

**MATTER OF RECORD.** Those facts which may be proved by the production of a record. It differs from matter in deed, which consists of facts which may be proved by speciality.

**MATURITY.** The time when a bill or note becomes due. In order to bind the indorsers, such note or bill must be protested, when not paid, on the last day of grace. See **DAYS OF GRACE.**

**MAXIM.** An established principle or proposition. A principle of law universally admitted, as being just and consonant with reason.

2. Maxims in law are somewhat like axioms in geometry. 1 Blackstone, Comm. 68. They are principles and authorities, and part of the general customs or common law of the land, and are of the same strength as acts of parliament, when the judges have determined what is a maxim; which belongs to the judges and not the jury. *Termes de la Ley*; Doct. & Stud. Dial. 1, c. 8. Maxims of the law are holden for law, and all other cases that may be applied to them shall be taken for granted. Coke, Litt. 11, 67; 4 Coke. See *Plowd.* 27 b.

3. The application of the maxim to the case before the court is generally the only difficulty. The true method of making the application is to ascertain how the maxim arose, and to consider whether the case to which it is applied is of the same character, or whether it is an exception to an apparently general rule.

4. The alterations of any of the maxims of the common law are dangerous. Coke, 2d Inst. 210.

The following are some of the more important maxims:

*A communi observantia non est recedendum.* There should be no departure from common observance (or usage). Coke, Litt. 186; Wingate, Max. 203; 2 Coke, 74.

*A digniori fieri debet denominatio et resolutio.* The denomination and explanation of a person or thing ought to be derived from the more worthy. Wingate, Max. 265; Fleta, lib. 4, c. 10, § 12.

*A l'impossible nul n'est tenu.* No one is bound to do what is impossible.

*A non posse ad non esse sequitur argumentum necessarium negativè licet non affirmativè.* From impossibility to non-existence the inference follows necessarily in the negative, though not in the affirmative. Hob. 386 b.

*A piratis aut latronibus capti liberi permanent.* Those captured by pirates or robbers remain free. Dig. 49. 15. 19. 2; Grotius, *de Jure Belli*, lib. 3, c. 3, s. 1.

*A piratis et latronibus capta dominium non mutant.* Things captured by pirates and robbers do not change ownership. 1 Kent, Comm. 108, 184; 2 Wooddeson, Lect. 258, 259.

*A rescriptis valet argumentum.* An argument from rescripts (i. e. original writs in the register) is valid.

*A summo remedio ad inferiorem actionem non habetur regressus neque auxilium.* From the highest remedy to an inferior action there is no return or assistance. Fleta, lib. 6, c. 1; Bracton, 104 a, 112 b; 3 Sharwood, Blackst. Comm. 193, 194.

*A verbis legis non est recedendum.* From the

words of the law there should be no departure. Broom, Max. 3d Lond. ed. 555; Wingate, Max. 25; 5 Coke, 119.

*Ab assuetis non fit injuria.* No injury is done by things long acquiesced in. Jenk. Cent. Cas. Introd. viii.

*Abbreviationum ille numerus et sensus accipiendus est, ut concessio non sit inanis.* Such a number and sense is to be given to abbreviations that the grant may not fail. 9 Coke, 48.

*Absentem accipere debemus eum qui non est eo loci in quo petitur.* We must call him absent who is not in that place in which he is sought. Dig. 50. 16. 199.

*Absentia ejusqui reipublice causa abest, neque ei neque alii damnosa esse debet.* The absence of him who is employed in the service of the state, ought not to be prejudicial to him nor to others. Dig. 50. 17. 140.

*Absolute sententia expositore non indiget.* An absolute, unqualified sentence (or proposition) needs no expositor. Coke, 2d Inst. 533.

*Abundans cautela non nocet.* Abundant caution does no harm. 11 Coke, 6; Fleta, lib. 1, c. 28, § 1.

*Accessorium non ducit sed sequitur eum principale.* The principal draws after it the accessory, not the accessory the principal. Coke, Litt. 152 a, 389 a; 5 Ell. & B. 772; Broom, Max. 3d Lond. ed. 433. Literally, The accessory does not draw, but follows, its principal.

*Accessorius sequitur naturam sui principalis.* An accessory follows the nature of his principal. Coke, 3d Inst. 139; 4 Sharwood, Blackst. Comm. 36; Broom, Max. 3d Lond. ed. 440.

*Accusare nemo debet se, nisi coram Deo.* No one is obliged to accuse himself, unless before God. Hardr. 139.

*Accusator post rationabile tempus non est audiendus, nisi se bene de omissione excuserit.* An accuser is not to be heard after a reasonable time, unless he excuse himself satisfactorily for the omission. F. Moore, 817.

*Acta exteriora indicant interiora secreta.* Outward acts indicate the inward intent. Broom, Max. 3d Lond. ed. 270; 1 Smith, Lead. Cas. 4th Am. ed. 115; 8 Coke, 291; 13 Johns. N. Y. 414; 15 *id.* 401.

*Actio non datur non damifico.* An action is not given to one who is not injured. Jenk. Cent. Cas. 69.

*Actio personalis moritur cum persona.* A personal action dies with the person. Noy, Max. 14. See this phrase as a title, **ACTIO PERSONALIS.**

*Actio quælibet it sua vid.* Jenk. Cent. Cas. 77. Every action proceeds in its own course.

*Actionum genera maxime sunt servanda.* Loft, 460. The kinds of actions are especially to be preserved.

*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 forum rei.* The plaintiff must follow the forum of the thing in dispute. Home, Law Tr. 232; Story, Conf. Laws, § 325, k; 2 Kent, Comm. 462.

*Actore non probante reus absolvitur.* If the plaintiff does not prove his case, the defendant is absolved. Hob. 103.

*Actori incumbit onus probandi.* The burden of proof lies on the plaintiff. Hob. 103.

*Actis indicate the intention.* 8 Coke, 291; Broom, Max. 3d Lond. ed. 270; 13 Johns. N. Y. 414.

*Actus curis neminem gravabit.* An act of the court shall prejudice no man. Jenk. Cent. Cas. 118; Broom, Max. 3d Lond. ed. 115; 1 Strange, 126; 1 Smith, Lead. Cas. 245-255; 12 C. B. 415

*Actus Dei neminem facit injuriam.* The act of God does wrong to no one: that is, no one is re-

possible in damages for inevitable accidents. 2 Blackstone, Comm. 122; 1 Coke, 97 b; 5 id. 87; Coke, Litt. 206 a; 4 Taunt. 309; 1 Term, 33. See Act of God.

*Actus inceptus cujus perfectio pendet ex voluntate partium, revocari potest; si autem pendet ex voluntate tertie personae, vel ex contingenti, revocari non potest.* An act already begun, whose completion depends upon the will of the parties, may be recalled; but if it depend on the consent of a third person, or on a contingency, it cannot be recalled. Bacon, Max. Reg. 20. See Story, Ag. § 424.

*Actus iudicialis coram non iudice irritus habetur; de ministeriali autem a quocunque provenit ratum est.* A judicial act before one not a judge is void; as to a ministerial act, from whomsoever it proceeds, let it be valid. Lofft, 458.

*Actus legis nemini est damnosus.* An act of the law shall prejudice no man. Coke, 2d Inst. 287; Broom, Max. 3d Lond. ed. 119; 11 Johns. N. Y. 389; 6 Coke, 68; 8 id. 290; Coke, Litt. 264 b; 5 Term, 381, 385; 1 Ld. Raym. 515; Hob. 216; 2 H. Blackst. 324, 334; 5 East, 147; 1 Preston, Abs. of Tit. 346; 6 Bacon, Abr. 559.

*Actus legis nemini facit injuriam.* The act of the law does no one wrong. 5 Coke, 116; 2 Sharswood, Blackst. Comm. 123.

*Actus legitimi non recipiunt modum.* Acts required by law admit of no qualification. Hob. 153; Branch, Princip.

*Actus me invito factus, non est meus actus.* An act done by me against my will is not my act. Bracton, 101 b.

*Actus non reum facit nisi mens rea.* The act does not make a person guilty unless the intention be guilty also. This maxim applies only in criminal cases; in civil matters it is otherwise. Broom, Max. 3d Lond. ed. 270, 275, 329; 7 Term, 514; 3 Bingham. n. c. 34, 468; 5 Mann. & G. 639; 3 C. B. 229; 5 id. 380; 9 Clark & F. 531; 4 N. Y. 159, 163, 195; 2 Bouvier, Inst. n. 2211.

*Actus repugnant non potest in esse produci.* A repugnant act cannot be brought into being, i. e. cannot be made effectual. Plowd. 355.

*Ad ea quae frequentim accidunt Jura adaptantur.* The laws are adapted to those cases which occur more frequently. Coke, 2d Inst. 137; Wingate, Max. 216; Dig. 1. 3. 3; 19 Howell, St. Tr. 1061; 3 Barnew. & C. 178, 183; 2 Crompt. & J. Exch. 198; 7 Mees. & W. Exch. 599, 600; Vaugh. 373; 5 Coke, 38, 128; 6 id. 77; 11 Exch. 476; 12 How. 312; Broom, Max. 3d Lond. ed. 41.

*Ad officium justiciariorum spectat, unicuique coram eis placitanti justitiam exhibere.* It is the duty of justices to administer justice to every one pleading before them. Coke, 2d Inst. 451.

*Ad proximum antecedens fiat relatio, nisi impediatur sententia.* A relative is to be referred to the next antecedent, unless the sense would be thereby impaired. Noy, Max. 9th ed. 4; 2 Exch. 479; 17 Q. B. 833; 2 Hurlst. & N. 625; 3 Bingham. n. c. 217; 9 Coke, 13; 13 How. 142.

*Ad questiones legis iudices, et non juratores respondent.* Judges, and not jurors, respond to questions of law. 7 Mass. 279.

*Ad questiones facti non respondent iudices; ad questiones legis non respondent juratores.* The judges do not answer to questions of fact; the jury do not answer to questions of law. Coke, Litt. 295; 8 Coke, 308; Vaugh. 149; Broom, Max. 3d Lond. ed. 99.

*Ad vim majorem vel ad casus fortuitos non tenetur quis, nisi sua culpa intervenerit.* No one is held to answer for the effects of a superior force, or of an accident, unless his own fault has contributed. Fleta, lib. 2, c. 72, § 16.

*Additio probat minoritatem.* An addition proves inferiority. Coke, 4th Inst. 80; Wingate, Max. 211, max. 60; Littleton, § 293; Coke, Litt. 189 a.

*Edificare in tuo proprio solo non licet quod alteri noceat.* It is not lawful to build upon one's own land what may be injurious to another. Coke, 3d Inst. 201; Broom, Max. 3d Lond. ed. 331.

*Edificatum solo, solo cedit.* That which is built upon the land goes with the land. Coke, Litt. 4 a; Broom, Max. 3d Lond. ed. 349, 355; Inst. 2. 1. 29; Dig. 47. 3. 1.

*Edificia solo cedunt.* Buildings pass by a grant of the land. Fleta, lib. 3, c. 2, § 12.

*Aequitas agit in personam.* Equity acts upon the person. 4 Bouvier, Inst. n. 3733.

*Aequitas sequitur legem.* Equity follows the law. 1 Story, Eq. Jur. § 64; 3 Wooddeson, Lect. 479, 482; Branch, Max. 8; 2 Sharswood, Blackst. Comm. 330; Gilb. 136; 2 Ed. 316; 10 Mod. 3; 15 How. 299.

*Aequior est dispositio legis quam hominis.* The disposition of the law is more impartial than that of man. 8 Coke, 152; Bracton, 3 a.

*Aequum et bonum, est lex legum.* What is just and right is the law of laws. Hob. 224.

*Estimatio preteriti delicti ex postremo facto nunquam crescit.* The estimation of a crime committed never increases from a subsequent fact. Bacon, Max. Reg. 8; Dig. 50. 17. 139; Broom, Max. 3d Lond. ed. 17.

*Affectio tua nomen imponit operi tuo.* Your motive gives a name to your act. Bracton, 2 b, 101 b.

*Affectus punitur licet non sequitur effectus.* The intention is punished although the consequence do not follow. 9 Coke, 56.

*Affinis mei affinis non est mihi affinis.* A connection (i. e. by marriage) of my connection is not a connection of mine. Shelford, Marr. & D. 174.

*Affirmans, non neganti, incumbit probatio.* The proof lies upon him who affirms, not on him who denies. See Phillipps, Ev. 493.

*Affirmans est probatio.* He who affirms must prove. 9 Cush. Mass. 535.

*Alienatio licet prohibeatur, consensu tamen omnium, in quorum favorem prohibita est, potest fieri, et quilibet potest renunciare juri pro se introducto.* Although alienation be prohibited, yet, by the consent of all in whose favor it is prohibited, it may take place, for it is in the power of any man to renounce a right introduced for his own benefit. Coke, Litt. 98; 9 N. Y. 291.

*Alienatio rei preferitur juri accrescendi.* Alienation is favored by the law rather than accumulation. Coke, Litt. 185 a, 381 a, note; Broom, Max. 3d Lond. ed. 393, 409; Wright, Tenures, 154 et seq.; 1 Cruise, Dig. 4th ed. 77, 78.

*Alienation pending a suit is void.* 2 P. Will. 482; 2 Atk. Ch. 174; 3 id. 392; 11 Ves. Ch. 194; 1 Johns. Ch. N. Y. 566, 580.

*Aliquid conceditur ne injuria remaneat impunita, quod alias non concederetur.* Something is conceded lest a wrong should remain unpunished which otherwise would not be conceded. Coke, Litt. 197.

*Aliquis non debet esse iudex in propria causa, quia non potest esse iudex et pars.* A person ought not to be judge in his own cause, because he cannot act both as judge and party. Coke, Litt. 141 a; Broom, Max. 3d Lond. ed. 112; Littleton, § 212; 13 Q. B. 327; 17 id. 1; 15 C. B. 769; 1 C. B. n. s. 329.

*Aliud est celare, aliud tacere.* To conceal is one thing, to be silent another. 3 Burr: 1910. See 2 Wheat. 176; 9 id. 631; 3 Bingham. 77; 4 Taunt. 851; 2 Carr. & P. 341; Broom, Max. 3d Lond. ed. 701.

*Aliud est distinctio, aliud separatio.* Distinction is one thing, separation another. Bacon's arg. Case of Postnati of Scotland, Works, iv. 351.

*Aliud est possidere, aliud esse in possessione.* It is one thing to possess, it is another to be in possession. Hob. 163; Bracton, 206.

*Aliud est vendere, aliud vendenti consentire.* To sell is one thing, to give consent to him who sells another. Dig. 50. 17. 160.

*Allegans contraria non est audiendus.* One making contradictory allegations is not to be heard. Jenk. Cent. Cas. 16; Broom, Max. 3d Lond. ed. 160, 268; 4 Term, 211; 3 Exch. 446, 527, 678; 4 id. 187; 11 id. 493; 3 Ell. & B. 363; 5 id. 502; 5 C. B. 195, 886; 10 Mass. 163; Coke, 4th Inst. 279.

*Allegans suam turpitudinem non est audiendus.* One alleging his own infamy is not to be heard. Coke, 4th Inst. 299; 2 Johns. Ch. N. Y. 339, 350.

*Allegari non debuit quod probatum non relevat.* That ought not to be alleged which, if proved, would not be relevant. 1 Chan. Cas. 45.

*Alterius circumventio alii non præbet actionem.* Dig. 50. 17. 49. A deception practised upon one person does not give a cause of action to another.

*Alternativa petitio non est audienda.* An alternative petition is not to be heard. 5 Coke, 40.

*Ambigua responsio contra proferentem est accipienda.* An ambiguous answer is to be taken against the party who offers it. 10 Coke, 58.

*Ambiguus casibus semper præsumitur pro rege.* In doubtful cases the presumption is always in favor of the king. Loft, 248.

*Ambiguitas verborum latens verificatione suppletur; nam quod ex facto oritur ambiguum verificatione facti tollitur.* A latent ambiguity may be supplied by evidence; for an ambiguity which arises out of a fact may be removed by proof of the fact. Bacon, Max. Reg. 23; 8 Bingh. 247. See 1 Powell, Dev. 477; 2 Kent, Comm. 557; Broom, Max. 3d Lond. ed. 541; 13 Pet. 97; 8 Johns. N. Y. 90; 3 Halst. N. J. 71.

*Ambiguitas verborum patens nullâ verificatione excluditur.* A patent ambiguity is never holpen by averment. Loft, 249; Bacon, Max. 25; Cowen, J., 21 Wend. N. Y. 651, 659; 23 id. 71, 78; Story, J., 1 Mas. C. C. 11; Lipscomb, J., 1 Tex. 377, 383.

*Ambiguum placitum interpretari debet contra proferentem.* An ambiguous plea ought to be interpreted against the party pleading it. Coke, Litt. 303 b; Broom, Max. 3d Lond. ed. 535; Stephen, Plead. 5th ed. 415; Bacon, Max. Reg. 3; 2 H. Blackst. 531; 2 Mees. & W. Exch. 444.

*Ambulatoria est voluntas defuncti usque ad vite supremum exitum.* The will of a deceased person is ambulatory until the last moment of life. Dig. 34. 4. 4; Broom, Max. 3d Lond. ed. 445; 2 Blackstone, Comm. 502; Coke, Litt. 322 b; 1 Vict. c. 26, s. 24; 3 Ell. & B. 572; 1 Jarman, Wills, 2d ed. 11; 1 Mylne & K. Ch. 485; 2 id. 73.

*Anglie jura in omni casu libertati dant favorem.* The laws of England are favorable in every case to liberty. Halkers, Max. 12.

*Animus ad se omne jus ducit.* It is to the intention that all law applies.

*Animus hominis est anima scripti.* The intention of the party is the soul of the instrument. 3 Bulstr. 67; Pitman, Prin. & Sur. 26.

*Annienus trecentesimo sexagesimo-quinto die dicitur, incipiens planis non exacto die, quia annum civiliter non ad momenta temporum sed ad dies numeramus.* We call a child a year old on the three hundred and sixty-fifth day, when the day is fairly begun but not ended, because we calculate the civil year not by moments, but by days. Dig. 50. 16. 134; id. 132; Calvinus, Lex.

*Anna nec debitum iudex non separat ipse.* Even the judge divides not annuities or debt. 8 Coke, 52. See Story, Eq. Jur. §§ 480, 517; 1 Salk. 36, 65.

*Annus est mora motus quo sum planeta pervolvat circulum.* A year is the duration of the motion by which a planet revolves through its orbit. Dig. 40. 7. 4. 5; Calvinus, Lex.; Bracton, 359 b.

*Apices juris non sunt jura.* Legal niceties are not laws. Coke, Litt. 304; 3 Soot, 773; 10 Coke, 126; Broom, Max. 142. See APICES JURIS.

*Applicatio est vita regule.* Application is the life of a rule. 2 Bulstr. 79.

*Aqua cedit solo.* The water yields or accompanies the soil. The grant of the soil or land carries the water. Hale, de Jur. Mar. pt. 1. c. 1.

*Aqua currit et debet currere ut currere solebat.* Water runs and ought to run as it has used to run. 3 Rawle, Penn. 84, 88; 26 Penn. St. 413; 3 Kent, Comm. 439; Angell, Wat. Cour. 413; Gale & W. Essem. 182.

*Arbitrium æquum tribuit cuique suum.* A just arbitration renders to every one his own. Noy, Max. 248.

*Arbitrium est iudicium.* An award is a judgment. Jenk. Cent. Cas. 137; 3 Bulstr. 64.

*Arbor dum crescit; lignum dum crescere necit.* A tree while it is growing; wood when it cannot grow. Croke Jac. 166; 12 Johns. N. Y. 239, 241.

*Argumentum a divisione est fortissimum in jure.* An argument arising from a division is most powerful in law. 6 Coke, 60; Coke, Litt. 213 b.

*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. Jenk. Cent. Cas. 281.

*Argumentum a simili valet in lege.* An argument drawn from a similar case, or analogy, avails in law. Coke, Litt. 191.

*Argumentum ab auctoritate est fortissimum in lege.* An argument drawn from authority is the strongest in law. Coke, Litt. 254.

*Argumentum ab impossibili plurimum valet in lege.* An argument deduced from impossibility greatly avails in law. Coke, Litt. 92.

*Argumentum ab inconvenienti est validum in lege; quia lex non permittit aliquid inconueniens.* An argument drawn from what is inconvenient is good in law, because the law will not permit any inconvenience. Coke, Litt. 66 a, 258; 7 Taunt. 527; 3 Barnew. & C. 131; 6 Clark & F. 671.

*Armorum appellatione, non solum scuta et gladii et galeæ, sed et fustes et lapides continentur.* Under the name of arms are included not only shields and swords and helmets, but also clubs and stones. Coke, Litt. 162.

*Assignatur utitur jure auctoris.* An assigner is clothed with the rights of his principal. Halkers, Max. 14; Broom, Max. 3d Lond. ed. 415, 416, 423, 425; Wingate, Max. p. 56; 1 Exch. 32; 18 Q. B. 878; Perkins, § 100.

*Auctoritates philosophorum, medicorum, et poetarum, sunt in causis alleganda et tenenda.* The opinions of philosophers, physicians, and poets are to be alleged and received in causes. Coke, Litt. 264.

*Aucupia verborum sunt iudice indigna.* Catching at words is unworthy of a judge. Hob. 343.

*Authority to execute a deed must be given by deed.* Comyn, Dig. Attorney (C 5); 4 Term, 313; 7 id. 207; 1 Holt, 141; 9 Wend. N. Y. 68, 75; 5 Mass. 11; 5 Binn. Penn. 613.

*Baratriam committit qui propter pecuniam justitiam baracat.* He is guilty of baratry who for money sells justice. Bell, Dict. Baratry at common law has a different signification. See BARATRY.

*Bello parta cedunt reipublice.* Things acquired in war go to the state. Cited 2 Russ. & M. 56; 1 Kent, Comm. 101; 5 C. Rob. Adm. 155, 163; 1 Gall. C. C. 558.

*Benedicta est expositio quando res redimitur a destructione.* Blessed is the exposition when the thing is saved from destruction. 4 Coke, 26.

*Benigne faciendæ sunt interpretationes chartarum, ut res magis valeat quam pereat; et qualibet concessio fortissime contra donatorem interpretanda est.* Liberal interpretations are to be made of deeds, so that more may stand than fall; and every grant is to be taken most strongly against the grantor. 4 Mass. 134; 1 Sandf. Ch. N. Y. 258, 268; compare 275, 277.

*Benignè faciendæ sunt interpretationes propter simplicitatem laicorum, ut res magis valeat quam percat; et verba intentione, non e contra, debent interpretari.* Constructions should be liberal, on account of the ignorance of the laity, or non-professional persons, so that the subject-matter may avail rather than perish; and words must be subject to the intention, not the intention to the words. Coke, Litt. 38 a; Broom, Max. 3d Lond. ed. 481, 504; 11 Q. B. 852, 856, 868, 870; 4 Hou. L. Cas. 556; 2 Blackst. Comm. 21st ed. 379; 1 Bulstr. 175; Hob. 304.

*Benignior sententia, in verbis generalibus seu dubiis, est preferenda.* The more favorable construction is to be placed on general or doubtful expressions. 4 Coke, 15; Dig. 50. 17. 192. 1; 2 Kent, Comm. 557.

*Benignius leges interpretandas sunt quo voluntas eorum conservetur.* Laws are to be more favorably interpreted, that their intent may be preserved. Dig. 1. 3. 16.

*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 exacted twice; and in making satisfaction, it is not permitted that more should be done after satisfaction is once made. 9 Coke, 53; Dig. 50. 17. 57.

*Bona fides exigit ut quod convenit fiat.* Good faith demands that what is agreed upon shall be done. Dig. 19. 20. 21; id. 19. 1. 50; id. 50. 8. 2. 13.

*Bona fides non patitur, ut bis idem exigatur.* Good faith does not allow us to demand twice the payment of the same thing. Dig. 50. 17. 57.

*Bona fidei possessor in id tantum quod ad se pervenerit tenetur.* A bona fide possessor is bound for that only which has come to him. Coke, 2d Inst. 285; Grotius, de Jure Bell. lib. 2, c. 10, § 3 et seq.

*Boni judicis est ampliare jurisdictionem (justitiam in.* 1 Burr. 304). It is the part of a good judge to enlarge his jurisdiction; that is, his remedial authority. Chanc. Proc. 329; 1 Wils. 284; 9 Mees. & W. 818; 1 C. B. n. s. 255; 4 Bingh. n. c. 223; 4 Scott, n. r. 229; 17 Mass. 310.

*Boni judicis est causas litium dirimere.* It is the duty of a good judge to remove causes of litigation. Coke, 2d Inst. 306.

*Boni judicis est judicium sine dilatione mandare executioni.* It is the duty of a good judge to cause execution to issue on a judgment without delay. Coke, Litt. 289.

*Boni judicis est lites dirimere, ne lites ex lite oritur, et interest reipublicæ ut sint fines litium.* It is the duty of a good judge to prevent litigations, that suit may not grow out of suit, and it concerns the welfare of a state that an end be put to litigation. 4 Coke, 15; 5 id. 31 a.

*Bonum defendantis ex integrâ causâ, malum ex quolibet defectu.* The good of a defendant arises from a perfect case, his harm from some defect. 11 Coke, 68.

*Bonum necessarium extra terminos necessitatis non est bonum.* A thing good from necessity is not good beyond the limits of the necessity. Hob. 144.

*Bonus iudex secundum æquum et bonum judicat, et equitatem stricto juri præfert.* A good judge decides according to justice and right, and prefers equity to strict law. Coke, Litt. 24; 4 Term, 344; 2 Q. B. 837; Broom, Max. 3d Lond. ed. 77.

*Brese judiciale debet sequi suum originale, et accessorium suum principale.* A judicial writ ought to follow its original, and an accessory its principal. Jenk. Cent. Cas. 292.

*Brese judiciale non cadit pro defectu formæ.* A judicial writ fails not through defect of form. Jenk. Cent. Cas. 43.

*Carcer ad homines custodiendos, non ad puniendos, dari debet.* A prison ought to be given to the custody, not the punishment, of persons. Coke, Litt. 260. See Dig. 48. 19. 8. 9.

*Causa fortuitus non est sperandus, et nemo tenetur divinare.* A fortuitous event is not to be foreseen, and no person is held bound to divine it. 4 Coke, 66.

*Causa fortuitus non est supponendus.* A fortuitous event is not to be presumed. Hardr. 82, arg.

*Causa omissus et oblivioni datus dispositioni communis juris relinquitur.* A case omitted and forgotten is left to the disposal of the common law. 5 Coke, 37; Broom, Max. 3d Lond. ed. 45; 1 Exch. 476.

*Catalla justè possessa amitti non possunt.* Chattels justly possessed cannot be lost. Jenk. Cent. Cas. 28.

*Catalla reputantur inter minima in lege.* Chattels are considered in law among the minor things. Jenk. Cent. Cas. 52.

*Causa causæ est causa causati.* The cause of a cause is the cause of the effect. Freem. 329; 13 Mod. 639.

*Causa ecclesiæ publicis æquiparatur; et summa est ratio quæ pro religione facit.* The cause of the church is equal to public cause; and paramount is the reason which makes for religion. Coke, Litt. 341.

*Causa et origo est materia negotii.* Cause and origin is the material of business. 1 Coke, 99; Wingate, Max. 41, Max. 21.

*Causa proxima, non remota spectatur.* The immediate and not the remote cause is to be considered. Bacon, Max. Reg. 1; Story, Bailm. 515; 3 Kent, Comm. 8th ed. 374; 2 East, 348. See CAUSA PROXIMA.

*Causa vaga et incerta non est causa rationabilis.* A vague and uncertain cause is not a reasonable cause. 5 Coke, 57.

*Causæ dotis, vite, libertatis, fœci sunt inter favorabilia in lege.* Causes of dower, life, liberty, revenue, are among the things favored in law. Coke, Litt. 341.

*Caveat emptor.* Let the purchaser beware. See CAVEAT EMPTOR.

*Caveat emptor; qui ignorare non debuit quod jus alienum emit.* Let a purchaser beware; who ought not to be ignorant that he is purchasing the rights of another. Hob. 99; Broom, Max. 3d Lond. ed. 690; Coke, Litt. 102 a; 3 Taunt. 439; 1 Bouvier, Inst. 383; Sugden, Vend. & P. 13th ed. 272 et seq.; 1 Story, Eq. Jur. 6th ed. ch. 6.

*Caveat venditor.* Let the seller beware. Loft. 328; 18 Wend. N. Y. 449, 453; 23 id. 853; 2 Barb. N. Y. 323; 5 N. Y. 73, 82.

*Cavendum est a fragmentis.* Beware of fragments. Bacon, Aph. 26.

*Certa debet esse intentio, et narratio et certum fundamentum, et certa res quæ deducitur in judicium.* The intention, count, foundation, and thing, brought to judgment, ought to be certain. Coke, Litt. 303 a.

*Certum est quod certum reddi potest.* That is sufficiently certain which can be made certain. Noy, Max. 481; Coke, Litt. 45 b, 96 a, 142 a; 2 Sharewood, Blackst. Comm. 143; 2 Maule & B. 50; Broom, Max. 3d Lond. ed. 555-558; 3 Term, 463; 4 Cruise, Dig. 4th ed. 269; 3 Mylne & K. Ch. 353; 11 Cush. Mass. 380.

*Cessante causa, cessat effectus.* The cause ceasing, the effect must cease. 1 Exch. 430; Broom, Max. 3d Lond. ed. 151.

*Cessante ratione legis cessat, et ipsa lex.* Reason is the soul of the law, and when the reason of any particular law ceases, so does the law itself. 4 Coke, 38; 7 id. 69; Coke, Litt. 70 b, 122 a; Broom, Max. 3d Lond. ed. 151, 152; 4 Rep. 38; 13 East, 348; 4 Bingh. n. c. 388.

*Cessante statu primitivo, cessat derivativus.* The primary state ceasing, the derivative ceases. 3 Rep. 34; Broom, Max. 3d Lond. ed. p. 438; 4 Kent, Comm. 32.

*C'est le crime qui fait la honte, et non pas l'échec.*

*faud.* It is the crime which causes the shame, and not the scaffold.

*Cestuy que doit inheriter al père doit inheriter al fils.* He who would have been heir to the father of the deceased shall also be heir of the son. Fitzherbert, Abr. Descent, 2; 2 Sharswood, Blackst. Comm. 239, 250.

*Chacea est ad communem legem.* A chaos is by common law. Reg. Brev. 806.

*Charta de non ente non valet.* A charter or deed of a thing not in being is not valid. Coke, Litt. 36.

*Chartarum super fidem, mortuis testibus, ad patriam de necessitudine, recurrendum est.* The witnesses being dead, the truth of charters must, of necessity, be referred to the country. Coke, Litt. 86.

*Chirographum apud debitorem repertum presumitur solutum.* An evidence of debt found in possession of the debtor is presumed to be paid. Halk. Max. 30. See 14 Mees. & W. 379.

*Circuitus est evitandus.* Circuitry is to be avoided. Coke, Litt. 384 a; Smith, Lead. Cas. 4th Am. ed. 20; Wingate, Max. 179; Broom, Max. 3d Lond. ed. 809; 5 Coke, 34; 15 Mees. & W. 208; 5 Exch. 829.

*Citatio est de juri naturali.* A summons is by natural right. Cases in Banco Regis Will. III. 453.

*Citationes non concedantur priusquam exprimat super qua re fieri debet citatio.* Citations should not be granted before it is stated about what matter the citation is to be made. (A maxim of ecclesiastical law.) 12 Coke, 44.

*Clausula generalis de residuo non ea complectitur que non ejusdem sint generis cum iis que specialiter dicta fuerant.* A general clause of remainder does not embrace those things which are not of the same kind with those which had been specially mentioned. Loft, 419.

*Clausula generalis non refertur ad expressa.* A general clause does not refer to things expressed. 8 Coke, 154.

*Clausula que abrogationem excludit ab initio non valet.* A clause in a law which precludes its abrogation is invalid from the beginning. Bacon, Max. Reg. 19, p. 89; 2 Dwar-is, Stat. 673; Broom, Max. 3d Lond. ed. 27.

*Clausula vel dispositio inutilis per presumptionem remotam vel causam, ex post facto non fulcitur.* A useless clause or disposition, i. e. one which the law would have implied, is not supported by a remote presumption, or by a cause arising afterwards. Bacon, Max. Reg. 21; Broom, Max. 3d Lond. ed. 599.

*Clausule inconsuetæ semper inducunt suspicionem.* Unusual clauses always excite a suspicion. 3 Coke, 81; Broom, Max. 3d Lond. ed. 264.

*Cogitationis pœnam nemo patitur.* No one is punished for his thoughts. Broom, Max. 3d Lond. ed. 279.

*Cohæres una persona censetur, propter unitatem juris quod habent.* Cohairs are deemed as one person, on account of the unity of right which they possess. Coke, Litt. 163.

*Commercium jure gentium commune esse debet, et non in monopolium et privatam paucorum quæstum convertendum.* Commerce, by the law of nations, ought to be common, and not to be converted into a monopoly and the private gain of a few. Coke, 3d Inst. 181, in marg.

*Commodum ex injuriâ sua non habere debet.* No man ought to derive any benefit of his own wrong. Jenk. Cent. Cas. 161; Finch, Law, b. 1, c. 3, n. 62.

*Common opinion is good authority in law.* Coke, Litt. 186 a; 3 Barb. Ch. N. Y. 528, 577.

*Communis error facit jus.* A common error makes law. What was at first illegal, being repeated many times, is presumed to have acquired the force of usage; and then it would be wrong to depart from

it. Hilliard, Real Prop. 268; 1 Ld. Raym. 42; 6 Clark & F. 172; 3 Maule & S. 396; 4 N. H. 458; 2 Mass. 357. The converse of this maxim is *communis error non facit jus*. A common error does not make law. Coke, 4th Inst. 242; 3 Term, 725; 6 id. 564.

*Compendia sunt dispensia.* Abridgments are hindrances. Coke, Litt. 305.

*Compromissarii sunt judices.* Arbitrators are judges. Jenk. Cent. Cas. 128.

*Compromissum ad similitudinem judiciorum redigitur.* A compromise is brought into affinity with judgments. 9 Cush. Mass. 571.

*Concessio per regem fieri debet de certitudine.* A grant by the king ought to be a grant of a certainty. 9 Coke, 46.

*Concessio versus concedentem latam interpretationem habere debet.* A grant ought to have a liberal interpretation against the grantor. Jenk. Cent. Cas. 279.

*Concordiâ parvæ res crescunt et opulentia lites.* Small means increase by concord, and litigations by opulence. Coke, 4th Inst. 74.

*Conditio beneficiæ, que statum construit, benignè, secundum verborum intentionem est interpretanda; odiosa autem, que statum destruit, strictè, secundum verborum proprietatem, accipienda.* A beneficial condition, which creates an estate, ought to be construed favorably, according to the intention of the words; but an odious condition, which destroys an estate, ought to be construed strictly, according to the letter of the words. 8 Coke, 90; Sheppard, Touchst. 134.

*Conditio dicitur, cum quid in casum incertum qui potest tendere ad esse aut non esse, confertur.* It is called a condition when something is given on an uncertain event, which may or may not come into existence. Coke, Litt. 201.

*Conditio illicita habetur pro non adjecta.* An unlawful condition is deemed as not annexed.

*Conditio præcedens adimpleri debet priusquam sequatur effectus.* A condition precedent must be fulfilled before the effect can follow. Coke, Litt. 201.

*Conditiones qualibet odiosæ; maxime autem contrâ matrimonium et commercium.* Any conditions are odious, but especially those against matrimony and commerce. Loft, 644.

*Confessio facta in judicio omni probatione major est.* A confession made in court is of greater effect than any proof. Jenk. Cent. Cas. 102.

*Confessus in judicio pro judicato habetur et quodammodo sua sententiâ damnatur.* A person who has confessed in court is deemed as having had judgment passed upon him, and, in a manner, is condemned by his own sentence. 11 Coke, 30. See Dig. 42. 2. 1.

*Confirmare est id quod prius infirmum fuit simul firmare.* To confirm is to make firm what was before infirm. Coke, Litt. 295.

*Confirmare nemo potest priusquam jus ei acciderit.* No one can confirm before the right accrues to him. 10 Coke, 48.

*Confirmatio est nulla, ubi donum præcedens est invalidum.* A confirmation is null where the preceding gift is invalid. Coke, Litt. 295; F. Moore, 764.

*Confirmatio omnes supplet defectus, licet id quod actum est ab initio non valuit.* Confirmation supplies all defects, though that which has been done was not valid at the beginning. Coke, Litt. 295 b.

*Confirmat usum qui tollit abusum.* He confirms a use who removes an abuse. F. Moore, 764.

*Conjunctio mariti et femine est de jure naturæ.* The union of a man and a woman is of the law of nature.

*Consensus facit legem.* Consent makes the law. A contract is law between the parties having received their consent. Branch, Princ.

*Consensus non concubitus facit matrimonium.* Con-

sent, not coition, constitutes marriage. Coke, Litt. 33 a; Dig. 50. 17. 30. See 10 Clark & F. 534; 1 Bouvier, Inst. 103; Broom, Max. 3d Lond. ed. 129.

*Consensus tollit errorem.* Consent removes or obviates a mistake. Coke, Litt. 126; Coke, 2d Inst. 123; Broom, Max. 3d Lond. ed. 129; 1 Bingham. n. c. 68; 6 Ell. & B. 338; 7 Johns. N. Y. 611.

*Consensus voluntas multorum ad quos res pertinet, simul juncta.* Consent is the united will of several interested in one subject-matter. Dav. 48; Branch, Prin.

*Consentientes et agentes pari pena plectentur.* Those consenting and those perpetrating shall receive the same punishment. 5 Coke, 80.

*Consentire matrimonio non possunt infra annos nubiles.* Persons cannot consent to marriage before marriageable years. 5 Coke, 80; 6 id. 22.

*Consequentia non est consequentia.* A consequence ought not to be drawn from another consequence. Bacon, Aph. 16.

*Consilia multorum requiruntur in magnis.* The advice of many persons is requisite in great affairs. Coke, 4th Inst. 1.

*Constitutum esse eam domum unicuique nostrum debere existimari, ubi quisque sedes et tabulas habet, suarumque rerum constitutionem fecisset.* It is settled that that is to be considered the home of each one of us where he may have his habitation and account-books, and where he may have made an establishment of his business. Dig. 50. 16. 203.

*Constructio legis non facit injuriam.* The construction of law does not work an injury. Coke, Litt. 183; Broom, Max. 3d Lond. ed. 537.

*Consuetudo contra rationem introducta, potius usurpatio quam consuetudo appellari debet.* A custom introduced against reason ought rather to be called an usurpation than a custom. Coke, Litt. 113.

*Consuetudo debet esse certa.* A custom ought to be certain. Dav. 33.

*Consuetudo est altera lex.* Custom is another law. 4 Coke, 21.

*Consuetudo est optimus interpret legum.* Custom is the best expounder of the law. Coke, 2d Inst. 18; Dig. 1. 3. 37; Jenk. Cent. Cas. 273.

*Consuetudo et communis assuetudo vincit legem non scriptam, si sit specialis; et interpretatur legem scriptam, si lex sit generalis.* Custom and common usage overcome the unwritten law, if it be special; and interpret the written law, if the law be general. Jenk. Cent. Cas. 273.

*Consuetudo ex certâ causâ rationabili usitata privat communem legem.* Custom observed by reason of a certain and reasonable cause supersedes the common laws. Littleton, § 169; Coke, Litt. 33 b. See Judgt. 5 Bingham. 293; Broom, Max. 3d Lond. ed. p. 825.

*Consuetudo, licet sit magnæ auctoritatis, nunquam tamen præjudicat manifestæ veritati.* A custom, though it be of great authority, should never, however, be prejudicial to manifest truth. 4 Coke, 18.

*Consuetudo loci observanda est.* The custom of the place is to be observed. 4 Coke, 28 b; 6 id. 67; 10 id. 139; 4 C. B. 48.

*Consuetudo neque injuriâ oritî, neque tolli potest.* A custom can neither arise, nor be abolished, by a wrong. Lofft, 340.

*Consuetudo non habetur in consequentiam.* Custom is not to be drawn into a precedent. 3 Kebl. 499.

*Consuetudo præscripta et legitima vincit legem.* A prescriptive and legitimate custom overcomes the law. Coke, Litt. 113.

*Consuetudo regni Angliæ est lex Angliæ.* The custom of the kingdom of England is the law of England. Jenk. Cent. Cas. 119.

*Consuetudo semel reprobata non potest amplius induci.* Custom once disallowed cannot again be produced. Dav. 33; Grounds & Rud. of Law, 53.

*Consuetudo vincit communem legem.* Custom over-

rules common law. 1 Roper, Husb. & Wife, 351; Coke, Litt. 33 b.

*Consuetudo volentes ducit, lex nolentes trahit.* Custom leads the willing, law compels or draws the unwilling. Jenk. Cent. Cas. 274.

*Contemporanea expositio est optima et fortissima in lege.* A contemporaneous exposition is the best and most powerful in the law. Coke, 2d Inst. 11; 3 Coke, 7; Broom, Max. 3d Lond. ed. 608.

*Contestatio litis eget terminos contradictorios.* An issue requires terms of contradiction; that is, there can be no issue without an affirmative on one side and a negative on the other. Jenk. Cent. Cas. 117.

*Contra legem facit qui id facit quod lex prohibet; in fraudem vero qui, salvis verbis legis, sententiam ejus circumvenit.* He does contrary to the law who does what the law prohibits; he acts in fraud of the law who, the letter of the law being inviolate, uses the law contrary to its intention. Dig. 1. 3. 29.

*Contra negantem principia non est disputandum.* There is no disputing against one who denies principles. Coke, Litt. 43; Grounds & Rud. of Law, 57.

*Contra non valentem agere nulla currit præscriptio.* No prescription runs against a person unable to act. Broom, Max. 3d Lond. ed. 810; Evans, Pothier, 451.

*Contra veritatem lex nunquam aliquid permittit.* The law never suffers any thing contrary to truth. Coke, 2d Inst. 252. But sometimes it allows a conclusive presumption in opposition to truth. See 3 Bouvier, Inst. n. 3061.

*Contractus ex turpi causâ, vel contra bonos mores nullus est.* A contract founded on a base and unlawful consideration, or against good morals, is null. Hob. 167; Dig. 2. 14. 27. 4.

*Contractus legem ex conventionione accipiunt.* The agreement of the parties makes the law of the contract. Dig. 16. 3. 1. 6.

*Contrarium contraria est ratio.* The reason of contrary things is contrary. Hob. 344.

*Contractatio rei alienæ animo furandi, est furtum.* The touching or removing of another's property, with an intention of stealing, is theft. Jenk. Cent. Cas. 132.

*Conventio privatorum non potest publico juri derogare.* An agreement of private persons cannot derogate from public right. Wing. 746, Max. 201; Coke, Litt. 166 a; Dig. 50. 17. 45. 1.

*Conventio vincit legem.* The agreement of the parties overcomes or prevails against the law. Story, Ag. § 368; 6 Taunt. 430. See Dig. 16. 3. 1. 6.

*Copulatio verborum indicat acceptationem in eodem sensu.* Coupling words together shows that they ought to be understood in the same sense. Bacon, Max. Reg. 3; Broom, Max. 3d Lond. ed. 523.

*Corporalis injuria non recipit estimationem de futuro.* A personal injury does not receive satisfaction from a future course of proceeding. Bacon, Max. Reg. 6; 3 How. St. Tr. 71; Broom, Max. 3d Lond. ed. 254.

*Corpus humanum non recipit estimationem.* A human body is not susceptible of appraisement. Hob. 59.

