

UNIVERSITY OF EDINBURGH.

LAW AND ARTS GRADUATION EXAMINATION.

CIVIL LAW.

FIRST PAPER.

TUESDAY, 16th June 1953.—9 to 11 A.M.

Candidates should mark their papers on the outside
M.A., B.L., or LL.B., as the case may be.

Candidates for Ordinary M.A. of the third and later years are
required to write '(3)' after their names on the Examination Books.

A.—INSTITUTES.

(To be answered by ALL candidates.)

1. Translate and comment on :—

~~not rea~~ (a) Obligationes quoquo modo contractae nihil eorum
~~not in use regio~~ recipiunt. Nam quod mihi ab aliquo debetur, id si velim
~~stipulation -~~ tibi deberi, nullo eorum modo quibus res corporales ad alium
~~called novatio~~ transferuntur id efficere possum.—(GAIUS, 2, 38.)
~~wtl it, not sue~~
~~in own name,~~ (b) Itaque iure quodammodo peculii bona Latinorum ad
~~only as procus~~ manumissores pertinent.—(GAIUS, 3, 56.)

~~Fideiussors for~~ (c) Si plures sint fideiussores, quotquot erunt numero,
~~every type of~~ singuli in solidum tenentur. Itaque liberum est creditor, a
~~obligat - re. reb.~~ quo velit solidum petere. Sed ex epistula divi Hadriani
~~bound naturally~~ compellitur creditor a singulis, qui modo solvendo sint litis
~~Heir bound~~ contestatae tempore, partes petere.—(JUSTINIAN, Instit., 3,
~~No time limit~~ 20, 4.)

(d) Qui res alienas rapit, tenetur quidem etiam furti (quis
~~benefic ordines~~ enim magis alienam rem invito domino contrectat, quam qui
~~cedendarum act~~ vi rapit? Ideoque recte dictum est eum improbum furem
~~pro rata~~ esse: sed tamen propriam actionem eius delicti nomine
~~share each~~ praetor introduxit.—(JUSTINIAN, Instit., 4, 2, pr.)
~~Jan - 25, 25, 25.~~

2) cumulative liability: each for all

3) integrat - each for whole, but only once

w/ solidum - only satisfied by payment

w/ correality - litis contestatio cum bond.

Hadrian's great innovation on correality allowing benefon

Juniors = slaves
in antiquity.
Lex = law =
gave status.
Not citizens, so
not to manumission
not slaves or
not to master,
so to manumission
as if law not
passed.

Action called
vi bonorum
raptarum.
If wtl year,
4 times value
given, then only
single. For
most trifling. Really only
3, " one was stolen off.
Doesn't matter if not
caught at time.
Ed be alone. Evil
intent necessary, only
moveables. Not ag.
heirs.

B.—PROCEDURE.

From the section on the office of a judge.
 (QUESTION 2 and TWO other questions to be answered.)

2. Translate and explain :—

Also account for fruits. If asks for time, seems honest, ok, but give security. If neither give nor security, condemn for amount which claimant has in getting it at once. Si ad exhibendum actum fuerit, non sufficit, si exhibeat rem is cum quo actum est, sed opus est, ut etiam causam rei debeat exhibere, id est, ut eam causam habeat actor, quam habiturus esset, si, cum primum ad exhibendum egisset, exhibita res fuisset: idemque si inter moras usucata sit res a possessore, nihilominus condemnatur.—(JUSTINIAN, Instit., 4, 17, 3.)

3. Explain the meaning of the phrase *actiones adiectitiae qualitatis*. Praetorian usually few lex (if minus quam or imperfecta) or seratus consul.

4. What was the origin of the *exceptio doli*? Explain and illustrate some of its principal applications.

Differ: 5. 'Pre-judicial actions seem to be actions *in rem*.'—
 no one condemned, only a fact ascertained
 (JUSTINIAN, Instit., 4, 6, 13.) Explain what is meant by this statement.

Free or not - civil-law (vindictio) underlying idea of vengeance - cd be bought off.
 others - e.g. paternity - praetorian cases it did, or did not, lie in the time of Justinian.

- usual subjects. paternity, filiation, patronage. Cd also be C.—HISTORY. value of things, or dowry,

(QUESTION 7 and TWO other questions to be answered.)

7. 'The true period of Roman Statute Law does not begin till the establishment of the empire.'—(MAINE, *Ancient Law*). Explain this statement.

orig. plebs, ass' tribes. 8. Give some account of the curule aediles. In what way and to what extent did they influence the development of the law?

Change 367 whole people, tributa. 9. What is known, or conjectured, as to the date and personality of the jurist, Gaius?

4 now together.

2 always. others alt years plebe.

cur - chair - praetexta.

v. mixed duties. Mainly cura urbis - clean roads, water, corn

Nothing known - praenomer
why 161 - Pius - imperator
At least 178 diuus

Sabinia
No per
Not in

minor criminal - review by whole people - o
Sale - made law, not police regulations.

10. Describe the character of the Digest of Justinian. Why did Justinian give the name Digesta to this compilation ? What were the Novels ?

11. How were insolent debtors dealt with at different periods of Roman legal history ?

N.B.—The ORAL EXAMINATION in connection with the DEGREES of LL.B. and B.L. will be held in the LAW RETIRING ROOM on MONDAY, 29TH JUNE : Candidates whose surnames begin with the letters A to F will attend at 9.15 A.M., G to L at 10.30 A.M., M to N at 11.30 A.M., O to S at 2.15 P.M., and T to Z at 3 P.M.

*manus iactio
vindex*

*30 days, 60 in
prison - 120.*

lex Aschilia

*mitigated -
not kill/slave
allow work
off*

*Formulary - ag.
property, tho'
cd still be ag.
person.*

*Bring another
action to execute.
"Cessio bonorum"
except if too
small or own fault.*

*magistrate cd
use power.*

*Imprisonment
continued - now
possible to take
part of estate.*

*nian
public office
ius respondendi* *Clear style
Excellent presentation
Doubtful if provincial - too good Latin.*

- obligation on seller for defects.