

UNIVERSITY OF COLOMBO, SRI LANKA  
FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION, YEAR 1 (Online) – 2019 (REPEAT)

ROMAN LAW

(Three Hours)

Total Number of Questions: 06

Answer **THREE (03)** questions and **no more**.  
(Candidates will be penalized for illegible handwriting.)

1. Answer **both** (i) and (ii).
  - i) Out of poverty, Leena and Balbus decided to sell their newborn child into slavery with the perpetual right of redemption. Brutus bought the child and named her as Nora. At the age of twenty, Nora gave birth to a son. Later, it was revealed that Nora was granted freedom during her pregnancy by Brutus's last will. Nora's son Titiyus wants to know about his legal status.  
  
Advise Titiyus.
  - ii) Marcellus was a wealthy merchant who lived in Rome. When Marcellus was severely injured due to a fall from a horse, Balbus; one of his slaves looked after him. Marcellus wishes to grant freedom to Balbus.  
  
Advise Marcellus.
  
2. Giving reasons, advise Augustus as to his property rights in the situations mentioned below:
  - i) As there was insufficient space in his land, Augustus decided to build a store in his neighbour's land using Augustus's own material.
  - ii) Augustus found a cart at the end of his village. Even though he looked for the owner, he got to know later that the cart has been abandoned by the owner. Augustus wanted to acquire the cart.

iii) Marcus was a famous romantic poet in Rome. One day when Marcus visited Augustus, he saw Augustus's beautiful daughter and wrote a poem for her on Augustus's paper.

iv) Paulus was a skillful carpenter and he made a table from Augustus's wood. Augustus wanted to own the table.

3. For some reasons, Roman ownership has been defined as the ultimate residual right in a thing; not all the time an owner enjoys unlimited rights of ownership. The owner of a *usufruct*, *emphyteusis* or *superficies* has no more than an ultimate right to enjoyment.

Do you agree? Discuss the above statement with reference to the existence of *jura in re aliena*.

4. Explain the legal implications, and the rights and obligations of the parties under the following situations:

i) Albertus and Magnus were childhood friends. Magnus was running a business and faced with financial difficulties. He asked for a loan from Albertus who did not have enough money to lend. Albertus asked his neighbor Julian to lend money to Magnus. Julian gave the loan to Magnus depending on the words of Albertus. It was agreed that Magnus would repay the money within six months to Julian. Magnus failed to repay the loan as agreed.

ii) Patrian was a corn farmer and Vitus was one of his regular buyers. Patrian showed his five acres of corn field to Vitus and agreed to deliver two hundred pounds of corn in two months to him for an agreed price. In turn, Vitus agreed with Tulian to sell him two hundred pounds of corn, which he would get from Patrian in two months. Due to floods, the corn field of Patrian was destroyed and he failed to deliver the agreed goods to Vitus.

Tulian demanded delivery from Vitus.

5. Discuss the liability of the relevant parties under the following situations:
- i) Cato borrowed Atticus's donkey to ride for a day. Thereafter he took the donkey to a nearby carnival and provided donkey rides for a fee. At the end of the carnival Cato sold the donkey to Cyrus.
  - ii) Cato borrowed Atticus's gold headband and purple silk tunic to wear for a party. A gang of thugs led by Tullius waylaid Cato, beat him up severely with wooden clubs and stole the gold headband. The gold headband was dented in the attack and the purple silk tunic was torn.
  - iii) Cato's garden had a large tree which overhung the marketplace. Cato was cutting the big branches of the tree when Atticus's slave passed underneath, calling out his wares, "Come and buy my tasty cakes". One branch fell and killed the slave. Cato argued that he had shouted out a loud warning as the branch fell.
6. i) Cassius has accepted a legacy given by the will of his father Cato to a ward Linus whose affairs were administered by Cassius while he himself received nothing under his father's will.  
Advise Cassius.
- ii) Cato instituted his son Cyrus and his slave Julius who were in his power, as heirs to his estate and failed to make any substitution. Julius died before Cato's death and Cyrus did not want to accept the estate.  
Discuss whether intestacy would arise in this situation.
- iii) Cato desired to leave his property to Cassius whom he appointed as his heir, with a request to Cassius who should, upon the death of Cassius, leave the same property to Linus. Similarly, Linus was requested, upon the death of Linus, to leave the same property to Cyrus.  
Advise Cato.