

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION, DECEMBER, 2015

TITLE OF PAPER: ROMAN LAW

COURSE CODE: LAW107

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS:

- 1. ANSWER ANY FOUR (4) QUESTIONS**
- 2. ALL QUESTIONS CARRY EQUAL MARKS**

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GRANTED BY THE INVIGILATOR.**

QUESTION 1

Discuss how the work of the urban praetor influenced the development of Roman law and Roman-Dutch Common law as we know it today.

[25 MARKS]

QUESTION 2

"The Senate's legislative power in the Republican constitution is summed in the maxim *quod principi placuit legis habet vigorem*". Discuss fully

[25 MARKS]

QUESTION 3

The *ius honorarium* and the *ius respondendi* is the fulcrum on which the Roman constitution revolved during the Roman republic. Do you agree? Critically evaluate the validity of this statement.

[25 MARKS]

QUESTION 4

What lessons can be learnt from the conflict between the plebeians and patricians in the Roman Republic era? Discuss fully.

[25 MARKS]

QUESTION 5

The formulary system replaced the *legis actiones* system of litigation because the former emphasized excessive formality, was archaic and short on effectiveness. Outline how the formulary system operated. What lessons has our jurisdiction learnt from the Roman formulary system?

[25 MARKS]