

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
MAIN EXAMINATION, MAY 2009

TITLE OF PAPER : **THE LAW OF CONTRACT**

COURSE CODE : **L 206**

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**

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR

QUESTION 1

On February 1, Mandla wrote to Siphso offering to sell him a house for E300,000, the offer to remain open for a week. On February 2, Siphso posted a letter saying”

“E300 000 is too much, but I offer you E250 000.”

Later the same day, Siphso, posted a second letter saying:

“I have reconsidered the matter; E300 000 is reasonable and I accept your offer.”

Mandla received Siphso’s first letter on February 3 and at once entered into a contract to sell the house to Siboniso. Siphso’s second letter arrived on February 4.

Advise Mandla.

[25 marks]

QUESTION 2

Nomkhosi, an unmarried woman of 27, became a member of a church of UNISWA sister-hood on the introduction of her priest, Mlambo, who was the spiritual director of the sisterhood. While a sister and without independent advice, she made gifts of money and stock to the sister-hood. She left the sister hood last year and she desires to claim the return of the money and stock on the ground that it had been obtained by undue influence.

Advise Nomkhosi.

[25 marks]

QUESTION 3

Makhubu entered into a contract with Gama whereby Gama was to rent Makhubu’s premises in Manzini for three years at a rent of E1000.00 per month. Makhubu was aware that Gama intended to use the place as a brothel. Gama has had possession of the premises for six months but has not yet begun paying any rent.

Makhubu wishes to recover the premises and obtain payment of the arrears of rent.

Advise Makhubu.

[25 marks]

QUESTION 4

Khulani Maswati is a farmers co-operative association based in Vuvulane in the eastern part of the state of UNISWA. The association is involved in the planting of sugar cane for commercial purposes. The farmers entered into a contract with UNISWA Water Services company in terms of which the company would provide the association with irrigation water for the sugar cane fields. For the past five years the state of UNISWA has been experiencing severe drought episodes, so that the water company has been unable to provide enough water to the association resulting in damage to the fields.

Khulani Maswati intends to sue the water company. Advise them illustrating your answer with decided cases.

[25 marks]

QUESTION 5

Mabuza paid for admission to a race course. His identity was mistaken and he was ordered to leave, this because he had been involved in brawls on several occasions within the premises of the race course. The owners of the race course contend that a clause printed inconspicuously at the end of the programme entitled the stewards 'to turn away any person whose presence they do not desire'. The programme could be obtained only on payment and this was the only notice to the public.

Mabuza has come to you for advice. Identify all the issues brought out by the problem illustrating your answer with decided cases.

[25 marks]