

Book XI.
Title XVIII. (XVII.)

Concerning firemen, paper-dealers and money changers.
(De collegiatis et chartopratis et numularius.)

11.18.1. Emperors Theodosius and Valentinian to Cyrus, City Prefect.

We have believed that the fraud of those who attempt to escape other liturgies under the pretext of being burial-men (decani)¹ or firemen (collegiati), when in fact they do not perform the duty thereof, should be circumvented, so that no one, under pretense of a liturgy which he does not perform, may be relieved from the burdens of another liturgy, and so that the duties of bankers or money changers may not be declined by those who hasten to merely bear the name of firemen and burial-men. 1. If anyone, therefore, calls himself under cover of a mere name, a fireman or burial-man, he must know that he must procure a substitute to take his place, who is approved as suitable for the foregoing liturgy; the substitution of the persons above mentioned and for those who die, to be approved by the chiefs of the person for whom substitution is made. 2. That the man above the number of those listed as members on the register, cannot excuse themselves (from entering the guild when their turn comes), by any unlawful patronage, or taking any position of power, is for Our Serenity to direct and Your Sublimity and your official staff to diligently carry into effect. We direct that this must be justly applied to all, and protection of the imperial estate, reverence for the holy churches, or a position of any kind of anybody, shall not be able to give anyone exception. 4. But lest we be thought to have consulted the interests of the petitioners (money-changers) only relative to relief from liturgies, we think that this, too, should be said and followed, that the sale of paper, which, through an innovation has been transferred from the provinces to the corporate members of the petitioners, shall be governed by the terms of the first constitution, that is to say, the provisions originally made shall, without innovation, be followed in the future. Given March 21 (439).

Note.

Bankers.

Judging from the instant law, the business of bankers and money-changers was not regarded highly. That was not quite true, however. They occupied an important position in the Roman Empire and Justinian enacted legislation in their favor at various times. See Rostovtzeff, Soc. and Econ. Hist. of the Roman Empire 170, 171; Frank, Economic History of Rome 287-297. But like members of other guilds, for they formed a guild, bankers, too, were required to perform certain liturgies for the state, as, for instance, the testing of coins and informing against counterfeiters, and, perhaps, other liturgies which took them away from their shops. Stockle, Spatr. Z. 13, 23. And the burdens connected with the business was evidently such that some persons sought to escape from it, pretending to be firemen or burial-men.

Firemen (collegiati).

¹ Blume wrote in the margin here “see 1.2.9.”

The term *collegiati* here was probably used as a technical term for the firemen of Constantinople, which are mentioned in See, *Notitia Dignitatum*, p. 225, p. 243, the latter place stating that the number was 560. The same men are mentioned in C. 4.63.5, where the number is stated as 563. While their work was not of high grade, still the instant law, as well as C. 4.63.5, indicates that the place was coveted by certain persons, even to escape from the work of money-changers. This was, perhaps, true because these firemen were not required to be at work constantly, but only as occasions arose. These firemen were apparently organized in several guilds.

Decani.

These were members of a guild or guilds whose occupation was that of interring the dead. See C. 1.2.4 and 9. They were also called *copiatae*, *fossarii* (grave diggers), *lecticarii* (carriers of biers), although it is possible that some of these terms were used to point out a specific part of the work, for the *decani* seem to have performed whatever work was necessary with such interment. The term has, accordingly, for want of a better word, been translated as burial-men. This position was apparently instituted by Constantine at Constantinople, the number of men employed being 1100, later reduced to 950, (C. 1.2.4) but again fixed at 1100 by Anastasius. These men were numbered among the clergy (*clerici*), in as much as the burial of the dead was, in Justinian's time, generally under the care of the church. The institution of these men spread from Constantinople to other populous churches. It was the duty of the *decani* to take the whole care of funerals upon themselves and to see that all persons had a decent and honorable burial. They received certain emoluments from the steward of the church, as shown by c. 2 of Novel 59. Poor persons could not be compelled to pay anything for the burial of their relative, and the charges made in other cases were moderate and fixed at definite amounts by Novel 59. They were assisted in performing the last rites for deceased persons by hired mourners *ascetriae* or *canonicae*, women who while not strictly nuns, lived almost the life as such, and by acolytes, candle lighters. These women, too, were paid by the steward of the church, but received additional pay when the deceased was buried with a display out of the ordinary. The funds, out of which the steward of the church paid these people, came from lands set part for that purpose by Anastasius and from 300 shops in Constantinople which were required to pay money into this fund, but were exempt from other burdens.

The *decani* were required to be furnished by certain shops, as mentioned in Novel 59, each of 800 shops furnishing one man. Kuhn, *Verf. d. R. R.* 81. This was a liturgy necessary to be performed by these shops. See in general as to *decani*, Smith & Cheetham, *Dict. of Christian Antiquities* under 'copiatae' and 'decanus.'

If we may judge from Novel 44, the sale of paper was probably placed under the supervision of the count of the imperial exchequer. All documents were required to contain the name of that officer, so as to prevent fraud, and the Government had evidently taken control of the paper trade. See Nov. 44.