

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB (HONOURS) DEGREE PROGRAMME – LEVEL 03
CONTINUOUS ASSESSMENT TEST II-2023/2024
ROMAN LAW – LLU 3303



DURATION – 1 HOUR

Date: 06th January 2025

Time: 9.30 a.m. – 10.30 a.m.

Total number of questions: 02

Answer ONE (01) question only.

Candidates will be penalized for illegible handwriting.

1. Lucas, who is married to Augusta, was the *pater familia* of 20 year old Tulio, and 16 year old Bellona. Lucas was unable to support his family due to bankruptcy. Therefore, Lucas was adrogated by a 65 year old wealthy Roman citizen Octavius.
Tulio, who hated Octavius, left the family and started cohabitation with 30 year old Prisca without knowing that Prisca was already married to Decimus. Tulio expected to establish a valid marriage by *usus*.
Octavius arranged a marriage for Bellona with Nero, the eldest son of one of his friends. Lucas and Bellona both objected to the marriage upon learning that Nero had a mental illness. However, the marriage took place despite Lucas's and Bellona's objections.
A few months later, Nero assaulted and tortured Bellona due to his mental illness. Bellona returned to her *pater familia* and requested a divorce from Nero.
Meanwhile, Nero's father alleged that Bellona is an adulterous woman and, *dos profectitia* should be remained with Nero after the divorce.

Discuss legal issues under Roman law arising from the circumstances described above.

(20 marks)

2. Cassius, a wealthy Roman citizen in the era of Emperor Justinian, wants to dispose his property under a last will. He intends to institute his elder sons aged 14 and 16 years, and his younger son aged 10 as heirs. However, Cassius hesitates to appoint his 10 year old younger son Tullius as an heir because he is a minor. Further, Cassius wants to disinherit his daughter Graciana from the last will as he had given a substantial dowry on her wedding day. Cassius also wants to institute his emancipated son together with his other sons, and to free his most faithful slave by his last will.

Advise Cassius on his legal position in the above circumstances, stating applicable legal principles and reasons under Roman law.

(20 marks)