



ZIMBABWE EZEKIEL GUTI UNIVERSITY

**FOUNDATIONS OF THE ZIMBABWEAN LEGAL SYSTEMS AND HISTORY OF
ROMAN DUTCH LAW LB103**

SUPPLEMENTARY EXAMINATION JANUARY 2017

THREE HOURS

INSTRUCTIONS

Answer four (4) questions in all but at least answer one from each section.

SECTION A

1. Explain the nature/characteristics of the struggles between the Patricians and the Plebeians during the Republic and comment on the legal political gains of the Plebeians. [25 Marks]
2. Identify and describe the institutions that contributed to the development of Roman law, showing the manner and method of the contribution of each institution. [25 marks]
3. What is law? Provide an explanation of what scholars regard as its historical origins. Illustrate your answer with examples drawn from the experiences of the rise of the law at Rome. [25 marks]
4. Critically examine the circumstances and reasons why the South African and Zimbabwean legal systems have come to be described as "Roman-Dutch". [25 marks]

5. Explain the nature of the law, "in force in the Colony of the Cape of Good Hope on 10th June 1891...", and sum up scientifically the factors responsible for the adoption of this system in the Colony of Southern Rhodesia and subsequently in the Independent State of Zimbabwe. [25 marks]

6. a) Write short notes on the difference between the Roman Law of ownership and possession [5 marks]

b) What does the maxim "superficies solo cedit" mean? How is this concept applied in respect of Acquisition of ownership of property? [5 marks]

(c) The dominus under Roman Law has powerful remedies which were available to protect use, enjoyment and possession of property.

List the three (3) major remedies and explain what each entailed. [15 marks]

[TOTAL MARKS 25]

Section B

7.(a). Identify and summarise;

(1) the two main questions that divide philosophers.

(2) the four main camps of philosophers that arise from the above questions [10 marks]

(b). With reference to John Locke & F. Engels/K. Marx:

(1) Compare and contrast their philosophies on

(i) origins and purpose of the state and law;

(ii) ultimate destiny of the state and law

(2) identify the underlying philosophical world outlook of their positions [15 marks]

[TOTAL MARKS 25]

8. Wako is a male slave during the Roman Republic. His Master Pila has a daughter called Lilla. Wako proposes love to Lilla who accepts the proposal. The two immediately engage in an illicit love affair which resulted in a baby boy being born. Upon discovering this Pila decides to kill Wako for disgracing his family. However Lilla pleads with her father who later changes his mind but decides to sell Wako to Pola another slave owner.

Discuss the following :

- (a) The Legal position in respect of the child born out of the relationship between Wako and Lilla[5]
- (b) If Wako had proposed marriage to Lilla what would have been the legal implications.[5]
- (c) What would have been the legal implications if Pila had proceeded with his threat to kill Wako?[5]
- (d) The Legal implication, if any associated with the sale of Wako to Pola.[5]
- (e) To what extent is Wako's legal status different from that of a full citizen of Rome.[5]

[TOTAL MARKS 25]