

Black's Law Dictionary®

Eighth Edition

Bryan A. Garner
Editor in Chief

THOMSON

WEST

Appendix B

Legal Maxims

In the first edition of this dictionary, published in 1891, Henry Campbell Black remarked that the book contained "a complete collection of legal maxims," adding: "These have not been grouped in one body, but distributed in their proper alphabetical order through the book. This is believed to be the more convenient arrangement" (p. iv). Although it might indeed have been more convenient for readers who knew the maxims they wanted to look up — as 19th-century readers might have been apt to — spreading Latin sentences throughout the book is decidedly inconvenient for most dictionary users today. We have therefore collected them for ease of reference. A bibliography of works cited appears on page

Of course, many scholars have long been intolerant of those who use maxims to decide cases. As James Fitzjames Stephen, one of the great 19th-century legal scholars, incisively put it before Black's work appeared:

It seems to me that legal maxims in general are little more than pert headings of chapters. They are rather minims than maxims, for they give not a particularly great but a particularly small amount of information. As often as not, the exceptions and disqualifications to them are more important than the so-called rules.¹

Other scholars have been equally derisive.²

But there is an element of fun in legal maxims: they sometimes express surprising insights — and these from ancient writers. Though they will not clinch arguments, they will delight many readers who have a historical bent.

— B.A.G.

Ab abusu ad usum non valet consequentia. A conclusion about the use of a thing from its abuse is invalid.

Ab assuetis non fit injuria. No injury is done by things long acquiesced in.

Abbreviationum ille numerus et sensus accipiendus est ut concessio non sit inanis. Such number and sense is to be given to abbreviations that the grant may not be void.

Absentem accipere debemus eum qui non est eo loco in quo petitur. We must consider a person absent who is not in that place in which he is sought.

Absentia ejus qui reipublicae causa abest neque ei neque alii damnosa esse debet. The absence of a person who is abroad in service to the state ought to be prejudicial neither to that person nor to another. Dig. 50.17.140.

Absoluta sententia expositore non indiget. A simple proposition needs no expositor.

Abundans cautela non nocet. Abundant caution does no harm.

Accessorium non ducit, sed sequitur, suum principale. An accessory does not lead, but follows, its principal.

Accessorium non trahit principale. The accessory does not carry the principal with it.

Accessorius sequitur naturam sui principalis. An accessory follows the nature of his principal.

Accipere quid ut justitiam facias non est tam accipere quam extorquere. To accept anything as a reward for doing justice is rather extorting than accepting.

Accusare nemo debet se, nisi coram Deo. No one is obliged to accuse himself, except before God.

Accusator post rationabile tempus non est audiendus, nisi se bene de omissione excusaverit. A person who makes an accusation after a reasonable time has passed is not to be heard unless the person makes a satisfactory excuse for the omission.

A communi observantia non est recedendum. Common observance (or usage) is not to be departed from.

A communi observantia non est recedendum et minime mutandae sunt quae certam interpretationem habent. Common observance is not to be departed from, and things that have certain meaning are to be changed as little as possible.

Acta exteriora indicant interiora secreta. Outward acts indicate the thoughts hidden within.

1. 2 James Fitzjames Stephen, *History of the Criminal Law of England* 94 n.1 (1883).

2. For a collection of critical comments, see Garner, *A Dictionary of Modern Legal Usage* 552 (2d ed. 1995).

Acta in uno iudicio non probant in alio nisi inter easdem personas. Things done in one action cannot be taken as evidence in another, unless it is between the same parties.

Actio non datur non damnificato. An action is not given to one who is not injured.

Actio non facit reum, nisi mens sit rea. An act does not make a person guilty unless the mind is guilty. • Properly, *Actus non reum* (q.v.). [Cases: Criminal Law §20. C.J.S. Criminal Law §§ 31-33, 35-39; Negligence § 913.]

Actionum genera maxime sunt servanda. The kinds of actions are especially to be preserved.

Actio personalis moritur cum persona. A personal action dies with the person. [Cases: Abatement and Revival §52. C.J.S. Abatement and Revival §§ 130-142, 146, 148, 151-154; Right of Privacy and Publicity § 42.]

Actio quaelibet it sua via. Every action proceeds in its own course.

Actore non probante, reus absolvitur. If the plaintiff does not prove his case, the defendant is acquitted.

Actori incumbit onus probandi. The burden of proof rests on the plaintiff.

Actor qui contra regulam quid adduxit non est audiendus. A pleader ought not to be heard who advances a proposition contrary to the rule (of law).

Actor sequitur forum rei. The plaintiff follows the forum of the defendant.

Actus curiae neminem gravabit. An act of the court will prejudice no one.

Actus Dei nemini facit injuriam. An act of God does wrong to no one. • That is, no one is responsible in damages for inevitable accidents.

Actus Dei nemini nocet. An act of God does wrong to no one.

Actus inceptus cuius perfectio pendet ex voluntate partium revocari potest; si autem pendet ex voluntate tertiae personae, vel ex contingenti, revocari non potest. An act already begun whose completion depends on the will of the parties may be recalled; but if it depends on consent of a third person or on a contingency, it cannot be recalled.

Actus iudicialis coram non iudice irritus habetur; de ministeriali autem a quocunque provenit ratum esto. A judicial act before one not a judge (or without jurisdiction) is void; as to a ministerial act, from whomsoever it proceeds, let it be valid.

Actus legis nemini est damnosus. An act of the law prejudices no one.

Actus legis nemini facit injuriam. An act of the law does no one wrong.

Actus legitimi non recipiunt modum. Acts required by law admit of no qualification.

Actus me invito factus non est meus actus. An act done (by me) against my will is not my act.

Actus non facit reum nisi mens sit rea. An act does not make a person guilty unless the mind is guilty; an act does not make the doer criminal unless his mind

is criminal. • Coke gives the maxim in a slightly different form: *Actus non reum facit nisi mens sit rea.* 3 Co. Inst. 54; 107.

Actus repugnans non potest in esse produci. A repugnant act cannot be brought into being (that is, cannot be made effectual).

Actus servi, in iis quibus opera ejus communiter adhibita est, actus domini habetur. The act of a servant in those things in which he is usually employed is considered the act of his master.

Additio probat minoritatem. An addition proves inferiority. • That is, if it be said that a person has a fee tail, it is less than if the person has the fee.

Ad ea quae frequentius accidunt jura adaptantur. The laws are adapted to those cases that occur more frequently.

A digniori fieri debet denominatio et resolutio. The denomination and explanation ought to be derived from the more worthy.

Adjuvari quippe nos, non decipi, beneficio oportet. Surely we ought to be helped by a benefit, not be entrapped by it.

Ad officium justiciariorum spectat unicuique coram eis placitanti justitiam exhibere. It is the duty of justices to administer justice to everyone pleading before them.

Ad proximum antecedens fiat relatio, nisi impediatur sententia. A relative is to be referred to the nearest antecedent, unless prevented by the sense.

Ad quaestiones facti non respondent iudices; ad quaestiones legis non respondent juratores. Judges do not answer questions of fact; jurors do not answer questions of law.

Ad quaestiones legis iudices, et non juratores, respondent. Judges, and not jurors, answer questions of law.

Ad recte docendum oportet primum inquirere nomina, quia rerum cognitio a nominibus rerum dependet. In order rightly to comprehend a thing, it is necessary first to inquire into the names, for a right knowledge of things depends on their names.

Ad reges enim potestas omnium pertinet; ad singulos, proprietates. Kings have (political) power over all things, while individuals own them.

Adversus extraneos vitiosa possessio prodesse solet. Possession though faulty is usually sufficient against outsiders. • Prior possession is a good title of ownership against all who cannot show a better.

Ad vim majorem vel ad casus fortuitos non tenetur quis, nisi sua culpa intercenerit. No one is held to answer for the effects of superior force or accidents, unless his own fault has contributed.

Aedificare in tuo proprio solo non licet quod alteri noceat. It is not lawful to build on one's own land what may be injurious to another.

Aedificatum solo solo cedit. What is built on the land goes with the land.

Aedificia solo cedunt. Buildings go with the land.

Aequior est dispositio legis quam hominis. The law's disposition is more impartial than man's.

Aequitas agit in personam. Equity acts on the person.

Aequitas est correctio legis generaliter latae qua parte deficit. Equity is the correction of some part of the law where by reason of its generality it is defective.

Aequitas est perfecta quaedam ratio quae jus scriptum interpretatur et emendat; nulla scriptura comprehensa, sed sola ratione consistens. Equity is a sort of perfect reason that interprets and amends written law; comprehended in no written text, but consisting of reason alone.

Aequitas est quasi equalitas. Equity is as it were equality.

Aequitas ignorantiae opitulatur, oscitantiae non item. Equity assists ignorance but not complacency (or carelessness).

Aequitas non facit jus, sed juri auxiliatur. Equity does not create a right, but aids the right.

Aequitas nunquam contravenit leges. Equity never contravenes the laws.

Aequitas sequitur legem. Equity follows the law. [Cases: Equity §62. C.J.S. Equity § 118.]

Aequitas supervacua odit. Equity abhors superfluous things.

Aequum et bonum est lex legum. What is equitable and good is the law of laws.

Aestimatio praeteriti delicti ex postremo facto nunquam crescit. The assessment of a past offense never increases from a subsequent fact.

Affectio tua nomen imponit operi tuo. Your motive gives a name to your act.

Affectus punitur licet non sequatur effectus. The intention is punished even if the object is not achieved.

Affinis dicitur, cum duae cognationes, inter se divisae, per nuptias copulantur, et altera ad alterius fines accedit. Persons are said to be bound by affinity when two families, divided from one another, are united by marriage, and each approaches the borders of the other.

Affinis mei affinis non est mihi affinis. A person connected by marriage to someone connected by marriage to me is no connection of mine.

Affirmanti, non neganti, incumbit probatio. The proof is incumbent on the one who affirms, not on the one who denies.

Affirmantis est probare. The person who affirms must prove.

Agentes et consentientes pari poena plectuntur. Acting and consenting parties will be liable to the same punishment.

A jure suo cadunt. They fall from their right. • That is, they lose their right.

A justitia (quasi a quodam fonte) omnia jura emanant. From justice (as from a fountain) all rights flow.

Aliena negotia exacto officio geruntur. The business of another is conducted with scrupulous attention.

Alienatio licet prohibeatur, consensu tamen omnium in quorum favorem prohibita est potest fieri; et quilibet potest renunciare juri pro se introducto. Even if alienation is prohibited, it may yet take place by the consent of all in whose favor it is prohibited; it is in the power of anyone to renounce a right introduced for his own benefit.

Alienatio rei praefertur juri accrescendi. Alienation of property is favored over the right to accumulate.

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

Aliquid conceditur ne injuria remaneat impunita quod alias non concederetur. Something is conceded that otherwise would not be conceded, so that a wrong not remain unpunished.

Aliquis non debet esse judex in propria causa, quia non potest esse judex et pars. A person ought not to be judge in his own cause, because he cannot act both as judge and party.

Aliud est celare, aliud tacere. To conceal is one thing, to be silent another.

Aliud est distinctio, aliud separatio. Distinction is one thing, separation another.

Aliud est possidere, aliud esse in possessione. It is one thing to possess, another to be in possession.

Aliud est vendere, aliud vendenti consentire. To sell is one thing, to give consent to the seller another.

Allegans contraria non est audiendus. A person making contradictory allegations is not to be heard.

Allegans suam turpitudinem non est audiendus. A person alleging his own wrong is not to be heard. [Cases: Contracts §138. C.J.S. Contracts §§ 280, 286.]

Allegari non debuit quod probatum non relevat. What is not relevant if proved ought not to have been alleged.

Allegatio contra factum non est admittenda. An allegation contrary to the deed (or fact) is not admissible.

Alterius circumventio alii non praebet actionem. A deception practiced on one person does not give a cause of action to another.

Alternativa petitio non est audienda. An alternative petition is not to be heard.

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

Ambiguis casibus semper praesumitur pro rege. In doubtful cases the presumption is always in favor of the king.

Ambiguitas contra stipulatorem est. A dubious expression is construed against the party using it. [Cases: Contracts §155. C.J.S. Contracts § 337.]

Ambiguitas verborum latens verificatione suppletur; nam quod ex facto oritur ambiguum verificatione facti tollitur. A latent ambiguity in wording is resolved by evidence; for whatever ambiguity arises from an extrinsic fact is resolved by extrinsic evidence.

Ambiguitas verborum patens nulla verificatione excluditur. A patent ambiguity is not removed by extrinsic evidence (or is never helped by averment).

Ambiguum placitum interpretari debet contra proferentem. An ambiguous plea ought to be interpreted against the party pleading it.

Ambulatoria est voluntas defuncti usque ad vitae supremum exitum. The will of a decedent is ambulatory (that is, can be altered) until the last moment of life.

Ancupia verborum sunt iudice indigna. Quibbling over words is unworthy of a judge.

Angliae jura in omni casu libertati dant favorem. The laws of England are favorable in every case to liberty.

Animus ad se omne jus ducit. The mind brings every right unto itself. • Often explained: It is to the intention that all law applies. [Cases: Deeds §95, C.J.S. Deeds § 174.]

Animus hominis est anima scripti. The intention of the person is the soul of the instrument.

Anniculus trecentesimo sexagesimo-quinto die dicitur, incipiente plane non exacto die, quia annum civiliter non ad momenta temporum sed ad dies numeramus. We call a child a year old on the 365th day, when the day is clearly begun but not ended, because we calculate the civil year not by moments, but by days.

Annua nec debitum iudex non separat ipse. Even the judge apportions neither annuities nor debt.

Annus est mora motus quo suum planeta pervolvatur circum. A year is the duration of the motion by which a planet revolves through its orbit.

Annus ineptus pro completo habetur. A year begun is held as completed. • This maxim is said to be of limited application.

A non posse ad non esse sequitur argumentum necessarie negative, licet non affirmative. From impossibility to nonexistence the inference follows necessarily in the negative, though not in the affirmative.

Apices juris non sunt jura. Legal niceties are not law.

A piratis aut latronibus capti liberi permanent. Those captured by pirates or robbers remain free.

A piratis et latronibus capta dominium non mutant. Things captured by pirates or robbers do not change their ownership.

Applicatio est vita regulae. The application is the life of a rule.

Aqua cedit solo. The water goes with the ground. • A grant of the land includes the water on it.

Aqua currit et debet currere ut currere solebat. Water runs and ought to run as it is wont to run. [Cases: Waters and Water Courses §51, C.J.S. Waters §§ 12, 18-19.]

Arbitramentum aequum tribuit cuique suum. A just arbitration renders to each his own.

Arbitrium est iudicium. An award is a judgment.

Arbor dum crescit; lignum dum crescere nequit. It is a tree while it is growing; wood when it cannot grow.

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

Argumentum ab auctoritate est fortissimum in lege. An argument drawn from authority is the strongest in law.

Argumentum ab impossibili plurimum valet in lege. An argument deduced from an impossibility has the greatest validity in law.

Argumentum ab inconvenienti plurimum valet in lege. An argument drawn from what is unsuitable (or improper) has the greatest validity in law. Co. Litt. 66a.

Argumentum a communiter accidentibus in jure frequens est. An argument from things commonly happening is frequent in law.

Argumentum a divisione est fortissimum in jure. An argument based on a subdivision of the subject is most powerful in law.

Argumentum a majori ad minus negative non valet; valet e converso. An argument from the greater to the lesser is of no force in the negative; conversely (in the affirmative) it is valid.

Argumentum a simili valet in lege. An argument by analogy (from a similar case) has force in law.

Arma in armatos sumere jura sinunt. The laws permit taking up arms against the armed.

Assignatus utitur jure auctoris. An assignee is clothed with the rights of the principal.

A summo remedio ad inferiorem actionem non habetur regressus neque auxilium. From the highest remedy to an inferior action there is no recourse or assistance.

Auctoritates philosophorum, medicorum et poetarum sunt in causis allegandae et tenendae. The authoritative opinions of philosophers, physicians, and poets are to be adduced and regarded in causes.

Audi alteram partem. Hear the other side. • No one should be condemned unheard.

A verbis legis non est recedendum. From the words of the law there is to be no departure.

Baratriam committit qui propter pecuniam justitiam baractat. A person is guilty of barratry who sells justice for money.

Bastardus non potest habere haeredem nisi de corpore suo legitime procreatum. A bastard cannot have an heir unless it be one lawfully begotten of his own body.

Bastardus nullius est filius, aut filius populi. A bastard is nobody's son, or the son of the people.

Bello pacta cedunt reipublicae. In war contracts give way to the state.

Benedicta est expositio quando res redimitur a destructione. Blessed is the exposition when a thing is saved from destruction.

Beneficium invito non datur. A privilege or benefit is not granted against a person's will.

Beneficium non datum nisi propter officium. A remuneration is not given, unless on account of a duty performed.

Beneficium non datur nisi officii causa. A benefice is not granted except on account or in consideration of duty.

Beneficium principis debet esse mansurum. The benefaction of a prince ought to be lasting.

Benigne faciendae sunt interpretationes chartarum, ut res magis valeat quam pereat; et quaelibet concessio fortissime contra donatorem interpretanda est. Deeds should be subject to liberal interpretation, so that the matter may take effect rather than fail; and every grant is to be taken most strongly against the grantor.

Benigne faciendae sunt interpretationes propter simplicitatem laicorum, ut res magis valeat quam pereat; et verba intentioni, non e contra, debent inservire. Constructions (of written instruments) are to be made liberally, for the simplicity of laymen, in order that the matter may have effect rather than fail (or become void); and words must be subject to the intention, not the intention to the words.

Benignior sententia in verbis generalibus seu dubiis est preferenda. The more favorable construction is to be preferred in general or doubtful expressions.

Benignius leges interpretandae sunt quo voluntas earum conservetur. Laws are to be more liberally interpreted so that their intent may be preserved.

Bigamus seu trigamus, etc., est qui diversis temporibus et successive duas seu tres uxores habuit. A bigamus or trigamus, etc., is one who has had two or more wives in succession, each at a different time. 3 Co. Inst. 88.

Bis dat qui cito dat. He pays twice who pays promptly.

Bis idem exigi bona fides non patitur, et in satisfactionibus non permittitur amplius fieri quam semel factum est. Good faith does not allow the same thing to be exacted twice; and in satisfying claims, it is not permitted that more should be done after satisfaction has once been rendered.

Bonae fidei non congruit de apicibus juris disputare. It is incompatible with good faith to insist on the extreme subtleties of the law.

Bonae fidei possessor in id tantum quod ad se pervenerit tenetur. A possessor in good faith is liable only for that which he himself has obtained (literally, what has come to him). 2 Co. Inst. 285.

Bona fide possessor facit fructus consumptos suos. A possessor in good faith is entitled to the fruits (or produce) that he consumes.

Bona fides exigit ut quod convenit fiat. Good faith demands that what is agreed on shall be done.

Bona fides non patitur ut bis idem exigatur. Good faith does not allow payment to be exacted twice for the same thing.

Boni iudicis est ampliare jurisdictionem (or justitiam). It is the role of a good judge to enlarge (or use liberally) his jurisdiction (or remedial authority). [Cases: Courts §200.5.]

Boni iudicis est ampliare justitiam. It is the role of a good judge to enlarge or extend justice.

Boni iudicis est causas litium dirimere. It is the role of a good judge to remove causes of litigation.

Boni iudicis est iudicium sine dilatione mandare executioni. It is the role of a good judge to render judgment for execution without delay.

Boni iudicis est lites dirimere, ne lis ex lite oriatur. It is the role of a good judge to dispose of litigations so that one suit should not grow from another. 5 Coke 31a.

Bonum defendentis ex integra causa; malum ex quolibet defectu. A good outcome for the defendant comes from a sound case; a bad outcome from some defect.

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

Bonus iudex secundum aequum et bonum iudicat, et aequitatem stricto juri praefert. A good judge decides according to fairness and the good and prefers equity to strict law.

Breve ita dicitur, quia rem de qua agitur, et intentionem petentis, paucis verbis breviter enarrat. A writ is called a "breve" because it briefly states, in few words, the matter in dispute, and the object of the party seeking relief.

Breve judiciale debet sequi suum originale, et accessorium suum principale. A judicial writ ought to follow its original, and an accessory its principal.

Breve judiciale non cadit pro defectu formae. A judicial writ does not fail for a defect of form.

Brevia, tam originalia quam judicialia, patiuntur anglica nomina. Writs, original as well as judicial, bear English names.

Cancellarii angliae dignitas est, ut secundus a rege in regno habetur. The dignity of the chancellor of England is (such) that he is considered second in the realm from the sovereign.

Carcer ad homines custodiendos, non ad puniendos, dari debet. Imprisonment should be imposed for keeping people in confinement, not for punishing them (further). Co. Litt. 260a.

Carcer non supplicii causa sed custodiae constitutus. A prison is established not for the sake of punishment, but for detention under guard.

Casus fortuitus non est sperandus, et nemo tenetur divinare. A chance event is not to be expected, and no one is bound to foresee it. [Cases: Carriers §119, C.J.S. *Aeronautics and Aerospace* § 239; Carriers § 430.]

Casus fortuitus non est supponendus. A chance event is not to be presumed.

Casus omissus et oblivioni datus dispositioni communis juris relinquitur. A case omitted and forgotten (not provided for in statute) is left to the disposal of the common law.

Casus omissus pro omisso habendus est. A case omitted is to be held as (intentionally) omitted.

Catalla iuste possessa amitti non possunt. Chattels rightly possessed cannot be lost.

Catalla reputantur inter minima in lege. Chattels are considered in law among things of least consequence.

Causa causae est causa causati. The cause of a cause is the cause of the effect.

Causa causantis causa est causati. The cause of the thing causing is the cause of the effect.

Causa ecclesiae publicis aequiparatur; et summa est ratio quae pro religione facit. The cause of the church is equal to public causes; and paramount is the reason that acts in favor of religion.

Causae dotis, vitae, libertatis, fisci sunt inter favorabilia in lege. Causes of dower, life, liberty, revenue are among the things favored in law.

Causae ecclesiae publicis causis aequiparantur. The causes of the church are equal to public causes.

Causa et origo est materia negotii. The cause and origin of a matter are the substance of it. • "The law regards the original act"; as in the case of a man who attempts suicide in madness, but dies after regaining sanity; such is not suicide. 1 Coke 99.

Causa patet. The reason is obvious.

Causa proxima non remota spectatur. The immediate and not the remote cause is considered. [Cases: Damages §17; Insurance §2103, 2165. C.J.S. Damages § 25; Insurance §§ 910-912.]

Causa vaga et incerta non est causa rationabilis. A vague and uncertain cause is not a reasonable cause.

Caveat emptor. Let the buyer beware. [Cases: Sales §41; Vendor and Purchaser §37. C.J.S. Sales § 52; Vendor and Purchaser § 49.]

Caveat emptor; qui ignorare non debuit quod jus alienum emit. Let the buyer beware; for he ought not act in ignorance when he buys what another has right to. [Cases: Sales §43, 269. C.J.S. Sales §§ 50, 59, 271.]

Caveat venditor. Let the seller beware.

Caveat viator. Let the traveler beware.

Cavendum est a fragmentis. Beware of fragments.

Certa debet esse intentio et narratio et certum fundamentum et certa res quae deducitur in iudicium. The design and narration ought to be certain, the foundation certain, and the matter certain that is brought into court to be tried.

Certum est quod certum reddi potest. That is certain which can be rendered certain. [Cases: Contracts §9; Deeds §38. C.J.S. Contracts § 42; Deeds §§ 53-56, 59, 61.]

Cessante causa, cessat effectus. The cause ceasing, the effect ceases.

Cessante ratione legis cessat et ipsa lex. When the reason of the law ceases, the law itself also ceases.

Cessante statu primitivo, cessat derivativus. When the original estate comes to an end, the derivative estate is also at an end.

Cessa regnare, si non vis judicare. Cease to reign if you wish not to adjudicate.

C'est le crime qui fait la honte, et non pas échafaud. It is the crime that causes the shame, and not the scaffold.

Cestuy que doit inheriter al père doit inheriter al fils. The person who should have inherited from the father should also inherit from the son.

Chacea est ad communem legem. A chase (or hunting ground) exists by common law.

Charta de non ente non valet. A deed of a thing not in being is not valid.

Charta non est nisi vestimentum donationis. A deed is nothing else than the vestment (or clothing) of a gift.

Chartarum super fidem, mortuis testibus, ad patriam de necessitudine recurrendum est. (A dispute) regarding the veracity of deeds, with the witnesses dead, must necessarily be referred to the country (or jury).

Chirographum apud debitorem repertum praesumitur solutum. When the evidence (or voucher) is found in the debtor's possession, the debt is presumed to be paid.

Chirographum non extans praesumitur solutum. When the evidence of a debt is not in existence, it is presumed to have been discharged.

Circuitus est evitandus. Circuity (roundabout proceeding) is to be avoided.

Circuitus est evitandus; et boni iudicis est lites dirimere, ne lis ex lite oriatur. Circuity is to be avoided; and it is the role of a good judge to determine (or dispose of) litigations so that one lawsuit may not arise from another.

Citatio est de juri naturalis. A summons is by natural right.

Citationes non concedantur priusquam exprimat super qua re fieri debet citatio. Citations should not be granted before it is stated about what matter the citation is to be made.

Clam delinquens magis punitur quam palam. A person who does wrong secretly is punished more severely than one who acts openly. 8 Coke 127.

Clam factum id videtur esse, quod quisque, quum controversiam haberet, habiturumve se putaret, fecit. That is considered done secretly which someone did when he had a legal dispute or thought he would have one.

Clausulae inconsoetae semper inducunt suspicionem. Unusual clauses always arouse suspicion.

Clausula generalis de residuo non eo complectitur quae non ejusdem sint generis cum his quae specialim dicta fuerant. A general clause of remainder does not embrace those things that are not of the same kind as those that had been specially mentioned.

Clausula generalis non refertur ad expressa. A general clause does not refer to things expressly mentioned.

Clausula quae abrogationem excludit ab initio non valet. A clause that precludes abrogation is invalid from the beginning.

Clausula vel dispositio inutilis per praesumptionem remotam vel causam ex post facto non fulcitur. A useless clause or disposition is not supported by a remote presumption or by a cause arising afterwards. • A useless clause or disposition is one that expresses no more than the law by intendment would have supplied; it is not supported by a remote presumption or foreign intendment of some purpose, in regard whereof it might be material, or by a cause arising afterwards that may induce an operation of those idle words.

Clerici non ponentur in officiis. The clergy should not be placed in temporal offices.

Cogitationis poenam nemo meretur. No one deserves punishment for his thoughts.

Cogitationis poenam nemo patitur. No one is punished for his thoughts.

Cognomen majorem est ex sanguine tractum, hoc intrinsecum est; agnomen extrinsecum ab eventu. The cognomen is derived from the blood of ancestors and is intrinsic; an agnomen (or honorary title) arises from an event, and is extrinsic.

Cohaerentes sunt quasi unum corpus aut una persona censentur, propter unitatem juris quod habent. Cohairs are deemed as one body, or one person, on account of the unity of right that they possess.

Cohaerentes una persona censentur, propter unitatem juris quod habent. Cohairs are deemed as one person, on account of the unity of right that they possess.

Collegium est societas plurium corporum simul habitantium. A college is a society of several people dwelling together.

Commenda est facultas recipiendi et retinendi beneficium contra jus positivum a suprema potestate. A commendam is the power of receiving and retaining a benefice contrary to positive law, by supreme authority.

Commercium jure gentium commune esse debet et non in monopolium et privatum paucorum quaestum convertendum. Commerce, by the law of nations, ought to be common and not converted into a monopoly and the private gain of a few.

Commodum ex injuria sua non habere debet. (The wrongdoer) should not derive any benefit from his own wrong.

Communis error facit jus. A common error (one often repeated) makes law.

Communis error non facit jus. A common error does not make law. • This maxim expresses a view directly contradictory to the view of the immediately preceding maxim. Both are attested in legal literature.

Compendia sunt dispendia. Abridgments are hindrances. Shortcuts or time-saving measures are often a loss. • Coke continues, *Melius est petere fontes*. Co. Litt. 305b.

Compromissarii sunt iudices. Arbitrators are judges.

Compromissum ad similitudinem judiciorum redigitur. A compromise is brought into affinity with judgments.

Conatus quid sit non definitur in jure. What an attempt is, is not defined in law.

Concessio per regem fieri debet de certitudine. A grant by the king ought to be made of a certainty. • Coke explains, "If the king grants to me that I shall not be sheriff, without showing of what county, it is void for uncertainty." 9 Coke 46b.

Concessio versus concedentem latam interpretationem habere debet. A grant ought to have a liberal interpretation against the grantor.

Concordare leges legibus est optimus interpretandi modus. To make laws agree with laws is the best mode of interpreting them.

Concordia parvae res crescunt et opulentia lites. Small means increase by concord and litigations by opulence.

Conditio beneficialis, quae statum construit, benigne secundum verborum intentionem est interpretanda; odiosa autem quae statum destruit stricte, secundum verborum proprietatem, accipienda. A beneficial condition that creates an estate ought to be construed favorably, according to the intention of the words; but a condition that destroys an estate is odious and ought to be construed according to the strict sense of the words.

Conditio dicitur cum quid in casum incertum qui potest tendere ad esse aut non esse confertur. It is called a condition when something is given for an uncertain event that may or may not come into existence.

Conditio illicita habetur pro non adjecta. An unlawful condition is considered unconnected.

Conditiones quaelibet odiosae; maxime autem contra matrimonium et commercium. Any conditions are odious, but especially those against matrimony and commerce.

Conditio praecedens adimpleri debet prius quam sequatur effectus. A condition precedent ought to be fulfilled before the effect can follow.

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

Confessus in judicio pro judicato habetur et quodammodo sua sententia damnatur. A person who has confessed his guilt when arraigned is considered to have been tried and is, as it were, condemned by his own sentence.

Confirmare est id quod prius infirmum fuit simul firmare. To confirm is to make firm at once what before was not firm.

Confirmare nemo potest priusquam jus ei acciderit. No one can confirm before the right accrues to him.

Confirmatio est nulla ubi donum praecedens est invalidum. A confirmation is null where the preceding gift is invalid.

Confirmatio omnes supplet defectus, licet id quod actum est ab initio non valuit. Confirmation supplies all defects, even if that which has been done was not valid at the beginning.

Confirmat usum qui tollit abusum. One confirms a use who removes an abuse.

Conjunctio mariti et feminae est de jure naturae. The union of husband and wife derives from the law of nature.

Conscientia dicitur a con et scio, quasi scire cum Deo. Conscience is so called from con and scio, to know, as it were, with God.

Consecratio est periodus electionis; electio est praecambula consecrationis. Consecration is the termination of election; election is the preamble of consecration.

Consensus est voluntas plurium ad quos res pertinet, simul juncta. Consent is the conjoint will of several people to whom the thing belongs.

Consensus facit legem. Consent makes law. • A contract constitutes law between the parties agreeing to be bound by it.

Consensus, non concubitus, facit matrimonium. Consent, not coition (or sharing a bed), constitutes marriage.

Consensus, non concubitus, facit nuptias vel matrimonium, et consentire non possunt ante annos nubiles. Consent, and not coition (or sharing a bed), constitutes nuptials or marriage, and persons cannot consent before marriageable years.

Consensus tollit errorem. Consent removes an error. • A person cannot object to something he has consented to. [Cases: New Trial §10. C.J.S. New Trial § 12.]

Consensus voluntas multorum ad quos res pertinet simul juncta. Consent is the united will of several interested in one subject matter.

Consentientes et agentes pari poena plectuntur. Those consenting and those perpetrating will receive the same punishment.

Consentire matrimonio non possunt infra (ante) annos nubiles. Persons cannot consent to marriage before marriageable years.

Consequentiae non est consequentia. The consequence of a consequence does not exist.

Consilia multorum quaeruntur (requiruntur) in magnis. The advice of many is sought in great affairs.

Consortio malorum me quoque malum facit. The company of wicked men makes me also wicked.

Constitutiones tempore posteriores potiores sunt his quae ipsas praecesserunt. Later laws prevail over those that preceded them.

Constitutum esse eam domum unicuique nostrum debere existimari, ubi quisque sedes et tabulas haberet, suarumque rerum constitutionem fecisset. It is a settled principle that what ought to be considered the home of each of us is where he has his dwelling, keeps his records, and has established his business.

Constructio legis non facit injuriam. The construction of the law does not work an injury.

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

Consuetudo debet esse certa. Custom ought to be fixed.

Consuetudo debet esse certa, nam incerta pro nulla (nullius) habetur. Custom ought to be fixed, for if variable it is held as null (or of no account).

Consuetudo debet esse certa, nam incerta pro nullis habentur. A custom should be certain, for uncertain things are held as nothing. • This maxim is sometimes written *Consuetudo debet esse certa, nam incerta pro nulla (nullius) habetur* (meaning "custom should be certain, for if uncertain it is held as nothing").

Consuetudo est altera lex. Custom is another law.

Consuetudo est optimus interpret legum. Custom is the best expounder of the law.

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

Consuetudo ex certa causa rationabili usitata privat communem legem. Custom observed by reason of a certain and reasonable cause supersedes the common law.

Consuetudo, licet sit magnae auctoritatis, nunquam tamen praepjudicat manifestae veritati. A custom, even if it is of great authority, is never prejudicial to plain truth.

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

Consuetudo manerii et loci observanda est. The custom of a manor and place is to be observed.

Consuetudo neque injuria oriri neque tolli protest. A custom can neither arise nor be abolished by a wrong.

Consuetudo non habetur (trahitur) in consequentiam. Custom is not held as (or drawn into) a precedent.

Consuetudo praescripta et legitima vincit legem. A prescriptive and lawful custom overrides the law.

Consuetudo regni Angliae est lex Angliae. The custom of the kingdom of England is the law of England.

Consuetudo semel reprobata non potest amplius induci. A custom once disallowed cannot again be introduced.

Consuetudo tollit communem legem. Custom takes away the common law.

Consuetudo vincit communem legem. Custom overrules common law.

Consuetudo volentes ducit; lex nolentes trahit. Custom leads the willing; law drags the unwilling.

Contemporanea expositio est optima et fortissima in lege. A contemporaneous exposition is the best and most powerful in the law. • A statute is best explained by following the construction put on it by judges who lived at the time it was made, or soon after. [Cases: Constitutional Law §19; Deeds §111. C.J.S. Constitutional Law § 33; Deeds §§ 207-218, 221-222, 231.]

Contestatio litis eget terminis 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).

Contractus est quasi actus contra actum. A contract is, as it were, act against act.

Contractus ex turpi causa vel contra bonos mores nullus est. A contract founded on a wrongful consideration or against good morals is null.

Contractus legem ex conventionione accipiunt. Contracts receive legal validity from the agreement of the parties.

Contra legem facit qui id facit quod lex prohibet; in fraudem vero qui, salvis verbis legis, sententiam ejus circumvenit. A person acts contrary to the law who does what the law prohibits; a person acts in fraud of the law who, without violating the wording, circumvents the intention. Dig. 1.3.29.

Contra negantem principia non est disputandum. There is no disputing against one who denies first principles.

Contra non valentem agere nulla currit praescriptio. No prescription runs against a person unable to act (or bring an action). [Cases: Limitation of Actions §§ 43, 70, 95. C.J.S. *Employer-Employee Relationship* § 87; *Limitations of Actions* §§ 81-84, 87, 105, 131, 138, 142, 164-165, 167-168, 170-173, 175-176, 183, 198-205; *Physicians, Surgeons, and Other Health-Care Providers* § 108; *RICO (Racketeer Influenced and Corrupt Organizations)* § 16.]

Contrariorum contraria est ratio. The reason of contrary things is contrary.

Contra veritatem lex nunquam aliquid permittit. The law never allows anything contrary to truth.

Contrectatio rei alienae animo furandi est furtum. Touching or taking another's property with an intention of stealing is theft.

Conventio omnis intelligitur clausula rebus sic stantibus. Every contract is to be understood as being based on the assumption of things remaining as they were (that is, at the time of its conclusion).

Conventio privatorum non potest publico juri derogare. An agreement of private persons cannot derogate from public right. • That is, it cannot prevent the application of general rules of law, or render valid any contravention of law.

Conventio vincit legem. The express agreement of the parties overrides the law.

Comelia si irascaris tua divulgas; sprete exoleunt. If you are moved to anger by insults, you spread them abroad; if despised, they die out.

Copulatio verborum indicat acceptionem in eodem sensu. Coupling words together shows that they ought to be understood in the same sense.

Corporalis injuria non recipit aestimationem de futuro. A personal injury does not receive satisfaction from proceedings yet in the future.

Corpus humanum non recipit aestimationem. The person of a human being can have no price put on it.

