

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

FINAL EXAMINATION

MAY 2009

TITLE OF PAPER: ROMAN LAW

COURSE CODE: L102

TIME ALLOWED: THREE (3) HOURS

- INSTRUCTIONS:**
- (a) ANSWER ANY FOUR (4) QUESTIONS.**
 - (b) EACH QUESTION CARRIES A TOTAL MARK OF 25.**
 - (c) THE CONTENT OF YOUR ANSWERS, CLARITY OF EXPRESSION AND LEGIBILITY OF YOUR HANDWRITING ARE ALL EXTREMELY ESSENTIAL.**

DO NOT OPEN THIS PAPER UNTIL SO PERMITTED BY THE INVIGILATOR.

Question one:

Roman law did not die in Rome. It survived through the ages and today it forms part of our legal system as Roman-Dutch Law. In an essay, outline how this system of law came to influence our jurisdiction.

(25 Marks)

Question two:

Felix, a Roman citizen lives in one of the inland villages of the time. He also has a seaside cottage for use in summer every year. One winter, whilst Felix is busy with his business in the village, some squatters break into his seaside cottage and occupy it. They remain in the cottage all winter until Felix's arrival for the summer. They claim to have acquired the property since they had both the mental and physical elements necessary for possession. Advise Felix using Roman law principles.

(25 Marks)

Question three:

The *pater familias* was a powerful individual in Roman times. Discuss the creation of the powers that this office bearer had.

(25 Marks)

Question four:

- (a) Discuss the institution of dowry (*dos*) under Roman law. (10)
- (b) *Mutuum*, *commodatum*, *depositum* and *pignus* were all forms of obligations that involved the delivery of a *res corporalis*. Outline the pertinent aspects of these forms. (15)

(25 Marks)

Question five:

Discuss the institution of partnership under Roman law, in relation to its creation, its various modes of manifestation and the rights of the partners *inter se*.

(25 Marks)