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A LAW DICTIONARY,

ADAPTED TO THE

CONSTITUTION AND LAWS

OF THE

UNITED STATES OF AMERICA

AND OF THE

Several States of the American Union;

WITH

REFERENCES TO THE CIVIL AND OTHER SYSTEMS OF FOREIGN LAW.

BY JOHN BOUVIER.

Ignoratis terminis ignoratur et ars.—Co. Litt. 2 s.
Je sais que chaque science et chaque art a ses termes propres, inconnus au commun des hommes.—FLEURY.

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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 Bl. Com. 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. Terms de Ley; Doct. & Stud. Dial. 1, c. 8. Maxims of the law are held for law, and all other cases that may be applied to them shall be taken for granted. 1 Inst. 11. 67; 4 Rep. See 1 Com. c. 68; 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. 2 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. Co. Litt. 186.

A l'impossible nul n'est tenu. No one is bound to do what is impossible. 1 Bouv. Inst. n. 601.

A verba legis non est recedendum. From the words of the law there must be no departure. Broom's Max. 258; 5 Rep. 119; Wing. Max. 25.

Absoluta ejus qui reipublica causa absed, neque et, neque aliis damno esse debet. The absence of him who is employed in the service of the state, ought not to be burdensome to him nor to others. Dig. 50, 17, 140.

Absoluta sententia expositore non indiget. An absolute unqualified sentence or proposition, needs no expositor. 2 Co. Inst. 533.

Abundans causula non nocet. Abundant caution does no harm. 11 Co. 6.

Accessorius sequit naturam sui principalis. An accessory follows the nature of his principal. 3 Co. Inst. 349.

Accessorium non ducti sed sequitur suum principale. The accessory does not lead, but follows its principal. Co. Litt. 132.

Actio sequitur forum rei. The plaintiff must follow the forum of the thing in dispute.

Actio non probans reus absolvit. When the plaintiff does not prove his case, the defendant is absolved.

Actus Dei semini facit in iuriam. The act of God does no injury; that is, no one is responsible for inevitable accidents. 2 Blaks. Com. 122. See Act of God.

Actus inceptus cuiusque perficitur, ex voluntate partium, renovari potest; et aequum perit ex voluntate terciae persona, vel ex contingenti, renovari non potest. An act already begun, the completion of which depends upon the will of the parties, may be recalled; but if it depend on the consent of a third person, or of a contingency, it cannot be recalled. Bacon's Max. Reg. 20.

Actus me invito facit, non est meus actus. An act done by me against my will, is not my act.

Actus non resum facit, nisi mens sit rea. An act does not make a person guilty, unless the intention be also guilty. This maxim applies only to criminal cases; in civil matters it is otherwise. 2 Bouv. Inst. n. 2211.

Actus legii non recipiunt modum. Acts required by law to be done, admit of no qualification. Hob. 153.

Actus legi nonem facit iuriam. The act of the law does no one an injury. 5 Co. 116.

Ad proximum antecedens fiat relatio, nisi impediatur sententia. The antecedent bears relation to what follows next, unless it destroys the meaning of the sentence.

Ad quasentes facti non respondentes judices, et quasiones legis non respondentes juratores. The judges do not answer to questions of fact; the jury do not answer to questions of law. Co. Litt. 295.


Ambiguitas verborum latens verificatur suppleatur; nam quod ex facto oritur ambiguous verificaret facti tullitor. A hidden ambiguity of the words is supplied by the verification, for whatever ambiguity arises concerning the deed itself is removed by the verification of the deed. Bacon's Max. Reg. 23.

Aqua cedit solo. The water yields or accompanies the soil. The grant of the soil or land carries the water.

Aqua currit et debet currere. Water runs and ought to run. 3 Rawle, 84, 86.

Equitas agit in personam. Equity acts upon the person. 4 Bouv. Inst. n. 3733.

Equitas sequitur legem. Equity follows the law. 1 Story, Eq. Jur. § 64; 3 Woodd. Lect. 479, 482.

Equum et bonum, est lex legum. What is good and equal, is the law of laws. Hob. 294.

Affirmati, non neganti incumbit probatio. The proof lies upon him who affirms, not on him who denies.

Allud est celare, alud lacere. To conceal is one thing, to be silent another.

AlTERNATIOn petitio non est audienda. An alternate petition is not to be heard. 5 Co. 40.
Animus ad se omnis justi ductit. 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.

Apices juris non sunt iura. Points of law are not laws. Co. Litt. 304; 8 Scott, N. P. R. 773.

Arbitrium est judicium. An award is a judgment. Jenk. Cent. 137.

Arbitrium d majori ad minus negative non valet; valet converso. An argument from the greater is of no force negatively; conversely it is. Jenk. Cent. 281.

Argumentum d divisionem est fortissimum in iure. An argument arising from a division is most powerful in law. 6 Co. 60.

Argumentum ab inconvenieni enti est validum in leges; quia lex non permitte aliquo inconvenientem. An argument drawn from what is inconvenient is good in law, because the law will not permit any inconvenience. Co. Litt. 258.


Argumentum ab aurthoritate est fortissimum in leges. An argument drawn from authority is the strongest in law. Co. Litt. 254.


Accepta verborum sunt iudice induigna. A twisting of language is unworthy of a judge. Hob. 343.

Bonae fidei non potitur, ut ibid exiguatur. Natural equity or good faith do not allow us to demand twice the payment of the same thing. Dig. 50, 17, 57.

Boni iudicis est amplior jurisdictio. It is the part of a good judge to enlarge his jurisdiction; that is, his remedial authority. Chan. Free. 329; 1 Will. 204; 9 M. & Wels. 815.

Boni iudicis est causa humum derinerea. It is the duty of a good judge to remove the cause of litigation. 2 Co. Inst. 304.

Bonum defendentis ex integrat causam, malum ex quotlibet defectu. The good of a defendant arises from a perfect case, his harm from some defect. 11 Co. 68.

Bonum iudex sequendum aquam et bonum iudicat, et aequitatem stricto jure praefert. A good judge decides according to justice and right, and prefers equity to strict law. Co. Litt. 24.

Bonum necessitatis est ultima terminus necessitatis non est bonum. Necessary good is not good beyond the bounds of necessity. Hob. 144.

Causa fortuita non est sperandus, et nemo tenetur discrimine. A fortuitous event is not to be foreseen, and no person is held bound to divine it. 4 Co. 66.

Causa oremissa et obire and necessitatis dispoitioni communis juris rei. A case omitted and given to oblivion is left to the disposal of the common law. 5 Co. 37.


Catalata remandatur inferiore minus in leges. Chateles are considered in law among the minor things. Jenk. Cent. 52.

Causa proxima, non remota spectat. The immediate, and not the remote cause, is to be considered. Bac. Max Reg. 1.


Causa est cause, res causarum effectus. The cause ceasing, the effect must cease.

C'est le crime qui fait la honte, et non pas l'acheteur. It is the crime which causes the shame, and not the scoundrel.

Charitas de non ende non valet. A charter or deed of a thing not in being, is not valid. Co. Litt. 26.

Chirographum apud debitorum reperitum presumitur solvendum. A deed or bond found with the debtor is presumed to be paid.

Circuitus est iudicandus. Circuity is to be avoided.

5 Co. 31.

Claustra inconstituta semper indiciunt suspicicionem. Unusual clauses always induce a suspicion. 3 Co. 81.

Claustra que abrogationem exclusit ab usitato non valet. A clause in a law which precludes its abrogation, is invalid from the beginning. Bacon's Max. Reg. 199.

Claustra vel dispositio inutiles per usurpationem remotam vel causam, ex post facto non fuitur. A useless clause or disposition is not supported by a remote presumption, or by a cause arising afterwards. Bacon's Max. Reg. 21.

Cogitationes pereunt semim patitur. No one is punished for merely thinking of a crime.


Communes error facti 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. The converse of this maxim is communis error non facti jus. A common error does not make law.

Confessio facta in judicio omnium probabat major est. A confession made in court is of greater effect than any proof. Jenk. Cent. 102; 11 Co. 30.

Confirmare non potest prinipum jus et accipere. No one can confirm before the right accrues to him. 10 Co. 48.

Confirmatio est nulla, ubi domus procedens est insufficiens. An affirmation is null where the preceding gift is invalid. Co. Litt. 295.

Concupiscia mariti et feminae est de parte naturae. The union of a man and a woman is of the law of nature.

Consensus non conscibilius facti nuptiae. Consent, not lying together, constitutes marriage.

Consensus facti nuptiae. Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.

Consensus toliti error. Consent removes or obviates a mistake. Co. Litt. 128.

Consentientes et agentes pari paene pendet. Those consenting and those perpetrating are embraced in the same punishment. 5 Co. 80.

Consequerentia non est consequentiis. A consequence ought not to be drawn from another consequence. Bacon, De Aug. Sci. Aph. 15.

Consilia non fraudulentia, nulla est obligatio. Advice, unless fraudulent, does not create an obligation.

Constructio contra rationem introducit, poni usurarii quorum commutato appellari debet. A custom introduced against reason ought rather to be called an usurpation than a custom. Co. Litt. 113.

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

Consuetudo est optimus interpres legum. Custom is the best expounder of the law. 2 Co. Inst. 18; Dig. 1, 3, 37; Jenk. Cent. 273.

Consuetudo est altera lex. Custom is another law. 4 Co. 21.

Consuetudo loci observanda est. The custom of the place is to be observed. 6 Co. 67.


Consuetudo semel reprobata non potest amplius induci. Custom once disallowed cannot again be produced. Dav. 33.

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

Contestatio litis etest 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.

Contemporanea exposition est optima et fortissima in lege. A contemporaneous exposition is the best and most powerful in the law. 2 Co. Inst. 21.

Contrà negamem principia non est disputandum. There is no disputing against or denying principles. Co. Litt. 43.

Contrá non volendam agere nulla currir praescriptio. No prescription runs against a person unable to act. Broom's Max. 398.

Contrá veritatem lex munquam aliquis permittit. The law never suffers anything contrary to truth. 2 Co. Inst. 232. But sometimes it allows a conclusive presumption in opposition to truth. See 3 Bouv. Inst. n. 3061.

Contractus legem ex conventione accipiant. The agreement of the parties makes the law of the contract. Dig. 16, 3, 1, 6.

Contractus ex turti causad, sed contrá bonos mores nullus est. A contract founded on a base and un- laudable consideration, or against good morals, is null. Hob. 167; Dig. 2, 14, 27, 4.

Conventio vincit lex. The agreement of the parties overcomes or prevails against the law. Story, Ap. § 385. See Dig. 16, 3, 1, 6.

Conspicilus verborum indicat acceptationem in eodem sensu. Coupling words together shows that they ought to be understood in the same sense. Bacon's Max. in Reg. 3.


Culitert in arte sua herito credendum est. Every one should be believed skilful in his own art. Co. Litt. 125. Vide Ecspet: Opinion.

Cujus est commodum ejus debet esse incommodum. He who receives the benefit should also bear the disadvantage.

Cujus est dare ejus est disponere. He who has a right to give, has the right to dispose of the gift.

Cujus per errorem datl repetito est, ejus consulto dati donatio est. Whoever pays by mistake what he does not owe, may recover it back; but he who pays, knowing he pays nothing; is presumed to give. Dig. 50, 17, 53.

Cujus est solum, ejus est usque ad column. He who owns the soil, owns up to the sky. Co. Litt. 4 s; Broom's Max. 172; Slep. To. 90; 2 Bouv. Inst. 157, 170.

Cujus est divisio alterius est electio. Which ever of two parties has the division, the other has the choice. Co. Litt. 168.

Cujusque rei potissima pars principium est. The principal part is everything that is the beginning. Dig. 1, 2, 10 Co. 49.

Culpa temet suis auctores. A fault finds its own authors.

Culpa est immacare 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.

Culpa pars par est. Let the punishment be proportioned to the crime.

Culpa latu aquiparatur dolo. A concealed fault is equal to a deceit.

Qui pater est populus non habet ille patrem. He to whom the people is father, has not a father. Co. Litt. 133.

Cum confitetur specter mitissimus est agendum. One making a voluntary confession, is to be dealt with more mercifully. 4 Co. Inst. 66.

Cum duo inter se pugnaverat reperius in testamento ultimum ratum est. When two things repugnent to each other are found in a will, the last is to be confirmed. Co. Litt. 112.

Cum legitime mutatione facta sunt, patrem liber sequentur. Children born under legitimate marriage follow the condition of the father.

Cum aduant testimonio rerum quid opus est verbis. When the proofs of facts are present, what need is there of words. 2 Buls. 53.

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

Currit tempus contra desidios et suis juris contempores. Time runs against the slothful and those who neglect their rights.

Cursus curiae est lex curiae. The practice of the court is the law of the court. 3 Buls. 53.

De fide et officio judicis non recipitur quaestio; sed de scientia, sine errore est juris sine facta. Of the credit and duty of a judge, no question can arise; but it is otherwise respecting his knowledge, whether he be mistaken as to the law or fact. Bacon's Max. Reg. 17.

De iure judicis, de facto juratores, respondent. The judges answer to the law, the jury to the facts.

De minimis non curat lex. The law does not notice or care for trifling matters. Broom's Max. 333; Hob. 88; 5 Hill, N. Y. Rep. 170.

De morte hominis nulla est consecutio longa. When the death of a human being may be the consequence, no delay is long. Co. Litt. 134. When the question is on the life or death of a man, no delay is too long to admit of inquiring into facts.

De non apparentibus et non existentibus cadam est ratio. The reason is the same respecting things which do not appear, and those which do not exist.

De similibus ad similia cadam ratione procedendum est. From similars to similars, we are to proceed by the same rule.

De similibus idem est judicium. Concerning similars the judgment is the same. 7 Co. 16.

Debet quis juris intersecare ubi delinquit. Every
one ought to be subject to the law of the place where he offends. 3 Co. Inst. 34.

Debile fundamentum, fallit opus. Where there is a weak foundation, the work fails. 2 Bouv. Inst. n. 2006.

Debita sequuntur personam debitoris. Debts follow the person of the debtor. Story, Cont. of Law § 339.

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

Debitum et contractus non sunt nullius loci. Debt and contract are of no particular place.

Delegatio potestas non potest delegari. A delegated authority cannot be again delegated. 2 Co. Inst. 597; 5 Bing. N. C. 310; 2 Bouv. Inst. n. 1300.

Delegatus non potest delegare. A delegate or deputy cannot appoint another. 2 Bouv. Inst. n. 1300; Story, Ag. § 13.

Delegationes potestas non potest esse major primitiae. The power which is derived cannot be greater than that from which it is derived.

Derogatio legii, cum pars detractur; abrogatur legii, cum prorsus tollitur. To derogate from a law is to enact something contrary to it; to abrogate a law, is to abolish it entirely. Dig. 50, 16, 102. See 1 Bouv. Inst. n. 91.

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

Dis dominicus non est juridicus. Sunday is not a day in law. Co. Litt. 135 a; 2 Saund. 291. See Sunday.

Dis inceptus pro completo habitatur. The day of undertaking or commencement of the business is held as complete.

Dis incertus pro conditione habitatur. A day uncertain is held as a condition.

Dilataiones in leges sunt odiosa. Delays in law are odious.


Dispensatio est vacuus, quod vulneratur jus commisce. A dispensation is a wound which wounds a common right. Dav. 69.

Dissimilium dissimilia est ratio. Of dissimilarities the rule is dissimilar. Co. Litt. 191.

Dispensa est per interpretandum est, qua omnis recipit a litera. It is a guess not interpretation which altogether departs from the letter. Bacon's Max. in Reg. 3, p. 47.

Dolorus versatur generalibus. A deceived deals in generals. 2 Co. 34.

Dolus auctor is non societ successoris. The fraud of a possessor does not prejudice the successor.

Dolus circuitus non purgatur. Fraud is not purged by circuitry. Bacon's Max. in Reg. 1.

Domus sua cuique est tutissimum refugium. Every man's house is his castle. 5 Rep. 92.

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

Donatio perfecta possessione accipit. A gift is rendered complete by the possession of the receiver. See 1 Bouv. Inst. n. 712; 2 John. 52; 2 Leach 737.

Donatio non presuntur. A gift is not presumed. Donatur nuncupat possidet possidere aut quem do-
Est aestem via legem simulanea. Violence may also put an end to the mas animi. Est boni judicii ampliare jurisdictionem. It is the part of a good judge to extend the jurisdiction.

Ex antecedentibus et consequentibus fil optimi interpretatio. The best interpretation is made from antecedents and consequents. 2 Co. Inst. 317.

Ex sententia tempore, omnia praemunienti solemniter esse facta. From length of time, all things are presumed to have been done in due form. Co. Litt. 6; 1 Greenl. Ev. § 20.

Ex dolo malo non oritur actio. Out of fraud no action arises. Cowper, 343; Broom's Max. 349.

Ex facto jus oritur. Law arises out of fact; that is, its application must be to facts. Ex malo facit oritur contractus. A contract cannot arise out of an act radically wrong and illegal. Broom's Max. 351.

Ex multis suis signorum, colligitur identitas vera. From the great number of signs true identity may be ascertained. Bacon on Max. in Reg. 25.

Ex modo pacto non oritur actio. No action arises on a naked contract without a consideration. See Nudum Pactum.

Ex tota materia emergat resolutio. The construction or resolution should arise out of the whole subject matter. Wingate's Max. 239.

Ex urpi causa non oritur actio. No action arises out of an immoral consideration. Ex urpi contracta non oritur actio. No action arises on an immoral contract.

Ex suo disces omenes. From one thing you can discern all. Excusat ut externa delictum in capitalibus, quod non operatur idem in civilibus. A wrong in capital cases is excused or palliated which would not be so treated in civil matters. Bacon's Max. Reg. 7.

Exceptio ejus rei quae petitur dissoluto nulla est. There can be no plea of that thing of which the dissolution is sought. Jenk. Cent. 37.

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

Exceptio format regulam in contrarium. The exception affirms the rule in contrary cases. Bac. Apb. 17.

Exceptio format regulam in casibus non exceptis. The exception affirms the rule in cases not excepted. Bac. Apb. 17.

Exceptio nulla est versus actionem quae exceptionem petititur. There can be no plea against an action which entirely destroys the plea. Jenk. Cent. 106.

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

Exceptio quae regulam declarat. The exception also declares the rule. Bac. Apb. 17.

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

EXECUTIO est finis et fractusa leges. An execution is the end and the fruit of the law. Co. Litt. 289.

EXECUTIO juris non habet injuriam. The execution of the law causes no injury. 2 Co. Inst. 482; Broom's Max. 57.


Optimum rei publicae est ut finis sit. It is for the public good that there be an end of litigation. Co. Litt. 303.

Expressus necens, non expressus non necens. Things expressed may be prejudicial; things not expressed are not. See Dig. 56, 17, 105.

EXPRESSIONE satis qui factum invent mini operatur. The expression of those things which are tacitly implied operates nothing.

Expressus unus est exclusio alterius. The expression of one thing is the exclusion of another.

Expressum factum non est factum. What is expressed renders what is implied silent.

Extra legem positus est civiliter moritur. One out of the pale of the law, (an outlaw,) is civilly dead.

Extra territorium jus dicentur non pacetur impune. One who exercises jurisdiction out of his territory is not obeyed with impunity.

Facts sunt potentiora verba. Facts are more powerful than words.

Facium s judicis quod ad ejus officium non spectat, non ratum est. An act of a judge which does not relate to his office, is of no force. 10 Co. 76.

Factum negans nulla probatio. Negative facts are not proof.

Factum non dictur quod non perseverat. It cannot be called a deed which does not hold out or persevere. 5 Co. 86.

Facultas probationem non est angustianda. The faculty or right of offering proof is not to be narrowed. 4 Co. Inst. 279.

False demonstration non nescit. A false or mistaken description does not vitiate. 6 T. R. 675; see 2 Story's Rep. 291; 1 Greenl. Ev. 4301.

Falsa orthographia, sine falsa grammatica, non vitiat concessionem. False spelling or false grammar do not vitiate a grant. 9 Co. 48; Sheph. T. 55.

Falsa in uno, falsa in omnibus. False in one thing, false in everything. 1 Summ. 336.

Fiat justitia rerum caelestium. Let justice be done, though the heavens should fall.

Feloniam implicatur in quodlibet priditionis. Felony is included or implied in every treason. 3 Co. Inst. 15.

Festinatio justitiae est noxera infortunii. The hurrying of justice is the stepping stone of misfortune. Hob. 97.


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

Finiti rei attingendae est. The end of a thing is to be attended to. 3 Co. Inst. 51

Finis finem suit, obiit. The end puts an end to litigation. 3 Inst. 78.

Finitus omnium diri est principium alterius. The end of one day is the beginning of another. 2 Buls. 305.

Firmior et potenter est operatio legis quam dispositio harmonia. The disposition of law is firmer and more powerful than the will of man. Co. Litt. 102.

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.

Fumina omnis officia civilibus vel publicis
MAX

remote sunt. Women are excluded from all civil and public charges or offices. Dig. 50, 17, 2.

Forma legalis forma essentia. Legal form is essential form. 10 Co. 100.

Forma non observat inferior admissid actus. When form is not observed a nullity of the act is inferred. 12 Co. 7.

Forstallerius est pauperum depressor, et totius communis patria publica animus. A forester is an oppressor of the poor, and a public enemy to the whole community and the country. 3 Co. Inst. 196.

Forsit est custodia legis quam hominis. The custody of the law is stronger than that of man. 2 Roll. R. 325.

Forsit et potentior est dispositio legis quam hominis. The disposition of the law is stronger and more powerful than that of man. Co. Litt. 234.

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

Fraus est odiosa et praesumenda. Fraud is odious and presumed. 10 Co. 560.

Fraus et dolus necessitati patrocinari debet. Fraud and deceit should excuse no man. 3 Co. 78.

Fraus et jus noncum cohabet. Fraud and justice never agree together. Wing. 680.

Fraus latet in generalibus. Fraud lies hid in general expressions.

Fraus meritum fraudem. Fraud deserves fraud. Plow. 100. This is very doubtful morality.

Fraus pendenta para subveni videntur. Hanging fruits make part of the land. Dig. 6, 1, 14; 2 Bouv. Inst. n. 1785. See Lenegy.

Fraus percipit villae non esse constat. Gathered fruits do not make a part of the house. Dig. 19, 1, 17, 1; 2 Bouv. Inst. n. 1785.

Fraude est potestas qua mens hominum vestit in actum. The power which never comes to be exercised is vain. 2 Co. 51.

Fraus fortunae leges nec sublimiti et obediuntibus. Laws are made to no purpose unless for those who are subject and obedient. 7 Co. 7.

Fraude legis maxima quilibet qui in legem commiss. Vainly does he who offends against the law, seek the help of the law.

Fraude pecunia mediata aliter reddere cogeris. Vainly you ask that which you will immediately be compelled to restore to another. Jenk. Cent. 256.

Fraude probatur quod probatum non relevat. It is vain to prove that which if proved would not aid the matter in question.

Fraude abeunt loco est. The insane is compared to the absent. Dig. 50, 17, 24, 1.


Furtum non est ubi inimicum habet detractionem per dominium rev. It is not theft where the commencement of the detention arises through the owner of the thing. 3 Co. Inst. 107.

Genera tamen valet in generalibus, quantum singularius singularis. What is general prevails or is worth as much among things general, as what is particular among things particular. 11 Co. 59.

Genera dictum generaliter est interpretandum. A general expression is to be construed generally. 8 Co. 116.

Genera nihil certum implicat. A general expression implies nothing certain. 2 Co. 34.

Vol. II.—I

Genera sunt proponenda singularibus. General things are to be put before particular things.

Generala vera sunt generaliter intelligienda. General words are understood in a general sense. 3 Co. Inst. 76.

Generalia clausula non porrigitur ad ea quae ante specialiter sunt comprehensa. A general clause does not extend to those things which are previously provided for specially. 8 Co. 154.

Heredem Deus facit, non homo. God and not man, makes the heir.

Heredem est nomen collectivum. Heir is a collective name.

Heres est nomen juris, filius est nomen naturae. Heir is a term of law, son one of nature.

Heras est et juris proprietatibus et jure representationis. An heir is either by right of property or right of representation. 3 Co. 40.

Heras est alius ipse, et filius est pars patria. An heir is another self, and a son is a part of the father.

Heres est eadem persona cum antecessore. The heir is the same person with the ancestor. Co. Litt. 22.

Heras heredis mei est meus heres. The heir of my heir is my heir.

Heres legitimae est quum nuptia demonstrat. He is the lawful heir whom the marriage demonstrates.

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

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

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

Id quod nostrum est, sine facto nostro ad alium transfrer non posset. 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, without the consent of the owner, by a judgment of a competent tribunal.

Id certum est quod certum reddi potest. That is certain which may be rendered certain. 1 Bouv. Inst. n. 929; 2 Bl. Com. 143; 4 Kent, Com. 460; 4 Pick. 179.


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

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

Idem est nihil dicere et insufficiencier dicere. It is the same thing to say nothing and not to say it sufficiently. 2 Co. Inst. 178.

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

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

Idem semper antecedenti proximo referitur. The
same is always referred to its next antecedent. Co. Litt. 385.

Identitas vera colligitur ex multitudine signorum. True identity is collected from a number of signs. Id perfectum est quod ex omnibus suis partibus constat. That is perfect which is complete in all its parts. 9 Co. 9.

Id possumus quod de jure possumus. We may do what is allowed by law. Lane, 116.

Ignorantia excusat, non juria sed facti. Ignorance of fact may excuse, but not ignorance of law. See Ignorance.

Ignorantia legis neminem excusat. Ignorance of law never excuses. See Ignorance; 4 Bouv. Inst. n. 3828.

Ignorantia facti excusat, ignorantia juris non excusat. Ignorance of facts excuses, ignorance of law does not excuse. 1 Co. 177; 4 Bouv. Inst. n. 3828. See Ignorance.

Ignorantia iudicii est calamitas innocentiae. The ignorance of the judge is the misfortune of the innocent. 2 Co. Inst. 591.

In criminalibus causa est cognitio bonae conscienciae. In criminial cases a general intention is sufficient, when there is an act of equal or corresponding degree. Bacon's Max. Reg. 15.

In disjunctivis sufficit alteram partem esse veram. In disjunctives, it is sufficient if either part be true.

In dubia magis digemum est accipienda. In doubtful cases the more worthy is to be taken. Branch's Prin. h. t.

In dubia non presumitur pro testamento. In doubtful cases there is no presumption in favor of the will. Cro. Car. 51.

In dubio has legem constitutum quam verba ostendat. In a doubtful case, that is the construction of the law which the words indicate. Br. Pr. h. t.

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

In dubio sive terminus quod judicibus est. In doubt, the safer course is to be adopted.

In eo quod plus sit, semper inest et minima. The less is included in the greater. 50, 17, 110.

In facto quod se habeat ad hominem et maiorum 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. Co. Litt. 78.

In favorebus magis attenditur quod probe quam quod nocet. In things favored what does good is more regarded than what does harm. Bac. Max. in Reg. 17.

In fictioribus juris, semper substantiae aequitas. In a fiction of law, equity always subsists. 11 Co. 51.

In judiciis minoris atatis uncritur. In judicial proceedings, infancy is aided or favored.

In judicio non creditur nisi juris��. In law none is credited unless he is sworn. All the facts must when established, by witnesses, be under oath or affirmation. Cro. 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's Max. Reg. 1.

In majori summi contaminatur. In the greater cause is the less. 9 Co. 115.

In maleficio ratihabitio mandato comparatur. He who ratifies a bad action is considered as having ordered it. 50, 17, 129, 2.

In mercibus illicitis non sit commercium. No commerce should be in illicit goods. 3 Kent, Com. 292, n.

In maximis potentiae minima licentia. In the greater power is included the smaller license Hob. 159.

In obscure, quod minimum est, sequitur. In obscure cases, the milder course ought to be pursued. 40, 17, 9.

In odium spoliatoris omnia praesumuntur. All things are presumed in odium of a despoiler. 1 Vern. 19.

In omni re sustinatur res qua ipsum rem exterminavit. In everything, the thing is born which destroys the thing. 9 Co. Inst. 15.

In omnibus contractibus, sine nominativa sine immo minatis, permittat continuare. In every contract, whether nominate or in nominate, there is implied a consideration.

In omnibus quidem, maximim tamen in jure, aequitas spectanda sit. In all affairs, and principally in those
which concern the administration of justice, the rules of equity ought to be followed. Dig. 50, 17, 90.

In omnibus obligationibus, in quibus dixit non posster, presenti die debetur. In all obligations when no time is fixed for the payment, the thing is due immediately. Dig. 50, 17, 14.

In presentia majoris potestatis, minor potestas causat. In the presence of the superior power, the minor power ceases. Jenk. Cent. 214.

In pari causa possessor potior habet debet. When two parties have equal rights, the advantage is always in favor of the possessor. Dig. 50, 17, 129.

In pari causa possessor potior est. In an equal case, better is the condition of the possessor. Dig. 50, 17, 129; Poth. Vente, n. 320; 1 Bouv. Inst. n. 552.

In pari delicto maior est conditio possidentis. When the parties are equally in the wrong, the condition of the possessor is better. 11 Wheat. 238; 3 Cranch, 244; Comp. 341; Broom's Max. 325; 4 Bouv. Inst. n. 3724.

In propri casu non iudex. No one can be judge in his own case. De qua quis delicti, in eo de jure est puniendus. In whatever thing one offends, in that he is rightfully to be punished. Co. Litt. 233.

In re propri quinquaginta admodum est aliqui licentiam tribuere sententiae. It is extremely unjust that any one should be judge in his own case. In re dubia magia inflaclto quan affirmare intellegenda. In a doubtful matter, the negative is to be understood rather than the affirmative. Godb. 37.

In republica maxima conservanda sunt jura bellorum. In the state the laws of war are to be greatly preserved. 2 Co. Inst. 56.

In restitutionem, non in processu habeas succedit. The heir succeeds to the restitution not the penalty. 2 Co. Inst. 198.

In restitutionibus bensignaturas interpretatio facienda est. The most favorable construction is made in restitutions. Co. Litt. 112.

In saevo quisque negatur habere quidem in alieno. Every one is more dulle in his own business than in that of another. Co. Litt. 377.

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

In traditionibus scriptorum non quod dictum est, sed quod gestum est, interpretatur. In the delivery of writing, not what is said, but what is done is to be considered. 9 Co. 137.

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

Incerta quantitas visum actum. An uncertain quantity vitiates the act. 1 Roll. R. 465.

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

Incisa uarius est exclusio alterius. The inclusion of one is the exclusion of another. 11 Co. 58.

Incommodum non solit argumentum. An inconvenience does not solve an argument.

Indeferendum aqua postea universali. The undefined is equivalent to the whole. 1 Vent. 368.

Indeferendum supplet locum omnineras. The unde- fined is equivalent to the whole. Br. Pr. h. t. Indeferendum se habet assuefactio a viaggio maris. The voyage insures an independent or distinct thing from the voyage of the ship. 3 Kent, Com. 318, n.

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

Insane postet donationis, modus, conditio sine causa; si modus est; si conditio; quia causa. In a gift there may be manner, condition and cause; as, (a), introduces a manner; if, (a), a condition; because, (quidam causa). Dy. 138.

Insignitiam in jure reprobatur. That which is infinite or endless is reprehensible in law. 9 Co. 45.

Iniquum est aliis permitters, aliis inhincere mercatum. It is inequitable to permit some to trade, and to prohibit others. 8 Co. Inst. 181.

Iniquum est aliquum rei sui esse judicium. It is against equity for any one to be judge in his own cause. 12 Co. 13.

Iniquum est ingenium hominibus non esse liberum rerum suarum alienationem. It is against equity to deprive freeman of the free disposal of their own property. Co. Litt. 222. See 1 Bouv. Inst. n. 455, 460.

Injuria non presuntur. A wrong is not presumed. Co. Litt. 232.

Injuria propria non cadet in beneficium facientis. One's own wrong shall not benefit the person doing it.

Injuria fit ei cui conscientia dictum est, vel de eo factum carmen famosum. It is a slander of him of whom a reproachful thing is said, or concerning whom an infamous song is made. 9 Co. 60.

Intentio causa, mala. A hidden intention is bad. 2 Bults. 179.

Intentio inservere debeat legibus, non leges intentioni. Intentions ought to be subservient to the laws, not to the laws to intentions. Co. Litt. 314.

Intentio mea imposita non operi mei. My intent gives a name to the act. Hol. 123.

Inter e reipublica ut malificia remaneant impune. It concerns the commonwealth that crimes do not remain unpunished. Jenk. Cent. 30, 31.

Inter e reipublica re judicatibus non rescindit. It concerns the commonwealth that things adjudged be not rescinded. Vindici Res judicata.

Inter e reipublica quod homines conserventur. It concerns the commonwealth that we be preserved. 12 Co. 62.

Inter e reipublica ut qualibet re end bene usetur. It concerns the commonwealth that every one use his property properly. 6 Co. 37.

Inter e reipublica ut concors sit in tuto. It concerns the commonwealth that princes be secure. 2 Co. Inst. 559.

Inter e reipublica suprema hominum testimonia rata haberi. It concerns the commonwealth that men's last wills be sustained. Co. Litt. 236.

Interpretatio fenda est ut res magis valeat quam pereat. That construction is to be made so that the subject may have an effect rather than none. Jenk. Cent. 193.

Interpretatio fenda in ambiguis semper fenda, ut solutur inconveniencia et absurdum. In ambiguous things, such a construction is to be made, that what is inconvenient and absurd is to be avoided. 4 Co. Inst. 328
Interrupcio multiplex non tollit prescriptionem semel dolendam. Repeated interruptions do not defeat a prescription once obtained. 2 Co. Inst. 654.

Institu labor; et sine fructu, non est effectus legis. Useless labor and without fruit is not the effect of law. Co. Lit. 127.

Jus sit bene factum non datur. No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be considered as assenting. Vide Assent.

Ipsa legis cupiunt ut iure regantur. The laws themselves require that they should be governed by right. Co. Lit. 174.

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


Iudex bonus sit et iudex iustus. The judge is a just man, not a factotum, nec propositione domestica volunlatis, sed iustitia et iura pronunciat. A good judge should do nothing from his own judgment, or from the dictates of his private wishes; but he should pronounce according to law and justice. 7 Co. 27.

Judicium judicis secundum allegata et probata. The judge ought to decide according to the allegation and the proof.

Judex est lex iudicis. The judge is the speaking law. 7 Co. 4.

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

Judex non potest injuriam sibi datum punire. A judge cannot punish a wrong done to himself. 12 Co. 113.

Judex damnatur cum necosa absolvitur. The judge is condemned when the guilty are acquitted. Judex non reddat plus quam quod peten sse requisit. The judge does demand more than the plaintiff demands. 2 Inst. 286.

Judici officium suum excedens non paratur. To a judge who exceeds his office or jurisdiction no addition is due. Jenk. Cent. 138.

Judicium ius penae est quod Deum habet ultorem. It is punishment enough for a judge that he is responsible to God. 1 Leon. 285.


Judicium posteriorum sunt in leges fortiora. The latter decisions are stronger in law. 8 Co. 97.

Judicium sum tamen juris dicta, et pro veritate acceptioniur. Judgments are, as it were, the dicta, or saying of the law, and are received as truth. 2 Co. Inst. 573.

Judicium posteriorum fides est adhibenda. Faith or credit is to be given to the last decisions. 13 Co. 14.

Judicium est in pronunziantio sequi regulam, exceptione non probata. The judge in his decision ought to follow the rule, when the exception is not made apparent.

Judicium est judicium secundum allegata et probata. A judge ought to decide according to the allegation and the proof. Dyer. 19.

Judicium d non suo judice datum nullius est momenti. A judgment given by an improper judge is of no moment. 11 Co. 76.

Judicium non debet esse illusorium, quum effectus habere debet. A judgment ought not to be illusory, it ought to have its consequence. 9 Inst. 341.

Judicium redditur in facultate, in praepositione legis. In presumption of law, a judgment is given against inclination. Co. Lit. 248.

Judicium semper pro veritate accipitur. A judge is always taken for truth. 2 Co. Inst. 390.

Jura consimilia vulgo iure civili dirimini possunt. The right of blood and kindred cannot be destroyed by any civil law. Dig. 50, 17, 9; Bacon's Max. Reg. 11.

Jura naturae sunt immutabilia. The laws of nature are unchangeable.

Jure sodem modo destrauunt quo constituerunt. Laws are abrogated or repealed by the same means by which they are made.

Juramentum est indivisibile, et non est admittendum in parte verum et in parte falsum. An oath is indivisible, it cannot be in part true and in part false.

Jurato creditor in judicio. He who makes oath is believed in judgment.

