

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER 2010

TITLE OF PAPER : **ROMAN LAW**

COURSE CODE : **L102**

TIME ALLOWED : **3 HOURS**

MARKS ALLOCATED : **100 MARKS**

INSTRUCTIONS : **ANSWER ANY FOUR
QUESTIONS OF
YOUR CHOICE.**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN
GRANTED BY THE PROCTOR.**

[TURN OVER]

QUESTION 1

- [a] Discuss the role of the Praetor in the development of Roman Law. [15]
- [b] Mention the three factors which influenced a person's status in Roman Law [3]
- [c] Mention the methods of acquisition of ownership. [2]
- [d] What purpose do the forms serve. [3]
- [e] What does *constitutum possessorium* mean? [2]

25 MARKS

QUESTION 2

Justinian and his works are considered by legal scholars to be prescient. Critically discuss this Roman emperor's work with particular attention to his successes and failures in the development of Roman law.

25 MARKS

QUESTION 3

- [a] Briefly discuss the relationship between possession and ownership in Roman Law [6]
- [b] Name and briefly discuss the requirements for the transfer of ownership [7]
- [c] Define a personal AND real servitude [7]
- [d] Discuss guardianship and state the differences between a tutor and a curator. [5]

25 MARKS

QUESTION 4

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 5

- [a] Describe the “struggle between the orders.” [15]
- [b] Briefly discuss the following aspects of the Roman Law of sale:
- [i] warranty against eviction [5]
 - [ii] warranty against latent defects [5]

25 MARKS