Creditorum appellatione non hi tantum accipiuntur qui pecuniam crediderunt, sed omnes quibus ex qualibet causa debetur. Under the name of creditors are included not only those who have lent money, but also all to whom a debt is owed from any cause.

Crescente malitia crescere debet et poena. With increase of malice, punishment ought also to increase.

Crimen falsi dicitur, cum quis illicitus, cui non fuerit ad hoc data auctoritas, de sigillo regis raptio vel invento brevia cartarum consignaverit. It is called "crimen falsi" when anyone to whom power has not been given for such purposes has illicitly signed writs or grants with the king's seal, either stolen or found.

Crimen laesae majestatis omnia alia crimina excedit quoad poenam. The crime of treason exceeds all other crimes in its punishment.

Crimen omnia ex se nata vitiat. Crime taints everything that springs from it.

Crimen trahit personam. The crime brings with it the person. • That is, the commission of a crime gives the courts of the place where it is committed jurisdiction over the person of the offender.

Crimina morte extinguuntur. Crimes are extinguished by death.

Cuiusque aliquid quid concedit concedere videtur et id sine quo res ipsa esse non potuit. One who grants something to another grants also that without which the thing granted could not exist. • This maxim is also sometimes written *Cuiusque aliquid conceditur, conceditur etiam et id sine quo res ipsa esse non potuit* (meaning "To whomever anything is granted, that also is granted without which the thing itself could not exist").

Cui jurisdictio data est, ea quoque concessa esse videntur sine quibus jurisdictio explicari non potest. To whom jurisdiction is given, those things also are considered to be granted without which the jurisdiction cannot be exercised. • That is, the grant of jurisdiction implies the grant of all powers necessary to its exercise.

Cui jus est donandi eidem et vendendi et concedendi jus est. A person who has a right to give has also a right to sell and to grant.

Cuiuslibet in arte sua perito est credendum. Credence should be given to a person skilled in his art (that is, when speaking of matters connected with that art).

Cuiuslibet licet juri pro se introducto renunciare. Anyone may waive or renounce the benefit of a principle or rule of law that exists only for his protection.

Cui licet quod majus non debet quod minus est non licere. A person who has authority to do the more important act ought not to be debarred from doing what is of less importance.

Cui pater est populus non habet ille patrem. That person to whom the people is father has not a father.

Cuique in sua arte credendum est. Everyone is to be believed in his own area of expertise. [Cases: Evidence §§ 508, C.J.S. *Evidence* §§ 599-600, 609-610, 624-625, 627, 634, 652, 677, 680, 682-684, 687-688, 729.]

Cujus est commodum, ejus debet esse incommodum. The person who has the advantage should also have the disadvantage.

- Cujus est commodum, ejus est onus.* The person who has the benefit has also the burden.
- Cujus est dare, ejus est disponere.* The person who has a right to give has the right of disposition. • That is, the bestower of a gift has a right to regulate its disposal.
- Cujus est divisio, alterius est electio.* When one of two parties has the division (of an estate), the other has the choice (of the shares). • In partition between copartners, where the division is made by the eldest, the rule in English law is that she shall choose her share last.
- Cujus est dominium, ejus est periculum.* The risk lies on the owner.
- Cujus est instituere, ejus est abrogare.* Whoever can institute can also abrogate.
- Cujus est solum, ejus est usque ad coelum.* The person who owns the soil owns up to the sky. • One who owns the surface of the ground owns, or has an exclusive right to, everything that is on or above it to an indefinite height. [Cases: Property §7. C.J.S. Property §§ 24-31, 34.]
- Cujus est solum, ejus est usque ad coelum et ad inferos.* Whoever owns the soil owns everything up to the sky and down to the depths. [Cases: Property §7; Waters and Water Courses §101. C.J.S. Property §§ 24-31, 34; Waters §§ 193, 195-197, 201-204.]
- Cujus juris (i.e., jurisdictionis) est principale, ejusdem juris erit accessorium.* An accessory matter is subject to the same jurisdiction as its principal.
- Cujus per errorem dati repetitio est, ejus consulto dati donatio est.* A thing given by mistake can be recovered; if given purposely, it is a gift. Dig. 50.17.59.
- Cujusque rei potissima pars est principium.* The principal part of everything is the beginning.
- Culpa caret qui scit sed prohibere non potest.* A person is free of blame who knows but cannot prevent.
- Culpa poena par esto.* Let the punishment be equal to the crime.
- Culpa est immiscere se rei ad se non pertinenti.* It is a fault for anyone to meddle in a matter not pertaining to him.
- Culpa lata dolo aequiparatur.* Gross negligence is equivalent to fraud.
- Culpa tenet (teneat) suos auctores.* A fault binds (or should bind) its own authors.
- Cum actio fuerit mere criminalis, institui poterit ab initio criminaliter vel civiliter.* When an action is purely criminal, it can be instituted from the beginning either criminally or civilly.
- Cum adsunt testimonia rerum, quid opus est verbis?* When the proofs of facts are present, what need is there of words?
- Cum aliquis renunciaverit societati, solvitur societas.* When any partner has renounced the partnership, the partnership is dissolved.
- Cum confitente sponte mitius est agendum.* One making a voluntary confession is to be dealt with more leniently.
- Cum de lucro duorum quaeritur melior est causa possidentis.* When there is a question of gain between two people, the cause of the possessor is the better.
- Cum duo inter se pugnantes reperiuntur in testamento, ultimum ratum est.* When two clauses in a will are found to be contradictory, the last in order prevails.
- Cum duo jura concurrunt in una persona, aequum est ac si essent in duobus.* When two rights meet in one person, it is the same as if they were in two persons.
- Cum in corpore dissentitur, apparet nullam esse acceptionem.* When there is a disagreement in the substance, there is clearly no acceptance.
- Cum in testamento ambigue aut etiam perperam scriptum, est benigne interpretari, et secundum id quod credibile est cogitatum credendum est.* When an ambiguous or even an erroneous expression occurs in a will, it should be construed liberally, and in accordance with the testator's probable meaning.
- Cum legitimae nuptiae factae sunt, patrem liberi sequuntur.* Children born under a legitimate marriage follow the condition of the father.
- Cum par delictum est duorum, semper oneratur petitor, et melior habetur possessoris causa.* Where two parties are equally at fault, the claimant always is at the disadvantage, and the party in possession has the better cause.
- Cum quod ago non valet ut ago, valeat quantum valere potest.* When that which I do is of no effect as I do it, let it have as much effect as it can (that is, in some other way).
- Curatus non habet titulum.* A curate has no title (to tithes).
- Curia cancellariae officina justitiae.* The court of chancery is the workshop of justice.
- Curia parlamenti suis propriis legibus subsistit.* The court of parliament is governed by its own laws.
- Curiosa et captiosa interpretatio in lege reprobatur.* An overnice and captious interpretation in the law is rejected.
- Currit tempus contra desides et sui juris contemptores.* Time runs against the indolent and those who are not mindful of their rights.
- Cursus curiae est lex curiae.* The practice of the court is the law of the court.
- Customes serra prise stricte.* Custom shall be construed strictly.
- Custos statum haeredis in custodia existentis meliorem, non deteriore, facere potest.* A guardian can make the estate of an heir living under his guardianship better, not worse.
- Damnum sentit dominus.* The damage falls on the owner.
- Damnum sine injuria esse potest.* There can be damage without any act of injustice.
- Dans et retinens nihil dat.* One who gives and yet retains (possession) does not give effectually (literally, gives nothing).

Da tua dum tua sunt, post mortem tunc tua non sunt.

Give the things which are yours while they are yours; after death they are not yours.

Datur digniori. It is given to the more worthy.

Debet esse finis litium. There ought to be a limit to litigation.

Debet quis juri subiacere ubi delinquit. Any offender should be subject to the law of the place where he offends.

Debet sua cuique domus esse perfugium tutissimum. Every person's house should be his safest refuge.

Debile fundamentum fallit opus. A weak foundation frustrates the work (built on it).

Debita sequuntur personam debitoris. Debts follow the person of the debtor. • That is, debts belong to no locality and may be collected wherever the debtor can be found.

Debitor non praesumitur donare. A debtor is not presumed to make a gift.

Debitorum pactionibus creditorum petitio nec tolli nec minui potest. The creditors' suit can be neither quashed nor diminished by the contracts of their debtors.

Debitum et contractus sunt nullius loci. Debt and contract belong to no particular place.

Deceptis, non decipientibus, jura subveniunt. The laws help persons who have been deceived, not those deceiving.

Decet (tamen) principem servare leges quibus ipse servatus est. It is proper (nonetheless) for the prince to preserve the laws by which he himself is preserved.

Decimae de decimatis soli non debent. Tithes ought not to be paid from that which is given for tithes.

Decimae de jure divino et canonica institutione pertinent ad personam. Tithes belong to the parson by divine right and canonical institution.

Decimae non debent solvi ubi non est annua renovatio, et ex annuatis renovantibus simul semel. Tithes ought not to be paid where there is not an annual renovation, and from annual renovations once only.

Decipi quam fallere est tutius. It is safer to be deceived than to deceive.

Decreta conciliorum non ligant reges nostros. The decrees of councils do not bind our kings.

De facto jus oritur. From fact springs law; law arises from fact.

Deficiente uno sanguine, non potest esse haeres. For lack of one blood, he cannot be heir. • Coke explains, "The blood of the father and of the mother are but one inheritable blood, and both are necessary to procreation of an heir." Coke 41.

De fide et officio judicis non recipitur quaestio, sed de scientia sive sit error juris sive facti. The good faith and honesty of purpose of a judge cannot be questioned, but his knowledge may be impugned if there is an error either of law or of fact.

De jure decimarum, originem ducens de jure patronatus, tunc cognitio spectat ad legem civilem, i.e., com-

muniem. With regard to the right of tithes, deducing its origin from the right of the patron, then the cognizance of them belongs to the civil law, i.e., common law.

De jure judices, de facto juratores, respondent. The judges answer regarding the law, the jury on the facts.

Delegata potestas non potest delegari. A delegated authority cannot be delegated; a delegated power cannot itself be delegated. [Cases: Constitutional Law §63, C.J.S. *Constitutional Law* § 161.]

Delegatus non potest delegare. A delegate (or deputy) cannot appoint another; a delegate cannot himself delegate. [Cases: Officers and Public Employees §110; Principal and Agent §54, C.J.S. *Agency* §§ 257-267; *Architects* § 21; *Officers and Public Employees* §§ 234-245.]

Deliberandum est diu quod statuendum est semel. What is to be resolved once and for all should be long deliberated on.

Delicatus debitor est odiosus in lege. A luxurious debtor is hateful in the law.

Delinquens per iram provocatus puniri debet mitius. A wrongdoer provoked by anger ought to be punished less severely. 3 Co. Inst. 55.

De majori et minori non variant jura. Concerning greater and lesser, rights do not vary (or justice does vary).

De minimis non curat lex. The law does not notice or concern itself with trifling matters. [Cases: Common Law §9, C.J.S. *Common Law* §§ 12, 22-24.]

De molendino de novo erecto non jacet prohibitio. A prohibition does not lie against a newly erected mill.

De morte hominis nulla est cunctatio longa. When the death of a human being is concerned, no delay is long.

Denominatio fieri debet a dignioribus. Denomination should be made from the more worthy.

De nomine proprio non est curandum cum in substantia non erretur; quia nomina mutabilia sunt, res autem immobiles. As to the proper name, it is not to be regarded when there is no error in substance; because names are changeable, but things are immutable.

De non apparentibus et non existentibus eadem est ratio. The rule is the same respecting things that do not appear and things that do not exist.

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

De nullo tenemento, quod tenetur ad terminum, fit homagii; fit tamen inde fidelitatis sacramentum. For no tenement that is held for a term is there the oath of homage, but there is the oath of fealty.

Derivativa potestas non potest esse major primitiva. Power that is derived cannot be greater than that from which it is derived.

Derogatur legi cum pars detrahatur; abrogatur legi, cum prorsus tollitur. There is derogation from a law when part of it is taken away; there is abrogation of a law when it is abolished entirely.

Designatio iusticiariorum est a rege; jurisdictio vero ordinaria a lege. The appointment of justices is by the king, but their ordinary jurisdiction is by the law.

Designatio unius est exclusio alterius, et expressum facit cessare tacitum. The designation of one is the exclusion of the other; and what is expressed prevails over what is implied.

De similibus ad similia eadem ratione procedendum est. From like things to like things we are to proceed by the same rule. • That is, we are allowed to argue from the analogy of cases.

De similibus idem est iudicium. Concerning like things the judgment is the same.

Destruere, id quod prius structum, et factum fuit, penitus evertere et diruere. To destroy that which was previously built and made is utterly to overturn and wreck it; to destroy is to overturn and demolish what was built and done before. • This is a maxim cited against any type of revolutionary action.

Deus solus haeredem facere potest, non homo. God alone, and not man, can make an heir.

Dies dominicus non est iudicialis. Sunday is not a judicial day. [Cases: Sunday §1, 30, C.J.S. Sunday §§ 2-3, 68.]

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

Dies incertus pro conditione habetur. An uncertain day is considered as a condition.

Dilationes in lege sunt odiosae. Delays in law are odious.

Discretio est discernere per legem quid sit iustum. Discretion is to discern through law what is just.

Discretio est scire per legem quid sit iustum. Discretion consists in knowing what is just in law.

Disparata non debent jungi. Dissimilar things ought not to be joined.

Dispensatio est mali prohibiti provida relaxatio, utilitate seu necessitate pensata; et est de iure domino regi concessa, propter impossibilitatem praevidendi de omnibus particularibus. A dispensation is the provident relaxation of a malum prohibitum weighed from utility or necessity; and it is conceded by law to the king on account of the impossibility of foreknowledge concerning all particulars.

Dispensatio est vulnus, quod vulnerat jus commune. A dispensation is a wound, because it wounds a common right.

Disseisinam satis facit qui uti non permittit possessorem, vel minus commode, licet omnino non expellat. A person commits disseisin if he does not permit the possessor to enjoy, or makes the possessor's enjoyment less useful, even if the disseisor does not expel the possessor altogether. Co. Litt. 331.

Dissimilium dissimilis est ratio. Of dissimilars the rule is dissimilar.

Dissimulatione tollitur injuria. Injury is wiped out by reconciliation.

Distinguenda sunt tempora; aliud est facere, aliud perficere. Times must be distinguished; it is one thing to do a thing, another to complete it.

Distinguenda sunt tempora; distingue tempora, et concordabis leges. Times are to be distinguished; distinguish times, and you will harmonize laws.

Divinatio, non interpretatio, est quae omnino recedit a litera. It is a guess, not interpretation, that altogether departs from the letter.

Divortium dicitur a divertendo, quia vir divertitur ab uxore. Divorce is so called from divertendo, because a man is diverted from his wife.

Dolo facit qui petit quod redditurus est. A person acts with deceit who seeks what he will have to return.

Dolo malo pactum se non servabit. A pact made with evil intent will not be upheld. • This maxim is sometimes written *Dolo malo pactum se non servaturum* (meaning "an agreement induced by fraud will not stand").

Dolus versatur in generalibus. A deceiver deals in generalities.

Dolum ex indiciis perspicuis probari convenit. Fraud should be proved by clear proofs.

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

Dolus circuitu non purgatur. Fraud is not purged by circuitry.

Dolus est machinatio, cum aliud dissimulat aliud agit. Deceit is an artifice, since it pretends one thing and does another.

Dolus et fraus nemini patrocinentur (patrocinari debent). Deceit and fraud should excuse or benefit no one (they themselves require some excuse).

Dolus et fraus una in parte sanari debent. Deceit and fraud should always be remedied.

Dolus latet in generalibus. Fraud lurks in generalities. • This maxim is also sometimes written *Dolus versatur in generalibus* (meaning "fraud deals in generalities").

Dominium non potest esse in pendenti. The right of property cannot be in abeyance.

Dominus capitalis loco haeredis habetur, quoties per defectum vel delictum extinguitur sanguis sui tenentis. The supreme lord takes the place of the heir, as often as the blood of the tenant is extinct through deficiency or crime.

Dominus non maritabit pupillum nisi semel. A lord cannot give a ward in marriage but once.

Dominus rex nullum habere potest parem, multo minus superiorem. The king cannot have an equal, much less a superior.

Domus sua cuique est tutissimum refugium. Everyone's house is his safest refuge.

Domus tutissimum cuique refugium atque receptaculum sit. Everyone's house should be his safest refuge and shelter.

Dona clandestina sunt semper suspiciosa. Clandestine gifts are always suspicious.

Donari videtur quod nullo jure cogente conceditur. That is considered to be given which is granted when no law compels.

Donatio non praesumitur. A gift is not presumed.

Donationum alia perfecta, alia incepta et non perfecta; ut si donatio lecta fuit et concessa, ac traditio nondum fuerit subsecuta. Some gifts are perfect, others incipient and not perfect; for example, if a gift were read and agreed to, but delivery had not then followed.

Donatio perficitur possessione accipientis. A gift is rendered complete by the possession of the receiver.

Donatio principis intelligitur sine praejudicio tertii. A gift of the prince is understood without prejudice to a third party.

Donator nunquam desinit possidere antequam donatarius incipiat possidere. A donor never ceases to have possession until the donee obtains possession.

Dormiunt aliquando leges, nunquam moriuntur. Laws sometimes sleep but never die.

Dos de dote peti non debet. Dower ought not to be sought from dower.

Dos rationabilis vel legitima est cujuslibet mulieris de quocunque tenemento tertia pars omnium terrarum et tenementorum, quae vir suus tenuit in dominio suo ut de feodo, etc. Reasonable or legitimate dower belongs to every woman of a third part of all the lands and tenements of which her husband was seised in his demesne, as of fee, etc.

Doti lex favet; praemium pudoris est, ideo parcat. The law favors dower; it is the reward of chastity; therefore let it be preserved.

Do ut des. I give that you may give.

Do ut facias. I give that you may do.

Droit ne donne plus que soit demande. The law gives no more than is demanded.

Droit ne peut pas mourir. Right cannot die.

Duas uxores eodem tempore habere non licet. It is not lawful to have two wives at one time.

Duo non possunt in solido unam rem possidere. Two cannot possess one thing each in entirety.

Duorum in solidum dominium vel possessio esse non potest. Ownership or possession in entirety cannot belong to two persons.

Duo sunt instrumenta ad omnes res aut confirmandas aut impugnandas, ratio et auctoritas. There are two instruments for confirming or impugning everything: reason and authority.

Duplicationem possibilitatis lex non patitur. The law does not allow a duplication of possibility.

Eadem causa diversis rationibus coram iudicibus ecclesiasticis et secularibus ventilatur. The same cause is argued on different principles before ecclesiastical and secular judges.

Eadem est ratio, eadem est lex. (If) the reason is the same, the law is the same.

Eadem mens praesumitur regis quae est juris et quae esse debet, praesertim in dubiis. The mind of the sovereign is presumed to be the same as that of the law, and the same as what it ought to be, especially in ambiguous matters.

Ea est accipienda interpretatio quae vitio caret. That interpretation is to be received that is free from fault.

Ea quae commendandi causa in venditionibus dicuntur, si palam appareant venditorem non obligant. Those things that, by way of commendation, are stated at sales, if they are openly apparent, do not bind the seller.

Ea quae dari impossibilia sunt, vel quae in rerum natura non sunt, pro non adjectis habentur. Those things that cannot be given, or that are not in the nature of things, are considered as not added (as no part of the agreement).

Ea quae in curia nostra rite acta sunt debita executioni demandari debent. Those things that are properly transacted in our court ought to be committed to a due execution.

Ea quae raro accidunt non temere in agendis negotiis computantur. Those things that rarely happen are not to be taken into account in the transaction of business, without sufficient reason.

Ecclesia ecclesiae decima solvere non debet. A church should not pay tithes to a church.

Ecclesia est domus mansionalis omnipotentis Dei. The church is the mansionhouse of the omnipotent God.

Ecclesia est infra aetatem et in custodia domini regis, qui tenetur jura et haereditates ejusdem manu tenere et defendere. The church is underage and in the custody of the king, who is bound to uphold and defend its rights and inheritances.

Ecclesia fungitur vice minoris; meliorem conditionem suam facere potest, deterorem nequaquam. The church enjoys the privilege of a minor; it can make its own condition better but not worse.

Ecclesia magis fovendum est quam persona. The church is to be more favored than the parson (or an individual).

Ecclesia meliorari non deteriorari potest. A church can (lawfully) be improved but not made worse.

Ecclesia non moritur. The church does not die.

Effectus sequitur causam. The effect follows the cause.

Ei incumbit probatio qui dicit, non qui negat. The burden of the proof rests on the person who affirms, not the one who denies. [Cases: Evidence §92, C.J.S. Evidence §§ 123, 127.]

Ei nihil turpe, cui nihil satis. Nothing is immoral to the person to whom nothing is enough.

Eisdem modis dissolvitur obligatio quae nascitur ex contractu, vel quasi, quibus contrahitur. An obligation that arises from a contract or quasi-contract is dissolved in the same ways in which it is contracted.

Ejus est interpretari cujus est condere. It is that person's to interpret whose it is to enact.

Ejus est nolle, qui potest velle. A person who can will (exercise volition) has a right to refuse to will (withhold consent).

Ejus est non nolle qui potest velle. A person may consent tacitly who can consent expressly.

Ejus est periculum cujus est dominium aut commodum. He who has the dominion or advantage has the risk.

Ejus nulla culpa est cui parere necesse sit. No guilt attaches to a person who is compelled to obey.

Electa una via, non datur recursus ad alteram. When one way has been chosen, no recourse is given to another.

Electio est interna libera et spontanea separatio unius rei ab alia, sine compulsione, consistens in animo et voluntate. Choice is an internal, free, and spontaneous separation of one thing from another, without compulsion, consisting in intention and will.

Electiones fiant rite et libere sine interruptione aliqua. Let choices be made in due form and freely, without any interruption.

Electio semel facta, et placitum testatum, non patitur regressum. A choice once made, and a plea witnessed (or intent shown), allows no going back.

Electio semel facta non patitur regressum. An election once made cannot be recalled.

Emptor emit quam minimo potest; venditor vendit quam maximo potest. The buyer buys for as little as possible; the vendor sells for as much as possible.

En eschange il convient que les estates soient egales. In an exchange it is desirable that the estates be equal.

Enitia pars semper praeferenda est propter privilegium aetatis. The part of the elder sister is always to be preferred on account of the privilege of age.

Enumeratio infirmat regulam in casibus non enumeratis. Enumeration disaffirms the rule in cases not enumerated.

Enumeratio unius est exclusio alterius. Specification of one thing is an exclusion of the other.

Eodem ligamine quo ligatum est dissolvitur. An obligation is dissolved by the same bond by which it is contracted.

Eodem modo quo oritur, eodem modo dissolvitur. It is discharged in the same way as it is created.

Eodem modo quo quid constituitur, dissolvitur. In the same way as anything is constituted, it is dissolved (or destroyed). 6 Coke 53.

Eodem modo quo quid constituitur, eodem modo destruitur. In the same way in which something is constituted, it may be destroyed.

Episcopus alterius mandato quam regis non tenetur obtemperare. A bishop need not obey any mandate save the king's.

Equitas sequitur legem. Equity follows the law.

Error ad sua principia referre est refellere. To refer errors to their origin is to refute them.

Erroris scribentis nocere non debent. The mistakes of the scribe (or copyist) ought to do no harm.

Error fucatus nuda veritate in multis est probabilior; et saepenumero rationibus vincit veritatem error. Error artfully colored is in many instances more probable than naked truth; and frequently error conquers truth by argumentation.

Error juris nocet. An error of law injures.

Error nominis nunquam nocet, si de identitate rei constat. Mistake in the name never injures if the identity of the thing is certain.

Error qui non resistitur approbatur. An error that is not resisted is approved.

Error scribentis nocere non debet. The error of a scribe (or copyist) ought not to injure.

Erubescit lex filios castigare parentes. The law blushes when children correct their parents.

Est aliquid quod non oportet etiam si licet; quicquid vero non licet certe non oportet. There is that which is not proper, even though permitted; but whatever is not permitted is certainly not proper.

Est autem jus publicum et privatum quod ex naturalibus praeceptis aut gentium aut civilibus est collectum; et quod in jure scripto jus appellatur, id in lege Angliae rectum esse dicitur. Public and private law is that which is collected either from natural precepts of the (law of) nations or from civil precepts; and that which in the civil law is called jus is said in the law of England to be right. Co. Litt. 558.

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

Est boni judicis ampliare jurisdictionem. It is the role of a good judge to extend the jurisdiction.

Est ipsorum legislatorum tanquam viva vox. The voice of the legislators themselves is like a living voice. • That is, the provisions of a statute are to be understood and interpreted as practical rules for real circumstances. Coke adds, *Rebus et non verbis legem imponimus*, 10 Coke 101.

Estoveria sunt arandi, arandi, construendi et claudendi. Estovers (tenants' rights to material at hand) are for burning, plowing, building, and fencing.

Est quiddam perfectius in rebus licitis. There is something more perfect in things that are permitted.

Eum qui nocentem infamat, non est aequum et bonum ob eam rem condemnari; delicta enim nocentium nota esse oportet et expedit. It is not just and proper that one who speaks ill of a bad person should be condemned on that account; for it is fitting and expedient that the wrongdoings of bad people should be known.

Eventus est qui ex causa sequitur; et dicitur eventus quia ex causis evenit. An event is what follows from a cause; and is called an event, because it results from causes.

Eventus variis res nova semper habet. A novel matter always produces various results.

Ex antecedentibus et consequentibus fit optima interpretatio. The best interpretation is made from what precedes and what follows. [Cases: Wills §470. C.J.S. Wills § 867.]

Extra territorium jus dicenti impune non paretur. One who gives a judgment outside his jurisdiction is disobeyed with impunity. • There is no punishment for disobeying. Dig. 2.1.20.

Extra territorium jus dicenti non paretur impune. One who gives a judgment outside his jurisdiction is not obeyed with impunity. • Anyone who executes such a judgment may be punished. 10 Coke 77.

Extremis probatis praesumuntur media. Extremes having been proved, intermediate things are presumed.

Ex turpi causa non oritur actio. No action arises out of a wrongful consideration. [Cases: Action §4; Contracts §138. C.J.S. Actions §§ 29-30; Contracts §§ 280, 286.]

Ex turpi contractu non oritur actio. No action arises from a wrongful contract.

Faciens quos inquinat aequat. Guilt makes equal those whom it stains.

Facio ut des. I do that you may give.

Facio ut facias. I do that you may do.

Facta sunt potentiora verbis. Deeds (or facts) are more powerful than words.

Facta tenent multa quae fieri prohibentur. Deeds contain many things that are prohibited to be done.

Factum a iudice quod ad ejus officium non spectat, non ratum est. A judge's act that does not pertain to his office is of no force.

Factum cuique suum, non adversario, nocere debet. Anyone's act should injure himself, not his adversary.

Factum infectum fieri nequit. What is done cannot be undone.

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

Factum non dicitur quod non perseverat. That is not said to be done which does not last.

Factum unius alteri nocere non debet. The deed of one should not hurt the other.

Facturi quod ad justitiam pertinet secundum legem, et consuetudinem Angliae. (One is bound) to do justice according to the law and custom of England. • This was once a part of judicial oaths.

Facultas probationum non est angustanda. The capability of offering proofs is not to be narrowed.

Falsa causa non nocet. A false motive does no injury. • Generally, an erroneous motive does not invalidate.

Falsa demonstratione legatum non perimi. A legacy is not destroyed by an incorrect description. • This maxim is sometimes written *Falsa demonstratione legatum non perimitur* (same sense).

Falsa demonstratio non nocet, cum de corpore (persona) constat. False description does not injure or vitiate, provided the thing or person intended has once been sufficiently described. • Mere false description does not make an instrument inoperative. [Cases: Deeds §42; Wills §520, 581. C.J.S. Deeds § 60; Wills §§ 907, 1087.]

Falsa grammatica non vitiat chartam. False grammar does not vitiate a charter.

Falsa grammatica non vitiat concessionem. False or bad grammar does not vitiate a grant. • Neither false Latin nor false English will make a deed void when the intent of the parties plainly appears.

Falsa orthographia sive falsa grammatica non vitiat concessionem. Error in spelling or grammar does not vitiate a grant.

Falsus in uno, falsus in omnibus. False in one thing, false in everything. [Cases: Trial §236(2); Witnesses §317. C.J.S. Trial § 640; Witnesses § 570.]

Fama, fides, et oculus non patiuntur ludum. Reputation, plighted faith, and eyesight do not endure deceit.

Fama, quae suspicionem inducit, oriri debet apud bonos et graves, non quidem malevolos et maledicos, sed providas et fide dignas personas, non semel sed saepius, quia clamor minuit et defamatio manifestat. Report, which induces suspicion, ought to arise from good and grave men; not, indeed, from malevolent and malicious men, but from cautious and credible persons; not only once, but frequently, for clamor diminishes, and defamation manifests.

Fatetur facinus qui iudicium fugit. A person who flees judgment confesses guilt.

Fatuus, apud jurisconsultos nostros, accipitur pro non compos mentis; et fatuus dicitur, qui omnino desipit. "Fatuus," among our jurists, is applied to a man not of sound mind; one is also called "fatuus" who is altogether foolish.

Fatuus praesumitur qui in proprio nomine errat. A person is presumed to be incompetent who makes a mistake in his own name (that is, does not know his own name).

Favorabilia in lege sunt fiscus, dos, vita, libertas. The treasury, dower, life, and liberty are things favored in law.

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

Favorabiliores sunt executiones aliis processibus quibuscunque. Executions are preferred to all other processes whatever.

Favores ampliandi sunt; odia restringenda. Favorable inclinations are to be enlarged; animosities restrained.

Felix qui potuit rerum cognoscere causas. Happy is he who could apprehend the causes of things.

Felonia, ex vi termini, significat quodlibet capitale crimen felleo animo perpetratum. Felony, by force of the term, signifies any capital crime perpetrated with a malicious intent.

Felonia implicatur in quolibet proditione. Felony is implied in every treason.

Feodum est quod quis tenet ex quacunque causa, sive sit tenementum sive redditus. A fee is what anyone holds from whatever cause, whether tenement or rent.

Feodum simplex quia feodum idem est quod haereditas, et simplex idem est quod legitimum vel purum; et sic feodum simplex idem est quod haereditas legitima vel

haereditas pura. "Fee simple" is so called because fee is the same as inheritance and simple is the same as lawful or pure; and thus fee simple is the same as a lawful inheritance or a pure inheritance.

Fere secundum promissorem interpretamur. We generally interpret in favor of the promisor.

Festinatio justitiae est noverca infortunii. The hurrying of justice is the stepmother of misfortune.

Fiat justitia pereat mundus. Let justice be done though the world perish.

Fiat justitia ruat caelum. Let justice be done though the heavens fall. • The word *caelum* sometimes appears *caelum*, but the form *caelum* is considered better Latin.

Fiat prout fieri consuevit, nil temere novandum. Let it be done as it is accustomed to be done; let no innovation be made rashly.

Fictio cedit veritati; fictio juris non est ubi veritas. Fiction yields to truth; where the truth appears, there is no fiction of law.

Fictio est contra veritatem, sed pro veritate habetur. Fiction is contrary to the truth, but it is regarded as truth.

Fictio juris non est ubi veritas. Where truth is, fiction of law does not exist.

Fictio legis inique operatur alicui damnum vel injuriam. Fiction of law works unjustly if it works loss or injury to anyone.

Fictio legis neminem laedit. A fiction of law injures no one.

Fides est obligatio conscientiae alicujus ad intentionem alterius. Faith is an obligation of conscience of one to the will of another.

Fides servanda est. Faith must be observed. • An agent must not violate the confidence reposed in him or her.

Fides servanda est; simplicitas juris gentium praevalent. Faith is to be preserved; the simplicity of the law of nations should prevail.

Fieri non debet, sed factum valet. It ought not to be done, but if done it is valid.

Filiatio non potest probari. Filiation cannot be proved. • That is, the husband is presumed to be the father of a child born during coverture.

Filius est nomen naturae, sed haeres nomen juris. "Son" is a name of nature, but "heir" a name of law.

Filius in utero matris est pars viscerum matris. A child in the mother's womb is part of the mother's vitals.

Finis est amicabile compositio et finalis concordia ex consensu et concordia domini regis vel justiciarum. A fine is an amicable settlement and decisive agreement by consent and agreement of our lord, the king, or his justices.

Finis finem litibus imponit. A fine puts an end to litigation.

Finis rei attendendus est. The end of a thing is to be attended to.

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

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

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

Foeminae ab omnibus officiis civilibus vel publicis remotae sunt. Women are excluded from all civil and public charges or offices.

Foeminae non sunt capaces de publicis officiis. Women are not qualified for public offices.

Forma dat esse. Form gives being.

Forma legalis forma essentialis. Legal form is essential form.

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

Forstellarius est pauperum depressor, et totius communis et patriae publicus inimicus. A forestaller is an oppressor of the poor, and a public enemy of the whole community and the country.

Fortior est custodia legis quam hominis. The custody of the law is stronger than that of man.

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

Fractionem diei non recipit lex. The law does not regard a fraction of a day.

Frater fratri uterino non succedit in haereditate paterna. A brother shall not succeed a uterine brother in the paternal inheritance.

Fraus est celare fraudem. It is a fraud to conceal a fraud.

Fraus est odiosa et non praesumenda. Fraud is odious and not to be presumed.

Fraus et dolus nemini patrocinari debent. Fraud and deceit should excuse no one.

Fraus et jus nunquam cohabitant. Fraud and justice never dwell together.

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

Fraus meretur fraudem. Fraud deserves fraud.

Frequentia actus multum operatur. The frequency of an act has much effect. • Continual usage establishes a right.

Fructus augent haereditatem. Fruits enhance an inheritance.

Fructus pendentes pars fundi videntur. Hanging fruits are considered part of the parcel of land.

Fructus perceptos villae non esse constat. It is agreed that gathered fruits are not a part of the farm.

Frunta quae sata sunt solo cedere intelliguntur. Grain that has been sown is understood to belong to the soil.

Frustra agit qui iudicium prosecui nequit cum effectu.

A person sues in vain who cannot prosecute his judgment with effect.

Frustra est potentia quae nunquam venit in actum.

Power that never comes to be exercised is useless.

Frustra expectatur eventus cuius effectus nullus sequitur.

An event is vainly awaited from which no effect follows.

Frustra feruntur leges nisi subditis et obedientibus.

Laws are made to no purpose except for those who are subject and obedient.

Frustra fit per plura quod fieri potest per pauciora.

That is done vainly through many measures if it can be accomplished through fewer.

Frustra legis auxilium quaerit qui in legem committit.

Vainly does a person who offends against the law seek the help of the law.

Frustra petis quod mox es restitutus.

Vainly you seek what you are soon to restore.

Frustra petis quod statim alteri reddere cogeris.

Vainly you seek what you will immediately be compelled to give back to another.

Frustra probatur quod probatum non relevat.

It is useless to prove what if proved would not aid the matter in question.

Furiosi nulla voluntas est.

An insane person has no will.

Furiosus absentis loco est.

An insane person is considered as absent.

Furiosus nullum negotium contrahere (gerere) potest (quia non intelligit quod agit).

An insane person cannot make a contract (because he does not understand what he is doing).

Furiosus solo furore punitur.

An insane person is punished by insanity alone.

Furiosus stipulari non potest nec aliquod negotium agere, qui non intelligit quid agit.

An insane person who knows not what he does cannot make a bargain or transact any business.

Furor contrahi matrimonium non sinit, quia consensu opus est.

Insanity prevents marriage from being contracted, because consent is needed.

Furtum est contrectatio rei alienae fraudulenta, cum animo furandi, invito illo domino cuius res illa fuerat.

Theft is the fraudulent handling of another's property, with an intention of stealing, against the will of the proprietor, whose property it had been.

Furtum non est ubi initium habet detentionis per dominum rei.

There is not theft where the holder has a beginning of detention (began holding the object) through ownership of the thing.

Generale dictum generaliter est interpretandum.

A general expression is to be construed generally.

Generale dictum generaliter est interpretandum: generalia verba sunt generaliter intelligenda.

A general statement is to be construed generally: general words are to be understood generally.

Generale nihil certi implicat.

A general expression implies nothing certain.

Generale tantum valet in generalibus quantum singulare in singulis. What is general has as much validity among things general as what is particular does among things particular.

Generalia procedunt, specialia sequuntur. Things general precede; things special follow.

Generalia specialibus non derogant. Things general do not restrict (or detract from) things special. [Cases: Statutes §162, 194. C.J.S. Statutes §§ 294, 329.]

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

Generalia verba sunt generaliter intelligenda. General words are to be understood in a general sense.

Generalibus specialia derogant. Things special restrict things general.

Generalis clausula non porrigitur ad ea quae antea specialiter sunt comprehensa. A general clause does not extend to those things that have been previously provided for specifically.

Generalis regula generaliter est intelligenda. A general rule is to be understood generally.

Glossa viperina est quae corrodit viscera textus. It is a poisonous gloss that gnaws away the vitals of the text.

Grammatica falsa non vitiat chartam. False grammar does not vitiate a deed.

Gravius est divinam quam temporalem laedere maiestatem. It is more serious to hurt divine than temporal majesty.

Habemus optimum testem, confitentem reum. We have the best witness, a confessing defendant.

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

Haereditariae suo propinquo vel extraneo, periculoso sane custodi, nullus committatur. Let no ward be entrusted to the next heir in succession, whether his own relation or a stranger, as the next heir is surely a dangerous guardian. Co. Litt. 88b.

Haereditas est successio in universum jus quod defunctus habuerat. Inheritance is the succession to every right possessed by the late possessor.

Haereditas nihil aliud est quam successio in universum jus, quod defunctus habuerat. The right of inheritance is nothing other than the faculty of succeeding to all the rights of the deceased.

Haereditas nunquam ascendit. An inheritance never ascends.

Haereditum appellatione veniunt haeredes haereditum in infinitum. By the title of heirs, come the heirs of heirs to infinity.

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

Haeres est aut jure proprietatis aut jure representationis. A person is an heir by either right of property or right of representation.

Haeres est eadem persona cum antecessore. The heir is the same person as the ancestor.

Haeres est nomen collectivum. "Heir" is a collective noun.

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

Haeres est pars antecessoris. An heir is a part of the ancestor.

Haeres haeredis mei est meus haeres. The heir of my heir is my heir.

Haeres legitimus est quem nuptiae demonstrant. The lawful heir is the one whom the marriage indicates (i.e., who is born in wedlock).

Haeres minor uno et viginti annis non respondebit, nisi in casu dotis. An heir under 21 years of age is not answerable, except in the matter of the dower.

Hoc servabitur quod initio convenit. That shall be preserved which is useful in the beginning.

Homo ne sera puny pur suer des briefes en court le roy, soit il a droit ou a tort. A person shall not be punished for suing out writs in the king's court, whether the person is right or wrong.

Hominum causa jus constitutum est. Law was established for the benefit of humankind.

Homo et capax et incapax esse potest in diversis temporibus. A person may be capable and incapable at different times. • This maxim is sometimes written *Homo potest esse habilis et inhabilis diversis temporibus* (same sense).

Homo vocabulum est naturae; persona juris civilis. "Man" (homo) is a term of nature; "person" (persona), a term of civil law.

Hora non est multum de substantia negotii, licet in appello de ea aliquando fiat mentio. The hour is not of much consequence to the substance of business, although in appeal it is sometimes mentioned.

Hostes sunt qui nobis vel quibus nos bellum decernimus; ceteri proditores vel praedones sunt. Enemies are those on whom we declare war, or who declare it against us; all others are traitors or pirates.

Ibi semper debet fieri triatio ubi juratores meliorem possunt habere notitiam. A trial should always be held where the jurors can have the best information.

Id certum est quod certum reddi potest. That is certain which can be made certain.

Id certum est quod certum reddi potest, sed id magis certum est quod de semetipso est certum. That is certain which can be made certain, but that is more certain which is certain of itself.

Idem agens et patiens esse non potest. The same person cannot be both agent and patient (i.e., the doer and person to whom the thing is done).

Idem est facere et nolle prohibere cum possis. It is the same thing to commit an act and to refuse to prohibit it when you can.

Idem est facere et non prohibere cum possis; et qui non prohibet cum prohibere possit in culpa est (aut jubet). It is the same thing to commit an act and not to prohibit it when you can; and he who does not prohibit when he can prohibit is at fault (or does the same as ordering it to be done).

Idem est nihil dicere et insufficienter dicere. It is the same thing to say nothing and not to say enough. • To say a thing in an insufficient manner is the same as not to say it at all. Applied to the plea of a prisoner.

Idem est non esse et non apparere. It is the same thing not to be as not to appear. • What does not appear on the record is considered nonexistent.

Idem est non probari et non esse; non deficit jus sed probatio. It is the same thing not to be proved and not to exist; the law is not deficient but the proof.

Idem est scire aut scire debere aut potuisse. To be bound to know or to have been able to know is the same as to know.

Idem non esse et non apparere. It is the same thing not to exist and not to appear.

Idem semper antecedenti proximo refertur. Idem (the same) always refers to the nearest antecedent.

Identitas vera colligitur ex multitudine signorum. True identity is collected from a great number of signs.

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

Id perfectum est quod ex omnibus suis partibus constat; et nihil perfectum est dum aliquid restat agendum. That is perfect which is complete in all its parts; and nothing is perfect while anything remains to be done.

Id possumus quod de jure possumus. We are able to do that which we can do lawfully.

Id quod est magis remotum non trahit ad se quod est magis junctum, sed e contrario in omni casu. That which is more removed does not draw to itself what is more closely joined, but to the contrary in every case.

Id quod nostrum est sine facto nostro ad alium transferri non potest. What belongs to us cannot be transferred to another without our act (or deed).

Id solum nostrum quod debitis deductis nostrum est. That alone is ours which is ours after debts have been deducted.

Id tantum possumus quod de jure possumus. We can do only what we can lawfully do.

Ignorantia eorum quae quis scire tenetur non excusat. Ignorance of those things that anyone is bound to know does not excuse.

Ignorantia excusatur non juris sed facti. Ignorance of fact is excused but not ignorance of law.

Ignorantia facti excusat, ignorantia juris non excusat. Ignorance of fact excuses; ignorance of law does not excuse. • Every person must be considered cognizant of the law; otherwise, there is no limit to the excuse of ignorance. [Cases: Contracts §93; Criminal Law §33; Equity §6. C.J.S. Contracts §§ 136, 147-148; Criminal Law § 93; Equity §§ 44-49.]

Ignorantia iudicis est calamitas innocentis. The ignorance of the judge is the misfortune of the innocent.

Ignorantia juris non excusat. Ignorance of the law does not excuse. [Cases: Criminal Law §32; Equity §7. C.J.S. Criminal Law §§ 56, 94; Equity § 49.]

Ignorantia juris quod quisque scire tenetur neminem excusat. Ignorance of the law, which everyone is bound to know, excuses no one.

Ignorantia juris sui non praesudicat juri. Ignorance of one's right does not prejudice the right.

Ignorantia legis neminem excusat. Ignorance of law excuses no one.

Ignorantia praesumitur ubi scientia non probatur. Ignorance is presumed where knowledge is not proved.

Ignorare legis est lata culpa. To be ignorant of the law is gross neglect of it.

Ignoratis terminis artis, ignoratur et ars. Where the terms of an art are unknown, the art is also unknown.

Ignoscitur ei qui sanguinem suum qualiter redemptum voluit. A person is forgiven who chose to purchase his own blood (or life) on any terms whatsoever. • Whatever a person may do under the fear of losing life or limb will not be held binding on him in law. 1 Bl. Com. 127.

Illud quod alias licitum non est, necessitas facit licitum, et necessitas inducit privilegium quod jure privatur. That which is not otherwise lawful, necessity makes lawful; and necessity brings in as a privilege what is denied by right. 10 Coke 61.

Illud quod alteri unitur extinguitur, neque amplius per se vacare licet. That which is united to another is extinguished, nor can it again be detached.

Immobilia situm sequuntur. Immovables follow (the law of) their locality.

Imperii majestas est tutelae salus. The majesty of the empire is the safety of its protection.

Imperitia culpa annumeratur. Unskillfulness is reckoned as a fault (as blameworthy conduct or neglect). • Also termed *Imperitia enumeratur culpa*.

Imperitia est maxima mechanicorum poena. Unskillfulness is the greatest punishment of mechanics (i.e., from its effect in making them liable to those by whom they are employed).

Impersonalitas non concludit nec ligat. Impersonality neither concludes nor binds.

Impius et crudelis judicandus est qui libertati non favet. A person is to be judged impious and cruel who does not favor liberty.

Impossibile nulla obligatio est. There is no obligation to perform impossible things.

Impotentia excusat legem. Powerlessness excuses (or dispenses with) law. • The impossibility of doing what is required by the law excuses nonperformance or nonenforcement. 2 Bl. Com. 127.

Improbi rumores dissipati sunt rebellionis prodromi. Wicked rumors spread abroad are the forerunners of rebellion.

Impunitas continuum affectum tribuit delinquendi. Impunity provides a constant inclination to wrongdoing. 4 Coke 45.

Impunitas semper ad deteriora invitat. Impunity invites (an offender) to ever worse offenses.

In aequali jure melior est conditio possidentis. When the parties have equal rights, the condition of the possessor is the better.

In alta prodicione nullus potest esse accessorius sed principalis solummodo. In high treason no one can be an accessory but only a principal.

In alternativis electio est debitoris. The debtor has the choice among alternatives.

In ambigua voce legis ea potius accipienda est significatio quae vitio caret; praesertim cum etiam voluntas legis ex hoc colligi possit. In an ambiguous expression of the law, the meaning will be preferred that is free of defect, especially when the intent of the law can be gathered from it.

In ambiguis casibus semper praesumitur pro rege. In doubtful cases the presumption is always in favor of the king.

In ambiguis orationibus maxime sententia spectanda est ejus qui eas protulisset. In ambiguous expressions, the opinion (or meaning) of the person who made them is chiefly to be regarded.

In ambiguo sermone non utrumque dicimus sed id duntaxat quod volumus. When the language we use is ambiguous, we do not use it in a double sense, but merely in the sense that we intend.

In Anglia non est interregnum. In England there is no interregnum. • The heir to the throne is understood to succeed from the instant of his predecessor's death or removal.

In atrocioribus delictis puniuntur affectus licet non sequatur effectus. In the more atrocious crimes, the intent (or attempt) is punished even if the effect does not follow.

In casu extremae necessitatis omnia sunt communia. In a case of extreme necessity, everything is in common.

Incaute factum pro non facto habetur. An alteration done carelessly (inadvertently) will be taken as not done. Dig. 28.4.1.

Incendium aere alieno non exuit debitorem. A fire does not release a debtor from his debt.

Incerta pro nullis habentur. Things uncertain are considered as nothing.

Incerta quantitas vitiat actum. An uncertain quantity vitiates the act.

Incivile est, nisi tota lege prospecta, una aliqua particula ejus proposita, judicare vel respondere. It is improper, unless the whole law has been examined, to give judgment or advice on any single clause of it.

Incivile est, nisi tota sententia inspecta, de aliqua parte judicare. It is improper to give an opinion on any part of a passage without examining the whole.

In civilibus ministerium excusat, in criminalibus non item. In civil matters, agency (or service) excuses, but not so in criminal matters.

In claris non est locus conjecturis. In obvious instances there is no room for conjectures.

Inclusio unius est exclusio alterius. See *Expressio unius est exclusio alterius*.

Incolas domicilium facit. Literally, the domicile makes the residents. • That is, the principal place of residence establishes legal residency. Often rendered conversely, *Incola domicilium facit* (residence creates domicile).

In commodato haec pactio, ne dolus praestetur, rata non est. In a loan for use (*commodatum*), a pact excluding liability for fraud is invalid. • Often extended to contracts for loans in general. Dig. 13.6.17.

Incommodum non solvit argumentum. An inconvenience does not solve (or demolish) an argument.

In conjunctivis oportet utramque partem esse veram. In conjunctive constructions, each part must be true.

In consimili casu consimile debet esse remedium. In a similar case, the remedy should be similar.

In consuetudinibus non diuturnitas temporis sed soliditas rationis est consideranda. In customs, not length of time but the soundness of the reason should be considered.

In contractibus, benigna; in testamentis, benignior; in restitutionibus, benignissima interpretatio facienda est. In contracts, the interpretation or construction should be liberal; in wills, more liberal; in restitutions, most liberal.

In contractibus, rei veritas potius quam scriptura perspicui debet. In contracts, the truth of the matter ought to be regarded rather than the writing.

In contractibus tacite insunt quae sunt moris et consuetudinis. In contracts, matters of custom and usage are tacitly implied. • A contract is understood to contain the customary clauses, although they are not expressed.

In contrahenda venditione, ambiguum pactum contra venditorem interpretandum est. In the contract of sale, an ambiguous agreement is to be interpreted against the seller.

In conventionibus, contrahentium voluntas potius quam verba spectari placuit. In agreements, the intention of the contracting parties should be regarded more than their words.

Incorporalia bello non adquiruntur. Incorporeal things are not acquired by war.

In criminalibus probationes debent esse luce clariores. In criminal cases, the proofs ought to be clearer than light.

In criminalibus sufficit generalis malitia intentionis cum facto parus gradus. In criminal cases, a general wickedness of intention is sufficient if combined with an act of equal or corresponding degree.

In criminalibus voluntas reputabitur pro facto. In criminal matters, the intent will be reckoned as the deed. • In criminal attempts or conspiracy, the intention is considered in place of the act. 3 Inst. 196.

Inde datae leges ne fortior omnia possent. Laws were made lest the stronger should have unlimited power.

Indefinitum aequipollet universali. The undefined is equivalent to the whole.

Indefinitum supplet locum universalis. The undefined supplies the place of the whole.

Independenter se habet assecuratio a viaggio navis. The route insured is distinct from the voyage of the ship.

Index animi sermo. Speech is the index of the mind. • This maxim is also sometimes written *Index animi sermo est* (and can also be translated as, "Speech is an indication of thought").

Indictment de felony est contra pacem domini regis, coronam et dignitatem suam, in genere et non in individuo; quia in Anglia non est interregnum. Indictment for felony is against the peace of our lord the king, his crown and dignity, in general and not in his individual person; because in England there is no interregnum.

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

In dubiis benigniora praefenda sunt. In doubtful cases, the more liberal constructions are to be preferred.

In dubiis magis dignum est accipiendum. In doubtful cases, the more worthy is to be accepted.

In dubiis non praesumitur pro testamento. In doubtful cases, there is not presumption in favor of the will.

In dubio, haec legis constructio quam verba ostendunt. In a doubtful case, the construction of the law is what the words indicate.

In dubio, pars mitior est sequenda. In a doubtful case, the gentler course is to be followed.

In dubio, pro lege fori. In a doubtful case, the law of the forum (is to be favored).

In dubio, sequendum quod tutius est. In a doubtful case, the safer course is to be followed.

In eo quod plus sit semper inest et minus. The lesser is always included in the greater.

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

In expositione instrumentorum, mala grammatica, quod fieri potest, vitanda est. In the construction of instruments, bad grammar is to be avoided as much as possible.

In facto quod se habet ad bonum et malum magis de bona quam de malo lex intendit. In an act (or deed) that may be considered good or bad, the law looks more to the good than to the bad.

Infans non multum a furioso distat. An infant does not differ much from a lunatic.

In favorabilibus magis attenditur quod prodest quam quod nocet. In things favored, what does good is more regarded than what does harm.

In favorem vitae, libertatis, et innocentiae omnia praesumuntur. All presumptions are in favor of life, liberty, and innocence.

In fictione juris semper aequitas existit. In a fiction of law there is always equity. • A legal fiction is always consistent with equity.

In fictione juris semper subsistit aequitas. In a legal fiction equity always abides (or prevails).

In finitum in jure reprobatur. That which is endless is condemned in law.

In generalibus latet error. Error lurks in general expressions. • This maxim is sometimes written *In generalibus versatur error* (meaning "error dwells in general expressions").

In genere quicumque aliquid dicit, sive actor sive reus, necesse est ut probat. In general, whoever alleges anything, whether plaintiff or defendant, must prove it.

In haeredes non solent transire actiones quae poenales ex maleficio sunt. Penal actions arising from anything of a criminal nature do not pass to heirs.

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

In his quae de jure communi omnibus conceduntur, consuetudo alicujus patriae vel loci non est alleganda. In those things that by common right are conceded to all, the custom of a particular country or place is not to be adduced.

Iniquissima pax est anteposenda justissimo bello. The most unjust peace is to be preferred to the justest war.

Iniquum est alios permittere, alios inhibere mercaturam. It is inequitable to permit some to trade and to prohibit others to do so.

Iniquum est aliquem rei sui esse judicem. It is unjust for anyone to be judge in his own cause.

Iniquum est ingenuis hominibus non esse liberam rerum suarum alienationem. It is unjust for freeborn individuals not to have the free disposal of their own property.

In judiciis minori aetati succurritur. In judicial proceedings, allowance is made for a minor (in age).

In judicio non creditur nisi juratis. In court no one is trusted except those sworn.

In jure non remota causa, sed proxima, spectatur. In law, the proximate, and not the remote, cause is regarded. [Cases: Negligence § 383.]

In jure omnis definitio periculosa est. In law every definition is dangerous.

Injuria fit ei cui convicium dictum est, vel de eo factum carmen famosum. An injury is done to the person of whom an insult was said, or concerning whom an infamous song was made.

Injuria illata judici, seu locum tenenti regis, videtur ipsi regi illata, maxime si fiat in exercente officium. An injury offered to a judge, or person representing the king, is considered as offered to the king himself, especially if it is done in the exercise of his office.

Injuria non excusat injuriam. A wrong does not excuse a wrong.

Injuria non praesumitur. A wrong is not presumed.

Injuria propria non cadet beneficium facientis. No benefit shall accrue to a person from his own wrongdoing.

Injuria servi dominum pertingit. The servant's wrongdoing reaches the master. • The master is liable for injury done by his servant.

Injustum est, nisi tota lege inspecta, de una aliqua ejus particula proposita judicare vel respondere. It is unjust to give judgment or opinion concerning any particular clause of a law without having examined the whole law.

In majore summa continetur minor. In the greater sum is contained the less.

In maleficiis voluntas spectatur, non exitus. In criminal offenses, the intention is regarded, not the event.

In maleficio ratihabitio mandato comparatur. In delict (or tort), ratification is equivalent to authorization. Dig. 43.16.1.15.

In maxima potentia minima licentia. In the greatest power there is the least license.

In mercibus illicitis non sit commercium. Let there be no commerce in illicit goods.

In novo casu novum remedium apponendum est. In a novel case a new legal remedy must be applied.

In obscuris inspicere solere quod verisimilius est, aut quod plerumque fieri solet. In obscure cases, it is usual to regard what is more probable or what is more often done.

In obscuris quod minimum est sequimur. In obscure cases, we follow what is least so.

In odium spoliatoris omnia praesumuntur. Everything is presumed to the prejudice of the despoiler. [Cases: Evidence § 78. C.] S. Evidence §§ 163-165, 167-168.]

In omni actione ubi duae concurrunt distractiones, videlicet in rem et in personam, illa distractio tenenda est quae magis timetur et magis ligat. In every action where two distresses (or forms of distraint) concur, that is in rem and in personam, the distraint is to be chosen that is more dreaded and that binds more firmly. Bracton 372.

In omnibus contractibus, sive nominatis sive innominatis, permutatio continetur. In all contracts, whether express or implied, there must be something given in exchange. 2 Bl. Com. 444.

In omnibus (fere) poenalibus judiciis, et aetati et imprudentiae succurritur. In almost all penal judgments, allowance is made for age (or youth) and lack of discretion. Dig. 50.17.108.

In omnibus obligationibus, in quibus dies non ponitur, praesenti die debetur. In all obligations, when no date is fixed (for performance), the thing is due the same day.

In omnibus quidem, maxime tamen in jure, aequitas spectanda sit. In all affairs indeed, but especially in

those that concern the administration of justice, equity should be regarded.

In omni re nascitur res quae ipsam rem exterminat. In everything, the thing is born that ends the thing itself.

In pari causa possessor potior haberi debet. When two parties have equal claims, the possessor should be considered the stronger. • The phrase is also translated in this way: in an equal case the possessor ought to be preferred.

In pari causa potior est conditio possidentis. When two parties have equal claims, the position of the possessor is the stronger.

In pari delicto melior est conditio possidentis. When both parties are equally at fault, the position of the possessor is the better.

In pari delicto potior est conditio defendentis. Where both parties are equally in the wrong, the position of the defendant is the stronger. [Cases: Action §4; Cancellation of Instruments §28; Contracts §138. C.J.S. Actions §§ 29-30; Cancellation of Instruments; Rescission § 64; Contracts §§ 280, 286.]

In poenalibus causis benignius interpretandum est. In penal cases, the more liberal interpretation is to be made.

In praeparatoriis ad iudicium favetur actori. In things preparatory to trial, the plaintiff is favored.

In praesentia majoris cessat potentia minoris. In the presence of the superior, the power of the inferior ceases. • This maxim is sometimes written *In praesentia majoris potestatis, minor potestas cessat* (meaning "in the presence of the superior power, the minor power ceases").

In pretio emptionis et venditionis naturaliter licet contrahentibus se circumvenire. In setting the price for buying and selling, it is naturally allowed to the contracting parties to get the better of each other.

In propria causa nemo iudex. No one can be judge in his own cause.

In quo quis delinquit, in eo de jure est puniendus. In whatever matter one offends, in that the person is rightfully to be punished. • Coke refers to forfeiture of the office abused. Co. Lit. 233b.

In rebus manifestis errat qui auctoritates legum allegat; quia perspicua vera non sunt probanda. A person errs who adduces authorities on the law in matters self-evident; because obvious truths need not be proved.

In rebus quae sunt favorabilia animae, quamvis sunt damnosa rebus, fiat aliquando extensio statuti. In things that are favorable to people, though injurious to the things, a statute should sometimes be extended.

In re communi neminem dominorum jure facere quicquam, invito altero, posse. In common property no one of the coproprietors can do (or make) anything against the will of the other. Dig. 10.3.28.

In re dubia benigniorem interpretationem sequi non minus justius est quam tutius. In a doubtful matter,

to follow the more liberal interpretation is as much the more just as it is the safer course.

In re dubia magis infitatio quam affirmatio intelligenda. In a doubtful matter, the negation is to be understood rather than the affirmation.

In re lupanari testes lupanares admittuntur. In a matter concerning a brothel, prostitutes will be admitted as witnesses.

In re pari potiore causam esse prohibentis constat. Where the parties have equal rights (in common property), it is an established principle that the one prohibiting has the stronger cause. Dig. 10.3.28.

In re propria iniquum admodum est alicui licentiam tribuere sententiae. It is extremely unjust to assign anyone the privilege of judgment in his own cause.

In republica maxime conservanda sunt jura belli. The laws of war must be especially preserved in the state.

In restitutionem, non in poenam, haeres succedit. The heir succeeds to the restitution, not the penalty.

In restitutionibus benignissima interpretatio facienda est. The most favorable construction is to be made in restitutions.

Insanus est qui, abjecta ratione, omnia cum impetu et furore facit. The person is insane who, having cast aside reason, does everything with violence and rage.

In satisfactionibus non permittitur amplius fieri quam semel factum est. In payments, it is not permitted that more be received than has been received once for all (i.e., after payment in full).

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

In stipulationibus cum quaeritur quid actum sit, verba contra stipulatorem interpretanda sunt. In agreements, when there is a question whether action has been taken, the terms are to be interpreted against the party offering them. Dig. 45.1.38.18. [Cases: Deeds §90. C.J.S. Deeds §§ 169-173, 175, 177-178.]

In stipulationibus id tempus spectatur quo contrahimus. In agreements, there is regard to the time at which we reach agreement.

In suo quisque negotio hebetior est quam in alieno. Everyone is less perceptive (of flaws) in his own business than in that of another.

Intentio caeca mala. A concealed intention is an evil one.

Intentio inservire debet legibus, non leges intentioni. The intention ought to be subject to the laws, not the laws to the intention.

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

Inter alios res gestas aliis non posse praepjudicium facere saepe constitutum est. It has been often decided that matters transacted between other parties cannot cause prejudice (to those who were not involved).

Inter arma silent leges. Amid the arms of war the laws are silent.

Interdum venit ut exceptio quae prima facie justa videtur tamen inique noceat. It sometimes happens that a plea that seems prima facie just is nevertheless injurious and unfair.

Interest reipublicae ne maleficia remaneant impunita. It is in the interest of the state that crimes not remain unpunished.

Interest reipublicae ne sua quis male utatur. It is in the interest of the state that no one misuse his own property.

Interest reipublicae quod homines conseruentur. It is in the interest of the state that people should be protected.

Interest reipublicae res iudicatae non rescindi. It is in the interest of the state that judgments already given not be rescinded.

Interest reipublicae suprema hominum testamenta rata haberi. It is in the interest of the state that a person's last will should be held valid.

Interest reipublicae ut carceres sint in tuto. It is in the interest of the state that prisons should be secure.

Interest reipublicae ut pax in regno conseruetur et quaecunque paci aduersentur provide declinentur. It is in the interest of the state to preserve peace in the kingdom and prudently to decline whatever is adverse to it.

Interest reipublicae ut quilibet re sua bene utatur. It is in the interest of the state that each person make good use of his own property.

Interest reipublicae ut sit finis litium. It is in the interest of the state that there be a limit to litigation.

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

Interpretatio chartarum benigne facienda est ut res magis valeat quam pereat. The construction of a deed is to be made liberally, that the thing may rather take effect than perish.

Interpretatio fienda est ut res magis valeat quam pereat. Such a construction should be made that the measure may take effect rather than fail.

Interpretatio talis in ambiguis semper fienda est ut evitetur inconveniens et absurdum. In ambiguities, a construction should always be found such that what is unsuitable and absurd may be avoided.

Interruptio multiplex non tollit praescriptionem semel obtentam. Repeated interruptions do not remove a prescription (or acquisition by long use) once it has been obtained.

In testamentis plenius testatoris intentionem scrutamur. In wills we diligently examine the testator's intention.

In testamentis plenius voluntates testantium interpretantur. In wills the intentions of the testators are more fully (or liberally) construed.

Intestatus decedit qui aut omnino testamentum non fecit aut non jure fecit, aut id quod fecerat ruptum irritumve factum est, aut nemo ex eo haeres existit. A person dies intestate who either has made no will at all or has not made it legally, or when the will that

he had made has been annulled or become ineffectual, or when there is no living heir.

In toto et parti continetur. In the whole the part also is included.

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

Inutilis labor et sine fructu non est effectus legis. Useless and fruitless labor is not the effect of law.

Inveniens libellum famosum et non corrumpens punitur. A person who discovers a libel and does not destroy it is punished.

In veram quantitatem fidejussor teneatur, nisi pro certa quantitate accessit. Let the surety be held for the true amount unless he agreed for a certain amount.

In verbis non verba sed res et ratio quaerenda est. In wording, it is not the words but the substance and the meaning that is to be sought.

Invito beneficium non datur. No benefit is given to one unwilling. • No one is obliged to accept a benefit against his consent. Dig. 50.17.69.

In vocibus videndum non a quo sed ad quid sumatur. In discourse it is not the point from which but the end to which it is drawn that should be regarded.

Ipsae leges cupiunt ut jure regantur. The laws themselves desire that they should be governed by right.

Ira furor brevis est. Anger is a short insanity.

Ita lex scripta est. So the law is written.

Ita semper fiat relatio ut valeat dispositio. Let the relation be so made that the disposition may stand.

Iter est jus eundi, ambulandi hominis; non etiam jumentum agendi vel vehiculum. A way is a right of going or walking for a human being, and does not include the right of driving a beast of burden or a carriage.

Judex aequitatem semper spectare debet. A judge ought always to regard equity.

Judex ante oculos aequitatem semper habere debet. A judge ought always to have equity before his eyes.

Judex bonus nihil ex arbitrio suo faciat nec propositione domesticae voluntatis, sed juxta leges et jura pronunciet. A good judge should do nothing from his own preference or from the prompting of his private desire; but he should pronounce according to law and justice.

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

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

Judex est lex loquens. The judge is the speaking law.

Judex habere debet duos sales, salem sapientiae, ne sit insipidus, et salem conscientiae, ne sit diabolus. A judge should have two salts: the salt of wisdom, lest he be foolish; and the salt of conscience, lest he be devilish.

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

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

Judex non reddit plus quam quod petens ipse requirit. The judge does not give more than the plaintiff himself demands.

Judicandum est legibus non exemplis. Judgment must be given by the laws, not by examples.

Judices non tenentur exprimere causam sententiae suae. Judges are not bound to explain the reason of their judgments.

Judicia in curia regis non adhihantur, sed stent in robore suo quousque per errorem aut attinctam adnulantur. Let judgments in the king's court not be invalidated but remain in force until annulled by error or attain. 2 Inst. 360.

Judicia in deliberationibus crebro maturescunt, in accelerato processu nunquam. Judgments often ripen in the course of deliberation, never in hurried proceeding. 2 Inst. 210.

Judicia posteriora sunt in lege fortiora. The later decisions are stronger in law.

Judicia sunt tanquam juris dicta, et pro veritate accipiuntur. Judgments are, as it were, the dicta (or sayings) of the law, and are received as truth.

Judiciis posterioribus fides est adhibenda. Trust should be put in the later decisions.

Judici officium suum excedenti non paretur. A judge who exceeds his office (or jurisdiction) is not obeyed.

Judici satis poena est quod Deum habet ultorem. It is punishment enough for a judge that he has God to take vengeance on him.

Judicis est in pronuntiando sequi regulam, exceptione non probata. It is the proper role of a judge in rendering his decision to follow the rule, when the exception has not been proved.

Judicis est judicare secundum allegata et probata. It is the proper role of a judge to decide according to the allegations and proofs.

Judicis est jus dicere, non dare. It is the proper role of a judge to state the right, not to endow it. • Generally interpreted, it is the duty of the judge to administer justice and not to make law.

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

Judicis officium est ut res ita tempora rerum quaerere; quaesito tempore tutus eris. It is the duty of a judge to inquire into the timing of events as much as the matters themselves; by inquiring into the time, you will be safe.

Judicium a non suo giudice datum nullius est momenti. A judgment given by a person who is not its proper judge (not in the proper jurisdiction) is of no consequence. 10 Coke 76.

Judicium est quasi juris dictum. Judgment is, as it were, a pronouncement of the right (or a saying of the law).

Judicium non debet esse illusorium, suum effectum habere debet. A judgment ought not to be illusory (or deceptive); it ought to have its proper effect. 2 Co. Inst. 341.

Judicium redditur in invitum, in praesumptione legis. In presumption of law, a judgment is given against one's will.

Judicium semper pro veritate accipitur. A judgment is always taken for truth.

Juncta juvant. Things joined together are helpful.

Jura ecclesiastica limitata sunt infra limites separatos. Ecclesiastical laws are limited within separate bounds.

Jura eodem modo destituuntur quo constituuntur. 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 is not to be accepted as partly true and partly false.

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

Jura publica anteferenda privatis. Public rights are to be preferred to private.

Jura publica ex privato promiscue decidi non debent. Public rights ought not to be determined in confusion, from private considerations. • In Coke's example, the validity of a sheriff's warrant is not affected by a dispute among the parties. Co. Litt. 181b.

Jurare est Deum in testem vocare, et est actus divini cultus. To swear is to call God to witness, and is an act of religion.

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

Jura sanguinis nullo jure civili dirimi possunt. The rights of blood (or kinship) cannot be destroyed by any civil law.

Jurato creditur in judicio. In judgment credit is given to the swearer.

Juratores debent esse vicini, sufficientes et minus suspecti. Jurors ought to be neighbors, of sufficient means and free from suspicion (literally, less suspected).

Juratores sunt judices facti. The jurors are the judges of fact.

Juratus creditur in judicio. In judgment a person who has sworn an oath is believed.

Jure naturae aequum est neminem cum alterius detrimento et injuria fieri locupletiores. By the law of nature, it is just that no one should be enriched to the detriment and injury of another. [Cases: Implied and Constructive Contracts §30, C.J.S. *Implied and Constructive Contracts* § 24.]

Juri non est consonum quod aliquis accessorius in curia regis convinctur antequam aliquis de facto fuerit attinctus. It is not consonant to justice that any accessory should be convicted in the king's court before anyone has been attainted of the fact (i.e.,

under sentence of attainder for committing the act).
 • The accessory should not be convicted before the principal is proved guilty. 2 Co. Inst. 183.

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

Juris effectus in executione consistit. The effect of law (or of a right) consists in the execution.

Juris ignorantia est cum jus nostrum ignoramus. It is ignorance of law when we do not know our own right.

Juris praecepta sunt haec, honeste vivere, alterum non laedere, suum cuique tribuere. These are the precepts of the law; to live honorably, not to injure another, to render to each person his due. Just. Inst. 1.1.

Jurisprudentia est divinarum atque humanarum rerum notitia, justae atque injustae scientia. Jurisprudence is the knowledge of things divine and human, the science of the just and the unjust. Just. Inst. 1.1.1.

Jurisprudentia legis communis Angliae est scientia socialis et copiosa. The jurisprudence of the common law of England is a social science comprehensive in scope.

Juris quidem ignorantiam cuique nocere, facti verum ignorantiam non nocere. Ignorance of law is prejudicial to everyone, but ignorance of fact is not.

Jus accrescendi inter mercatores locum non habet, pro beneficio commercii. For the good of commerce, the right of survivorship has no place among merchants. [Cases: Partnership §§76. C.J.S. Partnership §§86-87.]

Jus accrescendi inter mercatores, pro beneficio commercii locum non habet. For the benefit of commerce, there is no right of accrual among merchants.

Jus accrescendi praefertur oneribus. The right of survivorship is preferred to incumbrances.

Jus accrescendi praefertur ultimae voluntati. The right of survivorship is preferred to a last will.

Jus civile est quod sibi populus constituit. The civil law is what a people has established for itself.

Jus constitui oportet in his quae ut plurimum accidunt, non quae ex inopinato. Law ought to be made with a view to the cases that happen most frequently, and not to those that are unexpected.

Jus descendit, et non terra. A right descends, and not the land.

Jus dicere (et) non jus dare. To state the right (and) not to endow it. • Generally interpreted, to declare the law (and) not to make it. [Cases: Constitutional Law §70.1. C.J.S. Constitutional Law §§191-201, 441.]

Jus est ars boni et aequi. Law is the science of what is good and just.

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

Jus et fraus nunquam cohabitant. Right and fraud never abide together.

Jus ex injuria non oritur. A right does not arise from a wrong.

Jus in re inhaerit ossibus usufructuarii. A right in the thing cleaves to the person (literally, the bones) of the usufructuary.

Jusjurandi forma verbis differt, re convenit; hunc enim sensum habere debet, ut Deus invocetur. The form of taking an oath differs in language, but agrees in meaning; for it ought to have this sense, that God is invoked.

Jusjurandum inter alios factum nec nocere nec prodesse debet. An oath made between third parties ought neither to hurt nor to profit.

Jus naturale est quod apud homines eandem habet potentiam. Natural right is that which has the same force among (all) mankind.

Jus non habenti tute non paretur. It is safe not to obey a person who has no right.

Jus publicum et privatum est quod ex naturalibus praeceptis, aut gentium, aut civilibus est collectum et quod in jure scripto jus appellatur, id in lege Angliae rectum esse dicitur. Public and private law is that which is collected from the precepts of nature, of peoples in general, or of particular states; and what in written law is called "jus" by the law of England is said to be "right."

Jus publicum privatorum pactis mutari non potest. A public right cannot be changed by agreements of private parties.

Jus quo universitates utuntur est idem quod habent privati. The right that corporations exercise is the same as the right that individuals possess.

Jus respicit aequitatem. Law regards equity.

Jus superveniens auctori accrescit successori. An additional or enhanced right for the possessor accrues to the successor.

Justitia debet esse libera, quia nihil iniquius venali justitia; plena, quia justitia non debet claudicare; et celer, quia dilatio est quaedam negatio. Justice ought not to be bought, for nothing is more hateful than venal justice; full, for justice ought not to be defective; and quick, for delay is a certain denial.

Justitia est constans et perpetua voluntas jus suum cuique tribuendi. Justice is a steady and unceasing disposition to render to every person his due.

Justitia est duplex: severe puniens et vere praeveniens. Justice is double: punishing with severity, and truly preventing.

Justitia est virtus excellens et Altissimo complacens. Justice is an excellent virtue and pleasing to the Most High.

Justitia firmatur solium. By justice the throne is strengthened.

Justitia nemini neganda est. Justice is to be denied to no one.

Justitia non est neganda, non differenda. Justice is not to be denied or delayed.

Justitia non novit patrem nec matrem, solum veritatem spectat justitia. Justice knows neither father nor mother; justice looks to truth alone.

Justum non est aliquem antenatum mortuum facere bastardum, qui pro tota vita sua pro legitimo habetur. It is not just to make a bastard after his death an elder child who all his life has been accounted legitimate.

Jus vendit quod usus approbavit. The law dispenses what use has approved.

La conscience est la plus changeante des règles. Conscience is the most changing of rules.

La ley favore la vie d'un home. The law favors a man's life.

La ley favore l'inheretance d'un home. The law favors a man's inheritance.

La ley voit plus tost suffer un mischefe que un inconvenience. The law will sooner suffer a mischief than an inconvenience.

