

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2005

TITLE OF PAPER : **PRINCIPLES OF CUSTOMARY LAW**

COURSE CODE : **DL 012**

TIME ALLOWED : **THREE (3) HOURS**

INSTRUCTIONS :

- 1. THERE ARE FIVE (5) QUESTIONS IN THIS PAPER EACH QUESTION CARRIES 25 MARKS.**
- 2. QUESTION ONE (1) IS COMPULSORY AND MUST BE ANSWERED. IN ADDITION ANSWER ANY OTHER THREE (3) QUESTIONS.**

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.

QUESTION 1

Swaziland has a “dual legal system”. Explain the meaning and development of this concept.
[25 MARKS]

QUESTION 2

- (a) Describe the general aspects of the variable consequences of marriage without an antenuptial contract. (18 marks)
- (b) Distinguish between condonation of adultery and connivance at adultery. (7 marks)
- [25 MARKS]**

QUESTION 3

- (a) What is a Will? (7 marks)
- (b) Identify three ways in which a Will can be validly altered. (6 marks)
- (c) What is a soldier’s will? (6 marks)
- (d) Give three instances or situations when a codicil may be valid even though executed without witnesses. (6 marks)
- [25 MARKS]**

QUESTION 4

“Researchers on the subject have more or less agreed that the term Customary Law may refer to four different things”. Outline these four things.
[25 MARKS]

QUESTION 5

“The colonial governments were in no position to impose western law on their African subjects and they were wary of antagonizing a potentially rebellious people by forcing alien institutions on them”.

Critically discuss the above statement tracing in a well organised and summarized form the historical recognition and application of Customary Law in Swaziland.
[25 MARKS]