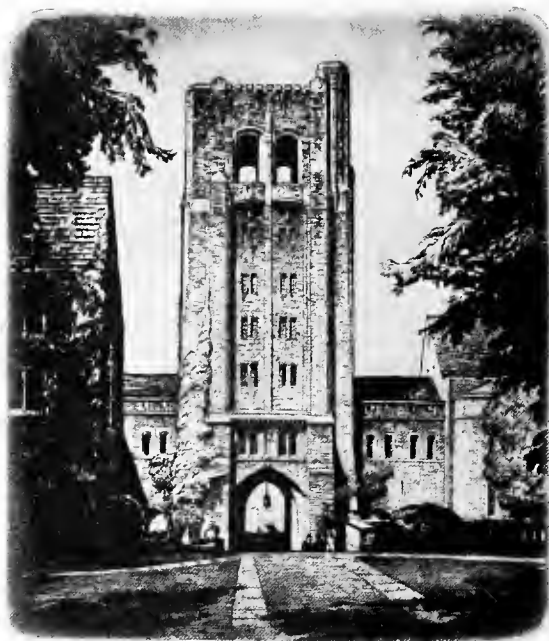




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AN ENGLISH VERSION
OF
LEGAL MAXIMS,
WITH THE ORIGINAL FORMS
ALPHABETICALLY ARRANGED,
AND
AN INDEX OF SUBJECTS.

*"Furis præcepta sunt hæc: honesta vivere, alterum non
lædere, suum cuique tribuere."*

BY
JAMES APPLETON MORGAN, A.M.
Author of "The Law of Literature," "Notes to Best's Principles of
Evidence," etc., etc.

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DEDICATVS.

PREFACE.

THE present compilation is an attempt to bring together in one work all KNOWN LEGAL MAXIMS culled from the writings of the Fathers, such as are convenient for reference of counsel, and as have, heretofore, been accessible only in separate treatises or works of general reference.

Its compiler trusts that by presenting, in clear type, a readily consulted and authoritative English Version of the Maxims—(those pediments and sunken foundation stones of the law, which cannot be suffered to lapse with the usefulness of the antiquespeech in which they lie embalmed)—a Version aiming rather at an intelligible, than a literal or terse translation—his work may prove of actual practical benefit to practitioner as well as student. At the same time, lest any elder lawyer should miss the old form in which he was taught familiarity with the Maxims, the Latin or law-French form is also preserved. In either case, the reference will be accurate, since the compiler has, in every case, preserved the exact and authentic form of the orig-

inal, while, for an English version, he has sought to give one authoritative, from the Books, in preference to any paraphrase of his own.

A word as to the reference to these pages. Should the practitioner desire a Maxim on a particular subject, he will consult the Index of Subjects appended to the body of the work, where he will find each referred to by its number in the pages foregoing. For example, if he desire a Maxim appropriate to "Equity," he will find under that heading in the Index, the numbers 70, 71, 72, 73, etc. On the other hand, if searching for a Maxim familiar to him, which he recalls by the first word of its Latin or French form (as, e. g., *Æquitas*), by turning the pages he will find it alphabetically in its proper place. The heading of every page will thus guide him to the number he has found in the Index, or to the Maxim itself. For example, the head-line of page 10 :

Ad	6—12	Ae
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shows that the Maxims referred to in the Index as 6, 7, 8, 9, 10, 11, 12, occur on that page; and also that the Maxims, beginning in their original form with Ad, and inclusive of Maxims Ae, are to be found there, as well. By this plan, a repetition of the Maxim for every transposition of a word (as e. g., *Nihil con-*

sensui tam contrarium est quam vis atque metus, which, found under *N.* in one work, might be found written *Ex vi aut metu nihil consensus est* under *E.* in another) is avoided; the subject-matter of the Maxim being sought in the Index.

In the comparatively few instances where the full scope and bearing of the Maxim is inexpressible in the version given in full-faced letter, an illustration, taken from a standard authority, is appended.

The compiler acknowledges the very valuable assistance of Mr. Henry Weber in preparing this collection.

NO. 2 WEST FORTY-THIRD STREET,

NEW YORK, Jan. 15, 1878.

MAXIMS.

A

1. From common usage there should not be any departure, and things which have an ascertained meaning are to be the least changed.

A COMMUNI OBSERVANTIA NON EST RECEDENDUM, ET MINIME MUTANDA SUNT QUÆ CERTAM INTERPRETATIONEM HABENT.—*Co. Litt.* 365.

2. When a thing of which there are various degrees and qualities is indefinitely mentioned, the principal and most worthy thing is intended to be expressed.

A DIGNIORI FIERI DEBET DENOMINATIO ET RESOLUTO.—*Wing.* 265.

3. An inference from the fact to the law is not admissible.

Otherwise translated:

A fact does not necessarily constitute a right.

A FACTO AD JUS NON DATUR CONSEQUENTIA.—*Br.* 15.

4. The right ascends collaterally.

A LATERE ASCENDIT JUS.—*Bract.* 20c.

5. If a thing is impossible, an argument in the negative may be deduced that the thing has no existence. The contrary is not true, and from the fact that a thing is possible, we can not argue that it exists.

A NON POSSE AD NON ESSE SEQUITUR ARGUMENTUM NECESSARIO NEGATIVE, LICET NON AFFIRMATIVE.—*Hob.* 336.

6. Things taken or captured by pirates and robbers do not change their ownership.

A PIRATIS AUT LATRONIBUS CAPTI LIBERI PERMANENT.—*Deg.* 49, 15.

7. We are to begin with the most worthy and principal parts.

A PRINCIPALIORIBUS SEU DIGNIORIBUS EST INCHOANDUM.—*Co. Litt.* 18.

8. An argument drawn from original writings in a register is good.

A RESCRIPTIS VALET ARGUMENTUM.—*Co. Litt.* 11a.

9. We proceed to the sense of the text of a statute by reference to the title.

A RUBRO AD NIGRUM.—*Whart.*

The titles of old laws were written or printed in red ink, the text in black ink.

10. The highest remedy known to the law has no recourse to, and desires no assistance from an inferior action.

A SUMMUS REMEDIO, AD INFERIORUM ACTIONEM, NON HABETUR INGRESSUS, NEQUE AUXILIUM.—*Fleta*, l. 6, c. 1.

The author of *Fleta* uses these words in treating of a Bill or Writ of Right, which is, as we have paraphrased the maxim, the highest remedy known to the law. "After issue once joined in a Writ of Right, the judgment is absolutely final; so that a recovery had in this action may be pleaded in bar of any other claim or demand."—BLACKSTONE, 3 COM. 193.

11. The words of the law may not be departed from.

A VERBIS LEGIS NON EST RECEDENDUM.—5 *Co.* 118.

12. Learn to expect from others the same treatment which they experience from you.

AB ALIO EXPECTES, ALTERI QUOD FECERIS.—*Sayler*, 19.

13. From things to which we are accustomed, no legal wrong results.

AB ASSUETIS NON FIT INJURIA.—*Jenk. Cent.* 15.

14. In abbreviations, that number (whether singular or plural), and that sense is to be taken, by which the grant is not rendered void.

ABBREVIATIONUM ILLE NUMERUS ET SENSUS ACCIPIENDUS EST, UT CONCESSIO NON SIT INANIS.—9 *Rep.* 48.

15. The absence of one who is abroad in the service of the State, ought not to be detrimental, either to himself, or to another.

BSENTIA EJUS QUI REIPUBLICÆ CAUSA ABEST, NEQUE EI, NEQUE ALII DAMNOSA ESSE DEBET.—*D.* 4, 15–9.

So an ambassador while abroad is supposed still to remain within the jurisdiction of his own sovereign, and subject to the laws of his own country, while his children born abroad are citizens of their parents' nationality.—*DANA, WHEATON, INT. L.* § 224.

16. An absolute sentence (without saving clause) requires no expositor.

ABSOLUTA SENTENTIA EXPOSITORE NON INDIGET.—2 *Inst.* 533.

17. It is absurd to affirm that confidence is to be placed in the record of a judgment or sentence of a court, and not in the judge.

ABSURDUM EST AFFIRMARE (RE JUDICATA) CREDENDUM ESSE, NON JUDICI.—12 *Co.* 25.

18. Extreme care does no mischief.

ABUNDANS CAUTELA NON NOCET.—11 *Co.* 1.

19. That which is accessory does not lead, but follows its principal.

ACCESSORIUM NON DUCIT, SED SEQUITUR SUUM PRINCIPALE.—*Co. Litt.* 152a. (*Broom*, 491).

20. An accessory follows the nature of his principal.

ACCESSORIUS SEQUITUR NATURAM SUI PRINCIPALIS.—3 *Inst.* 139.

21. An accessory follows the nature of the thing to which it relates.

ACCESSORIUM SEQUITUR NATURAM REI CUI ACCIDIT.—*Enk.* 2, 1, § 30.

22. There are no accessories in treason, trespass, or petit larceny.

—*Black.* 4 *Com.* 35.

23. Accord and satisfaction is a good plea, in personal actions, when damages only are to be recovered; but not in real actions.

—4 *Co.* 1.

24. To receive any thing as a consideration for doing justice, is not so much to receive as to extort.

ACCIPERE QUID UT JUSTITIAM FACIAS, NON EST TAM ACCIPERE QUAM EXTORQUERE.—*Lof.* 72.

25. No one is bound to accuse himself, except before God.

ACCUSARE NEMO SE DEBET, NISI CORAM DEO.—*Hard.* 139.

26. An accuser ought not to be heard after the expiration of a certain time, unless he can account satisfactorily for not having brought his accusation within that time.

ACCUSATOR POST RATIONABILE TEMPUS NON EST AUDIENDUS, NISI SE BENE DE OMISSIONE EXCUSAVERIT.—*Moor.* 817.

27. Acts indicate the intention.

ACTA EXTERIORA INDICANT INTERIORA SECRETA.—8 *Rep.* 291 (*Broom*, 291).

28. The pleading of a cause among our countrymen implies an obligation to act fairly, like good men, and without an intention to defraud any one.

ACTIO CASUS APUD NOSTRATES EA EST, QUA UT INTER BONOS BENE AGERE OPORTEAT, ET SINE FRAUDATIONE.—*Loft.* 625.

29. An action against a person deceased is transmitted against his heirs.

ACTIO CONTRA DEFUNCTUM COEPTA CONTINUATUS IN HÆREDES.—5 *Hob.* 103.

30. An action is the right of prosecuting to judgment that which is due any one.

ACTIO EST JUS PROSEQUENDI IN JUDICIO QUOD ALICUI DEBETUR.—*Br.* 12.

31. An action is competent against any one who hath destroyed, impaired, or carried away arms which have been deposited in any place.

ACTIO DATUR SI QUIS ARMA, IN ALIQUO LOCO POSITA, DELEVIT SEU ABRASIT.—*M' D.*

32. No action is given where no injury is sustained.

ACTIO NON DATUR NON DAMNIFICATIO.—*Jenk. Cent.* 69.

33. An action does not constitute one guilty, unless he has a bad intention.

ACTIO NON FACIT REUM, NISI MENS SIT REA.—7 *Loft.* 37.

34. A personal right of action dies with the person.

ACTIO PERSONALIS MORITUR CUM PERSONA.—*Noy. Max.* 14 (*Broom.* 904).

35. A penal action does not lie against an heir, unless he has received an advantage by the act or delict out of which the action arises.

ACTIO PŒNALIS IN HÆREDEM NON DATUR, NISI EX DAMNO LOCUPLETIOR HÆRES FACTUS SIT.—*Vin. Com.* 756.

36. Every action proceeds in its own way.

ACTIO QUÆLIBET IT SUA VIA.—*Jenk. Cent.* 77.

37. Forms of actions have been framed by which men dispute among themselves; which forms are made definite and solemn, lest the people proceed as they think proper.

ACTIONES COMPOSITA SUNT, QUIBUS INTER SE HOMINES DISCEPTARENT, QUAS ACTIONES, NE POPULUS PROUT VELLET INSTITUERIT, CERTAS SOLEMNESQUE ESSE VOLUERUNT.

38. Personal actions are those which are brought against him who, from a contract or tort, is obliged to give or allow something.

ACTIONES IN PERSONAM QUÆ ADVERSUS CUM INTENDUNTUR QUI EX CONTRACTU VEL DELICTO OBLIGATUS EST ALIQUID DARE VEL CONCEDERE.

39. The proper form of actions is strictly to be observed.

ACTIONUM GENERA MAXIME SUNT SERVANDA.—10 *Lofi.* 460.

40. Some actions are against the thing, some against the person, and some mixed.

ACTIONUM QUÆDAM SUNT IN REM, QUÆDAM IN PERSONAM, ET QUÆDAM MIXTÆ.—*Co. Litt.* 284.

41. A plaintiff is not to be heard who has advanced any thing against authority.

ACTOR QUI CONTRA REGULAM QUID ADDUXIT, NON EST AUDIENS.

42. A plaintiff follows the court of the defendant

ACTOR SEQUITUR FORUM REI.—*Holmes, L. D.* 232.

43. When the accuser can not prove his charge, the accused is acquitted.

ACTORE NON PROBANTE ABSOLVITUR REUS.—5 *Hob.* 103.

44. The burden of proof lies on the plaintiff.

ACTORI INCUMBIT ONUS PROBANDI.—*Hob.* 103.

45. An act of the court shall prejudice no man.

ACTUS CURIÆ NEMINEM GRAVABIT.—*Jenk. Cent.* 118 (*Broom.* 122).

46. An act of God or an act of the law operates an injury to no one.

ACTUS DEI NEC NON LEGIS NEMINI EST DAMNOSUS, AUT FACIT INJURIAM.—5 *Co.* 87.

47. The act of God is so treated by the law as to affect no one injuriously.

ACTUS DEI NEMINI FACIT INJURIAM.—*Black.* 2 *Com.* 122 (21st ed.); *Broom* 230.

48. An act already begun, the completion of which depends on the will of the parties, may be recalled; but if it depends on the consent of a third person, or on a contingency, it can not be recalled.

ACTUS INCEPTUS, CUJUS PERFECTIO PENDET EX VOLUNTATE PARTIUM, REVOCARI POTEST; SI AUTEM PENDET EX VOLUNTATE TERTIÆ PERSONÆ, VEL EX CONTINGENTI, REVOCARE NON POTEST.—*Bal. Max.*

49. A judicial act done in excess of authority is void; not so a ministerial act.

ACTUS JUDICARIUS CORAM NON JUDICE IRRITUS HABETUR; DE MINISTERIALI AUTEM A QUOCUNQUE PROVENIT RATIUM ESTO.—*Loft.* 102.

50. An act in law shall prejudice no man.

ACTUS LEGIS NEMINI EST DAMNOSUS.—2 *Inst.* 287 (*Broom.* 126).

51. An act of law works no one an injury.

ACTUS LEGIS NEMINI FACIT INJURIAM.—*Loft.* 102.

52. Legal actions do not admit a limitation.

ACTUS LEGITIMI NON RECIPIUNT MODUM.—*Hob.* 153.

53. An act done by me against my will is not my act.

ACTUS ME INVITIS FACTUS NON EST MEUS ACTUS.—*Loft.* 105.

54. The act itself does not make a man guilty, unless his intention was so.

ACTUS NON FACIT REUM, NISI MENS SIT REA.—3 *Inst.* 107 (*Broom.* 306).

55. A repugnant act can not be produced as in responsible existence.

ACTUS REPUGNANS NON POTEST IN ESSE PRODUCI.—*Plowd.* 355.

56. The act of a servant in those things in which he is commonly employed is considered the act of his master.

ACTUS SERVI IN IIS QUIBUS OPERA EJUS CUM MUNITUR ADHIBITA EST, ACTUS DOMINI HABETUR.—*Loft.* 227.

57. The laws are adapted to those cases which most frequently occur.

AD EA QUÆ FREQUENTIUS ACCIDUNT JURA ADAPTANTUR.—2 *Inst.* 137 (*Broom.* 43).

58. He is not compelled to make an election, who is not in a capacity to do it, immediately on the death of the testator.

AD ELECTIONEM NON COGITUR QUI STATIM MORTUO TESTATORE ELIGERE NON POTUIT.—*Loft.* 641.

59. Relative words refer to the next antecedent, unless by such a construction the meaning of the sentence would be impaired.

AD PROXIMUM ANTECEDENS FIAT RELATIO, NISI IMPEDIATUR SENTENTIA.—*Noy. Max.* 9th ed. p. 4 (*Broom.* 680).

60. It is the office of the judge to instruct the jury in points of law; of the jury to decide on matters of fact.

AD QUESTIONEM FACTI NON RESPONDENT JUDICES; AD QUESTIONEM LEGIS NON RESPONDENT JURATORES.—8 *Rep.* 308 (*Broom.* 102).

61. An addition proves minority.

ADDITIO PROBAT MINORITATEM.—7 *Inst.* 80.

62. A court of admiralty has no jurisdiction over those things which are determined by common law.

ADMIRALITAS JURISDICTIONEM NON HABET SUPER IIS QUÆ COMMUNI LEGE DIRIMUNTUR.—*Loft.* 479.

63. In order rightly to teach a thing, inquire first into the names, for a knowledge of things depends upon their names.

AD RECTE DOCENDUM OPORTET, PRIMUM INQUIRERE NOMINA, QUIA RERUM COGNITIO A NOMINIBUS RERUM DEPENDET.—*Co. Litt.* 68.

64. An adjournment is to appoint a day, or to give a day.

ADJOURNAMENTUM EST AD DIEM DICERE, SEU DIEM DARE.—4 *Inst.* 27.

65. It is the duty of justices to administer justice to every one pleading before them.

AD OFFICIUM JUSTICIARIORUM SPECTAT, UNICUNQUE CORAM EIS JUSTITIAM EXHIBERE.—2 *Inst.* 451.

66. The relative is to be construed as following directly after the antecedent, unless the structure of the sentence forbids.

AD PROXIMUM ANTECEDENTEM FIAT RELATIO, NISI IMPEDIATUR SENTENTIA.—*Taylor*, 2.

67. Suspicion strongly rests on the unfortunate side.AD TRISTEM PARTEM STRENUA EST SUSPICIO.—*Tayler*, 4.**68. Natural reason allows one to defend himself against danger.**ADVERSUS PERICULUM NATURALIS RATIO PERMITTIT SE DEFENDERE.—*Loft*. 369.**69. No one is permitted to build on his own property to the injury of another.**ÆDIFICARE IN TUO PROPRIO SOLO NON LICET QUOD ALTERI NOCEAT.—3 *Inst*. 201.**70. Equity relieves against accidents.**ÆQUITAS CASIBUS MEDETUR.—*Loft*. 499.**71. The equity of the Court of Chancery, as if it were the daughter of conscience, is subject to the rules of court.**ÆQUITAS CURIÆ CANCELLARIÆ, QUASI FILIA CONSCIENTIÆ, OBTEMPERAT SECUNDUM REGULAS CURIÆ.—*Loft*. 496.**72. He that seeks equity must do equity.**—*Francis*, 1.**73. Equity supplies defects.**ÆQUITAS DEFECTUS SUPPLET.—*Loft*. 500.**74. He that hath committed iniquity shall not have equity.** (1)—*Francis*, 2.**75. Equity remedies errors.**ÆQUITAS ERRORIBUS MEDETUR.—*Loft*. 498.

76. It is equity that he should make satisfaction who received the benefit.

—*Francis*, 4.

77. Equality is equity.

ÆQUITAS EST ÆQUALITAS.—*Francis*, 3.

78. Equity is a construction made by the judges, that cases out of the letter of a statute, yet being within the same mischief, shall be within the same remedy.

ÆQUITAS EST CONVENIENTIA RERUM QUÆ CORRECTA COÆQUIPARAT, ET QUÆ IN PARIBUS RATIONIBUS PARIA JURA ET JUDICIA DESIDERAT.—*Co. Litt.* 24, 6.

79. It is equity that he should have satisfaction who sustained the loss.

—*Francis*, 5.

80. Equity is a correction of law, when too general, in the part in which it is defective.

ÆQUITAS EST CORRECTIO LEGIS GENERALITER LATÆ, QUA PARTE DEFICIT.—*Plowd.* 375.

81. Equity is a certain correction applied to law, because, on account of its general comprehensiveness, without an exception, something is absent from it.

ÆQUITAS EST CORRECTIO QUÆDAM LEGI ADHIBITA, QUIA AB EA ABEST, ALIQUID PROPTER GENERALEM, SINE EXCEPTIONE, COMPREHENSIONEM.—*Plowd.* 467, *cit. Aristotle, Nic. Eth. B.* 5.

82. Equity is the correction of the law generally enacted in the part where it is deficient.

ÆQUITAS EST CORRECTIO LEGIS GENERALITER LATÆ, QUA PARTE DEFICIT.—*Plowd.* 375.

83. Equity suffers no right to be without its remedy.

—*Francis*, 6.

84. Equity is a sort of perfect reason, which interprets and amends the written law; comprehended in no code, but dependent on reason alone.

ÆQUITAS EST PERFECTA QUÆDEM RATIO, QUÆ JUS SCRIPTUM INTERPRETATUR ET EMENDAT; NULLA SCRIPTURA COMPREHensa, SED SOLA RATIONE CONSISTENS.—*Co. Litt.* 24.

85. Equity prevents mischief.

—*Francis*, 8.

86. Equity is, as it were, equality.
(Equality is equity.)

ÆQUITAS EST QUASI EQUALITAS.—*Co. Litt.* 24.

87. Equity is the proper and efficient application of the words of the law; so that, although only one thing is guarded against by the words of the law, yet everything else, being of the same nature, is also guarded against by the same words.

ÆQUITAS EST VERBORUM LEGIS SUFFICIENS DIRECTO, QUÆ UNA RES SOLUMMODO, CAVETUR VERBIS, UT OMNIS ALIA IN ÆQUALI GENERE, IISDEM CAVETUR VERBIS.—*Br.* 15.

88. Equity prevents a multiplicity of suits.

—*Francis*, 9.

89. Equity admits an exception from a generally enacted law.

ÆQUITAS EX LEGE GENERALITER LATA ALIQUID EXCIPIT.—*Plowd.* 362.

90. Equity assists ignorance, but not carelessness.

ÆQUITAS IGNORANTIÆ OPITULATUR, OSCITANTIÆ NON ITEM.—*Plowd.* 84.

91. Equity regards length of time.

—*Francis*, 10.

92. Equity stretches the utmost point of the law toward him who desires to act according to the rigor of the law.

ÆQUITAS IN EUM QUI VULT SUMMO JURE AGERE, SUMMUM JUS INTENDIT.—*Plowd.* 340.

93. Equity suffers not advantage to be taken of a penalty or a forfeiture where compensation can be made.

—*Francis*, 12.

94. Where equity is equal, the law will prevail.

—*Francis*, 14.

95. Equity in like cases requires like laws.

ÆQUITAS IN PARIBUS CAUSIS PARIA JURA DESIDERAT.—*Plowd.* 385.

96. Equity does not confound jurisdiction.

ÆQUITAS JURISDICTIONE NON CONFUNDIT.—*Plowd.* 393.

97. Equity favors deliverance and seisin.

ÆQUITAS LIBERATIONI ET SEIZINÆ FAVET.—*Loft.* 536.

98. Equity does not change the nature of a thing.

ÆQUITAS NATURAM REI NON MUTAT.—*Loft.* 536.

99. Equity assists nobody to the injury of another.

ÆQUITAS NEMINEM JUVAT CUM INJURIA ALTERIUS.—*Loft.* 397.

100. Equity determines nothing, unless toward the parties.

ÆQUITAS NIL STATUIT, NISI IN PARTES.—*Loft.* 383.

101. Equity furnishes a remedy to matters which have been appointed, under the name of a punishment, agreeable to what is just and good.

ÆQUITAS NOMINE PŒNÆ CONSTITUTIS REMEDIUM EX ÆQUO ET BONO PRÆSTAT.—*Loft.* 495.

102. Equity does not constitute law, but assists law.

ÆQUITAS NON FACIT JUS, SED JURI AUXILIATUR.—*Loft.* 379.

103. Equity does not supply the deficiency of those things which are required by positive law.

ÆQUITAS NON MEDETUR DEFECTU EORUM QUÆ JURE POSITIVO REQUISITA ALIUM.—*Loft.* 369.

104. Equity will not suffer a double satisfaction to be taken.

ÆQUITAS NON SINIT UT EANDEM REM DUPLICI VIA SIMUL QUIS PERSEQUATUR.—*Francis*, 11.

105. Equity doth not allow him who hath obtained a true right to prosecute it to the utmost extremity.

ÆQUITAS NON SINIT EUM QUI JUS VERUM TENUIT EXTREMUM JUS PERSEQUI.—*Loft.* 387.

106. Equity does not supply things which may be within the grasp of an applicant.

ÆQUITAS NON SUPPLET EA QUÆ IN MANU ORANTIS ESSE POSSUNT.—*Loft.* 391.

107. Equity is not bound to assist, except the occasion renders it necessary.

ÆQUITAS NON TENETUR ADJUVARE, UBI NON EST NODUS DIGNUS VINDICE.—*Loft.* 392.

108. Equity is not vague and uncertain, but has determined boundaries and limits.

ÆQUITAS NON VAGA ATQUE INCERTA EST, SED TERMINOS HABET ATQUE LIMITES PRÆFINITAS.—*Loft.* 375.

109. Equity does not incline to introduce new and unusual things.

ÆQUITAS NON VULT RES NOVAS ATQUE INUSITATAS INDUCERE.—*Loft.* 376.

110. Equity is never the handmaid of strife, where she can give a remedy.

ÆQUITAS NUNQUAM LITIGANCILLATUR UBI REMEDIUM POTEST DARE.—*Loft.* 501.

111. Equity is part of the English law.

ÆQUITAS PARS LEGIS ANGLIÆ.—*Loft.* 497.

112. Equity regards not the form and circumstance, but the substance of the act.

ÆQUITAS REM IPSAM INTUETUR DE FORMA ET CIRCUMSTANTIIS MINUS ANXIA.—*Francis*, 13.

113. Equity favors the redemption of a thing given in pawn.

ÆQUITAS REI OPPIGNORATÆ REDEMPTIONIBUS FAVET.—*Loft.* 386.

114. Equity never counteracts the law.

ÆQUITAS NUNQUAM CONTRAVENIT LEGIS.

115. Equity assists when there is room for the compensation of a loss.

ÆQUITAS OPITULATUR UBI PENSATIONI DAMNI LOCUS EST.—*Loft.* 503.

116. Equity follows the law.

ÆQUITAS SEQUITUR LEGEM.—*Gill.* 136, *Branch.* *Max.* 8.

117. Equity abhors things superfluous.

ÆQUITAS SUPERVACUA ODIT.—*Loft.* 382.

118. Equity is favorable to wives, to children, and, most of all, to creditors.

ÆQUITAS UXORIBUS, LIBERIS, CREDITORIBUS MAXIME FAVET.—*Loft.* 372.

119. Equity is the daughter of truth, and the sister of goodness and justice.

ÆQUITAS VERITATIS FILIA, BONITATIS ET JUSTITIÆ SOROR.—*Loft.* 632.

120. Equity wishes that the house which may be injurious to another should be in the predicament equally favorable to that other as that wherein it takes from him.

ÆQUITAS VULT DOMUM QUOD ALTERI OBSIT EX CAUSA ÆQUE FAVORABILI ESSE AC ID QUOD AUFERT.—*Loft.* 502.

121. Equity wishes by all means to arrive at the truth.

ÆQUITAS VULT OMNIBUS MODIS AD VERITATEM PERVENIRE.—*Loft.* 380.

122. Equity wishes the spoiled, the deceived, and the ruined, above all things to have restitution.

ÆQUITAS VULT SPOLIATOS, VEL DECEPTOS, VEL LAPROS ANTE OMNIA RESTITUI.—*Loft.* 374.

123. That which is equal and good is the law of laws.

ÆQUITUM ET BONUM EST LEX LEGUM.—*Hob.* 224.

124. Air, light, the running water, and wild beasts are the property of none, but are common to all.

AER, LUX, AQUA PROFLUENS, FERÆ NULLI PROPRIA, OMNIBUS COMMUNIA.—*Loft.* 179.

125. A slight debt makes a debtor; a large one an enemy.

ÆS DEBITOREM LEVE; GRAVIOREM INIMICUM FACIT.—*Taylor*, 4.

126. The estimation of a committed crime is never increased by a subsequent fact.

ÆSTIMATIO PRÆTEREI DELICTI EX POSTREMO FACTO NUNQUAM CRESCIT.—*Bacon*.

127. Your affection fixes a character upon your service.

AFFECTIO TUA NOMEN IMPONIT OPERI TUO.—*Co. Litt.* 177.

128. The intention is punished, although the consequences do not follow.

AFFECTUS PUNITUR, LICET NON SEQUATUR EFFECTUS.—9 *Co.* 55.

129. It is called affinity when two families, divided from one another, are united through marriage, and either approaches the confines of the other.

AFFINITAS DICITUR EUM DUÆ COGNATIONES, INTER SE DIVISÆ, PER NUPTIAS COPULANTUR, ET ALTERA AD ALTERIUS FINES ACCEDIT.—*Co. Litt.* 157.

130. The proof lies upon him who affirms, not upon him who denies.

AFFIRMATI, NON NEGANTI, INCUMBIT PROBATIO.

131. An affirmative implies a negative.

AFFIRMATIVUM NEGATIVUM IMPLICAT.

132. Acting and consenting parties are liable to the same punishment.

AGENTES ET CONSENTIENTES PARI PENA PLECTENTUR.—5 *Co.* 80.

133. Commons are occupied by all in turn; arable lands change with years.

AGRI AB UNIVERSIS PER VICES OCCUPANTUR; ARVA PER ANNOS MUTANT.—*Taylor*, 5.

134. The dice and the brothel are infamous things.

ALEA ET GANEA RES TURPISSIME.—*Loft*. 207.

135. Although alienation be prohibited, yet, by consent of all in whose favor it is prohibited, it may take place; for it is in the power of any man to renounce a law made in his own favor.

ALIENATIO LICET PROHIBEATUR, CONSENSU TAMEN OMNIUM, IN QUORUM FAVOREM PROHIBITA EST, POTEST FIERI, ET QUI LIBET POTEST RENUNCIARE JURI PRO SE INTRODUCTO.—*Co. Litt.* 98.

136. Alienation is favored by the law rather than accumulation.

ALIENATIO REI PRÆFERITUR JURI ACCRESCENDI.—*Co. Litt.* 185a. (*Broom*, 442.)

137. There should not be any obligation to the impossible.

A L'IMPOSSIBLE NUL N'EST TENU.—*Whart.*

138. Something is conceded, which otherwise would not be conceded, lest an injury should remain unpunished.

ALIQUID CONCEDITUR, NE INJURIA REMANEAT IMPUNITA, QUOD ALIAS NON CONCEDERETUR.—*Co. Litt.* 197.

139. A person ought not to be judge in his own cause, because he can not act as judge and party.

ALIQUIS NON DEBET ESSE JUDEX IN PROPRIA CAUSA, QUIA NON POTEST ESSE JUDEX ET PARS.—*Co. Litt.* 141.

140. It is one thing to conceal; another thing to be silent. There is no concealment in withholding a matter, unless it be from those who ought to know it, or if it be done purposely, for one's own advancement.

ALIUD EST ALARE, ALIUD TACERE. NEQUE ENIM ID EST CELARE QUICQUID RETINEAS; SED CUM QUOD TU SCIAS, ID IGNORARE EMOLUMENTI TUI CAUSA VELIS EOS, QUORUM INTEREST ID SCIRE.—*Taylor*, 12.

141. It is one thing to possess; it is another to be in possession.

ALIUD EST POSSIDERE; ALIUD ESSE IN POSSESSIONE.—*Hob.* 103.

142. It is one thing to sell; and another to agree to the selling.

ALIUD EST VENDERE; ALIUD VIDENTI CONSENTIRE.—*Ulp.* 76-106.

143. He is not to be heard who alleges things contradictory to each other.

ALLEGANS CONTRARIA NON EST AUDIENDUS.—*Jenk. Cent.* 16 (*Broom*, 169).

144. A person alleging his own infamy is not to be heard.

ALLEGANS SUAM TURPITUDINEM NON EST AUDIENDUS.—4 *Inst.* 279.

145. That ought not to be alleged which, when tried, is irrelevant.

ALLEGARE NON DEBIT QUOD PROBATUM NON REVELAT.—1 *Chan. c.* 45.

146. The deceiving of one person does not afford an action to another.

ALTERIUS CIRCUMVENTIO ALII NON PRÆBET ACTIONEM.—*Ulp.* 35.

147. An alternate petition is not to be heard.

ALTERNATIVA PETITIO NON EST AUDIENDA.—5 *Co.* 40.

148. An ambiguous answer is so to be understood that the interest of the pleader may be safe.

AMBIGUA AUTEM INTENTIO ITA ACCIPIENDA EST, UT RES SALVA ACTORI SIT.—4 *Inst.* 172.

149. An ambiguous answer is to be taken against him who offers it.

AMBIGUA RESPENSIO CONTRA PROFERENTEM EST ACCIPIENDA.—10 *Co.* 59.

150. An ambiguous plea ought to be interpreted against the party delivering it.

AMBIGUUM PLACITUM INTERPRETARI DEBET CONTRA PROFERENTEM.—*Co. Litt.* 303, 6.

151. The latent ambiguity of words is removed by the establishment of the fact.

AMBIGUITAS VERBORUM LATENS VERIFICATIONE FACTI TOLLITUR.—*Lofft.* 248.

152. The evident ambiguity of words is excluded by no verification.

AMBIGUITAS VERBORUM PATENS NULLA VERIFICATIONE EXCLUDITUR.—*Lofft.* 249.

153. In doubtful cases the presumption is always in favor of the king.

AMBIGUIS CASIBUS SEMPER PRÆSUMITUR PRO REGE.—*L.* 248.

154. Latent ambiguity may be supplied by evidence; for an ambiguity which arises by proof of an extrinsic fact may, in the same manner, be removed.

AMBIGUITAS VERBORUM LATENS VERIFICATIONE SUPPLETUR; NAM QUOD EX FACTO ORITUR AMBIGUUM VERIFICATIONE FACTI TOLLITUR.—*Bacon, Max. Reg.* 23.

155. An ambiguous agreement is to be interpreted against the seller.

AMBIGUUM PACTUM CONTRA VENDITOREM INTERPRETANDUM EST.—*H.* 11.

156. An ambiguous order is to be interpreted against the person uttering it.

AMBIGUUM PLACITUM INTERPRETARI DEBET CONTRA PROFERENTEM.—*Co. Litt.* 303.

157. A friend's advice should be regarded.

AMICI CONSILIA CREDENDA.—*Tayler*, 14.

158. The laws of England in every case of liberty are favorable.

ANGLIÆ JURA IN OMNI CASU LIBERTATIS DANT FAVOREM.—*Fortesc.* c. 42, *H.* 12.

159. The wife of the king is not exempted from the laws.

AUGUSTA LEGIBUS SOLUTA NON EST.—*Whart.*

160. Wild animals, if they be made tame, and are accustomed to go out and return—fly away and fly back, as stags, swans, etc.—are considered to belong to us so long as they have the intention of returning to us.

ANIMALIA FERA, SI FACTA SINT MANSUETA, ET EX CONSUETUDINE EUNT ET REDEUNT—VOLANT ET REVOLANT, UT CERVI, CYGNI, ETC.—EO USQUE NOSTRA SUNT ET ITA INTELLIGUNTUR QUAMDIU HABUERUNT ANIMUM REVERTENDI.—7 *Co.* 16.

161. The countenance is the index of the mind.

ANIMI NOTUM VULTUS DETEGIT.—*L.* 19.

162. Intention attracts all law to itself.

ANIMUS AD SE JUS DUCIT.—*Whart.*

163. The intent of a man is the soul of his writing.

ANIMUS HOMINIS EST ANIMA SCRIPTI.—3 *Bulst.* 67.

164. The mind is not to be cast down because of an unjust judgment.

ANIMUS NON DEPONENDUS OB INIQUUM JUDICIUM.—*Tayler*, 14.

165. A judge can not divide an annuity or a debt.

ANNUA AUT DEBITUM JUDEX NE SEPARAT IPSUM.—8 *Rep.* 52.

166. A year begun is held as completed.

ANNUS INCEPTUS PRO COMPLETO HABETUR.—*Tray.* 45.

167. Impossibilities when they are spoken openly do not constitute calumny.

APERTE IMPOSSIBILIA CUM DICUNTUR NON FACIUNT CALUMNIAM.
—*Lof.* 422.

168. The utmost extremity of the law is injustice.

APICES JURIS NON SUNT JURIS.—*Tayler*, 15.

169. Fine points of law are not law.

APICES JURIS NON SUNT JURA.—*Ch. Litt.* 304.

170. Bees are in their nature feræ natura; and if any other has inclosed them, he shall be their owner.

APIUM QUOQUE FERA NATURA EST; ADEOQUE SI ALIUS EAS INCLUSERIT, IS EARUM DOMINUS ERIT.—*Tayler*, 82.

171. Application is the life of a rule.

APPLICATIO EST VITA REGULÆ.—2 *Bul.* 79.

172. A grant of the land conveys the water.

AQUA CEDIT SOLO.—*Tayler*, 16.

173. Water runs, and therefore should be allowed to run.

AQUA CURRIT, ET DEBET CURRERE.

174. An award is the equal delivery to each one of his own.

ARBITRAMENTUM ÆQUUM TRIBUIT CUIQUE SUUM.—*Noy. m.* 248.

175. The price of a thing ought to be fixed by its owner.

ARBITRIO DOMINI RES ÆSTIMARI DEBET.—4 *Inst.* 275.

176. An award is a judgment.

ARBITRIUM EST JUDICIUM.—*Jenk. Cent.* 37.

177. An award is the judgment of a good man according to justice.

ARBITRIUM EST JUDICIUM BONI VIRI, SECUNDUM ÆQUUM ET BONUM.
—*Bul.* 64.

178. A tree is a tree only while it grows; when cut it becomes wood.

ARBOR DUM CRESCIT, LIGNUM CUM CRESCERE NESCIT.—2 *Bulst.* 82.

179. Arguments bring things hidden and obscure to the light of reason, and render them clear.

ARGUMENTA IGNOTA ET OBSCURA AD LUCEM RATIONIS PROFERUNT ET REDDUNT SPLENDIDA.—*Co. Litt.* 395.

180. An argument drawn from common acceptance or understanding of the significance of a thing is common in the law.

ARGUMENTUM A COMMUNITER ACCIDENTIBUS IN JURE FREQUENS EST.—*Broom*, 44 n.

181. An argument from division is most powerful in law.

ARGUMENTUM IN DIVISIONE EST FORTISSIMUM IN JURE.—6 *Cb.* 60.

182. An argument from the greater to the less is of no force negatively; affirmatively it is.

ARGUMENTUM A MAJORI AD MINUS NEGATIVE NON VALET; VALET E CONVERSO.—*Jenk. Cent.* 231.

183. An argument from a like case avails in law.

ARGUMENTUM A SIMILI VALET IN LEGE.—*Co. Litt.* 191.

184. An argument drawn from authority is very strong in law.

ARGUMENTUM AB AUCTORITATE EST FORTISSIMUM IN LEGE.—*Co. Litt.* 257.

185. An argument derived from an impossibility greatly avails in law.

ARGUMENTUM AB IMPOSSIBILI PLURIMUM VALET IN LEGE.—*Co. Litt.* 92.

186. An argument drawn from inconvenience is forcible in law.

ARGUMENTUM AB INCONVENIENTI PLURIMUM VALET IN LEGE.—*Co. Litt.* 66 a. (*Broom*, 184).

187. An argument from that which is inconvenient is good in law: because the law will not permit any inconvenience.

ARGUMENTUM AB INCONVENIENTI EST VALIDUM IN LEGE: QUIA LEX NON PERMITTET ALIQUOD INCONVENIENS.—*Co. Litt.* 258.

188. The laws allow to take arms against the armed.

ARMA IN ARMATOS SUMERE JURA SINUNT.—2 *Inst.* 574.

189. Under the name of arms, clubs and stones, no less than shields and swords and helmets, are included.

ARMORUM APPELLATIONE, NON SOLUM SCUTA ET GLADII ET GALEÆ, SED ET FUSTIS ET LAPIDES, CONTINENTUR.—*Co. Litt.* 162.

190. That becomes an art which is taught us in our infancy.

ARS FIT QUOD A TENERIS PRIMUM CONJUNGITUR ANNIS.—3 *Inst. Epil.*

191. An assignee is clothed with the rights of his principal.

ASSIGNATUS UTITUR JURE AUCTORIS.—*Halk. Max.* p. 14 (*Broom* 465).

192. The authorities of philosophers, physicians and poets, are to be regarded, and govern, in law.

AUCTORITATES PHILOSOPHORUM, MEDICORUM ET POETARUM, SUNT IN CAUSIS ALLEGANDÆ ET TENENDÆ.—*Co. Litt.* 264.

193. The opinions of philosophers, physicians, and poets are to be alleged and received in evidence in legal causes.

AUCTORITAS PHILOSOPHORUM, MEDICORUM ET POETARUM SUNT IN CAUSIS ALLEGANDÆ ET TENENDÆ.—*Co. Litt.* 264.

194. Catching at words is unworthy of a judge.

AUCUPIA VERBORUM SUNT JUDICE INDIGNA.—*Hob.* 341.

195. The laws will not assist in daring purposes.

AUSIS TALIBUS ISTIS NON JURA SUBSERVIUNT.—*Tayler*, 20.

B

196. He is guilty of barratry who barter justice for money.

BARATRIAM COMMITTIT QUI PROPTER PECUNIAM JUSTITIAM BARACTAT.—4 *Ersk.* 4-4-30.

197. A bastard can have no heir except one lawfully begotten of his own body.

BASTARDUS NON POTEST HABERE HÆREDEM NISI DE CORPORE SUO LEGITIME PROCREATUM.—*Tray.* 51.

198. That man is blessed who keeps the laws and ordinances.

BEATUS QUI LEGES JURAQUE SERVAT.—*Tayler*, 30.

199. Things obtained in war belong to the State

BELLO PARTA CEDUNT REIPUBLICÆ.—*Tayler*, 31-2; *R. & M.* 56.

200. Blessed is the exposition when any thing is saved from destruction.

BENEDICTA EST EXPOSITIO QUANDO RES REDIMITUR A DESTRUCTIONE.—4 *Rep.* 26.

201. A benefice is not granted save in consideration of a service.

BENEFICIUM NON DATUR NISI OFFICII CAUSA.—*Loft.* 489.

202. A remuneration is not given unless on account of a duty performed.

BENEFICIUM NON DATUM NISI PROPTER OFFICIUM.—*Hob.* 148.

203. The benefit of a prince ought to be lasting.

BENEFICIUM PRINCIPIS DEBET ESSE MANSURUM.—*Jenk. Cent.* 168.

204. A liberal construction should be put upon written instruments, on account of the simplicity of the laity, so as to uphold them, if possible, and carry into effect the intention of the parties.

BENIGNÆ FACIENDÆ SUNT INTERPRETATIONES, PROPTER SIMPLICITATEM LAICORUM, UT RES MAGIS VALEAT QUAM PEREAT, ET VERBA INTENTIONI, NON E CONTRA DEBENT INSERVIRE.—*Co. Litt.* 36a. (*Broom*, 540).

205. Interpretations are to be made favorably to the simplicity of the laity, that the affair may rather prosper than perish.

BENIGNE FACIENDE SUNT INTERPRETATIONES PROPTER SIMPLICITATEM LAICORUM, UT RES MAGIS VALEAT QUAM PEREAT.—*Co. Litt.* 36.

206. The more favorable opinion in general or doubtful words is to be preferred.

BENIGNIOR SENTENTIA IN VERBIS GENERALIBUS SEU DUBIIS EST PREFERENDA.—4 *Rep.* 15.

207. The laws are to be so favorably interpreted that their intention may be preserved.

BENIGNIUS LEGES INTERPRETANDÆ SUNT, QUE VOLUNTAS EARUM CONSERVETUR.—*Domat.* l. 18.

208. He gives twice who gives quickly.

BIS DAT QUI CITO DAT.—*Whart.* l. 21.

209. Good faith does not suffer the same thing to be exacted twice, and in giving damages it is not allowed to give more than is given at once.

BIS IDEM EXIGI BONA FIDES NON PATITUR; ET IN SATISFACTIONIBUS, NON PERMITTITUR AMPLIUS FIERI QUAM SEMEL FACTUM EST.—9 *Rep.* 53.

210. A possessor in good faith makes the goods gathered and consumed his own.

BONA FIDE POSSESSOR FACIT FRUCTUS PERCEPTOS ET CONSUMPTOS SUOS.—*Tray.* 57.

211. A possessor in good faith is only liable for that which he himself has obtained.

BONA FIDE POSSESSOR, IN ID TANTUM QUOD AD SE PERVENERIT TENETUR.—*Tray.* 57.

212. Good faith demands that what is agreed upon shall be done.

BONA FIDES EXEGIT UT QUOD CONVENIT FIAT.—*Dig.* 19, 2, 21.

213. Good faith will not suffer the same thing to be exacted twice.

BONA FIDES NON PATITUR, UT HIS IDEM EXIGATUR.—*Broom*, 338 n.

214. A bona fide possessor is bound only for that which has come into his possession.

BONÆ FIDEI POSSESSOR IN ID TANTUM QUOD AD SE PERVENERIT TENETUR.—2 *Inst.* 285.

215. It behooves an honest vendor neither to increase his expectation of profits, nor to conceal a disadvantageous condition of his goods.

BONÆ FIDEI VENDITOREM, NEC COMMODORUM SPEM AUGERE, NEC INCOMMODOREM CONDITIONEM OBSCURARE OPORTET.—*Taylor* 32.

216. It is the duty of a good judge, when requisite, to amplify the limits of his jurisdiction.

BONI JUDICIS EST AMPLIARE JURISDICTIONEM.—*Chan. Prec.* 329 (*Broom*, 79).

217. It is the part of a good judge to put an end to the course of litigation.

BONI JUDICIS EST CAUSAS LITIIUM DIRIMERE.—2 *Inst.* 304.

218. It is the part of a good judge to give a mandate for execution without delay.

BONI JUDICIS EST JUDICIUM SINE DELATIONE MANDARE EXECUTIONI.—*Co. Litt.* 289.

219. It is the duty of a good judge to prevent litigation, that law suit may not arise from law suit; and it is to the public interest that there should be periods to legal strifes.

BONI JUDICIS EST LITES DIRIMERE, NE LIS EX LITE ORITUR ET INTEREST REIPUBLICÆ UT SIT FINIS LITIIUM.—4 *Rep.* 15.

220. The goodness of the whole may be estimated when the condition of a part is proved.

BONITAS TOTA ÆSTIMATUR CUM PARS EVINCITUR.—*Tayler*, 33.

221. The good of a defendant arises from a perfect case; his harm from any defect whatever.

BONUM DEFENDENTIS EX INTEGRA CAUSA, MALUM EX QUILIBET DEFECTU.—11 *Co.* 68.

222. A necessary good beyond the limits of necessity is no good.

BONUM NECESSARIUM EXTRA TERMINOS NECESSITATIS NON EST BONUM.—*Hob.* 144.

223. A good judge decides according to what is just and good; and prefers equity to the very strictness of the law.

BONUS JUDEX SECUNDUM ÆQUUM ET BONUM JUDICAT, ET ÆQUITATEM STRICTO, JURI PRÆFERT.—*Broom*, 80.

224. Writs, as well original as judicial, bear English names.

BREVIA, TAM ORIGINALIA QUAM JUDICIALIA, PATIUNTUR ANGLICA NOMINA.—10 *Co.* 132.

225. A writ is so called because it briefly states, in few words, the matter in dispute and the object of the party seeking relief.

BREVE ITA DICITUR, QUIA REM DE QUA AGITUR, ET INTENTIONEM PETENTIS, PAUCIS VERBIS BREVITER ENARRAT.—2 *Inst.* 39.

226. A judicial writ ought to follow its original, and an accessory its principal.

BREVE JUDICIALE DEBET SEQUI SUUM ORIGINALE, ET ACCESSORIUM SUUM PRINCIPALE.—*Jenk. Cent.* 292.

227. A judicial writ fails not through defect of form.

BREVE JUDICIALE NON CADIT PRO DEFECTU FORMÆ.—*Jenk. Cent.* 43.

C

228. A prison ought to be given for the custody and not for the punishment of persons.

CARCER AD HOMINES CUSTODIENDOS, NON AD PUNIENDOS DARI DEBET.—*Co. Litt.* 260.

229. He is the safest who, when safe, is on his guard.

CARET PERICULO, QUI ETIAM TUTUS, CAVIT.—*Taylor*, 38.

230. A fortuitous case is not to be calculated upon, and nobody is bound to conjecture what may happen.

CASUS FORTUITUS NON EST SPERANDUS, ET NEMO TENETUR DIVINARE.—*Loft.* 119.

231. A case omitted and consigned to oblivion is left to the disposal of the common law.

CASUS OMISSUS ET OBLIVIONI DATUS DISPOSITIONI COMMUNIS JURIS RELINQUITUR.—*Broom*, 46.

232. A case omitted in the writing is to be considered as omitted.

CASUS OMISSUS PRO OMISSE HABENDUS EST.—*H.* 18.

233. Chattels justly possessed can not be lost.

CATALLA JUSTE POSSESSA AMITTI NON POSSUNT.—*Jenk. Cent.* 28.

234. Chattels are considered in law among the least of all things.

CATALLA REPUTANTUR INTER MINIMA IN LEGE.—*Jenk. Cent.* 52.

235. A public cause does not admit of a substitute.

CAUSA PUBLICA VICARIUM NON RECIPIT.—*Loft.* 326.

236. A vague and uncertain cause is not a reasonable cause.

CAUSA VAGA ET INCERTA NON EST CAUSA RATIONABILIS.—5
Rep. 57.

237. There is more security in a thing than in a person.

CAUTIONIS IN RE PLUS EST QUAM IN PERSONA.—*Loft.* 328.

238. Let a purchaser beware who ought not to be ignorant that he is purchasing the rights of another.

CAVEAT EMPTOR QUI IGNORARE NON DEBUIT QUOD JUS ALIENUM
EMIT.—*Hob.* 99 (*Broom*, 768).

239. Let the seller beware.

CAVEAT VENDITOR.—*L.* 328.

240. Let the traveler beware.

CAVEAT VIATOR.—*Broom*, 387 n.

241. Beware of small pieces.

CAVENDUM EST A FRAGMENTIS.—*Bac. Aph.* 26.

242. Care is to be taken lest adjudicated cases be reversed on review, where the laws have respect to justice.

CAVENDUM TAMEN EST NE CONVELLANTUR RES JUDICATÆ, UBI LEGES CUM JUSTITIA RETROSPICIERI POSSINT.—*Taylor*, 39.

243. The design and narration ought to be certain, and the foundation certain, and the manner certain, which is brought into court to be tried.

CERTA DEBET ESSE INTENTIO ET NARRATIO, ET CERTUM FUNDAMENTUM, ET CERTA RES QUÆ DEDUCITUR IN JUDICIUM.—*Co. Litt.* 303a.

244. It is often necessary to bring a matter which is certain into court for trial.

CERTA RES OPORTET IN JUDICIUM DEDUCANTUR.—*Loft.* 35.

245. That is sufficiently certain which can be made certain.

CERTUM EST QUI CERTUM REDDI POTEST.—*Noy. Max.* 9th ed. 265 (*Broom*, 623).

246. Cease to reign, if you wish not to adjudicate.

CESSA REGNARE, SI NON VIS JUDICARE.—*Hob.* 155.

247. The cause ceasing, the effect ceases.

CESSANTE CAUSO, CESSANTE EFFECTUS.—*Wing.* 29.

248. The primitive ceasing, the derivative ceases.

CESSANTE PRIMITIVO, CESSAT EFFECTUS.—*Whart.*

249. Reason is the soul of the law; and when the reason of any particular law ceases, so does the law itself.

CESSANTE RATIONE LEGIS, CESSAT IPSA LEX.—*Co. Litt.* 70b. (*Broom*, 159.)

250. The original state ceasing, the derivative ceases.

CESSANTE STATU PRIMITIVO, CESSAT DERIVATIVUS.—8 *Rcp.* 34.

- 251. It is the offense which produces shame, not the scaffold.**

C'EST LE CRIME QUI FAIT LE HONTE, ET NON PAS L'ECHAFAUD.
—*Whart.*

- 252. A chace is by common law.**

CHACEA EST AD COMMUNEM LEGEM.—*Rcg. Br.* 806.

- 253. The writing of a woman who is under the power of her husband is of no weight in law.**

CHARTA EJUS QUÆ SUB POTESTATE VIRI SIT IN LEGE NULLA.—*Loft.* 220.

- 254. A deed is the representation of the mind.**

CHARTA EST LEGATUS MENTIS.—*Co. Litt.* 36.

- 255. A deed concerning a thing not in existence avails not.**

CHARTA DE NON ENTE NON VALET.—*Co. Litt.* 36.

- 256. A deed is nothing else than the vestment of a gift.**

CHARTA NON EST NISI VESTIMENTUM DONATIONIS.—*Co. Litt.* 36.

- 257. The witnesses being dead, the truth of deeds must of necessity be referred to the jury.**

CHARTARUM SUPER FIDEM, MORTUIS TESTIBUS, AD PATRIAM DE NECESSITUDINE RECURRENDUM EST.—*Co. Litt.* 36.

- 258. A bill found in the possession of the debtor is presumed to be paid.**

CHIROGRAPHUM APUD DEBITOREM PRÆSUMITUR SOLUTUM.—*H.* 20.

- 259. Circuity is to be avoided; and it is the duty of a good judge to determine litigations, lest one law suit arise out of another.**

CIRCUITUS EST EVADITUS; ET BONI JUDICIS EST LITUS DERIMERE, NE LIS EX LITE ORITUR.—5 *Rep.* 31.

- 260.** That state only is free which depends upon its own strength, and not upon the arbitrary will of another.

CIVITAS EA AUTEM IN LIBERTATE EST POSITA QUI SUIS STAT VIRIBUS, NON EX ALIENO ARBITRIO PENDET.—*Taylor*, 46.

- 261.** A general clause of reservation does not comprehend those things which may not be of the same kind with those which have been expressed.

CLAUSULA GENERALIS DE RESIDIO NON EA COMPLECITUR QUÆ NON EJUSDEM SINT GENERIS CUM IN QUÆ SPECIATIM DICTA FUERAT.—*L.* 419.

- 262.** A general clause does not refer to things expressed.

CLAUSULA GENERALIS NON REFERTUR AD EXPRESSA.—8 *Co.* 154.

- 263.** At home let the military yield to the civil power.

CEDANT ARMA TOGÆ.

- 264.** A declaration against rescission is inoperative from the first.

CLAUSULA QUÆ ABROGATIONEM EXCLUDIT AB INITIO NON VALET.—*Bac. Max. Reg.* 19.

- 265.** An invalid clause or disposition is not rendered valid by a remote presumption or a cause arising after the event.

CLAUSULA VEL DISPOSITIO INUTILIS PER PRÆSUMPTIONEM REMOTAM VEL CAUSAM EX POST FACTO NON FULCITUR.—*Bac. Max. Reg.* 21.

- 266.** Unnsnal clauses always excite suspicion.

CLAUSULÆ INCONSUETÆ SEMPER INDUCUNT SUSPICIONEM.—3 *Rep.* 81.

- 267.** The clergy can not be placed in a secular office.

CLERICI NON PONANTUR IN OFFICIO SECULARI.—*Loft.* 508.

- 268. Clergymen or monks should not mix themselves in personal matters.**

CLERICI VEL MONACHI NE SECULARIBUS NEGOTIIS SE IMMISCEANT.
—*Ferrier's Rom. Hist.* 117.

- 269. Clergymen, husbandmen, and merchants, in order that they may preach, cultivate, and trade, enjoy peace in time of war.**

CLERICUS, ET AGRICOLA, ET MERCATOR, TEMPORE BELLII, UT ORET, COLAT, ET COMMUTET, PACE FRUUNTUR.—2 *Inst.* 58.

- 270. A clergyman should not be appointed to two churches.**

CLERICUS NON CONNUMERETUR IN DUABUS ECCLESIIS.—1 *Rol. R.*

- 271. Clergymen should not be placed in offices.**

CLERICI NON PONANTUR IN OFFICIIS.—*Co. Litt.* 96:

- 272. No man deserves punishment for a thought.**

COGITATIONIS PŒNAM NEMO MERETUR.—2 *Inst. Jurav.* 658.

Except treason. By common law, "to compass or imagine the death of our lord, the king," was TREASON.

- 273. The cognomen is derived from the blood of ancestors, and is intrinsic; an agnomen arises from an event, and is extrinsic.**

COGNOMEN MAJORUM EST EX SANGUINE TRACTUM, HOC INTRINSECUM EST; AGNOMEN EXTRINSECUM, AB EVENTU.—6 *Co.* 65.

- 274. Co-heirs are deemed as one person, on account of the unity of right which they possess.**

CO-HÆREDES UNA PERSONA CONSENTUR, PROPTER UNITATEM JURIS QUOD HABENT.—*Co. Litt.* 163.

- 275. A college or incorporated body can only exist by authority of the sovereign.**

COLLEGIUM SEU CORPUS CORPORATUM NISI REGNIS CONSTITUTIONIBUS NON POTEST EXISTERE.—*Loft.* 297.

276. Commerce, by the law of nations, ought to be common, and not perverted to monopoly and the private gain of a few.

COMMERCIIUM JURE GENTIUM COMMUNE ESSE DEBET, ET NON IN MONOPOLIUM ET PRIVATUM PAUCORUM QUÆSTUM CONVERTENDUM.—3 *Inst.*

277. No person ought to have advantage from his own wrong.

COMMODUM EX INJURIA SUA NEMO HABERE DEBET.—*Jenk. Cent.* 161.

278. The performance of one duty is commonly the excuse for the non-performance of another.

COMMUNITER UNUM OFFICIUM EST EXCUSATIO ALTERIUS.—*H.* 21.

279. Common error sometimes passes current as law.

COMMUNIS ERROR FACIT JUS.—4 *Inst.* 240 (*Broom*, 139).

280. Time saved in consulting abridgments is often time lost; it is better to drink at the fountain head than to sip at the rivulets.

COMPENDIA SUNT DISPENDA; ET MELIUS EST PETERE FONTES QUAM SECTARI RIVULOS.—*Co. Litt.* 305, 6.

281. What an attempt is is not defined in law.

CONATUS QUI SIT NON DEFINITUR IN LEGE.—2 *Bals.* 277.

282. A grant by the king ought to be made from certainty.

CONCESSIO PER REGEM FIERI DEBET DE CERTITUDINE.—9 *Co.* 46.

283. A grant ought to have a liberal interpretation against the grantor.

CONCESSIO VERSUS CONCEDENTEM LATAM INTERPRETATIONEM HABERE DEBEAT.—*Jenk. Cent.* 279.

284. To make laws agree with each other is the best way to interpret them.

CONCORDARE LEGES LEGIBUS EST OPTIMUS INTERPRETANDI MODUS.—*H.* 70.

285. Small means increase by concord, and litigation by opulence.

CONCORDIA PARVÆ RES CRESCUNT, ET OPULENTIA LITES.—4 *Inst.* 74.

286. The appointment of an action for a certain day is said to take place when any thing in an uncertain case happens, which may have a tendency to be or not to be.

CONDUCTIO DICTUR CUM QUID IN CASUM INCERTUM, QUI POTEST TENDERE AD ESSE AUT NON ESSE CONFERTUR.—*Co. Litt.* 221.

287. The appointment of an action preceding ought to take place before any effect can follow.

CONDUCTIO PRÆCEDENS AD IMPLERI DEBET PRIUS QUAM SEQUATUR EFFECTUS.—*Co. Litt.* 202.

288. The appointment of an action on a certain day relating to stolen goods, since it implies the production of the goods, binds the heir of the thief also.

CONDUCTIO REI FURTIVÆ, QUIA REI HABET PERSECUTIONEM, HÆREDEM QUOQUE FURIS OBLIGAT.—*H.* 22.

289. An argument for taking away a free tenure ought not to be pleaded, except from the deed.

CONDITIO AD LIBERUM TENEMENTUM AUFERENDUM NON NISI EX FACTO PLACITARI DEBET.—*Loft.* 311.

290. A beneficial condition which creates an estate ought to be construed favorably, according to the intention of the words; but a condition which destroys an estate is odious, and ought to be construed strictly according to the letter of the words.

CONDITIO BENEFICIALIS QUÆ STATUM CONSTRUIT BENIGNE SECUNDUM VERBORUM INTENTIONEM EST INTERPRETANDA; ODIOSA AUTEM QUÆ STATUM DESTRUIT STRICTE SECUNDUM VERBORUM PROPRIETANDEM ACCIPIENDA.—8 Co. 90.

291. It is called a condition when something is given on an uncertain event which may or may not come to pass.

CONDITIO DICITUR CUM QUID IN CASUM INCERTUM QUI POTEST TENDERE AD ESSE AUT NON ESSE CONFERTUR.—Co. Litt. 201.

292. An agreement extinguished in part is wholly extinguished.

CONDITIO EX PARTE EXTINGTA EX TOTO EXTINGUITUR.—Loft. 510.

293. An illegal condition is held as not added.

CONDITIO ILLICITA HABETUR PRO NON ADJECTA.—Tray, 85.

294. An agreement making void a free tenement will have no weight by bare words without writing.

CONDITIO LIBERUM TENEMENTUM CASSANS NON PER NUDA VERBA SINE CHARTA VALEBIT.—Loft. 510.

295. Incidents can not be severed.

—Noy. Max. 13.

296. An agreement shall avail no one unless he shall have been a party or privy to it.

CONDITIO NEMINEM JUVABIT NISI QUI PARS FUERIT AUT PRIVUS.—Loft. 630.

297. A condition precedent must be fulfilled before the effect can follow.

CONDITIO PRÆCEDENS ADIMPLERI DEBET PRIUS QUAM SEQUATUR EFFECTUS.

298. The condition of witnesses when they sign, and not when they die, is to be considered.

CONDITIONEM TESTIUM TUNC INSPICERE DEBEMUS CUM SIGNAREM, NON MORTIS TEMPORE.—*Twyler*, 50.

299. Preceding agreements must be rigorously exacted according to the rules of law; but it is otherwise concerning subsequent agreements, where equity is allowed to make up for the loss incurred by the failure.

CONDITIONES PRÆCEDENTAS AD NORMAM LEGIS SEVERE EXIGENDÆ; ALITER DE SUBSEQUENTIBUS UBI ÆQUITATI LICET DAMNUM REI INFECTÆ PENSARE.—*Loft*, 632.

300. An accused person is to be tried for a crime in the place where he committed the crime.

—*Br.* 122.

301. Some agreements are odious, but chiefly those against matrimony and commerce.

CONDITIONES QUÆLIBET ODIOSÆ, MAXIME AUTEM CONTRA MATRIMONIUM ET COMMERCIIUM.—*L.* 644.

302. A confession made in a trial is stronger than all proof.

CONFESSIO FACTA IN JUDICIA OMNI PROBATIONE MAJOR EST.—*Jenk. Cent.* 102.

303. A person who confesses on trial is considered as judged, and in some measure is condemned on his own admission.

CONFESSUS IN JUDICIO PRO JUDICATO HABETUR, ET QUONDAM-MODO SUA SENTENTIA DAMNATUR.—*H. Co.* 30.

304. To confirm is to make firm that which was before infirm.

CONFIRMARE EST ID FIRMUM FACERE QUOD PRIUS INFIRMUM FUIT.—*Co. Litt.* 295.

305. No person can confirm before that the right shall fall to him.

CONFIRMARE NEMO POTEST PRIUSQUAM JUS EI ACCIDERIT.—10 *Rep.* 48.

306. He confirms a use who removes an abuse.

CONFIRMAT USUM QUI TOLLIT ABUSUM.—*Moor.* 764.

307. There is no confirmation where the preceding gift is invalid.

CONFIRMATIO EST NULLA UBI DONUM PRÆCEDENS EST INVALIDUM.—*Moor.* 764.

308. The confirmation of a possession defective in law is a ratification by means of those whose right it is.

CONFIRMATIO EST POSSESSIONIS JURE DEFECTIVE PER EOS QUORUM JUS EST RATHABITIO.—*Loft.* 234.

309. Confirmation supplies all defects, though that which has been done was not valid at the beginning.

CONFIRMATIO OMNES SUPPLET DEFECTAS, LICET ID QUOD ACTUM EST AB INITIO NON VALUIT.—*Co. Litt.* 295c.

310. The union of male and female is according to the law of nature.

CONJUNCTIO MARIS ET FŒMINÆ EST DE JURE NATURÆ.—*Loft.* 513.

311. Consanguinity is, as it were, sprung from the same blood.

CONSANGUINEUS EST, QUASI EADEM SANGUINE NATUS.—*Co. Litt.* 157.

- 312. Conscience is called from con and scio, to know, as it were, with God.**

CONSCIENTIA DICITUR A CON ET SCIO, QUASI SCIRE CUM DEO.—
1 *Rep.* 100.

- 313. Legal conscience is founded upon the law.**

CONSCIENTIA LEGALIS E LEGE FUNDATUR.—*Loft.* 513.

- 314. Conscience never contravenes the law.**

CONSCIENTIA LEGI NUNQUAM CONTRAVENIT.—*Loft.* 485.

- 315. Consecration is the termination of election; election is the preamble of consecration.**

CONSECRATIO EST PERIODUS ELECTIONIS; ELECTIO EST PRÆAMBULA CONSECRATIONIS.—2 *RoL. R.* 102.

- 316. Consent is the conjoint will of many persons to whom the thing belongs.**

CONSENSUS EST VOLUNTAS MULTIORUM, AD QUOS RES PERTINET, SIMUL JUNCTA.—*Dav.* 43.

- 317. Consent makes law.**

CONSENSUS FACIT JUS.—*Loft.* 514.

- 318. It is the consent of the parties, not their concubinage, which constitutes a valid marriage.**

CONSENSUS, NON CONCUBITUS, FACIT MATRIMONIUM.—*Co. Litt.* 33a. (*Broom*, 506).

- 319. The acquiescence of a party who might take advantage of an error obviates its effect.**

CONSENSUS TOLLIT ERROREM.—*Co. Litt.* 126; 2 *Inst.* 123 (*Broom*, 135).

- 320. Those consenting and those perpetrating are embraced in the same punishment.**

CONSENTIENTES ET AGENTES PARI PŒNA PLECTUNTUR.—5 *Co.* 80.

321. To consent to a thing is to do a thing.

CONSENTIRE EST FACERE.—*Whart.*

322. Consent to a marriage is not possible in the parties before marriageable years.

CONSENTIRE MATRIMONIO NON POSSUNT INFRA ANNOS NUBILES.
—5 *Rep.* 80.

323. The consequence of a consequence does not exist.

CONSEQUENTIÆ NON EST CONSEQUENTIA.—*Bac.*

324. There is no obligation not to give fraudulent counsel; but if fraud and cunning intervene, an action is competent concerning the craft.

CONSILII NON FRAUDULENTI NULLA OBLIGATIO EST; CÆTERUM
SI DOLUS ET CALLIDITUS INTERCESSIT, DE DOLO ACTIO COM-
PETIT.—*L.* 47.

325. The conscience of the law depends upon the law.

CONSCIENTIA LEGIS EX LEGE PENDET.—*Loft.* 485.

326. The later provisions in a statute must prevail, if they seem to be inconsistent with the earlier.

CONSTITUTIONES TEMPORE POSTERIORES SUNT HIS QUÆ IPSAS
PRÆCESSERUNT.—*Broom*, 28 (*n*).

327. A construction of law does not work an injury.

CONSTRUCTIO LEGIS NON FACIT INJURIAM.—*Co. Litt.* 183.

328. Construction is referred to the cause.

CONSTRUCTIO AD CAUSAM REFERTUR.—*Loft.* 517.

329. Construction is referred to the principles of a thing.

CONSTRUCTIO AD PRINCIPIA REFERTUR REI.—*Loft.* 516.

330. The construction should be according to equity.

CONSTRUCTIO EST SECUNDUM ÆQUITATEM.—*Loft.* 519.

- 331. The custom or the authority arising from like cases being constantly decided in the same manner, should obtain the force of law.**

CONSUETUDINEM AUT RERUM PERPETUO SIMILITER JUDICATARUM AUCTORITATEM VIM LEGIS OBTINERE.—*H.* 57.

- 332. The custom of a place is the law of that place; different in species to common law, but not contrary in kind.**

CONSUETUDO ALICUJUS LOCI LEX EST LEGIS LOCI; LEGI COMMUNI SPECIE DIVERSA, SED NON IN GENERE CONTRARIA.—*Loft.* 508.

- 333. A custom introduced against reason ought rather to be called usurpation than custom.**

CONSUETUDO CONTRA RATIONEM INTRODUCTA POTIUS USURPATIO QUAM CONSUETUDO APPELLARI DEBET.—*Loft.* 338.

- 334. Custom is the good, reasonable, certain, and common practice of any place, contrary to which there is nothing within the recollection of man.**

CONSUETUDO EST BONIS, RATIONABILIS, CERTUS, ET COMMUNIS LOCI ALICUJUS, CUI MEMORIA HOMINIS NON CURRAAT IN CONTRARIUM.—*H.* 28.

- 335. A custom should be certain: an uncertain custom goes for nothing.**

CONSUETUDO DEBET ESSE CERTA: NAM INCERTA PRO NULLA HABETUR.—*Dav.* 33.

- 336. Custom is another law.**

CONSUETUDO EST ALTERA LEX.—4 *Rep.* 21.

- 337. Custom is the best expounder of the laws.**

CONSUETUDO EST OPTIMA INTERPRES LEGUM.—2 *Inst.* 18.

338. Custom and common usage overcomes the written law, if it be special; and interprets the written law, if it be general.

CONSUETUDO ET COMMUNIS ASSUETUDO VINCIT LEGEM NON SCRIPTAM, SI SIT SPECIALIS; ET INTERPRETATUR LEGEM SCRIPTAM, SI LEX SIT GENERALIS.—*Jenk. Cent.* 273.

339. A custom grounded on a certain reasonable cause supersedes the common law.

CONSUETUDO EX CERTA CAUSA RATIONABILIS USITATA PRIVAT COMMUNEM LEGEM.—*Litt.* 3, 169.

340. A custom, though it be of great authority, should nevertheless never be prejudicial to manifest right.

CONSUETUDO, LICET SIT MAGNÆ AUCTORITATIS, NUNQUAM TAMEN PRÆJUDICAT MANIFESTÆ VERITATÆ.—4 *Co.* 18.

341. The custom of the place is to be observed.

CONSUETUDO LOCI OBSERVANDA EST.—*Litt.* 3, 169.

342. The custom of the manor and place is to be observed.

CONSUETUDO MANERII ET LOCI OBSERVANDA EST.—6 *Rep.* 67.

