

Forgotten Books

— www.forgottenbooks.com —

Copyright © 2016 FB &c Ltd.

All rights reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law.

PREFACE.

The purpose of this book is to give with brevity, but with precision and reasonable fullness, the meaning of the words and phrases in the books of the law; — to give the meaning not only of the modern words, but of the words, in whatever tongue, and whether now a part of living legal language or not, which have had legal use and function, and which thus mark the lines upon which the law has grown, and the salient points in its history with which the student should become familiar. This attention to the older and even the obsolete words has been thought necessary to make the book most largely useful to beginners in the study of the law, for whose use it is more especially designed; and this attention to the older words, the more recent words not being in any way neglected, ought not to render the book less useful to the members of the profession; for they, even more than beginners, are students of the law, and, even more than beginners, know that truly to understand the newer words, and the newer meanings of the old words, they must in many cases look far back in its history, to Norman or to Saxon times, and to usages of which these old words and these old meanings are the most considerable existing memorial.

In preserving this older and now half-alien matter of the law, an effort has been made, however, by paragraphing the matter of titles, and by grouping those matters which have been derived from older and foreign systems, to bring forward into clear relief those matters which are a part of the law, or are current in the language of the law, as it now stands. This has not been easy. Matter which has been treated as still alive others may regard as dead, or at least too old for any present usefulness, while matter which has been treated as obsolete or obsolescent others may regard as still in good use. It is hoped, however, that the effort will be found materially to aid in discriminating these various matters new and old one from another.

In arrangement, further, there is a leaning toward the simple order of the alphabet, rather than the more perplexed and more perplexing order of the analysis of grammatical relation. There has been, in other phrase, an inclination to set words in their own places, and to set all phrases in the places of their first words, and not to group derived words under the words of which they are a variation,—and this, in particular, of the inflected words of the French and Latin tongues. This has been done, not merely that “every herring may hang by its own tail,” though that is desirable, but to facilitate the finding of things, and to dispense with the cross-references, which, upon any other plan, would have considerably swollen the bulk of the book.

The references, as in other books of like character, have been omitted, not without regret, but of necessity. To refer to the authorities to any very useful purpose would be in many instances to collate and discuss them, as the definitions are often the result of comparison and combination; and to consider the authorities, so far as to make the citations intelligible, or indeed not misleading, would result in a book of the usual bulk—a thing altogether incompatible with the idea of a concise work of moderate cost. It has thus been a choice between an omission of references and an omission of words defined; and it has seemed to me decidedly best that the book should contain the words and the definitions—should be reasonably complete, that is to say, as a dictionary and a glossary—and the student be left to take the definitions upon trust in the certainty that, though authorities are not given, authorities are nevertheless not wanting.

In some of the lines upon which the book proceeds, and for suggestions as to much of the matter, I am indebted to Burrill, as Burrill was to Spelman. The departures from his model are, however, pretty numerous, and the additions of later matter are both numerous and important.

LAW DICTIONARY AND GLOSSARY.

A, fr. At; by; for; in; of; on; to; with. **A aver et tener:** to have and to hold. **A droit:** to right; to do right; to answer in law. *v. Ad rectum.* **A force et armes:** with force and arms. **A large:** at large. **A l'impossible nul est tenu:** no one is bound to perform an impossibility. *v. Nemo tenetur, etc.* **A moite:** by halves. **A oyer et terminer:** to hear and determine. **A pais:** at or to the country; at issue. **A pied:** on foot. **A prendre:** to take. *v. Profits a prendre; Bref a prendre.* **A rendre:** to render; to yield. *v. Profits a prendre.*

In old English law. **A aver et tener a luy et a ses heirs, a tout jours:** to have and to hold to him and his heirs forever. **A causa de cy:** for this reason. **A ce:** for this purpose. **A cel jour:** at this day. **A compte:** on account. **A discretion:** at discretion. **A fin de:** to the end that. **A fine force:** of pure necessity. **A force:** of necessity. **A foy:** in or under allegiance. **A issue:** at issue. **A la grande grevaunce:** to the great grievance. **A la vaillaunce:** to the value. **A l'extremite:** at the extremity; at point of death. **A lour estient:** by or to their knowledge. **A lour foy:** in their allegiance. **A oes:** to the use. **A ore:** at present; immediately. **A oyer et terminer toutes quereles:** to hear and determine all complaints. **A perte:** to lose; — **e a gayne:** to lose and to gain. **A sa soule meyn:** on his own single oath. **A terme:** for a term; — **de sa vie:** for the term of his life; — **que passe est:** for a term which is passed; — **que n'est unje uncore passe:** for a term which is not yet passed. **A tort:** of or by wrong; wrongfully. **A toute outrance:** to the utmost. **A tous jours:** forever. **A un:** at one; of one mind. **A val:** at the foot or bottom. **A veyer:** to be seen; to be observed or considered.

A, l. At; by; from; in; of; with. **A communi observantia non est recedendum:** there should be no departure from common observance. **A cœlo usque ad centrum:** from the heavens to the center of the earth. **A consiliis:** of counsel; a counsellor. **A contrario sensu:** in the opposite sense; on the other hand. **A digniori fieri debet denominatio:** denomination ought to be from the more worthy. **A facto ad jus non datur consequentia:** the inference from the fact to the law is not allowed. **A fortiori:** by a stronger

reason. **A latere:** at, on or from the side; collateral. **A mensa et thoro:** from table and bed; from bed and board (description of a partial divorce. *v. Divorce*). **A multa fortiori:** by a much stronger reason. **A non posse ad non esse sequitur argumentum necessarie negative, licet non affirmative:** from impossibility the inference follows necessarily in the negative, though not in the affirmative. **A posteriori:** from the latter; from effect to cause (applied to reasoning based on observation or experiment — inductive reasoning). **A priori:** from the past or former, or the superior; from cause to effect (applied to reasoning based on an assumption — deductive reasoning). **A qua:** from which. **A quo:** from which; from whom (used with its correlative, *ad quem*, to which (*q. v.*), to express duration, distance or removal, as, in stating the fact of a removal of a cause from court to court, the lower court being termed the court *a quo*, and the higher, the court *ad quem*); — **invito aliquid exigi potest:** from whom something may be exacted against his will (applied to a debtor whose obligation is perfect). **A retro:** in arrear; behind. **A simili:** in a similar; from a like case; from analogy. *v. Argumentum a simili*, etc. **A summo remedio ad inferiorem actionem non habetur regressus, neque auxilium:** from the highest remedy there can be no recourse to an inferior action, nor assistance (a maxim in the old law of real actions expressing the fixedness in order of precedence, and the effect of a choice in precluding prior remedies). **A tempore cujus contrarii memoria non existit:** from time of which there exists not memory to the contrary; time out of mind. *v. Tempus cujus*, etc. **A verbis legis non est recedendum:** there should be no departure from the words of the law. **A vinculo matrimonii:** from the bond of marriage (descriptive of a complete divorce). *v. Divorce*.

In old English law. Used also anciently in the composition of official titles, in the sense of relation, position or duty: *v. A cancellis; A responsis*. **A cancellis:** in the cancelli; the chancellor (from the cancelli, lattice or latticed enclosure, within which the office was performed). **A confectione:** from the making; — **presentium:** from the making of these presents. **A dato or a datu:** from the date. **A die:** from that day on; — **confectionis:** from the day of the making; — **datus:** from the day of the date. **A force et armes:** with force and arms. **A jure suo cadunt:** they fall from their right (hence to lose by abandonment). **A libellis:** of the petitions (hence an officer having charge of the same). **A me:** from me; a term in a feudal grant, used to express a holding immediately from the superior lord, and opposed to *de me*. **A morte testatoris:** from the testator's death. **A nativitate:** from birth. **A notioribus:** from or by those more known. **A parte ante:** from the part gone before. **A piratis:** by pirates; — **aut latronibus capti liberi permanent:** persons taken by pirates or robbers remain free; — **et latronibus**

capta dominum non mutant: things taken by pirates or robbers do not change their ownership. **A rubro ad nigrum:** from the red to the black (*i. e.* from the title of a statute, anciently in red letters, to the body, which was in black).

Ab, l. At; by; from; in; of. Used also in the composition of official titles, as *ab actis. ab epistolis* (qq. v.). *v. A.* **Ab abusu ad usum non valet consequentia:** from the abuse of a thing to the use of it there is no effect in consequence or active result. **Ab actis:** of or in the acts, records, etc. (hence an officer having charge of records, *e. g.* a clerk of court, a notary, a registrar). **Ab actu ad posse, valet consecutio:** from the act or performance of a thing to what can be performed, the connection or sequence is valid. **Ab alio:** of, from or by another; out of another. **Ab ante:** in advance. **Ab antiqua:** of old, anciently. **Ab assuetis non fit injuria:** from things to which one is accustomed (or in which there has been long acquiescence) no injury arises. **Ab epistolis:** of, or with the letters, etc. (hence an officer having charge of correspondence, a secretary). **Ab extra:** from without. **Ab inconvenienti:** from what is convenient. *v. Argumentum*, etc. **Ab inde:** from thence (applied to place only). **Ab initio:** from the beginning, at the beginning (in the latter sense it excludes the idea of continuance); — **mundi:** from the beginning of the world; — **mundi usque ad hodiernum diem:** from the beginning of the world to this day. **Ab innocentia:** on the side of innocence; in behalf of innocence. **Ab intestate:** from an intestate (applied to property taken as by descent from a person dying without making a will, and opposed to *ex testamento*, q. v.). **Ab intra:** from within. **Ab inutile:** from the useless, or unprofitable. **Ab olim:** of old. **Ab origine:** from the origin; from the beginning.

Abactor, pl. abactores, l. *In the civil law.* A driver away of cattle or other animals with intent to steal; a cattle-stealer.

Abalienare, l. *In the civil law.* To alienate; to transfer without reserve.

Abalienatio, l. *In the civil law.* An alienation; a transfer without reserve. **Abalienatio vel translatio dominii vel proprietatis:** the alienation or transfer of the domain or right of possession of property.

Abandon. To relinquish or surrender; to desert.

Abandonee. A person to whom a right or property is abandoned.

Abandonment. A relinquishment or surrender, as of property to an insurer or to creditors; a desertion, as of wife, husband or child.

Abarnare, l. l. *In old English law.* To detect, discover or disclose a crime.

Abatare, l. l., Abater, abatere, fr., Abate. *In old English law.* To cut or throw down; to destroy; to defeat; to reduce or diminish; to terminate.

Abatamentum, l., Abatement. The act of abating. v. *Abatare*. Debts are abated among creditors when, there being not enough funds to pay them in full, they are paid in part. A freehold is abated where a stranger enters upon a vacant possession, as after the death of the person last seised, and before the entry of the person next entitled, and keeps him out of possession. Legacies are abated among legatees where there are not funds enough to pay them in full. A nuisance is abated where it is removed or destroyed, as it may be in a proper case by the act of the injured person. A suit is abated where it is determined, or the proceedings therein are suspended, from want of parties capable of proceeding, as by death, marriage, etc. A pleading in abatement is a plea which suspends the right of action or defeats the action without affecting the right.

Abator. A person who abates, as one who removes a nuisance, or one who enters upon land before entry by the person lawfully entitled.

Abatuda, l. l. Diminished. v. *Moneta abatuda*.

Abatus, fr. Beaten or thrown down; abated; quashed. Thus, *mur abatu*, a wall thrown down; *bois abatu*, wood cut or fallen; *arbres abatues de vent*, trees blown by the wind. v. *Un briefe*, etc.; *Ne soit*, etc.

Abbaiaunce, fr. Abeyance, q. v.

Abbettare, abettare, l. l. *In old English law.* To abet, q. v. **Abettasse et procurasse:** to have abetted and procured. **Abettans:** abetting. **Abettans, confortans, et manutenens:** abetting, comforting and maintaining.

Abbettator, abettator, l. l. *In old English law.* An abettor, q. v.

Abbettum, l. l. *In old English law.* Abetment.

Abbreviate. *In Scots law.* An abstract.

Abbreviatio, l. l., Abbreviation. *In old English law.* Contraction in the writing in old records and law writings. **Abbreviationum ille numerus et sensus accipiendus est, ut concessio non sit inanis:** in abbreviations that number and that sense are to be taken, by which the grant is not rendered void.

Abbrocamentum, l. l., Abbrochment. *In old English law.* The buying up at wholesale of goods before they are brought to market, in order to sell at retail; the forestalling of a market.

Abbuttre, l. fr. To abut, q. v.

Abcariare, l. l. To carry away.

Abdicatio, l., Abdication. Renunciation or relinquishment of an office.

Abdite latet, l. He lurks privily; he lies hid.

Abditorium, l. l. A place to hide and preserve goods, etc.; an abditory.

Abducere, l. *In old English law.* To lead or carry away. **Abduxit:** he led away. v. *Cepit et abduxit*.

Abduction. The fraudulent or forcible taking away of a wife, child, or ward; the unlawful taking or detaining of a female for the purpose of marriage, concubinage, or prostitution.

Abearance. *In old English law.* Carriage; behavior.

Abaissement, l. fr. Abatement, q. v.

Abere-murder, sax., Abere murdrum, l. l. Plain or apparent murder; wilful murder.

Abesse, l. *In the civil law.* To be absent; to be out of possession; to be out of existence.

Abet. To instigate or encourage; to stir up, set on, or excite. Applied more especially to the instigation to the commission of crime; and generally to the act of one who instigates being present actually or constructively. v. *Accessorium; Aider.*

Abettor. An instigator or setter on; one who abets. v. *Abet.*

Abeyance, abeiance, abbayance, abbaiaunce, l. fr. **Abeyantia, l.** Expectation; suspense. Applied (though the doctrine of abeyance is now to some extent discredited) to an estate which cannot vest in inheritance because there is no certain person who can take; applied also to maritime captures not yet condemned as prize; applied also to the franchise of a corporation chartered but not yet brought into existence by act of the corporators.

Abiding by. *In Scots law.* A formal declaration in court by a party that he abides by a deed which is alleged to have been forged.

Abigeatus, l. *In the civil law.* The driving away of cattle in herds or repeatedly with intent to steal; cattle-stealing.

Abigere, l. *In the civil law.* To drive away. Applied to the driving away of cattle in herds or repeatedly with intent to steal; to cattle-stealing. To expel or drive out. Applied also to the producing of an abortion.

Abigeus, pl., abigei, abigeatores, l. *In the civil law.* One who drives away cattle in herds or repeatedly with intent to steal; a cattle-stealer.

Abishersing. v. *Mishersing.*

Abjudicare, l. *In old English law.* To deprive by judgment. The same as *forisjudicare*. **Abjudicatus:** deprived by judgment.

Abjudicatis, l. *In old English law.* Deprivation by judgment; a putting out of court. The same as *forisjudicatio*.

Abjurare, l., Abjure. *In old English law.* To renounce or abandon by or upon oath.

Abjuratio, l., Abjuration. A renunciation or abandonment by or upon oath. Abjuration of allegiance is an oath renouncing fidelity to a particular sovereign real or pretended. v. *Naturalization*. Abjuration of the realm or other smaller place is an oath to depart and never return. It is regarded as abolished by the stat. 21 Jac. I, c. 28.

Able, l. fr. *In old English law.* Fit; proper. **Ables e'e vend':** fit to be sold; merchantable.

Abode. Place of continuance or dwelling; a place at which one is domiciled, with no present intention to change. v. *Domicil; Residence.*

Abolere, l. *In civil and old English law.* To obliterate. **Abolitum:** obliterated.

Abolitio, l. *In the civil law.* Obliteration; effacement; a putting out of memory; amnesty; pardon; leave to discontinue an accusation.

Abolition. A destroying or putting of an end to an action or prosecution; leave to an accuser to desist from prosecution; the same in effect as the modern entry of a *nolle prosequi*.

Abondance, l. fr. Surplusage.

Abortion. The premature exclusion of the human foetus; secondarily, the foetus so brought forth.

About. Near, nearly, in the neighborhood of; around, as in "about the neck."

Aboutir, l. fr. To abut. v. *Abut.*

Aboutissement, l. fr. An abutment or abuttal. v. *Abuttal.*

Above. Superior or higher, as the court above, or the plaintiff or defendant above, meaning the plaintiff or the defendant in the court above; principal, as distinguished from auxiliary, as bail above; more than, or in excess of, as above all incumbrances.

Abradere, l. *In old English law.* To scrape off, *i. e.* to erase. **Abrasum:** erased.

Abrasio, l. *In old English law.* A scraping off, *i. e.* an erasure.

Abridge. To shorten; to diminish; to condense; to epitomize; to make shorter, not in words merely, but by subtracting or omitting a portion of the substance; to deprive or cut off; to limit or curtail, as, to abridge the privileges or immunities of citizens. v. *Abridgment.*

Abridgment. An epitome or compendium containing the principal ideas of the larger work. Applied to books in which adjudged points of law are gathered from the decisions and systematically arranged to facilitate reference. An abridgment of a copyrighted publication (such as the law will permit) is a real and substantial condensation of the materials, not merely a selection and rearrangement to bring the work into smaller compass. v. *Abridge.*

Abroachment, abrocamentum. v. *Abbrocamentum.*

Abrogare, l., Abrogate. *In the civil law.* To annul; to repeal; to take away. Applied to the repeal of laws. The English word is applied also to the abolishment of a custom by the establishment of a different one. **Abrogatur legi cum prorsus tollitur:** a law is abrogated when it is entirely taken away.

Abrogatio, l., Abrogation. The act of annulling or repealing. v. *Abrogare.*

Abscind. To conceal one's self; to keep close; to go away privately. Applied to a debtor who thus seeks to avoid the service of process.

Absence. A being away from one's domicil or place of residence or business. **Absent:** away; not at one's domicil or place of residence or business.

In Scots law. Want or default of appearance.

Absens, l. *In the civil law.* Absent. **Absente:** being absent.

Absentee. One who has departed from the state of his residence leaving no one to represent him; one never domiciled in the state and residing abroad.

Absentia, l. Absence.

Absoile, l. fr. To absolve; to acquit; to pardon.

Absoluta, l., Absolute. Complete or perfect; without exception, condition, or limitation; final. An absolute estate is an estate subject to no condition. Absolute property is full and complete ownership of chattels in possession. An absolute conveyance is a conveyance without condition or qualification which might operate to defeat or change it. Absolute rights are the natural rights of persons as individuals, as opposed to those which arise out of civil or domestic relations. A rule absolute is an order or judgment to be enforced immediately; opposed to a rule *nisi* which is to be enforced only in case cause is not shown. **Absoluta sententia expositore non indiget:** an absolute sentence or proposition needs not an expositor. **Absolutum et directum dominium:** absolute and right ownership.

Absolute warrandice. *In Scots law.* Warranty against all incumbrances.

Absque, l. Without. **Absque aliquo inde reddendo:** without rendering anything therefrom (applied to ancient grants without tenure). **Absque consideratione curiæ:** without the consideration of the court. **Absque eo quod cognosceret:** without this that he knows; without knowing. **Absque felonica captione:** without a felonious taking. **Absque generali senatus et populi conventu et edicto:** without the general convention and order of the council and people. **Absque hoc:** without this. **Absque impetitione vasti:** without impeachment of waste (*i. e.* without liability for waste permitted). **Absque probabili causa:** without a probable cause. **Absque purgatione facienda:** without purgation being made (*i. e.* without being cleared by oath). **Absque subtractione seu omissione:** without withdrawing or losing. **Absque tali causa:** without such cause. **Absque ulla conditione:** without any condition.

Abstract. To take or withdraw; to take away or withdraw, as to take the funds, money or credits of a bank, or to take away a public record.

Abstract. An epitome; a summary; a brief of that from which it is taken. An abstract of a fine is an abstract of the writ of covenant and the concord, naming the parties, the parcels of land, and the agreement. An abstract of title is a summary of the important parts of all instruments affecting the title or constituting an incumbrance, and intended to obviate the necessity of reference to the instruments or the record.

Abundans, l. Abundant; overflowing; more than sufficient. **Abundans cautela non nocet:** abundant caution does no harm.

Abundare, l. *In the civil law.* To abound; to be more than full
v. *Non solent quæ abundant, etc.*

Abusus, l., Abuse. *In the civil law.* Departure from use; immoderate or improper use.

Abut. To bound endways; to come to an end, as a boundary does when it takes a new direction; to border upon.

Abuti, l. *In the civil law.* To abuse. v. *Abusus.*

Abuttals. Limits or bounds of land at the ends of the parcel; bounds in general. The older and stricter use of the word is in the sense of bounds at the ends of the parcel.

Abuttalatus, l. l. Abuttalled.

Abuttare, l. l. *In old English law.* To abut. **Abuttans:** abutting.

Ac etiam, l. And also. **Ac etiam billæ:** and also to a bill; the initial words in a clause in the writ, formerly used in practice in the King's Bench, to introduce the real cause of action in cases where a fictitious cause was alleged to give jurisdiction.

Ac si, l. As if. The words frequently occur in old statutes.

Acc., accord., fr. Abbreviations of *Accordant*, q. v.

Accapitare, l. l. *In old English law.* To do homage to a chief lord on taking the feud; to acknowledge the sovereignty of a chief lord in special cases; to attorn to one not the chief lord and in derogation of his rights; to pay relief to a chief lord.

Accapitum, l. l. *In old English law.* Money paid by a vassal to the chief lord on taking a feud; the relief due to the chief lord.

Accedas ad curiam, l. l. You go to the court; a common law writ to remove a cause to a higher court from an inferior court not of record.

Accedas ad vice comitem: you go to the sheriff; an English writ formerly directed to the coroners of a county commanding them to deliver a writ to the sheriff requiring him to return a writ of *pone* which he had suppressed.

Accedere, l. *In the civil law.* To go to or with; to be joined or added to; to belong to; to approach; to be near or next to; to accede; to assent or agree.

Accelerate. To shorten the time for the vesting in possession of an expectant estate or interest.

Acceptare, l. To accept. **Acceptavit:** he accepted.

Acceptatio, l., Acceptance. A receiving with approbation or satisfaction. v. *Receipt.* An acceptance of a bill of exchange is the act by which the drawee undertakes to pay it, usually by writing the word accepted and his name across its face, though he may accept by parol, there being no statute forbidding, as by a promise to accept. An acceptance *supra protest* or for honor is an acceptance by a third person after protest for non-acceptance by the drawee.

Acceptavit et agreavit, l. Accepted and agreed.

Acceptilatio, l., Acceptilation. *In civil and Scots law.* A holding or acknowledging as received; a verbal release without actual satis-

faction from an obligation either arising out of a verbal undertaking, or (more generally) reduced to the form of a verbal stipulation.

Acceptor. A person who accepts a bill of exchange. v. *Acceptatio*.

Access, Accessus, l. Approach or means of approach; the liberty of going into a place; opportunity of intercourse and actual intercourse, as between husband and wife. *Accessus et recessus*: the liberty of going on and off, etc.

Accessarius, l. In old pleading, accessory; an accessory. v. *Accessorius*.

Accessory. One who, not present at its commission, becomes guilty of a felony, as a participator,— before the fact, by procuring its commission; after the fact, by aiding the felon knowing of the offense.

Accesement, l. fr. Addition.

Accessio, l. *In the civil law.* Accession; a going or passing of one thing to or with another as its principal addition; an addition or increase; a mode of acquiring property as an accessory thing, as by increase of the principal through natural laws or natural causes, or by the interweaving, mixing or mingling by another of his materials with those of the person who thus acquires the property; a thing joined or added to another; an incident or appurtenant; the profit, fruit or increase of a thing; an incidental or auxiliary obligation; the party contracting such an obligation. v. *Accession*; *Res accessoria*, etc.

Accession. A species of title consisting of a right to or property in a thing acquired by reason of its belonging to another thing. v. *Accessio*.

In Scots law. A deed of accession is a deed by the creditors of a bankrupt or insolvent debtor approving of a trust deed by the debtor for their benefit.

Accessorium, l. *In the civil law.* An accessory thing; an incident; a thing which belongs to or is dependent upon another which is its principal. *Accessorium non ducit sed sequitur suum principale*: the incident does not draw but follows its principal. *Accessorium non trahit principale*: the accessory does not draw the principal. *Accessorium sequitur*: the accessory follows; — *naturam rei cui accidit*: the accessory follows the nature of the thing to which it relates; — *principale*: the incident follows its principal.

Accessorius, l. l. *In old English law.* An accessory, or accessory. *Accessorius sequitur*: an accessory follows; — *naturam sui principalis*: an accessory follows the nature of its principal; — *principalem*: an accessory follows the principal.

In the civil law. Accessory; incident. v. *Res accessoria*.

Accessory. An incident; a thing which belongs to another thing.

Accessory. In *ci*d_e_nt, appurtenant, or belonging to; in the criminal law, contributory to, or aiding in the commission of a crime. v. *Accessory*.

In Scots law. **Accessory action:** an action auxiliary to another, or an action "proving the tenor," for the restoration of a lost deed.

In the civil law. **Accessory contract:** a contract which is incident or auxiliary to another, as that of a surety. **Accessory obligation:** an obligation which is incident to another, as that of a surety.

Accessus, v. Access.

Accidens, l. In the civil law. An accident; a thing happening; an event or circumstance. **Accidens quod per custodiam, curam et diligentiam mentis humanæ evitare non potest:** an accident which cannot be prevented by the watchfulness, care, and diligence of the human mind.

Accident. A casualty; an event that takes place without foresight or expectation. In equity, any such unforeseen event, etc., as is not the result of misconduct or negligence.

Accidere, l. In the civil law. To fall; to happen or take place. v. *Eaque, etc.*

Accion, l. fr. An action. **Accion sur le cas:** an action on the case.

Accipere, l. In the civil law. To receive; to take, especially under a will. To admit; to acknowledge. To receive; to sustain. To understand; to construe. **Accipere quid ut justitiam facias, non est tam accipere quam extorquere:** to receive anything that you may do justice, is not so much to receive as to extort.

Accipitur in modo solventis, l. It is received in the manner of payment.

Accola, l. In the civil law. An inhabitant or occupant of land near a place.

Accomenda, ital. In maritime law. A contract between the owner of cargo and the master, under which the master is to sell on joint account.

Accommodare, l. In the civil law. To accommodate; to allow against strict rule; to grant or transfer as matter of favor; to lend or loan.

Accommodation paper. In maritime law. A bill or note drawn, accepted or indorsed by one person, without consideration, for the accommodation of another.

Accomplimentum, l. l. Accomplishment.

Accomplice. A person concerned, whether as principal or as accessory, in the commission of a crime. v. *Accessory.*

Accompt. v. Account.

Accord, fr. Abbreviation of *Accordant*, q. v.

Accord. To agree or concur, as one judge with another.

Accord. An agreement or concurrence; an agreement upon a satisfaction for an injury. **Accord and satisfaction:** an agreement upon a satisfaction for an injury, executed.

Accordant, fr. Agreeing; concurring.

Accunt. Matter of debt and credit, or a demand in the nature of debt and credit, between parties; a statement in writing of debts and

credits; a common-law action, in general obsolete, to compel rendition and settlement of an account. **Account current:** an account to which items are being added at intervals; an open account. **Account rendered:** an account exhibiting the creditor's demand, delivered to the debtor. **Account stated:** an account rendered assented to by the debtor,—assent being presumed if objection is not made within a reasonable time.

Accountable. Liable to be called on for an account. **Accountable receipt:** a receipt coupled with a promise to account for the thing receipt of which is acknowledged.

Accouple, fr. Married.

Accountant. A person skilled in accounts; a person whose business it is to keep accounts; a person who accounts in a particular case.

Accredit. To give credit; to acknowledge the authority of, as of a diplomatic agent.

Accredulitare, l. l. To purge one's self of an offense by oath. v. *Purgation*.

Accresce. *In Scots law.* To accrue.

Accrescere, l. *In civil and old English law.* To grow to; to pass to and become united with, as soil to land by alluvion; to pass to or to be added to a person, as by survival; to arise; to begin to have existence, as a right of action.

Accresser, l. fr. To increase or accrue.

Accretion. A growing to, adding to, or increasing, especially growth or increase of land by alluvion. v. *Alluvion*.

Accroach. *In old English law.* To attempt to exercise; to exercise without authority; to delay. v. *Accrocher*.

Accrocher, l. fr. *In old English law.* To pull or draw to, as with a hook; to usurp; to attempt to exercise; to delay. **Accrocher un proces:** to stay a process.

Accrue. To grow; to follow; to be added to as a right or thing passes from person to person; to grow, arise, accumulate or become due, as rent or interest; to arise; to begin to have existence, as a right of action.

Accumulative. Additional; added to more or another of the same sort; cumulative, q. v. **Accumulative judgment:** an additional judgment or sentence against a convict to take effect upon expiration of a judgment or sentence already passed. **Accumulative legacy:** a legacy in addition to one already given.

Accusare, l. To accuse; to charge with an offense. **Accusare nemo se debet nisi coram Deo:** no one is bound to accuse himself, unless before God. v. *Nemo tenetur, etc.*

Accusation. The formal act of charging with the commission of a crime.

Accusator, l. An accuser. **Accusator post rationabile tempus non est audiendus, nisi se bene de omissione excusaverit:** an accuser

is not to be heard after a reasonable time, unless he has satisfactorily explained his delay.

Accustomatus, accustumatus, l. l. Accustomed.

Acensement, l. fr. A letting to farm.

Acephali, gr.-l. *In feudal law.* Persons without a feudal superior.

Acer, l. l. *In old English law.* An acre. v. *Acra.*

Achata, l. l. *In old English law.* A purchase.

Achat, achate, l. fr. *In old English law.* A purchase or bargain; bought. **Achate arere:** bought back.

Achater, l. fr. To buy.

Achator, achatour, achetour, acatour, l. fr. *In old English law.* A buyer; a contractor.

Acherset. An ancient measure of grain, supposed to have been a quarter.

Acheson, achaysson, l. fr. Reason; occasion; cause; hurt.

Achever, l. fr. To attorn.

Acia, l. l. *In old English law.* Malice, hate or hatred.

Acknowledgment. The act of a party to an instrument by which before a competent officer he acknowledges it to be his; the certificate of the officer that the instrument has been so acknowledged. **Acknowledgment money:** money paid by a copyhold tenant in acknowledgment of a new lord.

Acone, l. fr. Some. **Acone fei:** sometimes.

Acord, acort, l. fr. Accord, q. v.

Acoulper, l. fr. To accuse. **Acoupes:** accused.

Acquainted. Having a substantial knowledge, as of matters verified by a certificate.

Acquest. *In old English law.* Property newly acquired; property acquired by purchase. **Acquisition.**

Acquets, fr. *In the civil law.* Property acquired otherwise than by descent; profits or gains of property, as between husband and wife.

Acquiescence. A silent or passive assent with knowledge of the facts; tacit encouragement of an act done.

Acquietancia, acquietantia, l. l. *In old English law.* An acquittance; a release or discharge from the obligation of a debt or contract; the instrument by which such a discharge is effected; exemption or freedom from a duty or service. v. *Acquittance.* **Acquietancia de shires et hundredis:** the privilege of being free from suit and service in shires and hundreds.

Acquietandis plegiis. v. *Breve de, etc.*

Acquietare, l. l. *In old English law.* To make quiet; to give quiet, or keep in quiet; to preserve or protect from molestation, as from demands not due; to acquit; to release from a debt; to declare innocent. **Acquietatus:** acquitted; pronounced innocent by a jury.

Acquire. To gain in some lawful mode, by some lawful title. **Acquired:** in the law of descent, gained by any lawful mode other than gift, devise or descent. v. *After.*

Acquirere, adquirere, l. *In the civil law.* To acquire lawfully.

Acquisition. The act of acquiring, *i. e.* of gaining by some lawful mode; the thing acquired. Acquisition as an act is of two kinds, original and derivative; the first being of a thing not another's, as by accession or by intellectual labor, and the second being of a thing from another, as by gift, purchase and the like.

Acquisitum, adquisitum, l. l. *In old English law.* A purchase. Acquest, or newly-acquired feudal rights.

Acquisser, l. fr. To receive, to gather.

Acquit. To free or clear from accusation; to discharge from obligation; to protect from molestation. *v. Autrefois acquit.* **Acquitted:** judicially discharged from an accusation; released from a debt, obligation or charge.

Acquittal. A judicial deliverance from an accusation. **Acquittal in fact:** a verdict of not guilty. **Acquittal in law:** a discharge by operation of law, as of an accessory by acquittal of the principal.

In old English law. An exemption from entry and molestation by a superior lord, for services issuing out of lands.

Acquittance. A discharge from an obligation; the instrument by which such a discharge is effected. *v. Acquietancia.*

Acre, l. l., Acre. *In old English law.* A measure of land containing one hundred and sixty perches. Originally an acre was any open ground, wide champaign or field; and later by custom signified various quantities in different places.

Acreflight. A sort of judicial combat anciently fought in open field on the Scottish border between Scotch and English champions.

Acrescer, acresser, acrestre, l. fr. To increase; to multiply; to advance or rise; to accrue.

Act. A thing done; a thing done by an ordinary person; a thing done by or happening through the operation of a superior power, as by the law, or by God; a thing done in, or evidenced by, writing; a record or instrument, public or private; a thing done or business formally transacted by a public body, and expressed in writing; a thing done by court, and expressed in writing; a thing done in writing; the record of such a thing; the official certificate of such a thing. **Act in pais:** an act in the country; an act out of court. **Act of bankruptcy:** an act, in general an act done to defraud creditors, for which a debtor may be adjudged bankrupt. **Act of God:** inevitable accident or casualty; an event produced by any irresistible physical cause.

In English law. **Act of settlement:** the statute of 12 & 13 Will. III., c. 2, limiting the crown to the present royal family. **Act of supremacy:** the statute of 1 Eliz., c. 1, establishing the supremacy of the crown in ecclesiastical matters. **Act of union:** the statute of 5 Anne, c. 8, ratifying the union between Scotland and England. **Acts of uniformity:** the statutes of 1 Eliz., c. 2, and 13 & 14 Car. II., c. 4, regulating public worship in the church of England. *v. Acta.*

In Scots law. An abbreviation of actor, used in old records for proctor or advocate, especially for the proctor of the pursuer or plaintiff. **Act book:** the minute book of a court. **Act of contravention:** the act of breaking through a restraint imposed by deed or by a court. **Act of curatory:** the act extracted by the clerk on acceptance by a person of an appointment to the office of curator. **Act of grace:** the statute of 1696, c. 32, for the relief of poor debtors who were imprisoned and unable to maintain themselves.

Acta, l. *In old English law.* Acts; actions; the acts of persons. **Acta exteriora indicant interiora secreta:** outward acts indicate inward or secret purposes. *v. Act; Actum; Per exteriora præsumi, etc.*

In the civil law. Acts, doings, transactions; especially those of which a record was kept. The acts or proceedings of persons having supreme authority; the records of such proceedings. The acts or proceedings of magistrates or public officers of which a record was kept. The acts or proceedings of courts of justice of which a minute or record was kept; the minutes or records themselves. **Acta diurna:** daily acts; public registers of the daily proceedings of senate, courts, popular assemblies, etc. **Acta publica:** public acts; things done and recorded before public officers, notaries, judges, etc. *v. Actum.*

Actio, l. An action. **Actio civilis:** a civil action. **Actio communis:** a common action. **Actio criminalis:** a criminal action. **Actio ex contractu:** an action of contract. **Actio ex delicto:** an action of tort. **Actio in personam:** an action against the person. **Actio in rem:** an action for a thing. **Actio indirecta:** an indirect action. **Actio nominata:** a named action; an action for which there was a writ of course prior to the statute of Westm. II. **Actio non accrevit infra, etc.:** the action did not accrue within, etc. **Actio non datur non damnificato:** an action is not given to one who is not injured. **Actio personalis:** a personal action; — **moritur cum persona:** a personal action dies with the person. **Actio propria:** an action for the recovery of a thing held in severalty. **Actio quælibet in sua via:** every action proceeds in its own course. **Actionum genera maxime sunt servenda:** the kinds or varieties of actions are especially to be preserved.

In the civil law. An action; a cause of action; a right to pursue or sue for what is due, before a *judex* or *in judicio*, or later, in any court. **Actio ad exhibendum:** an action to compel the production of a thing, together with what was called *rei causa*. **Actio arbitraria:** an arbitrary action; an action depending on the discretion of the judge. **Actio bonæ fidei:** an action of good faith; an equitable action *ex contractu*, in which the *judex* determined according to equity. **Actio civilis:** a civil action; an action founded on the *jus civile*, or Roman law proper. **Actio commodati:** an



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

tory or negative action; an action founded on the denial of another's right. **Actio negotiorum gestorum**: an action on account of business done; an action where one has transacted business for another, in his absence, or without authority. **Actio noxalis**: a noxal action; an action against the master for an injury done or a crime committed by a slave. **Actio perpetua**: a perpetual action; an action not limited in respect to time of bringing. **Actio pignoratitia**: an action of pledge; an action founded on a pledge. **Actio pœnæ persecutoria**: an action for a penalty only; not for a specific thing. **Actio penalis**: a penal action; an action for a private penalty. **Actio præjudicialis**: a preliminary action; an action to determine a question arising in another, the principal action. **Actio prætoriana**: a prætorian action; an action introduced by the prætor. **Actio pro socio**: an action for a copartner; an action by a partner against copartner. **Actio publiciana**: an action for a thing lost by one who had *bona fide* obtained possession before he had gained a property in it. **Actio quanti minoris**: an action by a purchaser to recover what he had paid above value. **Actio quod jussu**: an action against a master founded on business done by his slave on his order. **Actio quod metus causa**: an action to one who had been compelled by fear not groundless or by unlawful force to promise, sell or deliver a thing to another. **Actio, or interdictum quod vi aut clam**: an action for forcibly or clandestinely erecting or demolishing a building to the injury of another. **Actio realis**: a real action. **Actio redhibitoria**: an action to compel a vendor to take back the thing sold, and return the price. **Actio rei persecutoria**: an action to recover a specific thing or damages. **Actio rerum amotarum**: an action for things removed; an action by husband or wife against the other for things carried away in contemplation of divorce. **Actio rescissoria**: an action for rescinding title by prescription in certain cases. **Actio sepulchri vestati**: an action for violating a grave. **Actio serviana**: an action by the lessor of a farm to recover of the lessee goods pledged for the rent. **Actio specialis**: a special action; an action for delivery of one or several things. **Actio stricti juris**: an action of strict right; a species of action *ex contractu* in which the *judex* was limited to the precise words of the agreement, as expressed in the formula of his instructions. **Actio temporalis**: a temporary action; an action limited in the bringing to a certain time. **Actio tributoria**: an action for distribution; an action by a creditor of a son or slave who had traded on his *peculium*, with the knowledge of the father or master, for a distributive share of the goods traded in. **Actio tutelæ**: an action of tutelage. **Actio or interdictum unde vi**: an action or interdict for possession of an immovable of which one had been deprived by force. **Actio utilis**: an equitable or beneficial action; an action by or against a principal on the contract of his

agent; an action *ex delicto* where the injury was not immediate but indirect or consequential. **Actio vi bonorum raptorum:** an action for goods taken by force; a mixed action for the things taken, with a penalty of triple their value. **Actio vulgaris:** a common action; the *actio directa*. v. *Actio*; *Action*.

Actio non, l. l. An abbreviation of *actionem non*, the words anciently used in beginning a special plea in bar. **Actio non ulterius:** the name of the distinctive clause in the plea to the further maintenance of the action introduced in place of the plea *puis darrein continuance*.

Action. The formal legal demand of a right. **Action droitual:** an action upon the right, to determine the title, as opposed to a possessory action. **Action on the case:** a remedy given by the statute of Westm. II. in cases similar to those covered by the original writs, and commonly employed where the injury is not immediate; so called because the whole case is set out in the writ. **Ancestral action:** an action to recover land, relying on the seisin or possession of an ancestor. **Civil action:** an action brought to enforce a private right. **Feigned action:** an action brought to settle a point of law, there being no actual controversy. **Local action:** an action which must be brought in a certain place. **Mixed action:** an action in which both damages and the recovery of real property are sought. **Penal action:** an action for a penalty. **Personal action:** an action for damages or for personal property. **Petitory action:** a *droitual* action. **Possessory action:** an action for possession merely. **Quil tam action:** a popular action; an action in behalf of the sovereign and the informer. **Real action:** an action for realty. **Transitory action:** an action which may be brought in any county.

In Scots law. **Action of abstracted multures:** an action for tolls due by tenure to a particular mill for grinding grain, abstracted or withheld by tenants. **Rescissory action:** an action brought to avoid a deed or other instrument.

Actionare, l. l. To bring an action; to sue or prosecute.

Acton Burnel. The statute otherwise called *Statutum de Mercatoribus*, enacted 11 Edw. I.

Actor, l. The party who institutes or prosecutes an action. In some actions, as in replevin, the term is extended also to the other party.

Actor in rem suam: an agent in his own matter. **Actor qui contra regulam quid adduxit non est audiendus:** a pleader ought not to be heard who advances a proposition contrary to the rules of law. **Actor sequitur formam rei:** the plaintiff follows the form of proceeding. **Actor sequitur forum rei:** the plaintiff follows the forum of the thing; the plaintiff follows the court of the defendant.

Actore non probante, absolvitur reus, l. The plaintiff not proving, the defendant is discharged.

Actori incumbit probatio [onus probandi], *l.* The burden of proof lies on the plaintiff.

Actornatus, actornay. *In old Scots law.* An attorney.

Acts of siderunt. *In Scots law.* Ordinances of the court of session regulating its procedure.

Actuarius, l. *In the Roman law.* An officer who took down in shorthand proceedings before a public magistrate; an actuary. A keeper or writer of public records; an officer having charge of accounts.

Actum, acta, l. *In the civil law.* Done; a thing done; an act, or deed. *v. Acta.*

Actus, l. An act; a deed; a proceeding. **Actus curiæ neminem gravabit:** an act of the court shall prejudice no man. **Actus Dei:** the act of God; — **nemini est damnosus:** the act of God is hurtful to no one; — **nemini facit injuriam:** the act of God does injury to no one; — **vel legis nemini facit injuriam:** an act of God or an act of the law injures no one. **Actus fictus in fraudem legis:** a fictitious act in fraud of the law. **Actus inceptus, cujus perfectio pendet ex voluntate partium, revocari potest; si autem pendet ex voluntate tertiæ personæ, vel ex contingenti, revocari non potest:** an act already begun, the completion of which depends on the will of the parties, may be revoked; but if it depends on the will of a third person, or on a contingency, it cannot be revoked. **Actus judicarius coram non judice irritus habetur, de ministeriali autem, a quocunque provenit, ratum esto:** a judicial act before one who is not a judge is held void, but as to a ministerial act, from whomsoever it proceeds, let it be valid. **Actus legis:** the act of the law; — **nemini est damnosus:** the act of the law is hurtful to no one; — **nemini facit injuriam:** the act of the law does injury to no one. **Actus legitimi non recipiunt modum:** acts requiring to be done by law do not admit of qualification. **Actus me invito factus non est meus actus:** an act done by me against my will is not my act. **Actus non facit reum, nisi mens sit rea:** an act does not make guilty unless the mind is guilty. **Actus repugnans non potest in esse produci:** a repugnant act cannot be brought into being. **Actus servi in iis quibus opera ejus communiter adhibita est, actus domini habetur:** an act of a servant in those things in which he is commonly employed is considered the act of his master. *In the civil law.* An act or action; a proceeding; a species of right of way for the driving of cattle or a carriage.

Ad, l. At; by; for; on; to; until; upon. **Ad abundantio rem cautelam:** for more abundant caution. **Ad aliud examen:** to another tribunal. **Ad alium diem:** at another day. **Ad audiendum:** to hear; — **considerationem curiæ:** to hear the judgment of the court; — **errores:** to hear errors; — **et terminandum:** to hear and determine. **Ad barram:** to the bar; at the bar; — **vocatus:** called to the

bar. **Ad cantelam ex superabundanti:** for more abundant caution. **Ad colligendum bona defuncti:** to collect the goods of the deceased; special letters giving authority to collect and preserve the goods of a decedent pending probate of a will or the appointment of a regular administrator. **Ad curiam:** at a court. **Ad damnum:** to the damage; the part of the declaration which states in money the amount of the plaintiff's loss. **Ad diem:** at the day. **Ad ea quæ frequentius accidunt jura adaptantur:** the laws are adapted to those cases which occur most frequently. **Ad exitum:** at issue. **Ad faciendum:** to do; to make. **Ad filum:** to the thread; — aquæ: to the thread, *i. e.* to the middle of the stream; — medium aquæ: to the middle thread of the water; — viæ: to the thread of the way. **Ad fin., ad finem litis:** at the end; at the end of the suit. **Ad gravamen:** to the grievance. **Ad hoc:** to this; hereunto; — facit: makes to or for this; goes to this point. **Ad hominem:** to the person. *v. Argumentum,* etc. **Ad idem:** to the same point. **Ad largum:** at large; at liberty; in detail; *in extenso.* **Ad legem:** at law; according to law. **Ad libitum:** at pleasure; at will. **Ad litem:** for a, or the suit; for the purposes of a suit. **Ad medium filum:** to the middle thread; — aquæ: to the middle thread of the water; to the center of the stream; — viæ: to the middle thread of the way. **Ad opus:** for the benefit or use. **Ad perpetuam:** as perpetual; — rei memoriam: as a perpetual remembrance of the matter; — remanentiam: to remain perpetually. **Ad proximum antecedens fiat relatio, nisi impedicatur sententia:** relation should be made to the next antecedent unless the sense forbids. **Ad quæstionem:** to a question; — facti non respondent judices, ad quæstionem legis non respondent juratores: judges do not answer to a question of fact; jurors do not answer to a question of law; — juris respondent judices; ad quæstionem facti respondent juratores: judges answer to a question of law; jurors to a question of fact. **Ad quem:** to which. **Ad quod:** to which; to what. **Ad rationem ponere:** to put to reason; to arraign. **Ad rectum:** to right; to do right; to answer in law. *v. A droit.* **Ad rem:** to the thing; against the thing; to recover the thing. *v. In personam.* **Ad respondendum:** to answer. *v. Capias.* **Ad satisfaciendum:** for satisfying. *v. Capias.* **Ad testificandum:** for testifying. **Ad tristem partem strenua est suspicio:** suspicion lies heavy on the unfortunate side. **Ad ultimam vim terminorum:** to the most extended import of the terms. **Ad unguem:** to the nail; finished to the last detail. **Ad valorem:** upon the value; according to value. **Ad vitam:** for life.

In old English law. **Ad admittendum clericum:** for admitting a clerk; a writ to compel a bishop to admit his clerk. **Ad assisas capiendas:** to take assises. **Ad bancum:** at or to the bench. **Ad campi partem:** for a share of the field. **Ad comparendum:** to appear; — et ad standum juri: to appear and to stand to the law,

or abide the judgment of the court. **Ad compotum:** to account; — **reddendum:** to render an account. **Ad consulendum:** to consult. **Ad custogia, ad custum:** at the costs, at the cost. **Ad decisionem litis:** by the decision of the suit. **Ad defendendum:** to defend. **Ad delinquendum:** to become delinquent. **Ad effectum sequentam:** to the effect following. **Ad eosdem terminos:** for or upon the same terms. **Ad essendum:** to be; — **coram justiciariis:** to be before the justices; — **de consilio suo:** to be of his counsel. **Ad excambium ad valentiam:** for recompense to the value. **Ad exhæredationem:** to the disherison, or disinheriting; — **ipsius:** to the disinheriting of himself; — **ecclesiæ:** to the disinheriting of the church. **Ad feodi firmam:** to fee farm. **Ad fidem:** in or under allegiance; bound to allegiance; — **regis:** under the king's allegiance; — **utriusque regis:** owing allegiance to each king. **Ad firmam:** to farm; — **ponere:** to put or set to farm. **Ad gaolam deliberandam:** to deliver the gaol; to make gaol delivery. **Ad gravamen tenentis sui:** to the grievance of the tenant. **Ad grave damnum:** to the great damage. **Ad hunc diem:** at this day. **Ad idem facit:** it makes to, or goes to establish the same point. **Ad illud:** to that; thereto, or thereunto. **Ad inde:** thereunto; — **requisitus:** thereunto required. **Ad informandum conscientiam:** to inform the mind; — **judicis:** to inform the mind of the judge. **Ad inquirendum:** to inquire. **Ad instantiam:** at the instance; — **partis:** at the instance of a party. **Ad itinerandum:** to itinerate. **Ad iudicium:** to judgment; to court; — **provocare:** to summon to court; to begin an action. **Ad jugendum auxilium:** to join aid; to join in aid. **Ad jura:** for the rights; — **legis:** for the rights of the law; — **regis:** for the rights of the crown; a writ by the holder of a crown living against an ejector. **Ad litis decisionem:** to the decision of the suit. **Ad litis ordinationem:** to the regulation of the suit. **Ad lucrandum vel perpendum:** to gain or lose. **Ad majorem cautelam:** for greater security. **Ad majus:** at most. **Ad manum:** at hand; ready for use. **Ad minus:** at the least. **Ad modum:** after the manner of; on account of the way or manner; — **actionis instituendæ:** to the mode of bringing the action. **Ad mordendum assuetus:** accustomed to bite. **Ad nocumentum:** to the nuisance; — **liberi tenementi sui:** to the nuisance of his freehold; — **tenementi ipsorum:** to the nuisance of their freehold. **Ad nullius sectam:** at the suit of no one. **Ad ordinationem litis:** for or to the regulation of suit. **Ad ostendendum:** to show. **Ad ostium ecclesiæ:** at the door of the church. *v. Dower.* **Ad primam diem litigii:** at the first day of the suit. **Ad propinquiorem consanguineum:** to the next of blood. **Ad prosequendum:** to prosecute. **Ad publicam vindicatam:** for vindicating the public. **Ad punctum temporis:** at the point of time. **Ad querimoniam:** on the complaint. **Ad quod:** to which; — **curia concordavit:** to which the court agreed; — **damnum:** to what damage; a writ issued before the

grant of certain liberties by the crown to ascertain whether it will be to the prejudice of the king or others; — non fuit responsum: to which there was no answer. **Ad recognoscendum**; to recognize. **Ad referendum**; to be referred. **Ad reparationem et sustentationem** for repairing and maintaining. **Ad sectam**: at suit of. **Ad standum recto**: to stand to the right; to meet an accusation; to stand a trial; to abide by the sentence of the law. *v. Plegium, etc.; Responsurus, etc.* **Ad studendum et orandum**: for studying and praying; for the promotion of learning and religion. **Ad subeundum legem**: to undergo the law; to abide the sentence of the law. **Ad terminum**: for a term; — **annorum**: for a term of years; — **ponere**: to put to another term; — **qui præteriit**: for a term which has passed; — **vel ad tempus**: for a term, or for a time; — **vel ad firmam**: for a term or to farm; — **vitæ vel annorum**: for a term of life, or for years. **Ad testari**: to witness. **Ad tractandum et consilium impendendum**: to discuss and give advice. **Ad tunc et ibidem**: at the time and in the same place; then and there. **Ad usum et commodum**: to the use and benefit. **Ad valentiam**: to or of the value; — **veri valoris**: to the worth of the true value. *v. Cape.* **Ad valorem contractus**: upon the value of the contract. **Ad ventrem inspiciendum**. *v. De ventre, etc.* **Ad vitam**: for life; — **aut culpam**: for life, or until fault; during good behavior; — **vel in feodo**: for life, or in fee. **Ad voluntatem**: at will; — **domini**: at will of the lord; — **domini secundum consuetudinem**: at will of the lord according to the custom. **Ad warractum**: to follow.

In Scots law. **Ad factum prestandum**: for performance of a specific act,—an obligation of great strictness.

Adæquatio, l. *In the civil law.* A making equal; a sharing equally.

Adærare, l. *In the civil law.* To estimate in money.

Adayer, l. fr. To provoke. **Adayement**: provocation.

Addicere, l. *In the civil law.* To adjudge or condemn; to assign, allot or deliver; to sell.

Addictio, l. *In the civil law.* An assignment by the sentence of a court.

Addictio in diem: a sale with a clause that the contract shall not hold, if within a certain time the seller shall have a better offer.

Additio, l., Addition. Words added to the name of a person by way of title or description for greater certainty of identity. **Additio probat minoritatem**: an addition proves or shows minority or inferiority.

Addone, addonne, l. fr. Given to.

Addoubeur, l. fr. A promoter; a setter up of business.

Addresser, adresser, l. fr. To hold up. **Addresseroient en haut leur maynes dextres**: should hold up on high their right hands.

Adeem. To take away; to revoke.

Ademptio, l. *In the civil law.* A revocation of a legacy.

Ademption. A taking away; a revoking. Applied particularly to the extinction of a legacy by act of the testator in his life-time, as by payment or by disposal of the property otherwise.

Adeo, l. As; so. **Adeo plene et integre:** as fully and entirely.

Adeprimes, l. fr. First; in the first place.

Adequate. Equal;—sufficient; proportionate. Applied to the consideration of a contract, to remedies at law, etc.

Aderere, l. fr. In arrear; behind.

Adesouth, l. fr. Under; beneath.

Adeu, l. fr. Without day.

Adevant, adavaunt, l. fr. Before.

Adfines, affines, l. *In the civil law.* Relations or connections by marriage.

Adgisant, adgisantz, l. fr. Adjacent.

Adgnosocere, l. *In the civil law.* To admit; to accept.

Adherence. *In Scots law.* An action for the restitution of conjugal rights.

Adhibere, l. *In the civil law.* To apply; to employ; to exercise. **Adhibere diligentiam:** to exercise care. **Adhibere vim:** to employ force.

Adhuc existit, l. It still exists. **Adhuc remanet:** it still remains.

Adhuc sub judice lis est: the controversy still awaits the determination of a judge.

Adhunc detinet, l. He still retains. **Adhunc possunt partes resilire:** the parties may yet draw back.

Adieu, l. fr. Without day.

Adimere, l. *In the civil law.* To take away; to remove.

Adiratus, l. Strayed; lost.

Adire, l. *In the civil law.* To go to; to approach; to apply to.

Adit. A horizontal entry to a mine.

Aditio, l. An entering upon an inheritance. **Aditio hæreditatis pro solutione cedit:** entering upon an inheritance goes for payment.

Aditus, l. *In old English law.* A public way.

Adjacent. Near to; in the neighborhood of.

Adjection, l. fr. Addition; addition to a name.

Adjectio, adjectire, l. l. *In old European law.* To summon to court.

Adjectivus, adjectivus: summoned.

Adjective law. The law of remedies.

Adjicere, l. *In the civil law.* To add; to join to.

Adjoining. Contiguous; in contact with.

Adjornamentum, l. l. Adjournment; an adjournment, or the adjournment.

Adjornare, adjournare, adjurnare, l. l., Adjourner, fr. To adjourn; to give another day; to give or assign a day; to summon to appear at a day. **Adjornent assisas:** they shall adjourn the assises. **Adjornatur, or adjournatur:** it is adjourned. **Adjornatus, or adjurnatus:** adjourned. *v. Adjourn.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

lay by a person having a right of common in pasture against another who had surcharged the common with more cattle than he ought, to adjust the rights of pasture.

Admensurare, amensurare, l. l. To admeasure.

Admensuratio, amensuratio, l. l. Admeasurement. **Admensuratio nihil aliud est quam reductio ad mensuram:** admeasurement is nothing more than reducing to measure.

Adminicle. Aid or support. **Adminicular:** auxiliary.

In Scots law. A collateral writing referring to and proving.

Adminiculum, l. *In civil and old English law.* Aid or support; that which belongs to a thing as accessory; that which is necessary to its complete use or enjoyment; whatever appertains to judicial proceedings; a species of evidence conclusive only when conjoined with other evidence.

Administrare, l., Administer. To manage; to take charge and dispose according to law of the effects of an intestate, or of a testator having no executor.

Administrare, l. *In the civil law.* To manage or conduct; to take or have charge of; to administer; to govern; to have or conduct the government; to execute an office.

Administratio, l. *In old English law.* Management, conduct, disposal or charge of property or of affairs, as management by an administrator, an attorney, a guardian; power of disposal.

In the civil law. Management, conduct or charge, as management by an attorney or a guardian; government; administration.

Administration. The management and disposal of the estate of an intestate, or of a testator having no executor; also, in the larger sense, management, etc., by an executor: the right of management conferred by what are called letters of administration. **Administration ad collegendum:** temporary administration granted to preserve perishable property. **Administration cum testamento annexo:** administration with the will annexed; administration granted where there is a will, but no executor appointed, qualified, or living. **Administration de bonis non administratis:** administration of the goods not administered; administration granted where the administrator or executor dies before completing administration. **Administration durante absentia:** administration during absence; administration granted during the absence of an executor. **Administration durante minore ætate:** administration during minority; administration granted during the minority of an executor. **Administration pendente lite:** administration granted pending a suit touching the validity of a will. **Ancillary administration:** subordinate administration granted to collect assets in a foreign state.

Administrator. One who administers; one who has authority to manage and dispose of the estate of an intestate or a testator having no

executor. **Administratrix:** a female who administers, who has authority to administer.

In old English law. A manager; one who takes charge of the property or affairs of another.

In the civil law. A manager or conductor of affairs, especially of another and in his name and behalf.

Admiral, Lord High. The highest officer in the English navy and theoretical head of the English courts of admiralty whose judicial duties are now performed by the judge of admiralty.

Admiralty. A court having jurisdiction of all maritime causes, civil and criminal. The civil jurisdiction is twofold, embracing controversies arising out of maritime contracts, and the adjudication of maritime captures and seizures. In England the jurisdiction extends over the high seas and tide waters and those parts of the coast which are not within the body of any county. In the United States it extends also over all public lakes and rivers on which commerce is carried on between states, and is vested in the federal district courts.

Admission. A taking or letting in; permission to exercise certain rights, to fill an office, etc.; as the admission of an attorney to right to practice, an admission to membership of a corporation. Acknowledgment, allowance, concession; as the admission of a fact in evidence, the admission of service of papers.

In English ecclesiastical law. The approval by a bishop of a clerk presented by the patron, declaring him fit to serve the cure of the church, in the words *admitto te habilem*: I admit thee able.

Admittance. The act of giving possession of a copyhold estate, whether upon grant by the lord, upon surrender by the former tenant, or upon descent.

Admittere, l. *In the civil law.* To admit; to receive; to accept; to allow; to acknowledge; to commit, as an offense.

Admittendo clerico. v. *De*, etc.

Admonitio trina, l. The warning given to a prisoner who stands mute before subjecting him to the *paine forte et dure*.

Adnihilare, adnullare, l. l. *In old English law.* To annul; to reduce to nothing; to treat as nothing; to avoid.

Adnotatio, l. *In the civil law.* The subscription of a signature to an instrument; a rescript of the prince or emperor, signed with his own hand.

Adnullare, l. l. To annul. v. *Adnihilare*.

Adolescentia, l. *In the civil law.* Adolescence, or youth; the age between puberty and majority, beginning in males at fourteen, in females at twelve.

Adonques, adonque, adunque, adoun, l. fr. Then.

- Adoptio, l.** *In the civil law.* Adoption; the taking or choosing of a child of another as one's own. **Adoptivus:** adoptive. Applied both to the person adopting and the person adopted.
- Adpromissor, l.** *In the civil law.* A surety; one who binds himself for or in addition to another; one who engages to do the same thing that the promisor does.
- Adquirere, l.** *In civil and old English law.* To acquire; to gain. **Adquiritur possessio:** possession is acquired. v. *Acquirere.*
- Adrectare, adretiare, addressare, l. l.** *In old English law.* To do right; to satisfy; to make amends.
- Adresser, l. fr.** To prepare.
- Adrhampire, arhampire, arrampire, arramare, l. l.** *In old European law.* To undertake, declare, or promise solemnly; to pledge; to pledge to make oath.
- Ads., adsm., ats.** Abbreviations of *ad rectam*, at suit of.
- Adsallire, assalire, l. l.** *In old European law.* To assail; to assault or attack.
- Adscendentes, l.** *In the civil law.* Ascendants.
- Adscribere, ascribere, l.** *In the civil law.* To add in or by writing, as by a codicil; to add one's name to an instrument as a witness; to annex or bind in writing.
- Adscriptus, ascriptus, l.** *In the civil law.* Added, joined, annexed or bound in or by writing; registered, enrolled; united by writing or enrollment; united, joined, annexed, bound to, generally. **Adscriptus glebæ:** annexed to the soil; slaves in the middle ages were *adscripti glebæ* and passed to the purchaser upon a sale of the land to which they belonged.
- Adscriptitius, adscripticius, ascriptitius, l.** *In the civil law.* United, annexed or bound to. **Adscriptitii:** a class of cultivators who were annexed to the land, and had no power to leave it.
In old English law. **Adscriptitii glebæ:** annexed, bound or adstricted to the soil. A term applied to tenants by villein socage.
- Adsecurare, l. l.** To insure, or assure. **Adsecuratio, assecuratio:** insurance; assurance.
In old English law. To make secure; to secure by giving pledges or sureties.
- Adsessores, assessores, l.** *In old English law.* Assessors. An ancient title of masters in chancery.
In the civil law. Persons employed to assist magistrates with advice.
- Adsignare, l.** *In the civil law.* To seal an instrument; to seal in company with others; to assign; to designate for a specific purpose.
- Adtunc, l. l.** Then. **Adtunc existens:** then being.
- Adult.** A person of full age.
In the civil law. A person who has arrived at the age of *adolescentia*. v. *Adolescentia.*

Adulter, l. *In the civil law.* An adulterer; one who corrupts the wife of another. **Adulteria:** an adulteress; a woman guilty of adultery.

Adulterare, l. *In the civil law.* To adulterate; to corrupt; to falsify; to forge or counterfeit. **Adulterare rationes:** to forge accounts.

Adulterator, l. *In the civil law.* Counterfeiter; a forger. **Adulteratores monetæ:** counterfeiters of money.

Adulterine. *In old English law.* Unlawful; unlicensed; unauthorized.

Adulterinus, l. *In old English law.* Corrupt; spurious; counterfeit; forged; unlawful; unauthorized; adulterine.

In the civil law. Unlawful; illegitimate; spurious; false or forged.

Adulterina moneta: counterfeit money. **Adulterinum testamentum:** a forged will.

Adulterium, l. *In old English law.* A fine imposed for adultery or fornication.

In the civil law. Adultery; the corrupting of the wife of another.

Adultery. At common law, sexual intercourse between a man and a married woman not his wife; but now, commonly, such intercourse between a married person, male or female, and a person married or single not that person's husband or wife.

Advance. To supply beforehand, as, to advance money or materials; to set forward, as, to set forward a cause on the calendar that it may sooner come up for consideration.

Advancement. Money or property given to a child by a father or any one *in loco parentis* in anticipation of inheritance.

Advantagium, l. l. An advantage.

Advena, l. *In the civil law.* One who comes from abroad; one who makes a temporary stay in a place.

Advenir, avener, aveigner, fr. To come to; to become. **Adveigne:** happens; becomes.

Advent. The period between the Sunday that falls on November 30 (St. Andrew's day), or comes nearest to that date, and Christmas.

Adventitius, adventicius, l. *In the civil law.* Coming from without, from another person or thing; from an unusual course; adventitious; foreign; accidental; incidental; accessory.

Adventura, l. l. An adventure. **Adventuræ maris:** adventures of the sea; flotson, jetson and lagon.

Adventure, fr. and eng. A chance or accident, risk or hazard; a thing sent to sea at the risk of the sender, to be sold for his benefit by the supercargo; a thing which a seaman is permitted to carry abroad with a view to a sale for profit.

Adversa, l. *In the civil law.* Adverse; unfavorable; opposite. **Adversa fortuna:** adverse fortune. **Adversa valetudo:** adverse or ill health; — **excusat:** ill health is an excuse.

Adverse. Acting against or in a contrary direction, opposite, contrary; opposed. **Adverse enjoyment:** the possession or exercise of an ease-

ment or privilege, under a claim of right against the owner of the land out of which the easement is derived. **Adverse possession:** the possession of lands adversely or in opposition to the title of another; the possession of a person claiming under title or color of title adverse to another who is out of possession.

Adversus, l. *In the civil law.* Against; adverse; opposite; afflictive.

Adversus bonos mores: against good morals.

Advisamentum, avisamentum, l. l. Advisement; advice.

Advisare, l. l. To advise; to see to; to look to or into; to consider or deliberate.

Advisari, l. l. To be advised; to be prepared for decision by examination and deliberation.

Advise. To consider, examine, deliberate, consult; to give advice; to give information or notice of facts. **Advised:** prepared to give judgment after examination and deliberation.

Advisement. The consultation or deliberation of the court after argument and before decision.

Advocare, l. l. *In old English law.* To call to or upon; to call in aid; to call upon one to warrant another's title; to vouch; to avow; to acknowledge or openly admit, adopt, justify and maintain a thing; to acknowledge a child; to advocate, protect or defend; to assert the rights of advocacy or patronage; to exercise the right of presentation to a vacant benefice; to call a clerk to a vacant benefice; to present a clerk to such a benefice; to claim; to avow in replevin.

Advocassie, l. fr. The office of an advocate; advocacy.

Advocata, l. *In old English law.* A patroness; a woman having the right of presenting to a church.

Advocate. One who is called upon to assist or defend another; a defender, patron or protector; one called and privileged to give legal advice or assistance, particularly by way of argument of a cause in court.

Advocate, Lord. *In Scots law.* The chief crown lawyer and public prosecutor.

Advocati fisci, l. *In the civil law.* Advocates of the fisc, or revenue; fiscal advocates.

Advocatia, l. l. *In old English law.* The right of advowson or presentation.

In old European law. The management of any public business intrusted to one by his superior; the defense or patronage of a religious house.

Advocatio, l. *In old English law.* An advowson; the right of presentation or calling to a vacant church or benefice; a taking into protection; an avowry in replevin.

In the civil law. Advocacy; the office or business of an advocate.

Advocation. *In Scots law.* An appeal; process of appeal; the process of procuring a review of the judgment of an inferior court.

Advocator, l. l. In old practice, one who called on or vouched another to warrant a title; a voucher. **Advocatus:** the person called on or vouched.

In Scots law. An appellant.

Advocatus, l. *In old English law.* An advocate or pleader; a patron or defender; a person having a right to present to a church; an advowee; one who was called or vouched to warranty; a vouchee.

In the civil law. One who managed, or assisted in managing, the cause of another; an advocate. **Advocatus fisci:** advocate of the fisc, or treasury.

Advove, advoe, l. fr. A person skilled in the law; an advocate.

Advover, fr. To avow; to admit; to acknowledge and justify. v. *Advocare; Avow.*

Advow, l. To advow; to admit; to acknowledge and justify. v. *Advocare; Advover; Avow.*

Advowee. *In English ecclesiastical law.* A patron; one who has a right to present to a benefice; the holder of an advowson.

Advowry. v. *Avowry.*

Advowson. *In English ecclesiastical law.* The right of presentation to a church or ecclesiastical benefice; the right of presenting a person to the bishop for admission to a vacant benefice. **Advowson appendant:** an advowson annexed to a manor and passing as an incident upon grant of the manor. **Advowson collative:** an advowson in which the bishop himself is the patron. **Advowson donative:** an advowson in which the patron has a right to put one in possession by mere gift, without presentation. **Advowson in gross:** an advowson belonging to the person. **Advowson presentative:** an ordinary advowson by which the patron has the right to present and to demand the institution of the person presented, if found canonically qualified.

Advowtry, avowtry. Adultery, so called in old statutes. **Advowterer:** an adulterer. **Advowtress:** an adulteress.

Adyre, l. fr. To say.

Æe, l. fr. Age; the age of a person.

Ædes, l. *In the civil law.* A house; a dwelling; a place of habitation whether in city or country.

Ædificare, l. *In civil and old English law.* To build or make, as a house, or a ship. **Ædificare in tuo proprio solo non licet quod alteri noceat:** it is not lawful to build on your own land what may injure another.

Ædificatum solo solo cedit, l. What is built upon land belongs to or goes with it.

Ædificator, l. *In the civil law.* A builder.

Ædificium, l. *In the civil law.* A building. **Ædificia solo cedunt:** buildings belong to the soil.

Ædile. *In the Roman law.* A magistrate having the supervision of buildings, streets, markets, sewers, etc.

Ædilitium edictum, l. *In the Roman law.* The Ædilitian edict, an edict providing remedies for frauds in sales the execution of which belonged to the *curule ædiles*.

Æditus, editus, l. *In old English law.* Born; passed, as a statute; put forth, or promulgated. v. *Editus*.

Æl, ail, l. fr. A grandfather. **Æle:** a grandmother. v. *Aiel; Ayle*.

Æquitas, equitas, l. *In old English law.* Equity. **Æquitas est correctio legis generaliter latæ qua parte deficit:** equity is the correction of a law passed in general terms, in the part where it is defective. **Æquitas est correctio quædam legi adhibita, quia ab ea abest aliquid propter generalem sine exceptione comprehensionem:** equity is a certain correction applied to a law where something is wanting to it, on account of its general comprehensiveness making no exception. **Æquitas est perfecta quædam ratio quæ jus scriptum interpretatur et emendat; nulla scriptura comprehensa, sed solum in vera ratione consistens:** equity is a certain perfect reason, which interprets and amends the written law; comprehended in no writing, but consisting in right reason alone. **Æquitas est rerum convenientia, quæ in paribus causis, paria desiderat jura, et omnia bene cœquiparat:** equity is the fitting together or adjustment of things which, under equal circumstances, requires equal rules, and properly equalizes all things. **Æquitas est verborum legis sufficiens (efficacius) directio, qua una res solummodo cavetur verbis ut omnis alia in æquali genere iisdem caveatur verbis:** equity is the proper application of the words of the law, where one thing only is provided for in terms, in order that every other thing of the same kind may be provided for by those same words. **Æquitas sequitur legem:** equity follows the law. **Æquitas uxoribus, liberis, creditoribus maxime favet:** equity favors wives and children, creditors most of all.

In the civil law. Equity, as opposed to *strictum* or *summum jus*. Otherwise called *æquum, æquum bonum, æquum et bonum, æquum et justum*.

Æquivocum, equivocum, l. *In old English law.* Of various or doubtful signification; depending upon context or connection for its meaning.

Æquus, æquum, l. *In old English law.* Equal; just; fair. **Æquum et bonum est lex legum:** what is equitable and good is the law of laws. **Æquior est dispositio legis quam hominis:** the disposition of the law is more equitable than that of man.

Ærarium, l. *In the Roman law.* The treasury.

Æs, l. *In the civil law.* Money (literally, brass); any metallic money.

Æs alienum: a debt; that which is due to another. **Æs suum:** a debt; that which is due from another.

Æsnecia, æsnetia, l. l. *In old English law.* The right or privilege of the eldest born; the privilege of the eldest daughter to draw first in the partition of lands by lot; esnecy.

Æstimare, l. *In the civil law.* To estimate; to value; to appraise.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- Affidatio, l. l.** *In canon and feudal law.* A plighting or pledging of faith; an affiance. **Affidatio dominorum:** an oath taken by the lords in parliament.
- Affidatus, l. l.** *In feudal law.* One who has given or sworn fealty; a tenant by fealty. **Affidata:** a woman affianced.
- Affidavit, l. l.** A declaration or statement in writing sworn to or affirmed before some officer having authority to administer an oath or affirmation. The oath or affirmation is essential, but signing has been held unnecessary, though required as matter of common practice. It is distinguished from a deposition in being *ex parte*. v. *Deposition*.
- Affiert, afiert, affert, fr.** It belongs; it behooves. **Afferont:** they belong. v. *Afiert*.
- Affile.** *In old law.* To put on file. Now shortened to file. v. *File*.
- Affiliation.** The assignment of a child to a parent by legal authority; the process of determining a man to be the father of a bastard child and charging him with the support of it.
- Affiner, l. fr.** To put an end to.
- Affines, adfines, l.** *In the civil law.* Relations or connections by marriage; related by marriage; neighbors who own or occupy adjacent lands.
- Affinis, l.** *In the civil law.* Adjacent or bordering; near; related by marriage. **Affinis mei affinis non est mihi affinis:** one who is related by marriage to a person related to me by marriage has no affinity to me.
- Affinitas, l.** *In the civil law.* Relation by marriage; affinity. v. *Affinity*.
- Affinity.** Relation by marriage; the relationship by marriage between the husband or the wife and the blood relations of the other; in a larger sense, kinship or consanguinity.
- Affins, l. fr.** Kindred by marriage.
- Affirm.** To ratify or confirm a law or judgment; now more particularly to confirm a judgment or decree on appeal; to ratify or confirm a former act; to assert or declare solemnly in place of making oaths; to aver or state a thing in pleading.
- Affirmance.** The confirming or ratifying of a law or judgment; now more particularly the confirmation of a judgment or decree on appeal; the confirmation or adoption of an act, *e. g.* the confirmation by a person of full age of an act done during minority.
- Affirmant.** One who affirms instead of making oath.
- Affirmare, l.** *In old English law.* To make firm; to ratify or confirm; to farm out; to aver or state in pleading. **Affirmatus:** farmed out.
- Affirmanti, non neganti, incumbit probatio:** the proof lies upon the one affirming, not the one denying.
- In Scots law.* To open or "fence" a court.
- Affirmation.** A solemn declaration having the force of a declaration made under oath; testimony given without oath.

Affirmative. That which affirms; opposed to that which denies. **Affirmative pregnant:** an affirmative averment implying a negative in favor of the adverse party. **Affirmative statute:** a statute in affirmative language; a statute directing that some act be done, or declaring what shall be done.

Affirour, l. fr. An affeorer. v. *Affeeror*.

Affixus, adfixus, l. *In the civil law.* Affixed; fixed or fastened to.

Afforce, aforce. *In old English law.* To apply or exercise force; to use compulsory measures; to increase or add to. **Afforcing the assise:** the producing of a verdict by adding jurors until twelve were found to agree. v. *Afforciare*.

Afforcer, aforcer, l. fr. To strengthen; to increase or add to; to enforce or compel.

Afforciammentum, aforciammentum, l. l. *In old English law.* A fortress or stronghold; the calling of a court upon a solemn or extraordinary occasion. v. *Aforciammentum*.

Afforciare, affortiare, l. l. To make strong; to use or apply strength or force; to increase, to add to. **Affortietur assisa:** the assise shall be afforded.

Afforer, l. fr. To estimate, assess or tax.

Afforestare, l., Afforest. *In old English law.* To convert into forest.

Affranchir, l. fr. To enfranchise; to set free.

Affray. An unpremeditated fight in a public place between two or more persons, to the terror of others, with a stroke given or offered, or a weapon drawn.

Affrectamentum, affretamentum, l. l. *In old English law.* A freightment, or an affreightment.

Affrectatus, l. l. Freightened.

Affreightment. The freighting or affreighting of a ship; the hiring and letting to hire of a ship for the carriage of goods on a certain voyage for a stipulated compensation.

Affretement, fr. *In French law.* The hiring of a vessel; affreightment. **Affreter:** to hire a vessel; to affreight. **Affreteur:** the hirer of a vessel; the affreighter.

Affri, afri, affra, l. l. *In old English law.* Plough cattle, bullocks or plough horses. **Affri, or afri carucæ:** beasts of the plough; draught cattle. **Affri carectæ:** beasts of the cart.

Affurare, l. l. *In old English law.* To affeer.

Aflert, l. l. Belongs; goes to. **Aflerent:** belong.

Aforciammentum, l. l. *In old English law.* An afforcement; a strengthening or adding to; increase. **Aforciammentum plegiorum:** afforcement of pledges. **Aforciammentum districtionis:** afforcement of a distress.

Aforesaid. Before said, mentioned or recited. In general, it refers to the last antecedent.

Aforestare, l. l. *In old English law.* To afforest. v. *Afforestare*.

Aforethought. Premeditated. *v. Malice.*

After. Subsequent; exclusive of; subject to. It does not necessarily refer to time, but may refer to order in point of right or enjoyment.

After-acquired: acquired after some event or proceeding, as property acquired after an adjudication in bankruptcy or insolvency, or after the making of a will. **After-born:** born after some event, etc., as, after the making of a will. **After-discovered:** discovered after some event, etc., as evidence discovered after a trial.

After-math, after-month. The second crop of grass; the right to such crop.

Agait, agayte, l. fr. Waiting; in wait. **Gist en agait:** he lies in wait.

Agard, l. fr. An award. **Agarda:** to award; to adjudge; to condemn or sentence; the formal word in giving judgment. **Agardomus:** we award.

Age, awe, aive, l. fr. Water.

Age. The period of life at which persons become legally competent to do certain acts or perform certain functions which for want of age they are before incompetent to do or perform; the period is variously fixed by statute in different jurisdictions.

Age-prier, l. fr., Age-prayer. *In old English law.* A prayer for indulgence on account of want of age; a suggestion of non-age in an action to which an infant is a party with a request for a stay of proceedings until he comes of age.

Agency. The relation or office of an agent; the administration or management of the business of another person in his behalf and upon his authority. *v. Agent.*

Agenfrida, l. l. *In the Saxon law.* The real master or owner of a thing; the real possessor.

Agenhine, awenhine, awnhine, awnhin, sax. *In the Saxon law.* An inmate; one belonging to the family or household; a guest for whom, by reason of the length of his stay (a stay to the third night), the host is answerable for his conduct as for that of a servant. Sometimes written *hogenhine, hogenehyne* and *homehyne*.

Agens, l. One who does an act; an actor or doer. **Agentes et consentientes pari pœna plectentur:** those who do an act, and those who consent to it, shall suffer the same punishment.

In civil and old English law. One who brings an action; a plaintiff. **Agenti ex contractu non potest opponi questio domini:** one who sues on a contract cannot be met with a question of ownership.

Agent. One who acts upon employment in the name and place of another who is called the principal. An agent may be a special agent, an agent, *i. e.*, for the doing of a special act or acting in a special case; or a general agent, an agent, *i. e.*, to transact all business of a particular kind; or a universal agent, an agent, *i. e.*, to do all acts which the principal might and may lawfully empower another to

do. **Agent and patient:** doer and receiver; a person who is at once the doer of a thing and he to whom it is done.

Ager, l. *In the civil law.* A field; a piece of land or place in the country, with no building upon it, corresponding with *area* in a city; land generally.

Ager, l. l. *In old English law.* An acre.

Agere, l. *In the civil law.* To act; to do. To act at law, or by or through the law; to deal with one at law; to bring an action. **Agere potest:** he can sue. **Agere non potest:** he cannot sue. **Agere injuriam:** to sue for damages. **Agitur:** suit is brought, or may be brought.

Aggravation. A making worse; a making more injurious or more enormous; in pleading, matter alleged to increase the damages.

Aggregate. Composed of several; consisting of many persons united together. *v. Corporation.*

Aggregatio mentium, l. The meeting of minds. Applied to the coming together of the minds of the parties which marks the completion of a contract.

Agild, sax. *In the Saxon law.* Free from penalty; not subject to the customary fine or compensation for an offense; the payment of *gild* or *weregild*. *v. Gild; Weregild.*

Agiler, sax. An observer; an informer.

Agillarius, l. l. *In old English law.* A hay-ward; a herd-ward or keeper of the herd in a common field.

Agio, ital. A term used in commerce to express the difference in value between coin and other currency.

Agiser, l. fr. To lie. **Agisant:** lying.

Agist. To put, place, or lay to or near; to adjust; to apportion; to assign, fix or apportion the number of cattle entitled to feed on certain ground; to adjust, apportion or assess a tax; in modern law, to take in cattle to feed or pasture for certain compensation.

In ancient law. To take in and feed the cattle of strangers in the king's forest, and to collect the money due therefor for the king's use.

Agistamentum, l. l. *In old English law.* An agistment, apportionment, or feeding of cattle, especially in the king's forests; a duty or tax for repairing banks, dykes or sea-walls, levied upon the owners of lands benefited.

Agistare, l. l. *In old English law.* To adjust, assign, apportion, assess; to assign or apportion cattle to a feeding ground; to adjust or assess a tax; to use for the purposes of feeding cattle; to feed or pasture cattle; to feed other animals; to agist.

Agistatio, l. l. *In old English law.* The assessing of a duty upon lands for the repairing of sea-walls.

Agistator, l. l. *In old English law.* An officer of the forest who took account of the cattle there agisted; an agister; sometimes called

gyst-taker or *quest-taker*; a collector and expounder of taxes for keeping sea-walls in repair.

Agister, agistor. A bailee of cattle in agistment; one who takes cattle to pasture for certain compensation.

Agistment. The taking in of cattle to pasture for certain compensation.

Agium, l. l. A termination in the composition of Latin words, corresponding to the English termination *age*, signifying duty or service.

Agnasci, adgnasci, l. *In the civil law.* To be born to one; to have issue after making a will.

Agnates, agnats. Relations upon the side of the father.

Agnates, agnati, adgnati, l. *In the civil law.* Relations upon the side of the father. These include *cognati*, but not *e converso*.

Agnatic. Derived from or through a male.

Agnatio, l. *In the civil law.* Relation on the side of the father; birth, an additional birth, especially after a will.

Agniser, l. fr. To acknowledge. **Agnise, agnize:** acknowledge.

Agnomen, l. *In the Roman law.* An additional name; a name assumed or added by way of nick-name.

Agrarian. Relating to land, or the division or distribution of land.

Agrarium, l. l. *In old European law.* A tax upon, or tribute payable out of, land.

Agreare, l. l. *In old English law.* To agree. **Agreavit:** be agreed. **Agreementum, or aggregamentum:** agreement; an agreement.

Agree. To come together; to unite or concur; to assent or promise mutually; thus, the proper sense implying mutuality, action by and between several persons; more loosely, to assent, to promise or undertake; to concur or acquiesce; to approve or adopt; to reconcile or harmonize.

Agreeance. *In Scots law.* Agreement; an agreement.

Agreement. A coming together in opinion or determination; a union of minds; a mutual assent as to a thing done or to be done; thus, the proper sense implying mutuality, action by and between several persons; more loosely, assent, promise or undertaking; a matter agreed to; an instrument showing such agreement.

Agreer, agreer, l. fr. To agree; to admit or allow. **Agree:** agreed; allowed or admitted. **Agree per le court:** agreed by the court.

Agreer, fr. *In French maritime law.* To rig or equip a vessel. **Agrez:** the rigging or tackle of a vessel.

Agri, l. Lands. **Agri ab universis per vices occupantur; arva per annos nutant:** fields are occupied by all in turn; arable lands change yearly.

Aherdant, l. fr. Adhering.

Ahteid. *In Saxon law.* One bound by oath; oath-tied.

Aid. To help or assist; to remedy or cure, *e. g.*, a defect in pleading by the subsequent pleading or by verdict.

Aid. A subsidy granted to the king; assistance in defending an action; assistance in the commission of a crime.

In feudal law. **Aid, ayde:** a service or payment from a vassal to his lord, on certain occasions, mainly three: to ransom the lord's person; to make his eldest son a knight (*pur faire l'eigne fiz chivalier*); to marry his eldest daughter (*pur l'eigne file marier*).

Aid-prayer, ayd-pryer. *In old law.* A proceeding by which a defendant in a real action, the holder of a limited interest in the land in suit, sought the aid of his lord or reversioner in defending.

Aide, l. fr. *In old English law.* Feudal tribute to a lord. v. *Aid*.

In old French law. An excise duty payable to the crown.

Aider, aidre, l. fr. To aid; to help.

Aider. In criminal law, one who aids in the commission of a crime; an accessory at or before the fact. v. *Abet; Abettor*.

Aider by verdict. The effect of a verdict to cure an error or omission in pleading where no objection is taken before verdict. It is presumed that the facts without which the verdict could not have been found were proved, though not distinctly alleged, there being an averment sufficiently general in reasonable intendment to comprehend them.

Aiding and abetting. v. *Abettor; Aider*.

Aie, l. fr. I have. **Ait:** he has. **Aiet:** he shall have.

Aiel, aile, ayel, ayle, fr. A writ which lay formerly at suit of the heir to recover lands on the seisin of his grandfather, where a stranger entered on the day of the grandfather's death.

Ailours, ailors, aylours, l. fr. Elsewhere; otherwise; besides.

Ainesse, fr. *In French feudal law.* The right of the eldest born; esnecy.

Ainnesche, l. fr. Eldership; birthright.

Ainsi, l. fr. Thus; so; even so. **Ainsi come:** even as it were. **Ainsi soit il:** so be it.

Aio, l. *In Roman law.* I say, the initial word of the formula in which the plaintiff stated his cause of action. **Aio te mihi dare oportere:** I say that you ought to give me, etc.

Aire. *In Scots law.* The court of justices itinerant. It corresponds with the English *eyre*. **Heir.**

Airer, ærer, l. fr. To plough. **Aireau:** a plough.

Airt and pairt. *In old Scots law.* Accessory; contriver and partner.

Aisimentum, l. l., Aisement, l. fr. *In old English law.* An easement or privilege. v. *Easement*.

Aisne, eigne, l. fr. *In old English law.* Eldest; first-born. **Aisne fitz** eldest son. **Aisne file:** eldest daughter. **Ainznez:** eldest. **Aisnesse, aisneese, ainnesche:** the right or privilege of the eldest, or first-born. v. *Ainesse*.

Ait, l. fr. He has. **Aiet:** he shall have. **Ajant, ayant:** having. **Ajants, aienz:** having.

Ajourner, fr. *In old French law.* To summon; to adjourn.

Akin, a-kin. *In old English law.* Of kin.

Ajurer, fr. To adjudge; to award. **Ajuge:** adjudged.

Al, l. fr. At the; to the; with. **Al aid de Dieu:** with the aid of God. **Al armes:** with arms. **Al barre:** at the bar. **Al comon ley avant,** etc.: at the common law before, etc. **Al contrary:** to the contrary; of a contrary opinion. **Al huis d'esglise:** at the door of the church.

Ala, alast, alant, l. fr. v. *Aler.*

Alba, l. l. An alb; a white vestment worn by priests.

Alba firma, l. l. *In old English law.* White rent; money rent; rent payable in silver as distinguished from rent payable in corn or provisions, called *redditus nigre*, or black rent.

Albanagium, l. l. *In old French law.* The state or condition of an alien or foreigner; alienage; albanage.

Albanus, albinus, l. l. *In old French law.* A stranger; an alien, or foreigner.

Albatores, l. l. *In old English law.* Whiteners. **Albatores coriorum:** whiteners of skins or leather.

Albinatus, l. l. *In old French law.* The state or condition of an alien. **Albinatus jus, albanagii jus:** a former right of the French king upon the death of an alien to all of his property unless he had a peculiar exemption.

Album, l. *In the Roman law.* A whitened tablet on which the prætors' edicts were written and so made public; a list or register of the names of senators, judges and decurions.

Album, albus, l. *In old English law.* White; blank; not written on. **Album breve:** a blank writ; a writ in which there is a blank, or an omission; blank; plain or smooth; without mark. **Album argentum:** plain silver; silver without mark or stamp; uncoined silver.

Alcalde, sp. *In Spanish law.* A magistrate or judge.

Alcons, alcunz, l. fr. Any one.

Alderman. A member of the common council of a city or incorporated town, elected by and representing the inhabitants of a particular ward, and having the authority of a civil magistrate, and sometimes of a judge. v. *Aldermannus.*

Aldermannus, l. l. *In old English law.* An alderman. **Aldermannus civitatis vel burgi:** alderman of a city or borough; the original of the modern office. **Aldermannus comitatus:** alderman of the county; an officer of high distinction among the Saxons, supposed to have been the same as the earl or schireman. **Aldermannus hundredi seu wapentachii:** alderman of a hundred or wapentake. **Aldermannus regis:** the king's alderman; a high judicial officer of the Anglo-Saxons, supposed not to have had permanent authority, but to have acted under an occasional commission for particular dis-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Alicui rei impedimentum offere, l. To oppose an impediment to another's business.

Alien, aliene, alienate. To transfer or convey. In general, applied to the transfer of lands and tenements.

Alien. A person born in a foreign country, and not naturalized. In English law, a person born out of the allegiance of the king; in American law, a person born out of the jurisdiction of the United States. **Alien enemy:** an alien, subject or citizen of some hostile power or state. v. *Alienigena*.

Alien amy, l. fr. Alien friend; in international law, an alien, subject or citizen of a friendly power or state.

Alienage. The state or condition of an alien.

Alienare, l. *In civil, feudal and old English law.* To alien, or alienate; to make another's; to transfer to another. In the civil law, the term implied delivery of possession. In the common law it is confined to the transfer of real property.

Alienatio, l., Alienation. The transfer of ownership; conveyance. Especially applied to the transfer of real property. **Alienatio licet prohibeatur, consensu tamen omnium in quorum favorem prohibita est, potest fieri:** though alienation is forbidden, yet it may be made with the consent of all those for whose benefit it is forbidden. **Alienatio rei præfertur juri accrescendi:** alienation of a thing is preferred to the right of survivorship; *i. e.*, the law favors conveyance by the owner rather than descent or accumulation.

In the civil and feudal law. **Alienatio:** the transfer of ownership of a thing or right; alienation; an implied transfer by prescription or *usucapion*. v. *Abalienatio*.

Alience, aliaunce, l. fr. Confederacy; combination.

Alienee, l. fr. and eng. A purchaser.

Aliener, l. fr. To alien; to convey or sell.

Alieni appetens, sui profusus, l. Greedy of others' property, wasting his own. **Alieni generis:** of another kind. **Alieni juris:** under the control of another, *e. g.*, a parent or a guardian; opposed to *sui juris*. **Alieni solo:** on another's soil.

Alienigena, l. *In old English law.* One born abroad; an alien born; an alien. **Alienigena est alienæ gentis, seu alienæ ligentiæ, qui etiam dicitur peregrinus, alienus, exoticus, extraneus:** an alien born is one of another nation or allegiance, who is also called a foreigner, an alien, one from without or abroad, a stranger. v. *Alien*.

Alienism. The state, condition or character of an alien.

Aliennee, alien-nee, l. fr. An alien born; a plea of alienage.

Alienus, l. *In civil and old English law.* Another's; belonging to another; the property of another. Of another; done by another; the act of another. Of another country; an alien. **Alienus homo:** another's man or slave. **Aliena res:** another's property. v. *Alien*; *Alienigena*; *Nemo punitur*, etc.; *Sic utere tuo*, etc.

- Aliment.** *In Scots law.* To support or maintain; support or maintenance; a fund of maintenance.
- Alimenta, l.** *In the civil law.* Aliments; means of support; as food, clothing, habitation.
- Alimony.** Nourishment; support or maintenance; an allowance to a wife out of the husband's estate during or at the termination of a matrimonial suit for her support, present or future,— called *alimony pendente lite*, or temporary alimony, and permanent alimony.
- Alio intuitu, l.** In a different view; with another purpose.
- Aliqualiter, l. l.** In any way.
- Aliquid, l.** Somewhat; something. *Aliquid conceditur ne injuria remaneat impunita, quod alias non concederetur:* something is conceded which otherwise would not be, lest an injury should go unredressed. *Aliquid possessionis, et nihil juris:* somewhat of possession and nothing of right.
- Aliquis, l.** One; any one. *Aliquis non debet esse judex in propria causa, quia non potest esse judex et pars:* one ought not to be a judge in his own cause, because he cannot be both a judge and a party.
- Aliter, l.** Otherwise; otherwise decided. *Aliter vel in alio modo:* otherwise or in another way.
- Aliud, l.** Another; another thing. *Aliud est celare, aliud tacere:* to conceal is one thing; to be silent is another thing. *Aliud est distinctio, aliud separatio:* distinction is one thing; separation is another. *Aliud est possidere, aliud esse in possessione:* to possess is one thing; to be in possession is another thing. *Aliud est vendere, aliud vendenti consentire:* to sell is one thing; to consent to a sale is another thing. *Aliud examen:* a different or foreign mode of trial.
- Aliunde, l.** From another place; from another source.
- All.** The whole quantity, amount, number, extent, duration, quality or degree of; the whole. The word is to be in one sense or another according to the context and the requirements of sound reason. **All-faults:** a phrase, with all faults, sometimes employed in contracts of sale to excuse the seller in case of defects in the thing sold. **All-fours:** entirely alike; applied to a case which is exactly like the case in support of which it is cited, when it is said to go upon all-fours with it.
- Allegare, l.** To allege or state; to bring forward or set up, as a claim or defense. **Allegans:** alleging. *Allegans contraria non est audiendus:* one alleging contrary or contradictory things is not to be heard. *Allegans suam turpitudinem non est audiendus:* one who alleges his own infamy is not to be heard. *Allegari non debuit quod probatum non relevat:* that ought not to be alleged which if not proved is not relevant. **Allegatum, allegata:** alleged. **Allegata et probata:** things alleged and things proved.

Allegation. A statement of a fact; the assertion of a fact by a party to a cause by way of pleading; a species of pleading, used in propounding or contesting a will, claiming an interest in the effects of the intestate. **Allegation of faculties:** the statement by a wife of the property of the husband upon a claim of alimony. v. *Diminution*.

Allegatio contra factum non est admittenda, l. An allegation contradicting the deed (or the fact) should not be admitted. **Allegatio contra interpretationem verborum:** an allegation against the meaning of the words.

Allegiance, ligeance. The tie which binds a citizen to fidelity and obedience to the sovereign, government or country in return for the protection which the sovereign, etc., affords him. **Acquired allegiance:** the allegiance of a citizen who was born an alien but has been naturalized. **Local allegiance:** the allegiance due from a resident alien. **Natural allegiance:** the allegiance that results from birth within the country of the sovereign. At common law, though otherwise in the civil law, natural allegiance could not be renounced; but it is now otherwise by statute both in England and the United States.

Allegiance, alleageance, l. fr. Alleviation; relief; redress.

Allegiare, l. l. *In the Saxon law.* To clear one's self according to law; to exculpate one's self by oath; to wage one's law. v. *Lay gager; Wager of law.*

Aller, aler, l. fr. To go. v. *Aler.*

Allen, aleu, allien, alieu, fr. *In French law.* An allodial estate.

Alleviare, l. l. To levy or pay an accustomed fine or composition; to redeem by such payment.

Alliance, aliance, aliencie, l. fr. Confederacy; allegation; allegiance.

Allison. A striking against; the running of one vessel into another,—distinguished sometimes from collision, the running of two vessels into each other.

Allocare, l. l. To allow. **Allocatur or alloc.:** it is allowed; a term used formerly to express the allowance of a thing or proceeding by a court, judge or judicial officer, or the concession of a point by the court on argument, and now applied in England to the certificate of a master on taxation of costs. **Allocatur exigent:** v. *Exigent*.

Allocatio, l. **Allocation.** An allowance upon an account in the exchequer.

Allocatione facienda, l. v. *De allocatione, etc.*

Allocato comitatu, l. v. *Exigent*.

Allodial. Free or independent; not held of a superior; the opposite of feudal.

Allodium, alodium, alodum, alode, l. l. *In feudal law.* Absolute ownership; an estate held in absolute dominion, and hence without

rent, fealty or service to a superior. The opposite of *feudum*, which implies tenure or service. *Allodium est proprietas quæ a nullo recognoscitur*: allodium is that property which is acknowledged by no person. v. *Feudum*.

Alloigner, alligner, alloyner, alyener, l. fr. To remove to a distance; to put off or delay; to eloin.

Allonge, fr. *In French law.* A piece of paper annexed to a bill or note in which to write further indorsements, no room remaining on the instrument itself.

Allower, l. fr. To let; to hire.

Alloynour, alleynour, l. fr. One who conceals, steals or privately carries off a thing.

Allner, l. fr. *In old English law.* To allow.

Allot. To set apart as a share; to apportion.

Allotment. The act of allotting. v. *Allot.* **Allotment note:** an assignment by a seaman of a part of his wages to a near relative.

Alluvio, l. *In the civil law.* A gradual, imperceptible deposit of soil upon the shore of a stream, which upon the principle of accession becomes the property of the riparian proprietor. **Alluvio maris:** a like deposit upon the shore of the sea.

Alluvion. The gradual, imperceptible deposit of soil upon the shore of a stream or the sea so as in time to form land, which upon the principle of accession becomes the property of the riparian proprietor or the littoral owner. v. *Alluvio*.

Alm, alme, l. fr. Soul.

Almes-feoh, sax. *In the Saxon law.* Alms-fee; alms-money. Otherwise, Peter's pence.

Almoign, almoigne, almoin, l. fr. Alms.

Alnage, aulnage. *In old English law.* Ell measure; the measuring with an ell; a duty for measuring and sealing cloth.

Alnager, aulnager, alneger. *In old English law.* A measure by the ell; a sworn public officer whose duty it was to look to the assize of woolen cloths, seal them and collect the duty or alnage therefor.

Aloarius, alodarius, alodarius, l. l. *In old European law.* The holder of an allodium or free estate.

Alode, alodes, alodis, l. l. v. *Allodium*.

Alodarius, alodarius, l. l. v. *Aloarius*.

Alodum, l. l. *In feudal law.* One's own; one's property.

Alors, l. fr. There; in that place; then; at that time.

Alquons, l. fr. Any one.

Als, l. Others; a contraction of *alios* or *alias*.

Alt, l. fr. High.

Alt. *In Scots law.* The opposite party; the defender; an abbreviation of *alter*, the other.

Alt al ewe, l. fr. Let him go to the water (ordeal).

Alta, altus, altum, l. l. *In old English law.* High; deep. **Alta proditio:** high treason. **Alta via:** a highway; the highway;—**regia:** the king's highway. **Alto et basso:** high and low. v. *De alto, etc.*
Altum mare: the high sea or seas. v. *High seas.*

Altarage. Offerings upon the altar; the priest's profits; contributions; tithes.

Alter, l. Another; a different person or party; an opposite party; a third person.

Alteration. A making different; variation, or change. An act done upon a written instrument, whether by addition or by erasure, by which its meaning or its language is changed,—at present an act by the person entitled under the instrument.

Alterfoits, l. l. At another time; formerly.

Alternatim, l. l. Interchangeably.

Alternativa petitio non est audienda, l. An alternative petition or prayer is not to be heard.

Alternative. A choice of one or another of two things; that which requires one or the other of two things to be done, e. g., an alternative writ of *mandamus*.

Alternis visibus, l. l. Alternately; at alternate times; by turn.

Alterum non lædere, l. Not to injure another.

Alteruter, l. l. One of the two; each. **Alteruter et quilibet:** each and every.

Although. v. *Licet.*

Altus tolendi, l. *In the civil law.* A servitude which consists in the right of the owner of a house to build it to any height. **Altus non tolendi:** a servitude which restrains him from building above a certain height.

Altre, l. fr. Another; other. **Altrei:** another; another's. **Altres:** others. v. *Et sil eit returne altres, etc.*

Altresi, l. fr. Also; in like manner.

Altum, altus, l. High; deep. **Altum mare:** the high sea; the deep sea. v. *High sea.*

Alveus, l. *In the civil law.* The channel or bed of a stream. **Alveus derelictus:** a deserted or dry bed or channel of a stream.

Amalphitan table. A code of sea laws compiled about the end of the eleventh century for the republic of Amalphi.

Ambactus, l. A servant or messenger; a person sent about from place to place; a vassal of a free proprietor among the Gauls.

Ambassador. A diplomatic agent; a person sent by one sovereign power to another, with authority to treat on affairs of state.

Ambidexter, ambodexter, l. One who uses both hands with equal facility. Hence one, as a sheriff or a juror, or an attorney, who takes money from both sides.

Ambiguitas, l., Ambiguity. Uncertainty of meaning. **Ambiguitas latens:** an ambiguity by reason of an uncertainty which arises, the

instrument being on its face complete and intelligible, out of extrinsic or collateral matter. **Ambiguitas patens:** an ambiguity by reason of an uncertainty which arises upon the face of the instrument. **Ambiguitas patens nulla verificatione suppletur:** a patent ambiguity is helped by no averment. **Ambiguitas verborum latens verificatione suppletur, nam quod ex facto oritur ambiguum verificatione facti tollitur:** a latent ambiguity of words may be supplied (or helped) by averment, for that ambiguity which arises out of a fact [an extrinsic fact] is [may be] removed by an averment of the fact [as it really is]. v. *Ambiguus; Quoties in verbis, etc.*

Ambiguus, l., Ambiguous. Uncertain or doubtful, particularly in respect to meaning. **Ambigua responsio contra proferentem est accipienda:** an ambiguous answer is to be taken against him who offers it. **Ambiguis casibus semper præsumitur pro rege:** in doubtful cases the presumption is always in behalf of the crown. **Ambiguum placitum interpretari debet contra proferentem:** an ambiguous plea ought to be interpreted against the party pleading it. **Ambiguum pactum contra venditorem interpretandum est:** an ambiguous contract is to be taken against the seller. v. *In ambigua, etc.; In ambiguis, etc.; Quum in testamento, etc.; Verba ambigua, etc.*

Ambit. A boundary; an exterior or inclosing line or limit.

Ambitus, l. *In the Roman law.* A going around; a path worn by going around. A space between neighboring houses left for convenience in going around them. The unlawful buying and selling of public office.

Ambulatorius, l. l. *In civil and old English law.* Movable, not fixed; ambulatory. **Ambulatoria est voluntas defuncti usque ad vitæ supremum exitum:** the will of a deceased person is ambulatory until the last moment of life. v. *Voluntas testatoris, etc.*

Ambulatory. Movable; not fixed or stationary in place; not fixed in character. The court of King's Bench, for instance, as it was formerly, was ambulatory; the return of a sheriff is ambulatory until it is filed; and a will is ambulatory until the death of the testator.

Amenable. Tractable or manageable; responsible; subject to the jurisdiction of the court.

Amend. To free from error or deficiency. v. *Amendment.*

Amende honorable, fr. A punishment by disgrace or infamy or the doing of some humble act.

Amendment. The correction of an error in a process, pleading or proceeding.

Amender, l. fr. To make good; to make up for; to amend.

Amendes, l. fr., Amends. Compensation or satisfaction for an injury or a loss.

Amener, l. fr. *In old English law.* To lead; to lead away; to remove or take away.

Amensurare, l. l. *In old English law.* To admeasure. v. *Admensurare.*

Amensuratio, l. l. *In old English law.* Admeasurement. v. *Admensuratio.*

Amenuser, l. fr. To abridge; to abate; to diminish; to annihilate; to fell.

Amerce, amerciare, l. l. To impose a pecuniary punishment or penalty; to fine. v. *Amercement.*

Amercement, amerciament, Amerciamentum, l. l. A pecuniary punishment or penalty imposed by a court. Anciently distinguished from a fine, which was a punishment arising out of express statute, and imposed and assessed by the court, in being imposed only by the court, and that only in general terms, and assessed or *affeered* (*i. e.*, moderated) by the peers of the party, hence called *affeerors*; in being a lighter punishment; and in being particularly a punishment imposed on officers of court. In the ancient sense now disused.

Amesna, l. fr. Brought, led or carried away.

Amesnable, l. fr. That may be brought, led or carried.

Amesner, amener, l. fr. *In old English law.* To lead. **Amesner son hoste:** to lead his army; to cite or summon; to bring the body of a party to court.

Ameasurement, l. fr. *In old English law.* Admeasurement.

Ami, amy, l. fr., Amicus, l. A friend; a person next of blood or kin.

Amicus curiæ. A friend of the court; a person who suggests something for the information of the court. It means commonly an uninterested person, as a counsellor, present, suggesting something, law or fact, which the court may overlook; but sometimes counsel in the court; or a party, or a person not a party who has a right to introduce evidence to protect his interest.

Amicable action. An action brought pursuant to an arrangement between the parties to settle a doubtful matter of law.

Amittere, l. l. *In old English law.* To lose. **Amittere curiam:** to lose the court; to be deprived of the privilege of attending the court.

Amittere legem terræ: to lose the law of the land. **Amittere liberam legem:** to lose one's frank-law. These last two expressions were used of one who had lost the privilege of bearing witness, or of sitting as a juror, or of suing, as part of the punishment of one who had become infamous through perjury or through having cried *craven* in the trial by *battel*.

Amnesty. A public act or proclamation of pardon for all acts against the established authority.

Among. Intermingled with.

Amont, amount, l. fr. Upward, above.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Ancesser, l. fr., Ancestor. One who has preceded in the seisin or possession of real estate; one from whom by reason of his death an estate has passed to another by operation of law; one from whom an estate is inherited.

Ancestral. Relating to ancestors; derived from ancestors; for instance, an ancestral estate is an estate taken by descent.

Anchorage. A toll paid by ships for the use of a harbor or port.

Ancient house. A house that has stood long enough to acquire an easement of support against adjoining land. **Ancient lights:** windows that have been used in their present state for twenty years or more, to which, in England, the owner thus has a prescriptive right, which precludes obstruction by the owner of adjacent land. **Ancient readings:** lectures upon the ancient English statutes, formerly of great authority. **Ancient rent:** rent reserved when the last lease was made, or when the power was reserved. **Ancient writings:** deeds and other documents more than thirty years old, which, if they come from the possession of one who might naturally have them, may be put in evidence without preliminary proof of execution.

In old English law. **Ancient demesne:** a copyhold tenure existing in certain manors held by the crown at the time of Edward the Confessor or William the Conqueror, and so appearing in Domesday Book.

Ancientry. Seniority of rank.

Ancients. Members of the inns of court and chancery who are of a certain standing.

Ancillary. Attendant upon; auxiliary; subordinate. An appointment under a power is thus ancillary to the deed containing the power; and administration taken out where assets are situate is ancillary to prior administration taken out in another jurisdiction in which the intestate died.

Ancipitis usus, l. Of doubtful use.

And. In written instruments often construed to mean "or," as *or* is construed to mean "and" where reason and the intention of the parties so require.

Androlepsia, gr.-l. A taking of men; a species of reprisal; anciently a taking by one nation of the subjects of another for the purpose of enforcing some claim or right.

Anecius, enecius, enetius, l. l. *In old English law.* The eldest or first-born. *v. Æsnecy; Esnecy.*

Anel, l. fr. A ring. **Aneals:** rings.

Anfractus, l. *In the Roman law.* The turn or bend of a way or road.

Angaria, gr.-l. A forced service by a vessel, imposed for public purposes; an impressment of a vessel.

In the Roman law. A forced service; an impressment; a service exacted by government for a public purpose.

In the feudal law. An excessive service or duty exacted by a supe-

rior; an extraordinary service exacted by the sovereign in virtue of his prerogative.

Angariare, l. l. To compel; to burden with exactions.

Angild, angeld, sax. *In the Saxon law.* The single value of a man or thing; compensation according to such value.

Anglescheria, l. l. *In old English law.* Englishery; the fact of being English.

Anichilee, l. fr. Made void; annulled.

Anient, aniente, anyent, anyenty, l. fr. Void; made void; annulled; defeated; barred.

Anienter, anientir, anyentir, aneantir, l. fr. To avoid, or annul; to destroy or take away; to bar; to defeat.

Anientisement, l. fr. Destruction; waste; diminution.

Animal. A living being not human, having the power of voluntary motion; but commonly exclusive of birds or fowls. Animals are by the law divided into two classes,—*feræ naturæ*, those that are still of a wild nature; and *domitæ naturæ*, those that have been domesticated.

Animo, l. With a mind or intention. **Animo cancellandi:** with an intention of canceling. **Animo et corpore:** by the mind and by the body; in intention and act. **Animo felonico:** with felonious intent. **Animo furandi:** with the intention of stealing. **Animo lucrandi:** with the intention of gaining. **Animo manendi:** with the intention of remaining. **Animo morandi:** with the intention of staying. **Animo republicandi:** with the intention of republishing. **Animo revertendi:** with the intention of returning. **Animo revocandi:** with the intention of revoking. **Animo testandi:** with the intention of making a will. *v. Considerandum est, etc.*

Animus, l. Mind; will; intention, or design. **Animus cancellandi:** the intention of canceling. **Animus capiendi:** the intention of taking. **Animus derelinquendi:** the intention of abandoning. **Animus donandi:** the intention of giving. **Animus furandi:** the intention of stealing. **Animus hominis est anima scripta:** the intention of the party is the soul of the instrument. **Animus lucrandi:** the intention of gaining. **Animus manendi:** the intention of remaining. **Animus recipiendi:** the intention of receiving. **Animus recuperandi:** the intention of recovering. **Animus republicandi:** the intention of republishing. **Animus restituendi:** the intention of restoring. **Animus revertendi:** the intention of returning. **Animus revocandi:** the intention of revoking. **Animus testandi:** intention of willing; intention to make a will; mind or capacity to make a will.

Anis quit and clenged, ay quit and clenged, sc. *In Scots law.* Once quit and cleared, ever quit and cleared.

Ann, annat. *In Scots law.* Half a year's stipend, above what is owing for the incumbency, due after the decease of a minister to his relict, child or nearest of kin.

Annales, l. Annuals; a title formerly applied to the year books; anciently, yearling cattle.

Annaly. *In Scots law.* To alien; to convey.

Annates, annatæ, l. l. *In English ecclesiastical law.* The first year's profits of a spiritual preferment, anciently paid by the English clergy to the pope, later to the crown; first fruits.

Annexation. The joining or uniting of a chattel to the freehold. This is actual, or such as in fact exists; or constructive, or such union as arises from the chattel having been held as part of the realty.

In Scots law. The uniting of lands to the crown, and declaring them unalienable; the appropriating of church lands to the crown; the union of lands at a distance from the kirk to the kirk to which they are nearer.

Annez, anz, l. fr. Years.

Anni et tempora, l. Years and terms.

Anni nubiles, l. *In the civil law.* Marriageable years; the marriageable age of woman, the age of twelve.

Anniculus, l. *In the civil law.* Of one year's age; a child a year old.

Annona, l. *In old English law.* Corn or grain; anything laid up toward a year's subsistence.

In the civil law. Corn or grain; provisions; provision for a year's subsistence. **Annonæ:** contributions by owners of farms in the provinces, of bread, meat, etc., for the use of the army. **Annonæ civiles:** like contributions by way of rent to ecclesiastical persons and others.

Annotare, adnotare, l. *In the civil law.* To mark upon; to designate; to designate a place of deportation; to give notice to appear and defend.

Annotatio, adnotatio, l. *In the civil law.* The sign-manual of the emperor; a rescript of the emperor, signed with his own hand.

Annua nec debitum judex non separat ipsum, l. A judge [or court] does not divide annuities nor debt.

Annual rent. *In Scots law.* Interest of money; the profit of money invested in purchase of a yearly rent of land, to evade the law which before the reformation forbade lending at interest.

Annuation, l. l. Annually.

Annuell. *In old Scots law.* A yearly rent, revenue or duty, paid at certain times.

Annuelte, annyte, anute, l. fr., Annuity. A sum payable yearly by the grantor thereof, in fee, for life or for years, and charging his person only; an action, now disused, to recover the same.

Annulus, l. *In old English law.* A ring; the ring of a door.

In feudal and ecclesiastical law. **Annulus et baculus:** ring and staff; symbols used in feudal and ecclesiastical investitures.

Annus, l. *In old English law.* A year; a period of three hundred and sixty-five days. **Annus et dies:** a year and a day. **Annus, dies et vastum:** year, day and waste. **Annus inceptus pro completo habetur:** a year begun is held as completed.

- In Scots law.* **Annus deliberandi:** a year of deliberating; a year allowed to the heir to decide whether he will accept the inheritance.
- In the civil law.* **A year;** a period of three hundred and sixty-five days. **Annus est mora motus quo suum planeta pervolat circum:** a year is a period of motion in which a planet revolves through its circle or orbit. **Annus luctus:** a year of mourning; the year following the husband's death during which the widow could not marry. **Annus utilis:** an available year; a year during which a right could be exercised.
- Annus reditus, l.** *In old English law.* An annuity; a yearly rent or payment.
- Anonymous, ab. anon.** Without name; applied to reported cases in which the names of the parties do not appear.
- Anoyer, anyer, ennoyer, l. fr.** To trouble or annoy.
- Anoyance, noysance, anisancz, aynisans, l. fr.** Annoyance; nuisance.
- Ans, anz, l. fr.** Years.
- Ansement, l. fr.** Likewise; in like manner.
- Answer.** Any defensive pleading other than a demurrer; the usual mode of defense in equity, corresponding to a plea in an action.
- Antapocha, gr.-l.** *In the Roman law.* A transcript or counterpart of the instrument called *apocha*, signed by the debtor and delivered to the creditor.
- Ante, l.** Before; usually employed in old pleadings to express time before. **Ante exhibitionem billæ:** before the exhibition of the bill; that is, before the beginning of suit. **Ante litem:** before suit; — **contestatem:** before suit contested; — **motam:** before suit brought. **Ante occasum solis:** before sunset. **Ante omnia:** before all else; first of all.
- Antecedens, l.** Going before; antecedent. v. *Ad proximum, etc.*; *Ex antecedentibus, etc.*
- Antecessor, l.** *In old English law.* One who goes or has gone before another in the possession of an estate; an ancestor; a predecessor in an office.
- In the Roman law.* A teacher, professor or master of the laws; a person learned in the law, but not a professor.
- Ante-factum, l.** *In the Roman law.* A thing done before; a previous fact or act.
- Antegestum, l.** *In the Roman law.* A thing done before; a previous act.
- Antejuramentum, l.** *In the Saxon law.* A preliminary oath required of the parties before any trial or purgation,—of the accuser to prosecute; of the accused, to his innocence.
- Antenati, l. l.** Born before; that is, before a particular time or event.
- Antenatus, l. l.** Born before; that is, before another person; born before a particular time or event.
- Antestari, l.** *In the Roman law.* To summon one to testify; to testify.

Antichresis, gr.-l. *In the civil law.* A species of mortgage in which the creditor is given the right to the use and profits in lieu of interest.

Anticipatio, l. *In the civil law.* A taking or assuming beforehand; the taking of a thing for true, without proof; anticipation.

Antigraphus, gr.-l. *In the Roman law.* An officer whose duty it was to have oversight over the money collected by the tax-gatherers; a controller.

Antinomia, gr.-l. *In the Roman law.* An opposition, contradistinction or inconsistency of laws. **Antinomiæ:** conflicting laws or provisions of law; conflicting or inconsistent cases, opinions or decisions.

Antiqua statuta, l. The acts of parliament from Magna Charta to the end of the reign of Edward II.

Antiquæ custumæ, l. l. *In old English law.* Ancient customs; customs on wool, leather, etc., granted to Edward I. in the third year of his reign.

Antiquare, l. *In the Roman law.* To restore a former law; to reject or vote against a new law.

Antiquitas, l. *In the civil law.* Ancient or former law.

Antiquum dominicum, l. l. *In old English law.* Ancient demesne. Opposed to *novum perquisitum* or new purchase.

Antistitium, l. l. *In old English law.* A monastery.

Antithetarius, l. l. *In old law.* One who endeavors to discharge himself from an accusation by charging his accuser with the same offense.

Antor, l. fr. Around.

Antrustio, amtrustio, l. l. *In feudal law.* A confidential vassal; a follower or dependent of an ancient German chief, or of a king or count of the Franks.

Anuels livres, l. fr. The year books.

Anuyte, anute, l. fr. Annuity. v. *Annuette.*

Any. One, indefinitely or indifferently. It sometimes has the sense of "some," but more commonly that of "all" or "every."

Apanage, appanage, apenage. *In old French law.* A provision of lands or feudal superiorities made by the king for the support of his younger sons.

Aparelle, aparaile, appareillie, l. fr. Ready.

Apares, l. l. Peers; equals.

Aparluy, aperluy, l. fr. By itself; separately.

Apartment. A room in a house; a part of a house.

Aperceyver, l. fr. To perceive.

Aperte, l. fr. Open; plain. **Apertment:** openly; plainly.

Apertus, apertum, l. *In old English law.* Open or patent. **Aperta brevia:** open writs; unsealed writs. **Apertum factum:** an overt act.

Apex juris, l. l. An extreme point of law; a subtlety of law. **Apices juris:** extreme points of law; subtleties of law; — **non sunt jura:** the mere subtleties of law are not law. **Apices litigandi:** subtleties of litigation.

- Aperire, l.** *In the civil law.* To open, as a will or codicil.
In feudal law. To escheat or revert to the lord.
- Apocæ oneratoriæ, l. l.** *In old English law.* Bills of lading.
- Apocha, gr.-l.** *In the civil law.* Acknowledgment of a payment of money.
- Apocrisiarius, l.** *In ecclesiastical law.* One who answers for another; originally an officer who brought ecclesiastical matters before the emperor and conveyed his answers to the petitioners; a pope's legate; a bishop's legate or chancellor.
- Apographa, gr.-l.** *In the civil law.* A description or enumeration; an inventory.
- Apoincter, l. fr.** To appoint or direct.
- Aporiare, gr.-l.** To be in difficulties; to be poor; to reduce to poverty.
- Apostacy.** The renunciation of christianity.
- Apostare, l. l.** *In the Saxon law.* To violate; to transgress.
- Apostiler, l. fr.** To write notes on.
- Apostille, appostille, l. fr.** An addition, a note or an observation.
- Apostles.** The papers forming the record on appeal in the admiralty and transmitted from the lower court to the higher; letters dismissory given to the appellant stating that the record will be transmitted.
- Apostoli, gr.-l., Apostles.** *In the civil law.* Letters given upon appeal by him from whom appeal is taken to him who is to judge of the appeal, called letters dismissory.
- Apotheca, gr.-l.** A repository; a place of deposit, as of wine, oil, etc.
- Apothecarii, l.** Stewards. The word is used in old records.
- Appanagium, l. l.** *In old French law.* A provision for younger sons.
v. Apanage.
- Apparance, l. fr., Apparentia, apparitio, l. l.** Appearance; an appearance. **Apparitio in judicio:** an appearance in court.
- Apparator, l. l.** A furnisher or provider. **Apparator comitatus:** the sheriff formerly in some counties of England, as having charge of certain county expenditures.
- Apparens, l., Apparent.** Manifest; proved; appearing; that which is regularly before a court. **Apparent heir:** in English law one whose right of inheritance is indefeasible, if he outlives the ancestor; in Scots law, one who is entitled to enter heir to a deceased ancestor before entry made. *v. De non apparentibus, etc.; Quod non apparet, etc.*
- Apparere, l.** *In old English law.* To appear; to be regularly before a court, whether as a fact, an instrument or other thing, or as a defendant in an action. *v. Quod non apparet, etc.* •
- Appares, apares, l.** *In the canon law.* Peers or compeers; equals; associates.
- Apparitor, l.** *In the civil law.* An officer who waited on a superior officer and executed his commands.

In ecclesiastical law. A summoner; one who cites offenders to appear and serves the process of the court.

Apparlement, l. fr. *In old English law.* Resemblance; likelihood.

Apparior, apparuer, apparoir, l. fr. To appear; to make known.

Apparura, l. l. *In old English law.* Tackle or apparel; furniture.

Appatissiez lieux, l. fr. *In old English law.* Places which agreed to pay a sum of money to the enemy that the town might not be ravaged.

Appaye, appay, apay, l. fr. Satisfied; contented.

Appeal. A complaint and removal of a cause to a higher court for error or informality, for the purpose of re-examination or review. In the most general sense it embraces proceedings by *certiorari* and by writ of error, but strictly, only proceedings in equity, where the cause is reviewed as to fact as well as law.

In old English law. An accusation of one private person by another of some heinous offense, demanding punishment on account of the particular injury, not compensation, nor punishment on behalf of the public.

In old French law. A proceeding in the lords' courts in which a party not satisfied with the judgment of the peers accused them of a false or malicious judgment and offered to make good the charge by combat.

Appear. To be properly before a court, as a matter of which the court can take notice; to be regularly in court, as a party defendant; to be in evidence; to be proved.

Appearance. The coming into court of either of the parties to an action; the proceeding in an action by which the defendant comes or is brought before the court to answer to the action,—necessary that the court may proceed to judgment. It is compulsory, where it is made by reason of process duly served; and voluntary, where it is in answer to a subpoena or summons, without process. It is general where it is an absolute submission to the jurisdiction of the court; and special, where it is made for certain purposes only. It is conditional where it is to become general only in a certain event; and *de bene esse*, where it is to remain an appearance, except in a certain event; optional, where it is made by a party not bound to appear but who does appear to protect his rights; and subsequent where it is made by the defendant after an appearance entered for him by the plaintiff.

Appearand heir. *In Scots law.* An apparent heir.

Appeaux, apeaus, l. fr. Appeals.

Appel, appele, appelle, l. fr. *In old English law.* Called; appealed; accused.

Appel, l. fr. *In old English law.* An appeal.

Appellans, l. l. One who appeals or prosecutes an appeal; an appellant; an accuser or challenger.

Appellant. One who appeals; the party to an action by whom an appeal is made or taken. *v. Appellee.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Appenser, l. fr. To think; to consider.

Appensura, l. l. *In old law.* Payment of money by weight.

Appent, apent, appente, appient, l. fr. Belongs; it belongs. **Appental visconte receyver plegges:** it belongs to the sheriff to take pledges.

Apperance, l. fr. Appearance.

Apperand. *In old Scots law.* Appearing; apparent.

Appert, l. fr. Openly; in public.

Appertaining. Belonging to; appurtenant; usually occupied with, or lying to; as land with, or to, a messuage. *v. Appurtenant.*

Appertinances. An old form of *appurtenances*, *q. v.*

Appeser, l. fr. To agree.

Appicare, l. *In old English law.* To fasten to; to moor. **Appicare et exonerare:** to moor and unload.

Applicatio, l. Application. **Applicatio est vita regulæ:** application is the life of a rule.

In old English law. A fastening to; a mooring. **Applicatio navium:** a mooring of vessels.

Application. A putting to; a placing near or before; the making of a request; request in writing; a putting to; a bringing together, in order to ascertain some relation or establish some connection, as the application of a rule or principle to a case or fact; a putting to some use, as the application of money to a particular purpose, to payment of a particular debt.

Applumbatura, aplumbatura, l. *In old English law.* A soldering to, or together. *v. Adplumbare.*

Appodiare, l. l. *In old records,* to lean upon.

Appoint. To direct, designate or limit; to make or direct a new disposition of an estate already conveyed, by virtue of a power contained in such conveyance. A term particularly applied to conveyances to uses.

Appointee. The person to whom or in whose favor an appointment is made.

Appointment. The designation of a person to hold an office or discharge a trust; the act of appointing; the exercise of the power of designating under a deed called a power of appointment the person who is to take the use of realty; also the instrument by which the designation is made. *v. Power.*

Appointor. The person who appoints, or executes a power of appointment.

Apponere, l. l. *In old practice,* to put, or set to; to put in or set up; to put, simply; to lay out, or expend; to appoint. **Apponas loco eorum:** you put in their place. **Appono clameum meum:** I set up my claim.

Apport, l. l. *In old English law.* Tax; tallage; tribute; imposition; payment; charge; expenses.

Apportionamentum, l. l. *In old English law* Apportionment; an apportionment.

Apportionare, apporconare, l. l. *In old English law.* To appportion. **Apportionatæ:** apportioned, assessed.

Apportionment. A dividing or making into parts; a distribution according to a certain proportion; the distribution of a claim or charge among persons having different interests or shares, in proportion to their interests or shares in the subject-matter to which it attaches. The term is applied to annuities, commons, contracts, incumbrances, loss and damage caused by collision of vessels, rents, representatives in congress, etc.

Apportum, l. l. *In old English law.* Anything brought or carried to another, as a profit or emolument, particularly for the support of a religious person; anything carried out of the country.

Apposal of sheriffs. *In English law.* The charging of sheriffs with money received upon their account in the exchequer.

Appose. *In old English law.* To interrogate or question.

Apposer, l. fr. To question; to adjust or settle.

Apposer. An officer in the English exchequer, whose business it was to examine the sheriff's estreats with the record, and to *ask* [appose] the sheriff what he could say to each sum therein. *v. Foreign apposer.*

Appostille. *In French law.* An addition or annotation made in the margin of a writing. *v. Apostille.*

Appraise. To put or set a price or value upon.

Appraisement, appraisal, apprizal, apprizement. The putting of a value or price upon; the act or process of fixing and stating the true value of a thing, or of property, by persons appointed for the purpose. A process in use for ascertaining the value of the property of intestates and insolvent debtors, of property distrained, property taken for public use, etc. *v. Inventory.*

Appraiser. A person appointed by authority to ascertain and state the value of property submitted to his inspection.

Appreciare, appretiare, l. l. *In old English law.* To appraise, or estimate.

Appreciatio, apprecio, l. l. *In old English law.* Appraisement; an appraisement.

Apprehend. To take or take hold of; to take a person on criminal process.

Apprehendere, l. *In the civil law.* To take hold of; to take or seize a person.

Apprehensio, l. *In the civil and old English law.* A taking hold of a person or thing; apprehension; the seizure or capture of a person. A form of *occupatio*, or a mode of acquiring title to things not belonging to any one.

Apprehension. The taking of a person on criminal process.

In the civil law. A physical or corporal act, by one who intends to acquire possession of a thing, by which he brings himself into such a relation to the thing that he may subject it to his exclusive control, or by which he obtains the physical ability to exercise his power over the thing whenever he pleases.

Apprentice, apprenticius, l., Apprentise, apprentiz, l. fr. One who learns; a learner. A person, usually an infant, bound by indenture to serve another for a term of years, receiving in return for his services, support and instruction in his master's trade, art or occupation.

Apprenticeship. The state or condition of an apprentice; the relation of one person to another, as an apprentice; a contract by which a person is bound to serve as an apprentice; the term for which an apprentice is bound to serve.

Apprenticius, apprentitius, l. l., Apprentise, l. fr. *In old English law.* Apprentice; an apprentice at law. **Apprenticius ad barras:** an apprentice at the bars; a barrister. **Apprenticius ad legem, Apprentise en la ley:** an apprentice or student at law; a counsellor below the degree of sergeant; a barrister.

Apprentissage, l. fr. Apprenticeship or novitiate; the state of an apprentice, or the term for which he is bound.

Apprester, l. fr. To prepare. **Apprest:** prepared; ready.

Apprestes, l. fr. Payments; loans.

Apprimes, l. fr. First.

Appris, apprise, l. fr. *In old English law.* Learned or skilled. **Apprises en la ley:** learned in the law. v. *Apris.*

Apprising. *In old Scots law.* A process for attaching a debtor's land and conveying it to the creditor, in payment of his debt.

Approach, right of. A right to visit a vessel at sea, for the purpose of ascertaining its national character.

Approbare, l. l. *In old English law.* To approve. v. *Approve.*

Approbate and reprobate. *In Scots law.* To approve and reject; to take advantage of one part, and reject the rest.

Approbator, l. l. *In old English law.* An approver. v. *Approver; Probator.*

Approcher, aprocher, l. fr. To come to; to come at; to approach.

Appróper, l. fr. To appropriate.

Approperment, l. fr. Properly; appropriation.

Appropriare, l. l. *In old English law.* To take to one's own separate use; to appropriate; to approve. **Appropriare et includere [communiam]:** to approve, or separate and inclose a common; to discommon it.

Appropriate. To take to or for one's self; to take as one's own: as, to take personalty, by embezzlement, larceny, etc. To adopt as one's

own: as, to adopt a trade-mark. To set apart for a particular purpose: as, to set apart funds, public lands, any lands to public use, public money, etc. v. *Application*.

Appropriation. A taking to or for one's self; an adoption as one's own; a setting apart for a particular purpose. v. *Appropriate*.

In English ecclesiastical law. The perpetual annexing of a benefice to a spiritual corporation, either sole or aggregate, the patron of the living. v. *Impropriation*.

Approve. *In old English law.* To take to one's own separate use, as by inclosing common or waste land; to inclose for the purpose of cultivation; to cultivate land after inclosing it; to make the best benefit or profit of it, by increasing the rent; to improve land; to accuse; to accuse an accomplice by giving evidence against him. v. *Appropriare; Approvement*.

Approvementum, appruamentum, l. l. *In old English law.* An approvement, or improvement.

Approvement. *In English law.* Inclosure; the inclosing of part of a common, leaving sufficient common with egress and regress for the commoners; inclosure for the purpose of cultivation: cultivation or improvement. A species of confession, by which a person indicted of a capital crime and arraigned confessed the fact before plea pleaded, and accused others his accomplices in the crime, in order to obtain his pardon. Superseded by the practice of permitting the person confessing to give evidence against his associates, thus making him what is called in England queen's evidence, and in the United States, state's evidence. v. *Approver*.

Approver. *In English law.* A person, who being indicted of a capital crime upon arraignment, before plea pleaded, and with a view to obtaining a pardon, confessed the crime charged and was then permitted to reveal his accomplices. v. *Approvement; Probator*.

In old English law. The bailiff of a lord in his franchise. The king's approvers were those who had the letting of his demesnes in small manors. Sheriffs were sometimes called the king's approvers. Sometimes written *emprover*.

Approver, l. fr. To approve or prove; to vouch; to appropriate; to improve.

Appruamentum, l. l. *In old English law.* Approvement; an approvement, or improvement.

Appruare. *In old English law.* To approve or improve [land]; to benefit, or obtain a benefit, by approvement.

Appruator, l. l. *In old English law.* An approver [of lands].

Appulsus, l. *In the civil law.* A driving to, as of cattle to water.

Appunctuare, l. l. *In old English law.* To appoint.

Appurtenance. A thing appurtenant. Anciently spelled appertinance. v. *Appurtenant*.

Appurtenant. Belonging to; accessory or incident to. A thing to be appurtenant to another must be of a different and congruous nature, such as an easement or servitude, or some collateral incident belonging to and for the benefit of the land. A thing corporeal cannot be appurtenant to a thing incorporeal, nor conversely; nor, strictly speaking, can land be appurtenant to land, or land to a house, though it may pass as such where that appears to be the intention.

Après, apree, l. fr. After; afterwards; next; nearest to. **Après midi:** afternoon. **Après que:** after that.

Apris, l. fr. Learned. **Apris de la leie:** learned in the law.

Apud, l. *In old English law.* At. **Apud London videlicet, in parochia beatæ Mariæ de arcubus, in warda de Cheap:** at London, to wit, in the parish of St. Mary-le-bow, in the ward of Cheap; the old form of laying the venue in London. **Apud pares:** by or before the peers. **Apud turrin:** at the tower.

In the civil law. Among; before; in; to; with. **Apud acta:** among the acts or recorded proceedings; in the course of judicial proceedings; in the presence of the judge.

Aputenaunces, l. fr. Appurtenances. Used by Britton as another name for incorporeal things. *v. Appurtenance.*

Aqua, l., Awe, aene, ewe, l. fr. *In the civil and old English law.* Water; a stream of water; a water-course. **Aqua æstiva:** summer water; water used in summer only. **Aqua cedit solo:** water follows the land; water goes with the land which it covers. **Aqua cooperta:** covered with water. **Aqua currens:** running water. **Aqua currit, et debet currere, ut currere solebat:** water runs, and ought to run, as it used to run. **Aqua dulcis or frigida:** fresh water. **Aqua fontanea:** spring water. **Aqua pluvia:** rain water. **Aqua profluens:** flowing or running water. **Aqua quotidiana:** daily water. **Aqua salsa:** salt water. **Aqua trestornata:** a stream turned out of its course.

Aquæ, l. *In old English law.* Waters; streams. **Aquarum cursus:** water-courses.

In the civil law. **Aquæ haustus:** the right of drawing water from the well or spring of another.

Aquæductus, l. *In the civil law.* The right of conducting water through the land of another.

Aquagium, l. A duct or passage for water; a canal or trench for leading off water, especially from marshy grounds. **Aquagangium:** the passage or flow of water; a trench or drain to carry off water. **Aquagangium:** a water-gage; a mark placed on the banks of a stream to show the rise of the water.

Aquatic rights. Rights in water; rights to the use of the sea and rivers, for the purpose of fishing and navigation, and to the soil in the sea and rivers. *v. Alluvion; Avulsion; Dereliction; Filum aquæ; Fishery; Riparian rights.*

Ara etc, l. fr. Shall have been.

Arace, l. fr. To erase; to deface.

Aracher, aracer, l. fr. To root up.

Aracine, l. fr. Rooted; taken root.

Araer, arair, arayer, l. fr. To prepare; to array; to settle.

Arage, l. fr. Mad; insane. **Arages:** madmen. v. *Arrage*.

Aralia, araturia, l. l. *In old English law.* Arable land; plough-lands.

Arare, l. *In old English law.* To ear; to plough. **Arabant:** they ploughed. **Arabant et herciabant ad curiam domini:** they ploughed and harrowed at the lord's court.

Arator, l. *In old English law.* A ploughman.

Aratrum terræ, l. l. *In old English law.* A plough of land; as much land as could be tilled with one plow.

Aratura terræ, l. l. *In old English law.* The ploughing of land; the service of the tenant for his lord in ploughing his land.

Arayer, araer, arair, l. fr. To prepare; to array; to settle.

Arbiter, l. *In the Roman law.* A judge invested with a discretionary power; a person appointed by the prætor, to examine and decide causes termed *bonæ fidei*, and who had the power of judging according to equity; a person to whom the parties submitted their dispute, without the interference of a magistrate.

In Scots law. An arbitrator.

Arbitrament, arbitrement, l. fr., Arbitrium, l. l. An award in arbitration. **Arbitrium est iudicium:** an award is a judgment; — **boni viri, secundum æquum et bonum:** an award is the judgment of a good man, according to equity and virtue.

Arbitration. An investigation before and decision by unofficial persons, chosen by the parties, of a matter in dispute. It is compulsory when the consent of one of the parties is enforced by the law, and voluntary when it is by agreement of the parties. v. *Submission*.

Arbitrator. A person to whose decision matters in dispute are submitted in arbitration. v. *Arbitration*.

Arbitratus, l. l. *In old English law.* Awarded. v. *Idem arbitratore*, etc.

Arbor, l. *In old English law.* A tree. **Arbor civilis, consanguinitatis:** a family tree. **Arbor dum crescit, lignum dum crescere nescit:** [called] a tree while it grows, wood when it cannot grow [that is, when it is cut]. **Arbor finalis:** a boundary tree.

In the Roman law. A tree; the mast of a ship. Under this name were included vines, ivy, reeds; but not plants that were so tender as to be classed among herbs,—nothing could be called *arbor* which had not taken root, unless where it had been transplanted.

Arca, l. *In the civil law.* A chest or coffer; a place for keeping money.

Arca chirographica or chirographorum judæorum, l. A common chest kept anciently in England in which all the contracts, mortgages and obligations belonging to the Jews were kept.

Arcana imperii, l. Mysteries of government; state secrets.

Arcarius, l. *In the civil and old English law.* A treasurer; a keeper of public money.

Arcewesche, arceevesque, l. fr. Archbishop; an archbishop. Corruptions of *archievesque*.

Archaionomia, sive de priscis Anglorum legibus, l. The title of a collection of Saxon laws, made in the time of Queen Elizabeth.

Archbishop. *In English ecclesiastical law.* The chief of the clergy in his province, having supreme power under the king in all ecclesiastical causes.

Archdeacon. *In English ecclesiastical law.* An ecclesiastical officer having jurisdiction immediately subordinate to the bishop, through the whole or in some particular part of the diocese.

Archdeacon's court. *In English ecclesiastical law.* A court held before a judge appointed by the archdeacon, and called his official. It is the most inferior ecclesiastical court.

Arches court or Court of arches. *In English ecclesiastical law.* A court of appeal, and also of original jurisdiction, belonging to the archbishop of Canterbury; so called from its having been anciently held in the church of St. Mary-le-bow, the "church of arches," so termed from the fashion of its steeple.

Archidiaconus, l. l. *In old ecclesiastical law.* Archdeacon. Called also *archiepiscopus, archilevita*.

Archiepiscopus, l. *In ecclesiastical law.* Archbishop; an archbishop. **Archiepiscopus Cantaur:** archbishop of Canterbury. **Archiepiscopus Ebor.:** archbishop of York.

Archives. A place where public papers or records are deposited; a repository of records established by public authority; the records or writings so deposited; a private repository in libraries.

Archivum, archium. *In the civil law.* A place for the public deposit of writings, instruments or records.

Arcifinius, l. *In the civil law.* Land comprised within no measurement.

Arct, l. fr. Bound; compelled; forced; straightened; confined.

Arcta, l. *In the civil law.* Close; confined; contracted; narrow. A term applied to a woman having certain physical defects.

Arcta et salva custodia. v. *In arcta, etc.*

Arctable, l. fr. Forcible.

Arctare, l. *In old English law.* To narrow. **Arctata:** narrowed.

Arcter, l. fr. To bind; to compel or force.

Arcuatus, l. l. Arched.

Arder, l. fr. To burn.

Ardour, l. fr. *In old English law.* A burner; an incendiary. **Ardours de mesons:** burners of houses. **Ardours sont qui ardent cite, ville, maison, beast, ou autres chateaux:** burners are those who burn a city, town, house, animal or other chattels.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Arguendo, l. In arguing; in the course of argument. **Arguendo et redarguendo:** arguing and confuting.

Argumentative. Indirect; inferential. A pleading is argumentative where the important part of the matter of it is stated by implication merely.

Argumentum, l. Argument, especially of the presumptive kind. Inference; presumption; evidence; presumptive evidence. **Argumentum a communiter accidentibus in jure frequens est:** an argument from commonly occurring things is frequent in law. **Argumentum a divisione est fortissimum in jure:** an argument from division is of the greatest force in law. **Argumentum a majori ad minus negative non valet; valet e converso:** an argument from the greater to the less is of no force negatively; conversely, it is of force. **Argumentum a simili valet in lege:** an argument from a like case (from analogy) is good in law. **Argumentum ab auctoritate:** an argument from authority; — **est fortissimum in lege:** an argument from authority is the strongest in the law. **Argumentum ab impossibili valet in lege:** an argument drawn from an impossibility is forcible in law. **Argumentum ab inconvenienti plurimum valet [est validum] in lege:** an argument drawn from inconvenience is of the greatest weight [is forcible] in law. **Argumentum ad crumenam:** an argument to the purse. **Argumentum ad hominem:** an argument to the person. **Argumentum ad ignorantiam:** an argument to ignorance. **Argumentum ad verecundiam:** an argument to modesty.

Aribannum, arribannum, l. l. In old European law. A fine for not joining the army, when called out by public summons; the summons or proclamation itself. v. *Arriaribannum; Herebannum.*

Arierban. v. *Arrierban.*

Arimanni, l. l. In mediæval law. A class of freemen employed in agriculture, otherwise called *conditionales, originarii, tributales*, etc.

Aripenna, aripennum. v. *Arpennis.*

Arles. In Scots law. Earnest; money, or other thing given by a buyer as a symbol of the bargain.

Arm of the sea. A portion of the sea where the tide flows and reflows.

Arma, l. In old English law. Weapons offensive and defensive; arms or cognizances of families. **Arma capere or suscipere:** to take upon one the order of knighthood; to be made a knight. **Arma dare:** to dub or make a knight. **Arma in armatos jura sinunt:** the laws permit using arms against those armed. **Arma libera:** free arms; a sword and lance given to a servant when set free. **Arma moluta:** shop weapons. **Arma pacis et justitiæ:** arms of peace and of justice. **Arma perturbationis pacis et injuriæ:** arms of breach of the peace and wrong. **Arma reversata:** reversed arms; a punishment for treason or felony.

In the civil law. Weapons offensive and defensive.

Armamenta navis, l. *In the civil law.* The tacklings or equipments of a ship.

Armata vis, l. *In the civil law.* Armed force. v. *Vis armata.*

Armatura, l. l. *In old English law.* Armor; the use of weapons.

Arme, l. fr. A weapon.

Armiger, armig. l. *In feudal and old English law.* One who bears arms; an armor-bearer, or shield-bearer. A knight's attendant. An esquire; one who bears arms, or coat armor. A species of feudal tenant; a tenant by scutage, or the service of the shield. A servant. v. *Esquire.*

Armilustrum, l. l. A showing of armor; military training.

Arms. Weapons offensive and defensive. v. *Arma; Force and arms.*

Armum, l. l. *In old English law.* A weapon. **Armum molutum:** a sharp weapon.

Armure, l. fr. Arms; armor; armed men.

Arpen, arpent, fr. An old English measure of land of uncertain quantity; by some called an acre, by others half an acre, and by others a furlong. A French measure of land, containing about an acre, but varying in quantity in different provinces. A measure of land in Louisiana.

Arpennis, arpennus, arpendus, arpentum, l. l. An arpent; an old English measure of land. Various other forms of the word occur in old laws and writers as *arpennum, arpendium, arapennis, arepennis, aripennis, aripennum, arvipennium* and *arvipendium.*

Arra, l. *In the civil law.* Earnest; evidence of a completed bargain. v. *Arrhā.*

Arræ. *In old English law.* Earnest. v. *Arra; Dum tamen, etc.*

Arrage, l. fr. Mad or insane. v. *Home, etc.*

Arraiamentum, l. l. *In old English law.* An arraying or array; the array. v. *Array; Calumpniavit, etc.*

Arraiare, l. l. *In old English law.* To array; to set in order. **Arraiatus:** arrayed. **Arraiatio peditum:** an arraying of foot-soldiers. v. *Array.*

Arraiatores, l. l. *In old English law.* Arrayers; commissioners of array; officers who had care of the soldiers' armor.

Arraign. To call one accused of crime to answer in form of law; to call him to the bar of the court to answer the matter of which he is indicted, or, according to Lord Coke, it is to take order that he appear, and for certainty of the person, to hold up his hand, and to plead a sufficient plea. v. *Arraigner; Ad rationem ponere.*

In old English law. To order, or set in order; to conduct in an orderly manner; to prepare for trial. To arraign an assise was to cause the tenant to be called to make the plaint, and to set the cause in such order as the tenant might be enforced to answer thereunto. To bring or prosecute. The terms *arrainare* and *arramare* (qq. v.) had this sense. The term *arraign* is applied also to the old criminal pro-

ceeding by appeal. The word, in its application to proceedings, is now obsolete.

Arraigner, l. fr. *In old English law.* To arraign. v. *Arraign.*

Arraignment. The form or ceremony of arraigning. v. *Arraign.*

Arrainare, arranare, arannare, l. l. *In old English law.* To arraign; to conduct in an orderly manner; to prosecute, institute or bring.

Arramare, l. l. A word of frequent occurrence in Bracton, and constantly applied to the ancient proceeding by assise; usually translated by the modern word *arraign*, *arramare* having been corrupted into *arrainare*. v. *Arraign.*

Arramer, l. fr. To commence.

Arramir, l. fr. To assemble.

Array. To rank or set in order. To array a panel is to rank or set the jurors' names in order.

Array. A ranking or setting in order; the order in which jurors' names are ranked in the panel containing them; the panel itself; the whole body of jurors summoned to attend the court. v. *Challenge; Panel.*

Arayer, l. fr. To array. v. *Arayer.*

Arrears, arrearages, arrerages. Money remaining unpaid after it has become due; as, rent, interest, wages, the balance of an account, etc.

Arrect, arect, arret, aret, arrectare, arretare, l. l. *In old English law.* To accuse or charge before a court; to account, reckon or consider; to impute, or lay to; to lay to the charge. **Arrected, arretted:** accused or charged. **Arrected:** accounted, reckoned, considered. v. *Rectare.*

Arrect, arrette, arete, l. fr. Accused of crime.

Arreist. An old Scotch form of *arrest*.

Arrendare, arrendar. *In old Scots law.* To let at a certain rent.

Arrenare, l. l. To arraign. **Arrenatus:** arraigned, accused. v. *Arraign.*

Arrent. *In old English law.* To let at a rent.

Arrentare, l. l. *In old English law.* To rate or assess; to let at a certain sum, or rent. v. *Arrent.*

Arrentatio, l. l. *In old English law.* A renting; arrentation; the licensing of an owner of lands in a forest to inclose them with a low hedge and small ditch, under a yearly rent.

Arrer, l. fr. To plough. v. *Arer.*

Arreragium, arrieragium, l. l. *In old English and Scots law.* An arrearage; the balance due on account; a residue or remainder; rent due and unpaid. v. *Arrears.*

Arrere, l. fr. Behind. v. *Arere; Arriere.*

Arrerissement, arerishment, l. fr. Hindrance; a hindrance; delay; putting back. v. *Arerissement.*

Arrest. To stop or stay by authority of law. To stop or detain a person, and restrain his liberty until he complies with some exigency of law. To stop or stay a legal proceeding; particularly the judgment of a court, by some rule or order of the same court. To apprehend a person by virtue of legal process, to either hold him in custody, or to compel him otherwise to comply with the exigency of the process. To subject a person to the operation of legal process, by bringing his body within the power of the officer executing such process. To take or seize property.

Arrest. The act of stopping or staying a person or proceeding by authority of law. The restraint of a person's liberty by the actual seizure or apprehension of his body, or otherwise, in execution of some legal process. In modern practice an arrest always contemplates either an actual seizure, or, what is equivalent, a restraint of the person, with a power of actual seizure if necessary. **Arrest of judgment:** the act of staying a judgment, after verdict, for error appearing on the face of the record.

Arrestandis bonis ne dissipentur, l. l. A writ which lay for one whose cattle or goods were taken by a person who was likely to make away with them and was not able to make amends.

Arrestare, arestare, l. l. *In old English law.* To arrest; to take or seize a person; to take or seize a chattel. **Arrestari et imprisonari:** to be arrested and imprisoned. **Arrestentur corpora eorum:** their bodies shall be arrested.

Arrestatio, l. l. *In old English law.* Arrestment; an arrestment or arrest. **Arrestatio navium:** arrestment of ships.

Arrestee. *In Scots law.* The person in whose hands the movables of another, or a debt due to another, are arrested by the process of arrestment. *v. Arrestment.*

Arrester. *In Scots law.* The person in whose behalf process of arrestment is issued.

Arrestment. *In Scots law.* The seizure and securing of a criminal's person till he undergoes trial or gives bail. A process for securing movable effects in the hands of the possessor till the property be determined — a species of sequestration. A process issued by a creditor to secure movable effects of his debtor in the hands of a third person, or a debt due his debtor by such person, and to prevent a transfer or payment until another process, called process of *forthcoming*, can be obtained. *v. Forthcoming.*

Arrestum, l. l. *In old English law.* Arrest.

Arretare, arrettare, arrectare, l. l. *In old English law.* To accuse or charge; to summon for the purpose of accusing; to summon to answer a charge. **Arrettati:** accused or charged.

Arrha, arra, l. *In the civil law.* Earnest; evidence of a completed bargain; proof of the contract of purchase and sale; evidence of the contract of espousals.

- Arrhabo, arrabo, l.** *In the civil law.* Earnest; money given to bind a bargain.
- Arriage and carriage.** Indefinite services formerly demandable from tenants, but prohibited by statute 20 Geo. II, c. 50.
- Arrierban, arriereban, fr., Arrieribannum, l. l.** The proclamation by which the arriere vassals, or inferior feudatories of a sovereign, were summoned to military service; the assembling of the vassals in obedience to such summons. v. *Arriere vassal.*
- Arriere fief, or fee.** *In feudal law.* A dependent fief or fee; an inferior fief granted by a vassal of the king, out of the fief held by him. v. *Subinfeudation.* **Arriere vassal:** the vassal of a vassal; one who held of a vassal of the crown.
- Arrivagium, l. l.** *In old English law.* Arrivage; arrival; the coming to a place or port. **Arrivagium navium et batellorum:** a place of common resort of merchants and shipping.
- Arrive.** To come to, or reach a place by traveling or moving towards it. In the law of marine insurance, to reach that particular place in a harbor which is the ultimate destination of the vessel.
- Arrogatio, adrogatio, l.** *In the civil law.* The adoption of a person *sui juris*, which was done by imperial rescript. v. *Adoption.*
- Arrogator, l.** *In the civil law.* One who adopted by arrogation. v. *Arrogatio.*
- Arrure, l. fr.** A ploughing; a day's work at ploughing.
- Ars, l. fr.** Burnt.
- Arsæ et pensatæ, l. l.** Burnt and weighed,—a term anciently applied to money melted, and then weighed to test its purity. v. *Arsura.*
- Arser or arsure in le main, fr.** *In old English law.* Burning in the hand. The punishment inflicted on those who pleaded their clergy. v. *Benefit of clergy.*
- Arsion, arseun, arsine, l. fr.** Burning. An old form of arson. q. v.
- Arson.** The wilful burning of the house or outhouse of another. The burning and consuming of any part is sufficient to constitute arson, but a mere attempt to burn by setting fire to a house, unless it absolutely burns, is not sufficient.
- Arsura.** *In old English law.* Burning, or melting; the trial or assay by fire of coin in order to test its purity; the loss of weight occasioned by this process.
- Art and part.** *In Scots law.* Contriver and partner. A term used to denote an accessory before and after the fact, and also an aider and abettor in the commission of a crime; generally considered equivalent to the *ope et consilio* (q. v.) of the Roman law. By *art* is understood the mandate, instigation or advice given, while *part* expresses the share that one takes to himself by the aid or assistance which he gives.
- Arte, l. fr.** Bound; compelled; narrowed. v. *Arct.*
- Artemo, artemon, l.** *In the civil law.* A kind of sail, used on a vessel.

Arthel, arddelw, arddel, br. or w. *In Welsh and old English law.* To avouch.

Article. A distinct part of an instrument, consisting of two or more particulars. A species of pleading in the English ecclesiastical courts, which is put in the form of objection or charge, as for annulling a marriage, for depriving a clergyman of his benefice, etc. A point.

In Scots law. A subject or matter; competent matter.

Articled clerk. A person bound by articles to serve an attorney or solicitor as a clerk for a term in consideration of instruction in the principles and practice of the profession.

Articles. A writing drawn up in an articulate form, that is, under distinct heads or divisions; as, a system of rules established by legal authority, *e. g.* articles of war, articles of the navy, articles of faith (qq. v.); a writing or instrument executed between parties, containing stipulations or terms of agreement, *e. g.* articles of agreement, articles of partnership, the articles of confederation of the United States; a statute, as having its provisions articulately expressed under distinct heads; a complaint at law drawn up in articulate form, as articles of the peace (q. v.); heads or items of judicial inquiry.

In American law. **Articles of confederation:** the compact between the original thirteen states of the Union.

In English law. **Articles of faith:** the system of faith of the Church of England, more commonly known as the *Thirty-nine Articles*; framed by Cranmer, and revised by the convocation of 1562. **Articles of the navy:** a system of regulations for the fleet, established under the statutes 22 Geo. II., c. 33, and 19 Geo. III., c. 17. **Articles of the peace:** a complaint exhibited under oath to a court or to a justice of the peace, in order to compel a party who is meditating an injury to another to find sureties of the peace. **Articles of union:** articles agreed to in 1707, by the parliaments of England and Scotland, for the union of the two kingdoms. **Articles of war:** a system of rules for the government of the army.

In Scots law. **Articles of roup.** The conditions under which property is exposed to sale by auction.

Articuli, l. *In old English law.* Articles; items or heads. Applied to some old statutes, and occasionally to treatises. *v.* *Articles.* **Articuli ad Novas Narrationes:** articles on the New Tales,—the title of a small treatise on pleading, subjoined to the collection called *Novæ Narrationes*. **Articuli cleri:** articles of the clergy,—the title of a statute passed in the ninth year of Edward II. to adjust the questions of cognizance then existing between the ecclesiastical and the temporal courts. **Articuli de moneta:** articles concerning money or the currency,—the title of a statute passed in the twentieth year of Edward I. **Articuli Magnæ Cartæ:** articles of Magna Charta,—

the original articles or heads of agreement upon which King John's charter was founded. **Articuli super chartas:** articles upon the charters,—the title of a statute passed in the twenty-eighth year of Edward I, st. 3, confirming or enlarging *Magna Charta* and the *Charta de Foresta*, and appointing a method for enforcing the observance of them.

Articulus, l. *In old English law.* An article or point; a point or moment of time. *v.* *In articulo, etc.; In ipso, etc.*

Artificial. Made by art; created by law; the opposite of natural. **Artificial persons:** persons created by law for the purposes of society and government; as, a corporation. **Artificial presumptions:** presumptions of law,—presumptions, *i. e.*, which derive from the law a uniform force independent of that which would arise from the particular facts.

Arundinetum, l. l. *In civil and old English law.* A place where reeds grow.

Arura, arrura, l. l. *In old English law.* A or the ploughing; the labor of ploughing; a day's work at the plough. **Arruris:** in ploughings.

As, l. fr. Amongst; at; into; to; with.

As, l. *In the civil law.* A pound weight; and a coin originally weighing a pound. Any integral sum, quantity or thing, subject to division in certain proportions. The term *as*, and the multiples of its twelve parts (*uncie*), were also used to denote the rates of interest. It was also applied to various other things, such as land, the price of land, and shares in a partnership.

As. Like; similar; in accordance with; in the same manner with or in which; equally. **As aforesaid:** words of relation to a preceding clause. **As follows:** the words "as follows, that is to say," are equivalent to, "in the words and figures following, that is to say," etc. **As of:** a term applied to proceedings, and to rights or estates, to express sameness of legal character, effect or operation; given in the way of relation (in the case of proceedings), by mere force of law, or absolutely existing (in the case of rights), in point of fact; as, to sign a judgment *as of* a previous day or term. Applied also to rights and estates, to denote actual and absolute verity, or sameness of legal character; as, to say that one is possessed, etc., *as of* his own proper goods, etc.

Asaver, l. fr. To wit; to say. *v.* *Cest asaver.*

Ascaventer, l. fr. To certify or make known.

Ascavoir, assaver, asaver, a saver, l. fr. To be understood; to wit. *v.* *Assaver; Cest ascavoir.*

Ascend. To go or pass up or upwards; to go or pass in the ascending line.

Ascendant. A person related to another in the ascending line of kindred, as a father, grandfather, etc.; a person so related, to whom an



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Assart. To pull up by the roots; to clear land of trees, thickets, etc., and prepare it for, or reduce it to, tillage. v. *Assartare*.

Assart, essart. *In English law.* An offense committed in the forest, by pulling up the thickets and coverts for the deer, and making the land plain, as arable land; the land so cleared; land grubbed up and made fit for tillage.

Assartare, assertare, exartare, l. l. *In old English law.* To assart, or remove by the roots; to clear land. *Assertare et in culturam redigere:* to assart and reduce to cultivation. *Assertatum:* assarted or cleared.

Assartum, essartum, exartum, l. l. *In old English law.* Assart; land cleared of its wood and converted to tillage. Sometimes termed *disbocatio*.

Assassination. Murder committed for hire; murder by surprise or secret assault; murder by sudden violence.

Assath, assaith. An old custom of purgation in Wales, by which an accused person cleared or purged himself by the oaths of three hundred men.

Assault. An attempt, real or apparent, by one person to do physical injury to another coupled with power, real or apparent, to injure; as, presenting a gun, lifting a cane or the fist in a threatening manner, striking but not hitting. v. *Battery*.

Assaver, l. fr. To be known; to make known; to give notice. An old form of *ascavoir*, q. v.

Assavoir, l. fr. To make known; to certify.

Assay. *In old English law.* An examination, proof or trial: as, of weight and measures; of certain commodities, as bread, cloths, etc.; of the purity of metals and of coined money. This last is the sense in which the word is now exclusively used. v. *Assaia*.

Assayator, l. l. *In old English law.* An assayer. *Assayator regis:* the king's assayer.

Assaysiare, l. l. To associate; to take or select as fellow-judges, or consessors.

Assecurare, adsecurare, l. l. *In old English law.* To make secure; to assure or secure by pledges, or any solemn interposition of faith; to confirm or establish. v. *Adsecurare*.

Assecuratio, adsecuratio, l. l. Assurance; a making secure.

In old maritime law. Assurance or insurance of a vessel or cargo; a contract for the safe transportation of things for a certain premium; a voyage insured. v. *Assurance*.

Assecurator, l. l. *In maritime law.* An insurer.

Assedation. *In Scots law.* A setting or letting for hire. Another name for a tack or lease.

Assembly, unlawful. The meeting of three or more persons to do an unlawful act; any meeting of great numbers of people, with such circumstances as cannot but endanger the public peace, and excite alarm in the neighborhood.

Assener, l. fr. To assign. v. *Assigner*.

Assent. Agreement to or approval of an act or thing done, as consent is agreement to a thing to be done. v. *Consent*.

Assenter, l. fr. To assent.

Asseour, l. fr. An assessor.

Asser, asseer, asseoir, l. fr. To settle or fix; to ascertain or assess.

Asserta, l. l. *In old English law.* Assart; an assart. v. *Assart*.

Assertare, l. l. *In old English law.* To assart. **Assertatum:** assarted. v. *Assart*.

Asserte, l. fr. Assart; cleared land.

Asses, assez, l. fr. Enough; an equivalent; satisfaction or compensation.

Assess. To adjust or proportion; to fix or settle a sum to be levied or paid; to rate or fix the proportions of a tax; to impose a pecuniary payment upon persons or property; to value, in order to tax; the terms to assess and to tax were anciently used as expressive of nearly the same idea. The damages in a cause were said to be assessed and taxed, and the jury in a cause were frequently said to tax the damages. Afterwards a distinction was made, the jury being said to assess the damages, and the court to tax the costs; and this distinction has been preserved. v. *Assessment*.

Assesse, asses, l. fr. Assessed; affeered.

Assessment. An adjustment or proportioning of one thing to another; the fixing or settling of a sum to be levied or paid; the adjustment of the proportions of a tax to be levied; taxation in general; valuation of property for the purpose of taxation; a pecuniary imposition upon persons or property by way of tax; a tax for a local object or purpose; a local tax apportioned according to a supposed relation between burden and benefit. The word is thus used in two distinct senses, viz.: the sense of process, and the sense of result. There is a distinction also between assessment and tax, though in the broadest sense they are one and the same, and rest upon the power to tax, an assessment more strictly being an imposition for improvements beneficial to particular persons or property and proportioned to the benefit, while a tax is a burden imposed on all property-owners without regard to benefits.

Assessor, pl. assessores, adsessores, l. *In the civil law.* A person who sat with a judge or magistrate for the purpose of assisting him with advice.

Assessor. An officer chosen or appointed to assess property. v. *Assess*.

Assessors. *In Scots and English law.* Persons skilled in the law, appointed to advise and direct the decisions of the judges of inferior courts. v. *Assessores*.

Assets. Property in the hands of an executor, etc., available for payment of debts and legacies of the testator, etc.; property of a bankrupt or insolvent, available for payment of his debts. In a large sense, the property or effects of any person, company or corporation,

available for the payment of his or its liabilities. **Assets entre mains:** assets in hand; assets in the hands of executors or administrators, applicable to the payment of debts. **Assets per descent:** assets by descent,—lands in the hands of an heir chargeable with the payment of the debts of the ancestor; otherwise called real assets. **Equitable assets:** assets which creditors can reach only through a court of equity. **Legal assets:** assets in the hands of the executor or administrator which may be reached by an action at law. *v. Marshaling.*

Assewiare, l. l. To drain water from marshy grounds.

Assez, asez, assetz, assietz, asses, l. fr. Enough; sufficient. **Assez affer:** enough to do. *v. Asses.*

Assidere, l. *In the Roman law.* To act as an assessor. *v. Assessor.*

Assidere, l. l. To assess; to fix, settle, define, determine or reduce to a certainty, in point of time, number, amount, etc. **Assidere, taxare et levare:** to assess, tax and levy. **Assiderunt et taxarunt:** they assessed and taxed. **Assessus:** assessed. **Assidenda:** to be assessed; to assign or appoint a time.

Assign. To transfer, to make or set over: as, to assign property or some interest therein, or to assign prisoners in custody. To appoint or designate for a particular purpose or duty: as, to assign judges to take the assises, to hold pleas, to make gaol delivery, to keep the peace, etc., to assign a prisoner counsel. To appoint a time: as, to assign a day. To point out; to set forth or specify; to mark out or designate: as, to assign errors; to assign breaches of a covenant; to assign false judgment; to assign waste; to assign a perjury.

Assign. An assignee; a person to whom property or a right or interest is transferred by another. Now rarely used, though the plural *assigns* is still retained in deeds and other instruments. *v. Assignee; Assigns.*

Assignable. Capable of being assigned or transferred; transferable; negotiable.

Assignare, l. *In the civil law.* To assign, allot or appoint. **Assignare libertum:** to assign a freedman to a particular child.

Assignare, l. l. To assign; to transfer or make over; to allot, appoint or designate; to mark out, set off, allot or set over: as, a widow's dower. **Assignavimus vos justitarios nostros, ad inquirendum:** we have assigned you our justices to make inquiry. **Assignavimus ad itinerandum:** we have assigned to itinerate.

Assignati, l. l. *In old English law.* Assigns; assignees. *v. Assigns.*

Assignatio, l. *In the civil and old English law.* An assigning or assignment. **Assignatio dotis:** assignment of dower.

Assignment. *In Scots law.* An alienation or conveyance, particularly of a debt or movable subject; an assignment.

