

UNIVERSITY OF ESWATINI
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER – MAY 2019
LLB I & DIP. LAW I IDE

TITLE OF PAPER : ROMAN LAW 11
COURSE CODE : IDE- LAW108
TIME ALLOWED : THREE (3) HOURS
MARKS : 100
INSTRUCTIONS : (a) ANSWER ANY FOUR (4) QUESTIONS.

(b) ALL QUESTIONS CARRY EQUAL MARKS.

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QUESTION 1

Write Short notes on the following:

- (a) Corporeal and incorporeal property
- (b) *corpus iuris civilis*
- (c) *Mancipatio*
- (d) The *paterfamilias*
- (e) *Res*

Total Marks [25 Marks]

QUESTION 2

Mgijimi and Mbalekelwa are neighbours. Mbalekelwa's spring dried up during a protracted drought, but Mgijimi's spring ran from time to time. Mgijimi and Mbalekelwa agree that Mbalekelwa could draw water from Mgijimi's spring if there was sufficient supply for both of them and that Mgijimi would keep the pipes clean with that end in view. Would you say that a servitude had been established in favour of the dominant tenement (Mbalekelwa's tenement) over Mgijimi's tenement (the servient tenement)?

Total Marks [25 Marks]

QUESTION 3

The relationship between the legal subject and the thing could take various forms. The function of the law therefore is to harmonize the variety of individual rights. Critically Discuss.

Total Marks [25 Marks]

QUESTION FOUR

Critically discuss and make a distinction of a real right and a personal right.

Total Marks [25 Marks]

QUESTION FIVE

"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.

Total Marks [25 Marks]