343. The custom of the place and manor is to be observed.

CONSUETUDO MANERII ET LOCI EST OBSERVANDA.—*Tayler*, 52.

344. The custom of manors rules the will of the master.

CONSUETUDO MANERIORUM DOMINI VOLUNTATEM REGIT.—*Loft.* 389.

345. Custom can neither arise nor be taken away by injury.

CONSUETUDO NEQUE INJURIA ORIRI NEQUE TOLLI POTEST.—*Loft.* 340.

346. Custom is not prejudicial to truth.

CONSUETUDO NON PRÆJUDICAT VERITATI.—*Loft.* 337.

347. Custom is not drawn into consequence.

CONSUETUDO NON TRAHITUR IN CONSEQUENTIAM.—3 *Keb.* 499;
4 *Jur. N. S. Ex.* 139.

348. The custom of the English people and the common law are free.

CONSUETUDO POPULI ANGLICANI ET COMMUNIS LEX LIBERTA.—
Loff. 341.

349. A prescriptive and legitimate custom overcomes the law.

CONSUETUDO PRÆSCRIPTA ET LEGITIMA VINCIT LEGEM.—*Co. Litt.* 113.

350. Custom is observed for law.

CONSUETUDO PRO LEGE SERVATUR.—*Co. Litt.* 113.

351. The custom of a nation is the law of that nation.

CONSUETUDO REGNI EST LEX REGNI.—*Jenk. Cent.* 118.

352. Custom once disallowed can not be again produced.

CONSUETUDO SEMEL REPROBATA NON POTEST AMPLIUS INDUCI.—
Dav. 33.

353. The custom of all England is the common law of England.

CONSUETUDO TOTIUS ANGLIÆ EST LEX TOTIUS ANGLIÆ COMMUNIS.—*Jenk. Cent.* 119.

354. Custom leads the willing; law compels the unwilling.

CONSUETUDO VOLENTES DUCIT; LEX NOLENTES TRAHIT.—*Jenk. Cent.* 274.

355. Contemporary custom is the best interpreter.

CONTEMPORANEA CONSUETUDO OPTIMUS INTERPRES.—*Tayler*, 52.

356. The best and surest mode of expounding an instrument is by referring to the time when, and circumstances under which it was made.

CONTEMPORANEA EXPOSITO EST OPTIMA ET FORTISSIMA IN LEGE.
—2 *Inst.* 11 (*Broom*, 682).

357. The joinder of issue in a suit needs contradictory terms.

CONTESTATIO LITIS EGET TERMINOS CONTRADICTARIOS.—*Jenk. Cent.* 117.

358. Proof is not admitted against fiction; for what could the evidence of truth effect, where fiction supposes against truth? For fiction is no other than an arrangement of the law against truth in a possible matter arising from a just cause.

CONTRA FITIONEM NON ADMITTITUR PROBATIO; QUID ENIM EFFICERET PROBATIO VERITATIS UBI FICTIO ADVERSUS VERITATEM FINGIT? NAM FICTIO NIHIL ALIUS EST QUAM LEGIS ADVERSIS VERITATEM IN RE POSSIBILI EX JUSTA CAUSA DISPOSITIO.—*Taylor*, 53.

359. Agreements made contrary to the civil law are not to be construed as valid.

CONTRA JUS CIVILIS REGULAS PACTA CONVENTA RATA NON HABENTUR.—*H.* 30.

360. There is no disputing against one who denies first principles.

CONTRA NEGANTEM PRINCIPIA NON EST DISPUTANDUM.—*Co. Litt.* 43.

361. No prescription runs against one who is unable to bring an action.

CONTRA NON VALENTEM AGERE NULLA CURRIT PRÆSCRIPTIO.—*Whart.*

362. The law never suffers any thing contrary to truth.

CONTRA VERITATEM LEX NUNQUAM ALIQUID PERMITTIT.—2 *Inst.* 252.

- 363. A contract is to be understood according to the intention of the parties, expressed in words.**

CONTRACTUS AD MENTEM PARTIUM VERBIS NOTATAM INTELLIGENDUS.—*Loft. 522.*

- 364. A contract is, as it were, an act against an act.**

CONTRACTUS EST QUASI ACTUS CONTRA ACTUM.—*2 Rep. 15.*

- 365. A contract arising out of a base consideration, or against morality, is null.**

CONTRACTUS EX TURPI CAUSA VEL CONTRA BONOS MORES NULLUS.—*Hob. 167.*

- 366. The contract of a minor is invalid, if it tend to his loss.**

CONTRACTUS INFANTIS INVALIDUS, SI IN DAMNUM SUI SPECTET.—*Loft. 301.*

- 367. Things of a higher nature determine those of a lower nature.**

—*Noy. Max. 15.*

- 368. The reason of contrary things is contrary.**

CONTRARIORUM CONTRARIA EST RATIO.—*Hob. 344.*

- 369. Every one is understood to have contracted in the place where he has bound himself to pay.**

CONTRAXISSE UNUSQUISQUEM IN EO LOCO INTELLIGITUR IN QUO UT SOLVERET SE OBLIGAVIT.—*Tayler, 53.*

- 370. The touching or removing of the property of another, with the intention of stealing, is theft.**

CONTRACTATIO REI ALIENÆ, ANIMO FURANDI, EST FURTUM.—*Jenk. Cent. 132.*

371. An agreement of private persons can not affect public right.

CONVENTIO PRIVATORUM NON POTEST PUBLICO JURI DEROGARE.
— *Wing.* 746.

372. An agreement overcomes law.

CONVENTIO VINCIT LEGEM.—*Dig.* 2.

373. If you be moved to anger by insults, you publish them; if despised, they are forgotten.

CONVINCIA SI IRASCARIS, TUA DIVULGAS; SPRETA, EXOLESCUNT.
—3 *Inst.* 198.

374. To cover reproach with reproach is to lay mud upon mud.

CONVITIUM CONVITIO TEGERE, EST LUTUM LUTO PORRIGERE.—1
Bulst. 86.

375. The coupling of words shows their acceptance in the same sense.

COPULATIO VERRORUM INDICAT ACCEPTATIONEM IN EODEM SENSU.
—*Bacon*, *iv.* 26.

See NOSCITUR A SOCIIS.

376. Bodily injuries can not be foreseen and guarded against by means of provisos.

CORPORALIS INJURIA NON RECIPIT ÆSTIMATIONEM DE FUTURO.—
Bac. Max. Reg. 22.

377. An incorporated body can consist of one person.

CORPUS CORPORATUM EX UNO POTEST CONSISTERE.—*Loft.* 302.

378. An incorporated body can not be brought personally into court, in any suit; nor outlawed; nor forfeit their goods; nor suffer attain; nor granted power of attorney; nor be excommunicated.

CORPUS CORPORATUM NEQUE IN LITE SISTI; NEQUE UTLAGARI;
NEQUE BONA FORISFACERE; NEQUE ATRINCTUM PATI; ATTORNATUM FACERE; NEQUE EXCOMMUNICARI POTEST.—*Loft.* 305.

- 379. An incorporated body has no heirs nor executors, nor can it die.**

CORPUS CORPORATUM NON HABET HÆREDES NEQUE EXECUTORES; NEQUE MORI POTEST.—*Loft.* 297.

- 380. A human body is not susceptible of appraisement.**

CORPUS HUMANUM NON RECIPIT ÆSTIMATIONEM.—*Hob.* 59.

- 381. A counselor ought not to be heard who speaks against precedent.**

COUNSELLOR NEST DESTRE OYE QUE PARLE ENVER LE PRESIDENTS.—13 *H.* 7, 23a.

- 382. Corruption of the best is worst.**

CORRUPTIO OPTIMI EST PESSIMA.—*Whart.*

- 383. The creditor who allows property to be sold gives up the pledge.**

CREDITOR QUI PERMITTIT REM VENIRE PIGNUS DIMITTIT.—*H.* 32.

- 384. Where crime increases, punishment ought also to increase.**

CRESCENTE MALITIA, CRESCERE DEBET ET PŒNA.—2 *Inst.* 479.

- 385. A crime is not atoned for by after action.**

CRIMEN EX POST FACTO NON DILUITUR.—*H.* 32.

- 386. The crime of treason exceeds all other crimes in punishment.**

CRIMEN LÆSÆ MAJESTATIS OMNIA ALIA CRIMINA EXCEDIT QUOAD PŒNAM.—3 *Inst.* 210.

- 387. A crime vitiates all things proceeding from it.**

CRIMEN OMNIA EX SE NOTA VITIAT.

- 388. Crimes are extinguished by death.**

CRIMENA MORTE EXTINGUNTUR.—*H.* 32.

389. Tortures are odious to the law.

CRUCIATUS LEGIBUS INVISI.—*Ersk.* 4, 3.

390. When jurisdiction is granted one, to him also are granted those things without which jurisdiction could not be explained.

CUI JURISDICTIO DATA EST, EA QUOQUE CONCESSA ESSE VIDENTUR SINE QUIBUS JURISDICTIO EXPLICARE NON POTUIT.—*H.* 33.

391. He who has authority to do the more important act shall not be debarred from doing that of less importance.

CUI LICET QUOD MAJUS NON DEBET QUOD MINUS EST NON LICERE.—4 *Rep.* 23.

392. He whose father is the people has no father.

CUI PATER EST POPULUS NON HABET ILLE PATREM.—*Co. Litt.* 123.

393. He to whom more is granted than is just wants more than is granted.

CUI PLUS LICET QUAM PAR EST PLUS VULT QUAM LICET.—2 *Inst.* 464.

394. Whoever grants a thing is supposed also tacitly to grant that without which the right itself would be of no effect.

CUICUNQUE ALIQUIS QUID CONCEDIT CONCEDERE VIDETUR ET ID SINE QUO RES IPSA ESSE NON POTUIT.—11 *Rep.* 52 (*Broom*, 479).

395. Credence should be given to one skilled in his peculiar profession.

CUILIBET IN SUA ARTE PERITO EST CREDENDUM.—*Co. Litt.* 125a (*Broom*, 932).

396. Whose is the advantage, his also should be the disadvantage.

CUJUS EST COMMODUM, EJUS DEBET ESSE INCOMMODUM.—*Whart.*

397. The bestower of a gift has a right to regulate its disposal.

CUJUS EST DARE, EJUS EST DISPONERE.—2 *Rep.* 71; *Wing. Max.* 53 (*Broom*, 459).

398. Whose is the division, the others is the choice.

CUJUS EST DIVISIO, ALTERIUS EST ELECTIO.—*Co. Litt.* 166.

399. He who has the establishing of a thing has also its abrogation.

CUJUS EST INSTITUERE, EJUS EST ABROGARE.—*Broom*, 878n.

400. He who has the right of conferring a donation has also the right of selling and granting.

CUJUS EST DONANDI, EIDEM ET VENDENDI ET CONCEDENDI JUS EST.—*H.* 33.

401. Whose is the soil, his it is also even from heaven down to the center of the earth.

CUJUS EST SOLUM, EJUS EST USQUE AD CŒLUM ET AD INFERNO.—*Co. Litt.* 4a.

CUJUS EST SOLUM, EJUS EST ALTUM.—*Whart.* (*Broom*, 395).

402. An accessory matter is subject to the same jurisdiction as its principal.

CUJUS JURIS EST PRINCIPALE, EJUSDEM JURIS ERIT ACCESSORIUM.—2 *Inst.* 493.

403. He is clear of blame who knows, but can not prevent.

CULPA CARET QUI SCIT, SED PROHIBERE NON POTEST.—*Dig.* 50, 17, 50.

404. It is a fault for any one to meddle in a matter not pertaining to him.

CULPA EST IMMISCERE SE REI AD SE NON PERTINENTI.—2 *Inst.* 208, *D.* 50, 17, 36.

405. A gross fault is held equivalent to intentional wrong.

Every one must be taken to intend that which is the natural consequence of his acts.

CULPA LATO DOLO ÆQUIPARATUR.—*Whart.*

406. Let the punishment be proportioned to the crime.

CULPÆ PENA PAR ESTO. PENA AD MESURAM DELICTI STATU-
ENDA EST.—*Jur. Civ.*

407. A fault binds its own authors.

CULPA TENET SUA AUCTORES.—*Whart.*

408. Blame or punishment does not proceed from equity.

CULPA VEL PENA EX EQUITATE NON INTENDITUR.—*H. 34.*

409. Where the testimony of facts is present, what need is there of words?

CUM ADSUNT TESTIMONIA RERUM, QUID OPUS EST VERBIS?—2
Bulst. 53.

410. One confessing willingly should be dealt with more leniently.

CUM CONFITENTE SPONTE MITIUS EST AGENDUM.—4 *Inst. 66.*

411. When there is a question concerning the gain of two persons, the cause of the one in possession is the better.

CUM DE LUCRO DUORUM QUÆRATUR, MELIOR EST CAUSA POSSI-
DENTIS.—*H. 34.*

412. Where two things repugnant to each other are found in a will, the last prevails.

CUM DUO INTER SE PUGNANTIÆ REPERIUNTUR IN TESTAMENTO,
ULTIMUM RATUM EST.—*Co. Litt. 112.*

413. Where ambiguities or absurdities occur in a testament, they are to be interpreted as broadly and beneficially as possible, according to what seems most likely to have been the design and intention of the testator.

CUM IN TESTAMENTO AMBIGUE AUT ETIAM PERPERAM SCRIPTUM EST, BENIGNÆ INTERPRETARI, ET SECUNDUM ID QUOD CREDIBILE EST COGITATUM CREDENDUM EST.—*Broom*, 568.

414. Enter not into law, if you can avoid it.

CUM LICET FUGERE, NE QUÆRE LITEM.—*Tayler*, 58

415. Where both of two claimants are in the wrong, the condition of the one possessing is the best.

CUM PAR DELICTUM EST DUORUM, SEMPER ONERATUR PETITIOR ET MELIOR HABETUR POSSESSORIS CAUSA.—*Broom*, 720.

416. When the main cause is not consistent, for the most part not even the things which follow have a place.

CUM PRINCIPALIS CAUSA NON CONSISTIT, NE EA QUIDEM QUÆ SEQUUNTUR LOCUM HABENT.—*D.* 50, 17, 129, § 1.

417. The court of chancery favors the entire reduction of contracts.

CURIA CANCELLARIA CONTRACTIBUS IN PLENUM REDIGENDIS FAVET.—*H.* 34.

418. The court of chancery is not subject, unless to the parliament.

CURIA CANCELLARIA NON NISI PARLIAMENTO SUBDITA.—*H.* 34.

419. An ecclesiastical court has no jurisdiction over matters of common law.

CURIA ECCLESIASTICA LOCUM NON HABET SUPER IIS QUÆ JURIA SUNT COMMUNIS.—*H.* 35.

420. A curate has not a title.

CURATUS NON HABET TITULUM.—3 *Bulst.* 310.

421. The court of chancery is the workshop of justice.

CURIA CANCELLARIÆ OFFICINA JUSTITIÆ.—2 *Inst.* 552.

422. A court of parliament is governed by its own peculiar laws.

CURIA PARLIAMENTI SUIS PROPRIIS LEGIBUS SUBSTITIT.—4
Inst. 50.

423. A nice and captious construction is not agreeable to law.

CURIOSA ET CAPTIOSA INTERPRETATIO IN LEGE REPROBATUR.—
1 *Bulst.* 6.

424. Time runs against the slothful and those who slight their own rights.

CURRIT TEMPUS CONTRA DESIDES ET SUI JURIS CONTEMPTORES.
—*Whart.*

425. The practice of the court is the law of the court.

CURSUS CURIÆ EST LEX CURIÆ.—3 *Bulst.* 53 (*Broom*, 133).

426. Let him be the guardian of the body of the infant to whom the inheritance can not come.

CUSTOS CORPORIS CUJUSQUE INFANTIS EST IN ESTO AD QUEM
HÆREDITAS NEQUEAT PERVENIRE.—*H.* 35.

427. A guardian can make the estate of an existing heir under his guardianship better, not worse.

CUSTOS STATUM HÆREDIS IN CUSTODIA EXISTENTIS MELIOREM
NON DETERIOREM, FACERE POTEST.—7 *Rep.* 7.

D

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

DA TUA DUM TUA SUNT: POST MORTEM TUNC TUA NON SUNT.
—3 *Bulst.* 18.

429. There is such a thing as damage without injury.

DAMNUM ABSQUE INJURIA ESSE POTEST.—*H.* 12.

430. One who gives and yet retains, gives nothing.

DANS ET RETINENS, NIHIL DAT.—*Tray.* 129.

431. In a free country there is much clamor, with little suffering: in a despotic state there is little complaint, but much grievance.

DANS UN PAYS LIBRE ON CRIE BEAUCOUP, QUOIQU'ON SOUFFRE PEU: DANS UN PAYS DE TYRANNIE ON TE PLAINT PEU, QUOIQU'ON SOUFFRE BEAUCOUP.—*Tayler*, 81.

432. From the goods of a deceased person, those which are of necessity are first to be deducted, and afterward those of utility, and lastly those of bequest.

DE BONIS DEFUNCTI PRIMO DEDUCENDA SUNT EA QUÆ SUNT NECESSITATIS, ET POSTEA QUÆ SUNT UTILITATIS, ET ULTIMO QUÆ SUNT VOLUNTATIS.—*Tayler*, 83.

433. The good faith and honesty of purpose of a judge can not be questioned; but his decision may be impugned for error either of law or fact.

DE FIDE ET OFFICIO JUDICIO NON RECIPITUR QUÆSTO; SED DE SCIENTIA SIVE SIT ERROR JURIS SIVE FACTI.—*Bacon*, *Max. Reg.* 17 (*Broom*, 85).

434. The clause "of our special grace, certain knowledge, and mere motion," is of no avail in those things in which it was presumed that the prince was ignorant.

"DE GRATIA SPECIALI, CERTA SCIENTIA, ET MERO MOTU," TALIS CLAUSULA NON VALET IN HIS IN QUIBUS PRÆSUMITUR PRINCIPEM ESSE IGNORANTEM.—1 *Rep.* 53.

435. Of whole trees tithes are not given; but of wood used to be cut tithes are given.

DE GROSSIS ARBORIS DECIMÆ NON DABANTUR; SED DE SYLVA CÆDUA DECIMÆ DABUNTUR.—2 *R. R.* 123.

436. 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, that is to say the common, law.

DE JURE DECIMARUM, ORIGINEM DUCEUS DE JURI PATRONATUS, TUNC COGNITIO SPECTAT AD LEGEM CIVILEM, I. E. COMMUNEM.
—*Godf.* 63.

437. The judges answer to the law ; the jury to the fact.

DE JURE JUDICES, DE FACTO JURATORES, RESPONDENT.—*Whart.*

438. We may construe the laws of nature we should consider, of ourselves ; but the common law we should accept the constructions that have been handed down to us.

DE JURE NATURÆ COGITARE PER NOS ATQUE DICERE DEBEMUS ;
DE JURE POPULI QUÆ RELICTA SUNT ET TRADITA.—*Tayler*, 88.

439. The law does not concern itself about trifles.

DE MINIMIS NON CURAT LEX.—*Cro. Eliz.* 353 (*Broom*, 142).

440. The judge does not concern himself about trifles.

DE MINIMIS NON CURAT PRÆTOR.—*Tray.* 137.

441. A prohibition lies not against a newly-erected mill.

DE MOLENDINO DE NOVO ERECTO NON JACET PROHIBITIO.—*Cro. Jac.* 429.

442. Concerning the death of a man, no delay is long.

DE MORTE HOMINIS, NULLA EST CUNCTATIO LONGA.—*Co. Litt.* 134.

443. The proper name is not to be regarded, where it errs not in substance ; because names are changeable, but things immutable.

DE NOMINE PROPRIO NON EST CURANDUM CUM IN SUBSTANTIA NON ERRETUR ; QUIA NOMINA MUTABILIA SUNT, RES AUTEM IMMOBILES.—6 *Co.* 66.

444. Where the court can not take judicial notice of a fact, it is the same as if the fact had not existed.

DE NON APPARENTIBUS ET NON EXISTENTIBUS, EADEM EST RATIO.
—5 *Rep.* 6 (*Broom*, 163).

445. A widow shall have no part of 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, QUOD EST SUA NATURA INDIVISIBILE, ET DIVISIONEM NON PATITUR, NULLAM PARTEM HABEBIT VIDUA; SED SATISFACIAT EI AD VALENTIAM.—*Co. Litt.* 32.

446. Of things similar the law is similar.

DE SIMILIBUS SIMILIBUS IDEM EST JUDICIUM.—7 *Rep.* 18.

447. If a sturgeon be captured in English waters, it shall go to the king entire; but if a whale, the king shall have the head, and the queen the tail.

(Obsolete.)

DE STURGEONE OBSERVETUR, QUOD REX ILLIUM HABEBIT INTEGRUM; DE BALÆNA VERO SUFFICIT SI REX HABEAT CAPUT, ET REGINA CAUDAM.—*Taylor*, 96.

448. There should be an end of lawsuits.

DEBET ESSE FINIS LITII.—*Jenk. Cent.* 61.

449. A bad foundation ruins the work.

DEBILE FUNDAMENTUM FALLIT OPUS.—3 *Rep.* 231.

450. Debts follow the person of the debtor.

DEBITA SEQUUNTUR PERSONAM DEBITORIS.—*H.* 13.

451. A debtor is not presumed to make a gift to his creditor.

DEBITOR NON PRÆSUMITUR DONARE.—*Jur. Civ.* 6.

452. A creditor's right to recover can neither be taken away nor diminished by bargain among his debtors.

DEBITORUM PACTIONIBUS CREDITORUM PETITIO NEC TOLLI NEC MINUI POTEST.—*Broom*, 698.

453. Debt and contract are of no place.

DEBITUM ET CONTRACTUS SUNT NULLIUS LOCI.—7 *Rep.* 3.

454. Debt follows the person.

DEBITUM SEQUITUR PERSONAM.—*H.* 36.

455. Tithes are not to be paid from that which is given for tithes.

DECIMÆ DE DECIMATIS SOLVI NON DEBENT.—*Whart.*

456. Laws assist the deceived, not the deceiving.

DECEPTIS, NON DECIPIENTIBUS, JURA SUBVENIUNT.—*H.* 36.

457. It is more safe to be deceived than to deceive.

DECIPI QUAM FALLERE EST TUTIUS.—*H.* 36.

458. The decrees of councils bind not our kings.

DECRETA CONCILIORUM NON LIGANT REGES NOSTROS.—*Mo.* 906.

459. One blood being wanting, he can not be heir.

DEFICIENTE UNO SANGUINE, NON POTEST ESSE HÆRES.—3 *Co.* 41.

Sed vid. 3 and 4 *W.*, *iv. c.* 106, § 9.

460. One himself delegated, can not delegate his power to another.

DELEGATA POTESTAS, NON POTEST DELEGARE.—*Broom*, 839.

461. A delegated debtor is hateful in law.

DELEGATUS DEBTOR EST ODIOSUS IN LEGE.—2 *Bulst.* 148.

462. That which is to be resolved once for all should long be deliberated upon.

DELIBERARUM EST DIU QUOD STATUENDUM EST SEMEL.—12 *Co.* 74.

463. A delinquent provoked by anger ought to be punished more mildly.

DELINQUENS PER IRAM PROVOCATUS PUNIRI DEBET MITIUS.—3 *Inst.* 55.

464. Denomination should be deduced from the more worthy.

DENOMINATIO FIERI DEBET A DIGNIORIBUS.—*Whart.*

465. Derivative power is of the same jurisdiction as the primitive.

DERIVATIVA POTEST EST EJUSDEM JURISDICTIONIS CUM PRIMITIVA.—*H.* 37.

466. The derivative power can not be greater than the primitive.

DERIVATIVA POTESTAS NON POTEST ESSE MAJOR PRIMITIVA.—*Noy. Wing.* 66.

467. Descent takes away entrance.

DESCENSUS TOLLIT INTRATIONEM.—*H.* 37.

468. The appointment of justices is by the king; but their ordinary jurisdiction, by the law.

DESIGNATIO JUSTICIARIORUM EST A REGE; JURISDICTIO VERO ORDINARIA A LEGE.—4 *Inst.* 74.

469. The appointment of one is the exclusion of another, and that which is expressed makes that which is understood to cease.

DESIGNATIO UNIUS EST EXCLUSIO ALTERIUS, ET EXPRESSUM FACIT CESSARE TACITUM.—*Co. Litt.* 210.

470. God alone, and not man, can make an heir.

DEUS SOLUS HÆREDEM FACERE POTEST, NON HOMO.—*Co. Litt.* 7.

471. Sunday is not a day for judicial or legal proceedings.

DIES DOMINICUS NON EST JURIDICUS.—*Noy. Max.* 2 (*Broom*, 22).

472. A day begun is held as complete.

DIES INCEPTUS PRO COMPLETO HABETUR.—*Whart.*

473. An uncertain day is regarded as a condition.

DIES INCERTUS PRO CONDITIONE HABETUR.—*Tray.* 158.

474. The arrival of the day of payment is a sufficient demand from the person owing.

DIES INTERPELLAT PRO HOMINE.—*Tray.* 158.

475. It is difficult for one person to fill the place of two.

DIFFICILE EST UT UNUS HOMO VICEM DUORUM SUSTINEAT.—*Br. Pr.*

476. Dignity supposes office and charge, and is not divisible.

DIGNITAS SUPPONIT OFFICIUM ET CURAM, ET NON EST PARTIBILIS.—*H.* 37.

477. The king confers honors, virtue preserves them, transgressions take them away.

DIGNITATES REX DAT, VIRTUS CONSERVAT, DELICTA AUFERUNT.—*H.* 38.

478. The laborer is worthy of his hire.

DIGNUS MERCEDE OPERARIUS.—*Lofl.* 262.

479. Delay or suspension for justice's sake is very acceptable; but delay contrary to justice is very odious.

DILATIO QUÆ PRO JUSTITIA FACIAT ACCEPTESSIMA; QUÆ CONTRA JUSTITIAM MAXIME INVISA.—*H.* 38.

480. Delays in law are odious.

DILATIONES IN LEGE SUNT ODIOSA.—*H.* 38.

481. To discontinue signifies nothing else than to intermit, to disuse, to interrupt.

DISCONTINUARE NIHIL ALIUD SIGNIFICAT QUAM INTERMITTERE, DESUESCERE, INTERRUPTERE.—*Co. Litt.* 325.

482. Discretion is to know, through law, what is just.

DISCRETIO EST SCIRE, PER LEGEM, QUID SIT JUSTUM.—10 *Co.* 140.

483. A year is the duration of the motion by which a planet revolves throughout its orbit.

DISCUS QUO SUUM PLANETA PERVOLVAT CIRCULUM MORA MOTUS ANNUS EST.—*Dig.* 40, 17, 4, 5.

484. A dispensation is the provident relaxation of a thing prohibited, 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 MALI PROHIBITI PROVIDA RELAXATIO, UTILITATE SEU NECESSITATE PENSATA; ET EST DE JURE DOMINO REGI CONCESSA, PROPTER IMPOSSIBILITATEM PRÆVIDENDI DE OMNIBUS PARTICULARIBUS.—10 *Rep.* 88.

485. A dispensation is a wound which wounds common law.

DISPENSATIO EST VULNUS QUOD VULNERAT JUS COMMUNE.—*Dav.* 69.

486. He makes disseisin enough who does not permit the possessor to enjoy, or makes his enjoyment less beneficial, although he does not expel him altogether.

DISSEISINAM SATIS FACIT QUI UTI NON PERMITTIT POSSESSORUM, VEL MINUS COMMODE, LICET OMNINO NON EXPELLAT.—*Co. Litt.* 331.

487. Injury is removed by condonation or forgiveness.

DISSIMULATIONE TOLLIT INJURIA.—*Tray.* 158.

488. Of dissimilars the rule is dissimilar.

DISSIMILUM DISSIMILIS EST RATIO.—*Co. Litt.* 91.

489. Injury is taken away by dissimulation.

DISSIMULATIONE TOLLITUR INJURIA.—*H.* 38.

490. Times are to be distinguished: it is one thing to do, another to complete.

DISTINGUENDA SUNT TEMPORA: ALIUD EST FACERE, ALIUD PERFICERE.—1 *Rep.* 24; *Whart.*; 3 *Leon*, 243.

491. Times are to be distinguished: distinguish times, and you make the laws agree.

DISTINGUENDA SUNT TEMPORA: DISTINGUE TEMPORA, ET CONCORDABIS LEGES.—1 *Co.* 24; 1 *Rep.* 24.

492. Goods can not be distrained except for certain services or servitudes.

DISTRICTIO NON POTEST ESSE, NISI PRO CERTIS SERVITIIS.—*H.* 39.

493. Divide and govern, since the foundation and crown of empire are established in the consent of the obedient.

DIVIDE ET IMPERA, CUM RADIX ET VERTEX IMPERII IN OBEDIENTUM CONSENSU RATA SUNT.—4 *Inst.* 35.

494. That is guesswork, not interpretation, which departs altogether from the letter.

DIVINATIO, NON INTERPRETATIO EST, QUÆ OMNINO RECEDIT A LITERA.—*Bacon.*

495. A thing divisible may be forever divided.

DIVISIBILIS IN SEMPER DIVISIBILIS.—*Whart.*

496. He seeks with guile who seeks what he ought to return.

DOLO FACIT QUI PETIT QUOD REDDITURUS EST.—*Broom*, 346.

497. By fraud or dole a contract perishes.

DOLO MALO PACTUM SE NON SERVATURUM.—*Broom*, 731.

498. A deceiver deals in generalities.

DOLOSUS VERSATUR IN GENERALIBUS.—2 *Rep.* 34.

499. The fraud of a predecessor does not prejudice his successor.

DOLUS AUCTORIS NON NOCET SUCCESSORI.—*Whart.*

500. Fraud is not purged by circuitry.

DOLUS CIRCUITA NON PURGATUR.—*Bac.* 4.

501. Deceit is an artifice, since it pretends one thing and does another.

DOLUS EST MACHINATIO, CUM ALIUD DISSIMULAT ALIUD AGIT.—*Lane*, 47.

502. Deceit and fraud are to be remedied on all occasions.

DOLUS ET FRAUS UNA IN PARTE SANARI DEBENT.—*Noy. Max.* 32.

503. Wrongful intention is presumed against one engaged in an illicit act.

DOLUS PRÆSUMITUR CONTRA VERSANTEM IN ILLICITO.—*Tray.* 162.

504. Craft is inconsistent with every thing.

Fraud deals in generalities.

DOLUS VERSATUR IN GENERALIBUS.—*H.* 39; 2 *Rep.* 34a.

505. Lordship can not be in suspense.

DOMINIUM NON POTEST ESSE IN PENDENTE.—*Tray.* 163.

506. A lord sometimes can not alienate.

DOMINUS ALIQUANDO NON POTEST ALIENARE.—*Whart.*

507. The supreme lord takes the place of the heir, as often as the blood of the tenant is extinct through deficiency or crime.

DOMINUS CAPITALIS LOCO HÆREDES HABETUR, QUOTIES PER DEFECTUM ET DELICTUM EXTINGUITUR SANGUIS SUI TENENTIS.—*Co. Litt.* 18.

508. A lord can not give a ward in marriage but once.

DOMINUS NON MARITABIT PUPILLUM NISI SEMEL.—*Co. Litt.* 9.

509. The sovereign is the first seized of all lands; of him all others hold, so that every one has his own.

DOMINUS OMNIUM IN REGNO TERRARUM REX HABENDUS; ET AB EO OMNES TENENT ITA TAMEN, UT SUUM CUIQUE SIT.—*H.* 40.

510. The king can not have an equal, much less a superior.

DOMINUS REX NULLUM HABERE POTEST PAREM, MULTO MINUS SUPERIOREM.—1 *Reeves*, 115.

511. The master may defend his servant's cause, even when it is not lawful for another.

DOMINUS VEL CAUSAM SERVI VEL PERSONAM INCULPATIO DEFENDET, ETIAM UBI ALII NON LICERET.—*H.* 40.

512. It is lawful for every one to repair his own house, provided he does it not to the injury of another over whom he has no rights.

DOMUM SUAM UNICUIQUE REIFICERE LICET, DUM NON OFFICIAT INVITO ALTERI IN QUO JUS NON HABET.—*H.* 40.

513. Every man's house is his castle.

DOMUS SUA CUIQUE EST TUTISSIMUM REFUGIUM.—5 *Rep.* 92 (*Broom*, 432).

NEMO DE DOMA SUA EXTRAHI DEBET.—*D.* 50, 17, 103.

514. Clandestine gifts are always suspicious.

DONA CLANDESTINA SUNT SEMPER SUSPICIOSA.—3 *Rep.* 81.

515. A thing appears to be granted when it is granted without any compulsion of the law.

DONARI VIDETUR QUOD NULO JURE COGENTE CONCEDITUR.—*H.* 40.

516. A gift will not be presumed.

DONATIO NON PRÆSUMITUR.—*Jenk. Cent.* 109.

517. A gift is perfected by the possession of the receiver.

DONATIO PERFECITUR POSSESSIONE ACCIPIENTIS.—*Jenk. Cent.* 109.

518. A gift of a prince is understood to be without the prejudice of a third party.

DONATIO PRINCIPES INTELLIGITUR SINE PRÆJUDICIO TERTII.—*Davis, 75b.*

519. A donation obtains its effect by force of the law.

DONATIO QUÆLIBET EX VI LEGIS SORTITUR EFFECTUM.—*H.* 41.

520. Some gifts are perfect, others incipient and imperfect; as if a gift were read and agreed to, but delivery had not then followed.

DONATIONUM ALIA PERFECTA, ALIA INCEPTA ET NON PERFECTA; UT SI DONATIO LECTA FUT ET CONCESSA, AC TRADITIO NONDUM FUERIT SUBSECUTA.—*Co. Litt.* 56.

vid. DONATIO PERFECITUR POSSESSIONE ACCIPIENTIS, *ante.*

521. He who gives never ceases to possess before that the receiver begins to possess.

DONATOR NUNQUAM DESINIT POSSIDERE ANTEQUAM DONATARIUS INCIPIAT POSSIDERE.—*Dyer, 281.*

522. The laws sometimes sleep; never die.

The law hath not been dead though it hath slept.—MEASURE FOR MEASURE.

DORMIUNT ALIQUANDO LEGES; NUNQUAM MORIUNTUR.—2 *Inst.* 161.

523. Dower from dower ought not to be sought.

DOS DE DOTE PETI NON DEBET.—4 *Rep.* 122.

524. Reasonable or legitimate dower belongs to every woman of a third part of all the lands and tenements of which her husband was seized in his demesne, as of fee, etc.

DOS RATIONABILIS VEL LEGITIMA EST CUJUSLIBET MULIERIS DE QUOCUNQUE TENEMENTIO TERTIA PARS OMNIUM TERRARUM ET TENEMENTORUM QUÆ VIR SUUS TENUIT IN DOMINIO SUO, UT DE FÆDO, ETC.—*Co. Litt.* 336.

525. The law favors dower. It is the reward of chastity; therefore let it be preserved.

DOTI LEX FAVEAT. PRÆMIUM PUDORIS EST; IDEO PARCATUR.—*Co. Litt.* 31.

526. Justice gives no more than is demanded.

DROIT NE DONE PLUS QUE SOIT DEMANDE.—2 *Inst.* 286.

527. Right can not die out.

DROIT NE POET PAS MORIER.—*Jenk. Cent.* 100.

528. It is not lawful to have two wives at one and the same time.

DUAS UXORES EADÉM TEMPORE HABERE NON LICET.—*Tayler*, 104.

529. Two persons can not each possess the entire right to one thing.

DUO NON POSSUNT IN SOLIDO UNAM REM POSSIDERE.—*Co. Litt.* 368.

530. There are two instruments either to confirm or impugn all things—reason and authority.

DUO SUNT INSTRUMENTA AD OMNES RES, AUT CONFIRMANDUS AUT IMPUGNANDUS.—8 *Rep.* 16.

531. A double decree can not be regarded.

DUPLEX PLACITUM NON ADMITTITUR.—*H.* 41.

532. The law does not allow a duplication of possibility.

DUPLICATIONEM POSSIBILITATIS LEX NON PATITUR.—1 *R. R.* 321.

533. It is hard by conjecture to depart from the meaning of words.

DURUM EST PER DIVINATIONEM A VERBIS RECEDERE.—*H.* 41.

E

534. That interpretation which is free from fault is to be received.

EA EST ACCIPIENDA INTERPRETATIO QUÆ VITIO CARET.—*Bacon.*

535. Things which, on the occasion of a sale, are said by the seller, in the way of commendation of the article which he is selling, do not bind him, if the things themselves are present and open for inspection.

EA QUÆ, COMMENDANDI CAUSA, IN VENDITIONIBUS DICUNTUR, SI PALAM APPAREANT, VENDITOREM NON OBLIGANT.—*Dig.* 18, 1, 43.

536. Those things which can not be given, or which have no tangible existence in the nature of things, will never be considered as included in a grant.

EA QUÆ DARI IMPOSSIBILIA SUNT, VEL QUÆ IN RERUM NATURA NON SUNT, PRO NON ADJECTIS HABETUR.—*H.* 41.

537. Those things which are properly transacted in our court ought to be committed to a due execution.

EA QUÆ IN CURIA NOSTRA RITE ACTA SUNT DEBITÆ EXECUTIONI DEMANDARI DEBENT.—*Co. Litt.* 289.

538. Those things which rarely happen are not rashly to be computed in transacting business.

EA QUÆ RARO ACCIDENT NON TEMERE IN AGENDIS NEGOTIIS COMPUTANTUR.—*D.* 50, 17, 64.

539. A sentence of transportation deprives of monetary consideration.

EA SOLA DEPORTATIONIS SENTENTIA AUfert QUÆ AD FISCUM PERVENIRET.—*H.* 42.

540. The same cause is argued upon different principles before ecclesiastical and secular judges.

EADEM CAUSA DIVERSIS RATIONIBUS CORAM JUDICIBUS ECCLESIASTICIS ET SECULARIBUS VENTILATUR.—2 *Inst.* 622.

541. The mind of the sovereign is presumed to be coincident with that of the law and with that which it ought to be, especially in ambiguous matters.

EADEM MENS PRÆSUMITUR REGIS QUÆ EST JURIS ET QUÆ ESSE DEBET, PRÆSERTIM IN DUBIIS.—*Hob.* 154.

542. Behold, indeed, a wonder! that a woman has the king's writ without naming her husband, who by law is related to her.

ECCE MODUM MIRUM! QUOD FÆMINA FERT BREVE REGIS NON NOMINANDO VIRUM, CONJUNCTUM ROBORE LEGIS.—*Co. Litt.* 132*b*.

543. A church ought not to pay tithes to a church.

ECCLESIA ECCLESIÆ DECIMAS SOLVERE NON DEBET.—*Cro. El.* 479.

544. The church is the mansion house of the omnipotent God.

ECCLESIA EST DOMUS MANSIONALIS OMNIPOTENTIS DEI.—2 *Inst.* 164.

- 545. The church is under age, and in the custody of the king, who is bound to uphold and defend its rights and inheritances.**

ECCLESIA EST INFRA ÆTATEM, ET IN CUSTODIA DOMINI REGIS, QUI TENETUR JURA ET HÆREDITATES EJUSDEM MANUTENERE ET DEFENDERE.—11 *Rep.* 49.

- 546. The church enjoys the privilege of a minor: it can make its condition better, not worse.**

ECCLESIA FUNGITUR VICE MINORIS: MELIOREM CONDITIONEM SUAM FACERE POTEST, DETERIOREM NEQUÆQUAM.—*Co. Litt.* 341.

- 547. The church is to be more favored than the parson.**

ECCLESIA MAJUS FAVENDUM EST QUAM PARSONÆ.—*God. Rep. Can.* 172.

- 548. The church may grow better, but it can not grow worse.**

ECCLESIA MELIORI, NON DETERIORI, POTEST.—2 *Eden*, 313.

- 549. The church does not die.**

ECCLESIA NON MORITUR.—2 *Inst.* 3.

- 550. The church is always under protection of the king.**

ECCLESIA SEMPER IN REGIS EST TUTELA.—*H.* 42.

- 551. The ordinance of the constitution is the decree of the ruler.**

EDICTA MAGISTRATUM CONSTITUO PRINCIPIS.—*Taylor*, 118.

- 552. The effect follows the cause.**

EFFECTUS SEQUITUR CAUSAM.—*Wing.* 226.

- 553. The proof lies upon him who affirms, not upon him who denies; since, by the nature of things, he who denies a fact can not produce any proof.**

EI INCUMBIT PROBATIO QUI DICIT, NON QUI NEGAT; CUM, PER RERUM NATURAM, FACTUM NEGANTIS PROBATIO NULLA SIT.—*Whart.*

554. To whom nothing is sufficient, to him nothing is base.

EI NIHIL TURPE, CUI NIHIL SATIS.—4 *Inst.* 53.

555. It is for the power that imposed the law through its legislature to interpret the law through its courts.

EJUS EST INTERPRETARI CUIUS EST CONDERE.—*Broom*, 148.

556. In one thing all things following shall be included, as granting, demanding, or prohibiting.

—*Noy. Max.* 42.

557. He who has the right to elect to do a thing has also the right to refuse.

EJUS EST NOLLE QUI POTEST VELLE.—*Feled. Leb.* 2 tit. 34.

558. It is not for him to refuse who is able to be willing.

EJUS EST NON NOLLE QUI POTEST VELLE.—*H.* 42.

559. He who has the dominion or advantage has also the risk.

EJUS EST PERICULUM, EJUS EST DOMINIUM AUT COMMODUM.—*Whart.*

560. The necessity of obedience to an existing law is a sufficient extenuation of guilt before a civil tribunal.

* EJUS NULLA CULPA EST CUI PARERE NECESSE SIT.—*Broom*, 12n.

561. Election is an internal, free, and spontaneous separation of one thing from another, without compulsion, consisting in intention and will.

ELECTIO EST INTERNA, LIBERA, ET SPONTANEA SEPARATIO UNUS REI AB ALIA, SINE COMPULSIONE, CONSISTENS IN ANIMO ET VOLUNTATE.—*Dyer*, 281.

562. Election once made, and plea witnessed, no recall can be suffered.

ELECTIO SEMEL FACTA ET PIACITUM TESTATUM, NON PATITUR REGRESSUM.—*Co. Litt.* 146.

563. Let elections be made rightly and freely, without any interruption.

ELECTIONES FIANT RITE ET LIBERE, SINE INTERRUPTIONE ALIQUA.—2 *Inst.* 169.

564. The buying and selling is complete when the price is agreed upon.

EMPTIO ET VENDITO CONTRAHITUR SIMULATQUE DE PRETIO CONVENERIT.—*H.* 43.

565. A purchaser buys as cheaply as he can; a seller sells as dearly as he can.

EMPTOR EMIT QUAM MINIME POTEST; VENDITOR VENDIT QUAM MAXIME POTEST.—*Tray.* 178.

566. In an exchange, it is desirable that the estates be equal.

EN ESCHANGE, IL COVIENT QUE LES ESTATES SOIENT EGALES.—*Co. Litt.* 50.

567. The part of the elder sister is always to be preferred, on account of the privilege of age.

ENITIA PARS SEMPER PRÆFERENDA EST, PROPTER PRIVILEGIUM ÆTATIS.—*Co. Litt.* 166.

568. In the same way in which any thing is constituted, in that way it is destroyed.

EODEM MODO QUO QUID CONSTITUITUR, EODEM MODO DESTRUITUR.—6 *Rep.* 53.

569. An annual diary is a part of the English law.

EPHEMERIS ANNUA PARS LEGIS ANGLICANÆ.—*H.* 43.

570. A bishop need not obey any mandate, except the king's.

EPISCOPUS ALTERIUS MANDATO QUAM REGIS NON TENETUR OBTEMPERARE.—*Co. Litt.* 134.

571. Varnished error is in many things more probable than naked truth; and very frequently error conquers truth by reasoning.

ERROR FUCATUS NUDA VERITATE IN MULTIS EST PROBABILIOR;
ET SÆPENUMERO RATIONIBUS VINCIT VERITATEM ERROR.—2
Rep. 73.

572. A clerical error can not take away equity.

ERROR PLACITANDI ÆQUITATEM NON TOLLIT.—*H.* 43.

573. An error which is not resisted is approved.

ERROR QUI NON RESISTITUR APPROBATUR.—*Doct. and Stud. c.* 70.

574. To refer errors to their principles is to refute them.

ERRORES AD SUA PRINCIPIA REFERRE EST REPELLERE.—3 *Inst.* 15.

575. One thing shall inure for another.

—*Noy. Max.* 214.

576. A clerical error ought to work no harm.

ERRORES SCRIBENTIS NOCERE NON DEBET.—*Jenk. Cent.* 324.

577. The law blushes when children correct their parents.

ERUBESCIT LEX FILIOS CASTIGARE PARENTES.—8 *Rcp.* 116.

578. There are things which are not proper, even though permitted; but whatever is not permitted, is certainly not proper.

EST ALIQUID QUOD NON OPORTET, ETIAM SI LICET; QUICQUID
VERO NON LICET, CERTE NON OPORTET.—*Hob.* 159.

579. It is the part of a good judge to extend his jurisdiction.

EST BONI JUDICIS AMPLIARI JURISDICTIONEM.—*H.* 43.

580. There is something more than perfect in things allowed.

EST QUIDDAM PERFECTIUS IN REBUS LICITIS.—*Hob.* 159.

581. Words make the plea.

EST UNE MAXIME EN NOSTRE LEY PAROLS ONT PLEA.—*Yelv. Sarg.*

582. The meeting of the minds of two or more in an agreement makes a contract.

ET EST PACTIO DUORUM PLURUMQUE IN IDEM PLACITUM CONSENSUS.—*H.* 43.

583. No argument can be drawn against the use of a thing from its abuse.

EX ABUSU NON ARGUITUR AD USUM.—*Br.* 42.

584. When many join in one act, the law will construe it as the act of him who could best accomplish it.

—*Noy. Max.* 38.

585. A passage will be best interpreted by reference to that which precedes and follows it.

EX ANTECEDENTIBUS ET CONSEQUENTIBUS FIT OPTIMA INTERPRETATIO.—2 *Inst.* 173 (*Broom*, 577).

586. Infamy arises from crime, not from its punishment.

EX DELICTO, NON EX SUPPLICIO, EMERGIT INFAMIA.—*Whart.*

587. After lapse of time all things are presumed to have been done properly.

EX DIUTURNITATE TEMPORIS OMNIA PRÆSUMUNTUR ESSE SOLEMNITUR ACTA.—*Jenk. Cent.* 185.

588. By an acquittance for the last payment, all other arrearages are discharged.

—*Noy. Max.* 40.

589. A right of action can not arise out of fraud.

EX DOLO MALO NON ORITUR ACTIO.—*Cowp.* 343 (*Broom*, 729).

590. The law arises from the deed.

EX FACTO JUS ORITUR.—2 *Inst.* 49.

591. Punishment increases with increasing crime.

EX FREQUENTI DELICTO AUGETUR PŒNA.—2 *Inst.* 479.

592. In an arraignment for high treason, a confession in open court is equivalent to a verdict of conviction and confiscation of goods, upon trial after plea of not guilty.

EX JUDICORUM PUBLICORUM ADMISSIS, NON ALIAS TRANSEUNT ADVERSUS HÆREDES PŒNÆ BONORUM ADEMPTIONIS QUAM SI LIS CONTESTA ET CONDEMNATIO FUERIT SECUTA EXCEPTO MAJESTATIS JUDICIO.—*H.* 44.

593. From a tort no contract can arise.

EX MALEFICIO NON ORITUR CONTRACTUS.—*Whart.*

594. Good laws arise from evil manners.

EX MALIS MORIBUS BONÆ LEGES NATÆ SUNT.—2 *Inst.* 161.

595. True identity is collected from a number of signs.

EX MULTITUDINE SIGNORUM COLLIGITUR IDENTITAS VERA.—*Bacon.*

596. No action arises from a naked submission.

EX NUDA SUBMISSIO NON ORITUR ACTIO.—*G.* 143.

597. No cause of action arises from a bare promise.

EX NUDO PACTO NON ORITUR ACTIO.—*Noy. Max.* 24 (*Broom*, 745).

598. No action will arise from an illegal contract.

EX PACTO ILLICITO NON ORITUR ACTIO.—*Broom*, 742.

599. You can imply many things from few expressions.

EX PAUCIS DICTIS INTENDERE PLURIMA POSSIS.—*Litt. s.* 884.

600. The best interpretation is made from the context.

EX PRÆCEDENTIBUS ET CONSEQUENTIBUS OPTIMA FIT INTERPRETATIO.—1 *Rol. R.* 374.

601. He who derives advantage from any one ought to bear that person's obligations.

EX QUA PERSONA QUIS LUCRUM CAPIT EJUS FACTUM PRÆSTARE DEBET.—*H.* 45.

602. Let the resolution arise from the whole case.

EX TOTA MATERIA EMERGAT RESOLUTIO.—*Wing.* 238.

603. No action arises from an iniquitous cause.

EX TURPI CAUSA NON ORITUR ACTIO.—*Broom*, 730, *n* 5.

604. An exchange naturally creates a warranty.

EXCAMBIIUM NATURALITER VULT IN SE WARRANTIUM.—22 *Vin. Ab.* 26.

605. He who claims a thing by a superior title shall neither gain nor lose by it.

—*Noy. Max.* 11.

606. Exchange can not exist among three parties.

EXCAMBIIUM NON POTEST INTER TRES PARTES DATUR.—*H.* 43.

607. There is no exception of that thing of which the dissolution is sought.

EXCEPTIO EJUS REI CUJUS PETITUR DISSOLUTIO NULLA EST.—*Jenk. Cent.* 37.

608. A plea denying a fact is only to be put in when all formal objections have failed.

EXCEPTIO FALSI OMNIUM ULTIMA.—*Whart.*

609. An exception affirms the rule to be the reverse of what is claimed.

EXCEPTIO FIRMAT REGULAM IN CONTRARIUM.—*Bac. Aph.* 17.

610. There is no plea against an action which entirely destroys the plea.

EXCEPTIO NULLA EST VERSUS ACTIONEM QUÆ EXCEPTIONEM PERIMIT.—*Jenk. Cent.* 106.

611. An exception proves the rule concerning things not excepted.

EXCEPTIO PROBAT REGULUM DE REBUS NON EXCEPTIS.—11 *Rep.* 41d.

612. An exception which confirms the law expounds the law.

EXCEPTIO QUÆ FIRMAT LEGEM EXPONIT LEGEM.—*Tray.* 199.

613. An exception is always to be put last.

EXCEPTIO SEMPER ULTIMA PONENDA EST.—9 *Rep.* 53; *Noy. Max.* 54.

614. Other things being equal, the exception declares the rule.

EXCEPTIO QUOQUE REGULAM DECLARAT.—*Bac. Aph.* 17.

See ante, Maxim 611.

615. He who comes out of his minority becomes a legal person.

EXCESSIT EX EPHEBIS EST PERSONA.—*Riley*, 114.

616. The common law condemns excess in law or in any thing else.

EXCESSUS IN JURE AUT RE QUALIBET REPROBATUR COMMUNI.—9 *Rep.* 44, 53.

617. He who excuses before he is accused overwhelmingly establishes his own guilt.

EXCESSUS NON PETITA EXCUSATIO MANIFESTA FIT.

618. Some things are to be construed according to the end thereof.

—*Noy. Max.* 7.

As if a man warned to answer a matter in a writ, there he shall not answer to any other matter than is contained in the writ, for that was the end of his coming.—*SEE CO. LITT.* 1, 3.

619. Every legitimate act is forbidden an excommunicated person; he can not act or sue by any person, although he may be sued by others.

EXCOMMUNICATO INTERDICITUR OMNIS ACTUS LEGITIMUS, ITA QUOD AGERE NON POTEST, NEC ALIQUEM CONVENIRE, LICET IPSE AB ALIIS POSSIT CONVENIRE.—*Co. Litt.* 139.

620. That may excuse or palliate a wrongful act in capital cases which would not have the same effect in civil injuries.

EXCUSAT AUT EXTENUAT DELICTUM IN CAPITALIBUS QUOD NON OPERATUR IDEM IN CIVILIBUS.—*Bac. Max.* 415.

621. He is excused who does not bring his claim, if, during the whole period in which it ought to have been brought, he has been beyond sea for any reason.

EXCUSATUR QUIS QUOD CLAMEUM NON OPPOSUERIT, UT SI TOTO TEMPORE LITIGII FUIT ULTRA MARE QUACUNQUA OCCASIONE.—*Co. Litt.* 260.

622. Execution is the performance of the law according to judgment.

EXECUTIO EST EXECUTIO LEGIS SECUNDUM JUDICIUM.—*H.* 45.

623. The law will not, in its executive capacity, work a wrong.

EXECUTIO JURIS NON HABET INJURIAM.—2 *Inst.* 482.

624. Execution is the execution of the law according to judgment.

EXECUTIO EST EXECUTIO JURIS SECUNDUM JUDICIUM.—3 *Inst.* 212.

625. Execution is the end and fruit of the law.

EXECUTIO EST FINIS ET FRUCTUS LEGIS.—*Co. Litt.* 289.

626. The execution of the law does no injury.

EXECUTIO JURIS NON HABET INJURIAM.—2 *Rol. Rep.* 301.

627. Examples illustrate, but do not restrain, the law.

EXEMPLA ILLUSTRANT, NON RESTRINGUNT, LEGEM.—*Co. Litt.* 240.

628. Examples do not restrict the rule, but speak of the cases which most frequently occur.

EXEMPLA NON RESTRINGUNT REGULAM, SED LOQUUNTUR DE CASIBUS CREBRIORIBUS.—*Tray.* 201.

629. Exile is a privation of country—a change of natal soil—a loss of native laws.

EXILIUM EST PATRIÆ PRIVATIO—NATALIS SOLI MUTATIO—LEGUM NATIVARUM AMISSO.—7 *Rep.* 20.

630. The conclusion proves the fact: the termination of the fight, not the fight, gives the victory.

EXITIS ACTA PROBAT: FINIS, NON PUGNA, CORONAT.—*Br.* 43.

631. It is to the interest of the state that no one misuse his own possessions.

EXPEDIT REIPUBLICÆ NE SUA RE QUIS MALE UTATUR.—*Broom*, 365.

632. Experience by various acts makes law.

EXPERIENTIA PER VARIOS ACTUS LEGEM FACIT.—*Co. Litt.* 60.

633. That exposition which springs from the vitals of a cause is the fittest and most powerful in law.

EXPOSITIO QUÆ EX VISCERIBUS CAUSÆ NASCITUR EST OPTISSIMA ET FORTISSIMA IN LEGE.—10 *Co.* 24.

634. Things expressed do harm; things unexpressed hurt not.

EXPRESSA NOCENT; NON EXPRESSA NON NOCENT.—*D.* 15, 17, 195.

635. The expression of things, of which, if unexpressed, one would have the benefit, is useless.

EXPRESSA NON POSSUNT QUÆ NON EXPRESSA PRODERUNT.—4 *Rep.* 73.

636. The expression of what is tacitly implied is inoperative.

EXPRESSIO EORUM QUÆ TACITE INSUNT NIHIL OPERATUR.—2 *Inst.* 365 (*Broom*, 669).

637. The express mention of one thing implies the exclusion of another.

EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS.—*Co. Litt.* 210a. (*Broom*, 651).

638. The expression of a thing puts an end to tacit implication.

EXPRESSUM FACIT CESSARE TACITUM.—*Tray.* 202.

639. Let service expressed rule or declare what is silent.

EXPRESSUM SERVITUM REGAT VEL DECLARAT TACITUM.—*Bacon.*

640. A foreigner has no lands, but only his personal effects, as well as his life and his liberty.

EXTERNUS NON HABET TERRAS, HABET RES SUAS, ET VITAM ET LIBERTATEM.—*H.* 46.

641. Extortion is a crime, when by color of office any person demands that which is not due, or above due, or before the time when it is due.

EXTORTIO EST CRIMEN, QUANDO QUIS COLORE OFFICII EXTORQUET QUOD NON EST DEBITUM, VEL SUPRA DEBITUM, VEL ANTE TEMPUS QUOD EST DEBITUM.—10 *Rep.* 102.

642. He who is placed out of the law is civilly dead.

EXTRA LEGEM POSITUS EST CIVILITER MORTUUS.—*Co. Litt.* 130.

643. One can not with impunity obey one executing justice beyond his province or jurisdiction.

EXTRA TERRITORIUM JUS DICENTI IMPUNE NON PARETUR; IDEM EST, ET SI SUPRA JURISDICTIONEM SUAM VELIT JUS DICERE.—*H.* 46.

644. A foreigner is a subject who is born out of the territory, that is to say, out of the government, of the king.

EXTRANEUS EST SUBDITUS QUI EXTRA TERRAM, I. E., POTESTATEM REGIS, NATUS EST.—7 *Rep.* 16.

645. Rather suffer extremities than do things infamous.

EXTREMA POTIUS PATI QUAM TURPIA FACTI.—*H.* 46.

646. Extremes being proved, those things which fall within or between them are presumed.

EXTREMIS PROBATIS, PRÆSUMUNTUR MEDIA.—*Tray.* 207.

647. An obligation which has been sealed in due form is extinguished if it fall into that situation from which it can not arise.

EXTINGUITUR OBLIGATIO QUE RITE CONSTITERET SI IN EUM CASUM INCIDERIT A QUO INCIPERE NON POTUIT.—*H.* 46.

648. The sentence of one adjudicating beyond his territory can not be obeyed with impunity.

EXTRA TERRITORIUM JUS DICENTI NON PARETUR IMPUNE.—10 *Rep.* 77.

649. A new matter always produces divers new events.

EVENTUS VARIOS RES NOVA SEMPER HABET.—*Co. Litt.* 379.

F

650. Youth is very liable to err.

FACILIS EST LAPsus JUVENTUTIS.—*Jenk. Cent.* 47.

651. Guilt makes equal those whom it stains.

FACINUS QUOS INQUINAT EQUAT.—*Whart.*

652. Deeds are more powerful than words.

FACTA SUNT POTENTIORA VERBIS.—*Whart.*

653. Deeds contain many things which are prohibited to be done.

FACTA TENENT MULTA QUÆ FIERI PROHIBENTUR.—12 *Rep.* 125.

654. An action of a judge which relates not to his office is of no force.

FACTUM A JUDICE QUOD AD EJUS OFFICIUM NON SPECTAT NON RATUM EST.—10 *Rep.* 76 (*D.* 50, 17, 170).

655. A thing once done can not be undone.

FACTUM INFECTUM FIERI NEQUIT.—1 *Kames' Eq.* 96.

656. There is no proof incumbent on him who denies a fact.

FACTUM NEGANTIS NULLA PROBATIO SIT.—*Cod.* 4, 19, 23.

657. That is not called a deed which does not continue operative.

FACTUM NON DICITUR QUOD NON PERSEVERAT.—5 *Rep.* 396.

658. The deed of one should not hurt another.

FACTUM UNUS ALTERI NOCERE NON DEBET.—*Co. Litt.* 152.

659. The faculty of proofs is not to be narrowed.FACULTAS PROBATIONUM NON EST ANGUSTANDA.—4 *Inst.* 279.**660. A false description is not fatal to a legacy.**FALSA DEMONSTRATIONE LEGATUM NON PERIRI.—*Broom*, 645.**661. Mere false description does not make an instrument inoperative.**FALSA DEMONSTRATIO NON NOCET.—6 *T. R.* 676 (*Broom*, 629).**662. Bad spelling or bad grammar does not vitiate a grant.**FALSA ORTHOGRAPHICA SIVE FALSA GRAMMATICA NON VITIAT CONCESSIONEM.—9 *Rep.* 48.FALSA GRAMMATICA NON VITIAT CHARTAM.—*Broom*, 686 (n).**663. False in one thing, false in all.**FALSO IN UNO, FALSUS IN OMNIBUS.—*Whart.***664. Fame is the constant opinion of good men concerning a thing.**FAMA EST CONSTANS VIROBONORUM DE RE ALIQUA OPINIO.—*H.* 47.**665. Fame, faith, and eyesight do not suffer a cheat.**FAMA, FIDES, ET OCULOS NON PATIUNTUR LUDUM.—3 *Bulst.* 226.**666. Report, which includes 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.**FAMA, QUÆ SUSPICIONEM INDUCIT, ORIRI DEBET APUD BONOS ET GRAVES; NON QUIDEM MALEVOLOS ET MALEDICOS, SED PROVIDAS ET FIDE DIGNAS PERSONAS; NON SEMEL, SED SÆPIUS; QUIA CLAMOR MINUIT, ET DEFAMATIO MANIFESTAT.—2 *Inst.* 52.**667. He who flees judgment confesses his guilt.**FATETUR FACINUS QUI JUDICIUM FUGIT.—3 *Inst.* 14.

668. Things favorably considered in law are the treasury, dower, life, and liberty.

FAVORABILIA IN LEGE SUNT FISCUS, DOS, VITA, LIBERTAS.—*Jenk. Cent.* 94.

669. Accused persons are held more favorably than accusers.

FAVORABILIORES REI POTIUS QUAM ACTORES HABENTUR.—*H.* 47.

670. Executions are preferred to all other processes whatever.

FAVORABILIORES SUNT EXECUTIONES ALIIS PROCESSIBUS QUIBUSCUNQUE.—*Co. Litt.* 289.

671. Accusers are held more favorably than intervenors.

FAVORABILIORES TAM AUCTORES REI POTIUS AUCTORES QUAM INTERVENIORES HABENTUR.—*Riley*, 47.

672. Favors are to be enlarged; hateful things are to be restrained.

FAVORES AMPLIANDI SUNT; ODIS RESTRINGENDA.—*Jenk. Cent.* 186.

673. Felony, by force of the term, signifies any capital crime perpetrated with a malignant mind.

FELONIA, EX VI TERMINI, SIGNIFICAT QUODLIBET CAPITALE CRIMEN FELLEO ANIMO PERPETRATUM.—*Co. Litt.* 391.

674. A fee is that which one holds from any cause, whether tenement or rent.

FEODUM EST QUOD QUIS TENET EX QUACUNQUE CAUSA, SIVE SIT TENEMENTUM, SIVE REDITUS.—*Co. Litt.* 1.

675. A simple fee can not depend upon a simple fee.

FEODUM SIMPLEX EX FEODO SIMPLICI PENDERE NON POTEST.—*H.* 47.

676. In almost all criminal trials, let allowance be made for youth and imprudence.

PERE IN OMNIBUS PŒNALIBUS JUDICIIS, ET ÆTATI ET IMPRUDENTIÆ SUCCURITUR.—*H.* 147.

677. Hasty justice is the stepmother of misfortune.

FESTINATO JUSTITIÆ EST NOVEREA INFORTUNII.—*Hob.* 97.

678. Lands held in fee are reduced to the character of a patrimony or succession.

FEUDA AD INSTAR PATRIMONIUM SUNT REDUCTA.—*Tray.* 213.

679. Let law prevail, though justice fail.

FIAT JUS, RUAT JUSTITIA.—*Whart.*

680. Let right be done, though the heavens fall.

FIAT JUSTITIA, RUAT CŒLUM.—*Whart.*

681. Let it be done even as it is accustomed to be done; let nothing be innovated rashly.

FIAT PROUT FIERI CONSUEVERIT; NIL TEMERE NOVANDUM.—*Jenk. Cent.* 116.

682. Fiction is against the truth; but, nevertheless, is to be esteemed truth.

FICTIO EST CONTRA VERITATEM; SED PRO VERITATE HABETUR.—*Br.* 127

683. Fiction yields to truth. Where there is truth, fiction of law exists not.

FICTIO CEDIT VERITATI. FICTIO JURIS NON EST UBI VERITAS.—*Taylor,* 151.

684. A fiction of law shall injure or damnify nobody.

FICTIO LEGIS INIQUE OPERATUR ALICUI DAMNUM VEL INJURIAM.—*Broom,* 122.

685. Faith is an obligation of conscience of one to the will of another.

FIDES EST OBLIGATIO CONSCIENTIÆ ALICUJUS AD INTENTIONEM ALTERIUS.—*Bacon.*

686. Filiation can not be proved.

But see 7 and 8 Vict. c. 101.

FILIATIO NON POTEST PROBARI.—*Co. Litt.* 126.

687. A son appears to be in the family of the father, and not of the mother.

FILIUS CONSTAT ESSE IN FAMILIA PATRIS, ET NON MATRIS.—*Tray.* 218.

So the father, and not the mother, in Scotland, is responsible for the sons' debts.—FRASER, PARENT AND CHILD, 99.

688. A son in the mother's womb is a part of the mother's vitals.

FILIUS IN UTERO MATRIS EST PARS VISCERUM MATRIS.—7 *Rep.* 8.

689. A final concord is that by which an end is put to the business, from which end neither litigant can recede.

FINIS TALIS CONCORDIA FINALIS DICITUR EO QUOD FINEM IMPONIT NEGOTIO, ADEO QUOD NEUTRA PARS LITIGANTUM, AB EO DE CÆTERO POTEST RECEDERE.—*Co. Litt.* 121.

690. The end of one day is the beginning of another.

FINIS UNIUS DIEI EST PRINCIPIUM ALTERIUS.—*Bulst.* 305.

691. The operation of the law is firmer and more powerful than the disposition of man.

FIRMIOR ET POTENTIOR EST OPERATIO LEGIS QUAM DISPOSITIO HOMINIS.—*Co. Litt.* 102.

692. Since rivers and ports are public, the right of fishing is common to all.

FLUMINA ET PORTAS PUBLICA SUNT, IDEOQUE JUS PISCANDI OMNIBUS COMMUNE EST.—*Whart.*

- 693. Women are removed from all civil and public offices. Likewise those under age ought to abstain from all civil offices.**

FŒMINÆ AB OMNIBUS OFFICIIS CIVIBUS VEL PUBLICIS REMOTÆ SUNT. ITEM IMPUBES OMNIBUS CIVILIBUS OFFICIIS DEBET ABSTINERE.—*H.* 48.

- 694. Women are not admissible to public offices.**

But see *Olive and Ingram*, 7 Mod. 263, where a woman was elected to the office of sexton; or governor of a workhouse, *Anon.* 2 Ld. Raym. 1014; or an overseer, *Rex v. Stubbs*, 27 R. 395.

FŒMINA NON SUNT CAPACES DE PUBLICIS OFFICIIS.—*Jenk. Cent.* 237.

- 695. The form of a thing gives existence to the thing.**

FORMA DAT ESSE.—2 *Ray.* 329.

- 696. The legal form is the essential form.**

FORMA LEGALIS FORMA ESSENTIALIS.—10 *Rep.* 100.

- 697. Where the form is not observed the illegality of the act is inferred.**

FORMA NON OBSERVATA INFERTUR ADNULLATIO ACTUS.—12 *Rep.* 7.

- 698. A forestaller is an oppressor of the poor, and a public enemy of the whole community and county.**

FORSTELLARIUS EST PAUPERUM DEPRESSOR, ET TOTIUS COMMUNITATIS ET PATRIÆ PUBLICUS INIMICUS.—3 *Inst.* 196.

- 699. The custody of the law is stronger than that of man.**

FORTIOR EST CUSTODIA LEGIS QUAM HOMINIS.—2 *Rol. Rep.* 325.

- 700. The disposition of the law is stronger and more just than that of man.**

FORTIOR ET ÆQUIOR EST DISPOSITIO LEGIS QUAM HOMINIS.—*Co. Litt.* 234.

Sometimes quoted, "fortior et potentior."—*Vld. Broom*, 697, 698.

701. The strongest arms in the field are weak, if there is not wisdom in the council at home.

FORTIUS SUNT FORIS ARMA, NISI EST CONSILIUM DOMI.—*Cic.*

702. They make fortune a judge.

FORTUNAM FACIUNT JUDICEM.—*Co. Litt.* 167.

703. The law takes no account of a part of a day.

FRACTIONEM DIE NON RECIPIT LEX.—*L.* 572.

704. Let faith be broken to him who breaks faith.

FRANGENTI FIDEM FIDES FRANGATUR EIDEM.—*Whart.*

705. A brother shall not succeed a uterine brother in the paternal inheritance.

But see 3 and 4 Wm. IV. c. 106, § 9, Broom, 430.

FRATER FRATRI UTERIUS NON SUCCEDET IN HÆREDITATE PATERNA.
—*Whart.*

706. The civil law regards the intention, rather than the event, as material in inferring fraud.

FRAUDIS INTERPRETATIO SEMPER IN JURE CIVILII, NON EX EVENTU
DUNTAXAT, SED EX CONCILIO QUOQUE DESIDERATUR.—*H.* 49.

707. Fraud concludes from equity.

FRAUS ÆQUITATI PRÆJUDICAT.—*H.* 49.

708. Fraud does not dissolve, but binds, perjury.

FRAUS ADSTRINGIT, NON DISSOLVIT, PERJURIAM.—*H.* 49.

709. The fraud of the ancestor does not injure his successor.

FRAUS AUCTORIS NON NOCET SUCCESSORI.—*Tray.* 222.

710. It is fraud to conceal fraud.

FRAUS EST CELARE FRAUDEM.—1 *Vern.* 270.

711. Fraud is odious and not to be presumed.

FRAUS EST ODIOSA ET NON PRÆSUMENDA.—*Cro. Car.* 550.

712. Fraud and deceit ought not to benefit any person.

FRAUS ET DOLUS NEMINI PATROCINARI DEBENT.—3 *Rep.* 78.

713. Fraud and justice never dwell together.

FRAUS ET JUS NUNQUAM COHABITANT.—*Wing.* 680.

714. Fraud lies hid in general expressions.

FRAUS LATET IN GENERALIBUS.—*Whart.*

715. Fraud is most odious to law.

FRAUS LEGIBUS INVISISSIMA.—*H.* 49.

716. Fraud merits fraud.

FRAUS MERETUR FRAUDEM.—*Branch Max.*

717. The frequency of an act operates much in its favor.

FREQUENTIA ACTUS MULTUM OPERATUR.—4 *Rep.* 78; *W.* 192.

718. Fruits enhance an inheritance.

FRUCTUS AUGENT HÆREDITATEM.—*D. A.* 3, 20, 31.

719. An event is vainly expected whose effect never follows.

FRUSTRA EXPECTATUR EVENTUS CUJUS EFFECTUS NULLUS SEQUITUR.—5 *Co. Eccl. L.*

720. Vainly does he who offends against the law seek the help of the law.

FRUSTRA LEGIS AUXILIUM QUÆRIT QUI IN LEGEM COMMITTIT.—*Broom*, 279.

721. That is done in vain by the many which may be accomplished by the few.

FRUSTRA FIT PER PLURA QUOD FIERI POTEST PER PAUCIORA.—*Jenk. Cent.* 68; *W.* 177; *G.* 161.

722. Vainly you beg what you may yourself and at once force to be restored.

FRUSTRA PETIS QUOD STATIM ALTERI REDDERE COGERIS.—*Jenk. Cent.* 256.

