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Maxims of Law

from Bouvier's 1856 Law Dictionary

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MAXIM.

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

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

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

4. The alterations of any of the maxims of the common law are dangerous. 2 Inst. 210. The following are some of the more important maxims.

A communi observantia non est recedendum. **There should be no departure from common observance or usage.** Co. Litt. 186.

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

A verbis legis non est recedendum. From the words of the law there must be no departure. Broom's Max. 268; 5 Rep. 119; Wing. Max. 25.

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

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

Abundaans cautela non nocet. **Abundant caution does no harm.** 11 Co. 6.

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

Accessorium non ducit sed sequitur suum principale. The accessory does not lead, but follow its principal. Co. Ltt 152.

Accusare nemo debet se, nisi coram Deo. No one ought to accuse himself, unless before God. Hard. 139.

Actio exteriora indicant interiora secreta. **External actions show internal secrets.** 8 Co. R. 146.

Actio non datur non damnificato. **An action is not given to him who has received no damages.**

Actio personalis moritur cum persona. A personal action dies with the person. This must be understood of an action for a tort only.

Actor qui contra regulam quid adduxit, non est audiendus. **He ought not to be heard who advances a proposition contrary to the rules of law.**

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

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

Actus Dei nemini facit injuriam. The act of God does no injury; that is, no one is responsible for inevitable accidents. 2 Blacks. Com. 122. See Act of God.

Actus incaeptus cujus perfectio pendet, ex voluntate partium, revocari potest; si autem pendet ex voluntate tertia personae, vel ex contingenti, revocari non potest. **An act already begun, the completion of which depends upon the will of the parties, may be recalled; but if it depend on the consent of a third person, or of a contingency, it cannot be recalled.** Bacon's Max. Reg. 20.

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

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

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

Actus legis nemini facit injuriam, **The act of the law does no one an injury.** 5 Co. 116.

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

Ad quaestiones facti non respondent iudices; ad quaestione legis non respondent juratores. **The judges do not answer to questions of fact; the jury do not answer to questions of law.** Cu. Litt. 295.

Aestimatio praeteriti delicti ex postremo facto nunquam crescit. The estimation of a crime committed never increased from a subsequent fact. Bac. Max. Reg. 8.

Ambiguitas verborum latens verificatione suppletur; nam quod ex facto oritur ambiguum verificatione facti tollitur. **A hidden ambiguity of the words is supplied by the verification, for whatever ambiguity arises concerning the deed itself is removed by the verification of the deed.** Bacon's Max. Reg. 23.

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

Aqua curit et debet currere. Water runs and ought to run. 3 Rawle, 84, 88.

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

Aequilas sequitur legem. Equity follows the law. 1 Story, Eq. Jur. 64.; 3 Wooddes. Lect. 479, 482.

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

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

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

Alternatica petitio non est audienda. An alternate petition is not to be heard. 5 Co. 40.

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

Animus moninis est anima scripti. **The intention of the party is the soul of the instrument.** 3 Bulstr. 67.

Apices juris non sunt jura. **Points of law are not laws.** Co. Litt. 304; 3 Scott, N. P. R. 773.

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

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

Argumentum divisione est fortissimum in jure. An argument arising from a division is most powerful in law. 6 Co. 60.

Argumentum ab inconvenienti est validum in lege; quia lex non permittit aliquod inconveniens. **An argument drawn from what is inconvenient is good in law, because the law will not permit any inconvenience.** Co. Litt. 258.

Argumentum ab impossibili plurimum valet in lege. An argument deduced from authority great avails in law. Co. Litt. 92.

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

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

Augupia verforum sunt iudice indigna. **A twisting of language is unworthy of a judge.** Hob. 343.

Bona fides non patitur, ut bis idem exigatur. **Natural equity or good faith do not allow us to demand twice the payment of the same thing.** Dig. 50, 17, 57.

Boni iudicis est ampliare jurisdictionem. It is the part of a good judge to enlarge his jurisdiction; that, his remedial authority. Chan. Prec. 329; 1 Wils 284; 9 M. & Wels. 818.

Boni judicis est causas litium derimere. It is the duty of a good judge to remove the cause of litigation. 2 Co. Inst. 304.

Bonum defendentis ex integr caus, malum ex quolibet defectu. The good of a defendant arises from a perfect case, his harm from some defect. 11 Co. 68.

Bonum judex secundum aequum et bonum judicat, et aequitatem stricto juri praefert. A good judge decides according to justice and right, and prefers equity to strict law. Co. Litt. 24.

Bonum necessarium extra terminos necessitatis non est bonum. Necessary good is not good beyond the bounds of necessity. Hob. 144.

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

Casus omissus et oblivione datus dispositioni communis juris relinquitur. A case omitted and given to oblivion is left to the disposal of the common law. 5 Co. 37.

Catalla just possessa amitti non possunt. Chattels justly possessed cannot be lost. Jenk. Cent. 28.

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

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

Caveat emptor. Let the purchaser beware.

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

Cessante causa, cessat effectus. The cause ceasing, the effect must cease.

C'est le crime qui fait la honte, et non pas l'echafaud. It is the crime which causes the same, and not the scaffold.

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

Chirographum apud debitorem repertum praesumitur solutum. A deed or bond found with the debtor is presumed to be paid.

Circuitus est evitandus. Circuity is to be avoided. 5 Co. 31.

Clausula inconsuetae semper indicunt suspicionem. Unusual clauses always induce a suspicion. 3 Co. 81.

Clausula quae abrogationem excludit ab initio non valet. **A clause in a law which precludes its abrogation, is invalid from the beginning.** Bacon's Max. Reg. 19, p. 89.

Clausula vel dispositio inutilis per praesumptionem remotam vel causam, ex post facto non fulcitur. **A useless clause or disposition is not supported by a remote presumption, or by a cause arising afterwards.** Bacon's Max. Reg. 21.

Cogitationis poenam nemo patitur. **No one is punished for merely thinking of a crime.**

Commodum ex injuri su non habere debet. No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.

Communis error facit jus. A common error makes law. **What was at first illegal, being repeated many times, is presumed to have acquired the force of usage, and then it would be wrong to depart from it.** The converse of this maxim is communis error non facit just. A common error does not make law.

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

Confirmare nemo potest priusquam just ei acciderit. No one can confirm before the right accrues to him. 10 Co. 48.

Confirmatio est nulla, ubi donum praecedens est invalidum. **A confirmation is null where the preceding gift is invalid.** Co. Litt. 295.

