



**THIRTEENTH INTERNATIONAL
ROMAN LAW MOOT
COURT COMPETITION**

2–6 September 2020

LIBELLVS MMXX

Iunius c. Gibuldum

Iunius c. Lapidarium

1. It is the year 540. In the East, Justinian has recently introduced the *Corpus Iuris Civilis*, and reconquered sizeable parts of the old empire. Belisarius's campaign in Italia is unfolding successfully but much of the former Roman territory in the West is ruled by barbarians. Scattered across the former province of Raetia, which fell under Alemannic and then Frankish rule, a few Romans remain and, on account of their superior knowledge in various fields, are held in high esteem by the locals.
2. One such Roman is Iunius, whose ancestors arrived with a cavalry unit centuries ago, and settled in a fertile valley carved by a tributary of the Danuvius into the mountain range of Alba Mons. Near the Roman road that runs from Arae Flaviae to Augusta Videlicum, they established a stud farm, which became renowned for breeding fast, intelligent and tireless horses. The first horses were brought by Iunius's ancestors from Egypt, and are known locally as *equi orientales*. The stud farm's founder decreed in his will that the stud farm should never be dissolved; all of his successors have upheld this wish, regardless of the intervening political upheavals. Iunius faithfully continues this tradition: after his father's death, he took over the stud farm, and is determined to preserve this small but important centre of horse-rearing.
3. Hearing that the war in Italia has subsided, Iunius decides to travel to Egypt to purchase new breeding horses. He entrusts his studmaster, an Alemannic free woman named Bissula, with the stewardship of the stud farm in his absence, and authorises her to acquire fodder and sell horses. He impresses on her that valuable horses are to be sold only to expert equestrians, and to insist on cash payment.
4. While Iunius is away, a locally known but not especially prominent dressage rider by the name of Gibuld passes the stud farm. Gibuld has heard its horses being praised and is keen to see them with his own eyes. He spots a black stallion named Totilas and is instantly struck by its vigour and energy.
5. Gibuld approaches Bissula, introduces himself, and inquires "whether [he] could take Totilas on trial for a few weeks". She hesitates, responding that agreements of this kind are normally made only by Iunius personally, and exclusively with familiar customers. Ultimately, however, she yields to Gibuld's insistence. They agree that Gibuld will take Totilas on trial, free of charge, and that, after one month has passed, he will either pay a purchase price of 12 *solidi*

- or return the stallion. During the trial period, Gibuld is to purchase the horse's feed at his own expense.
6. Gibuld soon learns that Totilas's strength is difficult to control and that the horse is not yet properly trained: the stallion rarely obeys commands, and is easily distracted. Gibuld resolves to give it the necessary training and, over the following weeks, teaches Totilas to become more disciplined and amenable. During multiple practice sessions every day, which involve various gymnastic exercises, Totilas develops strong, yet supple movements, especially with his forelegs. Gibuld makes such substantial progress that he decides to enter the imminent dressage championship in Aquae. With his talent as a rider and Totilas's graceful gait, Gibuld reckons they might have a good chance of winning. As luck would have it, Gibuld and Totilas do win: the judges are particularly impressed with Totilas's seamless movements and his exquisite forelimb technique. Gibuld takes home prize money of 20 *solidi*.
 7. On the final evening before his return to the stud farm, Totilas is nervous. After such a prolonged absence, he yearns to go home and, what is more, the feed Gibuld provides is not at all to his taste. Totilas is accustomed to a nourishing diet of lentils from Alba Mons, which are the secret behind his phenomenal energy; Bissula had not informed Gibuld of Totilas's secret diet. Deprived of this delicacy, Totilas lashes out, wounding Gibuld's stable hand Agilo with so severe a kick to the head that Gibuld takes Agilo to a physician. Unfortunately, they are held up by slow traffic—a result of the desolate condition into which the area's roads have fallen—and arrive only after Agilo has died in Gibuld's arms. Had they reached the physician even a few minutes earlier, Agilo would have survived.
 8. Agilo had been Gibuld's stable hand for many years and, though Gibuld's slave, they shared an uncommonly close bond, almost like brothers. Gibuld had taken Agilo in as a young orphan and had instructed him in many aspects of horse care. Ever since, they had been inseparable. A stable hand of Agilo's age and capabilities sells for 10 *solidi* on the local market.
 9. Devastated and reluctant to be unnecessarily reminded of his dear friend's tragic demise, Gibuld returns Totilas the next day and informs Bissula that he does not wish to keep the stallion. His choice is made even easier by the fact that he has been offered several other horses by breeders who want him to train their animals as he did Totilas. Bissula takes back Totilas—back in its usual habitat, he is once again at ease.
 10. The news of Gibuld's victory with Totilas reaches Iunius on his return from Egypt. Having assumed that he would be unable to sell so unruly a horse as Totilas very quickly, Iunius is at first pleasantly surprised. When he finds out from Bissula that Gibuld has not in fact bought the stallion, he is outraged. Iunius demands that Gibuld hand over the 20 *solidi* prize money. Gibuld refuses and says that, even if the money was earned by Totilas, account should be taken of damages in the amount of 15 *solidi* he is owed for the loss of Agilo and the emotional trauma he has sustained at the death of his experienced servant and loyal friend. Iunius refuses to take account of any such damages.

