

# 1<sup>ST</sup> INTERNATIONAL ROMAN LAW

## MOOT COURT & CONFERENCE

18<sup>th</sup> – 22<sup>nd</sup> April 2008

**Kavala- Colonia Augusta Iulia Philippensis**

*Callimachus v Demetrius*

*Demetrius v Callimachus*

*Isaac v Callimachus*

The facts of the case take place in Constantinople in 556 AD during the reign of the Emperor Justinian I (527-565 AD).

*Callimachus*, aged 47, is a renowned Roman slave merchant. He is the youngest son of a middle class Syrian family living in Beirut. At the age of 12 he followed his uncle *Livanius* to Constantinople and worked in the latter's slave-trade business, which he inherited upon his uncle's death. His clientele includes officials of the Imperial Court, nobles, Senators, ship owners and businessmen.

*Isaac*, aged 61, is a wealthy merchant of spices. *Isaac* imports a huge variety of spices from countries that lie far away in the East and that few people dare to travel to. His caravans cross the deserts of *Mesopotamia* and travel all the way to India to purchase the most expensive spices, i.e. black pepper, saffron, cinnamon, cumin, nutmeg, ginger and cloves. The dangers that his network of caravans face are so great that he sells these products at very high prices in the market of Constantinople. His clientele includes the most prominent and wealthy Romans of Constantinople. It is said that even the chef of the Patriarch *Euty chius* is buying spices from *Isaac*. Despite the fact that *Isaac* claims to have inherited the capitals required for the establishment of his trade from his distant uncle *Jacob*, rumour has it that he has created and enlarged his fortune through usury.

*Demetrius*, aged 27, is a well known *bon viveur* of Constantinople. He inherited the immense fortune of his father, *Mavroleon*, a wealthy ship owner. The accusations that it was one of *Mavroleon's* vessels carrying wheat from Egypt that afflicted Constantinople with plague in 541 AD, which resulted in the death of thousands of

people, were never proven to be right. *Mavroleon* also perished during the plague when *Demetrius* was 12 years old. Nonetheless, the shipping industry kept flourishing even after the plague pandemic. *Demetrius's* vessels sail across the *Euxinos Pontos* (Black Sea) East Mediterranean transferring merchandises across the Empire. *Argentis* is also a ship owner who controls commerce in the *Archipelagos* (Aegean Sea). *Demetrius* and *Argentis* decide to merge their businesses in order to create a monopoly in shipping throughout the Empire. In order to secure their co-operation, *Demetrius* agreed to marry *Argenti's* only offspring, *Panorea*, aged 39. The marriage was scheduled for the 26<sup>th</sup> September 556 AD.

Due to some unsuccessful investment *Callimachus* realised he low on cash which would make it impossible for him to perform voyages to Taurica (Crimea) in order to buy slaves and resell them in Constantinople. He thought that a shipment of high quality Scythian slaves would provide him with plenty of cash and prevent him from selling part of his immovable property. *Callimachus* paid a visit to *Isaac* to ask for a loan. *Isaac* initially denied granting *Callimachus* a loan saying that he does not do that sort of business. *Callimachus* insisted and in the end they agreed the following:

*Isaac* would lend 500 *solidi* with a 24% interest rate per year to *Callimachus* that would be due on 30<sup>th</sup> September 556 AD. *Callimachus* would buy merchandise and to ship it to Theodosia in Taurica (Crimea); there he had to sell the goods, use the proceeds to buy slaves and ship them back to Constantinople. Both the merchandise bought in Constantinople and that which would be acquired in Theodosia served as a pledge for *Isaac's* claim. *Callimachus*, furthermore, was liable for the maintenance of *Jacob*, *Isaac's* youngest son, accompanying the transport. Finally, the loan had been given to *Callimachus* for a maximum period of 50 days, within which both the outward journey and return trip had to be completed. However, it was agreed that *Callimachus* had to leave Theodosia on or before 13<sup>th</sup> September, and head back directly to Constantinople. The whole of the contract was affirmed by way of stipulatio; observance of the right time of departure from Theodosia was secured by stipulatio poenae: if *Callimachus* should still be in Theodosia on 14<sup>th</sup> September, the whole of the capital plus interest would become due as if the voyage had been performed. *Callimachus* did not embark on the vessel but sent his servant *Stichus* in his place.

