

Book IX.  
Title XXXVII.

Concerning cattle raiders.  
(De abigeis.)

Bas. 60.25.5; Dig. 47.14; Coll. 11.

Headnote.

(See headnote to 6. 2, which treats of theft generally.)

Not all cattle thieves came under this head. Cattle raiders were those who stole, forcibly, cattle from pastures and herds, and took one horse or one head of cattle, four or five head of swine or ten head of sheep. To drive off a stray ox, horse or other cattle, or a less number of swine or sheep than above mentioned, was treated rather as a simple theft and punished by a two-fold or four-fold penalty. The aim of this law in fact was rather to reach those who made cattle stealing their business, and being frequently armed they were, like highway robbers, treated more severely than a simple thief, and one guilty of repeated violation of the law, though only one head of live stock was stolen at a time, was treated like a cattle raider. One who took swine, goats or sheep was not treated as severely as one who took the larger animals. If a litigant raided flocks which were subject to a suit, he was tried in a civil case and if found guilty, was condemned as a simple thief, to pay the pecuniary penalty for theft. Cattle raiders were at times sentenced to the mines, at times to other public works, at times were beheaded, at times deported temporarily or permanently, the penalty of deportation being generally inflicted on men of the higher classes, who were also deprived of their honors. Persons who harbored cattle raiders were deported for ten years. Dig. 47.14; Coll. Mos. 11.

9.37.1. Emperors Arcadius and Honorius to Pasiphilus.

An accusation of cattle raiding may be made not only in writing but also without it.

Given at Milan December 25 (395).

C. Th. 2.1.8.1.