

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER JULY 2006

TITLE OF PAPER	:	ROMAN LAW
COURSE CODE	:	L102
TIME ALLOWED	:	3 HOURS
MARKS ALLOCATED	:	100 MARKS
INSTRUCTIONS	:	ANSWER <u>FIVE</u> QUESTIONS. ANSWER AT LEAST <u>ONE</u> QUESTION FROM EACH SECTION.

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN
GRANTED BY THE INVIGILATOR**

[TURN OVER]

**SECTION A: HISTORY, LAW OF PERSONS AND LAW OF SUCCESSION
FROM THIS SECTION YOU MUST ANSWER AT LEAST ONE QUESTION**

QUESTION 1

- (a) Distinguish the different types of procedure recognised in Roman law. (6)
- (b) Mention and briefly discuss the stages in the second life of Roman law. (10)
- (c) Mention and briefly describe the four sections of the *Corpus Iuris Civilis*. (4)
- [20]**

QUESTION 2

- (a) Mention the three factors that influenced a person's status in Roman law. (3)
- (b) Children normally present two problems to a legal system. Briefly describe these. (2)
- (c) Define:
patria potestas (2)
 emancipation (2)
 agnatic relationship (1)
- (d) Fully discuss universal succession. Define this institution, indicate its disadvantages and the way in which Roman law addressed these disadvantages. (10)
- [20]**

**SECTION B: LAW OF PROPERTY
FROM THIS SECTION YOU MUST ANSWER AT LEAST ONE QUESTION**

QUESTION 3

- (a) Write short notes on the distinction between real actions and personal actions. (5)
- (b) Distinguish between the three forms of possession in Roman law. (6)
- (c) Briefly discuss accession as an original method of acquiring ownership. (9)
- [20]**

QUESTION 4

- (a) Write short notes on the distinction between:
 (i) corporeal and incorporeal things (5)
 (ii) contract and conveyance (5)

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- (b) Define ownership with reference to its inherent nature. (5)
- (c) Define and explain *constitutum possessorium* with reference to an example. (5)
- [20]

SECTION C: LAW OF OBLIGATIONS
FROM THIS SECTION YOU MUST ANSWER AT LEAST ONE QUESTION

QUESTION 5

- (a) Give Justinian's classification of obligations. (4)
- (b) Briefly discuss the different standards of care in the Roman law of obligations. (10)
- (c) Briefly define:
- (i) delict (2)
 - (ii) *condictio indebiti* (2)
 - (iii) vicarious liability (2)
- [20]

QUESTION 6

- (a) Distinguish between unilateral and bilateral contracts. (5)
- (b) Briefly discuss the warranty against latent defects. (5)
- (c) Briefly discuss the essential elements of Aquilian liability in Roman law. (10)
- [20]

QUESTION 7

Briefly discuss the following aspects of the Roman law of sale:

- (a) fixing of the price (5)
 - (b) passing of title (5)
 - (c) passing of risk (5)
 - (d) warranty against eviction (5)
- [20]

TOTAL: 100 MARKS