Jurare est Deum in testum vocare, et est actus divinis cultus. To swear is to call God to witness, and is an act of religion. 3 Co. Inst. 165. Vide 3 Bouv. Inst. n. 3180, note; 1 Benth. Rat. of Jud. Ev. 376, 371, note.


Jus accrescendi iuris mercatorum locum non habet, pro beneficio commercii. The right of survivorship does not exist among merchants for the benefit of commerce. Co. Lit. 182; 1 Bouv. Inst. n. 682.

Jus accrescendi preterfatur oneribus. The right of survivorship is preferred to incumbrances. Co. Lit. 182.

Jus accrescendi preterfatur ultime voluntati. The right of survivorship is preferred to a last will. Co. Lit. 1836.

Jus descendet et non terra. A right descends, not the land. Co. Lit. 345.

Jus est bene et omnis. Law is the science of what is good and evil. Dig. 1, 1, 1, 1.

Jus et fraudem numquam cohabitant. Right and fraud never go together.

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

Jus publicum privatum pactis mutari non potest. A public right cannot be changed by private agreement.


Jus superius usque auctoribus accrescit successoris. A right growing to a possessor accrues to a successor.

Justice est virtus excellens et Alissimis complanens. Justice is an excellent virtue and pleasing to the Most High. 4 Inst. 58.

Justitia semine neganda est. Justice is not to be denied. Jenk. Cent. 178.

Justitia non est negans, non differenda. Justice is not to be denied nor delayed. Jenk. Cent. 93.

Justitia non est patrem nec materem, solum veritate spectat justitia. Justice knows neither father nor mother, justice looks to truth alone. 1 Buls. 199.

La conscience est la plus changeante des regles. Conscience is the most changeable of rules.
Lata culpa dolo equiperatur. Gross negligence is equal to fraud.

Le contrat fait la loi. The contract makes the law.

Legatos violare contra jus gentium est. It is contrary to the law of nations to violate the rights of men protected.

Legatum morte testatoris tamquam confirmatur, sicul donatio inter vivos traditione solit. 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. Dyer, 143.

Leges posteriores priores contrarias abrogant. Subsequent laws repeal those before enacted to the contrary. 2 Rol. R. 410; 11 Co. 626. 11 Co. 61.

Leges humanae nascuntur, vivunt et moriuntur. Human laws are born, live, and die. 7 Co. 25.

Leges non verbis sed rebus sunt imponentes. Laws, not words, are imposed on things. 10 Co. 101.

Legibus exempli disimulteritis, lege naturae ulterius est. When laws imposed by the state fail, we must act by the law of nature. 2 Roll. R. 298.


Legis remediis refregiendi constituenda percutiendis, etiam. The custom of fixing and refunding (making and annulling) laws is most dangerous. 4 Co. Ad. Lect.

Legis interpretatione legis vim obtinet. The construction of a law obtains the force of law.

Legislatores enim saepe, rebus et non verbis, legem imponerunt. The voice of legislators is a living voice, to impose laws on things and not on words. 10 Co. 101.

Legis minister non tetitur, in executione officii sui fugere et retrocedere. The minister of the law is not bound, in the execution of his office, neither to fly nor retreat. 6 Co. 65.

Legitime imperantibus parere necessum est. One who commands lawfully must be obeyed. Jenk. Cent. 120.

Lex fictio non est, quod est, lae. Errors arise from the law, and not law from errors.

Lex aliudquando aquirit aquilatum. The law sometimes follows equity. 3 Wils. 119.

Lex aquilati guadet; appetit perfectam; est norma recta. The law delights in equity; it covets perfection; it is a rule of right. Jenk. Cent. 36.

Lex beneficilis res commutat remedium praestat. A beneficial law affords a remedy in a similar case. 2 Co. Inst. 688.

Lex citius tolerans nullum privatum damnun quam publicum malum. The law would rather tolerate a private wrong than a public evil. Co. Litt. 152.

Lex de futuro, judicato praeterito. The law provides for the future, the judge for the past.

Lex deficiere non potest in justitia exhibenda. The law ought not to fail in dispensing justice. Co. Litt. 197.

Lex dilatationem semper abhorrat. The law always abhors delay. 2 Co. Inst. 240.

Lex est ab aeterno. The law is from everlasting. Lex est dictamen rationis. The law is the dictate of reason. Jenk. Cent. 117.

Lex est norma recta. Law is a rule of right.

Lex est ratio summa, qua Judex qua est utilissima et de causa probatis. Law is the perfection of reason, which commands what is useful and necessary and forbids the contrary. Co. Litt. 319.

Lex est sanctio sanctae, sub sua honesta, et probabilia contraria. Law is a sacred sanction, commanding what is right and prohibiting the contrary. 2 Co. Inst. 587.

Lex fawli doli. The law favors dower.

Lex fingit ubi substantia est. Law feigns where equity exists. 11 Co. 626.

Lex intentidicit vicissim vires facta scire. The law presumes that one neighbor knows the actions of another. Co. Litt. 78.

Lex judicat de rebus necessario factiendi quiser tipus facta. The law judges of things which must necessarily be done, as if actually done.

Lex necessitatis est lex timoris, l. a. instantiae. The law of necessity is the law of time, that is, time present. Hob. 109.

Lex neminem cogit ad vana seu inutilia peragend. The law forces no one to do vain or useless things. Lex nemini facit inimicium. The law does nothing to no one.

Lex nemini operatorem injuriam, nemini facit iuriam. The law never works an injury, or does him a wrong. Jenk. Cent. 22.

Lex nil facit frustra, nil jubet frustra. The law does nothing and commands nothing in vain. 3 Bults. 279; Jenk. Cent. 17.

Lex non cogit impossibilitate. The law requires nothing impossible. Co. Litt. 231, b; 1 Bouv. Inst. n. 951.

Lex non curat de minimis. The law does not regard small matters. Hob. 80.

Lex non cogit ad impossibilitatem. The law forces not to impossibilities. Hob. 96.

Lex non praecipi inutilis, qua inutilis labor nullus. The law commands not useless things, because useless labor is foolish. Co. Litt. 197.

Lex non deficiet in justitia exhibenda. The law does not fail in showing justice.

Lex non intendit aliquid impossible. The law intends not anything impossible. 12 Co. 89.

Lex non requirit verificare quod appareat curiae. The law does not require that to be proved, which is apparent to the court. 9 Co. 55.

Lex plus iniquitatem addit ratione probatur. The law is the more praised when it is consonant to reason.

Lex prospiciat, non respiciat. The law looks forward, not backward.

Lex punit mendacium. The law punishes falsehood.

Lex requisit superflua, pugnantia, incongrua. The law rejects superfluous, contradictory and incongruous things.

Lex reprobat moram. The law dislikes delay.

Lex semper datem remedium. The law always gives a remedy. 3 Bouv. Inst. n. 2411.

Lex spectat naturae ordinem. The law regards the order of nature. Co. Litt. 197.

Lex succurrit ignorantii. The laws succor the ignorant.

Lex semper intendent quod conveniet ratione. The law always intends what is agreeable to reason. Co. Litt. 78.

Lex uno ore omnes allocutur. The law speaks to all with one mouth. 2 Inst. 184.

Libertas incessimabili res est. Liberty is an incessimable good. Dig. 60, 17, 106.

Liberum corpus intentionem non recipit. The body of a freedom does not admit of valuation.

Licit dispositio de intereste futuro sit inutilis, lamen potest fieri declaratio procedens qua fortituar
effectum interventium 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's Max. Reg. 14.


Linea recta semper proffertur transversali. The right line is always preferred to the collateral. Co. Litt. 10.

Locus contractus regit actum. The place of the contract governs the act.

Longa possessio est pacis ius. Long possession is the law of peace. Co. Litt. 6.

Longa possessio parit ius possidenti, et tollit actionem vero domino. Long possession produces the right of possession, and takes away from the true owner his action. Co. Litt. 110.

Longum tempus, et longus usus qui excipit memoria hominum, sufiict pro iure. Long time and long use, beyond the memory of man, suffices for right. Co. Litt. 115.

Loquium ut vulgus, semtiendum ut docti. We speak as the common people, we must think as the learned. 7 Co. 11.

Magister rerum usus; magistra rerum experientia. Use is the master of things; experience is the mistress of things. Co. Litt. 69, 229.

Magna negligencia culpa est, magna culpa dolus est. Gross negligence is a fault, gross fault is a fraud. Dig. 60, 16, 226.

Magna culpa dolus est. Great neglect is equivalent to fraud. Dig. 68, 16, 226; 2 Spears, R. 256; 1 Bouv. Inst. n. 546.

Mahumatem est inter crimina majora minimum, et inter minoria maximum. Mayhem is the least of great crimes, and the greatest of small. Co. Litt. 127.

Malum est homicidium inchoatum. Mayhem is incipient homicide. 3 Inst. 118.

Major harisidius venit uniuicuique nostrum a iure at legibus quam a partibus. A greater inheritance comes to every one of us from right and the laws than from parents. 2 Co. Inst. 56.

Major numerus in se continet minorem. The greater number contains in itself the less.

Majore pande affectus quam legibus statuta est, non est inania. One affected with a greater punishment than is provided by law, is not infamous. 4 Co. Inst. 66.

Major continuat in se minus. The greater includes the less. 19 Vin. Abr. 379.

Major dignum trahit in se minus dignum. The more worthy or the greater draws to it the less worthy or the lesser. 5 Vin. Abr. 584, 586.

Major est delicium seipsum occidere quam alium. It is a greater crime to kill one's self than another.

Mala grammatica non vitiat chartam; sed in expostitio instrumentorum mala grammatica quoad fieri possit evitanda 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 Co. 39.

Maleficida est expositio quae corruptit textum. It is a bad construction which corrupts the text. 4 Co. 35.

Maleficia non debent remanere impunita, et impunita continuum affectum tribuit delinquenti.

Evil deeds ought not to remain unpunished, for impunity affords continual excitement to the delinquent. 4 Co. 45.

Maleficia propositus distinguenter. Evil deeds are distinguished from evil purposes. Jenk. Cent. 290.

Malitia est acida, est mal animi affectus. Malice is sour, it is the quality of a bad mind. 2 Bults. 49.


Malum hominem est obviandum. The male of men is to be avoided. 4 Co. 15.

Malum non praeventur. Evil is not presumed. 4 Co. 72.

Malum quo communia se pezuus. The more common the evil, the worse.

Malus usus est abolendus. An evil custom is to be abolished. Co. Litt. 141.

Mandata licita recipiunt strictam interpretationem, sed illicita latet et extensam. Lawful commands receive a strict interpretation, but unlawful, a wide or broad construction. Bacon's Max. Reg. 16.

Mandamus terminus sibi positus transagredi non potest. A mandatory cannot exceed the bounds of his authority. Jenk. Cent. 53.

Mandatum nisi gratia tempus nullum est. Unless a mandate is gratuitous it is not a mandate. Dig. 17, 1, 4; Inst. 3, 27; 1 Bouv. Inst. n. 1070.

Manifesta prodiuntione non indigent. Manifest things require no proof. 7 Co. 40.

Maris et feminam conjunctio est de jure naturae. The union of husband and wife is founded on the law of nature. 7 Co. 13.

Matrimonio debeat esse libera. Marriages ought to be free.

Matrimonium subsequens tollit peccatum precedens. A subsequent marriage cures preceding criminality.

Maxime tice dicta quia maxima ejus dignitas et certissima auctoritas, atque quod maximis omnibus probatur. A maxim is so called because its dignity is chiefest, and its authority the most certain, and because universally approved by all. Co. Litt. 11.

Maximi paci sunt contrares, via et injuriae. The greatest enemies to peace are force and wrong. Co. Litt. 161.

Mellior est contenta rerum praevia quam secundum. That justice which justly prevents a crime, is better than that which severely punishes it.

Mellior est conditioni possidentis et rei quam actoris. Better is the condition of the possessor and that of the defendant than that of the plaintiff. 4 Co. Inst. 180.

Mellior est causa possidentis. The cause of the possessor is preferable. Dig. 50, 17, 126, 2.

Mellior est conditioni possidentis, ubi neceret jus habet. Better is the condition of the possessor, where neither of the two has a right. Jenk. Cent. 118.

Mellior conditionem sumam facere potest minor, deteriorem nefas quam. A minor can improve or make his condition better, but never worse. Co. Litt. 397.

Mellius est omnia mala parit quam malo concordat. It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.

Mellius est recurrire quam malo currire. It is better to recede than to proceed in evil. 4 Inst. 170.