723. That thing is proved in vain which, when proved, is not relevant.

FRUSTRA PROBATUR QUOD PROBATUM NON RELEVAT.—*H.* 50.

724. A madman has no will.

FURIOSUS NULLA VOLUNTAS EST.—*Dig.* 50, 17, 40.

725. A madman is like a man who is absent.

FURIOSUS ABSENTIS LOCO EST.—4 *Rep.* 126; *D.* 50, 17, 124, §1.

726. A madman can contract no business.

FURIOSUS NULLUM NEGOTIUM CONTRAHERE POTEST.—*H.* 63.

727. A madman is punished by his own insanity.

FURIOSUS SOLO FURORE PUNITUR.—*Co. Litt.* 247.

Therefore, punishment is not to be inflicted for acts committed by one devoid of reason.

728. A madman who knows not what he does can not enter into bargains or transact business.

FURIOSUS STIPULARE NON POTEST NEC ALIQUID NEGOTIUM AGERE, QUI NON INTELLIGIT QUID AGIT.—4 *Rep.* 126.

729. That is not a theft of a thing where the commencement of its detention arises through the act of its owner.

FURTUM NON EST UBI INITIUM HABET DETENTIONIS PER DOMINUM REI.—3 *Inst.* 107.

G

730. A thing said in a general sense is to be understood generally.

GENERALE DICTUM GENERALITER EST INTELLIGENDUM.—*H.* 50.

731. In things to be understood generally nothing certain is involved.

GENERALIA NIHIL CERTI IMPLICAT.—*W.* 164.

732. Specialties follow generalities.

GENERALIA PRÆCEDUNT, SPECIALIA SEQUUNTUR.—*H.* 50.

733. Generalities are not derogatory to specialties.

GENERALIA SPECIALIBUS NON DEROGANT.—*Jenk. Cent.* 120*b*.

734. General rules are to be generally understood.

GENERALIS REGULA GENERALITER EST INTELLIGENDA.—6 *Rep.* 65.

735. Words of generality are to be generally understood.

GENERALIA VERBA SUNT GENERALITER INTELLIGENDA.—*Broom*, 647.

736. In an exchange both the estates must be equal.

—*Noy. Max.* 61.

737. Special things are derogatory to general.

GENERALIBUS SPECIALIBUS DEROGANT.—*H.* 50.

738. Three things needful and pertaining to every deed are, writing, sealing, and delivering.

—*Noy. Max.* 54.

739. A general clause is not extended to those things which have been previously narrated or described.

GENERALIS CLAUSULA NON PORRIGITUR AD EA QUÆ ANTEA SPECIALITER SUNT COMPREHensa.—8 *Rep.* 154.

740. A liberty is a royal privilege in the hands of a subject.

—*Noy. Max.* 48.

741. General favor does not exempt treason and homicide from punishment.

GENERALIS GRATIA PRODITIONEM ET HOMICIDUM NON EXCIPIIT PENA.—*H.* 51.

742. In general, as often as there is any thing (e. g. any purpresture) to the injury of the royal domain or royal road or state, the plea thence belongs to the crown.

GENERALITER, QUOTIENS ALIQUID SIT AD NOCUMENTUM REGII TENEMENTI, VEL REGIÆ VIÆ, VEL CIVITATIS, PLACITUM INDE AD CORONAM DOMINI REGIS PERTINET.—*Glauc.* l. 9 c. xi.

743. It is a poisonous gloss which corrupts the essence of the text.

GLOSSA VIPERINA EST QUÆ CORRODIT VISCERA TEXTUS.—11 *Rep.* 34.

744. Writing words is a species of more serious injury than speaking words; for we may forget spoken words, but what is written remains and passes through the hands of many, far and near.

GRAVIORUM INJURIÆ SPECIES EST QUÆ SCRIPTA FIT, QUIA DIUTIUS IN CONSPECTU HOMINUM PERSEVERAT; VOCIS ENIM FACILE OBLIVISCIMUR, AD LITERA SCRIPTA MANET, ET PER MANUS MULTORUM LONGE, LATEQUE VAGATUR.—*Tayler*, 165.

745. The king's highway is that which leads from village to village.

—*Noy. Max.* 47.

746. It is more grievous to hurt an alternate than a temporary authority.

GRAVIUS EST ALTERNAM QUAM TEMPORALEM LÆDERE MAJESTATEM.—*H.* 52.

747. It is heavier to hurt divine than temporal majesty.

GRAVIUS EST DIVINUM QUAM TEMPORALEM LÆDERE MAJESTATEM.
—11 *Rep.* 29.

748. A man can not qualify his own act.

—*Noy. Max.* 43.

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749. The confession of a defendant is the best evidence against him.

HABEMUS OPTIMUM TESTEM CONFITENTEM REUM.—*Fost. Co. L.* 283c.

750. What is be regarded in writing either increases or restricts; but it does not induce any thing new.

HABENDUM IN CHARTA VEL AUGET RESTRINGIT; SED NON NOVUM INDUCIT.—*H.* 52.

751. Every great example of punishment has in it somewhat of injustice; but the sufferings of individuals are compensated for by the service rendered to the State.

HABET ALIQUID EX INIQUO OMNE MAGNUM EXEMPLUM; QUOD CONTRA SINGULOS UTILITATE PUBLICA REPENDITUR.—*Taylor,* 170.

752. The heir has all the powers and privileges of him of whom he is heir.

HÆREDEM EJUSDEM POTESTATIS JURISQUE ESSE CUJUS FUIT DEFUNCTIS CONSTAT.—*H.* 54.

753. The children of each man are his heirs and successors, if there be no will.

HÆREDES SUCCORESQUE SUI CUIQUE LIBERI, ET NULLUM TESTAMENTUM.—*Taylor*, 171.

754. Favor is shown to an heir.

HÆREDI FAVETUR.—*H.* 52.

755. Much is to be tolerated and forgiven in an heir.

HÆREDI MAGIS PARCENDUM EST.—*D.* 31, 1, 47.

756. It is a dangerous custody to commit any one to the charge of a person, whether relative or not, who is seeking to be the heir.

HÆREDIPETÆ SUO, PROPINQUO VEL EXTRANEO, PERICULOSO SANE CUSTODIA NULLUS COMMITTATUR.—*Co. Litt.* 88*b*.

757. Inheritance is the succession to every right possessed by the deceased.

HÆREDITAS EST SUCCESSIONO IN UNIVERSUM JUS QUOD DEFUNCTUS HABUERAT.—*Co. Litt.* 237.

758. An estate by inheritance is not only one which has been, but also includes one which can be, taken by inheritance.

HÆREDITUS N'EST PAS TANT SOLEMENT ENTENDUE LOU HOME AD TERRES OU TENEMENTS PER DISCENT D'ENHERITAGE, MES AUXI CHESCUN FEE SIMPLE OU TAIL QUE HOME AD PERSON PURCHAS PUIT ESTRE DIT ENHERITANCE PUR CED QUE SES HIRS LUY PURRONT ENHERITER.—*Co. Litt.* 26.

759. Inheritance is not granted from half blood.

HÆREDITAS EX DIMIDIO SANGUINE NON DATUR.—*H.* 52.

760. Inheritance is nothing else than the succession to the whole right which the deceased may have had.

HÆREDITAS NIHIL ALIUD EST QUAM SUCCESSIONO IN INVERSUM JUS QUOD DEFUNCTUS HABUERIT.—*D.* 50, 17, 62.

761. The right of inheritance never lineally ascends.

HÆREDITAS NUNQUAM ASCENDIT.—*Glanv. Lib. 7c. (Broom, 527).*

762. Under the title of heirs, come heirs ad infinitum.

HÆREDUM APPELLATIONE VENIUNT HÆREDIES HÆREDUM AD INFINITUM.—*Co. Litt. 9.*

763. An heir is another self, and a son is part of the father.

HÆRES EST ALTER IPSE, ET FILIUS EST PARS PATRIS.—3 *Co. 126.*

764. One is an heir either by right of property or by right of representation.

HÆRES EST AUT JURE PROPRIETATIS AUT JURE REPRESENTATIONIS.—3 *Rep. 40.*

765. An heir is the same person as his predecessor, and a part of his body.

HÆRES EST EADEM PERSONA CUM ANTECESSORE, PARS ANTECESSORIS.—*H. 53.*

766. The word heir is a collective name.

HÆRES EST NOMEN COLLECTIONUM.—1 *Vent. 215.*

767. An “heir” is a name of law; a “son” is the name of nature.

“HÆRES” EST NOMEN JURIS; “FILIUS” EST NOMEN NATURÆ.—*Bac. Max. Reg. 11.*

768. An heir is part of the ancestor.

HÆRES EST PARS ANTECESSORIS.—*Co. Litt. 22.*

769. The heir of my heir is my heir.

HÆRES HÆREDIS MEI EST MEUS HÆRES.—*H. 54.*

770. Wedlock is the test as to who is the lawful heir.

HÆRES LEGITIMUS EST QUEM NUPTÆ DEMONSTRANT.—*Co. Litt. 7b. (Broom, 515).*

- 771. An heir under twenty-one years is not answerable, except in the matter of dower.**

HÆRES MINOR UNO ET VIGINTI ANNIS NON RESPONDEBIT, NISI IN CASU DOTIS.—*Moor*, 348.

- 772. In England the heir is not bound to pay his ancestor's debts, except debts to the king, unless he be bound by his ancestor.**

HÆRES NON TENETUR IN ANGLIA AD DEBITA ANTECESSORIS REDDENDA, NISI PER ANTECESSORIUM AD HOC FUERIT OBLIGATUS PRÆTERQUAM DEBITA REGIS TANTUM.—*Co. Litt.* 386.

- 773. He is not worthy of oaths that is guilty of an oath broken.**

HE NE ES OTHES WORTHES Y^r ES ENES GYLTY OF OTH BROKEN.—*Taylor*, 73.

- 774. An hermaphrodite is to be considered male or female, according to the predominancy of the prevailing sex.**

HERMAPHRODITUS TAM MASCOLO QUAM FÆMINÆ COMPARATUR, SECUNDUM PRÆVALENTIAM SEXUS INCALESCENTIS.—*Co. Litt.*

- 775. Homage can not be done by proxy or by letters, but in person.**

HOMAGIUM NON PER PROCURATORES NEC PER LITERAS FIERI POTUIT, SED IN PROPRIA PERSONÆ.—*Co. Litt.* 68.

- 776. A man shall not be punished for suing out writs in the king's court, whether he is right or wrong.**

HOM NE SERRA PUNY PUOR SUER DES BRIEFES EN COURT LE ROY, SOIT IL A DROIT OU A TORT.—2 *Inst.* 228.

- 777. Homicide is the killing of a man by a man.**

HOMICIDIUM, VEL HOMINIS CÆDIUM, EST HOMINIS OCCIDIO AB HOMINE FACTA.—3 *Inst.* 54.

778. A man may be capable at one time, and incapable at another.

HOMO POTEST ESSE HABILIS, ET INHABILIS DIVERSIS TEMPORIBUS.
—5 *Rep.* 98.

779. Enemies are those with whom we declare war, or who declare it against us; all others are traitors or pirates.

HOSTES SUNT QUI NOBIS VEL QUIBUS NOS BELLUM DISCERNIBUS;
CÆTERI PRODITORES VEL PRÆDONES SUNT.—7 *Rep.* 24.

780. To err is human nature.

HUMANUM EST ERRARE.—*H.* 58.

I

781. A trial should be had in the place where the jury may obtain the best information.

IBI SEMPER DEBET FIERI TRIALIS UBI JURATORES MELIOREM
POSSUNT HABERE NOTITIAM.—*H.* 54.

782. That is certain which can be rendered certain; but that which is certain of itself is the more certain.

ID CERTUM EST QUOD CERTUM REDDI POTEST; SED ID MAGIS
CERTUM EST QUOD DE SEMETIPSO EST CERTUM.—*H.* 54.

783. That is complete which consists of all its parts, and nothing is perfect while any thing remains to be done.

ID PERFECTUM EST QUOD EX OMNIBUS SUIS PARTIBUS CONSTAT,
ET NIHIL PERFECTUM EST DUM ALIQUIS RESTAT AGENDUM.—
H. 55.

784. We may only do that which by law we are allowed to do.

ID POSSUMUS QUOD DE JURE POSSIMUS.—*G.* 183; *Lane*, 116.

785. That which is the more remote does not draw to itself that which is more closely joined, but always the contrary.

ID QUOD EST MAGIS REMOTUM NON TRAHIT AD SE QUOD EST MAGIS JUNCTUM, SED E CONTRARIA IN OMNI CASU.—*H.* 55.

786. That which is ours can not be transferred to another without our deed.

ID QUOD NOSTRUM EST SINE FACTO NOSTRO AD ALIUM TRANSFERRE NON POTEST.—(a) *D.* 50, 17, 11.

787. The same person can not at once be agent and patient.

IDEM AGENS ET PATIENS ESSE NON POTEST.—*H.* 55.

788. To commit and not to prohibit, when in one's power, is the same thing: he who does not prohibit a thing, when it is in his power to prohibit it, does the same as if he ordered 'it to be done.

IDEM EST FACERE ET NON PROHIBERE CUM POSSIS: ET QUI NON PROHIBET, CUM PROHIBERE POSSIT, IN CULPA EST (AUT JUBET).—3 *Inst.* 58.

789. To speak insufficiently is not to speak at all.

IDEM EST NIHIL DICERE ET INSUFFICIENTER DICERE.—*H.* 55.

790. Not to be and not to appear are the same thing.

IDEM EST NON ESSE ET NON APPARERE.—*Jenk. Cent.* 207.

791. "The same" is always referred to its next antecedent.

"IDEM" SEMPER ANTECEDENTI PROXIMO REFERTUR.—*Co. Litt.* 685.

792. True identity is collected from a multitude of signs.

IDENTITAS VERA COLLIGITUR EX MULTITUDINE SIGNORUM.—*Bacon.*

793. Ignorance of those things which one is bound to know excuses not.

IGNORANTIA EORUM QUÆ QUIS SCIRE TENETUR NON EXCUSAT.—
Hale's P. C. 42.

794. Ignorance of fact excuses; ignorance of the law does not excuse.

IGNORANTIA FACTI EXCUSAT; IGNORANTIA JURIS NON EXCUSAT.
—*Gr. and Rud. of Law*, 140, 141 (*Broom*, 253).

IGNORANTIA JURIS HAUD EXCUSAT.—*L. R.* 2 *H. L.* 170.

IGNORANTIA LEGIS NEMINEM EXCUSAT.—*L. R.* 3 *Q. B.* 639.

795. The ignorance of the judge is the calamity of the innocent.

IGNORANTIA JUDICIS EST CALAMITAS INNOCENTIS.—*H.* 56.

796. To be able to know the law is accounted a knowledge of the law; and a plea of ignorance of the law avails not.

IGNORANTIA IDEM EST SCIRE AUT SCIRE DEBET AUT POTUISSE.
—*Br.* 129.

797. Ignorance of one's own right is not prejudicial to that right.

IGNORANTIA JURIS SUI NON PRÆJUDICAT JURI.—*H.* 56.

798. Ignorance of the law excuses nobody; for all are presumed to know those things on which all agree.

IGNORANTIA LEGUM NEMINEM EXCUSAT; OMNES ENIM PRÆSUMUNTUR EAS NOSSE QUIBUS OMNES CONSENTIANT.—*H.* 56.

799. The terms being unknown, the art is also unknown.

IGNORANTIS TERMINIS IGNORATUR ET ARS.—*Co. Litt.* 2.

800. It is not permitted to disclose secrets or to negotiate with the enemies of the State.

IL N' PAS PERMIS DECOUFRER OU DE NEGOCIER AVEC LES ENEMIS DE L'ETAT.—*Taylor*, 188.

801. He deserves reverence who by much labor and industry has made himself familiar with the laws of his country.

ILLE HONORE DIGNUS EST QUI SE SUÆ LEGIBUS PATRIÆ ET NON SINE MAGNO LABORE ET INDUSTRIA REDDIDIT VERSATUM.—*Taylor*, 181.

802. That which is not otherwise permitted, necessity permits; and necessity makes a privilege as to private rights.

ILLUD QUOD ALIAS LICITUM NON EST, NECESSITATUS FACIT LICITUM; ET NECESSITATIS INDUCIT PRIVILEGIUM QUOAD JURA PRIVATA.—*Bac. Max.*

803. That which is united to another is extinguished, nor can it be any more independent.

ILLUD QUOD ALTERI UNITUR EXTINGUITUR, NEQUE AMPLIUS PER SE VACARE LICET.—*God. Rep. Can.* 169.

804. That is not an imaginary sale at which the price is paid.

IMAGINARIA VENDITIO NON EST PRETIO ACCEDENTE.—*H.* 57.

805. The majesty of the empire is the safety of its protection.

IMPERII MAJESTAS EST TUTELÆ SALUS.—*Co. Litt.* 64.

806. Want of skill is reckoned as a fault.

IMPERITIA CULPÆ ADNUMERATUR.—*D.* 50, 17, 132.

807. Ignorance is the greatest punishment of mechanics.

IMPERITIA EST MAXIMA MECHANICORUM PŒNA.—11 *Co.* 54.

808. Impersonality neither concludes nor binds.

IMPERSONALITAS NON CONCLUDET NEC LIGAT.—*Co. Litt.* 352c.

809. He is judged impious and cruel who does not favor liberty.

IMPIUS ET CRUELIS JUDICANDUS EST QUI LIBERTATI NON FAVET.
—*Co. Litt.* 124.

810. There is no obligation to do things impossible.

IMPOSSIBILIMUM NULLA OBLIGATO EST.—*Broom*, 249.

811. The impossibility of doing what the law requires excuses the performance.

IMPOTENTIA EXCUSAT LEGEM.—*Co. Litt.* 29.

812. Wicked rumors spread abroad are the forerunners of rebellion.

IMPROBI RUMORES DISSIPATA SUNT REBELLIONIS PRODROMI.—2
Inst. 226.

813. Let wicked reports be silenced.

IMPROBI RUMORES DISSIPATI SUNTO.—*H.* 57.

814. Impunity confirms the disposition to commit crime.

IMPUNITAS CONTINUM AFFECTUM TRIBUIT DELINQUENDI.—4
Co. 45.

815. Impunity always invites to greater crimes.

IMPUNITAS SEMPER AD DETERIORA INVITAT.—5 *Co.* 109.

816. Let no one come into court with unclean hands.

IMPURIS MANIBUS NEMO ACCEDAT CURIAM.—*Taylor*, 189.

817. A stone badly placed in buildings is not to be removed.

IN ÆDIFICIIS LAPIS MALO POSITUS NON EST REMOVENDUS.—
11 *Co.* 69.

818. Where the right is equal, the claim of the party in actual possession shall prevail.

IN ÆQUALI JURE MELIOR EST CONditio POSSIDENTIS.—*Plowd.* 296.

819. In public acts of a college or of any incorporated body the joint will of the majority of those to whom the matter belongs is the consent.

IN ACTIS PUBLICIS COLLEGII SIVE CORPORIS ALICUJUS CORPORATI CONSENSUS EST VOLUNTAS MULTORUM AD QUOS RES PERTINET SIMUL JUNCTA.—*H.* 58.

820. In high treason no one can be an accessory; he can be nothing but a principal.

IN ALTA PRODITIONE NULLUS POTEST ESSE ACCESSORIUS; SED PRINCIPALIS SOLUMMODO.—3 *Inst.* 138.

821. In alternatives the debtor has the election.

IN ALTERNATIVIS ELECTIO EST DEBITORIS.—*Whart.*

822. In doubtful cases the presumption is always in favor of the king.

IN AMBIGUIS CASIBUS SEMPER PRÆSUMITUR PRO REGE.—*Whart.*

823. In ambiguous speeches the opinion of him who has uttered them is chiefly to be considered.

IN AMBIGUIS ORATIONIBUS MAXIME SENTENTIA SPECTANDA EST EJUS QUI EAS PROTULISSET.—*Broom*, 567.

824. Where obscurities or faults of expression render the meaning of an enactment doubtful, that interpretation is to be preferred which is most in accord with the general design of the legislature.

IN AMBIGUA VOCE LEGIS EA POTIUS ACCIPIENDA EST SIGNIFICATIO QUÆ VITIO CARET, PRÆSERTIM CUM ETIAM VOLUNTAS LEGIS EX HOC COLLIGI POSSIT.—*Broom*, 576.



825. In England there can be no interregnum.

IN ANGLIA NON EST INTERREGNUM.—*Jenk. Cent.* 205.

826. In more atrocious crimes the attempt is punished, even though the result does not follow.

IN ATROCIORIBUS DELICTIS PUNITUR EFFECTUS, LICET NON SEQUATUR EFFECTUS.—2 *Rol. Rep.* 82.

827. In capital cases, generally, the punishment of an evident intention is less than of an attempt by a direct act, and the punishment of a direct act less than of the perpetrated deed, that there may be room for repentance; but in the case of treason, for the sake of example and warning, it is otherwise.

IN CAPITALIBUS MINOR EST PŒNA COGITATIONIS MANIFESTÆ QUAM CONATUS EX ACTU DIRECTO, ET MINOR CONATUS QUAM PATRATI FACINORIS, UT SIT PŒNITENTIÆ LOCUS; SED IN PRODITIONE IN TERROREM ALITER STATUTUM EST.—*H.* 59.

828. In capital cases general malice, with the fact of an equal degree of guilt, is sufficient.

IN CAPITALIBUS SUFFICIT GENERALIS MALITIA, CUM FACTO PARIS GRADUS.—*H.* 59.

829. In cases of extreme necessity every thing is in common.

IN CASU EXTREMÆ NECESSITATIS OMNIA SUNT COMMUNIA.—*Hale P. C.* 54.

830. Agency excuses in civil matters, but not in criminal matters.

IN CIVILIBUS MINISTERIUM EXCUSAT, IN CRIMINALIBUS NON ITEM.—*Tray.* 243.

831. In civil cases one is bound to perform the nearest and direct things; but in criminal cases even consequent things.

IN CIVILIBUS PROXIMA ET DIRECTA PRÆSTARE QUIS TENETUR; IN CRIMINALIBUS ETIAM CONSEQUENTIA.—*H.* 60.

832. In civil cases the will may sometimes be taken for the deed.

IN CIVILIBUS VOLUNTAS PRO FACTO REPUTABITUR.—*H.* 60.

833. Things that are unambiguous do not admit of conjecture.

IN CLARIS NON EST LOCUS CONJECTURIS.—*Tray.* 244.

834. In things conjunctive each part ought to be true.

IN CONJUNCTIVIS OPORTET UTRAMQUE PARTEM ESSE VERAM.—*Wing.* 13.

835. In similar cases the remedy should be similar.

IN CONSIMILI CASU CONSIMILE DEBET ESSE REMEDIUM.—*Hard.* 65; *G.* 195.

836. In customs not the length of time, but the strength of the reason, should be considered.

IN CONSUEUDINIBUS NON DIUTURNITAS TEMPORIS, SED SOLIDITAS RATIONIS EST CONSIDERANDA.—*Co. Litt.* 141.

837. In contracts the interpretation will be liberal; in wills more liberal; and in restitutions most liberal.

IN CONTRACTIS BENIGNA; IN TESTAMENTIS BENIGNIOR; IN RESTITUTIONIBUS BENIGNISSIMA INTERPRETATIO FACIENDA EST.—*Co. Litt.* 112.

838. In contracting a sale, a doubtful bargain is to be interpreted against the seller.

IN CONTRAHENDA VENDITIONE, AMBIGUUM PACTUM CONTRA VENDITOREM INTERPRETANDUM EST.—*H.* 61.

839. Those things which are of manner and custom are tacitly imported into contracts.

IN CONTRACTIS TACITE INSUNT QUÆ SUNT MORIS ET CONSUEUDINIS.—*Whart.*

840. In contracts and agreements the intention of the parties, rather than the words actually used by them, should be considered.

IN CONVENTIONIBUS CONTRAHENTEM VOLUNTAS POTIUS QUAM VERBA SPECTARI PLACUIT.—*Broom*, 551.

841. Penal statutes are not to be extended, by argument from analogy, to cases which the law does not enumerate or provide for.

IN CRIMINALIBUS NON EST ARGUMENTANDUM A PARI ULTRA CASUM A LEGE DEFINITUM.—*Tray*, 247.

842. In criminal cases the proofs ought to be as clear as the sun.

IN CRIMINALIBUS PROBATIONES DEBENT ESSE LUCE CLARIORES.—*H.* 61.

843. In things criminal a general malicious intention, with an act of corresponding degree, is sufficient to constitute a crime.

IN CRIMINALIBUS SUFFICIT GENERALIS MALITIA INTENTIONIS CUM FACTO PARIS GRADUS.—*Broom*, 323.

844. In criminal cases the will must not be considered as the deed.

IN CRIMINALIBUS VOLUNTAS PRO FACTO NON REPUTABITUR.—*H.* 61.

845. In things disjunctive it suffices should either part be true.

IN DISJUNCTIVIS SUFFICIT ALTERAM PARTEM ESSE VERAM.—*Wing*, 13.

846. In doubtful cases the more worthy is to be taken.

IN DUBIIS MAGIS DIGNUM EST ACCIPIENDUM.—*H.* 61.

847. In doubtful cases there is no presumption for a will.

IN DUBIIS NON PRÆSUMITUR PRO TESTAMENTO.—*H.* 61.

848. In a doubtful point the construction which the words point out is the construction of the law.

IN DUBIO HÆC LEGIS CONSTRUCTIO QUAM VERBA OSTENDUNT.—*Jur. Civ.*

849. In a doubtful case the decision ought to be in favor of innocence.

IN DUBIO PRO INNOCENTIA RESPONDENDUM EST.—*Tray.* 249.

850. In what there is more there is less also included.

IN EO QUOD PLUS SIT SEMPER INEST ET MINUS.—*D.* 50, 17, 110.

851. In that which either he who seeks, or he from whom it is sought for the sake of gain, the cause of the applicant is the harder.

IN EO QUOD VEL IS QUI PETIT, VEL IS A QUO PETITUR A LUCRI FACTUS EST, DURIOR CAUSA EST PETITORIS.—*H.* 62.

852. In the execution of a sentence otherwise extensive, the law of the place shall prevail where the execution takes effect, not where the matter was adjudged.

IN EXECUTIONE SENTENTIÆ ALIBI LATÆ, SERVARE JUS LOCI IN QUO FIT EXECUTIO, NON UBI RES JUDICATA.—*Taylor*, 193.

853. In an action which addresses itself both to good and bad, the law works more to the good than to the bad.

IN FACTO QUOD SE HABET AD BONUM ET MALUM, MAGIS DE BONO QUAM DE MALO LEX INTENDIT.—*Co. Litt.* 178.

854. In things favored what does good is more regarded than what does harm.

IN FAVORABILIBUS MAGIS ATTENDITUR QUOD PRODEST QUAM QUOD NOCET.—*Bacon*.

855. All things are presumed in favor of life, liberty, and innocence.

IN FAVOREM VITÆ, LIBERTATIS, ET INNOCENTIÆ OMNIA PRÆSUMUNTUR.—*L.* 125.

856. A legal fiction is always consistent with equity.

IN FICTIONE JURIS SEMPER ÆQUITAS EXISTET.—11 *Rep.* 51 (*Broom*, 127).

857. He acts fraudulently who, observing the letter of the law, eludes its spirit.

IN FRAUDEM VERO QUI, SALVIS VERBIS LEGIS, SENTENTIAM EJUS CIRCUMVENIT.—*Dom. l.* 29.

858. Penal actions, arising from any thing of a criminal nature, do not pass to heirs.

IN HÆREDES NON SOLUNT TRANSIRE ACTIONES QUÆ PŒNALES EX MALEFICIO SUNT.—2 *Inst.* 442.

859. In those things which are conceded to all by common right, the custom of any country or place is to be alleged.

IN HIS QUÆ DE JURE COMMUNI OMNIBUS CONSIDENTUR, CONSUETUDO ALICUJUS PATRIÆ VEL LOCI EST ALLEGANDA.—*H.* 62.

860. Prescription does not run in favor of a mere power or faculty of acting.

IN HIS QUÆ SUNT MERÆ FACULTATIS NUNQUAM PRÆSCRIBITUR.—*Tray.* 253.

861. In law none are credited except they be sworn or solemnly affirmed.

IN JUDICIO NON CREDITUR NISI JURATIS.—*Cro. Car.* 64.

862. In law all things are always judged from their present status.

IN LEGE OMNIA SEMPER IN PRÆSENTI STARE CONSENTUR.—*H.* 63.

863. Damages come in place of an act which has not been performed.

IN LOCO FACTI IMPRESTABILIS SUBEST DAMNUM ET INTERESSE.
—*Tray.* 256, 324.

864. A less sum of money is contained in a greater.

IN MAJORE SUMMA CONTINETUR MINOR.—5 *Rep.* 115.

865. In criminal matters we look to the intention rather than to the event.

IN MALEFICIIS VOLUNTAS SPECTATUR NON EXITUS.—*Broom*, 324.

866. In the greatest power there is the smallest license.

IN MAXIMA POTENTIA MINIMA LICENTIA.—*Hob.* 159.

867. In our law one comma upsets the whole plea.

(Obsolete.)

IN NOSTRA LEGE UNA COMMA EVERTIT TOTUM PLACITUM.—
Taylor, 196.

868. A new remedy is to be applied to a new case.

IN NOVO CASU NOVUM REMEDIUM APPONENDUM EST.—2 *Inst.* 3.

869. In obscure cases what is probable is most to be looked to, or what is the most frequently done.

IN OBSCURIS INSPECI SOLERE QUOD VERISIMILE ESSET, AUT QUOD
PLERUMQUE FIERI SOLET.—*H.* 63.

870. All things are presumed against a despoiler.

IN ODIUM SPOLIATORIS OMNIA PRÆSUMUNTUR.—1 *Vern.* 19.

871. In every thing a thing is born which destroys that thing itself.

IN OMNI RE NASCITUR RES QUÆ IPSAM REM EXTERMINAT.—2
Inst. 15.

872. In all causes, that is taken for a fact in which, by means of another, there may be a hindrance to prevent its being done.

IN OMNIBUS CAUSIS PRO FACTO ACCIPITUR ID, IN QUO PER ALIUM MORÆ SIT, QUO MINUS FIAT.—*H.* 69.

873. In all contracts, whether named or not, an exchange of commodities is understood.

IN OMNIBUS CONTRACTIBUS, SIVE NOMINATIS, SIVE INNOMINATIS, PERMUTATIO CONTINETUR.—*Tayler*, 196.

874. In all cases aid is given to minors.

IN OMNIBUS FERE MINORI ÆTATI SUCCURITUR.—*H.* 64.

875. God has in all things subjected the fortunes of emperors to the law of the land.

IN OMNIBUS IMPERATORIS EXCIPITUR FORTUNA CUI IPSAS LEGES DEUS SUBIECIT.—*Tayler*, 196.

876. In all obligations in which a day is not fixed, it is due on the present day.

IN OMNIBUS OBLIGATIONIBUS IN QUIBUS DIES NON PONITUR, PRÆSENTI DIE DEBITUR.—*H.* 64.

877. In all cases involving a penal sentence, both the age and want of experience of the offender are taken into account in his favor.

IN OMNIBUS PŒNALIBUS JUDICIIS ET ÆTATI ET IMPRUDENTIÆ SUCCURITUR.—*Tray.* 259 (*Broom*, 314).

878. Equity is regarded in all things, but particularly in the law.

IN OMNIBUS QUIDEM, MAXIME TAMEN IN JURE, ÆQUITAS SPECTANDA SIT.—*D.* 50, 17, 90.

879. In an equal cause the condition of the possessor is preferable.

IN PARI CAUSA POSSESSOR POTIOR HABERE DEBET.—*Broom*, 714.

880. Where the wrong-doing is equal the condition of the defendant is the better.

IN PARI DELICTO POTIOR EST CONDITIO DEFENDENTIS.—*Broom*, 290.

881. Where parties are in equal fault the condition of the possessor is the more favorable.

IN PARI DELICTO POTIOR EST CONDITIO POSSIDENTIS.—*Whart.*

882. In penal causes we ought to construe the more mercifully.

IN PŒNALIBUS CAUSIS BENIGNIUS INTERPRETANDUM EST.—*D.* 50, 17, 155, § 1.

883. In things preceding judgment the plaintiff is favored.

IN PRÆPARATORIIS AD JUDICIUM FAVETUR ACTORI.—2 *Inst.* 57.

884. In presence of the major, the power of the minor ceases.

IN PRÆSENTIA MAJORIS CESSAT POTENTIA MINORIS.—*Jenk. Cent.* 214 (*Broom*, 112).

885. He who fails to perform the duties of his office ought to be punished in that office.

IN QUO QUIS DELINQUIT IN EO DE JURE EST PUNIENDUS.—*Co. Litt.* 233.

886. In common property the condition of the one prohibiting is the better.

IN RE COMMUNI MELIOR EST CONDITIO PROHIBENTIS.—*Tray.* 263.

887. In a doubtful affair denial rather than affirmation is to be understood.

IN RE DUBIA MAGIS INFICIATIO QUAM AFFIRMATIO INTELLIGENDA.—*H.* 65.

888. In an obscure case it is better to favor repetition than adventitious gain.

IN RE OBSCURA MELIUS EST FAVERE REPETITIONI QUAM ADVENTITIO LUCRO.—*H.* 65.

889. In things manifest, he errs who cites legal authorities, because obvious truths need not be proved.

IN REBUS MANIFESTIS ERRAT QUI AUCTORITATES LEGUM ALLEGAT, QUIA PERSPICUA VERA NON SUNT PROBANDA.—5 *Rep.* 67.

890. In settling new matters, the utility must be very apparent in order to justify a departure from laws long acquiesced in as salutary.

IN REBUS NOVIS CONSTITUENDIS EVIDENS ESSE INUTILES DEBET, UT RECEDATUS AB EO JURE, QUOD DIU ÆQUAM VISUM EST.—*H.* 65.

891. In things that are favorable to the spirit, though injurious to things, an extension of the statute should sometimes be made.

IN REBUS QUÆ SUNT FAVORIBILIA ANIMÆ, QUAMVIS SUNT DAMNOSA REBUS, FIAT ALIQUANDO EXTENSIO STATUTI.—10 *Rep.* 101.

892. In a doubtful case the negative is rather to be understood than the affirmative.

IN RE DUBIA MAGIS INFICIATO QUAM AFFIRMATIO INTELLIGENDA.—*Godf.* 37.

893. He has the better cause who defends.

IN RE POTIOREM CAUSAM ESSE, PROHIBENTIS CONSTARE.—*Tayler*, 198.

894. A guardian can not act in his own behalf in matters in which his ward's estate is concerned.

IN REM SUAM TUTOR FIERI NON POTEST ACTOR.—*Tray.* 264.

895. The laws of war are especially to be preserved in the State.

IN REPUBLICA MAXIME CONSERVANDA SUNT JURA BELLII.—2
Inst. 58.

896. The most benignant interpretation is to be made in restitutions.

IN RESTITUTIONIBUS BENIGNISSIMA INTERPRETATIO FACIENDA EST.—*Co. Litt.* 112.

897. The heir succeeds to the restitution, not to the penalty.

IN RESTITUTIONEM, NON IN PŒNAM, HÆRES SUCCEDIT.—2
Inst. 198.

898. One king can not hold conjointly with another.

IN REX NON POTEST CONJUNCTIM TENERE CUM ALIO.—*H.* 66.

899. In satisfaction it is not allowed that more shall be done than what has once been done.

IN SATISFACTIONIBUS NON PERMITTITUR AMPLIUS FIERE QUAM SEMEL FACTUM EST.—*H.* 66.

900. In mutual agreements, when any question arises as to the obligation undertaken, the wording of the agreement is to be interpreted against the creditor.

IN STIPULATIONIBUS, CUM QUÆRITUR QUOD ACTUM SIT, VERBA CONTRA STIPULATIONEM INTERPRETANDA SUNT.—*Tray.* 266
(*Broom*, 599).

901. One may use his own as he pleases, so long as he does not invade the rights of others.

IN SUO HÆTENUS FACERE LICET QUATENUS, NIHIL IN ALIENUM IMMITTIT.—*Tray.* 267.

902. Every one is more diligent in his own business than in the business of another.

IN SUO QUISQUE NEGOTIO HEBETIOR EST QUAM IN ALIENO.—
Co. Litt. 377.

903. In testaments the intentions of the testators are to be most fully inquired into.

IN TESTAMENTIS PLENUS TESTATORIUS INTENTIONEM SCRUTAMUR.—*Broom*, 555.

904. In testaments the wills of the testators are to be most amply observed.

IN TESTAMENTIS PLENUS VOLUNTATES TESTANTUM INTERPRETANTUR.—*Broom*, 568.

905. In wills an unexpressed meaning ought not to be considered, but the words alone ought to be looked to; so hard is it to recede from the words by guessing at the intention.

IN TESTAMENTIS RATIO TACITA NON DEBET CONSIDERARI, SED VERBA SOLUM SPECTARI DEBENT; ADEO PER DIMINUTIONEM MENTIS A VERBIS RECEDERE DURUM EST.—*Whart.*

906. In testaments a silent reason ought not to be considered.

IN TESTAMENTIS RATIO TACITA NON DEBET CONSIDERARI.—*H.* 66.

907. In a theater, for the time being, it may be correctly said that each one owns the seat he occupies.

IN THEATRUM, CUM COMMUNE SIT, RECTI TAMEN DICI POTEST EJUS ESSE CUM LOCUM QUISQUE OCCUPAVIT.—*Taylor*, 349.

908. The whole contains each part.

IN TOTO ET PARS CONTINENTUR.—*D.* 50, 17, 113.

909. In the delivery of writings, not what is said, but what is done, is regarded.

IN TRADITIONIBUS SCRIPTORUM, NON QUOD DICTUM EST, SED QUOD GESTUM EST INSPICITUR.—9 *Rep.* 137.

910. In words, not the words themselves, but the thing and the meaning, is to be inquired into.

IN VERBIS, NON VERBA, SED RES ET RATIO QUERENDA EST.—*Jenk. Cent.* 132.

911. In discourses it is to be seen not from what, but to what, is advanced.

IN VOCIBUS VIDENDUM NON A QUO, SED AD QUID, SUMATUR.—*Elleson. Postn.* 62.

912. Any thing built on the ground belongs to the ground.

INÆDIFICATUM SOLO CEDIT SOLO.—*Tray.* 269.

913. An unforeseen fact is taken for no fact.

INCAUTE FACTUM PRO NON FACTO HABETUR.—*D.* 28, 4, 1.

914. Uncertain things are reckoned as nothing.

INCERTA PRO NULLIS HABENTUR.—*Dav.* 33.

915. An uncertain quantity vitiates the act.

INCERTA QUANTITAS VITIAT ACTUM.—1 *Roll. Rep.* 465.

916. An uncertainty depending upon an uncertainty is reprobated by law.

INCERTUM EX INCERTA PENDENS LEGE REPROBATUR.—*H.* 67.

917. Incidents may not be separated.

INCIDENTIA NOLUNT SEPARARI.—*H.* 67.

918. The incidents of a thing follow it as matter of course.

INCIDENTIA REI TACITE SEQUUNTUR.—*H.* 67.

919. It is not politic, unless the whole law is contemplated, in view of any portion or parcel thereof, to judge or answer.

INCIVILE EST, NISI TOTA LEGE PERSPICIA, UNA ALIQUA PARTICULA EJUS PROPOSITA, JUDICARE VEL RESPONDERE.—*H.* 67.

920. It is improper to judge of any part unless the whole sentence be examined.

INCIVILE EST, NISI TOTA SENTENTIA INSPECTA, DE ALIQUA PARTE JUDICARE.—*Hob.* 171; *G.* 194.

921. In things obvious there is no room for conjecture.

IN CLARIS NON EST LOCUS CONJECTURIS.—*Whart.*

922. The inclusion of one thing is the exclusion of another.

INCLUSIO UNIUS EST EXCLUSIO ALTERIUS.—*Whart.*

923. The inconvenience of performing the covenants in a deed does not deprive the deed of its obligation.

INCOMMODUM NON SOLVIT ARGUMENTUM.—*Tray.* 270.

924. In criminal cases the silence of a person present presumes consent; in civil cases, sometimes, that of the person absent, and even ignorant when his interest lies, does the same.

IN CRIMINALIBUS SILENTIUM PRÆSENTIS CONSENSUM PRÆSUMIT;
IN CIVILIBUS NONNUNQUAM VEL ABSENTIS ET UBI EJUS INTEREST ETIAM IGNORANTIS.—*Loft.* 633.

925. The laws are made lest the stronger should be altogether uncontrolled.

INDE DATÆ LEGES NE FORTIOR OMNIA POSSET.—*Dav.* 36.

926. That which is indefinite equals what is universal.

INDEFINITUM EQUIPOLLET UNIVERSALI.—1 *Vent.* 368.

927. In a gift there may be a manner, condition, or cause: ut, introduces a manner; si, a condition; quia, a cause.

INESSE POTEST DONATIONI MODUS, CONDITIO, SIVE CAUSA: UT, MODUS EST; SI, CONDITIO; QUIA, CAUSA.—*Dyer*, 138.

928. Speech is the exposition of the mind.

INDEX ANIMI SERMO.—*Whart.*

929. He is an infant who, on account of defect of age, can not speak for himself.

INFANS EST QUIA, PROPTER DEFECTUM ÆTATIS, PRO SE FARI NEQUEAT.—*H.* 67.

- 930. Infants are sometimes obliged to performance involving loss, but never punishment.**

INFANTES DE DAMNO PRÆSTARE TENENTUR, DE PENA NON ITEM.
—*H.* 67.

- 931. Infinity is reprehensible in law.**

INFINITUM IN JURE REPROBATUR.—9 *Rep.* 45.

- 932. It is unjust to allow some to trade, and to prohibit others.**

INIQUUM EST ALIOS PERMITTERE, ALIOS INHIBERE MERCATURAM.
—*H.* 68.

- 933. It is unjust that any one should sit as a judge in his own cause.**

INIQUUM EST ALIQUEM REI SUÆ ESSE JUDICEM.—12 *Rep.* 13.
IN PROPRIA CAUSA NEMO JUDEX SIT.—*Id.*

- 934. Public offices are more vigorous at their commencement, but weaken at their conclusion.**

INITIA MAGISTRATUM MELIORA FIRMA, FINIS INCLINAT.—*Tayler*, 194.

- 935. An injury is done to him against whom a reproachful thing is said or an obscene song made.**

INJURIA FIT EI CUI CONVICIUM DICTA EST VEL DE EO FACTUM CARMEN FAMOSUM.—9 *Rep.* 60.

- 936. An injury offered to a judge or person representing the king is considered as offered to the king himself, especially if it be done in the exercise of his office.**

INJURIA ILLATA JUDICI SEU LOCUM TENENTI REGIS VIDETUR IPSI REGNI, ILLATA, MAXIME SI FIAT IN EXERCENTEM OFFICIUM.—3 *Inst.* 1.

- 937. One wrong does not justify another.**

INJURIA NON EXCUSAT INJURIAM.—*Broom*, 270.

938. Injury is not to be presumed.

INJURIA NON PRÆSUMITUR.—*Co. Litt.* 232c.

939. An injury done to one's self does not come to the benefit of the doer.

INJURIA PROPRIA NON CADET IN BENEFICIUM FACIENTIA.—*H.* 68.

940. The master is liable for damage done by his servant.

INJURIA SERVI DOMINIUM PERTINGIT.—*H.* 68.

941. It is unjust to judge of an answer to a particular part, when the whole is not examined.

INJUSTUM EST, NISI TOTA DEGE INSPECTA, DE UNA ALIQUA EJUS PARTICULA PROPOSTA JUDICARE VEL RESPONDERE.—8 *Rep.* 117.

942. An instant is the final period of one space of time and the beginning of another.

INSTANS EST FINIS UNIUS TEMPORIS ET PRINCIPIUM ALTERIUS.—*Co. Litt.* 185.

943. Private or family documents, or a memorandum, if not supported by other evidence, are not of themselves sufficient proof.

INSTRUMENTA DOMESTICA, SEU AD NOTATIO, SI NON ALIIS QUOQUE AD MINICIS ADJUVENTUR, AD PROBATIONEM SOLA NON SUFFICIUNT.—*Tayler*, 199.

944. A hidden intention is bad.

INTENTIO CÆCA MALA.—2 *Bulst.* 179.

945. The intention ought to be subservient to the laws, not the laws to the intention.

INTENTIO INSERVIRE DEBET LEGIBUS, NON LEGES INTENTIONI.—*Co. Litt.* 314b.

946. An intention legitimately known and agreeable to the laws is to be especially regarded.

INTENTIO LEGITIME COGNITA ET LEGIBUS CONSENTANEA MAXIME HABENDA.—*H.* 68.

947. My intent gives a name to my act.

INTENTIO MEA IMPONIT NOMEN OPERI MEO.—*Hob.* 123.

948. The laws are silent in time of war.

INTER ARMA SILENT LEGES.—*H.* 69.

949. Among equals none is the more powerful.

INTER PARES NON EST POTESTAS.—*Taylor*, 200.

950. It is to the interest of the State that human lives be safe.

INTEREST REIPUBLICÆ QUOD HOMINES CONSERVENTUR.—12 *Rep.* 62.

951. It is to the best good of the State that injuries should not remain unpunished.

INTEREST REIPUBLICÆ NE MALEFICIA REMANEANT IMPUNITA.—*Jenk. Cent.* 31; *W.* 140.

952. It is to the interest of the State that no one shall use his own improperly.

INTEREST REIPUBLICÆ NE QUIS NE SUA MALE UTATUR.—*Tray.* 275.

953. It is to the interest of the State that the last wills of its citizens shall have their utmost effect.

INTEREST REIPUBLICÆ SUPREMA HOMINUM TESTAMENTA RATA HABERI.—*Co. Litt.* 236*b*.

954. It is to the interest of the State that it may be well with the good, ill with the wicked, and that every one may have his own.

INTEREST REIPUBLICÆ UT BONIS BENE SIT, ET MALE MALIS, ET SUUM CUIQUE.—*H.* 70.

955. It is to the interest of the State that prisons be secure.

INTEREST REIPUBLICÆ UT CARCERES SINT IN TUTO.—*H.* 69.

956. It is to the interest of the State that every one makes good use of his own property.

INTEREST REIPUBLICÆ UT QUILIBET RE SUA BENE UTATUR.—*H.* 69.

957. It is public policy to place boundaries to litigation.

INTEREST REIPUBLICÆ UT SIT FINIS LITUM.—4 *Rep.* 15.

958. A person dies intestate who either has made no will; or one illegal or invalid; or if the will he has made be revoked or rendered useless; or if no one becomes heir under it.

INTESTATUS DECEdit QUI AUT OMNINO TESTAMENTUM NON FECIT; AUT NON JURE FECIT; AUT ID QUOD FECERAT RUPTUM IR-
RITUMVE FACTUM EST; AUT NEMO EX EO HÆRES EXTITIT.—
Lex. Civ.

959. Such an interpretation is to be adopted; for that is the best interpretation which enables things to stand, rather than to fall.

INTERPRETATIO CHARTARUM BENIGNE FACIENDA EST, UT RES
MAGIS VALEAT QUAM PEREAT.—*Jenk. Cent.* 198; *Broom*, 543.

960. To construe and reconcile the laws to other laws is the best mode of interpretation.

INTERPRETARE ET CONCORDARE LEGES LEGIBUS EST OPTIMUS
INTERPRETANDI MODUS.—8 *Rep.* 169.

961. Such an interpretation ought to be made as that a thing may rather prosper than perish.

INTERPRETATIO FIENDA EST UT RES MAGIS VALEAT QUAM
PEREAT.—*H.* 70.

962. In doubtful matters, such an interpretation is to be made that inconvenience and absurdity may be avoided.

INTERPRETATIO TALIS IN AMBIGUIS SEMPER FIENDA EST UT EVITETUR INCONVENIENS ET ABSURDUM.—4 *Inst.* 328.

963. Frequent interruption does not take away a prescription once secured.

INTERRUPTIO MULTIPLEX NON TOLLIT PRÆSCRIPTIONEM SEMEL OBTEENTAM.—2 *Inst.* 654.

964. Useless labor and labor without fruit is not the effect of law.

INUTILIS LABOR ET SINE FRUCTU NON EST EFFECTUS LEGIS.—*Co. Litt.* 127.

965. He who finds a notorious libel, and does not suppress it, is guilty of circulating it, and merits punishment.

INVENIENS LIBELLUM FAMOSUM ET NON CORRUMPEAS PUNITUR.—*Moor*, 813.

966. A favor is not bestowed upon one unwilling to receive it.

INVITIO BENEFICIUM NON DATUR.—*Broom*, 699n.

967. He encourages a fault who passes over a transgression.

INVITAT CULPAM QUI PECCATUM. PRÆTERIT.—*H.* 70.

968. Nobody is compelled against his will to defend his own.

INVITUS NEMO REM COGITUR DEFENDERE.—*H.* 70.

969. The laws themselves require that they should be governed by right.

IPSÆ LEGES CUIPUNT UT JURE REGANTUR.—*Co. Litt.* 174.

970. The wrath of a man does not fulfil the justice of God.

IRA HOMINIS NON IMPLET JUSTITIUM DEI.—*H.* 70.

971. He occasions a loss who gives orders to cause it;
but no blame attaches to him who is under the
necessity of obeying.

IS DAMNUM DAT QUI JUBET DARE; EJUS VERO NULLA CULPA EST
CUI PARERE NECESSE EST.—*H.* 71.

972. He who has fraudulently ceased to possess is still
a possessor.

IS QUI DOLO MALE DESIIT POSSIDERE PRO POSSESSORE HABETUR.
—*Tray.* 279.

973. He is regarded as having possession of the thing
itself who hath an action to recover it.

IS QUID ACTIONEM HABET AD REM RECUPERANDAM IPSAM REM
HABERE VIDETUR.—*H.* 71.

974. Let the pleading always so stand that the dispo-
sition shall avail.

ITA SEMPER FIAT RELATIO UT VALEAT DISPOSITIO.—6 *Rep.* 76.

975. So use your own as not to injure your neighbor's
possession.

ITA TUO UTEBE UT ALIENUM NON LÆDAS.

J

976. To throw a dart is matter of will; that it strikes
one whom you have no wish or intention of in-
juring is matter of chance.

JACERE TELUM VOLUNTATIS EST; FERIRE QUEM NOLUERIS FOR-
TUNÆ.—*Tray.* 280.

977. A judge ought always to look to equity.

JUDEX ÆQUITATEM SEMPER SPECTARE DEBET.—*Jenk. Cent.* 58.

978. A judge ought always to have equity before his eyes.

JUDEX ANTE OCULOS ÆQUITATEM SEMPER HABERE DEBET.—*H.* 71.

979. A good judge ought to do nothing of his own pleasure, nor may he have in view the gratification of his own private inclination; but let him pronounce according to law and justice.

JUDEX BONUS NIHIL EX ARBITRIO SUO FACERAT, NEC PROPOSITIO DOMESTICÆ VOLUNTATIS; SED JUXTA LEGES ET JURA PRONUNCIET.—*H.* 71.

980. The judge is condemned when a guilty person escapes punishment.

JUDEX DAMNATUR CUM NOCENS ABSOLVITUR.—*Whart.*

981. A judge is appointed for the peace of the citizens.

JUDEX DE PACE CIVIUM CONSTITUITUR.—*Tayler*, 210.

982. A judge is the mouthpiece of the law.

JUDEX EST LEX LOQUENS.—7 *Rep.* 4a.

983. A judge ought always to have two kinds of salt: the salt of wisdom, that he may not be insipid; and the salt of conscience, that he may not be a devil.

JUDEX HABERE DEBET DUOS SALES: SALEM SAPIENTIÆ, NE SIT INSIPIDUS; ET SALEM CONSCIENTIÆ, NE SIT DIABOLUS.—*H.* 72.

984. A judge can not be a witness in his own case.

JUDEX NON POTEST ESSE TESTIS IN PROPRIA CAUSA.—4 *Inst.* 272.

985. A judge can not punish an injury done to himself.

JUDEX NON POTEST INJURIAM SIBI DATAM PUNIRE.—12 *Rep.* 113.

986. A judge does not give more than the petitioner himself requires.

JUDEX NON REDDIT PLUS QUAM PETENS IPSE REQUIRIT.—*H.* 72.

987. We are to judge by the laws, not by examples.

JUDICANDUM EST LEGIBUS, NON EXEMPLIS.—4 *Rep.* 33.

988. Judges are by no means favorable to things raised recently and subtilely against the common law.

JUDICES RECENTER ET SUBSILITER EXCOGITATIS MINIME FAVENT CONTRA COMMUNEM LEGEM.—*H.* 73.

989. Decisions are, as it were, jurisdictions.

JUDICIA SUNT TANQUAM JURISDICTA.—*H.* 73.

990. Judges are not bound to explain the reason of their sentences.

JUDICES NON TENETUR EXPRIMERE CAUSAM SENTENTIÆ SUÆ.—*Jenk. Cent.* 75.

991. A judge exceeding his office is not to be obeyed.

JUDICI OFFICIUM SUUM EXCEDENDI NON PARETUR.—*Jenk. Cent.* 139.

992. It is punishment enough for a judge that he has God as his avenger.

JUDICI SATIS PŒNA EST QUOD DEUM HABET ULTOREM.—1 *Leon.* 295.

993. The later decisions are the stronger in law.

JUDICIA POSTERIORA SUNT IN LEGE FORTIORA.—8 *Co.* 97.

994. Judgments are, as it were, the words of the law, and are received as truth.

JUDICIA SUNT TANQUAM JURIS DICTA, ET PRO VERITATE ACCIPUNTUR.—2 *Inst.* 537.

995. Judgments frequently become matured by deliberations, never by precipitation.

JUDICIA IN DELIBERATIONIBUS CREBRO MATURESCUNT, IN ACCELERATO PROCESSA NUNQUAM.—3 *Inst.* 210.

996. It is the duty of a judge to decide according to the facts alleged and proved.

JUDICIS EST JUDICARE SECUNDUM ALLEGATA ET PROBATA.—*Dyer*, 12; *H.* 73.

997. It is the duty of the judge to enunciate, not to make the law.

JUDICIS EST JUS DICERE NON JUS DARE.—*Tray*, 283.

998. It is the duty of a judge to do the work of each day within that day.

JUDICIS OFFICIUM EST OPUS DIEI IN DIE SUO PERFICERE.—2 *Inst.* 256.

999. It is the duty of a judge to inquire as well into the time of things as into things themselves. By inquiring into the time he insures safety.

JUDICIS OFFICIUM EST UT RES, ITA TEMPORA RERUM, QUÆRERE, QUÆSITIO TEMPORE TUTUS ERIS.—*Co. Litt.* 171a.

1000. Credit is to be given to the later decisions.

JUDICIIS POSTERIORIBUS FIDES EST ADHIBENDA.—13 *Rep.* 14.

1001. A judgment given by an improper judge is a nullity.

JUDICIUM A NON SUO JUDICE DATUM NULLUS EST MOMENTI.—10 *Rep.* 76.

1002. The decision of twelve good and upright men is thought by the common law of England to be the dictate of truth.

JUDICIUM DUODECIM PROBORUM ET LEGALIUM HOMINEM VERITATES DICTUM ESSE PER COMMUNEM ANGLIÆ LEGEM CENSETUR.—*H.* 73.

1003. The judgment of one not a judge is of no effect.

JUDICIUM A NON SUO JUDICE DATUM NULLIUS EST MOMENTI.—*Broom*, 92.

1004. It is a decision to favor those things which make for religion, though words be wanting.

JUDICIUM EST IIS QUÆ PRO RELIGIONE FACIANT FAVERI, ETSI VERBA DESINT.—*H.* 74.

1005. A trial is a declaring of the law.

JUDICIUM EST JURIS DICTUM.—*H.* 108.

1006. A judgment in presumption of law is given contrary to inclination.

JUDICIUM REDDITUR IN INVITUM IN PRESUMPTIONE LEGIS.—*Co. Litt.* 248.

1007. A decision is given against the unwilling.

JUDICIUM REDDITUR IN INVITUM.—*Co. Litt.* 248*b*.

1008. Judgment is always to be taken for truth.

JUDICIUM SEMPER PRO VERITATE ACCIPITUR.—2 *Inst.* 380.

1009. It is the property of a judge to administer justice, not to give it.

JUDICIS EST JUS DICERE, NON DARE.—*L.* 42.

1010. Adjudication is the utterance of the law, and by it the law which was for long time hidden is newly revealed.

JUDICIUM EST JURIS DICTUM, ET PER JUDICIUM JUS EST NOVITUR REVELATUM QUOD DIU FUIT VELATUM.—10 *Rep.* 42.

1011. A decision ought not to be illusory.

JUDICIUM NON DEBET ESSE ILLUSORIUM.—*H.* 74.

1012. It is proper that laws be greater than any exception.

JURA DEBET ESSE OMNI EXCEPTIONE MAJOR.—*H.* 74.

1013. Ecclesiastical laws are limited within separate bounds.

JURA ECCLESIASTICA LIMITA SUNT INFRA LIMITES SEPARATOS.
—3 *Bulst.* 53.

1014. Laws are to be abrogated by the same means as they are made.

JURA EODEM MODO DESTRUUNTUR QUO CONSTITUUNTUR.—
Broom, 878.

1015. The laws of nature are unchangeable.

JURA NATURÆ SUNT IMMUTABILA.—*Whart.*

1016. Public rights are to be preferred to private.

JURA PUBLICA ANTEFERENDA PRIVATIS.—*Co. Litt.* 130.

1017. Public rights ought not to be promiscuously determined in analogy to a private right.

JURA PUBLICA EX PRIVATO PROMISCUE DECIDI NON DEBENT.—
Co. Litt. 181b.

1018. The right of blood can be taken away by no civil law.

JURA SANGUINIS NULLO JURE CIVILI DIRIMI POSSUNT.—*D.*
50, 17, 8.

1019. An oath is indivisible, and can not be admitted partly true and partly false.

JURAMENTUM EST INDIVISIBILE, ET NON EST ADMITTENDUM IN
PARTE VERUM ET IN PARTE FALSUM.—*H.* 74.

1020. To swear is to call God to witness, and is an act of religion.

JURARE EST DEUM IN TESTEM VOCARE, ET EST ACTUS DIVINI
CULTUS.—3 *Inst.* 165.

1021. Jurors ought to come from the neighborhood, and should be of sufficient estate, and free from suspicion.

JURATORES DEBENT ESSE VICINI SUFFICIENTES ET MINUS SUSPECTI.—*Jenk. Cent.* 141.

1022. Juries are the judges of facts.

JURATORES SUNT JUDICES FACTI.—*Jenk. Cent.* 61.

1023. It is just, by the law of nature, that no one become more rich by the detriment and injury of another.

JURE NATURÆ ÆQUUM EST NEMINEM CUM ALTERIUS DETRIMENTO ET INJURIA FIERI LOCUPLETIORUM.—*D.* 50, 17, 206.

1024. It is not consonant to law that an accessory be convicted before any principal hath been found guilty of the fact.

JURI NON EST CONSONUM UT ALIQUI ACCESSORIUS CONVINCATUR ANTEQUAM ALIQUIS DE FACTO FUERIT ATTRACTUS.—2 *Inst.* 183.

1025. No prescription runs against a right by blood.

JURI SANGUINIS NUNQUAM PRÆSCRIBITUR.—*Tray.* 287.

1026. Jurisdiction is a power introduced for the public good, on account of the necessity of expounding the law.

JURISDICTIO EST POTESTAS DE PUBLICO INTRODUCTA, CUM NECESSITATE JURIS DICENDI.—10 *Rep.* 73.

1027. Jurisprudence is the knowledge of things divine and human: the science of the right and the wrong.

JURISPRUDENTIA EST DIVINARUM ATQUE HUMANARUM RERUM NOTITIA: JUSTI ATQUE INJUSTI SCIENTIA.—*Lex. Civ.*

1028. The jurisprudence of the common law of England is a social and copious science.

JURISPRUDENTIA LEGIS COMMUNIS ANGLIÆ EST SCIENTIA SOCIALIS ET COPIOSA.—7 *Rep.* 28.

1029. For the benefit of commerce there is no right of survivorship among the members of a mercantile partnership; but the share of each goes to his representatives.

JUS ACCRESCENDI INTER MERCATORES PRO BENEFICIO COMMERCII LOCUM NON HABET.—*Co. Litt.* 182*b*.

1030. The right of survivorship is preferred to incumbrances.

JUS ACCRESCENDI PRÆFERTUR ONERIBUS.—*Co. Litt.* 185*b*.

1031. The right of survivorship is preferred to the last will.

JUS ACCRESCENDI PRÆFERTUR ULTIMÆ VOLUNTATE.—*Co. Litt.* 185*b*.

1032. Civil law is that law which each nation has established for itself.

JUS CIVILE EST QUOD QUISQUE SIBI POPULUS CONSTITUIT.—*Tayler*, 213.

1033. The law ought to be established to meet those cases which most frequently occur, not those which arise unexpectedly.

JUS CONSTITUI OPPORTET IN HIS QUÆ UT PLURIMUM ACCIDUNT, NON QUÆ EX INOPINATO.—*Broom*, 43.

1034. Law is the act of what is good and just.

JUS EST ARS BONI ET ÆQUI.—*H.* 76.

1035. Right and fraud never dwell together.

JUS ET FRAUS NUNQUAM COHABITANT.—*Tayler*, 214.

1036. Right does not arise from wrong.

JUS EX INJURIA NON ORITUR.—*Broom*, 738*n*.

1037. The real right of a life tenant is inseparable from himself.

JUS IN RE INHÆRET OSSIBUS USUFRUCTUARIJ.—*Tray.* 295.

1038. Forms of taking oaths, although they may differ in words, yet agree in meaning; for the sense of the forms ought to be that the Deity is invoked.

JUS JURANDI FORMA VERBIS DIFFERT, RE-CONVENIT; HUNC ENIM SENSUM HABERE DEBET, UT DEUS INVOCETUR.—*Grotius*, l. 2 cxxiii. s. 10.

1039. Natural right is that which has the same force among all men.

JUS NATURALE EST QUOD APUD OMNES HOMINES EANDEM HABET POTENTIAM.—7 *Co.* 12.

1040. The law of nature is properly the dictate of right reason, by which we know what is dishonorable and what is honorable; what should be done and what avoided.

JUS NATURALE PROPRIE EST DICTAMEN RECTÆ RATIONIS, QUO SCIMUS QUID TURPE, QUID HONESTUM; QUID FACIENDUM, QUID FUGIENDUM.—*Tayler*, 215.

1041. Favor ought not to be able to bend justice, power to warp it, nor money to corrupt it; for if it be overborne, or abandoned, or negligently observed, no one can feel secure that he will receive the inheritance transmitted by his ancestors, or be able to leave his own estate to his children.

JUS NEC INFLECTI GRATIA, NEC FRANGI POTENTIA, NEC ADULTERARI PECUNIA POTEST; QUOD SI NON MODO OPPRESSUM, SED DESERTUM AUT NEGLIGENTIA ASSERVATUM FUERIT, NIHIL EST QUOD QUISQUAM SE HABERE CERTUM, AUT A PATRE ACCEPTURUM, AUT LIBERIS ESSE RELICTURUM ARBITRATUR.—*Cicero*.

1042. The unwritten law is that law which is declared by the tacit and ignorant consent and customs of the people.

JUS NON SCRIPTUM TACITO ET ILLITERATO HOMINUM CONSENSU ET MORIBUS EXPRESSUM.—*Tayler*, 215.

1043. Law does not suffer that the same thing be twice paid.

JUS NON PATITUR UT IDEM BIS SOLVATUR.—*Whart.*

1044. Public and private law is that which is collected from natural principles—either of nations or in states—and that which in written law is called “jus,” in the law of England is said to be “right.”

JUS PUBLICUM ET PRIVATUM QUOD EX NATURALIBUS PRECEPTIS, AUT GENTIUM AUT CIVILIBUS, EST COLLECTUM; ET QUOD IN JURE SCRIPTIS “JUS” APPELLATUR, ID IN LEGE ANGLIÆ “RECTUM” ESSE DICITUR.—*Co. Litt.* 1858.

1045. A public law can not be altered by the agreement of private persons.

JUS PUBLICUM PRIVATORUM PACTIS MUTARI NON POTEST.—*Whart.*

1046. Law regards equity.

JUS RESPICIT ÆQUITATEM.—*Co. Litt.* 24; *Broom*, 151.

1047. A right by blood never prescribes.

JUS SANGUINIS NUNQUAM PRÆSCRIBITUR.—*Tray.* 299.

1048. The right of blood, which is considered in legitimate succession, is sought for at the very time of birth.

JUS SANGUINIS, QUOD IN LEGITIMUS SUCCESSORIBUS, SPECTATUR IPSO NATIVITATIS TEMPORE QUESTIUM EST.—*H.* 76.

1049. Strict law is often the greatest mischief.
Right too rigid hardens into wrong.

JUS SUMMUM SÆPE SUMMA EST MALITIA.—*Tayler*, 21c.

1050. A right growing to a person accrues to his successor.

JUS SUPERVENIENS AUCTORI ACCRESCIT SUCCESSORI.—*H.* 76.

1051. The right of testaments belongs to the ordinary.

JUS TESTAMENTORUM PERTINET ORDINARIO.—4 *H.* 7, 13*b.*

1052. Right is three-fold: of property, of possession, and of possibility.

JUS TRIPLEX EST: PROPRIETATIS, POSSESSIONIS, ET POSSIBILITATIS.—*Whart.*

1053. The law dispenses what use has approved.

JUS VENDIT QUOD USUS APPROVABIT.—*Ellesm. Postn.* 35.

1054. An oath made among others ought neither to hurt or to profit.

JUSJURANDUM INTER ALIOS FACTUM NEC NOCERE NEC PRODESSE DEBET.—*H.* 77.

1055. Justices (from “*justi in concreto*”) are called “justices” of the bench, and never “judges” of the bench.

JUSTICIARII (TANQUAM “JUSTI IN CONCRETO”) “JUSTICIARII” DE BANCO DICTI, NUNQUAM “JUDICES” DE BANCO.—*Co. Litt.* 71*b.*

1056. Justice ought to be unbought, because nothing is more hateful than venal justice; full, for justice ought not to halt; and quick, for delay is a kind of denial.

JUSTITIA DEBET ESSE LIBERA, QUIA NIHIL INQUIUS VENALI JUSTITIA; PLENA, QUIA JUSTITIA NON DEBET CLAUDICARE; ET CELERIS, QUIA DILATIO EST QUÆDAM NEGATIO.—2 *Inst.* 56.

1057. Justice is the constant and perpetual desire to give to every man his due.

JUSTITIA EST CONSTANS ET PERPETUA VOLUNTAS JUS SUUM CUIQUE TRIBUENDI.—*H.* 77.

1058. Justice is double: punishing severely, and truly preventing.

JUSTITIA EST DUPLEX; VIZ., SEVERE PUNIENS, ET VERI PRÆVENIENS.—3 *Inst. Epil.*

1059. Justice is excellent virtue, and pleasing to the Most High.

JUSTITIA EST VIRTUS EXCELLENS, ET ALTISSIMO COMPLACENS.—4 *Inst.* 58.

1060. By justice the throne is established.

JUSTITIA FIRMATUR SOLIUM.—3 *Inst.* 140.

1061. Justice is prior to liberty.

JUSTITIA EST LIBERTATE PRIORE.—*H.* 77.

1062. Justice is to be denied to none.

JUSTITIA NEMINI NEGANDA EST.—*Jenk. Cent.* 93.

1063. Justice is neither to be denied or delayed.

JUSTITIA NON EST NEGANDA, NON DIFFERENDA.—*Jenk. Cent.* 93.
See MAGNA CHARTA.

1064. Justice knows neither father nor mother. Justice regards truth alone.

JUSTITIA NON NOVIT PATREM NEC MATREM. SOLAM VERITATEM SPECTAT JUSTITIA.—1 *Bulst.* 199.

1065. Faith is the sister of justice.

JUSTITIÆ SOROR FIDES.—*H.* 77.

1066. It is not just to make a man, who all his life has been accounted legitimate, a bastard after his death.

Iustum non est aliquem antenatum facere bastardum, qui pro tota vita sua pro legitimo habetur.—9 *Rep.* 101.

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1067. The decisions of the law are those of equity and justice.

Καλλυς και δεσταισυνες δογματα νομου.—*Taylor*, 230.

1068. The ruler is as much a subject of the State as the ruled, and must equally obey the laws.

Καί ἐστι καὶ ὁ ἄρχων πολὲς μέρος, καὶ οἱ ἀρχομένοι παραμλησιως.
—*Max. Tyrius*.

1069. It is men that make a city, not ships or walls unmanned.

Καὶ οὐ τειχη οὐδὲ νῆες ἀνδρῶν κεναι ἄνδρες γὰρ πολις.—*Thucydides*.

1070. The receiver is as bad as the thief.

Κλώπες ἀμφοτεροι, καὶ ὁ δεζάμενος. καὶ ὁ κλεψας.—*Phocylides*.

L

1071. Property in things personal is acquired by an enemy at the moment they come into his power; and if he sell them among neutrals, the first proprietor has no right to retake them.

LA PROPRIETE DES CHOSES MOBILIAIRES EST ACQUIRI A L'ENEMI
MOMENT QU' ELLES SONT EN PUISSANCE; ET SI IL LES VEND
CHEZ NATION NEUTRES, LE PREMISRE PROPRIETETER N'EST
POINT •ENDROIT DE LES REPREHENDRE.—*Taylor*, 232.

1072. A gross or willful neglect is equal to deceit.

LATA CULPA DOLO ÆQUIPARATUR.—*Taylor*, 232.

1073. The house is admired which overlooks extensive fields.

LAUDATURQUE DOMUS CONGROS QUI PROSPICIT AGROS.—9
Rep. 58c.

1074. A fault in a translation is to be corrected by the context, and not by the testimony of those concerned.

LE DEFAUT DE TRANSCRIPTIONEM NE POURRAE ETRE SUPLEE NI REGARDE COMME CONVERT PAR LA CONNAISSANCE QUE LES CREANCIERS OU LES LIERS AQUIREURS, POURRAIENT AVOIR LUE DE LA DISPOSITION PAR D'AUTRES VOIES QUE CELLE DE LA TRANSCRIPTION.—*Taylor*, 232.

1075. The law of God and the law of the land are the same, and both preserve and favor the common good of the land.

LE LEY DE DIEU ET LE LEY DE TERRE SONT TOUT UN, ET L'UN ET L'AUTRE PREFERRE ET SAVOUR LE COMMON ET PUBLIQUE BIEN DE TERRE.—*Kiel*, 191.

1076. The law is the highest inheritance that the king possesses; for by the law both he and his subjects are ruled, and if there were no law, there would be neither king nor inheritance.

LE LEY EST LE PLUS HAUT ENHERITANCE QUE LE ROY AD, CAR PER LE LEY IL MESME ET TOUTS SES SUJETS SONT RULES, ET SI LE LEY NE FUT NUL ROY NE NUL ENHERITANCE SERVA.—1 *J. H.* 6, 63.

1077. The safety of the people is the highest law.

LE SALUT DU PEUPLE EST LA SUPREME LOI.—*Mont. Esp. des L.* xxvii. 23.

1078. It is contrary to the law of nations to injure ambassadors.

LEGATOS VIOLARE CONTRA JUS GENTIUM EST.—*Whart.*

1079. A legacy is confirmed by the testator's death, just as a gift from one living can be confirmed by delivery alone.

LEGATUM MORTE TESTATORIS TANTUM CONFIRMATUR, SICUT DONATIO INTER VIVOS TRADITIONE SOLA.—*Dyer*, 143.

1080. An ambassador fills the place of the ruler by whom he is sent, and is to be honored as he is whose place he fills.

LEGATUS REGIS VICE FUNGITUR A QUO DESTINATUR, ET HONORANDIS EST SUNT ILLE CUJUS VICEM GERIT.—12 *Rep.* 17.

1081. The laws of England are three-fold, and are made up of common law, customs, and decrees of parliament.

LEGES ANGLIÆ SUNT TRIPARTITÆ: JUS COMMUNE, CONSUETUDINES, AC DECRETA COMITORUM.—*Whart.*

1082. If a woman is ignorant of the laws, her husband is presumed to know them, and to instruct her.

LEGES COMMUNES SI NESCIT FÆMINA, MILES.—*Br.* 76.

1083. It is a most dangerous custom to make and unmake laws.

LEGES FIGENDI ET REFIGENDI CONSUETUDO PERICULOSISSIMA EST.—4 *Co. Ad. Lect.*

1084. The laws of nature are most firm and immutable: human law has always a tendency to multiply to infinity; there is nothing therein that will continue perpetually. Human laws are born, live, and die.

LEGES NATURÆ PERFECTISSIMÆ ET IMMUTABILES: HUMANI VERO JURIS CONDITIO SEMPER IN INFINITUM DECURRIT, ET NIBIL EST IN EO QUOD PERPETUO STARE POSSIT. LEGES HUMANÆ NASCUNTUR, VIVUNT, ET MORIUNTUR.—7 *Rep.* 25.

1085. When the provisions of a later statute are opposed to those of an earlier, the earlier statute is considered as repealed.

LEGES POSTERIORES PRIORES CONTRARIAS ABROGANT.—1 *Rep.* 25c. (*Broom*, 27).

1086. Laws and constitutions are framed to prescribe forms for future transactions, and are not to be referred to matters already completed and terminated; unless, indeed, the matters are especially named, and as of a preceding time, as a caution to those which are yet pending.

LEGES ET CONSTITUTIONES FUTURIS CERTUM EST DARE FORMAM NEGOTIIS, NON AD FACTA PRÆTERITA REVOCARE, NISI NOMINATIM, ET DE PRÆTERITO TEMPORE, ADHUC PENDENTIBUS NEGOTIIS CAUTUM EST.—*Tayler*, 233.

1087. Laws are imposed upon things, not words.

LEGES NON VERBIS, SED REBUS, SUNT IMPOSITÆ.—10 *Rep.* 101.

1088. Late laws abrogate prior contrary laws.

LEGES POSTERIORES PRIORES CONTRARIUS ABROGANT.—2 *Rol. Rep.* 410.

1089. Retrospective or ex post facto laws are rare, and are to be received with great caution.

LEGES QUÆ RETROSPICIUNT RARO, ET MAGNA CUM CAUTIONE SUNT ADHIBENDÆ.—*Tayler*, 234.

1090. Laws should bind him who makes them.

LEGES SUUM LIGENT LATOREM.—*Fleta*, 1, 17, § 11.

1091. When laws imposed by the State fail, we must act according to the law of nature.

LEGIBUS SUMPTIS DESIENTIBUS LEGE NATURÆ UTENDUM EST.—*Cicero*, 2 *Rol. R.* 298.

1092. The interpretation of law obtains the force of law.

LEGIS INTERPRETATIO LEGIS VIM OBTINET.—*Elles. Post.* 55.

1093. The construction of law does no injury.

LEGIS CONSTRUCTIO NON FACIT INJURIAM.—*Co. Litt.* 183.

1094. The minister of the law is bound, in the execution of his office, neither to fly nor retreat.

LEGIS MINISTER NON TENETUR, IN EXECUTIONE OFFICII SUI, FUGERE AUT RETROCEDERE.—*Branch, P.*

1095. The strength of the law is to command, forbid, allow, and punish.

LEGIS VIRTUS HÆC EST: IMPERARE, VETARE, PERMITTERE, PUNIRE.—*H. 78.*

1096. The voice of legislatures is a living voice to impose laws on things, not on words.

LEGISLATORUM EST VIVA VOX, REBUS ET NON VERBIS, LEGEM IMPONERE.—10 *Rep.* 101.

1097. We are slaves to the law, in order that we may become free. ✓

LEGUM OMNES SERVI SUMUS, UT LIBERI ESSE POSSUMUS.—*Tayler, 235.*

1098. Laws extremely good produce the greatest evil.

LES LOIX EXTREMES DANS LE BIEN FONT MOTIFS NAITRE LE MAL EXTREME.—*Tayler, 236.*

1099. The law can only be expected to punish physical acts, not intentions (except in treason).

LES LOIS NE SE CHARGENT DE PUNIR QUE LES ACTIONS EXTERREMES.—*Broom, 311.*

1100. A slight defense excuses from the consequences of a spiluze.

LEVIS EXCEPTIO EXCUSAT A SPOLIO.—*Tray. 308.*

1101. The king can not violate the law.

LEX A REGE NON EST VIOLENTA.—*H. 78.*

1102. The law rejoices in equity, seeks what is perfect, is the standard of rectitude.

LEX ÆQUITA GAUDET, APPETIT PERFECTUM, EST NORMA RECTI.—*H. 79.*

1103. Law sometimes follows equity.

LEX ALIQUANDO SEQUITUR ÆQUITATEM.—3 *Wills.* 119.

1104. The law of England is a law of mercy.

LEX ANGLIÆ EST LEX MISERICORDIÆ.—2 *Inst.* 315.

1105. The law of England does not suffer an absurdity.

LEX ANGLIÆ NON PATITUR ABSURDUM.—*H.* 78.

1106. The law of England rules that the offspring shall always follow the condition of the father, never that of the mother.

LEX ANGLIÆ NUNQUAM MATRIS, SED SEMPER PATRIS, CONDITIONEM IMITARI PARTUM JUDICAT.—*Co. Litt.* 123.

1107. The law of England can not be changed, except by parliament.

LEX ANGLIÆ NUNQUAM, SINE PARLIAMENTO, MUTARI POTEST.—2 *Inst.* 218.

1108. A beneficial law affords a remedy for a similar case.

LEX BENEFICIALIS REI CONSIMILI REMEDIUM PRÆSTAT.—2 *Inst.* 619.

1109. Let the law be certain; and let the punishment be certain, adequate to the crime, and previously determined by the laws.

LEX CERTO ESTO; PŒNA CERTA, ET CRIMINI IDEONEA, ET LEGIBUS PRÆFINITA.—*H.* 79.

1110. The common law of England hath so modified and circumscribed the prerogative of the king that he can not take away or hurt the inheritance of any one.

LEX COMMUNIS ANGLIA ITA REGIS PREROGATIVUM ADMITTITA EST ET CIRCUMSCRIPSIT UT NE HÆREDITATEM ALIOUJUS TOLLAT LÆDATUR.—*H.* 79.

1111. The law does not admit of a proof against that which it presumes.

LEX, CONTRA ID QUOD PRÆSUMIT, PROBATIONEM NON RECIPIT.—*H.* 79.

1112. The law will more readily tolerate a private loss than a public injury.

LEX CITIUS TOLERARE VULT PRIVATUM DAMNUM QUAM PUBLICUM MALUM.—*Co. Litt.* 152.

1113. The law can not be defective in dispensing justice.

LEX DIFICERE NON POTEST IN JUSTITIA EXHIBENDA.—*Co. Litt.* 197.

1114. The law always abhors delays.

LEX DILATIONES SEMPER EXHORRET.—2 *Inst.* 240.

1115. The law is the soul of the king, and the king is the soul of the law.

LEX EST ANIMA REGIS, ET REX EST ANIMA LEGIS.—*H.* 79.

1116. The law is the safest leader of the army of judges.

LEX EST EXERCITUS JUDICUM TUTISSIMUS DUCTOR.—2 *Inst.* 526.

1117. Law is a right line.

LEX EST LINMA RECTI.—*Co. Litt.* 158.

1118. Law is the highest reason, which commands those things which are useful and necessary, and forbids what is contrary thereto.

LEX EST RATIO SUMMA, QUÆ JUBIT QUÆ SUNT UTILIA ET NECESSARIA, ET CONTRARIA PROHIBET.—*Co. Litt.* 319b.

1119. The law is a just sanction, ordering things honest, and prohibiting things otherwise.

LEX EST SANCTIO JUSTA, JUBENS HONESTA, ET PROHIBENS CONTRARIA.—*H.* 80.

1120. Law is the safest helmet, and under the shield of the law none are deceived.

LEX EST TUTISSIMA CASSIS, SUB CLYPEO LEGIS NEMO DECIPI-
TUR.—2 *Inst.* 56.

1121. The law makes the king.

LEX FACIT REGEM.—*H.* 80.

1122. The law feigns where equity stops.

LEX FINGIT UBI SUBSTITIT ÆQUITAS.—*H.* 80.

1123. The law makes use of a fiction where equity subsists.

LEX FINGIT UBI SUBSISTIT ÆQUITAS.—11 *Rep.* 90.

1124. The law favors a man's person before his possession.

—*Noy. Max.* 20.

1125. The law favors a thing which is of necessity.

—*Noy. Max.* 25.

As, to pay funeral expenses shall not be said to administer.—
GODAL., OF EX. 174; 3 BAC. ABR. 22, Or to kill another to save
his own life.

1126. The law favors a thing which is for the good of the commonwealth.

—*Noy. Max.* 26.

As the pulling down of a house to stop the spread of a fire.—
DYER, 36.

1127. The law favors works of charity, right, and truth; and abhors fraud, covin, and uncertainties which obscure the truth, contrarieties, delays, unnecessary circumstances, and such like.

—*Noy. Max.* 32.

1128. The law favors things which are in the custody of the law.

—*Noy. Max.* 28.

So goods taken in distress shall not be taken in execution for the debts of the owners thereof, and but one attachment at a time shall be tried.

1129. The law wishes inheritance to be free to those who are not strictly bound in all time coming.

LEX HEREDITATES LIBERAS ESSE VULT NON IN PERPETUUM ASTRICITIS.—*H.* 80.

1130. An unjust law is not law.

LEX INJUSTA NON EST LEX.—*H.* 80.

1131. The law considers and judges of those things as done which ought to be done.

LEX JUDICAT DE REBUS NECESSARIO FACIENDIS QUASI RE IPSA FACTIS.—*Whart.*

1132. Matter of profit or interest shall be taken largely, and may be assigned, but can not be countermanded; but matter of pleasure, trust, or authority, shall be taken strictly, and may be countermanded.

—*Noy. Max.* 22.

1133. The mercantile law is the law of the land.

LEX MERCATORIA EST LEX TERRÆ.—*Tayler*, 237.

1134. The law of necessity is the law of the time, that is, of the moment.

LEX NECESSITATIS EST LEX TEMPORIS, I. E., INSTANTIS.—*Hob.* 159.

1135. The law forces no one to do vain or useless things.

LEX NEMINEM COGIT AD VANA SEU INUTILIA PERAGENDA.—5 *Rep.* 21.

1136. The law obliges nobody to show what he is presumed not to know.

LEX NEMINEM COGIT OSTENDERE QUOD NESCIRE PRÆSUMITUR.
—*L.* 569.

1137. The law does nothing vainly; commands nothing vainly.

LEX NIL FRUSTRA FACIT; NIL JUBET FRUSTRA.—2 *Bulst.* 279;
Jenk. Cent. 17.

1138. The law works harm to no one, and does no one an injury.

LEX NEMINI OPERATUR INIQUUM, NEMINI FACIT INJURIAM.—
Jenk. Cent. 22.

1139. The law may not be violated by the king.

LEX NON A REGE VIOLANDO.—*Jenk. Cent.* 7.

1140. The law does not seek to compel a man to do that which he can not possibly perform.

LEX NON COGIT AB IMPOSSIBILIA.—*Hob.* 96; *Co. Litt.* 231b.
(*Broom*, 243).

1141. The law does not regard mere intentions, but overt acts.

LEX NON CONSILIA NUDA, SED ACTUS APERTUS, RESPICIT.—*H.* 81.

1142. The law takes no thought about trifles

LEX NON CURAT DE MINIMIS.—*Hob.* 88.

1143. The law does not exactly define, but leaves much to the judgment of an honest man.

LEX NON EXACTE DEFINIT, SED ARBITRIO BONI VIRI PERMITTIT.
—*Tayler*, 238.

1144. The law favors not the wishes of the dainty.

LEX NON FAVET DITICATORUM VOTIS.—9 *Rep.* 58.

1145. The law does not intend any thing which is impossible.

LEX NON INTENDIT ALIQUID IMPOSSIBILE.—12 *Rep.* 89.

1146. The law suffers no fractions or divisions of statutes.

LEX NON PATITUR FRACTIONES ET DIVISIONES STATUTORUM.
—1 *Rep.* 87.

1147. The law commands not useless things; because useless labor is foolish.

LEX NON PRÆCIPIT INUTILIA; QUIA INUTILIS LABOR STULTUS.
—*Co. Litt.* 139.

1148. The law does not require that that which is apparent to the court should be proved.

LEX NON REQUIRIT VERIFICARE QUOD APPARET CURIÆ.—9 *Rep.* 54.

1149. Our law condemns no one in his absence.

LEX NOSTRA NEMINEM ABSENTEM DAMNAT.—*H.* 81.

1150. The law is the father and guardian of orphans, the insane, and the poor.

LEX ORBIS, INSANIS, ET PAUPERIBUS PRO TUTORE ATQUE PARENTE EST.—*H.* 81.

1151. The law is more praised when it is approved by reason.

“The law is unknown to him that knowest not the reason thereof; and the known certainty of the law is the safety of all.”
—COKE, 1 INST. EPIL.

LEX PLUS LAUDATUR QUANDO RATIONE PROBATUR.—*Litt. Epil.*

1152. Acquittance for the last payment, all arrearages are discharged.

—*Noy. Max.* 40.

1153. The later law annuls the former.

LEX POSTERIOR DEROGAT PRIORI.—*Broom*, 28.

1154. The law looks forward, and not backward.

LEX PROSPICIT, NON RESPICIT.—*Jenk. Cent.* 284.

1155. The law merely penal binds only as to penalty, not as to fault; the mixed penal law binds both to fault and penalty.

LEX PURE PŒNALIS OBLIGAT TANTUM AD PŒNAM, NON ITEM AD CULPAM; LEX PŒNALIS MIXTA ET AD CULPAM OBLIGAT ET AD PŒNAM.—*Tayler*, 238.

1156. The law rejects superfluous, contradictory, and incongruous things.

LEX REJICIT SUPERFLUA, PUGNANTIA, INCONGRUA.—*Jenk. Cent.* 133, 140, 176.

1157. The law dislikes delay.

LEX REPROBAT MORUM.—*Jenk. Cent.* 35.

1158. The law looks to equity.

LEX RESPICIT ÆQUITATEM.

1159. If the written law be silent, that which is drawn from manners and customs is to be observed; if that is defective or not applicable, then that which is next and analagous to it, and if that does not appear, then follow the laws the Romans used.

LEX SCRIPTA SI CESSET, 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 JUS QUO URBS ROMANA UTITUR SERVARI OPORTET.—7 *Rep.* 19.

1160. The law will always give a remedy.

LEX SEMPER DABIT REMEDIUM.—*Broom*, 192.

1161. The law always intends what is agreeable to reason.

LEX SEMPER INTENDIT QUOD CONVENIT RATIONI.—*Co. Litt.* 78*b*.

1162. The law respects the order and course of nature.

LEX SPECTAT NATURÆ ORDINEM.—*Broom*, 252.

1163. The law speaks to all with the same mouth.

LEX UNO ORE OMNES ALLOQUITUR.—2 *Inst.* 184.

1164. The law designs rather punishment than public inconvenience.

LEX VULT POTIUS MALUM QUAM INCONVENIENS.—*H.* 82.

1165. Money being restored does not set free the party offering.

LIBERTA PECUNIA NON LIBERAT OFFERENTEM.—*Co. Litt.* 207.

1166. Let children assist their parents, if so be that they are unable to support themselves.

LIBERI PARENTIBUS QUI NEQUEANT VICTUM TOLERARE OPITULANTOR.—*H.* 82.

1167. Liberty is the privilege of doing what one chooses; provided that he acts subject to certain good, certain predetermined laws, enacted by common consent.

LIBERTAS EST CUM QUISQUE QUOD VELIT FACIAT MODO SECUNDUM LEGES, BONAS, COMMUNI CONSENSU LATAS, CERTAS PRÆFINITAS APERTAS.—*H.* 83.

1168. Liberty is that natural faculty which permits every one to do any thing he pleases, except that which is prohibited by law or force.

LIBERTAS EST NATURALIS FACULTAS EJUS QUOD CUIQUE FACERE LIBET, NISI QUOD DE JURE AUT VI PROHIBETUR.—*Co. Litt.* 116.

1169. Liberty is the power of doing what is sanctioned by law.

LIBERTAS EST POTESTAS FACIENDI ID QUOD JURE LICEAT.—*Tayler*, 239.

1170. Liberty is the right to alienate or retain his own right.

LIBERTAS EST SUI QUEMQUE JURIS DIMITTENDI AC RETINENDI ESSE DOMINUM.—*H.* 83.

1171. Liberty is an inestimable thing.

LIBERTAS INÆSTIMABILIS RES EST.—*H.* 83.

1172. Liberty has no price.

LIBERTAS NULO PRETIO PENSABILIS.—*H.* 83.

1173. Royal franchises relating to the crown depart from the crown by consent of the crown.

LIBERTAS REGALES AD CORONAM SPECTANTES EX CONCESSIONE REGEM A CORONA EXIERUNT.—2 *Inst.* 496.

1174. The civil law reduces an ungrateful freeman back to slavery; but the laws of England regard a man once manumitted as ever after free.

LIBERTINUM INGRATUM LEGES CIVILES IN PRISTINAM SERVITUTEM REDIGUNT; SED LEGES ANGLIÆ SEMEL MANUMISSUM SEMPER LIBERUM JUDICANT.—*Co. Litt.* 137.

1175. Every one is permitted to deliberate in his own mind, before acting, or to have recourse to counsel.

LIBERUM EST CUIQUE APUD SE EXPLORARE, AUT EXPEDIAT SIBI CONSILIUM.—*Tayler*, 239.

1176. Although the grant of a future interest is invalid, yet a declaration precedent may be made which will take effect on the intervention of some new act.

LICET DISPOSITIO DE INTERESSE FUTURO SIT INUTILIS, TAMEN FIERI POTEST DECLARATIO PRÆCEDENS QUÆ SORTIATUR EFFECTUM INTERVENIENTE NOVO ACTU.—*Bacon, Max. Reg.* 14 (*Broom*, 498).

1177. It is lawful to disinherit those whom it is lawful to deprive of life.

LICEAT EOS EXHÆREDARE QUOS OCCIDERE LICEBAT.—*Taylor*, 239.

1178. Allegiance is, as it were, the essence of law. It is the chain of faith.

LIGEANTIA EST QUASI LEGIS ESSENTIA. EST VINCULUM FIDEI.—*Co. Litt.* 129.

1179. Natural allegiance is restrained by no barriers, reined by no bounds, compassed by no limits.

LIGEANTIA NATURALIS NULLIS CLAUSTRIS CONCETUR, NULLIS METIS REFRÆNATUR, NULLIS FINIBUS PREMITUR.—7 *Rep.* 10.

1180. Things permitted are properly joined, unless the form of law oppose.

LICTA BENE MISCENTUR, FORMULA NISI JURIS OBSTET.—*Bac. Max. Reg.* 24*b*.

1181. A right line is a test of itself, and of an oblique; law is a line of right.

LINEA RECTA EST INDEX SUI ET OBLIQUI; LEX EST LINEA RECTI.—*Co. Litt.* 158.

1182. The right line is always preferred to the collateral.

LINEA RECTA SEMPER PRÆFERTUR TRANSVERSALI.—*Co. Litt.* 10; *Broom*, 529.

1183. The king's letters patent shall not be void.

LITERÆ PATENTES REGIS NON ERUNT VACUÆ.—1 *Bulst.* 6.

1184. All actions are called "law suits," whether they are actions in rem or in personam.

LITIS NOMEN OMNEM ACTIONEM SIGNIFICAT, SIVE IN REM, SIVE IN PERSONAM SIT.—*Co. Litt.* 292.

1185. Some things are to be construed according to the original cause thereof.

—*Noy. Max.* 5.

1186. The place for the payment of rent or money, according to the condition of a lease or bond, is to be strictly observed.

LOCUS PRO SOLUTIONE REDITUS AUT PECUNIÆ SECUNDUM CONDITIONEM DISMISSIONIS AUT OBLIGATIONIS EST STRICTE OBSERVANDUS.—4 *Rep.* 73.

1187. The place controls the act.

LOCUS REGIT ACTUM.—*Broom*, 1.

1188. Long possession is the law of peace.

LONGA POSSESSIO EST PACIS JUS.—*Co. Litt.* 6c.

1189. The way is devious that is marked out by abstruse principles; but short and certain when indicated by statutes.

LONGUM EST ITER PER PRECEPTA; BREVE ET EFFICAX PER STATUTA.—*Tayler*.

1190. Long time and long use, exceeding the memory of men, suffices for right.

LONGUM TEMPUS ET LONGUS USUS, QUI EXCIDIT MEMORIA HOMINUM, SUFFICIT PRO JURE.—*Co. Litt.* 115a.

1191. Nothing shall be void which by possibility may be good.

—*Noy. Max.* 23.

1192. Speak as the ordinary people; think as the learned.
(Speak the language of sensation; think according to the custom of science.)

LOQUENDUM UT VULGUS; SENTIENDUM UT DOCTI.

1193. Where the law gives a right, it gives a remedy to recover it.

LOU DE LEY DONE CHOSE, LA CEO DONE REMEDIE A VENER
A CEO.—2 *Rol. R.* 17.

1194. If he has no money in his purse, he must suffer in his person.

LUAT IN CORPORE, SI NON HABET IN LOCULO.—*Tayler*, 242.

1195. A slip of the tongue ought not lightly to be submitted to punishment.

LUBRICUM GLOSSÆ NON FACILE TRAHENDUM EST IN PŒNAM.—
Cro. Car. 117.

1196. Equity shines by her own light.

LUOET IPSA PER SE ÆQUITAS.—*Riley*, 11.

M

1197. Law is the master of things; experience, the mistress of things.

MAGISTER RERUM USUS; MAGISTRA RERUM EXPERIENTIA.—*Co. Litt.* 229.

1198. The Magna Charta and the Charter of the Forest are the two great charters.

MAGNA CHARTA ET CHARTA DE FORESTA SONT APPELES LES
DEUX GRANDES CHARTERS.—2 *Inst.* 570.

1199. It is as great a crime to kill one's self as to kill another.

MAGNA EST DELICTUM SEIPSUM INTERFICERE QUAM ALIUM.—*H.* 84.

1200. Reverence for the great charter of old times was great.

MAGNA FUIT QUANDAM MAGNÆ REVERENTIA CHARTÆ.—2 *Inst. Proem.*

1201. Mayhem is incipient homicide.

MAIHEMIUM EST HOMICIDIUM INCHOATUM.

1202. Mayhem is the least of great crimes, but the greatest of small crimes.

MAIHEMIUM EST INTER CRIMINA MAJORA MINIMUM, ET INTER MINORA MAXIMUM.—*Co. Litt.* 127.

1203. A greater inheritance comes to each and every one of us from right and the laws than from our parents.

MAJOR HÆREDITAS VENIT UNICUIQUE NOSTRUM A JURE ET LEGIBUS QUAM A PARENTIBUS.—2 *Inst.* 56.

1204. The lesser goes with the greater.

MAJORI SUMMÆ MINOR INEST.—*Tayler*, 255.

1205. The more worthy draws to itself the less worthy.

MAJUS DIGNUM TRAHIT AD SE MINUS DIGNUM.—*Co. Litt.* 43.

1206. Bad grammar does not vitiate a deed. But in the exposition of instruments, bad grammar, as far as possible, is to be avoided.

MALA GRAMMATICA NON VITIAT CHARTAM. SED IN EXPOSITIONE INSTRUMENTORUM, MALA GRAMMATICA QUOAD FIERI POSSIT EVITANDA EST.—6 *Rep.* 39.

1207. That is a bad case wherein one attempts to accomplish with money that which ought to be prompted by virtue.

MALE RES SE HABET CUM QUO VIRTUTE EFFICI DEBEAT A TENTATUR PECUNIA.—*H.* 85.

1208. That is a bad exposition which corrupts the text.

MALEDICTA EXPOSITIO QUÆ CORRUMPIT TEXTUM.—4 *Rep.* 35.

1209. Evil deeds ought not to remain unpunished, and impunity affords continual incitement to the delinquent.

MALEFICIA NON DEBENT REMANERE IMPUNITA, ET IMPUNITATIS AFFECTUM CONTINUUM TRIBUIT DELINQUENTI.—4 *Rep.* 45.

1210. Evil deeds are to be distinguished from evil purposes.

MALEFICIA PROPOSITIS DISTINGUUNTUR.—*Jenk. Cent.* 290.

1211. Malice supplies the want of age.

MALITIA SUPPLET ÆTATEM.—*Dyer*, 104*b*.

1212. The malice of men is to be averted.

MALITIA HOMINUM EST OBVIANDUM.—4 *Rep.* 15.

1213. No indulgence ought to be shown to the malicious desires of men.

MALITIIS HOMINUM NON EST INDULGENDAM.—*Tray.* 332.

1214. Evil has not an efficient, but a deficient, cause.

MALUM NON HABET EFFICIENTEM, SED DEFICIENTIUM, CAUSAM.
—3 *Inst. Proeme.*

1215. Evil is not presumed.

MALUM NON PRÆSUMITUR.—4 *Rep.* 72.

1216. The more common an evil is, the worse it is.

MALUM QUO COMMUNIUS, EO PEJUS.—*Whart.*

1217. An abuse ought to be abolished.

MALUS USUS ABOLENDUS.—*Broom*, 921.

1218. A lawful mandate ought to be strictly interpreted ; but one which appears to be unlawful should receive the widest and broadest interpretation possible.

MANDATA LICITA STRICTAM RECIPIUNT INTERPRETATIONEM; SED ILLICITA, LATAM ET EXTENSAM.—*Bac. Max. Reg.* 16*d.*

1219. A mandatory can not exceed the bounds placed upon him.

MANDATORIUS TERMINOS SIBI POSITOS TRANSGREDI NON POTEST.—*Jenk. Cent.* 53.

1220. Every person is at liberty to refuse a command ; but being undertaken, it is to be performed, or first refused in person, that the principal may have an opportunity either to do the thing himself, or by the hands of another.

MANDATUM NON SUSCIPERE CUI LIBET LIBERUM ESE; SUSCEPTUM AUTEM CONSUMMANDUM EST, AUT QUIA PRIMUM RENUNCIANDUM EST, PER SEMET IPSUM AUT PER ALIUM EANDEM REM MANDATOR EXEQUATUR.—*Tayler*, 256.

1221. Things manifest do not stand in need of proof.

MANIFESTA PROBATIONE NON INDIGENT.—7 *Rep.* 40.

1222. To manumit is to place beyond hand and power.

MANUMITTERE IDEM EST QUOD EXTRA MANUM VEL POTESTATEM PONERE.—*Co. Litt.* 137.

1223. The connection of male and female is a law of nature.

MARIS ET FÆMINA CONJUNCTIO EST DE JURE NATURÆ.—7 *Rep.* 13.

1224. Marriage ought to be free.

MATRIMONIA DEBENT ESSE LIBERA.—*H.* 86.

1225. Subsequent marriages cure precedent criminality.

MATRIMONIUM SUBSEQUENS TOLLIT PECCATUM PRÆCEDENS.—*Jur. Civ.*

1226. Matter of law should not be put into the mouth of jurors.

MATTER IN LEY NE SERRA MISE IN BOTTICHE DEL JURORS.—*Jenk. Cent.* 180.

1227. The desires of women are more mature than those of men.

MATURIORA SUNT VOTA MULIERUM QUAM VIRORUM.—6 *Rep.* 71.

1228. The greatest incitement to guilt is the hope of sinning with impunity.

MAXIMA ILLECEBRA EST PECCANDI IMPUNITAS SPES.—*Tayler*, 258.

1229. Force and injury are most of all contrary to peace.

MAXIME PACI SUNT CONTRARIA VIS ET INJURIA.—*Co. Litt.* 161.

1230. A maxim is so called because its dignity is chiefest; its authority the most certain; and because it is universally approved by all.

MAXIME ITA DICTA QUIA MAXIMÀ EST EJUS DIGNITAS ET CERTISSIMA AUCTORITAS ATQUE QUOD MAXIME OMNIBUS PROBETUR.—*Co. Litt.* 11.

1231. The people is the greatest master of error.

MAXIMUS ERRORIS POPULUS MAGISTER.—*Bacon.*

1232. The best shall be taken for the king.

MELIEUS SERRA PRIZE POUR LE ROY.—*Jenk. Cent.* 192.

1233. The better should give a name to a thing.

MELIOR DABIT NOMEN REI.—*Bacon*.

1234. The condition of the possessor is the better, and the condition of a defendant than that of a plaintiff.

MELIOR EST CONDITIO POSSIDENTIS, ET REI QUAM ACTORIS.—*4 Inst.* 180.

1235. The condition of a defendant is preferable to that of a complainant.

MELIOR EST CONDITIO DEFENDENTIS.—*Broom*, 715.

1236. The condition of the possessor is the better when neither of the two has the right.

MELIOR EST CONDITIO POSSIDENTIS, UBI NEUTER JUS HABET.—*Jenk. Cent.* 118.

1237. Justice truly preventing is better than justice severely punishing.

MELIOR EST JUSTITIA VERE PRÆVENIENS QUAM SEVERE PUNIENS.—*H.* 86.

1238. A bishop can make the condition of his own church better, but by no means worse.

MELIOREM CONDITIONEM ECCLESIE SUÆ FACERE POTEST PRÆLATUS, DETERIOREM NEQUAQUAM.—*Co. Litt.* 101*b*.

1239. A minor can make his condition better, but by no means worse.

MELIOREM CONDITIONEM SUAM FACERE POTEST MINOR, DETERIOREM NEQUAQUAM.—*Co. Litt.* 337*b*.

1240. It is better to meet a thing in time than, after an injury inflicted, to seek a remedy.

MELIUS EST IN TEMPORE OCCURRERE QUAM, POST CAUSAM VULNERATAM, REMEDIUM QUÆRERE.—*Fleta*, 6-37, § 15.

1241. Defective law is better than uncertain law.

MELIUS EST JUS DEFICIENS QUAM JUS INCERTUM.—*H.* 87.

1242. It is better to suffer every wrong than to consent to wrong.

MELIUS EST OMNIA MALA PATI QUAM MALO CONSENTIRE.—3 *Inst.* 23.

It is better, if the will of God be so, that ye suffer for well doing than for evil doing.—*BIBLE.*

1243. It is better to go to the fountain head than to follow a little streamlet.

MELIUS EST PETERE FONTES QUAM SECTARI RIVULOS.—*Whart.*

1244. It is better to retrace one's steps than to proceed improperly.

MELIUS EST RECURRERE QUAM MALE CURRERE.—4 *Inst.* 176.

1245. It is better that ten guilty persons escape than that one innocent person perish.

MELIUS EST UT DECEM NOXII. EVADANT QUAM UT UNUS INNOCENS PEREAT.—*H.* 87.

1246. Things are done better and more safely with deliberation than with haste.

MELIUS ET TUTIUS SI NON FESTINES.—*Taylor*, 258.

1247. The term merchandise belongs only to movables.

MERCIS APPELLATIO AD RES MOBILES TANTUM APPERTINET.—*D.* 50, 16, 66.

1248. Men can not be classed as merchandise.

MERCIS APPELLATIONE HOMINES NON CONTINERI.—*D.* 50, 16, 207.

1249. Merchandise is whatever can be sold.

MERX EST QUIQUID VENDI POTEST.—3 *Woodes*, 263.

1250. The crop belongs to the sower.

MESSIS SEMENTEM SEQUITUR.—*Bell.*

1251. The fear which the law acknowledges in the excuse of a crime is such as can fall upon a steady man.

METUS QUEM AGNOSCUNT LEGES IN EXCUSATIONEM CRIMINIS EST TALIS QUI CADERE POSSIT IN CONSTANTEM VIRUM.—*H.* 87.

1252. He threatens the innocent who spares the guilty.

MINATUR INNOCENTIBUS QUI PARCIT NOCENTIBUS.—4 *Rep.* 45.

1253. The smallest bodily punishment is greater than any pecuniary one.

MINIMA PŒNA CORPORALIS EST MAJOR QUALIBET PECUNIARIA.—2 *Inst.* 220.

1254. Common observance (or opinion) is not to be departed from; and things which have a certain interpretation are in no wise to be changed.

A COMMUNI OBSERVANTIA NON EST RECEDENDUM.—*Wing.* 732.

MINIME MUTANDA SUNT QUÆ CERTAM HABUERUNT INTERPRETATIONEM.—*Co. Litt.* 365.

1255. The office of a judge, as a rule, does not admit of a substitute, as do purely ministerial offices.

MINISTERIA RECIPIUNT VICARIUM, SED NON ITEM PLERAQUE JUDICARIA.—*H.* 88.

1256. A minor before majority may not act or even agree in a case involving property; but must abide his majority. But a writ does not fail.

MINOR ANTE TEMPUS AGERE NON POTEST IN CASU PROPRIETATIS NEC ETIAM CONVENIRE, DIFFERETUR USQUE ÆTATEM; SED NON CEDIT BREVE.—2 *Inst.* 291.

1257. A minor can not swear.

(Obsolete.)

MINOR JURARE NON POTEST.—*Co. Litt.* 172b.

- 1258.** One under seventeen years is not capable of being an executor.

MINOR 17 ANNIS NON ADMITTITUR FORE EXECUTOREM.—6 *Rep.* 68.

- 1259.** A minor can not be guardian to a minor; for he will be presumed to direct others badly who is presumed not to direct himself.

MINOR MINOREM CUSTODIRE NON DEBET; ALIOS ENIM PRÆSUMITUR MALE REGERE QUI SEIPSUM REGERE NESCIT.—*Co. Litt.* 88.

- 1260.** A minor is not bound to defend his right to his ancestor's heritage.

MINOR NON TENETUR PLACITARE SUPER HEREDITATE PATERNA. *Tray.* 341.

- 1261.** A minor, except as a matter of favor in a case of dower, is not bound to reply during his minority.

MINOR NON TENETUR RESPONDERE DURANTE MINORI ÆTATE; NISI IN CAUSA DOTIS, PROPTER FAVOREM.—3 *Bulst.* 143.

- 1262.** The minor is not bound to defend himself on account of his inheritance.

MINOR NON TENETUR PACITARE SUPER HÆREDITATE.—*H.* 88.

- 1263.** A minor under twelve years of age, not being under any law, nor in a decennery (town or tithing), can not be outlawed or placed beyond the limits.

MINOR, QUI INFRA ÆTATEM 12 ANNORUM FUERIT, UTLAGARI NON POTEST NEC EXTRA LEGEM PONI, QUIA ANTE TALEM ÆTATEM NON EST SUB LEGE ALIQUA, NEC IN DECENNA.

- 1264.** A minor is bound to the extent to which he has been enriched or benefited.

MINOR TENETUR IN QUANTUM LOCUPLETIOR FACTUS.—*Tray.* 342.

1265. It is only less to have an action therefor than to have the property itself.

MINIUS EST ACTIONEM HABERE QUAM REM.—*H.* 89.

1266. Obedience to the law becomes a hardship where the law is vague or uncertain.

MISERA EST SERVITUS UBI JUS EST VAGUM AUT INCERTUM.—*4 Inst.* 245.

1267. The mercy of our lord the king is that every one should be amerced by a jury of good men from his immediate neighborhood, lest he should lose any part of his own honorable tenement.

MISERICORDIA DOMINI REGIS EST QUA QUIS PER JURAMENTUM LEGALIUM HOMINUM DE VICINETO LATENUS AMERCIANDUS EST, NE ALIQUID DE SUO HONORABILI CONTENEMENTO AMITTAT.—*Co. Litt.*

1268. It is more pleasing to the law to inflict a light than a severe punishment.

MITIORES PŒNÆ NOBIS SEMPER PLACERE.—*Tray.* 343.

1269. He is better obeyed who commands leniently.

MITIUS IMPERANTI MELIUS PARETUR.—*3 Inst.* 24.

1270. Things movable go with the person; immovable things go with the place.

MOBILIA PERSONAM SEQUUNTUR; IMMOBILIA SITUM.—*Broom,* 522.

1271. Movables follow the person.

MOBILIA SEQUUNTUR PERSONAM.—*H.* 89.

1272. An agreement not to take tithes avails not.

MODUS DE NON DECIMANDO NON VALET.—*L.* 427.

1273. A custom ought to be reasonable, certain, and very ancient.

MODUS DEBET ESSE CERTUS, RATIONABILIS, ET PERANTIQUUS.—*H.* 89

- 1274. The form of agreement and the convention of parties overrule the law.**

MODUS ET CONVENTIO VINCUNT LEGEM.—2 *Rep.* 73 (*Broom*, 689).

- 1275. Custom gives law to the gift.**

MODUS LEGEM DAT DONATIONI.—*Co. Litt.* 19.

- 1276. Money is the just medium and measure of commutable things; and by the medium of money is a convenient and just measure of all things made.**

MONETA EST JUSTUM MEDIUM ET MENSURA RERUM COMMUTABILUM; NAM PER MEDIUM MONETÆ FIT OMNIUM RERUM CONVENIENS ET JUSTA ÆSTIMATIO.—*Dav.* 18.

- 1277. The right of coining money is one of those rights of royalty which never depart from the royal state.**

MONETANDI JUS COMPREHENDITUR IN REGALIBUS QUÆ NUNQUAM A REGIS SCEPTRO ABDICANTUR.—*Dav.* 18.

- 1278. A monopoly exists when one deals wholly in any kind of merchandise, fixing the price at his own pleasure.**

MONOPOLIA DICITUR CUM UNUS SOLUS ALIQUOD GENUS MERCATURÆ, UNIVERSUM EMIT, PRETIUM AD SUUM LIBITUM STATUENS.—*H.* 90.

- 1279. Monuments which the law knows as records are the vestiges of truth and antiquity.**

MONUMENTA QUÆ NOS RECORDA VOCANT SUNT VERITATIS ET VETUSTATES VESTIGIA.—*Co. Litt.* 18.

- 1280. Delay is reproved by law.**

MORA REPROBATUR IN LEGE.—*Jenk. Cent.* 51.

- 1281. Death is the closing limit of human transactions.**

MORS ULTIMA LINEA RERUM EST.—*Riley*, 236.

1282. Death is considered the extreme penalty.

MORS DICITUR ULTIMUM SUPPLICIUM.—*Co. Litt.* 118.

1283. Death dissolves every thing.

MORS OMNIA SOLVIT.—*Jenk. Cent.* 160.

1284. A donation is confirmed by the death of the donor.

MORTE DONANTIS DONATIO CONFIRMATUR.—*H.* 90.

1285. By the death of the legatee during the life of the testator, the legacy lapses.

MORTE LEGATarii, PERIT LEGATUM.—*Tray.* 349.

1286. A mandate fails on the death of the mandant.

MORTE MANDATORIS, PERIT MANDATUM.—*Tray.* 350.

1287. A mortgage is used as a shield rather than a sword.

MORTGAGIUM SCUTO MAGIS QUAM GLADIO OPUS EST.—*Tayler*, 399.

As an old mortgage term, regularly assigned, from time to time, protects against dower and subsequent latent incumbrances; but *quære*.

1288. Long established custom shall stand for law. ✓

MOS PRO LEGE.—*Tayler*, 262.

1289. A custom of the truest antiquity is to be retained.

MOS RETINENDUS EST FIDELISSIMÆ VETUSTATIS.—4 *Rep.* 78.

1290. Women ought not to be admitted to the estate of a man.

MELIUS AD PROBATIONEM STATUS HOMINIS ADMITTI NON DEDENT.
—*Co. Litt.* 6.

1291. Many things are obliquely conceded which are not conceded directly.

MULTA CONCEDUNTUR PER OBLIQUUM QUÆ NON CONCEDUNTUR DE DIRECTO.—6 *Rep.* 47.

1292. We are ignorant of many things which would not be hidden from us if the reading of old authors were familiar to us.

MULTA IGNORAMUS QUÆ NOBIS NON LATERENT SI VETERUM LECTIO NOBIS FUT FAMILIARIS.—10 *Rep.* 73.

1293. Many things hinder the contracting of a marriage which do not detract from its validity when contracted.

MULTA IMPEDIUNT MATRIMONIUM CONTRAHENDUM QUÆ NON DIRIMUNT CONTRACTUM.—*Tray.* 351.

1294. Many things contrary to the strictness of argument are introduced into the common law for common utility's sake.

MULTA IN JURE COMMUNI CONTRA RATIONEM DISPUTANDI PRO COMMUNE UTILITATE INTRODUCTA SUNT.—7 *Rep.* 70.

1295. We comprehend things more readily by practice than by rules.

MULTA MULTO EXERCITATIONE FACILIS QUAM REGULIS PERCIPIES.—4 *Inst.* 50.

1296. Many things pertain not to human laws, but to divine cognizance.

MULTA NON LEGIBUS HUMANIS, SED FORO DIVINE, PERTINENT.—*H.* 90.

1297. The law silently condemns many things which it does not forbid in words.

MULTA NON VETAT LEX QUÆ TAMEN TACITÆ DAMNAVIT.—*Whart.*

1298. Many things pass in the whole which do not pass by themselves.

MULTA TRANSEUNT CUM UNIVERSITATE QUÆ NON PER SE TRANSEUNT.—*Co. Litt.* 12.

1299. Many men have known many things; no one has known every thing.

MULTI MULTA, NEMO OMNIA, NOVIT.—4 *Inst.* 348.

1300. Multiplicity and indistinctness produce confusion; and the more simple a question, the more lucid it must be.

MULTIPLEX ET INDISTINCTUM PARIT CONFUSIONEM; ET QUÆSTIONES QUO SIMPLICIONES, EO LUCIDORES.—*Hob.* 335.

1301. Let infliction of punishments increase with multiplied crime.

MULTPLICATA TRANSGRESSIONE CRESCAT PŒNÆ INFLICTIO.—2 *Inst.* 479.

1302. Ten makes a multitude.

MULTITUDINEM DECEM FACIUNT.—*Co. Litt.* 247.

1303. It is no excuse for error that the multitude err.

MULTITUDO ERRANTIUM NON PARIT ERRORI PATROCINIUM.—11 *Rep.* 75.

1304. A multitude of ignorant persons destroys a court.

MULTITUDO IMPERITORUM PERDIT CURIAM.—2 *Inst.* 219.

1305. It is more useful to furnish men with a few useful things than to impress them with many useless things.

MULTO UTILIUS EST PAUCA IDONEA EFFUNDERE QUAM MULTIS INUTILIBUS HOMINES GRAVARI.—4 *Rep.* 20.

1306. The substance of a thing is almost destroyed when its form is changed.

MUTATA FORMA INTEREMETUR PROPE SUBSTANTIA REI.—*H.* 91.

N

1307. A person ought not to be placed in a better condition than the one to whose rights he succeeds.

NAM DEBES MELIORIS CONDITIONIS ESSE QUAM ACTOR MEUS A QUO JUS IN ME TRANSIT.—*Dig.* 50, 14, 175, 1.

1308. Care is to be taken that writings shall not have such credit that a person by his own memorandum can make out another person his debtor.

NAM EXEMPLO PERNICIOSUM EST UT EI SCRIPTURÆ CREDATUR QUA UNUS QUISQUAM SIBI ADNOTATIONE PROPRIA DEBITOREM CONSTITUIT.—*Taylor*, 274.

1309. Nature desires perfection; so also does the law.

NATURA APPETIT PERFECTUM; ITA EST LEX.—*Hob.* 144.

1310. Nature takes no leap; neither does the law.

NATURA NON FACIT SALTUM; ITA NEC LEX.—*Co. Litt.* 238.

1311. Nature makes no vacuum; neither does the law make any thing superfluous.

NATURA NON FACIT VACUUM; NEC LEX SUPERVACUUM.—*Co. Litt.* 79.

1312. The greatest force is the force of nature.

NATURÆ VIS MAXIMA.—2 *Inst.* 564.

NATURA BIS MAXIMA.—*Id.*

1313. It is natural that a thing should be unbound in the same way in which it is bound.

NATURALE EST QUIDLIBET DISSOLVI EO MODO QUO LIGATUR.—*Jenk. Cent.* 66.

1314. A calamity which overtakes the whole community alike is a mitigation of its evils to each individual.

NAUFRAGIUM COMMUNE OMNIBUS EST CONSOLATIO.—*Riley*, 53.

1315. Go not to the council chamber before you are summoned.

NE AD CONSILIUM ANTEQUAM VOCERIS.—*Riley*, 7.

1316. A legal fiction can not avail more in the fictitious case than the truth would if it had really happened.

NE FICTIO PLUS VALEAT IN CASU FICTIO QUAM VERITAS IN CASU VERO.—*Tray*, 357.

1317. Put not off until to-morrow what can be done to-day.

NE IN CRASTINUM QUOD POSSIS HODIE.—*Loft*, 621.

1318. Let not the seller appoint a person to bid.

NE LICITATOREM VENDITOR APPONAT.—*H.* 92.

1319. Avoid a lawsuit when you can escape it. ✓

NE QUERE LITEM CUM LICET FUGERE.—*Riley*, 66.

1320. Judge not too hastily.

NE SE IPSUM PRÆCIPITES IN DISCRIMINEM.—*Taylor*, 281.

1321. No benefit from an act can accrue to him who was not obliged to perform that act.

NEC BENEFICIUM PERTINET AD EUM QUI NON DEBET GENERE OFFICIUM.—*Taylor*, 95.

1322. A debtor is not obliged to carry a money bag with him wherever he goes.

NEC CUM SACCO ÆDIRE DEBET.—*Tray*, 358.

A debtor can not be presumed to be always accompanied by funds to pay his creditors, and therefore he is entitled to reasonable requisition.

1323. The power which is given to kings is neither unbounded nor at will.

NEC REGIBUS INFINITA AUT LIBERA POTESTAS.—*Taylor*, 277.

1324. That is necessity which can not be otherwise.

NECESSARUM EST QUOD NON POTEST ALITER.—*Br.* 139.

1325. Where blood is spilled the case is unpardonable.

NEC VENIAM EFFUSO SANGUINE CASUS HABET.—*Jenk. Cent.* 167.

1326. Where the Divinity is insulted the case is unpardonable.

NEC VENIAM LÆSO NOMINE CASUS HABET.—*Jenk. Cent.* 167.

1327. Necessity is the law of time and place.

NECESSITAS EST LEX TEMPORIS ET LOCI.—*H. P. C.* 54.

1328. Necessity excuses or extenuates delinquency in capital cases, which has not the same operation in civil cases.

NECESSITAS EXCUSAT AUT EXTENUAT DELICTUM IN CAPITALIBUS;
QUOD NON OPERATUR IDEM IN CIVILIBUS.—*Bac. Max.*

1329. Necessity makes that lawful which otherwise is not lawful.

NECESSITAS FACIT LICITUM QUOD ALIAS NON EST LICITUM.—
10 Rep. 61.

1330. Necessity gives a privilege with reference to private rights.

NECESSITAS INDUCIT PRIVILEGIUM QUOAD JURA PRIVATA.—*Bac. Max.* 25 (*Broom*, 11).

I. e., a necessity: 1, of self-preservation; 2, of obedience; 3, of act of God or of a stranger.—*NOY. MAX.* 32.

1331. Necessity has no law.

NECESSITAS NON HABET LEGEM.—*Plowd.* 18.

1332. Consent is necessary in the case of a contract executory, as an act of obedience to the law ; but not essential to the validity of an executed contract.

NECESSITATE PRECEPTI ; SED NON NECESSITATE MEDII.—*Tray.* 360.

1333. Public necessity is greater than private.

NECESSITAS PUBLICA MAJOR EST QUAM PRIVATA.—*Bac. Max.* 48.

1334. Necessity defends what it compels.

NECESSITAS QUOD COGIT DEFENDIT.—*H. P. C.* 54.

1335. Necessity is not restrained by law ; since what otherwise is not lawful necessity makes lawful.

NECESSITAS SUB LEGE NON CONTINETUR ; QUIA QUOD ALIAS NON EST LICITUM NECESSITAS FACIT LICITUM.—2 *Inst.* 326.

1336. Necessity overcomes law ; it derides the fetters of justice.

NECESSITAS VINCIT LEGEM ; LEGUM VINCOLA IRRIDET.—*Hob.* 44.

1337. That which is everybody's business is neglected by everybody.

NEGLIGENTUR COMMUNITER QUOD COMMUNITER POSSIDETUR.—*Riley*, 54.

1338. It is infamous to lay snares for the unwary by means of the forms of law.

NEFARIUM PER FORMULAS LEGIS LAQUEOS INNECTERE INNOCENTIBUS.—*H.* 93.

1339. The negative of a conclusion is error in law.

NEGATIO CONCLUSIONIS EST ERROR IN LEGE.—*Wing.* 268.

- 1340. A negative destroys a negative, and both together make an affirmative.**

NEGATIO DESTRUIT NEGATIONEM, ET AMBÆ FACIUNT AFFIRMATIVUM.—*Co. Litt.* 146.

- 1341. A double negative is an affirmative.**

NEGATIO DUPLEX EST AFFIRMATIO.—*Whart.*

- 1342. Denial can not be proved.**

NEGATIO NON POTEST PROBARI.—*H.* 93.

- 1343. Negligence always has misfortune for a companion.**

NEGLIGENTIA SEMPER HABET INFORTUNUM COMITEM.—*Co. Litt.* 246.

- 1344. No one can be made richer to the damage and wrong of another.**

NEMINEM CUM ALTERIUS DETRIMENTO ET INJURIA FIERI LOCUPLETIORUM.—*Taylor*, 212.

- 1345. No one ought to be wiser than the laws.**

NEMINEM OPORTET ESSE SAPIENTIORUM LEGIBUS.—*Co. Litt.* 97a.

- 1346. No hour is favorable for one man but that is bad for another.**

NEMINI HORA EST BONA UT NON ALICUI SIT MALA.—*Riley*, 39.

- 1347. More is allowed to no one against another than what is granted by the laws.**

NEMINI IN ALIUM PLUS LICET QUAM CONCESSUM EST LEGIBUS.—*H.* 93.

- 1348. No one is prohibited from approaching the sea shore.**

NEMO AD LITTUS MARIS ACCEDERE PROHIBETUR.—*H.* 96.

1349. No one is to be admitted to incapacitate himself.

NEMO ADMITTENDUS EST INHABILITARE SEIPSUM.—*Jenk. Cent.* 40.

1350. No one can pursue himself in law.

NEMO AGIT IN SEIPSUM.—*Broom*, 216*n*.

1351. No one alleging his own baseness is to be heard.

NEMO ALLEGANS SUAM TURPITUDINEM EST AUDIENDUS.—*Civ. Leg. Max.*

1352. No one should be punished twice for the same transgression.

NEMO BIS PUNITUR PRO EODEM DELICTO.—*H.* 93.

1353. No one shall come twice into danger for the same crime.

NEMO BIS IN PERICULUM VENIET PRO EODEM DELICTO.—*H.* 94.

1354. No one ought to be compelled to fulfil his contracts absolutely, except in so far as the creditor has an interest to compel performance.

NEMO COGI POTEST PRÆCISE AD FACTUM, SED IN ID TANTUM QUOD INTEREST.—*Tray.* 361.

1355. No one is compelled to sell his property, even for its full value.

NEMO COGITUR REM SUAM VENDERE, ETIAM JUSTO PRETIO.—4 *Inst.* 275.

1356. Nobody is to be condemned unheard or without being summoned.

NEMO CONDEMNARI DEBET INAUDITUS NEC SUMMONITUS.—*H.* 96.

1357. Nobody can come in against his own deed.

NEMO CONTRA FACTUM SUUM VENIRE POTEST.—2 *Inst.* 66.

1358. No one occasions a loss except by doing that which he had no right to do.

NEMO DAMNUM FACIT NISI QUI ID FECIT QUOD FACERE JUS NON HABET.—*H.* 94.

1359. He who hath not can not give.

NEMO DAT QUI NON HABET.—*Broom*, 499*n.*

1360. No one can be dragged from his own house.

NEMO DE DOMO SUA EXTRAHI POTEST.—*Broom*, 432*n.*

1361. No man shall be twice placed in jeopardy for what appears to the court to be one and the same offense.

NEMO DEBET BIS VEXARI, SI CONSTET CURIÆ, PRO UNA ET EADEM CAUSA.—5 *Rep.* 61 (*Broom*, 327).

1362. No man can be judge in his own cause.

NEMO DEBET ESSE JUDEX IN PROPRIA SUA CAUSA.—12 *Rep.* 113.

1363. No one should be enriched out of the loss sustained by another.

NEMO DEBET EX ALIENO DAMNO LUCRARI.—*Tray.* 365.

1364. No one ought to be enriched by that which another has been obliged to relinquish to save his life.

NEMO DEBET LOCUPLETARI ALIENA JACTURA.—*L. R.* 3 *C. P.* 381.

1365. No one ought to be enriched at the expense of another.

NEMO DEBET LOCUPLETARI EX ALTERIUS INCOMMODO.—*Jenk. Cent.* 4.

1366. No one can at the same time be heir to, and proprietor of, the same subject.

NEMO EJUSDEM TENEMENTI SIMUL POTEST ESSE HÆRES ET DOMINUS.—1 *Reeve H. Eng. L.* 106.

1367. No one can, understand the significance of a part of a writing until he has read the whole again and again.

NEMO ENIM ALIQUAM PARTEM RECTI INTELLIGERE POSSIT ANTEQUAM TOTUM ITERUM ATQUE ITERUM PERLEGERIT.—*Broom*, 593.

1368. No one is compelled to substitute another in place of himself.

NEMO EST COGENDUS QUIS AD SUBSTITUENDUM.—*H.* 180.

1369. No one can be an heir during the lifetime of his ancestor.

NEMO EST HÆRES VIVENTIS.—*Co. Litt.* 22*b.* (*Broom*, 522).

1370. No one is above the laws.

NEMO EST SUPRA LEGES.—*H.* 95.

1371. No one should be burdened by the act of another.

NEMO IN ALTERIUS FACTO PRÆGRAVARI DEBET.—*Vid.* 1 *Poth.* (*Evans*) 133.

1372. No one is bound by counsel.

NEMO EX CONSILIO OBLIGATUR.—*Taylor*, 279.

1373. Let no one be relieved or gain an advantage by his own fraud.

NEMO EX DOLO SUO PROPRIO RELEVETUR AUT AUXILIUM CAPIAT.—*Jur. Civ.*

1374. No one, denying that he is indebted, is prohibited from using any other lawful defense.

NEMO EX HIS QUI NEGANT SE DEBERE PROHIBITUR ETIAM ALIA DEFENSIONE UTI NISI LEX IMPEDIT.—*H.* 95.

1375. No one acquires a right of action through his own fraud.

NEMO EX PROPRIO DOLO CONSEQUITUR ACTIONEM.—*Tray.* 366.

- 1376. No one can make his condition better from his own crime.**

NEMO EX SUO DELICTO MELIOREM SUAM CONDITIONEM FACERE POTEST.—*D.* 50, 17, 134, § 1.

- 1377. No one is bound to know the private act or deed of another, unless it is done with himself.**

NEMO FACTUM A SE ALIENUM TENETUR SCIRE.—*H.* 96.

- 1378. Forests belong to no one but the king.**

NEMO FORESTAM HABET NISI REX.—*H.* 96.

- 1379. No one is held to act fraudulently who acts in the exercise of his rights.**

NEMO HABETUR AGERE DOLOSE QUI JURE SE UTITUR.—*Tray.* 366.

- 1380. No one can be forced into a co-partnership against his will.**

NEMO INVITUS COMPELLITUR AD COMMUNIONEM.—*Taylor,* 279.

- 1381. No one whose duty is with things divine should be allowed to deal with things secular.**

NEMO MILITANS DEO IMPLICET SE NEGOTIIS SECULARIBUS.—*H.* 97.

- 1382. No one can die partly testate and partly intestate.**

NEMO MORI POTEST PRO PARTE TESTATUS PRO PARTE INTESTATUS.—*Tray.* 367.

(Obsolete.)

- 1383. No one is born an artificer.**

NEMO NASCITUR ARTIFEX.—*Co. Litt.* 97.

- 1384. A man can not abjure his native country, nor the allegiance which he owes to his sovereign.**

NEMO PATRIAM IN QUA NATUS EST EXUERE NEC LIGEANTIAE DEBITUM EJURARE POSSIT.—*Co. Litt.* 129a. (*Broom*, 75).

1385. Nobody can leave his heirs in a more advantageous position than he was himself.

NEMO PLUS COMMODI HEREDI SUO RELINQUIT QUAM IPSE HABUIT.—*H.* 97.

1386. No one can transfer to another more privileges than he is entitled to by law.

NEMO PLUS JURIS AD ALIUM TRANSFERRE POTEST QUAM IPSE HABERIT.—*H.* 97.

1387. No one can verify by jury against a record.

NEMO POTEST CONTRA RECORDUM VERIFICARE PER PATRIAM.—*2 Inst.* 380.

1388. Nobody can give a mandate to a bishop, except the king.

NEMO POTEST EPISCOPO MANDARE PRÆTER REGEM.—*H.* 97.

1389. No one can be at the same time a suitor and a judge.

NEMO POTEST ESSE SIMUL ACTOR ET JUDEX.—*Broom*, 117.

1390. No man can be at the same time tenant and lord.

NEMO POTEST ESSE TENENS ET DOMINUS.—*Gilb. Ten.* 142.

1391. No one can do through another what he can not do through himself.

NEMO POTEST FACERE PER ALIUM QUOD PER SE NON POTEST.—*Jenk.* 237.

1392. No one to whom is delegated a power of coercion can himself delegate it to another.

NEMO POTEST GLADII POTESTAM SIBI VEL CUJUS ALTERIUS COERCITIONIS AD ALIUM TRANSFERRE.—*H.* 98.

1393. No one can send any thing into another's field.

NEMO POTEST IMMITTERE IN ALIENUM.—*Tray.* 368.

1394. No one is allowed to change his own mind to the injury of another.

NEMO POTEST MUTARE CONSILIUM SUUM IN ALTERIUS INJURIAM.
—*D.* 50, 17, 75.

1395. No man can do any thing except what he can do lawfully.

NEMO POTEST NISI QUOD DE JURE POTEST.—*Tray.* 369.

1396. No one can transfer more right to another than he has himself.

NEMO POTEST PLUS JURIS AD ALIUM TRANSFERRE QUAM IPSE HABET.—*H.* 98.

1397. No one can renounce a public right.

NEMO POTEST RENUNCIARE JURI PUBLICO.—*Tray.* 368.

1398. No one can be his own debtor.

NEMO POTEST SIBI DEBERE.—*Tray.* 369.

1399. No one can change for himself the cause of his possession.

NEMO POTEST SIBI MUTARE CAUSAM POSSESSIONIS.—*H.* 98.

1400. No one is a pirate who hath told down the price.

NEMO PRÆDO EST QUI PRETIUM NUMERAVIT.—*H.* 97.

1401. No man is presumed to have preferred the posterity of another to his own.

NEMO PRÆSUMITUR ALIENAM POSTERITATÈM SUÆ PRÆTULISSE.
—*D.* 50, 17, 75.

1402. Nobody is presumed to give a donation or to lose what is his own.

NEMO PRÆSUMITUR DONARE VEL SUUM PERDERE.—*Tray.* 370.

1403. No one is presumed to be forgetful of his own eternal welfare, and particularly in the act of death.

NEMO PRÆSUMITUR ESSE IMMEMOR SUÆ ÆTERNÆ SALUTIS, ET MAXIME IN ARTICULO MORTIS.—6 *Rep.* 76.

1404. No one is presumed to trifle at the point of death.

NEMO PRÆSUMITUR LUDERE IN EXTREMIS.—*Whart.*

1405. No one is presumed bad.

NEMO PRÆSUMITUR MALUS.—*Whart.*

1406. No one is prohibited from following several callings.

NEMO PROHIBETUR PLENES NEGOTIATIONES SIVE ARTES EXERCERE.—11 *Rep.* 54a.

1407. No one is prohibited from making use of several defenses.

NEMO PROHIBETUR PLURIBUS DEFENSIONIBUS UTI.—*Co. Litt.* 304a.

1408. No wise man punishes in order that things already done may be revoked, but that in future they may be prevented.

NEMO PRUDENS PUNIT UT PRÆTERIA REVOCENTUR, SED UT FUTURA PRÆVENIANTUR.—3 *Bulst.* 173.

1409. No one shall be punished for the fault of another.

NEMO PUNITUR PRO ALIENO DELICTO.—*W.* 336.

1410. No one is punished except for some injury, deed, or default.

NEMO PUNITUR SINE INJURIA, FACTO, SEU DEFALTO.—2 *Inst.* 287.

1411. He who is able to condemn is also able to acquit.

NEMO QUI CONDEMNARE POTEST ABSOLVERE NON POTEST.—*H.* 97.

1412. No one can take and enjoy rent without consent of the lord.

NEMO REDDITUM INVITO DOMINO PERCIPERE ET POSSIDERE POTEST.—*Co. Litt.* 323a.

1413. No one can lose his own property, except by his own deed, transgression, or neglect.

NEMO REM SUAM AMITTIT, NISI EX FACTO AUT DELICTO SUO, AUT NEGLECTU.—*Tray.* 370.

1414. No one becomes thoroughly bad in an instant.

NEMO REPENTE TURPISSIMUS.—*Tayler.*

1415. No one ought to be a judge in his own case, or declare the law in affairs in which he is interested.

NEMO SIBI ESSE JUDEX, VEL SUIS JUS DICERE DEBET.—*Broom*, 116.

1416. No one is bound to an impossibility.

NEMO TENETUR AD IMPOSSIBILE.—*Jenk. Cent.* 7.

1417. No one is bound to arm his adversary against himself.

NEMO TENETUR ARMARE ADVERSARIUM CONTRA SE.—*Wing.* 665.

1418. No one is bound to know a thing before it happens.

NEMO TENETUR DIVINARE.—4 *Rep.* 28.

1419. No one is bound to produce writings against himself.

NEMO TENETUR EDERE INSTRUMENTA CONTRA SE.—*Tray.* 371.

1420. No one is bound to give information on a subject on which he is unacquainted; but every one who does give information is bound to be acquainted with its subject.

NEMO TENETUR INFORMARE QUI NESCIT; SED QUIQUE SCIRE QUOD INFORMAT.—*Lane*, 110.

1421. No one is bound to swear to his own disgrace.

NEMO TENETUR JURARE IN SUAM TURPITUDINEM.—*H.* 100.

1422. No man can be compelled to impoverish himself.

NEMO TENETUR PRODERE SEIPSUM.—*Broom*, 968.

1423. No man can be compelled to criminate himself.

NEMO TENETUR SEIPSUM ACCUSARE.—*Wing. Max.* 486 (*Broom* 968).

1424. No one is bound to expose himself to misfortunes and dangers.

NEMO TENETUR SEIPSUM INFORTUNIIS ET PERICULIS EXPONERE.
—*Co. Litt.* 253.

1425. No one shall sit in judgment in a matter in the which he has any interest, or with which he has, or has had any connection; though in the latter case he may sometimes sit by consent of the parties.

NEMO UNQUAM JUDICET IN SE.—*Whart.*

1426. No one appears to defraud those who know and consent.

NEMO VIDETUR FRAUDARE EOS QUI SCIUNT ET CONSENTIUNT.
—*H.* 100.

1427. You know little if you do not know that it is a ticklish thing to go to law.

NESCIS TU QUAM METICULOSA RES SIT IRE AD JUDICEM.—
Riley, 261.

1428. Neither laws nor acts of a parliament can be so written as to include all actual or possible cases; it is sufficient if they provide for those things which frequently or ordinarily may happen.

NEQUE LEGES NEQUE SENATUS CONSULTA ITA SCRIBI POSSUNT UT OMNIS CASUS QUI QUANDOQUE IN SEDIRIUNT COMPREHENDANTUR; SED SUFFICIT EA QUÆ PLERUMQUE ACCIDUNT CONTINERI.—*H.* 100.

1429. The text of a statute ought never to be read in a sense more comprehensive than its title.

NIGRUM NUNQUAM EXCEDERE DEBET RUBRUM.—*Tray.* 373.

The rubrics or titles of statutes were anciently printed in red; hence the form of this maxim.

1430. The king can do nothing except what he can do by law.

NIHIL ALIUD POTEST REX QUAM QUOD DE JURE POTEST.—11 *Rep.* 74.

1431. Nothing is done if any thing remains to be done.

NIHIL AGITUR SI QUID AGENDUM SUPEREST.—*Tray.* 373.

1432. Nothing is more foolish than cunning.

NIHIL CALLIDATE STULTUS.—*H.* 101.

1433. Nothing is so contrary to consent as is force and fear.

NIHIL CONSENSUI TAM CONTRARIUM EST QUAM VIS ATQUE METUS.—*D.* 50, 17, 116.

1434. That which is contrary to law can not be profitable to any one.

NIHIL CUIQUAM EXPEDIT QUOD PER LEGES NON LICET.—*H.* 103.

1435. He who has nothing can not give gifts.

NIHIL DAT QUI NON HABET.—*H.* 101.

1436. Nothing of a matter accrues to him who, when the right accrues, has nothing therein.

NIHIL DE RE ACCRESCIT ET QUI NIHIL IN RE QUANDO JUS ACCRESCERET HABET.—*Co. Litt.* 188.

1437. Nothing is liberal that is not just.

NIHIL ENIM EST LIBERALE QUOD NON IDEM JUSTUM.—*Tayler*, 491.

1438. An error as to the name amounts to nothing where there is a certainty as to the person.

NIHIL FACIT ERROR NOMINIS CUM DE CORPORE CONSTAT.—11 *Rep.* 21.

1439. Nothing is done by time; although every thing is done in time.

NIHIL FIT A TEMPORE; QUAMQUAM NIHIL NON FIT IN TEMPORE.—*Tray.* 374.

1440. The court has nothing to do with that which is not before it.

NIHIL HABET FORUM EX SCENA.—*Bacon*.

1441. Nothing can be honest which is destitute of justice.

NIHIL HONESTUM AMICO EST OPPORTUNO AMICUS.—*Riley*, 264.

1442. Nothing is more intolerable in law than that the same thing be judged by different rules.

NIHIL IN LEGE INTOLERABILIS EST EANDEM REM DIVERSO JURE CENSERI.—4 *Rep.* 93a.

1443. Nothing tends more to preserve tranquility and concord among those subjected to the government than a due administration of the laws.

NIHIL INFRA REGNUM SUBDITOS MAGIS CONSERVAT IN TRANQUILITATE ET CONCORDIA QUAM DEBITA LEGUM ADMINISTRATIO.—2 *Inst.* 158.

1444. Nothing is so unjust as to stretch equity too far.

NIHIL INIQUIUS QUAM ÆQUITATEM NIMIS INTENDERE.—*H.* 103.

1445. It does not concern the law who may not have the right to an action or who may be injured by an exception.

NIHIL INTEREST IPSO JURE QUIS ACTIONEM NON HABEAT AN PER EXCEPTIONEM INFIRMETUR.—*H.* 101.

1446. Nothing is more agreeable to the law than that a matter be dissolved by the same means by which it is constituted.

NIHIL MAGIS CONSENTANEUM EST QUAM UT IISDEM MODIS RES DISSOLVATUR QUIBUS CONSTITUERIT.—*H.* 10.

1447. Nothing is more just than what is necessary.

NIHIL MAGIS JUSTUM EST QUAM QUOD NECESSARIUM EST.—*Dav.* 12.

1448. Nothing is perfect while something remains to be done.

NIHIL PERFECTUM EST DUM ALIQUID RESTAT AGENDUM.—9 *Rep.* 9c.

1449. Nothing can prevail against truth.

NIHIL POSSUMUS CONTRA VERITATEM.—*Doct. and Stud. D.* 2, C. 6.

1450. A prescriptive right, acquired by possession or use, is limited strictly to that which has been already used and possessed.

NIHIL PRÆSCRIBITUR NISI QUOD POSSIDETUR.—5 *B. & Ald.* 277 (7 *E. C. L. R.*)

1451. Nothing is permitted which is contrary to reason.

NIHIL QUOD EST CONTRA RATIONEM EST LICITUM.—*Co. Litt.* 97.

1452. Nothing which is inconvenient is allowed.

NIHIL QUOD EST INCONVENIENS EST LICITUM.—*Broom*, 186.

1453. Nothing which is like is identical.

NIHIL SIMILE EST IDEM.—*Taylor*, 282.

1454. Nothing is invented and perfected at the same time.

NIHIL SIMUL INVENTUM EST ET PERFECTUM.—*Co. Litt.* 230.

1455. There is nothing so absurd but that it may, at some time, have been uttered by a philosopher.

NIHIL TAM ABSURDUM DICI POTEST UT NON DICATUR A PHILOSOPHO.—*Cicero*.

That is to say, reject nothing as absurd without examination.

1456. Nothing is so consonant to natural equity as that every contract should be dissolved by the same means which rendered it binding.

NIHIL TAM CONVENIENS EST NATURALI ÆQUITATI QUAM UNUM-
QUODQUE DISSOLVI EO LIGAMI QUO LIGATUM EST.—2 *Inst.*
360 (*Broom*, 877).

1457. Nothing is so consonant to natural equity as to regard the intention of the owner in transferring his own property to another.

NIHIL TAM CONVENIENS EST NATURALI ÆQUITATI QUAM VOLUNTATEM DOMINI VOLENTI REM SUAM IN ALIUM TRANSFERRE RATUM HABUERE.—1 *Rep.* 100 (*I.* 2, l. 40).

1458. Nothing is so natural as that a thing should be dissolved the way in which it was bound together; therefore, the obligation of words is taken away by words, and the obligation of mere consent is taken away by the contrary consent.