Assignator, l. *In the civil law.* An assigner or assignor; one who assigns.

Assignatus, l. *In old English law.* An assignee, or assign. A person assigned or appointed to a particular duty. **Assignatus utitur jure auctoris:** an assignee uses the right of his principal; an assignee is clothed with the rights of his principal.

In the civil law. A person assigned or set over to another; as, a freedman to a particular child.

Assignay, assigney, o. sc. *In Scots law.* An assignee.

Assignee, assign. A person to whom a right or property is transferred. In old law, a person deputed or appointed by another to do any act, or perform any business. **Assignee by deed:** a person to whom some right, title or property is assigned by deed or instrument in writing. **Assignee in law:** a person to whom some right or property is transferred, or upon whom it devolves by the mere operation of law; as, an executor or administrator. v. *Assigns.*

Assignement, assignment, l. fr. Assignment; an assignment.

Assigner, assiner, assener, l. fr. To assign. **Assigner faux serement:** to assign perjury.

Assignment. A transfer or making over of any property real or personal, in possession or action, or of any estate or right therein: as, of an estate in lands; of a chattel personal, an equitable interest or a chose in action; a bill of exchange, promissory note, or check, by mere delivery or by writing; of all or a part of the property of a debtor in trust for the benefit of creditors. v. *Voluntary assignment.* **Assignment of dower:** the ascertaining and setting out of a widow's share in the estate of her husband. **Assignment of errors:** the statement of the plaintiff's case on a writ of error, setting forth the errors complained of.

Assignor. One who makes an assignment.

Assigns. Nearly or quite synonymous with *assignees*, but now confined to conveyancing. Where a grantor covenants for himself, his executors, administrators and assigns, the word means any person to whom the property or interest described in the deed may happen at any future time to be assigned, either by deed or by operation of law; and it includes not only assignees, properly so called, but executors and administrators, the assignee of an assignee *in perpetuum*, the heir of an assignee, the assignee of an heir, the assignee of an assignee's executor, and a devisee, but not involuntary assignees, as assignees in bankruptcy. In a policy of insurance it means one who becomes the assignee of the policy, with the assent of the insurer, not any one who takes an interest in the property from the insured.

Assigny. *In Scots law.* An assignee.

Assilire, l. *In feudal law.* To assault; to attack.

Assis, assise, assys, l. fr. Fixed, set, appointed; affected, assigned; situated.

Assisa, l. l. *In old English and Scots law.* An assise; a species of jury or inquest (distinguished from the common *jurata*, or jury, though often turned into it); a species of writ or real action; a court, or the sittings of a court; a statute, ordinance or law; a fixed time; a fixed number; a specified or determinate quantity, quality, price, etc., required by law in certain commodities; a tax or tribute fixed by law; a fine or mulct. **Assisa armorum:** assise of arms; a statute requiring the keeping of arms for the common defense. **Assisa cadere:** to fail in an assise; to be nonsuited. **Assisa continuando:** an ancient writ directed to the justices of assise to continue a cause to give time to produce records. **Assisa de Clarendon:** the assise of Clarendon; a statute or ordinance of the tenth year of Henry II., giving time to accused persons about to abjure the realm to procure the means of support in exile. **Assisa de mensuris:** assise of measures; a common rule for weights and measures established in the eighth year of Richard I. **Assisa de nocumento:** assise of nuisance q. v. **Assisa et assaia panis:** the assise and assay of bread. **Assisa forestæ, or de foresta:** assise of the forest; a statute or ordinance of the thirty-fourth year of Edward I. concerning the royal forests. v. *Ordinatio forestæ.* **Assisa friscæ fortiæ:** assise of fresh force. q. v. **Assisa generalis:** an old name of parliament. **Assisa juris utrum:** assise of utrum, q. v. **Assisa mortis antecessoris, or de morte antecessoris:** assise of mort d' ancestor, q. v. **Assisa novæ disseisinæ, or de nova disseisina:** an assise of novel disseisin, q. v. **Assisa panis et cere visiæ:** assise of bread and ale or beer; a statute of 51 Henry III. regulating the sale, etc. **Assisa proro-ganda:** a writ to stay proceedings at the assises because one of the parties was engaged in the king's business. **Assisa ultimæ præsentationis, or de ultima presentatione:** an assise of darrein presentment, q. v. **Assisa venalium:** the assise of commodities salable or exposed for sale. **Assisa venit recognitura, or ad recognoscendum:** the assise comes or came to recognize. **Assisæ statutæ et juratæ:** assises, ordained, and sworn [to be kept]. v. *Assise; Grand assise.*

Assisatum, l. l. *In old English law.* Fixed or established; ordained.

Assise, l. fr. Situated. v. *Assisus.*

Assise, assize. *In English law.* A species of jury; a jury consisting of a certain number of men, usually twelve, summoned to try a cause, and who sit together for that purpose; they are of two kinds, *grand* and *petite*. v. *Grand assise; Petite assise.* A species of writ or real action to determine the right of possession of lands and to recover possession; the verdict upon such a writ; the entire proceeding in court upon such a writ. A court; the sittings of a court. A statute, or an ordinance. Anything fixed, or reduced to a certainty in point of time, quantity, quality, weight, measure, number, etc. A

fine. A tax or tribute. **Assise of darrein presentment:** an assise which lay for a tenant in fee or in tail, where he or his ancestors had presented or had the last presentation to a church, and the clerk had been instituted, and the plaintiff was afterwards hindered in presenting to the same church; also for a tenant for life or years, if he had himself presented. **Assise, or bill of fresh force:** a writ which lay by the usage and custom of a city or borough, where a man was disseised of his lands and tenements in such city or borough,—so called because it was to be sued within forty days after accrual of title. **Assise of mort d'ancestor:** a possessory writ founded on the possession of the ancestor, which lay for the heir, where his father, mother, brother, sister, uncle, aunt, nephew or niece was seized in fee of any lands, tenements or rents, and died being so seized, and a stranger, after such death, abated. **Assise of novel disseisin:** a writ or action which lay where a tenant in fee-simple, fee-tail or for life was disseised of his lands, tenements or hereditaments,—so called because an assise upon a disseisin committed after the last eyre, a disseisin committed before being called an ancient disseisin. **Assise of nuisance:** an assise or writ which lay to remove a nuisance, and to recover damages. **Assise of ntrum:** an assise which lay for a parson, prebendary or vicar to recover lands and tenements, belonging to the church, which were alienated by the predecessor; or of which he was disseised; or which were recovered against him by verdict, confession or default, without praying in aid of the patron and ordinary; or on which any person had intruded since the predecessor's death.

Assises, assizes. *In English law.* Sessions of court of assise or assize and *nisi prius*, formerly held by two or more commissioners called judges of assise, or of assise and *nisi prius*, who were twice in every year sent by the king's special commission on circuits all round the kingdom, to try by a jury of the respective counties the truth of such matters of fact as were in dispute in Westminster Hall. These commissioners were judges of the superior courts of common law, the successors of the ancient justices in eyre, and usually made their circuits in the vacations after Hilary and Trinity terms. **Assises, or assizes, de Jerusalem:** a code of feudal jurisprudence, compiled in 1099, after the conquest of Jerusalem, for the kingdom of Jerusalem, then newly established.

Assisores, l. l. Anciently, persons who settled assises, or imposed taxes.

Assisors, assysers. *In Scots law.* Jurors.

Assisus, assisa, l. l. *In old English law.* Fixed or certain; situated.

Assisus reditus: a fixed, certain, set or standing rent.

Assistance. Aid; furtherance. A writ issued out of chancery to execute a decree for the possession of land.

Assith, sc. *In old Scots law.* To indemnify.

Assize. *In old English law.* To fix; to regulate; to assess.

Assize. *In Scots law.* A jury.

Association. The union of a number of persons for the attaining of some common object; a company or society not incorporated.

In English law. A writ or patent addressed to the justices of the assize commanding them to take others, usually learned serjeants or clerks of the assize, as associates,—granted at suit of a party when a justice dies or is disabled.

Assoigne, l. fr. Essoin; excuse.

Assoile, assoyle, assoiler, fr. *In old English law.* To deliver from excommunication; to acquit; to absolve.

Assoilzie. *In Scots law.* To acquit the defendant in an action; to find an accused person not guilty; to declare a finding of not guilty; to declare or pronounce innocent.

Assoinzie, sc. Excuse.

Assoneor, l. fr. An essoiner.

Assoner, l. fr. To essoin. **Assonee:** essoined.

Assouldre, assoudre, l. fr. To absolve; to acquit.

Assouth, assous, l. fr. Quit; free; discharged.

Assoyl, l. fr. To forgive; to pardon; to absolve.

Assultus, l. An assault.

Assume. To undertake. *v.* *Assumpsit.*

Assumpsit, l. l. He assumed; he undertook. A parol promise, contract or undertaking; the name of an action on the case, which lies for a person injured by non-performance of such a promise. **Assumpse-runt super se:** they took upon themselves; they undertook. **Assump-sit pro rata:** he undertook agreeably to the proportion. *v.* *Express assumpsit; Implied assumpsit; Indebitatus assumpsit.*

Assurance, assurantia, l. l. An instrument of conveyance; an instrument used as evidence of title to land. A making sure or secure; hence its application to contracts of insurance. *v.* *Collateral assurance; Common assurance; Future assurance; Insurance.*

Assurare, l. l. *In old pleading.* To assure.

Assure. To make sure, or secure; to confirm; to insure; to convey. *v.* *Assurance.*

Assure, fr. Assured; the assured or insured.

Assys, l. fr. Assessed or affeered.

Assythment, assithment. *In Scots law.* Indemnification for killing, maiming or laming a person; an indemnification due from a murderer to the heirs of the murdered person, recovered by an action brought by the heirs or the personal representatives.

Astate, atat, l. fr. Estate.

Astitution. An arraignment,—formerly sometimes so called. *v.* *Ar-raignment.*

Astrarius, l. l. *In old English law.* The occupant of a hearth or house; a person in actual possession; a son who lived in his father's family,



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Atrium, l. A court before a house; a churchyard.

Attach. To take or apprehend by commandment of a writ or precept, commonly called an attachment, and keep for presentment in court. Applied to both persons and property. *v. Attachment; Arrest.*

Attache, fr. Attached to; connected with: as, to or with a foreign legation.

Attachiamenta bonorum, l. A distress formerly levied upon the goods of one sued for a personal debt, as a security to answer to the action.

Attachiamentum, l. l. *In old English law.* An attachment.

Attachiare, l. l. *In old English law.* To attach; to attach a person; to attach property. **Attachiabitur:** he shall be attached.

Attachment. A taking or seizure of a person or property by virtue of a legal process; the writ or process upon which such taking or seizure is made. An attachment against the person is a writ or process in the nature of a criminal proceeding, issuing out of a court of record against a person who has committed some contempt of court. The object and effect of the attachment is to bring the party personally into court, where, unless he clears himself of the contempt, he is punished by fine or imprisonment, or both. An attachment against property is of several kinds; as, (1) The old process of attachment in English practice, by which a defendant's goods were seized as a distress or means of compelling appearance in an action; (2) An ancient mode of procedure under the custom of London, by which a debt due a debtor by a third person, termed a garnishee, might be seized and appropriated to the payment of a creditor's demand; (3) A species of mesne process peculiar to the practice of some of the eastern states, by which goods, etc., of a defendant are seized at the beginning of a suit and held as security to satisfy such judgment as the plaintiff may recover,—originally the same with the English process; (4) A process arising out of the custom of London above mentioned, but now regulated by statute, against the property of absent, absconding, concealed and non-resident debtors, otherwise called foreign attachment, and in some cases domestic attachment. A species of this process is termed garnishment, and in some states trustee process and factorizing process. **Attachment of privilege:** a process by which a person privileged to litigate in a certain court, for instance an attorney or a court officer, calls another into such court to answer to an action; a writ, also, issued to apprehend a person in a privileged place. **Attachments, court of:** the lowest of the forest courts. *v. Court; Contempt; Domestic attachment; Factoring; Foreign attachment; Garnishment; Trustee process.*

Attainder. The extinction of civil rights and capacities which took place upon judgment of death or outlawry for treason or felony. This included the forfeiture of property, the corruption of blood so that nothing could pass by inheritance to or from the person,

inability to sue or be sued, and inability to bear witness in a court of law.

Attaint. *In old English law.* A writ which lay to inquire whether a jury had given a false verdict, in order that the judgment might be reversed. The inquiry was made by a grand assise or jury of twenty-four, and if they found the verdict false, the judgment was that the jurors should become infamous, forfeit their goods and the profits of their lands, and be imprisoned, that their wives and children should be thrust out of doors, that their houses should be razed, their trees extirpated, and their meadows ploughed up, and that the plaintiff should be restored to all that he lost by the verdict.

Attaint, atteint, attaynt, taynt, l. fr. *In old English law.* Attainted; convicted or found guilty of some offense; defeated in an action. **Attain de disseisin:** convicted of disseisin. **Attaintes pur serfs:** found by verdict to be villeins.

Atteignalment, ateisament, atteynement, atteynaument, l. fr. Effectually; strenuously; to remain forever.

Atteindre, l. fr. To attain, to convict; attainder, conviction. To attain, to obtain; to meet; to abide by. **Atteint, atteynt, atteynte, atteintz:** attaint, attainted; convicted, found guilty; proved; adjudged.

Attempt. An act of endeavor to do a particular thing, with intent, by means of that act in whole or in part, to do it; more particularly an act of endeavor to commit some offense, carried beyond mere preparation, but falling short of actual commission.

Attendant. *In old English law.* Owing a duty or service to another; waiting or depending upon another. **Attendant terms:** leases or mortgages for a long period, as a thousand or two thousand years, held by the owner of land or by his trustee as a distinct and additional title, to make his estate more secure,—in the United States treated not as attendant terms but as personalty, and in England in large measure obsolete.

Attentare, attemptare, l. l. *In old English law.* To attempt. **Attemptarent:** should attempt. **Attentat:** he attempts. *v.* **Attentat.**

Attentat, l. *In canon and civil law.* A thing wrongfully innovated or attempted in a suit by an inferior judge, or judge *a quo*, pending an appeal.

Atterminare, l. l. *In old English law.* To adjourn; to put off to another term. **Atterminata,—posita ad talem terminum:** adjourned,—put to such a term. **Atterminent querentes:** the plaintiffs may adjourn.

Atterminatio, l. l. *In old English law.* Determination.

Atterminement, l. fr. Respite; adjournment; attermination.

Atterminer, l. fr. To adjourn; to respite; to delay. To grant further time for the payment of a debt.

Atterminez, l. fr. Determinable; respited.

Attermining. *In old English law.* A putting off; the granting of a time or term, as for the payment of a debt.

Attest. To witness or testify; to bear witness to; to witness by observation and signature.

Attestation. The act of witnessing the execution of a written instrument and subscribing one's name in testimony of the act. **Attestation clause:** the clause to which the signature of the witness is appended, importing the act so done.

Attestor of a cautioner. *In Scots law.* A person who attests the sufficiency of a cautioner, and agrees to become *subsidiarie* liable for the debt.

Atteynte, l. fr. Attaint; an attaint.

Attilamentum, attile, l. l. *In old English law.* Tackle; rigging; furniture; equipment.

Attilatus, l. l. *In old English law.* Harnessed; tackled. **Attilatus equus:** a horse with his gears or harness on, for the work of the cart or plough.

Attiles, l. fr. Stores.

Attilium, pl. attilia, atilia, l. l. *In old English law.* The rigging or tackle of a ship. v. *Atilium; Actilia.*

Attilment, l. fr. Equipment; fitting out.

Attincta, l. l. *In old English law.* An attaint. **Attinctus:** attainted.

Attingere, l. To touch or reach to: to amount to. **Attingentia:** amounting to. **Attingunt se, or atting. se:** they amount to. v. *In toto se attingunt.*

In the civil law. To touch; to reach to; to be allied to; to be united or connected with.

Attitles, l. fr. Assigned.

Attorn, atturn. To consent to the transfer of a rent or reversion. A tenant is said to attorn when he agrees to become the tenant of the person to whom the reversion has been granted. v. *Attornment.*

Attorn, atturn, attornare, atturnare, l. l., Attorner, l. fr. *In old English law.* To put in one's place; to appoint a substitute or attorney.

Attorn, atturn, attornare, atturnare, l. l. *In feudal law.* To attorn; to transfer or turn over. To consent to a transfer; to transfer one's self or one's services. **Attornare rem:** to attorn or turn over a thing, as money and goods; *i. e.* to assign or appropriate them to some particular use and service. **Attornare servitium tenentis:** to attorn the service of a tenant.

Attornamentum, atturnamentum, l. l. *In old English law.* Attornment. v. *Attornment.*

Attornatio, l. l. *In old English law.* An attornment.

Attornatus, atturnatus, ab., Attorn., l. l. *In old English law.* One who is attorned, or put in the place of another; a substitute; an attorney. **Attornatus vel procurator:** an attorney or procurator.

Attornati et apprenticii: attorneys and apprentices. v. *Actor-natus; Attorney; Attorney at law; Attornatus.*

Attorne, l. fr. *In old English law.* An attorney.

Attorney, atturney, attourney, Attornatus, atturnatus, l. l., Attorne, atturue, attourue, l. fr. One who has authority to act for another.

Attorney at large: an attorney who practices in all the courts.

Attorney at law: an attorney who has authority to act for another in matters of law, particularly in conducting suits; an attorney whose office it is so to act publicly and generally for any who may employ him. **Attorney-general:** the chief law officer of the state or government; in old practice, a general attorney, or an attorney having authority to appear in all suits in all courts or at a particular circuit, or for a specified time. **Attorney in fact:** a private attorney having authority to act in a particular matter or in the transaction of business not legal generally. **Attorney special:** in old practice, an attorney employed in one or more causes specified or belonging to a particular court.

Attornment. The act of a tenant in consenting to a transfer of the reversion and in acknowledging the new landlord. The act of a donee in tail, or a tenant for life or for years, in consenting to a grant of the reversion or the remainder. Though attornment is not practiced in the United States, the term is still applied to the acts of tenants in somewhat the old sense.

In feudal and old English law. **Attornamentum, attornatio, l. l.,**

Attournance, l. fr. A turning over or transfer by a lord of the services of his tenant to the grantee of his seignior; a transfer by the tenant of his services to the grantee or new lord; a tenant's acknowledgment or acceptance of the grantee as his lord, in place of the former lord. v. *Attorn; Attornare.*

Attraire, attrer, l. fr. To draw to.

Attornatus, l. l. *In old English law.* An attorney. v. *Attorney.*

Atturue, l. fr. An attorney.

Atturuer, l. fr. To attorn.

Atturuey. An attorney. v. *Attorney.*

Atya, l. l. *In old English law.* Hatred.

Au, l. fr. At; for; to; until. **Au aumone:** for alms. **Au besoin:** in case of need,— a phrase used in the direction of a bill of exchange naming a person to whom application may be made for payment in case the drawee refuses or fails to pay. **Au bout de compte:** at the end of the account; after all. **Au ceo temps:** until this time. **Au ces temps:** at that time. **Au dernier:** at last. **Au plus:** at most. **Au quel:** to whom or which. **Au temps:** at the time. **Au tiel forme:** in such manner.

Aubaine, aubaigne, fr. v. *Droit d'aubaine.*

Auceps syllabarum, l. A catcher of syllables; a quibbler.

Auctio, l. *In the civil law.* An auction; a public sale.

Auction. A public sale at which the persons who desire to buy successively bid an increasing price, and at which the highest bidder is declared the buyer.

Auctionarius, auxionarius, l. l. *In old English law.* A seller; a regrater; a retailer; a broker; one who bought as well as sold; or a person who loaned money; an auctioneer, in the modern sense. *v. Auctioneer.* **Auxionarii et auxionatrices panis, cervisiæ, et aliarum rerum:** retailers (male and female) of bread, ale and other things. **Auctionarii, quos Angli brokers decimus:** auctioneers, whom we English call brokers.

Auctioneer. A person who conducts an auction or public sale.

Auctor, auctour, l. fr. A plaintiff.

Auctor, l. *In the civil law.* One from whom some right passes; an author or source of right or title; as, a grantor, assignor, etc. One by whose authority a thing is done; a principal.

Auctoritas, l. *In the civil law.* Authority.

Auctorizare, l. l. *In old English law.* To authorize. **Auctorizati:** authorized.

Aucun, aucon, augune, acone, akune, l. fr. Some; some one. **Aucune foits:** sometimes. **Aucunement:** somewhat.

Aucupium, l. *In old English law.* A catching at; a taking advantage of trivial mistakes, or oversights. **Aucupia verborum sunt judicis indigna:** catchings at words are unworthy of a judge.

Audi alteram partem, l. Hear the other side.

Audience court. *In English ecclesiastical law.* A court of the Archbishop of Canterbury, of equal authority with the arches court, though inferior in both dignity and antiquity.

Audiendo et terminando, l. To hear and determine. *v. Oyer et terminer.*

Audita querela, l. l. The complaint having been heard. A writ which lies for a defendant against whom judgment is recovered, and who is thus in danger of execution, or perhaps in execution, to prevent or recall the execution for some matter of discharge which has happened since the judgment. It is now seldom resorted to; the relief sought being generally to be had on motion supported by affidavit.

Auditor, l., Auditor. An officer or person whose business is to examine and verify the accounts of persons intrusted with money; a person appointed by the court to take and state an account.

Auditores compoti, l. l. *In old English law.* Auditors of account.

Auditus, l. l. *In old English law.* Hearing; oyer, which was anciently an actual hearing. *v. Et petunt, etc.; In auditu, etc.; Oyer.*

Augmentation. *In old English law.* The increase of the crown revenues arising from the suppression of religious houses, 27 Henry VIII. The court then erected to determine controversies concerning the lands of such houses.

Augusta, l. *In the Roman law.* The title at first of the wife of the emperor, but finally of the mother, wife, sister or daughter of an emperor. **Augusta legibus soluta non est:** the empress or queen is not privileged or exempted from subjection to the laws.

Aula, haula, halla, l. l. *In old English law.* A hall, or court; the court of a baron, or manor; chief mansion house; the usual appendage of a manor; the hall of a house, in the modern sense. **Aula regia, or regis:** the king's hall, or palace; a court established by William the Conqueror in his own palace, which was for a time the supreme court of the kingdom, but was finally divided into the three common-law courts and the court of chancery.

Aulnage. v. *Alnage.*

Aulnager. v. *Alnager.*

Aumone, almoign, almoin, l. fr. Alms.

Auncel weight. An ancient mode of weighing with a weight with scales hanging or with hooks fastened to each end of a staff.

Auncestre, l. fr. Ancestor; an ancestor.

Auncien, aunciennes, l. fr. Ancient. **Aunciennes demeynes:** ancient demesnes.

Aunciatus, l. l. Ancient.

Aunz, auntz, l. fr. Years.

Aupres, fr. Near; nigh; about.

Auricularum scissio, l. l. *In old English law.* Cutting or cropping of the ears.

Aurum, l. *In the civil law.* Gold.

In old English law. **Aurum reginæ.** Queen's gold. v. *Queen-gold.*

Ausint, ausinc, aussin, ausoys, ausieu, l. fr. Also; in this manner.

Aussi, auxi, avissi, l. fr. Also.

Aut, l. Or. **Aut eo circiter:** or thereabouts.

Autant, l. fr. As much; so much; like as.

Auter, autre, l. fr. Another; other. **Auter action pendant:** another action pending; a species of plea in abatement. **Auter droit:** another right; another's right. **Auter vie:** another's life. **Autres:** others. v. *Autrefois; En autre droit; Pur autre vie.*

Auterment, l. fr. Otherwise.

Authentic. Genuine; emanating from the proper source; vested with all due formalities, and legally attested. v. *Authenticum.*

In the civil law. **Authentic act:** an act received by a public officer, with the requisite solemnities; an act or deed executed before a public notary or other authorized officer, attested by a public seal, or certified as being a copy of a public register.

Authenticate. To give legal authority to an act, record, or other written instrument, so as to render it admissible in evidence.

Authentication. The act or mode of authenticating. v. *Authenticate.*

Authentic. *In the civil law.* A Latin translation of the novels of Justinian by an anonymous author; so called because the novels were

translated entire; extracts from the novels, inserted by the glossators in the Code and the Institutes.

Authenticum, l. *In the civil law.* An original instrument or writing; the original of a will or other instrument.

Authenticus, l. *In the civil law.* Original.

Authority. A provision of law, organic or statutory; a decision of court, or an opinion of a law-writer relied on as establishing or declaring the rule to be applied in a particular case; delegated power, as that of an agent or attorney. **Executive authority:** power vested in the president or in a governor of a state. **Express authority:** power conferred in express terms. **General authority:** power extending to all acts of a particular nature. **Implied authority:** power inferred from circumstances. **Judicial authority:** power conferred upon a court or judge. **Legislative authority:** power conferred upon a legislative body. **Limited authority:** power restricted by instructions. **Naked authority:** power to be exercised solely for the benefit of the donor or principal; power not coupled with an interest in the agent. **Special authority:** power confined to a special transaction.

Autre, autry, autri, altre, auter, l. fr. Other; another. v. *Auter.*

Autrefois, autrefois, auterfoitz, autrevez, l. fr. At another time; formerly; before. **Autrefois acquit:** formerly acquitted; a plea of former acquittal on an indictment for the same offense. **Autrefois attain:** formerly attainted; a plea of former attainder in bar to an indictment. **Autrefois convict:** formerly convicted; a plea of former conviction on an indictment for the same offense.

Autresi bien, l. fr. As well as; likewise. **Autresi come:** as if.

Autresint, l. fr. Likewise.

Auver, auvere, l. fr. To have.

Auxi, auxy, aussi, avissi, l. fr. Also; so. v. *Auxy; Aussi.*

Auxibien, auxybien, l. fr. As well.

Auxilium, l. *In feudal and old English law.* Aid; help to defend a suit; help to commit a crime; a subsidy or tollage paid to the king; a kind of tribute paid by vassal to lord, as one of the incidents of tenure of knight's service. **Auxilia ad filium primogenitum militem faciendum, vel ad filiam primogenitam maritandam:** aids to make the eldest son a knight, or to marry the eldest daughter. **Auxilium curiæ:** an old precept citing one person to warrant something at suit of another. **Auxilium petere:** to pray aid. **Auxilium regis:** a subsidy paid to the king.

Auxy, l. fr. As; so. **Auxy icy:** so here. **Auxy pleinment:** as fully.

Auxy sovent que: as often as.

Avail, aval, l. fr. Downwards; down; below. v. *Avaler.*

Avail of marriage. *In Scots law.* Value of marriage. v. *Valor maritagii.*

Availe, l. fr. Advantage; benefit or profit.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Averare, averrare, l. l. *In old English law.* To carry goods on horses or other beasts, or in a wagon; a duty formerly required of some customary tenants. To drive cattle to fair or market.

Avercorn. *In old English law.* A reserved rent in corn, paid to religious houses by their tenants; corn drawn to the lord's granary by the cattle of the tenant.

Averer, l. fr. To aver, to prove, to make out to be true.

Averium, pl. averia, l. l. *In old English law.* A working beast, an heriot; cattle. A chattel; chattels. *Averia carucæ:* beasts of the plough. *Averia elongata:* cattle eloigned or carried away. *Averiis captis in withernam:* cattle taken in withernam. v. *Capias in withernam.*

Averium ponderis, l. l. *In old English law.* Full weight, or *aver de pois.*

Averland. *In old English law.* Land ploughed and manured by tenants with their cattle, for the use of a monastery, or the lord of the soil.

Averment. A positive statement of facts, in pleading, opposed to argument or inference. In old pleading, an offer to prove a pleading, and also the proving. Proof, in general.

Averpenny, averpeny. *In old English law.* Money contributed toward the king's averages; or money given to be freed thereof.

Avers, l. fr. Beasts or cattle.

Aversio, l. *In the civil law.* An averting or turning away. A term applied to a species of sale in gross or bulk.

Aversio periculi, l. *In old maritime law.* An averting or turning away of peril. A name given to the contract of insurance, because one of the parties undertakes to avert the peril of the other on the seas, or takes it upon himself.

Averum, l. l. *In old law.* Goods, property, substance, royal treasure. A beast of burden.

Avet. *In Scots law.* To abet or assist. **Avetting:** abetting, helping or assisting.

Avez, l. fr. Have [it.]

Avirances, l. fr. Protestations; adjurations.

Avis, l. fr. Advised. v. *Aviser.*

Avisamentum, l. l. *In old English law.* Advice; counsel.

Avisare, l. l. *In old English law.* To advise. v. *Advisare.*

Avisement, l. fr. Advisement; consideration.

Aviser, l. fr. *In old English law.* To advise; to consider; to deliberate; to consult. *Avises vous bien sur v're r'ns:* advise (consider) you well upon your answer. v. *La court, etc.; Nōus volomus, etc.*

Aviz, l. fr. Advice; opinion.

Avizandum, l. l. *In Scots law.* Advisement; deliberation.

Avocat, fr. Advocate; an advocate.

Avoec, avoekes, auveqs, l. fr. With.

Avoeson, avoueson, l. fr. An advowson; patronage; foundation.

Avoid. To render void; to evade or escape: as, party may confess and avoid in pleading. v. *Avoidance*.

Avoidance. A making void, or of no effect; a state of being void or vacant, as, a benefice, when void of an incumbent; the evading or escaping from the legal effect of a pleading by alleging new matter. v. *Confession and avoidance*.

Avoir, avoyer, l. fr. Property; means; estate.

Avoirdupois, averdupois, fr. The name of the common system of weights in England and the United States, by which goods, other than precious stones and metals, and medicines, are weighed.

Avoucher, l. fr. and eng. *In old English law.* The calling into court by a tenant of a person bound to him by warranty to defend the right or to yield him other lands.

Avouterie, l. fr. Adultery.

Avow, advow. To acknowledge and justify in pleading. v. *Avowry*.

Avowe, avoue, l. fr. An avowee, advowee or patron of a church; he to whom the right of advowson belongs.

Avower, l. fr. To avow, or acknowledge; to justify; to maintain. To challenge.

Avoweson, avowson, avowesoun, l. fr. An advowson.

Avowry. A pleading in replevin, by which the defendant avows, that is, acknowledges the taking complained of, where he took it in his own right, and sets forth the reason.

Avowterer. *In old English law.* An adulterer. v. *Advowtry*.

Avowtry. *In old English law.* Adultery. v. *Advowtry*.

Avulsion. A tearing off, severing, or forcible disruption; the sudden removal of soil from one man's estate to another's, by the immediate and manifest power of a stream.

Await, awayte. A waylaying, or lying in wait to do mischief.

Award. The decision of an arbitrator or arbitrators, or an umpire, or a referee or referees.

Awarda, awardum, l. l. *In old English law.* An award; the verdict of a jury.

Away-going crop. A crop sown during the last year of tenancy, but not ripe until after its expiration.

Aweit, l. fr. Await.

Aweroust, awroust, awerust, awrust, aworust, averust, l. fr. *In old English law.* Doubt; uncertainty; ambiguity.

Awes, l. fr. Waters.

Awm, awme, awame. *In old English law.* A measure of Rhenish wine, or vessel containing forty gallons.

Awnhine, awenhine, sax. A domestic. v. *Agenhine*.

Awyse, o. sc. Advice.

Ay, l. fr. With; over.

Ayant cause, l. fr. An assignee.

Ayd, ayde. v. *Aid*.

Aydonc, aydonk, aydonques, l. fr. Then. v. *Adonques*.

Ayl, l. fr. Yea; yes. v. *Oyl*.

Ayle, ayel, aiel, aile, l. fr. *In old English law.* A writ which lay when a man's grandfather or grandmother was seised of lands in fee-simple on the day of his or her death, and a stranger entered on that day, and abated, or dispossessed the heir of his inheritance.

Aylours, l. fr. Besides; elsewhere; otherwise. v. *Ailors*.

Ayre, aire, o. sc. *In old Scots law.* Eyre; a circuit, eyre or iter.

Ayrer, l. fr. To plough.

Ayuntamiénto, sp. *In Spanish-American law.* A municipal council; the governing body of a town, having charge of its police and financial affairs.

B. F. *Bonum factum*, a proper thing. Formerly indorsed on the paper containing a decree to signify approval. **B. R.:** *Bancus regis*, or *Bancus reginæ*: the Court of King's or Queen's Bench. The initials K. B. or Q. B. are now more commonly used.

Bacberend, bacberende, backberend, backberynde, sax. Carrying on the back; a thief caught with the thing stolen on his back, or, hence, in possession. v. *Furtum manifestum*; *Hand habend*; *Open theft*.

Backbear. Carrying on the back. A condition in which an offender against vert and venison might be arrested, as being taken with the mainour or manner. v. *Mainour*.

Back-bond. *In Scots law.* A declaration of trust.

Backing. Indorsement. **Backing a warrant:** an indorsement by a justice of the peace of a warrant issued by a justice of another county, in order that it may be served where so indorsed; an indorsement by a proper officer of government under an extradition treaty.

Backside. A yard at the back of a house.

Baculus, l. *In old English law.* A staff, rod or wand, anciently used in the ceremony of making livery of seisin where there was no building on the land. A white stick or wand, by erecting which on the grounds of a defendant in real actions he was anciently warned or summoned to appear in court at the return of the original writ. A baton, such as combatants fought with in the *duellum*. **Baculus nuntiatorius:** a warning or summoning stick. v. *Baston*; *Fiat seysina*, etc.; *Frangitur eorum*, etc.

Bad. Materially defective, as a bad pleading. As applied to a woman may mean unchaste.

Badge. A mark, sign or token; an indication. **Badge of fraud:** a circumstance attending a transaction, or a clause or provision in an instrument which raises or tends to raise a presumption of fraud against it.

Baga, l. l. *In old English law.* Bag; a bag.

Baggage. Whatever a traveler takes with him for his personal use or convenience, according to the habits or wants of the class to which he belongs, with reference to either the immediate necessities or the ultimate purpose of the journey: as, money in reasonable amount, jewelry, weapons, tools, etc., in addition to the clothing and other more usual things.

Bail, baile, baille, fr., l. fr. Delivery; livery; keeping, or custody; delivery and custody, which two ideas are comprehended in the modern sense of the word. **Bail de la seisine:** livery of seisin.

Bail, bayl. In old English law. To deliver, commit or intrust a thing to another; to deliver a person from arrest, or out of custody, to the keeping of other persons, on their undertaking to be responsible for his appearance at a day and place certain; to discharge a person from arrest, on his finding sureties for his appearance at a certain time and place; to become bail for another.

Bail. Safe keeping or protection; a delivery into safe keeping or protection; a delivery of a person arrested, out of the custody of the law, into the safe keeping or friendly custody of persons who become sureties for his return or appearance; the sureties themselves, into whose custody the party discharged from actual arrest is supposed to be delivered. **Bail above, or special bail, or bail to the action:** persons who undertake by what is called a recognizance or bail-piece that a defendant arrested on mesne process in a civil action shall pay the judgment that may be rendered against him, or surrender himself into custody, or that they will pay for him. **Bail below, or bail to the sheriff:** persons who undertake by what is called a bail bond that a defendant so arrested shall duly appear to answer. **Common bail:** bail with fictitious sureties amounting only to an entry of appearance. v. *Bail bond; Bail court; Bail-piece.*

In English law. **Bail court.** A court auxiliary to the Queen's Bench, as it was prior to the judicature act of 36 and 37 Vict., having cognizance mainly of matters of pleading and practice.

Bail bond. A bond with a surety or sureties given to the sheriff, on the arrest of a defendant on mesne process in a civil action, in a penalty of double the sum indorsed on the writ, and with a condition that the defendant shall appear and put in special bail within a certain time specified.

Bail-piece. A formal entry or memorandum of the recognizance or undertaking of special bail in civil actions, which, when signed and acknowledged before the proper officer, is filed in the court in which the action is pending.

Baila, l. l. In old law. Protection; guardianship; safe keeping; bail. v. *Balia.*

Bailable. Requiring, authorizing or admitting of bail; entitled to be discharged on bail. **Bailable action:** an action in which a defendant may be obliged either to find bail on his arrest, or go to prison.

Bailable offense: an offense for which the offender may be admitted to bail. **Bailable person:** a person who, when accused of an offense, is entitled to be admitted to bail. **Bailable process:** process on which a defendant may be held to bail.

Bailee, baylee. A person to whom a bailment is made. *v. Bailment.*

Bailer, bayler, bailer, l. fr. *In old English law.* To bail; to deliver. *v. Bailler.*

Bailie, baillie. *In Scots law.* A municipal magistrate, corresponding with the English alderman. A bailiff; a ministerial officer to whom writs are directed for service.

Bailife, baillif, l. fr. A bailiff; a ministerial officer, with duties similar to those of a sheriff; the judge of a court; a municipal magistrate.

Bailiff. A person to whom authority, care, guardianship or jurisdiction is intrusted; an overseer or superintendent; a keeper; a sheriff's officer; a land steward; the chief magistrate of a town.

In old English law. **Bailiffs errant:** bailiffs, anciently so called because they went about in the execution of their office. **Bailiffs of franchises:** officers who performed the duties of sheriffs within privileged jurisdictions within which formerly the sheriff could not act. **Bailiffs of hundreds:** officers appointed by sheriffs to act in hundreds, to collect fines, to summon juries, to attend the judges, to execute writs, etc. **Bailiffs of manors:** stewards or agents, appointed by the lord (generally by an authority under seal), to superintend the manor, collect fines and quit rents, and do other acts for the lord's interest. Anciently, a distinct officer from the steward, and immediately subordinate to him.

Bailium, baillium, l. l. *In old law.* Protection; custody; bail. The office, authority or jurisdiction of a bailiff. *v. Ballium.*

Bailivia, l. l. *In old law.* A bailiwick. *v. Bailiwick; Baliva.*

Bailiwick, bailywike, Balliva, baliva, bailivia, balia, ballia, balivatus, l. l., Baillie, bailly, l. fr. The district or jurisdiction of a bailiff or sheriff. In the old law, a liberty or exclusive jurisdiction which was exempted from the sheriff of the county, and over which the lord of the liberty appointed a bailiff with such powers within his precinct as an under-sheriff exercised under the sheriff of the county; a county.

Bailler, bailer, bayler, l. fr. To deliver, commit or intrust; to lease; to lend; the indorsement made on a bill by the clerk of the house of commons when it has passed the house and is to be sent up to the lords.

Bailli, fr. A person to whom a judicial authority and jurisdiction were assigned or delivered by a superior.

Baillie, bailly, l. l. A bailiwick; jurisdiction; province.

Baillium, l. l. *In old English law.* Bail; delivery.

Bailment. A delivery of a thing of a personal nature by one person to another to be held according to the purpose of the delivery, and to be returned or delivered over when that purpose is accomplished; the contract resulting from such delivery or upon which such delivery is made; in old practice, a becoming bail for another.

Bailor. The party who bails or delivers goods to another upon the contract of bailment. v. *Bailment*.

Bailour, l. fr. A surety.

Baily, bayly, baylie, fr. and eng. *In old English law.* A bailiff; a species of attorney; a bailee; one to whom a thing was bailed.

Bair-man. *In old Scots law.* A bankrupt; otherwise called *dyvour*. v. *Dyvour*.

Bairns, sc. *In Scots law.* A known term, used to denote one's whole issue. **Bairns' part:** the share of the father's property to which by law the child is entitled,—a third part of the free movables, debts deducted, if the wife survives, and a half if she does not survive.

Balæna, balena, ballena, l. l. *In old English law.* One of the "royal fish," sometimes considered to be a kind of whale, the head of which belonged to the king, and the tail to the queen.

Balance. A sum remaining due on an account; a sum expressing the difference between the debit and credit sides of an account.

Baldio, sp. *In Spanish law.* Waste land; land that is neither arable nor pasture.

Baleuca, baleuga, banleuca. v. *Banleuca*.

Balia, ballia, l. l. *In old law.* A bailiwick; the district, territory or jurisdiction of a bailiff. v. *Ballia*.

Balium, ballium, l. l. *In old Italian law.* Protection; guardianship; education; ward. v. *Ballium*.

Balius, l. l. *In old law.* A tutor, protector or guardian.

Baliva, balliva, balivatus, balivia, ballivia, l. l. *In old English law.* A bailiwick, or jurisdiction. v. *Bailiwick; Ballia*.

Balivus, ballivus, l. l. *In old English law.* A bailiff. **Balivi:** bailiffs; sheriff's officers.

Ballena, l. l. v. *Balæna*.

Ballia, balia, balliva, baliva, ballivia, balivia, l. l. *In old English law.* A bailiwick. v. *Bailiwick; Non est inventus, etc.*

Balliare, l. l. *In old law.* To bail.

Ballium, balium, l. l. *In old law.* Protection; custody; guardianship; bail or delivery; the delivery or bailing of a person out of prison, under sureties for his appearance. Bail-or sureties for a defendant's appearance, and to whom he was delivered for safe keeping. Delivery of goods. An outer bulwark of a fortified place; the area, or court-yard, contained within such inclosure.

Ballivus, balivus, baillius, baillivus, l. l. *In old law.* A bailiff, baily or bailie; a person to whom some authority or trust was committed or deputed. A ministerial officer of justice; as a sheriff or con-

stable. A sheriff's officer or deputy. A steward; an officer under a steward. One who acted for, or represented another, with an authority less than that of an attorney. A judge.

Ballot. A ball or ticket used in voting; a paper embodying a vote; the act of voting by a ball or ticket; the whole number of votes so cast.

Balnarii, l. *In the Roman law.* Thieves, who stole the clothes of bathers in the public baths.

Ban, sax., eng., fr. *In old European law.* A military standard; a banner. A summoning to a standard; a calling out of a military force; the force itself so summoned: a national army levied by proclamation. A public proclamation or notice of any kind. A proclamation, edict or sentence of interdiction or proscription; a declaration of outlawry; a sentence of excommunication; a denunciation or curse. An expanse; an extent of space or territory; a space inclosed within certain limits; the limits or bounds themselves. A privileged space or territory around a town, monastery or other place. *v. Banns.*

In feudal law. A space within which certain privileges might be exclusively exercised and certain dues exacted; as, at mills or ovens, where the lord might exact what in England was called suit at oven, or suit at mill.

Banal, bannal, fr. *In old French law.* Having qualities derived from a ban or privileged space; as, a banal mill, a mill to which the lord might require his tenant to carry his grain to be ground.

Banality. *In old French law.* A seigniorial right to exact certain dues or services within certain limits; as, to compel a tenant to send his grain to the lord's mill to be ground, etc. The right of having a mill, etc., at which such an exclusive service may be exacted. The territorial limits within which such right may be exercised.

Banc, bank. A bench; the place where a court regularly sits; the full bench, or full court, as distinguished from the sitting of a single judge at *nisi prius*. *v. Bancke; Bancus; Bank.*

Bancke, l. fr. Bench; a name formerly given to the English court of Queen's Bench and the court of Common Pleas. *v. Bank.*

Bancus, l. l. *In old English law.* A bench or seat in the king's hall or palace. A seat of judgment; a tribunal for the administration of justice. The sittings of the full court as distinguished from sittings of a single judge at *nisi prius*. The name, as originally applied to a particular court, of the English Court of Common Bench or Common Pleas, which was later called *bancus apud Westmonasterium* or *communis bancus*; later the name of the court more specifically called *bancus regis*, or the King's Bench. A high seat or seat of distinction. A seat or place of residence. A stall or bench on which goods were exposed for sale. **Bancus apud Westmonasterium:** the bench at Westminster; the old title of the court of Common



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

the will of the debtor; but in America, in general, a law set in motion by either creditors or debtor.

Bankruptcy. The act by which one becomes or is made a bankrupt, voluntary where it is the act of the debtor, involuntary where it is the act of creditors. v. *Bankrupt*.

Banleuca, banleuga, balenca, l. l. *In old law.* A space around certain cities, towns, monasteries, etc., distinguished from other ground, and protected by peculiar privileges.

Banneret, baneret. *In old English law.* A degree of honor next after that of baron, when conferred by the king; otherwise next after that of baronet.

Banni, banny, l. fr. A banished man; an outlaw.

Banni nuptiarum, l. l. *In old English law.* The bans of matrimony. v. *Bannum; Bannus*.

Bannire, banniare, l. l. *In old European law.* To proclaim; to decree or declare publicly; to publish an edict, decree or proclamation. To summon; to call out by edict, either to court or to military service; to summon to a standard, *bannum*, or banner. To proscribe; to put to the ban; to confiscate. To expel by a public proclamation or ban; to banish; to expel from a *bannum* or certain territory. v. *Bannimus*.

Bannitio, l. l. *In old European law.* Banishment; expulsion by a ban, or public proclamation; a banning, or putting to the ban. v. *Bannire; Bannum*.

Bannitus, banniatus, l. l. *In old European law.* Banished; outlawed. An outlaw.

Banns, bans. A public proclamation in church on Sunday and during the time of public worship of the intention of parties to enter into the marriage covenant.

Bannum, l. l. *In old European law.* An edict, statute or public ordinance; a ban. A field or territory; the limit or precinct of a town; the town with all its bans or bounds and appurtenances. Banishment or exile; proscription; confiscation. A tribute. A proclamation or publication; the publication of marriage in a church. An anathema, or curse. A fine, or penalty. **Bannum solvat:** he shall pay a ban, a fine, or penalty. v. *Bannire*.

Bannus, l. l. *In old English law.* A proclamation. **Bannus regis:** the king's proclamation, made by the voice of a herald, forbidding all present at the trial by combat, to interfere either by motion or word, whatever they might see or hear.

Banque, l. fr. A bench; the table or counter of a trader, or banker. **Banque route:** a broken bench or counter; bankrupt, or in old English, *bankerout*. v. *Bank; Bankrupt*.

Bar. A special plea which constitutes an answer to an action, so called because it bars the plaintiff from further prosecution. The place in court which counsellors or advocates occupy while addressing the

court or jury, and where prisoners are brought for arraignment or sentence; usually designated by a material inclosure of some kind, to which the name of a bar may be given: in England, barristers, except a privileged few, sit and plead without the bar; hence, utter or outer barristers. The presence of the court, either actual or constructive: a case at bar is thus a case presently before the court,—a case under argument. The members of the legal profession, collectively, called the bar, from the place which they usually occupy in court. **Bar fee:** a fee formerly taken by the sheriff in England for every accused person acquitted.

Baraterius, barator, barector, l. l. *In old English law.* A barretor, q. v.

Baratry. *In Scots law.* Giving judgment for a bribe. **Baratriam committit qui propter pecuniam justitiam baractat:** he commits baratry who barter justice for money.

Baratterie, fr. *In French law.* Barratry.

Barcarium, bercarium, berquarium, l. l. *In old English law.* A sheepcote or sheepwalk; a berghery. **Barcarius, barquarius, berquarius:** a shepherd; a keeper of sheep.

Barectator, barector, l. l. *In old English law.* A barretor, or barretor. v. *Barretor.*

Baret, l. fr. A wrangling suit.

Barga, bargia, l. l. *In old law.* A barge.

Bargain. A mutual undertaking; a contract between persons, one to buy, and the other to sell, goods or lands. **Bargain and sale:** as applied to realty, a contract for a conveyance of land for a valuable consideration which originally passed nothing but a use, the seisin for want of livery remaining in the bargainer, but which under the statute of uses transfers the possession and thus makes a complete conveyance. As applied to personalty, an agreement to sell, followed and completed by a sale, the bargain being the arrangement of terms, and the sale such a completion of the transaction as passes the property. v. *Catching a bargain; Contract; Unconscionable.*

Bargainee. The buyer of personalty. v. *Bargain and sale.*

Bargainor. The seller of personalty. v. *Bargain and sale.*

Barganizare, l. l. *In old law.* To bargain; to agree. **Barganizavit et vendidit:** (he) hath bargained and sold. **Barganizasset:** (he) had bargained. v. *Dedi, concessi, etc.*

Baricellus, l. l. *In old English law.* An officer who apprehended malefactors.

Bark. The mere words or letter of an instrument, or outer covering of the ideas sought to be expressed, as distinguished from its inner substance or essential meaning. v. *Cortex; Qui hæret in litera, etc.*

Barmote, or Berghmote. Courts in Derbyshire, England, called respectively the great and the small, which administer justice among the miners of the Peak.

Baro, barus, viro, l. l. *In old English law.* A man; a freeman, or freedman; a strong, able-bodied man, who serves for hire; a warrior or chief, as distinguished by strength; a life, or body guardsman; a vassal or feudal tenant; a freeholder; a proprietary owner of land; a head or chief vassal, or tenant in *capite*; one who held his lands immediately of the king, by military service; a feudal lord; a lord or nobleman; a judge of the exchequer; a citizen of a city or town having certain privileges; a chief citizen; a husband. **Baron et feme:** man and wife. v. *Baron.*

Baron, l. fr. and eng. A particular degree of nobility in England,—the fifth and lowest; a judge of the court of exchequer; a husband; a freeman. The chief citizens of London and some other places in England in which the citizens have peculiar privileges are called barons in early charters, and so of the freemen of the cinque ports. **Barons of the cinque ports:** members of parliament returned from the cinque ports,—the inhabitants of those ports generally.

Baronage, baronagium, barnagium, l. l. The collective body of the English nobility. The retinue, attendants or following of a baron.

Baronet. An English name of dignity signifying *little baron*; an hereditary dignity created by letters patent, and usually descendible to the issue male, but not a title of nobility.

Baronettus, baroncellus, baronulus, baronculus, bariculus, baroniculus, l. l. *In old English law.* A baronet; a little or lesser baron.

Baronia, Baronatus, l. l. *In old English law.* The dignity, territory, patrimony or fee of a baron; a barony; a manor, or the territory of a manor; a house of a certain kind in London; a part of a county corresponding with a hundred. v. *Barony.*

Baronissa, l. *In old English law.* A baroness, the wife of a baron.

Barony. The dignity of a baron. A species of tenure, a holding anciently by the service of attending the king in his courts, as a baron. The territory of a baron, or the lands which form his tenancy. v. *Baronia; Caput baroniæ.*

Baroun, barroun, barun, l. fr. Baron; a husband.

Barra, l. l. *In old English law.* A bar to an action; a plea containing a sufficient answer to the action; a plea in bar; the bar of a court. v. *Bar; Barre; Barrister.*

Barrasterius, l. l. *In old English law.* A barrister; a pleader at the bar.

Barratare, l. l. *In old English law.* To embezzle.

Barrator. v. *Barretor.*

Barratrous. Fraudulent; having the character of barratry.

Barratry. Fraudulent, criminally negligent or wilfully injurious conduct on the part of the master or crew of a vessel, to the injury of the owner of the ship or cargo, and without his consent.

Barratry, barratrie, baratry. *In Scots law.* The receiving of a bribe for a judgment. v. *Baratry; Barretor.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Basse justice, fr.** *In feudal law.* Low justice; the right of a feudal lord to try persons accused of petty offenses. v. *Justice.*
- Bastard.** A child born out of wedlock or in circumstances that show that it is impossible for him to have been the son of the husband of the mother.
- Bastard eigne, fr.** Bastard elder or eldest; the son of unmarried persons who afterwards intermarry and have another son,—the latter being called *mulier puisné.*
- Bastarda, l. l.** *In old English law.* A female bastard.
- Bastardia, l. l.** *In old English law.* The plea or objection of illegitimacy.
- Bastardus, l. l.** *In old English law.* Bastard; a bastard.
- Bastardus nullius est filius; aut filius populi, l.** A bastard is no man's son, or the son of the people.
- Bastardy, Batardise, fr.** A defect of birth, objected of a child begotten out of wedlock; the state or condition of a bastard; the offense of begetting a bastard. **Bastardy bond:** a bond executed by the father of a bastard, conditioned for maintenance, etc. **Bastardy process, or proceeding:** a proceeding against the putative father of a bastard to secure maintenance.
- Baston, fr.** *In old English law.* A staff or club; a baton.
- Bastonicum, l. l.** *In old law.* Close custody.
- Basus, bassus, l. l.** *In old English law.* Struck measure.
- Bataille, bataile, l. fr.** *In old English law.* Battel; the trial by combat or *duellum.*
- Batalare.** To handle or brandish weapons; to strike; to fight.
- Batalium, batalia, l. l.** A battle or combat.
- Batardise, fr.** Bastardy, q. v.
- Batel, l. fr.** Battel; arrayed for battel.
- Bateria, batteria, l. l.** *In old English law.* Battery; a battery; the unlawful beating of another.
- Battail.** An old form of *battel*, q. v.
- Battel, battail.** *In old English law.* Duel, or single combat. A species of trial by combat, introduced into England by William the Conqueror, in which a person accused of felony was allowed to fight with his accuser, under the apprehension that heaven would give the victory to the innocent or injured party. It was also used as a mode of trial of issues joined on writs of right, in which the parties fought by champions. It was abolished by statute 59 Geo. III., c. 46.
- Battere, l. l.** To beat or strike; properly, to beat with a club or stick.
- Battery.** The unlawful beating of another; any unlawful, wilful or unduly careless touching of the person of another, either by the aggressor himself, or by anything put in motion by him.
- Batture, fr.** A bottom of sand, etc., rising towards or above the surface of a river; a species of alluvion.

- Baunc, baunk, l. fr.** Bench; the bench; the court so called. v. *Bancke; Bancus; Bank.*
- Bawd.** A person who procures opportunities for illicit sexual commerce; a procurer or procuress.
- Bawdy-house.** A house kept for the purposes of prostitution; a house of ill-fame.
- Bayl.** An old form of *bail*, q. v.
- Bayle.** An old form of *bailee*, q. v.
- Bayler, fr.** *In old English law.* To deliver; to lend. v. *Bailler.*
- Bayley.** *In old English law.* Bailiff.
- Baylment.** An old form of *bailment*, q. v.
- Bayly, baylie, l. fr.** A bailiff.
- Bayou.** A species of creek or stream common in Louisiana and Texas, constituting an outlet from a swamp, pond or lagoon, to a river, or the sea.
- Beaconage.** *In old English law.* Money paid towards the maintenance of a beacon, or watch-fire.
- Beadle, bedel.** An officer attached to a church, or parish, whose business it is to attend the vestry, to give notice of its meetings and execute its orders, to assist the constable in apprehending vagrants, etc. v. *Bedel.*
- Bearer.** One who bears or carries a thing; as, a letter, a check on a bank, a bank-note.
- Bearers.** *In old English law.* Persons who bore down, or oppressed others.
- Bearing date.** Dated; having a date on the face.
- Beastgate.** In Suffolk, England, land and common for one beast.
- Beasts of the chase.** *In English law.* The buck, doe, fox, martin and roe; but in a common and legal sense, all beasts of the forest. **Beasts of the forest:** the hart, hind, hare, boar and wolf; but legally all wild beasts of venery. **Beasts of the warren:** the hare, coney and roe. v. *Fowls of warren.*
- Beaupleader, beaupleder, bewpleader.** *In old English law.* Fair pleading; apt or correct pleading; or, perhaps, the fair or favorable hearing of a plea, or suit.
- Bec, sax.** A book. v. *Boc.*
- Bed.** The channel of a stream; the part between the banks worn by the regular flow of the water.
- Bedel, bedell, beadle.** A crier, messenger, summoner, a ^{pp} ^r ^{it} or, bailiff, underbailiff. A crier or messenger of a court, who cites parties to appear, and answer; an officer of the forest, similar to a sheriff's special bailiff; a collector of rents for the king; a parish officer. v. *Beadle.*
- Bedelary.** *In old English law.* The district of a bedel; as a bailiwick is the district of a bailiff. v. *Bedel.*
- Bedellus, l. l.** *In old English law.* A beadle; a hayward.

- Bederepe.** *In old English law.* A service which some tenants were bound to perform; as to reap their landlord's corn in harvest.
- Before.** Preceding in time or space; in presence of. v. *Coram.*
- Behaviour.** Manner of holding or keeping one's self; personal carriage or demeanor. **Behavior as heir:** v. *Gestio pro hærede.*
- Behoof.** Profit; advantage.
- Belief.** A persuasion of the truth of a statement, or fact, formed, in the way of inference from some other fact, or from information, as distinct from personal knowledge.
- Bellagines, bilagines, l. l.** Municipal laws of the Goths. v. *Bilagines; By-laws.*
- Bellare, l. l.** To war; to make war. v. *An bellare, etc.*
- Belligerent.** Actually at war; a nation engaged in war, as distinguished from a neutral.
- Bellum, l.** War; an armed contest between nations; the trial by single combat or battel. **Bello parta cedunt reipublicæ:** things acquired in war go to the state.
- Belong, belonging.** As applied to inhabitancy may mean, as in statutes relating to paupers, legal settlement, not mere residence.
- Below.** Inferior; of inferior jurisdiction: as, the court from which a cause is removed by appeal or writ of error. Preliminary; auxiliary or instrumental: as, bail to the sheriff which is called "bail below," as being preliminary to, and intended to secure the putting in of bail above, or special bail. v. *Above.*
- Bench.** A seat of judgment, or tribunal for the administration of justice; the seat occupied by judges in courts; the judges themselves, as occupying the judgment seat; the ancient and original name of the English Court of Common Pleas, or Common Bench. **Bench warrant:** a warrant issued by or from a bench or court for the arrest of a person indicted, or for contempt.
- Benchers.** The senior or governing members of the English Inns of Court. v. *Inns of court.*
- Bene, l.** *In old English law.* Well; safely; sufficiently; in due form. **Bene et in pace:** well and in peace.
- Benedicta est 'expositio quando res redimitur a destructione, l.** That is a blessed interpretation when a thing is saved from destruction [*i. e.* by which effect is given to the instrument]. v. *Ut res magis, etc.*
- Benefice.** *In English ecclesiastical law.* An ecclesiastical living or church preferment, called in Magna Charta, *beneficium ecclesiasticum.* Technically the word includes ecclesiastical preferments to which rank or public office is attached, otherwise described as ecclesiastical dignities or offices, such as bishoprics, deaneries and the like; but popularly it is commonly appropriated to rectories, vicarages, perpetual curacies, district churches and endowed chapelries.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

servire: interpretations are to be made liberally, by reason of the ignorance of laymen, that the instrument may have effect rather than be void; and words ought to be made subject to the intention, not the contrary.

Benignus, l. *In civil and old English law.* Kind; favorable; indulgent; liberal; benign; as opposed to strict, harsh or narrow. **Benignior:** more favorable. **Benignior sententia in verbis generalibus seu dubiis est præferenda:** the more liberal meaning of general or doubtful words is to be preferred. **Benignius leges interpretandæ sunt quo voluntas earum conservetur:** laws are to be more liberally interpreted in order that their intent may be preserved.

Bequeath. To give personal property by will.

Bequest. A gift of personal property by will; a gift of a legacy. v. *Legacy; Devise.*

Bercaria, berceria, berqueria, l. l. *In old English law.* A sheep-fold, sheep-cote or pen; a berchery.

Bercarius, bercator, l. l. *In old English law.* A shepherd. v. *Berquarius.*

Berewica, berewicha, berewichus, berewita, berwita, l. l. *In old English law.* A manor, or rather a part of a manor, separated from the main body; a smaller manor, belonging to a larger one; a hamlet, or small village, appurtenant to some town or manor; a corn-farm.

Berghmayster, barmaster, barmer. An officer having charge of a mine; a bailiff, or chief officer among the Derbyshire miners, who, in addition to his other duties, executes the office of coroner.

Berghmote, bergmoth. *In old English law.* A barmôte, q. v.

Bergium, l. l. *In old English law.* A city, town, burg or borough.

Beria, buria, l. l. *In old English law.* A city, burh, habitation or manor; a plain adjoining a town.

Bernet, sax. *In Saxon law.* Burning; house-burning, ¹ ~~is~~ called arson.

Berquarium, l. l. *In old English law.* A sheep-fold; ¹ ~~is~~ tan-house.

Berquarius, l. l. *In old English law.* A shepherd. ² ~~is~~

Berra, l. l. *In old English law.* A plain; open heath. **Berras assartare:** to grub up barren heaths. v. *Beria.*

Bersæ, l. l. *In old European law.* Barriers; inclosures; limits.

Berthinsek, birdinsek, byrthinsak, o. sc. *In old Scots law.* A law which exempted from capital punishment for stealing, one who stole only so much food or meat as he could carry on his back in a sack.

Berton. In England, that part of a great farm where the barns, stables, and other inferior offices stand, and where cattle are foddered, etc. In Devonshire, a great farm. v. *Barton.*

Bertonarii, l. *In old English law.* Farmers or tenants of berton, who seem to have been tenants at will.

Berwica, l. l. *In old English law.* A manor, or part of a manor; a village appurtenant to a manor.

Bes, pl. besses, l. *In the Roman law.* A division of the *as*, or pound, consisting of eight *unciæ*, or duodecimal parts, and amounting to two-thirds of the *as*; two-thirds of an inheritance; eight per cent. interest.

Besayel, besaiel, besayle, l. fr. *In old English law.* A writ which lay where a great-grandfather died seised of lands and tenements in fee-simple, and on the day of his death a stranger abated, or entered and kept out the heir. Now abolished with other real actions.

Besongnes, l. fr. Business.

Bet. v. Wager.

Betaghii, betagii or betaghes. Anciently, villeins in Ireland.

Better equity. The equity of a second incumbrancer who takes security which the prior incumbrancer did not, where the security is of a nature to protect him against any subsequent dealing to his prejudice by the party who had the legal estate.

Betterment. An improvement to realty which goes beyond ordinary repair; an improvement made by an occupant or possessor, in building, fencing, draining, etc.; enhancement of value by the making of public improvements in adjacent streets, etc.

Between. Among; as applied to places, excludes both; as applied to days, excludes both.

Bewpleader. v. Beaupleader.

Beyond sea, beyond seas, beyond the four seas. Out of the United Kingdom; out of the realm; out of the United States; out of the state.

Bias. A leaning or inclination of the mind in a particular direction, or in favor of a particular person or class of persons.

Bicycle. A carriage within the meaning of a statute forbidding fast driving, but not, within the meaning of a statute requiring payment of toll on a highway.

Bid. To offer a price, more especially at an auction; to offer by way of competition for a contract for work to be done or materials to be furnished. **Bid off:** to offer by way of a bid at auction and to have the thing on sale knocked down in acceptance of the offer. **By-bidding:** fictitious bidding not to save the property from sacrifice, but to mislead *bona fide* bidders and increase their bids.

Bid. An offer of a price, more especially an offer at an auction; an offer by way of competition for a contract for work to be done or materials to be furnished; that which is offered. **Upset-bid:** an offer of a higher price for property sold at public sale, made to the court having jurisdiction, to procure the sale to be opened and other offers to be entertained.

Bien, fr. Well; advisable; lawfully; in lawful form. *v. De bene esse; Paroles del bien estre.*

- Biennium, l.** *In old English law.* A period of two years. v. *Cessavit per biennium.*
- Biens, fr.** Goods; goods and chattels; property in general. **Biens et chatenx:** goods and chattels. **Biens meubles et immeubles:** goods movable and immovable.
- Bigamia, l. l.** Bigamy. v. *Bigamy.*
- Bigamus, l. l.** *In old English law.* One who has been twice married, or has married more than one wife; a bigamist. v. *Benefit of clergy; Bigamy.*
- Bigamy.** The act of having two wives or husbands at the same time, the one *de jure*, the other *de facto*. In the civil and canon law, also the act of having one after the death of the other. The proper word would seem to be polygamy, but bigamy in this sense is generally used.
- Bilagæ, l. l.** *In old law.* By-laws. v. *Bilagines; Laga.*
- Bilagines, bellagines, bilagæ, l. l.** *In old law,* The laws of towns; laws made by the inhabitants of towns for their own government; municipal laws; by-laws. v. *By-laws.*
- Bilanx, bilancia, l. l.** *In old English law.* A balance. **Bilanciæ:** scales for weighing. v. *De bilanciis, etc.*
- Bilateral.** Two-sided. **Bilateral contract:** a contract in which there are two promises, one the consideration of the other.
- Biline.** Collateral. v. *En line, etc.*
- Bilinguis, l.** Double-tongued; one speaking two languages; anciently, a jury *de medietate linguæ* in cases between an Englishman and a foreigner, composed in part of persons of the nation of the latter; a jury of the *half-tongue*. v. *De medietate linguæ; Half-tongue.*
- Bill.** A formal statement or declaration in writing; a formal written statement of complaint to a court of justice; a declaration by a court to its officers, in the nature of process; a record or written statement of proceedings in an action; a written statement of a debt, demand or contract; a draft of a law submitted to a legislative body for enactment; a solemn and formal written declaration of popular rights and liberties. **Bill of adventure:** a writing signed by a merchant or ship-owner to the effect that goods on board in his name are the property and at the risk of another to whom he is bound to account only for the proceeds. **Bill of attainder:** an act of the legislature attainting a person or persons named in it. v. *Attainder.* **Bill of costs:** an itemized statement of the costs awarded a party in an action. v. *Costs.* **Bill of credit:** paper issued by the authority of a state, on the faith of the state, and designed to circulate as money; a letter giving a person credit with the agent or correspondents of the maker. **Bill of exceptions:** a statement of the directions given or decisions made by the judge during the trial to which the excepting party objects, which when duly signed and sealed by the judge becomes a part of the record for



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

license granted at the custom-house to merchants to carry such stores and provisions as are necessary for their voyage, free of duty. **Bill of sufferance:** a license granted at the custom-house to a merchant to trade from one English port to another without paying custom.

In old English law. **Bill, or Original bill.** The old most usual beginning of actions in the King's Bench, the original writ being dispensed with. It was a written statement of the plaintiff's cause of action, always alleging a trespass as the ground, in order that the court might entertain the action. It resembled the modern declaration, and was sometimes called a *plaint*. **Bill of debt:** a written engagement by a merchant to pay money on demand or at a specified time,—a general term including both bonds and negotiable paper. **Bill of Middlesex:** a civil process peculiar to the King's Bench, by which the court, sitting in Middlesex, acquired jurisdiction without an original writ. It was founded on a fiction of trespass within that county, of which that court had jurisdiction; and upon return *non est* a writ of *latitat* issued to the county where the defendant was, alleging that he there lurked, etc. **Bill of privilege:** a process which formerly was the established method of proceeding against attorneys and officers of courts, who were not liable to arrest.

In Scots law. **Bill chamber:** a department of the court of session which has jurisdiction of petitions for suspension, interdict, etc. **Bill of advocation:** a bill by which the judgment of an inferior court is appealed from, or brought under review of a superior. **Bill of health:** an application by a person in custody for a discharge because of ill-health.

In French law. **Bill of gross adventure:** any written instrument containing a contract of bottomry or other maritime law.

Bill in equity. The complaint of a suitor in a court of equity, in form a petition, stating the case and praying for relief or discovery. It is in general the mode of beginning a suit, and corresponds to the declaration in an action at law. There are many kinds of bills,—original bills; bills not original; cross-bills, or bills brought by defendants against complainants or others; supplemental bills, or bills to supply a defect in the original bill which cannot be supplied by amendment; and other bills, *infra*. **Bill for cancellation:** a bill brought to destroy evidence which may affect the complainant injuriously in the future. **Bill for a new trial:** a bill praying for an injunction upon proceedings on a judgment at law on grounds which render it inequitable to enforce the judgment,—grounds not available at law. **Bill of conformity:** a bill filed by an executor or administrator against creditors where the estate is so involved that he cannot safely administer without the direction of the court. **Bill of discovery:** a bill praying for a disclosure by the defendant

of matters within his knowledge, and praying for no relief beyond a stay of proceedings in which such matters are to be used. **Bill of information:** a bill filed by the attorney-general or other proper officer in behalf of the state,— if the state is immediately concerned, upon his own motion, but if not, then at the instance of the person who is so concerned, who is called the relator. **Bill of peace:** a bill brought by a person threatened with a number of suits based on the same claim, or involving the same matter, to procure a perpetual injunction. **Bill of review:** a bill to review a decree, either for error or because of newly-discovered evidence. A bill brought by a person against whom a decree is rendered, but who has no interest or an insufficient interest in the subject-matter, is called a bill in the nature of a bill of review. **Bill of revivor:** a bill brought to continue a suit which has abated, as by death of the complainant, or, the complainant being a female, by marriage of the complainant. A bill brought, where, upon the death of a party, his interest is transmitted so that the title may be litigated in equity, is called a bill in the nature of a bill of revivor. **Bill quia timet:** a bill brought by a remainder-man of realty, or a person who has a future interest in personalty, to prevent an injury to the property or his rights therein; more generally, bills of peace, bills to perpetuate testimony, bills for cancellation and bills to remove clouds upon title are also bills *quia timet*. **Bill to perpetuate testimony:** a bill brought to obtain and preserve testimony as to matter which is not in litigation, and which the complainant cannot put in litigation,— the converse of a bill for cancellation. **Bill to remove cloud upon title:** a bill to confirm a title which is in fact good, but which the holder fears may be disturbed by another who holds adverse deeds or evidence, but has not brought action. **Bill to take testimony de bene esse:** a bill brought to take the testimony of a witness who is aged or infirm, or who is about to leave the country, so that there is reason to fear the testimony may be lost, for use in a suit already begun.

Billa, l. l. *In old English law.* Bill; a bill. v. *Bill; Narratio.* **Billa cassetur, or Quod billa cassetur:** that the bill be quashed, the judgment for a defendant on a plea in abatement, where the proceeding was by bill. **Billa excambii, or escambii:** a bill of exchange. v. *Litera cambii.* **Billa exonerationis:** a bill of lading. **Billa vera:** a true bill; the indorsement made on a bill of indictment by a grand jury, when they found it sustained by evidence. v. *Indictment.*

Bille, l. fr. Bill; a bill; a bill of exceptions.

Billet de change, fr. *In French law.* A billet or bill of exchange, or a written promise to furnish a bill.

Billeta, billetus, l. l. *In old English law.* A bill or petition exhibited in parliament.

Billetum, l. l. *In old English law.* A billet, bill or memorandum of the delivery of a writ, which, under the statute of Westminster 2, c. 39, parties might require of the sheriff.

Billo, billio, l. l. *In old English law.* Bullion.

Bind. To place under legal obligation, particularly by covenant or bond; to affect as by legislation, or by judgment or decree, or by act or declaration of a privy, wife, partner, agent or accomplice. **Bind out:** to put under bonds as an apprentice. **Bind over:** to put under bonds to appear as a witness or as a defendant, or to keep the peace.

Bipartite, fr. and eng. Of two parts; divided in two. Formerly applied to indentures to which there were two parties and of which there were accordingly two parts. *v. Tripartite; Quadripartite.*

Bipennis, l. *In old Scots law.* A halbert; a pole-ax; a Jeddart staff.

Birlaws, burlaws, byrlaws. *In Scots law.* Laws made by country people or husbandmen respecting rural affairs. *v. Burlaws.*

Birretum, birretus, l. l. *In old English law.* The cap or coif of a judge or serjeant at law. A cap of linen or silk fitting close to the head, the first and principal badge of distinction of a serjeant, always worn by the justices sitting in the king's court, and never laid aside, either by justices or serjeants, so as entirely to uncover the head, even in the presence of royalty itself.

Bis, l. Twice. **Bis coctus:** twice baked; applied to bread called *simenel* or *symenel*. **Bis idem exigi bona fides non patitur; et in satisfactionibus non permittitur amplius fieri quam semel factum est:** good faith does not suffer the same thing to be demanded twice; and in making satisfaction [for a debt or demand] it is not allowed to be done more than once. **Bis petitum:** a thing twice demanded. *v. Bona fides non, etc.; Nemo debet bis, etc.*

Bisacuta, l. *In old English law.* An axe or bill.

Bisextus, l. *v. Bissextus.*

Bi-scot. *In old English law.* A fine imposed for not repairing banks, ditches and causeways.

Bishop. An ecclesiastical officer, chief of the clergy within a diocese and subordinate to the archbishop. He is called the archbishop's *suffragan*, or assistant, or, in the common law, the ordinary. The law of this country recognizes no such officer.

Bishopric. The district over which a bishop has jurisdiction; the office of a bishop; a diocese.

Bissextile. The year in which a day is added to the month of February to keep the calendar year in accord with the solar year; leap year.

Bissextus, l. *In old English law.* The added day of a leap year. *v. Bissextile; Year.*

Black acre. A fictitious name used by the old writers, with the name *white acre*, for convenience and to avoid ambiguity, in speaking of



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

smooth, as coin having no impression, and, hence, paid by weight and not by tale. **Blanch ferme, fearme, farm or firm:** white farm or rent; rent paid in silver. v. *Alba firma; Blancus; Farm.*

Blanch holding. *In Scots law.* A tenure in which the vassal paid a small duty to the superior in full of all services, as an acknowledgment of his right, either in money, or in some other substance; as a penny, a pair of gilt spurs, a pound of wax or of pepper.

Blank. A space in a writing left to be filled with words to complete the sense; a paper containing the substance of a written instrument with spaces left to be filled with names, descriptions, date, etc.

Blank bar: a plea in trespass which called on the plaintiff to assign a certain place for the injury; otherwise called common bar. **Blank indorsement:** an indorsement of a bill or note, by merely writing the name of the indorser, without mentioning any person to whom the bill or note is to be paid.

Blasphemy. The use of irreverent words in reference to the Supreme Being, such as to produce scandal or provoke violence; a malicious reviling of God or religion. **Blasphemous libel:** the publication of writings blaspheming the Supreme Being, or ridiculing the doctrines of the Christian religion; — not an honest denial of the truths of that religion, but a publication with intent to pervert, insult and mislead others by licentious and contumelious abuse of sacred subjects.

Bled, ble, blees, l. fr. *In old English law.* Corn or grain. **Blees scies:** grain cut.

Blemissement, l. fr. *In old English law.* Blemishment; infringement; diminution; disparagement or degradation.

Blench, blench-holding. v. *Blanc; Blanch-holding.*

Blockade. *In international law.* The investment of a seaport by a competent naval force, with the view of cutting off all communication of commerce.

Blodwita, l. l. *In old English law.* An amerciament for the shedding of blood. v. *Bloodwit.*

Blood. Kindred; relationship; consanguinity; a person or persons so related. v. *Whole blood; Half blood.*

Bloodwit, blodwite, blodwyte. *In Saxon law.* An amerciament for the shedding of blood; an immunity from amercement for the shedding of blood.

Bloody hand. A hand stained with the blood of a deer, which in the old forest law of England was evidence, as was a like stain upon other parts, against a person caught trespassing in a forest, of the killing of deer.

Board. A table at which a council is held; hence any authorized council or assembly, but more particularly a number of persons organized for the management of some business or the execution of some trust: as, a board of aldermen, or arbitrators, or directors, or examiners, or inspectors, or supervisors, or the like.

Boarder. A person who is furnished with food statedly at the table of another, or with food and lodging in his house, for stipulated compensation. A person who comes to an inn upon a special contract to board and to sojourn is a boarder, not a guest.

Boc, sax. *In Saxon law.* A book, or writing; a deed or charter. **Boc horde:** a place where books, writings or evidences were kept. **Boc land:** land held and conveyed by boc or writing; deed or charter land, so called to distinguish it from folc land which was held without writing. v. *Folc land; Land boc.*

Boceras, sax. A scribe, notary or chancellor among the Saxons.

Bodin in feir of weir, o. sc. *In Scots law.* In warlike array.

Body. The physical person; the natural, as distinguished from an artificial, person; the trunk as distinguished from the head and limbs; a number of persons considered collectively; the physical part of a thing. A number of particulars taken together; a systematic collection, as of cases. **Body corporate:** a corporation. **Body of a county, or a state:** the county or the state considered in its territorial entirety. **Body of an instrument:** the substantial or essential portion of an instrument. **Body politic:** a state, or a municipal corporation; the sovereign power. **Body snatching:** the secret unauthorized removal of a dead body from the grave.

Boillourie, boilary, bullary, l. fr. and eng. *In old English law.* A salt-house or salt-pit, where salt is boiled.

Bois, boys, boyes, l. fr. Wood. **Haut bois:** high wood. **Sub bois:** under-wood or coppice.

Bolting. Formerly in the English Inns of Court, but more particularly at Gray's Inn, the private arguing of cases, as distinguished from mooting.

Bon, bone, bonne, l. fr. *In old English law.* Good; sufficient in law. **Bon, or Bone gree:** good will; accord; consent; — **ou mal gree:** with consent, or against consent. **Bones gents:** good men; persons qualified.

Bona, l. Goods; personal chattels; movable property. **Bona et cattalla:** goods and chattels; — **merchandise:** goods and merchandises. **Bona felonum:** goods of felons; goods of a person convicted of felony. **Bona forisfacta:** forfeited goods. **Bona fugitivorum:** goods of fugitives; the goods of one who flees for felony. **Bona notabilia:** notable goods; goods worthy of notice; goods of a decedent of the value of at least five pounds in more than one diocese, a basis for administration taken out before the metropolitan of the province, to prevent the appointment of several administrators by different ordinaries. **Bona peritura:** perishable goods. **Bona utlagatorum:** goods of outlaws. **Bona vacantia:** goods wanting an owner. **Bona waviata:** waived goods; goods stolen and thrown away by the thief in his flight, which go to the sovereign. v. *De bonis, etc.*

In the civil law. Goods; property in general, including lands. **Bona**

confiscata: confiscated goods; goods forfeited for offenses, so called because they belonged to the *fiscus*, or imperial treasury. **Bona immobilia:** immovable property, like lands, houses, etc. **Bona mobilia:** movable goods; personal chattels. **Bona vacantia:** goods wanting an owner.

Bona, bonus, bonum, l. Good. **Bona fide:** in good faith; honestly, without fraud; really, without pretense; innocently, without knowledge or notice. **Bona fides:** good faith; honesty; sincerity; — **exigit ut quod convenit fiat:** good faith demands that what is agreed upon shall be done; — **non patitur ut bis idem exigatur:** good faith does not suffer the same thing to be demanded twice. **Bonæ contracts:** contracts in which equity may interpose to correct inequalities and give effect to the intention of the parties. **Bonæ memoriæ:** of good memory.

In old English law. **Bona gestura:** good abearing, or good behavior. *v. Abearing.*

In the civil law. **Bona fides:** good faith; honesty; — **exigit, etc., — non, etc.:** *v. supra.* **Bonæ fidei:** of good faith; in good faith; — **action:** an action of good faith. *v. Actio bonæ fidei;* — **emptor:** a purchaser in good faith; a purchaser who was ignorant that the thing bought belonged to one other than the seller, or supposed that the seller had a right to sell; — **possessor:** a possessor in good faith; one who believes no one has a better right to possession than himself; — **possessor in id tantum quod ad se pervenerit teneatur:** a possessor in good faith is bound only for that which has come to him.

In the Roman law. **Bona gratia:** by mutual consent; voluntarily; a species of divorce where the parties separated by mutual consent; or where they renounced their marital engagements without assigning any cause, or upon mere pretexts; — **matrimonium dissolvitur:** mutual agreement dissolves the marriage.

In Scots law. **Bona patria:** the good country; good men of the country; good neighbors. *v. Boni homines; Patria.*

Bond. A writing under seal by which a person binds himself, his heirs, executors and administrators to pay a certain sum to another; usually with a condition added that if the maker, the obligor, does a specified act the obligation shall be void, otherwise remain of force; if without the condition it is called a single bond. An instrument of the nature of such a bond, but having also the qualities of a negotiable instrument, made and issued by the state or by a corporation, municipal or private, for the purpose of borrowing money. **Bond tenants:** copyholders and customary tenants. *v. Forthcoming bond; Income bond; Penalty; Refunding bond.*

Bond. To give bond, as for duties on goods; to secure payment of duties, by giving bond. **Bonded:** secured by bond. **Bonded goods:** goods the duties on which are secured by bond.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- books, etc. **Book cases:** adjudged cases reported and printed. **Book of acts:** the records of a surrogate's court. **Book of assises:** v. *Liber assisarum*. **Book of flefs:** v. *Feudorum libri*.
- In English law.* **Book of rates:** a table of customs duties authorized by parliament.
- In Scots law.* **Book of adjournal:** the original records of criminal trials. v. *Adjournal*. **Book of responses:** an account kept by the directory of the chancery to note a seizure by a sheriff in particular cases.
- In Saxon law.* **Book land:** v. *Boc land*.
- Boon days.** *In English law.* Certain days in the year in which copyhold tenants performed base services for their lord.
- Boot.** v. *Bote*, of which it is an old form.
- Booty.** Property of the public enemy captured on land.
- Booting or boting corn.** Rent corn, anciently so called.
- Bordage, bordagium, l. l.** *In old English law.* A species of base tenure; a holding on condition of supplying smaller provisions for the table, or board of the lord. v. *Bordarii; Bordlands*.
- Bordarii, bordimanni, l. l.** *In old English law.* Bordmen; bordars, or cottagers; tenants in *bordage*. Sometimes erroneously written *borduanni*. v. *Bordage; Bordlands*.
- Bordhalfpenny, bordhalpenny.** *In old English law.* Money paid at fairs and markets for the privilege of setting up tables, stalls and boards for the sale of wares.
- Bordlands.** *In old English law.* Demesne lands reserved by the lord for the maintenance of his board or table. v. *Demesne lands*.
- Bordlode.** *In old English law.* The quantity of provisions which bordarii or bordmen paid for their bordland.
- Bordservice.** *In old English law.* A tenure of bordlands. v. *Bordage*.
- Borg, borh, borah, borhoe, sax. and o. sc.** *In Saxon law.* A pledge; a pledge-giver, or surety; the head of each family composing a tithing or decennary, each being the pledge for the good conduct of the others.
- In old Scots law.* To let lands to borgh was to give possession to the last lawful possessor, under pledge to restore the same to him who should be found to have the right. **Borgh of hamhald:** a pledge or surety given by a seller of goods to the buyer for delivery and warranty. v. *Decennary; Friburg; Tithing*.
- Borgesmon, sax.** *In Saxon law.* The name of the head of each family composing a tithing. v. *Borg*.
- Borghbrech, burghbrech.** *In Saxon law.* Breach or violation of pledge; pledge-breach. The offense of violating the borg, or pledge given by the inhabitants of a tithing. v. *Borg*.
- Borhealder, borghealder, borghiealder, borgiealder, borhoealder,** corrupted into *Borrowholder*; **Borhesealder,** corrupted into *Borsholder* and *Bursholder*, sax. *In Saxon and old English law.* The

chief, head or principal man of a borg or pledge, that is, of a tithing or decenary; a chief pledge. v. *Borsholder*; *Decanus friborgi*.

Borough, borow, burrough, burgh. *In American law.* An incorporated town or village.

In English law. A town; a walled or fortified town; a town that sends a burgess or burgesses to parliament. **Borough court:** a private court of limited jurisdiction, held in a particular district for the prosecution of petty suits. **Borough, borow, or burgh English:** a custom of burgage tenure in certain old English boroughs and copyhold manors, by which land descended to the youngest son instead of the eldest, or if the owner had no issue, to his youngest brother. **Borough-head, borow-head:** the chief or headman of a borough. **Borough-holder, borow-holder:** v. *Borhealder*; *Borsholder*.

In Scots law. A corporate body created by charter and consisting of the inhabitants of the territory over which the charter extends.

Borrowe, sc. *In old Scots law.* A pledge.

Borsholder, bursholder. *In English law.* The head or principal man of a borg, borough or tithing. v. *Borhealder*.

Boscage. *In English law.* The food that trees yield to cattle; browse-wood, mast, etc.; an ancient duty of wind-fallen wood. v. *Cablish*.

Boscus, l. l. *In old English law.* Wood; all manner of wood; wood growing; a wood.

Bote, sax. *In old English law.* An allowance; an estover or estovers. v. *Estover*. The word is still retained as a part of the compounds, *housebote, ploughbote, firebote*, etc., partly in the old Saxon sense of reparation and partly in the more general sense of an allowance. v. *Cartbote; Firebote; Haybote; Housebote; Ploughbote*.

In Saxon law. A reparation, or making good of any damage done; the reparation of a church, town or bridge; a compensation, amends or recompense; a satisfaction or composition paid in expiation of an offense, as for the death of a vassal or kinsman, or for breach of the peace.

Boteless. *In old English law.* Without amends; without the privilege of making satisfaction for a crime by a pecuniary payment; without relief or remedy. Hence, in ordinary language, bootless, in the sense of vain or fruitless.

Botha, l. l. *In old English law.* A booth, stall, or tent to stand in, in fairs or markets.

Bothagium, l. l. *In old records.* Customary dues paid to the lord of the manor, for the pitching of a booth in a market or fair; boothage.

Bothna, buthna, bothena, l. l. *In old Scots law.* A park where cattle are inclosed and fed.

Bottomage, l. fr. *Bottomry.* v. *Bottomry*.

Bottomry, bottomary, bottomree, bottom-rhea. *In maritime law.* A contract for a loan upon what is in the nature of a mortgage of a vessel, the undertaking being for repayment with interest upon the

return or safe arrival of the vessel. The contract is in the form of a bond which is called a bottomry bond; the risk of the voyage being borne by the lender, the loan is at a high rate of interest.

Bouche, bouch, fr. and l. fr. Mouth; an allowance of provision. *v. Il port, etc.; Ne gist, etc.*

Bought note. A memorandum of a sale of goods by a broker, executed by the broker in his own name as the agent of the seller, and given to the buyer,—a memorandum which, with a corresponding sold note given to the seller, binds the parties.

Boulevard. A broad avenue set apart for ornament and for purposes of amusement and exercise. While a carriage way is a feature, a boulevard is not technically a street or highway.

Bound. A limit, or inclosing line of lands; the lines between designated points; the points themselves; a boundary. *v. Boundary.*

In American law. **Bound, or bounded tree:** a tree used as a bound of lands, particularly as a point or mark from which the boundary lines are drawn.

In English law. **Bound bailiffs:** sheriff's officers, so called from their being usually bound to the sheriff in an obligation with sureties, for the due execution of their office.

Boundary. A line or an object indicating the limit of a tract of land, an estate, or a state, country or territory; a line, or connected series of lines going around a tract of land, etc., and inclosing it on all sides. A boundary may be marked by natural objects, or by artificial objects, or by an imaginary line drawn from one such object to another, or by these things in any combination. **Artificial boundary:** an object erected by man, to designate a limit, as a wall, fence or post. **Natural boundary:** a natural object, left where nature placed it, as a lake, or stream, or tree.

Bounders. *In American law.* Visible marks or objects at the ends of lines drawn in surveys of land, showing courses and distances.

Bourg, fr. *In old English law.* A borough. *v. Borough.*

In old French law. A walled town or village; a corporate town; originally any aggregation of houses, whether many or few.

Bourgeois, fr. *In old French law.* An inhabitant of a bourg; a person entitled to the privileges of a municipal corporation; a burgess.

Bourgeoisie, fr. *In old French law.* The citizens of a bourg, collectively. In later law, the privilege or franchise of being a burgess; citizenship.

Bourgessours. *v. Burgessoars.*

Bout, fr. An end; a butt; the end of a tract of land; a line limiting it at the end. **Bouts et cotes:** ends and sides; butts and bounds.

Bouter, l. fr. To put. **Bouter avant:** to put before; to produce or exhibit.

Bouwerie, bouwerie, d. *In old New York law.* A farm; a farm on which the farmer's family resided.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- appropriating its contents. **Breaking doors:** a forcible removing of the fastenings of a house so that a person may enter. **Breaking jail, or prison:** an escaping from lawful confinement. v. *Breach*.
- Brecca, l. l.** *In old English law.* A breach, or decay, or any other want of repair.
- Bredwite, sax.** *In Saxon and old English law.* A fine, penalty or amercement imposed for a default in the assise of bread.
- Bref, brefe, brief, brieffe, briefve, l. fr.** *In old English law.* A writ. **Brief de droit:** a writ of right. v. *Breve; Brief.*
- Brehon, pl. brehons.** *In old Irish law.* A judge. **Brehon law:** the native system of law which existed in Ireland prior to the conquest by Henry II. So called from the name given to the judges.
- Brephotrophi, gr.-l.** *In the civil law.* Persons appointed to take charge of foundlings.
- Brettwalda, sax.** *In Saxon law.* The ruler of the Saxon heptarchy.
- Breve, pl. brevia.** *In old English law.* A writ; strictly an original writ, a writ by which alone any action in a superior court could be begun; in a more general sense, any precept of the king in writing and under seal issuing out of any court; a commission of a justice of a superior court. So called because of its brevity. **Breve de recto:** a writ of right. **Breve innominatum (pl. brevia innominata):** a writ containing a general statement only of the cause of action. **Breve judiciaire (pl. brevia judicialia):** a judicial writ; a writ issued by the court after the action was begun; any writ other than an original writ. **Breve nominatum (pl. brevia nominata):** a writ in which the circumstances of the case were particularly set out. **Breve testatum:** a conveyance in writing attested by subscribing witnesses; a brief memorandum attested by witnesses, and used as evidence of feudal investiture. **Brevia adversaria:** adversary writs; writs brought by an adversary to recover land. **Brevia amabilia:** amicable writs, or writs brought by consent or agreement. **Brevia anticipantia:** writs of prevention. **Brevia formata, or de cursu:** writs of form or of course; original writs the form of which was fixed and which issued as of course without cause shown. **Brevia magistralia:** writs prepared by the masters or clerks in chancery in cases for which there were no *brevia formata*, the writs being framed to suit the cases. They gave place, under the statute West. II., c. 24, to writs upon the case. **Brevia testata:** brief memoranda used in feudal times to perpetuate the tenor of conveyances and investitures, not signed nor sealed by the parties, but attested by witnesses and supported only by their testimony,—supposed to have been the origin of the modern deed. v. *Bref; De, etc.*
- In old Scots law.* **Breve testatum:** an acknowledgment in writing made on the land upon giving possession to a vassal.

Breviarium alaricianum, or Breviarium aniani, l. The breviary, or abridgment of Alaric, or of Anian; a code of law compiled by order of Alaric II., king of the Visigoths, for the use of the Romans living in his empire, published A. D. 506. In the middle ages it is commonly referred to under the titles *Corpus Theodosianum*, *Lex Theodosiana*, *Liber Legum*, or *Lex Romana*.

Breviate. *In English law.* An abstract, or epitome; a brief. A short extract, or copy of a writing.

Bribery. The offering of an undue reward to a person concerned in the administration of justice, or to a public officer, to influence his behavior in his office; the taking of such undue reward; the giving, promising or receiving of money, etc., to procure votes, or to influence voters at elections to public office.

Brief. A concise statement; an abridgment. **Brief of title:** an abstract of deeds, judicial proceedings, etc., affecting the title to realty. *In American law.* A written or printed argument or an abridged statement of the facts and the law of the case prepared by counsel and submitted to the court, upon the basis of which the oral argument, if there is one, proceeds.

In English law. A statement of the case, prepared by the attorney, containing the pleadings, the names of the witnesses, etc., for the convenience and instruction of the barrister or counsel at the trial.

In old law. A writ. v. *Breve*.

Brieve, sc. *In old Scots law.* A writ. **Brieve of right:** a writ of right.

Brigbote, briggebote, brugbote, sax. *In Saxon and old English law.* A tribute or contribution towards the repairing of bridges; an acquittance or exemption from such duty.

Bris, fr. *In French maritime law.* Breaking; wreck. v. *Naufrage*.

Brocage, brokage. *In old English law.* The wages, compensation or commission of a broker; the business or occupation of a broker.

Brocarius, broccarius, l. l., Bocker, o. sc. *In old Scots law.* A broker, negotiator, mediator, or middle-man.

Broccator, l. l., Brogger. *In old English law.* A broker.

Brogger. A broker; so called in old English statutes.

Broker. An agent employed to buy and sell or to make contracts, particularly in matters of trade, commerce and navigation, as a mere middle-man or negotiator,—he being, in general, not authorized to contract in his own name, nor intrusted with possession or the right to possession, as a factor is. In its earlier use, the word was confined to persons acting in dealings between merchant and merchant.

Brokcrage. The commission paid to a broker.

Bruarium, bruera, brueria, bruerum, bruyrium, l. l. *In old English law.* A heath ground; ground where heath grows.

- Brugbote, brigbote, briggebote, sax.** *In old English law.* A contribution for the repair of bridges.
- Bruillus, bregillus, l. l.** *In old English law.* A thicket or clump of trees in a park or forest; a grove or wood. **Bruilletus:** a small coppice wood or thicket.
- Brusour, l. fr.** *In old English law.* A breaker, as of prison.
- Brusure.** A breaking. **Brusure de pountz:** breaking of bridges.
- Bruise, Brussura, l. l.** An injury to the person, done with violence, but without breaking the skin.
- Bullaria, l. l.** *In old English law.* A bullary, or boilary; a place for boiling. **Bullaria aquæ salsæ:** a boilary of salt water; a salt-house or salt-pit, where salt is boiled.
- Bullitio salis, l. l.** *In old English law.* A boiling of salt; as much brine or salt as was made from one boiling.
- Bultellum, l. l.** *In old English law.* The boulding of grain, after it was ground; or the sieve with which it was boulded.
- Bunda, bonda, bonna, l. l.** *In old English law.* A border or limit; a bound or boundary. **Bundæ et metæ et rationabiles divisæ:** bounds and metes and reasonable limits.
- Burden of proof.** The necessity of proving a fact or facts in dispute on an issue between parties in a cause. *v. Onus probandi.*
- Burg, burgh, sax.** A castle, or fortified place; a borough. *v. Burgus.*
- Burgage, Burgagium, l. l.** *In English law.* A tenure by which houses, or lands formerly the site of houses, in ancient boroughs, are held of the king, or other lord of the borough,— a species of socage tenure; a dwelling-house in a borough town, anciently so called.
- Burgarii, burgenses, l. l.** *In old English law.* Inhabitants of a burgus, borough, or walled town; burghers or burgesses.
- Burgator, l. l.** *In old criminal law.* One who broke into and robbed a burg, or inclosed place; a burglar or housebreaker.
- Burgbote, burghbote, sax.** *In old English law.* A contribution for the repair of castles or walls of defense, or of a borough or city; an exemption from such a contribution.
- Burgemotus, l. l.** A burg mote, or burgh mote. *v. Burghmote.*
- Burgenses, l. l.** *In old English law.* Inhabitants of a burgus or borough; burgesses.
- Burgess.** *In American law.* In some states, formerly, a member of a branch of the legislature, as in Virginia. In some states, a magistrate of a borough corresponding to the mayor of a city, as in Pennsylvania.
- In English law.* A representative of a borough or town, in parliament; a magistrate of a borough; an inhabitant or freeman of a borough or town; a person duly admitted a member of a municipal corporation; an elector or voter; a person legally qualified to vote at elections. **Burgess roll, or list:** an alphabetical roll or list, under



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Bursa, l. l., Burse, l. fr. *In old English law.* A purse; a bag. **Bursarum scissores:** cutters of purses; cut-purses.

Burying alive. *In old English law.* The punishment for sodomy, and contracting with Jews.

Busca, l. l. *In old English law.* Hedgewood; underwood, billet or brushwood. *v. Boscus.*

Buscarl, butsecarl, buzecarl, sax. *In Saxon and old English law.* Seamen or marines.

Busellus, bussellus, bussellum, l. l. A bushel. *v. Bussellus.*

Bushel. A dry measure containing eight gallons. The standard measure in the United States contains 2,150.42 cubic inches, which is the same as what is known as the Winchester bushel, the standard in England from the time of Henry VII. until 1826, when the standard known as the Imperial bushel was established. That contains 2,218.192 cubic inches. *v. Bussellus.*

Bussellus, busellus, bussellum, l. l., Bussel, l. fr. *In old English law.* A bushel; a dry measure containing eight gallons of wheat. **Bussels et demy bussels:** bushels and half-bushels.

Butlerage. *In old English law.* An ancient hereditary duty belonging to the crown, at first called *prisage* (q. v.), being the right of taking two tuns of wine from every ship importing into England twenty tuns or more. By charter of Edward I. it was changed to a duty of two shillings for every tun imported by merchant strangers,—called butlerage, because paid to the king's butler.

Butt. *In old English law.* A measure of wine, containing at least 126 gallons; a measure of land.

Butta, buttis, l. l. *In old English law.* A standing measure of wine; a vessel for measuring, holding or carrying liquids.

Buttals. *In old conveyancing.* The boundary lines of lands on the ends, as distinguished from those on the sides, which were called *sidings*. *v. Abuttals.*

Butts. Short pieces of land left unploughed at the ends of a ploughed field, where the plough is turned; headlands, q. v.; the corners or angles of lines which separate a parcel of land from the lands that surround it. **Butts and bounds:** the lines which separate a piece of land from the lands which surround it; metes and bounds.

Buttum, l. l. In old records, a butt or measure of land.

Buyer's option. A right on the part of a buyer to take and pay for the thing bought at any time within a given period.

Buying titles. The purchase of lands or claims to lands from parties not in possession. *v. Champerty.*

By. Near; near to; by the side of; with, or through, as means or mode; according to; by authority, allowance or direction of. **By bill, by bill without writ:** terms anciently used to designate actions commenced by original bill, as distinguished from those com-

menced by original writ, and applied in modern practice to suits commenced by *capias ad respondendum*. **By estimation:** a phrase used in conveyances, in describing the quantity of land conveyed, where it is not precisely ascertained by measurement v. *More or less*. **By the bye:** incidentally. A term formerly applied in English practice to a peculiar mode of declaring, as distinguished from declaring in chief.

In old English law. **By God and my country:** the established formula of reply by a prisoner, when arraigned at the bar, to the question "Culprit, how wilt thou be tried?"

By-bidding. Bidding on property offered for sale at auction, by or in behalf of the owner, for the mere purpose of raising the price.

By-law men. *In English law.* The chief men of a town, representing the inhabitants.

By-laws. Originally the local laws of municipal corporations, as distinguished from the general laws of the land. Now generally the private laws or regulations made by any corporation for its own government.

C. An abbreviation for chancellor, chapter, circuit, code. Formerly in some jurisdictions branded on the forehead as part of the punishment for counterfeiting. C. A. V.: *curia advisari vult*. C. C.: *cepi corpus*; circuit, county or city court; criminal, civil or chancery cases; civil code. C. J.: chief justice. C. O. D.: collect on delivery. C. P.: common pleas.

In English law. C. B.: chief baron; common bench. C. C.: crown cases. C. R.: *curia regis*.

In the civil law. The initial letter of *condemno*, I condemn, inscribed on the ballots by which, among the Romans, jurors voted for condemnation. The initial letter of the word *codex*, sometimes used in citing the code of Justinian.

Ca., l. fr. Here. **Ca et la:** here and there.

Ca. resp.: v. *Capias ad respondendum*. **Ca. sa.:** v. *Capias ad satisfaciendum*.

Caballeria. *In Spanish law.* An allotment of land, being a lot one hundred feet front and two hundred feet deep.

Cablish, Cablis, fr. *In the forest law.* Brush-wood or browse-wood; wind-fallen wood.

Cacicazgos, span. *In Spanish-American law.* Property entailed on the *caciques* or heads of Indian villages and their descendants.

Cadastre, span. *In Spanish law.* An official statement of the quantity and value of realty in a district, made for the purpose of apportioning taxes.

Cadat a causa sua, l. He shall lose his cause. **Cadat ab actione sua et a causa:** he shall fail in his action and cause.

- Cadere, l. l.** *In old practice.* To fall; to fail; to cease; to abate. **Cadere a, or ab:** to lose; to fail in; to be defeated. *v. Cadat; Cadit.* **Cadere assisa:** to be nonsuited. **Cadere causa:** to be cast; to lose one's cause. **Cadere in:** to fall into; to change into; to become liable to; — **assisam:** to be the subject of an assise, as a covenant or a contract; to be sued in that form. *v. Cadit.*
- Cadit, l.** *In old practice.* (It) falls, fails, abates. **Cadit a causa:** she loses her cause. **Cadit actio:** the action fails, or abates. **Cadit appellum:** the appeal fails. **Cadit assisa:** the assise fails; — **in juratam:** the assise is turned into a common jury; — **in perambulationem:** the assise is turned into a perambulation; — **nec est capienda ut assisa, sed vertitur in juratam:** the assise falls, nor is it to be taken as an assise, but it is turned into a jury. **Cadit breve:** the writ fails. **Cadit donatio in partem:** the gift becomes the subject of division. **Cadit mulier a casu:** the woman loses her case. **Cadit quæstio:** the question fails; there is an end of the question. **Cadit warrantia:** the warranty falls. *v. Cadat; Cadere.*
- Caduca, l. l.** *In the civil law.* Escheats; escheated estates or lands. *v. De caducis, etc.; Escheat.*
- Caducus, caduca, l. l.** *In the civil and old common law.* Falling; fallen; escheated; falling or fallen to the state. **Caducus morbus:** the falling sickness. **Caduca ligna:** fallen wood.
- Caducary.** Relating to escheat, or forfeiture; having the character of escheat.
- Cadus, l. l.** *In old English law.* A barrel.
- Cædere, l.** *In the civil law.* To cut, as trees; to cut down; to strike with the view of cutting down.
- Cædua, l.** *In the civil and old common law.* Kept for cutting; intended or used to be cut. Applied to wood.
- Cætera desunt, l.** Other things are wanting. *v. Cæteris.*
- Cæteris paribus, l.** Other things being equal. **Cæteris tacentibus:** the others being silent,— *i. e.*, expressing no opinion.
- Cæterorum, l.** Administration granted as to the residue of an estate after a limited power has been exhausted.
- Calamus, l.** A pen; writing or penmanship. **Calami diversitas vel atramenti:** difference of writing or of ink.
- Calangium, calangia, l. l.** *In old English law.* A challenge; a claim or dispute.
- Calcetum, calcea, calceata, l. l.** *In old English law.* A path or road raised with earth and paved; a cause-way or causey.
- Calefagium, l. l.** *In old English law.* A right to take fuel yearly.
- Calendar, kalendar, Calendarium, l. l.** An orderly division of time, as the division into years, months, weeks and days; a table or register of such division; an orderly list of persons, things or events. **Calendar month:** a month computed according to the calendar; a solar month. *v. Month.* **Calendar of causes:** a list of causes in a



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Calumniare, calumpniare, l. l. *In old English law.* To claim or demand; to object to; to challenge. **Calumpniavit arraiaementum panelli:** he challenged the array of the panel.

In the civil law. To calumniate, or maliciously injure; to accuse falsely.

Calumniator, l. *In the civil law.* One who accused another of a crime without cause.

Cambiator, l. l. *In old English law.* An exchanger. **Cambiatores monetæ:** exchangers of money; money-changers.

Cambipartia, cambipartita, l. l. *In old English law.* Champerty. *v.* *Champerty; Campers.*

Cambiparticeps, cambipartitor, l. l. *In old English law.* A champertor. *v.* *Champertor.*

Cambire, l. l. *In old English law.* To change or exchange.

Cambist. A dealer in notes and bills of exchange.

Cambitoria, l. l. In old pleading, of, or relating to, exchange.

Camboca, cambuca, l. l. *In old ecclesiastical records.* A crozier; a bishop's pastoral staff.

Camera, l. l. *In old English law.* A chamber; a judge's chamber. **Camera regis:** a chamber of the king; a place of peculiar privileges, especially in a commercial way. **Camera scaccarii:** the exchequer chamber. *v.* *Exchequer chamber.* **Camera stellata:** the star chamber. *v.* *Star chamber.*

Camerarius, l. l. *In old English law.* A chamberlain; an officer who had the charge of the royal chambers or apartments; a bailiff or receiver.

Camino, span. *In Spanish law.* A highway; the right of way.

Campartum. *In old records.* A part or portion of a larger field or ground; champerty. *v.* *Campers.*

Campers, campipars, l. l. *In old English statutes.* A share or division of land, or other thing; champerty. *v.* *Champerty.*

Campertum, l. l. *In old records.* A corn-field; a field of grain.

Camp-fight. *In old English law.* The fighting of two champions in the field; the judicial combat, or *duellum.* *v.* *Acre-fight.*

Campio, l. l. *In old English law.* A champion. **Campio conductivus:** a hired champion. *v.* *Champion.*

Campus, l. *In feudal and old English law.* A field, or plain; the field marked out for the combatants in the trial by battel; the combat itself; camp-fight. *v.* *Acre-fight.* **Campus Maii:** the field of May; an anniversary assembly of the Saxons on May-day to confederate for defense of the kingdom against all enemies.

In old European law. An assembly of the people; so called from being anciently held in the open air, in some plain capable of containing a large number of persons.

Cancel. To obliterate or deface a written instrument so as to make it of no effect; anciently by drawing lines across its face in the form

of *cancelli*, or lattice-work, whence the word; to expunge; to set aside; to do away with.

Cancellare, *l. l.* *In old records.* To lay or place crosswise. **Cancellare manus**: to cancellate the hands; to lay them across each other.

Cancellaria, *l. l.* *In old English law.* Chancery; the chancery; the court of chancery.

Cancellarius, *l. l.* *In old English law.* Chancellor; a chancellor. **Cancellarius de scaccario**, or **Cancellarius et subthesaurarius scaccarii domini regis**: chancellor of the exchequer. **Cancellarius ducatus et comitatus palatini domini regis Lanc'**: chancellor of the duchy of Lancaster.

In the Roman law. An officer in the lower Roman empire, otherwise called *scriba*, *notarius*, *grapharius*, *secretarius*, *scriniarius*, *a cancellis*, *a secretis*, *ab actis*, *a libellis*, *antigraphus*, *logothetes*, and *caniclinus*. A scribe, secretary, register, notary; a chancellor.
v. *Chancellor*.

Cancellatura, *l. l.* *In old English law.* A canceling.

Cancelli, *l.* Bars laid across each other; lattices, or windows made with bars laid crosswise, one over another; inclosures in courts, composed of such cross-bars, to keep off the press of the people, without obstructing their view of the court. Hence the name of the court of chancery.

Caufara, *l. l.* *In old records.* A trial by hot iron, formerly used in England.

Canna. *In old records.* A rod, in measures of ground or distance.

Canon. A law, rule or ordinance in general, and of the church in particular. **Canon of inheritance**: a legal rule regulating the transmission of estates from ancestor to heir.

In English ecclesiastical law. A prebendary or member of a chapter; a person possessing a revenue allotted for the performance of divine service in a cathedral or collegiate church. **Canon law of England**: a law composed of legatine and provincial constitutions enacted in England prior to the Reformation, and kept in force by the statute 25 Henry VIII., c. 19, pending a review for which that statute provided, but which was never completed.

In Roman ecclesiastical law. **Canon law**: a collection of ecclesiastical constitutions for the regulation of the policy and discipline of the church of Rome, consisting of the ordinances of councils, and decrees, decretal epistles and bulls of the popes.

Canon religiosorum, *l.* *In ecclesiastical law.* A book wherein the religious of every greater convent had a transcript of the rules of their order often read among them as their local statutes.

In the civil law. A rent; a prestation; a pension or customary payment.

Canonicus, *l. l.* *In old English law.* A canon.

- Canonry.** *In English ecclesiastical law.* An ecclesiastical benefice, attaching to the office of canon.
- Cantaria, l. l.** *In old English law.* A chantry.
- Cantel.** *In old English law.* That which is added above measure; heaped measure.
- Cantred, cantref, cantrep, kantref.** *In old records.* A district containing a hundred villages; a hundred. In Wales, the counties were divided into cantreds, as in England into hundreds.
- Canum, l. l.** *In old Scots law.* A tribute or duty, generally of produce, paid by the tenant of land to the lord, especially to ecclesiastical superiors. *v. Kain.*
- Capacity.** Ability, power, competency or qualification to do certain acts, perform a certain function, or assume a certain relation; as capacity to contract, to devise, to take or hold lands; capacity to act as administrator or guardian, or referee, or as a public officer. Hence fiduciary, judicial and ministerial capacity.
- Capax, l.** One who takes or holds; one who can take, hold or entertain; capable of. **Capax negotii:** capable of transacting business.
- Capaces:** takers or holders. *v. Doli.*
- Cape, l.** *In old English law.* Take; a judicial writ, issued in real actions, directing the sheriff to take and hold the land where the tenant or defendant made default. **Cape ad valentiam:** a species of *cape magnum* which issued in behalf of a tenant defendant when the person whom he called to warrant made default and the demandant recovered, commanding the sheriff to take land of the vouchee equal in value to the land recovered. **Cape magnum, or grand cape:** the writ awarded when the defendant had not appeared, requiring an answer to the default and demand. **Cape parvum, or petit cape:** the writ issued after appearance, requiring an answer to the default alone. *v. Grand cape; Magnum cape; Parvum cape; Petit cape.*
- Capellus, l. l.** *In old English law.* A cap. **Capellus ferreus:** a steel cap; a helmet or head-piece.
- Capere, l.** *In old English law.* To take; to seize or arrest; to take or receive judicially; to receive the verdict of an assise or jury; to hold courts at which such verdicts were given. **Capiatur veredictum juratorum:** the verdict of the jurors shall be taken.
- In the Roman law.* To take; to take with effect; to take with the intention of holding or keeping; to accept, as distinguished from receive.
- Capias, l.** Take you,—the general name for a writ of attachment or arrest. **Capias ad computandum:** take you — to make account; a writ issued in the action of account render, upon judgment *quod computet*, where the defendant refused to appear before the auditors and account in person. **Capias ad respondendum:** take you — to answer; a judicial writ, commonly called a *capias*, by which actions are frequently commenced, and which command the sheriff to take



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Capitalis, l. *In old English law.* Affecting or involving life, capital; at the head, chief, principal. **Capitalis baro:** chief baron; — **scaccarii domini regis:** chief baron of the exchequer. **Capitalis custos:** chief warden or magistrate; mayor. **Capitalis debitor:** a principal debtor, as distinguished from *plegius*, a surety. **Capitalis dominus:** chief lord. **Capitalis justitiarius:** chief justiciar or justiciary; chief justice; — **ad placita coram rege tenenda:** chief justice for holding pleas before the king; the title of the chief justice of the King's Bench, first assumed in the latter part of the reign of Henry III.; — **banci, or de banco:** chief justice of the bench; the title of the chief justice of the Court of Common Pleas, first mentioned in the first year of Edward I.; — **totius Angliæ:** chief justice of all England; the title of the presiding justice in the court of Aula Regis,—a title which ceased in the fifty-second year of Henry III. **Capitalis plegius:** a chief pledge; a head borough. **Capitalis terra:** a head-land; a piece of land lying at the head of other land. **Capitalis redditus:** a chief rent.

In the civil law. Offenses punishable by the loss of civil rights, interdiction of fire and water, banishment or labor in the mines, as well as offenses affecting or involving life, were termed capital.

Capitanens, l. l. *In feudal law.* One who held an estate or dignity *in capite*, that is, immediately from the king; a chief lord or baron of the king; a leader; a captain; a naval commander. **Capitaneus et custos maris:** captain and warden of the sea; a title given to a naval officer.

Capitare, l. l. *In old law and surveys.* To head, front or abut; to touch at the head or end.

Capitatum, l. By the head; to each individual.

Capitation. A tax on the head or person; a poll-tax.

Capite minutus, l. *In the civil law.* One who had suffered the *capitis deminutio*. v. *Capitis deminutio*.

Capitis deminutio, l. *In the civil law.* The loss of a *status* or civil qualification; the change of a man's former condition. **Capitis deminutio maxima:** the highest kind of *capitis deminutio*, when liberty was lost, which carried with it citizenship and family. **Capitis deminutio media:** the less or middle kind of *capitis deminutio*, when the right of citizenship was lost (which carried with it family), but liberty was retained. **Capitis deminutio minima:** the least or lowest kind of *capitis deminutio*, when liberty and citizenship were retained, but family or family relations underwent a change, as by arrogation of a person *sui juris*, or emancipation of a *filius-familias*.

Capitula, l. l. *In feudal and old ecclesiastical law.* Chapters or assemblies of ecclesiastical persons; collections of laws or ordinances, drawn up under certain divisions or heads.

In old English law. **Capitula coronæ:** chapters of the crown; chap-

ters or heads of inquiry, resembling the *capitula itineris*, but more minute, delivered in 1194. **Capitula de Judæis:** chapters or articles concerning the Jews; articles of inquiry relating to the Jews, delivered to the justices itinerant in the reign of Richard I., directing them to adjudge what revenue should be paid by the Jews to the king for protection, license to trade and the like. **Capitula itineris:** chapters of the eyre; chapters, articles, heads or schedules of inquiry, delivered to the justices itinerant in behalf of the crown for their direction, and read and given in charge by them to the juries from the various hundreds at the opening of the eyre.

Capitulary. A collection of chapters; a decree or ordinance.

Capitulum, l. l. *In old English law.* A chapter; a small head or division; an assembly of ecclesiastical persons; a congregation of clergymen under one dean in a cathedral church. v. *Chapter.*

Captio, l. *In old English law.* A taking or seizure of a thing, as an animal; a taking or seizure of land; a taking or arrest of a person; a taking or holding of a court; a taking or receiving. **Captio assisæ:** the taking of the assise.

Caption. A taking or seizure of a thing, as an animal; a certificate of the taking of a commission, subscribed by the commissioners; the title or heading of a legal document, as a bill in equity, an indictment, etc. Formerly also a taking, seizure or arrest of a person, but in this sense the word is now obsolete.

In Scots law. A taking of a person; arrest; apprehension.

Captor, l. l. *In old English law.* A taker; a lessee; a taker of property; one who seized cattle as a distress.

In international law. One who takes or seizes property in time of war, particularly one who takes a prize at sea.

Capture. *In international law.* A taking or seizure of the goods of an enemy; a taking of prizes in time of war, particularly at sea. v. *Seizure.*

Caput, l. A head; a person; the life of a person; a chief; a beginning; a principal.

In old English law. A head; a beginning; a principal division; the head of a person; the head or upper end of a place; a chief or principal place, house or messuage. **Caput anni:** the first day of the year. **Caput baroniæ:** the castle, manor house, or chief seat of a baron. **Caput comitatus:** the chief seat of an earl. **Caput lupinum:** a wolf's head; an outlawed felon, so called because he might be killed, or knocked in the head, like a wolf, if he resisted capture, by any one who might meet him. **Caput portus:** the head of a port,— the town, *i. e.*, to which it belongs and from which it takes its name. **Caput, principium et finis:** the head, beginning and end; the king as head of parliament. **Caput terræ:** the head or upper end of a piece of land. **Caput villæ:** the head of the town.

- In feudal law.* A head or chief; the king, as head of the state. **Caput comitatus:** the head or chief of the county; one of the ancient titles of an earl. **Caput feudi vel terræ:** the chief lord of a fee.
- In the civil law.* A person; a personal qualification or *status* which was requisite to the capacity for civil rights among the Romans, of which there were three kinds, namely: freedom, citizenship, family.
- Caputagium, l. l.** *In old English law.* Head, or poll money, or the payment of it.
- Caputium, capucium, l. l.** *In old English law.* A head of land; a headland.
- Car, fr.** For; because. **Car entant:** forasmuch.
- Carabus, l. l.** *In old English law.* A kind of raft or boat.
- Carcannum, l. l.** *In old English law.* A prison or work-house.
- Carcare, l. l.** *In old English law.* To load; to load a vessel; to load a cart or wagon; to charge, as in account. **Carcare et discarcare:** to load and discharge. **Carcata:** loaded; freighted. **Carcatio:** lading. **Carcationes:** loadings.
- Carcer, l.** A prison or gaol. Strictly, a place of confinement or detention and safe keeping, and not of punishment. **Carcer ad continendos homines, non ad puniendos haberi debet:** a prison ought to be used for confining men, not for punishing them. **Carcer ad homines custodiendos, non ad puniendos dari debet:** a prison should be assigned for keeping men, not for punishing them.
- Care.** Attention; caution; diligence; vigilance. Due care, where negligence is the gist of the matter, implies not only the absence of negligence, but no violation of the law of the subject-matter. *v. Due; Ordinary; Reasonable; Slight.*
- Carecta, carrecta, l. l.** *In old English law.* A cart; a vehicle distinguished from both *currus* and *carrum*. **Carectarius:** a carter. **Carectata:** a cart load.
- Carena, carina, carrena, l. l.** *In old ecclesiastical law.* A period of forty days. The same in meaning as *quarentena*, quarantine. *v. Quarantine.*
- Careta, caretta, carretta, l. l.** *In old English law.* A cart.
- Cargare, l. l.** *In old English law.* To charge.
- Cargo.** The load or lading of a vessel; goods and merchandise put on board a ship to be carried. The term applies to goods only, not to persons nor to animals.
- Cariagium, l. l.** *In old English law.* Carriage; the carrying of goods or other things for the king.
- Cariare, l. l.** *In old English law.* To carry. **Cariare et recariare:** to carry and recarry. **Cariavit:** (he) carried.
- Cariator, l. l.** *In old English law.* A carrier. **Cariatores:** carriers.
- Carrier, l. fr.** To carry.
- Carmen, l.** *In the Roman law.* Literally, a verse or song. A form of words used on various occasions, as of divorce.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Case. An action; a suit; a question contested before a court, either at law or in equity; a written statement of facts intended to be submitted to a court for its opinion or judgment; an action for a trespass for injuries unaccompanied with force, or where the damage is merely consequential. *v. Trespass on the case.* **Case agreed, or stated:** a statement in writing of facts agreed on between the parties and submitted to the court without trial for an opinion or a decision on a point or points of law involved. **Case reserved, or made:** a statement in writing of facts proved, settled by counsel or the judge, to obtain the opinion of the court in banc upon a point or points of law involved, with a general verdict subject to such opinion. This is sometimes called also a special case.

Caseatrix, l. l. *In old English law.* A dairy woman.

Cassare, l. l. *In old English law.* To quash, or make void; to annul; to abate. **Cassabitur breve:** the writ shall be quashed. **Cassatæ:** quashed. *v. Cassetur.*

Cassatio, l. l. In old practice, a quashing, or making void; an abatement.

Cassation, fr. The act of annulling, breaking or quashing, as a judgment or decree. The Court of Cassation is the highest court of appeal in France.

Cassetur billa, or Quod billa cassetur, l. l. That the bill be quashed; the judgment for the defendant on a plea in abatement, where the action was commenced by bill; an entry by a plaintiff on the record, after a plea in abatement, where he finds that the plea cannot be met,—an entry amounting in fact to a discontinuance. **Cassetur breve, or Quod breve cassetur:** that the writ be quashed; the judgment for the defendant on a plea in abatement, where the action was commenced by original writ.

Cast. To transfer; to invest with,—as to cast an estate upon an heir; to overcome or defeat in an action. **Cast away:** to wreck, to cause to be lost, as, a vessel.

In old English law. To allege, offer or present; to put forward. **Cast a protection:** to present or allege it as an excuse. **Cast an essoign:** to allege an excuse for the failure of a party to appear in court on the return of the original writ.

Cast. Defeated in an action.

Castelgardum, l. *In feudal law.* The defense or guard of a castle. *v. Castleguard.*

Castellain, Castellanus, castellanius, castellarinus, l. l. *In old English law.* The keeper or captain of a castle or fortified house, acting as, or for, its owner; the constable of a castle.

Castellania, castellatura, l. l. *In old English law.* The office of a castellain; the territory or jurisdiction of a castle.

Castellarium, castellatus. *In old English law.* The precinct or jurisdiction of a castle.

Castellorum operatio, l. l. *In Saxon and old English law.* Castle work; labor done by inferior tenants, for the building and upholding of castles and public places of defense. v. *Trinoda necessitas.*

Castellum, l. l. *In old law.* A castle; a fortified building, town or place.

Castigatory, Castigatorium, l. l. *In old English law.* An instrument for the punishment of scolds or unquiet women; otherwise called the cucking stool, trebucket and tumbrel. v. *Cucking stool.*

Casting vote. The vote which a presiding officer has a right to cast where the body over which he presides is equally divided.

Castleguard, castelgard, castleward, Castelgardum, castelli guardia, wardum castri, custodia castri, l. l. *In feudal and old English law.* The defense or guard of a castle, otherwise called watch and ward; a species of feudal service or tenure; a kind of tenure by knight's service. An imposition laid on dwellers within a certain distance of a castle for maintenance of the garrison. The circuit itself, inhabited by persons subject to this service.

In old English law. **Castleguard rents.** Rents paid by dwellers within the precincts of a castle, towards the maintenance of the garrison. v. *supra.*

Castrensis, l. *In the Roman law.* Relating to the camp or military service. **Castrense peculium:** a portion of property which a son acquired in war, or from his connection with the camp. v. *Peculium castrense.*

Castrum, l. *In old English law.* A castle; a castle, including a manor. *In the Roman law.* A camp.

Casu consimili, l. *In old English law.* In a similar case. v. *Consimili casu; Trespass on the case.* **Casu proviso:** in the case provided; a writ of entry which, by the statute of Gloucester, 6 Edw. I., c. 7, lay for a reversioner against one to whom a tenant in dower aliened for life or in fee.

Casual ejector. The nominal defendant in ejectment: so called because, by a fiction of law, he is supposed to come casually, or by accident, upon the premises, and to eject the lawful possessor.

Casualis, l. *In old English law.* Casual; accidental.

Casualties of superiority. *In Scots law.* Certain emoluments arising to the superior lord in respect to a tenancy, and resembling the incidents of feudal tenure at common law.

Casualty. Inevitable accident; an event not to be foreseen or guarded against; a loss from such an event or cause.

Casus, l. A case; a cause or action; an event; a circumstance or combination of circumstances; a chance; an accident or misfortune.

Casus fœderis: the case of the treaty or compact; the case or event contemplated by a treaty or compact. **Casus fortuitus:** a fortuitous or accidental event; an inevitable accident; an event occurring without the intervention of human agency, and producing a loss, in

spite of all human effort or sagacity; — **non est sperandus; et nemo tenetur divinare**: a fortuitous event is not to be expected, and no man is bound to foresee it; — **non est supponendus**: a fortuitous event is not to be presumed. **Casus omissus**: a case omitted, overlooked or not provided for; as, an omission of a statute to provide for a particular case; — **et oblivioni datus dispositioni juris communis relinquitur**: a case omitted and forgotten is left to the disposal of the common law.

In the civil law. **Casus major**: a casualty; an extraordinary casualty, as fire, shipwreck, etc.

Catalla, l. l. *In old English law.* Chattels; all property movable and immovable, except fees and freeholds. **Catalla otiosa**: dead goods or chattels as distinguished from animals; idle cattle, that is, such as were not used for the plough.

Catallis captis nomine distractionis. v. *De catallis*, etc. **Catallis reddendis.** v. *De catallis*, etc.

Catallum, l. l. *In old English law.* A chattel.

Cataneus, l. l. *In feudal law.* A tenant *in capite* or in chief; a captain.

Catching a bargain. An agreement with an heir expectant for the purchase of his expectancy at an inadequate price.

Catchpole. An officer who makes arrests,— formerly used not as a term of contempt, but as an ordinary official epithet.

Catenare, l. l. *In old English law.* To chain. **Catenavit et in ferris tenuit**: chained and kept in irons.

Catholic emancipation act. *In English law.* The statute of 10 Geo. IV., c. 7, by which Roman Catholics were restored to the enjoyment of all civil rights except that of holding ecclesiastical and certain high state offices.

In Scots law. **Catholic creditor**: an universal creditor; one whose debt is secured over all or part of his debtor's property.

Cattle. Domestic animals, including swine, horses, sheep, asses and mules, as well as animals of the ox kind.

Cattle-gate. *In English law.* A right to pasture cattle in the land of another.

Cauda terræ, l. l. *In old English law.* A land's end; or the bottom or extreme part of a ridge or furrow in arable land; the bottom or lower end of a field; perhaps, a slip of unploughed land at the lower end of a field, as *caput terræ*, a headland, was at the upper end. v. *Abuttals; Butts; Headlands.*

Caulceis, l. fr. In old statutes, causeways, or causeys.

Caupo, l. l. *In the civil law.* An innkeeper. **Caupones**: innkeepers.

Caupona, l. *In the civil law.* An inn or tavern.

Caursines. Italian merchants who came into England in the reign of Henry III., and established themselves as money-lenders, but were expelled for usury and extortion.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books' Full Membership provides unlimited access to more than 28,000 volumes of Christian literature for \$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Causidicus, l. *In the civil law.* A pleader; one who argued a cause *ore tenus*.

Cautela, l. Caution; care; providence. *v.* *Ad majorem, etc.*; *Ex abundantanti, etc.*; *Ex majore, etc.*

Cautele, l. fr. Precaution.

Cautio, l. *In the civil law.* Security for performance; security in an action; bail. **Cautio fidejussoria:** security given by sureties, pledges, or bondsmen. **Cautio juratoria:** security given by the oath of the party. **Cautio pignoratitia:** security given by pledge, or deposit, as plate, money or other goods. **Cautio pro expensis:** security for costs. *v.* *De cautione admittenda.*

Caution. *In admiralty and Scots law.* Security; bail. *v.* *Cautio.*

Cautionary. *In Scots law.* The obligation by which a party becomes a surety.

Cautioner. *In Scots law.* A surety; a guarantor.

Cautionry. *In Scots law.* Suretyship; the obligation of suretyship.

Caveat, l. Let him beware; let him take heed. A formal notice, or caution to a court, judge or public officer not to do a certain act, or not without notice to the caveator; as not to probate a will, grant letters of administration, issue letters patent for an invention or for lands, enroll a decree in chancery where an appeal is contemplated, etc., until the caveator can be heard in opposition to the contemplated act or proceeding. **Caveat actor:** let the doer beware. **Caveat emptor:** let the purchaser take care; which means that in the absence of warranty or special covenant the seller guarantees neither quality nor title; and it applies upon a sale of lands as well as upon a sale of goods;—**qui ignorare non debuit quod jus alienum emit:** let the purchaser take care, who ought not to be ignorant that he is buying another's right. **Caveat viator:** let the traveler take care,—*i. e.*, in detecting and avoiding defects in the way. **Caveat viccomes:** let the sheriff beware.

In the civil law. **Caveat venditor:** let the seller take heed; which means that a fair price upon sale of a chattel imports a warranty of quality as well as of title. Opposed to the rule of *caveat emptor* of the common law.

Caveator. One who interposes a caveat. **Caveatee:** one against whom a caveat is interposed.

Cavena, l. l. *In feudal law.* A vault or repository for keeping grain, wine, oil, etc.

Cavere, l. *In the civil and the common law.* To take care; to provide for or against; to provide or forbid by law; to give security. **Cavetur:** provision is made, a remedy is given. **Cautum:** secured. **Cautum est:** it is provided or enacted.

Caya, l. l. *In old English law.* A quay. kay, key, or wharf.

Cayagium, l. l. *In old English law.* A toll or duty paid for landing goods at a quay or wharf; cayage or kayage. *v.* *Kayage.*

- Ce, cecy, ceo, l. fr.** This; that. **Ceals:** those. **Ceo oyes vous home qui jeo teigne par la mayn:** hear this you man whom I hold by the hand. **Ceo vous monstre:** this shows to you.
- Ceans, fr.** Here within.
- Ceapgild, ceapgel, sax.** The payment or forfeiture of a beast; a species of forfeiture.
- Ceous, ceaux, l. fr.** Those.
- Cedent.** *In Scots law.* An assignor.
- Cede.** To assign or transfer. Applied to a transfer of territory by one state or nation to another.
- Cedere, l.** *In civil and old English law.* To yield or give up; to assign or transfer; to give way to another, as superior; to pass with a thing, as an inferior or subordinate thing; to belong to a person; to be a subject of rightful claim by a person. v. *Cede.*
- Cedula, l.** *In old English law.* A schedule.
- Cel, l. fr.** This.
- Celarium, l. l.** *In old English law.* A cellar.
- Celdra, celda, l. l.** *In old English law.* A chaldron.
In old Scots law. A measure of grain; a chalder.
- Celerarius, l. l.** *In old English law.* A steward of a monastery; a cellarer or bursar.
- Celi, cely, l. fr.** Such a one. **Celi se profri a tiel jour, vers cely:** such a one offers himself at such a day, against such a one.
- Celui, celuy, l. fr.** He; him.
- Cenegild.** *In Saxon law.* A mulct paid by one who had killed another, to the relatives of the deceased.
- Cenninga, l. l.** *In Saxon law.* Notice given by a buyer to a seller that the thing sold was claimed by another, that he might appear and justify the sale.
- Cens, fr.** *In old Canadian law.* A tribute or payment imposed on a tenant; an annual payment reserved to a seignior or lord, and imposed merely in recognition of his superiority.
- Censaria, l. l.** *In old English law.* A farm, or house and land let at a standing rent.
- Censarii, l. l.** Farmers, or those who were liable to pay a tax.
- Censere, l.** *In the Roman law.* To ordain; to decree.
- Censitaire, fr.** *In old Canadian law.* One who held by the title or tenure of *cens*.
- Censuere, l.** *In the Roman law.* They have decreed; the technical term for the judgment, resolution or decree of the senate. v. *Censere.*
- Censumorthidus, l. l.** A dead rent; the same as mortmain.
- Centena, l. l.** *In old records and pleadings.* A hundred weight. **Centena piscium:** a hundred weight of fish. **Centena ceræ, zucarii, piperis, cumini, etc., continet tredecim petras et dimidium:** the hundred weight of wax, sugar, pepper, cummin, etc., contains thirteen stone and a half.

- Centenarii, l. l.** *In old English law.* The freeholders of a hundred; hundredors.
- Centesima, l.** *In the Roman law.* One per cent. monthly, or twelve per cent. per annum, the highest rate of interest permitted.
- Central criminal court.** A court established in London in 1834, to which the criminal jurisdiction of the court of admiralty was transferred.
- Centumviri, l.** A hundred men; a Roman court consisting of a hundred judges, to whom belonged the decision of the most important questions of law.
- Ceorl, carl, churl, sax., Ceorlus, l. l.** A freeman of inferior rank, chiefly employed in husbandry; a husbandman.
- Cep, ceppe, l. fr.** *In old English law.* Stock; a stock.
- Ceper, l. fr.** *In old English law.* A gaoler.
- Cepi, l.** I have taken, or arrested. **Cepi corpus:** I have taken the body; — **et committitur:** I have taken and imprisoned the body; — **et est in custodia:** I have taken the body, and it is in custody; — **et est languidus:** I have taken the body and he is sick; — **et paratum habeo:** I have taken the body, and have it ready. These are the various names of the return to a *capias*,—the return *cepi corpus*, or *cepi corpus et paratum habeo* being the proper return where the defendant has been taken but released on bail.
- Cepit, l.** Took, or he took,—the emphatic word formerly used in writs of trespass for taking personal property, and in declarations in replevin and trespass. The word is still used as descriptive of the action in some cases; as in replevin where the action is for the taking merely, it is called replevin in the *cepit*. **Cepit in alio loco:** took, or he took; the plea in replevin where the defendant intends to avow and claim a return.
- In old English practice.* **Cepit et abduxit:** took and led away; the emphatic words in a writ of trespass for animals. **Cepit et asportavit, or et abcarriavit:** took and carried away; the emphatic words in a writ of trespass for dead things.
- Ceppagium, l. l.** *In old English law.* The stumps or roots of trees which remain in the ground after the trees are felled.
- Cera, l., Cere, l. fr.** *In old English law.* Wax; a seal of wax.
- Cert money.** *In old English law.* Head money or money paid yearly by the tenants of several manors to the lords for the keeping of the court-leet.
- Certa res, l.** *In old English law.* A certain thing.
- Certain.** Known; clear, as opposed to obscure; particular, as opposed to general; limited, specified, defined, as opposed to indefinite.
- In feudal and old English law.* **Certain services:** services stinted, limited or defined in quantity.
- Certainty.** Assurance, freedom from doubt; clearness or distinctness, as opposed to ambiguity or obscurity; particularity, as opposed to



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Cessare, l. l. To cease; to stop, or stay; to neglect; to come to an end, as an estate. **Cessante causa, cessat effectus:** the cause ceasing, the effect ceases also. **Cessante ratione legis, cessat et ipsa lex:** the reason of the law ceasing, the law itself ceases also. **Cessante statu primitivo, cessat derivativus:** when the primitive or original estate determines, the derivative estate determines also. **Cesset executio:** let the execution be stayed; a stay of execution, or an order, or entry of an order, therefor. **Cesset processus:** let the process be stayed; a stay of process or proceedings, or an order, or entry of an order, therefor.

In old English law. **Cessavit per biennium:** he ceased or neglected for two years; a writ in the nature of a writ of right, and founded on the doctrine of tenure, for failure of a tenant to pay rent for two years, or for failure for a like time of a religious house, holding land upon condition of giving alms, or the like, to perform the condition.

Cesse. *In old English law.* An assessment, exaction or tax.

Cesser, cessure. Neglect; a ceasing from, or omission to do a thing; the determination of an estate.

Cessio, l. A cession; a surrender; an assignment. **Cessio bonorum:** a surrender by an insolvent of his property to his creditors. This was the meaning of the term under the Roman law, and the term is applied in the same sense in America and in most of the states of Europe.

Cession. A giving up or abandonment of a right, or of property.

In the civil law. A giving up, surrender or assignment of goods to, or for the benefit of, creditors.

In ecclesiastical law. A giving up or vacating of a benefice, by accepting another without a proper dispensation.

Cessionary, cessioner. *In Scots law.* An assignee.

Cessor. *In old English law.* One who neglected so long to perform a duty as to incur danger of the law, and to become liable to a writ of *cessavit*.

C'est ascavoir, c'est asaver, l. fr. That is to say, or to wit. Written sometimes as one word, *cestascavoir*, or *cestasaver*.

Cestui, cestuy, l. fr. He. **Cestuy que:** he who; — **doit enheriter al pere, doit enheriter al fitz:** he who would have been heir to the father, shall be heir to the son; — **trust:** he who trusts; the beneficiary under a trust; — **use:** he to whose use another is seized or enfeoffed of lands; the beneficial owner; — **vie:** he whose life determines a life estate.

Cet, cettuy, fr. That

Ceux, ceaux, l. fr. These; those. **Ceux parolx:** these words.

Chacea, chasea, chacia, chaicia, l. l., Chace, l. fr. *In old English law.* A chace or chase; a driving or hunting of animals; a driving of animals to pasture; the right of so driving; the way by which they are driven. v. *Chase*.

Chaceare, l. l. *In old English law.* To chase, drive or hunt

Chacer, chaser, l. fr. To drive, compel, oblige; to chase or hunt. **Chace, chase:** obliged, compelled, driven.

Chafewax. An officer in chancery in England who fits, *i. e.* heats, the wax for the sealing of writs and other instruments.

Chaier, l. fr. To fall

Chalenger, l. fr., Challenge. *In old English law.* To object or except to a writ or pleading; to object or except to a person, as a juror; to claim, or demand as a right.

Challenge. An exception or objection taken against either persons or things, but more particularly an exception or objection taken to the jurors summoned and returned for the trial of a cause.

Challenge. To accuse, to call to answer, to appeal in the old sense of the word; to dispute or call in question; to object or except to a person; to except to persons returned to be jurors, which last is more especially the present meaning. **Challenge to the array:** an objection to a whole panel of jurors. **Challenge to the polls:** an objection to one or more of the persons returned as jurors on the trial of a cause singularly and personally. These are divided into peremptory challenges, which are challenges allowed to the accused in a criminal case: challenges for cause, or principal challenges, which are again divided into challenges *propter honoris respectum*, challenges *propter defectum*, challenges *propter affectum*, and challenges *propter delictum*; and challenges for favor, a weaker kind of challenge *propter affectum*, as probable opinion, acquaintance, or the like. *v.* *Peremptory challenge; Principal challenge; Propter*, etc.

Chamber. A room in a building used for purposes of a dwelling or of an office or a court. The word is also used to designate certain courts, as the Star Chamber, certain legislative bodies, as the Chamber of Deputies, and other public associations, as the Chamber of Commerce, etc.

In old English law. A private repository of money; a coffer. *v.* *Camera; Chambers; Chambre.*

Chambers. The office or private rooms of a judge, where he attends to such matters as may be attended to when he is not sitting in court. **Chambers, or the King's Chambers:** parts of the sea included within headlands, or within lines drawn from one promontory to another, over which the sovereign claims jurisdiction.

Chambium, l. l. *In old English law.* Change, or exchange.

Chambre, l. fr. *In old English law.* A private repository of money; a private treasury; a coffer.

Champert, l. fr. *In old English law.* A share of division of land; champerty.

In old Scots law. A gift or bribe taken by any great man for delay of just action, or furthering of wrong action.

Champertia, l. l. *In old English law.* Champerty.

Champertor, champertor, champartor. One who is guilty of the offense of champerty.

Champerty, champarty. The maintenance of another in his suits upon condition to have part of the thing in dispute, when it is recovered. In the modern sense of the word, champerty is the purchase of a suit or right of suing, or rather the purchase of an interest in a thing in dispute, with the object of maintaining and taking part in the litigation. It is a species of maintenance, *i. e.* it is maintenance with an agreement to divide the thing in suit super-added. The rule has been much modified in some of the states, in some of which a purchase of a right of action or of land from a person out of possession is no longer champertous. *v. Maintenance.*

Champion. One who, in the trial of battel or combat, fought either for the tenant or the demandant; one who fought in his own cause.

Chance. Accident; that which happens or falls out unexpectedly or unintentionally. *v. Accident.* **Chance medley:** a casual meeting or affray; the accidental killing a man in self-defense, in a sudden rencounter; a species of excusable homicide.

Chancellary, chancellarie, l. fr. Chancery.

Chancellor. The judge of a court of equity; the highest officer of a university; a presiding or judicial officer.

In English law. The chancellor, more specifically the Lord High Chancellor, is the highest judicial officer in the realm, supreme judge of the court of chancery, keeper of the great seal, privy councillor and prolocutor of the House of Lords. *v. Lord High Chancellor; Master; Vice-chancellor.* **Chancellor of the Duchy of Lancaster:** the officer who presides over the duchy court. *v. Duchy, etc.* **Chancellor of the Exchequer:** the principal finance officer of the government, who formerly presided in the Exchequer, and looked after the interests of the crown.

In English ecclesiastical law. An officer who assists a bishop in matters of law and holds the consistory court.

In Scots law. The foreman of a jury or an assise.

Chancery, or Court of Chancery, Cancellaria, l. A court of equity; a court in which equity is exclusively or chiefly administered; the court of the chancellor.

In English law. The court of the Lord High Chancellor, who in theory exercised such judicial powers as reside in the crown,—powers which originally were invoked as by favor of the king, but afterwards developed into a system of equity. The court thus became the highest court of equity; though it had more anciently common-law jurisdiction, called its ordinary jurisdiction, in virtue of which it issued original writs, commissions, etc., under the great seal,—a jurisdiction which was later overshadowed by the equitable or extraordinary jurisdiction and finally became practically obsolete. In more recent times the court developed into six superior courts of



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

and formal allegation in a bill in equity, usually for the purpose of anticipating and meeting some matter of defense.

Charge. A burden; a duty or liability attached to, or obligation imposed upon, a person; an incumbrance or lien upon land; an instruction given by the judge to a petit jury after the case is closed as to matters of law arising upon the evidence,— general, where it is upon the entire case, special, where it is by request, and upon special points; an address by the judge to a grand jury before they proceed to consider matters presented to them, instructing them as to their duty; a statement in writing by a party to a suit in equity, made before a master, of the items with which the opposite party should be debited. *v. Charge, supra.* **Charge and discharge:** the mode or form of accounting in equity where the complainant delivers his account to the master in the form of a charge, and the defendant his objections or counter-claim by way of discharge.

In Scots law. The command of the king's letters to perform some act, as, a charge to enter heir; a messenger's execution, requiring a person to obey the order of the king's letters, as, a charge on letters of horning, or a charge against a superior.

Charge d'affaires, fr. *In international law.* A person entrusted with the affairs of his nation; a diplomatic representative, or minister of the fourth grade.

Chargeable. Capable of being charged; subject to charge.

Chargeant, chargaunt, l. fr. Weighty; heavy; forcible; penal; expensive.

Charger, l. fr. To load. **Chargeez:** loaded; laden.

Charges. Expenses incurred in a suit or judicial proceeding, including such as do not come under the technical denomination of costs.

Charity. In the broadest sense, all the good affections which men ought to have toward one another, but in a more restricted sense, relief of the needy; a gift or devise to charitable uses or purposes,— a gift, *i. e.*, for the benefit of an indefinite number of persons, which may be by promoting their moral, their mental, or their physical well-being, and may extend to the rich as well as to the poor.

Charre, char, Charrus, l. l. *In old English law.* A weight of lead consisting of thirty pigs, each pig containing six stone wanting two pounds, and each stone twelve pounds.

Charnel, l. fr. Of the same flesh, or blood. **Charnels amys:** relations by blood.

Charta, carta, l. l. *In old English law.* A charter, or deed; a writing under seal, by which conveyances, contracts, covenants, etc., were evidenced and ratified; any token by which an estate was held; a royal grant of privileges or liberties. **Charta communis:** a common or mutual charter or deed, *i. e.* one containing mutual covenants or involving mutuality of obligation. **Charta cyrographata,**

or chyrographata: a charter executed in two parts and divided in the middle where the word *cyrographum* or *chyrographum* was written, a chirographed charter. **Charta de feoffamento:** a charter of feoffment. **Charta de foresta:** the charter of the forest; a charter granted in the ninth year of the reign of Henry III. and containing the laws of the forest. **Charta de una parte:** a deed of one part; a deed poll. **Charta de quiete clamantia:** a charter of quit-claim. **Charta de confirmatione:** a charter of confirmation. **Charta de non ente non valet:** a deed of a thing not in existence is void. **Charta partita:** a charter-party. *v. Charter-party; Magna Charta.*
In the civil law. Paper; the material on which instruments, books, etc., were written; an instrument or writing. **Charta pura:** blank paper.

Chartel, l. fr. *In old English law.* A letter of defiance or challenge to single combat, in use during the period when trial by battel was practiced.

Charter. A grant in writing of certain privileges and franchises, usually to a corporation, by the supreme power of a state; an act of incorporation. **Charter-party:** a contract by which an entire ship, or some principal part of one, is let to a merchant, for the conveyance of goods on a determined voyage to one or more places. **Charter of pardon:** in English criminal law, a charter or instrument under the great seal, by which a man is forgiven a felony or other offense.

In old English law. A written instrument under seal, containing the evidence of things done between man and man, as, a conveyance of lands; a contract, covenant or other sealed instrument; an instrument in writing, containing a grant from the crown to a person or persons, or to a body politic, of rights, liberties, franchises or privileges. **Charter land:** land held by charter, or written evidence; deed land, boc-land. **Charter rolls:** rolls preserved among the old English records, containing the royal charters from the year 1199 to the year 1516.

In old Scots law. A disposition made by a superior to his vassal, for some thing to be performed or paid by him; a writing which contains the grant or transmission of the feudal right to the vassal.

Charterer. One who charters a vessel for a voyage; a freighter.

Chartis reddendis. *v. De cartis reddendis.*

Chartre, l. fr. *In old English law.* A charter. *v. Charter.*

Chascun, l. fr. Each; every.

Chase, chace. *In English law.* A large extent of woody ground, smaller than a forest, but larger than a park, lying open and privileged for wild beasts and wild fowl; a franchise granted to a subject, empowering the latter to keep within a certain precinct so called, the

wild animals of chase, but not to establish forest law within such precinct; a right to hunt beasts of the chase; in one sense either a forest or a park, a forest being called a royal chase, and a park an enclosed chase, and every forest being a chase, though not every chase is a forest. v. *Common chase; Forest; Park.*

Chasea, l. l. *In old English law.* A chase. v. *Chacea; Chase.*

Chaser, l. fr. To chase or hunt; to drive; to compel. **Chase de pleder:** driven to plead.

Chasiare, l. l. *In old English law.* To chase.

Chatelle, chatell, chatel, l. fr. *In old English law.* A chattel. **Chatelle moeble:** a movable or personal chattel. **Chateux, chateus, cateux:** chattels; cattle. **Chateux moebles:** movable or personal chattels.

Chattel. Any article or subject of property, movable or immovable, not amounting to a freehold. **Chattel interest:** an interest in corporeal hereditaments, not amounting to a freehold, as distinguished from a freehold interest. **Chattel mortgage:** a mortgage of goods or personal property. **Chattels:** movable goods, and all other property or estate, not amounting to a freehold. **Chattels personal:** movable goods, or rights or interests incident to them, not annexed to the realty. **Chattels real:** such chattels as concern, are annexed to, or savor of the realty, but do not amount to a freehold, as, terms for years, mortgages, etc.

Chaudmedley. The killing of a person in an affray, in the heat of blood, and thus distinguished from chance medley, which is killing in a casual affray in self-defense.

Chauncellerie, chauncelrie, l. fr. Chancery.

Chauncellour, l. fr. Chancellor.

Chaunter. v. *Chanter.*

Chauntry. v. *Chantry.*

Chaux, l. fr. Those.

Cheat or cheating. The offense of defrauding or endeavoring to defraud another of his known right, by means of some artful device, contrary to the plain rules of common honesty.

Checer, cheser, l. fr. To fall. **Checer in debat:** to come in question or debate.

Check, cheque. A written order on a bank, or banker, for payment, on presentment, of a certain sum of money to a person therein named, or to him or bearer, or order,—operating, without acceptance, as an appropriation to that amount of money of the drawer on deposit.

Checker. The old Scotch form of Exchequer.

Chef, chefe, l. fr. Chief; a, or the, head. **Chefe del an:** the head or beginning of the year. v. *Caput.*

Chefe, l. fr. *In Anglo-Norman law.* Were or weregild; the price of the head or person.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- Chiltern hundreds.** A tract of country comprising the hundreds of Stoke, Desborough and Bonenham, the stewardship of which is a nominal office in the gift of the crown, and given to a member of parliament who wishes to retire, to evade the rule that a member cannot vacate his seat, there being another rule that an acceptance of a crown office has the effect of a vacation.
- Chimin, chymín, chemyn, l. fr.** *In old English law.* A way, or right of way.
- Chiminage, cheminage, l. fr., Chiminagium, cheminagium, l. l.** *In old English law.* A toll due by custom for having a way through a forest.
- Chiminus, l. l.** *In old English law.* A way; a road or street.
- Chimney money.** A tax upon chimneys; an ancient tax or duty upon houses in England, now repealed.
- Chippingavel, cheapingavel.** *In old English law.* A toll or duty for buying and selling; an ancient tax imposed upon wares brought to a place to be sold.
- Chirgemot, chirchgemot.** *In Saxon law.* An ecclesiastical assembly or court; a synod or meeting in a church or vestry.
- Chirograph.** *In English law.* A deed or charter; an indenture executed in parts; a fine of lands. *v. Charta; Charter; Chirographum.*
- Chirographer of fines.** *In old English law.* An officer of the court of common pleas, who engrossed the fines acknowledged in that court and wrote and delivered the indentures of them to the parties.
- Chirographum, chirographus, l. or gr.-l.** *In the Roman law.* A handwriting; that which was written with a person's own hand; an obligation written or subscribed by a person with his own hand; an evidence or voucher of debt; a security for debt; a right of action for debt.
- Chirographum, cirographum, cyrographum, l. l.** An evidence of debt, as a bond, bill or note. *Chirographum apud debitorem repertum præsumitur solutum:* an evidence of debt found in the debtor's possession is presumed to be paid.
- In English law.* A deed or indenture executed in two parts, and divided by a cut through words written in the middle; a chirograph, called also *scriptum chirographatum* or *charta cyrographata*; the word itself, through which deeds were cut or indented, and divided; a fine of lands.
- In Saxon law.* A deed, charter, or instrument of conveyance in writing; a chirograph.
- In the civil and canon law.* An instrument executed between two parties, as debtor and creditor, and called *chirographus* because written only with the hand of one party, and left in the hands of the other.
- Chivalry.** *In feudal law.* Knight-service. *v. Tenure.*

Chochaunt, l. fr. Lying down. An old form of *couchant*.

Chop-church, chop-chirch, choppe-church. *In old English law.* A parson who changed or exchanged benefices.

Chose, fr. A thing. **Chose in action:** a thing in action; a right to a thing of which one has not the possession or actual enjoyment, but which he may recover in a suit, or a right to performance of a contract. **Chose in possession:** a thing in possession, as distinguished from a thing in action. **Chose local:** a local thing; a thing annexed to a place. **Chose transitory:** a thing which is movable, and may be taken away or carried from place to place.

Christianitatis curia, l. The court of Christianity; the court Christian, or ecclesiastical judicature, as opposed to the civil court, or lay tribunal. *v. Court Christian.*

Chuepa, l. l. *In old records.* Chop or exchange.

Church. A house appropriated to Christian worship and the performance of religious services; a body or community of Christians, united under one form of government by the profession of the same faith, and the observance of the same ritual and ceremonies.

In English ecclesiastical law. An institution established by the law of the land in reference to religion; a benefice, which includes the glebe, parsonage and tithes; in strictness, not the edifice, but the cure of souls and the right of tithes. **Church building acts:** statutes passed in England in and since the year 1818, to extend the accommodation afforded by the national church. **Church rate:** a rate imposed upon the parishioners of a parish for the repairs of the church. **Church reeve:** a church warden; an overseer of a church. **Church wardens:** guardians, overseers or keepers of the church. Parochial officers annually appointed by the parish, whose province it is to take care of the church, that is, to see to the repairs of the church, and to have the care of the goods belonging to it.

Churcheset, churchset, cirset, kirkset, chirset. *In old English law.* A certain portion or measure of wheat, anciently paid to the church on St. Martin's day; an annual tribute paid to the church in grain or other product.

Churl. *In Saxon law.* A freeman of inferior rank, chiefly employed in husbandry. *v. Ceorl.*

Ci, cy, si, l. fr. So; here. **Ci bien:** as well. **Ci devant:** heretofore. **Ci Dieu vous eyde:** so help you God. **Ci tost:** as soon as.

Cibaria, l. *In the civil law.* Food; victuals.

Cibatus, cibata, l. Victualed. **Cibat' velat' et parat':** victualed, tackled and appareled.

Ciens, l. fr. Here; hitherto.

Cieus, l. fr. Those; such.

Cil, l. fr. He. **Cil ky prendra:** he who shall take.

Cinque ports. Five (now seven) ports or havens on the southeast coast of England, formerly esteemed the most important in the kingdom.

They have franchises similar in some respects to those of the counties palatine, and particularly an exclusive jurisdiction (now abolished) in which the king's ordinary writ does not run; and they have a governor called the Lord Warden of the Cinque Ports, who is always the constable of Dover castle. They are Dover, Sandwich, Romney, Hastings and Hythe (sometimes called in the old books, Doure, Sandwyz, Romual, Hastings and Heya), to which Winchelsea and Rye have been since added.

Cippi, l. l., Cippi, cips, sepps, seps, l. fr. *In old English law.* The stocks; an instrument for punishing offenders.

Circa, l. About; concerning.

Circada, l. l. *In old English law.* A tribute paid to the bishop or archdeacon for visiting the churches.

Circbota, l. l. *In Saxon law.* The repairing of a church.

Circset, kirkset, cyricset. *In old English law.* A tribute paid to the church. *v. Churchesset.*

Circuit. A division of a country, state or kingdom, into judicial districts. The periodical going of a judge from district to district for the purpose of holding court.

In American law. **Circuit courts:** courts held in such districts by judges who so go about,—in the federal courts, by a member of the supreme court acting as circuit judge, a circuit judge, and district judge of the district; in the state courts by a circuit judge.

In English law. **Circuit paper:** a paper containing a statement of the time and place at which the several assizes will be held, and other statistical information connected with the assizes.

Circuitus, l. *In old English law.* A going around; a round-about way. **Circuitus est evitandus:** circuitry is to be avoided.

Circuitry of action. An indirect mode of suing; an indirect mode of proceeding which makes two or more suits necessary where justice could have been secured by one. Called in the old books circuit of action.

Circular. A printed letter which, according to internal evidence, is being sent in the same terms to several persons.

Circumduction of the term. *In Scots law.* The sentence of a judge, declaring the time elapsed within which a proof ought to have been led, and precluding the party from bringing forward any further evidence.

Circumstance, Circumstantia, l. l. A relative fact; a fact standing in a certain relation to another fact, and from which, when proved, the existence of such other fact may be inferred or presumed.

Circumstantial evidence. Evidence derived from circumstances, as distinguished from direct and positive proof; evidence operating in the way of inference from circumstances; sometimes called argumentative, indirect or inferential evidence, and sometimes from the characteristic process of presumption, involved in its application, but less accurately, presumptive evidence. *v. Presumptive evidence.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books' Full Membership provides unlimited access to more than 28,000 volumes of Christian literature for \$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

by equal laws, as, rights or liberty. **Civil action or remedy:** an action brought to recover some civil right, or to obtain redress for some wrong, not a crime or misdemeanor. **Civil corporations:** one of the two classes into which lay corporations are divided; the other division embracing what are termed *eleemosynary* corporations. **Civil death:** that change of a person's civil condition which is produced by certain acts or offenses on his part, and which extinguishes his civil rights and capacities, as natural death extinguishes his bodily existence. **Civil injury:** an infringement or privation of some civil right, which is a subject for civil redress or compensation, as distinguished from a crime, which is a subject for punishment. **Civil law:** the Roman law, as comprised in the Code, Pandects, Institutes and Novels of Justinian, and his successors, constituting together what is termed the *Corpus Juris Civilis*, as distinguished from the canon and common law; that system of law which a community, state or nation establishes for its own peculiar government, municipal law. **Civil liberty:** the liberty of a member of society, being a man's natural liberty, so far restrained by human law as is necessary and expedient for the general advantage of the public. **Civil right:** the right of a citizen; a right due from one citizen to another, the privation of which is a civil injury, for which redress may be sought by a civil action.

In American law. **Civil damage act:** a statute which gives a right of action for damages against a seller of intoxicating liquor, on behalf of the wife or family of the buyer, where they have been injured by reason of his intoxication. **Civil rights:** various rights of citizenship secured by the thirteenth and fourteenth amendments to the federal constitution.

In English law. **Civil list:** an annual sum granted by parliament, at the beginning of each reign, for the expenses of the royal household and establishment, as distinguished from the general exigencies of the state.

Civilian. A person skilled or versed in the civil law; a doctor, professor or student of the civil law; a writer on the civil law.

Civilis, l. Civil, as distinguished from criminal; civil, belonging to a *civitas* or state. **Civilis actio:** a civil action. **Civilis causa:** a civil cause.

Civilista, l. l. *In old English law.* A civil lawyer or civilian.

Civiliter, l. Civilly, by a civil course of procedure; civilly, as a citizen. This term, with its opposite, *criminaliter*, occur in the civil law, from which they were introduced, probably through Braeton, into the law of England. **Civiliter mortuus:** civilly dead; dead, as a citizen; dead in law.

Civis, l. *In the Roman law.* A citizen, as distinguished from *incola*, an inhabitant,—origin or birth constituting the former, domicil the latter.

Civitas, l. *In old English law.* A city, properly the inhabitants. **Civitas London habeat omnes antiquas libertates:** the city of London shall have all its ancient liberties.

In the Roman law. Citizenship; one of the three conditions or qualifications of persons; a body of people living under the same laws; a state. **Civitates fœderatæ:** towns in alliance with Rome, and considered to be free.

Claim. A challenge or demand of the property or ownership or of some interest in a thing which the person demanding has not in possession, but which is withheld from him unlawfully; a demand of some matter as of right made by one person upon another, to do or to forbear to do some act or thing as a matter of duty. *v. Counter-claim; Non-claim.*

Clam, l. *In the civil law.* Covertly; secretly.

Clamare, l. l. *In old English law.* To demand or challenge, to assert a right to a thing; to claim; to cry out, to publish or declare aloud; to cry, as a newly-born child; to complain. **Clamans:** claiming. **Clamantem et auditum infra quatuor parietes:** crying and being heard within the four walls,—applied where a child born was heard to cry, thus giving the husband and father an estate as tenant by the curtesy.

Clamea, clamia, clameum, clameus, l. l. *In old English law.* A claim.

Clamor, l. l. *In old English law.* A claim or complaint, clamour; a cry, or outcry; the cry of a newly-born child. **Clamor patriæ:** the cry of the country. **Clamor popularis:** the cry of the people.

Clare constat, l. l. *In Scots law.* It clearly appears; the name of a precept for giving seisin of lands to an heir,—so called from its initial words.

Claremethen, clamarthen. *In old Scots law.* The warranty of stolen cattle or goods; the law regulating such warranty.

Clarendon, constitutions of. Statutes made at Clarendon in the reign of Henry II. by which the usurpations of the pope and the clergy and their immunity from the secular jurisdiction were limited.

Clarificatio, l. *In old Scots law.* A making clear; the purging or clearing of an assise. **Clarificatio debiti:** the clearness of a debt, which is proved and verified.

Class. An order or rank of persons or things; a number of persons or things arranged collectively under one head, and having certain qualities in common, as, creditors, legatees, etc.

Classici. *In the Roman law.* Persons employed in servile duties on board of vessels.

Claudere, l. l. *In old English law.* To enclose; to turn open fields into closes and enclosures; to close, finish or end. *v. Diem clausit extremum.*

Clause. *In old English law.* Close, sealed, as, a writ not open or patent. *v.* *Clausum; Close; Patent.* **Clause rolls, or Close rolls:** rolls preserved in London, containing the records of writs close, *literæ*, etc.

Clause. A part of a written instrument enclosing certain words; a sentence or part of a sentence in a deed, or other private writing, or in a statute. *v.* *Clausula.*

Clastrum, l. *In the Roman law.* A bar for securing a door. **Clastra:** bars.

Claustura, l. l. *In old English law.* An enclosure, or that which fences it; brush-wood for hedges or fences.

Clausula, l. l. A clause; a sentence or part of a sentence in a written instrument or law. **Clausula generalis:** a general clause; — **de residuo non ea complectitur quæ non ejusdem sint generis cum iis quæ speciatim dicta fuerant:** a general clause of remainder does not embrace those things which are of the same kind with those which had been specially mentioned; — **non refertur ad expressa:** a general clause does not refer to things expressed. **Clausula quæ abrogationem excludit ab initio non valet:** a clause which precludes abrogation is void from the beginning. **Clausula vel dispositio inutilis per presumptionem remotam, vel causam ex post facto non fulcitur:** a useless clause or disposition is not supported by a remote presumption or by a cause arising afterwards. **Clausulæ inconsuetæ semper inducunt suspicionem:** unusual clauses always induce suspicion.

Clausum, l. l. *In old English law.* Close,—a term applied to writs. **Clausum vel apertum:** close or open. *v.* *Close.*

Clausum, l. l. *In old English law.* A close; an enclosure. **Clausum fregit:** he broke the close. Technical words formerly used in certain actions of trespass, and still retained in the phrase *quare clausum fregit:* the breaking of a close. **Clausum Paschæ:** the close of Easter; the octave of Easter, *i. e.* the eighth day after the feast of Easter. So called because it closed the feast.

Clausura, l. l., Clausure, l. fr. *In old English law.* An enclosure. **Clausura heyæ:** the enclosure of a hedge.

Claves, l. Keys. **Claves curiæ:** the keys of the court. A term applied, in old Scots law, to the officers of a court, such as the clerk, serjeant, etc. **Claves insulæ:** the keys of the island. A term applied, in the Isle of Man, to twelve persons to whom all doubtful and important cases were referred.

Clavia, l. l. *In old English law.* A club or mace.

Clawa, l. l. A close, or small enclosure.

Clearance. *In maritime law.* A certificate given by the collector of the port to the master of a vessel about to sail, stating that she has complied with the law and has a right to depart.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

parvæ bagæ, et custos rotulorum, et domus conversorum: clerk of the petty bag, and keeper of the rolls, and of the house of the converts,—also an old title of the Master of the Rolls.

In the Roman law. A minister of religion in the Christian church; an ecclesiastic or priest.

Clerimonia, l. l. *In old English law.* Clergy, or privilege of clergy.

Clerk. A person employed to keep accounts, and the like; a person employed to keep records, as, the clerk of a court, who keeps minutes or records of the proceedings, and has the custody of the record and the seal; a person serving in the office of an attorney or a solicitor in order to qualify himself for practice,—where bound by articles, an articulated clerk.

In English ecclesiastical law. A priest or clergyman; a person in orders. v. *Benefit of clergy; Clericus.*

Clerkship. *In English law.* The period during which a person is required to serve in the office of a practicing attorney or solicitor, in order to qualify himself to practice as an attorney or solicitor.

In old English law. The art of drawing pleadings and entering them on record in Latin, in the ancient court hand; otherwise called “skill of pleading in actions at the common law.” v. *Court hand; Law Latin.*

Clerus, l. l. *In old English law.* The clergy. v. *Articuli cleri.*

Cliens, l. *In the Roman law.* A client or dependent; one who depended on another as his patron or protector, adviser or defender, and was bound in return to pay him honor, and to serve him with his life and fortune in any extremity.

