

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2018

- TITLE OF PAPER** : **THE GENERAL PRINCIPLES OF SWAZI
LAW AND CUSTOM I**
- COURSE CODE** : **LAW105**
- 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.**

**DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GIVEN BY THE
INVIGILATOR.**

QUESTION ONE

Discuss the meaning of living customary law, illustrating your answer with examples. (25 marks)

QUESTION TWO

Makhubu has five of his cows stolen from the grazing land of his community in Malindza. He strongly suspects his neighbour Motsa who has been previously convicted for stock theft. He was released from custody last month and since then a lot of cows belonging to members of the community have disappeared.

He is pondering on which court he should take his matter, this is between the Roman-Dutch Law courts or Swazi courts.

What advice would you give him. (25 marks)

QUESTION THREE

Shongwe is the Chief of Mashobeni. He has ordered his subjects to all assist in the building of a house for his junior wife who does not want to stay within the umphakatsi. Chief Shongwe has ordered that each homestead should contribute E1 000 and further that every adult male and female should contribute manpower by helping in the construction of the house.

Vilane is not cooperative. He has flatly refused to heed the chief's orders on the ground that they are against his constitutional rights.

Is he right? Discuss. (25 marks)

QUESTION FOUR

How has the constitution affected Swazi Law and Custom. In your discussion give four examples. (25 marks)

QUESTION FIVE

How do the Roman-Dutch law courts ascertain customary law. (25 marks)