

# UNIVERSITY OF EDINBURGH.

## EXAMINATION FOR DEGREES IN LAW.

### SCOTS LAW.

#### SECOND PAPER.

MONDAY, 28th June 1954.—12 NOON to 2 P.M.

(Only FIVE questions to be answered, of which QUESTION 4 MUST be answered.)

- ✓ 1. What is meant by '*restitutio in integrum*'? In what circumstances does it arise? Illustrate your answer by reference to a well-known case.
- ✓ 2. A has sustained injury through the fault of his employer B, and has accepted Industrial Injury Benefit in the knowledge that he has a valid claim for damages at Common Law against B. A then consults you as to raising an action of damages against B. How would you advise A?
- ✓ 3. A raises against B an action of damages for personal injury. The Jury return a verdict in favour of A, and assess at £1500 the sum of damages to which A would have been entitled if B had been solely to blame. The Jury also find that A was guilty of negligence which contributed to the accident to the extent of one-third. To what damages will A be found entitled?
- ✓ 4. What is the effect, if any, upon a charge of murder, if a defence of diminished responsibility is upheld?
5. (a) Distinguish between (1) a positive servitude, and (2) a negative servitude.  
(b) By what means may a *negative* servitude be constituted?

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6. A has written and published an article which is alleged to be defamatory of B. At the time when the article was published A was unaware of B's existence. B threatens to raise an action of damages against A. If you were asked to advise A, what advice would you give ?

7. What is the difference between (a) an arrestment on the dependence and (b) an arrestment in execution ; and between (c) personal poinding and (d) poinding of the ground ?

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*Candidates for the DEGREES OF LL.B. and B.L. MUST attend for ORAL EXAMINATION in the SCOTS LAW RETIRING ROOM, on MONDAY, 12TH JULY 1954, at 10.15 A.M.*