

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER – NOVEMBER 2017

TITLE OF PAPER : **ROMAN LAW 1**

COURSE CODE : **IDE- LAW107 (IDE LLB & DIP. LAW)**

TIME ALLOWED : **THREE (3) HOURS**

MARKS : **100**

INSTRUCTIONS : **(a) ANSWER ANY FOUR (4) QUESTIONS.**
(b) ALL QUESTIONS CARRY EQUAL MARKS.

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INVIGILATOR**

QUESTION 1

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. Outline how this system of law came to influence our jurisdiction.

Total Marks [25 Marks]

QUESTION 2

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

Total Marks [25 Marks]

QUESTION 3

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

Total Marks [25 Marks]

QUESTION FOUR

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?

Total Marks [25 Marks]

QUESTION FIVE

History has judged Justinian, the Roman Emperor, as prescient. Critically assess this statement with regard to his contribution to the development of Roman Law.

Total Marks [25 Marks]