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LIBELLVS MMXVII

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*Theodoros c. Euclionem*

1. Dionysios lives in the Paoulines Quarter of Constantinople. He is an army veteran, whose predilection for telling lengthy stories of his heroic feats in the war against the Vandals has earned him the nickname “Heautontimoroumenos” among his neighbours.
2. The day before the Ides of July in the year of the consulate of Strategius Apion is a good day for Dionysios. He receives a letter from his friend Marcus “Horribilicribrifax”, who fought with him in Africa and had returned to his native Illyricum after the end of his military career. Marcus tells Dionysios that he will travel to Constantinople for business in early autumn and will pay his old comrade a visit. Dionysios, who occasionally senses that his neighbours do not treat him with the respect becoming a war hero of his stature, looks forward to this opportunity to present an eyewitness who can confirm his accounts.
3. For other inhabitants of the Paoulines Quarter, the day before the Ides of July is not quite as positive. Euclion, a passionate book collector, finds a rare manuscript of the second part of Aristotle’s *Poetics* in a local bookshop. However, when Euclion is still marvelling at the beautiful codex, another customer, Theodoros, snatches the book from Euclion’s hands, walks up to the shop owner, pays him the sum of 4 *solidi* demanded and walks away with his prize. Euclion is outraged, not only because he has long badly wanted to complete his collection of Aristotle’s works, but also because Theodoros is his wife’s brother, with whom he has been quarrelling for years.
4. The day before the Ides of July is not a good day for Theodoros, either. When he arrives home with his newly acquired book, he finds a letter, which reads as follows:

*Dorothea to Theodoros, many greetings.*

- (i) *This letter brings very sad news. My hands are trembling as I write these lines. Your wife, my sweet cousin Penelope, has died. I would much rather continue to mourn in silence than write about the terrible events of the last few days but I know that I have to inform you of the circumstances that conspired to deprive you of your dear wife.*

- (ii) *As you know, Penelope came to Trapezous to visit me. I was worried about her travelling in her condition but she insisted she wanted to see me one more time before giving birth to your first child. On the day of her arrival, I first heard rumours that a strange illness had broken out in this city. My neighbours told frightening stories of people who suddenly developed a high fever and skin rashes with red, itchy blisters. Most people recovered after about a week but I was horrified to hear that a number of elderly people and pregnant women had died from the disease. As soon as your wife arrived, I implored her to turn back immediately but she would have none of it. If only she had listened to me!*
- (iii) *We spent ten happy days together and I began to forget my fears. However, on the day Penelope was due to return to Constantinople, she suddenly became very ill. The fever forced her into bed and soon the blisters and rash began to show.*
- (iv) *We hoped that Penelope would overcome the illness but, after four days, she complained that her throat and chest hurt and she had trouble breathing and swallowing. The fever rose even higher than before. We called a doctor but he had neither a name nor a cure for the illness, and he went away quickly.*
- (v) *All the members of my household stayed away from my poor cousin for fear of contracting the illness themselves. Only her maid Staphyla, whom she had brought with her, cared for her with unfaltering dedication. Our darling Penelope's health declined rapidly. When she could hardly breathe any more, I called a priest. The priest came and she talked to him for a long time. Afterwards, she told me, in a weak and breathless voice, that she wanted to write a testament. I think the priest must have reminded her that she had to make provision for you.*
- (vi) *I quickly brought her a quill and papyrus. I wanted to call in some of my neighbours to witness the act but all declined to enter our house. Accordingly, my husband and I alone watched, as Penelope struggled to write her last will. Even we dared not approach too close to her, because her illness frightened us too much.*
- (vii) *After she had written only two words, she paused—and, a moment later, she died, without saying another word.*
- (viii) *Words cannot describe the sorrow I feel! If only Penelope had stayed in Constantinople or left on that first day as I implored her, she would still be alive today! I can scarcely imagine how you must feel, since you have lost not only your beloved wife but also the hope of holding your new-born heir in your arms in a few weeks' time.*
- (ix) *In accordance with an edict of the local magistrate, Penelope had to be buried at once and all of her belongings burned immediately. The only thing that we can send back to you is the testament that we took from Penelope's dead hands. After she died, we affixed our seals to the papyrus. Staphyla will return to Constantinople in a few days. After caring for Penelope until her last moment, Staphyla was utterly exhausted. I hope that it will not upset you if I keep her for a few days.*

*Favour me by taking care of yourself.*

*Written on the third day before the Kalends of July.*

5. Attached to the letter is a small piece of papyrus bearing the words “Θεόδωρος κληρόνομος” and the seals of Dorothea and her husband.

