

Book XI.  
Title VII. (VI.)

Concerning metal-miners, metals and procurators of metal mines.  
(De metallariis et metallis et procuratoribus metallorum.)

Headnote.

The present title deals with metal miners. Some of these were free men, engaging in mining on their own account, but some of them were engaged in public mines and as such were serfs, bound to their hereditary condition, and unable to sever this tie.

In Republican times most of the mines owned by the state were leased to private capitalists, who formed associations. The labor employed was mostly, if not wholly, slaves who were brought in masses to work in the mines or quarries. In Macedonia, however, the work was mostly done by free men who rented single pits either from the state or from the mining companies.

Mines existed in many parts of the empire, Gaul, Britain, Spain, the Balkan peninsula, Asia Minor, Egypt. When these countries were taken over, the Romans seem to have taken over the mines then in existence, or most of them, without however, interfering with the mines subsequently discovered. The methods of exploitation of the mines seems to have been various: Leasing to large capitalists; leasing of single pits to small contractors whose rent was collected either by tax farmers or by state officials; exploitation of quarries by contractors who received fees proportionate to the amount of material extracted; extraction of minerals by convicts condemned to the mines, these convicts coming from the plebeian class, and lastly by the use of compulsory labor, as mentioned in law 7 of this title. During the later empire, public mines seem to have been exploited mainly through convict and compulsory labor. Law 4 of this title, however, seems to indicate that the contract system, perhaps not on a large scale, was still in existence.

Side by side with the public mines, there were private mines, the extent of which is not known. A fee was required to be paid by all free miners who extracted ore, as is indicated by laws 1, 3 and 5 of this title. Rostovtzeff, Social and Economic History of the Roman Empire 293; Frank, Economic History of Rome 198, 460; Charlesworth, Traderoutes of the Roman Empire 157-162; article 'metallum' in Smith's Dict. of G. & R. Antiq.; Arnold, Roman Provincial Adm. 206; Marquardt, Rom Staatsver. (1st ed.) 252.

11.7.1. Emperors Valentinian and Valeus to Crescarius, Count of the metal mines.

Upon thoughtful consideration, we have deemed it well to ordain that a person who wants to devote himself<sup>1</sup> to metal mining, should benefit both himself and the state by his labor. 1. So if any persons want to voluntarily engage therein, Your Excellency will require them to pay (yearly) 8 scruples in gold dust, called Krusammos in Greek. 2. Whatever they are able to gather beyond that, they shall rather sell to the fisc, which shall pay them the proper price from the imperial exchequer.

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<sup>1</sup> Blume underlined "devote himself" and placed a question mark in the adjacent margin. Scott has it as "...those who voluntarily pursue this occupation..." 7 [15] Scott 169 (as C. 11.6.1).

Given at Paris December 10 (365).  
C. Th. 10.19.3.

Note.

This law sought to encourage persons to engage in gold-mining on their own account, and gave every person the right to do so, though mines of various kinds were ordinarily state property. Persons who thus engaged in mining gold were required to pay 8 scruples of gold dust into the imperial exchequer as a tax. 288 scruples made a pound. Figuring a pound of gold at about \$216, the tax, figuring the gold-dust as pure, would have amounted to about \$6 annually, per person. It was somewhat less than that because of the impurities in it. The tax was decreased by one scruple in law five of this title. The count of the metal mines, to whom this rescript was addressed, was under the count of the imperial exchequer, as stated in the Register of Dignitaries.

11.7.2. The same Emperor to Germanianus, Count of the Imperial Exchequer.

In connection with the metal mining tax, the custom peculiar thereto shall be retained, and it is agreed that 14 ounces of gold dust are reckoned to the pound.

Given at Rome January 2 (367).

C. Th. 10.19.4.

Note.

While a pound of pure gold contained 12 ounces, 14 ounces of gold dust were reckoned to a pound, on account of the impurities therein.

11.7.3. Emperors Gratian, Valentinian and Theodosius to Florus, Praetorian Prefect.

All who, by laborious diggings, follow a vein in the rocks belonging to private parties, shall pay one tenth to the fisc, one tenth to the owner, and keep the remainder themselves.

Given at Constantinople August 29 (382).

C. Th. 10.19.10.

Note.

In Illyria, curials were charged with the duty of collecting the tax on metals that were mined, just as they were charged with the collection of land taxes. The duty here mentioned was a personal liturgy, and was one of the duties which curials in that diocese were required to perform, before they were able to acquire any position of dignity. As to curials generally, and the liturgies resting upon them, see C. 10.32 et seq.

11.7.4. The same Emperors to Eusignius, Praetorian Prefect.

Since the procurators of metal mines in Macedonia, Dacia, the mediterranean Moesia or Dardania, usually selected from among the curials, and through whom the customary (metal) tax is collected, have withdrawn from this duty on the pretense of fear of the enemy, they shall be dragged back to perform their duty, and no one (of them) shall henceforth be allowed to seek undeserved positions of rank until he has filled the post of procurator in a faithful and skillful manner.

Given at Milan July 29 (386).

C. Th. 1.32.5.

11.7.5. Emperors Valentinian, Theodosius and Arcadius to Romulus, Count of the Imperial Exchequer.

Seven scruples, per man, shall be paid into the treasury each year by the gold-diggers, not only in the diocese of Pontus, but also in Asia.

Given at Constantinople February 19 (392).

C. Th. 10.19.12.

11.7.6. The same Emperors to Paternus.

We have learned that some persons, under the pretense that there were marble beds covered with earth, have shaken the foundations of the buildings of others by digging underground passages. Now if marble beds of this kind at any time are said to be hidden under buildings, opportunity to seek for them shall be denied.

Given at Constantinople March 16 (393).

C. Th. 10.19.14.

11.7.7. Emperor Theodosius to Maximinus, Count of the Imperial Exchequer.

Metal miners, male and female who having left the district where they seem to be born have migrated to other regions, shall, together with their offspring unquestionably and without limitation of time, be recalled to the home and hearth of their origin, even though found in our houses. They may know, moreover, that no prejudice must result to the fisc, although a person who is known to be a metal miner, has had his name enrolled in the tax lists of a private person.

Given at Constantinople July 11 (424).

C. Th. 10.19.15.

#### Note.

It appears from law 1 of this title that there were free miners. The instant law deals with miners employed in the public mines. They were bound to their condition, just as serfs were bound to the soil, and just as curials and public seamen were bound to their condition. Children followed the condition of their father, and there was no escape from that.