

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB DEGREE PROGRAMME - LEVEL 03
FINAL EXAMINATION 2022/2023
LLU3303 ROMAN LAW



Date: 28th February 2024

Time: 9.30 p.m. – 12.30 p.m.

Total number of questions: 08

Answer FIVE (05) questions only.

Candidates will be penalized for illegible hand writing.

1. , 'A pivotal event occurs in the history of a legal system when laws are enacted in writing: a new source of law emerges, in addition to unwritten customary law, with far-reaching consequences.'

Mousourakis George, *Fundamentals of Roman Private Law* (Springer 2012)

Explain various sources that contributed to enrich the scope of Roman law with reference to the above statement.

(20 marks)

2. Lucas, a 55-year-old Roman citizen is the *pater familia* of Lothario, Julia, and Silvius aged 14, 11 and, 09 years respectively. Considering the financial hardships he faced, Lucas married off 11-year-old Julia to Octavius, who was a 40-year-old wealthy widower. Julia returned to her parental home after two months, complaining that Octavius was a cruel man. Lucas threatened Julia that unless she went back to Octavius, he would sell her into slavery. Julia's brothers Lothario and Silvius, determined to take revenge from Octavius for his cruel treatment towards their sister, and set fire to Octavius' farm. Lucas punished Lothario and Silvius by leaving them outside the house without adequate food or clothing in cold weather.

Discuss the legal implications arising from the above instances with reference to the institution of *patria potestas* in Roman law.

(20 marks)

3. 'The Roman law of succession addresses how the assets and obligations of a deceased person are passed to his or her heirs.'

In light of the above statement describe the two types of succession recognized under Roman law by providing applicable legal principles and appropriate examples.

(20 marks)

4. Discuss the applicable legal principles of the following situations.

Titus entered into a *manus* marriage with Alba by completing *conferratio*. They had twin sons and a daughter from that marriage. Unfortunately, the twin sons drowned in the sea and died at the age of 10. Titus who was emotionally affected by the death of his sons became insane. Meanwhile, Alba sought to be appointed as the guardian of their 06-year-old daughter. Alba further believed that she would be entitled to collect the income from her ward's properties and invest the income as her wish.

(20 marks)

5. Discuss the legal remedies available to the parties in each of the following situations.

a). A newly wedded couple Juno and Etko decided to build a small house on the plot of land gifted to Etko by her father. Juno's brother Pluto sent a load of bricks and sand to build the walls of the house. Meanwhile, Marcus, who lived in the neighborhood complained that Pluto has stolen bricks and sand stored in Marcus' land. Juno and Etko felt embarrassed since they had completed putting up the walls of the house when Marcus complained about the issue.

b). Romulus occupied the land belonging to Antonio. Antonio evicted Romulus from the land after five years and regained possession of it. However, Romulus forcefully removed Antonio after six months and cultivated wheat and Barley on the land stating that he has the prescriptive title over the land.

(10 x 2 = 20 marks)

6. a). Cletus and his family went on a pilgrimage to Macedonia. While they were away, their house caught fire. Cletus's neighbour Urbano extinguished the fire with the help of his sons. Cletus's slave got severely injured by the fire and Urbano paid the expenses for obtaining treatments. Urbano also hired a facility to store wheat that was in Cletus' house to prevent further damage.

Advise Cletus and Urbano regarding the legal consequences associated with the above situation.

- b). 'Consensual contracts under the Roman law were formless and mere agreements that were created bilateral obligations.'

Discuss the nature of consensual contracts under Roman law by citing appropriate examples.

(10 x 2 = 20 marks)

7. Analyse the applicable Roman legal principles of the following situations.

- a) Cyrus entered Felix's house at night and stole a few ornamental vessels made of gold. When Cyrus tried to escape with the stolen goods, Felix caught him with the help of his slave Balbus.

(06 marks)

- b) Julius set fire to Hadrian's store where a large quantity of wheat was stored. Julius tried to justify his action by stating that he did it because Hadrian had collected the bulk of wheat unfairly by threatening innocent farmers.

(07 marks)

- c) Camillus, who was intoxicated because of consuming large quantity of wine, insulted Cicero, a senator at a public gathering. When Cicero tried to control Camillus, he spat at Cicero stating that Cicero's mother was a prostitute.

(07 marks)

(Total marks = 20)

8. Write comprehensive notes on the following.

- a). The classical period and its significance in developing Roman law.
b). Roman legal procedure and praetorian remedies.

(10 x 2 = 20 marks)

-Copyright reserved-