.6. Emperors Gratian, Valentinian and Theodosius to Eucherius.

Whoever has kept slaves of our weavery (textrini) in hiding, shall be fined 3 pounds of gold for each person so hid.

Promulgated at Carthage February 27 (380).

C. Th. 10.20.9.

11.8.7. The same Emperors to Hesperius, Praetorian Prefect.

We order that no woman of noble station must lose the honor of her native liberty by any marriage with a minter.² But if any one leads her away (in marriage) in violation of this order³ she, after legal admonishment, may leave him, or if she deems it best to remain within the embraces of a minter, she may not doubt that will prejudice herself and her children, and will be bound to the condition of her husband. 1. If any female serf, (originaria seu colonaria) on another's property marries a minter with or without the knowledge of the master, the latter, when warned, must promptly recall the persons bound to the soil, or know that, for the future they have by connivance through silence lost the power of recalling them. 2. And as we do not want any outside woman to be married to a minter, so we also prohibit daughters of minters to be married to outside men.

Given at Aquilleia March 14 (380).

C. Th. 10.20.10.

11.8.8. The same Emperors to Trifalius, Count of the Imperial Exchequer.

We make this eternal rule, that no freight-hauler (bastagariis) shall be permitted either to abandon his service or surreptitiously attempt to enter another before the former is completed.

Given at Heraclea August 24 (384).

C. Th. 10.20.11.

Note.

It will be noticed that freight haulers were bound to their condition, just as members of other guilds. Note to law 4 of this title. That appears more clearly from the Theodosian Code, from which the instant law was taken, which omits "before the former is completed." Gothofredus, however, on commenting on this insertion in the Justinian Code, does not think that the rule above mentioned was changed thereby. Humbert, 1 Les Finance 373, thinks that they constituted a guild.

11.8.9. The same Emperors and Arcadius to Principius, Praetorian Prefect.

If any one dares to use a ship assigned for gathering the purple fish, he shall pay 2 pounds of gold into the treasury.

Given at Aquileia September 26 (385).

C. Th. 10.20.12.

Note.

The gatherers or fishermen (murilegulus) of the purple fish were state employees performing a liturgy, were organized as a guild, and were bound to their condition as members of other guilds in the service of the state. The purple fish furnished the dye for the use of the imperial family. See, 1 Karlowa 916; Gutherius, supra 595. The last

² [Blume] i.e. such women were forbidden to marry minters.

³ [Blume] The text is somewhat corrupt, though the meaning is clear. Women not born of minters (outsiders) were forbidden to marry minters, and in the same way daughters of minters were forbidden to marry any one outside of that guild.

author says that the men of this guild were under the procurator of the dye-works. See law 17 of this title.

11.8.10. Emperors Arcadius, Honorius and Theodosius to Philometor, Count of the Imperial Exchequer.

We direct that silk dyed purple and raw silk (metaxa) of every kind shall be delivered washed to the imperial storehouses. A fine of 20 pounds of gold will be visited upon those who manage the bureau of taxes and these primates of any official staff, if they permit the imperial statutes to be violated.⁴

Given at Constantinople June 27 (406).

C. Th. 10.20.13.

Note.

The importation of silk was under the control of the count of commerce, who, according to the Register of Dignitaries was under the count of the imperial exchequer. C. 4.40.2. There was a department of taxes (canonum) under the latter as shown by the same register, and it was evidently this department which kept account of the deliveries of silk.

11.8.11. Emperor Theodosius and Caesar Valentinian to Maximinus, Count of the Imperial Exchequer.

The gatherers of the purple fish, who, abandoning and scorning the duty of their own station in life, are said to wear the ribbon and girdle of positions of rank entirely denied them, shall be recalled to the bonds of their own trade and birth. 1. Persons, moreover, who appear to have taken over property of those who remain in the station of their origin and who perform their customary duties, must restore all such property, by whatever title acquired, to the former possessors thereof. 2. But if persons not belonging to that station detain property belonging to it and they prefer to bear its burdens, rather than to give up the property, they must perform all future duties resting upon it and, without excuse, pay arrears accruing while they were in possession.

Given at Constantinople October 16 (424).

C. Th. 10.20.14.

Note.