*Creditorum appellacionem non hi tantum accipiuntur qui pecuniam crediderunt, sed omnes quibus ex qualibet causâ debetur.* Under the head of creditors are included not alone those who have lent money, but all to whom from any cause a debt is owing. Dig. 60. 16. 11.

*Crescens malitîa crescere debet et pena.* Vice increasing, punishment ought also to increase. Coke, 2d Inst. 479.

*Crimen falsi dicitur, cum quis illicitur, cui non fuerit ad hæc data auctoritas, de sigillo regis rapto vel invento brevia, cartasque consignaverit.* The crime of falsifying is when any one illicitly, to whom power has not been given for

such purposes, has signed writs or charters with the king's seal, which he has either stolen or found. *Fleta*, l. 1, c. 23.

*Crimen læsæ majestatis omnia alia crimina excedit quoad penam.* The crime of treason exceeds all other crimes as far as its punishment is concerned. *Coke*, 3d Inst. 210.

*Crimen omnia ex se nata vitiat.* Crime vitiates every thing which springs from it. 5 Hill, N. Y. 523, 531.

*Crimen trahit personam.* The crime carries the person; i. e. the commission of a crime gives the courts of the place where it is committed jurisdiction over the person of the offender. 3 Den. N. Y. 190, 210.

*Crimina morte extinguuntur.* Crimes are extinguished by death.

*Cuius jurisdictionis data est, ea quoque concessa esse videntur sine quibus jurisdictionis explicari non potest.* To whom jurisdiction is given, to him those things also are held to be granted without which the jurisdiction cannot be exercised. Dig. 2. 1. 2; 1 Woodson, Lect. Introd. lxxi.; 1 Kent, Comm. 339.

*Cuius jus est donandi, eidem et vendendi et concedendi jus est.* He who has a right to give has also a right to sell and to grant. Dig. 50. 17. 163.

*Cui licet quod majus non debet quod minus est non licere.* He who has authority to do the more important act shall not be debarred from doing that of less importance. 4 Rep. 23; *Coke*, Litt. 355 b; 2 Inst. 307; *Noy*, Max. 26; *Finch*, Law, 22; 3 Mod. 382, 392; *Broom*, Max. 3d Lond. ed. 165; Dig. 50. 70. 21.

*Cui pater est populus non habet ille patrem.* He to whom the people is father has not a father. *Coke*, Litt. 123.

*Cuiusque aliquis quid concedit concedere videtur et id, sine quo res ipsa esse non potuit.* Whoever grants a thing is supposed also tacitly to grant that without which the grant itself would be of no effect. 11 *Coke*, 52; *Broom*, Max. 3d Lond. ed. 426; *Hob.* 234; *Vaugh.* 109; 11 *Exch.* 775; *Sheppard*, Touchst. 89; *Coke*, Litt. 56 a.

*Cuiuslibet in arte sua perito est credendum.* Credence should be given to one skilled in his peculiar art. *Coke*, Litt. 125; 1 *Sharswood*, Blackst. Comm. 75; *Phillips*, Ev. Cowen & H. notes, pt. 1, p. 759; 11 *Clark & F.* 85. See EXPERT; OPINION.

*Cuique in sua arte credendum est.* Every one is to be believed in his own art. 9 *Mass.* 227.

*Cuius est commodum ejus debet esse incommodum.* He who receives the benefit should also bear the disadvantage. 1 *Kaimes*, Eq. 289; *Broom*, Max. 3d Lond. ed. 837.

*Cuius est dare ejus est disponere.* He who has a right to give has the right to dispose of the gift. *Wingate*, Max. 53; *Broom*, Max. 3d Lond. ed. 440; 2 *Coke*, 71.

*Cuius est divisio alterius est electio.* Whichever of two parties has the division, the other has the choice. *Coke*, Litt. 166.

*Cuius est instituire ejus est abrogare.* Whose it is to institute, his it is also to abrogate. *Sydney*, Gov. 15; *Broom*, Max. 3d Lond. ed. 785.

*Cuius est solum ejus est usque ad cælum.* He who owns the soil owns it up to the sky. *Broom*, Max. 3d Lond. ed. 309; *Sheppard*, Touchst. 90; 2 *Bouvier*, Inst. nn. 15, 70; 2 *Sharswood*, Blackst. Comm. 18; 9 *Coke*, 54; 4 *Campb.* 219; 11 *Exch.* 822; 6 *Ell. & B.* 76.

*Cuius juris (i. e. jurisdictionis) est principale, ejusdem juris erit accessorium.* He who has jurisdiction of the principal has also of the accessory. *Coke*, 2d Inst. 493; *Bracton*, 481.

*Cuius per errorem dati repetitio est, ejus consulto dati, donatio est.* That which, when given through mistake, can be recovered back, when given with knowledge of the facts, is a gift. Dig. 50. 17. 53.

*Cuiusque rei potissima pars principium est.* The

principal part of every thing is the beginning. Dig. 1. 2. 1; 10 *Coke*, 49.

*Culpâ caret, qui scit, sed prohibere non potest.* He is clear of blame who knows but cannot prevent. Dig. 50. 17. 60.

*Culpa est immiscere se rei ad se non pertinenti.* It is a fault to meddle with what does not belong to or does not concern you. Dig. 50. 17. 36; *Coke*, 2d Inst. 208.

*Culpa lata dolo equiparatur.* Gross neglect is equivalent to fraud. Dig. 11. 6. 1.

*Culpa tenet suos auctores.* A fault binds its own authors. *Erskine*, Inst. b. 4, tit. 1, § 14; 6 *Bell*, App. Cas. 539.

*Culpe pena par est.* Let the punishment be proportioned to the crime. *Branch*, Princ.

*Cum actio fuerit merè criminatis, institui poterit ab initio criminaliter vel civiliter.* When an action is merely criminal, it can be instituted from the beginning either criminally or civilly. *Bracton*, 102.

*Cum adsunt testimonia rerum, quid opus est verbis?* When the proofs of facts are present, what need is there of words? 2 *Bulstr.* 53.

*Cum confitente sponte mitius est agendum.* One making a voluntary confession is to be dealt with more mercifully. *Coke*, 4th Inst. 66; *Branch*, Princ.

*Cum de lucro duorum queritur melior est causa possidentis.* When the question of gain lies between two, the cause of the possessor is the better. Dig. 50. 17. 126.

*Cum duo inter se pugnantia reperiuntur in testamento, ultimum ratum est.* When two things repugnant to each other are found in a will, the last is to be confirmed. *Coke*, Litt. 112; *Sheppard*, Touchst. 451; *Broom*, Max. 3d Lond. ed. 518; 1 *Jarman*, Wills, 2d ed. 394; 16 *Johns*, N. Y. 146; 1 *Phill.* 536.

*Cum in testamento ambigè aut etiam perperam scriptum, est benigne interpretari, et secundum id quod credibile est cogitatum credendum est.* When 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. Dig. 34. 5. 24; *Broom*, Max. 3d Lond. ed. 506; 3 *Pothier*, ad Pand. ed. 1819, 46.

*Cum legitima nuptiæ factæ sunt, patrem liberi sequuntur.* Children born under a legitimate marriage follow the condition of the father.

*Cum par delictum est duorum, semper oneratur petitor, et melior habetur possessoris causa.* Where two parties are equally in fault, the claimant always is at a disadvantage, and the party in possession has the better cause. Dig. 50. 17. 154; *Broom*, Max. 3d Lond. ed. 644.

*Curia parliamenti suis propriis legibus subsistit.* The court of parliament is governed by its own peculiar laws. *Coke*, 4th Inst. 60; *Broom*, Max. 3d Lond. ed. 82; 12 *C. B.* 413, 414.

*Curiosa et captiosa interpretatio in lege reprobat.* A curious and captious interpretation in the law is to be reprobated. 1 *Bulstr.* 6.

*Currit tempus contra desidiosos et sui juris contemptores.* Time runs against the slothful and those who neglect their rights. *Bracton*, 100 b; *Fleta*, lib. 4. c. 5, § 12.

*Curia curia est lex curia.* The practice of the court is the law of the court. 3 *Bulstr.* 53; *Broom*, Max. 3d Lond. ed. 126; 12 *C. B.* 414; 17 *Q. B.* 86; 8 *Exch.* 199; 2 *Macle & S.* 25; 15 *East*, 226; 12 *Mees & W.* 7; 4 *Mylne & C.* 635; 3 *Scott*, n. n. 599.

*Custom is the best interpreter of the law.* *Coke*, 4th Inst. 75; 2 *Ed. Ch.* 74; 5 *Cranch*, 32; 1 *Serg. & R. Penn.* 106; 2 *Barb. Ch.* N. Y. 232, 269; 3 *id.* 528, 577.

*Customes serra prisæ strictæ.* Custom must be taken strictly. *Jenk. Cent. Cas.* 83.

*Custos statum heredis in custodia existentis melior non deteriore, facere potest.* A guardian can make the estate of an heir living under his guardianship better, not worse. 7 Coke, 7.

*Da tua dum tua sunt, post mortem tuam tua non sunt.* Give the things which are yours whilst they are yours; after death then they are not yours. 3 Bulstr. 18.

*Datur digniori.* It is given to the more worthy. 2 Ventr. 268.

*De fide et officio iudicis non recipitur questio, sed de scientia vice sit error juris sive facti.* The bona fides and honesty of purpose of a judge cannot be questioned, but his decision may be impugned for error either of law or of fact. Bacon, Max. Reg. 17; 5 Johns. N. Y. 291; 9 id. 396; 1 N. Y. 45; Broom, Max. 3d Lond. ed. 82.

*De iure iudices, de factojuratores, respondent.* The judges answer concerning the law, the jury concerning the facts. See Coke, Litt. 295; Broom, Max. 3d Lond. ed. 99.

*De majori et minori non variant jura.* Concerning major and minor laws do not vary. 2 Vern. Ch. 552.

*De minimis non curat lex.* The law does not notice (or care for) trifling matters. Broom, Max. 3d Lond. ed. 134; Hob. 88; 5 Hill, N. Y. 170.

*De molendino de novo erecto non facit prohibitio.* A prohibition lies not against a new-erected mill. Croke Jac. 429.

*De morte hominis nulla est cunctatio longa.* When the death of a human being may be concerned, no delay is long. Coke, Litt. 134. When the question is concerning the life or death of a man, no delay is too long to admit of inquiring into facts.

*De nomine proprio non est curandum cum in substantiâ non erretur; quia nomina mutabilia sunt, res autem immobiles.* As to the proper name, it is not to be regarded when one errs not in substance; because names are changeable, but things are immutable. 6 Coke, 66.

*De non apparentibus et non existentibus eadem est lex.* The law is the same respecting things which do not appear and those which do not exist. 6 Ired. No. C. 61; 12 How. 253; 5 Coke, 6; 6 Bingham, n. c. 433; 7 Clark & F. Hou. L. 872; 5 C. B. 53; 8 id. 286; 1 Term, 404; Broom, Max. 3d Lond. ed. 150.

*De nullo, quod est sua natura indivisibile, et divisionem non patitur, nullam partem habebit vidua, sed satisfaciât ei ad valentiam.* A widow shall have no part from that which in its own nature is indivisible, and is not susceptible of division; but let [the heir] satisfy her with an equivalent. Coke, Litt. 32.

*De similibus ad similia eadem ratione procedendum est.* From similars to similars we are to proceed by the same rule. Branch, Princ.

*De similibus idem est iudicium.* Concerning similars the judgment is the same. 7 Coke, 18.

*Debet esse finis litium.* There ought to be an end of lawsuits. Jenk. Cent. Cas. 61.

*Debet quis juri subjacere ubi delinquit.* Every one ought to be subject to the law of the place where he offends. Coke, 3d Inst. 34; Finch, Law, 14, 36; Wingate, Max. 113, 114; 3 Coke, 231; 8 Scott, n. n. 567.

*Debet una cuique domus esse perjugium tutissimum.* Every man's house should be a perfectly safe refuge. 12 Johns. N. Y. 31, 54.

*Debile fundamentum, fallit opus.* Where there is a weak foundation, the work falls. 2 Bouvier, Inst. n. 2063; Broom, Max. 3d Lond. ed. 169, 171.

*Debita sequuntur personam debitoris.* Debts follow the person of the debtor. Story, Conf. Laws, § 362; 2 Kent, Comm. 429; Halkers, Max. 13.

*Debitor non prænimitur donare.* A debtor is not presumed to make a gift. See 1 Kames, Eq. 212; Dig. 50. 16. 108; 1 P. Will. 239.

*Debitorum pactionibus, creditorum petitio nec tolli, nec minui potest.* The right to sue of creditors cannot be taken away or lessened by the contracts of their debtors. Pothier, Obl. 87, 108; Broom, Max. 3d Lond. ed. 622.

*Debitum et contractus sunt nullius loci.* Debt and contract are of no particular place. 7 Coke, 61; 7 Mann. & G. 1019, n.; 1 Smith, Lead. Cas. 4th Am. ed. 528, n.

*Debitum in presenti, solvendum in futuro.* A present debt to be discharged in the future. 2 Barb. N. Y. 457, 470; 16 id. 171, ¶6; 19 id. 442, 445.

*Deficiente uno sanguine non potest esse hæres.* One blood being wanted, he cannot be heir. 3 Coke, 41; Grounds & Rud. of Law, 77.

*Delegata potestas non potest delegari.* A delegated authority cannot be again delegated. Coke, 2d Inst. 597; 5 Bingham, n. c. 310; 2 Bouvier, Inst. n. 1300; Story, Ag. § 13; 11 How. 233.

*Delegatus debitor est odiosus in lege.* A delegated debtor is hateful in law. 3 Bulstr. 148.

*Delegatus non potest delegare.* A delegate or deputy cannot appoint another. 2 Bouvier, Inst. n. 1936; Story, Ag. § 13; Broom, Max. 3d Lond. ed. 756-758; 9 Coke, 77; 2 Scott, n. n. 509; 12 Mea. & W. 712; 6 Exch. 156; 8 C. B. 627.

*Delinquens per iram provocatus puniri debet mitius.* A delinquent provoked by anger ought to be punished more mildly. Coke, 3d Inst. 55.

*Derivativa potestas non potest esse major primitiva.* The power which is derived cannot be greater than that from which it is derived. Wingate, Max. 36; Finch, Law, b. 1, c. 3, p. 11.

*Derogatur legi, cum pars detrahatur; abrogatur legi, cum prorens tollitur.* To derogate from a law is to take away part of it; to abrogate a law is to abolish it entirely. Dig. 50. 16. 102. See 1 Bouvier, Inst. n. 91.

*Designatio unius est exclusio alterius, et expressum facit cessare tacitum.* The appointment or designation of one is the exclusion of another; and that expressed makes that which is implied to cease. Coke, Litt. 210.

*Deus solus heredem facere potest, non homo.* God alone, and not man, can make an heir. Coke, Litt. 7 b; cited 5 Barnew. & C. 440, 454; Broom, Max. 3d Lond. ed. 457.

*Dies dominicus non est juridicus.* Sunday is not a day in law. Coke, Litt. 135 a; 2 Saund. 291; Broom, Max. 3d Lond. ed. 21; Finch, Law, 7; Noy, Max. 2; Plowd. 265; 3 Dowl. & L. 328; 13 Mass. 327. See SUNDAY.

*Dies ineceptus pro completo habetur.* A day begun is held as complete.

*Dies incertus pro conditione habetur.* A day uncertain is held as a condition. Bell, Diet. Computation of Time.

*Dilationes in lege sunt odiosæ.* Delays in law are odious. Branch, Princ.

*Discretio est discernere per legem quid sit justum.* Discretion is to discern through law what is just. 5 Coke, 99, 100; 10 id. 140; Broom, Max. 3d Lond. ed. p. 81; Coke, 4th Inst. 41; 1 W. Blackst. 152; 1 Burr. 570; 3 Bulstr. 128; 6 Q. B. 700.

*Discretio est scire per legem quid sit justum.* Discretion consists in knowing what is just in law. 4 Johns. Ch. N. Y. 352, 356.

*Disparata non debent jungi.* Dissimilar things ought not to be joined. Jenk. Cent. Cas. 24.

*Dispensatio est vulnus, quod vulnerat jus commune.* A dispensation is a wound, because it wounds a common right. Dav. 69; Branch, Princ.

*Disseisnam satis facit, qui uti non permittit possessorem, vel minus commode, licet omnino non expellat.* He makes disseisin enough who does not permit the possessor to enjoy, or makes his enjoyment less commodious, although he does not expel altogether. Coke, Litt. 331; Braston, lib. 4. tr. 2.



*Dissimilium dissimilis est ratio.* Of dissimilars the rule is dissimilar. Coke, Litt. 191.

*Dissimulatione tollitur injuria.* Wrong is wiped out by reconciliation. Erskine, Inst. b. 4, tit. 4, § 108.

*Distinguenda sunt tempora.* The time is to be considered. 1 Coke, 16 a; 14 N. Y. 380, 393.

*Distinguenda sunt tempora; aliud est facere, aliud perficere.* Times must be distinguished; it is one thing to do a thing, another to complete it. 3 Leon. 243; Branch, Princ.

*Distinguenda sunt tempora; distingues tempora, et concordabis leges.* Times are to be distinguished; distinguish times, and you will attune laws. 1 Coke, 24.

*Divinatio non interpretatio est, quæ omnino recedit a litera.* It is a guess, not interpretation, which altogether departs from the letter. Bacon, Max. Reg. 3, p. 47.

*Dolosus veratur in generalibus.* A deceiver deals in generals. 2 Coke, 84; 2 Bulstr. 226; Loft, 782; 1 Rolle, 157; Wingate, Max. 636; Broom, Max. 3d Lond. ed. 264.

*Dolum ex indicio percipit probari convenit.* Fraud should be proved by clear tokens. Code, 2. 21. 6; 1 Story, Contr. 4th ed. p. 602.

*Dolus auctoris non nocet successor.* The fraud of a predecessor does not prejudice the successor.

*Dolus circuitu non purgatur.* Fraud is not purged by circuitry. Bacon, Max. Reg. 1; Noy, Max. 9, 12; Broom, Max. 3d Lond. ed. 210; 6 Ell. & B. 948.

*Dolus et fraus nemini patrocinantur (patrocinari debent).* Deceit and fraud shall excuse or benefit no man. (They themselves need to be excused.) Year B. 14 Hen. VIII. 8; Story, Eq. Jur. § 395; 3 Coke, 78; 2 Fonblanque, Eq. b. 2, ch. 6, § 3.

*Dominium non potest esse in pendenti.* The right of property cannot be in abeyance. Halkers, Max. 39.

*Domus sua cuique est tutissimum refugium.* Every man's house is his castle. 5 Coke, 91, 92; Dig. 2. 14. 18; Broom, Max. 3d Lond. ed. 384; 1 Hale, Pl. Cr. 481; Foster, Homicide, 320; 8 Q. B. 757; 16 id. 546, 556; 19 How. St. Tr. 1030. See ARREST.

*Domus tutissimum cuique refugium atque receptaculum.* The habitation of each one is an inviolable asylum for him. Dig. 2. 4. 18.

*Dona clandestina sunt semper suspiciosa.* Clandestine gifts are always suspicious. 3 Coke, 81; Noy, Max. 9th ed. 152; 4 Barnew. & C. 652; 1 Maule & S. 253; Broom, Max. 3d Lond. ed. 264.

*Donari videtur quod, nulli jure cogente conceditur.* That is considered to be given which is granted when no law compels. Dig. 50. 17. 82.

*Donatio non presumitur.* A gift is not presumed. Jenk. Cent. Cas. 109.

*Donatio perficitur possessione accipientis.* A gift is rendered complete by the possession of the receiver. See 1 Bouvier, Inst. n. 712; 2 Johns. N. Y. 52; 2 Leigh, V. 337; 2 Kent, Comm. 438.

*Donationum alia perfecta, alia incepta, et non perfecta; ut si donatio lecta fuit et concessa, ac traditio nondum fuerit subsequuta.* Some gifts are perfect, others inchoate and not perfect; as if a gift were read and agreed to, but delivery had not then followed. Coke, Litt. 56.

*Donator nunquam desinit possidere antequam donatarius incipiat possidere.* He that gives never ceases to possess until he that receives begins to possess. Dyer, 281; Bracton, 41 b.

*Dormiunt aliquando leges, nunquam moriuntur.* The laws sometimes sleep, but never die. Coke, 2d Inst. 161.

*Dos de dote peti non debet.* Dower ought not to be sought from dower. 4 Coke, 122; Coke, Litt. 31; 4 Dane, Abr. 671; 1 Washburn, Real Prop. 209.

*Doti lex favet; præmium pudoris est, ided parcatur.* The law favors dower; it is the reward of

chastity, therefore let it be preserved. Coke, Litt. 31; Branch, Princ.

*Droit ne done plus que soit demanda.* The law gives no more than is demanded. Coke, 2d Inst. 286.

*Droit ne poet pas morier.* Right cannot die. Jenk. Cent. Cas. 100.

*Duas uxores eodem tempore habere non potest.* It is not lawful to have two wives at one time. Inst. 1. 10. 6; 1 Sharswood, Blackst. Comm. 436.

*Duo non possunt in solido unam rem possidere.* Two cannot possess one thing each in entirety. Coke, Litt. 368; 1 Preston, Abstr. 318; 2 id. 86, 326; 2 Dods. Adm. 157; 2 Carth. 76; Broom, Max. 3d Lond. ed. 415.

*Duo sunt instrumenta ad omnes res aut confirmandas aut impugnandas, ratio et auctoritas.* There are two instruments for confirming or impugning every thing, reason and authority. 8 Coke, 16.

*Duorum in solidum dominium vel possessio esse non potest.* Ownership or possession in entirety cannot be in two of the same thing. Dig. 13. 6. 5. 15; 1 Maokelvey, Civ. Law, 245, § 236; Bracton, 28 b.

*Duplicationem possibilitatis lex non patitur.* The law does not allow a duplication of possibility. 1 Rolle, 321.

*Ea est accipienda interpretatio, quæ vitio caret.* That interpretation is to be received which is free from fault. Bacon, Max. Reg. 3, p. 47.

*Ea que commendandi causâ in venditionibus dicuntur si palam apparent venditorem non obligant.* Those things which, by way of commendation, are stated at sales, if they are openly apparent, do not bind the seller. Dig. 18. 43. m.

*Ea que dari impossibilia sunt, vel que in rerum natura non sunt, pro non adjectis habentur.* Those things which cannot be given, or which are not in existence, are held as not expressed. Dig. 50. 17. 135.

*Ea que raro accidunt, non tamen in agendis negotiis computantur.* Those things which rarely happen are not to be taken into account in the transaction of business without sufficient reason. Dig. 50. 17. 64.

*Eadem mens præsumitur regis que est juris et que esse debet, præsertim in dubiis.* The mind of the sovereign is presumed to be coincident with that of the law, and with that which ought to be, especially in ambiguous matters. Hob. 154; Broom, Max. 3d Lond. ed. 53.

*Ecclesia ecclesie decimas solvere non debet.* It is not the duty of the church to pay tithes to the church. Coke, Ell. 479.

*Ecclesie magis favendum est quam personæ.* The church is more to be favored than an individual. Godb. 172.

*Ecclesia non moritur.* The church does not die. Coke, 2d Inst. 3.

*Effectus sequitur causam.* The effect follows the cause. Wingate, Max. 276.

*Ei incumbit probatio qui dicit, non qui negat.* The burden of the proof lies upon him who affirms, not he who denies. Dig. 22. 3. 2; Tait, Ev. 1; 1 Phillips, Ev. 194; 1 Greenleaf, Ev. § 74; 3 La. 83; 2 Daniell, Chanc. Pract. 408; 4 Bouvier, Inst. n. 4411.

*Ei nihil turpe, cui nihil satis.* Nothing is base to whom nothing is sufficient. Coke, 4th Inst. 53.

*Ejus est non nolle qui potest velle.* He may consent tacitly who may consent expressly. Dig. 50. 17. 3.

*Ejus est periculum cujus est dominium aut commodum.* He has the risk who has the right of property or advantage.

*Ejus nulla culpa est cui parere necesse sit.* No guilt attaches to him who is compelled to obey. Dig. 50. 17. 149.

*Electâ unâ viâ, non datur recursus ad alteram.* When there is concurrence of means, he who has chosen one cannot have recourse to another. 10 Toull. n. 170.

*Electio est intima [interna], libera, et spontanea separatio unius rei ab aliâ, sine compulsionem, consistens in animo et voluntate.* Election is an internal, free, and spontaneous separation of one thing from another, without compulsion, consisting in intention and will. Dy. 281.

*Electio semel facta, et placitum testatum, non patitur regressum.* Election once made, and plea witnessed, suffers not a recall. Coke, Litt. 146.

*Electiones fiant rite et libere sine interruptione aliquâ.* Elections should be made in due form and freely, without any interruption. Coke, 2d Inst. 169.

*Emptor emit quam minimo potest; venditor vendit quam maximo potest.* The buyer buys for as little as possible; the vendor sells for as much as possible. 2 Johns. Ch. N. Y. 252, 256, 486.

*Ea exchange il convient que les estates soient égales.* In an exchange it is necessary that the estates be equal. Coke, Litt. 50; 2 Hilliard, Real Prop. 298.

*Enumeratio infirmat regulam in casibus non enumeratis.* Enumeration disaffirms the rule in cases not enumerated. Bacon, Aph. 17.

*Enumeratio unius est exclusio alterius.* Specification of one thing is an exclusion of the rest. Matter of Washburn, 4 Johns. Ch. N. Y. 106, 113.

*Eodem modo quo oritur, eodem modo dissolvitur.* It is discharged in the same way in which it arises. Bacon, Abr. Release; Croke Eliz. 697; 2 Wms. Saund. 48, n. 1; 11 Wend. N. Y. 28, 30; 24 id. 294, 296.

*Eodem modo quo quid constituitur, eodem modo destruitur.* In the same way in which any thing is constituted, in that way it is destroyed. 6 Coke, 63.

*Equality is equity.* Francis, Max., Max. 3; 4 Bouvier, Inst. n. 3725; 1 Story, Eq. Jur. § 64.

*Equitas sequitur legem.* Equity follows the law. 1 Story, Eq. Jur. 4; 5 Barb. N. Y. 277, 282.

*Equity delights to do justice, and that not by halves.* 5 Barb. N. Y. 277, 280; Story, Eq. Plead. § 72.

*Equity follows the law.* Cas. temp. Talb. 52; 1 Story, Eq. Jur. § 64.

*Equity looks upon that as done, which ought to be done.* 4 Bouvier, Inst. n. 3729; 1 Fonblanque, Eq. h. l. ch. 6, a. 9, note; 3 Wheat. 563.

*Equity suffers not a right without a remedy.* 4 Bouvier, Inst. n. 3726.

*Error factus nudâ veritate in multis est probabilior; et sæpenumero rationibus vincit veritatem error.* Error artfully colored is in many things more probable than naked truth; and frequently error conquers truth and argumentation. 2 Coke, 73.

*Error juris nocet.* Error of law is injurious. See 4 Bouvier, Inst. n. 3828; 1 Story, Eq. Jur. § 129, n.

*Error nominis nunquam nocet, si de identitate rei constat.* Mistake in the name never injures, if there is no doubt as to the identity of the thing. 1 Duer, Ins. 171.

*Error qui non resistitur, approbatur.* An error not resisted is approved. Doctor & Student, c. 70.

*Error scribensis nocere non debet.* An error made by a clerk ought not to injure; a clerical error may be corrected. 1 Jenk. Cont. Cas. 324.

*Errores ad sua principia referre, est refellere.* To refer errors to their origin is to refute them. Coke, 2d Inst. 15.

*Erubescit lex filios castigare parentes.* The law blushes when children correct their parents. 8 Coke, 116.

*Est aliquid quod non oportet, etiam si licet; quicquid vero non licet certè non oportet.* There are some things which are not proper though lawful; but certainly those things are not proper which are not lawful. Hob. 159.

*Est autem jus publicum et privatum, quod ex na-*

*turalibus præceptis aut gentium, aut civilibus est collectum; et quod in jure scripto jus appellatur, id in lege Angliæ rectum esse dicitur.* Public and private law is that which is collected from natural precepts, on the one hand of nations, on the other of citizens; and that which in the civil law is called *jus*, that in the law of England is said to be right. Coke, Litt. 558.

*Est autem vis legem simulans.* Violence may also put on the mask of law.

*Est boni judicis ampliari jurisdictionem.* It is the part of a good judge to extend the jurisdiction. Gilb. 14.

*Est ipsorum legislatorum tanquam viva vox; rebus et non verbis legem imponimus.* The utterance of legislators themselves is like the living voice; we impose law upon things, not upon words. 10 Coke, 101.

*Estoveria sunt arrendi, arundi, construendi, et claudendi.* Estovers are for burning, ploughing, building, and inclosing. 13 Coke, 68.

*Eum qui nocentem infamat, non est æquum et bonum ob eam rem condemnari; delicta enim nocentium nota esse oportet et expedit.* It is not just and proper that he who speaks ill of a bad man should be condemned on that account; for it is fitting and expedient that the crimes of bad men should be known. Dig. 47. 10. 17; 1 Blackstone, Comm. 125.

*Eventus varios res nova semper habet.* A new matter always produces various events. Coke, Litt. 379.

*Every man is presumed to intend the natural and probable consequences of his own voluntary acts.* 1 Green. Evid. § 18; 9 East, 277; 9 Barnew. & C. 643; 3 Maule & S. 11, 17.

*Ex antecedentibus et consequentibus fit optima interpretatio.* The best interpretation is made from antecedents and consequents. 2 Parsons, Contr. 12, n. (r); Broom, Max. 3d Lond. ed. 513; Coke, 2d Inst. 317; 2 Sharswood, Blackst. Comm. 379; 1 Bulstr. 101; 15 East, 541.

*Ex diuturnitate temporis, omnia presumuntur solemniter esse acta.* From length of time, all things are presumed to have been done in due form. Coke, Litt. 6; 1 Greenleaf, Ev. § 20; Best, Ev. § 43.

*Ex dolo malo non oritur actio.* A right of action cannot arise out of fraud. Broom, Max. 349; Cowp. 343; 2 C. B. 501, 512, 515; 5 Scott, n. s. 558; 10 Mass. 276.

*Ex facto jus oritur.* The law arises out of the fact. Coke, 2d Inst. 479; 2 Sharswood, Blackst. Comm. 329; Broom, Max. 3d Lond. ed. 99.

*Ex frequenti delicto augetur pena.* Punishment increases with increasing crime. Coke, 2d Inst. 479.

*Ex maleficio non oritur contractus.* A contract cannot arise out of an act radically wrong and illegal. Broom, Max. 3d Lond. ed. 660; 1 Term, 734; 3 id. 422; 1 H. Blackst. 324; 5 Ell. & B. 999, 1015.

*Ex malis moribus bonæ leges natæ sunt.* Good laws arise from evil manners. Coke, 2d Inst. 161.

*Ex multitudinis signorum, colligitur identitas vera.* From the great number of signs true identity is ascertained. Bacon, Max. Reg. 25; Broom, Max. 3d Lond. ed. 569.

*Ex nihilo nihil fit.* From nothing nothing comes. 13 Wend. N. Y. 178, 221; 18 id. 257, 301.

*Ex nudo pacto non oritur actio.* No action arises on a contract without a consideration. Noy, Max. 24; 3 Burr. 1670; 2 Sharswood, Blackst. Comm. 445; Chitty, Contr. 10th Am. ed. 25; 1 Story, Contr. § 525. See NUDUM PACTUM.

*Ex pacto illicito non oritur actio.* From an illicit contract no action arises. Broom, Max. 3d Lond. ed. 666; 7 Clark & F. Hou. L. 729.

*Ex procedentibus et consequentibus optima fit in-*

*terpretatio.* The best interpretation is made from things preceding and following; i. e. the context. 1 Rolle, 375.

*Ex totâ materia emergat resolutio.* The construction or explanation should arise out of the whole subject-matter. Wingate, Max. 238.

*Ex turpi causâ non oritur actio.* No action arises out of an immoral consideration. Selwyn, Nisi P. 63; 2 Pet. 539.

*Ex turpi contractu non oritur actio.* No action arises on an immoral contract. Dig. 2. 14. 27. 4; 2 Kent Comm. 466; 1 Story, Contr. § 592; 22 N. Y. 272.

*Ex uno disces omnes.* From one thing you can discern all.

*Exceptio ejus rei cujus petitur dissolutio nulla est.* A plea of that matter the dissolution of which is the object of the action is of no effect. Jenk. Cent. Cas. 37.

*Exceptio falsi omnium ultima.* A false plea is the basest of all things.

*Exceptio firmat regulam in casibus non exceptis.* The exception affirms the rule in cases not excepted. Bacon, Aph. 17.

*Exceptio firmat regulam in contrarium.* The exception affirms the rule to be the other way. Bacon, Aph. 17.

*Exceptio nulla est versus actionem que exceptionem perimit.* There can be no plea against an action which entirely destroys the plea. Jenk. Cent. Cas. 106.

*Exceptio probat regulam de rebus non exceptis.* An exception proves the rule concerning things not excepted. 11 Coke, 41.

*Exceptio que firmat legem, exponit legem.* An exception which confirms the law, expounds the law. 2 Bulstr. 189.

*Exceptio quoque regulam declarat.* The exception also declares the rule. Bacon, Aph. 17.

*Exceptio semper ultima ponenda est.* An exception is always to be put last. 9 Coke, 53.

*Excessus in jure reprobatur.* Excessus in re qualibet jure reprobatur communi. Excess in law is reprehended. Excess in any thing is reprehended by common law. 1 Coke, 44.

*Excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus.* That excuses or extenuates a wrong in capital causes which does not have effect in civil suits. Bacon, Max. Reg. 7; Broom, Max. 3d Lond. ed. 291.

*Executio est executio juris secundum judicium.* An execution is the execution of the law according to the judgment. Coke, 3d Inst. 212.

*Executio est finis et fructus legis.* An execution is the end and the fruit of the law. Coke, Litt. 289.

*Exilium est patrie privatio, natalis soli mutatio, legum nativarum amissio.* Exile is a privation of country, a change of natal soil, a loss of native laws. 7 Coke, 20.

*Expedit reipublicæ ne eud re quis male utatur.* It is for the interest of the state that a man should not use his own property improperly. Inst. 1. 8. 2; Broom, Max. 3d Lond. ed. 328.

*Experientia per varios actus legem facit. Magistra rerum experientia.* Experience by various acts makes laws. Experience is the mistress of things. Coke, Litt. 60; Branch, Princ.

*Expositio, que ex visceribus causæ nascitur, est aptissima et fortissima in lege.* That exposition which springs from the vitals of a cause is the fittest and most powerful in law. 10 Coke, 24.

*Expressa nocent, non expressa non nocent.* Things expressed may be prejudicial; things not expressed are not. Calvinus, Lex.; Dig. 50. 17. 19. 5.

*Expressa non proeunt que non expressa proderunt.* Things expressed may be prejudicial which not expressed will profit. 4 Coke, 73.

*Expressio eorum que tacite insunt nihil operatur.* The expression of those things which are tacitly

implied operates nothing. 2 Parsons, Contr. 28; 4 Coke, 73; 5 id. 11; Hob. 170; 3 Atk. 138; 11 Mees. & W. 569; 7 Exch. 28.

*Expressio unius est exclusio alterius.* The expression of one thing is the exclusion of another. Coke, Litt. 210; Broom, Max. 3d Lond. ed. 596; 2 Parsons, Contr. 28; 3 Bingh. n. c. 85; 8 Scott, n. r. 1013, 1017; 5 Term, 21; 6 id. 320; 12 Mees. & W. 761; 15 id. 110; 16 id. 244; 2 Curt. C. C. 365; 6 Mass. 84; 11 Cush. Mass. 328.

*Expressum facit cessare tacitum.* That which is expressed puts an end to (renders ineffective) that which is implied. Smith, Contr. 2d ed. 390; 5 Bingh. n. c. 185; 6 Barnew. & C. 609; 2 Crompt. & M. 459; 2 Ell. & B. 856; 7 Mass. 196; 24 M. 374; 6 N. H. 481; 1 Dougl. Mich. 330; 4 Wash. C. C. 185.

*Extincto subjecto, tollitur adjunctum.* When the substance is gone, the adjuncts disappear. 16 Johns. N. Y. 438, 492.

*Extra legem positus est civiliter mortuus.* One out of the pale of the law (an outlaw) is civilly dead. Coke, Litt. 130.

*Extra territorium jus dicenti non paratur impune.* One who exercises jurisdiction out of his territory cannot be obeyed with impunity. 10 Coke, 77; Dig. 2. 1. 20; Story, Conf. Laws, § 539.

*Facta sunt potentiora verbis.* Facts are more powerful than words.

*Factum a judice quod ad ejus officium non spectat, non ratum est.* An act of a judge which does not pertain to his office is of no force. 10 Coke, 76; Dig. 50. 17. 170; Broom, Max. 3d Lond. ed. 89.

*Factum cuique suum, non adversario, nocere debet.* A man's actions should injure himself, not his adversary. Dig. 50. 17. 155.

*Factum inceptum fieri nequit.* What is done cannot be undone. 1 Kames, Eq. 96, 259.

*Factum negantis nulla probatio.* No proof is incumbent on him who denies a fact.

*Factum non dicitur quod non perseverat.* That is not said to be done which does not last. 5 Coke, 96; Sheppard, Touchst. Preston ed. 391.

*Factum unius alteri nocere non debet.* The deed of one should not hurt another. Coke, Litt. 152.

*Facultas probationum non est angustanda.* The right of offering proof is not to be narrowed. Coke, 4th Inst. 279.

*Falsa demonstratio non nocet.* A false description does not vitiate. 6 Term, 876. See 2 Story, Rep. 291; 1 Greenleaf, Ev. § 301; Broom, Max. 3d Lond. ed. 562; 2 Parsons, Contr. 62, n., 69, n., 72, n., 76, n.; 4 C. B. 328; 11 id. 208; 14 id. 122.

*Falsæ demonstrationes legatum non perimi.* A legacy is not destroyed by an incorrect description. 3 Bradf. Surr. N. Y. 144, 149.

*Falsa orthographia, sive falsa grammatica, non vitiat concessionem.* False spelling or false grammar does not vitiate a grant. 9 Coke, 48; Sheppard, Touchst. 55.

*Falsus in uno, falsus in omnibus.* False in one thing, false in every thing. 1 Sumn. C. C. 356; 7 Wheat. 338; 3 Wiso. 645; 2 Jones, No. C. 257.

*Fama, fides, et oculus non patiuntur ludum.* Fame, plighted faith, and eyesight do not endure deceit. 3 Bulstr. 226.

*Fatetur facinus qui judicium fugit.* He who flees judgment confesses his guilt. Coke, 3d Inst. 14; 5 Coke, 109 b. But see Best, Pres. § 248.

*Fatus præsumitur qui in proprio nomine errat.* A man is presumed to be simple who makes a mistake in his own name. Code, 6. 24. 14; 5 Johns. Ch. 148, 161.

*Favorabilia in lege sunt facus, dos, vita, libertas.* The treasury, dower, life, and liberty, are things favored in law. Jenk. Cent. Cas. 94.

*Favorabiliores rei potius quam actores habentur.* Defendants are rather to be favored than plaintiffs.

Dig. 50. 17. 125. See 8 Wheat. 195, 196; Broom, Max. 3d Lond. ed. 639.

*Favorabiliores sunt executiones aliis processibus quibuscunque.* Executions are preferred to all other processes whatever. Coke, Litt. 287.

*Favores ampliandi sunt; odia restringenda.* Favorable inclinations are to be enlarged; animosities restrained. Jenk. Cent. Cas. 186.

*Felix qui potuit rerum cognoscere causas.* Happy is he who has been able to understand the causes of things. Coke, Litt. 231.

*Felonia, ex rei termini, significat quodlibet capitale crimen felleo animo perpetratum.* Felony, by force of the term, signifies some capital crime perpetrated with a malignant mind. Coke, Litt. 391.

*Felonia implicatur in qualibet prodicione.* Felony is implied in every treason. Coke, 3d Inst. 15.

*Foodam est quod quis tenet ex quacunque causa, sine sit tenementum sive redditus.* A fee is that which any one holds from whatever cause, whether tenement or rent. Coke, Litt. 1.

*Festinatio justitiæ est noverca infortunii.* The hurrying of justice is the stepmother of misfortune. Hob. 97.

*Fiat justitia ruat cælum.* Let justice be done, though the heavens should fall. Branch, Prino. 161.

*Fiat prout fieri consuerit, nil temere novandum.* Let it be done as formerly, but no innovation be made rashly. Jenk. Cent. Cas. 116; Branch, Prino.

*Fictio cedit veritati. Fictio juris non est, ubi veritas.* Fiction yields to truth. Where truth is, fiction of law does not exist.

*Fictio est contra veritatem, sed pro veritate habetur.* Fiction is against the truth, but it is to be esteemed truth.

*Fictio legis inique operatur alieni damnum vel injuriam.* Fiction of law is wrongful if it works loss or injury to any one. 2 Coke, 35; 3 id. 36; Gill, Md. 223; Broom, Max. 3d Lond. ed. 122.

*Fictio legis neminem lædit.* A fiction of law injures no one. 2 Rolle, 502; 3 Sharswood, Blacket. 43; 17 Johns. N. Y. 348.

*Fidelitas. De nullo tenemento, quod tenetur ad terminum fit homagii; fit tamen inde fidelitatis sacramentum.* Fealty. For no tenement which is held for a term is there the oath of homage, but there is the oath of fealty. Coke, Litt. 67 b.

*Fides servanda.* Good faith must be observed. 1 Met. Mass. 551; 3 Barb. N. Y. 323, 330; 23 id. 521, 524.

*Fides servanda est; simplicitas juris gentium prævaleat.* Good faith is to be preserved; the simplicity of the law of nations should prevail. Story, Bills, § 15.

*Fieri non debet, sed factum valet.* It ought not to be done, but done it is valid. 5 Coke, 39; 1 Strange, 526; 19 Johns. N. Y. 84, 92; 12 id. 11, 376.

*Filiatio non potest probari.* Filiation cannot be proved. Coke, Litt. 126 a. But see 7 & 8 Vict. c. 101.

*Filius est nomen naturæ, sed hæres nomen juris.* Son is a name of nature, but heir a name of law. 1 Sid. 193; 1 Powell, Dev. 311.

*Filius in utero matris est pars viscerum matris.* A son in the mother's womb is part of the mother's vitals. 7 Coke, 8.

*Finis finem litibus imponit.* A fine puts an end to litigation. Coke, 3d Inst. 78.

*Finis rei attendendus est.* The end of a thing is to be attended to. Coke, 3d Inst. 51.

*Finis unius diei est principium alterius.* The end of one day is the beginning of another. 2 Bulstr. 365.

*Firmior et potentior est operatio legis quam dispositio hominis.* The operation of law is firmer and more powerful than the will of man. Coke, Litt. 162.

*Flumina et portus publica sunt, ideoque jus piscandi omnibus commune est.* Rivers and ports are public; therefore the right of fishing there is common to all. Dav. 55; Branch, Prino.

*Fœminæ ab omnibus officiis civilibus vel publicis remotæ sunt.* Women are excluded from all civil and public charges or offices. Dig. 50. 17. 2; 1 Exch. 645; 6 Mees. & W. Exch. 216.

*Fœminæ non sunt capaces de publicis officiis.* Women are not admissible to public offices. Jenk. Cent. Cas. 237. But a woman may be elected to the office of sexton, Olive vs. Ingram, 7 Mod. 263; Str. 1114, s. c., or governor of a work-house, and act by deputy, Anon., 2 Ld. Raym. 1014, or an overseer. 2 Term, 395. See WOMEN.

*Forma dat esse.* Form gives being. Lord Henley, Ch. 2; Ed. Ch. 99.

*Forma legalis forma essentialis.* Legal form is essential form. 10 Coke, 100; 9 C. B. 493; 2 Hopk. 319.

*Forma non observata, infertur annullatio actus.* When form is not observed, a nullity of the act is inferred. 12 Coke, 7.

*Forestallarius est pauperum depressor, et totius communitatis et patriæ publicus inimicus.* A forestaller is an oppressor of the poor, and a public enemy to the whole community and the country. Coke, 3d Inst. 196.

*Fortior est custodia legis quam hominis.* The custody of the law is stronger than that of man. 2 Rolle, 325.

*Fortior et potentior est dispositio legis quam hominis.* The disposition of the law is stronger and more powerful than that of man. Coke, Litt. 234; Broom, Max. 3d Lond. ed. 622; 10 Q. B. 944; 18 id. 87; 10 C. B. 561; 8 Hou. L. Cas. 507; 13 Mees. & W. Exch. 285, 306; 8 Johns. N. Y. 401.

*Fractionem diei non recipit lex.* The law does not regard a fraction of a day. Loft, 572. But see DAX.

*Frater fratri uterino non succedet in hereditate paternâ.* A brother shall not succeed an uterine brother in the paternal inheritance. Fort. de Laud. Leg. Ang. by Amos, p. 15; 2 Sharswood, Blacket. Comm. This maxim is now superseded in England by 3 & 4 Wm. IV. c. 106, s. 9. Broom, Max. 3d Lond. ed. 471; 2 Sharswood, Blacket. Comm. 232.

*Fraus est celare fraudem.* It is a fraud to conceal a fraud. 1 Vern. 270.

*Fraus est odiosa et non præsumenda.* Fraud is odious and not to be presumed. Croke Car. 550.

*Fraus et dolus nemini patrooianari debent.* Fraud and deceit should excuse no man. 3 Coke, 78.

*Fraus et jus nunquam cohabitant.* Fraud and justice never dwell together. Wingate, Max. 680.

*Fraus latet in generatibus.* Fraud lies hid in general expressions.

*Fraus meretur fraudem.* Fraud deserves fraud. Plowd. 100; Branch, Prino. This is very poor law.

*Freight is the mother of wages.* 2 Show. 283; 3 Kent, Comm. 196; 1 Hagg. 227; Smith, Merc. Law, 543; Cauders, Mar. Law, 339-343, 391, 398; Hilt. N. Y. 1, 17; 5 Johns. N. Y. 154; 11 id. 279; 12 id. 324.

*Frequentia actus multum operatur.* The frequency of an act effects much. 4 Coke, 78; Wingate, Max. 192.

*Fructus augeat hereditatem.* Fruits enhance an inheritance.

*Fructus pendentes pars fundi videntur.* Hanging fruits make part of the land. Dig. 6. 1. 44; 2 Bouvier, Inst. n. 1578. See LARCENY.

*Fructus perceptos villæ non esse constat.* Gathered fruits do not make a part of the farm. Dig. 19. 1. 17. 1; 2 Bouvier, Inst. n. 1578.

*Fruamenta quæ sata sunt solo cedere intelliguntur.* Grain which is sown is understood to form a part of the soil. Inst. 2. 1. 32.

*Frustrā agit qui iudicium prosequi nequit cum effectu.* He in vain sues, who cannot prosecute his judgment with effect. Fleta, lib. 6, c. 37, § 9.

*Frustrā est potentia quæ nunquam venit in actum.* The power which never comes to be exercised is vain. 2 Coke, 51.

*Frustrā expectatur eventus cuius effectus nullus sequitur.* An event is vainly expected from which no effect follows.

*Frustrā feruntur leges nisi subditis et obedientibus.* Laws are made to no purpose unless for those who are subject and obedient. 7 Coke, 13.

*Frustrā fit per plura, quod fieri potest per pauciora.* That is done vainly by many things, which might be accomplished by fewer. Jenk. Cent. Cas. 68; Wingate, Max. 177.

*Frustrā legis auxilium querit qui in legem committit.* Vainly does he who offends against the law seek the help of the law. 2 Hale, Pl. Cr. 386; Broom, Max. 3d Lond. ed. 255.

*Frustrā petit quod statim alteri reddere cogeris.* Vainly you ask that which you will immediately be compelled to restore to another. Jenk. Cent. Cas. 256; Broom, Max. 3d Lond. ed. 310.

*Frustrā probatur quod probatum non relevat.* It is vain to prove that which if proved would not aid the matter in question. Broom, Max. 3d Lond. ed. 255.

*Furiosi nulla voluntas est.* A madman has no will. Dig. 50. 17. 5; id. 1. 18. 13. 1; Broom, Max. 3d Lond. ed. 282.

*Furiosus absentis loco est.* A madman is considered as absent. Dig. 50. 17. 24. 1.

*Furiosus nullum negotium contrahere (gerere) potest (quia non intelligit quod agit).* A lunatic cannot make a contract. Dig. 50. 17. 5; 1 Story, Contr. 4th ed. p. 76.

*Furiosus solo furore punitur.* A madman is punished by his madness alone. Coke, Litt. 247; Broom, Max. 3d Lond. ed. 14; 4 Sharswood, Blackst. Comm. 24, 25.

*Furiosus stipulari non potest nec aliquod negotium agere, qui non intelligit quid agit.* An insane person who knows not what he does cannot make a bargain, nor transact any business. 4 Coke, 126.

*Furor contrahi matrimonium non sinit, quia consensus opus est.* Insanity prevents marriage from being contracted, because consent is needed. 1 Ves. & B. Ch. 140; 1 Blackstone, Comm. 439; 4 Johns. Ch. N. Y. 343, 345.

*Furtum non est ubi initium habet detentionis per dominum rei.* It is not theft where the commencement of the detention arises through the owner of the thing. Coke, 3d Inst. 107.

*Generale dictum generaliter est interpretandum.* A general expression is to be construed generally. 8 Coke, 116; 1 Ed. Ch. 96.

*Generale nihil certum implicat.* A general expression implies nothing certain. 2 Coke, 34; Wingate, Max. 164.

*Generale tantum valet in generalibus, quantum singulare in singulis.* What is general prevails, or is worth as much, among things general, as what is particular among things particular. 11 Coke, 59.

*Generalia præcedunt, specialia sequuntur.* Things general precede, things special follow. Reg. Brev.; Branch, Princ.

*Generalia specialibus non derogant.* Things general do not derogate from things special. Jenk. Cent. Cas. 120.

*Generalia sunt præponenda singularibus.* General things are to be put before particular things.

*Generalia verba sunt generaliter intelligenda.* General words are understood in a general sense. Coke, 3d Inst. 76; Broom, Max. 3d Lond. ed. 577.

*Generalibus specialia derogant.* Things special take from things general. Halkers, Max. 51.

*Generalis clausula non porrigitur ad ea quæ antea*

*specialiter sunt comprehensa.* A general clause does not extend to those things which are previously provided for specially. 8 Coke, 154.

*Generalis regula generaliter est intelligenda.* A general rule is to be understood generally. 6 Coke, 65.

*Glossa viperina est quæ corrodit viscera textûs.* That is a viperine gloss which eats out the vitals of the text. 10 Coke, 70; 2 Bulstr. 79.

*Grammatica falsa non vitiat chartam.* False grammar does not vitiate a deed. 9 Coke, 48.

*Gravius est divinam quam temporalem ledere maiestatem.* It is more serious to hurt divine than temporal majesty. 11 Coke, 29.

*Habemus optimum testem confitentem reum.* We have the best witness, a confessing defendant. Foster, Crim. Law, 243. See 2 Hagg. 315; 1 Phillips, Ev. 397.

*Hæredem Deus facit, non homo.* God, and not man, makes the heir. Bracton, 62 b.

*Hæredem est nomen collectivum.* Heir is a collective name.

*Hæredipetæ suo propinquo vel extraneo periculo suo sane custodi nullo committatur.* To the next heir, whether a relation or a stranger, certainly a dangerous guardian, let no one be committed. Coke, Litt. 88 b.

*Hæreditas est successio in universum jus quod defunctus habuerat.* Inheritance is the succession to every right which was possessed by the late possessor. Coke, Litt. 237.

*Hæreditas nihil aliud est, quàm successio in universum jus, quod defunctus habuerit.* The right of inheritance is nothing else than the faculty of succeeding to all the rights of the deceased. Dig. 50. 17. 62.

*Hæreditas nunquam ascendit.* The inheritance never ascends. Glanville, l. 7, c. 1; Broom, Max. 2d Lond. ed. 469; 2 Sharswood, Blackst. Comm. 212, n.; 3 Greenleaf, Cruise, Real Prop. 331; 1 Stephen, Comm. 378. Abrogated by stat. 3 & 4 Will. IV. c. 106, § 6.

*Hæredum appellationis veniunt hæredes hæredum in infinitum.* By the title of heirs, come the heirs of heirs to infinity. Coke, Litt. 9.

*Hæres est alter ipse, et filius est pars patris.* An heir is another self, and a son is a part of the father.

*Hæres est aut jure proprietatis aut jure representationis.* An heir is either by right of property or right of representation. 3 Coke, 40.

*Hæres est eadem persona cum antecessore.* The heir is the same person with the ancestor. Coke, Litt. 22.

*Hæres est nomen juris, filius est nomen naturæ.* Heir is a term of law; son, one of nature.

*Hæres est pars antecessoris.* The heir is a part of the ancestor. Coke, Litt. 22 b; 3 Hill, N. Y. 165, 167.

*Hæres hæredis mei est meus hæres.* The heir of my heir is my heir. Wharton, Law Dict.

*Hæres legitimus est quem nuptiæ demonstrant.* He is the lawful heir whom the marriage demonstrates. Mirror of Just. 70; Fleta, l. 6, c. 1; Dig. 2. 4. 5; Coke, Litt. 7 b; Broom, Max. 3d Lond. ed. 457. As to the application of the principle when the marriage is subsequent to the birth of the child, see 2 Clark & F. Hou. L. 571; 6 Bingh. x. c. 385; 5 Wheat. 226, 262, n.

*Hæres minor uno et viginti annis non respondebit, nisi in casu dotti.* An heir minor, under twenty-one years of age, is not answerable, except in the matter of dower. F. Moore, 348.

*He who has committed iniquity shall not have equity.* Francis, 2d Max.

*He who will have equity done to him must do equity to the same person.* 4 Bouvier, Inst. n. 3723.

*Hoc servabitur quod initio convenit.* This shall

be preserved which is useful in the beginning. Dig. 50. 17. 23; Bracton, 73 b.

*Homo ne sera punitur propter suer des briefes en court le roy, soit il a droit ou a tort.* A man shall not be punished for suing out writs in the king's court, whether he be right or wrong. Coke, 2d Inst. 228.

*Hominum causæ jus constitutum est.* Law is established for the benefit of man.

*Homo potest esse habilis et inhabilis diversis temporibus.* A man may be capable and incapable at divers times. 5 Coke, 98.

*Homo vocabulum est nature; persona juris civilis.* Man (*homo*) is a term of nature; person (*persona*), of the civil law. Calvinus, Lex.

*Hora non est multum de substantiâ negotiî, licet in appello de eâ aliquando fiat mentio.* The hour is not of much consequence as to the substance of business, although in appeal it is sometimes mentioned. 1 Bulstr. 32.

*Hostes sunt qui nobis vel quibus nos bellum decernimus; ceteri traditores vel prædones sunt.* Enemies are those upon whom we declare war, or who declare it against us; all others are traitors or pirates. 7 Coke, 24; Dig. 50. 16. 118; 1 Sharswood, Blackst. Comm. 257.

*Id certum est quod certum reddi potest.* That is certain which may be rendered certain. 1 Bouvier, Inst. n. 929; 2 Blackstone, Comm. 143; 4 Kent, Comm. 462; 4 Pick. Mass. 179; Broom, Max. 3d Lond. ed. 556.

*Id perfectum est quod ex omnibus suis partibus constat.* That is perfect which is complete in all its parts. 9 Coke, 9.

*Id præsumimus quod de jure possumus.* We are able to do that which we can do lawfully. Lane, 116.

*Id quod est magis remotum, non trahit ad se quod est magis junctum, sed è contrario in omni casu.* That which is more remote does not draw to itself that which is nearer, but the contrary in every case. Coke, Litt. 164.

*Id quod doctum est, sine facto nostro, ad alium transferri non potest.* What belongs to us cannot be transferred to another without our consent. Dig. 50. 17. 11. But this must be understood with this qualification, that the government may take property for public use, paying the owner its value. The title to property may also be acquired, without the consent of the owner, by a judgment of a competent tribunal.

*Idem agens et patiens esse non potest.* To be at once the person acting and the person acted upon is impossible. Jenk. Cent. Cas. 40.

*Idem est facere, et nolle prohibere cum possis.* It is the same thing to do a thing as not to prohibit it when in your power. 3 Coke, Inst. 158.

*Idem est nihil dicere et insufficienter dicere.* It is the same thing to say nothing and not to say sufficiently. Coke, 2d Inst. 178.

*Idem est non probari et non esse; non deficit jus, sed probatio.* What does not appear, and what is not, are the same; it is not the defect of the law, but the want of proof.

*Idem est scire aut scire debet aut potuisse.* To be able to know is the same as to know. The maxim is applied to the duty of every one to know the law.

*Idem non esse et non apparere.* It is the same thing not to exist and not to appear. Jenk. Cent. Cas. 207.

*Idem semper antecedenti proximo refertur.* Idem always relates to the next antecedent. Coke, Litt. 385.

*Identitas vera colligitur ex multitudine signorum.* True identity is collected from a number of signs. Bacon, Reg. 29.

*Ignorantia eorum quæ quis scire tenetur non excusat.* Ignorance of those things which every one is bound to know excuses not. Hale, Pl. Cr. 42.

See Tindal, C. J., 10 Clark & F. Hon. L. 210; Broom, Max. 3d Lond. ed. 245; 4 Sharswood, Blackst. Comm. 27.

*Ignorantia excusatur, non juris sed facti.* Ignorance of fact may excuse, but not ignorance of law. See IGNORANCE.

*Ignorantia facti excusat, ignorantia juris non excusat.* Ignorance of facts excuses, ignorance of law does not excuse. 1 Coke, 177; 4 Bouvier, Inst. n. 3828; Broom, Max. 3d Lond. ed. 231; 1 Fonblanque, Eq. 5th ed. 119, n. See IGNORANCE.

*Ignorantia judicis est calamitas innocentis.* The ignorance of the judge is the misfortune of the innocent. Coke, 2d Inst. 591.

*Ignorantia juris non excusat.* Ignorance of the law is no excuse. 8 Wend. N. Y. 267, 284; 18 id. 586, 588; 6 Paige, Ch. N. Y. 189, 195; 1 Edw. Ch. N. Y. 467, 472.

*Ignorantia juris quod quisque scire tenetur, neminem excusat.* Ignorance of law which every one is bound to know, excuses no one. 2 Coke, 3 b; 1 Plowd. 343; per *Ld. Campbell*, 9 Clark & F. 324; Broom, Max. 3d Lond. ed. 232; 7 Carr. & P. 456; 2 Kent, Comm. 491.

*Ignorantia legis neminem excusat.* Ignorance of law excuses no one. See IGNORANCE; 4 Bouvier, Inst. n. 3828; 1 Story, Eq. Jur. § 111.

*Ignorantia terminis, ignoratur et ars.* Terms being unknown, the art also is unknown. Coke, Litt. 2.

*Ignoscitur ei qui sanguinem suum qualiter redemptum voluit.* The law holds him excused who chose that his blood should be redeemed on any terms. Dig. 48. 21. 1; 1 Sharswood, Blackst. Comm. 131.

*Illud quod alias licitum non est, necessitas facit licitum, et necessitas inducit privilegium quod jure privatur.* That which is not otherwise lawful necessity makes lawful, and necessity makes a privilege which supercedes the law. 10 Coke, 61.

*Illud quod alteri unitur extinguitur, neque amplius per se vacare licet.* That which is united to another is extinguished, nor can it be any more independent. Godolph. 169.

*Immobilia situm sequuntur.* Immovables follow (the law of) their locality. 2 Kent, Comm. 67.

*Imperitia culpe enumeratur.* Ignorance, or want of skill, is considered a fault, i. e. a negligence, for which one who professes skill is responsible. Dig. 50. 17. 132; 1 Bouvier, Inst. n. 1004; 2 Kent, Comm. 588; 4 Ark. 523.

*Imperitia est maxima mechanicorum pena.* Lack of skill is the greatest punishment of artisans. 11 Coke, 54 a.

*Impersonalitas non concludit nec ligat.* Impersonality neither concludes nor binds. Coke, Litt. 352.

*Impius et crudelis judicandus est qui libertati non favet.* He is to be judged impious and cruel who does not favor liberty. Coke, Litt. 124.

*Impossibile nulla obligatio est.* There is no obligation to perform impossible things. Dig. 50. 18. 185; 1 Pothier, Obl. pt. 1, c. 1, s. 4, § 3; 2 Story, Eq. Jur. 6th ed. 763; Broom, Max. 3d Lond. ed. 228.

*Impotentia excusat legem.* Impossibility is an excuse in the law. Coke, Litt. 29; Broom, Max. 3d Lond. ed. 223.

*Impunitas continuum affectum tribuit delinquenti.* Impunity offers a continual bait to a delinquent. 4 Coke, 45.

*Impunitas semper ad deteriora invitat.* Impunity always invites to greater crimes. 5 Coke, 109.

*In edificis lapis male positus non est removendus.* In buildings a stone badly placed is not to be removed. 11 Coke, 69.

*In æquali jure melior est conditio possidentis.* When the parties have equal rights, the condition of the possessor is the better. Mitford, Eq. Plead. 215; Jeremy, Eq. Jur. 285; 1 Maddock, Chanc.

Pract. 170; Dig. 50. 17. 128; Broom, Max. 3d Lond. ed. 634; Plowd. 206.

*In alternativis electio est debitoris.* In alternatives, the debtor has the election.

*In ambiguo voce legis ea potius accipienda est significatio, quæ citio caret; præsertim cum etiam voluntas legis ex hoc colligi possit.* When obscurities, ambiguities, or faults of expression render the meaning of an enactment doubtful, that interpretation shall be preferred which is most consonant to equity, especially where it is in conformity with the general design of the legislature. Dig. 1. 3. 19; Broom, Max. 3d Lond. ed. 513; Bacon, Max. Reg. 3; Coke, 2d Inst. 173.

*In ambiguis orationibus maxime sententia spectanda est ejus qui eas protulisset.* When there are ambiguous expressions, the intention of him who uses them is especially to be regarded. This maxim of Roman law was confined to wills. Dig. 50. 17. 96; Broom, Max. 3d Lond. ed. 506.

*In atrocioribus delictis puniuntur affectus licet non sequatur effectus.* In more atrocious crimes, the intent is punished though the effect does not follow. 2 Rolle, 69.

*In casu extreme necessitatis omnia sunt communia.* In cases of extreme necessity, every thing is in common. Hale, Pl. Cr. 54; Broom, Max. 1.

*In commodato hæc pactio, ne dolus præstetur, rata non est.* If in a contract for a loan there is inserted a clause that fraud should not be accounted of, such clause is void. Dig. 13. 7. 17.

*In conjunctivis oportet utramque partem esse veram.* In conjunctives each part must be true. Wingate, Max. 13.

*In consimili casu consimile debet esse remedium.* In similar cases, the remedy should be similar. Hardr. 65.

*In consuetudinibus non diuturnitas temporis sed soliditas rationis est consideranda.* In customs, not the length of time but the strength of the reason should be considered. Coke, Litt. 141.

*In contractibus, benigni; in testamentis, benigniori; in restitutionibus, benignissima interpretatio facienda est.* In contracts, the interpretation or construction should be liberal; in wills, more liberal; in restitutions, most liberal. Coke, Litt. 112 a.

*In contractibus tacite inveniuntur quæ sunt moris et consuetudinis.* In contracts, those things which are of custom and usage are tacitly implied. Broom, Max. 3d Lond. ed. 759; 3 Bingham, n. c. 814, 818; Story, Bills, § 143; 3 Kent, Comm. 260.

*In contrahenda venditione, ambiguum pactum contra venditorem interpretandum est.* In negotiating a sale, an ambiguous agreement is to be interpreted against the seller. Dig. 50. 17. 172; 18. 1. 21.

*In conventionibus contrahentium voluntatem potius quam verba spectari placuit.* In agreements, the rule is to regard the intention of the contracting parties rather than their words. Dig. 50. 16. 219; 2 Kent, Comm. 555; Broom, Max. 3d Lond. ed. 491; 17 Johns. N. Y. 150.

*In criminalibus, probationes debent esse luce clariores.* In criminal cases, the proofs ought to be clearer than the light. Coke, 3d Inst. 210.

*In criminalibus sufficit generalis malitia intentionis cum facto paræ gradus.* In criminal cases, a general malice of intention is sufficient, with an act of equal or corresponding degree. Bacon, Max. Reg. 15; Broom, Max. 3d Lond. ed. 291.

*In criminalibus voluntas reputabitur pro facto.* In criminal acts, the will will be taken for the deed. Coke, 3d Inst. 106.

*In disjunctivis sufficit alteram partem esse veram.* In disjunctives, it is sufficient if either part be true. Wingate, Max. 13; Coke, Litt. 225 a; 10 Coke, 50; Dig. 50. 17. 110.

*In dubiis benigniora preferenda sunt.* In doubtful matters, the more favorable are to be preferred. Dig. 50. 17. 56; 2 Kent, Comm. 557.

*In dubiis magis dignum est accipiendum.* In doubtful cases, the more worthy is to be taken. Branch, Princ.

*In dubiis non præsumitur pro testamento.* In doubtful cases, there is no presumption in favor of the will. Croke Car. 61.

*In dubio hæc legis constructio quam verba ostendunt.* In a doubtful case, that is the construction of the law which the words indicate.

*In dubio pars melior est sequenda.* In doubt, the gentler course is to be followed.

*In dubio sequendum quod tutius est.* In doubt, the safer course is to be adopted.

*In eo quod plus est semper inest et minus.* The less is always included in the greater. Dig. 50. 17. 110.

*In expositione instrumentorum, mala grammatica, quod fieri potest, vitanda est.* In the construction of instruments, bad grammar is to be avoided as much as possible. 6 Coke, 39; 2 Parsons, Contr. 26.

*In facto quod se habet ad bonum et malum magis de bono quam de malo lex intendit.* In a deed which may be considered good or bad, the law looks more to the good than to the bad. Coke, Litt. 78.

*In favorabilibus magis attenditur quod prodest quam quod noceat.* In things favored, what does good is more regarded than what does harm. Bacon, Max. Reg. 12.

*In favorem vitæ, libertatis, et innocentie omnia præsumuntur.* In favor of life, liberty, and innocence, all things are to be presumed. Lofft, 125.

*In fictione juris semper æquitas existit.* A legal fiction is always consistent with equity. 11 Coke, 51; Broom, Max. 3d Lond. ed. 120, 123; 17 Johns. N. Y. 348; 3 Sharswood, Blackst. Comm. 47-283.

*In generalibus versatur error.* Error dwells in general expressions. 3 Sumn. C. C. 290.

*In genere quicumque aliquid dicit, sive actor sive reus, necesse est ut probat.* In general, whoever says anything, whether plaintiff or defendant, must prove it. Bust, Ev. 294, § 252.

*In hæredes non solent transire actiones quæ penales ex maleficio sunt.* Penal actions arising from any thing of a criminal nature do not pass to heirs. Coke, 2d Inst. 442.

*In his enim quæ sunt favorabilia animæ, quamvis sunt damnosa rebus, fiat aliquando extensio statuti.* In things that are favorable to the spirit, though injurious to property, an extension of the statute should be sometimes made. 10 Coke, 101.

*In his quæ de jure communi omnibus conceduntur, consuetudo alicujus patriæ vel loci non est alleganda.* In those things which by common right are conceded to all, the custom of a particular country or place is not to be alleged. 11 Coke, 85.

*In judiciis minori ætati succurritur.* In judicial proceedings, infancy is aided or favored. Jenk. Cent. Cas. 46.

*In judicio non creditur nisi juratis.* In law, none is credited unless he is sworn. All the facts must, when established by witnesses, be under oath or affirmation. Croke Car. 64.

*In jure non remota causa, sed proxima, spectatur.* In law, the proximate and not the remote cause is to be looked to. Bacon, Max. Reg. 1; Broom, Max. 3d Lond. ed. 202. See 2 Parsons, Contr. 455.

*In majore summa continetur minor.* In the greater sum is contained the less. 5 Coke, 115.

*In maleficiis voluntas operatur non exitus.* In offences, the intention is regarded, not the event. Dig. 48. 8. 14; Bacon, Max. Reg. 7; Broom, Max. 3d Lond. ed. 292.

*In maleficio ratihabitio mandato comparatur.* In a tort, ratification is equivalent to a command. Dig. 50. 17. 162, 2.

*In maxime potentia minima licentia.* In the greatest power there is the least liberty. Hob. 159.

*In mercibus illicitis non sit commercium.* No commerce should be in illicit goods. 3 Kent, Comm. 262, n.

*In obscura voluntate manumittentis favendum est libertati.* Where the expression of the will of one who seeks to manumit a slave is ambiguous, liberty is to be favored. Dig. 50. 17. 179.

*In obscuris inspici solere concurrit verisimilitudo est, aut quod plerumque fieri solet.* Where there is obscurity, we usually regard what is probable and what is generally done. Dig. 50. 17. 114.

*In obscuris quod minimum est sequimur.* In obscure cases, we follow that which is least so. Dig. 50. 17. 9.

*In odium spoliatoris omnia præsumuntur.* All things are presumed against a wrong-doer. 1 Vern. Ch. 19; 1 P. Will. 731; 1 Chan. Cas. 292.

*In omni actione ubi duæ concurrunt districtiones, videlicet in rem et in personam, illa districtio tenenda est quæ magis timetur et magis ligat.* In every action where two districts concur, as those in rem and in personam, that is to be chosen which is most dreaded, and which binds most firmly. Bracton, 372; Flota, l. 6, c. 14, § 28.

*In omni re nascitur res quæ ipsam rem exterminat.* In every thing, the thing is born which destroys the thing itself. Coke, 2d Inst. 15.

*In omnibus contractibus, sive nominatis sive innominatis, permutatio continetur.* In every contract, whether nominate or innominate, there is implied an exchange, i. e. a consideration.

*In omnibus obligationibus, in quibus dies non ponitur, præsentis die debetur.* In all obligations, when no time is fixed for the payment, the thing is due immediately. Dig. 50. 17. 14.

*In omnibus pœnalibus judiciis, et ætati et imprudentia occurritur.* In all trials for penal offences, allowance is made for youth and lack of discretion. Dig. 50. 17. 108; Broom, Max. 3d Lond. ed. 282.

*In omnibus quidem maximè tamen in jure, æquitas spectanda sit.* In all affairs indeed, but principally in those which concern the administration of justice, equity should be regarded. Dig. 50. 17. 90.

*In pari causa possessor potior haberi debet.* When two parties have equal rights, the advantage is always in favor of the possessor. Dig. 50. 17. 128.

*In pari delicto melior est conditio possidentis.* When the parties are equally in the wrong, the condition of the possessor is better. 11 Wheat. 258; 3 Craneh, 244; Cowp. 341; Broom, Max. 325; 4 Bouvier, Inst. n. 3724.

*In pari delicto potior est conditio defendentis (et possidentis).* Where both parties are equally in fault, the condition of the defendant is preferable. 11 Mass. 376; Broom, Max. 3d Lond. ed. 265; 1 Story, Contr. 4th ed. 591, 592.

*In personam actio est, quæ cum eo agimus qui obligatus est nobis ad faciendum aliquid vel dandum.* The action in personam is that by which we sue him who is under obligation to us to do something or give something. Dig. 44. 7. 25; Bracton, 101 b.

*In pœnalibus causis benignius interpretandum est.* In penal cases, the more favorable interpretation is to be made. Dig. 50. 17. 155. 2; Plowd. 86 b; 2 Hale, Pl. Cr. 365.

*In preparatoris ad judicium favetur actori.* In things preparatory before trial, the plaintiff is favored. Coke, 2d Inst. 57.

*In præsentia majoris potestatis, minor potestas cessat.* In the presence of the superior power, the minor power ceases. Jenk. Cent. Cas. 214; Cas. temp. Hardw. 28; 13 How. 142; 13 Q. B. 740.

*In pretio emptio et venditionis naturaliter licet contractantibus se circumvenire.* In the price of buying and selling, it is naturally allowed to the contracting parties to overreach each other. 1 Story, Contr. 4th ed. 606.

*In propria causâ nemo judex.* No one can be judge in his own cause. 12 Coke, 13.

*In quo quis delinquit, in eo de jure est puniendus.* In whatever thing one offends, in that he is rightfully to be punished. Coke, Litt. 233 b.

*In re communi neminem dominorum jure facere quicquam, invito altero, posse.* One co-proprietor can exercise no authority over the common property against the will of the other. Dig. 10. 3. 28.

*In re dubia benigniore interpretationem sequi, non minus justius est, quam tutius.* In a doubtful case, to follow the milder interpretation is not less the more just than it is the safer course. Dig. 50. 17. 192. 2; 28. 4. 3.

*In re dubiâ magis inficiato quam affirmatio intelligenda.* In a doubtful matter, the negative is to be understood rather than the affirmative. Godb. 37.

*In re lupanari, testes lupanares admittuntur.* In a matter concerning a brothel, prostitutes are admitted as witnesses. 6 Barb. N. Y. 320, 324.

*In re pari, potiorum causam esse prohibentis constat.* Where a thing is owned in common, it is agreed that the cause of him prohibiting (its use) is the stronger. Dig. 10. 3. 28; 3 Kent, Comm. 45; Pothier, *Traité du Con. de Soc.* n. 90; 16 Johns. N. Y. 438, 491.

*In re propria iniquum admodum est alicui licentiam tribuere sententiæ.* It is extremely unjust that any one should be judge in his own cause.

*In rebus manifestis errat qui auctoritates legum allegat; quia perspicua vera non sunt probanda.* He errs who alleges the authorities of law in things manifest; because obvious truths need not be proved. 5 Coke, 67.

*In rem actio est per quam rem nostram quæ ab alio possidetur potius, et semper ad verum eum est qui rem possidet.* The action in rem is that by which we seek our property which is possessed by another, and is always against him who possesses the property. Dig. 44. 7. 25; Bracton, 102.

*In republicâ maximè conservanda sunt jura belli.* In the state, the laws of war are to be greatly preserved. Coke, 2d Inst. 68.

*In restitutionem, non in panam, hæres succedit.* The heir succeeds to the restitution, not the penalty. Coke, 2d Inst. 198.

*In restitutionibus benignissima interpretatio facienda est.* The most favorable construction is to be made in restitutions. Coke, Litt. 112.

*In satisfactionibus non permittitur amplius fieri quam semel factum est.* In payments, more must not be received than has been received once for all. 9 Coke, 63.

*In stipulationibus cùm queritur quid actum sit verba contra stipulatorem interpretanda sunt.* In contracts, when the question is what was agreed upon, the terms are to be interpreted against the party offering them. Dig. 45. 1. 38. 18. Chancellor Kent remarks that the true principle appears to be "to give the contract the sense in which the person making the promise believes the other party to have accepted it, if he in fact did so understand and accept it." 2 Kent, Comm. 7th ed. 721; 2 Day, Conn. 281; 1 Duer, Ins. 159, 160; Broom, Max. 3d Lond. ed. 534; Dig. 45. 1. 38. § 18.

*In stipulationibus id tempus spectatur quo contractimus.* In agreements, reference is had to the time at which they were made. Dig. 50. 17. 144. 1.

*In suo quisque negotio habetior est quam in alieno.* Every one is more dull in his own business than in that of another. Coke, Litt. 377.

*In testamentis plenus testatoris intentioem scrutamur.* In testaments, we should seek diligently the will of the testator. Bat, says *Dudderidge, C. J.*, "this is to be observed with these two limitations: 1st, his intent ought to be agreeable to the rules of the law; 2d, his intent ought to be collected out of the words of the will." 3 Bulstr. 103; Broom, Max. 3d Lond. ed. 494.

*In testamentis plenus voluntates testantium inter-*



*pretantur.* In testaments, the will of the testator should be liberally construed. That is to say, a will shall receive a more liberal construction than its strict meaning, if alone considered, would permit. Dig. 50. 17. 12; Cujac. *ad loc.* cited 3 Pothier, Pand. 46; Broom, Max. 3d Lond. ed. 507.

*In toto et pars continetur.* A part is included in the whole. Dig. 50. 17. 113.

*In traditionibus scriptorum chartarum non quod dictum est, sed quod gestum factum est, inspicitur.* In the delivery of writings (deeds), not what is said but what is done is to be considered. 9 Coke, 137.

*In veram quantitatem fidejussor teneatur, nisi pro certa quantitate accessit.* Let the surety be holden for the true quantity unless he agreed for a certain quantity. 17 Mass. 507.

*In verbis non verba sed res et ratio querenda est.* In words, not the words, but the thing and the meaning is to be inquired after. Jenk. Cent. Cas. 132.

*In vocibus videndum non à quo sed ad quid sumatur.* In discourses, it is to be seen not from what, but to what, it is advanced. Ellesmere, Postn. 62.

*Incendium ere alieno non exiit debitorum.* A fire does not release a debtor from his debt. Code, 4. 2. 11.

*Incerta pro nullius habentur.* Things uncertain are held for nothing. Dav. 33.

*Incerta quantitas vitiat actum.* An uncertain quantity vitiates the act. 1 Rolle, 465.

*Incivile est, nisi tota lege prospecta, una aliqua particula ejus proposita, judicare, vel respondere.* It is improper, unless the whole law has been examined, to give judgment or advice upon a view of a single clause of it. Dig. 1. 8. 24. See Hob. 171 a.

*Incivile est nisi tota sententia inspecta, de aliqua parte judicare.* It is improper to pass an opinion on any part of a sentence without examining the whole. Hob. 171.

*Inclusio unius est exclusio alterius.* The inclusion of one is the exclusion of another. 11 Coke, 58.

*Incolas domicilium facit.* Residence creates domicile. Arnold, United Ins. Co., 1 Johns. Cas. N. Y. 363, 366. See DOMICILE.

*Incommodum non solvit argumentum.* An inconvenience does not solve an argument.

*Incorporata bello non adquiruntur.* Things incorporeal are not acquired by war. 6 Maule & S. 104.

*Inde date leges ne fortior omnia possent.* Laws were made lest the stronger should have unlimited power. Dav. 36.

*Indefinitum æquipollet universali.* The undefined is equivalent to the whole. 1 Vent. 368.

*Indefinitum supplet locum universalis.* The undefined supplies the place of the whole. 4 Coke, 77.

*Independenter se habet asecuratio a viaggio navis.* The voyage insured is an independent or distinct thing from the voyage of the ship. 3 Kent, Comm. 318, n.

*Index animi sermo.* Speech is the index of the mind.

*Inesse potest donationi, modus, conditio sive causa: ut modus est; si conditio; quia causa.* In a gift there may be manner, condition, and cause: as (*ut*), introduces a manner; if (*si*), a condition; because (*quia*), a cause. Dy. 138.

*Infans non multum a furioso distat.* An infant does not differ much from a lunatic. Bracton, l. 3. c. 2, § 8; Dig. 50. 17. 5. 40; 1 Story, Eq. Jur. §§ 223, 224, 242.

*Infinitum in jure reprobatum.* That which is infinite or endless is reprehensible in law. 9 Coke, 45.

*Iniquissima pax est anteposenda justissimo bello.* The most unjust peace is to be preferred to the justest war. 18 Wend. N. Y. 257, 305.

*Iniquum est alios permittere, alios inhibere mercaturam.* It is inequitable to permit some to trade and to prohibit others. Coke, 3d Inst. 181.

*Iniquum est aliquem rei sui esse judicem.* It is unjust for any one to be judge in his own cause. 12 Coke, 13.

*Iniquum est ingenuis hominibus non esse liberam rerum earum alienationem.* It is against equity for freemen not to have the free disposal of their own property. Coke, Litt. 223. See 1 Bouvier, Inst. nn. 455, 460.

*Injuria fit ei cui convicium dictum est, vel de eo factum carmen famosum.* An injury is done to him of whom a reproachful thing is said, or concerning whom an infamous song is made. 9 Coke, 60.

*Injuria non excusat injuriam.* A wrong does not excuse a wrong. Broom, Max. 3d Lond. ed. 247, 343, 349; 11 Exch. 822; 15 Q. B. 276; 6 Ell. & B. 76; Branch, Princ.

*Injuria non præsumitur.* A wrong is not presumed. Coke, Litt. 232.

*Injuria propria non cadet in beneficium facientis.* No one shall profit by his own wrong.

*Injustum est, nisi tota lege inspecta, de vna aliqua ejus particula proposita judicare vel respondere.* It is unjust to give judgment or advice concerning any particular clause of a law without having examined the whole law. 8 Coke, 117 b.

*Insanus est qui, abjecta ratione, omnia cum impetu et furore facit.* He is insane who, reason being thrown away, does every thing with violence and rage. 4 Coke, 128.

*Instant est finis unius temporis et principium alterius.* An instant is the end of one time and the beginning of another. Coke, Litt. 185.

*Intentio cæca mala.* A hidden intention is bad. 2 Bulstr. 179.

*Intentio inservire debet legibus, non leges intentioni.* Intentions ought to be subservient to the laws, not the laws to intentions. Coke, Litt. 314.

*Intentio mea imponit nomen operi meo.* My intent gives a name to my act. Hob. 123.

*Inter alias causas acquisitiones magna, celebris, et famosa est causa donativis.* Among other methods of acquiring property, a great, much-used, and celebrated method is that of gift. Bracton, 11.

*Inter alios res gestas aliis non posse præjudicium facere sæpe constitutum est.* It has been often settled that things which took place between other parties cannot prejudice. Code, 7. 60. 1. 2.

*Interdum erunt ut exceptio que prima facie justa videtur, tamen iniquè noceat.* It sometimes happens that a plea which seems *prima facie* just, nevertheless is injurious and unequal. Inst. 4. 14; 4. 14. 1. 2.

*Interest reipublicæ ne maleficia remaneant impunita.* It concerns the commonwealth that crimes do not remain unpunished. Jenk. Cent. Cas. 30, 31.

*Interest reipublicæ ne sua quis male utatur.* It concerns the republic that no one misuse his property. 6 Coke, 35.

*Interest reipublicæ quod homines conserventur.* It concerns the commonwealth that we be preserved. 12 Coke, 62.

*Interest reipublicæ res judicatas non rescindi.* It concerns the commonwealth that things adjudged be not rescinded. See RES JUDICATA.

*Interest reipublicæ suprema hominum testamenta rata haberi.* It concerns the commonwealth that men's last wills be sustained. Coke, Litt. 236.

*Interest reipublicæ ut carceres sint in tuto.* It concerns the commonwealth that prisons be secure. Coke, 2d Inst. 589.

*Interest reipublicæ ut pax in regno conservetur, et quæcumque paci adversentur providè declinentur.* It benefits the state to preserve peace in the kingdom, and to prudently decline whatever is adverse to it. Coke, 2d Inst. 168.

*Inter res publicas ut qualibet re eud bene utatur.* It concerns the commonwealth that every one use his property properly. 6 Coke, 37.

*Inter res publicas ut sit finis litium.* It concerns the commonwealth that there be a limit to litigation. Coke, Litt. 303.

*Interpretare et concordare leges legibus est optimus interpretandi modus.* To interpret and reconcile laws so that they harmonize is the best mode of construction. 8 Coke, 169.

*Interpretatio fenda est ut res magis valeat quam pereat.* Such a construction is to be made that the subject may have an effect rather than none. Jenk. Cent. Cas. 198.

*Interpretatio talis ambigua semper fenda est, ut evitet inconveniens et absurdum.* In ambiguous things, such a construction should be made, that what is inconvenient and absurd may be avoided. Coke, 4th Inst. 328.

*Interruptio multiplex non tollit prescriptionem amel obtentam.* Repeated interruptions do not defeat a prescription once obtained. Coke, 2d Inst. 654.

*Intestatus decedit, qui aut omnino testamentum non fecit aut non juri fecit, aut id quod fecerat ruptum irritumque factum est, aut nemo ex eo heres existit.* He dies intestate who either has made no will at all or has not made it legally, or whose will which he had made has been annulled or become ineffectual, or from whom there is no living heir. Inst. 3. l. pr.; Dig. 38. 16. 1; 50. 16. 64.

*Inutilis labor, et sine fructu, non est effectus legis.* Useless labor and without fruit is not the effect of law. Coke, Litt. 127; Wingate, Max. 38.

*Inveniens libellum famosum et non corruptum punitur.* He who finds a libel and does not destroy it, is punished. F. Moore, 813.

*In cito beneficium non datur.* No one is obliged to accept a benefit against his consent. Dig. 50. 17. 69; Broom, Max. 3d Lond. ed. 625. But if he does not dissent, he will be considered as assenting. See Assent.

*Ipsa leges cupiunt ut jure regantur.* The laws themselves desire that they should be governed by right. Coke, Litt. 174 b, quoted from Cato.

*Ira furor brevis est.* Anger is a short insanity. 4 Wend. N. Y. 336, 355.

*Ita lex scripta est.* The law is so written. 26 Barb. N. Y. 374, 380.

*Ita semper fiat relatio ut valent dispositio.* Let the relation be so made that the disposition may stand. 6 Coke, 76.

*Iter est jus eundi, ambulandi hominis; non etiam jumentum agendi vel vehiculum.* Iter is the right of going or walking, and does not include the right of driving a beast of burden or a carriage. Coke, Litt. 56 a; Inst. 2. 3. pr.; 1 Mack. Civ. Law, 348, § 314.

*Judex equitatem semper spectare debet.* A judge ought always to regard equity. Jenk. Cent. Cas. 45.

*Judex ante oculos equitatem semper habere debet.* A judge ought always to have equity before his eyes. Jenk. Cent. Cas. 58.

*Judex bonus nihil ex arbitrio suo faciat, nec pronuntiationes domesticas voluntatis, sed juxta leyes et jura pronuntiet.* A good judge should do nothing from his own arbitrary will, or from the dictates of his private wishes; but he should pronounce according to law and justice. 7 Coke, 27 a.

*Judex damnatur cum nocens absolvitur.* The judge is condemned when the guilty are acquitted.

*Judex debet judicare secundum allegata et probata.* The judge ought to decide according to the allegations and the proofs.

*Judex est lex loquens.* The judge is the speaking law. 7 Coke, 4 a.

*Judex habere debet duos oculos, unum sapientie, ne sit insipidus, et calem conscientie, ne sit diabolus.* A

judge should have two salts: the salt of wisdom, lest he be insipid; and the salt of conscience, lest he be devilish. Coke, 3d Inst. 147.

*Judex non potest esse testis in propria causa.* A judge cannot be a witness in his own cause. Coke, 4th Inst. 279.

*Judex non potest injuriam sibi datam punire.* A judge cannot punish a wrong done to himself. 12 Coke, 114.

*Judex non reddit plus quam quod petens ipse requirit.* The judge does not give more than the plaintiff demands. 2 Inst. 286, case 84.

*Judicandum est legibus non exemplis.* We are to judge by the laws, not by examples. 4 Coke, 38 b; 4 Sharwood, Blackst. Comm. 405; 19 Johns. N. Y. 513.

*Judices non tenentur exprimere causas sententiarum.* Judges are not bound to explain the reason of their sentence. Jenk. Cent. Cas. 75.

*Judici officium suum excedenti non paretur.* To a judge who exceeds his office or jurisdiction no obedience is due. Jenk. Cent. Cas. 139.

*Judici satis poena est quod Deum habet ultorem.* It is punishment enough for a judge that he is responsible to God. 1 Leon. 295.

*Judicia in curia regis non adnihilentur, sed stent in robore suo quousque per errorem aut attentum adnihilentur.* Judgments in the king's courts are not to be annihilated, but to remain in force until annulled by error or attain. Coke, 2d Inst. 539.