Client. A person who employs or retains an attorney, solicitor, proctor or counsellor, to appear for him in courts, to advise, assist and defend him in legal proceedings, and to act for him in any legal business.

Clientela, l. *In old English law.* The state of a client; clientship.

Clos, l. fr. Shut up; close; closed.

Close. A portion of land, as a field, enclosed, as by a hedge, fence or other visible enclosure; the interest of a person in a particular piece of ground, whether enclosed or not.

Close. *In English law.* Sealed,—a term applied to writs and letters, sealed as distinguished from those that are open or patent. **Close copies:** copies of papers which might be written as close as the writer pleased, as distinguished from office copies, which were required to contain so many words in a sheet. **Close rolls:** rolls preserved among the public records containing the records of the writs or letters close, and other documents. **Close writs:** writs directed to the sheriff, as distinguished from those which were directed to the lord, which were called patent; writs folded with the wax round them, being thus distinguished from a writ patent, which, although folded, is sealed at the end of the label which issues from

the same piece of parchment, and surrounds the writ; letters of the king, sealed with his great seal, directed to particular persons, and for particular purposes, which, not being proper for public inspection, are closed and sealed on the outside.

Cloud or cloud upon title. That which shows *prima facie* a right to an interest in realty in a person not in possession, or an unfounded claim which there is reason to fear may be asserted to the injury of the person in possession.

Co. A prefix to words, denoting conjunction of action, or of right, power or duty; as in the words co-administrator, co-executor, co-trustee, etc.; an abbreviation of county and of company.

Coadjutor. An assistant; the assistant of a bishop.

Coadunare, l. l. *In old English law.* To get together; to heap up, as hay, manure, etc.

Coadunatio, l. l. *In old English law.* A uniting of persons together; a combination or conspiracy.

Coarctare, coartare, l. *In old English law.* To straiten; to restrain, limit, or confine. **Coarctata:** limited, or restrained.

Coarctatio, l. *In old English law.* A restriction or limitation.

Coast. The margin of land next to the sea; the sea-shore.

Cocket, cocquet, coquet. *In English law.* The seal of a custom-house; a scroll or piece of parchment, sealed and delivered by customs officers as a warrant that goods are customed; a testimonial that customs outward, due to the king, are paid.

Cockettare, l. l. *In old English law.* To cocket. **Cokettari:** to be cocketted, that is, furnished with a cocket.

Code. A body of laws; a collection or compilation of laws, by public authority,—either a mere compilation of existing laws, or a new system of laws founded on new principles. Codes of procedure civil and criminal have been enacted by New York and many of the western states. **Code civil:** a code of law prepared under the direction of Napoleon, and promulgated in 1804, as the civil law of France,—called under the Empire the *Code Napoleon*. **Code of Justinian:** a collection of imperial constitutions in twelve books, compiled by Tribonian and nine associates, under the direction of Justinian, A. D. 529; and so called to distinguish it from the code of Theodosius, published about a century before,—the first of four collections, which make up the *Corpus Juris Civilis*. **Code of Theodosius or Theodosian code:** a code compiled by the emperor Theodosius the younger, A. D. 438, being a methodical collection, in sixteen books, of all the imperial constitutions then in force. It is more properly called the *Theodosian code*.

Codex, l. A code or collection of laws; particularly the code of Justinian; a book or manuscript; a writing folded like modern books, with a number of distinct leaves; a copy or counterpart of a written

instrument. **Codex Gregorianus:** a collection of imperial constitutions made by Gregorius, a Roman jurist, about the middle of the fifth century. Fragments only remain. **Codex Hermogenianus:** a collection of imperial constitutions made by Hermogenes, a jurist of the fifth century. It was nothing more than a supplement to the Codex Gregorianus, containing the constitutions of Diocletian and Maximilian. Fragments only remain. **Codex Justinianus:** the code of Justinian; so called by Justinian himself. **Codex repetitæ prælectionis:** the new code of Justinian; or the new edition of the first or old code, promulgated A. D. 534, being the one now extant. **Codex Theodosianus:** the code of Theodosius. **Codex Vetus:** the old code; the first edition of the code of Justinian; now lost.

Codicil. A supplement to a will explaining, adding to or altering provisions. It is made by the testator, is annexed to the will, and is to be taken as a part of it.

Codicillus, l. *In the Roman law.* A codicil; an informal and inferior kind of will, in use among the Romans.

Coemptio, l. Mutual purchase; one of the modes in which marriage was contracted among the Romans. It was in the form of a private bargain.

Coercion. Constraint; compulsion. v. *Duress.*

Cogitationis pœnam nemo patitur, l. No man suffers punishment for his thoughts.

Cognates. Relations by the mother's side, or by females.

Cognati, l. *In the civil law.* Cognates; relations by the mother's side; relations generally, properly, by blood; persons of the same blood.

Cognatio, l. *In old English law.* Cousinage, or cosinage. v. *Cosinage.*
In the civil law. Cognation; relationship, or kindred generally; relationship through females, as distinguished from *agnatio*, or relationship through males.

In the canon law. Consanguinity, as distinguished from affinity; consanguinity, as including affinity.

Cognatus, l. *In the civil law.* A relation by the mother's side; a cognate; a relation, or kinsman, generally. v. *Cognati; Cognatio.*

Cognizance, cognisance, conusance. Acknowledgment; admission or confession; recognition; jurisdiction, as of a court over a cause; judicial notice, or examination; the hearing of a matter judicially.

Conusance of pleas: an exclusive right to try causes,—a right granted certain cities. It may be pleaded by "claim of conusance" to the jurisdiction of another court. v. *Avowry.*

Cognitio, l. *In old English law.* The acknowledgment of a fine; the certificate of such acknowledgment; cognizance, or jurisdiction.

Cognitio placitorum: cognizance of pleas.

In the Roman law. The judicial examination or hearing of a cause.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Colibertus, collibertus, conlibertus, pl. coliberti, l. l. Coliberti are inferior tenants mentioned in Domesday, thought to have been tenants in free socage by free rent.

Collateral. Connected by, or on the side; by the side and not in a direct line; depending upon; additional. **Collateral assurance:** an assurance in addition to some other assurance, as, a bond in addition to covenants in a mortgage. **Collateral consanguinity:** relationship not lineal which exists between persons who are descended from one and the same stock or ancestor, whether near or remote. **Collateral issue:** an issue upon matter aside from the intrinsic merits of the action, as upon a plea in abatement, or aside from the direct and regular order of the pleadings, as on a demurrer; an issue on a plea of diversity of person, pleaded by a criminal who has been tried and convicted, in bar of execution. **Collateral limitation:** a limitation of an estate which gives an interest for a specified period, but makes the right of enjoyment to depend on some collateral event. **Collateral security:** a security in addition to another, or principal security, to be resorted to in case of failure of the principal security. **Collateral warranty:** a warranty of lands, collateral to the title of the heir, or him upon whom the warranty falls; a warranty made by a person who is collateral to the title, *i. e.* a person out of the line of the title, and through whom the title did not pass. *v. Lineal warranty.*

Collaterales et socii, l. l. Assessors; assistants and associates of the chancellor; former titles of masters in chancery.

Collatio, l. A bringing or putting together; a throwing into one fund or mass; a comparison of two things by putting them together; a conferring or bestowment of a thing; collation; contribution or average. **Collatio honorum:** the bringing of an advancement into hotchpot. **Collatio signorum, or sigillorum:** comparison of seals; the old way of testing genuineness, by comparison with a seal known to be genuine. *v. Comparatio literarum; Comparison of hands.*

In the civil law. **Collatio honorum:** collation of goods; a bringing together of goods or property into a common fund, especially of property received of a testator by way of advancement, for the purpose of a more equitable division among the heirs. In Louisiana it is called *collation* or *rapport*.

Collation to a benefice. *In English ecclesiastical law.* The conferring of a benefice by the bishop, where he has himself the advowson.

Collect. To gather together, as to gather money due by way of private debt, or money due government as for taxes or customs duties. **Collect on delivery:** a direction to a carrier to demand and receive for the seller the purchase-money of goods sold and carried when he makes delivery to the buyer and consignee.

- Collector.** A person employed to demand and receive payment of money; a public officer whose duty it is to demand and receive payment of money, as, for taxes, customs duties, etc.
- Collectores, l. l.** *In old English law.* Persons appointed to make collections for another; collectors.
- Collega, l.** *In the civil law.* A colleague; one having the same power with another.
- Collegatarius, l.** *In the civil law.* A co-legatee.
- College.** A collection, assemblage or company of persons; an association of persons, authorized by law, for the performance of some duty or office, or the attainment of some object, literary, scientific, political or ecclesiastical.
- Collegialiter, l. l.** In a corporate capacity.
- Collegiate church.** *In English ecclesiastical law.* A church built and endowed for a society or body corporate of a dean or other president, and secular priests, as canons or prebendaries.
- Collegium, l.** *In the civil law.* An association of persons, usually of the members of a trade; a corporation, company, or college, established by authority of law. *Collegium licitum, or legitimum:* a *collegium* confirmed by special enactment, or by a *senatus consultum*, or an imperial constitution. *Collegium illicitum:* a *collegium* not so confirmed, or a *collegium* which abused its right or assembled for some unauthorized purpose.
- Colligendum bona defuncti.** v. *Ad colligendum.*
- Collision.** A striking, or running together with violence, particularly the running foul of vessels. v. *Allision.*
- Collistrigium, l. l.** *In old English law.* The pillory.
- Collobium, l. l.** A hood or covering for the shoulders, formerly worn by serjeants at law.
- Colloquium, l. l.** Conversation; discourse. That part of the declaration in slander which avers that the words were spoken concerning the plaintiff,—in a certain discourse or conversation, *in quodam colloquio* which he had with others, or with the plaintiff in the presence of others.
- Collusion.** An agreement between two or more persons to defraud another by the forms of law, or to employ such forms as means of accomplishing some unlawful object; an agreement between husband and wife that one of them shall do or appear to do that which would give the other a ground for divorce, in order that a divorce may thus be procured.
- Collybista, gr.-l.** *In the civil law.* A dealer in money; a money-changer. v. *Argentarius.*
- Collybum, gr.-l.** *In the civil law.* Exchange.
- Colne, sax.** *In Saxon and old English law.* An account or calculation.

Color, *l.* and *eng.* Appearance as distinguished from reality; the exterior or *prima facies* of a thing. **Color a rhetoribus appellatur probabilis alicujus rei causa, qua quod falsum aut turpe est velamus:** color is called by the rhetoricians the probable cause of anything, with which we disguise what is false or base. **Color of law:** mere semblance of legal right. **Color of office:** mere semblance of a right to exercise the powers of office. **Color of title:** mere semblance or appearance of title. v. *Express color; Give color; Implied color.*

Colorable. Existing in semblance or appearance merely. **Colourable pleading:** giving colour in pleading.

Colore, *l.* By or under color. **Colore officii:** by or under color of office; under pretense of official authority.

Colpare, *l. l.* *In old English law.* To lop or top, as trees; 'to cut off the boughs. **Colpatura:** a lopping or topping of trees.

Comander, comaunder, *l. fr.* To commit or send. **Comaundes a la prison:** committed to prison.

Combarones, *l. l.* *In old English law.* Fellow-barons; fellow-citizens.

Combat. *In old English law.* The formal trial of a doubtful cause or quarrel, by the swords or batons of two champions. v. *Battel; Duellum.*

Combination. Union of persons or things; in the law of patents, union of parts, as of machines or machinery.

Combussor, *l. l.* *In old English law.* A burner; an incendiary.

Combustio, *l.* *In old English law.* Burning; the punishment of burning, inflicted upon apostates and others. **Combustio domorum:** the burning of houses; house-burning; arson. **Combustio pecuniæ:** the burning, *i. e.* the melting, of money; the old way of trying mixed and corrupt money, by melting it down upon payments into the exchequer.

Come, *l. fr.* As; so; whereas. **Come ceo que il ad**, etc.: as that which he hath, etc. **Come de det:** as of duty. **Come Dieu luy aide:** so help him God. **Come semble:** as it appears.

Come. To appear in court, as a party in an action at law. **Come and defend:** a phrase used at the commencement of pleas and demurrers to the declaration, expressing appearance, and defense.

In old English law. **Come to land:** to acquire land; to obtain possession under a title.

Comen, *l. fr.* Common.

Coment, *l. fr.* Although; notwithstanding.

Comes, *l.* A companion, a follower or attendant; a count, an earl. An official and honorary title of great antiquity and various application.

Comitas, *l.* Comity; courtesy; civility. **Comitas inter communitates or inter gentes:** comity between communities or nations; comity of nations. v. *Comity.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Commarchio, l. l. A boundary or border; a common boundary. v. *Marchiare*.

Commencement. The first existence of a thing; a start; a beginning.
Commencement of a building: work done on the ground the effect of which is apparent. **Commencement of a suit:** such a proceeding as gives a jurisdiction good against collateral impeachment, as affects the defendant, or as saves the bar of the statute of limitations.

Commenda, l. *In mercantile law.* An association in which capital is entrusted to individuals.

In English ecclesiastical law. **Commenda, or Commenda retinere:** a living or benefice commended by the crown to the care of the clerk, to hold till a proper pastor is provided for it.

Commendam. *In Louisiana law.* A species of limited partnership.

Commendare, l. *In the civil law.* To commend; to recommend a person; to commend or praise a thing, as an article offered for sale; to deposit; to lend; to entrust a thing.

In old European and feudal law. To commend, commit or entrust one's self to the protection of another.

Commendatio, l. *In the civil law.* Commendation; praise or recommendation. v. *Ea quæ, etc.; Simplex, etc.*

Commendatus, l. l. *In feudal law.* One who entrusts himself to the protection of another.

Commerce. In a strict sense, traffic in merchandise; in a general sense, an interchange of goods, or property of any kind, between nations or individuals, either by barter, or by purchase and sale; intercourse between nations; intercourse with foreign nations, including navigation.

Commercial law. The law by which the commerce of nations is regulated. v. *Maritime law*.

Commercium, l. *In the civil law.* Commerce; traffic; the right or power of purchase and sale; power over a subject of sale. **Commercium jure gentium commune esse debet, et non in monopolium et privatum paucorum quæstum convertendum:** commerce, by the law of nations, ought to be common, and not converted into monopoly and to the private gain of a few.

In international law. **Commercia belli:** communications or conventions of war; arrangements between hostile powers by which intercourse is, for the time, established between them, as for the purpose of burying the dead, exchanging prisoners, and the like; contracts or conventions between the subjects of such powers, as ransom bills, contracts made by prisoners of war for subsistence, and the like.

Comminalty, comminaltie, l. fr. The commonalty or people.

Comminatorium, l. l. In old practice, a clause sometimes added to a writ admonishing the sheriff to be faithful in executing it.

Commissary. *In English ecclesiastical law.* Formerly an officer who exercised a bishop's jurisdiction in distant places of the diocese where there was no archdeacon.

Commission. To authorize or empower by virtue of a commission.

Commission. A warrant or authority in writing and under seal, sometimes in the form of letters patent, empowering those to whom it is directed, to perform certain acts, or to exercise a certain jurisdiction; the persons who act by virtue of such an authority; a writ issued out of court and under seal, authorizing persons named to perform specified duties, as to take the testimony of witnesses, etc.; the order or instruction under which one person traffics, or acts for another; the compensation allowed an agent for his services. **Commission of lunacy, or Commission de lunatico inquirendo:** a commission authorizing certain persons to inquire whether a person represented to be a lunatic, is so or not. **Commission to examine witnesses:** a commission issued to obtain the testimony of persons not residing within the jurisdiction of the court, and whose personal attendance cannot be compelled by subpoena.

In English law, **Commission day:** the opening day of the assizes.

Commission of assize: one of the several authorities, by virtue of which, until recently, the judges of the superior courts sat upon their circuits.

Commission of bankrupt: a commission or authority formerly granted by the Lord Chancellor, in cases of bankruptcy, as authorizing proceedings according to the statute against bankrupts.

Commission of nisi prius: one of the several commissions by virtue of which the judges of the superior courts sit upon their circuits.

Commission of rebellion: a process formerly used in the court of chancery, being one in the series of what was called process of contempt, and issued to attach a defendant in contempt as a rebel and contemner of the law and bring him to court on a day assigned.

Commission of the peace: a commission from the crown, appointing certain persons therein named, jointly and severally to keep the peace, etc.

In English ecclesiastical law. **Commission of review:** a commission formerly sometimes granted in extraordinary cases, to revise the sentence of the court of delegates.

Commissioner. A person holding a commission for the discharge of certain duties, as the execution of a public office.

Commissor, l. l. *In old English law.* A committer; one who committed or entrusted land to another to hold during his pleasure.

Commissoria lex. v. *Lex commissoria.*

Commit. To send to prison for a crime or for contempt or contumacy; to deliver to the custody of the sheriff or marshal, on surrender by bail; to send to a place of confinement a person found to be insane; to delegate, as a duty; to confide in; to entrust to.

Commitment. The sending or committing of a person to prison or gaol, by warrant or order, for a crime, or for contempt, or contumacy; a delivery to the custody of a sheriff or marshal, on surrender by bail; a part of the process of charging a defendant in execution; the warrant or order by which a party is committed. *v. Commit; Mitimus.*

Committee. One or more persons to whom the consideration or management of any matter is committed or referred by court, or by consent of the parties to whom it belongs; the person to whom the care and custody of the person or estate of a lunatic is committed by the court.

Committere, l. *In old English law.* To commit; to entrust or put in charge; to commit, or be guilty of; to send to; to send to prison or into custody. *Committit jurator perjuriam quando, etc.:* the juror commits perjury, when, etc.

Committitur, l. He is committed; an order or minute, setting forth that the person therein named is committed to the custody of the sheriff. *Committitur piece:* an instrument in the form of a bail-piece, by which a defendant in custody is charged in execution, at the suit of the same or another plaintiff.

Commixtio, l. *In the civil law.* Commixture or commixtion; a mixing together of things solid or dry, which belong to different persons. *v. Confusio.*

Commodare, l. *In the civil law.* To loan or lend; to give to another to be used.

Commodate. *In Scots law.* A gratuitous loan for use.

Commodati actio, l. *In the civil law.* An action of loan; an action for a thing lent.

Commodator, l. *In the civil law.* A lender.

Commodatum, l. *In the civil law.* A thing loaned; a gratuitous loan of a specific thing.

Commodum, l. Advantage, benefit or profit. *Commodum ejus esse debet cujus periculum est:* he who runs the risk ought to have the profit. *Commodum ex injuria sua nemo habere debet:* no man ought to profit by his own wrong. *v. Cujus est, etc.; Nemo ex, etc.; Secundum, etc.; Un ne, etc.*

Common. A right to take a profit in the land of another, either with the owner, or with others, as to feed beasts, catch fish, dig turf, cut wood, or the like; a space of ground in a town or other municipal district, set apart for public use. *Common appendant:* an immemorial right of tenants in a manor to feed their commonable cattle on other lands of the manor. *Common appurtenant:* a right of feeding cattle, commonable or not commonable, on the land of another, in common with the owner or with others, which is founded on a grant, or a prescription which supposes a grant. *Common be-*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

right of fishing common to all, as a fishery in the sea, or in a navigable river. Sometimes confounded with common of fishery, and free fishery, from which it is clearly distinguishable. **Common form:** proof of a will by an executor on his own oath. **Common informer:** one who makes a business of giving information of the violation of penal statutes, with a view to the prosecution of the offender, and to whom the whole or a part of the forfeiture is given. *v. Informer.* **Common intendment:** common meaning or understanding; the understanding of a thing according to the subject-matter, without straining it to any extraordinary or foreign sense. *v. Intendment.* **Common jury:** the ordinary kind of jury by which issues of fact are generally tried. **Common law:** the English law as distinguished from the civil law, the canon law and other systems; that part of the English law which had its origin not in statute but in immemorial custom and usage as declared by the courts; the law administered in the common-law courts, as distinguished from the courts of equity and admiralty; the general customs of the kingdom, as distinguished from local customs. **Common nuisance:** a nuisance which affects or may affect the public, as distinguished from one which is confined in its effects to particular individuals. **Common schools:** schools for the elementary instruction of children of all classes; schools supported by general taxation, controlled by agents appointed by the voters, and open to all free of expense. **Common scold:** a quarrelsome woman, whose conduct is a public nuisance to her neighborhood, formerly punishable as a nuisance by being placed in the trebucket, castigatory, or cucking stool. **Common seal:** the seal of a corporation, by which alone, at common law, it could speak and act. **Common weal:** the common good; the public welfare.

In English law. **Common Bench:** the Bench as distinguished from the King's Bench; the former title of the court of Common Pleas. *v. Bench.* **Common Pleas:** prior to the judicature act of 36 & 37 Vict., c. 66, one of the superior courts of common law, consisting of a chief justice and four puisne judges. *v. Bench.* **Common recovery:** a species of common assurance, or mode of conveying lands by matter of record, formerly in frequent use, but abolished by statute 3 & 4 Will. IV., c. 74. **Common vouchee:** the vouchee in common recoveries; the person vouched to warranty, or called on to defend the title of the tenant in those proceedings. *v. Vouchee.* *In old English law.* **Common chase:** a place where the right of hunting was common to all. **Common day:** an ordinary day in court. *v. Dies communis.* **Common fine:** a certain sum of money which the residents in a leet paid to the lord of the leet, otherwise called head silver. cert money, or *certum letæ*; a fine or amercement imposed upon a county at large. **Common place:** common pleas. **Common pleas:** common causes or suits,—a term anciently used to

denote civil actions, or those depending between subject and subject, as distinguished from pleas of the crown.

In Scots law. **Common debtor:** a debtor whose effects have been arrested by several creditors.

Commonable. Entitled to common,—beasts either beasts of the plough as horses and oxen, or such as manure the land, as kine and sheep.

Commonalty. *In American law.* One branch or division of the members of a municipal corporation; as the mayor, aldermen and commonalty of a city.

In English law. One of the component parts of an incorporated company; as, the master, wardens and commonalty; the commoners or people of England, as distinguished from the nobility; the middle classes in England; the better and more influential sort of commoners, otherwise called *communalty* or *comminality*.

Commoners. *In English law.* Persons having a right of common.

Commons. The commoners or people of England, as distinguished from the nobility, consisting of all such men of property in the kingdom as have not seats in the House of Lords; the popular branch of parliament.

Commonty. *In Scots law.* Land possessed in common by different proprietors, or by those having acquired rights of servitude.

Commorancy. A dwelling in any place as an inhabitant, which consists in usually lying there; a mere temporary residence.

Commorant. Staying or abiding; dwelling, or usually lying in a place.

Commorientes, l. *In the civil law.* Persons dying together, in the same place, or from the same cause.

Commote, Commotum, l. l. *In old English law.* Half of a cantred or hundred in Wales, containing properly fifty villages; a great seignior, including one or more manors; part of a seignior.

Communance. *In old English law.* Tenants and inhabitants, who had the right of common, in open fields or woods.

Communare, l. l. *In old English law.* To common; to enjoy the right of common.

Communaute, commune, l. fr. *In old English law.* Commonalty.

Commune, l. Common.

In old English law. **Commune concilium regni:** the common council of the realm; one of the names of parliament. **Commune hospitium:** a common inn. **Commune placitum:** a common plea or action, such as an action of debt. **Commune vinculum:** a common or mutual bond,—applied to the common stock of consanguinity, and to the feudal bond of fealty.

Communia, l. *In old English law.* Common; common things, such as running water, the air, the sea and sea shores. **Communia pasturæ:** common of pasture. **Communia piscariæ:** common of piscary. **Communia placita:** common pleas or actions; pleas or ac-

tions between common persons, *i. e.* between one subject and another, as distinguished from *placita coronæ*, pleas of the crown, or criminal actions; — *non sequantur curiam nostram, sed teneantur in aliquo loco certo*: common pleas shall not follow our court, but shall be held in some certain place; — *inter subditos, ex jure nostro, quod commune vocant, in hoc disceptantur*: common pleas between subjects are determined in this [court], according to our law which they call common. *Communia turbariæ*: common of turbary. *Communia vero dici poterunt aliquando quæ sunt omnium animantium*: common things may be defined to be those which belong to all living creatures.

Communibus annis, l. In ordinary years; one year with another.

Communicare, l. l. *In old English law.* To common. **Communicantes:** commoners.

Communication. A talking or conferring, where there is only a discourse without an agreement; conference, as distinguished from agreement; the act of imparting information to another; information so imparted; intercourse; connection. *v. Privileged.*

Communi dividundo, l. *In the civil law.* An action brought for dividing a common property.

Communio bonorum, l. Community of goods.

Communion of goods. *In Scots law.* The right enjoyed by married persons in the movable goods belonging to them.

Communis, l. Common. **Communis error:** a common error; an opinion or practice which has commonly been held or observed, though originally perhaps without adequate foundation in law; — **facit jus:** common error makes law, *i. e.* sometimes passes for law. **Communis opinio:** common opinion; general professional opinion. *v. A communi, etc.*

In old English law. **Communis bancus:** the common bench. *v. Bancus; Common pleas.* **Communis rixatrix:** a common scold. **Communis scriptura:** a common writing; a writing common to both parties; a chirograph. **Communis stipes:** a common stock or root of descent; a common ancestor. **Communis strata:** a common way.

In the civil law. **Communis paries:** a common or party wall.

Communitas. *In old English law.* A community, company or society. **Communitas regni Angliæ:** the general assembly of the kingdom of England; one of the ancient names of parliament. *v. Communante.*

Communiter usitata et approbata, l. Things commonly used and approved.

Community. Mutuality; unity; a species of partnership interest arising upon marriage under the laws of some states in property acquired during coverture,— legal when it arises by operation of law, conventional when created by express contract; a society having



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

something of which one has been deprived; amends for privation of something, as of property taken by right of eminent domain.

In the civil and Scots law. Set-off; an extension of debts by operation of law where they are reciprocally due and equally liquidated and demandable.

Compensatory damages. Damages equivalent to the actual loss in respect to which they are allowed.

Comperendinatio, l. *In the Roman law.* The adjournment of a cause, in order to hear the parties or their advocates a second time; a second hearing.

Compertorium, l. l. *In old English law.* A judicial inquest by delegates or commissioners, to find out and relate the truth of a cause.

Competency. Legal ability, fitness or qualification; admissibility in evidence; propriety or sufficiency as a legal remedy.

Competent. v. *Competency.*

In Scots law. **Competent and omitted:** a plea which might have been urged by a party but was omitted.

Competere, l. *In the civil and common law.* To be proper, as a legal remedy; to lie, as an action; to be proper or available, as a pleading. **Competit assisa:** an assise lies. **Competunt hæredi duo remedia:** the heir has two remedies.

Competition. *In Scots practice.* The contest among creditors claiming on their respective diligences, or their securities.

Compilation. A collection of parts of a book or books into a separate work.

Complain. To represent facts constituting a supposed injury or offense, to a court or officer having jurisdiction.

Complainant. One who complains; the party suing in equity.

Complaint. Representation of facts constituting a supposed injury or offense, to a court or officer having jurisdiction; in some jurisdictions the first pleading in a civil action.

Complementum justitiæ, l. l. Fullness of justice; full justice.

Compos, l. Having power, capacity or control. **Compos mentis:** having capacity of mind; of sound mind. **Compos sui:** having power of one's self; having the use of one's limbs, or the power of bodily motion. v. *Non compos, etc.*

Compositio, l. A putting together, or making up; composition or satisfaction; a statute or ordinance. **Compositio mensurarum:** the ordinance of measures; an ancient ordinance, mentioned in the statute 23 Hen. VIII., c. 4, establishing a standard of measures. **Compositio ulnarum et perticarum:** the statute of ells and perches; an English statute establishing a standard of measures.

Composition. An agreement between a debtor and creditor by which the debtor is to be discharged on payment of a certain sum,—as in proceedings in bankruptcy or insolvency. In the patent law, a com-

pounding or putting together; a mixture; in the law of copyright, an inventing or putting together of the parts of a literary, dramatic or musical work.

In English ecclesiastical law. An agreement, otherwise called a real composition, between a land-owner and the parson, with consent of the ordinary and the patron, that the land shall be discharged from payment of tithes by reason of some real recompense given in lieu thereof.

In old European law. A sum of money paid, among the early barbarous nations of Europe, as satisfaction for an injury, either to the person offended, or to his relatives.

Compotarius. *In old English law.* A person accounting.

Compotus, l. l. *In old English law.* An account; a statement of account; a book of accounts; the household book of a religious house, containing the items of its expenditure and income. **Compotum reddere:** to render an account.

Compound. To put together; to add, as, interest; to abate a portion upon agreement to render the residue, as, a debt or demand. *v.* **Composition.** **Compounding a felony:** taking a reward for forbearing to prosecute a felony.

Compound. Composed of elements or parts. **Compound interest:** interest due and unpaid added to the principal to make a new principal for future computation. **Compound larceny:** a theft from the person, from a dwelling-house, or from a wharf.

Comprint. *In old English law.* To print together; the surreptitious printing by one bookseller of another's copy.

Comprivigni, l. *In the civil law.* Children by a former marriage (individually called *privigni* or *privignæ*), considered relatively to each other.

Compromise. A mutual agreement between persons at difference, to put an end to such difference upon terms agreed on; a mutual agreement to submit matters in dispute to the decision of arbitrators; any adjustment of matters in dispute, by mutual concession without resort to the law.

Compromissarius, l. *In the civil law.* Relating to a *compromissum* or submission to arbitration.

Compromissum, l. *In the civil and the canon law.* A submission to arbitrators.

Compromittere, l. *In the civil law.* To submit to arbitration.

Compter. *In Scots law.* An accounting party.

Comptroller. *v.* **Controller.**

Compurgator, l. *In old European law.* One who purged another from an accusation or charge, as in the trial by wager of law, or in the trial of a clerk for felony, by swearing with or after him, to a belief in his non-indebtedness, or his innocence. Of these *compurgatores* there were in the former case eleven, and in the latter twelve.

Computation. The account and construction of time by rule of law, as distinguished from an arbitrary construction of parties. v. *Day; Month; Time; Year.*

Computus, l. l. An account. v. *Compotus; De computo.*

Comune, comyn, l. fr. Common. **Comune laroun, ou comune robour:** a common thief or a common robber.

Comunement, l. fr. Commonly.

Conceal. To secrete, hide, keep from view; to contrive to prevent disclosure or discovery of a thing or a fact; to suppress or to withhold information of a matter of which good faith requires a disclosure, as, to conceal stolen property or property subject to seizure or levy, to conceal a cause of action, to conceal a material fact or circumstance in the making of a contract, as a contract of sale, or a contract of insurance. v. *Aliud.*

Concealment. v. *Conceal.*

Concealers. *In old English law.* Detectors or discoverers of concealed lands; lands, *i. e.* which were suspected of being secretly kept or withheld from the crown.

Concedere, l. To grant. **Concedo:** I grant. **Concessi:** I have granted. **Concessit (pl. concesserunt):** granted; agreed; concurred; he has granted. **Concessimus:** we have granted. **Concessum:** granted or allowed.

Concelare, l. l. *In old English law.* To conceal. **Concelata:** concealed. **Concelamentum:** concealment.

Conceptum, l. *In the civil law.* Found; a theft where the thing stolen was searched for, and found on some person in the presence of witnesses.

Concessio, l. *In old English law.* A grant by deed; one of the old forms of conveyance, properly of things incorporeal, which cannot pass without deed, and one of the common assurances. **Concessio versus concedentem latam interpretationem habere debet:** a grant ought to have a broad interpretation against the grantor.

Concessor, l. *In old English law.* A grantor.

Concessus, l. *In old English law.* A grantee. **Concessus per literas patentes:** a patentee.

Concilium, consilium, l. l. *In English law.* Argument; or the sitting of a court to hear argument; the counsel in a cause or matter. **Concilium non dedit advisamentum:** the counsel did not give the advice. v. *Dies concilii; Ulterius concilium.*

In old English law. A council. **Concilium continuum:** perpetual council; another name for the king's privy council. **Concilium militare:** the king's council in time of war. **Concilium regis privatum:** the king's privy council. **Concilium secretum regis:** the king's secret council; another name for the king's privy council. v. *Legale concilium; Magnum concilium regis.*

Concionator, l. l. In old records, a common council man.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Concuss. *In Scots law.* To coerce.

Concussio, l. *In the civil law.* Extortion by threats of violence.

Concutere, l. *In the civil law.* To coerce by threats of violence; to extort from the fears of a person.

Condemn. To adjudge guilty; to declare forfeited, as for violation of customs or revenue laws; to adjudge to be good prize or contraband of war; to adjudge necessary for public use; to pronounce worthless or unfit for service, as a vessel.

Condemnation. *v.* *Condemn.* **Condemnation money:** money which one is adjudged to pay; the damages which the party cast in an action is adjudged to pay.

Condere, l. To make or establish. **Condidit:** he made; a plea sustaining a will which avers that the testator made it, and that he was of sound mind.

Condictio, l. *In the civil law.* A personal action; an action against the person, in which the plaintiff complains that something ought to be given to him. **Condictio certi:** an action upon a promise to do a thing, where the promise is certain. **Condictio ex lege:** a personal action, arising from a particular law. **Condictio indebiti:** an action to recover money paid by mistake. **Condictio rei furtivæ:** an action against a thief or his heir to recover a thing stolen. **Condictio sine causa:** an action in favor of a person who had given or promised a thing without consideration.

Conditio, l. A condition. **Conditio beneficiæ quæ statum construit, benigne, secundum verborum intentionem est interpretanda; odiosa autem, quæ statum destruit, stricte, secundum verborum proprietatem est accipienda:** a beneficial condition which creates an estate is to be construed favorably, according to the intention of the words; but an odious condition which destroys an estate is to be taken strictly, according to the precise meaning of the words. **Conditio dicitur, cum quid in casum incertum, qui potest tendere ad esse aut non esse, confertur:** a condition is said to be where any thing is annexed having reference to an uncertain event, which may tend to create or destroy it. **Conditio (præcedens) adimpleri debet priusquam sequatur effectus:** a condition precedent ought to be fulfilled before the effect can follow.

Condition. Mode or state of being; *status*; a *modus*, quality or qualification annexed to a right, an interest, or an estate by which it may be created, enlarged or defeated. **Condition affirmative:** a condition which consists in doing a thing. **Condition collateral:** a condition where the act to be done is a collateral act. **Condition compulsory:** a condition expressly requiring a thing to be done. **Condition copulative:** a condition to do divers things. **Condition disjunctive:** a condition to do one of several things. **Condition expressed, or condition in deed:** a condition expressed in the instrument by which it is created. **Condition implied, or condition in**

law: a condition not expressed in words, but implied by law. **Condition in deed, or condition in fact:** a condition expressed in a deed in plain words, or legal terms of law. **Condition inherent:** a condition annexed to the rent reserved out of the land whereof the estate is, or rather to the estate in the land in respect of rent. **Condition in law:** a condition tacitly created by law, without words used by the party. **Condition negative:** a condition which consists in not doing a thing. **Condition precedent:** a condition preceding the accruing of a right or liability; an act essential to be performed by one party, before an obligation can attach upon another; a condition which must happen, or be performed, before the estate to which it is annexed can vest or be enlarged. **Condition restrictive:** a condition for not doing a thing. **Condition single:** a condition to do one thing only. **Condition subsequent:** a condition annexed to an estate already vested, by the performance of which the estate is kept, and by the failure or non-performance of which it is defeated.

In the civil law. The situation of a person in one of the several orders of persons which compose the general order of society; an agreement regulating that which the contracting parties have a mind to have done if certain circumstances arise. **Condition casual:** a condition which depends on chance. **Condition mixed:** a condition which depends on the will of the party and the will of some third person, or on some other event, conjoined. **Condition potestative:** a condition which depends on the will of the party. **Condition resolatory:** a condition subsequent. **Condition suspensive:** a condition which suspends the obligation until the condition is performed.

Conditional. Dependent upon condition; as, a conditional contract, deed, liability, obligation, etc. **Conditional fee:** a fee restrained to some particular heirs exclusive of others. **Conditional limitation:** a species of limitation of an estate, partaking of the nature of a condition; a limitation under the statute of uses to a third person on the happening of a certain event, thus cutting short the prior estate in the grantee. *v. Estate upon condition; Limitation of Estate.*

In the civil law. **Conditional creditor:** a creditor having a future right of action, or having a right of action in expectancy. **Conditional stipulation:** a stipulation to do a thing upon condition, as upon the happening of any event.

Conditionem testium tunc inspicere debemus cum signarent, non mortis tempore, l. We ought to consider the competency of the witnesses at the time when they subscribed. not at the [testator's] death.

Conditiones, l. Conditions. **Conditiones quælibet odiosæ; maxime autem contra matrimonium et commercium:** any conditions are odious, but especially those which are against marriage and commerce.

Condonare, l. *In old English law.* To forgive; to remit.

Condonation. Forgiveness; the forgiveness, express or implied, by a husband or wife, of a breach of marital duty on the part of the other,—express when signified by words or writing, and implied where the injured party, with knowledge, continues or renews the matrimonial connection.

Conducere, l. *In the civil law.* To hire.

Conduct. v. *Safe conduct.*

Conducti actio, l. *In the civil law.* An action which the hirer of a thing might have against the letter. v. *Conductio.*

Conductio, l. *In the civil law.* A hiring. v. *Locatio.*

Conduct-money. *In English law.* Money paid to a witness who has been subpoenaed, for travelling expenses and maintenance.

Conductor, l. *In the civil law.* A hirer. **Conductor militum:** a presser of soldiers.

Conductus, l. Hired. **Conductum:** a thing hired.

Cone and key or Cofer and key. Accounts and keys, or lock and key. An old phrase, in part Saxon or early English, used to express the fitness of a woman at a certain age (by the Saxon law fourteen or fifteen) to assume the care of a household.

Coneu, conu, l. fr. Acknowledged; known.

Confeccion, confexion, confectioun, l. fr., Confectio, l. l. *In old English law.* The making or execution of a written instrument. **Confeccion d'la chartr':** the making of the charter.

Confederacy. A combination between two or more persons to do any hurt or damage to another, or to do any unlawful thing; a conspiracy.

Confederation. Union by league or mutual contract; federal compact.

Confessio, l. A confession. **Confessio in iudicio:** a confession made in or before a court; — **omni probatione major est:** a confession made in court is of greater effect than any proof. **Confessus pro iudicato est, qui quodammodo sua sententia damnatur:** one who confesses is held as adjudged, who is in a manner condemned by his own sentence. **Confessus in iudicio pro iudicato habetur, et quodammodo sua sententia damnatur:** one who makes a confession in court is considered as having judgment passed upon him, and is, in a manner, condemned by his own sentence. v. *In iudicio; Judicium.*

Confession. Acknowledgment, admission. **Confession and avoidance:** the admission of the truth of an averment in the pleading of the opposite party, coupled with an averment of a fact, which obviates or repels its legal effect, and thus avoids it. **Confession of judgment:** a voluntary submission to the jurisdiction of the court, giving what might otherwise be obtained by formal proceedings, with process, etc.

Confesso. v. *Pro confesso.*

Confessoria actio, l. *In the civil law.* An action for enforcing a servitude. v. *Actio confessoria.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

of a person who has acquired rights, or become subject to duties, within the limits of more than one state or country.

Conformity. v. *Bill in equity*.

Confrontation. The bringing of a witness into presence of an accused person against whom he testifies, that he may be objected to, and also that he may identify the accused.

Confusio, l. *In the civil law.* Confusion; a pouring or fusing together; a mixture of liquids belonging to different persons. v. *Commixtio; Confusion*.

Confusion. The intermixture of the goods of two persons, so that the several portions cannot be distinguished; the blending of the characters of debtor or creditor in the same person; the union of the obligation of a debtor with the right of the creditor by which the obligation is dissolved.

In the civil law. The blending of characters and the union of obligation and right as in the common law. v. *Confusio; Commixtio*.

Conge, counge, congy, l. fr. *In old English law.* Leave; liberty or permission. **Conge d'accorder:** leave to accord or agree. One of the formalities anciently observed in levying a fine. v. *Fine*. **Conge d'emparrer:** leave to imparl. v. *Imparlance*. **Conge d'eslire:** leave to elect; the royal license to a dean and chapter to elect a new bishop.

Congeable, fr. *In old English law.* Done with leave; done lawfully; lawful.

Congress. An assembly of persons; an assembly of envoys, commissioners or deputies.

In American law. The national legislature of the United States, consisting of the senate and the house of representatives.

Conjectio, l. *In the civil law.* A throwing together; the putting of things together with the inference drawn therefrom; presumption. **Conjectio causæ:** the throwing together of a cause; a summary statement of a cause made by the advocates as introductory to the argument.

Conjectura, l. *In the civil law.* A throwing or putting together; a putting of one fact with another, so as to show their relation, and indicate the consequence or inference; a presumption; a conjecture or surmise; a slight degree of credence, arising from evidence too weak or too remote to produce belief. **Conjectura ducta ab eo quod ut plurimum fit:** a conjecture or supposition, drawn from what commonly happens.

Conjecture. Supposition or surmise; the idea of a fact, suggested by another fact, as a possible cause, concomitant or result.

Conjudex, l. l. *In old English law.* An associate judge.

Conjugal rights. v. *Restitution of conjugal rights*.

Conjugium, l. *In the Roman law.* Marriage.

Conjunct. *In Scots law.* As applied to rights, joint; as applied to persons, connected.

Conjuncta, l. *In the civil law.* Things joined together or united.

- Conjunctim, l.** *In old English law.* Jointly. **Conjunctim et divisim:** jointly and severally. **Conjunctim et pro indiviso:** jointly and individually. **Conjunctim tenens:** a joint tenant.
- Conjunctio, l.** *In the civil law.* Conjunction; connection of words in a sentence.
- Conjurare, l.** To swear together; to combine or confederate under oath.
- Conjuratio, l.** *In old English law.* A swearing together; an oath administered to several together; a combination or confederacy under oath.
- Conjuration.** *In old English law.* A plot or compact by persons combining by oath to do a public harm; having conference or commerce with evil spirits, in order to discover some secret, or effect some purpose.
- Conjurator, conjuratus, l.** *In old English law.* One who swears with others; a compurgator.
- Connection.** A relation by which one person or one society is linked or united to another; as applied to railways, such a union of tracks as permits the passage of cars, or such an intersection as admits of a convenient transfer of things carried.
- Connivance.** Literally, a winking at; intentional forbearance to see.
- Connubium, l.** *In the civil law.* Marriage; a mutual submission to the marriage ceremony.
- Conpossessio, l.** *In modern civil law.* A joint possession.
- Conquærere, l. l.** To acquire.
- Conquæstus, conquestus, l. l.** *In feudal law.* Acquisition or purchase; any means of acquiring an estate out of the course of inheritance; conquest.
- Conquerer, l. fr.** *In old English law.* To acquire; to gain; to get possession of.
- Conquereur, l. fr.** *In Norman and old English law.* The first purchaser of an estate; he who brought an estate into his family.
- Conqueror, l.** *In old pleading.* I complain. **Conqueror quod talis mihi injuste detinet — talem rem:** I complain that such a one unjustly detains from me such a thing.
- Conqueror.** *In old English and Scots law.* The first purchaser of an estate; he who brought it into the family owning it.
- Conquest.** *In feudal and Scots law.* Purchase or acquisition; any means of acquiring an estate out of the common course of inheritance; an estate itself, so purchased or acquired,— otherwise termed *acquest*.
- Conquisitio, l. l.** *In feudal and old English law.* Acquisition. *v.* *Conquæstus; Conquest.*
- Conquisitor, l. l.** *In feudal law.* A purchaser, acquirer or conqueror.
- Consanguineus, l.** *In civil and old English law.* Connected by blood; sprung from the same blood; of kin; a cousin, in the general sense of blood relative. *v.* *Cousenage.*

In feudal law. **Consanguineus frater:** a half-brother by the father.
v. *Frater.*

Consanguinity. Relation by blood, as opposed to affinity; the connection or relation of persons descended from the same stock or common ancestor. v. *Collateral consanguinity; Lineal consanguinity.*

Conscience, courts of. Courts, not of record, in London, and other English towns, for the recovery of small debts; otherwise, called *Courts of Requests.* v. *Requests.*

Conscientia rei alieni, l. *In Scots law.* Knowledge by a person in possession of property that the property belongs to another, which renders the possessor liable for what is called violent profits.

Conseiller, fr. *In old English and French law.* A counsellor. **Conseillers ou countours:** counsellors or countors.

Consensual contract. *In the civil law.* A contract formed by the mere consent of parties, as distinguished from a contract upon which something is delivered, as a contract of sale or bailment.

Consensus, l. Consent. **Consensus est voluntas multorum ad quos res pertinet, simul juncta:** consent is the united will of many to whom a thing belongs. **Consensus facit jus, or facit legem:** consent makes the law. **Consensus facit matrimonium:** consent constitutes marriage. **Consensus non concubitus facit matrimonium:** consent, not lying together, constitutes marriage. **Consensus tollit errorem:** consent removes error [*i. e.* the acquiescence of a party who might take advantage of an error, obviates its effect]. v. *Non videtur, etc.; Nuptiis, etc.*

Consent. A concurrence of wills; an agreement to something to be done or proposed to be done. v. *Assent; Consensus.* **Consent rule:** a stipulation in the form of a rule, by which the defendant in ejectment upon appearing admits or confesses the necessary fictions,—lease, entry, ouster, etc.

Consentire, l. To consent; to agree to, or with. **Consentire matrimonio non possunt infra annos nubiles:** parties cannot consent to marriage within the years of marriage [*i. e.* before the age of consent]. **Consentire videtur qui tacet:** he appears to consent who remains silent. **Consentientes et agentes pari pœna plectentur:** they who consent to an act and they who do it shall be visited with equal punishment. v. *Non consentit, etc.; Non videntur, etc.*

Consequential damages. Damages following an act, but not the direct and immediate result of it.

Consequents. *In Scots law.* Things which follow, usually by implication of law.

Conservator. A protector, preserver or maintainer; an arbitrator, or umpire; in some jurisdictions, a guardian. **Conservator of the peace:** a preserver or keeper of the public peace. They were formerly of two kinds,—those that were conservators *virtute officii*, as judges, sheriffs, constables, etc.; and those who were conservators



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Consilium, l. Counsel; advice; the act of an accessory in advising another to commit a crime; an imparlance. **Consilia multorum requiruntur in magnis:** the counsels of many are required in important matters.

Consimili casu. In like case. A writ of entry which lay where a tenant by the curtesy, or tenant for life, aliened in fee, or in tail, or for another's life. It was brought by the reversioner against him to whom the tenant so aliened, and in the tenant's life-time.

Consistorium, l. The state council of the Roman emperors; a consistory.

Consistory. A session, assembly or council of ecclesiastical persons; a spiritual court; the highest council of state in the papal government.

In English ecclesiastical law. **Consistory court:** a court held by every diocesan bishop in his cathedral for the trial of ecclesiastical causes.

Consobrini, consobrinæ, l. *In the civil law.* Cousins german, in general; brothers' and sisters' children, considered in their relation to each other; more strictly cousins who are the children of sisters. **Consobrinus:** a male cousin. **Consobrina:** a female cousin.

Consolato del mare, ital. The consulate of the sea. A collection of European sea-laws in force about the Mediterranean from the seventh century. Now considered the oldest existing maritime code.

Consolidation. Union; combination; amalgamation. **Consolidation of actions:** the combination of several actions into one; or of several causes of action of the same nature in one declaration. **Consolidation rule:** a rule for uniting several actions brought by the same parties on the same cause, by which a verdict in one shall bind the parties in all the others.

In Scots law. The junction of the property and superiority of an estate, where they have been disjoined.

In the civil law. The union in the same person of the possession or profit of lands, with the property.

In ecclesiastical law. The combination and union of two benefices in one.

Consortium, l. The company or society of a wife.

In old English law. Company; society.

In the civil law. A union of fortunes; one of the names of lawful marriage, among the Romans; a union of several persons as parties in an action.

Conspiracy. A combining together of two or more persons to accomplish some unlawful act, or some lawful act by unlawful means; an agreement or combination between two or more persons, falsely to indict, or procure the indictment of, another.

Conspiratione. v. *De conspiratione.*

Conspirators. Persons guilty of conspiracy.

Constable. A public civil officer whose general duty is to keep the peace within a certain district, but who is by statute charged with certain duties in the service of process,—in this country process issued from justices' courts, keeping juries, etc. Constables are of two kinds,—high constables and petit constables. High constables are in England peace officers of hundreds and franchises, and in this country the chiefs of the constabulary force of the cities. Petit constables are peace officers of towns and parishes.

In English law. **Constable of a castle:** an officer having charge of a castle; a warden, or keeper; otherwise called a castellan. *v. Castellan.* **Constable of England, or Lord High Constable:** a high officer of state, established in England on the Norman Conquest, who was at the same time commander-in-chief of the forces of the kingdom, and keeper of the peace of the nation. **Constable of Scotland:** an officer entitled to command the army in the absence of the king, and to take cognizance of all crimes committed within four miles of the king's person.

Constablewick. *In English law.* The territorial jurisdiction of a constable.

Constabularius, constabulus, l.l. A master of the horse; a commander of horse or foot; a naval commander; an officer assigned to guard or keep a place, as a castle or town; an officer whose military duties were connected with, or exercised in subservience to, the preservation of the public peace,—hence, the military character being dropped, the office of the modern constable. **Constabularius castride Dover, et cinque portuum:** constable of Dover castle and of the Cinque Ports. Other forms of the word are *constaulus, conestabularius, conestabulus, conestablius, conostabilus, contostaulus, etc.*

Constat, l. It is clear or evident; it appears. **Constat de persona:** there is certainty as to the person; there is no doubt about the person. *v. Nihil facit, etc.; Non constat; Quod constat, etc.*

In English law. A certificate by the clerk of the pipe and auditors of the exchequer, made at the request of any person who intends to plead or move in that court for the discharge of any thing, and purporting to certify what appears of record as to the matter; an exemplification under the great seal of the enrolment of letters patent.

Constituent. One who appoints or constitutes; the person who appoints an attorney in fact.

Constituere, l. *In old English law.* To constitute or appoint; to put in one's place; to make an appearance; to establish or ordain; to undertake to pay a debt. **Constituimus:** we have constituted or appointed.

Constitutio, l. *In old English law.* An act, ordinance or statute; an establishment; a provision of a statute; establishment; creation. **Constitutio dotis:** establishment of dower. **Constitutio de Merton:** the statute of Merton.

In the civil law. An imperial ordinance or constitution, having its effect from the sole will of the emperor.

Constitution. Establishment; appointment; a body of fundamental rules, principles and maxims in accordance with which the powers of sovereignty are habitually exercised; an extraordinary act of legislation by which the people, acting directly, establish the form and mechanism of their government.

In English law. A public act or ordinance, especially such as relates to ecclesiastical matters.

Constitutional. Relating to the forming of a constitution; based upon or secured or regulated by a constitution; consistent with a constitution.

Constitutum, l. *In the civil law.* A promise or undertaking, without any preceding stipulation, to pay money due either by the promisor or another for whom he is surety.

Constraint. v. *Duress.*

Constructio, l. Construction. **Constructio legis non facit injuriam:** the construction of the law works [must be such as to work] no injury.

Construction. A putting together; a putting together of the words of an instrument; an arrangement or marshalling of words or clauses, so as to extract, by a process of inference, the meaning or intent; a drawing of conclusions from what is given in and drawn from, as to subjects beyond, the words used,—conclusions, *i. e.* within the spirit, though not within the letter, of the text; exposition; interpretation. v. *Liberal; Strict.*

Constructive. Made out or deduced by construction. **Constructive annexation:** an annexation by inference of law, as of a fixture to the freehold. **Constructive assent:** assent inferred from conduct. **Constructive breaking:** a breaking made out by construction of law, as where a burglar gains an entry by threats, fraud or conspiracy. **Constructive contempt:** a contempt which, without open insult or direct opposition, tends to induce a general disregard of the authority of a court. **Constructive conversion:** a conversion inferred in law from an exercise of dominion over property inconsistent with and in defiance of the rights of the owner or of the person entitled to possession. **Constructive delivery:** a delivery not actually made, but in the law regarded as made. **Constructive fraud:** fraud inferred by law, as distinguished from positive, actual or intentional fraud; fraud in law, as distinguished from fraud in fact. v. *Fraud.* **Constructive larceny:** larceny made out by construction or inferred from the acts of a party, where the taking itself was not apparently felonious. v. *Larceny.* **Constructive loss:** an injury to insured property so great that the assured may abandon to the insurer. **Constructive malice:** malice imputed in law. **Constructive notice:** notice inferred by law, as distinguished



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

law, in parts where it has been habitually approved, and takes the place of law. **Consuetudo semel reprobata non potest amplius induci:** a custom once disallowed cannot be again brought forward. **Consuetudo tollit [vincit] [privit] communem legem:** custom takes away [overcomes] [supersedes] the common law. **Consuetudo volentes ducit, lex nolentes trahit:** custom leads the willing, law compels the unwilling.

In old English law. **Consuetudo Anglicana:** the custom of England; the ancient common law, as distinguished from *lex*, the Roman or civil law. **Consuetudo regni Angliæ est lex Angliæ:** the custom of the kingdom of England is the law of England.

In the civil law. Custom; long-established usage or practice.

In the feudal law. Custom. Called *consuetudo feudi*.

Consul. *In international law.* A public agent, appointed by a government to reside in a foreign country, to watch over its commercial rights and privileges, and the commercial interests of its citizens or subjects.

In old English law. An ancient title of an earl.

In the Roman law. The name of a chief magistrate among the Romans, of whom there were two, annually created, who, during the republic, exercised supreme authority.

Consulta, l. l. *In old English law.* Provided for. Applied to a church that was full.

Consultation. *In English law.* A writ, in the nature of a *procedendo*, whereby a cause, being removed by prohibition out of the ecclesiastical court to one of the superior courts of law, is returned thither to be determined.

Consulto, l. *In the civil law.* Designedly; intentionally.

Consummate. Completed; as distinguished from initiate, or that which is merely begun.

Conte, fr. *In old English law.* A county; a county court; an account; earl; a narrative or statement in pleading.

Contek, l. fr. A contest, dispute, disturbance. **Conteckours:** brawlers; disturbers of the peace.

Contemplation. A having in view; the act of looking at or towards a thing with attention; consideration of an act or course of conduct, with the intention of doing or adopting it. **Contemplation of bankruptcy:** contemplation of an act of bankruptcy, or of an application by the debtor to be decreed a bankrupt.

Contemporanea, l. l. Contemporary; contemporaneous. **Contemporanea consuetudo optimus interpres:** contemporary custom is the best interpreter. **Contemporanea expositio:** contemporaneous exposition, or construction; a construction drawn from the time when, and the circumstances under which, the subject-matter to be construed, originated; — **est optima et fortissima in lege:** contemporaneous exposition is the best and strongest in the law.

- Contempt.** Disobedience or disregard of authority; a disobedience to the rules, orders or process of a court, or a disturbance or interruption of its proceedings. v. *Constructive*.
- Contemptus, l.** *In old English law.* Contempt; contempts.
- Contenementum, l. l.** *In old English law.* A contenment; that which is held together with another thing; that which is connected with a tenement or thing held; countenance; appearance.
- Contentious jurisdiction.** *In English ecclesiastical law.* That branch of the jurisdiction of the ecclesiastical courts which is exercised on matters in controversy, as brought before the court by action, or other judicial process.
- Contentus, l. l.** Contained.
- Conter, l. fr.** Against.
- Conterminous, l. l.** Having common boundaries; adjacent or adjoining.
- Conterrolle, l. fr.** *In old English law.* A counter-roll. v. *Counter-roll*.
- Contest.** To defend a suit or other judicial proceeding; to resist a claim by course of law; to litigate, on the part of a defendant. v. *Contestatio litis*.
- Contestatio litis, l.** *In old English law.* The process of coming to an issue in pleading; the issue so attained. *Contestatio litis eget terminos contradictorios:* an issue requires terms of contradiction. *In the civil law.* Contestation of suit; a narrative of the controversy made by both the parties before the prætor, including the plaintiff's statement of his claim, and the defendant's answer; the legal quality which a suit assumed through the plaintiff's statement of his case, and the defendant's answer thereto.
- Contiguous.** In actual contact; touching; near.
- Continens, l.** *In the civil law.* Continued; continuous; holding together; joined together.
- Continentia, l. l.** *In old English law.* Continuance or connexion; countenance. v. *Contenementum*.
- Contingency.** An event that may or may not happen. **Contingency with a double aspect:** a contingent remainder, limited in substitution for another contingent remainder in fee-simple. v. *Contingent remainder*.
- Contingent.** Dependent upon the happening of that which may or may not happen. **Contingent estate:** an estate which depends for its effects on an event which may or may not happen. **Contingent legacy:** a legacy given to a person at a future uncertain time that may or may not arrive. **Contingent remainder:** a remainder limited to take effect either to a dubious and uncertain person or upon a dubious and uncertain event, so that the particular estate may chance to be determined and the remainder never take effect. **Contingent use:** a use limited to take effect upon the happening of some future contingent event.

Contingere, l. *In old English law.* To touch; to be connected with, or akin to.

Continual claim. *In old English law.* A formal claim by a party entitled to enter upon lands or tenements, but deterred by menaces or bodily fear, made for the purpose of preserving or keeping alive his right.

Continuance. The postponement of the proceedings in a cause, as putting off a trial, etc.; an entry on the record of a cause for the purpose of formally continuing it in court, or for the purpose of properly connecting the proceedings on the record.

In old law. The adjournment of the proceedings in a cause from one day or one term to another; the entry of such adjournment on the record.

Continuando, l. l. By continuing. A word formerly used in a special declaration of trespass, by which the plaintiff recovered damages for several trespasses in the same action.

Continuing consideration. A consideration executed in part only.

Contra, l. Against; contrary to. **Contra bonos mores:** against good morals. **Contra formam:** contrary to the form; — **feoffamenti:** contrary to the form of the feoffment; a writ that formerly lay for a tenant, or his heir, enfeoffed by charter to do certain services, and especially suits to the lord's court, who was afterwards distrained for excessive services; — **statuti:** against the form of the statute; a phrase used at the conclusion of indictments for an offense created by statute, and of declarations on penal statutes; — **statuti in tali casu editi et provisi:** against the form of the statute in such case made and provided; — **statuti in hoc casu nuper editi et provisi:** against the form of the statute in such case lately made and provided. **Contra jus:** against the law; — **belli:** against the law of war; — **commune:** against common right or law; contrary to the rule of the common law. **Contra legem:** against the law; — **facit, qui id facit quod lex prohibet:** he acts against the law who does that which the law forbids; — **terræ:** against the law of the land. **Contra negantem principia non est disputandum:** there is no disputing against one who denies first principles. **Contra non valentem agere nulla currit præscriptio:** against one who is unable to act, no prescription runs. **Contra pacem:** against the peace; — **domini regis:** against the peace of the lord the king.

In old English law. **Contra omnes gentes:** against all people. **Contra vadium et plegium:** against gage and pledge. **Contra veritatem lex nunquam aliquid permittit:** the law never suffers any thing contrary to truth.

In the civil law. **Contra tabulas:** against the will, i. e. the testament.

Contraband. Against law or treaty; prohibited; goods exported from or imported into a country against its laws.

In international law. **Contraband of war:** goods which neutrals are



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Contrarotulus, l. l. *In old English law.* A counter roll.

Contratallia, l. l. *In old English law.* A counter-tally.

Contravene. To oppose; to conflict. **Contravening equity:** a right which militates with another is sometimes so called.

Contravenire, l. *In old English law.* To contravene; to go against; to violate.

Contravention. *In Scots law.* The act of breaking through any restraint imposed by deed, covenant or court; an action founded on the breach of law burrows.

Contraxisse unusquisque in eo loco intelligitur, in quo solveret se obligavit, l. Every one is understood to have contracted in that place where he has bound himself to pay.

Contre, conter, fr. Against.

Contrectare, l. *In old English law.* To treat.

In the civil law. To handle; to take hold of; to meddle with.

Contrectatio, l. A handling or meddling with; the improper or unauthorized use of a thing. **Contrectatio rei alienæ, animo furandi, est furtum:** the touching of another's property with intent to steal is theft.

Contributio, l. Average; otherwise called *tributum* and *collatio*.

In the civil law. Contribution.

Contribution. The making up, by several persons jointly interested or indebted, of a loss sustained, or payment made by one for the benefit of all; the providing by several persons in a common interest, or bound by a common obligation, of the means to advance the common enterprise or discharge the obligation; the share of one such person provided for such purpose; a suit in equity to compel such a making up, or the providing of such a share.

Contributione faciendâ. v. De contributione faciendâ.

Contributory. A member of a company being wound up who may be compelled to contribute to the assets for the purpose of paying creditors.

Contributory, contributive. Helping or promoting the same end or purpose. **Contributory negligence:** negligence of an injured person which combines with that of the injurer to produce the injury.

Controfacere, l. l. *In old English law.* To counterfeit.

Controfactura, l. l. *In old English law.* A counterfeiting.

Controller. An officer who has the inspection, examination or controlling of the accounts of other officers; one who keeps a counter-register of accounts.

In old English law. An officer who took notes of any other officer's accounts or receipts, to the intent to discover him if he dealt amiss; one who kept a roll, called a counter-roll, for this purpose.

Controlment. *In old English law.* The controlling or checking of another officer's account; the keeping of a counter-roll.

Controver. *In old English law.* An inventor of false news.

- Controver, l. fr.** To contrive. **Controveree:** contrived.
- Controversy.** A dispute; a civil action or proceeding.
- Controvert.** To dispute; to deny; to take issue on.
- Contubernium, l.** *In the Roman law.* The marriage of slaves; a permitted cohabitation.
- Contumace capiendo.** v. *De contumace capiendo.*
- Contumacy.** Disobedience to the rules or orders of a court, especially a refusal to appear in court when legally summoned; open or persistent contempt.
- Contutor, l.** *In the civil law.* A co-tutor, or co-guardian.
- Conus, l. fr.** Known. **Conusant:** knowing; understanding.
- Conusance.** *In English law.* Cognizance or jurisdiction. **Conusance of pleas.** v. *Cognizance.*
- Conusor.** A person who enters into a recognizance for debt. **Conusee:** the person to whom such a recognizance is given.
- Convalescere, l.** *In the civil and old English law.* To gain strength, force or validity; to become valid. **Convalescit donatio facta a furioso:** a gift made by a lunatic becomes valid, etc. v. *Quod ab initio, etc.*
- Convenable, covenable.** *In old English law.* Suitable; agreeable; fitting.
- Convenient.** Proper; just; suitable.
- Convenire, l.** *In old English law.* To covenant. **Convenit, promisit et agreavit:** he covenanted, promised and agreed.
In the civil and old English law. To sue; to prosecute; to agree. **Conveniri:** to be sued. **Conveniendi sunt:** they are to be proceeded against.
- Convenit, l.** *In the civil and old English law.* It is agreed; it was agreed. **Convenit, promisit, et agreavit ad et cum, etc.:** he covenanted, promised and agreed to and with, etc.
- Conventicle.** A private assembly for religious worship. First applied, as a term of reproach, to the religious assemblies of Wickliffe, but now usually applied, in England, to a meeting of dissenters.
- Conventio, convencio, l.** *In old English law.* A covenant; an agreement. **Conventio duplicata:** an agreement executed in duplicate, or in two parts. **Conventio legi derogat:** agreement derogates from law. **Conventio privatorum non potest publico juri derogare:** the agreement of private persons cannot derogate from public right. **Conventio vincit legem:** the express agreement of parties overcomes the law. v. *Modus et, etc.; Privatorum, etc.*
In the civil law. A coming together of parties; a convention; an agreement.
- Convention.** *In English law.* An assembled parliament, before any act is passed, or bill signed; more properly, an extraordinary assembly of both houses, without convocation by the sovereign.
- Conventional.** That which is produced by, or depends upon, agreement of parties. **Conventional estates:** estates for life, which are expressly created by the act of the parties.

Conventus, l. *In old English law.* An assembly; a convent. **Conventus magnatum vel procerum:** an assembly of the great men or nobles,— one of the old names of parliament.

In the Roman law. **Conventus juridicus:** a court of sessions held in the provinces to hear and determine suits, and to provide for the civil administration of the province.

Conversantes, l. l. *In old English law.* Conversant or dwelling; com-morant.

Conversion. A changing from one state or condition into another; a changing of partnership debts by consent of creditors from the joint debts of all the partners to the separate debts of the several partners; a changing in contemplation of equity of realty into money or money into realty; an unauthorized exercise by one person of do-minion over the property of another inconsistent with and in de-fiance of the rights of the owner or of the person having a right to possession. *v. Equitable conversion.*

Convey. To pass from one to another; to transfer property, or the title to property, by an instrument in writing; strictly to transfer by deed or instrument under seal; to carry or conduct, as water in pipes. *v. Conveyance.*

Conveyance. A transfer of the title of property, usually realty, from one person to another; an instrument in writing by which such transfer is made; more strictly an instrument in writing under seal, by which some estate or interest in lands is transferred from one person to another, such as a deed, mortgage, etc. In general the word is restricted, in its application, to transfers *inter vivos*, though, in a large sense, it includes wills also. A conveyance is primary or original where it creates an estate or interest, as in a grant, gift or lease; it is derivative or secondary, where it presupposes or depends on another, as in case of a confirmation, or a release; and it is inno-cent or tortious according as it assumes to convey only what the person who makes it has to convey.

Conveyancer. A person who makes it his business to draw instru-ments of conveyance.

Conveyancing. The business of drawing instruments of conveyance; the science and art of transferring titles by instruments of convey-ance,— a science, as it embraces an acquaintance with the law of property, and particularly of the principles of alienation; an art, as it applies those principles to practice, in the framing of appropriate instruments of conveyance.

Conveyer, conveier, l. fr. *In old English law.* To derive title; to de-rive by descent; to show in pleading.

Convicium, l. *In the civil law.* An injury done by words. A species of injury which consisted in charging a person with some act against good morals.

Convict. To condemn; to find guilty of an offense, usually by the ver-dict of a jury; to find against a defendant in a civil case.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Copie, fr. *In old English law.* Copy; a copy; a multitude; a great number.

Coppire, l. l. In old records, to cover. **Coppire domum:** to cope a house, or to lay on the roof and covering on the top of it.

Copulatio verborum indicat acceptationem in eodem sensu, l. Coupling of words together shows that they are to be understood in the same sense.

Copy. A transcript of an original writing, as a charter, patent, deed, writ, pleading, affidavit, etc. Copies are of two principal kinds: copies under seal, which are called exemplifications, and copies not under seal. Copies not under seal are also, in England, of two kinds: sworn copies and office copies. A sworn or examined copy is a copy sworn to have been examined with the original record or paper; an office copy is a copy made out by the officer in whose hands the original is, without being examined. A certified copy, in the United States, is an examined copy certified by the officer having the custody of the original.

Copyhold, copihold. *In English law.* A tenure or holding of manor lands by copy of court-roll, originally a holding at the will of the lord, according to the custom of the manor,—a tenure of pure villeinage; but it has gradually been divested of its slavish incidents, so that it cannot now be determined without cause or against custom.

Copyholder, copiholder. *In English law.* A tenant by copyhold.

Copyright. The exclusive right of printing, publishing and selling a written composition during a certain period of time. The right extends to maps, charts, prints and musical compositions.

Coraagium, l. l. *In old English law.* A species of common tribute or prestation, arising on certain necessary and unusual occasions, and in that respect distinguished from ordinary services and customs. It is supposed to have been a contribution of corn.

Coram, l. Before; in presence of. Applied to persons only. **Coram nobis:** before us; the name of a writ of error where proceedings of a court are to be reviewed by itself. **Coram non iudice:** before one who is not a judge, or who has not jurisdiction. Sometimes applied to proceedings even in a court having jurisdiction, where they become void by irregularity. **Coram paribus:** before the peers or freeholders; — **de vicineto:** before the peers or freeholders of the neighborhood. **Coram sectatoribus:** before the suitors. **Coram vobis:** before you; the name of a writ of error to review proceedings of another court.

In English law. **Coram domino rege ubicunque tunc fuerit Angliæ:** before our lord the king, wherever he shall then be in England. **Coram ipso rege:** before the king himself,—*i. e.* before the court of King's Bench, which was originally held before the king in person. **Coram nobis:** before us; the name given to writs of error on judgments of the court of King's Bench. **Coram vobis:** before you;

the name given to writs of error on judgments of other courts than the King's Bench, especially the court of Common Pleas.

Co-respondent. The person charged with adultery with the husband or wife in a proceeding for divorce on that ground.

Corn. *In English law.* Grain; including wheat, rye, oats and barley, and, in the common memorandum in policies of insurance, malt, peas and beans, but not rice. **Corn rents:** rents reserved in corn, that is, in wheat or malt.

Cornage. *In old English law.* Service of the horn; a kind of tenure in grand serjeanty, the service of which was to blow a horn, to alarm the country when an invasion by the northern enemy was perceived.

Cornare, l. l. *In old English law.* To wind or blow a horn.

Corner. An angle made by two boundary lines; a manipulation of the market to make an article of commerce scarce or plenty at the will of the manipulators.

Cornerum, l. l. *In old English law.* A corner or angle.

Corodium, corrodium, corredium, l. l., Corody, corrody. *In old English law.* A right of sustenance; the right of the founder of a religious house to an allowance of victuals, clothing, etc., for the support of such person as he should appoint; the allowance itself.

Corodio habendo. *v. De corodio habendo.*

Corona, l. The crown. **Placita coronæ:** pleas of the crown; criminal actions or proceedings. *v. Pleas of the crown.*

Coronator, l. l. A coroner.

Coronatore eligendo. *v. De coronatore, etc.* **Coronatore exonerando.** *v. De coronatore, etc.*

Coroner. A county magistrate of great antiquity at the common law, whose peculiar office is to inquire into the causes of violent or sudden deaths, by a jury of proper persons, upon view of the dead body. Another branch of his office is to inquire concerning shipwrecks, and certify whether wreck or not, and who is in possession of the goods; and also to inquire concerning treasure trove, who were the finders and where it is, and whether any one is suspected of having found and concealed a treasure. These duties are judicial. The coroner is also charged with certain ministerial duties. He thus acts as the sheriff's substitute in the service of process. He is also by virtue of his office a conservator of the peace.

Corporal. Bodily; personal. **Corporal oath:** an oath taken by laying hand on, or, it would seem, by otherwise touching, the gospels, *i. e.* by actual contact of the person.

Corporale sacramentum, l. l. *In old English law.* A corporal oath.

Corporalis, corporale, l. *In old English law.* Having a body or material substance; corporeal; relating to or affecting the body; bodily; personal. **Corporalis injuria non recipit æstimationem de futuro:** a personal injury cannot receive satisfaction from a future course of proceeding.

Corporate. Belonging to a corporation, as a corporate name; incorporated, as a corporate body.

Corporation. An artificial person or being, endowed by law with the capacity of perpetual succession. *v.* *Body corporate; Body politic; Civil corporation; Ecclesiastical corporation; Eleemosynary corporation; Municipal corporation; Private corporation; Public corporation.* **Corporation aggregate:** a corporation consisting of several persons united into one body. **Corporation sole:** a corporation consisting of one person only, and his successors in some particular station.

Corporator. A member of a corporation.

Corpore et animo, l. *In the civil law.* By the body, and by the mind; by the physical act, and by the mental intent.

Corporeal. That which can be touched and seen; material. **Corporeal hereditaments:** such hereditaments as are of a material and tangible nature, and may be perceived by the senses, consisting wholly of substantial and permanent objects, all which may be comprehended under the general denomination of land only.

Corpus, l. A body; a human body; an artificial body created by law, as a corporation; a body or collection of laws; a material substance; something visible and tangible, as the subject of a right; a substantial or positive fact, as distinguished from what is equivocal and ambiguous; a corporeal act of any kind, on the part of one who wishes to acquire a thing whereby he obtains the physical ability to exercise his power over it. **Corpus incorporatum:** a corporation; a corporate body, other than municipal. **Corpus delicti:** the body, substance or foundation of an offense; the fact of its having been committed; the body or substance of a crime as distinguished from the particular form given to it by its connection with the party accused; the subject of a crime, or its visible effect, such as a body slain, a house burned. **Corpus humanum non recipit æstimationem:** the human body does not admit of valuation. **Corpus juris:** a body of law; a term introduced in the middle ages, to signify a book comprehending several collections of law; — **canonici:** the body of the canon law; — **civilis:** the body of the civil law, as composed of the Institutes, Pandects, Code and Novels. **Corpus pro corpore:** body for body. A phrase expressing the liability of manucaptors.

In old English law. **Corpus cum causa:** the body with the cause; a writ which issued out of chancery, to remove both the body and the record, touching the cause of a man lying in execution on a judgment for debt, into the King's Bench, there to remain until he satisfied the judgment. **Corpus comitatus:** the body of a county; the county at large, as distinguished from any particular locality within it. *v.* *De corpore comitatus.*

Correi, l. *In the civil and Scots law.* Two or more bound or secured by the same obligation. **Correi credendi:** joint creditors; creditors



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- ments as are allowed by law. **Costs between attorney and client:** costs payable in every case to the attorney or solicitor, by his client, whether he ultimately succeeds or not. **Costs between party and party:** costs which the defeated party pays to the successful one. *v. Final costs; Interlocutory costs.* **Costs de incremento:** costs of increase,—costs adjudged in addition to costs found by the jury. *v. De incremento; Increase.* **Costs of the day:** costs which are incurred in preparing for the trial of a cause on a specified day.
- Cotagium, cottagium, cota, chota, cotellus, l. l.** *In old English law.* A cottage; a small house or cot with at least four acres of land. *v. Cottage.*
- Cotarius, coterellus, cotmannus, l. l.** *In old English law.* A cottager, or cotter.
- Cotland, cotsethland.** *In old English law.* Land held by a cottager, whether in socage or villeinage.
- Cotsetus, cotsethus, l. l.** *In old English law.* A cottager who, by servile tenure, was bound to work for the lord.
- Cotsethland.** *In old English law.* The seat of a cottage, including the land belonging to it.
- Cottage.** A little dwelling-house, without land,— or more properly with a small portion of land. *v. Cotagium.*
- Couchant, chochaunt, l. fr.** *In old English law.* Lying down. **Couchant et levant:** lying down and rising up.
- Counsel.** An advocate; a counsellor; a counsellor who acts as advisor in a particular matter. or assists in the management of a particular cause.
- Counsellor.** A person whose occupation and office are to give counsel or advice as to the management of suits and other legal business, to conduct the trial or argument of causes in court, and to do any other acts requiring a personal presence there. He is an officer of the court in which he is licensed to practice. The term imports in some jurisdictions a longer practice at the bar than the term attorney.
- Count, counte, countee, conte, l. fr. or ang.-norm.** *In old English law.* An officer anciently the chief or governor of a shire, which was hence called a county; an earl. *v. Comes; Comte; County; Earl; Viscount.*
- Count.** To state or relate a plaintiff's case, especially the demandant's claim or count in a real action; to declare; to plead orally; to argue a matter in court; to read or recite there.
- Count, l. fr. and eng.** A statement of a plaintiff's case in court, being the first in the series of the pleadings in an action; a declaration, particularly in a real action; a distinct statement in a declaration of a cause of action,— either a statement of a different cause or of the same cause in a different form; a particular charge in an indictment.
- Counte, l. fr.** *In old English law.* A count or earl; a county; a county court.

- Countenance.** *In old English law.* Credit or estimation. *v.* *Contenementum.*
- Counter, l. fr.** *In old English law.* To count; to plead. **Counter:** shall count.
- Counter.** Pleader; the name of two London prisons now demolished,—the Poultry counter, and the Wood-street counter.
- Counter.** In opposition to; contrary. **Counter affidavit:** an affidavit in opposition or contradictory to another affidavit. **Counter bond:** a bond of indemnity.
- In the civil law.* **Counter letter:** an instrument in writing, executed by the lender of money to whom property has been conveyed by an absolute deed as security, by which he agrees, on payment of a certain sum, to reconvey.
- Counterfeit.** That which is made in imitation of something, but without lawful authority or contrary to law, and with a view to defraud, by passing the false for the true.
- Countermand.** A new or opposite direction; an order made contrary to a former one, for the purpose of avoiding or suspending it.
- Counterpart.** The corresponding part of an instrument; a duplicate or copy. Where an instrument of conveyance is executed in parts, that is, by having several copies made and interchangeably executed, that which is executed by the grantor is usually called the original and the rest counterparts; but where all parties execute every part, all are originals.
- Counterplea.** A plea which answers some matter incidental to the main purpose of the suit, as a plea in answer to a demand of oyer.
- Counter-roll.** *In old English law.* A roll kept by an officer as a check upon another officer's roll.
- Countor, counter, countour, l. fr. and eng.** *In old European law.* An advocate or professional pleader; one who counted for his client, that is, related his case, recited his count or orally pleaded his cause.
- Countre, l. fr.** Against; in opposition to.
- Country.** The inhabitants of a district from which a jury is summoned in a cause; a jury summoned or to be summoned.
- County.** A civil division of a state or kingdom, for political and judicial purposes, formerly governed in England by the earl or count, from whom it derived its name,—the same with shire, which was the corresponding term in Saxon; the county court, sometimes anciently so called. **County court:** a court of great antiquity in England of which the freeholders were the real judges, and the sheriff, to whose jurisdiction the court was incident, was the ministerial officer,—a court not of record and now fallen into comparative disuse; in the United States, courts of record of inferior jurisdiction, and held by judges expressly appointed or elected for the purpose.
- In English law.* **County corporate:** a city or town, with territory annexed, having the privilege to be a county of itself, and not to be

comprised in any other county, such as London, York, and other cities. **County palatine:** a county distinguished by peculiar privileges; and so called from *palatium*, a palace, because its owner, whether duke or earl, had in such county royal prerogatives, as fully as the king had in his palace. There were originally three, Chester, Durham and Lancaster, but they are now in the hands of the crown. **County sessions:** the general quarter sessions of the peace for each county, which are held four times a year.

Coupable, fr. Guilty.

Couper, l. fr. To cut. **Coupes:** cut. **Coupamus:** we cut. **Coupastes:** you cut.

Coure, courree, l. fr. To run. **Course:** runs. **Course la distresse:** the distress runs or goes.

Course. The direction of a boundary line; the usual mode or way; custom; usage; procedure; routine. **Course of an action:** progressive action in a proceeding not determined. **Course of trade or business:** the way commonly pursued in a particular calling.

Court. A tribunal established for the public administration of justice, and composed of one or more judges, who sit for that purpose at fixed times and places, attended by proper officers; the persons of the judges so sitting; the place where they so sit; a legislative assembly. **Court above, or ad quem:** a court to which a cause is taken from an inferior court. **Court below, or a quo:** a court from which a cause is removed to a higher court. **Court martial:** a court held in the military and naval service, for the trial and punishment of offenses against the regulations of the service. **Court of appellate jurisdiction:** a court which reviews causes removed by appeal or error from another court. **Court of equity, or of chancery:** a court which administers justice according to the principles of equity. **Court of general jurisdiction:** a court which takes cognizance of all causes, civil or criminal, of a particular nature. **Court of law, or common law:** a court which administers justice according to the principles and the forms of the common law. **Court of limited jurisdiction:** a court which takes cognizance of special matters only. **Court of original jurisdiction:** a court which exercises jurisdiction over a matter in the first instance. **Court of record:** a court whose proceedings are enrolled; a court whose attributes and functions exist independently of the person of the magistrate, and which proceeds according to the course of the common law. *v. Conscience; Ecclesiastical courts.* For particular courts, see *infra* and names *passim*.

In English law. **Court baron:** an inferior court of civil jurisdiction, attached to a manor, held by the steward within the manor. Its most important business formerly was to determine, by writ of right, all controversies relating to the right of lands within the manor. It has now fallen into disuse. **Court for divorce and**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

formity; and its use gave to the ancient record its acknowledged superiority over the modern, in the important quality of durability. **Court lands:** demains, or lands kept in demesne, *i. e.* in the lord's own hands, to serve his family. *v. Court; Curtis; Demesne.*

Cousin. A kinsman or blood relation. Applied in the old books to a brother, sister or uncle.

Constoumier, constumier, coutumier, l. fr. A collection of customs, usages and forms of proceeding in the old law of France. *v. Grand coutumier.*

Constum, coutum, l. fr. Toll or tribute.

Couthutlaugh, sax. *In Saxon and early English law.* A person who willingly and knowingly received an outlaw, and cherished or concealed him.

Covenable, convenable, l. fr. and eng. Convenient; becoming; fit or suitable.

Covenant. A writ or action that anciently lay for non-performance of any covenant in writing; a modern form of action *ex contractu* which lies for the recovery of damages for breach of a contract under seal; a promise or an express statement by or in a deed between two or more persons and sealed by one or more of them. **Covenant against incumbrances:** a covenant that property conveyed is not incumbered. **Covenant alternative, or disjunctive:** a covenant for the performance of one or more of several things at the election of the covenantor or the covenantee. **Covenant collateral:** a covenant conversant about something collateral to the matter of the undertaking. **Covenant declaratory:** a covenant which serves to limit or direct uses. **Covenant dependent:** a covenant which depends on some prior act or condition; a covenant the obligation to perform which depends on the performance of another. **Covenant for further assurance:** a covenant to do such further reasonable acts as may be necessary to complete a transfer. **Covenant for quiet enjoyment:** a covenant of assurance against the consequences of a defect of title. **Covenant in deed, or in fact, or expressed:** a covenant expressed in words, or inserted in a deed in specific terms. **Covenant in law, or implied:** a covenant implied by law from words in a deed which do not express it. **Covenant inherent:** a covenant conversant about the land, and knit to the estate in the land granted. **Covenant of non-claim:** a covenant that neither the covenantor nor any other person shall claim title to the property conveyed. **Covenant of right to convey:** a covenant of assurance that the grantor has capacity and title to convey. **Covenant of seisin:** a covenant of assurance that the grantor has the estate both in quantity and quality which he assumes to convey. **Covenant of warranty:** a covenant of assurance that the grantee shall enjoy the estate conveyed, undisturbed by the assertion of a paramount title. **Covenant real:** a covenant in a deed binding the

heirs of the covenantor, and passing to assignees, or to the purchaser. **Covenant running with land:** a covenant which goes with the land, as being annexed to the estate, and which cannot be separated from the land, and transferred without it. Such is any covenant concerning title, except a covenant broken before the land passes. **Covenant to convey:** a covenant by which the covenantor undertakes to convey a certain estate. **Covenant to stand seised to uses:** a species of conveyance under the statute of uses by which a man seised of lands covenants, in consideration of blood or marriage, that he will stand seised to the use of his wife, or kinsman, for life, in tail or in fee. **Covenant in gross:** a covenant that does not run with the land. **Covenant of title, or real covenant:** a covenant of seisin, of right to convey, against incumbrances, for further assurance, of quiet enjoyment, or of warranty.

Covenantee. The person to whom a covenant is made.

Covenantor. The person who makes a covenant.

Coventry act. The statute 22 & 23 Car. II., c. 1, enacted for the punishment of the offense of cutting off or disabling a limb or member, with intent to maim or disfigure. So called from being occasioned by an assault on Sir John Coventry.

Covert, fr. and eng. Covered; protected. **Covert baron or de baron:** under protection of a husband; married. v. *Baron; Feme covert.*

Coverture. The condition of a woman during marriage.

Covin. A secret combination to effect fraud.

Covinous. Deceitful; fraudulent.

Cranage. *In English law.* A liberty to use a crane for drawing up goods out of a vessel at a creek or wharf, and to make profit of it; the money taken for such work.

Crappa, l. l. *In old English law.* A crop. v. *Croppa.*

Crassus, crassa, l. Large; gross; excessive; extreme. **Crassa ignorantia:** gross ignorance. **Crassa negligentia:** gross negligence. **Crassus piscis:** large fish.

Crastino, l. l. *In old English law.* On the morrow; a title formerly given to the return days of writs, days in bank, or appearance days in the courts at Westminster. **Crastino animarum:** on the morrow of All Souls; one of the return days in Michaelmas Term, and the first day of the term. **Crastino ascensionis Domini:** on the morrow of the Ascension; one of the return days in Easter term. **Crastino purificationis beatæ Mariæ virginis:** on the morrow of the purification of the blessed virgin Mary; one of the return days in Hilary term. **Crastino sanctæ Trinitatis:** on the morrow of the holy Trinity; one of the return days in Trinity term; and the first day of the term.

Craven, cravent, cravant. *In old English law.* A word of disgrace, in the trial by battel, on the uttering of which by either champion he was considered as yielding the victory to his opponent, and was con-

demned, as a recreant, to become infamous, and not to be accounted a free and lawful man. v. *Battel; Champion; Recreant.*

Creamus, l. We create. One of the words by which a corporation was formerly created by the king.

Creare, l. *In the civil law.* To create; to constitute or appoint, as a guardian.

Credere, l. To believe; to put faith in; to entrust with.

Credibility. Worthiness of belief; that quality in a witness which renders his evidence worthy of belief.

Credible. To be believed; entitled to credit; worthy of belief.

Credit. Belief; confidence; payment of money, in confidence of future repayment; transfer of property sold, in confidence of future payment of the purchase-money; capacity of being trusted; the reputation of solvency or probity which entitles a man to be trusted.

Creditor. One who gives or has given credit to another; one to whom a debt is due.

Creditus, l. *In old English law.* Believed; trusted.

Crementum comitatus, l. l. *In old English law.* The increase of the county.

Crepare oculum, l. l. *In Saxon law.* To put out an eye.

Crepusculum, l. *In old English law.* The light which continues after the setting, or precedes the rising, of the sun; twilight.

Cretio, l. *In the civil law.* A certain number of days allowed an heir to deliberate whether or not he would take the inheritance.

Crew. *In maritime law.* A ship's company, embracing all the officers, as well as the common seamen; in a stricter sense, the officers and common seamen, excluding the master; in the strictest sense, the common seamen only. **Crew list:** a list of the crew of a vessel; one of a ship's papers.

Crie, l. fr. A proclamation; a cry, or outcry. **Crie de pays:** the cry of the country; hue and cry. **Criez la peez:** rehearse the concord or peace; an order given by the justice to the serjeant in levying a fine. v. *Cry de pais; Concord; Fine.*

Crier. An officer of court, whose duty is to make proclamation of opening and adjournment, to call parties, jurors and witnesses, to assist in the administration of oaths, to impose silence, etc. v. *Cryer.*

Crim. con. v. *Criminal conversation.*

Crime. An act committed or omitted, in violation of a public law, either forbidding or commanding it; a breach of some public right or duty due to the community, considered in its social aggregate capacity, as distinguished from a civil injury.

Crimen, l. A crime. **Crimen falsi:** forgery, perjury or an offense of kindred character. **Crimen raptus:** rape. **Crimen roberiaë:** robbery.

In old English law. An accusation or charge. **Crimen falsi:** the making of a false charter, false measure, false money, etc.; counter-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Crown. *In English law.* The sovereign power of the monarchy, especially in relation to the punishment of crimes. **Crown law:** criminal law,—the crown being the prosecutor in criminal proceedings. *v. Pleas of the crown.* **Crown office:** a department of the court of Queen's Bench, commonly called the crown side of the court, in which it takes cognizance of all criminal causes. **Crown side:** the criminal department of the court of Queen's Bench.

Crowner, crouner. *In old Scots law.* Coroner; a coroner.

Cruce signati, l. l. *In old English law.* Signed or marked with the cross; pilgrims to the holy land, so called because they wore the sign of the cross on their garments.

Cruelty. Abuse; ill-treatment; unnecessary infliction of pain, commonly physical; immoderate chastisement. - As between husband and wife, such acts as cause injury to life, limb or health, or danger of such injury, or a reasonable apprehension of such danger,—and this includes acts which so operate through the mind. As against children, immoderate chastisement. As against animals, the wanton infliction of pain, the infliction of pain without cause.

Cruise. A voyage for the purpose of making captures *jure belli*.

Crux, l. *In old English law.* A cross; the cross. The badge of the crusaders, and of the Templars and Hospitallers.

Cry. To call out aloud; to proclaim; to sell at auction. *v. Outcry.*

Cry de pais, l. fr. *In old English law.* The cry of the country; the hue and cry after offenders, as raised by the country, in the absence of the constable. *v. Hue and cry.*

Cryer, crier. One who calls out aloud; one who publishes or proclaims; an auctioneer. *v. Crier.*

Cucking stool. *In old English law.* An ancient engine for the punishment of scolds, delinquent brewers and bakers,—called also *tumbrel*, *trebucket*, and *castigatory*.

Cui, l. To whom. *v. Per et cui.* **Cui bono:** for whose good; for whose use or benefit. **Cui jurisdictio data est, ea quoque concessa esse videntur, sine quibus jurisdictio explicari non potest:** to whomsoever a jurisdiction is given, those things also are supposed to be granted without which the jurisdiction cannot be exercised. **Cui jus est donandi, eidem et vendendi et concedendi jus est:** he who has the right of giving has also the right of selling and granting. **Cui licet quod majus, non debet quod minus est non licere:** he who is allowed to do the greater, ought not to be prohibited from doing the less. *v. Non debet, etc.*

In old English law. **Cui ante divortium:** whom before divorce; a writ of entry which lay for a woman divorced, to recover her lands, etc., from him to whom her husband had aliened them during the marriage. **Cui in vita:** a writ of entry which lay for a woman against him to whom her husband, in his life-time, had aliened her lands.

Cuicunque aliquid conceditur, conceditur et id sine quo res ipsa non esse potuit, l. To whomsoever anything is granted, that also is granted without which the thing itself could not exist. **Cuicunque aliquis quid concedit, concedere videtur et id sine quo res ipsa esse non potuit:** any one who grants anything to another is held also to grant that without which the thing itself could not exist.

Cuilibet in arte sua perito est credendum, l. Any person skilled in his peculiar art or profession is to be believed [*i. e.* when he speaks of matters connected with such art].

Cujus est, commodum, ejus debet esse incommodum, l. He who enjoys the profit ought to bear the loss. **Cujus est dare, ejus est disponere:** whose it is to give, his it is to dispose [*i. e.* to regulate]. **Cujus est divisio, alterius est electio:** whichever [of two parties] has the division [of an estate], the choice [of the shares] is the other's. **Cujus est instituere, ejus est abrogare:** whose right it is to institute, his right it is to abrogate. **Cujus est solum, ejus est usque ad cœlum:** whose is the soil, his it is up to the sky. **Cujus est solum, ejus est usque ad cœlum et ad inferos:** he who owns the soil owns it to the sky and to the center of the earth. **Cujus juris [*i. e.* jurisdictionis] est principale, ejusdem juris erit accessorium:** he who has jurisdiction of the principal, has also jurisdiction of the accessory. **Cujus per errorem dati repetitio est, ejus consulto dati donatio est:** he who gives a thing by mistake, has a right to recover it back; but if he gives designedly, it is a gift.

Cujusque rei potissima pars est principium, l. The chiefest part of every thing is the beginning.

Cul., culp. An abbreviation of *culpabilis*, guilty. **Cul. pri:** guilty, ready; the reply of the clerk on behalf of the crown or the state to the plea of the accused of not guilty.

Culpa, l. *In the civil and common law.* Negligence; fault; misconduct; culpable conduct. In the civil law, as in the law of bailments in the common law, three degrees of *culpa* are recognized,—*lata culpa*, which is gross fault or neglect; *levis culpa*, which is ordinary fault or neglect; and *levissima culpa*, which is slight fault or neglect. *v. Lata; Levis; Levissima.* **Culpa caret qui scit sed prohibere non potest:** he is clear of blame who knows but cannot prevent. **Culpa est immiscere se rei ad se non pertinenti:** it is culpable conduct for a man to meddle with a thing not belonging to or concerning him. **Culpa tenet [teneat] suos auctores:** misconduct binds [should bind] its own authors. **Culpæ pœna par esto:** let the punishment be proportioned to the offense.

Culpabilis, l. *In old English law.* Guilty. **Culpabilis de intrusione:** guilty of intrusion.

Culprit. A person guilty or supposed to be guilty of a crime. The word is made up of *cul.* and *prit.*, used anciently on the arraignment of a prisoner at the bar. *v. Cul.*

Culrach. *In old Scots law.* A species of pledge or cautioner, used in cases of the replevin of persons from one man's court to another's.

Culvertage. *In feudal law.* Confiscation, or forfeiture of lands and goods.

Cum, l. With. **Cum confidente sponte mitius est agendum:** a party making a voluntary confession is to be more mercifully dealt with. **Cum eorum et cujuslibet eorum pertinentiis:** with their and every of their appurtenances. **Cum onere:** with the burden or charge; subject to a charge or incumbrance. **Cum pera et loculo:** with satchel and purse. **Cum pertinentiis:** with the appurtenances. **Cum testamento annexo:** with the will annexed. v. *Administration.*

Cum, quum, l. When; whereas. **Cum adsunt testimonia rerum, quid opus est verbis:** when the proofs of facts are present, what need is there of words. **Cum [quum] de lucro duorum quæritur, melior est causa possidentis:** when the question is as to the gain of two persons, the cause of him who is in possession is the better. **Cum duo inter se pugnancia reperiuntur in testamento, ultimum ratum est:** where two things repugnant to each other are found in a will, the last shall stand. **Cum duo jura concurrunt in una persona æquum est ac si essent in duobus:** when two rights meet in one person it is the same as if they were in two. **Cum [quum] par delictum est duorum, semper oneratur petitor, et melior habetur possessoris causa:** where the fault of two parties is equal, the claimant always has the burden, and the party in possession is deemed to have the better case. **Cum quod ago non valet ut ago, valeat quantum valere potest:** when that which I do is of no effect as I do it, it shall have as much effect as it can [*i. e.* in some other way].

Cumulative. Additional; increasing. **Cumulative evidence:** evidence tending to prove what has already been shown by other evidence. **Cumulative legacy:** a legacy in addition to another legacy. **Cumulative punishment:** a punishment adjudged to be inflicted after another the execution or effect of which has expired. **Cumulative remedy:** a statutory remedy in addition to one already existing.

Cuna, l. l. *In old English law.* A tub or vat for brewing; coin. **Cunagium:** coinage.

Cuneare, l. l. *In old English law.* To coin. **Cuneatus:** coined.

Cuneus, l. l. *In old English law.* The iron die with which metallic money was coined; the money itself, so coined; the place of coinage.

Cur. An abbreviation of **Curia.** **Cur. adv. vult:** an abbreviation of *curia advisari vult.* v. *Curia advisari vult.*

Cura, l. Care; charge; oversight; guardianship.

In the civil law. A species of guardianship which commenced at the age of puberty and continued to the completion of the twenty-fifth year.

In ecclesiastical law. **Cura animarum:** care of souls, or cure of souls, as it is frequently rendered.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

sheriff of Chester, in a place there commonly called the Pendice. **Curia personæ**: a parsonage house, or manse. **Curia pedis pulverizati**: the court of *piepoudre* or *piepouders*. **Curia regis**: the king's court; the supreme court of the kingdom, established by the Norman princes; otherwise called *curia magna*, and *aula regis*; an ancient name of parliament. v. *De curia*, etc.

In old Scots law. **Curia Christianitatis**: a court Christian; an ecclesiastical court. **Curia legitime affirmata**: court lawfully opened, or opened in due form.—a formal phrase used in the captions of records. v. *Affirmare*.

In the Roman law. A division of the Roman people into three tribes, and of each tribe into ten *curiæ*, making thirty *curiæ* in all; the place or building in which each *curia* assembled to offer sacred rites; the place of meeting of the Roman senate; the senate house; the senate house of a province; the place where the *decuriones* assembled.

Curialitas, l. l. *In old Scots law.* The estate of tenancy by the curtesy.

Curiosa et captiosa interpretatio in lege reprobatur, l. A curious [overnice or subtle] and captious interpretation is reprobated in law.

Current. Now present or existing; now running or passing; as, a current account, or year, current earnings, current value; circulating as money. **Current funds**: money current at par; coin, or anything equivalent and convertible at pleasure into coin. **Current money**: money commonly received in business transactions as a medium of exchange. **Current notes**: bank notes redeemable in coin.

Currere, l. *In old English law.* To run; to elapse, as time, with the effect of limitation; to run, as a stream; to have course or effect. **Curat lex**: let the law take its course; the law must take its course; — **communis sicut prius currere consuevit**: the common law shall have course, as it hath heretofore usually had. **Currit quatuor pedibus**: it runs upon four feet; it runs upon all fours. **Currit tempus contra desides et sui juris contemptores**: time runs against the slothful and those who neglect their rights.

Cursitor, l. l. *In English law.* A clerk of the court of chancery whose business was to make out all original writs,—writs *de cursu*. v. *De cursu*; *Original writ*.

Cursus, l. *In old English law.* A course or running, as of water; a course or practice. **Cursus carbonum**: a seam of coals. **Cursus curiæ**: the practice of a court; — **est lex curiæ**: the practice of a court is the law of the court.

Curtesy, curtesy of England. An estate to which a man is entitled, on the death of his wife, in lands of which she was seised during coverture in fee-simple or fee-tail, provided he had issue by her, capable of inheriting her estate.

Curtilage. The land enclosed about a dwelling-house.

Curtilagium, l. l. *In old English law.* Curtilage; a curtilage. *v.* *Curtilage.*

Curtilis terræ, l. l. *In old English law.* Court lands. *v.* *Court lands.*

Curtilium, l. l. *In old English law.* An area or space lying within the enclosure of a dwelling-house.

Curtis, curta, curtus, l. l. *In old European law.* The court of the sovereign; any court of justice; the palace or household of the sovereign; the residence of a nobleman; a manse, a country house or dwelling with the land about it; a space or area about a dwelling; a garden; an enclosure, or pound; a town or village, the residence of a noble.

Custagium, custagia, custantia, l. l. *In old English law.* Cost, costs; expenses of judicial proceedings.

Custode admittendo, amovendo, l. l. *v.* *De custode, etc.*

Custodes, l. *In old English law.* Keepers; guardians. **Custodes libertatis Angliæ autoritate parliamenti:** keepers of the liberty of England, by the authority of parliament; the style of writs and other judicial proceedings after the execution of Charles I. and before Cromwell was declared protector. **Custodes pacis:** conservators of the peace. **Custodes placitorum coronæ:** keepers of the pleas of the crown. Supposed to be the same with coroners.

In the Roman law. Guardians; observers; inspectors: persons who acted as inspectors of elections, and who counted the votes given.

Custodia, l. *In old English law.* Keeping; custody; ward, or guard; the duty of keeping guard; wardship or guardianship. **Custodia castri:** castle-guard. **Custodia comitatus:** the wardship of a county.

In the civil law. Custody; confinement; confinement in a public prison.

Custodire, l. *In old English law.* To keep.

Custody. Care; keeping; detainer under arrest; confinement; imprisonment.

Custom. A law, not written, established by long usage and consent. If it is universal, and so a part of the common law, it is a general custom; if it is confined to a certain place, it is a particular custom, which, to be valid, must have been peaceable, reasonable, certain, compulsory, consistent with other customs, and continued without interruption so long that the memory of man runneth not to the contrary. **Custom of merchants:** a system of customs relative to bills of exchange, partnership, and other mercantile matters, and which, under the name of *lex mercatoria*, or law merchant, has been made a part of the common law. *v.* *Law merchant.*

In English law. **Customs of London:** particular customs within the city of London, with regard to trade, apprentices, widows, orphans and a variety of other matters.

In old English law. **Customs and services:** services which the tenants of lands, under the feudal law, owed to their lords, and which, if withheld, the lord might compel by resort to the writ of customs and services. v. *De consuetudinibus et servitiis*.

Customary. Originating in custom, as customary estates, law, services, etc.

In English law. **Customary estate:** an estate which owes its origin to the custom of a particular manor, and belongs to such person as holds his lands by copy of court roll, or tenure of the like kind. **Customary freehold:** a copyhold estate, the evidences of the title to which are to be found on the court rolls; the holding being according to the custom of the manor, but not at the will of the lord, and the incidents being similar to those of pure copyhold. **Customary service:** a service due by custom from one person to another; as the service of doing suit to another's mill. **Customary tenants:** such tenants as hold by the custom of the manor, as their special evidence. v. *Copyholder*.

Customes serra prise stricte, l. fr. Custom shall be taken [is to be construed] strictly.

Customs. The duties, toll, tribute or tariff payable on merchandise exported and imported, and forming a part of the public revenue.

Custos, l. *In English law.* A keeper, protector or guardian. **Custos brevium:** keeper of the writs; a principal clerk belonging to the courts of King's Bench and Common Pleas, whose office was to receive and keep all the writs returned into the court, and also all records of *nisi prius*. **Custos ferarum:** a game-keeper. **Custos horrei regii:** protector of the royal granary. **Custos rotulorum:** keeper of the rolls; an officer who has the custody of the rolls or records of the sessions of the peace, and also of the commission of the peace itself.

In old English law. A keeper, protector or guardian; a magistrate; the warden of a city. **Custos maris:** warden of the sea; the title of a high naval officer among the Saxons, and after the conquest corresponding with admiral. **Custos placitorum coronæ:** keeper of the pleas of the crown. **Custos terræ:** guardian, warden or keeper of the land.

In English ecclesiastical law. **Custos spiritualium:** keeper of the spiritualities; one who exercises the spiritual jurisdiction of a diocese during the vacancy of the see. **Custos temporalium:** keeper of the temporalities; one to whose custody a vacant see or abbey was committed by the king as supreme lord.

Custuma, l. l. *In old English law.* Customs, duties or imposts. **Custuma antiqua sive magna:** ancient or great customs; export duties formerly payable on wool, sheepskins or woölfels, and leather. **Custuma parva et nova:** small and new customs; duties on goods exported or imported by aliens.

Custus, l. l. *In old English law.* Cost; charge; expense; costs; charges.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

tion, as a compensation for the injury complained of. v. *Compensatory damages; Double damages; Excessive damages; General damages; Liquidated damages; Measure of damages; Nominal damages; Punitive damages; Special damages; Treble damages.*

Damaïouse, l. fr. *In old English law.* Causing damage or loss, as distinguished from *torcenouse*, wrongful.

Damna, l. l. *In old English law.* Damages, inclusive of costs of suit; damages, exclusive of costs. **Damna in duplo:** double damages.

Damnare, dampnare, l. *In old English law.* To condemn; to damage; to injure.

Damnatus, l. *In old English law.* Condemned; unlawful. **Damnatus coitus:** an unlawful connection. v. *Qui ex damnato*, etc.

Damner, dampner, l. fr. To condemn. **Dampner a la mort:** to condemn to death.

Damni injuriæ actio, l. *In the civil law.* An action for injurious damage.

Damnosa hæreditas, l. *In the civil law.* A losing inheritance; an inheritance that was a charge instead of a benefit.

Damnus, dampnosus, l. l. *In old English law.* That which produces loss, as distinguished from *injuriousus*, or that which works a wrong.

Damnum, dampnum, pl. damna, l. Damage; loss. **Damnum facientes:** doing damage. **Damnum absque injuria:** a loss without a wrong; that kind of damage for which an action will not lie. v. *Non omne*, etc.

In the civil law. \Damage. **Damnum fatale:** fatal damage; damage from fate. **Damnum infectum:** damage not yet done; apprehended damage. **Damnum rei amissæ:** a loss arising from a payment made by a party in consequence of an error of law.

Danegeld, danegelt, danigeld. *In old English law.* The Danish tax or tribute; a tax upon land first imposed on the Saxons in the reign of Ethelred, for the purpose of bribing the Danes to desist from their depredations, and afterwards made permanent for the purpose of maintaining a force to defend the coast, thus becoming one of the chief branches of the royal revenue.

Danelage, denelage. Dane law; the Danish law; a system of laws introduced into England by the Danes, and principally maintained in some of the midland counties, and also on the eastern coast.

Danger. v. *Apparent danger.* **Dangers of navigation, or of the sea:** the ordinary perils of navigation, as stress of weather, tempests and other extraordinary occurrences. v. *Perils of the sea.* **Dangers of the river:** the natural accidents incident to river navigation, not such as may be avoided by proper care and skill.

Dangeria, l. l. *In old English law.* A payment by forest tenants to the lord, for leave to plough and sow in time of pannage or mast feeding.

Dans, l. fr. In; within. v. *Deins.*

- Dans et retinens nil dat, l.** One who gives and retains [possession] gives nothing.
- Dare, l.** To give; to cause a thing to be effectually his who receives it. v. *Do; Give; Nemo dat, etc.; Qui non, etc.*
- Darrein, darreine, darreyne, dareyne, darrain, darraigne, l. fr.** Last. **Darrein continuance:** the last continuance. v. *Continuance; Puis darrein continuance.* **Darrein presentment:** the last presentment. v. *Assise of darrein presentment.* **Darrein seisin:** the last seisin; an old plea for the tenant in a writ of right. **Dareyne volunte:** last will.
- Dat', data, datum, l. l.** Given; executed; the date of a deed or other instrument; the time, *i. e.* when it is given.
- Date, l. fr. and eng.** Primarily, given or executed; hence from its use as the initial and emphatic word of the clause by which the time and place of execution were expressed, the time when a deed or other instrument is made or delivered, etc.; also the clause of the instrument which specifies the fact with time and place. v. *Bearing.*
- Datio, l.** *In the civil law.* A giving, or act of giving; appointment or assignment. **Datio in solutum:** a giving in payment; a species of accord and satisfaction. **Datio judicis:** appointment of a *judex* to hear and determine a cause. **Datio tutoris:** the appointment of a tutor or guardian by the *prætor* or a magistrate, where none had been provided by will or by law.
- Dative. In old English law.** In one's gift; that may be given and disposed of at will and pleasure.
In the civil law. That which is given by the magistrate, as distinguished from that which is cast upon a party by the law or by a testator.
- Datum, l. l.** Given; dated. **Datum apud London:** given at London. **Datur digniori:** it is given to the more worthy.
- Datus, l.** Date or giving. v. *Dies datus.*
- Day.** A period of time consisting of twenty-four hours, beginning at midnight and extending to the next succeeding midnight, called the civil day; a period of time extending from sunrise to sunset, called the solar or the natural day; the period of time comprising the hours of a day which are devoted to business; a period of time computed from one fixed point to another, without reference to the natural distinction between day and night, expressively called an artificial day; a particular time assigned for the appearance of parties, the return of process, etc. **Day in court:** a day set for appearing in court; a day on which a party may be heard in court. v. *Continuance; Days; Dies; Dies datus; Dies juridicus; Juridical; Return day; Sine die; Sunday; Without day.*
- In English law.* **Day rule:** a rule, or rather a certificate of the granting of a rule to a prisoner, permitting him to go beyond the rules, that is, the limits of the prison, for the purpose of transacting

his business; so called because granted only for a day, the prisoner being required to return at or before nine o'clock of the evening.

Daylight. In the law of burglary, that portion of time before sunrise, and after sunset, which is accounted part of the day as distinguished from night. *v. Burglary; Night.*

Day-time. In the law of burglary, that portion of the twenty-four hours during which a man's countenance is discernible.

Days in bank. Stated days in term appointed for the appearance of parties, the return of process, etc., originally peculiar to the court of Common Bench, or Bench (bank) as it was anciently called. *v. Bank; Bench; Dies communes in banco.* **Days of grace:** days, usually three in number, allowed by the custom of merchants, for the payment of bills of exchange and promissory notes, except such as are payable on demand, or, where no time of payment is expressed, beyond the day expressed for payment; three days allowed to persons summoned in the English courts, beyond the day named in the writ, to make their appearance; the last day being called the *quarto die post.* *v. Dies gratie; Quarto die post.*

Daysman. An arbitrator, or umpire.

Daywere. *In old English law.* A term applied to land, and signifying as much arable ground as could be ploughed in a day.

De, l. fr. About; at; by; concerning; for; from; in; in order to; of; on; out of; with. **De avant:** before. **De bone memorie:** of good memory; of sound mind. **De comon droit:** of common right, that is, by the common law. **De coste:** from, or on the side; collateral. **De counsel:** of counsel; — *ove le defendant:* of counsel with (for) the defendant. **De cy en avant:** from now henceforth. **De droit:** of right. **De fait, de fet:** of, or in fact; by wrong, as distinguished from *de droit*, of or by right. *v. De facto.* **De fine force:** of necessity; of pure necessity. *v. Fine force.* **De male fame:** of bad reputation. **De mot en mot:** from word to word; word for word. **De non sane memorie:** of unsound memory or mind; *non compos mentis.* *v. Memory; Non compos mentis.* **De office:** of office; in virtue of office; officially; in the discharge of ordinary duty. **De plain:** in a summary way. *v. De plano.* **De pleine age:** of full age. **De ques en ça:** from which time until now. **De quoy:** of which; wherewith. **De rien culpable:** guilty of nothing; not guilty. **De sa vie:** of his own life, as distinguished from *pur autre vie*, for another's life. **De son:** of his; of his own; — **counsel:** of his counsel; — **done:** of his gift; — **gree:** of his own accord; — **tort:** of his [own] wrong; — **tort demesne:** of his own wrong; — **tort demesne, sans tiel cause:** of his own wrong, without such cause. *v. De injuria sua propria*, etc. **De temps dont memorie ne court:** from time whereof memory runneth not [to the contrary].



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

henceforward; hereafter, in future. **De cetero:** henceforth; hereafter. **De clamio habendo:** for having a claim. **De claro die:** by daylight. **De clauso fracto:** of close broken; of breach of close. v. *Clausum fregit*. **De conflictu legum:** concerning the conflict of laws. **De consilio:** of counsel; — *curiæ:* by the advice or direction of the court. **De corpore:** of the body; — *comitatus:* from the body of the county as distinguished from a particular neighborhood; — *delicti:* as to the *corpus delicti*, or substantial fact of a crime having been committed. **De cursu:** of course. **De die:** by day; — *claro:* by clear day; by daylight; — *in diem:* from day to day. **De donis conditionalibus:** concerning conditional gifts; the title of the first chapter of the statute of Westminster 2, commonly called the *Statute de Donis*, by which fees simple conditional were converted into fees tail. v. *Conditional fee; Fee tail*. **De et super præmissis:** of and upon the premises. **De facto:** in fact; in deed; actual, as distinguished from *de jure*, q. v. **De fide et officio judicis non recipitur quæstio, sed de scientia, sive sit error juris, sive facti:** concerning the fidelity and official conduct of a judge, no question is [will be] entertained; but [only] concerning his knowledge, whether the error [committed] be of law or of fact. **De fidei læsione:** of breach of faith or fidelity. **De incremento:** of increase; in addition; additional. **De injuria sua propria, absque tali causa:** of his own wrong, without such cause; formal words of traverse, in replications in actions of trespass, called the traverse *de injuria*. **De integro:** anew; a second time; as before. **De itinere:** of way; of the right of way or path. **De jactura evitanda:** for avoiding a loss; applied to a defendant. **De jure:** of right; by law; rightful; lawful; — *communi:* at common law; — *judices, de facto juratores, respondent:* the judges answer as to the law, the jurymen to the fact. **De latere:** from the side; collaterally. **De lunatico inquirendo:** for inquiring about a lunatic or lunacy; the name of a commission, in the nature of a writ, issued in cases of alleged lunacy, to inquire whether the party be a lunatic or not; otherwise called a commission of lunacy. **De malo:** of illness. **De melioribus damnis:** of, or for the better damages; used in practice to denote the election by a plaintiff against which of several defendants he will take judgment. **De minimis non curat lex:** the law does not care for or take notice of trifles. **De non apparentibus et non existentibus eadem est ratio:** things which do not appear are treated in law the same as if they did not exist. **De novo:** anew; a second time. **De parendo juri:** of, or for obeying the law; to obey the law, or the mandate of a writ. **De placito:** of a plea; of, or in an action; formal words used in declarations and other proceedings, as descriptive of the particular action brought; — *conventionis fractæ:* of a plea of breach of covenant; — *debiti:* of a plea of debt; — *transgressionis:* of a plea of trespass; — *transgressionis super casum:* of a plea

of trespass on the case. **De plano:** manifestly; clearly; by covin or collusion. **De præsentī:** of the present; in the present tense. *v. Per verba de præsentī.* **De prosequendo:** of, or for prosecuting; to prosecute. **De receptamento:** of receipt; of harbouring. **De retorno habendo:** for having a return; to have a return; the judgment for the defendant in replevin, awarding a return of the goods; also the writ or execution issued thereon. **De rigore juris:** in strictness of law. **De similibus ad similia eadem ratione procedendum est:** from like things to like things we are to proceed by the same rule or reason. **De similibus idem est judicandum:** of like things [in like cases] the judgment is to be the same. **De supersedendo:** a writ of supersedeas. *v. Supersedeas.* **De tempore:** from time; — **cujus contrarium memoria hominum non existit:** from time whereof the memory of men does not exist to the contrary; — **in tempus et ad omnia tempora:** from time to time, and at all times. **De termino:** of the term. **De una parte:** by one party; unilateral; a deed by which one party only is bound. **De verbo in verbum:** word for word. **De vicineto:** from the neighborhood, or vicinage; applied to a jury. *v. Vicinetum.* **De visinetu:** of the vicinage.

In English law. **De clerico admittendo:** a writ for admitting a clerk; the writ of execution in a *quare impedit*, directed to the bishop, and commanding him to admit the plaintiff's clerk. **De contumace capiendo:** a writ for taking a contumacious person: a writ which issues out of chancery, where a person has been pronounced by an ecclesiastical court to be contumacious, and in contempt. **De coronatore eligendo:** a writ for electing a coroner; a writ issued to the sheriff, commanding him to proceed to the election of a coroner. **De coronatore exonerando:** a writ for discharging or removing a coroner; a writ by which a coroner may be removed from office for cause assigned. **De custode admittendo:** a writ for admitting a guardian. **De custode amovendo:** a writ for removing a guardian. **De dote unde nil habet:** a writ of dower, whereof she has nothing; a writ, now much disused, which lies for a widow entitled to dower of her husband's land, where no part of it has been assigned her, commanding the tenant, or person deforcing her, to assign her reasonable dower.

In old English law. **De advisamento consilii nostri:** with or by the advice of our council; a phrase in old writs of summons to parliament. **De ætate probanda:** a writ of proving age; an old writ which lay to the escheator or sheriff, to summon a jury to inquire whether the heir of a tenant *in capite* was, in fact, of age. **De allocatione facienda:** a writ for making an allowance; an old writ directed to the lord treasurer and barons of the exchequer, for allowing certain officers certain payments made by them. **De alto et basso:** of high and low; a phrase expressing the absolute submission

of all differences to arbitration. v. *De haut et de bass*. **De anno bissextili**: of the bissextile or leap year; the title of a statute 21 Henry III., which is in fact a sort of writ or direction to the justices of the Bench, instructing them how the extraordinary day in the leap year was to be reckoned in cases where persons had a day to appear at the distance of a year. **De annua pensione**: a writ of annual pension; a writ by which the king having a yearly pension due him out of an abbey or priory, demanded the same of the abbot or prior, for the person named in the writ. **De annuo redditu**: a writ of annuity; a writ for recovering an annuity. **De apostata capiendo**: a writ for taking an apostate; a writ which lay against one who, having entered some order of religion, left it and wandered up and down the country, commanding the sheriff to apprehend him, and deliver him again to his abbot or prior. **De arrestandis bonis ne dissipentur**: an old writ which lay to seize goods in the hands of a party during the pendency of a suit, to prevent their being made away with. **De arrestando ipsum qui pecuniam recepit**: an old writ which lay for the apprehension of one who had taken the king's prest money to serve in the war, and hid himself when he should go. **De asportatis religiosorum**: concerning the property of religious persons carried away; the title of the statute 35 Edward I. passed to check the abuses of clerical possessions. **De assisa proroganda**: a writ for proroguing an assise; a writ directed to the justices assigned to take assizes, commanding them to prorogue or postpone an assize to a certain day, where one of the parties could not attend, in consequence of being employed in the king's service. **De attornato recipiendo**: a writ for receiving an attorney; a writ which lay to the judges of a court, requiring them to receive an attorney for a party. **De audiendo et terminando**: for hearing and determining; to hear and determine; the name of a commission, granted to certain justices, to hear and determine cases of heinous misdemeanor, etc. v. *Oyer and terminer*. **De averiis captis in withernamium**: a writ for taking cattle in withernam. v. *Withernam*. **De averiis replegiandis**: a writ for replevying beasts; the old writ of replevin. v. *Replegiari facias*; *Replevin*. **De averiis retornandis**: for returning the cattle; a term applied to pledges given in the old action of replevin. **De avo**: a writ of aiel or ayle. **De banco**: of the Bench; a term applied to the justices of the court of Common Pleas, or Bench, as it was originally styled. **De bene esse**: of well being; of form; of mere form; of necessary, sufficient or advisable form; of good precaution; of contingent utility or necessity; of conditional or permissive validity. To pass as a matter of form; to be advisable in point of form; to be allowed as of present formal sufficiency, with reference to something future. **De bigamis**: concerning men twice married; the title of the statute 4 Edw. I., st. 3. v. *Bigamus*; *Bigamy*. **De bonis non amovendis**: a



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

iff, or show cause. v. *Account; Computus*. **De conjunctim feoffatis:** concerning persons jointly enfeoffed, or seised; the title of the statute 34 Edward I., passed to prevent the delay occasioned by a pleading of a joint seisin. **De consanguineo or de consanguinitate:** a writ of cosinage. v. *Consanguineus; Cosin; Cosinage*. **De conspiratione:** a writ of conspiracy; a writ which lay where two or more persons maliciously and covinously conspired to indict a person afterwards acquitted. v. *Conspiracy*. **De consuetudinibus et servitiis:** a writ of customs and services; a writ which lay for a lord against his tenant, who withheld rents and services due. v. *Customs*. **De continuando assisam:** a writ to continue an assise. **De contributione facienda:** a writ for making contribution; a writ founded on the statute of Marlbridge, to compel coparceners, or tenants in common, to aid the eldest in performing the services due, or to make contribution, where the services had been performed. **De conventionone:** a writ of covenant. v. *Covenant*. **De copia libelli deliberanda:** a writ for delivering the copy of a libel; a writ directed to the judge of a spiritual court, commanding him to deliver to a defendant a copy of the libel filed against him. **De corrodio habendo:** a writ for having a corody; a writ to exact a corody from a religious house. v. *Corody*. **De curia claudenda:** a writ for closing a court; a writ now disused, to compel a party to close or enclose his court, or land about his house. **De custodia terræ et hæredis:** a writ of ward, or writ of right of ward; a writ which lay for a guardian in knight's service or in socage, to recover the possession and custody of the infant, or the wardship of the land and heir. **De debito:** a writ of debt. **De deceptione:** a writ of deceit, or disceit; a writ which lay where one did any thing in the name of another, by which the other was damnified and deceived. **De diversis libertatibus clero concessis:** of divers privileges granted to the clergy; the title of a statute or capitulary of 9 Edw. II. **De domo reparanda:** a writ for repairing a house; a writ which lay to compel a man to repair his house, when it threatened to fall, to the nuisance of another's freehold. **De dote assignanda:** a writ for assigning dower; a writ which lay for the widow of a tenant *in capite*, commanding the king's escheator to cause her dower to be assigned. **De ejectione custodiæ:** a writ of ejectment of ward; a writ which lay where a guardian had been forcibly ejected from his wardship. **De ejectione firmæ:** a writ of ejectment or ejection of farm; a writ which lay where lands or tenements were let for a term of years, and afterwards the lessee was ousted. v. *Ejectment; Firma*. **De escæta:** a writ of escheat; a writ which a lord had, where his tenant died without heir, to recover the land. **De escambio monetæ:** a writ of exchange of money; a writ to authorize a merchant to make a bill of exchange. **De esse in peregrinatione:** of being on a journey; a species of essoin.

De essendo quietum de theolonio: a writ of being quit of toll; a writ which lay for persons who by charter or prescription were exempted from toll, to enforce such exemption. **De essonio de malo lecti:** a writ of essoin of *malum lecti*; a writ which issued on an essoin of *malum lecti* being cast, to examine whether the party was in fact sick, or not. **De estoveriis habendis:** a writ for having estovers; a writ which lay for a wife divorced *a mensa et thoro*, to recover her alimony or estovers. **De estrepamento:** a writ of estrepement; a writ to prevent waste in lands by a tenant, during the pendency of a suit for their recovery. v. *Estrepement*. **De excommunicato capiendo:** a writ for taking an excommunicated person; a writ by which the sheriff was commanded to take an excommunicated person, and imprison him in the county gaol, until he was reconciled to the church. **De excommunicatio deliberando:** a writ for delivering an excommunicated person from prison, where he had made satisfaction to the church. **De excommunicatio recapiendo:** a writ for retaking an excommunicated person, where he had been liberated from prison without making satisfaction to the church, or giving security for that purpose. **De executione facienda in withernamium:** a writ for making execution in withernam. **De executione iudicii:** a writ of execution of judgment; a writ directed to a sheriff or bailiff, commanding him to do execution. **De exemplificatione:** a writ of exemplification; a writ granted for the exemplification of an original. **De exoneratione sectæ:** a writ of exoneration of suit; a writ that lay for the king's ward to be discharged of all suit to the county court, hundred, leet, or court baron, during the time of his wardship. **De expensis militum levandis:** a writ for levying the expenses of knights; a writ directed to the sheriff, for levying the allowance for knights of the shire in parliament. **De expensis militum non levandis:** a writ to abstain from levying such expenses in certain cases. **De falso iudicio:** a writ of false judgment. v. *False judgment*. **De falso moneta:** of false money; the title of the statute 27 Edward I. ordaining that persons importing certain coins should forfeit their lives, goods, etc. **De feodo:** of fee; in fee; — **suo:** of his fee; belonging to his fee. **De fine capi-endo pro terris:** a writ which lay for a juror attainted for a false verdict, to obtain release of his person, lands and goods, on payment of a fine. **De fine non capiendo pro pulchre placitando:** a writ prohibiting the taking of fines for beau pleader. **De fine pro re-disseisina capiendo:** a writ which lay for the release of one imprisoned for a re-disseisin, on payment of a reasonable fine. **De finibus levatis:** concerning fines levied; the title of the statute of 27 Edward I., requiring fines thereafter levied to be read in court. **De forisfactura maritagii:** a writ of forfeiture of marriage. **De frangentibus prisonam:** concerning those that break prison; the title of the statute of 1 Edward II. ordaining that prisoners who broke prison should

not have judgment of life or limb therefor unless the cause of imprisonment required such a judgment. **De furto:** of theft; a kind of criminal appeal formerly in use. **De gestu et fama:** of behavior and reputation; a writ which lay where a person's conduct and reputation were impeached. **De gratia:** of grace or favor; — **speciali, ex certa scientia, et mero motu:** of special grace, certain knowledge and mere motion; formal words used in royal grants and patents. **De hærede deliberando illi qui habet custodiam terræ:** a writ for delivering an heir to one who has wardship of the land; a writ directed to the sheriff to require one who had the body of a ward to deliver him to the person having wardship. **De hærede raptō et abducto:** a writ concerning an heir ravished and carried away; a writ which lay for a lord who having the wardship of a tenant under age, could not obtain his body, because carried away by another. **De hæretico comburendo:** a writ for burning a heretic; a writ which lay against a heretic who having been convicted of heresy and abjured, afterwards fell again, and was thereupon delivered over to the secular power. **De homagio respectuando:** a writ for respiting or postponing homage. **De homine capto [capiendo] in withernamium:** a writ for taking a man in withernam; a writ that lay to take in withernam one who had taken a bondman or woman, and led him or her out of the county, so that he or she could not be replevied. **De homine replegiando:** a writ for replevying a man; a writ to replevy a man out of prison or out of the custody of any private person, upon giving security to the sheriff. **De idemptitate (or identitate) nominis:** a writ respecting identity of name; a writ which lay for one who was arrested in a personal action, and committed to prison for another of the same name. **De idiota inquirendo:** a writ to inquire whether a man be an idiot or not. **De iis qui ponendi sunt in assisis:** of those who are to be put on assises; the title of a statute 21 Edward I. defining the qualifications of jurors. **De infirmitate:** of infirmity; the principal essoin in the time of Glanville; afterwards called *de malo*. v. *De malo; Essoin*. **De ingressu:** a writ of entry. v. *Entry*. **De intrusione:** a writ of intrusion; a writ which lay for a reversioner, where tenant for life or in dower, or by the curtesy, died seised of the estate for life, and afterwards a stranger intruded. **De Judaismo:** concerning Judaism; the title of a statute 18 Edward I. prohibiting usury. v. *Judaismus*. **De leproso amovendo:** a writ for removing a leper; a writ to remove a leper who thrust himself into the company of his neighbors. **De libera falda:** a writ of free fold; a species of *quod permittat*. **De libera piscaria:** a writ of free fishery; a species of *quod permittat*. **De libero passagio:** a writ of free passage; a species of *quod permittat*. **De libertate probanda:** a writ for proving property; a writ which lay for those who being demanded for villeins or neifs offered to prove themselves free. **De libertatibus allocandis:** a writ for allowing lib-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

commanding him to apprehend the villein, and restore him, with all his chattels. **De non decimando:** of not paying tithes; applied to a prescription or claim to be entirely discharged of tithes. **De non procedendo ad assisam:** a writ for not proceeding to take an assise; a writ, directed to the justices assigned to hold assises, commanding them not to proceed to take an assise in a particular case. **De odio et atia:** a writ of hatred and malice; a writ which lay for a person committed to prison on a charge of homicide, and who otherwise could not be bailed. **De officio coronatoris:** concerning the office of coroner; the title of the statute 4 Edw. I., enumerating the duties of the office. **De onerando pro rata portione:** a writ for charging according to a ratable proportion; a writ which lay for a joint tenant, or tenant in common, who was distrained for more than his proportion of the rent. **De pace:** of or for peace or the peace; — **et legalitate tuenda:** for keeping the peace, and for good behavior; — **et plagis:** of peace [breach of peace] and wounds; a kind of criminal appeal formerly in use; — **et roberia:** of peace [breach of peace] and robbery; a kind of criminal appeal formerly in use; — **et imprisonmento:** of [breach of] peace and imprisonment; a kind of appeal formerly in use; — **infracto:** of peace broken; of breach of the peace. **De parco fracto:** a writ of pound breach; a writ which lay against one who violently broke a pound, etc. **De partitione facienda:** a writ for making partition; a writ which lay to make partition of lands or tenements held by several *pro indiviso* as coparceners, etc. **De passagio:** of passage; — **simplici:** of simple passage. *v. De ultra mare.* **De perambulatione facienda:** a writ for making perambulation; a writ which lay to ascertain the boundaries of lands. *v. Perambulation.* **De peregrinatione:** of pilgrimage; — **et passagio generali:** of pilgrimage and general passage. **De pipa vini carianda:** a writ of trespass for carrying a pipe of wine so carelessly that it was stove, and the contents lost. **De plagis et mahemio:** of wounds and maihem; the name of a criminal appeal formerly in use. **De plegiis acquietandis:** a writ for acquitting or releasing pledges; a writ that lay for a surety who had been compelled to pay, to recover of his principal. **De pone:** a writ of pone. *v. Pone.* **De ponendo sigillum ad exceptionem:** a writ for putting a seal to an exception. **De post disseisina:** a writ of post disseisin; a writ which lay for one who, having recovered lands or tenements by *præcipe quod reddat*, on default or reddition, was again disseised by the former disseisor. **De prærogativa regis:** of the king's prerogative; the title of the statute 17 Edward II., st. 1, defining the prerogatives of the crown on certain subjects. **De procedendo in assisa:** a writ for proceeding in an assise; a writ by which the justices of assise were commanded to proceed where the proceedings had been stayed. **De proprietate probanda:** a writ for proving property; a writ directed to the sheriff, to inquire of the property of

goods distrained. **De protectionibus:** of or concerning protections; the title of a statute 33 Edward I. to prevent some of the evil consequences of the privileges given by writs of protection. **De protectione:** a writ of protection. v. *Protection*. **De raptu virginum:** of the ravishment of maids; an appeal formerly in use in cases of rape. **De rationabilibus devisis:** a writ for fixing reasonable boundaries; a writ which lay to settle the boundaries between the lands of persons in different towns. **De rationabili parte bonorum:** a writ which lay for the wife and children of a deceased person against his executors, to recover their reasonable part or share of his goods. v. *Reasonable part*. **De recordo et processu mittendis:** a writ to send the record and process of a cause to a superior court; a sort of writ of error. **De recto:** a writ of right. **De recto deficere:** to fail of right; to fail in doing justice. **De recto patens:** a writ of right patent. **De recto de dote:** a writ of right of dower. **De recto de rationabili parte:** a writ of right, of reasonable part; a writ which lay between privies in blood, where one was deprived of his share. **De recto de advocacione:** a writ of right of advowson; a writ which lay for one who had an estate in advowson to him and his heirs in fee-simple, where he was disturbed in presenting. **De redisseisina:** a writ of re-disseisin; a writ which lay where a man recovered by assise of novel disseisin land, rent or common, and the like, and was put in possession by verdict, and afterwards disseised by the same person. **De replegiare (or replegiari):** a writ of replevin. **De rescussu:** a writ of rescue or rescous; a writ which lay where cattle distrained, or persons arrested, were rescued. **De salva gardia:** a writ of safeguard; a writ in the nature of a protection, which was allowed to strangers seeking their right by course of law in England, and apprehending violence or injury to their persons or property. v. *Safeguard*. **De salvo conductu:** a writ of safe conduct. v. *Safe conduct*. **De scaccario:** of, or concerning the exchequer; the title of a statute of 51 Henry III. **De scutagio habendo:** a writ for having (or to have) escuage or scutage; a writ which lay against tenants by knight-service, to compel them to serve in the king's wars or send substitutes, or to pay a sum of money. **De se bene gerendo:** for behaving himself well; for his good behavior. **De secta ad molendinum:** a writ of suit at mill; a writ for compelling suit to a mill. **De secunda superoneracione:** a writ of second surcharge; a writ which lay where admeasurement of pasture had been made, and he who first surcharged did it a second time. **De servitio regis:** of the king's service; a kind of essoin, or excuse by the defendant for not appearing, the ground being detention in the king's service. **De statuto:** writs founded upon statute. **De statuto mercatorio:** a writ of statute-merchant; a writ which lay for imprisoning him who had forfeited a statute-merchant bond, until the debt was satisfied. **De statuto stapulæ:** a writ of statute staple; a writ that lay to take the body

to prison, and seize upon the lands and goods of one who had forfeited the bond called statute staple. v. *Statute staple*. **De super-
 oneratione pasturæ**: a writ of surcharge of pasture; a writ which lay for one impleaded in the county court, for surcharging a common, where he was formerly impleaded in the same court, and the cause was removed into one of the courts at Westminster. **De sylvæ
 cædua**: a writ concerning coppice wood. **De tallagio non conce-
 dendo**: of not granting tallage; the title of a statute of 34 Edward I, st. 4, declaring that no tallage or aid should be imposed or levied by the king without consent of lords and commons. **De terra sancta**: of the Holy land; a species of essoin, the ground of which was that the party had gone to the Holy land. v. *Essoin*. **De thelonio**: a writ of toll; a writ of trespass which lay where a person was prevented from taking toll. **De transcripto pedis finis levati mittendo**: a writ for sending the transcript of the foot of a fine levied. **De transgres-
 sione**: a writ of trespass. v. *Trespass*. **De transgressione ad audi-
 endum et terminandum**: a writ for hearing and determining any outrage or misdemeanor. v. *Ad audiendum et terminandum; Oyer and terminer*. **De ultra mare [or de trans mare]**: of beyond sea; a species of essoin, the ground of which was that the party was detained in parts beyond the seas. v. *Essoin*. **De uxore rapta et ab-
 ducta**: a writ which lay where a man's wife had been ravished and carried away; a species of writ of trespass. **De vasto**: a writ of waste; a writ which lay for a reversioner or remainderman against a tenant for life, or for years, where the latter had committed waste,—calling on the tenant to appear and show cause. **De ventre
 inspiciendo**: a writ of (or for) inspecting the belly; a writ which a presumptive heir may have in England, to examine a widow suspected of feigning herself pregnant; a writ of the same nature issued where a woman sentenced to be executed pleaded pregnancy. **De vi laica amovenda**: a writ of (or for) removing lay force; a writ which lay where two parsons contended for a church, and one of them entered with a number of laymen, and held out the other *vi et armis*. **De viridario eligendo**: a writ to elect a verderor. **De viridi et venatione**: of vert and venison; of, or relating to the green-sward of the king's forests, or the king's deer. **De war-
 rantia chartæ**: a writ of warranty of charter; a writ which lay for him who was enfeoffed, with clause of warranty, and afterwards impleaded in an assise or other action, in which he could not vouch or call to warranty. **De warrantia diei**: a writ of warranty of day, or of warranty of default for a day; a writ which lay where one having a day assigned personally to appear in court, was employed in the king's service, so that he could not come at the day appointed, commanding the justices not to default him.

In Scots law. **De arte et parte**: of art and part. v. *Art and part*. **De iudicio sisti**: for appearing in court; applied to bail for a de-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Deadly feud. *In the Saxon law.* A profession of irreconcilable hatred against an enemy, until revenge were obtained even by his death.

Deadpledge. A mortgage. *v. Mortgage; Mortuum vadium.*

Deadvocare, l. l. *In old English law.* To abandon a cause or give up its advocacy; to disavow or disclaim; to refuse to acknowledge.

De-afforest. *In English law.* To discharge from being a forest; to release from the forest law. *v. Disafforest.*

Deafforestare, l. l. *In old English law.* To de-afforest or disafforest.

Dealbare, l. l. *In old English law.* To whiten or make white. **Dealbare firmam:** to whiten rent or farm; that is, to convert the base money in which rent was paid into silver or its value; to reduce it to the fineness of standard silver by melting it down in the exchequer, or make it equal to silver by paying the difference in value.

Dean. *In English ecclesiastical law.* An ecclesiastical dignitary who presides over the chapter of a cathedral, and is next in rank to the bishop. *v. Decanus.* **Dean and chapter:** a spiritual corporation constituting the council of a bishop, to assist him with their advice in affairs of religion, and also in the temporal concerns of his see. **Dean of the arches:** the presiding judge of the Court of Arches.

Deathbed. *In Scots law.* A state of sickness which ends in death. **Deathbed deed:** a deed made by a person ill of an illness of which he afterwards dies.

Debas, debase, l. fr. Below; under; beneath.

Debent, l. *In old English law.* They owe; they ought.

Debenture. A custom-house certificate, entitling the exporter of imported goods to a drawback of duties paid on their importation; an instrument by which government is charged to pay to a creditor or his assigns the sum found due on auditing his accounts.

Debet, l. He owes; he ought; it ought; there ought; one ought; ought.

Debet esse finis litium: there ought to be an end of suits.

Debet et detinet: he owes and detains; words anciently used in the original writ, and now, in English, in the plaintiff's declaration, in an action of debt, brought by one of the original contracting parties who personally gave the credit, against the other who personally incurred the debt, or against his heirs, if they were bound to the payment.

Debet et solet: he ought and has been used [to do]; words in a writ importing that the action is for that which is now for the first time withheld. **Debet quis juri subjacere ubi delinquit:** one [every one] ought to be subject to the law [of the place] where he offends.

Debile fundamentum fallit opus, l. A weak foundation frustrates the work.

Debita, l. Debts. **Debita sequuntur personam debitoris:** debts follow the person of the debtor.

In old English law. **Debita laicorum:** debts of the laity, or of lay persons; debts recoverable in the civil courts.

In Scots law. **Debita fundi:** debts secured upon land.

Debito aut legitimo modo, l. In a due or lawful manner. **Debito modo:** in due manner; duly; — **electus:** duly elected.

Debitor, l. A debtor. **Debitor intelligatur is a quo invito exigere pecunia potest:** a debtor may be understood to be one from whom money may be exacted against his will. **Debitor non præsumitur donare:** a debtor is not presumed to make a gift; whatever disposition he makes of his property is supposed to be in satisfaction of his debts. **Debitorum pactionibus creditorum petitio nec tolli nec minui potest:** a claim of creditors can neither be lost nor modified through agreements made among debtors.

Debitum, l. A thing due or owing; a debt. **Debitum et contractus sunt nullius loci:** debt and contract are of [belong to] no place; have no particular locality. **Debitum in præsentibus, solvendum in futuro:** a debt due at present, to be paid in future; applied to obligations which are absolute or perfect when contracted, though not payable before a certain future day, as bonds and notes.

In Scots law. **Debitum fundi:** a debt of the ground; a debt which is a charge upon real estate.

Debruser, l. fr. To break; to break down, as a hedge; to break to pieces.

Debrusure, l. fr. A breaking.

Debt. A sum of money due by certain and express agreement; an action to recover a certain sum of money, or a sum that can readily be reduced to a certainty. **Debt by specialty:** a debt due, or acknowledged to be due, by an instrument under seal. **Debt by simple contract:** a debt or obligation arising upon a contract ascertained by oral evidence, or some written contract not under seal. **Debt ex mutuo:** a species of debt or obligation which arose *ex mutuo*, out of a certain kind of loan. **Debt of record:** a debt witnessed by a judgment or recognizance.

Debtee. A person to whom a debt is due; a creditor.

Debtor. A person who owes a sum of money, or is indebted to another. **Debtor in solido:** *v. In solido.*

Deca, decea, decha, l. fr. On this side; from this; hence. **Decea la meer:** on this side of the sea.

Decanatus, l. l. A deanery; a company of ten persons.

Decania, l. l. The office, jurisdiction, territory or command of a *decanus*, or dean. *v. Decanus.*

Decanus, l. *In civil, ecclesiastical, and old European law.* An officer having supervision over ten; a dean. **Decanus episcopi:** a bishop's or rural dean, presiding over ten clerks or parishes. **Decanus friborgi:** dean of a friborg; an officer among the Saxons, who presided over a friborg, tithing, decennary, or association of ten inhabitants; otherwise called a tithing man, or borsholder. **Decanus in majori ecclesia:** dean of a cathedral church, presiding over ten prebendaries. **Decanus militaris:** a military officer having com-

mand of ten soldiers. **Decanus monasticus:** a monastic dean, or dean of a monastery; an officer over ten monks.

Decedens, l. *In old English law.* Dying; a person dying; a deceased person.

Decedent. Deceased; a deceased person.

Decedere, l. *In old English law.* To die; to de cease. **Decessit:** he died.

In the civil law. To depart, that is, from life; to die.

Deceit. A false representation or contrivance by which one person misleads another to his injury; an action in trespass on the case to recover damages therefor.

In old English law. Any subtle trick or device used to deceive or defraud which had no other name; an original writ to recover damages for deceit by way of forgery collusion or fraudulent misrepresentation; a judicial writ in the Common Bench to recover lands lost in a real action through a collusive default of a tenant.

Decem tales, l. l. *In English law.* Ten such, or ten tales; a writ to summon ten jurors to make up a deficiency in the panel.

Decemviri litibus judicandis, l. *In the Roman law.* Ten persons who acted as the assistants of the prætor, when he decided on matters of law, or who were themselves judges.

Decenna, l. l. *In old English law.* A tithing or decennary; the precinct of a frank-pledge, consisting of ten freeholders with their families. v. *Decennary; Tithing; Frank-pledge; Friborg.*

Decennarius, decinarius, l. l. A deciner; a handborowe. v. *Deciner; Frank-pledge.*

Decennary. A tithing, composed of ten neighboring families.

Deceptis, non decipientibus, jura subveniunt, l. The laws assist the deceived, not those deceiving.

Deceptio, l. Deceit. v. *Deceit.*

Decern. *In Scots law.* To decree.

Decernere, l. *In civil and old English law.* To decree; to decide.

Decessus, l. *In old English law.* De cease; death; departure. v. *Departure.*

In the civil law. De cease; death.

Decet, l. It is becoming; it is proper. **Decet tamen principem servare leges quibus ipse solutus est:** yet it is becoming for the prince to observe the laws from which he himself is released.

Decidere, l. *In old English law.* To decide; to put an end to; to fall, or fall to; to remain to; to escheat.

In the civil law. To decide; to determine judicially.

Decies tantum, l. l. *In old English law.* Ten times as much; a writ given by the statute 38 Edw. III., cc. 12, 13; or by 34 Edw. III., c. 8, which lay against a juror who had taken money of either party for giving his verdict, to recover ten times as much as the sum taken, or against embraceors for intermeddling with a jury.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Decline. *In Scots law.* To object to. **Declined:** objected to.

Decoctor, l. *In the Roman law.* A bankrupt; a spendthrift; one who squandered the public money.

Decollatio, l. *In old English and Scots law.* The punishment of beheading; decollation. **Decollat':** beheaded.

Decoy letter. A letter prepared and posted with a view to the detection of a criminal.

Decree. The judgment of a court of equity or admiralty, answering to the judgment of a court of common law. It is final where it disposes of the suit; interlocutory where it disposes of some pleading or of some inconclusive issue, but not of the main question.

In Scots law. The final sentence of a court. **Decree of constitution:** a decree by which a debt is ascertained; a decree requisite to found a title in the person of the creditor, whether that necessity arises from the death of the debtor or of the creditor. **Decree of forthcoming:** the adjudication of the court, after process of arrestment, which entitles the creditor to demand the sum arrested, to be applied for payment of the debt on which the arrestment and forthcoming proceeded. *v. Arrestment; Forthcoming.*

In the civil law. The final sentence of a court.

In the canon law. The first of the two main divisions of the *Corpus Juris Canonici*.

Decreet. *In Scots law.* The decree, judgment or sentence of a court.

Decreet absolvitor: a decree dismissing a claim, or acquitting a defendant. **Decreet arbitral:** an award of arbitrators. **Decreet in absence:** a decret at pronouncing of which either party is absent.

Decrementum maris, l. *In old English law.* Decrease of the sea; the receding of the sea from the land. *v. Reliction.*

Decretal. In the nature of a decree. **Decretal order:** an order which, in an event the result of a direction therein, may lead to the termination of the suit in the manner of a decree at the hearing.

Decretales, decretals, l. l. *In ecclesiastical law.* The second of the two great divisions of the *Corpus Juris Canonici*. **Decretales Gregorii Noni:** decretals of Gregory the Ninth; a collection of canon law, published in 1234, consisting of five books, each of which is subdivided into titles, and each title into chapters. **Decretales Bonifacii Octavi:** decretals of Boniface the Eighth; a collection of canon law, more commonly known as the *Liber Sextus Decretalium*, or *Sextus decretalium*. *v. Sextus decretalium.*

Decretum, l. *In the civil law.* A species of imperial constitution, being a judgment given by the emperor upon the hearing of a cause.

In the canon law. An ecclesiastical law, in contradistinction to a secular law; the first of the two great divisions of the *Corpus Juris Canonici*, more commonly known as *Decretum Gratiani*. **Decretum Gratiani:** Gratian's decree, or *decretum*; a collection of ecclesiastical law in three books or parts, made in 1151, being the oldest

and the first in order of the collections which together form the body of the Roman canon law.

Decuria, l. l. *In Saxon law.* A tithing or decennary.

Decurio, l. *In the Roman law.* A kind of provincial senator; a member of a council or senate established in all the great towns in the provinces, constituting a kind of municipal corporation.

Decurionatus, l. *In the Roman law.* The office of a decurio.

Dedeins, dedeinz, dedeynz, dedinz, dedenz, dedens, dedaynes, l. fr. Within; in. **Dedeins la vierge:** within the verge. **Dedens age:** within age.

Dedi, l. I have given; the operative and proper word of conveyance in ancient charters of feoffment, and deeds of gift and grant. **Dedi, concessi, barganizavi et feoffavi:** I have given, granted, bargained and enfeoffed. **Dedi et concessi:** I have given and granted.

Dedication. The appropriation of private property, commonly land, to public uses, either by a formal act on the part of the owner, or by acts from which an appropriation may be legally presumed.

Dedicere, l. l. To deny. **Dedicta, dedictum:** denied.

Dedimus. We have given; a commission to take testimony. **Dedimus et concessimus:** we have given and granted.

In American law. **Dedimus potestatem:** we have given power; sometimes applied to a commission to take testimony.

In old English law. **Dedimus potestatem:** we have given power; a writ of commission issuing out of chancery, empowering the persons named therein to perform certain acts, as to administer oaths to defendants in chancery and take their answers, to administer oaths of office to justices of the peace, etc.; — **de attornato recipiendo:** we have given the power of receiving an attorney; a writ or commission from the crown, directed to the judges of a court, authorizing them to permit a party to appear by attorney.

Dedire, l. fr. To deny. **Dedit, deditz:** denied.

Dedisse, l. To have given. **Dedisse et concessisse:** to have given and granted, or [that I] have given and granted; operative words in ancient charters of feoffment and deeds of grant. *v. Dedi et concessi.* **Dedisse intelligendus est etiam is qui permutavit, vel compensavit:** he is understood to have given, who has exchanged or compensated.

Dedit et concessit, l. l. Hath given and granted; operative words in ancient charters of feoffment and deeds of grant, where the conveyance was by indenture.

Dedititii, l. An inferior kind of freedmen at one time recognized by the Roman law.

Deducere, l. *In old English law.* To bring; to deduct. **Deducere rem in iudicium:** to bring a thing into court; to make it the subject of judicial investigation. **Deducto ære alieno:** deducting debts.

Dedure, deduire, l. fr. To bring. **Deduces, dednst, dedulst:** brought.

Deed. A fact or act; a writing sealed and delivered; a writing sealed and delivered more especially as a conveyance of land. **Deed indented:** a deed executed in parts, as many as there are parties, separated by cutting in a curved or indented line. v. *Indenture*. **Deed poll:** a deed executed in one part,— by one party only, and having the edge polled or evenly cut.

In old English law. **Deed to lead or declare uses:** a deed incident to conveyances by fine and recovery. If made before the fine, etc., called a deed to lead, etc.; if after, a deed to declare, etc.

Deemster, demster. A kind of judge in the Isle of Man, who decided all controversies without process, writings or any charge. v. *Dempster*.

Defalcatio, l. l., Defalcation. *In old English law.* Deduction; abatement.

Defalta, l. l. *In old English law.* Default. **Defaltam facere:** to make default. **Defaltam sanare:** to cure a default.

Defamation. The speaking or writing of words injurious to a person's good fame. Written defamation is otherwise termed libel, and oral defamation slander. v. *Libel; Slander*.

Defamator, l. l. *In old English law.* A defamer.

Defauder, l. fr. To make default.

Default. Omission; neglect or failure; omission or non-performance of duty; failure to appear or to plead in court.

Defaute, default, l. fr. Default.

Defeasance, defeazance. A collateral deed which provides that another shall be void upon the happening or the performance of certain conditions.

Defectus, l., Defect. Deficiency; imperfection; failure; default; want. **Defectus exitus:** default of issue. v. *Propter defectum*.

Defence. A resistance of an attack; the answer made by the defendant to the plaintiff's action, by demurrer or plea at law, or answer in equity; all the proceedings on the part of a defendant, to embarrass, delay or defeat the suit. v. *Full defence; Half defence*.

Defence, defense, l. fr. *In old English law.* Prohibition; denial or refusal; a state of severalty, or of several or exclusive occupancy; a state of enclosure., v. *Defensum; Fencemouth; In defenso*.

Defend. To oppose or resist a claim at law; to contest a suit; in pleading, to deny, as in the phrase "comes and defends," which means merely that the defendant comes and denies the right of the plaintiff. v. *Defendemus*.

In old English law. To prohibit or forbid; to exclude from use; to appropriate. v. *Defendere*.

Defendant, Defendaunt, l. fr. and eng. The party against whom an action at law or a suit in equity is brought.

Defendaunt, l. fr. *In old English law.* Defending; a defending party; the party against whom an action, whether civil or criminal, was instituted.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Definitio, l. *In the civil law.* Definition; exposition; the explanation of a thing, including, as within a circumscribed line or limit, everything pertaining to it; the establishment of a general rule; a general rule of law. v. *Omnis definitio*, etc.

Definitive sentence. The final judgment of an ecclesiastical court.

Deforce, Deforciare, l., Deforcer, l. fr. *In English law.* To withhold lands or tenements from the owner.

In Scots law. To resist the execution of the law; to oppose by force a public officer in the execution of his duty.

Deforcement. *In English law.* A keeping out by force or wrong; a wrongful withholding of lands or tenements from the owner.

In Scots law. The opposition or resistance made to public officers engaged in the exercise of their offices.

Deforceor. *In English law.* One who deforces another. v. *Deforce; Deforcement.*

Deforcians, defortians, l. l. *In old English law.* A deforciant.

Deforciant. *In English law.* One who deforces another; the person against whom the fictitious action of fine was brought; the defendant in assise of darrein presentment.

Deforciare, defortiare, deforceare, l. l. *In old English law.* To withhold lands or tenements from the right owner; to deforce. **Deforciat, deforceat:** he deforces.

Deforciatio, l. l. *In old English law.* A distress, or seizure of goods for satisfaction of a lawful debt.

Defuer, l. fr. To run away; to elope. **Defuiaunt:** running away. **Defuont:** run away.

Defunct. *In Scots law.* Deceased; a deceased person.

Defunctus, l. *In the civil and old English law.* Defunct; deceased; a deceased person.

Degager, l. fr. To give security; to deliver on gage or security.

Degaster, l. fr. To waste. **Degast, degaste, degata:** wasted, destroyed.

Degradation. *In English law.* Deprivation of dignity or rank; the depriving of a peer of his nobility, or a clergyman of his holy orders and ecclesiastical distinctions.

Degree. One of a series of steps upward or downward. **Degree of relationship:** a step in kinship, reckoning, in the canon law, from the person furthest from the common ancestor to the ancestor; in the civil law, from one person to the ancestor and down to the other. From any person to the one nearest in kinship is a degree.

Dehors, l. fr. Out of; beyond; foreign to. **Dehors the record:** foreign to the record.

Dei gratia, l. By the grace of God. **Dei iudicium:** the judgment of God; the Saxon trial by ordeal. v. *Judicium Dei.*

Deins, deinz, deynz, daus, dedens, l. fr. Within. **Deins age:** within age; under age. **Deins le quater meres:** within the four seas.

Dejicere, l. *In the civil law.* To eject or cast out; to dispossess or deprive of possession. **Dejectus:** ejected.

Del bien estre, l. fr. *In old English law.* Of well being; of form. *v. De bene esse.* **Del consail:** of counsel. **Del temps dount memory ne court:** from time whereof memory runneth not.

Del credere, ital. Of belief, trust or warranty; an agreement by which a factor, in consideration of an additional commission, engages to warrant the solvency of one to whom he sells; a species of guaranty. **Del credere commission:** the additional commission thus agreed upon.

Delate. *In Scots law.* To accuse. **Delated, delatit:** accused. **Delatit off arte and parte:** accused of being accessory to.

Delatio, l. *In the civil law.* An accusation or information.

Delator, l. *In the civil law.* An informer; an accuser.

Delatura, l. l. *In old English law.* An accusation; the reward of an informer.

Delectus personæ, l. The choice of a person; a term expressive of the right of a partner to determine what persons shall be introduced into the firm as new partners.

In Scots law. The presumed choice of a person, which the grantor in certain deeds is supposed to have for the person in whose favor the grant is made.

Delegare, l. *In old English law.* To assign; to transfer a duty or power; to delegate; to appoint a substitute.

In the civil law. To substitute another in one's place as a debtor. **Delegare est vice sua alium reum dare creditori vel cui jusserit:** to delegate is to give to a creditor, or to him whom the creditor appoints, another person in one's place as a debtor. *v. Delegation.*

Delegation. *In the civil law.* The substitution of one debtor for another; a species of novation.

Delegatus, delegata, l. Delegated, deputed, commissioned; appointed to act for another; transferred or assigned. **Delegata potestas non potest delegari:** a delegated power cannot be delegated. **Delegatus debitor est odiosus in lege:** a delegated debtor is odious in law. **Delegatus non potest delegare:** a delegate cannot delegate.

Delete, sc. *In Scots law.* To erase; to strike out.

Deliberandum est diu quod statuendum est semel, l. That which is to be resolved once for all should be long considered.

Deliberare, l. *In old English law.* To deliver. **Deliberatur:** is delivered. **Deliberabitur:** shall be delivered. **Deliberatum, deliberatus, deliberata:** delivered. **Deliberari facias:** you shall cause to be delivered.

In the civil law. To deliberate; to consult; to consider. **Deliberandi jus:** the right, privilege or benefit of deliberating; a time allowed an heir to deliberate whether he would accept an inheritance.

Deliberatio, l. l. *In old English law.* Delivery; acquittal.

Delict. *In Scots law.* A species of lesser crime corresponding nearly to misdemeanor in the English law.

Delicta, l. Crimes; offenses. **Delicta puniuntur juxta mores loci commissi delicti, et non loci ubi de crimine cognoscitur:** crimes are punished according to the customs of the place where they are committed, and not of the place where they are tried.

Delictum, l. A crime; a violation of law, either natural or positive; a tort or wrong; guilt, fault or blame. v. *Ex delicto*.

Delinquere, l. To omit a duty; to fail to perform a required act; to transgress. v. *Debet quis*, etc.

Deliverance. *In Scots law.* The verdict of a jury.

Delivery. The transfer of a deed to the grantee or to some one acting in his behalf,— either absolute, or to a third person to be held as an escrow; a transfer of goods from seller to buyer,— either actual, or symbolical, as by delivery of a key, a bill of sale or a bill of lading. **Delivery bond:** a bond conditioned for the return of goods taken into possession of the law, but restored to the owner, or for payment of their value.

Demain, Demesne, demaine, demayne, demaygne, demeyne, demeigne, l. fr. *In old English law.* A lord's chief manor place, with the lands thereto belonging, which he and his ancestors had, from time out of mind, kept in their own hands or manual occupation. v. *Demesne; Dominicum*.

Demand. To make a request under claim of right for the doing of a specified thing; to summon; to call in court.

Demand. A legal obligation; a request made under claim of right for the doing of a specified thing.

Demanda, l. l. *In old English law.* A demand.

Demandant. The party suing in a real action. v. *Petens; Peto*.

Demandare, l. l. *In old English law.* To demand; to order or award; to direct a sentence to be carried into effect; to give in charge, as to a jury.

Demander, l. fr. *In old English law.* To demand; to ask or inquire; to call a party in court.

Demandum, l. l. *In old English law.* A demand. v. *Demand*.

Demembration. *In Scots law.* The crime of cutting off a member.

Demens, l. One who is deprived of his mental faculties, or who has lost his mind; one who does not think of what he does or says.

Dementenant en avant, l. fr. From this time forward.

Dementers, dementiers, l. fr. In the mean time; meanwhile.

Demesne, l. fr. Own; one's own; lands held absolutely, or used directly by the lord, as distinguished from lands held of a superior, or lands held in feudal tenure; bordlands.

In English law. **Demesne lands:** lands of a manor not granted out in tenancy, but reserved by the lord for his own use and occupation; — **of the crown:** lands reserved to the crown at the original distribution of landed property, or such as came to it afterwards by forfeitures, or other means.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Dempster, dempstare, doomster. *In Scots law.* An officer of court, whose duty it was to pronounce the doom or sentence of the court. *v. Dome; Doom.*

Demur. To wait or stay; to object in point of law, and rest or pause, referring the decision to the court; to object to the pleading of the opposite party as insufficient, and refer it to the court whether it ought to be answered. *v. Demurrer.*

Demurrage, demorage. The detention of a vessel by the freighter, beyond the time allowed by the charter-party; the allowance for such detention.

Demurer, demurrer, demeurer, l. fr. *In old English law.* To rest or stay; to abide or remain; in pleading, to abide or rest in law or judgment. **Demurt en abeyance:** it rests or remains in abeyance. *v. Parol demurrer.*

Demurrer. A pausing or resting; a resting in the judgment of the law; a pleading at law which excepts or objects to the pleading of the opposite party, as being insufficient in law, and by which the party objecting rests or abides upon the point in question, and submits it to the judgment of the court,—where it states the causes of objection, called a special demurrer; a pleading in equity which objects that the bill does not contain sufficient matter of equity to entitle the complainant to relief, and submits it to the court whether upon the face of the bill the defendant is bound to answer,—called, where it alleges new matter, a speaking demurrer. **Demurrer book:** a record of the issue on a demurrer at law, containing a transcript of the pleadings with proper entries. **Demurrer to evidence:** an objection or exception by one of the parties to an action that the evidence produced by the opposite party on the trial is insufficient in law, and calling on the court to give judgment as upon the facts alleged. Such a demurrer admits whatever the evidence fairly tends to prove.

Den, dene, sax., Dena, l. l. *In old English law.* A valley, vale or dale; a hollow or low place among woods. **Den and strond:** liberty for ships or vessels to run aground, or come ashore.

Denarata, denariatus, l. l. *In old English law.* The value or worth of a penny. **Denarata reditus:** a penny rent. *v. Denariatus.*

Denarii, l. *In old English law.* Pennies; pence; money in general.

Denarius, l. l. *In old English law.* A penny. **Denarius Dei:** God's penny; earnest money, formerly given and received by the parties to contracts, to bind the contract, so called because the money was given to God, that is, to the church, or to the poor. *v. Argentum Dei; Earnest; Money of adieu.* **Denarius tertius comitatus:** the third penny of the county; the third part of the profits arising from the county courts, which were reserved to the comes, or earl, as his official stipend.

In the Roman law. A silver coin of the value of ten asses, or ten pounds of brass,—in our money about fourteen cents.

Bener, denier, denire, l. fr. A penny. **Deners, deneres, denerez, denrees, dauree:** money. **Deners appromptes:** money borrowed.

Dener Seint Pere: Saint Peter's money; Peter pence.

Denier, l. fr. *In old English law.* Denial; refusal.

Denization. *In English law.* The act of making a denizen. v. *Denizen; Naturalization.*

Denizen. *In English law.* An alien born who has obtained letters patent to make him, either permanently or for a time, an English subject; a natural-born subject; one born within the king's ligeance, and called the king's liegman.

Denominatio, l. *In old English law.* Denomination; description: title. **Denominatio est a digniore:** denomination is from the more worthy.

Denunciation, denounciation. *In Scots law.* The act by which a person is declared a rebel, who has disobeyed the charge given on letters of horning.

Denuntiare, denunciare, l. *In old English law.* To give notice; to summon.

In the civil law. To give notice or warning, to summon.

Denuntiatio, denunciatio, l. *In old English law.* A notice or summons; a public notice.

Deodand. *In English law.* Any personal chattel, animate or inanimate, which was the immediate occasion of the death of any reasonable creature, and which was forfeited to the crown, to be applied to pious uses, and distributed in alms by the high almoner. Abolished by statute 9 & 10 Vict., c. 62.

Depart. *In pleading,* to forsake or abandon the ground assumed in a former pleading, and assume a new one.

In maritime law. To leave a port; to be out of a port.

In old English law. To divide or separate; to depart. v. *Departir.*

Departir, departier, l. fr. To divide. **Parti, departy:** divided.

Departure. A parting from; a going away; a relinquishment; in the law of limitations, such an absence from the jurisdiction as suspends the power of the other party to sue; in pleading, the abandonment of the ground of a former pleading, and the adoption of another; in marine insurance, deviation of the vessel from the course contemplated by the policy.

In old English law. **Departure in despite of court:** a failure of the tenant in a real action, after once appearing and being present in court, to appear on demand.

Depasture. *In old English law.* To pasture.

Dependence. *In Scots law.* Pendency.

Dependent. To be performed only upon performance of a connected thing or act. **Dependent contract:** a contract the obligation to perform which depends on the performance of some obligation incumbent on the other party. **Dependent covenant:** a covenant

the obligation to perform which depends on the performance of another.

Depending. Pending or undetermined; in progress.

Depone, sc. *In Scots law.* To depose; to make oath in writing.

Deponent. One who deposes, that is, testifies or makes oath in writing to the truth of certain facts. *v. Depose; Deposition.*

Deponere, l. *In old English law.* To put down or away; to pull down; to remove; to depose; to state under oath.

In the civil law. To put or lay down; to deposit; to entrust to another to keep; to testify; to depose.

Depopulatio agrorum, l. *In old English law.* The crime of destroying, ravaging or laying waste a country.

Depopulation. *In old English law.* A species of waste by which the population of the kingdom was diminished.

Deportatio, l. *In the civil law.* A kind of banishment for life, attended with a loss of civil rights and the forfeiture of property, upon which the condemned person was sent or carried away to some foreign country, usually an island, and thus taken out of the number of Roman citizens, being treated as if dead.

Deportation. Banishment to a foreign country, attended with confiscation of property and deprivation of civil rights.

