

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER JULY 2007

TITLE OF PAPER	:	ROMAN LAW
COURSE CODE	:	L102
TIME ALLOWED	:	3 HOURS
MARKS ALLOCATED	:	100 MARKS
INSTRUCTIONS	:	ANSWER <u>FIVE</u> QUESTIONS. ANSWER AT LEAST <u>ONE</u> QUESTION FROM EACH SECTION.

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[TURN OVER]

SECTION A: HISTORY, LAW OF PERSONS AND LAW OF SUCCESSION
FROM THIS SECTION YOU MUST ANSWER AT LEAST ONE QUESTION

QUESTION 1

- (a) Discuss the role of the Praetor in the development of Roman law. (10)
 - (b) What do the following concepts mean?
 - (i) *patria potestas* (2)
 - (ii) *infans* (1)
 - (iii) *status* (2)
 - (c) Briefly discuss the legitimate portion (*legitimatio portio*). (5)
- [20]

QUESTION 2

- (a) Write a short composition on the codification work of Justinian (527-565). (10)
 - (b) Name the characteristics of a will. (4)
 - (c) Distinguish the different types of procedure recognised in Roman law. (6)
- [20]

SECTION B: LAW OF PROPERTY
FROM THIS SECTION YOU MUST ANSWER AT LEAST ONE QUESTION

QUESTION 3

- (a) Give an example of each of the following:
 - (i) *res Mancipi*
 - (ii) *res nec Mancipi*
 - (iii) movable thing
 - (iv) incorporeal thing
 - (v) claim (5)
 - (b) Discuss Roman law ownership with reference to its nature, its inviolability and its entitlements. (10)
 - (c) Define appropriation. (5)
- [20]

QUESTION 4

- (a) Write short notes on the distinction between contract and conveyance. (5)
 - (b) Explain the operation of delivery with the long hand (*traditio longa manu*) and illustrate this by way of an example. (5)
 - (c) 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)
 - (d) Discuss the operation of land servitudes. Illustrate your discussion with an appropriate example. (8)
- [20]**

SECTION C: LAW OF OBLIGATIONS
FROM THIS SECTION YOU MUST ANSWER AT LEAST ONE QUESTION

QUESTION 5

Briefly explain the following concepts:

- (a) cession (5)
 - (b) *emptio spei* (sale of an expectation) and *emptio rei speratae* (sale of an expected thing) (5)
 - (c) *iniuria* (2)
 - (d) *negotiorum gestio* (3)
 - (e) law of delict and law of delicts (5)
- [20]**

QUESTION 6

- (a) Briefly discuss the following aspects of the Roman law of sale:
 - (i) warranty against eviction (5)
 - (ii) warranty against latent defects (5)
 - (b) Discuss the proceedings which could be instituted against a thief in Roman law. (10)
- [20]**

TOTAL: 100 MARKS