*Judicia in deliberationibus crebro maturescunt, in accelerato processu nunquam.* Judgments frequently become matured by deliberation, never by hurried process. Coke, 3d Inst. 210.

*Judicia posteriora sunt in lege fortiora.* The latter decisions are stronger in law. 8 Coke, 97.

*Judicia sunt tanquam juris dicta, et pro veritate accipiuntur.* Judgments are, as it were, the dicta or sayings of the law, and are received as truth. Coke, 2d Inst. 537.

*Judicis posterioribus fides est adhibenda.* Faith or credit is to be given to the later decisions. 18 Coke, 14.

*Judicia est in pronuntiando sequi regulam, exceptione non probata.* The judge in his decision ought to follow the rule, when the exception is not proved.

*Judicia est judicare secundum allegata et probata.* A judge ought to decide according to the allegations and proofs. Dyer, 12 a; Halkers, Max. 73.

*Judicis est jus dicere non dare.* It is the duty of a judge to declare the law, not to enact it. Loft, 42.

*Judicis officium est opus diei in die suo perficere.* It is the duty of a judge to finish the work of each day within that day. Dy. 12.

*Judicis officium est ut res ita tempora rerum quærere, quantum tempore tunc eris.* It is the duty of a judge to inquire the times of things, as well as into things; by inquiring into the time you will be safe. Coke, Litt. 171.

*Judicium a non suo iudice datum nullius est momenti.* A judgment given by an improper judge is of no moment. 10 Coke. 76 b; 2 Q. B. 1014; 13 id. 143; 14 Mees. & W. Exch. 124; 11 Clark & F. Hou. L. 610.

*Judicium est quasi juris dictum.* Judgment is as it were a saying of the law. Coke, Litt. 168.

*Judicium non debet esse illusorium, suum effectum habere debet.* A judgment ought not to be illusory, it ought to have its proper effect. Coke, 2d Inst. 341.

*Judicium redditur in invitum, in presumptionibus legis.* In presumption of law, a judgment is given against inclination. Coke, Litt. 248 b, 314 b.

*Judicium semper pro veritate accipitur.* A judgment is always taken for truth. Coke, 2d Inst. 380; 17 Mass. 237.

*Juncta jvant.* Things joined have effect. 11 East, 220.

*Jura ecclesiastica limitata sunt infra limites separatos.* Ecclesiastical laws are limited within separate bounds. 3 Bulstr. 53.

*Jura eodem modo destituntur quo constituuntur.* Laws are abrogated or repealed by the same means by which they are made. Broom, Max. 3d Lond. ed. 785.

*Jura naturæ sunt immutabilia.* The laws of nature are unchangeable. Branch, Princ.; Oliver, Forms, 56.

*Jura publica anteferenda privatæ.* Public rights are to be preferred to private. Coke, Litt. 130.

*Jura publica ex privato promiscuè decidi non debent.* Public rights ought not to be decided promiscuously with private. Coke, Litt. 181 b.

*Jura regis specialia non conceduntur per generalia verba.* The special rights of the king are not granted by general words. Jenk. Cent. Cas. 103.

*Jura sanguinis nullo jure civili dirimi possunt.* The right of blood and kindred cannot be destroyed by any civil law. Dig. 50. 17. 9; Bacon, Max. Reg. 11; Broom, Max. 3d Lond. ed. 474.

*Juramentum est indivisibile, et non est admittendum in parte verum et in parte falsam.* An oath is indivisible; it is not to be held partly true and partly false. Coke, 4th Inst. 274.

*Jurare est Deum in testum vocare, et est actus divini cultus.* To swear is to call God to witness, and is an act of religion. Coke, 3d Inst. 165. See 3 Bouvier, Inst. 3180, note; 1 Bentham, Ev. 376, 371, note.

*Jurato creditur in judicio.* He who makes oath is to be believed in judgment. Coke, 3d Inst. 79.

*Juratores debent esse vicini, sufficientes et minus suspecti.* Jurors ought to be neighbours, of sufficient estate, and free from suspicion. Jenk. Cent. Cas. 141.

*Juratores sunt judices facti.* Jurors are the judges of the facts. Jenk. Cent. Cas. 63.

*Jura naturæ æquum est, neminem cum alterius detrimento, et injuriâ fieri locupletiozem.* According to the laws of nature, it is just that no one should be enriched with detriment and injury to another, i. e. at another's expense. Dig. 50. 17. 200.

*Juri non est consonum quod aliquis accessorius in curiâ regis convinctur antequam aliquis de facto fuerit atinicus.* It is not consonant to justice that any accessory should be convicted in the king's court before any one has been attainted of the fact. Coke, 2d Inst. 183.

*Juris effectus in executione consistit.* The effect of a law consists in the execution. Coke, Litt. 289 b.

*Jurisdiction est potestas de publico introducta, cum necessitate juris dicendi.* Jurisdiction is a power introduced for the public good, on account of the necessity of dispensing justice. 10 Coke, 73 a.

*Jurisprudentia est dicinarum atque humanarum rerum utilitas; justitiae atque injustitiae scientia.* Jurisprudence is the knowledge of things divine and human; the science of the just and the unjust. Dig. 1. 1. 10. 2; Inst. 1. 1. 1; Bracton, 3; 8 Johns. N. Y. 290, 295.

*Jurisprudentia legis communis Angliæ est scientia socialis et copiosa.* The jurisprudence of the common law of England is a science sociable and copious. 7 Coke, 28 a.

*Jus accrescendi inter mercatores locum non habet, pro beneficio commercii.* The right of survivorship does not exist among merchants, for the benefit of commerce. Coke, Litt. 182; 1 Bouvier, Inst. n. 682.

*Jus accrescendi præfertur oneribus.* The right of survivorship is preferred to incumbrances. Coke, Litt. 185.

*Jus accrescendi præfertur ultimæ voluntati.* The right of survivorship is preferred to a last will. Coke, Litt. 185 b.

*Jus civile est quod sibi populus constituit.* The

civil law is what a people establishes for itself. 1 Johns. N. Y. 424, 426.

*Jus descendit, et non terra.* A right descends, not the land. Coke, Litt. 345.

*Jus dicere, et non jus dare.* To declare the law, not to make it. 7 Term, 696; Arg. 10 Johns. N. Y. 566; 7 Exch. 543; 2 Ed. Ch. 29; 4 C. B. 560, 561; Broom, Max. 3d Lond. ed. 140.

*Jus dicere, non jus dare.* To declare the law, not to make it. 10 Johns. N. Y. 563, 566.

*Jus est ars boni et æqui.* Law is the science of what is good and just. Dig. 1. 1. 1. 1.

*Jus est norma recti; et quicquid est contra normam recti est injuria.* The law is the rule of right; and whatever is contrary to the rule of right is an injury. 3 Bulstr. 313.

*Jus et fraus nunquam cohabitant.* Right and fraud never live together.

*Jus ex injuria non oritur.* A right cannot arise from a wrong. 4 Bingh. 639.

*Jus in re inhærit omnibus usufructuarii.* A right in the thing cleaves to the person of the usufructuary.

*Jus naturale est quod apud homines eandem habet potentiam.* Natural right is that which has the same force among all men. 7 Coke, 12.

*Jus nec infecti gratiâ, nec frangi potentia, nec adulterari pecuniâ potest; quod si non modo inopressum, sed desertum aut negligentiâ asseratum fuerit, nihil est quod quisquam se habere certum, aut à patre accepturum, aut libere esse relicturum, arbitretur.* Favor ought not to be able to bend justice, power to break it, nor money to corrupt it; for not only if it be overborne, but if it be abandoned or negligently observed, no one can think that he holds any thing securely, or that he will inherit any thing from his father, or be able to leave any thing to his children. Cic.

*Jus non habenti, tunc non paratur.* It is safe not to obey him who has no right. Hob. 146.

*Jus publicum priatorum pactis mutari non potest.* A public right cannot be changed by agreement of private parties.

*Jus quo unicivitates utuntur, est idem quod habent privati.* The law which governs corporations is the same which governs individuals. 16 Mass. 44.

*Jus respicit æquitatem.* Law regards equity. Coke, Litt. 24 b; Broom, Max. 3d Lond. ed. 143; 17 Q. B. 292.

*Jus superveniens auctori accessit successori.* A right growing to a possessor accrues to a successor. Halkers, Max. 76.

*Jus vendit quod usus approbat.* The law dispenses what use has approved. Ellesmere, Postm. 35.

*Jurjurandi forma verbis differt, re convenit; hæc enim sensum habere debet, ut Deus invocetur.* The form of taking an oath differs in language, agrees in meaning; for it ought to have this sense, that the Deity is invoked. Grotius, b. 2, c. 13, s. 10.

*Jurjurandum inter alios factum nec nocere nec prodere debet.* An oath made in another cause ought neither to hurt nor profit. Coke, 4th Inst. 279.

*Justitia est virtus excellens et Altissimo complacens.* Justice is an excellent virtue and pleasing to the Most High. Coke, 4th Inst. 58.

*Justitia debet esse LIBERA, quia nihil iniquius venali justitiâ; PLENA, quia justitia non debet claudicare; et CLEMENS, quia dilatio est quedam negatio.* Justice ought to be unbought, because nothing is more hateful than venal justice; full, for justice ought not to halt; and quick, for delay is a kind of denial. Coke, 2d Inst. 56.

*Justitia est constantis et perpetuæ voluntatis jus suum cuique tribuendi.* Inst. 11. pr.; Dig. 1. 1. 10.

*Justitiâ firmatur solium.* By justice the throne is established. Coke, 3d Inst. 140.

*Justitia nemini neganda est.* Justice is to be denied to none. Jenk. Cent. Cas. 178.

*Justitia non est neganda, non differenda.* Justice is not to be denied nor delayed. Jenk. Cent. Cas. 76.

*Justitia non novit patrem nec matrem, solum veritatem spectat justitia.* Justice knows neither father nor mother, justice looks to truth alone. 1 Bulstr. 199.

*Justum non est aliquem antenatum mortuum facere bastardum, qui pro totâ citâ suâ pro legitimo habetur.* It is not just to make a bastard after his death one elder born who all his life has been accounted legitimate. 8 Coke, 101.

*L'obligation sans cause, ou sur une fausse cause, ou sur cause illicite, ne peut avoir aucun effet.* An obligation without consideration, or upon a false consideration (which fails), or upon unlawful consideration, cannot have any effect. Cod. 3. 3. 4; Chitty, Contr. 10th Am. ed. 25, nota.

*L'ou le ley done chose, la ceo done remedie a venger a ceo.* Where the law gives a right, it gives a remedy to recover. 2 Bolle, 17.

*La conscience est la plus changeante des règles.* Conscience is the most changeable of rules.

*La ley favour' la vie d'un home.* The law favors a man's life. Year B. Hen. VI. 51.

*La ley favour' l'inheritance d'un home.* The law favors a man's inheritance. Year B. Hen. VI. 51.

*La ley voit plus tost suffer un mischance que un inconscience.* The law would rather suffer a mischief than an inconscience. Litt'eton, § 231.

*Lati culpa dolo equiparatur.* Gross negligence is equal to fraud.

*Law constructeth every act to be lawful when it standeth indifferent whether it be lawful or not.* Wingate, Max. 194; Finch, Law; Coke, b. 1, c. 3, n. 76.

*Law constructeth things according to common possibility or intentment.* Wingate, Max. 189.

*Law constructeth things to the best.* Wingate, Max. 193.

*Law constructeth things with equity and moderation.* Wingate, Max. 183; Finch, Law; Coke, b. 1, c. 3, n. 74.

*Law disfavoureth impossibilities.* Wingate, Max. 165.

*Law disfavoureth improbabilities.* Wingate, Max. 161.

*Law favoureth charity.* Wingate, Max. 135.

*Law favoureth common right.* Wingate, Max. 144.

*Law favoureth diligence, and therefore hateth fully and negligence.* Wingate, Max. 172; Finch, Law, b. 1, c. 3, n. 70.

*Law favoureth honor and order.* Wingate, Max. 199.

*Law favoureth justice and right.* Wingate, Max. 141.

*Law favoureth life, liberty, and dower.* 4 Bacon, Works, 345.

*Law favoureth mutual recompense.* Wingate, Max. 100; Finch, Law, b. 1, c. 3, n. 42.

*Law favoureth possession where the right is equal.* Wingate, Max. 98; Finch, Law, b. 1, c. 3, n. 36.

*Law favoureth public commerces.* Wingate, Max. 198.

*Law favoureth public quiet.* Wingate, Max. 200; Finch, Law, b. 1, c. 3, n. 54.

*Law favoureth speeding of men's causes.* Wingate, Max. 175.

*Law favoureth things for the commonwealth.* Wingate, Max. 197; Finch, Law, b. 1, c. 3, n. 53.

*Law favoureth truth, faith, and certainty.* Wingate, Max. 154.

*Law hateth delays.* Wingate, Max. 176; Finch, Law, b. 1, c. 3, n. 71.

*Law hateth new inventions and innovations.* Wingate, Max. 204.

*Law hateth wrong.* Wingate, Max. 146; Finch, Law, b. 1, c. 3, n. 62.

*Law of itself prejudiceth no man.* Wingate, Max. 148; Finch, Law, b. 1, c. 3, n. 63.

*Law respecteth matter of substance more than matter of circumstance.* Wingate, Max. 101; Finch, Law, b. 1, c. 3, n. 39.

*Law respecteth possibility of things.* Wingate, Max. 104; Finch, Law, b. 1, c. 3, n. 40.

*Law respecteth the bonds of nature.* Wingate, Max. 78; Finch, Law, b. 1, c. 3, n. 29.

*Lawful things are well mixed, unless a form of law oppose.* Bacon, Max. Reg. 23. "The law giveth that favour to lawful acts, that although they be executed by several authorities, yet the whole act is good." *Id. ibid.*

*Le contrat fait la loi.* The contract makes the law.

*Le ley de Dieu et le ley de terre sont tout un, et l'un et l'autre preferre et favour le common et publique bien del terre.* The law of God and the law of the land are all one; and both preserve and favor the common and public good of the land. Keilw. 191.

*Le ley est le plus haut enheritance que le roy ad, car par le ley, il meeme et toute ses sujets sont rules, et si le ley ne suit, nul roy ne nul enheritance serra.* The law is the highest inheritance that the king possesses; for by the law both he and all his subjects are ruled; and if there were no law, there would be neither king nor inheritance.

*Le salut du peuple est la suprême loi.* Montes. Esprit des Loix, l. xxvii. ch. 23; Broom, Max. 3d Lond. ed. 1.

*Legatos violare contra jus gentium est.* It is contrary to the law of nations to do violence to ambassadors. Branch, Princ.

*Legatum morte testatoris tantum confirmatur, sicut donatio inter vivos traditione sold.* A legacy is confirmed by the death of the testator, in the same manner as a gift from a living person is by delivery alone. Dy. 143.

*Legatus, regis vice fungitur a quo destinatur, et honorandus est sicut ille cujus vicem gerit.* An ambassador fills the place of the king by whom he is sent, and is to be honored as he is whose place he fills. 12 Coke, 17.

*Legem enim contractus dat.* The contract makes the law. 22 Wend. N. Y. 215, 233.

*Legem terræ amittentes perpetuam infamiz notam inde meritò incurrunnt.* Those who do not preserve the law of the land, thence justly incur the inextinguishable brand of infamy. Coke, 3d Inst. 221.

*Leges Angliæ sunt tripartitæ: jus commune, consuetudines, ac decreta comitorum.* The laws of England are threefold: common law, customs, and decrees of parliament.

*Leges figendi et refigendi consuetudo est periculossissima.* The custom of making and unmaking laws is a most dangerous one. 4 Coke, pref.

*Leges humanæ nascuntur, vivunt, et moriuntur.* Human laws are born, live, and die. 7 Coke, 25; 2 Atk. 674; 11 C. B. 767; 1 Blackst. Comm. 89.

*Leges naturæ perfectissimæ sunt et immutabiles; humani vero juris conditio semper in infinitum decurrit, et nihil est in eo quod perpetuo stare possit.*

*Leges humanæ nascuntur, vivunt, moriuntur.* The laws of nature are most perfect and immutable; but the condition of human law is an unending succession, and there is nothing in it which can continue perpetually. Human laws are born, live, and die. 7 Coke, 25.

*Leges non verbis sed rebus sunt impostæ.* Laws are imposed on things, not words. 10 Coke, 101.

*Leges posteriores priores contrarias abrogant.* Subsequent laws repeal prior conflicting ones. 2 Rolfe, 410; 11 Coke, 626, 630.

*Leges enim ligent latorem.* Laws should bind the proposers of them. Fleta, b. 1, c. 17, § 11.

*Leges vigilantibus, non dormientibus subveniunt.* The laws aid the vigilant, not the negligent. Fanning; Dunham; 5 Johns. Ch. 122, 145; Toole; Cook; 16 How. Fr. 142, 144.

*Legibus sumptis desinentibus, lege naturæ utendum est.* When laws imposed by the state fail, we must act by the law of nature. 2 Rolle, 298.

*Legis constructio non facit injuriam.* The construction of law does no wrong. Coke, Litt. 183.

*Legis fugendi et refugendi consuetudo periculosissima est.* The custom of fixing and refixing (making and annulling) laws is most dangerous.

*Legis interpretatio legis vim obtinet.* The construction of law obtains the force of law. Branch, Prino.

*Legis minister non tenetur, in executione officii sui, fugere aut retruere.* The minister of the law is not bound, in the execution of his office, either to fly or retreat. 6 Coke, 68.

*Legislatorum est circa vox, rebus et non verbis, legem imponere.* The voice of legislators is a living voice, to impose laws on things and not on words. 10 Coke, 101.

*Legitimo imperanti parere necesse est.* One who commands lawfully must be obeyed. Jenk. Cent. Cas. 120.

*Les fictions naissent de la loi, et non la loi des fictions.* Fictions arise from the law, and not law from fictions.

*Les lois ne se chargent de punir que les actions extérieures.* Laws do not undertake to punish other than outward actions. Montes. Es. de Lois, b. 12, c. 11; Broom, Max. 3d Lond. ed. 279.

*Lex equitate gaudet; appetit perfectum; est norma recti.* The law delights in equity; it covets perfection; it is a rule of right. Jenk. Cent. Cas. 86.

*Lex aliquando sequitur equitatem.* The law sometimes follows equity. 3 Wils. 119.

*Lex Angliæ est lex misericordiæ.* The law of England is a law of mercy. Coke, 2d Inst. 315.

*Lex Angliæ non patitur absurdum.* The law of England does not suffer an absurdity. 9 Coke, 22.

*Lex Angliæ nunquam matris sed semper patriæ conditionem imitari partum judicat.* The law of England rules that the offspring shall always follow the condition of the father, never that of the mother. Coke, Litt. 123.

*Lex Angliæ nunquam sine parlamento mutari potest.* The law of England cannot be changed but by parliament. Coke, 2d Inst. 218, 619.

*Lex beneficalis rei consimili remedium præstat.* A beneficial law affords a remedy in a similar case. Coke, 2d Inst. 689.

*Lex citius tolerare vult privatum damnum quam publicum malum.* The law would rather tolerate a private loss than a public evil. Coke, Litt. 152 b.

*Lex de futuro, judex de præterito.* The law provides for the future, the judge for the past.

*Lex desistere non potest in justitiâ exhibendâ.* The law ought not to fail in dispensing justice. Coke, Litt. 197.

*Lex dilationes semper exhorret.* The law always abhors delay. Coke, 2d Inst. 240.

*Lex est ab æterno.* The law is from everlasting. Branch, Prino.

*Lex est dictamen rationis.* Law is the dictate of reason. Jenk. Cent. Cas. 117.

*Lex est norma recti.* Law is a rule of right.

*Lex est ratio summa, quæ jubet quæ sunt utilis et necessaria, et contraria prohibet.* Law is the perfection of reason, which commands what is useful and necessary, and forbids the contrary. Coke, Litt. 319 b.

*Lex est sanctio sancta, jubens honesta, et prohibens contraria.* Law is a sacred sanction, commanding what is right and prohibiting the contrary. Coke, 2d Inst. 587.

*Lex est tutissima cassis; sub clypeo legis nemo deopitur.* Law is the safest helmet; under the shield of the law no one is deceived. Coke, 2d Inst. 56.

*Lex favet doti.* The law favors dower. 3 & 4 Will. IV. c. 105.

*Lex fingit ubi subsistit æquitas.* Law feigns where equity subsists. 11 Coke, 90; Branch, Prino.

*Lex intendit vicinum vicini facta scire.* The law presumes that one neighbor knows the actions of another. Coke, Litt. 78 b.

*Lex judicat de rebus necessario faciendis quas ipsa facit.* The law judges of things which must necessarily be done as if actually done. Branch, Prino.

*Lex necessitatis est lex temporis, i. e. instantiæ.* The law of necessity is the law of time, that is, time present. Hob. 159.

*Lex neminem cogit ad vana seu inutilia peragenda.* The law forces no one to do vain or useless things. Wingate, Max. 600; 3 Sharewood, Blackst. Comm. 144; 2 Bingh. n. c. 121; 13 East, 420; 7 Penn. St. 206, 214; 3 Johns. N. Y. 598.

*Lex neminem cogit ostendere quod nescire præsumitur.* The law forces no one to make known what he is presumed not to know. Loffi, 569.

*Lex nemini facit injuriam.* The law does wrong to no one. Branch, Prino.

*Lex nemini operatur injuriam, nemini facit injuriam.* The law never works an injury, or does him a wrong. Jenk. Cent. Cas. 22.

*Lex nil facit frustra, nil jubet frustra.* The law does nothing and commands nothing in vain. 3 Bulstr. 279; Jenk. Cent. Cas. 17.

*Lex non cogit ad impossibilia.* The law requires nothing impossible. Coke, Litt. 231 b; Hob. 96; 1 Bouvier, Inst. n. 851.

*Lex non curat de minimis.* The law does not regard small matters. Hob. 88.

*Lex non deficit in justitia exhibenda.* The law does not fail in showing justice. Jenk. Cent. Cas. 31.

*Lex non facit votis delictorum.* The law favors not the wishes of the dainty. 9 Coke, 58 a.

*Lex non intendit aliquid impossibile.* The law intends not any thing impossible. 12 Coke, 89 a.

*Lex non patitur fractiones et divisiones statuum.* The law suffers no fractions and divisions of estates. 1 Coke, 87; Branch, Prino.

*Lex non præcipit inutilia, quia inutilis labor stultus.* The law commands not useless things, because useless labor is foolish. Coke, Litt. 197; 5 Coke, 89 a.

*Lex non requirit verificare quod apparet curiæ.* The law does not require that to be proved which is apparent to the court. 9 Coke, 54.

*Lex plus laudatur quando rationes probatur.* The law is the more praised when it is consonant to reason. 3 Term, 146; 7 id. 252; 7 Adolph. & K. 667; Broom, Max. 3d Lond. ed. 161.

*Lex posterior derogat priori.* A prior statute shall give place to a later. Mackeldoy, Civ. Law, 5; Broom, Max. 2d Lond. ed. 27.

*Lex prospicit, non respicit.* The law looks forward, not backward. Jenk. Cent. Cas. 284. See RETROSPECTIVE.

*Lex punit mendacium.* The law punishes falsehood. Jenk. Cent. Cas. 15.

*Lex rejicit superflua, pugnantia, incongrua.* The law rejects superfluous, contradictory, and incongruous things. Jenk. Cent. Cas. 133, 140, 176.

*Lex reprobatur morum.* The law disapproves of delay.

*Lex respicit æquitatem.* Law regards equity. See 14 Q. B. 504, 511, 512.

*Lex semper dabit remedium.* The law will always give a remedy. 3 Bouvier, Inst. n. 2411; Bacon, Abr. Actions in General (B); Branch, Prino; Broom, Max. 3d Lond. ed. 181; 12 Adolph. & K. 266; 7 Q. B. 451.

*Lex semper intendit quod convenit rationi.* The law always intends what is agreeable to reason. Coke, Litt. 78.

*Lex spectat naturæ ordinem.* The law regards the order of nature. Coke, Litt. 197; Broom, Max. 3d Lond. ed. 231.

*Lex succurrit ignorant.* The laws succor the ignorant. Jenk. Cent. Cas. 15.

*Lex succurrit minoribus.* The law assists minors. Jenk. Cent. Cas. 57.

*Lex uno ore omnes alloquitur.* The law speaks to all with one mouth. Coke, 2d Inst. 184.

*Lex vigilantibus non dormientibus subvenit.* Law assists the wakeful, not the sleeping. 1 Story, Contr. 4th ed. 502.

*Liberata pecunia non liberat offerentem.* Money being restored does not set free the party offering. Coke, Litt. 207.

*Libertas est naturalis facultas ejus quod cuique facere libet, nisi quod de jure aut vi prohibetur.* Liberty is the natural power of doing whatever one pleases, except that which is restrained by law or force. Coke, Litt. 116.

*Libertas inestimabilis res est.* Liberty is an inestimable good. Dig. 50. 17. 106; Fleta, lib. 2, c. 51, § 13.

*Libertas non recipit estimationem.* Freedom does not admit of valuation. Braeton, 14.

*Libertas omnibus rebus favorabilior est.* Liberty is more favored than all things. Dig. 50. 17. 122.

*Libertum corpus estimationem non recipit.* The body of a freeman does not admit of valuation. Dig. 9. 3. 7.

*Libertum est cuique apud se explorare an expediat sibi consilium.* Every one is free to ascertain for himself whether a recommendation is advantageous to his interests. 6 Johns. N. Y. 181, 184.

*Librorum appellatione continentur omnia volumina, sive in charta, sive in membranis sint, sive in quavis alia materia.* Under the name of books are contained all volumes, whether upon paper, or parchment, or any other material. Dig. 32. 52. pr. et per tot.

*Licet dispositio de interesse futuro sit inutilis tamen potest fieri declaratio precedens quam sortiatur effectus intercurrente novo actu.* Although the grant of a future interest be inoperative, yet a declaration precedent may be made which may take effect, provided a new act intervene. Bacon, Max. Reg. 14; Broom, Max. 3d Lond. ed. 600.

*Licita bene miscentur, formula nisi juris obstat.* Lawful acts may well be fused into one, unless some form of law forbid: e. g. two having a right to convey, each a moiety, may unite and convey the whole. Bacon, Max. 94; Crabb, Real Prop. 179.

*Ligeantia est quasi legis essentia; est vinculum fidei.* Allegiance is, as it were, the essence of the law; it is the bond of faith. Coke, Litt. 129.

*Ligeantia naturalis, nullis clavisis coercetur, nullis metis refrænatur, nullis finibus premitur.* Natural allegiance is restrained by no barriers, untroubled by no bounds, compressed by no limits. 7 Coke, 10.

*Ligna et lapides sub armorum appellatione non continentur.* Sticks and stones are not contained under the name of arms. Braeton, 144 b.

*Linea recta est inlata aut obliqui; lex est linea recta.* A right line is an index of itself and of an oblique; law is a line of right. Coke, Litt. 158.

*Linea recta semper præfertur transversali.* The right line is always preferred to the collateral. Coke, Litt. 10; Fleta, lib. 6, c. 1; 1 Stephen, Comm. 4th ed. 406.

*Litteræ patentes regis non erunt vacuæ.* Letters-patent of the king shall not be void. 1 Bulstr. 6.

*Litus est quousque maximus fluctus a mari pervenit.* The shore is where the highest wave from the sea has reached. Dig. 50. 16. 96; Angell, Tide-Waters, 67.

*Litis nomen actionem significat, sive in rem, sive in personam sit.* The word "litis," i. e. a lawsuit, signifies every action, whether in rem or in personam. Coke, Litt. 292.

*Locus contractus regit actum.* The place of the contract governs the act. 2 Kent, Comm. 458.

*Locus pro solutione redditus aut pecunie occidendum*

*conditionem dimissionis aut obligationis est strictè observandus.* The place for the payment of rent or money is to be strictly observed according to the condition of the lease or obligation. 4 Coke, 73.

*Longa patientia trahitur ad consensum.* Long sufferance is construed as consent. Fleta, lib. 4, c. 26, § 4.

*Longa possessio est pacis jus.* Long possession is the law of peace. Coke, Litt. 6.

*Longa possessio parit jus possidendi, et tollit actionem vero domino.* Long possession produces the right of possession, and takes away from the true owner his action. Coke, Litt. 110.

*Longum tempus, et longus usus qui excedit memoria hominum, sufficit pro jure.* Long time, and long use beyond the memory of man, suffices for right. Coke, Litt. 115.

*Loquendum ut vulgus, sentiendum ut docti.* We should speak as the common people, we should think as the learned. 7 Coke, 11.

*Lubricum linguæ non facile trahendum est in penam.* The slipperiness of the tongue i. e. its liability to err—ought not lightly to be subjected to punishment. Croke Car. 117.

*Lucrum facere ex pupilli tutela tutor non debet.* A guardian ought not to make money out of the guardianship of his ward. 1 Johns. Ch. N. Y. 527, 535.

*Lunaticus, qui gaudet in lucidis intervallis.* He is a lunatic who enjoys lucid intervals. 1 Story, Contr. 4th ed. 70.

*Magis dignum trahit ad se minus dignum.* The more worthy draws to itself the less worthy. Year B. 20 Hen. VI. 2 arg.

*Magister rerum unus; magistra rerum experientia.* Use is the master of things; experience is the mistress of things. Coke, Litt. 69, 229; Wingate, Max. 752.

*Magna Charta et Charta de Foresta are called les deux grand charters.* Magna Charta and the Charter of the Forest are called the two great charters. Coke, 2d Inst. 570.

*Magna culpa dolus est.* Great neglect is equivalent to fraud. Dig. 50. 16. 226; 2 Spear, So. C. 256; 1 Bouvier, Inst. n. 646.

*Magna negligentia culpa est, magna culpa dolus est.* Gross negligence is a fault, gross fault is a fraud. Dig. 50. 16. 226. *Culpa* is an intermediate degree of negligence between *negligentia*, or lack of energetic care, and *dolus*, or fraud, seeming to approach nearly to our "negligence" in meaning.

*Mayhemum est homicidium inchoatum.* Mayhem is inchoate homicide. Coke, 3d Inst. 118.

*Mayhemum est inter crimina majora minimum, et inter minora maximum.* Mayhem is the least of great crimes, and the greatest of small. Coke, Litt. 127.

*Major hæreditas venit unicuique nostrum a jure et legibus quam a parentibus.* A greater inheritance comes to every one of us from right and the laws than from parents. Coke, 2d Inst. 56.

*Major numerus in se continet minorem.* The greater number contains in itself the less. Braeton, 16.

*Majore pondus affectus quam legibus statuta est, non est infamia.* One affected with a greater punishment than is provided by law is not infamous. Coke, 4th Inst. 66.

*Majori continet in se minus.* The greater includes the less. 19 Vinet, Abr. 379.

*Majori summa minor inest.* The lesser is included in the greater sum. 2 Kent, Comm. 618; Story, Ag. § 172.

*Majus dignum trahit ad se minus dignum.* The more worthy or the greater draws to it the less worthy or the lesser. 5 Vinet, Abr. 584, 586; Coke, Litt. 43, 355 b; Coke, 2d Inst. 307; Finch, Law, 22.

*Majus est delictum seipsum occidere quam alium.* It is a greater crime to kill one's self than another.

*Mala grammatica non vitiant chartam; sed in expositione instrumentorum mala grammatica quoad fieri possit vitanda est.* Bad grammar does not vitiate a deed; but in the construction of instruments, bad grammar, as far as it can be done, is to be avoided. 6 Coke, 39; 9 *id.* 48; Viner, Abr. Grammar (A); Lofft, 441; Broom, Max. 3d Lond. ed. 612.

*Maledicta expositio que corrumpit textum.* It is a cursed construction which corrupts the text. 2 Coke, 24; 4 *id.* 38; 11 *id.* 34; Wingate, Max. 26.

*Maleficia non debent remanere impunita, et impunitas continuum affectum tribuit delinquenti.* Evil deeds ought not to remain unpunished, and impunity affords continual incitement to the delinquent. 4 Coke, 45.

*Maleficia proposita distinguuntur.* Evil deeds are distinguished from evil purposes. Jenk. Cent. Cas. 290.

*Malitia est acida, est mali animi affectus.* Malice is sour, it is the quality of a bad mind. 2 Bulstr. 49.

*Malitia supplet etatem.* Malice supplies age. Dy. 104; 1 Blackstone, Comm. 464; 4 *id.* 22, 23, 312; Broom, Max. 3d Lond. ed. 284. See MALICE.

*Malus hominum est obviandum.* The malicious plans of men must be avoided. 4 Coke, 15.

*Malum non habet efficientem, sed deficientem causam.* Evil has not an efficient, but a deficient, cause. Coke, 3d Inst. Præme.

*Malum non præsumitur.* Evil is not presumed. 4 Coke, 72; Branch, Prino.

*Malum quo committitur eo pejus.* The more common the evil, the worse. Branch, Prino.

*Malus unus est abolendus.* An evil custom is to be abolished. Coke, Litt. 141; Broom, Max. 3d Lond. ed. 827; Littleton, § 212; 5 Q. B. 701; 12 *id.* 845; 2 Mylne & K. 449.

*Mandata licita strictam recipiunt interpretationem, sed illicita latam et extensam.* Lawful commands receive a strict interpretation, but unlawful, a wide or broad construction. Bacon, Max. Reg. 16.

*Mandatarius terminos sibi positos transgredi non potest.* A mandatary cannot exceed the bounds of his authority. Jenk. Cent. Cas. 53.

*Mandatum nisi gratuitum nullum est.* Unless a mandate is gratuitous, it is not a mandate. Dig. 17. 1. 1. 4; Inst. 3. 27; 1 Bouvier, Inst. n. 1070.

*Manifesta probatione non indigent.* Manifest things require no proof. 7 Coke, 40 b.

*Maris et feminæ conjunctio est de jure naturæ.* The union of male and female is founded on the law of nature. 7 Coke, 13.

*Matrimonia debent esse libera.* Marriages ought to be free. Halkers, Max. 86; 2 Kent, Comm. 102.

*Matrimonium subsequens tollit peccatum præcedens.* A subsequent marriage cures preceding criminality.

*Mater en ley ne terra misce en bucho del jurore.* Matter of laws shall not be put into the mouth of jurors. Jenk. Cent. Cas. 180.

*Maturiora sunt vota mulierum quam virorum.* The wishes of women are of quicker growth than those of men; i.e. women arrive at maturity earlier than men. 6 Coke, 71 a; Bratton, 86 b.

*Maxime ita dicta quia maxima est ejus dignitas et certissima auctoritas, atque quod maxime omnibus probetur.* A maxim is so called because its dignity is chiefest, and its authority the most certain, and because universally approved by all. Coke, Litt. 11.

*Maxime paci sunt contraria, vis et injuria.* The greatest enemies to peace are force and wrong. Coke, Litt. 161.

*Maximus erroris populus magister.* The people is the greatest master of error. Bacon.

*Melior est causa possidentis.* The cause of the possessor is preferable. Dig. 50. 17. 126. 2.

*Melior est conditio defendentis.* The cause of the defendant is the better. Broom, Max. 3d Lond. ed. 639, 642; Dig. 50. 17. 126. 2; Hob. 199; 1 Mass. 66.

*Melior est conditio possidentis et rei quam actoris.* Better is the condition of the possessor and that of the defendant than that of the plaintiff. Coke, 4th Inst. 180; Vaugh. 58, 60; Hob. 103.

*Melior est conditio possidentis, ubi neuter jus habet.* Better is the condition of the possessor where neither of the two has a right. Jenk. Cent. Cas. 118.

*Melior est justitia verè præveniens quam severè puniens.* That justice which justly prevents a crime is better than that which severely punishes it.

*Meliozem conditionem suam facere potest minor, deterioram nequam.* A minor can improve or make his condition better, but never worse. Coke, Litt. 337 b.

*Melius est in tempore occurrere, quam post causam vulneratum remedium querere.* It is better to restrain or meet a thing in time, than to seek a remedy after a wrong has been inflicted. Coke, 2d Inst. 299.

*Melius est omnia mala pati quam consentire.* It is better to suffer every wrong or ill, than to consent to it. Coke, 3d Inst. 23.

*Melius est recurrere quam malo currere.* It is better to recede than to proceed wrongly. Coke, 4th Inst. 176.

*Mens testatoris in testamento spectanda est.* In wills, the intention of the testator is to be regarded. Jenk. Cent. Cas. 277.

*Mentiri est contra mentem ire.* To lie is to go against the mind. 3 Bulstr. 260.

*Mercis appellatio ad res mobiles tantum pertinet.* The term merchandise belongs to movable things only. Dig. 50. 16. 66.

*Mercis appellatio homines non contineri.* Under the name of merchandise men are not included. Dig. 50. 16. 207.

*Merx est quidquid vendi potest.* Merchandise is whatever can be sold. 3 Metc. Mass. 365. See MERCHANDISE.

*Messis sementem sequitur.* The harvest follows the sowing. Erskine, Inst. 174. 26; Bell, Diet.

*Meum est promittere, non dimittere.* It is mine to promise, not to discharge. 2 Rolfe, 39.

*Minima pæna corporalis est major qualibet pecuniaria.* The smallest bodily punishment is greater than any pecuniary one. Coke, 2d Inst. 220.

*Minimè mutanda sunt quæ certam habuerunt interpretationem.* Things which have had a certain interpretation are to be altered as little as possible. Coke, Litt. 365.

*Minimum est nihilo proximum.* The least is next to nothing. Bacon, Arg. Low's Case of Tenures.

*Minor ante tempus agere non potest in casu proprietatis, nec etiam convenire.* A minor before majority cannot act in a case of property, nor even agree. Coke, 2d Inst. 291.

*Minor jurare non potest.* A minor cannot make oath. Coke, Litt. 172 b. An infant cannot be sworn on a jury. Littleton, 289.

*Minor minorem custodire non debet; alios enim præsumitur male regere qui seipsum regere necit.* A minor ought not to be guardian of a minor, for he is presumed to govern others ill who does not know how to govern himself. Coke, Litt. 88.

*Minor non tenetur respondere durante minori ætati; nisi in causâ dotis, propter facorem.* A minor is not bound to answer during his minority, except as a matter of favor in a cause of dower. 3 Bulstr. 143.

*Minor, qui infra ætatem 12 annorum fuerit, utlagari non potest, nec extra legem poni, quia ante talem ætatem, non est sub lege aliqua, nec in decernâ.* A minor who is under twelve years of age cannot be outlawed, nor placed without the laws, because before such age he is not under any laws, nor in a decernary. Coke, Litt. 128.

*Minor 17 annis, non admittitur fore executorem.* A minor under seventeen years of age is not admitted to be an executor. 6 Coke, 67.

*Miſus ſolvit, qui tardius ſolvit; nam et tempore miſus ſolvitur.* He does not pay who pays too late; for, from the delay, he is judged not to pay. Dig. 50. 16. 12. 1.

*Miſera eſt ſervitus, ubi jus eſt vagum aut incertum.* It is a miſerable ſlavery where the law is vague or uncertain. Coke, 4th Inſt. 246; 9 Johns. N. Y. 427; 11 Pet. 286.

*Mitius imperanti melius paretur.* The more mildly one commands, the better is he obeyed. Coke, 3d Inſt. 24.

*Mobilia non habet ſitum.* Movables have no ſitus. 4 Johns. Ch. N. Y. 472.

*Mobilia perſonam ſequuntur, immobilia ſitum.* Movable things follow the perſon; immovable, their locality. Story, Conſ. Laws, 3d ed. 638, 639.

*Mobilia ſequuntur perſonam.* Movables follow the perſon. Story, Conſ. Laws, 3d ed. 638, 639; Broom, Max. 3d Lond. ed. 462.

*Modica circumſtantia facti jus mutat.* A ſmall circumſtance attending an act may change the law.

*Modus de non decimando non valet.* A modus (preſcription) not to pay tithes is void. Lofft, 427; Croke Eliz. 511; 2 Sharwood, Blackſt. Comm. 31.

*Modus et conventio vincunt legem.* The form of agreement and the convention of the parties overrule the law. 2 Coke, 73.

*Modus legem dat dantiſſimi.* The manner gives law to a gift. Coke, Litt. 19 a; Broom, Max. 3d Lond. ed. 615.

*Moneta eſt juſtum medium et meſura rerum commutabilium, nam per medium moneta fit omnium rerum conveniens, et juſta æſtimatio.* Money is the juſt medium and meſure of all commutable things, for by the medium of money a convenient and juſt eſtimation of all things is made. See 1 Bouvier, Inſt. n. 922.

*Monetandi jus comprehenditur in regalibus quæ nunquam a regio ſceptro abdicantur.* The right of coining is comprehended amongſt thoſe rights of royalty which are never relinquished by the kingly ſceptre. Dav. 18.

*Mora reprobat in lege.* Delay is diſapproved of in law. Jenk. Cent. Caſ. 51.

*Mors dicitur ultimum ſupplicium.* Death is denominated the extreme penalty. Coke, 3d Inſt. 212.

*Mors omnia ſolvit.* Death diſſolves all things.

*Mortis momentum eſt ultimum vite momentum.* The laſt moment of life is the moment of death. 4 Bradf. Surr. N. Y. 245, 250.

*Mortuus exitus non eſt exitus.* To be dead-born is not to be born. Coke, Litt. 29. See 2 Paige, Ch. N. Y. 35; Domat, liv. præf. t. 2, s. 1, n. 4, 6; 2 Bouvier, Inſt. nn. 1721, 1935.

*Mos retinendus eſt fideliffime vetuſtatis.* A cuſtom of the trueſt antiquity is to be retained. 4 Coke, 78.

*Multa damnum fame non irrogat.* A fine does not impoſe a loſs of reputation. Code, l. 54; Calvinus, Lex.

*Multa conceduntur per obliquum quæ non conceduntur de directo.* Many things are conceded indirectly which are not allowed directly. 6 Coke, 47.

*Multa ſdem promiſſa lerant.* Many promiſes leſſen confidence. 11 Cuſh. Muſs. 350.

*Multa ignoramus quæ nobis non laterent ſi veterum lectio nobis fuiſſet familiaris.* We are ignorant of many things which would not be hidden from us if the reading of old authors were familiar to us. 10 Coke, 73.

*Multa in jure communi contra rationem diſputandi pro communi utilitate introducta ſunt.* Many things have been introduced into the common law, with a view to the public good, which are inconſiſtent with ſound reaſon. Coke, Litt. 70; Broom, Max. 3d Lond. ed. 150; 2 Coke, 75. See 3 Term, 146; 7 id. 262.

*Multa multo exercitatione facilius quam regulis*

*percipies.* You will perceive many things much more eaſily by practice than by rules. Coke, 4th Inſt. 50.

*Multa non vetat lex, quæ tamen tacite damnant.* The law fails to forbid many things which yet it has ſilently condemned.

*Multa tranſeunt enim univerſitate quæ non per ſe tranſeunt.* Many things paſs as a whole which would not paſs ſeparately. Coke, Litt. 12 a.

*Multi multa, nemo omnia novit.* Many men know many things, no one knows every thing. Coke, 4th Inſt. 348.

*Multi inutilis eſt pauca idonea effundere, quam multis inutilibus homines gravari.* It is much more uſeful to pour forth a few uſeful things than to oppreſs men with many uſeleſs things. 4 Coke, 20.

*Multiplex et indiftinctum parit confuſionem; et quæſtiones quo ſimpliciores, eo lucidiores.* Multiplicity and indiftinctneſs produce confuſion; the more ſimple quæſtions are, the more lucid they are. Hob. 335.

*Multiplicitatè transgreſſione crescit poena fictio.* The infliction of puniſhment ſhould be in proportion to the increaſe of crime. Coke, 2d Inſt. 479.

