



**ELEVENTH INTERNATIONAL  
ROMAN LAW MOOT  
COURT COMPETITION**  
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**LIBELLVS MMXVIII**

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*Tullianus c. Gregorium*  
*Tullianus c. Hermogenianum*

1. Tullianus comes from an old Roman family, originally from Ancona. Although traditionally a family of imperial public servants, the last three generations have specialised in raising and selling pigs. Tullianus has never been reconciled to barbarian dominion in Italy and decided early on to forgo a political career – a wise choice, since he is now the only pig breeder in the region and his business is flourishing!
2. Gregorius is a soldier from a Roman family of Illyria. He followed Justinian to Constantinople and now prides himself on his bilingualism. In particular, Gregorius claims to know the works of the great jurist Gaius, which he quotes on any occasion, certain of the effect that Latin quotations have on his easily impressionable Greek-speaking compatriots.
3. In the autumn of 537 CE, Tullianus visits one of his farms in what used to be the province of Valeria to collect part of the herd, with a view to selling 50 fattened pigs in Ancona. Tullianus's pig farm is located near the Fucine Lake, in the vicinity of Alba Fucens, and has about 300 pigs. Three slaves are responsible for feeding the pigs and keeping them on a day-to-day basis. Tullianus finds that his slaves could be more effective, and he frequently reproaches them for their work. He notes, in particular, that they tend not to monitor the condition of the fences, with the result not only that some pigs occasionally escape but also that some wild boars make their way into the enclosure from time to time. In doing so, they eat pigs' food and impregnate the sows.
4. At the same time, the army of Joannes, Justinian's *Magister Militum*, arrives in Italy to support Belisarius, whose army is besieged in Rome by the Ostrogoths. Considering that the time is not yet right for battle, Joannes decides to set up winter quarters with his army in the town of Alba Fucens, in Valeria. Something of a history buff, Joannes thinks that this is a fine way to pay homage to the city that, under similar circumstances, defended Rome against Hannibal and his Carthaginian army in the Second Punic War. Like the inhabitants of Alba Fucens in 211 BCE, his army would bring the besiegers of Rome to their knees!

5. In order for his army to be in peak condition to fight the Ostrogoths in the spring, Joannes knows that two things must be prevented: sickness and boredom. As winter settles in in the foothills of Mons Velinus, Joannes makes food supply and entertainment his priorities. As the food supply from Alba Fucens is insufficient, Joannes designates ten soldiers to venture down to the plain to arrange provisions. Gregorius is appointed to head these "*decemviri*".
6. Approaching the Fucine Lake after a half-day's walk, Gregorius notices Tullianus's pig farm and sees an opportunity: the large number of pigs will surely provide an adequate supply for Joannes's army. Accordingly, he approaches Tullianus's slaves to ask how much it would cost him to buy 100 pigs. The slaves reply that they do not have authority to sell the pigs and that Gregorius should address himself to Tullianus, who is on his way to the pig farm at that very moment. Conscious that he cannot afford to make Joannes wait, Gregorius insists: he again asks how much Tullianus charges for a pig. The slaves do not give in but explain to Gregorius that, during the rest of the year, a hog sells for 5 *solidi*. This is an average price for a market hog in good health, raised for slaughter and about six months old. For piglets, the price may be higher or lower, depending on their weight. For sows of reproductive age, it depends on their robustness ... In short, it is difficult to give a price but it can be in the range of 2 to 10 *solidi*. Discouraged, Gregorius orders the *decemviri* to prepare to return to camp.
7. While they are preparing to leave, the *decemviri* see, near the edge of the pig farm, some 40 wild boars, which they think would be just as good as pigs. When the soldiers try to catch the wild boars, Tullianus's slaves run out to tell them that, in fact, these animals are "sanglochons" – hybrid offspring of Tullianus's tame sows and wild boars. As the sanglochons are very attached to their mothers, there is no doubt, in the eyes of the slaves, that they are the property of Tullianus. On the other hand, as they have somewhat wild habits, it is not possible to keep them in the pig farm enclosure, which they constantly damage. The sanglochons habitually wander off into the mountains but they come back regularly to see their mothers.
8. Gregorius does not want to return empty-handed, so he comes up with a plan. He thinks it will be clever to scare the sanglochons away from the enclosure and then catch them once they are out of sight of Tullianus's slaves. Gregorius prepares a trap with large nets on the edge of the forest, a few hundred paces from Tullianus's pig farm. He then sends two soldiers to scare the sanglochons away from the enclosure and towards the forest. The manoeuvre works: Gregorius captures 27 sanglochons – enough to feed the troops for several weeks.
9. When Tullianus arrives at his pig farm to collect 50 pigs for sale in Ancona, his slaves tell him about the Roman soldiers and the disappearance of the sanglochons. Enraged, he orders one of his slaves to accompany him to Alba Fucens to point out Gregorius.
10. Back at the camp, Gregorius has an enclosure constructed within the camp, adjacent to the amphitheatre, to contain the sanglochons. The issue of food supply is crucial, so he charges five soldiers to keep the sanglochons in the enclosure, using their spears, if necessary. One of the soldiers, Spurius, is undoubtedly the best man for the job. In addition to his exceptional physique, he is known for outbursts of rage that render him invincible on the battlefield.