Depose. To state or testify under oath, in writing; to make a statement or give testimony under oath, which is reduced to writing; to make a statement which is reduced to writing and sworn to; to put down in writing what is afterwards sworn to.

Deposit. A species of bailment, derived from the civil law, and called also, after that law, *depositum*. *v. Depositum.*

Depositary. The person with whom a thing is deposited to be kept for the depositor and returned on demand, without a recompense.

Deposition. *In Scots law.* Deposit or *depositum*; the species of bailment so called.

Depositio, l. *In old English law.* A deposition; the written testimony of a witness.

In the civil law. The testimony of a witness.

Deposition. Testimony taken down in writing, under oath or affirmation, before a judicial officer, in answer to interrogatories and cross-interrogatories, and usually subscribed by the witness. *v. Affidavit.*

Depositum, l. *In the civil and common law.* A bailment of goods, to be kept for the bailor without reward, and to be returned when he shall require it.

Deprivation. *In English ecclesiastical law.* The taking away from a clergyman of his benefice or other spiritual promotion or dignity, either by sentence of the proper court, or in pursuance of statutes which declare the benefice void for some nonfeasance or some malfeasance or crime.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

where he is a child or other issue. **Descent cast:** a succession where the heir is the heir of an abator, disseisor or intruder, in which case the owner cannot perfect his estate by entry, but must resort to his right of action.

Deschuer, descheur, l. fr. To fall out, to happen; to fall down. **Descheu de sa plaint:** falls from his plaint; that is, fails in it, or loses the benefit of it.

Descovenable, l. fr. Unfitting; unlawful; not juridical.

Descriptio personæ, l. l. Description of the person.

Besere en avant, l. fr. From henceforth.

Desert. To leave or quit with an intention not to return; to forsake; to abandon.

Desertion. The act of leaving or forsaking a service or duty, as service on board ship, or service in the army; the act of forsaking a person with whom one is legally bound to live, or for whom one is legally bound to provide, as a wife or husband. v. *Malicious abandonment; Malicious desertion.*

Desicut, l. l. Whereas, in the sense of opposition; inasmuch as.

Design. Purpose or intention, combined with plan, or implying a plan in the mind.

Designatio, l. Designation; specification. **Designatio personæ:** designation of the person. **Designatio unius personæ est exclusio alterius:** the specification of one person is [or implies] the exclusion of another. v. *Expressio, etc.*

Desire. In a will, may amount to a direction or command.

Desoubs, desoubes, l. fr. Under. **Desoubes le seale:** under the seal.

Desous, desus, desouz, dessouz, desoz, l. fr. Under; underneath; hereafter.

Desouth, l. fr. Under; below. **Desouth le petit seale:** under the petty seal. **Desouth nosmes:** undernamed. **Desouth serure:** under lock.

Desperate. Hopeless, without hope of recovery,—applied to debts considered worthless.

Despite, Despyte, despight, l. fr. Contempt. **Despitz:** contempt. v. *Departure, etc.*

Despitus, l. l. Contempt; a contemptible, or decrepid person.

Despoil. The use of violence or of clandestine means to deprive a person of something that he possesses.

Desponsare, l. l. In old English law. To marry.

Destreindre, destreyndre, l. fr. To distrain.

Destresse, l. fr. Distress; process to compel an appearance; compulsion; the district or bailiwick of a sheriff. v. *District.*

Destroy. As applied to a vessel, to unfit her for service beyond hope of recovery by ordinary means.

Destruere, l. In old English law. To destroy.

Desturber, l. fr. To disturb. **Desturbe:** disturbed.

Desuetude. Disuse; cessation or discontinuance of use.

Desus, desuz, desuis, desuys, l. fr. Above; before; below; under; upon.

Desvester, devester, l. fr. To divest; to unclothe. v. *Devest*.

Detainer. Detainment or detention; the keeping of a person against his will; the keeping of another out of possession of lands or tenements; the withholding of possession of another's goods.

In English law. A process for beginning an action against persons in custody.

Detener, l. fr. To detain. **Detenour:** a detainer; one who detains.

Detentio, l. *In old English law.* Detention or detainment, as distinguished from, or in connection with, *captio*.

In the civil law. That condition of fact under which one can exercise his power over a corporeal thing at his pleasure, to the exclusion of all others.

Determinable. That which may cease upon the happening of a certain contingency. v. *Determine*.

Determination. A ceasing, termination, or coming to an end.

Determine. To cease, terminate, or come to an end, on the happening of a certain contingency; to cause to cease or terminate.

Detestari, l. *In the civil law.* To summon or give notice to one in his absence.

Detestatio, l. *In the civil law.* A summoning made, or notice given in the presence of witnesses.

Detinet, l. He detains. v. *Debet et detinet; Replevin*.

Detinue, l. fr. and eng. A personal action *ex delicto*, now generally obsolete, to recover the specific possession of a personal chattel lawfully taken but wrongfully detained, or its value, and damages for its detention.

Detractare, l. l. *In old English law.* To draw, or drag; to draw or drag a convict to the gallows or stake. **Detractentur et suspendentur:** they shall be drawn and hanged. **Detractari et comburi:** to be drawn and burned.

Dett, dette, det, l. fr. Debt; a debt; an action of debt.

Devadiari, l. l. *In old English law.* To be discharged from giving gage or pledge.

Devant, devaunt, devent, l. fr. Before. **Devant le roy en son place:** before the king in his place. **Devaunt nos justices:** before our justices. **Devant ses heures:** before this time; heretofore.

Devastation. The waste of the property of a deceased person by his executor or administrator. v. *Devastavit*.

Devastavit, devastaverunt, l. l. He or they have wasted; waste or misapplication of the assets of a decedent by an executor or administrator; a return by a sheriff, in addition to return of *nulla bona*, to a writ of execution against an executor or administrator where the assets have been wasted; an entry or suggestion of such waste made of record as the foundation of a new writ or an action.

- Devener, devenir, deveigner, l. fr.** To come; to become; to fall to.
Devenus: come.
- Devenerunt, l. l.** *In old English law.* They fell to; a writ directed to the escheator, where a tenant of the king, holding *in capite*, and his son and heir under age, died,—commanding him to inquire what lands and tenements came to the king by the death of the tenant.
- Devenio, l. l.** I become. **Devenio vester homo:** I become your man,—words in the old form of doing homage.
- Devenit, l. l.** Comes or falls.
- Dever, deyver, l. fr.** To owe. **Deit:** he owes.
- Devers, l. fr.** Against; towards. **Devers le fyn:** towards the end.
- Devest.** To take or draw away; to strip or deprive.
In old English law. To take away; to deprive of, as a possession, title, or estate.
- Devestire, l. l.** *In feudal law.* To take away an investiture; to deprive of possession of a fee or feud.
- Deviation.** In the law of marine insurance, a voluntary departure, without necessity, or any reasonable cause, from the regular and usual course of the voyage insured. It comprehends unusual and unnecessary delay or any other act which increases the risk.
- Devier, devyer, l. fr.** To die. **Devie, devia, devy:** dies. **Deviont:** they die.
- Devisable.** Capable of being devised.
- Devisare, l. l.** *In old English law.* To devise. **Devisavit:** he devised. **Devisavit vel non:** did he devise or not? was there a will or not? an issue directed by a court of equity to a court of law, to try the validity of a will.
- Devise.** To give lands or hereditaments by will.
- Devise, l. fr. and eng.** A gift of lands or other real property, by will.
v. Executory devise.
- Devise, l. fr.** *In old English law.* A boundary; a division line, or space separating lands; a court.
- Devisee.** The person to whom lands or other real property are given by will.
- Devisor.** A giver of lands or other real property by will.
- Devyer, l. fr.** To die. **Devya:** died.
- Dey, l. fr.** Ought. **Dey apper:** ought to appear.
- Deyns age, l. fr.** Within age.
- Deyver, deiver, l. fr.** To owe; ought. **Deyvent:** ought.
- Deziner, dezyner, l. fr.** A deciner; one of a decennary.
- Dialogus de scaccario, l. l.** Dialogue of or about the exchequer; an ancient treatise on the court of exchequer, attributed by some to Gervase of Tilbury, by others to Richard Fitz Nigel, bishop of London in the reign of Richard I.
- Dica, l. l.** *In old English law.* A tally for accounts, by number of cuts, marks or notches. *v. Tallia; Tally.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

called also common return days. **Dies concilii:** a day to hear the counsel of both parties in court. **Dies datus in banco:** a day given in the bench or court of Common Pleas; a day given in bank, as distinguished from a day at *nisi prius*. **Dies in banco:** a day or days in banc; a day in the bench, or court of Common Bench.

In old English law. Day; a day; days; a day of appearance in court or continuance. **Dies amoris:** a day of favor or indulgence. **Dies excrescens:** the added or increasing day in leap year. **Dies gratiæ:** a day of grace, courtesy or favor. **Dies Jovis:** Thursday. **Dies legitimus:** a lawful or law day; a term day. **Dies Lunæ:** Monday. **Dies marchiæ:** a day of the march, or border; a day of meeting of the English and Scotch, anciently appointed to be held annually on the marches or borders, to adjust differences, and to preserve the articles of peace. **Dies Martis:** Tuesday. **Dies Mercurii:** Wednesday. **Dies pacis:** days of peace. **Dies Saturni:** Saturday. **Dies solaris:** a solar day, as distinguished from what was called *dies lunaris*, a lunar day. **Dies Solis:** Sunday; the day of the Sun. **Dies Veneris:** Friday.

In the civil law. Day; a day; the day; the day or date of an instrument. **Dies a quo:** the day from which; the day from which a transaction begins. **Dies fasti:** days on which the courts were open, and justice could be legally administered. **Dies feriati:** holidays. **Dies intercesi:** divided days; days on which the courts were open for a part of the day. **Dies legitimus:** a lawful or law day. **Dies nefasti:** days on which the courts were closed, and it was unlawful to administer justice. **Dies Solis:** Sunday, literally, the day of the sun. **Dies utiles:** available days; days on which a party having knowledge that an inheritance was open to him, might apply to the judge.

Diet, dyet. *In Scots law.* The sitting of a court; an appearance day; a day-fixed for the trial of a criminal cause; a criminal cause as prepared for trial.

Dieta, diæta, l. l. *In old English law.* A day's journey; a day's work; a day's expenses.

Diætæ computatæ, l. l. *In old English law.* Journeys accounts; literally, day's journeys computed, or reckoned. v. *Journeys accounts.*

Dieu son acte, l. fr. *In old English law.* God his act; God's act; an event beyond human foresight or control. v. *Act of God.*

Diffamatio, l. *In old English law.* Defamation or slander.

Diffidare, diffiduciare, l. l. *In feudal law.* To renounce one's fealty or allegiance; to put out of allegiance; to outlaw; to declare war.

Disfigurare, l. l. *In old English law.* To disfigure or deform.

Diffindere, l. *In the Roman law.* To postpone.

Difforciare, l. l. *In old English law.* To deny or keep from one. **Difforciare rectum:** to deny justice to any one, after having been required to do it.

Digesta, l., Digests. The Pandects of Justinian. Ordinarily cited as *Dig.*

Dignitary. *In canon law.* A person holding an ecclesiastical benefice or dignity, which gave him pre-eminence above mere priests and canons.

Dignitas, l. *In the civil law.* Dignity.

Dignity. *In English law.* An honor; a title, station or distinction of honor,—a species of incorporeal hereditament, in which a person may have a property.

Dilapidation. Literally, the taking apart of the stones of a building,—hence the pulling down of a building, or part of a building; the suffering of a building, or part of a building, to fall, or be in a state of decay; neglect of necessary repairs of a building.

In ecclesiastical law. A kind of ecclesiastical waste,—waste committed or permitted on the lands or buildings of a church living.

Bilatio, l. *In old English law.* Delay. *v. Sine, etc.* **Dilationes in lege sunt odiosæ:** delays in law are odious.

In the civil and canon law. Time allowed a plaintiff or defendant to do a judicial act; the postponement of a cause.

Dilatorius, l. *In the civil and old English law.* That which delays or puts off; dilatory. *v. Dilatory plea; Exceptio.*

Dilatory plea. A plea which tends to delay or abate the action, but does not deny the injury, or the right of action.

Diligence. Care,—of which there are infinite shades, from the slightest momentary thought, or transient glance of attention, to the most vigilant anxiety and solicitude. In the law of bailment, there are three grades,—great or extraordinary, common or ordinary, low or slight. As applied to the holder of a bill or note, to charge the indorser, a reasonable effort to find the maker or acceptor. *v. Due diligence; Negligence; Ordinary care; Ordinary diligence.*

In Scots law. Process of law, by which persons, lands or effects are seized in execution or in security for debt; process for enforcing the attendance of witnesses, or the production of writings.

Diligentia, l. *In the civil and old English law.* Diligence; care.

Diligiatus, l. l. *In old English law.* Cast out of the law's protection; outlawed; an outlaw.

Dilleoques, dillouques, l. fr. Afterwards.

Dilucidus, l. *In old English law.* Clear; lucid; rational.

Dimidia, l. *In the civil and old English law.* Half. **Dimidia acra:** half an acre. **Dimidia marca:** half a mark; a demi-mark. **Dimidia pars:** a half part; one-half. **Dimidia villa:** half a vill; a demivill.

Dimidium, dimidius, dimidietas, l. *In old English law.* Half; a half; an undivided half of a thing. **Dimidium unius acræ:** half an acre. **Dimidium unius libræ:** half a pound.

Diminuere, l. *In old English law.* To lessen or diminish; to take away, or omit.

Diminutio, deminutio, l. *In the civil law.* Diminution; a taking away; loss or deprivation. **Diminutio capitis:** loss of *status* or condition. v. *Capitis diminutio*.

Diminution. Omission; imperfection or deficiency. Applied to a record from which something is omitted.

Dimisi, l. l. In old conveyancing, I have demised. **Dimisi, concessi, et ad firmam tradidi:** have demised, granted and to farm let. **Dimisit:** he has demised.

Dimissio, l. l. *In old English law.* A demise or lease. v. *Demissio*.

Dimissor, l. l. *In old English law.* A lessor.

Dimissoriæ litteræ, l. *In the civil law.* Letters dimissory or dismissory, commonly called *apostles*. v. *Apostoli; Apostles*.

Dimittere, l. *In old English law.* To send away; to dismiss; to part with; to let go; to release or discharge from custody; to demise. **Dimittere se:** to dismiss one's self; to withdraw from. v. *Demise of the crown; Dimisi; Dimissio*.

In the civil law. To send away; to discharge; to dismiss. **Dimitti debito:** to be released from a debt.

Diocese. *In ecclesiastical law.* The see of a suffragan bishop; the territorial extent of a bishop's jurisdiction.

In the civil law. A civil division of the Roman empire, embracing several provinces.

Diocesan court. *In ecclesiastical law.* A court held by a bishop or his chancellor, with appeal to the archbishop.

Diplomacy. Intercourse between nations through their representatives; the rules, customs, and privileges of those representatives at foreign courts.

Diplomatics. The art of judging of ancient charters, public documents, diplomas, etc., and discriminating the true from the false.

Dirationare, derationare, disrationare, l. l. *In old English law.* To deraign; to prove; to disprove; to make good a defense; to clear or acquit. **Dirationabit jus suum hæres propinquior:** the next heir shall prove his right.

Dir, l. fr. Different; diverse. **Dirs enkes:** different inks.

Direct. Immediate; by the shortest course; by an immediate connection or relation, instead of through a medium; in the usual or regular course, order or line. v. *Circumstantial; Linea recta*.

Directum, l. *In the civil law.* That which is founded on strict law, as distinguished from equity.

Diribitores, l. *In the Roman law.* Officers who distributed ballots to the people.

Dirimant impediments. A bar to marriage which renders a marriage void *ab initio*, though consummated.

Disability. Incapacity to do a legal act, as from infancy, coverture, or the like.

Disabling statutes. The English statutes of 1 Eliz., c. 19; 13 Eliz., c. 10; 14 Eliz., cc. 11, 14; 18 Eliz., c. 11, and 43 Eliz., c. 29, restraining col-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

and the plaintiff omits to take judgment for the part unanswered. **Discontinuance of an estate:** the termination or suspension of an estate tail, by a conveyance by the tenant in tail, of a larger estate in the land than he was by law entitled to; a species of ouster of the freehold.

Discontinuare, l. l. *In old English law.* To discontinue; to intermit, disuse, interrupt.

Discontinuous or interrupted servitude. *In the civil law.* A servitude which needed the act of man to be exercised; such as the right of passage, of drawing water, and the like.

Discooperta, l. l. *In old English law.* Uncovered; out of repair, as a church.

Discount. A counting back, from or off; an allowance or deduction made from a gross sum, on any account; the taking of interest in advance, or an allowance paid on account of the immediate advance of a sum of money not to be repaid till some future time.

Discover, l. fr. and eng. *In old English law.* Not covert; unmarried; an unmarried woman or widow.

Discovery. The disclosing of a matter by a defendant, in answer to a bill in equity filed for that purpose.

Discredit. To deprive of credibility; to destroy or impair credibility.

Discretio, l. l. Discretion. *Discretio est discernere per legem quid sit justum:* discretion is to discern by the law what is just.

Discretion. Liberty to act according to one's own ideas of right; the liberty of adapting one's conduct to circumstances; the exercise of judgment. *v. Arbitrium.*

Discussion. *In the civil law.* The exhausting of a remedy against a principal debtor before proceeding against the surety.

Disentailing deed. *In English law.* A deed by which a tenant in tail may alienate absolutely.

Disfranchise. To deprive or divest places or persons of a privilege or franchise. *v. Franchise.*

Disgavel. *In English law.* To free lands from that quality of gavelkind tenure by which they descend equally among all the sons of the tenant. *v. Gavelkind.*

Disgrading. *In old English law.* The depriving of an order or dignity. *v. Degradation.*

Dishabilitas, l. l. *In old English law.* Incapacity; disability.

Disherison, disinherison, l. fr. and eng. *In old English law.* A depriving or putting out of an inheritance; disinheriting.

Dishonor. To refuse to accept a bill of exchange, or to refuse or neglect to pay a bill or note at maturity.

Disjunctim, l. *In the civil law.* Separately; severally.

Disjunctive. Disjoining; separating. **Disjunctive allegations:** allegations which leave it uncertain which of several charges is intended to be relied on. **Disjunctive term:** a term placed between

two contraries by the affirming of one of which the other is taken away.

Dismes, l. fr. The tenths of all spiritual livings granted to the crown; tenths; tithes. v. *Decimæ; Tenths.*

Dismiss. To send away; to send out of court; to dispose of finally.

Disorderly conduct. Conduct contrary to law. **Disorderly house:** a house the inmates of which behave so badly as to be a nuisance in the neighborhood. **Disorderly person:** a person amenable to police regulation for misconduct which affects the public.

Disparagare, l. l., Disparage. *In old English law.* To bring together those that are unequal; to connect in marriage those that are unequal in blood and parentage.

Disparagatio, l. l., Disparagation, l. fr., Disparagement. *In old English law.* An unequal alliance; an unsuitable connection in marriage; an injury done to a ward by marrying him or her to a person of inferior degree.

Disparagium, l. l. *In old Scots law.* Inequality in blood, honor, dignity or otherwise.

Disparata non debent jungi, l. Things unlike ought not to be joined.

Dispark. *In English law.* To convert a park into ordinary ground.

Dispauper. To take away the privilege of suing *in forma pauperis*, which one has already exercised.

Dispensa, l. l. *In old English law.* A place in a house where things were kept under the key of the housewife; a spence.

Dispensation. *In English law.* An exemption from some law; a permission to do something forbidden, or to omit something commanded.

Dispit, dispitz, l. fr. Contempt.

Dispone. *In Scots law.* To grant, convey or dispose of.

Disponer. *In Scots law.* A grantor. **Disponee:** a grantee.

Disponere, l. To dispose of, or convey; to arrange, to direct or regulate. v. *Cujus est, etc.*

Dispose. To part with, as by sale, gift or otherwise.

Disposition. *In Scots law.* A deed of alienation.

Dispossession. A species of injury to real property by the amotion or deprivation of possession. v. *Ouster.*

Dispunishable. *In old English law.* Not punishable; not answerable.

Disputable presumption. A presumption of law which may be rebutted or disproved.

Disputatio fori, l. *In the civil law.* Discussion or argument before a court.

Disrationare, l. l. *In old English law.* To prove; to deraign; to establish a claim, charge or accusation.

Disrationatio, l. l. *In old English law.* Deraignment or proof; the making good of a claim or charge.

Dissaisare, dissaisire, l. l. *In old English law.* To disseise, or put out of seisin. v. *Disseise.*

- Dissasina, l. l.** *In old Scots law.* Disseisin; dispossession.
- Disseise.** To deprive of seisin; to put out of possession wrongfully; to oust of a freehold. *v. Disseisin.*
- Disseisee.** A person who is disseised.
- Disseisiare, l. l.** To disseise.
- Disseisin, disseizin.** Deprivation of seisin.
- Disseisina, disseysina, l. l.** *In old English law.* Disseisin.
- Disseisire, disseysire, l. l.** *In old English law.* To disseise.
- Disseisitor, disseysitor, l. l.** A disseisor. **Disseisitus, disseysitus:** a disseisee.
- Disseisor.** He who disseises.
- Dissimulatio, l.** A passing over. **Dissimulacione tollitur injuria:** an injury is extinguished by the forgiveness or reconciliation of the party injured.
- Dissolution.** A putting an end to, as by unloosing some legal bond, or setting parties free from its effect. Applied to contracts, corporations, partnerships, etc.
- Dissolvere, l.** To dissolve, as a contract or connection; to unloose a legal bond or tie; to set free from obligation. *v. Eodem, etc.*
- Distincte et aperte, l. l.** *In old English law.* Distinctly and openly; formal words in writs of error, referring to the return required.
- Distinguere, l.** To distinguish. **Distinguenda sunt tempora:** times are to be distinguished; — **distingue tempora et concordabis leges:** times are to be distinguished; distinguish times and you will harmonize laws; — **aliud est facere, aliud perficere:** times must be distinguished; it is one thing to do, another to perfect.
- Distractio, l.** *In the civil law.* The sale of a pledge by a creditor. *v. Distrahere.*
- Distrahere, l.** *In the civil law.* To sell, particularly at auction; to separate, to dissolve, to draw apart. **Distrahere pignus:** to sell a pledge in payment of a debt.
- Distrain, distrein.** To take and keep the property of another as a pledge, to compel the performance of some duty, as the payment of rent, the performance of services, etc.
- Distrainor, distreinor.** A person who distrains.
- Distreindre, l. fr.** To distrain. **Distreint:** distrained.
- Distress.** The taking of a personal chattel from the possession of a wrong-doer to procure a satisfaction for a wrong committed,— as for non-payment of rent, or injury done by cattle; the chattel so taken. *In English law.* **Distress infinite:** a distress which has no bounds as to quantity, and may be repeated until the delinquent yields.
- Distribution.** A division among several; the giving to each of several his or her share, as, the division of the effects of an intestate. *In English law.* **Distributions, statutes of:** the statute of 22 and 23 Car. II., c. 10, and the statute of 29 Car. II., c. 3.
- District.** In old law, a circuit or territory within which the power of distraining or other coercive authority might be exercised; but now



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Diversitas, l. *In old English law.* Diversity; difference; unlikeness.

Diversite des courts, fr. A treatise on courts and their jurisdiction, written in French, probably in the reign of Edward III., and first printed in 1525,—attributed to Fitzherbert.

Diversity. A plea in bar of execution that the prisoner is not the person convicted.

Diverso intuitu, l. With a different view, or design; in a different view; by a different course or process. v. *Alio intuitu.*

Divert. To turn aside; to alter the course of things.

Divertere, l. *In the Roman law.* To turn aside; to go away from; to leave.

Divest. v. *Devest.*

Dividenda, l. l. *In old English law.* A thing to be divided; an indenture; a part of an indenture.

Divinare, l. To divine; to conjecture; to foretell. **Divinatio:** a conjecturing or guessing. **Divinatio, non interpretatio est, quæ omnino recedit a litera:** that is guessing, not interpretation, which altogether departs from the letter. v. *Nemo, etc.*

Divisa, devisa, l. l. *In old English law.* A division or partition; a division or distribution of goods by will; a will or testament of goods or chattels; a division or boundary between neighboring or adjoining lands; a sentence or decree.

Divisible contract. A contract the consideration of which is by its terms susceptible of apportionment on either side so as to correspond to the unascertained consideration on the other.

Divisim, l. l. *In old English law.* Severally; separately.

Divisum imperium, l. A divided empire or jurisdiction; a jurisdiction shared between two tribunals, or exercised by them alternately, as, the jurisdiction of courts of common law and courts of admiralty between high-water and low-water mark.

Divorce. The separation of husband and wife by the sentence of the law. **Divorce a mensa et thoro:** a divorce from table and bed, or from bed and board,—a partial or qualified divorce, by which the parties are separated without affecting the marriage itself. **Divorce a vinculo matrimonii:** a divorce from the bond of marriage,—a divorce dissolving the marriage tie, and releasing the parties wholly from their matrimonial obligations.

Divortium, l. *In the civil and old English law.* Divorce; a separation of husband and wife. **Divortium sine causa, or sine ulla querela:** a divorce without cause, or without any complaint.

Do, l. *In old English law.* I give,—the aptest word of feoffment and of gift.

In the civil law. **Do, dico, addico:** I give; I say; I adjudge,—words used to express the extent of the civil jurisdiction of the prætor.

Do, lego: I give, I bequeath; or, I give and bequeath,—the formal words of a bequest or legacy. **Do ut des:** I give that you may give; I give [you] that you may give [me],—a formula, constituting a

general division under which contracts, termed *innominate*, were classed, in which something was given by one party as a consideration for something given by the other. *Do ut facias*: I give that you may do; I give [you] that you may do or make [for me],— a formula under which those contracts were classed in which one party gave or agreed to give money, in consideration that the other performed certain work.

Docere, l. *In the civil and old English law.* To show; to set forth; to make out a case by proper statements; to show or establish by proof.

Dock. An enclosed place in a criminal court, occupied by a prisoner brought in for trial; the space between two wharves.

Docket, docquet, dogget, doquet. To abstract and enter in a book; to make an abridged entry in an action in a book kept for that purpose.

Docket, 'docquet, dogget. A brief or abstract in writing; an abridged entry in an action; a list or register of such abridged entries; a list or calendar of causes ready for hearing or trial, prepared by the clerk for the use of the court and the attorneys and counsellors.

Doctor and Student. The title of a work written by St. Germain, in the reign of Henry VIII., in which many principles of the common law are discussed in a popular manner.

Doctors' commons. The popular name of the courts and offices occupied by the College of Doctors of Law, on the southern side of St. Paul's churchyard, London.

Documents. Written instruments adduced for the purpose of showing or proving a claim or title, or other matter in controversy; evidences of title.

Documentum, l. *In the civil law.* A document; an instrument.

Doer. *In Scots law.* An agent or attorney.

Dogget. v. *Docket.*

Doigne, doyne, l. fr. Give; given; I give. v. *Done.*

Doit, dovit, l. fr. He or it ought; he owes. **Doient, doyent:** they ought.

Dole. *In old English law.* A part or portion. **Dole-meadow:** a meadow in which several persons had a share.

In Scots law. Criminal intent; evil design.

Doli capax, l. Capable of criminal intention; capable of distinguishing between good and evil,—applied to a child between seven and fourteen who, contrary to the presumption, appears to have sufficient understanding to be criminally responsible. **Doli incapax:** incapable of criminal intention; not of the age of discretion.

Dolus, l. *In the civil law.* Fraud; malice. **Dolus auctoris non nocet successori, nisi in causa lucrativa:** the fraud of the author does not affect the successor except [when he acquires] by a lucrative title [gratuitously]. **Dolus circuitu non purgatur:** fraud is not purged by circuitry. **Dolus et fraus nemini patrocinentur (patrocinari debent):** deceit and fraud shall excuse or benefit no man. **Dolus**

malus: evil design. **Dolus versatur in generalibus:** fraud deals in generalities. v. *Ex dolo*, etc.; *Lata culpa*, etc.

Dom, sax. Judgment,—hence the English *doom*. v. *Dome*.

Dom. Proc. *Domus Procerum*, or *Domo Procerum*; the House of Lords.

Domain. Ownership of land; immediate or absolute ownership; paramount or ultimate ownership; an estate which one has in his own right; land of which one is the absolute owner. v. *Eminent domain*.

Dombec, domboc, sax. Dome-book or doom-book,—a name given, among the Saxons, to a code of laws. v. *Dome-book*; *Domesday*.

Dome, doom. *In old English law.* Judgment or sentence.

In old Scots law. Judgment; sentence; doom.

Dome-book. A book or code said to have been compiled by direction of Alfred, for the use of the kingdom; containing, it is supposed, the principal maxims of the common law, the penalties for misdemeanors, and the forms of judicial proceedings.

Domesday, doomsday, domesdei. A record in two volumes, made by direction of William the Conqueror, containing the details of a survey of the entire kingdom, except the counties of Cumberland, Northumberland, Durham and a part of Lancashire, and including all the demesne lands of the crown. It was completed in 1086 or 1087.

Domesmen. *In English law.* Men appointed to pronounce judgment in suits and controversies; an inferior kind of judges anciently so called; suitors in a court of a manor in ancient demesne.

Domestic. Relating or belonging to one's home, state or country. **Domestic assignment:** an assignment for the benefit of creditors within the state of the debtor. **Domestic attachment:** an attachment against absent and absconding debtors. **Domestic bill of exchange:** a bill drawn on a person residing in the same state with the drawer. **Domestic corporation:** a corporation created by the law of the state where it does business. **Domestic decree or judgment:** a decree or judgment rendered by a court of the state where it was first entered.

Domicil, domicile. The place where a person has his home; a residence at a particular place, accompanied with positive or presumptive proof of an intention to remain there for an unlimited time.

Domicil of origin: the place of birth.

Domicilium, l. *In old English law.* Domicil; residence. v. *Domicil*.

Dominant tenement. *In civil and Scots law.* A tenement in favor of which a servitude is constituted.

Dominicum, l. l. *In old English law.* Demesne, demain or domain; that of which one was lord or master; demesne lands, lands which remained under the lord's immediate control; the estate of a free tenant. **Dominicum antiquum:** ancient demesne.

In ecclesiastical law. A church.

Dominion. Ownership, or right to property; sovereignty or lordship.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

In the civil law. A house or dwelling; a habitation; a residence or domicil. **Domus tutissimum cuique refugium atque receptaculum sit:** a man's house should be his safest refuge and shelter.

Don, donacioun, doneison, donyson, l. fr., Donum, pl. dona, l. *In old English law.* A gift; gifts. **Dona clandestina sunt semper suspiciosa:** clandestine gifts are always suspicious.

Donare, l. *In civil and old English law.* To give; to make a gift. **Donari videtur quod, nullo jure cogente, conceditur:** that is considered to be given which is granted without the obligation of any law.

Donatarius, l. l. *In old English law.* A donee.

Donatio, l. *In old English law.* A gift of either lands or chattels. **Donatio absoluta et larga:** an absolute and unlimited gift, as to a man and his heirs generally. **Donatio causa mortis:** a gift by reason of death; a gift of personal property made by a person about to die, and valid only in case there is a manual or symbolical delivery, and death of the donor. **Donatio conditionalis:** a conditional gift, a gift under a condition or qualification. **Donatio inter vivos:** a gift between the living. **Donatio libera et pura:** a free and pure gift. **Donatio non præsumitur:** a gift is not presumed. **Donatio perficitur possessione accipientis:** a gift is perfected [made complete] by the possession of the receiver. **Donatio simplex et pura:** a simple and pure gift. **Donatio stricta et coarctata:** a gift restrained and narrowed, that is, to some particular heirs exclusive of others. **Donatio velata:** a veiled gift; a gift which pretends to be something else.

In the civil law. Gift or donation; one of the modes of acquiring property. It is of two kinds,— *causa mortis*, and *inter vivos*. v. *supra*.

Donatio propter nuptias: a gift on account of marriage; a gift by husband to wife by way of security for her marriage portion.

Donation. *In ecclesiastical law.* A mode of acquiring a benefice by deed of gift alone.

Donative advowson. v. *Advowson*.

Donator, l. *In civil and old English law.* A donor or giver. **Donatorius, or donatarius:** a donee; a person to whom a gift is made; a purchaser. **Donatur nunquam desinit possidere, antequam donatorius incipiat possidere:** the donor never ceases to possess until the donee begins to possess.

Done, don, doun, l. fr. *In old English law.* A gift. **Don est un nosme general plus que ne feffement:** gift is a more general name than feoffment.

Done, donee, l. fr. *In old English law.* Given. **Done a Londres, etc.:** given at London, etc. **Donees a Gaunt, etc.:** given at Ghent, etc.

Donec, l. Until. **Donec unanimi fuerint et concordēs:** until they shall be unanimous and agreed.

Donee. The person who executes a power,—otherwise called the appointer.

In old English law. He to whom a *donatio* was made; he to whom lands or tenements were given in tail.

Donor. The person who confers a power.

In old English law. He who made a *donatio*; he who gave lands or tenements to another in tail.

Donque, donques, adonques, done, dunc, donk, dunk, dunky, l. fr. Then. **Donques vivant:** then living.

Donum, l. *In the civil law.* A gift; a free gift.

Doom, dome. *In Scots law.* Judgment; sentence; the judgment of a court, formerly pronounced by the mouth of an officer called a *dempster*.

Doresenavant, l. fr. From henceforth.

Dormant. Sleeping; not active; not apparent; not known. **Dormant partner:** a partner whose name is not known or does not appear, but who partakes of the profits, and thereby becomes a partner, at all events in respect to third persons.

Dormiunt aliquando leges, nunquam moriuntur, l. The laws sometimes sleep, but never die.

Dors, dorse, dorce, l. fr., Dorsum, l. The back.

Dos, l. *In old English law.* The property or portion which a free-man gave his wife at the door of the church, in consideration of the nuptials about to take place, and the burden of matrimony; and intended for the support of the wife and education of the children, in case the husband should die; in later law, the one-third part of the husband's lands, which the law, on his death, gave the wife, in case he had not so endowed her; dower in the modern sense. **Dos de dote peti non debet:** dower ought not to be demanded of dower; a widow is not dowable of lands assigned to another woman in dower. **Dos rationabilis:** reasonable dower. **Doti lex favet; premium pudoris est, ideo parcatur:** the law favors dower; it is the reward of modesty, therefore it should be spared. v. *De dote, etc.; Ubi nullum, etc.*

In the Roman law. A sum of money given to a husband, to enable him to sustain the burdens of marriage; the portion given with a woman to her husband in marriage; corresponding with what was called in the common law *maritagium*, or marriage portion, and properly translated by the word *dowry*. **Dos adventitia:** that kind of portion which was bestowed by a stranger. **Dos profectitia:** that species of dowry or portion which was given by the father or other male relative.

Dot, fr. *In the civil law.* Dowry, or marriage portion.

Dotal. Relating to the marriage portion of a woman. **Dotale prædium:** the dotal estate.

Dotalitium, l. l. *In canon and feudal law.* Dower.

Dotare, l. *In old English law.* To endow; to give a dowry or dower.

Dotata: endowed.

Double. Twofold; additional; duplicated. **Double costs:** the ordinary single costs of suit, and the same or some portion of that amount in addition. **Double insurance:** a second or subsequent insurance upon the same interest against the same risk in favor of the same person, and in excess of value. **Double plea:** a plea which contains several distinct answers to the declaration. **Double possibility:** a possibility upon a possibility. **Double quarrel:** v. *Duplex querela*. **Double voucher:** a voucher over by a person vouched of a third person. **Double waste:** that species of waste which consists in suffering a house to be wasted, and then cutting timber to repair it. *In old English law.* **Double fine:** a fine *sur done grant et render*, called a double fine, because it comprehended the fine *sur cognizance de droit come ceo*, etc., and the fine *sur concessit*. **Double voucher:** a voucher over in common recovery; a voucher by a party who had himself been vouched.

In Scots law. **Double avail of marriage:** double the ordinary or single value of a marriage. v. *Duplex valor maritaggi*. **Double bond:** a bond with a penalty, as distinguished from a single bond.

Dounques, l. fr. Then.

Dount, l. fr. Wherefore; from whence; whereof; out of which.

Douter, doubter, l. fr. To doubt; to fear or apprehend.

Dow. To give, or endow.

Dowable. Entitled to be endowed.

Dowager. *In English law.* A widow who is endowed, or who has a jointure.

Dower. That portion of a man's lands which his widow takes for life upon his death,—usually, as by the common law, one-third of any lands of which he was seised as of an estate of inheritance at any time during the marriage, where the husband's estate was such that the common issue might have inherited, and the right of dower has not been released. The estate or interest of the widow is called an estate in dower.

In English law. **Dower by custom:** a kind of dower regulated by custom, where the quantity allowed the wife differed from the proportion of the common law.

In old English law. **Dower ad ostium ecclesiæ:** dower at the church door or porch,—a kind of dower where a man, being tenant in fee-simple, of full age, openly at the church door, where all marriages were formerly celebrated, endowed his wife with the whole of his lands, or such quantity as he pleased, specifying and ascertaining the same. **Dower de la plus beale:** dower of the fairest [part],—a species of dower, incident to the old tenures, where there was a guardian in chivalry, and the wife occupied lands of the heir as guardian in socage. **Dower ex assensu patris:** dower by the father's assent,—a species of dower *ad ostium ecclesiæ*, made when the hus-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

In old law. **Droit close:** a writ for a tenant in ancient demesne against the lord. **Drot d' Aubaine:** a right or prerogative of the sovereign in some countries of Europe to the property of an alien dying within his dominions. **Droit droit:** a double right.

Droitural, droiturele, droiturel, droiturelle, l. fr. *In old English law.* Relating to right, or, more strictly, title as distinguished from right of possession.

Droiture, l. fr. *In old English law.* Right; justice.

Drova, l. l. In old records, a drove, or drift-away; a common road for driving cattle.

Drove-road. *In Scots law.* A road for driving cattle; a drift-road.

Drove-stance: a place adjoining such a road, for resting and refreshing cattle.

Drudes, drudi, l. l. *In old feudal law.* A species of vassal.

Dry exchange. *In English law.* A pretended exchange, upon which, in truth, nothing passed but on one side,—said to have been designed as a cover for usury. **Dry rent:** v. *Rent seck.*

In Scots law. **Dry multures:** quantities of corn paid to a mill, whether the payers grind or not.

Duas uxores eodem tempore habere non licet, l. It is not lawful to have two wives at the same time.

Dubitans, dubitante, l. Doubting. **Dubitatur:** it is doubted. **Dubitavit:** doubted.

Dubii juris, l. Of doubtful law.

Duces tecum, l. l. Bring you with you,—applied to writs, where a party summoned to appear in court is required to bring with him some piece of evidence, or other thing that the court would view. v. *Subpœna duces tecum;* — **licet languidus:** bring with you, although sick,—a writ, now obsolete, directed to the sheriff, upon a return that the prisoner was sick.

Duchy court of Lancaster. An English court of special jurisdiction, held before the chancellor of the duchy of Lancaster, or his deputy, concerning all matter of equity relating to lands held of the king in right of the duchy.

Ducking stool. v. *Castigatory; Cucking stool.*

Due. That which one owes; that which one ought to pay, or do to or for another; payable; owed or owing, as distinguished from payable, formal or regular. **Due care:** where the gist of the action is negligence, imports no carelessness and no violation of law in relation to the subject-matter of the action. **Due diligence:** the diligence required in the particular case. **Due process of law:** law, in its regular course of administration through the courts. **Due-bill:** a brief written acknowledgment of a debt.

Duellum, l. *In old English and Scots law.* The judicial combat, or trial by battel.

Duke. The first title of dignity in Great Britain, after that of the royal family.

Duly. In due or proper form, or manner; regularly; according to requirement of law.

Dum, l. While. **Dum fervet opus:** while the work glows; in the heat of action. **Dum sola:** while sole, or single; — **fuerit:** while she shall remain sole; — **et casta vixerit:** while she lives single and chaste.

In old English law. **Dum bene se gesserit:** while he conducted himself well, during good behavior,— the implied condition on which a feud or fee was originally given. **Dum fuit:** while he was; — **in priona:** while he was in prison,— a writ of entry which lay to restore to possession of lands aliened under duress of imprisonment; — **infra ætatem:** while he was within age,— a writ of entry which lay for an infant after he had attained full age, or, upon his death, for his heir, to recover lands aliened during infancy; — **non compos mentis:** while he was of unsound mind,— a writ of entry which lay to recover lands aliened while the grantor was of unsound mind. **Dum recens fuit maleficium (factum):** while the offense was fresh,— a term employed in the law of appeal of rape. **Dum tamen a venditore arrarum nomine aliquid receptum fuerit:** provided something have been received as earnest by the seller.

Duorum in solidum dominium vel possessio esse non potest, l. There cannot be an ownership or possession by two persons of the whole of one thing at the same time.

Duplex, l. *In old English law.* Double. **Duplex querela:** a double complaint, or double quarrel; a complaint in the nature of an appeal, made to the archbishop of the province, against an inferior ordinary, for delaying or refusing to do justice in some ecclesiastical cause. **Duplex valor maritagii:** double the value of the marriage,— a forfeiture by infant wards who married without their guardians' consent.

Duplicare, l. To double or repeat; to make in two parts, as, the old charters were executed.

Duplicate. That which is doubled, or twice made; an original instrument repeated.

Dummodo, l. Provided that; so that. **Dummodo constat de persona:** so that it be clear as to the person meant. **Dummodo solverit talem redditum:** provided he shall pay such a rent.

Duo non possunt in solido unam rem possidere, l. Two cannot possess one thing in entirety. **Duo sunt instrumenta ad omnes res aut confirmandas aut impugnandas, ratio et autoritas:** there are two instruments for confirming or impugning all things,— reason and authority.

Duodecima manus, l. l. *In old English law.* The twelfth hand; twelve hands, or twelve-hand; the oath of twelve men, including the defendant himself, by whom a defendant was allowed to make his law.

Duodecemvirale iudicium, l. l. The trial by twelve men, or by jury.

Dupla, l. *In the civil law.* Double the price of a thing.

Duplicatio, l. A doubling. **Duplicationem possibilitatis lex non patitur:** the law does not allow the doubling of a possibility.

In the civil law. The defendant's answer to the plaintiff's replication,—corresponding to the rejoinder of the common law.

Duplicatum jus, l. l. Double right. *v. Droit droit.*

Duplicity. A fault in pleading which consists in making two or more distinct allegations or answers where one is sufficient. *v. Double plea.*

Duplum, l. *In civil and old English law.* Double.

Durante, l. l. During. **Durante absentia:** during absence. **Durante beneplacito:** during good pleasure,—the tenure by which the judges in the superior courts in England formerly held their commissions. **Durante casta viduitate:** during chaste widowhood. **Durante minore ætate:** during minority. **Durante viduitate:** during widowhood. **Durante virginitate:** during virginity. **Durante vita:** during life.

Duress, Duress, l. fr., Duritia, l. Constraint; compulsion; that degree of constraint which is sufficient to overcome the will of a person of ordinary firmness. **Duress of imprisonment:** the wrongful imprisonment of a person, or the illegal restraint of his liberty, in order to compel him to do some act,—a ground for avoiding the act. **Duress per minas:** duress by threats, *i. e.* by the use of threats and menaces inducing fear of death, or grievous bodily harm, as mayhem or loss of limb,—also ground of avoidance. Whether threats of a mere battery, or of the destruction of property, should have the same effect, the authorities disagree.

Duressor. One who subjects another to duress.

Duskes a chou qe, l. fr. Until that.

Duty. A thing due; that which is due from a person; that which one person owes to another; a sum payable to government on the importation or exportation of goods.

Duumviri, l. *In the Roman law.* Magistrates elected in pairs to fill any office, or perform any function. **Duumviri municipales:** two annual magistrates in the towns and colonies, having judicial powers. **Duumviri navales:** officers appointed to man, equip and refit the navy.

Dwelling-house. A building inhabited by man; a house in which the occupier and his family usually reside; the apartment, building or cluster of buildings in which a man resides with his family.

Dying declarations. Declarations made by a person *in extremis*, and in expectation of immediate death, concerning the circumstances of a homicidal act by which the death is caused. **Dying without issue:** at common law, an indefinite failure of issue, and not a dying without issue living at the time of the death of the first taker.

Dyvoor. *In Scots law.* A bankrupt.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Eaves dropping. *In English law.* The offense of listening under walls or windows, or the eaves of a house, and thereupon to frame slanderous and mischievous tales,— a misdemeanor at common law.

Ebba, l. l. *In old English law.* Ebb. *Ebba et fluctus:* ebb and flow of tide; ebb and flood.

Eberemord, eberemorth, sax. *In Saxon law.* Open killing or murder, as distinguished from manslaughter. *v. Aberemurder.*

Ecchymosis, gr.-l. An effusion of blood under the skin.

Ecclesia, l. *In English law.* A church; a place of religious worship; a parsonage, the living or benefice. *Ecclesia ecclesiæ decimas solvere non debet:* the church ought not to pay tithes to the church. *Ecclesia magis favendum est quam persona:* the church is more to be favored than the parson. *Ecclesia non moritur:* the church does not die.

Ecclesiastical. Belonging to or connected with the church. **Ecclesiastical law:** law administered by the ecclesiastical courts,— in England compounded of the civil law, the canon law, the common law and the statute law.

In English law. **Ecclesiastical corporations:** corporations whose members are entirely spiritual persons, and incorporated as such. **Ecclesiastical courts:** courts held by the king's authority, as supreme head of the church, for the consideration of matters chiefly relating to religion.

Edere, l. To give out; to put forth; to publish; to declare; to propose.

Edictal citation. *In Scots law.* A citation published at the market-cross of Edinburgh, and the pier and shore of Leith.

Edictum, l. *In the Roman law.* An edict; a mandate or ordinance; an ordinance or law enacted by the emperor without the senate; a general order published by the prætor, on entering upon office, containing the system of rules by which he would administer justice during the year of his office. **Edictum perpetuum:** the perpetual edict,— a compilation or system of law in fifty books, digested by Julian, a lawyer of great eminence in the reign of Adrian, from the Prætor's edicts and other parts of the *Jus Honorarium*. All that remains is the extracts in the Digests.

Editus, æditus, l. *In old English law.* Put forth; published or promulgated; passed as a law; brought forth or born, as a child.

Education. Instruction of the mental, moral and physical powers and faculties, or of any of them.

Effects. Personal estate or property,— in wills, equivalent to property, or wordly substance, and if used *simpliciter*, will carry the whole personal estate, but the construction may be controlled by the context.

Effractores, l. *In civil and old European law.* Burglars; house-breakers; prison-breakers; those who break out of prison.

Effusio sanguinis, l. *In old English law.* The shedding of blood; the mulct, or penalty therefor. v. *Bloodwit.*

Ego talis, l. I, such a one.

Egrediens et exeuns, l. l. Going forth and issuing out of.

Egressus, l. *In old English law.* A going forth; egress. v. *Accessus; Ingressus.*

Ei incumbit probatio qui dicit, non qui negat, l. The proof lies upon him who affirms, not upon him who denies. **Ei nihil turpe, cui nihil satis:** to him to whom nothing is enough, nothing is base.

Eide, l. fr. Aid; relief; judicial relief.

Eigne, eign, eisne, cygne, aisne, l. fr. The eldest, or first-born.

Eignesse, l. fr. *In old English law.* Eldership; an eldest sister's privilege of first choice on a partition of lands held in coparcenary.

Einecia, esnecia, l. l. *In old English law.* Eldership; the right or privilege of the first born. v. *Eignesse; Aisnecia.*

Einetius, enetius, cnitius, eneyus, æsnecius, l. l. *In old English law.* The eldest or first born; the part or share of the eldest sister.

Eins, eyns, einz, l. fr. In; into. **Eins ceo que:** in this that; inasmuch as. **Eins encounter la ley:** in against the law. **Eins per tort, eins per title:** in by wrong, in by title.

Eire, eyre, eier, eyer, l. fr. *In old English law.* A journey by the justices, called justices in eyre, or justices itinerant, to administer justice; the court of the justices in eyre.

Eirenarcha, gr.-l. In old law, a justice of the peace.

Eisdem modis dissolvitur obligatio quæ nascitur ex contractu, vel quasi, quibus contrahitur, l. An obligation which arises from contract or *quasi*-contract, is dissolved in the same ways in which it is contracted.

Eisne, eysne, aisne, l. fr. The eldest.

Eisnetia, einetia, l. l. *In old English law.* The part or share of the eldest. v. *Einecia; Einetius.*

Eject. To cast, or throw out; to oust, or dispossess.

Ejection. A turning out of possession.

Ejectione custodiæ, Ejectione firmæ, etc. v. *Custodiæ, etc.*

Ejectment. An action which lies to recover the possession of lands, with damages and costs for the wrongful detention. It is in form the old personal action of ejection of farm, which lay to recover a term for years, adapted to the purpose of trying title to the freehold; and the fictions which distinguish it are merely the essential features of the old action, viz., a lease, an entry, and an ouster. **Ejectment of ward, Egettement de garde, l. fr.** v. *De ejectione custodiæ.*

Ejectum, l. l. *In civil and old English law.* That which is thrown up by the sea; that which is thrown out of a vessel into the sea, to avoid shipwreck, or out of a house, to escape destruction by fire.

Ejicere, l. To throw or cast out; to eject or dispossess.

- Ejurare, l.** *In feudal law.* To abjure, renounce or disclaim by oath.
- Ejus est nolle, qui potest velle, l.** He who can will [exercise volition] has a right to refuse to will [to withhold consent]. **Ejus nulla culpa est, cui parere necesse sit:** no guilt attaches to him who is compelled to obey.
- Ejusdem generis, l.** Of the same kind or nature. **Ejusdem negotii:** of the same transaction.
- Elargare, l. l.** *In old English law.* To enlarge; to widen.
- Elargatio, l. l.** *In old English law.* An enlargement. **Elargatio mansi vel curiæ:** the enlargement of a manse, or manor, or court, by taking in more land.
- Electio, l.** *In old English law.* Election; choice. **Electio est creditoris, debitoris:** the creditor or debtor has the election. **Electio est interna, libera et spontanea separatio unius rei ab alia, sine compulsione, consistens in animo et voluntate:** election is the internal, free and voluntary separation of one thing from another, without compulsion, consisting in intention and will. **Electio fori:** choice of a court. **Electio semel facta non patitur regressum:** election once made does not admit of recall. **Electiones fiant rite et libere sine interruptione aliqua:** elections should be made in due form and freely, without any interruption.
- Election.** Choice; selection; the selection of one or several men among more to perform certain duties in a municipality, corporation or society.
- Electoral.** Relating to or composed of electors. **Electoral college:** the assembly of electors who make the final formal choice of president and vice-president of the United States.
- Electus, pl. electi, l.** Chosen. **Electi triati et jurati:** chosen, tried and sworn.
- Eleemosyna, l.** *In old English law.* Alms. **Eleemosynaria:** the place in a religious house where alms were deposited, and thence distributed to the poor. **Eleemosynarius, elemosinarius:** an almoner, or distributor of alms.
- Eleemosynary.** Relating to the distribution of alms; charitable. **Eleemosynary corporation:** a lay corporation, constituted for the perpetual distribution of alms.
- Eleganter, l.** *In the civil law.* Accurately; with discrimination.
- Elegit, l.** He has chosen; an old writ of execution on a judgment for debt or damages, or upon recognizance, commanding the sheriff to deliver to the plaintiff all the defendant's goods and chattels, beasts of the plough excepted, and if these were not sufficient, a moiety of the defendant's lands, to hold until out of the rents and profits the debt should be levied, or till the defendant's interest should be expired. The plaintiff had his choice (*elegit*) of this writ or a *feri facias* which ran against the goods only.
- Elidere, l.** *In civil and old English law.* To crush or destroy; to defeat an adversary's pleading.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Emit. To send out or send forth; to issue, as paper money for the purpose of circulation.

In Scots practice. To speak out: to state in words.

Emparler, l. fr. To emparl or imparl. v. *Imparlance*.

Emphyteusis, emphyteosis, emphiteosis, gr.-l. *In the civil law.* An improving lease; a contract by which houses or lands were given to be possessed for ever, for a long time, on condition that the land should be improved, and that a small yearly rent should be paid to the proprietor.

Emphyteuta, gr.-l. *In the civil law.* The lessee or tenant under a contract of *emphyteusis*.

Empleder, enpleder, l. fr. To implead.

Emprez, empres, l. fr. After: afterwards.

Emprisonement, l. fr. Imprisonment. **Emprisonement pur emprisonement:** imprisonment for imprisonment.

Emprompter, enprompter, l. fr. To borrow. **Emprompt:** borrowed; borrowing.

Emptio, emtio, l. A purchase. **Emptio et venditio:** purchase and sale.

Emptor, l. A purchaser. **Emptor emit quam minimo potest, venditor vendit quam maximo potest:** the buyer purchases for the lowest price he can, the seller sells for the highest price he can. **Emptor tenetur venditori ad pretium, et venditor emptori, e converso, ad ipsam rem tradendam:** the buyer is bound to the seller for the price, and the seller, *e converso*, to the buyer, to deliver the thing sold. v. *Caveat emptor*.

In old English law. A purveyor.

Emtio, l. v. *Emptio*.

En, l. fr. In; into. **En autre droit:** in another's right. **En avant:** in future; for the time to come. **En gros:** in gross; by wholesale. **En ventre sa mere:** in its mother's womb. **En vie:** in life; alive.

In old English law. **En apres:** hereafter; afterwards. **En arere:** in time past. **En autre soile:** on land of another. **En banke:** in the bench. **En barre:** in bar. **En bonne foy:** in good faith. **En ce:** in this. **En certain:** in certain. **En chiefe:** in chief. **En coste:** on the side; collateral. **En court:** in, or into court. **En demeure:** in delay; in default. **En demeyne:** in demesne. **En fet:** in fact. **En jugement:** in judgment; in court. **En le mercie:** in mercy. **En le per:** in the *per*; **en le per et cui:** in the *per* and *cui*; **en le post:** in the *post*; applied in the old books to writs of entry. **En line biline:** in the collateral line. **En mort meyne:** in a dead hand; in mortmain. **En oultre:** furthermore. **En owel main:** in equal hand. **En pais, en pays:** in the country. **En plein conte:** in full county court. **En plein vie:** in full life. **En poigne, en poin:** in hand. **En primes:** in the first place; first. **En quel counte, on en quel maner, on en quel fee, on en quel baronie:** in what county, or in what manor, or in what fee,

- or in what barony. **En son damage:** in his damage; damage feasant. **En son demeyne come de fee:** in his demesne as of fee. **En suspençe:** in abeyance. **En tesmoignance:** in testimony or witness.
- Enabling statute.** *In English law.* The statute 32 Hen. VIII., c. 28, by which tenants in tail, husbands seised in right of their wives, and persons seised of an estate of fee-simple in right of their churches, were empowered to make leases for their lives, or twenty-one years.
- Enact.** To put into the form of an act,— to pass, as a bill, into a law.
- Enbler, l. fr.** To sow. **Enblee, enblaye:** sown.
- Euceint, enceynt, ensient, l. fr.** Pregnant; with child.
- Enchaz et rechaz, l. fr.** Inchase and outchase; the right of driving cattle to and from a common.
- Encheson, enchesson, enchason, enchison, acheson, l. fr.** Cause; reason; occasion.
- Enclorer, l. fr.** To enclose. **Enclos:** enclosed; shut in or shut up.
- Encouper, l. fr.** To accuse or charge. **Encoupe:** accused.
- Encourer, l. fr.** To run; to run against, or bar.
- Encroach.** To gain unlawfully upon the rights or possession of another; to take more than is one's right or due.
- Encroachment.** An unlawful gaining upon the rights or possessions of another.
- Encumbrance.** A burden or charge upon property. *v. Incumbrance.*
- Encuser, l. fr.** To accuse. **Encuse:** accused.
- Endent, endente, l. fr.** Indented. *v. Indent.*
- Enditer, endicter, l. fr.** To indict. **Endite, endites:** indicted.
- Endormir, l. fr.** To sleep; to be or become dormant. **Endormy:** dormant or suspended.
- Endorse.** *v. Indorse.*
- Endorsement.** *v. Indorsement.*
- Endorser.** *v. Indorser.*
- Endowment.** The assignment or bestowment of dower; the setting apart of a portion of lands for a vicar's maintenance; any permanent provision for charitable purposes.
- Enemy.** *In the law of nations.* A nation or power at war with another, or against whom war is declared; a citizen or subject of a hostile nation.
- Enfaunt, l. fr.** An infant, or minor. **Enfaunt dedens age:** an infant under age.
- Enfeoff.** To give in fee; to invest with an estate by feoffment.
- Enfourner, l. fr.** To perform. **Enfourny:** performed.
- Enfranchise.** To make free; to incorporate; to make a person a free denizen.
- Enfranchisement.** Making free; granting rights or privileges; incorporating a person into a society or body politic. **Enfranchisement of copyhold:** conversion of copyhold into freehold tenure.

Enfraunchir, enfranchir, l. fr. To enfranchise; to confer a privilege or liberty.

Enfreindre, enfreinder, l. fr. To break; to violate or infringe. **Enfreint:** broken.

Engagement. A binding by gage or pledge; obligation by agreement.

Engager, l. fr. To pledge.

Engetter, l. fr. To eject; to cast or throw out. **Engette:** ejected.

Engin, enghein, engyn, l. fr. Ill design; deceit; fraud.

Englecery, englecherie, englescherie, engleschery, l. fr. and eng. *In old English law.* The fact of being an Englishman; the proof of the fact in case of a person slain, to rebut the presumption under the law after the Conquest that the person was a Norman, and so to avoid the heavy fine upon the hundred for the killing of a Norman.

Engleterre, l. fr. England. **Engleys:** English; an Englishman.

Engross. To write in a gross, or large strong hand; to copy in a large or fair hand; to buy up any commodity in large quantities, so as to obtain a monopoly, with an intent to sell it at an unreasonable price.

Engrossing. *In English law.* The buying up of large quantities of grain or other dead victuals, with intent to sell again; the total engrossing of any other commodity, with intent to sell it at an unreasonable price.

Enhauncer, l. fr. To raise; to lift up; to set up. **Enhaunce:** raised.

Enheriter, l. fr. To inherit. *v. Cestuy que, etc.*

Enitia, enicia pars, l. l. *In old English law.* The part of the eldest; the part of the eldest sister on partition of land in coparcenary. *v. Eignesse.*

Enjoin. To impose or lay upon; to command; to command to refrain from doing a thing. *v. Injunction.*

Enlarge, inlarge. To extend; to add to; to grant further time.

In old law. To set at large; to release from custody.

Enlarger, l. fr. To enlarge; to make more comprehensive; to make wider. **Enlarger l'estate:** to enlarge an estate, as where an immediate remainder-man in fee releases all his right to the tenant in possession.

Enormia, l. l. *In old English law.* Unlawful or wrongful acts; wrongs. *v. Alia enormia.*

Enormis, l. Immediate; excessive; against law; enormous; heinous.

Enormis-transgressio: a heinous trespass.

Enormous. Aggravated.

Enparler, l. fr. *In old English law.* To speak or talk together; to emparl or imparl.

Enpeirant, l. fr. Impairing. **Enpeirez:** impaired.

Enquerer, l. fr. To inquire; to make inquiry. **Enquerge:** he shall inquire.

Enquest, l. fr. and eng. Inquisition or inquiry; an inquest; the inquisition of a jury; a jury.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Entry, writ of.** An old real action, until a comparatively recent period, the general remedy to recover the possession of lands wrongfully withheld from the owner. **Entry in the per and cui:** a writ of entry where there had been two alienations or descents. **Entry in the post:** a writ of entry where there had been more than two. **Entry in the quo or quibus:** a writ of entry against the wrongdoer in person. For particular writs, see various titles.
- Enumeratio unius est exclusio alterius, l.** The enumeration of the one [amounts to] the exclusion of the other.
- Enure.** To take effect; to operate.
- Enveer, enveyer, l. fr.** To send. **Enviees:** sent.
- Envers, enverz, l. fr.** Against.
- Envoy.** A public minister of the second class, ranking next after an ambassador.
- Envoyer, l. fr.** To send; to send for; to summon to court. **Envoye:** sent.
- Enz, l. fr.** In; within; but.
- Eo, l.** At that; on that. **Eo die:** on the same day. **Eo instante:** at that instant; at the same instant; immediately. **Eo intuitu:** with or in that view; with that intent or object. **Eo ipso:** by the thing itself. **Eo nomine:** under that name; by that appellation.
- In the civil law.* In so much, for as much, for the reason; there. **Eo loci:** in that place; in that state or condition.
- Eodem, l.** By the same; by the said. **Eodem ligamine quo ligatum est, dissolvitur:** a deed is released by the same formalities by which it is contracted. **Eodem modo quo quid constituitur, dissolvitur:** in the manner in which [by the same means by which] a thing is constituted, is it dissolved.
- Episcopalia, l. l.** *In ecclesiastical law.* Synodals, and other customary payments from the clergy to their bishop, formerly collected by the rural deans.
- Episcopus, l.** *In the civil law.* A superintendent, or overseer. **Episcopi qui præsunt pani et ceteris venalibus rebus:** overseers who have the charge of bread and other things exposed for sale.
- Epistola, l.** *In the civil law.* An opinion of the emperor upon a case submitted to him, or a decision in answer to a petition; a rescript.
- Eques, l.** A knight,—so called because serving on horseback. **Eques auratus:** a knight,—so called from the gilt spurs he wore.
- Equitable.** By operation of equity; cognizable in equity. **Equitable assets:** assets which can be reached by a creditor only through a court of equity. **Equitable defense:** a defense to an action resting on equitable principles, in cases in which an injunction would issue. **Equitable estate:** an estate acquired by operation of equity, or cognizable in a court of equity, as a trust, or the interest of a mortgagor. **Equitable mortgage:** a mortgage arising in equity, out of the transactions of the parties, without any deed or express contract for

that special purpose, as upon a deposit of title deeds with the creditor. **Equitable waste:** such excessive waste as is forbidden to a tenant without impeachment of waste.

Equitatura, l. l. *In old English law.* Traveling furniture, or riding equipments.

Equity. In a general sense, natural right as addressed to the conscience, independent of any positive law; more strictly, the application of the principles of natural right in the administration of justice, either by supplying rules for cases not provided for by the positive law, by mitigating the rigor of the law by a liberal interpretation of its rules, or by adapting its remedies more exactly to particular cases; that system of jurisprudence, first administered by the English court of chancery, which is collateral to, and, in some respects, independent of law, properly so called, and the object of which is to render the administration of justice more complete, by affording relief where courts of law are incompetent to give it, or to give it with effect, or by exercising certain branches of jurisdiction independently of them. **Equity, courts of:** courts which administer justice according to the system of equity. **Equity of redemption:** the estate of a mortgagor in the mortgaged land; the right of the mortgagor to redeem after breach of condition, or after foreclosure. **Equity to a settlement:** the right of a wife in equity to a settlement of a portion of her equitable estate upon herself and her children.

Equivocal. Of several meanings or significations; of doubtful signification.

Erasure. A scraping or rubbing out; the removal of a part of a writing, by scraping the letters from the paper; less properly, the removal of a part of a writing, by any means; obliteration; the place where a part of a writing has been erased.

Erciscere, l. *In the civil law.* To divide or partition.

Erciscundus, l. *In the civil law.* To be divided.

Ergo hic, l. Therefore here,— words used in argument. **Ergo nec hic:** therefore neither here.

Ergolabi, gr.-l. *In the civil law.* Undertakers of work; contractors.

Erigimus, l. We erect,— a word by which a corporation may be created in England by charter.

Errant, Erraunt, l. fr. *In English law.* Itinerant; traveling about. *v. Eyre.*

Erraticum, l. l. *In old law.* A waif; an stray.

Errer, l. fr. To go. **Erra:** shall go.

Erronice, l. l. *In old law.* Erroneously; through mistake.

Error, l. and eng. Mistake; a mistake in the foundation or in the proceedings, in a suit in a court of record, in matter of law or fact. **Error fucatus nuda veritate in multis est probabilior; et sæpe numero rationibus vincit veritatem error:** error artfully disguised [or colored] is, in many instances, more probable than naked truth;

and frequently error overwhelms truth by [its show of] reasons. **Error juris nocet:** error of law injures. **Error nominis nunquam nocet, si de identitate rei constat:** a mistake in the name of a thing is never prejudicial, if it be clear as to the identity of the thing itself [where the thing intended is certainly known]. **Error qui non resistitur approbatur:** an error which is not resisted or opposed is approved. **Error scribentis nocere non debet:** the mistake of a writer [a clerical error] ought not to injure. **Errores ad sua principia referre, est refellere:** to refer errors to their sources is to refute them.

Error, writ of. An original writ which lies after judgment in an action of law, in a court of record, to correct an error of fact or an error of law apparent of record. **Error coram nobis:** in England, formerly a writ of error to correct an error of fact in the King's Bench, the error being corrected in the court in which it was committed. **Error coram vobis:** a writ of error in like manner to correct an error in the Common Bench. *v. Coram.*

Escæta, l. l. *In old English law.* An escheat. **Escætæ vulgo dicuntur quæ, decedentibus his qui de rege tenent in capite, cum non extat ratione sanguinis hæres, ad fiscum relabuntur:** those things are commonly called escheats, which, on the death of the king's tenants *in capite*, without heirs of blood, revert to the fisc, or treasury.

Escætor, l. l. *In old English law.* An escheator.

Escambio, breve de, l. l. *In old English law.* A writ of exchange,—a license in the shape of a writ, granted to an English merchant, to draw a bill on another in foreign parts.

Escambium, eschambium, excambium, l. l. *In old English law.* Exchange. **Escambium ad valentiam:** an allowance to a tenant who vouched another to warranty out of the land of the vouchee to make up to the tenant what he had lost.

Escape. An escape of a person from lawful arrest or imprisonment, whether violent or secured through collusion; whether negligent, that is, without the knowledge or consent of the officer, or voluntary, that is, by the officer permitted.

In English law. **Escape warrant:** a warrant directed to all sheriffs, etc., throughout England, commanding them to arrest a person escaped from imprisonment on mesne process or on execution.

Escapium, escapia, l. l. *In old English law.* An escape; a chance, or accident. *v. Eschapium.*

Eschæta, escæta, l. l. *In old English law.* An escheat; the falling of a material object, as a tree; the appendages of a tree felled; the droppings of straw on the ground. **Escætæ quercuum:** escheats of oaks.

Eschætor, escætor, l. l. *In old English law.* An escheator.

Eschange, eschaunge, l. fr. Exchange. **Eschaunges a la vaillaunce:** exchanges to the value.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Espousals. The contract of mutual promise between a man and a woman, to marry each other.

Esquire, esquier. *In English law.* A name or title of dignity next above gentleman, and below knight; a title of office given to sheriffs, serjeants and barristers at law, justices of the peace, and others.

In old law. A knight's attendant, who waited on him in time of war, and bore his shield, or armor.

Essart, Essartum, esartum, exartum, l. l. *In old English law.* Woodland turned into tillage, by uprooting the trees, and removing the underwood.

Essarter, l. fr. *In old English law.* To clear land of trees and underwood; properly to thin woods by cutting trees, etc., at intervals.

Esse, l. To be; being; to appear in court. **Essendum, essendi:** being; of being. **Essendi (or de essendo), quietum de theolonio: v. De essendo, etc.**

Essentialia negotii, l. The essential parts of a transaction.

Essoin. *In English law:* To present an excuse for not appearing in court on an appointed day, in obedience to a summons; to cast an essoin.

Essoin, essoign, Essoine, essoigne, exoine, asoyne, assoigne, l. fr., Essonium, exonium, l. l. *In English law.* An excuse for not appearing in court at the return of process; the exhibition or presentation of such excuse to the court. **Essoin day:** the first day of the term on which the court sat to receive essoins. **Essoin de servitio regis (de service del roy):** an excuse that the party was absent on the king's service. **Essoin de terre sancta (de terre seynte):** an excuse that the party was absent in Palestine. **Essoin de ultra mare (de outre mer):** an excuse that the party was absent beyond sea. **Essoin de infirmitate or de malo lecti (de mal de lyt):** an excuse that the party was ill in bed. **Essoin de malo veniendi (de mal de venue):** an excuse that the party had met with an accident in coming. **Essoin roll:** a roll upon which essoins were formerly entered.

Essoneour, l. fr., Essoniator, l. l. *In old English law.* An essoiner; an excuser.

Essoniare, l. l. *In old English law.* To present an excuse or essoin to a court.

Essoniatus, l. l. *In old English law.* A person essoined, or for whom an essoin was presented.

Essonium, exonium, exonia, sonium, l. l. *In old English law.* An excuse for not appearing in court; an essoin; an excuse or reason, in general.

Est, l. fr. Is; it is; there is. **Est a scavoir:** it is to be understood; to wit.

Est, l. Is; it is; there is. *Est aliquid quod non oportet etiam si licet; quicquid vero non licet certe non oportet:* there is something [are some things] which ought not to be done, even though it be lawful; but whatever is not lawful certainly ought not to be done. *Est boni iudicis ampliare jurisdictionem:* it is [the duty] of a good judge to enlarge [construe liberally] his jurisdiction. *Est ipsorum legislatorum tanquam viva vox; rebus et non verbis legem imponimus:* [the voice, utterance or declaration] of legislators themselves is like the living voice [the spoken word of an individual]; we impose law upon things, not upon words.

Establir, l. fr. *In old English law.* To establish or ordain as a law; to fix or settle, as dower. *Establie est:* it is ordained. *Estably:* fixed or settled.

Establishment. *In old English law.* An ordinance or statute; an established law.

Establissement, l. fr. *In old English law.* An establishment or ordinance; an act or statute; the settlement of dower on a woman by her husband.

Estate. An interest in lands, or in any other subject of property; the property in which one has an interest,—technically called the *corpus*; condition in life, *status*. **Estate at sufferance:** an estate which a tenant has where he is allowed to hold over after his term. **Estate at will:** an estate less than freehold, terminable at the will of the lessor. **Estate by elegit:** v. *Elegit*. **Estate by statute merchant:** v. *Statute merchant*. **Estate by the curtesy:** v. *Curtesy*. **Estate for life:** a freehold estate, not of inheritance, which a man has, to hold for the term of his own life, or for the life of another or the lives of others. **Estate for years:** an estate less than freehold, where a man has an interest and a possession by virtue of such interest, for some fixed period of time. **Estate from year to year:** an estate under a lease for a year which will arise at the end of the term for another like term where neither of the parties terminates the holding. **Estate in common:** an estate in lands held by several persons with interests accruing under different titles, or under the same title at different periods, or conferred by words of limitation importing that the grantees are to take in distinct shares. **Estate in coparcenary:** v. *Coparcenary*. **Estate in dower:** v. *Dower*. **Estate in expectancy:** an estate where the right to the permanency of the profits is postponed to some future period. **Estate in fee-simple:** v. *Fee*. **Estate in fee-tail:** v. *Fee-tail*. **Estate in joint tenancy:** v. *Joint tenancy*. **Estate in possession:** an estate in virtue of which there is a present right of entry and enjoyment. **Estate in remainder:** v. *Remainder*. **Estate in reversion:** v. *Reversion*. **Estate in severalty:** v. *Severalty*. **Estate in vadio:** an estate in gage, or pledge. **Estate of inheritance:** a freehold estate in lands,

otherwise called a fee. *v. Fee.* **Estate pur autre vie:** an estate for another's life. **Estate upon condition:** *v. Condition.*

Estates of the realm. *In English law.* The lords spiritual, the lords temporal, and the commons.

Estendre, l. fr. To extend, or lay out. **Estendu:** extended.

Estente, estant, esteinte, l. fr. Extent; the laying out of lands; value; estimation.

Ester, estre, estoier, l. fr. To stand; to be. **Ester in judgment:** to appear in court as a party. **Estoite:** was. **Estoyent:** were.

Esterling, sterling. The silver penny of England; good money; lawful money; standard silver money.

Esto, l. Be it; suppose. **Esto perpetua:** be it eternal.

Estop. To stop, bar, or impede; to prevent; to preclude.

Estoppel. An impediment, or bar, by which a man is precluded in law from alleging or denying a fact, in consequence of his own previous act, allegation or denial, to the contrary; a pleading which sets up some matter that bars the opposite party from alleging a fact. **Estoppel by deed:** an estoppel which arises where a party has executed a deed reciting a fact, and which precludes him from afterwards denying, in any action brought upon that instrument, the fact recited. **Estoppel by matter in pais:** an estoppel by matter that is neither a record nor a deed, an estoppel, that is, arising from an open act, or a verbal representation or declaration upon which another has acted. **Estoppel by matter of record:** an estoppel arising from an admission by a party made in a court of record in a pleading or otherwise, or from a judgment against the party, or some one to whom he is a privy. **Estoppel, collateral:** the collateral determination of a question by a court having general jurisdiction of the subject.

Estover, l. fr., Estoveria, estoverium, l. l. *In old English law.* An allowance made to a person out of an estate for his support; an allowance of wood to a tenant in dower for repairs, fuel and fencing; an allowance to a commoner for like purposes; an allowance of forage for horses. **Estoveria ædificandi, ardendi, arandi et claudiendi:** estovers of building, burning, ploughing and enclosing. **Estoveriis habendis:** *v. De estoveriis, etc.; Bote.*

Estovers. An allowance made to a person out of an estate for his support; an allowance to a woman upon divorce *a mensa et thoro* for her support out of her husband's estate,—more commonly called alimony; an allowance of wood to a tenant for life or years. *v. Bote.*

Estoyer, estoier, estere, ester, l. fr. To stand; to stand good. **Estoyse le primer jugement:** the first judgment shall stand.

Estray. Any thing out of its place, especially a wandering domestic animal.

In English law. Any valuable animal, whether beast or bird, that is not wild, found within a lordship, and whose owner is not known.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

dicium: and so to judgment; — **ad patriam:** and so to the country; — **fecit:** and he did so; — **pendet:** and so it hangs; — **pendet placitum:** and so the plea hangs; — **ulterius:** and so on; and so further; and so forth. **Et unde dicit:** and whereupon he says.

Euangelies, ewangelies, l. fr. The gospels; or evangelists.

Eundo et redeundo, l. In going and returning. **Eundo, morando, et redeundo:** in going, staying and returning,— a phrase used to express the privilege from arrest enjoyed by the parties to suits, witnesses, etc.

Evasio, l. *In old English law.* Escape; an escape from prison or custody.

Eventus, l. *In old English law.* An event; a thing which happens from a cause. **Eventus est qui ex causa sequitur, et dicuntur eventus quia ex causa eveniunt:** an event is that which follows from a cause, and they are called events because they come out of a cause.

Evict. To recover land by process of law; to dispossess of land by process of law.

In the civil law. To take something from a person by virtue of a judicial sentence or recovery at law.

Eviction. The recovery of lands, etc., by form of law; a dispossession of lands by process of law; an ouster; a notice to quit.

In the civil law. The abandonment which one is obliged to make of a thing, in pursuance of a sentence; the sentence which orders such abandonment; the depriving of a buyer, without a sentence, of the power to retain the thing bought; the loss by a buyer of the thing sold, or of a part of it, through a claim by a third person.

Evidence. That which tends to render evident or clear; the means by which the truth of a fact or point in issue is made clear or demonstrated; any matter of fact, the effect, tendency or design of which is to produce in the mind a persuasion affirmative or disaffirmative of the existence of some other matter of fact. **Evidence of debt:** a written instrument or security for the payment of money, importing on its face the existence of a debt. **Evidence of title:** deeds and other documents establishing the title to property, especially real estate.

Evidentia, l. *In the civil law.* Clearness or fullness of conviction.

Evidentiary. Having the quality of evidence; evidencing.

Evincere, l. *In the civil law.* To overcome or prevail at law; to take a thing from one by right of ownership, through a judicial sentence; to claim a thing by suit from one who had no right to it, but has given or sold it to another, and so to recover it from the buyer.

Ew, sax. Marriage. **Ewbrice:** marriage breach; adultery.

Ewe, l. fr. Water; the water ordeal. **Ewe douce:** fresh water.

Ex, l. According to; at; by; from; in; of; out of; upon; with. **Ex abundantanti:** out of abundance; abundantly; superfluously; — cau-

tela: out of abundant caution. **Ex abundantia:** out of abundance. **Ex abusu non arguitur ad usum:** from the abuse of a thing you cannot argue as to its use. **Ex adverso:** on the other side. **Ex æquitate:** according to equity; in equity. **Ex æquo et bono:** according to what is just and good. **Ex altera parte:** of the other part. **Ex antecedentibus et consequentibus fit optima interpretatio:** the best interpretation is made from the antecedents and the consequents. Applied to the construction of a clause in a written instrument, and meaning that all parts of the instrument should be taken together. **Ex arbitrio judicis:** at, in or upon the discretion of the judge. **Ex assensu:** with the assent; — **curiæ:** with the assent of the court; — **patris:** by or with the father's consent; — **suo:** with his assent. **Ex assignatione:** from or on the assignment. **Ex capite doli, or fraudis:** on the ground of fraud. **Ex comitate:** out of comity, or courtesy. **Ex comparatione scriptorum:** by a comparison of writings, or handwritings. **Ex concessione:** from or by the grant. **Ex concessis:** from things or premises granted. **Ex consultu:** from consultation. **Ex contractu:** from contract; arising out of, or founded on, contract. **Ex debito justitiæ:** from, or as a debt of justice; as a matter of right. **Ex debito naturali:** from natural obligations. **Ex defectu:** for or from a defect; — **juris:** for a defect in right; — **sanguinis:** from failure of blood; for want of issue. **Ex delicto:** from fault or crime. **Ex dem., demissione, dimissione:** from, or on the demise. **Ex directo:** directly; immediately. **Ex diuturnitate temporis, omnia præsumuntur solemniter esse acta:** from length of time [after lapse of time] all things are presumed to have been done in due form. **Ex dolo malo:** out of fraud; — **non oritur actio:** out of fraud no action arises; fraud never gives a right of action. **Ex eo quod plerumque fit:** from that which frequently happens. **Ex facie:** on the face. **Ex facili:** easily. **Ex facto:** from, or in consequence of, an act or thing done; — **ius oritur:** law arises out of fact, or is brought into exercise by fact. **Ex fictione juris:** out of, or by fiction of law. **Ex gratia:** out of grace, or favor. **Ex hypothesi:** according to the hypothesis. **Ex improviso:** without preparation. **Ex incontinenti:** incontinently. **Ex industria:** from, or with a deliberate design; on purpose. **Ex insinuatione:** on the suggestion or information. **Ex integro:** anew; afresh. **Ex intervallo:** after an interval. **Ex justa causa:** from a just or lawful cause; by a just or legal title. **Ex jure naturæ:** by the law of nature. **Ex mora:** from, or in consequence of delay; — **debitoris:** on account of the debtor's delay. **Ex more:** according to custom. **Ex multitudine signorum, colligitur identitas vera:** from a great number of signs or marks, true identity is gathered or made up. **Ex natura rei:** from the nature of the thing. **Ex necessitate:** of necessity; — **legis:** from, or by necessity of law; — **rei:** from the necessity or urgency of the thing or case. **Ex nudo pacto non**

oritur [**nascitur**] **actio**: out of a nude or naked pact [that is, a bare parol agreement without consideration] no action arises. **Ex officio**: by virtue of office. **Ex pacto illicito non oritur actio**: from an illegal contract, an action does not arise. **Ex parte**: from, or of a part or side; from, or upon one side; — **materna**: on the maternal side; — **paterna**: on the paternal side. **Ex post facto**: by matter happening afterwards; from a later act or event; — **law**: a law which operates by after-enactment; a law which makes criminal an act done before its enactment and which when done was innocent, or a law which renders an act done before its enactment punishable as it was not punishable when it was done. **Ex præcogitata malicia**: of malice aforethought. **Ex præmissis**: from the premises. **Ex proprio motu**: of his own accord; — **vigore**: of its, or their own force. **Ex provisione hominis**: by the provision of man, — by the limitation of the party, as distinguished from the disposition of the law; — **viri**: lands settled on the wife in tail by provision of the husband, or on both the husband and the wife by provision of the husband's ancestor. **Ex quasi contractu**: arising as if from a contract. **Ex rel., relatione, relatu**: on the relation, or information. **Ex scriptis olim visis**: from writings formerly seen. **Ex superabundanti**: out of superabundance, or superfluity; — **et ad majorem cautelam**: out of superabundance, and for greater security. **Ex tempore**: from or in consequence of time; by lapse of time. **Ex testamento**: from, by or under a will. **Ex tota materia emergat resolutio**: the explanation should arise out of the whole subject-matter. **Ex transverso**: across; — **viæ**: across the way. **Ex turpi**: out of a base [thing]; — **causa non oritur actio**: out of a base [illegal, or immoral] consideration, an action does [can] not arise; — **contractu actio non oritur**: from an immoral or iniquitous contract, an action does not arise. **Ex una parte**: of one part or side; on one side. **Ex utraque parte**: on both sides. **Ex utrisque parentibus conjuncti**: related on the side of both parents; of the whole blood. **Ex vi aut metu**: by force or fear. **Ex vi termini**: by the force of the term. **Ex visceribus**: from the bowels; from the interior or essential substance; — **causæ**: from the bowels or heart of the cause; — **testamenti**: from the particular will in question itself, without reference to the language or construction of other wills. **Ex visitatione Dei**: by the visitation of God. **Ex visu scriptionis**: from sight of the writing; from having seen a person write.

In old English law. *v. supra.* **Ex causa**: by title; — **lucrativa**: by a lucrative title [gratuitously]; — **successionis, sive ex causa perquisiti**: by title of succession, or by title of purchase; — **successionis, vel donationis, vel ex causa dotis, vel ex aliqua alia justa causa acquirendi**: by title of succession, or of gift; or by title of dower, or by any other lawful title. **Ex certa scientia**: of certain knowledge. **Ex commodato**: from, or out of loan. **Ex dicto ma-**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Exeambiator, l. *In old English law.* An exchanger, a broker.

Excambion. *In Scots law.* Exchange.

Excambium, escambium, cambium, l. l. *In old English law.* Exchange, exchange of lands; a recompense or equivalent in value.

Excepta dignitate regali, l. Saving the royal dignity.

Exceptio, l. *In old English law.* The first pleading on the part of the defendant; an exception taken by a party to the trial; an objection to a juror; an exception in a deed. **Exceptio ad breve proster-nendum:** an exception or plea to overthrow or abate the writ; a plea in abatement. **Exceptio ejus rei cujus petitur dissolutio nulla est:** a plea of that matter the dissolution of which is sought [by the action] is null [or of no effect]. **Exceptio firmat regulam in casibus non exceptis:** the exception confirms or strengthens the rule, in the cases not excepted. **Exceptio nulla est versus actionem quæ exceptionem perimit:** there is [can be] no plea against an action which destroys [the matter of] the plea. **Exceptio probat regulam (de rebus non exceptis):** the exception proves the rule (so far as concerns things not excepted). **Exceptio quæ firmat legem, exponit legem:** an exception which confirms the law explains the law. **Exceptio rei judicatæ:** a defense based on a previous adjudication. **Exceptio semper ultima ponenda est:** an exception should always be put last,— a rule in conveyancing.

In the civil law. An exception; in a general sense, a judicial allegation which the defendant opposes to the action; in a stricter sense, the exclusion of an action which lay in strict law, on grounds of equity; in the modern sense, any objection of a defendant by which he alleges a new fact by way of defense. **Exceptio dilatoria:** a dilatory exception. **Exceptio doli mali:** an exception or plea of fraud. **Exceptio in factum:** an exception on the fact; an exception or plea founded on the peculiar circumstances of the case. **Exceptio jurisjurandi:** an exception of oath; an exception or plea that the matter had been sworn to. **Exceptio metus:** an exception or plea of fear or compulsion. **Exceptio pacti conventi:** an exception of compact; an exception or plea that the plaintiff had agreed not to sue. **Exceptio pecuniæ non numeratæ:** an exception or plea of money not paid; a defense allowed a party where he was sued on a promise to repay money that he had never received. **Exceptio peremptoria:** a peremptory exception. **Exceptio rei judicatæ:** an exception or plea of matter adjudged; a plea that the subject-matter of the action had been determined in a previous action. **Exceptio rei venditæ et traditæ:** an exception or plea that the article claimed in an action was sold and delivered to the defendant. **Exceptio temporis:** an exception or plea of time, or lapse of time,— that is, of limitation.

Exception. An objection in writing, taken in the course of an action,— as to bail or security put in by one of the parties, to an opinion of a

judge expressed on the trial of a cause, or to a pleading or a master's report in chancery; a clause in a deed excepting something out of that which the deed has granted, as ground out of a manor, or a room out of a house.

Exceptis, l. Excepting,—one of the apt words for denoting an exception in a deed. **Exceptis præ-exceptis:** excepting what was before excepted; except as above excepted.

Exceptor, l. l. *In old English law.* A party who excepted, or put in a plea.

Excessive damages. Damages, given by verdict, which are unreasonably great in amount, and not warranted by law.

Excessus, l. l. *In old English law.* Excess; transgression; violation of engagements.

Exchange. An original conveyance at common law for an exchange of interest in land of the same degree,—as a fee-simple for a fee-simple; a lease for so many years for a lease for so many years, etc.; a transfer of goods for other goods.

Exchequer. In England, the revenue department; the court of exchequer. **Exchequer bills:** bills of credit issued by authority of parliament. **Exchequer chamber:** a court of appeals in England, established as a court of appeal intermediate between the three superior courts of common law and the House of Lords, and consisting of any two of these courts, sitting as a court of error to revise the judgment of the third. Now embraced in the appeals division of the Supreme Court of Judicature. **Exchequer, court of:** one of the three superior courts of law in England, but inferior in rank to both the Queen's Bench and the Common Pleas; originally intended principally to order the revenues of the crown, and to recover the king's debts and duties, but which long possessed the character of an ordinary court of justice between subject and subject. Now the exchequer division of the Supreme Court of Judicature.

Excipere, l. l. *In old English law.* To plead. **Excipi:** to be pleaded.

Excise. An inland imposition upon commodities, paid sometimes upon the consumption of the commodity, or frequently upon the retail sale.

Exclusa, l. l. *In old English law.* A structure for carrying off water, especially such as is dammed or pent up, as in a mill pond or fish pond; a sluice.

Excommenge, l. fr. Excommunicated.

Excommengement, l. fr. Excommunication.

Excommunication. *In English law.* An ecclesiastical interdict by which one is cut off from communion with his church.

Excusable homicide. Homicide which the law excuses from the guilt of felony, though deserving of some degree of punishment. v. *Homicide.*

Excusare, l. *In the civil law.* To excuse; to relieve or release from a duty or obligation, for sufficient cause shown. **Excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus:** that excuses or extenuates an offense in capital cases which does not operate the same in cases of civil injuries.

Excusatio, l. *In the civil law.* An excuse, an exemption or release from duty or obligation, for sufficient cause shown; a ground, cause or reason for exemption from duty.

Excusator, l. l. *In old English law.* An excuser; one who offered the excuse of another in court.

Excuse. A ground of exemption or relief from some duty or liability; a matter alleged and presented to a court as a ground of such exemption.

Excussio, l. *In old English law.* Rescue or rescous.

In the civil law. A diligent prosecution of a remedy against a debtor; the exhausting of a remedy against a principal debtor.

Excutere, l. *In the civil law.* To search thoroughly; to prosecute a remedy against one to the uttermost, especially against a principal debtor.

Execute. To complete; to carry out; to make effectual; to perform or fulfil; to carry into effect.

Executed. Finished; effected; fully performed; now in force; now existent; past. *v. Executory.* **Executed consideration:** a consideration performed prior to the promise on which it is founded. **Executed contract:** a contract which is completed when it is made, as upon a sale for cash. **Executed estate:** an estate in possession, by which a present interest passes to, and resides in, the tenant, without regard to any subsequent circumstance or contingency. **Executed remainder:** a remainder by which a present interest passes to the party. **Executed trust:** a trust fully created and precisely defined. **Executed use:** a use to which the legal possession or estate is transferred or annexed by statute. **Executed writ:** a writ carried into effect by the officer to whom it is directed.

Executio, l. The doing or following up of a thing; the doing of a thing completely or thoroughly; management or administration; the final process in an action. **Executio est finis et fructus legis:** execution is the end and fruit of the law. **Executio juris non habet injuriam:** the execution of the law does not work a wrong.

In old English law. **Executio honorum:** management or administration of goods.

Execution. The completion of an act or proceeding, by which it is rendered operative or effectual; the formality of signing, sealing and delivery by the party making a deed, or of signing and publication by the party making a will, in the presence of witnesses; the act or mode of putting the sentence of the law in force, or of carrying into effect the judgment or decree of a court; the carrying into



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Exercitor navis, l.** *In the civil law.* The employer of a vessel; the person who sent a vessel to sea at his own risk, and received all her earnings.
- Exercitoria actio, l.** *In the civil law.* An action which lay against the employer of a vessel for the contracts made by the master.
- Exercituale, l. l.** *In old English law.* A heriot.
- Exfrediare, l. l.** *In old English law.* To break the peace; to commit open violence.
- Exhæredare, l.** *In the civil law.* To disinherit; to exclude from inheriting.
- Exhæredatio, l.** *In old English law.* Disherison; an injury done to one who has the inheritance, particularly to a remainder-man or reversioner. *v. Ad exhæredationem.*
In the civil law. Disinheritance; a disinheriting.
- Exhæres, l.** *In the civil law.* A person disinherited.
- Exheredate.** *In Scots law.* To disinherit; to exclude from inheriting.
- Exhibere, l.** *In the civil law.* To have out; to show openly; to exhibit; to produce a thing, so that it may be seen and handled. **Exhibere est præsentiam corporis præbere:** to exhibit is to furnish the presence of the body; to present a thing or person corporeally.
- Exhibit.** To present or show in legal form; to present to a court.
- Exhibit.** A writing which, on the examination of a witness before an examiner or commissioner, is exhibited to the witness to be proved, and on the back of which the examiner or commissioner certifies that such writing was shown to the witness and by him sworn to.
- Exhibitio billæ, l. l.** The exhibition of the bill,—a phrase formerly used in pleading, and generally equivalent to “the commencement of the suit,” the suit, where the proceedings were by bill, being commenced by the exhibition of such a bill to the court.
- Exigent, or exigi facias, l. l.** *In English law.* A judicial writ used in the process of outlawry, commanding the sheriff to demand the defendant, from county court to county court, until he was outlawed; or, if he appeared, to take and have him before the court to answer to the plaintiff’s action.
- Exigenter.** An officer of the English Court of Common Pleas, whose duty it was formerly to make out the exigents and proclamations in the process of outlawry.
- Exilium, l. l.** *In old English law.* Exile or banishment; a driving out, or sending away of persons; a species of waste.
- Exire, l.** *In old English law.* To go out; to issue, as a writ.
- Existens, l. l.** Being.
- Existimatio, l.** *In the civil law.* The civil reputation which belonged to the Roman citizen.
- Exit wound.** A wound made by a weapon in coming out of the body, after having passed through it.

- Exitus, l.** *In old English law.* Issue or offspring; a child or children; issues; the rents or profits of land; an issue, in pleading; a duty on goods exported; the issue or result of an act; an end.
- Exlegalitas, l. l.** *In old English law.* Outlawry.
- Exlegare, l. l.** *In old English law.* To outlaw; to deprive of the benefit and protection of the law.
- Exlex, l. l.** *In old English law.* An outlaw.
- Exonerare, l. l.** *In old English law.* To discharge; to relieve or release from a burden or liability.
- Exoneratio, l.** Discharge; the discharge or unloading of a cargo.
- Exoneration.** *In Scots law.* A discharge, or a deed by which a person is disburdened.
- Exoneretur, l. l.** Let him be discharged; an entry made on a bail-piece, where bail are discharged, by the surrender of the principal, or otherwise, signifying that the bail are exonerated.
- Expatriation.** The removing from, or forsaking of one's native country; the renunciation or abjuration of one's native allegiance.
- Expect.** To look for; to wait for; to look forward to, as to something probable, intended or contemplated; to be in readiness to operate.
- Expectancy, estate in.** *v. Estate in expectancy.*
- Expectant estate.** *v. Expectancy.*
- Expedit, l.** It is expedient or profitable. **Expedit reipublicæ:** it is for the interest of the state; — **ne sua re quis male utatur:** it is for the interest of the state that a man should not enjoy his own property improperly [to the injury of others]; — **ut sit finis litium:** it is for the advantage of the state that there be an end of suits; it is for the public good that actions be brought to a close.
- Expeditio brevis, l. l.** *In old law.* The service of a writ.
- Expensæ, l.** *In the civil law.* Expenses or charges. **Expensæ circa funus:** funeral expenses. **Expensæ litis:** costs of suit.
- Experientia per varios actus legem facit, l.** Experience, by various or repeated acts, makes law.
- Experiri, l.** *In the civil law.* To sue; to try one's right by law.
- Expert.** A person having skill, experience or peculiar knowledge on certain subjects, or in certain professions, who when called as a witness may testify to his opinion.
- Expilare, l.** *In the civil law.* To spoil; to rob or plunder.
- Expilator, l.** *In the civil law.* A robber; a spoiler or plunderer.
- Expire.** To come to an end; to cease; to terminate.
- Expiry of the legal.** *In Scots law.* Expiration of the period within which an adjudication may be redeemed by paying the debt in the decree.
- Explacitare, l. l.** *In old English law.* To gain a suit; to overcome in pleading.
- Explees.** *v. Esplees.*

- Expletia, explecia, explicia, l. l.** *In old English law.* The profits of land. *v. Explees.*
- Explicatio, l.** *In the civil law.* A pleading corresponding with the surrejoinder of the common law.
- Expoliare, exspoliare, l.** *In the civil law.* To rob, plunder or spoil; to deprive or take away.
- Export.** To carry out; to carry out of a country; to carry or send goods from one country to another, in the course of trade.
- Export.** A thing or commodity exported.
- Exportation.** The act of exporting.
- Expositio, l.** Explanation; interpretation. **Expositio quæ ex visceribus causæ nascitur, est aptissima et fortissima in lege:** that kind of interpretation which is born [or drawn] from the bowels of a cause is the aptest and most forcible in the law.
- Express, expressed.** Distinctly mentioned in words or set down in writing, as distinguished from what is implied by law. **Express abrogation:** abrogation by express provision or enactment. **Express assumpsit:** an express undertaking. **Express consideration:** a consideration distinctly declared by the terms of the contract itself. **Express contract:** a contract the terms of which are openly declared at the time of making it. **Express trust:** a trust created or declared in express terms, and usually in writing, as distinguished from a trust implied by law. **Express warranty:** a warranty expressed by particular words.
- Expressa, l.** Things or words expressed, or expressly mentioned. **Expressa nocent, non expressa non nocent:** things expressed are [may be] prejudicial; things not expressed are not.
- Expressio, l.** Expression; distinct mention in words or writing. **Expressio eorum quæ tacite insunt nihil operatur:** the expression or express mention of those things which are tacitly implied avails nothing. **Expressio unius est exclusio alterius:** the expression of one thing is the exclusion of another.
- Expressum, expressa, l.** Express; expressed; a thing or word expressly or distinctly mentioned. **Expressum facit cessare tacitum:** that which is expressed makes that which is implied to cease [that is, supersedes it, or controls its effect].
- Expromissor, l.** *In the civil law.* One who assumes the debt of another, discharging the first debtor, and making himself originally liable in his place.
- Expromittere, l.** *In the civil law.* To undertake for another, with the view of becoming liable in his place.
- Exrogare, l.** *In the Roman law.* To take something from an old law, by a new law.
- Extend.** *In English law.* To appraise the yearly value of the lands or tenements of a person bound by statute or recognizance which has



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

tion, by grant, by release, or by surrender. **Extinguishment of ways:** a putting of an end to a way by unity of possession.

In English law. **Extinguishment of common:** a putting of an end to right of common, as by unity of seisin or possession, by severance from the land, by release, by improvement or enclosure, or by dissolution of the estate. **Extinguishment of copyhold:** a putting of an end to a copyhold by a uniting of the copyhold interest and the freehold in the same person in the same right.

Extirpare, l. *In old English law.* To extirpate or root out; to destroy utterly, or from the foundation.

Extirpation. *In English law.* A species of destruction or waste, analogous to estrepement. *v. Estrepement; Extirpare.*

Extortion. An unlawful or violent wringing of money or money's worth from any man; the offense of taking, by color of office, any money, or thing of value that is not due, or more than is due, or before it is due.

Extra, l. Without; out of; beyond; except. **Extra feodum:** out of his fee; out of the seignory, or not holden of him that claims it. **Extra judicium:** out of court; not by a judicial proceeding; not by due course of law; out of judgment; extra-judicial. **Extra jus:** beyond the law; more than the law requires. **Extra legem:** out of the law; out of the protection of the law; — *positus est civiliter mortuus:* one who is put out of the law [outlawed] is civilly dead. **Extra quatuor maria:** beyond the four seas. **Extra regnum:** out of the realm. **Extra territorium:** beyond or without the territory; — *jus dicenti impune non paretur:* one who exercises jurisdiction out of his territory is not obeyed with impunity. **Extra viam:** out of the way.

Extra territoriality. A fiction by which a public minister, though actually in a foreign country, is supposed still to remain within the territory of his own sovereign.

Extract. *In Scots law.* The certified copy of the proceedings in an action.

Extracta, l. l. *In old English law.* Extracts; estreats; profits arising from ameracements. **Extracta curiæ:** the issues or profits of holding a court, arising from the customary dues, fees and ameracements. **Extracta scaccarii, or de scaccario:** estreats of the exchequer.

Extradition. Delivery from one nation or state to another of a fugitive from justice, in pursuance of a law or treaty.

Extradotal. Not forming a part of a woman's dowry.

Extrahere, l. l. *In old English law.* To estreat. **Extraxit:** estreated.

Extrahura, l. l. *In old English law.* An stray.

Extra-judicial. Out of the ordinary course of law, or of judicial procedure; beyond the limits of judicial authority or duty; out of, or beside the matter to be adjudged.

Extraneus, l. *In old English law.* A stranger or foreigner; one who is born out of the king's dominions; a person not known.

In the Roman law. An heir not subject to the power of the testator.

Extraparochial. Not within the bounds or limits of a parish.

Extremis. v. *In extremis.*

Extunc, l. From then; from thence; thereafter. **Extunc imperpetuum:** from thenceforth forever.

Exuere patriam, l. To renounce one's country or native allegiance; to expatriate one's self. v. *Expatriation.*

Exulare, l. *In old English law.* To exile or banish.

Ey. *In old English law.* A watery place or water; a place surrounded by water. A frequent termination of names of places.

Eyde, eide, aide, l. fr. Aid; help; relief; assistance; a subsidy.

Eyder, l. fr. To aid or help.

Eyes eid', l. fr. Have aid; have relief.

Eye-witness. One who saw the act, fact or transaction to which he testifies.

Eygne, eyne, eynesse, eynesce, l. fr. Eldest. v. *Aisne.*

Eyre, eire, eier, eyer. *In old English law.* A journey; the journey or circuit of the king's justices; the court of the justices itinerant, or justices in eyre.

Eyrer, l. fr. To travel, or journey; to go about or itinerate.

Eyt, l. fr. Have; hath; shall be; will be. **Eyent:** have.

F. *In old English law.* The letter branded upon felons admitted to clergy, upon persons guilty of falsity in breaking their oaths under the statute of laborers, and upon fighters and makers of frays.

In the civil law. **F. C.:** *fidei commissum, or fiducia causa, or fraude creditoris.* **F. D.:** *fides data, or fide data.* **F. F.:** *filius familias, or fidem fecit.* **F. J.:** *fieri jussit.* **F. N. C.:** *fidei nostræ commisit.*

Fabric lands. *In English law.* Lands given towards the maintenance, rebuilding or repairing of cathedral and other churches.

Fabrica, l. l. *In old English law.* The making or coining of money.

Fabricare, l. l. *In old English law.* To forge; to coin; to make lawfully. **Fabricavit et contrafecit:** (he) forged and counterfeited.

Fabricate. To forge; to devise falsely; to create by artifice, with a view to deceive; as to fabricate evidence, or facts the materials of evidence.

Fabricated fact. A fact existing only in statement, without any foundation in truth; the semblance or appearance of a fact, created by design and presented as a reality; a fact to which a false appearance has been designedly given.

Fabrication. Production of false and deceptive appearances; the employment of physical objects for the purpose of making false impressions and with a view to such impressions being reported in evidence; an arrangement of physical objects or appearances such

as to convey false impressions of the nature of a transaction, and lead to false inferences as to the persons concerned in it; presentation, through witnesses, of false impressions as facts, or of fabricated facts as genuine ones.

Facere, l. *In old English law.* To do, to make, to act; to cause a thing to be done. *v. Facio; Facit.* **Facere defaultam:** to make default. **Facere duellum:** to make the duel; to engage in the combat, or make or do battle, as the phrase still is. **Facere finem:** to make or pay a fine. **Facere legem:** to make one's law. **Facere sacramentum:** to make oath.

In the civil law. To do; to make. **Facies? Faciam:** will you do? I will do. One of the forms of verbal obligation or stipulation.

Facias, l. l. You cause, — an emphatic word in various writs.

Faciendo, l. l. Doing, making or paying, — one of the apt words of reserving a rent, used in ancient deeds. **Faciendo inde talia servitia:** doing therefor such services.

Facies, l. The face, outward appearance or color of a thing; the inspection or view of a thing.

Facile. *In Scots law.* Easily persuaded; easily imposed upon.

Facility. *In Scots law.* Pliancy of disposition.

Facio ut des, l. *In the civil law.* I do that you may give, — a form of words used to express that kind of contract by which a man agrees to do a thing for a price or thing to be given him by another. **Facio ut facias:** I do that you may do, — words used to express that kind of contract in which a person agrees to do some act for another, if the other will do some other act for him.

Facit, l. *In old English law.* He does or acts; it makes, or contributes to establish. *v. Qui facit, etc.*

Fact. A thing done; a circumstance, event or occurrence. Further, in the law of evidence, a physical object or appearance; a reality, as distinguished from supposition or opinion.

Facta, l. *In old English law.* Deeds; facts. **Facta armorum:** deeds or feats of arms, that is, jousts or tournaments. **Facta et casus:** facts and cases.

Factio, l. *In old English law.* A doing, — applied to services done by a tenant.

In the civil law. **Factio testamenti:** the right, power or capacity of making a will, — called *factio activa*; the right or capacity of taking by will, — called *factio passiva*.

Facto, l. l. In fact; by an act; by the act or fact.

Factor. A commercial agent who buys and sells goods for others on commission; in some of the states, a person in whose hands the effects of another are attached for debt, otherwise called trustee. *v. Factorizing process; Trustee process.*

Factorage. The allowance paid to a factor, more commonly called commission.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

pleader. **Fair sale:** a sale made fairly as it affects the rights of interested parties.

Faire, faiere, fere, fer, fr. To make or do. **Faire gree:** to make satisfaction. **Faire la foi:** to make faith; to do fealty. **Faire sa ley:** to make his law. **Faisant, feasant:** doing.

Fait, fet, l. fr. A deed; an act or fact; an obligation for the payment of money. **Fait endent:** a deed indented. **Fait polle:** a deed poll.

Faith. *In Scots law.* A solemn pledge; an oath.

Faitours, faitures, l. fr. Evil-doers; idle persons; vagabonds or vagrants.

Faiz, l. fr. Deeds; facts; business.

Falcare, l. *In old English law.* To mow; to cut. **Falcare prata:** to mow or cut grass in meadows laid in for hay. **Falcatio:** a mowing. **Falcatura:** a day's mowing.

Falcata, l. *In old English law.* Grass fresh mown and laid in swathes.

Falcator, l. *In old English law.* A mower; a servile tenant who performed the labor of mowing. **Falcatores:** mowers.

Falcidia lex, l., Falcidian law. *In the civil law.* A law enacted on motion of Publius Falcidius, tribune of the people, A. U. C. 714, by which a testator was forbidden to give more in legacies than three-fourths of all his effects. **Falcidian portion:** that portion of a testator's estate which by that law was required to be left to the heir.

Falda, l. l. *In old English law.* A sheepfold; a place in which animals were shut up; the liberty of faldage.

Faldæcursus, l. l. *In old English law.* A fold course; the course of a fold; a sheep walk, or feed for sheep.

Faldage, Faldsoca, sax. *In old English law.* The privilege of setting up and moving about a sheep-fold for the purpose of manuring the ground.

Faldare, l. l. *In old English law.* To fold. **Faldari:** to be folded.

Faldfey, sax. A fee or rent paid by a tenant to his lord, for leave to fold his sheep on his own ground.

Fall. *In Scots law.* To lose, as to fall from a right, to lose or forfeit it.

Falsa, l. False. **Falsa demonstratio non nocet, cum de corpore (persona), constat:** false description does not injure or vitiate, provided the thing or person intended have once been sufficiently described. **Falsa demonstratione legatum non perimi [perimitur]:** a bequest is not rendered void by an erroneous description. **Falsa grammatica:** false or bad grammar; — **non vitiat concessionem:** false or bad grammar does not vitiate a grant. **Falsa orthographia non vitiat chartam [concessionem]:** false spelling does not vitiate a deed.

In the civil law. **Falsa demonstratio:** false designation; erroneous description of a person or thing. **Falsa moneta:** false or counterfeit money.

Falsare, l. l. *In old English law.* To counterfeit.

Falsarius, l. l. *In old English law.* A counterfeiter.

False. Untrue, or illegal, or erroneous, with an implication of knowledge, of error or untruth in the doing of the act. **False action:** v. *Faint action.* **False fact:** the appearance or semblance of a fact; a fact existing only in statement, without any foundation in truth. **False imprisonment:** an unlawful restraint of the person, whether in a prison, or a private house, or by forcible detention in the public street; the action for such an injury. **False Latin:** ungrammatical Latin. **False personation:** personating another person, and acting in the assumed character, either to obtain property or exercising a right belonging to such person, or to subject such person to a legal liability. **False pretenses:** false statements or representations made with intent to defraud, for the purpose of obtaining money or property. **False return:** an untrue return made upon process. **False token:** a false document or sign of the existence of a fact, used with intent to defraud, for the purpose of obtaining money or property.

In English law. **False claim:** a claim by one of more than his due, and amercement and punishment therefor. **False judgment:** a writ which lies to the courts at Westminster, to reverse the judgment of some inferior court not of record.

Falsehood. *In Scots law.* A fraudulent imitation or suppression of truth, to the prejudice of another.

Falsification. In equity practice, the showing of an item in the debit of an account to be wholly false, or in part erroneous.

Falsify. To prove false; to avoid or defeat; to reverse or avoid, as a verdict or judgment. To show, in accounting before a master, that a charge has been inserted which is wrong, that is, either wholly false, or in part erroneous. To forge or counterfeit; to make false; to give a false appearance to a thing.

Falsing. *In Scots law.* False making; forgery; making or proving false. **Falsing of dooms:** proving the injustice, falsity or error of the doom or sentence of a court; the reversal of a sentence or judgment.

Falso retorno brevium, l. l. *In old English law.* A writ which lay against the sheriff who had execution of process, for false returning of writs.

Falsonarius, l. l. *In old English law.* A counterfeiter; a maker of false or spurious money. **Falsonarii:** counterfeiters.

Falsum, l. *In the civil law.* A fraudulent imitation, perversion or suppression of truth.

Falsus, l. *In old English law.* False; erroneous; fraudulent. **Falsus in uno, falsus in omnibus:** false in one thing, false in every thing.

Fama, l. *In the civil and old English law.* Fame; character or reputation. **Fama patriæ:** fame of the country; report or common opinion, upon which a man might anciently be indicted.

Familia, l. *In old English law.* A family or household, including servants, and all who were under the authority of one master; a portion of land sufficient to maintain one family,—sometimes called a hide of land, sometimes a manse, sometimes *carucata* or ploughland.

In the Roman law. A family consisting of the servants or slaves, belonging to one common master; a household,—including wife, children, servants and all others who lived in the same house, and in subjection to one head; a family or connection of persons related by blood, and having a common descent; a family estate or inheritance; family, or family right,—one of the three kinds of *status* or conditions of persons.

Familiæ erciscundæ, l. *In the civil law.* An action brought by co-heirs for the partition of their inheritance.

Familiæ regis, l. l. *In old English law.* Persons of the king's household, the title of the "six clerks" in chancery.

Family. A body of persons living together in one house and under one management or head; in the more general sense, including parents, children and servants; in a stricter sense, including children over age who have no home elsewhere; in the strictest sense, parents and children. **Family physician:** the physician who commonly attends and is consulted by the members of a family. **Family use:** such use as is appropriate to the individual needs of the members of a household, and to the needs of the members collectively.

Famosus, l. *In civil and old English law.* Relating to, or affecting character or reputation; defamatory; slanderous; of bad character or repute. **Famosus libellus:** a publication affecting character; a libel.

Fanatio, l. l. *In old English law.* The fawning season, or fence month in forests.

Fang, fangen, sax. To take.

Farandman. *In Scots law.* A merchant stranger.

Fardel. *In old English law.* The fourth, or, according to some, the eighth part of a yard-land.

Fardingdeal, fardingdel, fardingel, fardindel, farthindel, farundel.
In old English law. The fourth part of an acre.

Faristel, sax. *In Saxon law.* A stopping or obstruction of ways.

Farley, farlen. *In English law.* Money paid by tenants in lieu of a heriot.

Farm. *In American law.* A tract of land devoted in part, at least, to cultivation, whatever its extent, or the tenure by which it is held; a messuage with land, wood, etc., belonging to or used with it for purposes of agriculture.

In English law. A term, a lease or leasehold estate; the land itself so let and held.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

ity, obedience and service, by which, generally, a subject is bound to his sovereign, particularly a vassal to his lord; the oath by which the feudal obligation was assumed, and fidelity to the lord sworn by the tenant.

Fear. Apprehension of harm; apprehension of harm or punishment, as exhibited by outward and visible marks of emotion.

Fearme, sax. Food, provisions; a feast or entertainment. **Fearme sillan:** to give food.

Feasance, faisance, feasaunce, fesance, feasans, l. fr. A doing; the doing of an act; a making; the making of an indenture, release or obligation; the making of a statute.

Feasant, faisant, fesaunt, l. fr. Doing.

Feasor, l. fr. Doer; maker. **Feasors del estatute:** makers of the statute.

Feat, l. fr. Done; a deed.

Feciales, l. An order of priests or heralds among the Romans, whose office was to declare war and make peace.

Fecial law. The law relating to declarations of war and treaties of peace among the Romans.

Federal. Founded upon or formed by a league, treaty, or compact between independent states,—as the government of the United States. *In American law.* Belonging to the general government, or union of the states; founded on or organized under the constitution or laws of the United States. **Federal question:** a question involving the federal constitution, or a law or a treaty of the United States, and a denial or evasion of the authority of the same.

Fee. An estate of inheritance; a reward or compensation given to one for the execution of his office, or for professional services. **Fee simple:** an absolute estate of inheritance; an unlimited estate in land descendible to a man's heirs generally. **Fee tail:** a fee descendible to a certain class of heirs only, as to the heirs of the body of the owner.

In old English law. That which one holds of another by service; that which one holds by any title to him and his heirs; land held on condition of service, or held as an inheritance; a seignior, manor or lordship; an inheritance. **Fee simple conditional:** an estate which arose before the statute *de donis* upon a grant to a man and a limited class of heirs.

In feudal law. A stipendiary estate held of a superior by service; such an estate held as an inheritance; the land itself held by service.

Fee-farm. *In English law.* A tenure of lands in fee, at a certain farm or rent. **Fee-farm rent:** the rent reserved on granting lands in fee-farm; the amount of which must have been at least one-fourth of the value of the lands at the time of its reservation.

Feffe, l. fr. A feoffee.

Feffement, fefment, l. fr. A feoffment.

Feffour, l. fr. A feoffor.

Feigned issue. An issue produced in a pretended action between two parties, for the purpose of trying a single question of fact. It was formerly frequently directed by a court of chancery, the issue being produced upon a declaration, and plea,—the plaintiff declaring, by a fiction, that he laid a wager of so much with the defendant, that a certain fact was so, and then averring that it is so, and therefore demanding the sum wagered; the defendant admitting the feigned wager, but denying that the fact is so.

Feisor, l. fr. A doer; one who does a criminal act; an offender. **Feisours:** makers.

Felagus, l. l. *In Saxon law.* One bound or pledged for another,—a friend who was bound in the decennary for the good behavior of another.

Fellow servant. A servant in the same service with another and subject to the same general control.

Felo, l. l. A felon. **Felo de se:** a felon of himself; a self murderer.

Felon. One who has committed felony.

Felonia, fallonia, l. l., Felonie, l. fr. *In old English law.* Felony. **Felonia de seipso:** felony of himself. **Felonia implicatur in qualibet proditione:** felony is implied in every treason.

Felonice, l. l. *In old English law.* Feloniously; an indispensable word in indictments for felony.

Felonious. Having the quality of felony; criminal. **Felonious homicide:** the killing of a human creature of any age or sex, without justification or excuse.

Feloniously. In a felonious manner,—an indispensable word in modern indictments for felony, as *felonice* was in the Latin forms.

Felony. *In American law.* Any high crime punishable by death or imprisonment.

In English law. An offense which occasions a total forfeiture of either lands or goods, at common law, and to which capital or other punishment may be superadded.

In feudal law. An act or offense on the part of the vassal, which cost him his fee, or, in consequence of which his fee fell into the hands of his lord, that is, became forfeited; perfidy, ingratitude or disloyalty to a lord.

Feme, fem, femme, fam, l. fr. A woman; a wife. **Feme covert, femme couverte:** a woman protected,—that is, married. **Feme sole:** a spinster; — **trader:** a woman deserted by her husband who does business as a *feme sole*. -

In English law. **Feme sole trader:** a married woman, who, by the custom of London, trades on her own account, independently of her husband.

Fence, or fense. *In old Scots law.* To defend or protect by formalities,—as to open a court in due form, interdicting all manner of persons from disturbing the proceedings.

Feod, Feodum, l. l. *In old English law.* A fee. v. *Fee; Feudum.*
Feodi firma: fee farm; the farm of a fee. **Feodi firmarius:** the lessee or farmer of a fee; a holder in fee farm. **Feodum est id quod quis tenet ex quacunque causa, sibi et hæredibus suis:** fee is that which one holds by any title, to him and his heirs. **Feodum idem est quod hæreditas:** fee is the same as inheritance. **Feodum improprium:** an improper or derivative fee. **Feodum laicum:** a lay fee. **Feodum militis, or militare:** a knight's fee. **Feodum proprium:** a proper, pure and original fee or feud, regulated strictly by the old fundamental rules of feudal tenure and succession. **Feodum simplex:** fee-simple; a simple or pure fee. **Feodum talliatum:** fee tail; a fee entailed; a cut fee.

Feodal. Relating to, belonging to, or having the quality of *feod, feud,* or fee; feudal. **Feodal actions:** real actions.

Feodality, feudality. Fidelity or fealty.

Feodary, feudary. *In old English law.* An officer of the court of wards, appointed by virtue of the statute 32 Henry VIII., c. 46.

Feodatory, feudatory. *In feudal law.* The grantee of a *feod, feud* or fee; a tenant who held his estate by feudal service.

Feoffare, feofare, l. l. *In old English law.* To enfeoff; to give or bestow a fee. **Feoffavi:** I have enfeoffed.

Feoffamentum, feofamentum, l. l. *In old English law.* A feoffment.

Feoffatus, feofatus, l. l. *In old English law.* A feoffee.

Feoffator, l. l. *In old English law.* A feoffer.

Feoffee. The person to whom a feoffment is made; the person enfeoffed. **Feoffee to uses:** one in whom the legal estate is vested, the beneficial owner being the *cestui que use*.

Feoffment, feffement. A conveyance in fee, of land or other corporeal hereditaments, accompanied by livery of seisin or actual delivery of possession; the deed, instrument, or charter, as it was formerly most commonly termed, by which such a conveyance was expressed.

Feoffor. The person making a feoffment.

Feoh, sax. A stipend; wages; reward; a fee.

Feorme, fearme, sax. Provisions; rent paid in provisions; a manor; a farm; a lease.

Fera, l. *In the civil law.* Wild. **Fera natura:** a wild nature. **Feræ naturæ:** of a wild nature,—a term applied to animals not commonly tamed.

Feria, l. *In old English law.* A week day, as distinguished from Sunday; a holiday; a day exempt from judicial process; a fair; a ferry.

Ferial days: working days, or week days, as distinguished from Sunday; holidays.

Ferm, fearme. *In old English law.* A rent; a lease or term for years; a house or land taken by lease.

Ferme, l. fr. A rent; a farm; a lease on rent.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

tum: an open fee; a fief resulting back to the lord, where the blood of the person last seised was utterly extinct and gone. **Feudum francum**: a free or frank fee. **Feudum improprium**: an improper or derivative fee. **Feudum individuum**: an indivisible or impartible fee, descendible to the eldest son alone. **Feudum laicum**: a lay fee. **Feudum ligium**: a liege fee; a fief held immediately of the sovereign, one for which the vassal owed fealty to his lord against all persons. **Feudum maternum**: a maternal fee; a fief descended to the feudatory from his mother. **Feudum militare**: a military fee. **Feudum militis**: a knight's fee. **Feudum novum**: a new fee; a fief which began in the person of the feudatory, and did not come to him by succession. **Feudum novum**: a fee acquired by the man himself; — **ut antiquum**: a new fee held as an ancient one, or with all the qualities annexed to a fief descended from ancestors. **Feudum paternum**: a paternal fee; a fief descendible only to the heirs by the father's side. **Feudum proprium**: a proper genuine and original fee; a fief being of a purely military character and held by military service. **Feudum simplex**: fee-simple. **Feudum sine investitura nullo modo constitui potest**: a fee can by no method be created without livery of seisin. **Feudum talliatum**: a mutilated or truncated fee, or inheritance, from which the heirs general were cut off,

Fiar. *In Scots law*. He that has the fee or *feu*.

Fiat, *l.* Let it be done. **Fiat appellum per verba appellum facientia**: the appeal must be made by words of appeal. **Fiat seysina per fustim et per baculum**: seisin should be made by rod and staff. **Fiat prout fieri consuevit (nil temere novandum)**: let it be done as it hath used to be done (nothing must be rashly innovated).

In English law. A short order or warrant of a judge, commanding or authorizing something to be done. **Fiat in bankruptcy**: a power signed by the Lord Chancellor addressed to the court of bankruptcy authorizing the petitioning creditor to prosecute his complaint. **Fiat justitia**: let justice be done,— words formerly written by the king at the top of a petition for a warrant to bring a writ of error in parliament, signifying his assent. **Fiat ut petitur**: let it be, as is demanded.

Fictio, *l.* A fiction. **Fictio cedit veritati**: a fiction yields to truth. **Fictio juris**: a fiction of law. **Fictio legis inique operatur alicui damnum vel injuriam**: a legal fiction should not work to any person wrong or injury.

Fiction of law. A legal assumption that a thing is true, which is either not true, or which is as probably false as true. Of such assumptions there are three kinds,—affirmative fictions, negative fictions and fictions by relation. Affirmative fictions assume something to exist which does not exist; negative, that something which in fact exists, does not exist; while fictions by relation assume that the act of one

person is the act of another, that an act done by or to one thing is done by or to another, that a thing done at one place was done at another, or that a thing done at one time was done at another. That which is so assumed the law will not allow to be disproved.

Fidei-commissarius, l. *In the civil law.* A person who had a beneficial interest in an estate which, for a time, was committed to the faith or trust of another.

Fidei-commissum, l. *In the civil law.* A thing committed to one's faith; a trust, or bequest in trust; the disposal by will of an inheritance to a person, in confidence that he will convey it, or dispose of the profits, at the will of another.

Fide-jubere, l. *In the civil law.* To order a thing upon one's faith; to pledge one's self; to become surety for another. **Fide-jubes?** **Fide-jubeo:** do you pledge yourself? I do pledge myself,

Fide-jussio, l. *In the civil law.* A contract in which a person binds himself, as a surety for another, without discharging the obligation of the principal.

Fide-jussor, l. *In the civil law.* A surety; a guarantor; one who binds himself for another; one who binds himself in the same contract conjointly with the debtor, for the greater security of the creditor.

Fidelitas, l. l. *In feudal and old English law.* Fealty; fidelity.

Fides, l. Faith; fidelity; allegiance; trust; confidence; honesty, sincerity, or uprightness of dealing; belief; veracity; credibility; faith; honor; pledged or plighted word or troth. **Fides data:** faith given; troth plighted. **Fides servanda est; simplicitas juris gentium prævaleat:** faith must be kept; the simplicity of the law of nations must prevail.

Fiduciary. Relating to a trust; founded upon confidence; founded upon a special or technical trust, as distinguished from an implied trust:

Fief, fr. *In feudal law.* A fee. *v. Fee; Feudum.* **Fief d'haubert:** a fee held by the tenure of knight-service; a knight's fee.

Fief-tenant, l. fr. *In old English law.* The holder of a fee; a fee-holder or freeholder.

Fieri, l. To be made; to be done. **Fieri facias:** cause you to be made; a writ of execution directing the sheriff to make the amount of a judgment against lands and goods, but usually enforced against goods only. **Fieri feci:** I have caused to be made; the return upon such a writ that the judgment has been satisfied. **Fieri non debet (debet) sed factum valet:** it ought not to be done, but [if] done, it is valid.

Fieu, flew, l. fr. A fee, or fief. **Fieu de chevalier:** a knight's fee. **Fiew tenants:** fee tenants, or free tenants. *v. Fief-tenants.*

Fifteenths. *In English law.* A species of tax upon personal property, formerly imposed upon cities, townships and boroughs, of one fifteenth of the value of their personal property.

- Fightwite, sax.** *In old English law.* A mulct or fine imposed on a person for making a fight or quarrel to the disturbance of the peace.
- Filacer, flazer, flizer.** *In English law.* An old officer of the Court of Common Pleas and other courts, so called because he filed the writs whereon he made out process.
- File.** To put upon the files, or deposit among the records of a court; to place in the official custody of the clerk.
- File.** A string or wire, upon which writs and other exhibits in courts and offices were formerly fastened or filed for safe-keeping; the paper itself or a number of papers so filed.
- File, l. fr.** A thread, line or mark. v. *Filum aquæ.*
- Filiate.** To fix a bastard child on some one, as its father.
- Filiation.** The relation of a son to his father; the adjudging of a bastard to be the child of a certain man.
- Filius, l.** *In old English law.* A son; a child. *Filius est nomen naturæ, sed hæres nomen juris:* son is a name of nature, but heir is a name of law. *Filius mulieratus:* v. *Mulier.* *Filius nullius:* the child of nobody; a bastard. *Filius populi:* a son of the people. *In the civil law.* *Filius familias:* the son of a family,—an unemancipated son. *Filium eum definimus, qui ex viro et uxore ejus nascitur:* we define him to be a son, who is born of a man and his wife.
- Filum, l.** A thread. *Filum aquæ:* strictly a thread or line of water, a water line or mark, the outer line or edge of a stream; the water's edge; in modern usage, the same as *medium filum aquæ* or middle or central thread. *Filum viæ:* the thread or middle line of a way. *In old law.* A thread or wire used for passing through and connecting papers together; a file; a thread or line passing through a stream or road; a line or mark, as the edge or border of a thing. *Filum forestæ:* the edge of the forest.
- Fin, fr.** An end, or limit; a limitation, or period of limitation. **Fin de non-recevoir:** a legal bar to the maintenance of a claim.
- Final.** Ending; making an end; conclusive. **Final decree:** a decree which finally decides and disposes of the whole merits of a cause. **Final judgment:** a judgment which puts an end to an action by declaring that the plaintiff either has or has not entitled himself to recover a judgment from which there is no appeal. **Final process:** a writ of execution.
- Finalis, l.** *In old English law.* Ending; making an end or termination; final. **Finalis concordia:** a final concord or agreement; a fine of lands.
- Find.** To ascertain upon judicial examination and inquiry; to ascertain and declare the existence of facts judicially; to determine an issue of fact in favor of one or the other party, and to declare such determination to a court.
- Finding.** The result of a judicial examination or inquiry, especially into some matter of fact; the statement to a court of such result; one of the modes of acquiring a title to goods by occupancy.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Firdwite, ferdwite, ferdwyte, sax. *In old English law.* A fine for refusing military service; a fine for murder committed in the army; an acquittance of such fine.

Fire ordeal. The ordeal or trial by red-hot iron, either by taking a piece in the hand or by stepping barefoot and blindfolded over nine red-hot plough-shares laid lengthwise at unequal distances.

Firebote, fireboot, sax. *In old English law.* An allowance of sufficient wood for fuel, for the use of a tenant for life or years.

Firma, l. l. *In old English and Scots law.* A firm, ferm, or farm; a lease or letting; a rent reserved on letting lands; a rent payable in money; a messuage with wood land, etc., connected therewith; a feast or entertainment. **Firma alba:** white rent. **Firma diei:** a day's provisions or entertainment. **Firma teodi:** a farm or lease of a fee; a fee farm. **Firma noctis:** a night's ferm; provisions or entertainment for a night, or the value thereof.

Firmarius, l. l. *In old English and Scots law.* A lessee for a term; one having a term, ferm or farm in lands. **Firmarius nihil habet nisi tantum usumfructum:** the fermor or lessee has nothing but only the usufruct.

Firmaratio, l. l. *In old English law.* Firming, farming, or holding to firm, farm. The firmary's or farmer's right to the lands and tenements let to him *ad firmam*.

Firmior et potentior est operatio legis quam dispositio hominis, l. The operation of the law is firmer and more powerful [or efficacious] than the disposition of man.

First impression. First occurrence; first presentation to a court for determination. **First purchaser:** the first acquirer of an estate, whether by contract of sale, by gift, or otherwise.

In English ecclesiastical law. **First fruits:** the first year's whole profits of a benefice, anciently paid to the pope, and forming, together with tenths, a revenue, which at the reformation was annexed to the crown.

Fisc. The treasury or property of a prince or state. Hence *confiscate*, and the old word *confisk*.

Fiscal. Relating to or connected with the treasury of a prince or state.

Fiscus, l. *In English law.* The king's treasury, as the repository of forfeited property; the treasury of a noble, or of any private person.

In the Roman law. The treasury of the emperor, as distinguished from *ærarium*, which was the treasury of the state; the treasury or property of the state, as distinguished from the private property of the sovereign.

Fishery. A right or liberty of taking fish; a species of incorporeal hereditament, anciently termed *piscary*.

Fish royal. v. *Royal fish*.

Fist, l. fr. Makes; made; did; done. **Fist son volunt:** made his will.

Fizmez: we made.

- Fistuca, festuca, l. l.** *In old English law.* A staff or wand, by the delivery of which the property in land or other thing was transferred.
- Fitzherbert.** A law writer, *temp.* Henry VIII., author of an abridgment of the year books, and of the new *Natura Brevium*, a treatise on writs.
- Fixture.** A chattel so fixed or fastened to land or building as to become real property,— so fixed or fastened that it cannot be removed without material injury to itself or to the freehold.
- Flagrans, l.** Burning; raging; in actual perpetration. **Flagrans bellum:** a war actually going on. **Flagrans crimen:** a crime in the act of perpetration, or just perpetrated.
- Flagrante, l.** In the heat, excitement or actual commission of an act. **Flagrante bello:** during actual war. **Flagrante delicto, maleficio, crimine:** in the heat of the offense, in the very act.
- Flavianum jus, l.** *In the Roman law.* The title of a book containing the forms of actions, published by Cneius Flavius, A. U. C. 449.
- Fledwite, sax.** *In Saxon and old English law.* A fine paid by an outlaw for pardon; the privilege of an outlawed fugitive of being discharged from amercements when he came to the king's peace of his own will.
- Fleet.** A prison in London, so called from Fleet river or ditch, near which it stood,— formerly the prison of the Court of Chancery and the Common Pleas, now consolidated with the Queen's Bench prison and the Marshalsea into the Queen's Prison, which is the prison of all the courts. *v.* *Fleta.*
- Flem, flema, flyma, fleman.** *In Saxon and old English law.* A fugitive bondman or villein; the privilege of having the goods and fines of fugitives.
- Flemenesflrinthe, sax.** *In old English law.* The receiving or relieving of a fugitive.
- Flemeneswite, sax.** *In Saxon and old English law.* A fine imposed upon a fugitive.
- Flemenfirma, flymenfirma, sax.** *In Saxon and old English law.* The sustenance or support of fugitives, or outlaws; the fine for such offense.
- Fleta.** A general treatise on English law, supposed to have been written in the reign of Edward I.; so called, as the author says, because written during his confinement in the Fleet prison.
In old English law. An estuary; a stream, canal or ditch, where the tide ebbs and flows; hence the name of Fleet ditch in London and of the Fleet prison which stood near it.
- Flitwite, fletwite, sax.** *In Saxon and old English law.* A fine or mulct imposed on account of brawls and quarrels.
- Float.** *In American law.* A certificate authorizing the entry of public land.
- Flod, flud.** *In old English law.* Flood or high tide.

- Flodemark, floudmarke, fludmerk, o. eng.** *In old English law.* The mark which the sea, at flowing water and highest tide, makes on the shore; high-water mark; flood-mark.
- Florentine Pandects.** A copy of the Pandects discovered accidentally about the year 1137, at Amalphi, a town in Italy near Salerno.
- Flot, l. fr.** A flow or flood; flood-tide.
- Flota, l. l.** *In old English law.* A fleet. **Flota navium:** a fleet of ships.
- Flotages.** Such things as, by accident, float on the top of the sea or great rivers.
- Flotsam, floatsam, flotson.** Floating on the water; goods lost by shipwreck.
- Fluctus, l. l.** *In old English law.* Flood; flow; flood-tide.
- Flud.** *In old English law.* Flood, or flood-tide.
- Flumen, l.** *In old English law.* Flood, or flood-tide.
In the civil law. A river.
- Fluvius, l.** *In old English law.* A river. **Fluvii regales:** royal streams,—public rivers for public passage; flood, or flood-tide.
- Flyma, sax.** A fugitive or outlaw.
- Focale, l. l.** *In old English law.* Firewood, or fuel.
- Foderum, foderus, fodrum, fodrus, l. l.** *In old English law.* Food for cattle; fodder.
In feudal law. A contribution of corn or grain for the use of the king's army.
- Fœdus, l.** *In international law.* A treaty. **Fœdera:** treaties.
- Fœnus nauticum, l.** *In the civil law.* Nautical or maritime interest,—interest after an extraordinary rate, agreed to be paid for the loan of money on the hazard of a voyage.
- Fogagium, l. l.** *In old English law.* A kind of rank grass of late growth, and not eaten in summer; fogage.
- Foirfault, sc.** *In old Scots law.* To forfeit.
- Foier, l. fr.** To do. **Foit, foite:** done; a deed. *v. Fait.*
- Foirthocht, sc.** *In old Scots law.* Forethought; premeditated.
- Foits, foitz, flez, l. fr.** Times.
- Fol, fole, l. fr.** A fool; an idiot. **Fol nastre:** a born or natural fool.
- Folcland, folkland, sax.** *In Saxon law.* Land of the people or public; so called either because usually distributed among the common people, or because it was the property of the whole community, or because it was held by common right. **Folcmote, folkmote, folcgemote:** a meeting of the people; a general assembly of the people, to consider and order matters of the commonwealth; an assembly of the people or freeholders of a county or county court; an assembly of the inhabitants of a city or borough, or city court. **Folcright, folkright:** common right; that which is equally the right of all.
- Fold course.** *In English law.* Land used as a sheep walk; land to which is appurtenant the sole right of folding the cattle of others; the right of folding cattle; common of foldage, or faldage.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Foreclose. To shut out or exclude; to bar; to bar an equity of redemption.

Foreclosure. The process of barring the equity of redemption of a mortgagor.

Forehand rent. *In English law.* A kind of premium paid by a tenant on taking a lease. Sometimes called foregift, but more usually a fine.

Foreign, Forein, forrein, l. fr. Without or beyond the limits of a particular territory, district or jurisdiction; belonging without, or to another jurisdiction; originating or coming from without or abroad; made, done or transacted without, or in another territory or jurisdiction; operating without, or in another territory or jurisdiction; extrinsic or irrelevant; extraordinary or extra. **Foreign administrator:** an administrator appointed, in and under the law of a foreign country or another state. **Foreign assignment:** an assignment made in a foreign country or in another state. **Foreign attachment:** an attachment, in American law, against the property of absent, non-resident and absconding debtors, a species of which in some states is called trustee process, and in others garnishee process; in the English law, an attachment of a foreign or absent debtor. **Foreign bill:** a bill of exchange drawn in one state or country, upon a foreign state or country. **Foreign corporation:** a corporation created by or under the laws of another state, government or country. **Foreign county:** another county in the same kingdom or state,—whether remote or adjacent. **Foreign divorce:** a divorce obtained out of the state or country where the marriage was solemnized. **Foreign domicil:** domicil in a foreign country or in another state. **Foreign judgment:** a judgment obtained in a foreign court, or in the court of a foreign country. **Foreign jury:** a jury from another, or foreign county. **Foreign law:** the law of a foreign country or state. **Foreign matter:** matter triable or done in another county. **Foreign port:** a port exclusively within the sovereignty of a foreign nation. **Foreign state:** a state occupying a foreign territory, or not comprised within the limits of another state or nation. **Foreign voyage:** a voyage to some port or place within the territory of a foreign nation.

In old English law. **Foreign answer:** an answer not triable in the county where it was made. **Foreign apposer:** an officer in the exchequer whose business was to examine sheriffs' estreats with the record. **Foreign enlistment act:** the statute 59 Geo. III., c. 69, prohibiting enlistment, as a soldier or sailor, in any foreign service. **Foreign plea:** a plea objecting to a judge as incompetent, because the matter in hand was not within his precinct. **Foreign service:** the service by which a mesne lord held over of another, without the compass of his own fee; the service which a tenant performed either to his own lord, or to the lord paramount, out of his fee.

Foreigner. *In American law.* An alien; a person born in and owing allegiance to a foreign state or country.

In old English law. A person not an inhabitant of a city.

Forein, forrein, forreine, foreyn, l. fr. Foreign; belonging without; a foreigner or stranger; a person not an inhabitant of a city.

Forejudge, forjudge. *In old English law.* To expel from court, for some offense or misconduct; to deprive or put out of a thing by the judgment of a court; to banish or expel.

Forejudger, forjudger. *In English law.* A judgment by which a man is deprived or put out of a thing; a judgment of expulsion or banishment.

Foreman. The presiding member of a jury, who speaks or answers for the jury.

Forensis, l. *In old Scots law.* A strange man or stranger; an out-dwelling man; an "unfree-man," who dwells not within burgh.

In the civil law. Belonging to, or connected with a court; forensic.

Forensis homo: an advocate; a pleader of causes.

Forera, l. l. *In old English law.* Land lying before, or in front of other land; a foreland; a headland.

Forest. *In English law.* A large extent of country, generally waste and woody, belonging to the sovereign, set apart for the keeping of game for his use and diversion, and having certain laws, courts and officers of its own; the right or franchise enjoyed by a subject, of having a forest. **Forest courts:** courts instituted for the government of the king's forests in different parts of the kingdom, and for the punishment of all injuries done to the king's deer or venison, to the vert or greensward, and to the covert in which such deer are lodged. **Forest law:** a system of law anciently established in England, for the government of the royal forests, and administered by courts and officers of its own.

Foresta, forestis, forestum, forasta, l. l. *In old English law.* A forest.

Forestagium, l. l. *In old English law.* A duty or tribute payable to the king's foresters.

Forestall, forstall, forestal, forstal, sax. *In English law.* To obstruct or stop up a way, to stop the passage of a person or thing on the highway. **Forestall the market:** to buy up provisions on the way to market with intent to sell at a higher price.

Forestaller, forstaller. *In English law.* One who forestalls; the obstruction of a way or road, or the hindering of a person or thing from passing.

Forestarius, l. l. *In old English law.* A forester.

Forester. *In English law.* A sworn officer of the forest, appointed by the king's letters patent, to take care of a forest.

Forethought felony. *In Scots law.* Murder committed in consequence of a previous design.

Forfaire, l. fr. *In old English law.* To forfeit. **Forface:** shall forfeit. **Forfait, forfaict, forfist:** forfeited.

Forfang, forfeng, forefeng, sax. *In Saxon law.* A previous taking; a taking of provisions from any person in fairs or markets, before the king's purveyors were served with necessaries for the sovereign.

Forfeit. To lose what belongs to one by some fault, misconduct or crime; to make it foreign to one's self, or put one's self out of it; to lose it to another; to transfer involuntarily, as the consequence of one's own wrongful act, and by operation of law.

Forfeit. Lost by one's fault or misconduct; forfeited.

Forfeiture. The loss of what belongs to one, by some fault, misconduct or transgression of law; an involuntary or compulsory transfer or surrender, consequent upon one's own unlawful or wrongful act; the thing so lost or surrendered.

Forfeng, sax. *In old English law.* An acquittance for a previous taking.

Forgabulum, l. l., Forgavel. *In old English law.* A small rent reserved in money; a quit rent.

Forge. To make or fabricate a thing in imitation of another, with a view to deceive and defraud; to make falsely; to counterfeit.

Forger, l. fr. To frame or fashion; to contrive; to fabricate; to forge.

Forgery. The fraudulent making or alteration of a writing, for the purpose of fraud and deceit, to the prejudice of another's right; the thing itself, so falsely made, imitated or forged; especially a forged writing. In the law of evidence, false making, fabrication; the production of false appearances by means of physical objects; the employment or arrangement of physical objects and appearances for the purpose of deceiving or misleading the senses or conclusions of observers.

Fori disputationes, l. *In the civil law.* Discussions or arguments before a court.

Forinsecus, forinsecum, l., Forinsic. *In old English law.* Outward; external; extrinsic; foreign; extraordinary. **Forinseci tenentes:** foreign tenants, as distinguished from a lord's own tenants. **Forinsecum servitium:** forinsic, foreign or extraordinary service.

Forisbannitus. v. *Forbannitus.*

Forisfacere, forfacere, l. l. *In old English law.* To forfeit; to lose what belonged to one by some fault or crime; to make it foreign to one's self; to incur a penalty; to commit or transgress. **Forisfacit amicos:** he forfeits friends. **Forisfacit omnia quæ juris sunt:** he forfeits all his lawful rights. **Forisfacit patriam et regnum, et exul efficitur:** he forfeits country and kingdom, and is made an exile. **Forisfacit utlagatus omnia quæ pacis sunt:** the outlaw forfeits all the privileges of a state of peace.

Forisfactum, forfactum, l. l. *In old English law.* Forfeit; forfeited; a crime.

Forisfactura, forfactura, l. *In old English law.* Forfeiture; the losing of one's property or life, as the consequence of some fault, misconduct or crime; a crime, offense, transgression or injury by which



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- Former recovery.** A recovery in a former action. v. *Res judicata*.
- Formido periculi, l.** Fear of danger.
- Formula, l.** A form of words in judicial proceedings, generally written, always consisting of the same parts, and expressed in the same language, except where variation is necessary to accommodate it to a particular case.
- Formularies.** Collections of *formulæ*, or forms of forensic proceedings and instruments used among the early continental nations of Europe.
- Foro, l.** In the forum or jurisdiction. v. *Forum*.
- Forprise, foreprise, forsprise, l. fr. and eng.** In old English law. An exception; a reservation.
- Fors, force, l. fr.** Force.
- Forsokne, sax.** In old English law. The liberty of having a view of frank-pledge.
- Forspeaker.** An attorney or advocate in a cause.
- Forsque, forke, furk, l. fr.** But; only.
- Forstal, forestal, forstall, sax.** In old English law. A standing before, or stopping; a stopping of the way. v. *Forestalling*.
- Forstallare, l. l.** In old English law. To stop a way; to stop on the way; to forestall.
- Forstallarius, forstallator, forstellator, l. l.** In old English law. A forestaller.
- Forstallamentum, l. l.** In old English law. A forestalment, or forestalling.
- Forstalment.** In old English law. An obstruction or stopping of a way.
- Forswear.** To abjure, or renounce by oath; to swear falsely.
- Fortescue, Sir John.** An English judge of the time of Henry VI., author of a book, *De Laudibus Legum Angliæ*, written in praise of the common law.
- Forthcoming bond.** In American law. A bond to the sheriff conditioned to deliver property levied on, when demanded.
- In Scots law.* **Forthcoming, process or decree of:** a decree and process following the process of arrestment, by which the creditor is entitled to demand the sum arrested to be applied in payment of the debt upon which the arrest and forthcoming proceeded.
- Forthwith.** Without delay; within a reasonable time.
- Fortia, forcia, l. l.** In old English law. Force used by an accessory, to enable the principal to commit a crime, as by binding or holding a person while another killed him, or by aiding or counselling in any way, or commanding the act to be done. **Fortia frisca:** fresh force. v. *Fresh force*.
- Fortis, l.** Strong; effective; of weight, force or effect. **Fortis et sana:** strong and sound; staunch and strong. **Fortior:** stronger, more effectual,—applied, in the law of evidence, to a presumption strong enough to shift the burden of proof. **Fortior et potentior est dis-**

positio legis quam hominis: the disposition of the law is of greater force and effect than that of man. **Fortissimum:** strongest; of the greatest force or weight. v. *Argumentum ab*, etc.

Fortuit, fr., Fortuitus, l., Fortuitous. Accidental. **Fortuitous collision:** the accidental running foul of vessels.

In the civil law. **Fortuitus:** accidental. **Fortuitus casus:** a fortuitous event; an accident.

Fortuna, l. Fortune; chance. **Fortunam faciant iudicem, ut quilibet habeat partem illam quæ per sortem ei acciderit:** they shall make fortune or chance the judge, that each one may have that part which shall fall to him by lot.

Forum, l. l. A court; a jurisdiction; a place where legal redress is sought. **Forum actus:** the forum of the place where the thing was done. **Forum conscientiæ:** the forum or tribunal of conscience. **Forum contentiosum:** a contentious forum; a place of litigation; a court of justice, as distinguished from the tribunal of conscience. **Forum contractus:** the forum of the contract; the court of the place where a contract is made. **Forum domesticum:** a domestic forum or tribunal. The visitatorial power is called a *forum domesticum*, calculated to determine *sine strepitu*, all disputes that arise within themselves. **Forum domicilii:** the forum or court of the domicile; — **actoris or rei:** the forum of the plaintiff's or the defendant's domicile. **Forum ecclesiasticum:** an ecclesiastical or spiritual court, as distinguished from a secular one. **Forum ligeantiæ rei or actoris:** the forum of allegiance of the defendant or plaintiff [of the country to which he owes allegiance]. **Forum litis motæ or fortuitum:** the forum where the suit happens to be brought. **Forum originis:** the forum or court of nativity; the domicile of nativity, or place of a person's birth, considered as a place of jurisdiction. **Forum regium:** the king's court. **Forum rei or rei sitæ:** the forum where the property is; — **gestæ:** the forum of the place where an act is done, considered as a place of jurisdiction and remedy. **Forum sæculare:** the secular forum as distinguished from the spiritual or ecclesiastical. **Forum sequitur reum:** the court follows the defendant.

Fos, fosse, l. fr. A dyke or ditch.

Fossa, l. *In old English law.* A ditch; a pit full of water, in which women committing felony were drowned; a grave.

In the civil law. A ditch, a receptacle of water, made by hand.

Fossatum, l. l. *In old English law.* A dyke; a bank of earth thrown up out of a ditch; a ditch or trench; a moat or fosse around an encampment or fortified place; a canal; a place fenced with a ditch.

Fossatorum operatio, l. l. *In old English law.* Fosse-work; the service of laboring, for the repair and maintenance of the ditches around a city or town, for which some paid a contribution, called *fossagium*.

Fosterland. Land given to the finding of food or victuals for any person or persons; as in monasteries for the monks, etc.

Founder. One who endows a corporation, or gives the revenues or funds for its establishment; one who gives a corporation its existence by incorporating it.

Founderosa, l. l. Founderous; out of repair, as a road.

Four corners. The whole of an instrument,—no one part more than another.

In English law. **Four seas:** the seas encompassing England, or the island of Great Britain.

Fourcher, forcher, foercher, l. fr. *In old English law.* A term applied to a particular mode of casting essoins by two or more tenants, *simul et vicissim*, that is, alternately, and in succession, so as to prolong the proceedings, and thereby delay the demandant.

Fowls of warren. *In English law.* Birds of game; which are divided by Coke into field birds, wood birds, and water fowl; but of which according to Manwood there are but two kinds,—the pheasant and the partridge.

Foy, foi, l. fr. Faith; fidelity; oath.

Fractio, l. A breaking; a breach. **Fractio fidei:** a breach of promise or of trust.

Fraction. A breaking, or breaking up; a fragment or broken part; a portion of a thing, less than the whole. **Fraction of a day:** the division or breaking up of a day into smaller portions of time.

Fractionem diei non recipit lex, l. The law does not regard the fraction of a day.

Fractor, l. *In old English law.* A breaker. **Factores gaolarum:** gaol or prison-breakers.

Fractura navium, l. The breaking, or wreck of ships; the same as *naufragium*. *v. Shipwreck.*

Franc, l. fr. Free. *v. Frank; Fraunc; Fraunche.*

Franchiare, l. l. *In old English law.* To enfranchise; to make free.

Franchilanus, l. l. *In old English law.* A freeman; a freeholder or free tenant; a franclaine, frankleyne or franklein.

Franchise. *In American law.* A particular privilege conferred by grant from government and vested in individuals.

In English law. A liberty; a privileged place; a royal privilege, or a branch of the prerogative subsisting in the hands of a subject, and arising either from royal grant, or from prescription, which presupposes a grant.

Francigena, l. l. *In old English law.* A Frenchman; one born in France; any alien.

Franclaine, franclein, frankleyne. *In old English law.* A freeholder, freeman or gentleman.

Francus, l. l. *In old English law.* Free. **Francus bancus:** free bench. **Francus plegius:** a frank pledge, or free pledge; a decennary or friborg. **Francus teneus:** a frank or free tenant; a freeholder.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Fraunk, fraunck, l. fr. Free; frank. **Fraunck estate:** a free estate. **Fraunck plegge:** frank pledge. **Fraunk ferme:** frank or free farm. **Fraunk home:** a freeman. **Fraunk tenement:** a free tenement; a freehold.

Fraus, l. Fraud. **Fraus est celare fraudem:** it is a fraud to conceal a fraud. **Fraus est odiosa et non præsumenda:** fraud is odious and not to be presumed. **Fraus et dolus nemini patrocinari debent:** fraud and deceit should defend or excuse no man. **Fraus et jus nunquam cohabitant:** fraud and justice never dwell together. **Fraus latet in generalibus:** fraud lurks in general phrases. **Fraus meretur fraudem:** fraud merits fraud.

In the civil law. **Fraus legis:** fraud of law; fraud upon law.

Frectare, fretare, l. l. *In old English law.* To freight or load a vessel. **Frectatus:** freighted. **Fretati fuerunt cum vinis:** they were freighted with wines.

Frectum, frettum, l. l. *In old English law.* Freight.

Fredwite, fridwite, frithwite, sax. *In Saxon law.* A sum of money paid to obtain peace, or exemption from prosecution.

Free. Not bond or servile; not subject to servitude; certain or honorable, the opposite of base; privileged or exclusive, the opposite of common. **Free ships:** neutral vessels, sometimes so called.

In English law. **Free bench:** dower in copy-hold lands. **Free chapel:** a chapel, or place of worship, so called because exempted from the jurisdiction of the ordinary or diocesan. **Free fishery:** an exclusive right of fishing in a public river, or an arm of the sea. **Free-fold:** v. *Frank-folk; Foldage.* **Free pledge:** v. *Frank pledge.* **Free socage:** a tenure by some certain and determinate service; called free, because the service was not only certain but honorable, and thus distinguished from *villein* socage, where the services, though certain, were of a baser nature. **Free or frank tenure:** freehold; the opposite of the ancient villeinage, and modern copyhold. **Free warren:** a royal franchise granted to a subject for the preservation or custody of animals called beasts and fowls of warren, being the exclusive right of taking and killing game within certain limits.

In old English law. **Free services:** such feudal services as were not unbecoming the character of a soldier or a freeman to perform; as to serve under his lord in the wars, to pay a sum of money, and the like. **Free socmen:** tenants in free socage.

Freebord. *In old English law.* An allowance of land over and above a certain limit, or boundary, as so much beyond, or without a fence; the right of claiming that quantity.

Freehold. *In American law.* An estate of inheritance, or for life, in real property.

In English law. An estate either of inheritance or for life, in lands or tenements of free tenure. **Freehold in law:** an estate of freehold

in lands to which one has a right by descent, but upon which he has not yet entered.

Freeholder. One who possesses a freehold estate; a free tenant.

Freeman. A person born or made free; a person not a slave; a person having the privileges of citizenship; a member of a corporation, company or city possessing certain privileges.

In old English law. A free tenant, or freeholder; one who held land freely, as distinguished from a villein.

In the civil law. A person born or made free; the opposite of a slave.

Freight. The price or sum paid for the actual transportation of goods by sea, from one place to another; any reward or compensation paid for the use of ships, including the transportation of passengers; the price paid for transporting goods, whether by water or by land.

Frendlesman, sax. *In old English law.* An outlaw, so called, according to Braeton, because he forfeited his friends, all persons being forbidden to shelter him.

Frendwite, sax. *In old English law.* A fine exacted of one who harbored an outlawed friend; an acquittance or immunity from forefang.

Freneticus, l. l., Frentike, l. fr. *In old English law.* A madman, a person in a frenzy.

Freo, sax. *In Saxon law.* Free. **Freoborgh, freoborghes, freoborhes:** a free surety, or free pledge. **Freoborhesheofod:** the head of a friborg or free pledge; a chief pledge. v. *Friborgesheofod.*

Frequentia actus multum operatur, l. The frequency of an act effects much.

Frere, l. fr. A brother. **Frere eyne:** elder brother. **Frere puisne:** younger brother.

Fresche, l. fr. Fresh or new. **Freschement:** freshly, newly.

Fresh. *In old English law.* Recent, or new; without profit,—a term applied in the old books to land. **Fresh disseisin:** recent disseisin, a disseisin which might be righted by force, by entry and ejection of the disseisor. **Fresh fine:** a fine that had been levied within a year past. **Fresh force:** force newly done; applied to force committed in any city or borough, and for which a peculiar remedy, called an assise or bill of *fresh force*, was provided. **Fresh suit:** immediate or speedy pursuit, or prosecution; the pursuit of an offender, immediately, or as soon as possible after the act, including the prosecution of such pursuit until the apprehension and conviction of the offender.

Fretum, l. l. *In old English law.* Freight money.

Friborg, friborgh. *In Saxon and old English law.* A free pledge, or frank pledge; one of the ancient Saxon names of the tithing or decennary, and also of the individuals who composed it.

Friborgesheofod, sax. *In Saxon and old English law.* A chief pledge, or head of a friborg.

Fridhburgus, frithburgus. *In old English law.* A kind of frank pledge, by which the lords or principal men were made responsible for their dependents or servants.

Fridstoll, fridstow, frithstow, sax. *In Saxon law.* A seat, chair or place of peace; an asylum, refuge or sanctuary for offenders.

Frisens, l. l. *In old English law.* Recent or new; fresh, as distinguished from salt; uncultivated. **Frisca fortia:** fresh force; force recently committed.

Frithborg, sax. *In Saxon law.* A pledge or surety for the peace.

Frithbote, sax. *In Saxon law.* A compensation, satisfaction or fine for breach of the peace.

Frithbrech, sax. *In Saxon law.* A breach or violation of the peace.

Frithsocne, frithsocen, sax. *In Saxon and old English law.* A liberty, franchise or jurisdiction to keep the peace.

Frodmortel, freomortel, sax. *In Saxon law.* An immunity or freedom granted for committing murder, or manslaughter.

From. As a word expressive of time, *from* is construed both inclusively and exclusively, though generally in the latter sense. The old rule was, that when used to denote the commencement of a term, as a lease from such a day, it was to be taken exclusively. But the day of a demise is now ordinarily considered as inclusive. In other cases, however, as where a party is allowed a certain time from such a day, the old rule prevails, and the day is excluded. As expressive of place, from is always taken exclusively.

Fructuarius, l. *In the civil law.* One who had the usufruct of a thing,— *i. e.* the use of the fruits, profits or increase, as of lands or animals.

Fructum perceptio, l. The rightful taking of the produce of property by a person other than the owner of the property.

Fructus, l. Fruit; produce. **Fructus industriales or industriæ:** industrial fruits, or fruits of industry,— those fruits of a thing, as of land, which are produced by the labor and industry of the occupant.

In the civil law. Fruit, fruits; produce; profit or increase; the organic productions of a thing; the right to the fruits of a thing belonging to another; the compensation which one receives from another for the use and enjoyment of a thing, such as interest or rent. **Fructus civiles:** civil fruits; the profits, returns or compensation which a man receives from another, for the use or enjoyment of a thing. **Fructus fundi:** the fruits of land. **Fructus naturales:** natural fruits; those fruits or profits of land, or other thing, which are produced solely by the powers of nature. **Fructus pecudum:** the produce of flocks or herds, including milk, hair and wool. **Fructus pendentes:** the fruits of a thing, while united with the thing which produces them. **Fructus rei alienæ:** the fruits of another's property. **Fructus separati:** separate fruits; the fruits of a thing when they are separated from it.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Fugacio, fugatio, l. l. *In old English law.* The hunting of wild animals in forests, chases and parks; the liberty of hunting.

Fugam fecit, l. l. *In old English law.* He made flight; he fled; a flying for fear of an offense.

Fugare, l. l. *In old English law.* To chase or hunt; to course a deer; to drive. **Fugare et refugare catalla:** to drive cattle to and fro.

Fugator, l. l. *In old English law.* A driver. **Fugatores carucarum:** drivers of wagons.

Fugitate. *In Scots law.* To outlaw, by the sentence of a court; to outlaw for non-appearance in a criminal case.

Fugitation. *In Scots law.* Outlawry.

Fugitivus, l. *In old English law.* A fugitive; a person who fled upon commission of a felony; a villein or bondman who left his lord without the intention of returning. **Fugitivi:** fugitives.

In the civil law. A fugitive; a runaway slave.

Fugitive. A person who, after committing an offense, has fled from justice; a slave who has fled from his master.

Fuit argue arere, l. fr. It was argued again.

Full. Complete. **Full age:** the age at which persons come to the rights of adults under the law,—at common law, generally, twenty-one years; in the civil law, twenty-five. **Full blood:** a term of relation, denoting descent from the same couple. **Full court:** a court sitting *in banc*, implying, strictly, the presence of all the judges. **Full defense:** the formula of defense in a plea stated at length. **Full life:** life in fact and in law.

In the civil law. **Full proof:** proof by two witnesses, or by a public instrument.

Fullum aquæ, l. l. *In old English law.* A stream of water; a fleam [flume], such as comes from a mill.

Functus, l. One who has performed or discharged some function. **Functus officio:** one who has performed some office assigned to him; one whose authority has accordingly ceased.

Fundare, l. l. *In old English law.* To found or establish,—formerly used to denote the supporting of a plaintiff's or demandant's count or declaration, by showing the facts and circumstances upon which his demand was founded; to found a corporation; to give the revenues necessary for the purpose; to incorporate.

Fundatio, l. A founding, or foundation. **Fundatio incipiens:** the incipient foundation; the incorporation of a college or hospital. **Fundatio perficiens:** the perfecting foundation; the donation or endowment of it with funds.

Fundator, l. A founder. **Fundator incipiens:** the incipient founder of a corporation; the king or state by whom it is incorporated. **Fundator perficiens:** the perficient founder, the donor or endower of the institution with funds.

Fundus, l. *In civil and old English law.* Land or ground generally; land, including buildings generally; a farm; the bottom or foundation of a thing. **Fundus maris:** the bottom of the sea.

Fungible things. *In the civil law.* Things which may be furnished or restored in kind, as distinguished from specific things.

Fur, l. *In civil and old English law.* A thief. **Fur diurnus:** a day thief. **Fur nocturnus:** a night thief.

In the civil law. **Fur manifestus:** a manifest thief; a thief taken in the very act of stealing.

Furca, l. l. *In old English law.* A fork; a gallows or gibbet. **Furca et flagellum:** gallows and whip. **Furca et fossa:** gallows and pit; a term used in ancient charters to signify a jurisdiction of punishing thieves,—men by hanging, women by drowning.

Furigeldum, l. l. A fine or mulct paid for theft.

Furiosus, l. A madman or lunatic; one violently insane. **Furiosi nulla voluntas est:** a madman has no will. **Furiosus absentis loco est:** a madman is the same with an absent person (that is, his presence is of no effect). **Furiosus nullum negotium contrahere potest:** a madman can contract nothing,—can make no contract. **Furiosus nullum negotium gerere potest, quia non intelligit quod agit:** a madman can transact no business, because he does not understand what he does. **Furiosus solo [or solum] furore punitur:** a madman is punished by his madness alone; that is, he is not answerable or punishable for his actions.

Furnagium, l. l. *In old English law.* A tribute or tax paid to a lord by his tenants, for the use of his oven; a baker's fee.

Furst and fandong, sax. Time to advise or take counsel.

Further assurance. A covenant by a grantor that he will execute such further instruments as may be found necessary to assure the title.

Furtive, l. *In old English law.* Stealthily; by stealth.

Furtum, l. *In civil and old English law.* Theft; a thing stolen. **Furtum est contrectatio fraudulosa, lucri faciendi gratia, vel ipsius rei, vel etiam usus ejus, possessionisve:** theft is the fraudulent handling or meddling with a thing, or the use or possession of it, for the sake of making gain. **Furtum est contrectatio rei alienæ fraudulenta, cum animo furandi, invito illo domino cujus res illa fuerit:** theft is the fraudulent handling of another's property, with the intention of stealing it, against the will of its owner. **Furtum manifestum:** manifest theft; — **est ubi latro deprehensus est, seysitus de aliquo latrocinio, scilicet handhabende et bache-rende:** manifest theft is where a thief is caught with any thing stolen in his possession, that is to say, having it in his hand, or carrying it on his back.

In the civil law. **Furtum conceptum:** received theft; the offense of receiving stolen goods. **Furtum oblatum:** offered theft.

- In Scots law.* **Furtum grave:** an aggravated degree of theft, anciently punished with death.
- Fustis, l.** *In old English law.* A staff, used in making livery of seisin; a baton, club or cudgel. **Fuste et scuto defendere:** to defend with baton and buckler, that is, in the *duellum*, or combat.
- Fastigatio, l. l.** *In old English law.* A beating with sticks or clubs; one of the ancient kinds of punishment of malefactors.
- Future assurance.** A transfer in the future such as will cure a defect in a title. **Future estate:** an estate to which a person is entitled *in futuro*; an estate in expectancy.
- Futuri, l.** Future persons; persons not yet in being.
- Futyf, futyfe, futife, fuy, l. fr.** A fugitive from justice; a fugitive or runaway bondman, or villein.
- Fyle, ffyle, sc.** *In old Scots law.* To declare or find guilty; literally, to defile; to make or declare foul; as *clenge* was to acquit, literally to clean or cleanse. **Fylit:** found guilty.
- Fyn, feyn, l. fr.** Fine; a fine.
- Fynderinga, l. l. or sax.** *In old English law.* An offense whose nature is matter of conjecture, mentioned in the laws of King Henry I., c. 11, the fine or compensation for which was reserved to the king.
- G.** In law French, frequently used at the beginning of words, to express the English W.
- Gabel, gavel.** *In old English law.* A tax, duty, impost, custom or tribute; a rent or service.
- Gablum, gabellum, l. l.** *In old English law.* A rent; interest, or usury; the profit of money.
- Gafol, gafole, gafel, gaful, sax.** Rent, or income; tax, tribute or custom; the profit or gain of money; interest or usury. **Gafol land or gaful land:** rented land; land let for rent.
- Gafolgild, sax.** The payment of rent or income.
- Gage.** *In old English law.* Security; something given to secure the performance of an act.
- Gager, l. fr.** *In old English law.* To give or find security or surety for doing a thing; to wage; the giving of security; wager. **Gager de ley:** wager of law. **Gager deliverance:** to gage or wage deliverance; to give security for the delivery. **Gager ley:** to wage law; to give security for making it.
- Gaignage, gaignere, l. fr.** *In old English law.* Wainage. v. *Gainage.*
- Gainage.** *In old English law.* Implements of husbandry or plough tackle, including wains or wagons and their furniture for carrying on the work of tillage; the profit arising from the tillage of land.
- Gainer, gaigner, gayner, l. fr.** To cultivate, plough or till.
- Gainer, gainor, gainure, l. fr.** Tillage or agriculture; the profit accruing therefrom.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Gard, garde, l. fr. *In old English law.* Ward; a ward of a city.

Garde en Londres est come hundred en county: a ward in London is the same as a hundred in a county.

Garde, gard, l. fr. Custody; care of keeping; ward; wardship of a minor.

Gardein, gardeyn, l. fr. *In old English law.* A guardian; a keeper; a warden.

Gardianus, l. l. *In old English law.* A guardian, defender or protector; a warden. **Gardianus ecclesiæ:** a church warden. **Gardianus quinque portuum:** warden of the Cinque Ports.

Gardien, l. fr. *In old English law.* Warden. **Gardien de Fleete:** warden of the Fleet.

Garner, garnir, l. fr. To ward, or give notice; to summon; to give time for preparation; to furnish or provide; to clothe.

Garnement, l. fr. Furniture; clothing; a garment.

Garnish. To warn or give notice.

Garnish. *In English law.* Money paid by a prisoner on his entrance into gaol.

Garnishee. A person warned; a party in whose hands money or property is attached by the creditor of another, and who has had warning or garnishment not to pay or deliver it to the defendant.

Garnishment. A warning to a person in whose hands the effects of another are attached, not to pay the money or deliver to the defendant the property of the defendant in his hands, but to appear and answer the plaintiff's suit.

In old English law. A warning; a furnishing; a warning given to one for his appearance, for the better furnishing of the court and cause; a warning or summons to a party to appear and give the court instruction on any matter.

Garnistura, garnestura, l. l. *In old English law.* A furnishing or providing; garniture; furniture; provision; ammunition and other implements of war.

Garrant, garrante, l. fr. Warrant or authority.

Garranter, garrantir, l. fr. To warrant.

Garrantie, garranty, l. fr. Warranty.

Garrantor, l. fr. A warrantor, or person called upon to warrant.

Garrena, garrenna, garrene, garren, garreyn, l. fr. A warren; a place for keeping and preserving animals.

Garsumme. *In old English law.* A fine or amerciamment.

Gaster, l. fr. To waste. **Gaster le boys:** to waste the woods.

Gastine, l. fr. Waste or uncultivated ground.

Gate. *In English law.* A right in land for the use of cattle.

Gaudere, l. To enjoy.

Gaugeator, l. l. *In old English law.* A gauger or gager.

Gaugetum, l. l. *In old English law.* A gauge, or gauging.

- Gavel.** *In English law.* Custom, tribute; toll; yearly rent; payment or revenue. There were anciently several sorts, as gavel-corn, gavel-malt, oat-gavel, gavel-fodder, etc.
- Gavelbred.** *In English law.* Rent reserved in bread, corn or provision; rent payable in kind.
- Gavelet, gavelate.** *In English law.* A rent; a process for the recovery of rent in gavel-kind tenure.
- Gavelgeld, gavelgild, sax.** *In old English law.* That which yields a rent or annual profit; that which pays a tribute or toll; the tribute or toll itself.
- Gavelherte, gavelerth, sax.** *In old English law.* The duty or work of ploughing so much earth or ground, done by the customary tenant for his lord.
- Gaveling men.** Tenants who paid a reserved rent, in addition to some customary duties.
- Gavelkind, gavelkynd, gavelkende.** *In English law.* A kind of socage tenure peculiar to the county of Kent, where lands descend to all the sons equally, or to heirs of the nearest degree, and where the lands do not escheat for felony, may be devised, and may be aliened by the heir when he comes to the age of fifteen, and where there is dower and curtesy in half the land.
- Gavelman.** *In old English law.* A tenant liable to the payment of gavel or tribute.
- Gavelmed.** *In old English law.* A duty, work or service of mowing grass, or cutting meadow land, required by a lord from his customary tenant.
- Gavelrep, gavelryp.** *In old English law.* Bed-reap or bid-reap; the duty of reaping at the bid or command of the lord.
- Gavelsester.** *In old English law.* A certain measure of rent-ale.
- Gavelwerk.** *In old English law.* A rent or tribute paid in work, either by the person of the tenant, called manu-opera, or by his carts or carriages, called carr-opera.
- Gebocian, sax.** To convey by writing.
- Geburscip, sax.** *In Saxon law.* Neighborhood or adjoining district.
- Geburus, l. l.** *In old English law.* A country neighbor; an inhabitant of the same *geburscip*, or village.
- Geld, gild, sax.** *In Saxon and old English law.* A payment, tax or tribute; a sum of money exacted of a subject; a mulct or fine; a satisfaction or compensation for a crime; the price or value of a thing.
- Gemot, gemote, sax.** *In Saxon law.* A public meeting or assembly; a court, or judicial tribunal.
- Gemotum, l. l.** *In Saxon law.* A public meeting, or court.
- Geneath, sax.** *In Saxon law.* A villein, or agricultural tenant; a hind or farmer.

General. That which comprehends all, the whole, as distinguished from special, which signifies something designed for a particular purpose. **General act:** an act of the legislature which regards the whole community. **General agent:** a person who is authorized by his principal to execute all deeds, sign all contracts, or purchase all goods, required in a particular trade, business, or employment. **General average:** a contribution made by the proprietors in general of a ship or cargo, towards the loss sustained by any individual of their number, whose property has been voluntarily sacrificed for the common safety. **General character:** the estimation in which a person is held in the community where he lives as to any or all of those qualities of mind or morals impressed on him by nature or habit, and distinguishing him from other persons. **General damages:** such damages as necessarily result from the injury complained of, and which may be shown under the *ad damnum*, or general allegation of damages at the end of the declaration. **General demurrer:** a demurrer framed in general terms, without showing specifically the nature of the objection, and which is usually resorted to where the objection is to matter of substance. **General issue:** a short general plea, in actions at law, denying the allegations contained in the plaintiff's declaration, in summary terms, and concluding with a tender of issue. **General legacy:** a pecuniary legacy, payable out of the general assets of a testator. **General lien:** the right which the bailee of a chattel has to retain possession of it from the owner, until payment is made not only for the particular article, or some labor, service or expense performed, incurred or laid out upon or in relation to it, but of any balance that may be due on general account in the same line of business. **General occupant:** at common law, where a man was tenant *per auter vie*, or had an estate granted to himself only (without mentioning his heirs), for the life of another man, and died without alienation during the life of *cestuy que vie*, or him by whose life it was held, he that could first enter on the land might lawfully retain the possession, so long as *cestuy que vie* lived, by right of occupancy, and was hence termed a general or common occupant. **General partnership:** a partnership in which the parties carry on all their trade and business, whatever it may be, for the joint benefit and profit of all the parties concerned, whether the capital stock be limited or not, or the contributions thereto be equal or unequal. **General ship:** a ship employed as a general carrier. **General statute:** a statute relating to the whole community, or concerning all persons generally, as distinguished from a private or special statute. **General verdict:** the ordinary verdict delivered orally by a jury in civil actions, in which they find generally "for the plaintiff," or "for the defendant," and which is entered on record in the terms of the issue or issues referred to them.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- Gerere, l.** To bear or carry; to behave or conduct; to act, strictly without words; to manage, or administer. **Gerere pro hærede:** to act as heir.
- Germanus, l., German.** Of the whole blood; of the nearest degree.
- Gersuma, sax. and l. l.** *In old English law.* A price, reward or sum of money; the greater and better part of goods; a fine or consideration paid for a thing; a fine, amerciament or compensation for an offense.
- Gersumarius, l. l.** *In old English law.* Finable, or liable to be mulcted, fined or amerced at the discretion of the lord.
- Gest, sax.** *In Saxon law.* A guest; a stranger on the second night of his entertainment in another's house.
- Gestio, l. l.** *In the civil law.* Behavior, or conduct; management or transaction. **Gestio pro hærede:** behavior as heir; that conduct by which an heir renders himself liable for his ancestor's debts. v. *Gerere.*
- Gestor, l.** *In the civil law.* One who acts for another, or transacts another's business.
- Gestum, l.** Done; a thing done; a transaction; strictly, a thing done without words.
- Getter, l. fr.** To throw or cast; to bring. **Gette:** cast, as an essoin.
- Gewitnessa, sax.** *In Saxon law.* The giving of evidence.
- Gewrite, sax.** Writings. Deeds or charters were so called among the Saxons.
- Gift.** A voluntary and gratuitous conveyance, or transfer of lands or goods from one to another, not founded on the consideration of money or blood.
In English law. A conveyance of lands in tail; a conveyance of an estate tail, in which the operative words are "I give," or "I have given."
- Gild, guild, geld, sax.** *In Saxon law.* A tax or tribute; a fine, mulct, or amerciament; a society, or company of persons combined together, under certain regulations, and with the king's license, and so called because its expenses were defrayed by the contributions of its members; a friborg, or decennary.
- Gilda, guilda, l. l.** *In old English law.* A gild or guild; a company or corporation. **Gilda mercatoria:** a gild merchant, or merchant gild; a gild, corporation, or company of merchants.
- Gildable, guildable, geldable.** *In old English law.* Taxable, tributary or contributory; liable to pay tax or tribute.
- Gildale.** *In old English law.* A computation, where every one paid his share.
- Gildhalla, guildhalla, l. l.** *In old English law.* The hall or place of meeting of a gild; a guild-hall.
- Gildo, l. l.** *In Saxon law.* A member of a gild or friborg,

- Gildrent.** *In old English law.* A rent payable by any gild or fraternity.
- Girth and sanctuary.** *In old Scots law.* An asylum given to murderers, where the murder was committed without any previous design, and in heat of passion.
- Giser, gyser, l. fr.** *In old English law.* To lie; to be competent. **Giser a meason;** to lie or lodge at a house. **Giser en langour:** to lie sick. **Gisaunte au founs:** lying at the bottom.
- Give.** v. *Color; Gift; Dare; Dedi; Do.*
- Gladius, l.** A sword; an ancient emblem of defense; the emblem of the executory power of the law in punishing crimes.
- Glanville.** The author of the most ancient treatise on English law, written in Latin, about 1181, under the title of *Tractatus de Legibus et Consuetudinibus Angliæ:* A Treatise of the Laws and Customs of England.
- Gleba, l.** *In old English law.* Church land; land to which the advowson of a church is annexed.
In the civil law. A turf, sod or clod of earth; the soil or ground; cultivated land in general.
- Glebe, glebeland.** Church land; land belonging to a parish church.
- Glossa, l. l.** A gloss; an explanation or interpretation. **Glossa viperina est quæ corrodit viscera textus:** that is a viperous gloss which eats out the bowels of the text.
- Gloucester, statute of.** An English statute, passed in the sixth year of the reign of Edward I. It is in fifteen chapters, in law French, and is commented on by Coke in his second Institute. It was the first statute that gave costs in actions.
- Go.** To be dismissed from court, as to go without day; to issue from court, as a process; to rest or proceed, as a decision.
- Godbote, sax.** *In old English law.* A fine, or amercement anciently imposed for offenses against religion; an ecclesiastical or church fine.
- Godgild, godgeld, sax.** *In Saxon law.* That which is paid or offered to God, or his service.
- God's penny.** *In old English law.* Earnest money.
- Goldsmiths' notes.** *In English law.* Bankers' notes,—originally so called, because the bankers of London were goldsmiths also.
- Good.** Valid; sufficient in law; effectual; unobjectionable; responsible; solvent; able to pay an amount specified; of a value corresponding with its terms; collectible. **Good character:** good general reputation for one, several or all of those qualities of mind or morals impressed on a person by nature or habit, and distinguishing him from other persons; as, reputation for chastity, veracity, peaceableness, etc. **Good consideration:** a consideration of blood, or of natural love and affection. **Good will:** the custom of any trade or business;

the benefit or advantage attending a particular business, in consequence of the patronage it receives from habitual customers.

In old English law. **Good abearing:** the exact carriage or behavior of a subject to the king and his liege people, to which men were sometimes anciently bound, upon their evil course of life or loose demeanor. **Good man:** a good and lawful man; a term applied, in old English and feudal law, to persons of unexceptionable character, and especially such as were qualified to act as jurors or witnesses in courts.

In Scots law. **Good country:** good men of the country,—a name given to a jury.

Goods. A term of large meaning, applied to things movable; strictly, inanimate movables. The word is elastic, however, and in a will may mean any kind of personal property. **Goods and chattels:** personal property, including not only personal property in possession, but also choses in action, and all animate as well as inanimate property, emblements and other vegetable productions, and leases for years of houses or lands. **Goods and merchandise:** any personal property.

Gors, gorse, gorce, gort, guort, l. fr. *In old English law.* A wear; a pool or confined place in a river, to take or keep fish in.

Grace, l. fr. and eng. Favor or indulgence, as distinguished from right. *v. Days of grace.*

Gradatim, l. *In old English law.* By degrees or steps; step by step; from one degree to another.

Gradus, l. *In old English law.* Degree; rank; grade.

In civil and canon law. A degree in relationship.

Graffarius, grapharius, l. l. *In old English law.* A graffer, notary or scrivener.

Grafium, graffium, l. l. *In old English law.* A writing book or register; a cartulary of deeds and evidences.

Grain. The twenty-fourth (anciently the thirty-second) part of a penny-weight, or weight of an English penny.

Granatarius, l. l. *In old English law.* An officer having charge of a granary.

Grand, l. fr. and eng. Great; large; high. Contrasted generally with petty, and denoting superiority in magnitude, number, quality, dignity, importance, etc. **Grand bill of sale:** the instrument whereby a ship is transferred from the builder to the owner, or first purchaser. **Grand coutumier:** a collection of the customs, usages and forms of practice which had been in use in France from time immemorial, projected by Charles VII in 1453, and completed in 1609; — **de Normandie:** a collection of the laws and ducal customs of Normandy, composed about 1229, in the reign of Henry II. of England. **Grand jury:** a jury of inquiry, summoned at courts of



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Granum cresceus, l. Growing grain.

Grassum. v. *Gressume*.

Gratis, l. *In old English law.* Freely; gratuitously; without fee.

Gratis dictum: a voluntary assertion; a statement which a party is not legally bound to make, or in which he is not held to precise accuracy.

Graund, graunde, l. fr. Great; high. **Graund treson:** great or high treason.

Graunt, graunte, l. fr. Great. **Graunt duresce:** great hardship.

Gratuitous. Without valuable or legal consideration.

In old English law. Voluntary; without force, fear or favor.

Gravamen, l. l. *In old English law.* Injury; oppression; a grievance, or thing complained of; the essence of a complaint.

Gravare, l. *In old English law.* To grieve or aggrieve; to injure or oppress. **Gravati:** aggrieved.

Gravis, l. Grievous; great.

Great council. *In English law.* An assembly of the wise men of the nation, which succeeded the Witenagemote of Anglo-Saxon times, and was the original of parliament. **Great seal:** the emblem of royal authority, intrusted to the chancellor or lord keeper. **Great tithes:** tithes of corn, peas and beans, hay and wood.

Gree, gre, l. fr. Satisfaction; contentment; agreement; will; consent.

Green cloth. *In English law.* A board or court of justice held in the counting-house of the king's household, and composed of the lord steward and inferior officers. It takes its name from the green cloth which covers the board at which it is held.

In old English law. **Green wax:** the estreats of issues, fines and amerciaments in the exchequer, delivered to the sheriffs under seal made in green wax, to be levied by them in their several counties.

Gregorian code. The code or collection of constitutions made by the Roman jurist Gregorius.

Greinder, l. fr. Greater. **Greinder ou meinder:** greater or less.

Gremium, l. Bosom. v. *In gremio, etc.*

Gressume, gressum. *In English law.* A customary fine due from a copyhold tenant on the death of the lord.

Greve, gereve, sax. The contracted form of *gerefa* or *grefa*, used in the time of Edward the Confessor, to denote a chief magistrate or lord.

Greve, greeve, gref, l. fr. Grievous; severe.

Grevement, l. fr. Grievously; heavily, or severely.

Grithbrech, sax. *In Saxon and old English law.* A breach or violation of the peace.

Grithstole, sax. *In Saxon law.* A seat, chair, or place of peace; a sanctuary; a stone within a church gate, to which an offender might flee.

Gros, grosse, l. fr. Great; large; substantial; material substance; the whole of a thing. **Gros bois, or grosse boys:** great or large wood. **Grosse aventure:** the contract of bottomry. **Grosses dismes:** great tithes.

Gross. Great or large; whole or entire; absolute or independent; the opposite of appendant; in large quantities. **Gross average:** that kind of average which falls upon the gross amount of ship, cargo and freight. **Gross negligence:** the want of slight care or diligence; the want of that care which every man of common sense, how inattentive soever, takes in his own affairs.

Grossement, l. fr. Largely, greatly. **Grossement enseint:** big with child.

Grossome. *In old English law.* A fine, or sum of money paid for a lease.

Grossus, l. l. *In old English law.* Large; important; extreme; in large quantities. **Grossus piscis:** large or great fish. **Grossas quercus:** large oaks. **Grossi arbores:** great trees or wood.

Ground rent. Rent paid for the privilege of building on another's land; in some states, a fee farm rent.

In Scots law. A ground rent payable out of the ground before the tenement in a burgh is built.

Guarantor. A person who undertakes to guaranty.

Guaranty. To become responsible for the payment of money or the performance of a duty by another person, who is primarily and properly liable.

Guaranty, guarantee. A promise to answer for the payment of some debt, or the performance of some duty, in case of the failure of another person, who is liable in the first instance.

Guardia, wardia, warda, l. l. Ward; custody; safe keeping; protection.

Guardian, gardian, gardeyne. A keeper or protector; one who has the charge or custody of any person or thing; in a stricter sense, one who has or is entitled to the custody of the person or property of an infant. **Guardian ad litem:** a guardian appointed by a court of justice to prosecute or defend for an infant, in any suit to which he may be a party. **Guardian by appointment of the court of chancery:** the most important species of guardian in modern law, having custody of the infant until the attainment of full age. **Guardian by nature:** the father, and, on his death, the mother of a child. **Guardian by statute:** a guardian appointed for a child by the deed or last will of the father, and who has the custody both of his person and estate until the attainment of full age. **Guardian for nurture:** the father, or, at his decease, the mother of a child. **Guardian in socage:** a species of guardian who has the custody of the infant's lands as well as of his person, until the age of fourteen. It springs out of tenure, and applies only to lands which the infant

acquires by descent. **Guardian of the peace:** v. *Conservator of the peace*.

In English law. **Guardian de l'eglise:** a churchwarden. **Guardian of the Cinque Ports:** v. *Warden of the Cinque Ports*. **Guardian of the poor:** an officer appointed to act in lieu of an overseer. **Guardian of the spiritualties:** the person to whom the spiritual jurisdiction of a diocese is committed, during the vacancy of the see. **Guardian of the temporalities:** the person to whose custody a vacant see or abbey was committed by the king, who, as steward of the goods and profits, was to give an account to the escheator, and he into the exchequer.

Guardianus, l. l. A guardian, keeper, or warden. **Guardianus prisonæ de le Fleet:** warden of the Fleet.

Guarentisare, garentizare, l. l. To warrant.

Guerpi, guerpy, l. fr. Abandoned; deserted.

Guerra, guarra, gwerra, werra, l. l. *In old English law.* War, either public or private.

Guest. A traveller or wayfarer, who takes temporary lodgings or seeks temporary refreshment, either food or drink, at an inn. **Guest taker or gist taker:** an agister.

Guild. A company or corporation. **Guildhall:** the hall or place of meeting of a *guild*, or *gild*, or a municipal corporation.

Gurges, l. *In old English law.* A gulf, or deep pit of water.

Gust, gest, sax. *In old English law.* A guest; a person who lodged a second night with another, so called among the ancient Saxons.

Gwabr merched, brit. Maid's fee; a payment or fine made to the lords of some manors in England, upon the marriage of their tenant's daughters, or otherwise on their committing incontinency.

Gwalstow, sax. *In old English law.* A place of execution.

Gyltwite, sax. *In Saxon law.* A fine, compensation or amends for a trespass or fraud.

Habeas corpus, l. l. That you have the body. In a general sense, any writ having for its object to bring a person before a court or judge, as, for instance, a common *capias*; but more particularly any one of the special writs named below which issue to inquire into the cause of an imprisonment or other detention and so to procure the person's liberation. **Habeas corpus ad subjiciendum:** that you have the body, to submit to; a writ directed to a person detaining another, and commanding him to produce the body of the person detained, with the day and cause of his caption and detention, to submit to whatever the judge or court awarding the writ shall consider in that behalf. **Habeas corpus ad testificandum:** that you have the body, to testify; a writ to bring into court a witness in custody at the time of a trial, commanding the sheriff to have him before the court to testify in the cause.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

In old English law. **Habere ad rectum:** to have one [forthcoming] to [answer] an accusation. **Habere facias visum:** cause you to have view; a writ that lay in various cases, as in dower, formedon, etc., where a view was to be taken of lands in question. **Habeant auxilium:** let them have aid. **Habeat etatem:** let him have his age.

In the civil law. To have. **Habere contractum:** to have a contract; to contract. **Habere in procinctu:** to have in readiness. **Habere venale:** to sell. **Habetur, quod peti potest:** that is had, which can be demanded.

Habeto tibi res tuas, l. *In the Roman law.* Have, or take your effects to yourself. One of the old Roman forms of divorcing a wife.

Habilis, l. Able; fit; suitable; sound; merchantable. **Habiles ad matrimonium:** constitutionally fit for matrimony.

Habit and repute. *In Scots law.* Held and reputed.

Habitant, fr. *In French and Canadian law.* A resident tenant; a settler.

Habitare, l. To inhabit; to dwell or reside.

Habitatio, l. A habitation, or dwelling.

In the civil law. The right of dwelling; the right of free residence in another's house.

Habitation. A dwelling-house or home.

Habitus, l. *In old English law.* Habit; apparel; dress or garb. **Habitus et tonsura clericalis:** the clerical habit and tonsure. **Habitus religionis:** the habit of religion.

Hadbote. *In Saxon law.* A recompense or satisfaction for the violation of holy orders, or violence offered to persons in holy orders.

Hæc, l. This; these. **Hæc est conventio:** this is an agreement; words with which agreements anciently commenced. **Hæc est finalis concordia:** this is the final agreement; words at the beginning of the foot of a fine. **Hæc sunt instituta quæ Edgardus rex consilio sapientum suorum instituit:** these are the establishments which King Edgar, with the advice of his wise men, established. **Hæc sunt judicia quæ sapientes consilio regis Ethelstani instituerunt:** these are the judgments which the wise men, with the advice of King Athelstan, established.

Hæreda. *In Gothic law.* A tribunal answering to the English court leet.

Hæredes, heredes, l. Heirs. v. *Hæres.*

In the civil law. **Hæredes extranei:** strange or foreign heirs; heirs not subject to the power of the testator. **Hæredes necessarii:** necessary heirs; a term applied to the slaves of a testator. **Hæredes sui et necessarii:** one's own (or proper) and necessary heirs. A term applied to the sons, daughters, grandsons or grand-daughters by a son or other direct descendants of a party deceased.

Hæredipeta, l. *In old English law.* - An inheritance seeker; a person who bought the good will of another in order to be made his heir; the next heir to lands.

Hæreditamentum, l. l. *In old English law.* A hereditament.

Hæreditas, hereditas, l. *In old English law.* An inheritance; an estate by descent or succession; inheritance; hereditary succession.

Hæreditas ab intestato: succession from an intestate. **Hæreditas alia corporalis, alia incorporalis:** one kind of inheritance is corporeal, another incorporeal. **Hæreditas jacens:** a fallen or prostrate inheritance; the inheritance of a person deceased, while it lay unacquired by the heirs; an inheritance before it was entered upon by the heir; an inheritance in abeyance or expectation, lying waiting, as it were, for the heir to take it up; an inheritance or estate left without a legal owner. **Hereditas nihil aliud est quam successio in universum jus quod defunctus habuit [habuerit]:** inheritance is nothing else than succession to the whole right which the deceased had.

In the civil law. **Hæreditas damnosa:** v. *Damnosa hæreditas.*

Hæreditas luctuosa: a sad or mournful inheritance, or succession; as, of a parent to the estate of a child, which was regarded as disturbing the natural order of mortality.

In feudal law. **Hæreditas nunquam ascendit:** an inheritance never ascends; a maxim which prevailed in the law of England until abrogated by the statute 3 and 4 Will. IV., c. 106.

Hærerere, l. To adhere; to be close to; to stop; to hesitate; to stick; to be in doubt. v. *Qui hæret, etc.*

Hæres, heres, pl. hæredes, l. *In old English law.* An heir; a person who takes an estate of inheritance by the act of God and right of blood. **Hæredem Deus facit, non homo:** God makes the heir, not man. **Hæres astrarius:** an heir in actual possession. **Hæres de facto:** heir from fact; an heir, *i. e.* from the deed or act of the ancestor, without, or against right. **Hæres est alter ipse, et filius est pars patris:** an heir is another self, and a son is part of the father. **Hæres est aut jure proprietatis aut jure representationis:** an heir is either by right of property, or right of representation. **Hæres est eadem persona cum antecessore:** an heir is the same person with his ancestor. **Hæres est nomen collectivum:** heir is a collective name or noun. **Hæres est nomen juris; filius est nomen naturæ:** heir is a name or term of law; son is a name of nature. **Hæres est pars antecessoris:** an heir is a part of the ancestor. **Hæres hæredis mei est meus hæres:** the heir of my heir is my heir. **Hæres legitimus:** a lawful heir; — **est quem nuptia demonstrant:** he is a lawful heir whom marriage points out as such; who is born in wedlock.

In old English law. **Hæres rectus:** a right heir.

In the civil law. An heir; one who succeeds to the whole right or estate of a testator. **Heredis appellatio non solum ad proximum heredem, sed et ad ulteriores refertur; nam et heredis heres, et deinceps, heredis appellatione continetur:** the appellation of heir

belongs not only to the next heir, but to more remote persons also; for the heir of an heir, and so on in succession, is included in the term heir. **Hæres ex asse:** an heir to the whole estate; a sole heir. **Hæres extraneus:** a strange or foreign heir; one who was not subject to the power of the testator, or person who made him heir. **Hæres factus:** an heir made by will; a testamentary heir; a person created universal successor by will. **Hæres fideicommissarius:** the person for whose benefit an estate was given to another by will. **Hæres fiduciarius:** a fiduciary heir, or heir in trust; a person constituted heir to an estate by will, in trust for the benefit of another who was called *fidei commissarius*. **Hæres natus:** an heir born; a person born heir, as distinguished from one made heir. **Hæres necessarius:** a necessary heir; a slave made an heir, so called, because, on the death of the testator, he became instantly free and a necessary heir. **Hæres suus:** a proper heir; literally, one's own heir.

Hæretare, l. l. *In old English law.* To give a right of inheritance, or make a donation hereditary to the grantee and his heirs.

Hafne courts. *In old English law.* Haven courts; courts anciently held in certain ports.

Haga, l. l. *In old English law.* A house; a house in a city or borough; a hedge; a military enclosure.

Haia, haya, l. l., Haie, haye, l. fr. *In old English law.* A hedge or enclosure.

Haiebote, fr. and sax. *In old English law.* A permission or liberty to take thorns, etc., to make or repair hedges.

Hail, sc. *In Scots law.* Whole; the whole.

Haimsucken, sc. *In Scots law.* The crime of beating or assaulting a person in his own house.

Haimhald, sc. *In Scots law.* That which grows at home.

Haimhaldare, l. l. *In old Scots law.* To seek restitution of one's own goods and gear, and bring the same home again.

Half blood. The blood of one parent only; blood on the father's or mother's side only. **Half defense:** the technical name of the abbreviated common clause at the commencement of a plea, by which it is stated that the defendant comes and defends, etc. **Half year:** the period of one hundred and eighty-two days,—the odd hours being rejected.

In English law. **Half seal:** a seal used in chancery, for the sealing of commissions to delegates appointed on appeal in ecclesiastical or maritime causes. **Half tongue:** a term anciently applied to a jury, one-half of which consisted of natives, and the other half of aliens.

In the civil law. **Half proof:** proof by one witness, or a private instrument.

Halfkineg, healfkoning, sax. *In Saxon law.* Half-king,—a title given to the alderman of all England.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Handgrith, hangrith, sax.** *In Saxon and old English law.* Peace or protection given by the king with his own hand.
- Handsale.** *In Gothic law.* A sale made or confirmed by striking hands; the price or earnest given immediately after or instead of striking hands.
- Hang.** To remain undetermined.
- Hanging.** Pending; during the pendency.
- Hangwite, hangwit, sax.** *In Saxon law.* A fine for hanging a thief without trial, or for his escape; an immunity or acquittance from such fine.
- Hanse, goth., Hansa, l. l.** A society of merchants, formed for the good usage and safe passage of merchandise from kingdom to kingdom; a commercial confederacy. **Hanse towns:** cities in Germany, which associated for the protection of commerce towards the close of the twelfth century, chief of which were Lubec, Hamburg, and Bremen. The league was called the Hanseatic League.
- Hap, Happer, l. fr.** To catch or snatch; to get, gain or obtain; to get by chance.
- Harbor.** To shelter or secrete; to receive and secrete a person, especially a fugitive; to receive and secrete illegally, or in opposition to the claim of another.
- Harbour.** A shelter or safe station for vessels; a haven or port.
- Hard labor.** As used in sentencing convicted persons, ordinary industry at some mechanical trade.
- Haro, harrou, fr.** *In Norman and early English law.* An outcry, or hue and cry after felons and malefactors.
- Harth penny, hearth penny.** *In old English law.* A tax or tribute of a penny, imposed on every hearth or house.
- Hasp and staple.** *In old Scots law.* The form of entering an heir in a subject situated within a royal borough, which was by the heir's taking hold of the hasp and staple of the door, the symbol of possession, with other formalities.
- Haspa, l. l.** *In old English law.* The hasp of a door; by which the livery of seisin might be made, where there was a house on the premises.
- Hasta, l.** *In the civil law.* A spear; the badge of a sale by auction.
Hastæ subjicere: to put under the spear; to put up at auction.
In feudal law. A spear; the symbol used in making investiture of a fief.
- Hat money.** An allowance formerly made to the master of a vessel, for the purchase of winter clothing.
- Haustus, l.** *In the civil law.* Drawing; the drawing of water; the right of drawing water.
- Haut, haute, halt, hault, l. fr.** *In old English law.* High. **Haut chemin:** highway. **Haut estret:** high street. **Haut justicier:** v. *High justicier.* **Haute justice:** high justice. **Haut et bas:** high and low.

Have. To possess corporally. **Have and to hold:** a common phrase in conveyancing, derived from the *habendum et tenendum* of the common law.

Haven. A large place for the safe riding of ships.

Haw. *In old English law.* A house; a small quantity of land lying near a house.

Hawgh, howgh. *In old English law.* A valley; a green plot in a vale.

Hawker. A person who carries goods about from place to place for sale.

Hay, Haya, l. l. *In old English law.* A hedge; a piece of ground enclosed with a hedge; an enclosure in a forest or park.

Haybote, heybote. Hedgebote; an allowance of wood to a tenant for repairing his hedges or fences.

Hayward, haward, heyward. *In English law.* An officer who keeps the common herd or cattle of a town.

Hayware, l. l. *In old English law.* To make a hedge.

Head. The upper part; the beginning or source.

Headborow, headborough. *In Saxon law.* A chief pledge; the head or principal man of a decennary.

Headland. A slip of unploughed land left at the head or end of a ploughed field.

Healsfang, halsfang, healfang, sax. *In Saxon law.* The pillory; a fine paid as a commutation for punishment by the pillory.

Health. Freedom from sickness or suffering, a right to the enjoyment of which is one of the absolute rights of persons.

Heaped measure. The measure in which the commodities measured are heaped above the top of the vessel containing them.

Hearing. That stage of proceeding in a cause in equity which consists in the hearing of the arguments of counsel and which corresponds to the trial of a cause at law.

Hearsay evidence. Evidence of what others have been heard to say; testimony from the relation of third persons.

Hearth money. *In English law.* A tax of two shillings upon every hearth, granted by statutes 13 and 14 Car. II., c. 10, and abolished by statute 1 W. & M., st. 1, c. 10. **Hearth silver:** a species of modus or composition for tithes.

Hebberthef. *In Saxon law.* The privilege of having the goods of a thief and the trial within a certain liberty.

Heda, l. l. *In old English law.* A port or haven; a wharf or landing place.

Hedagium, l. l. *In old English law.* A toll or custom paid at a wharf for landing goods.

Hedge-bote. An allowance to a tenant of wood for repairing hedges or fences.

Heinfar, heinfare, hainfar, hamfare, 'sax. *In Saxon law.* The flight, escape or loss of a servant; a fine paid for killing a man; the right of taking cognizance of such an offense.

Heir, Heier, sax. One who, on the death of another, succeeds to his estate by descent, *i. e.* by right of blood and operation of law. **Heir apparent:** an heir whose right of inheritance is indefeasible, provided he outlives the ancestor. **Heir presumptive:** the person who would inherit if the ancestor should die immediately, but whose right may be defeated by the birth of a nearer heir. **Heir at law or heir general:** one who, after his ancestor's death, has a right to all his lands, tenements and hereditaments. **Heir by devise:** one to whom lands are devised.

In English law. **Heir special:** the issue in tail, who claims by the form of the gift. **Heir by custom:** one whose right of inheritance depends on a particular and local custom.

In Scots law. The person who succeeds to the heritage, or heritable rights of a deceased person. **Heir at law:** one to whom the law gives the inheritance, on account of his proximity of blood. **Heir general:** an heir who generally represents the deceased, and succeeds to everything not specially provided to other heirs. **Heir institute:** one to whom the right of succession is ascertained by disposition, or express deed of the deceased. **Heir male:** an heir institute, who, though not next in blood to the deceased, is his nearest male relation that can succeed to him, **Heir of conquest:** one who succeeds to the deceased in conquest, *i. e.* lands or other heritable rights to which the deceased neither did nor could succeed as heir to his predecessor. **Heir of line:** one who succeeds lineally by right of blood. **Heir of provision:** one who succeeds as heir, by virtue of a particular provision in a deed or instrument. **Heir of tailzie:** he on whom an estate is settled, that would not have fallen to him by legal succession. **Heir substitute, in a bond:** he to whom a bond is payable expressly in case of the creditor's decease, or after his death.

Heir-loom, heir-lome. *In English law.* A personal chattel which goes by special custom to the heir, with the inheritance, as articles of household furniture, or, according to Coke, fish in a pond, deer in a park, and doves in a dove-house.

Heirship movables. *In Scots law.* Movables which the law withholds from the executors or nearest of kin, and gives to the heir.

Henghen. *In old English law.* A prison; a house of correction.

Hengwyte, sax. *In old English law.* An acquittance from a fine for hanging a thief.

Herald. *In English law.* An officer at arms whose duties relate to the management of public pageants and solemnities, and the preservation of genealogies and coat armour. **Heralds' college:** a royal corporation founded 1 Rich. III., consisting of three kings of arms, six heralds and four pursuivants, together with the earl marshal of England and a secretary, and empowered to preserve pedigrees, grant arms, etc.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Heritable. *In Scots law.* That which may be inherited; that which goes to the heir, and not to the executor. **Heritable bond:** a bond accompanied by a conveyance of land, as a security for debt. **Heritable jurisdiction:** a grant of criminal jurisdiction, formerly bestowed on great families to facilitate the administration of justice. **Heritable rights:** rights of the heir; rights to land, or whatever may be intimately connected with land.

Heritage. *In Scots law.* Land, and all property connected with land; real estate.

Heritor. *In Scots law.* A proprietor of land.

Herpicio, l. l. *In old English law.* A day's work with a harrow.

Herpsac, sax. A place of immunity.

Herschilt, sax. *In Saxon law.* Military service; scutage.

Herus, l. A master. **Herus dat ut servus faciat:** the master gives [wages], that the servant may do [the work].

Hetæria, l. *In the Roman law.* A company, society or college.

Heuvelborh, sax. *In old English law.* A surety.

Heybote, haybote. v. *Hedge-bote.*

Heylode. *In old law.* A customary burden on inferior tenants, for repairing hedges.

Heyward. *In English law.* One who takes care of the pasturing of animals; a herdsman.

Hi, l. fr. There; thither.

Hida, hyda, l. l. *In old English law.* A measure of land; a hide.

Hidage, hydage, Hidagium, l. l. *In old English law.* An extraordinary tax payable to the king for every hide of land; an exemption therefrom.

Hidare, l. l. *In old English law.* To tax or assess land by hides. **Hidatus:** taxed.

Hide, hyde. *In old English law.* A dwelling; a mansion; a portion of land sufficient for the support of a family, or sufficient for the working of one plough for a year. **Hide, or hyde and gain:** arable land.

Hidel. *In old English law.* A place of protection; a sanctuary.

High. Open, public, as the high sea, a high way; head or chief, as high sheriff; elevated in station, dignity or importance, as a high court; elevated in a bad sense, as a high crime. **High sea:** the open ocean outside of the *fauces terræ*, the waters of the ocean without the boundary of any county; any waters on the seacoast which are without the boundaries of low-water mark.

In English law. **High commission court:** a court of ecclesiastical jurisdiction erected by the statute 1 Eliz., c. 1, but abolished by statute 16 Car. 1, c. 11. **High constable:** a ministerial officer otherwise called chief constable, and constable of the hundred, whose duty is to keep the king's peace within the hundred. **High court of justice:** one of the two main divisions of the supreme court of judicature

established by the judicature act of 36 and 37 Vict., c. 66. **High treason:** treason against the sovereign, as distinguished from petit treason which formerly might be committed against a subject.

In feudal law. **High justice:** the jurisdiction or right of trying crimes.

In old French and Canadian law. **High justicier:** a feudal lord who exercised the right called high justice.

High-water mark. The mark which the sea makes on the shore, at high-water of ordinary tides.

Highway. A public way, or way open and common to all, whether a foot way, a carriage way, a bridle way or a water way.

Hiis testibus, l. l. These being witnesses; the name of the concluding clause in old deeds and charters, which contained the names of the witnesses.

Hilary term. One of the four annual terms of the English courts of common law, beginning formerly on January 23d and ending on February 12th, but now beginning on the 11th and ending on the 31st of January.

Hinc inde, l. *In Scots law.* On either side; reciprocally.

Hire. In the law of bailment, compensation for the use of a thing, or for labor and services.

Hirer. In the law of bailment, one who takes a thing from another to use it, for a compensation agreed upon.

Hoc intuitu, l. With this expectation. **Hoc loco:** in this place. **Hoc nomine:** in this name. **Hoc paratus est verificare:** v. *Et hoc paratus*, etc. **Hoc quidem perquam durum est, sed ita lex scripta est:** this indeed is exceedingly hard, but so the law is written. **Hoc titulo:** under this title. **Hoc vobis ostendit:** this shows to you. **Hoc voce:** under this word.

Hoghenehyne, hogenehyne, homehyne, sax. v. *Agenhine*.

Hold. v. *Copyhold; Freehold; Leasehold*.

Hold. To bind; to be of legal efficacy; to judge; to be of opinion; to be the tenant of another; to have an estate of another on condition of paying rent or performing service; to have in possession; to have cognizance, as of an action; to sit for a particular purpose, as to hold court.

Holder. One who has possession; one who has possession by virtue of a lawful title; the person having [rightfully] in possession a bill of exchange, promissory note or check, whether as payee, indorsee or otherwise.

Holding over. A holding beyond a term; a continuing in possession, after the expiration of a term. **Holding up the hand:** a formality observed in the arraignment of prisoners, and in the administration of an oath.

Holiday. v. *Dies non juridicus*.

Holograph. *In civil and Scots law.* Any writing, wholly in the handwriting of the maker; a will written entirely by the hand of the testator.

Homage, l. fr. and eng., Homagium, l. l. *In feudal law.* An acknowledgment by tenant in knight service that he was the vassal of the lord, saving only his faith to the king. **Homagium ligium:** liege homage; homage due to the sovereign alone, and without any saving or exception of the rights of other lords. **Homagium planum:** plain homage; homage which bound to nothing more than fidelity. **Homagium simplex:** simple homage; homage which was merely an acknowledgment of tenure.

In old English law. **Homage ancestrel:** a tenure, by which a man and his ancestors had held land of another and his ancestors, immemorially, by the service of homage. **Homagium reddere:** to renounce homage.

Homage jury. *In English law.* The jury in a court baron; so called, because it commonly consisted of such as owed homage to the lord of the fee.

Homager. *In English law.* One that does, or is bound to do homage.

Home. A place where a person has his abode, without intention to remove therefrom permanently; a household. **Home port:** the port in which the owner of a ship resides.

Home arrage, l. fr. A madman; a lunatic.

Homestead. The place of a home or house; a dwelling-house at which a family resides, with the usual out-buildings and lands appurtenant; a home-stall or home-place.

Homicide, l. fr. and eng., Homicidium, l. The killing of one human being by another which may be either justifiable, excusable or felonious. *v. Excusable homicide; Felonious homicide; Justifiable homicide.* **Homicide per infortunium or per misadventure:** accidental homicide, committed in the doing of a lawful act; a species of excusable homicide. **Homicide se defendendo:** homicide in self-defense. **Homicidium ex casu:** homicide by accident. **Homicidium ex justitia:** homicide in the administration of justice, or in the execution of the sentence of the law. **Homicidium ex necessitate:** homicide from inevitable necessity, as for the protection of one's person or property. **Homicidium ex voluntate:** voluntary or wilful homicide.

Hominatio, l. l. *In old English law.* Homage, or the doing of homage.

Homines. *v. Homo.*

Hominium, l. l. *In old English law.* Homage.

Homiplagium, l. l. *In old English law.* The maiming of a man.

Homme, pl. hommes, fr. Man; a man.

In feudal law. **Hommes de fief:** men of the fief; feudal tenants, the peers in the lord's courts. **Hommes feodaux:** feudal tenants; the same with *hommes de fief*.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Honorarium, l. *In the civil law.* An honorary or free gift; a gratuitous payment; a counsellor's fee.

Honorary services. *In English law.* Services incident to grand serjeanty, and commonly annexed to some honor.

Hora, pl. horæ, l., Hore, fr. *In old English law.* An hour. **Hora auroræ:** the morning bell. **Hora fit ex quadraginta momentis:** an hour consists of forty minutes,—referring to the hour of the civil law. **Horæ juridicæ:** juridical hours; hours for judicial business; hours during which judges sit in court.

Horn. *In old Scots law.* A trumpet used in denouncing contumacious persons, rebels, and outlaws. This was done with three blasts of the horn by the king's serjeant, and was called "putting to the horn;" and the party denounced was said to be "at the horn."

In English law. **Horn tenure:** cornage. **Horn with horn:** the promiscuous feeding together of horned cattle upon the same common.

In old English law. **Horn geld:** a tax on horned beasts in a forest.

Horning. *In Scots law.* A warrant in the king's name to charge persons to pay, or perform deeds within a certain time, on pain of being declared outlaw, and having their goods poided in case of disobedience.

Hors, l. fr. Out; out of; without. **Hors de court:** out of court. **Hors de pryson:** out of prison. **Hors de son fee:** out of his fee; an old plea to an action to recover rent on services. **Hors de temps:** out of time. **Hors pris:** except. **Hors son sen:** out of his sense or mind.

Hospitium, pl. hospitia, l. *In old English law.* An inn, hospice, or hostel; a household. **Hospitia cancellariæ:** inns of chancery. **Hospitia communia:** common inns. **Hospitia curiæ:** inns of court. **Hospitium regis:** the king's household. v. *Commune.*

Hostage. A person given up to an enemy, as a security for the performance of a contract between belligerent powers, or their subjects or citizens.

Hostelagium, l. l. *In old law.* A right to receive lodging and entertainment, anciently reserved by lords in the houses of their tenants.

Hospitelarius, l., Hostelier, fr., Hosteler, hostiler. *In old English law.* An innkeeper.

Hostile. Having the character of an enemy; standing in the relation of an enemy.

Hostility. A state of open war; an act of open war; a hostile character.

Hostis, pl. hostes, l. An enemy; one who makes war by a formal proclamation of hostility. **Hostes humani generis:** pirates.

Hotchpot. A mixing or blending together; a throwing of one or more separate portions into a common stock; a throwing of the amount of an advancement to a particular child into the common stock, for

the purpose of a more equal division among children. *v. Collatio bonorum.*

Hotel. *v. Inn; Tavern.*

Hour. The twenty-fourth part of a day.

In Scots law. Hour of cause: the hour when a court is met.

House. A building intended for human habitation; a building divided into floors and apartments, with four walls, a roof, a door, and chimney. The word does not necessarily mean the whole building, but may be restricted to a single apartment; nor is it necessarily restricted to the building, but may be extended to include land, as orchard or curtilage occupied with the house; a legislative body; the quorum of a legislative body. *v. Ancient house; Burglary.*

Housebote, housbote. *v. Bote.*

Household. A family; persons who dwell together as a family.

Household. Pertaining or appropriate to a family. **Household furniture:** all personal chattels that may contribute to the use or convenience of a householder, or the ornament of the house, as plate, linen, china and pictures. **Household goods:** articles which are used in, or purchased or otherwise acquired for a house, and are of a permanent nature,—*i. e.* are not consumed in their enjoyment. **Household stuff:** any thing which may be used for the convenience of the house, as tables, chairs, bedding, and the like.

Householder. One who keeps house with his family; the head of a household.

Housekeeper. One who keeps or occupies a house, as distinguished from a boarder, inmate or lodger.

Hudegeld, sax. *In old English law.* An acquittance for a trespass or assault committed upon a trespassing servant.

Hue and cry. *In English law.* A loud outcry with which felons were anciently pursued, and in which all who heard it were bound to join until the malefactor was taken; a written proclamation, issued on escape of a felon from prison, requiring all persons to assist in retaking him.

Hundred. *In English law.* A subdivision of a county, so named because originally composed of ten tithings, or as is supposed, of one hundred freemen or frank pledges, in which all were liable, where offenses were committed within the district, either to produce the offender or to make good the damage. **Hundred court:** a larger court baron, held for all the inhabitants of a particular hundred, instead of a manor.

In old English law. **Hundred penny:** a tax collected from the hundred, by the sheriff or lord of the hundred.

In Saxon law. **Hundred gemote:** a meeting or court of a hundred. **Hundred lagh:** the law of the hundred, or hundred court; liability to attend the hundred court. **Hundred setena:** the inhabitants of a hundred.

- Hundreda, hundredum, hundredus, l. l.** *In old English law.* A hundred.
- Hundredarius, l. l., Hundredary, hundredor.** *In English law.* The chief officer of a hundred; a freeholder of a hundred.
- Hurderefest, sax.** *In old English law.* A person fixed or settled in a certain family.
- Hurdle.** *In English law.* A kind of sledge, on which felons were drawn to execution.
- Husband.** A man legally bound to a woman in wedlock. **Husband and wife:** a man and woman legally bound to one another in wedlock.
- Husbandria, l. l.** *In old English law.* Husbandry.
- Husbandus, l. l.** *In old Scots law.* The head of a family, employed in agriculture.
- Husbrec, sax.** *In Saxon law.* House-breaking, or burglary.
- Huscarle, sax.** *In old English law.* A house servant, or domestic; a king's vassal, thane or baron; an earl's man, or vassal.
- Husfastene, sax.** *In Saxon law.* One who held a house and land; a householder, or one who had a fixed habitation.
- Husgablum, sax. and l. l.** *In old law.* House rent; a tax or tribute laid upon a house.
- Hustingus, hustengus, l. l., Hustings, husting.** The principal court of the city of London, held, in theory, before the lord mayor, recorder and aldermen, but really by the recorder alone. It is the county court of London, but has cognizance of no actions that are merely personal.
- Hutesium, huthesium, uthesium, utesium, l. l.** *In old English law.* Hue, or outcry. **Hutesium et clamor:** hue and cry.
- Hypobolon, hypobolum, gr.-l.** *In civil, feudal and old European law.* That which was given to a woman on the death of her husband, in addition to her dowry.
- Hypotheca, gr.-l.** *In the civil law.* That kind of pledge in which the possession of the thing pledged remained with the debtor, the obligation resting in mere contract, without delivery; the right or obligation arising from such a pledge.
- Hypothecaria actio, l.** *In the civil law.* An action for the enforcement of a *hypotheca*; a hypothecary action.
- Hypothecarii creditores, l.** *In the civil law.* Persons who loaned money on the security of a *hypotheca*; hypothecary creditors.
- Hypothecate.** To pledge without delivering possession of the thing pledged.
- Hypothecation.** A pledge without possession by the pledgee.
- I.** An abbreviation of institutes. **I. O. U.:** the common form of a due-bill, which, with the sum and the signature, makes a complete acknowledgment of indebtedness.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Ideot, ideota. v. *Idiot.*

Ides. One of the three divisions of the ancient Roman month. In March, May, July and October, the ides fell on the 15th; and in the other months, on the 13th.

Idiochira, gr.-l. *In the civil law.* An instrument privately executed, as distinguished from an instrument executed before a public officer.

Idiocy. That condition of mind in which the reflective, and all or a part of the affective, powers are either entirely wanting, or are manifested to the slightest possible extent.

Idiot, ideot, ideota, idiota, l. A person of no understanding, of which two kinds are mentioned,—an idiot from birth, otherwise called a natural fool; and an idiot from accident or sickness. **Idiota a nativitate:** an idiot from birth. **Idiota a casu et infirmitate:** an idiot from sickness or accident. **Idiota inquirendo:** an old writ to inquire by a jury of twelve men whether or not a man was an idiot.

In the civil law. An unlearned, illiterate or simple person; a private man; a man not in office.

Idoneus, l. *In the civil and common law.* Sufficient; competent; fit or proper; responsible; unimpeachable. **Idoneus homo:** a responsible or solvent person.

If. A word expressive of condition or conditional limitation.

Ignoramus, l. l. We are ignorant, or, we know nothing of it. A word formerly indorsed by the grand jury on the back of a bill of indictment, where, after hearing the evidence, they thought the accusation groundless.

Ignorantia, l. Ignorance; want of knowledge. **Ignorantia eorum quæ quis scire tenetur non excusat:** ignorance of those things which any one is held to know is no excuse. **Ignorantia facti excusat:** ignorance of fact excuses, or is a ground of relief. **Ignorantia judicis [est] calamitas innocentis:** the ignorance of the judge is the misfortune of the innocent party. **Ignorantia juris:** ignorance of the law; — **non excusat:** ignorance of the law is no excuse; — **quod quisque tenetur scire, neminem excusat:** ignorance of the [or a] law, which every one is bound to know, excuses no man. **Ignorantia legis neminem excusat:** ignorance of the law excuses no man.

Ignorare, l. To be ignorant; to ignore, or throw out a bill of indictment.

Ignorari, l. l. To be unknown. **Ignoratis terminis artis, ignoratur et ars:** where the terms of an art are unknown, the art itself is unknown also.

Ignore. To know nothing; to be ignorant; to reject on the ground of ignorance, in consequence of the want of evidence.

Ignoscitur ei qui sanguinem suum qualiter redemptum voluit, l. The law holds him excused from obligation who chose to redeem his blood (or life) upon any terms; *i. e.* the law will not hold binding

an obligation entered into under fear of losing life or limb in case of refusal.

Il, l. fr. It; he. **Il covient:** it behooveth. **Il est comunement dit:** it is commonly said. **Il est dit:** it is said. **Il monstra:** he showeth.

Il port meat en son bouche: it supports itself. Spoken of a deed.

Ill. In old pleading, bad; defective in law; null; naught; the opposite of good or valid.

Illegitimate. Not legitimate; born out of lawful wedlock.

Illeviable. Not leviable; that cannot or ought not to be levied.

Illicenciatus, l. l. *In old English law.* Without license.

Illicit. Prohibited; unlawful, as, an illicit trade, illicit intercourse.

Illiterate. Unlettered; ignorant of letters or books.

Illud, l. That. **Illud quod alias licitum non est, necessitas facit licitum:** that which otherwise is not lawful, necessity makes lawful.

Illusory. Deceiving by false appearances; nominal, as distinguished from substantial.

Imbecility. Weakness of mind; absence of natural or ordinary vigor.

Imbraciator, l. l. *In old English law.* An embracer.

Imbreviare, inbreviare, l. l. *In old English law.* To commit to writing briefly; to copy into a schedule; to enrol; to make an inventory; to inventory.

Immaterial. Not essential; not formally proper. **Immaterial issue:** an issue taken on an immaterial point, *i. e.* a point not proper to decide the action.

Immediate, l. *In old English law.* Immediately; without any thing intermediate.

Immediately. In general, within a reasonable time; never or rarely of any exact time; often not of a time succeeding without any interval, but of an effectual and lawful time in view of all the circumstances.

Immemorial. *v.* *Time immemorial.*

Immiscere, l. *In the civil law.* To mix or mingle with; to meddle with; to join with; to take or enter upon an inheritance. *v.* *Culpa est, etc.*

Immissio, l. l. *In old English law.* A putting in; introduction.

Immobilis, l. Immovable. **Immobilia situm sequuntur:** immovable things follow their site or position,—are governed by the law of the place where they are fixed.

Immunity. Exemption from some common burden.

Impair. To weaken; to affect injuriously; to diminish.

Impanel. To enter the names of jurors on a panel; in America, to choose the jurors for trial of a particular case. *v.* *Panel.*

Impanulare, l. l. *In old English law.* To impanel.

Imparcare, l. l. *In old English law.* To impound; to shut up, or confine in prison.

Imparl, emparl. Literally, to speak with the plaintiff, which is supposed originally to have been its actual meaning; to have time before pleading; to have time to plead.

Imparlance, emparlance. Literally, time to talk with the plaintiff; a continuance on the judgment record, between the declaration and plea; time to plead in an action. Imparlances as time to plead have not been recognized in American practice, and as continuances they have been expressly abolished in England.

Imparsonee, l. fr. *In ecclesiastical law.* A person inducted and in possession of a benefice.

Impeach. To accuse or challenge; to call to account; to make or hold liable; to discredit, to seek to prove not worthy of belief; formally to accuse before a competent tribunal.

Impeachment of waste. Liability for waste; liability to be proceeded against or sued for committing waste.

Impediens, l. l. *In old English law.* One who hinders; an impediment; the defendant or deforciant in a fine.

Impedire, l. To prevent or embarrass motion, as by something about the feet; to obstruct or hinder generally; to disturb.

Impedit, l. He hinders.

Impeditor, l. l. *In old English law.* A disturber in the action of *quare impedit*.

Impensæ, l. *In the civil law.* Expenses; outlays.

Imperator, l. Emperor; the title of the Roman emperors; a title given to the kings of England in charters before the conquest.

Imperitia, l. Unskilfulness. *Imperitia culpæ adnumeratur:* want of skill is reckoned as *culpa*; that is, as blamable conduct or neglect. *Imperitia est maxima mechanicorum pœna:* unskilfulness is the greatest punishment of mechanics; [that is, from its effect in making them liable to those by whom they are employed.]

Impersonalitas, l. Impersonality,—a mode of expression where no reference is made to any person. *Impersonalitas non concludit nec ligat:* impersonality neither concludes nor binds.

Imperium, l. Power; command; authority. *Imperium in imperio:* a power within a power; a sovereignty within a sovereignty.

Impertinence. The introduction of matters into a bill, answer or other pleading or proceeding which are not properly before the court for decision.

Impertinent. That which does not belong to a pleading, interrogatory or other proceeding in equity.

Impescare, l. l. *In old English law.* To impeach or accuse. *Impescatus:* impeached.

Impetere, l. l. *In old English law.* To impeach or accuse; to call to account, or hold accountable.

Impetio, l. l. *In old English law.* An accusation, charge or impeachment; a calling to account, or holding accountable; a prosecuting



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Import.** A thing brought into a country from another country; a thing imported.
- Importation.** The act of bringing goods, etc., into a country from a foreign country.
- Importunity.** Pressing solicitation; urgent request; application for a claim or favor which is urged with troublesome frequency or pertinacity.
- Impositio, l.** *In old English law.* An imposition, tax or tribute.
- Impossibilis, l.** Impossible. **Impossibilium nulla obligatio est:** there is no obligation of [to do] impossible things. v. *Ea quæ, etc.*; *Lex non, etc.*
- Impost.** A custom or tax levied on articles brought into a country; in a large sense, any tax, duty or imposition.
- Impotens, l.** Impotent; without power or ability. **Impotens sui:** having no power of himself.
- Impotentia, l.** Inability; impossibility. **Impotentia excusat legem:** inability or impossibility excuses law, *i. e.* is an excuse for not doing what the law requires.
- Impound.** To put in a pound; to retain in the custody of the law, as of a forged document produced at a trial.
- Imprimatur, l.** Let it be printed; a license to publish, so called from this, the emphatic word.
- Imprimere, l.** To press upon; to impress; to imprint.
- Imprimerie, fr., Imprimery.** *In old English law.* A print; an impression; the act of printing; a printing house.
- Imprimis, l.** In the first place; first of all.
- Imprison.** To put in prison; to confine, or restrain of liberty.
- Imprisonamentum, l. l.** *In old English law.* Imprisonment.
- Imprisonare, l. l.** *In old English law.* To imprison.
- Imprisonment.** A putting into prison; confinement in a prison or gaol; confinement or restraint in any place.
- Improbare, l.** *In the civil law.* To disapprove; to disallow.
- Improbation.** *In Scots law.* An action brought to have an instrument declared false and forged.
- Improper feud.** A feud held not by military service.
- Impropriation.** *In English ecclesiastical law.* A lay appropriation; a benefice in the hands of a layman, or lay corporation.
- Improve.** *In Scots law.* To disprove; to invalidate; to prove false or forged.
- Improvement.** An amelioration in the condition of property by the outlay of money or labor; in American land law, an act by which a settler expresses his intention to possess or cultivate, as by erecting a cabin, clearing, planting, marking trees, or the like; in the law of patents, an addition to or a modification of an invention.
- Impruiare, l. l.** *In old English law.* To improve land. **Impruiamentum:** the improvement so made.

Impunitas, l. Impunity; exemption from punishment. **Impunitas continuum affectum tribuit delinquenti:** impunity offers a continual bait to a delinquent. **Impunitas semper ad deteriora invitatur:** impunity always invites to greater crimes.

In. Inside of; surrounded by; within; invested with title or possession. **In action:** attainable or recoverable by action; not in possession. **In banc: v. Banc.** **In blank:** written or executed with spaces left to be filled in afterwards,— applied to various instruments, indorsements of bills, notes, etc. **In chief:** relating to a principal matter; in the principal or direct course. **In full life:** alive in fact and in law. **In gross:** in a large sum or quantity; by wholesale; at large, *i. e.* not annexed to or dependent upon another thing. **In judgment:** in a court of justice; in a seat of judgment. **In mercy:** a phrase in old records of judgment signifying that the defendant was in mercy of the king; or the plaintiff and his pledges for his false claim. **In the name of God, amen:** a solemn formula with which wills and some other writings once almost invariably commenced. **In paper:** a term formerly applied to the proceedings in a cause before the record was made up.

In, l. fr. **In.** **In auter:** in another's; — **droit:** in another's right; — **soile:** in or on another's land. **In experience:** concerned. **In fait:** in fact; in deed. **In mercy:** a phrase used at the conclusion of judgment records, derived from the old practice of *amercing* parties against whom judgment was rendered. **In pais, en pais, en pays:** in the country; out of court, or without judicial process; by deed, or not of record; not in writing. **In prender:** in taking,— a term applied to such incorporeal hereditaments as a party entitled to them was to take for himself. **In render:** in yielding or paying. **In, or en ventre sa mere:** in its mother's womb.

In, l. Against; among; in; into; on; to. **In adversum:** against an adverse, unwilling or resisting party. **In æqua manu:** in equal hand. **In æquali jure:** in equal right; — **melior est conditio possidentis:** in [a case of] equal right, the condition of the party in possession is the better. **In æquali manu:** in equal hand; held equally or indifferently between two parties. **In alieno solo:** in another's land. **In alio loco:** in another place. **In alternativis electio est debitoris:** in a case of alternatives, the choice is the debtor's. **In ambigua voce legis:** in an ambiguous expression of law; — **ea potius accipienda est significatio quæ vitio caret, præsertim quum etiam voluntas legis ex hoc colligi possit:** in an ambiguous expression of law that meaning should be taken which works no wrong, especially where the design of the law can be gathered from the same. **In ambiguis orationibus:** in ambiguous statements; — **maxime sententia spectanda est ejus qui eas protulisset:** in the case of ambiguous statements, the intention of him who used them is chiefly to be regarded. **In apicibus juris:**

among the subtleties or extreme doctrines of the law. **In arbitrio:** in the discretion; — **alieno:** in the discretion of another; — **judicis:** in the discretion of the judge. **In articulo mortis:** at the point of death. **In auditu quamplurimorum:** in the hearing of very many. **In capita:** to the polls. **In capite:** in chief. **In casu:** in a case; — **consimili:** in a like case; — **extremæ necessitatis, omnia sunt communia:** in a case of extreme necessity, all things are common; — **proviso:** in a [or the] case provided. **In conjunctivis oportet utramque partem esse veram:** in conjunctives, it is necessary that each part be true. **In consimili casu, consimile debet esse remedium:** in a like case, there ought to be a like remedy. **In consuetudinibus, non diuturnitas temporis sed soliditas rationis est consideranda:** in customs, not length of time but solidity of reason is to be considered. **In contractibus tacite insunt quæ sunt moris et consuetudinis:** in contracts, matters of custom and usage are tacitly implied. **In criminalibus sufficit generalis malitia intentionis, cum facto paris gradus:** in criminal matters or cases, a general malice of intention is sufficient [if united], with an act of equal or corresponding degree. **In curia:** in court. **In custodia legis:** in the custody or keeping of the law. **In delicto:** in fault; culpable; guilty. **In descensu:** by descent. **In disjunctivis, sufficit alteram partem esse veram:** in disjunctives, it is sufficient that either part be true. **In dubiis:** in doubtful cases; in matters or cases of doubt; — **magis dignum est accipiendum:** in doubtful cases, the more worthy is to be taken; — **non præsumitur pro testamento:** in cases of doubt, the presumption is not in favor of a will. **In dubio:** in doubt; in a state of uncertainty; in a doubtful case; — **hæc legis constructio quam verba ostendunt:** in a case of doubt, that is the construction of the law which the words indicate; — **pars mitiora est sequenda:** in doubt the milder course is to be preferred. **In durio rem sortem:** to the harder lot; *i. e.* to the most burdensome debt. **In emulationem vicini:** in envy or hatred of a neighbor. **In esse:** in being; in existence. **In essentialibus:** in the essential parts. **In extenso:** in its full extent. **In extremis:** in extremity; in the last extremity; in the last illness. **In facie ecclesiæ:** in the face of the church, — applied to marriages, which are required to be solemnized in a parish church or public chapel, unless by dispensation or license. **In faciendo:** in doing; in feaſance. **In facto:** in fact; in deed; — **dicit:** in fact says; — **quod se habet ad bonum et malum, magis de bono quam de malo lex intendit:** in an act or deed which admits of being considered as both good and bad, the law intends more from the good than from the bad. **In favorabilibus magis attenditur quod prodest quam quod nocet:** in things favored, what profits is more regarded than what prejudices. **In favorem vitæ:** in favor of life; — **libertatis et innocentie**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

person. **In nullo est erratum:** in nothing is there error,— the name of the common plea or joinder in error, denying the existence of error in the record or proceedings. **In odium spoliatoris:** in hatred [as a mark of hatred] of a despoiler, destroyer or wrong-doer; — **omnia præsumuntur:** all things are presumed against a despoiler; every presumption is made against a wrong-doer. **In omnibus:** in all things; on all points; — **contractibus, sive nominatis sive innominatis, permutatio continetur:** in all contracts, whether nominate or innominate, an exchange [of value, *i. e.* a consideration] is implied. **In ore:** in the mouth. **In pari:** in equal; — **causa:** in an equal cause or matter; in a case affecting two equally; — **causa possessor potior haberi [esse] debet:** where two persons have equal rights in reference to the same thing, the party in possession ought to be regarded as the better; that is, his right should have the preference; — **delictò:** in equal fault; equally culpable or criminal; — **delicto potior est conditio possidentis [defendentis]:** in a case of equal or mutual fault [between two parties], the condition of the party in possession [or defending] is the better one; — **jure:** in equal right; — **materia:** upon the same subject. **In patiando:** in permitting; in suffering. **In pectore judicis:** in the breast of the judge. **In pejorem partem:** in the worst part; on the worst side. **In perpetuam rei memoriam:** in perpetual memory of a matter. **In perpetuum:** forever; — **rei testimonium:** in perpetual testimony of a matter; for the purpose of settling a thing forever. **In personam:** against the person; against a person. **In pios usus:** for pious uses; for religious purposes. **In posse:** in possibility; not in actual existence. **In posterum:** hereafter. **In præmissorum fidem:** in confirmation or attestation of the premises. **In præsentì:** at the present time. **In præsentia majoris potestatis, minor potestas cessat:** in the presence of the superior power, the inferior power ceases. **In principio:** at the beginning. **In propria persona:** in proper person; in one's own person. **In proximo gradu:** in the nearest degree. **In quantum lucratus est:** in so far as he has profited. **In quo quis delinquit, in eo de jure est puniendus:** in whatever thing one offends, in that is he rightfully to be punished. **In quovis:** in whatever. **In re,** in a thing, or matter; in the matter; — **aliena:** in the affairs of another; — **dubia, magis inficiatio quam affirmatio intelligenda:** in a doubtful matter, the denial or negative is to be understood [or regarded] rather than the affirmative; — **propria:** in one's own affairs. **In rebus:** in matters, things or cases; — **manifestis, errat qui auctoritates legum allegat; quia perspicua vera non sunt** probanda: in clear cases, he mistakes who cites legal authorities, for obvious truths are not to be proved. **In rem:** against a thing; for the recovery of a thing; — **suam:** in one's own affairs; — **suam versum:** employed in one's own profit; actually used in one's own

affairs. **In rerum natura:** in the nature of things; in existence; not a fictitious person. **In retentis:** in things held back,—to be held back until wanted; taken and preserved secretly. **In rigore juris:** in the rigor of the law. **In solido:** for the whole; to, or for the full amount; jointly and severally. **In solidum:** for the whole; as a whole; exclusively; to the exclusion of others. *v. Duorum in solidum, etc.; Plures eandem, etc.* **In solo:** in the soil or ground; — **alieno:** in another's ground; — **proprio:** in one's own ground. **In solutum:** in payment. **In specie:** in shape or form; in the same form; in precise form; specifically; identically. **In statu quo:** in the state in which the matter was. **In stirpes:** to, by, or according to the roots or stocks; as representatives of stocks; with reference to the stocks from which parties are descended, and not to themselves as individuals. **In stricto jure:** in strict law; in strict right. **In substantialibus:** in a material point. **In suo genere:** of their own kind. **In suo quisque negotio hebetior est quam in alieno:** every one is more dull in his own business than in another's. **In terminis:** in terms; — **terminantibus:** in terms of determination; exactly in point. **In terrorem:** in or for terror; by way of menace; for the purpose of deterring. **In totidem verbis:** in so many words. **In toto:** in the whole; altogether; — **vel in parte:** in whole or in part. **In traditionibus scriptorum, non quod dictum est, sed quod gestum est, inspicitur:** in the delivery of writings, not what is said, but what is done, is looked to. **In trajectu:** in the passage over; on the voyage over. **In transitu:** in transit; on the way or passage; while passing from one person or place to another. **In tuto:** in safety. **In unum annum et unum diem:** for one year and one day; for a year and a day. **In utero:** in the womb. **In vadio:** in gage or pledge. **In vinculis:** in chains; in actual custody; applied to a person who is compelled to submit to terms imposed by oppression and his necessities. **In vita:** in or for life; alive.

In old English law. **In antea:** henceforth; in future. **In aperta luce:** in open daylight; in the day time. **In arcta et salva custodia:** in close and safe custody. **In banco:** in banc or bank; in the bench, or court of common bench. **In commendam:** in commendation; as a commended living. **In communi:** in common. **In consideratione:** in consideration; — **inde:** in consideration thereof. — **legis:** in consideration or contemplation of law; in abeyance. — **præmissorum:** in consideration of the premises. **In conspectu ejus:** in his sight or view. **In continenti:** immediately; without any interval or intermission. **In corpore:** in body, or substance; in a material thing or object. **In crastino:** on the morrow. **In criminalibus, probationes debent esse, luce clariores:** in criminal cases, the proofs ought to be clearer than light. **In cujus rei testimonium:** in witness or testimony whereof,—the initial words of

the concluding clause in ancient deeds, constituting one of the formal and orderly parts of the instrument. **In damno:** in damage; doing damage. **In defenso:** in defense; in a state of prohibition,—a term applied, in old English law, to lands either actually surrounded by an enclosure, or otherwise exclusively appropriated. **In diem:** for a day; on, or at a day; — **debitum:** a debt due at a certain day. **In dominico:** in demesne; — **suo, ut de feodo:** in his demesne as of fee. **In dorso:** on the back; — **recordi:** on the back of the record. **In duplo:** in double. **In duplum:** for the double value. **In eadem causa:** in the same state or condition. **In excambio:** in exchange,—formal words in old deeds of exchange. **In exitu:** in issue. **In facie curiæ:** in the face of the court. **In facili:** easily; easy of determination or explanation. **In favorem libertatis:** in favor of liberty. **In feloniam:** in felony; in a felonious manner; feloniously. **In feodo:** in fee. **In forma prædicta:** in form aforesaid. **In foro:** in form or in forum; — **contentioso:** in the form of contention or litigation; — **ecclesiastico:** in an ecclesiastical forum; in the ecclesiastical court; — **sæculari:** in a secular forum or court. **In grosso:** in gross; by wholesale. **In hac parte:** in this behalf. **In hunc modum:** after this manner. **In jure:** in right; — **alterius:** in another's right; — **proprio:** in one's own right. **In latrocinio:** in larceny; as a thief. **In lecto mortali:** on the death-bed. **In litem:** for a, or the, suit. **In majorem cautelam:** for greater security. **In mero jure:** on the mere right. **In modum:** in the manner; — **assisæ:** in the manner or form of an assise; — **juratæ:** in manner of a jury. **In nomine Dei, amen:** in the name of God, amen,—a solemn form of introduction used in wills and other instruments, public and private. **In octavis:** on the octave; one of the return days. **In omni re nascitur res quæ ipsam rem exterminat:** in every thing there arises a thing which destroys the thing itself. **In pace Dei et regis:** in the peace of God and the king. **In patrimonio:** as a subject of property. **In pendentibus:** in suspension, or abeyance. **In plena vita:** in full life. **In pleno comitatu:** in full county court. **In præjudicium:** to the prejudice; in prejudice. **In præmissis:** in the premises. **In præparatoriis:** in, or among preliminary proceedings; — **ad judicium favetur actori:** in the proceedings preliminary to judgment the plaintiff is favored. **In primis:** in the first place. **In quindena:** in fifteen days,—one of the return days in the old practice. **In quinque septimanas:** in five weeks,—one of the return days in the old practice. **In republica, maxime conservanda sunt jura belli:** in a state, the laws of war are to be especially upheld. **In respectu:** in respite. **In restitutionem, non in pœnam, hæres succedit:** the heir succeeds to the restitution, not to the penalty; an heir may be compelled to make restitution of a sum unlawfully appropriated by the ancestor, but is not answerable criminally, as for a penalty. **In retalia:** in retail; by retail. **In**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

verisimilius est, aut quod plerumque fieri solet: in obscure cases, we usually look at what is most probable, or what most commonly happens; — **quod minimum est sequimur:** in obscure or doubtful cases, we follow that which is the least. **In omnibus:** in all; — **obligationibus in quibus dies non ponitur, præsentī die debetur:** in all obligations in which a date is not put, the debt is due on the present day; the liability accrues immediately; — **[fere] pœnalibus iudiciis, et ætati et imprudentiæ succurritur:** in nearly all penal judgments, immaturity of age and imbecility of mind are favored; — **quidem, maxime tamen in jure, æquitas spectanda sit:** in all things, but especially in law, equity is to be regarded. **In pœnalibus causis, benignius interpretandum est:** in penal causes or cases, the more favorable interpretation should be adopted. **In potestate parentis:** in the power of a parent. **In re:** in a thing; — **dubia, benigniorem interpretationem sequi, non minus justius est quam tutius:** in a doubtful matter, to follow the more liberal interpretation is not less the juster than the safer course; — **pari, potiore causam esse prohibentis constat:** in a thing equally shared [by several], it is clear that the party refusing [to permit the use of it] has the better cause. **In simplum:** for the simple or single value. **In stipulationibus:** in stipulations; — **id tempus spectatur quo contrahimus:** in stipulations, the time when we contract is regarded; — **quum quæritur quid actum sit, verba contra stipulatorem interpretanda sunt:** in stipulations or contracts, when there arises a question as to what was actually done, the words are to be interpreted against the stipulator. **In toto et pars continetur:** in the whole, the part also is contained.

Inactitare, l. *In old English law.* To enact. **Inactitatus, inactitatum:** enacted.

Inædificatio, l. *In the civil law.* Building on; building on one's land with another's materials; building on another's land with one's own materials.

Inantea, l. l. From this day forth.

Inbladare, l. l. *In old English law.* To plant or sow. **Inbladatio:** sowing.

Inborh, inborow, sax. *In old English law.* A pledge for persons going in. **Inborh and outborh:** a pledge for persons going in and out.

Inbreviare, l. l. *In old English law.* To take a short account in writing; to inventory.

Incapacity. Want of capacity; want of legal ability.

Incendiary. One who wilfully and maliciously sets fire to the house of another.

Incendium, l. *In the civil law.* A fire; a conflagration. **Incendium ære alieno non exuit debitorem:** a fire does not release a debtor from his debt.

- Incerta, l.** Uncertain; doubtful. **Incerta persona:** an uncertain person; a person not particularly named or designated. **Incerta pro nullis habentur:** uncertain things are held for nothing.
- Incerti nominis et temporis, l.** Of uncertain name and date,—a phrase applied to cases in the old reports. **Incerti temporis:** of uncertain time or date,—a title given to some English statutes enacted between Magna Charta and the reign of Edward III.
- Incertitudo, l. l.** *In old English law.* Uncertainty.
- Incertus, incerta, incertum, l.** Uncertain; doubtful; not known. **Incertus possessor est quem ignoramus:** an uncertain possessor is one whom we know not.
- Incest.** Sexual intercourse between persons who, by reason of consanguinity or affinity, cannot lawfully be united.
- Inchoate.** Begun; incipient; incomplete. **Inchoate dower:** the interest of a wife in the land of her husband during his life-time.
- Incident.** Belonging or appertaining to; depending upon something more worthy or important.
- Incidere, l.** *In the civil and old English law.* To fall into; to fall out; to happen; to fall upon or under; to become subject or liable to. **Incidere in legem:** to incur the penalty of a law. **Incidere in misericordiam:** to fall into mercy; to become liable to amercement.
- Incipitur, l. l.** It is begun; a term applied, in English practice, to an entry on the roll in an action by giving merely the commencement of the pleadings or other proceedings.
- Incivile, l.** Against legal propriety, rule or order; irregular. **Incivile est, nisi tota lege perspecta, una aliqua particula ejus proposita, judicare, vel respondere:** it is improper, without looking at the whole of a law, to give judgment or advice, upon a view of any one clause of it. **Incivile est, nisi tota sententia inspecta, de aliqua parte judicare:** it is irregular, or legally improper, to pass an opinion upon any part of a sentence, without examining the whole.
- Inclamare, l. l.** *In old European law.* To cry out for a person, as a crier does in court; to summon to court. **Inclamatus:** proclaimed; summoned by proclamation.
- Inclaustrum, l. l.** *In old English law.* An enclosure; the enclosure or circuit of a monastery.
- Inclose.** To shut up.
- Inclusio, l.** *In the civil law.* A shutting in; an enclosing; inclusion. **Inclusio unius est exclusio alterius:** the inclusion of one is the exclusion of another.
- Incola, l.** *In the civil law.* An inhabitant; a dweller or resident; properly, one who has transferred his domicil to any country.
- Income.** In a strict sense, that which comes in, or is received from, a business or investment, without reference to expenditures; in a looser sense, profits.

Incommodum, l. *In the civil and old English law.* Disadvantage; loss.
Incompatible. Legally inconsistent; incapable of legal union in the same person. Applied to offices.

Incompetency. Want of competency,— applied to evidence.

Inconclusive. Not conclusive; that may be disputed or rebutted. Applied to presumptions.

Inconsulto, l. *In the civil law.* Unadvisedly; unintentionally.

Incontinenti, l., Incontinent, l. fr. Forthwith; immediately; incontinently.

In the civil law. The word did not always import instantaneous succession, but admitted of the existence of a moderate interval.

Incorporalis, l. *In the civil and old English law.* Incorporeal; not material; not having a body or substance. **Incorporalia bello non adquiruntur:** incorporeal things are not acquired by war.

Incorporamus, l. l. We incorporate. One of the words used in England in creating a corporation.

Incorporare, l. l. *In old English law.* To give a body to; to incorporate.

Incorporation. The forming into a body; the creation of an artificial body having perpetual succession; a corporation.

Incorporeal. Having no body, or *corpus*; not material, or tangible; not an object of sense, but existing only in contemplation of law.
Incorporeal chattels: a class of incorporeal rights growing out of, or incident to things personal. **Incorporeal hereditament:** in a large sense, any possession or subject of property, whether real or personal, capable of being transmitted to heirs, and not the object of the bodily senses; in a narrower sense, a right annexed to, or issuing out of, or exercisable within a corporeal hereditament, or land.

Increase. Produce of land; offspring or issue of animals.

Incrementum, l. *In old English law.* Increase; an advance in rent; an additional payment; a parcel of land enclosed out of common or waste ground. **Incrementa:** additions; increase of land by the sea.

Incroch. *In old English law.* To draw to one, as with a hook; to usurp.

Inculcate. To impute blame or guilt; to accuse.

Inculpatory. Tending to establish guilt; intended to establish guilt; criminative. Applied to evidence.

Incumbent. *In English ecclesiastical law.* A clerk who is resident on his benefice, with cure. The word is now applied also to civil officers, to describe the person in present possession of an office.

Incumbere, l. To lie or rest upon; to lie or bend over a thing, as over a task; to apply one's self vigorously; to possess or preserve.

Incumbramentum, l. l. *In old English law.* An incumbrance.

Incumbrance. A charge upon property; a legal claim or lien upon an estate.

Incumbrancer. One who holds an incumbrance, such as a mortgage.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

by cutting (through words, as the word *chirographum*, written along the line of division), in a serrated line; in modern conveyancing, a deed of conveyance, expressed to be made between parties, or a deed of conveyance indented or cut at the top in a serrated or waving line; a contract in two parts in which a person is bound to serve another in his trade or occupation on condition of being instructed in the same.

Independent covenants. Covenants in an instrument which are independent of each other, or the performance of one of which does not depend upon the performance of the other.

Independenter se habet assecuratio a viaggio navis, l. The voyage insured is a distinct thing from the voyage of the ship.

Index animi sermo, l. Speech is the index of the mind or thought; language is the exponent of intention.

Indicare, l. l. *In the civil law.* To show or discover; to fix or tell the price of a thing; to accuse.

Indication. A sign or token; a fact pointing to some inference or conclusion.

Indicavit, l. l. *In English law.* A writ of prohibition that lies for a patron, whose clerk is sued in the spiritual court by the clerk of another patron, for tithes amounting to a fourth part of the value of the living. So called from the emphatic word of the old Latin form.

Indicia, l. Signs; marks; badges; facts proved as pointing to facts sought. *Indicia indubitata quæ fidem extorquent:* undoubted tokens which extort belief. *Indiciis luce clarioribus:* by indications clearer than light.

Indicium, l. *In the civil law.* A sign or mark; a species of proof, answering very nearly to the circumstantial evidence of the common law.

Indict. To accuse by the finding or presentment of a grand jury.

Indictamentum, l. l. *In old English law.* An indictment.

Indictare, l. l. *In old English law.* To indict. **Indictatus:** indicted.

Indictio, l. *In old public law.* A declaration; a proclamation. **Indictio belli:** a declaration or indictment of war.

Indictment. A written accusation of one or more persons of a crime or misdemeanor, preferred to and presented upon oath by a grand jury.

Indifferent. Impartial; disinterested.

Indigena, l. *In old English law.* A subject born · one born within the realm, or naturalized by act of parliament.

Indilate, l. l. *In old English law.* Without delay.

Indirect evidence. Evidence which goes to prove a fact, by establishing other or subordinate facts, from which the principal fact may be inferred.

Inditee, l. fr. *In old English law.* A person indicted.

Individuum, l. *In the civil law.* That cannot be divided.

- Indivisum, l.** Undivided; that which two hold in common without partition.
- Indominicatus, indominicatum, l. l.** *In feudal and old European law.* In demesne; reserved for the use of the lord.
- Indorsamentum, l. l.** *In old English law.* Indorsement; an indorsement; a writing on the back.
- Indorsare, l. l.** *In old English law.* To put or write on the back; to indorse. **Indorsavit:** he indorsed. **Indorsatum:** indorsed.
- Indorse, endorse.** To put on the back; to write on the back; to write one's name on the back of a bill of exchange, promissory note or check, with or without other words; to transfer by such writing; less properly, to write one's name on such a writing, or on another paper annexed to it.
- Indorsee, endorsee, Indossatarius, l. l.** The person in whose favor a bill, note or check is indorsed; the person to whom it is transferred by the indorsement of the payee, or any previous holder.
- Indorsement, endorsement.** Any writing on the back of an instrument or paper; a writing on the back of a paper or parchment containing another writing; the writing of one's name on the back of a bill, note or check; the writing of the name of the payee, or holder of a bill, note or check on the back of it, by which the property in it is assigned and transferred; the writing of the name of the payee or holder of a bill or note on the face of it, or on another paper annexed to it. **Indorsement for accommodation:** an indorsement which is in effect a loan of the indorser's credit without consideration. **Indorsement in blank:** an indorsement consisting merely of the signature of the party making it. **Indorsement in full:** an indorsement which states the name of the person in whose favor it is made. **Qualified indorsement:** an indorsement which limits or modifies the ordinary liability of the indorser. **Restrictive indorsement:** an indorsement which restrains negotiability to a particular person or for a particular purpose.
- Indorser, endorser, Indossans, l. l.** The person by whom a bill, note or check is indorsed.
- Indossamentum, l. l.** Indorsement; an indorsement.
- Inducement.** Introduction; a leading to, or bringing in; that which leads to the commission of crime; motive.
- Induciæ, l.** In old maritime law, a period of twenty days after the safe arrival of a vessel under bottomry, to dispose of the cargo, and raise the money to pay the creditor. In international law, a suspension of hostilities; a truce.
- In old English law.* Delay or indulgence allowed a party to an action; further time to appear in a cause.
- In Scots law.* Time allowed for the performance of an act; time to appear to a citation; time to collect evidence or prepare a defense.

- Inductio, l.** *In the civil law.* Obliteration, by drawing the pen or *stylus* over the writing.
- Induction.** *In English ecclesiastical law.* The giving of a clerk or parson corporal possession of a church, by leading him into it, and delivering him the keys, and by his tolling a bell, or the like, to show that he has taken possession.
- Industrialis, l.** *In the civil law.* Industrial; produced by industry.
- Inesse, l.** To be in; to be inherent in; to be a component part of.
- Inest de jure, l.** It is implied by law.
- Inevitable accident.** An accident produced by any physical cause which is inevitable, such as lightning, storms, perils of the sea, inundation, earthquake, sudden death or illness.
- Infalstatus, l. l.** *In old English law.* A punishment by exposing upon the sands, or sea shore.*
- Infamare, l.** *In the civil law.* To defame; to attack or injure one's character by word or writing.
- Infamia, l.** An evil report; ignominy or disgrace. **Infamia facti:** general bad character. **Infamia juris:** infamy arising from legal conviction of crime.
- Infamis, l.** Without character or reputation; not of good character; infamous.
- Infamous crime.** A crime which formerly incapacitated a person committing it from giving evidence as a witness; such as treason, *præmunire*, felony, and every species of the *crimen falsi*, as perjury, forgery, and the like.
- Infamy.** The condition of being without honor, repute or character; disqualification by conviction of some infamous offense to testify as a witness or sit as a juror.
- Infanc, infang, sax.** *In old European law.* A laying on of hands.
- Infancy.** The status of an infant; nonage, or minority.
- Infangthefe, infangtheof, infangthef, infangethef, infangenthef, infongenthef, infangenetheof, sax.** *In old English law.* A thief taken in, or within; *i. e.* within the manor or liberty of any man having jurisdiction to try him; a privilege granted to lords of certain manors, to try such offenders.
- Infans, l.** *In the civil law.* A child under the age of seven years; so called as not having the faculty of speech. **Infans non multum a furioso distat:** an infant is not far removed from [not very unlike] a madman.
- Infant.** A person not of full age; a person under the age of legal capacity; a minor.
- Infantia, l.** *In the civil law.* The age from birth till the completion of seven years.
- Infanticide.** The murder of a newly born infant.
- Infest.** *In Scots law.* To give seisin or possession of lands; to enfeoff.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Informatus, l. l. Informed. v. *Non sum*, etc.

Informer, Informator, l. l. One who informs against another for the violation of some penal statute.

Infortiare, l. l. To strengthen or fortify; to increase, or enlarge.

Infortiatum, l. l. The name given by the glossators to the second of the three parts or volumes of the Pandects.

Infortunium, l. *In old English law.* Misfortune; misadventure.

Infra, l. Below; under; underneath. This, strictly, is the proper meaning of the word, but by a corruption of ancient date, it has been used in many phrases in place of *intra*, in the sense of within. **Infra ætatem:** below or under age; within age. **Infra corpus comitatus:** within the body of a county,—a term applied to waters over which the admiralty has no jurisdiction. **Infra jurisdictionem:** within the jurisdiction. **Infra quatuor maria:** within the four seas. **Infra quatuor parietes:** within four walls. **Infra regnum:** within the realm. **Infra sex annos:** within six years.

In old English law. **Infra annos nubile:** under or within marriageable years; not of a marriageable age. **Infra annum:** under or within a year; — **luctus:** within the year of mourning. **Infra brachia:** within her arms,—a term anciently used to denote a husband not only *de jure*. but *de facto*. **Infra civitatem:** within the state. **Infra comitatum vel extra:** within a county or without. **Infra dignitatem curiæ:** beneath the dignity of the court,—applied to cases where a suit is too trifling to be entertained. **Infra furorem:** while in a state of insanity. **Infra hospitium:** within an inn. **Infra libertates vel extra:** within liberties or without. **Infra ligeantiam reges:** within the king's ligeance. **Infra maneria:** within the manors. **Infra metas:** within the bounds or limits; — **et divisas:** within the metes and bounds; — **forestæ:** within the bounds of the forest; — **hospitii:** within the limits of the household; within the verge. **Infra præsidia:** within the guards; in a place of protection. **Infra tempus semestre:** within six months. **Infra triduum:** within three days. **Infra virgam:** within the verge.

Ingen, ingene, engin, l. fr. Deceit; fraud; wrong.

Ingenuitas regni, l. l. *In old English law.* The freemen, yeomanry or commonalty of the kingdom.

Ingenuus, l. l. *In the civil law.* One who is free from the moment of his birth; one who is born in marriage of parents who are both free or both freed, or of parents, one free, the other freed; one who is born of a free mother.

In old European law. A freeman; a yeoman.

Ingress. Entry; a going into or upon. **Ingress, egress and regress:** entry, exit and return,—words used to express the right of a party to go upon, off, and to return to lands.

Ingressus, l. *In old English law.* **Ingress.** **Ingressus et egressus:** ingress and egress; liberty of going into and out of land.

- Ingrossare, l. l.** *In old English law.* To engross.
- Ingrossator, l. l.** *In old English law.* An engrosser. **Ingrossator magni rotuli:** ingrosser of the great roll; afterwards called clerk of the pipe.
- Inhabitant.** A dweller in a place; one who dwells or resides permanently in a place. *v. Resident.*
- Inherit.** To take as heir, on the death of the ancestor; to take by inheritance.
- Inheritable blood.** Blood which gives to the person who has it the character of heir, or which may be the medium of transmitting an estate of inheritance; blood which has an inheritable quality.
- Inheritance.** An estate which one has by descent, as heir to another, or which, however acquired, he may transmit to another, as his heir.
- Inhibition.** *In English ecclesiastical law.* A writ from a higher ecclesiastical court to forbid an inferior from further proceeding in a cause.
- In Scots law.* A species of process by which a debtor is prohibited from contracting any debts or granting any deed of alienation, etc., to the prejudice of the creditor; a writ to prevent credit from being given to a man's wife.
- Iniquity.** *In Scots law.* A term applied to the decision of an inferior judge who has decided contrary to law, and who is said to have committed iniquity.
- Iniquum, l. l.** Unjust; unequal; inequitable; not right. **Iniquum est:** it is unjust; — **alios permittere, alios inhibere mercaturam:** it is unjust to permit trade to some, and to inhibit it to others; — **aliquem rei sui esse judicem:** it is wrong for a man to be a judge in his own cause; — **ingenuis hominibus non esse liberam rerum suarum alienationem:** it is unjust that freemen should not have the free disposal of their own property.
- Initial.** That which begins, or stands at the beginning; the first letter of a name.
- Initialia testimonii, l. l.** *In Scots law.* Preliminaries of testimony; the preliminary examination of a witness, corresponding to the *voir dire* of the English law.
- Initiate.** Begun. **Initiate curtesy:** the interest of a husband in the lands of the wife, begun upon the birth of a child capable of inheriting, and continuing until the death of the wife, when it becomes consummate or complete.
- Initium, l.** A, or the, beginning; the origin, cause or foundation of a thing.
- Injecture, l. fr.** A laying on. **Injecture le mains:** laying hands on.
- Injunction.** A prohibitory writ in the nature of an *interdictum*, in the civil law, granted by a court of equity in a variety of cases, to restrain the adverse party in the suit from doing or suffering a certain act. **Common injunction:** an injunction granted upon default.

Mandatory injunction: an injunction which forbids a party to allow the continuance of a thing, and thus amounts to a command to remove it. **Perpetual or final injunction:** an injunction granted as a means of permanent relief at the end of the suit and forever prohibiting the doing or continuing of the act in question. **Preliminary or provisional injunction:** an injunction granted at the beginning of a suit to restrain action on the part of the adverse party *pendente lite*.

Injuria, l. Injury; wrong; the privation or violation of right. **Injuria est quicquid non jure fit:** injury is whatever is not done rightfully. **Injuria non præsimitur:** injury is not presumed. **Injuria propria non cadat in beneficium facientis:** one's own wrong shall not fall to the advantage of him that does it.

Injuriare, l. l. *In old English law.* To injure. **Injuriatum:** injured.

Injuriousum, l. l. *In old English law.* Injurious; wrongful; that occasions a wrong or injury.

Injury. Wrong; the privation or violation of right.

Injaste, l. Unjustly.

Injustus, l. Unjust; wrong. **Injustum est, nisi tota lege inspecta, de una aliqua ejus particula proposita judicare vel respondere:** it is wrong to decide or give an answer upon any part of a law without examining the whole of it.

Inlagare, l. l. *In old English law.* To restore to the law; to restore an outlaw or exile to the protection of the law.

Inlagary. *In old English law.* A restitution of one outlawed to the protection of the law, or to the benefit or liberty of a subject.

Inlagatus, l. l. *In old English law.* In-law; one who was under protection of the law, in some frank-pledge or decennary.

Inlaghe, sax. *In old English law.* In-law, subject to the law.

Inland, sax. *In old English law.* The demesne land of a manor; that part which lay next, or most convenient to, the lord's mansion house, and which he kept in his own hands for support of his family and hospitality.

Inland. Within a country, state or territory; within the same country. **Inland bill:** a bill of exchange drawn upon a person residing in the same state or country with the drawer.

Inlaughe, sax. *In old English law.* Under the law, in a frank-pledge, or decennary.

In-law. *In old English law.* To place under the protection of the law.

Inleased. *In old English law.* Entangled, or ensnared.

Inlegiare, l. l. *In old English law.* To restore to the favor of the law by satisfying its demands.

Inmate. A person who lodges or dwells in the same house with another, occupying different rooms, but using the same door for passing in and out of the house.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Inquisitio, l. *In old English law.* An inquisition or inquest. **Inquisitio patriæ:** the inquisition of the country; the ordinary jury, as distinguished from the grand assise. **Inquisitio post mortem:** an inquisition after death; an inquest, of office held, on the death of a tenant in chivalry, to inquire of what lands he died seised, etc.

Inquisition. The finding of a jury, especially under a writ of inquiry.

Inrolment, enrollment. The entry of any act or matter upon a roll.
v. *Enrollment.*

Insane. Of unsound mind; mad, deranged, disordered or diseased in mind.

Insanity. Unsoundness of mind; derangement of intellect; madness. **Emotional insanity:** insanity which arises under the impulse of passion in a person in possession of his ordinary faculties. **Impulsive insanity:** insanity which exists where a person is irresistibly impelled to the commission of an act. **Moral insanity:** the insanity of a mind which, while undisturbed by illusion, is yet without power to regulate the conduct according to the understanding.

Insanus, l. Insane; deranged; mad. **Insanus [est] qui, abjecta ratione, omnia cum impetu et furore facit:** an insane person is one who, having lost reason, does every thing with violence and fury.

Inscribere, l. *In the civil law.* To subscribe an accusation; to bind one's self, in case of failure to prove an accusation, to suffer the punishment which otherwise the accused would have suffered.

Inscriptio, l. *In the civil law.* A written accusation; an undertaking, in case of a failure to prove an accusation, to suffer the punishment which otherwise the accused would have suffered.

Insectator, l. l. *In old English law.* A prosecutor, or adversary at law.

Insensible. Unintelligible; without sense or meaning, from the omission of material words, etc.

Insidiatio, l. *In old English law.* A lying in wait. **Insidiatio viarum:** a lying in wait for one on the highway. **Insidiatores viarum:** waylayers.

Insignia, l. Distinctive marks; characteristics.

Insimul, l. Together; jointly. **Insimul computassent, or computasset:** they accounted together, he accounted together,—one of the common counts, otherwise called a count upon an account stated.

In old English law. **Insimul tenuit:** a species of the writ of formondon in the descender.

Insinuare, l. *In the civil law.* To put into; to insert; to deposit a writing in court; to make known; to declare or acknowledge before a judicial officer.

Insinuatio, l. l. *In old English law.* Information or suggestion.

Insolide, l. l. *In old English law.* Solidly; without any separation of possession or ownership.

Insolvency. Inability to pay; want of solvency; the state of an insolvent; the state of a person who is unable, from want of means,

to pay his debts; strictly, the state of a person, not engaged in trade, who is unable to pay his debts. v. *Bankruptcy*.

Insolvent. One who cannot or does not pay; one who is unable to pay his debts; strictly, a person, not engaged in trade, who is unable to pay his debts. v. *Bankruptcy*.

Inspection. An examination; a looking at; a view; an official examination of commodities or manufactures, to ascertain their quality; an examination of books or of writings not under seal, in the possession of the opposite party, which a party may have, on obtaining a rule of court or a judge's order for the purpose.

In old English law. A mode of trial, by which the judges of a court decided a point in dispute, upon the testimony of their own senses, without the intervention of a jury.

Inspeximus, l. *In old English law.* We have inspected; an exemplification of letters patent, so called from the emphatic word of the old forms.

Instance. Solicitation, properly of an earnest or urgent kind. **Instance court:** the ordinary court of admiralty, as distinguished from the prize court, which is held in times of war.

Instans, l. l. Instant; an indivisible point of time. **Instans est finis unius temporis et principium alterius:** an instant is the end of one period of time, and the beginning of another.

Instanter, l. Instantly; forthwith; without any delay, or the allowance of any time. v. *Forthwith; Immediately*.

Instantia, l. l. *In old English law.* Despatch; speedy prosecution.

Instar, l. Likeness; the likeness, size or equivalent of a thing. **Instar dentium:** like teeth. **Instar omnium:** equivalent or tantamount to all.

Instaurum, l. l. *In old English law.* A stock or store of cattle, and other things; the whole stock upon a farm, including cattle, wagons, and all implements of husbandry.

Institor, l. *In the civil law.* A person put in charge of a shop, with authority to buy and sell; a person having charge of buying or selling, at no particular place; a person entrusted with the transaction of any particular business.

Institoria actio, l. *In the civil law.* An action which lay for those who had contracted with an *institor*, to compel the principal to perform.

Instituere, l. *In old English law.* To establish, enact or ordain.

In the civil law. To prepare, provide or furnish; to designate as an heir; to appoint as an attorney; to commence, as an action.

In feudal law. To invest or give possession.

Instituta, l. Institutes.

Institute. To commence; to set on foot.

Institutes of Gaius. An elementary work of the Roman jurist Gaius,—important as having formed the foundation of the Institutes of

Justinian. Institutes of Justinian: elements of the Roman law, in four books, compiled by Tribonian, Theophilus and Dorotheus, under direction of the Emperor Justinian, and published in 529; one of the principal component parts or general divisions of the *Corpus Juris Civilis*.

Institutio l., Institution. *In English ecclesiastical law.* The investiture of a clerk by the bishop.

Instructions. Orders to an agent in relation to the duties of his employment; written statements of fact for the guidance of attorneys, etc., in the prosecution and defense of actions; directions to a jury as to the law and their duty in a cause about to be submitted to them for a verdict.

Instrument. A mean or help to the doing of a thing; a writing, as the means of giving formal expression or effect to some act. **Instruments of evidence:** media through which the evidence of facts is conveyed to the minds of the triers.

Instrumentum, l. *In the civil law.* Furniture; equipment; articles provided or necessary for the carrying on of any business, art or occupation; everything with which a cause could be provided; a contract containing the evidence of some agreement.

Insufficiency. In equity pleading, a defect in an answer consisting of a failure to reply to a specific charge, or material allegation or interrogatory in the bill.

Insultus, l. *In old English law.* An assault. **Insultum fecit et verberavit:** made an assault and beat.

Insuper, l. Moreover; over and above.

Insurance, assurance. A contract of indemnity against certain risks, for a stipulated consideration. **Insurance broker:** a broker through whose agency insurance is effected. **Insurance company:** an association, commonly incorporated, whose business it is to insure. *v. Double-insurance; Over-insurance; Policy; Re-insurance.*

Insurrection. A rising against civil or political authority; a rebellion.

Intakers. *In old English law.* Thieves inhabiting Redesdale, on the northern border; so called because they took in or received such booty as their accomplices, who were called outparters, brought in from Scotland.

Integer, l. Entire and whole; untouched, as a thing originally or at first was. *v. Res integra.*

Intellectus, l. *In old English law.* Meaning; signification.

Intemperance. The habit of drinking to intoxication when occasion offers, and such that sobriety or abstinence is exceptional.

Intend. To fix the mind upon a thing; to mean; to act with a knowledge of consequences, and with a determination or willingness to produce such consequences.

Intendere, l. *In old English law.* To apply one's self; to attend diligently, as to the duties of an office.

In the civil law. To claim at law, or in an action.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

chiefly used where a contention arose between parties concerning possession, or *quasi* possession. Interdicts were of three kinds,—prohibitory, restoratory and exhibitory.

In the canon law. **Interdict, interdiction:** an ecclesiastical censure, prohibiting the administration of divine ordinances, or the performance of religious services.

Interdictum, l. *In the civil law.* An interdict; a kind of action. **Interdictum Salvianum:** the Salvian interdict; a process which lay for the owner of a farm, to obtain possession of goods of his tenant, pledged for the rent.

Interesse, l. *In old English law.* The interest of money, as distinguished from the principal; an interest in lands; an interest in a term for years; an interest in a suit. **Interesse termini:** an interest in a term; a right to the possession of a term at a future time.

Interest. Concern; benefit; advantage; participation in benefit; the concern, benefit or advantage which a witness has in the result of the trial; a sum of money, or other certain profit, paid or allowed by way of compensation for the loan or use of another sum; the most general term that can be used to express a property in lands or chattels. **Interest or no interest:** a species of marine insurance, otherwise called wagering, where the insured has in fact no property on board.

Interest, l. It concerns; it is for the advantage or benefit. **Interest (imprimis) reipublicæ ut pax in regno conservetur, et quæcunque paci adversentur provide declinentur:** it especially concerns the state that peace be preserved in the kingdom, and that whatever things are against peace be prudently avoided. **Interest reipublicæ:** it concerns the state; — **ne maleficia remaneant impunita:** it concerns the state that crimes remain not unpunished; — **ne sua quis male utatur:** it concerns the state that persons do not misuse their property; — **quod homines conserventur:** it concerns the state that [the lives of] men be preserved; — **res judicatas non rescindi:** it concerns the state that things adjudicated be not rescinded; — **suprema hominum testamenta rata haberi:** it concerns the state that men's last wills be held valid [or allowed to stand]; — **ut carceres sint in tuto:** it concerns the state that prisons be safe places of confinement; — **ut sit finis litium:** it concerns the state that there be an end of lawsuits.

Interfectio, l. *In old English law.* A killing. **Interfectio felonica:** a felonious killing.

Interim, l. In the meantime; provisionally. **Interim committatur:** in the meantime let him be committed.

Interlaqueare, l. l. *In old English law.* To link together, or interchangeably.

Interlineation. A writing between lines; addition to a written instrument, by insertion of one or more words between the lines.

Interlocutio, l. l. Imparlance.

Interlocutor. *In Scots law.* An order or decree of court; an order made in open court. **Interlocutor of relevancy:** a decree as to the relevancy of a libel or indictment in a criminal case.

Interlocutory. Intermediate; something done or determined between the beginning and the end of a suit. **Interlocutory costs:** costs upon proceedings in the intermediate stages of a cause. **Interlocutory decree:** a preliminary or intermediate decree; a decree which directs some further proceedings before a final decree can be had. **Interlocutory judgment:** a preliminary or intermediate judgment; a judgment upon some plea, proceeding or default, which does not finally determine or complete the suit. **Interlocutory order:** an order made during the progress of a suit, upon some incidental matter.

In the civil law. **Interlocutory sentence:** a sentence upon some indirect question arising from the principal cause.

Interloquela, l. l. Imparlance.

Interloquitor. *In old Scots law.* An interlocutory decree or decision.

Intern. To restrict a person within a particular territory as a political prisoner.

International law. The customary law which determines the rights and regulates the intercourse of nations; the law of nations.

Internuncius, l. A messenger between two parties; a go-between.

Interplacitare, l. l. To inquire into a point arising collaterally in a cause, before determining the principal matter; to interplead.

Interplead, interplede, enterplede. To settle a question of right to property or money adversely claimed, by litigation between the claimants, for the security of a third person who holds the property or money, but is in doubt to which party he shall pay or deliver it.

In old English law. To discuss or try a point incidentally arising, before the principal cause can be determined, by making the parties litigate it between them.

Interpleader. A mode of obtaining the settlement of a question of right to property or money adversely claimed, by compelling the claimants to interplead, *i. e.* to litigate the title between themselves, for the benefit and relief of a third person of whom they claim.
v. Bill in equity.

Interpretari et concordare leges legibus est optimus interpretandi modus, l. To interpret, and [in such a way as] to harmonize laws with laws, is the best mode of interpretation.

Interpretatio chartarum benigne facienda est ut res magis valeat quam pereat, l. The interpretation of deeds is to be liberal, that the thing may rather have effect than fail. **Interpretatio flenda est ut res valeat:** interpretation is to be [so] made that the subject of it may have effect. **Interpretatio talis in ambiguis semper flenda est, ut evitetur inconveniens et absurdum:** in cases of

ambiguity, such an interpretation should always be made that what is inconvenient and absurd may be avoided.

Interpretation. Explanation or exposition of meaning; the explanation or authoritative declaration of the meaning of an instrument, or of some clause or word in it.

Interrogare, l. *In old English law.* To call or demand a party.

In the civil law. To propose a law; to request its passage; to move its adoption.

Interrogatory. A question in writing; one of a set of questions in writing drawn up according to a certain form, for proposal to witnesses or to parties,— to witnesses examined out of court, as under a commission issued for the purpose; to witnesses in courts of equity, and other courts proceeding according to the course of the civil law.

Interruptio, l. Interruption,— a term used in both the civil and the common law of prescription. *Interruptio multiplex non tollit prescriptionem semel obtentam:* manifold or repeated interruption does not take away or defeat a prescription once obtained.

Interruption. *In Scots law.* The breaking through of that possession on which a prescriptive title rests.

Intertiare, interciare, l. l. *In Saxon law.* To vouch to warranty.

In old European law. To deliver to a third person; to vouch a third person; to sequester.

Intervallum, l. *In old English law.* An interval of time or place. *v. Lucid interval.*

Intervenire, l. *In the civil law.* To come between; to substitute one's self for another; to assume the obligation of another, or the prosecution or defense of another's cause; to intervene.

Intervention. *In the civil law.* A coming between parties; the act by which a person, not a party to a suit, but claiming an interest in the subject-matter, interposes and thus makes himself a party to the proceeding.

Intestabilis, l. *In the civil law.* That cannot testify; one whose testimony cannot be received.

Intestabile. Incompetent to make a will.

Intestacy. The condition of a person who dies without having made a will; the state of an intestate.

Intestate. Without a will; a person who dies without making a will, or a valid will. **Quasi intestate:** a person who dies leaving a will the executors of which refuse to act.

Intestato, l. *In the civil law.* Intestate; without a will.

Intestatus, l. *In the civil and old English law.* One who dies without a will; an intestate. *Intestatus decedit, qui aut omnino testamentum non fecit, aut non jure fecit, aut id quod fecerat ruptum irritumve factum est, aut nemo ex eo hæres extitit:* a man dies intestate who either has not made any will at all, or has not



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Invalid. Without force or legal efficacy; not valid; void.

Invecta et illata, l. *In the civil law.* Things carried in and brought in,— things brought in by a tenant, and so pledged to the lessor as security for the rent.

Inveniendo, l. l. *In old English law.* Finding,— one of the words by which a rent might be reserved.

Invenire, l. To find. **Inveniens:** finding. **Inveniens libellum famosum et non corrumpens punitur:** he who finds a libel, and does not destroy it, is punished,— an old rule derived from the civil law. **Inventus:** found.

Invent. To find out; to contrive and produce something that did not exist before.

Inventarium, l. *In the civil law.* A formal setting down in writing of the property found to belong to an inheritance.

Inventio, l. l. *In old English law.* A thing found; as goods, or treasure trove.

In the civil law. Finding; one of the modes of acquiring title to property by occupancy.

Invention. A finding out; the contrivance of something which did not before exist; the thing so produced.

Inventory. A list or schedule of articles of property, setting out the names of articles singly or in classes. Applied to lists made upon levy of attachments, executions, etc., by insolvents and bankrupts, by executors and administrators, and the like.

Inventus, l. *In old English law.* Found. v. *Non est*, etc.

Invest. To give possession; to put into possession; to put in possession of a fee, estate, or office newly acquired; to lay out money in a permanent way so as to produce an income.

Investigation. Inquiry by observation, experiment, or discussion.

Investiture. *In feudal law.* The delivery of actual corporeal possession of lands or tenements given or granted with certain ceremonies or solemnities.

Invito, l. Unwilling. **Invito beneficium non datur:** a benefit is not conferred on an unwilling party. **Invito debitore:** against the will of the debtor. **Invito domino:** against the will of the lord.

Invitus, l. Unwilling; without the consent; against the will. v. *In invitum*.

Invoice. A list or account of goods shipped by a merchant to his factor or consignee, containing the marks of the goods, the value, charges, etc.

Ipse, l. He himself; he alone. **Ipsi, ipsæ:** they, themselves. **Ipsud:** the thing itself.

Ipsissimis verbis, l. In the very same words; in the exact words.

Ipsso facto, l. l. By the act or fact itself; by the mere act or fact. **Ipsso jure:** by the law itself; by the mere operation of law.

Ira motus, l. Moved or excited by anger or passion.

- Ire, l.** *In old English law.* To go; to be dismissed from court, or discharged from legal restraint. **Ire ad largum:** to go at large.
- Irregular.** Out of rule; not according to rule.
- Irregularitas, l. l.** *In old English law.* Irregularity.
- Irregularity.** Departure from rule; non-observance of rule.
- Irrelevant.** Not relevant; not applicable to the matter in issue.
- Irreplegiabilis, l. l.** *In old English law.* Notailable; irrepleviable.
- Irrepleviable, irreplevisable.** That may not, or ought not, to be replevied, or set at large upon sureties. Originally applied to persons as well as property.
- Irresistible force.** An uncontrollable interposition of human agency, such as the inroad of a hostile army, robbery by force, etc.
- Irrigation.** Watering; the watering of land; the operation of causing water to flow over lands for agricultural purposes.
- Irritancy.** *In Scots law.* A becoming void or null; nullity; a clause in a conveyance declaring upon what contingencies an estate shall become void.
- Irritant.** *In Scots law.* Avoiding or making void.
- Irritus, irritum, l.** *In the civil law.* Void; invalid; of no effect; ineffectual.
- Irrogare, l.** *In the civil law.* To impose or set upon, as a fine; to inflict, as a punishment; to make or ordain, as a law.
- Irrotulare, l. l.** *In old English law.* To put on a roll or record; to enrol.
- Irrotulatio, irrotulamentum, l. l.** *In old English law.* Enrolment; an enrolment; an entry on record.
- Is qui cognoscit, l.** The cognizor. **Is qui cognoscitur:** the cognizee.
- Ish.** *In Scots law.* The period of the termination of a tack or lease.
- Isser, l. fr.** To go out; to issue. **Issist:** [he] went out. **Istra:** shall go out.
- Issint, l. fr.** So; thus. **Issint avant:** so on.
- Issuable.** Leading to, or producing an issue; relating to an issue or issues. **Issuable plea:** a plea in chief to the merits, upon which the plaintiff may take issue, and go to trial.
In English law. **Issuable terms:** Hilary and Trinity terms, so called, because in them issues are made up for the assizes.
- Issuably.** In an issuable manner.
- Issue, fr. and eng.** Offspring, including not only children, but all lineal descendants; a causing to go forth; the point of fact or law resulting from the pleadings in an action. In a will the word is commonly of very extensive import, and embraces descendants of every degree, whensoever existent. It may, however, be restricted to children. **Issue in fact or of fact:** an issue upon matter of fact,—the fact only, and not the law, being disputed and presented for trial. **Issue in law:** an issue upon matter of law, or consisting of matter of law, being produced by a demurrer on the one side, and a joinder in demurrer on the other.

- Issue.** To send out, as a process; to put into circulation, as bank notes, bonds, etc.
- Issue roll.** *In English law.* A roll upon which the issue in actions was formerly required to be entered.
- Issues.** The profits of lands or tenements; the profits of amercements or fines.
- Ita, l.** So. *Ita lex scripta est:* so the law is written. *Ita quod:* so that; — *habeas corpus:* so that you have the body. *Ita semper fiat relatio ut valeat dispositio:* the relation should always be so made that the disposition may prevail. *Ita te Deus adjuvet:* so help you God; — *et sacrosancta Dei evangelia:* so help you God, and God's holy evangelists; — *et omnes sancti:* so help you God and all the saints.
- Item, l. and l. fr.** In like manner; likewise; a particular in a bill or an account. The word was formerly used in wills, statutes, etc., to mark new paragraphs, or the introduction of distinct matter.
- Iter, l.** *In old English law.* A journey, particularly the journey or circuit made or travelled by those justices called justices itinerant, who were anciently commissioned to go through the different counties to hold certain pleas, or determine certain causes.
- In maritime law.* A way or route; the route or direction of a voyage; the route or way that is taken to make the voyage assured.
- In the civil law.* Way; a way or path; a species of servitude or easement incident to rural estates. *Iter est jus eundi, ambulandi hominis; non etiam jumentum agendi vel vehiculum:* way is a right for a man, of going or walking over another's land; but not of driving a beast or a vehicle.
- Iterato, l.** Again; a second time.
- Iterum, l.** *In the civil law.* A second time; frequently.
- Itinera, l.** Eyres, or circuits.
- Itinerant.** Going or travelling about.
- Itinerantes, l. l.** Itinerant; travelling; in eyre.
- Itinerare, l. l.** *In old English law.* To travel about; to go on the *iter*, *eyre*, or circuit. *Itineraverunt:* they have travelled about.
- Itineratio, l. l.** *In old English law.* An eyre, or circuit.
- J.** The initial letter of judge, justice. **J. P.:** justice of the peace. **JJ.:** justices or judges.
- Ja, l. fr.** Yet; never; nevertheless; now. **Ja demains:** furthermore. **Ja soit que:** although.
- Jacere, l.** *In civil and old English law.* To lie; to lie, as an action; to be fallen; to be in abeyance; to be overthrown or defeated in a suit. **Jacens:** lying; fallen; prostrate; in abeyance.
- In old English law.* **Jacet in ore:** it lies in the mouth.
- Jactitation.** A throwing or giving out; a boasting. **Jactitation of marriage:** a boasting or giving out by a party of marriage to another.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Joint. United; combined; done by or against two or more unitedly; shared by, or between two or more. **Joint action:** an action in which two or more unite, or are united as parties. **Joint and several bond:** a bond in which the obligors bind themselves both jointly and severally to the obligee. **Joint bond:** a bond executed by two or more as obligors, in which they bind themselves jointly but not severally. **Joint indictment:** an indictment in which several offenders are joined. **Joint-stock company:** a kind of partnership consisting of a large number of members, constituting an unincorporated association, with a capital divided into shares transferable without the express consent of all the copartners, and acting under a written instrument termed articles of association, or a deed of settlement. **Joint tenancy:** a joint holding; a union or conjunction of interest in land or other property; a tenancy which arises where two or more persons acquire land at the same time, by the same title, otherwise than by descent. **Joint tenants:** persons who hold an estate or property in joint tenancy.

In English law. **Joint fiat:** a fiat in bankruptcy, issued against two or more trading partners.

Jointress, jointuress. A woman having a jointure.

Jointure. Strictly a joint estate limited to both husband and wife, and such was its original form; but, in its more usual form, it is a sole estate limited to the wife only, expectant upon a life estate in the husband, in lieu of dower.

Jorer, l. fr. To swear.

Jour, jor, jur, joer, l. fr. *In old English law.* Day; a day. **Jour d' amour:** a day of grace. *v. Dies amoris.* **Jour en banc:** a day in banc. **Jour en pays:** a day in the country. **Jour en court:** day in court; day to appear in court.

Journe, journee, jornee, l. fr. A day; a court, or court day; the day of holding a court.

Journes, journees or journeis accompts, l. fr., Journeys accounts. Journeys reckoned or computed; days' journeys reckoned or computed. Applied to a fresh writ issued after abatement of a former writ, the new writ being called a writ by journeys accounts, from the ancient practice of computing the time allowed for the purpose by days of the journey which the suitor had to make to the chancery to purchase it.

Jubere, l. *In the civil law.* To order, direct or command; to assure or promise; to decree or pass a law.

Judex, l. *In old English law.* A judge,—one who declares the law, or administers justice between contending parties. Applied to the judges of the ecclesiastical courts as distinguished from the *justitarius* of the common-law courts. **Judex æquitatem semper spectare debet:** a judge ought always to regard equity. **Judex bonus nihil ex arbitrio suo faciat, nec proposito domesticæ voluntatis, sed**

juxta leges et jura pronunciet: a good judge should do nothing of his own arbitrary will, nor on the dictate of his personal inclination, but should decide according to law and justice. **Judex est lex loquens:** a judge is the law speaking [the mouth of the law]. **Judex non potest esse testis in propria causa:** a judge cannot be a witness in his own case. **Judex non potest injuriam sibi datam punire:** a judge cannot punish a wrong done to himself. **Judex non reddit plus quam quod petens ipse requirit:** a judge does not give more than what the complaining party himself demands. **Judici officium suum excedenti non paretur:** a judge exceeding his office is not to be obeyed. **Judici satis pœna est, quod Deum habet ultorem:** it is punishment enough for a judge that he has God as his avenger. **Judicis [nostrum] est judicare secundum allegata et probata:** it is the duty of a judge to determine according to what is alleged and proved. **Judicis est jus dicere, non dare:** it is the province of a judge to declare the law, not to give it. **Judicis officium est ut res, ita tempora rerum quærere:** it is the duty of a judge to inquire into the times of things, as well as into things themselves.

In the civil law. Originally a private person appointed by the prætor, with the consent of the parties, to try and decide a cause begun before him; otherwise called *judex datus*, and *judex pedaneus*; in later law, a judge in the modern sense. **Judex a quo:** the judge from whom an appeal is made or taken. **Judex ad quem:** the judge to whom an appeal is taken. **Judex delegatus:** a delegated judge. **Judex ordinarius:** an ordinary judge; one who had the right of hearing and determining causes as a matter of his own proper jurisdiction.

In the Roman law. **Judex datus:** a judge given, that is, assigned or appointed by the prætor to try a cause. **Judex pedaneus:** a *judex* appointed by the prætor to try a cause, so called from the low seat which he occupied at the foot of the tribunal or prætor's bench.

In old European law. **Judex fiscalis:** a fiscal judge; a judge having cognizance of matters pertaining to the *fiscus*, or public treasury, and by whose sentence property was confiscated.

Judge. A public officer authorized by law to hear and determine causes, and who holds courts statedly for that purpose; a person who presides in a court of judicature, either solely or with associate judges. **Judge advocate:** an officer of a court-martial, who combines the character of adviser to the court with that of public prosecutor.

Judgment, Judicium, l., Jugement, fr. The sentence of the law pronounced by a court upon the matter contained in the record; the act, process or business of judging, that is, of hearing as well as determining a cause. **Judgment debt:** a debt due by judgment. **Judgment note:** a promissory note containing a power of attorney to confess judgment against the maker in case of non-payment. **Judgment rec-**

ord: a record of the proceedings in an action at law, from the beginning of the pleadings to the giving of judgment inclusive.

In English law. **Judgment nisi:** a judgment to become absolute unless within the first four days of the next term the court shall order otherwise. **Judgment paper:** a sheet of paper containing an *incipitur* of the pleadings in an action at law, upon which final judgment is signed by the master. **Judgment roll:** a roll of parchment containing the entries of the proceedings in an action to the entry of judgment inclusive.

Judicare, l. *In civil and old English law.* To judge; to decide or determine judicially. **Judicatio:** judging. **Judicatus, judicata, judicatum:** adjudged. **Judicatum solverere:** to pay what was adjudged to a party in a suit.

In feudal law. To give by will.

Judicandum est legibus non exemplis, l. Judgment is to be given according to the laws, not according to examples or precedents.

Judicature acts. The statutes reorganizing the English courts, particularly the statute of the 36 & 37 Vict., c. 66.

Judices, l. Judges. **Judices non tenentur exprimere causam sententiæ suæ:** judges are not bound to express the reason of their sentence or judgment.

In the civil law. **Judices ordinarii:** ordinary *judices*; the common *judices* appointed to try causes. **Judices selecti:** select or selected *judices* or judges; those which were used in criminal causes.

In the Roman law. **Judices pedanei:** the ordinary *judices* appointed by the prætor or by the governors of provinces to try causes.

Judicia, l. *In old English law.* Judgments. **Judicia in deliberationibus crebro maturescunt, in accelerato processu nunquam:** judgments frequently become matured by deliberations; never by hurried process or precipitation. **Judicia posteriora sunt in lege fortiora:** the later judgments are the stronger in law. **Judicia sunt tanquam juris dicta, et pro veritate accipiuntur:** judgments are, as it were, the sayings of the law, and are received as truth. **Judiciis posterioribus fides est adhibenda:** faith or credit is to be given to the later judgments.

In the Roman law. Judicial proceedings. **Judicia publica:** criminal trials.

Judicial. Belonging to the office of a judge; relating to, or connected with, the administration of justice; having the character of judgment or formal legal procedure; proceeding from a court of justice; constituting the basis of a judgment. **Judicial act:** an act done in the exercise of judicial power. **Judicial action:** the application to persons or things of legal sequences from facts agreed or judicially ascertained. **Judicial admission:** a voluntary admission made in court or before a magistrate. **Judicial confession:** a confession of guilt, made by a prisoner before a magistrate, or in court, in the



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Junior. Younger; later or more recent, as a junior creditor, execution, judgment, writ, etc. As applied to a person it is a word of description merely, and no part of the name.

Jura, l. Rights; laws; freedoms or abilities. **Jura eodem modo destituuntur quo constituuntur:** laws are abrogated by the same means [authority] by which they are made. **Jura naturæ sunt immutabilia:** the laws of nature are unchangeable. **Jura personarum:** rights of persons; the rights of persons. **Jura publica:** public rights; — **anteferenda privatis:** public rights are to be preferred to private; — **ex privato [privatis] promiscue decidi non debent:** public rights ought not to be decided promiscuously with private. **Jura rerum:** rights of things; the rights of things; rights which a man may acquire over external objects. **Jura sanguinis nullo jure civili dirimi possunt:** the rights of blood can be taken away by no civil law. **Jura summi imperii:** rights of supreme dominion; rights of sovereignty.

In English law. **Jura fiscalia:** fiscal rights; rights of the exchequer. **Jura regalia:** royal rights, or privileges. **Jura regia:** royal rights; the prerogatives of the crown.

In old English law. **Jura mixti domini:** rights of mixed dominion.

In the civil law. **Jura prædiorum:** the rights of estates. **Jura in re:** rights in a thing; rights which exist independently of the *dominium*, and are enjoyed by some person other than him who has the *dominium*.

Juramentum, l. l. *In the civil and common law.* An oath. **Juramentum est affirmatio vel negatio de aliquo, attestazione sacræ rei firmata:** an oath is an affirmation or denial respecting any matter, confirmed by the attestation of a sacred thing. **Juramentum est indivisibile, et non est admittendum in parte verum, et in parte falsum:** an oath is indivisible, and is not to be received as in part true and in part false.

Jurare, l. *In old English law.* To swear; to make oath; to take an oath. **Jurare est Deum in testem vocare, et est actus divini cultus:** to swear is to call God to witness, and is an act of religion. **Jurat:** he swears; the memorandum at the foot of an affidavit showing when, where and before whom it was sworn.

In the civil and feudal law. To swear.

Jurata, l. l. A jury,—so called because sworn well and truly to try the issue, etc.; the *jurata*, or common jury of the ancient law, otherwise called *jurata patriæ*, a jury of the country, as distinguished from the *assisa*, or assise established by Henry II., from which it differed in being a tribunal chosen by consent of the parties themselves, or appointed by the court at their request, and in that the jurors were not liable to attain.

In English law. The jury clause in a *nisi prius* record, so called from the emphatic words of the old forms. **Jurata ponitur in respectum:** the jury is put in respite.

Jurator, l. l. *In old English law.* A juror; a compurgator. **Juratores:** jurors. **Juratores assisæ:** jurors of the assise. **Juratores debent esse minus suspecti:** jurors ought to be free from suspicion. **Juratores sunt judices facti:** jurors are the judges of fact.

Juratory caution. *In Scots law.* Security given by oath.

Jure, l. By right; in right; by the law. **Jure belli:** by the right, or law of war. **Jure civili:** by the civil law. **Jure divino:** by divine right. **Jure ecclesiæ:** in right of the church. **Jure emphyteutico:** by the right or law of emphyteusis. **Jure gentium:** by the law of nations. **Jure naturæ:** by or according to the law of nature; — **æquum est neminem cum alterius detrimento et injuria fieri locupletiozem:** according to the law of nature, it is just that no man should be made richer by the loss and injury of another. **Jure propinquitatis:** by right of propinquity, or nearness. **Jure representationis:** by right of representation; in the right of another person. **Jure uxoris:** in right of a wife.

Jure, juree, l. fr. A jury.

Jurer, l. fr. To swear. **Jurgent:** they shall swear.

Juridical. Relating to the administration of justice; relating to the office of a judge. **Juridical day:** a day on which courts sit for the administration of justice.

Juridicus, l. Belonging to law; relating to the administration of justice in or by a court. *v. Dies juridicus.*

Juris, l. Of law; of right. *v. Jus.* **Juris effectus in executione consistit:** the effect of the law consists in the execution. **Juris et de jure:** of law and from law; a term applied to conclusive presumptions. **Juris positivi:** of positive law; a regulation or requirement of positive law, as distinguished from natural or divine law. **Juris privati:** of private right; subjects of private property. **Juris publici:** of common right; of common or public use, as common highways, common bridges, etc.

In English law. **Juris utrum:** a writ which lay for the incumbent of a benefice, to recover lands or tenements of the church, which were aliened by his predecessor.

In old English law. **Juris et seisinæ conjunctio:** the union of the right [of possession or property in land] and the seisin, *i. e.*, the actual corporal possession.

Jurisconsultus, l. *In the civil law.* One who is consulted on matters of law; a learned person who gives counsel on questions of law; a juriconsult.

Jurisdictio, l. *In old English law.* Jurisdiction; authority to judge, or administer justice. **Jurisdictio est potestas de publico introducta, cum necessitate juris dicendi:** jurisdiction is a power introduced of common right [by public authority or for the common benefit], arising out of the necessity of declaring the law.

Jurisdiction. Authority to judge, or administer justice; power to act judicially; power or right to pronounce judgment. In a more general sense, power to make law, to legislate or govern; right or power to exercise authority.

Jurisprudence. The science of law; knowledge of law.

Jurisprudentia, l. *In the civil and common law.* Jurisprudence, or legal science. *Jurisprudentia est divinarum atque humanarum rerum notitia, justi atque injusti scientia:* jurisprudence is the knowledge of things divine and human, the science of what is right and what is wrong. *Jurisprudentia legis communis Angliæ est scientia socialis et copiosa:* the jurisprudence of the common law of England is a social and copious science.

Jurist. One who is versed or skilled in law; now commonly a person eminent mainly for knowledge of the theoretic side of the law.

Juristic. Pertaining to jurisprudence. **Juristic act:** an act intended to have a legal effect.

Juror. A person sworn on a jury; a juryman.

Jury. In the broadest sense, a certain number of men, selected according to law, and sworn to inquire of certain matters of fact, and declare the truth upon evidence to be laid before them; in a narrower sense, twelve men, selected and sworn for the trial of an issue of fact in an action at law. *v. Common jury; Coroner's jury; Grand jury; Petit jury; Sheriff's jury; Special jury; Struck jury.* **Jury box:** the place in court where the jury sit during the trial of a cause. **Jury man:** one of a jury; a juror. **Jury process:** the process by which a jury is summoned in a cause, and by which their attendance is enforced.

Jus, l. Right, justice; law; power or authority. *v. Juris.* **Jus accre- scendi:** the right of survivorship, a principal incident of an estate held by several jointly; — *inter mercatores, pro beneficio com- mercii, locum non habet:* the right of survivorship has no place between merchants, for the benefit of commerce; — *præfertur oneribus:* the right of survivorship is preferred to incumbrances; — *præfertur ultimæ voluntati:* the right of survivorship is preferred to the last will. **Jus ad rem:** a right to a thing; a right to a thing without possession. **Jus albinatus:** *v. Albinatus jus.* **Jus belli:** the law of war; the right of war; that which may be done without injustice, with regard to an enemy. **Jus civile:** civil law; the civil law; the whole body of law peculiar to any state; the civil law of the Romans, in particular. **Jus dare:** to give law; to make law. **Jus dicere:** to declare the law; to say what the law is. **Jus disponendi:** the right of disposing. **Jus dupli- catum:** a double right; the right of possession united with the right of property. **Jus est norma recti; et quicquid est con- tra normam recti est injuria:** law is a rule of right; and what-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books' Full Membership provides unlimited access to more than 28,000 volumes of Christian literature for \$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

avoidance, to inquire by a jury of six clergymen and six laymen who is the rightful patron.

In Scots law. **Jus relictæ:** the right of a relict; the right or claim of a widow to her share of her husband's estate, particularly the movables.

In the civil law. Further, a rule of law or regulation. **Jus ad rem:** a right to a thing; a personal right applying only against the obligee, as distinguished from *jus in re*, a right in the thing itself, which is a real right having effect against third persons. **Jus commune:** common right; the common and natural rule of right, as opposed to *jus singulare*, q. v. **Jus deliberandi:** the right of deliberating; a right of the heir, to consider whether he would accept the inheritance or not. **Jus est ars boni et æqui:** law is the science of what is good and just. **Jus fiduciarium:** a right in trust, as distinguished from *jus legitimum*, a legal right. **Jus fluminum:** the right to the use of rivers. **Jus fodiendi:** a right of digging on another's land. **Jus gladii:** the right of the sword; the executory power of the law; the right, power or prerogative of punishing for crime. **Jus hauriendi:** the right of drawing water. **Jus immunitatis:** the law of immunity, or exemption from the burden of public office. **Jus legitimum:** a legal right; a right remedied by the ordinary course of law. **Jus naturale:** natural law; the name given among the Romans to that law which is derived from those instincts of man which he has in common with the brute creation. **Jus novum:** the new rule. **Jus pascendi:** the right of pasturing cattle. **Jus piscandi:** the right of fishing. **Jus postliminii:** the right of postliminy; the right of a person restored to the possession of a thing, or to a former condition, to be considered as though never deprived of it. **Jus præsens:** a present or vested right; a right completely acquired. **Jus prætorium:** the discretion of the prætor, as distinct from the *leges*, or standing laws. **Jus precarium:** a right in courtesy, for which the remedy was only by entreaty, or request,—for which there was no remedy at all. **Jus publicum, privatorum pactis mutari non potest:** a public law or right cannot be altered by the agreements of private persons. **Jus singulare:** a peculiar or anomalous rule, differing from the *jus commune* or common rule of right. **Jus vetus:** the old rule.

In the Roman law. **Jus civile:** all the Roman law except the *jus honorarium*; in a more restricted sense, the *auctoritas prudentum*, and the *disputatio fori*. **Jus civitatis:** the right of citizenship; the right of a Roman citizen. **Jus feciale:** the law of arms. **Jus honorarium:** the honorary law; a code of equitable jurisprudence compiled from the edicts of the prætors and ædiles. **Jus Latii:** the right of Latium or of the Latins, which seems to have been mainly a right to the use of their own laws, a right to exemption from the edicts of the prætor, and occasional access to the freedom of Rome.

Jus neois: the right of death; or of putting to death; a right which a father anciently had over his children. **Jus publicum:** public law; that which regards the condition of the Roman state. **Jus scriptum:** written law; all law actually committed to writing, whether originating in enactment or in custom. **Jus trium liberorum:** a right or privilege allowed to the parent of three or more children.

In the canon law. **Jus ad rem:** a right to a thing; an inchoate and imperfect right, such as is gained by nomination and institution, as distinguished from *jus in re*, or complete and full right, such as is acquired by possession.

In old European law. **Jus geranii:** the right of the crane; the right of unloading goods from a vessel by means of a hoisting engine called a crane. **Jus stapulæ:** the law of staple; the right of staple; a right or privilege of certain towns, of stopping imported merchandise, and compelling it to be offered for sale in their own markets.

Jusjurandum, l. *In the civil law.* An oath. **Jusjurandam inter alios factum nec nocere nec prodesse debet:** an oath made between others ought neither to hurt nor to profit. v. *Res inter alios, etc.*

Just. Fair; adequate; reasonable; probable.

Justa causa, l. *In the civil law.* A just cause; a lawful ground; a legal transaction.

Juste, l. *In the civil law.* Justly; lawfully; by title, or upon some lawful ground.

Justice. *In old English law.* To do justice; to summon to do justice; to see justice done.

Justice, l. fr. and eng. The virtue which consists in giving to every one what is his due; that which is one's due or desert, the giving of which is the object of the law; a judge of a common-law court; a judicial officer of any lower grade, as a justice of the peace. **Justice of the peace:** in England a county magistrate, appointed by special commission under the great seal to keep the peace in the county, the commission appointing all justices within the county for that purpose jointly and severally, and any two or more of them to inquire of and determine felonies and misdemeanors committed in the county; in the United States, a county officer of like powers, either appointed by the executive or elected by the people, and having generally jurisdiction in smaller civil cases, in addition to the common-law powers. **Justices of nisi prius:** v. *Nisi prius.*

In English law. **Justices of assise:** the judges of the superior courts who go circuit into the various counties twice a year, for the purpose of disposing of such causes as are ready for trial at the assizes.

In old English law. **Justices of assise:** a particular kind of justices in eyre, appointed or commissioned to determine certain actions called assises, or take verdicts in such actions. **Justices in eyre:** itinerant or traveling justices; justices who travelled from county

to county throughout the kingdom, usually once every seven years, sometimes with a general commission to determine all manner of causes, sometimes for certain special purposes, as to deliver the gaols, and sometimes to take a single assise or two, and no more. **Justices of the bench:** the justices of the court of Common Bench or Common Pleas. **Justices of gaol delivery:** justices in eyre, who acted under a special commission to deliver the gaols of persons confined in them. **Justices of the Jews:** justices appointed by Richard I. to carry into effect the laws which he made for regulating the contracts of the Jews. **Justices of laborers:** justices appointed to redress the forwardness of laboring men, who would either be idle or have unreasonable wages. **Justices of oyer and terminer:** justices deputed upon some special occasion, to hear and determine some peculiar causes, such as cases of riotous assembly. **Justices of trail-baston:** justices appointed by King Edward I. upon occasion of great disorders in the realm, during his absence in the Scotch and French wars. **Justices of the pavilion:** judges of a pyepowder court, of a transcendent jurisdiction, anciently authorized by the Bishop of Winchester, at a fair held on St. Giles' Hills.

In Scots law. **Justice ayres, or aires:** circuits made by the judges of the justiciary courts through the kingdom, for the distribution of justice.

In feudal law. **Jurisdiction;** judicial cognizance of causes or offenses; the right of dispensing justice; the hereditary jurisdiction of a feudal lord.

Justice seat. *In English law.* The principal court of the forest, held before the chief justice in eyre, or chief itinerant judge, or his deputy,—to hear and determine all pleas and causes arising in the forest.

Justiceable. *In old English law.* Amenable; summonable.

Justiciar, Justiciarius, justitiarius, justitia, l. l., Justicier, l. fr. *In old English law.* A justice or justicer. **Justiciarii itinerantes:** justices in eyre. **Justiciarii residentes:** justices resident at Westminster.

Justiciare, justitiare, l. l. *In old English law.* To justice; to do justice or right; to compel a person to appear in court. **Justiciari:** to be justiced; to have justice.

Justiciary court. The supreme criminal court of Scotland, composed of five lords of Session, with the lord president or justice-clerk as president. The justices hold three circuits, and an appeal lies to the House of Lords.

Justiciatus, l. l. *In old English law.* Judicature, prerogative or jurisdiction.

Justicies, justities, l. l. *In English law.* That you justice; a writ, sometimes called *breve de justiciando*, giving the sheriff authority to hear and determine a cause in the county court, of which otherwise he could not hold plea.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Kalendarium, l. *In the civil law.* A calendar, a book of accounts; a book of accounts of money loaned out on interest,—so called because the interest was received on the calends of each month.

Kantref, brit. A hundred villages; a hundred; a division of a county in Wales.

Karl, karle, carl, sax. *In Saxon and old English law.* A man; a serving man.

Keelage. *In English law.* The right to exact a toll of ships in harbor; the money paid as such toll.

Keep. To maintain; to retain; to harbor; to have in possession. **Keep house:** as applied to a trader, to secrete one's self in one's house to avoid one's creditors. **Keep liquor:** to have in possession, with intent to sell. **Keep open:** as applied to a shop or saloon, to allow general access, though the entrance is closed, for the purposes of traffic.

Keeper. One who keeps; one who harbors or has in possession; an owner or proprietor; a person in charge, as of attached personalty.

In English law. **Keeper or lord keeper of the great seal:** a high officer of state who keeps the great seal of England, whose office since the statute 5 Eliz., c. 18, has been united with that of the lord chancellor. **Keeper of the privy seal:** a high officer of state, through whose hands pass all charters signed by the king, before they come to the great seal.

In old English law. **Keeper of the forest:** an officer who had the principal government of all things relating to the forest.

Kenning to a terce, sc. *In Scots law.* The act of the sheriff in ascertaining the portion of the husband's lands which belong to the widow in right of *terce*, or dower.

Kernellare, l. l. *In old English law.* To fortify or embattle. **Kernellare domum:** to build a house with a wall or tower *kernelled* or *crenelle*.

Keys. *In old English law.* A guardian, warden or keeper.

In old Scots law. **Keys of court:** certain officers of courts.

Kidnaping. The stealing and carrying away, or secreting of a person; an aggravated kind of abduction.

Kil, l. fr. That he. **Kil facent les avaunt dites charteres puplier, e ke il facent:** that he cause the aforesaid charters to be published, and that he cause, etc.

Kin. Relation or relationship by blood. **Kindred:** persons legitimately related by blood.

King's Bench. In modern times, and up to the passing of the judicature act, 36 & 37 Vict., c. 66, the highest court of common law in England, consisting of a chief justice and four puisne justices, who were by their office the sovereign conservators of the peace, and supreme coroners of the land. It was a remnant of the court of *Aula Regis*, held in theory before the king himself, and took

cognizance of criminal cases on the crown side and of civil cases on the plea side. Anciently its civil jurisdiction was confined to cases of trespass *vi et armis*, but by fictions of the *Bill of Middlesex* and *Latitat* it usurped jurisdiction of all personal actions. It is now a part of the Supreme Court of Judicature. **King's Bench Division:** that branch of the Supreme Court of Judicature which has the jurisdiction formerly had by the court of King's Bench. **King's council:** one of the two royal courts of the Norman period consisting of a body of great men attendant on the king, at first called the King's Court. **King's counsel:** v. *Queen's counsel*. **King's Court:** a court or assembly of the Anglo-Norman period in England, corresponding to the Witenagemote of the Anglo-Saxon period which preceded; one of the two royal courts of the Norman period, a court consisting of a body of great men attendant on the king, the original of the privy council; a smaller court created in the twelfth century, the original of the King's Bench. **King's silver:** money formerly paid in in the Common Pleas *pro licentia concordandi* in levying a fine.

Kinsbote, kinsbot, sax. *In Saxon law.* A composition or satisfaction paid for killing a kinsman.

Kirby's or Kirkby's quest. *In English law.* A record in the exchequer of a survey of all the lands in England, made in the reign of Edward I. by John de Kirkby.

Kissing the gospels. The act with which the ceremony of taking an oath by laying the hand upon the gospels concludes.

Knight. *In English law.* A title of honor next beneath that of a peer or baronet. **Knight of the shire:** a member of parliament representing a county or shire, in contradistinction to a burgess, who represents a borough or corporation.

In old English law. **Knight-service:** a free but uncertain service by which lands were formerly held, being the most universal, and esteemed the most honorable, species of tenure; tenure in chivalry.

Knight's fee: a certain quantity of land, the possession of which was necessary to make a tenure by knight-service.

Know all men. A form of public address, of great antiquity, with which many written instruments still begin.

Knowingly. v. *Scienter*.

Kymortha, brit. *In old English law.* Assemblies.

L. An abbreviation of Latin, law, lord. **L. C.:** Lord Chancellor. **L. F.:** law French; *levari facias*. **L. L.:** law Latin. **L. R.:** law reports. **L. S.:** *locus sigilli*, q. v. **LL.:** laws. **L. 5:** *long quinto*, one of the parts of the Year Books.

La, l. fr. There. **La ou:** there where; whereas.

La court se voet aviser de cest issue, l. fr. The court will advise (inform itself) about this issue.

Label. *In English law.* A slip of paper or parchment affixed to a deed or writing, for an appended seal; a copy of a writ in the exchequer.

Labor. In the broadest sense, any kind of exertion, whether mental or physical; in a narrower sense, the sense in which the word is commonly used in statutes, physical exertion only. *v. Hard labor.*

In old English law. **Labor a jury:** to tamper with a jury; to endeavor to influence them in their verdict, or their verdict generally.

Laborer. A person who gains a living by manual exertion.

Laches, lachesse, lasches, l. fr. and eng. Negligence; neglect to do something which by law one is bound to do; inexcusable delay in asserting a right.

Lada, l. l. In Saxon law. A purgation, or mode of trial by which one purged himself of an accusation; a water-course; a trench or canal for draining marshy grounds.

In old English law. A court of justice; a lade or lath.

Lading, bill of. *v. Bill.*

Læsa majestas, l. In old English law. Injured majesty; high treason.

Læsione fidei pro, l. Suits for breach of contract, brought anciently in the ecclesiastical courts. They were forbidden by the constitutions of Clarendon.

Læstum, l. l. In old English law. A lathe; a division of a county.

Lafordswic, hlafordswice, sax. In Saxon law. Treachery or treason against a lord; the betrayal of a master.

Lag, lah, lagh, sax., Laga, l. l., Lage, Lai, laie, l. fr. In old English law. Law. **Lage day, lagh day:** a law-day; a time of open court.

Lagamannus, lagemannus, l. l., Lageman. In old English law. A law-man; a lawful man.

Lagan, sax. In old English law. Goods found floating in the sea at a distance from the shore, under circumstances rendering it doubtful where they were intended to come to land. Not to be confounded with *Ligan*, q. v.

Lahman, sax. In Saxon law. A law-man, or lawyer.

Lahslit, lahslite, lagslit, laghslit, laxlite, laslit, sax. or dan. In Saxon or Anglo-Danish law. A breach or transgression of law; punishment for breaking the law.

Laicus, laicum, l. l. In old English law. Lay, as distinguished from ecclesiastical; a layman. **Laicum feodum:** a lay fee. **Laicum tenementum:** a lay tenement.

Laiel, l. fr. Lawful.

Lairwite, layrwit, leirwyte, legerwit, sax. In Saxon and old English law. A fine for committing adultery and fornication.

Laiser, l. fr. To let.

Laisser, l. fr. To transfer; to leave.

Laissier, l. fr. To prevent; to omit or neglect.

Land. In the most general sense, any ground, soil or earth whatsoever, including everything under or above the surface. **Land warrant:**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

to the taker's own use, and make them his property. Larceny is either simple or compound; compound where it is a taking from the house or the person of the owner, and simple in all other cases. Formerly there was also a distinction between one act and another on the basis of the value of the goods taken, a taking of goods of more than a certain value being called grand larceny, of goods of less value, petit larceny. v. *Embezzlement; Extortion; False pretenses; Robbery.*

Larecin, l. fr. A thing stolen.

Large, l. fr., Largus, l. Large; broad; comprehensive.

Laron, laroun, larun, l. fr. A thief.

Last. *In English law.* A burden; a weight or measure of various commodities; a court held in the marshes of East Kent, in which orders were made and taxes were levied for the preservation of the marshes.

Last. Latest; most recent. **Last will:** a term, according to Lord Coke, more properly used where lands and tenements are devised.

In English law. **Last heir:** he to whom lands come by escheat for want of lawful heirs.

Lastage. *In old English law.* A custom exacted in certain fairs and markets to carry things where one will; the burthen or ballast of a ship; a kind of tax or tribute; a custom paid for wares sold by the last; a duty of a penny for every quarter of corn, or ten pence for every last.

Lastus, lestus, l. l. *In old English law.* A last; a weight or measure of hides, wool and other articles.

Lata culpa, l. Gross fault or neglect; extreme negligence or carelessness; — *dolo æquiparatur:* gross negligence is equivalent to fraud; — *plane dolo comparabitur:* gross negligence may clearly be put on a level with fraud.

Latens, l., Latent. Hidden; not on the surface. **Latens ambiguitas:** an ambiguity not evident, not on the surface.

Laterare, l. l. *In old English law.* To lie sideways; literally, to side.

Lathe, leth. *In English law.* A larger division of a county, intermediate between the shire and hundred, containing several hundreds.

Lathe-reeve, lathreve, leidgreve, sax. *In Saxon law.* An officer who had authority over a lathe.

Latifundium, l. *In Roman law.* An estate of large extent, made up of an aggregation of small estates.

Latin. The language not only of the civil and the canon law, but of the early European codes, of much of the old common law of England and Scotland, and of a large portion of the public, civil and maritime law of later times. The Latin of the law subsequent to the Code and the Institutes of the Roman law is, however, of the technical dialect known as law or low Latin,— a language following the English to some extent in the order of words, containing many

words formed from the English by addition of a Latin termination, and being virtually a variety of what is called low Latin, the Latin of the middle ages.

Latini, l. *In the civil law.* An inferior kind of freedmen, who did not have the full privilege of Roman citizens, but only what was called the lesser liberty.

Latitare, l. *In old English law.* To keep out of the way, to avoid being served with process; not to appear when summoned. **Latitat:** he lurks or lies hid; a writ which issued in personal actions on a return of *non est inventus* to a bill of Middlesex.

In the civil law. To hide; to lie hidden from one's creditors.

Latitatio, l. l. *In the civil and old English law.* A lurking, or concealment of the person; a lying hid.

Lato sensu, l. In a broad sense.

Latori præsentium, l. To the bearer of these presents.

Latro, l. *In the civil and old English law.* A robber; a thief.

Latrocinium, l. *In old English law.* Larceny or theft; a thing stolen; the liberty of *infangenthef*.

Laudare, l. *In the civil law.* To name; to cite or quote; to show one's title or authority.

In feudal law. To determine or pass upon judicially.

Laudatio, l. *In the civil law.* A praising or commending; a speaking in one's favor; testimony in favor of the character of an accused person.

Laudemium, laudimium, l. *In the civil law.* A sum paid by a new *emphyteuta* who acquires the *emphyteusis*, not as heir, but as a singular successor.

Laudum, l. l. *In old Scots law.* Sentence or judgment; dome or doom.

Laus deo, l. Praise be to God; an old heading to bills of exchange.

Laughlesman, l. *In old English law.* An outlaw.

Law. In the most general sense, a rule of action prescribed by a superior; a rule of human action; a system of such rules. In a stricter sense, a rule of civil conduct, prescribed by the supreme power in a state; a command addressed by a sovereign to his subjects imposing duties and enforced by punishments. In the strictest sense, a rule prescribed by the legislative power; a statute. **Law day:** the day limited in a mortgage or trust deed for payment of the debt thereby secured. **Law merchant:** the general body of usages among merchants, in matters relative to commerce, throughout the civilized world,—otherwise called commercial law. **Law of arms:** the law which gives precepts and rules concerning war,—now more commonly called the law of war. **Law of the land:** due process of law. **Law of nations:** a system of rules and principles established among nations, for the regulation of their intercourse,—otherwise called international law; the *jus gentium* of the Romans. **Law of nature:** a rule of conduct arising out of the natural relations of human

beings, established by the Creator, and existing prior to any positive precept,— otherwise termed natural law. **Law of war:** v. *Jus belli*. **In old English law.** An oath,— particularly that kind of oath which was taken with compurgators, in the proceeding called *making law*, or less correctly, *wager of law*; a freeman's privilege of being sworn in court as a juror or witness. **Law day, or lage day:** a day of open court, commonly used for the more solemn courts of a county or hundred; the court leet, or view of frankpledge. **Law of the staple:** the law-merchant.

In Scots law. **Law burrows:** security to keep the peace, or more properly a process for obtaining such security.

In old Scots law. **Law borgh:** a pledge or surety given for a party's appearance in court.

Lawful. Authorized by law; conformable to law; in accordance with law. **Lawful man:** a man free and capable of bearing oath. **Lawful money of the United States:** lawful money of any state or territory.

Lay. To allege or state in pleading. **Lay damages:** to state at the conclusion of a declaration the sum claimed in the action. **Lay the venue:** to state the county as that in which the plaintiff proposes the trial shall be had. v. *Venue*.

Lay, l. fr. and eng. Not clerical or ecclesiastical. **Lay corporation:** a corporation composed of laymen, or established for temporal purposes. **Lay days:** days allowed in charter-parties for loading and unloading.

In English law. **Lay fee:** a fee held of a lay lord, or by lay tenure; the ordinary feudal tenure. **Lay impropiator:** a lay person holding a spiritual appropriation.

Lays gents, lays gens, lais gens, l. fr. **In old English law.** Lay people; the common people or laity; a jury; jurors.

Le, l. fr. **In old English law.** The. Used anciently in the composition of names. **Le roy le veut:** the king wills it; the form of the royal assent to a bill in parliament. **Le roy remercie ses loyal sujets, accepte leur benevolence, et aussi le veut:** the king thanks his loyal subjects, accepts their benevolence, and wills it to be so; the form of assent to a bill of supply. **Le roy s'avisera:** the king will advise upon it; the form of dissent to a bill. **Le roy voet:** the king wills; the initial words of the royal answer to a petition of the commons in parliament. **Le salut du peuple est la supreme loi:** the public welfare is the highest law.

Lead. To conduct or direct; to conduct in the way of duty. **Lead a use:** to specify or direct the use to which a conveyance is to operate. **Lead a witness:** to suggest by the mode of interrogation the answer desired. **Lead in a cause:** to have the management of the trial upon one side.

Leading case. A reported case the decision in which is considered as settling the law on the point or points involved, and which is looked



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Legal. According to law, sufficient to answer the requirements of the law, as a legal condition, consideration, contract, notice, or obligation; authorized or permitted by law, as legal discretion, interest, or tender; implied or imputed in law, as legal malice; designated or appointed in law, as legal representative; governed by or construed according to rules of law, in contradistinction to rules of equity, as legal assets, or proceedings, a legal defense, estate, interest, remedy or right; relating to the science or practice of the law, as the legal profession, legal advice, etc. **Legal assets:** that portion of the assets of a decedent which by law are directly liable, in the hands of his executor or administrator, to the payment of debts and legacies. **Legal estate:** that estate which is properly cognizable in courts of law, though noticed, also, in courts of equity. **Legal remedy:** for breach of contract, includes not merely a direct judicial proceeding, but any mode or means for enforcing performance for which the contract provides and which the law permits.

In English law. **Legal memory, memory of man:** a period fixed by the statute of Westm. 1, to begin with the reign of Richard I.; since reduced to twenty years.

Legale concilium, l. The king's council at law; the king's council in matters of law.

Legalis homo, l. l. *In old English law.* A lawful man; a person to whom no objection could be made in a court of justice.

Legalitas, l. l. The quality, character or condition of a *legalis homo*; behavior according to law; good behavior.

Legare, l. *In the civil and old English law.* To bequeath; to leave or give by will; to give in anticipation of death.

Legatarius, l. *In the civil law.* One to whom a thing is bequeathed; a legatee, or legatary.

Legatee. The person to whom a legacy is given.

Legatine constitutions. *In English law.* Ecclesiastical laws enacted in national synods held under the cardinals Otho and Othobon, in the reign of Henry III., about 1220 and 1268.

Legatum, l. *In old English law.* A legacy; a gift by will.

In the civil law. A legacy; a gift by will; a gift left by a deceased person, to be executed by the heir.

Legatus, l. A legate; an ambassador, envoy or nuncio. **Legatos violare contra jus gentium est:** to offer violence to ambassadors is against the law of nations.

Legem, l. *In old English law.* Law. **Legem amittere:** to lose the law, or privilege of being admitted to oath. **Legem facere:** to make law or oath. **Legem habere:** to have law; to be capable of giving evidence upon oath. **Legem terræ amittentes perpetuam infamiae notam inde merito incurrunt:** they who lose the law of the land justly incur therefor the perpetual brand of infamy. **Legem vadiare:** to wage law.

In the Roman law. **Legem ferre:** to propose a law to the people for their adoption. **Legem jubere or sciscere:** to give consent and authority to a proposed law.

Leges, l. Laws. **Leges Angliæ:** the laws of England, as distinguished from the civil law and other foreign systems. **Leges fligendi et refligendi consuetudo est periculosissima:** the practice of making and remaking the laws is most dangerous. **Leges non verbis sed rebus sunt impositæ:** laws are imposed not on words but things. **Leges posteriores priores contrarias abrogant:** later laws abrogate prior laws that are contrary to them. **Leges Romanæ:** the Roman laws. **Leges sub graviore lege:** laws under a weightier law. **Leges suum ligent latorem:** laws should bind their own maker. **Leges vigilantibus non dormientibus subveniunt:** laws are for the aid of those who are diligent, not those who sleep upon their rights.

In English law. **Leges non scriptæ:** unwritten or customary laws, including those ancient acts of parliament which were made before time of memory. **Leges scriptæ:** written laws; statute laws, originally reduced to writing before they are enacted.

In the Roman law. **Leges tabellariæ:** laws regulating the mode of voting by ballot.

Legibus solutus, l. *In the Roman law.* Released from the laws; not bound by the laws. Applied to the emperor.

Legis, l. Of law; of the law. **Legis constructio non facit injuriam:** the construction of the law does no wrong, works no injury. **Legis interpretatio legis vim obtinet:** the interpretation of law acquires the force of law. **Legis minister non tenetur in executione officii sui, fugere aut retrocedere:** the minister of the law is bound, in the execution of his office, not to fly nor to retreat.

Legisperitus, l. l. A person skilled or learned in the law; a lawyer or advocate.

Legit ut clericus, l. l. *In old English law.* He reads as a clerk; the answer made by the ordinary to the question **Legit vel non?** importing that the accused could read, and was thus entitled to the benefit of clergy.

Legitim. *In Scots law.* The children's claim out of the free movable estate of their father.

Legitima potestas, l. Lawful power.

Legitimacy. Lawful birth; the condition of being born in wedlock.

Legitimate. Lawfully born; born in lawful wedlock.

Legitimate. To confer legitimacy; to place a child born out of wedlock on the footing of those born in wedlock.

Legitimatio, l. *In English law.* Legitimacy; lawful birth.

In the civil law. A making lawful; the conferring of a lawful character, as upon children born before marriage; legitimation.

Legitimation. The act of making legitimate; the act of conferring legitimacy on a child born out of wedlock.

Legitime, l. Lawfully; with authority of law. **Legitime imperanti parere necesse est:** one who commands lawfully must be obeyed.

Legitimitas, l. l. *In old English law.* Legitimacy; the condition of being lawfully born.

Legitimus, l. Lawful; legitimate. **Legitimus hæres et filius est quem nuptiæ demonstrant:** a lawful son and heir is he whom the marriage points out to be lawful.

Leguleius, l. A person skilled in law.,

Leidgreve. *In Saxon law.* An officer who had jurisdiction over a lathe.

Leipa, l. l. *In old English law.* A fugitive or runaway.

Leonina societas, l. The lion's partnership,—a partnership in which one party has all the benefit.

Lesion, fr. Damage; injury; detriment.

In the civil law. The injury suffered by one who does not receive a full equivalent for what he gives in a commutative contract; inequality in contracts.

Lessee, l. fr. and eng. He to whom a lease is made for life, or years, or at will.

Lessor, l. fr. and eng. He who lets lands for a term of life, or years, or at will.

Lestage, lastage. *In old English law.* A custom claimed in fairs or markets for carrying things.

Lestinge, sax. *In old English law.* Acquittance from lestage.

Lestus, lastus, l. l. *In old English law.* A last; a measure of commodities.

Let. Hindrance; interruption.

Let. To permit, to give leave to; to demise or lease; to deliver; to award, as a contract. **Let in:** to admit a party as matter of favor.

Leta, l. l. *In old English law.* Leet; a court leet.

Letter. A written communication from one person to another.

In English law. **Letter missive:** a letter sent by the Lord Chancellor to a peer, defendant in the court of Chancery, requesting his appearance, together with a copy of the bill; a letter from the king to a dean and chapter naming the person whom he would have them elect as bishop. **Letter of license:** a written instrument given by creditors to a debtor who has failed, allowing him longer time for the payment of his debts in the meantime.

Letters. A writing giving authority or making an appointment,—in a form given, from an early period, to many written instruments, as letters patent, writs, appointments of attorney, of executors and administrators, and some kinds of conveyance. **Letters of administration:** the instrument by which an administrator is authorized to



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Levy. To collect by execution; to take or seize in execution.

In old English law. To raise, lift, cast, throw, set or put up; to erect or build; to make or construct. In later law, to carry on certain proceedings at law, especially those peculiar to fines of lands; to acknowledge a fine.

Levy. A taking or seizure of property under execution.

Lex, l. Law; a law; the law; in the language of the middle ages, a body or collection of law, not a code in the proper sense. **Lex æquitate gaudet:** law delights in equity. **Lex Alamannorum, or Alemannorum:** the law of the Alemanni; first reduced to writing from the custom of the country, by Theodoric, king of the Franks, in 512, and amended and re-enacted by Clotaire II. **Lex Angliæ:** the law of England,—one of the names of the common law; — **est lex misericordiæ:** the law of England is a law of mercy; — **non patitur absurdum:** the law of England does not suffer an absurdity; — **nunquam matris, sed semper patris conditionem imitari partum judicat:** the law of England adjudges that the offspring shall never follow the condition of the mother, but always that of the father; — **nunquam sine parlamento mutari potest:** the law of England can never be changed without parliament. **Lex Baiuvariorum, Baioriorum, or Boiorum:** the law of the Bavarians, first collected, together with the law of the Franks and Alemanni, by Theodoric I, and finally completed and promulgated by Dagobert. **Lex barbara:** the barbarian law,—a term applied to the law of those nations that were not subject to the Roman empire. **Lex beneficialis rei consimili remedium præstat:** a beneficial law affords a remedy in a similar case. **Lex Brehonia:** the Brehon law of Ireland. **Lex Bretoyse:** the law of the Britons or marches of Wales. **Lex Burgundionum:** the law of the Burgundians, first compiled and published by Gundebald, about 500. **Lex citius tolerare vult privatam damnum, quam publicum malum:** the law will sooner tolerate a private loss than a public evil. **Lex communis:** the common law. **Lex Danorum:** the law of the Danes. **Lex deraisina:** a branch of Norman law, defined in the Coustumier to be a law by which a party sued declared that he did not do the act with which he was charged. **Lex deficere non debet in justitia exhibenda:** the law ought not to fail in showing justice. **Lex dilationes semper exhorret:** the law always abhors delays. **Lex domicilii:** the law of the domicil. **Lex est ab æterno:** law is from everlasting. **Lex est dictamen rationis:** law is the dictate of reason. **Lex est norma recti:** law is a rule of right. **Lex est ratio summa, quæ jubet quæ sunt utilia et necessaria, et contraria prohibet:** law is the perfection of reason, which commands what is useful and necessary, and forbids the contrary. **Lex est sanctio sancta, jubens honesta et prohibens contraria:** law is a sacred sanction, commanding what is right and prohibiting the contrary. **Lex est tutissima cassis; sub**

clypeo legis nemo decipitur: law is the safest helmet; under the shield of the law no one is deceived. **Lex et consuetudo parliamenti:** the law and custom of parliament. **Lex et consuetudo regni:** the law and custom of the realm; the common law. **Lex favet doti:** the law favors dower. **Lex fingit ubi subsistit æquitas:** the law feigns where equity exists. **Lex fori:** the law of the *forum* or court; the law of the place or state where a remedy is sought, or an action is instituted. **Lex Francorum:** the law of the Franks, promulgated by Theodoric I. with the law of the Alemanni and Bavarians. **Lex Frisionum:** the law of the Frisians, promulgated about the middle of the eighth century. **Lex Gothica:** the Gothic law, or law of the Goths,— first promulgated in writing in 466. **Lex intendit vicinum vicini facta scire:** the law intends [or presumes] that one neighbor knows what another neighbor does. **Lex imperatoria:** the imperial or Roman law. **Lex judicat de rebus necessario faciendis, quasi re ipsa factis:** the law judges of things that must necessarily be done, as if they were in fact done. **Lex loci contractus, or lex loci:** the law of the place of a contract; the law of the place where a contract is made, or is to be performed. **Lex loci rei sitæ:** the law of the place where a thing is situated. **Lex Longobardorum:** the law of the Lombards,— a code of laws first framed by Rotharis, about 620. **Lex manifesta:** manifest or open law; the trial by duel or ordeal. **Lex mercatoria:** the law-merchant. *v. Law.* **Lex necessitatis est lex temporis, i. e. instantis:** the law of necessity is the law of the time, that is, of the instant, or present moment. **Lex neminem cogit ad vana seu inutilia peragenda:** the law compels no one to do vain or useless things. **Lex nemini facit injuriam:** the law does injury to no one. **Lex nemini operatur iniquum:** the law works injustice to no one. **Lex nil facit frustra:** the law does nothing in vain. **Lex nil frustra jubet:** the law commands nothing vainly. **Lex non cogit ad impossibilia:** the law does not compel the doing of impossibilities. **Lex non deficit in justitia exhibenda:** the law does not fail in showing justice. **Lex non intendit aliquid impossibile:** the law does not intend any thing impossible. **Lex non præcipit inutilia, quia inutilis labor stultus:** the law does not command useless things; for useless labor is folly. **Lex non patitur fractiones et divisiones statuum:** the law does not suffer fractions and divisions of estates. **Lex non requirit verificari quod apparet curiæ:** the law does not require that to be verified [or proved] which is apparent to the court. **Lex non scripta:** law not written; a law originating in custom, and deriving its force from long and immemorial usage. **Lex plus laudatur quando ratione probatur:** the law is the more praised when it is approved by reason. **Lex prospicit, non respicit:** the law looks forward, not backward. **Lex punit mendacium:** the law punishes falsehood. **Lex rejicit superflua, [pugnautia]:** the law rejects superfluous

[and contradictory] things. **Lex reprobata moram:** the law repro- bates delay. **Lex Rhodia:** the Rhodian law, particularly the frag- ment on jettison, preserved in the Pandects. **Lex Salica:** the Salic, Salique, or Salian law; the law of the Salians or Salian Franks — the oldest of the barbarian codes, having, been framed, it is said, about 422. **Lex scripta:** written law; law deriving its force, not from usage, but from express legislative enactment. **Lex semper dabit remedium:** the law will always give a remedy. **Lex semper intendit quod convenit rationi:** the law always intends what is agreeable to reason. **Lex spectat naturæ ordinem:** the law regards the order of nature. **Lex succurrit:** the law aids, or assists; — **ignoranti:** the law assists the ignorant; — **minoribus:** the law aids minors. **Lex talionis:** the law of retaliation; a law which pun- ishes an injury by a similar injury, an eye for an eye, etc. **Lex uno ore omnes alloquitur:** the law addresses all with one [the same] mouth or voice. **Lex Wallensica:** Welsh law; the law of Wales. **Lex Wisigothorum:** the law of the Visigoths, or Western Goths who settled in Spain,— first reduced to writing in 466.