It would seem clear from this law that the gatherers of the purple fish were situated very similarly as the public seamen were; not only were they bound to their condition, but their property, too, was responsible. This property could not be sold to any outsider, unless the latter was willing to pay his proper share toward the expense incident to the occupation of the gatherer of the purple fish. As in the case of public seamen, so, doubtless, the corporation, or guild, of the gatherers of the purple fish, levied assessments against the property belonging to the members of the guild, to defray the expenses incident to the work. To what extent, they were reimbursed by the state, does not appear. The guild probably furnished the necessary ships, for it was the policy of the government

⁴ Blume penciled in above this: "G. [probably Gothofredus] speaks of vestes-species. But did it not really consist of threads of purple or raw silk? G. says that species=vestes—but that is not at all persuasive. Metaxa was dyed in imperial dye-houses. C. T. 10.20.13=C. J. 10.20.13=C. J. 10.9.5."

to make various organizations responsible for carrying out certain duties. The responsibility was probably collective.

11.8.12. The same Emperor and Caesar to Maximinus, Count of the Imperial Exchequer.

Children, born or to be born, of daughters of fishermen of the purple fish whose father is of different origin, follow the condition of their mothers.

Given May 24 (425).

C. Th. 10.20.15.

Note.

Nov. 38, c. 6, provides that the children of a curial and the daughter of a fisherman of the purple fish should follow the condition of the father. The instant law was, accordingly, repealed to that extent. That is true also as to law 15 of this title.

11.8.13. Emperors Theodosius and Valentinian to Acacius, Count of the Sacred Treasury.

If any of the corporations of (silk) weavers (*gynaeciariorum*) or weavers of linen thread or cloth, minters, fishermen of the purple fish or of other similar corporations, subject by birth to the department of the imperial treasury, wish hereafter to be freed from their corporation, they shall not, relying upon imperial permission⁵ substitute any person indiscriminately, but only whom he has, in every way and under the personal observation of you high office, show to be suitable. Provided that, he, who has been freed from his condition pursuant to an imperial rescript granted by imperial favor, may not doubt, that all his offspring, as well as his own property, will remain subject to the imperial exchequer in connection with the performance of the duties of the above mentioned corporation.

Given at Constantinople February 23 (426).

C. Th. 10.20.16.

Note.

All the employees in the service of the state here mentioned were under the general supervision and control of the count of the imperial exchequer. The 'other similar corporations' here mentioned doubtless included the freight haulers, some of whom, however, were under the control of the count of the crown domain. These employees, while bound to their station, could be released therefrom by imperial permission. But it will be noted that such release did not include the property nor the offspring of the person released.

11.8.14. The same Emperors to Acacius, Count of the Imperial Exchequer.

The masters of the imperial wardrobe and linen vesture, the provosts of the storehouses, the procurators of the dyeroms and weaving rooms, and the others who are charged with a matter of that kind, shall not be permitted to take charge of matters pertaining to the imperial treasury till their management is guaranteed by satisfactory sureties and they must not hereafter ask (to be excused therefrom by) imperial letters. About (426).

⁵ [Blume] *freti dextrae triumphalis absolutione*. This refers to a notation of the emperor written with his right hand.

Note.

The members of the corps of the imperial wardrobe, their mothers and wives were placed under the jurisdiction of the master of offices by Leo and Anthemius. C. 12.25.3; The Grand Chamberlain, by Dunlap in Roman and Byzantine Studies, University of Michigan Series, 219.

11.8.15. The same Emperors to Valerius, Count of the Sacred Treasury.

Children whose father or mother is shown to be a gatherer of the purple fish, need not doubt, that they are bound to the duty mentioned.⁶

Given at Constantinople March 23 (427).

C. Th. 10.20.17.

11.8.16. (Synopsis in Greek)

No one shall, as has been done, be enrolled in any public guild unless the cause is urgent, and he belongs to it by birth and is of suitable age and experience. A record thereof shall be made before the president of the province and the corporation shall vouch for him as a suitable person. This record shall be sent to us, so that we may confirm them by an imperial letter, which will serve as an order of appointment. If anyone violates these provisions, he shall neither receive the usual emoluments nor shall he be enrolled in the guild; but he shall, on the contrary, be whipped and relegated from the province in perpetuity. And whoever gives him assistance, especially the superintendent (praepositus) shall be subjected to the same punishment.

Note.

This law appears in Bas. 54.16.16. It is important in several respects. It reads as though applicable to all public guilds or corporations, though whether that was intended, is uncertain. It provides that no one should be taken in to the guild except pursuant to an imperial appointment, in like manner as officials were appointed. As to armorers, see note C. 11.10.5. It must, of course, be understood that the emperor ordinarily acted through subordinates, since he could not possibly look after such matters himself, unless in exceptional cases. The law is further important in that it shows that the members of the public guilds received a salary or compensation.

⁶ [Blume] See law 12 of this title and note.