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UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION, DECEMBER 2017

TITLE OF PAPER : THE LAW OF CONTRACT

COURSE CODE : LAW 203

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.**

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QUESTION ONE

Negotiations had been proceeding for some time for the sale of a consignment of iron. Eventually, by coincidence, the seller and the buyer simultaneously wrote to each other proposing identical terms for the contract. These offers crossed in the post. Using the rules of offer and acceptance, illustrating your answer with decided cases, did this create a contract? (25 MARKS)

QUESTION TWO

Mbingo fraudulently represented himself to Dlamini as authorised by the Swaziland Government to buy cattle on its behalf, and thereby induced Dlamini to sell him some cattle on credit, which he promptly sold to Motsa for cash, and vanished.

Dlamini wishes to vindicate his cattle from Motsa. Will he succeed? (25 MARKS)

QUESTION 3

Jele entered into a contract of sale of new car with UNISWA garage. It was agreed between the parties that Jele would trade-in his old vehicle as part payment of the purchase price of the new vehicle. Jele did not disclose that the trade in car had a serious latent defect. On discovery of this defect the garage wishes to set the contract aside on the grounds of *Actio quanti minoris* or *Actio Redhibitoria*.

Advise the garage, using decided cases. (25 MARKS)

QUESTION 4

Thoko a 17 year old minor enters into a hire purchase agreement with Tracar, in terms of which she acquired a car. On reaching maturity, she continues using the car as her own but refuses to continue paying the instalments arguing that the contract is void.

(25 MARKS)

QUESTION 5

Mandisa who has been very sick for the past two years has been in and out of hospital without getting any better. Dube her priest tells her that if she pays him E50.000 he can cure her instantly. She transfers the money but alas her condition takes a turn for the worse. She wishes to get her money back from the priest. Advise her, making reference to decided cases. (25 MARKS)