

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
SUPPLEMENTARY EXAMINATION PAPER- JULY 2018
LLB I & DIP. LAW I IDE

TITLE OF PAPER : ROMAN LAW II
COURSE CODE : LAW108
TIME ALLOWED : THREE (3) HOURS
INSTRUCTIONS : 1. ANSWER ANY FOUR (4) QUESTIONS
2. ALL QUESTIONS CARRY EQUAL MARKS

TOTAL MARKS : 100

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QUESTION 1

Write short notes on the following:

- a) *Possessio civilis*
- b) *Possessio ad interdicta*
- c) Corporeal and incorporeal property
- d) *Mancipatio*

[25 Marks]

QUESTION 2

“Just as no possession can be acquired except physically and with intent, so none is lost unless both elements are departed from”. [Jurist Paul (Digesta 41.2.8)]

Critically discuss the above statement.

[25 Marks]

QUESTION 3

The Supreme Court of Swaziland is seized of a public interest case on the issue of determining the legality and limits of the rights of private individuals to keep the corpses of deceased loved ones.

As *amicus curiae*, you have been asked by the Chief Justice to render an opinion on this issue to guide the court. Drawing on discussions of the law of things and classification therein, write your opinion.

[25 Marks]

QUESTION 4

Explain the Roman law of neighbours, carefully highlighting five instances of restrictions with regard to property rights.

[25 Marks]

QUESTION 5

Discuss the various ways property was classified in Roman law. Which classification of property was of fundamental significance in the conveyance of property? Give reasons for your answer.

[25 Marks]