

# UNIVERSITY OF EDINBURGH.

## EXAMINATION FOR DEGREES IN LAW. DEPARTMENT OF SCOTS LAW.

### INTERNATIONAL PRIVATE LAW.

THURSDAY, 16th June 1955.—10 A.M. to 12 NOON.

(FIVE questions only to be attempted.)

1. What are the general rules as to (a) the jurisdiction of the Scottish Courts in actions of divorce, and (b) the circumstances in which the Scottish Courts will recognise a divorce pronounced by a foreign country, and what exceptions exist ? ✓

2. What system of law determines a person's capacity (a) to marry, (b) to enter into a marriage contract, (c) to enter into a contract connected with his employment, (d) to make a contract to convey immoveable property ? ✓

3. Outline the presumptions which have been said to exist for determining what is the proper law of contracts in general, and contracts of affreightment and marriage contracts in particular. To what extent is reliance to be placed on these presumptions ? ✓

4. A British subject, whose domicile of origin was in Scotland, and who has acquired a domicile of choice in Holland, makes a will while on a visit to France. He owns moveable property situated in many different countries, and land in Scotland. What choice has he as regards the form of the will ? ✓

5. What defences are available :—

(a) To an action in the Court of Session at common law for decree conform to a judgment of the Courts of Norway ?

(b) When an English judgment is being registered in Scotland under the Judgments Extension Act 1868 for the purpose of enforcing it in Scotland ? ✓

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6. A domiciled Englishman dies leaving a testamentary trust, of which the trustees are three Englishmen and one Scotsman. The property of the trust consists mainly of shares in English companies, but there are shares in a few Scottish companies, an estate in England, and a farm in Scotland. The trust deed is in English form. The trustees desire to sell the Scottish farm, and it is in the interests of the trust that they should do so, but they have no power to sell it under the trust deed. How should they proceed?

7. Explain how the *renvoi* problem arises, and outline the theories which have been advanced to solve it. What is the attitude adopted by the English Courts?

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*Candidates will attend for ORAL EXAMINATION in the  
MERCANTILE LAW RETIRING ROOM on FRIDAY, 8th July,  
at 2 P.M.*