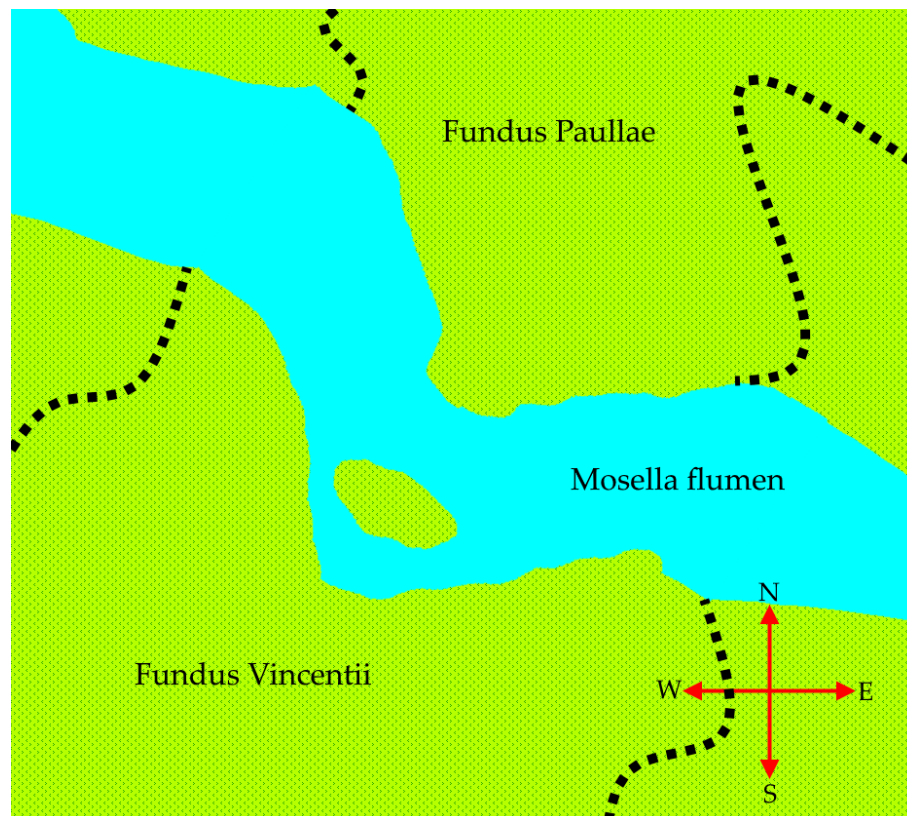


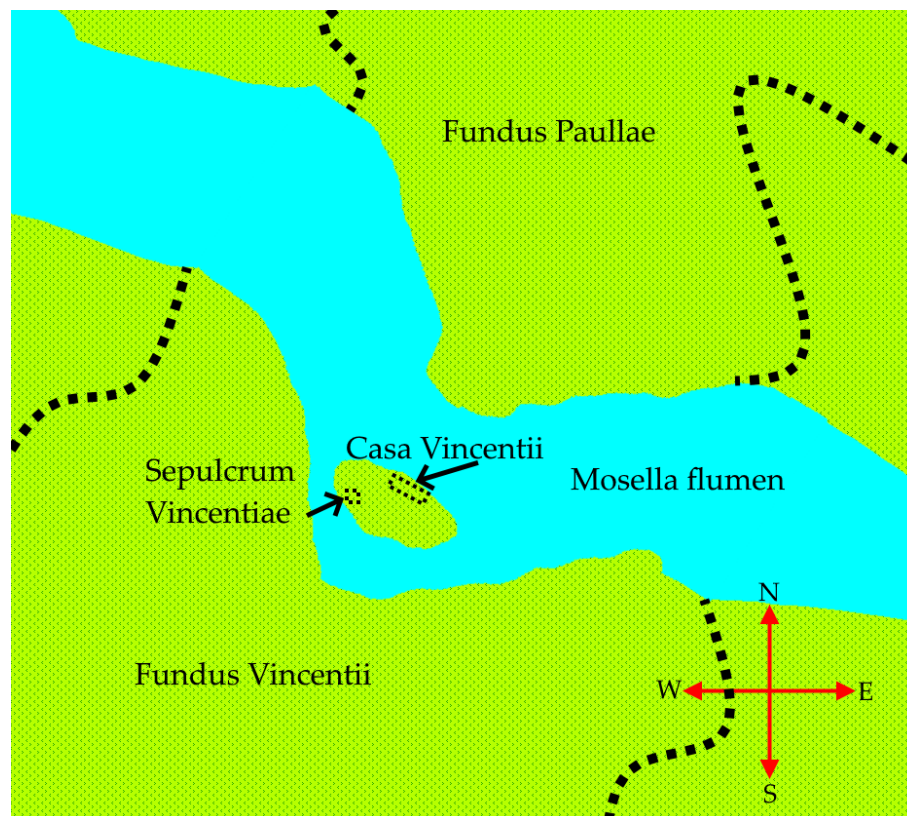


Paulla c. Vincentium

1. It is the second half of the sixth century CE. Vopiscus Virius Vincentius is a wealthy landowner whose family remained in Augusta Treverorum after the city fell to the Franks. Among his landholdings is a vineyard near the village of Croviacum on the banks of the Moselle River. Vincentius produces a prestigious white wine that is marketed as *Nates Nudae Croviacenses* and sold to buyers in many parts of the (known) world. The vineyard on the opposite bank of the Moselle is owned by Postumia Paulla, a rich widow, who also lives in Augusta Treverorum and who—like Vincentius—is descended from an old Roman family. The remaining Romans in the area have accepted Frankish rule but still apply Roman law and custom in their dealings between themselves.
2. Over the years, an island forms in the Moselle between the vineyards of Vincentius and Paulla. In 554 CE when the island stops growing, it covers an area of 8,397 Roman square feet or roughly 0.29 *iugera*. The following map shows the situation in that year:



3. Lucius Iunius Iustus, a friend of Vincentius who has just returned to Augusta Treverorum from the law school in Rome, advises Vincentius that the question who owns a newly formed island was hotly debated among his professors. Vincentius realizes that Paulla may have claims to some of the new land but, at the same time, he feels that the entire island is a natural addition to his vineyard, from which it is only separated by a small gulf of water. He takes possession of the island and builds a small but beautifully decorated stone house on it in early 555 CE. Vincentius's elderly mother, Viria Mamerca, takes a particular liking to the island and to the house. When she dies in the spring of 560 CE, she specifically asks to be buried on her beloved island. Vincentius builds a small monument for her on the island and buries her there, as the following map illustrates:



4. In 563 CE, a Frankish nobleman by the name of Mallobaudes becomes Count of the Pagus Trevirensis, and thus lieutenant of Sigibert, King of Austrasia, in Augusta Treverorum and the surrounding area. Mallobaudes has a reputation as an eccentric man. For a member of the Frankish nobility, he is highly educated. He can read almost all of the letters of the alphabet. Some claim he can even write his own name; but this may be no more than rumour. At any rate, Mallobaudes has many hobbies and is interested in many things. One of his hobbies is his menagerie, which he maintains on his estate at Amerelli villa, near King Sigibert's residence in Mediomatricum.

5. In the autumn of 565 CE, a lion is sighted several times near Croviacum. It has escaped from the menagerie of Count Mallobaudes and has travelled to the Croviacum area in search of food. The locals are frightened but the wealthy landowners are thrilled. Paulla invites some friends to go lion hunting with her on the banks of the Moselle.
6. Paulla's party discovers the lion in her vineyard, sleeping soundly next to the bones of a fat aurochs. Although the hunters try not to wake the animal, one of them steps on a loose stone, which rattles down the steep hill; the lion wakes and flees downhill. Paulla throws her spear, which hits the lion just as it leaps into the Moselle. The lion is killed at once. Paulla and her friends watch as its dead body is washed ashore on the island in the river. The spear is still stuck in its body.
7. Paulla jumps into a boat and crosses over to the island. However, Vincentius's slaves do not allow her to come ashore, telling her to leave "their master's hunting grounds" immediately. Paulla protests that at least some part of the island is actually her property; but the servants tell her they are under strict orders not to let anyone set foot on the island, and that they will use all necessary means to prevent Paulla from coming ashore. Vincentius, who has been resting in the stone house, finds the dead lion. He orders his gamekeeper, a freedman called Gaius Virius Rubeus, to strip off the lion's skin as a trophy and to throw the bloody carcass back into the river.
8. When Vincentius returns to Augusta Treverorum the next day, he finds an angry letter from Paulla. She asks for the return of the lion's body (or whatever is left of it), since she hunted it and killed it. She also claims that the north-eastern part of the island, where Vincentius has built the stone house, is her property.
9. Vincentius writes back, reminding Paulla that he has been in undisturbed possession of the island as a whole for many years. Since his mother is buried on the island, Vincentius claims that the whole island has to be treated as "holy ground". Moreover, Vincentius states that the building of the stone house with its elaborate decorations has cost him 900 *solidi* and has more than doubled the value of the entire island. Should a court find that the land on which the house stands belongs to Paulla, his investment must be taken into account.
10. Vincentius intentionally does not mention the lionskin. He desperately wishes to keep it, because he has never been a successful hunter, and has no other trophies to show off. He hopes that Paulla will forget the incident. In order to avoid further publicity, Vincentius decides to keep the skin, which Rubeus has covered with salt, as is usual, in the cool house on the island for a few days before taking it to a furrier for preservation.

11. When Vincentius returns to the island after four days, he discovers that the lionskin has already gone bad. Some parts have rotted away. What is left is infested with maggots. The stench is so terrible that Vincentius immediately has the skin burned by a slave. Later that day, Vincentius summons Rubeus and asks for an explanation for the skin's rapid deterioration. Rubeus admits that he used only half the usual amount of salt, because of the sharp rise in salt prices over recent weeks. Vincentius is outraged. However, since Rubeus has served the family—first as a slave and then as a freedman—since the days of Vincentius's father Petrus, Vincentius decides to forget the incident, and allows Rubeus to return to his work of watching out for wild *bovigi* in order to prevent them from entering his master's grounds.
12. When Paulla learns what happened, she is furious. She decides to sue Vincentius. Despite their bitter quarrel, Vincentius and Paulla agree that it would not be a good idea to bring the fate of the escaped lion to the attention of Count Mallobaudes. They do not trust the courts of the Franks anyway. As Vincentius puts it: "To bring a *condictio* before the Maloberg would be like drinking our *Nates Nudae* from the horn of an aurochs!" Paulla and Vincentius enter into an agreement stipulating that Paulla's claims shall be brought before a court of arbitrators whom they instruct to apply Roman law as currently in force in Constantinople.
13. Paulla brings two actions against Vincentius:
- (a) an *actio legis Aquiliae* for the value of the lionskin; and
 - (b) a *rei vindicatio* for an area of 2995 Roman square feet in the north-eastern part of the island, as indicated on the following map:

