

selling the property under the direction and in pursuance of an order of the court by an officer thereof, or a person appointed for that purpose.<sup>29</sup>

*Phrases* employing the word are set out in the note.<sup>30</sup>

**FOREFAULT.** In Scotch law, to forfeit, or lose.<sup>31</sup>

**FOREGIFT.** A premium for a lease.<sup>32</sup>

**FOREGO** or **FORGO.** To go or pass by without claiming; forbear to possess, to use, or do; voluntarily avoid or give up; renounce; resign.<sup>33</sup> The word has been held to be a synonym of "abandon."<sup>34</sup>

**FOREGOERS.** Royal purveyors.<sup>35</sup>

**FOREGOING.** Antecedent; going before in time, or place, or in a series; preceding.<sup>36</sup>

*Phrases* employing the word are set out in the note.<sup>37</sup> Other phrases of which more recent adjudications have not been found are listed in 26 C.J. p 888 notes 21-27.

**FOREHAND RENT.** In English law, rent payable in advance; or, more properly, a species of premium or bonus paid by the tenant on the making of the lease, and particularly on the renewal of leases by ecclesiastical corporations.<sup>38</sup>

**FOREIGN.** The word "foreign" is used in various senses,<sup>39</sup> and in one sense it means not organically connected or naturally related, as a foreign body or substance.<sup>40</sup>

In its more usual sense relating to nationality or origin, it is variously defined as meaning belonging to another nation or country;<sup>41</sup> belonging to or relating to another sovereignty or dominion;<sup>42</sup> belonging to or subject to another jurisdiction;<sup>43</sup> that which belongs to another country; that which is strange;<sup>44</sup> that which is out of a certain state, country, county, liberty, manor, jurisdiction, etc.<sup>45</sup>

As a general rule when used with relation to countries in a political sense, the term refers to the jurisdiction or government of the country.<sup>46</sup> The term is applicable not only to countries outside the United States, but also to the different states within the United States, as far as their relation to each other is concerned,<sup>47</sup> although not to the Indian nations or tribes, see Indians § 9.

For references to specific uses of the word in this sense see 26 C.J. p 888 note 28 and consult the General Index.

"Foreign" is the correlative, and frequently used as the opposite, of "domestic" see the C.J.S. definition Domestic, and, in a particular connection, is

29. See Liens § 18.

**30. Phrases construed**

(1) "Foreclosure by legal proceeding."

Ill.—Trustees of Schools v. St. Paul Fire & Marine Ins. Co., 129 N.E. 567, 568, 296 Ill. 99.

(2) "Foreclosure decree," as distinguished from "money judgment or decree."

Idaho.—Naylor v. Lewiston & S. E. Electric Ry. Co., 95 P. 827, 828, 14 Idaho 722.

Ill.—American Trust & Safe Deposit Co. v. Eldred, 267 Ill.App. 176, 181.

(3) "Foreclosure proceeding."

Fla.—Realty Mortgage Co. v. Moore, 85 So. 155, 156, 80 Fla. 2.

La.—Isaac Bell, Inc., v. Security Ins. Co. of New Haven, Conn., App. 139 So. 524, 525.

(4) "Foreclosure proceedings be commenced."

Ky.—Springfield Fire & Marine Ins. Co. v. Blevens, 27 S.W.2d 699, 701, 234 Ky. 183.

(5) "Foreclosure process via executiva in Louisiana."

U.S.—Abraham Land & Mineral Co. v. Marble Sav. Bank, D.C.La., 35 F. Supp. 500, 502.

(6) "Foreclosure process via ordinaria in Louisiana."

U.S.—Abraham Land & Mineral Co. v. Marble Sav. Bank, supra.

(7) "Foreclosure suit," defined as a proceeding for legal determination of existence of lien, ascertainment of its extent, and subjection to sale of estate pledged for its satisfaction, and to settle conflicting claims by selling equity of redemption.

Ind.—Reichert v. McCool, 169 N.E. 86, 88, 92 Ind.App. 406.

31. Black L.D.

32. Black L.D.

33. Century D.

34. Ky.—Commonwealth v. Louisville & N. R. Co., 258 S.W. 101, 102, 201 Ky. 670.

35. Black L.D.

36. Century D.

37. **Phrases construed**

(1) "Any of the foregoing which are not edible."