Conjunctio mariti et faeminae est de jure naturae. The union of a man and a woman is of the law of nature.

Consensus non concubitus facit nuptiam. Consent, not lying together, constitutes marriage.

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

Consensus tollit errorem. Consent removes or obviates a mistake. Co. Litt. 126.

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

Consequantiae non est consequentia. **A consequence ought not to be drawn from another consequence.** Bacon, De Aug. Sci. Aph. 16.

Consilii, non fraudulentum, nulla est obligatio. Advice, unless fraudulent, does not create an obligation.

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

Constructio legis non facit injuriam. The construction of law works not an injury. Co. Litt. 183; Broom's Max. 259.

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

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

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

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

Consuetudo praescripta et legitima vincit legem. **A prescriptive and legitimate custom overcomes the law.** Co. Litt. 113.

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

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

Contestio litis eget terminos contradictaris. An issue requires terms of contradiction;

that is, there can be no issue without an affirmative on one side and a negative on the other.

Contemporanea expositio est optima et fortissima in lege. A contemporaneous exposition is the best and most powerful in the law. 2 Co. Inst. 11.

Contr negantem principia non est disputandum. **There is no disputing against or denying principles.** Co. Litt. 43.

Contr non volentem agere nulla currit praescriptio. **No prescription runs against a person unable to act.** Broom's Max. 398.

Contr veritatem lex numquam aliquid permittit. **The law never suffers anything contrary to truth.** 2 Co. Inst. 252. But sometimes it allows a conclusive presumption in opposition to truth. See 3 Bouv. Inst. n. 3061.

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

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

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

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

Corporalis injuria non recipit aestimationem de futuro. A personal injury does not receive satisfaction from a future course of proceeding. Bacon's Max. in Reg. 6.

Cuilibet in arte sua herito credendum est. Every one should be believed skilful in how own art. Co. Litt. 125. Vide Experts; Opinion.

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

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

Cujus per errorem dati repetitio est, ejus consulti dati donatio est. **Whoever pays by mistake what he does not owe, may recover it back;** but he who pays, knowing he owes nothing; is presumed to give.

Cujus est solum, ejus est usque ad caelum. He who owns the soil, owns up to the sky. Co. Litt. 4 a; Broom's Max. 172; Shep. To. 90; 2 Bouv. Inst. n. 15, 70.

Cujus est divisio alterius est electio. Which ever of two parties has the division, the other has the choice. Co. Litt. 166.

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

Culpa tenet suos auctores. A fault finds its own.

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

Culpa paena par esto. Let the punishment be proportioned to the crime.

Culpa lata aequiparatur dolo. **A concealed fault is equal to a deceit.**

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

Cum confitente sponte mitius est agendum. One making a voluntary confession, is to be dealt with more mercifully. 4 Co. Inst. 66.

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

Cum legitimae nuptiae factae sunt, patrem liberi sequuntur. Children born under a legitimate marriage follow the condition of the father.

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

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

Currit tempus contra desides et sui juris contemptores. Time runs against the slothful and those who neglect their rights.

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

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

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

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

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

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

<http://www.duhaime.org/LegalDictionary/D/DeNonApparentibusEtDeNonExistentibusEademEstRatio.aspx>

alternative translation: Things that are not before the court may as well be non-existent. An ancient Latin maxim standing for the principle that unless an issue or matter of fact or of law is properly set before the Court, the Court ought not to decide that issue.]

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

De similibus idem est iudicium. Concerning similars the judgment is the same. 7 Co. 18.

Debet esse finis litium. There ought to be an end of law suits. Jenk. Cent. 61.

Debet qui juri subjacere ubi delinquit. Every one ought to be subject to the law of the place where he offends. 3 Co. Inst. 34.

Debile fundamentum, fallit opus. Where there is a weak foundation, the work falls. 2 Bouv. Inst. n. 2068.

Debita sequuntur personam debitoris. Debts follow the person of the debtor. Story, *Confl. of Laws*, 362.

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

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

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

Delegatus non potest delegare. A delegate or deputy cannot appoint another. 2 *Bouv. Inst. n.* 1936; Story, *Ag.* 33.

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

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

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

Dies dominicus non est juridicus. Sunday is not a day in law. *Co. Litt.* 135 a; 21 *Saund.* 291. See Sunday.

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

Dies incertus pro conditione habetur. A day uncertain is held as a condition.

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

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

Dispensatio est vulnus, quod vulnerat jus commune. A dispensation is a wound which wounds a common right. *Dav.* 69.

Dissimilum dissimiles est ratio. Of dissimilars the rule is dissimilar. Co. Litt. 191.

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

Dolosus versatur generalibus. A deceiver deals in generals. 2 Co. 34.

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

Dolus circuitu non purgator. Fraud is not purged by circuit. Bacon's Max. in Reg. 1.

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

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

Donatio perficitur possessione accipientis. A gift is rendered complete by the possession of the receiver. See 1 Bouv. Inst. n. 712; 2 John. 52; 2 Leigh, 337.

Donatio non praesumitur. A gift is not presumed.

Donatur nunquam desinit possidere antequam donatarius incipiat possidere. He that gives never ceases to possess until he that receives begins to possess. Dyer, 281.

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

Dos de dote peti non debet. Dower ought not to be sought from dower. 4 Co. 122.

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

Duo non possunt in solido unam rem possidere. **Two cannot possess one thing each in entirety.** Co. Litt. 368.

Duplicationem possibilitatis lex non patitur. It is not allowed to double a possibility. 1 Roll. R. 321.

Ea est accipienda interpretation, qui vitio curet. That interpretation is to be received,

which will not intend a wrong. Bacon's Max. Reg. 3, p. 47.

Ei incumbit probatio qui dicit, non qui negat. **The burden of the proof lies upon him who affirms, not he who denies.** Dig. 22, 3, 2; Tait on Ev. 1; 1 Phil. Ev. 194; 1 Greenl. Ev. 74; 3 Louis. R. 83; 2 Dan. Pr. 408; 4 Bouv Inst. n. 4411.

Ei nihil turpe, cui nihil satis. To whom nothing is base, nothing is sufficient. 4 Co. Inst. 53.

Ejus est non nolle, qui potest velle. He who may consent tacitly, may consent expressly. Dig. 50, 17, 8.

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

Elect un vi, non datur recursus ad alteram. When there is concurrence of means, he who has chosen one cannot have recourse to another. 10 Toull. n. 170.

