

**Question 1**

Thapelo Molefi, a 22-year-old man of Semonkong Ha Lesia, intends getting married. He has been informed that the law restricts certain people from contracting a valid customary law marriage.

Explain the principles on the capacity to marry to Thapelo.

**25 MARKS**

**Question 2**

You have been nominated by the faculty of law to participate in the All African Universities Annual Customary Law Conference, to be held in Malawi in March, 2024. The theme of the conference is '*Traditional marriages in the African context.*'

Prepare an essay that you will be reading at the conference explaining the various special types of marriages in Lesotho.

**25 MARKS**

**Question 3**

With reference to decided cases, discuss the requirements for concluding a valid customary law marriage.

**25 MARKS**

**Question 4**

Ntate Bolofo, a polygamist, died without leaving written instructions. He is survived by his two wives and four children. From the first house, 'Mamotlatsi's house, he had two children. The first child is a daughter, named Lineo. The second child is a son, named Motlatsi. From the second house, 'Maletlotlo's house, he had two sons, namely Letlotlo and Samoele. Letlotlo is three years older than Motlatsi.

There is a misunderstanding regarding who is Ntate Bolofo's heir. 'Mamotlatsi is adamant that she is the heir as she is the first wife. On the other hand, Letlotlo argues that he is the eldest son and therefore should be his father's heir.

Advise the family on who is Ntate Bolofo's rightful heir.

**25 MARKS**

### **Question 5**

'Me 'Mathuso is widowed. At the time of her husband's death, their estate was made up of several parcels of arable land, houses and cattle. Her husband's brother, Thabo claims to have a legal right to manage the property as she is a minor who cannot administer assets especially because he is still alive and also because his brother has minor children.

'Me 'Mathuso is frustrated as she wants to sell a piece of land in order to pay school fees for her children. Her brother is frustrating her efforts in executing the intended sale. She also intends remarrying but does not know what legal principles she would have to take into consideration as she has minor children.

With reference to statutory law, advise 'Me 'Mathuso on the issues emanating from these facts.

**25 MARKS**

### **Question 6**

(a) In April 2008, Ntate Lebitsa assaulted his wife 'Malebitsa and left her with partial paralysis. 'Me 'Malebitsa explained to the family that his behaviour and utterances on the day he assaulted her were abnormal. Upon being assessed by a specialist at a mental institution, it turned out that Ntate Lebitsa was suffering from a mental illness which he inherited from his father. He was subsequently admitted at the institution for treatment.

‘Me ‘Malebitsa’s brother has made a claim for compensation from the High Court on behalf of his sister.

Advise him on his chances of success with the claim.

**15 marks**

(b) Bokang, a fifteen-year-old boy insulted ntate Litaba, his friend (Neo’s) father, after Neo informed him that ntate Litaba is having an affair with his mother. The insults were uttered in the presence of ntate Litaba’s workers and sisters who look up to him.

Advise ntate Litaba on the legal remedy available for the insults uttered to him.

**10 marks**

**[25 MARKS]**