NIHIL TAM NATURALE EST QUAM EO GENERE QUIDQUE DISSOLV-
ERE QUO COLLIGATUM EST; IDEO VERBORUM OBLIGATIO
VERBIS TOLLITUR, NUDI CONSENSUS OBLIGATIO CONTRARIO
CONSENSU DISSOLVITUR.—*D.* 50, 17, 35.

1459. Nothing is so much the property of sovereignty as to live according to the laws.

NIHIL TAM PROPRIUM EST IMPERII QUAM LEGIBUS VIVERE.—
2 *Inst.* 63.

1460. There can be no consent when under duress of force or fear.

NIL CONSENSUI TAM CONTRARIUM EST QUAM VIS ATQUE METUS.
—*Broom*, 278*n*.

1461. An error in the description does no harm, so long as it is clear who is meant.

NIL FACIT ERROR NOMINIS CUM DE CORPORE VEL PERSONA CONSTAT.—*Broom*, 634.

1462. Nothing more strongly resembles a madman than a drunken man.

NIL SIMILIUS INSANO QUAM INEBRIUS.—*Riley*, 269.

1463. Antiquity did nothing without a good cause.

NIL SINE PRUDENTI FECIT RATIONE VETUSTAS.

1464. Nothing is so peculiar to empire and liberty as to live in accordance with law.

NIL TAM PROPRIUM IMPERII AC LIBERTATIS QUAM LEGIBUS VIVERE.—*H.* 103.

1465. Let nothing be rashly changed.

NIL TEMERE NOVANDUM.—*Jenk. Cent.* 163.

1466. Nothing is useful or honorable which is contrary to the laws.

NIL UTILE AUT HONESTUM QUOD LEGIBUS CONTRARIUM.—*H.* 103.

1467. Too great certainty destroys certainty itself.

NIMIA CERTITUDO CERTITUDINEM IPSAM DESTRUIT.—*H.* 104.

1468. The law does not allow of a captious and strained intendment; for such nice pretense of certainty confounds true and legal certainty.

NIMIA SUBTILITAS IN JURO REPROBANTUR; ET TALIS CERTITUDO CERTITUDINEM CONFUNDIT.—4 *Rep.* 5 (*Broom*, 187),

1469. Through too much altercation the truth is lost.

NIMIUM ALTERCANDO VERITAS AMITTITUR.—*Hob.* 344.

1470. The higher classes are more punished in money; the lower, in person.

NOBILIS MAGIS PLECTANTUR PECUNIA; PLEBES VERO IN CORPore.—3 *Inst.* 220.

1471. In cases of doubt, the more generous and the more benign presumptions are to be preferred.

NOBILIORES ET BENIGNIORES PRÆSUMPTIONES IN DUBIIS SUORUM PROFERRE POSSUNT.—2 *Inst.* 595.

1472. There are two sorts of nobility—a higher and a lower.

NOBILITAS EST DUPLEX—SUPERIOR ET INFERIOR.—2 *Inst.* 583.

1473. That which is expressed may injure; but that which is not expressed can not injure.

NOCENT EXPRESSA; NON EXPRESSA NON NOCENT.—*Riley*, 116.

1474. A name is, as it were, the note of a thing.

NOMEN EST QUASI REI NOTAMEN.—11 *Rep.* 20.

1475. The name is not sufficient, if the thing exists not either by law or fact.

NOMINA NON SUFFICIT, SI RES NON SIT DE JURE AUT DE FACTO.—4 *Rep.* 107.

1476. If you know not the names of things, the knowledge of things themselves perishes; and if you lose the names of things, the distinction between the things is certainly lost.

NOMINA SI NESCIIS PERIT, COGNITO RERUM; ET NOMINA SI PERDAS, CERTE DISTINCTO RERUM PERDITUR.—*Co. Litt.* 86.

1477. Names are the symbols of things.

NOMINA SUNT SYMBOLA RERUM.—*Godf.*

1478. Words which may have true meanings assigned to them, agreeably to the context, ought not to have false ones given to them.

NON ACCIPI DEBENT VERBA IN DEMONSTRATIONEM FALSAM QUÆ COMPETUNT IN LIMITATIONEM VERAM.—*Bac. Max.*

1479. He does not alienate who merely omits possession.

NON ALIENAT QUI DUNTAXAT OMITTIT POSSESSIONEM.—*H. 104.*

1480. No one is to be punished otherwise than according to his sentence.

NON ALIO MODO PUNIATUR ALIQUIS QUAM SECUNDUM QUOD SE HABET CONDEMNATIO.—3 *Inst.* 217.

1481. The ordinary meaning of words ought not to be departed from, except where it appears manifest that the testator understood or used them in another sense.

NON ALITER A SIGNIFICATIONE VERBORUM RECEDI OPORTET QUAM CUM MANIFESTUM EST ALIUD SENSISSE TESTATOREM.—*Tray.* 381.

1482. Nothing can be said to be lost which is afterwards recovered for.

NON AUTEM DEPERDITÆ DICUNTUR SI POSTEA RECUPERANTUR.—*Taylor,* 285.

1483. The perjuries of witnesses hired dishonestly are dangerous, since they are for sale to the highest bidder.

NON BENE CONDUCTI VENDUNT PERJURA TESTES.—*Riley,* 274.

1484. He is not snared who follows public right.

NON CAPITUR QUI JUS PUBLICUM SEQUITUR.—*H. 104.*

1485. The reference is not to be believed, unless the thing referred to is otherwise proved or certain.

NON CREDITUR REFERENTI, NISI CONSTET DE RELATO.—*Tray.* 381.

1486. The law regards a crime as working a public evil; not merely as a wrong by itself or as a private loss.

NON CRIMEN PER SE NEQUE PRIVATUM DAMNUM, SED PUBLICUM MALUM, LEGES SPECTANT.—*H.* 105.

1487. Summonses ought not to be granted until it is expressed in what matter the summons is sought to be issued.

NON CONCEDANTUR CITATIONES PRIUSQUAM EXPRIMATUR SUPER QUA RE FIERI DEBET CITATIO.—12 *Rep.* 47.

1488. He who errs does not consent.

NON CONSENTIT QUI ERRAT.—*Bract.* 44.

1489. He does not give who gives contrary to law.

NON DAT QUI CONTRA LEGES DAT.—*H.* 105.

1490. That can not be pleaded as an exception or defense in bar which is itself in question.

NON DEBET ADDUCI EXCEPTIO EJUSDEM REI CUJUS PETITUR DISSOLUTIO.

1491. That which is not allowed to the defender shall not be permitted to the pursuer.

NON DEBET ACTORI LICERE QUOD RES NON PERMITTITUR.—*H.* 105.

1492. No one ought to be put in an unfair position by the act of another.

NON DEBET ALTERI PER ALTERUM INIQUA CONDITIO INFERRI.—*Tray.* 383.

1493. He is not deceived who knows himself to be deceived.

NON DECIPITUR QUI SCIT SE DECIPI.—5 *Rep.* 60.

1494. One can not be in a better condition as to his title than the grantor whose title he takes.

NON DEBET MELIORIS CONDITIONIS ESSE QUAM AUCTOR MEUS A QUO JUS IN ME TRANSIT.—*D.* 50, 17, 175, §1.

1495. It should not be forbidden for that one to do the lesser act who may lawfully do the greater.

NON DEBET CUI PLUS LICET QUOD MINUS EST NON LICERE.—*Broom*, 76.

1496. That which seems necessary for the king and the State ought not to be said to tend to the prejudice of spiritual liberty.

NON DEBET DICI TENDERE IN PRÆJUDICIUM ECCLÉSIASTICÆ LIBERTATIS QUOD PRO REGE ET REPUBLICA NECESSARIUM VIDETUR.—2 *Inst.* 625.

1497. He who, when present, refuses to defend himself is regarded as submitting.

NON DEFENDERE VIDETUR QUI, PRÆSENS, NEGAT SE DEFENDERE.—*H.* 106.

1498. The law does not define what an attempt is.

NON DEFINITUR IN JURE QUID SIT CONATUS.—6 *Rep.* 41.

1499. A warranty of title is implied on the part of a vendor; so that, in case of eviction, an action for damages lies against him by the vendee.

NON DUBITANTUR, ETSI SPECIALITUR VENDITOR EVICTIONEM NON PROMISERIT, RE EVICTA EX EMPTO COMPETERE ACTIONEM.—*C.* 8, 45, 6; *Broom*, 768.

1500. The intention fulfills nothing unless an effect follows; but in the deeper delinquencies the intention is punished, although an effect follow not.

NON EFFICIT AFFECTUS NISI SEQUATUR EFFECTUS; SED IN ATROCIONIBUS DELICTIS PUNITUR AFFECTUS, LICET NON SEQUATUR EFFECTUS.—2 *Rol. R.* 89.

1501. In every argument, more respect is to be had to reason than to authority.

NON ENIM TAM AUCTORITATIS IN DISPUTANDO, RATIONIS MOMENTA QUÆRENDA SUNT.—*Tayler*, 286.

1502. There is no tighter bond among mankind than an oath.

NON EST ARCTIUS VINCULUM INTER HOMINES QUAM IUSIURANDUM.—*Jenk. Cent.* 126.

1503. 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 CONSONUM RATIONI QUOD COGNITIO ACCESSARII IN CURIA CHRISTIANITATIO IMPEDIATUR, UBI COGNITIO CAUSÆ PRINCIPALIS AD FORUM ECCLESIASTICUM NOSCITUR PERTINERE.—12 *Rep.* 65.

1504. The custody of the affairs of the republic is not to be delegated to improper persons.

NON EST DELEGANDA REIPUBLICÆ CURA PERSONÆ NON IDONEÆ.—*H.* 106.

1505. We can not dispute against a man who denies first principles.

NON EST DISPUTANDUM CONTRA PRINCIPIA NEGANTEM.—*Co. Litt.* 343.

1506. The king is not rich when his subjects are poor.

NON EST DIVES REX UBI SUBDITI PAUPERES.—*H.* 106.

1507. It is not the king, but the law, which rules.

NON EST ENIM REX DOMINATUR VOLUNTAS, ET NON LEX.—*H.* 163.

1508. To be held by terms to which we have not consented is not law, but servitude.

NON EST LEX, SED SERVITUS, AD TENERE QUIBUS NON CONSENSERIS.—*H.* 106.

1509. It is no new doctrine that prior laws are drawn to, and controlled by, those which are enacted later.

NON EST NOVUM UT PRIORES LEGES AD POSTERIORES TRAHANTUR.—*Broom*, 28.

1510. Things which once were salutary may endure, even though their origin is inconsistent with other things which also endure.

NON EST NOVUM UT QUÆ SEMEL CONSTITUTA SUNT DURENT, LICET ILLE CASUS EXTITERIT A QUO INITIUM CUPERE NON POTUERINT.—*H.* 106.

1511. There is no rule which may not fail.

NON EST REGULA QUIN FALLAT.—*Of. Ex.* 212.

1512. That is not to be allowed to individuals which can be publicly done by a magistrate, lest it lead to greater confusion.

NON EST SINGULIS CONCEDENDUM QUOD PER MAGISTRATUM PUBLICE POSSIT FIERI, NE OCCASIO SIT MAJORIS TUMULTUS FACIENDI.—*D.* 50, 17, 176.

1513. Friends, not armies nor treasuries, are the safeguards of a State.

NON EXERCITUS NEQUE THESAURI, PRESIDIA REGNI SUNT VERUM AMICI.—*Riley*, 278.

1514. Things ought to be designated not from the opinions of the few, but from the customs of the many.

NON EX OPINIONIBUS SINGULORUM, SED EX COMMUNI USU, NOMINA EXAUDIRE DEBENT.—*D.* 33, 10, 7, § 2.

1515. Things are to be judged not by examples, but by laws.

NON EXEMPLIS, SED LEGIBUS, JUDICANDUM.—*Tray.* 383.

1516. You are not to do evil that thence good may arise.

NON FACIAS MALUM UT INDE VENIAT BONUM.—11 *Rep.* 74.

1517. A derogatory clause does not prevent obligations from being abrogated by the same authority which gave them validity.

NON IMPEDIT CLAUSULA DEROGATORIA QUO MINUS AB EADEM POTESTATE RES DISSOLVANTUR A QUA CONSTITUUNTUR.—*Tray.* 384.

1518. The laws consist not in being read, but in being understood.

NON IN LEGENDO, SED IN INTELLIGENDO, LEGES CONSISTUNT.—8 *Rep.* 167.

1519. The fountain of the law is not in the statutes, but in the hearts of the people.

NON IN TABULIS EST JUS.—10 *East.* 60.

1520. The law does not arise from the rule, but the rule from the law.

NON JUS EX REGULA, SED REGULA EX JURE.—*Tray.* 384.

1521. It is not the right, but the seisin, which makes a person the stock from which the inheritance must descend.

NON JUS, SED SEISINA, FACIT STIPTEM.—*Fleta, lib. vi. c. 14* (*Broom, 525*).

1522. That which is permitted at a loss is not permitted.

NON LICET QUOD DISPENDIO LICET.—*Co. Litt.* 127.

1523. To wish to betray the law is to attempt the destruction of the State.

NON MINOR EST PROBITIO LEGIS QUAM REGEM VELLE PERDERE.
—*H.* 107.

1524. Many punishments are as disgraceful to a prince as many funerals to a physician.

NON MINUS SUNT TURPIA PRINCIPI MULTA SUPPLICIA QUAM MEDICO MULTA FUNERA.—*H.* 107.

1525. It is not the disease, but the neglect to remedy it, which most frequently destroys.

NON MORBUS PLERUMQUE, SED CURATIO NEGLECTA INTERFICIT.
—*H.* 107.

1526. Those who want reason are not far removed from brutes.

NON MULTUM DISTANT A BRUTIS QUI RATIONE CARENT.—4
Rep. 126.

1527. When form is not observed, a failure of the action follows.

NON OBSERVATA FORMA, INFERTUR ANNULATIO ACTUS.—5
Co. Ecc. L. 98.

1528. The attempt is nothing, unless the consequences follow.

NON OFFICIT CONATUS NISI SEQUATUR EFFECTUS.—11 *Rep.* 98.

1529. Not every thing which the law permits is honorable.

NON OMNE QUOD LICET HONESTUM.—*Tray.* 385.

1530. There are some things which the master can not be permitted to allow to his servants.

NON OMNIO DOMINO IN SERVOS LICITA.—*H.* 107.

1531. It is not possible or convenient to give a reason for every thing decreed by our ancestors.

NON OMNIUM QUÆ A MAJORIBUS NOSTRIS CONSTITUITA SUNT RATIO REDDI POTEST.—*Broom*, 157.

1532. It belongs not to a secular judge to take cognizance of things purely spiritual.

NON PERTINET AD JUDICEM SECULAREM COGNOSCERE DE IIS QUÆ SUNT MERE SPIRITUALA ANNEXA.—2 *Inst.* 488.

1533. The burden of proving his ownership of any thing is not laid upon the possessor.

NON POSSESSORI INCUMBIT NECESSITAS PROBANDI POSSESSIONES AD SE PERTINERE.—*Broom*, 714.

1534. A matter, the validity of which is at issue in legal proceedings, can not be set up as a bar thereto.

NON POTEST ADDUCI EXCEPTIO EJUSDEM REI CUJUS PETITUR DISSOLUTIO.—*Bac. Max. Reg.* 2 (*Broom*, 166).

1535. That can not be proved which, when proved, is irrelevant.

NON POTEST PROBARI QUOD PROBATUM NON RELEVAT.—1 *Ex. Ch.* 91, 102.

1536. The king can not confer a favor on one subject which occasions injury and loss to others.

NON POTEST REX GRATIAM FACERE CUM INJURIA ET DAMNO ALIORUM.—3 *Inst.* 236 (*Broom*, 64).

1537. Nothing that is honorable is inappropriate.

NON POTEST SEPARARI DECORUM AB HONESTO.—*Riley*, 75.

1538. He is not to be regarded as giving who has nothing to give.

NON POTEST VIDERI DESISSE HABERE QUI NUNQUAM HABERIT.
—*D.* 50, 17, 208.

1539. There is no prescription against those rights which consist in the power of doing or not doing a certain thing.

NON PRÆSCRIBI POTEST REBUS MERÆ FACULTATIS.—*Tray.* 387.

1540. An impediment from which by law no consequence arises avails nothing.

NON PROESTAT IMPEDIMENTUM QUOD DE JURE NON SORTITUR EFFECTUM.—*Jenk. Cent.* 162.

1541. The law looks to the manner of the doing, not to the doer.

NON QUO, SED QUOMODO.—*Tayler*, 289.

1542. The law regards not what has been said, but what has been done.

NON QUOD DICTUM EST, SED QUOD FACTUM, EST INSPICITUR.—*Tray.* 387; *Co. Litt.* 36n.

1543. The law will not refuse to descend to the minutest details.

NON RECUSAT AD MINORA DIMITTERE LEX.—*Riley*, 7.

1544. It matters not whether a man gives assent by his words or by his acts and deeds.

NON REFERT AN QUIS ASSENSUM SUUM PRÆFERT VERBIS AN REBUS IPSIS ET FACTIS.—10 *Rep.* 52.

1545. It matters not what is known to a judge, if it be not judicially known to him.

NON REFERT QUID NOTUM SIT JUDICII, SI NOTUM NON SIT IN FORMA JUDICII.—3 *Bulst.* 115.

1546. It matters not which of two equivalents happens.

NON REFERT QUID EX ÆQUIPOLLENTIBUS FIAT.—5 *Rep.* 122.

1547. It matters not whether a revocation is made by words or deeds.

NON REFERT VERBIS AN FACTIS FIT REVOCATIO.—*Cro. Car.* 49.

1548. A minor shall not answer, except in case of dower, and this in favor of the dower.

NON RESPONDEBIT MINOR, NISI IN CAUSA DOTIS, ET HOC PRO FAVORE DOTI.—4 *Rep.* 71.

1549. It is not error which abounds, and with which we become familiar, which vitiates writings.

NON SOLENT QUÆ ABUNDANT VITIARE SCRIPTURAS.—*Broom,* 627*n.*

1550. Those who contest a suit do not make their condition worse than if they had not, but rather better.

NON SOLET DETERIOR CONDITIO FIERI EORUM QUI LITEM CONTESTATI SUNT QUAM SI NON, SED PLERUMQUE MELIOR.—*H.* 107.

1551. There is no prolixity where nothing can be spared.

NON SUNT LONGA UBI NIHIL EST QUOD DEMERE POSSIS.—*Vaugh.* 138.

1552. A rule of law is formed from the law of cases, not the law from the rule.

NON UT EX REGULA JUS SUMATUR, SED EX JURE QUOD EST REGULA FIAT.—*L. 1 ff. de Reg. Jur. Aut.*

1553. Confirmation is not valid, unless he who confirms is either in possession of the thing itself or of the right of which confirmation is to be made, and in like manner, unless he to whom confirmation is made is in possession.

NON VALET CONFIRMATIO, NISI ILLO QUI CONFIRMAT SIT IN POSSESSIONE REI VEL JURIS UNDE FIERI DEBET CONFIRMATIO, ET EODEM MODO, NISI ILLE CUI CONFIRMATIO FIT SIT IN POSSESSIONE.—*Co. Litt.* 295.

1554. An impediment which does not obtain effect from the law is not valid.

NON VALET IMPEDIMENTUM QUOD DE JURE NON SORTITUR EFFECTUM.—*H.* 108.

1555. He is not regarded as having obtained his right who, by exception, is removed from making his request.

NON VIDETUR CEPISSE QUI, PER EXCEPTIONEM, A PETITIONE REMOVETUR.—*H.* 108.

1556. They who are in error are not to be regarded as consenting.

NON VIDENTUR QUI ERRANT CONSENTIRE.—*Tray.* 388.

1557. They to whom property has never belonged can not be regarded as having lost it.

NON VIDETUR QUISQUAM ID CAPERE QUOD EI NECESSE EST ALII RESTITUERE.—*H.* 108.

1558. They to whom a thing never belonged can not be said to have lost it.

NON VIDENTUR REM AMITTERE QUIBUS PROPRIA NON FUIT.—*Dig.* 50, 17, 83.

1559. They who commit a mistake do not appear as consenting.

NON VIDENTUR QUI ERRANT CONSENTIRE.—*Broom*, 626.

1560. He does not appear to have retained consent who has changed any thing through menaces.

NON VIDETUR CONSENSUM RETINUISSE SI QUIS EX PRÆSCRIPTIO MINANTIS ALIQUID IMMUTAVIT.—*Bacon*.

1561. The meaning of a word may be ascertained by reference to the meaning of words associated with it.

NOSCITUR A SOCIIS.—3 *T. R.* 87 (*Broom*, 588).

1562. He who can not be known from himself may be known from his associates.

NOSCITUR EX SOCIO QUI NON COGNOSCITUR EX SE.—*Moor*, 817.

1563. A bastard is the son of nobody.

NOTHUS EST NULLIUS FILIUS.—*H.* 109.

1564. A legislative enactment ought to be prospective, not retrospective, in its operation.

NOVA CONSTITUTIO FUTURIS FORMAM IMPONERE DEBET, NON PRÆTERITIS.—2 *Inst.* 292 (*Broom*, 35).

1565. A novation is not presumed.

NOVATIO NON PRÆSUMITUR.—*H.* 109.

1566. Novelty disturbs more by its novelty than it benefits by its utility.

NOVITAS NON TAM UTILITATE PRODEST QUAM NOVITATE PERTURBAT.—*Jenk. Cent.* 167.

1567. A new adjudication does not lay down a new law, but declares the ancient law; for a trial is a declaring of the law, and by a judgment the law is revealed anew which for a season has been veiled.

NOVUM JUDICIUM NON DAT NOVUM JUS, SED DECLARAT ANTIQ-
UUM; QUIA JUDICIUM EST JURIS DICTUM, ET PER JUDICIUM
JUS EST NOVITER QUOD DIU FIAT VELATUM.—10 *Rep.* 42.

1568. Guilt follows the person.

NOXA SEQUITUR CAPUT.—*Jur. Civ.*

1569. No contract arises from a naked agreement.

NUDA PACTIO OBLIGATIONEM NON PARIT.—*Broom*, 746.

1570. Where there is no other consideration than the agreement itself, the contract is naked, and obligeth not; only where there is a consideration, is there an obligation which will give a right of action.

NUDUM PACTUM EST UBI NULLA SUBEST CAUSA PRÆTER CONVENTIONEM; SED UBI SUBEST CAUSA, FIT OBLIGATIO ET PARIT ACTIONEM.—*Plowd.* 309.

1571. A mere naked agreement will not support an action.

NUDUM PACTUM INEFFICAX AD AGENDUM.—*Tray.* 392.

1572. Trifles lead to serious mischief.

NUGÆ IN SERIA MALA DUCUNT.—*Tayler*, 171.

1573. No grant, no sale, no gift is valid, unless the donor, at the time of the contract, is seized of two rights, viz.: the right of possession and the right of property.

NUL CHARTER, NUL VENDE, NE NUL DONE VAULT PERPETUALMENT, SI LE DONOR N'EST SIEZE AL TEMPS DE CONTRACTS DE 2 DROITS, SC.: DEL DROIT DE POSSESSION ET DEL DROIT DE PROPRIÉTÉ.—*Co. Litt.* 266.

1574. No one shall take advantage of his own wrong.

NUL PRENDRA AVANTAGE DE SON TORT DEMESNE.—2 *Inst.* 713.

1575. No one shall have error or attain, unless he have sustained damage.

NUL SANS DAMAGE AVERA ERROR OU ATTAINT.—*Jenk. Cent.* 323.

1576. No court which has not a record can impose a fine or commit any person to prison; these powers belong only to courts of record.

NULLA CURIA QUÆ RECORDUM NON HABET POTEST IMPONERE FINEM NEQUE ALIQUEM MANDARE CARCERI; QUIA ISTA SPECANT TANTUMODO AD CURIAS DE RECORDO.—8 *Rep.* 60.

1577. No doctrine is so false but it may be mixed up with some truth.

NULLA FALSA DOCTRINA EST QUÆ NON PERMISCEAT ALIQUID VERITAS.

Thus a perjury may be partly founded on fact, which may make it all the more dangerous.

1578. Impossibilities or dishonesty are not to be presumed, but rather honesty, truth, and possibility.

NULLA IMPOSSIBILIA AUT INHONESTA SUNT PRÆSUMENDA, VERA AUTEM, ET HONESTA, ET POSSIBILIA.—*Co. Litt.* 178.

1579. No contract can stipulate that one is not to be held responsible for his own fraud or dole.

NULLA PACTIO NE EFFICI POTEST UT DOLOS PRÆSTETUR.—*Broom*, 696.

1580. There can be no capital punishment, or form of punishment destructive either to the individual or his property, which is not established by law before the fact.

NULLA PÆNA CAPITIS NULLA QUÆ HOMINUM REMVE EJUS DESTRUAT ESSE POTEST NISI LEGIBUS PRÆFINITA.—*H.* 109.

1581. No one's property can be under a servitude to himself.

NULLI RES SUA SERVIT JURE SERVITUTIS.—*Tray.* 394.

1582. Nothing binds the State more firmly together than the honesty of its citizens.

NULLA RES VEHEMENTIUS REMPUBLICAM CONTINET QUAM FIDES.—*H.* 110.

1583. No fee, no land.

NULLA SASINA, NULLA TERRA.—*Tray.* 394.

1584. There should be no long delay in matters involving human life.

NULLA UNQUAM DE MORTE HOMINIS CUNCTATIO LONGA EST.—*H.* 110.

1585. Justice and right shall be sold, denied, or delayed to no one.

NULLI VENDEMUS, NULLI NEGABIMUS, AUT DIFFERIMUS JUSTITIAM VEL RECTUM.—*H.* 110.

1586. Without modesty, no virtue, no knowledge, can preserve its place and dignity.

NULLA VIRTUS, NULLA SCIENTIA, LOCUM SUUM ET DIGNITATEM CONSERVARE POTEST SINE MODESTIA.—*Co. Litt.* 394.

1587. No one's written deed can derogate from the laws.

NULLIUS CHARTA LEGIBUS POTEST DEROGARE.—*H.* 110.

1588. The authority of no man ought to prevail with us so that we should not adopt better things if another bring them.

NULLIUS HOMINIS AUCTORITAS APUD NOS VALERE DEBET UT MELIORA NON SEQUEREMUR SI QUIS ATTULERIT.—*Co. Litt.* 383.

1589. There is no evil greater than anarchy.

NULLUM ANARCHIA MAJUS EST MALUM.—*Riley*, 263.

1590. No crime is greater than disobedience.

NULLUM CRIMEN MAJUS EST INOBEDIENTIA.—*Jenk. Cent.* 77.

1591. He who fails to prevent what it is not possible for him to prevent is guilty of no crime.

NULLUM CRIMEN PATITUR IS QUI NON PROHIBET CUM PROHIBERE NON POTEST.—*H.* 110.

1592. There is no loss without a remedy.

NULLUM DAMNUM SINE REMEDIO.—*H.* 110.

1593. No example is the same in every part.

NULLUM EXEMPLUM EST IDEM OMNIBUS.—*Co. Litt.* 212.

1594. No iniquity is to be presumed in law.

NULLUM INIQUUM EST PRÆSUMENDUM IN JURE.—7 *Rep.* 71.

1595. No medicine is equally effective upon all.

NULLUM MEDICAMENTUM EST IDEM OMNIBUS.—*Co. Litt.* 317.

**1596. No like is identical, unless it run on all fours
(and then it is not like, but identical).**

NULLUM SIMILE EST IDEM, NISI QUATUOR PEDIBUS CURRIT.—
G. 467 — cited; *Co. Litt.* 3a., where the *nisi quatuor pedibus currit* is added.

1597. Lapse of time does not bar the right of the crown.

NULLUM TEMPUS OCCURRIT REGI.—2 *Inst.* 273 (*Broom*, 65).

1598. No time or place affects the State.

But see 9 *Geo. III.*, c. 16; 32 *Geo. III.*, c. 58; and 7 *Wm. III.*, c. 3,
which bind the crown.—WHART.

NULLUM TEMPUS AUT LOCUS OCCURRIT REIPUBLICÆ.—*Br.* 139.

**1599. No other than the king can command the bishop
to make an inquisition.**

NULLUS ALIUS QUAM REX POSSIT EPISCOPO DEMANDARE IN-
QUISITIONEM FACIENDAM.—*Co. Litt.* 134.

1600. No man may take advantage of his own wrong.

NULLUS COMMODUM CAPERE POTEST DE INJURIA SUA PROPRIA.
—*Co. Litt.* 148c. (*Broom*, 279).

**1601. No one is called an accessory after the fact but
he who knew the principal to have committed a
felony, and received and comforted him.**

NULLUS DICITUR ACCESSORIUS POST FELONIAM SED ILLE QUI
NOVIT PRINCIPALEM FELONIAM FECISSE, ET ILLUM RECEPTA-
VIT ET COMFORTAVIT.—3 *Inst.* 138.

- 1602.** No one is called a principal felon except the party actually committing the felony, or the party present, aiding and abetting in its commission.

NULLUS DICITUR FELO PRINCIPALIS NISI ACTOR, AUT QUI PRÆSENS EST, ABBETTANS AUT AUXILIANS AD FELONIAM FACIENDAM.—*Whart.*

- 1603.** No man can forfeit another's right.

NULLUS JUS ALIENUM FORISFACERE POTEST.—*Fleta*, 1, 28, § 11.

- 1604.** No freeman shall be taken, imprisoned, or exiled, or in any other manner destroyed, save by the lawful judgment of his peers, or by the law of the land.

NULLUS LIBER HOMO CAPIATUR, VEL IMPRISONETUR, AUT EXULET, AUT ALIQUO ALIO MODO DESTRUATUR, NISI PER LEGALE JUDICIUM PARIUM SUORUM, VEL PER LEGEM TERRÆ.—*Magna Charta.*

- 1605.** No freeman shall be dispossessed of his freehold, save by the lawful judgment of his peers, or by the law of the land.

NULLUS LIBER HOMO DISSEISIETUR DE LIBERO TENEMENTO SUO, NISI PER LEGALE JUDICIUM PARIUM SUORUM, VEL PER LEGEM TERRÆ.—*Magna Charta.*

- 1606.** Let no one depart from the court of chancery without a remedy.

NULLUS RECEDAT E CURIA CANCELLARIA SINE REMEDIO.—*4 H. 7, 4.*

- 1607.** No one appears to act with guile who uses his own right.

NULLUS VIDETUR DOLO FACERE QUI SUO JURE UTITUR.—*Broom*, 130.

- 1608.** A certain number is to be substituted for one which is uncertain.

NUMERUS CERTUS PRO INCERTO PONITUR.—*Tayler*, 295.

1609. Money is the measure of things to be exchanged.

NUMMUS EST MENSURA RERUM COMMUTANDARUM.—*Whart.*

1610. It is never too late in an action to show falsehood or forgery.

NUNQUAM CONCLUDITUR IN FALSO.—*Tray.* 397.

1611. The extent of a past dereliction ought never to be increased by a subsequent act.

NUNQUAM CRESCIT EX POST FACTO PRÆTERITI DELICTI ÆSTIMATIO.—*Tray.* 396 (*Broom*, 42).

1612. Recourse is never had to what is extraordinary in the way of remedies until what is ordinary fails.

NUNQUAM DECURRITUR AC EXTRAORDINARIUM SED UBI DEFICIT ORDINARIUM.—4 *Inst.* 84.

1613. That which is never sufficiently said is never said too much.

NUNQUAM NIMIS DICITUR QUOD NUNQUAM SATIS DICITUR.—*Co. Litt.* 375.

1614. Prescription is never founded in falsehood.

NUNQUAM PRÆSCRIBITUR IN FALSO.—*H.* 112.

1615. Human affairs never prosper when divine affairs are neglected.

NUNQUAM RES HUMANÆ PROSPERE SUCCEDUNT UBI NEGLIGUNTUR DIVINÆ.—*Co. Litt.* 15.

1616. Not cohabitation, but consent, makes the marriage.

NUPTIAS NON CONCUBITAS, SED CONSENSUS, FACIT.—*Co. Litt.* 33.

O

1617. On account of evil report it is not usual, according to the law of the land, for any person to purge himself, unless he have been previously convicted, or confessed in open court.

OB INFAMIAM, NON SOLET JUXTA LEGEM TERRÆ, ALIQUIS PER LEGEM APPARENTEM SE PURGARE, NISI PRIUS CONVICTUS, VEL CONFESSUS IN CURIA.—*Glaw. l. 14, c. II.*

1618. The embarrassment of a witness proceeds from his respect for an oath and his dread of perjury.

OB REVERENTIAM PERSONARIUM ET METUM PERJURII.—*H. 113.*

1619. Obedience is the essence of the law.

OBEDIENTIA EST LEGIS ESSENTIA.—11 *Rep.* 100a.

1620. A reasonable custom is to be obeyed as a law.

OBTEMPERANDUM EST CONSUETUDINI RATIONABILI TANQUAM LEGI.—4 *Rep.* 38.

1621. The concealment of discovered treasure is fraudulent.

OCCULTATIO THESAURI INVENTI FRAUDULOSA.—3 *Inst.* 133.

1622. Let a judge be free from hatred and love.

ODIO ET AMORE JUDEX CAREAT.—*H. 113.*

1623. Good men hate sin, through love of virtue; bad men, through fear of punishment.

ODERUNT PECCARE BONI, VIRTUTIS AMORE; ODERUNT PECCARE MALI, FORMIDINE PŒNÆ.—*Whart.*

1624. Punishments ought never to fall beyond the guilty parties so as to touch the innocent.

Fleta, 1, 1, 38, § 12.

1625. Odious and dishonest things are not to be presumed in law; and in an act which partakes both of good and bad, the presumption should be more in favor of what is good than of what is bad.

ODIOSA ET INHONESTA NON SUNT IN LEGE PRÆSUMENDA; ET IN FACTO QUOD SE HABET AD BONUM ET MALUM, MAGIS DE BONO QUAM DE MALO PRÆSUMENDUM EST.—*Co. Litt.* 78.

1626. Judicial offices are not granted before they are vacant.

OFFICIA JUDICIALIA NON CONCEDANTUR ANTEQUAM VACENT.—*11 Rep.* 7.

1627. The office of magistrate ought not to be sold.

OFFICIA MAGISTRATUS NON DEBET ESSE VENELIA.—*Co. Litt.* 234.

1628. An office ought to be injurious to no one.

OFFICIUM NEMINI DEBET ESSE DAMNOSUM.—*Whart.*

1629. The attempt becomes of consequence, if the effect follow.

OFFICET CONATUS, SI EFFECTUS SEQUATUR.—*Jenk. Cent.* 55.

1630. The arbitrator looks to equity between the parties; the judge, to the law of the land.

‘Ο γὰρ διαιτητῆς τὸ ἐπιεικὲς ὁρᾷ, ὁ δὲ δικάστῆς τὸν νόμον.—*Aristotle.*

1631. Evil communications corrupt good manners.

“Ομιλῖαι κακαὶ φθείρουσαν ἡθῆν χρησθα.—*Menander.*

Quoted by St. Paul, 1 Cor. xv., 33.

1632. The omission of those things which are silently understood is of no consequence.

OMISSIO EORUM QUÆ TACITÆ INSUNT NIHIL OPERATUR.—*2 Bulst.* 131.

1633. Every act is to be estimated by the intention of the doer: the cause of vice and virtue proceeds from the will.

OMNE ACTUM AB INTENTIONE EST JUDICANDUM: A VOLUNTATE PROCEdit CAUSA VITIi ATQUE VIRTUTIS.—*Jur. Civ.*

1634. Every animate thing loves itself first, and seeks its own safety first of all.

OMNE ANIMÆ SEIPSUM DILIGIT.—*Cic.*

1635. Every body is subject to change: nothing mortal is immutable.

OMNE CORPUS MUTABILE EST: ITA EFFECITUR UT OMNE CORPUS MORTALE SIT.—*Cic.*

1636. Drunkenness both kindles and uncovers every crime.

OMNE CRIMEN EBRIETAS ET INCENDIT ET DETEGIT.—*Co. Litt.* 247.

1637. Every law either commands consent, creates a necessity, or confirms a custom.

OMNE JUS AUT CONSENSUS FECIT, AUT NECESSITAS CONSTITUIT, AUT FIRMAVIT CONSUETUDO.—*Broom*, 602*n.*

1638. Every law and every action is finished and circumscribed by the time of the injury.

OMNE JUS ET OMNIS ACTIO INJURIAM TEMPORE FINITA ET CIRCUMSCRIPTA SUNT.—*H.* 114.

1639. The greater contains or embraces the lesser.

OMNE MAJUS CONTINET IN SE MINUS, MINUS IN SE COMPLECTITUR.—*Jenk. Cent.* 208; 5 *Rep.* 115 (*Broom*, 173).

1640. The more worthy embraces in itself the less worthy.

OMNE MAJUS DIGNUM CONTINET IN SE MINUS DIGNUM.—*Co. Litt.* 43.

1641. Every thing more worthy draws to it the less worthy, although the less worthy be the more ancient.

OMNE MAGUS DIGNUM TRAHIT AD SE MINUS DIGNUM, QUAMVIS MINUS DIGNUM SIT ANTIQVIUS.—*Co. Litt.* 355.

1642. Every evil at its birth is easily rooted out; when grown old, it mostly becomes stronger.

OMNE MALUM NOCENS FACILE OPPRIMITUR; INVETERATUM FIT PLERUMQUE ROBUSTIUS.—*Cic.*

1643. Every excess becomes a vice.

OMNE NIMIUM VERTITUR IN VITIUM.—*Riley*, 306.

1644. Whatever is built upon the realty becomes a part of the realty.

OMNE QUOD SOLO INÆDIFICANTUR SOLO CEDIT.—*Broom*, 401.

1645. Every will is completed by death.

OMNE TESTAMENTUM MORTE CONSUMMATUM EST.—3 *Rep.* 29.

1646. It behooves all good men to avoid suspicion.

OMNES BONOS ACCUSARE ADDOCET SUSPICIONEM.—*Riley*, 307.

1647. Every word sincerely spoken will constitute an obligation.

OMNE VERBUM DE ORE FIDELI CADIT IN DEBITUM.—*Tray.* 404.

1648. All subjects are bound to defend the State with all their lives and all their possessions.

OMNES IN DEFENSIONEM REIPUBLICÆ VITA BONISQUE OMNIBUS CIVES TENENTUR.—*H.* 114.

1649. Every one has liberty to renounce those rights which have been granted in his favor.

OMNES LICENTIAM HABENT HIS QUÆ PRO SE INDULTA RENUNCIARE.—*Bröom*, 699.

1650. All sisters are, as it were, one heir to one inheritance.

OMNES SORORES SUNT QUASI UNUS HÆRES DE UNI HÆREDITATE.—*Co. Litt.* 67.

1651. All subjects are the king's servants.

OMNES SUBDITI SUNT REGIS SERVI.—*Jenk. Cent.* 126.

1652. All crimes done openly are lighter.

OMNIA DELICTA IN APERTO LEVIORA SUNT.—8 *Rep.* 127.

1653. The laws approve all things agreeable to God, useful to men, honorable to the State, just and advantageous to private persons, and impose themselves upon every one according to his faculties.

OMNIA DEO GRATIA, HOMINIBUS UTILIA, REIPUBLICÆ HONESTA, PRIVATIS JUSTA, ET COMMODA PROBANT LEGES, ET PRO VIRIBUS CUIQUE IMPONUNT.—*H.* 114.

1654. Let all things be done honorably and in order.

OMNIA HONESTA ET ORDINE FIAN.—*H.* 115.

1655. All wantonness is contrary to law.

OMNIA LASCIVIA LEGIBUS VETITA.—*H.* 117.

1656. All things should be done freely and legally.

OMNIA LIBERE ET LEGALITER FACIENDA.—*Tayler*, 307.

1657. Every presumption is made against a wrong-doer.

OMNIA PRÆSUMUNTUR CONTRA SPOLIATOREM.—*Branch Max.* 5th Ed. p. 80 (*Broom*, 938).

1658. All things are presumed in hatred of the spoiler.

OMNIA PRÆSUMUNTUR IN ODIUM SPOLIATORIS.—*H.* 115.

1659. All things are presumed legitimately done until the contrary is proved.

OMNIA PRÆSUMUNTUR LEGITIME FACTA. DONEC PROBETUR IN CONTRARIUM.—*Co. Litt.* 232.

1660. All acts are presumed to have been rightly and regularly done.

OMNIA PRÆSUMUNTUR RITE ET SOLEMNITER ESSE ACTA.—*Co. Litt. c. 332 (Broom, 943).*

1661. All obligations imposed by law perish through a contrary law.

OMNIA QUÆ JURE CONTRAHUNTUR CONTRARIIS JURE PEREUNT.—*Tray.* 407.

1662. All things which require cognizance can not be explained in a memorial.

OMNIA QUÆCUNQUE CAUSÆ COGNITIONEM DESIDERANT PER LIBELLUM EXPEDIRE NON POSSUNT.—*H.* 115.

1663. All things which cause death, while in motion, become deodands.

OMNIA QUÆ MOVENT AD MORTEM SUNT DEODANDA.—*Taylor,* 307.

1664. All that we now consider as ancient was at one time new; and what we respect as examples, to-day, will in the future be received as precedents.

OMNIA QUÆ NUNC YETUSTISSIMA CREDUNTUR NOVA FUERE; ET QUOD HODIE EXEMPLIS TUEMUR INTER EXEMPLA ERIT.—*Taylor,* 308.

1665. All things which belong to the wife belong to the husband; the wife has not power over herself, but the power is the husband's.

(No longer universal.)

OMNIA QUÆ SUNT UXORIS SUNT IPSIUS VIRI; NON HABET UXOR POTESTATEM SUI, SED VIR.—*Co. Litt.* 112.

1666. The remedy of the law lies open to all within the kingdom who ask it.

OMNIBUS INFRA REGNUM ORANTIBUS LEGIS REMEDIUM PATET.—*H.* 117.

1667. Every action is a complaint.

OMNIS ACTIO EST LOQUELLA.

1668. Every conclusion of a good and true judgment arises from good and true premises and the words of juries.

OMNIS CONCLUSIO BONI ET VERI JUDICII SEQUITUR EX BONIS ET VERIS PRÆMISSIS ET DICTIS JURATOREM.—*Co. Litt.* 226.

1669. Every assent removes error.

OMNIS CONSENSUS TOLLIT ERROREM.—2 *Inst.* 123.

1670. Every disgraceful contract is odious to the laws.

OMNIS CONTRACTUS TURPITUDINIS LEGIBUS INVISUS.—*H.* 116.

1671. All definition in law is dangerous, since there is a chance of a definition being overturned.

OMNIS DEFINITIO IN JURE PERICULOSA EST, PARUM EST ENIM UT NON SUBVERTI POSSIT.—*Tray.* 409.

1672. Every uncondemned person is regarded innocent by the law.

OMNIS INDEMNATUS PRO INNOKIO LEGIBUS HABETUR.—*H.* 117.

1673. Every innovation disturbs more by its novelty than it does good by its utility.

OMNIS INNOVATIO PRO NOVITATE PERTURBAT QUAM UTILITATE PRODEST.—*Broom*, 147.

1674. Every interpretation is, if possible, so to be made in every instrument as to remove all contradictions.

OMNIS INTERPRETATIO, SI FIERI POTEST, ITA FIENDA EST IN INSTRUMENTIS UT OMNES CONTRARIETATIS AMOVEANTUR.—*Jenk. Cent.* 96.

1675. Every new enactment should affect the future, not the past.

OMNIS NOVA CONSTITUTIO FUTURIS TEMPORIBUS IMPONERE DEBET, NON PRÆTERITIS.—2 *Inst.* 95.

1676. Every privation supposes former enjoyment.

OMNIS PRIVATIO PRÆSUPPONIT HABITUM.—*Co. Litt.* 339.

1677. Every prohibition is equivalent to a command.

OMNIS PROHIBITIO MANDATO EQUIPARATUR.—*Taylor*, 308.

1678. Every complaint and every action for injuries ought to be limited within certain periods.

OMNIS QUERELA ET OMNIS ACTIO INJURIARUM LIMITATA EST INFRA CERTA TEMPORA.—*Co. Litt.* 114.

1679. Every ratification of an act already done has a retrospective effect, and is equivalent to a previous request to do it.

OMNIS RATIHABITIO RETROTRAHITUR ET MANDATO PRIORI EQUIPARATUR.—*Co. Litt.* 207.

1680. All things pertaining to the wife belong to the husband while the marriage continues.

OMNIA UXORIS DURANTE CONJUGIO MARITI SUNT.—*H.* 116.

1681. That which is given for all is made good by the contribution of all.

OMNIUM CONTRIBUTIONE SARCIAUTUR QUOD PRO OMNIBUS DATUM EST.—4 *Bing.* 121 (13 *E. C. L. R.*)

1682. There may be an abuse of every thing of which there is a use, virtue alone excepted.

OMNIUM RERUM QUARUM USUS EST POTEST ESSE ABUSUS, VIRTUTE SOLO EXCEPTA.—*Dav.* 79.

1683. Opinion is of two sorts, namely: common opinion, which springs up among grave and discreet men, and which has the appearance of truth; and opinion which springs up among light and foolish men, without the semblance of truth.

OPINIO EST DUPLEX: SCILICET OPINIO VULGARIS ORTA INTER GRAVES ET DISCRETOS, ET QUÆ VULTUM VERITATIS HABET; ET OPINIO TANTUM ORTA INTER LEVES ET VULGARES HOMINES, ABSQUE SPECIE VERITATIS.—4 *Rep.* 107.

1684. A thing certain must be brought to judgment.

OPORTET QUOD CERTA RES DEDUCATUR IN JUDICIUM.—*Jenk. Cent.* 84.

1685. It is right that given persons, lands, and estates should be comprehended in a declaration of uses.

OPORTET QUOD CERTÆ PERSONÆ, TERRÆ, ET CERTI STATUS COMPREHENDANTUR IN DECLARATIONE USUUM.—9 *Rep.* 9.

1686. Laws ought to be short, that they may be more readily comprehended by the unlearned.

OPORTET LEGEM BREVUM ESSES, QUO FACILIUS AB IMPERITIS TENEATUR.—*Riley*, 201.

1687. Things opposite are more conspicuous when placed together.

OPPOSITA JUXTA SE POSITA MAGIS ELUCESCUNT.—*Bacon*.

1688. It is desirable that those set in authority over the State shall be like the laws of the State, which, in inflicting punishment, are influenced not by anger, but by justice.

OPTANDUM EST UT II QUI PRÆSUNT REIPUBLICÆ LEGUM SIMILES SINT, QUÆ, AD PUNIENDUM, NON IRACUNDIA, SED ÆQUITATE DUCUNTUR.—*Cic.*

1689. That system of law is best which confides least to the discretion of the judge; that judge the best who relies least upon his own opinion.

OPTIMA EST LEX QUÆ MINIMUM RELINQUIT ARBITRIO JUDICIS;
OPTIMUS JUDEX QUI MINIMUM SIBI.—*Bac. Aph.* 46.

1690. The best evidence of the matter will prevail.

OPTIMA EVIDENTIA REI PRÆVALEBIT.—*Taylor*, 309.

1691. The best interpreter of a statute is (all the separate parts being considered) the statute itself.

OPTIMA STATUTI INTERPRETATRIX EST (OMNIBUS PARTICULIS
EJUSDEM INSPECTIS) IPSUM STATUTUM.—8 *Rep.* 117.

1692. The dead are the best counsellors.

OPTIMI CONSILIARII MORTUI.—*Riley*, 315.

1693. Usage is the best interpreter of things.

OPTIMUS INTERPRES RERUM USUS.—2 *Inst.* 282 (*Broom*, 917).

1694. The best interpretation is that which interprets laws so that they accord with each other.

OPTIMUS INTERPRETANDI MODUS EST SIC LEGES INTERPRETARI
UT LEGES LEGIBUS CONCORDAT.—8 *Rep.* 169.

1695. Custom is the best interpreter of laws.

OPTIMUS LEGUM INTERPRES CONSUETUDO.—4 *Inst.* 75.

1696. The order of pleading being preserved, right is preserved.

ORDINE PLACITANDI SERVATO, SERVATUR ET JUS.—*Co. Litt.*
303a.

1697. It is manifest that no one can, of his own will, free himself from the allegiance which he owes to the country of his birth.

EX ORIGINE PROPRIA NEMINEM POSSE VOLUNTATE SUA EXIMI MAN-
IFESTUM EST.—*Code*, 10, 384.

1698. The origin of a thing is to be sought for.

ORIGO RES-INSPICI DEBET.—1 *Rep.* 99.

1699. The mills of the gods grind late; but they grind exceeding fine.

Ὅψε θεῶν ἀλέουσι μύλοι, ἀλέουσι δὲ λεπτά.—*Old Greek Proverb.*

P

1700. Violence and injury are the things chiefly hostile to peace.

PACI SUNT MAXIME CONTRARIAS VIS ET INJURIA.—*Co. Litt.* 161.

1701. Compacts which are not illegal and do not originate in fraud must in all respects be observed.

PACTA CONVENTA QUÆ NEQUE CONTRA LEGES NEQUE DOLO MALO INITIA SUNT OMNI MODO OBSERVANDA SUNT.—*Broom*, 698.

1702. The stipulations of parties give the law to a contract.

PACTA DANT LEGEM CONTRACTUI.—*H.* 118.

1703. By the bargain of private persons nothing can be derogated from public law.

PACTA PRIVATA JURI PUBLICO DEROGARE NON POSSUNT.—7 *Rep.* 23.

1704. Agreements are confirmed by delivery.

PACTA TRADITIONE FIRMANTUR.—*H.* 175.

1705. The common law is not to be derogated from by the private contract of individuals.

PACTUS PRIVATORUM NON DEROGATUR JURE COMMUNI.—*Jenk. Cent.* 174.

1706. It is a part of established law that bargains have no force which are made against laws and constituted authorities; but are against good manners.

PACTA QUÆ CONTRA LEGES CONSTITUTIONESQUE VEL CONTRA BONOS MORES FIUNT NULLAM VIM HABERE, INDUBITATI JURIS EST.—*Broom*, 695.

1707. A compact the consideration of which was fraudulent is not to be observed.

PACTA QUÆ TURPEM CAUSAM CONTINENT NON SUNT OBSERVANDA.—*Broom*, 732.

1708. Mutual bargains bind both parties or neither.

PACTA RECIPROCA VEL UTROSQUE LIGANT VEL NEUTRUM.—*H.* 119.

1709. Some things are allowed by special agreement, not otherwise lawful.

PACTO ALIQUOD LICITUM EST QUOD SINE PACTE NON ADMITTITUR.—*Co. Litt.* 166.

1710. An agreement to grant a lease is equal to the lease itself.

PACTUM DE ASSEDATIONE FACIENDA ET IPSA ASSEDATIONE ÆQUIPARANTUR.—*Tray.* 417.

1711. The party wall is to remain intact for both tenements forever.

PARIES ONERI FERUNDO UTI NUNC EST ITA SIT.—*Tray.* 423.

1712. Equal has no power over equal.

PAR IN PAREM IMPERIUM NON HABET.—*Jenk. Cent.* 174.

1713. Those who repair to the wise are their equals in wisdom.

PAR SCIENTIÆ PARES CONTRAHENTER FACIT.—*H.* 119.

1714. Parent is a name general in every sort of relationship.

PARENS EST NOMEN GENERALE AD OMNE GENUS COGNATIONIS.
—*Co. Litt.* 80.

1715. The parents of a bastard are liable for his maintenance.

PARENTUM UT LIBEROS ALERE ETIAM NOTHOS.—*H.* 120.

1716. The virtue of the parent is the most valuable marriage-portion.

PARENTUM VIRTUS DOS EST MAXIMA.—*Tayler*, 312.

1717. Like things unite with like.

PARIA COPULANTUR PARIBUS.—*Bacon*.

1718. Where opinions are equal, the defendant is acquitted.

PARIBUS SENTENTIIS REUS ABSOLVITUR.—4 *Inst.* 64.

1719. Of things equal, the reason and the law is the same.

PARIUM EADEM EST RATIO EADEM JUS.—*Whart.*

1720. No one can rightly understand any part until he has read the whole over and over again.

PARTEM ALIQUAM RECTE INTELLIGERE NEMO POTEST ANTEQUAM
TOTUM ITERUM ATQUE ITERUM PERLEGERIT.—3 *Rep.* 52.

1721. Many parceners are as one body, inasmuch as they have but one right, and it is necessary that the body be perfect, and that there be a defect in no part.

PARTICIPES PLURES SUNT QUASI UNUM CORPUS, IN EO QUOD
UNUM JUS HABENT, ET OPORTET QUOD CORPUS SIT INTEGRUM,
ET QUOD IN NULLA PARTE SIT DEFECTUS.—*Co. Litt.* 4.

1722. The offspring of a legitimate bed knows not his mother more certainly than his father.

PARTUS EX LEGITIMO THORO NON CERTIUS NOSCIAT MATREM QUAM GENITOREM SUUM.—*Fortescue*, 42.

1723. The offspring follows the dam.

So the issue of a slave by a free father is a slave.

PARTUS SEQUITUR VENTREM.—2 *Bl. Com.* 390.

1724. Things differ not much which agree in substance.

PARUM DIFFERUNT QUÆ RE CONCORDANT.—2 *Bulst.* 86.

1725. It is not enough that sentence be given, unless it be carried into execution.

PARUM EST LATAM ESSE SENTENTIAM, NISI MANDATUR EXECUTIONI.—*Co. Litt.* 289.

1726. It is of but little avail to know what ought to be done, if you know not how it may be done.

PARUM PROFICIT SCIRE QUID FIERI DEBET, SI NON COGNOSCAS QUO MODO SIT FACIENDUM.—*H.* 120.

1727. He is the father whom the marriage indicates.

PATER EST QUEM NUPTIÆ DEMONSTRANT.—*Co. Litt.* 123.

1728. The father, mother, and son are of one flesh.

PATER, ET MATER, ET PUER SUNT UNA CARO.—*Br.* 107.

1729. The father is responsible for the misconduct of his child or his slave.

PATERFAMILIAS OB ALTERIUS CULPAM TENETUR SIVE SERVI SIVE LIBERI.—*Tayler*, 314.

1730. A jury ought not to be fatigued by labor and expenses.

PATRIA LABORIBUS ET EXPENSIS NON DEBET FATIGARI.—*Jenk. Cent.* 6.

1731. Parental authority ought to consist in affection, not in barbarity.

PATRIA POTESTAS IN PIETATE DEBET, NON IN ATROCITATE, CONSTITERE.—*Taylor*, 314.

1732. Our country should be dearer to us than ourselves.

PATRIAM DECET NOBIS CARIOREM ESSE QUAM NOSMETIPSOS.—*Cicero*.

1733. Endowment, building, and land make the patron.

PATRONUM FACIUNT DOS, ÆDIFICATIO, FUNDUS.—*Dod. Adv.* 7.

1734. Where the mind sins, and not the body (as in the case where reason is wanting), there is no punishment.

PECCAT MENS, NON CORPUS, ET UNDE CONSILIUM ABFUIT PŒNA ABEST.—*Riley*, 227.

1735. Crimes against nature are the most heinous of all.

PECCATA CONTRA NATURAM SUNT GRAVISSIMA.—*Inst.* 20.

1736. Let offenses bind the transgressors only, and let not the fear of punishment for them extend beyond the crime itself.

PECCATA SUOS TENEANT AUCTORES, NEC ULTERIUS PROGREDIATUR METUS QUAM REPERIATUR DELICTUM.—*Taylor*, 314.

1737. He who defends a wrong he has committed adds fault to fault.

PECCATUM PECCATO ADDIT QUI CULPÆ QUAM FACIT PATROCINIA DEFENSIONIS ADJUNGIT.—5 *Rep.* 49.

1738. An unjust judgment is worse than force.

PEJUS EST JUDICIO QUAM PER VIM INJUSTE FACERE.—*H.* 122.

1739. Nothing is to be changed during the pendency of a suit.

PENDENTE LITE NIHIL INNOVANDUM.—*Tray.* 430.

1740. The law which has been veiled for a time is revealed anew by a trial.

PER JUDICIUM JUS EST NOVITER REVELATUM QUOD DIU FIAT VELATUM.—*H.* 109.

1741. By reasoning, we arrive at the true meanings of things.

PER RATIONES, PERVENITUR AD LEGITIMAM RATIONEM.—*Litt.* s. 386.

1742. A rule of law must be applied duly to the proper cases; otherwise, it loses its force and has no significance.

PER REGULAM IGITUR BREVIS RERUM NARRATIO EST; QUÆ SIMUL CUM IN ALIQUO VITIATA EST PERDIT OFFICIUM SUUM.—*L.* 1 *ff. de Reg. Jur. Aut.*

1743. By various acts experience formed the law.

PER VARIOS ACTUS LEGEM EXPERIENTIA FECIT.—4 *Inst.* 50.

1744. Let one perish, rather than all.

PEREAT UNUS, NE PEREANT OMNES.—*H.* 122.

1745. That is to be accounted dangerous which is not warranted by the examples of good men.

PERICULOSUM ÆSTIMO QUOD BONORUM VIRORUM NON COMPROBATUR EXEMPLO.—9 *Rep.* 97.

1746. A year is the duration of the motion by which a planet revolves through its orbit.

PERVOLVAT QUO PLANETA SUUM CIRCULUM ANNUS MORA MOTUS EST.—*Bract.* 359*b*.

1747. It is dangerous to introduce strange and unusual things.

PERICULOSUM EST RES NOVAS ET INUSITATAS INDUCERE.—*H.* 122.

1748. The divine punishment of perjury is destruction;
the human punishment is disgrace.

PERJURII PŒNA DIVINA EXITIUM; HUMANA DEDECUS.—*H.* 123.

1749. Those vices of which the law takes no cognizance
are the most insidious and fatal.

PERIMUS LICITIS.—*Maxim of Sir Matthew Hale.*

1750. It is an everlasting law that no positive human
law shall be perpetual; and any part of an enact-
ment which purports to admit of no repeal is
void from the first.

PERPETUA LEX EST NULLAM LEGEM HUMANAM AC POSITIVAM
PERPETUAM ESSE; ET CLAUSULA QUÆ ABROGATIONEM EX-
CLUDIT AB INITIO NON VALET.—*Bac. Max. Reg.* 19.

1751. The law is opposed to perpetuities.

PERPETUITATIBUS LEX OBSISTIT.—*H.* 123.

1752. The interest of a man's kindred is equivalent in
law to his own.

PERSONA CONJUNCTA ÆQUIPARATUR INTERESSE PROPRIO.—
Bacon.

1753. The person of duke merges in that of king.

PERSONA REGIS MERGITUR PERSONA DUCIS.—*Jenk. Cent.* 160.

1754. Plain truths need not be proved.

PERSPICUA VERA NON SUNT PROBANDA.—*Co. Litt.* 16.

1755. That is perfect which wants nothing, according
to the measure of its perfection or nature.

PERFECTUM EST CUI NIHIL DEEST SECUNDUM SUÆ PERFECTIO-
NIS VEL NATURÆ MODUM.—*Hob.* 151.

1756. The risk of a thing sold, and not yet delivered, is
the purchaser's.

PERICULUM REI VENDITÆ, NONDUM TRADITÆ, EST EMPTORIS.—
Whart.

1757. They perjure themselves who, preserving the words of an oath, deceive the ears of those who receive it.

“Who keep the word of promise to the ear,
But break it to the hope.”—MACBETH.

PERJURI SUNT QUI, SERVATIS VERBIS JURAMENTI, DECIPIUNT
AURES EORUM QUI ACCIPIUNT.—3 *Inst.* 166.

1758. The interest of a personal connection is sometimes regarded in law as that of the person himself.

PERSONA CONJUNCTA EQUIPARATUR INTERESSE PROPRIO.—
Bac. Max. Reg. 18 (*Broom*, 532).

1759. A pirate is the enemy of the human race.

PIRATA EST HOSTIS HUMANI GENERIS.—3 *Inst.* 113.

1760. Pleas of trespass against the peace of the king, in the kingdom of England, made with force and arms, ought not, by the law and custom of England, to be pleaded without the king's writ.

PLACITA DE TRANSGRESSIONE CONTRA PACEM REGIS, IN REGNO
ANGLIÆ, VI ET ARMIS FACTA, SECUNDUM LEGEM ET CONSUE-
TUDINEM ANGLIÆ, SINE BREVI REGIS PLACITARI NON DEBENT.
—2 *Inst.* 311.

1761. The wills of superiors should conclude fitly.

PLACITA DEBENT APTE CONCLUDERE.—*H.* 124.

1762. The wills of superiors ought to be directly expressed, and to suppose nothing by way of induction or inference.

PLACITA EX DIRECTO ESSE DEBENT, ET NIL PER INDUCTIONEM
SUPPONE.—*H.* 124.

1763. Two negative wills produce no effect.

PLACITA NEGATIVA DUO EXITUM NON FACIUNT.—*H.* 124.

1764. Some edicts admit of delay; others are peremptory.

PLACITORUM ALIA DILATORIA, ALIA PEREMPTORIA.—*H.* 124.

1765. A lying will is no will.

PLACITUM MENDAX NON EST PLACITUM.—*H.* 124.

1766. No one can make a will void, unless by giving what is better.

PLACITUM NEMO CESSABIT, NISI MELIUS DANDO.—*H.* 125.

1767. Let full and speedy justice be done to all parties.

PLENA ET CELERIS JUSTITIA FIAT PARTIBUS.—4 *Inst.* 67.

1768. The whole body is capable of greater suffering than any one member.

PLURA CORPUS QUAM MEMBRA SUPPLICIA.—*Riley*, 8.

1769. The plural number is contained in two—i. e. in more than one.

PLURALIS NUMERUS EST DUOBUS CONTENTUS.—*Co. Litt.* 369a.

1770. Two or more persons can not each have, at the same time, an equal right to the same thing.

PLURES EANDEM REM IN SOLIDUM POSSIDERE NON POSSUNT.—*Tray.* 446.

1771. One eye witness is of more weight than ten who hearsay.

PLURES EST OCCULTATUS TESTIS UNUS QUAM AURITI DECEM.—*Taylor*, 321.

1772. More is to be feared from the physician than from the disease.

PLUS E MEDICO QUAM E MORBO PERICULI.—*Riley*, 523.

1773. That which is done is of more avail than that which is pretended to be done.

PLUS ENIM VALET QUOD AGITUR QUAM QUOD SIMULATE CONCIPITUR.—*Tray.* 446.

1774. The examples do more injury than the crimes.

PLUS EXEMPLA QUAM PECCATA NOCENT.—*Whart.*

1775. The adviser offends more than the performer.

PLUS PECCAT AUCTOR QUAM ACTOR.—5 *Rep.* 99.

1776. What is done more avails than what is feignedly conceived.

PLUS VALET QUOD AGITUR QUAM QUOD SIMULATE CONCIPITUR.
—*Whart.*

1777. Common custom is more valid than a royal grant.

PLUS VALET VULGARIS CONSUETUDO QUAM REGALIS CONCESSIO.
—*H.* 125.

1778. Two eyes see more than one.

PLUS VIDENT OCULI QUAM OCLUS.—4 *Inst.* 160.

1779. Let punishment come to a few, fear to all.

PŒNA AD PAUCOS, METUS AD OMNES, PERVENIAT.—*H.* 126.

1780. An heir is not liable for the crime, nor subject to the punishment, of his ancestor.

PŒNA ET DELICTI DEFUNCTI HÆRES TENERI NON DEBET.—*H.* 126.

1781. The heir ought not to be bound in a penalty for the crime of the dead.

PŒNA EX DELICTO DEFUNCTI HÆRES TENERE NON DEBET.—2 *Inst.* 198.

1782. A heavier punishment put beyond the law preserves esteem.

PŒNA GRAVIOR ULTRA LEGEM POSITA ÆSTIMATIONEM CONSERVAT.
—4 *Inst.* 66.

1783. Punishment ought not to precede a crime.

PŒNA NON DEBET ANTE IRE CRIMEN.—*H.* 126.

1784. Punishment can not be lasting; orime will be lasting.

PŒNA NON POTEST, CULPA PERENNIS EST.—*Whart.*

1785. Neither punishment nor remedy takes away from the increase which was before.

PŒNA VEL REMEDIUM EX INCREMENTIO QUOD PRIUS ERAT NON TOLLIT.—*H.* 126.

1786. Punishments should rather be softened than aggravated.

PŒNÆ POTIUS MOLLIENDÆ QUAM EXASPERANDÆ SUNT.—3
Inst. 220.

1787. Politics are to be adapted to the laws, not laws to politics.

POLITIÆ LEGIBUS, NON LEGES POLITIIS, ADAPTANDÆ.—*Hob.* 154.

1788. Let evidence be estimated first by weight, and then by number, then by measure.

PONDERE, NUMERO, ET MENSURA.—*H.* 126.

1789. The people of England are subject to none but to God and the laws.

POPULUS ANGLICANUS NEMINI SERVIRE NISI DEO ET LEGIBUS.
—*H.* 127.

1790. The people of England are bound to obey only their own laws, which they themselves have chosen.

POPULUS ANGLICANUS NON NISI SUIS LEGIBUS QUAS IPSE ELEG-
ERIT TENETUR OBTEMPERARE.—*H.* 127.

1791. A port is a harbor where goods are exported or imported.

PORTUS EST LOCUS IN QUO EXPORTANTUR ET IMPORTANTUR
MERES.—2 *Inst.* 148.

- 1792.** The affirmation of one of two opposite propositions denies the other.

POSITO UNO OPPOSITORUM NEGATUR ALTERIUM.—3 *Rol. R.* 422.

- 1793.** One named in a condition is not necessarily named in the destination.

POSITUS IN CONDITIOE NON CENSETUR POSITUS IN INSTITUTIONE.—*Tray.* 450.

So, if a man devise to A, after the death of B, it is not necessarily an estate in A.

- 1794.** Possession is valid against all save him who has the right of possession.

POSSESSIO CONTRA OMNES VALET PRÆTER EUM CUI JUS SIT POSSESSIONIS.—*H.* 127.

- 1795.** Possession is, as it were, the resting place of the foot.

POSSESSIO EST QUASI PEDUS POSITO.—3 *Rep.* 42.

- 1796.** The brother's possession of an estate in fee simple makes the sister to be heir.

POSSESSIO FRATRIS DE FEODO SIMPLICI FACIT SOROREM ESSE HÆREDEM.—3 *Rep.* 41 (*Broom*, 32).

- 1797.** Peaceable possession for the legal time gives a right.

POSSESSIO PACIFICA FACIT JUS.—*Jenk. Cent.* 26.

- 1798.** The possession of the tenant of a fund is to be reckoned the possession of a reversionary.

POSSESSIO TERMINUM TENENTIS POSSESSIO REVERSIONARIJ EST HABENDA.—*H.* 127.

- 1799.** Possibility is never revived after dissolution of the execution.

POSSIBILITAS POST DISSOLUTIONEM EXECUTIONIS NUNQUAM REVIVISCATUR.—1 *Rol. R.* 321.

1800. After the execution of the estate the law suffers not a possibility.

POST EXECUTIONEM STATUS LEX NON PATITUR POSSIBILITATEM.
—3 *Bulst.* 108.

1801. After the deed counsel is taken in vain.

POST FACTUM NULLUM CONSILIUM.—*Riley*, 338.

1802. We can not judge accurately of deeds, save by their results.

POSTERI DIES TESTES SUNT SAPIENTISSIMI.—*Riley*, 339.

1803. Latter things derogate from the former.

POSTERIORA DEROGANT PRIORIBUS.—*H.* 127.

1804. Power ought to follow justice, not to go before it.

POTENTIA DEBET SEQUI JUSTITIAM, NON ANTECEDERE.—*H.* 128.

1805. Possibility is of two sorts, remote and near; that which never comes into action is a power the most remote and vain.

POTENTIA EST DUPLEX, REMOTA ET PROPINQUA; ET POTENTIA REMOTISSIMA ET VANA EST QUÆ NUNQUAM VENIT IN ACTUM.
—11 *Rep.* 51.

1806. Power is only conferred for the public good.

POTENTIA NON EST NISI AD BONUM.—*Taylor*, 324.

1807. One may relinquish for himself and his heirs a right which was introduced for his own benefit.

POTEST QUIS RENUNCIARE PRO SE ET SUIS JURE QUOD PRO SE INTRODUCTUM EST.—*Bract.* 20.

1808. The power of the crown consists in the power to do justice.

POTESTAS REGIA EST FACERE JUSTITIAM.—*H.* 128.

1809. Supreme power can not bind, but can dissolve itself.

POTESTAS SUPREMA SEIPSUM DISSOLVERE POTEST, LIGARE NON POTEST.—*Bac. Max. Reg.* 19.

1810. The condition of the defendant is the stronger.

POTIOR EST CONditio DEFENDENTIS.—*Whart.*

1811. The condition of the one possessing is the stronger.

POTIOR EST CONditio POSSIDENTIS.—2 *Wm.'s Exrs.* 836.

1812. In every thing relating to the form of the action, we must observe the custom of the place where the action is pending; but in all those things which concern the merits, we must follow the general laws of the place where the contract was made, according to the custom of the country where the transaction occurred.

POUR TOUT CE QUI CONCERNE L'ORDRE OU DOIT SUIVRE L'USAGE DE LIEN OU L'ON PLANTE; MAIS POUR CE QUI EST DE LA DECISION DU DROIT ON DOIT SUIVRE LE REGLA GENERALE LEX LOIX DU LIEN ON LE CONTRACT A ETE PASSE EX CON-SUETUDINE EJUS REGIONIS IN QUO NEGOTIUM GESTUM.—*Tayler*, 324.

1813. A king should prefer his country even before his children.

PRÆFERRE PATRIAM LIBERIS REGEM DECET.—*Riley*, 340.

1814. Over-hasty counsels are rarely prosperous.

PRÆPROPERA CONSILIA RARO SUNT PROSPERA.—*Co. Litt.* 133.

1815. A title by prescription is a title by authority of law, deriving its force from use and time.

PRÆSCRIPTIO EST TITULIS EX USU ET TEMPORE SUBSTANTIAM CAPIENS AB AUCTORITATE LEGIS.—*Co. Litt.* 113.

1816. The presence of the subject takes away the effect of error in the name, and the truth of the name takes away the effect of error in the description.

PRÆSENTIA CORPORIS TOLLIT ERROREM NOMINIS, ET VERITAS NOMINIS TOLLIT ERROREM DEMONSTRATIONIS.—*Bac. Max.* 224.

1817. Caution is better than cure.

PRÆSTAT CAUTELA QUAM NEGANTE.—*Co. Litt.* 304.

1818. A legal presumption is a legal rule.

PRÆSUMPTIO JURIS EST DE JURE.—*Tray.* 462.

1819. The presumption is in favor of legitimacy.

PRÆSUMITUR PRO LEGITIMATIONE.—*Tray.* 460.

1820. The king is presumed to have all law in the recess of his heart.

PRÆSUMITUR REX HABERE OMNIA JURA IN SCRINIO PECTORIS SUI.—*H.* 129.

1821. A strong presumption is valid in law.

PRÆSUMPTIO VIOLENTA VALET IN LEGE.—*Jenk. Cent.* 56.

1822. An unlawful thing ought not to be admitted under a lawful pretext.

PRÆTEXTU LICITI NON DEBET ADMITTI ILLICITUM.—*H.* 129.

1823. Prescription is not granted against the goods of felons, except by record.

PRESCRIPTIO NON DATUR IN BONA FELORUM, NISI PER RECORDUM.—*H.* 129.

1824. We must bring relief to present danger, lest any injury arise.

PRESENTI PERICULO SUCCUBRENDUM, NEQUA ORIRI POSSIT INJURIA.—*H.* 129.

1825. The price succeeds to the place of a thing.

PRETIUM SUCCEDIT IN LOCO REI.—2 *Bulst.* 321.

1826. The force of a word is to be first examined, lest by the fault of the diction the sentence is destroyed, or the law be without arguments.

PRIMO EXECUTIENDIA ES^t VERBI VIS, NE SERMONIS VITIO ORSTRUATUR ORATIO, SINE LEX SINE ARGUMENTIS.—*Co. Litt.* 68.

1827. The first step of procedure is held to be approbatory of the judge.

PRIMUS ACTUS JUDICII EST JUDICIS APPROBATORIUS.—*Tray.* 465.

1828. The prince and the republic can in a great cause take away my property.

PRINCEPS ET RESPUBLICA ET JUSTA CAUSA POSSUNT REM MEAM AUFERRE.—12 *Rep.* 13.

1829. A prince engaged in the arbitration of war prefers to employ domestic rather than foreign troops.

PRINCEPS MAVULT DOMESTICOS MILITAS QUAM STIPENDARIOS BELLICIS APPONERE CASIBUS.—*Co. Litt.* 69.

1830. The principal should always be exhausted first, before coming upon the sureties.

PRINCIPALIS DEBET SEMPER EXECUTI ANTEQUAM PERVENIATUR AD FIDEI JUSSORES.—2 *Inst.* 19.

1831. Certain things accompany and follow given principles.

PRINCIPIA DATA SEQUUNTUR CONCOMITANTIA.—*Whart.*

1832. Principles prove, they can not themselves be proved.

PRINCIPIA PROBANT, NON PROBANTUR.—3 *Rep.* 50a.

1833. Oppose beginnings.

PRINCIPIIS OBSTA.—*Whart.*

1834. There is no rule as to principles.

PRINCIPIORUM NON EST RATIO.—2 *Bulst.* 239.

1835. The principle of any thing is its most powerful part.

PRINCIPIUM EST POTISSIMO PARS CUJUSQUE REI.—10 *Rep.* 49.

1836. Prior possession with a subsequent title is better than a prior title without possession.

PRIOR POSSESSIO CUM TITULO POSTERIORE MELIOR EST PRIORE TITULO SINE POSSESSIONE.—*Tray.* 466.

1837. He who is first in time is preferred in law.

PRIOR TEMPORE POTIOR JURE.—*Broom,* 354.

1838. Before you begin, take counsel; but having matured your plan, use despatch.

PRIUSQUAM INCIPIAS, CONSULTO; ET UBI CONSULUERIS MATURI, FACTO OPUS EST.—*Riley,* 343.

1839. We labored first with vices, now with laws.

PRIUS VITIIS LABORAVIMUS, NUNC LEGIBUS.—4 *Inst.* 76.

1840. A deprivation presupposes a possession.

PRIVATIO PRÆSUPPONIT HABITUM.—2 *Roll. R.* 419.

1841. It is certain that the private stipulations of parties can not injure the rights of others.

PRIVATIS PACTIONIBUS NON DUBIUM EST NON LÆDI JUS CÆTERORUM.—*Broom,* 697.

1842. Precedents that are allowed to prevail through oversights are of little or no authority.

—*Br.* 149.

1843. Private goods yield to public.

PRIVATUM COMMODUM PUBLICO CEDIT.—*Jenk. Cent.* 223.

1844. Private loss is compensated by public good.

PRIVATUM INCOMMODUM PUBLICO BONO PENSATUR.—*Jenk. Cent.* 85.

1845. Illegal privileges ought not to prevail, under the pretext of legality.

PRIVILEGIA PRÆTEXTU LICITI NON DEBET ADMITTI ILLICITUM.
—11 *Rep.* 88.

1846. One privileged person can not plead his privilege against another privileged person.

PRIVILEGIATUS CONTRA PRIVILEGIATUM NON UTITUR PRIVILEGIS.
—*Tray.* 468.

1847. A privilege is a sort of private law.

PRIVILEGIUM EST QUASI PRIVATA LEX.—2 *Bulst.* 189.

1848. A privilege avails not against public good.

PRIVILEGIUM CONTRA REMPUBLICAM NON VALET.—*Bac. Max.* 25.

1849. A non-combatant traitor is to be regarded as an enemy in the field.

PRODITOR PRO HOSTE HABENDUS.—*Riley,* 346.

1850. He is counted a possessor who, by fraud or injury, prevents another from possessing.

PRO POSSESSORE HABETUR QUI DOLO INJURIARE DESIIT POSSIDERE.—*Office of Ex.* 166.

1851. One's own house is the best place he can be in.

PROPRIA DOMUS OMNIUM OPTIMA.—*Riley,* 347.

1852. The value of things is lessened or increased, according to time, expectation, or profit.

PRO TEMPORE, PRO SPE, PRO COMMODO MINUITUR EORUM PRETIUM ATQUE AUGET.—*Taylor,* 332.

1853. The burden of proof lies upon the one who initiates proceedings.

PROBANDI NECESSITAS INCUMBIT ILLI QUI AGIT.—*I.* 2, 20, 4.

1854. Proofs ought to be evident; that is to say, perspicuous and easily understood.

PROBATIONES DEBENT ESSE EVIDENTES, PERSPICUÆ ET FACILES INTELLIGI.—*Co. Litt.* 283.

1855. The process of law is a heavy vexation; but the execution of the law crowns the labor.

PROCESSUS LEGIS EST GRAVIS VEXATIO; EXECUTIO LEGIS CORONAT OPUS.—*Co. Litt.* 289.

1856. There is no prescription against procuration.

PROCURATIONEM ADVERSUS NULLA EST PRÆSCRIPTIO.—*Dav.* 6.

1857. It is prohibited for any to do that on his own property which may injure the property of another.

PROHIBETUR NE QUIS FACIAT IN SUO QUOD NOCERE POSSIT ALIENO.—9 *Rep.* 59.

1858. The civil law permits both the offspring born before and after marriage to be the heirs of their parents; but the law of England does not suffer offspring not born in wedlock to succeed.

PROLEM ANTE MATRIMONIUM NATAM, ITA UM POST LEGITIMAM, LEX CIVILIS ET SUCCEDERE FACIT IN HÆREDITATE PARENTUM; SED PROLEM QUAM MATRIMONIUM NON PARIT SUCCEDERE NON SINIT LEX ANGLORUM.—*Fortescue*, c. 39.

1859. He who is nearer excludes him who is near; he who is near, him who is remote; he who is remote, him who is remoter.

PROPINQUIOR EXCLUDIT PROPINQUUM; PROPINQUUS, REMOTUM; ET REMOTUS, REMOTIOREM.—*Co. Litt.* 10.

1860. An indefinite proposition is equivalent to a general one.

PROPOSITIO INDEFINITA ÆQUIPOLLET UNIVERSALI.—*Whart.*

1861. Propriety of words is the salvation of property.

PROPRIETAS VERBORUM EST SALUS PROPRIETATUM.—*Jenk. Cent.* 136.

1862. The proprieties of words are to be observed.

PROPRIETATES VERBORUM OBSERVANDÆ SUNT.—*Jenk. Cent.* 136.

1863. It is the prerogative of the king to pardon transgressions.

PROPRIUM EST REGIS GRATIAM DELICTI FACERE.—*H.* 132.

1864. Protection begets subjection; subjection, protection.

PROTECTIO TRAHIT SUBJECTIONEM, ET SUBJECTIO, PROTECTIONEM.
—*Co. Litt.* 65; *Broom*, 78.

1865. A proviso is to provide for the present or future, not for the past.

PROVISO EST PROVIDERE PRÆSENTIA ET FUTURA, NON PRÆTERITA.—*Rep.* 72.

1866. The provision of the individual does not take away the provision of the law.

PROVISIO HOMINIS NON TOLLIT PROVISIONEM LEGIS.—*Tray.* 480.

1867. The nearest cause, not remote causes, are to be regarded.

PROXIMA CAUSA, NON REMOTA, SPECTANTUR.—*Whart.*

1868. He is next whom no one precedes; he is last whom no one follows.

PROXIMUS EST CUI NEMO ANTECEDIT; SUPREMUS EST QUEM NEMO SEQUITUR.—*D.* 50, 16, 92.

1869. I, myself, am nearest to myself.

PROXIMUS SUM EGOMET MIHI.—*H.* 132.

1870. He acts prudently who obeyeth the commands of the law.

PRUDENTER AGIT QUI PRÆCEPTO LEGIS OBTEMPERAT.—5 *Rep.* 49.

1871. A pupil is to do all things by authority of his guardian.

PUPILLUS OMNIA TUTORE AUCTORE AGERE POTEST.—*H.* 63.

1872. Incontinence does not take away an inheritance.

PUTAGIUM HÆREDITATEM NON ADIMIT.—*Reeve's Hist. c. III,* 117.

Q

1873. Things uselessly ordained in the beginning can not be made of moment by subsequent acts.

QUÆ AB INITIO INUTILIS FUIT INSTITUTIO EX POST FACTO CONVALESCERE NON POTEST.—*D.* 50, 17, 210.

1874. Things invalid from the beginning can not be made valid by a subsequent act.

QUÆ AB INITIO NON VALENT EX POST FACTO CONVALESCERE NON POSSUNT.—*Tray.* 482.

1875. Those things which hold the place of accessories are extinguished when the principal has been destroyed.

QUÆ ACCESSORIUM LOCUM OBTINET EXTINGUUNTUR CUM PRINCIPIALES RES PEREMPTÆ FUERIT.—*Broom,* 496.

1876. Those things which pertain to all should be exercised by all.

QUÆ AD OMNES PERTINET OMNES DEBENT TRACTARE.—*Taylor,* 343.

1877. What is spoken with one meaning should not be perverted to another.

QUÆ AD UNUM FINEM LOQUUNTUR SUNT NON DEBENT AD ALIUM DETORQUERI.—4 *Rep.* 14a.

1878. Things which belong to the person ought not to be separated from the person.

QUÆ COHÆRENT PERSONÆ A PERSONA SEPARARI NEQUEUNT.—*Jenk. Cent.* 28.

1879. Things that are introduced against the rule of right ought not to be drawn into consequence.

QUÆ CONTRA RATIONEM JURIS INTRODUCTA SUNT NON DEBENT TRAHI IN CONSEQUENTIAM.—*H.* 133.

1880. Things derogated from the common law are to be strictly interpreted.

QUÆ COMMUNI LEGI DEROGANT STRICTE INTERPRETANTUR.—*Jenk. Cent.* 221.

1881. Laws are so framed that they may always speak with one and the same voice to all; for the law is no respecter of persons.

QUÆ CUM OMNIBUS SEMPER UNA ATQUE EADEM VOCE LOQUENTUR LEGES INVENTÆ SUNT.—*Cicero.*

1882. Things which are inserted for the purpose of removing doubt hurt not the common law.

QUÆ DUBITATIONIS CAUSÆ TOLLENDÆ INSERUNTUR COMMUNEM LEGEM NON LÆDUNT.—*Co. Litt.* 205.

1883. Things taken from an enemy belong to the captors.

QUÆ EX HOSTIBUS CAPIUNTUR JURE GENTIUM STATIM CAPIENTUM FIERI.—*Taylor*, 205.

1884. Things which are done directly and certainly appear already in existence.

QUÆ INCONTINENTI VEL CERTO FIUNT IN ESSE VIDENTUR.—*Co. Litt.* 236.

1885. Things done in the king's court are presumed to be rightly done.

QUÆ IN CURIA REGIS ACTA SUNT RITE AGI PRÆSUMUNTUR.—
3 *Bulst.* 43.

1886. Solids which can not be divided into parts are exhibited by singulars.

QUÆ IN PARTES DIVIDI NEQUEUNT SOLIDA A SINGULES PROESTANTUR.—6 *Rep.* 1.

1887. Things which are so written in a testament that they can not be understood are as if they were not written.

QUÆ IN TESTAMENTO ITA SUNT SCRIPTA UT INTELLIGI NON POSSINT PERINDE SUNT AC SI SCRIPTA NON ESSENT.—*D.* 50, 17, 73, § 3.

1888. Transactions between strangers ought to hurt no one, although they may benefit him.

QUÆ INTER ALIOS ACTA SUNT NEMINI NOCERE DEBET, SED PRODESSE POSSUNT.—6 *Rep.* 1.

1889. Those things which are derogatory to the common law are not to be drawn into a precedent.

QUÆ LEGI COMMUNI DEROGANT NON SUNT TRAHENDA IN EXEMPLUM.—*Jenk. Cent.* 27.

1890. Those things which are derogatory to the common law ought to be strictly interpreted.

QUÆ LEGI COMMUNI DEROGANT STRICTE INTERPRETANTUR.—
Jenk. Cent. 29.

1891. Things bad in their commencement rarely achieve a good end.

QUÆ MALA SUNT INCHOATA IN PRINCIPIS VIX BONO PERAGUNTUR EXITU.—4 *Rep.* 2.

1892. Things which ought not to be done are nevertheless held valid when they are done.

QUÆ NON FIERI DEBENT FACTA VALENT.—*Tray.* 484.

1893. Things which do not avail separately may avail when bound together.

QUÆ NON VALEANT SINGULA JUNCTA JUVANT.—3 *Bulst.* 132.

1894. Things which are done contrary to the custom and usage of our ancestors neither please nor appear right.

QUÆ PRÆTER CONSUETUDINEM ET MOREM MAJORUM FIUNT NEQUE PLACENT NEQUE RECTA VIDENTUR.—4 *Rep.* 78.

1895. Things which are prohibited by the nature of things are confirmed by no law.

QUÆ RERUM NATURA PROHIBENTUR NULLA LEGE CONFIRMATA SUNT.—*Finch*, 74.

1896. Precedents are as much the law of the law as the statutes or equity itself.

—*Br.* 149.

1897. Things which are of the smaller guilt are of the greater infamy.

QUÆ SUNT MINORIS CULPÆ SUNT MAJORIS INFAMIE.—*Co. Litt.* 6.

1898. Things which afford a ground of action, if raised within a certain time, may be pleaded at any time, by way of exception.

QUÆ SUNT TEMPORALIA AD AGENDUM SUNT PERPETUA AD EXCIPIENDUM.—*Tray.* 487.

1899. Whatever appears within the reason of the law ought to be considered as part of the law.

QUÆCUNQUE INTRA RATIONEM LEGIS INVENIUNTUR INTRA LEGEM IPSAM ESSE JUDICANTUR.—2 *Inst.* 689.

1900. Whatever the law wishes to be done it wishes not to be done in vain.

QUÆCUNQUE LEX VULT FIERI NON VULT FRUSTRA FIERI.—*H.* 136.

1901. Things which can be honorably accepted may yet be things which can not honorably be asked.

QUÆDAM ETSI HONESTE ACCIPIANTUR INHONESTE TAMEN PETUNTUR.—*Dig.* 650, c. 131, 1, § 5.

Relating to lawyers' fees.

1902. The law sometimes allows things of which it does not approve to be done, in avoidance of greater evils.

QUÆDAM IN MAJUS MALUM VITANDUM PERMITTET LEX QUE TAMEN NEQUAQUAM PROBET.—*H.* 136.

1903. Every grant of the lord king which can be construed in two ways ought to be construed strictly against him.

QUÆLIBET CONCESSIO DOMINI REGIS CAPI DEBET STRICTE CONTRA DOMINUM REGEM QUANDO POTEST INTELLIGI DUABUS VIIS.—3 *Leon.* 243.

1904. Every grant is to be taken most strongly against the grantor.

QUÆLIBET CONCESSIO FORTISSIME CONTRA DONATOREM INTERPRETANDA EST.—*Co. Litt.* 183.

1905. Every jurisdiction has its own bounds.

QUÆLIBET JURISDICTIO CANCELLOS SUOS HABET.—*Jenk. Cent.* 137.

1906. Every count upon the writ ought to be laid in the county in which the writ arose.

QUÆLIBET NARRATIO SUPER BREVI LOCARI DEBET IN COMITATU IN QUO BREVE EMANAVIT.—*Whart.*

1907. Every pardon ought to be taken according to the intention of the king, and not to his deception.

QUÆLIBET PARDONATIO DEBET CAPI SECUNDUM INTENTIONEM REGIS, ET NON AD DECEPTIONEM REGIS.—3 *Bulst.* 14.

1908. Every corporal punishment, even the very least, is greater than any financial punishment.

QUÆLIBET PENA CORPORALIS, QUAMVIS MINIMA, MAJOR EST QUALIBET PENA PECUNIARIA.—3 *Inst.* 220.

1909. If one wishes to understand the law thoroughly, let him inquire into the doubtful points.

QUÆRAS DE DUBIIS, LEGEM BENE DISCERE SI VIS.—*Br.* 118.

1910. There is no presumption of a possibility which depends upon a possibility.

CASUS FORTUITIS NON EST SUPPONENDUS.—*Hard.* 82.

1911. If it is questioned why law books multiply so rapidly, the answer is plain: it is because crime increases as the world advances.

QUÆRITUR UT CRESCANT TOT MAGNA VOLUMINA LEGIS: IN PROMPTU CAUSA EST CRESCIT IN ORBE DOLUS.—3 *Rep.* 82.

1912. A question may arise as to the laws, but not as to persons.

QUÆSTIO FIT DE LEGIBUS, NON DE PERSONIS.—*H.* 136.

1913. A quality which should be inherent is easily presumed.

QUALITAS QUÆ INESSE DEBET FACILE PRÆSUMITUR.—*H.* 136.

1914. The same law which foreign nations have shown to us we should show to them.

QUAM LEGEM EXTERI NOBIS POSUERE EANDEM ILLIS PONEMUS.—*Tayler*, 345.

1915. How long a reasonable time ought to be is not defined by law; but is a matter for the discretion of the judge.

QUAM LONGUM DEBET ESSE RATIONABILE TEMPUS NON DEFINITUR IN LEGE; SED PENDET EX DISCRETIONE JUSTICARIORUM.—*Co. Litt.* 56.

1916. Let every man employ himself in the pursuit in which he is the most proficient.

QUAM QUISQUE NOVIT ARTEM IN HOC SE EXERCEAT.—*Cic.*

1917. A reasonable determination is not defined; but is left to the discretion of the judges, from a view of all the circumstances.

QUAM RATIONABILIS DEBET ESSE FINIS, NON DEFINITUR; SED OMNIBUS CIRCUMSTANTIIS INSPECTIS, PENDET EX JUSTICIARIORUM DISCRETIONE.—11 *Rep.* 44.

1918. Although a thing in itself may not be bad, yet if it hold out a bad example, it is not to be done.

QUAMVIS ALIQUID PER SE NON SIT MALUM, TAMEN SI SIT MALI EXEMPLI, NON EST FACIENDUM.—2 *Inst.* 564.

1919. Though a person may be outlawed for contempt and flight, he is not, on that account, convicted of the principal fact.

QUAMVIS QUIS PRO CONTUMACIA ET FUGA UTLAGETUR, NON PROPTER HOC CONVICTUS EST DE FACTO PRINCIPALI.—*Tayler*, 345.

1920. A defect in the provision of the party is supplied by the provision of the law.

QUANDO ABEST PROVISO PARTIS ADEST PROVISO LEGIS.—6 *Vinc. abr.* 49.

1921. When any thing is granted, that by which it is reached is also understood as granted.

QUANDO ALIQUID CUI CONCEDITUR ET ID PER QUOD PERVENITUR AD ILLIUD.—*H.* 137.

1922. When any thing is commanded, every thing by which it can be accomplished is likewise commanded.

QUANDO ALIQUID MANDATUR, MANDATUR ET OMNE PER QUOD PERVENETUR AD ALIUD.—5 *Rep.* 116.

1923. When any thing is prohibited directly, it is prohibited also indirectly.

QUANDO ALIQUID PROHIBETUR EX DIRECTO, PROHIBETUR ET PER OBLIQUUM.—*Co. Litt.* 223.

1924. When any thing is prohibited, every thing which tends toward it is prohibited.

QUANDO ALIQUID PROHIBETUR, PROHIBETUR OMNE PER QUOD DEVENITUR AD ILLIUD.—2 *Inst.* 48.

1925. When a charter contains a general clause which afterwards descends to special words, which are consentaneous to the general clause, the charter is to be interpreted according to the special words.

QUANDO CHARTA CONTINET GENERALEM CLAUSULAM, POSTEAQUE DESCENDIT AD VERBA SPECIALIA QUÆ CLAUSULÆ GENERALI SUNT CONSENTANEA, INTERPRETANDA EST CHARTA SECUNDUM VERBA SPECIALIA.—8 *Rep.* 154.

1926. Where there are two persons liable for one and the same thing, one, for the other's default, will be charged for the whole.

QUANDO DE UNA ET EADEM RE, DUO ONERABILES EXISTUNT, UNUS, PRO INSUFFICIENTIA ALTERIUS, DE INTEGRO ONERABITUR.—2 *Inst.* 277.

1927. When a disposition may refer to two things, so that by the former it would be vitiated, and by the latter it would be preserved, then the relation is to be made to the latter, so that the disposition may be valid.

QUANDO DISPOSITIO REFERRI POTEST AD DUAS RES, ITA QUOD SECUNDUM RELATIONEM UNAM VITIETUR ET SECUNDUM ALTERAM UTILIS SIT, TUM FACIENDA EST RELATIO AD ILLAM UT VALEAT DISPOSITIO.—6 *Rep.* 76.

1928. When to the perfection of an estate divers acts are requisite, the law has more regard to the original act.

QUANDO DIVERSI DESIDERANTUR ACTUS AD ALIQUEM STATUM PERFICIENDUM, PLUS RESPICIT LEX ACTUM ORIGINALEM.—10 *Rep.* 49.

1929. When two rights concur in one person, it is the same as if they were in separate persons.

QUANDO DUO JURA CONCURRUNT IN UNA PERSONA, ÆQUUM EST AC SI ESSENT IN DIVERSIS.—4 *Rep.* 118.

1930. Where the title of the king and the title of a subject concur, the king's title shall be preferred.

QUANDO JUS DOMINI REGIS ET SUBDITI CONCURRUNT, JUS REGIS PRÆFERRI DEBET.—9 *Rep.* 129 (*Broom*, 69).

1931. When the law gives a person any thing, it also gives him that without which it can not exist.

QUANDO LEX ALIQUID ALICUI CONCEDIT, CONCEDITUR ET ID SINE QUO RES IPSA ESSE NON POTEST.—12 *Rep.* 131.

1932. When the law gives any thing to a person, it also gives tacitly all incident to that thing.

QUANDO LEX ALIQUID ALIAM CONCEDIT, OMNIA INCIDENTIA TACITE CONCEDUNTUR.—2 *Inst.* 326.

1933. When the law is special, but its reason general, the law is to be understood generally.

QUANDO LEX EST SPECIALIS, RATIO AUTEM GENERALIS, GENERALITER LEX EST INTELLIGENDA.—2 *Inst.* 83.

1934. When a woman marries a man not noble, she ceases to be noble, unless noble by her own birth.

QUANDO MULIER NOBILIS NUPSERIT IGNOBILI, DESINIT ESSE NOBILIS, NISI NOBILITAS NATIVA FUERIT.—4 *Rep.* 118.

1935. When a person performs more than he is bound to perform, he will nevertheless be considered to have performed his duty.

QUANDO PLUS FIT QUAM FIERI DEBET, VIDETUR ETIAM ILLIUD FIERI QUOD FACIENDUM EST.—8 *Rep.* 85.

1936. Although a thing may not be valid as one does it, it may still be valid to some extent.

QUANDO RES NON VALET UT AGO, VALEAT QUANTUM VALERE POTEST.—*Broom*, 543.

1937. When that which I do is not efficacious in the mode in which I intended it, let it be as efficacious as possible.

QUANDO UT AGAM NON VALET QUOD AGO, VALEAT QUANTUM VALERE POTEST.—*Taylor*, 346.

1938. When the words of a statute are special, but the reason general, the statute is to be understood generally.

QUANDO VERBA STATUTI SUNT SPECIALIA, RATIO AUTEM GENERALIS, GENERALITER STATUTUM EST INTELLIGENDUM.—10 *Rep.* 101.

1939. The more skillful the thief or the gambler is in his art, the more wicked he is.

QUANTO IN ARTE EST MELIOR, TANTO EST NEQUIOR.—*Riley*, 15.

1940. In so great a degree as each person is removed from the stock, in such degree are they related among themselves.

QUANTO GRADU UNUSQUISQUE EORUM DISTAT STIRPITE, EODEM DISTAT INTER SE.—*Taylor*, 347.

1941. As much as the tenant by his homage owes to his lord, so much is the lord, by his lordship, indebted to the tenant, except reverence alone; the tie of dominion and of homage ought to be mutual.

QUANTUM TENENS DOMINO EX HOMAGIO TANTUM DOMINUS TENENTI, EX DOMINIO, DEBET PRÆTOR SOLAM REVERENTIAM; MUTUA DEBET ESSE DOMINII ET HOMAGII FIDELITATES CONNEXIO.—*Co. Litt.* 64.

1942. Once a fraud, always a fraud.

—13 *Vin. Abr.* 539.

1943. It is fitting and proper that every one should be alive to his own advantage.

QUEMQUE ÆQUUM EST QUÆSTUM ESSE CALLIDUM.—*Riley*, 8.

1944. He who reaps the advantage must also bear the disadvantage.

QUEM SEQUUNTUR COMMODA EUNDEM ET INCOMMODO SEQUUNTUR.
—*Tray.* 495.

1945. Let the question be, “what is the law?” not “who is the offender?”

QUESTIO FIT DE LEGIBUS, NON DE PERSONIS.—*Riley*, 355.

1946. Personal things can not be granted over, or done by another.

—*Br.* 149.

1947. He who abjures the realm leaves the realm, but not the king; the country, but not the father of his country.

QUI ABJURAT REGNUM AMITTIT REGNUM, SED NON REGEM; PATRIAM, SED NON PATREM PATRIÆ.—7 *Rep.* 9.

1948. Let him who accuses be of unblemished character, and not criminal.

QUI ACCUSAT INTEGRÆ FAMÆ SIT, ET NON CRIMINOSUS.—*H.* 139.

1949. He who acquires for himself, acquires for his heirs.

QUI ACQUIRIT SIBI, ACQUIRET HÆREDIBUS.—*Tray.* 496.

1950. He who takes away the middle, destroys the end.

QUI ADIMIT MEDIUM, DIRIMIT FINEM.—*Co. Litt.* 161.

1951. Whosoever negligently ruins another man's property, or takes it away by force or fraud, let him lose an equivalent of his own.

QUI ALIENAS RES NEGLIGENTER PERDIT, AUT VI VEL DOLO MALO AUFERT, SUAS AMITTITO.—*H.* 140.

1952. He who decides anything, one party being unheard, does a wrong even though he should decide right.

QUI ALIQUID STATUERIT, PARTE INAUDITA ALTERA, ÆQUUM LICET DIXERIT, HAUD ÆQUUM FECERIT.—6 *Rep.* 52:

1953. He who exercises the right of another ought to exercise the same right.

QUI ALTERIUS JURE UTITUR EODEM JURE UTI DEBET.—*Tray.* 496.

1954. Let him who accuses another be free from the offense of which he makes accusation.

QUI ALTERUM INCUSAT NE IN EODEM SALTEM GENERE SIT INCUSANDUS.—*H.* 140.

1955. He who does anything with the intention of transgressing, seems to have transgressed from the beginning.

QUI ANIMO PECCANDI ALIQUID FACIT, VIDETUR PECCARE AB INITIO.—*H.* 140.

1956. One who approves can not reprobate.

QUI APPROBAT, NON REPROBATE.—*Tray.* 497.

1957. He who distinguishes well, teaches well.

QUI BENE DISTINGUIT, BENE DOCET.—*H.* 141.

1958. He who interrogates well, teaches well.

QUI BENE INTERROGAT, BENE DOCET.—3 *Bulst.* 227.

1959. Whosoever seeks the benefit of the law extraordinarily, let him lift up pure hands.

QUI BENEFICIUM LEGIS EXTRAORDINEM QUÆRIT, PURAS MANUS AFFERTO.—*H.* 140.

1960. He who assists good men in poverty, assists the laws; he who assists the wicked and the slothful, fosters the evil and derogates from the law.

QUI BONIS VIRIS PAUPERIBUS DAT, LEGIBUS OPITULATUR; QUI MALIS ET INERTIBUS SEGETEM, MALORUM FOVET ET LEGUM OPPROBRIUM.—*H.* 141.

1961. He who departs from his cause, falleth from his cause.

QUI CAUSA DECEDIT, CAUSA CADIT.—*H.* 141.

1962. He who concedes anything is considered to concede that without which the concession would be idle; without which the thing itself could not exist.

QUI CONCEDIT ALIQUID, CONCEDERE VIDETUR ET ID SINE QUO CONCESSIO EST IRRITA; SINE QUO RES IPSA ESSE NON POTUIT.—11 *Rep.* 52.

1963. He who contemns the precept, contemns the person giving it.

QUI CONTEMNIT PRÆCEPTUM, CONTEMNIT PRÆCIPIENTEM.—12 *Rep.* 96.

1964. He who contracts with another, either is or ought to be acquainted with the condition of the person with whom he contracts.

QUI CUM ALIO CONTRAHIT, VEL EST, VEL ESSE DEBET, NON IGNARUS CONDITIONIS EJUS CUM QUO CONTRAHIT.—*D.* 50, 17. 19.

1965. They are guiltless of homicide who, otherwise than by homicide, can not defend themselves.

QUI CUM ALITER TUERI SE NON POSSUNT DAMNI CULPAM DEDERINT, INNOXII SUNT.—*Taylor*, 352.

1966. He who disputes with a drunken man, offends a sober man behind his back.

QUI CUM EBRIO LITIGAT, ABSENTEM LÆDIT.—*Riley*, 3.

For a drunken man and a sober man are two different persons, so the maxim, "To appeal from Philip drunk to Philip sober."

1967. He gives to God who gives to the poor.

QUI DAT PAUPERIBUS, DEO DAT.

1968. He who destroys the middle, destroys the end.

QUI DESTRUIT MEDIUM, DESTRUIT FINEM.—*H.* 141.

1969. He who holds possession of lands by craft, is crafty, not for himself, but for the true owner.

QUI DOLO POSSESSIT PRO POSSIDENTE, PRO POSSESSIONE DOLUS EST.—*Inst. Paul*, C. 22.

1970. He who overthrows the cause, overthrows the future consequence.

QUI EVERTIT CAUSAM, EVERTIT CAUSATUM FUTURUM.—10 *Rep.* 51.

1971. He who excuses, accuses.

QUI EXCUSAT, ACCUSAT.

1972. Children born in illicit connection are not considered among the children of the wedlock.

QUI EX DAMNATO COITU NASCUNTUR INTER LIBEROS NON COMPUTANTUR.—*Taylor*, 354.

1973. He who takes anything by a part of a will, shall stand by the whole will.

QUI EX PARTE TESTAMENTI ALIQUID DONATUM ACCIPIT, UNIVERSO TESTAMENTO STABIT.—*H.* 142.

1974. Whoever wanders outside of the records in his pleading to utter calumny, shall be punished therefor.

QUI EXTRA CAUSAM DIVAGATUR CALUMNIANDO, PUNITUR.—*H.* 142.

1975. He who acts through another, acts by himself.

QUI FACIT PER ALIUM, FACIT PER SE.

1976. He who has the jurisdiction of loosening, has the jurisdiction of binding.

QUI HABET JURISDICTIONEM ABSOLVENDI, HABET JURISDICTIONEM LIGANDI.—12 *Rep.* 59.

1977. He who considers merely the letter of an instrument, goes but skin deep into its meaning.

QUI HÆRET IN LITERA, HÆRET IN CORTICE.—*Co. Litt.* 283c. (*Broom*, 685).

1978. They who succeed in the room of another, may properly allege ignorance whether that which is sought for from the estate be due.

QUI IN ALTERIUS LOCUM SUCCEDANT, JUSTAM HABENT IGNORANTIE CAUSAM AN ID QUOD PETITUR DEBERETUR FIDI JUSORES, NON MINUS QUAM HÆREDES, JUSTAM IGNORANTIAM POSSUNT ALLEGARE.—*H.* 143.

1979. The assignee of property takes it subject to all the obligations and liabilities which attached to it in the hands of his assignor.

QUI IN JUS DOMINIUMVE ALTERIUS SUCCEDIT JURE EJUS UTI DEBENT.—*Broom*, 473.

1980. He who is in the womb is held as already born, whenever a question arises for his own benefit.

QUI IN UTERO EST, PRO JAM NATO HABETUR, QUOTIES DE EJUS COMMODO QUÆRITUR.—*H.* 143.

1981. He who gives to the indolent, defrauds the industrious.

QUI INERTIBUS DAT, INDUSTRIOS NUDAT.—*H.* 142.

1982. He who hurts another ignorantly, knowingly amends.

QUI INSCIENTER LÆSIT, SCIENTER EMENDIT.—*H.* 143.

1983. He who exercises his own right, does an injury to no one.

QUI JURE SUO UTITUR, NEMINI FACIT INJURIAM.—*Reg. Jur. Civ.*

1984. He who uses his own right, can not be said to act fraudulently.

QUI JURE SUO UTITUR, NON POTEST DICI FRAUDEM COMMITTERE.—*Tray.* 502.

1985. Where a person does an act by command of one exercising judicial authority, the law will not suppose that he acted from any wrongful or improper motive, because it was his bounden duty to obey.

QUI JUSSU JUDICIS ALIQUOD FECERIT, NON VIDETUR DOLO MALO FECISSE, QUIA PARERE NECESSE EST.—10 *Rep.* 76 (*Broom*, 92).

1986. He who refuses his adversary what is just, grants him every thing else.

QUI JUSTA NEGANT, OMNIA DAT.—*Riley*, 27.

1987. He who willingly and often, and concerning a small matter, binds himself by an oath, is nearest to perjury.

QUI LIBENTER ET SÆPE, ET PARVULA, DE RE JURAMENTO SE OBSTRINGIT, PERJURIO PROXIMUS EST.—*H.* 143.

1988. He who proves most, recovers most.

QUI MELIUS PROBAT, MELIUS HABET.—9 *Vin. Abr.* 235.

1989. He who betrays his country is like the insane sailor who bores a hole in the ship which carries him.

QUI MOLITUR INSIDIAS IN PATRIAM, ID FACIT QUOD INSANUS NAUTA PERFORANS NAVEM IN QUA VEHITUR.—3 *Inst.* 36.

1990. Those fears are to be esteemed vain which do not affect a brave man.

QUI NON CADUNT IN CONSTANTEM VIRUM VANI TIMORES SUNT ÆSTIMANDI.—7 *Rep.* 27.

1991. He who is born out of wedlock follows the social condition of the mother.

QUI NASCITUR SINE LEGITIMO MATRIMONIO MATREM SEQUITUR.—*Br.* 152.

1992. He who has not the power of alienating, is obliged to retain.

QUI NON HABET POTESTATEM ALIENANDI, HABET NECESSITATEM RETINENDI.—*Hob.* 336.

1993. He who does not disapprove, approves.

QUI NON IMPROBAT, APPROBAT.—3 *Inst.* 27.

1994. He who does not freely declare the truth, is a betrayer of the truth.

QUI NON LUBERE VERITATEM PRONUNCIAT PRODITOR EST VERITATIS.—*H.* 144.

1995. Who can not suffer in the purse, let him suffer in the body.

QUI NON LUAT IN CRUMEN^a LUAT IN CORPORE.—*H.* 144.

1996. He who does not deny, confesses.

QUI NON NEGAT, FATETUR.

1997. He who does not prevent what he can prevent, appears to commit the thing himself.

QUI NON OBSTAT QUOD OBSTARE POTEST, FACERE VIDETUR.—2 *Inst.* 146.

1998. He who hath not transgressed, shall not suffer punishment.

QUI NON PECCAVIT, PŒNAM NON FERET.—*H.* 144.

1999. He who does not forbid what he can forbid, appears to assent.

QUI NON PROHIBET QUOD PROHIBERE POTEST, ASSENTIRE VIDETUR.—2 *Inst.* 305a.

2000. He who does not repel an injury when he can, induces it.

QUI NON PROPULSAT INJURIAM QUANDO POTEST, INFERT.—*Jenk. Cent.* 271.

2001. He who does not forbid a thing when it is in his power to forbid it, is regarded as directing it.

QUI NON VETAT CUM DEBEAT ET POSSIT, JUBET.—*H.* 145.

2002. He who obstructs the entry to land, takes away the enjoyment of the land.

QUI OBSTRUIT ADITUM, DESTRUIT COMMODUM.—*Co. Litt.* 161.

2003. He who says all, excludes nothing.

QUI OMNE DICIT, NIHIL EXCLUDIT.—4 *Inst.* 81.

2004. He who admits posterior things in order, affirms preceding things.

QUI ORDINE ULTERIORA ADMITTIT, PRÆCEDENTIA AFFIRMAT.—*H.* 145.

2005. He who spares the guilty, punishes the innocent.

QUI PARCIT NOCENTIBUS, INNOCENTES PUNIT.—*Jenk. Cent.* 126.

2006. Let him who sins when drunk, be punished when sober.

QUI PECCAT EBRIUS, LUAT SOBRIUS.—*Cary R.* 133.

2007. He who does an act through the medium of another party, is in law considered as doing it himself.

QUI PER ALIUM FACIT, PER SEIPSUM FACERE VIDETUR.—*Co. Litt.* 258a. (*Broom*, 817).

2008. What a man does fraudulently, he does in vain.

QUI PER FRAUDEM AGIT, FRUSTRA AGIT.—2 *Rol. R.* 17.

2009. He who loves danger, will perish by it.

QUI PERICULUM AMAT, IN EO PERIBIT.—*Whart.*

2010. He has the better title who has the first in point of time.

QUI PRIOR EST TEMPORE, POTIOR EST JURE.—*Co. Litt.* 14a. (*Broom*, 353).

2011. He who is able to forbid, and refrains, directs.

QUI POTEST ET DEBET VETARE, JUBET, SI NON VITAT.—*Tray.* 504.

2012. He is preferred whose right has just been recorded.

QUI PRIUS JUS SUUM INSINUAVERIT PRÆFERETUR.—*Tray.* 504.

2013. He who does any thing for me, appears to do it to me.

QUI PRO ME ALIQUID FACIT, MIHI FECISSE VIDETUR.—2 *Inst.* 501.

2014. He who provides for himself, provides for his heirs.

QUI PROVIDET SIBI, PROVIDET HÆREDIBUS.—*Whart.*

2015. He who knows that he is deceived, is not deceived.

QUI SCIT SE DECIPI, NON DECIPIATUR.—*Tayler*, 355.

2016. He who renounces an action once, can not any more repeat it.

QUI SEMEL ACTIONEM RENUNCIaverit, AMPLIUS REPETERE NON POTEST.—8 *Rep.* 59.

2017. He who has once been wicked, is always presumed to be wicked in the same way.

QUI SEMEL MALUS, SEMPER PRÆSUMITUR ESSE MALUS IN EODEM GENERE.—*Cro. Car.* 317.

2018. He who feels the advantage, ought also to feel the burden.

QUI SENTIT COMMODUM, SENTIRE DEBET ET ONUS.—*H.* 147.

2019. He who without fraud expedites a hearing, can not be accused of delay.

QUI SINE DOLO MALO AD JUDICIUM PROVOCAT, NON VIDETUR MORAM FACERE.—*H.* 147.

2020. He who determines any thing while one party remains unheard, even though he may determine justly, is not a just judge.

QUI STATUAT ALIQUID PARTE INAUDITA, ALTERA ÆQUUM LICET STATUERIT, HAUD ÆQUUSOLET.—*H.* 147.

2021. He offends who occasions the suspicion of an offense.

QUI SUSPICIONEM PECCATI INDUCIT, PECCAT.—*H.* 147.

2022. He who receives that which is his due, although he does not receive it from his debtor, is not liable in restitution.

QUI SUUM RECIPIT LICET, A NON DEBITORE, NON TENETUR RESTITUERE.—*Tray.* 505.

2023. He who is silent, appears to consent.

QUI TACIT, CONSENTIRE VIDETUR.—*Jenk. Cent.* 32.

9 Mod. 38, adds: "*Ubi tractatur de ejus commodo*," When his advantage is being debated.

2024. He who pays slowly, pays too little.

QUI TARDIUS SOLVIT, MINUS SOLVIT.—*Jenk. Cent.* 58.

2025. He who is too dilatory, loses his own cause.

QUI TEMPUS PRÆTERMITTIT, CAUSAM PERDIT.—*H.* 148.

2026. They who fear are wary, and avoid.

QUI TIMENT CAVENT, ET VITANT.—*Office of Ex.* 62.

2027. Those things will not be considered as differing which agree in substance, though they are not the same in words.

—*Jenk. Cent.* 70.

2028. He who robs by violence, is the greater thief.

QUI VI RAPUIT, FUR IMPROBIOR ESSE VIDETUR.

2029. Let him be deceived who is willing to be deceived.

QUI VULT DECIPI, DECIPIATUR.—*Broom*, 782*n.*

2030. Whatever is done against good morals, is done against common law.

QUICQUID CONTRA BONOS MORES FACIT, JURE COMMUNI VETITUM.
—*H.* 188.

2031. Whatever is done to excess, is prohibited in law.

QUICQUID IN EXCESSUM ACTUM EST, LEGE PROHIBETUR.—*H.* 149.

2032. Whatever is submitted to the authority of a judge, is not subjected to novelty.

QUICQUID JUDICIS AUCTORITATI SUBJICITUR, NOVITIATI NON SUBJICITUR.—4 *Inst.* 66.

2033. Whatever is bad in itself, that the laws forbid to all.

QUICQUID PER SE MALUM EST, ID LEGES OMNIBUS VETANT.—*H.* 149.

2034. Whatever is obtained by the servant, belongs to the master.

QUICQUID PER SERVUM ACQUIRITUR, ID DOMINO ACQUIRITUR.—*Tayler*, 352.

2035. Whatever is affixed to the soil, belongs thereto.

QUICQUID PLANTATUR SOLO, SOLO CEDIT.—*Wentw. Off. Ex.* 14th *Ed.* 145 (*Broom*, 401).

2036. Money paid is to be applied according to the intention of the party paying it; and money received, according to that of the recipient.

QUICQUID SOLVITUR, SOLVITUR SECUNDUM MODUM SOLVENTIS;
QUICQUID RECIPITUR, RECIPITUR SECUNDUM MODUM RECIPIENTIS.—*H.* 149 (*Broom*, 810).

2037. No man should be condemned unheard.

QUICUNQUE ALIQUID STATUERIT PARTE INAUDITA.

ÆQUUM LICET STATUERIT HAUD ÆQUUS ALTERA FUERIT.

—*Seneca, Medea*, cited 6 *Rep.* 52a.; 11 *Rep.* 99a.; 4 *Exch.* 97; 14c. *B.* 165.

2038. Whoever has ordinary jurisdiction, is ordinary of that place.

QUICUNQUE HABET JURISDICTIONEM ORDINARIUM, EST ILLIUS LOCI ORDINARIUS.—*Co. Litt.* 344.

2039. What ought to be done is easily presumed.

QUID FIERI DEBET FACILE PRÆSUMITUR.—*H.* 148.

2040. It is the province of the law to define what the law is, and in what injustice consists.

QUID SIT JUS, ET IN QUO CONSISTAT INJURIA, LEGIS EST DEFINIARI.—*H.* 148.

2041. Do not to another what you would not wish he should do to you.

QUID TIBI FIERI NON VIS, ALTERI NE FECERIS.—*Tayler*, 353.

2042. Whoever does any thing by command of a judge, is not reckoned to have done it with an evil intent; because it is necessary to obey.

QUIDCUNQUE JUSSU JUDICIS ALIQUID FECERIT, NON VIDETUR DOLO MALO FECISSE; QUIA PARERE NECESSE EST.—10 *Rep.* 71.

2043. The crime which is committed by a multitude must pass unpunished.

QUIDQUID MULTIS PECCATUR INULTUM EST.—*Tayler*, 353.

This is on grounds of public policy, where whole communities are criminals.

2044. Do not stir up points of law already decided; but let a decision once rendered stand as the law.

QUIETA NON MOVERE; SED STARE DECISIS.—*Riley*, 440.

2045. One may renounce the benefit of a law working in his own behalf.

QUILIBET ENIM JURE PRO SE INTRODUCTO RENUNCIARE POTEST.—*H.* 149.

2046. One should prevail by reason of his own strength, and not by reason of his opponent's weakness.

QUILIBET EX VIRTUTE SUA, NON IMBECILLITATE ADVERSARIJ, DEBET VINCERE.—*H.* 149.

2047. Any one may, at his pleasure, renounce the benefit of a stipulation or other right introduced entirely in his own favor.

QUILIBET POTEST RENUNCIARE JURI PRO SE INTRODUCTIO.—*Wing. Max.* 483 (*Broom*, 699).

2048. If mere accusation, secret or open, could convict, who would go free?

QUIS ERIT INNOCENS, SI CLAM VEL PALAM ACCUSARE SUFFICIAT? —*Riley*, 525.

2049. Every one is bound to live within his means.

QUISQUE MANERE SUAM FORTUNAM DEBET.—*Riley*, 60.

2050. Every one exercising a derived right, exercises it as the right of his principal.

QUISQUE UTITUR JURE AUCTORIS.—*Tray.* 512.

2051. Whoever wishes to be a jurisconsult, let him continually study, and desire to be taught by every one.

QUISQUIS ERIT CUI VULT JURIS CONSULTUS, HABERI CONTINUET STUDIUM VELIT, A QUOCUNQUE DOCERI.—*Jenk. Cent.*

2052. Every one is presumed good; and in doubtful cases, the resolution should always be for the accused.

QUISQUIS PRÆSUMITUR BONUS; ET SEMPER IN DUBIIS PRO REO RESPONDENDUM.—*Jur. Civ.*

2053. Every one is presumed to speak best in his own cause.

QUISQUIS SUA FACTA SCIRE ET PRESUMITUR ET DEBET.—*H.* 150.

2054. The physician who gives a disease time for cure finds a better remedy than he who cuts the skin. A gradual cure is better than violent remedies.

QUI TEMPORIS MORBO MORAM MEDICUS DEDIT PLUS REMEDII QUAM CUTIS SECTOR DEDIT.—*Riley*, 224.

2055. Every one is presumed innocent, until he is proved to be guilty.

QUIVIS PRÆSUMITUR BONUS, DONEC PROBEATUR CONTRARIUM.—*Tray*, 512.

2056. The criminal who is arraigned in public can not be condemned in private.

QUO LIBELLI IN CELEBERRIMIS LOCIS PROPONUNTUR, HUIC NE PERIRE QUIDEM TACITE CONCEDITUR.—*Cicero*.

2057. By the same power by which a thing is bound, by that it is released.

QUO LIGATUR, EO DISSOLVITUR.—2 *Rob. R.* 21.

2058. In the same manner in which any thing is constituted it is also dissolved.

QUO MODO QUID CONSTITUITUR, EODEM MODO DISSOLVITUR.—*Jenk. Cent.* 74.

2059. An inheritance comes in the way in which guardianship goes, unless female heirs intervene.

QUO TUTELA REDIT EO HÆREDITAS PERVENIT, NISI CUM FÆMINÆ HÆREDES INTERCEDUNT.—*H.* 150.

2060. That which is exacted from one, by way of punishment or fine, no one is compelled to restore.

QUOD A QUOQUE PÆNÆ NOMINE EXACTUM EST ID EIDEM RES TITUTERE NEMO COGITUR.—*D.* 50, 17, 46.

2061. That which is originally void does not, by lapse of time, become valid.

QUOD AB INITIO NON VALET IN TRACTU TEMPORIS NON CONVALESCIT.—*Noy. Max. 9th Ed. p. 16 (Broom, 278).*

2062. That which is built upon the ground bequeathed accrues to the legacy.

QUOD ÆDIFICATUR IN AREA LEGATA CEDIT LEGATO.—*Broom, 424.*

2063. What otherwise is good and just, if it be sought by force and fraud, becomes bad and unjust.

QUOD ALIAS BONUM ET JUSTUM EST, SI PER VIM VEL FRAUDEM PETATUR, MALUM ET INJUSTUM EFFICITUR.—*3 Rep. 78.*

2064. What I approve I do not reprobate.

QUOD APPROBO, NON REPROBO.—*Broom, 712.*

2065. With respect to natural law, all men are equal.

QUOD AD JUS NATURALE, ATTINET OMNES HOMINES ÆQUALES SUNT.—*H. 151.*

2066. All civil law is not the law of nations; but all law of nations is civil law.

QUOD CIVILE JUS NON IDEM CONTINUO GENTIUM; QUOD AUTEM GENTIUM IDEM CIVILE ESSE DEBET.—*H. 151.*

2067. What conscience wishes, the law being deficient, equity prescribes.

QUOD CONSCIENTIA VULT UBI, LEX DEFICIT, ÆQUITAS COGIT.—*H. 152.*

2068. What appears to the courts needs not the help of witnesses.

QUOD CONSTAT CURIÆ OPERE TESTIUM NON INDIGET.—*2 Inst. 662.*

2069. That which is clearly apparent needs not to be verified.

QUOD CONSTAT CLARE NON DEBET VERIFICARI.—*Whart.*

2070. What is done contrary to law is considered as not done.

QUOD CONTRA LEGEM FIT PRO INFECTO HABETUR.—*G.* 405;
4 *Rep.* 31.

2071. That which is received against the meaning of the law must not be drawn into consequences.

QUOD CONTRA RATIONEM JURIS RECEPTUM EST, NON EST PRODUCENDUM AD CONSEQUENTIAS.—*D.* 50, 17, 141 (*b*).

2072. Whatever any one does in defense of his person, he is conceded to do legally.

QUODCUNQUE ALIQUIS OB TUTELAM CORPORIS SUI FECERIT, JURE ID FECISSE VIDETUR.—2 *Inst.* 590.

2073. What is given to the church is given to God.

QUOD DATUM EST ECCLESIE DATUM EST DEO.—2 *Inst.* 2.

2074. To do what is just, not what the law allows, is true excellence.

QUOD DECET, NON QUOD LICET, LAUS EST.—*Seneca.*

2075. Omittance is no quittance; that which is deferred is not relinquished.

QUOD DEFERTUR NON AUFERTUR.—*Riley*, 386.

2076. What is added to a thing already sufficiently palpable, for the purpose of demonstration, is vain.

QUOD DEMONSTRANDI CAUSA ADDITUR REI, SATIS DEMONSTRATÆ, FRUSTRA FIT.—10 *Rep.* 113.

- 2077. What is a doubtful interpretation of liberty ought to be answered according to the greatest liberty**

QUOD DUBIA INTERPRETATIO LIBERTATIS EST SECUNDUM LIBERTATEM RESPONDENDUM ERIT.—*H.* 152.

- 2078. Where you doubt, do nothing.**

QUOD DUBITAS, NE FECERIS.—*P. C.* 300.

- 2079. That which proceeds from necessity is never introduced, unless from necessity.**

QUOD EX NECESSITATE NUNQUAM INTRODUCITUR, NISI QUANDO NECESSARIUM.—*H.* 153.

- 2080. That which is incongruous, or contrary to reason, is not allowed in the law.**

QUOD EST INCONVENIENS ET CONTRA RATIONEM NON EST PERMISSUM IN LEGE.—*Tayler*, 360.

- 2081. What is necessary is lawful.**

QUOD EST NECESSARIUM EST LICITUM.—*H.* 153.

- 2082. That which is introduced of necessity is only introduced when necessary.**

QUOD EST EX NECESSITATE NUNQUAM INTRODUCITUR, NISI QUANDO NECESSARIUM.—2 *Rol. R.* 512.

- 2083. Accidents may happen to the most wary and cautious.**

QUOD FATO CONTINGIT CUIVIS DILIGENTISSIMO POSSIT CONTINGERE.—*Tayler*, 360.

- 2084. What ought to be done is easily presumed.**

QUOD FIERI DEBET FACILE PRÆSUMITUR.—*H.* 153.

- 2085. What ought to be done avails, even though it is not done.**

QUOD FIERI DEBET INFECTUM VALET.—*Tray.* 515.

2086. What ought to have been done is reckoned as done.

QUOD FIERI DEBUIT PRO FACTO CENSATUR.—*H.* 153.

2087. What ought not to be done avails when done.

QUOD FIERI NON DEBET FACTUM VALET.—5 *Rep.* 38.

2088. What is forbidden to be done directly is forbidden also indirectly.

QUOD FIERI VETATUR EX DIRECTO VETATUR ETIAM AB OBLIQUO.
—*H.* 153.

2089. What is done in fraud, although null and void as to all others, is valid against the defrauders.

QUOD FRAUDE FACTUM EST IN ALIOS INFECTUM ESTO CONTRA FRAUDATOREM VALET.—*H.* 154.

2090. What to-day we respect as examples, in the future will be regarded as precedents.

QUOD HODIE EXEMPLIS TUEMUR, EXEMPLA ERIT.—*Tayler*, 308.

2091. What at first is faulty can not by length of time become valid.

QUOD INITIO VITIOSUM EST NON POTEST TRACTU TEMPORIS CONVALESCERE.—*D.* 50, 17, 29.

2092. That which does not avail in the greater, avails not in the less.

QUOD IN MAIORE NON VALET, NEC VALET IN MINORE.—*Tayler*, 361.

2093. That which is bad when done can never be valid by positive law.

QUOD IN SE MALUM UBIQUE FACTUM FUERIT NULLA JURIS POSITIVI RATIONE VALEBIT.—*H.* 154.

2094. What avails in one of two similar things will avail in the other.

QUOD IN UNO SIMILIUM VALET VALEBIT IN ALTERO.—*Co. Litt.* 191.

2095. What is done without counsel is revoked without counsel.

QUOD INCONSULTO FECIMUS CONSULTIUS REVOCEMUS.—*Jenk. Cent.* 116.

2096. That which is law as regards the whole is also law as to the part.

QUOD JURIS IN TOTO IDEM IN PARTE.—*Tray.* 516.

2097. What is yours by law can not be more yours.

QUOD LEGE TUUM EST AMPLIUS ESSE TUUM NON POTEST.—*H.* 154.

2098. That which is one's own can not be lost to him or transferred to another, except by his own act or neglect.

QUOD MEUM EST SINE FACTO MEIO VEL DEFECTU MEIO AMITTI VEL IN ALIUM TRANSFERRI NON POTEST.—*Broom*, 465.

2099. That is presumed which ought naturally to exist.

QUOD NATURALITER INESSE DEBET PRÆSUMITUR.—*Tray*, 517.

2100. That which appears not, is not; and nothing appears judicially before judgment.

QUOD NON APPARET NON EST; ET NON APPARET JUDICIALITER ANTE JUDICIUM.—2 *Inst.* 479.

2101. That which has no beginning has likewise no end.

QUOD NON HABET PRINCIPIUM NON HABET FINEM.—*Broom*; 180.

2102. What is not read is not believed.

QUOD NON LEGITUR NON CREDITUR.—4 *Inst.* 304.

2103. That which is not good against the principal, will not be good as to accessories or consequences; and that which is not of force in regard to things near it, will not be of force in things more remote from it.

QUOD NON VALET IN PRINCIPALIA, IN ACCESSORIA SEU CONSEQUENTIA NON VALEBIT; ET QUOD NON VALET IN MAGIS PROPINQUO, NON VALEBIT IN MAGIS REMOTO.—8 *Rep.* 78.

2104. That which is the property of nobody else belongs to the king.

QUOD NULLIUS EST FIT DOMINI REGIS.—*Fleta*, l. III.

2105. Possession is the best title where no better title appears.

—*Br.* 148.

2106. What belongs to nobody is given to the occupant by natural right.

QUOD NULLIUS EST ID RATIONE NATURALI OCCUPANTI CONCEDITUR.—*D.* 41, l. 3; *Pand. I.* xli.

2107. That which, laboring under no internal fault, is overcome by obstacles, emerges of itself, the obstacle being removed.

QUOD NULO INTERNO VITIO LABORAT ET OBJECTO IMPEDIMENTO CESSAT, REMOTO IMPEDIMENTO PER SE EMERGIT.—*H.* 154.

2108. That which is nothing is capable of producing no effect.

QUOD NULLUM EST NULLUM PRODUCIT EFFECTUM.—*Tray.* 519.

2109. What I can not do by myself, I can not do by another.

QUOD PER ME NON POSSUM, NEC PER ALIUM.—4 *Rep.* 24.

2110. What is proved by record ought not to be denied.

QUOD PER RECORDUM PROBATUM NON DEBET ESSE NEGATUM.
—*Whart.*

2111. The latest statute decreed by the people shall be esteemed to be the law.

QUOD POPULUS POSTREMUM JUSSIT ID JUS RATUM ESTO.—*D.*
12, 2, 4.

2112. That which is first in intention is last in operation.

QUOD PRIMUM EST INTENTIONE ULTIMUM EST IN OPERATIONE.
—*Bacon.*

2113. What is first is true, and what is first in time is better in law.

QUOD PRIUS EST VERIUS EST, ET QUOD PRIUS EST TEMPORE
POTIUS EST JURE.—*Co. Litt.* 347.

2114. That which is lawful as to the minor is lawful as to the major.

QUOD PRO MINORE LICITUM EST ET PRO MAJORE LICITUM EST.
—8 *Rep.* 43.

2115. That which is due purely and unconditionally is due now (or on demand).

QUOD PURE DEBETUR PRÆSENTI DIE DEBETUR.

2116. Let every one employ himself to understand what he knows not.

QUOD QUISQUE NORAT IN HOC SE EXERCEAT.—11 *Rep.* 10.

2117. That which is without remedy avails of itself, if there be no fault in the party seeking to enforce it.

QUOD REMEDIO DESTITUITOR IPSA SE VALET, SI CULPA ABSIT.
—*Bacon Max. Reg.* 9 (*Broom*, 212).

2118. What the king orders contrary to law is to be considered as not compulsory.

QUOD REX CONTRA LEGES JUBET PRO INJUSSA REPUTABITUR.
—*H.* 155.

2119. Legislatures do not consider what merely once or twice may have existed.

QUOD SEMEL AUT BIS EXISTIT PRÆTEREUNT LEGISLATORES.—
D. 1, 3, 6.

2120. That which is once my own can not be any more fully my own.

QUOD SEMEL MEUM EST AMPLIUS MEUM ESSE NON POTEST.—
—*Broom, 465n.*

2121. Where one's choice is once made, he can not disapprove it afterward, and again elect.

QUOD SEMEL PLACUIT IN ELECTIONE, AMPLIUS DISPLICERE NON POTEST.—*Co. Litt. 146a.*

2122. That which can be immediately liquidated is held as already liquidated.

QUOD STATIM LIQUIDARE POTEST PRO JAM LIQUIDO HABETUR.—
—*Tray. 521.*

2123. Time must be taken for deliberation, when we have to determine once for all.

QUOD STATUENDUM EST SEMEL DIU DELIBERANDUM EST.—
Riley, 77.

2124. What is given or reserved under a certain form is not to be drawn into a valuation or reservation.

QUOD SUB CERTA FORMA CONCESSUM VEL RESERVATUM EST NON TRAHITUR AD VALOREM SEU COMPENSATIONEM.—*Bacon.*

2125. What can not be understood does not exist.

QUOD SUBINTELLIGITUR NON DEEST.—2 *Id. Raym. 832.*

2126. Those things which, though contrary to reason, on grounds of public utility have been received into the common law, must not be taken as ruling in any other case than the particular one they were introduced to meet.

QUOD VERO CONTRA RATIONEM JURIS RECEPTUM EST, NON EST PRODUCEDENDUM AD CONSEQUENTIAS.—*D.* 1, 13, 14.

2127. What is silently understood does not appear to be wanting.

QUOD TACITE INTELLIGITUR DEESSE NON VIDETUR.—4 *Rep.* 22.

2128. That person ought to be elected who more fully understands, and is willing and able to perform, the duty of the office.

QUOD TALEM ELIGI FACIAT QUI MELIUS ET SCIAT ET VELIT, ET POSSIT OFFICIO ILLIO INTENDERE.—*Tayler*, 366.

2129. Do not that to another which you would not wish done to yourself.

QUOD TIBI FIERI NON VIS ALTERI NON FECERIS.—7 *St.* 1, c. p. 2.

2130. The law requires not what is vain and useless.

QUOD VANUM ET INUTILE EST LEX NON REQUIRIT.—*Co. Litt.* 319.

2131. That which natural reason hath established among men is always the same and always just and true.

QUOD VERO NATURALIS RATIO INTER OMNES HOMINES CONSTITUIT, ID APUD OMNES PERÆQUE CUSTODITUR QUOD SEMPER ÆQUUM AC BONUM EST.—*H.* 155.

2132. Do as of your own free will, and gracefully, those things which the law compels you to do.

QUOD VOS JUS COGIT ID VOLUNTATE IMPETRET.—*Riley*, 390.

2133. Whatever one hath done for the protection of his own person he will be regarded as having done according to law.

QUODCUNQUE ALIQUIS OB TUTELAM CORPORIS SUI FECERIT JURE ID FECISSE VIDETUR.—*H.* 156.

2134. A windfall is the common property of all the finders.

QUODCUMQUE EST LUCRI COMMUNE.—*Riley*, 511.

2135. Every thing in law is to be discharged in the same way in which it was bound.

QUODLIBET IN LEGE EODEM MODO DISSOLVITUR QUO LIQATUM EST.—*H.* 156.

2136. A remainder must rest at the moment that the estate preceding it determines.

—*Br.* 155.

2137. The words “quorum prætextu” neither increase nor diminish a sentence, but only confirm what precedes it.

“QUORUM PRÆTEXTU” NEC AUGET NEC MINUIT SENTENTIUM, SED TANTUM CONFIRMAT PRÆMISSA.—*Plowd.* 52.

2138. Let occasional decrees regulate equity; lest a lawful desire, or a natural reason, or a doubt of law, delay it.

QUOTIES ÆQUITATE DESIDERII NATURALIS RATIO, AUT DUBITATIO JURIS MORATUR, JUSTIS DECRETIS RES TEMPORANDA EST.—*H.* 137.

2139. When the interpretation of the liberties of the people be doubtful, let it be given in their favor.

QUOTIES DUBIA INTERPRETATIO LIBERTATIS, SECUNDUM LIBERTATEM RESPONDENDUM EST.—*Taylor*, 368.

2140. As often as a succession comes to a man by a double right, the new right is laid in abeyance, and the old right, by which he first succeeds, survives.

QUOTIES DUPLICI JURE DEFERTUR ALICUI SUCCESSIO, REPUDI-
ATO NOVO JURE, QUOD ANTE DEFERTUR SUPERERIT VETUS.
—*Reg. Jur. Civ.*

2141. Where two sentences in the same writing conflict, that is the stronger which best suits the performance of the subject matter of the writing.

QUOTIES IDEM SERMO DUAS SENTENTIAS EXPRIMIT, EA POTISSIMUM
EXCIPIATUR QUÆ REI GENERANDÆ APTIOR EST.—*D.* 50, 17, 67.

2142. Whenever an ambiguity appears in a written instrument, it is most conveniently construed so that the subject matter shall be preserved.

QUOTIES IN STIPULATIONIBUS AMBIGUA ORATIO EST, COMMODIS-
SIMUM EST ID ACCIPI QUO RES DE QUA AGITUR IN TUTO SIT.
—*D.* 41, 80, and 50, 16, 219.

2143. In the absence of ambiguity, no exposition shall be made which is opposed to the express words of the instrument.

QUOTIES IN VERBIS NULLA EST AMBIGUITAS IBI NULLA EXPO-
SITIO CONTRA VERBA FIENDA EST.—*Wing. Max. p.* 24
(*Broom*, 618); *Co. Litt.* 147.

2144. Whenever it is expedient that the law be opened, in order that new incidents or terms be introduced into it, then it is also expedient that at the same time every other incident or term appropriate be supplied, either by interpretation or by jurisdiction.

QUOTIES LEGE ALIQUID UNUM VEL ALTERUM INTRODUCTUM EST,
BONA OCCASIO EST CÆTERA QUÆ TENDUNT AD EANDEM
UTILITATEM VEL INTERPRETATIONE, VEL CERTE JURISDICTIONE
SUPPLERI.—*H.* 157.

2145. Where there are two repugnant clauses in a will, the last clause shall prevail.

QUUM DUE INTER SE REPUGNANTIA REPERIANTUR IN TESTAMENTO, ULTIMA RATÆ EST.—*Taylor*, 368.

2146. When the principal ceases to exist, the accessories and incidents have likewise no existence.

QUUM PRINCIPALIS CAUSA NON CONSISTIT, NE EA QUIVEM QUÆ SEQUUNTUR LOCUM HABENT.—*D.* 50, 17, 129, § 1.

2147. When what I do is of no force as to the purpose for which I do it, let it be of force to as great a degree as possible.

QUUM QUOD AGO NON VALET UT AGO, VALEAT QUANTUM VALERE POTEST.—1 *Vent.* 216.

R

2148. Things taken in war go to the State.

RÆPUBLICÆ CEDUNT BELLO PARTA.—1 *Gall.* 558.

2149. The consent of the governed is the root and top of government.

RADIX ET VERTEX IMPERII IN OBEDIENTIUM CONSENSUS.—*H.* 158.

2150. A ratification is tantamount to a direction.

RATIHIBITIS MANDATO ÆQUIPARATUR.—*Broom*, 867.

2151. Reason and authority are the two brightest lights of the world.

RATIO ET AUCTORITAS DUO CLARISSIMA MUNDI LUMINA.—4 *Inst.* 320.

2152. Reason is the formal cause of custom.

RATIO EST FORMALIS CAUSA CONSUETUDINIS.—*Whart.*

2153. Reason is the soul of law: the reason of the law being changed, the law itself is changed.

RATIO EST LEGIS ANIMA: MUTATA LEGIS RATIONE, MUTATUR ET LEX.—7 *Rep.* 7.

2154. Reason is a ray of the divine light.

RATIO EST RADIUS DIVINI LUMINIS.—*Co. Litt.* 232.

2155. Reason and authority are the two beacon lights of the world.

RATIO ET AUTHORITAS DUO CLARISSIMA MUNDI LUMINA.—*H.* 153.

2156. The reason of law is the soul of law.

RATIO LEGIS EST LEX.—*Jenk. Cent.* 45.

2157. Reason may be alleged when law is defective; but it must be true and legal, and not mere apparent reason.

RATIO POTEST ALLEGARI DEFICIENTE LEGE; SED RATIO VERA ET LEGALIS, ET NON APPARENS.—*Co. Litt.* 191.

2158. Compacts are accustomed to be made by the thing itself, by words, by writing, by consent, by delivery, by handsale.

RE, VERBIS, SCRIPTO, CONSENSU, TRADITIONE, JUNCTURA, VESTES SUMERE PACTA SOLENT.—*Plowd. Com.* 161b.

2159. We surrender to the forms of law, rather than allow injuries to remain unpunished.

RECEDITUR A PLACITIS JURIS POTIUS QUAM INJURIAE ET DELICTA MANEANT IMPUNITA.—*Bac. Max. Reg.* 12.

2160. Records are the vestiges of antiquity and truth.

RECORDIA SUNT VESTIGIA VETUSTATIS ET VERITATIS.—*H.* 158.

- 2161. Recovery is a restitution, by the sentence of a judge, of any thing brought into the cause of another.**

RECUPERATIO EST ALICUJUS REI IN CAUSAM ALTERIUS ADDUCTÆ PER JUDICEM ACQUISITO.—*Co. Litt.* 154a.

- 2162. We must have recourse to what is extraordinary, when what is ordinary fails.**

RECURRENDUM EST AD EXTRAORDINARIUM QUANDO NON VALET ORDINARIUM.—*Whart.*

- 2163. Rent that is uncertain is dry rent.**

REDDITUS CÆLUS EST SICCUS.—6 *Co.* 58.

- 2164. The kingly power is indivisible, just as every other derivative power is indivisible.**

REGIA DIGNITAS EST INDIVISIBILES, ET QUÆLIBET ALIA DERIVATIVA DIGNITAS EST SIMILITER INDIVISIBILIS.—4 *Inst.* 243.

- 2165. The whole earth is fashioned after the pattern of the king.**

REGIS AD EXEMPLUM TOTUS COMPOSITUR ORBIS.—7 *Inst.* 193.

- 2166. Courts, whether of the king, or of the people, or of parliament, are established not by written, but by common, law.**

REGIS CURIA ET CURIA POPULI SIVE PARLIAMENTUM NON EX SCRIPTO, SED EX COMMUNI, LEGE SUNT.—*H.* 159.

- 2167. Since courts are the ruler himself sitting in justice, the courts can not try the ruler's title to the throne which he occupies.**

REGNANDI CAUSA MALUM CORAM NON JUDICE.—*Godf.* 417.

- 2168. The kingdom is not divisible.**

REGNUM NON EST DIVISIBILE.—*Co. Litt.* 165

2169. It is a rule of law that while a party is liable for his ignorance of the law, he may be held harmless for his ignorance of a material fact.

REGULA EST JURIS QUIDEM IGNORANTIAM CUIQUE NOCERE, FACTI VERO IGNORANTIAM NON NOCERE. —*D.* 22, 6, 1.

2170. A rule of law is a maxim inferred from several cases depending on the same legal principle. The rule is formed from the law that governs the cases, and not the law from the rule. The rule must be applied duly to the proper cases; otherwise, it loses its force, and is of no significance.

REGULA EST QUÆ REM QUÆ EST BREVITER ENARRAT, NON UT EX REGULA JUS SUMATUR, SED EX JURE QUOD EST REGULA FIAT. PER REGULAM IGITUR BREVIS RERUM NARRATIO EST, QUÆ SIMUL CUM IN ALIQUO VITIATA EST PERDIT OFFICIUM SUUM.—*L.* 1 *ff. a. Leg. Jur. Aut.*

2171. As a rule, a compact not to alienate one's property is not binding.

REGULARITER NON VALET PACTUM DE RE MEA NON ALIENDA. —*Co. Litt.* 223.

2172. The property in a thing deposited and the possession thereof remains in the depositor.

REI DEPOSITÆ PROPRIETAS APUD DEPONENTEM MANET, SED ET POSSESSIO.—*Tray.* 532.

2173. It is to the interest of the State that the wills of deceased persons should have their due effect.

REIPUBLICÆ INTEREST VOLUNTATES DEFUNCTORUM EFFECTUM SORTIRI.—*Tray.* 533.

2174. Relation is a fiction of law, and is intent to one point.

RELATIO EST FICTIO JURIS, ET INTENTA AD UNUM.—3 *Rep.* 28.

2175. Let reference be made always in such a manner that the disposition may avail; and when a disposition is referable to two things, so that by one it is bad, and by the other it is good, then let the reference be made to that by which the disposition may avail.

RELATIO SEMPER FIAT UT VALEAT DISPOSITIO, ET QUANDO AD DUAS RES REFERRI POTEST DISPOSITIO ITA QUOD SECUNDUM UNAM VITIATUR ET SECUNDUM ALTERAM UTILIS EST, TUNC FACIENDA ET RELATIO UT VALEAT DISPOSITIO.—6 *Rep.* 76.

2176. Of relatives, one being known, the other also is known.

RELATIVORUM, COGNITO UNO, COGNOSCITUR ET ALTERUM.—*Cro. Jac.* 539.

2177. The Christian religion is part of the law of England.

RELIGIO CHRISTIANA PARS EST LEGIS ANGLIÆ COMMUNIS.—*H.* 163; *Loft.* 327.

2178. A man commanding not too strictly is better obeyed.

REMISSIUS IMPERANTI MELIUS PARETUR.—3 *Inst.* 233.

2179. The obstacle being removed, the right of action emerges.

REMOTO IMPEDIMENTO, ACTIO EMERGIT.—*Tray.* 535.

2180. An infamous person should not be allowed to take an oath.

REPELLITUR A SACRAMENTO INFAMIS.—*H.* 159.

2181. Money refused releases him who tenders it.

REPROBATA PECUNIA LIBERAT SOLVENTEM.—9 *Rep.* 97.

2182. Reputation is vulgar opinion, where there is not truth.

REPUTATIO EST VULGARIS OPINIO, UBI NON EST VERITAS.—4 *Rep.* 107.

2183. The order of things is confounded, if every one ventures outside of his own jurisdiction.

RERUM ORDO CONFUNDITUR, SI UNICUNQUE JURISDICTIO NON SERVETUR.—4 *Inst. Proem.*

2184. The progress of events shows many things which at the beginning could not be foreseen or guarded against.

RERUM PROGRESSUS OSTENDUNT MULTA QUÆ IN INITIO PRÆCAVERI SEU PRÆVIDERI NON POSSUNT.—6 *Rep.* 40.

2185. Every one is the moderator and arbiter of his own affairs.

RERUM SUORUM QUILIBET EST MODERATOR ET ARBITER.—*Co. Litt.* 223.

2186. Accessories follow their principals.

RES ACCESSORIUM SEQUITUR REM PRINCIPALEM.—*Broom*, 491.

2187. A thing sold in good faith, for even the most trifling consideration, will be regarded as sold.

RES BONA FIDE VENDITA PROPTER MINIMAM CAUSAM INEMPTA.—*Domat.* 1, 2, § 11, *art.* 3.

2188. The thing is named from the principal part.

RES DENOMINATUR A PRINCIPALI PARTE.—9 *Rep.* 47.

2189. It is a wretched state of things when law is vague and mutable.

RES EST MISERA UBI JUS EST VAGUM ET INCERTUM.—2 *Salk.* 512.

2190. A transaction between two parties ought not to operate to the disadvantage of a third.

RES INTER ALIOS ACTA ALTERI NOCERE NON DEBET.—*Wing. Max. p. 327 (Broom, 934).*

2191. Things speak for themselves.

RES IPSA LOQUITUR.—*Broom.*

2192. A thing decided between two litigants ought neither to work advantage or disadvantage to third persons.

RES JUDICATA INTER ALIOS ALIIS NEQUE NOCET NEQUE PRODEST.—*H. 161.*

2193. A question adjudicated between the parties after hearing them, makes the law of that question.

RES JUDICATA INTER PARTES JUS FACIT.—*Ga. 275.*

2194. A thing adjudicated is received as true.

RES JUDICATA PRO VERITATE ACCIPITUR.—*Co. Litt. 103.*

2195. Facts speak for themselves and are always invaluable, since they can not be gainsaid.

RES LOQUITUR IPSA, QUÆ SEMPER VALET.—*Cic. Mil. 20.*

2196. Things are estimated by their value in money; but money is not estimated by its value in things.

RES PER PECUNIAM ÆSTIMANTUR, ET NON PECUNIA PER RES.—*9 Rep. 76.*

2197. The loss consequent upon the deterioration or destruction of property must be borne by the owner, unless caused by the fault of another.

RES PERIT SUO DOMO.—*Broom, 238.*

2198. Private things are those which belong to an individual, and are not common to all.

RES PRIVATÆ SUNT QUÆ SINGULORUM SUNT.—*Dig. 1, 8, 1 pn.*

2199. There is no mean in wickedness.

RES PROPECTO STULTA EST NEQUITIÆ MODUS.—11 *Rep. 8b.*

2200. A commonwealth is the assemblage of a multitude, by a legal agreement, with a mutual participation of advantage.

RES PUBLICA EST CŒTUS MULTITUDINIS JURIS CONSENSU, ET UTILITAS COMMUNIONE.—*G.* 4, 18, § 1.

2201. The ownership of things captured by the enemy does not change until they have been carried within the enemy's lines.

RES QUÆ INTRA PRÆSIDIA PRODUCTÆ NONDUM SUNT, QUANQUAM AB HOSTIBUS OCCUPATÆ, IDEO POSTLIMINII NON EGENT, QUIA DOMINIUM NONDUM MUTARUNT EX GENTI JURE.—*Grot.* 3, 9, § 16.

2202. Moderation in wickedness adds foolishness to crime.

RES STULTA EST NEQUITIÆ MODUS.—*Loft.* 208.

2203. He who takes the thing, takes also the burden which attaches to that thing.

RES TRANSIT CUM ONERE SUO.—*Fleta*, 3, 10, § 3.

2204. Things are held either as our own property or as public or common property.

RES VEL IN NOSTRO PATRIMONIO NOSTRUM HABENTUR.—*Just. Inst.* 2, 1, *pr.*

2205. The prince's rescript avails not against law.

RESCRIPTUM PRINCIPIS CONTRA JUS NON VALET.—*Reg. Jur. Civ.*

2206. A reservation ought not to be of the profits themselves; because they are granted; but from the new rent, apart from the profits.

RESERVATIO NON DEBET ESSE DE PROFICIUS IPSIS; QUIA EA CONCENDUNTUR; SED DE REDITU NOVO EXTRA PROFICUA.—*Co. Litt.* 142.

- 2207.** Reservation and protest do not create a right, but merely protect a right already possessed.

RESERVATIO UT ET PROTESTATIO NON FACIT JUS, SED TUETUR.
Tray. 542.

- 2208.** Resignation is a spontaneous relinquishment of one's own right.

RESIGNATIO EST JURIS PROPRII SPONTANEA REFUTATIO.—
Godf. 284.

- 2209.** The right of the giver being taken away, the right of the receiver falls with it.

RESOLUTO ENIM JURE DANTIS, RESOLVITUR JUS ACCIPIENTIS —
H. 161.

- 2210.** When the right of the grantor lapses, the grantee's right ceases.

RESOLUTO JURE CONCEDENTIS, RESOLVITUR JUS CONCESSUM.—
Mackeld. Civ. L. 179.

- 2211.** When the right of the giver becomes void, the right of the receiver ceases also.

RESOLUTO JURE DANTIS, RESOLVITUR JUS ACCIPIENTIS.—*Tray.*
543.

- 2212.** Neither reservation nor protestation makes law; they rather maintain it.

RESERVATIO UT ET PROTESTATIO NON FACIT JUS, SED TUETUR.
—*H.* 161.

- 2213.** The judge must see that no order be made, or judgment given, or sentence passed, either more harshly or more mildly than the case requires; but he must not seek renown for himself, either as an inflexible and self-denying, or as a tender and sympathetic judge.

RESPICIENDUM EST JUDICANTI NE QUID AUT DURIUS AUT REMISSIUS CONSTITUATUR QUAM CAUSA DEPOSCIT; NEC ENIM AUT SEVERITATIS AUT CLEMENTIÆ GLORIA AFFECTANDA EST.
—3 *Inst.*

2214. Let the ravisher himself answer; for he can not be ignorant that he has taken away another's ward.

RESPONDEAT RAPTOR; QUIA IGNORARE NON POTUIT QUOD PUPILLUM ALIENUM ABDUXIT.—*Hob.* 99.

2215. Let the principal be held responsible.

RESPONDEAT SUPERIOR.—4 *Inst.* 114 (*Broom*, 843).

2216. A traitor is punished, that one and all may not perish.

REUS LÆSÆ MAJESTATIS PUNITUR, UT PEREAT UNUS NE PEREANT OMNES.—4 *Rep.* 124.

2217. The king can not be forced to do justice.

REX AD JUSTITIAM FACIENDAM NON COGITUR.—*H.* 162.

2218. A king is given for the sake of the kingdom; not the kingdom for the king. Power is only granted for the public good.

REX DATUR PROPTER REGNUM; NON REGNUM PROPTER REGEM.—*Riley*, 401.

2219. A king ought to be subject to the law; for the law makes the king.

REX DEBET ESSE SUB LEGE; QUIA LEX FACIT REGEM.—*Taylor*, 386.

2220. The king is a body both legal and political.

REX EST LEGALIS ET POLITICUS.—*Lane*, 27.

2221. The king is the living law.

REX EST LEX VIVENS.—*Jenk. Cent.* 17.

2222. The king is a mixed person.

REX EST MIXTA PERSONA.—*H.* 162.

2223. The king is greater than any single person; but less than all.

REX EST MAJOR SINGULIS; MINOR UNIVERSIS.—*Bract. lib. 1, c. VIII.*

2224. He is truly a king who fears nothing, and who desires nothing.

REX EST QUI METUIT, ET QUI CUPIT NIHIL.—*Riley, 401.*

2225. The king is the father of his country.

REX EST PATER PATRIÆ.—*H. 162.*

2226. The king can do every thing but injustice.

REX HOC SOLUM NON POTEST FACERE QUOD NON POTEST INJUSTI AGERE.—11 *Rep. 72.*

2227. The king can not legally cease.

REX LEGE CADERE NON POTEST.—*H. 163.*

2228. The king is nothing else than law in action.

REX NIHIL ALIUD EST QUAM LEX AGENS.—*H. 163.*

2229. The king gives nothing except by record.

REX NIL DAT NISI PER RECORDUM.—*H. 163.*

2230. The king can order nothing except through his regularly-constituted parliament.

REX NIL POTEST JUBERE NISI PER CURIAM LEGITIME CONSTITUTAM.—*H. 163.*

2231. The king is under no man; yet he is in subjection to God and the law; for the law makes the king.

REX NON DEBET ESSE SUB HOMINE; SED SUB DEO ET SUB LEGE; QUIA LEX FACIT REGEM.—*Bract. lib. 1, p. 5 (Broom, 48).*

2232. He is not a king who is ruled by his own will.

REX NON EST UBI VOLUNTAS DOMINATUR.—*H. 163.*

2233. It is impossible for the king to mistake or to be mistaken.

REX NON POTEST FALLERE NEC FALLI.—*G.* 438.

2234. The king can not expel a subject against his will from the kingdom.

REX NON POTEST INVITUM CIVEM REGNO REPELLERE.—*H.* 164.

2235. The king can not do evil or injustice.

REX NON POTEST MALUM VEL INJURIAM FACERE.—*H.* 164.

2236. The king can do no wrong.

REX NON POTEST PECCARE.—2 *Rol. R.* 304 (*Broom*, 52).

2237. The king may not oppressively levy taxes upon a subject.

REX NON POTEST SUBDITIUM ONERARE IMPOSITIONIBUS.—*H.* 164.

2238. The king is never an infant.

REX NUNQUAM INFRA ÆTATEM EST.—*H.* 164.

2239. The king never dies.

REX NUNQUAM MORITUR.—*Branch Max. 5th Ed.* 197 (*Broom*, 50).

2240. The king is presumed to have all the law in the recesses of his heart.

REX PRÆSUMITUR IN SCRINIO PECTORIS SUI HABERE OMNIA JURA.—*H.* 164.

2241. The king is always presumed to attend to the business of the realm for the public good of all.

REX SEMPER PRÆSUMITUR ATTENDERE ARDUA REGNI PRO BONO PUBLICO OMNIUM.—4 *Co.* 56.

2242. Demands, questions, and answers ought to be simple.

ROGATIONES, QUÆSTIONES, ET POSITIONES DEBENT ESSE SIMPLICES.—*Hob.* 143.

2243. The king is the original of all franchises.

ROY EST L'ORIGINAL DE TOUTS FRANCHISES.—*Kielw.* 138.

2244. The king is not bound by any statute, if he be not expressly named to be so bound.

ROY N'EST LIE PER ASCUN STATUTE, SI IL NE SOIT EXPRESSMENT NOSME.—*Jenk. Cent.* 307 (*Broom*, 72).

2245. The king can grant a dispensation to do a thing prohibited, but not to do a thing wrong in itself.

ROY POET DISPENSER OVE MALUM PROHIBITUM, MAIS NON MALUM IN SE.—*Jenk. Cent.* 307.

2246. Great interests are apt to clash.

RUUNT MAGNA IN SE.—*Riley*, 173.

S

2247. The oaths of the poor are to be kept.

SACRAMENTA PAUPERUM SUNT SERVANDA.—*H.* 164.

2248. The oaths of minors are to be kept inviolate.

SACRAMENTA PUBERUM SUNT SERVANDA.—*Tray.* 548.

2249. An oath has in it three component parts: truth, justice, and judgment. Truth is requisite in the party swearing; justice and judgment, in the judge administering the oath.

SACRAMENTUM HABET IN SE TRES COMITES: VERITATEM, JUSTITIAM, ET JUDICIUM. VERITAS HABENDA EST IN JURATO; JUSTICIA ET JUDICIUM IN JUDICE.—3 *Inst.* 160.

2250. A foolish oath, though false, does not constitute perjury.

SACRAMENTUM SI FATUUM FUERIT, LICET FALSUM, TAMEN NON COMMITTIT PERJURIAM.—2 *Inst.* 167.

2251. It is like sacrilege to oppose the order of the ruler of one's country.

SACRILEGII INSTAR EST RESCRIPTUM PRINCIPIŒ OBYIARE.—*Taylor*, 395.

2252. A sacrilegious person transcends the cupidity and wickedness of all other despoilers.

SACRILEGIUS OMNIUM PRÆDONUM CUPIDITATEM ET SCELERA SUPERAT.—4 *Rep.* 106.

2253. A new road, not an old one, deceives the traveler.

SÆPE VIATOREM NOVA, NON VETUS, ORBITA FALLIT.

2254. Often when the propriety of words is strictly regarded, the meaning of the truth is lost.

SÆPENUMERO UBI PROPRIETATIS VERBORUM ATTENDITUR, SENSUS VERITATIS AMITTITUR.—7 *Rep.* 27.

2255. That regard may be had to the public welfare is the highest law.

SALUS POPULI SUPREMA LEX.—*Bacon Max. Reg.* 12 (*Broom*, 1).

2256. In the multitude of counsellors there is safety.

SALUS UBI MULTI CONSILIARIL.—4 *Inst.* 1.

2257. Laws were made for the safety of citizens and for the security of States.

SALUTEM CIVUM CIVITATUMQUE INCOLUMNITATEM CONDITÆ LEGES SUNT.—*Cicero*.

2258. A wise man begins at the end; and that which is first in intention is last in execution.

SAPIENS INCIPIT A FINE; ET QUOD PRIMUM EST IN INTENTIONE
ULTIMUM EST IN EXECUTIONE.—10 *Rep.* 256.

2259. A wise man does all things with deliberation.

SAPIENS OMNIA AGIT CUM CONSILIO.—*H.* 185.

2260. It is the part of a wise judge to think that a thing is permitted to him only in so far as it is committed and intrusted to him.

SAPIENTIS JUDICIS EST COGITARE TANTUM SIBI ESSE PERMISSUM
QUANTUM COMMISSUM ET CREDITUM.—4 *Inst.* 163.

2261. The wisdom of the law can not be valued in money.

SAPIENTIA LEGIS NUMMARIO PRETIO NON EST ÆSTIMANDA.—*Jenk. Cent.* 168.

2262. It is better to retreat than to press forward in the wrong path.

SATIS EST PRODESSE ETIAM MALIS PROPTER BONOS QUAM BONIS
DEESSE PROPTER MALOS.—*Riley*, 409.

2263. It is better to seek the fountain than to follow the stream.

SATIUS EST PETERE FONTEM QUAM SECTARI RIVULOS.—10
Rep. 113.

2264. He who secretly meditates a crime is guilty of the deed.

SCELUS INTRA SE TACITUM QUI COGITAT ULLUM FACTI CRIMEN
HABET.—*Tayler*, 397.

2265. The knowledge of smatterers is diluted ignorance.

SCIENTIA SCIOLORUM EST MIXTA IGNORANTIA.—8 *Rep.* 159.

2266. Equal knowledge on both sides makes the contracting parties equal.

SCIENTIA UTRINQUE PAR PARES CONTRAHENTES FACIT.—3 *Burr.* 910.

2267. To know a thing and to be bound by it are regarded in law as equivalent.

SCIRE ET SCIRE DEBERE ÆQUIPARANTUR IN JURE.—*Tray.* 551.

2268. To know a thing properly is to understand its reason and cause.

SCIRE PROPRIE EST REM RATIONE ET PER CAUSAM COGNOSCERE.—*Co. Litt.* 183.

2269. To write is to act or to do.

SCRIBERE EST AGERE.—2 *Rol. R.* 89.

2270. Written obligations are superseded by writings, and an obligation of naked assent is dissolved by assent to the contrary.

SCRIPTÆ OBLIGATIONES SCRIPTIS TOLLUNTUR, ET NUDI CONSENSUS OBLIGATIO CONTRARIO CONSENSU DISSOLVITUR.—*Jur. Civ.*

2271. A suit is a civil warfare; for, as the plaintiffs are armed with actions, and so, as it were, girded with swords, so the defendants are fortified with pleas, and so are defended, as it were, by shields.

SECTA EST PUGNA CIVILIS; SICUT ACTORES ARMANTUR ACTIONIBUS, ET QUASI GLADIIS ACCINGUNTUR, ITA REI MUNIUNTUR EXCEPTIONIBUS, ET DEFENDUNTUR QUASI CLYPEIS.—*Hob.* 20.

2272. A suit which relies upon a writing ought not to vary from the tenor of that writing.

SECTA QUÆ SCRIPTIO NITITUR A SCRIPTO VARIARI NON DEBET.—*Jenk. Cent.* 65.

2273. It is according to nature that the advantages of any thing follow him whom its disadvantage will follow.

SECUNDUM NATURAM EST COMMODA CUJUSQUE REI EUM SEQUI QUEM SEQUUNTUR INCOMMODA.—*D.* 50, 17, 10.

2274. The safety of ambassadors outweighs the expediency of punishment.

SECURITAS LEGATORUM UTILITATI PŒNÆ PREPONDERAT.—*Tayler*, 400.

2275. If things do not avail when by themselves, let them be joined.

SED SI NON PROSUNT SINGULA, JUNCTA JUVANT.—2 *P. Wms.* 22a.

2276. What we hear produces a slight impression compared with what we see.

SEGNITER IRRITANT ANIMOS DEMISSA PER AUREM QUAM QUÆ SUNT OCULIS SUBJECTÆ FIDELIBUS.—*Tayler*, 401.

2277. Seisin makes the heir.

Exploded by 3 and 4 *Wm.* IV. c. 106; but see *BROOM*, p. 525.

SEISINA FACIT STIPTEM.—*Wright Ten.* 185.

2278. Once a baron, always a baron.

SEMEL BARO, SEMPER BARO.—*Tray.* 554.

2279. Once a citizen, always a citizen.

SEMEL CIVIS, SEMPER CIVIS.—*Tray.* 555.

2280. In doubtful cases the most liberal things are always to be preferred.

SEMPER IN DUBIIS BENIGNIORA PRÆFERENDA.—*Broom.*

2281. In obscure cases we always follow that which is the least.

SEMPER IN OBSCURIS QUOD MINIMUM EST SEQUIMUR.—*Broom*, 687n.

2282. In the construction of bargains and other contracts, we should follow, first, precedent; if that is impossible, because a precedent be unknown, the custom of the country is to be next sought; and if the custom of the country does not appear, we are to follow moderation, and give judgment for the lesser sum.

SEMPER IN STIPULATIONIBUS ET IN CÆTERIS CONTRACTIBUS ID SEQUIMUR QUOD ACTUM EST; AUT SI NON PEREAT QUID ACTUM EST; ERIT CONSEQUENS UT ID SEQUAMUR, QUOD IN REGIONE IN QUA ACTUM EST FREQUENTATUR; QUID ERGO SI NEQUE REGIONIS MOS APPAREAT QUIA VARIUS FUIT? AD ID QUOD MINIMUM EST RELIGENDA SUMMA EST.—*L.* 34, 6, 2.

2283. Let the reference always be so made that the disposition may avail.

SEMPER ITA FIAT RELATIO UT VALEAT DISPOSITIO.—6 *Rep.* 76.

2284. A judge ought always to regard equity.

SEMPER JUDEX ÆQUITATEM SPECTARE DEBET.—*H.* 71.

2285. The presumption is always in favor of the legitimacy of children, and filiation can not be proved.

SEMPER PRÆSUMITUR PRO LEGITIMATIONE PUERORUM, ET FILIATIO NON POTEST PROBARI.—*Co. Litt.* 126a.

2286. The presumption is always in favor of the validity of a marriage.

SEMPER PRÆSUMITUR PRO MATRIMONIO.—*Whart.*

2287. The presumption is always for the negative.

SEMPER PRÆSUMITUR PRO NEGANTE.—*Whart.*

So in parliamentary law, on an equal division of votes the question is lost.

2288. The presumption is always for the sentence.

SEMPER PRÆSUMITUR PRO SENTENTIA.

- 2289.** He who does not prohibit one to interfere for himself, is considered as directing him; and if he confirm what hath been done by another, he is bound by the action of his mandate.

SEMPER QUI NON PROHIBIT PRO SE INTERVENIRE, MANDARE CREDITUR; SED ET SI QUIS RATUM HABUERIT QUOD GESTUM EST, OBSTRINGITUR MANDATI ACTIONE.—*H.* 167.

- 2290.** Mention of the male sex always includes the female.

SEMPER SEXUS MASCULINUS ETIAM FEMINIUM SEXUM CONTINET.—*D.* 32, 64.

- 2291.** Special things are always included in general things.

SEMPER SPECIALIA GENERALIBUS INSUNT.—*D.* 50, 17, 147.

- 2292.** The meaning of the words is the spirit of the law.

SENSUS VERBORUM EST ANIMA LEGIS.—5 *Rep.* 2.

- 2293.** Where the meaning of words is two-fold, mild and harsh, the milder sense is to be preferred.

SENSUS VERBORUM EST DUPLEX, MITIS ET ASPER, ET VERBA SEMPER ACCIPIENDA SUNT IN MITIORE SENSU.—4 *Rep.* 13.

- 2294.** The sense of the words is to be taken according as the words are used; and discourses are always to be interpreted according to the subject matter.

SENSUS VERBORUM EX CAUSI DICENDI ACCIPIENDUS EST; ET SERMONES SEMPER ACCIPIENDI SUNT SECUNDUM SUBJECTAM MATERIAM.—4 *Rep.* 14.

- 2295.** A sentence against any particular marriage never becomes a final determination or precedent against persons not parties to the particular question, in case they afterward appeal to that marriage.

SENTENTIA CONTRA MATRIMONIUM NUNQUAM TRANSIT IN REM JUDICATAM.—7 *Rep.* 43.

- 2296. An opinion rendered against an unbefriended minor is void.**

SENTENTIA CONTRA MINOREM INDEFENSUM LATA NULLA EST.—*H.* 168.

- 2297. Judgment creates right; and the interpretation of law has the force of law.**

SENTENTIA FACIT JUS; ET LEGIS INTERPRETATIO LEGIS VIM OBTINET.—*Ellesm. Postn.* 55.

- 2298. An interlocutory judgment may be recalled; but not a final judgment.**

SENTENTIA INTERLOCUTORIA REVOCARI POTEST; DEFINITIVA NON POTEST.—*Tray.* 558.

- 2299. Judgment is not given on things not liquidated; the judgment must be on something certain.**

SENTENTIA NON FERTUR DE REBUS NON LIQUIDIS; ET OPORTET QUOD CERTA RES DEDUCATUR IN JUDICIUM.—*Jenk. Cent.* 7.

- 2300. Let us follow in the footsteps of our fathers.**

SEQUAMUR VESTIGIA PATRUM NOSTRORUM.—*Jenk. Cent.*

- 2301. Power should follow justice, not precede it.**

SEQUI DEBET POTENTIA JUSTITIAM, NON PRÆCEDERE.—2 *Inst.* 454.

- 2302. Speech is the index of the mind.**

SERMO INDEX ANIMI.—5 *Rep.* 118.

- 2303. A speech relating to the person is to be understood as relating to his condition.**

SERMO RELATUS AD PERSONAM INTELLIGI DEBET DE CONDITIONE PERSONÆ.—4 *Rep.* 16.

2304. Pleadings are to be construed by reference to the subject matter of the cause and the condition of the parties making them.

SERMONES SEMPER ACCIPIENDI SUNT SECUNDUM SUBJECTAM MATERIAM ET CONDITIONUM PERSONARUM.—4 *Rep.* 14.

2305. The crime of theft is slavish; innocence alone is free.

SERVILI EST EXFILATIONIS; SOLA INNOCENTIA LIBERA.—2 *Inst.* 573.

2306. Preserve the landmarks which your fathers have set up.

SERVATE TERMINOS QUOS PATRES VESTRI POSUERE.—*Tray.* 559.

2307. Personal service follows the person.

SERVITIA PERSONALIA SEQUUNTUR PERSONAM.—2 *Inst.* 374.

2308. If you depart from the law, you wander in vain, and all things will become uncertain to every body.

SI A JURE DISCEDAS VAGUS ERIS, ET ERUNT OMNIA OMNIBUS INCERTA.—*Co. Litt.* 227.

2309. If any person strike a pregnant woman, or give her poison, by which she miscarry, if the embryo has been already formed, and particularly if it has quickened, he is guilty of murder.

SI ALIQUIS MULIEREM PREGNANTEM PERCUSSERIT, VEL EI VENENUM DEDERIT, PER QUOD FECERIT ABORTIVAM, SI PUERPERIUM JAM FORMATUM FUERIT, ET MAXIME SI FUERIT ANIMATUM, FACIT HOMICIDUM.—*Taylor*, 403.

2310. If two conflicting provisions appear in a testament, the last prevails.

SI DUO IN TESTAMENTO PUGNANTIA REPERIENTUR, ULTIMUM EST RATUM.—*H.* 169.

2311. If a day of payment is not stated in a bond, the money is due on the day it is executed.

SI IN OBLIGATIONIBUS DIES NON PONITUR, PRÆSENTE DIE DEBETUR.—*Riley*, 83.

2312. If you affirm that one is ungrateful, in that you have included every charge.

SI INGRATUM DIXERIS, OMNIA DIXERIS.—*Tray*. 560.

2313. A clerical error shall have no evil effect upon the parties to a written agreement.

SI LIBRARIUS IN TRANSCRIBENDIS STIPULATIONIS VERBI ERRASSET, NIHIL NOCERE QUO MINUS ET REUS ET FIDEJUSSOR TENEA-
TUR.—*H.* 169.

2314. If love leads the better class, fear restrains the larger class.

SI MELIORES SUNT QUOS DUCIT AMOR, PLURES SUNT QUOS CORRIGIT TIMOR.—*Co. Litt.* 392.

2315. The simplicity of the law of nations should prevail; because good faith in all cases is to be preserved.

SIMPLICITAS JURIS GENTIUM PRÆVALEAT; QUIA FIDES SERVANDA EST.—*Br.* 127.

2316. If the child be born subsequently, then by a fiction of law the birth shall have a retrospective construction.

SI MODO POSTEA NASCATUR, TUNC ENIM FICTIONE JURIS NATIVITAS RETROTRAHITUR.—*Taylor*, 410.

2317. If a woman ennobled by matrimony marries an ignoble person, she ceases to be noble.

SI MULIER PER MATRIMONIUM NOBILIS NUPSERIT IGNOBILI, DESINIT ESSE NOBILIS.—*H.* 169.

2318. If any thing is due to society at large, it is not due to individuals; nor do those individuals stand indebted for what the society owes in its corporate capacity.

SI QUID UNIVERSITATI DEBETUR, SINGULIS NON DEBETUR; NEC QUOD DERET UNIVERSITAS, SINGULI DEBENT.—*D.* 3, 4, 7, 1 (*e*).

2319. If a testator has made an error in the name or title of the legatee, the legacy will nevertheless be valid, if it appear clearly who was the person meant.

SI QUIDEM IN NOMINE, COGNOMINE, PRÆNOMINE LEGATarii TESTATOR ERRAVERIT, CUM DE PERSONA CONSTAT NIHILOMINUS VALET LEGATUM.—*Broom*, 645.

2320. If a guardian do fraud to his ward, let him be removed from his guardianship.

SI QUIS CUSTOS FRAUDEM PUPILLO FECERIT, A TUTELA REMOVENDUS EST.—*Jenk. Cent.* 39.

2321. If a person hear any thing affecting the republic, by omens, rumors, or report, let him lay it before the magistrate, and not convey it to another person.

SI QUIS QUID DE REPUBLICA, SINISTRIS, RUMORE, AUT FAMA ACCIPERIT, NEVE CUM ALIO COMMUNICET.—*Taylor*, 170.

2322. If a man kill one, meaning to kill another, he is guilty of felony.

SI QUIS UNUM PERCUSSE, CUM ALIUM PERCUTERE VELLE, IN FELONIA TENETUR.—3 *Inst.* 51.

2323. If a man leave his wife pregnant, he shall not be considered to have died without children.

SI QUIS PRÆGNANTEM UXOREM RELINQUIT, NON VIDETUR SINE LIBERIS DECESSISSE.—*Reg. Jur. Civ.*

2324. If a suggestion be not true, letters patent are void.

SI SUGGESTIO NON SIT VERA, LITERÆ PATENTES VACUÆ SUNT.—*H.* 169.

2325. No one shall improve his own estate to the injury of his neighbor.

SIC ENIM DEBERE QUIS MELIOREM AGRUM SUUM FACERE, NE VICINI DETERIOREM FACIAT.—*Taylor*, 404.

2326. Enjoy your own property in such a manner as not to injure that of another person.

SIC UTERE TUO UT ALIENUM NON LÆDAS.—9 *Rep.* 59 (*Broom*, 365).

2327. It is a more pleasant task, and also a more magnanimous one, to give than to receive.

SICUT BEATIUS EST, ITA MAJUS EST, DARE QUAM ACCIPERE.—6 *Rep.* 57.

2328. In the same way as nature does nothing by a bound, so neither does the law.

SICUT NATURA NIL FACIT PER SALTUM, ITA NEC LEX.—*Co. Litt.* 238.

2329. Just as an heir ought not to be punished for his ancestor's transgression, so he ought not to make any gain out of an ancestor's advantage.

SICUT PŒNA EX DELICTO DEFUNCTI HÆRES TENERI NON DEBET, ITA NEC LUCRUM FACERE SI QUID AD EUM PERVENISSET.

2330. It is best to be silent in a bad cause.

SILENTA EST IN MALA CAUSA.—*Riley*.

2331. If a seal has no device or impression upon it, it is no seal.

SIGILLUM SINE IMPRESSIONE NON EST SIGILLUM.—3 *Inst.* 169.

2332. Laws are silent when war prevails.

SILENT LEGES INTER ARMA.—4 *Inst.* 70.

2333. Silence in the counsels of the State avails nothing.

SILENTIUM IN SENATU EST VITIUM.—12 *Rep.* 94.

2334. Legal similitude is the similar relation of cases, in themselves different, whereby what is valid in one of the cases is valid in the other. If dissimilar, the relation is likewise dissimilar.

SIMILITUDO LEGALIS EST CASUUM DIVERSORUM INTER SE COLLATORUM SIMILIS RATIO, QUOD IN UNO SIMILIIUM VALET, VALEBIT IN ALTERO. DISSIMILUM DISSIMILIS EST RATIO.—*H.* 170.

2335. A mere commendation of an article does not bind the seller.

SIMPLEX COMMENDATIO NON OBLIGAT.—*Broom*, 781.

2336. Relation never defeats collateral acts.

—18 *Vin. A.* 292.

2337. The law favors simplicity; too much subtlety in law is to be reprobated.

SIMPLICITAS EST LEGIBUS AMICA; ET NIMIA SUBTILITAS IN JURE REPROBATUR.—4 *Rep.* 8.

2338. Once a prelate, always a prelate.

SEMEL PRELATUS, SEMPER PRELATUS.—*Tray.* 555.

2339. Where the property sold has been evicted in whole or in part, the purchaser has recourse against the seller.

SIVE TOTA RES EVINCATUR, SIVE PARS, HABET REGRESSUM EMPTOR IN VENDITOREM.—*Broom*, 768.

2340. Let companions make for themselves what law they please, so they do not abuse any thing of the public law.

SODALES LEGEM QUAM VOLUNT, DUM NE QUID EX PUBLICA LEGE CORRUMPANT, SIBI FERUNT.—*H.* 170.

2341. Sodomy is high treason against the king of heaven.

SODOMIE EST CRIME DE MAJESTIE VERO LE ROY CELESTE.—3
Inst. 58.

2342. The companion of my companion is not my companion.

SOCII MEI SOCIUS MEUS SOCIUS NON EST.—*D.* 50, 17, 47.

2343. The sun makes the grass grow without the assistance of man.

SOL SINE HOMINE GENERAT HERBUM.—*Office of Ex.* 57.

2344. Innocence alone is free.

SOLA INNOCENTIA LIBERA.—*H.* 170.

2345. The solemnities of the law are to be observed.

SOLEMNITATES JURIS SUNT OBSERVANDÆ.—*H.* 170.

2346. An evil conscience even in peace is anxious and solicitous.

SOLICITA ATQUE ANXIA ETIAM IN SOLITUDINE MALA CONSCIENTIA
EST.—*Riley*, 215.

2347. What is planted in the soil belongs to the soil.

SOLO CEDIT QUICQUID SOLO PLANTATUR.—*Office of Ex.* 57.

2348. One thing alone the king can not do—he can not act unjustly.

SOLUM REX HOC NON FACERE POTEST—QUOD NON POTEST IN-
JUSTE AGERE.—11 *Rep.* 72.

2349. The law suspects a man alone with a woman in a suspicious place.

SOLUS CUM SOLA IN LOCO SUSPECTO SUSPECTUS.—*Tray.* 567.

2350. God alone makes the heir, not man.

SOLUS DEUS FACIT HÆREDEM, NON HOMO.—*Co. Litt.* 5.

2351. The payment of the price is considered a purchase.

SOLUTIO PRETHI EMPTIONIS LOCO HABETUR.—*Jenk. Cent.* 56.

2352. The mention of specialties supersedes mention of generalities.

SPECIALIA GENERALIBUS DEROGANT.—*Broom*, 696.

2353. Hope is the dream of the vigilant.

SPES EST VIGILANTIS SOMNIUM.—4 *Inst.* 203.

2354. One who has been despoiled ought to be restored to his former state before proceeding to any thing else.

SPOLIATUS DEBET ANTE OMNIA RESTITUI.—2 *Inst.* 714.

2355. A person is responsible for want of skill in his chosen profession, and want of such skill is regarded as a fault.

SPONDET PERITIAM ARTIS, ET IMPERITIA CULPÆ ENUMERATUR.—*Tray.* 570.

2356. Let a woman who leaves her husband of her own accord, and commits adultery, lose her dower, unless her husband takes her back of his own accord.

SPONTE VIRUM MULIER FUGIENS ET ADULTERA FACTA, DOTE SUA CAREAT, NISI SPONTE RETRACTA.—*Co. Litt.* 32 (b).

2357. A presumption is good until overthrown by proof of the contrary.

STABIT PRÆSUMPTIO DONEC PROBETUR IN CONTRARIUM.—*Hob.* 297; *Wing.* 712.

2358. Statutes are to be so interpreted that they may not hurt the innocent.

STATUTA ITA INTERPRETANDA UT INNOXIIS NE OBSINT.—*H.* 171.

2359. Statutes made for the public good ought to be liberally construed.

STATUTA PRO PUBLICO COMMODO LATE INTERPRETANTUR.—
Jenk. Cent. 21.

2360. An affirmative statute does not take from the common law.

STATUTUM AFFIRMATIVUM NON DEROGAT COMMUNI LEGI.—
Jenk. Cent. 24.

2361. When the words of a statute are special, but the reason of it general, it is to be understood generally.

STATUTUM GENERALITER EST INTELLIGENDUM, QUANDO VERBA STATUTI SUNT SPECIALIA, RATIO AUTEM GENERALIS.—10
Rep. 101.

2362. One special statute does not take from another special statute.

STATUTUM SPECIALE STATUTO SPECIALI NON DEROGAT.—*Jenk. Cent. 199.*

2363. Let every man's house be his castle.

SUA CUIQUE DOMUS ARX ESTO.—*H. 172.*

2364. No one is deceived under the protection of the law.

SUB CLYPEO LEGIS NEMO DECIPITUR.—*H. 172.*

2365. Laws are made to no purpose, unless those for whom they are made are subject and obedient.

SUBDITIS ET OBEDIENTIBUS NISI, LEGES FRUSTRA FERUNTUR.—
7 *Rep. 13.*

2366. Remove the cause, and the effect ceases.

SUBLATA CAUSA, TOLLITUR EFFECTUS.—*Co. Litt. 303.*

2367. When the respect due to magistrates is taken away, the State falls.

SUBLATA VENERATIONE MAGISTRATUM, RESPUBLICA RUIT.—*H.* 172.

2368. Remove the foundation, and the superstructure falls.

SUBLATO FUNDAMENTO, CASIT OPUS.—*Jenk. Cent.* 100.

2369. If the principal is undermined, the incidents are overthrown.

SUBLATO PRINCIPALI TOLLITUR ADJUNCTUM.—*Noy. Max.* (9th Ed.) 20.

2370. To suborn is to adorn that which is bad subtly to the ear; and subornation is equally the expression of what is false, or the suppression of what is true.

SUBORNARE EST QUASI SUBTUS IN AURE IPSUM MALE ORNARE, UNDE SUBORNATIO DICTUR DE FALSI EXPRESSIONE, AUT DEVERI SUPPRESSIONE.—3 *Inst.* 167.

2371. A subsequent marriage removes a previous criminality.

SURSEQUENS MATRIMONIUM TOLLIT PECCATUM PRÆCEDENS.—*Reg. Jur. Civ.*

2372. The substance is prior and of more worth than the accident.

SUBSTANTIA PRIOR ET DIGNIOR EST ACcidente.—*H.* 172.

2373. A minor is to be aided; for youth is liable to err.

SUCCURRITUR MINORI; FACILIS EST LAPsus JUVENTUTIS.—*Jenk. Cent.* 47.

2374. The greatest charity is to do justice to each, and at all times.

SUMMA CHARITAS EST FACERE JUSTITIAM SINGULIS ET OMNIBUS, OMNI TEMPORE.—*H.* 172.

2375. That rule of conduct is to be deemed binding which religion dictates.

SUMMA RATIO EST QUÆ RELIGIONE FACIT.—*Co. Litt.* 341a.
(*Broom*, 19).

2376. The goodness of the great is the common refuge of all.

SUMMI CUJUSQUE BONITAS COMMUNE PERFUGIUM OMNIBUS.—*H.* 172.

2377. Let no summonses nor citations be served within the king's palace.

SUMMONITIONES AUT CITATIONES NULLE LICEANT FIERI INTRA PALATIUM REGIS.—3 *Inst.* 141.

2378. Extreme law is extreme injury.

SUMMUM JUS, SUMMA INJURIA.—*Hob.* 125; *G.* 464.

2379. The truth of charters is a question for the jury when the witnesses are dead.

SUPER FIDEM CHARTARUM, MORTUIS TESTIBUS, ERIT AD PATRIAM DE NECESSITATE RECURRENDUM.—*Co. Litt.* 6.

2380. Superfluous things oppose; defective things destroy.

SUPERFLUA OBSTANT; DEFECTIVA PERIMUNT.—*H.* 173.

2381. Superfluities hurt not.

SUPERFLUA NON NOCENT.—*Jenk. Cent.* 184.

2382. The suppression of a fact takes away equity.

SUPPRESSIO FACTI TOLLIT ÆQUITATEM.—*H.* 173.

2383. A suppression of a falsehood is a suppression of the truth itself.

SUPPRESSIO FALSI, SUPPRESSIO VERI.—*Tayler*, 424.

2384. There should be no power above the laws.

SUPRA LEGES NULLA POTENTIA ESSE DEBET.—*Cic.*

2385. Supreme power can dissolve itself.

SUPREMA POTESTAS SEIPSAM DISSOLVERE POTEST.—*Bacon.*

2386. Relation never makes good a void grant or devise of the party.

—18 *Vin. A.* 292.

2387. A thing substituted takes the nature of that for which it is substituted.

SURROGATUM CAPIT NATURAM SURROGATI.—*Tray.* 577.

2388. Let every man bear his own grievance rather than abridge the comforts of his neighbor.

SUUM CUIQUE INCOMMODUM FERENDUM EST POTIUS QUAM DE ALTERIUS DETRAHENDUM.—*Cic.*

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2389. Things unexpressed are sometimes considered as expressed.

TACITA QUÆDAM HABENTUR PRO EXPRESSIS.—8 *Rep.* 40.

2390. An over-nice pretence of certainty is the enemy of legal certainty, and is abhorrent to the law.

TALIS CERTITUDO CERTITUDINEM CONFUNDIT.—*Broom,* 187.

2391. Interpretation is always to be made in such a manner that what is absurd and inconvenient may be avoided, lest the judgment be illusory.

TALIS INTERPRETATIO SEMPER FIENDA EST UT EVITETUR ABSURDUM ET INCONVENIENS, ET NE JUDICIUM SIT ILLUSORIUM.
—1 *Rep.* 52.

2392. When any thing by itself is not evil, if it may yet be an example for evil, it is prohibited.

TAMEN ALIQUANDO PER SE NON SIT MALUM, SI SIT MALI EXEMPLI, NON EST FACIENDUM.—2 *Inst.* 564.

2393. It sometimes happens that a plea which seems *prima facie* just is nevertheless injurious and unequal.

TAMEN EVENIT UT EXCEPTIO QUÆ PRIMA FACIE JUSTA VIDETUR TAMEN INIQUE NOCEAT.—*Inst.* 4, 14, 4.

2394. Although the law speaks generally, it is to be restrained; since, when the reason on which it is founded fails, it fails also.

TAMEN LEX GENERALITER LOQUITUR RESTRINGENDA EST, UT CESSANTE RATIONE ET IPSA CESSAT.—4 *Inst.* 960.

2395. Goods are worth as much as they can be sold for.

TANTUM BONA VALENT QUANTUM VENDI POSSUNT.—3 *Inst.* 305.

2396. The writing is the limit of the grant.

TANTUM CONCESSUM QUANTUM SCRIPTUM.—*Tray.* 580.

2397. There is only prescription in so far as there has been possession.

TANTUM PRÆSCRIPTUM QUANTUM POSSESSUM.—*Tray.* 581.

2398. What is general prevails, or is worth as much, among things general as what is particular among things particular.

TANTUM VALET IN GENERALIBUS QUANTUM SINGULARE IN SINGULIS GENERALE.—71 *Rep.* 59.

2399. To believe rashly is to lack the nerve of wisdom.

TEMERE CREDERE EST NERVUS SAPIENTÆ AMITTERE.—5 *Rep.* 114.

2400. All worldly actions are limited within certain periods.

TEMPORA IN CERTA OMNES ACTIONES IN MUNDO LIMITATIONEM HABENT.—*Bract.* 52.

2401. There is a time when to say nothing; a time to say something; but no time to say every thing.

TEMPUS EST QUANDO NIHIL; TEMPUS EST QUANDO ALIQUID; NULLUM TAMEN EST TEMPUS IN QUO DICENDA SUNT OMNIA.
—*Riley*, 105.

2402. Time in its own nature has no effectual force.

TEMPUS EX SUAPTE NATURA VIM NULLAM EFFECTICEM HABET.
—*Tray.* 582.

2403. In construing agreements reference is to be had to the time at which they were entered into.

TEMPUS SPECTATUR IN RE STIPULATIONIBUS QUO CONTRAHIMUS.
—*Dig.* 50, 17, 144, 1.

2404. A tenant is bound to pay rent to his landlord, and the landlord to protect the tenant in all his rights under him.

TENENS DOMINO DEBITA SERVITIA TENETUR, ET DOMINUS INVICEM TENENTI PROTECTIONEM ET JURA SUA OMNIA.—*H.* 173.

2405. A tenant, by force of the obligation by which he takes his title, can do no act which may operate to disinherit his landlord.

TENENS NIL FACERE POTEST, PROPTER OBLIGATIONEM HOMAGII, QUOD VERTATUR DOMINO AD EXHÆREDATIONEM.—*Co. Litt.* 65.

2406. The tenor of an investiture is to be scrutinized.

TENOR INVESTITURÆ EST INSPICIENDUS.—*Wright Ten.* 21.

2407. Tenure is a compact contrary to the common nature and reason of the fee, put into a contract.

TENOR EST PACTIO CONTRA COMMUNEN A FEUDI NATURAM AC RATIONEM, IN CONTRACTU INTERPOSITA.—*Wright Ten.* 21.

2408. It is the contents of the charter which gives the law to the franchise.

TENOR EST QUI LEGEM DAT FEUDO.—*Broom*, 459.

2409. A term and the fee can not both be at the same time in one person.

TERMINUS ET PÆDUM NON POSSET CONSTARE SIMUL IN UNA EADEMQUE PERSONA.—*Plowd.* 29.

2410. A term of years ought to be certain and determinate.

TERMINUS ANNORUM CERTUS DEBET ESSE ET DETERMINATUS.—*Co. Litt.* 45.

2411. Land lying unoccupied is given to the tenant.

TERRA MANENS VACUA OCCUPANTI CONCEDITUR.—1 *Sid.* 347.

2412. When the land is transferred, the burdens upon it are also transferred.

TERRA TRANSIT CUM ONERE.—*H.* 173.

2413. Those who do not observe the law of the land justly ought to bear the brand of infamy.

TERRÆ LEGEM AMITTENTES PERPETUAM INFAMIÆ NOTAM INDE MERITO INCURRUNT.—3 *Inst.* 221.

2414. There is no land without a landlord.

TERRE NULLE EST SANS SEIGNEUR.—*Guyot. Inst. Teod.* 28.

2415. There is no oath of homage for a tenement held for a term, but only an oath of fealty.

TERMINEM QUOD TENETUR TENEMENTO NON FIT HOMAGII, FIT TAMEN INDE FIDELITATIS SACRAMENTUM.—*Co. Litt.* 69b.

2416. When two conflicting wills are found, the last prevails; so it is when two conflicting clauses occur in the same will.

TESTAMENTA CUM DUO INTER SE PUGNANTIA REPERIUNTUR, ULTIMUM RATUM EST; SIC EST CUM DUO INTER SE PUGNANTIA REPERIUNTUR IN EODEM TESTAMENTO.—*Co. Litt.* 112.

2417. Wills ought to have the broadest interpretation.

TESTAMENTA LATISSIMAM INTERPRETATIONEM HABERE DEBENT.
—*Jenk. Cent.* 81.

2418. A will is a witnessing of the mind, made in view of the uncertainty of human life, but in no present fear of danger.

TESTAMENTUM EST TESTATIO MENTIS, FACTA NULLO PRÆSENTE METU PERICULI, SED COGITATIONE MORTALITATIS.—*Co. Litt.* 322.

2419. Every will is perfected by death.

TESTAMENTUM OMNE MORTE CONSUMMATUR.—*Co. Litt.* 322.

2420. The last will of a testator is to be thoroughly fulfilled according to his real intention.

TESTATORI ULTIMA VOLUNTAS EST PERIMPLENDA SECUNDUM VERAM INTENTIONEM SUAM.—*Co. Litt.* 322.

2421. Prostitutes are competent witnesses in a matter concerning a brothel.

TESTES LUPINARES IN RE LUPINARI ADMITTUM.—*Godf.* 37.

2422. Witnesses are weighed, not numbered.

TESTES PONDERANTUR, NON NUMERANTUR.—*Whart.*

2423. Whosoever demands witnesses must find them in competent provision.

TESTES QUI POSTULAT DEBET DARE EIS SUMPTUS COMPETENTES.
—*Reg. Jur. Civ.*

2424. Where the number of witnesses is equal on both sides, the more worthy is to be believed.

TESTIBUS DEPONENTIBUS IN PARI NUMERO, DIGNIORIBUS EST CREDENDUM.—4 *Inst.* 279.

2425. Credence is given to the witnesses, not to their testimony.

TESTIBUS, NON TESTIMONIS, CREDENDEM EST.—*Tray.* 585.

2426. Evidence is to be weighed, not enumerated.

TESTIMONIA PONDERANDA SUNT, NON NUMERANDA.—*Whart.*

2427. An eye-witness is to be preferred to all others.

TESTIS DE VISU PRÆPONDERAT ALIIS.—4 *Inst.* 279.

2428. The law favors dower, which is the reward of chastity; and an adultery will not stand as proved on the confession of the woman alone.

2429. No one can be a witness in his own cause.

TESTIS NEMO IN SUA CAUSA ESSE POTEST.—14 and 15 *Vict. c. 79*; *Reg. Jur. Civ.*

See, however, the various statutes in England and the different States, permitting accused persons to testify in their own behalf, if they wish; and see also Appleton on Evidence, p.

2430. One eye-witness is worth more than ten ear-witnesses.

TESTIS OCULATUS UNUS PLUS VALET QUAM AURITI DECEM.—4 *Inst.* 279.

2431. A witness should be able to say from his heart, "I am not informed nor instructed, nor do I care which party be successful, provided justice be done."

TESTIS DICAM DEBET ABIMO, "NON SUM DOCTUS NEC INSTRUCTUS, NEC CURO DE VICTORIA, MODO MINISTRETUR JUSTITIA."—*H.* 175.

2432. If the number of witnesses is not prescribed, two are sufficient.

TESTIUM NUMERUS SI NON ADJICITUR, SUO SUFFICIUNT.—4 *Inst.* 279.

2433. Witnesses can not testify to a negative, but only to an affirmative.

TESTMOIGNES NE POENT TESTIFE LE NEGATIVE, MES L’AFFIRMATIVE.—4 *Inst.* 279.

2434. Necessity knows no law; not even the gods can fight it away.

Θεοὶ ἀνάγκη οὐδε μάχονται.—*Æschylus*.

2435. It is compounding a felony (or theftbote) to pay money to have stolen goods returned, without any respect to the court of the king.

THEFTBOTE EST EMENDA FURTI CAPTA, SINE CONSIDERATIONE CURIE DOMINI REGIS.—3 *Inst.* 134.

2436. Treasure does not belong to the king—i. e., is not treasure trove—unless no one knows who hid it.

THESAURUS NON COMPETIT REGI, NISI QUANDO NEMO SCIT QUI ABSCONDIT THESAURUM.—8 *Inst.* 132.

2437. The king’s treasure is the bond of peace and the sinews of war.

THESAURUS REGIS EST VINCULUM PACIS ET BELLORUM NERVUS.—*Godf.* 293.

2438. Fears which do not assail a resolute man are to be accounted vain.

TIMORES VANI SUNT ÆSTIMANDI QUI NON CADUNT IN CONSTANTEM VIRUM.—7 *Rep.* 17.

2439. Title is the legal possession of what is one’s own.

TITULUS EST JUSTA CAUSA POSSIDENDI ID QUOD NOSTRUM EST.—*Taylor*, 455.

2440. To fear the laws is the greatest security from fear.

Tò φοβεῖσθαι τοὺς νόμους ἀφοβία μεγίστη.—Synes.

2441. Silence gives consent.

Tò σιγᾶν αὐτὸ δὲ ὁμολογοῦντος ἐστὶ σου.—Euripides.

2442. Take away will, and every act becomes indifferent.

TOLLE VOLUNTATEM, ET ERIT OMNIS ACTUS INDIFFERENS.—Bur. 603.

2443. When the subject is gone, the adjuncts disappear.

TOLLITUR ADJUNCTUUM QUUM EXTINGUO SUBJECTUM.—Br. 126.

2444. An integral part being taken away, the whole is taken away.

TOLLITUR TOTUM PARTE QUACUMQUE INTEGRANTE SUBLATA.—8 Rep. 41.

2445. He who fails in a syllable, fails in his whole cause.

TOTA IN CAUSA CADIT QUI CADIT A SYLLABA.—Bract. 211.

2446. In contingencies and on occasions where we are free to act, the reason of our doing depends on the will of the doer.

TOTA RATIO IN CONGENTIBUS ET LIBERIS, FACTI STAT IN VOLUNTATE FACIENTIS.—Riley, 169.

2447. The proprietorship of the whole ship follows the ownership of the keel.

TOTIUS NAVIS PROPRIETAS CARINÆ CAUSAM SEQUITUR.—Dig. 6, 1, 61.

2448. It is not just to make an elder-born a bastard after his death, who during his life was considered legitimate.

TOTO TEMPORE QUI VITÆ SUÆ PRO LEGITIMO HABEBATUR, NON EST JUSTEM ALIQUEM AUTENATUM POST MORTEM FACERE BASTARDUM, QUI TOTO TEMPORE VITÆ SUÆ PRO LEGITIMO HABEBATUR.—12 *Rep.* 44.

2449. The whole is preferable to any single part.

TOTUM PRÆFERTUR UNICUIQUE PARTE.—3 *Rep.* 41.

2450. Delivery makes the deed speak.

TRADITIO LOQUI FACIT CHARTAM.—5 *Rep.* 1 (*a*).

2451. Rights of property are transferred by delivery, and by prescription founded on lengthened possession, not by a mere agreement.

TRADITIONIBUS ET USUCAPIONIBUS, NON NUDIS PACTIS, TRANSFERUNTUR RERUM DOMINIA.—*Tray.* 586.

2452. The rights of superiority are not transferred by bare deliveries, but by long-continued and peaceful possession.

TRADITIONIBUS NON NUDIS TRANSFERUNTUR RERUM DOMINA, SED PER LONGAM CONTINUAM ET PACIFICAM POSSESSIONEM.—*H.* 176.

2453. Things which are tolerated on account of necessity ought not to be drawn into precedents.

TRAHI NON DEBENT IN ARGUMENTUM QUÆ PROPTER NECESSITATEM RECEPTA SUNT.—*Dig.* 50, 17, 162.

2454. The burdens on the land pass with the land.

TRANSIT TERRA CUM ONERO.—*Co. Litt.* 231a.

2455. Rights of dominion are transferred without title or delivery, by usucaption; to wit, long and quiet possession.

TRANSFERUNTUR DOMINIA SINE TITULO ET TRADITIONE, PER USUCAPTIONEM; SCIL., PER LONGUM CONTINUAM ET PACIFICAM POSSESSIONEM.—*Co. Litt.* 113

2456. Transgression is when neither mode nor measure is preserved; for every one in his act ought to have a mode and measure.

TRANSGRESSIO EST CUM MODUS NON SERVATUR NEC MENSURA; DEBIT ENIM QUILIBET IN SUO FACTO MODUM HABERE ET MENSURAM.—*Co. Litt.* 37.

2457. We call a child a year old on the three hundred and sixty-fifth day, when the day is fairly begun, but not ended; because we calculate the civil year by moments, and not by days.

TRECENTISSIMO SEXAGESIMO-QUINTO DIE DECITA PLANE NON EXACTO DIE; ANNICULUS QUI ANNUM CIVILITER NON AD MOMENTA TEMPORUM, SED AD DIES NUMERAMUS.—*Dig.* 50, 16, 134.

2458. A trial should be had where ever the jurors can have the most valuable information.

TRIATIO IBI SEMPER DEBET FIERI UBI JURATORES MELIOREM POSSUNT HABERE NOTITIAM.—7 *Rep.* 1.

2459. Melancholy and secretive persons are not to be trusted.

TRISTIBUS ET TACITIS NON FIDUNTUR.—*Tayler*, 457.

2460. The undisturbed possessor of a benefice for three years is thereafter secure from challenge.

TRIENNIALIS PACIFICUS POSSESSOR BENEFICII EST INDE SECURUS.—*Tray.* 587.

2461. It is a shameful thing for a man to be ignorant of the concerns in which he is daily engaged.

TURPE EST VIRO ID IN QUO QUOTIDIE VERSATUR IGNORARE.—*H.* 176.

2462. An impossibility is shameful.

TURPE IMPOSSIBILE.—*H.* 176.

2463. That part is bad which accords not with the whole.

TURPIS EST PARS QUÆ NON CONVENIT CUM SUO TOTO.—*Plowd.* 161.

2464. All reproach cast upon a person arraigned, as yet unconvicted, is unwarranted by law.

TURPIS IN REUM OMNIS EXPROBATIO.—*Riley*, 469.

2465. That guardianship is secure which is intrusted to itself alone.

TUTA EST CUSTODIA QUÆ SIBIMET CREDITUR.—*Hob.* 340.

2466. The action against a thing (or in rem) is that by which we seek our property in the possession of another, and is always brought against him who possesses the property.

2467. It is safer to err on the gentler side.

TUTIUS ERRATUR EX PARTE MITIORI.—3 *Inst.* 220.

2468. Real security is safer than personal security.

TUTIUS EST REI INCUMBERE QUAM PERSONÆ.—*Tray.* 587.

2469. It is always safer to err in acquitting than in punishing; on the side of mercy than of strict justice.

TUTIUS SEMPER EST ERRARE ACQUITANDO QUAM IN PUNIENDO;
EX PARTE MISERICORDIA QUAM EX PARTE JUSTITIÆ.—*H.*
P. C. 290.

2470. A guardian can not act in his own behalf in any matter where his interest conflicts with that of his ward.

TUTOR IN REM SUAM ACTOR FIERI NON POTEST.—*Tray.* 588.

2471. A doubtful person ought not to be appointed a guardian.

TUTOR INCERTUS NON DARI POTEST.—*Tray.* 588.

2472. A guardian is presumed to have funds belonging to his trust in his hands, until he has rendered his accounts.

TUTOR PRÆSUMITUR INTUS HABERE ANTE REDDITAS RATIONES.
—*Tray.* 588.

2473. A guardian can not purchase the property of his ward.

TUTOR REM PUPILLI EMERE NON POTEST.—*Tray.* 588.

2474. A guardian ought not to make money out of his trust or out of his ward.

TUTOR TUTELA EX PUPILLA LUCRUM FACERE NON DEBET.—
Br. 137.

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2475. The law feigns where equity subsists.

UBI ÆQUITAS SUBSISTIT, LEX FINGIT.—11 *Rep.* 90.

2476. Where another form of action is given, no one ought to sue in an action as for a fraud.

UBI ALIA ACTIO SUBEST, NULLUS DEBET AGERE DE DOLO.—7
Rep. 92.

2477. Where any thing is conceded, that is also conceded without which it can not exist.

UBI ALIQUID CONCEDITUR, CONCEDITUR ET ID SINE QUO RES
IPSA ESSE NON POTEST.—*Broom*, 467.

2478. Where an ordinary remedy ceases, we have recourse to extraordinary ones.

UBI CESSAT REMEDIUM ORDINARIUM, IBI DECURRITUR AD EXTRAORDINARIUM; ET NUNQUAM DECURRITUR AD EXTRAORDINARIUM UBI VALET ORDINARIUM.—*G.* 491.

2479. Where common and written law agree, we must stand by the common law.

UBI CONCURRENT COMMUNE JUS ET JUS SCRIPTUM, COMMUNI STANDUM.—*H.* 177.

2480. Where there is a fault, there there should be punishment.

UBI CULPA EST, IBI PCENA SUBESSE DEBET.—*H.* 177.

2481. Where damages are given, the loser ought to be condemned to pay the expenses of the gainer.

UBI DAMNA DANTUR, VICTUS VICTORI IN EXPENSIS CONDEMNATI DEBET.—2 *Inst.* 289; *C.* 3, 1, 13, § 6.

2482. Where one may have come to the same thing by different rights, he is presumed to have arrived at it by the stronger and better right.

UBI DIVERSO JURE IN EANDEM REM VENIRE QUIS POTUIT, EO JURE VENISSE PRÆSUMITUR QUOD FORTIUS AC MELIUS SIT.—*H.* 178.

2483. Where two rights concur in the same person, it is the same as if it were in different persons.

UBI DUO JURA CONCURRENT IN EADEM PERSONA, IDEM EST AC SI ESSET IN DIVERSIS.—*H.* 77.

2484. Where two repugnant things meet in a charter, let the first be established.

UBI DUO PUGNANTIA IN CHARTA CONCURRENT, PRIMA RATUM ESTO.—*H.* 177.

2485. Where two meanings occur, we must abide by the milder.

UBI DUO SENSUS OCCURRUNT, MITIORI STANDUNT.—*H.* 178.

2486. Like reason doth make like law.

UBI EADEM RATIO, IBI IDEM JUS.—*Co. Litt.* 10a. (*Broom*, 153).

2487. Where the same reason exists, the same law prevails; and of things similar the judgment is similar.

UBI EADEM RATIO, IBI EADEM LEX; ET DE SIMILIBUS IDEM EST JUDICIUM.—7 *Rep.* 18.

2488. Where a grant is given, or a prohibition made, to an accused person by a positive law, common law regards the law of the nation where the action arose, in adjudicating the same.

UBI EX JURE POSITIVO ALICUJUS GENTIO REO CONCEDITUR, VEL PROHIBETUR LEGES ANGLIÆ JUS EJUS GENTIS IN JUDICIO RESPICIUNT UBI ACTIO ACCREVIT.—*H.* 178.

2489. Where there is no fact, there is no strong argument.

UBI FACTUM NULLUM, IBI FORTIA NULLA.—*H.* 178.

2490. Where no act has been committed, no consequences can result.

UBI FACTUM NULLUM, IBI SORTIA NULLA.—4 *Rep.* 40.

2491. Where the law is uncertain, there is no law.

UBI JUS INCERTUM, IBI JUS NULLUM.—*Taylor*, 475.

2492. There is no wrong without a remedy.

UBI JUS, UBI REMEDIUM.—*Vid.* 1 *T. R.* 512 (*Broom*, 192).

2493. Where the law compels a man to show cause, it is necessary that the cause be just and lawful.

UBI LEX ALIQUEM COGIT OSTENDERE CAUSAM, NECESSE EST QUOD CAUSA SIT JUSTA ET LEGITIMA.—2 *Inst.* 289.

2494. There is no prescription without possession.

UBI NULLA POSSESSIONE EST, USUCAPIO PROCEDERE NON POTEST.—*Br.* 158.

UBI LEX COGIT ALIQUEM OSTENDERE CAUSAM, NECESSE EST QUOD CAUSA SIT JUSTA ET LEGITIMA.—*H.* 178.

2495. Where common law and equity act side by side in the same cause, although they proceed differently, their intention is the same.

UBI LEX COMMUNIS ET ÆQUITAS IN EADEM RE VERSANTUR, ÆQUITAS ALIA VIA AGIT, SED NON ALITER SENTIT.—*H.* 179.

2496. Where the law is deficient, the judge supplies the deficiency.

UBI LEX DEEST, PRÆTOR SUPPLET.—*Tray.* 593.

2497. Where the law is special and the reason of it general, it ought to be taken as being general.

UBI LEX EST SPECIALIS, ET RATIO EJUS GENERALIS, GENERALITUR ACCIPIENDA EST.—2 *Inst.* 43.

2498. Where the law does not distinguish, men ought not to make distinctions.

UBI LEX NON DISTINGUIT, NEC NOS DISTINGUERE DEBEMUS.—7 *Rep.* 5.

2499. Where the greater part is, there the whole will be construed to be.

UBI MAJOR PARS EST, IBI EST TOTUM.—*T. Ray.* 312.

- 2500.** Where the owner does not appear, those things which formerly belonged to the owner by the law of nature, now belong to the ruler by the law of nations.

UBI NON APPARET DOMINUS REI, QUÆ OLIM FUERUNT INVENTORIS DE JURE NATURALI, JAM EFFICIUNTUR PRINCIPES JURE GENTIUM.—*Taylor*, 475.

- 2501.** Where there is no annual renewal, tithes ought not to be paid.

UBI NON EST ANNUA RENOVATIO, IBI DECIMÆ NON DEBENT SOLVI.—*H.* 179.

- 2502.** Where there is no authority to command, there is no obligation to obey.

UBI NON EST CONDENDI AUTHORITAS, IBI NON EST PARENDI NECESSITAS.—*Dav.* 69.

- 2503.** Where there is no direct law, the opinion of the judge is to be taken, or references to be made to similar cases.

UBI NON EST DIRECTA LEX, STANDUM EST ARBITRIO JUDICIS, VEL PROCEDENTEM AD SIMILIA.—*Ellesm. Postn.* 41.

- 2504.** Where there is no law, there is no transgression.

UBI NON EST LEX, IBI NON EST TRANSGRESSIO.—*H.* 179.

- 2505.** Where there is no principal, there can be no accessory.

UBI NON EST PRINCIPALIS, NON POTEST ESSE ACCESSORIUS.—4 *Rep.* 43.

- 2506.** Where there is no marriage, there is no dower.

UBI NULLUM MATRIMONIUM, IBI NULLA DOS.—*Co. Litt.* 32.

- 2507.** Where there is no plea, there is no essoin.

UBI NULLUM PLACITUM, IBI NULLUM ESSOINUM.

Essoin days are days of grace allowed wherein to settle a suit after return of the writ.

2508. Where a thing is conceded generally, this exception arises, that there should be nothing conceded contrary to law and right.

UBI QUID GENERALITER CONCEDITUR, INEST HÆC EXCEPTIO, SI NON ALIQUID SIT CONTRA JUS FASQUE.—10 *Rep.* 78.

2509. In the place where one transgresses, therein shall he be punished.

UBI QUIS DELINQUIT, IBI PUNIETUR.—6 *Rep.* 47*b*.

2510. Where the power to revoke it has ceased to exist, the will is established.

UBI SUSTULERIS REVOCATIONEM, RENATUM EST TESTAMENTUM.—*H.* 180.

2511. Where words are not conjoined, it is sufficient that either of the things required should be done.

UBI VERBA CONJUNCTIVA NON SUNT, SUFFICIT ALTERUTRUM ESSE FACTUM.—*Tray.* 594.

2512. Where the law forbids anything, and hath not prescribed a punishment, the punishment is in the discretion of the judge.

UBI VETAT QUID LEX NEQUE PŒNAM STATUIT, PŒNA IN DISCRETIONE JUDICIS EST.—*H.* 180.

2513. Where the words are not joined, it is sufficient that one or the other alternate be complied with.

UBI VERBA CONJUNCTA NON SUNT, SUFFICIT ALTERUTRUM ESSE FACTUM.—*D.* 50, 17, 110, § 3.

2514. Wherever an injury exists, a loss follows.

UBIQUINQUE EST INJURIA, IBI DAMNUM SEQUITUR.—*H.* 181.

2515. A false plea is the basest of all things.

ULTIMA OMNI EST EXCEPTIO FALSI.—*Br.* 127.

2516. It is of the greatest importance that, before all else, stolen property should be restored.

ULTIMA RATIO SPOLIATA ANTE OMNIA RESTITUENDA.—*Taylor*, 476.

2517. The last will should be made without restraint.

ULTIMA VOLUNTAS CASET LIBERA.—*Taylor*, 477.

2518. The last will of a testator is to be fulfilled scrupulously according to his true intention.

ULTIMA VOLUNTAS TESTATORIS EST PERIMPLENDA SECUNDUM VERAM INTENTIONEM SUAM.—*Co. Litt.* 322.

2519. The last moment of life is the moment of death.

ULTIMUM VITÆ MOMENTUM EST MORTIS MOMENTUM.—*Br.* 139.

2520. What is beyond possibility can not exist, and what can not exist is not possible.

ULTRA POSSE NON EST ESSE, ET VICE VERSA.—*Wing. Max.*

2521. Let one and the same hand bring both wound and remedy.

UNA EADEMQUE MANUS VULNUS OPEMQUE FERAT.—*Riley*, 473.

2522. Where the means and opportunities are equal, he who has once elected one thing can not have recourse to another thing.

UNA ELECTA VIA NON DATUR RECURSUS AD ALTERAM.—10 *T.* 170.

2523. One person can scarcely supply the place of two.

UNA PERSONA VIX POTEST SUPPLERE VICES DUARUM.—7 *Rep.* 118.

2524. That is to be considered our home where we have our habitation and our account-books, and where we have established ourselves in business.

UNICUIQUE NOSTRUM DEBERE EXISTIMARE CONSTITUTUM ESSE
EAM DOMUM UBIQUE SEDES ET TABULAS HABERET,
SUARUMQUE RERUM CONSTITUTIONEM FECISSET.—*Dig.* 50,
16, 203.

2525. If one person is liable to different laws in regard to his one and the same act, he will be presumed to be subject to the law which is the best and the more efficient.

UNI DIVERSO JURE IN EANDEM REM VENIRE QUIS POTUIT EO
JURE VENISSE PRÆSUMITUR QUOD FORTIUS AC MELIUS SIT.
—*H.* 181.

2526. Things universal are better known than things particular.

UNIVERSALIA SUNT NOTIORA SINGULARIBUS.—2 *Rol. Rep.* 294.

2527. One day is a complete term in law.

UNIVERSIS TERMINUS IN LEGE DIES UNUS.—*H.* 181.

2528. A university or corporation is not said to do any thing unless it be deliberated upon collegiately, although the majority in reality do it.

UNIVERSITAS VEL CORPORATIO NON DICITUR ALIQUID FACERE
NISI ID SIT COLLEGIALITER DELIBERATUM, ETIAM SI MAJOR
PARS ID FACIANT.—*Dav.* 48.

2529. One absurdity being allowed, an infinity follow.

UNO ABSURDO DATO, INFINITA SEQUANTUR.—1 *Rep.* 102.

2530. Several part-owners or several co-heirs are as one body, by reason of their unity of right.

UNUM CORPUS IN EO QUOD UNUM JUS HABENT PLURES PARTICI-
IPES AUT CO-HÆRIDES.—*Co. Litt.* 164.

2531. Postliminy is a fiction of law by which one who has been captured is supposed never to have left the State.

2532. In the same manner in which any thing is bound, it is loosened; in the same manner in which it is constituted, it is destroyed.

