

Questions

1 'Possession is a matter of fact, not law.' (PAUL) 'Possession is a matter of law, not fact.' (PAPINIAN)
Discuss.

(2020)

3 (a) 'Ownerships are transferred by deliveries, not by bare agreements.'
Discuss.

Or

(b) What do we mean by prescriptive acquisition? Explain its working in Roman law both at the time of Gaius and at the time of Justinian.

(2019)

3 Explain when, how and why the possessory interdicts and the *Actio Publiciana* could be used to protect possession, and discuss their implications for the Roman distinction between possession and *dominium*.

(2018)

4 (a) What were the requirements for *usucapio* in classical Roman law? How did Justinian's law differ from classical law?

and

(b) Explain the working of the *actio publiciana*.

(2017)

3 'Traditio was the transfer of possession pursuant to a valid transaction.'
Discuss.

(2016)

4 'Actual possession is a title to property, which may precede and supply the place of all others: it will be always good against every man who has no title to oppose to it.' (JEREMY BENTHAM)

Would a Roman lawyer have agreed?

(2014)

2 'So far as moveables are concerned, possession is equivalent to ownership.'
(FRENCH CIVIL CODE)

Was this true of Roman law?

(2013)

Useful Resources

[Birks, 'The Roman Law Concept of Dominium and the Idea of Absolute Ownership' \[1985\] Acta Juridica 1](#)

[du Plessis, 'Property' in Johnston \(ed\), *The Cambridge Companion to Roman Law*](#)

[Scott, 'Absolute Ownership and Legal Pluralism in Roman Law: Two Arguments' \[2011\] Acta Juridica 23](#)