

THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF HUMANITIES AND SOCIAL SCIENCES  
DEPARTMENT OF LEGAL STUDIES  
LL.B (HONOURS) DEGREE PROGRAMME – LEVEL 3  
FINAL EXAMINATION 2023/2024  
LLU3303-ROMAN LAW  
DURATION – 03 HOURS



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Date: 24th May 2025

Time: 01.30 p.m. – 04.30 p.m.

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Total number of questions: 08

Answer **FIVE (05)** questions only.

Candidates will be penalized for illegible handwriting.

1. “During the later Empire, all sources of law ended up being mere expressions of the imperial power.... The authority of jurists and senators ceased to be a constitutional limit on imperial power.”

Domingo Osle, Rafael, *Sources of Roman Law*, SSRN 2018.

In light of the above statement, explain various sources that contributed to enrich the scope of Roman law concerning Rome’s transformation from the Republic to the Principate, and then to the later Empire.

**(20 marks)**

2. Servius is the father of two sons, Quintus and Junius, and a daughter named Prima. He made a will nominating Quintus and Junius as the heirs of his estate while excluding his daughter Prima. However, Servius did not expressly disinherit Prima in the will. Six months later, Quintus died due to a sudden illness. Since Junius had begun an intimate relationship with Sabina, the daughter of Servius’s arch-rival, he intended to prepare a codicil stipulating that if Junius married Sabina, he would forfeit any property bequeathed to Junius under the original will.

Considering the Roman law principles on testate succession, analyse the above factual situation and discuss the legal consequences.

**(20 marks)**

3. Describe the following concepts under Roman law.

- (i) *dominia potestas*
- (ii) The commencement and termination of *patria potestas*

**(10 x 2 = 20 marks)**

4. Priscilla married a soldier who was serving in the war, despite the objections of her *pater familias*. A few months later, her husband was captured by the enemy forces. Subsequently, Priscilla's *pater familias* arranged her marriage to Lucius, a wealthy widower residing in Rome. However, Priscilla later discovered that Lucius was not truly a widower, as his disabled wife was still alive and kept hidden in a secret chamber within his mansion. Meanwhile, Priscilla's first husband returned home after securing his release from captivity, leaving Priscilla uncertain about the validity of her marriage.

Advise Priscilla considering the Roman law principles on valid marriage.

**(20 marks)**

5. (i) Illustrate the classification of *res* under Roman law.

**(10 marks)**

(ii) Describe the modes of acquisition of property under *ius civile*.

**(10 marks)**

**(10 x 2 = 20 marks)**

6.

i) Explain the classification of servitudes under Roman law. Provide examples where necessary.

**(10 marks)**

ii) Identify the legal consequences of the following situations:

a) Romulus has a praedial servitude of right to walk across his neighbour Aelius's land to access the road. Aelius died, leaving his property to his heir Decimus. When Romulus tried to walk across the land, the new owner, Decimus, stopped Romulus and denied him entry. Decimus stated that he was unaware of such servitude and was not bound by a right Aelius granted to Romulus.

**(05 marks)**

b) Martinus granted Cassian one of his holiday homes, located on a ten-acre vineyard, for a period of three months to spend the summer. Cassian occupied the place with his family, and Martinus also permitted him to enjoy the harvest during his stay. However, during the second month of their stay, Cassian

cleared a portion of the vineyard near the house and erected a temporary shelter to accommodate a group of entertainers he had hired.

(05 marks)

(10+05+05 = 20 marks)

7. Explain the applicable legal principles and the consequences of the following situations:
- (i) Felix borrowed 100 gold coins and a large quantity of wine from Nero for his daughter's wedding ceremony, promising to return both the money and wine to Nero within a month. When Felix fulfilled his promise, Nero demanded an additional 20 gold coins as interest on the sum he had lent.
  - (ii) Aquilius gave 30 sacks of Wheat to his neighbour Casca and retained Casca's horse carriage as a pledge. However, Casca was unable to return the wheat within the agreed period due to his harvest being destroyed by floods. Later, Casca learned that Aquilius had sold the horse carriage immediately after delivering the sacks of wheat.
  - (iii) Juliano bought a valuable painting of a renowned Roman artist Arellius from an art dealer and paid 200 gold coins. He later discovered that a newly enacted law by the emperor prohibited the sale of artworks by several painters, including Arellius. To avoid potential penalties, Juliano sought to return the painting and recover the amount that he had paid.
  - (iv) Aulus paid 500 silver coins to Linus under the belief that he owed the sum. However, Aulus later discovered a document confirming that the debt had already been settled a year earlier. When Aulus requested the return of the money, Linus refused, claiming that Aulus had known he was not indebted and that the payment should be regarded as a gift.

(05x4=20 marks)

8. Comment on the following statements, considering the evolution of Roman legal procedure.
- (i) 'Roman legal procedure is a long-evolving system used in the Roman courts, which in its later stages formed the basis for modern procedure in civil-law countries'.
  - (ii) 'Praetorian remedies in Roman law were actions and protections granted by the praetor, a senior magistrate, beyond the strict rules of *ius civile*'.

(10 x 2 = 20 marks)

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