*Multitudinem decem faciunt.* Ten make a multitude. Coke, Litt. 247.

*Multitudo errantium non parit errori patrocinium.* The multitude of thoſe who err is no protection for error. 11 Coke, 75.

*Multitudo imperitorum perdit curiam.* A multitude of ignorant practitioners deſtroys a court. Coke, 2d Inſt. 219.

*Natura appetit perfectum, ita et lex.* Nature aſpires to perfection, and ſo does the law. Hob. 144.

*Natura fidejuſſionis eſt ſtrictiſſimi juris et non durat, vel extendatur de re ad rem, de perſonâ ad perſonam, de tempore ad tempus.* The nature of the contract of ſuretyſhip is ſtrictiſſimi juris, and cannot endure nor be extended from thing to thing, from perſon to perſon, or from time to time. Burge, Sur. 40.

*Natura non facit ſaltum, ita nec lex.* Nature makes no leap, nor does the law. Coke, Litt. 238.

*Natura non facit vacuum, nec lex anpervacuum.* Nature makes no vacuum, the law nothing purpoſeleſs. Coke, Litt. 79.

*Naturæ vis maxima; natura bis maxima.* The force of nature is greateſt; nature is doubly great. Coke, 2d Inſt. 564.

*Naturale eſt quidlibet diſſolvi eo modo quo ligatur.* It is natural for a thing to be unbound in the ſame way in which it was bound. Jenk. Cent. (caſ. 66; 4 Dev. N. Y. 414, 417; Broom, Max. 3d Lond. ed. 785.

*Nec curia deſiceret in juſtitia exhibendâ.* Nor ſhould the court be deficient in ſhowing juſtice. Coke, 4th Inſt. 63.

*Nec tempus nec locus occurrit regi.* Neither time nor place bars the king. Jenk. Cent. Caſ. 190.

*Nec veniam effuſo ſanguine, casus habet.* Where blood is ſpilled, the caſe is unpardonable. Coke, 3d Inſt. 57.

*Nec veniam, læo numine, casus habet.* Where the Divinity is inſulted the caſe is unpardonable. Jenk. Cent. Caſ. 167.

*Necceſſarium eſt quod non potest aliter ſe habere.* That is neceſſary which cannot be otherwiſe.

*Necceſſitas eſt lex temporis et loci.* Neceſſity is the law of a particular time and place. 8 Coke, 69; Hale, Hiſt. Pl. Cr. 54.

*Necceſſitas excuſat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus.* Neceſſity excuſes or extenuates delinquency in capital caſes, but not in civil. See Neceſſary.

*Necceſſitas facit licitum quod alias non eſt licitum.* Neceſſity makes that lawful which otherwiſe is unlawful. 10 Coke, 61.

*Necceſſitas inducit privilegium quoad jura privata.*



With regard to private rights, necessity privileges. Bacon, Max. Reg. 5.

*Necessitas non habet legem.* Necessity has no law. Plowd. 18. See NECESSITY, and 15 Vinor, Abr. 534; 22 id. 540.

*Necessitas publica major est quam privata.* Public necessity is greater than private. Bacon, Max. Reg. 6; Noy, Max. 9th ed. 34; Broom, Max. 3d Lond. ed. 18.

*Necessitas, quod cogit, defendit.* Necessity defends what it compels. Hale, Hist. Pl. Cr. 54.

*Necessitas sub lege non continetur, quia quod alias non est licitum necessitas facit licitum.* Necessity is not restrained by law; since what otherwise is not lawful, necessity makes lawful. Coke, 2d Inst. 326; Fleta, 1. 5, c. 23, § 14.

*Necessitas vincit legem.* Necessity overcomes the law. Hob. 144.

*Necessity creates equity.*

*Negatio conclusionis est error in lege.* The denial of a conclusion is error in law. Wingate, Max. 268.

*Negatio destruit negationem, et ambo faciunt affirmativam.* A negative destroys a negative, and both make an affirmative. Coke, Litt. 146.

*Negatio duplex est affirmatio.* A double negative is an affirmative.

*Negligentia semper habet infortuniam comitem.* Negligence always has misfortune for a companion. Coke, Litt. 246; Sheppard, Touchst. 476.

*Neminem oportet esse sapienterem legibus.* No man need be wiser than the laws. Coke, Litt. 97.

*Nemo admittendus est inhabilitare seipsum.* No one is allowed to incapacitate himself. Jenk. Cent. Cas. 40. But see TO STULTIFY; 5 Whart. Penn. 371; 2 Kent, Comm. 451, n.

*Nemo agit in seipsum.* No man acts against himself. Jenk. Cent. Cas. 40: therefore no man can be a judge in his own cause. Broom, Max. 3d Lond. ed. 201, n.; 4 Bingh. 151; 2 Exch. 595; 18 C. B. 253; 2 Barnew. & Ald. 822.

*Nemo alienæ rei, sine auctoritate, defensor idoneus intelligitur.* No man is considered a competent defender of another's property, without security. 1 Curt. C. C. 202.

*Nemo alio nomine lege agere potest.* No man can sue at law in the name of another. Dig. 50. 17. 123.

*Nemo aliquam partem rectè intelligere potest, antequam totum iterum atque iterum perlegit.* No one can properly understand any part of a thing till he has read through the whole again and again. 3 Coke, 59.

*Nemo allegans suam turpitudinem, audiendus est.* No one alleging his own turpitude is to be heard as a witness. Coke, 4th Inst. 279; 3 Stor. C. C. 514, 516.

*Nemo bis punitur pro eodem delicto.* No one can be punished twice for the same crime or misdemeanor. 2 Hawkins, Pl. Cr. 377; 4 Sharswood, Blackst. Comm. 315.

*Nemo cogitur rem suam vendere, etiam justo pretio.* No one is bound to sell his property, even for a just price. But see EMINENT DOMAIN.

*Nemo contra factum suum venire potest.* No man can contradict his own deed. Coke, 2d Inst. 66.

*Nemo damnum facit, nisi qui id fecit quod facere jus non habet.* No one is considered as doing damage, unless he who is doing what he has no right to do. Dig. 50. 17. 151.

*Nemo dat qui non habet.* No one can give who does not possess. Jenk. Cent. Cas. 250.

*Nemo de domo sua extrahi debet.* A citizen cannot be taken by force from his house to be conducted before a judge or to prison. Dig. 50. 17. 103. This maxim in favor of Roman liberty is much the same as that every man's house is his castle. Broom, Max. 3d Lond. ed. 384.

*Nemo debet alienæ facturæ locupletari.* No one

ought to gain by another's loss. 2 Kent, Comm. 336.

*Nemo debet bis puniri pro uno delicto.* No one ought to be punished twice for the same offence. 4 Coke, 43; 11 id. 59 b.

*Nemo debet bis vexari pro eadem causa.* No one should be twice harassed for the same cause. 2 Johns. N. Y. 24, 27, 182; 13 id. 153; 8 Wend N. Y. 10, 38; 2 Hall, N. Y. 454; 3 Hill, N. Y. 420; 6 id. 133; 2 Barb. N. Y. 285; 6 id. 32.

*Nemo debet bis vexari pro und et eadem causa.* No one ought to be twice vexed for the same cause. 5 Pet. 61; 1 Archbold, Praot. Chitty ed. 476 (*Nemo bis debet*, etc.); 2 Muss. 355; 17 id. 425.

*Nemo debet bis vexari, si constat curi quod sit pro und et eadem causâ.* No man ought to be twice punished, if it appear to the court that it is for one and the same cause. 5 Coke, 61; Broom, Max. 3d Lond. ed. 294.

*Nemo debet esse iudex in propriâ causâ.* No one should be judge in his own cause. 12 Coke, 114; Broom, Max. 3d Lond. ed. 111.

*Nemo debet immiscere se rei alienæ—ad se nihil pertinenti.* No one should interfere in what no way concerns him. Jenk. Cent. Cas. 18.

*Nemo debet in communione iuratus teneri.* No one should be retained in a partnership against his will. 2 Sandf. N. Y. 568, 593; 1 Johns. N. Y. 106, 114.

*Nemo debet locupletari ex alterius incommodo.* No one ought to be made rich out of another's loss. Jenk. Cent. Cas. 4; 10 Barb. N. Y. 626, 633.

*Nemo debet rem suam sine facto aut defectu suo amittere.* No one should lose his property without his act or negligence. Coke, Litt. 263.

*Nemo duobus utatur officio.* No one should fill two offices. Coke, 4th Inst. 100.

*Nemo ejudem tenementi simul potest esse hæres et dominus.* No one can be at the same time heir and lord of the same fief. 1 Reeve, Hist. Eng. Law, 106.

*Nemo est hæres viventis.* No one is an heir to the living. Coke, Litt. 22 b; 2 Blackstone, Comm. 70, 107, 208; Vinor, Abr. *Abejancæ*; 2 Bouvier, Inst. 1694, 1832; 2 Johns. N. Y. 36.

*Nemo ex alterius facto prægrarari debet.* No man ought to be burdened in consequence of another's act. 2 Kent, Comm. 646; Pothier, Obl. Evans ed. 133.

*Nemo ex consilio obligatur.* No man is bound for the advice he gives. Story, Bailm. § 155.

*Nemo ex proprio dolo consequitur actionem.* No one acquires a right of action from his own wrong. Broom, Max. 3d Lond. ed. 270.

*Nemo ex suo delicto meliorem suam conditionem facere potest.* No one can improve his condition by his own wrong. Dig. 50. 17. 134. 1.

*Nemo in propria causa testis esse debet.* No one can be a witness in his own cause. But to this rule there are many exceptions. 1 Sharswood, Blackst. Comm. 443; 3 id. 370.

*Nemo inauditus condemnari debet, si non sit contumax.* No man ought to be condemned unheard, unless he be contumacious. Jenk. Cent. Cas. 18.

*Nemo militans Deo implicetur secularibus negotiis.* No man warring for God should be troubled by secular business. Coke, Litt. 70.

*Nemo nascitur artifex.* No one is born an artificer. Coke, Litt. 97.

*Nemo patriam in qua natus est exere, nec ligentium debitum ejurare possit.* No man can renounce the country in which he was born, nor abjure the obligation of his allegiance. Coke, Litt. 129 a; 3 Pet. 155; Broom, Max. 3d Lond. ed. 72. See ALLEGIANCE; EXPATRIATION; NATURALIZATION.

*Nemo plus commodi heredi suo relinquit quam ipse habuit.* No one leaves a greater benefit to his heir than he had himself. Dig. 50. 17. 120.

*Nemo plus juris ad alienum transferre potest, quam ipse habet.* One cannot transfer to another a larger

right than he himself has. Coke, Litt. 309 b; Wingate, Max. 56; 2 Kent, Comm. 324; 1 Story, Contr. 4th ed. 417, n.; 5 Coke, 113; 10 Pet. 161, 175.

*Nemo potest contra recordum verificare per patriam.* No one can verify by the country against a record. The issue upon a record cannot be tried by a jury. Coke, 2d Inst. 380.

*Nemo potest esse dominus et heres.* No one can be both owner and heir. Hale, Hist. Com. Law, c. 7.

*Nemo potest esse simul actor et iudex.* No one can be at the same time judge and suitor. Broom, Max. 3d Lond. ed. 112; 13 Q. B. 327; 17 id. 1; 15 C. B. 796; 1 C. B. n. s. 323.

*Nemo potest esse tenens et dominus.* No man can be at the same time tenant and landlord (of the same tenement). Gilbert, Ten. 102.

*Nemo potest facere per alium quod per se non potest.* No one can do that by another which he cannot do by himself. Jenk. Cent. Cas. 237.

*Nemo potest facere per obliquum quod non potest facere per directum.* No one can do that indirectly which cannot be done directly. 1 Ed. Ch. 512.

*Nemo potest mutare consilium suum in alterius injuriam.* No one can change his purpose to the injury of another. Dig. 50. 17. 75; Broom, Max. 3d Lond. ed. 33; 7 Johns. N. Y. 477.

*Nemo potest sibi debere.* No one can owe to himself. See CONFUSION OF RIGHTS.

*Nemo præsens nisi intelligat.* One is not present unless he understands. See PRESENCE.

*Nemo præsumitur alienam posteritatem suæ prætulisse.* No one is presumed to have preferred another's posterity to his own. Wingate, Max. 285.

*Nemo præsumitur donare.* No one is presumed to give.

*Nemo præsumitur esse immemor suæ æternæ salutis, et maxime in articulo mortis.* No man is presumed to be forgetful of his eternal welfare, and particularly at the point of death. 6 Coke, 76.

*Nemo præsumitur ludere in extremis.* No one is presumed to trifle at the point of death.

*Nemo præsumitur malus.* No one is presumed to be bad.

*Nemo prohibetur plures negotiationes sive artes exercere.* No one is restrained from exercising several kinds of business or arts. 11 Coke, 54.

*Nemo prohibetur pluribus defensionibus uti.* No one is restrained from using several defences. Coke, Litt. 304; Wingate, Max. 479.

*Nemo prudens punit ut præterita revocentur, sed ut futura præveniatur.* No wise one punishes that things done may be revoked, but that future wrongs may be prevented. 3 Bulstr. 17.

*Nemo punitur pro alieno delicto.* No one is to be punished for the crime or wrong of another. Wingate, Max. 336.

*Nemo punitur sine injuriâ, facto, seu defaulto.* No one is punished unless for some wrong, act, or default. Coke, 2d Inst. 287.

*Nemo, qui condemnare potest, absolere non potest.* No one who may condemn is unable to acquit. Dig. 50. 17. 37.

*Nemo sibi esse iudex vel suis jus dicere debet.* No man ought to be his own judge, or to administer justice in cases where his relations are concerned. 12 Coke, 113; Cod. 3. 5. 1; Broom, Max. 3d Lond. ed. 111.

*Nemo sine actione experitur, et hoc non sine breve vice libello conventionali.* No one goes to law without an action, and no one can bring an action without a writ or bill. Bracton, 112.

*Nemo tenetur ad impossibile.* No one is bound to an impossibility. Jenk. Cent. Cas. 7.

*Nemo tenetur armare adversarum contra se.* No one is bound to arm his adversary. Wingate, Max. 665.

*Nemo tenetur dicere.* No one is bound to foretell. 4 Coke, 28; 10 id. 55 a.

*Nemo tenetur edere instrumenta contra se.* No man is bound to produce writings against himself. Bell, Dict.

*Nemo tenetur informare qui nescit sed quisquis scire quod informat.* No one who is ignorant of a thing is bound to give information of it, but every one is bound to know that which he gives information of. Branch, Princ.; Lane, Exch. 110.

*Nemo tenetur jurare in suam turpitudinem.* No one is bound to testify to his own baseness.

*Nemo tenetur seipsum accusare.* No one is bound to accuse himself. Wingate, Max. 486; Broom, Max. 3d Lond. ed. 871; 1 Shareswood, Blackst. Comm. 443; 14 Mees. & W. Exch. 286.

*Nemo tenetur seipsum infortunis et periculis exponere.* No one is bound to expose himself to misfortune and dangers. Coke, Litt. 253.

*Nemo tenetur seipsum perdere.* No one is bound to expose himself. 10 N. Y. 10, 33; 7 How. Pract. N. Y. 57, 58.

*Nemo unquam vir magnus fuit sine aliquo divino afflatu.* No one was ever a great man without some divine inspiration. Cicero.

*Nemo videtur fraudare eos qui sciunt, et consentiunt.* No one is considered as deceiving those who know and consent. Dig. 20. 17. 145.

*Nihil aliud potest rex quam quod de jure potest.* The king can do nothing but what he can do justly. 11 Coke, 74.

*Nihil consensui tam contrarium est quam ris atque metui.* Nothing is so contrary to consent as force and fear. Dig. 50. 17. 116.

*Nihil dat qui non habet.* He gives nothing who has nothing.

*Nihil de re accrescit ei qui nihil in re quando jus accresceret habet.* Nothing accrues to him who, when the right accrues, has nothing in the subject-matter. Coke, Litt. 188.

*Nihil est enim liberale quod non idem iustum.* For there is nothing generous which is not at the same time just. 2 Kent, Comm. 441, note a.

*Nihil est magis rationi consentaneum quam eodem modo quodque dissolvere quo conflatum est.* Nothing is more consonant to reason than that every thing should be dissolved in the same way in which it was made. Sheppard, Touchst. 323.

*Nihil facit error nominis cum de corpore constat.* An error in the name is nothing when there is certainty as to the thing. 11 Coke, 21; 2 Kent, Comm. 292.

*Nihil habet forum ex cœnd.* The court has nothing to do with what is not before it.

*Nihil in lege intolerabilius est, eandem rem diverso jure cœnseri.* Nothing in law is more intolerable than that the same case should be subject (in different courts) to different views of the law. 4 Coke, 93.

*Nihil infra regnum subditos magis conservat in tranquillitate et concordia quam debita legum administratio.* Nothing preserves in tranquillity and concord those who are subjected to the same government better than a due administration of the laws. Coke, 2d Inst. 158.

*Nihil magis iustum est quam quod necessarium est.* Nothing is more just than what is necessary. Dav. 12.

*Nihil nequam est præsumendum.* Nothing wicked is to be presumed. 2 P. Will. 583.

*Nihil perfectum est dum aliquid restat agendum.* Nothing is perfect while something remains to be done. 9 Coke, 9.

*Nihil peti potest ante id tempus, quo per rerum naturam periculi possit.* Nothing can be demanded before that time when, in the nature of things, it can be paid. Dig. 50. 17. 186.

*Nihil possumus contra veritatem.* We can do nothing against truth. St. Albans, Doct. & Stu. Dial. 2. c. 6.

*Nihil præscribitur nisi quod possidetur.* There is

no prescription for that which is not possessed. 5 Barnew. & Ald. 277.

*Nihil quod est contra rationem est licitum.* Nothing against reason is lawful. Coke, Litt. 97.

*Nihil quod est inconveniens est licitum.* Nothing inconvenient is lawful. 4 Hou. L. Cas. 145, 195.

*Nihil simul inventum est et perfectum.* Nothing is invented and perfected at the same moment. Coke, Litt. 230; 2 Sharswood, Blackst. Comm. 298, n.

*Nihil tam conveniens est naturali equitati quam unumquodque dissolvi eo ligamine quo ligatum est.* Nothing is so consonant to natural equity as that each thing should be dissolved by the same means by which it was bound. Coke, 2d Inst. 360; Broom, Max. 3d Lond. ed. 785. See Sheppard, Touchst. 323.

*Nihil tam conveniens est naturali equitati, quam voluntatem domini volentis rem suam in alium transferre, ratam haberi.* Nothing is more conformable to natural equity than to confirm the will of an owner who desires to transfer his property to another. Inst. 2. 1. 40; 1 Coke, 100.

*Nihil tam naturale est, quam eo genere quidque dissolvere, quo colligatum est.* Nothing is so natural as that an obligation should be dissolved by the same principles which were observed in contracting it. Dig. 50. 17. 35. See 1 Coke, 100; Coke, 2d Inst. 359.

*Nihil tam proprium imperio quam legibus vivere.* Nothing is so becoming to authority as to live according to the law. Fleta, l. 1, c. 17, § 11; Coke, 2d Inst. 63.

*Nil agit exemplum litem quod lite resolvit.* An example does no good which settles one question by another. Hatch vs. Mann, 15 Wend. 44, 49.

*Nil facit error nominis si de corpore constat.* An error in the name is immaterial if the body is certain. Broom, Max. 3d Lond. ed. 566; 11 C. B. 406.

*Nil sine prudenti fecit ratione vetustas.* Antiquity did nothing without a good reason. Coke, Litt. 65.

*Nil temere novandum.* Nothing should be rashly changed. Jenk. Cent. Cas. 163.

*Nimia subtilitas in jure reprobanda, et talis certitudo certitudinem confundit.* Too great subtlety is disapproved of in law; for such nice pretences of certainty confounds true and legal certainty. Broom, Max. 3d Lond. ed. 175; 4 Coke, 5.

*Nimum altercando veritas amittitur.* By too much altercation truth is lost. Hob. 344.

*No man can hold the same land immediately of two several landlords.* Coke, Litt. 152.

*No man is presumed to do any thing against nature.* 22 Viner, Abr. 154.

*No man may be judge in his own cause.*

*No man shall set up his infamy as a defence.* 2 W. Blackst. 364.

*No man shall take by deed but parties, unless in remainder.*

*No one can grant or convey what he does not own.* 25 Barb. N. Y. 284; 301. See 20 Wend. N. Y. 267; 23 N. Y. 252; 13 id. 121; 6 Du. N. Y. 232. And see ESTOPPEL.

*Nobiles magis plectuntur pecuniâ; plebes verò in corpore.* The higher classes are more punished in money; but the lower in person. Coke, 3d Inst. 220.

*Nobiles sunt qui arma gentilitia antecessorum suorum proferre possunt.* The gentry are those who are able to produce armorial bearings derived by descent from their own ancestors. Coke, 2d Inst. 595.

*Nobiliiores et benigniores presumptiones in dubiis sunt præferendæ.* When doubts arise, the most generous and benign presumptions are to be preferred. Reg. Jur. Civ.

*Nomen est quasi rei notamen.* A name is as it were the note of a thing. 11 Coke, 20.

*Nomen non sufficit si res non sit de jure aut de facto.* A name does not suffice if the thing do not exist by law or by fact. 4 Coke, 107.

*Nomina si necis perit cognitio rerum.* If you know not the names of things, the knowledge of things themselves perishes. Coke, Litt. 86.

*Nomina sunt mutabilia, res autem immobiles.* Names are mutable, but things immutable. 6 Coke, 66.

*Nomina sunt note rerum.* Names are the notes of things. 11 Coke, 20.

*Nomina sunt symbola rerum.* Names are the symbols of things.

*Non accipi debent verba in demonstrationem falsam, quæ competunt in limitationem veram.* Words ought not to be accepted to import a false description, which may have effect by way of true limitation. Bacon, Max. Reg. 13; 2 Parsons, Contr. 62-65; Broom, Max. 3d Lond. ed. 573; 3 Barnew. & Ad. 459; 4 Exch. 604; 3 Taunt. 147.

*Non alio modo puniatur aliquis, quam secundum quod se habet condemnatio.* A person may not be punished differently than according to what the sentence enjoins. Coke, 3d Inst. 217.

*Non aliter à significatione eborum recedi oportet quam cum manifestum est, aliud sensisse testatorem.* We must never depart from the signification of words, unless it is evident that they are not conformable to the will of the testator. Dig. 32. 69 pr.; Broom, Max. 3d Lond. ed. 500; 2 De Gex. M. & G. Ch. 313.

*Non auditur perire volens.* One who wishes to perish ought not to be heard. Beat, Ev. § 385.

*Non concedantur citationes priusquam exprimatursuper qua re fieri deest citatio.* Summons or citations should not be granted before it is expressed upon what ground a citation ought to be issued. 12 Coke, 47.

*Non consentit qui errat.* He who errs does not consent. 1 Bouvier, Inst. n. 581; Braect. n. 44.

*Non dat qui non habet.* He gives nothing who has nothing. Broom, Max. 3d Lond. ed. 417.

*Non debeo melioris conditionis esse, quam uictor mens à quo jus in me transit.* I ought not to be in better condition than he to whose rights I succeeded. Dig. 50, 17. 175. 1.

*Non deberet alii nocere, quod inter alios actum esset.* No one ought to be injured by that which has taken place between other parties. Dig. 12. 2. 10.

*Non debet adduci exceptio ejus rei cujus petitur solutio.* A plea of the same matter the dissolution of which is sought ought not to be made. Bacon, Max. Reg. 2; Broom, Max. 3d Lond. ed. 157; 3 P. Will. 317; 1 Ld. Raym. 57; 2 id. 1433.

*Non debet alteri per alterum iniqua conditio inferri.* A burdensome condition ought not to be brought upon one man by the act of another. Dig. 50. 17. 74.

*Non debet, cui plus licet, quod minus est, non licere.* He who is permitted to do the greater may with greater reason do the less. Dig. 50. 17. 21; Broom, Max. 3d Lond. ed. 165.

*Non debet actori licere, quod reo non permittitur.* That which is not permitted to the defendant ought not to be to the plaintiff. Dig. 50. 17. 41.

*Non decet homines dederè causa non cognita.* It is unbecoming to surrender men when no cause is shown. 4 Johns. Ch. N. Y. 106, 114; 3 Wheel. Crim. N. Y. 473, 482.

*Non decipitur qui scit se decipi.* He is not deceived who knows himself to be deceived. 5 Coke, 60.

*Non definitur in jure quid sit conatus.* What an attempt is, is not defined in law. 6 Coke, 42.

*Non differunt quæ concordant re, tametsi non in verbis iisdem.* Those things which agree in substance, though not in the same words, do not differ. Jenk. Cent. Cas. 70.

*Non dubitatur, et si specialiter venditor evictionem non promiserit, re evicta, ex empto competere actionem.* It is certain that although the vendor has not given a special guarantee, an action *ex empto* lies against him, if the purchaser is evicted. C. 8. 45. 6. But see Doctor & Stud. b. 2, c. 47; Broom, Max. 3d Lond. ed. 690.

*Non efficit affectus nisi sequatur effectus.* The intention amounts to nothing unless some effect follows. 1 Rolle, 226.

*Non est arctius vinculum inter homines quam jurandum.* There is no stronger link among men than an oath. Jenk. Cent. Cas. 126.

*Non est certandum de regulis juris.* There is no disputing about rules of law.

*Non est disputandum contra principia negantem.* There is no disputing against a man denying principles. Coke, Litt. 313.

*Non est justum aliquem antenatum post mortem facere bastardum, qui toto tempore vite suus pro legitimo habeatur.* It is not just to make an elder-born a bastard after his death, who during his lifetime was accounted legitimate. 12 Coke, 44.

*Non est novum ut priores legis ad posteriores trahantur.* It is not a new thing that prior statutes shall give place to later ones. Dig. l. 3. 26; 1. 1. 4; Broom, Max. 3d Lond. ed. 27.

*Non est recedendum à communi observantia.* There should be no departure from a common observance. 2 Coke, 74.

*Non est regula quin fallat.* There is no rule but what may fail. Off. Ex. 212.

*Non est singulis concedendum, quod per magistratum publicè possit fieri, ne occasio sit majoris tumultus faciendi.* That is not to be conceded to private persons which can be publicly done by the magistrate, lest it be the occasion of greater tumults. Dig. 50. 17. 176.

*Non ex opinionibus singulorum, sed ex communi usu, nomina exaridiri debent.* Names of things ought to be understood according to common usage, not according to the opinions of individuals. Dig. 33. 10. 7. 2.

*Non facias malum, ut inde veniat bonum.* You are not to do evil that good may come of it. 11 Coke, 74 a.

*Non impedit clausula derogatoria, quo minus ab eadem potentate res dissolvantur a quibus constituntur.* A derogatory clause does not prevent things or acts from being dissolved by the same power, by which they were originally made. Bacon, Max. Reg. 19.

*Non in legendo sed in intelligendo leges consistunt.* The laws consist not in being read, but in being understood. 8 Coke, 167.

*Non jus, sed scintilla facit stipitem.* Not right, but scintilla, makes a stock from which the inheritance must descend. Fleta, l. 6, co. 14, 2, § 2; Noy, Max. 9th ed. 72, n. (b); Broom, Max. 3d Lond. ed. 466; 2 Sharswood, Blackst. Comm. 209; 1 Stephen, Comm. 365, 368, 394; 4 Kent, Comm. 388, 389; 4 Scott, n. r. 468.

*Non licet quod dependio licet.* That which is permitted only at a loss is not permitted to be done. Coke, Litt. 127.

*Non nasci, et natum mori, paria sunt.* Not to be born, and to be dead-born, are the same.

*Non obligat lex nisi promulgata.* A law is not obligatory unless it be promulgated.

*Non observata forma, infertur annullatio actus.* When the form is not observed, it is inferred that the act is annulled. 12 Coke, 7.

*Non efficit comatus nisi sequatur effectus.* An attempt does not harm unless a consequence follow. 11 Coke, 93.

*Non omne damnum inducit injuriam.* Not every loss produces an injury, i. e. gives a right of action. See 3 Blackstone, Comm. 219; 1 Smith, Lead. Cas. 131; Broom, Max. 93; 2 Bouvier, Inst. n. 2211.

*Non omne quod licet honestum est.* It is not every thing which is permitted that is honorable. Dig. 50. 17. 144.

*Non omnium que a majoribus nostris constituta sunt ratio reddi potest.* A reason cannot always be given for the institutions of our ancestors. 4 Coke, 78; Broom, Max. 3d Lond. ed. 149; Branch, Prine.

*Non possessori incumbit necessitas probandi possessiones ad se pertinere.* It is not incumbent on the possessor of property to prove his right to his possessions. Code, 4. 19. 2; Broom, Max. 3d Lond. ed. 639.

*Non potest adduci exceptio ejusdem rei cujus petitur dissolutio.* A plea of the same matter, the dissolution of which is sought by the action, cannot be brought forward. Bacon, Max. Reg. 2. When an action is brought to annul a proceeding, the defendant cannot plead such proceeding in bar. Broom, Max. 3d Lond. ed. 154; Wingate, Max. 647; 3 P. Will. 317.

*Non potest probari quod probatum non relevat.* That cannot be proved which proved is irrelevant. See 1 Exch. 91, 92, 102.

*Non potest quis sine brevi agere.* No one can sue without a writ. Fleta, l. 2, c. 13, § 4.

*Non potest rex gratiam facere cum injuriâ et damno aliorum.* The king cannot confer a favor which occasions injury and loss to others. Coke, 3d Inst. 236; Broom, Max. 3d Lond. ed. 60; Vaugh. 338; 2 Ell. & B. 874.

*Non potest rex subditum resententem onerare impositionibus.* The king cannot load a subject with imposition against his consent. Coke, 2d Inst. 61.

*Non potest videri desisse habere, qui nunquam habuit.* He cannot be considered as having ceased to have a thing, who never had it. Dig. 50. 17. 208.

*Non prestat impedimentum quod de jure non sortitur effectum.* A thing which has no effect in law is not an impediment. Jenk. Cent. Cas. 162; Wingate, Max. 727.

*Non quod dictum est, sed quod factum est, inspicitur.* Not what is said, but what is done, is to be regarded. Coke, Litt. 36; 6 Bingham. 310; 1 Meta. Mass. 353; 11 Cush. Mass. 536.

*Non refert an quis assensum suum præfert verbis, an rebus ipsis et factis.* It is immaterial whether a man gives his assent by words or by acts and deeds. 10 Coke, 52.

*Non refert quid ex equipollentibus fiat.* It matters not what becomes of equipollent expressions. 5 Coke, 122.

*Non refert quid notum sit judici, si notum non sit in forma judicii.* It matters not what is known to the judge, if it is not known to him judicially. 3 Bulstr. 115.

*Non refert verbis an factis fit revocatio.* It matters not whether a revocation be by words or by acts. Croke Car. 49; Branch, Prine.

*Non remota causa sed proxima spectatur.* See CAUSA PROXIMA.

*Non respondebit minor, nisi in causâ dotis, et hoc pro favore dotti.* A minor shall not answer unless in a case of dower, and this in favor of dower. 4 Coke, 71.

*Non reus nisi mens sit rea.* Not guilty unless the intent be guilty. 1 Story, Contr. 4th ed. 87.

*Non solent que abundant vitare scripturas.* Surplusage does not usually vitiate writings. Dig. 50. 17. 94; Broom, Max. 3d Lond. ed. 559, n.

*Non solum quid licet, sed quid est conveniens considerandum, quia nihil quod inconveniens est licitum.* Not only what is permitted, but what is convenient, is to be considered, because what is inconvenient is illegal. Coke, Litt. 66 a.

*Non sunt longa ubi nihil est quod demere possit.* There is no prolixity where there is nothing that can be omitted. Vaugh. 138.

*Non temere credere, est nervus sapientia.* Not to

believe rashly is the nerve of wisdom. 5 Coke, 114.

*Non valet exceptio ejusdem rei cujus petitur dissolutio.* A plea of that of which the dissolution is sought is not valid. 2 Ed. Ch. 134.

*Non valet impedimentum quod de jure non sortitur effectum.* An impediment is of no avail which by law has no effect. 4 Coke, 31 a.

*Non verbis sed ipse rebus, leges imponimus.* Not upon words, but upon things themselves, do we impose law. Code, 6. 43. 2.

*Non videntur qui errant consentire.* He who errs is not considered as consenting. Dig. 50. 17. 116; Broom, Max. 3d Lond. ed. 240; 2 Kent, Comm. 477; 14 Ga. 207.

*Non videntur rem amittere quibus propria non fuit.* They are not considered as losing a thing whose own it was not. Dig. 50. 17. 85.

*Non videtur consensum retinuisse si quis ex præscepto minutis aliquid immutavit.* He does not appear to have retained his consent, who has changed anything at the command of a party threatening. Bacon, Max. Reg. 22; Broom, Max. 3d Lond. ed. 254.

*Non videtur perfectè cuiusque id esse, quod ex casu auferri potest.* That does not truly belong to any one which can be taken from him upon occasion. Dig. 50. 17. 159. 1.

*Non videtur quisquam id capere, quod ei necesse est alii restituere.* One is not considered as acquiring property in a thing which he is bound to restore. Dig. 50. 17. 51.

*Non videtur vim facere, qui jure suo utitur, et ordinaria actione experitur.* He is not judged to use force who exercises his own right and proceeds by ordinary action. Dig. 50. 17. 155. 1.

*Non valet confirmatio, nisi ille, qui confirmat, sit in possessione rei vel jure unde fieri debet confirmatio; et eodem modo, nisi ille cui confirmatio fit, sit in possessione.* Confirmation is not valid unless he who confirms is either in possession of the thing itself, or of the right of which confirmation is to be made, and, in like manner, unless he to whom confirmation is made is in possession. Coke, Litt. 295.

*Noscitur à sociis.* It is known from its associates. The meaning of a word may be ascertained by reference to the meaning of words associated with it. Broom, Max. 3d Lond. ed. 523; 9 East, 267, 13 id. 531; 6 Taunt. 294; 1 Ventr. 225; 1 Barnew. & C. 644; Arg. 10 id. 496, 519; 18 C. B. 102, 893; 5 Mann. & G. 639, 667; 3 C. B. 437; 5 id. 380; 4 Exch. 511, 519; 5 id. 294; 11 id. 113; 3 Term, 87; 8 id. 118; 1 N. Y. 47, 69; 11 Barb. N. Y. 43, 63; 20 id. 644.

*Noscitur ex socio, qui non cognoscitur ex se.* He who cannot be known from himself may be known from his associate. F. Moore, 817; 1 Ventr. 225; 3 Term, 87; 9 East, 267; 13 id. 531; 6 Taunt. 294; 1 Barnew. & C. 644.

*Notitia dicitur à noscendo; et notitia non debet elaudicare.* Notice is called from a knowledge being had; and notice ought not to halt, i.e. be imperfect. 6 Coke, 29.

*Nova constitutio futuris formam imponere debet, non præteritis.* A new enactment ought to impose form upon what is to come, not upon what is past. Coke, 2d Inst. 292; Broom, Max. 3d Lond. ed. 33, 36; T. Jones, 108; 2 Show. 16; 6 Mees. & W. Exch. 285; 7 id. 536; 2 Mass. 122; 2 Gall. C. C. 139; 2 N. Y. 245; 7 Johns. N. Y. 503 et seq., where this rule is fully considered and the authorities reviewed.

*Novatio non præsumitur.* A novation is not presumed. Halkers, Max. 104.

*Novitas non tam utilitate prodest quam novitate perturbat.* Novelty benefits not so much by its utility as it disturbs by its novelty. Jenk. Cent. Cas. 167.

*Novum judicium non dat novum jus, sed declarat*

*antiquum.* A new judgment does not make a new law, but declares the old. 10 Coke, 42.

*Noxa sequitur caput.* The injury (i.e. liability to make good an injury caused by a slave) follows the head or person, i.e. attaches to his master. Heinecius, Elem. Jur. Civ. l. 4, t. 8, § 1231.

*Nuda pactio obligationem non parit.* A naked promise does not create an obligation. Dig. 2. 14. 7. 4; Code, 4. 65. 27; Broom, Max. 3d Lond. ed. 670; Brisson, *Nudus*.

*Nuda ratio et nuda pactio non ligant aliquem debitorem.* Naked reason and naked promise do not bind any debtor. Fleta, l. 2, c. 60, § 25.

*Nudum pactum est ubi nulla subest causa propter conventionem; sed ubi subest causa, fit obligatio, et parit actionem.* Nudum pactum is where there is no consideration for the undertaking or agreement; but when there is a consideration, an obligation is created and an action arises. Dig. 2. 14. 7. 4; 2 Sharswood, Blackst. Comm. 445; Broom, Max. 3d Lond. ed. 669; Plowd. 309; 1 Powell, Contr. 330 et seq.; 3 Burr. 1670 et seq.; Viner, Abr. *Nudum Pactum* (A); 1 Fonblanque, Eq. 5th ed. 335 a.

*Nudum pactum ex quo non oritur actio.* Nudum pactum is that upon which no action arises. Code, 2. 3. 10; 5. 14. 1; Broom, Max. 3d Lond. ed. 676.

*Nul ne doit s'enrichir aux dépens des autres.* No one ought to enrich himself at the expense of others.

*Nul prendra avantage de son tort dememe.* No one shall take advantage of his own wrong. Broom, Max. 3d Lond. ed. 265.

*Nulla curia que recordum non habet potest imponere finem, neque aliquem mandare carceri; quia ista spectant tantummodo ad curias de recordo.* No court which has not a record can impose a fine, or commit any person to prison: because those powers belong only to courts of record. 8 Coke, 60.

*Nulla impossibilia aut inhonesta sunt præsumenda; vera autem et honesta et possibilia.* No impossible or dishonorable things are to be presumed; but things true, honorable, and possible. Coke, Litt. 78.

*Nulla pactio effici potest ne dolus præstetur.* By no agreement can it be effected that there shall be no accountability for fraud. Dig. 2. 14. 27. 3; Broom, Max. 3d Lond. ed. 622, 118, n.; 5 Maule & S. 486.

*Nulla règle sans faute.* There is no rule without a fault.

*Nulla terra sans seigneur.* No land without a lord. Guyot, Inst. Feud. c. 28.

*Nulli enim res sua servit jure servitutis.* No one can have a servitude over his own property. Dig. 8. 2. 26; 17 Mass. 443; 2 Bouvier, Inst. n. 1600.

*Nullius hominis auctoritas apud nos valere debet, ut meliora non sequeremur si quis attulerit.* The authority of no man ought to avail with us, that we should not follow better [opinions] should any one present them. Coke, Litt. 383 b.

*Nullum crimen majus est inobedientia.* No crime is greater than disobedience. Jenk. Cent. Cas. 77.

*Nullum exemplum est idem omnibus.* No example is the same for all purposes. Coke, Litt. 212 a.

*Nullum iniquum est præsumendum in jure.* Nothing unjust is to be presumed in law. 4 Coke, 72.

*Nullum matrimonium, ibi nulla dos.* No marriage, no dower. 4 Barb. N. Y. 192, 194.

*Nullum simile est idem.* Nothing which is like another is the same, i.e. no likeness is exact identity. 2 Stor. C. C. 512; Story, Part. 90; Coke, Litt. 3 a; 2 Sharswood, Blackst. Comm. 162.

*Nullum simile quatuor pedibus currit.* No simile runs upon four feet, or, as ordinarily expressed, "on all fours." Coke, Litt. 3 a; Eunomus, Dial. 2 p. 155; 1 Stor. C. C. 143.

*Nullum tempus occurrit regi.* Lapse of time does not bar the right of the crown. Coke, 2d Inst. 273;

1 Sharswood, Blackst. Comm. 247; Broom, Max. 3d Lond. 62; Hub. 347; 2 Stephen, Comm. 504; 1 Max. 356; 2 Brook. C. C. 393; 18 Johns. N. Y. 27; 10 Barb. N. Y. 139.

*Nullum tempus occurrit reipublicæ.* Lapse of time does not bar the commonwealth. 11 Grat. 572; Hilliard. Real Prop. 173; 8 Tex. 410; 16 id. 305; 5 McLean, C. C. 133; 19 Mo. 067.

*Nullus commodum capere potest de injuriâ suâ propriâ.* No one shall take advantage of his own wrong. Coke, Litt. 148 b; Broom, Max. 3d Lond. ed. 265; 4 Bingham. c. 395; 4 Barnew. & Ald. 409; 10 Mees. & W. Exch. 309; 11 id. 680.

*Nullus debet agere de dolo, nisi alia actio subest.* Where another form of action is given, no one ought to sue in the action de dolo. 7 Coke, 92.

*Nullus dicitur accessorius post feloniam sed ille qui novit principalem feloniam fecisse, et illum receperit et confortavit.* No one is called an accessory after the fact but he who knew the principal to have committed a felony, and received and comforted him. Coke, 3d Inst. 138.

*Nullus dicitur jelo principalis nisi actor, aut qui processus est, abettans aut auxilians actorem ad feloniam faciendam.* No one shall be called a principal felon except the party actually committing the felony, or the party present aiding and abetting in its commission. Coke, 3d Inst. 138.

*Nullus idoneus testis in re suâ intelligitur.* No one is understood to be a competent witness in his own cause. Dig. 22. 5. 10; 1 Summ. C. C. 328, 344.

*Nullus jus alienum satisfacere potest.* No man can forfeit another's right. Fleta, l. 1. c. 28, § 11.

*Nullus recedat a curiâ cancellariâ sine remedio.* No one ought to depart out of the court of chancery without a remedy. Year B. 4 H. n. VII. 4.

*Nullus videtur dolo facere qui suo jure utitur.* No man is to be esteemed a wrong-doer who avails himself of his legal right. Dig. 50. 17. 55; Broom, Max. 3d Lond. ed. 124, 118, n. (g); 14 Wend. N. Y. 399, 492.

*Namquam crescit ex post facto præteriti delicti ætinitio.* The quality of a past offence is never aggravated by that which happens subsequent. Dig. 50. 17. 138. 1; Bacon, Max. Reg. 8; Broom, Max. 3d Lond. ed. 41.

*Namquam decurritur ad extraordinarium sed ubi deficit ordinarium.* We are never to recour to what is extraordinary, till what is ordinary fails. Coke, 4th Inst. 84.

*Namquam actio sine lege.* There is no fiction without law.

*Namquam nimis dicitur quod nunquam satis dicitur.* What is never sufficiently said is never said too much. Coke, Litt. 375.

*Namquam præscribitur in falso.* There is never prescription in case of falsehood (crimen falsi). Bell, Diet.

*Namquam res humanæ prosperè succedunt ubi negliguntur divinæ.* Human things never prosper when divine things are neglected. Coke, Litt. 95; Wingate, Max. 2.

*Nuptias non concubitus, sed consensus facit.* Not cohabitation but consent makes the marriage. Dig. 50. 17. 30; 1 Bouvier, Inst. n. 239; Coke, Litt. 33.

*Obedientia est legis essentia.* Obedience is the essence of the law. 11 Coke, 100.

*Obtemperandum est consuetudini rationabili tanquam legi.* A reasonable custom is to be obeyed like law. 4 Coke, 38.

*Occupantia sunt derelicta.* Things abandoned become the property of the (first) occupant. 1 Pet. Adm. 53.

*Odiosa et inhonesta non sunt in lege præsumenda.* Odious and dishonest acts are not presumed in law. Coke, Litt. 78; 6 Wend. N. Y. 228, 231; 18 N. Y. 235, 300.

*Odiosa non præsumuntur.* Odious things are not presumed. Burr. Sett. Cas. 190.

*Officers may not examine the judicial acts of the court.*

*Officia judicialia non concedantur antequam vacent.* Judicial offices ought not to be granted before they are vacant. 11 Coke, 4.

*Officia magistratus non debent esse venalia.* The offices of magistrates ought not to be sold. Coke, Litt. 234.