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

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

Enumeratio infirmat regulam in casibus non enumeratis. Enumeration affirms the rule in cases not enumerated. Bac. Aph. 17.

Equality is equity. Francis' Max., Max. 3; 4 Bouv. Inst. n. 3725.

Equity suffers not a right without a remedy. 4 Bouv. Inst. n. 3726.

Equity looks upon that as done, which ought to be done. 4 Bouv. Inst. n. 3729; 1 Fonbl. Eq. b. 1, ch. 6, s. 9, note; 3 Wheat. 563.

Error fucatus nud veritate in multis est probabilior; et saepenumero rationibus vincit veritatem error. Error artfully colored is in many things more probable than naked truth; and frequently error conquers truth and reasoning. 2 Co. 73.

Error juris nocet. **Error of law is injurious.** See 4 Bouv. Inst. n. 3828.

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

Error scribentis nocere non debet. **An error made by a clerk ought not to injure; a clerical error may be corrected.**

Errores ad sua principia referre, est refellere. To refer errors to their origin is to refute them. 3 Co. Inst. 15.

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

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

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

Ex diuturnitate temporis, amnia praesumuntur solemniter esse acta. **From length of time, all things are presumed to have been done in due form.** Co. Litt. 6; 1 Greenl. Ev. 20.

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

Ex facto jus oritur. **Law arises out of fact; that is, its application must be to facts.**

Ex malificio non oritur contractus. **A contract cannot arise out of an act radically wrong and illegal.** Broom's Max. 851.

Ex multitudine signorum, colligitur identitas vera. From the great number of signs true identity may be ascertained. Bacon's Max. in Reg. 25.

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

Ex tota materia emergat resolutio. The construction or resolution should arise out of the whole subject matter.

Ex turpi causa non oritur action. No action arises out of an immoral consideration.

Ex turpi contractu non oritur actio. **No action arises on an immoral contract.**

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

Excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus. A wrong in capital cases is excused or palliated which would not be so in civil matters. Bacon's Max. Reg. 7.

Exceptio ejus rei cujus petitiur dissolutio nulla est. There can be no plea of that thing of which the dissolution is sought. Jenk. Cent. 37.

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

Exceptio firmat regulam in contrarium. The exception affirms the rule in contrary cases. Bac. Aph. 17.

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

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

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

Exceptio quoque regulam declarat. The exception also declares the rule. Bac. Aph. 17.

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

Executio est finis et fructus legis. An execution is the end and the first fruit of the law. Co. Litt. 259.

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

Exempla illustrent non restringunt legem. Examples illustrate and do not restrict the law. Co. Litt. 24.

Expedit reipublicae ut sit finis litium. It is for the public good that there be an end of litigation. Co. Litt. 303.

Expressa nocent, non expressa non nocent. Things expressed may be prejudicial; things not expressed are not. See Dig. 50, 17, 195.

Expressio eorum quae tacite insunt nihil operatur. The expression of those things which are tacitly implied operates nothing.

Expressio unius est exclusio alterius. The expression of one thing is the exclusion of another.

Expressum facit cessare tacitum. What is expressed renders what is implied silent.

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

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

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

Factum iudice quod ad ujus officium non spectat, non ratum est. An act of a judge which does not relate to his office, is of no force. 10 Co. 76.

Factum negantis nulla probatio. **Negative facts are not proof.**

Factum non dicitur quod non perseverat. It cannot be called a deed which does not hold out or persevere. 5 Co. 96.

Factum unius alteri nocere non debet. The deed of one should not hurt the other. Co. Litt. 152.

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

Falsa demonstratio non nocet. A false or mistaken description does not vitiate. 6T. R. 676; see 2 Story's Rep. 291; 1 Greenl. Ev. 301.

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

Falsus in uno, falsus in omnibus. False in one thing, false in everything. 1 Sumn. 356.

Fiat justitia ruat caelum. Let justice be done, though the heavens should fall.

Felonia implicatur in quolibet prodicione. Felony is included or implied in every treason. 3 Co. Inst. 15.

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

Fiat prout, fieri consuerit, nil temere novandum. Let it be done as formerly, let nothing be done rashly. Jenk. Cent. 116.

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

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

Finis finem litibus imponit. The end puts an end to litigation. 3 Inst. 78.

Finis unius diei est principium alterius. The end of one day is the beginning of another. 2 Buls. 305.

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

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

Faemina ab omnibus officiis civilibus vel publicis remotae sunt. Women are excluded from all civil and public charges or offices. Dig. 50, 17, 2.

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

Forma non observata, inferiur adnullatio actus. **When form is not observed a nullity of the act is inferred.** 12 Co. 7.

Forstellarius est pauperum depressor, et totius communitatis et patriae publicus inimicus. A forestaller is an oppressor of the poor, and a public enemy to the whole community and the country. 3 Co. Inst. 196.

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

man. 2 Roll. R. 325.

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

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

Fraus est odiosa et non praesumenda. Fraud is odious and not to be presumed. Cro. Car. 550.

Fraus et dolus nemini patrocianari debent. Fraud and deceit should excuse no man. 3 Co. 78.

Fraus et jus numquam cohabitant. Fraud and justice never agree together. Wing. 680.

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

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

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

Fructus perceptos villae non esse constat. Gathered fruits do not make a part of the house. Dig. 19, 1, 17, 1; 2 Bouv. Inst. n. 1578.

Frustr est potentia quae numquam venit in actum. The power which never comes to be exercised is vain. 2 Co. 51.

Frustr feruntur legis nisi subditis et obedientibus. Laws are made to no purpose unless for those who are subject and obedient. 7 Co. 13.

Frustr legis auxilium quaerit qui in legem committit. Vainly does he who offends against the law, seek the help of the law.

Frustr petis quoa statim alteri reddere cogaris. Vainly you ask that which you will immediately be compelled to restore to another. Jenk. Cent. 256.

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

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

Furiosus solo furore punitur. A madman is punished by his madness alone. Co. Litt. 247.

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

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

Generale dictum generaliter est interpretandum. A general expression is to be construed generally. 8 co. 116.

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

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

Generalia verba sunt generaliter intelligenda. General words are understood in a general sense. 3 Co. Inst. 76.

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

Haeredem Deus facit, non homo. God and not man, make the heir.

Haeredem est nomen collectivum. Heir is a collective name.

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

Haeres est aut jure proprietatis aut jure representationis. An heir is either by right of property or right of representation. 3 Co. 40.

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

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

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

Haeres legitimus est quem nuptiae demonstrant. He is the lawful heir whom the marriage demonstrates.

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

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

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

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

Id certum est quod certum reddi potest. That is certain which may be rendered certain. 1 Bouv. Inst. n. 929; 2 Bl. Com. 143; 4 Kernt com. 462; 4 Pick 179.

Idem agens et patiens esse non potest. **One cannot be agent and patient, in the same matter.** Jenk. Cent. 40.

Idem est facere, et nolle prohibere cum possis. It is the same thing to do a thing as not to prohibit it when in your power. 3 Co. Inst. 178.

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

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

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

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

Cent. 207.

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

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

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

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

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

Ignorantia legis neminem excusat. Ignorance of fact may excuse, but not ignorance of law. 4 Bouv. Inst. n. 3828.

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

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

Ignorantia terminis ignoratur et ars. **An ignorance of terms is to be ignorant of the art.** Co. Litt. 2.

Illud quod alias licitum non est necessitas facit licitum, et necessitas inducit privilegium quod jure privat. That which is not otherwise permitted, necessity allows, and necessity makes a privilege which supersedes the law. 10 Co. 61.

Imperitia culpa annumeratur. Ignorance, or want of skill, is considered a negligence, for which one who professes skill is responsible. Dig. 50, 17, 132; 1 Bouv. Inst. n. 1004.

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

Impotentia excusat legem. **Impossibility excuses the law.** Co. Litt. 29.

Impunitas continuum affectum tribuit delinquenti. Impunity offers a continual bait to a delinquent. 4 Co. 45.

In alternativis electio est debitoris. In alternatives there is an election of the debtor.

In aedificiis lapis male positus non est removendus. A stone badly placed in a building is not to be removed. 11 Co. 69.

In aequali jure melior est conditio possidentis. **When the parties have equal rights, the condition of the possessor is the better.** Mitf. Eq. Pl. 215; Jer. Eq. Jur. 285; 1 Madd. Ch. Pr. 170; Dig. 50, 17, 128. Plowd. 296.

In commodo haec pactio, ne dolus praestetur, rata non est. If in a contract for a loan there is inserted a clause that the borrower shall not be answerable for fraud, such clause is void. Dig. 13, 6, 17.

In conjunctivis oportet utramque partem esse veram. In conjunctives each part ought to be true. Wing. 13.

In consimili casu consilile debet esse remedium. In similar cases the remedy should be similar. Hard. 65.

In contractibus, benigna; in testamentis, benignior; in restitutionibus, benignissima interpretatio facienda est. In contracts, the interpretation or construction should be liberal; in wills, more liberal; in restitutions, more liberal. Co. Litt. 112.

In conventibus contrahensium voluntatem potius quam verba spectari placuit. **In the agreements of the contracting parties, the rule is to regard the intention rather than the words.** Dig. 50, 16, 219.

In criminalibus, probationes bedent esse luce clariores. In criminal cases, the proofs ought to be clearer than the light. 3 Co. inst. 210.

In criminalibus sufficit generalis malitia intentionis cum facto paris gradus. In criminal cases a general intention is sufficient, when there is an act of equal or corresponding degree. Bacon's Max. Reg. 15.

In disjunctivis sufficit alteram partem esse veram. In disjunctives, it is sufficient if either part be true. Wing. 15.

In dubiis magis dignum est accipiendum. In doubtful cases the more worthy is to be taken. Branch's Prin. h.t.

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

In dubio haec legis constructio quam verba ostendunt. In a doubtful case, that is the construction of the law which the words indicate. Br. Pr. h. t.

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

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

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

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

In favorabilibus magis attenditur quod prodest quam quod nocet. In things favored what does good is more regarded than what does harm. Bac. Max. in Reg. 12.

In fictione juris, semper subsistit aequitas. **In a fiction of law, equity always subsists.** 11 Co. 51.

In judiciis minori aetati succuritur. In judicial proceedings, infancy is aided or favored.

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

In iure non remota causa, sed proxima spectatur. In law the proximate, and not the remote cause, is to be looked to. Bacon's Max. REg. 1.

In majore summ continetur minor. In the greater sum is contained the less. 5 Co. 115.

In maleficio rati habitio mandato comparatur. He who ratifies a bad action is considered as having ordered it. Dig. 50, 17, 152, 2.

In mercibus illicitis non sit commercium. NO commerce should be in illicit goods. 3 Kent, Com. 262, n.

In maxim potenti minima licentia. IN the greater power is included the smaller license. Hob. 159.

In obscuris, quod minimum est, sequitur. In obscure cases, the milder course ought to be pursued. Dig. 50, 17, 9.

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

In omni re nascitur res qua ipsam rem exterminat. In everything, the thing is born which destroys the thing itself. 2 Co. Inst. 15.

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

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

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

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

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

In pari causa possessor potior est. In an equal case, better is the condition of the possessor. Dig. 50, 17, 128; Poth. Vente, n. 320; 1 Bouv. Inst. n. 952.

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

In proprii cuius nemo iudex. No one can be judge in his own cause.

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

In repropri iniquum admodum est alicui licentiam tribuere sententiae. It is extremely unjust that any one should be judge in his own cause.

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

In republic maxim conservanda sunt jura belli. In the state the laws of ware are to be greatly preserved. 2 Co. Inst. 58.

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

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

In suo quisque negotio hebetior est quam in alieno. Every one is more dull in his own business than in that of another. Co. Litt. 377.

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

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

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

Incerta quantitas vitiat acium. **An uncertain quantity vitiates the act.** 1 Roll. R. 465.

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

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

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

Indefinitum aequipolet universali. The undefined is equivalent to the whole. 1 Ventr. 368.

Indefinitum supplet locum universalis. The undefined supplies the place of the whole Br. Pr. h. t.

Independenter se habet assecuratio a viaggio vanis. The voyage insured is an independent or distinct thing from the voyage of the ship. 3 Kent, Com. 318, n.

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

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

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

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

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

Iniquum est ingenuis hominibus non esse liberam rerum suarum alienationem. **It is against equity to deprive freeman of the free disposal of their own property.** Co. Litt. 223. See 1 Bouv. Inst. n. 455, 460.

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

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

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

Intentio caeca, mala. A hidden intention is bad. 2 Buls. 179.

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

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

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

Interest reipublicae res judicatas non rescindi. It concerns the common wealth that things adjudged be not rescinded. Vide Res judicata.

Interest reipublicae quod homines conserventur. It concerns the commonwealth that we be preserved. 12 Co. 62. Interest reipublicae ut qualibet re su bene utatur. It concerns the commonwealth that every one use his property properly. 6 Co. 37.

Interest reipublicae ut carceres sint in tuto. It concerns the commonwealth that prisons be secure. 2 Co. Inst. 589.

Interest reipublicae suprema hominum testamenta rata haberi. It concerns the commonwealth that men's last wills be sustained. Co. Litt. 236.

Interest reipublicae ut sit finis litium. In concerns the commonwealth that there be an end of law suits. Co. Litt. 303.

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

Interpretatio fienda est ut res magis valeat quam pereat. That construction is to be made so that the subject may have an effect rather than none. Jenk. Cent. 198.

Interpretatio talis in ambiguis semper fienda, ut evitetur inconueniens et absurdum. In ambiguous things, such a construction is to be made, that what is inconvenient and absurd is to be avoided. 4 Co. Inst. 328.

Interruptio multiplex non tollit praescriptionem semel obtentam. Repeated interruptions do not defeat a prescription once obtained. 2 Co. Inst. 654.

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

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

Ipsae legis cupiunt ut jure regantur. **The laws themselves require that they should be governed by right.** Co. Litt. 174.

Judex ante oculos aequitatem semper habere debet. A judge ought always to have

equity before his eyes. Jenk. Cent. 58.

Judex aequitatem semper spectare debet. A judge ought always to regard equity. Jenk. Cent. 45.

Judex bonus nihil ex arbitrio suo faciat, nec propositione domesticae voluntatis, sed juxta legis et jura pronunciet. A good judge should do nothing from his own judgment, or from the dictates of his private wishes; but he should pronounce according to law and justice. 7 co. 27.

Judex debet judicare secundum allegata et probata. The judge ought to decide according to the allegation and the proof.

Judex est lex loquens. The judge is the speaking law. 7 co. 4.

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

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

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

Judex non reddat plus quam quod petens ipse requireat. The judge does demand more than the plaintiff demands. 2 Inst. 286.

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

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

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

Judicia posteriora sunt in lege fortiora. The latter decisions are stronger in law. 8 Co. 97.

Judicia sunt tanquam juris dicta, et pro veritate accipiuntur. Judgments are, as it were,

the dicta or sayings of the law, and are received as truth. 2 Co. Inst. 573.

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

Judicis est in pronuntiando sequi regulam, exceptione non probat. The judge in his decision ought to follow the rule, when the exception is not made apparent.

Judicis est judicare secundum allegata et probata. A judge ought to decide according to the allegations and proofs. Dyer. 12.

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

Judicium non debet esse illusorium, suum effectum habere debet. A judgment ought not to be illusory, it ought to have its consequence. 2 Inst. 341.

Judicium redditur in invitum, in praesumptione legis. In presumption of law, a judgment is given against inclination. Co. Litt. 248.

Judicium semper pro veritate accipitur. A judgment is always taken for truth. 2 Co. Inst. 380.

Jura sanguinis nullo jure civili dirimi possunt. The right of blood and kindred cannot be destroyed by any civil law. Dig. 50, 17, 9; Bacon's Max. Reg. 11.

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

Jura eodem modo destruuntur quo constituuntur. Laws are abrogated or repealed by the same means by which they are made.

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

Jurato creditur in iudicio. He who makes oath is to be believed in judgment.

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

Juratores sunt iudices facti. Juries are the judges of the facts. Jenk. Cent. 58.

Juris effectus in executione consistit. The effect of a law consists in the execution. Co. Litt. 289.

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

Jus accrescendi praefertur oneribus. The right of survivorship is preferred to incumbrances. Co. Litt. 185.

Jus accrescendi praefertur ultimae voluntati. The right of survivorship is preferred to a last will. Co. Litt. 1856.

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

Jus est ars boni et aequi. Law is the science of what is good and evil. Dig. 1, 1, 1, 1.

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

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

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

Jus respicit aequitatem. **Law regards equity.** Co. Litt. 24.

Jus superveniens auctori accessit successors. A right growing to a possessor accrues to a successor.

Justicia est virtus excellens et Altissimo complacens. Justice is an excellent virtue and pleasing to the Most high. 4 inst. 58.

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

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

Justitia non novit patrem nec matrem, solum veritatem spectat justitia. Justice knows

neither father nor mother, justice looks to truth alone. 1 Buls. 199.

La conscience est la plus changeante des regles. Conscience is the most changeable of rules.

Lata culpa dolo aequiparatur. **Gross negligence is equal to fraud.**

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

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

Legatum morte testatoris tantum confirmatur, sicut donatio inter vivos traditione sol . A legacy is confirmed by the death of the testator, in the same manner as a gift from a living person is by delivery alone. Dyer, 143.

Leges posteriores priores contrarias abrogant. Subsequent laws repeal those before enacted to the contrary. 2 Rol. R. 410; 11 Co. 626, 630.

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

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

Legibus sumptis disinentibus, lege naturae utendum est. **When laws imposed by the state fail, we must act by the law of nature.** 2 Roll. R. 298.

Legis constructio non facit injuriam. The construction of law does no wrong. Co. Litt. 183.

Legis figendi et refigendi consuetudo periculosissima est. The custom of fixing and refixing (making and annulling) laws is most dangerous. 4 Co. Ad. Lect.

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

Legislatorum est viva vox, rebus et non verbis, legem imponere. The voice of legislators is a living voice, to impose laws on things and not on words. 10 Co. 101.

Legis minister non tenetur, in executione officii sui fugere aut retrocedere. The minister

of the law is not bound, in the execution of his office, neither to fly nor retreat. 6 Co. 68.

Legitime imperanti parere necesse est. **One who commands lawfully must be obeyed.** Jenk. Cent. 120.

Les fictions naissent de la loi, et non la loi des fictions. **Fictions arise from the law, and not law from fictions.**

Lex aliquando sequitur aequitatem. The law sometimes follows equity. 3 Wils. 119.

Lex aequitate gaudet; appetit perfectum; est norma recti. The law delights in equity; it covets perfection; it is a rule of right. Jenk. Cent. 36.

Lex beneficialis rei consimili remedium praestat. A beneficial law affords a remedy in a similar case. 2 Co. Inst. 689.

Lex citius tolerare vult privatum damnum quam publicum malum. The law would rather tolerate a private wrong than a public evil. Co. Litt. 152.

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

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

Lex dilationes semper exhorret. The law always abhors delay. 2 Co. Inst. 240.

Lex est ab aeterno. The law is from everlasting.

Lex est dictamen rationis. **Law is the dictate of reason.** Jenk. Cent. 117.

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

Lex est ratio summa, quae jubet quae sunt utilia et necessaria, et contraria prohibet. **Law is the perfection of reason, which commands what is useful and necessary and forbids the contrary.** Co. Litt. 319.

Lex est sanctio sancta, iubens honesta, et prohibens contraria. Law is a sacred sanction, commanding what is right and prohibiting the contrary. 2 Co. Inst. 587.

Lex favet doti. The law favors dower.

Lex fingit ubi subsistit aequitas. Law feigns where equity subsists. 11 Co. 90.

Lex intendit vicinum vicini facta scire. The law presumes that one neighbor knows the actions of another. Co. Litt. 78.

Lex judicat de rebus necessario faciendis quasire ipsa factis. The law judges of things which must necessarily be done, as if actually done.

Lex necessitatis est lex temporis, i.e. instantis. The law of necessity is the law of time, that is, time present. Hob. 159.

Lex neminem cogit ad vana seu inutilia peragenda. The law forces no one to do vain or useless things.

Lex nemini facit injuriam. The law does wrong to no one.

lex nemini operatur iniquum, nemini facit injuriam. **The law never works an injury, or does him a wrong.** Jenk. Cent. 22.

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

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

Lex non curat de minimis. The law does not regard small matters. Hob. 88.

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

Lex non praecipit inutilia, quia inutilis labor stultus. The law commands not useless things, because useless labor is foolish. Co. Litt. 197.

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

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

Lex non requirit verificare quod apparet curiae. The law does not require that to be

proved, which is apparent to the court. 9 Co. 54.

Lex plus laudatur quando ratione probatur. **The law is the more praised when it is consonant to reason.**

Lex prospicit, non respicit. The law looks forward, not backward.

Lex punit mendacium. The law punishes falsehood.

Lex rejicit superflua, pugnancia, incongrua. The law rejects superfluous, contradictory and incongruous things.

Lex reprobatur moram. The law dislikes delay.

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

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

Lex succurrit ignorantibus. The laws succor the ignorant.

Lex semper intendit quod convenit ratione. **The law always intends what is agreeable to reason.** Co. Litt. 78.

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

Libertas inestimabilis res est. Liberty is an inestimable good. Dig. 50, 17, 106.

Liberum corpus aestimationem non recipit. **The body of a freeman does not admit of valuation.**

Licet dispositio de interesse future sit inutilis, tamen potest fieri declaratio praecedens quae fortitur effectum interveniente novo actu. Although the grant of a future interest be inoperative, yet a declaration precedent may be made, which may take effect, provided a new act intervene. Bacon's Max. Reg. 14.

Licita bene miscentur, formula nisi juris obstet. Things permitted should be well contrived, lest the form of the law oppose. Bacon's Max. Reg. 24.

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

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

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

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

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

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

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

Magna negligentia culpa est, magna culpa dolus est. Gross negligence is a fault, gross fault is a fraud. Dig 50, 16, 226.

Magna culpa dolus est. Great neglect is equivalent to fraud. Dig. 50, 16, 226; 2 Spears, R. 256; 1 Bouv. Inst. n. 646.

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

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

Major haereditas venit unicuique nostrum jure et legibus quam parentibus. A greater inheritance comes to every one of us from right and the laws than from parents. 2 Co. Inst. 56.

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

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

Majori continet in se minus. The greater includes the less. 19 Vin. Abr. 379.

Majus dignum trahit in se minus dignum. The more worthy or the greater draws to it

the less worthy or the lesser. 5 Vin. Abr. 584, 586.

Majus est delictum seipsum occidere quam alium. it is a greater crime to kill one's self than another.

Mala grammatica non vitiat chartam; sed in expositione instrumentorum mala grammatica quoad fieri possit evitanda est. Bad grammar does not vitiate a deed; but in the construction of instruments, bad grammar, as far as it can be done, is to be avoided. 6 Co. 39.

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

Maleficia non debent remanere impunita, et impunitas continuum affectum tribuit delinquenti. Evil deeds ought not to remain unpunished, for impunity affords continual excitement to the delinquent. 4 Co. 45.

Malificia propositus distinguuntur. Evil deeds are distinguished from evil purposes. Jenk. Cent. 290.

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

Malitia supplet aetatem. Malice supplies age. Dyer, 104. See Malice.

Malum hominum est obviandum. The malice of men is to be avoided. 4 Co. 15.

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

Malum quo communius eo pejus. The more common the evil, the worse.

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

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

Mandatarius terminos sibi positos transgredi non potest. A mandatory cannot exceed the bounds of his authority. Jenk. Cent. 53.

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

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

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

Matrimonia debent esse libera. Marriages ought to be free.

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

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

Maxim paci sunt contraria, vis et injuria. The greatest enemies to peace are force and wrong. Co. Litt. 161.

Melior est justitia vere praeveniens quam severe pumens. That justice which justly prevents a crime, is better than that which severely punishes it.

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

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

Melior est conditio possidentis, ubi neuter jus habet. Better is the condition of the possessor, where neither of the two has a right. Jenk. Cent. 118.

Meliorem conditionem suum facere potest minor, deteriolem nequaquam. A minor can improve or make his condition better, but never worse. Co. Litt. 337.

Melius est omnia mala pati quam malo concentire. It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.

Melius est recurrere quam malo currere. It is better to recede than to proceed in evil. 4 Inst. 176.

Melius est in tempore occurrere, quam post causam vulneratum remedium quaerere. **It is better to restrain or meet a thing in time, than to see a remedy after a wrong has been inflicted.** 2 Inst. 299.

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

Mentiri est contra mentem ire. To lie is to go against the mind. 3 Buls. 260.

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

Mercis appellatio ad res mobiles tantum pertinet. The term merchandise belongs to movable things only. Dig. 50, 16, 66.

Minima paena corporalis est major qualibet pecuniari . The smallest bodily punishment is greater than any pecuniary one. 2 Inst. 220.

Minim mutanda sunt quae certam habuerent interpretationem. Things which have had a certain interpretation are to be altered as little as possible. Co. Litt. 365.

