

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER JULY 2008

TITLE OF PAPER : ROMAN LAW

COURSE CODE : L 102

TIME ALLOWED : 3 HOURS

MARKS ALLOCATED : 100 MARKS

INSTRUCTIONS : ANSWER ANY FIVE QUESTIONS

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

QUESTION 1

- (a) Briefly distinguish the main periods and dates in the history of Rome. (10)
 - (b) Which period was the classical period of Roman law? (2)
 - (c) Mention the different assemblies and indicate how each was composed. (8)
- [20]

QUESTION 2

- (a) Define universal succession. (5)
 - (b) What are the disadvantages of universal succession? (3)
 - (c) How did Roman law rectify the disadvantages of universal succession? (6)
 - (d) Name the characteristics of a will. (4)
 - (e) What is the aim of the legitimate portion? (2)
- [20]

QUESTION 3

Write short notes on the distinction between:

- (a) things and claims (5)
 - (b) *res Mancipi* and *res nec Mancipi* (5)
 - (c) movable things and immovable things (5)
 - (d) corporeal things and incorporeal things (5)
- [20]

QUESTION 4

Define and give an example of each of the following forms of delivery:

- (a) delivery (5)
 - (b) delivery with the long hand (5)
 - (c) *constitutum possessorium* (5)
 - (d) delivery with the short hand (5)
- [20]

QUESTION 5

- (a) Mention and briefly discuss the three types of possession in classical Roman law. (10)
 - (b) Discuss the essential elements of Aquilian liability in Roman law and refer to a modern case in which these principles were applied. (10)
- [20]

QUESTION 6

- (a) Define ownership with reference to its inviolability. (5)
 - (b) Q and R have an agreement with S in terms of which he can use the road (servitude of right of way) free of charge for as long as he lives. S dies and his wife wishes to use the road. Q and R refuse. Briefly advise S's wife. (2)
 - (c) Discuss the operation of land servitudes. Illustrate your discussion with an appropriate example. (8)
 - (d) Distinguish between crime and delict. (5)
- [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) warranty against eviction (5)
 - (d) warranty against latent defect (5)
- [20]**

TOTAL 100 marks