

UNIVERSITY OF ESWATINI
FACULTY OF SOCIAL SCIENCES
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2019

- TITLE OF PAPER :** **THE GENERAL PRINCIPLES OF SWATI
LAW AND CUSTOM**
- 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.**
 - 3. CANDIDATES ARE THEREFORE
ADVISED TO ALLOCATE THEIR
TIME ACCORDINGLY.**

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INVIGILATOR.**

QUESTION 1

Prince Mndeni tekaed one of his wives but with the sixth and last wife, his favourite, over and above the teka ceremony they underwent a western civil rites marriage. Prince Mndeni is now late, and the sixth wife claims that the whole estate should be hers since she is the 'real' wife.

Discuss.

[25 MARKS]

QUESTION 2

Discuss four (4) Customary Law practices which are in conflict with the constitution.

[25 MARKS]

QUESTION 3

What are the characteristic features that distinguish customary law from the received Roman Dutch Common Law?

[25 MARKS]

QUESTION 4

Mazibuko married LaMotsa under Swazi Law and Custom. He is working in the mines in South Africa upon his return his best friend told him that his wife is having sexual intercourse with their neighbour Maphana. Mazibuko sets out to catch them in the act and he gives his wife and Maphanga sufficient time to have intercourse in circumstances where he could have easily stopped them. He then approaches the court with this evidence seeking damages for adultery within a customary marriage.

Discuss.

[25 MARKS]

QUESTION 5

Customary law is generally not a penal system. It is a system based on principles of restorative and healing justice.

Discuss.

[25 MARKS]