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

Minor minorem custodire non debet, alios enim praesumitur male regere qui seipsum regere nescit. A minor ought not to be guardian of a minor, for he is unfit to govern others who does not know how to govern himself. Co. Litt. 88.

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

Mitius imperanti melius paretur. The more mildly one commands the better is he obeyed. 3 Co. Inst. 24.

Mobilia personam sequuntur, immobilia situm. Movable things follow the person, immovable their locality.

Modica circumstantia facti jus mutat. The smallest circumstance may change the law.

Modus et conventio vincunt legem. Manner and agreement overrule the law. 2 Co. 73.

Modus legel dat donationi. The manner gives law to a gift. Co. Litt. 19 a.

Moneta est justum medium et mensura rerum commutabilium, nam per meduim monetae fit omnium rerum conveniens, et justa aestimatio. Money is the just medium and measure of all commutable things, for, by the medium of money, a convenient and just estimation of all things is made. Dav. 18. See 1 Bouv. Inst. n. 922.

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

Mors dicitur ultimum supplicium. Death is denominated the extreme penalty. 3 Inst. 212.

Mortuus exitus non est exitus. To be dead born is not to be born. Co. Litt. 29. See 2 Paige, 35; Domat, liv. pr l. t. 2, s. 1, n. 4, 6; 2 Bouv. Inst. n. 1721 and 1935.

Multa conceduntur per obliquum quae non conceduntur de directo. Many things are conceded indirectly which are not allowed directly. 6 co. 47. Multa in jure communi contra rationem disputandi pro communi utilitate introducta sunt. Many things have been introduced into the common law, with a view to the public good, which are inconsistent with sound reason. Co. Litt. 70; Broom's Max. 67; 2 Co. R. 75. See 3 T. R. 146; 7 T. R. 252.

Multa multo exercitatione facilius quam regulis percipies. You will perceive many things more easily by practice than by rules. 4 Co. Inst. 50.

Multa non vetat lex. quae tamen tacit damnavit. The law forbids many things, which yet it has silently condemned.

Multa transeunt cum universitate quae non per se transeunt. Many things pass as a whole which would not pass separately.

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

Multiplex et indistinctum parit confusionem; et questiones quo simpliciores, eo lucidiores. Multiplicity and indistinctness produce confusion; the more simple questions are the more lucid. Hob. 335.

Multiplicat transgressione crescat paenae inflictio. The increase of punishment should be in proportion to the increase of crime. 2 Co. Inst. 479.

Multitudo errantium non parit errori patrocinium. The multitude of those who err is no excuse for error. 11 Co. 75.

Multitudo imperitorum perdit curiam. A multitude of ignorant practitioners destroys a court. 2 Co. Inst. 219.

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

Natura non facit saltum, ita nec lex. nature makes no leap, nor does the law. Co. Litt. 238.

Natura non facit vacuum, nec lex supervacuum. Nature makes no vacuum, the law no supervacuum. Co. Litt. 79.

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

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

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

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

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

Necessitas inducit privilegium quoad jura privata. **Necessity gives a preference with regard to private rights.** Bacon's Max. REg. 5.

Necessitas non habet legem. Necessity has no law. Plowd. 18. See Necessity, and 15 Vin. Ab. 534; 22 Vin. Ab. 540.

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

Necessitas quod cogit, defendit. Necessity defends what it compels. H. H. P. C. 54.

Necessitas vincit legem. Necessity overcomes the law. Hob. 144.

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

Negatio destruit negationem, et ambae faciunt affirmativum. A negative destroys a negative, and both make an affirmative. Co. Litt. 146.

Negatio duplex est affirmatio. A double negative is an affirmative.

Negligentia semper habet infortuniam comitem. Negligence has misfortune for a companion. Co. Litt. 246.

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

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

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

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

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

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

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

Nemo damnum facit, nisi qui id fecit quod facere jus non habet. No one is considered as committing damages, unless he is doing what he has no right to do. dig. 50, 17, 151.

Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.

Nemo de domo sua extrahi debet. A citizen cannot be taken by force from his house to be conducted before a judge or to prison. Dig. 50, 17. This maxim in favor of Roman liberty is much the same as that "every man's house is his castle."

Nemo debet esse iudex in propria causa. No one should be judge in his own cause. 12 Co. 113.

Nemo debet ex alieni jacturam lucrari. No one ought to gain by another's loss.

Nemo debet immiscere se rei alienae ad se nihil pertinenti. No one should interfere in what no way concerns him.

Nemo debet rem suam sine facto aut defectu suo amittere. No one should lose his property without his act or negligence. Co. Litt. 263.

Nemo est haeres viventis. No one is an heir to the living. 2 Bl. Com. 107; 1 Vin. Ab. 104, tit. Abeyance; Merl. R p. verbo Abeyance; Co. Litt. 342; 2 Bouv. Inst. n. 1694, 1832.

Nemo ex suo delicto meliorem suam conditionem facere potest. No one can improve his condition by a crime. Dig. 50, 17, 137.

Nemo ex alterius facto praegravari debet. **No man ought to be burdened in consequence of another's act.**

Nemo ex consilio obligatur. No man is bound for the advice he gives.

Nemo in propria causa testis esse debet. No one can be a witness in his own cause. But to this rule there are many exceptions.

Nemo inauditus condemnari debet, si non sit contumax. **No man ought to be condemned unheard, unless he be contumacious.**

Nemo nascitur artifex. No one is born an artist. Co. Litt. 97.

Nemo patriam in qua natus est exuere, nec ligeantiae debitum ejurare possit. No man can renounce the country in which he was born, nor abjure the obligation of his allegiance. Co. Litt. 129. Sed vide Allegiance; Expatriation; Naturalization.

Nemo plus juris ad alienum transferre potest, quam ipse habet. One cannot transfer to another a right which he has not. Dig. 50, 17, 54; 10 Pet. 161, 175.

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

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

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

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

Nemo potest sibi devere. **No one can owe to himself.** See Confusion of Rights.

Nemo praesumitur alienam posteritatem suae praetulisse. NO one is presumed to have preferred another's posterity to his own.

Nemo praesumitur donare. No one is presumed to give.

Nemo praesumitur esse immemor suae aeternae salutis, et maxim in articulo mortis. No man is presumed to be forgetful of his eternal welfare, and particularly at the point of death. 6 Co. 76.

Nemo praesumitur malus. No one is presumed to be bad.

