

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**

**BACHELOR OF LAWS EXAMINATION, YEAR I (Online) -2020 (REPEAT)**

**Roman Law**

(Three Hours)

Total Number of Questions: **06**

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

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1. “The term ‘sources of law’ is used in many senses. In certain jurisdictions it denotes the ways in which law was made, as opposed to what may be called the literary sources, which are the historical evidence for what the law was.”

Evaluate the above statement with reference to the sources of Roman Law.

(100 marks)

2. Titius, was a wine merchant of Rome and he owned several slaves who worked in his wine yard. Titius developed a relationship with Aneeza, one of the slaves, who later gave birth to a son called Surus. Brutus and Sorus, two Roman citizens, also worked for Titius. Brutus and Sorus spoke ill, about Titus who was annoyed over it and enslaved both of them for their insincere behavior. Titius wanted to promote Surus and sent him to the city to enter into a contract with a merchant for the distribution of wine. The merchant refused to enter into the contract with Surus saying Surus had no legal capacity to contract. Later Titius wanted to release Surus and two other slaves and revealed his intention to do so to a Magistrate of the area.

Discuss the legal issues that have arisen under the above situation and advise Titius.

(100 marks)

3. Discuss the following circumstances applying the law relating to acquisition of property. You are also required to address the compensation element when ownership is denied:

(i) While Brutus was travelling in his horse cart through a jungle, he saw wild geese. He brought ten of those home and kept them in his farmhouse. After a week five of the geese went to the garden of Marcus, his neighbour. Marcus refused to return the five geese stating that Brutus has no right over them.

Can Brutus claim ownership over the five wild geese remaining and the five geese which went to the neighbouring garden?

(ii) Brutus was occupying a farmhouse for three years against the ownership of Sirius. In between, eighteen months ago, Brutus fell ill and he left the farmhouse and went to the town for medical treatment and returned in three months. One day, at the end of three years referred above, when he went out in the morning and returned to the farmhouse in the evening, he saw Sirius and his family were occupying the farmhouse with their animals.

Who is the owner of the farmhouse?

(iii) Brutus visited his paddy field that was near a river after a heavy monsoon shower. He found that the river has changed its course and as a result a piece of extra land has been created adjoining his paddy field. That extra land was full of sand that was washed away from Marcus's land that was situated in a higher elevation.

Can Brutus fence around the extra land and claim ownership of the land and sand in it?

(iv) While Brutus was coming through a jungle, he found a copper plate in which a map was engraved. He followed the directions given in the map and found a treasure in the land belonged to Sirius. Brutus dug the land and took the treasure away.

Who is the owner of the treasure?

(v) Brutus plucked grapes from the wine yard of Sirius and made wine by employing Titus. Out of Brutus, Sirius and Titus, who can claim ownership over the wine?

(20 X 5 = 100 marks)

4. Discuss the rights, duties and obligations of the parties under the following circumstances:

a. Catus agreed to sell 200 barrels of red wine to Julius who agreed to arrange transport for the delivery. Julius paid a nominal fee as advance for the transaction and the balance was to be paid upon delivery. Before delivery, a fire broke out at Catus's warehouse and the entire stock of wine was destroyed. Catus claims the balance payment due.

(30 marks)

b. Cascus and Spartacus are siblings and had 49 horses in joint ownership. They filed a litigation to divide their shares as they always had problems in dividing the profits between them. They delivered the horses to their uncle Patrian to keep the horses until the final determination is arrived. Cascus appointed Marcus to look into the litigation formalities on his behalf. Patrian gifted one of the horses to his son Balbus. The magistrate decided to equally divide the horses between Cascus and Spartacus and to sell the remaining one horse and divide the money equally. In the meantime, Cascus found that Marcus has left the country without attending to his work.

To what extent Patrian and Marcus are liable?

(40 Marks)

c. Cascus bought a diamond ring for his fiancée. His sister Valencia asked him to give the ring to wear it to a wedding and agreed to return it afterwards. The ring was stolen at the wedding ceremony. Balbus who stole the ring was caught with the ring at the same venue of the wedding. However, Balbus escaped after stabbing Valencia.

To what extent Valencia and Balbus are liable?

(30 marks)

5. Emilian was a well reputed diamond merchant who lived in Rome. He had three servants at his residence. Emilian's wife Juliana found out that some of their household items were missing from their house and informed this to Emilian. He inquired about this from his servants and they denied any involvement. Emilian secretly observed all three

servants and caught one of the servants, Balbus, with two costly wine bottles stolen from his place. Emilian exposed this at the church in front of everyone and terminated Balbus's service. Humiliated Balbus went to Emilian's business place the following day and attacked him with a club in front of his customers and other workers. Balbus attacked Emilian's son Cascus on his head and he lost the vision of one eye as a result. Before leaving, Balbus shouted that Juliana was in an illicit affair with the other two servants. Further, Balbus damaged Emilian's cart and horses with an iron rod killing one of the horses. He took a bag full of tools used for making jewelry when he left saying that those tools belonged to him for the humiliation done to him by Emilian.

Advise Emilian.

(100 marks)

6. Brutus had two natural sons, Catus and Balbus, and an adopted son Marcus under his power. Brutus left a will appointing Cascus who was his younger brother's son as the sole heir for his entire estate. Cascus was willing to accept the estate. In the same will, Brutus gifted a paddy land to his friend Patrian. Brutus was not aware that the said paddy land belonged to a textile merchant. Patrian demanded that Cascus make entry in to the entire estate and transfer the gift made to him under the will. Cascus wondered whether he could do so as Brutus did not own the paddy land.

Consider the following:

- (i) Catus, Balbus and Marcus wish to know whether they can challenge the will and claim any shares in the estate left by Brutus.
- (ii) (a) Patrian wants to know the validity of the gift made under the will.
- (b) Would your answer be different for (a) above if the paddy land gifted to Patrian already belonged to Patrian as he purchased it from the previous owner without the knowledge of the gift made to him under the will?

Advise the parties as to their legal position, rights and actions available.

(100 marks)

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