*Officit conatus si effectus sequatur.* The attempt becomes of consequence, if the effect follows.

*Officium nemini debet esse damnosum.* An office ought to be injurious to no one. Bell, Diet.

*Omissio eorum quæ tacite inveniunt nihil operatur.* The omission of those things which are silently expressed is of no consequence. 2 Bulstr. 131.

*Omne actum ab intentione agentis est judicandum.* Every act is to be estimated by the intention of the doer. Branch, Princ.

*Omne crimen ebrietas et incendit et detegit.* Drunkenness inflames and reveals every crime. Coke, Litt. 247.

*Omne jus aut consensus fecit, aut necessitas constituit, aut firmavit consuetudo.* All law has either been derived from the consent of the people, established by necessity, or confirmed by custom. Dig. l. 3. 40; Broom, Max. 3d Lond. ed. 616, n.

*Omne magis dignum trahit ad se minus dignum est antiquius.* Every worthier thing draws to it the less worthy, though the latter be more ancient. Coke, Litt. 355.

*Omne magnum exemplum habet aliquid ex iniquo, quod publicæ utilitatis compensatur.* Every great example has some portion of evil, which is compensated by its public utility. Hob. 279.

*Omne majus continet in se minus.* The greater contains in itself the less. 5 Coke, 115 a; Wingate, Max. 206; Story, Ag. § 172; Broom, Max. 3d Lond. ed. 173.

*Omne majus dignum continet in se minus dignum.* The more worthy contains in itself the less worthy. Coke, Litt. 143.

*Omne majus minus in se complectitur.* Every greater embraces in itself the minor. Jenk. Cent. Cas. 208.

*Omne principale trahit ad se accessorium.* Every principal thing draws to itself the accessory. 17 Mass. 425; 1 Johns. N. Y. 580.

*Omne quod inædificatur solo cedit.* Every thing belongs to the soil which is built upon it. Dig. 41. 1. 7. 10; 47. 3. 1; Inst. 2. 1. 29; Broom, Max. 3d Lond. ed. 355; Fleta, l. 3. c. 2, § 12.

*Omne sacramentum debet esse de certa scientiâ.* Every oath ought to be founded on certain knowledge. Coke, 4th Inst. 279.

*Omne testamentum morte consummatum est.* Every will is consummated by death. 3 Coke, 29 b; 4 id. 61 b; 2 Sharswood, Blackst. Comm. 500; Sheppard, Touchst. 401.

*Omnes actiones in mundo infra certa tempora habent limitationem.* All actions in the world are limited within certain periods. Bracton, 52.

*Omnes homines aut liberi sunt aut servi.* All men are freemen or slaves. Inst. 1. 3. pr.; Fleta, l. 1. c. 1, § 2.

*Omnes licentiam habere his quæ pro se indulta sunt, renunciare.* All shall have liberty to renounce those things which have been established in their favor. Code, 2. 3. 29; 1. 3. 51; Broom, Max. 3d Lond. e. l. 625.

*Omnia præsumuntur ritè et solemniter esse acta.* All things are presumed to have been rightly and regularly done. Coke, Litt. 232 b; Broom, Max. 3d Lond. ed. 847; 12 C. B. 788; 3 Exch. 191; 6 id. 716. *Omnia ritè esse acta præsumuntur.* 11 Cush. Mass. 441; 2 Ohio St. 246, 247; 4 id. 148; 6 id. 293.

*Omnia præsumuntur ritè et solemniter esse acta*

*donec probetur in contrarium.* All things are presumed to have been done regularly and with due formality until the contrary is proved. Broom, Max. 3d Lond. ed. 157, 849; 3 Bingh. 381; 2 Campb. 44; 1 Crompt. & M. Exch. 461; 17 C. B. 183; 5 Barnew. & Ad. 550; 12 Mees. & W. Exch. 251; 12 Wheat. 69, 70.

*Omnes prudentes, illa admittere solent quæ probantur iis qui in arte sua bene versati sunt.* All prudent men are accustomed to admit those things which are approved by those who are well versed in the art. 7 Coke, 19.

*Omnia delicta in aperto leviora sunt.* All crimes committed openly are considered lighter. 8 Coke, 127.

*Omnia præsumuntur contra spoliatores.* All things are presumed against a wrong-doer. Broom, Max. 3d Lond. ed. 843.

*Omnia præsumuntur legitime facta donec probetur in contrarium.* All things are presumed to be done legitimately until the contrary is proved. Coke, Litt. 232.

*Omnia præsumuntur rite esse acta.* All things are presumed to be done in due form. Coke, Litt. 6.

*Omnia que jure contrahuntur, contrario jure perunt.* Obligations contracted under a law are destroyed by a law to the contrary. Dig. 50. 17. 100.

*Omnia que sunt uxoris sunt ipsius viri.* All things which are the wife's belong to the husband. Coke, Litt. 112; 2 Kent. Comm. 130, 143.

*Omnis actio est loquela.* Every action is a complaint. Coke, Litt. 292.

*Omnia conclusio boni et veri judicii sequitur ex bonis et veris præmissis et dictis juratorum.* Every conclusion of a good and true judgment arises from good and true premises, and the verdicts of jurors. Coke, Litt. 226.

*Omnia consensu tollit errorem.* Every consent removes error. Coke, 2d Inst. 123.

*Omnia definitio in jure civili periculosa est, parum est enim ut non subverti possit.* Every definition in the civil law is dangerous, for there is very little that cannot be overturned. There is no rule in the civil law which is not liable to some exception; and the least difference in the facts of the case renders its application useless. Dig. 50. 17. 202; 2 Wooddeson, Lect. 196.

*Omnia definitio in jure periculosa est; parum est enim ut non subverti possit.* Every definition in law is perilous, for it is within an ace of being subverted. D. g. 50. 17. 202; 2 Wooddeson, Lect. 196.

*Omnia exceptio est ipsi quoque regula.* An exception is in itself also a rule.

*Omnia innovatio plus nocitate perturbat quam utilitate prodest.* Every innovation disturbs more by its novelty than it benefits by its utility. 2 Bulstr. 338; 1 Salk. 20.

*Omnia interpretatio si fieri potest ita fienda est in instrumentis, ut omnes contrarietates amoveantur.* The interpretation of instruments is to be made, if they will admit of it, so that all contradictions may be removed. Jenk. Cent. Cas. 96.

*Omnia interpretatio vel declarat, vel extendit, vel restringit.* Every interpretation either declares, extends, or restrains.

*Omnia non constitutio futuris temporibus formam imponere debet, non præteritis.* Every new statute ought to set its stamp upon the future, not the past. Bracton, 228; Coke, 2d Inst. 95.

*Omnia peccata est homo, sed non vicissim.* Every person is a man, but not every man a person. Calvinus, L. x.

*Omnia privatio præsupponit habitum.* Every privation presupposes former enjoyment. Coke, Litt. 339.

*Omnia querela et omnia actio injuriarum limitata est infra certa tempora.* Every complaint and every

action for injuries is limited within certain times. Coke, Litt. 114.

*Omnia ratificatio retro trahitur et mandato æquiparatur.* Every subsequent ratification has a retrospective effect, and is equivalent to a prior command. Coke, Litt. 267 *a*; Story, Ag. 4th ed. 102; Broom, Max. 3d Lond. ed. 715; 2 Bouvier, Inst. 25; 4 *id.* 26; 8 Wheat. 363; 7 Exch. 726; 10 *id.* 845; 9 C. B. 532, 607; 14 *id.* 53.

*Omnia regula suas patitur exceptiones.* Every rule of law is liable to its own exceptions.

*Omnium contributione sociatur quod pro omnibus datum est.* What is given for all shall be compensated for by the contribution of all. 4 Bingh. 121; 2 Marsh. 309.

*Omnium rerum quarum usus est, potest esse abusus, virtute sola excepta.* There may be an abuse of every thing of which there is an use, virtue only excepted. Dav. 79.

*Once a fraud, always a fraud.* 13 Viner. Abr. 539.

*Once a mortgage, always a mortgage.* 1 Hilliard, Real Prop. 378.

*Once a recompense, always a recompense.* 19 Viner, Abr. 277.

*Once quit and cleared, ever quit and cleared.* Skene. de verb. sign. iter ad fin.

*One may not do an act to himself.*

*One should be just before he is generous.*

*Opinio que jure testamento est tenenda.* That opinion is to be followed which favors the will.

*Oportet quod certa persona, terra, et certi status, comprehendantur in declaratione verum.* It is necessary that certain persons, lands, and estates be comprehended in a declaration of uses. 9 C. B. 2.

*Oportet quod certa res deducatur in judicium.* A thing, to be brought to judgment, must be certain or definite. Jenk. Cent. Cas. 84; Bracton, 15 b.

*Oportet quod certa res venditur.* A thing, to be sold, must be certain or definite.

*Opposita juxta se posita magis clarescunt.* Opposites placed next each other appear in a clearer light. 4 Bacon, Works, 256, 258, 353.

*Optima enim est legis interpretatio consuetudo.* Usage is the best interpreter of law. Coke, 2d Inst. 18; Broom, Max. 3d Lond. ed. 823.

*Optima est lex, quæ minimum relinquit arbitrio judicis.* That is the best system of law which confides as little as possible to the discretion of the judge. Bacon, A. j. 46.

*Optima statuti interpres relinquitur (omnibus particulis ejusdem inspectis) ipsam statutum.* The best interpreter of a statute is (all the separate parts being considered) the statute itself. 8 Coke, 117; Wingate, Max. 139, n. x. 68.

*Optimum esse legem, quæ minimum relinquit arbitrio judicis; id quod certitudo ejus præstat.* That law is the best which leaves the least discretion to the judge; and this is an advantage which results from its certainty. Bacon, Aph. 8.

*Optima interpretatio rerum usus.* Usage is the best interpreter of things. Coke, 2d Inst. 282.

*Optimum interpretandi novum cuiusvis legis interpretare ut leges legibus accedant.* The best mode of interpreting laws is to make them accord. 8 Coke, 169.

*Optimus iudex, qui minimum sibi.* He is the best judge who relies as little as possible on his own discretion. Bacon, Aph. 46.

*Optimus legum interpretator consuetudo.* Custom is the best interpreter of laws. Coke, 4th Inst. 75; 2 Parsons, Contr. 53.

*Ordine placitandi servato, servatur et jus.* The order of pleading being preserved, the law is preserved. Coke, Litt. 363.

*Origine propriâ neminem prætere voluntate sua eximi manifestum est.* It is manifest that no one by his own will can renounce his origin (put off or discharge his natural allegiance). Code, 10. 34.

4. See 1 Sharswood, Blackst. Comm. c. 10; 20 Johns. N. Y. 313; 3 Pet. 122, 246; Broom, Max. 3d Lond. ed. 74.

*Origo rei inspicere debet.* The origin of a thing ought to be inquired into. 1 Coke, 99.

*Pacta sunt maxime contraria, vis et injuria.* Force and wrong are especially contrary to peace. Coke, Litt. 161.

*Pacta concerta, quæ neque contra leges, neque dolo malo inita sunt, omni modo observanda sunt.* Contracts which are not illegal, and do not originate in fraud, must in all respects be observed. Cod. 2. 3. 29; Broom, Max. 3d Lond. ed. 624.

*Pacta dant legem contractui.* Agreements give the law to the contract. Halkers, Mux. 118.

*Pacta privata juri publico derogare non possunt.* Private contracts cannot derogate from the public law. 7 Coke, 23.

*Pacta quæ contra leges constitutionesque vel contra bonos mores sunt, nullam vim habere, indubitati juris est.* It is indubitable law that contracts against the laws, or good morals, have no force. Cod. 2. 3. 6; Broom, Max. 3d Lond. ed. 620.

*Pacta quæ turpem causam continent non sunt observanda.* Contracts founded upon an immoral consideration are not to be observed. Dig. 2. 14. 27. 4; 2 Pet. 539; Broom, Max. 3d Lond. ed. 658.

*Pacta privata juri publico non derogantur.* Private contracts do not derogate from public law. Broom, Max. 3d Lond. ed. 621; per Dr. Lushington, Arg. 4 Clark & F. Hou. L. 241; Arg. 3 id. 621.

*Pacto aliquod licitum est, quid sine pacto non admittitur.* By a contract something is permitted, which, without it, could not be admitted. Coke, Litt. 166.

*Par in parem imperium non habet.* An equal has no power over an equal. Jenk. Cent. Cas. 174. Example: One of two judges of the same court cannot commit the other for contempt.

*Parentis est nomen generale ad omne genus cognationis.* Parent is a general name for every kind of relationship. Coke, Litt. 60; Littleton, § 108; Mag. Cart. Joh. c. 50.

*Paria cupulantur paribus.* Similar things unite with similar.

*Paribus sententiis reus absolvitur.* When opinions are equal, a defendant is acquitted. Coke, 4th Inst. 64.

*Verba sunt plena.* Words make the plea. 5 Mod. 458; Year B. 19 Hen. VI. 48.

*Parte quæcumque integrante sublata, tollitur totum.* An integral part being taken away, the whole is taken away. 8 Coke, 41.

*Partus ex legitimo thoro non certius noscit matrem quam genitorem suam.* The offspring of a legitimate bed knows not his mother more certainly than his father. Fortescue, c. 42.

*Partus sequitur ventrem.* The offspring follow the condition of the mother. Inst. 2. 1. 19. This is the law in the case of slaves and animals, 1 Bouv. Inst. n. 167, 502; but with regard to freemen, children follow the condition of the father.

*Parum caret natura.* Nature takes little heed. 2 Johns. Cas. N. Y. 127, 166.

*Parum differunt quæ re concordant.* Things differ but little which agree in substance. 2 Bulstr. 56.

*Parum est latam esse sententiam, nisi mandatur executioni.* It is not enough that sentence should be given unless it be committed to execution. Coke, Litt. 289.

*Parum proficit scire quid fieri debet, si non cognoscas quando sit facturum.* It avails little to know what ought to be done, if you do not know how it is to be done. Coke, 2d Inst. 503.

*Pater is est quæ nuptiæ demonstrant.* The father is he whom the marriage points out. 1 Blackst. Comm. 446; 7 Mart. n. a. 548, 553; Dig. 2. 4. 5;

1 Bouv. Inst. n. 273, 304, 322; Broom, Max. 3d Lond. ed. 458.

*Patria laboribus et expensis non debet fatigari.* A jury ought not to be harassed by labors and expenses. Jenk. Cent. Cas. 6.

*Patria potestas in pietate debet, non in atrocitate consistere.* Paternal power should consist in affection, not in atrocity.

*Peccata contra naturam sunt gravissima.* Offences against nature are the heaviest. Coke, 3d Inst. 20.

*Peccatum peccato addit qui culpam quam facit patrocinium defensionis adiungit.* He adds one offence to another, who, when he commits a crime, joins to it the protection of a defence. 5 Coke, 49.

*Pendente lite nihil innovetur.* During a litigation nothing should be changed. Coke, Litt. 344. See 20 How. 106; Cross, Lien, 140; 1 Story, Eq. Jur. § 406; 2 Johns. Ch. N. Y. 441; 6 Barb. N. Y. 33.

*Per alluvionem id videtur adjecti, quod ita paulatim adjectur, ut intelligere non possumus quantum quo momento temporis adjectur.* That is said to be added by alluvion which is so added little by little that we cannot tell how much is added at any one moment of time. Dig. 41. 1. 7. 1; Hale, de Jur. Mar. pars 1, c. 4; Fleta, l. 3, c. 2, § 6.

*Per rationes perentur ad legitimam rationem.* By reasoning we come to legal reason. Littleton, § 386.

*Per rerum naturam, factum negantis nullo probatio est.* It is in the nature of things that he who denies a fact is not bound to give proof.

*Per varios actus, legem experientia facit.* By various acts experience frames the law. Coke, 4th Inst. 50.

*Perfectum est cui nihil deest secundum sui perfectionis vel naturæ modum.* That is perfect which wants nothing according to the measure of its perfection or nature. Hob. 151.

*Perculosum est res novas et inusitatas inducere.* It is dangerous to introduce new and unaccustomed things. Coke, Litt. 379.

*Perculosum existimo quod honorum virorum non comprobatur exemplo.* I think that dangerous which is not warranted by the example of good men. 9 Coke, 97.

*Periculum rei venditæ, nondum traditæ, est emptoris.* The purchaser runs the risk of the loss of a thing sold, though not delivered. 1 Bouv. Inst. n. 939; 2 Kent, Comm. 498, 499; 4 Barnw. & C. 481, 941.

*Perjuri sunt qui seriatim verbis juramenti decipiunt aurea eorum qui accipiunt.* They are perjured who, preserving the words of an oath, deceive the ears of those who receive it. Coke, 3d Inst. 166.

*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 or positive law can be perpetual; and a clause in a law which precludes the power of abrogation is void ab initio. Bacon, Mux. Reg. 19; Broom, Max. 3d Lond. ed. 27.

*Perpetuitas are odiosa in law and equity.*

*Persona conjuncta equipatur interesse proprio.* The interest of a personal connection is sometimes regarded in law as that of the individual himself. Bacon, Mux. Reg. 18; Broom, Max. 3d Lond. ed. 474.

*Persona est homo, cum statu quodam consideratus.* A person is a man considered with reference to a certain status. Heineccius, Elcm. Jur. Civ. l. 1, tit. 3, § 75.

*Personæ vicis fungitur municipium et decuria.* Towns and boroughs act as if persons. 23 Wend. N. Y. 103, 144.

*Personal things cannot be done by another.* Finch, Law, b. 1, c. 3, n. 14.

*Personal things cannot be granted over.* Finch, Law, b. 1, c. 3, n. 15.



*Personal things die with the person.* Finch, Law, b. 1, c. 3, n. 16.

*Perepicua vera non sunt probanda.* Plain truths need not be proved. Coke, Litt. 16.

*Pirata est hostis humani generis.* A pirate is an enemy of the human race. Coke, 3d Inst. 113.

*Plena et celeris justitia fiat partibus.* Let full and speedy justice be done to the parties. Coke, 4th Inst. 67.

*Pluralis numerus est duobus contentus.* The plural number is contained in two. 1 Rolle, 476.

*Pluralities are odious in law.*

*Plures cohæredes sunt quasi unum corpus, propter unitatem juris quod habent.* Several co-heirs are as one body, by reason of the unity of right which they possess. Coke, Litt. 163.

*Plures participes sunt quasi unum corpus, in eo quod unum jus habent.* Several part-owners are as one body, by reason of the unity of their rights. Coke, Litt. 164.

*Plus exempla quam peccata nocent.* Examples hurt more than offences.

*Plus peccat auctor quam actor.* The instigator of a crime is worse than he who perpetrates it. 5 Coke, 99.

*Plus valet unus oculatus testis, quam auriti decem.* One eye-witness is better than ten ear-ones. Coke, 4th Inst. 279.

*Plus vident oculi quam oculus.* Eyes see more than one eye. Coke, 4th Inst. 160.

*Pœna ad paucos, metus ad omnes.* Punishment to few, dread or fear to all.

*Pœna ad paucos, metus ad omnes pervenit.* If punishment be inflicted on a few, a dread comes to all.

*Pœna ex delicto defuncti, hæres teneri non debet.* The heir ought not to be bound in a penalty inflicted for the crime of the ancestor. Coke, 2d Inst. 198.

*Pœna non potest, culpa perennis erit.* Punishment cannot be, crime will be, perpetual. 21 Viner, Abr. 271.

*Pœnæ potius molliendæ quam exasperandæ sunt.* Punishments should rather be softened than aggravated. Coke, 3d Inst. 220.

*Pœnæ sint restringendæ.* Punishments should be restrained. Jenk. Cent. Cas. 29.

*Pœnæ suis tenere debet actores et non alios.* Punishment ought to be inflicted upon the guilty, and not upon others. Branton, 380 b; Fleta, l. 1, c. 38, § 12; l. 4, c. 17, § 17.

*Politie legibus non leyes politie adaptandæ.* Politics are to be adapted to the laws, and not the laws to politics. Hob. 154.

*Ponderantur testes non numerantur.* Witnesses are weighed, not counted. 1 Starkie, Ev. 554; Best, Ev. 426, § 389; 14 Wend. N. Y. 105, 109.

*Posito uno oppositorum negatur alterum.* One of two opposite positions being affirmed, the other is denied. 3 Rolle, 422.

*Possessio est quasi pedis positio.* Possession is, as it were, the position of the foot. 3 Coke, 42.

*Possessio fratris de feodo simplici facit sororem esse heredem.* Possession of the brother in fee-simple makes the sister to be heir. 3 Coke, 42; 2 Sharwood, Blackst. Comm. 227; Broom, Max. 3d Lond. ed. 473.

*Possessio pacifica pour anne 60 facit jus.* Peaceable possession for sixty years gives a right. Jenk. Cent. Cas. 26.

*Possession is a good title, where no better title appears.* 20 Viner, Abr. 278.

*Possession of the termor, possession of the reversioner.*

*Possessor hæc right against all men but him who has the very right.*

*Possibility cannot be on a possibility.*

*Posteriora derogant prioribus.* Posterior things derogate from things prior. 1 Bouvier, Inst. n. 90.

*Postliminium fugit eum qui captus est in civitate*

*semper fuisse.* Postliminy feigns that he who has been captured has never left the state. Inst. 1. 12. 5; Dig. 49. 51.

*Potentia debet sequi justitiam, non antecedere.* Power ought to follow, not to precede justice. 3 Bulstr. 199.

*Potentia inutilis frustra est.* Useless power is vain.

*Potentia non est nisi ad bonum.* Power is not conferred but for the public good.

*Potest quis renunciare pro se, et omnis, jus quod pro se introductum est.* A man may relinquish, for himself and those claiming under him, a right which was introduced for his own benefit. See 1 Bouvier, Inst. n. 83.

*Potestas strictè interpretatur.* Power should be strictly interpreted. Jenk. Cent. Cas. 17.

*Potestas suprema seipsum dissolvere potest, ligare non potest.* Supreme power can dissolve, but cannot bind itself. Bacon, Max. Reg. 19.

*Potior est conditio defendentis.* Better is the condition of the defendant, than that of the plaintiff. Broom, Max. 3d Lond. ed. 664; 15 Pet. 471.

*Potior est conditio possidentis.* Better is the condition of the possessor. Broom, Max. 3d Lond. ed. 201, n.

*Præpropæra consilia, raro sunt prospera.* Hasty counsels are seldom prosperous. Coke, 4th Inst. 57.

*Præscriptio est titulus ex usu et tempore substatum capiens ab auctoritate legis.* Prescription is a title by authority of law, deriving its force from use and time. Coke, Litt. 113.

*Præscriptio et executio non pertinent ad colorem contractus, sed ad tempus et modum actionis instituentis.* Prescription and the execution of a contract do not affect the validity of the contract, but the time and manner of bringing an action. 3 Mass. 84; Decouche vs. Savetier, 3 Johns. Ch. N. Y. 190, 219.

*Præsentare nihil aliud est quam præsto dare seu offerre.* To present is no more than to give or offer on the spot. Coke, Litt. 120.

*Præsentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis.* The presence of the body cures the error in the name; the truth of the name cures an error in the description. Bacon, Max. Reg. 25; Broom, Max. 3d Lond. ed. 568; 6 Coke, 66; 3 Barnew. & Ad. 640; 6 Term, 675; 11 C. B. 996; 1 Hou. L. Cas. 792; 8 De Gez, M. & G. Ch. 146.

*Præstat cautela quam medela.* Prevention is better than cure. Coke, Litt. 304.

*Præsumatur pro justitia sententia.* The justice of a sentence should be presumed. Best, Ev. Int. 42; Mascardus de prob. conc. 1287, n. 2.

*Præsumitur pro legitimitate.* Legitimacy is to be presumed. 5 Coke, 98 b; 1 Sharwood, Blackst. Comm. 457.

*Præsumitur pro legitimatione.* There is a presumption in favor of legitimation. 5 Coke, 98 b; 1 Sharwood, Blackst. Comm. 457.

*Præsumptio, ex eo quod plerumque fit.* Presumptions arise from what generally happens. 22 Wend. N. Y. 425, 476.

*Præsumptio violenta, plena probatio.* Violent presumption is full proof.

*Præsumptio violenta valet in lege.* Strong presumption avails in law. Jenk. Cent. Cas. 58.

*Præsumptiones sunt conjecturæ ex signo verisimili ad probandum assumptæ.* Presumptions are conjectures from probable proof, assumed for purposes of evidence. J. Vo t. ad Pand. l. 22, tit. 3, n. 14.

*Præteriti liciti non debent admitti illicitum.* Under pretext of legality, what is illegal ought not to be admitted. 10 Coke, 88.

*Praxis judicium est interpretæ legum.* The practice of the judges is the interpreter of the laws. Hob. 96; Branch, Princ.

*Precedents have as much law as justice.*

*Precedents that pass sub-silentio are of little or no authority.* 16 Vinet, Abr. 499.

*Præsum succedit in locum rei.* The price stands in the place of the thing sold. 1 Bouvior, Inst. n. 930; 2 Balstr. 312.

*Præsum intentionis are judged by subsequent acts.* 4 Don. N. Y. 310, 320.

*Prima pars æquitatis æqualitas.* The radical element of justice is equality.

*Primo credenda est verbi vis, ne sermonis vitio obtrahatur oratio, nisi lex sine argumentis.* The force of a word is to be first examined, lest by the fault of diction the sentence be destroyed or the law be without arguments. Coke, Litt. 68.

*Princeps et republiæ ex justâ causâ possunt rem suam auferre.* The king and the commonwealth for a just cause can take away my property. 12 Coke, 13.

*Princeps legibus solutus est.* The emperor is free from laws. Dig. 1. 3. 31; Halifax, Anal. præf. vi, vii, note.

*Principalis debet semper executi antequam personatur ad fidei jusseros.* The principal should always be executed before coming upon the sureties. Coke, 2d Inst. 19.

*Principia data sequuntur concomitantia.* Given principles are followed by their concomitants.

*Principia probant, non probantur.* Principles prove, they are not proved. 3 Coke, 40. See PRINCIPLES.

*Principia obata.* Oppose beginnings. Branch, Prine.

*Principiorum non est ratio.* There is no reasoning of principles. 2 Balstr. 239. See PRINCIPLES.

*Principium est potissima pars cujusque rei.* The beginning is the most powerful part of a thing. 10 Coke, 49.

*Prior tempore, potior jure.* He who is first in time is preferred in right. Coke, Litt. 14 a; 2 P. Will. 491; 1 Term, 733; 9 Wheat. App. 24.

*Privatio præsupponit habitum.* A deprivation presupposes a possession. 2 Rolle, 419.

*Privatio prætionibus non dubium est non lædi jus ceterorum.* There is no doubt that the rights of others cannot be prejudiced by private agreements. Dig. 2. 15. 3. pr; Broom, Max. 3d Lond. ed. 623.

*Privatorum conventio juri publico non derogat.* Private agreements cannot derogate from public law. Dig. 50. 17. 45. 1.

*Privatum commodum publico cedit.* Private yields to public good. Jenk. Cent. Cas. 273.

*Privatum incommodum publico bono penatur.* Private inconvenience is made up for by public good.

*Privilegium est beneficium personale et extinguitur cum persona.* A privilege is a personal benefit and dies with the person. 3 Balstr. 8.

*Privilegium est quasi privata lex.* A privilege is, as it were, a private law. 2 Balstr. 189.

*Privilegium non valet contra rempublicam.* A privilege avails not against the commonwealth. Bacon, Max. 25; Broom, Max. 3d Lond. ed. 17; Noy, Max. 9th ed. 24.

*Pro possessore habetur qui dolo injuriæ deest possidere.* He is esteemed a possessor whose possession has been disturbed by fraud or injury. Off. of Ex. 166.

*Probandi oneratus invenit illi qui agit.* The necessity of proving lies with him who sues. Inst. 2. 20. 4.

*Probationes debent esse evidentes, (id est) perspicue et faciles intelligi.* Proofs ought to be made evident, (that is) clear and easy to be understood. Coke, Litt. 283.

*Probatæ extremæ, præsumitur mediæ.* The extremes being proved, the intermediate proceedings are presumed. 1 Greenleaf, Ev. § 20.

*Processus legis est gravis veritas, crecentin legis æronat opus.* The process of the law is a grievous

vexation; the execution of the law crowns the work. Coke, Litt. 289.

*Prohibetur ne quis faciat in suo quod nocere possit alieno.* It is prohibited to do on one's own property that which may injure another's. 9 Coke, 69.

*Proles sequitur sortem paternam.* The offspring follows the condition of the father. 1 Sandf. Ch. N. Y. 583, 660.

*Propinquior excludit propinquum; propinquus remotum; et remotus remotiorem.* He who is nearer excludes him who is near; he who is near, him who is remote; he who is remote, him who is more remote. Coke, Litt. 10.

*Propositum indefinitum æquipollet univocæli.* An indefinite proposition is equal to a general one.

*Proprietas totius navis carius causam sequitur.* The property of the whole ship follows the ownership of the keel. Dig. 6. 1. 61. Provided it had not been constructed with the materials of another. *Id.*; 2 Kent, Comm. 362.

*Proprietas verborum est salus proprietatum.* The propriety of words is the safety of property.

*Proprietates verborum observandæ sunt.* The proprieties (i. e. proper meanings) of words are to be observed. Jenk. Cent. Cas. 136.

*Protectio trahit subjectionem, subjectio protectionem.* Protection draws to it subjection; subjection, protection. Coke, Litt. 64.

*Provisio est providere præsentia et futura, non præterita.* A proviso is to provide for the present and the future, not the past. 2 Coke, 72; Vaugh. 279; Broom, Max. 3d Lond. ed. 275.

*Proximus est cui nemo antecedit; supremus est quem nemo sequitur.* He is next whom no one precedes; he is last whom no one follows. Dig. 50. 16. 92.

*Prudenter agit qui præcepto legis obtemperat.* He act prudently who obeys the commands of the law. 5 Coke, 49.

*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 their children. 3 Coke, 40.

*Pupillus pater pater non intelligitur.* A pupil is not considered able to do an act which would be prejudicial to him. Dig. 50. 17. 110. 2; 2 Kent, Comm. 245.

*Purchaser without notice not obliged to discover to his own hurt.* See 4 Bouvior, Inst. n. 4336. See *INFRA PRÆSIDIA.*

*Quæ ab hostibus capiuntur, statim capiuntur sunt.* Things taken from public enemies immediately become the property of the captors. Inst. 2. 1. 17; Grotius de jur. Bell. 1. 3. c. 6. § 12.

*Quæ ab initio inutilis fuit institutio, ex post facto convalescere non potest.* An institution void in the beginning cannot acquire validity from after-matter. Dig. 50. 17. 210.

*Quæ accessorium locum obtinent, extinguuntur cum principales res peremptæ fuerint.* When the principal is destroyed, those things which are accessory to it are also destroyed. Pothier, Obl. pt. 3, c. 6, art. 4; Dig. 33. 8. 2; Broom, Max. 3d Lond. ed. 439.

*Quæ ad unum finem loquuta sunt; non debent ad alium detorqueari.* Words spoken to one end ought not to be perverted to another. 4 Coke, 14.

*Quæ cohærent personæ à personâ separari nequeunt.* Things which belong to the person ought not to be separated from the person. Jenk. Cent. Cas. 28.

*Quæ communi legi derogant strictè interpretantur.* Laws which derogate from the common law ought to be strictly construed. Jenk. Cent. Cas. 221.

*Quæ contra rationem juris introducta sunt, non debent trahi in consequentiam.* Things introduced contrary to the reason of the law ought not to be drawn into precedents. 12 Coke, 75.

*Quæ dubitationis causâ tollendâ inseruntur communem legem non lædunt.* Whatever is inserted for the purpose of removing doubt does not hurt or affect the common law. Coke, Litt. 205.

*Quæ dubitationis tollendâ causâ contractibus inseruntur, jure commune non lædunt.* Particular clauses inserted in agreements to avoid doubts and ambiguity do not prejudice the common law. Dig. 50. 17. 81.

*Quæ in curiâ acta sunt rite agi præsumuntur.* Whatever is done in court is presumed to be rightly done. 3 Bulstr. 43.

*Quæ in partes dividi nequeunt solida, a singulis præstantur.* Things (i.e. services and rents) which cannot be divided into parts are rendered entire by each severally. 6 Coke, 1.

*Quæ in testamento ita sunt scripta ut intelligi non possunt, perinde sunt ac si scripta non essent.* Things which are so written in a will that they cannot be understood, are as if they had not been written. Dig. 50. 17. 73. 3.

*Quæ incontinenter vel certo sunt in eadem videntur.* Whatever things are done at once and certainly, appear part of the same transaction. Coke, Litt. 236.

*Quæ inter alios acta sunt nemini nocere debent, sed prolesse possunt.* Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Coke, 1.

*Quæ legi communi derogant non sunt trahenda in exemplum.* Things derogatory to the common law are not to be drawn into precedent. Branch, Prince.

*Quæ legi communi derogant strictè interpretantur.* These things which derogate from the common law are to be construed strictly. Jenk. Cent. Cas. 29.

*Quæ initio sunt inchoata in principio rite bene peraguntur exitu.* Things had in the commencement seldom end well. 4 Coke, 2.

*Quæ non valent singula, juncta jurent.* Things which may not avail singly, when united have an effect. 3 Bulstr. 132.

*Quæ præter consuetudinem et morem majorum sunt, neque placeant, neque recte videntur.* What is done contrary to the custom and usage of our ancestors, neither pleases nor appears right. 4 Coke, 78.

*Quæ propter necessitatem recepta sunt, non debent in argumentum trahi.* Things which are tolerated on account of necessity ought not to be drawn into precedent. Dig. 50. 17. 162.

*Quæ rerum naturâ prohibentur, nullâ lege confirmata sunt.* What is prohibited in the nature of things can be confirmed by no law. Finch, Law. 74.

*Quæ sunt minoris culpæ sunt majoris infamie.* Things which are of the smaller guilt are of the greater infamy. Coke, Litt. 6.

*Quæcumque intra rationem legis inveniuntur, intra legem ipsam esse judicantur.* Whatever appears within the reason of the law, is considered within the law itself. Coke, 2d Inst. 689.

*Quælibet concessio furtivissime contra donatorem interpretanda est.* Every grant is to be taken most strongly against the grantor. Coke, Litt. 183 a.

*Quælibet jurisdictio concessio suos habet.* Every jurisdiction has its bounds. Jenk. Cent. Cas. 139.

*Quælibet pœna corporalis, quamvis minima, major est quælibet pœna pecuniaria.* Every corporal punishment, although the very least, is greater than any pecuniary punishment. Coke, 3d Inst. 220.

*Quærens de dubiis, legem bene discere si vis.* Inquire into doubtful points if you wish to understand the law well. Littleton, § 413.

*Quærens de dubiis, quia per rationes pervenitur ad legitimam rationem.* Inquire into doubtful points, because by reasoning we arrive at legal reason. Littleton, § 377.

*Quærens dat sapere quæ sunt legitima verâ.* To

investigate is the way to know what things are really lawful. Littleton, § 443.

*Qualitas quæ incusa debet, facile præsumitur.* A quality which ought to form a part is easily presumed.

*Quam longum debet esse rationale tempus, non definitur in lege, sed pendet ex discretione iudicis.* What is reasonable time the law does not define; it is left to the discretion of the judge. Coke, Litt. 56. See 11 Coke, 44.

*Quam rationalis debet esse finis, non definitur, sed omnibus circumstantiis inspectis pendet ex iudicis discretione.* What a reasonable fine ought to be is not defined, but is left to the discretion of the judges, all the circumstances being considered. 11 Coke, 44.

*Quamvis aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum.* Although in itself a thing may not be bad, yet if it holds out a bad example it is not to be done. Coke, 2d Inst. 564.

*Quamvis lex generaliter loquitur, restringenda tamen est, ut commode ratione et ipsa cesset.* Although the law speaks generally, it is to be restrained, since when the reason on which it is founded fails, it fails. Coke, 4th Inst. 330.

*Quando abest provisio partis, adest provisio legis.* When a provision of the party is lacking, the provision of the law is at hand. 13 C. B. 960.

*Quando aliquid conceditur, conceditur id sine quo illud fieri non possit.* When any thing is granted, that also is granted without which it cannot be of effect. 9 Barb. N. Y. 516, 518; 10 id. 354, 359.

*Quando aliquid mandatur, mandatur et omne per quod pervenitur ad illud.* When any thing is commanded, every thing by which it can be accomplished is also commanded. 5 Coke, 116. See 7 C. B. 886; 14 id. 107; 6 Exch. 856, 859; 10 id. 449; 2 Ell. & B. 301; Story, Ag. 4th ed. 110, 179, 242, 299; Broom, Max. 3d Lond. ed. 431.

*Quando aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum.* When any thing by itself is not evil, and yet may be an example for evil, it is not to be done. Coke, 2d Inst. 564.

*Quando aliquid prohibetur ex directo, prohibetur et per obliquum.* When any thing is prohibited directly, it is also prohibited indirectly. Coke, Litt. 223.

*Quando aliquid prohibetur, prohibetur omne per quod decenitur ad illud.* When any thing is prohibited, every thing by which it is reached is prohibited. Coke, 2d Inst. 48; Broom, Max. 3d Lond. ed. 432; Wingate, Max. 618. See 7 Clark & F. Hou. L. 509, 546; 4 Barnw. & C. 187, 193; 2 Term, 251, 252; 8 id. 301, 415; 16 Mees. & W. Exch. 7; 11 Wend. N. Y. 329.

*Quando aliquis aliquid concedit, concedere videtur et id sine quo res uti non potest.* When a person grants a thing, he is supposed to grant that also without which the thing cannot be used. 3 Kent, Comm. 421.

*Quando charta continet generalem clausulam, posteaque descendit ad verba specialia quæ clausulam generali sunt consentanea, interpretanda est charta secundum verba specialia.* When a deed contains a general clause, and afterwards descends to special words, consistent with the general clause, the deed is to be construed according to the special words. 8 Coke, 154.

*Quando de una et eadem re, duo onerabiles existunt, unus, pro insufficienti alterius, de integro onerabitur.* When two persons are liable concerning one and the same thing, if one makes default the other must bear the whole. Coke, 2d Inst. 277.

*Quando dispositio refertur ad duas res, ita quod secundum relationem unam vitentur et secundum alteram utilis sit, tum facienda est relatio, ad illam ut valeat dispositio.* When a disposition may be made to refer to two things, so that according to

one reference it would be vitiated and by the other it would be made effectual, such a reference must be made that the disposition shall have effect. 6 Coke, 76 b.

*Quando dicendi desiderantur actus ad aliquem statum perficiendum, plus respicit lex actum originalem.* When different acts are required to the formation of an estate, the law chiefly regards the original act. 10 Coke, 49.

*Quando duo jura concurrunt in una persona, æquum est ac si essent in diversis.* When two rights concur in one person, it is the same as if they were in two separate persons. 4 Coke, 118.

*Quando jus domini regis et subditi concurrunt jus regis præferri debet.* When the right of the sovereign and of the subject concur, the right of the sovereign ought to be preferred. 1 Coke, 129; Coke, Litt. 30 b; Broom, Max. 3d Lond. ed. 66.

*Quando lex aliquid ulicui concedit, concedere videtur id sine quo res ipsa esse non potest.* When the law gives any thing, it gives the means of obtaining it. 5 Coke, 47; 3 Kent, Comm. 421.

*Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur.* When the law gives any thing, it gives tacitly what is incident to it. Coke, 2d Inst. 326; Hob. 231.

*Quando lex aliquid alicui concedit, conceditur et id sine quo res ipsa esse non potest.* When the law grants a thing to any one, it grants that also without which the thing itself cannot exist. 15 Barb. N. Y. 153, 160.

*Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda.* When the law is special, but its reason is general, the law is to be understood generally. Coke, 2d Inst. 83; 10 Coke, 101.

*Quanto licet id quod majus, videtur licere id quod minus.* When the greater is allowed, the less seems to be allowed also. Sheppard, Touchat. 429.

*Quando plus fieri debet, videtur etiam illud fieri quod faciendum est.* When more is done than ought to be done, that too shall be considered as performed which should have been performed: as, if a man having a power to make a lease for ten years, make one for twenty years, it shall be void only for the surplus. Broom, Max. 3d Lond. ed. 166; 5 Coke, 115; 8 id. 85 a.

*Quando quod non valet ut ago, valet quantum valere potest.* When that which I do does not have effect as I do it, let it have as much effect as it can. 16 Johns. N. Y. 172, 178; 3 Barb. Ch. N. Y. 242, 261.

*Quando res non valet ut ago, valet quantum valere potest.* When a thing is of no force as I do it, it shall have as much as it can have. Cowp. 600; Broom, Max. 3d Lond. ed. 483; 2 Smith, Lead. Cas. 291; 6 East, 105; 1 Vent. 216; 1 H. Blackst. 614, 620.

*Quando verba et mens congruunt, non est interpretationi locus.* When the words and the mind agree, there is no place for interpretation.

*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. 10 Coke, 101 b.

*Quædammodum ad questionem facti non respondent iudices, ita ad questionem juris non respondent juratores.* In the same manner that judges do not answer to questions of fact, so jurors do not answer to questions of law. Coke, Litt. 295.

*Qui accusat integrum sumit sit et non criminans.* Let him who accuses be of clear fame, and not criminal. Coke, 3d Inst. 26.

*Qui admittit medium dirimit finem.* He who takes away the means destroys the end. Coke, Litt. 161.

*Qui aliquid statuerit parte inaudita altera, æquum licet dixerit, haud æquum fecerit.* He who decides any thing, a party being unheard, though he should decide right, does wrong. 6 Coke, 52; 4 Blackstone, Comm. 483.

*Qui alterius jure utitur, eodem jure uti debet.* He who uses the right of another ought to use the same right. Pothier, Tr. De Change, pt. 1, c. 4, § 114; Broom, Max. 3d Lond. ed. 421.

*Qui bene distinguit, bene docet.* He who distinguishes well, teaches well. Coke, 2d Inst. 470.

*Qui bene interrogat, bene docet.* He who questions well learns well. 3 Bulstr. 227.

*Qui cadit à syllaba cadit à totâ causa.* He who fails in a syllable fails in his whole cause. Braot. fol. 211; Stat. Wals. 12 Edw. I.; 3 Sharwood, Blackst. Comm. 407.

*Qui concedit aliquid, concedere videtur et id sine quo concessio est irrita, sine quo res ipsa esse non potuit.* He who grants any thing is considered as granting that without which his grant would be idle, without which the thing itself could not exist. 11 Coke, 52; Jenk. Cent. Cas. 32.

*Qui confirmat nihil dat.* He who confirms does not give. 2 Bouvier, Inst. n. 2069.

*Qui contemnit præceptum, contemnit præcipientem.* He who contemns the precept contemns the party giving it. 12 Coke, 96.

*Qui cum alio contrahit, vel est, vel debet esse non ignarus conditionis ejus.* He who contracts knows, or ought to know, the quality of the person with whom he contracts (otherwise he is not excusable). Dig. 50. 17. 19; 2 Hagg. Cons.; Story, Conf. Laws, § 76.

*Qui dat finem, dat media ad finem necessaria.* He who gives an end gives the means to that end. 3 Mass. 129.

*Qui destruit medium, destruit finem.* He who destroys the means destroys the end. 11 Coke, 51; Sheppard, Touchat. 342; Coke, Litt. 101 a.

*Qui dicit inherere al père, dicit inherere al filio.* He who ought to inherit from the father ought to inherit from the son. 2 Sharwood, Blackst. Comm. 250, 273; Broom, Max. 3d Lond. ed. 459.

*Qui evertit causam, evertit causatum futurum.* He who overthrows the cause overthrows its future effects. 10 Coke, 51.