UNUMQUODQUE EODEM MODO QUO COLLIGATUM, EST DISSOLVITUR; QUO CONSTITUITUR, DESTRUITUR.—2 *Rob. R.* 39.

2533. That which is the principal part of a thing is the thing itself.

UNUMQUODQUE EST ID QUOD EST PRINCIPALIS IN IPSO.—*Hob.* 123.

2534. Every principle is its own evidence; and self-evident truths are not to be proved.

UNUMQUODQUE PRINCIPIORUM EST SIBIMETIPSI FIDES; ET PERSPICUA VERA NON SUNT PROBANDA.—*Co. Litt.* 11.

2535. Every one is bound to support peace and public justice.

UNUSQUISQUE PACI ET JUSTITIÆ PUBLICÆ TENETUR SUCCURRERE.—*H.* 181.

2536. The acquisition of property by lengthened possession was instituted in order that there might be an end of law suits.

USUCAPIO CONSTITUTA EST UT ALIQUIS LITII FINIS ESSET.—*D.* 41, 10, 5.

2537. Use is a fiduciary dominion.

USUS EST DOMINIUM FIDUCIARUM.—*Bacon, Read. St. Us.*

2538. Use and estate or possession differ more in the rule of the court than in the rule of the matter.

USUS ET STATUS SIVE POSSESSIO POTIUS DIFFERUNT SECUNDUM RATIONEM FORI QUAM SECUNDUM RATIONEM REI.—*Bacon, Read. St. Us.*

2539. Repeated acts constitute usage.

USUS FIT EX ITERATIS ACTIBUS.—*Tray. 600.*

2540. In a gift there may be a manner, a condition, and a cause: the word "that" introduces a manner, the word "if," a condition, and the word "because," a cause.

"UT" MODUS EST, "SI" CONDITIO, "QUIA" CAUSA, INESSE POTEST DONATIONI MODUS CONDITIO SIVE CAUSA.—*Dy. 138.*

2541. As the highest power of the king is to be able to do all he wishes, so it is his highest glory to wish all that he is able to do.

UT SUMMÆ POTESTATIS REGIS EST POSSE QUANTUM VELIT, SIC MAGNITUDINIS EST VELLE QUANTUM POSSIT.—3 *Inst. 236.*

2542. No one man should be expected or allowed to fill two offices.

UTATUR NEMO DUOBUS OFFICIIS.—4 *Inst. 100.*

2543. Every great example contains some proportion of evil, which is compensated by public utility.

UTILITAS PUBLICA COMPENSATUR OMNE MAGNUM IN EXEMPLUM HABET QUOD ALIQUID EX INIQUIS.—*Hob. 299.*

2544. As one disposes of his own by his testament, so let the law of its disposition be.

UTI QUISQUE REI SUÆ LEGASSIT, ITA JUS ESTO.—*Tray. 602.*

2545. Surplusage does not vitiate that which in other respects is good and valid.

UTILE PER INUTILE NON VITIATUR.—3 *Rep. 10 (Broom, 627).*

2546. The common good is the great chain which binds men together in society.

UTILITAS COMMUNIS SOCIETATIS MAXIMUM VINCULUM EST.—*Riley*, 54.

2547. An outlaw is, as it were, put outside the protection of the law; he carries the head of a wolf.

UTLAGATUS EST QUASI EXTRA LEGEM POSITUS; CAPUT GERIT LUPINUM.—7 *Rep.* 14.

2548. One who is outlawed for contumacy and flight, is not on that account convicted of the principal fact.

UTLAGUS PRO CONTUMACIA ET FUGA NON PROPTER HOC CONVICTUS EST DE FACTO PRINCIPALI.—*Fleta*.

2549. It is the policy of the law that punishment shall fall on a few, but the fear of it upon all.

UT PŒNA AD PAUCOS, METUS AD OMNES PERVENIAT.—4 *Inst.* 6.

2550. The laws which govern corporations are the same which govern individuals.

UTUNTUR QUOD PRIVATA LEGES SUNT IDEM QUI UNIVERSITATES HABENT.—*Br.* 134.

2551. A woman married to a thief shall not be bound by his actions, for she can not accuse her husband nor discover the robbery nor felony, since she has no power over herself, but her husband has power over her.

UXOR FURI DESPONSATA NON TENEBITUR EX FACTO VIRI; QUIA VIRUM ACCUSARE NON DEBET, NEC DETEGERE FURTUM SUUM, NEC FELONIAM, CUM IPSA SUI POTESTATEM NON HABET, SED VIR.—3 *Inst.* 108.

2552. A wife follows the domicile of her husband.

UXOR SEQUITUR DOMICILIUM VIRI.—*Tray.* 606.

2553. A wife has no power of her own, but is under the government of her husband, whom, in his lifetime, she can not contradict.

UXOR NON EST SUI JURIS, SED SUB POTESTATI VIRI, CUI IN VITA CONTRADICERE NON POTEST.—3 *Inst.* 108.

V

2554. We are able to judge of what will happen in the future, only by ascertaining what has happened in the past.

VALET ILLATIO AB ACTU AD POSSE.—*Riley*, 2.

2555. Confirmation is not valid unless he who confirms is either in possession of the thing itself, or of the right of which confirmation is to be made, and, in like manner, unless he to whom confirmation is made is in possession.

VALET NUNQUAM CONFIRMATIO NISI ILLE QUE CONFIRMAT SIT IN POSSESSIONE REI VEL JURIS UNDE FIERI DEBET CONFIRMATIO; ET EODEM MODO NISI ILLE CUI CONFIRMATIO FIT, SIT IN POSSESSIONE.—*Co. Litt.* 295.

2556. The prescription and execution of a contract do not affect the validity of the contract, but only the time and manner of bringing an action.

VALOREM CONTRACTUS NON EST AFFECTUS; SED PERTINENT AD TEMPUS ET MODUM ACTIONES PRÆSCRIPTIO ET EXECUTIO.—*Br.* 148.

2557. Vain is that power which never comes into action.

VANA EST ILLA POTENTIA QUÆ NUNQUAM VENIT IN ACTUM.—2 *Rep.* 51.

2558. Those fears are to be counted vain which do not affect a resolute man.

VANI TIMORES SUNT ÆSTIMANDI QUI NON CADUNT IN CONSTANTEM VIRUM.—7 *Rep.* 27.

2559. Taxes are the sinews of the State.

VECTIGALIA NERVI SUNT REIPUBLICÆ.—*Riley*, 485.

2560. Tribute, in its origin, is the patrimonial right of the sovereign.

Render unto Cæsar the things which be Cæsar's.—BIBLE.

VECTIGAL ORIGINE IPSA JUS CÆSARUM ET REGUM PATRIMONIALE EST.—*Dav.* 12.

2561. The right of driving anywhere in a carriage is not included in a right to walk to that place on foot.

VEHICULAM VEL JUMENTUM AGENDI NON ETIAM EST JUS ITER EUNDI AMBULANDI.—*Co. Litt.* 56a.

2562. Estovers are either for burning, ploughing, building, or inclosing.

VEL ARDENDI, ARUNDI, CONSTRUENDI, VEL CLAUDENDI ESTOVERIA SUNT.—*Rep.* 68.

2563. An interpretation either declares, extends, or restricts the clause or thing interpreted.

VEL DECLARAT, VEL EXTENDAT, VEL RESTRINGIT OMNIS INTERPRETATIO.—*Jenk. Cent.* 96.

2564. An action against a person (in personam) is one in which we sue him whom we find entered into an obligation to us to do or to give something.

VEL FACIENDUM VEL DAMNUM ALIQUID IN PERSONAM ACTIO EST QUA CUM EO AGIMUS QUI OBLIGATUS EST NOBIS.—*Dig.* 44, 7, 25.

2565. He dies intestate who either has made no will, or who has not made one legally, or whose will has been annulled, or of whom there is no living heir.

VEL NON TESTAMENTUM FECIT, VEL NON JURI FECIT, VEL ID QUOD FECERAT RUPTUM IRRITUMQUE FACTUM EST, AUT NEMO EX SUO HÆRES EXSTITUIT INTESTATUS DECEDIT.—*Dig.* 38, 16, 1.

2566. That is said to be added by alluvion which is added so little by little that we can not tell how much is added at any one moment of time.

VIDETUR ADJICI QUOD ITA PAULATIM ADJICITUR UT INTELLIGERE NON POSSUMUS QUANTUM QUOQUE MOMENTO TEMPORIS ADJICIATUR.—*Dig.* 41, 1, 7, 1.

2567. It is fraudulent to sell the same thing to two persons.

VENDENS EANDEM REM DUOBUS FALSARIUS EST.—*Jenk. Cent.* 107.

2568. The purchaser takes the risk of the delivery of the things which he has purchased.

VENDITI REI PERICULUM NONDUM TRADITÆ EST EMPTORIS.—*Br.* 147.

2569. The seller of a debt is bound to warrant that the debt is due, but not that the debtor is able to pay it.

VENDITOR NOMINIS TENETUR PRÆSTARE DEBITUM SUBESSE, NON VERO DEBITORUM LOCUPLETEM ESSE.—*Tray.* 608.

2570. Plain truths need not be proved.

VERA PERSPICUA NON SUNT PROBANDO.—*Co. Litt.* 16b.

2571. Words are to be accepted with reference to the nature of the subject matter with which they deal.

VERBA ACCIPIENDA SUNT SECUNDUM SUBJECTAM MATERIAM.—*Tray.* 609.

2572. Equivocal words, or those placed in a doubtful sense, are to be taken in their more effective or worthy sense.

VERBA ÆQUIVOCA, AC IN DUBIS SENSU POSITA, INTELLIGUNTUR DIGNIORE ET POTENTIORE SENSU.—6 *Co.* 20.

2573. Words ought to have some operation, and should be so interpreted that they may have an operation.

VERBA ALIQUID OPERARI DEBENT, DEBENT INTELLIGI UT ALIQUID OPERENTUR.—8 Co. 94.

2574. Words, not the speaker, are to be regarded.

VERBA ATTENDENDA, NON OS LOQUITUR.—*Tayler*, 488.

2575. The words of an instrument shall be taken most strongly against the party employing them.

VERBA CHARTARUM FORTIUS ACCIPIUNTUR CONTRA PROFERENTEM.—Co. Litt. 36a. (*Broom*, 594).

2576. Words are to be taken as operative, rather than as inoperative.

VERBA CUM EFFECTU ACCIPIENDA SUNT.—*Bac. Max. Reg.* 3.

2577. The words “current money” designate money current at the time of payment.

VERBA “CURRENTES MONETÆ” TEMPUS SOLUTIONIS DESIGNANT.—*Dav.* 20.

2578. Words spoken of the person are to be understood of the condition of the person.

VERBA DICTA DE PERSONA INTELLIGI DEBENT DE CONDITIONE PERSONÆ.—2 Rol. Rep. 72.

2579. When the words and the mind agree, there is no occasion for interpretation.

VERBA ET MENS CONGRUUNTUR, NON EST INTERPRETATIONE LOCUS.—*Cowp.* 600.

2580. General words are to be generally understood.

VERBA GENERALIA GENERALITUR SUNT INTELLIGENDA.—3 Inst. 76.

2581. General words may be aptly restrained, according to the subject matter or persons to which they relate.

VERBA GENERALIA RESTRINGUNTUR AD HABILITATEM REI VEL PERSONAM.—*Bac. Max. Reg.* 10 (*Broom*, 646).

2582. Words can not excuse a homicide.

VERBA HOMICIDA NON EXCUSANT.—*H.* 184.

2583. Words referred to are considered to be incorporated.

VERBA ILLATA IN ESSE VIDENTUR.—*Co. Litt.* 359.

2584. Words are to be understood according to the subject matter.

VERBA INTELLIGENDA SECUNDUM SUBJECTAM MATERIAM.—*H.* 184.

2585. Words are to be so understood that the subject matter may be rather preserved than destroyed.

VERBA ITA SUNT INTELLIGENDA UT RES MAGIS VALEAT QUAM PEREAT.—*Bac. Max. Reg.* 3.

2586. Words in which the law is written are to be interpreted, not in the vulgar, but in the legal sense, and this is not a lax and precarious, but a legally certain and positive sense.

VERBA LEGIS NON EX VULGARI SENSU, SED EX LEGIS SENSU; NEQUE LAXUM ET PRECARIUM, SED CERTUM ET LEGIBUS PRÆFINITAM INTERPRETATIONEM REQUIRUNT.—*H.* 184.

2587. Subsequent words, added for the purpose of certainty, are to be referred to preceding words which need certainty, and to explain which they were introduced.

VERBA POSTERIORA, PROPTER CERTITUDINEM ADDITA, AD PRIORA QUÆ CERTITUDINE INDIGENT SUNT REFERENDA.—*Wing.*

2588. 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 HOC MAXIME OPERANTUR PER REFERENTIAM UT IN EIS INESSE VIDENTUR.—*Co. Litt.* 159a. (*Broom*, 673).

2589. Words are always to be taken in their milder sense.

VERBA SEMPER ACCIPIENDA SUNT IN MITIORI SENSU.—4 *Rep.* 17.

2590. The law pays little regard to words rashly uttered.

VERBA TEMERE PROLATA PARUM CURAT LEX.—*H.* 185.

2591. Whatever the difference in forms of oaths, the meaning of all is the same, for all oaths ought to mean the invoking of the Deity.

VERBIS FORMA JUSJURANDI DIFFERT RE CONVENIT; HUNC ENIM SENSUM HABERE DEBET UT DEUS INVOCATUR.—*Grotius*, 2, 13, 10.

2592. Not upon words, but upon things, do we impose laws.

VERBIS NUNQUAM, SED IPSIUS REBUS, LEGES IMPONIMUS.—*C.* 1, 43, 2.

2593. Where there is no ambiguity, one must abide by the words as written.

VERBIS STANDUM UBI NULLI AMBIGUITAS.—*Tray.* 612.

2594. The verdict of a jury is a bar to equity.

VEREDICTUM PATRIÆ EST OBSTANS ÆQUITAS.—*Br.* 155.

2595. The verdict of a jury is, as it were, the dictum of truth, even as the judgment of the court is the dictum of law.

VEREDICTUM QUASI DICTUM VERITAS, UT JUDICIUM QUASI JURIS DICTUM.—*Co. Litt.* 226.

2596. Truth, by whomsoever pronounced, is from God.

VERITAS, A QUOCUNQUE DICTUR, A DEO EST.—4 *Inst.* 153.

2597. The truth of the demonstration removes the error of the name.

VERITAS DEMONSTRATIONIS TOLLIT ERROREM NOMINIS.—1 *Ld. Raym.* 303.

2598. Truth is the mother of justice.

VERITAS EST JUSTITIÆ MATER.—*H.* 185.

2599. Truth fears nothing but concealment.

VERITAS NIHIL VERETUR NISI ABSCONDI.—9 *Rep.* 20.

2600. By too much altercation truth is lost.

VERITAS NIMIUM ALTERCANDO AMITTITUR.—*Hob.* 344.

2601. Truth in the name takes away error in the description.

VERITAS NOMINIS TOLLIT ERROREM DEMONSTRATIONIS.—*Tray.* 614.

2602. Truth which is not sufficiently defended is oppressed; and he who does not disapprove, approves.

VERITAS QUÆ MINIMI DEFENSATUR OPPRIMITUR; ET QUI NON IMPROBAT, APPROBAT.—3 *Inst.* 27.

2603. He who does not freely speak the truth is a betrayer of truth.

VERITATEM QUI NON LIBERE PRONUNCIAT PRODITOR EST VERITATIS.—4 *Inst. Epil.*

2604. All prudent men are supposed to admit things approved by those expert in the particular art or rule by which they are regulated.

VERSATI SUNT IN ARTE SUA BENE QUÆ PROBATUUM IIS OMNES PRUDENTES ILLA ADMITTERE SOLENT.—7 *Rep.* 19.

2605. The beaten road is the safest.

VIA TRITA, VIA TUTA.—10 *Rep.* 142.

2606. A substitute has no substitute.

VICARIUS NON HABET VICARIUM.—*Tray.* 615.

2607. Municipal corporations act the same as persons.

VICE FUNGITUR MUNICIPIUM ET DECURIA PERSONÆ.—*Br.* 147.

2608. Neighbors are presumed to know the acts that are done in their immediate neighborhood.

VICINI VICINORA FACTA PRÆSUMITUR SCIRE.—4 *Inst.* 173.

2609. Alienation pending a suit is void.

—*Br.* 117.

2610. The law presumes that one neighbor knows the actions of another.

VICINUM VICINI FACTA SCIRE INTENDIT LEX FACTA SCIRE.—*Co. Litt.* 78c.

2611. The voyage insured is an independent and distinct thing from the voyage of the ship.

VAGGIO NAVIS A ASSECURATIS INDEPENDENTER SE HABENT.—*Br.* 132.

2612. Peace is to be secured by victory, not by negotiation.

VICTORIA PAX, NON PACTIONE, PARIENDA EST.—*Cic.*

2613. Conditions are made by conquerors, to be observed by the conquered.

VICTORIBUS DICUNTUR ACCIPIUNTUR A VICTIS.—*Riley*, 201.

2614. The vanquished is to be condemned in costs to the victor.

VICTUS VICTORI IN EXPENSIS CONDEMNATUS EST.—*Taylor*, 491.

2615. You will see these things frequently committed which are frequently punished.

VIDEBIS EA SÆPE COMMITTI QUÆ SÆPE VINDICANTUR.—3 *Inst. Epil.*

2616. When the greater is allowed, the lesser seems to be allowed also.

VIDETUR ALIQUANDO LICET, ID QUOD MAJUS VIDETUR LICERE ID QUOD MINUS.—*Shep. T.* 429,

2617. That does not truly belong to any one which can be taken from him upon occasion.

VIDETUR NEMO PERFECTE CUJUSQUE ID ESSE QUOD EX CASU AUFERRI POTEST.—1 *Dig.* 50, 17, 159, 1.

2618. He will not be considered as using force who exercises his rights and proceeds by forms of law.

VIDETUR NEMO QUISQUAM ID CAPERE QUOD EI NECESSE EST ALII RESTITUERE.—*Dig.* 50, 17, 155, 1.

2619. Hanging fruits make part of the realty, but gathered fruits form no part of it.

VIDENTUR FRUCTUS PENDENTES PARS FUNDI, SED NON FRUCTUS PERCEPTOS.—*Dig.* 19, 1, 17, 1.

2620. The laws assist those who are vigilant, not those who sleep over their rights.

VIGILANTIBUS, NON DORMIENTIBUS, JURA SUBVENIUNT.—2 *Inst.* 690; *Wing.* 692 (*Broom*, 892).

2621. It is lawful to repel force by force, so that it be done with the moderation of blameless defence; not to take revenge, but to repel injury.

VIM VI REPELLERE LICET, MODO FIAT MODERAMINE INCULPATÆ TUTELÆ; NON AD SUMMENDAM VINDICATAM, SED AD PROPULSANDAM INJURIAM.—*Co. Litt.* 162.

2622. If I conquer your conqueror, by so much the more do I conquer you.

VINCO VINCENTEM, ERGO MULTO MAGIS VINCO TE.—*Tray.* 617.

2623. Violent presumption is sometimes full proof.

VIOLENTA PRÆSUMPTIO ALIQUANDO EST PLENA PROBATIO.—*Co' Litt.* 6b.

2624. That is a poisonous exposition, which destroys the very essence of the text.

VIPERINA EST EXPOSITIO QUÆ CORRODIT VISCERA TEXTUS.—*11 Rep.* 34.

2625. Man and wife are, as it were, one person, because only flesh and blood; although the property may be the wife's, the husband is keeper of it, since he is the head of the wife.

VIR ET UXOR SUNT QUASI UNICO PERSONA, QUIA CARO ET SANGUINE UNUS; RES LICET SIT PROPRIA UXORIS, VIR TAMEN EJUS CUSTOS, CUM SIT CAPUT MULIERIS.—*Co. Litt.* 112.

2626. A man fighting for God must not be involved in secular business.

VIR MILITANS DEO NON IMPLICENTUR SECULARIBUS NEGOTIIS.—*Co. Litt.* 70.

2627. Virginity or chastity, once violated, can not be restored.

VIRGINITAS VEL CASTITAS CORRUPTAS NON
Tray. 124.

2628. Nothing deters a good man from the performance of his duties.

VIRUM BONUM NIHIL AB HONESTO DETERRIT.—*Riley,* 2.

2629. No expectation can allure a just man to evil.

VIRUM BONUM NULLA SPES AD TURPIA INVITAT.—*Riley,* 8.

2630. Violence is inimical to the laws.

VIS LEGIBUS EST INIMICA.—3 *Inst.* 176.

2631. Peace is the life of the State; liberty the soul; and the laws the body.

VITA REIPUBLICÆ PAX, ET ANIMUS LIBERTAS, ET CORPUS LEGES.
—*H.* 187.

2632. A clerical error ought not to hurt.

VITIUM CLERICI NOCERE NON DEBET.—*Jenk. Cent.* 23.

2633. It is a fault which ought to be avoided, that if you can not discover the reason, you should presently exclaim that the law is without reason.

VITIUM EST QUOD FUGI DEBET, NISI RATIONEM NON INVENIAS,
MOX LEGEM SINE RATIONE ESSE CLAMES.—*Ellesm. Postn.* 86.

2634. The utterance of legislators themselves is like the living voice; we impose laws upon things, not words.

VIVA VOX EST IPSORUM LEGISLATORUM TANQUAM; REBUS ET
NON VERBIS LEGEM IMPONIMUS.—*Br.* 125.

2635. Scarcely any law can be made which is beneficial to all; but it is useful if it benefits the majority.

VIX ULLA LEX FIERI POTEST QUÆ OMNIBUS COMMODA SIT; SED
SI MAJORI PARTI PROSPICIAT UTILIS EST.—*Plowd.* 396.

2636. That to which a person assents is not esteemed in law an injury.

VOLENTI NON FIT INJURIA.—*Wing. Max.* 482 (*Broom*, 268);
Plowd. 501.

2637. The word "man" is a term of nature; the word "person" is a term of the civil law.

VOCABULUM "HOMO" EST NATURÆ; "PERSONA" JURIS CIVILIS
EST.—*Calv. Lex.*

2638. The law would rather suffer a mischief than an inconvenience.

VOIT LE LEY PLUS TOST SUFFER UN MISCHIEFE QUE UN INCONVENIENCE.—*Litt.* § 231.

2639. One who wishes to perish ought not to be heard.

VOLENS PERIRE NON AUDITUR.—*Br.* 142.

2640. The will of a deceased person is ambulatory, until after his death.

VOLUNTAS DEFUNCTI EST AMBULATORIA USQUE AD VITÆ SUPREMUM EXITUM.—*Dig.* 34, 4, 4.

2641. The will of the donor, manifestly expressed in his deed of gift, is to be observed.

VOLUNTAS DONATORIS, IN CHARTA DONI SUI MANIFESTE EXPRESSA, OBSERVETUR.—*Co. Litt.* 21a.

2642. The will of the testator gives validity to what is written in the will.

2643. In crimes, the will, and not the consequence, is looked to.

VOLUNTAS, IN DELICTIS, NON EXITUS, SPECTATUR.—2 *Inst.* 57.

2644. Consent is the united will of several persons interested in one subject matter.

VOLUNTAS MULTIORUM AD QUOS RES PERTINET CONSENSUS EST.—*Dav.* 48.

2645. Under the name of books are contained all volumes, whether upon paper, parchment, or any other material.

VOLUMINA OMNIA, SIVE IN CHARTA, SIVE IN MEMBRANA SINT, SIVE IN QUAMVIS ALIA MATERIA LIBRORUM APPELLATIONE CONTINENTUR.—*Dig.* 32, 52, 1.

2646. The will is taken for the deed.

VOLUNTAS REPUTATUR PRO FACTO.—*Tray.* 619.

2647. The will of a testator is always revocable, to the very extremity of his life.

VOLUNTAS TESTATORIS EST AMBULATORIA USQUE AD EXTREMUM VITÆ EXITUM.—4 *Rep.* 61b.

2648. The intention of a testator has a broad and benignant interpretation.

VOLUNTAS TESTATORIS HABET INTERPRETATIONEM LATAM ET BENIGNAM.—*Jenk. Cent.* 260.

2649. The last will of a testator is to be strictly fulfilled according to its true intention.

VOLUNTAS ULTIMA TESTATORIS EST PERIMPLENDA SECUNDUM VERAM INTENTIONEM SUAM.—*Co. Litt.* 322a.

2650. The voice perishes; the written word endures.

VOX EMISSA VOLAT; LITERA SCRIPTA MANET.—*Broom*, 666.

2651. Common opinion is of two kinds, viz.: that which arises among grave and discreet men, which has much truth in it, and that which arises among light and common men, without any appearance of truth.

VULGARIS OPINIO EST DUPLEX, VIZ.: ORTA INTER GRAVES ET DISCRETOS, QUÆ MULTUM VERITATIS HABET, ET OPINIO ORTA INTER LEVES ET VULGARES HOMINES ABSQUE SPECIE VERITATIS.—4 *Rep.* 107.

2652. Wounds may be inflicted even in a court of justice.

VULNERA IN MEDIA BONO SÆPIA DANTUR.—*Riley*, 8.

2653. Let the surety justify himself as being responsible before he is accepted.

:עֲרֹכֵי עֲרֻבָאֵרִיךְ—*Talmud.*

2654. In the eye of the law nothing is so wholly bad but that it contains some good.

:אֵין דָּע שְׂאִין אִין כּוֹב:—*Talmud.*

W

2655. All minors are made wards of chancery who have neither parents nor guardians.

WARDÆ CANCELLARI OMNES FIUNT MINORES PRO DEFECTU PARENTUM.—*Taylor*, 500.

2656. To warrant is to defend and insure in peace the tenant who calls for warranty in his seisin; and the tenant in warranty will have an exchange in proportion to its value.

Warranty abolished, 3 and 4 WILL. IV., cc, 27, 74.

WARRANTIZE EST DEFENDERE ET ACQUIETARE TENENTEM QUI WARRANTAM VOCAVIT IN SEISINA SUA; ET TENENS DE RE WARRANTI EXCMBIUM HABEBIT AD VALENTIAM.—*Co. Litt.* 365.

2657. A warranter may object that the complainant does not hold the land of which he seeks the warranty, and that the gift was insufficient.

WARRANTUS POTEST EXCIPERE QUOD QUERENS NON TENET TERRA DE QUA PETIT WARRANTIAM, ET QUOD DONUM FUIT INSUFFICIENS.—*Hob.* 21.

2658. A wreck of the sea signifies those goods which are driven to shore from a shipwreck; i. e.; which pass from the jurisdiction of admiralty (the sea) into the jurisdiction of the common law.

WRECCUM MARIS SIGNIFICAT ILLA BONA QUÆ NAUFRAGIO AD TERRAM PELLUNTUR.—*Whart.*

2659. Flotsam, jetsam, and goods tied to a buoy and abandoned at sea become wrecks when thrown by the waves upon the shore.

WRECCUM SUNT IN LITTORIS QUM FLOTSAM, JETSAM LIGARE PROPULSANT.—*Br.* 156.

2660. Where no time is limited, the law appoints the most convenient.

—*Br. Pr.*

2661. What a man can not transfer, he can not bind by articles.

—*Br. Pr.*

2662. When the law presumes the affirmative, the negative is to be proved.

—1 *Rol.* 83.; *Br. Pr.*

2663. When the law gives any thing, it also gives a remedy for its loss.

—*Br. Pr.*

2664. When many join in one act, the law says it is the act of him who could best do it; and things should be done by him who has the best skill.

—*Noy. Max.*; *Br. Pr.*

2665. When the foundation fails, all fails.

—*Br. Pr.*

2666. Where the common law and statute law concur, the common law is to be preferred.

—4 *Rep.* 71.

2667. Where two rights concur, the more ancient shall be preferred.

—*Br. Pr.*

2668. Where the equities are equal, the law shall prevail.

—*Br. 163 ; Br. Pr.*

2669. Where two titles concur, the best is to be preferred.

Finch G. 1, 4, n. 82 ; Br. Pr.

APPENDIX.

LEGAL APHORISMS, PROVERBS, ETC.

Rident stolidi verba Latina.—OVID.

"Ὡςπερ οἱ ἰατροὶ ἀεὶ τὰ ὄργανα καὶ σιδήμια πρόχειμα ἔκονσι πρὸς τὰ αἰφνίδια τῶν θεραπευμάτων, οὕτω τα δογματα σὺν ἔτοιμα ἔχε.—
ANTONINUS.

A

2670. He is to be considered as absent who is not to be found in the place where he is to be sought.

ABSENTEM ACCIPERE DEBEMUS EUM QUI NON EST EO LOCI IN QUO PETITUR.—*Br.* 116.

2671. No one is held to answer for the effects of a superior force, or of an accident, unless his own fault has contributed.

AD VIM MAJOREM VEL AD CASUS FORTUITOS NON TENETUR QUIS, NISI SUA CULPA INTERVENERIT.—*Fleta*, 2, 72, § 16.

2672. The disposition of the law is more imperative than that of man.

ÆQUIOR EST DISPOSITIO LEGIS QUAM HOMINIS.—*Bract.* 3a.

2673. Equity acts upon the person.

ÆQUITAS AGIT IN PERSONAM.—*Br.* 117.

2674. A connexion by marriage of a connexion of mine is not a connection of mine.

AFFINIS MEI AFFINIS NON EST MIHI AFFINIS.—*S. M. and D.* 174.

2675. Distinction is one thing; separation is quite another.

ALIUD EST DISTINCTIO, ALIUD SEPARATIO.—*Bac. Max.*

2676. Authority to execute an instrument (as, e. g., a deed) must be given by an instrument of at least as much force as the instrument to be executed.

AUCTORITAS CHARTARUM EXECUTIRE DONATUS CHARTARI.—*Br.* 118.

2677. All law has either been derived from the consent of the people, or established by necessity, or confirmed by custom.

AUT CONSENSUS FECIT, AUT NECESSITAS CONSTITUIT, AUT FIRMAVIT CONSUETUDO, OMNE JUS.—*Dig.* 1; 3, 40.

C

2678. The cause of a cause is the cause of an effect.

CAUSA CAUSÆ EST CAUSA CAUSATI.—*Tree.* 329.

2679. The cause of the church is equivalent to the cause of the State; and that reason is paramount which upholds religion.

CAUSA ECCLESIA PUBLICIS ÆQUIPARATUR; ET SUMMA EST RATIO QUÆ PRO RELIGIONE FACIT.—*Co. Litt.* 341.

2680. Cause and origin are the material from which negotiations are produced.

CAUSA ET ORIGIO EST MATERIA NEGOTII.—1 *Rep.* 99.

2681. He who would have been heir to the father of the deceased shall also be heir to the son.

CESTUY QUE DOIT INHERITER AL PERE DOIT INHERITER AL FILS.—*Fitz. Ab.*

2682. By natural right, any one is entitled to summon another into court.

CITATIO EST DE JURE NATURALI.—*Br.* 120.

2683. Citations in matters ecclesiastical will not be granted, unless the cause for which they are sought is first disclosed to the court.

CITATIONES NON CONCEDANTUR PRIUSQUAM EXPRIMATUR SUPER QUA RE FIERI DEBET CITATIO.—12 *Rep.* 44.

2684. Common opinion is good authority in law.

COMMUNIS OPINIONES SUNT BONA IN LEGE.—*Co. Litt.* 186a.

2685. Arbitrators are judges.

COMPROMISSARIJ SUNT JUDICES.—*Jenk. Cent.* 128.

2686. A compromise is in the nature of a judgment.

COMPROMISSUM AD SIMILITUDINEM JUDICIORUM REDIGITUR.—*Br.* 120.

2687. The counsel and advice of many is requisite in great affairs.

CONSILIA MULTORUM REQUIRUNTUR IN MAGNIS.—*Bac. Aph.* 16.

2688. He acts in fraud of the law who, while he keeps its letter inviolate, uses it contrary to its intention.

CONTRA LEGEM FACIT QUI ID FACIT QUOD LEX PROHIBET, IN FRAUDEM VERO QUI, SALVIS VERBIS LEGIS, SENTENTIAM EJUS CIRCUMVENIT.—*Dig.* 1, 3, 29.

2689. Under the head of creditors, are reckoned those not only who have lent money, but all to whom, from any cause, a debt is owing.

CREDITORUM APPELLATIONE NON HI TANTUM ACCIPIUNTUR QUI PECUNIAM CREDIDERUNT, SED OMNES QUIBUS EX QUALIBET CAUSA DEBENTUR.—*Dig.* 50, 16, 11.

2690. The crime of falsifying has been committed when any one, without authority, and unlawfully, has signed a writ or charter with the king's seal, which he has found or stolen for the purpose.

CRIMEN FALSI DICITUR CUM QUIS ILLICITUR, CUI NON FUERIT AD HÆC DATA AUCTORITAS, LE SIGILIO REGIS RAPTO VEL INVENTO BREVIA CARTASVE CONSIGNAVERIT.—*Fleta*, 1, 1, §23.

2691. He who has a right to give a thing has also the right to sell and grant it.

CUI JUS EST DONANDI EIDEM ET VENDENDI ET CONCEDENDI JUS EST.—*Dig.* 2, 1, 2.

2692. That which when given through mistake can be recovered back, when given with knowledge of the facts, is a gift.

CUJUS PER ERROREM DATI, REPETITIO EST, EJUS CONSULTO DATI, DONATIO EST.—*Dig.* 50, 17, 53.

2693. The beginning of a thing is the principal part of the thing; but the end is also to be attended to.

CUJUSQUE REI POTISSIMA PARS PRINCIPIUM EST; SED REI ATTENDENDUS EST FINIS.—*Dig.* 1, 2, 1.

D

2694. Concerning what is major and what is minor, laws do not vary.

DE MAJORI ET MINORI NON VARIANT JURA.—2 *Vern. ch.* 552.

2695. From similars to similars we are to proceed by the same rule.

DE SIMILIBUS AD SIMILIA EADEM RATIONE PROCEDENDUM EST.
—*Br. Pr.*

2696. A present debt is to be discharged in the future.

DEBITUM IN PRESENTI SOLVENDUM IN FUTURO.—*Br. 123.*

2697. To derogate from a law is to take away part of it; to abrogate a law is to abolish it entirely.

DEROGATUR LEGI CUM PARS DETRAHITUR; ABROGATUR LEGI CUM PRORSUS TOLLITUR.—*Dig. 50, 16, 102.*

2698. Dissimilar things ought not to be joined.

DISPARATA NON DEBET JUNGI.—*Jenk. Cent. 24.*

2699. Fraud should be proved by the clearest evidence.

DOLUM EX INDICIIS PERSPICUIS PROBARI CONVENIT.—*Dig. 2, 21, 6.*

E

2700. An enumeration disaffirms the rule in cases not enumerated.

ENUMERATIO INFIRMAT REGULAM IN CASIBUS NON ENUMERATIS.—*Bac. Aph. 17.*

2701. An error of law is a very dangerous thing.

ERROR JURIS NOCENT.—*Br. 125.*

2702. A mistake in a name injures nobody, if the identity of the thing is ascertainable.

ERROR NOMINIS NUNQUAM NOCET, SI DE IDENTITATE REI CONSTAT.—*Br. 125.*

2703. Public and private law is that which is collected from natural precepts, either of nations or of individuals; and that which the civil law terms "jus," the common law calls "right."

EST AUTEM JUS PUBLICUM ET PRIVATUM QUOD EX NATURALIBUS PRÆCEPTIS, AUT GENTIUM AUT CIVILIBUS, EST COLLECTUM, ET QUOD IN JURE SCRIPTO JUS APPELLATUR, ID IN LEGE ANGLIÆ RECTUM ESSE DICITUR.—*Co. Litt.* 558.

2704. Violence may often put on the mask of law.

EST AUTEM VIS LEGEM SIMULANS.—*Br.* 125

2705. Out of nothing, nothing can arise.

EX NIHIL, NIHIL FIT.—*Br.* 125.

2706. From one known thing, we can judge of the characters of others of the same class.

EX UNO DISCE OMNES.—*Br.* 126.

F

2707. Happy is he who has been able to understand the causes of things.

FELIX EST QUI POTUIT RERUM COGNOSCERE CAUSAS.—*Co. Litt.* 231.

2708. A power which is never exercised is vain.

FRUSTRA EST POTENTIA QUÆ NUNQUAM VENIT IN ACTUM.—2 *Rep.* 51.

H

2709. Laws are established for the benefit of mankind.

HOMINUM CAUSA JUS CONSTITUTUM EST.—*Br.* 129.

2710. It is possible for a man to be both capable and incapable at the same time.

HOMO POTEST ESSE HABILIS ET INHABILIS DIVERSIS TEMPORIBUS.—5 *Rcp.* 98.

2711. The hour is not of much consequence as to the substance of business; although in appeal it is sometimes mentioned.

HORA NON EST MULTUM DE SUBSTANTIA NEGOTII; LICET IN APPELLO DE EA ALIQUANDO FIAT MENTIO.—1 *Bulst.* 82.

I

2712. What does not appear, the law reckons as not existing, and so a want of proof may become as great a hardship as a defect of the law

IDEM EST NON PROBARI EST NON ESSE; NON DEFICIT JUS, SED PROBATIO.—*Br.* 129.

2713. The law holds him excused who chose that his blood should be redeemed on any terms.

IGNOSCITUR EI QUI SANGUINEM SUUM QUALITER REDEMPTUM NON VOLUIT.—*Dig.* 48, 21, 1.

2714. Immovables follow the law of the place where they are located.

IMMOBILIA SITUM SEQUUNTUR.—*Br.* 129.

2715. In emergencies or cases of extreme necessity every thing is owned in common.

IN CASU EXTREMÆ NECESSITATIS OMNIA SUNT COMMUNIA.—*Hale P. C.* 54.

2716. A clause inserted in a contract for a loan providing that fraud may be excused or not accounted for, is absolutely void.

IN COMMODATO HÆC PACTIO NE DOLUS PRÆSTETUR RATA NON EST.—*Dig.* 13, 7, 17.

2717. As a general rule, whoever alleges a thing, whether he be plaintiff or defendant, must prove it.

IN GENERE, QUIDCUNQUE ALIQUID DICIT, SIVE ACTOR, SIVE REUS, NECESSE EST UT PROBAT.—*Sest. on Ev.* § 252.

2718. In things that are favorable to the spirit, though injurious to property, an extension of the statute should be sometimes made.

IN HUIS QUÆ SUNT FAVORABILIA ANIMÆ, QUAMVIS SUNT DAMNOSA REBUS, FIAT ALIQUANDO EXTENTIO STATUTI.—10 *Rep.* 101.

2719. There can be no lawful commerce in illicit goods.

IN MERCIBUS ILLICITIS NON SIT COMMERCIIUM.—*Br.* 131.

2720. Where the expression of one manumitting a slave is ambiguous, of course the slave is to have the benefit of the doubt, since liberty is always to be favored.

IN OBSCURA VOLUNTATE MANUMITTENTIS FAVENDUM EST LIBERTATI.—*Dig.* 50, 17, 179.

2721. In every action, when two distresses occur—as, those against a thing (in rem) and those against a person (in personam)—that one is to be chosen which is most dreaded and which binds most firmly.

IN OMNI ACTIONE UBI DUÆ CONCURRUNT DISTRICTIONIS, VIDE LICET IN REM ET IN PERSONAM ILLA, DISTRICTIO TENENDA EST QUÆ MAGIS TIMETUR ET MAGIS LIGAT.—*Fleta*, 1, 6, 14, § 28.

2722. In the price of things bought and sold, it is naturally allowed to the contracting parties to overreach each other.

IN PRETIO EMPTIONIS ET VENDITIONIS, NATURALITER LICET CONTRAHENTIBUS SE CIRCUMVENIRE.—*Br.* 131.

- 2723.** One co-proprietor can exercise no authority over the common property against the will of the other.

IN RE COMMUNI NEMINEM DOMINORUM JURE FACERE QUICQUAM INVITO ALTERO POSSE.—*Dig.* 10, 3, 28.

- 2724.** When a thing is owned in common, the cause of him who prohibits its use is the stronger.

IN RE PARI, POTIOREM CAUSAM ESSE PROHIBENDIS CONSTAT.—*Dig.* 10, 3, 28.

- 2725.** Let the surety be holden for the true quantity, unless he be agreed for a certain quantity.

IN VERAM QUANTITATAM FIDEJUSSOR TENEATUR, NISI PRO CERTA QUANTITATE ACCESSIT.—*Br.* 132.

- 2726.** A fire does not release a debtor from his debt.

INCENDIUM AERE ALIENO NON EXUIT DEBITORUM.—*C.* 4, 2, 11.

- 2727.** Residence creates domicil.

INCOLAS DOMICILIUM FACIT.—*Dom.* 132.

- 2728.** Things incorporeal are not acquired by war.

INCORPORALIA NON BELLO ADQUIRUNTUR.—*Br.* 132.

- 2729.** An infant does not differ much from a lunatic.

INFANS NON MULTUM A FURIOSO DISTAT.—*Dig.* 50, 17, 5, 40.

- 2730.** It is against equity for freemen not to have the free disposal of their own property.

INIQUIUM EST INGENUIS HOMINIBUS NON ESSE LIBERAM RERUM SUARUM ALIENATIONEM.—*Co. Litt.* 223.

- 2731.** He is insane who, reason being thrown away, does everything with violence and rage.

INSANUS EST QUI, ABJECTA RATIONE, OMNIA CUM IMPETU ET FURORE FACIT.—4 *Rep.* 128.

2732. It is to the interest of the State that peace be preserved, and that whatever tends to disturb it are prudently declined, and the most unjust peace is preferable to the most just war.

INTEREST REIPUBLICÆ UT PAX IN REGNO CONSERVETUR, ET QUÆCUNQUE PACI ADVERSINTUR PROVIDE DECLINENTUR, ET INIQUISSIMA PAX EST ANTEPONENDA JUSTISSIMO BELLO.—*Inst.* 158.

2733. It is to the interest of the State that the human race be preserved.

INTEREST REIPUBLICÆ QUOD HOMINES CONSERVENTUR.—12 *Rep.* 62.

J

2734. Judgments in the king's courts are not to be annihilated, but to remain in force until annulled by error or attain.

JUDICIA IN CURIA REGIS NON ADNIHILENTUR, SED STENT IN ROBONE SUO QUOUSQUE PER ERROREM AUT ATTINCTUM ADNULLENTUR.—2 *Inst.* 539.

2735. The judge, in his decision, ought to follow the rule, when the exception is not proved.

JUDICIS, EST IN PRONUNCIAMENTO, SEQUI REGULAM EXCEPTIONE NON PROBATA.—*Br.* 133.

2736. The special rights of the king are not granted by general words.

JURA REGIS SPECIALIA NON CONCEDUNTUR PER GENERALIA VERBA.—*Jenk. Cent.* 103.

2737. He who makes an oath is to be believed in judgment.

JURATO CREDITUR IN JUDICIO.—3 *Inst.* 79.

2738. The effect of a law consists in its execution.

JURIS EFFECTUS IN EXECUTIONE CONSISTIT.—*Co. Litt.* 289b.

2739. Not the land, but the right descends.

JUS DESCENDIT, ET NON TERRA.—*Co. Litt.* 345.

L

2740. Conscience is the most changeable of rules.

LA CONSCIENCE EST LA PLUS CHANGEANTE DES REGLES.—*Br.* 135.

2741. The law favors a man's inheritance of his homestead.

LA LEY FAVOUR L'INHERITANCE D'UN HOME.—*Year Book, Hen. VI.* 51.

2742. Fictions arise from the law, and not the law from fictions, and there is no fiction without law.

LES FICTIONS NAISSENT DE LA LOI, ET NON LA LOI SES FICTIONS, NUNQUAM FICTIO SINE LEGE.—*Br.* 136.

2743. Law is from everlasting.

LEX EST AB ÆTERNO.—2 *Inst.* 240.

2744. Law is the dictate of reason.

LEX EST·DICTAMEN RATIONIS.—*Jenk. Cent.* 117.

2745. Law is the rule of right.

LEX EST NORMA RECTI.—*Br.* 136.

2746. The law does not fail of doing justice.

LEX NON DEFICIT IN JUSTITIA EXHIBENDA.—*Jenk. Cent.* 31.

2747. The law succors the ignorant.

LEX SUCCURIT IGNORANTL.—*Jenk. Cent.* 15

2748. Every one is free to ascertain for himself whether a recommendation is advantageous to his interests.

LIBERUM EST CUIQUE APUD SE EXPLORARE AN EXPEDIAT SIBI CONSILIUM.—*Br.* 137.

2749. Sticks and stones are not included under the name of arms.

LIGNA ET LAPIDES SUB ARMORUM APPELLATIONE NON CONTINENTUR.—*Bract.* 144*b*.

2750. An obligation, without consideration, or upon a false consideration which fails, or upon an unlawful consideration, is void.

L'OBLIGATION SANS CAUSE, OU SUI UNE FAUSSE CAUSE, OU SUR CAUSE ILLICITE NE PEUT AVOIR AUCUN EFFET.—*C.* 3, 3, 4.

2751. The place for payment of rent or money is to be strictly observed according to the condition of the lease or obligation.

LOCUS PRO SOLUTIONE REDITUS AUT PECUNIÆ SECUNDUM CONDITIONEM DISMISSIONIS AUT OBLIGATIONIS EST STRICTE OBSERVANDUS.—4 *Rep.* 73.

2752. A fine puts an end to litigation.

LITIBUS IMPONIT FINIS FINEM.—*Co.* 3; *Inst.* 78.

2753. The shore is where the highest wave from the sea has reached.

LITUS EST QUOSQUE MAXIMUS FLUCTUS A MARI PERVENIT.—*Dig.* 50, 16, 96.

2754. He is a lunatic who enjoys lucid intervals.

LUNATICUS QUI GAUDET IN LUCIDIS INTERVALLIS.—*Br.* 137.

M

2755. One consigned to a greater punishment than is warranted by law is not odious.

MAJORE PŒNA AFFECTUS QUAM LEGIBUS STATUTE EST NON EST INFAMIS.—4 *Inst.* 66.

2756. It is a greater crime to kill one's self than to kill another.

MAJUS EST DELICTUM SEIPSUM OCCIDERE QUAM ALIUM.—*Br.* 137.

2757. Gross negligence is a fault, and gross fault is a fraud.

MAGNA NEGLIGENTIA EST CULPA, ET MAGNA CULPA DOLUS EST.—*Dig.* 50, 16, 226.

2758. Malice is the sourness of a bad mind.

MALITIA EST ACIDA MALI ANIMI AFFECTUS.—2 *Bulst.* 49.

2759. To lie is to go against the mind.

MENTIRE EST CONTRA MENTEM IRE.—3 *Bulst.* 260.

2760. The least is next to nothing.

MINIMUM EST NIHIL PROXIMO.—*Bac. Arg.*

2761. A small circumstance attending an act may change the law.

MODICA CIRCUMSTANTIA FACTI JUS MUTAT.—*Br.* 139.

2762. A fine does not impose a loss of reputation.

MULCTA DAMNUM FAMÆ NON IRROGAT.—*C.* 1, 54.

2763. Many promises lessen confidence.

MULTA FIDEM PROMISSA LEVANT.—*Br.* 139.

N

2764. The nature of the contract of suretyship is strictly according to the letter of the law, and can not endure or be extended from thing to thing, from person to person, or from time to time.

*NATURA FIDEJUSSIONIS SIT STRICTISSIMI JURIS, ET NON DURAT, VEL EXTENDATUR DE RE AD REM, DE PERSONA AD PERSONAM, DE TEMPORE AD TEMPUS.—*Bur.*

2765. No man is considered a competent custodian of another's property without security.

NEMO ALIENÆ REI SINE SATISDATIONE, DEFENSOR IDONEUS INTELLIGITUR.—*Br.* 140.

2766. No one should interfere in what is not his own or in no way concerns him.

NEMO DEBET IMMISCERE SE REI ALIENÆ, AD SE NIHIL PERTINENT.—*Jenk. Cent.* 18.

2767. No man ought to be condemned without a hearing, unless he be in contumacy.

NEMO INAUDITUS CONDEMNARI DEBET, SI NON SIT CONTUMAX.—*Jenk. Cent.* 18.

2768. No one goes to law without an action, and no one can bring an action without a writ or bill of complaint.

NEMO SINE ACTIONE EXPERITUR, ET HOC NON SINE BREVE SIVE LIBELLO CONVENTIONAL.—*Bract.* 112.

2769. Nothing wicked is to be presumed.

NIHIL NEQUAM EST PRÆSUMENDUM.—2 *P. W.* 583.

2770. That example is of no use which settles one question by asking another.

NIL AGIT EXEMPLUM LITEM QUOD LITE RESOLVIT.—*Br.* 142.

2771. The gentry are those who are able to produce armorial bearings derived by descent from their own ancestors.

NOBILES SUNT QUI ARMA GENTILITIA ANTECESSORUM SUORUM PROFERRE POSSUNT.—2 *Inst.* 598.

2772. Names are mutable; but things are immutable.

NOMINA SUNT MUTABILIA; RES AUTEM IMMOBILES.—6 *Rep.* 66.

2773. A man's actions should injure himself, not his adversary.

NON ADVERSARIO FACTUM, CUIQUE SUUM NOCERE DEBET.—*Dig.* 50, 17, 155.

2774. A plea of the same matter the dissolution of which is sought ought not to be made.

NON DEBET ADDUCI EXCEPTIO EJUS REI CUJUS PETITUR DISSOLUTIO.—*Bac. Max. Reg.* 2.

2775. It is unbecoming to surrender the persons of men where no cause is shown.

NON DECET HOMINES DEDERE CAUSA NON COGNITA.—*Br.* 142.

2776. There is no disputing about rules of law.

NON EST CERTANDUM DE REGULIS JURIS.—*Br.* 143.

2777. A consequence ought not to be drawn from another consequence.

NON EST CONSEQUENTIÆ CONSEQUENTIA.—*Bac. Aph.* 16.

2778. That which can only be done at a loss is not permitted to be done at all.

NON LICET QUOD DISPENDIO LICET.—*Co. Litt.* 127.

2779. To be still-born is not to be born at all.

NON NASCI ET NATUM MORI PARIA SUNT.—*Br.* 143.

2780. A law is not obligatory until it has been published.

NON OBLIGAT LEX NISI PROMULGATA.—*Br.* 143.

2781. The king can not load a subject with imposition against his consent.

NON POTEST REX SUBITUM RENITENTEM ONERARE IMPOSITIONIBUS.—2 *Inst.* 61.

2782. A thing which has no effect in law is not an impediment.

NON PRÆSTAT IMPEDIMENTUM QUOD DE JURE NON SORTITUR EFFECTUM.—*Jenk. Cent. Cas.* 162.

2783. Notice is so called from a knowledge being had, and the notice should not halt or be imperfect.

NOTITIA DISCITUR A NOSCENDO, ET NOTITIA NON DEBET ETANDICARE.—6 *Rep.* 29.

2784. No one ought to enrich himself at the expense of others.

NUL DE DOIT S'ENRICHER AUX DEPENS DES AUTRES.—*Br.* 144.

2785. There is no rule without an exception.

NULLE REGLE SANS FAUTE.—*Br.* 144.

2786. No one can have a servitude over his own property.

NULLI ENIM RES SUA SERVIT JURE SERVITUTIS.—*Dig.* 8, 2, 26.

O

2787. Every oath ought to be founded on certain knowledge.

OMNE SACRAMENTUM DEBET ESSE DE CERTA SCIENTIA.—4 *Inst.* 279.

2788. All men are either freemen or slaves.

OMNES HOMINES AUT LIBERI SUNT AUT SERVI.—*Fleta*, 1, 1,
1, § 2.

2789. All worldly actions are limited within certain periods.

OMNES ACTIONES IN MUNDO INFRA CERTA TEMPORA HABENT
LIMITATIONEM.—*Bract*, 52.

2790. All prudent men are supposed to admit things approved by those expert in the particular art or rule by which they are regulated.

OMNES PRUDENTES ILLA ADMITTERE SOLENT QUÆ PROBANTUR
IIS QUI IN ARTE SUA BENE VERSATI SUNT.—7 *Rep.* 19.

2791. Every rule of law is subject to its own exceptions, and the exception is in itself a rule.

OMNIS REGULA SUAS PATITUR EXCEPTIONES, ET OMNIS EXCEP-
TIO EST REGULA.—*Br.* 146.

P

2792. Contracts which are illegal and which do not originate in fraud must in all respects be observed.

PACTA CONVENTA QUÆ NEQUE CONTRA LEGES NEQUE DOLO
MALO INITA SUNT OMNI MODO OBSERVANDA SUNT.—*C.* 2,
3, 29.

2793. Words make the plea.

PAROLS SONT PLEA.—5 *Mod.* 458.

2794. Things differ but little which agree in substance.

PARUM DIFFERUNT QUÆ RE CONCORDANT.—2 *Bulst.* 86.

2795. It is in the nature of things that he who denies a thing is not bound to bring proof to establish his denial.

PER RERUM NATURAM FACTUM NEGANTIS NULLA PROBATIO EST.
—*Litt.* § 386.

2796. That is perfect which needs nothing of the requirements of its nature.

PERFECTUM EST CUI NIHIL DEEST SECUNDUM SUÆ NATURÆ MODUM.—*Hob.* 151.

2797. A “person” is a man considered in relation to the political or legal state in which he finds himself.

PERSONA EST HOMO CUM STATU QUODAM CONSIDERATUS.—
—*Hein.* 1, 1, 3, § 75.

2798. A useless power is vain.

POTENTIA INUTILIS FRUSTRA EST.—*Br.* 148.

2799. A power is to be strictly interpreted.

POTESTAS STRICTE INTERPRETER.—*Br.* 148.

2800. To present a thing is to give or offer a thing on the spot.

PRÆSENTARE NIHIL ALIUD EST QUAM PRÆSTO DARE SEU OFFERRE.—*Co. Litt.* 120.

2801. The radical element of equity is equality.

PRIMA PARS ÆQUITATIS ÆQUALITAS.—*Br.* 149.

2802. The emperor is free from the process of the laws.

PRINCEPS LEGIBUS SOLUTUS EST.—*Dig.* 1, 3, 31.

2803. A privilege is a personal benefit, and dies with the person.

PRIVILEGIUM EST BENEFICIUM PERSONALE, ET EXTINGUITUR CUM PERSONA.—3 *Bulst.* 8.

2804. Extremes being proved, the intermediate proceedings are presumed.

PROBATIS EXTREMIS, PRÆSUMITUR MEDIA.—*Br.* 149.

2805. An indefinite proposition is equal to a general one.

PROPOSITUM INDEFINITUM ÆQUIPOLLET UNIVERSALI.—*Br.* 149.

2806. Children are of the blood of their parents; but the father and mother are not of the blood of the children.

PUERI SUNT DE SANGUINE PARENTUM; SED PATER ET MATER NON SUNT DE SANGUINE PUERORUM.—3 *Rep.* 40.

Q

2807. Any thing which has been sown (as seed) is part of the soil.

QUÆ SATA SUNT SOLO CEDERE INTELLIGUNTUR.—*Inst.* 2, 1, 32.

2808. He who confirms, does not give.

QUI CONFIRMAT, NIHIL DAT.—*Br.* 151.

2809. He who does that which is more, does that which is less; but the contrary is not true.

QUI FACIT ID QUOD PLUS EST, FACIT ID QUOD MINUS EST; SED NON CONVERTETUR.—*Bract.* 5.

2810. He who does not know what he ought to pay, does not want probity in not paying.

QUI IGNORAT QUANTUM SOLVERE DEBENT, NON POTEST IN PROBIS VIDERE.—*Dig.* 50, 17, 99.

2811. He sues in vain who can not prosecute his judgment with effect.

QUI JUDICIUM PROSEQUI NEQUIT CUM EFFECTU, FRUSTRA AGIT.
—*Fleta*, l. 6c. 37, § 9.

2812. He who acts badly, hates the light.

QUI MALE AGIT, ODIT LUCEM.—7 *Rep.* 66.

2813. He who first offends, causes the strife.

QUI PRIMUM PECCAT, ILLE FACIT RIXAM.—*Br.* 152.

2814. He who demands a reason for every thing, subverts reason.

QUI RATIONEM IN OMNIBUS QUÆRUNT, RATIONEM SUBVERTUNT.
—2 *Rep.* 75.

2815. He who derives a benefit from a thing, ought also to bear its disadvantages.

QUI SENTIT COMMODUM, SENTIRE DEBET ET ONUS.

2816. He who is silent, does not confess; but at the same time, he does not deny.

QUI TACET, NON UTIQUE FATETUR; SED TAMEN VERUM EST EUM NON NEGARE.—*Dig.* 50, 17, 142.

2817. Whatever protrudes outside the line of right, is a wrong.

QUICQUID DEMONSTRATÆ REI ADDITUR SATIS DEMONSTRATÆ, FRUSTRA EST.—*Dig.* 33, 4, 1, 8.

2818. Where there is doubt about an act or expression, it may be interpreted according to the known feelings or affections of the actor or writer.

QUOD FACTUM EST CUM IN OBSCURO SIT, EX AFFECTIONE CUIUSQUE CAPIT INTERPRETATIONEM.—*Dig.* 50, 17, 118, 1.

2819. That which is called “jus” in the civil law, we call in the common law “right.”

QUOD IN JURE SCRIPTO “JUS” APPELLATUR, ID IN LEGE ANGLIÆ “RECTUM” ESSE DICITUR.—*Fleta*, 1, 6, 1, § 1.

2820. That which bars the parties contracting, also bars their successors.

QUOD IPSIS QUI CONTRAXERUNT OBSTAT, ET SUCCESSORIBUS EORUM OBSTABIT.—*Dig.* 50, 17, 103.

2821. That which is paid by order of another, is the same as if paid by himself.

QUOD JUSSU ALTERIUS SOLVETUR PRO, EST QUASI IPSI SOLUTUM ESSET.—*Dig.* 50, 17, 180.

2822. The lesser sum will be imported into the contract.

QUOD MINUS EST IN OBLIGATIONEM, VIDETUR DEDUCTUM.

E. g., A offers to hire B's house for \$600, and at the same time B offers to let it for \$500; the contract is for \$500.

2823. What necessity forces, it justifies.

QUOD NECESSITAS COGIT, DEFENDIT.—1 *Bulst.* 71.

2824. That which is of necessity understood, is not wanting.

QUOD NECESSARIÆ INTELLIGITUR, ID NON DEEST.—*Hale P. C.* 54.

2825. What the church does not take, the treasury takes.

QUOD NON CAPIT CHRISTUS, CAPIT FISCUS.—*Year Book*, 19 *Hen.* VI. 1.

2826. That which concerns all, ought to be supported by all.

QUOD OMNES TANGIT, AB OMNIBUS DEBET SUPPORTARI.—*Br.* 154.

2827. That which is in suspense is held not to exist.

QUOD PENDET NON EST PRO EO, QUASI SIT.—*Dig.* 50, 17, 169, 1.

- 2828.** The will of the emperor has the force of law; for by the royal law the people have conferred upon him their sovereignty and dignity.

QUOD PRINCIPII PLACUIT LEGIS HABET RIGOREM; UT POTE CUM LEGE REGIA QUÆ DE IMPERIO EJUS LATA EST POPULUS EI, ET IN EUM OMNE SUUM IMPERIUM ET POTESTATEM CONFERRAT.—*Dig.* 1, 4, 1.

See VOX POPULI, etc.

- 2829.** He who suffers damage by his own fault is regarded as not suffering damage.

QUOD QUIS EX CULPA SUA DAMNUM SENTIT, NON INTELLIGITUR DAMNUM SENTIRE.—*Dig.* 50, 17, 203.

- 2830.** That which one pays, knowing it not to be due, with the intention of recovering it again, he can not recover back.

QUOD QUIS SCIENS INDEBITUM DEDIT HÆ MENTE UT POSTEA REPETERET, REPETERE NON POTEST.—*Dig.* 2, 6, 50.

- 2831.** What is without a remedy is on that very account valid, if there be no fault.

QUOD REMEDIO DESTITUITUR IPSA RE VALET, SI CULPA ABSIT.—*Bac. Max. Reg.* 9.

R

- 2832.** Reason is not confined to any locality.

RATIO NON CAUDITUR LOCO.—*Br.* 155.

- 2833.** In default of the law, the maxim rules.

REGULA PRO LEGE, SI DEFICIT LEX.—*Br.* 155.

- 2834.** A mandate of an illegal thing is void.

REI TURPIS NULLUM MANDATUM EST.—*Dig.* 17, 1, 6, 3.

- 2835.** The man who does not command too strictly is the better obeyed.

REMISSIUS IMPERANTI, MELIUS PARETUR.—3 *Inst.* 233.

2836. The word “things” has a general signification, and includes objects both corporeal and incorporeal, of whatever nature, sort, or species.

“RES” GENERALEM HABET SIGNIFICATIONEM; QUIA TAM INCORPORA QUAM INCORPORA CUJUSCUNQUE SUNT GENERIS NATURA, SIVE SPECIEI COMPREHENDIT.—*Inst.* 482.

2837. A sacred thing does not admit of valuation.

RES SACRA NON RECIPIT, ÆSTIMATIONEM.—*Dig.* 1, 8, 9, 5.

2838. In the mouth of two witnesses every thing shall be established.

RESPONSIO DUOBUS OMINO AUDITUR.—*Br.* 156.

2839. The defendant, by a plea, becomes a plaintiff.

REUS EXCIPIENDO FIT ACTOR.—*Ban.* 152.

2840. The use of river banks is, by the law of nations, public, like that of the stream itself.

RIPARUM USUS PUBLICUS EST JURE GENTIUM SICUT IPSIUS FLUMINES.—*Dig.* 1, 8, 5.

2841. The king is not bound by a statute unless he is expressly named.

ROY N'EST LIE PER ASCUN STATUTE, SI IL NE SOIT EXPRESSEMENT NOSME.—*Jenk. Cent.* 807.

S

2842. A tie of blood overcomes men because of benevolence and affection.

SANGUINIS CONJUNCTO BENEVOLENTIA DEVINCIT HOMINES ET CARITATE.—*Br.* 156.

2843. The wisdom of the law can not be valued by money.

SAPIENTIA LEGIS NUMMERIO PRETIO NON EST ÆSTIMENDA.—*Jenk. Cent.* 168.

2844. You ought to know with whom you deal.

SCIRE DEBES CUM QUO CONTRAHIS.—*Br. 157.*

2845. Business intrusted to more than one person is best transacted; just as several eyes see more than one.

SECURIUS EXPEDIUNTUR NEGOTIA COMMISSA PLURIBUS, ET PLUS VIDENT SENTI QUAM OCLUS.—*4 Rep. 46.*

2846. Senators are part of the body of the king.

SENATORES SUNT PARTES CORPORIS REGIS.—*4 Inst. 53m.*

2847. If we can be relieved by known and accustomed remedies, new ones ought not to be tried. The decision once made is to be allowed to stand, and things once settled are not to be disturbed.

SI ASSUETIS MEDERI POSSIS NOVA NON SUNT TENTANDO: STARE DECISIS, ET QUIETA NON MOVERE.—*10 Rep. 142.*

2848. If there be no reason or inference to the contrary, words are to be understood according to their proper meaning; not in a grammatical, but in an ordinary and popular sense.

SI NULLA SIT CONJECTURA QUÆ DUCAT ALIO, VERBA INTELLIGENDA SUNT EX PROPRIETATE; NON GRAMMATICA, SED POPULARI EX USO.—*Br. 158.*

2849. When conditions are written conjunctively in a gift, the whole are to be complied with, and it is necessary that every part be true taken jointly; if the conditions are separate, it is sufficient to comply with either one of them; or if disjunctive, that one or the other of them be true.

SI PLURES CONDITIONES ASCRIPTÆ FUERUNT DONATIONI CONJUNCTIM, OMNIBUS EST PARENDUM, ET AD VERITATEM COPULATIVE REQUIRITUR QUOD UTRAQUE PARS SIT VERA SI DIVISIM; CUILIBET VEL ALTERI EORUM SATIS EST OBTEMPERARE; ET IN DISJUNCTIVIS SUFFICIT ALTERAM PARTEM ESSE VERAM.—*Co. Litt. 225.*

2850. If there be more than one surety, all shall be held, no matter how numerous they are.

SI PLURES SINT FIDEJUSSORES, QUOD QUID ERUNT NUMERO, SINGULI IN SOLIDUM TENENTUR.—1 W. B. 388.

2851. That is a gift pure and simple to which no condition is attached.

SIMPLEX ET PURA DONATIS DICI POTERIT UBI NULLA EST ADJECTA CONDITIO NEC MODUS.—*Bract.* 1.

2852. Old age does not of itself and alone invalidate a will or a gift.

SOLA AC PER SE SENECTUS DONATIONEM TESTAMENTUM AUT TRANSACTIONEM NON VITIAT.—*Br.* 158.

2853. The death of a partner terminates the partnership.

SOLVITUR AD HUC SOCIETAS ETIAM MORTE SOCH.—*Inst.* 3, 26, 5.

2854. No one is considered solvent, unless he is able to pay all he owes.

SOLVENDO ESSE NEMO INTELLIGITUR, NISI QUI SOLIDUM POTEST SOLVERE.—*Dig.* 50, 16, 114.

2855. The will of the people stands in the place of reason.

STAT PRO RATIONE VOLUNTAS POPULI.—*Br.* 159.

2856. Subrogation is the substitution of one creditor for another in the same or a better condition.

SUBROGATIO EST TRANSFUSIO UNIUS CREDITORIS IN ALIUM EADEM VEL MITIORE CONDITIOE.—*Merl.* 459.

2857. That is the highest law and the strongest consideration which determines in favor of religion.

SUMMA LEX ET SUMMAM RATIO EST QUÆ PRO RELIGIONE FACIT.

2858. He is last whom no one follows.

SUPREMUS EST QUEM NEMO SEQUITUR.—*Dig.* 50, 16, 92.

2859. A suppression of the truth is a suggestion of what is false.

SUPPRESSIO VERI SUGGESTIO FALSÆ.—*Br.* 159.

2860. A term and a fee can not both be in the same person at the same time.

TERMINUS ET FOEDUM NON POSSUNT CONSTARE SIMUL IN UNA EADEM PERSONA.

2861. A testament is the legal declaration of a man's intentions concerning that which he wishes done with his own, after his death.

TESTAMENTUM EST VOLUNTATES NOSTRA JUSTA SENTENTIA DE EO QUOD QUIS POST MORTEM SUAM FIERI VELIT.—*Dig.* 28, 1, 1.

2862. Every exception which is not watched has a tendency to usurp the place of the principal.

TOUTE EXCEPTION NON SURVEILLEE TEND A PRENDRE LA PLACE DE PRINCIPE.—*Br.* 160.

2863. Let smiths perform the work of smiths.

TRACTENT FABRILIA FABRI.—3 *Co. Epist.*

2864. Delivery can not and ought not to transfer to him who receives more than is in the possession of the one delivering.

TRADITIO NIHIL AMPLIUS TRANSFERRE DEBET VEL POTEST AD EUM QUI ACCIPIT QUAM EST APUD EUM QUI TRADIT.—*Dig.* 41, 1, 20.

U

2865. Where there is turpitude on the part of both giver and receiver, a gift can not be recovered back; but where the turpitude is on the part of the receiver, it can be.

UBI ET DANTIS ET EXCIPIENTIS TURPITUDO VERSATUR, NON PASSE REPETI DICIMUS; QUOTIENS AUTEM ACCIPIENTIS TURPITUDO VERSATUR, REPITI POSSE.—*Br.* 160.

2866. Wherever there is marriage, there is dower.

UBI MATRIMONIUM, UBI DOS.—*Bract.* 92.

2867. Where the law fails to serve, there, as a rule, almost every thing ought to be suspected.

UBI NON ADEST NORMA LEGIS, OMNIA QUASI PRO SUSPECTIS HABENDA SUNT.—*Bac. Aph.* 25.

2868. Where there is no manifest injustice, judges are to be regarded as honest men, and their judgments as truth.

UBI NON EST MANIFESTA INJUSTITIA, JUDICES HABENTUR PRO BONIS VIRIS, ET JUDICATUM PRO VERITATE.—*Br.* 160.

2869. One should not take advantage of his own wrong.

UN NE DOIT PRICE AVANTAGE DE SON TORT DEMENSE.—2 *And.* 38, 40.

2870. Things universal are better known than things particular.

UNIVERSALIA SUNT NOTIORA SINGULARIBUS.—2 *Rol.* 294.

2871. Wife and son are names of nature.

UXOR ET FILIUS SUNT NOMINA NATURÆ.

V

2872. We call him a vagabond who has acquired no domicil any where.

VAGABUNDUM NUNCUPAMUS EUM QUI NULLIBI DOMICILIUM CONTRAXIT HABITATIONIS.—*Phil. D.* 23.

2873. A frivolous fear is not a legal excuse.

VANA TIMOR JUSTA EXCUSATA NON EST.—*Dig.* 50, 17, 184.

2874. He is not presumed to consent who obeys the orders of his father or his master.

VELLE NON CREDITUR QUI OBSEQUITUR IMPERIO PATRIS VEL DOMINI.—*Dig.* 50, 17, 4.

- 2875.** Technical terms in the vocabulary of an art should be explained from that art and according to those learned in it.

VERBA IN VOCABULARIA ARTIUM EX ARTE EXPLICANDA SUNT SECUNDUM DEFINITIONES PRUDENTIUM.—*Br.* 162.

- 2876.** When words are merely equivocal, if by common usage of speech they can acquire a meaning, let them receive that meaning; but it is better that words should have no operation than that they should operate absurdly.

VERBA NIHIL OPERARI MELIUS EST QUAM ABSURDE.—*Calv. L.*

- 2877.** Words of a strict signification may, if reason require it, be given a wider significance; but words which can have any effect ought not to be treated as surplusage.

VERBA STRICTA SIGNIFICATIONIS AD LATAM EXTENDI POSSUNT, SI SURSIT RATIO; SED VERBA QUÆ ALIQUID OPERARE POSSUNT, NON DEBENT ESSE SUPERFLUA.—*Cal. L.*

- 2878.** The imperfect tense of the verb indicates an incomplete matter.

VERBUM IMPERFECTI TEMPORIS REM ADHUC IMPERFECTAM SIGNIFICAT.—*Br.* 162.

- 2879.** The old way is the safe way.

VIA ANTIQUA, VIA TUTA.—*Br.* 162.

- 2880.** It seems that a deaf and dumb man can not alienate.

VIDETUR QUI SURDUS ET MUTUS NON POET FAIRE ALIENATION.

- 2881.** The will is to be taken for the deed.

VOLUNTAS REPUTATUR PRO FACTO.—3 *Inst.* 69.

- 2882.** The voice of the people is the voice of God.

VOX POPULI VOX DEI.

A maxim of the opponents of the divine right of kings, expressed in the maxim VOX REGIS VOX DEI, quoted as a proverb by William of Malmesbury, twelfth century.

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