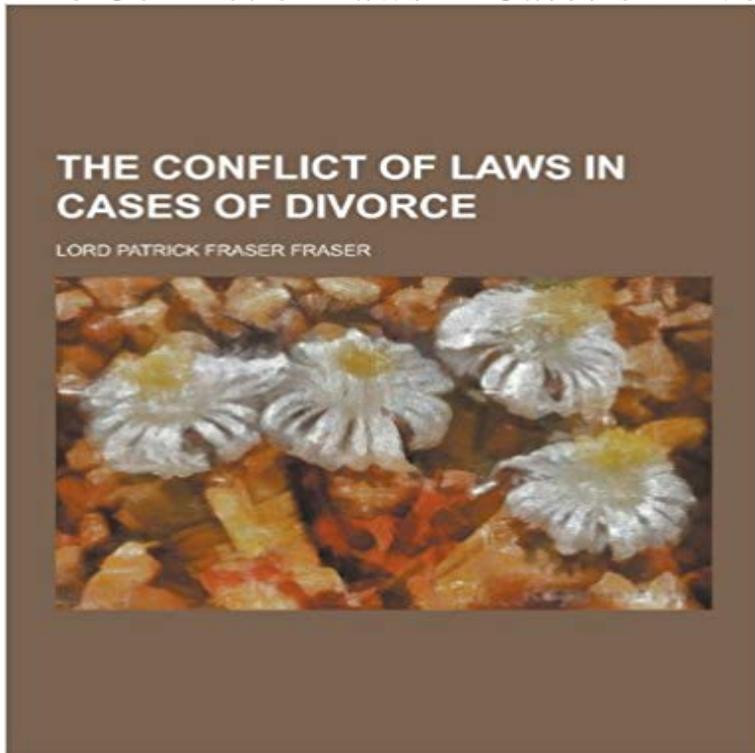


## The Conflict of Laws in Cases of Divorce



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1860 edition. Excerpt: ... the Institutes, 3, 14, I:-- Omnium autem obligationum summa divisio in duo genera deducitur; namque aut Civiles sunt, aut Praetoriae. Civiles sunt quae aut legibus constitutae, aut certo jure civili comprobatae sunt. Praetoriae sunt, quas Praetor ex sua jurisdictione constituit, quae etiam honorariae vocantur. 2, Sequens divisio in quatuor species dividitur. Aut enim ex contractu sunt, aut quasi ex contractu: aut ex malificio, aut quasi ex maleficio. Therefore a person incurs an obligation who has subjected himself to another (1) by contract, or (2) by wrong, or (3) by other circumstances facta), which, though neither contracts nor wrongs, produced, by special provision of law, effects like those produced by contracts or wrongs. Obligationes aut ex contractu nascuntur, aut ex maleficio, aut proprio quodam jure, ex variis causarum figuris. Justinian does not say, ex quasi contractu; ex quasi delicto; but quasi ex contractu; quasi ex delicto. That is, they exist as if there had been a contract or a delict, though there was none. The results of the facta resemble those of a contract or wrong; but the facta themselves remain facta still. Now, the man who incurs an obligation in any of these ways ought to be made to answer to every action which the obligation gives rise to, before the Judge of the territory where he entered into or made it. As to jurisdiction arising from contracts, and citation in loco Jurisdiction in contractus, the rule has never been more clearly stated than in the following words:-- Neque vero statutum, aut consuetudo loci, solos cives, et homines suburbiorum, veluti subditos statuentium comprehendit; verum etiam forenses ac extraneos, dummodo hoc

posteriore casu duo interveniant  
cumulative...

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Jurisdiction over the defendant seems to be neither necessary nor sufficient to empower a court to hear a divorce case.

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before the divorce it conflicts with Mette v. Mette **Conflict of Laws - Recognition of Foreign Divorce Decrees** Jan 1,

2004 Herma Hill Kay, Same-Sex Divorce in the Conflict of Laws, 15 Kings College . The conflicts issue in the divorce

cases is not choice of law. **A New Approach to Marriage and Divorce in the Conflict of Laws - jstor** Spouses at

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The question that arises in conflict of law cases is whether the forum court E.g., if divorce was granted in a foreign

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conflict of law . In the case of divorce and corollary relief, a party seeking a stay of domestic proceedings must be able

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