In old English law. The Roman civil law; an oath; the oath with compurgators, in the proceeding called making law. **Lex appar- ens:** apparent or manifest law,— a term used to denote the trial by battel or duel, and the trial by ordeal. **Lex comitatus:** the law of the county, or the law administered in the county court. **Lex non exacte definit sed arbitrio boni viri permittit:** the law does not exactly define, but leaves to the discretion of a conscientious man or judge. **Lex terræ:** in general, the law of the land; due process of law; every lawful process and proceeding, in contradistinction to the mode of trial by jury. In a stricter sense, trial by the ancient modes long known to the law of the land, as by the *lex manifesta*, the *juramentum*, *duellum*, or whatever it might be. In the strictest sense, trial by oath; the privilege of making oath.

In the Roman law. A rule of action binding a whole community; a written law or statute; a law, especially, enacted or ordained by the whole body of the Roman people, on the recommendation of a sen- atorial magistrate; that system of law which descended from the Twelve Tables, and formed the basis of the Roman law; positive law, as opposed to natural law. **Lex Ælia Sentia:** the Ælian Sentian law, proposed by the consuls Ælius and Sentius, and passed A. U. 756, restraining a master from manumitting his slaves in certain cases. **Lex agraria:** the agrarian law,— a law proposed by Tiberius Gracchus, A. U. 620, forbidding that any one should possess more than five hundred acres of land, and providing for a division of any excess among the poorer people. **Lex Aquilia:** the Aquilian law,— a celebrated law passed on the proposition of the tribune C. Aquilus Gallus, A. U. 672, regulating the compensation to be made for that kind of damage called *injurious*, in cases of killing or wounding the



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

In old English law. Law, in the technical sense of an oath, or the oath with compurgators. **Ley civile:** the civil or Roman law. **Ley gager:** law-wager; wager of law; the giving of gage or security by a defendant that he would make or perfect his law at a certain day.

Libel. Literally, a little book, or writing; in ecclesiastical practice, the formal complaint, called simple when the cause is briefly set forth, and articulate when it is set forth in distinct averments; the first pleading in a suit in admiralty; a petition for a divorce; defamation by written or printed words, signs, pictures, or the like. v. *Defamation*.

In the civil law. The first pleading in an action.

Libel. In admiralty practice, to proceed against, by filing a libel; to seize under process, at the beginning of a suit. Applied commonly to the seizure of vessels.

Libellant. In admiralty practice, one who libels; one who proceeds by libel, or files a libel; the complaining party in a suit in equity, or a suit for divorce.

Libellus, l. *In the civil and old English law.* A libel; a claim, in writing, of what is due to one; the plaintiff's claim in an action. **Libellus famosus:** a defamatory publication; a libel.

In the Roman law. Literally, a little book, as a memorandum or account book; a writing divided into pages, and folded in the form of a little book; a writing containing a complaint or claim against a person; a writing containing a formal accusation or complaint against a person; a written application or petition to the emperor; an appeal, in writing, from the sentence of a judge.

In the feudal law. An instrument of alienation or conveyance, as of a fief, or a part of a fief.

Liber, l. A book; a collection of law; a distinct part or principal division of a work. **Liber Assisarum:** the Book of Assises,—a collection of cases that arose on assises and other trials in the country, constituting the fourth volume of the reports of the reign of Edward III, and the fifth part of the published series of the Year Books. **Liber Feudorum:** the Book of Feuds or Fiefs. **Liber judicialis:** judgment book, or dome book. **Liber niger:** black book,—a name given to several ancient records; — **Scaccarii:** the Black Book of the Exchequer, attributed to Gervase of Tilbury. **Liber Ruber Scaccarii:** the Red Book of the Exchequer.

In the Roman law. A book. **Librorum appellatione continentur omnia volumina, sive in charta, sive in membrana sint, sive in quavis alia materia:** under the appellation of books are included all volumes, whether written on paper, or on parchment, or on any other material.

In old English law. Free; a freeman; exempt from the power of

another; exempt from a general burden; exempt from a servitude or service; exclusive of a common right. **Liber bancus**: free bench. **Liber et legalis homo**: a free and lawful man,—a term applied to a juror, from the earliest period. **Liber homo**: a freeman.

In the civil law. **Liber homo**: a freeman.

Libera batella, l. l. *In old English law.* A free boat; the right of having a boat to fish in a certain water; a species of free fishery. **Libera chasea, or chacia**: a free chase. **Libera eleemosyna**: free alms; frank-almoign. **Libera falda**: frank fold; free fold; free foldage. **Libera lex**: frank law; free law; otherwise called *lex terræ*. **Libera piscaria**: a free fishery. **Libera warrena**: free warren.

Liberal construction. A construction which enlarges or restricts the scope of an agreement or instrument to give a fuller effect to its real meaning.

Liberare, l. *In old English law.* To deliver, transfer, or hand over,—applied to writs, panels of jurors, etc. **Liberata pecunia non liberat offerentem**: delivered or tendered money does not release the party offering.

In the civil law. To set free; to liberate.

Liberate, l. l. *In old English law.* An original writ out of chancery to the treasurer, etc., of the exchequer, for the payment of an annual pension, or other sum; a writ issued to a sheriff, for the delivery of any lands or goods taken on forfeiture of recognizance; a writ issued to a gaoler, for the delivery of a prisoner who had put in bail for his appearance.

Liberatio, l. *In old English law.* Livery; money paid for the delivery or use of a thing.

In old Scots law. Livery; a fee given to a servant or officer.

In the civil law. Acquittance or discharge; payment.

Libere, l. Freely,—a formal word in old conveyances. **Tenere libere**: to hold freely,—words which, in a gift of land to a villein, had the effect of making him a freeman.

Liberi, l. *In Saxon law.* Freemen; the possessors of allodial lands.

In the civil law. Children,—the term including grandchildren and their descendants. **Liberi homines**: freemen.

Libertas, l. *In old English law.* Liberty; a liberty; a privilege; an exemption; a franchise. **Libertas inestimabilis res est**: liberty is an inestimable thing; a thing above price. **Libertas non recipit æstimationem**: freedom does not admit of valuation. **Libertas omnibus rebus favorabilior est**: liberty is more favored than all things [any thing]. *v. In obscura, etc.; Quoties, etc.*

In the civil law. Liberty; freedom. **Libertas est naturalis facultas ejus quod cuique facere libet, nisi si quid vi aut jure prohibetur**: liberty is the natural power of doing whatever one pleases, except what is prohibited by force or law.

Libertates, l. Liberties.

Libertinus, l. *In the civil law.* A freed-man; one who was manumitted from lawful servitude.

Libertus, l. *In the civil law.* A freed-man.

Liberty. Freedom from restraint; freedom. **Liberty of speech:** the right freely to state facts and express opinions. **Liberty of the press:** the right to print and publish anything that the publisher may choose, without previous license. **Liberty of worship:** the right freely to worship in any mode and in accordance with any belief, doctrine or principle which does not violate the laws of morality or property, nor infringe upon personal rights.

In English law. A privilege held by royal grant or prescription, whereby men enjoy some benefit or favor beyond the ordinary subject; a privilege allowed to be exercised over another man's estate; a place or district within which certain exclusive privileges may be exercised.

Liberum, l. Free. **Liberum corpus:** a free body; the body or life of a freeman; — *æstimationem non recipit, or — nullam recipit æstimationem:* the body of a freeman does not admit of valuation; the life of a freeman is above all valuation.

In old English law. **Liberum maritagium:** frank-marriage. **Lib-erum servitium:** free service, that is, certain service. **Liberum socagium:** free socage. **Liberum tenementum:** freehold; free or frank tenement; a free holding; an estate held by a freeman; a plea of freehold; a plea by the defendant in an action of trespass that the *locus in quo*, etc.

Libra, l. *In old English law.* A pound. **Libra arsa:** a pound burned,—that is, melted, or assayed by melting, to test its purity. **Libra numerata:** a pound counted,—that is, paid or reckoned by tale, instead of being weighed. **Libra pensa, or pensata:** a pound weighed, or tried by weight.

Librarius, l. *In the Roman law.* A writer or amanuensis; a copyist.

Librata, l. l. *In old English law.* A quantity of land yielding a pound rent per annum; a pound land.

Libripens, l. *In the Roman law.* A weigher, or balance-holder; the person who held a brazen balance in the ceremony of emancipation *per æs et libram*.

License. Permission; authority; permission to do an act which without permission would be unlawful; the written evidence of such permission; authority to do a particular act or series of acts on the land of another, without passing an estate therein; a conveyance of a patent short of the entire monopoly for any given district.

Licensee. The person to whom a license is given.

Licensor. The person who gives a license.

Licentia, l. License; liberty; permission.

In old English law. **Licentia concordandi:** license or leave to agree,—one of the proceedings on levying a fine of lands. **Licentia**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

in the law maritime, a lien may exist without possession; and so under special provisions of statute, as in cases of judgment lien, the lien of mechanics or material men, or the like.

In old English law. A bond or tie.

Lier, lyer, l. fr. To bind. **Lie:** bound.

Lieu conus, l. fr. A known place; a place well known and generally taken notice of by those who dwell about it. **Lieu tenant, or lieutenant:** a person who holds the place of another; a deputy or substitute.

Life annuity. An annual income, the payments of which depend on the continuance of any given life or lives. **Life assurance:** a species of insurance, by which the insurer, in consideration of a sum in gross, or of periodical payments, undertakes to pay a certain sum, or an annuity, on the death of a person whose life is insured. **Life policy:** a policy of life assurance. **Life estate:** an estate held for the life of the holder, or of some other person; a freehold estate, not of inheritance.

In Scots law. **Life-rent:** an estate for life. **Life-renter:** a tenant for life; a person entitled to use and enjoy during life, without destroying or wasting the substance.

Ligamen, l. *In old English law.* A bond or tie.

Ligan. *In old English law.* Goods sunk in the sea, but tied to a cork or buoy, in order to be found again.

Ligare, l. To tie, or bind; to enter into a league or treaty.

Ligea, l. l. *In old English law.* A liege-woman; a female subject.

Ligeance, ligeancy, Ligiantia, ligeantia, l. l. *In old English law.* The bond of fidelity between the subject and sovereign; the dominions or territory of the king.

Light. A right to the access of the sun's rays to one's windows, free from any obstruction by the occupier of the adjoining land.

Ligius, l. l. *In old English law.* Bound; bound to fidelity, fealty or obedience; liege; subject; lawful; perfect. **Ligia potestas:** lawful power or capacity; absolute power of disposal. **Ligia viduitas:** pure widowhood.

Lignagium, l. l. *In old English law.* A right to cut fuel in woods.

Lignum, l. *In old English law.* Dead wood, or wood cut, as distinguished from *arbor*.

In the civil law. Wood; fire-wood; any thing prepared for burning.

Ligula, l. l. *In old English law.* A copy, exemplification or transcript of a court-roll or deed.

Limit. To define, indicate or mark out the extent or duration of.

Limitare, l. *In old English law.* To limit; to fix a boundary or period.

Limitatio, l. *In old English law.* Limitation; a limitation.

Limitation. Restriction; circumscription; boundary; the setting of a bound or limit; the fixing of a period. **Limitation of actions:** the restriction, by statute, of the right of action to certain periods

of time, beyond which, except in specific cases, it will not be allowed. **Limitation of assise:** in old practice, a time prescribed by statute within which a man was required to allege himself, or his ancestor, to have been seised of lands sued for by a writ of assise. **Limitation of estate:** the definition or circumscription in any conveyance of the interest which the grantee is intended to take. Words of limitation are words which define the estate the grantee is to take, as distinguished from words of purchase, which name the grantee.

Limited. Restricted in extent, duration, scope or character; confined.

Limited administration; an administration of a temporary character, granted for a particular period, or for a special purpose.

Limited company: a joint-stock company the liability of the members of which for the debts of the company is limited by statute.

Limited divorce: a divorce for a limited time; a separation from bed and board. **Limited partnership:** a partnership in which there are special partners who contribute special sums as capital, and who are not liable for the debts of the partnership beyond the fund so contributed.

Line. Limit of ownership or possession; boundary; the connection between persons descended from a common ancestor; a connected series as of the means for conveyance or transmission.

Linea, l. *In civil and old English law.* A line; a series of persons descending from a common stock. **Linea recta:** the right line; the direct line; a line of persons in which the one is descended mediately or immediately from the other; — *semper præfertur transversali:* the right line is always preferred to the collateral. **Linea transversalis:** the transverse or cross line; a line crossing the right or perpendicular line.

In the civil law. **Linea obliqua:** the oblique line,— more commonly termed *linea transversalis*, q. v.

Lineal. In a direct line; from parent to child. **Lineal consanguinity:** that kind of consanguinity which subsists between persons, of whom one is descended in a direct line from the other. **Lineal descent:** the descent of one person from another in the right or direct line; the descent of an estate, or the right to it, in the direct line of persons. **Lineal warranty:** a warranty of land made by a person from or through whom the title was derived, or might by possibility have been derived by the heir.

Lingua, l. A tongue; speech. Applied, in old English law, to the verdict of a jury.

Liquere, l. *In the civil law.* To be clear, evident, or satisfactory.

Liquet, l. It is clear or apparent; it appears.

Liquidate. To clear away; to lessen; to pay; to ascertain the amount to be paid. **Liquidated:** cleared away; settled; agreed upon or ascertained by operation of law. **Liquidated account:** an account the amount of which is made certain by act of the parties, or by

operation of law. **Liquidated damages:** a fixed sum agreed upon to be paid in the event of the non-performance of the contract.

Liquidated demand: a demand the amount of which is ascertained by agreement or otherwise.

Liquidation. The act of admitting claims of indebtedness; the winding up of an insolvent firm or company.

Liquido, l. Clearly; manifestly. **Liquido jurare:** to swear from a full knowledge of the subject; to swear without hesitation, or in clear and absolute terms.

Liquor. In general, includes all spirituous, vinous, malt and fermented liquor. *v. Intoxicating liquor; Spirituous liquor; Vinous liquor.*

Liquor shop: a house in which spirituous liquors are kept and sold.

Lis, l. A controversy or dispute; a suit at law. **Lis alibi pendens:** an action pending elsewhere; a plea of such an action. **Lis mota:** a controversy originated; a term frequently used in the discussion of evidence in matters of pedigree, and held to import not an actual suit commenced, but a dispute or controversy originating prior to the beginning of judicial proceedings. **Lis pendens:** a pending suit; the actual pendency of a suit, or other judicial proceeding; in a suit regarding land, such legal process as gives notice to all the world of a dispute as to the title; in equity, except by statute requiring record, the filing of a bill and service of a subpoena.

In the civil law. **Lis pendens:** a suit pending.

List. A catalogue or roll of causes, names, etc.; a schedule of the polls and taxable property upon which taxes are assessed; the civil officers of a government, and the appropriations for the support of such officers.

Lister. A person whose business it is to prepare a list of polls and taxable property for the purpose of taxation.

Lite pendente. *v. Pendente lite.*

Litem suam facere, l. *In the Roman law.* To make a suit his own,— applied to a *judex*, who from partiality or enmity evidently favored either of the parties.

Literatura, l. *In old English law.* Education; knowledge of letters. *v. Minus.*

Litera, pl. literæ, l. *In old English law.* A letter; the letter, as distinguished from the meaning of a writing; a term applied in the plural to various instruments in writing, public and private. **Litera acquietantiæ:** a letter of acquittance. **Litera cambii:** a letter of exchange. **Litera Pisana:** the Pisan letter,— a term applied to the old character in which the copy of the Pandects formerly kept at Pisa was written. **Literæ dimissoriæ:** dimissory or dismissory letters. **Literæ mortuæ:** dead letters; fulfilling words of a statute. **Literæ patentés:** letters patent; literally, open letters; — **regis non erunt vacuæ:** the king's letters patent shall not be void. **Literæ**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

latch of the door, in the name of seisin of all the lands; livery in law, by a performance of the ceremony without entry, but in sight of the land.

Livery-stable. A place where horses and vehicles are kept for hire, and horses are fed, groomed, etc., for compensation. **Livery-stable keeper:** a person whose business is the keeping of such a stable.

Loan. A bailment of goods to be used by the bailee temporarily, without reward.

Lloyd's. An association in London whose members underwrite each other's policies,—so called from Lloyd's coffee-house, formerly a resort for seafaring men. **Lloyd's bonds:** admissions of indebtedness, issued under seal of a company, with a covenant for payment. **Lloyd's lists:** accounts of the arrival and departure of vessels and of maritime losses and casualties.

Lobbying. Seeking by bribery or other dishonest means to influence the vote of a member of legislature.

Local. Relating to place; expressive of place; belonging or confined to a particular place. **Local action:** an action which must be brought in a particular place or county. **Local allegiance:** a temporary kind of allegiance, depending on place; the allegiance which a resident alien owes to the sovereign of the county in which he resides. **Local option:** a right in the voters of a particular district or municipality to choose between prohibition or license in the sale of intoxicating liquor. **Local statutes:** statutes which regard such things as are upon the spot. **Local venue:** a venue which must be laid in a particular county.

Locare, l. *In the civil and old English law.* To let for hire, as a house, land or other thing; to deliver or bail for a certain reward or compensation.

Locate. *In American law.* To place; to fix, ascertain or designate the place of a thing; to describe the place or situation of a tract of land; to mark out the boundaries, or identify the site of a piece of land, by a given description; to settle on land, or take actual possession of land.

Locatio, l. *In the civil law.* A letting for hire; a bailment or delivery of a thing for a certain compensation. **Locatio-conductio, or locatio et conductio:** a letting and hiring,—a compound word expressing the action of both parties. **Locatio custodiae:** a letting to keep; a bailment or deposit of goods for hire. **Locatio operarum:** a letting of services. **Locatio operis faciendi:** a letting out of work to be done; a bailment of a thing for the purpose of having labor or care bestowed on it for a pecuniary recompense. **Locatio operis mercium vehendarum:** a letting of work to be done in the carrying of goods; a contract of bailment by which goods are delivered to a person to carry for hire. **Locatio rei:** a letting of a thing to hire.

Location. *In American law.* The designation of the boundaries of a particular piece of land, either upon record, or on the land.

Locative calls. *In American law.* Calls for the purpose of location; calls which designate the particular boundaries of lands.

Locator. *In American law.* One who locates land, or intends or is entitled to locate.

Locator, l. *In the civil law.* A letter; one who lets; the correlative of conductor.

Locum tenens, l. l. *In old English law.* A place holder; one who holds the place of another; a deputy or representative; — *decani et vices ejus gerens*: holding the place of the dean, and performing his duty; — *regni*: lieutenant of the realm. *Locum tenere*: to hold place; to be applicable; to have place; to take effect, as to time.
v. *Locus*.

Locuples, l. *In the civil law.* Able to respond in an action; good for the amount which may be recovered.

Locus, l. A place; the place. *Locus contractus*: the place of a contract; the place where a contract is made; — *regit actum*: the place of the contract governs the act; the law of the place governs construction, wherever the contract is carried into effect. *Locus delicti*: the place of the offense; the place where an offense was committed. *Locus in quo*: the place in which; the place where. *Locus pœnitentiæ*: place or room for repentance; opportunity to withdraw from a contract before it is completed. *Locus rei sitæ*: the place where a thing is situated. *Locus sigilli*: the place of the seal; the place occupied by the seal of written instruments. *Locus standi*: a place for standing; right to be heard.

In old English law. *Locus partitus*: a place divided,—a division made between two towns or counties, to determine in which the land or place in question lies.

In the civil law. A place; a piece or portion of land, or of an estate. *Locus pœnitentiæ*: place or room for repentance; room to retract; opportunity to withdraw from a contract before it is completed. *Locus publicus*: a public place.

Lodge. To deposit or file with, as for registration; to make or prefer, as to lodge a complaint.

Lodger. One who occupies hired apartments in the house of another; a tenant of part of the house of another.

Lodgings. Habitation in the house of another; apartments in the house of another, furnished or unfurnished, occupied for habitation.

Lods et ventes, fr. *In old French and Canadian law.* A fine payable by a *roturier*, on change of ownership of his land; a mutation or alienation fine.

Log. A portion of a trunk of a tree cut of a length convenient for manufacture into lumber. *Log-rolling*: the inclusion in a single bill of distinct matters none of which could be enacted alone, and

procuring its enactment by combination of the minorities supporting the several measures.

Logographus, gr.-l. *In the Roman law.* A public clerk, register or book-keeper.

Loi, loy, l. fr. Law. **Loial:** lawful. **Loialment:** lawfully.

Loier, loyer, l. fr. Fee; reward.

Longa possessio, l. Long possession; — **est pacis jus:** long possession is the law of peace; — **jus parit:** long possession begets right; — **parit jus possidendi, et tollit actionem vero domino:** long possession produces the right of possession, and takes away from the true owner his action. **Longum tempus, et longus usus qui excedit memoria hominum, sufficit pro jure:** long time and long use, exceeding the memory of men, suffices for right.

Lookout. A person on board a vessel, in a favorable position to see, and exclusively engaged in watching, the movements of other vessels, and near enough to the helmsman to communicate with him.

Loquela, l. l. *In old English law.* A plaint, plea or suit; a declaration; a statement, saying or affirmation; an imparlance.

Loquendum ut vulgus, sentiendum ut docti, l. We must speak as the common people, we must think as the learned.

Lord. *In English law.* A title of honor belonging properly to the degree of baron, but applied also to the whole peerage; a title of office. **Lord advocate:** the chief crown lawyer and public prosecutor of Scotland. **Lord chamberlain of England:** an officer having the government of the palace at Westminster. **Lord chamberlain of the king's house:** an officer having authority over the king's wardrobe, and the licensing of theatres and plays. **Lord keeper of the great seal:** *ex officio* lord and privy-councillor,— an office now merged in that of lord chancellor. **Lord lieutenant:** the principal military officer of a county, appointed by the crown; the viceroy in Ireland. **Lord mayor:** the chief officer of the corporation of London. **Lord mayor's court:** a court of the city of London having both equity and common-law jurisdiction, and presided over by the recorder, or, in his absence, by the Common Sergeant. **Lords justices:** judges appointed under the statute 14 & 15 Vict., c. 83, to assist the lord chancellor in hearing appeals,— now judges of the court of appeals. **Lords spiritual:** the bishops and archbishops in the House of Lords. **Lord temporal:** the peers having seats in the House of Lords,— all the peers of the realm. *v. Chancellor; Paramount.*

Lord Cranworth's Act. The statute 23 & 24 Vict., c. 85, conferring general powers on trustees and mortgagees. **Lord Denman's Act:** the statute 6 & 7 Vict., c. 85, removing the disability of witnesses not parties on ground of interest. **Lord Ellenborough's Act:** the statute 43 Geo. III., c. 58, punishing with death various assaults on and offenses against the person. **Lord Langdale's Act:** the Wills Act,



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Lunacy. Insanity or madness,—properly, that kind of insanity which is broken by intervals of reason.

Lunatic. An insane person; a person who has lost the use of his reason; properly, one who has lucid intervals.

Lunatico inquirendo. v. *De*, etc.

Lying in franchise. Waifs, estrays, wrecks, and the like, subject to seizure by persons entitled without the aid of a court. **Lying in grant:** passing by deed or charter, as incorporeal hereditaments. **Lying in livery:** fees and feeholds in land. **Lying in wait:** waiting and watching in ambush with intent to kill.

M. The letter formerly branded on the brawn of the left thumb of persons convicted of manslaughter, and admitted to the benefit of clergy. **M. R.:** Master of the Rolls.

Macegriefs, macegreffs, l. fr. *In old English law.* Persons who willingly bought and sold stolen flesh, knowing it to be stolen.

Machamium, mechamium, l. l. *In old Scots law.* Maihem; Scotticè, *manzie*.

Machine. In patent law, any mechanical device, or combination of mechanical powers and devices, to perform some function and produce a certain effect or result.

Machinery. Somewhat more than machine,—including whatever is necessary to the working of a machine.

Mægbote, sax. *In Saxon law.* A satisfaction for the slaying of a kinsman.

Magis, l. More. **Magis dignum trahit ad se minus dignum:** the more worthy draws to itself the less worthy.

Magister, l. A master or ruler; a chief or superior; one who is elevated above others by office, position, or attainments; one whose authority and example we follow; one who has attained a degree of eminence in a science or in literature; one upon whom the chief care of any matter devolves. **Magister rerum usus:** use is the master of things; usage is a principal guide in practice.

In old English law. **Magister cancellariæ:** master of the chancery; master in chancery.

In the civil law. A title of office in the Roman empire. **Magister equitum:** master of the horse. **Magister libellorum:** master of requests. **Magister navis:** the master of a ship. **Magister palatii, or officiorum:** master of the palace or of the offices. **Magister societatis:** master of a partnership; manager, director or general agent of a partnership.

Magistralia brevia, l. l. *In old English law.* Magisterial writs; writs adapted to special cases, and so called from being framed by the masters or principal clerks of the chancery.

Magistrate. A person clothed with power as a public civil officer; a public civil officer, invested with the executive government or some branch of it; a person entrusted with the commission of the peace.

Magistratus, l. *In the civil law.* A magistrate; a judicial officer who had the power of hearing and determining causes, but whose office properly was to inquire into matters of law; the office or place of a magistrate.

Magna, l. Great or grand. **Magna Charta, or Carta:** the Great Charter, a charter granted by King John at Runningmede in 1215, at about the same time with the *Carta de Foresta*, and confirmed, 25 Edward I., by a charter called the *confirmatio chartarum*, which is regarded as the foundation of the English constitution and really the charter of English liberties.

In old English law. **Magna assisa:** the grand assise. **Magna averia:** great beasts, as horses, oxen, etc. **Magna precaria:** a great or general reap-day. **Magna serjantia:** grand serjeanty. **Magnum cape:** great or grand cape. **Magnum centum:** the great hundred; six-score, or one hundred and twenty. **Magnum concilium:** the great council; the general council of the realm, afterwards called parliament. **Magnus rotulus statutorum:** the great Statute Roll,—the first of the English statute rolls, beginning with *Magna Charta*, and ending with Edward III.

In the civil law. **Magna culpa:** great or gross fault; — **dolus est:** gross fault is fraud. **Magna negligentia:** great or gross negligence; — **culpa est, magna culpa dolus est:** gross negligence is fault; gross fault is fraud.

Maheme, mahem, l. fr. Maihem.

Mahemiare, maihemare, l. fr. *In old English law.* To maim.

Mahemium, l. l. *In old English law.* Maihem. **Mahemium dici poterit, ubi aliquis in aliqua parte sui corporis effectus sit inutilis ad pugnandum:** it may be called maihem, when any person is in any part of his body disabled [made useless] to fight. v. *Maihem.*

Maiden assize. *In English law.* An assize at which no capital conviction takes place. **Maiden rents:** a fine paid by the tenants of some manors on their marriage, and said to have been given to the lord for his omitting the custom of the *marcheta*; a fine paid for license to marry a daughter.

Maihem, mayhem, mahem, maim, Mahemium, maihemium, l. l. Violently depriving another of the use of a member used in fighting; an injury to another such as diminishes his power of self-defense. **Mahemium est homicidium inchoatum:** maihem is inchoate homicide. **Maihemium est inter crimina majora minimum, et inter minora maximum:** maihem is the least among the greater crimes, and the greatest among the lesser. **Maihemium est membri mutilatio; et dici poterit ubi aliquis in aliqua parte sui corporis effectus sit inutilis ad pugnandum:** maihem is the mutilation of a member; and it may be called maihem when any person is in any part of his body disabled from fighting.

Mail. A wallet, sack or bag used in the carriage of letters, papers, etc., from one post-office to another; the carriage and delivery of letters, etc., by public authority.

Mail, maile, maille, l. fr. *In old English law.* A tribute; a rent; a small piece of money.

In Scots law. Rent or tribute. **Mailer, mailpayer:** a tenant who pays a rent. **Maills and duties:** the rents of an estate.

Mainour, manour, meinour, meynour, meynovere, l. fr. *In old English law.* A thing stolen; especially such a thing found in the thief's possession. v. *Handhabend.*

Mainovre, maynover, l. fr. The labor of the hand; manual labor.

Mainpernable. *In old English law.* That may be let to bail; capable of being bailed.

Mainpernor, Maynpernour, meinpernour, l. fr. *In old English law.* A surety for the appearance of a person delivered to him out of prison,—differing from bail in being bound to produce the prisoner in answer to any charge, and having no right to imprison him or surrender him after the manner of bail.

Mainprise, meynprise, maynpryse, mainpris, meynpris, l. fr. and eng. *In old English law.* The release of a person under arrest into the custody of his friends upon their giving security for his appearance; a writ of *mainprise* directed to the sheriff ordering him to take *mainpernors* and set the prisoner at liberty; security for debt.

Mainsworn. *In old English law.* Perjured or forsworn, with one's hand upon the book.

Maintain. To sustain or keep up; to assist or promote.

Maintainor. One that maintains or seconds a cause depending in suit between others; a person guilty of maintenance.

Maintenance, l. fr. and eng. Preservation; continuance, support. An officious intermeddling in a suit that no way belongs to one, by maintaining or assisting either party with money, or otherwise, to prosecute or defend it. Provision for the sustenance of a person, as a wife, widow, parent or child.

Maire, l. fr. *In old English law.* Mayor; a mayor. An officer classed with justices and sheriffs.

Maire, mair. *In old Scots law.* An officer to whom process was directed.

Majestas, l. *In the Roman law.* Majesty; the sovereign authority of the state; an offense against sovereignty, *i. e.* against the Roman people, more commonly termed *crimen majestatis*, or *crimen læsæ majestatis*.

Majestie, l. fr. Majesty, or high treason.

Major, l. Greater; the greater. **Major annus:** the greater year; the bissextile year, consisting of 366 days. **Major numerus in se continet minorem:** the greater number contains in itself the less.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Malefactor, l. *In old English law.* A wrong-doer; an offender; a criminal; a convicted criminal.

Malefeasance, malfeasance, malfesance, malfeazance, malfaisance, l. fr. and eng. Wrong-doing; the doing of what one ought not to do.

Maleficia non debent remanere impunita; et impunitas continuum affectum tribuit delinquenti, l. Crimes ought not to remain unpunished; and impunity gives a continual impulse to the criminal [to commit another crime]. **Maleficia propositis distinguuntur:** evil deeds are distinguished by their purposes.

Maleficium, l. *In the civil law.* Wrong-doing; the commission of an offense; malfeasance.

Malice. An intent wrongfully to injure another; a wanton or wilful disregard of the rights of another or of others generally; a spirit of mischief or of criminal indifference to duty to another or others; in the law of homicide, a wicked and malignant intent to take the life of another, or an inhuman or reckless disregard of the life of another. **Malice aforethought, or malice prepense:** malice previously and deliberately entertained,—a kind of malice essential to the crime of murder. **Malice implied, or constructive malice:** malice imputed from deliberate, heinous or reckless action. **Malice in fact, actual or express malice:** an actual intent to injure another.

Malicious. Intentional or wilful; wanton; reckless; spiteful or malevolent. **Malicious abandonment:** the desertion of a wife or husband without just cause. **Malicious injury:** an injury committed out of spite or ill-will against another; an injury¹ committed wantonly, wilfully, or without cause. **Malicious prosecution:** the procuring of the indictment or arrest of a person without probable cause, and with intent to injure; the action therefor, which is an action on the case, brought upon termination of the prosecution complained of.

Malitia, l. An express evil design; malice. **Malitia excogitata:** meditated malice. **Malitia præcogitata:** malice aforethought, evil intended beforehand. **Malitia supplet ætatem:** malice supplies [or makes up for] age; wickedness of design supplies the want of age.

Malitiis hominum est obviandum, l. The wicked or malicious designs of men must be thwarted.

Malitiose, l. l. *In old English law.* Maliciously.

Malum, l. Evil; wickedness; an evil; an offense or wrong. **Malum in se:** a wrong in itself; an act involving illegality from the very nature of the transaction, upon principles of natural, moral and public law. **Malum non præsumiter:** wickedness is not presumed. **Malum prohibitum:** a wrong prohibited; an act prohibited as wrongful; an act involving an illegality resulting from positive law. **Malum quo communius eo pejus:** the more common an evil is, the worse it is.

- In old English law.* A misfortune; an infirmity; a sudden indisposition, by which a party was prevented from appearing in court when summoned. **Malum lecti:** misfortune or sickness of bed; an infirmity or indisposition by which a person was confined to his bed. **Malum veniendi:** misfortune or sickness of [in] coming; sickness or accident happening to a party on his way to court.
- Malus, l.** Bad; evil; wicked; unlawful. **Malus usus abolendus est:** a bad or invalid custom is [ought] to be abolished.
- Malveilles, l. fr.** Misdemeanors.
- Malveys, malveys, l. fr.** *In old English law.* Bad; defective; faulty. **Malveys procurours:** a term applied to those who packed juries.
- Malversation.** Misconduct; corruption or extortion in office.
- Man.** *In feudal law.* A vassal; a tenant or feudatory.
- Manbote, sax.** *In Saxon law.* A pecuniary compensation paid to a lord for killing his man, that is, his vassal or tenant.
- Manceps, l.** *In the Roman law.* A purchaser, one who took the articles sold in his hand (*qui manu cepit*).
- Mancipare, l.** *In the Roman law.* To sell, alienate or make over to another; to sell with certain formalities; to sell a person; one of the forms observed in the process of emancipation.
- Mancipatio, l.** *In the Roman law.* A kind of sale in the presence of five witnesses, accompanied with delivery of possession or seisin; the purchaser taking the thing sold in his hand; the imaginary sale of a son in the ceremony of emancipation.
- Mancipi res, l.** *In old Roman law.* The name of one of the leading divisions of private property, the precise meaning of which is not settled.
- Mancipium, l.** *In the Roman law.* A slave; so called, because taken from the enemy by hand.
- Mandamus, l.** We command; a writ, formerly prerogative, issued out of a superior court, directing a person, a court, an officer or a corporation, either public or private, to perform some duty ministerial, official or public, or to restore the complainant to some right or privilege. The writ is termed peremptory or alternative, according as it directs the defendant to perform absolutely, or to perform or show cause.
- Mandans, l.** *In the civil law.* One who gives a thing in charge to another; one who requests or employs another to do some act for him.
- Mandare, l.** *In old English law.* To command; to commit; to make return to a writ. **Mandare executioni:** to commit to execution, to put in execution.
- In the civil law.* To give in charge; to commit to one's care; to request another to do some act for one.
- Mandata licita recipiunt strictam interpretationem, sed illicita latam et extensam, l.** Lawful commands receive a strict interpretation, but unlawful commands a broad and extended one.

Mandatarius, l. *In the civil law.* A mandatary. **Mandatarius terminos sibi positos transgredi non potest:** a mandatary cannot exceed the limits assigned him.

Mandatary. One to whom a charge or commandment is given; in the law of bailment, one who is employed to do some act without reward, in regard to property bailed to him.

Mandate. A kind of bailment when one undertakes, without recompense, to do some act for another, in respect to the thing bailed; a judicial command; that part or clause of a writ containing the words "We command you," etc.

Mandator, l. *In the civil law.* One who gives a thing in charge to another; one who employs another to do some act for him in regard to property bailed.

Mandatum, l. *In old English law.* The mandate or warrant of court. *In the civil law.* That kind of bailment in which one party gives something in charge to the other to do for him, and the latter undertakes to do the act without recompense.

Mandavi ballivo, l. *In English law.* I have commanded, or made my mandate to the bailiff; the return made by a sheriff, where the bailiff of a liberty has the execution of the writ.

Manens, pl. manentes, l. l. *In Saxon and old English law.* A kind of tenant inhabiting a manse; an agricultural tenant.

Manerium, l. l. *In old English law.* A manor; a manor house. **Manerium dicitur a manendo, secundum excellentiam; sedes magna, fixa et stabilis:** it is called *manor* from *manendo*, *par excellence*; a large seat or place of abode, fixed and permanent.

Manifest. One of a ship's papers, containing a specification of the nature and quantity of the cargo laden, the place where it was taken on board, and the port for which it is destined, with other particulars. It is sometimes called a sea-letter.

Manifestus, l. Clear; evident; manifest. **Manifesta probatione non indigent:** clear things need no proof.

Manificus, l. l. *In old English law.* Done with the hand; manual.

Manor. *In American law.* A tract of land occupied by tenants who pay a fee-farm rent to the proprietor, sometimes in kind, and sometimes in the performance of certain stipulated services. In the province of New York, large tracts of land were granted as manors, with all the manorial rights and incidents.

In English law. A feudal estate with the right to hold a court-baron, granted to a lord or other great person, who kept to himself such parts of the land as were necessary for his own use, which were called *terræ dominicales* or demesne lands, and distributed the rest, called *terræ tenementales* or hocland, to tenants who held in freehold. It was formerly called a barony and afterwards a lordship.

Manorial court. v. *Court baron.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

est class. *Manus mediæ*: of a middle rank. *Manus mortua*: a dead hand; mortmain.

In the civil law. Power or authority.

Manuscript. A writing of any kind; an unpublished literary production.

Manutenentia, l. l. *In old English law.* Maintenance.

Manutenere, l. l. *In old English law.* To maintain; to support, assist or defend; to assist one in carrying on his suit. *Manutenere placitum* — *querelam*: to maintain one's plea — *plaint*.

Manworth. *In old English law.* The price or value of a man's life or head.

Manzie, sc. *In old Scots law.* *Maihem*.

Map. A delineation of the features of a portion of the earth's surface within such a compass as to facilitate a comprehension of its character and appearance.

Marca, marcha, marchia, l. l. A limit or bound; a boundary line or border.

March. *In Scots law.* A boundary line or border. **March-dike, march-stone**: a boundary dike or stone.

Marchers. *In old English law.* Noblemen who lived on the marches of Wales or Scotland.

Marches. Limits; bounds or borders; particularly borders between England and Wales, and borders between England and Scotland.

Marcheta, marchetum, merchetum, marchet, merchet. *In old English law.* A fine paid for leave to marry, or to bestow a daughter in marriage; a maid's fee.

In old Scots law. A custom for the lord of a fee to lie the first night with the bride of his tenant; a fine paid by the tenant for the remission of such right.

Marchia, l. l. *In old English law.* A march, or border.

In feudal law. The dignity or territory of a *marchio*.

Marculfus. A monk of the seventh century, author of collections of *Formulæ*, of great celebrity.

Mare, l. The sea. **Mare altum**: the high sea. **Mare apertum**: the open sea.

Marescalcia, l. l., Mareschaucie, l. fr. *In old English law.* Marshal-sea; the office of marshal; a species of grand serjeanty, granted in fee to the Earl [now Duke] of Norfolk.

Marescallus, marescalcus, marascalcus, mariscaldus, l. l. *In old English law.* An officer of the royal household, who guarded the sovereign's person; a high officer of state, with certain judicial powers; a ministerial officer of justice; an officer of the court of exchequer; an officer of a manor.

Mareshal, l. fr. Marshal; a high officer of the royal household.

Mariage, l. fr. *In old English and feudal law.* The right of marriage; the power of disposing of an infant ward in matrimony; a marriage portion.

- Marier, l. fr.** To marry. **Marie:** married. **Marie ou dismarie:** married or unmarried.
- Marine.** Relating to the sea, to navigation, to commerce on the sea, etc. **Marine contract:** v. *Maritime*. **Marine insurance:** a contract of indemnity against the perils of the sea. **Marine tort:** v. *Maritime*.
- Mariner.** A person employed on a ship in any capacity having to do with her equipment or preservation, or with the welfare of the crew.
- Maris et feminae conjunctio est de jure naturæ, l.** The union of male and female is founded on the law of nature.
- Maritagium, l. l.** *In feudal and old English law.* Marriage; the right of a lord to dispose of his infant ward in marriage; a portion given with a woman to her husband in marriage. **Maritagium habere:** to have the free disposal of an heiress in marriage.
- Maritima Angliæ, l. l.** *In old English law.* The revenue coming to the king from the sea, anciently collected by the sheriffs, but afterwards granted to the admiral. **Maritima incrementa:** marine increases; lands gained from the sea.
- Maritime.** Pertaining to navigation or to commercial intercourse upon the seas, and, in this country, upon the great lakes and navigable rivers. **Maritime cause:** a cause of action originating on such waters, or out of such intercourse. **Maritime contract:** a contract relating to such navigation or such commerce. **Maritime court:** a court exercising the powers of a court of admiralty. **Maritime interest:** interest at an extraordinary rate paid for a loan upon bottomry or respondentia. **Maritime law:** the law of the sea; the body of usages which governs the affairs of persons engaged in such navigation and intercourse. **Maritime lien:** a lien on a vessel for money advanced, supplies furnished, labor done, etc. **Maritime loan:** a loan upon security of ship or cargo, to be paid, with maritime interest, if the vessel arrives safely. **Maritime service:** a service to be performed in connection with navigation or commercial intercourse upon navigable waters. **Maritime tort:** a wrong committed on navigable waters within the jurisdiction of a court of admiralty.
- Mark.** A character made by illiterate or disabled persons, in executing deeds and other writings,—usually a cross made in a blank space left for that purpose, in the middle of the name as written for the party, and between the word “his” or “her” written above, and the word “mark” written below, the space. **Marks-man:** a person who signs by means of such a mark.
- Market.** A place for the public sale of commodities; a place of public traffic. **Market place:** usually a market-place, but may mean either a district in which trade is so habitually conducted as to furnish a criterion of value, or the point at which the trade in such a district

centers. **Market price, or value:** a price established by public sales in the way of ordinary business.

In English law. The franchise or privilege by which a town is enabled to keep a market. **Market overt:** open market; a place or shop for the open sale of goods. **Market town:** a town entitled to hold a market. **Market zeld, or geld:** the toll of a market.

Marlbridge, Marlebridge, statute of. The statute of 52 Henry III., confirming the Great Charter and the Charter of the Forest, and containing provisions in regard to tenures, and for the better administration of justice, abolishing fines for beau-pleader, introducing the writ of entry in the post, etc.

Marque. The frontier, border or boundary line of a country. **Marque, letters of:** permission given by the sovereign to make reprisals on another country with reference to the apprehension of the subjects of the sovereign of the latter within the march or border. **Marque and reprisal, letters of:** permission so to make reprisals, with permission to pass the frontier for the purpose of making them.

Marquess, marquis. *In English law.* A degree of nobility next to that of duke,—so called from the ancient office of the marquess to guard the marches of the kingdom, particularly on the side of Wales and Scotland.

Marriage. An engagement by which in form of law a man and a woman capable of entering into such an engagement take each other for husband and wife; the act or ceremony by which such an engagement is solemnized; the relation which results. **Marriage articles:** articles of agreement between parties contemplating marriage, intended as preliminary to a formal marriage settlement. **Marriage brokage:** the procurement of a marriage between persons, for a consideration; the consideration paid or agreed to be paid. **Marriage settlement:** a settlement made before or after marriage, by which the estate of either or both of the parties is settled or limited to be enjoyed in a certain way.

In the feudal law. The power which the lord or guardian in chivalry had, of disposing of his infant ward in matrimony.

Marshal. *In American law.* The ministerial officer of the federal court, with duties similar to those of a sheriff; an officer in towns and cities with duties similar to those of a petty constable.

In English law. **Marshal, mareschal:** the title of several officers with judicial or ministerial powers, as, the earl marshal, or lord mareschal, a high officer of state, who presided in the court of chivalry; the marshal of the king's house whose special authority is in the king's palace, to hear and determine all pleas of the crown, and to punish faults committed within the verge, and to hear and judge of suits between those of the king's household; the marshal of the king's bench prison, who had the custody of that prison.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

ministering oaths to attorneys on their admission, and in certifying to the court, in cases of doubt or difficulty, what the practice of the court was. The principal duties out of court consisted in taxing attorneys' costs, in computing interest, in examining witnesses who were going abroad, and in hearing and determining rules referred to them by the court. **Master of the crown office:** the Queen's coroner and prosecuting attorney in the criminal department of the court of Queen's Bench. **Master of the rolls:** a judge who holds a chancery court ranking next to that of the Lord Chancellor, and who has the keeping of the rolls and grants which pass the great seal, and the record of the chancery. He was originally appointed only for the superintendence of the writs and records appertaining to the common-law department of the court, and is still properly the chief of the masters in chancery.

Mate. The officer next to the master on board a vessel, who on death, or in absence, of the master succeeds *virtute officii* to the care and command of the ship.

Materia, l. l. Matter; substance; subject-matter. v. *In pari*.

Material. Any article or substance used in the building or the repair of houses, ships, etc. **Material man:** one who furnishes any article or substance for such building or repair.

Materna maternis, l. The goods acquired through the mother descend to those connected with her.

Matrimonial causes. *In English ecclesiastical law.* Causes of action or injuries respecting the rights of marriage.

Matrimonium, l. *In the civil law.* Matrimony; marriage. **Matrimonia debent esse libera:** marriages ought to be free.

Matrix ecclesia, l. A mother church; a cathedral church, in respect of the parochial churches within the same diocese, or a parochial church, in respect of the chapels depending on her.

Matter. That which is perceptible by the senses; a substantial thing, opposed to form; the subject of legal consideration, action or defense; the facts constituting a part or the whole of a ground of action or a defense. **Matter in deed:** matter contained in a writing under seal between two or more parties, which is regarded as a private act. **Matter in pais:** matter in the country; matter not in writing. **Matter of record:** matter entered on record, or appearing on the records of a court, comprising all judicial acts.

Matter en ley ne serra mise en bouche del jurors, l. fr. Matter in law shall not be put into the mouth of jurors.

Maturity. The time when a bill of exchange or promissory note becomes due.

Mangre, l. fr. In spite of; against the will of. v. *Malgre*.

Maunder, l. fr. *In old English law.* To command; to return, as a writ.

Mauveise, mauveys, l. fr. False; fraudulent; bad; defective.

- Maxim.** A general principle; a postulate or axiom; a rule of general or universal application, upon which other rules are founded.
- Maxime, l.** Chiefly; most of all. *Maxime paci sunt contraria vis et injuria*: the greatest enemies to peace are force and wrong.
- Maximus, l.** The greatest. *Maximus erroris magister populus*: the people is the greatest master of error.
- May.** In the construction of public statutes, is often to be construed "*must.*"
- Mayhem.** *v. Maihem.*
- Mayor.** The chief or executive magistrate of a municipal corporation.
- Meadow.** A tract of land above the shore of a sea or stream, which is overflowed by spring and extraordinary tides only, and which yields grass good for hay.
- Mean.** Intermediate.
- Meander.** To pursue a winding course, as a river or stream; to follow the course of a stream, according to its windings; to survey a stream according to its actual course.
- Means.** Instrumentality; resources, property or money. **Means of support**: any of the resources from which the necessaries of life are or may be derived.
- Mease, mese.** *In old English law.* A messuage or dwelling-house.
- Measure of damages.** The rule, or rather the system of rules, governing the estimation of damages as a compensation for injuries in actions at law.
- Mechanic.** A workman who with the use of tools shapes and unites materials into some sort of machine or structure; an artisan.
- Medfee.** *In old English law.* A bribe or reward; a compensation given in exchange, where the things exchanged were not of equal value.
- Mediator, l. l.** *In old English law.* An arbitrator.
- Medical.** Pertaining to medicine, or the study and practice of medicine. **Medical attendance**: may include nursing. **Medical jurisprudence**: the science of medicine as applied to questions arising in courts of justice. **Medical services**: may include the services of a medical clairvoyant.
- Medietas, l. l.** *In old English law.* A moiety; one half; a half part, divided and separated. *Medietas linguæ*: moiety of tongue; half-tongue; applied to a jury empanelled in a cause, consisting, the one half of natives, the other of foreigners.
- Medio tempore, l.** In the meantime.
- Meditatio fugæ, l.** *In Scots law.* Contemplation of flight; intention to abscond.
- Medius, l.** *In old English law.* Mean; intermediate; between two.
- Medletum, melletum, l. l.** *In old English law.* A mixing together; a medley or *melee*; an affray or sudden encounter; an offense suddenly committed in an affray; an intermeddling, without violence, in any matter of business.

Mein, *l. fr.* A hand. **Meins mises sur seintz**: hands laid upon the holy (Gospels).

Meite, *meited, l. fr.* Moiety; a moiety or half.

Meldfeoh, *sax. In Saxon law.* A reward given to an informer.

Melior, *l.* Better; the better. **Melior est conditio possidentis**: the condition of the party in possession is the better one; — **et rei quam actoris**: the condition of the party in possession is the better one, and that of a defendant is better than that of a plaintiff; — **ubi neuter jus habet**: where neither has the right, the condition of the party in possession is the better. **Melior est justitia vere præveniens quam severe puniens**: that justice which absolutely prevents [a crime] is better than that which severely punishes it. **Meliorem conditionem suam facere potest minor, deteriorem nequaquam**: a minor can make his condition better, but by no means worse.

Melioratio, *l. In old English law.* A making better; an improvement or betterment; a melioration.

Melius, *l.* Better; the better. **Melius averium**: the better [best] beast. **Melius est**: it is better; — **in tempore occurrere, quam post causam vulneratam remedium quærere**: it is better to meet a thing in time than, after an injury inflicted, to seek a remedy; — **omnia mala pati quam malo consentire**: it is better to suffer all wrongs [any wrong] than to consent to wrong; — **recurrere quam male currere**: it is better to run back than to run badly; it is better to retrace one's steps than to proceed improperly.

In old English law. **Melius inquirendum, or inquirendo**: to be better inquired; the name of a writ issued to the escheator, commanding him to make a further inquiry, or to take a new inquisition, respecting a matter.

Memorandum, *l. and eng.* To be remembered; be it remembered; a formal word with which the body of a record in the court of King's Bench anciently commenced; a special clause in an instrument, to which attention is particularly required; a brief note in writing of some transaction, or an outline of an intended instrument. **Memorandum check**: a check intended not to be presented immediately for payment; a check given by a borrower of money to be held by the lender and redeemed by the borrower. **Memorandum of agreement**: a writing required by the Statute of Frauds, to bind the parties in certain cases.

Memoria, *l.* **Memorie**, *l. fr.* *In old English law.* Memory; faculty of remembrance; mental soundness generally.

Memory. The faculty by which mental impressions are reproduced; understanding; full possession of the mental powers, as in the expression sound and disposing mind and memory.

In English law. **Memory or memory of man, legal memory**: a period fixed by the statute of Westm. 1, to begin with the reign of Richard I.; since reduced to twenty years.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Mercy, l. fr. and eng. *In old English law.* The arbitrament or discretion of the king, lord or judge, in punishing any offense, not directly censured by law. v. *Amerciament.*

Mere right. The mere right of property in land; the *jus proprietatis*, without possession or the right of possession.

Mere-stone. *In old English law.* A stone for bounding or dividing lands.

Merger. The sinking, drowning, absorption or extinguishment of one thing in another. **Merger of estates:** the extinguishment in law of a lesser estate in a greater, where they coincide and meet in the same person, without any intermediate estate,—a result which in equity may not follow, and is mainly a matter of intention. **Merger of obligations, contracts:** an extinguishment of a simple contract by confirmation by deed, or the extinguishment of a contract, simple or sealed, by a judgment. **Merger of wrongs:** the sinking or drowning of a private wrong in a public offense, where the wrong and the offense are one and the same act.

Merits. Matter of substance in law, as distinguished from matter of mere form; a substantial ground of defense in law.

Merton, statute of. A statute of 20 Henry III., concerning dower, usury, legitimacy, etc. So called, because the parliament was then held at the monastery or priory of the canons regular of Merton, in Surrey.

Merum, l. *In old English law.* Mere; naked or abstract. **Merum jus:** mere right.

In the civil law. **Merum imperium:** the simple power of punishment.

Merx, l. Merchandise; movable articles that are bought and sold; articles of trade. **Merx est quicquid vendi potest:** merchandise is whatever can be sold. **Mercis appellatio ad res mobiles tantum pertinet:** the term merchandise belongs to movable things only. **Mercis appellatione homines non contineri:** men are not included under the denomination of merchandise.

Merym, merime, merisme, maerisme, merrien, merin, l. fr. Timber.

Mes, meas, mas, l. fr. But. **Mes adjornat:** but it is adjourned. **Mes vide:** but see.

Mesaventure, l. fr. A mischance.

Miscreauntes, l. fr. *In old English law.* Apostates, unbelievers, infidels,—classed with the worst criminals, hence the term miscreant.

Mescru, l. fr. Suspected of crime; guilty.

Mesfait, l. fr. A misdeed; an offense.

Mesfesour, l. fr. A wrong-doer; a criminal.

Mesnalty, mesnality. *In old English law.* The estate or right of a *mesne*.

Mesne, l. fr. and eng. Middle; intermediate; between two persons or proceedings. **Mesne process:** intermediate process; process intervening between the beginning and the end of a suit; the writ of *capias*

ad respondendum. **Mesne profits:** intermediate profits; profits which have been accruing between two different periods; profits of land, which a tenant has received during the period of his wrongful possession.

In old English law. **Mesne lord:** a middle or intermediate lord; a lord who held of a superior lord.

Mesprendre, l. fr. To misbehave; to do amiss; to offend; literally, to mistake.

Mesprision, l. fr. Mistake; a mistaking.

Messenger. A person who bears a message; one who bears a notice, invitation or communication, oral or written, from one person to another or to a public body.

Messis, l. A harvest or crop.

In Scots law. **Messis sementem sequitur:** the crop belongs to [follows] the sower.

Messuage. A dwelling-house with out-buildings, garden, orchard and curtilage.

Messuagium, mesuagium, l. l. *In old English law.* A messuage; a house. **Messuagium sive domus:** a messuage or house.

Mestier, l. fr. Mystery; handicraft; trade; occupation.

Meta, l. *In old English law.* A boundary line; a border or terminus. Properly, a visible object, standing on the line, as a stone or tree.

Metes. v. Abuttals. **Metes and bounds:** the boundary lines of land, with their terminating points or angles. *v. Butts and bounds.*

Metropolitan. *In English law.* One of the titles of an archbishop,—derived from the circumstance that archbishops were consecrated at first in a metropolis.

Mettre, l. fr. To put, place or set; to put, or suppose, as a case. **Mettre a large:** to set free. **Mettre en escript:** to put in writing. **Mettons:** put, suppose. **Mettomus:** let us suppose or admit.

Metus, l. *In old English law.* Fear; apprehension of danger, present or expected; not the fear of a timorous person, but such as may influence a steady man; apprehension such as may extend to peril of death and bodily suffering.

In the civil law. Fear,—not every kind of apprehension, but the fear of some serious evil; not the fear of a foolish man, but a reasonable apprehension such as might be felt by a man of the greatest coolness.

Meu, l. fr. Moved; commenced, as a suit.

Meum et tuum, l. Mine and thine.

Meyn, mayn, l. fr. Hand; an oath; mean, intermediate.

Meynovere, l. fr. *v. Mainour.*

Meynoverer, l. fr. To occupy; to manure. *v. Manure.*

Meynpernour, l. fr. A mainpernor.

Meyns, l. fr. Less; insufficiently; not. **Meyns avysement maunde:** ill-advisedly sent. **Meyns sachantz:** illiterate.

Michaelmas term. One of the four terms of the English courts of common law, beginning on the 2d and ending on the 25th of November.

Michelgemot, michelsynoth, sax. Great meeting; the great assembly of the people; the Witenagemote.

Middle thread. An imaginary line drawn through the middle of a stream in the direction of its length. *v. Medium.*

Middlesex, bill of. *v. Bill.*

Migrare, l. To remove from one place to another; to migrate. **Migrans jura amittat ac privilegia et immunitates domicilii prioris:** one who emigrates will lose the rights, privileges and immunities of his former domicil.

Migration. Imports freedom of action. In the constitution, as applied to black persons and contrasted with "importation," implies freedom.

Mile. A measure of distance,—on land, 5280 feet; at sea, 6086.7 feet.

Mile circular: one of the whole number of miles, traveled in going to a place and returning therefrom.

Miles, pl. milites, l. *In old English law.* Knight; a knight. So called, because the knights formed part of the royal army, in virtue of their feudal tenures.

In the civil law. A soldier.

Military. Pertaining to war, to the army, to soldiers. **Military law:** a system of regulations for the government of an army,—quite distinct from martial law.

In American law. **Military government:** government, under the constitution, of the army; in time of foreign wars, or of rebellion against the general government, in place of the local law; in time of invasion or of insurrection within a loyal state, which may be called martial law proper. **Military lands, military bounty lands:** lands granted to soldiers for military services.

In English law. **Military causes:** causes of action or injuries cognizable in the court military, or court of chivalry. **Military courts:** the ancient court of chivalry and modern courts martial.

In old English law. **Military feuds, fiefs or fees:** the genuine or original feuds or feudal estates, which were all of a military nature. **Military tenures:** tenures by knight service and escuage, which were abolished by the statute 12 Car. II., c. 24.

Militia. Military service; the national soldiery of a country, as distinguished from the standing army, consisting of able-bodied male inhabitants of a prescribed age, who are enrolled, for discipline, but for active service only on emergent occasions, as in case of insurrection or invasion.

Mill. Includes not merely the building in which the business is carried on, but the site, dam, and other things connected with the freehold. **Mill site:** includes, in a grant, all the land covered by the mill.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Minus, l. Less; not.

In old English law. **Minus satis:** insufficient. **Minus sufficiens in literatura:** incompetent in point of learning.

In the civil law. **Minus solutum intelligitur etiam si nihil esset solutum:** it is also considered less paid [*i. e.* not paid] if nothing has been paid. **Minus solvit qui tardius solvit:** he who pays too late does not pay at all. *v. In eo quod, etc.*

Minute tithes. *In old English law.* Small tithes, such as usually belonged to the vicar; as herbs, seeds, eggs, honey, etc.

Minutes. Memoranda of what takes place in a court, made by the clerk in his minute book, and the basis of the record afterwards made therefrom; the record of the proceedings of a board of directors of a corporation.

In Scots law. A pleading put into writing before the lord ordinary as the ground of his judgment.

Minutio, l. *In the civil law.* A lessening; diminution or reduction.

Minutus, l. l. *In old English law.* Small. **Minutis curiis:** in small courts.

Mirror of Justices, or The Mirror. The title of an old treatise written in law French, and generally attributed to Andrew Horne, who was chamberlain of London in the time of Edw. II.

Misa, l. l. *In old English law.* The mise or issue in a writ of right; a compact or agreement. **Misæ:** costs of suit; expenses generally.

Misadventure. Mischance; misfortune or accident.

Miscontinuance. An improper continuance; want of proper form in a continuance.

Miscreant, l. *In old English law.* An apostate; an unbeliever; one who totally renounced Christianity.

Misdemean. *In old English law.* To use improperly; to abuse.

Miscarriage. Faulty behavior; a wrongful act incurring liability in damages. **Miscarriage of justice:** a failure in the administration of justice.

Misdemeanour, misdemesnor. A less heinous species of crime; an indictable offense, not amounting to felony.

Mise, l. fr. *In old English law.* Cost or expense; the issue in real actions, particularly in writs of right.

Misera est servitus, ubi jus est vagum aut incertum [incognitum], l. It is a wretched state of slavery, where the law is shifting or uncertain [unknown].

Miserabile depositum, l. *In the civil law.* A sad or lamentable deposit; one made under circumstances of sorrow or misfortune, such as insurrection, fire, shipwreck, etc.

Miserere, l. Have mercy; the first word of the fifty-first psalm, the first verse of which was commonly given to such malefactors to read as had the benefit of clergy.

Misericordia, l. l. *In old English law.* Mercy; an amercement.

- Misfeasance.** A misdeed or trespass; the improper doing of what if done properly would be lawful.
- Mishersing.** *In old English law.* The being quit of ameracements for plaints not regularly and properly preferred.
- Misjoinder.** Improper joinder; the improper union of parties in an action, or of causes of action.
- Miskenning.** *In Saxon and old English law.* An unjust or irregular summoning to court; to speak unsteadily in court.
- Misnomer.** The using of one name for another; a misnaming.
- Mispleading.** Error in pleading; informal pleading, as pleading not guilty instead of *nil debet* to an action of debt.
- Misprision.** Neglect; oversight; mistake; neglect or light account made of a crime; omission to reveal a crime. It is a negative misprision where it is a mere concealment of what ought to be revealed; a positive misprision where it is the doing of an act which ought not to be done. **Misprision of felony:** the concealment of a felony committed by another, without such conduct as will make the party an accessory. **Misprision of treason:** the bare knowledge and concealment of treason without any degree of assent thereto.
- Misrecital.** Error in the recital of an instrument.
- Misrepresentation.** A false or erroneous representation.
- Missing ship.** A vessel not arrived when, computed from the day of sailing, the time that has elapsed exceeds the average duration of similar voyages at the same season of the year.
- Missio, l.** *In the civil law.* A sending or putting. **Missio in bona:** a putting of the creditor in possession of the debtor's property. **Missio iudicum in consilium:** a sending out of the *judices* to make up sentence.
- Missives.** *In Scots law.* Writings passed between parties as evidence of a transaction.
- Mistake.** In equity, some unintentional act, or omission or error, arising from ignorance, surprise, imposition or misplaced confidence. **Mistake of fact:** the result of ignorance of some fact which really exists, or of a belief in the existence of some fact which really does not exist. **Mistake of law:** the result of an erroneous conclusion as to the legal effect of facts of which the person has full knowledge.
- Misterium, l. l.** A trade or occupation; a mystery.
- Mistrial.** A false or erroneous trial, as in a wrong county.
- Misuser.** Abuse of an office or franchise.
- Mitior sensus, l. l.** The milder or more favorable sense. **Mitiori sensu:** in the milder or more favorable sense. It was the old rule to construe slanderous words in the mildest sense; but now otherwise, the rule being to give the words their ordinary meaning.
- Mitius imperanti melius paretur, l.** The more mildly one commands, the better is he obeyed.

Mitter, *l. fr.* *In old English law.* To put; to suppose. **Mitter avant:** to put before; to present before a court; to produce in court. **Mitter le droit:** to put or pass the right; passing the right. **Mitter l' estate:** to put or pass the estate; passing the estate.

Mittere, *l.* To send; to put. **Mittere in confusum:** to put in hotchpot; to put into a common stock. **Mittimus:** we send; a precept or warrant granted by a justice, for committing an offender to gaol, where bail is not allowed, or cannot be obtained.

In old English law. **Mittimus:** we send,—a writ by which records were removed from one court to another.

Mittomus, *l. fr.* Let us suppose; put the case; admit.

Mixed. Of several kinds, characters, species, etc. **Mixed action:** an action partaking of the nature both of a real and a personal action; an action wherein some real property is demanded, and also damages for a wrong sustained. **Mixed jury:** a jury composed of both white persons and black persons. *v. Bilinguis.* **Mixed larceny:** compound larceny. *v. Larceny.* **Mixed marriage:** a marriage between persons of different races. **Mixed property:** property partaking of the nature of both realty and personalty.

In English law. **Mixed tithes:** that species of tithes which consists of natural products, but nurtured and preserved in part by the care of man, as of wool, milk, etc.

In the civil law. **Mixed action:** an action in which a specific thing was demanded and some personal obligation claimed to be performed; an action in which each party was an actor.

Mixtum imperium, *l.* *In old English law.* Mixed authority, a kind of civil power,—a term applied to the power of certain subordinate civil magistrates, as distinct from jurisdiction.

Mobilia, *l.* Movables; movable things; otherwise called *res mobiles*. **Mobilia non habet situm:** movables have no situs. **Mobilia personam sequuntur**, **immobilia situm:** movable things follow the person, immovables their site or locality.

Modalis, *l. l.* *In old English law.* Having the character of a *modus*; qualified; enlarged or restricted.

Mode. The manner in which a thing is done,—the mode of proceeding.

Model. In the patent law, a copy or imitation of the thing intended to be represented.

Moderamen inculpatæ tutelæ, *l.* *In the Roman law.* The regulation of justifiable defense,—a term used to express that degree of force in defense of the person or property which a person might safely use.

Modo et forma, *l. l.* In manner and form; words used in the old forms of traverse, and literally translated in the modern precedents, importing that the pleader denies the allegation of the other party, not only in its general effect, but in the exact manner and form in which it is made,—words usually not material, since they relate to matters of time, place, etc.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

assumpsit, founded on an implied promise to pay money, including the counts for money had, money lent, money paid and money due on *insimul computassent*.

Monition. A process in the nature of a summons, issued, as in the admiralty and in ecclesiastical courts, by courts which proceed according to the civil law. The monition in the admiralty is general, special or mixed,— general, when it cites all interested persons; special, when it cites persons named; mixed, when it is both general and special.

Monopolium, gr.-l. The sole power, right or privilege of sale; monopoly; a monopoly. *Monopolium dicitur, cum unus solus aliquod genus mercaturæ universonum emit, pretium ad suum libitum statuens*: it is called monopoly, when one single person buys up the whole of a commodity, fixing on it a price at his pleasure.

Monopoly. The exclusive privilege of selling any commodity; an exclusive right or privilege.

Monstrans, l. fr. *In English law.* A showing. **Monstrans de droit**: a showing or manifestation of right; one of the common-law methods of obtaining restitution from the crown of either real or personal property. **Monstrans de faits**: a showing of deeds; a species of profert.

Monstravit, pl. monstraverunt, l. *In old English law.* He has showed; a writ for the relief of tenants in ancient demesne who were distrained for duties or services in violation of their liberties.

Month. A division of a year, being either a lunar month, consisting of twenty-eight days or four weeks, or a calendar month, consisting of from twenty-eight to thirty-one days. At common law, a month is a lunar month, but otherwise in ecclesiastical matters, and otherwise in some of the states of the Union.

Monumentum, monimentum, l. l. *In the civil and common law.* A monument; a memorial; a chronicle or record. *Monumenta quæ nos recorda vocamus sunt veritatis et vetustatis vestigia*: the memorials which we call records are the traces of truth and of antiquity.

Moot. To argue; to argue by way of exercise; to argue a fictitious case in form of law; to agitate a point by argument, without determining it; to raise a question for argument.

Moot. Subject to argument; unsettled; undecided.

Moot. *In English law.* An argument of causes by way of exercise; an argument of fictitious causes, with formalities resembling those of a court. **Moot court**: a court held for the arguing of moot cases or questions. **Moot hall**: the place where moot cases were argued. **Moot man**: one who argued moot cases in the inns of court; one who argued readers' cases in inns of chancery, both in terms and grand vacations.

Mooting. The exercise of arguing questions of law or equity, raised for the purpose.

Mora, l. *In the civil law.* Delay; default; neglect; culpable delay or default; delay in fulfilling an obligation, as in the payment of money. **Mora reprobatur in lege:** delay is reprobated in law.

Moral certainty. That degree of assurance which induces a man of sound mind to act, without doubt, upon the conclusions to which it leads. **Moral consideration:** the duty in morals to perform an obligation not legally enforceable,— a consideration sufficient to support an executed contract, and sufficient also to support a new promise by an infant who has become of age, a discharged bankrupt, etc.

Morandæ solutionis causa, l. For the purpose of postponing payment.

Morari, l. *In old English law.* To delay; to pause or rest. **Moratur in lege:** (he) rests or pauses in law; (he) demurs.

More colonico, l. *In old English law.* In husband-like manner.

More or less. Qualifying words which obviate liability for any slight excess or deficiency in measure, number or weight.

Morganatic marriage. A marriage between a woman and a man of superior rank, in which it is stipulated that neither she nor her children shall enjoy the rank or inherit the possessions of her husband.

Morgangiva, morgengeba, l. l. *In old European law.* A gift made to a wife on the morning of the nuptial day; a species of dower.

Morier, mourir, l. fr. To die. **Morant, mourant:** dying.

Mors, l. Death. **Mors dicitur ultimum supplicium:** death is called the last punishment, the extremity of punishment. **Mors omnia solvi:** death dissolves all things.

Mort, fr. Death. **Mort d' ancestor:** v. *Assise*.

Mortgage, Mortuum vadium, l. A dead or unproductive pledge; a conveyance of lands, chattels or other subjects of property as a security for a debt, upon a condition that if the sum due be paid at a certain time the conveyance shall be void, otherwise become absolute,— the alternative, however, taking effect subject to the right or equity of redemption. v. *Equitable mortgage*.

In old English law. A pledge of movables or immovables as security for a debt,— called dead, because the contract was that the fruits or rents arising from the thing pledged should not go, as in case of what was called a live pledge, towards paying off the demand for which it was pledged.

Mortgagee. The person to whom a mortgage is made or given.

Mortgagor. The person who gives a mortgage.

Mortis causa, l. By reason or in contemplation of death. v. *Causa; Donatio*.

Mortmain, l. fr. A dead hand; a condition of property in which it is held without the power of change or alienation; a term originally applied to the possession of land by ecclesiastical bodies, the members of which were reckoned dead persons in law.

Mortuarium, l. l. *In old English law.* A mortuary.

Mortuary. *In English law.* A customary gift claimed by and due to the minister in many parishes, on the death of his parishioners; a sort of ecclesiastical heriot.

Mortuum vadium, l. l. *In old English law.* A dead pledge; a mortgage, or mortgage. **Mortuum vadium dicitur illud cujus fructus vel reditus interim percepti in nullo se acquietant:** that is called a dead pledge, the profits or rents of which, received in the meantime, in no respect discharge it.

Mortuus, l. Dead; a return by a sheriff that the party named in the process is dead. **Mortuus exitus non est exitus:** a dead issue is no issue; a child born dead is not considered as issue.

Mos pro lege, l. Custom instead of law.

Mote, sax. *In Saxon law.* A court; a meeting or assembly.

Motion. Instance; will; desire; an application made to the judge or judges of a court, *viva voce*, in open court, for the purpose of obtaining a rule or order directing some act to be done in favor of the applicant.

Motive. Inducement; incentive to action; that which moves or influences the mind or will; an unlawful desire or emotion, awakened by the perception or contemplation of some external object, or end to be attained by action.

Move. To occasion; to contribute to; to tend or lead to.

Movables. Things movable; movable or personal chattels, which may be annexed to, or attendant on the person of the owner.

In the civil law. Inanimate things, animals being distinguished as things moving.

In Scots law. Opposed to heritage, so that every species of property, and every right, is by that law either heritable or movable.

Moventes, l. *In old English law.* Moving things.

Movere, l. To move; to set in motion; to originate or commence.

Movere litem: to commence a suit.

Moyen, moien, l. fr. Mean; intermediate.

Moyte, l. fr. Half; a moiety.

Muirburn, sc. *In Scots law.* The offense of setting fire to a muir or moor.

Mulct. A pecuniary punishment; a fine.

Mulcta, l. *In the civil law.* A pecuniary punishment; a fine or mulct.

Mulcta damnum famæ non irrogat: a mulct does not involve loss of character.

Mulier, l. l. *In old English and Scots law.* A lawful son; the son of a *mulier*, or lawful wife; a wife or married woman. **Mulier puisne:** a younger lawful son.

In the civil law. A marriageable virgin; a woman not a virgin; a married woman; a mother; a woman, in general.

Mulierty. *In old English law.* The state or condition of a *mulier*, or lawful issue.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Municipal. Pertaining to a city, town or place having the right of local government; belonging to or affecting a particular state or separate community. **Municipal aid:** aid given by a municipality to an enterprise or undertaking supposed to be of public advantage, as the building of a railway, the establishment of an institution of learning, or the like. **Municipal bonds:** negotiable bonds issued by a municipal corporation to procure the loan of money, for the purpose of extending municipal aid, and the like. **Municipal corporation:** a public corporation; a corporation created for political purposes, and having subordinate legislative powers to be exercised for local purposes. **Municipal law:** the law by which a particular district, community or nation is governed; the law of a state or nation, as distinguished from international law. In a stricter sense, the local law of a city or town.

Municipality. A division of a state for purposes of government, as a city, town or county; the officers of a city considered collectively.

Municipium, l. *In Roman law.* A foreign town to which the freedom of the city of Rome was granted and whose inhabitants had the privilege of offices and honors; a free or privileged town.

Muniments. Means of supporting or defending; the evidences or writings by which one is enabled to defend the title of his estate; title deeds and papers. **Muniment house:** a place for the safe keeping of muniments.

Munus, l. *In the civil law.* A gift or present; a charge or duty; an office.

In feudal law. A feudal estate, in its original character of a mere gratuitous donation; the name first given to what was afterwards termed *beneficium*, and finally *feudum*.

Mur, l. fr. A wall. **Mur abatu:** a wall beaten or thrown down.

Murage, l. fr. and eng. *In old English law.* A toll levied for the building or repairing of public walls.

Murder. The killing of one human being by another, with malice aforethought, express or implied. **Murder, murdered:** necessary words in indictments for murder, as *murdrum* and *murdravit* were anciently.

In old English law. The secret killing of one human being by another; the homicide of a Norman as distinguished from that of an Englishman. *v. Englecery; Murdrum.*

Murdrare, l. l. *In old English law.* To murder; to conceal or stifle. **Murdravit:** murdered,—a necessary word in old indictments for murder.

Murdre, l. fr. Murder; a fine so called.

Murdritor, l. l. *In old English law.* A murderer. **Murdritores:** murderers.

Murdrum, l. l. *In old English law.* A fine or amercement imposed on a vill, hundred, or neighborhood where a person was found slain,

and not proved to be English, and the slayer was unknown. **Mur-dra omnia condono:** I forgive or remit all murders.

Murorum operatio, l. l. *In old English law.* Wall-work; the service of building or repairing the walls of a city or castle, commuted into a money payment called murage.

Murthrum, l. l. *In old Scots law.* Murther or murder.

Mutatio nominis, l. *In the civil law.* Change of name.

Mutatis mutandis, l. Those things changed which ought to be changed; making the necessary changes.

Mutato nomine de te fabula narratur, l. The story is told of you under a different name.

Mute. Speechless; dumb; that cannot or will not speak. A prisoner is said to stand mute, when, being arraigned, he either makes no answer, or answers foreign to the purpose, or with matter not allowable, and will not answer otherwise, or, having pleaded not guilty, refuses to put himself upon the country.

Mutiny. Resistance, by soldiers or seamen, of their officers, or their authority.

Mutual. Proceeding from both sides; reciprocal; interchanged. **Mutual credits:** credits which must, from their nature, terminate in debts. **Mutual promises:** promises simultaneously made by and between two parties, each being the consideration for the other.

Mutuality. Reciprocation; interchange; an acting by both of two parties; an acting in return. **Mutuality of contract:** obligation upon each party to do or to permit something in consideration of what is done or permitted by the other.

Mutuari, l. To borrow. **Mutuatus:** a borrowing.

Mutus, l. *In civil and old English law.* Dumb; mute; a dumb person. **Mutus et surdus:** dumb and deaf.

Mutuum, l. *In the civil law.* A loan for consumption; a loan of consumable goods, called *res fungibiles*, to be consumed, and returned in kind.

My, l. fr. Half; middle.

Mys, l. fr. Put; sent; put in or inserted. **Mys a lour penance:** put to their penance. **Mys en ferges:** put in irons. **Mys en la gaole:** put in the gaol.

Mystery. A trade or occupation.

N. An abbreviation of *Novellæ*, the Novels of Justinian; used in citing them.

Nadgaires, naidgayars, naidgaris, l. fr. Lately; not long since; sometimes.

Naif, l. fr. A villein; a born slave.

Naifte, l. fr., Naivitas, l. l. Villeinage; the state of a person born a slave.

Nam, sax. *In old English law.* The taking of a pledge; a distress.

Namare, l. l. *In old English law.* To take; to distrain; to take a distress.

Namatio, l. l. *In old English and Scots law.* A distraining, or taking of a distress; an impounding.

Name, l. fr., Namium, l. l. *In old English law.* A taking; a distress; a thing or chattel distrained. **Name si est un general nosme a avers et a chateux, et a touts auters choses moebles que len poit prendre en nome de destresse:** *name* is a general word for beasts and chattels and all other movable things which one may take in name of a distress.

Narr., narratio, l. l., Narracon, l. fr. *In old English law.* A count, or declaration, so called, as being a narrative by the plaintiff of the facts of the case which constitutes the ground of action.

Narrare, l. l. *In old English law.* To relate or narrate; to state a plaintiff's case; to count; to declare. **Narrando:** counting.

Narrative. *In Scots law.* That part of a deed which describes the parties, and states the consideration.

Narrator, l. l. *In old English law.* A countor; an advocate or pleader.

Nasciturus, l. *In the civil law.* An unborn child; a child to be born, or about to be born.

Nastre, l. fr., Nasci, l. To be born. **Nati et nascituri:** born and to be born,—an expression including all heirs, near and remote.

National bank. A bank organized under the National Bank Act of June 3, 1864, for the purpose of carrying on the business of banking.

Nativus, nativa, l. l. *In old English law.* A neife, or female villein.

Native. A natural-born subject.

In American law. A person born within the jurisdiction of the United States. **Native citizen:** a person born in the United States since the declaration of independence, or who, if before, has removed here since that event, or who, if born abroad, is of citizen parents who have ever since resided here.

Nativi, l. l. *In old English law.* Vassals or feudal tenants,—so called, even before feuds became hereditary.

Nativitas, l. l. *In old English law.* Villeinage; that state in which men were born slaves.

Nativus, l. l. *In old English law.* A born slave; a villein born; a villein.

Natura, l. Nature. **Natura appetit perfectum; ita et lex:** nature covets perfection; so does law also. **Natura brevium:** the nature of writs; a collection of original writs with brief comments, called old *Natura Brevium*, to distinguish it from Fitzherbert's *Natura Brevium*. **Natura non facit saltum; ita nec lex:** nature makes no leap [no sudden or irregular movement], so neither does law.

Natural child. An illegitimate child; a child born out of lawful wedlock. **Natural day:** the period of time which begins at sunrise and ends at sunset; otherwise called a solar day. **Natural fool:** a person born without understanding; a born fool or idiot. **Natural**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

by which the defendant denies being an executor or administrator; — **receivour**: never receiver; the general plea in actions of account, denying that the defendant is a receiver; — **seise que dower**: never seised of a dowable estate; the general issue in the action of dower *unde nil habet*, by which the tenant denies that the demandant's husband was ever seised of an estate of which dower might be had.

In English law. **Ne disturba pas**: does or did not disturb; the general issue or general plea in *quare impedit*.

In old English law. **Ne baila pas**: did not deliver; a plea in detinue, denying the delivery of a thing sued for. **Ne dona pas**: did not give; the general issue or general plea, in the writ of formedon. **Ne gist en le bouche, ne gist pas en bouche**: it does not lie in the mouth; it is not for one to say. **Ne soit le briefe abatus**: the writ shall not be quashed.

Ne, l. Lest; that not. **Ne deficiat justitia**: lest justice should fail. **Ne quis plus donasse præsumatur quam in donatione expresserit**: lest any one be presumed to have given more than he expressed in the grant. **Ne recipiatur**: that it be not received; a proceeding by which a party to an action may prevent the other from doing some act when it has not been done in due time. **Ne varietur**: that it be not changed, or let it not be changed; a notarial phrase, the words of which are sometimes written by notaries upon bills and notes, for the purpose of ascertaining their identity.

In American law. **Ne exeat republica, or ne exeat**: that he go not out of the state; a writ issuing out of chancery forbidding the person or persons to whom it is addressed from leaving the state.

In English law. **Ne admittas**: that you admit not; a writ which lies for the plaintiff in a *quare impedit*, forbidding the bishop to admit the defendant's or any other clerk pending the suit. **Ne exeat regno, or ne exeat**: that he go not out of the kingdom; a prerogative writ issuing out of chancery forbidding the person or persons to whom it is directed from leaving the kingdom. The writ was formerly used for political purposes, but has long since become a mere process between private parties.

In old English law. **Ne injuste vexes**: that you do not unjustly vex; a prohibitory writ (now abolished), founded on Magna Charta, which lay for a tenant distrained by his lord for more services than he ought to perform.

In the Roman law. **Ne quid in loco publico vel itinere fiat**: that nothing shall be done (put or erected) in a public place or way; the title of an interdict.

Nec, neque, l. Nor; neither.

Necessaries. Things furnished to an infant or to a wife, such as are useful and suitable considering the state and condition in life of the person, and not merely such as are requisite for bare subsistence;

things furnished for a vessel, part of a natural and reasonable outfit, or suitable to the business in which she is engaged.

Necessary. Indispensably requisite; in a sense less strict, needful, requisite, incidental, useful or conducive to. **Necessary domicil:** that kind of domicil which exists by operation of law, as distinguished from domicil of choice.

In Scots law. **Necessary intromission:** intromission or interference for preservation where a husband or wife continues in possession of the other's goods after the decease of the other.

Necessitas, l. Necessity; a force, power or influence which compels one to act against his will. **Necessitas culpabilis:** culpable or blamable necessity,—that kind of necessity which excuses a man who kills another *se defendendo*. **Necessitas est lex temporis et loci:** necessity is the law of time and of place. **Necessitas facit licitum quod alias non est licitum:** necessity makes that lawful which otherwise is not lawful. **Necessitas inducit privilegium quoad jura privata:** necessity carries with it a privilege as to private rights. **Necessitas non habet legem:** necessity has no law. **Necessitas publica major est quam privata:** public necessity is greater than private. **Necessitas quod cogit, defendit:** necessity defends or justifies what it compels. **Necessitas sub lege non continetur:** necessity is not embraced under any law. **Necessitas vincit (communem) legem:** necessity overcomes the [common] law.

Necessity. The influence or operation of superior power or irresistible force; the influence of a cause which cannot be avoided nor controlled; constraint upon the will, by which one is urged to do that which his judgment disapproves, and which, it is to be presumed, his will, if left to itself, would reject. *v. Work of necessity.*

Neck-verse. The cant name of the verse given to an accused person to read upon prayer of clergy.

Nee, ne, l. fr. Born. **Nee vife:** born alive.

Nefas, l. That which is against right, or the divine law; a wicked or impious thing or act.

Nefastus, l. *In the Roman law.* Profane, non-juridical,—applied to days on which it was unlawful to administer justice.

Negari, l. To deny. **Negatum:** denied.

Negatif, negatyf, l. fr. A negative or denial; a contrary or opposite allegation.

Negatio, l. *In the civil and old English law.* A negation, or denial; a negative. **Negatio conclusionis est error in lege:** the denial of a conclusion is error in law. **Negatio destruit negationem, et ambæ faciunt affirmationem:** a negative destroys a negative, and both make an affirmative.

Negative. A denial; a form or expression of denial; a proposition by which something is denied. **Negative pregnant:** a negative implying a possible affirmative. **Negative statute:** a statute expressed in negative terms; a statute prohibiting a thing.

- Negligence.** The omission of care or diligence; the omission of that degree of care which a man of common prudence takes in his own concerns. Negligence is distinguished, though the distinction is objected to, as of three degrees, slight, ordinary and gross. In whatever degree, it is but a want of the care and diligence due in the circumstances. *v. Care.* **Comparative negligence:** negligence on the part of a plaintiff which is to be regarded as slight, in comparison with negligence of the other party, which in the comparison is gross, which, though in a degree contributory, will not prevent a recovery, if it does not amount to a want of ordinary care. **Contributory negligence:** the absence of reasonable or ordinary care and caution on the part of a person injured by negligence of another. **Criminal negligence:** acts of gross negligence made punishable as criminal offenses, as acts by common carriers of passengers and their servants.
- Negligentia, l.** *In the civil law.* Negligence, want or omission of care or attention; inattention. **Negligentia semper habet infortunium comitem:** a negligence always has misfortune for a companion.
- Negligent escape.** An escape from an officer's custody without his consent.
- Negotiability.** Transferable quality; that quality of bills of exchange and promissory notes which renders them transferable from one person to another.
- Negotiable.** Transferable or assignable; transferable by indorsement. A term applied to bills of exchange, promissory notes, and checks. **Negotiable instrument:** an instrument the right of action on which is assignable or transferable. **Negotiable words:** words necessary to render a bill of exchange, promissory note or check negotiable. The usual word in a bill or note is "order," and in a check "bearer."
- Negotiate.** To pass from one to another in the way of business.
- Negotiorum gestio, l.** *In the civil law.* A doing of business or businesses; a species of voluntary agency, or an interference by one in the affairs of another, in his absence, from benevolence or friendship, and without authority. **Negotiorum gestor:** a manager of business; one who assumed the care of the affairs of another in his absence, without authority or mandate.
- Negotium, l.** A thing; a matter, business or affair; any thing that may occupy a person.
In the civil law. A suit; a contract; matters or affairs.
- Neife, neif, l. fr.** *In old English law.* A female villein; a woman born in villeinage. **Neife de eu et trene:** a neife of water, and whip of three cords; such a bondwoman as was used to servile works and correction.
- Neifty.** *In old English law.* The condition of a neife.
- Nembda, teut.** *In Swedish and Gothic law.* A jury.
- Neminem oportet esse sapientiorum legibus, l.** No man ought to be wiser than the laws.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

can; — **contra recordum verificare per patriam**: no one can verify by the country, against a record; the issue upon matter of record cannot be to the country,—a maxim of old practice; — **esse dominus et hæres**: no man can be both owner and heir. v. *Nemo ejusdem*, etc.; — **exuere patriam**: no one can renounce his native country; — **facere per alium quod per se non potest**: no one can do that by another which he cannot do of himself,—a rule said to hold in original grants, but not in descents; — **facere per obliquum quod non potest facere per directum**: no man can do that indirectly which he cannot do directly; — **mutare consilium suum in alterius injuriam**: no man can change his purpose to another's injury. **Nemo præsumitur**: no man is presumed; — **alienam posteritatem suæ prætulisse**: no man is presumed to have preferred another's posterity to his own; — **esse immemor suæ æternæ salutis, et maxime in articulo mortis**: no man is presumed to be unmindful of his eternal welfare, and especially when at the point of death. **Nemo prohibetur**: no one is prohibited; — **plures negotiationes sive artes exercere**: no one is prohibited from following several kinds of business or several arts; — **pluribus defensionibus uti**: no one is prohibited from making use of several defenses,—hence the allowance of several pleas on the part of a defendant. **Nemo prudens punit ut præterita revocentur, sed ut futura præveniantur**: no wise man punishes in order that past things may be recalled, but that future wrongs may be prevented. **Nemo punitur**: no man is punished; — **pro alieno delicto**: no man is punished for the crime of another; — **sine injuria, facto seu defaulta**: no one is punished unless for some wrong, act or default. **Nemo tenetur**: no man is bound; — **ad impossibile**: no man is bound to do an impossibility; — **armare adversarium suum contra se**: no man is bound to arm his adversary against himself (as to furnish him with an instrument to enable him to state his cause of action); — **divinare**: no man is bound to divine, or to have foreknowledge of a future event; — **informare qui nescit, sed quisquis scire quod informat**: no one is bound to give information on a subject of which he is ignorant, but every one is bound to know that which he gives information about; — **jurare in suam turpitudinem**: no man is bound to swear to the fact of his own criminality; no one can be forced to give his own oath in evidence of his guilt; — **prodere seipsum**: no man is bound to betray himself; — **seipsum accusare**: no one is bound to accuse himself; — **seipsum infortuniis et periculis exponere**: no one is bound to expose himself to misfortunes and dangers; hence a threat of bodily harm will excuse the performance of an act in law.

In old English law. **Nemo militans Deo implicetur secularibus negotiis**: no man who is warring for [in the service of] God should be involved in secular matters,—a principle of the old law, that men

of religion were not bound to go in person with the king to war. **Nemo potest esse tenens et dominus:** no man can be both tenant and lord (of the same tenement).

In the civil law. **Nemo alieno nomine lege agere potest:** no man can sue in another's name. **Nemo de domo sua extrahi debet:** no man ought to be dragged from his own house. **Nemo ex suo delicto meliorem suam conditionem facere potest:** no man can improve his own condition by his own wrong. **Nemo plus commodi heredi suo relinquit quam ipse habuit:** no one leaves a greater benefit to his heir than he had himself. **Nemo prohibetur pluribus exceptionibus uti, quamvis diversæ sint:** no one is prohibited from making use of several defenses, however different. **Nemo videtur fraudare eos qui sciunt et consentiunt:** no one seems [is supposed] to defraud those who know and assent [to his acts].

In the Roman law. **Nemo alienæ rei, sine satisfactione, defensor idoneus intelligitur:** no man is considered a competent defender of another's property without security. **Nemo tenetur edere instrumenta contra se:** no man is bound to produce writings against himself. The rule is adhered to in criminal prosecutions, but departed from in civil questions.

Nemy, nemi, l. fr. Not. **Nemy come heire:** not as heir.

Neporquant, l. fr. Nevertheless.

Net. That quantity or amount of a commodity or thing which remains after the deduction of all tare, charges or outlay.

Neutral. On neither side; taking neither side; belonging to neither side; indifferent between contending parties.

Neutrality. A state of being neutral.

Never indebted, plea of. The common traverse or general issue in actions of debt on simple contract, substituted for the plea of *nil debet*.

Neveu, l. fr. *In old English law.* A grandson. Undoubtedly the original form of the modern nephew, though the latter word is now exclusively used to denote a brother's or sister's son.

New assignment. A restatement of the cause of action alleged in the declaration, in order precisely to meet the plea which is evasive, or applies to a matter different from that which the plaintiff had in view. **New for old:** a term in the law of marine insurance applied to a deduction for old materials made in the adjustment of a loss. **New trial:** a rehearing of a case, after verdict, before another jury, granted on motion of a dissatisfied party, for misconduct of the jury, irregularity, etc.

Newspaper. A paper or publication conveying news or intelligence; a printed publication, issued in numbers at stated intervals, conveying intelligence of passing events, and intended for general circulation.

Nexi, l. *In the Roman law.* Bound; bound persons. A term applied to such insolvent debtors as were delivered up to their creditors to be held in bondage until their debts were discharged.

Next. Nearest. **Next friend:** a person, usually a near relative, by whom an infant sues at law or in equity. **Next of kin:** nearest of blood. A term commonly applied, in the law of descent, to the nearest blood relatives of a deceased person.

Niefe, nief, l. fr. v. *Neife*.

Nient, l. fr. *In old English law.* Not; nothing. **Nient comprise:** not included. **Nient contristiant, nient obstant:** notwithstanding. **Nient culpable:** not guilty; the name for the general issue. **Nient dedire:** to deny nothing; to suffer judgment by default. The name given to that clause in a suggestion in which it is stated that the fact suggested is not denied. **Nient le fait:** not the deed; the name formerly given to the general issue of *non est factum*. **Nient le meins:** nevertheless. **Nient nostre fait:** not our deed. **Nient seisi:** not seised; the general plea in the writ of annuity. **Nient son fait:** not his deed.

Night. In a general sense, that portion of the twenty-four hours which with the solar day makes up what is called, in the most general sense, a day; in the common law of burglary, that portion of the time during which it is so dark from the absence of daylight that the features of a face cannot be made out. **Night-walker:** a person who is abroad during the night and of suspicious bearing and appearance.

Nihil, nichil, nil, l. Nothing; the general name of several different returns upon process. v. *Nil*. **Nihil dictum quod non dictum prius:** nothing is said which was not said before,—said of a case where former arguments were repeated. **Nihil est magis rationi consentaneum quam eodem modo quodque dissolvere quo conflatum est:** nothing is more consonant to reason than that a thing should be dissolved or discharged in the same way in which it was created. **Nihil est tam naturale quam quilibet dissolvi eo modo quo ligatur:** nothing is so natural as that a thing should be dissolved in the same way in which it was created. **Nihil habet:** he has nothing; the name of a return to a *scire facias* or other writ which the sheriff has been unable to serve. **Nihil in lege intolerabilius est [quam] eandem rem diverso jure censerit:** nothing is more intolerable in law than that the same matter, thing or case should be subject to different views of law. **Nihil magis justum est quam quod necessarium est:** nothing is more just than that which is necessary. **Nihil nequam est præsumendum:** nothing wicked is to be presumed. **Nihil perfectum est dum aliquid restat agendum:** nothing is perfect while any thing remains to be done. **Nihil possumus contra veritatem:** we can do nothing against truth. **Nihil quod est contra rationem est licitum:** nothing that is against reason is lawful. **Nihil quod est inconveniens est licitum:** nothing that is inconvenient is lawful. **Nihil tam proprium imperio quam legibus vivere:** nothing is so becoming to authority as to live in accordance with the laws.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

In English law. **Nisi feceris:** shouldst thou not do it; the name of a clause in old manorial writs commanding the king's court or officer to do justice, if the lords failed,— a clause by virtue of which the king's court usurped the jurisdiction of the manorial courts. **Nisi prius court, or court of assize and nisi prius:** a court composed of two or more commissioners called judges of assize, or assize and *nisi prius*, who are sent periodically in every year on circuits about the kingdom to try by a jury of the several counties the truth of matters of fact in dispute in the courts of Westminster Hall. **Nisi prius writ:** the old name of the writ of *venire*, which originally, in pursuance of the statute of Westm. 2, contained the *nisi prius* clause.

In the Roman law. **Nisi convenissent in manum viri:** unless they should come into the power of a husband; unless they should marry. A phrase applied to women subject to perpetual guardianship until married.

Nobile officium, l. *In Scots law.* Noble office or privilege.

Nocent. Guilty.

Nocere, l. To hurt or damage; to offend or annoy.

Nocivus, l. *In old English law.* Hurtful; pernicious; noxious.

Noctes de firma, l. l. *In English law.* Nights of farm or rent; entertainments at night by way of rent.

Nocumentum, l. *In old English law.* A nuisance. **Nocumentum damnosum:** a nuisance occasioning loss or damage. **Nocumentum injuriosum:** an injurious nuisance.

Nolens volens, l. Willing or not.

Nolle, l. To be unwilling; to will not to do a thing; to refuse to do a thing. **Nolle prosequi, ab. nol. pros.:** will not prosecute; the name of an entry made by a plaintiff, where he wishes to discontinue the action, either wholly, or as to some of the counts of his declaration, or as to some of several defendants; a proceeding on an indictment by which the prosecuting officer agrees to prosecute no farther, either as to the whole or as to some particular part of the indictment.

Nolo contendere, l. I do not wish to contend; the name of a plea in a criminal case.

Nomen, pl. nomina, l. A name. **Nomen collectivum:** a collective name or term; a term expressive of a class, of the plural as well as the singular number; a term descriptive of person or interest, or both. **Nomen dicitur a noscendo, quia notitiam facit:** *nomen* (a name) is so called from *noscendo* (knowing), because it causes knowledge. **Nomen est quasi rei notamen:** *nomen* (a name) is, as it were, *notamen rei* (the mark of a thing). **Nomen generale:** a general name; the name of a *genus*. **Nomen generalissimum:** a name of the most general kind; a name or term of the most general meaning. **Nomen juris:** a name of law; a legal name or designation; a

technical term. **Nomen non sufficit, si res non sit de jure aut de facto:** a name is not sufficient, if there be not a thing [or subject for it] *de jure* or *de facto*. **Nomen universitatis:** the name [of the whole together], the entire thing, from all points of view. **Nomina mutabilia sunt, res autem immobiles:** names are mutable, but things are immovable [immutable]. **Nomina si nescis perit cognitio rerum et nomina, si perdas certe distinctio rerum perditur:** if you are ignorant of names [without a knowledge of names], the knowledge of things perishes; and if you lose the names, the distinction of things is certainly lost.

In old English law. A name; the name; the given or baptismal name of a person. **Nomina villarum:** names of the villages; the name of a return made by the sheriffs into the exchequer, in the reign of Edward II., of the names of all the villages and their possessors in every county.

In the Roman law. A name; in the most general sense, the three names of *prænomen*, *nomen* and *cognomen*; in a strict sense, the second of the three names which the Romans commonly had, following the *prænomen*, and marking the *gens* to which the individual belonged; a debtor; the obligation of a debtor; a debt; the cause of a debt; an article of an account. **Nomina significandorum hominum reperta sunt, qui si alio quolibet modo intelligantur, nihil interest:** names were invented for the purpose of designating persons, who, if they can be known in any other way, it makes no difference.

Nominal. Existing in name merely; apparent, not real or substantial.

Nominal damages: a trivial sum awarded where there is no substantial loss, but a mere technical breach of duty or violation of right. **Nominal partner:** one who appears, or is held out to the world as a partner, but who has no real interest in the firm or business.

Nominandi et appunctuandi, l. Of nominating and appointing.

Nominare, l. To name; to nominate; to appoint.

Nominate contracts. *In the civil law.* Contracts having a proper or peculiar name and form, which were divided into four kinds, expressive of the ways in which they were formed: real, which arose, *ex re*, from something done; verbal, *ex verbis*, from something said; literal, *ex literis*, from something written; consensual, *ex consensu*, from something agreed to.

Nominatim, l. *In the civil law.* By name, or other special designation; expressly; each in turn.

Nomine, l. In the name. **Nomine damni:** in the name of damage or by way of damages. **Nomine pœnæ:** in the name of a penalty; a covenant in a lease that the lessee forfeit a certain sum for non-performance.

In the civil law. **Nomine pœnæ:** in the name of a penalty. Applied to a legacy left for the purpose of coercing the heir to do or not to do something.

Nomotheta, gr.-l. A lawgiver; such as Solon and Lycúrgus among the Greeks, and Cæsar, Pompey and Sylla among the Romans.

Non, l. Not; the common particle of negation, whether taken as a prefix or as a single word. **Non acceptavit:** he did not accept. **Non accipi debent verba in demonstrationem falsam, quæ competunt in limitationem veram:** words ought not to be taken to import a false demonstration which may have effect by way of true limitation. **Non accrevit:** it did not accrue; — **infra sex annos:** it did not accrue within six years; a plea of the statute of limitations. **Non assumpsit, pl. assumpserunt:** did not undertake; the general issue in the action of assumpsit; — **infra sex annos:** he did not undertake within six years; the plea of the statute of limitations in the action of assumpsit. **Non auditur perire volens:** he who is desirous to perish is not heard. **Non cepit:** he did not take; the general issue in replevin, where the action is for the wrongful taking of the property,— putting in issue not only the taking, but the place in which the taking is stated to have been made. **Non compos mentis:** not in possession, or not having power of one's mind, or mental faculties; of unsound mind or memory. **Non concessit:** he did not grant; the name of a plea pleaded by a stranger to a deed. **Non consentit qui errat:** he who mistakes does not consent. **Non constat:** it does not appear; it is not apparent or clear; — **quid inde venit:** it does not appear what became of it. **Non constabat:** it did not appear. **Non culpabilis, non cul.:** not guilty; the general issue in the action of trespass. **Non damnificatus:** not damnified or harmed; a plea in an action of debt on an indemnity bond, or bond conditioned to keep the plaintiff harmless. **Non debet adduci exceptio ejus rei cujus petitur dissolutio:** a plea of the same matter, the dissolution of which is sought [by the action], ought not to be brought forward. **Non dedit: v. Ne dona pas.** **Non decipitur qui scit se decipi:** he is not deceived who knows himself to be deceived. **Non demisit, or dimisit:** he did not demise; the name of a plea in an action of debt for rent on a parol lease, denying the demise. **Non detinet:** he does not detain; the name of the general issue in the action of detinue; the general issue in the action of replevin, where the action is for the wrongful detention only. **Non differunt quæ concordant re, tametsi non in verbis iisdem:** those things do not differ which agree in substance, though not in the same words. **Non efficit affectus nisi sequatur effectus:** the intention amounts to nothing unless the effect follow. **Non entia:** things not existent. **Non est arctius vinculum inter homines quam jusjurandum:** there is no closer [or firmer] bond between men than an oath. **Non**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

et factis: it matters not whether one gives his assent by words, or by things themselves and by acts; — **quid ex æquipollentibus fiat:** it matters not what is done with [what disposition is made of] equipollent [or equivalent] expressions; — **quid notum sit judici, si notum non sit in forma judicii:** it matters not what is known to a judge, if it be not known in judicial form; — **verbis an factis fit revocatio:** it matters not whether a revocation be made by words or by acts. **Non sanæ mentis:** of unsound mind. **Non sequitur:** does not follow. **Non solent quæ abundant vitiare scripturas:** superfluous matters do not usually vitiate writings. **Non solum quid licet, sed quid est conveniens est considerandum; quia nihil quod est inconveniens est licitum:** not only what is lawful, but what is proper or convenient, is to be considered; because nothing that is inconvenient is lawful. **Non submittit:** he did not submit to arbitration; a plea to an action on an award. **Non sui juris:** not one's own master. **Non sum informatus:** I am not informed; a species of judgment by default, so called because founded on an averment by the defendant's attorney that he has no instruction to say any thing. **Non tenuit:** he did not hold; the name of a plea in bar, in replevin, to an avowry for arrears of rent, that the plaintiff did not hold in manner and form as the avowry alleges. **Non valentia agere:** inability to sue. **Non valet exceptio ejusdem rei cujus petitur dissolutio:** a plea of the same matter the dissolution of which is sought is not valid. **Non valet impedimentum quod de jure non sortitur effectum:** an impediment or bar which does not derive its effect from law is of no force. **Non videntur rem amittere, quibus propria non fuit:** they to whom a thing never belonged cannot be considered to lose [to have lost] it. **Non videtur consensum retinuisse, si quis ex præscripto minantis aliquid immutavit:** where a person [under duress] has made any change from the terms of the party threatening him, he is not [for all that] considered as having retained his consent [to such terms].

In English law. **Non omittas:** omit you not; a clause inserted in a writ of *capias* and other process, in cases where a defendant resides within a liberty, empowering the sheriff to enter it. **Non potest rex gratiam facere cum injuria et damno aliorum:** the king cannot confer a benefit to the damage and wrong of others.

In old English law. **Non distringendo:** by not distraining; an old writ to prevent a distress. **Non obstante:** notwithstanding, or, notwithstanding; words used in public and private instruments, intended to preclude, in advance, any interpretation contrary to certain declared objects or purposes. **Non usus:** non-user.

In the civil law. **Not; not only; not so much.** The common particle of negation. **Non aliter a significatione verborum recedi oportet, quam cum manifestum est aliud sensisse testatorem:** the ordinary meaning of words should not be departed from in any other case

than where it is clear that the testator intended something different. **Non debet:** ought not; — **actori licere quod reo non permittitur:** a plaintiff ought not to be allowed what is not permitted to a defendant; — [deberet] **alii nocere, quod inter alios actum est [esset]:** a person ought not to be prejudiced by what has been done between others; — **cui plus licet, quod minus est non licere:** he to whom the greater is lawful ought not to be debarred from the less as unlawful. **Non erit alia lex Romæ, alia Athænis; alia nunc, alia posthac; sed et omnes gentes, et omni tempore, una lex, et sempiterna, et immortalis continebit:** there will not be one law at Rome, another at Athens; one law now, another hereafter; but one eternal and immortal law shall bind together all nations throughout all time. **Non est novum ut priores leges ad posteriores trahantur:** it is not a new doctrine that prior laws shall give place to later ones. **Non est singulis concedendum quod per magistratum publice possit fieri, ne occasio sit majoris tumultus faciendi:** that is not to be allowed to individuals which can be publicly done by a magistrate, lest it be the occasion of making greater confusion. **Non ex opinionibus singulorum, sed ex communi usu, nomina exaudiri debent:** the names of things ought to be understood, not according to the opinions of individuals but according to common usage. **Non liquet:** it is not clear; where a *judex* was at a loss how to decide a cause, he made oath that he was not clear (*se non liquere*), and was thereupon discharged; so, in criminal trials, such of the *judices* as were undecided deposited in the urn a ballot or tablet marked with the letters N. L. (*non liquet*). **Non omne quod licet honestum est:** not every thing that is lawful is proper or becoming. **Non omnium quæ a majoribus nostris constituta sunt ratio reddi potest:** there cannot be given a reason for all the things which have been established by our ancestors. **Non possessori incumbit necessitas probandi eas [possessiones] ad se pertinere:** the burden does not lie on a possessor of proving that his possessions belong to him. **Non potest videri desiisse habere, qui nunquam habuit:** he cannot be considered as having ceased to have a thing who never had it. **Non solent quæ abundant vitiare scripturas:** superfluities [things which abound] do not usually vitiate writings. **Non verbis, sed ipsis rebus, leges imponimus:** we impose laws, not upon words, but upon things themselves. **Non videntur qui errant consentire:** they who mistake are not supposed to consent. **Non videtur perfecte cujusque id esse, quod ex casu auferri potest:** that does not seem to be completely one's own which can be taken from him on occasion. **Non videtur vim facere, qui jure suo utitur et ordinaria actione experitur:** he is not considered to use force who exercises his own right, and proceeds by ordinary action.

Non sane memorie, l. fr. Unsound memory; unsound mind.

- Nonability.** Want of ability to do an act in law, as to sue; a plea founded upon such cause.
- Nonaccess.** Non-existence of sexual intercourse.
- Nonage.** Want of age; infancy; minority.
- Nonailable.** Not admitting of bail; not requiring bail.
- Nonclaim.** *In old English law.* The omission or neglect of one who ought to challenge his right within a time limited, by which neglect he was barred of his right or of his entry.
- Nones.** In the Roman calendar, the fifth day of the month, except in March, May, July and October, when they fell on the seventh.
- Nonfeasance.** A not doing; an omission to do something that ought to be done.
- Nonjuror.** One who has not sworn; one who has not taken, or has refused to take, a prescribed oath, as an oath of allegiance.
- Nonjoinder.** Omission to join one or more persons as parties plaintiff or defendant.
- Nonplevin, l. fr. and eng.** *In old English law.* A neglect or default in a defendant to replevy in due time land taken into the king's hand, by reason of default.
- Nonresidence.** Want of residence; cessation of residence; neglect or failure of residence. *v. Residence.*
- Nonresident.** One who does not reside, or is not a resident; one who resides out of a particular place or jurisdiction. *v. Resident.*
- Nonsuer, l. fr.** *In old English law.* To nonsuit. **Nonsuy:** nonsuited.
- Nontenure.** A plea by a tenant in a real action, where he is not in fact the tenant of the freehold, denying that he was tenant of the freehold of the land or rent demanded, etc.
- Nonterm.** The time of vacation between term and term.
- Nonuser.** Neglect to use a franchise; neglect to exercise an office; neglect or omission to use an easement or other right.
- Nonsuit.** A failure to follow up a cause; a relinquishment of a cause by the plaintiff at the trial, either voluntary or by the order of the court; an order at the trial, compelling the plaintiff to abandon the further prosecution of the action. A nonsuit is voluntary where the plaintiff, discovering some error or defect which cannot be remedied, or finding that his evidence is not sufficient to maintain his case, absents himself, or fails to answer when called to hear the verdict. It is compulsory where it is ordered by the court on the ground of the insufficiency of the cause of action, or of the evidence, or the like.
- Nonsuit, nonsuyt, nonsute, l. fr.** *In old English law.* A not following; a neglect to follow; an omission to follow up or prosecute an action.
- Nosaunce, noysaunce, l. fr.** A nuisance; an act done by one to the injury of another's freehold.
- Noscitur a sociis, l.** It is known from its associates; the meaning of a word is or may be known from the accompanying words.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Notio, l.** *In the civil law.* The power of hearing and trying a matter of fact; the power or authority of a *judex*.
- Notitia, l.** *In the civil law.* Knowledge; information; intelligence.
- Notour, sc.** *In Scots law.* Open; public; notorious.
- Nous volomus aviser, l. fr.** We will advise.
- Nova, l.** New. **Nova constitutio futuris formam imponere debet, non præteritis:** a new statute or enactment ought to prescribe form to future acts, not to those that are past. **Nova statuta:** new or later statutes; a name given to the English statutes from the beginning of the reign of Edward III. **Novæ narrationes:** new counts or tales; in old English, new *talys*; a collection of forms of pleading, published in the reign of Edward III.
- Novatio, l.** *In the civil law.* A making new; a change of a former debt or obligation into another of the same or a different kind, either by a change of the persons, or by a change in the obligation; novation. **Novatio non præsumitur:** novation is not presumed.
- Novation.** A change of one debt or obligation into another; a substitution of a new debt or obligation for an old one.
- Novel, l. fr.** New; recent. **Novel assignment:** a new assignment. **Novel disseisin:** recent disseisin.
- Novels.** The New Constitutions (*Novellæ* or *Novellæ Constitutiones*) of Justinian and his successors, now a part of the *Corpus Juris Civilis*.
- Noverint universi, l. l.** *In old English law.* Know all men; introductory words of conveyances from a very early period; — **per præsentes:** know all men by these presents.
- Novi operis nunciatio, l.** *In the civil law.* A protest against, or prohibition of, a new work.
- Novigild.** *In Saxon law.* A pecuniary satisfaction for an injury, nine times the value of the thing for which it was paid.
- Novis injuriis emersis, nova constituuntur remedia, l.** As new injuries arise, new remedies are ordained.
- Noviter ad notitiam perventa, l. l.** Newly come to the knowledge.
- Novitas, l.** Novelty; newness. **Novitas non tam utilitate prodest quam novitate perturbat:** a novelty does not benefit so much by its utility as it disturbs by its novelty.
- Novodamus, l. l.** *In old Scots law.* We give anew; the name of a charter, or clause in a charter, granting a renewal of a right.
- Novum judicium non dat jus novum, sed declarat antiquum, l.** A new judgment does not give or make new law, but declares the old.
- Novum opus, l.** *In the civil law.* A new work.
- Noxa, l.** *In the civil law.* A slave who had committed an offense, or done any damage or injury; the obligation to make good an injury so committed; an offense; the punishment of an offense. **Noxa est ipsum corpus quod nocuit, id est servus:** *noxa* is the body or person itself that has done the harm; that is, the slave.

Noxalis actio, l. *In the civil law.* An action which lay against the master of a slave, for some offense committed, or damage or injury done by the slave.

Noxia, l. *In the civil law.* An offense committed, or damage done by a slave, or an animal.

Noxious. Hurtful; offensive to the smell.

Nuda, l. Naked; bare. **Nuda pactio obligationem non parit:** a naked promise does not create an obligation. **Nuda ratio et nuda pactio non ligant aliquem debitorem:** naked reason and naked promise do not bind any debtor.

Nude pact. A contract without a consideration. v. *Nudum pactum.*

Nudum, l. Naked; bare; simple; pure; having nothing about it; unclothed with circumstance. **Nudum pactum:** a contract without consideration.

In the civil law. **Nudum pactum:** a naked, bare or mere pact, or promise; one that stands within the bare limits of convention and pleasure; one that has nothing about it, either special name or cause, or contract, to cover it.

Nuisance, nuisance. Annoyance; any thing that annoys, incommodes or offends; any thing that renders life or the ordinary use or occupation of property uncomfortable. The former remedy, to some extent in the United States as in England, was the old Assise of Nuisance; but the modern remedy is an action on the case. v. *Common nuisance; Private nuisance.*

In old English law. **Nuisance, assise of:** a judicial writ directed to the sheriff of the county in which a nuisance existed, commanding the sheriff to summon an assise, to view the premises, and have them at the next commission of assises, that justice might be done, etc.

Nul, l. fr. No; none. **Nul agard, nul fait agard, nul tiel agard:** no award, no award made, no such award; the name of a plea denying the award in an action on an arbitration bond. **Nul assets ultra:** no further assets. **Nul prendra advantage de son tort demesne:** no one shall take advantage of his own wrong. **Nul tiel record:** no such record; the general plea in an action of debt on matter of record, denying its existence; the name of the replication to a plea of matter of record; the issue arising on such a plea or replication.

In old English law. **Nul disseisin:** no disseisin; the general issue in a real action. **Nul tort:** no wrong; a species of general issue in a real action or assise. **Nul wast fait:** no waste done; the general issue in an action of waste.

Nulla bona, l. l. No goods; the technical name of the return to a writ of *feri facias*, where the party named in the writ has no property subject to levy. **Nulla curia quæ recordum non habet, potest imponere finem, neque aliquem mandare carceri:** no court which has not a record can impose a fine, or commit any one to prison.

Nulla impossibilia, aut inhonesta sunt præsumenda; vera autem, et honesta et possibilia: no things that are impossible or dishonorable are to be presumed; but things that are true and honorable and possible. **Nulla injuria est quæ in volentem fiat:** that is no injury which is done to a willing party. **Nulla pactione effici potest ut dolus præstetur:** by no agreement can it be effected that a fraud shall be practiced.

Nulle terre sans seigneur, fr. No land without a lord; a maxim of feudal law.

Nulli vendemus, nulli negabimus, aut differemus rectum, aut justitiam, l. To no one will we sell, to no one will we deny or delay right or justice; a clause in Magna Charta of the reign of John.

Nullity. Want of legal efficacy; nothing; no proceeding; an act or proceeding of no effect.

Nullius filius, l. A son of nobody; a bastard. **Nullius hominis auctoritas, apud nos valere debet ut meliora non sequeremur si quis attulerit:** the authority of no man ought to prevail with us, so far as to prevent our following better [opinions] if any one should present them. **Nullius in bonis:** among the property of no person; not a subject of private property.

In old English law. **Nullius juris:** of no legal force.

Nullum arbitrium, l. l. No award. **Nullum crimen majus est inobedientia:** no crime is greater than disobedience; applied to the refusal of an officer to return a writ. **Nullum exemplum est idem omnibus:** no example is the same for all purposes; no one precedent is adapted to all cases; a maxim in conveyancing. **Nullum iniquum est præsumendum in jure:** nothing unjust is to be presumed in law. **Nullum iniquum in jure præsumitur:** nothing unjust is presumed in law. **Nullum simile est idem:** no like thing is the same; similarity is not identity. **Nullum simile quatuor pedibus currit:** no simile runs upon four feet (or all fours, as it is otherwise expressed); no simile holds in everything. **Nullum tempus:** no time; — act: the statute of 9 Geo. III., c. 16, so called; — **occurrit regi:** no time bars (or runs against) the king. — qualified by statute in modern times, and always subject to exceptions; — **occurrit reipublicæ:** no time runs [time does not run] against the commonwealth or state.

Nullus, l. No; no person; null: void; of no force. **Nullus commodum capere potest de injuria sua propria:** no man [shall] can take advantage of his own wrong. **Nullus idoneus testis in re sua intelligitur:** no person is understood to be a competent witness in his own cause. *v. Nemo in propria, etc.* **Nullus jus alienum forisfacere potest:** no man can forfeit another's right. **Nullus liber homo capiatur, vel imprisonetur, aut disselsietur, aut utlagetur, aut aliquo modo destruat;** nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ: no freeman shall be taken, or imprisoned, or dis-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- In Scots law.* **Nunquam præscribitur in falso:** there is never a [no] prescription in case of falsehood, or forgery.
- In the civil law.* **Nunquam crescit ex postfacto præteriti delicti æstimatio:** the character of a past offense is never aggravated by a subsequent act or matter.
- Nuntius, nuncius, l.** *In old English law.* A messenger; one who was sent to make an excuse for a party summoned, or one who explained as for a friend the reason of a party's absence; an officer of a court; a summoner, apparitor or beadle.
- Nuper, l.** *In old English law.* Late; lately. **Nuper de facto et non de jure, reges Angliæ:** lately kings of England in fact, and not of right. **Nuper obiit:** lately died; a writ for an heiress kept out of possession by her coparcener.
- Nuptiæ, l.** *In the civil law.* Marriage; the marriage ceremony.
In the canon law. **Nuptiæ secundæ:** a second marriage; any marriage after the first.
- Nuptias non concubitus sed consensus facit, l.** The consent, not the consummation, makes the marriage.
- Oath.** A declaration or promise before some authorized officer corroborated by an appeal to God, and accompanied by some outward manual act or form, as touching or kissing the Gospels, or holding up the right hand. **Oath of office:** an oath taken by an officer that he will faithfully perform the duties of his office. v. *Corporal oath.*
In the civil law. **Oath decisory:** the oath of the opposite party to which a party unable to prove his case offered to refer the decision of the cause. **Oath in litem:** an oath by the complainant as to the value of the thing in dispute, taken on failure of other proof, to prevent a failure of justice.
- Ob, l.** For; about; on account of. **Ob causam aliquam a re maritime ortam:** for some cause arising out of a maritime matter. **Ob continentiam delicti:** on account of the contaminating character of the offense. **Ob contingentiam:** in case of contingency. **Ob favorem mercatorum:** in favor of merchants. **Ob turpem causam:** for an immoral consideration.
- Obæratuſ, l.** *In the Roman law.* A debtor who was obliged to serve his creditor till his debt was discharged.
- Obedientia, l. l.** Obedience; submission; a kind of rent. **Obedientia est legis essentia:** obedience is the essence of law.
In the canon law. An office, or the administration of an office.
- Obit, l.** *In old English law.* He dies; a funeral solemnity, or office for the dead; the anniversary of a person's death; the anniversary office. v. *Post.*
- Obiter, l.** By the way; in passing. **Obiter dictum:** an opinion of a judge delivered or expressed by the way, and not on the point in question before him.

- Object.** A thing aimed at; an end sought to be accomplished; a thing presented to the mind or the senses.
- Oblata, l.** Gifts or offerings to the crown, anciently a regular source of royal revenue.
- Oblati actio, l.** *In the civil law.* An action given to a party against another who had offered to him a stolen thing, found in his possession.
- Oblatio, l.** *In the civil law.* An offering or tender of money by a debtor to his creditor, in payment of the debt.
- Obligacion, l. fr.** Obligation. **Obligacion est un lien de droit:** obligation is a bond of law.
- Obligatio, l.** *In the civil and old English law.* Obligation; a bond or writing obligatory. **Obligatio est juris vinculum, quo necessitate astringimur ad aliquod dandum vel faciendum:** obligation is a bond of law, by which we are necessarily bound to give or to do something.
- Obligation.** A tie, a thing which binds; a legal duty or liability; an undertaking under seal; the instrument by which such an undertaking is witnessed; a bond or writing in the nature of a bond; an instrument binding to the payment of money. **Obligation of a contract:** the binding force of a contract.
- Obligee.** The party to whom another is bound; the party to whom a bond is given.
- Obligor.** A party who binds himself, as by a bond; the party by whom a bond is given.
- Obrogare, l.** *In the civil law.* To make a law contrary to a former law; to change a former law.
- Obsolete.** Grown out of use; disused; antiquated.
- Obsta principiis, l.** Withstand the beginnings.
- Obstante, l.** Withstanding; hindering. *v. Non obstante.*
- Obstupare, l. l.** *In old English law.* To stop up. **Obstupavit et obstruxit:** stopped and obstructed.
- Obtemperare, l.** To obey.
- Obtemperandum est consuetudini rationabili tanquam legi, l.** A reasonable custom is to be obeyed as law.
- Obtulit se, l.** *In old English law.* Offered himself; the emphatic words of entry on the record where one party offered himself in court against the other, and the latter did not appear.
- Obventio, l.** *In the civil law.* A kind of rent, or income.
- Obventions.** *In old English law.* The rents or revenues of spiritual livings.
- Occasio, l. l.** *In old English law.* Molestation; hindrance; vexation by suit.
- Occasionare, l. l.** *In old English law.* To molest; to vex or harass with litigation.

- Occultatio, l.** *In old English law.* A hiding. **Occultatio thesauri inventi fraudulosa:** the fraudulent concealment of treasure trove.
- Occupancy.** The taking of possession of those things which before belonged to nobody; the taking of possession by any one of a thing of which there is no owner; the right acquired by such taking possession.
- Occupant.** In a general sense, one who takes possession of a thing of which there is no owner; one who takes possession of a thing which has been abandoned. In a special sense, one who takes possession of lands held *pur autre vie*, after the death of the tenant, and during the life of the *cestuy que vie*. v. *General occupant; Quod ante, etc.; Special occupant.*
- Occupare, l.** *In the civil law.* To seize or take possession of; to enter upon a vacant possession; to take possession before another.
- Occupatio, l.** *In the civil law.* A taking possession of a thing which before belonged to nobody.
- Occupation.** *In old-English law.* The putting a man out of his freehold in time of war; use, tenure or possession; usurpation of a franchise; a trade or business.
- Occupavit, l. l.** *In old English law.* A writ that lay for one who was ejected from his land or tenement in time of war.
- Occurrere, l.** To meet: to run against; to stop or bar.
- Octave.** *In old English law.* The eighth day after a feast; one of the return days.
- Octo tales, l. l.** *In old English law.* Eight such; a writ issued to the sheriff to summon eight such men as were summoned on the first panel, to make up a deficiency of jurors.
- Octogild.** *In Saxon law.* A pecuniary compensation for an injury, eight times the value of the thing.
- Oculatus testis, l.** An eye-witness.
- Odiosa non præsumuntur, l.** Odious things are not presumed.
- Œconomicus, l. l.** *In old English law.* The executor of a will.
- Œconomus, l.** *In the civil law.* A manager or administrator.
- Œps, æs, l. fr.** Use.
- Of.** By; belonging to; upon. **Of counsel:** a phrase applied to the counsel employed by a party in a cause, or whose name appears on the papers. **Of course:** in the general prescribed order of practice; without special reference to the court. **Of force:** obligatory; binding.
- Offa execrata, l. l.** *In old English law.* The morsel of execration; the corsned, q. v.
- Offense.** An act committed against a law, or omitted where the law requires it, and punished for the omission; a crime.
- Offer.** A proposal to do a thing; in some cases, an attempt to do a thing.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

worthier thing draws to it the less worthy, though the less worthy be the more ancient. **Omne magnum exemplum habet aliquid ex iniquo, quod publica utilitate compensatur:** every great example has somewhat of injustice, which is compensated by its public utility. **Omne majus continet in se minus:** every greater contains in itself the less; the greater always contains the less. v. *In eo quod*, etc. **Omne majus minus in se complectitur:** every greater embraces in itself the less. **Omne majus trahit ad se [quod est] minus:** every greater thing draws to it the less. **Omne quod inædificatur solo cedit:** everything which is built upon [the soil] belongs to the soil. **Omne sacramentum debet esse de certa scientia:** every oath ought to be of certain knowledge. **Omne testamentum morte consummatur [consummatum est]:** every will is consummated or made complete by death; a testament is of no force till after the death of the testator.

In the civil law. **Omne jus aut consensus fecit, aut necessitas constituit, aut firmavit consuetudo:** all-right either consent has created, or necessity established, or custom confirmed [has either been created by consent, or established by necessity or confirmed by custom].

Omnes, l. All; all men; all persons. **Omnes prudentes illa admittere solent quæ probentur iis qui in arte sua bene versati sunt:** all prudent men are in the habit of admitting those things which are proved by those who are well versed or skilled in their own art. v. *Cuilibet in arte*, etc.

In the civil law. **Omnes licentiam habere his quæ pro se indulta sunt, renunciare:** [it is a rule of the ancient law that] all persons shall have liberty to renounce those privileges which have been conferred for their benefit.

Omni exceptione majores, l. Superior to all exception; beyond all exception.

Omnia, l. All; all things. **Omnia delicta in aperto leviora sunt:** all crimes that are committed openly are lighter [or have a less odious appearance than those committed secretly]. **Omnia præsumuntur:** all things are presumed; — **contra spoliatores:** all things are presumed against a despoiler or wrong-doer; a leading maxim in the law of evidence; — **legitime facta donec probetur in contrarium:** all things are presumed to be lawfully done until proof be made to the contrary; — **rite esse acta:** all things are presumed to be done in due form; — **solemniter esse acta:** all things are presumed to be done with due solemnity. **Omnia quæ sunt uxoris sunt ipsius viri:** all things which are the wife's are the husband's.

In the civil law. **Omnia quæ jure contrahuntur, contrario jure pereunt:** all contracts which are made under a law are destroyed under a contrary law.

Omnibus, l. To all; to all persons. **Omnibus ad quos præsentēs literæ pervenerint, salutem:** to all to whom the present letters shall come, greeting; a form of address with which charters both public and private, (deeds) and other instruments were anciently commenced. **Omnibus præsentēs literas visuris vel auditoris, salutem:** to all who shall see or hear the present letters, greeting.

Omnis, l. Every; all. **Omnis actio est loquela:** every action is a plaint or complaint. **Omnis conclusio boni et veri iudicii sequitur ex bonis et veris præmissis et dictis juratorum:** every conclusion of a good and true judgment follows from good and true premises, and the verdicts of jurors. **Omnis consensus tollit errorem:** every consent removes error; consent always removes the effect of error. **Omnis definitio in lege periculosa:** all definition in law is hazardous. **Omnis innovatio plus novitate perturbat quam utilitate prodest:** every innovation disturbs more by its novelty than it benefits by its utility. **Omnis interpretatio, si fieri possit, in instrumentis ita fienda est, ut omnes contrarietates amoveantur:** all interpretation in [of] instruments should be so made, if possible, that all contrarieties [contradictions] may be removed. **Omnis nova constitutio futuris formam imponere debet, non præteritis:** every new statute ought to prescribe a form to future, not to past acts. **Omnis privatio præsupponit habitum:** every privation presupposes former enjoyment; a "rule of philosophie" quoted by Lord Coke, and applied to the discontinuance of an estate. **Omnis rati habitio retrotrahitur et mandato [seu licentiæ] priori æquiparatur:** every ratification is drawn backward [has a retrospective operation], and is equivalent to a previous command [or permission]; subsequent assent given to what has been already done has a retrospective effect, and is equivalent to a previous command; a leading maxim of the common law, and of maritime and commercial jurisprudence, applied in the law of principal and agent, and also to contracts and torts. v. *Rati habitio*, etc.

In the civil law. **Omnis definitio in jure civili periculosa est, parum est enim ut non subverti possit:** all definition in the civil law is hazardous, for there is little that cannot be subverted.

Once in jeopardy. Once put in peril of legal penalties. v. *Autrefois*. **Once a mortgage, always a mortgage:** means that the right of redemption, in equity regarded as an inseparable incident to a mortgage, cannot be restricted or qualified, and that all restrictions or qualifications are void.

One third new for old. v. *New for old*.

Onerare, l. To burden or charge; to lade or load.

Onerari non, l. l. Ought not to be charged; a form of beginning of a plea, substituted in some cases for the *actio non*.

Oneris ferendi, l. The servitude of support, as by a party wall.

- Onerous cause.** *In Scots law.* A good and legal consideration. **Onerous deed:** a deed given for a valuable consideration.
- Onomastic.** A term applied to the signature of an instrument, the body of which is in the handwriting of another.
- Onus, l.** A burden, or load; a weight; the lading or cargo of a vessel; a charge; an incumbrance. **Onus probandi:** the burden of proving. *v. Actori, etc.; Cum onere.*
- Ope consilio, ope et consilio, l.** *In the civil law.* By aid and counsel; a term applied to accessories in the commission of crimes, of import similar to "aiding and abetting."
- Open.** To commence or begin; to enter upon; to vacate, or set aside; to undo or recall; to proclaim, to explain; to clear of obstructions. **Open a decree, open a judgment:** to set aside a judgment or decree; to vacate it. **Open a default:** to give a party a new opportunity to do that for not doing which the default was entered. **Open biddings:** to allow a resale of property once sold under a decree. **Open court:** to proclaim a court as convened and ready to proceed with business.
- Open.** Manifest; apparent; outward; overt; public; not concealed; not closed, settled or fixed. **Open account:** an unsettled account between two persons having dealings with one another. **Open corporation:** a corporation in which all members have a voice in the election of officers. **Open policy:** a policy of insurance in which the amount of interest is not fixed, but left to be ascertained by the insured, in case of loss.
- In old English law.* **Open law:** the trial by duel or ordeal.
- In Scots law.* **Open doors:** letters of open doors are process authorizing the officer to break open the doors of places in which the goods of a debtor are deposited.
- In Saxon law.* **Open theft:** manifest theft,— same with *furtum manifestum*.
- Operis novi nuntiatio, l.** *In the civil law.* A protest or warning against [of] a new work.
- Opinio, l.** Opinion. **Opinio quæ favet testamento est tenenda:** the opinion which favors a will is to be followed. **Opinio communis or vulgaris:** common opinion; general or prevalent opinion, as distinguished from the peculiar opinion of an individual, or a new opinion not generally received.
- In the civil law.* **Opinio communis judicando et consulendo complecti debet:** common opinion is to be regarded in judging and giving advice.
- Oportet, l.** It behooves; it is needful or necessary. **Oportet quod certa res deducatur in donationem:** it is necessary that a certain thing be brought into the gift, or made the subject of the conveyance. **Oportet quod certa res deducatur in iudicium:** it is necessary that a certain (definite) thing be brought to judgment or into



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Ordeal. An ancient mode of trial by the judgment of God,—the accused handling hot iron, or plunging his arm into hot water, or the like, upon the theory that he would escape unhurt according as he was innocent or guilty. v. *Fire ordeal*; *Water ordeal*.

Order. An informal writing requesting the payment of money, or the delivery of personalty, to the bearer or to a person named; a direction in writing, granted by a court or judge, requiring or authorizing some act to be done,—in chancery, a decision upon some interlocutory matter; at law, usually the act of a judge at chambers, orders of the court being designated as rules. v. *Decretal order*; *Interlocutory order*.

Ordinance. *In American law.* An act or regulation of congress; a law or regulation of a municipal corporation. **Ordinance of 1787:** the ordinance for the government of the territory northwest of the Ohio river, adopted by the continental congress, and affirmed by the first congress under the constitution.

In old English law. A statute or an act of parliament; strictly, a bill or law which might stand with the old law, and did not alter any statute in force, and which became complete by the royal assent on the parliament's roll, without any entry on the statute roll.

Ordinare, l. l. *In old English law.* To ordain; to establish; to make a law; to appoint; to practice. **Ordinavit:** he (the king) ordained. **Ordinatum:** ordained.

Ordinarius, l. *In the civil law.* Ordinary; regular; according to usual course and rule.

Ordinary. *In American law.* A judicial officer having the powers of a judge of probate, or surrogate.

In English law. An ecclesiastical judge who has the regular ordinary jurisdiction, independent of another; a bishop, as having ordinary jurisdiction in his own diocese; a clergyman who performs divine service for a malefactor.

In old English law. A deputy of the bishop, appointed to give malefactors their neck-verses, also to perform divine services for them and assist in preparing them for death.

In Scots law. A single judge of the court of session, who decides with or without a jury, as the case may be.

In the civil law. A judge who had authority to take cognizance of causes in his own right.

Ordinary. Common; usual; reasonable. **Ordinary care:** the care which men of ordinary prudence and judgment commonly exercise. **Ordinary skill:** the skill which men engaged in the art in question usually employ.

Ordinatio, l. An ordinance; the title of several ancient English statutes. **Ordinatio Forestæ:** Ordinance of the Forest; a statute passed 33 Edw. I., containing regulations about the purlieus of forests. **Ordinatio pro statu Hiberniæ:** Ordinance for the Regulation or Set-

tlement of Ireland; a statute passed 17 Edw. I., containing regulations in matters of a judicial nature.

Ordinatum est, l. l. *In old English law.* It is ordered; the initial words of rules of court when entered in Latin.

Ordine, l. fr. A rule or order; a regulation.

Ordine placitandi servato, servatur et jus, l. When the order of pleading is observed, the law also is observed.

Ordiner, ordyner, l. fr. To ordain; to establish.

Ordinis beneficium, l. *In the civil law.* The benefit or privilege of order; the privilege of a surety to have his principal thoroughly prosecuted before the creditor could resort to him.

Ordo, l. *In old English law.* Order; regular succession. **Ordo agendi:** the order of suing. **Ordo attachamentorum:** the order of attachments. **Ordo brevium:** the order of writs. **Ordo curiæ:** an order of court. **Ordo excipiendi:** the order of pleading. **Ordo petendi:** the order of demanding or counting.

Ore, l. fr. Now. **Ore est a veyer:** now it is to be seen.

Ore tenus, l. By word of mouth; orally.

Original. Principal; primary; first in order of time. **Original bill:** in equity pleading, a bill which relates to some matter not before litigated in the court by the same persons standing in the same interest. **Original process:** process for getting the defendant into court,—the summons, attachments, etc., for that purpose. **Original writ:** in modern practice, confined to real actions, and in American practice generally superseded.

In old English law. **Original bill:** the ancient mode of beginning actions in the King's Bench. **Original conveyances:** conveyances at common law, otherwise termed primary, by which a benefit or estate is created or first arises, comprising feoffments, gifts, grants, leases, etc. **Original writ:** a writ issuing out of chancery, so called because it gave origin to the action, was principally used in the court of Common Bench, and was in form a mandatory letter from the king, in parchment, sealed with the great seal, and directed to the sheriff of the county requiring him to command the wrong-doer to do justice or to appear in court and answer.

Originality. In the law of patents, the contriving, creating or finding out of that which was not known and did not exist, and which can be used or enjoyed by man.

Origo rei inspici debet, l. The origin of a thing ought to be regarded.

Orphan's court. A court of probate.

Ostendit vobis, l. *In old English law.* Shows to you; formal words beginning a count.

Ostensible partner. A partner whose name appears to the world as a partner.

Ostensurus, l. *In old English law.* To show; a formal word in old writs.

- Oster, l. fr.** To take away; to take out or off. **Oste del file:** taken off the file.
- Ostium ecclesiæ, l. l.** *In old English law.* The door or porch of the church, where dower was anciently conferred.
- Othe, oth, o. eng.** Oath; an oath.
- Other, others.** In concluding an enumeration of particulars, means unspecified particulars of like kind only, unless something further is plainly meant.
- Othesworthe, o. eng.** Oathsworth; oathworthy; worthy or entitled to make oath.
- Ou, l. fr.** Or; where; whether; whereas; whereto; with; within; in.
- Oultre le mere, l. fr.** Beyond the sea.
- Oust.** To deprive; to put out; to turn out or eject.
In old English law. To take away.
- Ouster.** A putting out; dispossession; a motion of possession; the wrongful dispossession or exclusion from real property of a person entitled to possession.
- Ouster, oster, l. fr.** *In old English law.* To put out; to take away; to deprive; to deny a thing asked. **Ouster le main, ousterlemain:** to remove the hand; the delivery of lands out of a guardian's hands, when the male heir arrived at proper age; a writ against the lord for this purpose; the delivery of lands out of the king's hands, on a judgment on a *monstrans de droit*.
- Ouster, oustre, outre, l. fr.** Over; beyond; further. **Ouster le mer:** beyond the sea. v. *Outre meer*. **Oustre un jour:** over a day.
- Out of court.** Not in a position to prosecute; deprived of the power of prosecuting an action. **Out of the state:** v. *Beyond sea*. **Out of time:** applied to a vessel that has been so long at sea as to justify the belief of her total loss. v. *Missing ship*.
In English law. **Out of the realm:** out of the power of the king, as of his crown of England.
- Outer bar.** *In English law.* The junior barristers.
- Outfangthefe, utfangthefe, utfangenthefe, sax.** *In Saxon and old English law.* A thief from without, or from abroad, taken within a lord's fée, or liberty; the privilege of trying such a thief.
- Outfit.** Things connected with a ship and necessary for her navigation.
- Outhouse.** A small house or building belonging to a messuage or dwelling-house, and usually standing separate, and at a small distance from it.
- Outland.** *In Saxon law.* Land lying without or beyond the demesne lands of a manor, and occupied by the lord's tenants.
- Outlaw.** To put out of the law, or out of the protection of the law.
- Outlaw.** *In English law.* One who is put out of the law, that is, deprived of its benefit,—in modern law importing the forfeiture of property and loss of civil rights.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

regularly directed to the judges, empowering them to “inquire, hear and determine” all treasons, felonies and misdemeanors, but formerly issued only on particular occasions, as on sudden outrage or insurrection; the courts which sit under such commission.

Oyes, l. fr. Hear; hear you.

Oyez, l. fr. Hear ye; the introductory word of proclamations made by the criers of courts, retained from the old French form, but pronounced as though it were English, *O yes*.

P. An abbreviation of page, *placitum*, pleas, president, probate. **P. C.:** parliamentary cases, privy council, pleas of the crown. **P. J.:** president judge. **P. M.:** *post meridian*.

Pack a jury. Improperly and corruptly to select a jury sworn and impaneled to try a case.

Pact. An agreement. *v. Nude pact.*

Pacta privata non derogant juri communi, l. Private agreements cannot derogate from common right (or law).

In the civil law. **Pacta conventa, quæ neque contra leges, neque dolo malo inita sunt, omni modo observanda sunt:** compacts which are not against law, nor entered into with a fraudulent design, are in all respects to be observed. **Pacta quæ contra leges constitutionesque, vel contra bonos mores flunt, nullam vim habere, indubitati juris est:** that contracts which are made against law or against good morals, have no force, is a principle of undoubted law. **Pacta quæ turpem causam continent non sunt observanda:** agreements founded upon an immoral consideration are not to be observed.

Pactio, l. *In the civil law.* A bargaining or agreeing, of which *pactum* the agreement itself was the result.

Pactum, l. *In the civil law.* A pact; an agreement or convention without specific name, and without consideration, which, however, might, in its nature, produce a civil obligation. **Pactum corvinum de hæreditate viventis:** a crow-like bargain for the inheritance of a living person. **Pactum de non petendo:** an agreement not to sue.

Paiare, l. l. *In old English law.* To pay. **Paiavit:** (he) paid.

Pain, peyne. A penalty.

Paine or peine fort et dure, l. fr. *In old English law.* Strong and hard or severe punishment; a dreadful punishment inflicted upon one who, being arraigned of felony, stood obstinately mute and refused to plead, or put himself upon the country. It consisted of binding, loading with weights and starving, but was inflicted only after a threefold warning called *trina admonitio*.

Pais, pays, l. fr. *In old English law.* Country; the country; a jury, as coming from the country or neighborhood.

Paix, l. fr. *In old English law.* Peace; the peace or concord in a fine of lands.

- Palace court.** *In English law.* A court of legal jurisdiction, held in the borough of Southwark. *v. Marshalsea.*
- Palatine.** Pertaining to a palace; having royal privileges.
- Pandects, or Digests.** A compilation of Roman law in fifty books, published in the year 533. It consists of selections from the writings of the old jurists, made under the direction of Justinian, and constitutes one of the four principal divisions of the *Corpus Juris Civilis.*
- Panel, pauell, pannel.** A list of the names of jurors returned by the sheriff for the trial of a cause; the body of jurors summoned and in attendance upon court, including jurors returned upon a special venire.
- In Scots law.* A prisoner who is arraigned for trial at the bar of a criminal court.
- Paper credit.** Bills of exchange and promissory notes. Paper title: a title witnessed by writing, but without real legal foundation.
- In English law.* Paper book: a transcript of the record prepared for the use of the judges at the argument. Paper days: days for going through the paper of causes entered for argument. Paper of causes: a list of causes or cases intended for argument.
- Par, l. fr.** By. Par poy et par poy: by little and little.
- Par, l.** Equal; like. Par delictum: equal guilt. Par in parem imperium non habet: an equal has no command over his equal.
- Parage, l. fr.** *In old English law.* Equality of condition, blood or dignity; equality of lands in the partition of an inheritance.
- Paramount.** *In English law.* Above; over; over all; upwards. Applied to the supreme lord of a fee, between whom and the tenant, or tenant *paravail*, there was an intermediate or *mesne* lord. Paramount *especifé*: above specified.
- Paraphernalia, Parapherna, gr.-l.** *In English law.* Movable goods which a widow is allowed to have besides her dower, consisting of her apparel and ornaments, suitable to her station.
- In the Roman law.* Goods which a woman brought to her husband besides her *dos* or portion.
- Paratitla, gr.-l.** *In the civil law.* Notes or abstracts prefixed to titles of law, giving a summary of their contents.
- Paratum habeo, l.** I have him in readiness; a return to a *capias ad respondendum*, meaning that the sheriff has taken the defendant and has him ready to bring into court.
- Paratus est verificare, l.** He is prepared to verify.
- Paravail, peravaile, Paraval, l. fr.** *In English law.* Below; at the bottom. Paraval les pountz: below the bridges.
- Parcel.** Piece; a piece of land not of great extent.
- Parcella, l. l.** *In old English law.* A small piece; a parcel or bundle.
- Parcener, l. fr. and eng.** A co-heir of lands; otherwise termed co-parcener.

Parchemin, parchemyn, pargemin, l. fr. Parchment; a parchment; a manuscript on parchment.

Parcus, l. l. *In old English law.* A pound; a place for confining cattle found doing damage; a park; an enclosed place for the preservation of deer.

Pardonare, l. l. *In old English law.* To pardon. **Pardonavit:** (he) pardoned.

Pardonatio, l. l. *In old English law.* Pardon; a pardon.

Pardon. Forgiveness; remission; an act of grace by which an offender is released from the consequences of his offense, so far as release is practicable and within the reach of the pardoning power.

Parens, l. A parent; a father or mother. **Parens patriæ:** parent of the country, the sovereign,—in England the king, in the United States the state.

In old English and feudal law. A relative by blood; a cousin. **Parens est nomen generale ad omne genus cognationis:** parent is a general name for every kind of relationship.

In the civil law. Any relative in the direct ascending line, whether male or female; a progenitor.

Pares, l. l. *In old English law.* Equals; peers; equals in rank or dignity, the freeholders of a neighborhood. **Pares curiæ:** peers of the court; a lord's tenants who sat in his court to try their fellow tenant; the barons who sat in the king's courts for the trial of their peers. **Pares de vicineto:** the freeholders of the neighborhood; the venue. **Pares regni:** peers of the realm.

Pari delicto, l. Of equal guilt. **Pari materia:** of the same matter; on the same subject. **Pari passu:** in equal degree; by equal steps.

Pariare, l. l. *In old Scots law.* To make equal. **Pariare rationes:** to square accounts.

Paribus sententiis reus absolvitur, l. Where the opinions are equal [where the court is equally divided] the defendant is acquitted.

Paries communis, l. *In the civil law.* A common wall; a party wall.

Parish. A circuit of ground, committed to the charge of a parson or vicar, or other minister having cure of souls therein; an ecclesiastical division of a town or district, subject to the ministry of one pastor. **Parish church:** a particular body of christians, forming a local spiritual association; the building in which such an association meets for public worship.

Parium iudicium, l. l. *In old English law.* Judgment of the peers; trial by jury.

Park. *In English law.* A tract of enclosed ground privileged for keeping wild beasts of the chase, particularly deer.

Parle hill, or parlinge hill. *In old English law.* A hill where courts were anciently held.

Parler, l. fr. To speak. **Parlance:** speech. **Parlour:** a speaker.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

act done in performance of a contract such that non-enforcement of the contract would be a fraud.

Parte inaudita, l. One side unheard. *v.* *Ex parte*. **Parte quacunque integrante sublata, tollitur totum:** any integral part being taken away, the whole is taken away.

Partes finis nihil habuerunt, l. l. *In old English law.* The parties to the fine had nothing, that is, had no estate which could be conveyed by it; a plea to a fine levied by a stranger.

Partial loss. In the law of insurance, a degree of damage not amounting to a total loss; the total loss of a part.

Partible. *In old English law.* Divisible; divisible among several; divisible among all the sons.

Particeps, pl. participes, l. A part-taker; a partaker or sharer; one jointly interested with another; an associate or accomplice. **Particeps criminis, in crimine:** a sharer, participator or accomplice in [of] crime,—applied to parties both to contracts and offenses.

In old English law. A part owner; a parcener.

Particula, l. l. *In old English law.* Parcel.

Particular. Pertaining to a distinct thing, or portion of a thing. **Particular average:** in the law of insurance, any expense or damage short of a total loss, which regards a particular concern, and which is to be borne by the proprietors of that concern alone. **Particular estate:** an estate precedent to an estate in remainder. **Particular lien:** a specific lien on the particular goods or chattels. **Particular tenant:** the tenant of a particular estate.

Particulars. *v.* *Bill of particulars.*

Parties. *v.* *Party.*

Partitio, l. *In the civil law.* Partition, division,—not always into halves.

Partition. A dividing or severing into parts; the dividing of an estate in which several are jointly interested; the division of an estate in lands held by several, in joint-tenancy, tenancy in common or coparcenary, into separate parts, shares or allotments, according to the respective interests of the parties,—effected by bill in equity, by proceeding in mode prescribed by statute, or by conveyances *inter partes*.

Partner. A member of a partnership.

Partnership or copartnership. A contract of two or more competent persons, to place their money, effects, labor and skill, or some or all of them, in lawful commerce or business, and to divide the profit and bear the loss in certain proportions.

Partus, l. Birth; offspring. **Partus ex legitimo thoro non certius noscit matrem quam genitorem suum:** the offspring of a lawful bed knows not his mother more certainly than his father. **Partus sequitur ventrem:** the offspring follows the mother; the brood of an animal belongs to the owner of the dam; the offspring of a slave

belongs to the owner of the mother, or follows the condition of the mother. A maxim of the civil law, adopted in the law of England in regard to animals only, but in American law as to slaves also.

Party. A person concerned upon one side or another in any affair, business, contract or proceeding, as vendor or vendee, bailor or bailee, obligor or obligee, grantor or grantee, mortgagor or mortgagee, lessor or lessee. A person so concerned in an action, called in the Roman law *actor* or *reus*; in the common law, plaintiff or defendant; in real actions, demandant or tenant; in equity, complainant or defendant; in Scots law, pursuer or defender; in admiralty practice, libellant or respondent; in appeals, appellant or appellee, sometimes plaintiff in error or defendant in error; in criminal proceedings, prosecutor or prisoner. A side or part composed of one or more individuals. **Party wall:** a common wall; a wall common to two adjoining estates; a wall erected on the line between two adjoining estates belonging to the owners in common.

Parum, l. Little; but little. **Parum differunt quæ re concordant:** things differ but little which agree in substance. **Parum est latam esse sententiam, nisi mandetur executioni:** it is little [or to little purpose] that judgment be given, unless it be committed to execution. **Parum proficit scire quid fieri debet, si non cognoscas quomodo sit facturum:** it profits little to know what ought to be done, if you do not know how it is to be done.

In the Roman law. **Parum cavisse videtur:** he seems to have taken too little care; he seems to have been incautious, or not sufficiently on his guard; a form of expression used by the magistrate in pronouncing sentence of death.

Parva proditio, l. *In old English law.* Petty treason. **Parva serjantia:** petty serjeanty.

Parvum cape, l. l. *In old English law.* Little cape; a writ which lay on a tenant's default after appearance in a real action. More commonly called *petit cape*.

Pass. To convey or transfer, as an estate; to put off in payment or exchange, as money; to decide upon, to pronounce, as upon evidence or a case; to approve, as an account; to continue to another time, as a case in a list or docket; to go from one person to another. to be transferred, as a title; to be entered, as a verdict or judgment; to receive approval, as a legislative bill.

Passagium, l. l. *In old English law.* Passage; a passing over sea; a sum paid for being transported over sea, or over a river.

Passenger. A person who travels in a public conveyance under a contract express or implied for the payment of fare, or for that which the carrier accepts as an equivalent.

Passer, l. fr. *In old English law.* To pass; to proceed in order of law.

Passport. A permission to leave a harbor,—a document carried by a merchant vessel in time of war as evidence of her nationality; a

permission granted in time of war for the removal of persons or effects from a hostile country; a warrant of protection and authority to travel, granted to persons moving from place to place.

Pastura, l. l. *In old English law.* Pasture: a feeding; a right to feed animals; pasture, including the ground itself.

Pateat universis per præsentēs, l. l. *In old English law.* Know all men by these presents; words with which letters of attorney and other instruments commenced.

Patent, letters patent. A grant of some privilege, property or authority, made by the state or sovereign to one or more individuals; a grant by the state of the exclusive privilege of making, using and vending, and authorizing others to make, use and vend, an invention; a grant by government of public lands. **Patent right:** a right granted or conferred by a patent.

In English law. **Patent rolls:** rolls containing the records of letters patent granted by the crown since the year 1516.

Patent. Open; obvious; apparent; open to inspection. **Patent ambiguity:** an open ambiguity; one which appears on the face of an instrument. **Patent writ:** an open writ; a writ not closed or sealed up.

Pater, l. *In the civil law.* A father; the father. **Pater est quem nuptiæ demonstrant:** he is the father whom the nuptials point out, or whom marriage indicates. **Pater patriæ:** father of the realm.

In the Roman law. **Paterfamilias:** a father or master of a family; the head of a family, whether father or not.

Patientia, l. *In old English law.* Sufferance; permission. *v. Longa patientia, etc.*

Patria, l. A country; one's country.

In old English law. A district or neighborhood, within a county; the country; a neighborhood; a hundred; a jury. **Patria laboribus et expensis non debet fatigari:** a jury ought not to be harassed by labors and expenses.

In the Roman law. **Patria potestas:** the paternal power; the power of a father, which anciently included that of life and death.

Paterna paternis, l. Paternal estates [go to the] heirs on the father's side. *v. Materna.*

Patrimonium, l. *In the civil law.* A paternal or hereditary estate; property; fortune; private, exclusive or individual property; property in general. **Patrimonii munus:** an office of fortune; one which chiefly involved the expenditure of money, as distinguished from personal care or industry.

Patron. *In English ecclesiastical law.* He who has the gift of a benefice, or the right of presentation to a benefice.

Patronage. *In English ecclesiastical law.* The right of presentation to a church or ecclesiastical benefice; an advowson.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Pecia, l. l. *In old English law.* A piece. **Pecia monetæ:** a piece of money. **Pecia terræ:** a piece of land.

Peculatus, l. *In the civil law.* The offense of stealing or embezzling the public money.

Peculiar. *In English ecclesiastical law.* An exempt jurisdiction; a parish exempt from the jurisdiction of the ordinary, and subject to the metropolitan only.

Peculium, l. *In the Roman law.* A little money or property; a private or separate property; a limited amount of money or property, which a son or servant was allowed to have, separate from the accounts or stocks of his father or master. **Peculium castrense:** the kind of *peculium* which a son acquired in war, or from his connection with the camp.

Pecunia, l. Originally and radically, property in cattle, or cattle themselves.

In old English law. **Pecunia numerata:** counted money; money paid by count or tale.

In the civil law. Property in general, real or personal; any thing that is the subject of private property; in a narrower sense, personal property, fungible things; in the strictest sense, money. **Pecunia non numerata:** money not paid. **Pecunia trajectitia:** money carried across the sea; money lent to sea, or advanced on the hazard of the lender, to carry over the sea.

Pecuniary. Monetary; pertaining to money. **Pecuniary legacy:** a legacy of a sum of money; a gift of a sum of money by will.

In English ecclesiastical law. **Pecuniary causes:** causes arising from the withholding of ecclesiastical dues, or the doing or neglecting of some act relating to the church.

Pedaneus, l. *In the Roman law.* On, or at the foot; occupying a low position; a term applied to the *judices* appointed by the prætor to determine causes.

Pede pulverosus, l. *In old English and Scots law.* Dusty-foot; a term applied to itinerant merchants, chapmen or peddlers, who attended fairs. v. *Piedpoudre.*

Pedem ponere, l. l. *In civil and old English law.* To put or place the foot; the taking possession of lands by standing on or walking over them, or by merely placing the foot on the ground.

Pedis abscissio, l. *In old English law.* The cutting off a foot; a punishment anciently inflicted instead of death.

In civil and old English law. **Pedis positio, pedis possessio:** a putting or placing of the foot. v. *Pedem ponere.*

Pee, l. fr. Foot; the foot; the foot of a fine.

Peer. An equal in rank.

In English law. A baron or higher nobleman; a lord temporal, having a seat in parliament.

In feudal law. The vassal of a lord who sat in his court to judge his co-vassals.

Pees, l. fr. *In old English law.* Peace; the concord in a fine of lands.

Peine, l. fr. Punishment. v. *Paine.*

Peisible, l. fr. Peaceable. **Peisiblement:** peaceably.

Penal. Prescribing, incurring or pertaining to punishment, with a penalty annexed. **Penal action:** an action on a penal statute. **Penal bill:** an instrument formerly in use, by which a party bound himself to do a certain thing, or pay a certain sum by way of penalty. **Penal statute, penal clause:** a statute, or clause of a statute, which forbids an act, and punishes the doing or commission of it. **Penal sum:** the sum which a bond declares forfeited in case of non-performance of a covenant.

Penalty. A punishment; a punishment imposed by statute for the commission of a specified offense; a pecuniary punishment,— a sum of money by statute to be paid as a punishment for a certain act; a sum of money agreed on to be paid in case of non-performance of a contract; a sum of money named in a bond as a forfeit, if the obligor fails to perform according to the condition.

Pendente, l. Pending; hanging. **Pendente lite:** pending the suit; during the actual progress of a suit; during litigation; — *nihil innovetur* [*innovandum*]: pending the suit nothing should be changed,— no change should be made in the property, as by conveyance.

Pendere, l. *In the civil law.* To hang; to be in suspense; to be attached; to depend upon, or grow out of; to pay, as a penalty.

Pending, or depending. A term applied to a writ, sometimes from the day of the *teste*, and sometimes from the day of the return.

Pendre, l. fr. To hang. **Pendu:** hung, or hanged.

Peues, l. In the possession; in one's possession or power; under one's control.

Pensio, l. *In the civil law.* A payment, properly, for the use of a thing.

Pension. An allowance of money out of the public funds, to be paid periodically, to a person who has rendered special services to the state, as in war.

In English law. An annual payment made by each member of the inns of court; an assembly of the members of the society of Gray's Inn to consult of their affairs. **Pension writ:** a peremptory order against a member in arrears with his dues.

In old English and Scots law. A payment of rent; an annual rent.

Per auter vie, l. fr. For the life of another. **Per bouche:** by the month; orally. **Per my:** an old form of *parmy* or *parmi*. **Per my et per tout:** by the half or moiety, and by all; having each the entire possession as well of every parcel as of the whole; a term descriptive of the mode of possession by joint-tenants. **Per pais:** by the country; by jury. **Per tant:** v. *Pur.*

In old English law. **Per tout le court:** by all the court.

Per, l. By; through, in consequence of; according to; for; during. **Per annum:** by the year; for the space of a year. **Per capita:** by heads; according to the number of persons; as individuals; share and share alike. **Per contra:** on the other hand. **Per curiam, per cur.:** by the court. **Per diem:** per day. **Per equipollens:** by an equivalent [word]. **Per expressum:** expressly. **Per exteriora præsumi poterit de interioribus:** by outward acts we may judge of inward motives. **Per fas aut nefas:** by right or wrong. **Per formam doni:** by the form of the gift; by the designation of the giver, and not by the operation of law. **Per fraudem:** by fraud; fraudulently; — **et covinam:** by fraud and covin. **Per incuriam:** through inadvertence. **Per infortunium:** in criminal law, by misadventure; homicide of a certain kind, so called. *v. Homicide per infortunium.* **Per legem:** by the law; — **Angliæ:** by the law of England; by the curtesy; — **terræ:** by the law of the land; by due process of law. **Per minas:** by threats. **Per nomen:** by the name. **Per normam:** by the rule; — **legis communis:** by the rule of the common law; — **statuti:** by the rule of the statute. **Per procurationem, per proc':** by appointment of power. **Per quod:** by which; whereby; words in a pleading introducing a consequence of law from matters of fact before stated; the initial words of the clause in a declaration stating special damage; the name of the clause; — **actio accrevit:** whereby an action accrued; — **consortium amisit:** whereby he lost the company or society (of his wife); a phrase in declarations in trespass by a husband for ill-using his wife, descriptive of the special damage sustained; — **servitium amisit:** whereby he lost the service (of his servant); a phrase in declarations in trespass by a master for ill-using his servant, descriptive of the special damage sustained by the master. **Per saltum:** by a leap or bound; by a sudden movement; passing over certain proceedings. **Per se:** by itself; of itself. **Per servitia:** by the services; — **antehac consueta:** by the services hitherto accustomed; — **debita:** by the services due. **Per servitium:** by the service. **Per stirpes:** by stocks or roots; as representatives of stocks; in right of stocks; a term of the civil law, used to denote that rule of descent and distribution of estates by which the parties entitled take the shares which their *stocks* (such as a father), if living, would have taken. **Per subsequens matrimonium:** by a subsequent marriage. **Per testes:** by witnesses. **Per totum tempus prædictum:** during all the time aforesaid. **Per usucaptionem:** by possession; by uninterrupted enjoyment. **Per verba:** by words; — **de futuro:** by words of the future (tense); a phrase applied to contracts of marriage; — **de præsentī:** by words of the present (tense); a phrase applied to contracts of marriage.

In old English law. **Per annulum et baculum:** by ring and staff, or crozier; the symbolical mode of making an ecclesiastical in-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Perclose, perclos, l. fr. *In old English law.* The latter part or conclusion, as of a writ, plea or indictment.

Percutere, l. *In old English law.* To strike. **Percutere duellum:** to strike the duel; to engage or join in the combat. **Percussit:** (he) struck.

Perdonare, pardonare, l. l. *In old English law.* To pardon. **Perdonavimus:** we have pardoned.

Perdonatio, l. l. *In old English law.* A pardoning; a pardon.

Perdre, l. fr. To lose. **Pert:** loses. **Perdu:** lost.

Perduellio, l. *In the civil law.* Treason; hostility against the state or prince; an attempt against the state, the prince or his ministers.

Peremptorius, l. *In the civil law.* That which destroys or defeats, not for a time, but forever.

Peremptory. Strictly, that which destroys, or wholly and at once defeats; that which disposes of a matter at once, and without delay; that which admits of no delay or argument; that which is absolute, imperative, decisive, final; that for which no reason need be assigned. **Peremptory challenge:** a species of challenge which a prisoner is allowed to have against a certain number of jurors, without showing cause. **Peremptory exception:** a pleading having the legal effect of a general demurrer. **Peremptory mandamus:** a writ of mandamus which requires an act to be done, without any alternative of showing of cause against it. **Peremptory plea:** a plea founded on matter which tends to impeach or destroy the plaintiff's right of action; a plea in bar. **Peremptory rule:** an absolute rule; a rule without any condition or alternative of showing cause.

Perfect. To complete in form of law. **Perfect bail:** to justify after exception, so as to render absolute. **Perfect judgment:** to enter judgment on record, and file and docket the record.

Perfectum est cui nihil deest secundum suæ perfectionis vel naturæ modum, l. That is perfect to which nothing is wanting, according to the measure of its perfection or nature.

Performance. Accomplishment; consummation; such a fulfillment of a duty as puts an end to the obligation by leaving nothing more to be done. *v. Part performance; Specific performance.*

Periculo petentis, l. At the risk of the suitor.

Periculosus, l. Dangerous; perilous.

Periculosum est res novas et inusitatas inducere, l. It is perilous or hazardous to introduce new and untried things. **Periculosum existimo quod honorum virorum non comprobatur exemplo:** I think that dangerous which is not warranted or approved by the example of good men.

Periculum, l. Peril; danger; hazard; risk. **Periculum rei venditæ, nondum traditæ, est emptoris:** the risk of an article sold, but not yet delivered, is the buyer's.

- In the civil law.* **Periculum rei venditæ statim ad emptorem pertinet, tametsi adhuc ea res emptori tradita non sit:** the risk of a thing sold immediately attaches to the buyer, although the article itself be not yet delivered to him.
- Perils of the sea.** In maritime and insurance law, the natural accidents peculiar to the sea, which do not happen by the intervention of man, and are not to be prevented by human prudence.
- Perinde valere, l. l.** *In English ecclesiastical law.* To be equally valid; a writ of dispensation granted to a clerk admitted to a benefice without capacity.
- Period.** A space of time; any portion of complete time.
- Perjurium, l.** *In civil and old English law.* Perjury; the breach of an oath; the making of a false oath.
- Perjury.** False swearing; the making of a false oath; the breach of an oath. The offense is defined in most of the states by statute. *v. Subornation.*
- Permissive waste.** Waste which is allowed or suffered.
- Permutatio, l.** *In the civil law.* Exchange; barter.
- Pernancy.** Taking; a taking or receiving, as of the profits of an estate.
- Pernor, Pernour, l. fr.** A taker; a receiver.
- Perpetua lex, l.** A perpetual law. *Perpetua lex est nullam legem humanam ac positivam perpetuam esse, et clausula quæ abrogationem excludit ab initio non valet:* it is a perpetual law that no human and positive law can be perpetual, and a clause [in a law] which precludes the power of abrogation is void *ab initio*.
- Perpetual curacy.** *In English ecclesiastical law.* A place of divine worship, having parochial rights, of which the incumbent is not removable at pleasure by the rector or vicar of any supposed mother church.
- Perpetuating testimony.** The taking of testimony, usually by bill in equity, but sometimes by proceedings at law, in order to preserve it for future use, where it is in danger of being lost before the matter to which it relates can be made the subject of judicial investigation.
- Perpetuity.** The quality of indefinite duration without change; the quality by which an estate becomes inalienable either perpetually, or for a very long period; a modification of an estate by which it is made inalienable perpetually or indefinitely; a modification of an estate by which it is made inalienable beyond the period allowed by law,—the period of a life or lives in being and twenty-one years with the term of gestation added in case of a posthumous child; the estate so modified or perpetuated.
- Perquirere, l. l.** *In feudal law.* To gain or acquire; to acquire by one's own act; to purchase.
- Perquisitio, l. l.** *In feudal law.* Purchase.

Persecutio, l. *In the civil law.* A following after; a pursuing at law; a suit or prosecution; properly, that kind of judicial proceeding before the prætor which was called extraordinary.

Persequi, l. *In the civil law.* To follow after; to pursue or claim in form of law.

Persewar, o. sc. *In old Scots law.* Pursuer; plaintiff or prosecutor.

Person. A human being, considered as the subject of rights, as distinguished from a thing whether animate or inanimate; a corporation or body politic, an artificial person created by law for the purposes of society and government.

Persona, l. *In old English law.* A person; a parson; character; capacity. **Persona conjuncta æquiparatur interesse proprio:** a personal connection [literally, a united person, union with a person] is equivalent to one's own interest; nearness of blood is as good a consideration as one's own interest. **Persona impersonata:** a parson imparsonee. **Persona prædilecta:** a person particularly favored. **Persona standi in judicio:** capacity of standing in court or in judgment; capacity to be a party to an action; capacity or ability to sue. *In the civil law.* A person; character; capacity. **Persona est homo, cum statu quodam consideratus:** a person is a human being, considered with reference to a certain *status*, condition or quality.

Personable. *In old English law.* Able to maintain a plea in court; having capacity to sue; of capacity to take a thing granted or given.

Personal. Pertaining to the person; belonging to, or following the person; relating to, or affecting the person; against the person. **Personal action:** an action against the person, an action founded on personal obligation; an action by which a person claims a debt, or personal duty, or damages in lieu thereof, or by which a person claims a satisfaction in damages for some injury done to his person or property. **Personal assets:** personal property in the hands of an executor or administrator, chargeable with the debts or legacies, and applicable to their payment. **Personal chattels:** things movable which may be annexed to or attendant on the person of the owner. **Personal contract:** a contract respecting personal property. **Personal estate:** personal property. **Personal liberty:** the right or power of moving one's person from place to place according to inclination without restraint, unless by due course of law. **Personal property:** property not of a freehold nature, not descendible to the heirs at law,—usually consisting of things temporary and movable. **Personal representatives:** executors or administrators. **Personal rights:** v. *Rights of persons*. **Personal security:** a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation.

In English law. **Personal statutes:** statutes which respect personal transitory contracts, as common loans or insurances.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Petitio, l. A petition; a demand. **Petitio principii:** a begging of the question.

In old English law. Petition or demand; the count in a real action; the form of words in which a title to land was stated by the demandant.

In the civil law. The actor's statement of his cause of action, in an action *in rem*.

Petition. An application to a court in writing, in contradistinction to a motion, which may be *viva voce*.

In old English law. **Petition of right:** a parliamentary declaration of the liberties of the people, assented to by Charles I. *v. Petition de droit; Right of petition.*

Petition de droit, l. fr. *In English practice.* A petition of right; a form of proceeding to obtain restitution from the crown of either real or personal property.

Petitioner. The person who presents a petition.

Petitor, l. *In the Roman law.* A plaintiff or actor, particularly in an action *in rem*; a demandant.

Petitory. Having the quality of a demand or petition; resting in demand; claiming title merely, without possession. **Petitory suit:** a suit in admiralty in which the mere title to property is litigated and sought to be enforced.

In Scots law. An action in which the pursuer claims something as due or belonging to him.

Peto, l. *In old English law.* I demand; the word with which a demandant's count commenced. **Peto versus talem tantum terræ cum pertinentiis, in tali villa, ut dotem meam:** I demand against such a one, so much land, with the appurtenances, in such a town, as my dower.

In the Roman law. I request; a common word by which a *fidei-commissum*, or trust, was created in a will.

Petty. Small; inferior. **Petty average:** such charges and disbursements as, according to custom, the master necessarily furnishes for the benefit of the ship and cargo. *v. Petit.*

In English law. **Petty bag office:** one of the offices on the common-law side of the court of chancery from which issued writs in crown matters. **Petty constable:** the ordinary kind of constable in towns and parishes, as distinguished from the high constable of the hundred.

Physical fact. A fact the existence of which may be perceived by the senses.

Piccage. *In old English law.* Money paid at fairs for leave to break the ground, to set up booths or stalls.

Pickery, sc. *In Scots law.* Petty theft.

Pie, pec, pe, l. fr. A foot. **Piez, pez:** feet.

- Pied poudre, piepoudre, l. fr.** *In old English law.* Dusty-foot; a term applied to itinerant merchants, chapmen or peddlers, who attended fairs. v. *Pipowder.*
- Pightel.** *In old English law.* A small parcel of land enclosed with a hedge; a little close.
- Pignerare, l.** *In the civil law.* To pledge; to deposit on pledge.
- Pignoratio, l.** *In modern civil law.* The taking of cattle doing damage, by way of pledge, till satisfaction is made.
- Pignoratitia actio, l.** *In the civil law.* An action on a pledge, which was either *directa*, for the debtor, after payment of the debt, or *contraria*, for the creditor.
- Pignus, l.** *In the civil law.* A pledge or pawn; a delivery of a thing to a creditor, as security for a debt; the thing delivered. **Pignoris appellatione eam proprie rem contineri dicimus, quæ simul etiam traditur creditori, maxime si mobilis sit:** under the title of *pignus* (pledge), we declare, is properly included the thing itself, which at the same time is delivered to the creditor, especially if it be movable.
- Pillory.** An engine for the punishment of offenders, intended more for the infliction of disgrace than of pain.
- Pilotage.** The charge or compensation allowed for piloting a vessel.
- Pin money.** Money allowed to, or settled on, a wife, for the purpose of supplying her with dress and the means of defraying her other personal expenses.
- Piperoll.** A great roll of accounts kept in the English Exchequer.
- Pipowder, piepoudre.** *In English law.* The name of a court held for fairs and markets.
- Piracy.** Robbery on the high seas, done *animo furandi*, in the spirit of universal hostility.
- Pirate.** A robber on the high seas.
- Piscaria, l. l.** *In old English law.* Fishery; a fishery.
- Piscary.** Fishery; a liberty of fishing in the waters of another.
- Pit and gallows.** *In old Scots law.* The right to punish thieves by drowning and hanging.
- Place.** Pleas; any locality limited by boundaries, whether large or small. Place where: v. *Locus in quo.*
- Places, l. l.** *In old English law.* A place.
- Placeta, l. l.** *In old English law.* A place, as applied to a house; as applied to lands, a piece or parcel. **Placeta messuagii:** a place of message. **Placeta pasturæ:** a piece of pasture.
- Placita, l. l.** The caption or title of a judgment record; so called from its initial word when in Latin.
In old English law. Pleas; pleadings; judicial proceedings; suits; debates and trials at law; penalties, fines, mulcts or emendations in the exchequer. **Placita communia:** common pleas or suits; civil actions between subject and subject. **Placita coronæ:** pleas of the

crowns. **Placita criminalia:** criminal pleas. **Placita juris:** pleas, or determinations (that is, arbitrary rules), of law. *v. Receditur a placitis, etc.*

In the civil law. The decrees or constitutions of the emperor; being the expressions of his will and pleasure.

Placitabile, l. l. *In old English law.* Pleadable.

Placitamentum, l. l. *In old English law.* The pleading of a cause.

Placitare, l. l. *In old English law.* To plead; to state to a court in form of law; to litigate; to make the subject of a plea or action; to implead or prosecute. **Placitantur placita:** pleas are pleaded. **Placitavit:** he pleaded.

Placitator, l. l. *In old English law.* A pleader.

Placitum, l. l. *In old English law.* A court; a cause or suit in court; a proceeding in court, particularly a pleading; a day in court; a plea, an allegation of fact by a defendant. **Placitum commune:** a common plea or action. **Placitum de debito:** a plea of debt. **Placitum de recto:** an action or writ of right. **Placitum nominatum:** a day appointed for the defendant to plead or answer. **Placitum pendens:** a plea pending. **Placitum principale et incidens:** a principal and a collateral suit.

In feudal law. An assembly of the king and great men of the realm; an assembly or court of freeholders or vassals; a court of justice.

In the civil law. An agreement of parties; an imperial ordinance or constitution; a judgment, decree or sentence of a court.

Plagiarius, l. *In the civil law.* A man stealer; a kidnaper.

Plagium, l. *In the civil law.* Man-stealing; kidnaping.

Plaint. *In English law.* A private memorial tendered in open court to the judge, wherein the party injured sets forth his cause of action; a proceeding in inferior courts, without original writ.

Plaintiff. The complaining party in an action at law; the party bringing an action, and so named on the record. **Plaintiff in error:** the party who sues out a writ of error.

Plantatio, l. *In the civil law.* Planting; one of the modes of acquiring property by accession.

Play, ple, l. fr. *In old English law.* A plea, or action.

Plea. At law, an answer alleging fact which the defendant opposes to the plaintiff's declaration; in equity, a short answer in bar of the suit setting up facts which, if inserted in the bill, would have rendered it demurrable. *v. Abatement; Avoidance; Confession; Dilatory; Puis darrein, etc.* **Plea in abatement:** a plea which goes to abate the plaintiff's action, that is, to suspend or put it off. **Plea in bar:** a plea which goes to bar the plaintiff's action, that is, to defeat it altogether.

In old English law. A suit or action,—a sense in which the word is used in modern declarations in which the plaintiff complains of the defendant of a plea, etc.; an allegation made by a party in a cause;



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- Plee, l. fr.** *In old English law.* An action or suit; a plea, in the ancient sense of the word; a plea, in the modern sense.
- Pleggage, l. fr.** *In old English law.* Suretyship.
- Plegge, l. fr.** *In old English law.* A pledge. **Plegges de suer:** pledges to prosecute.
- Plegiabilis, l. l.** *In old English law.* That may be pledged; the subject of pledge or security.
- Plegiagium, l. l.** *In old English law.* Suretyship.
- Plegiare, l. l.** *In old English law.* To pledge; to undertake; to become responsible for.
- Plegium ad standum recto, plegios ad standum recto, or plegios de stando ad rectum, l.** Security to appear and answer to an accusation.
- Plegius, pleggius, l. l.** *In old English law.* A pledge. **Plegii ad prosequendum, or de prosequendo:** pledges to prosecute. **Plegii de retorno habendo:** sureties for a return in replevin. **Plegii quieti erunt de plevina, nisi gratis velint eos sub eadem plevina retinere:** the pledges shall be quit of their engagement, unless they voluntarily choose to keep them under the same engagement.
- Pleine age, l. fr.** *In old English law.* Full age.
- Pleinement, pleinment, l. fr.** *In old English law.* Fully. **Pleinement administre:** fully administered.
- Plena, l.** Full.
In old English law. **Plena ætas:** full age.
In the civil law. **Plena probatio:** full proof; proof by two witnesses or a public instrument.
- Plenarie, l. l.** Fully.
- Plenary.** *In English law.* Fulness; a state of being full; applied to a benefice when full, or possessed by an incumbent.
- Plenary.** Full; complete; without abridgment.
- Plene administravit, l. l.** He has fully administered; a plea by an executor or administrator, that he has fully administered all the assets that have come to his hands. **Plene administravit præter:** he has fully administered, except; a like plea excepting assets to a certain amount, which are not sufficient to satisfy the plaintiff's demand. **Plene administraverunt:** they have fully administered. **Plene computavit:** he has fully accounted; a plea in an action of account.
- Plenipotentiary.** One who has full power to do a thing, a person fully commissioned to act for another,—applied, in international law, to ministers and envoys of the second rank of public ministers.
- Plenum, l.** Full.
In old English law. **Plenum rectum:** full right; formal words in old writs, particularly writs of right.
In the civil law. **Plenum dominium:** full ownership; the property in a thing united with the usufruct.
- Plevia, l. l.** *In old English law.* Pledge; security.
- Plevina, l. l.** *In old English law.* The engagement, undertaking or liability of a pledge or surety.

- Plevine, l. fr.** *In old English law.* Security by pledge; the engagement of a pledge.
- Plevys, l. fr.** Pledged; under pledge.
- Pleyn, l. fr.** *In old English law.* Full.
- Pleyndre, l. fr.** *In old English law.* To complain.
- Pleynte, l. fr.** *In old English law.* A plaint or complaint.
- Pleyntyfe, l. fr.** *In old English law.* Plaintiff; a plaintiff; a complaining party.
- Plight.** *In old English law.* The habit and quality of a thing, or an estate or right therein.
- Ploughbote.** An allowance of wood made to a tenant, for repairing his ploughs and other instruments of husbandry.
- Ploughland.** *In old English law.* A quantity of land allotted for the work of one plough; a carucate or carve of land.
- Plunder.** To take from person or place by open force; to take without right.
- Plural.** Containing or designating more than one; consisting of two or more.
- Pluralis numerus est duobus contentus, l.** The plural number is contained in two.
- Plures eandem rem in solidum possidere non possunt, l.** Several persons cannot possess the same thing exclusively [or so that both have the whole property at the same time].
- Pluries, l.** Oftentimes; many times; frequently; the emphatic word of a clause in the Latin form of a writ issued after a first and second of the same kind had been issued without effect; the writ so issued. The fourth writ is called the second pluries.
- Pluris petitio, l.** *In Scots law.* A demand of more than is due.
- Plus, l.** More. **Plus peccat author quam actor:** the originator or instigator of a crime is a worse offender than the actual perpetrator of it. **Plus valet unus oculatus testis quam auriti decem:** one eye-witness is of more weight than ten ear-witnesses (or those who speak from hearsay).
- Poaching.** *In English law.* The unlawful entry on land, for the purpose of taking or destroying game; the taking or destruction of game on another's land.
- Pocket sheriff.** *In English law.* A sheriff appointed by the crown, without the usual form of nomination by the judges of the exchequer.
- Poer, poeir, poair, l. fr.** Power; authority.
- Pœna, l.** Punishment; a penalty; also, it would seem, damages. **Pœna ex delicto defuncti hæres teneri non debet:** the heir ought not to be bound by a penalty arising out of the wrongful act of the deceased. **Pœna suos tenere debet actores [auctores] et non alios:** punishment ought to bind its own authors [those who have caused it], and not others.

In old English law. **Pœna corporalis:** corporal punishment. **Pœna pecuniaria:** pecuniary punishment. **Pœna pilloralis:** punishment of the pillory.

In the civil law. Punishment; a penalty.

Pœnalis, l. *In the civil law.* Penal; imposing a penalty; claiming or enforcing a penalty. v. *In pœnalibus*, etc.

Pœnitentia, l. *In the civil law.* Repentance; a change of mind or purpose; the rescinding of a contract. v. *Locus pœnitentiæ*.

Poiding, poynding. *In Scots law.* A taking of goods, etc., in execution, or by way of distress.

Point, poynt, pointe, l. fr. An article; a point; in old law, a writ or statute. **Points de nous brefs:** the points of our writs.

Police, fr. *In French law.* Policy; a policy. **Police d'assurance:** a policy of insurance; the contract of insurance. **Police de chargement:** a bill of lading.

Police. Public polity affecting health, morals, liberty, safety and happiness; regulations for promoting the same; the body of officers, particularly in a municipality like a city, whose duty it is to enforce those regulations. **Police court:** a municipal court having, in general, jurisdiction of offenses against such regulations. **Police magistrate:** a magistrate having the powers, and charged with the duties, of a conservator or justice of the peace. **Police power:** the power of a state to make regulations to promote the health, peace, morals, education, and good order of the people.

Policy. A system of public administration designed to promote the prosperity of a state; a written instrument expressive of a contract of insurance, by the execution of which insurance is effected.

Political. Relating to public policy. **Political office:** an office not immediately connected with the execution of the mandates of a superior, nor with the administration of justice. **Political rights:** rights in the formation and administration of government.

Poll. To single out, one by one, a number of persons; to examine separately each juror as to his concurrence in the verdict rendered.

Poll. A head; an individual person. v. *Challenge*. **Poll-tax:** a tax levied by the head or poll; a capitation tax.

Poll. Cut or shaved smooth or even; cut in a straight line, without indentation; anciently applied to a deed, and still used, but with little meaning. v. *Deed poll*.

Pollicitatio, l. *In the civil law.* A promise, without mutuality.

Polygamia, gr.-l. *In old English law.* Polygamy. **Polygamia est plurium simul virorum uxorumve connubium:** polygamy is the marriage of several husbands or wives at the same time.

Polygamy. The marrying of many; the offense of having several wives or husbands at the same time.

Ponatur judicium usque ad bancum, l. The judgment shall be put off to the bench.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- ing. **Port of destination:** in a time policy, may mean any foreign port to which the vessel is destined, and any usual stopping place for lading and unloading. **Port of discharge:** a place at which it is usual to discharge cargo, and to which the vessel is destined for that purpose. **Port of entry:** a port for the entry of vessels for the discharge of cargo subject to customs duties. **Port-risk:** in the law of insurance, a risk upon a vessel lying in port.
- Portare, l. l.** *In old English law.* To bear; to bring. **Portare assisam:** to bring an assise.
- Portari, l.** *In the civil law.* To be carried.
- Portatica, l. l.** *In old English law.* Port-duties.
- Portenta in lege, l.** Monstrosities in law; unheard-of positions.
- Porteous, portuous, portuis, o. sc.** *In old Scots law.* A roll or catalogue containing the names of indicted persons, delivered to the coroner, to be attached and arrested by him.
- Porter, l. fr.** To bear; to bring. **Port action:** brought action. **Porter date:** to bear date. **Porter foy:** to bear faith, an expression in the old oath of fealty. **Porter record:** to bear record.
- Portgreve, portreeve.** *In old English law.* The chief officer of a port; the chief officer of a town or city, especially a sea-port town.
- Portioner.** *In Scots law.* The proprietor of a small feu or portion of land.
- Portorium, l. l.** *In old European law.* A tax or toll levied at the gates of cities for the reparation of roads; a tax levied at ports; a port duty.
- Portmote, sax.** *In old English law.* A court held in ports or haven towns, and sometimes also in inland towns.
- Portuforium, l. l.** *In Scots law.* Porteous; the porteous or porteous roll.
- Poser, l. fr.** To put; to set at; to put a question.
- Positive law.** Law ordained and enforced by sovereign political authority, as distinguished from the law of nature.
- Positivi juris, l. l.** Of positive law.
- Posito, l. l.** Put; suppose. **Posito uno oppositorum, negatur alterum:** one of two opposite positions being affirmed, the other is denied.
- Posse, l.** To be able; to be possible; possibility; ability; power; a force; a number of persons summoned to assist a sheriff in the execution of process. **Posse comitatus:** the power or force of the county; the entire population of a county above the age of fifteen, which a sheriff may summon to his assistance in certain cases.
In old English law. **Posse balliviæ:** the power of the bailiwick.
- Possessio, l.** *In old English law.* Possession; seisin; the detention of a corporeal thing by intent and act, aided by some support of right. **Possessio fratris:** possession of a brother, the kind of possession which would make his sister of the whole blood his heir, in preference to a brother of the half blood; — *de feodo simplici facit so-*

rorem esse hæredem: the brother's possession of an estate in fee-simple makes the sister to be heir.

In the civil law. That condition of fact under which one can exercise his power over a corporeal thing at his pleasure, to the exclusion of all others. **Possessio bonorum:** the possession of goods.

Possession. The state of having a corporeal thing in one's hands or power, or under one's control. It is actual when it exists in fact, and constructive when it exists only in contemplation of law.
v. *Adverse possession.*

Possessor. One who possesses; one who has possession.

Possessorius, l. l. *In old English law.* Possessory.

Possessory. Relating to possession; founded on possession; contemplating or claiming possession. **Possessory action:** an action claiming possession, or the right of possession; an action brought to recover possession; an action founded on possession.

In Scots law. **Possessory judgment:** a judgment which entitles a person in uninterrupted possession for seven years, to continue until the question of right is determined.

Possibilitas, l. *In old English law.* Possibility; a possibility. **Possibilitas post dissolutionem executionis nunquam reviviscatur:** a possibility will never be revived after the dissolution of its execution.

Possibility. An uncertain event; a contingency; an estate founded on a contingency. **Possibility coupled with an interest:** an expectation which the law regards as an estate or interest, — not a bare possibility, as that a son may inherit from a father who is living. **Possibility of reverter:** the estate of the grantor of an estate upon condition. **Possibility on a possibility:** a double contingency, as in the limitation of an estate to an unborn son of a particular name.

Possidere, l. To possess, — distinguished from *esse in possessione*, to be in possession.

Possumus, l. We can; we can or may do. v. *Id possumus*, etc.

Post, l. l. *In old English law.* The name given to a species of writ of entry.

Post, l. After; afterwards. **Post Conquestum:** after the Conquest. **Post diem:** after the day; the return of a writ after the day assigned. **Post litem motam:** after suit moved or commenced; after dispute moved; after controversy stirred or begun; after dispute has arisen. **Post mortem:** after death; a name given to inquisitions anciently taken after the death of tenants *in capite*, now commonly applied to examinations of a dead body by a coroner. **Post obitum:** after death. **Post prolem suscitatum:** after issue born (raised). **Post terminum:** after term, or post-term; the return of a writ, not only after the day but after the term; the fee therefor.

- Post-act.** An after-act; an act done afterwards. v. *Post-factum*.
- Post-disseisin.** *In old English law.* A disseisin committed after a recovery of seisin of the same land and by the same person against whom the recovery was had. v. *De post disseisina*.
- Postea, l.** Afterwards; the entry, on record, of the proceedings on the trial of a cause, including the verdict.
- Posteriority.** *In old English law.* A coming after, or being behind; the correlative of priority.
- Posterity.** Descendants; those who come after.
- Post-factum, or postfactum, l.** An after-act; an act done afterwards.
- Post-fine.** *In old English law.* A fine or sum of money. Otherwise called the king's silver; formerly due on granting the *licentia concordandi*.
- Posthumous child.** A child born after the death of its father.
- Postliminium, l.** A right which arises from a return *in limen*, that is, to the borders of one's country,— a term derived from the Roman law, and extensively used in public law.
In the civil law. The return or restoration of a person or thing to a former estate or right; a fiction applied in the case of a person taken prisoner, and returned from captivity, by which he was supposed never to have been abroad, and was on this ground restored to his former rights.
- Postman.** *In English law.* The senior barrister at the bar of the court of exchequer, who had the privilege of moving there before the king's attorney and solicitor-general and all king's counsel.
- Post-natus, or postnatus, l.** After born; a second son, so called, as distinguished from the eldest; born after a particular period or event.
- Post-note.** A note payable at a future day, as distinguished from a note payable on demand.
- Postnuptial settlement.** A settlement made after marriage upon a wife or children.
- Post-obit bond.** A bond given by an expectant heir, to become due on the death of a person from whom he will have property. Such bonds are discouraged by the courts.
- Post-road.** A highway over which mails may lawfully be transported, whether by land or by water.
- Post-route.** A post-road over which mails are carried by contract.
- Postulare, l.** *In the Roman law.* To ask or demand; to ask of a judicial tribunal; to accuse or denounce.
- Postulatio actionis, l.** *In the Roman law.* The demand of an action; the request made to the prætor by an actor, for an action, or formula of suit.
- Potentia, l.** *In old English law.* A possibility; power. **Potentia debet sequi justitiam, non antecedere:** power ought to follow justice, not go before it. **Potentia inutilis frustra est:** useless



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

point a person to the enjoyment of property of the testator or grantor, who is called the donor,—power which, if the donee takes no interest in the property, is called a power collateral, otherwise a power coupled with an interest,—power called appendant when the appointment is made out of the estate of the donee or in derogation of his interest, and a power in gross when the appointment is to take effect on the termination of his estate,—power called a general power where the donee can appoint any one, and a particular power where he can appoint one or all of a certain class of persons. **Power of attorney:** an instrument of authority to an attorney in fact,—otherwise sometimes called a letter of attorney.

Poynd, poind, sc. *In Scots law.* A distress; goods taken for a debt.

Practice. The course of procedure in courts; the form of conducting suits, actions and other judicial proceedings. In a general sense, practice includes pleading, though it is usually distinguished.

In English law. **Practice court:** a court attached to the Queen's Bench, and presided over by one of the judges of that court, in which points of practice and pleading are discussed and decided. Otherwise called Bail court.

Practicks. *In Scots law.* The decisions of the Court of Session, as evidence of the practice or custom of the country.

Præceptores, l. l. *In old English law.* Masters; the chief clerks in chancery, formerly so called.

Præceptum, l. l. *In old English law.* Command; the act of an accessory who commands another to commit a crime.

Præcipe, l. Command; an original writ commanding the defendant to do a certain thing, or show cause; a paper containing the particulars of a writ, filed in the office out of which the writ is to issue, and intended as the clerk's instructions for making it out. **Præcipe in capite:** a *præcipe* or writ of right, which lay for a tenant *in capite*. **Præcipe quod reddat:** command that he render; formal words in a *præcipe*, or original writ. **Præcipe quod teneat conventionem:** command that he keep the covenant; a writ of covenant on which fines were usually levied at common law.

Præcipere, l. *In old English law.* To command; the usual word of command in the mandates of the old writs.

Præcipimus, l. We command; an emphatic or initial word in most of the old Latin writs. **Præcipimus tibi, sicut alias tibi præcepimus:** we command you, as we have before commanded you, etc. A clause in a second writ referring to the issue of the first one. *v. Alias.*

Præconizare, l. l. *In old English law.* To call in court; to make proclamation by a crier.

Prædeducere, l. l. *In old English law.* To deduct first, or in the first instance.

Prædia, l. *In the civil law.* Lands; estates. *v. Prædium.* **Prædia rustica:** rural or country estates; estates or lands principally des-

tined or devoted to agriculture. **Prædia urbana:** city estates, especially dwelling-houses, whether in town or country, and whether used for dwelling, for business or for farming purposes.

Prædial, or predial servitude. A right granted for the advantage of one piece of land over another, which may be exercised by every possessor of the land entitled, against every possessor of the servient land.

Prædictus, prædicta, prædictum, l. l. *In old English law.* Aforesaid, the aforesaid,— meaning the last antecedent.

Prædium, l. *In old English law.* Estate, property,— applied to the estate or title of the king, as lord paramount.

In the civil law. Land; a piece of land; an estate. **Prædium dominans:** a dominant or ruling estate. **Prædium rusticum:** v. *Prædia rustica.* **Prædium serviens:** a serving estate. **Prædium urbanum:** v. *Prædia urbana.*

Præfatus, l. l. *In old English law.* Aforesaid.

Præfectus, l. *In old English law.* The chief officer of a hundred, and other divisions.

In the Roman law. A chief officer; a governor or commander; the title of various officers and magistrates.

Præjudicialis, l. *In the civil law.* That which is to be predetermined.

Præjudicium, l. l. *In old English law.* Prejudice; detriment; disparagement.

Præjuramentum, l. l. *In old English law.* A preparatory oath.

Præmissa, l. l. Things sent before; things mentioned before. In modern phrase, premises.

Præmium, l. *In old English law.* Reward; compensation. **Præmium assecurationis:** compensation for insurance; premium of insurance. **Præmium pudicitiae:** the price of chastity; compensation for loss of chastity; a term applied to bonds and other engagements given for the benefit of a seduced female.

Præmunire, l. l. *In English law.* To forewarn, or summon; the name of an offense against the king and his government, so called from the words of the writ which issued preparatory to the prosecution,— the offense of obeying or furthering other authority than the king's, particularly that of the pope.

Prænomen, l. Fore-name, or first name, the first of the three names by which the Romans were commonly distinguished.

Prænotarius, l. l. *In old English law.* Prothonotary, a clerk of the Common Bench.

Præposita negotiis vel rebus domesticis, l. Set over household matters,— a term expressive of the authority of a wife to bind her husband for necessary purposes.

Præpositus, l. *In old English law.* One who was set over others; a chief or presiding officer. **Præpositus ecclesiæ:** a church-reeve, or warden. **Præpositus hundredi:** a hundredary. **Præpositus manerii:** the overseer of a manor. **Præpositus villæ:** a town-reeve.

Præpropera consilia raro sunt prospera, l. Hasty counsels are rarely prosperous.

Prærogativa regis, l. l. *In old English law.* The king's prerogative.

Præscriptio, l. *In old English law.* Prescription. **Præscriptio est titulus ex usu et tempore substantiam capiens, ab auctoritate legis:** prescription is a title deriving its substance from use and [length of] time, under the authority of law.

In the civil law. Prescription.

Præsens, l. Present. **Præsens in curia:** present in court. **Præsentes litteræ:** the present letters.

Præsentia, l. Presence. **Præsentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis:** the presence of the body [or corporeal thing itself] removes [or cures] error of the name; and the truth of the name removes [or cures] error of demonstration or description.

Præstare, l. *In old English law.* To pay, give or render; to make or execute; to perform; to make good. **Præstare tenetur quodcumque damnum obveniens in mari:** [the insurer] is bound to make good any loss happening on the sea.

Præstat cautela quam medela, l. Prevention is better than cure.

Præstatio, l. l. *In old English law.* A payment or giving; such as a relief and a heriot.

Præstitit sacramentum, l. *In old English law.* Made oath, or took an oath.

Præsumatur, l. It should be presumed; the presumption should be. **Præsumatur pro justitia sententiæ:** the presumption should be in favor of the justice of a sentence.

Præsumere, l. *In the civil and old English law.* To take before; to presume; to anticipate.

Præsumitur, l. It is presumed; the presumption is. **Præsumitur pro legitimatione:** the presumption is in favor of legitimacy.

Præsumptio, l. *In old English law.* Presumption; a presumption. **Præsumptio juris:** a presumption of law; a presumption in law of the existence of a thing until its existence is disproved; a rebuttable presumption; — **et de jure:** a presumption of law and from law; a presumption inferred by law from premises of law; an irrebuttable presumption; — **plena probatio:** a presumption of law is full proof. **Præsumptio probabilis:** probable presumption. **Præsumptio levis:** light or slight presumption. **Præsumptio violenta:** violent or strong presumption; — **plena probatio:** strong presumption is full proof; — **valet in lege:** strong presumption is of weight in law.

In the civil law. Presumption; a presumption. **Præsumptio fortior:** a strong (literally, stronger) presumption (of fact); a presumption which determines the tribunal in its belief of an alleged fact, without excluding the possibility of the contrary, thus merely shifting



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Prece partium, l. l. On the prayer of the parties.

Precedent. That which goes before, or takes place before. v. *Condition*.

Precedent. An authority to be followed in courts of justice; a judicial decision on a point of law arising in a given case; a written form of proceeding which has been approved by the courts, or by professional usage, and is thus to be followed.

Precept. A command in writing; a species of writ or process.

In American law. A process under seal, issued by a prosecuting attorney, commanding the sheriff to summon a jury, etc.; a process in the nature of an attachment against a person.

In English law. A process issued by a justice of the peace, or other like officer, for the bringing of a person or records before him; a direction sent by the sheriff, under seal, to the proper officers of cities and boroughs, commanding them to elect their members to parliament.

In old English law. Instigation or commandment to commit a crime.

In Scots law. An order, mandate or warrant to do some act.

Precinct. The territory within which an officer may legally discharge the duties of his office; any district marked out and defined, as an election district.

Precludi non debet, l. He ought not to be barred; the beginning of a replication to a special plea.

Precognition. *In Scots law.* Preliminary examination; the investigation of a criminal case, preliminary to committing the accused for trial.

Pre-contract. A contract made before another contract,— especially applied to marriage contracts.

Predecessor. One who goes or has gone before,— applied to a body politic or corporate.

Predial, or prædial. That which arises or comes from the ground.

Predial, or prædial tithes: tithes arising from the profits of lands, as, of corn, grass or wood.

Pre-emption. *In American law.* A privilege enjoyed by government in relation to Indian lands; an exclusive right to purchase a quantity of public lands, acquired by residence thereon, cultivation, etc., in compliance with the law. **Pre-emption claimant:** one who settles on land subject to pre-emption with the intention of exercising a pre-emptor's rights.

In English law. The first buying of a thing; a privilege formerly enjoyed by the crown, of buying up provisions and other necessaries for the use of the royal household, in preference to all others.

Pre-emptor. The holder of a right of pre-emption.

Prefer. To give priority or advantage, as to creditor above creditor; to bring or lay before some person or body whose duty it is to hear and consider, as a charge before a court.

Preference. Payment made or security given by a debtor which will or may give a particular creditor or creditors an advantage over others.

Pregnant. *v.* *Negative.*

Pregnotarius, l. l., Preignothory, o. eng. *In old English law.* A prothonotary.

Prejudice. A judging beforehand; a judging before examination; detriment.

Premeditate. To think of beforehand; to determine beforehand.

Premises, premisses. Things put before, or stated before; matter previously stated or set forth; one of the formal and orderly parts of a deed or conveyance, consisting of all that precedes the *habendum*,—the date, parties, consideration, grant, description, exceptions, etc.; the thing demised or granted; a distinct portion of realty, consisting of land, buildings, etc.

Premium. A reward or recompense, a sum paid or agreed to be paid for an act done; the sum paid or agreed to be paid by an assured to the insurer, as the consideration for insurance. **Premium note:** a promissory note given as part of the contract of insurance.

Prender, l. fr. Taking; the power or right of taking a thing before it is offered. *v.* *In prender; In render.*

In old English law. **Prender de baron:** a taking of a husband; marriage.

Prepense, l. fr. Before-thought. *v.* *Malice aforethought.*

Preponderance. Superiority of weight.

Prerogative. The privilege of being asked first, or something that is required or demanded before, or in preference to all others.

In English law. That special pre-eminence which the king has over and above all other persons, in right of his regal dignity. **Prerogative court:** a court established for the trial of all testamentary causes, where the deceased left *bona notabilia* within two different dioceses,—in which case, the probate of the will belonged to the archbishop of the province, by way of special prerogative. **Prerogative writ:** a writ issued on some extraordinary occasion, and for which it is necessary to apply by motion to the court; a writ not of course, among which are *procedendo, mandamus, prohibition, quo warranto, habeas corpus* and *certiorari*.

Pres, l. fr. Near. *v.* *Cy pres.*

Prescribe. To allege a title to a thing, on the ground of long or immemorial usage.

Prescription. A mode of acquiring title to property by long and continued usage; a title to incorporeal hereditaments so acquired. **Prescription, time of:** a length of time sufficient to establish the right of prescription, or title by prescription,—in England, formerly identical with time immemorial, or time out of memory, a period referring to the beginning of the reign of Richard I., but now shortened by statute.

- Presence.** Being in a particular place, which is either actual, as where the person is bodily there, or constructive, as where he is so near as to be held to be present in contemplation of law.
- Present.** *In English ecclesiastical law.* To offer a clerk to the bishop of the diocese, to be instituted; to find or represent judicially, as a grand jury present certain offenses.
- Presentation.** *In English ecclesiastical law.* The act of a patron or proprietor of a living, in offering a clerk to the ordinary for institution.
- Presentment.** The notice taken by a grand jury of any offense, from their own knowledge or observation, without a bill of indictment; in a more general sense, an indictment, or an inquisition of office. A producing or tendering, as of a bill of exchange for acceptance, or a bill or a promissory note for payment.
- Presents.** Present letters or instrument.
- Prest.** *In old English law.* A duty in money to be paid by the sheriff on his account in the exchequer, or for money remaining in his hands.
- Prest, prist, l. fr.** *In old English law.* Ready. **Prest a passer:** ready to pass, that is, to give a verdict. **Prest averrer:** ready to prove.
- Prestation.** *In old English law.* A payment or performance; the rendering of a service; a toll, custom or duty.
- Presumption.** A taking beforehand; the taking of a fact to be so, before it certainly appears; an inference as to a fact in question drawn from facts known or admitted. **Presumption of fact:** an inference of one fact from another, or one or more facts not known from one or more facts known. **Presumption of law:** an inference or intendment made by law or the court from facts appearing or proved in a particular case.
- Presumptive evidence.** Evidence presenting facts from which a presumption may be drawn as to the existence of other facts; evidence of facts admitting of explanation or contradiction. **Presumptive heir:** a person who, if his ancestor should die immediately, would be his heir.
- Pretensed, pretenced.** *In old English law.* Pretended; claimed.
- Pretium, precium, l.** Price; value.
- In the civil law.* The price of a thing sold, which properly consisted in counted money. **Pretium affectionis:** the price of affection; a price or value exceeding the just value and growing out of the affection of the owner for the thing sold. **Pretium constitui oportet, nam nulla emptio sine pretio esse potest:** the price ought to be fixed, for there can be no purchase without a price. **Pretium succedit in locum rei:** the price succeeds in place of the thing [sold].
- Prer, l. fr.** To pray. **Priours:** we pray.
- Prima facie, l.** On the first face; at the first view. **Prima facie evidence:** evidence which, if uncontradicted and unexplained, is sufficient to determine the matter at issue.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Principalis, l. *In civil and old English law.* Principal; a principal debtor; a principal or chief criminal. *Principalis debet semper excuti antequam perveniatur ad fidei-jussores:* the principal ought always to be discussed before resort is had to the sureties.

Principia, l. Principles; axioms; fundamental rules. *Principia probant, non probantur:* principles prove; they are not proved.

Principiis obsta, l. Withstand beginnings; oppose a thing in its early stages, if you would do so with success.

Principiorum non est ratio, l. There is no reasoning of principles; no argument is required to prove fundamental rules.

Principium, l. *In civil and old English law.* A beginning; a principle.

Prior tempore potior jure, l. [He who is] before in time is preferred in right.

Principle. A fundamental truth; an original cause; a motive.

Pris, prise, l. fr. Taken; imprisoned.

Prisa, l. l. *In old English and Scots law.* A taking; a seizure of goods.

Prisage, l. fr. *In old English law.* A right on the part of the crown of taking two tuns of wine from every ship importing into England twenty tuns or more.

Prise, l. fr. *In old English law.* A taking.

Prise. *In old English law.* Things taken of the king's subjects by purveyors; provisions taken for the king's use.

Prisel, l. fr. A taking. *Prisel en auter lieu:* a taking in another place; a plea in abatement in the action of replevin.

Priso, l. l. *In old English law.* A prisoner; a captive in war; an imprisoned malefactor.

Prison, l. fr. *In old English law.* A prison; a place where persons taken for crime are confined; imprisonment; confinement of the person, as by duress; a prisoner.

Prison. A place of confinement of persons, either for safe keeping, or by way of punishment; a public building devoted to such purposes; a place for the detention of debtors; a place for the detention of persons charged with offenses, and committed for trial; a place for the confinement of persons sentenced to imprisonment, on conviction for an offense. **Prison bounds:** a district about a prison, within which a debtor released under bond may go at large. **Prison breach:** the act of a prisoner in escaping from a place where he is lawfully confined; the act of breaking into such a place to aid a prisoner in so escaping.

Prisona, l. l. *In old English law.* Prison; a prison; a place of confinement; a place of punishment for crime; imprisonment.

Prisoner. A person restrained of his liberty; a person confined in a prison, either on a criminal charge, or on a conviction and sentence; a person on trial for crime.

Prist, l. fr. *In old English law.* Ready; a formal word used in the days of oral pleading to express a tender of or joinder in issue.

Private. Affecting or belonging to a person or persons, not the public at large. **Private act:** an act which operates only on particular persons and private concerns. **Private corporation:** a corporation founded by a private person, or the stock of which is owned by private persons. **Private nuisance:** a nuisance affecting a private person or his estate. **Private rights:** rights which appertain to a particular person or persons, and relate either to the person, or to personal or real property. **Private property:** property which belongs absolutely to a person, and of which he has the exclusive right of disposition. **Private statute:** a statute which operates only on particular persons and private concerns. **Private way:** a right which a person has of passing over the land of another. **Private wrongs:** violations of public or private rights, considered in reference to the injury sustained by the individual.

Privatis pactionibus non dubium est non lædi jus cætorum, l. There is no doubt that the rights of others [third parties] cannot be prejudiced by private agreements.

Privatum, l. Private; privy. **Privatum commodum publico cedit:** private good yields to public. **Privatum concilium:** privy council. **Privatum incommodum publico bono pensatur:** private inconvenience is made up for by public benefit. **Privatum jus:** private law.

Privatus, l. A private person or individual.

Privatorum conventio juri publico non derogat, l. An agreement of private individuals does [can] not derogate from public or common right [or cannot impair or affect a common right].

Privement, l. fr. Privately; privily; secretly; not visibly. **Privement enceint:** secretly pregnant; not known or observed to be so.

Privies. Persons connected by some relation other than that of contract between them; persons so connected in estate, right or liability that one will be affected as the other is affected. **Privies in blood:** persons connected by blood, as coparceners, or ancestor and heir. **Privies in estate:** persons interested, or persons who have been or might have been interested in the same estate, under the same title. **Privies in law:** persons connected under a law which casts land upon one, as in escheat.

Privilege. An exemption or immunity from some general duty or burden; a right peculiar to some individual or body. **Privilege from arrest:** a privilege from arrest on civil process, enjoyed by ambassadors, members of congress, attorneys, parties to suits and witnesses in certain circumstances.

Privileged. Having a peculiar right or immunity. **Privileged communication:** a communication made to counsel in professional confidence, which he is not permitted to divulge; a communication made by a person affecting the character of another, privileged by the occasion or circumstances under which it is made, and so not ac-

tionable, unless made with express malice. **Privileged debts:** debts to which a preference in payment is given out of the estate of a deceased person, or out of the assets of an insolvent.

In English law. **Privileged copyholds:** copyhold estates held according to the custom of the manor, and not at the will of the lord.

In old English law: **Privileged villeinage:** a species of villeinage in which the tenants held by certain and determinate services; otherwise called *villein-socage*.

In Scots law. **Privileged deed:** a deed in the execution of which certain formalities are dispensed with.

Privilegium, l. *In old English law.* A privilege. **Privilegium clericale:** the clerical privilege; the benefit of clergy. **Privilegium est beneficium personale, et extinguitur cum persona:** a privilege is a personal benefit or favor, and is extinguished with the person. **Privilegium non valet contra rempublicam:** privilege is of no force against the commonwealth.

In the Roman law. A private law; properly, a special law of the kind called *constitutio*, ordained by the emperor.

In modern civil law. Any peculiar right or favor granted by the law, contrary to the common rule.

Privity. Participation; connection; interest; mutuality of interest; mutual relationship to the same rights of property. **Privity of contract:** that upon which a promise may be implied. **Privity of estate:** *v.* *Privies*.

Privy. *v.* *Privies; Privity*.

Privy. Connected with; concerned with; private. **Privy verdict:** a verdict given privily to the judge out of court, but of no force unless afterwards affirmed by a verdict in open court.

In English law. **Privy council:** the principal council of the sovereign, composed of the cabinet ministers, and other persons chosen by the king or queen as privy councillors, the judicial committee of which formerly acted as a court of ultimate appeal in various cases.

Privy seal: a seal used in making out grants or letters patent, preparatory to their passing under the great seal. **Privy signet:** the signet or seal first used in making out grants and letters patent, and always in the custody of the principal secretary of state.

Prize. A thing of value offered generally for the doing of something; property captured at sea under the laws of war; such property regularly condemned by the sentence of a prize court. **Prize court:** a court having jurisdiction for condemnation of property so captured.

Pro, l. For; in consideration of; in behalf of; to the extent of; in lieu of; in payment of; during; a word formerly used in deeds, expressive of a condition in certain cases. **Pro bono et malo:** for good and evil. **Pro bono publico:** for the public good. **Pro confesso:** for confessed; as confessed; a term applied to a bill in equity, and the decree thereon, where there is no answer. **Pro corpore**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Probability. Likeness to truth; the likelihood that a thing is thus or so.

Probable. Apparently founded in fact or reason; reasonable. **Probable cause:** reasonable cause for the prosecution of a person. **Probable evidence:** presumptive evidence, so called from its foundation in probability. **Probable reasoning:** reasoning founded on probability; reasoning in which the mind exercises a discretion in deducing a conclusion from premises.

Probare, l. To prove. **Probare est fidem facere judici:** to prove is to convince or satisfy the judge.

Probate. Official proof, particularly the proof of a will, made before the ordinary, surrogate or probate judge; the copy of a will which has been proved, made out under the seal of the ordinary, etc., and delivered to the executor with a certificate of its having been proved; all the proceedings in proving a will, including the proof itself, the copy of the will and certificate. **Probate court:** a court having jurisdiction over the estates of deceased persons, including whatever may be necessary to a final settlement of the same. *v. Surrogate.*

Probatio, l. Proof. **Probationes debent esse evidentes (id est) perspicuæ et faciles intelligi:** proofs ought to be evident, that is, clear and easy to be understood.

In the civil law. **Probatio mortua:** dead proof; proof by deeds or other writings. **Probatio plena:** full proof; proof by two witnesses, or a public instrument. **Probatio semi-plena:** half-full proof; half proof; proof by one witness or a private instrument.

Probation. *In Scots law.* Proof, or, more properly, evidence.

Probatis extremis, præsumuntur media, l. The extremes being proved, the intermediate proceedings are presumed.

Probative. Having the effect of proof. **Probative fact:** a fact which has the effect of proving a fact sought to be proved.

Probator, l. *In old English law.* A prover or approver. *v. Approver.*

Probus homo, l. l. *In old English law.* A good man. **Probus et legalis homo:** a good and lawful man,— a phrase particularly applied to a juror or witness free from exception. **Probi homines:** good men.

Procedendo, l. For proceeding; a writ by which a cause removed to a superior court by *certiorari*, or otherwise, is sent back to the inferior court to be proceeded in.

In English law. A writ by which the commission of a justice of the peace is revived. **Procedendo ad judicium:** a writ issuing from the common-law side of chancery where the judges of a subordinate court delayed judgment commanding them to proceed. **Procedendo in loquela:** a writ from the king authorizing the judges to proceed in an action concerning title after an *aid-prayer*.

Procedure. The body of rules by which rights are given effect by means of remedies,— including, in the broadest sense, the rules of pleading, evidence and practice; more commonly, the body of rules

governing process, pleading and the course of trial, to judgment and execution.

Proceed. To go; to go on; to be founded on.

Proceeding. A going on in form of law; an act done in form of law; a judicial act, directed against persons or property.

Proceedings. The steps or measures taken in the course of an action, including all that are taken; in a narrower sense, the proceedings as entered on record.

Proceeds. Money obtained from the sale of property; goods or other articles of value, proceeding from the sale of property.

Proces, l. fr. Proceeding; mode of proceeding. **Proces-verbal:** a relation duly attested of what has been said or done in presence of an officer.

Process. A something issuing out of court, or from a judge; a judicial writ of any sort; in a general sense, the entire proceedings in an action or prosecution; in patent law, a means or method employed to produce a certain effect or result, patentable where and only where it is not the function or effect of a machine. *v. Due process; Final process; Mesne process; Original process.*

In old English law. The means used to compel a defendant to appear in compliance with the original writ, consisting of a verbal monition or warning, and the successive writs of attachment, *distringas* and *capias ad respondendum*. **Process roll:** a roll used for the entry of process to save the statute of limitations.

Processioning. *In American law.* A proceeding authorized by statute for ascertaining, marking and establishing the boundary lines of lands.

Processus, l. l. *In old English law.* Process; proceeding; the course of judicial proceeding; the course of proceeding in an action. **Processus legis est gravis vexatio; executio legis coronat opus:** the process of law is a grievous vexation; the execution of the law crowns the work.

Prochein, procheyn, prochaine, procain, l. fr. Next; nearest. **Prochein ami, or amy:** next friend; the person by whom an infant may prosecute. **Procheyn heire:** next heir.

Procheinete, l. fr. Nearness; proximity.

Proclamare, l. *In the civil law.* To cry out, or proclaim; to give warning; to assert a claim.

Proclamatio, l. *In the civil law.* A crying out; a proclaiming or proclamation.

Proclamation. A crying out; a notice by public outcry; a public notice, in writing, of some act done by the government, or to be done by the people.

In old English law. A writ issued with the writ of *exigent*, in the process of outlawry; the public notice of a fine of lands, given by openly reading it in court a certain number of times, and after-

wards indorsing it on the record; proclamation by a sheriff on a writ of attachment, in equity, summoning a defendant who has failed to appear, personally to appear and answer the bill.

Procreare, l. To beget. **Procreatus:** begotten. **Procreati et procreandi:** begotten and to be begotten.

Proctor. One who manages the business of another, on the mandate or commission of his principal; an officer in the admiralty and ecclesiastical courts, corresponding with attorney, at common law, and solicitor, in equity.

Procul dubio, l. Without doubt.

Procurare, l. *In the civil law.* To see to the affairs of another; to manage; to superintend.

Procuratio, l. *In the civil law.* Management of another's affairs by his direction, and in his behalf; agency.

Procurator fee. *In English law.* Brokerage or commission allowed to scriveners and solicitors, for obtaining loans of money.

Procurator, l. *In old English law.* An agent or attorney; a bailiff or servant; a proxy of a lord in parliament.

In Scots law. **Procurator fiscal:** a public prosecutor.

In the civil law. One who manages the affairs or business of another under the instructions of his principal; an agent; an attorney. **Procurator litis:** the manager of another's suit or cause in his absence; a legal agent or attorney. **Procurator negotiorum:** the manager of another's business or affairs; an agent; an attorney in fact.

In the Roman law. **Procurator provinciæ:** a provincial officer who managed the revenue, and had a judicial power in matters of revenue.

In ecclesiastical law. One who collected the fruits of a benefice for another; an advocate of a religious house; a proxy or representative of a parish church.

Procuratorium, l. l. *In old English law.* The instrument by which a proctor was delegated to act in a court or cause.

Procuratour, l. fr. A proctor; an agent or attorney.

Procuratrix, l. *In old English law.* A female agent or attorney in fact, as a mother in behalf of her children.

Prodes homes, l. fr. *In old English law.* Discreet men; a title given to the barons, or other military tenants, called to the king's council.

Productio sectæ, l. l. *In old English law.* Production of suit; the production, by a plaintiff, of a number of persons prepared to confirm his count. The original of the phrase at the conclusion of modern precedents, "and therefore he brings suit."

Profer, Proferus, profrus, l. l. *In old English law.* An offer or proffer; an offer or endeavor to proceed in an action; a return made by a sheriff of his accounts into the exchequer; a payment made on such return.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

originally to make known the proposal of a law, that every one might be able to consider it before it was voted on in the *comitia*.

Promulgate. To make public; to make a law known, after its enactment or passage.

Pronunciatio, l. *In old English law.* Delivery of judgment on a verdict.

Proof. The establishment of the truth of some alleged matter of fact, by evidence adduced for the purpose; the result or effect of evidence.

Proofs: evidence given in proof.

Propars, l. l. *In old English law.* Division of lands among parceners; partition; an allotted share, or *pourpart*.

Proper. Peculiar; particular; one's own.

Property. That which is proper or peculiar to one; that which is one's own; that to which one has an unrestricted and exclusive right; the right by virtue of which a thing belongs to one, or is one's own; ownership; dominion. Considered as the subject of a right, property is every kind of valuable thing whether real, personal or mixed.

In old English law. The ownership of chattels, in contradistinction to estate, which denoted an interest in lands.

Propinquity. *In Scots law.* The relationship which exists among the members of a family or their descendants.

Propinquus, l. *In old English law.* Near; near of kin. **Propinquior excludit propinquum, propinquus remotum, remotus remotior:** the nearer [heir] excludes the near; the near [excludes] the remote; the remote [excludes] the remoter.

Propone. *In Scots law.* To state or move.

Proponent. In ecclesiastical law, the party making or propounding an allegation.

Proponere, l. *In old English law.* To offer, present or exhibit; to set forth; to propound.

Proporcitas, l. l. *In old Scots law.* A verdict called the *propourt* or *report* of the jury or assise.

Propositum, l. Purpose; design; object. *v. Voluntas et, etc.*

Propositus, l. l. In the law of descents, the person proposed; the person from whom succession is to be traced.

Propound. In ecclesiastical law, to present or offer; to set forth or state.

Propria, l. By, in or with his own. **Propria manu:** by his own hand. **Propria persona:** in his own person.

Proprietas, l. l. Propriety; proper meaning or application. **Proprietas verborum est salus proprietatum:** the propriety of words [observance of the proper import of words] is the safety [salvation, safeguard] of properties. **Proprietates verborum servandæ sunt:** the proprieties of words [proper meanings of words] are to be preserved or adhered to.

In the civil and old English law. Property; that which is one's own; ownership. **Proprietas nuda:** naked or mere property or ownership; the mere title, separate from the usufruct. **Proprietas plena:** full property, including the usufruct, or exclusive right to the use. **Proprietas totius navis carinæ causam sequitur:** the property of the whole ship follows the condition of the keel.

Propriety. *In old English law.* Property.

Proprio jure, l. By one's own right. **Proprio nomine:** in his own name. **Proprio vigore:** of its own force.

Proprius, proprium, l. Peculiar; private; proper; exclusive; one's own. **Proprius iudex:** a proper judge, one that properly had jurisdiction. **Proprius servus:** one's own slave.

Propter, l. For; on account of. **Propter affectum:** on account of bias or favorable inclination. **Propter commodum curiæ:** for the advantage of the court. **Propter curam et culturam:** for care and cultivation. **Propter defectum:** on account of defect, deficiency, or incompetency; — **sanguinis:** on account of failure or deficiency of blood, as by dying without heirs. **Propter delictum:** on account of crime; — **tenentis:** on account of the crime of the tenant, as if his blood were attainted. **Propter honoris respectum:** on account of respect of honor or rank. **Propter impotentiam:** on account of helplessness. **Propter majorem securitatem:** for greater security. **Propter sævitiam aut adulterium:** on account of cruelty or adultery.

Prosecute. To follow up; to carry on an action or other judicial proceeding; to proceed against a person judicially or criminally.

Prosecutio, l. *In old English law.* A following up; pursuit.

Prosecution. The carrying on of a judicial proceeding; the carrying on of a judicial proceeding in behalf of a complaining party; the carrying on of a criminal proceeding in behalf of the state, as by indictment or information; the state, as carrying on such a proceeding.

Prosecutor. One who prosecutes for a crime, in the name of the state.

Prosequi, l. *In old English law.* To follow after; to pursue or prosecute.

Prosternere, l. *In old English law.* To throw down; to abate. **Prostratus:** thrown down.

Prostitute. A woman who practices indiscriminate lewdness for the purposes of gain.

Prostitution. The act of setting one's self up for sale; in a stricter sense, the practice by a woman of indiscriminate lewdness.

Protectio, l. Protection; defense; shelter from wrong; support of right. **Protectio trahit subjectionem et subjectio protectionem:** the protection [of a sovereign] draws after it subjection, and subjection protection.

Protection. *In English law.* A prerogative writ by which the king might privilege a defendant from all personal and many real suits for a year, in respect of his being engaged in his service out of the realm.

In maritime law. A certificate given by a public notary to a seaman, certifying that the bearer is a citizen.

Protector of settlement. *In English law.* Under the statute of 3 & 4 Will. IV., c. 74, the person who, in family settlements, is the owner of the first estate of freehold prior to an estate tail.

Protest. A declaration against an act done or to be done, to preserve a right or evade a liability; a formal declaration in a writing by a notary, under seal, that a bill or note was presented for acceptance or payment which was refused, protesting against the parties for loss or damage; a declaration by a master of a vessel before a notary, or other proper officer, of the causes of the distress or necessity under which he has been compelled to put into a port not of destination.

Protestando, l. Protesting; the emphatic word formerly used in pleading by way of protestation.

Protestation. An oblique allegation or denial of some fact in pleading, protesting that such a matter does or does not exist, and at the same time avoiding a direct affirmation or denial.

Prothonotary. *In American law.* The chief clerks of some courts.

In English law. A chief clerk in the court of King's Bench or court of Common Pleas. The office is now abolished.

Protocol. The first draught, or rough minutes of an instrument or transaction; the original copy of a despatch, treaty or other document.

In old Scots law. A book delivered to a notary on his admission, in which to record all the instruments he had occasion to execute.

Protocollum, gr.-l. *In the civil law.* A brief note or memorandum of a transaction for the purpose of being afterwards extended or written out in full.

Prout, l. *As.* Prout *lex postulat:* as the law requires. Prout *moris est:* as is the custom (or practice of the court). Prout *patet per recordum:* as appears by the record; as appears of record.

Provable, l. fr. Provable; justifiable; manifest. **Provablement:** plainly.

Prove. To establish by evidence.

Prover. *v.* Approver.

Prover, l. l. *In old English law.* To prove; to establish or make good.

Provincial constitutions. *In English law.* The decrees of various old provincial synods; a part of the canon law of England. **Provincial courts:** the several archi-episcopal courts in the two ecclesiastical provinces of England.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

there is a common right of navigation; a navigable river. **Public wrongs:** violations of public rights and duties which affect the whole community, considered as a community; crimes and misdemeanors. **Publica ita accipiuntur quæ sunt omnium populorum, i. quæ spectant ad usum hominum tantum, l.** Public things are understood to mean those which belong to all people, that is, with reference to the use of men only.

Publication. A making known to the public, as by proclaiming or exposing to view; in the law of wills, a formal declaration by a testator at the time of signing his will that it is his last will, etc.; in the law of libel, a communication to any one person; in equity practice, making public the depositions taken in a suit; a thing published, as a book, print or writing.

Publici juris, l. Public property; matter of public or common right.

Publicum jus, l. l. *In the civil law.* Public law; the law which regards the state of the commonwealth.

Publicus, l. *In the civil and old English law.* Public.

Publisher. A person who makes a thing publicly known; a person who makes a business of circulating books and the like.

Pueri, l. Children. **Pueri sunt de sanguine parentum, sed pater et mater non sunt de sanguine puerorum:** children are of the blood of their parents, but the father and mother are not of the blood of the children.

Pueritia, l. *In the civil law.* Childhood; the age from seven to fourteen.

Puis, puy, pues, pus, puz, l. fr. After; since; afterwards. **Puis darrein continuance:** since the last continuance; a plea which a defendant may put in, after having already pleaded, where some new matter of defense arises after issue joined.

Puisne, puisnee, pune, l. fr. *In English law.* Younger; later in time; the title by which the justices and barons of the several common-law courts are distinguished from the chief justice and chief baron.

Pulsare, l. *In the civil law.* To beat, without giving pain; to accuse or charge; to proceed against at law.

Pulsatio, l. *In the civil law.* Beating without pain.

Punctum, l. A point; an indivisible point of time; according to the old computation, a quarter of an hour, or ten moments. **Punctum temporis:** a point of time; the shortest space of time; an instant; a point or period from which a computation of time is made.

Pundbrech, sax. *In old English law.* The offense of breaking a pound; pound breach.

Punir, l. fr. To punish. **Puni, puny:** punished. **Punys par prison et par feyn:** punished by imprisonment and by fine.

Punishable. Liable to punishment.

Punitive damages. Damages given by way of punishment; exemplary or vindictive damages.

- Pupillaris substitutio, l.** *In the civil law.* Pupillar substitution; the substitution of an heir to a pupil or infant under puberty.
- Pupillus, l.** *In the civil law.* A male ward or infant under the age of puberty; a person under the authority of a tutor. **Pupillus pati posse non intelligitur:** a pupil or infant is not supposed to be able to suffer, that is to do, an act to his own prejudice.
- Pur, pour, l. fr.** For. **Pur autre vie:** for another's life. **Pur cause de vicinage:** by reason of neighborhood. **Pur ceo que:** for this that; forasmuch as; inasmuch as; considering that; because. **Pur tant que:** forasmuch as; because; to the intent that.
- Purchase, Purchas, pourchas, l. fr.** Acquisition; acquisition of lands by conveyance; the acquisition of property by act of a party as opposed to the act of the law,—by gift, grant or devise, as distinguished from descent, reverter or escheat; an estate so acquired. **Purchase money:** the consideration money under a contract of purchase, particularly of real property.
- Purchaser.** A person who acquires an estate in lands by his own act or agreement.
- Pure.** Clear; simple; unmixed or unqualified.
In old English law. **Pure villeinage:** villeinage where the service performed was uncertain and indeterminate.
- Purgare, l.** *In the civil law.* To clean, cleanse or scour, as a ditch, trench or sewer.
- Purgatio, l.** *In old English law.* A cleansing or scouring.
- Purgation.** *In old English law.* The clearing of a person's self of a crime of which he was generally suspected, and accused before a judge. Canonical purgation was made by the party's taking his oath that he was innocent of the charge. Common or vulgar purgation was another name for the trial by ordeal.
- Purge.** To cleanse; to clear; to clear from some imputation.
- Purgiser, l. fr.** To violate; to defile.
- Purlieu, l. fr.** Land adjoining to a forest, originally within the forest, but afterward disafforested by perambulation.
- Purpars, perpars, l. l.** *In old English law.* The share of an estate after partition; purparty.
- Purparty, purpartie.** A share or portion; a share after division; the share of an estate allotted to a coparcener upon partition.
- Purpensed, l. fr.** Premeditated.
- Purport.** Meaning; import; substantial meaning; substance.
- Purprestura, l. l.** *In old English law.* Purpresture.
- Purpresture.** A clandestine encroachment upon and appropriation of a neighbor's land.
- Purprisum, l. l.** In old records, a close or enclosure; the whole compass of a manor.
- Purquoy, purq., l. fr.** Wherefore.
- Pursue.** To follow a matter judicially, as a complaining party.

Pursuer. *In Scots law.* Plaintiff; a plaintiff; a prosecutor.

Purus, l. *In old English law.* Pure; clear; simple; free from qualification or condition; absolute. **Purus idiota:** a clear or absolute idiot.

Purveyance, purveiance, l. fr. *In old English law.* A provision; the provision of a statute; a providing of necessaries for the king's house and at the king's price.

Purveyor. *In old English law.* An officer who provided or bought articles for the king's use, and at the king's price.

Purview, purvieu, l. fr. Provided,—a word used in the old French statutes, to introduce a chapter or distinct provision. **Purview est ensemment:** it is provided likewise. **Purview est que:** it is provided that.

Purview. The providing part of a statute; that part which follows the preamble, and contains the direct and express provision of the law; that part which consists of direct and express provisions, as distinguished from saving clauses.

Put. The privilege of delivering personalty, as under a contract of sale, within a certain time, at a certain price; an option to sell; the opposite of call.

Put in. To place in due form before a court; to place among the records of a court. **Put in ure:** to put in practice or effect; to carry into effect. **Put out:** to open; to put out lights; to open or cut windows. **Put upon:** to rest upon; to submit to, as to put one's self upon the country.

Putagium, l. l. *In old English law.* Fornication on the part of a woman.

Putative. Reputed; supposed; commonly esteemed.

Q. An abbreviation of queen, *quære*. **Q. B.:** Queen's Bench. **Q. B. D.:** Queen's Bench Division. **Q. C.:** Queen's counsel. **Q. V.:** *quod vide*, which see,—a reference to another passage or title.

Qua, l. l. As; considered as; in the capacity of.

Quacunque via data, l. Whichever way given; in whichever view of the case.

Quadragesms. The third volume of the year books of Edward III., so called, because beginning with the fortieth year of the reign.

Quadriennium utile, l. *In Scots law.* The term of four years allowed to a minor, after his majority, in which to sue to annul any deed to his prejudice, granted during his minority.

Quadruplicatio, l. *In the civil law.* A pleading on the part of a defendant, following the *triplicatio*, and corresponding to the rebutter at common law.

Quæ ab hostibus capiuntur, statim capientium flunt, l. Things which are taken from enemies immediately become the property of the captors. **Quæ ad unum finem loquuta sunt non debent ad alium detorqueri:** words which are spoken to one end [or with reference



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

In the civil law. **Quæ ab initio inutilis fuit institutio, ex postfacto convalere non potest:** an institution which was at the beginning of no use or force cannot acquire force from after matter. **Quæ accessionum locum obtinent, extinguuntur cum principales res peremptæ fuerint:** things which hold the place of accessories are extinguished when the principal things are destroyed. **Quæ dubitationis tollendæ causa contractibus inseruntur, jus commune non lædunt:** [clauses] which are inserted in contracts for the purpose of removing doubt do not affect the common rule of law. **Quæ ex hostibus capimus, jure gentium statim nostra fiunt:** what we take from enemies, by the law of nations immediately becomes ours. **Quæ ex hostibus capiuntur, jure gentium statim capientium fiunt:** things which are taken from enemies, by the law of nations immediately become the property of the captors. **Quæ in testamento ita sunt scripta ut intelligi non possint, perinde sunt ac si scripta non essent:** things which are so written in a will that they cannot be understood are the same as if they had not been written at all. **Quæ propter necessitatem recepta sunt, non debent in argumentum trahi:** things which are admitted on the ground of necessity ought not to be drawn into question. **Quæ rerum natura prohibentur nulla lege confirmata sunt:** things which are forbidden by the nature of things are [can be] confirmed by no law.

Quæcunque intra rationem legis inveniuntur, intra legem ipsam esse judicantur, l. Things which are found within the reason of a law are supposed to be within the law itself.

Quælibet concessio fortissime contra donatorem interpretanda est, l. Every grant is to be interpreted most strongly against the grantor. **Quælibet jurisdictio cancellos suos habet:** every jurisdiction has its limits.

Quære, l. Inquire; examine; look into. A word denoting a doubtful point, or suggesting further inquiry into a point or matter stated.

Quærens, l. l. *In old English law.* A plaintiff; the plaintiff. **Quærens nihil capiat per billam:** the plaintiff shall take nothing by his bill,—a form of judgment for the defendant. **Quærens non invenit plegium:** the plaintiff did not find a pledge; a return formerly made to a writ requiring the taking of security for prosecuting the action.

Quæritur, l. It is doubted. **Quæritur ut crescant tot magna volumina legis? In promptu causa est,—crescit in orbe dolus:** the question is asked, why the volumes of the law multiply so fast? The reason is at hand,—fraud increases in the world.

Quæstio, l. An inquiry; a question. *v. Cadit questio.*

In the civil law. The question; the torture; inquiry or inquisition by the infliction of torture.

Quæstus, l. *In old English law.* Acquisition; purchase.

Quale jus, l. *In old English law.* What kind of right; a judicial writ which lay where a clerk had judgment to recover land, to inquire what right the plaintiff had to recover, and so to see that the statute of mortmain was not evaded.

Qualification. An endowment or acquirement which renders fit for a place or function.

Qualified. Fitted or prepared; restricted, limited or modified. **Qualified elector, or voter:** a person who has a legal right to vote. **Qualified for office:** prepared by the filing of a bond or the taking of an oath, or both. **Qualified property:** a temporary or special interest in a thing, liable to be totally divested on the happening of some particular event.

In English law. **Qualified fee:** a fee having a qualification subjoined; and which must be determined whenever the qualification is at an end; otherwise termed a *base fee*.

Qualify. To make fit; to prepare for the discharge of a duty, as the duties of an office or trust by the filing of a bond or the taking of an oath, or both; to restrict, limit or modify.

Quamdiu, l. As long as; so long as; a word of limitation in old conveyances. **Quamdiu se bene gesserit:** as long as he shall conduct himself well; during good behavior; a term used to express the tenure of office, especially of judicial offices.

Quamvis, l. Although. **Quamvis aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum:** although a thing may not be bad in itself, yet, if it is of bad example, it is not to be done. **Quamvis lex generaliter loquitur, restringenda tamen est, ut, cessante ratione, ipsa cessat:** although a law speaks generally, yet it is to be restrained, so that when its reason ceases, it should cease also.

Quando, l. When. **Quando abest provisio partis, adest provisio legis:** when the provision of the party is wanting, the provision of the law is at hand. **Quando acciderint:** when they shall happen, or come to hand,—the technical name of a judgment against an executor or administrator, where it is directed to be satisfied out of assets which may afterwards come to his hands. **Quando aliquid mandatur, mandatur et omne per quod pervenitur ad illud:** when anything is commanded, every thing by which it can be accomplished is also commanded. **Quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud:** when anything is prohibited, every thing by which it is reached is prohibited also; that which cannot be done directly shall not be done indirectly. **Quando aliquid prohibetur fieri ex directo, prohibetur et per obliquum:** when any thing is prohibited from being done directly, it is prohibited indirectly also. **Quando aliquis aliquid concedit, concedere videtur et id sine quo res uti non potest:** when a person grants any thing, he is supposed to grant that also without which the thing cannot be

used. **Quando charta continet generalem clausulam, posteaque descendit ad verba specialia quæ clausulæ generali sunt consentanea, interpretanda est charta secundum verba specialia:** when a deed contains a general clause, and afterwards descends to special words which are agreeable to the general clause, the deed is to be interpreted according to the special words. **Quando de una et eadem re duo onerabiles existunt, unus, pro insufficientia alterius, de integro onerabitur:** when there are two persons liable for one and the same thing, one of them, in case of default of the other, shall be charged with the whole. **Quando dispositio referri potest ad duas res, ita quod secundum relationem unam vitiatur, et secundum alteram [aliam] utilis sit, tunc facienda est ratio ad illam ut valeat dispositio:** when a disposition [in a will] may be referred to two things, so that according to one reference it is destroyed, and according to the other it is effectual, such a reference must be made that the disposition shall have effect. **Quando diversi desiderantur actus ad aliquem statum perficiendum, plus respicit lex actum originalem:** when different acts are required to the formation of any estate, the law chiefly regards the original act. **Quando [cum] duo jura concurrunt in una persona, æquum est ac si essent in diversis:** when two rights meet in one person, it is the same thing as if they were in different persons. **Quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsa esse non potest:** when the law grants anything to any one, it is considered to grant that also without which the thing itself cannot exist. **Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur:** when the law grants anything to any one, all the incidents [of such thing] are tacitly granted [are granted by implication]. **Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda:** when a law is special, but its reason [or object] general, the law is to be understood generally. **Quando licet id quod majus, videtur et licere id quod minus:** when the greater is allowed, the less seems to be [is considered as] allowed also. **Quando plus fit quam fieri debet, videtur etiam illud [ipsum] fieri quod faciendum est:** when more is done than ought to be done, that which is to be done is still considered to be done. **Quando res non valet ut ago, valeat quantum valere potest:** when a thing is of no effect as I do it, it shall have effect as far as [or in whatever way] it can. **Quando verba statuti sunt specialia, ratio autem generalis, generaliter statutum est intelligendum:** when the words of a statute are special, but the reason or object of it general, the statute is to be construed generally.

Quanti minoris, l. Of how much less; what reduction.

Quantity. Applied to an estate, denotes the duration and extent of the tenant's interest as whether for years, for life or in fee.

Quantum, l. As much as; so much; how much. **Quantum damnificatus:** how much he has been injured; an issue directed to ascer-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Quash. To overthrow; to annul; to make void; to set aside a writ or other proceeding for some merely formal defect.

Quasi, l. As if; as it were; as though; a term derived from the civil law, and applied to acts, persons, etc., where they are so far like other acts, etc., as to be assigned to the same general head, though not strictly and properly belonging to it. **Quasi contract:** an implied contract; an improper contract; a contract in which the obligation was founded on the consent of the parties, not actually expressed, but implied by law. **Quasi corporation:** a body which exercises functions of a corporate character, but which has not been incorporated. **Quasi delict:** an improper offense; an unlawful act, done through negligence, without ill-design. **Quasi deposit:** a kind of involuntary deposit, which takes place where a person comes lawfully to the possession of property, by finding.

Quasser, l. fr. To quash. **Quasse:** quashed.

Quatuor pedibus currit, l. l. Runs upon four feet; runs upon all fours. A term used to denote an exact correspondence. v. *Nullum simile*, etc.

Que, l. fr. Than; that; which; who; whose. **Que est le mesme:** which is the same. **Que estate:** whose estate.

Queen's Bench. *In English law.* The court of King's Bench,—so called during the reign of a queen. **Queen's counsel:** barristers called within the bar, and selected to be the queen's counsel, learned in the law. **Queen's evidence:** an accomplice in a felony, who is admitted as evidence for the crown against his accomplices.

Querela, l. l. *In old English law.* A complaint or plaint in an action; a plaintiff's count or declaration; an action preferred in any court of justice.

In the civil law. A complaint. A name given to the three actions of *querela inofficiosi testamenti*, *querela inofficiosæ donationis*, and *querela inofficiosæ dotis*. **Querela inofficiosi testamenti:** a complaint of an inofficious or undutiful will; a species of action allowed to a child unjustly disinherited in its parent's will, to rescind the will, as not consistent with parental duty.

Querele, querrel, l. fr. *In old English law.* A complaint; an action.

Querens, l. *In old English law.* A plaintiff; the plaintiff or complaining party.

Questa, l. l. *In old English law.* A quest; an inquest, upon the oaths of an impaneled jury.

Question. Inquiry; interrogation; an interrogation put to a witness; a subject of inquiry. v. *Federal question*; *Leading question*.

In old English law. The rack used to extort confession from criminals.

Questus, quæstus, l. *In old English law.* Land gained not by hereditary succession, but by purchase.

Questus est nobis, l. l. *In old English law.* Hath complained to us; initial words of various writs; a writ of nuisance against one to whom the person creating the nuisance had conveyed.

Qui, qi, qy, l. fr. Who; whom. **Qui doit inheriter al pere doit inheriter al fitz:** he who should have been heir to the father shall be heir to the son.

Qui, l. Who; he who. **Qui adimit medium, dirimit finem:** he who takes away the mean destroys the end. **Qui aliquid statuerit, parte inaudita altera, æquum licet dixerit, haud æquum fecerit:** he who determines any matter without hearing both sides, though he may have decided right, has not done justice. **Qui alterius jure utitur, eodem jure uti debet:** he who uses the right of another ought to use the same right [that is, ought to use it subject to the rights and liabilities pertaining to it]. **Qui approbat non reprobat:** one who approbates [ratifies] cannot reprobate [repudiate, as to a part]. **Qui bene distinguit, bene docet:** he who distinguishes well teaches well. **Qui bene interrogat, bene docet:** he who questions well teaches well. **Qui concedit aliquid, concedit omne id sine quo concessio est irrita:** he who grants any thing, grants everything without which the grant is fruitless. **Qui contemnit præceptum, contemnit præcipientem:** he who contemns [contemptuously treats] a command, contemns the party who gives it. **Qui destruit medium, destruit finem:** he who destroys the mean destroys the end. **Qui ex damnato coitu nascuntur inter liberos non computantur:** they who are born of a condemned [or illicit] connection are not counted among children. **Qui facit per alium, facit per se:** he who acts through another acts of himself. **Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi:** he who has jurisdiction to loosen has jurisdiction to bind; applied to writs of prohibition and consultation, as resting on a similar foundation. **Qui hæret in litera, hæret in cortice:** he who sticks [stops] in the letter stops in the rind [or outer covering]; he who stops in the mere letter of an instrument (goes no farther than the mere words of it), stops in its outer covering, and does not reach its essential meaning. **Qui jure suo utitur, nemini facit injuriam:** he who uses his own right harms no one. *v. Non videtur, etc.* **Qui jussu judicis aliquid fecerit, non videtur dolo malo fecisse, quia parere necesse est:** he who does anything by command of a judge [or one lawfully exercising judicial authority] is not supposed to have acted from a wrong or improper motive, because it was his bounden duty to obey. **Qui non habet:** he who has not; — **ille non dat:** he who has not, gives not; a person cannot convey a right that is not in him. *v. Nemo dare potest;* — **in ære, luat in corpore:** he who has not [the means of satisfaction] in money must pay in his body; if a man cannot pay his fine, he must go to prison; — **in crumena, luat in corpore:** he who has not [the means of satisfaction] in his purse

must pay in his body; if a man cannot pay his fine, he must go to prison. **Qui non improbat, approbat:** he who does not condemn approves. **Qui non obstat quod obstare potest, facere videtur:** he who does not prevent [a thing] which he can prevent is considered to do [as doing] it. **Qui non prohibet cum prohibere possit, jubet:** he who does not forbid [a thing being done] when he can forbid it commands [it]. **Qui non prohibet quod prohibere potest, assentire videtur:** he who does not forbid [an act] which he can forbid is supposed to assent [to it]. **Qui obstruit aditum, destruit commodum:** he who obstructs a way, passage or entrance destroys a benefit or convenience. **Qui "omne" dicit, nihil excludit [excipit]:** he who says "all" excludes or excepts nothing. **Qui peccat ebrius, luat sobrius:** he who sins when drunk shall be punished when sober. **Qui per alium facit, per seipsum facere videtur:** he who acts by another is considered as acting of himself,—the fundamental principle of the law of agency, and a maxim of almost universal application. **Qui potest et debet vetare, jubet:** he who can and ought to forbid a thing [if he do not forbid it] directs it. **Qui primum peccat, ille facit rixam:** he who first sins makes the strife. **Qui prior est tempore, potior est jure:** he who is before in time is the better in right; priority in time gives preference in law. **Qui rationem in omnibus quærunt, rationem subvertunt:** they who seek a reason in [for] everything subvert reason. **Qui semel actionem renunciaverit, amplius repetere non potest:** he who has once relinquished his action cannot bring it again. **Qui semel est malus, semper præsumitur esse malus in eodem genere:** he who is once criminal is presumed to be always criminal in the same kind, or way. **Qui sentit commodum, sentire debet et onus:** he who experiences the benefit ought also to feel [or bear] the burden,—a maxim of most extensive application in law. **Qui sentit onus, sentire debet et commodum:** he who bears the burden of a thing ought also to experience the advantage arising from it. **Qui statuit aliquid, parte inaudita altera, æquum licet statuerit, haud æquus fuit:** he who determines any thing, without hearing both parties, though he may have determined justly, has not himself been just,—a sentence from Seneca which has been adopted as a maxim of the common law. v. *Qui aliquid statuerit, etc.* **Qui tacet:** he who is silent; — **consentire videtur:** he who is silent is supposed to consent; the silence of a party implies his consent; the principle of the doctrine of implied waiver, of the validity of proceedings by default, etc., and of the doctrine of equitable estoppel in equity; — **consentit:** he who is silent, consents. **Qui tam:** who as well; the name of action brought by an informer, where part of the penalty or forfeiture sued for is given to the king, the state, the poor, or to some public use, and the other to the informer or prosecutor; — **pro domino rege, etc., quam pro seipso in hac**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

tures. *Quicquid solvitur, solvitur secundum modum solventis,— quicquid recipitur, recipitur secundum modum recipientis*: whatever is paid, is paid according to the manner of [directed or intended by] the payer,— whatever is received, is received according to that of the receiver.

Quid, l. What. *Quid pro quo*: what for what; something for something; an equivalent, or consideration.

In old English law. **Quid juris clamat**: what right he claims; a writ which lay for the grantee of a reversion or remainder, to compel the particular tenant to attorn.

Quiet enjoyment, covenant for. A covenant whereby a grantor agrees that the grantee shall hold the land conveyed, undisturbed by himself or others.

Quieta clamantia, or quiete clamantia, l. l. *In old English law.* Quitclaim.

Quietancia, quietantia, l. l. *In old English law.* A quittance, acquittance.

Quietare, l. l. To quit, acquit, discharge or save harmless.

Quiete, l. Quietly; in quiet; peaceably. A formal word in ancient deeds.

Quiete clamare, quietum clamare, l. l. *In old English law.* To quitclaim; to renounce all pretension of right and title.

Quietus, l. l. *In American law.* The discharge of an executor or administrator.

In English law. An acquittance or discharge; a word used by the clerk of the pipe and auditors in the exchequer in their acquittances to accountants.

In old English law. The dismissal or removal of a judge from the bench.

Quietus, quittus, l. l. *In old English law.* Quit; clear; free; acquitted; discharged. **Quietus redditus**: quit rent.

Quilibet potest renunciare juri pro se introducto, l. Any one may renounce or relinquish a right introduced for his own benefit. *v. Omnes licentiam, etc.; Potest quis, etc.; Unicuique licet, etc.*

Quinque portus, l. *In old English law.* The Cinque Ports.

Quinsieme, quinzime, l. fr. and eng. *In old English law.* A fifteenth; a tax so called.

Quinto exactus, l. *In old English law.* Called or exacted the fifth time; a return by the sheriff after the fifth and last proclamation in outlawry.

Quit. Free; clear; discharged; released; acquitted or absolved. **Quit rent**: a yearly rent, by the payment of which the tenant goes quit and free of all other services; in some places a fee farm rent.

Quitclaim. To lease or relinquish a claim; to execute a deed of quitclaim.

Quitclaim. The release or relinquishment of a claim; a deed of release; a conveyance by which the grantor covenants only against those who claim under himself.

Quite clamaunce, l. fr. Quitclaim.

Quittus, l. l. *In old Scots law.* Quit; free. **Quittos et immunes:** quit and clear.

Quo, l. By what; in what; with what. **Quo animo:** with what intention or motive. **Quo warranto:** by what warrant; a proceeding by information in the nature of *quo warranto* against one who claims or usurps an office or franchise, to inquire by what right.

In English law. **Quo minus:** by which, not; a process peculiar to the court of exchequer, by which all actions in that court were, until recently, required to be commenced.

In old English law. **Quo jure:** by what right; a writ which lay against one who claimed common of pasture to compel him to show by what title he claimed it. **Quo warranto:** by what warrant; a writ, in the nature of a writ of right for the king, against one who claimed or usurped any office, franchise or liberty, to inquire by what authority he supported his claim; also, in case of misuser, neglect or abuse of a franchise to compel the defendant to show by what warrant he exercised the franchise.

Quoad, l. As to; as far as concerns. **Quoad hoc:** as to this; so far as this is concerned. **Quoad sacra:** as to sacred things; for religious purposes.

Quod, l. What; that which; which; whatever; that. **Quod ab initio non valet, [in] tractu temporis non convalescet:** that which is not valid at the beginning shall not gain force by lapse of time. **Quod ædificatur in area legata, cedit legato:** whatever is built on ground given by will goes to the legatee. **Quod alias:** what otherwise; — **bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur:** what otherwise is good and just, if it be sought by force and fraud, becomes bad and unjust; — **non fuit licitum, necessitas licitum facit:** what otherwise was not lawful, necessity makes lawful. **Quod ante nullius est, id naturali ratione occupanti conceditur:** that which belongs to no one is by natural reason given to the occupant. **Quod approbo non reprobo:** what I approve I do not reject. **Quod breve cassetur:** that the bill be quashed; the form of judgment on a plea in abatement. **Quod computet:** that he account; the first or interlocutory judgment in the action of account, requiring the defendant to account before auditors. **Quod constat:** what appears; — **clare non debet verificari:** what appears clearly ought not to be verified [averred, *i. e.* proved]; — **curiæ, opere testium non indiget:** that which appears to the court needs not the aid of witnesses. **Quod contra legem fit, pro infecto habetur:** that which is done against law is regarded as not done at all. **Quod demonstrandi causa additur rei satis demonstratæ, frustra**

fit: that which is added, for the purpose of demonstration, to a thing already sufficiently demonstrated, is done to no purpose. **Quod dubitas, ne feceris:** what you doubt of, do not do; in a case of moment, especially in cases of life, it is safest to hold that which has least doubt and danger. **Quod est:** what is; — **ex necessitate nunquam introducitur, nisi quando necessarium:** that which is of necessity is never introduced, unless when necessary; — **inconveniens aut contra rationem, non permissum est in lege:** that which is inconvenient, or against reason, is not permitted in law; — **necessarium est licitum:** what is necessary is lawful. **Quod fieri, etc.:** v. *Fieri, etc.* **Quod fieri debet facile præsumitur:** what ought to be done is easily presumed. **Quod fieri non debet, factum valet:** that which ought not to be done, when done is valid. v. *Fieri non, etc.* **Quod in minori valet, valebit in majori; et quod in majori non valet, nec valebit in minori:** that which is valid in the less shall be valid in the greater; and that which is not valid in the greater shall neither be valid in the less. **Quod in uno similium valet, valebit in altero:** that which is effectual in one of two like things shall be effectual in the other. **Quod inconsulto fecimus, consultius revocemus:** what we have done without due consideration, upon better consideration we should revoke or undo; applied to a sheriff's return. **Quod meum est:** that which is mine; — **sine me auferri non potest:** that which is mine cannot be taken away without my assent; — **sine facto meo vel defectu meo amitti vel in alium transferri non potest:** what is once mine cannot be lost or transferred to another without my act or default. **Quod necessarie [sub] intelligitur non deest:** that which is necessarily understood is not wanting. **Quod [quicquid] necessitas cogit, defendit:** what necessity compels, it justifies. **Quod non apparet, non est:** that which does not appear is not. **Quod non habet principium, non habet finem:** that which has not a beginning has not an end; applied to collation to benefices by lapse. **Quod nullius est id ratione naturali occupanti conceditur:** that which has no owner is by natural right yielded to the [first] occupant. **Quod omnes tangit, ab omnibus [per omnes] debet supportari:** that which touches or concerns all ought to be supported by all. **Quod partes replacent:** that the parties do replead; the form of the judgment on award of a repleader. **Quod partitio fiat:** that a partition be made. **Quod per me non possum, nec per alium:** what I cannot do by myself, I cannot by another. **Quod pure debetur præsentis die debetur:** what is due unconditionally is due to-day. **Quod recuperet:** that he do recover; the ordinary form of judgments for the plaintiff in an action. **Quod redeat inde quietus in perpetuum, et querens in misericordia:** that he go thence forever quit, and the plaintiff be in mercy. **Quod remedio destituitur, ipsa re valet, si culpa absit:** that which is without a remedy is



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

In the civil law. **Quod a quoquo, pœnæ nomine, exactum est, id eidem restituere nemo cogitur:** that which is exacted from any one in the name of a penalty, no one is compelled to restore to him. **Quod ab initio vitiosum est, non potest tractu temporis convalescere:** that which is not valid in the beginning cannot gain force by lapse of time. v. *Quæ ab initio.* **Quod contra rationem juris receptum est, non est producendum ad consequentias [consequentia]:** that which has been received or admitted against the reason of the law is not to be drawn into precedents. **Quod ipsis qui contraxerunt obstat, et successoribus eorum obstat:** that which bars those who have made a contract will bar their successors also. **Quod jussu:** which [was done] by order; an action given to one who had contracted with a son or slave, by order of the father or master, to compel the father or master to stand to the agreement. **Quod jussu alterius solvitur pro eo est quasi ipsi solutum esset:** that which is paid by the order of another is the same as though it were paid to himself. **Quod naturalis ratio inter omnes homines constituit, vocatur jus gentium:** that which natural reason has established among all men is called the law of nations. v. *Jus gentium.* **Quod nullius est, id ratione naturali occupanti conceditur:** that which is the property of no one is, by natural reason, given to the [first] occupant. **Quod populus postremum jussit, id jus ratum esto:** what the people have last enacted, let that be the established law; a law of the Twelve Tables, the principle of which is still recognized. **Quod principi placuit, legis habet vigorem:** that which has pleased the prince has the force of law; the emperor's pleasure has the force of law,—a celebrated maxim of imperial law. **Quod proprium est ipsius, amplius ejus fieri not potest:** that which is a man's own property cannot be made more his own. **Quod quis ex culpa sua damnum sentit, non intelligitur damnum sentire:** the damage which one experiences from his own fault is not considered as his damage. **Quod quis sciens indebitum dedit hac mente, ut postea repeteret, repetere non potest:** that which one has given, knowing it not to be due, with the intention of re-demanding it, he cannot recover. **Quod semel aut bis existit, prætereunt legislatores:** what happens once or twice, legislators pass over [*i. e.*, they do not provide for extraordinary cases]. v. *Ad ea quæ frequentius,* etc.

Quomodo quid constituitur, eodem modo dissolvitur, l. In whatever way a thing is constituted, in the same way is it dissolved (a record by a record, writing by writing, parliament by parliament, parol by parol).

Quoniam Attachamenta, l. l. Since the Attachments; one of the oldest books in the Scots law; so called from the first two words of the volume.

Quorum, l. Of whom; whereof. The word has in modern law become a substantive, used in the titles of justices of the peace, and thence as an ordinary word, to denote a certain number of persons whose presence is requisite at meetings of public or private bodies, for the transaction of business.

Quoties, l. Whenever; as often as; as long as. **Quoties dubia interpretatio libertatis est, secundum libertatem respondendum erit:** as often as [whenever] the interpretation of liberty is doubtful, the answer should be on the side of liberty. **Quoties idem sermo duas sententias exprimit, ea potissimum excipiatur, quæ rei gerendæ aptior est:** whenever the same language expresses two meanings, that should be adopted which is the better fitted for carrying out the subject-matter. **Quoties in stipulationibus ambigua oratio est, commodissimum est id accipi quo res de qua agitur in tuto sit:** whenever the language of stipulations is ambiguous, it is most fitting that that [sense] should be taken by which the subject-matter may be protected. **Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba [expressa] fienda est:** as long as there is no ambiguity in the words [of an instrument], there should be no interpretation made against the [express] words.

Quotuplex, l. Of how many kinds; of how many fold.

Quousque, l. As long as; until.

Quovis modo, l. In whatever manner.

Quum, l. When. **Quum in testamento ambigue aut etiam perperam scriptum est, benigne interpretari et secundum id quod credibile est cogitatum, credendum est:** where an ambiguous or even an erroneous expression occurs in a will, it should be construed liberally and in accordance with the testator's probable meaning.

In the civil law. **Quum de lucro duorum quærat, melior est causa possidentis:** when the question is as to the gain of two persons, the title of the party in possession is the better one.

R. An abbreviation of *regina, rex*. **R. G.:** *regulæ generales*, general orders or rules. **R. L.:** revised laws. **R. S.:** revised statutes.

Rachetum, l. l. *In old Scots law.* A pecuniary satisfaction or composition for an offense, answering to the Saxon weregild; theft-bote.

Rack rent. A rent of the full value of the tenement, or near it.

Raencon, raancon, ranceoun, l. fr. A ransom, or fine.

Raise. To create, or constitute; to call into existence.

Ran, sax. *In Saxon and old English law.* Open theft, or robbery.

Ranger. *In English law.* A sworn officer of the forest, whose office chiefly consists in preventing and prosecuting trespasses.

Rank. *In English law.* Excessive, too large in amount,—as a rank modus.

Ranking. *In Scots law.* The arrangement of the claims of creditors in an order showing their legal priorities.

Ransom. Redemption from the power of another; a sum paid for such redemption; in international law, the redemption of captured property from the hands of an enemy, particularly of property captured at sea. **Ransom bill:** an instrument witnessing a ransom contract. **Ransom contract:** a contract to pay a sum for such a purpose. **Ransom debt:** the sum agreed to be paid for the redemption of captured property, particularly property captured at sea.

In old English law. A species of fine; a severe or heavy kind of fine, beyond the ordinary amount, which, where a statute spoke of both a fine and a ransom, should be at least treble the fine.

Rap, l. fr. Rape. **Rap de femme:** rape of a woman.

Rape. The carnal knowledge of a woman forcibly and against her will,—forcibly meaning little if anything more than without consent.

In English law. An intermediate division between a shire and a hundred, or a division of a county, containing several hundreds.

In old English law. **Rape of the forest:** trespass committed in a forest by violence.

Rape-reeve. *In English law.* The chief officer of a rape.

Rapere, l. *In old English law.* To ravish.

Rapina, l. *In old English law.* Open and violent larceny from the person; robbery.

In the civil law. The violent taking from the person of another, of money or goods for the sake of gain; robbery from the person.

Raptor, l. l. *In old English law.* A ravisher.

Rapuit, l. l. *In old English law.* Ravished,—a technical word in old indictments.

Rase. To rub or scrape; to rub out.

Rase. *In old English law.* Struck measure, q. v.

Rasum vel abolitum, l. Razed or obliterated.

Rasura, l. l. *In old English law.* A rasure.

Rasure. A scraping off; the removal of words from an instrument by scraping off or out.

Rasus, rasum, l. l. *In old English law.* Rased; erased; struck; scraped off.

Rata, l. l. *In old English law.* A rate; a proportion.

Ratam rem habere, l. *In the civil law.* To hold a thing ratified; to ratify or confirm it.

Rate. Price, value; standard, rank; an assessment or tax.

Ratificare, l. *In old English law.* To ratify. **Ratificasse:** have ratified.

Ratification. The confirmation of an act done either by the party himself or by another; confirmation of a voidable act.

Ratihabitio, l. *In civil and old English law.* A holding as approved; approval or ratification. **Ratihabitio mandato æquiparatur:** ratification is equivalent to express command. v. *Omnis ratihabitio, etc.*



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

obligation arose from the thing itself which was the subject of it. **Real injury:** an injury arising from an unlawful act, as distinguished from a verbal injury. **Real, or prædial servitude:** a right which one estate or piece of land owes to another. **Real statutes:** statutes which in the main have property for their subject.

Realis, l. l. *In old English law.* Real; relating to land.

Realty. The quality of being real, or relating to lands and tenements; things real.

Reasonable. Agreeable to reason; conformable to law; ordinary or usual. **Reasonable care:** the care which men of ordinary prudence are accustomed to employ. *v. Ordinary.* **Reasonable cause:** as applied to human action, that which would constrain a person of average intelligence and ordinary prudence; probable cause; legal cause. **Reasonable doubt:** as applied to jurors, a condition of mind, after consideration and comparison of all the evidence, short of an abiding conviction to a moral certainty of the truth of the charge. **Reasonable skill:** as applied to a physician or surgeon, the skill commonly possessed and employed by men of the profession. **Reasonable time:** depends on the circumstances of the case.

In old English law. **Reasonable part:** the share of the goods of a man which the law gave to his wife and children upon his decease.

Reassurance. A contract by the first insurer of property with another insurer, by which he has the entire sum he has insured, reassured to him.

Rebellion. *v. Commission.*

Rebotable, l. fr. That may be put or thrust back or rebutted; rebuttable.

Reboter, rebouter, l. fr. To put or thrust back; to repel; to bar; to rebut. **Reboter l'assise:** to bar the assise.

Rebus integris, l. The circumstances complete [yet unchanged].

Rebut. To repel; to meet or counteract the effect of opposing allegations or evidence.

Rebuttable presumption. A presumption which may be rebutted by evidence.

Rebutter. A defendant's answer of fact to a plaintiff's surrejoinder; the third pleading on the part of the defendant.

Rebutting. As applied to evidence, evidence adduced on the part of a plaintiff or prosecutor to repel or counteract evidence on the part of a defendant or prisoner; any evidence adduced to counteract the effect of prior evidence.

Recal. To reverse a judgment on writ of error for error in fact.

Recaption. A retaking, or taking back; a species of remedy by act of the party injured, when one has deprived another of his property in goods or chattels personal, or wrongfully detains his wife, child or servant; called also reprisal.

In English law. A writ to recover damages for a second distress, pending replevin for the first one.

- Recedere, l.** *In old English law.* To go back; to recede; to draw back; to retire or be dismissed from court.
- Recedet inde reus quietus imperpetuum, l.** The defendant shall go quit thereof forever.
- Receditur a placitis juris, potius quam injuriæ et delicta maneant impunita, l.** Positive rules of law (as distinguished from maxims or conclusions of reason) will be receded from [given up or dispensed with] rather than crimes and wrongs should remain unpunished.
- Recedunt sine die, l.** Go without day.
- Receipt.** A taking or an accepting of a thing delivered; an acknowledgment in writing of having received money, goods or other valuable consideration; an acquittance.
- Receiptment.** *In old English law.* The receiving or harboring of a felon knowingly.
- Receiptor.** One who receives a thing delivered; one who executes a writing witnessing such an act; a person to whom goods levied on are delivered, on his undertaking to deliver them to the sheriff on demand, or to pay the amount of the execution, with costs.
- Receiver, l. fr.** To receive; to admit.
- Receiver.** One who receives and conceals stolen goods; a person appointed by a court of equity to take possession of property the subject of litigation and to care for the same, under direction of the court pending the litigation,—a trustee and *pro hac vice* an officer of the court. **Receiver's certificate:** a non-negotiable evidence of debt issued under authority of the court by a receiver of a debtor corporation as a first lien on the property.
- Recens insecutio, l. l.** *In old English law.* Fresh suit, fresh pursuit,—pursuit of a thief immediately after discovery of the robbery. **Recens secta:** fresh suit.
- Receptamentum, l. l.** *In old English law.* Receiptment; the receiving or harboring of a felon.
- Receptare, l. l.** *In old English law.* To receive; to harbor (a felon).
- Receptator, l.** *In civil and old English law.* A receiver or harborer of a robber or other felon.
- Receptor, l.** *In old English law.* Receiver; a receiver. **Receptor denariorum:** receiver of moneys. **Receptrix:** a female receiver.
- Recessus, l.** *In old English law.* A going from; a going off or out of land; egress. **Recessus maris:** a going back, reliction or retreat of the sea.
- Recetour, recettour, l. fr.** *In old English law.* A receiver or harborer of a felon; an accessory after the fact.
- Recettement, l. fr.** *In old English law.* Receiptment; the receiving and harboring of a felon.
- Recital.** In conveyancing, a preliminary statement in a deed or other instrument of such matters as are necessary to explain the reasons on which the transaction is founded; in pleading, the statement of matter as introductory to some positive allegation.

Reclamer, l. fr. To reclaim; to make a claim; to challenge.

Recognitio, l. l. *In old English law.* An assise; a jury, as distinguished from an assise proper; the verdict of an assise; an acknowledgment; a recognizance.

Recognitor, l. l. *In old English law.* A person impaneled on an assise.

Recognitura, l. l. *In old English law.* To recognize.

Recognizance, recognisance. An acknowledgment upon record; an acknowledgment of a debt upon record; an obligation of record, entered into before a court or a magistrate duly authorized, with condition to do a particular act,— as to appear at court, to keep the peace, to pay a debt, or the like; the undertaking of special bail in a civil action, of which the bail piece is a memorandum.

In old English law. An assise; the inquisition or verdict of an assise.

Recognize. To bind or to become bound by a recognizance.

In old English law. To examine, or try; to inquire so as to know.

Recognizee. One in whose favor a recognizance is executed. *v. Cognizee.*

Recognizor. One who executes a recognizance. *v. Cognizor.*

Reconisaunce, l. fr. A recognizance to keep the peace; the inquisition of an assise or jury.

Reconustre, l. fr. To recognize.

Recognoscere, l. *In old English law.* To acknowledge; to recognize, that is, to try or examine, as a jury; to inquire so as to know the truth; to know again; to call to remembrance.

Reconvenire, l. *In the civil and canon law.* To make a cross-demand upon the actor.

Reconventio, l. *In the civil and canon law.* A cross-demand by the reus upon the actor; a proceeding in the nature of a cross-bill in equity.

Reconvention. A cross-demand,— a term derived from the *reconventio* of the civil law, and in use in Louisiana and Texas.

Record. To preserve the memory of by writing; to transcribe into something permanent for reference; to enter in books, to preserve as a memorial, as a deed or proceeding in court.

Record. A memorial of a thing done; a writing preserved as evidence; a transcription into something permanent for preservation as a memorial; a written account, in England in rolls of parchment, in America in bound books of paper, of the proceedings in a court of justice, particularly in an action, and intended as a memorial of such proceedings. *v. Nul tiel record.* **Record, debt of:** a debt witnessed by a court record, as a judgment, recognizance, etc. **Record, matter of:** matter evidenced by record and provable only by the record or an authenticated copy. **Record, trial by:** a trial of a matter of record upon plea of *nul tiel* record by inspection by the court without witnesses or jury.

Recordare, l. l. *In American law.* A writ to bring up judgments of justices of the peace.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Recrimination.** A counter-accusation; an accusation made by an accused party against the accuser; a set-off by a defendant in a suit for a divorce, on the ground of adultery, of equal guilt on the part of the complainant.
- Rectare, rettare, retare, l. l.** *In old English law.* To accuse; to charge.
- Rectatio, l. l.** *In old English law.* A claim of right, or an appeal to law for the recovery of a right.
- Rectatus, rettatus, l. l.** *In old English law.* Suspected; accused; charged; summoned to answer an accusation.
- Recte, l.** *In the civil law.* Rightly.
- Rectitudo, l. l.** *In Saxon and old English law.* A right or legal due.
Rectitudines: rights.
- Recto, de, l. l.** Of right; writ of right. **Recto sur disclaimer:** writ of right issuing for the lord upon disclaimer by the tenant.
- Rector, l. and eng.** In English ecclesiastical law, the governor of a church; a person having the care of a parish church; a clerk having full possession of a living and tithes. v. *Parson.*
- Rectory.** In English ecclesiastical law, the office of a rector; an entire parish church, with all its rights, otherwise commonly called a benefice; a rector's manse, or parsonage house.
- Rectum, l.** *In old English law.* Right; law; a right claimed by a party; a right to land claimed by the writ called a writ of right; an accusation or charge of crime; suspicion of crime.
- Rectus, l.** Right; upright; straight; straight forward; direct. **Rectus in curia:** right in court; free from charge or impeachment.
- Recuperare, l.** To recover; to regain. v. *Quod recuperet.*
- Recuperatio, l.** *In old English law.* Recovery; restitution by judgment of a thing wrongfully taken or detained.
- Recuperatores, l.** *In the Roman law.* Persons appointed by the prætor, in private actions, to examine the facts, or try the cause.
- Recusants.** *In English law.* Persons who refused to attend the service of the Church of England, or to conform to its ceremonies, or to take the oath against papists.
- Recusatio judicis, l.** *In the civil law.* Refusal or rejection of a *judex* or judge; disapprobation of or objection to a person proposed or assigned as a judge. **Recusatio testis:** rejection of a witness, on the ground of incompetency.
- Red book of the exchequer.** An ancient manuscript volume kept in the exchequer in England, containing several records and miscellaneous treatises.
- Reddendo, l. l.** Rendering; the formal word by which in old conveying a rent was reserved to a grantor. **Reddendo inde per annum, tantum, ad certos terminos tales:** rendering therefor so much per year, at such certain times. **Reddendo singula singulis:** rendering or assigning separate things to separate persons, or separate words to separate subjects; construing distributively.

Reddendum, l. l. Rendering; yielding; the technical name of a clause in a conveyance by which the grantor creates or reserves some new thing to himself.

Reddens causam scientiæ, l. l. *In Scots law.* Giving the reason of his knowledge; a formal phrase in depositions, preceding the statement of the reason of the witness' knowledge.

Reddere, l. *In old English law.* To render; to pay; to give or yield. *In the civil law.* To give back; to restore.

Reddidit se, l. l. *In old English law.* Has rendered himself; a term applied to a principal who rendered himself in discharge of his bail.

Redditarium, l. l. *In old English law.* A rental or rent-roll.

Redditarius, l. l. *In old English law.* A renter; a tenant.

Reddition. *In old English law.* A judicial confession and acknowledgment that a thing in demand belonged to the demandant, or, at least, not to the person so confessing.

Redditus, reditus, l. l. *In old English law.* A rent; a payment; a thing rendered, paid or yielded. **Redditus siccus:** rent seck; dry or barren rent.

Redemptio, l. l. *In old English law.* A ransom or fine.

Redemption. A purchasing of a thing which the purchaser formerly owned. **Redemption, equity of:** the defeating of the title of a mortgagee by performance of the condition of the mortgage, or by a bill in equity after breach.

Redeundo, l. Returning; while returning.

Redhibere, l. *In the civil law.* To have again; to have back; to cause a seller to have what he had before.

Redhibitio, l., Redhibition. *In the civil law.* A returning; a returning of a thing bought to the seller; the undoing or annulling of a sale.

Redhibitory action. *In the civil law.* An action by the buyer of a thing against the seller, to annul the sale. **Redhibitory defect:** a defect in a thing sold, for which the seller may be compelled to take it back, a defect against which he is held to warrant.

Redimere, l. *In old English law.* To ransom; to punish by a fine; to compel to pay a fine or ransom.

Re-disseisin. *In old English law.* A second disseisin of the same tenements, and by the same disseisor; the writ which lay in such case.

Reditus, l. A rent; rents. **Reditus albi:** white rents, or blanch farms. **Reditus capitales:** chief rents. **Reditus nigri:** black rents or black mail. **Reditus quieti:** quit rents. **Reditus siccus:** rent seck.

In the civil law. A return; the fruit or profit of a thing.

Redobatores, l. l. *In old English law.* Persons who changed stolen clothes into a new form; redubbers.

Redubboours, l. fr. *In old English law.* Persons who knowingly bought stolen clothes, and changed them into another form.

- Reduce.** *In Scots law.* To rescind or annul; to declare void judicially.
- Reduction.** *In Scots law.* An action brought to rescind, annul or cancel a deed or other instrument in writing.
- Re-entry.** The resuming or retaking of a possession that one has lately foregone, particularly of land.
- Reeve, reve.** *In old English law.* A ministerial officer appointed to execute process; a chief officer or governor; a superintendent; an officer of a court leet.
- Re-exchange.** The amount which the holder of a bill of exchange protested for non-payment is entitled to receive, with his expenses and interest, from the drawer or indorser, to indemnify him for its non-payment,— properly, the current rate of exchange payable on a bill purchased by the holder.
- Re-extent.** *In English law.* A second extent on lands or tenements, on complaint made that the former extent was partially performed.
- Refectio, l.** *In the civil and old English law.* Repair; reparation; as of a way, etc.
- Referantur ad justiciarios n'ros de banco, et ibi terminentur, l.** *In old English law.* They shall be referred to our justices of the bench, and shall be there determined.
- Referee.** A person to whom a cause pending is referred by the court, to take testimony, and report to the court, and upon whose report judgment may be entered.
- Reference.** The act of a court in referring a cause.
- Referendo singula singulis, l.** Referring separate words to separate subjects; making a distributive reference of words in an instrument; construing distributively. *v.* *Reddendo*, etc.
- Referre, l.** *In old English law.* To refer.
- Reficere, l.** *In the civil law.* To repair; to restore; to reduce to the original form or state.
- Refoil, refoule, l. fr., Refullum, l. l.** *In old English law.* A flowing out, or back. **Refoil de la mere:** ebbing of the sea.
- Reform.** To form again, to correct or amend, to treat as corrected or amended; in equity, to treat an instrument in which there is an error of fact as though the error did not exist, and so to make it speak the intention of the parties.
- Reformatory.** Any place in which persons voluntarily assemble or are forcibly detained for purposes of instruction and discipline.
- Refunding bond.** A bond for the refunding of money paid, if it appears to have been not payable — paid prematurely or exacted without right.
- Refutantia, l. l.** *In old English law.* An acquittance or acknowledgment of renouncing all future claim.
- Regalia, l.** *In English law.* Royal rights or prerogatives. **Regalia majora:** rights or prerogatives that are a part of the king's sovereignty. **Regalia minora:** rights or prerogatives that are conferred upon him.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Regressus, l. A going back; a going back to a person for indemnity; recourse.

Regula, l. A rule; a rule of court. **Regula generalis:** a general rule; a standing rule or order of a court.

In the civil law. A rule. **Regula est quæ rem quæ est, breviter enarrat:** that is a rule which briefly sets forth the subject-matter of it.

In the Roman law. **Regula Catoniana:** the rule of Cato; a rule respecting the validity of dispositions by will.

Regular clergy. *In old English law.* Monks who lived *secundum regulas* of their respective houses or societies, as distinguished from the parochial or secular clergy.

Regulariter, l. l. *In old English law.* Regularly; strictly; according to rule. **Regulariter non valet pactum de re mea non alienanda:** regularly an agreement not to alien my property is not valid.

Rehabere facias seisinam, l. l. *In old English law.* Cause you to re-have seisin; a writ which lay where a sheriff had delivered seisin under a *habere facias seisinam* of more land than he ought, commanding him to redeliver seisin of the excess.

Rehabilitate. To restore to a former capacity or ability; to reinstate a criminal in the personal rights which he has lost by a judicial sentence.

Rehearing. In equity practice, a second hearing of a cause which may be granted upon petition of a party who is dissatisfied with the decree.

Rei, l. *In the civil law.* In a special sense, persons from whom a thing is demanded; in a general sense, parties to an action, litigating parties, including both *actor* and *reus*.

Rei, l. Of a thing. **Rei turpis nullum mandatum est:** the mandate of an immoral thing is void.

In Scots law. **Rei interventus:** a part performance of a contract.

Reif, sc. *In old Scots law.* Robbery.

Rejoin. To answer a replication in an action by some matter of fact.

Rejoinder, l. fr. and eng. An answer to a replication in an action of some matter of fact; the defendant's second pleading.

Rejoining gratis. *In English law.* Rejoining voluntarily, or without being required by rule.

Relatio, l. *In old English law.* Relation; reference; a carrying back. **Relatio est fictio juris, et intenta ad unum:** relation is a fiction of law, and intended for or directed to one thing. **Relatio semper fiat ut valeat dispositio:** reference [of a disposition made by will] should always be made so that the disposition may have effect.

Relation. The carrying back of an act or proceeding to some previous time, and giving it operation or validity from such time; a fiction of law indulged for the promotion of justice by which the act or proceeding related is regarded as having been done, or as having taken place at the previous time; the connection or tie between per-

sors in the social state, as between husband and wife, guardian and ward, etc.

Relative. Having relation; conditional, opposed to absolute. **Relative fact:** a fact having relation to another fact; a minor fact; a circumstance. **Relative rights:** the rights of persons which arise from the civil and domestic relations.

Relator. An informer; a person in whose behalf certain writs are issued, such as attachments for contempt, writs of *mandamus* and informations in the nature of a *quo warranto*, etc.

Relatrix. A female relator, or petitioner; the complainant in bastardy proceedings.

Relaxare, l. l. To release. **Relaxavi, relaxasse:** have released.

Relaxatio, l. l. A release.

Release. A relinquishment of some right or claim; a discharge by a creditor of a right of action; an instrument by which such a discharge is effected; a discharge or conveyance of a right or interest in lands or tenements to one who has an estate in possession therein,—in English practice, of various kinds enumerated below, having little if any currency in American usage.

In English law. **Release by enlarging an estate:** a conveyance of the ulterior interest in lands to the particular tenant, as by a remainder-man to the tenant for years or for life. v. *Enlarger l' estate.*

Release by entry and feoffment: a release by a disseisee to one of two joint disseisors who will be sole seised. **Release by extinguishment:** a release by a reversioner to the holder of a life lease from his tenant for life, which extinguishes the reversion and inures to the benefit of one to whom the tenant has conveyed the remainder.

Release by passing a right: a release by disseisee to disseisor by which the disseisor's estate becomes lawful. v. *Mitter le droit.*

Release by passing an estate: a release by one of two coparceners of all her right to the other, which passes the fee-simple of the whole. v. *Mitter l' estate.*

Relegatio, l. *In the civil law.* Banishment without the loss of civil rights.

Relegation. *In old English law.* Banishment for a time only.

Relevamen, relevium, l. l., Relefe, l. fr. *In old English law.* Relief; one of the incidents of the feudal tenure.

Relevancy. The quality of being relevant.—a term applied to evidence.

Relevant. Having relation; relevant evidence is evidence applicable to the issue.

Relicta, l. Being relinquished; a confession of the action by the defendant, after plea pleaded. v. *Cognovit.*

Reliction. A leaving; a leaving dry; a receding of the sea, by which land is left dry.

Relief. The redress provided by law for the deprivation or infraction of a right; more specifically, the assistance sought and granted in a court of equity.

In old English and Scots law. A fine paid by the heir of a deceased tenant in chivalry for taking up the estate, which was lapsed or fallen in by the death of the last tenant,— a principal and very oppressive incident of the feudal tenure.

Religious men. *In old English law.* Persons who entered into a monastery or convent.

Reliqua, l. *In the civil law.* The unpaid balance of an account.

Reliquare, l. l. *In old English exchequer practice,* to owe a balance of account.

Relocatio, l. *In the civil law.* A re-letting. **Relocatio tacita:** a tacit or implied re-letting, as in case of holding over after expiration of the term.

Rem. Thing. *v. Jura in re.*

Remainder. An estate limited to take effect in possession at a future day on determination of a previous estate, called the particular estate, created at the same time. *v. Contingent remainder; Cross remainder; Vested remainder.* **Remainder-man:** the owner of an estate in remainder.

Remand. To send back; to recommit; to send an accused person back to prison after a partial hearing, to await proceedings; to send a cause taken on appeal or error to an appellate court back to the court below.

Remanent pro defectu emptorum, l. They remain for lack of purchasers; a return to a writ of *fieri facias* that the officer has been unable to sell the goods distrained.

Remanentia, l. l. *In old English law.* A remainder; a perpetuity, or perpetual estate.

Remanere, l. *In old English law.* To remain; to stop or stay; to demur, in the old sense of the word.

Remanere, l. l. *In old English law.* A remainder.

Remanet, l. l. *In English law.* It remains; the postponement of a trial; the cause postponed.

Remaunder, l. fr. To send back; to remand.

Remedial. Affording a remedy. **Remedial statute:** a statute providing a remedy for an injury; a statute giving a person a remedy for a wrong, where he had none, or a different one, before.

Remedy. The judicial enforcement of a right or redress of a wrong; the mode or means by which such relief is obtained. *v. Legal remedy.*

Remembrancers. *In English law.* Officers of the exchequer, whose principal duty is to put the judges of that court in remembrance of such things as are to be called on, for the king's benefit.

Remenaunt, l. fr. Remaining; to come after; remainder.

Remise. To remit or give up; a formal word in deeds of release and quitclaim.

Remisi, remisisse, l. l. Formal words in old deeds of release. **Remis-
sisse, relaxasse et quietum clamasse:** have remised, released and quitclaimed.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Rental. *In English law.* A roll on which the rents of a manor are registered or set down, and by which the bailiff collects the same.

Rente, l. fr. *In old English law.* Rent. **Rente de chambre:** a rent from the coffer; an annuity.

Rente, l. fr. Fined.

Reo absente, l. In the absence of the defendant.

Reparatione facienda, l. l. *In old English law.* Writ for making repair; a writ to compel the repairing of a house, mill, bridge, etc.

Repeal. To annul, literally to revoke or recall, a statute by a subsequent one.

Repeal. The abrogation or annulling of a statute by a subsequent one.

Repealer, l. fr. To repeal or revoke.

Repeller, l. fr. To demand back.

Repellitur a sacramento infamis, l. An infamous person is repelled from an oath, is thrust back from taking an oath, or not allowed to be sworn as a witness.

Repenter, l. fr. To change one's mind; to repent.

Repetition. *In the civil law.* The recovery of money paid under a mistake of law.

Repetitum namium, l. l. *In old English law.* A repeated, second or counter distress; withernam.

Repetundarum crimen, l. *In the Roman law.* Bribery or extortion in a magistrate, or person in any public office.

Repleader. To plead again, to plead over again,—sometimes allowed, upon motion, where a satisfactory issue has not been reached.

Repleder, l. fr. *In old English law.* To replead. **Repledes si vous voulez:** replead, if you will.

Replegiare, l. l. *In old English law.* To take back a pledge; to replevy; to take back on pledge, or surety; to replevy a man. *v. De homine, etc.*

Replegiare, l. l. *In old English law.* An action or writ of replevin.

Replegiare de averiis: replevin of cattle; a writ brought by one whose cattle were distrained, or impounded, upon surety to the sheriff to prosecute or answer the action in law. **Replegiari facias:** cause you to be replevied; the original writ in replevin; superseded by the statute of Marlbridge, c. 21.

Replever, l. fr. *In old English law.* To replevy.

Repleviable, replevisable. That may be replevied, or taken back on pledge.

Replevin, l. fr. *In old English law.* Bail; delivery of a person on sureties or pledges.

Replevin. A personal action to recover possession of goods wrongfully taken,—originally the peculiar remedy in cases of wrongful distress, available upon security given for trial of the right and for a return of the property, if determined against the plaintiff, but now a proper action in any case of unlawful taking of personalty. **Re-**

- plevin bond:** a bond given by the plaintiff in replevin conditioned for a return of the property in case the right is determined against him. **Replevin in the detinet:** an action in which there was no reseizure of the property, as where it had been eloigned. **Replevin in the detinuit:** an action in which the property was reseized.
- Replevir, l. fr.** *In old English law.* To take back on pledge; to replevy; to let go, on bail.
- Replevish.** *In old English law.* To let one to mainprise upon surety.
- Replevisor.** The plaintiff in replevin.
- Replevy.** To get back on a writ of replevin.
- Replicare, l.** *In the civil and old English law.* To reply; to answer a defendant's plea.
- Replicatio, l.** *In the civil and old English law.* The answer of the actor or plaintiff to the exception or plea of the reus or defendant, corresponding with, and giving name to, the replication in modern pleading.
- Replication.** The plaintiff's answer of fact to the defendant's plea in an action at law; the complainant's reply to the defendant's answer, in a suit in equity. **Replication de injuria: v. De injuria.**
- Report.** A formal statement in writing to a court by a master in chancery, a clerk, or referee, as to a matter referred to him by the court; a public account of a case judicially argued and determined,—including a statement of the facts, the arguments, and the opinion of the court; a published volume of such accounts.
- Repreigner, reprendere, reprender, l. fr.** To retake; to take back.
- Represt, reprist:** taken back.
- Representation.** The occupying of another's place; the acting in the place of another; the principle on which the issue of a deceased person take the share of an estate which their immediate ancestor would have taken or inherited, if living, as *per stirpes*; a statement of facts as to the subject-matter of a contract made by one of the parties to the other, particularly a statement of facts affecting the character of the risk, made by the applicant to the insurer upon an application for insurance.
- Representative.** One who represents another; one who occupies another's place, and succeeds to his rights and liabilities. *v. Personal representative.*
- Reprive.** The withdrawing of a sentence of death for a time, whereby the execution is suspended.
- Reprisal, reprisel.** A taking again; a taking back; retaking; recaptation; a taking of one thing in satisfaction for another; a taking by way of retaliation.
- Reprisalia, represalia, repræsalia, repressalia, pressalia, l. l.** *In civil and old maritime law.* Reprisal.
- Reprises.** Deductions and duties which are yearly paid out of a manor and lands, as rent-charge, etc., so that when the clear yearly value is spoken of, it is said to be so much per annum *ultra reprises*.

- Reprobata pecunia liberat solventem, l.** Money refused [the refusal of money tendered] releases him who pays [or tenders it].
- Reprobator, action of.** *In Scots law.* An action or proceeding intended to convict a witness of perjury.
- Reprobus, reproba, l.** *In old English law.* Bad or spurious, reprobate,—a term applied to money which might be rejected or refused.
- Republication.** A second publication of a will, either expressly or by construction.
- Repsilver.** *In old English law.* Money paid by servile tenants for exemption from the customary duty of reaping for the lord.
- Repudium, l.** *In the Roman law.* A breaking off of a contract of espousals, or a marriage intended to be solemnized.
- Repugnant.** Contrary to; in conflict with.
- Reputation.** The estimation in which a person is held in the community where he has resided.
- Reputation.** General opinion; what is commonly thought or believed.
- Reputed.** Generally supposed or believed.
- Request.** *v. Letters.*
- Requisition.** The formal demand by one government upon another of the surrender of a fugitive criminal.
- Rere-fiefs.** *In Scots law.* Inferior fiefs; portions of a fief or feud granted out to inferior tenants.
- Rerum ordo confunditur, si unicuique jurisdictio non servatur, l.** The order of things is confounded, if its proper jurisdiction is not preserved to each. **Rerum suarum quilibet est moderator et arbiter:** every one is the regulator and disposer of his own property.
- Res, l.** Thing; things; matter; affair; circumstance,—a term of most extensive import, including both objects of property and things not objects of property. **Res accessoria:** an accessory thing; — **cedit rei principali:** an accessory thing belongs to the principal thing; — **sequitur rem principalem:** an accessory thing follows the principal thing. *v. Accessarius.* **Res denominatur a principali parte:** a thing is named from its more principal part. **Res gesta:** a thing done; a transaction. **Res gestæ:** things done; the essential circumstances of a transaction. **Res integra:** a thing not acted on; a point of law unaffected by prior adjudications. **Res inter alios:** acts between strangers; — **acta:** a thing done between others, or between third parties or strangers; — **acta alteri nocere non debet:** a thing done between others ought not to injure another; a transaction between other or strange parties ought not to injure a person; — **actæ alteri nocere non debent:** a third party is not to be injured or affected by the acts of others with whom he is unconnected, either personally or by his agents, or by those whom he represents; — **actæ nemini nocere debent, sed prodesse possunt:** things done between others ought to injure no one, but may benefit.
- Res ipsa loquitur:** the matter speaks for itself. **Res judicata, or adjudicata:** a matter adjudged; a thing judicially acted on or de-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

nity; such as theatres and race-grounds, and other like things the common property of a city.

In the canon law. **Res inter alios acta aliis præjudicium regulariter non adfert:** a thing done between others regularly works no prejudice to third parties. v. *Inter alios*, etc.

Rescalt. *In old English law.* An admission of a third person to plead his right in a cause between two others, as the reversioner in an action against the tenant.

Resceu, rescue, l. fr. Received.

Rescissio, l. *In the civil law.* An annulling, avoiding, or making void; rescission.

Rescission. A cutting off; an abrogation or cancellation; an avoidance; as applied to contracts, strictly an act in which the parties concur, a cancellation by agreement, but commonly used to express an act of withdrawal or avoidance by one of the parties, as for fraud of the other.

Rescissory action. *In the civil law.* An action to rescind or avoid a title by prescription; an action to rescind a contract of sale, on the ground of injustice in the price, or what is termed *lesion*.

In Scots law. An action to rescind a contract or deed.

Rescous, l. fr. and eng. A forcible taking back of goods distrained, or in the custody of the law; the forcible delivery of a defendant, or other party arrested, from the officer who is carrying him to prison; a writ which lay in cases of rescous.

Rescripta, l. *In the civil law.* Rescripts.

Rescriptum, l. *In the civil law.* A species of imperial constitution, in the form of an answer to some application or petition; a rescript.

Rescue. A forcible taking back of persons or property out of the custody of the law; the forcibly and knowingly freeing of another from an arrest or imprisonment.

Rescussor, l. l. *In old English law.* A rescuer; one who commits a rescous.

Rescussus, l. l. *In old English law.* Rescue; forcible liberation or release.

Rescutere, l. l. *In old English law.* To rescue. **Rescussit:** he rescued. **Rescusserunt:** they rescued.

Rescyt, l. fr. Resceit; receipt; the receiving or harboring of a felon.

Reseantisa, l. l. *In old English and Scots law.* Residence; a severe or long-continued illness, confining a person to his house.

Reseaunt, reseant, l. fr. Abiding; dwelling; residing.

Reseiser. *In old English law.* A taking back of seisin; a taking again into the hands of the king, lands of whereof a general livery or *ousterlemain* was formerly mis-sued, contrary to the form and order of law.

Reservation. The act of withholding; the creation of a right or interest by withholding out of a thing granted; a clause in a writing whereby a thing is withheld; the thing withheld; public land with-

held from sale, as lands withheld for public parks, for use of the Indians, etc.

Reserve. To withhold; to hold back.

Reset, rreset. *In Scots law.* The receiving or harboring of a proscribed or outlawed person. **Reset of theft:** the receiving of stolen goods knowing them to be stolen; to harbor and conceal the thief.

Resiance, resiancy. *In old English law.* Residence; a man's abode or continuance in a place.

Resiant, resient, resyaunt. *In old English law.* Continually dwelling or abiding in a place; resident; a resident.

Resiantia, reseantia, l. l. *In old English law.* Resiance; residence.

Residence. The act or state of being seated or settled in a place; the act, state or habit of dwelling or abiding in a place; the place where one resides; the place which one has made his seat, abode or dwelling. The word seems to mean on the one hand more and on the other less than domicil; it requires something more by way of personal presence, but something less by way of intention. *v. Domicil; Inhabitant.*

Residens, l. l. *In old English law.* Sitting.

Resident. One who has a seat or settlement in a place; one who dwells, abides or lies in a place; an inhabitant.

Resident, l. l. *In old English law.* [They] remain.

Resider, l. fr. To continue; to abide.

Residere, l. *In old English law.* To sit down; to sit still; to rest; to remain.

Residuary. Relating to the residue; giving, taking, or constituting the residue. **Residuary clause:** a clause in a will by which the testator disposes of such part of his estate as remains undisposed of by previous devises or bequests. **Residuary devisee:** the person named in a will, who is to take all the real property remaining over and above the other devises. **Residuary estate:** that part of a testator's estate which remains after payment of debts and legacies. **Residuary legatee:** the person to whom a testator bequeaths the residue of his personal estate, after the payment of specific legacies.

Residue, or residuum. That which remains after taking a part away; the surplus of a testator's estate remaining after all the debts and particular legacies have been discharged.

Resilire, l. *In old English law.* To draw back from a contract before it is made binding.

Resist. To oppose; to oppose with force; to prevent, to hinder. **Resist an officer:** personally to resist; to resist directly and actively and by means in some degree forcible, not merely to hinder or interrupt. **Resist arrest:** to refuse to go with the officer who assumes to make an arrest.

Resolution. The judgment of a court.

Resolutive. In Scots conveyancing, having the quality or effect of resolving or extinguishing a right.

Resoluto jure concedentis, resolvitur jus concessum, l. Where the right of the grantor is extinguished, the right granted is extinguished.

Reson, l. fr. Reason; truth; right; expression; point.

Resort. To go back.

Resorter, l. fr. *In old English law.* To go; to go back; to resort to; to adopt on failure of other proceedings.

Respectare, respectuare, l. l. *In old English law.* To respite. **Respectuabitur:** shall be put off.

Respectus, l. l. *In old English and Scots law.* Respite; delay; postponement; continuance of time.

Respi, l. fr., Respite. Delay; a putting off; continuance; the putting off the execution of a capital sentence.

Respoigner, respoyner, l. fr. To answer. **Respoignable:** answerable.

Respondeat, l. Let him answer. **Respondeat ouster:** let him answer further; the judgment for the plaintiff on a plea of abatement. **Respondeat superior:** the superior or master must answer; let the principal answer; the principal or master must answer, or is responsible, for the acts of his agent or servant.

Respondent. A party answering, corresponding to defendant; an appellee.

Respondentia, l. A loan of money on a pledge of the cargo of a vessel, to be repaid with maritime interest, if the subject arrives safe.

Respondes, l. fr. Answer. **Respondes oustre:** answer over,— words of the court in giving judgment. *v. Respondeat.*

Responsa prudentum, l. *In the Roman law.* Answers or opinions of lawyers, jurists or jurisconsults,—one of the principal sources of Roman jurisprudence.

Responsalis, l. l. *In old English law.* One who answered for another.

Responsible. Able to respond; able to pay a sum for which a person may become liable.

Responsio, l. An answer. **Responsio unius non omnino audiatur:** the answer of one witness shall not be heard at all,— a maxim of the Roman law.

Responsurus, l. *In old English law.* To answer. **Responsurus, et ad standum recto, si sit aliquis qui versus eum loquatur:** to answer and to stand to the charge, if there be any one who shall complain against him.

Resseant, l. fr. Continually abiding; resident.

Rest. A balancing of an account made for the purpose of adding interest to principal for further computation, and so for the compounding of interest.

Restituere, l. *In the civil law.* To restore.

Restitutio, l. Restitution. **Restitutio in integrum:** in maritime law, the putting of a vessel into the condition she was in before a collision.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Retare, l. l. *In old English law.* To suspect; to accuse. **Retatus de murdro:** accused of murder.

Reteiner, retener, l. fr. To retain, or keep back; to detain.

Retenementum, l. l. *In old English law.* Restraint; detainment; withholding.

Retention. The right of retaining property until a debt due from the owner is paid.

Retorna brevium, l. l. *In old English law.* The returns of writs; the return-day, the third day of the term.

Retornare, returnare, l. l. *In old English law.* To return a writ; to return in execution of a writ; to return, or restore. **Retornabile:** returnable. **Retornari facias:** you cause to be returned. **Retornasti:** you returned. **Retornaverit:** shall have returned.

Retorno habendo, l. l. For return to be had; to have a return; a judgment in replevin for return of the property to the defendant.

Retornum, l. l. *In old English law.* Return; a return.

Retour. *In Scots law.* To return a writ or brieve to the office in chancery from which it issued.

Retour of service. *In Scots law.* An authenticated copy of a verdict taken under a brieve of succession, by which the legal character of a person as heir is established.

Retractus aquæ, l. l. *In old English law.* Retreat of the water, the ebb of the tide.

Retrahere, l. *In old English law.* To draw back; to withdraw.

Retraho, l. *In old English law.* I withdraw.

Retraicter, retrair, retreir, retrere, l. fr. To draw back; to withdraw.

Retrait, fr. *In old French and Canadian law.* The taking back of a fief by the seignior upon alienation by the vassal; a right of pre-emption by the seignior upon sale by the grantee.

Retraxit, l. l. Withdrew, or has withdrawn; a voluntary renunciation by a plaintiff of his suit, made in open court, and operating as a bar to another proceeding.

Retrere, retreir, retreher, l. fr. To draw back.

Retret, l. fr. Retreat; the ebbing of water.

Retro, l. Back; backward; behind. **Retrofeodum:** a rere fief or arriere fief.

Retrocomitatus, l. l. *In old English law.* The morrow after the county court.

Retroactive. Acting backward; affecting what is past.

Retrospective. Looking back; contemplating what is past. **Retrospective law:** a law which looks back; a law which contemplates or affects an act done, or a right accrued before its passage; applied to laws which impair rights vested under existing laws or impose new duties or create new liabilities, or new liabilities in respect to past transactions.

- Retrotrahere, l.** *In civil and old English law.* To draw back; to recall or countermand. **Retrotrahitur:** is drawn back; operates retrospectively; has relation back; — **tempus:** the time relates back.
- Rettare, retare, l. l.** *In old English law.* To accuse; to charge with a crime. **Rettatus;** accused.
- Rette, l. fr.** *In old English law.* An accusation or charge.
- Retter, l. fr.** *In old English law.* To accuse; to charge; to account.
- Rettum, l. l.** *In old English law.* An accusation; a charge.
- Return.** To come back; to revisit; to send back; to send back a writ to the court out of which it issued, with a memorandum indorsed, of the manner in which it has been executed.
- Return.** The carrying or sending back of a writ to the court from which it issued, by the officer to whom it was directed, in compliance with its mandate,— the return to the office of the clerk, which is considered as representing the court for this purpose; the indorsement on the writ of the answer of the officer to the court, stating what has been done in execution of its mandate. **Return day:** the day on which a writ is appointed or required to be returned,— formerly, much more generally than at present, one of several fixed days in term on which all writs were returnable.
- Returnable.** To be returned; appointed or required to be returned.
- Returnare, l. l.** *In old English law.* To return; to redeliver. **Returnabit domino averia capta:** he shall return to the lord the beasts taken. **Returnari facias:** cause you to be returned.
- Returner, l. fr.** To return.
- Returnum, retornum, l. l.** *In old English law.* Return; a return. **Returnum brevium:** return of writs. **Returnum irreplegiabile:** return irreplevisable; a final return of goods or chattels, admitting of no replevin.
- Reus, l.** *In the civil and canon law.* A person from whom some thing is demanded by suit; a person complained of by suit; a defendant; a person proceeded against criminally; a party to a suit whether plaintiff or defendant; a party to a contract. **Reus credendi:** the party crediting; a creditor. **Reus debendi:** the party owing; a debtor. **Reus excipiendo fit actor:** the defendant by excepting or pleading becomes a plaintiff. **Reus promittendi:** a party promising. **Reus stipulandi:** a party stipulating; the party who asked the question in the form prescribed for stipulations.
- Reve, or greve.** *In old English law.* A chief officer or superintendent. A shire-reve was the reve or chief officer of the shire, the sheriff. A tun-greve was the reve or chief officer of a town, afterwards called simply reve, and bailiff.
- In Saxon law.* **Reve land:** land over which the shire-reve or sheriff had jurisdiction. **Reve mote:** the court of the reve, reeve, or shire-reeve.
- Revendication.** *In the civil law.* The right of a vendor to reclaim goods sold, where the price was not paid.

Revenir, revener, l. fr. To come back; to return.

Revenue, l. fr. and eng. That which returns, or is returned; annual profit received from lands or other property; the income of a state, or of the government. **Revenue laws:** laws made for the purposes of revenue for the use of the state or government.

Reverse. To turn back; to act in an opposite direction; to undo, annul, set aside or vacate on the ground of error, as to reverse a judgment.

Reverser. In Scots law. The grantor of a wadset or mortgage of his land, who has a right, on repayment, to be replaced in his right.

Reversio, l. l. In old English law. The returning of land to the donor.

Reversion. A returning; that which returns; the returning of land into the possession of a donor, or his heirs, after the gift is ended; the returning of an estate to the original owner, or his heirs, after a limited estate carved out of it, and conveyed by him, has determined; the residue of an estate left in a grantor, to commence in possession after the determination of some particular estate granted out of it.

In old English law. The returning of a feud to the crown, or of a fee to the lord who granted it.

Reversionary. Partaking of the nature of a reversion. **Reversionary interest:** an interest in the reversion of lands or other property.

Reversioner. A person entitled to a reversion.

Reverter, l. fr. and eng. The reverting of lands to a donor, his heirs or assigns.

Reverti, l. In old English law. To return.

Revest. To vest again, as a seisin acquired a second time by the person out of whom it has been divested.

Review. A viewing again; revision; reconsideration; re-examination for the purpose of correction. **Review, bill of:** in equity, a bill, in the nature of a writ of error, filed to procure an examination and alteration or reversal of a decree, signed and enrolled on a former bill, for error on the face of the record, or because of newly discovered evidence.

In English ecclesiastical law. **Review, commission of:** a commission formerly sometimes granted, to revise the sentence of the court of delegates, when it was apprehended they had been led into a material error.

Revivor, bill of. In equity, a bill filed to revive and continue proceedings in a suit abated by the death or marriage of one of the original parties.

Revocation. The calling back by the grantor or actor of a thing granted or act done, thereby annulling it or putting an end to its legal effect.

Revoke. To call back, to recall, to annul an act by calling or taking it back,—the voluntary act of a party in matters within his discretion.

Reward. Compensation or remuneration for services; a sum of money paid or taken for doing or forbearing to do some act.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

examine private merchant vessels at sea for enemy's property and property contraband of war,—generally limited to an inspection of the ship's papers or documentary proof of property on board. **Right of visit, or visitation:** a right in time of peace to visit a vessel at sea to ascertain her national character,—otherwise called a right of approach. **Right of way:** the right of passing over another man's land; the right of a railway to pass over lands the subject of private property, acquired either by condemnation or by purchase; the ground occupied by a railway for the passing of trains. *v. Way.* **Right, writ of:** *v. Writ of right.*

In English law. An accusation or charge of crime. **Right of petition:** the right to petition the sovereign or either house of parliament for a redress of grievances. **Right to begin:** the right to open a case, or the evidence in a case, at the trial,—always the right of the plaintiff as to pleadings, and commonly as to proofs.

Right. Direct; lawful; proper; true; legal, as distinguished from equitable.

Rights of persons. Rights which concern and are annexed to the person. **Rights of things:** rights which may be acquired over external objects or things unconnected with the person.

Rigor juris, l. l. Strictness of law.

Ring. A combination of persons for the purpose of controlling political affairs or commercial transactions for personal ends.

Rings, giving. A custom observed by serjeants at law in England, of giving rings to the judges on being called to that degree or order.

Riot. A breach of the peace by three or more persons assembled for that purpose. **Riot act:** the statute 1 Geo. I., st. 2, c. 5.

Riotose, l. l. Riotously,—an essential word in old indictments for riots.

Riotose et routose: riotously and routously.

Riotous assembly. *In English law.* The unlawful assembling of twelve or more persons to the disturbance of the peace, and not dispersing upon proclamation.

Riotously. A technical word in an indictment for a riot, implying violence, *ex vi termini.*

Ripa, l. *In the civil law.* The bank of a river; that which contains or incloses a river at its fullest height; that which contains the river, holding the natural force of its current; the bank or border of a port. **Riparum usus publicus est jure gentium, sicut ipsius fluminis:** by the law of nations, the use of a river's banks is as public as that of the river itself.

Riparia, rivaria, l. l. *In old English law.* A river.

Riparian. Relating or belonging to the bank of a river. **Riparian proprietor:** the owner of land on the bank of a river or stream. **Riparian rights:** the rights of the owners of lands on the banks of rivers and streams; rights annexed to a qualified property in the soil to the thread of the stream.

- Ripuarian Law.** An ancient code of laws by which the Ripuarii, a tribe of Franks who occupied the country on the Rhine, the Meuse and the Scheldt, were governed.
- Risicum, l. l.** In old insurance law, risk, hazard, peril.
- Risk.** In insurance law, a peril, hazard, or danger; chance of loss.
- Rite, l.** In due form. *v. Omnia præsumuntur, etc.*
- Rivaria, l. l.** In old English law. A river.
- River.** A body of running water confined between two opposite sides or banks; a water-course of the larger kind.
- Riviation.** In old English law. The use of a river for the purposes of fishing.
- Rivus, l.** In old English law. The channel of a water-course.
In the civil law. A trench for water to pass.
- Rixa, l.** In the civil law. A quarrel; a strife of words.
- Rixatrix, l. l.** In old English law. A scold; a scolding or quarrelsome woman.
- Road.** An open or public way, including highway, street and lane; an open passage of the sea, which, though it lies out at sea, yet is a safe place for the common riding or anchoring of ships. **Road, law of:** the rule regulating the meeting and passing of vehicles, horsemen, pedestrians and others on the highway.
- Road-bed.** The foundation upon which the superstructure of a railway rests.
- Roadsted.** A known general station for ships, notoriously used as such, and distinguished by the name.
- Roadway.** The ground allowed to a railway for track purposes.
- Robaria, robberia, roberia, l. l.** In old English law. Robbery,— in its original sense, the violent taking of one's robe or garment.
- Robator, robbator, l. l.** In old English law. A robber. **Robatores:** robbers. **Robbatores et burglatores:** robbers and burglars.
- Robbare, l. l.** In old English law. To rob; to take away violently.
- Robber, l. fr.** To rob. **Robbans:** robbing. **Robbe:** robbed.
- Robbery.** A felonious taking of money or goods of value from the person of another, or in his presence, against his will, by violence, or by putting him in fear.
- Robbour, robour, l. fr.** A robber.
- Rodknights, rodknyghts.** In old English law. Mounted retainers; vassals or tenants whose service was to ride with their lord from manor to manor.
- Rogare, l.** In the Roman law. To ask. **Rogare legem:** to ask for a law; to propose it for adoption; to vote for a law proposed; to pass a law.
- Rogatio, l.** In the Roman law. An asking; a question or interrogation; an asking for a law; a proposal of a law for adoption or passage; a law passed by such a form.
- Rogator, l.** In the Roman law. The proposer of a law.

Rogo, l. *In the Roman law.* I ask,— a common word in wills.

Rogue. *In English law.* A sturdy beggar; a vagrant of either sex.

Roiaume, l. fr. Realm; kingdom.

Rol, roule, roly, l. fr. A roll.

Roll. In modern practice, a record, whether kept on parchment or on paper, whether rolled or bound up in leaves in the form of a book. Anciently a sheet, or connected series of sheets, of parchment on which records were written, and which when completed were rolled and so kept. In English practice there were many of these rolls, such as the process roll, the recognizance roll, the imparlance roll, the plea roll, the issue roll, and the judgment roll. And among the other public records there are many more, as the rolls of Parliament, the most important, the charter rolls, the patent rolls, the Gascon, Norman, French, Roman, Scotch and Welsh rolls, the coronation rolls, and others.

Rolling-stock. The property of a railway which in ordinary use is taken from one part of the road to another, as cars and locomotives.

Rolls office of the chancery. An office in Chancery Lane, London, in which are deposited the rolls and records of the court of chancery, of which the Master of the Rolls is, by virtue of his office, the keeper.

Roman law. In a general sense, all the laws which prevailed among the Romans, including the collections of Justinian, now generally denominated the civil law; in a stricter sense, merely the law of Justinian, or all the laws of the times anterior to Justinian.

Romescot. *In old English law.* An annual tribute of one penny from every family, paid to Rome at the feast of St. Peter. *v. Peter's pence.*

Rota, l. l. Succession; rotation. The name of a Genoese court of the sixteenth century the decisions of which in maritime and commercial matters, contained in the work of Straccha, have been held in high regard for wisdom and equity.

Rotulus, l. l. *In old English law.* A roll, composed of one or more skins of parchment; a record on a parchment roll. **Rotulus Wintoniæ:** the Roll of Winton, or Winchester,—a term sometimes applied to Domesday Book, but properly, a similar record made by Alfred.

Roture, fr. *In old French and Canadian law.* A free tenure without the privilege of nobility.

Roturier, fr. *In old French and Canadian law.* A free tenant of land on services exigible either in money or in kind.

Rout. *In English law.* A disturbance of the peace by an assembling of persons with an intention to do that which, if executed, will make them rioters, and actually making a motion towards execution of their intention; an incipient riot.

Routously. A technical word in indictments, generally coupled with the word *riotously*.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

a charter-party, for loading and unloading a vessel, and for other purposes. **Running with the land:** v. *Covenant*.

Ruptum, l. *In the civil law.* Broken.

Rural servitude. *In the civil law.* A servitude annexed to a rural estate.

Rustici, l. l. *In old English law.* Inferior country tenants, churls, or chorls, who held cottages and lands by services of ploughing, and the like.

Rusticum judicium, l. l. A rough or rude judgment or decision.

S. An abbreviation of *scilicet*, section, statute, superior, supreme. **S. C.:** same case; supreme court. **S. L.:** session laws. **S. P.:** same point; same principle; *sine parole*; *supra* protest.

Sa et la, l. fr. Here and there.

Sabbatum, l. *In old English law.* Peace; rest.

Sac, sak, Saca, sacca, sacha, l. l. *In old English and Scots law.* The jurisdiction of a manor court; the privilege of a lord of a manor of holding pleas and collecting fines and amerancements.

Sacaburth, sakaburth, saccabor, sacaber, sacborgh, sax. *In old English law.* A person from whom a thing was stolen, and by whom the thief, having it on his person, was freshly pursued.

Saccularii, l. *In the civil law.* Persons who cheated in wares or money, by means of sacks or bags which they carried with them.

Saccus, l. *In old English law.* A sack; a quantity of wool weighing thirty or twenty-eight stone; a sack or pack; a pack saddle. **Saccus cum brochis:** a sack [or pack of cloth used with or in place of a saddle] with a broche [broach or pointed iron],— things the finding of which was one of the services by which one might hold of the king; a species of petty serjeanty.

Sachaument, l. fr. Knowingly; willingly.

Sachent, l. fr. Let them know; a word used in the commencement of deeds and charters. **Sachent a toutz ceux que icy sount, et a toutz ceux que avener sount:** know all those who are here, and all those who are to come. v. *Sciant*, etc.

Sacher, l. fr. To know. **Saches, sachez, sachiez:** know; know ye. **Saches tous gens:** know all people.

Sacramentum, l. *In old English law.* An oath; the oath of a juror, witness or party to a suit. v. *Repellitur*, etc. **Sacramentum fidelitatis:** the oath of fealty. **Sacramentum habet in se tres comites, veritatem, justitiam et judicium; veritas habenda est in jurato, justitia et judicium in judice:** an oath implies or requires three attendant circumstances: truth, justice and judgment; truth is to be observed in the party sworn, justice and judgment in the judge [before whom the oath is taken].

In the civil law. **Sacramentum decisionis:** the oath of decision; the decisive oath; the voluntary oath of a party to a suit, by which it

was allowed to be decided, where the other party was not able to prove his charge, and offered to refer the decision of the cause to the oath of his adversary.

In the Roman law. A sum of money deposited by both the parties to an action, which fell to the gaining party on determination of the cause; a suit or cause; a military oath.

Sacrilege: *In English law.* Larceny from a church; breaking a church or chapel, and stealing therein.

In old English law. Profanation of holy things; the alienation to laymen or to profane or common purposes of what was given to religious persons and to pious uses.

Sacrilegium, l. *In the civil law.* The stealing of sacred things, or things dedicated to sacred uses; the taking of things out of a holy place.

Sacrilegus, l. *In the civil and common law.* A sacrilegious person; a person guilty of sacrilege. **Sacrilegus omnium prædonum cupiditatem et scelera superat:** a sacrilegious person exceeds all robbers in cupidity and wickedness [surpasses the cupidity and wickedness of all robbers].

Sæpe constitutum est, res inter alios judicatas aliis non præjudicare, l. It has often been determined that matters adjudged between other parties do not prejudice.

Sæpenumero ubi proprietas verborum attenditur, sensus veritatis amittitur, l. Oftentimes where the propriety of words is attended to [where the attention is occupied with the proper meaning of words] the true sense is lost.

Sæpius, l. Often. **Sæpius requisitus:** often required, or requested.

Sævitia, l. In the law of divorce, cruelty; anything which tends to bodily harm, and in that manner renders cohabitation unsafe.

Safe pledge. *In old English law.* A sufficient surety.

Safe-conduct. A passport or privilege granted in war, exempting from the legal effects of war, during the time and to the extent described in the permission; a passport or privilege granted, in time of war, to the subjects of a hostile power, permitting them to depart in safety, and to take with them certain effects, or to remove effects only; a document granted to the master of a merchant vessel, for the protection of the vessel in time of war.

In old English law. A license in the form of a writ, under the great seal, to a foreigner, to come into the kingdom, remain, go through, and depart without molestation, during a specified time.

Safeguard. *In old English law.* A license, in the form of a writ, under the great seal, granted to strangers seeking their right by course of law within the king's dominions.

Sage, l. fr. Learned; wise.

Sages de la ley, l. fr. Sages of the law; persons learned in the law.

Sail. To move, on the prosecution of a voyage; to make a movement for the purpose of proceeding to sea. The least movement, with clearance and readiness of equipment, is sufficient to satisfy a warranty.

Saints. *In old English law.* Holy things; gospels on which oaths were taken.

Sale. A contract for the transfer of property from one person to another, for a valuable consideration; a transfer of the property, absolute or general, in a thing for a fixed price in money, or its equivalent. **Sale, bill of:** a writing witnessing a transfer of title to personalty under a contract for a fixed price. **Sale in gross:** a sale without regard to quantity. **Sale note:** a note or memorandum of the sale of goods, given by the broker to the buyer. *v.* **Sold note.** **Sale on approval:** a sale which becomes absolute only when the property is approved either expressly, or by implication, as from a keeping of the goods beyond the time allowed for trial. **Sale or return:** a sale which becomes absolute only after the lapse of a reasonable time without return of the goods.

Salic, or Salique law. A compilation of laws made under Pharamond, king of the Salian Franks, after their settlement in Gaul. It is the most ancient of the barbarian codes, and one of the most important compilations of law in use among the feudal nations of Europe. The term is applied also in French law to that particular provision which has excluded females from succession to the crown.

Salus, l. Health; prosperity, good or welfare; safety; salvation. **Salus populi suprema lex:** the good or welfare of the people is the supreme law. **Salus ubi multi consilarii:** there is safety where there are many counsellors.

Salutem, l. Health; greeting; prosperity; salvation.

In old English law. A formal word in the commencement of deeds, probably derived from the Roman practice; a formal word invariably used in the address of writs, which commenced in the epistolary form.

In the Roman law. A formal word in the commencement of deeds and charters, which, during the later periods of the empire, were written in an epistolary form.

Salva guardia, l. l. Safeguard.

Salvage. A compensation allowed to a person by whose voluntary assistance a ship or its cargo has been saved, in whole or in part, from impending danger, or recovered from actual loss, in cases of shipwreck, derelict or recapture. **Salvage service:** service rendered in saving property on the sea, or wrecked on the coast of the sea.

Salvage, sauvage, l. fr. Wild; savage.

Salvare, l. l. *In old English law.* To save. **Salvare defaultam:** to save a default. **Salvans:** saving; economical.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- Sasine.** *In Scots law.* The symbolical delivery of land, answering to the livery of seisin of the old English law.
- Satio, l.** *In the civil law.* A sowing of seed; one of the modes of gaining property by accession.
- Satisdatio, l.** *In the civil law.* Security given by a party to an action, as by a defendant, to pay what may be adjudged against him.
- Satisfaction.** The making amends for an injury done; the payment of a legal debt or demand; the discharging or canceling of a judgment or mortgage, by paying or by a seizing and selling of property to an equal amount. **Satisfaction piece:** a memorandum in writing, entitled in a cause, stating that satisfaction is acknowledged between the parties.
- Satisfy.** To supply with enough of whatever is required; to free from doubt; to convince; to pay.
- Satius est petere fontes quam sectari rivulos, l.** It is better to seek the fountains than to follow the streams.
- Saunkefin, l. fr.** End of blood; failure of the direct line in descent.
- Sauns, saunz, sauntz, l. fr.** Without. **Sauns faire alienacion:** without making alienation. **Saunz plus dire:** without more saying.
- Sauvement, l. fr.** Safely. **Sauvement gardes:** safely kept.
- Save.** To reserve, exempt or except, as out of the operation of a statute; to suspend the operation of, as a statute.
- Savant, l. fr.** Saving; knowing.
- Saver, savor, savoer, l. fr.** To know. v. *C'est ascavoir.*
In old English law. **Saver default:** to excuse a default.
- Scaccarium, l. l.** *In old English law.* Exchequer.
- Scale.** *In the American law.* To adjust, graduate or value according to a scale.
- Scandal.** The allegation of matter in a pleading in equity which is contrary to good manners, which charges some person with a crime not necessary to be shown, or which the dignity of the court will not permit the court to hear.
- Scandalum magnatum, l. l.** *In English law.* Scandal or slander of great men or nobles; words spoken in derogation of a peer or other great officer of the realm, for which an action lies.
- Scavage, schewage.** *In old English law.* A tribute exacted of merchants by the owners of fairs, for leave to offer their wares for sale.
- Scaver, scavoir, l. fr.** To know. **Scait, scet, sciet:** knows. **Scevent, secivent, sceuvent:** know. **Scavez rien dire p' qui nous ne rendrom' jug't:** know you nothing to say why we should not render judgment?
- Scedula, l. l.** *In old English law.* An escrow.
- Scen, l. fr.** Sense; knowledge.
- Schedula, l. l.** *In old English law.* A scroll; an escrow; a paper containing a list of items. **Schedula expensarum:** a bill of costs.

Schedule. A small sheet or scroll; a sheet of parchment or paper appended to a written instrument, containing a detailed statement of matters generally referred to; an inventory or paper containing an inventory.

Schetes. *In old English law.* Usury, so called.

Schira, schyra, shira, shyra, l. l. *In old English law.* A shire or county.

Schireff. *In old Scots law.* Sheriff.

Schireman. *In Saxon law.* An officer having the civil government of a shire or county; an earl.

School. *v. Common.*

Sciant præsentis et futuri, l. l. Know [all men] present and to come,— a form of great antiquity in the common law. *v. Sachent, etc.*

Sciendum est, l. *In the civil law.* It is to be known, or understood,— a phrase frequently used in the commencement of paragraphs as preliminary to some explanation, or as calling attention to some particular rule. **Sciendum itaque est, omnia fidei-commissa primis temporibus infirma fuisse:** it is to be known, then, that all trusts were, in their origin, weak.

Scienter, l. l. Knowingly; with knowledge. The word is used in pleading to express knowledge of certain facts essential to a valid ground of complaint, and also as the name of that part of a declaration or indictment in which such knowledge is charged.

Scienti et volenti non fit injuria, l. An injury is not done to one who knows and wills it.

Scientia, l. Knowledge; information. **Scientia sciorum est mixta: ignorantia:** the knowledge of sciolists is a mixed ignorance. **Scientia utrimque par pares contrahentes facit:** equal knowledge on both sides makes contracting parties equal.

Scilicet, l. To wit; that is to say. A word used as introductory to a more particular statement of matters mentioned in general terms.

Scintilla, l. A spark; a remaining particle; the least particle. **Scintilla juris:** a spark of right; a remaining particle of right or interest; portion of the fee-simple of an estate, supposed to remain in feoffees to uses, to serve and support contingent uses when they came into being.

Scire, l. To know; to be aware of. **Scire debes cum quo contrahis:** you ought to know with whom you contract or bargain. **Scire facias:** cause you to know; a judicial writ, founded on a record, and requiring the person against whom it is brought to show cause why the party bringing it should not have advantage of such record, or why the record should not be annulled. **Scire feci:** I have caused to know; the return to a writ of *scire facias*. **Scire proprie est rem ratione et per causam cognoscere:** to know properly is to know a thing in its reason, and by its cause.

In the civil law. Scire leges, non hoc est verba earum tenere, sed vim ac potestatem: to know the laws is not to observe their mere words, but their force and power; [that is, the essential meaning in which their efficacy resides].

Sciregemote, or scyregemote, sax. *In Saxon law.* The shire mote or county court; the principal court, held twice a year before the bishop and alderman.

Scirewyte. *In old English law.* A tax or prestation paid to the sheriff for holding the assises or county courts.

Scissio, l. *In old English law.* A cutting. **Scissio auricularium;**

Scissio, l. *In old English law.* A cutting. **Scissio auricularum:** cropping of the ears.

Sclandre, l. fr. *In old English law.* Slander.

Scot. *In old English law.* A tax, or tribute; one's share upon contribution; a contribution by several.

Scotale, scotall, Scotalla, scotala, scotallum, l. l. *In old English law.* A computation or entertainment with ale, given for the purpose of extorting money.

Scrawl. A word used for scrawl or scroll.

Scriba, l. A scribe; a secretary. **Scriba regis:** a king's secretary; a chancellor.

Scribere est agere, l. To write is to act; treasonable words set down in writing amount to overt acts of treason.

Script. A writing; a paper offered for probate as a will.

Scriptum, l. *In old English law.* A writing; a thing written. **Scriptum indentatum:** a writing indented; an indenture or deed. **Scriptum obligatorium:** a writing obligatory; a bond; a writing under seal.

Scriptura, l. *In old English law.* The act or fact of writing.

Scrivect'. *In old English law.* Seruet. **Scrivect' finium:** scruet of fines; a species of roll used in cases of *habeas corpus*.

Scrivener. A person who writes, or copies writings for others.

Scriver, l. fr. To write.

Scroll, scrawl. A paper or parchment containing some writing, and rolled up so as to conceal it; an escrow; a flourish with a pen, at the end of a signature, including the word "seal" or the letters "L. S.," rudely representing a seal.

Scruet-roll or scruet finium. *In old English law.* A species of roll or record, on which the bail on *habeas corpus* was entered.

Scrutator, l. *In old English law.* A searcher or bailiff of a river; a bailiff whose business was to look to the king's rights in wrecks, flotsam, jetsam, etc.

Scutage, Scutagium, l. *In old English law.* A commutation by a tenant by knight service, in lieu of actual service. **Scutagium** [nominatur] quia talis præstatio pertinet ad scutum quod assumitur ad servitium militare: it is called scutage because such payment belongs to the shield which is borne for military service. v. *Escuage*.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Secondary. *In English law.* An officer of the courts of King's Bench and Common Pleas, so called, because second, or next to the chief officer.

Secondary conveyance. A conveyance which presupposes some precedent conveyance, which it serves only to confirm, restrain or enlarge.

Secondary evidence: evidence which supposes better evidence, which is called primary, as parol evidence of the contents of a written instrument.

Secret partnership. A partnership in which certain partners are not made known to the public.

Secrete. As applied to the property of a debtor secreted from a creditor, means in any unlawful way to put out of the creditor's reach.

Secta, l. l. *In old English law.* Suit; attendance at court; witnesses produced by the plaintiff upon counting or declaring, for the purpose of confirming his allegations before the defendant pleaded, the production being expressed in the form with which the declaration still concludes; a suit or action; the prosecution, or following up of one's right at law; pursuit of a felon; a feudal service by which a tenant was bound to attend the lord's court; a customary service on the part of a tenant, to grind his grain at the lord's mill. **Secta ad furnum:** suit due to a public oven or bake-house. **Secta ad molendinum:** suit at mill; a service due by usage from the persons resident in a particular place, of carrying their corn to a certain mill to be ground; the writ which constituted the remedy for the withdrawal of such service. **Secta ad torrale:** suit due to a kiln or malt-house. **Secta curiæ:** suit of court; the service of following the lord in his court, or of attending his court,—a service which all feudal tenants were bound to perform.

Sectator, l. l. *In old English law.* A suitor; one who was bound to do suit, especially suit at court.

Sectores, l. *In the Roman law.* Purchasers at public sales.

Secundum, l. According to; in favor of; near. **Secundum æquum et bonum:** according to what is just and good. **Secundum allegata et probata:** according to the things alleged and proved; according to the allegations and proofs. **Secundum bonos mores:** according to good usages; regularly. **Secundum consuetudinem husbandriæ maneril:** according to the custom of husbandry of the manor. **Secundum formam statuti:** according to the form of the statute. **Secundum legem communem:** according to the common law. **Secundum naturam:** according to nature; natural; — *est commoda cujusque rei eum sequi, quem sequentur incommoda:* it is according to nature that the advantages of anything should attach to him to whom the disadvantages attach. **Secundum normam legis:** according to the rule of law; by the intendment and rule of law. **Secundum quantitatem terræ:** according to the quantity of land. **Secundum subjectam materiam:** according to the subject-matter.

Secure. To procure; to guaranty; to make safe or certain.

Securitas, l. *In old English law.* Security; surety.

In the civil law. An acquittance, or release.

Securitate pacis, l. l. *In old English law.* Writ of security of the peace; a writ which lay for one who was in fear of some bodily harm from another.

Security. That which makes secure; an instrument given to secure the performance of an act or contract; a person bound by such an instrument; a surety.

Securius expediuntur negotia commissa pluribus, et plus vident oculi quam oculus, l. Matters entrusted to several are more securely dispatched, and [several] eyes see more than [one] eye.

Securus, l. Secure; safe or sure.

Secus, l. Otherwise; amiss; contrary.

Sed, l. But. **Sed non allocatur:** but it is not allowed. **Sed per curiam:** but by the court.

Sedato animo, l. l. With settled purpose.

Sedente curia, l. l. The court sitting; during the sitting of the court.

Sedere, l. To sit, as a court, or the judges of a court.

In the civil law. To be satisfactory to a judge.

Sederunt, l. l. *In Scots law.* They sat; the session or sitting of a court.

Seditio, l. *In old English law.* Seditious; treason.

In the civil law. Disturbance of the public tranquillity.

Sedition. An offense consisting of attempts made by meetings, or by speeches or publications, to disturb the tranquillity of the state, or to excite discontent against the government; conduct tending toward treason, but wanting in the overt act.

Seduction. The debauching of a woman; the offense of inducing a woman by some art, influence, promise or deception to consent to unlawful intercourse.

Seal, l. fr. *In old English law.* Seal; a seal.

Seigneur, seignior, fr. *In old English law.* Lord; a lord; owner or master.

Seigniory. *In feudal and English law.* Lordship; the estate of a lord in the land held by the tenant; a lordship or manor. **Seigniory in gross:** a lordship independent of a manor, as that of the king over tenants *in capite*.

Seised. Possessed of land under claim of at least a freehold interest. **Seised in his demesne as of fee:** holding a fee simple in a corporeal hereditament of the superior lord.

Seisin. Possession of land under claim of at least a freehold interest; in a looser sense, as the word is used in some of the states, ownership. **Seisin in fact:** actual possession; investiture of a freehold,—which is seisin in the feudal sense of the word. **Seisin in law:** the estate of a person who having a freehold has not yet entered, or, having entered, has been dispossessed.