Mellius est in tempore occurrire, 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. 2 Inst. 299.

Mens testatoris in testamenta spectanda est. In will, the intention of the testator is to be regarded. Jenk. Cent. 277.

Menstru contrahent immem. To lie is to go against the mind. 3 Bult. 306.

Merx est quidquid vendi potest. Merchandise is whatever can be sold. 3 Metc. 365. Vide Merchand.

Mercis appellativo ad res mobiles tamquam pertinent. The term merchandise belongs to movable things only. Dig. 50, 16, 66.

Minima pecunia corporali est major qualibet pecuniari. The smallest bodily punishment is greater than any pecuniary one. 2 Inst. 229.

Minimis movendis sunt quae certam habuerint interpretationem. Things which have had a certain interpretation are to be altered as little as possible. Co. Litt. 365.

Minor ante tempus agere non potest in casu propriae, nec eam concevire. A minor before majority cannot act in a case of property, nor even agree. 2 Inst. 291.

Minor minorum custodiens debet, aliquis enim presuntur male regere qui se ipsum regere necit. A minor ought not to be guardian of a minor, for he is unfit to govern others who does not know how to govern himself. Co. Litt. 88.

Miseria est servitut, ubi jus est vagum aut incertum. It is a miserable slavery where the law is vague or uncertain. 4 Co. Inst. 246.

Multa imperant melius paratur. The more mildly one commands the better is he obeyed. 3 Co. Inst. 24.

Mobiliis personam sequuntur, immobile situm. Movable things follow the person, immovable their locality.

Modica circumstantia facti jus mutat. The smallest circumstance may change the law. Modus et consuetudo constat legem. Manner and agreement overrule the law. 2 Co. 73.

Modus lex donat. The manner gives law to a gift. Co. Litt. 19 a.

Moneta est justum medium et measura rerum commutabilium, nam per medium moneta fit omnes negotia commensurata, et justa estimatio. Money is the just medium and measure of all commutable things, for, by the medium of money, a convenient and just estimation of all things is made. Dav. 18. See 1 Bouv. Inst. n. 922.

Mora reprobatur in lege. Delay is disapproved of in law.

Mora dictur ultimum supplicium. Death is denominated the extreme penalty. 3 Inst. 212.

Mora omnia solvit. Death dissolves all things.

Mortuus est in eum est. To be dead born is not to be born. Co. Litt. 29. See 2 Paig. 35; Denmat, Ivi. pr. 2, 2, s. 1, n. 4, 6; 2 Bouv. Inst. n. 1721 and 1935.

Multa conciliatur per obliquum quae non conciliatur de directo. Many things are conciliated indirectly which are not allowed directly. 6 Co. 47.

Multa in jus communi contra rationem disputanda 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. Co. Litt. 70; Broom's Max. 67; 2 Co. R. 75. See 3 T. R. 146; 7 T. R. 232.

Multa recto exercitatione facti quae regulae perspicere. You will perceive many things more easily by practice than by rules. 4 Co. Inst. 50.

Multa non velat lex, qua tenem tacitae damnit. The law forbids many things, which yet it has silently condemned.

Multa transunt cum universtitate qua non per se transunt. Many things pass as a whole which would not pass separately.

Multa multa, non omnia sunt. Many men know many things, no one knows everything. 4 Co. Inst. 348.

Multiplex et indiscriminatum partit confusionem; et questiones quo simpliciores, sic lucidiores. Multiplicity and indistinctness produce confusion; the more simple questions are the more lucid. Hob. 325.

Multiplicitas transgressionem crescit pame infecto. The increase of punishment should be in proportion to the increase of crime. 2 Co. Inst. 479.

Multum erat omnium non partit errores patrocinium. The multitude of those who err is no excuse for error. 11 Co. 75.

Multitudine imperitimur perdid curiam. A multitude of ignorant practitioners destroys a court. 2 Co. Inst. 219.

Natura appetit perfectum, uta et lex. Nature aspires to perfection, and so does the law. Hob. 144.

Natura non facti saltum, uta nec lex. Nature makes no leap, nor does the law. Co. Litt. 238.

Natura non facti vacuum, nec lex supravacuum. Nature makes no vacuum, the law the supravacuum. Co. Litt. 79.

Natura vis maxima, natura bis maxima. The force of nature is greatest; nature is doubly great. 2 Co. Inst. 564.

Necessarium est quod non potest alter se habere. That is necessity which cannot be dispensed with.

Necessitas est lex temporis et loci. Necessity is the law of a particular time and place. 8 Co. 69; H. H. P. C. 54.

Necessitas excusat aut externum delictum in capitalibus, quod non operatur idem in civilibus. Necessity excuses or extenuates delinquency in capital cases, but not in civil. Vide Necessity.

Necessitas facti licitum quod alius non est licitum. Necessity makes that lawful which otherwise is unlawful. 10 Co. 61.


Necessitas publica major est quam privata. Public necessity is greater than private. Bacon's Max. in Reg. 5.


Negatio conclusionem est error in lege. The negative of a conclusion is error in law. Wing. 268.

Negatio destruct negationem, et amabo faciunt affirmatum. A negative destroys a negative, and both make an affirmative. Co. Litt. 146.
Negatio duplce est affirmatio. A double negative is an affirmative.

Neminem oportet esse sapientior eminens. No man ought to be wiser than the law. Co. Litt. 97.

Nemo admittendus est inadulterio seipsum. No one is allowed to incriminate himself. Jenk. Cent. 40. Sed vide To stultify, and 5 Whart. 371.

Nemo agit in seipsum. No man acts against himself; Jenk. Cent. 40; therefore no man can be a judge in his own cause.

Nemo allegans suam turpitudinem, aedebinde est. No one alleging his own turpitude is to be heard as a witness. 4 Inst. 279.

Nemo bis punitur pro eodem delicto. No one can be punished twice for the same crime or misdemeanor. See Non bis in idem.

Nemo ex cogitationem suam renderit, etiam justo pretio. No one is bound to sell his property, even for a just price. Sed vide Eminent Domain.

Nemo contra factum suum ventre potest. No man can contradict his own deed. 2 Inst. 66.

Nemo damnum facit nisi quis sit debitum ipse habet. One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 176.

Nemo praecepit nisi intelligat. One is not present unless he understands. See Presence.

Nemo potest contra recordum verificare per pratriam. No one can verify by the country against a record. The issue upon a record cannot be tried by a jury.

Nemo potest esse tenens et dominus. No man can be at the same time tenant and landlord of the same tenement.

Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by himself.

Nemo potest nisi debere. No one can owe to himself. See Confusion of Rights.

Nemo praecepit alienam posteritatem sua praelisse. No one is presumed to have preferred another's posterity to his own.

Nemo praecepit donare. No one is presumed to give.

Nemo praecepit esse immunes sue aeternae 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 Co. 76.

Nemo praecepit mala. No one is presumed to be bad.

Nemo praecepit ludere in extremis. No one is presumed to trifle at the point of death.

Nemo prohibet plus negotiaciones sine artes exercere. No one is restrained from exercising several kinds of business or arts. 11 Co. 54.

Nemo prohibet pluribus defensionibus uti. No one is restrained from using several defences. Co. Litt. 304.

Nemo prudens puniit ut prateritam revocetur, sed ut futura preventur. No wise one punishes that things done may be revoked, but that future wrongs may be prevented. 3 Bal. 173.

Nemo pro certo atque alio delicto. No one is to be punished for the crime or wrong of another.

Nemo puniit sine injuria, facto, seu delito. No one is punished unless for some wrong, act or default. 2 Co. Inst. 287.

Nemo, qui condemnare potest, absolvere non potest. He who may condemn may acquit. Dig. 50, 17, 37.

Nemo tenetur seipsum accusare. No one is bound to accuse himself.

Nemo tenetur ad impossibile. No one is bound to an impossibility.

Nemo tenetur armare adversariorum contra se. No one is bound to arm his adversary.

Nemo tenetur dividire. No one is bound to foresell. 4 Co. 28.

Nemo tenetur informare qui meret, sed quiquis scire quod informaret. No one is bound to inform about a thing he knows not, but he who gives information is bound to know what he says. Lane, 110.

Nemo tenetur jurare in suum turpitudinem. No one is bound to testify to his own baseness.

Nemo tenetur seipsum infortuniae et periculorum exponere. No one is bound to expose himself to misfortune and dangers. Co. Litt. 283.
Nemo tenetur seipsum accusare. No man is bound to accuse himself.

Nemo videtur fraudare, nisi qui eiusdem, et consentiens. One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.

Nihil dat qui non habet. He gives nothing who has nothing.

Nihil de accusaci e qui nihil in re quando juss accuseret habet. Nothing accrues to him who, when the right accrues, has nothing in the subject matter. Co. Litt. 188.

Nihil facit error nominis cum de corpore constat. An error in nothing when there is nothing in which there is certainly as to the person. 11 Co. 21.

Nihil habet forum ex scnda. The court has nothing to do with what is not before it.

Nihil iura regnum subditos magis conservat in tranquillitate et concordia quam debita legum administratione. Nothing preserves in tranquillity and concord those who are subjected to the same government better than a due administration of the laws. 2 Co. Inst. 158.

Nihil in leges intolerabilitum est, saemem rem diverso jure censeri. Nothing in law is more intolerable than to apply the law differently to the same cases. 4 Co. 93.

Nihil magis justum est quam quod necessarium est. Nothing is more just than what is necessary. Dau. 12.

Nihil perfectum est dum aliquud restat agendum. Nothing is perfect while something remains to be done. 9 Co. 8.

Nihil possumus contra veritatem. We can do nothing against truth. Doct. & Stu. Dial. 2, c. 6.

Nihil quod est contra rationem est licitum. Nothing against reason is lawful. Co. Litt. 97.

Nihil quod incommenius est licitum est. Nothing indefensible is lawful.

Nihil rei vii inventum est et perfectum. Nothing is invented and perfected at the same moment. Co. Litt. 230.

Nihil tam naturale est, quum eo genere quidque dissemelere, quo colligatun est. It is very natural that an obligation should not be dissolved but by those who caused it, and who are observed in contracting it. Dig. 50, 17, 35. See 1 Co. 100; 2 Co. Inst. 359.

Nihil tam conveniens est naturali aquilati, quam voluntatem domini voluntatem rem suam in altum transferre, ratus habet. 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 Co. 100.

Nil tamere novandum. Nothing should be rashly changed. Jenk. Cent. 163.

Nil facit error nominis, si de corpore constat. An error in the name is immaterial, if the body is certain.

Nimia substibitas in jure reprobatur. Too much subtlety is reprobad in law.

Nimium alterando veritas amillitatur. By too much alteration truth is lost. Hob. 344.

No man is presumed to do anything against nature. 22 Vin. Ab. 154.

No man shall take by deed but parties, unless in remainder.

No man can hold the same land immediately of two several landlords. Co. Litt. 129.

No man shall set up his insanity as a defence. 2 W. Bl. 364

Necessity creates equity.

No one may be judge in his own cause.

Nobiliores et beneficiores non sit de jus naturae in dubia usu praebenda. When doubts arise the most generous and benign presumptions are to be preferred.

Nomen est quasi rei notamen. A name is, as it were, the note of a thing. 11 Co. 20.

Nomen non sufficit si res non sit de jure aut de facio. A name does not suffice if there be not a thing by law or by fact. 4 Co. 107.

Nomina si nescia perit cognitio rerum. If you know not the names of things, the knowledge of things themselves perishes. Co. Litt. 86.

Nomina sunt nota rerum. Names are the notes of things. 11 Co. 20.

Nomina sunt mutabilia, res autem immutabilia. Names are mutable, but things immutable. 6 Co. 66.

Nomina sunt symbola rerum. Names are the symbols of things.

Non accept debent verba in demonstrationem falsam, que competunt in limitationem rerum. Words ought not to be accepted to import a false demonstration which have effect by way of true limitation. Bacon's Max. Reg. 13.

Non alio modo puniatur aliquis, quum secundum quod se habet condemnari. A person may not be punished differently than according to what the sentence enjoining. 3 Co. Inst. 217.

Non concedatur citationes priusquam exprimatur super qua se fieri debet citatio. Summonses or citations should not be granted before it is expressed under the circumstances whether the summons ought to be made. 12 Co. 47.

Non auditur perser volens. One who wishes to perish ought not to be heard. Best on Evidence, § 385.

Non consentit qui errat. He who errs does not consent. 1 Bov. Inst. n. 581.

Non debet, qui 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.

