

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION PAPER, JULY 2010**

**TITLE OF PAPER: THE LAW OF PERSONS & THE FAMILY**

**COURSES CODE: L203**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTIONS: (1) ANSWER QUESTION ONE (1) WHICH IS**  
**COMPULSORY AND ANY OTHER THREE (3)**  
**ADDITIONAL QUESTIONS OF YOUR CHOICE**

**(2) MARKS FOR QUESTIONS OR PARTS THEREOF ARE**  
**INDICATED IN BRACKETS**

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**BY THE INVIGILATOR**

### **QUESTION 1**

The case of *Nicol v Nicol* 1948 (2) SA 613 (c) marked a very crucial and somewhat controversial turning point in the field of the law of domicile of choice.

[25 marks]

### **QUESTION 2**

Discuss the nature and content of the universal community of property marriage in the context of our law.

[25 marks]

### **QUESTION 3**

Magwegwe an asthmatic 84 year old male of Bulunga area went missing from his home in 1999 and has not been seen by anyone since then. He was last seen wearing a navy blue jacket which was found in the nearby bushes by members of the Royal Swaziland Police in 2001 together with the right pair of his black shoe. The nearby mountains and bushes within the range of 20 Km from his home have been repeatedly combed by police and members of the community in vain. Mrs. Magwegwe has applied to the High court to have a presumption of death expressed concerning her husband. Will she succeed? Your case should be supported by the case law.

[25 marks]

**QUESTION 4**

Critically analyze the meaning and effect of the provisions of Section 7 of the Marriage Act No: 47 of 1964. [25 MARKS]

**QUESTION 5**

Write short on the following:

- (a) Briefly discuss what is meant by the Latin maxim, *lucid intervallum*. [5 marks]
- (b) Distinguish between condonation of adultery and connivance at adultery. [5 marks]
- (c) What is meant by a Curator Personae? [5 marks]
- (d) Name two (2) economically founded impediments on status and capacity. [ 5 marks]
- (e) What is meant by locus *standi in judicio*?

Total: [25 marks]