

Tuesday, July 16.—Afternoon, 3 to 6.

ROMAN LAW.

Examiners: HON. S. L. SHANNON, D. C. L., Q. C., and
M. H. RICHEY, Esq., Q. C.

1. Were any and what testamentary dispositions of property admitted under the Roman law?
2. What were "servitudes" under the Roman law?
3. Classify "servitudes," and mention some of the principal real servitudes. How were they created?
4. Give a definition of the right of *usufruct* in the Roman law. How was a "*usufruct*" created? How determined? What things could have been made the subject of this right?
5. Give a definition of the legal term "obligation" as used in the Roman law?
6. What was "novation"?
7. Give the definition of the contracts of "*mutuum*" and "*commodatum*," and explain the distinction between them.
8. Distinguish between "*obligatio ex contractu*" and "*obligatio quasi ex contractu*," and give examples of each.
9. Describe the nature of "obligations *ex delicto*." What kinds of injury were not covered by them?
10. What is the cause, as stated by Sir Henry Maine, of the very prominent position taken by the law of wrongs or torts in the early history of any community? Illustrate by the case of Rome?
11. Explain the early Roman law as to the "manifest" and "non-manifest" thief. State analogous principles of Anglo-Saxon law as referred to by Sir Henry Maine in his *Antient Law*?
12. Translate the following passage from the *Institutes*:—Lib. IV., tit. 6, sect. 1, and give explanatory notes upon the legal terms used therein:—
"Omnium actionum quibus inter aliquos apud iudices arbitrore de quacumque re queritur, summa divisio in duo genera diducitur; aut enim in *rem* sunt, aut in *personam*. Namque agit unusquisque aut cum eo qui ei obligatus est vel ex contractu vel ex maleficio, quo casu prodita sunt *actiones in personam*, per quas intendit adversarium ei dare aut facere oportere, et aliis quibusdam modis: aut cum eo agit qui nullo jure obligatus est, movet tamen alicui de aliqua re controversiam, quo casu prodita *actiones in rem* sunt: veluti si rem corporatam possideat quis quam Titius suam esse affirmet et possessor dominum se esse dicat; nam si Titius suam esse intendat in rem actio est."

INTRO

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