

Book X.
Title XXVII.

That no one shall be allowed to excuse himself from submitting to forced purchases of food supplies and concerning the duty of purveyor.
(Ut nemini liceat in coemptione specierum se excusare et de munere sitoniae.)

Bas. 56.9.4.

10.27.1. Emperor Anastasius to Matronianus, Praetorian Prefect.

Whenever it is necessary to acquire grain, barley and other kinds of food supplies from any provinces, we direct that no land owner shall, under any pretext of privilege, have the right to excuse himself. No exemption perchance given, or hereafter given to any land owner in any manner or at any time by an imperial rescript, pragmatic sanction, or judicial order, shall be of any avail in contravention of the tenor of this most beneficial law. 1. So completely do we desire to subject all to such burdens in proportion to their possessions, that we do not suffer the estate of Our Piety, or of our serene spouse, to be exempted from submitting to such acquisitions.

Given at Constantinople July 30 (491).

Note.

The present title deals with compulsory sales of supplies, necessary for the army or other public purposes. Novel 130 also shows compulsory sales in connection with supplies for the army. Rostovtzeff, Soc. & Econ. Hist. Roman Empire 334, calls such sales an "intolerable burden." To some extent that is doubtless true, and yet, bearing in mind the development of commerce and trade in the Roman empire, and the fact that the market price was required to be paid, it is not unlikely that in many cases the owner of products was glad to avail himself of the market thus furnished him. The worst evil, perhaps, that existed in connection with these sales was the corruption of officers. In C. 12.37.19.2, for instance, it appears that some clerks connected with the army, the *chartularii*, would buy up products at prices perhaps largely fixed by them, in order to dispose of them to the army for a higher price later.

10.27.2. (In Greek.)

The inhabitants of the cities or persons who have landed possessions therein, shall not be compelled to haul produce (of the soil) to another city or to the metropolis. 1. But if an inevitable cause makes that such haulage necessary, they must sell for a just price, prevailing in the city from which the produce is furnished, the produce to be transported by those who need them. 2. The price for the produce paid to the sellers shall be at the same rate at which they themselves must pay the fisc in gold¹ for it would be unjust to ask any persons to deliver produce, and afterwards figure its value at the price prevailing when the supply is abundant. 3. The honorable president of each province must, at his peril, take care that the price of the produce is valued, and published at the times fixed

¹ [Blume] Payment of tax in produce was, in the later empire, generally converted at a certain rate, into payments in gold.

therefor.² 4. But no one shall be compelled to sell all of his produce, but only what is superfluous, for it would be impious to deprive anyone of things of which he is in need, and turn them over to others. Whoever violates this law or permits it to be violated will suffer punishment of a fine of one-hundred pounds in gold, and he will endanger his position of dignity and the girdle of his office. 5. No one shall compel the land owners to submit to a forced sale except in case of necessity, and whenever it is done, it shall be done only under imperial order, and the gold owing for the forced sale shall be retained as offsetting the payment in gold to be made by the land owners, when the gold payment due equals the sum due for the sale.³ 6. But if those who are forced to submit to a forced sale owe no tax, or only a part, they shall first be paid in gold, in honest coin, before the produce is demanded of them, and no one shall dare either to pay in dishonest coin, pay only part of the sum owing, or in any other manner inflict damage upon those subjected to the sale, and (if he does) he shall pay fourfold the deficiency in weight (of the coins) and the amount held back. 7. If anyone dares to impose a forced sale, or when imposed make demands, contrary to law, he will be punished by a fine of fifty pounds, will lose his position and rank and will, in addition, be subject to graver punishment. 8. When, however, a forced sale has been imposed by an imperial order, all the land owners will be subjected to it in proportion to the tax-units (*jugera vel capita*), and no one shall be exempted therefrom. 9. But whoever demands anything from the tax payer beyond this measure, on account of a forced sale, must pay a fine of fifty pounds of gold, lose his position and the girdle of his office, and must expect a graver punishment. 10. But these provisions shall not apply to the Thracian diocese. For since the tribute is not paid in full in Thrace, because the number of serfs (*coloni*) has been diminished on account of the incursions of the barbarians, and the tax of food supplies does not suffice for the soldiers stationed there, and forced sales are above all perpetually necessary for the purpose of nourishing the legions of the soldiers, since (as already stated), the payment of the tax in supplies is not sufficient for the soldiers stationed there, therefore the custom heretofore prevailing shall remain the same in this diocese, and the merchants, too, shall be subject to it; but when a sale is forced, gold in pure coin shall, without dishonesty or injury, be paid to the taxpayers and merchants, before the produce is demanded of them. Whoever violates these provisions shall be visited with the same punishment. 11. For it is better, as far as private business is concerned, merchants, too, should furnish the necessary⁴ sustenance to soldiers. 12. Whenever, moreover, it is necessary that a forced sale be imposed on behalf of cities which either do not have the necessary food supplies, and have no over supply of something else, the presidents have permission to impose it, but only in the territory of the city which needs the supply, and according to the prices which then are current. This shall be followed also by the fathers of the cities and all others who look after the sale. 13. But when it is necessary to make public purchase on account of want of provisions in this imperial city, it shall not be done except pursuant to an imperial order and the gold shall first be paid without delay and damage, according to the

² [Blume] i.e. at stated periods for tax purposes.

³ [Blume] This shows that the government controlled the forced sales.

⁴ Blume penciled a question mark into the margin here. He also added it to his list of "difficult points at the end of Book X, where he wrote "pro private negotione." Scott did not translate this law, stating that laws 2 and 3 were not authentic. See 7 [15] Scott 112.

market prices of the places; the cost of haulage shall be defrayed out of the treasury, and the contributor shall sell only what is demanded, so that the necessary provisions may be furnished to the poor. 14. No innovation is made by this constitution in the laws governing forced sales in the great city of Alexandria, but the imperial rescript, which fixes the supplies of the veteran soldiers, shall remain in force. 15. The high staff of the illustrious prefects, as well as the defenders located in the places, and other public persons, who violate this law, or permit it to be violated, or who do not truthfully and immediately report those who violate it, shall be subject to a fine of fifty pounds of gold, and to the loss of the girdle of office and to degradation from rank.

About 491 A.D. - 506 A.D.

Note.

The full amount of tax was not paid in Thrace at the time of the enactment of this law, and this was probably true also in Justinian's time. C. 10.52.1 shows that serfs or slaves were not included in determining the tax-units assessed against an owner of land. Relief was given to other countries. See C. 10.16.12; C. 11.51 and 53.

10.27.3. The same Emperor.

Whenever there is in any city need of purveyor, the appointment shall be made by the decision and vote of the bishop of the place and chief land-owners, not as it pleases those who make the appointment, or whomever they want, but only officials of the place who are in government service, or have seen service, shall be promoted to the office of purveyor by the aforesaid persons, since those who by long service are versed in public affairs, can better perform the duties of the office of purveyor. 1. But those who fill this office shall leave it, when they have finished, without any loss, for it would not be just that they should also be subjected to damage in addition to such heavy duties. They shall buy grain at the prevailing market price and for no higher sum. 2. Whoever violates this law or permits it to be violated, shall pay a fine of thirty pounds of gold.⁵

10.27.4.

The officials of a place shall function as purveyors, thru appointment by the bishop.

⁵ [Blume] See C. 11.25; and C. 1.4.17.