11. Gregorius is pleased to have completed part of his mission but he does not forget that he was sent in search of entertainment as well as supplies. In this regard, Alba Fucens does not have much to offer. However, Gregorius remembers a large amphitheatre he had seen while exploring Alba Fucens when he first arrived. He recalls seeing many wild boar tusks in the arena, suggesting that the local inhabitants organised *venationes* with wild boars there. The idea thus occurs to Gregorius: why not organise *venationes* with the sanglochons? After the fighting is done, they could be cooked on the spit and eaten! When Gregorius proposes the idea, Joannes recognises its ingenuity and entrusts Gregorius with the task of organising the games.
12. Meanwhile, some of Joannes's soldiers are bored and start looking for entertainment. This is particularly true of Hermogenianus, who, though a formidable warrior, also likes women and drink. He decides to leave the camp in search of a livelier district of Alba Fucens, hoping to taste the charms of the beautiful native women. Hermogenianus makes his way to the local *popina* in search of adventure but, with an army on campaign in the neighbourhood, the demand for services in such an establishment far exceeds the supply. It only remains for Hermogenianus to wait, and to indulge his other passion: drunkenness. He orders a local beer to forget that he's bored.
13. After three cups of beer, Hermogenianus's finances are as critical as his drunkenness: another two cups and he will be forced to return to the camp – if he is still able. For all that, Hermogenianus's evening had begun very well. He had related his battle feats to those who wanted to hear. He had then watched dice players who were busy playing for ever-larger sums of money.
14. Marcellus is the man who organises spectators' bets on the dice players. A fervent amateur of games of chance, Marcellus is a local artisan of dubious reputation. He is known in the local *popina* for pushing customers to spend their *solidi* on bets they cannot win.
15. Faced with a lack of money, Hermogenianus thinks that winning a game of dice could prolong his evening's pleasures. Hermogenianus tries a few games with Marcellus and it pays off: in less than an hour, he wins enough to buy another 10 cups! Marcellus, who thought he had a sure-fire plan for not losing, is fleeced.
16. Marcellus comes up with a plan to make a diversion and stop losing money at dice: he begins to tell a story. Among the myths that prevail at Alba Fucens, there is a tale about the pigs of Tullianus that intrigues all the local inhabitants. It is said that Tullianus's pigs have tails so strong that they can use them like monkeys and hang upside-down from tree branches. This, it is said, is why Tullianus has set up perches at his pig farm: pigs sleep more deeply when hanging upside-down, and this gives their meat a unique taste. Marcellus suggests that whoever loses the next game lead an expedition to Tullianus's pig farm to prove or disprove the myth. The hour being late and the clientele having consumed more than a reasonable quantity of the local beer, this proposal commands universal assent. Unfortunately for Marcellus, it is he who loses the toss.

17. Torches in hand, Marcellus, Hermogenianus and a crowd of spectators from the *popina* approach Tullianus's pig farm. The place is deserted: at night, the slaves bring the pigs inside and sleep in a barn. Marcellus slips through the fence and enters the barn. Although the pigs are not particularly frightening, Marcellus begins to feel anxious. He raises his torch, ready to discover pigs hanging upside-down from the rafters, but is frightened by a pig that licks his feet, and drops the torch. Very quickly, the barn catches fire and the pigs start to flee.
18. Hermogenianus, who sees pigs struggling to escape the flames, tries to widen the gap between the burning timbers to help three pigs break out. Because the pigs do not know him and are very scared, they are not easy to catch and they struggle. Instead of heading for the exit, they turn to run back inside. Hermogenianus sees only one possibility: he uses a beer cup that he had brought from the *popina* to knock out the three recalcitrant pigs. Once they are unconscious, he drags them outside the barn but, instead of leaving them there, he decides to take them to Alba Fucens, thinking that he might barter them for other expenses at the *popina*.
19. Awakened by the cries of the pigs, Tullianus's slaves rush to fight the fire. They catch sight of Marcellus, whose presence they think is suspicious. To divert their suspicions, Marcellus denounces Hermogenianus for stealing three pigs. Once the fire is under control, one of the two slaves left at the pig farm rushes into Alba Fucens to tell Tullianus of this new mischief.
20. The following day, Gregorius announces the *venationes* to be held in the amphitheatre of Alba Fucens. The local inhabitants are delighted and rush to buy tickets for the games. It is announced that the first part of the spectacle will consist of a hunting party and the second part a single hand-to-hand fight between Spurius and 20 sanglochons.
21. When Tullianus learns about the *venationes*, he comprehends that it is his sanglochons that are to be hunted, and he goes to Joannes to try to prevent his animals from being killed in the arena. Having learned from his slave about the fire at the pig farm and about Hermogenianus's theft of the three pigs, he complains to Joannes about these matters, too.
22. Joannes offers to judge the matter personally, on condition that it be resolved according to the law of the Emperor Justinian. Tullianus, Gregorius and Hermogenianus accept this.
23. Accordingly, Tullianus brings:
  - (i) a *rei vindicatio*, for the 27 sanglochons, against Gregorius; and
  - (ii) a *rei vindicatio*, for the three pigs, and an *actio de incendio ruina naufragio rate nave expugnata*, seeking 120 *solidi* for the three pigs, against Hermogenianus.