

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

MAIN EXAMINATION PAPER, MAY 2011

COURSE NAME : THE GENERAL PRINCIPLES OF SWAZI LAW AND CUSTOM

COURSE CODE : L104

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

- 1. ANSWER ANY FOUR (4) QUESTIONS.**
- 2. MARKS ARE INDICATED AT THE END OF EACH QUESTION.**
- 3. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY.**

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QUESTION 1

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Discuss the characteristic features that distinguish Customary Law from the received Roman-Dutch Common Law. (25 marks)

QUESTION 2

Describe the jurisdiction of Swazi Courts in respect of offences. (25 marks)

QUESTION 3

With the aid of decided cases, illustrate whether or not there is a distinction between trade usage and a custom. (25 marks)

QUESTION 4

As a follow up to Question 3 discuss in detail law reform proposals that would aid the Swazi Courts in dispensing justice. (25 marks)

QUESTION 5

Prince Mndeni tekaed five of his wives but with the sixth and last wife, his favourite, over and above the *teka* ceremony they underwent a western civil rites marriage. Prince Mndeni is now late, and the sixth wife claims that the whole estate should be hers since she is the 'real' wife.

Discuss. (25 marks)