U.S.—In re Cruikshank, C.C.N.Y., 54 F. 676, 677.

(2) "Foregoing bequests."

Mass.—Smith v. Livermore, 10 N.E. 2d 117, 122, 298 Mass. 223.

(3) "Foregoing division."

Wash.—In re Lambell's Estate, 93 P.2d 352, 354, 200 Wash. 220.

(4) "Foregoing was duly published."

Ill.—Jackson v. Cummings, 15 Ill. 449. 451.

(5) "Foregoing work."

N.Y.—Cauldwell-Wingate Co. v. State, 12 N.E.2d 443, 444, 276 N.Y. 365.

38. Black L.D.

39. U.S.—Goetze v. U. S., C.C.N.Y., 103 F. 72, 83.

40. N.Y.—O'Hare v. Petersen, 21 N.Y.S.2d 487, 490, 174 Misc. 481.

41. U.S.—Cherokee Nation v. Georgia, Ga., 5 Pet. 1, 56, 8 L.Ed. 25.

U. S. v. The Pilot, Wash., 50 F. 437, 439, 1 C.C.A. 523.

42. U.S.—Bigley v. New York & P. R. St. Co., D.C.N.Y., 105 F. 74, 76.

43. U.S.—U. S. v. The Pilot, Wash., 50 F. 437, 439, 1 C.C.A. 523.

44. Pa.—Sansford Borough v. Brode, 7 Pa.Co. 221, 223.

Tex.—Cowell v. State, 16 Tex.App. 57. 61.

45. Sweet L.D.

46. U.S.—Cherokee Nation v. Georgia, Ga., 5 Pet. 1, 55, 8 L.Ed. 25.

47. Ga.—Seaboard Air-Line R. Co. v. Phillips, 43 S.E. 494, 496, 117 Ga. 98.

26 C.J. p 888 note 39.

usually regarded as synonymous with "nonresident."<sup>48</sup>

*Foreign government.* A government commonly and generally known and recognized as a national government.<sup>49</sup> The term has been held not to include the general government of the United States in its relation to that of the several states, or a corporation created by the federal government.<sup>50</sup>

*Foreign law.* The law of a foreign country, or of a sister state;<sup>51</sup> the law of a foreign state or nation.<sup>52</sup> Under particular circumstances, it has been said that the "Laws of Moses and Israel," as used in a particular contract, are not to be considered "foreign laws,"<sup>53</sup> nor may the laws of the several states be so regarded in the federal courts.<sup>54</sup>

*Foreign market.* A term applied to a market located in a foreign country.<sup>55</sup> It has been distinguished from "home market."<sup>56</sup>

*Foreign plea.* A plea showing some other court in which the matter should be tried.<sup>57</sup> The term has been applied also to a plea, where the question is made between the same parties in another case, or between the creditor and a third party bound to pay the same debt;<sup>58</sup> and generally, where, by the pleadings, the question of satisfaction by the arrest under the *capias ad satisfaciendum* comes in collaterally.<sup>59</sup>

*Foreign port.* A port or place without the United States;<sup>60</sup> a port or place exclusively within the sovereignty of a foreign nation;<sup>61</sup> a port within the dominions of a foreign sovereign, and without the dominions of the United States;<sup>62</sup> some spot within the territory of a foreign nation.<sup>63</sup>

The term is also used to include all maritime ports other than those of the state where the vessel belongs.<sup>64</sup> Specifically, it has been held that ports of the Canal Zone are to be considered "foreign ports,"<sup>65</sup> but that, as used in a particular statute, a "foreign port" is not any place on the high seas outside the territorial limits of the United States.<sup>66</sup>

The term has been distinguished from "domestic port."<sup>67</sup>

*Foreign state.* A foreign country or nation;<sup>68</sup> for all legal purposes the term embraces a neighboring state,<sup>69</sup> but not the government of the United States with reference to the state governments.<sup>70</sup> In the plural it means other nations or other countries.<sup>70.5</sup>

*Foreign substance.* A substance occurring in any part of the body or organism where it is not normally found, usually introduced from without.<sup>71</sup>

Bones which are natural to the type of meat or fish served are not, as to that meat or fish, a foreign substance.<sup>71.5</sup> Thus, a sliver of bone in a pork

43. N.H.—Blanchette v. New England Telephone & Telegraph Co., 6 A.2d 161, 162, 90 N.H. 207.

49. Iowa.—Zapf v. Ridenour, 200 N.W. 618, 621, 198 Iowa 1006.

State of Hamburg, Germany, held not a foreign government within the terms of a particular statute. Iowa.—Zapf v. Ridenour, supra.

