



SCHOOL OF LAW

NLLB100: THE ZIMBABWEAN LEGAL SYSTEM

END OF FIRST SEMESTER EXAMINATIONS

DECEMBER 2023

LECTURER: MR. C. MAUNGA

DURATION: 3 HOURS

INSTRUCTIONS

1. Answer any two (2) questions from each section.
2. Each question carries twenty-five (25) marks
3. This paper is worth one hundred (100) marks.
4. Copying is strictly prohibited.

SECTION A

Question 1

Critically discuss the essential elements of the Roman law of delict. [25]

Question 2

The Principate has been described by some scholars as: "... *an absolute monarchy dressed in Republican clothes.*"

Outline the principal constitutional and legal features of the Principate and discuss the above contention on the character of the state and law under the Principate. [25]

Question 3

Citing relevant Acts of Parliament, discuss the role of the following in the Zimbabwean legal justice system:

- a. Legal Practitioners [5]
- b. Judges [5]
- c. Prosecutors [5]
- d. Magistrates [5]
- e. Arbitrators [5]

SECTION B

Question 4

Brianus and Stressas, are two inseparable friends who grew up together as slaves under their *dominus* Caracas. Brianus was known to be shrewd and had a good head for money. On the other hand, Stressas was known for his belief that brute force solved every problem. They soon became nicknamed carrot and stick, respectively. During the invasion by the Barbarians of the Roman Northern territories, the two slaves proved themselves well in helping Caracas defend his province. As a reward, he conferred *manumissio* upon them both. He further gave them a sizeable number of shekels for them to establish a business. True to form, Brianus set up a scheme whereby he would purchase slaves and lease them out to the Roman *liberi*. Complementing the entire schtick was Stressas, relying on his penchant for force, he would on occasion follow on their leased-out slaves to remind them of the 'discipline' expected of anything associated with Rome.

One spring day, Stressas on a routine follow up of their leased *res*, arrived at Aspinos' villa. He learnt that Aspinos had gone to trade in Greece. That notwithstanding, Stressa's went to Aspinos' wine fields where he found several of their leased *res* picking grapes. For reasons known only by himself, he descended on a slave known as Bayno, assaulted him heavily until he lost consciousness. Thereafter, he chuckled, 'Rome was not built in a single day, but our slaves, without discipline, will wreck it in a day'. He returned to his

villa, reveled in wine, and forgot about the entire fracas. A week later, he received several documents summoning Brianus and him to his provincial praetor.

From the above set of facts, part of the documents sent to Brianus and Stressa were monetary claims against them. Aspino's claimed that from his lease agreement, he was supposed to have uninterrupted use of Bayno until the expiration of the lease. Secondly, he claimed that Bayno was his *res* during the subsistence of their lease, as such, Stressas damaged his property. Therefore, Brianus and Stressas were obligated to him in the amount of 600 gold shekels.

As an understudy to the Praetor, you are mandated to produce research to assist the praetor in coming up with a ruling on whether this is a claim that can be sustained under Roman law.

Prepare the required legal opinion. [25].

Question 5

Discuss the extent that legislative interventions have affected the application of Roman Dutch law in Zimbabwe. [25]

Question 6

Discuss the hierarchy of the Zimbabwean Courts commencing on the jurisdiction of each. [25]

_____ **THE END** _____