Seiser, l. fr. *In old English law.* To take; to take hold of. **Seiser et tener:** to take and hold.

Seisi, l. fr. *In old English law.* Seised; possessed. **Seisi de deux juments:** seised of two beasts.

Seisiare, l. l. *In old English law.* To seize. **Seisie:** seised.

Seisina, seysina, saisina, l. l. *In old English law.* Seisin; possession of a freehold estate. **Seisina facit stipitem:** seisin makes the stock; seisin of a person makes him the root or stock from which all future inheritance by right of blood must be derived; a maxim now, in general, of no force under existing statutes.

Seisire, l. l. *In old English law.* To take; to be seised. **Seisitus:** seised.

Seizure. A taking of a thing into possession under authority of law,— manual, where the nature of the property admits of such taking; a taking of a ship under public authority for violation of law or of some municipal or other regulation.

Selecti judices, l. *In the Roman law.* Selected judges; persons chosen by lot, out of a larger number, to act as *judices* in criminal cases.

Selectmen. The general executive officers of the town, in the New England system of local self-government.

Self-defense. The protection by one of his person or property from an injury attempted by another; the right of such protection. The use of force is justified, and where the attempt is upon the person, may extend, if necessary, to the killing of the assailant.

Semblable, l. fr. Similar; like.

Semble, l. fr. Seems; it seems. A word used to introduce an opinion on a point not definitely settled, or an opinion as to the bearing of some decision on a particular point; an unsettled opinion of the court.

Semblement, l. fr. Likewise.

Semestris, semestre, l. Of, or for six months.

Semi-matrimonium, l. *In the Roman law.* Half-marriage. Concubinage was so called.

Semi-plena probatio, l. *In the civil law.* Half-full proof; half-proof.

Semper, l. Always. **Semper ita fiat relatio, ut valeat dispositio:** reference [of a disposition in a will] should always be so made that the disposition may have effect. **Semper præsumitur pro legitimatione puerorum:** the presumption always is in favor of the legitimacy of children. **Semper præsumitur pro negante:** the presumption is always in favor of the one denying. **Semper præsumitur pro sententia:** the presumption always is in favor of a sentence. **Semper paratus:** always ready; always prepared.

In the civil law. **Semper in dubiis benigniora præferenda sunt:** in doubtful cases, the more favorable constructions are always to be preferred. **Semper in dubiis id agendum est, ut quam tutissimo loco res sit bona fide contracta, nisi quum aperte contra leges scriptum est:** in doubtful cases, such a course should be taken that



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Separale, l. l. *In old English law.* Several; a several or separate share or portion; a separate property.

Separate. Distinct; set apart; severed; belonging to, enjoyed or enjoyable by one person or class of persons. **Separate estate:** property given or settled to the separate use of a married woman. **Separate maintenance:** the maintenance of a woman by her husband, on an agreement to live separately; an allowance made by a husband therefor.

Separatim, l. *In old English law.* Severally. A word which made a several covenant.

Sequatur sub suo periculo, l. *In old English law.* Let him follow at his peril; a writ which issued after a return of *nihil*, on a *summons ad warrantizandum*, and after issue of an *alias* and *pluries*.

Sequela, l. l. *In old English law.* Suit; process or prosecution; following or followers. **Sequela causæ:** the process of a cause; the process and depending issue of a cause or trial. **Sequela curiæ:** suit of court.

Sequester, l. *In the civil law.* A person with whom contending parties deposited the subject-matter of the controversy.

Sequester. In equity, to take possession of the property of a defendant, and keep it to enforce a decree, or until the defendant clears himself of a contempt; in international law, to seize the property of an individual, and appropriate it to public use, particularly in time of war, debts due from subjects to the enemy.

In English ecclesiastical law. To gather the fruits of a void benefice, and keep them for the use of the next incumbent; to take possession of the ecclesiastical property of a defendant, and hold it until, out of the rents, tithes and profits, the plaintiff's debt be satisfied.

In the civil law. To take a thing the subject of a controversy, out of the possession of the contending parties, and deposit it in the hands of a third person.

Sequestrare, l. *In the civil law.* To sequester. **Sequestravit, et sub sequestro arcto tenuit:** (he) sequestered, and held under close sequestration.

In English ecclesiastical law. **Sequestrari facias:** cause you to be sequestered; a process in the nature of a *levari facias*, commanding the bishop to enter into the rectory and parish church, and sequester and hold until, of the rents, etc., he has levied the plaintiff's debt.

Sequestration. In international law, the seizure of the property of a person, and appropriation of it to the use of the government.

In English law. The taking of possession of a defendant's property, by virtue of a judicial process, and holding it until some act is done, or claim satisfied; the taking possession of the property of a deceased person where there is no one to claim it.

In the civil law. The taking a thing in controversy out of the possession of the contending parties, and depositing it with a third person, to be held for delivery to the prevailing party.

Sequi, l. To follow. **Sequi debet potentia justitiam, non præcedere;** power ought to follow justice, not go before it.

In old English law. To sue; to sue out, as process from a court; to prefer an action; to prosecute or follow up a suit or cause.

Serement, serment, l. fr. *In old English law.* An oath.

Serf, serfe, l. fr. *In old English law.* A slave.

Seriant, l. fr. *In old Scots law.* Serjeant.

Seriantia, serjanteria, serjantia, l. l. *In old English law.* Serjeanty.

Seriatim, l. l. In order; one after another.

Seriaunt, l. fr. *In old English law.* Serjeant.

Serjeant, serjant, serjent, l. fr. and eng. The title of several officers in the common law, generally of the ministerial class.

In American law. An officer who attends upon the sessions of legislative bodies, with duties similar to those of the corresponding English officer.

In English law. **Serjeant at arms:** an officer whose duty is to attend the person of the king, to arrest traitors, to attend the Lord High Steward sitting in judgment on a traitor, and the like, two of which officers attend as executive officers upon the two houses of parliament, and another of which attends, with like duties, upon the court of chancery. **Serjeant at law:** the highest degree of counsel in the common law, corresponding with doctor in the civil law,—called, also, anciently, serjeant of the coif, and serjeant countor. **Serjeant of the mace, or serjeant at mace:** an officer who attends the Lord Mayor of London, and the chief magistrates of other corporate towns.

Serjeanty. *In English law.* Service; a special kind of feudal service held only of the king. v. *Grand serjeanty; Special serjeanty.*

Serment, l. fr. *In old English law.* Oath; an oath.

Sermo, l. Speech; discourse. **Sermo index animi:** speech is the index of thought or intent. **Sermo relatus ad personam intelligi debet de conditione personæ:** language, which is referred to a person, ought to be understood of the condition of the person.

Serrated. *In old English law.* Marked or cut in notches, resembling the teeth of a saw.

Servant. One who serves; one who serves another, termed the master, under a contract of hire. v. *Fellow-servant; Vice-principal.*

Serve. To deliver with judicial effect; to deliver so as to charge a party, in law, with delivery.

In Scots law. To declare the fact of heirship judicially.

Servi, l. *In old English law.* Bondmen; servile tenants.

Service. Judicial delivery or communication of papers; execution of process; communication of process to a party or witness, so as to

subject him to its operation; delivery of a pleading, notice, or other paper to the adverse party to a suit so as legally to charge him with its effect.

In Scots law. The inquisition or verdict of a jury, by which the character of an heir is judicially established.

In feudal and old English law. The duty which a tenant, in virtue of his fee, owed to the lord.

Serviens, l. l. *In old English law.* A serjeant; a counter or pleader; a sheriff's officer; a bailiff; any ministerial officer; a vassal, or feudal tenant; a servant. **Serviens ad clavam:** serjeant at mace. **Serviens ad legem:** serjeant at law. **Serviens domini regis:** king's serjeant; a public officer, who sometimes acted as the sheriff's deputy, and had also judicial powers.

Servient. Serving; subject to a service or servitude.

Servitium, l. *In feudal and old English law.* The duty of a tenant to his lord, by reason of his fee. **Servitium brigandinum:** v. *Servitium militare.* **Servitium forinsecum:** forinsic, foreign, or extra service; service due to the king, over and above the service due to the lord. **Servitium hauberticum:** v. *Servitium militare.* **Servitium intrinsecum:** intrinsic or ordinary service; the ordinary service due the chief lord from tenants within the fee. **Servitium liberum:** free service. **Servitium loricaum:** v. *Servitium militare.* **Servitium militare:** knight-service; the service of a military tenant; military service. **Servitium regale:** royal service; a royal prerogative or privilege, granted to the lord of a manor. **Servitium scuti:** service of the shield. v. *Servitium militare.* **Servitium semper sequitur homagium:** service always follows homage. **Servitium sokæ:** service of the plough; socage. **Servitium solita et consueta:** the usual and customary services.

Servitors of bills. *In old English law.* Servants or messengers of the marshal of the King's Bench, employed to summon to court.

Servitude. A charge on one estate for the benefit of another,—a species of incorporeal right derived from the civil law, resembling the easement of the common law.

Servitus, l. *In the civil law.* Slavery; bondage; the state of service. A service or servitude; a burden imposed on one person or estate for the benefit of another. **Servitus actus:** the servitude or right of walking, riding or driving over another's ground. **Servitus altius non tollendi:** the servitude of not building higher,—a right attached to a house, by which the owner can prevent his neighbor from building higher. **Servitus aquæ ducendæ:** the servitude of leading water; the right of leading water to one's own premises, through another's land. **Servitus aquæ educendæ:** the servitude of leading off water; the right of leading off the water from one's own on to another's ground. **Servitus aquæ hauriendæ:** the servitude or right of drawing water from another's spring or well. **Servi-**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

general sessions of the peace, which is a court of record held before two or more justices, whereof one is of the quorum, in execution of the general authority given by the commission of the peace and certain acts of parliament; the general quarter sessions of the peace, which is a court of record held in every county once in every quarter of a year, before two or more justices of the peace, one of whom must be of the quorum, for the trial of misdemeanors and lesser felonies.

Set. The several parts of a writing drawn in duplicate. **Set of exchange:** a bill of exchange drawn in several parts, any one of which being paid the others are to be void.

Set aside. To annul, make void or vacate. **Set out:** to aver or allege. **Set up:** to assert, as a demand or a defense.

Set-off. A counter-claim or demand; a demand set up against another demand, for the purpose of reducing or extinguishing it; the subtraction of the one demand from the other. A set-off may be allowed where the demands are independent.

Setter. *In Scots law.* The granter of a tack or lease.

Settle. To make a final disposition of a demand, by payment or otherwise; to adjust a difference between parties; to determine the form of, as an issue, or a bill of exceptions; to take up residence, or to establish one's self in or upon, as in a town or upon land.

Settlement. A settled place of abode; a right growing out of residence; a right to be considered a resident, chiefly for the purpose of relief as a poor person; a disposition of property by deed, usually through a trustee, and for the benefit of a wife, children or other relations.

Seure, seuyr, l. fr. To sue; to prosecute.

Sever. To separate or divide, as to separate in pleading.

Several. Separate; distinct; independent; exclusive; consisting of a number. **Several covenant:** a covenant by two or more, separately; a covenant so made as to bind the parties severally, or individually. **Several fishery:** a right to fish in a private water, either exclusively, or in conjunction with the owner of the soil.

In old English law. A separate share or portion.

Severalty. A state of separation; as applied to an estate, one that is held by a person in his own right only, without any other person being joined or connected with him, in point of interest, during his estate therein.

Severance. Separation, or division, as in pleading, or among coparceners or joint tenants.

Sextus decretalium, l. The sixth of the decretals,— one of the subdivisions of the canon law.

Seysina, l. l. *In old English law.* Seisin; possession of lands; or a freehold estate in lands.

Seysire, l. l. *In old English law.* To take; to take possession; to seise. **Seysire in manum suum:** to seise or take into his hand. **Seysitus:** seised; possessed of.

Shack. *In English law.* The straying of cattle into uninclosed land; an intercommoning of cattle.

Shall. May be construed in the permissive as well as the imperative sense.

Sham. Good in appearance but false in fact, as a sham plea or answer.

Share. A part or portion. **Share and share alike:** in equal shares or proportions.

Shelley's case, rule in. A rule in English law which precludes the limitation of an estate to a man for life, with remainder to his children, or heirs in fee or tail, the words of limitation over being regarded as words of limitation and not of purchase, and as passing the fee to the first taker. The rule was propounded in Shelley's case, reported by Coke.

Sheriff. The chief civil officer of a county, specially entrusted with the execution of the laws and the preservation of the peace,—charged with some judicial as well as ministerial powers, and with the duty of executing the process of the superior courts, the making of arrests, etc. **Sheriff's jury:** a jury summoned for the purpose of an inquisition before a sheriff upon a writ of inquiry. **Sheriff's sale:** a sale by a sheriff or his deputy in execution of the mandate of legal process.

In Scots law. **Sheriff clerk:** the clerk of the sheriff's court. **Sheriff depute:** the principal sheriff of a county, who is also a judge.

Sheriffalty. The term of a sheriff's office.

Sheriffwick. The jurisdiction of a sheriff; the office of a sheriff.

Shifting use. A use which is made to change from one person to another, by matter of after-occurrence.

Ship. In its general sense, a generic term, including all vessels; in a stricter sense, a vessel with three complete masts, viz., lower, top, and top-gallant masts. **Ship's husband:** a person appointed by the several part-owners of a ship to manage the concerns of the ship for the common benefit. **Ship's papers:** papers with which a vessel is required by law to be provided,—including, in case of a neutral ship, the register, the passport or sea-letter, the muster roll, the charter-party, the bills of lading, the invoice, the log-book, and the bill of health.

Ship. To put on board a ship; to send by ship; by an extension of the term, to send by other general means of transportation, as by steam-boat, canal boat, or railway; to engage to serve on board a vessel as a seaman, for a certain voyage or for a specified term.

Ship-breaking. *In Scots law.* The offense of breaking into a ship.

Shipper. The charterer or freighter of a vessel; the person who ships goods.

Shipping articles. An agreement in writing between the master of a vessel and the seamen engaged to serve on board, specifying the voyage for which they are shipped, the wages, and time when they are to come aboard.

Shipwreck. The breaking of a ship so that she no longer exists in her original nature.

Shira, schira, l. l. *In old English law.* Shire; a shire; the shire.

Shire. A county.

Shire-mote. *In Saxon law.* The county court. **Shire-reeve, shireve:** the reeve or bailiff of the shire,—the viscount of Anglo-Norman, and the sheriff of later times.

Shore. Land on the margin of the sea, or a lake, or river; the land alternately covered and bared by the rising and falling of the tide; the space between high and low-water marks.

Si, cy, l. fr. *In old English law.* So; if. **Si come la court agardre:** as the court shall award. *v. Agard.* **Si comme:** so as. **Si Dieu moy eyde et les seintz:** so help me God and the saints. **Si lour eyde Dieu et ses seyntz:** so help them God and his saints. **Si luy eyde Dieu et les saintz:** so help him God and the saints.

Si, l. *If.* **Si a jure discedas, vagus eris, et erunt omnia omnibus incerta:** if you depart from the law you will go astray, and all things will be uncertain to every body. **Si aliquid ex solemnibus deficiat, cum æquitas poscit, subveniendum est:** if any one of certain required forms be wanting, when equity requires, it will be aided. **Si antiquitatem spectes, est vetustissima; si dignitatem, est honoratissima; si jurisdictionem, est capacissima:** if you look at its antiquity, it is the oldest; if at its dignity, it is the most honorable; if at its jurisdiction, it is the most comprehensive. Spoken of the high court of parliament. **Si assuetis mederi possis, nova non sunt tentanda:** if you can be relieved by accustomed remedies, new ones should not be tried. **Si in ære non habeat, in pelle luat:** if a man has not [the means of satisfaction] in money, he must pay in his skin; if a man cannot pay his fine he must go to prison. **Si nulla sit conjectura quæ ducat alio, verba intelligenda sunt ex propria non grammatica quæ est ex origine, sed populari ex usu:** if there be no conjecture which leads to a different result [if there be no reasonable ground for a different interpretation] words are to be understood, not according to their strict grammatical and etymological meaning, but in the popular and ordinary sense. **Si quis sine liberis decesserit:** if any one shall have died without issue.

In English law. **Si non omnes:** if all cannot; a writ of association of justices whereby, if all in commission cannot meet at the day assigned, two or more may proceed with the business. **Si fecerit te securum:** if [he] make you secure; the initial words of that kind of original writ which directs the sheriff to cause the defendant to appear, without option, provided the plaintiff gives security effectually to prosecute.

In old English law. **Si contingat:** if it happen; words of condition in old conveyances. **Si ita est:** if it be so,—emphatic words in the old writ of *mandamus* to a judge, commanding him to affix his seal to a bill of exceptions. **Si prius:** if before,—formal words in the



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Sigillum, l. *In English law.* A seal. **Sigillum adulterinum:** a spurious or counterfeit seal. **Sigillum est cera impressa:** a seal is wax impressed.

Sign. To affix the name to an instrument or writing,—not necessarily, though usually, at the foot or bottom.

Signare, l. *In the civil law.* To seal; to affix a seal; to confirm by a seal.

Signature. The writing or subscribing of one's name on an instrument by which it is made the act of the party subscribing; the name so subscribed.

Signet. *In English law.* One of the queen's seals used in sealing private letters and grants under the sign manual.

Significavit. *In English law.* That clause in the writ *de contumace capiendo* which states that a competent person has signified to the king that the person against whom the writ is issued is manifestly contumacious; the writ itself.

Signum, l. *In old English law.* A seal.

In the civil law. A sign; a mark; a seal; a species of proof.

In Saxon law. A cross prefixed to the name of a subscribing witness, as a sign of assent and approbation to a charter or other deed.

Silent leges inter arma, l. The power of law is suspended during war.

Similiter, l. Likewise; the like. The short formula used either at the end of pleadings, or by itself, expressive of the acceptance of an issue of fact; a joinder in issue.

Similitudo, l. *In old English law.* Similitude; likeness; similarity. **Similitudo legalis est, casuum diversorum inter se collatorum similis ratio; quod in uno similibus valet, valebit in altero:** legal similarity is [consists in] the like reason of different cases when compared together; that which has force in one of the like cases shall have force in the other.

Simony. *In English ecclesiastical law.* The presentation of any one to an ecclesiastical benefice, for money or reward.

Simpla, l. *In the civil law.* The single value of a thing.

Simple. Pure; unmixed; unqualified; composed of the fewest elements.

Simple contract: a contract not under seal. **Simple larceny:** mere larceny, as distinguished from larceny from the person or dwelling.

In Scots law. **Simple warrandice:** an obligation to warrant or secure from all subsequent or future deeds of the grantor.

In the civil law. **Simple obligation:** an obligation which does not depend for its execution on any event provided for by the parties, or which is not agreed to become void on the happening of any such event.

Simplex, l. Simple; unqualified; single. **Simplex commendatio:** mere commendation or praise; — **non obligat:** mere commendation does not bind. **Simplex et pura [donatio] dici poterit, ubi nulla est adjecta conditio, nec modus:** a gift may be said to be simple and pure where there is no condition or qualification annexed to it.

Simplex obligatio: a single obligation; a bond without a condition.

In old English law. **Simplex dictum:** simple averment; mere assertion without proof. **Simplex justitarius:** simple justice. **Simplex loquela:** simple speech; the mere declaration or plaint of a plaintiff. **Simplex peregrinatio:** simple pilgrimage.

Simplicitas est legibus amica, et nimia subtilitas in jure reprobat, l. Simplicity is a favorite of the laws, and too great subtlety in law is reprobated.

Simpliciter, l. Simply; by or in itself; by its own force; without addition.

Simul, l. Together. **Simul cum:** together with,— words used in pleadings or indictments against one who has done an act with others unknown. **Simul et semel:** together and at one time.

Simulated. Fictitious; feigned.

Simulation. *In the civil law.* Misrepresentation or concealment of the truth.

Sine, l. Without. **Sine animo revertendi:** without the intention of returning. **Sine consideratione curiæ:** without the judgment of the court. **Sine cura:** without cure or charge; without any duty attached. **Sine decreto:** without authority of a judge. **Sine die:** without day; without appointment of a day to appear again. **Sine dilatione:** without delay. **Sine prole:** without issue.

In old English law. **Sine assensu capituli:** without the consent of the chapter; a writ which lay for recovery of lands aliened by the head of an ecclesiastical corporation without consent of the chapter. **Sine hoc quod:** without this that,— a technical phrase in old pleading. **Sine judicio:** without judgment; without a judicial sentence. **Sine numero:** without stint or limit.

In the civil law. **Sine liberis:** without children.

Single bill. A written engagement under seal, for the payment of money without a penalty. **Single bond:** a bond without a condition.

Singular successor. *In Scots law.* A purchaser, in contradistinction to the heir of a landed proprietor.

Singulariter, l. Singly; in the singular.

Singuli in solidum, l. Each for the whole.

Sist. *In Scots law.* A stay or suspension of proceedings; an order for a stay of proceedings.

Sist. *In Scots law.* To stay proceedings.

Sistere, l. *In the civil law.* To produce a party in court.

Sit. To occupy a seat; to be permanently fixed; to be prepared for deliberate action.

Sittings. The holding of a court, with full form, and before all the judges; the holding of a court of *nisi prius* by one or more of the judges of a superior court.

Situs, l. Position; situation; location; site.

Siwer, l. fr. *In old English law.* To sue. **Siwist:** sued.

Siwite, siwyte, l. fr. *In old English law.* Suit.

Six clerks. *In English law.* Officers on the equity side of the court of chancery who received and filed all bills, answers, replications, and other papers, etc.

Slander. Defamation by words spoken. **Slander of title:** defamation of one's property, real or personal, or of one's interest therein.

Slave. A person who is wholly subject to another; one who is bound to serve for life; a bondman.

Slavery. The state or condition of a slave; the institution in virtue of which a person is held in that condition.

Slight care. The care which men of common sense apply to their own affairs, though inattentive to them.

Smart-money. Vindictive or exemplary damages.

Smoke-farthings. *In old English law.* An annual rent paid to cathedral churches.

Smoke-silver. *In English law.* A sum paid to the ministers of various parishes as a *modus* in lieu of tithe-wood.

So help me God. The formula with which an oath concludes when the words of it are repeated by the person swearing. **So help you God:** the formula with which the administration of an oath always concludes.

Soca, socha, l. l. Soc, or sock; a seigniorship with liberty of holding a court of his tenants; a liberty or privilege; a manor or lordship.

Soc, sock, sok, soke, sax. *In Saxon and old English law.* A lord's privilege of having suit of court from his tenants, or the right of compelling the attendance of his tenants at his court; the lord's right to constitute a court, as *sac* is his right to try causes in it. *v. Sac.*

Socage, soccage, Socagium, soccagium, sockagium, sokagium, l. l. *In English law.* A tenure by any certain and determinate service not military. Free socage, the most honorable of this kind of tenure, and the tenure by which land in England is now mainly held, is tenure by free services, not military, as rents,—farm produce or money. Villein socage is tenure by services certain but base.

Societas, l. *In old English law.* Complicity in crime.

In the civil law. Partnership; a partnership; the contract of partnership.

Society. *In old English law.* Partnership.

Socius, l. *In old English law.* An associate; a fellow; a companion in crime; an accomplice; an associate judge or justice.

In the civil law. A partner. **Socii mei socius meus socius non est:** the partner of my partner is not my partner.

Socman, sokman, sokeman, sax., Socmannus, sokmannus, sokemannus, l. l. *In old English law.* A tenant by socage; any tenant other than a tenant in knight service.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Solidum, l. *In the civil law.* An entire or undivided thing; the whole.

Solinum, l. l. *In old English law.* Two plough-lands, and somewhat less than a half.

Solo cedit quod solo implantatur, l. *In the civil law.* That which is planted in the soil belongs to the soil. **Solo cedit quod solo inædificatur:** that which is built upon the soil belongs to the soil. *v. Omne quod, etc.*

Solonque, solonc, soloine, l. fr. *In old English law.* After; according to.

Solum, l. *In the civil law.* The soil; ground.

Solutio, l. *In the civil law.* Payment; the satisfaction or discharge of an obligation in any mode. **Solutio indebiti:** payment of what is not due; payment by mistake, of money not due; a contract by which the person so paid was bound to make restitution to the person paying. **Solutio pretii emptionis loco habetur:** the payment of the price [of a thing] is held to be in place of a purchase [operates as a purchase].

Solutus, l. *In Scots law.* Purged.

In the civil law. Loosed; set at liberty.

Solvency. Ability to pay; present ability to pay; ability to pay one's debts out of one's present means.

Solvendo, l. Paying,— the apt word in old conveyances for reserving a rent.

In the civil law. Solvent; able to pay; able to pay in full. **Solvendo esse nemo intelligitur nisi qui solidum potest solvere:** no one is understood [or considered] to be solvent, but him who can pay the whole.

Solvendum in futuro, l. To be paid at a future time.

Solvendus, l. *In old English law.* To be paid.

Solvent. Able to pay; able to pay out of present means; able to pay one's debts in full out of one's present means.

Solvere, l. *In the civil law.* To pay; to do what one has undertaken to do; to loosen or disengage; to release one's self from obligation, as by payment of a debt.

Solvit, l. He paid; paid. **Solvit ad diem:** he paid at the day,— the name of a plea, in an action on a bond. **Solvit post diem:** he paid after the day,— the name of a plea in an action on a bond.

Somouns, l. fr. Summons; a summons.

Son, l. fr. His. **Son assault demesne:** his own assault,— the name of a plea in an action of trespass for an assault, that it was the plaintiff's own assault that occasioned the injury, or that the assault was made by the defendant in self-defense.

Sonticus, l. *In the civil law.* That which hurts, or hinders; that which tends to delay or put off; that which authorizes or excuses delay.

Sorner. *In Scots law.* A person who takes meat and drink from others by force or menaces, without paying for it.

- Sors, l.** *In the civil law.* A lot; chance, hazard, fortune; the capital stock of a partnership; a principal sum as distinguished from interest; a thing recovered in an action.
- Sortitio, l.** *In the civil law.* A casting or drawing of lots. **Sortitio judicum:** a drawing of judges on criminal trials.
- Soub, soub, l. fr.** Under.
- Soul-scot.** *In Saxon law.* A mortuary offering; a corse-present.
- Sound.** To have an essential quality,— as, applied to an action, to sound in damages.
- Sound.** As applied to things inanimate, whole, free from decay; as applied to an animal, free from such defects, whether natural or caused by disease, as would render the animal unfit for, or incapable of performing, the ordinary functions, or the services ordinarily required of such an animal.
- Sous seing prive, fr.** Under his private signature,— a writing privately signed, not authenticated before a public officer.
- South, l. fr.** *In old English law.* Under. **South boys:** underwood. **South dean:** sub dean. **South viscount:** under sheriff.
- Southscripts, l. fr.** *In old English law.* Underwritten.
- Sovereign.** Of supreme power, civil, military and political; the person or body of persons in whom such power resides.
- Sowne.** *In old English law.* To be leviabie,— a term applied to sheriffs' returns.
- Soy, soi, l. fr.** His; himself. **Soy defendaunt:** defending himself; in self-defense.
- Soyt, soyte, sc.** *In old Scots law.* Suit; suit to court. **Soytor:** suitor.
- Sparsim, l.** Scattered; here and there.
- Speak to.** To argue.
- Speaking demurrer.** A demurrer in equity which alleges new matter.
- Special.** Relating to a species, to a single sort or kind. **Special agent:** an agent appointed or constituted for a special purpose. **Special bail:** bail to the action, given as a security to abide the event. **Special case:** v. *Case.* **Special contract:** a contract in writing under seal. **Special damages:** damages which do not necessarily result from the injury complained of. **Special demurrer:** a demurrer based on some defect of form, which is specially set forth. **Special injunction:** an injunction by which parties are restrained from committing waste, damage or injury to property. **Special issue:** an issue upon a special plea. **Special jury:** a jury ordered on the motion of either party, in cases of unusual importance or intricacy. **Special occupant:** a person having a special right to enter on and occupy lands granted *pur auter vie*, on the death of the tenant, and during the life of *cestui que vie*. **Special plea:** a special kind of plea in bar, consisting usually of some new affirmative matter. **Special pleading:** the popular denomination of the science of pleading. **Special partner:** a partner with a limited or restricted responsibil-

ity; a limited partner. **Special partnership:** a partnership limited to a particular business, or a particular subject. **Special property:** a property of a qualified or temporary kind. **Special rule:** a rule granted on the motion of counsel in court. **Special traverse:** a traverse or denial, the design of which, as distinguished from a common traverse, is to explain or qualify the denial, instead of putting it in the direct and absolute form. **Special verdict:** a special finding of facts, leaving to the court the application of the law to the facts found.

In English law. **Special bastard:** a bastard born before marriage of parents who afterwards intermarry. **Special pleader:** a person whose occupation is to give opinions on statements made verbally or in writing, and to draw pleadings and such practical proceedings as may be out of the usual course. **Special sessions:** an extra session of the justices of the peace, held, usually under act of parliament, for special purposes.

In Scots law. **Special service:** that form of service by which the heir is served to the ancestor who was feudally vested in the lands.

Specialty. An instrument in writing under seal. **Specialty debt:** a debt due, or acknowledged to be due, by an instrument under seal.

Species, l. *In the civil law.* Form; figure; fashion or shape; a thing made, or shaped out of any substance.

Species, l. A particular kind or class. Included in *genus*.

In Scots law. **Species facti:** the particular criminal act with which a person is charged.

Specific. Characterizing a species or particular kind; having certain form or designation; particular; precise. **Specific legacy:** a gift, by will, of a specified thing; a legacy of a quantity of chattels described collectively; in a strict sense, a legacy of a particular chattel. **Specific performance:** performance of a contract in the precise form, or according to the precise terms agreed on,—frequently compelled in equity.

Specificatio, l. *In the civil law.* A making of form; a giving of form to materials; the mode of acquiring property by transforming a thing belonging to another.

Specification. A particular description; in the patent law, a written description of an invention or discovery, and of the process of making and using; in architecture, a statement of the mode of construction and of all material, with a particular description of each piece and of the mode of joining.

Speciosus, l. *In the civil law.* Distinguished.

Spes, l. Hope. **Spes accrescendi:** hope of surviving. **Spes recuperandi:** hope of recovering (a prize or captured vessel).

Spiritual courts. *In English law.* The ecclesiastical courts, or courts christian.

Spirituos liquor. Distilled liquor.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Spurius, l. *In the civil law.* A bastard; the offspring of promiscuous cohabitation; one born of an unlawful intercourse.

Squatter. *In American law.* One who settles on another's land; one who settles on public land without title or authority.

SS. Letters in the statement of the venue in a record, pleading or affidavit,—supposed to be a contraction of *scilicet*, or a mark indicating a new paragraph.

Stabit præsumptio donec probetur in contrarium, l. A presumption shall stand until proof be made to the contrary.

Stabitur præsumptioni donec probetur in contrarium, l. A presumption will be stood by, or upheld until proof be made to the contrary.

Stable-stand. *In old English law.* Standing ready with bow bent or with hounds in leash ready to let slip,—one of the four evidences of intent to kill deer in a forest.

Stabularius, l. *In the civil law.* A stable-keeper.

Stallage. *In English law.* The liberty of erecting stalls in fairs or markets; a duty paid for the liberty.

Stakeholder. A depositary of money deposited by parties, with a naked authority to deliver to one of them upon a certain contingency.

Stand. To abide; to submit to; to have force or strength; to remain, to remain in force; to appear in court. **Stand aside:** applied to a juror, means that he is not to be presently accepted but to wait until the panel is gone through, to see if there may not be a full jury without him. **Stand committed:** to be committed. **Stand mute:** upon arraignment for treason or felony, to make no answer, to answer foreign to the purpose, or, having pleaded not guilty, to refuse to put one's self on the country.

Stannary courts. *In English law.* Courts held for the stanneries, or tin mines in Devonshire and Cornwall, for the administration of justice among the tanners.

Staple. *In English law.* An established mart or market; a place where the buying and selling of wool, lead, leather and other articles were put under certain terms; the hereditary customs of the crown, consisting of customs on skins, wool and leather exported.

Star. *In old English law.* A deed or contract. All deeds, obligations, etc., of the Jews in England were anciently so called. The word is a contraction of the Hebrew *shetar* (which was pronounced *shtar* or *shtor*), meaning contract. **Star chamber:** the chamber in which the chests containing stars were kept; an ancient court, which consisted of various lords spiritual and temporal, who were privy councillors, with two common-law judges, and which had jurisdiction, without a jury, of matters of riot, perjury and various high misdemeanors. It was abolished on account of great abuses, by the statute 16 Car. I., c. 10.

Stare, l. *In old English law.* To stand; to be valid; to meet; to abide; to appear in court; to accept an office. **Stare decisis:** to stand by decided cases; to uphold precedents; —, **et non quieta movere:** to stand by precedents, and not to disturb settled points. **Stare recusare:** to refuse to stand.

State. To set down or set forth; to relate at length, or in full; to express in words the particulars of a matter; to mention in general terms, or by way of reference. **State a case:** to agree upon the facts of a case and to submit the case for decision. **State an account:** to exhibit the items of which an account is composed.

State. A political body, or body politic; the body of a people united under a government; condition. *v.* *Status.*

In old English law. Estate; an estate.

Stated. Settled; closed; established in order,— as a stated account, a stated term of court.

Statim, l. *In old English law.* Immediately.

Statuliber, l. *In the Roman law.* One who is made free by will under a condition.

Status, l. *In old English law.* Estate.

In the civil law. Standing; condition; state; the condition of a person, as being either free or slave.

Statute. *In old Scots law.* To establish.

Statute. An act of legislature declaring, commanding or prohibiting something. **Statute of frauds:** *v.* *Frauds, statute of.* **Statute of limitations:** a statute by which rights of action are limited to certain prescribed periods of time.

In English law. **Statute roll:** a roll on which an act, after receiving the royal assent, was formally entered.

In old English law. A bill or law which, after receiving the royal assent on the parliament roll, was entered on the statute roll, by which it became complete.

In the civil law. Any municipal law or usage, though based on judicial decisions, or the practice of nations; the whole municipal law of a state.

Statute-merchant. *In English law.* A security for a debt, entered into before the chief magistrate of some trading town, by which the body of the debtor might be imprisoned, and his goods seized in satisfaction of the debt, and his lands might be delivered to the creditor till out of the rents and profits the debt might be satisfied. **Statute-staple:** a like security entered into before the mayor of the staple.

Statutum, l. *In old English law.* A statute; an act of parliament. **Statutum affirmativum non derogat communi legi:** an affirmative statute does not derogate from the common law. **Statutum generaliter est intelligendum quando verba statuti sunt specialia, ratio autem generalis:** when the words of a statute are spe-

cial, but the reason of it general, the statute is to be understood generally.

Stay. To stop, to arrest or suspend, as a judgment or sentence.

Stay. A stopping, an arrest or suspension, as of a judgment or sentence.

Stay law: a statute relieving debtors from the oppressive use of remedies for the collection of debts.

Steelbow goods. *In Scots law.* Seed grain, cattle and implements of husbandry delivered by landlord to tenant for working a farm, which the tenant is required to return in kind on expiration of the term.

Steel-yard, stillyard, stilyard. *In old English law.* A place or house in London, where the fraternity of the Easterling merchants had their abode.

Stellionate. *In Scots law.* The crime of aliening the same subject to different persons.

Stellionatus, l. *In the civil law.* A general name for acts of fraud having no other name.

Sterbrech, strebrech, sax. *In old English law.* The offense of breaking up, obstructing, or narrowing a way or road.

Sterling. *In English law.* Current or standard coin, especially silver coin; a standard of coinage.

In old English law. A penny.

Stet, l. Let it stand or be stayed. **Stet processus:** let the process stay or stand; let the proceedings be stayed. An entry on the record, by which a plaintiff agrees that further proceedings shall be stayed,—usually made to prevent judgment as in case of a nonsuit.

Stick. To stop; to hesitate; to decline to accede. **Stick in the bark:** *v. Cortex; Qui hæret, etc.*

Stillicidium, l. *In the civil law.* Drip; the dripping of water from the eaves of a house; the servitude of suffering such dripping on one's land from the house of another.

Stint. *In English law.* Limit; a limited number. Used to describe a species of common.

Stipendium, l. *In the civil law.* The pay of a soldier; wages; stipend; tribute.

Stipes, stirps, l. *In old English law.* Stock; a stock; a source of descent. *v. Seisina, etc.*

Stipulari, l. *In the civil law.* In a strict sense, to ask or demand something in a certain form of words, which, upon response in a similar form, constituted a contract; in a more general sense, to promise or engage.

Stipulatio, l. *In the civil law.* A contract in a solemn form of words, consisting of an interrogation and a reply, as "*Spondes? Spondeo.*"

Stipulation. An undertaking in writing to do a certain act; in admiralty, an undertaking in the nature of bail or bond, to release from attachment.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Stricti juris, l. Of strict right or law; according to strict law; without equitable interpretation, or enlargement of application. **Stric-tissimi juris:** of the strictest right or law; to be interpreted and applied in the strictest manner.

Stricto jure, l. In strict law.

Strictum jus, l. Strict right or law; the rigor of the law, as distinguished from equity.

Strike. A combination among employés to cease working, or the like, to compel an increase of wages, a reduction of the hours of labor, or other change in their condition.

Striking a jury. The striking out of a certain number of names from a list of jurors prepared by the clerk or master of the court, so as to reduce it to the number of persons prescribed by law, who are to be summoned and returned as jurors by the sheriff. This is done by the parties, each party striking out so many names, one at a time and in alternation.

Strip. Aggravated waste. *v. Estrepement.*

Struck jury. A special jury,—so called because constituted by striking out a certain number of names from a prepared list. **Struck measure: v. Rase.**

Stultify. To make out to be of unsound mind.

Stultiloquium, l. l. *In old English law.* Vicious or disorderly pleading, for which a fine was imposed by King John, supposed to be the origin of the fines for *beau-pleader*.

Stuprum, l. *In the civil law.* Unlawful intercourse with a woman.

Suapte natura, l. l. In its own nature. **Suapte natura sterilis:** barren in its own nature and quality.

Sub, l. At; under; before. **Sub conditione:** upon condition; literally, under condition. **Sub colore:** under color; —**juris:** under color of right; —**officii:** under color of office. **Sub cura mariti:** under the care of the husband. **Sub disjunctione:** in the alternative. **Sub judice:** under or before a judge or court; under judicial consideration; undetermined. **Sub modo:** under a qualification; in a qualified manner or sense. **Sub nomine:** under the name. **Sub pede sigilli:** under the foot of the seal; under seal. **Sub potestate:** under power; —**viri:** under power of a husband; —**parentis:** under power of a parent; —**curiæ:** under power of the court. **Sub salvo et securo conductu:** under safe and secure conduct. **Sub sigillo:** under seal. **Sub silentio:** under silence; in silence; without notice taken. **Sub spe reconciliationis:** under the hope of reconciliation. **Sub suo periculo:** at his own risk. **Sub voce:** under the word,—used in referring to another title.

Sub-agent. An under agent; an agent appointed by one who is himself an agent.

Sub-ballivus, l. l. *In old English law.* An under-bailiff; a sheriff's deputy.

- Sub-contract.** A contract subordinate to another contract, made between one of the contracting parties and a stranger.
- Sub-delegare, l. l.** *In old English law.* To sub-delegate; to delegate power already delegated.
- Subditus, l.** *In old English law.* A vassal; a dependent; any one under the power of another.
- Subhastare, l.** *In the civil law.* To sell at public auction, which was done *sub hasta*, under a spear.
- Subhastatio, l.** *In the civil law.* A sale by public auction, which was done under a spear, set up at the place of sale.
- Subinfeudation.** *In feudal law.* The granting of a feud or fief out of another, to be held by an under tenant.
- Subjacere, l. l.** *In old English law.* To lie under; to be subject to. **Subjacere debet juri ubi deliquerit:** he ought to be subject to the law [of the place] where he has offended.
- Subject.** That which constitutes the basis or ground work; a person who is under the power and protection of a government. **Subject-matter:** the matter under consideration or in dispute.
- Sublata, l.** Removed; taken away. **Sublata causa, tollitur effectus:** the cause removed, the effect is gone. **Sublata veneratione magistratum, respublica ruit:** respect for magistrates taken away, the commonwealth falls,— applied to the offense of striking in court.
- Sublato, l.** Removed; taken away. **Sublato fundamento, cadit opus:** the foundation removed, the work falls. **Sublato principali, tollitur adjunctum:** the principal taken away, the incident is taken also.
- Submission.** An agreement by which parties consent to submit differences to arbitration.
- Submit.** To place before arbitrators, jury or court for a finding or a decision.
- Suborn.** To procure to commit an offense.
- Subornare, l.** To suborn. **Subornare est quasi subtus in aure ipsum male ornare:** to suborn is to instruct one privily, as by whispering in his ear, with a bad design.
- Subornation.** The offense of procuring another to commit an offense.
- Subpœna, l.** Under a penalty; a judicial writ commanding the attendance or appearance of a witness or party in court, under a penalty; in equity, the first process, like the writ in an action, and issued on the filing of the bill. **Subpœna ad testificandum:** subpoena to testify; the common subpoena to a witness. **Subpœna duces tecum:** a subpoena by which a witness is commanded to bring with him certain documents or writing specified.
- Subrogare, surrogare, l.** *In the civil law.* To substitute; to put in the place of; to add to (a law).
- Subrogatio, l.** *In the civil law.* The substitution of one person or thing in the place of another; strictly, the substitution of one person

in the place of another as a creditor, with a succession to the rights of the latter. **Subrogatio est transfusio unius creditoris in alium, eadem vel mitiori conditione:** subrogation is the transfusion of one creditor to another, with the same or with modified rights.

Subrogation. The putting of one person or thing in place of another; the putting of one person in the place of another as a creditor, as where one person having paid the debt of another succeeds to his rights.

Subroguer, surroguer, l. fr. To make a deputy or surrogate; to substitute.

Subscribe. To write under; to write at the bottom or end of a writing or instrument; to write the name under.

Subscribere, l. To write under, or at the bottom of a writing or instrument; to write the name under; to subscribe.

In the civil law. To consent or assent to a thing; to take part in a proceeding; to pronounce judgment.

Subscriptio, l. *In the civil law.* A writing under; a writing of the name under or at the bottom of an instrument by way of attestation or ratification; subscription; an imperial constitution granted in answer to the prayer of a petitioner present. **Subscriptio testium:** subscription of witnesses.

Subscription. The writing of the name or signature under or at the foot of an instrument, by way of execution or attestation.

Subsellia, l. *In the Roman law.* Lower seats or benches, occupied by the *judices* and inferior magistrates when they sat in judgment.

Subsidy. Pecuniary assistance from government to an enterprise of benefit to the public.

In English law. An extraordinary grant of money by the parliament to the crown,—now commonly termed a supply, or supplies.

Subsignare, l. *In the civil law.* To undersign; to subscribe.

Substance. Essence; the material or essential part of a thing, as distinguished from its form.

Substantive law. That part of the law which creates and defines rights.

Substitute. A person or thing put in the place of another.

Substituted service. Any mode of service of process provided by statute in place of personal service.

Substitutio, l. A putting of one person in the place of another.

In the civil law. The appointment of one person as heir in place of another, in the event of the first not taking.

Substitution. *In Scots law.* An enumeration of a series of heirs, described in proper technical language.

In modern civil law. The designation, in a will, of a person to take a devise or legacy, on failure of a former devisee or legatee, or after him.

Subtraction. *In English law.* The offense of withholding or keeping from another that which by law he is entitled to; as suit and serv-



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

qui non sunt in aliena potestate: all those are *sui juris* who are not in another's power.

Suicide. The intentional destruction of one's self, by a person of years of discretion and of sound mind; in a larger sense, the voluntary killing of one's self, from whatever cause.

Suit, suyt, suyte, l. fr. *In old English law.* Suit; action; the followers of a plaintiff, whom he produced to support his count or declaration; the retinue, chattels, offspring and appurtenances of a villein.

Suit. A following; prosecution; the prosecution of some demand in a court of justice. The word includes both proceedings at law and proceedings in equity, while action is properly restricted to proceedings at law.

In old English law. A following of another; attendance by a tenant on his lord, especially at his court; a number of persons produced in court by the plaintiff with his count or declaration, for the purpose of confirming his allegations; attendance for the purpose of performing some service, as grinding at a particular mill; pursuit of a fugitive felon.

Suitas, l. l. *In the civil law.* The condition or quality of a proper heir.

Suitor. One who has a suit; a party to a suit. **Suitor's fund:** in chancery practice, money and interest paid into court by litigants.

In old English law. One who attended at court; a tenant who attended his lord's court; one who attended court as a judge; a credible witness by whom a plaintiff supported his declaration.

Sum. *In English law.* A summary or abstract; a compendium; a collection.

Sum up. To bring together under a single view; to recapitulate; particularly to bring together and review the evidence in the closing address of counsel, or in the charge of the court to the jury. In England, the phrase is particularly applied to the charge to the jury.

Summa, l. l. A summary; a compendium.

Summa est lex quæ pro religione facit, l. That is the highest law which makes for [goes in support of] religion. **Summa ratio est quæ pro religione facit:** that reason or argument is of paramount weight or authority which makes for [or operates in support of] religion.

Summam esse rationem quæ pro religione facit, l. *In the civil law.* The highest reason is that which makes for religion.

Summon. Officially to notify a party that he has been sued, that he may appear and answer; in some states, to subpoena a witness.

Summoneas, l. l. *In old English law.* Summon you; a writ of summons; a writ by which a party was summoned to appear in court. **Summoneas ad auxiliandum:** summon you to aid; a writ to summon a prayee in aid. **Summoneas ad warrantizandum:** summon

you to warranty; a writ issued to summon a person vouched to warranty.

Summoner, sumner. *In old English law.* One of two or more persons by whom a defendant was summoned to appear in court, in compliance with a writ; a petty officer who called or cited persons to appear in court.

Summonitio, l. l. *In old English law.* A summoning or summons; a writ by which a party was summoned to appear in court; a command or precept of the king that one be before him, to answer or to do something; a precept to the sheriff, that he cause some one to come, or have the body of some one, or attach him.

Summons. A writ or process by which an action is begun, the defendant being thereby summoned to appear in court to answer the plaintiff; in the code states, a mere notice that an action has been begun and that the defendant is required to answer.

In old English law. An original writ directed to a sheriff, requiring him to summon a defendant to appear to answer to an action; a process by which a defendant was summoned to appear in compliance with an original writ already issued, or by which he had notice that the writ had been issued.

Summum jus, l. Strict right; strict law. **Summum jus, summa injuria:** the rigor of the law is the height of injury, or (to preserve the antithesis more closely) extreme right is extreme wrong.

Sumptuary laws. Laws to restrain extravagant expense in dress, food and the like.

Sunday. The first day of the week, the Sabbath,—a day on which no judicial act can be done, and no arrest can be made, save in criminal cases, and on which, by statute, the ordinary transactions of life are suspended.

Suo nomine, l. In his own name. **Suo periculo:** at his own risk.

Super, l. Above; over; on; upon. **Super altum mare:** on the high sea. **Super se susceperunt:** they undertook. **Super visum corporis:** upon view of the body.

Superare rationes, l. l. *In old Scots law.* To have a balance of account due to one.

Superdemanda, l. l. *In old English law.* An over demand; a demand of more than was just.

Superficiariæ ædes, l. *In the civil law.* Buildings erected on hired ground.

Superficiarius, l. *In the civil law.* One to whom a right of surface was granted.

Superficies, l. *In the civil law.* The surface; everything on the surface of land or of a building, and so closely connected with it by art or nature as to constitute a part of it.

Superflua non nocent [noceant], l. Superfluities do [should] not prejudice; surplusage does not vitiate.

Superinductio, l. *In the civil law.* A species of obliteration.

Superior. Higher in rank or authority. **Superior courts:** courts of a high and extensive jurisdiction; in America, commonly a court of large original jurisdiction, but, except for smaller matters, not of last resort; in England, formerly the court of chancery and the three common-law courts held at Westminster.

Superior. *In Scots law.* One of whom lands are held by another, answering to the lord of the English law; the holder of the *dominium directum* of lands. **Superior and vassal:** the one of whom lands were so held and the person holding,— a feudal relation corresponding with that of English lord and tenant.

Superiority. *In Scots law.* The *dominium directum* of lands, without the profit.

Superonerare, l. l. *In old English law.* To surcharge; to over-burden. **Superoneravit:** has surcharged.

Superoneratio, l. l. *In old English law.* Surcharge; a surcharging; a surcharging of common.

Superplusagium, l. l. *In old English law.* Surplus; residue or balance.

Supersede. To set above; to make void or inoperative by a superior authority; to stay, suspend or supplant.

In old English law. To omit; to forbear; to refrain or desist; to neglect; to disregard; to refuse to do.

Supersedeas, l. Supersede you or desist you; a writ issued to forbid the operation of another writ; a writ to stay proceedings or suspend jurisdiction; an auxiliary process to supersede the enforcement of a judgment pending a writ of error.

Superstitious uses. *In English law.* Uses by bequest to Jews, dissenters and papists, for religious or quasi-religious purposes,— formerly void by statute.

Supplemental. Added to complete or supply a defect in something precedent,— as an affidavit, a bill in equity, a complaint.

Suppletory oath. *In the civil law.* An oath administered to a party where a fact has been proved by only one witness, in order to make full proof.

Supplicatio, l. *In the civil law.* A rejoinder.

Supplicavit, l. He hath besought; a writ in the nature of process, to find sureties of the peace on articles filed for that purpose.

Supplicium, l. *In the civil law.* Punishment.

Supponere, l. *In old English law.* To put under; to put in place of another; to put a false thing in place of the genuine; to put a strange child in place of the true heir.

Support. Sustenance. **Support, right of:** the right of a land-owner to have his soil supported in its natural state by soil adjacent; the right of the builder and owner of a house to rest his timbers on the walls of a house adjacent,— a right resting on contract or prescription.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books' Full Membership provides unlimited access to more than 28,000 volumes of Christian literature for \$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

so that the interest may be merged by agreement. **Surrender of a preference:** a turning over by a creditor of a bankrupt of property received by way of a preference, in order to share in a dividend.

Surrenderee. *In English law.* A person to whom a surrender is made.

Surrenderor. *In English law.* A person who surrenders.

Surreptitious. Stealthily or fraudulently done, taken away or introduced.

Surrogate. A person substituted or appointed in the room or place of another; one who represents or acts for another.

In American law. A county officer who has jurisdiction in matters of probate.

In English law. A bishop's chancellor; an officer who usually presides in the diocesan court, and by whom letters of administration are granted where the spiritual court is not presided over by a judge.

Sursisa, l. l. *In old English law.* Neglect; default.

Sursise, l. fr. *In old English law.* Neglect; default; a ceasing or cessation.

Sursiser, surcesser, l. fr. To neglect; to omit doing a thing; to surcease; to fail to obey process.

Sursum reddere, l. l. *In old English law.* To render up; to surrender.

Sursum redditio, l. l. *In old English law.* A surrender.

Survey. An examination with reference to extent or condition. **Survey of land:** a measurement of land to ascertain quantity, fix boundary, etc. **Survey of a vessel:** a public document by which the condition of a vessel may be known.

Survive. To outlive; to live beyond another person, or a particular event.

Survivor. One who survives another; one who outlives another.

Sus, l. fr. Upon. **Susdit:** aforesaid.

Sus. per coll., suspendatur per collum, l. l. Let him be hanged by the neck.

Suspendere, l. l. *In old English law.* To hang; to execute by hanging. **Suspensus:** hanged.

Suspension. *In Scots law.* A writ passing under the signet, by which the diligence of the law, or the effect of a judgment, may be suspended.

Sute, l. fr. *In old English law.* Suit; prosecution; service. **Sute a molyn:** suit at mill.

Suth, l. fr. *In old English law.* Under. **Suth dit:** under said; hereafter said.

Suum cuique tribuere, l. To give to each one his own.

Suus, l. His; his own.

In old English law. **Suus iudex:** one's own judge; a proper judge; a judge having cognizance of a cause.

In the civil law. **Suus hæres:** one's own heir; a proper heir; a right heir.

Suyt, suyte, l. fr. Suit; following.

Suzereign, fr. A crown vassal.

Swain-mote, swein-mote, swain-gemote, Swanimotum, swainmotum, swaynmotum, l. l. *In old English law.* A court held before the verderors, as judges, by the steward of the swein-mote, thrice in every year, the sweins or freeholders within the forest composing the jury.

Syb and som, sax. Peace and security.

Symbolæography. The art of drawing written instruments.

Symbolic delivery. A delivery by symbol; the delivery of a thing by delivering another thing as its symbol or representation.

Synallagmatic contract. *In the civil law.* A bilateral or reciprocal contract, in which the parties expressly enter into mutual engagements, each binding himself to the other.

Syndicus, gr.-l. *In the civil law.* A defender; one who was chosen to prosecute or defend a certain cause.

Syndicate. An aggregation of persons for the purposes of an undertaking too large for successful management by a single person.

Syngraph. An instrument under the hand and seal of all the parties.

Synoth, synod. A national council of the Saxons.

Syr, l. fr. Sir. A word used by counsel in addressing a court.

T. An abbreviation of *tempore, termino* or term, *teste*, title. **T. R. E.:** *v. Tempus.*

Tabellio, l. *In the civil law.* A public writer of contracts; one who drew, wrote out, and attested instruments. An officer whose functions were similar to those of a modern notary.

Taberna, l. *In old English law.* A drinking house; a tavern; otherwise written *tabernaculum*.

In the civil law. A shop, as being inclosed with boards; any building fit for habitation; a wine-shop.

Tabernarius, l. *In old English law.* A taverner or tavern-keeper.

In the civil law. A shop-keeper.

Tabula, l. A board or plank. **Tabula in naufragio:** a plank in a shipwreck,— a figurative expression used to denote that preference or priority among mortgagees which is gained by tacking.

In the civil law. A table or tablet; a thin sheet of wood which, when covered with wax, was used for writing; an instrument written on such a tablet.

Tabularius, l. A notary, or tabellio.

Tac, tak. *In old English law.* A kind of customary payment by a tenant.

Tacit. Implied; not expressed.

In Scots law. **Tacit relocation:** an implied reletting of premises, where the tenant continues in possession after the expiration of his term. **Tacit tack:** an implied tack or lease,— a tack inferred from a tacksman's possessing peaceably after his tack is expired.

Tacitus, l. Silent; not speaking; not expressed in words; implied; tacit. **Tacita quædam habentur pro expressis:** some tacit things are regarded as expressed.

Tack. *In Scots law.* A contract by which the use of any thing is set or let for hire, for a certain time.

Tacking. *In English law.* The uniting of securities given at different times, so as to prevent any intermediate purchaser or incumbrancer from claiming a title to redeem or otherwise discharge one lien, which is prior, without redeeming or discharging others, which are subsequent to his own title.

Tacksman. *In Scots law.* A tenant or lessee; the grantee of a tack.

Tactis sacrosanctis, l. l. *In old English law.* Touching the holy (evangelists).

Tacto per se sancto Evangelio, l. l. Having personally touched the holy Gospel.

Tail. Limitation; abridgment. **Tail after possibility of issue extinct:** the estate of a widower having no issue, holding lands under a grant in tail special. **Tail female:** an estate limited to a man and the female heirs of his body. **Tail general:** an estate limited to a man and the lawful heirs of his body. **Tail male:** an estate limited to a man and the male heirs of his body.

Tail. Limited; abridged; reduced.

Tailer, taylor, tayler, l. fr. *In old English law.* To cut; to limit; to tax; to bar; to declare.

Tailzie. *In Scots law.* An entail.

Taini, thaini, l. l. *In old English law.* Freeholders.

Take. To seize by authority of law; to receive from another by some title; to obtain possession of unlawfully, or feloniously; to lay hands upon without removing; to receive the verdict of a jury; to hold a court.

Tale. The count or counting of money; in old pleading, a plaintiff's count, declaration, or narrative of his case.

Talea, talia, l. l. *In old English law.* A tally.

Tales, l. Such, so many,— a term applied to jurors. **Tales de circumstantibus:** so many of the bystanders,— the emphatic words of the old writ commanding the sheriff to make up a deficiency of jurors out of persons present.

Talio, l. *In the civil law.* Like for like; punishment in the same kind; the punishment of an injury by an act of the same kind, as an eye for an eye.

Talis, l. *In old English law.* Such; such a one. **Talis qualis:** such as; as much.

Taliter, l. *In old English law.* In such a manner; so. **Taliter processum est:** so it proceeded; such proceedings were had.

Tallage, Tallagium, l. l. *In old English law.* A share of a man's substance paid by way of tribute, toll or tax; a direct tax.

Tallatio, l. l. *In old English law.* A keeping account by tallies.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Tax. A rate or sum of money assessed on person or property for the support of the government, or for some special purpose authorized by government; in a general sense, any contribution levied by government for the use of the state; in a stricter sense, a rate imposed on persons or property, as opposed to customs, excises, etc.

Taxa, l. l. *In old English law.* A tax; an allotted piece of work; a task.

Taxacion, l. fr. *In old English law.* Taxation; assessment; the finding of damages by a jury.

Taxare, l. *In old English law.* To assess; to estimate; to moderate or regulate an assessment.

In the civil law. To rate or value; to lay a tax or tribute; to tax.

Taxatio, l. *In the civil law.* The assessment or moderation by a judge of the damages claimed or sworn to by the actor.

Taxation. Assessment; adjustment; the act or process of taxing, or of imposing a tax.

Taxer, l. fr. *In old English law.* To tax; to assess; to rate or estimate. **Taxe, taxes:** taxed; assessed; rated.

Teding-penny, tething-penny, sax. *In old English law.* A small allowance to the sheriff from each tithing of his county, towards the charge of keeping courts, etc.

Teinland, tainland, thainland, sax. *In old English law.* Land of a thane or noble; hereditary land, not subject to the service of agricultural tenants; land held by knight-service.

Telligraphum, telligraffum, telligraphium, l.-gr. *In Saxon law.* A charter or deed of land; a writing showing and protecting the title to lands; literally, a land-writing.

Temere, l. *In the civil law.* Rashly; inconsiderately; without sufficient cause.

Temples. The two English inns of court (the Inner Temple and Middle Temple), so called because anciently occupied as the residence of the Knights Templar.

Temporalis, l. *In the civil law.* Temporary. **Temporalis actio:** an action limited within a certain period. **Temporalis exceptio:** a temporary exception; an exception which barred or delayed an action for a time.

Temporalities. *In English law.* The secular revenues, lands and lay fees of a bishop.

Temporis exceptio, l. *In the civil law.* A plea of time; a plea of lapse of time in bar of an action.

Temps, l. fr. *In old English law.* Time; times. **Temps descovenables:** non-judicial seasons.

Temptatio, tentatio, l. l. *In old English law.* Assay or trial. **Temptatio panis flat bis in anno:** the assay of bread shall be made twice a year.

Tempus, l. *In old English law.* Time; a time or term; a limited period of time. **Tempus cujus contrarium memoria hominum non**

existit: time whereof the memory of a man runneth not to the contrary. **Tempus enim modus tollendi obligationes et actiones, quia tempus currit contra desides et sui juris contemptores:** time is a means of removing obligations and actions; because time runs against the slothful and those who are neglectful of their right. **Tempus regis Edwardi:** in the time of Edward the Confessor. **Tempus semeste:** the period of six months or half a year, consisting of one hundred and eighty-two days.

In the civil law. Time; a time or term. **Tempus continuum:** a continuous or absolute period of time,—a term which begins to run from a certain event. **Tempus utile:** a profitable or advantageous period of time,—a term which begins to run from a certain event, only when he for whom it runs has knowledge of the event.

Tenancy. A holding or mode of holding an estate. **Tenancy in common:** the holding of an estate in lands by several persons, by several and distinct titles, but by unity of possession.

In old English law. A house of habitation, or place to live in, held of another.

Tenant, l. fr. One who holds; a holder of lands and tenements. **Tenant a volunte:** tenant at will. **Tenant peravaile:** the lowest tenant of land; one who held of a mesne lord.

Tenant. One who holds; a holder, especially of lands or tenements; in the largest sense, one who holds lands or tenements by any kind of title, whether for years, for life, or in fee. **Tenant at will:** one who holds lands or tenements at the will of the lessor. **Tenant by the curtesy:** the holder of an estate by the curtesy. **Tenant by sufferance:** one who comes into the possession of land by lawful title, but holds over by wrong, after the determination of his interest. **Tenant for life:** one who holds lands or tenements for the term of his own life, or the life of another. **Tenant for years:** one who holds lands or tenements under a demise from another, for the term of a certain number of years agreed upon. **Tenant from year to year:** one who holds lands or tenements under the demise of another, where no certain term has been mentioned, but an annual rent has been reserved; one who holds over upon consent express or implied on the determination of a lease for years. **Tenant in dower:** a woman who holds an estate in dower. **Tenant in fee simple:** one who has lands, tenements or hereditaments, to hold to him and his heirs forever, generally, absolutely and simply.

In English law. One who holds of another, according to the fiction or maxim of tenure, though, in fact, the absolute owner of what he holds; one who actually holds of another, one who has temporary possession and use of that which is in reality the property of another; one who has actual seisin or possession of lands or tenements; one who has actual possession of lands claimed in suit by another,—the defendant in a real action. **Tenant in tail:** one who has lands,

tenements, or hereditaments, to hold to him and the heirs of his body. **Tenant to the præcipe:** the person against whom the præcipe was brought in proceedings by way of a common recovery.

In feudal law. One who holds of another, called lord or superior, by some service, as fealty or rent. **Tenant in capite:** tenant in chief; one who held immediately under the king, in right of his crown and dignity.

Tenaunt, l. fr. *In old English law.* Tenant; a tenant; the defendant in a real action.

Tencon, l. fr. A dispute; a quarrel.

Tend. *In old English law.* To tender or offer.

Tender. To offer, by presenting a thing to another; to offer to pay an amount of money by presenting it to another; to offer in words or by a form of words.

Tender. An offer of a sum of money in satisfaction of a debt or claim, by producing and showing the amount to the creditor or claimant, and expressing verbally a willingness to pay it. **Tender of issue:** a form of words in a pleading by which the pleader offers to refer the question raised to the appropriate mode of decision.

Tendre, tender, l. fr. *In old English law.* To offer; to tender; to express a readiness.

Tenement, l. fr. Tenement; a tenement; land held of another by service.

Tenement. Any thing that may be held, if of a permanent nature, whether substantial or unsubstantial in its nature; in the common, popular sense, a house or building.

Tenementary, or tenemental land. *In English law.* That part of a manor which is granted out to tenants, as distinguished from the demesne lands of the lord.

Tenementum, l. l. *In old English law.* A tenement; a thing held by service; an estate which a tenant holds of a lord; a corporeal thing held of another,—a thing capable of being viewed, entered upon, measured, etc.; the mode or circumstance of holding; a building for habitation.

Tenendas. *In Scots law.* The clause of a charter by which the tenure is expressed.

Tenendum, l. l. *In old English law.* To be held; to hold. A formal word in charters by which a tenement was conveyed, expressive of tenure, or indicating that the thing conveyed was to be held, in the feudal sense of the term.

Tenens, l. *In old English law.* A tenant; a holder; one who holds; the defendant in a real action.

Tener, l. fr. *In old English law.* To hold; to keep.

Tenere, l. *In old English law.* To hold; to have; to keep; to bind; to hold judicially; to keep or perform; to have effect, to stand good. **Tenere placita:** to hold pleas; to have a court of one's own.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Terce. *In Scots law.* Dower; right of dower; a widow's third.

Term. A limit; a bound or boundary, particularly of time; an estate or interest limited to a certain time; a limited time during which courts are statedly held; a word, a word of art, or technical word, a descriptive expression.

In the civil law. A space of time granted to a debtor for discharging his obligation.

Terme, l. fr. *In old English law.* A period of time; the term or period of an estate; an estate for a certain limited period; a judicial period or season; a word, or technical expression, a word of art.

Terminare, l. *In old English law.* To determine; to dispose of judicially; to decide.

Terminer, l. fr. To determine.

Terminus, l. A limiting point either of time or space. **Terminus a quo:** the end from which; the beginning. **Terminus ad quem:** the end to which; the termination.

In old English law. A dividing line, where metes or marks were set up; a fixed or limited period of time; an estate granted for a limited period; a term for years or life; a term of court. **Terminus et feodum non possunt constare simul in una eademque persona:** the term and the fee cannot exist together in one and the same person. **Terminus Paschæ:** Easter term. **Terminus Sancti Hilarii:** Hilary term. **Terminus Sancti Michaelis:** Michaelmas term. **Terminus Trinitatis:** Trinity term.

In English ecclesiastical law. **Terminus hominis:** a time for the determination of appeals, shorter than the *terminus juris*. **Terminus juris:** the time of one or two years, allowed by law for the determination of appeals.

In the civil law. A period of time fixed by law; a limited number; a mark or physical object dividing lands.

Termor. One who has a term in lands.

Terra, l., Terre, tere, l. fr. *In old English law.* Land; properly, arable land. **Terra culta:** tilled or cultivated land. **Terra excultabilis:** land that may be tilled or ploughed. **Terra lucrabilis:** land that might be gained from the sea, or enclosed out of a waste, to particular use. **Terra Normannorum:** Norman's land; land so called in the reign of Henry III., being land then lately held by a noble Norman who, by adhering to the French king or dauphin, had forfeited his estate in England. **Terra nova:** new land; land newly granted, or newly cleared. **Terra testamentalis:** land held by charter or writing; boc-land.

In the Salic law. **Terra Salica:** Salic land: the land of the house; the land within that enclosure which belonged to a German house.

Terrage. *In old English law.* A kind of tax or charge on land; a duty of ploughing, reaping, etc.

- Terrar.** *In old English law.* A book or roll containing a description of the several lands of a person or of a town.
- Terrarius, l. l.** *In old English law.* A land-holder.
- Terre-tenant, ter-tenant, l. fr. and eng.** A tenant, holder or occupier of land.
- Terrier.** *In English law.* A register, or survey of lands; a book or roll in which the several lands, either of a person or of a corporation, are described, with the quantity, boundaries, tenants' names, etc.
- Territorium, l.** *In the civil law.* A territory or district; the territorial limits of a government; the extent or limits of the jurisdiction of a court.
- Tertia, l.** *In old English and Scots law.* Third; dower.
- Tertius interveniens, l. l.** *In the civil law.* A third person intervening; one who interpleads.
- Tesmoyn, tesmoyne, l. fr.** *In old English law.* A witness.
- Tesmoynage, tesmoynance, l. fr.** Testimony.
- Test oath.** An oath of loyalty to government. **Test paper:** a paper or instrument shown to a jury as evidence.
In English law. **Test act:** the statute 25 Car. II., c. 2, which provided that all persons having any office, or receiving pay from the crown, or holding a place of trust under it, should take the oaths of allegiance and supremacy, and subscribe a declaration against transubstantiation, and also receive the sacrament of the Lord's Supper, according to the usage of the Church of England. As to the sacrament, repealed by the statute 9 Geo. IV., c. 17, and a new declaration substituted.
- Testa de Nevil.** A record in two volumes, in the custody of the Queen's Remembrancer in the Exchequer, containing an account of fees held of the king, etc. Said to have been compiled by Jollan de Nevil, a justice itinerant, in the eighteenth and twenty-fourth years of Henry III.
- Testament.** A disposition of property, to take effect after the death of the person making it; originally, perhaps, a disposition of personal property.
- Testamentary.** Pertaining to a will; derived from, founded on or appointed by a will. **Testamentary capacity:** mental condition such as to admit of the making of a valid will. **Testamentary causes:** causes or matters relating to the probate of wills, the granting of administrations, the suing for legacies, etc. **Testamentary guardian:** a guardian appointed by the last will of a father, for the person, and real and personal estate, of his child.
- Testamentum, l.** *In old English law.* A disposition of property made in contemplation of death; a will; a writing by which conveyances of lands and other things were made.

In the civil law. A testament; a will or last will. **Testamentum est voluntatis nostræ justa sententia, de eo quod quis post mortem suam fieri velit:** a testament is the formal expression of one's will, respecting what one would have done after his death.

Testari, l. *In the civil law.* To testify; to attest; to declare, publish or make known a thing before witnesses; to make a will.

Testate. A person who has made a will; one who dies leaving a will.

Testato, l. *In the civil law.* Testate; having made a will.

Testator. One who makes or has made a testament or will; one who dies leaving a will. **Testatrix:** a female testator.

Testatum, l. Testified; the name of a clause inserted in a writ of *capias* or execution, issued after the return of *non est inventus* or *nulla bona* to a previous writ to the sheriff of a different county, reciting the former writ, and that it is testified that the defendant lurks, etc. **Testatum writ:** a writ containing a *testatum* clause.

Testatus, l. *In the civil law.* Testate; one who has made a will. **Testatus et intestatus:** testate and intestate.

Teste, l. Witness; the name of the attestation clause of a writ, and particularly applied to the day on which the writ is witnessed, or issued.

In old English law. The initial and emphatic word of the clause at the conclusion of writs, containing the attestation of the sovereign, or chief justice out of whose court it was issued, and the day on which it was issued or granted. **Teste meipso:** witness ourself; a solemn form of attestation of charters, and other public instruments, and of original writs out of chancery.

Testes, l. fr. *In old English law.* Heads; polls.

Testes, l. *In the civil and old English law.* Witnesses.

Testibus deponentibus in pari numero, dignioribus est credendum, l. Where the witnesses who testify are in equal number [on both sides], the more worthy are to be believed. *v. Ponderatur, etc.*

Testificare, l. To testify; to bear witness.

Testify. To bear witness; to declare under oath or affirmation for the purpose of proving some fact.

Testimonia ponderanda sunt, non numeranda, l. Evidences are to be weighed, not numbered or counted. *v. Ponderatur, etc.*

Testimonium, l. Testimony; attestation. **Testimonium clause:** the clause at the end of an instrument, beginning "In witness whereof," etc.

Testimony. Evidence of a witness, or witnesses.

Testis, l. *In the civil and old English law.* A witness. **Testis corruptus:** a bribed or corrupted witness. **Testis de visu præponderat aliis:** an eye-witness is of more weight than others. **Testis incertus:** a doubtful witness; a witness who testifies from hearsay. **Testis inimicus:** an unfriendly witness. **Testis juratus:** a sworn witness.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Thirden-dele, o. eng. Third part.

Thirlage. *In Scots law.* A service by which the possessor of lands was bound to carry his grain to a certain mill to be ground, and to pay a duty therefor called a multure.

Thornton. The author of a *Summa*, or abridgment of Bracton, written in the reign of Edward I.

Thread. A middle line; a line running through the middle of a stream or way.

Thrithing, trithing, sax. *In Saxon and old English law.* The third part of a county; a division of a county consisting of three or more hundreds.

Thuringian code. One of the barbarian codes; supposed by Montesquieu to have been given by Theodoric, king of Austrasia, to the Thuringians.

Thuthinga, l. l. A tithing.

Tide water. A place where the tide in the ordinary course of things ebbs and flows.

Tiel, til, pl. tielx, tiex, tieux, tilz, l. fr. Such.

Tierce, tiers, l. fr. Third; a third part. **Tierce mien:** third hand.

Timber. Trees fit to be used in building.

Time. A word expressive both of a precise point, and of an interval between two points. **Time immemorial:** time out of memory; time out of mind. **Time out of memory:** time beyond memory; time out of mind; time to which memory does not extend. **Time policy:** a policy of insurance in which the risk is limited to a certain term.

In English law. **Time of memory:** time commencing from the beginning of the reign of Richard I.

Timor, l. *In the civil law.* Fear.

Tinel, l. fr. A place where justice was administered. **Tinel le roy:** the king's hall.

Tineman, sax. In old forest law, a petty officer of the forest who had the care of vert and venison by night.

Tinewald. The ancient parliament, or annual convention in the Isle of Man, held upon Midsummer-day, at St. John's chapel.

Tinnellus, l. l. *In old Scots law.* The sea-mark; high-water mark; tide-mouth.

Tin-penny. *In Saxon law.* A customary tribute paid to the tithing-man, to support the trouble and charge of his office.

Tinsel of the feu. *In Scots law.* The loss of the feu, from allowing two years of feu duty to run into the third unpaid.

Tippling-house. A place where intoxicating liquor is sold by the dram; a public drinking house.

Tipstaff. *In English law.* A ministerial officer who attends the judges in court, and at chambers, and is particularly charged with the custody of prisoners.

Tithes. *In English law.* The tenth part of the increase, yearly arising from the profits of lands, the stock on lands, and the industry of the inhabitants, being an ecclesiastical inheritance collateral to the estate of the land, and due only to an ecclesiastical person by ecclesiastical law. Tithes are, by statute 6 & 7 Will. IV., c. 71, commuted into a rent charge, annually adjusted with reference to the annual price of grain. Tithes are mixed, or such as do not arise immediately from the ground, but from things nourished by the ground, as calves, lambs, chickens, milk, cheese, etc.; personal, or such as arise by the industry of man, being the tenth part of the clear gain, after charges deducted; prædial, or such as arise immediately from the ground, as grain of all sorts, hay, wood, fruits and herbs.

Tithing. *In Saxon law.* The number or company of ten freeholders, with their families, who dwelt together and were sureties for the good behavior of each other.

Tithing-man. In modern law, a constable. In New England, a parish officer annually elected to preserve good order during divine service, and to make complaint of any disorderly conduct.

In Saxon law. The head or chief of a tithing; one of the ten freeholders or pledges who composed the tithing, annually appointed to preside over the other nine.

Tithing-peny, thething peny, tedinpeni. *In Saxon and old English law.* Money paid to the sheriff by the several tithings of the county.

Title. The means by which the owner of land has just possession; a caption, heading, name or designation of a book, writing, or some principal portion of the same; the name of an office, naval or military, or of the holder thereof; an addition to a name, indicating office or honor. **Title deeds:** deeds which evidence title to lands; muniments of title.

Titulus, l. *In old English law.* Title; ground of ownership of land; a lawful cause or ground of possession. **Titulus est justa causa possidendi id quod nostrum est:** title is the lawful ground of possessing that which is ours.

In old ecclesiastical law. A temple or church; the material edifice.

In the civil law. Title; the source or ground of possession; the means by which possession is acquired, whether lawful or not.

To. A term of exclusion, unless manifestly used in a different sense.

To wit. Literally, to know,—a term used to call attention, or to introduce a detailed statement of what has been mentioned generally.

Toft, Toftum, l. *In old English law.* The place where a messuage has stood; the site of a decayed house.

Toftman. *In old English law.* The owner of a toft.

Toil, toyle. *In Scots law.* Toll.

Tol, thol. v. Toll.

Toler, toller, l. fr. To take away. **Tolet, tolets, tols, toluz, tolz:** taken away.

Toll. *In old English law.* To take away; to bar, or defeat.

Toll. A duty imposed on travelers and goods passing on public ways.

In English law. A reasonable sum due to the lord of a fair or market for tollable things sold there. **Toll-thorough:** a toll for passing through a highway, or over a ferry or bridge. **Toll-traverse:** a toll for passing over a private man's ground. **Toll-turn:** a toll on beasts returning from a market.

In Saxon and old English law. A liberty to buy and sell within the precincts of a manor; the liberty of having a fair or market; a custom or port duty; a lord's right of having tallage of his villeins.

Tolle voluntatem, et erit omnis actus indifferens, l. Take away will and every act will become indifferent.

Tollere, l. *In the civil law.* To lift up; to take away; to defeat; to bring up.

Tollitur omnis obligatio solutione ejus quod debetur, l. Every obligation is dissolved by the payment of what is due.

Tolnetum, theolnetum, l. l. *In old English law.* Toll; a tax or charge.

Tolsester, tolsaster, tolcester. *In old English law.* A toll or tribute of a sextary or sester of ale, paid by tenants of some manors for liberty to brew and sell ale.

Tolt. *In old English law.* A writ by which a cause pending in a court-baron was removed to the county court.

Tolta, l. l. *In old English law.* A process for removing a cause from a court-baron, or from any temporal court; extortion.

Tonnage. As applied to vessels, capacity in tous of one thousand cubic feet each. **Tonnage tax:** a duty on tonnage; a duty levied on vessels according to their tonnage.

Tonnagium, l. l. *In old English law.* A custom or impost at so much a ton on wines and other merchandise.

Tonoderach. *In old Scots law.* A thief-taker.

Tonsura, l., Tonsure. *In old English law.* A shaving, or polling; the having the crown of the head shaven.

Tontine. A loan raised on life annuities, with the benefit of survivorship.

Tool. An instrument of manual operation, particularly such as is used by a mechanic or a farmer.

Torcenouse, l. fr. Wrongful; injurious; tortious.

Tornare, l. l. To turn; to return.

Tornetum, l. l. *In old English law.* A tax or acknowledgment paid to the sheriff, for holding his *tourn*.

Tort, l. fr. and eng. Wrong; legal wrong; an injury arising from some breach of duty to a person, not a mere violation of contract. **Tortfeasor:** a wrong-doer; a trespasser.

Tortious. Wrongful; having the quality of a tort.

Tortum, l. Crooked; injustice; the opposite of right.

Tortura legum pessima, l. The torture or wresting of laws is the worst [kind of torture].



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

learned and carries on for a living. **Trade-mark:** a distinctive mark used by persons in trade; a distinctive mark or device put upon manufactured goods to distinguish them from others.

Trader. One who trades; one who is engaged in trade, or the business of buying and selling.

Tradere, l. To deliver; to transfer the possession.

Tradesman. In a large sense, any person engaged in mechanical pursuits; in the United States, a mechanic or artificer of any kind; in England, a shop-keeper.

Traditio, l. *In old English law.* Delivery or livery. **Traditio loqui facit chartam:** delivery makes a deed speak. **Traditio rei:** delivery of a thing.

In the civil law. Delivery; transfer of possession; a giving possession of a corporeal thing. **Traditio clavium:** delivery of the keys; a symbolical delivery, by which the ownership of goods sold might be transferred to the buyer. **Traditio nihil amplius transferre debet vel potest, ad eum qui accipit, quam est apud eum qui tradit:** delivery ought to, and can, transfer nothing more to him who receives than is with him who delivers.

Tradition. Delivery.

Traditor, l. l. *In old English law.* A traitor.

Traditur in ballium, l. l. *In old English law.* Is delivered to bail,—emphatic words of the old Latin bail-piece.

Trahere, l., Trahir, traire, l. fr. *In old English law.* To draw, as a principal thing does an incident; to draw or bring in by superior power; to bring into court; to draw to execution. **Trahere in placitum:** to draw into plea; to make one a party to a suit; to implead.

In the civil law. To put off; to delay or protract.

Trail-baston. Draw-staff; the name given to justices appointed by Edward I. with extraordinary powers to try offenses, and particularly the malpractices of sheriffs and other officers.

Traitorously. An essential word in indictments for treason.

Transactio, l. *In the civil law.* The settlement of a suit or matter in controversy, by the litigating parties without arbitration.

Transcribere, l. To write over; to copy; to transcribe.

In the civil law. To transfer; to transfer one's rights to another.

Transcript. A copy, particularly of a record.

Transcriptum, l. In old practice, a transcript.

Transeat in exemplum, l. Let it pass into an example.

Transfer. To carry or pass over; to pass a thing over to another; to convey.

Transfer. The passing of a thing or property from one person to another; conveyance.

Transferre, l. *In the civil and old English law.* To bring over or across; to bring or carry from one place or person to another; to transfer.

Transgressio, l. *In old English law.* Transgression; violation of law either by going beyond measure, or by doing less than one ought out of malice or by negligence. **Transgressio est cum modus non servatur nec mensura:** transgression (or trespass) is when neither moderation nor measure is observed.

Transient. Moving about. **Transient person:** not a person on a journey from one known place to another, but rather a mere wanderer.

Transigere, l. To press to a conclusion; literally, to drive through.

In the civil law. To terminate a controversy; to end or settle a matter in litigation.

Transire, l. To go, or pass over; to pass from one thing, person or place to another; to become changed from one thing into another.

Transire, l. l. *In old English law.* A custom-house warrant or permit for the passage of goods.

Transit in rem judicatam, l. It passes into a matter adjudged; it becomes converted into a *res judicata* or judgment. **Transit terra cum onere:** the land passes with the burden; the land passes with the incumbrance attached to it.

Transitory. Passing from place to place; that may pass or be changed from one place to another. **Transitory action:** an action that may be brought, or the venue of which may be laid, in any county.

Transitus, l. Passage from one place to another; transit.

Translate. *In English law.* To transfer.

Translation. Transfer; a transferring.

In ecclesiastical law. The removal of a bishop from one diocese to another.

Transportation. *In English law.* The sending of a person out of the kingdom, as a punishment.

Transumpt. *In Scots law.* A judicial transcript of a writing; an authorized, authentic copy, as of the evidences of title to land.

Transversa, l. l. *In old English law.* A toll or tribute paid for the liberty of passage.

Trassans, l. l. Drawing; one who draws; the drawer of a bill of exchange.

Trassare, l. l. *In old Scots law.* To draw; to pursue by the foot-marks or foot-steps.

Trassatus, l. l. One who is drawn, or drawn upon; the drawee of a bill of exchange.

Traverse. To deny.

Traverse. Denial; a particular form of denial, otherwise called a special or formal traverse.

Traverser, l. fr. *In old English law.* To traverse; to deny.

Traverser. One who traverses or denies.

Treason. The offense of attempting to overthrow the government of a state to which the offender owes allegiance, or of betraying the state into the hands of a foreign power.

In old English law. The killing of a master by his servant, a husband by his wife, or of any person by one who owes him faith and obedience, is petit treason.

Treasure trove. Literally, treasure found; money or coin, gold, silver, plate or bullion, the owner of which is unknown, found hidden in the earth or other private place.

Treaty. An agreement between two or more independent states.

Treble costs. A rate of costs given in certain actions, consisting, according to its technical import, of the common costs, half of these and half of the latter. **Treble damages:** damages given by statute in certain cases, consisting of three times the amount of the damages found by the jury.

Trebuchet, tribuch, Trebuchetum, l. *In old English law.* A tumbrel or cucking-stool.

Tres faciunt collegium, l. *In the Roman law.* Three make a corporation; three members are requisite to constitute a corporation.

Treson, l. fr. Treason.

Tresor, l. fr. Treasure. **Tresor musce en terre trove:** treasure found hidden in the earth. **Tresor musce en terre et trove:** treasure hidden in the earth and found.

Tresorer, l. fr. *In old English law.* A treasurer.

Tresorie, l. fr. Treasury.

Trespass. In the largest sense, any transgression or offense against the law of nature, of society, or of the country, whether to person or property; in a stricter sense, an injury committed by one person upon another with violence, actual or implied; in the strictest sense, an unlawful entry on land of another, with some damage, however inconsiderable, to his real property; an action for any such injury. **Trespass de bonis asportatis:** trespass for goods carried away; the name of the action where the injury consists in carrying away the property. **Trespass on the case:** the action which lies for injuries unaccompanied with force, or where the damage sustained is merely consequential. **Trespass quare clausum fregit:** trespass wherefore he broke the close; the action which lies for unlawfully entering on another's land. **Trespass vi et armis:** trespass with force and arms; the action for injuries to person or property, whenever the act complained of was done with direct violence, actual or implied.

Trespassaunt, l. fr. Passing over; a passer by; a passenger.

Trespasser, l. fr. To pass over; to pass by; to pass away, to die; to transgress, to trespass.

Trespasser. A person who commits a trespass. **Trespasser ab initio:** a trespasser from the beginning, or from the first act,—applied to a person who, after a lawful entry, commits some wrongful act, which by relation makes the whole a trespass.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- Tripartitus, l.** *In the civil law.* Consisting of three parts; threefold.
- Triplicacion, l. fr.** *In old English law.* A rejoinder in pleading at law; the defendant's answer to the replication.
- Triplicare, l. l.** *In old English law.* To rejoin; to answer a plaintiff's replication.
- Triplicatio, l.** *In old English law.* The defendant's answer to the replication; a rejoinder.
In the civil law. The answer of the actor to the *duplicatio*
- Triplicaut, l. fr.** *In old English law.* Rejoining.
- Tristris, tristis, tritis, l. l.** *In old forest law,* a freedom from the duty of attending the lord of a forest in the chase.
- Trithing, triding.** *In Saxon and old English law.* A division of a county, consisting of three hundreds; the third part of a county; a court held for such a division.
- Trithingreve.** *In old English law.* An officer who governed a trithing.
- Tritingum, l. l.** *In old English law.* A trithing; a division of a county consisting of four or more hundreds; a court held for such a division.
- Triumviri, tresviri, l.** *In the civil law.* Three men; subordinate magistrates appointed for various purposes. **Triumviri capitales:** magistrates having charge of prisons and of the execution of criminals. **Triumviri monetales:** magistrates having charge of the mint. **Triumviri nocturni:** magistrates having charge of the watch and the preventing of fires.
- Triverbial days.** *In the civil law.* Judicial or juridical days; days allowed to the prætor for deciding causes.
- Tronage.** *In old English law.* A custom or toll for the weighing of wool.
- Trove, l. fr.** Found.
- Trover, l. fr.** *In old English law.* To find. **Trover plegges:** to find pledges. **Trover suerte de suer:** to find surety to sue or prosecute.
- Trover.** An action to recover the value of a personal chattel, or goods, wrongfully converted by another to his own use,—so called from the formal allegation that the defendant found the goods and converted them to his own use. The action was originally an action on the case upon facts as alleged, but may now be brought wherever there has been a wrongful conversion.
- Troveure, l. fr.** *In old English law.* A thing found, such as treasure, wrecks, waifs, etc.
- Trovour, l. fr.** *In old English law.* A finder.
- Truce.** A suspension of hostilities between belligerent powers. **Truce of God:** a suspension of arms which occasionally took place in the middle ages, putting a stop to private hostilities,—so called because promulgated under the authority of the church.
- True bill.** The indorsement made by a grand jury on a bill of indictment when they find it sustained by the evidence.

Trust. A confidence; a confidence reposed in one person for the benefit of another; a confidence so reposed, respecting property; an obligation arising out of confidence; an obligation arising out of a confidence that one will apply property faithfully according to such confidence; a right or interest, arising out of confidence; an equitable right or interest in property, which another holds in confidence, as the legal owner. **Trust deed:** an instrument by which an active trust is created; a deed given to secure a large class of creditors, with power to sell in default of payment,—a kind of mortgage.

Trustee. One who is intrusted with property for the benefit of another; one who holds the legal estate in property for the benefit of another who is called the *cestui que trust*. **Trustee process:** the name given, in the New England states, to the process of garnishment.

Truster. *In Scots law.* The creator of a trust.

Try. To examine or investigate judicially; to examine by means of judicial evidence.

Tuas res tibi habeto, l. *In the Roman law.* Have (or take) your things to yourself. The form of words by which a man divorced his wife.

Tuer, l. fr. To kill, or slay. **Tue:** slain.

Tueri, l. *In the civil law.* To protect; to preserve; to be protected.

Tuicion, l. fr. Protection.

Tuitio, l. *In the civil law.* Protection; defense.

Tulit, l. *In old English law.* Brought. **Tulit breve de recto:** brought a writ of right.

Tumbrell. *In old English law.* The ancient name of the castigatory, or trebuchet.

Tun, sax. A farm or town. A common termination in the names of towns in England, now written *ton*.

Tunc, l. Then. The correlative of *nunc*.

Tungreve, sax. *In Saxon law.* The reeve or chief officer of a town; a town-reeve.

Turba, l. *In the civil law.* A multitude, a crowd or mob, a tumultuous assembly of persons,—ten or fifteen at the least.

Turbare, l. *In old English law.* To cut or dig turf.

In the civil law. To disturb; to confound; to mix together.

Turbaria, l. l. *In old English law.* The soil or ground from which turf is dug; a turbary or turfery.

Turbary. *In English law.* A right or liberty of digging turf; the ground where turves are dug.

Turnpike. A road having toll-gates or bars, called “turns” or “pikes,” for the barring of passage until toll is paid; a toll-road.

Turnus, l. l. *In old English law.* The turn; the sheriff’s court, so called.

Turpis, l. Base; mean; immoral; infamous; unlawful. **Turpis causa:** a base or immoral consideration; an iniquitous or unlawful consideration. **Turpis contractus:** an immoral or iniquitous contract.

Turpis est pars quæ non convenit [congruit] cum suo toto: the part which does not agree with its whole is of mean account [entitled to small or no consideration]. v. *Ex turpi*, etc.

In the civil law. **Turpis arbiter:** a bribed or corrupted judge. **Turpis persona:** an infamous person.

Turpitude, l. Baseness; infamy; immorality; turpitude. v. *Nemo allegans*, etc.

Tut, l. fr. All; a corruption of *tout*. **Tut le reame:** the whole kingdom.

Tutela, l. *In the civil law.* Tutelage; that species of guardianship which continued to the age of puberty. **Tutela legitima:** legal tutelage; tutelage created by act of law. **Tutela testamentaria:** testamentary tutelage or guardianship; tutelage created by will.

Tutelæ actio, l. *In the civil law.* An action of tutelage; an action which lay for a pupil, on termination of tutelage, to compel the tutor to account.

Tutelam reddere, l. *In the civil law.* To render an account of tutelage. **Tutelam reposcere:** to demand an account of tutelage.

Tutius erratur ex parte mitiori, l. It is safer to err on the milder side. **Tutius semper est errare acquietando, quam in puniendo; ex parte misericordiæ quam ex parte justitiæ:** it is always safer to err in acquitting than in punishing; on the side of mercy than on the side of justice.

Tutor, l. *In old English law.* A guardian,—no distinction being made between tutor and curator.

In Scots law. A guardian who has charge of persons under age,—the word being used in the sense of the civil law.

In the civil law. A guardian who had the charge of persons under the age of puberty, and also the care of their affairs.

Tuz, l. fr. All,—a corruption of *touts*. **Tuz ceuz:** all those.

Twa night gest, sax., Secunda nocte, gust, l., L'autre nuyt, geste, l. fr. *In old English law.* On the second night, a guest,—a person who was entertained in the house of another on the second night of his entertainment.

Twaite. *In old English law.* A wood grubbed up, and turned to arable land.

Twelfhende, twelfhind, twelfhundemen, sax. The highest order of persons under the Saxon government, rated at twelve hundred shillings.

Twelve Tables. A celebrated body of Roman law, framed by persons appointed for the purpose, 451 B. C. It consisted mainly of ancient Roman laws and usages, but in part of new provisions, and in part also of the institutions of other nations, altered to suit Roman manners.

Twelve-month. A whole year, though "twelve months" are to be reckoned at twenty-eight days to the month.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books' Full Membership provides unlimited access to more than 28,000 volumes of Christian literature for \$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

no authority for establishing a rule there is no necessity of obeying it; — *directa lex, standum est arbitrio judicis, vel procedendum ad similia*: where there is no positive law [applicable to a case], it must rest in the discretion of the judge, or it must be determined by the principles of similar cases; — *lex, ibi non est transgressio, quoad mundum*: where there is no law there is no transgression, as far as relates to the world; — *principalis, non potest esse accessorius*: where there is no principal there can be no accessory. *Ubi nulla est conjectura quæ ducat alio, verba intelligenda sunt ex proprietate non grammatica, sed populari ex usu*: where there is nothing to call for a different construction. [the] words [of an instrument] are to be understood, not according to their strict grammatical meaning, but according to their popular and ordinary sense. *v. Si nulla, etc. Ubi nullum matrimonium, ibi nulla dos*: where there is no marriage there is no dower. *v. Ubi matrimonium, etc.; Ubicunque matrimonii, etc. Ubi quid generaliter conceditur, inest hæc exceptio, si non aliquid sit contra jus fasque*: where a thing is granted generally, this exception is always implied, that there be nothing contrary to law and right. *Ubi quis delinquit, ibi punietur*: where a man offends, there he shall be punished. *Ubi revera*: where in reality; where in truth, or in point of fact.

In the civil law. Ubi pugnancia inter se in testamento juberentur, neutrum ratum est: where repugnant or inconsistent directions are contained in a will, neither is valid. *Ubi verba conjuncta non sunt, sufficit alterutrum esse factum*: where words are not conjoined [used conjunctively], it is sufficient that either one [of the things expressed] be done.

Ubicunque, l. Wherever. *Ubicunque est injuria, ibi damnum sequitur*: wherever there is an injury, there a damage results.

In English law. Ubicunque fuerimus in Anglia: wheresoever we shall be in England,—the style of the return of writs in the court of King's Bench, it being in theory a movable court, attendant on the sovereign's person.

In the civil law. Ubicunque matrimonii nomen non est, nec dos est: wherever there is not the name of marriage neither is there a dower.

Ul, ulle, l. fr. Any; any one.

Ulna, l. *In old English law.* An ell, the same, it seems, as the modern yard. *Ulna ferrea*: the iron ell; the standard ell of iron, kept in the exchequer for the rule of measure.

Ulnagium, l. l. *In old English law.* Aulnage, or alnage; ell or yard measure.

Ulnare, l. l. *In old English law.* To measure by the *ulna* or ell; to measure cloth.

Ulnator, l. l. *In old English law.* A measurer; an alnager.

Uterius concilium, l. l. Further argument; further consideration.

Ultima, l. The last; the extremest,—literally, the remotest. **Ultima ratio:** the final argument; the last resort.

In old English law. **Ultima voluntas:** last will; the last will. **Ultima voluntas testatoris est perimpleuda secundum veram intentionem suam:** the last will of a testator is to be fulfilled according to his true intention.

Ultimum, l. The extreme. **Ultimum tempus pariendi:** the extreme period of bearing; the extreme period between the conception and the birth of a child.

In the civil law. **Ultimum supplicium:** the extreme punishment; the punishment of death; — **esse mortem solam interpretamur:** we interpret the extreme punishment to mean death only.

Ultimus hæres, l. *In old English law.* The last heir,—applied to the lord to whom an escheat fell.

Ultra, l. Beyond; the opposite of *infra*. **Ultra fines mandati:** beyond the limits of the mandate; beyond the authority as an agent. **Ultra mare:** beyond sea. **Ultra petita:** beyond things demanded,—a term applied to a judgment or decree for more than the plaintiff asked. **Ultra valorem:** beyond the value. **Ultra vires:** beyond the powers or capacity; the doctrine which forbids corporations to exceed the powers expressly conferred upon them or powers necessary to the exercise of the powers so conferred. A corporate act is *ultra vires* where it is beyond the power of the corporation in any circumstances; where it is beyond its power for the specific purpose; where it can be performed only with the consent of certain persons.

Ultre, l. fr. Beyond; more than; longer than.

Ultroneous witness. *In Scots law.* A volunteer witness.

Um, un, om, on, l. fr. A man; one; any one.

Umbesetting, o. sc. *In old Scots law.* Obstructing or besetting.

Umbilicus, l. The navel; the center of anything. The name given to the fourth and middle part of the Digests.

Umpirage. Decision by an umpire.

Umpire. A person to whom a matter submitted to arbitrators is referred, in case of their disagreement, for final decision.

Un, fr. One. **Un briefe fuit abatus:** a writ was quashed. **Un foitz:** once; once upon a time. **Un ne doit prise advantage de son tort demesne:** one ought not to take advantage of his own wrong.

Una cum, l. l. Together with. **Una cum omnibus aliis:** together with all other things,—in old conveyancing. **Una persona vix potest supplere vices duarum:** one person can hardly fill the places of two. **Una voce:** with one voice; unanimously.

Unanimiter, l. l. *In old English law.* Unanimously; without dissent.

Uranimity. The entire agreement or concurrence of a petit jury in their verdict,—all the jurors being of one and the same mind. Now uniformly required in English and American practice, though otherwise anciently.

Unare, l. l. *In old English law.* To unite.

Unciarius hæres, l. *In the Roman law.* An heir to one-twelfth of an estate or inheritance.

Unconscionable bargain. A bargain which no man in his senses would make, and which no honest man would accept; an inequitable bargain.

Uncore, l. fr. Still; again; once more. **Uncore prist:** still ready,— formal words in the old plea of tender.

Uncuth, sax. *In Saxon law.* Unknown; a stranger,— a person entertained in the house of another on the first night of his entertainment.

Unde, l. Whence; wherefrom; whereof; whereupon.

In old English law. **Unde nihil habet:** whereof she hath nothing; the name of the writ of dower, which lay where no dower had been assigned. **Unde rectatus est:** whereof he is accused.

In the civil law. **Unde cognati:** whereof cognates,— a species of the *bonorum possessio* granted to cognates, or relations on the part of the mother. **Unde legitimi:** whereof the lawful heirs,— a species of the *bonorum possessio* granted to agnates, or the lawful heirs.

Unde liberi: whereof those free,— a species of the *bonorum possessio* granted to emancipated children, or the proper heirs of the deceased.

Unde vi: wherefrom by force,— the technical name of that species of interdict which was granted to recover the possession of an immovable thing wherefrom a person had been ejected by force. **Unde vir et uxor:** whereof husband and wife,— a species of the *bonorum possessio* granted to a husband or wife, by which they succeeded each other, on failure of the *cognati*.

Undefended. Without defense or denial.

Under. Beneath, below; subordinate. **Under age:** not of the age of legal capacity. **Under sheriff:** a person appointed by the sheriff to perform all his ordinary duties in his behalf, and on whom the whole duties of the office devolve, in case of a vacancy by death or otherwise, until a new sheriff is chosen,— not to be confounded with deputy sheriff. **Under tenant:** a tenant under one who is himself a tenant.

Underlease. A lease granted by one who is himself a lessee for years for a term less than he himself holds.

Underly, underlie, sc. *In Scots law.* To abide by; to submit to.

Underwriter. In the law of marine insurance, an insurer, so called from his underwriting or subscribing the policy. The term is constantly applied to insurers, whether corporations or private persons, but more properly to the latter, since the term was derived from the English practice, under which marine insurance is commonly undertaken by private persons, a certain number of whom usually subscribe the policy, each engaging, on his own separate account, to indemnify to the extent of a particular sum.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Universalis sunt notiora singularibus, l. Universal or general things are more known than particular things.

Universitas, l. A thing complete, entire. **Universitas bonorum:** a man's entire estate.

In the civil law. A corporation aggregate; literally, a whole formed out of many individuals. **Universitas facti:** a plurality of corporeal things of the same kind, which are regarded as a whole. **Universitas juris:** a quantity of things of all sorts, corporeal as well as incorporeal, which, taken together, are regarded as a whole. **Universitas rerum:** a whole of things,—several single things, which, though not mechanically connected, are, when taken together, regarded as a legal whole.

Universitatem vestram scire volumus, l. *In old English law.* We will that all of you know.

Universum jus, l. The entire right or estate.

Universus, l. The whole; all together.

In old English law. The whole; all.

Unkouth, l. fr. Unknown.

Unlage, sax. An unjust law.

Unlarich. *In old Scots law.* That which is done without law, or against law.

Unlaw. *In Scots law.* An amercement for not appearing in court.

Unlawful assembly. *In American law.* An assembly of three or more persons having no avowed legal object, under such circumstances as to excite terror and consternation in the neighborhood, and to produce danger to the public peace.

In English law. An assembly of three or more persons to do an unlawful act, dissolved without doing it, or making any motion towards it; any meeting of great numbers of people, with such circumstances of terror as cannot but endanger the public peace and raise fears among the subjects of the realm.

Uno absurdo dato, infinita sequuntur, l. One absurdity being allowed, numbers without end follow. **Uno flatu:** in one breath; — **et uno intuitu:** in one breath and in one view.

Unques, l. fr. Ever; always. **Unques prist:** always ready. *v. Tout temps prist.*

Unsolemn war. War denounced without a declaration; war made upon special declaration.

Unum quid, l. One thing, taken in a lump.

Unumquodque, l. Every one; every thing. **Unumquodque eodem modo quo colligatum est, dissolvitur,—quo constituitur, destruitur:** everything is [properly] dissolved by the same means by which it is put together,—destroyed by the same means by which it is established. **Unumquodque est id quod est principalis in ipso:** everything is [in other words] that which is the more principal thing in it; the most important constituent of a thing repre-

sents, or is the thing itself. **Unumquodque principiorum est sibi-metipsi fides; et perspicua vera non sunt probanda:** every general principle [or maxim of law] is its own pledge or warrant; and things that are clearly true are not to be proved.

Uplifted hand. A form in which an oath is sometimes taken, the right hand being held up while the oath is administered, instead of being laid on the Gospels.

Upon. Resting on; contained in; in case of; when.

Upper Bench. The court of King's Bench, so called during the exile of Charles II.

Urban servitude. *In the civil law.* A servitude annexed to an urban estate, or *prædium urbanum*.

Urbs, l. *In the civil law.* A city,—generally limited to the space within the walls, but in its application to Rome, inclusive of the suburbs.

Ure, l. fr. and eng. *In old English law.* Effect; practice.

Urer, l. fr. *In old English law.* To enure.

Usage. The custom of a trade, either general or in a particular branch of business.

Usance, fr. The period fixed by usage as between countries for the payment of bills of exchange.

Use. Employment; application; profit, enjoyment; the right in equity to have the profit or benefit of lands or tenements,—originally a beneficial estate like a trust, but converted by the Statute of Uses, 27 Hen. VIII., c. 10, into the legal estate. *v. Charitable use; Contingent use; Resulting use; Shifting use; Springing use.* **Use upon a use:** the second use upon a conveyance, *e. g.* to A. to the use of B. to the use of C., which was regarded as invalid, the legal estate passing upon such a conveyance to B. *v. Tyrrell's case.*

In the civil law. The bare use of a thing for necessary purposes.

Usee. A person for whose use a suit is brought.

User de action, l. fr. *In old English law.* The pursuing or bringing an action.

Usque ad, l. l. As far as; till; until. **Usque ad cælum:** as far as the heavens. **Usque ad flum aquæ:** as far as the thread of the stream.

Usque ad inferos: as far as the center of the earth. **Usque ad medium flum aquæ:** as far as the middle thread of the stream.

Ust, l. fr. Had. **Ust este:** had been.

Usualis, l. *In old English law.* Usual, ordinary. **Usualis annus:** the ordinary year of three hundred and sixty-five days.

Usuarius, l. *In the civil law.* One who had the mere use of a thing of another, for the supplying of his daily wants; an usuary.

Usucâpere, l. *In the civil law.* To acquire by use; to make one's own by possession.

Usucapio, l. *In the civil law.* The acquisition of property by continued possession for a time defined by law,—a kind of prescription founded on the Twelve Tables.

Usufruct. *In the civil law.* The right of using and enjoying the profits of a thing belonging to another, without impairing the substance,—usually for the life of the usufructuary.

Usufructuarius, l. *In the civil law.* One who had the usufruct of a thing; an usufructuary.

Usura, pl. usuræ, l. *In the civil law.* Money given for the use of money; interest, the highest lawful rate of which, before the time of Justinian, was twelve per cent. per annum. **Usura manifesta:** open usury. **Usura maritima:** maritime interest. **Usura velata:** veiled usury; usury where the interest was added to the principal of the obligation given for the loan.

In old English law. Interest, or usury, as it was called. **Usura dicitur quia datur pro usu æris:** usury is so called because it is given for the use of money. **Usura est commodum certum quod propter usum rei mutuatae recipitur; sed secundario spirare de aliqua retributione, ad voluntatem ejus qui mutuatus est, hoc non est vitiosum:** usury is a certain benefit which is received for the use of a thing lent; but to have an understanding [literally, to breathe or whisper] in an incidental way, about some compensation to be made at the pleasure of the borrower, is not unlawful.

Usurare, l. l. *In old English law.* To pay interest; to carry or be chargeable with interest.

Usurarius, l. l. *In old English law.* An usurer.

Usurpare, l. *In the civil law.* To interrupt a use, or usucapion.

Usurpatio, l. *In the civil law.* The interruption of a usucapion, by some act on the part of the real owner.

Usurpation. The exercise or use of an office or franchise without authority.

In English ecclesiastical law. The absolute ouster of the patron of a benefice, by prosecution by a stranger without right of a clerk, who is admitted and instituted.

Usury. Unlawful interest; a premium or compensation paid or stipulated to be paid for the use of money beyond the rate of interest established by law.

In old English law. A reward for the use of money; interest.

Usus, l. Use. **Usus bellici:** war-like uses. **Usus fori:** the practice of the court,—of this jurisdiction. **Usus norma loquendi:** usage is the rule for speaking.

In old English law. A use. **Usus est dominium fiduciarium:** a use is a fiduciary ownership. **Usus et status, sive possessio, potius differunt secundum rationem fori, quam secundum rationem rei:** the use and the estate, or possession, differ more in the reason of the law than in the nature of the thing itself.

In the civil law. Use; the use of a thing; the right to the use of a thing; properly, the use of a thing, as land or a house, for the mere purpose of supplying one's daily wants or necessities. **Usus fructus:**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Utitor jure auctoris, l.** He enjoys the rights of his assignor. **Utitor jure suo:** he exercises his own rights.
- Utlagare, l. l.** *In old English law.* To outlaw; to put out of the law; to put out of the protection of the law.
- Utlagaria, l. l.** *In old English law.* Outlawry.
- Utlagatio, l. l.** *In old English law.* The outlawing of a person; outlawry.
- Utlagatus, l. l., Utlage, l. fr., Utlanghe, utlagh, utlaghe, sax.** *In old English law.* An outlawed person; an outlaw. **Utlagatus est quasi extra legem positus; caput gerit lupinum;** an outlaw is, as it were, put out of the law; he carries a wolf's head.
- Utland, sax.** *In Saxon law.* Outland, tenemental land; lands which lay without the demesnes of a manor.
- Utlep, utlepe, sax.** *In old English law.* Escape; the escape of a robber or robbers.
- Utrubi, l.** *In the civil law.* With whichever; a species of interdict for retaining a thing to protect the possession of a movable thing; the mode of contesting the right to the possession of movable property.
- Utrum, l.** Whether. *v. Assise.*
- Utrumque nostrum, l. l.** Both of us.
- Utter.** To put out, or put forth; to publish; to put in circulation.
- Utter, sax.** Outer. **Utter barristers:** the title of the great body of English barristers-at-law; barristers not benchers, who plead without the bar.
- Uxor, l.** Wife; a wife; the wife. **Uxor et filius sunt nomina naturæ;** wife and son are names of nature. **Uxor furi desponsata non tenebitur ex facto viri, quia virum accusare non debet, nec detegere furtum suum, nec feloniam, cum ipsa sui potestate non habeat, sed vir:** the wife of a thief will not be bound by the act of her husband, because she ought not to accuse her husband, nor disclose his theft or felony, since she has not power of herself, but her husband. **Uxor non est sui juris sed sub potestate viri, cui in vita contradicere non potest:** a wife is not capable at law, but under the protection of her husband, whom she cannot contradict during his life.
- V.** An abbreviation of *versus, vice, vide, volume.* **V. C.:** vice-chancellor. **V. F.:** *verba fecit.* **V. R.:** *Victoria regina,* Victoria, queen. **V. V. B. C.:** *vous voies bien coment.*
- Vacant.** Unfilled; empty; unclaimed. **Vacant succession:** a succession that is claimed by no person,—of which all the heirs are unknown, or which all known heirs have renounced.
- Vacantia bona, l.** *In the civil law.* Goods unclaimed, or without an owner; goods escheated.
- Vacare, l.** *In English ecclesiastical law.* To be vacant; to be without an incumbent. Applied to a benefice.
- In the civil law.* To be vacant; to want or to be without an owner, possessor, or claimant.

- Vacate.** To avoid; to make void; to annul; to leave empty or unoccupied.
- Vacatio, l.** *In the civil law.* Exemption; immunity; exemption from the burden of office.
- Vacation.** Intermission of judicial proceedings; the time during which courts are not held; the period between the end of one term and the beginning of another.
- Vacatur, l. l.** It is vacated; a rule or an order by which a proceeding is vacated.
- Vacuus, l.** *In the civil law.* Empty; unoccupied.
- Vadari, l.** *In the civil law.* To give, or put in bail; to hold to bail.
- Vadere, l.** To go.
- Vades, l.** *In the civil law.* Pledges; sureties; bail; security for appearance in court.
- Vadia, l. l.** *In old English law.* Wages.
- Vadiare, l. l.** *In old English law.* To gage; to wage; to give security. **Vadiare duellum:** to wage the duellum; to wage battel; to give pledges mutually for engaging in the trial by combat. **Vadiare legem:** to wage law; to give security to make one's law at a day assigned. **Vadiata lege, habebit diem ad faciendam legem:** law being waged, he shall have a day to make law.
- Vadiatio, l. l.** *In old English law.* Wager. **Vadiatio duelli:** wager of battel. **Vadiatio legis:** wager of law.
- Vadimonium, l.** *In the Roman law.* Bail or security; the giving of bail for appearance in court.
- Vadium, l. l.** *In old English law.* Gage; security to do some act; security by pledge of property. Wages, salary or other reward of service. **Vadium mortuum:** a dead gage or pledge; a mortgage; hence a mortgage. **Vadium vivum:** a living pledge; a pledge of property to be held until the profits paid off the debt.
- Vagabond, Vagabundus, l.** A wandering person; one who habitually goes about from place to place without settled residence or domicil. **Vagabundum nuncupamus eum qui nullibi domicilium contraxit habitationis:** we call him a vagabond who has nowhere contracted a domicil of residence.
- Vagrant.** A wandering, idle person; a vagabond. **Vagrant act:** the English statute 5 Geo. IV., c. 83.
- Vail' q' vail' purr', l. fr.** v. *Valeat quantum, etc.*
- Vailance, vaillaunce, l. fr.** Value.
- Vaille, l. fr.** Sufficient; vigil.
- Vailler, l. fr.** To be worth; to be of the value.
- Val, l. fr.** Down; downwards; under.
- Valeat quantum valere potest, l.** It shall have effect as far as it can have effect. v. *Cum quod, etc.*; *Quando res, etc.*
- Valecta, valetta, valettus, l. l.** *In old English law.* A body servant, or attendant, a valet; a ward of the crown.

- Valentia, l. l.** *In old English law.* Value; worth. *v. Ad valentiam.*
- Valere, l.** To be strong; to have force, or validity; to be effectual or operative.
- Valet, valect, vadelect.** *In old English law.* A servitor or gentleman of the privy chamber; a name anciently given to young gentlemen of great descent or quality, later to those of the rank of yeomen.
- Valor, l.** *In old English law.* Value; worth; rate; valuation. **Valor beneficiorum:** a valuation of benefices, or spiritual preferments. **Valor maritagii:** value of marriage, forfeited, where an infant ward of a guardian in chivalry refused a match tendered by the guardian.
- Valour, o. eng.** Value.
- Valuable.** Of value; having value. **Valuable consideration:** a consideration which the law regards as an equivalent, as money, goods, lands, services or marriage.
- Value.** The price which a thing will command in the market. The current value is the common market value, and the market value is the price fixed by public sales, or sales made in the ordinary way of business. **Value received:** a phrase used in bills and notes to show that there is a valuable consideration, and that the paper is not accommodation paper.
- Valued policy.** A policy of insurance expressing the value which has been set on the property insured, in the nature of liquidated damages.
- Valvasor, valvassor, vavasor, vavassor, l. l.** *In feudal and old English law.* A principal vassal who held of those who held of the king; a vassal of the second degree or rank, sometimes one who held immediately of the king.
- Vana est illa potentia quæ nunquam venit in actum, l.** That power is vain [idle or useless] which never comes into action [which is never exercised].
- Vani timores sunt æstimandi, qui non cadunt in constantem virum, l.** Those are to be regarded as idle fears which do not affect a steady [firm or resolute] man.
In the civil law. **Vani timoris justa excusatio non est:** the excuse of a groundless fear is not valid.
- Varda, l. l.** *In old Scots law.* Ward; custody; guardianship.
- Varrantizatio, l. l.** *In old Scots law.* Warranty.
- Variance.** A discrepancy between the statement of the cause of action in the writ and the statement in the declaration; a discrepancy between an averment in pleading and the evidence adduced to prove it.
- Vas, l.** *In the civil law.* A pledge; a surety; one who became bail or surety for another.
- Vassal, Vasallus, l. l.** *In feudal law.* A grantee of a fief, feud or fee; a feudatory.
In Scots law. A tenant; one who holds of a superior; the grantee of a feu.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Vender, vendre, l. fr. *In old English law.* To sell; to vend. **Vendu:** sold.

Vendere, l. *In the civil law.* To sell; to vend.

Vendicare, l. *In the civil and old English law.* To claim a thing as one's own; to take a thing as one's own.

Vendicatio, l. *In old English law.* A claim.

Venditio, l. *In the civil law.* In a strict sense, sale; the act of selling; the contract of sale. In a large sense, any mode of alienation; any contract by which an alienation may be effected.

Venditioni exponas, l. l. Expose you to sale; a judicial writ commanding a sheriff to sell goods taken under an execution.

Venditor, l. *In civil and old English law.* A seller; a vendor.

In old English law. **Venditor regis:** the king's seller or salesman; the person who exposed to sale goods, etc., seized to answer a debt due to the king.

Vendor. A seller; the person by whom a sale is made, particularly a sale of realty. **Vendor's lien:** an equitable lien on land sold, which the vendor has for the purchase-money; a lien which the vendor has in every case, even after an absolute conveyance which acknowledges payment, where he has not expressly or by implication waived or discharged it, and which in equity he may enforce against the purchaser, or against any other person not a *bona fide* purchaser without notice.

Vendue. A public sale by outcry; an auction.

Venella, l. l. *In old English law.* A narrow way or passage; a lane.

Vener, l. fr. *In old English law.* To come; to appear. **Vener en sa court:** to come, or appear in his court.

Veneson, l. fr. *In old English law.* Deer; animals of the chase.

Venia, l. Pardon; forgiveness; indulgence. **Veniæ facilitas incentivum est delinquendi:** facility of pardon is an incentive to crime.

In the civil law. Favor; privilege. **Venia ætatis:** the privilege of age; a privilege granted to a person not of age, by which he is entitled to act as if he were of age.

Veniaunce, l. fr. *In old English law.* Vengeance; an avenging.

Venire, l. To come, to appear,—the name of a writ by which a jury is summoned. **Venire facias:** cause you to come; a judicial writ, directed to the sheriff, commanding him to cause twelve good and lawful men of the body of the county to come before the court for a jury,—in the United States commonly employed, but in England, though sued out, not used, the jury being in fact summoned under a writ called a *distringas juratores*, which is issued with the *venire*; — **ad respondendum:** cause you to come to answer; a writ to summon to answer to any crime under felony or treason; — **de novo:** cause you to come anew; a second writ of *venire*, to summon another jury for a new trial, commonly called a *venire de novo*.

In the civil and old English law. To come; to appear in court; to arrive, as a time or day; to come to, or into; to become subject to.

Venire in crimen: to be accused of a crime.

Venison, veneson, *l. fr. and eng.* *In English law.* Animals of the chase, particularly deer.

Venit, *l.* *In old English law.* Comes; a word expressing the appearance of a defendant. **Venit et defendit:** comes and defends; the proper words of appearance and defense in action; — **omnem feloniam, et pacem domini regis infractam:** comes and defends all the felony, and breach of the king's peace; — **vim et injuriam:** comes and defends the force and injury. **Venit et dicit:** comes and says.

Venku, *l. fr.* *In old English law.* Overcome in judicial combat; vanquished.

Vente, *fr.* *In old English law.* Sale.

Venter, *l.* The womb. *v.* *Ad ventram, etc.; De ventre, etc.; In or en ventre, etc.*

In the civil and old English law. A pregnant woman; a wife; an unborn child. *v.* *Partus, etc.*

Venue, visne, *l. fr. and eng.* A neighborhood; the neighborhood, place or county in which an injury is declared to have been done, or to have happened; hence the county in which the action is intended to be tried, and from the body of which the jurors who are to try it are summoned; a jury summoned from a particular place or county; the statement in a declaration or indictment of the place where the injury was inflicted or the crime committed.

In old English law. A coming; a resorting or resort.

Verba, *l.* Words. **Verba accipienda sunt:** words are to be taken; — **secundum subjectam materiam:** words are to be taken according to the subject-matter; — **ut sortiantur effectum:** words are to be taken so that they may have effect. **Verba æquivoca, ac in dubio sensu posita, intelliguntur digniori et potentiori sensu:** equivocal words, and such as are put in a doubtful sense, are [to be] understood in the more worthy and effectual sense. **Verba aliquid operari debent:** words ought to work or operate somewhat. **Verba ambigua fortius accipiuntur contra proferentem:** ambiguous words are [to be] taken most strongly against the party making use of them. **Verba artis ex arte:** words of art [are to be taken] according to art. **Verba cancellariæ:** words of the chancery,—the technical style of writs framed in the office of chancery. **Verba chartarum fortius accipiuntur contra proferentem:** the words of charters [deeds or written instruments] are taken most strongly against him who uses them. **Verba cum effectu sunt accipienda:** words are to be taken with effect, or so as to have effect. *v.* *Verba aliquid, etc.* **Verba debent intelligi ut aliquid operentur:** words ought to be understood so as to have some operation. **Verba**

dicta de persona intelligi debent de conditione personæ: words spoken of a person are to be understood of the condition of the person. **Verba fortius accipiuntur contra proferentem:** words are to be taken most strongly against him who uses them. v. *Verba chartarum*, etc. **Verba generalia:** general words; — **generaliter sunt intelligenda:** general words are to be understood generally; — **restringuntur ad habilitatem rei vel personæ:** general words are to be restricted to the capacity of the thing or person [of which they are spoken]. **Verba illata inesse videntur:** words imported [into an instrument] by a reference are deemed to be included [in the instrument]. **Verba intentioni, et non e contra, debent inservire:** the words [of an instrument] ought to subserve the intention of the party, and not the reverse [*i. e.* the intention, the words]. **Verba ita sunt intelligenda ut res magis valeat quam pereat:** the words [of an instrument] are to be so understood that the subject-matter may rather be of force than perish [rather be preserved than destroyed, or, in other words, that the instrument may have effect, if possible]. v. *Ut res*, etc. **Verba posteriora propter certitudinem addita, ad priora quæ certitudine indigent, sunt referenda:** subsequent words, added for the purpose of certainty, are to be referred to the preceding words which require the certainty. **Verba relata hoc maxime operantur per referentiam, ut in eis inesse videntur:** related words [words connected with others by reference] have this particular operation by the reference, that they are considered as being inserted in those [clauses which refer to them]. **Verba secundum materiam subjectam intelligi nemo est qui nesciat:** there is no one who does not know that words are to be understood according to their subject-matter. **Verba semper accipienda sunt in mitiori sensu:** words are always to be taken in the milder sense. A maxim in the law of slander which no longer obtains. **Verba sunt indices animi:** words are the indices or indicators of the mind or thought. v. *Index animi sermo*.

In the civil law. **Verba generalia restringuntur ad habilitatem personæ vel ad aptitudinem rei:** general words are to be restricted to the capacity of the person or the fitness of the thing. **Verba in differenti materia per prius, non per posterius, intelligenda sunt:** words on a different subject are to be understood by what precedes, not by what comes after. **Verba intelligenda sunt in casu possibili:** words are to be understood in [of] a possible case. **Verba mere æquivoca, si per communem usum loquendi in intellectu certo sumuntur, talis intellectus præferendus est:** [in the case of] words merely equivocal, if they are taken by the common usage of speech in a certain sense, such sense is to be preferred. **Verba nihil operari melius est quam absurde:** it is better that words should have no operation at all than [that they should operate] absurdly. **Verba non tam intuenda, quam causa et natura rei, ut mens con-**



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

court has adjourned, the jury may in some cases seal up their verdict, separate, and come in and openly declare the same when the court again meets.

Verdist, vereduist, l. fr., Veredictum, l. l. *In old English law.* Verdict; a declaration by a jury of the truth of a matter in issue.

Verey, l. fr. *In old English law.* True.

Verge, l. fr. and eng. *In English law.* A privileged space around the king's palace or residence; the compass of the jurisdiction of the Court of the Marshalsea, or Palace Court.

In old English law. A rod, staff, or wand, used as an ensign of office.

Vergens ad inopiam, l. l. *In Scots law.* Verging towards poverty.

Vergers. *In English law.* Officers who carry white wands before the justices of either bench.

Verificare, l. *In old pleading,* to make out or prove to be true; to verify.

Verification. Literally, a making out to be true; the proving of an assertion to be true; a formula with which all affirmative pleadings not concluding to the country, are required to conclude.

Verify. To make out to be true; to prove.

Veritas, l. Truth; verity. *Veritas a quocunque dicitur, a Deo est:* truth, by whomsoever it is spoken, is of God. *Veritas habenda est in juratore, justitia et judicium in iudice:* truth must be had in a juror, justice and judgment in a judge. *Veritas nihil veretur nisi abscondi:* truth fears nothing but to be hid. *Veritas nimium altercando amittitur:* truth is lost by excessive altercation. *Veritas nominis tollit errorem demonstrationis:* the truth of the name removes [the effect of] error of demonstration. *v. Præsentia, etc.*

Verite, veritee, l. fr. Truth.

Verray, verrai, verrey, very, l. fr. *In old English law.* True.

Vers, l. fr., Versus, l. l. Against.

Versari, l. *In the civil law.* To be employed; to be continually engaged; to be conversant. *Versari in lucro:* to be in gain; to be a gainer. *Versari male in tutela:* to misconduct one's self in a guardianship.

Vert. *In forest law,* everything that grows and bears green leaf within the forest, that may cover a deer.

Verus, l. *In old English law.* True. *Verus dominus:* the true lord.

Very, l. fr. and eng. True; actual; immediate.

Vesquir, l. fr. To live.

Vessel. Used commonly, in maritime law, as a synonym of ship, but a broader term, including, as used in federal legislation, any watercraft used, or capable of use, in transportation by water.

Vest. To clothe; to clothe with possession; to deliver full possession of land or of an estate; to pass to a person; to give an immediate right of present enjoyment; to give a present fixed right of future enjoyment.

Vested. Fixed; passed in right or enjoyment. **Vested legacy:** a legacy the right to which is vested permanently in the legatee, though the legacy is not payable until a future time. **Vested remainder:** a fixed interest in lands or tenements to take effect in possession, after a particular estate is spent.

Vester, vestre, l. fr. *In old English law.* To vest; to enure. **Vestue:** clothed.

Vestigium, l. l. A trace, or track; a mark left by a physical object.

Vestimentum, l. l. *In old English law.* Clothing,—a figurative expression denoting the character, quality or circumstance of right.

In old English law. The technical form requisite to give effect to a contract.

In feudal law. Investiture; seisin.

Vestire, l. l. *In old English law.* To clothe a contract in the proper form to give it validity.

In feudal law. To deliver full possession of land or of an estate; to invest or enfeoff.

Vestitura, l. l. *In feudal law.* Investiture; delivery of possession.

Vestura, l. l. *In old English law.* Literally, a garment; vesture; a crop of grass or grain; possession or admittance to possession.

Vestura terræ: the vesture of land, corn, grass, underwood, etc.

Vesture. *In old English law.* Profit of land.

Vetera statuta, l. Ancient statutes,—the English statutes from Magna Charta to the end of the reign of Edward II. v. *Nova statuta.*

Vetitum namium, l. l. *In old English law.* A refused or prohibited taking or distress; a refusal to redeliver a distress; a prohibition of its being taken.

Veto, l. I forbid,—the power of the executive department of a government, of negating bills which have been passed by the legislature.

In the Roman law. The word by which the Roman tribunes expressed their dissent from the passage of a law or from other proceeding.

Vetus jus, l. *In the civil law.* The old law; old law, a term used sometimes to designate the law of the Twelve Tables, and sometimes merely a law in force before the passage of a subsequent law.

Vetustas, l. *In the civil law.* Antiquity; time out of memory; ancient or former law or practice.

Venta terræ, l. l. View of land.

Vexata, l. l. Vexed. **Vexata et spinosa quæstio:** a vexed and thorny question. **Vexata quæstio:** a vexed question; a question often agitated or discussed, but not settled.

Vey, l. fr. Way.

Veyer, l. fr. To see; to view. **Veyer est:** it is to be seen. **Veyet:** sees.

Veyn, l. fr. *In old English law.* Void.

Vi, l. By force. **Vi et armis:** with force and arms,—emphatic words in writs and declarations of trespass, in which an act of force and violence is charged.

In the civil law. **Vi aut clam:** by force or covertly. A thing was said to be done *vi*, when it was done contrary to a prohibition on the part of a possessor. **Vi bonorum raptorum:** of goods taken away by force, — the name of an action given by the prætor as a remedy for the violent taking of another's property. **Vi, clam aut precario:** forcibly, secretly or doubtfully.

Via, l. A path; a way; a public way. **Via alta:** the highway. **Via amabili:** in a friendly way. **Via trita:** the beaten path; — **via tuta:** the beaten path is the safe path; — **est tutissima:** the beaten path is the safest.

In English law. **Via regalis, via regia:** the king's way; the highway or common road, called the king's, because authorized by him and under his protection.

In the civil law. Way; a way; a road; a right of way; the right of walking, riding, and driving over another's land. **Via publica:** a public way or road; the land itself belonging to the public.

Viagium, viaggium, l. l., Viage, l. fr. *In old English law.* Voyage; a voyage.

Viander. *In old English law.* A returning officer.

Viator, l. *In the Roman law.* A summoner or apparitor; an officer who attended on the tribunes and ædiles; so called, because often on the road; a traveler; a foot-passenger.

Vicar. One who acts in the place of another; one who is authorized to perform the functions of another.

In English ecclesiastical law. The incumbent of an appropriated benefice, — in effect a perpetual curate with a standing salary, the parson or other appropriator over him having the right to the ecclesiastical dues of the parish.

Vicarage. *In English ecclesiastical law.* The living or benefice of a vicar, as a parsonage is of a parson.

Vicarius, l. A deputy; a substitute; one who acts in the place of another. **Vicarius non habet vicarium:** a deputy has not [cannot have] a deputy; a delegated power cannot be again delegated.

In the civil law. The slave of a slave.

Vice, fr. *In old English law.* Fault; defect.

Vice, l. In the place or stead; used in the composition of words denoting a delegated or deputed authority. **Vice-chancellor:** an equity judge who acts as assistant to the chancellor, holding a separate court, from which an appeal lies to the chancellor. **Vice-principal:** a servant who stands in the place of the common master in dealing with other servants; a deputy master.

In English law. **Vice-admiralty courts:** courts established in the queen's possessions beyond seas, with jurisdiction over maritime causes.

In old English law. **Vice-comes, or vicecomes:** sheriff; the sheriff of a county, — so called, because originally the deputy of the earl, or comes,



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

Vie, l. fr. Life.

Vief, vif, l. fr. Living; alive. **Vief naam:** a live distress.

Viel, l. fr. Old; elder. **Vieles, viez dettes:** old debts. /

Vier, l. fr. To see. **Vient:** they see.

Viers, vers. Towards.

View. Sight; seeing; ocular survey or inspection; inspection, or examination of a place or person, in the course of an action. Prospect; the prospect from one's house or ground, which another may not obstruct,— a kind of urban servitude derived from the civil law.

In old English law. **View of frank pledge:** the office of the sheriff or the bailiff in seeing that every man was in some frank pledge, or decennary; the old name of the court leet.

Viewers. *In old English law.* Persons appointed under writs of view, to testify the view.

Vigilantibus et non dormientibus jura subveniunt, l. The laws relieve or succor those who are vigilant, not those who sleep [upon their rights].

Vigore cujus, l. l. By force whereof.

Viis et modis, l. l. By ways and means; a citation by which actions against non-residents are sometimes begun, served by posting up in certain public places.

Vill. *In English law.* A village; a town or township; a parish or part of a parish. Originally, in the Roman sense, a manor; later, any collection of houses.

Villa, l. *In Saxon law.* A farm, or country residence; a manor; a collection of neighboring houses, consisting of more than two; a town or vill. **Villa est ex pluribus mansionibus vicinata, et collata ex pluribus vicinis; et sub appellatione villarum continentur burgi et civitates:** a vill (town) is a collection of several neighboring dwellings, consisting of several neighbors; and under the denomination of *vills* (or towns) are comprehended boroughs and cities. **Villa regia:** a royal residence.

In the Roman law. A farm house; a country residence.

Villanum servitium, l. l. *In old English law.* Villein service.

Villanus, l. *In old English law.* A bondman; an agricultural bondman; a villein. **Villanus amerietur, salvo wainagio suo:** the villein shall be amerced, saving his wainage [*i. e.* his implements of husbandry].

Villata, l. l. *In old English law.* A township; an inhabitant of a town, or vill.

Ville, l. fr. *In old English law.* A vill; a town.

Villein, villcine, villey, villain, vileyn, vyleyn, l. fr. and eng. *In old English law.* A feudal tenant of the lowest class, who held by base and uncertain services, of the most sordid kind; an agricultural bondman of a condition little better than that of a slave. **Villein in gross:** a villein who was annexed to the person of the lord, and

transferable by deed from one owner to another. **Villein regardant:** a villein annexed to the lord's manor, or land. **Villein services:** base services such as villeins performed. **Villein socage:** a privileged kind of villeinage, the tenants doing villein services, but of a certain and determinate kind.

Villenage, Villenagium, l. l. *In old English law.* The condition, or tenure of a villein; bondage.

Villenous judgment. *In old English law.* A sentence which cast the reproach of villainy on him against whom it was pronounced.

Villeyn, l. fr. *In old English law.* A villein.

Vim vi repellere licet, modo fiat moderamine inculpatæ tutelæ, non ad sumendam vindictam, sed ad propulsandam injuriam, l. It is lawful to repel force by force, provided it be done with the moderation of blameless defense, not for the purpose of taking revenge, but to ward off injury.

Vinculum, l. A chain; a connected series; a connection or relation; a bond; a tie; the binding force of law. **Vinculum matrimonii:** the bond or tie of marriage; the matrimonial obligation.

Vindicare, l. *In the civil law.* To claim or challenge; to avenge; to punish.

Vindicatio, l. *In the civil law.* The claiming of a thing as one's own; the name of an action *in rem*, by which a thing or right was claimed.

Vinous liquor. Liquor made from the juice of the grape.

Violent. Produced by force; strong, almost conclusive. **Violent presumption:** proof of a fact by the proof of circumstances which necessarily attend it. *v. Violenta, etc.*

In Scots law. **Violent profits:** the double of the rent of a tenement within a burgh, or the highest profits a party could make of lands in the country, recoverable against a tenant in a process of removing.

Violenta præsumptio [aliquando est] plena probatio, l. Violent presumption is many times equal to full proof.

Viperina est expositio quæ corrodit viscera textus, l. That is a viperous interpretation which eats out the bowels of the text.

Vir, l. A man; a husband. **Vir et uxor:** husband and wife; — **centur in lege una persona:** husband and wife are regarded in law as one person; — **sunt quasi unica persona, quia caro una et sanguis unus; res licet sit propria uxoris, vir tamen ejus custos, cum sit caput mulieris:** husband and wife are, as it were, one person, because one flesh and one blood; though a thing may be the property of the wife, yet the husband is the keeper of it, since he is the head of the woman.

Virga, l. *In old English law.* A rod or white staff, such as sheriffs, bailiffs, etc., carried as a badge of office; a yard. **Virga alnaria:** a yard measured according to the legal ell or true standard. **Virga**

ferrea: the iron yard,—the standard yard, a yard according to that standard. *Virga terræ, or virgata terræ*: a yard-land; a measure of land of variable quantity, containing twenty to forty acres.

Virgata regia, l. l. *In old English law.* The royal verge; the bounds of the king's household, within which the court of the steward had jurisdiction. This extended for a space of twelve leagues in circuit about the king's residence.

Virgator, l. l. *In old English law.* A verger.

Viridarius, l. l. *In old English law.* A verderor.

Viridis, viride, l. *In old English law.* Vert.

Viripotens, l. *In the civil law.* Marriageable; viripotent.

Virtus, l. *In old English law.* The substance or tenor. *Virtus actionis*: the substance of the action.

Virtute, l. By virtue. *Virtute cujus*: by virtue whereof. *Virtute officii*: by virtue of office.

Vis, l. Force; the onset or pressure of a greater thing, which cannot be repelled; violence; unlawful violence. *Vis impressa*: impressed force; the original act of force out of which an injury arises, as distinguished from *vis proxima*, the proximate force, or immediate cause of the injury. *Vis major*: irresistible force; such an interposition of human agency as is, from its nature and power, absolutely uncontrollable; in the civil law, sometimes synonymous with *vis divina*. *Vis proxima*: immediate force. v. *Vis impressa*.

In the civil and old English law. Further, the act of seeking one's remedy without authority or process of law; efficacy; virtue; power to produce an effect. *Vis armata*: armed force; force exerted by means of arms, weapons or any thing that can hurt or injure. *Vis compulsiva*: compulsive force; that which is exerted to compel another to do an act against his will; force exerted by menaces or terror.

In old English law. *Vis clandestina*: clandestine force; force used by night. *Vis expulsiva*: expulsive force; force used to expel another, or put him out of his possession. *Vis inermis*: unarmed force; the opposite of *vis armata*. *Vis injuriosa*: wrongful force; otherwise called *illicita*. *Vis laica*: lay force; an armed force used to hold possession of a church. v. *De vi*, etc. *Vis licita*: lawful force. *Vis perturbativa*: perturbative force; force used between parties contending for a possession. *Vis simplex*: simple or mere force; distinguished from *vis armata*, and also from *vis expulsiva*.
In Scots law. *Vis et metus*: force and fear.

In the civil law. *Vis ablativa*: ablative force; force which is exerted in taking away a thing from another. *Vis divina*: divine or super-human force; the act of God. *Vis exturbativa*: exturbative force; force used to thrust out another. *Vis fluminis*: the force of a river or stream; the force exerted by the velocity or volume of a current of water. *Vis inquietativa*: disquieting force.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

- Vocabula, l.** Words; terms; names. **Vocabula artis:** words of art; technical terms. **Vocabula artium explicanda sunt secundum definitiones prudentum:** terms of arts are to be explained according to the definitions of the learned or skilled [in such arts]. **Vocabula rerum:** the names of things.
- Vocans, l., Vochsour, l. fr.** *In old English law.* One who vouches another; a voucher.
- Vocat. l. l.** In old pleading, called,— an abbreviation of *vocatus, vocata, vocati.*
- Vocatio, l. l.** *In old English law.* Voucher; a calling to warrant.
- Vocatus, l. l., Voche, l. fr.** *In old English law.* A person called or vouched; a vouchee.
- Vocher, l. l.** In old practice, to vouch; to call to warrant; a vouching; a person vouching.
- Vociferatio, l.** *In old English law.* Outcry; hue and cry.
- Voco, l.** *In civil and old English law.* I call; I summon; I vouch. **Voco talem:** I call or vouch such a one,— the old formula of vouching to warranty.
- Vocare, l.** *In old English law.* To call; to call upon; to vouch; to call on one to warrant or defend another's title.
In feudal law. **Vocare ad curiam:** to summon to court.
In the Roman law. **Vocare in jus:** to summon to court; to cite or summon before the prætor or magistrate.
- Voer, l. fr.** *In old English law.* To view; to inspect.
- Void.** Of no force; incapable of ratification or confirmation.
- Voidable.** That may be avoided; not absolutely void.
- Voidance.** *In ecclesiastical law.* A want of an incumbent upon a benefice.
- Voier, veier, l. fr.** *In old English law.* To see.
- Voiler, voiller, l. fr.** *In old English law.* To will; to be willing; to mean; to purport, or set forth.
- Voiloir, voillour, l. fr.** *In old English law.* A will; a testament.
- Voir, voire, voier, voyer, voiar, l. fr.** *In old English law.* Truth; the truth. **Voire dire:** to say the truth; a preliminary oath administered to a witness, for the purpose of ascertaining whether he has such an interest as to disqualify him.
- Volens, l.** Willing.
- Volentes, l.** We being willing; the initial word of the Latin writs of *certiorari.* **Volentes de certis causis certiorari:** we being willing for certain causes to be certified.
- Volenti non fit injuria, l.** An injury is not done to the willing; he who consents to a thing, or makes no opposition to it, cannot complain of it as an injury.
- Volo, l.** I will, I wish or desire,— one of the words in Roman testaments to create a trust.

- Voluit, sed non dixit, l.** He willed, but he did not say; he may have intended so, but he did not say so. v. *Quod voluit, etc.*
- Volumen, l.** *In the civil law.* A volume; so called from its form, being rolled up.
- Volumus, l.** *In old English law.* We will,— first word of a clause inserted in writs of protection.
- Volunt, l. fr.** *In old English law.* Will.
- Voluntarius dæmon, l. l.** A voluntary madman, a term applied to a drunken man.
- Voluntary.** Free; without compulsion or solicitation; in accordance with one's own will. Without consideration; without valuable consideration. **Voluntary assignment:** an assignment by a debtor in trust for the benefit of his creditors. **Voluntary conveyance:** a conveyance without valuable consideration. **Voluntary escape:** an escape of a person from custody, by the express consent of his keeper, or in consequence of his being permitted to go at large. **Voluntary manslaughter:** manslaughter committed voluntarily in the heat of passion. **Voluntary oath:** an oath taken in some extra-judicial matter, or before some magistrate or officer who cannot compel it to be taken. **Voluntary waste:** waste done by acts of commission.
- In English law.* **Voluntary jurisdiction:** a jurisdiction exercised by certain ecclesiastical courts, in matters in which there is no opposition.
- In the civil law.* **Voluntary deposit:** a deposit arising from the mere consent and agreement of parties.
- Voluntas, l.** Will; intent; design; purpose; desire; a will. **Voluntas donatoris, in charta doni sui manifeste expressa, observetur:** the will or intention of a donor, clearly expressed in the deed of his gift, should be observed. **Voluntas et propositum distinguunt maleficia:** will and purpose characterize crimes. **Voluntas in delictis, non exitus, spectatur:** the will, not the issue, is looked to in crimes. **Voluntas reputatur [reputabitur] pro facto:** the will is [shall be] taken for the deed,— a maxim in the English law of treason. **Voluntas testatoris:** the will of a testator; — **est ambulatoria usque ad mortem [ad extremum vitæ exitum]:** the will of a testator is ambulatory until death. v. *Ambulatoria est, etc.*; — **habet interpretationem latam et benignam:** the will of a testator has [should have] a broad and benignant interpretation. **Voluntas ultima testatoris est perimplenda secundum veram intentionem suam:** the last will of a testator is to be fulfilled according to his true intention.
- Volunte, volunt, volounte, l. fr.** Will; mind; intention.
- Volunteer.** A grantee or a beneficiary in a voluntary conveyance.
- Vouch.** *In old English law.* To call; to call to warranty; to call on a person who has warranted a title to defend the title warranted; to cite or quote.

Vouchee. *In old English law.* One who is vouched or called to warranty.

Voucher. An instrument which attests, warrants or witnesses; an acquittance.

In old English law. An account book wherein are entered the acquittances or warrants for the accountant's discharge; a calling to warranty; a calling on one who has warranted a title to defend it in an action; the person so calling.

Vous, l. fr. *In old English law.* You. **Vous aves, or avez:** you have; — **cy:** you have here,— the old form of commencing a pleading when delivered *ore tenus*. **Vous veies, voies, or veitz bien coment:** you see well how,— formal words anciently used by counsel in addressing the court.

Vox, l. l. *In old English law.* Speech; saying; statement. **Vox emissa volat; litera scripta manet:** the spoken word flies; the written letter remains.

In Scots law. **Vox signata:** an emphatic or essential word.

Voyage. The passage of a vessel from one port to another or to others. **Voyage insured:** a transit at sea from the *terminus a quo* to the *terminus ad quem*, in a prescribed course of navigation,— never set out, but a part of every policy. **Voyage of the ship:** the course of navigation on and in which a vessel actually sails.

Voyer, l. fr. *In old English law.* To go; to issue.

Voys, l. fr. *In old English law.* Voice; word; speech; saying.

Vs. A common contraction of *versus*.

Vulgaris, l. Common. **Vulgaris opinio:** common opinion; — **est duplex, sc. opinio vulgaris orta inter graves et discretos, et quæ vultum veritatis habet, et opinio tantum orta inter leves et vulgares homines, absque specie veritatis:** common opinion is twofold, viz., common opinion which originates among grave and discreet men, and which has a countenance of truth, and an opinion which originates only among light and vulgar men, without a show of truth.

In old English law. **Vulgaris purgatio:** common purgation,— a name given to the trial by ordeal, to distinguish it from the canonical purgation, which was by oath.

Vulgo concepti, l. *In the civil law.* Spurious children; bastards; those who cannot point out their father, or who have a father whom it is not lawful to have. **Vulgo quæsiti:** spurious children; the offspring of promiscuous cohabitation.

Wacreour, l. fr. *In old English law.* A vagabond, or vagrant.

Wadset. *In Scots law.* A setting or putting to pledge; a disposition of lands, answering to a mortgage in English law.

Wadsetter. *In Scots law.* A creditor to whom a wadset is granted.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

- Walla, wallia, l. l.** *In old English law.* A bank of earth cast up for a boundary; a wall; a sea-wall.
- Wallare, l. l.** *In old English law.* To repair or keep up a wall; to wall or enclose. **Wallatur fossato vel haia:** it is enclosed with a ditch or with a hedge.
- Wallesheria, l. l.** *In old English law.* Waleschery; the fact of being a Welshman.
- Wallia, l. l.** *In old English law.* A wall; a sea-wall; a mound, bank or wall erected as a protection against the sea.
- Waud of peace.** *In Scots law.* A wand or staff carried by the messenger of a court, which, when he is hindered from executing process, he breaks, as a symbol of the deforcement, and protest for remedy of law.
- Wanton.** Reckless; regardless of the right of others.
- Wapentake.** *In English law.* A division of a county in the north of England, corresponding with a hundred; a hundred court, or hundred-gemote.
- War.** An armed contest between nations, or between different portions of the same nation,—when between nations called public; when between portions of the same nation, and arising out of insurrection, civil.
- Waractum, l. l.** *In old English law.* Fallow; fallow-ground.
- Warantia, l. l.** *In old English law.* Warranty; guaranty.
- Warantizare, l. l.** *In old English law.* To warrant. **Warantizare nihil aliud est quam tenentem vocantem defendere in sua seisina vel possessione erga petentem:** to warrant is nothing else than to defend a tenant, vouching in his seisin or possession, against the demandant.
- Warantizatio, l. l.** *In old English law.* Warranty.
- Warantizo, l. l.** *In old English law.* I warrant.
- Warantus, warrantus, l. l.** *In old English law.* One who had covenanted to warrant another's title, and who might be called on, or vouched to defend it; a warrantor.
- Ward.** A person under the care of a guardian; a division of a city,—so called because under the care of an alderman.
- In English law.* **Ward-mote:** a court held in every ward in London.
- In old English law.* **Guard, protection;** the state of being under protection or guardianship; an infant under guardianship, a place under protection of a person; a state of confinement; a place of confinement. **Ward-corn:** the duty of keeping ward with a horn with which to give warning. **Ward-fegh, ward-feoh:** ward fee; the value of a ward, or the money paid to the lord for the ward's redemption. **Ward-penny, warth-penny, warpen:** money paid to the sheriff for the duty of watching a castle. **Ward-wit, ward-wite, ward-wyte:** immunity from the service of ward.

In old Scots law. **Ward-holding:** tenure by military service,— the proper feudal tenure of Scotland.

Warda, l. l. *In old English law.* Protection; keeping. An infant under wardship; a ward.

Warda, varda, l. l. *In old Scots law.* An award; the judgment of a court.

Wardare, vardare, l. l. *In old Scots law.* To award; to pronounce judgment.

Wardegemot. *In Saxon law.* The meeting of the inhabitants of a ward; a court held in or for a ward.

Warden. One who has by office the charge of a person or thing; a keeper.

In English law. **Warden of the Cinque Ports:** the governor or presiding officer of the Cinque Ports.

Wards and Liveries, *In English law.* The title of a court of record, established in the reign of Henry VIII., mainly for the management of matters relating to the king's wards under the law of feudal tenure.

Wardship. *In feudal and old English law.* The right of the lord to act as guardian to the heir of a tenant by knight-service,— a right which consisted in having the custody of the body and lands of the heir, without account of profits, till the age of twenty-one in males, and sixteen in females.

Warect, l. fr. *In old English law.* Fallow.

Warectare, l. l. *In old English law.* To fallow ground; to plough up land in the spring, in order to let it lie fallow for its improvement until the sowing in the autumn.

Warectum, waractum, wareccum, l. l. *In old English law.* Fallow ground; land that has been neglected and long untilled.

Warena, l. l. *In old English law.* Warren; a warren.

Warentizare, l. l. *In old English law.* To warrant; to save one harmless.

Warrantice. *In Scots law.* Warranty; a clause in a deed or charter by which the grantor obliges himself that the right conveyed shall be effectual to the receiver.

Warrant. To give assurance of the existence of a fact, as of the quality of a thing sold, or the validity of the title, or of the uses, etc., of property insured.

Warrant. An authority from competent authority to do some act; a process under seal, issued by some court or justice, authorizing the officer to whom it is directed to arrest a person named, or to take certain property. **Warrant of attorney:** a written authority, directed to an attorney of a court of record, to appear for the party executing it, and receive a declaration in an action at the suit of a person named, and thereupon to confess the same, or to suffer judgment to pass by default.

In old English law. **Warrant to sue and defend:** a special warrant from the crown, authorizing a party to appoint an attorney to sue or defend for him.

Warrantia, warantia, l. l. *In old English law.* Warranty. **Warrantia chartæ:** warranty of charter; a writ which lay for one who, being enfeoffed with a clause of warranty, was afterwards impleaded in an action in which he could not vouch to warranty.

Warrantia diei: warranty of day. v. *De warrantia diei.*

Warrantizare, warantizare, warentizare, warrantisare, l. l. *In old English law.* To warrant; to bind one's self by covenant in a deed of conveyance, to defend the grantee in his title and possession.

Warrantizabo: I will warrant. **Warrantizabimus:** we will warrant.

Warrantizatio, l. l. *In old English law.* Warranty.

Warrantus, warantus, l. l. *In old English law.* A warrantor; one who had warranted land by covenant, and might be called on or vouched to defend the title. **Warrantum vocare:** to call or vouch a warrantor.

Warranty. An undertaking or stipulation, written or oral, that a fact relating to the subject of a contract is or shall be as stated or promised. An assurance by the seller on a sale of personalty as to the thing sold, the quantity, the quality or the title,—express, when in words of representation or affirmation entering into the consideration, and understood and relied on by the buyer as a warranty; implied, when inferred by the law from the nature of the entire transaction, as that the thing is fairly merchantable, or fairly fit for the purpose for which it is bought, etc. A covenant by which a grantor of realty, for himself and his heirs, warrants the estate granted. A stipulation by the assured in a contract of insurance that a fact touching the risk is as represented. **Warranty deed:** a deed containing a covenant of warranty.

In old English law. The duty of a grantor and his heirs, implied in the word *dedi* in the grant, to warrant and defend the title and possession of the grantee, or give him other lands of equal value; an undertaking by covenant to defend a tenant or grantee in his seisin, against an adverse claimant; the complying with or fulfilling of one's covenant of warranty, by defending the title or seisin of a tenant or grantee, in an action brought against him by an adverse claimant, or by indemnifying the tenant by conveying to him others of equal value.

Warren. *In English law.* A place privileged by prescription, or royal grant, for the keeping and preservation of certain animals, called beasts and fowls of warren: a franchise of killing certain descriptions of game, so far as a person's warren extended, on condition of his preventing other persons.

Wast, l. fr. *In old English law.* Waste. **Wast de boys:** waste of woods.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

Know Your Bible

Forgotten Books'
Full Membership
provides unlimited
access to more than
28,000 volumes of
Christian literature for
\$8.99/month

**HOLY
BIBLE**

Continue

*Fair use policy applies

Way. A right of passage over land; the path or road over which such a right obtains; particularly, the right of a man and his heirs, or of the owner of an article, or of a certain class of persons, to pass through the land of another,—a kind of easement. A way, regarded as a road, is public or private,—public, when it is a lawful road open to the public, as are the great roads that lead from town to town, and from one public place to another; private, when established by law for the use of particular persons, a way, for instance, leading from a public way to the house of a private person.

Way-going crop. A crop of grain to which a tenant for years is sometimes entitled by custom; a crop which will not ripen until after the termination of the lease.

Wayvium, l. l. *In old English law.* That which no one claims; a waif.

Weald, sax. A wood; the woody part of a country.

Wear, weir. A place in a river, constructed for taking fish, by so narrowing the stream that the passage may be easily closed by a net.

Wedbedrip, sax. *In old English law.* A customary service which tenants paid in cutting corn or doing other harvest duties.

Wedde, sc. *In old Scots law.* A pledge.

Wedue, l. fr. *In old English law.* Widow; a widow. **Wedues femmes:** widows.

Wef, l. fr. *In old English law.* A waif.

Wear and tear. Deterioration by use.

Week. A period of time, of seven days' duration; a period, more particularly, beginning Sunday morning and ending at midnight of the next Saturday.

Welsh mortgage. A mortgage now out of use, resembling the ancient *mortuum vadium*,—being a conveyance redeemable at any time, on payment of the principal, the profits in the meantime to be received in satisfaction of interest.

Wera, l. l., Were, sax. *In Saxon and old English law.* The price or value of a person; a fine paid by a murderer to the family or relatives of the deceased.

Weregelt thef, sax. *In old English law.* A robber who might be ransomed.

Weregild, wergild, weregelt, sax. *In Saxon law.* Payment of a were.

Werelada, sax. and l. l. *In Saxon and old English law.* Purgation of a were or fine; purgation upon oath of other persons, according to the value or estimate of the person accused.

Wergelt, vergelt. *In old Scots law.* A sum paid by an offender, as a compensation or satisfaction for the offense; a weregild, or wergild.

Werra, guerra, l. l. *In old English law.* War, private as well as public.

- Werrinus, l. l.** *In old English law.* In a state of war; at war.
- Wervagium, l. l.** *In old English law.* Wharfage; money paid at a wharf for lading or unlading goods.
- Westminster.** A city adjacent to London; the seat of the four superior courts of the kingdom. **Westminster I.:** a statute of 3 Edw. I. containing fifty-one chapters and many provisions respecting the purgation of clerks, felons, *paine forte et dure*, marriage of wards, etc. **Westminster II.:** a statute of 13 Edw. I. containing the statute *de donis* and various provisions respecting *formedon*, advowsons, vouching to warranty, etc. **Westminster III.:** the statute of 18 Edw. I., commonly known as the statute of *Quia emptores*.
- Westmonasterium, l. l.** Westminster.
- West-Saxon lage.** The laws of the West-Saxons, which obtained in the counties to the south and west of England, from Kent to Devonshire.
- Weyviare, weyvare, l. l.** *In old English law.* To waive, or abandon; to outlaw a woman.
- Weyvium, l. l.** *In old English law.* That which no one claims; waif.
- Wharf.** A perpendicular bank of stone, earth, or timber raised on the shore of a harbor, river, canal, etc., or extending some distance into the water, for the convenience of lading and unlading vessels.
- Wharfage.** Money paid for landing goods at a wharf, or for taking goods thence into a vessel; a fee for tying a vessel to a wharf.
- Wharfinger.** One who keeps a wharf.
- Wheel.** An instrument of a barbarous capital punishment, said to have been first employed in Germany, in which the criminal is bound, with his limbs extended, and his limbs broken by blows struck by the executioner.
- White acre.** A fictitious name given to a piece of land.
In old English law. **White rent:** rent payable in silver, or white money. v. *Alba firma; Blanch ferme*.
In Scots law. **White bonnet:** a fictitious offerer or bidder at a roup or auction sale.
- Whittanwarii, l. l.** *In old English law.* Offenders who whitened stolen ox-hides and horse-hides so that they could not be known and identified.
- Whole blood.** Blood compounded wholly of the same ingredients; blood derived from the same couple of ancestors; kinship by descent from the same pair of ancestors.
- Wholesale.** Sale in a whole or unbroken quantity; sale of goods by the unbroken piece or in quantity.
- Wic, wik, wyc, sax.** *In old English law.* A house; a country house, or farm; a castle; a town, or village. Wic is a common termination of the names of towns and villages in England.
- Wic, wich, wig, sax.** *In old English law.* A bay of the sea or of a river; a place where ships lie and unload. Wich is a common termination of the names of towns and villages in England.

Wick. A termination of words denoting jurisdiction, or limits of jurisdiction or authority.

Widow. A woman who has lost her husband by death. **Widow's quarantine:** the time after the death of a man during which his widow may remain in his chief mansion without paying rent, and during which her dower is to be assigned,—a period of forty days.

In English law. **Widow's chamber:** the apparel and furniture of her bedchamber, to which, by a custom of London, a widow is entitled.

In Scots law. **Widow's terce:** the right of a widow to a third part of her husband's rents.

Wife. A woman who has a husband living. **Wife's equity:** the equitable right of a married woman to a reasonable and adequate provision, by way of settlement or otherwise, out of her choses in action, or out of any property of hers which is under the jurisdiction of the court of chancery, for the support of herself and her children.

Will. That faculty of the mind which chooses between one object or end and another; a disposition of real and personal property to take effect after the death of the person who makes it; the instrument by which such a disposition is made. *v. Ambulatorius, etc.; Nuncupative will; Quum in testamento, etc.; Voluntas, etc.* **Wills, statute of:** the statute 32 Hen. VIII., c. 1, by which a person seised in fee simple, socage tenure, was enabled to devise all his lands at pleasure, except to corporations, and a person seised in chivalry, two-thirds.

In Scots law. That part of a process which contains the mandate.

Winchester, statute of. The statute of 13 Edw. I., by which the old Saxon law of police was enforced, with many additional provisions.

Winchester measure: the standard measure of England, originally kept at Winchester.

Wisbuy, laws of. A code of maritime laws, compiled at Wisbuy, Gothland, Sweden, towards the close of the thirteenth century, and soon afterwards adopted by all the nations of modern Europe.

Wit, wyt, wyte, witt. *In Saxon, old English and Scots law.* Know; to know; to have knowledge of.

Wita, wyta, l. l. *In Saxon law.* A fine, or mulct; a penalty; a sum paid by way of punishment for an offense.

Witan, sax. *In Saxon law.* Wise men; persons of information, especially in the laws; the king's advisers, members of his council; the principal men of the kingdom.

Wite, wit, wyte. *In Saxon law.* A fine for an offense; distinguished from *were*, which was paid to the injured person or his relatives, in being paid to the crown or the magistrate; an amercement, an immunity from amercement.

Witena dom, sax. *In Saxon law.* The judgment of the county court, or other court of competent jurisdiction, on the title to property, real or personal.



THIS PAGE IS LOCKED TO FREE MEMBERS

Purchase full membership to immediately unlock this page

SAVE \$3,999,994

Did you know we sell
paperback books too?

To buy our entire catalog
in paperback would cost
over \$4,000,000

Access it all now for
\$8.99/month

*Fair usage policy applies

Continue

name of the court of attachments, otherwise called the forty days' court. **Wood-street compter:** the name of an old prison in London.

Wood-ward: in forest law, a keeper; one whose office was to protect the wood, and who was sworn to present all offenses against vert and venison, at the forest courts.

Woolsack. The seat of the Lord Chancellor in the House of Lords; so called from its being a bag of wool.

Wound. An injury to the person, by which the skin is divided, or its continuity broken,—the whole skin, not the cuticle or upper skin merely.

Wounding. The offense of inflicting a wound.

Worthiest of blood. *In English law.* A term applied to males, expressive in the law of descent of the preference given to them over females.

Wreck. *In American law.* Goods cast ashore by the sea, and not claimed by the owner within a year; or other specified period,—which become the property of the state.

In English law. Goods which, after a shipwreck at sea, are by the sea cast upon the land; goods so cast ashore in cases where no creature has escaped alive, forfeited to the crown.

In old English law. Anything thrown upon the land by the sea; a thing thrown out of a vessel, with the intention of throwing it away, and afterwards found; a thing derelict.

Wreckfree, wrecfree, wrecfry. *In old English law.* Exempt from the forfeiture of shipwrecked goods and vessels to the king.

Wreckum, wreccum, wreccum maris, wrectum, l. l., Wrek, wreke, wrekke, l. fr. *In old English law.* A thing thrown out of a ship, without the intention of reclaiming it; goods or other things cast ashore by the sea from a wrecked vessel; wreck.

Writ. A writing; a mandate or precept; an instrument in writing by which a court commands a person to whom it is directed to do some act; an instrument in writing, running in the name of the sovereign, and issued out of a court, under seal, directed to some ministerial officer, or to the party, commanding that some act be done.

Writ of entry: v. *Entry, writ of.* **Writ of inquiry:** v. *Inquiry, writ of.* **Writ of error:** a writ to correct error. v. *Error, writ of.*

In English law. Originally, the written command of the king, or of some member of his household; later, the written command or precept of a court, or of some officer authorized. It is original when it issues from chancery under the king's seal at the beginning of the action, and judicial when it issues from a court during the progress of an action; it is close or clause when sealed, and open when not sealed. **Writ de cursu:** writ of course,—a writ issued by the crown, or by a court or person authorized by the crown, as matter of right, as distinguished from special writs issued by the royal authority as matter of favor. **Writ on the case:** a writ issued under the statute

of Westminster II., c. 24, providing for the issue of writs in cases similar to those in which writs had been issued *de cursu* prior to promulgation in 1258 forbidding the issue of new writs.

In old English law. **Writ of right:** a writ which lay to recover lands in fee simple, unjustly withheld from the owner,—the great and final remedy for the recovery of the right of property, or mere right, as distinguished from the right of possession, and in its nature the highest writ in the law.

In Scots law. A writing; an instrument in writing, as a deed, bond, contract, etc.

Write. To express ideas by letters visible to the eye; to impress letters on paper or parchment with an instrument or material which makes them permanently visible.

Writer to the signet. *In Scots law.* Anciently writers to the signet were clerks in the office of the secretary of state who prepared writs passing the king's signet, etc. They are attorneys or solicitors, and privileged to try causes in the Court of Session.

Writing. The expression of ideas by letters visible to the eye; the outward, visible form in which the contract, will or direction of a person is expressed; a thing written; a written instrument or document. **Writing obligatory:** the name by which a bond is described in pleading.

Written law. Statute law; law deriving its force from express legislative enactment. One of the two leading divisions of the Roman law, comprising the *leges*, *plebiscita*, *senatus-consulta*, *principum placita*, *magistratum edicta*, and *responsa prudentum*.

Wrong. The violation of a right, or of law, either by a positive act, or by neglecting to comply with some express requirement of law.

Wrongous, wrangous. *In Scots law.* Wrongful; unlawful.

Wulvesheved, wulfesheofod, sax. *In Saxon law.* A person outlawed. *v. Wolfshead.*

Wurth, sax. *In Saxon law.* Worthy; competent; capable. *v. Othesworthe.*

Wyta, wita, l. l. *In Saxon and old English law.* A fine, or mulct; a wite.

Wyte, sax. *In old English law.* Acquittance or immunity from amercement.

Xenodochium, gr.-l. *In the civil and old English law.* An inn licensed for the entertainment of strangers; a place where sick and infirm persons were cared for; a hospital.

Y, fr. There. **Y est:** there is.

Ya et nay. *In old English law.* Mere assertion and denial, without oath.

Yalemaines, jalemiens, l. fr. At least; however.

Ycel, *l. fr.* It; this; the same. **Yceux**, **yceaux**, *l. fr.* Those; them.

Year. The period of three hundred and sixty-five days, or twelve calendar months. **Year and day**: a period of time limited by law for many purposes, which in some cases determines a right, in others works a prescription. **Year Books**: the oldest English reports extant, beginning with the reign of Edward II. and ending with the reign of Henry VIII.

In English law. **Year, day and waste**: a prerogative of the crown to have the lands held in fee simple by persons attainted for murder, for a year and a day, and to commit waste therein at pleasure.

Yeoman, **yoman**, **yeman**. *In English law.* A commoner; a freeholder under the rank of gentleman.

Yeoven, **yeven**, **yeuen**, *o. eng.* *In old English law.* Given.

Yield. To give as claimed of right; to give up; to give way; to give place to.

Yielding and paying. The initial words of that clause in a lease, in which the rent to be paid is reserved; an implied covenant to pay.

York, custom of. A custom of York in England, by which the effects of an intestate, after payment of his debts, are in general divided according to the ancient universal doctrine of the *pars rationabilis*.

York, statute of: a statute passed at York, 12 Edw. II., containing provisions on the subject of attorneys, witnesses, the taking of inquests by *nisi prius*, etc.

Zelde, *o. sc.* A gift or donation.

Zygostates, *gr.-l.* *In the civil law.* A weigher; a weigher of money.