

UNIVERSITY OF SWAZILAND

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER 2018

TITLE OF PAPER : LAW OF PERSONS

COURSE CODE : LAW 205

TIME ALLOWED : THREE HOURS

**INSTRUCTIONS : ANSWER FOUR (4) QUESTIONS. QUESTION ONE IS
COMPULSORY**

**THIS QUESTION PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS
BEEN GRANTED BY THE INVILGILATOR.**

QUESTION ONE

Mjikeni and Mchalageni of Hlathikhulu Kontjingila area under Chief Gelane are married by civil rites in 1982. MCHAlageni has always been employed in Zimbabwe, working in the Zimbabwe Gold Mines. Two years back, Mchalageni left for work in the Mine in Zimbabwe soon after the Christmas holidays. Mchalageni has not been heard of since. All effort has been made to trace his whereabouts to no avail. The couple have four children, Mshubegaca, Somabhizinisi, Lungile and Mbokodvo. However, Mshubegaca was only conceived three months before Mchalageni disappeared and Mjikeni had not yet informed him of her pregnancy. Acting on the advice of his lawyer in Simunye, Mchalageni had executed a will before his disappearance, specifically leaving all his property to his wife, and all his four children in equal shares. Meanwhile, Mjikeni has met Nonjola who wants to marry her. Mjikeni would now like to seek legal advice from you, specifically on whether she can marry Nonjola and how the property of the estate shall devolve.

Discuss the legal principles with reference to case law.

(25 marks)

QUESTION TWO

Write full notes on the effect of a minor's unassisted contract with particular reference to the position of the minor who chooses to

- a) Repudiate the contract
- b) Enforce the contract
- c) Rectify the contract after majority.

(25 marks)

QUESTION THREE

Write short notes on the following.

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| (a) Parental duty of support | 5 marks |
| (b) Legitimate and Illegitimate child | 10 marks |
| (c) Emancipation and Tacit emancipation | 10 marks |

QUESTION FOUR

(a) What rules govern the process of adoption under Swaziland's laws. Cite the relevant cases in support of your answer.

QUESTION FIVE

What is the importance of domicile in Roman-Dutch common law especially with reference to the rights of natural persons. Cite the relevant case law.