50. Ariz.—Bezat v. Home Owners' Loan Corporation, 98 P.2d 852, 854, 55 Ariz. 85.

51. Black L.D.

52. N.Y.—Hurwitz v. Hurwitz, 215 N.Y.S. 184, 188, 216 App.Div. 362.

"That calls for 'a people permanently occupying a fixed territory, bound together by common laws, habits, and customs (or by a Constitution) into one body politic, exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace, and of entering into international relations with other communities.'"

N.Y.—Hurwitz v. Hurwitz, supra.

53. N.Y.—Hurwitz v. Hurwitz, supra.

54. U.S.—Cray, McFawn & Co. v.

Hegarty, Conroy & Co., D.C.N.Y., 27 F.Supp. 93, 95.

55. Pa.—Shuster v. Ash, 11 Serg. & R. 90, 91.

56. N.Y.—Shoemaker v. Lansing, 17 Wend. 327, 328.

57. English L.D.

58. S.C.—Mazyck v. Coil, 37 S.C.L. 235, 237.

59. S.C.—Mazyck v. Coil, supra.

60. N.Y.—King v. Parks, 19 Johns. 375, 377.

61. U.S.—The Winnie, C.C.A.Pa., 65 F.2d 706, 707.

62. U.S.—U. S. v. Hayward, C.C. Mass., 26 F.Cas.No.15,336, 2 Gall. 485, 501.

26 C.J. p 889 note 59.

63. U.S.—The Adventure, C.C.Va., 1 F.Cas.No.93, 1 Brock. 235, 239, 240.

64. U.S.—The Albany, C.C.Minn., 1 F.Cas.No.131, 4 Dill. 439, 444.

26 C.J. p 889 note 61.

"By the civil law, and the laws of France, all ports where the owner does not reside are treated as foreign."

U.S.—The William and Emmeline, D. C.N.Y., 29 F.Cas.No.17,687, Blachf. & H. 66, 72.

65. U.S.—Luckenbach S. S. Co. v. U.

S., Ct.Cl., 50 S.Ct. 148, 149, 280 U.S. 173, 74 L.Ed. 356.

66. U.S.—The Winnie, C.C.A.Pa., 65 F.2d 706, 707.

67. U.S.—In re Eccleston, D.C.N.Y., 42 F.2d 278, 279.

68. Black L.D.

69. Tex.—Allen v. Bass, Civ.App., 47 S.W.2d 426, 427.

26 C.J. § 889 note 63.

70. Cal.—Gülmer v. Lime Point, 18 C. 229, 255.

70.5 U.S.—Corpus Juris Secundum cited in *Republique Francaise v. M. K. & T. Ry. Co. of Tex.*, D.C.Tex., 85 F.Supp. 295, 296.

71. N.Y.—O'Hare v. Petersen, 21 N.Y.S.2d 487, 490, 491, 174 Misc. 481.

N.C.—Corpus Juris Secundum quoted in *Adams v. Great Atlantic & Pacific Tea Co.*, 112 S.E.2d 92, 94, 251 N.C. 565.

Held to be a foreign or deleterious substance

Struvite crystals in a glass jar of shrimp.

N.Y.—O'Hare v. Petersen, 21 N.Y.S. 487, 490, 174 Misc. 481.

71.5 U.S.—Shapiro v. Hotel Statler Corp., D.C.Cal., 132 F.Supp. 891, 893.

DOWNLOADED FROM:

***Family Guardian Website***

<http://familyguardian.tzo.com>

Download our free book:

[\*The Great IRS Hoax: Why We Don't Owe Income Tax\*](#)