11. Iunius soon senses another opportunity to profit from Totilas's recent fame: he commissions the local sculptor Lapidarius to fashion small figurines out of gypsum plaster, depicting Totilas in his characteristic elegant trot. He intends to sell the figurines in the stud farm's newly well-frequented gift shop. For a price of 5 *solidi*, Lapidarius agrees to extract the required gypsum from a deposit on Iunius's land, produce 100 figurines and deliver them to the gift shop (the only place they can be safely stored at the stud farm). Shortly before all of the figurines are finished, he is to send a messenger to announce an approximate time for their delivery, so that Iunius can prepare to receive them.
12. Lapidarius extracts the gypsum, processes it into plaster and models the figurines. He plans to deliver them himself but is called away at short notice by another customer. Accordingly, he hires the *praebitor fasculorum* Hermes—of whose name no one can make sense—to transport the figurines to the gift shop. Lapidarius knows Hermes and has always found him to be reliable. With his mind elsewhere, Lapidarius forgets to send the agreed messenger in advance. In the absence of any reasonable speed limitation on the roads, Hermes drives extremely fast and, in an attempt to pass several slower carts, swerves off the road, spilling the whole cargo. Most of it is destroyed; the rest is carried off by passers-by. Hermes and his cart emerge unscathed.
13. At about the time Hermes would have arrived at the gift shop—late at night—turmoil breaks out at the stud farm. Iunius and all of his retainers are in hiding, as a hostile mob of envious locals gathers and shouts “*Romanes eunt domus*”, a slogan they also scrawl onto buildings. In the middle of the ensuing riot, several angry locals enter the stud farm's courtyard, which is unlocked—for a long time, there have been neither thieves nor other intruders, and Iunius is tired of unlocking the gate every day before his morning ride. The mob destroys the gift shop. When the dust has settled, Lapidarius in any case requests payment for the figurines, which he says he produced and dispatched on time; Iunius refuses and demands another delivery, since he never received any figurines.
14. The parties are unable to resolve their differences. Local Alemannic law seems rather unsophisticated, so—since Iunius has returned from Egypt not only with two stunning *equi orientales* named Bairactar and Murana but also a copy of the *Corpus Iuris Civilis*—they agree to have their dispute adjudicated according to Roman law. Accordingly, they approach an ageing local Roman recluse named Syagrius, who previously served as *assessor* on the staff of the Ostrogoth *Dux Raetiae* Servatius. Syagrius spends his retirement answering legal questions and settling disputes brought before him by his neighbours. Iunius, Gibuld and Lapidarius appoint Syagrius as judge, and Syagrius agrees to decide the cases with the help of a small *consilium*, as well as the *Corpus Iuris Civilis*.
15. Iunius brings the following actions:
 - (a) an *actio praescriptis verbis* against Gibuld for the prize money of 20 *solidi*; and
 - (b) an *actio locati* against Lapidarius in respect of the 100 figurines.