Lata culpa dolo equiparatur. Gross negligence is equivalent 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 do violence to ambassadors.

Legatum morte testatoris tantum confirmatur, sicut donatio inter vivos traditione sola. 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.

Legatus regis vice fungitur a quo destinatur et honorandus est sicut ille cujus vicem gerit. An ambassador fills the place of the king by whom he is appointed, and is to be honored in the same way as the person whose place he fills.

Legem enim contractus dat. The contract gives the law.

Legem terrae amittentes perpetuam infamiae notam inde merito incurrunt. Those who lose the law of the land thereby justly incur an eternal stigma of infamy.

Leges Angliae sunt tripartitae: jus commune, consuetudines, ac decreta comitorum. The laws of England are threefold: common law, customs, and decrees of parliament.

Leges et constitutiones futuris certum est dare formam negotiis non ad facta praeterita revocari; nisi nominatim et de praeterito tempore et adhuc pendentibus negotiis cautum sit. Laws and statutes are regarded as regulating future negotiations, not past transactions; unless they are expressly made to apply to both past and pending matters.

Leges figendi et refigendi consuetudo est periculosissima. The practice of adding and annulling laws is a most dangerous one. 4 Coke pref.

Leges fixit pretio atque refixit. He shaped and re-shaped laws for a price; he promulgated and annulled laws at a price. • The reference is to a judge who took bribes.

Leges humanae nascuntur, vivunt, et moriuntur. Laws that humans have made are born, live, and die.

Leges naturae perfectissimae sunt et immutabiles; humani vero juris conditio semper in infinitum decurrit, et nihil est in eo quod perpetuo stare possit. The laws of nature are most perfect and immutable; but the condition of human law is an unending succession, and there is nothing in it that can stand forever.

Leges non verbis sed rebus sunt impositae. Laws are imposed on affairs, not words.

Leges posteriores priores contrarias abrogant. Subsequent laws repeal prior conflicting ones. [Cases: Statutes 159, 162. C.J.S. Statutes §§ 287, 294.]

Leges suum ligent latorem. Laws should bind their own author.

Leges vigilantibus, non dormientibus subveniunt. The laws aid those who keep watch, not those who sleep (that is, the vigilant, not the negligent). [Cases: Action 63; Equity 64. C.J.S. Actions § 239; Equity § 115.]

Legibus sumptis desinentibus, lege naturae utendum est. Where man-made laws fail, the law of nature must be used.

Legis constructio non facit injuriam. The construction of law does not do wrong.

Legis interpretatio legis vim obtinet. The interpretation of law obtains the force of law. [Cases: Courts 108. C.J.S. Courts § 175.]

Legislatorum est viva vox, rebus et non verbis legem imponere. The voice of legislators is a living voice, to impose laws on (actual) affairs and not on (mere) words.

Legis minister non tenetur, in executione officii sui, fugere aut retrocedere. The minister of the law is not bound, in the execution of his office, either to flee or to retreat.

Legitime imperanti parere necesse est. One who commands lawfully must be obeyed.

Legitimus haeres et filius est quem nuptiae demonstrant. A lawful son and heir is he whom the marriage declares to be lawful.

Le ley de Dieu et ley de terre sont tout un, et l'un et l'autre preferre et favore le common et publique bien del terre. The law of God and the law of the land are all one; and both promote and favor the common and public good of the land.

Le ley est le plus haut enheretance que le roy ad, car par le ley, il mesme et tous ses sujets sont rules, et si le ley ne fuit, nul roy ne nul enheretance serra. The law is the highest inheritance that the king possesses; for by the law both he and all his subjects are ruled; and if there were no law, there would be neither king nor inheritance.

Le salut du peuple est la suprême loi. The safety of the people is the highest law.

Les fictions naissent de la loi, et non la loi des fictions. Fictions arise from the law, and not law from fictions.

Les lois ne se chargent de punir que les actions extérieures. Laws undertake to punish only outward actions.

Lex aequitate gaudet. Law delights in equity.

Lex aequitate gaudet; appetit perfectum; est norma recti. The law delights in equity; it covets perfection; it is a rule of right.

Lex aliquando sequitur aequitatem. The law sometimes follows equity.

Lex Angliae est lex misericordiae. The law of England is a law of mercy.

Lex Angliae lex terrae est. The law of England is the law of the land.

Lex Angliae non patitur absurdum. The law of England does not allow an absurdity.

Lex Angliae nunquam matris sed semper patris conditionem imitari partum judicat. The law of England rules that the offspring always follows the condition of the father, never that of the mother.

Lex Angliae nunquam sine parlamento mutari potest. The law of England can never be changed without (act of) parliament. • This maxim is sometimes written *Lex Angliae sine Parlamento mutari non potest* (also translatable as "the law of England cannot be changed but by Parliament").

Lex beneficialis rei consimili remedium praestat. A beneficial law affords a remedy in a similar case.

Lex citius tolerare vult privatum damnum quam publicum malum. The law would sooner endure a private loss than a public evil.

Lex contra id quod praesumit probationem non recipit. The law accepts no proof against that which it presumes.

Lex deficere non potest in iustitia exhibenda. The law cannot fail in dispensing justice.

Lex de futuro, iudex de praeterito. The law (provides) for the future, the judge for the past.

Lex dilationes semper exhorret. The law always abhors delays.

Lex est ab aeterno. The law is from eternity.

Lex est dictamen rationis. Law is the dictate of reason.

Lex est exercitus iudicum tutissimus dux. The law is the safest leader of the army of judges.

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

Lex est ratio summa, quae jubet quae sunt utilia et necessaria, et contraria prohibet. Law is the highest form of reason, which commands what is useful and necessary and forbids the contrary.

Lex est sanctio sancta, iubens honesta et prohibens contraria. Law is a sacred sanction, commanding what is right and prohibiting the contrary.

Lex est summa ratio. Law is the highest reason.

Lex est tutissima cassis; sub clypeo legis nemo decipitur. Law is the safest helmet; under the shield of the law no one is deceived.

Lex facit regem. Law makes the king (i.e., makes the monarch king).

Lex favet doti. The law favors dower.

Lex fingit ubi subsistit aequitas. Law creates a fiction where equity abides.

Lex intendit vicinum vicini facta scire. The law presumes that one neighbor knows the actions of another.

Lex iudicat de rebus necessario faciendis quasi re ipsa factis. The law judges of things that must necessarily be done as if actually done.

Lex necessitatis est lex temporis, i.e., instantis. The law of necessity is the law of time, i.e., time present.

Lex neminem cogit ad vana seu inutilia peragenda. The law forces no one to do vain or useless things. [Cases: Specific Performance §13. C.J.S. *Specific Performance* § 18.]

Lex neminem cogit ostendere quod nescire praesumitur. The law forces no one to make known what he is presumed not to know.

Lex nemini facit injuriam. The law does wrong to no one. [Cases: Equity §54. C.J.S. *Equity* §§ 93-94, 116, 119, 124.]

Lex nemini operatur iniquum, nemini facit injuriam. The law works an injustice to no one and does wrong to no one. [Cases: Equity §54. C.J.S. *Equity* §§ 93-94, 116, 119, 124.]

Lex nil facit frustra, nil jubet frustra. The law does nothing in vain and commands nothing in vain.

Lex non a rege est violanda. The law is not to be violated by the king.

Lex non cogit ad impossibilia. The law does not compel to impossible ends.

Lex non curat de minimis. The law is not concerned with matters of least consequence. [Cases: Appeal and Error §1171; Equity §34. C.J.S. *Appeal and Error* §§ 919-920, 923.]

Lex non debet deficere conquerentibus in iustitia exhibenda. The law ought not to fail in dispensing justice to those with a grievance.

Lex non deficit in iustitia exhibenda. The law does not fail in showing justice.

Lex non exacte definit, sed arbitrio boni viri permittit. The law does not define exactly, but trusts in the judgment of a good man.

Lex non favet votis delicatiorum. The law does not favor the wishes of the fastidious.

Lex non intendit aliquid impossibile. The law does not intend anything impossible.

Lex non novit patrem, nec matrem; solam veritatem. The law knows neither father nor mother; only the truth.

Lex non oritur ex injuria. The law does not arise from an unlawful act.

Lex non patitur fractiones et divisiones statuum. The law does not tolerate fractions and divisions of estates. 1 Coke 87a.

Lex non praecipit inutilia, quia inutilis labor stultus. The law does not command useless things, because useless labor is foolish. [Cases: Mandamus §16. C.J.S. *Mandamus* §§ 12-13, 15, 59.]

Lex non requirit verificari quod apparet curiae. The law does not require that to be proved which is apparent to the court.

Lex plus laudatur quando ratione probatur. The law is more praised when it is consonant with reason.

Lex posterior derogat priori. A later statute repeals an earlier one.

Lex prospicit, non respicit. The law looks forward, not backward.

Lex punit mendaciam. The law punishes falsehood.

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

Lex reprobat moram. The law disapproves of delay.

Lex respicit aequitatem. Law regards equity.

Lex scripta si cesserit, id custodiri oportet quod moribus et consuetudine inductum est; et, si qua in re hoc defecerit, tunc id quod proximum et consequens ei est; et, si id non appareat, tunc juxta quo urbs Romana utitur servari oportet. If the written law is silent, that which is drawn from manners and custom ought to be observed; and, if that is in any manner defective, then what is next and consistent with it; and, if that does not appear, then the law that Rome uses should be followed.

Lex semper dabit remedium. The law will always give a remedy.

Lex semper intendit quod convenit rationi. The law always intends what is agreeable to reason.

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

Lex succurrit ignorantia. The law assists the ignorant.

Lex succurrit minoribus. The law assists minors.

Lex uno ore omnes alloquitur. The law speaks to all with one mouth.

Lex vigilantibus, non dormientibus, subvenit. Law aids the watchful, not the sleeping.

Liberata pecunia non liberat offerentem. The return of money does not free the party presenting it (from liability).

Libertas est naturalis facultas ejus quod cuique facere libet, nisi quod de jure aut vi prohibetur. Liberty is the natural power of doing whatever one pleases, except what is prevented by law or force.

Libertas est res inestimabilis. Liberty is an inestimable thing.

Libertas inestimabilis res est. Liberty is a priceless good.

Libertas non recipit aestimationem. Freedom does not admit of valuation.

Libertas omnibus rebus favorabilior est. Liberty is more favored than all things.

Libertates regales ad coronam spectantes ex concessione regum a corona exierunt. Royal franchises relating to the Crown have emanated from the Crown by grant of kings.

Libertinum ingratum leges civiles in pristinam servitutem redignant; sed leges Angliae semel manumissum semper liberum judicant. The civil laws reduce an ungrateful freedman to his original slavery; but the laws of England regard a person once manumitted as ever after free.

Liberum corpus nullam recipit aestimationem. The body of a free person allows no price to be set on it. Dig. 9.3.7.

Liberum est cuique apud se explorare an expediat sibi consilium. Everyone is free to ascertain for himself whether a recommendation is advantageous to him.

Librorum appellatione continentur omnia volumina, sive in charta, sive in membrana sint, sive in quavis alia materia. Under the name of books are contained all volumes, whether on paper, or on parchment, or on any other material.

Licet dispositio de interesse futuro sit inutilis, tamen potest fieri declaratio praecedens quae sortiatur effectum interveniente novo actu. Even if the grant of a future interest is inoperative, yet a declaration precedent may be made that may take effect, provided a new act intervenes.

Licita bene miscentur, formula nisi juris obstet. Lawful acts are well joined together, unless some form of law prevents it.

Ligeantia est quasi legis essentia; est vinculum fidei. Allegiance is, as it were, the essence of the law; it is the bond of faith.

Ligeantia est vinculum fidei; ligeantia est legis essentia. Allegiance is the bond of fealty and the essence of law.

Ligeantia naturalis nullis claustris coercetur, nullis metis refrænatur, nullis finibus premitur. Natural allegiance is restrained by no barriers, curbed by no bounds, compressed by no limits.

Ligna et lapides sub armorum appellatione non continentur. Sticks and stones are not contained under the name of arms.

Linea recta est index sui et obliqui; lex est linea recta. A right line is an index of itself and of an oblique; law is a right line. Co. Lit. 158b.

Linea recta semper praefertur transversali. The right line is always preferred to the collateral.

Litterae patentes regis non erunt vacuae. Letters patent of the king will not be void.

Litterae scriptae manent. Written words last.

Litis nomen omnem actionem significat, sive in rem, sive in personam sit. The word "lis" (a lawsuit) signifies every action, whether it is in rem or in personam.

Litus est quousque maximus fluctus a mari pervenit. The shore is where the highest wave from the sea has reached.

L'obligation sans cause, ou sur une fausse cause, ou sur cause illicite, ne peut avoir aucun effet. An obligation without consideration, or on a false consideration, or on unlawful consideration, cannot have any effect.

Locus contractus regit actum. The place of the contract governs the act. [Cases: Contracts §144. C.J.S. Conflict of Laws §§ 91-93; Contracts §§ 13-23, 25.]

Locus pro solutione redditus aut pecuniae secundum conditionem dimissionis aut obligationis est stricte observandus. The place for the payment of rent or money is to be strictly observed according to the condition of the lease or obligation.

Longa patientia trahitur ad consensum. Long sufferance is construed as consent.

Longa possessio est pacis ius. Long possession is a right of peace.

Longa possessio ius parit. Long possession begets a right.

Longa possessio parit ius possidendi et tollit actionem vero domino. Long possession produces the right of possession and deprives the true owner of his action.

Longum tempus et longus usus qui excedit memoriam hominum sufficit pro iure. Long time and long use beyond the memory of men suffice for right.

Loquendum ut vulgus, sentiendum ut docti. We should speak as the common people; we should think as the learned.

L'ou le ley done chose, la ceo done remede a venger a ceo. Where the law gives a right, it gives a remedy to recover.

Lubricum linguae non facile trahendum est in poenam. A slip of the tongue ought not to be easily subject to punishment.

Lucrum facere ex pupilli tutela tutor non debet. A guardian ought not to make money out of the guardianship of his ward.

Lunaticus, qui gaudet in lucidis intervallis. A person is (still) a lunatic who enjoys lucid intervals.

Magis de bono quam de malo lex intendit. The law favors a good rather than a bad construction. • When an agreement's words are susceptible of both a favorable and an unfavorable meaning, the former is adopted. Thus, a bond conditioned to assign all offices will be construed to apply to assignable offices.

Magister rerum usus; magistra rerum experientia. Use is the master of things; experience is the mistress of things.

Magna Charta et Charta de Foresta sunt appellati les deux grandes charters. Magna Carta and the Charter of the Forest are called the two great charters.

Magna culpa dolus est. Great fault (or gross negligence) is equivalent to fraud.

Magna negligentia culpa est; magna culpa dolus est. Great negligence is fault; great fault is fraud.

Maibemium est homicidium inchoatum. Mayhem is incipient homicide.

Maibemium est inter crimina majora minimum, et inter minora maximum. Mayhem is the least of great crimes, and the greatest among small.

Maibemium est membri mutilatio, et dici poterit, ubi aliquis in aliqua parte sui corporis effectus sit inutilis ad pugnandum. Mayhem is the mutilation of a limb, and can be said (to occur) when a person is injured in any part of his body so as to be useless in a fight.

Major continet in se minus. The greater includes the less.

Majore poena affectus quam legibus statuta est non est infamis. A criminal afflicted with a greater punishment than is provided by law is not infamous. 4 Co. Inst. 66.

Major haereditas venit unicuique nostrum a jure et legibus quam a parentibus. A greater inheritance comes to every one of us from right and the laws than comes from parents.

Majori summae minor inest. The lesser is included in the greater sum.

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

Majus continet minus. The greater contains the less.

Majus dignum trahit ad se minus dignum. The more worthy draws to itself the less worthy.

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

Mala grammatica non vitiat chartam; sed in expositione 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 possible, is to be avoided.

Maledicta expositio quae corrumpit textum. It is a cursed construction that corrupts the text.

Maleficia non debent remanere impunita, et impunitas continuum affectum tribuit delinquendi. Evil deeds ought not to remain unpunished, and impunity affords continual incitement to wrongdoing. 4 Coke 45.

Maleficia propositis distinguuntur. Misdeeds are distinguished from proposals; crimes are distinguished by the intention (with which they are committed).

Malitia est acida, est mali animi affectus. Malice is sour; it is the quality of a bad mind.

Malitia supplet aetatem. Malice makes up for age.

Malitiis hominum est obvium. The malicious designs of men must be thwarted. • Also found as *Malum hominum est obvium*.

Malum non habet efficientem sed deficientem causam. Evil has not an efficient but a deficient cause.

Malum non praesumitur. Evil is not presumed.

Malum quo communius eo pejus. The more common the evil, the worse.

Malus usus est abolendus. An evil custom ought to be abolished; a bad usage should be abolished.

Malus usus est abolendus, quia in consuetudinibus, non diuturnitas temporis, sed soliditas rationis est consideranda. An evil custom is to be abolished, because, in customs, not length of time, but solidity of reason, is to be considered.

Mandata licita strictam recipiunt interpretationem, sed illicita latam et extensam. Lawful commands receive a strict interpretation, but unlawful ones receive a wide and an expansive interpretation.

Mandatarius terminos sibi positas transgredi non potest. A mandatarary cannot exceed the bounds of his authority.

Mandatum nisi gratuitum nullum est. Unless a mandate is gratuitous (without payment), it is not a mandate.

Manifesta probatione non indigent. Obvious facts are not in need of proof.

Maris et foeminae conjunctio est de jure naturae. The union of male and female is founded on the law of nature.

Matrimonia debent esse libera. Marriages ought to be free.

Matrimonium subsequens legitimos facit quoad sacerdotium non quoad successionem propter consuetudinem regni quae se habet in contrarium. Subsequent marriage legitimates as regards priesthood but not as regards succession because of the custom of the kingdom, which is to the contrary.

Matrimonium subsequens tollit peccatum praecedens. A subsequent marriage removes preceding fault.

Matter en ley ne serra mise en bouche del jurors. Matter of law shall not be put into the mouths of jurors.

Maturiora sunt vota mulierum quam virorum. The wishes of women are of quicker maturity than those of men. • That is, women arrive earlier at eligibility for marriage. 6 Coke 71.

Maxime ita dicta quia maxima est ejus dignitas et certissima auctoritas, atque quod maxime omnibus probetur. A maxim is so called because its dignity is chiefest and its authority is the most certain, and because it is most approved by all.

Maxime paci sunt contraria vis et injuria. The greatest enemies to peace are force and wrong.

Maximus erroris populus magister. The people are the greatest master of error.

Miorem conditionem suam facere potest minor, deteriore nequaquam. A minor can improve or make his condition better, but in no way worse. • This maxim is sometimes written *Miorem conditionem facere potest minor, deteriore nequaquam* (also translatable as "a minor can make his condition better, but by no means worse").

Melior est causa possidentis. The cause of the possessor is preferable.

Melior est conditio defendantis. The condition of the defendant is the better.

Melior est conditio possidentis et rei quam actoris. Better is the condition of the possessor, and that of the defendant (is better) than that of the plaintiff.

Melior est conditio possidentis, ubi neuter jus habet. Better is the condition of the possessor where neither of the two has the right.

Melior est justitia vere praeventiens quam severe puniens. Justice that truly prevents a crime is better than that which severely punishes it.

Melius est in tempore occurrere quam post causam vulneratum remedium quaerere. It is better to oppose in time than to seek a remedy after a wrong has

been inflicted. • Coke introduces this maxim with the phrase *ne per negligentiam damnum incurrat*: "lest he incur damage through negligence." 2 Co. Inst. 299.

Melius est jus deficiens quam jus incertum. Law that is deficient is better than law that is uncertain.

Melius est omnia mala pati quam malo consentire. It is better to suffer every wrong than to consent to wrong.

Melius est petere fontem quam sectari rivulos. It is better to go to the fountainhead than to follow the streams.

Melius est recurrere quam male currere. It is better to run back than to run wrong (or badly). • It is better to retrace one's steps than to proceed improperly.

Mens testatoris in testamentis spectanda est. In wills, the intention of the testator is to be regarded.

Mentiri est contra mentem ire. To lie is to go against the mind.

Mercis appellatio ad res mobiles tantum pertinet. The term "merchandise" belongs to movable things only.

Mercis appellatione homines non contineri. Under the name of merchandise human beings are not included.

Merito beneficium legis amittit qui legem ipsam subvertere intendit. A person deservedly loses the protection of the law who attempts to overturn the law itself.

Merito retribuat Rex legi quod lex attribuat ei. The king rightly repays the law what (i.e., the power that) the law ascribes to him; let the king repay to the law what the law attributes to him.

Merx est quicquid vendi potest. Merchandise is whatever can be sold.

Meum est promittere, non dimittere. It is mine to promise, not to discharge.

Minatur innocentibus qui parcat nocentibus. A person threatens the innocent who spares the guilty.

Minima poena corporalis est major qualibet pecuniaria. The smallest bodily punishment is greater than any pecuniary one.

Minime mutanda sunt quae certam habuerunt interpretationem. Things that have had a fixed interpretation are to be altered as little as possible.

Minimum est nihilo proximum. The least is next to nothing.

Minor ante tempus agere non potest in casu proprietatis, nec etiam convenire. A minor before majority cannot act in a case of property, not even to agree.

Minor ante tempus agere non potest in casu proprietatis, nec etiam convenire; differetur usque aetatem; sed non cadit breve. A minor before majority cannot act in a case of property, not even to agree; it will be deferred until majority; but a writ does not fail.

Minor jurare non potest. A minor cannot take an oath.

Minor minorem custodire non debet; alios enim praesumitur male regere qui ipsum regere nescit. A minor ought not be guardian of a minor, for he is pre-

sumed to govern others ill who does not know how to govern himself.

Minor non tenetur respondere durante minori aetate, nisi in causa dotis, propter favorem. A minor is not bound to answer during his minority, except as a matter of favor in a cause of dower.

Minor qui infra aetatem 12 annorum fuerit utlagari non potest nec extra legem poni, quia ante talem aetatem, non est sub lege aliqua nec in decenna. A minor who is under 12 years of age cannot be outlawed nor placed beyond the law, because before that age he is not under any law nor in a decennary.

Minor septemdecim annis non admittitur fore executor. A person under 17 years of age is not admitted to be an executor.

Minus solvit qui tardius solvit; nam et tempore minus solvitur. A person pays too little who pays too late; for, from the delay, the payment is less.

Miseria est servitus ubi jus est vagum aut incertum. It is a miserable slavery where the law is vague or uncertain.

Mitius imperanti melius paretur. The more mildly one commands, the better is he obeyed.

Mobilia non habent situm. Movable things have no fixed site or locality.

Mobilia personam sequuntur, immobilia situm. Movable things follow the person; immovable ones, their locality.

Mobilia sequuntur personam. Movable things follow the person. [Cases: Taxation §98. C.J.S. Taxation §§ 153-157, 160, 283.]

Modica circumstantia facti jus mutat. A small circumstance attending an act alters the right.

Modus de non decimando non valet. A prescription not to pay tithes is void.

Modus et conventio vincunt legem. Customary form and the agreement of the parties overcome the law.
• This is one of the first principles relative to the law of contract, 2 Coke 73.

Modus legem dat donationi. Custom (or form) gives law to a gift.

Moneta est justum medium et mensura rerum commutabilium, nam per medium monetae fit omnium rerum conveniens et justa aestimatio. Money is the just medium and measure of all exchangeable things, for by the medium of money a suitable and just estimation of all things is made.

Monetandi jus comprehenditur in regalibus quae nunquam a regio sceptro abdicantur. The right of coining is included among those rights of royalty that are never relinquished by the kingly scepter.

Monumenta quae nos recorda vocamus sunt veritatis et vetustatis vestigia. The monuments that we call records are the vestiges of truth and antiquity.

Mora debitoris non debet esse creditori damnosa. Delay by a debtor ought not to be injurious to a creditor.

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

Mors dicitur ultimum supplicium. Death is called the extreme penalty.

Mors omnia solvit. Death dissolves all things.

Mortis momentum est ultimum vitae momentum. The moment of death is the last moment of life.

Mortuus exitus non est exitus. A dead issue is not issue.
• That is, a child born dead is no child.

Mos retinendus est fidelissimae vetustatis. A custom of the truest antiquity is to be retained.

Multa damnum famae non irrogat. A fine does not impose a loss of reputation.

Multa conceduntur per obliquum quae non conceduntur de directo. Many things are conceded indirectly that are not allowed directly.

Multa fidem promissa levant. Many promises lessen confidence.

Multa ignoramus quae nobis non laterent si veterum lectio nobis fuit familiaris. We are ignorant of many things that would not be hidden from us if the reading of old authors were familiar to us.

Multa in jure communi contra rationem disputandi pro communi utilitate introducta sunt. Many things have been introduced into the common law, with a view to the public good, that are contrary to logical reasoning. Co. Litt. 70b.

Multa multo exercitatione facilius quam regulis percipies. You will perceive many things much more easily by practice than by rules.

Multa non vetat lex quae tamen tacite damnavit. The law does not forbid many things that yet it has silently condemned.

Multa transeunt cum universitate quae non per se transeunt. Many things pass with the whole that would not pass separately.

Multi multa, nemo omnia novit. Many men know many things; no one knows everything.

Multiplex et indistinctum parit confusionem; et quaestiones quo simpliciores, eo lucidiores. Multiplicity and indistinctness produce confusion; the simpler questions are, the more lucid they are.

Multiplicata transgressione crescat poenae inflictio. The infliction of punishment should increase with the repetition of the offense. • Coke continues, *Ex frequenti delicto augetur poena* (q.v.). 2 Co. Inst. 479.

Multitudinem decem faciunt. Ten make a multitude.

Multitudo errantium non parit errori patrocinium. The multitude of those who err does not produce indulgence for error.

Multitudo imperitorum perdit curiam. A multitude of ignorant practitioners destroys a court.

Multo utilius est pauca idonea effundere, quam multis inutilibus homines gravari. It is much more useful to pour forth a few suitable things than to burden mankind with many useless things.

Nasciturus pro jam nato habetur quamdiu agitur de ejus commodo. One about to be born is held as already born as long as the issue is to his benefit; a

child conceived is treated as born to the extent that it is to his or her benefit.

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

Naturae vis maxima; natura bis maxima. The force of nature is greatest; (and, as some say,) nature is doubly greatest. 2 Co. Inst. 564.

Natura fide jussionis sit strictissimi juris et non durat vel extendatur de re ad rem, de persona ad personam, de tempore ad tempus. The nature of the contract of suretyship is strictissimi juris, and does not endure or should not be extended from thing to thing, from person to person, or from time to time.

Naturale est quidlibet dissolvi eo modo quo ligatur. It is natural for a thing to be dissolved in the same way in which it is bound.

Natura non facit saltum, ita nec lex. Nature makes no leap, and neither does the law.

Natura non facit vacuum, nec lex supervacuum. Nature makes no vacuum, and the law nothing purposeless.

Nec curia deficeret in justitia exhibenda. Nor should the court be deficient in showing justice.

Necessarium est quod non potest aliter se habere. That is necessary which cannot be otherwise.

Necessitas est lex temporis et loci. Necessity is the law of time and place.

Necessitas excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus. Necessity excuses or extenuates delinquency in capital cases, but does not have the same effect in civil cases.

Necessitas facit licitum quod alias non est licitum. Necessity makes lawful what otherwise is unlawful. [Cases: Criminal Law §38. C.J.S. Criminal Law §§ 49-53.]

Necessitas inducit privilegium quoad jura privata. Necessity creates a privilege with regard to private rights.

Necessitas non habet legem. Necessity has no law.

Necessitas publica major est quam privata. Public necessity is greater than private necessity.

Necessitas quod cogit defendit. Necessity defends what it compels.

Necessitas sub lege non continetur, quia quod alias non est licitum necessitas facit licitum. Necessity is not restrained by law, since what otherwise is not lawful necessity makes lawful.

Necessitas vincit legem. Necessity overcomes the law.

Necessitas vincit legem; legum vincula irridet. Necessity overcomes the law; it laughs at the fetters of laws.

Nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum. Nor shall we go upon him, nor send upon him, except by the lawful judgment of his peers; we will not go against him or send against him except by the lawful judgment of his peers. • This language appears in Magna Carta, ch. 39.

Nec tempus nec locus occurrit regi. Neither time nor place thwarts the king.

Nec veniam effuso sanguine casus habet. Where blood has been spilled, the case is unpardonable.

Nec veniam, laeso numine, casus habet. Where the Divinity has been insulted, the case is unpardonable.

Negatio conclusionis est error in lege. The denial of a conclusion is error in law.

Negatio destruit negationem, et ambae faciunt affirmationem. A negative destroys a negative, and both make an affirmative.

Negatio duplex est affirmatio. A double negative is an affirmative.

Negligentia semper habet infortuniam comitem. Negligence always has misfortune for a companion.

Neminem laedit qui jure suo utitur. A person who exercises his own rights injures no one.

Neminem oportet esse sapientiores legibus. No one ought to be wiser than the laws.

Nemo admittendus est inhabilitare seipsum. No one is allowed to incapacitate himself.

Nemo agit in seipsum. No one acts against himself.

Nemo alienae rei, sine satisfactione, defensor idoneus intelligitur. No one is considered a competent defender of another's property, without security.

Nemo alieno nomine lege agere potest. No one can sue at law in the name of another.

Nemo aliquam partem recte intelligere potest, antequam totum iterum atque iterum perlegerit. No one can properly understand any part of a thing until he has read through the whole again and again.

Nemo allegans suam turpitudinem audiendus est. No one testifying to his own wrong is to be heard as a witness. [Cases: Estoppel §59. C.J.S. Estoppel §§ 89, 121.]

Nemo auditur propriam turpitudinem allegans. No one is heard when alleging his own wickedness; no one can be heard whose claim is based on his own disgraceful behavior.

Nemo bis punitur pro eodem delicto. No one is punished twice for the same offense.

Nemo cogitationis poenam patitur. No one suffers punishment for his thoughts.

Nemo cogitur rem suam vendere, etiam justo pretio. No one is bound to sell his property, even for a just price.

Nemo commodum capere potest de injuria sua propria. No one can derive benefit from his own wrong.

Nemo contra factum suum (proprium) venire potest. No one can contradict his own deed. 2 Co. Inst. 66.

Nemo damnum facit, nisi qui id fecit quod facere jus non habet. No one does damage except the person who did what he has no right to do.

Nemo dare potest quod non habet. No one can give that which he does not have.

Nemo dat qui non habet. No one gives who does not possess.

Nemo dat quod non habet. No one gives what he does not have; no one transfers (a right) that he does not possess. • According to this maxim, no one gives a better title to property than he himself possesses. A variation of this maxim is *Nemo dat qui non habet* (no one gives who does not have).

Nemo debet bis puniri pro uno delicto. No one ought to be punished twice for the same offense.

Nemo debet bis vexari pro eadem causa. No one should be twice troubled for the same cause. [Cases: Judgment §540, C.J.S. *Judgments* §§ 697-700, 702-703.]

Nemo debet bis vexari pro una et eadem causa. No one ought to be twice troubled for one and the same cause. [Cases: Judgment §540, C.J.S. *Judgments* §§ 697-700, 702-703.]

Nemo debet bis vexari, si constet curiae quod sit pro una et eadem causa. No one ought to be twice troubled, if it appears to the court that it is for one and the same cause of action.

Nemo debet esse iudex in propria causa. No one should be judge in his own cause. [Cases: Judges §42, C.J.S. *Judges* §§ 119-121, 123-125.]

Nemo debet immiscere se rei alienae ad se nihil pertinenti. No one should interfere in another's business that does not at all concern him.

Nemo debet in communione invitatus teneri. No one should be retained in a partnership against his will.

Nemo debet locupletari aliena jactura. No one ought to be enriched at another's expense.

Nemo debet locupletari ex alterius incommodo. No one ought to be enriched out of another's disadvantage.

Nemo debet rem suam sine factu aut defectu suo amittere. No one should lose his property without his own act or negligence.

Nemo de domo sua extrahi potest. No one can be dragged (taken by force) from his own house. Dig. 50.17.103.

Nemo duobus utatur officiis. No one should exercise two offices.

Nemo ejusdem tenementi simul potest esse haeres et dominus. No one can be both heir and owner of the same land at the same time.

Nemo enim aliquam partem recte intelligere possit antequam totum iterum atque iterum perlegerit. No one may be able rightly to understand one part before he has again and again read through the whole.

Nemo est haeres viventis. No one is an heir of someone living. [Cases: Descent and Distribution §68; Wills §506(6), C.J.S. *Descent and Distribution* § 68; Wills § 953.]

Nemo est supra leges. No one is above the laws.

Nemo ex alterius facto praegravari debet. No one ought to be burdened in consequence of another's act.

Nemo ex consilio obligatur. No one is bound for the advice he gives.

Nemo ex dolo suo proprio relevetur aut auxilium capiat. Let no one be relieved or gain advantage by his own fraud.

Nemo ex proprio dolo consequitur actionem. No one acquires a right of action from his own wrong (or deception). [Cases: Action §4, C.J.S. *Actions* §§ 29-30.]

Nemo ex suo delicto meliorem suam conditionem facere potest. No one can improve his condition by his own wrong.

Nemo inauditus condemnari debet, si non sit contumax. No one ought to be condemned unheard, unless for contempt. • This maxim is sometimes written *Nemo inauditus nec insummonitus condemnari debet, si non sit contumax* (meaning "no one should be condemned unheard and unsummoned, unless for contempt").

Nemo in communione potest invitatus detineri. No one can be held (to act) in common against his will; no one can be forced to remain in common ownership against his will. • This maxim states the premise that a coowner can always insist on the division of the property owned.

Nemo in propria causa testis esse debet. No one can be a witness in his own cause.

Nemo jux sibi dicere potest. No one can give judgment for himself.

Nemo militans Deo implicetur secularibus negotiis. No one warring for God should be troubled by secular business.

Nemo nascitur artifex. No one is born an expert. • Wisdom in the law is acquired only through diligent study. Co. Lit. 97b.

Nemo patriam in qua natus est exuere, nec ligeantiae debitum ejurare possit. No one can cast off his native land or refuse the obligation of allegiance to it.

Nemo plus commodi haeredi suo relinquit quam ipse habuit. No one leaves a greater asset to his heir than he had himself.

Nemo plus juris ad alienum transferre potest quam ipse haberet. No one can transfer to another a greater right than he himself might have. Dig. 50.17.54. [Cases: Sales §226, C.J.S. *Sales* §§ 219, 231.]

Nemo potest contra recordum verificare per patriam. No one can verify by the country against a record. • Certain matters of record cannot be contested in court. 2 Co. Inst. 380.

Nemo potest esse dominus et haeres. No one can be both owner and heir.

Nemo potest esse simul actor et iudex. No one can be at the same time suitor and judge.

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

Nemo potest exuere patriam. No one can cast off his own country.

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

Nemo potest facere per obliquum quod non potest facere per directum. No one can do indirectly what he cannot do directly.

Nemo potest mutare consilium suum in alterius injuriam. No one can change his purpose to the injury of another.

Nemo potest nisi quod de jure potest. No one is able to do a thing unless he can do it lawfully.

Nemo potest plus juris ad alium transferre quam ipse habet. No one can transfer to another a greater right than he himself (actually) has. Co. Litt. 309. [Cases: Sales §226; C.J.S. Sales §§ 219, 231.]

Nemo potest praecise cogi ad factum. No one can be compelled to perform a specific act. • The effect of this maxim is that an order of specific performance is not available.

Nemo potest sibi debere. No one can owe to himself.

Nemo praesens nisi intelligat. One is not present unless he understands.

Nemo praesumitur alienam posteritatem suae praetulisse. No one is presumed to have preferred another's posterity to his own.

Nemo praesumitur donare. No one is presumed to make a gift.

Nemo praesumitur esse immemor suae aeternae salutis, et maxime in articulo mortis. No one is presumed to be forgetful of his eternal welfare, and especially at the point of death.

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

Nemo praesumitur malus. No one is presumed to be bad.

Nemo prohibetur plures negotiationes sive artes exercere. No one is prohibited from exercising several kinds of business or arts.

Nemo prohibetur pluribus defensionibus uti. No one is forbidden to employ several defenses.

Nemo prudens punit ut praeterita revocentur, sed ut futura praeveniuntur. No one who is wise gives punishment so that past deeds may be revoked, but so that future deeds may be prevented.

Nemo punitur pro alieno delicto. No one is punished for the crime or wrong of another.

Nemo punitur sine injuria, facto, seu default. No one is punished unless for some wrong, act, or default.

Nemo qui condemnare potest absolvere non potest. No one who can condemn is unable to acquit.

Nemo sibi esse judex vel suis jus dicere debet. No one ought to be his own judge or to administer justice in cases where his relations are concerned.

Nemo sine actione experitur, et hoc non sine breve sive libello conventionali. No one goes to trial without an action, and no one can bring an action without a writ or bill.

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

Nemo tenetur armare adversarium contra se. No one is bound to arm his adversary against himself.

Nemo tenetur divinare. No one is bound to foretell the future.

Nemo tenetur edere instrumenta contra se. No one is bound to produce writings against himself.

Nemo tenetur informare qui nescit sed quisquis scire quod informat. No one who is ignorant of a thing is bound to give information of it, but everyone is bound to know what he gives information of.

Nemo tenetur jurare in suam turpitudinem. No one is bound to swear to his own criminality.

Nemo tenetur prodere seipsum. No one is bound to betray himself. • In other words, no one can be compelled to incriminate himself.

Nemo tenetur seipsum accusare. No one is bound to accuse himself. • This is a formulation of the privilege against self-incrimination. In good Latin, *se ipsum* appears as two words; but in law the phrase is usually combined to one (*seipsum*). [Cases: Criminal Law §393; Witnesses §297; C.J.S. Criminal Law § 645; Witnesses § 522.]

Nemo tenetur seipsum infortuniis et periculis exponere. No one is bound to expose himself to misfortune and dangers.

Nemo tenetur seipsum prodere. No one is bound to betray himself.

Nemo unquam judicet in se. Let no one ever be a judge in his own cause.

Nemo unquam vir magnus fuit sine aliquo divino afflatu. No one was ever a great man without some divine inspiration.

Nemo videtur fraudare eos qui sciunt et consentiunt. No one is considered as deceiving those who know and consent.

Neque leges neque senatus consulta ita scribi possunt ut omnes casus qui quandoque inciderint comprehendantur; sed sufficit ea quae plerumque accidunt contineri. Neither laws nor acts of senate can be so written as to include all cases that have happened at any time; it is sufficient that those things that usually occur are encompassed. Dig. 1.3.10. pr.

Ne quid in loco publico vel itinere fiat. Let nothing be done (put or erected) in a public place or way. • The title of an interdict in the Roman law.

Nigrum nunquam excedere debet rubrum. The black should never go beyond the red. • That is, the text of a statute should never be read in a sense more comprehensive than the rubric, or title.

Nihil aliud potest rex quam quod de jure potest. The king can do nothing but what he can do legally; the king can do nothing except by law.

Nihil consensui tam contrarium est quam vis atque metus. Nothing is so opposite to consent as force and fear.

Nihil dat qui non habet. A person gives nothing who has nothing.

Nihil de re accrescit ei qui nihil in re quando jus accresceret habet. Nothing from a property accrues to a person who had no interest in the property when the right accrued. Co. Litt. 188.

Nihil dictum quod non dictum prius. Nothing is said that was not said before.

Nihil est enim liberale quod non idem justum. For there is nothing generous that is not at the same time just.

Nihil est magis rationi consentaneum quam eodem modo quodque dissolvere quo conflatum est. Nothing is more consonant to reason than that everything should be dissolved in the same way as it was made.

Nihil facit error nominis cum de corpore constat. An error in the name is nothing when there is certainty as to the person.

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

Nihil infra regnum subditos magis conservat in tranquillitate et concordia quam debita legum administratio. Nothing better preserves the subjects of the realm in tranquility and concord than a due administration of the laws. 2 Co. Inst. 158.

Nihil iniquius quam aequitatem nimis intendere. Nothing is more unjust than to extend equity too far.

Nihil in lege intolerabilius est (quam) eandem rem diverso jure censi. Nothing in law is more intolerable than that the same case should be subject (in different courts) to different views of the law.

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

Nihil nequam est praesumendum. Nothing wicked is to be presumed.

Nihil perfectum est dum aliquid restat agendum. Nothing is perfect while something remains to be done.

Nihil peti potest ante id tempus quo per rerum naturam persolvi possit. Nothing can be demanded before the time when, in the nature of things, it can be paid.

Nihil possumus contra veritatem. We have no power against truth.

Nihil praescribitur nisi quod possidetur. There is no prescription for what is not possessed.

Nihil quod est contra rationem est licitum. Nothing that is against reason is lawful.

Nihil quod est incongruens est licitum. Nothing that is improper is lawful. Co. Litt. 66a.

Nihil quod est licitum est incongruens. Nothing that is lawful is improper.

Nihil simul inventum est et perfectum. Nothing is invented and perfected at the same moment.

Nihil tam conveniens est naturali aequitati quam unumquodque dissolvi eo ligamine quo ligatum est. Nothing is so consonant with natural equity as that each thing should be dissolved by the same means as it was bound.

Nihil tam conveniens est naturali aequitati quam voluntatem domini volentis rem suam in alium transferre ratam haberi. Nothing is more consistent with natural equity than to confirm the will of an owner who desires to transfer his property to another.

Nihil tam naturale est quam eo genere quidque dissolvere quo colligatum est. Nothing is so natural as that an obligation should be dissolved by the same principle by which it was contracted.

Nihil tam naturale est quam eo genere quidque dissolvere quo colligatum est; ideo verborum obligatio verbis tollitur; nudi consensus obligatio contrario consensu dissolvitur. Nothing is so natural as to dissolve anything in the way in which it was bound together; therefore the obligation of words is taken away by words; the obligation of mere consent is dissolved by the contrary consent.

Nihil tam proprium imperio quam legibus vivere. Nothing is so becoming to authority as to live according to the law.

Nil agit exemplum litem quod lite resolvit. A precedent accomplishes nothing if it settles one dispute by raising another.

Nil facit error nominis cum de corpore vel persona constat. An error in the name is immaterial when the body or person is certain.

Nil sine prudenti fecit ratione vetustas. Antiquity did nothing without a good reason.

Nil temere novandum. Nothing should be rashly changed.

Nimia certitudo certitudinem ipsam destruit. Too great certainty destroys certainty itself.

Nimia subtilitas in jure reprobatur. Too much subtlety in law is condemned.

Nimia subtilitas in jure reprobatur, et talis certitudo certitudinem confundit. Too great subtlety is disapproved of in law, and such certainty confounds certainty.

Nimium altercando veritas amittitur. By too much quarreling truth is lost.

Nobiles magis plectuntur pecunia, plebes vero in corpore. The higher classes are more punished in money, but the lower in person.

Nobiles sunt qui arma gentilicia antecessorum suorum proferre possunt. The gentry are those who are able to produce the heraldic arms of their own ancestors.

Nobiliiores et benigniores praesumptiones in dubiis sunt preferendae. When in doubt, the more generous and kind presumptions are to be preferred.

Nobilitas est duplex, superior et inferior. There are two sorts of nobility, the higher and the lower.

Nomen est quasi rei notamen. A name is, as it were, the distinctive sign (or signifier) of a thing.

Nomen non sufficit si res non sit de jure aut de facto. A name does not suffice if the thing does not exist by law or by fact.

Nomina si nescis, perit cognitio rerum. If you do not know the names of things, the knowledge of things themselves perishes.

Nomina si nescis, perit cognitio rerum; et nomina si perdas, certe distinctio rerum perditur. If you do not know the names of things, the knowledge of things themselves perishes; and, if you lose the names, the distinction of the things is certainly lost.

Nomina sunt mutabilia, res autem immobiles. Names are mutable, but things immutable.

Nomina sunt notae rerum. Names are the marks of things.

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

Non accipi debent verba in demonstrationem falsam, quae competunt in limitationem veram. Words ought not to be accepted to import a false description when they are consistent with a true definition.

Non alio modo puniatur aliquis, quam secundum quod se habet condemnatio. A person may not be punished otherwise than according to what the sentence enjoins.

Non aliter a significatione verborum recedi oportet quam cum manifestum est aliud sensisse testatorem. We must depart from the (ordinary) significance of words only when it is evident that the testator had a different understanding. Dig. 32.69. pr.

Non auditur perire volens. One who wishes to perish is not heard.

Non bis in idem (or imperative, ne bis in idem). Not twice for the same thing. • That is, a person shall not be twice tried for the same crime. This maxim of the civil law expresses the same principle as the familiar rule against "double jeopardy." [Cases: Double Jeopardy §183.1.]

Non concedantur citationes priusquam exprimat super qua re fieri debeat citatio. Summonses should not be granted before it is expressed on what ground a summons should be issued.

Non consentit qui errat. A person who errs does not consent.

Non dat qui non habet. A person who does not have does not give.

Non deo melioris conditionis esse quam auctor meus a quo ius in me transit. I ought not to be in better condition than the person to whose rights I succeed.

Non deberet alii nocere quod inter alios actum esset. A person ought not to be injured by what has taken place between other parties.

Non debet actori licere quod reo non permittitur. What is not permitted to the defendant ought not to be allowed to the plaintiff.

Non debet adduci exceptio ejus rei cujus petitur dissolutio. An exception (or plea) should not be made on the very matter of which a determination is sought (in the case at hand).

Non debet alii nocere quod inter alios actum est. A person ought not to be prejudiced by what has been done between others.

Non debet alteri per alterum iniqua conditio inferri. An unfair condition ought not to be brought on one person by the act of another.

Non debet cui plus licet quod minus est non licere. A person who is permitted to do the greater thing ought not to be forbidden to do the lesser.

Non debet dici tendere in praepjudicium ecclesiasticae libertatis quod pro rege et republica necessarium videtur. What seems necessary for the king and the state ought not to be said to tend to the prejudice of spiritual liberty.

Non decet homines dedere causa non cognita. It is unbecoming to surrender people when no cause has been shown.

Non decipitur qui scit se decipi. A person is not deceived who knows himself to be deceived.

Non definitur in jure quid sit conatus. What an attempt is, is not defined in law.

Non differunt quae concordant re, tametsi non in verbis iisdem. Those things that agree in substance, even if not in the same words, do not differ.

Non dubitatur, etsi specialiter venditor evictionem non promiserit, re evicta, ex empto competere actionem. It is certain that even if the vendor has not given a special guarantee, an action ex empto lies against him, if the purchaser is evicted.

Non efficit affectus nisi sequatur effectus. The intention amounts to nothing unless some effect follows.

Non erit alia lex Romae, alia Athaenis; alia nunc, alia postea; sed et omnes gentes, et omni tempore, una lex, et sempiterna, et immortalis continebit. There will not be one law at Rome, another at Athens; one law now, another hereafter; but one eternal and immortal law shall bind together all nations throughout all time.

Non est arctius vinculum inter homines quam iusjurandum. There is no closer (or firmer) link among men than an oath.

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

Non est consonum rationi quod cognitio accessorii in curia christianitatis impediatur, ubi cognitio causae principalis ad forum ecclesiasticum noscitur pertinere. It is unreasonable that the cognizance of an accessory matter should be impeded in an ecclesiastical court, when the cognizance of the principal cause is admitted to appertain to an ecclesiastical court.

Non est disputandum contra principia negantem. There is no disputing against a person who denies first principles.

Non est justum aliquem antenatum post mortem facere bastardum qui toto tempore vitae suae pro legitimo habebatur. It is not just to make an elderborn a bastard after his death, who during his lifetime was accounted legitimate.

Non est novum ut priores leges ad posteriores trahantur. It is not an innovation to adapt earlier laws to later ones. Dig. 1.3.26.

Non est recedendum a communi observantia. There should be no departure from a common observance.

Non est regula quin fallat. There is no rule that may not deceive (or disappoint).

Non est reus nisi mens sit rea. A person is not guilty unless his mind is guilty. [Cases: Criminal Law §20. C.J.S. Criminal Law §§ 31-33, 35-39; Negligence § 913.]

Non est singulis concedendum quod per magistratum publice possit fieri, ne occasio sit majoris tumultus faciendi. That is not to be conceded to private persons which can be publicly done by the magistrate, lest it be the occasion of greater tumult.

Non exemplis sed legibus judicandum est. Not by examples but by the laws must judgment be made.

Non ex opinionibus singulorum, sed ex communi usu, nomina exaudiri debent. Names of things ought to be understood according to common usage, not according to the opinions of individuals. [Cases: Wills §456. C.J.S. Wills § 842.]

Non facias malum ut inde veniat bonum. You are not to do evil that good may come of it.

Non impedit clausula derogatoria quo minus ab eadem potestate res dissolvantur a qua constituuntur. A derogatory clause does not prevent things from being dissolved by the same power by which they were originally made.

Non in legendo sed in intelligendo leges consistunt. The laws consist not in reading but in understanding.

Non in tabulis est jus. It is not in books that the law is to be found.

Non jus ex regula, sed regula ex jure. The law does not arise from the rule (or maxim), but the rule from the law.

Non jus, sed seisinam facit stipitem. Not right, but seisin, makes a stock (from which the inheritance must descend).

Non licet quod dispendio licet. That which is permitted only at a loss is not permitted.

Non nasci et natum mori paria sunt. Not to be born and to be born dead are equivalent.

Non obligat lex nisi promulgata. A law is not binding unless it has been promulgated.

Non observata forma, infertur annullatio actus. When the form has not been observed, an annulment of the act is inferred.

Non officit affectus nisi sequatur effectus. Sed in atrocioribus delictis punitur affectus, licet non sequatur effectus. The intention is not an offense unless an effect follow. But in the most atrocious crimes the intention is punished, although no effect follow.

Non officit conatus nisi sequatur effectus. An attempt does not harm unless a consequence follows.

Non omne damnum inducit injuriam. Not every loss produces an injury (i.e., gives a right to action).

Non omne quod licet honestum est. Not everything that is lawful is honorable; not everything that is allowable is morally right.

Non omnium quae a majoribus nostris constituta sunt ratio reddi potest. Reason cannot always be given for the institutions of our ancestors.

Non pertinet ad judicem secularem cognoscere de iis quae sunt mere spiritualia annexa. It belongs not to the secular judge to take cognizance of things that are merely spiritual.

Non possessori incumbit necessitas probandi possessionem ad se pertinere. It is not incumbent on the possessor of property to prove that his possessions belong to him.

Non potest adduci exceptio ejusdem rei cujus petitur dissolutio. An exception cannot be brought on the

same matter whose determination is at issue (in the action at hand).

Non potest probari quod probatum non relevat. That cannot be proved which, when proved, is irrelevant.

Non potest quis sine brevi agere. No one can sue without a writ.

Non potest rex gratiam facere cum injuria et damno aliorum. The king cannot confer a favor that occasions injury and loss to others.

Non potest rex subditum renitentem onerare impositionibus. The king cannot load a subject with impositions against his consent.

Non potest videri desisse habere qui nunquam habuit. A person cannot be considered as having ceased to have a thing who never had it.

Non praestat impedimentum quod de jure non sortitur effectum. A thing that has no effect in law is not an impediment.

Non quod dictum est, sed quod factum est, inspicitur. Not what has been said but what has been done is regarded. [Cases: Wills §108. C.J.S. Wills §§ 217-221, 225.]

Non quod voluit testator, sed quod dixit in testamento inspicitur. Not what the testator wanted, but what he said in the will, is regarded.

Non refert an quis assensum suum praefert verbis an rebus ipsis et factis. It is immaterial whether a person gives assent by words or by acts themselves and deeds.

Non refert quid ex aequipollentibus fiat. It does not matter which of two equivalents happens.

Non refert quid notum sit judici, si notum non sit in forma iudicii. It matters not what is known to the judge if it is not known to him judicially.

Non refert verbis an factis sit revocatio. It does not matter whether a revocation is made by words or by acts.

Non respondebit minor, nisi in causa dotis, et hoc pro favore doti. A minor shall not answer except in a case of dower, and here in favor of dower.

Non solent quae abundant vitare scripturas. Superfluous expressions do not usually vitiate writings.

Non solum quid licet sed quid est conveniens considerandum, quia nihil quod inconveniens est licitum. Not only what is permitted but what is proper is to be considered, because nothing improper is lawful.

Non sunt longa ubi nihil est quod demere possis. There is no prolixity where there is nothing that you can omit.

Non temere credere est nervus sapientiae. Not to believe rashly is the sinew of wisdom.

Non valebit felonis generatio nec ad haereditatem paternam vel maternam; si autem ante feloniam generationem fecerit, talis generatio succedit in haereditate patris vel matris a quo non fuerit felonia perpetrata. The offspring of a felon cannot succeed to either a maternal or paternal inheritance; but if the felon had offspring before the felony, the offspring may

succeed to the inheritance of the father or mother by whom no felony was committed.

Non valet confirmatio, nisi ille, qui confirmat, sit in possessione rei vel juris unde fieri debet confirmatio; et eodem modo, nisi ille cui confirmatio fit sit in possessione. Confirmation is not valid unless the person who confirms is in possession either of the thing or of the right of which confirmation is to be made, and, in like manner, unless that person to whom confirmation is made is in possession.

Non valet donatio nisi subsequatur traditio. A gift is not valid unless delivery (or transference) follows.

Non valet exceptio ejusdem rei cujus petitur dissolutio. An exception based on the very matter of which the determination is sought is not valid.

Non valet impedimentum quod de jure non sortitur effectum. An impediment that does not derive its effect from the law has no force.

Non verbis sed ipsis rebus leges imponimus. Not on words, but on affairs themselves do we impose laws.

Non videntur qui errant consentire. They who err are not considered as consenting. [Cases: Contracts §93, C.J.S. Contracts §§ 136, 147-148.]

Non videntur rem amittere quibus propria non fuit. They are not considered as losing a thing if it was not their own.

Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit. If a person has changed anything at the demand of a party threatening, he is not considered to have maintained his consent.

Non videtur perfecte cujusque id esse quod ex casu auferri potest. A thing is not considered completely to belong to anyone if it can be taken from him by chance (or occasion).

Non videtur quisquam id capere quod ei necesse est alii restituere. A person is not considered to acquire property in a thing that he must restore to another. Dig. 50.17.51.

Non videtur vim facere qui jure suo utitur et ordinaria actione experitur. A person is not judged to use force who exercises his own right and proceeds by ordinary action.

Noscitur a sociis. It is known from its associates. [Cases: Contracts §152; Statutes §193, C.J.S. Contracts §§ 307, 318-322, 327, 331; Statutes § 332.]

Noscitur ex socio qui non cognoscitur ex se. A person who is not known for himself is known from his associate. [Cases: Statutes §193, C.J.S. Statutes § 332.]

Notitia dicitur a noscendo; et notitia non debet claudicare. Notice is named from knowledge; and notice ought not to limp (that is, be imperfect).

Nova constitutio futuris formam imponere debet, non praeteritis. A new enactment ought to impose form on what is to come, not on what is past. • A new regulation should not apply retroactively but from its enactment. 2 Co. Inst. 292.

Novatio non praesumitur. A novation is not presumed.

Novitas non tam utilitate prodest quam novitate perturbat. Novelty does not as much benefit by its utility as it disturbs by its novelty.

Novum judicium non dat novum jus, sed declarat antiquum. A new judgment does not make a new right, but declares the old.

Novum judicium non dat novum jus, sed declarat antiquum; quia judicium est juris dictum, et per judicium jus est noviter revelatum quod diu fuit velatum. A new judgment does not make a new right, but declares the old; because adjudication is the declaration of a right, and by adjudication the right is newly revealed which has long been hidden. 10 Coke 42.

Noxa caput sequitur. The liability follows the head or person. • Liability to make good an injury caused by a slave attaches to the master. Dig. 2.14.7.4.

Nuda pactio obligationem non parit. A naked agreement (i.e., without consideration) does not create an obligation. Dig. 2.14.7.4.

Nuda ratio et nuda pactio non ligant aliquem debitorem. Bare reason and naked agreement do not bind any debtor.

Nudum pactum est ubi nulla subest causa praeter conventionem; sed ubi subest causa, fit obligatio, et parit actionem. Naked agreement (nudum pactum) is where there is no consideration besides the agreement; but when there is a consideration, an obligation is created and it gives a right of action.

Nudum pactum ex quo non oritur actio. Naked agreement (nudum pactum) is that from which no action arises. [Cases: Contracts §75, C.J.S. Contracts § 120.]

Nul charter, nul vente, ne nul done vault perpetualment, si le donor n'est seise al temps de contracts de deux droitz, sc. del droit de possession et del droit de properite. No grant, no sale, no gift, is valid forever unless the donor, at the time of the contract, is seised of two rights, namely, the right of possession and the right of property.

Nulla curia quae recordum non habet potest imponere finem neque aliquem mandare carceri; quia ista spectant tantummodo ad curias de recordo. No court that does not have a record can impose a fine or commit any person to prison; because those powers look only to courts of record.

Nulla emptio sine pretio esse potest. There can be no sale without a price.

Nulla impossibilia aut inhonesta sunt praesumenda; vera autem et honesta et possibilia. No impossible or dishonorable things are to be presumed; but things true, honorable, and possible.

Nulla pactione effici potest ne dolus praestetur. No agreement is sufficient to effect that there be no liability for fraud. Dig. 2.14.27.3.

Nulla virtus, nulla scientia locum suum et dignitatem conservare potest sine modestia. Without moderation, no virtue, no knowledge can preserve its place and dignity.

Nulle règle sans faute. There is no rule without fault.

Nulle terre sans seigneur. There is no land without a lord.

Nulli enim res sua servit jure servitutis. No one can have a servitude over his own property.

Nullius hominis auctoritas apud nos valere debet, ut meliora non sequeremur si quis attulerit. The authority of no person ought to have (such) power among us that we should not follow better (opinions) if anyone presents them.

Nulli vendemus, nulli negabimus, aut differemus rectum vel justitiam. We shall sell to no one, deny to no one, or delay to no one, equity or justice. • This language appeared in Magna Carta.

Nullum crimen majus est inobedientia. No crime is greater than disobedience.

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

Nullum iniquum est praesumendum in jure. Nothing unjust is to be presumed in law.

Nullum matrimonium, ibi nulla dos. No marriage, there no dower.

Nullum simile est idem. Nothing that is like another is the same. • That is, no likeness is exactly identical.

Nullum simile est idem nisi quatuor pedibus currit. Nothing similar is identical, unless it run on all fours.

Nullum simile quatuor pedibus currit. No simile runs on four feet (on all fours). • No simile holds in every respect.

Nullum tempus aut locus occurrit regi. No time or place bars the king.

Nullum tempus occurrit regi. No period of time bars the Crown; no length of time runs against the king. • This maxim expresses the idea that the king is not bound by any statute of limitations. [Cases: Limitation of Actions §11. C.J.S. *Limitations of Actions* § 17.]

Nullum tempus occurrit reipublicae. No time runs against the commonwealth (or state). [Cases: Limitation of Actions §11. C.J.S. *Limitations of Actions* § 17.]

Nullus alius quam rex possit episcopo demandare inquisitionem faciendam. No other than the king can command the bishop to make an inquisition.

Nullus commodum capere potest de injuria sua propria. No one can gain advantage by his own wrong.

Nullus debet agere de dolo, ubi alia actio subest. Where another form of action is given, no one ought to sue in the action de dolo.

Nullus dicitur accessorius post feloniam sed ille qui novit principalem feloniam fecisse, et illum receptavit et confortavit. No one is called an accessory after the fact but that person who knew the principal to have committed a felony, and received and comforted him.

Nullus dicitur felo principalis nisi actor aut qui praesens est, abettans aut auxilians actorem ad feloniam faciendam. No one is called a principal felon except the party actually committing the felony, or the

party who was present aiding and abetting the perpetrator in its commission.

Nullus idoneus testis in re sua intelligitur. No one is understood to be a competent witness in his own cause.

Nullus jus alienum forisfacere potest. No one can forfeit another's right.

Nullus liber homo capiatur, aut imprisonetur. Let no free man be taken or imprisoned. • This expression derives from Magna Carta, ch. 39.

Nullus recedat e curia cancellaria sine remedio. Let no one depart from the court of chancery without a remedy.

Nullus videtur dolo facere qui suo jure utitur. No one is to be regarded as acting by fraud who exercises his legal right.

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

Nul prendra avantage de son tort demesne. No one shall take advantage of his own wrong.

Nul sans damage avera error ou attain. No one shall have error or attain unless there has been damage.

Nunquam crescit ex post facto praeteriti delicti aestimatio. The valuation (or assessment of damage) for a past offense is never increased by what happens subsequently. Dig. 50.17.138.1.

Nunquam decurritur ad extraordinarium sed ubi deficit ordinarium. One never resorts to the extraordinary but when the ordinary fails.

Nunquam fictio sine lege. There is no fiction without law.

Nunquam nimis dicitur quod nunquam satis dicitur. What is never sufficiently said is never said too much.

Nunquam praescribitur in falso. There is never prescription in case of falsehood (or forgery).

Nunquam res humanae prospere succedunt ubi negliguntur divinae. Human affairs never prosper when divine ones are neglected.

Nuptias non concubitus sed consensus facit. Not sharing a bed but consent makes the marriage.

Obedientia est legis essentia. Obedience is the essence of the law.

Obtemperandum est consuetudini rationabili tanquam legi. A reasonable custom is to be obeyed like law.

Occultatio thesauri inventi fraudulosa. The concealment of discovered treasure is fraudulent.

Occupantis fiunt derelicta. Things abandoned become the property of the (first) occupant.

Odiosa et inhonesta non sunt in lege praesumenda. Odious and dishonest acts are not to be presumed in law.

Odiosa non praesumuntur. Odious things are not presumed.

Officia judicialia non concedantur antequam vacent. Judicial offices ought not to be granted before they are vacant.

Officia magistratus non debent esse venalia. The offices of magistrates ought not to be sold.

Officit conatus si effectus sequatur. The attempt becomes of consequence if the effect follows.

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

Omissio eorum quae tacite insunt nihil operatur. The omission of those things that are silently implied is of no consequence.

Omne actum ab intentione agentis est iudicandum. Every act is to be judged by the intention of the doer.

Omne crimen ebrietas et incendit et detegit. Drunkenness both inflames and reveals every crime.

Omne jus aut consensu fecit, aut necessitas constituit, aut firmavit consuetudo. Every right has been derived from consent, established by necessity, or confirmed by custom.

Omne magis dignum trahit ad se minus dignum, quamvis minus dignum sit antiquius. Every worthier thing draws to it the less worthy, even if the less worthy is more ancient.

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

Omne majus continet in se minus. Every greater thing contains in itself the less. [Cases: Indictment and Information §189, C.J.S. *Indictments and Informations* § 220.]

Omne majus dignum continet in se minus dignum. Every more worthy thing contains in itself the less worthy.

Omne majus minus in se complectitur. Every greater thing embraces in itself the lesser.

Omne principale trahit ad se accessorium. Every principal thing draws to itself the accessory.

Omne quod solo inaedificatur solo cedit. Everything that is built on the soil belongs to the soil.

Omne sacramentum debet esse de certa scientia. Every oath ought to be founded on certain knowledge.

Omnes actiones in mundo infra certa tempora habent limitationem. All actions in the world are limited within certain periods.

Omnes licentiam habere his quae pro se indulta sunt renunciare. All have liberty to renounce these things that have been granted in their favor.

Omnes prudentes illa admittere solent quae probantur iis qui in arte sua bene versati sunt. All prudent people are accustomed to admit those things that are approved by those who are skilled in their profession.

Omnes sorores sunt quasi unus haeres de una hereditate. All sisters are as it were one heir to one inheritance.

Omnes subditi sunt regis servi. All subjects are the king's servants.

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

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

Omnia praesumuntur contra spoliatores. All presumptions are against one who wrongfully dispossesses another (a despoiler). [Cases: Evidence §78, C.J.S. *Evidence* §§ 163-165, 167-168.]

Omnia praesumuntur legitime facta donec probetur in contrarium. All things are presumed to be done legitimately until the contrary is proved.

Omnia praesumuntur rite ac solemniter esse acta. All things are presumed to be done in proper and regular form; all things are presumed to have been rightly and regularly done. • Solemniter is sometimes written *solemniter*. — Also written *Omnia praesumuntur rite et solemniter acta*.

Omnia praesumuntur rite et solemniter esse acta donec probetur in contrarium. All things are presumed to have been done regularly and with due formality until the contrary is proved. [Cases: Taxation §319(2), C.J.S. *Taxation* § 472.]

Omnia quae jure contrahuntur contrario jure pereunt. All obligations contracted under a law are destroyed by a law to the contrary.

Omnia quae sunt uxoris sunt ipsius viri. All things that are the wife's belong to her husband.

Omnia rite esse acta praesumuntur. All things are presumed to have been done in due form. [Cases: Evidence §82, 83, C.J.S. *Evidence* §§ 151, 158-162.]

Omnis actio est loquela. Every action is a complaint.

Omnis conclusio boni et veri iudicii sequitur ex bonis et veris praemissis et dictis juratorum. Every conclusion of a good and true judgment follows from good and true premises and the verdicts of jurors.

Omnis consensus tollit errorem. Every consent removes an error. 2 Co. Inst. 123. [Cases: New Trial §10, C.J.S. *New Trial* § 12.]

Omnis definitio in jure civili periculosa est, parum est enim ut non subverti possit. Every definition in the civil law is dangerous, for there is very little that cannot be overthrown.

Omnis exceptio est ipsa quoque regula. Every exception is itself also a rule.

Omnis indemnatus pro innoxio legibus habetur. Every uncondemned person is held by the law as innocent.

Omnis innovatio plus novitate perturbat quam utilitate prodest. Every innovation disturbs by its novelty more than it benefits by its usefulness.

Omnis interpretatio si fieri potest ita fienda est in instrumentis, ut omnes contrarietates amoveantur. Every interpretation of instruments is to be made, if it can be, so that all contradictions may be removed.

Omnis interpretatio vel declarat, vel extendit, vel restringit. Every interpretation explains, or extends, or restricts.

Omnis nova constitutio futuris formam imponere debet, et non praeteritis. Every new enactment should regulate future, not past transactions; every new law must impose its form on future cases and not past ones. • This maxim states the presumption against retroactivity. The phrase is sometimes written *Omnis*

nova constitutio futuri (temporibus) formam imponere debet, non praeteritis.

Omnis persona est homo, sed non vicissim. Every person is a human being, but not every human being a person.

Omnis privatio praesupponit habitum. Every privation presupposes possession. • "Every discontinuance is a privation . . . and he cannot discontinue that estate which he never had." Co. Lit. 339a.

Omnis querela et omnis actio injuriarum limitata est infra certa tempora. Every plaint and every action for injuries is limited within fixed times.

Omnis rati habitio retrotrahitur et mandato priori aequiparatur. Every subsequent ratification has a retrospective effect and is equivalent to a prior command. [Cases: Torts §21. C.] S. Torts §§ 36-38.]

Omnis regula suas patitur exceptiones. Every rule of law allows its own exceptions.

Omnium contributione sarciatur quod pro omnibus datum est. What has been given for all should be compensated by the contribution of all.

Omnium rerum quarum usus est, potest esse abusus, virtute solo excepta. Of everything of which there is a use, there can be abuse, virtue alone excepted.

Opinio quae favet testamento est tenenda. That opinion is to be followed which favors the will.

Oportet quod certa res deducatur in iudicium. A thing, to be brought to judgment, must be definite.

Oportet quod certa sit res quae venditur. A thing, to be sold, must be definite.

Optima enim est legum interpretatio consuetudo. Custom is the best interpreter of laws. Dig. 1.3.37.

Optima est lex quae minimum relinquit arbitrio iudicis; optimus iudex qui minimum sibi. It is the best law that leaves the least to the discretion of the judge; the best judge is he who leaves least to himself.

Optima legum interpretatio est consuetudo. Custom is the best interpreter of law.

Optimam esse legem quae minimum relinquit arbitrio iudicis; id quod certitudo ejus praestat. The law is the best that leaves the least discretion to the judge; this advantage results from its certainty.

Optima statuti interpretatrix est (omnibus particulis ejusdem inspectis) ipsam statutum. The best interpreter of a statute is (when all the separate parts of it have been considered) the statute itself.

Optimus interpretatio rerum usus. Usage is the best interpreter of things.

Optimus interpretandi modus est sic leges interpretare ut leges legibus accordant. The best mode of interpreting laws is to make laws agree with laws.

Optimus iudex qui minimum sibi. He is the best judge who (leaves) the least to his own discretion.

Optimus legum interpretatio consuetudo. Custom is the best interpreter of laws.

Ordine placitandi servato, servatur et jus. When order of pleading has been preserved, the law is also preserved.

Origine propria neminem posse voluntate sua eximi manifestum est. It is manifest that no one by his own will can be stripped of his origin (or be banished from his place of origin).

Origo rei inspicere debet. The origin of a thing ought to be regarded.

Pacta conventa quae neque contra leges neque dolo malo inita sunt, omni modo observanda sunt. Contracts that have been entered neither illegally nor with fraud must in all respects be observed.

Pacta dant legem contractui. Agreements give law to the contract.

Pacta privata juri publico derogare non possunt. Private contracts cannot restrict (or take away from) public law.

Pacta quae contra leges constitutionesque vel contra bonos mores fiunt nullam vim habere, indubitati juris est. It is a matter of unquestionable law that contracts against the laws and statutes, or against moral standards, have no force.

Pacta quae turpem causam continent non sunt observanda. Contracts founded on an immoral consideration are not to be observed.

Pactis privatorum juri publico non derogatur. There is no derogation from public law by private contracts.

Pactum aliquid licitum est quod sine pacto non admittitur. By agreement (or contract) something is permitted that, without agreement, is not allowed. • Coke continues, "but not in violation of public law." Co. Lit. 166.

Parens est nomen generale ad omne genus cognationis. "Parent" is a general name for every kind of relationship.

Parentum est liberos alere etiam nothos. It is the role of parents to support their children even when illegitimate.

Paria copulantur paribus. Similar things unite with similar.

Paribus sententiis reus absolvitur. When opinions are evenly divided, the defendant is acquitted. 4 Co. Inst. 64.

Par in parem imperium non habet. An equal has no power over an equal.

Partem aliquam recte intelligere nemo potest, antequam totum iterum atque iterum perlegerit. No one can rightly understand any part until he has read the whole again and again.

Parte quacumque integrante sublata, tollitur totum. When any essential part has been removed, the whole is removed (or destroyed).

Partus ex legitimo thoro non certius nascitur matrem quam genitorem suum. The offspring of a legitimate bed does not know his mother more certainly than his father.

Partus sequitur ventrem. The offspring follows the condition of the mother (literally, the womb).

Parum est latam esse sententiam, nisi mandetur executioni. It is not enough that judgment has been given if it is not committed to execution.

Parum proficit scire quid fieri debet si non cognoscas quomodo sit facturum. It does little good to know what ought to happen, if you do not know how it will take effect.

Pater est quem nuptiae demonstrant. The father is the man whom the marriage indicates. • This expresses the idea that a child born to a married woman is presumed begotten by her husband. [Cases: Children Out-of-Wedlock §3. C.J.S. *Children Out-of-Wedlock* §§ 13-17.]

Pater is est quem nuptiae demonstrant. The father is he whom the marriage indicates.

Patria laboribus et expensis non debet fatigari. A jury ought not to be wearied with labors and expenses.

Patria potestas in pietate debet, non in atrocitate consistere. Parental authority should consist in devotion, not dread.

Peccata contra naturam sunt gravissima. Offenses against nature are the most serious.

Peccatum peccato addit qui culpa quam facit patrocini-um defensionis adiungit. A person adds one offense to another, who, when he commits a crime, joins to it the protection of a defense.

Pendente lite nihil innovetur. During litigation, let nothing be changed.

Per alluvionem id videtur adici, quod ita paulatim adicitur ut intelligere non possimus quantum quoque momento temporis adiciatur. That is considered "added by alluvion" which accumulates so gradually that we cannot tell how much is added at any one moment of time. Dig. 41.1.7.1.

Perfectum est cui nihil deest secundum suae perfectionis vel naturae modum. That is perfect which lacks nothing according to the measure of its perfection or nature.

Periculosum est res novas et inusitatas inducere. It is dangerous to introduce new and unaccustomed things.

Periculum rei venditae, nondum traditae, est emptoris. The purchaser assumes the risk for a thing sold, but not yet delivered.

Perjuri sunt qui servatis verbis juramenti decipiunt aures eorum qui accipiant. Those who preserve the words of an oath but deceive the ears of those who accept it are perjurers. • Coke adds, "By ancient law of England, in all oaths equivocation is utterly condemned." 3 Co. Inst. 166.

Perpetua lex est nullam legem humanam ac positivam perpetuam esse; et clausula quae abrogationem excludit ab initio non valet. It is a perpetual law that no human or positive law can be perpetual; and a clause in a law that precludes abrogation is void from the outset.

Per rationes pervenitur ad legitimam rationem. By reasoning we come to legal reason.

Per rerum naturam factum negantis nulla probatio est. By the nature of things, a person who denies a fact is not bound to give proof.

Persona conjuncta aequiparatur interesse proprio. A personal connection is equivalent to one's own interest.

Persona est homo cum statu quodam consideratus. A person is a human being considered with reference to a certain status.

Personae vice fungitur municipium et decuria. Towns and boroughs act in the role of persons.

Personalia personam sequuntur. Personal things follow the person.

Perspicienda vera non sunt probanda. Plain truths are not to be proved.

Per varios actus legem experientia facit. In the course of various acts, experience frames the law.

Pirata est hostis humani generis. A pirate is an enemy of the human race.

Placita negativa duo exitum non faciunt. Two negative pleas do not form an issue.

Plena et celeris justitia fiat partibus. Let the parties have full and speedy justice.

Pluralis numerus est duobus contentus. The plural number is satisfied with two.

Plures cohaeredes sunt quasi unum corpus, propter unitatem juris quod habent. Several coheirs are as one body, by reason of the unity of right that they possess.

Plures participes sunt quasi unum corpus in eo quod unum jus habent. Several coheirs (or parceners) are as one body in that they have one right. Co. Litt. 164.

Plus exempla quam peccata nocent. Examples hurt more than offenses.

Plus peccat auctor quam actor. The instigator of a crime is a worse offender than the perpetrator.

Plus valet unus oculatus testis quam auriti decem. One eyewitness is better than ten earwitnesses.

Plus valet vulgaris consuetudo quam regalis concessio. Common custom is better than royal grant.

Plus vident oculi quam oculus. Several eyes see more than one.

Poena ad paucos, metus ad omnes perveniat. Let punishment be inflicted on a few, dread on all.

Poenae potius molliendae quam exasperandae sunt. Punishments should rather be softened than aggravated.

Poenae sunt restringendae. Punishments should be restrained.

Poena ex delicto defuncti haeres teneri non debet. The heir ought not to be penalized for the wrong (or crime) of the decedent.

Poena non potest, culpa perennis erit. Punishment cannot be, guilt will be, perpetual.

Poena suos tenere debet actores et non alios. Punishment should take hold of the guilty (who commit the wrong), and not others. Bracton 380b.

Poena tolli potest, culpa perennis erit. The punishment can be removed, but the guilt will be perpetual.

Politiæ legibus, non leges politiis, adaptandæ. Politics are to be adapted to the laws, not the laws to politics.

Polygamia est plurium simul virorum uxorumve connubium. Polygamy is being married to more than one husband or wife at one time.

Ponderantur testes, non numerantur. Witnesses are weighed, not counted.

Posito uno oppositorum negatur alterum. One of two opposite positions having been affirmed, the other is denied.

Possessio est quasi pedis positio. Possession is, as it were, the position of the foot.

Possessio fratris de feodo simplici facit sororem esse hæredem. Possession by the brother in fee simple makes the sister an heir.

Possessio pacifica per annos 60 facit jus. Peaceable possession for 60 years gives a right.

Posteriora derogant prioribus. Later things restrict (or detract from) earlier ones.

Posthumus pro nato habetur. A posthumous child is considered as though born (before the father's death).

Postliminium fingit eum qui captus est semper in civitate fuisse. Postliminy (restoration of rights) imagines that a person who has been captured has never left the state. • A person captured by the enemy, who later returns, is restored to all his former rights. Just. Inst. 1.12.5.

Potentia debet sequi justitiam, non antecedere. Power ought to follow, not to precede, justice.

Potentia inutilis frustra est. Useless power is in vain.

Potentia non est nisi ad bonum. Power is not conferred but for the (public) good.

Potestas strictè interpretatur. A power should be strictly interpreted.

Potestas suprema seipsum dissolvere potest, ligare non potest. Supreme power can dissolve (or release), but cannot bind, itself.

Potest quis renunciare, pro se et suis, jus quod pro se introductum est. A person may relinquish, for himself and his heirs, a right that was introduced for his own benefit.

Potior est conditio defendentis. Stronger is the condition of the defendant (than that of the plaintiff).

Potior est conditio possidentis. Stronger is the condition of the possessor.

Prædium servit prædio. Land is under servitude to land. • A servitude is not a personal right, but attaches to the dominant tenement.

Præpropera consilia raro sunt prospera. Hasty counsels are seldom prosperous.

Præscriptio est titulus ex usu et tempore substantiam capiens ab auctoritate legis. Prescription is a title derived from usage and time, given substance by the authority of law. Co. Litt. 113.

Præscriptio et executio non pertinent ad valorem contractus, sed ad tempus et modum actionis instituendæ. Prescription and execution do not affect the

validity of the contract, but affect the time and manner of bringing an action.

Praesentare nihil aliud est quam præsto dare seu offerre. To present is nothing other than to give or offer on the spot.

Praesentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis. The presence of the body cancels an error in the name; the truth of the name cancels an error in the description.

Praestat cautela quam medela. Prevention is better than cure.

Praesumatur pro justitia sententiæ. Let there be a presumption of sentence's justice.

Praesumitur pro legitimatione. There is a presumption in favor of legitimacy.

Praesumptio cedit veritati. A presumption yields to the truth.

Praesumptio ex eo quod plerumque fit. A presumption arises from what generally happens.

Praesumptiones sunt conjecturae ex signo verisimili ad probandum assumptæ. Presumptions are conjectures based on indications of probable truth, assumed for the purpose of establishing proof.

Praesumptio opponitur probationi. A presumption is distinguished from proof.

Praesumptio violenta plena probatio. Forceful presumption is full proof.

Praesumptio violenta valet in lege. Forceful presumption is effective in law.

Prætextu liciti non debet admitti illicitum. What is illegal ought not to be admitted under pretext of legality.

Praxis judicum est interpret legum. The practice of the judges is the interpreter of the laws.

Præmium succedit in locum rei. The price takes the place of the thing sold.

Prima pars æquitatis æqualitas. The first part of equity is equality.

Primo executiunda est verbi vis, ne sermonis vitio obstruatur oratio, sive lex sine argumentis. The force of a word is to be first examined, lest by the fault of diction the sentence be destroyed or the law be without arguments.

Princeps et respublica ex justa causa possunt rem meam auferre. The king and the commonwealth can take away my property for just cause.

Princeps legibus solutus est. The emperor is not bound by statutes. Dig. 1.3.31.

Principalis debet semper excuti antequam perveniatur ad fideiussores. The principal should always be exhausted before resorting to the sureties.

Principia probant, non probantur. Principles prove; they are not proved.

Principiis obsta. Oppose beginnings. • Oppose a thing in its inception in order to have any success against it.

Principiorum non est ratio. There is no reasoning of principles.

Principium est potissima pars cuiusque rei. The beginning is the most powerful part of each thing.

Prior tempore, potior jure. Earlier in time, stronger in right.

Privatio praesupponit habitum. Deprivation presupposes possession.

Privatis actionibus non dubium est non laedi jus caeterorum. There is no doubt that the rights of others (not party to the agreement) cannot be prejudiced by private agreements.

Privatorum conventio juri publico non derogat. An agreement of private persons does not derogate from public law.

Privatum commodum publico cedit. Private yields to public advantage.

Privatum incommodum publico bono pensatur. Private disadvantage is made up for by public good.

Privilegium est beneficium personale et extinguitur cum persona. A privilege is a benefit belonging to a person, and it dies with the person.

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

Privilegium non valet contra rempublicam. A privilege has no force against the commonwealth.

Probandi necessitas incumbit illi qui agit. The necessity of proving rests on the one who sues (or claims some right). Just. Inst. 2.20.5.

Probationes debent esse evidentes, (id est) perspicuae et faciles intelligi. Proofs ought to be evident, (that is) clear and easily understood.

Probatu extremis, praesumitur media. When the extremes have been proved, the intermediate proceedings are presumed.

Processus legis est gravis vexatio; executio legis coronat opus. The process of the law is heavy hardship; the execution of the law crowns (or rewards) the work.

Prohibetur ne quis faciat in suo quod nocere possit alieno. It is prohibited for anyone to do on his own property what may injure another's.

Proles sequitur sortem paternam. The offspring follows the condition of the father.

Propinquior excludit propinquum; propinquus remotum; et remotus remotiorem. A nearer relation excludes a near one; a near relation excludes one distant (or removed); a distant relative excludes one yet more removed. Co. Litt. 10.

Propositio indefinita aequipolet universali. An indefinite proposition is equal to a general one.

Pro possessione praesumitur de jure. From possession arises a presumption of right.

Pro possessore habetur qui dolo injuriave desit possidere. A person is considered a possessor who has ceased possession through fraud or injury.

Proprietas totius navis carinae causam sequitur. The property of the whole ship follows the condition of the keel.

Proprietates verborum observandae sunt. The proprieties (i.e., proper meanings) of words are to be observed.

Prosecutio legis est gravis vexatio; executio legis coronat opus. Litigation is a heavy hardship, but execution of the law crowns (or rewards) the work.

Protectio trahit subjectionem, subjectio protectionem. Protection brings submission; submission (brings) protection.

Proviso est providere praesentia et futura, non praeterita. A proviso is to provide for things present and future, not past.

Prudenter agit qui praecepto legis obtemperat. A person acts prudently who obeys the precept of law.

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.

Pupillus pati posse non intelligitur. A pupil is not considered able to suffer. • That is, a pupil is not competent to permit or do what would be prejudicial to him. Dig. 50.17.110.2.

Quae ab hostibus capiuntur, statim capientium fiunt. Things taken from public enemies immediately become the property of the captors.

Quae ab initio inutilis fuit institutio, ex post facto convalescere non potest. An institution void in the beginning cannot acquire validity by a subsequent act.

Quae ab initio non valent, ex post facto convalescere non possunt. Things invalid from the beginning cannot be made valid by a subsequent act.

Quae accessionum locum obtinent, extinguuntur cum principales res peremptae fuerint. When the principal is extinguished, those things that are accessory to it are also extinguished. Dig. 33.8.2.

Quae ad unum finem locuta sunt, non debent ad alium detorqueri. What speaks to one purpose ought not to be twisted to another.

Quae cohaerent personae a persona separari nequeunt. Things that belong to the person cannot be separated from the person.

Quae communi legi derogant stricte interpretantur. (Statutes) that derogate from the common law should be strictly construed.

Quae contra rationem juris introducta sunt, non debent trahi in consequentiam. Things introduced contrary to the reason of the law ought not to be drawn into precedents. • "We do find divers precedents . . . which are utterly against law and reason and for that void." 12 Coke 75.

Quaecunque intra rationem legis inveniuntur, intra legem ipsam esse judicantur. Whatever appears within the reason of the law is considered within the law itself.

Quae dubitationis causa tollendae inseruntur communem legem non laedunt. Whatever is inserted for the purpose of removing doubt does not hurt the common law.

Quae dubitationis tollendae causa contractibus inseruntur jus commune non laedunt. Clauses inserted in agreements to remove ambiguity do not prejudice the general law. Dig. 50.17.81.

Quae incontinenti (vel certo) fiunt inesse videntur. Things that are done immediately (or with certainty) are considered part of the same transaction. Co. Litt. 236b.

Quae in curia acta sunt rite agi praesumuntur. What is done in court is presumed to be rightly done.

Quae in curia regis acta sunt rite agi praesumuntur. Things that are done in the king's court are presumed to be rightly done.

Quae in partes dividi nequeunt solida a singulis praestantur. Things (such as services) that cannot be divided into parts are rendered entire by each severally.

Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt. Transactions between others can benefit, but should not injure, anyone who is not party to them.

Quae in testamento ita sunt scripta ut intelligi non possint, perinde sunt ac si scripta non essent. Things that are so written in a will that they cannot be understood are as if they had not been written.

Quae legi communi derogant non sunt trahenda in exemplum. Things that derogate (or detract) from the common law are not to be drawn into precedent.

Quae legi communi derogant stricte interpretantur. Things that derogate (or detract) from the common law are construed strictly.

Quaelibet concessio fortissime contra donatorem interpretanda est. Every grant is to be construed most strongly against the grantor.

Quaelibet jurisdictio cancellos suos habet. Every jurisdiction has its boundaries.

Quaelibet poena corporalis, quamvis minima, major est qualibet poena pecuniaria. Every corporal punishment, although the very least, is greater than any pecuniary punishment.

Quae mala sunt inchoata in principio vix bene peraguntur exitu. Things bad in the commencement seldom end well.

Quae non fieri debent, facta valent. Things that ought not to be done are held valid when they have been done.

Quae non valeant singula, juncta juvant. Things that may not avail individually have effect when united.

Quae praeter consuetudinem et morem majorum fiunt, neque placent neque recta videntur. What is done contrary to the custom and usage of our ancestors neither pleases nor is considered right.

Quae propter necessitatem recepta sunt, non debent in argumentum trahi. Things that are accepted as a matter of necessity ought not to be brought into the argument. Dig. 50.17.162.

Quaeras de dubiis, legem bene discere si vis. Inquire into doubtful points if you wish to understand the law well.

Quaere de dubiis, quia per rationes pervenitur ad legitimam rationem. Inquire into doubtful points, because through reasoning we arrive at legal reason.

Quaerere dat sapere quae sunt legitima vere. To investigate is the way to know what things are truly lawful.

Quae rerum natura prohibentur nulla lege confirmata sunt. What is prohibited by the nature of things can be confirmed by no law.

Quae singula non prosunt, juncta juvant. Things that are of no advantage individually are helpful when taken together.

Quae sunt minoris culpa sunt majoris infamiae. Offenses that are of lesser guilt are of greater infamy.

Qualitas quae inesse debet, facile praesumitur. A quality that ought to be inherent is easily presumed.

Quam longum debet esse rationabile tempus, non definitur in lege, sed pendet ex discretione iusticiariorum. How long a time should be "reasonable" the law does not define; it depends on the discretion of the judges.

Quam rationabilis debet esse finis, non definitur, sed omnibus circumstantiis inspectis pendet ex iusticiariorum discretione. How reasonable a fine should be is not defined, but depends on the discretion of the judges, after all the circumstances have been considered.

Quamvis aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum. Although in itself a thing may not be bad, yet if it serves as a bad example, it is not to be done.

Quamvis lex generaliter loquitur, restringenda tamen est, ut cessante ratione et ipsa cessat. Although a law speaks generally, it must bear some restriction, since the law ceases (or loses effect) when the reason ceases.

Quando aliquid conceditur, conceditur id sine quo illud fieri non possit. When anything is granted, that also is granted without which it cannot take effect.

Quando aliquid mandatur, mandatur et omne per quod pervenitur ad illud. When anything is commanded, everything by which it can be accomplished is also commanded.

Quando aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum. When anything by itself is not evil, and yet if it is an example for evil, it is not to be done.

Quando aliquid prohibetur ex directo, prohibetur et per obliquum. When anything is prohibited directly, it is also prohibited indirectly.

Quando aliquid prohibetur, prohibetur omne per quod devenitur ad illud. When anything is prohibited, everything by which it is arrived at is prohibited.

Quando aliquis aliquid concedit, concedere videtur et id sine quo res uti non potest. When a person grants a thing, he is supposed to grant that also without which the thing cannot be used.

Quando charta continet generalem clausulam, posteaque descendit ad verba specialia quae clausulae generali sunt consentanea, interpretanda est charta

secundum verba specialia. When a deed contains a general clause, and afterwards descends to special words that are consistent with the general clause, the deed is to be construed according to the special words.

Quando de una et eadem re, duo onerabiles existunt, unus, pro insufficientia alterius, de integro onerabitur. When two persons are liable concerning one and the same thing, if one makes default, the other must bear the whole liability.

Quando dispositio referri potest ad duas res, ita quod secundum relationem unam vitatur et secundum alteram utilis sit, tum facienda est relatio ad illam ut valeat dispositio. When a disposition can refer to two matters, so that according to one reference it would be void and by another it would be effective, reference must be made to the latter, so that the disposition may take effect.

Quando diversi desiderantur actus ad aliquem statum perficiendum, plus respicitur lex actum originalem. When different acts are required to the formation of any estate, the law chiefly regards the original act.

Quando duo jura concurrunt in una persona, aequum est ac si essent in diversis. When two rights run together in one person, it is the same as if they were in separate persons.

Quando jus domini regis et subditi concurrunt, jus regis praefertur debet. When the right of the sovereign king and of the subject run together (or clash), the right of the king ought to be preferred.

Quando lex aliquid alicui concedit, concedere videtur id sine quo res ipsa esse non potest. When the law grants anything to anyone, it is considered to grant that without which the thing itself cannot be (the sine qua non). 5 Coke 47.

Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur. When the law gives anything to anyone, it gives tacitly all that is incident to it.

Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda. When the law is special, but its reason is general, the law is to be understood generally.

Quando licit id quod majus, videtur licere id quod minus. When the greater is allowed, the lesser is considered to be allowed also.

Quando mulier nobilis nupsit (ignobili desinit esse nobilis nisi nobilitas nata fuit. When a noble woman marries a man not noble, she ceases to be noble, unless she was born noble.

Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est. When more is done than ought to be done, that at least is considered as performed that should have been performed.

Quando quod ago non valet ut ago, valeat quantum valere potest. When what I do does not have effect as I do it, let it have as much effect as it can.

Quando res non valet ut ago, valeat quantum valere potest. When the thing is of no force as I do it, let it have as much as it can have.

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

Quando verba statuti sunt specialia, ratio autem generalis, generaliter statutum est intelligendum. When the words of a statute are special, but the reason for it general, the statute is to be construed generally.

Quemadmodum ad quaestionem facti non respondent iudices, ita ad quaestionem juris non respondent juratores. In the same manner that judges do not answer questions of fact, so jurors do not answer questions of law.

Qui accusat integrae famae sit et non criminosis. Let the one who accuses be of honest reputation and not implicated in a crime.

Qui acquirit sibi acquirit haeredibus. A person who acquires for himself acquires for his heirs.

Qui adimit medium dirimit finem. A person who takes away the means destroys the end.

Qui aliquid statuerit parte inaudita altera, aequum licet dixerit, haud aequum fecerit. One who has decided anything without hearing the other party, even though he has said what is right, has done wrong.

Qui alterius jure utitur, eodem jure uti debet. A person who uses the right of another ought to use the same right.

Qui bene distinguit bene docet. One who distinguishes well teaches well.

Qui bene interrogat bene docet. One who questions well teaches well.

Qui cadit a syllaba cadit a tota causa. One who fails in a syllable fails in his whole cause.

Qui concedit aliquid, concedere videtur et id sine quo res ipsa esse non potuit (sine quo concessio est irrita). A person who grants anything is considered as granting that without which the thing itself could not be (without which the grant is invalid). • More precisely, *Cuiusque aliquid quod concedit (q.v.).* 11 Coke 52. The maxim is sometimes written *Qui concedit aliquid concedere videtur et id sine quo concessio est irrita, sine quo res ipsa esse non potuit* (meaning "he who concedes anything is considered as conceding that without which his concession would be of no effect, without which the thing itself could not exist").

Qui confirmat nihil dat. A person who confirms gives nothing.

Qui contemnit praeceptum, contemnit praecipientem. A person who shows contempt for the precept shows contempt for the author (or advocate) of it.

Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant is acquired for the master.

Quicquid demonstratae rei additur satis demonstratae frustra est. Whatever is added to the description of a thing already sufficiently described is of no effect.

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

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

Quicquid iudicis auctoritati subijcitur, novitati non subijcitur. Whatever is subject to the authority of a judge is not subject to innovation.

Quicquid plantatur solo, solo cedit. Whatever is affixed to the soil belongs to it. [Cases: Mortgages §203; Property §4. C.J.S. Mortgages §§ 285, 316-318; Property §§ 14-21, 23.]

Quicquid recipitur, recipitur secundum modum recipientis. Whatever is received is received according to the direction of the recipient.

Quicquid solvitur, solvitur secundum modum solventis. Whatever is paid is paid according to the direction of the payer.

Qui cum alio contrahit, vel est vel debet esse non ignarus conditionis ejus. A party who contracts with another either is or ought to be cognizant of that party's condition. • Otherwise, he is not excusable. Dig. 50.17.19.

Qui dat finem dat media ad finem necessaria. A person who gives an end gives the necessary means to that end.

Qui destruit medium destruit finem. A person who destroys the means destroys the end.

Qui doit inheriter al père, doit inheriter al fils. One who ought to inherit from the father ought to inherit from the son.

Quidquid enim sive dolo et culpa venditoris accidit in eo venditor securus est. For concerning anything that occurs without deceit and guilt on the part of the vendor, the vendor is secure.

Quid sit jus, et in quo consistit injuria, legis est definire. What constitutes right, and wherein lies the injury, it is the function of the law to declare.

Quid turpi ex causa promissum est non valet. A promise arising from a wrongful cause is invalid.

Quieta non movere. Not to disturb what is settled. [Cases: Courts §90. C.J.S. Courts § 150.]

Qui evertit causam evertit causatum futurum. One who overthrows the cause overthrows its future effects.

Qui ex damnato coitu nascuntur, inter liberos non computantur. They who are born of an illicit union should not be counted among children.

Qui facit id quod plus est, facit id quod minus est, sed non convertitur. A person who does that which is more does that which is less, but not vice versa.

Qui facit per alium facit per se. A person who acts through another acts himself. • The acts of an agent are considered the acts of the principal. [Cases: Master and Servant §300; Principal and Agent §92. C.J.S. Agency §§ 145, 361; Employer-Employee Relationship §§ 181-184, 188-193, 203.]

Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi. One who has jurisdiction for dissolving (an obligation) has jurisdiction to bind.

Qui haeret in litera, haeret in cortice. One who clings to the letter clings to the shell (or surface).

Qui ignorat quantum solvere debeat, non potest improbus videri. A person who does not know what he ought to pay cannot be regarded as dishonest. • Also in reverse order: *Non potest improbus videri qui ignorat quantum solvere debeat.* Dig. 50.17.99.

Qui in jus dominiumve alterius succedit jure ejus uti debet. One who succeeds to another's right or property ought to use that person's right. • That is, the successor has the same rights and liabilities as attached to that property or interest in the hands of the assignor.

Qui inscienter peccat, scienter emendet. One who offends unwittingly must make good knowingly.

Qui in utero est, pro jam nato habetur quoties de ejus commodo quaeritur. A child in the womb is considered as born, whenever there is a question of benefit to the child.

Qui jure suo utitur, nemini facit injuriam. A person who exercises his proper right harms no one. • This maxim is sometimes written *Qui jure suo utitur neminem laedit* (meaning "he who exercises his right injures no one").

Qui jussu judicis aliquid fecerit non videtur dolo malo fecisse, quia parere necesse est. A person who has done anything by order of a judge is not considered to have acted in fraud, because it is necessary to obey.

Quilibet potest renunciare juri pro se inducto. Anyone may renounce a right introduced for his own benefit.

Qui male agit odit lucem. A person who does wrong hates the light (of discovery).

Qui mandat ipse fecisse videtur. A person who commands (a thing to be done) is considered to have done it himself.

Qui melius probat, melius habet. The party who gives better proof has the better (right). • Often rendered, "He who proves more recovers more."

Qui nascitur sine legitimo matrimonio, matrem sequitur. A child who is born out of lawful matrimony follows the condition of the mother.

Qui non cadunt in constantem virum, vani timores sunt aestimandi. Those fears are considered vain (or frivolous) that do not affect a man of stable character.

Qui non habet, ille non dat. Who has not gives not.

Qui non habet in aere, luet in corpore. What a man cannot pay with his purse, he must suffer in person.

Qui non habet in aere, luet in corpore, ne quis peccetur impune. Let him who has not (the wherewithal to pay) in money pay in his person (i.e., by corporal punishment), lest anyone be wronged with impunity.

Qui non habet potestatem alienandi habet necessitatem retinendi. A person who has not the power of alienating is obliged to retain.

Qui non improbat approbat. A person who does not disapprove approves.

Qui non negat fatetur. A person who does not deny admits.

Qui non obstat quod obstat potest, facere videtur. A person who does not prevent what he can prevent is considered to act.

Qui non prohibet cum prohibere possit, jubet. A person who does not forbid when he can forbid commands.

Qui non prohibet quod prohibere potest, assentire videtur. A person who does not forbid what he can forbid is considered to assent.

Qui non propulsat injuriam quando potest inferre. A person who does not repel an injury when he can brings it on.

Qui obstruit aditum destruit commodum. A person who obstructs an entrance destroys a convenience.

Qui omne dicit nihil excludit. A person who says all excludes nothing.

Qui parcat nocentibus innocentes punit. A person who spares the guilty punishes the innocent.

Qui peccat ebrius, laet sobrius. Let him who offends while drunk be punished when sober; one who offends when drunk must pay when sober. • The phrase is sometimes taken to mean that one who sins ignorantly must correct it knowingly.

Qui per alium facit per seipsum facere videtur. A person who does anything through another is considered as doing it himself.

Qui per fraudem agit frustra agit. A person who acts fraudulently acts in vain.

Qui potest et debet vetare, taceat jubet. A person who can and ought to forbid a thing (as much as) orders it, if he keeps silent. [Cases: Estoppel § 70, C.J.S. Estoppel §§ 100, 167.]

Qui primum peccat ille facit rixam. Who first offends causes the quarrel.

Qui prior est tempore potior est jure. The person who is prior in time is stronger in right. [Cases: Courts § 475; Equity § 60, C.J.S. Courts § 188; Equity § 127.]

Qui pro me aliquid facit, mihi fecisse videtur. A person who does something in my behalf is considered to have done it to me (for me). • "To do a service for a man is to do it to him." 2 Co. Inst. 500.

Qui providet sibi, providet haeredibus. A person who provides for himself provides for his heirs.

Qui rationem in omnibus quaerunt rationem subvertunt. They who seek a reason for everything subvert reason.

Qui sciens solvit indebitum donandi consilio id videtur fecisse. A person who knowingly pays what is not due is considered to have done it with the intention of making a gift.

Qui semel actionem renunciaverit, amplius repetere non potest. A litigant who has once renounced his action cannot bring it any longer.

Qui semel malus, semper praesumitur esse malus in eodem genere. A person who is once bad is always presumed to be bad in the same kind of affair.

Qui sentit commodum sentire debet et onus. A person who enjoys the benefit ought also to bear the burden. [Cases: Contribution § 1; Tenancy in Common

§ 30, C.J.S. Contribution §§ 2-4; Tenancy in Common §§ 79, 84, 88.]

Qui sentit commodum sentire debet et onus; et e contra. A person who enjoys the benefit ought also to bear the burden; and the contrary.

Qui sentit onus, sentire debet et commodum. A person who feels the burden ought also to feel the benefit. [Cases: Navigable Waters § 44(3); Waters and Water Courses § 93, C.J.S. Navigable Waters §§ 95-97; Waters §§ 177-182, 184-185.]

Quisquis est qui velit jurisconsultus haberi, continuet studium, velit a quocunque doceri. Whoever there is who wishes to be regarded as a jurisconsult (legal expert) should prolong his study and be willing to be taught by everyone.

Qui tacet consentire videtur. A party who is silent appears to consent. [Cases: Contracts § 22(1), C.J.S. Contracts §§ 46-51, 53-54; Trading Stamps and Coupons §§ 7-9.]

Qui tacet consentire videtur ubi tractatur de ejus commodo. A party who is silent is considered as assenting, when his advantage is debated. [Cases: Contracts § 22, C.J.S. Contracts §§ 51, 65.]

Qui tacet non utique fatetur, sed tamen verum est eum non negare. A person who is silent does not indeed confess, but yet it is true that he does not deny.

Qui tardius solvit minus solvit. A person who pays too late pays less (than he ought).

Qui vult decipi, decipiat. Let one who wishes to be deceived be deceived. [Cases: Sales § 41, C.J.S. Sales § 52.]

Quod ab initio non valet, (in) tractu temporis non convalescet. What is ill from the outset will not be cured by passage of time.

Quod ad jus naturale attinet, omnes homines aequales sunt. All men are equal as far as natural law is concerned.

Quod aedificatur in area legata cedit legato. Whatever is built on land given by will passes with the gift of the land.

Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur. What is otherwise good and just, if it is sought by force or fraud, becomes bad and unjust.

Quod alias non fuit licitum necessitas licitum facit. Necessity makes lawful what otherwise was unlawful.

Quod approbo non reprobo. What I approve I do not disapprove.

Quod a quoque poenae nomine exactum est id eidem restituere nemo cogitur. What has been exacted from someone as a penalty no one is obliged to restore to him.

Quod attinet ad jus civile, servi pro nullis habentur, non tamen et jure naturali, quia, quod ad jus naturale attinet, omnes homines aequales sunt. So far as the civil law is concerned, slaves are not reckoned as nonentities, but not so by natural law, for so far as regards natural law, all men are equal.

Quod constat clare, non debet verificari. What is clearly agreed need not be proved.

Quod constat curiae, opere testium non indiget. What appears true to the court needs not the help of witnesses.

Quod contra juris rationem receptum est, non est producendum ad consequentias. What has been admitted against the reason of the law ought not to be drawn into precedents.

Quod contra legem fit, pro infecto habetur. What is done contrary to the law is considered as not done.

Quod contra rationem juris receptum, non est producendum ad consequentias. That which is received against the reason of the law is not to be extended to its logical consequences.

Quodcumque aliquis ab tutelam corporis sui fecerit jure id fecisse videtur. Whatever one does in defense of his person, he is considered to have done legally.

Quod datum est ecclesiae, datum est Deo. What has been given to the church has been given to God.

Quod demonstrandi causa additur rei satis demonstratae, frustra fit. What is added for the sake of demonstration to a thing sufficiently demonstrated is done to no purpose.

Quod dubitas, ne feceris. When in doubt, do not do it.

Quod enim semel aut bis existit, praetereunt leges. Legislators pass by that which happens but once or twice.

Quod est ex necessitate nunquam introducit, nisi quando necessarium. What is introduced of necessity is never introduced except when necessary.

Quod est inconveniens aut contra rationem non permixtum est in lege. What is unsuitable or contrary to reason is not allowed in law.

Quod est necessarium est licitum. What is necessary is lawful.

Quod fieri debet facile praesumitur. That which ought to be done is easily presumed.

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

Quod inconsulto fecimus, consultius revocemus. What we have done without due consideration we should revoke with better consideration.

Quod initio non valet, tractu temporis non valet. What is void in the beginning does not become valid by passage of time.

Quod initio vitiosum est non potest tractu temporis convalescere. What is defective in origin cannot be mended by passage of time.

Quod in jure scripto jus appellatur, id in lege Angliae rectum esse dicitur. What in the civil law (literally, written law) is called jus, in the law of England is said to be rectum (right).

Quod in minori valet, valebit in majori; et quod in majori non valet, nec valebit in minori. What avails in the less will avail in the greater; and what does not avail in the greater will not avail in the less.

Quod in uno similium valet, valebit in altero. What avails in one of two similar things will avail in the other.

Quod ipsis, qui contraxerunt, obstat, et successoribus eorum obstat. That which bars those who have contracted will bar their successors also.

Quod jussu alterius solvitur pro eo est quasi ipsi solum esset. That which is paid at the bidding of another has the same effect as if it had been paid to that person himself. • The party who has a debt paid for him is in the same position as though the money were paid to him directly. Dig. 17.180.

Quod meum est, sine facto sive defectu meo amitti seu in alium transferri non potest. What is mine cannot be lost or transferred to another without my own act or default.

Quod meum est sine facto meo vel defectu meo amitti vel in alium transferri non potest. What is mine cannot be lost or transferred to another without my act or through my forfeiture.

Quod meum est sine me auferri non potest. What is mine cannot be taken away without me (i.e., my consent).

Quod minus est in obligationem videtur deductum. That which is the lesser is held to be imported into the contract.

Quod naturalis ratio inter omnes homines constituit, vocatur jus gentium. What natural reason has established among all men is called the law of nations.

Quod necessarie intelligitur id non deest. What is necessarily understood is not lacking.

Quod necessitas cogit, defendit. What necessity compels, it justifies.

Quod non apparet non est, et non apparet judicialiter ante iudicium. What appears not does not exist, and nothing appears judicially before judgment.

Quod non capit Christus, capit fiscus. What Christ (or the church) does not take, the treasury takes.

Quod non habet principium non habet finem. What has no beginning has no end.

Quod non legitur non creditur. What is not read is not believed.

Quod non valet in principali, in accessorio seu consequenti non valebit; et quod non valet in magis propinquo, non valebit in magis remoto. What is not valid in the principal will not be valid in the accessory or consequence; and what has no effect in the nearer instance will be of no effect in the more remote.

Quod nostrum est, sine facto sive defectu nostro, amitti seu in alium transferri non potest. That which is ours cannot be lost or transferred to another without our own act, our own default.

Quod nullius esse potest, id ut alicujus fieret nulla obligatio valet efficere. What can belong to no one no agreement (or obligation) can make property of anyone. Dig. 50.17.182.

Quod nullius est, est domini regis. That which belongs to nobody belongs to our lord the king.

Quod nullius est id ratione naturali occupanti conceditur. What belongs to no one, by natural reason becomes property of the first occupant. Dig. 41.1.3.

Quod nullum est, nullum producit effectum. That which is null produces no effect.

Quod omnes tangit, ab omnibus debet supportari. What touches (or concerns) all ought to be supported by all.

Quod per me non possum, nec per alium. What I cannot do in person, I also cannot do through the agency of another.

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

Quod populus postremum jussit, id jus ratum esto. What the people have last enacted, let that be the established law.

Quod principi placuit legis habet vigorem; utpote cum lege regia, quae de imperio ejus lata est, populus ei et in eum omne suum imperium et potestatem conferat. A decision of the emperor has the force of law; for, by the royal law that has been made concerning his authority, the people have conferred on him all their sovereignty and power. Dig. 1.4.1.

Quod prius est verius est; et quod prius est tempore potius est jure. What is prior is truer; and what comes earlier in time is stronger in right.

Quod privilegia quae re vera sunt in praerudicium reipublicae, magis tamen speciosa habent frontispicia, et boni publici praetextum, quam bonae et legales concessionis, sed praetextu liciti non debet admitti illicitum. There are privileges that are really detrimental to the state, but that have a more colorful appearance and show of public good than good and lawful concessions. But the unlawful should not be accepted as valid on the ground of a showing of legality.

Quod pro minore licitum est et pro majore licitum est. What is lawful in the lesser is also lawful in the greater.

Quod pure debetur praesenti die debetur. That which is due unconditionally is due the same day.

Quodque dissolvitur eodem modo quo ligatur. In the same manner that anything is bound, it is unbound.

Quod quis ex culpa sua damnum sentit, non intelligitur damnum sentire. The damage that any person suffers by his own fault he is not considered to suffer as damage. Dig. 50.17.203.

Quod quisque norit, in hoc se exerceat. Let every one employ himself in what he knows.

Quod quis sciens indebitum dedit hac mente, ut postea repeteret, repetere non potest. What one has paid knowing that it is not owed, with the intention of reclaiming it afterwards, he cannot recover. Dig. 12.6.50.

Quod remedio destituitur ipsa re valet si culpa absit. What is without a remedy is by that very fact valid if there is no fault.

Quod semel aut bis existit praetereunt leges. Legislators pass over what happens (only) once or twice.

Quod semel meum est amplius meum esse non potest. What is once mine cannot be any more completely mine.

Quod semel placuit in electione, amplius displicere non potest. That which in making his election a man has once decided, he cannot afterwards disavow.

Quod solo inaedificatur solo cedit. Whatever is built on the soil goes with the soil.

Quod sub certa forma concessum vel reservatum est, non trahitur ad valorem vel compensationem. That which has been granted or reserved under a certain form is not to be drawn into valuation or compensation.

Quod subintelligitur non deest. What is understood is not lacking.

Quod tacite intelligitur deesse non videtur. What is tacitly understood does not appear to be lacking.

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

Quod vero contra rationem juris receptum est, non est producendum ad consequentias. But what has been admitted contrary to the reason of law ought not to be drawn into precedents.

Quo ligatur, eo dissolvitur. As a thing is bound, so it is unbound.

Quo modo quid constituitur eodem modo dissolvitur. In whatever mode a thing is constituted, in the same manner it is dissolved.

Quorum praetextu nec auget nec minuit sententiam, sed tantum confirmat praemissa. "Quorum praetextu" neither increases nor diminishes the meaning, but only confirms what went before.

Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit. Whenever there is an interpretation doubtful as to liberty (or slavery), the decision must be in favor of liberty.

Quotiens idem sermo duas sententias exprimit, ea potissimum accipitur quae rei gerendae aptior est. Whenever the same words express two meanings, that is to be taken most strongly which is the better fitted for carrying out the proposed end.

Quoties in stipulationibus ambigua oratio est, commodissimum est id accipi quo res de qua agitur in tuto sit. Whenever in stipulations the expression is ambiguous, it is most proper to give it that interpretation by which the subject matter may be in safety.

Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba expressa fienda est. Whenever there is no ambiguity in the words, then no exposition contrary to the words is to be made.

Quum de lucro duorum quaeratur, melior est conditio possidentis. When there is a question of gain (to one) of two parties; the condition of the possessor is the better.

Quum in testamento ambigue aut etiam perperam scriptum est, benigne interpretari et secundum id quod credibile est cogitandum est. When in a will an ambiguous or even an erroneous expression occurs, it should be construed liberally and in accord-

dance with what is thought the probable meaning (of the testator).