*Qui ex damnato coitu nascuntur, inter liberos non computantur.* They who are born of an illicit union should not be counted among children. Coke, Litt. 8. See 1 Bouvier, Inst. n. 269; Bracton, 5; Broom, Max. 3d Lond. ed. 460.

*Qui facit id quod plus est, facit id quod minus est, sed non contrarietur.* He who does that which is more does that which is less, but not vice versa. Bracton, 207 b.

*Qui facit per alium facit per se.* He who acts by or through another acts himself; i. e. the acts of an agent are the acts of the principal. 1 Sharwood, Blackst. Comm. 429; Story, Ag. § 440; 2 Bouvier, Inst. nn. 1273, 1335, 1336; 7 Mann. & G. 32, 33; 16 Mes. & W. 26; 8 Scott, n. n. 590; 6 Clark & F. Hou. L. 600; 10 Mass. 155.

*Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi.* He who has jurisdiction to loosen has jurisdiction to bind. 12 Coke, 59.

*Qui hæret in litera, hæret in cortice.* He who adheres to the letter adheres to the bark. Coke, Litt. 289; 5 Coke, 4 b; 11 id. 34 b; 12 East, 372.

*Qui ignorat quantum solvere debeat, non potest in probus videre.* He who does not know what he ought to pay does not want probity in not paying. Dig. 50. 17. 99.

*Qui in jus dominiumque alterius succedit jure ejus uti debet.* He who succeeds to the right or property of another ought to use his right, i. e. holds it subject to the same rights and liabilities as attached to it in the hands of the assignor. Dig. 50. 17. 177; Broom, Max. 3d Lond. ed. 420, 425.

*Qui in utero est, pro jam nato habetur quoties de ejus commoda queritur.* He who is in the womb is considered as born, whenever his benefit is concerned.

*Qui jure suo utitur, nemini facit injuriam.* He who uses his legal rights harms no one.

*Qui jussu judicis aliquod fecerit non videtur dolo malo fecisse, quia parere necesse est.* He who does any thing by command of a judge will not be supposed to have acted from an improper motive, because it was necessary to obey. 10 Coke, 76; Dig. 50. 17. 167. 1.

*Qui male agit, odit lucem.* He who acts badly hates the light. 7 Coke, 66.

*Qui mandat ipse fecisse videtur.* He who commands (a thing to be done) is held to have done it himself. Story, Bailm. § 147.

*Qui melius probat, melius habet.* He who proves most recovers most. 9 Viner, Abr. 235.

*Qui militur invidias in patriam, id facit quod insanus nauta perforans naucem in qua vehi ut.* He who betrays his country is like the insane sailor who bores a hole in the ship which carries him. Coke, 3d Inst. 36.

*Qui nascitur sine legitimo matrimonio, matrem sequitur.* He who is born out of lawful matrimony follows the condition of the mother.

*Qui non cadunt in constantem virum, vani timores sunt estimandi.* Those are to be esteemed vain fears which do not affect a man of a firm mind. 7 Coke, 27.

*Qui non habet, ille non dat.* Who has not, he gives not. Sheppard, Touchst. 243; 4 Wend. N. Y. 619.

*Qui non habet in ere luat in corpore, ne quis peccetur impune.* He who cannot pay with his purse must suffer in his person, lest he who offends should go unpunished. Coke, 2d Inst. 173; 4 Blackst. on Com. 20.

*Qui non habet potestatem alienandi habet necessitatem retinendi.* He who has not the power of alienating is obliged to retain. Hob. 336.

*Qui non improbat, approbat.* He who does not disapprove approves. Coke, 3d Inst. 27.

*Qui non libere veritatem pronunciat, proditor est veritatis.* He who does not freely speak the truth is a betrayer of the truth.

*Qui non obstat quod obviare potest facere videtur.* He who does not prevent what he can, seems to commit the thing. Coke, 2d Inst. 146.

*Qui non prohibet eum prohibere possit, jubet.* He who does not forbid when he can forbid, commands. 1 Shar. wood, Blackst. Com. 430.

*Qui non prohibet quod prohibere potest assentire videtur.* He who does not forbid what he can forbid, seems to assent. Coke, 2d Inst. 308; 8 Exch. 304.

*Qui non propulsat injuriam quando potest, infert.* He who does not repel a wrong when he can, occasions it. Jenk. Cent. Cas. 271.

*Qui obstruit aditum, destruit commodum.* He who obstructs an entrance destroys a conveniency. Coke, Litt. 161.

*Qui omne dicit, nihil excludit.* He who says all excludes nothing. Coke, 4th Inst. 81.

*Qui parcat nocentibus innocentes punnit.* He who spares the guilty punishes the innocent. Jenk. Cent. Cas. 126.

*Qui peccat ebrius, luat sobrius.* He who offends drunk must be punished when sober. Car. 133.

*Qui per alium facit per seipsum facere videtur.* He who does any thing through another is considered as doing it himself. Coke, Litt. 258.

*Qui per fraudem agit, frustra agit.* He who acts fraudulently acts in vain. 2 Rolle, 17.

*Qui potest et debet retinere, jubet.* He who can and ought to forbid, and does not, commands.

*Qui primum peccat ille facit rixam.* He who first offends causes the strife.

*Qui prior est tempore, posterior est jure.* He who is first or before in time is stronger in right. Coke, Litt. 14 a; 1 Story, Eq. Jur. § 64 d; Story, Bailm. § 312; 1 Bouvier, Inst. n. 952; 4 id. 3728; 1 Smith, Lead. Cas. 4th Haro & W. ed. 440; 3 East, 93; 24 Miss. 298.

*Qui pro me aliquid facit, mihi fecisse videtur.* He who does any benefit (to another) for me is considered as doing it to me. Coke, 2d Inst. 501.

*Qui providet sibi, providet hereditibus.* He who provides for himself provides for his heirs.

*Qui rationem in omnibus querunt, rationem subvertunt.* He who seeks a reason for every thing subverts reason. 2 Coke, 75; Broom, Max. 3d Lond. ed. 149.

*Qui semel actionem renunciarerit, amplius repetere non potest.* He who renounces his action once cannot any more bring it. 3 Coke, 59. See RE-TRAXIT.

*Qui semel malus, semper presumitur esse malus in eodem genere.* He who is once bad is presumed to be always so in the same degree. Cruke Car. 317; Best, Ev. 345.

*Qui sentit commodum, sentire debet et onus.* He who derives a benefit from a thing ought to bear the disadvantages attending it. 2 Bouvier, Inst. n. 1433; 2 Woodb. & M. C. C. 217; 1 Stor. Const. 78; Broom, Max. 3d Lond. ed. 630.

*Qui sentit onus, sentire debet et commodum.* 1 Coke, 99 a; Broom, Max. 3d Lond. ed. 638; 1 Serg. & R. Penn. 180; Coots, Mortg. 3d ed. 517 (d); Francis, Max. 5.

*Qui tacet consentire videtur.* He who is silent appears to consent. Jenk. Cent. Cas. 32.

*Qui tacet consentire videtur ubi tractatur de ejus commodo.* He who is silent is considered as assenting, when his advantage is debated. 9 Mod. 33.

*Qui tacet non utique fatetur, sed tamen verum est eum non negare.* He who is silent does not indeed confess, but yet it is true that he does not deny. Dig. 50. 17. 142.

*Qui tardius solvit, minus solvit.* He who pays tardily pays less than he ought. Jenk. Cent. Cas. 38.

*Qui timent, cavent et vitant.* They who fear take care and avoid. Off. Ex. 162; Branch, Prine.

*Qui vult decipi, decipiatur.* Let him who wishes to be deceived, be deceived. De Gex, M. & G. Ch. 687, 710; Sheppard, Touchst. 56.

*Quicquid acquiritur servo, acquiritur domino.* Whatever is acquired by the servant is acquired for the master. 15 Viner, Abr. 327.

*Quicquid demonstrat rei additur satis demonstratæ frustra est.* Whatever is added to the description of a thing already sufficiently described is of no effect. Dig. 33. 4. 1. 8; Broom, Max. 3d Lond. ed. 562.

*Quicquid est contra normam recti est injuria.* Whatever is against the rule of right is a wrong. 3 Bulstr. 313.

*Quicquid in excessu actum est, lege prohibetur.* Whatever is done in excess is prohibited by law. Coke, 2d Inst. 107.

*Quicquid judicis auctoritati subjicitur, moritatis non subjicitur.* Whatever is subject to the authority of a judge is not subject to innovation. Coke, 4th Inst. 66.

*Quicquid plantatur solo, solo cedit.* Whatever is affixed to the soil belongs to it. Went. Off. Ex. 145. See Ambl. 113; 3 East, 51; FIXTURES.

*Quicquid recipitur, recipitur secundum modum recipientis.* Whatever is received is received according to the intention of the recipient. Broom, Max. 3d Lond. ed. 727; Halkers, Max. 149; Law Mag. 1855, p. 21; 2 Bingh. n. c. 461; 2 Barnew. & C. 72; 14 Sim. Ch. 522; 2 Clark & F. Hou. L. 681; 2 Crompt. & J. Exch. 678; 14 East, 239, 243 c.

*Quicquid solvitur, solvitur secundum modum solventis.* Whatever is paid is to be applied according to the intention of the payor. 2 Vern. 806. See APPROPRIATION OF PAYMENTS.

*Quid sit jus, et in quo consistit injuria, legis est definire.* What constitutes right, and what injury, it is the business of the law to declare. Coke, Litt. 158 b.

*Quia non movere.* Not to unsettle things which are established. 28 Barb. N. Y. 9, 22.

*Quilibet potest renunciare juri pro se inducto.* Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Boavier, Inst. n. 83; 3 Curt. C. C. 393; 1 Exch. 637.

*Quinquis est qui velit juris consultus haberi, continet studium, velit a quocumque doceri.* Whoever wishes to be held a jurisconsult, let him continually study, and desire to be taught by every body.

*Quo ligatur, eo dissolvitur.* As a thing is bound, so it is unbound. 2 Rolle, 21.

*Quocumque modo velit, quocumque modo possit.* In any way he wishes, in any way he can. 14 Johns. N. Y. 484, 492.

*Quod à quoque pænis nomine exactum est id eidem restituere nemo cogitur.* That which has been exacted as a penalty no one is obliged to restore. Dig. 50. 17. 46.

*Quod ab initio non valet, in tractu temporis non convalescet.* What is not good in the beginning cannot be rendered good by time. Merlin, Rép. verb. *Regle de Droit*. This, though true in general, is not universally so. 4 Coke, 26; Broom, Max. 3d Lond. ed. 166, 172, n.

*Quod ad jus naturale attinet, omnes homines æquales sunt.* All men are equal as far as the natural law is concerned. Dig. 50. 17. 32.

*Quod edificatur in aræ legatæ cedit legato.* Whatever is built upon land given by will passes with the gift of the land. Amos & F. Fixtures, 2d ed. 246; Broom, Max. 3d Lond. ed. 377.

*Quod alius bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur.* What is otherwise good and just, if sought by force or fraud, becomes bad and unjust. 3 Coke, 78.

*Quod alius non fuit licitum necessitas licitum facit.* Necessity makes that lawful which otherwise was unlawful. Fleta, l. 5, c. 23, § 14.

*Quod approbo non reprobo.* What I accept I do not reject. Broom, Max. 3d Lond. ed. 6-6.

*Quod attinet ad jus civile, servi pro nullis habentur, non tamen et jure naturali, quia, quod ad jus naturale attinet, omnes homines æquales sunt.* So far as the civil law is concerned, slaves are not reckoned as persons, but not so by natural law, for so far as regards natural law all men are equal. Dig. 50. 17. 32.

*Quod constat clarè, non debet verificari.* What is clearly apparent need not be proved. 10 Mod. 150.

*Quod constat curis opere testium non indiget.* What appears to the court needs not the help of witnesses. Coke, 2d Inst. 662.

*Quod contra juris rationem receptum est, non est producendum ad consequentias.* What has been admitted against the reason of the law, ought not to be drawn into precedents. Dig. 50. 17. 141; 12 Coke, 75.

*Quod contra legem fit, pro infecto habetur.* What is done contrary to the law, is considered as not done. 4 Coke, 31. No one can derive any advantage from such an act.

*Quod datum est ecclesie, datum est Deo.* What is given to the church is given to God. Coke, 2d Inst. 590.

*Quod demonstrandi causâ additur res satis demonstrata, frustra fit.* What is added to a thing sufficiently palpable, for the purpose of demonstration, is vain. 19 Coke, 113.

*Quod dubitas, ne feceris.* When you doubt about a thing, do not do it. 1 Hale, Pl. Cr. 310.

*Quod enim semel aut bis existit, prætereunt leges.* That which never happens but once or twice, legislators pass by. Dig. l. 3. 17.

*Quod est ex necessitate nunquam introducitur, nisi quando necessarium.* What is introduced of neces-

sity, is never introduced except when necessary. 2 Rolle, 512.

*Quod est inconveniens, aut contra rationem non permittitur est in lege.* What is inconvenient or contrary to reason, is not allowed in law. Coke, Litt. 178.

*Quod est necessarium est licitum.* What is necessary is lawful. Jenk. Cent. Cas. 76.

*Quod factum est, cum in obscuro sit, ex affectione ejusque capiti interpretationem.* When there is doubt about an act or expression, it receives interpretation from the (known) feelings or affections of the actor or writer. Dig. 50. 17. 168. 1.

*Quod fieri debet facile præsumitur.* That is easily presumed which ought to be done. Halkers, Max. 153.

*Quod fieri non debet, factum valet.* What ought not to be done, when done, is valid. 5 Coke, 38; 12 Mod. 438; 6 Mees. & W. Exch. 58; 9 id. 636.

*Quod in jure scripto "jus" appellatur, id in lege Angliæ "rectum" esse dicitur.* What in the civil law is called "jus," in the law of England is said to be "rectum" (right). Coke, Litt. 260; Fleta, l. 6, c. 1, § 1.

*Quod in minori valet, valet in majore; et quod in majore non valet, nec valet in minori.* What avails in the less, will avail in the greater; and what will not avail in the greater, will not avail in the less. Coke, Litt. 260.

*Quod in uno similitum valet, valet in altero.* What avails in one of two similar things, will avail in the other. Coke, Litt. 191.

*Quod inconsulto fecimus, consultius revocemus.* What is done without consideration or reflection, upon better consideration we should revoke or undo. Jenk. Cent. Cas. 116.

*Quod initio vitiosum est, non potest tractu temporis convalescere.* Time cannot render valid an act void in its origin. Dig. 50. 17. 29.

*Quod ipais, qui contraxerunt, obstat; et successoribus eorum obstat.* That which bars those who have contracted will bar their successors also. Dig. 50. 17. 103.

*Quod jure alterius solvitur pro eo est quasi ipse solutum avel.* That which is paid by the order of another is, so far as such person is concerned, as if it had been paid to himself. Dig. 50. 17. 1-0.

*Quod meum est, sine facto sine defectu nostro, amitti seu in alium transferri non potest.* That which is ours cannot be lost or transferred to another with out our own act or default. 8 Coke, 92; Broom, Max. 3d Lond. ed. 415; 1 Preston, Abstr. 147, 318.

*Quod meum est sine me auferri non potest.* What is mine cannot be taken away without my consent. Jenk. Cent. Cas. 251. But see EMINENT DOMAIN.

*Quod minus est in obligationem videtur deductum.* That which is the less is held to be imported into the contract: e. g. A offers to hire B's house at six hundred dollars at the same time B offers to let it for five hundred dollars; the contract is for five hundred dollars. 1 Story, Contr. 4th ed. 481.

*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. Dig. l. 1. 9; Inst. l. 2. 1; 1 Sharswood, Blacket. Comm. 43.

*Quod necessariè intelligitur id non deest.* What is necessarily understood is not wanting. 1 Bulstr. 71.

*Quod necessitas cogit, defendit.* What necessity forces, it justifies. Hale, Pl. Cr. 54.

*Quod non apparet non est, et non apparet judicialiter ante iudicium.* What appears not does not exist, and nothing appears judicially before judgment. Coke, 2d Inst. 479; Jenk. Cent. Cas. 207.

*Quod non caput Christus, caput fœcus.* What the church does not take, the treasury takes. Year B. 19 Hen. VI. 1.

*Quod non habet principium non habet finem.* What has no beginning has no end. Coke, Litt. 345; Broom, Max. 3d Lond. ed. 170, 171.

*Quod non legitur, non creditur.* What is not read is not believed. 4 Coke, 304.

*Quod non valet in principalia, in accessoria seu consequentia non valebit; et quod non valet in magis propinquo, non valebit in magis remoto.* What is not good as to things principal, will not be good as to accessories or consequences; and what is not of force as regards things near, will not be of force as to things remote. 8 Coke, 78.

*Quod nullius esse potest, id ut alicujus fieret nulla obligatio valet efficere.* No agreement can avail to make that the property of any one which cannot be acquired as property. Dig. 50. 17. 182.

*Quod nullius est, est domini regia.* That which belongs to nobody belongs to our lord the king. Flota, l. 3; Broom, Max. 3d Lond. ed. 317; Bacon, Abr. *Prerogative* (B); 2 Sharswood, Blackst. Comm. 260.

*Quod nullius est id ratione naturali occupanti conceditur.* What belongs to no one, by natural reason belongs to the first occupant. Inst. 2. 1. 12; 1 Bouvier, Inst. n. 491; Broom, Max. 3d Lond. ed. 316.

*Quod omnes tangit, ab omnibus debet supportari.* That which concerns all ought to be supported by all. 3 How, St. Trials, 818, 1087.

*Quod pendet, non est pro eo, quasi sit.* What is in suspense is considered as not existing during such suspense. Dig. 50. 17. 109, 1.

*Quod per me non possum, nec per alium.* What I cannot do in person, I cannot do through the agency of another. 4 Coke, 24 b; 11 id. 87 a.

*Quod per me non possum, nec per alium.* What I cannot do for myself I cannot do through the agency of another. 4 Coke, 24 b; 11 id. 87 a.

*Quod per recordum probatum, non debet esse negatum.* What is proved by the record, ought not to be denied.

*Quod populus postremum jussit, id jus ratum esto.* What the people have last enacted, let that be the established law. 1 Sharswood, Blackst. Comm. 69.

*Quod principi placuit, legis habet rigorem; utpote cum lege regia, quæ de imperio ejus lata est, populus ei et in eum omnia suum imperium et potestatem conferat.* The will of the emperor has the force of law; for, by the royal law which has been made concerning his authority, the people has conferred upon him all its own sovereignty and power. Dig. l. 4. 1; Inst. 1. 2. 1; Flota, l. 1, c. 17, § 7; Bructon, 107; Selden, *Disc. ad Flot.* c. 3, §§ 2-5.

*Quod prius est verius est; et quod prius est tempore potius est jure.* What is first is truest; and what comes first in time is best in law. Coke, Litt. 347.

*Quod pro minore licitum est, et pro majore licitum est.* What is lawful in the less is lawful in the greater. 8 Coke, 43.

*Quod quis ex culpa sua damnum sentit, non intelligitur damnum sentire.* He who suffers a damage by his own fault is not held to suffer damage. Dig. 50. 17. 203.

*Quod quis sciens indeditum dedit hæc mente, ut postea repeteret, repetere non potest.* What one has paid knowing it not to be due, with the intention of recovering it back, he cannot recover back. Dig. 2. 6. 50.

*Quod quisque norit in hoc se exercere.* Let every one employ himself in what he knows. 11 Coke, 10.

*Quod remedio destituitur ipsâ re valet si culpa absit.* What is without a remedy is by that very fact valid if there be no fault. Bacon, Max. Reg. 9; 3 Blackstone, Comm. 20.

*Quod semel aut bis erisistit præterunt legislatores.* Legislators pass over what happens (only) once or twice. Dig. l. 3. 6; Broom, Max. 3d Lond. ed. 45.

*Quod semel meum est amplius meum esse non potest.* What is once mine cannot be mine more completely. Coke, Litt. 49 b; Sheppard, Touchst. 212; Broom, Max. 3d Lond. ed. 415, n.

*Quod semel placuit in electione, amplius displicere non potest.* That which in making his election a man has once been pleased to choose, he cannot afterwards quarrel with. Coke, Litt. 146.

*Quod solo indicatur solo credit.* Whatever is built on the soil is an accessory of the soil. Inst. 2. 1. 29; 16 Max. 449; 2 Bouvier, Inst. n. 1571.

*Quod sub certâ formâ concessum vel reservatum est, non trahitur ad rationem vel compensationem.* That which is granted or reserved under a certain form, is not to be drawn into valuation or compensation. Bacon, Max. Reg. 4.

*Quod subintelligitur non deest.* What is understood is not wanting. 2 Ld. Raym. 832.

*Quod tacite intelligitur deesse non videtur.* What is tacitly understood does not appear to be wanting. 4 Coke, 22.

*Quod vnum et inutile est, lex non requirit.* The law does not require what is vain and useless. Coke, Litt. 319.

*Quod cerè contra rationem juris receptum est, non est producendum ad consequentias.* But that which has been admitted contrary to the reason of the law, ought not to be drawn into precedents. Dig. l. 3. 14; Broom, Max. 3d Lond. ed. 150.

*Quod voluit non dixit.* He did not say what he intended to. 1 Kent, Comm. 468, n.; 4 Mauie & S. 522, arg.; 1 Johns. Ch. N. Y. 235.

*Quotcumque aliquis ob tutelam corporis sui fecerit jure id facere videtur.* Whatever one does in defence of his person, that he is considered to have done legally. Coke, 2d Inst. 590.

*Quodque dissolvitur eodem modo quo ligatur.* In the same manner that a thing is bound, it is unbound. 2 Rolle, 39; Broom, Max. 3d Lond. ed. 738; 2 Mann. & G. 729.

*Quomodo quid constituitur eodem modo dissolvitur.* In whatever modo a thing is constituted, in the same manner it is dissolved. Jenk. Cent. Cas. 74.

*Quorum prætexta, nec auget nec minuit sententiam, sed tantum confirmat præmissa.* "Quorum prætexta" neither increases nor diminishes the meaning, but only confirms that which went before. Plowd. 52.

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.* Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50. 17. 20.

*Quotiens idem sermo duas sententias exprimit, ea potissimum accipiuntur, quæ rei gerendæ aptior est.* Whenever the same words express two meanings, that is to be taken which is the better fitted for carrying out the proposed end. Dig. 50. 17. 67.

*Quoties in stipulationibus ambigua oratio est, commodissimum est id accipi quo res de quo agitur, in tuto est.* Whenever in stipulations the expression is ambiguous, it is most proper to give it that interpretation by which the subject matter may be in safety. Dig. 41. 1. 80; 50. 16. 219.

*Quoties in verbis nulla est ambiguitas ibi nulla expositio contra verbum fieri debet.* When there is no ambiguity in the words, then no exposition contrary to the words is to be made. Coke, Litt. 147; Broom, Max. 3d Lond. ed. 850.

*Quum de lucro duorum quaratur, melior est conditio possidentis.* When the gain of one of two is in question, the condition of the possessor is the better. Dig. 50. 17. 126. 2.

*Quum in testamento ambigue aut etiam perperam scriptum est, benigne interpretari et secundum id quod credibile et cogitatum, credendum est.* When in a will an ambiguous or even an erroneous expression occurs, it should be construed liberally and in accordance with what is thought the probable meaning of the testator. Dig. 34. 5. 24; Broom, Max. 3d Lond. ed. 437. See Brisson, *Perperam*.

*Quam eam principalis causa non consistit ne ea quidem que sequuntur locum habent.* When the principal does not hold its ground, neither do the accessories find place. Dig. 50. 17. 129. 1; Broom, Max. 3d Lond. ed. 438; 1 Pothier, Obl. 413.

*Ratihabitio mandato equiparatur.* Ratification is equal to a command. Dig. 46. 3. 12. 4; Broom, Max. 3d Lond. ed. 771; Story, Ag. 4th ed. 302.

*Ratio est fontalis causa consuetudinis.* Reason is the source and mould of custom.

*Ratio est legis anima, mutata legis ratione mutatur et lex.* Reason is the soul of the law; the reason of the law being changed, the law is also changed. 7 Coke, 7.

*Ratio est radius divini luminis.* Reason is a ray of divine light. Coke, Litt. 232.

*Ratio et auctoritas duo clarissima mundi lumina.* Reason and authority are the two brightest lights in the world. Coke, 4th Inst. 320.

*Ratio in jure aequitas integra.* Reason in law is perfect equity.

*Ratio legis est anima legis.* The reason of the law is the soul of the law. Jenk. Cent. Cas. 45.

*Ratio non clauditur loco.* Reason is not confined to any place.

*Ratio pro allegari deficiente lege, sed vera et legalis et non apparens.* Reason may be alleged when the law is defective, but it must be true and legal reason, and not merely apparent. Coke, Litt. 191.

*Re, verbis, scripto, consensu, traditione, junctura oedes, munere plecta solent.* Contracts usually take their clothing from the thing itself, from words, from writing, from consent, from delivery. Plowd. 161.

*Receditur a placitis juris, potius quam injuriam et delictis maneat impunita.* Positive rules of law will be receded from rather than crimes and wrongs should remain unpunished. Bacon, Max. Reg. 12; Broom, Max. 3d Lond. ed. 9. This applies only to such maxims as are called *placita juris*; these will be dispensed with rather than crimes should go unpunished. *quia salus populi suprema lex*, because the public safety is of the supreme law.

*Recorda sunt vestigia vetustatis et veritatis.* Records are vestiges of antiquity and truth. 2 Rolle, 296.

*Recurrendum est ad extraordinarium quando non valet ordinarium.* We must have recourse to what is extraordinary when what is ordinary fails.

*Regula est, juris quidem ignorantiam cuique nocere, facti vero ignorantiam non nocere.* The rule is, that ignorance of the law does not excuse, but that ignorance of a fact may excuse a party from the legal consequences of his conduct. Dig. 22. 6. 9; Broom, Max. 3d Lond. ed. 232. See Irving, Civ. Law, 4th ed. 74.

*Regula pro lege, si deficit lex.* In default of the law, the maxim rules.

*Regulariter non valet pactum de re mea non alienanda.* Regularly a contract not to alienate my property is not binding. Coke, Litt. 223.

*Rei turpis nullum mandatum est.* A mandate of an illegal thing is void. Dig. 17. 1. 6. 3.

*Reipublice interest voluntates defunctorum effectum sortiri.* It concerns the state that the wills of the dead should have their effect.

*Relatio est fictio juris et intenta ad unum.* Relation is a fiction of law, and intended for one thing. 3 Coke, 28.

*Relatio semper fiat ut valeat dispositio.* Reference should always be had in such a manner that a disposition in a will may avail. 6 Coke, 76.

*Relatio never defeats collateral acts.* 18 Vinor, Abr. 292.

*Relatio shall never make good a void grant or devise of the party.* 18 Vinor, Abr. 292.

*Relatio words refer to the next antecedent, unless*

*the sense be thereby impaired.* Noy, Max. 4; Wingate, Max. 19; Broom, Max. 3d Lond. ed. 606; Jenk. Cent. Cas. 180.

*Relativorum cognitio uno, cognoscitur et alterum.* Of things relating to each other, one being known, the other is known. Croke Jac. 539.

*Remainder can depend upon no estate but what beginneth at the same time the remainder doth.*

*Remainder must vest at the same instant that the particular estate determines.*

*Remainder to a person not of a capacity to take at the time of appointing it, is void.* Plowd. 27.

*Remedies for rights are ever favorably extended.* 18 Vinor, Abr. 521.

*Remedies ought to be reciprocal.*

*Remissius imperanti melius paratur.* A man commanding not too strictly is better obeyed. Coke, 3d Inst. 233.

*Remoto impedimento, emergit actio.* The impediment being removed, the action arises. 5 Coke, 76; Wingate, Max. 20.

*Rent must be reserved to him from whom the state of the land north.* Coke, Litt. 143.

*Repellitur a sacramentis infamia.* An infamous person is repelled or prevented from taking an oath. Coke, Litt. 158; Brnorton, 185.

*Repellitur exceptio cedendarum actionum.* He is defeated by the plea that the actions have been assigned. 1 Johns. Ch. N. Y. 409, 414.

*Reprobata pecunia liberat solventem.* Money refused liberates the debtor. 9 Coke, 79. But this must be understood with a qualification. See TENDER.

*Reputatio est vulgaris opinio ubi non est veritas.* Reputation is a common opinion where there is no certain knowledge. 4 Coke, 107. But see CHARACTER.

*Rerum ordo confunditur, si unicuique jurisdictione non servatur.* The order of things is confounded if every one preserves not his jurisdiction. Coke, 4th Inst. Proem.

*Rerum progressus ostendunt multa, quae in initio praecaveri seu praecideri non possunt.* In the course of events many mischiefs arise which at the beginning could not be guarded against or foreseen. 6 Coke, 40.

*Rerum suarum quilibet est moderator et arbiter.* Every one is the manager and disposer of his own matters. Coke, Litt. 223.

*Res accessoria sequitur rem principalem.* An accessory follows its principal. Broom, Max. 3d Lond. ed. 433. For a definition of *res accessoria*, see Mackeldey; Civ. Law, 155.

*Res denominatur a principali parte.* A thing is named from its principal part. 5 Coke, 47.

*Res est misera ubi jus est vagum et incertum.* It is a miserable state of things where the law is vague and uncertain. 2 Salk. 512.

*Res, generalem habet significationem, quia tam corporea, quam incorporea, cujuscunque sunt generis, naturam sive speciei, comprehendit.* The word things has a general signification, because it comprehends as well corporeal as incorporeal objects, of whatever nature, sort, or species. Coke, 3d Inst. 482; 1 Bouvier, Inst. n. 415.

*Res inter alios acta alteri nocere non debet.* Things done between strangers ought not to injure those who are not parties to them. Coke, Litt. 132; 3 Curt. C. C. 403; 11 Q. B. 1028.

*Res inter alios judicatae nullum alium praesudicium faciunt.* Matters adjudged in a cause do not prejudice those who were not parties to it. Dig. 44. 2. 1.

*Res judicata facit ex albo nigrum, ex nigro album, ex curvo rectum, ex recto curvum.* A thing adjudged makes white, black; black, white; the crooked, straight; the straight, crooked. 1 Bouvier, Inst. n. 840.

*Res judicata pro veritate accipitur.* A thing



adjudged must be taken for truth. Coke, Litt. 103; Dig. 50. 17. 207; 2 Kent, Comm. 120; 13 Mees. & W. Exch. 679. See RES JUDICATA.

*Res per pecuniam estimatur, et non pecunia per res.* The value of a thing is estimated by its worth in money, and the value of money is not estimated by reference to the thing. 9 Coke, 76; 1 Bouvier, Inst. n. 922.

*Res perit domino suo.* The destruction of the thing is the loss of its owner. 2 Bouvier, Inst. nn. 1456, 1466; Story, Bailm. 426; 2 Kent, Comm. 591.

*Res propria est que communis non est.* A thing is private which is not common. 8 Paige, Ch. N. Y. 261, 270.

*Res que intra prœsidia perducit nondum sunt, quanquam ab hostibus occupate, ideo postliminii non agent, quin dominum nondum mutarint ex gentium jure.* Things which have not yet been introduced within the enemy's lines, although held by the enemy, do not need the fiction of postliminy on this account, because their ownership by the law of nations has not yet changed. Grotius, de Jur. Bell. l. 3, c. 9, § 16; l. 3, c. 6, § 3.

*Res sacra non recipit estimationem.* A sacred thing does not admit of valuation. Dig. 1. 8. 9. 5.

*Res transit cum suo onere.* The thing passes with its burden. Fleta, l. 3, c. 10, § 3.

*Reservatio non debet esse de proficuis ipsis quia ea conceduntur, sed de redditu novo extra proficua.* A reservation ought not to be of the annual increase itself, because it is granted, but of new rent apart from the annual increase. Coke, Litt. 142.

*Resignatio est juris proprii spontanea refutatio.* Resignation is the spontaneous relinquishment of own's own right. Godb. 284.

*Resolutio jure concessio resolvitur jus concessum.* The right of the grantor being extinguished, the right granted is extinguished. Maskelley, Civ. Law, 179; Broom, Max. 3d Lond. ed. 417.

*Respicendum est judicanti, nequid aut durius aut remissius construat quam casus deposcit; nec enim aut severitatis aut clementis gloria affectanda est.* It is a matter of import to one adjudicating that nothing should be either more leniently or more severely construed than the cause itself demands; for the glory neither of severity nor clemency should be affected. Coke, 2d Inst. 220.

*Respondet raptor, qui ignorare non potuit quod pupillum alienum abduxit.* Let the ravisher answer, for he could not be ignorant that he has taken away another's ward. Hob. 99.

*Respondent superior.* Let the principal answer. Coke, 4th Inst. 114; 2 Bouvier, Inst. n. 1337; 4 id. n. 3586; 3 Lev. 352; 1 Salk. 408; 1 Bingh. n. c. 413; 4 Maule & S. 259; 10 Exch. 656; 2 E.L. & B. 216; 7 id. 426; 1 Boa. & P. 404; 1 C. B. 578; 8 Mees. & W. Exch. 302; 10 Exch. 656.

*Respondere omni soværaigne.* His superior or master shall answer. Articuli sup. Chart. c. 18.

*Responsio unius non omnino auditur.* The answer of one witness shall not be heard at all. 1 Greenleaf, Ev. § 260. This is a maxim of the civil law, where every thing must be proved by two witnesses.

*Reus excipiendo fit actor.* The defendant by a plea becomes plaintiff. Banner, Tr. des presses, §§ 152, 320; Best, Evid. 294, § 252.

*Reus tunc majestatis puniunt, ut pereat unus ne pereant omnes.* A traitor is punished that one may die lest all perish. 4 Coke, 124.

*Res non debet esse sub homine sed sub Deo et lege.* The king should not be under the authority of man, but of God and the law. Broom, Max. 3d Lond. ed. 46, 111; Bracton, 5.

*Res non potest fallere nec falli.* The king cannot deceive or be deceived. Grounds & Rud. of Law, 438.

*Res non potest peccare.* The king can do no wrong. 2 Rolle, 304; Jenk. Cent. Cas. 9, 308;

Broom, Max. 3d Lond. ed. 61; 1 Sharswood, Blackst. Comm. 246.

*Res nunquam moritur.* The king never dies. Broom, Max. 3d Lond. ed. 49; Branch, Max. 5th ed. 197; 1 Sharswood, Blackst. Comm. 249.

*Rights never die.*

*Riparium unius publicum est jure gentium, sicut ipsius fluminis.* The use of river-banks is by the law of nations public, like that of the stream itself. Dig. 1. 8. 5. pr.; Fleta, l. 3, c. 1, § 5; Loecoenius de Jur. Mar. l. 1, c. 6, § 12.

*Roy n'est lié par aucun statute, et il ne soit expressément nommé.* The king is not bound by any statute, if he is not expressly named. Jenk. Cent. Cas. 307; Broom, Max. 3d Lond. ed. 69.

*Sacramentum habet in se tres comites, veritatem, justitiam et judicium: veritas habenda est in jurato; justitia et judicium in judice.* An oath has in it three component parts—truth, justice, and judgment: truth in the party swearing; justice and judgment in the judge administering the oath. Coke, 3d Inst. 169.

*Sacramentum si factum fuerit, licet falsum, tamen non committit perjurium.* A foolish oath, though false, makes not perjury. Ccke, 2d Inst. 167.

*Sacrilegus omnium prædorum cupiditatem et aedorem superat.* A sacrilegious person transcends the cupidity and wickedness of all other robbers. 4 Coke, 106.

*Sæpe constitutum est, res inter alios judicatas olim non præjudicare.* It has often been settled that matters adjudged between others ought not to prejudice those who were not parties. Dig. 42. 1. 63.

*Sæpe viatorem nova non vetus orbita fallit.* Often it is the new track, not the old one, which deceives the traveller. Coke, 4th Inst. 34.

*Sæpenumero ubi præcipitans verbosum attenditur, sensus veritatis amittitur.* Frequently where the propriety of words is attended to, the meaning of truth is lost. 7 Coke, 27.

*Salus populi est suprema lex.* The safety of the people is the supreme law. Bacon, Max. Reg. 12; Broom, Max. 1; 13 Ccke, 159.

*Salus ubi multi consiliarii.* In many counsellors there is safety. Coke, 4th Inst. 1.

*Sanguinis conjunctio benevolentia devincit homines et caritate.* A tie of blood overcomes men through benevolence and family affection. 5 Johns. Ch. N. Y. 1, 13.

*Sapientia incipit a fine, et quod primum est in intentione, ultimum est in executione.* A wise man begins with the last, and what is first in intention is last in execution. 19 Ccke, 28.

*Sapientia omnia agit cum consilio.* A wise man does every thing advisedly. Coke, 4th Inst. 4.

*Sapientia legis summario pretio non est estimanda.* The wisdom of the law cannot be valued by money. Jenk. Cent. Cas. 168.

*Sapientis judicis est cogitare tantum sibi esse permissum, quantum commissum et creditum.* It is the duty of a wise judge to think so much only permitted to him as is committed and intrusted to him. Coke, 4th Inst. 163.

*Satisfactio should be made to that fund which has sustained the loss.* 4 Bouvier, Inst. n. 3751.

*Satius est petere fontes quam sectari rivulos.* It is better to seek the fountain than to follow rivulets. 10 Coke, 118. It is better to drink at the fountain than to sip in the streams.

*Scientia scilorum est mixta ignorantia.* The knowledge of smatterers is mixed ignorance. 8 Coke, 159.

*Scientia utriusque par partes contrahentes facit.* Equal knowledge on both sides makes the contracting parties equal. 3 Burr. 1610.

*Scientii et volenti non fit injuria.* A wrong is not done to one who knows and wills it.

*Scire debes cum quo contrahis.* You ought to

know with whom you deal. 11 Mees. & W. Exch. 405, 432; 13 id. 171.

*Scire leges, non hoc est verba eorum tenere, sed vim et potestatem.* To know the laws, is not to observe their mere words, but their force and power. Dig. 1. 2. 17.

*Scire propriū est, rem ratione et per causam cognoscere.* To know properly is to know a thing by its cause and in its reason. Coke, Litt. 183.

*Scribere est ayere.* To write is to act. 2 Rolle, 99; 4 Sharswood, Blackst. Comm. 80.

*Scripta obligationes scriptis tolluntur, et nudi consensus obligatio, contrario consensus dissolvitur.* Written obligations are dissolved by writing, and obligations of naked agreement by naked agreement to the contrary.

*Secuta est pugna civilis, sicut actores armantur actionibus, et quasi accinguntur gladiis, ita rei (id contra) munantur exceptionibus, et defenduntur quasi clypeis.* A suit is a civil battle, as the plaintiffs are armed with actions and as it were girt with swords, so on the other hand the defendants are fortified with pleas, and defended as it were by helmets. Hob. 20; Braxton, 330 b.

*Secuta quam scripto nititur a scripto variari non debet.* A suit which relies upon a writing ought not to vary from the writing. Jenk. Cent. Cas. 65.

*Secundum naturam est, commoda cuiusque rei cum sequi, quem sequuntur incommoda.* It is natural that he who bears the charge of a thing should receive the profits. Dig. 50. 17. 10.

*Serarius expediuntur negotia commissa pluribus, et plures vident oculis quam oculus.* Business intrusted to several speeds best, and several eyes see more than one eye. 4 Coke, 46.

*Seisina facit stipitem.* Seisin makes the stock. 2 Sharswood, Blackst. Comm. 209; Broom, Max. 8d Lond. ed. 466; 1 Stephen, Comm. 367; 4 Kent, Comm. 388, 389; 13 Ga. 238.

*Semel malus semper presumitur esse malus in eodem genere.* Whoever is once bad is presumed to be so always in the same degree. Croke Car. 217.

*Semper in dubiis benigniora preferenda sunt.* In dubious cases the more liberal constructions are always to be preferred. Dig. 50. 17. 56.

*Semper in dubiis id agendum est, ut quam tutissimo loco res sit bona fide contracta, nisi quam aperte contra leges scriptum est.* Always in doubtful cases that is to be done by which a bona fide contract may be in the greatest safety, except when its provisions are clearly contrary to law. Dig. 34. 5. 21.

*Semper in obocuris quod minimum est sequimur (sequer).* In obscure cases we always follow that which is least. Dig. 50. 17. 9; Broom, Max. 8d Lond. ed. 613, n; 3 C. B. 962.

*Semper in stipulationibus et in ceteris contractibus id sequimur quod actum est.* In stipulations and other contracts we always follow that which was done (i. e. agreed). Dig. 50. 17. 34.

*Semper ita fiat relatio ut valeat dispositio.* Let the reference always be so made that the disposition may avail. 6 Coke, 76.

*Semper necessitas probandi incumbit ei qui agit.* The claimant is always bound to prove: the burden of proof lies on him.

*Semper prænsumitur pro legitimatione puerorum, et filii non potest probari.* The presumption is always in favor of legitimacy, for filiation cannot be proved. Coke, Litt. 126. See 1 Bouvier, Inst. n. 348; 5 Coke, 98 b.

*Semper prænsumitur pro negante.* The presumption is always in favor of the one who denies. See 10 Clark & F. Hou. L. 534; 3 Ell. & B. 723.

*Semper prænsumitur pro sententiā.* Presumption is always in favor of the sentence. 3 Bulstr. 42.

*Semper qui non prohibet pro se intervenire, mandare creditur.* He who does not prohibit the intervention of another in his behalf is supposed to au-

thorize it. 2 Kent, Comm. 616; Dig. 14. 6. 16; 43 3. 12. 4.

*Semper sacus masculinus etiam femininum continet.* The male sex always includes the female. Dig. 32. 62.

*Semper specialia generalibus inveniunt.* Special clauses are always comprised in general ones. Dig. 50. 17. 147.

*Senatores sunt partes corporis regis.* Senators are part of the body of the king. Staundford, 72 E; Coke, 4th Inst. 53, in marg.

*Sensus verborum est anima legis.* The meaning of words is the spirit of the law. 5 Coke, 2.

*Sensus verborum est duplex, mitis et asper, et verba semper accipienda sunt in mitiore sensu.* The meaning of words is twofold, mild and harsh; and words are to be received in their milder sense. 4 Coke, 13.

*Sensus verborum ex eorum dicendi accipiendus est, et sermones semper accipiendi sunt secundum subjectam materiam.* The sense of words is to be taken from the occasion of speaking them, and discourses are always to be interpreted according to the subject-matter. 4 Coke, 14.

*Sententia à non iudice lata nemini debet nocere.* A sentence pronounced by one who is not a judge should not harm any one. Fleta, l. 6, c. 6, § 7.

*Sententia contra matrimonium nunquam transit in rem iudicatam.* A sentence against marriage never passes into a judgment (conclusive upon the parties). 7 Coke, 43.

*Sententia facit jus, et legis interpretatio legis vim obtinet.* The sentence makes the law, and the interpretation has the force of law.

*Sententia facit jus, et res iudicata pro veritate accipitur.* Judgment creates the right, and what is adjudicated is taken for truth. Ellesmere, Postm. 55.

*Sententia interlocutoria revocari potest, definitiva non potest.* An interlocutory sentence or order may be revoked, but not a final. Bacon, Max. Reg. 20.

*Sententia non fertur de rebus non liquidis.* Sentence is not given upon a thing which is not clear.

*Sequi debet potentia iustitiam, non precedere.* Power should follow justice, not precede it. Coke, 2d Inst. 454.

*Sermo index animi.* Speech is an index of the mind. 5 Coke, 118.

*Sermo relata ad personam, intelligi debet de conditione personæ.* A speech relating to the person is to be understood as relating to his condition. 4 Coke, 16.

*Servanda est consuetudo loci ubi causa agitur.* The custom of the place where the action is brought is to be observed. 3 Johns. Ch. N. Y. 190, 219.

*Servitia personalia sequuntur personam.* Personal services follow the person. Coke, 2d Inst. 374; Fleta, l. 3, c. 11, § 1.