Non decipitur qui sci se decipi. He is not deceived who knows himself to be deceived. 5 Co. 60.

Non definitur in jure quid sit constans. What an attempt is, is not defined in law. 6 Co. 42.

Non different quae concordant re, tametsi non in verbis idem. Those things which agree in substance though not in the same words, do not differ. Jenk. Cent. 70.

Non effectus accessus sequitur effectus. The intention amounts to nothing unless some effect follows. 1 Roll. 226.

Non est archias vinculum inter homines quam jusjurandum. There is no stronger link among men than an oath. Jenk. Cent. 126.

Non est disputandum contra principia negantium. There is no disputing against a man denying principles. Co. Litt. 343.

Non est recepundum à communi observandum. There is no departing from a common observance. 2 Co. 74.

Non est regula quin fallat. There is no rule but what may fail. Off. Ex. 212.

Non est certandum de regulis juris. There is no disputing about rules of law.

Non facit multum, si inde veniat bonum. You are not to do evil that good may come of it. 11 Co. 74.
Non impedit clausula derogatoria; quo minus ab eadem potestate res dissolvatur a quibus constituuntur. A derogatory clause does not prevent things or acts from being dissolved by the same power, by which they were originally made. Bacon's Max. Reg. 19.

Non in legendo sed in intelligendo leges consistunt. The laws consist not in being read, but in being understood. 8 Co. 167.

Non licet quod dispenderi licet. That which is permitted may yet lose, is not permitted to be done. Co. Litt. 127.

Non nasci, et natum mori, pari sunt. Not to be born, and to be dead born, is the same.

Non obligat lex nisi promulgata. A law is not obligatory unless it be promulgated.

Non observata forma, inferetur adsuntio actus. When the form is not observed, it is inferred that the act is annulled. 12 Co. 7.

Non omne quod licet honestum est. Everything which is permitted is not becoming. Dig. 50, 17, 144.


Non omnium quae a majoribus nostris constituta sunt ratio rei potest. A reason cannot always be given for the institutions of our ancestors. 4 Co. 75.

Non potest adduci exceptionem ejusdem rei cuius petitur dissolutio. A plea of the same matter, the dissolution of which is sought by the action, cannot be brought forward. Bacon's Max. Reg. 2. When an action is brought to annul a proceeding, the defendant cannot plead such proceeding in bar.

Non praestat impedimentum quod de jure non soritur effectum. A thing which has no effect in law, is not an impediment. Jenk. Cent. 102.

Non referit an quos assensus suum profert verbis, an rebus ipsis et factis. It is immaterial whether a man gives his assent by words or by acts and deeds. 10 Co. 105.

Non referit quod ex aquipotentibus fiat. What may be gathered from words of tantamount meaning, is of no consequence when omitted. 5 Co. 125.

Non referat quid notam sit judice si notam non sit in forma judicis. It matters not what is known to the judge, if it is not known to him judicially. 3 Buls. 115.

Non referat verba an facta sit revocatio. It matters not whether a revocation be by words or by acts. Cro. Car. 19.

Non solam quod licet, sed quid est conveniens considerandum, quia nihil quod inconvenientius est licitum. Not only what is permitted, but what is proper, is to be considered, because what is improper is illegal. Co. Litt. 66.

Non sunt longa ubi nihil est quod demeret possit. There is no prolixity where nothing can be omitted. Vaugh. 138.

Non temere credere, est nerva sapientia. Not to believe rashly is the nerve of wisdom. 5 Co. 114.

Non videtur quisquam id capere, quod et necesse est aliis restitueri. One is not considered as acquiring property in a thing which he is bound to restore. Dig. 50, 17, 51.

Non videtur qui errat consentire. He who errs is not considered as consenting. Dig. 50, 17, 116.

Non videtur consensus reiunius et quis ex praescripto minuantis aliqui immutatur. He does not appear to have retained his consent, if he has changed anything through the means of a party threatening. Bacon's Max. Reg. 22.

Novit cerum praesumitur. A novation is not presumed. See Novation.

Nocitias non iam utilitatis prodest quam novitatem perturbat. Novelty benefits not so much by its utility, as it disturbs by its novelty. Jenk. Cent. 167.

Novum judicium non dat novum jus, sed declarat antiquam. A new judgment does not make a new law, but declares the old. 10 Co. 42.

Nul ne doit s'enrichir aux dépens des autres. No one ought to enrich himself at the expense of others.

Nul prendra advaantage de son tort damnee. No one shall take advantage of his own wrong.

Nulla impossibilita aut inhonesta sunt praeumenda. Impossibilities and dishonesty are not to be presumed. Co. Litt. 78.

Nulla regle sans faute. There is no rule without a fault.

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 Bouv. Inst. n. 1600.

Nullum exemplum est idem omnibus. No example is the same for all purposes.

Nullum iniquum praesumendum in jure. Nothing unjust is presumed in law. 4 Co. 72.

Nullum similis est idem. No simile is the same. Co. Litt. 3.

Nullus commodum capere potest de injurias sui proprias. No one shall take advantage of his own wrong. Co. Litt. 148.

Nullus recedat et curia cancellarid sine remedio. No one ought to depart out of the court of chancery without a remedy.

Non quum factio sine legis. There is no action without law.

Nupotitas non concubitus, sed consensus facit. Cohabitation does not make the marriage, it is the consent of the parties. Dig. 50, 17, 30; 1 Bouv. Inst. n. 239. Co. Litt. 33.

Obedientia est legis essentia. Obedience is the essence of the law. 11 Co. 100.

Obstuperandum est constitutum rationabiles tamen legi. A reasonable custom is to be obeyed like law. 4 Co. 38.

Officers may not examine the judicial acts of the court.

Officia magistratus non debent esse vernacula. The offices of magistrates ought not to be sold. Co. Litt. 234.

Officia judiciae non concedantur antequam vacent. Judicial offices ought not to be granted before they are vacant. 11 Co. 4.

Officia constituta et effectus sequuntur. The attempt becomes of consequence, if the effect follows.

Officium nemini debet esse damnosum. An office ought to be injurious to no one.

Omnis eorum qua facit insunt nihil operatur. The omission of those things which are silently expressed is of no consequence.
Omnes actus ab intentione agentis est judicandum. Every act is to be estimated by the intention of the doer.


Omne magis dignum tractit ad se minus dignum sit cadissist. Every worthier thing draws to it the less worthy, though the latter be more ancient. Co. Litt. 355.

Omne magnus exemplum habet aliquid ex iniquo, quod publica utilissime compensatur. Every great example has some portion of evil, which is compensated by its public utility. Hob. 279.

Omne magus continet in se minus. The greater contains in itself the less. Co. Litt. 43.

Omne majus minus in se complectitur. Always the greater is embraced in the minor. Jenk. Cent. 206.

Omne testamentum morte consummatum est. Every will is consummated by death. 3 Co. 29.

Omne sacramentum debet esse de certa scienti. Every oath ought to be founded on certain knowledge. Co. Inst. 279.

Omnia delicta in aperto leviora sunt. All crimes committed openly are considered lighter. 8 Co. 127.

Omnia prasmumatur contra spoliatorem. All things are presumed against a wrong doer.

Omnia prasumuntur legilem facta donec probetur in contrario. All things are presumed to be done legitimately, until the contrary is proved. Co. Litt. 232.

Omnia prasumuntur esse acta. All things are presumed to be done in due form.

Omnia prasumuntur solenmeler esse acta. All things are presumed to be done solemnly. Co. Litt. 6.

Omnia quae sunt uxorisi sunt ipsius virti. All things which are of the wife, belong to the husband. Co. Litt. 112.

Omnia actio est loquela. Every action is a complaint. Co. Litt. 292.

Omnia conclusio boni et veri judicii sequitur ex bonis et veris praeinias et dictis juratore. Every conclusion of a good and true judgment arises from good and true premises, and the sayings of jurors. Co. Litt. 229.

Omnia consensus tollit errores. Every consent removes error. 2 Inst. 123.

Omnia definitio in jure periculoosa est; parsam est enim ut non subeint possit. Every definition in law is perilous, and little but a little may reverse it. Dig. 50, 17, 202.

Omnia exceptio est ipsa quaeque regular. An exception is, in itself, a rule.

Omnia innovatio plus nocet perturbat quam utilissime postest. Every innovation disturbs more by its novelty than it benefits by its utility.

Omnia interpretatio et juri potest sita flenda est in instrumentis, ut omnes contrariaritates amovantur. The interpretation of instruments is to be made, if they will admit of it, so that all contradictions may be removed. Jenk. Cent. 96.

Omnia interpretatio vel declarat, vel extendit, vel restrictit. Every interpretation either declares, extends or restrains.

Omnia regulae suas patitur exceptiones. All rules of law are liable to exceptions.

Omnia privatio praesupponit habendum. Every prior-
the case of slaves and animals; 1 Bouv. Inst. n. 197, 502; but with regard to freemen, children follow the condition of the father.

Pars propter quam re concordant. Things differ but little which agree in substance. 2 Buns. 86.

Parsum est latam esse sententiam, nisi manifestus executum. It is not enough that sentence should be given unless it is put into execution. Co. Litt. 256.

Pars proptei scire quis fieri debet, si non cognoscus quomodo sit facultas. It awaits little to know what ought to be done, if you do not know how it is to be done. 2 Co. Inst. 503.

Patria potestas in petita debet, non in atrocitate considers. Paternal power should consist in affection, not in atrocity.

Pater est quem usque demonstravit. The father is he whom the marriage points out. 1 Bl. Com. 446; 7 Mart. N. 548, 553; Dig. 2, 4, 5; 1 Bouv. Inst. n. 273, 304, 323.

Pecunia cominata non valuit quam gravissima. Offences against nature are the heaviest. 3 Co. Inst. 20.

Pecuniae pecus coaddit qui culpa quam fuit patricium definitionem adjungit. He adds one offence to another, who, when he commits a crime, joins it to the protection of a defence. 5 Co. 49.

Per rerum naturam, factum sequitur nulla probatio est. It is in the nature of things that he who denies a fact is not bound to prove it.

Per varias actus, legem experientia facti. By various acts experience framed the law. 4 Co. Inst. 50.

Perfectum est cui nihil desit secundum suas perfectionem vel naturam modum. That is perfect which wants nothing in addition to the measure of its perfection or nature. Hob. 151.

Periculum enim est noscere et imitatibus inducere. It is dangerous to introduce new and dangerous things. Co. Litt. 379.

Periculum est vendita, nondum tradita, est emptoris. The purchaser runs the risk of the loss of a thing sold, though not delivered. 1 Bouv. Inst. n. 939; 4 B. & C. 941; 4 B. & C. 451.

Perpetua lex est, nullam legem humanum ac perennem est; et solum quod abrogationem exclusi 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's Max. in Reg. 19.

Pestis est odiosa in law and equity. Personi conjuncta aquiparatur interesse proprio. A person united equal one's own interest. Bacon's Max. Reg. 18. This means that a personal connexion, as nearness of blood or kindred, may in some cases, raise a use.

Puteum est quod sunt probanda. Plain truths need not be proved. Co. Litt. 16.

Pirata est hostis humani generis. A pirate is an enemy of the human race. 3 Co. Inst. 113.

Pluralia numerus est dubius contentus. The plural number is contained in two. 1 Roll. R. 478.

Pluralitates are odious in law.

Plures cohorsed sunt quasi unum corpus, propter usitate juris quod habent. Several co-heirs are as one body, by reason of the unity of right which they possess. Co. Litt. 163.

Plures participes sunt quasi unum corpus, in eo quod unus fuit habebatur. Several partners are as one body, by reason of the unity of their rights. Co. Litt. 164.

Plus exempla quam pecus neceat. Examples hurt more than offences.

Plus peccat uxor quam actor. The instigator of a crime is worse than he who perpetrates it. 5 Co. 99.

Plus det est oculos texit, quam auris de cæ. One eye witness is better than ten ear ones. 4 Inst. 279.

Pars ad paucos, metus ad omnes perveniat. A punishment inflicted on a few, causes a dread to all. 22 Vin. Ab. 550.

Pars ad fictio definiti, hares tenere non debet. The heir is not bound in a penalty inflicted for the crime of the ancestor. 2 Inst. 198.

Pars non potest, culpa peremis erit. Punishment may have an end, crime is perpetual. 21 Vin. Ab. 271.

Pars ad paucos, metus ad omnes. Punishment to few, dread or fear to all.