Quum principalis causa non consistit, ne ea quidem quae sequuntur locum habent. When the principal cause does not stand, neither do the accessories (or consequences) obtain.

Ratihabitio mandato aequiparatur. Ratification is equal to a command. • This maxim is sometimes written *Ratihabitio mandato comparatur* (meaning "ratification is equivalent to a command").

Ratio est formalis causa consuetudinis. Reason is the source and formal cause of custom.

Ratio est legis anima, mutata legis ratione mutatur et lex. Reason is the soul of the law; when the reason of the law has been changed, the law is also changed. [Cases: Common Law §9. C.J.S. *Common Law* §§ 12, 22-24.]

Ratio et auctoritas duo clarissima mundi lumina. Reason and authority are the two brightest lights in the world.

Ratio in jure aequitas integra. Reason in law is perfect equity.

Ratio legis est anima legis. The reason of the law is the soul of the law. [Cases: Statutes §184. C.J.S. *Statutes* § 316.]

Ratio non clauditur loco. Reason is not confined to any place.

Ratio potest allegari deficiente lege, sed vera et legalis et non apparens. A reason can be adduced when the law is defective, but it must be a true and legal reason, and not specious (or apparent).

Receditur a placitis juris potius quam injuriarum et delicta maneat impunita. One departs from settled rules of law, rather than let crimes and wrongs remain unpunished.

Recipitur in modum recipientis. A thing is received in the way the recipient intends.

Recorda sunt vestigia vetustatis et veritatis. Records are vestiges of antiquity and truth.

Recurrendum est ad extraordinarium quando non valet ordinarium. We must have recourse to what is extraordinary when what is ordinary fails.

Reddenda singula singulis. Each must be put in each separate place. • That is, the several terms or items apply distributively, or each to its proper object.

Regnum non est divisibile. The kingdom is not divisible.

Regula est, juris quidem ignorantiam cuique nocere, facti vero ignorantiam non nocere. The rule is that ignorance of the law is harmful (or prejudicial) to anyone, but ignorance of a fact is not. • Ignorance of a fact may excuse a party from the legal consequences of his conduct, but not ignorance of law.

Regula pro lege, si deficit lex. If the law is inadequate, the maxim serves in its place.

Regulariter non valet pactum de re mea non alienanda. As a rule, a contract not to alienate my property is not binding.

Reipublicae interest voluntates defunctorum effectum sortiri. It is in the interest of the state that the wills of the dead should have their (intended) effect.

Rei turpis nullum mandatum est. There is no mandate for a thing immoral (or illegal). • Hence, there is no action for failing to act on such a mandate. Dig. 17.1.6.3.

Relatio est fictio juris et intenta ad unum. Relation is a fiction of law, and intended for one thing. • Coke explains, "Relatio is a fiction of law to make a nullity of a thing ab initio"; obstacles are removed for the one purpose, *ut rei magis valeat*, that the matter have effect. 3 Coke 28.

Relatio semper fiat ut valeat dispositio. Reference should always be made in such a manner that a disposition (in a will) may have effect.

Relativorum cognitio uno, cognoscitur et alterum. Of things relating to each other, one being known, the other is also known.

Religio sequitur patrem. Religion follows the father. • The father's religion is *prima facie* the infant's religion.

Remissius imperanti melius paretur. A person commanding not too strictly is better obeyed.

Remoto impedimento, emergit actio. When the impediment has been removed, the action arises.

Repellitur a sacramento infamis. An infamous person is prevented from taking an oath.

Repellitur exceptione cedendarum actionum. (The litigant) is defeated by the plea that the actions have been assigned.

Reprobata pecunia liberat solventem. Money refused releases the person paying (or offering payment).

Reputatio est vulgaris opinio ubi non est veritas. Reputation is a common opinion where there is no certain knowledge.

Rerum ordo confunditur, si unicuique jurisdictio non servetur. The order of things is confounded if the proper jurisdiction of each is not maintained.

Rerum progressus ostendunt multa, quae in initio praecaveri seu praevideri non possunt. The course of events reveals many things that in the beginning could not be guarded against or foreseen.

Rerum suarum quilibet est moderator et arbiter. Every one is the manager and disposer of his own matters.

Res accendunt lumina rebus. Matters will throw light on (other) matters.

Res accessoria sequitur rem principalem. An accessory follows its principal.

Rescriptum principis contra jus non valet. The prince's rescript, if contrary to law, is of no avail.

Res denominatur a principali parte. A thing is named from its more essential (or primary) part.

Reservatio non debet esse de proficuis ipsis quia ea conceduntur, sed de redditu novo extra proficua. A reservation ought not to be of the annual increase itself, because it is granted, but of new rent apart from the annual increase.

Res est misera ubi jux est vagum et incertum. It is a miserable state of things where the law is vague and uncertain.

Res generalem habet significationem, quia tam corpora, quam incorporea, cujuscunque sunt generis naturae sive speciei, comprehendit. The word "things" has a general signification, because it comprehends corporeal as well as incorporeal objects; of whatever sort, nature, or species.

Resignatio est juris proprii spontanea refutatio. Resignation is the spontaneous rejection of one's own right.

Res inter alios acta aliis non nocet. A thing done between two parties does not damage other parties; a matter transacted between parties (e.g., to a contract) does not prejudice nonparties. [Cases: Evidence § 130; Judgment § 665. C.J.S. Evidence §§ 760-761; Judgments §§ 828, 831, 842.]

Res inter alios acta alteri nocere non debet. Things done between others ought not to injure an outsider (not party to them). [Cases: Evidence § 130; Judgment § 665. C.J.S. Evidence §§ 760-761; Judgments §§ 828, 831, 842.]

Res inter alios judicatae nullum aliis praejudicium faciunt. Matters adjudged in the lawsuits of others do not prejudice those who were not parties to them.

Res judicata facit ex albo nigrum, ex nigro album, ex curvo rectum, ex recto curvum. A matter adjudged makes white black; black white; the crooked straight; the straight crooked.

Res judicata pro veritate accipitur. A matter adjudged is taken for truth. [Cases: Judgment § 812(3). C.J.S. Judgments § 1058.]

Res nullius naturaliter fit primi occupantis. A thing that has no owner naturally belongs to the first taker.

Resoluto jure concedentis, resolvitur jus concessum. When the right of the grantor has been extinguished, the right granted is extinguished.

Res perit domino suo. The destruction of the thing is a loss to its owner.

Res per pecuniam aestimatur, et non pecunia per res. The value of a thing is estimated by its worth in money, and the value of money is not estimated by reference to things.

Respicendum est judicanti nequid aut durius aut remissius constituitur quam causa deposcit; nec enim aut severitatis aut clementiae gloria affectanda est. The person judging must see to it that nothing should be either more severely or more leniently construed than the cause itself demands; neither for severity nor clemency is glory to be sought after.

Respondeat raptor, qui ignorare non potuit quod pupillum alienum abduxit. Let the ravisher answer, for he could not be ignorant that he has taken away another's ward.

Respondeat superior. Let the principal answer. [Cases: Master and Servant § 300, 315; Principal and Agent § 159(1). C.J.S. Agency §§ 424-425, 427-430; Employer-Employee Relationship §§ 181-184, 188-195,

203, 231-235, 242, 244-246, 248, 251-252, 254-255.]

Responsio unius non omnino audiat. The answer of one witness should not be heard at all.

Res propria est quae communis non est. A thing is private that is not common.

Res quae intra praesidia perductae nondum sunt quantum ab hostibus occupatae, ideo postliminii non egent, quia dominum nondum mutarunt ex gentium jure. Things that have not yet been brought within the enemy's camp, although held by the enemy, do not need the fiction of postliminy on this account, because their ownership by the law of nations has not yet changed.

Res sacra non recipit aestimationem. A sacred thing does not admit of valuation.

Res sua nemini servit. No one can have a servitude over his own property. [Cases: Easements § 1. C.J.S. Easements §§ 2-8, 13-14, 21-22, 24, 53-55, 57-58, 89.]

Res transit cum suo onere. The thing passes with its burden.

Reus excipiendo fit actor. The defendant by a plea (or exception) becomes plaintiff.

Reus laesae majestatis punitur, ut pereat unus ne pereant omnes. A traitor is punished that one may die lest all perish.

Re, verbis, scripto, consensu, traditione, junctura vestes sumere pacta solent. Compacts usually take their clothing from the thing itself, from words, from writings, from consent, from delivery, from the joining together.

Reversio terrae est tanquam terra revertens in possessione donatori sive haeredibus suis post donum finitum. A reversion of land is as it were the return of the land to the possession of the donor or his heirs after the termination of the gift.

Rex est caput et salus reipublicae. The king is the head and safety of the commonwealth.

Rex est legalis et politicus. The king is (the fount of) both law and policy.

Rex est major singulis, minor universis. The king is greater than any single person; less than all.

Rex non debet esse sub homine sed sub Deo et lege. The king should not be under the authority of man, but of God and the law.

Rex non debet judicare sed secundum legem. The king ought to judge only according to law.

Rex non potest fallere nec falli. The king cannot deceive or be deceived.

Rex non potest gratiam facere cum injuria et damno aliorum. The king cannot confer a favor on anyone to the injury and damage of others.

Rex non potest peccare. The king can do no wrong. [Cases: United States § 125(1). C.J.S. United States § 217.]

Rex nunquam moritur. The king never dies.

Rex quod injustum est facere non potest. The king cannot do what is unjust.

Rex semper praesumitur attendere ardua regni pro bono publico omnium. The king is always presumed to attend to the business of the realm, for the public good of all.

Riparum usus publicus est jure gentium, sicut ipsius fluminis. The use of riverbanks is by the law of nations public, like that of the stream itself.

Roy n'est lié par aucun statute, si il ne soit expressement nosme. The king is not bound by any statute, if he is not expressly named.

Sacramentum habet in se tres comites, veritatem justitiam et iudicium: veritas habenda est in jurato; justitia et iudicium in iudice. An oath has in it three components — truth, justice, and judgment: truth in the party swearing, justice and judgment in the judge (administering the oath).

Sacramentum si fatuum fuerit, licet falsum, tamen non committit perjurium. A foolish oath, though false, does not make perjury.

Sacrilegus omnium praedonum cupiditatem et scelerem superat. A sacrilegious person surpasses the greed and wickedness of all other robbers.

Saepe constitutum est res inter alios judicatas aliis non praepjudicare. It has often been settled that matters adjudged between others ought not to prejudice those who were not parties.

Saepe numero ubi proprietas verborum attenditur, sensus veritatis amittitur. Frequently where propriety of words is given attention, the meaning of truth is lost.

Saepe viatorem nova, non vetus, orbita fallit. Often it is the new track, not the old one, that deceives the traveler.

Salus populi (est) suprema lex. The safety of the people is the supreme law. • The phrase is sometimes put in the imperative: *Salus populi suprema lex esto* (let the safety of the people be the supreme law). [Cases: Common Law § 9; Constitutional Law § 81. C.J.S. Common Law §§ 12, 22-24; Constitutional Law §§ 61, 432-443, 451-452; Insurance § 51.]

Salus reipublicae suprema lex. The safety of the state is the supreme law.

Salus ubi multi consilarii. Where there are many counselors, there is safety.

Sanguinis conjunctio benevolentia devincit homines et caritate. A tie of blood overcomes human beings through benevolence and family affection.

Sapiens incipit a fine, et quod primum est in intentione, ultimum est in executione. A wise person begins from the end, and what is first in intention is last in execution.

Sapiens omnia agit cum consilio. A wise man does everything advisedly.

Sapientia legis nummario pretio non est aestimanda. No price in money is to be put on the wisdom of the law.

Sapientis iudicis est cogitare tantum sibi esse permittum, quantum commissum et creditum. It is the mark of a wise judge to suppose that he is permitted only

so much as has been committed and entrusted to him.

Satius est petere fontes quam sectari rivulos. It is better to seek the sources than to follow tributaries.

Scientia scilorum est mixta ignorantia. The knowledge of matters is ignorance diluted.

Scientia utrinque par pares contrahentes facit. Equal knowledge on both sides makes the contracting parties equal.

Scienti et volenti non fit injuria. A wrong is not done to one who knows and assents to it.

Scire debes cum quo contrahis. You ought to know with whom you make an agreement.

Scire et scire debere aequiparantur in jure. To know a thing and to be bound to know it are regarded in law as equivalent.

Scire leges non hoc est verba earum tenere, sed vim et potestatem. To know the laws is to observe not their (mere) words, but their force and power.

Scire proprie est rem ratione et per causam cognoscere. To know properly is to know a thing in its reason and by its cause.

Scribere est agere. To write is to act.

Scriptae obligationes scriptis tolluntur, et nudi consensus obligatio contrario consensu dissolvitur. Written obligations are undone by writing, and the obligation of mere consent (or naked agreement) is dissolved by a bare consent to the contrary.

Scripta litera manet. The written word endures.

Secta est pugna civilis, sicut actores armantur actionibus, et quasi accinguntur gladiis, ita rei (e contra) muniuntur exceptionibus, et defenduntur quasi clypeis. A suit is a civil battle; just as the plaintiffs are armed with actions and, as it were, girded with swords, so (against them) the defendants are fortified with pleas, and defended as though by shields.

Secta quae scripto nititur a scripto variari non debet. A suit that relies on a writing ought not to vary from the writing.

Secundum naturam est commoda cujusque rei eum sequi quem sequentur incommoda. It is according to nature that the advantages in any matter should come to the person to whom the disadvantages will attend.

Securius expediuntur negotia commissa pluribus, et plus vident oculi quam oculus. Business entrusted to several people is done more reliably, and (several) eyes see more than (one) eye does.

Seisina facit stipitem. Seisin makes the stock. [Cases: Descent and Distribution § 11. C.J.S. Descent and Distribution §§ 14-15, 18-19.]

Semel civis semper civis. Once a citizen, always a citizen.

Semel malus semper praesumitur esse malus in eodem genere. Whoever is once bad is presumed to be so always in the same kind of affair.

Semper in dubiis benigniora praeferenda sunt. In dubious cases, the more favorable constructions are always to be preferred.

Semper in dubiis id agendum est, ut quam tutissimo loco res sit bona fide contracta, nisi quum aperte contra leges scriptum est. Always in doubtful cases that is to be done by which a bona fide contract may be in the safest condition, except when it has been drawn up clearly contrary to law.

Semper in obscuris quod minimum est sequimur. In obscure cases we always follow what is least obscure.

Semper in stipulationibus et in caeteris contractibus id sequimur quod actum est. In stipulations and other contracts, we always follow what was done (or agreed to). Dig. 50.17.34.

Semper ita fiat relatio ut valeat dispositio. Let the reference always be so made that the disposition may avail.

Semper necessitas probandi incumbit ei qui agit. The necessity of proving always rests on the claimant.

Semper praesumitur pro legitimatione puerorum, et filiatio non potest probari. The presumption is always in favor of legitimacy of children, and filiation cannot be proved.

Semper praesumitur pro negante. The presumption is always in favor of the one who denies.

Semper praesumitur pro sententia. The presumption is always in favor of a judgment (or sentence).

Semper pro matrimonio praesumitur. There is always a presumption in favor of marriage.

Semper qui non prohibet pro se intervenire mandare creditur. A person who does not prohibit the intervention of another in his behalf is always believed to authorize it. [Cases: Principal and Agent §119(2). C.J.S. Agency § 494.]

Semper sexus masculinus etiam faemininum continet. The masculine gender always includes the feminine as well. Dig. 32.63.

Semper specialia generalibus insunt. Special clauses are always included in general ones.

Senatores sunt partes corporis regis. Senators are part of the body of the king.

Sensus verborum est anima legis. The meaning of words is the spirit of the law.

Sensus verborum est duplex, mitis et asper, et verba semper accipienda sunt in mitiore sensu. The meaning of words is twofold, mild and harsh; and words are always to be received in their milder sense.

Sensus verborum ex causa dicendi accipiendus est, et sermones semper accipiendi sunt secundum subjectam materiam. The sense of words is to be taken from the occasion of speaking them, and discourses are always to be interpreted according to the subject matter.

Sententia a non iudice lata nemini debet nocere. A judgment pronounced by one who is not a judge should harm no one.

Sententia contra matrimonium nunquam transit in rem iudicatam. A sentence against marriage never becomes a final judgment (i.e., res iudicata).

Sententia facit jus, et legis interpretatio legis vim obtinet. The judgment creates the right, and the interpretation of the law obtains the force of law.

Sententia facit jus, et res iudicata pro veritate accipitur. The judgment creates the right, and what is adjudicated is taken for truth.

Sententia interlocutoria revocari potest, definitiva non potest. An interlocutory judgment may be revoked, but not a final one.

Sententia non fertur de rebus non liquidis. Judgment is not given on matters that are not clear.

Sequi debet potentia iustitiam, non praecedere. Power should follow justice, not precede it.

Sermo index animi. Speech is an index of the mind.

Servanda est consuetudo loci ubi causa agitur. The custom of the place where the action is brought is to be observed.

Servitia personalia sequuntur personam. Personal services follow the person (of the lord). • Such "personal services" were those "annexed to the person of the Mesne, as homage, fealty, etc." 2 Co. Inst. 374.

Si aes pro auro veneat non valet. If bronze is sold for gold (the contract) is invalid.

Si a jure discedas, vagus eris et erunt omnia omnibus incerta. If you depart from the law, you will wander (without a guide), and everything will be in a state of uncertainty to everyone.

Si alicujus rei societas sit et finis negotio impositus est, finitur societas. If there is a partnership in any matter, and the business is ended, the partnership ceases.

Si aliquid ex solemnibus deficiat, cum aequitas poscit subveniendum est. If anything is lacking from formal requirements, when equity requires, it will be supplied.

Si assuetis mederi possis, nova non sunt tentanda. If you can be relieved by accustomed remedies, new ones should not be tried.

Sic enim debere quem meliorem agrum suum facere, ne vicini deteriorem faciat. Everyone ought so to improve his land as not to injure his neighbor's.

Sic interpretandum est ut verba accipiantur cum effectu. Such an interpretation is to be made that the words may be taken with effect.

Sic utere tuo ut alienum non laedas. Use your property so as not to damage another's; so use your own as not to injure another's property. [Cases: Negligence §1010; Nuisance §3; Torts §1. C.J.S. Negligence §§ 399, 567, 571; Nuisance §§ 10-14, 18, 20-21, 25-26, 28, 31-33, 37-38, 40-43, 47-48, 50-51, 55, 57, 59-60, 62; Torts §§ 2-7.]

Sicut natura nil facit per saltum, ita nec lex. Just as nature does nothing with a leap, so neither does the law.

Si duo in testamento pugnantia reperiuntur, ultimum est ratum. If two conflicting provisions are found in a will, the latter is decisive.

Sigillum est cera impressa, quia cera sine impressione non est sigillum. A seal is a piece of wax impressed, because wax without an impression is not a seal.

Si iudicas, cognosce. If you judge, understand.

Silentium in senatu est vitium. Silence in the senate is a fault.

Silent leges inter arma. Laws are silent amid arms.

Si meliores sunt quos ducit amor, plures sunt quos corrigit timor. If the better are those whom love leads, the greater number are those whom fear corrects.

Similitudo legalis est casuum diversorum inter se collatorum similis ratio; quod in uno similitudo valet, valet in altero. Legal similarity is a similar reason that governs various cases when compared with each other, for what avails in one similar case will avail in the other.

Simonia est voluntas sive desiderium emendi vel vendendi spiritualia vel spiritualibus adhaerentia. Contractus ex turpi causa est et contra bonos mores. Simony is the will or desire of buying or selling spiritualities, or things pertaining to them. It is a contract founded on a bad cause, and against morality.

Simplex commendatio non obligat. A simple recommendation does not bind. [Cases: Sales §261(5).]

Simplex et pura donatio dici poterit ubi nulla est adjecta conditio nec modus. A gift is said to be pure and simple when no condition or qualification has been annexed.

Simplicitas est legibus amica, et nimia subtilitas in iure reprobanda. Simplicity is a friend to the laws, and too much subtlety in law is condemned.

Sine possessione usucapio procedere non potest. Without possession, prescription (Roman usucapio) cannot proceed.

Singuli in solidum tenentur. Each individual is bound for the whole.

Si non appareat quid actum est, erit consequens ut id sequamur quod in regione in qua actum est frequentatur. If it is not clear what was done (or agreed on), the consequence will be that we follow what is commonly done in the place where the agreement was made. Dig. 50.17.34.

Si nulla sit conjectura quae ducat alio, verba intelligenda sunt ex proprietate, non grammatica sed populari ex usu. If there is no inference that leads to a different result, words are to be understood according to their proper meaning, not in a grammatical but in a popular and ordinary sense.

Si plures condiciones ascriptae fuerunt donationi conjunctim, omnibus est parendum; et ad veritatem copulative requiritur quod utraque pars sit vera, si divisim, quilibet vel alteri eorum satis est obtemperare; et in disjunctivis, sufficit alteram partem esse veram. If several conditions are conjunctively written in a gift, the whole of them must be complied with; and with respect to their truth, it is necessary that every part be true, taken jointly; if the conditions are separate, it is sufficient to comply with either one or the other of them; and being disjunctive, that one or the other be true.

Si plures sint fidejussores, quotquot erunt numero, singuli in solidum tenentur. If there are more sureties than one, however many they will be in number, they are individually liable for the whole.

Si quidem in nomine, cognomine, praenomine, agnomine legatarii testator erraverit, cum de persona constat, nihilominus valet legatum. If the testator has erred in the name, cognomen, praenomen, or title of the legatee, when there is certainty about the person, the legacy is nonetheless valid.

Si quid universitati debetur, singulis non debetur, nec quod debet universitas singuli debent. If anything is due to a corporation, it is not due to the individual members of it, nor do the members individually owe what the corporation owes.

Si quis cum totum petiisset partem petat, exceptio rei judicatae vocet. If anyone sues for a part when he should have sued for the whole, the judgment should constitute *res judicata* (against another suit). [Cases: Judgment §592. C.J.S. Judgments §§ 761-762, 765.]

Si quis custos fraudem pupillo fecerit, a tutela removens est. If a guardian commits fraud against his ward, he is to be removed from the guardianship.

Si quis praegnantem uxorem reliquit, non videtur sine liberis decessisse. If anyone dies leaving his wife pregnant, he is not considered as having died childless.

Si quis unum percusserit cum alium percutere vellet, in felonia tenetur. If a person kills one when he meant to kill another, he is held guilty of felony.

Si suggestio non sit vera, litterae patentes vacuae sunt. If the suggestion is not true, the letters patent are void.

Sive tota res evincatur, sive pars, habet regressum emptor in venditorem. If the property is taken from the purchaser by eviction, whether whole or in part, he has an action against the vendor. Dig. 21.2.1.

Socii mei socius meus socius non est. The partner of my partner is not my partner.

Socii plures sunt quasi unum corpus, in eo quod unum jus habent, et oportet quod corpus sit integrum et quod in nulla parte sit defectus. Several partners are as one body, since they have one right, and it is necessary that the body be perfect, and that there be defect in no part.

Sola ac per se senectus donationem, testamentum aut transactionem non vitiat. Old age does not alone and of itself vitiate gift, will, or transaction.

Solemnitates juris sunt observandae. The solemnities of law must be observed.

Solo cedit quod solo implantatur. What is planted in the soil belongs to the soil. • This maxim is sometimes written *Solo cedit, quicquid solo plantatur* (translatable as "what is affixed to the soil belongs to the soil").

Solo cedit quod solo inaedificatur. Whatever is built on the soil belongs to the soil.

Solus Deus haeredem facit. God alone makes the heir.

Solutio pretii emptionis loco habetur. The payment of the price stands in the place of a sale.

Solvendo esse nemo intelligitur nisi qui solidum potest solvere. No one is understood to be in a state of solvency except the one who can pay all that he owes. Dig. 50.16.114.

Solvitur adhuc societas etiam morte socii. A partnership is also dissolved by the death of a partner.

Solvitur eo ligamine quo ligatur. It is released by the bond with which it is bound.

Solvitur in modo solventis. A payment is made for the purpose the payer intends.

Sommonitiones aut citationes nullae liceant fieri infra palatium regis. No summonses or citations should be permitted to be served within the king's palace.

Specilia generalibus derogant. Special words derogate from general ones.

Spes impunitatis continuum affectum tribuit delinquendi. The hope of impunity supplies a constant inclination to wrongdoing.

Spoliatus debet ante omnia restitui. A party forcibly deprived of possession ought first of all to have restitution.

Spoliatus episcopus ante omnia debet restitui. A bishop despoiled of his see ought, above all, to be restored.

Spondet peritiam artis. He promises (to use) the skill of his art. • That is, he engages to do the work in a skillful manner.

Sponsalia dicuntur futurarum nuptiarum conventio et repromissio. A betrothal is the agreement and promise of a future marriage.

Sponte virum fugiens mulier et adultera facta, doti sua careat, nisi sponsi sponte retracta. A woman leaving her husband of her own accord and committing adultery should lose her dower, unless she is taken back by her husband of his own accord.

Stabit praesumptio donec probetur in contrarium. A presumption will stand until proof is given to the contrary.

Stare decisis et non quietam movere. Literally, to stand by previous decisions and not to disturb settled matters. • To adhere to precedents, and not to depart from established principles. [Cases: Courts 89, 90. C.J.S. Courts §§ 139-140, 144-146, 150, 161-164, 166-167.]

Stat pro ratione voluntas. The will stands in place of a reason. [Cases: Wills 82. C.J.S. Wills § 173.]

Stat pro ratione voluntas populi. The will of the people stands in place of a reason.

Statuta pro publico commodo late interpretantur. Statutes made for the public advantage ought to be broadly construed.

Statuta suo clauduntur territorio, nec ultra territorium disponent. Statutes are confined to their own territory and have no extraterritorial effect.

Statutum affirmativum non derogat communi legi. An affirmative statute does not take away from the common law.

Statutum generaliter est intelligendum quando verba statuti sunt specialia, ratio autem generalis. A statute is to be understood generally when the words of the statute are special but its reason is general.

Statutum speciale statuto speciali non derogat. One special statute does not take away from another special statute.

Sublata causa tollitur effectus. Remove the cause and the effect ceases.

Sublata veneratione magistratum, respublicaruit. When respect for magistrates has been destroyed, the commonwealth perishes.

Sublato fundamento, cadit opus. When the foundation has been removed (or demolished), the structure collapses. [Cases: Principal and Surety 112. C.J.S. Principal and Surety §§ 113-114, 116.]

Sublato principali, tollitur adjunctum. When the principal has been taken away, the adjunct is also taken away.

Subsequens matrimonium tollit peccatum praecedens. A subsequent marriage removes the previous sin.

Succurritur minori; facilis est lapsus juventutis. Aid is given to a minor; easy is the slip-up of youth (i.e., youth is liable to err).

Summa caritas est facere justitiam singulis et omni tempore quando necesse fuerit. The greatest charity is to do justice to each individual and at every time when it is necessary.

Summa est lex quae pro religione facit. The highest law is the one that acts on behalf of religion.

Summa ratio est quae pro religione facit. The highest reason is that which acts in favor of religion. • Also found in indirect form, *Summam esse rationem quae pro religione facit*.

Summum jus, summa injuria. The highest right is the utmost injury. • That is, law too rigidly interpreted produces the greatest injustice.

Super falso et certo fingitur, super incerto et vero jure sumitur. A fiction assumes that the thing feigned is certainly untrue.

Superficies solo cedit. The surface goes with the land. • That is, whatever is attached to the land forms part of it.

Super fidem chartarum, mortuis testibus, erit ad patriam de necessitate recurrendum. The truth of charters is necessarily to be referred to a jury when the witnesses are dead.

Superflua non nocent. Superfluities do no injury.

Suppressio veri, expressio falsi. Suppression of the truth (is equivalent to) the expression of what is false. [Cases: Deeds 70(4); Fraud 16.]

Suppressio veri, suggestio falsi. Suppression of the truth (is equivalent to) the suggestion of what is false.

Surplusagium non nocet. Extraneous matter does no harm. • Superfluous allegations, not proper to the case, should have no effect.

Tacita quaedam habentur pro expressis. Certain things though unexpressed are considered as expressed.

Talis interpretatio semper fienda est ut evitetur absurdum, et inconveniens, et ne iudicium sit illusorium. Interpretation is always to be made in such a manner that what is absurd and improper is avoided, and so that the judgment is not a mockery.

Talis non est eadem, nam nullum simile est idem. "Such" is not "the same," for nothing similar is the same thing.

Tantum bona valent, quantum vendi possunt. Things are worth as much as they can be sold for.

Tantum concessum quantum scriptum. So much is granted as is written.

Tantum habent de lege, quantum habent de justitia. (Precedents) have value in the law to the extent that they represent justice.

Tantum operatur fictio in casu ficto quantum veritas in casu vero. A legal fiction operates to the same extent and effect in the supposed case as the truth does in a real case.

Tantum praescriptum quantum possessum. There is only prescription insofar as there has been possession.

Tempus enim modus tollendi obligationes et actiones, quia tempus currit contra desides et sui juris contemptores. For time is a means of destroying obligations and actions, because time runs against those who are inactive and show little respect for their own rights.

Tempus ex suapte natura vim nullam effectricem habet. Time, of its own nature, has no effectual force.

Tempus mortis inspicendum. (One must) look to the time of death.

Tenor est pactio contra communem feudi naturam ac rationem in contractu interposita. The tenure (of an agreement) is a compact contrary to the common nature and reason of the fee, put into a contract.

Tenor est qui legem dat feudo. It is the tenor that gives law to the fee. • That is, the tenor of the feudal grant regulates its effect and extent.

Terminus annorum certus debet esse et determinatus. A term of years ought to be certain and definite (with a fixed end).

Terminus et (ac) feodum non possunt constare simul in una eademque persona. Term and fee cannot both be vested in one and the same person at the same time.

Terra manens vacua occupanti conceditur. Land lying unoccupied is given to the occupant.

Terra transit cum onere. Land passes with the incumbrances.

Testamenta, cum duo inter se pugnancia reperiuntur, ultimum ratum est; sic est, cum duo inter se pugnancia reperiuntur in eodem testamento. When two conflicting wills are found, the last prevails; so it is when two conflicting clauses occur in the same will.

Testamenta latissimam interpretationem habere debent. Wills ought to have the broadest interpretation.

Testamentum est voluntatis nostrae justa sententia, de eo quod quis post mortem suam fieri velit. A testament is the just expression of our will concerning that which anyone wishes done after his death. • Or, as Blackstone renders it, a testament is "the legal declaration of a man's intentions which he wills to be performed after his death." 2 Bl. Com. 499.

Testamentum omne morte consummatum. Every will is completed by death.

Testatoris ultima voluntas est perimplenda secundum veram intentionem suam. The last will of a testator is to be fulfilled according to his true intention.

Testibus deponentibus in pari numero, dignioribus est credendum. When the number of witnesses giving testimony is equal on both sides, the more trustworthy are to be believed.

Testibus, non testimoniis, credendum est. The witnesses must be believed, not (simply) their testimony.

Testimonia ponderanda sunt, non numeranda. Testimonies are to be weighed, not counted.

Testis de visu praeponderat aliis. An eyewitness outweighs others.

Testis lupanaris sufficit ad factum in lupanari. Someone from a brothel is a sufficient witness to a happening in a brothel.

Testis nemo in sua causa esse potest. No one can be a witness in his own cause.

Testis oculatus unus plus valet quam auriti decem. One eyewitness is worth more than ten earwitnesses.

Testoignes ne poent testifier le negative, mes l'affirmative. Witnesses cannot testify to a negative; they must testify to an affirmative.

Thesaurus inventus est vetus dispositio pecuniae, & c., cujus non estat modo memoria, adeo ut jam dominum non habeat. Treasure trove is an ancient hiding of money, etc., of which no recollection exists, so that it now has no owner.

Thesaurus non competit regi, nisi quando nemo scit qui abscondit thesaurum. Treasure does not belong to the king, unless no one knows who hid it.

Timores vani sunt aestimandi qui non cadunt in constantem virum. Those fears must be considered vain (or frivolous) that do not affect a man of steady character.

Titius haeres esto. Let Titius be my heir. • Titius was the Roman counterpart of John Doe.

Titulus est justa causa possidendi id quod nostrum est. Title is the just cause of possessing that which is ours.

Tolle voluntatem et erit omnis actus indifferens. Take away the will, and every action will be indifferent.

Totum praefertur unicuique parti. The whole is preferred to any single part.

Tout ce que la loi ne defend pas est permis. Everything that the law does not forbid is permitted.

Toute exception non surveillée tend à prendre la place du principe. Every exception not watched tends to assume the place of the principle.

Tractent fabrilis fabri. Let smiths perform the work of smiths.

Transmissio loqui facit chartam. Delivery makes the deed (document) speak.

Traditionibus et usucapionibus, non nudis pactis, transferuntur rerum dominia. Rights of property are transferred by delivery and by prescription (founded on lengthy possession), not by naked agreements.

Traditio nihil amplius transferre debet vel potest ad eum qui accipit quam est apud eum qui tradit. Delivery neither can nor should transfer anything more to the recipient than is in possession of the one who delivers.

Trado tibi ecclesiam. I deliver this church (or living) to you.

Transgressione multiplicata, crescat poenae inflictio. When transgression is repeated, let the infliction of punishment be increased. 2 Co. Inst. 479.

Transit in rem judicatam. It passes into a judgment. [Cases: Judgment § 582. C.J.S. Judgments § 704.]

Transit terra cum onere. The land passes with its burdens.

Tres faciunt collegium. Three form a corporation.

Triatio ibi semper debet fieri ubi juratores meliorem possunt habere notitiam. Trial ought always to be held where the jurors can have the better information.

Triennalis pacificus possessor beneficii est inde securus. The undisturbed possessor of a benefice for three years is thereafter secure (from challenge).

Turpis est pars quae non convenit cum suo toto. The part is bad that does not accord with its whole.

Tuta est custodia quae sibi met creditur. The guardianship is secure that is entrusted to itself alone.

Tutius erratur ex parte mitiori. It is safer to err on the gentler side (or on the side of leniency).

Tutius est rei incumbere quam personae. It is safer to rely on a thing than on a person. • Real security is safer than personal security.

Tutius semper est errare in acquietando quam in puniendo, ex parte misericordiae quam ex parte justitiae. It is always safer to err in acquitting than in punishing, (and) on the side of mercy than of justice.

Tutor incertus dari non potest. An uncertain person cannot be given or appointed as tutor.

Tutor in rem suam auctor fieri non potest. A tutor cannot act for his own interest.

Tutor praesumitur intus habere, ante redditas rationes. A tutor is presumed to have funds in his own hands until his accounts have been rendered.

Tutor rem pupilli emere non potest. A tutor cannot purchase the property of his ward.

Ubi aliquid conceditur, conceditur et id sine quo res ipsa esse non potest. When anything is granted, that also is granted without which the thing itself cannot exist.

Ubi aliquid impeditur propter unum, eo remoto, tollitur impedimentum. When anything is impeded by reason

of one thing, when that is removed, the impediment is removed.

Ubi cessat remedium ordinarium, ibi decurritur ad extraordinarium. When a common remedy ceases to be of service, recourse is had to an extraordinary one.

Ubi culpa est, ibi poena subesse debet. Where the fault is, there the punishment should be imposed.

Ubiunque est injuria, ibi damnum sequitur. Wherever there is a legal wrong, there damage follows.

Ubi damna dantur victus victori in expensis condemnari debet. Where damages are awarded, the party that did not succeed ought to be adjudged to pay expenses for the party that prevailed.

Ubi eadem ratio, ibi idem jus. Where there is the same reason, there is the same law. — Also rendered *Ubi eadem est ratio, ibi idem est jus.*

Ubi eadem ratio, ibi idem jus; et de similibus idem est iudicium. Where there is the same reason, there is the same law; and the same judgment should be rendered on comparable facts.

Ubi est forum, ibi ergo est jus. Where the forum (or place of jurisdiction) is, there accordingly is the law.

Ubi et dantis et accipientis turpitudine versatur, non posse repeti dicimus; quotiens autem accipientis turpitudine versatur, repeti posse. Where there is misconduct on the part of both giver and receiver, we say the thing cannot be recovered; but as often as the misconduct is on the side of the receiver (alone), it can be recovered.

Ubi factum nullum, ibi fortia nulla. Where there is no fact, there are no strong points.

Ubi jus, ibi remedium. Where there is a right, there is a remedy. [Cases: Equity § 55. C.J.S. Equity § 120.]

Ubi jus incertum, ibi jus nullum. Where the right is uncertain, there is no right. [Cases: Statutes § 47. C.J.S. Statutes § 64.]

Ubi lex aliquem cogit ostendere causam, necesse est quod causa sit justa et legitima. Where the law compels someone to show cause, it is necessary that the cause be just and legal.