*Si n jure discedas vague eris, et erunt omnia omnibus incerta.* If you depart from the law, you will wander without a guide, and every thing will be in a state of uncertainty to every one. Coke, Litt. 227.

*Si alicujus rei societas sit, et finis negotio impo-*  
*situs est, finitur societas.* If there is a partnership in any matter, and the business is ended, the partnership ceases. 16 Johns. N. Y. 438, 489.

*Si aliquid ex solemnibus deficit, cum æquitas pascit subveniendum est.* If any thing be wanting from required forms, when equity requires it will be aided. 1 Kent, Comm. 157.

*Si assuetis mederi possis nova non sunt tentanda.* If you can be relieved by accustomed remedies, new ones should not be tried. 10 Coke, 142.

*Si iudicas, cognosce.* If you judge, understand.

*Si meliores sunt quos ducit amor, plures sunt quos corrigit timor.* If those are better who are led by love, those are the greater number corrected by fear. Coke, Litt. 392.

*Si non appareat quid actum est erit consequens, ut id sequatur quid in regione in qua actum est, frequenter.* If it does not appear what was agreed upon, the consequence will be that we must follow that which is the usage of the place where the agreement was made. Dig. 50. 17. 34.

*Si nulla sit conjectura que ducit alio, verba intellegendenda sunt ex proprietate, non grammatica sed populari ex usu.* If there be no inference which leads to a different result, words are to be understood according to their proper meaning, not in a grammatical, but in a popular and ordinary, sense. 2 Kent, Comm. 555.

*Si plures conditiones ascripte fuerint donationi conjunctim, omnibus est parendum; et ad veritatem computandam requiritur quod utraque pars sit vera, si dicimus, cuilibet vel alteri eorum vitis est obtemperare; et in disjunctiva, sufficit alteram partem esse veram.* If some conditions are conjunctively written in a gift, the whole of them must be complied with; and with respect to their truth, it is necessary that every part be true, taken jointly; if the conditions are separate, it is sufficient to comply with either one or other of them; and being disjunctive, that one or the other be true. Coke, Litt. 225.

*Si plures sint fidejussores, quodquid erunt numero, singuli in solidum tenentur.* If there are more sureties than one, how many soever they shall be, they shall each be held for the whole. Inst. 3. 21. 4; 4. 116; 1 W. Blackst. 388.

*Si quid unicursitati debetur singulis non debetur, nec quot debet, unicursitas singuli debent.* If any thing is due to a corporation, it is not due to the individual members of it, nor do the members individually owe what the corporation owes. D. g. 3. 4. 7; 1 Sharswood, Blackst. Comm. 434.

*Si quidem in nomine, cognomine, prænominem, agnomine legatarii eaverit; cum de personâ constat, nihilominus valet legatum.* If the testator has erred in the name, cognomen, or title of the legatee, whenever the person is rendered certain, the legacy is nevertheless valid. Inst. 2. 20. 29; Broom, Max. 3d Lond. ed. 574; 2 Domat, b. 2, t. 1, s. 6, § 10, 19.

*Si quis custos fraudem pupillo fecerit, a tutela remouendus est.* If a guardian behave fraudulently to his ward, he shall be removed from the guardianship. Jenk. Cent. Cas. 39.

*Si quis pregnantem uxorem reliquit, non videtur sine liberis decessisse.* If a man dies, leaving his wife pregnant, he shall not be considered as having died childless.

*Si quis unum percusserit, cum alium percutere vellet, in feloniam tenetur.* If a man kill one, meaning to kill another, he is held guilty of felony. Coke, 3d Inst. 51.

*Si suggestio non sit vera, litteræ patentis vaneus sunt.* If the suggestion of a patent is false, the patent itself is void. 10 Coke, 113.

*Sic enim debere quem meliorem agrum suum facere, ne vicini deteriorem faciat.* Every one ought so to improve his land as not to injure his neighbors. 3 Kent, Comm. 441.

*Sic inter pretandum est ut verba accipiantur cum effectu.* Such an interpretation is to be made that the words may have an effect. Coke, 3d Inst. 80.

*Sic utra tuæ ut alienum non laetas.* So use your own as not to injure another's property. 1 Blackstone, Comm. 206; Broom, Max. 3d Lond. ed. 206, n., 246, 327, 332, 3. 6. 3. 0, 348, 353; 2 Bouvier, Inst. n. 2379; 5 Exch. 797; 12 Q. B. 739; 4 Adolph. & E. 231; 13 Johns. N. Y. 218; 17 id. 99; 17 Mass. 334; 4 M'CORD, S. C. 472; 9 Coke, 59.

*Sicut natura nil facit per saltum, ita nec lex.* As nature does nothing by a bound or leap, so neither does the law. Coke, Litt. 238.

*Sigillum est cera impressa, quin cera sine impressione non est sigillum.* A seal is a piece of wax im-

pressed, because wax without an impression is not a seal. Coke, 3d Inst. 169. But see SEAL.

*Silence shows consent.* 6 Barb. N. Y. 28, 35.

*Silent leges inter arma.* Laws are silent amidst arms. Coke, 4th Inst. 70.

*Similitudo legis est, casuum diversorum inter se collatorum similis ratio; quod in uno similitum valet, valet in altero. Dissimilium, dissimilis est ratio.* Legal similarity is a similar reason which governs various cases when compared with each other, for what avails in one similar case will avail in the other. Of things dissimilar, the reason is dissimilar. Coke, Litt. 191.

*Simplex commendatio non obligat.* A simple recommendation does not bind. Dig. 4. 3. 37; 2 Kent, Comm. 485; Broom, Max. 3d Lond. ed. 700; 4 Taunt. 468; 16 Q. B. 282, 283; Croke Jac. 4; 5 Johns. N. Y. 354; 4 Barb. N. Y. 95.

*Simplex et pura donatio dici poterit, ubi nulla est adjecta conditio nec modus.* A gift is said to be pure and simple when no condition or qualification is annexed. Bracton. 1.

*Simplicitas est legis amica, et nimia subtilitas in jure reprobandur.* Simplicity is favorable to the law, and too much subtlety is blameworthy in law. 4 Coke, 8.

*Sine possessione ususceptio procedere non potest.* There can be no prescription without possession.

*Singuli in solidum tenentur.* Each is bound for the whole. 6 Johns. Ch. N. Y. 242, 252.

*Sive tua res empta, sive pars habet regressum emptor in venditorem.* The purchaser who has been evicted in whole or in part has an action against the vendor. Dig. 21. 2. 1; Broom, Max. 3d Lond. ed. 690.

*Socii mei socius, meus socius non est.* The partner of my partner is not my partner. Dig. 50. 17. 47. 1.

*Sola ac per se senectus donationem testamentum aut transactionem non vitiat.* Old age does not alone and of itself vitiate a will or a gift. 5 Johns. Ch. N. Y. 148, 158.

*Solemnitates juris sunt observandæ.* The solemnities of law are to be observed. Jenk. Cent. Cas. 13.

*Solo cedit quod solo implantatur.* What is planted in the soil belongs to the soil. Inst. 2. 1. 32; 2 Bouvier, Inst. n. 1572.

*Solo cedit quod solo inædificatur.* Whatever is built on the soil belongs to the soil. Inst. 2. 1. 29. See 1 Mackeldey, Civ. Law, § 268; 2 Bouvier, Inst. n. 1571.

*Solus Deus heredem facit.* God alone makes the heir. Coke, Litt. 5.

*Solutio pretii, emptiois loco habetur.* The payment of the price stands in the place of a sale. Jenk. Cent. Cas. 56.

*Solvendo esse nemo intelligitur nisi qui solidum potest solvere.* No one is considered to be solvent unless he can pay all that he owes. D. g. 50. 16. 114.

*Solutur adhuc societas etiam morte socii.* A partnership is moreover dissolved by the death of a partner. Inst. 3. 26. 5; Dig. 17. 2.

*Sper est vigilantium omnium.* Hope is the dream of the vigilant. Coke, 4th Inst. 203.

*Sper impunitatis continuum effectum tribuit delinquendi.* The hope of impunity holds out a continual temptation to crime. Coke, 3d Inst. 236.

*Spoliatus debet ante omnia restitui.* He who has been despoiled ought to be restored before any thing else. Coke, 2d Inst. 714; 4 Sharswood, Blackst. Comm. 353.

*Spondet peritiam artis.* He promises to use the skill of his art. Pothier, Louage, n. 425; Jones, Bailm. 22, 53, 62, 97, 120; Domat, liv. 1, t. 4, s. 8, n. 1; 1 Story, Bailm. § 431; 1 Bell, Comm. 5th ed. 459; 1 Bouvier, Inst. n. 1004.

*Sponsa virum fugiens mulier et adultera facta, doti sua caret, nisi sponte retractata.* A woman leaving her husband of her own accord, and committing adultery, loses her dower, unless her hus-

band takes her back of his own accord. Coke, Litt. 37.

*Stabit præsumptio donec probetur in contrarium.* A presumption will stand good until the contrary is proved. Hob. 297; 3 Sharswood, Blackst. Comm. 371; Broom, Max. 3d Lond. ed. 852; 16 Mass. 87.

*Stare decisis, et non quietia movere.* To adhere to precedents, and not to unsettle things which are established. Yates vs. Lansing, 9 Johns. 395, 428; Driggs vs. Rockwell, 11 Wend. 504, 507; Bates vs. Relyca, 23 id. 336, 340; Moore vs. Lyons. 25 id. 119, 112; Hanford vs. Archer, 4 Hill, 271, 323; Taylor vs. Heath, 4 id. 592, 595; Calkins vs. Lung, 22 Barb. 97, 106.

*Sunt pro ratione voluntas.* The will stands in place of a reason. 1 Barb. N. Y. 408, 411; 16 id. 514, 525.

*Sat pro ratione voluntas populi.* The will of the people stands in place of a reason. 25 Barb. N. Y. 344, 376.

*Statuta pro publico commo dato interpretantur.* Statutes made for the public good ought to be liberally construed. Jenk. Cent. Cas. 21.

*Statutum affirmativum non derogat communi legi.* An affirmative statute does not take from the common law. Jenk. Cent. Cas. 24.

*Statutum generaliter est intelligendum quando verba statuti sunt specialia, ratio autem generalis.* When the words of a statute are special, but the reason of it general, it is to be understood generally. 10 Coke, 101.

*Statutum speciale statuto speciali non derogat.* One special statute does not take away from another special statute. Jenk. Cent. Cas. 199.

*Sublatâ causâ tollitur effectus.* Remove the cause and the effect will cease. 2 Blackstone. Comm. 203.

*Sublatâ venerunt magistratum, respublica ruit.* The commonwealth perishes, if respect for magistrates be taken away. Jenk. Cent. Cas. 48.

*Sublato fundamento cadit opus.* Remove the foundation, the structure or work falls. Jenk. Cent. Cas. 106.

*Sublato principali tollitur adjunctum.* If the principal be taken away, the adjunct is also taken away. Coke, Litt. 339.

*Subrogatio est transfusio unius creditoris in alium, eadem vel meliori conditione.* Subrogation is the substituting one creditor in the place of another in the same or a better condition. Merlin, *Qu. de Droit. Subrogation.*

*Succurritur minori; facilis est lapsus juventutis.* A minor is to be aided; youth is liable to err. Jenk. Cent. Cas. 47.

*Summa caritas est facere justitiam singulis et omni tempore quando necesse fuerit.* The greatest charity is to do justice to every one, and at any time whenever it may be necessary. 11 Coke, 70.

*Summa est lex que pro religione facit.* That is the highest law which favors religion. 10 Mod. 117, 119; 2 Chanc. Cas. 18.

*Summa ratio est que pro religione facit.* That consideration is strongest which determines in favor of religion. Coke, Litt. 341 a; Broom, Max. 3d Lond. ed. 18; 5 Coke, 14 b; 10 id. 55 a; 2 Chanc. Cas. 18.

*Summam esse rationem que pro religione facit.* That consideration is strongest which determines in favor of religion. Dig. 11. 7. 43, cited in Gratius de Jur. Bello, l. 3, c. 12, s. 7. See 10 Mod. 117, 119.

*Summam jus, summa injuria.* The rigor or height of law is the height of wrong. Hob. 125.

*Sunday is dies non juridicus.* 12 Johns. N. Y. 178, 180.

*Superflua non nocent.* Superfluities do no injury. Jenk. Cent. Cas. 184.

*Suppressio veri, expressio falsi.* Suppression of the truth is (equivalent to) the expression of what is false. 11 Wend. N. Y. 374, 417.

*Suppressio veri, suggestio falsi.* Suppression of

the truth is (equivalent to) the suggestion of what is false. 23 Barb. N. Y. 521, 525.

*Supremus est, quem nemo sequitur.* He is last whom no one follows. Dig. 50. 16. 92.

*Surplusagium non nocet.* Surplusage does no harm. 3 Bouvier, Inst. n. 2949; Broom, Max. 3d Lond. ed. 559.

*Tacita quedam habentur pro expressis.* Certain things though unexpressed are considered as expressed. 8 Coke, 40.

*Talis interpretatio semper fienda est, ut evitetur absurdum, et incongruens, et ne judicium sit illusorium.* Interpretation is always to be made in such a manner that what is absurd and inconvenient is to be avoided, and so that the judgment be not nugatory. 1 Coke, 52.

*Tulio non est eadem, nam nullum simile est idem.* What is like is not the same, for nothing similar is the same. 4 Coke, 18.

*Tantum bona valent, quantum vendi possunt.* Things are worth what they will sell for. Coke, 3d Inst. 305.

*Tempus enim modus tollendi obligationes et actiones, quia tempus curri contra desiderat et sui juris contemptores.* For time is a means of destroying obligations and actions, because time runs against the slothful and contemners of their own rights. Flota, l. 4, c. 5, § 12.

*Tenor est qui legem dat feudo.* It is the tenor of the feudal grant which regulates its effect and extent. Craig, *Jus Feud.*, 3d ed. 66. See Coke, Litt. 19 a; 2 Sharswood, Blackst. Comm. 310; 2 Coke, 71; Broom, Max. 3d Lond. ed. 410; Wright, Ten. 21, 52, 152.

*Terminus annorum certus debet esse et determinatus.* A term of years ought to be certain and determinate. Coke, Litt. 45.

*Terminus et (ac) feudum non possunt constare simul in una eademque persona.* A term and the fee cannot both be in one and the same person at the same time. Plowd. 29; 3 Max. 141.

*Terra manens vacua occupanti conceditur.* Land lying unoccupied is given to the occupant. 1 Sid. 347.

*Terra transit cum onere.* Land passes with the incumbrances. Coke, Litt. 231; Broom, Max. 3d Lond. ed. 437, 650.

*Testamenta latissimam interpretationem habere debent.* Wills ought to have the broadest interpretation. Jenk. Cent. Cas. 61.

*Testamentum est voluntatis nostra juxta sententia, de eo quod quis post mortem suam fieri velit.* A testament is the just expression of our will concerning that which any one wishes done after his death: or, as Blackstone translates, "the legal declaration of a man's intentions which he wills to be performed after his death." 2 Sharswood, Blackst. Comm. 499; Dig. 28. 1. 1; 29. 3. 2. 1.

*Testamentum omne morte consummatum.* Every will is completed by death. Coke, Litt. 232.

*Testatoris ultima voluntas est perimplenda secundum veram intentionem suam.* The last will of a testator is to be fulfilled according to his real intention. Coke, Litt. 322.

*Testes ponderantur, non numerantur.* See the maxim Ponderantia Testes.

*Testibus deponentibus in pari numero dignioribus est credendum.* When the number of witnesses is equal on both sides, the more worthy are to be believed. Coke, 4th Inst. 279.

*Testis de viro præponderat alii.* An eye-witness outweighs others. Coke, 4th Inst. 470.

*Testis nemo in sua causa esse potest.* No one can be a witness in his own cause. Otherwise in England, by stat. 14 & 15 Vict. 99, and many of the states of the United States.

*Testis oculatus unus plus valet quam auriti decem.* One eye-witness is worth ten ear-witnesses. Coke, 4th Inst. 279. See 3 Bouvier, Inst. n. 3154.

*Testimones ne poent testifé le negative, mes l'af-firmative.* Witnesses cannot witness to a negative; they must witness to an affirmative. Coke, 4th Inst. 279.

*That which I may defeat by my entry I make good by my confirmation.* Coke, Litt. 300.

*The fund which has received the benefit should make the satisfaction.* 4 Bouvier, Inst. n. 3730.

*Things accessory are of the nature of the principal.* Finch, Law, b. 1, c. 3, n. 25.

*Things are construed according to that which was the cause thereof.* Finch, Law, b. 1, c. 3, n. 4.

*Things are dissolved as they be contracted.* Finch, Law, b. 1, c. 3, n. 7.

*Things grounded upon an ill and void beginning cannot have a good perfection.* Finch, Law, b. 1, c. 3, n. 8.

*Things in action, entry, or re-entry cannot be granted over.* 19 N. Y. 100, 103.

*Things incident cannot be severed.* Finch, Law, b. 3, c. 1, n. 12.

*Things incident pass by the grant of the principal.* 25 Barb. N. Y. 284, 310.

*Things incident shall pass by the grant of the principal, but not the principal by the grant of the incident.* Coke, Litt. 152 a, 151 b; Broom, Max. 3d Lond. ed. 433.

*Things shall not be void which may possibly be good.*

*Timores vani sunt estimandi qui non cadunt in constantem virum.* Fears which do not affect a brave man are vain. 7 Coke, 17.

*Titulus est justa causa possidendi id quod nostrum est.* Title is a just cause of possessing that which is ours. 8 Coke, 153 (305); Coke, Litt. 345 b.

*Tolle voluntatem et erit omnis actus indifferens.* Take away the will, and every action will be indifferent. Bracton, 2.

*Totum præfertur unicuique parte.* The whole is preferable to any single part. 3 Coke, 41 a.

*Tout ce que la loi ne defend pas est permis.* Everything is permitted which is not forbidden by law.

*Toute exception non surveillée tend à prendre la place du principe.* Every exception not watched tends to assume the place of the principle.

*Tractent fabrilia fabri.* Let smiths perform the work of smiths. 3 Coke, Epist.

*Traditio loqui facit charitam.* Delivery makes the deed speak. 5 Coke, 1.

*Traditio nihil amplius transferre debet vel potest, ad eum qui accipit, quàm est apud eum qui tradit.* Delivery cannot and ought not to transfer to him who receives more than was in possession of him who made the delivery. Dig. 41. 1. 20.

*Transgressione multiplicata, crescat pœna inflicto.* When transgression is multiplied, let the infliction of punishment be increased. Coke, 2d Inst. 479.

*Transit in rem judicatam.* It passes into a judgment. Broom, Max. 3d Lond. ed. 298; 11 Pet. 100. See, also, 18 Johns. N. Y. 463; 2 Sumn. C. C. 436; 6 East, 251.

*Transit terra cum onere.* The land passes with its burden. Coke, Litt. 231 a; Sheppard, Touchet. 178; 3 Barnew. & C. 607; 7 Mees. & W. Exch. 530; 3 Barnew. & Ald. 587; 18 C. B. 845; 24 Barb. N. Y. 365; Broom, Max. 3d Lond. ed. 437, 630.

*Tres faciunt collegium.* Three form a corporation. Dig. 50. 16. 85; 1 Sharwood, Blackst. Comm. 469.

*Triatio ibi semper debet fieri, ubi juratores meliorem possunt habere notitiam.* Trial ought always to be had where the jury can have the best knowledge. 7 Coke, 1.

*Truata survive.*

*Turpis est pars quæ non convenit cum suo toto.* That part is bad which accords not with its whole. Plowd. 161.

*Tuta est custodia quæ sibi met creditur.* That

guardianship is secure which trusts to itself alone. Hob. 340.

*Tutius erratur ex parte mitiori.* It is safer to err on the side of mercy. Coke, 3d Inst. 220.

*Tutius semper est errare acquitendo, quam in puniendo; ex parte misericordiâ quam ex parte justitiâ.* It is always safer to err in acquitting than punishing, on the side of mercy than on the side of justice. Branch, Princ.; 2 Hale, Pl. Cr. 290.

*Ubi aliquid conceditur, conceditur et id sine quo res ipsa esse non potest.* When any thing is granted, that also is granted without which the thing granted cannot exist. Broom, Max. 3d Lond. ed. 429; 13 Mees. & W. Exch. 706.

*Ubi aliquid impeditur propter unum, eo remoto, tollitur impedimentum.* When any thing is imposed by one single cause, if that be removed the impediment is removed. 5 Coke 77 a.

*Ubi cessat remedium ordinarium ibi decurritur ad extraordinarium.* When a common remedy ceases to be of service, recourse must be had to an extraordinary one. 4 Coke, 93.

*Ubi culpa est, ibi pœna subesse debet.* Where the crime is committed, there the punishment should be inflicted. Jenk. Cent. Cas. 325.

*Ubi damna dantur, victus victori in expensis condemnari debet.* Where damages are given, the losing party should be adjudged to pay the costs of the victor. Coke, 2d Inst. 289; 3 Sharwood, Blackst. Comm. 399.

*Ubi eadem ratio, ibi idem lex.* Where there is the same reason, there is the same law. 7 Coke, 18; Broom, Max. 3d Lond. ed. 145.

*Ubi et dantis et accipientis turpitudine recipitur, non posse repeti dicimus; quotiens autem accipientis turpitudine variatur, repeti posse.* Where there is turpitude on the part of both giver and receiver, we say it cannot be recovered back, but as often as the turpitude is on the side of the receiver (alone) it can be recovered back. 17 Mass. 562.

*Ubi factum nullum, ibi fortia nulla.* Where there is no act, there can be no force. 4 Coke, 43.

*Ubi jus, ibi remedium.* Where there is a right, there is a remedy. 1 Term, 512; Coke, Litt. 197 b; 3 Bouvier, Inst. n. 2411; 4 id. 3726.

*Ubi jus incertum, ibi jus nullum.* Where the law is uncertain, there is no law.

*Ubi lex aliquem cogit ostendere causam, necesse est quod causa sit justu et legitima.* Where the law compels a man to show cause, it is necessary that the cause be just and legal. Coke, 2d Inst. 269.

*Ubi lex est specialis, et ratio ejus generalis, generaliter accipienda est.* Where the law is special and the reason of it is general, it ought to be taken as being general. Coke, 2d Inst. 43.

*Ubi lex non distinguit, nec nos distinguere debemus.* Where the law does not distinguish, we ought not to distinguish. 7 Coke, 5.

*Ubi major pars est, ibi totum.* Where is the greater part, there is the whole. F. Moore, 578.

*Ubi matrimonium, ibi dos.* Where there is marriage, there is dower. Bracton, 92.

*Ubi non adest norma legis, omnia quasi pro suspectis habenda sunt.* When the law fails to serve as a rule, almost every thing ought to be suspected. Bacon, Aph. 25.

*Ubi non est vendendi auctoritas, ibi non est parendi necessitas.* Where there is no authority to establish, there is no necessity to obey. Dav. 69.

*Ubi non est directa lex, standum est arbitrio judicis, vel procedendum ad similia.* Where there is no direct law, the judgment of the judge must be depended upon, or reference made to similar cases.

*Ubi non est lex, ibi non est transgressio quoad mundum.* Where there is no law, there is no transgression, as it regards the world. 4 Coke, 1 b.

*Ubi non est manifesta injustitia, judices habentur pro bonis viris, et judicatum pro veritate.* Where

there is no manifest injustice, the judges are to be regarded as honest men, and their judgment as truth. 1 Johns. Cas. N. Y. 341, 345.

*Ubi non est principalis, non potest esse accessorius.* Where there is no principal, there can be no accessory. 4 Coke, 43.

*Ubi nulla est conjectura quæ ducat alio, verba intelligenda sunt ex proprietate non grammatica sed populari ex usu.* Where there is no inference which would lead in any other direction, words are to be understood according to their proper meaning, non grammatical, but according to popular usage. Grotius, de Jur. Belli, l. 2, c. 16, § 2.

*Ubi nullum matrimonium, ibi nullum dos.* Where there is no marriage there is no dower. Coke, Litt. 32 a.

*Ubi periculum, ibi et lucrum collocatur.* He at whose risk a thing is, should receive the profits arising from it.

*Ubi pugnantia inter se in testamento juberentur, neutrum ratum est.* When two directions conflicting with each other are given in a will, neither is held valid. Dig. 50. 17. 188 pr.

*Ubi quid generaliter conceditur, in est hæc exceptio, si non aliquid sit contra jus fasque.* Where a thing is conceded generally, this exception arises, that there shall be nothing contrary to law and right. 10 Coke, 78.

*Ubi quis delinquit ibi puniatur.* Let a man be punished where he commits the offence. 6 Coke, 47.

*Ubi verba conjuncta non sunt, sufficit alteratum esse factum.* Where words are used disjunctively, it is sufficient that either one of the things enumerated be performed. Dig. 50. 17. 110. 3.

*Ubiunque est injuria, ibi damnum sequitur.* Wherever there is a wrong, there damage follows. 10 Coke, 116.

*Ultima voluntas testatoris est perimplenda secundum veram intentionem suam.* The last will of a testator is to be fulfilled according to his true intention. - Coke, Litt. 322; Broom, Max. 3d Lond. ed. 565.

*Ultimum supplicium esse mortem solam interpretatur.* The extremest punishment we consider to be death alone. Dig. 48. 19. 21.

*Ultra posse non potest esse, et vice versa.* What is beyond possibility cannot exist, and the reverse, what cannot exist is not possible. Wingate, Max. 100.

*Un se doit prise advantage de son tort demene.* One ought not to take advantage of his own wrong. 2 And. 38, 40.

*Una persona vix potest supplere vices duarum.* One person can scarcely supply the place of two. 4 Coke, 118.

*Unius omnino testis responsio non audiatur.* Let not the evidence of one witness be heard at all. Code, 4. 20. 9; 3 Sharswood, Blackst. Qmm. 370.

*Uniuscujusque contractus initium spectandum est, et causa.* The beginning and cause of every contract must be considered. Dig. 17. 1. 8; Story, Bailm. § 56.

*Univeritalia sunt notiora singularibus.* Things universal are better known than things particular. 2 Rolle, 294; 2 C. Rob. Adm. 294.

*Univeritas vel corporatio non dicitur aliquid facere nisi id sit collegialiter deliberatum, etiamsi major pars id faciat.* An university or corporation is not said to do any thing unless it be deliberated upon collegially, although the majority should do it. Dav. 48.

*Uno absurdo dato, infinita sequuntur.* One absurdity being allowed, an infinity follow. 1 Coke, 102.

*Unumquodque dissolvitur eodem ligamine quo ligatur.* Every thing is dissolved by the same mode in which it is bound together. Broom, Max. 3d Lond. ed. 792.

*Unumquodque eodem modo quo colligatum est dissolvitur.* In the same manner in which any thing is bound it is loosened. 2 Rolle, 39.

*Unumquodque est id quod est principalis in ipso.* That which is the principal part of a thing is the thing itself. Hob. 123.

*Unumquodque ligamen dissolvitur eodem ligamine quod ligatur.* Every obligation is dissolved in the same manner in which it is contracted. 12 Barb. N. Y. 366, 375.

*Unumquodque principorum est sibimetipsi fides; et perpicua vera non sunt probanda.* Every principle is its own evidence, and plain truths are not to be proved. Coke, Litt. 11; Branch, Princ.

*Usucapio constituta est ut aliquis litium finis esset.* Prescription was instituted that there might be an end to litigation. Dig. 41. 10. 5; Broom, Max. 3d Lond. ed. 801, n.; Wood, Civ. Law, 3d ed. 123.

*Usury is odious in law.*

*Usus est dominium fiduciarium.* A use is a fiduciary ownership. Bacon, Use.

*Ut poena ad paucos, metus ad omnes perveniat.* That punishment may happen to a few, the fear of it affects all. Coke, 4th Inst. 63.

*Ut res magis valeat quam pereat.* That the thing may rather have effect than be destroyed.

*Utile per inutile non vitatur.* What is useful is not vitiated by the useless. 3 Bouvier, Inst. nn. 2949, 3293; 2 Wheat. 221; 2 Serg. & R. Penn. 298; 17 id. 297; 6 Mass. 303; 12 id. 438; 9 Ired. No. C. 254. See 18 Johns. N. Y. 93, 94.

*Uxor et filius sunt nomina natura.* Wife and son are names of nature. 4 Bacon, Works, 350.

*Uxor non est sui juris, sed sub potestate viri.* A wife is not her own mistress, but is under the power of her husband. Coke, 3d Inst. 108.

*Vagabundum nuncupamus eum qui nullibi domicilium contraxit habitationis.* We call him a vagabond who has acquired nowhere a domicile of residence. Phillimore, Dom. 23, note.

*Valeat quantum valere potest.* It shall have effect as far as it can have effect. Cowp. 600; 4 Kent, Comm. 493; Sheppard, Touchst. 87.

*Vana est illa potentia quæ nunquam venit in actum.* Vain is that power which is never brought into action. 2 Coke, 51.

*Vani timores sunt estimandi, qui non cadunt in constantem virum.* Vain are those fears which affect not a firm man. 7 Coke, 27.

*Vani timoris justa excusatio non est.* A frivolous fear is not a legal excuse. Dig. 50. 17. 184; Coke, 2d Inst. 488; Broom, Max. 3d Lond. ed. 256, n.

*Velle non creditur qui obsequitur imperio patris vel domini.* He is not presumed to consent who obeys the orders of his father or his master. Dig. 50. 17. 4.

*Vendens eandem rem duobus falsarius est.* He is fraudulent who sells the same thing twice. Jenk. Cent. Cas. 107.

*Veniæ facilitas incentivum est delinquendi.* Facility of pardon is an incentive to crime. Coke, 3d Inst. 236.

*Verba accipienda sunt secundum subjectum materiam.* Words are to be interpreted according to the subject-matter. 6 Coke, 6, n.

*Verba accipienda ut sortientur effectum.* Words are to be taken so that they may have some effect. 4 Bacon, Works, 258.

*Verba æquivoca ac in dubio sensu posita, intelliguntur digniori et potentiori sensu.* Equivocal words and those in a doubtful sense are to be taken in their best and most effective sense. 6 Coke, 20.

*Verba aliquid operari debent—debent intelligi ut aliquid operentur.* Words ought to have some effect—words ought to be interpreted so as to give them some effect. 8 Coke, 94.

*Verba aliquid operari debent, verba cum effectu sunt accipienda.* Words are to be taken so as to

have effect. Bacon, Max. Reg. 3, p. 47. See 1 Duer, Ins 210, 211, 216.

*Verba artis ex arte.* Terms of art should be explained from the art. 2 Kent, Comm. 556, n.

*Verba chartarum fortius accipiuntur contra proferentem.* The words of deeds are to be taken most strongly against the person offering them. Coke, Litt. 36 a; Bacon, Max. Reg. 3; Noy, Max. 9th ed. p. 48; 3 Bos. & P. 399, 403; 1 Crompt. & M. Exch. 657; 8 Term, 605; 15 East, 546; 1 Ball & B. 335; 2 Parsons, Contr. 22; Broom, Max. 3d Lond. ed. 72 (n.), 529.

*Verba cum effectu accipienda sunt.* Words are to be interpreted so as to give them effect. Bacon, Max. Reg. 3.

*Verba currentis monete, tempus solutionis designant.* The words "current money" refer to the time of payment. Dav. 20.

*Verba debent intelligi cum effectu.* Words should be understood effectually. 2 Johns. Cas. N. Y. 97, 101.

*Verba debent intelligi ut aliquid operentur.* Words ought to be so understood that they may have some effect. 8 Coke, 94 a.

*Verba dicta de persona, intelligi debent de conditione personae.* Words spoken of the person are to be understood of the condition of the person. 2 Rolle, 72.

*Verba generalia generaliter sunt intelligenda.* General words are to be generally understood. Coke, 3d Inst. 76.

*Verba generalia restringuntur ad habilitatem rei vel aptitudinem personae.* General words must be restricted to the nature of the subject-matter or the aptitude of the person. Bacon, Max. Reg. 10; 11 C. B. 254, 356.

*Verba generalia restringuntur ad habilitatem rei vel personae.* General words must be confined or restrained to the nature of the subject or the aptitude of the person. Bacon, Max. Reg. 10; Broom, Max. 3d Lond. ed. 575.

*Verba illata (relata) inesse videntur.* Words referred to are to be considered as if incorporated. Broom, Max. 3d Lond. ed. 600, 603; 11 Mees. & W. Exch. 183, 188; 10 C. B. 261, 263, 266.

*Verba in differenti materia per prius, non per posterius, intelligenda sunt.* Words referring to a different subject are to be interpreted by what goes before, not by what follows. Calvinus, Lex.

*Verba intelligenda sunt in casu possibili.* Words are to be understood in reference to a possible case. Calvinus, Lex.

*Verba intentioni, et non è contra, debent inservire.* Words ought to wait upon the intention, not the reverse. 8 Coke, 94; 2 Sharswood, Blackst. Comm. 379.

*Verba intentioni, non è contra, debent inservire.* Words ought to be made subservient to the intent, not contrary to it. 8 Coke, 94; 1 Spence, Eq. Jur. 527.

*Verba ita sunt intelligenda, ut res magis valeat quam percat.* Words are to be so understood that the subject-matter may be preserved rather than destroyed. Bacon, Max. Reg. 3; Plowd. 156; 2 Blackstone, Comm. 380; 2 Kent, Comm. 555.

*Verba merè equivoeca, si per communem usum loquendi in intellectu certo sumuntur, talis intellectus præferendus est.* When words are merely equivocal, if by common usage of speech they acquire a certain meaning, such meaning is to be preferred. Calvinus, Lex.

*Verba nihil operari melius est quam absurde.* It is better that words should have no operation, than to operate absurdly. Calvinus, Lex.

*Verba non tam intuenda, quam causa et natura rei, ut mens contractantium ex eis potius quam ex verbis apparent.* Words are not to be looked at so much as the cause and nature of the thing, since the intention of the contracting parties may appear

from those rather than from the words. Calvinus, Lex.

*Verba offendi possunt, imò ab eis recedere licet, ut verba ad sanum intellectum reducantur.* You may disagree with words, nay, you may recede from them, in order that they may be reduced to a sensible meaning. Calvinus, Lex.

*Verba ordinationis quando verificari possunt in sua vera significatione, trahi ad extraneum intellectum non debent.* When the words of an ordinance can be made true in their true signification, they ought not to be warped to a foreign meaning. Calvinus, Lex.

*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 preceding words in which certainty is wanting. Wingate, Max. 167; 6 Coke, 236.

*Verba pro re et subjecta materia accipi debent.* Words should be received most favorably to the thing and the subject-matter. Calvinus, Lex.

*Verba quæ aliquid operari possunt non debent esse superflua.* Words which can have any effect ought not to be treated as surplusage. Calvinus, Lex.

*Verba quantumvis generalia, ad aptitudinem restringuntur, etiam si nullam aliam paterentur restrictionem.* Words, howsoever general, are restrained to fitness (i. e. to harmonize with the subject-matter) though they would bear no other restriction. Spiegelius.

*Verba relata hoc maxime operantur per referentiam ut in eis inesse videntur.* Words to which reference is made in an instrument have the same effect and operation as if they were inserted in the clause referring to them. Coke, Litt. 359; Broom, Max. 3d Lond. ed. 599; 14 East, 568.

*Verba secundum materiam subjectam intelligi nemo est qui necit.* There is no one who is ignorant that words should be understood according to the subject-matter. Calvinus, Lex.

*Verba semper accipienda sunt in mitiori sensu.* Words are always to be taken in their milder sense. 4 Coke, 17.

*Verba stricta significationis ad latam extendi possunt, si subest ratio.* Words of a strict signification can be given a wide signification if reason require. Calvinus, Lex; Spiegelius.

*Verba sunt indices animi.* Words are indications of the intention. Latch, 106.

*Verbum imperfecti temporis rem adhuc imperfectam significat.* The imperfect tense of the verb indicates an incomplete matter. 6 Wend. N. Y. 103, 120.

*Verdictum, quasi dictum veritatis; ut iudicium, quasi juris dictum.* A verdict is as it were the saying of the truth, in the same manner that a judgment is the saying of the law. Coke, Litt. 226.

*Veritas demonstrationis tollit errorem nominis.* The truth of the description removes the error of the name. 1 Ld. Raym. 303. See *LEGATEE*.

*Veritas habenda est in juratore; iustitiam et iudicium in iudice.* Truth is the desideratum in a juror; justice and judgment, in a judge. Bracton, 185 b.

*Veritas nihil ceteris nisi abscondi.* Truth fears nothing but concealment. 9 Coke, 20.

*Veritas nimium altercando amittitur.* By too much altercation truth is lost. Hob. 344.

*Veritas nominis tollit errorem demonstrationis.* The truth of the name takes away the error of description. Bacon, Max. Reg. 25; Broom, Max. 3d Lond. ed. 571; 8 Taunt. 313; 2 Jones, Eq. No. C. 72.

*Veritatem qui non liberè pronunciat, proditor est veritatis.* He who does not speak the truth freely is a traitor to the truth. Coke, 4th Inst. Epil.

*Via antiqua via est tuta.* The old way is the safe way. 1 Johns. Ch. N. Y. 527, 530.

*Via trita est tutissima.* The beaten road is the safest. 10 Coke, 142; 4 Maule & S. 168.

*Via trita, via tuta.* The old way is the safe way. 5 Pet. 223.

*Vicarius non habet vicarium.* A deputy cannot appoint a deputy. Branch, Max. 38; Broom, Max. 3d Lond. ed. 758; 2 Bouvier, Inst. n. 1300.

*Vicini viciniore presumuntur scire.* Neighbors are presumed to know things of the neighborhood. Coke, 4th Inst. 173.

*Videlicet ea sepe committi, que sepe vindicantur.* You will see those things frequently committed which are frequently punished. Coke, 3d Inst. Epilog.

*Videtur qui surdus et mutus ne potest faire alienation.* It seems that a deaf and dumb man cannot alienate. 4 Johns. Ch. N. Y. 441, 444.

*Vigilantibus et non dormitantibus jura subserviunt.* The laws serve the vigilant, not those who sleep. 2 Bouvier, Inst. n. 2327. See LACHES; Broom, Max. 3d Lond. ed. 799.

*Vim vi repellere licet, modo fiat moderamine inculpate tutelae, non ad sumendam vindictam, sed ad poposcendam injuriam.* It is lawful to repel force by force; but let it be done with the self-control of blameless defence,—not to take revenge, but to repel injury. Coke, Litt. 162.

*Viperinus est expositio que corrodit viscera textus.* That is a viperous exposition which gnaws or eats out the bowels of the text. 11 Coke, 34.

*Vir et uxor consentur in lege una persona.* Husband and wife are considered one person in law. Coke, Litt. 112; Jenk. Cent. Cas. 27.

*Vires acquirit eundo.* It gains strength by continuance. 1 Johns. Ch. N. Y. 231, 237.

*Via legis est inimica.* Force is inimical to the laws. Coke, 3d Inst. 176.

*Vitium clerici nocere non debet.* Clerical errors ought not to prejudice. Jenk. Cent. Cas. 23; Dig. 34. 5. 3.

*Vitium est quod fugi debet, ne, si rationem non invenias, max legem sine ratione esse clames.* It is a fault which ought to be avoided, that if you cannot discover the reason you should presently exclaim that the law is without reason. Ellesmere, Postn. 86.

*Vix ulla lex fieri potest que omnibus commoda sit, sed si majori parti prospiciat, utilis est.* Scarcely any law can be made which is beneficial to all; but if it benefit the majority it is useful. Plowd. 369.

*Vocabula artium explicanda sunt secundum definitiones prudentium.* Terms of art should be explained according to the definitions of those who are most experienced in that art. Puffendorff, de Off. Hom. l. 1, c. 17, § 3; Grotius, Jur. de Bell. l. 2, c. 16, § 3.

*Void in part, void in toto.* 15 N. Y. 9, 96.  
*Void things are as no things.* 9 Cow. N. Y. 778, 784.

*Volenti non fit injuria.* He who consents cannot receive an injury. 2 Bouvier, Inst. nn. 2279, 2327; Broom, Max. 3d Lond. ed. 245; Shelford, Marr. & D. 449; Wingate, Max. 482; 4 Term, 657; Plowd. 501.

*Voluit sed non dixit.* He willed but did not say. 4 Kent, Comm. 538.

*Voluntas donatoris, in charta doni cui manifeste expressa observetur.* The will of the donor, clearly expressed in the deed, should be observed. Coke, Litt. 21 a.

*Voluntas et propositum distinguunt malefacta.* The will and the proposed end distinguish crimes. Bracton, 2 b, 136 b.

*Voluntas facit quod in testamento scriptum valeat.* The will of the testator gives validity to what is written in the will. Dig. 30. 1. 12. 3.

*Voluntas in delictis non exitus spectatur.* In offences, the will and not the consequences are to be looked to. Coke, 2d Inst. 87.

*Voluntas reputabatur pro facto.* The will is to be taken for the deed. Coke, 3d Inst. 69.

*Voluntas testatoris ambulatoria est usque ad mortem.* The will of a testator is ambulatory until his death: that is, he may change it at any time. See 1 Bouvier, Inst. n. 83; 4 Coke, 61.

*Voluntas testatoris habet interpretationem latam et benignam.* The will of a testator has a broad and liberal interpretation. Jenk. Cent. Cas. 260; Dig. 50. 17. 12.

*Voluntas ultima testatoris est perimplenda secundum veram intentionem suam.* The last will of a testator is to be fulfilled according to his true intention. Coke, Litt. 322.

*Vox emissa volat,—littera scripta manet.* Words spoken vanish, words written remain. A written contract cannot be varied by parol proof. Broom, Max. 3d Lond. ed. 594; 1 Johns. N. Y. 571, 572.

*What a man cannot transfer, he cannot bind by articles.*

*When many join in one act, the law says it is the act of him who could best do it; and things should be done by him who has the best skill.* Noy, Max.

*When no time is limited, the law appoints the most convenient.*

*When the common law and statute law concur, the common law is to be preferred.* 4 Coke, 71.

*When the foundation fails, all fails.*

*When the law gives any thing, it gives a remedy for the same.*

*When the law presumes the affirmative, the negative is to be proved.* 1 Rolle, 83; 3 Bouvier, Inst. nn. 3063, 3090.

*When two titles concur, the best is preferred.* Finch, Law, b. 1, c. 4, n. 82.

*Where there is equal equity, the law must prevail.* 4 Bouvier, Inst. n. 3727.

*Where two rights concur, the more ancient shall be preferred.*

**MAY.** Is permitted to; has liberty to.

2. Whenever a statute directs the doing of a thing for the sake of justice or the public good, the word *may* is the same as *shall*. For example, the 23 H. VI. says the sheriff may take bail; that is construed he *shall*, for he is compellable to do so. Carth. 293; Salk. 609; Skinn. 370.

3. The words *shall* and *may*, in general acts of the legislature or in private constitutions, are to be construed imperatively, 3 Atk. Ch. 166; but the construction of those words in a deed depends on circumstances. 3 Atk. Ch. 282. See 1 Vern. Ch. 152, case 142; 18 Ala. 390.

**MAYHEM.** In Criminal Law. The act of unlawfully and violently depriving another of the use of such of his members as may render him less able, in fighting, either to defend himself or annoy his adversary. 8 Carr. & P. 167. The cutting or disabling, or weakening, a man's hand or finger, or striking out his eye or foretooth, or depriving him of those parts the loss of which abates his courage, are held to be mayhems. 7 Humphr. Tenn. But cutting off the ear or nose, or the like, are not held to be mayhems at common law. 4 Blackstone, Comm. 205.

2. These and other severe personal injuries are punished by the Coventry Act, which has been re-enacted in several of the states, Ryan, Med. Jur. 191, Phil. ed. 1832; and by congress. See Act of April 30, 1790, s. 13, 1