Pars potus mollieque quam exasperande sunt. Punishments should rather be softened than aggravated. 3 Co. Inst. 220.

Postito uso oppositorum negatur alterum. One of two opposite positions being affirmed, the other is denied. 3 Roll. R. 492.

Possesso est quasi jures positio. Possession is, as it were, the position of the foot. 3 Co. 42.

Possession of the termer, possession of the reversioner.

Possession is a good title, where no better title appears. 50 Vin. Ab. 275.

Possessor has right against all men but him who has the very right.

Possibility cannot be on a possibility.

Posteriora derogant prioribus. Posterior laws derogate former ones. 1 Bouv. Inst. n. 90.

Potestia non est nisi ad bonum. Power is not conferred, but for the public good.

Potestias debet sequi justiciam, non antecedere. Power ought to follow, not to precede justice. 3 Buns. 199.

Potestias inutilis frustra est. Useless power is vain.

Potest quis remunere pro se, et eius, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

Powers stricti interpretabatur. Power should be strictly interpreted.

Powers superbus habeant solvendae potest, ligare non potest. Supreme power can dissolve, but cannot bind itself.

Potior est condicio defendentis. Better is the condition of the defendant, than that of the plaintiff.

Potior est condicio possidentis. Better is the condition of the possessor.

Preparatoria consistit, raro sunt prospera. Hasty counsels are seldom prosperous. 4 Inst. 57.

Prestat cautela quam medela. Prevention is better than care. Co. Litt. 304.

Presumpitius violatela, plus probatio. Strong presumption is full proof.

Presumpitius violata laeta in lege. Strong presumption avails in law.

Preterita liciti non debet admitti illicitum. Under pretext of legality, what is illegal ought not to be admitted. 10 Co. 88.
Practix judicem est interpres legum. The practice of the judges is the interpreter of the laws. 

Precedents that pass sub silentio are of little or no authority. 16 Vin. 499.

Precedents have as much law as justice.

Presumptio corporis tollit errores nominis, et veritas nominis tollit errores demonstrationis. The presence of the body cures the error in the name; the truth of the matter cures error in the description. Bacon's Max. Reg. 25.

Pravitatem succedit in locum ret. The pricestands in the place of the thing sold. 1 Bouv. Inst. n. 939.

Prima pars aquilae aequitatis. The radical element of justice is equality.

Principia data sequuntur concomitantia. Given principles follow their concomitants.

Principia probant, non probantur. Principles prove, they are not proved. 3 Co. 40. See Principles.

Principiorum non est ratio. There is no reasoning of principles. 2 Bula. 339. See Principles.

Principium est potissima pars cujusque rei. The principle of a thing is its most powerful part. 10 Co. 49.

Prior tempore, potior jure. He who is before in time, is preferred in right.

Præter littera iuris publico non derogat. Private agreements cannot derogate from public law. Dig. 50, 17, 45, 1.

Privatum commodum publico cedit. Private yields to public good.

Privatum incommendum publico bene pessuatur. Private inconvenience is made up for by public benefit.

Privilegium est beneficii personale et extinctur cum person. A privilege is a personal benefit and dies with the person. 3 Bula. 5.

Privilegium est quasi privata lex. A privilege is, as it were, a private law. 2 Bula. 189.

Pro bono necessitates incumbit illi qui agit. The necessity of proving lies with him who makes the charge.

Profectione debent esse evidentes, id est, perspicuæ et faciles intelligi. Proofs ought to be made evident that is, clear and easy to be understood.

Procesus legi superior, executio legis coronat oper. The process of the law is a grievous vexation; the execution of the law crowns the work.

Prohibatur nec faciat in suo gaud noxere possit alium. It is prohibited to do on one's own property that which may injure another's. 9 Co. 59.

Propinquior excludit proinquum; proinquus removit; et removus removitorem. 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.

Proprietas verborum est salus proprietatum. The propriety of words is the safety of property.

Profecto tractat subjectum, subjectio actionem. Protection draws to it subjection, subjection, protection.

Proviso est proferenda presentia et futura, non praterita. A proviso is to provide for the present and future, not the past. 2 Co. 72.

Proximus est cui nemo antecedit; supremus est quem nemo sequitur. He is next whom no one precedes; he is last whom no one follows.

Prudenter te quidem præcipe legis obtemperat. He acts prudently who obeys the commands of the law. 5 Co. 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 Co. 40.

Purchaser without notice not obliged to discover to his own hurt. See 4 Bouv. Inst. n. 4356.

Quae ab hostibus capturatur, statim capturium sunt. Things taken from public enemies immediately become the property of the captors. See infra praedita.

Quae ad usum fines logiqua sunt; non debent ad aliquum detrueri. Words spoken to one end, ought not to be perverted to another. 4 Co. 14.

Quae coherentem personam a personal separari necasst. Things which belong to the person ought not to be separated from the person. Jenk. Cent. 28.

Quae communis legi derogari strictè interpretatur. Laws which derogate from the common law ought to be strictly construed. Jenk. Cent. 221.

Quae contra rationem juris introducta sunt, non debent trahiri in consequensiam. Things introduced contrary to the reason of the law, ought not to be drawn into precedents. 12 Co. 75.

Quae dubitationes causâ tollendas insanuatur cum legem non laudui. Whatever is inserted for the purpose of removing doubt, does not hurt or affect the common law. Co. Litt. 265.

Quae inconstantia vel certo iuri in esse videtur. Whatever is done directly and certainly, appears already in existence. Co. Litt. 236.

Quae in curia acta sunt rite agi praesumuntur. Whatever is done in court is presumed to be rightly done. 3 Bula. 43.

Quae in partes divisi nec sunt solida, a singulis praeest. Things which cannot be divided into parts are rendered entire severally. 6 Co. 1.

Quae inter altis acta sunt nemini nocere debent, sed possidere possunt. Transactions between strangers may benefit, but cannot injure, persons who are partners to them. 6 Co. 1.

Quae malo sunt inchoata in principio vexat peragendam exit. Things bad in the commencement seldom end well. 4 Co. 20.

Quae non valent e singula, juncta jucundit. Things which do not avail singly, when united have an effect. 3 Bula. 132.

Quae poter consuetudinem etorem majorum iurium, neque placet, neque recta videtur. What is done contrary to the custom of our ancestors, neither pleases nor appears right. 4 Co. 78.

Quae rerum natura prohibentur, nulla legi conformata sunt. What is prohibited in the nature of things, cannot be confirmed by law. Finch's Law. 74.

Quaecumque intrinsecus legi insecutur, infra legem ipsum esse judicandum. Whatever appears within the reason of the law, ought to be considered within the law itself. 2 Co. Inst. 609.

Quaelibet concessio forte tiones contra donatorum interpretand a est. Every grant is to be taken most strongly against the grantor. Co. Litt. 158.

Quaelibet jurisdictio cancellos suas habet. Every jurisdiction has its bounds.
Quaelibet penna corporalis, quam vis minima, major est quilibet panis pecuniarum. Every corporal punishment, although the very least, is greater than pecuniary punishment. 3 Inst. 220.

Quæras de dubia, legem bene discere si nisi. Inquire in doubtful points if you wish to understand the law well.

Quaerere dat sapere quae sunt legitimae veri. To inquire into them, is the way to know what things are really true. Litt. § 443.

Quæra tuae delin, facile præsumitur. A quality which ought to form a part, is easily presumed.

Quæ longum debeat esse rationabile 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 judges.

Quaevic lex generaliter loquitur, restringenda tamen est, ut cessante ratione et ipse cesset. Although the law speaks generally, it is to be restrained when the reason on which it is founded fails. 4 Co. Inst. 330.

Quando abest proviso partis, aedem proviso legis. A defect in the provision of the party is supplied by a provision of the law. 6 Vin. Ab. 49.

Quando alicui prohibetur ex directo, prohibetur et per obliquum. When anything is prohibited directly, it is prohibited indirectly. Co. Litt. 293.

Quando charta constant generali clausulam, posteaque descendit ad verba specialia quas clausulae 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 Co. 154.

Quando de una et eadem re, duo onerabiles existunt, unus, pro insufficiençia alterius, de integro onerabili. When two persons are liable on a joint obligation, if one makes default the other must bear the whole. 2 Co. Inst. 277.

Quando dispositio revoc Matt ad duas res, ita quod secundum relationem unus vitatur et secundum alteram utilis sit, tum facienda est relation ad illum ut voleat 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 to the disposition which is to have effect. 6 Co. 76.

Quando diversi considerantur actus ad aliquem statum perficiendum, plus respect t lex actum originalem. When two different acts are required to the formation of an estate, the law chiefly regards the original act. 10 Co. 49.

Quando duro concurrent in una persona, quærum 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 Co. 118.

Quando lex alicui alicui concedit, concedit videatur ut sine quod res ipsa esse nos potest. When the law gives anything, it gives the means of obtaining it. 5 Co. 47.

Quando lex alicui alicui concedit, omnia incidentia facile conceduntur. When the law gives anything, it gives tacitly what is incident to it. 2 Co. Inst. 326; Hob. 234.

Quando lex est specialis, ratio aequae generalis, generaliter lex est intelligenda. When the law is special, but its reason is general, the law is to be understood generally. 2 Co. Inst. 83; 10 Co. 101.

Quando licet id quo majus, videatur licere id quo minus. When the greater is allowed, the less seems to be allowed also.

Quando plus fit quam fieri debet, videatur stiam illud fieri quod factendum est. When more is done than ought to be done, that 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's Max. 76; 8 Co. 85.

Quando verba et mens congruant, non est interpretationi locus. When the words and the mind agree, there is no place for interpretation.

Quem admodum ad questionem facti non respondent judices, ita ad questionem juris non respondent juratores. In the same manner that judges do not answer the question of fact, so jurors do not answer to questions of law. Co. Litt. 295.

Quo accusat integra satis et non criminosus. Let him who accuses be of a clear fame, and not criminal. 3 Co. Inst. 26.

Quod adiutum medium, dirimunt fames. He who takes away the means, destroys the end. Co. Litt. 161.

Quod alicui statueri parte inaudita altera, aequum licet dixit, haud aequum facerit. He who decides anything, a party being unheard, though he should decide right, does wrong. 6 Co. 52.

Quo bene interrogat, bene docet. He who questions well, learns well. 3 Bula. 227.

Quo bene distinguat, bene docet. He who distinguishes well, learns well. 2 Co. Inst. 470.

Quo concedit alicui, concedere videtur et id sine quo concessio est nullat. He who grants anything, is considered as granting that, without which his grant would be idle, without which the thing itself could not exist. 11 Co. 52.

Quo confirmat nihil dat. He who confirms does not give. 2 Bouv. Inst. n. 2069.

Quodem præceptum, consensit præcipiendum. He who consents to the precept, consents the party giving it. 12 Co. 96.

Quod cum alti convinat, vel est, vel debet esse non ignarius conditionis ejus. He who contracts, knows, or ought to know, the quality of the person with whom he contracts, otherwise he is not excusable. 19 17, 19; 2 Hagg. Consist. Rep. 61.

Quo destruct medium, destruit finem. He who destroys the means, destroys the end. 11 Co. 51; Shepp. To. 342.

Quo doit inheritor al père, do it heir to his. He who ought to inherit from the father, ought to inherit from the son.

Quo ex damnato coelis nascitur, inter libros non computatur. He who is born of an illicit union, is not counted among the children. Co. Litt. 8. See 1 Bouv. Inst. n. 2899.

Quo evertit causam, evertit causam suam. He who overthrows the cause, overthrows its future effects. 10 Co. 51.

Quo factum per alium factum per se. He who acts by or through another, acts for himself. 1 Bl. Com. 429; Story, 4 5; 2 Bouv. Inst. n. 1273, 1355, 1356; 7 Man. & Gr. 32, 33.
Quo habitat jurisdictioem aboletendi, habet jurisdictioem iurgandi. He who has jurisdiction to loosen, has jurisdiction to bind. 12 Co. 59.

Quo in iure est, pro jam nato habetur quoties de ejus commodo queritur. He who is in the womb, is considered as born, whenever it is for his benefit.

Quo iure suo utitur, nemini facit iuriam. He who uses his legal rights, harms no one.

Quo jusse judicis aliud fuerit non videtur dolo malo fecisse, quia parere necesset est. He who does anything by command of a judge, will not be supposed to have acted from an improper motive, because it was necessary to obey. 10 Co. 76.

Quo male agit, odic faciem. He who acts badly, hates the light. 7 Co. 66.