Ubi lex deest, praetor supplet. Where the law is deficient, the praetor supplies the deficiency.

Ubi lex est specialis et ratio ejus generalis, generaliter accipienda est. Where the law is special and the reason of it is general, it ought to be taken as general.

Ubi lex non distinguit, nec nos distinguere debemus. Where the law does not distinguish, we ought not to distinguish.

Ubi major pars est, ibi totum. Where the greater part is, there is the whole.

Ubi matrimonium, ibi dos. Where there is marriage, there is dower.

Ubi non adest norma legis, omnia quasi pro suspectis habenda sunt. Where there is no rule of law, everything must be held, as it were, suspect.

Ubi non est condendi auctoritas, ibi non est parendi necessitas. Where there is no authority to establish (a rule), there is no necessity to obey.

Ubi non est directa lex, standum est arbitrio iudicis, vel procedendum ad similia. Where there is not direct law, one must rely on the judgment of the judge or refer to similar cases.

Ubi non est lex, ibi non est transgressio quoad mundum. Where there is not law, there is not transgression, as far as this world is concerned.

Ubi non est manifesta injustitia, iudices habentur pro bonis viris, et iudicatum pro veritate. Where there is no manifest injustice, the judges are to be regarded as honest men, and their judgment as truth.

Ubi non est principalis, non potest esse accessorius. Where there is no principal, there can be no accessory.

Ubi nulla est conjectura quae ducat alio, verba intelligenda sunt ex proprietate non grammatica sed populari ex usu. Where there is no inference that would lead in another direction, the words are to be understood according to their proper meaning, not strictly according to grammar but according to popular usage.

Ubi nullum matrimonium, ibi nulla dos. Where there is no marriage, there is no dower.

Ubi onus ibi emolumentum. Where the burden is, there is the profit or advantage.

Ubi periculum, ibi et lucrum collocatur. Where the risk is, there also the profit accrues.

Ubi pugnantia inter se in testamento iherentur, neutrum ratum est. When two directions conflicting with each other were given in a will, neither is held valid.

Ubi quid generaliter conceditur, inest haec exceptio, si non aliquid sit contra jus fasque. Where a thing is granted in general terms, this exception is implied: if there is not anything contrary to law and right.

Ubi quis delinquit ibi punietur. Where anyone commits an offense, there will he be punished.

Ubi remedium, ibi ius. Where there is a remedy, there is a right.

Ubi verba conjuncta non sunt, sufficit alterutrum esse factum. Where words are not conjoined, it is enough that one or another (of the things enumerated) has been done.

Ultima voluntas testatoris est perimplenda secundum veram intentionem suam. The last will of a testator is to be fulfilled according to his true intention.

Ultimum supplicium esse mortem solam interpretamur. We consider death alone to be the extreme punishment.

Ultra posse non potest esse et vice versa. What is beyond possibility cannot exist, and the reverse (what cannot exist is not possible).

Una persona vix potest supplere vices duarum. One person can scarcely supply the place of two.

Unaquaeque gleba servit. Every lump of earth (on the land) is subject to the servitude.

Uniuscujusque contractus initium spectandum est et causa. The beginning and cause of each and every contract must be considered.

Unius omnino testis responsio non audiat. Let the evidence of one witness not be heard at all.

Universalis sunt notiora singularibus. Things universal are better known than things particular.

Universitas vel corporatio non dicitur aliquid facere nisi id sit collegialiter deliberatum, etiamsi major pars id faciat. A university or corporation is not said to take any action unless the action was resolved by it as a body, even if a greater part of the body should act.

Un ne doit prise advantage de son tort demesme. One should not take advantage from his own wrong.

Uno absurdo dato, infinita sequuntur. When one absurdity has been allowed, an infinity follows.

Unumquodque dissolvitur eodem ligamine quo ligatur. Everything is dissolved by the same binding by which it is bound together.

Unumquodque eodem modo dissolvitur quo colligatur. Any obligation is discharged in the same manner as it is constituted.

Unumquodque eodem modo quo colligatum est dissolvitur. In the same manner in which anything was bound, it is loosened.

Unumquodque est id quod est principalis in ipso. That which is the principal part of a thing is the thing itself.

Unumquodque ligamen dissolvitur eodem ligamine qui et ligatur. Every obligation is dissolved in the same manner in which it is contracted.

Unumquodque principiorum est sibi met ipsi fides; et perspicua vera non sunt probanda. Each and every one of the general principles is its own pledge of trust, and plain truths need not be proved.

Unusquisque debet esse guarus conditionis ejus cum quo contrahit. Everyone ought to be cognizant of the condition of the person with whom he makes contract.

Usucapio constituta est ut aliquis litium finis esset. Prescription (Roman usucapio) was instituted that there might be some end to lawsuits. Dig. 41.10.5.

Usus est dominium fiduciarium. Use is a fiduciary ownership.

Usus fit ex iteratis actibus. Usage arises from repeated acts.

Utile per inutile non vitiatur. What is useful is not vitiated by the useless. [Cases: Trial 336. C.J.S. Trial 851.]

Utlagatus est quasi extra legem positus: caput gerit lupinum. An outlaw is, as it were, put out of the protection of the law: he carries the head of a wolf.

Ut poena ad paucos, metus ad omnes perveniat. So that punishment afflict few, (and) fear affect all. • Blackstone cites Cicero (pro Cluentio 46) emphasizing deterrence. 4 Bl. Com. 11.

Ut res magis valeat quam pereat. (Interpret the law, contract, etc.) so that the transaction is upheld rather

er than lost (or so that a matter may avail rather than perish). • The phrase can be literally translated as "that the matter may have effect rather than fail." [Cases: Contracts §153; Patents §157(2); Wills §449. C.J.S. *Contracts* §§ 330, 332; *Patents* §§ 270-272; *Wills* § 864.]

Uxor et filius sunt nomina naturae. Wife and son are names of nature.

Uxor non est sui juris sed sub potestate viri. A wife is not in her own right (i.e., she cannot act independently), but under the power of her husband.

Uxor sequitur domicilium viri. A wife follows the domicile of her husband.

Vagabundum nuncupamus eum qui nullibi domicilium contraxit habitationis. We call the person a vagabond who has acquired nowhere a domicile of residence.

Valeat quantum valere potest. Let it have effect as far as it can have effect.

Vana est illa potentia quae nunquam venit in actum. Vain is that power that never comes into action.

Vani timores sunt aestimandi, qui non cadunt in constantem viam. Those fears are to be considered groundless that do not affect a man of steady character.

Vani timoris iusta excusatio non est. There is no legal excuse based on a groundless fear.

Velle non creditur qui obsequitur imperio patris vel domini. A person is not presumed to act of his own will who obeys the orders of his father or his master.

Vendens eandem rem duobus falsarius est. A vendor is fraudulent if he sells the same thing to two (separate) buyers.

Veniae facilitas incentivum est delinquendi. Ease of winning pardon is an incentive to committing crime.

Verba accipienda sunt secundum subjectam materiam. Words are to be interpreted according to the subject matter.

Verba accipienda ut sortiantur effectum. Words are to be taken so that they may have some effect.

Verba aequivoca ac in dubio sensu posita intelliguntur digniori et potentiori sensu. Equivocal words and those in a doubtful sense are understood in the more suitable and more effective sense.

Verba aliquid operari debent — debent intelligi ut aliquid operentur. Words ought to have some effect — words ought to be understood so as to have some effect.

Verba aliquid operari debent; verba cum effectu sunt accipienda. Words ought to have some effect; words must be taken so as to have effect.

Verba artis ex arte. Terms of art (should be explained) from the art.

Verba chartarum fortius accipiuntur contra proferentem. The words of deeds are taken most strongly against the person offering them.

Verba cum effectu accipienda sunt. Words must be taken so as to have effect.

Verba currentis monetae tempus solutionis designant. The words "current money" refer to the time of payment.

Verba debent intelligi cum effectu. Words ought to be understood with effect.

Verba debent intelligi ut aliquid operentur. Words ought to be so understood that they may have some effect.

Verba dicta de persona intelligi debent de conditione personae. Words spoken of the person are to be understood of the condition of the person.

Verba fortius accipiuntur contra proferentem. Words are interpreted more strongly against the party who puts them forward; words are most readily accepted against the one putting them forward.

Verba generalia generaliter sunt intelligenda. General words are to be understood generally.

Verba generalia restringuntur ad habilitatem rei vel aptitudinem personae. General words are limited to the capability of the subject matter or the aptitude of the person.

Verba generalia restringuntur ad habilitatem rei vel personae. General words are limited to the capability of the subject matter or of the person. [Cases: Release §31.]

Verba illata (relata) inesse videntur. Words referred to are considered as if incorporated.

Verba in differenti materia per prius, non per posterius, intelligenda sunt. Words referring to a different subject are to be understood by what goes before, not by what follows.

Verba intelligenda sunt in casu possibili. Words are to be understood in reference to a possible case.

Verba intentioni, et non e contra, debent inservire. Words should be subject to the intention, not the reverse.

Verba ita sunt intelligenda, ut res magis valeat quam pereat. Words are to be so understood that the matter may have effect rather than fail.

Verba mere aequivoca, si per communem usum loquendi in intellectu certo sumuntur, talis intellectus praefendus est. When words are purely equivocal, if by common usage of speech they are taken in a certain meaning, such meaning is to be preferred.

Verba nihil operari melius est quam absurde. It is better that words should have no effect than an absurd effect.

Verba non tam intuenda quam causa et natura rei, ut mens contrahentium ex eis potius quam ex verbis appareat. The words (of a contract) are not to be looked to so much as the cause and nature of the matter, so that the intention of the contracting parties may appear from these rather than from the (mere) words.

Verba offendi possunt, immo ab eis recedere licet, ut verba ad sanum intellectum reducantur. The words can be faulted — indeed, it is permitted to depart from them, in order that the words may be restored to a sensible meaning.

Verba ordinationis, quando verificari possunt in sua vera significatione, trahi ad extraneum intellectum non debent. When the words of an ordinance can be made true in their true signification, they ought not to be warped to a foreign meaning.

Verba posteriora propter certitudinem addita, ad priora quae certitudine indigent, sunt referenda. Later words added for the purpose of certainty are to be referred to preceding words in which certainty is wanting.

Verba pro re et subjecta materia accipi debent. Words should be taken most in favor of the thing and the subject matter.

Verba quae aliquid operari possunt non debent esse superflua. Words that can have some effect ought not to be (treated as) superfluous.

Verba quantumvis generalia ad aptitudinem restringuntur, etiamsi nullam aliam paterentur restrictionem. Words, howsoever general, are confined to fitness (i.e., to harmonize with the subject matter), even if they would bear no other restriction.

Verba relata hoc maxime operantur per referentiam ut in eis inesse videntur. Words to which reference is made have, by the reference, this particular effect, that they are considered to be incorporated in those (clauses). • Words to which reference is made in an instrument have the same effect and operation as if they were inserted in the clause referring to them.

Verba relata inesse videntur. Words to which reference is made are considered incorporated.

Verba secundum materiam subjectam intelligi nemo est qui nescit. There is no one who does not know that words should be understood according to the subject matter.

Verba semper accipienda sunt in mitiori sensu. Words are always to be taken in their milder sense.

Verba strictae significationis ad latam extendi possunt, si subsit ratio. Words of a strict signification can be given a wide signification if there is reason for it.

Verba sunt indices animi. Words are indications of the intention.

Verbis standum ubi nulla ambiguitas. One must abide by the words where there is no ambiguity. [Cases: Statutes §190. C.J.S. Statutes § 321.]

Verborum obligatio verbis tollitur. An obligation verbally incurred is verbally extinguished.

Verbum imperfecti temporis rem adhuc imperfectam significat. The verb in the imperfect tense indicates a matter as yet incomplete.

Verdictum quasi dictum veritatis; ut iudicium quasi juris dictum. A verdict is, as it were, the saying of the truth, in the same manner that a judgment is the saying of the law (or right).

Veritas, a quocunque dicitur, a Deo est. Truth, by whomsoever pronounced, is from God.

Veritas demonstrationis tollit errorem nominis. The truth of the description removes the error of the name.

Veritas est iustitiae mater. Truth is the mother of justice.

Veritas habenda est in iuratore; iustitia et iudicium in iudice. Truth is the desideratum in a juror; justice and judgment in a judge.

Veritas nihil veretur nisi abscondi. Truth fears nothing but to be hidden.

Veritas nimium altercando amittitur. By too much quarreling the truth is lost.

Veritas nominis tollit errorem demonstrationis. The truth of the name takes away the error of the description.

Veritatem qui non libere pronunciat, proditor est veritatis. One who does not speak the truth freely is a traitor to the truth.

Via antiqua via est tuta. The old way is the safe way.

Via trita est tutissima. The beaten road is the safest.

Via trita, via tuta. The beaten way is the safe way.

Vicarius non habet vicarium. A deputy does not have a deputy.

Vicini viciniora praesumuntur scire. Neighbors are presumed to know things of the immediate vicinity.

Videtur qui surdus et mutus ne potest faire alienation. A deaf and mute person is considered not to be able to alienate.

Vigilantibus et non dormientibus jura subveniunt. The laws aid the vigilant, not those who sleep. [Cases: Equity §64. C.J.S. Equity § 115.]

Vim vi repellere licet, modo fiat moderamine inculpatae tutelae, non ad sumendam vindictam, sed ad propulsandam injuriam. It is lawful to repel force by force; but let it be done with the self-control of blameless defense. C. not to take revenge, but to repel injury.

Violenta praesumptio aliquando est plena probatio. A very powerful presumption is sometimes full proof.

Viperina est expositio quae corrodit viscera textus. That is a viperous exposition that gnaws away the innards of the text.

Vir et uxor censentur in lege una persona. Husband and wife are considered one person in law.

Vis legibus est inimica. Force is inimical to the laws.

Vitium clerici nocere non debet. A clerical error ought not to be prejudicial.

Vitium est quod fugi debet, ne, si rationem non invenias, mox legem sine ratione esse clames. It is a fault that ought to be avoided, that if you do not discover the reason, you quickly exclaim that the law is without reason.

Vix ulla lex fieri potest quae omnibus commoda sit, sed si majori parti prospiciat, utilis est. Scarcely any law can be made that is advantageous to all; but if it benefits the majority, it is useful.

Vocabula artium explicanda sunt secundum definitiones prudentium. Terms of art are to be explained according to the definitions of those who are experienced in that art.

Volenti non fit injuria. There is no injury to one who consents. [Cases: Negligence §550. C.J.S. Negligence §§ 360-361.]

- Voluit sed non dixit.* The person willed but did not say.
- Voluntas donatoris in charta doni sui manifeste expressa observetur.* The will of the donor, if clearly expressed in the deed of his gift, should be observed.
- Voluntas et propositum distinguunt maleficia.* The will and the purpose distinguish crimes.
- Voluntas facit quod in testamento scriptum valeat.* The will (of the testator) gives validity to what is written in the will (testament).
- Voluntas in delictis non exitus spectatur.* In offenses, the will and not the outcome is regarded.
- Voluntas reputatur pro facto.* The will is to be taken for the deed. [Cases: Homicide §557.]
- Voluntas testatoris ambulatoria est usque ad mortem.* The will of a testator is changeable right up until death. • That is, the testator may change the will at any time. This maxim is sometimes written *Voluntas testatoris est ambulatoria usque ad extremum vitae exitum* (same sense).
- Voluntas testatoris habet interpretationem latam et benignam.* The will of the testator should receive a broad and liberal interpretation.
- Voluntas ultima testatoris est perimplenda secundum veram intentionem suam.* The last will of a testator is to be fulfilled according to his true intention.
- Vox emissa volat; littera scripta manet.* The uttered voice flies; the written letter remains. [Cases: Libel and Slander §15. C.J.S. *Libel and Slander; Injurious Falsehood* §§ 2, 10.]
- Vulgaris opinio est duplex: orta inter graves et discretos, quae multum veritatis habet, et opinio orta inter leves et vulgares homines, absque specie veritatis.*

Common opinion is double: that proceeding from grave and discreet men, which has much truth in it, and that proceeding from foolish vulgar men, without any semblance of truth in it.

Maxims Bibliography

- Bl. Com.** = Blackstone, William, *Commentaries on the Laws of England*. 4 vols. Reprinted Chicago and London: University of Chicago Press, 1979. From the 1st ed. Oxford: Clarendon Press 1765-1769.
- Bracton** = Bracton, Henry de. *De Legibus et Consuetudinibus Angliae*. G.E. Woodbine ed.; S.E. Thorne transl. 4 vols. Cambridge, Mass.: Harvard University Press, 1968.
- Coke** = *The Reports of Sir Edward Coke*. J.H. Thomas & J.F. Fraser eds. 13 parts in 6 vols. London: Butterworth, 1826.
- Co. Inst.** = Coke, Sir Edward, *The Institutes of the Laws of England*. Parts 2B4, in 4 vols. Reprinted Buffalo, N.Y.: William S. Hein, 1986. From the edition of London: Brooke, 1797.
- Co. Litt.** = Coke, Sir Edward, *The First Part of the Institutes of the Laws of England, or A Commentarie upon Littleton*. 2 vols. Reprinted New York and London: Garland, 1979. From the 1st ed. London: Societe of Stationers, 1628.
- Dig.** = *The Digest of Justinian*. T. Mommsen et al. 4 vols. Philadelphia: University of Pennsylvania Press, 1985.
- Just. Inst.** = *Justinian's Institutes*. P. Kueger ed.; P. Birks & G. McLeod transl. Ithaca, N.Y.: Cornell University Press, 1987.

Appendix D

Universal Declaration of Human Rights

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act, the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

- Article 1.** All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- Article 2.** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
- Article 3.** Everyone has the right to life, liberty and security of person.
- Article 4.** No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
- Article 5.** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 6.** Everyone has the right to recognition everywhere as a person before the law.
- Article 7.** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- Article 8.** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.
- Article 9.** No one shall be subjected to arbitrary arrest, detention or exile.
- Article 10.** Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
- Article 11.** (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.
- Article 12.** No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- Article 13.** (1) Everyone has the right to freedom of movement and residence within the borders of each State.

- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

- (2) This right may not be invoked in the case of prosecutions genuinely arising from nonpolitical crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

- (2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

- (2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

- (2) Everyone has the right to equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each

State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Appendix E

Time Chart of the United States Supreme Court [†]

The following table is designed to aid the user in identifying the composition of the Court at any given time in American history. Each listing is headed by the Chief Justice, whose name is italicized. Associate Justices are listed following the Chief Justice in order of seniority. In addition to dates of appointment, the table provides information on political-party affiliation. Following each Justice is a symbol representing his or her party affiliation at the time of appointment:

F = Federalist	W = Whig
DR = Democratic Republican (Jeffersonian)	R = Republican
D = Democrat	I = Independent

1789 Jay (F) J. Rutledge (F) Cushing (F) Wilson (F) Blair (F)	1798-1799 Ellsworth (F) Cushing (F) Iredell (F) Paterson (F) S. Chase (F) Washington (F)	1811-1822 <i>J. Marshall</i> (F) Washington (F) W. Johnson (DR) Livingston (DR) Todd (DR) Duval (DR) Story (DR)	1835 <i>J. Marshall</i> (F) Duval (DR) Story (DR) Thompson (DR) McLean (D) Baldwin (D) Wayne (D)
1790-1791 Jay (F) J. Rutledge (F) Cushing (F) Wilson (F) Blair (F) Iredell (F)	1800 Ellsworth (F) Cushing (F) Paterson (F) S. Chase (F) Washington (F) Moore (F)	1823-1825 <i>J. Marshall</i> (F) Washington (F) W. Johnson (DR) Todd (DR) Duval (DR) Story (DR) Thompson (DR)	1836 Taney (D) Story (DR) Thompson (DR) McLean (D) Baldwin (D) Wayne (D) Barbour (D)
1792 Jay (F) Cushing (F) Wilson (F) Blair (F) Iredell (F) T. Johnson (F)	1801-1803 <i>J. Marshall</i> (F) Cushing (F) Paterson (F) S. Chase (F) Washington (F) Moore (F)	1826-1828 <i>J. Marshall</i> (F) Washington (F) W. Johnson (DR) Duval (DR) Story (DR) Thompson (DR) Trimble (DR)	1837-1840 Taney (D) Story (DR) Thompson (DR) McLean (D) Baldwin (D) Wayne (D) Barbour (D) Catron (D) McKinley (D)
1793-1794 Jay (F) Cushing (F) Wilson (F) Blair (F) Iredell (F) Paterson (F)	1804-1805 <i>J. Marshall</i> (F) Cushing (F) Paterson (F) S. Chase (F) Washington (F) W. Johnson (DR)	1829 <i>J. Marshall</i> (F) Washington (F) W. Johnson (DR) Duval (DR) Story (DR) Thompson (DR) McLean (D)	1841-1843 Taney (D) Story (DR) Thompson (DR) McLean (D) Baldwin (D) Wayne (D) Catron (D) McKinley (D) Daniel (D)
1795 <i>J. Rutledge</i> (F)* Cushing (F) Wilson (F) Blair (F) Iredell (F) Paterson (F)	1806 <i>J. Marshall</i> (F) Cushing (F) S. Chase (F) Washington (F) W. Johnson (DR) Livingston (DR)	1830-1834 <i>J. Marshall</i> (F) W. Johnson (DR) Duval (DR) Story (DR) Thompson (DR) McLean (D) Baldwin (D)	1844 Taney (D) Story (DR) McLean (D) Baldwin (D) Wayne (D) Catron (D) McKinley (D) Daniel (D)
1796-1797 Ellsworth (F) Cushing (F) Wilson (F) Iredell (F) Paterson (F) S. Chase (F)	1807-1810 <i>J. Marshall</i> (F) Cushing (F) S. Chase (F) Washington (F) W. Johnson (DR) Livingston (DR) Todd (DR)		

[†] Source: Ducat and Chase, *Constitutional Interpretation*, 4th Edition, published in 1988 by West Publishing Co.

1845 Taney (D) McLean (D) Wayne (D) Catron (D) McKinley (D) Daniel (D) Nelson (D) Woodbury (D)	1863 Taney (D) Wayne (D) Catron (D) Nelson (D) Grier (D) Clifford (D) Swayne (R) Miller (R) Davis (R) Field (D)	1874-1876 Waite (R) Clifford (D) Swayne (R) Miller (R) Davis (R) Field (D) Strong (R) Bradley (R) Hunt (R)	1889 Fuller (D) Miller (R) Field (D) Bradley (R) Harlan (Ky.) (R) Gray (R) Blatchford (R) L. Lamar (D) Brewer (R)
1846-1850 Taney (D) McLean (D) Wayne (D) Catron (D) McKinley (D) Daniel (D) Nelson (D) Woodbury (D) Grier (D)	1864-1865 S. P. Chase (R) Wayne (D) Catron (D) * * Nelson (D) Grier (D) Clifford (D) Swayne (R) Miller (R) Davis (R) Field (D)	1877-1879 Waite (R) Clifford (D) Swayne (R) Miller (R) Field (D) Strong (R) Bradley (R) Hunt (R) Harlan (Ky.) (R)	1890-1891 Fuller (D) Field (D) Bradley (R) Harlan (Ky.) (R) Gray (R) Blatchford (R) L. Lamar (D) Brewer (R) Brown (R)
1851-1852 Taney (D) McLean (D) Wayne (D) Catron (D) McKinley (D) Daniel (D) Nelson (D) Grier (D) Curtis (W)	1866 S. P. Chase (R) Wayne (D) * * Nelson (D) Grier (D) Clifford (D) Swayne (R) Miller (R) Davis (R) Field (D)	1880 Waite (R) Clifford (D) Swayne (R) Miller (R) Field (D) Bradley (R) Hunt (R) Harlan (Ky.) (R) Woods (R)	1892 Fuller (D) Field (D) Harlan (Ky.) (R) Gray (R) Blatchford (R) L. Lamar (D) Brewer (R) Brown (R) Shiras (R)
1853-1857 Taney (D) McLean (D) Wayne (D) Catron (D) Daniel (D) Nelson (D) Grier (D) Curtis (W) Campbell (D)	1867-1869 S. P. Chase (R) Nelson (D) Grier (D) Clifford (D) Swayne (R) Miller (R) Davis (R) Field (D)	1881 Waite (R) Miller (R) Field (D) Bradley (R) Hunt (R) Harlan (Ky.) (R) Woods (R) Matthews (R) Gray (R)	1893 Fuller (D) Field (D) Harlan (Ky.) (R) Gray (R) Blatchford (R) Brewer (R) Brown (R) Shiras (R) H. Jackson (D)
1858-1860 Taney (D) McLean (D) Wayne (D) Catron (D) Daniel (D) Nelson (D) Grier (D) Campbell (D) Clifford (D)	1870-1871 S. P. Chase (R) Nelson (D) Clifford (D) Swayne (R) Miller (R) Davis (R) Field (D) Strong (R) Bradley (R)	1882-1887 Waite (R) Miller (R) Field (D) Bradley (R) Harlan (Ky.) (R) Woods (R) Matthews (R) Gray (R) Blatchford (R)	1894 Fuller (D) Field (D) Harlan (Ky.) (R) Gray (R) Brewer (R) Brown (R) Shiras (R) H. Jackson (D) E. White (D)
1861 Taney (D) McLean (D) Wayne (D) Catron (D) Nelson (D) Grier (D) Campbell (D) Clifford (D)	1872-1873 S. P. Chase (R) Clifford (D) Swayne (R) Miller (R) Davis (R) Field (D) Strong (R) Bradley (R) Hunt (R)	1888 Fuller (D) Miller (R) Field (D) Bradley (R) Harlan (Ky.) (R) Matthews (R) Gray (R) Blatchford (R) L. Lamar (D)	1895-1897 Fuller (D) Field (D) Harlan (Ky.) (R) Gray (R) Brewer (R) Brown (R) Shiras (R) E. White (D) Peckham (D)

1898-1901

Fuller (D)
 Harlan (Ky.) (R)
 Gray (R)
 Brewer (R)
 Brown (R)
 Shiras (R)
 E. White (D)
 Peckham (D)
 McKenna (R)

1902

Fuller (D)
 Harlan (Ky.) (R)
 Brewer (R)
 Brown (R)
 Shiras (R)
 E. White (D)
 Peckham (D)
 McKenna (R)
 Holmes (R)

1903-1905

Fuller (D)
 Harlan (Ky.) (R)
 Brewer (R)
 Brown (R)
 E. White (D)
 Peckham (D)
 McKenna (R)
 Holmes (R)
 Day (R)

1906-1908

Fuller (D)
 Harlan (Ky.) (R)
 Brewer (R)
 E. White (D)
 Peckham (D)
 McKenna (R)
 Holmes (R)
 Day (R)
 Moody (R)

1909

Fuller (D)
 Harlan (Ky.) (R)
 Brewer (R)
 E. White (D)
 McKenna (R)
 Holmes (R)
 Day (R)
 Moody (R)
 Lurton (D)

1910-1911

E. White (D)
 Harlan (Ky.) (R)
 McKenna (R)
 Holmes (R)
 Day (R)
 Lurton (D)
 Hughes (R)
 Van Devanter (R)
 J. Lamar (D)

1912-1913

E. White (D)
 McKenna (R)
 Holmes (R)
 Day (R)
 Lurton (D)
 Hughes (R)
 Van Devanter (R)
 J. Lamar (D)
 Pitney (R)

1914-1915

E. White (D)
 McKenna (R)
 Holmes (R)
 Day (R)
 Hughes (R)
 Van Devanter (R)
 J. Lamar (D)
 Pitney (R)
 McReynolds (D)

1916-1920

E. White (D)
 McKenna (R)
 Holmes (R)
 Day (R)
 Van Devanter (R)
 Pitney (R)
 McReynolds (D)
 Brandeis (R) * * *

1921

Taft (R)
 McKenna (R)
 Holmes (R)
 Day (R)
 Van Devanter (R)
 Pitney (R)
 McReynolds (D)
 Brandeis (R)
 Clarke (D)

1922

Taft (R)
 McKenna (R)
 Holmes (R)
 Van Devanter (R)
 Pitney (R)
 McReynolds (D)
 Brandeis (R)
 Sutherland (R)
 Butler (D)

1923-1924

Taft (R)
 McKenna (R)
 Holmes (R)
 Van Devanter (R)
 McReynolds (D)
 Brandeis (R)
 Sutherland (R)
 Butler (D)
 Sanford (R)

1925-1929

Taft (R)
 Holmes (R)
 Van Devanter (R)
 McReynolds (D)
 Brandeis (R)
 Sutherland (R)
 Butler (D)
 Sanford (R)
 Stone (R)

1930-1931

Hughes (R)
 Holmes (R)
 Van Devanter (R)
 McReynolds (D)
 Brandeis (R)
 Sutherland (R)
 Butler (D)
 Stone (R)
 Roberts (R)

1932-1936

Hughes (R)
 Van Devanter (R)
 McReynolds (D)
 Brandeis (R)
 Sutherland (R)
 Butler (D)
 Stone (R)
 Roberts (R)
 Cardozo (D)

1937

Hughes (R)
 McReynolds (D)
 Brandeis (R)
 Sutherland (R)
 Butler (D)
 Stone (R)
 Roberts (R)
 Cardozo (D)
 Black (D)

1938

Hughes (R)
 McReynolds (D)
 Brandeis (R)
 Butler (D)
 Stone (R)
 Roberts (R)
 Cardozo (D)
 Black (D)
 Reed (D)

1939

Hughes (R)
 McReynolds (D)
 Butler (D)
 Stone (R)
 Roberts (R)
 Black (D)
 Reed (D)
 Frankfurter (I)
 Douglas (D)

1940

Hughes (R)
 McReynolds (D)
 Stone (R)
 Roberts (R)
 Black (D)
 Reed (D)
 Frankfurter (I)
 Douglas (D)
 Murphy (D)

1941-1942

Stone (R)
 Roberts (R)
 Black (D)
 Reed (D)
 Frankfurter (I)
 Douglas (D)
 Murphy (D)
 Byrnes (D)
 R. Jackson (D)

1943-1944

Stone (R)
 Roberts (R)
 Black (D)
 Reed (D)
 Frankfurter (I)
 Douglas (D)
 Murphy (D)
 R. Jackson (D)
 W. Rutledge (D)

1945

Stone (R)
 Black (D)
 Reed (D)
 Frankfurter (I)
 Douglas (D)
 Murphy (D)
 R. Jackson (D)
 W. Rutledge (D)
 Burton (R)

1946-1948

Vinson (D)
 Black (D)
 Reed (D)
 Frankfurter (I)
 Douglas (D)
 Murphy (D)
 R. Jackson (D)
 W. Rutledge (D)
 Burton (R)

1949-1952

Vinson (D)
 Black (D)
 Reed (D)
 Frankfurter (I)
 Douglas (D)
 R. Jackson (D)
 Burton (R)
 Clark (D)
 Minton (D)

1953-1954 Warren (R) Black (D) Reed (D) Frankfurter (I) Douglas (D) R. Jackson (D) Burton (R) Clark (D) Minton (D)	1962-1965 Warren (R) Black (D) Douglas (D) Clark (D) Harlan (N.Y.) (R) Brennan (D) Stewart (R) B. White (D) Goldberg (D)	1970 Burger (R) Black (D) Douglas (D) Harlan (N.Y.) (R) Brennan (D) Stewart (R) B. White (D) T. Marshall (D) Blackmun (R)	1988-1990 Rehnquist (R) Brennan (D) B. White (D) T. Marshall (D) Blackmun (R) J. Stevens (R) O'Connor (R) Scalia (R) Kennedy (R)
1955 Warren (R) Black (D) Reed (D) Frankfurter (I) Douglas (D) Burton (R) Clark (D) Minton (D) Harlan (N.Y.) (R)	1965-1967 Warren (R) Black (D) Douglas (D) Clark (D) Harlan (N.Y.) (R) Brennan (D) Stewart (R) B. White (D) Fortas (D)	1971 Burger (R) Douglas (D) Brennan (D) Stewart (R) B. White (D) T. Marshall (D) Blackmun (R)	1990-1991 Rehnquist (R) B. White (D) T. Marshall (D) Blackmun (R) J. Stevens (R) O'Connor (R) Scalia (R) Kennedy (R) Souter (R)
1956 Warren (R) Black (D) Reed (D) Frankfurter (I) Douglas (D) Burton (R) Clark (D) Harlan (N.Y.) (R) Brennan (D)	1967-1969 Warren (R) Black (D) Douglas (D) Harlan (N.Y.) (R) Brennan (D) Stewart (R) B. White (D) Fortas (D) T. Marshall (D)	1972-1975 Burger (R) Douglas (D) Brennan (D) Stewart (R) B. White (D) T. Marshall (D) Blackmun (R) Powell (D) Rehnquist (R)	1991-1993 Rehnquist (R) B. White (D) Blackmun (R) J. Stevens (R) O'Connor (R) Scalia (R) Kennedy (R) Souter (R) Thomas (R)
1957 Warren (R) Black (D) Frankfurter (I) Douglas (D) Burton (R) Clark (D) Harlan (N.Y.) (R) Brennan (D) Whittaker (R)	1969 Burger (R) Black (D) Douglas (D) Harlan (N.Y.) (R) Brennan (D) Stewart (R) B. White (D) Fortas (D) T. Marshall (D)	1975-1981 Burger (R) Brennan (D) Stewart (R) B. White (D) T. Marshall (D) Blackmun (R) Powell (D) Rehnquist (R) Stevens (R)	1993-1994 Rehnquist (R) Blackmun (R) J. Stevens (R) O'Connor (R) Scalia (R) Kennedy (R) Souter (R) Thomas (R) Ginsburg (D)
1958-1961 Warren (R) Black (D) Frankfurter (I) Douglas (D) Clark (D) Harlan (N.Y.) (R) Brennan (D) Whittaker (R) Stewart (R)	1969-1970 Burger (R) Black (D) Douglas (D) Harlan (N.Y.) (R) Brennan (D) Stewart (R) B. White (D) T. Marshall (D)	1981-1986 Burger (R) Brennan (D) B. White (D) T. Marshall (D) Blackmun (R) Powell (D) Rehnquist (R) J. Stevens (R) O'Connor (R)	1994- Rehnquist (R) J. Stevens (R) O'Connor (R) Scalia (R) Kennedy (R) Souter (R) Thomas (R) Ginsburg (D) Breyer (D)
		1986-1988 Rehnquist (R) Brennan (D) B. White (D) T. Marshall (D) Blackmun (R) Powell (D) J. Stevens (R) O'Connor (R) Scalia (R)	

* Rutledge was a recess appointment whose confirmation was rejected by the Senate after the 1795 Term.

** Upon the death of Catron in 1865 and Wayne in 1867 their positions were abolished according to a congressional act of 1866. The Court's membership was reduced to eight until a new position was created by Congress in 1869. The new seat has generally been regarded as a re-creation of Wayne's seat.

*** According to Professor Henry Abraham, "Many—and with some justice—consider Brandeis a Democrat; however, he was in fact a registered Republican when nominated." *Freedom and the Court* 455 (3d ed. 1977).

Appendix F

Federal Circuits Map



Appendix G

British Regnal Years

Sovereign	Accession	Years in reign
William I	Oct. 14, 1066	21
William II	Sept. 26, 1087	13
Henry I	Aug. 5, 1100	36
Stephen	Dec. 26, 1135	19
Henry II	Dec. 19, 1154	35
Richard I	Sept. 23, 1189	10
John	May 27, 1199	18
Henry III	Oct. 28, 1216	57
Edward I	Nov. 20, 1272	35
Edward II	July 8, 1307	20
Edward III	Jan. 25, 1326	51
Richard II	June 22, 1377	23
Henry IV	Sept. 30, 1399	14
Henry V	Mar. 21, 1413	10
Henry VI	Sept. 1, 1422	39
Edward IV	Mar. 4, 1461	23
Edward V	Apr. 9, 1483	—
Richard III	June 26, 1483	3
Henry VII	Aug. 22, 1485	24
Henry VIII	Apr. 22, 1509	38
Edward VI	Jan. 28, 1547	7
Mary	July 6, 1553	6
Elizabeth I	Nov. 17, 1558	45
James I	Mar. 24, 1603	23
Charles I	Mar. 27, 1625	24
The Commonwealth	Jan. 30, 1649	11
Charles II	May 29, 1660	37
James II	Feb. 6, 1685	4
William and Mary	Feb. 13, 1689	14
Anne	Mar. 8, 1702	13
George I	Aug. 1, 1714	13
George II	June 11, 1727	34
George III	Oct. 25, 1760	60
George IV	Jan. 29, 1820	11
William IV	June 26, 1830	7
Victoria	June 20, 1837	64
Edward VII	Jan. 22, 1901	9
George V	May 6, 1910	25
Edward VIII	Jan. 20, 1936	1
George VI	Dec. 11, 1936	15
Elizabeth II	Feb. 6, 1952	—