It had been weeks since his servant *Stichus* had already left for *Theodosia* to sell merchandise from Constantinople and use the proceeds of the sales to buy Scythian slaves. *Callimachus* was anticipating the shipment to arrive on 20<sup>th</sup> September 556 AD the latest. *Stichus* and the shipment finally arrived on 22<sup>nd</sup> September. Their delay was due to a heavy storm that took the vessel off its route. However, the storm had serious consequences on the Scythian slaves who had never been at sea before. Thirty of them perished at sea and twenty five of them survived but were in a very bad condition and malnourished.

On 23<sup>rd</sup> September *Demetrius*, while making arrangements for his wedding, contacted *Callimachus* in order to buy slaves for his new house. *Callimachus* and *Demetrius* have agreed that (a) *Callimachus* would sell to *Demetrius* 10 of the finest and very expensive Scythian male slaves that *Callimachus* had brought to Constantinople from *Theodosia* and that *Demetrius* would use to serve the guests during the wedding banquet and then use them as rowers in his vessels, as they were renown for their stamina and physical strength; and (b) *Callimachus* would hire to *Demetrius* his servant and famous chef *Vatel* the Gaul to cook lavishly for the banquet.

*Callimachus* would deliver the slaves and *Vatel* on 25<sup>th</sup> September. According to their agreement, *Demetrius* would pay the sum of 150 *solidi* for the slaves and 75 *solidi* for the chef the day after the marriage. *Demetrius* would also pay another 150 *solidi* upon the delivery of the slaves on 25<sup>th</sup> September.

On the morning of 24<sup>th</sup> September 556 AD *Callimachus* left for his premises while his wife, *Irene*, was preparing to leave for her father's house in *Callipolis*. Upon his return at home in the evening, *Callimachus* realised that his wife, *Irene*, had left for taking with her all her servants including *Vatel* the Gaul. *Callimachus* felt that he was getting in deep trouble. He decided to replace *Vatel* the Gaul with *Alfred* the Briton that his wife *Irene* had left behind to take care of her husband. Thus on 25<sup>th</sup> September, *Callimachus* delivered 10 Scythian slaves and *Alfred* the Briton to *Demetrius* and received payment of 150 *solidi* for the slaves.

The wedding took place on 26<sup>th</sup> September 556 AD. The banquet followed in the house of *Demetrius*. The slaves performed poorly due to the fact that they had not fully recovered yet and 4 of them presented high fever on the day of the wedding and were

unable to work. One of them died a few hours after sunset. In the meantime, *Alfred* had managed to conceal his true identity and prepared various dishes for the guests some specialities of his homeland. Among various dishes that none of the guests found even remotely interesting, *Alfred* served bread with marmite, lamb with mint sauce and warm beer. These choices were met with great disapproval. *Pulcheria*, the wife of Senator *Livius*, approaching *Panorea* commented: “Dear God! It is the first time that *Vatel* is cooking so badly!” *Demetrius* felt very embarrassed both by the quality of cooking and the bitter comments of *Pulcheria*.

The next morning before *Callimachus* visited *Demetrius* to claim his payment and take back *Alfred* and his musicians, *Demetrius* investigated the matter. *Alfred* who still insisted that he was indeed *Vatel* the Gaul was severely interrogated and confessed the truth with regard to both him and the slaves. During the interrogation one of *Demetrius*' Illyrian slaves inflicted several blows on *Alfred* that resulted in the breaking of his arms and legs.

When *Callimachus* visited *Demetrius* to claim back *Alfred* as well payment for the slaves and *Alfred*'s services. *Demetrius* surrendered *Alfred* to *Callimachus* but refused to make any payment with regard to both *Alfred* and the Scythian slaves. Instead, he requested that *Callimachus* pays back to him 150 *solidi* and an additional 10 *solidi* that he had spend for the medical treatment of the slaves and that he would also return the 9 surviving slaves to *Callimachus*. The latter refused and demanded payment of 150 *solidi* for the slaves. He also asked for 75 *solidi* as remuneration for *Alfred*'s services, who, according him, ‘masters British cuisine’. *Demetrius* replied that he owed nothing to *Callimachus* and asked him to leave his house.

The next day *Callimachus* notified *Isaac* that he was unable to pay the loan and the interest.

*Callimachus* raises an *actio venditi* against *Demetrius* for the payment of 150 *solidi*;  
*Callimachus* raises an *actio conducti* and an *actio legis Aquiliae* against *Demetrius* for *Alfred*'s wages and the damages suffered by the latter respectively;

*Demetrius* raises an *actio redhibitoria* against *Callimachus* to return the slaves and receive 150 *solidi*;

*Isaac* raises an *actio ex stipulatu* against *Callimachus* for the payment of the loan and the interest