

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION, JULY 2018

TITLE OF PAPER : PRINCIPLES OF SWAZI LAW AND CUSTOM II

COURSE CODE : LAW 106

TIME ALLOWED : THREE (3) HOURS

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

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

QUESTION 1

Dlamini married Thoko in 1990 in accordance with Swazi Law and Custom. In 2009 Thoko deserted their matrimonial home and Dlamini married Sindi in accordance with the Marriage Act No. 47 of 1964, in 2010.

Discuss the legal status of these marriages. (25 marks)

QUESTION 2

Chief Msongelwa gave orders to Mavuso and five other residents of the jurisdictional area of the Chief to confiscate five cows from Dube's kraal. Dube had been fined these cows by Chief Msongelwa for refusing to heed to the Chief's command to his subjects to build a road to the Mphakatsi (the Chief's compound). Dube had refused to assist in the road building because he was indisposed.

Mavuso refused to impound the cows on the ground that the Chief's had no authority to give the order further, that this was an illegal act by the Chief and that the punishment for outweighs the offence.

The Chief has subsequently fined Mavuso and the five other men ten cows each for their defiance of his orders. Advise them. (25 marks)

QUESTION 3

Maphalala a well known charismatic Pastor of Mahwalala has a long running family dispute with his neighbour Maseko. One day Maseko observes Maphalala's spraying some white substance in his (Maphalala's) yard whereupon Maseko told anyone who cared to listen that Maphalala is practising witchcraft in broadlight. The result of which is that:

1. Maphalala lost a number of congregants.
2. He was stoned by members of the community
3. His wife deserted the matrimonial home saying she cannot stay with a wizard.

Maphalala seeks your advise. Illustrate your answer with decided cases. (25 marks)

QUESTION 4

Sibiya impregnated the daughter of Shoba out of wedlock not once but twice, and is still in fact staying with said daughter with no indication of an intention to marry her.

Does Shiba have any remedy in terms of customary law. (25 marks)

QUESTION 5

Discuss the sisa custom under customary law. (25 marks)