Quo melius probat, melius habet. He who proves most, recovers most. 9 Vin. Ab. 235.

Quo militatur in patriam, id facit quod insanae saxae perforantur in quas evehitur. He who betrays his country, is like the insane sailor who bores a hole in the ship which carries him. 3 Co. Inst. 36.

Quo nascitur sine legatismo matrimonio, matrem sequitur. He who is born out of lawful matrimony, follows the condition of the mother.

Quo non cadunt in constantem virum, sunt timores sunt animandi. Those that are vain fears which do not affect a man of a firm mind. 7 Co. 27.

Quo non habet in axe luet in corpore, ne quis peccatus impune. He who cannot pay with his purse, must suffer in his person, lest he who offends should go unpunished. 2 Co. Inst. 173; 4 Bl. Com. 20.

Quo non impropria approbat. He who does not disapprove, approves. 3 Co. Inst. 27.

Quo non liberavit pronuncial proditor est veritatis. He who does not willingly speak the truth, is a betrayer of the truth.

Quo non est facultas usurandi lucrum, sed facere videtur. He who does not pretend what he can, seems to commit the thing. 2 Co. Inst. 146.

Quo non prohibet quod prohiberet potest assensiorem videtur. He who does not forbid what he can forbid, seems to assent. 2 Inst. 305.

Quo non propulsat iuriam quando potest, infert. He who does not repel a wrong when he can, induces it. Jenk. Cent. 271.


Quo omne dictum nihil excedit. He who says all, excludes nothing. 4 Inst. 81.

Quo parce nocentibus, innocentibus posuit. He who spares the guilty, punishes the innocent.

Quo peccat desertus, iustus sobrirus. He who offends drunk, must be punished when sober. Car. R. 133.

Quo potest alium factum per sejus facere videtur. He who does anything through another, is considered as doing it himself. Co. Litt. 238.

Quo per fraudem agit, frustra agit: He who acts fraudulently acts in vain. 2 Roll. R. 17.

Quo potest et debet etare, jubet. He who can and ought to forbid, and does not, commands.

Quo primum peccat ille facti rixam. He who first offends, causes the strife.

Quo prior est tempore, potior est iure. He who is first or before in time, is stronger in right. Co. Litt. 14 a; 1 Story, Eq. Jur. § 64 d; Story, Balm. § 312; 1 Bouv. Inst. n. 952; 4 Bouv. Inst. n. 3728.

Quo providet sibi, providat harribus. He who provides for himself, provides for his heirs.

Quo rationem in omnibus quarundam, rationem subserviam. He who seeks a reason for everything, subserves reason. 2 Co. 75.

Quo semel actionem renuncaverint, amplius repetere non potest. He who renounces his action once, cannot any more repeat it. 8 Co. 59. See Re- tract.

Quo semel malus, semper praemissum esse malum in sodem generis. He who is once bad, is presumed to be always so in the same degree. Cro. Car. 317.

Quo sentiat commodum, sentire debet et omus. He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.

Quo tacet consentire videtur. He who is silent appears to consent. Jenk. Cent. 32.

Quo tardius solet, minus solet. He who pays tardily, pays less than he ought. Jenk. Cent. 38.

Quo timent, carent et munus. They who fear, take care and avoid. Off. Ex. 162.

Quo vult decipi, discipiat. Let him who wishes to be deceived, be deceived.

Quicquid acquiritur scroco, acquiritur domino. Whatever is acquired by the servant, is acquired for the master. 15 Vin. Ab. 327.

Quicquid plantatur solo, solo cedit. Whatever is affixed to the soil belongs to it. Went. Off. Ex. 145.

Quicquid plantatur solo, solo cedit. Whatever is affixed to the soil or the reality, thereby becomes a parcel. See Amb. 113; 3 East, 51; and article Fixtures.

Quicquid est contra normam recti est injuria. Whatever is against the rule of right, is a wrong. 3 Bals. 313.

Quicquid in excessu actum est, lege prohibetur. Whatever is done in excess is prohibited by law. 2 Co. Inst. 167.

Quicquid judicia auctoritati subjicitur, nostrati non subjicitur. Whatever is subject to the authority of a judge, is not subject to novelty. 4 Co. Inst. 66.

Quicquid solutur, solvitur secundum modum solventis. Whatever is paid, is paid according to the manner of the payor. 2 Vern. 606. See Appropriation.

Quilibet potest remanscere iuri pro se inducat. Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

Quisquis est qui velit juris consultum haberi, continet studium, velit a quoquegue doceri. Whoever wishes to be a lawyer, let him continually study, and desire to be taught everything.

Quod ab initio non valet, in actu temporis non consuetudines. What is not good in the beginning cannot be rendered good by time. Merl. Râp. verbo Regle de Droit. This, though true in general, is not universally so.

Quod ad jus naturale attinet, omnes homines aequales sunt. All men are equal before the natural law. Dig. 69, 17, 32.
Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficiatur.

Quod constat clarè, non debet verificari. What is clearly apparent need not be proved.

Quod constat curiae opera fatale non indiget. What appears to the court need not the help of witnesses. 2 Inst. 692.

Quod contra legem fit, pro se facto habetur. What is done contrary to the law, is considered as not done. 4 Co. 31. No one can derive any advantage from such an act.

Quod contra jus rationem receptam est, non est producendum ad consequencias. What has been admitted against the spirit of the law, ought not to be heard. Dig. 50, 17, 141.

Quod demonstrandi causa additur rei satis demonstrat, frustra ist. What is added to a thing sufficiently palpable, for the purpose of demonstration, is vain. 10 Co. 113.

Quod dubitas, ne seceris. When you doubt, do not act.

Quod est ex necessitate quamquam introducitur, nisi quando necessarium. What is introduced of necessity, is never introduced except when necessary. 2 Roll. 512.

Quod est inconveniens, aut contra rationem non permittetur in lege. What is inconvenient or contrary to reason, is not allowed in law. Co. Litt. 178.

Quod necessarium est licitum. What is necessary is lawful.

Quod factum est, cum in obscuro sit, ex affectione cuiusque capiti interpretatiorem. Doubtful and ambiguous clauses ought to be construed according to the intentions of the parties. Dig. 50, 17, 165.

Quod fieri non debet, factum valet. What ought not to be done, when done, is valid. 5 Co. 38.

Quod inconsiderati fecimus, consulitis renocemus. What is done without consideration or reflection, upon better consideration we should revoke or undo.

Quod in minori valeat, valebit in majori; et quod in majori non valeat, nec valebit 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. Co. Litt. 260.

Quod in uno simulitio valet, valebit in aliter. What avails in one of two similar things, will avail in the other. Co. Litt. 191.

Quod initio vitiosum est, non potest tractus temporis consalvarescere. Time cannot render valid an act void in its origin. Dig. 50, 17, 29.

Quod meum esse mea suferri non potest. What is mine cannot be taken away without my consent. 1 Jenk. 251. Sed vide Eminentium Domain.

Quod necessarie intelligitur id non deest. What is necessarily understood is not wanting. 1 Bula. 71.


Quod non apparat non est, et non apparat judicialiter ante judicium. What appears not does not exist, and nothing appears judicially before judgment. 2 Co. Inst. 479.

Quod non habeat principium non habeat finem. What has no beginning has no end. Co. Litt. 345.

Quod non legitur, non creditur. What is not read, is not believed. 4 Co. 304.

Quod non sit in principiis, in accessoriis seu consequentia non valebit; et quod non valet in magis proprio, non valebit in magis remoto. What is not good in its 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 Co. 78.

Quod nullius est id ratione naturali occupantis conceditur. What belongs to no one, naturally belongs to the first occupant. Inst. 2, 1, 12; 1 Bouv. Inst. n. 491.

Quod nullius esse potest, id ut aliquis sueret nulla obligatio valet ore officis. Those things which cannot be acquired as property, cannot be the object of an agreement. Dig. 50, 17, 182.

Quod pendet, non est pro eo, quasi sit. What is in suspense is considered as not existing. Dig. 50, 17, 169, 1.

Quod per me non possum, nec per aliquum. What I cannot do in person, I cannot do by proxy. 4 Co. 24.

Quod per recordatum probatum, non debet esse negatum. What is proved by the record, ought not to be denied.

Quod quodcumque postremum fuisse, id fuisse est. What the people have last enacted, let that be the established law.

Quod primum est verius est; et quod primum est tempore postremum fuisse est. What is first is true; and what comes first in time, is best in law. Co. Litt. 347.

Quod pro minori liceat est, et pro majore liceat est. What is lawful in the less, is lawful in the greater. 8 Co. 43.

Quod quis ex culpa sua damnatum sentit, non intelligitur damnatum sentire. He who suffers a damage by his own fault, has no right to complain. Dig. 50, 17, 203.

Quod quisquis norat in hoc se exercet. Let every one employ himself in what he knows. 11 Co. 10.

Quod remedio destinavit ipsa re valet si culpa abint. What is without a remedy is valid by the thing itself. Bacon's Max. Reg. 4.

Quod semel meaninge means esse non possible. Co. Litt. 49; Shep. To. 212.

Quod sub certa forma concessum vel resertrum est, non trahitur ad valorum vel compensacionem. That which is granted or reserved under a certain form, is not to be drawn into a valuation. Bacon's Max. Reg. 4.

Quod solo inadfecturum solo cedit. Whatever is built on the soil is an accessory of the soil. Inst. 2, 1, 29; 16 Mass. 449; 2 Bouv. Inst. n. 1571.

Quod tacit intelligitur deesse non videtur. What is tacitly understood does not appear to be wanting. 4 Co. 22.

Quod vanum et inutile est, lex non requirit. The law does not require what is vain and useless. Co. Litt. 319.

Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum est. Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20.

Quoties in verbis nulla est ambiguitas ibi nulla expositio contra verba fenda est. When there is no ambiguity in the words, then no exposition contrary to the words is to be made. Co. Litt. 147.
Remedies ought to be reciprocal.

Remedies for rights are ever favorably extended. 18 Vin. Ab. 291.

Remissus imperatori matiis pariatur. A man commanding not too strictly is best obeyed. 3 Co. Inst. 233.

Remoto impedimento, emergit actio. The impediment being removed the action arises. 5 Co. 76.

Rent must be reserved to him from whom the state of the land moveth. Co. Litt. 143.

Repallitur a sacramento infamia. An infamous person is repelled or prevented from taking an oath. Co. Litt. 158.

Reprobara pecunia liberal solvemus. Money refused liberates the debtor. 9 Co. 79. But this must be understood with a qualification. See Tender.

Reputation est vulgari opinio ubi non est veritas. Reputation is a vulgar opinion where there is no truth. 4 Co. 107. But see Character.

Rerum ordo confunditur, si unicuique juridicio non servetur. The order of things is confounded if every one preserves not his jurisdiction. 4 Co. Inst. Proem.

Rerum progressus contendunt multa, quae in initio praecaveri seu praevideri non possunt. The progress of time shows many things, which at the beginning could not be guarded against, or foreseen. 6 Co. 46.

Rerum succurum quilibet est moderator et arbiter. Every one is the manager and disposer of his own. Co. Litt. 223.

Res denominitur a principali dib. A thing is named from its principal part. 5 Co. 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. 312.

Res, general est significacionem, quia talis corpora, quam incorpora, cuiusque sunt generis, natura sive speciei, comprehendit. The word things has a general signification, which comprehends corporeal and incorporeal objects, of whatever nature, sort or species. 3 Co. Inst. 492; 1 Bouv. 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. Co. Litt. 152.

Res judicata pro veritate accipitur. A thing adjudged must be taken for truth. Co. Litt. 105; Dig. 50, 17, 207. See Res judicata.

Res judicata facta ex alio nigrum, ex negro album, ex curvo rectum, ex recto curvum. A thing adjudged makes what was white, black; what was black, white; what was crooked, straight; what was straight, crooked. 1 Bouv. Inst. n. 840.

Res per pecuniam estimatur, et non pecuniam 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 Co. 76; 1 Bouv. Inst. n. 923.

Res perit domino suo. The destruction of the thing is the loss of its owner. 2 Bouv. Inst. n. 1456. 1466.

Reservatio non debet esse de profectis ipsius quia ex conceditur, sed de reddito nova extra profecta. A reservation ought not to be of the profits themselves, because they are granted, but from the new rent out of the profits. Co. Litt. 142.

Resignatio est ius proprii spontaneum revocatio. Resignation is the spontaneous relinquishment of one's own right. Geb. 284.