6. Theodoros is devastated, both because of the loss of his wife and unborn child and because Penelope's death will dramatically alter his financial position: Theodoros is very poor. He has only been able to lead a comfortable life (and indulge his passion for ancient books) because of the generosity of Penelope, who had inherited a very substantial fortune from her father. The house in which the couple lived, the household slaves (with the exception of Theodoros's old servant Anthrax) and the furniture all belonged to Penelope.
7. Theodoros has no valuable assets except his book collection. Some of the books are of bad quality, like a manuscript copy of St Jerome's letters written on re-used parchment. Some remains of the original text, a tedious legal treatise, can still be recognised. However, there are also a few valuable items, and the value of the entire collection is about 70 *solidi*. Since Theodoros received no dowry from his wife and her family, and since the legal value of her testament seems doubtful, he has little expectation of retaining access to any part of Penelope's financial resources.
8. As soon as Euclion receives word of his sister's death, he applies to the competent court for permission to take possession of her estate (*bonorum possessio*) as her closest relative. The application is granted on the day before the Kalends of August. Theodoros only learns about the proceedings when Euclion pays him a visit "to offer his condolences" and tells him – with a cruel smile on his face – that he will generously allow Theodoros to stay in Penelope's house for another three months, but no longer.
9. Faced with the prospect of poverty and imminent homelessness, Theodoros decides that he must part with his treasured book collection. Hoping that the *calor licitantium* will result in good prices, Theodoros decides to auction his books. He rents a stall in the market hall of the quarter for ten days, starting on the day before the Kalends of October, and has his slave Anthrax announce the forthcoming event throughout the neighbourhood. Anthrax makes it known that a collection of valuable books will be auctioned off, with "prices starting from one *nummus*".
10. The day before the Kalends of October is another good day for Dionysios "Heautontimoroumenos". Early in the morning, his neighbour Theodoros pays him a visit. Theodoros listens patiently, as Dionysios tells him how he alone killed a hundred Vandals and took another hundred prisoner in the battle of Tricamarum. When Dionysios has told the story three times and pauses briefly to catch his breath, Theodoros asks him a favour: could Dionysios come to the market hall and bid for some items in Theodoros's collection, so as to incite other bidders and drive up prices?
11. Dionysios hesitates but, when Theodoros offers a reward for his help, he readily agrees. Theodoros pays Dionysios  $\frac{1}{2}$  *solidus* up front for his services, and promises that he will not raise any claims against Dionysios, should he remain the highest bidder for any of the books. Raising Dionysios's spirits even further, a messenger informs him that his friend Marcus will arrive in Constantinople before noon.

12. At ten, the auction begins. At the entrance of the stall, a sign (in Greek) informs potential bidders of the applicable terms:
- A. Each book will be auctioned separately.
  - B. For each book, a small candle will be lit. As long as the candle burns, bids can be placed. The auction ends when the candle has burned down and the flame is extinguished.
  - Γ. Whoever has made the highest bid at the end of the auction has won and will be required to pay the price he has offered.
  - Δ. Bids are placed by raising a hand. The first person to raise a hand bids 1 *nummus*. Each successive bid raises the price by  $\frac{1}{2}$  *solidus*.
13. A crowd gathers in front of the market stall. Among the potential buyers is Euclion, who hopes to snatch a few jewels from his brother-in-law's book collection. One of the first books to be auctioned is the second part of Aristotle's *Poetics*. Dionysios immediately raises his hand to make the first bid. Euclion, desperate to get this book, overbids at once. While the candle burns down, Euclion and Dionysios take turns making bids.
14. Shortly before the auction ends, Euclion leads with a bid of 7 *solidi* and 1 *nummus*. Just as the candle is going out, Marcus "Horribilicribrifax" enters the market hall. He had called at Dionysios's home and been told that his friend was attending the auction. Marcus, who cannot read the Greek alphabet, approaches Dionysios, without noticing the sign at the entrance. To get Dionysios's attention, he waves at him.
15. To Marcus's great surprise, Theodoros walks up to him, congratulates him on winning the auction and asks him to hand over 7  $\frac{1}{2}$  *solidi* and 1 *nummus*. Marcus explains that he was only waving at his friend Dionysios, and was unaware that he was placing a bid. Since Dionysios confirms Marcus's story, Theodoros reluctantly accepts the explanation, and declares that Euclion has won the auction.
16. In the meantime, Euclion has had time to think. He realises that he has offered a price that is much too high. He has also become suspicious of Dionysios's role. When Theodoros asks him to pay 7 *solidi* and 1 *nummus*, Euclion declines and calls Theodoros a "consistent, serial liar and a fraud".
17. Theodoros is furious. He decides to take his case to court. He brings the following claims against Euclion:
- (i) an *actio venditi* for the payment of 7 *solidi* and 1 *nummus*; and
  - (ii) a *hereditatis petitio* for the recovery of the estate of his late wife in full, or at least in part.