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

Nemo prohibetur plures negotiationes sive artes exercere. No one is restrained from exercising several kinds of business or arts. 11 Co. 54.

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

Nemo prudens punit ut praeterita revocentur, sed ut futura praeveniantur. No wise one punishes that things done may be revoked, but that future wrongs may be prevented. 3 Buls. 173.

Nemo punitur pro alieno delicto. No one is to be punished for the crime or wrong of another.

Nemo punitur sine injuri, facti, seu defaulto. No one is punished unless for some wrong, act or default. 2 Co. Inst. 287.

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

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

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

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

Nemo tenetur divinare. No one is bound to foretell. 4 Co. 28.

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

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

Nemo tenetur seipsam infortunis et periculis exponere. No one is bound to expose himself to misfortune and dangers. Co. Litt. 253.

Nemo tenetur seipsum accusare. **No man is bound to accuse himself.**

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

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

Nihil de re accrescit ei qui nihil in re quando jus accresceret habet. **Nothing accrues to him, who, when the right accrues, has nothing in the subject matter.** Co. Litt. 188.

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

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

Nihil infra regnum subditos magis conservat in tranquillitate et concordia quam debita

legum administratio. Nothing preserves in tranquility and concord those who are subjected to the same government better than a due administration of the laws. 2 Co. Inst. 158.

Nihil in lege intolerabilius est, eandem rem diverso jure censi. Nothing in law is more intolerable than to apply the law differently to the same cases. 4 Co. 93.

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

Nihil perfectum est dum aliquid restat agendum. Nothing is perfect while something remains to be done. 2 co. 9.

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

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

Nihil quod inconueniens est licitum est. Nothing inconvenient is lawful.

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

Nihil tam naturale est, quomodo in eo genere quidque dissolvere, quo colligatum est. It is very natural that an obligation should not be dissolved but by the same principles which were observed in contracting it. Dig. 50, 17, 35. See 1 Co. 100; 2 Co. Inst. 359.

Nihil tam conueniens est naturali aequitati, quomodo in voluntatem domini voluntis rem suam in alium transferre, ratam haberi. Nothing is more conformable to natural equity, than to confirm the will of an owner who desires to transfer his property to another. Inst. 2, 1, 40; 1 Co. 100.

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

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

Nimia subtilitas in jure reprobatur. Too much subtlety is reprobated in law.

Nimum altercando veritas amittitur. By too much altercation truth is lost. Hob. 344.

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

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

No man can hold the same land immediately of two several landlords. Co. Litt. 152.

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

Necessity creates equity.

No one may be judge in his own cause.

Nobiliores et benigniores presumptiones in dubiis sunt praeferendae. **When doubts arise the most generous and benign presumptions are to be preferred.**

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

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

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

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

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

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

Non accipi debent verba in demonstrationem falsam, quae competunt in limitationem veram. Words ought not to be accepted to import a false demonstration which have effect by way of true limitation. Bacons' Max. REg. 13.

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

Non concedantur citationes priusquam exprimat super qua ne fieri debet citatio. Summonses or citations should not be granted before it is expressed under the

circumstances whether the summons ought to be made. 12 Co. 47.

Non auditor perire volens. One who wishes to perish ought not to be heard. Best on Evidence, 385.

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

Non debet, cui plus licet, quod minus est, non licere. **He who is permitted to do the greater, may with greater reason do the less.** Dig. 50, 17, 21.

Non decipitur qui scit se decipi. He is not deceived who know himself to be deceived. 5 co. 60.

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

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

Non effecit affectus nisi sequatur effectus. The intention amounts to nothing unless some effect follows. 1 Roll. R. 226.

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

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

Non est recedendum communi observanti . There is no departing from a common observance. 2 Co. 74.

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

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

Non faciat malum, ut inde veniat bonum. You are not to do evil that good may come of it. 11 Co. 74.

Non impedit clausula derogatoria, quo minus ab eadem potestate res dissolvantur a quibus constituntur. A derogatory clause does not prevent things or acts from being

dissolved by the same power, by which they were originally made. Bacon's Max. Reg. 19.

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

Non Licet quod dispendio licet. That which is permitted only at a loss, is not permitted to be done. Co. Litt. 127.

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

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

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

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

Non omne damnum inducit injuriam. Not every loss produces an injury. See 3 Bl. Com. 219; 1 Smith's Lead. Cas. 131; Broom's Max. 93; 2 Bouv. Inst. n. 2211.

Non omnium quae a majoribus nostris constituta sunt ratio reddit potest. A reason cannot always be given for the institutions of our ancestors. 4 Co. 78.

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

Non praestat impedimentum quod de jure non sortitur effectum. A thing which has no effect in law, is not an impediment. Jenk. Cent. 162.

Non quod dictum est, sed quod factum est, inspicitur. Not what is said, but what is done, is to be regarded. Co. Litt. 36.

Non refert an quis assensum suum praefert verbis, an rebus ipsis et factis. It is immaterial whether a man gives his assent by words or by acts and deeds. 10 Co. 52.

Non refert quid ex aequipolentibus fiat. What may be gathered from words of

tantamount meaning, is of no consequence when omitted. 5 Co. 122.

Non refert quid notum sit iudice si notum non sit in forma iudici. **It matters not what is known to the judge, if it is not known to him judicially.** 3 Buls. 115.

Non refert verbis an factis fit revocatio. **It matters not whether a revocation be by words or by acts.** Cro. Car. 49.

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

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

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

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

Non videntur qui errant consentire. **He who errs is not considered as consenting.** Dig. 50, 17, 116.

Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit. He does not appear to have retained his consent, if he have changed anything through the means of a party threatening. Bacon's Max. Reg. 33.

Novatio non praesumitur. A novation is not presumed. See Novation.

Novitas non tam utilitate prodest quam novitate perturbat. Novelty benefits not so much by its utility, as it disturbs by its novelty. Jenk. Cent. 167.

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

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

Nul prendra avantage de son tort demesne. No one shall take advantage of his own

wrong.

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

Nulle regle sans faute. **There is no rule without a fault.**

Nulli enim res sua servit jure servitutis. No one can have a servitude over his own property. Dig. 8, 2, 26; 17 Mass. 443; 2 Bouv. Inst. n. 1600.

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

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

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

Nullus commodum capere potest de injuri su propri . No one shall take advantage of his own wrong. Co. Litt. 148.

Nullus recedat e curi cancellari sine remedio. No one ought to depart out of the court of chancery without a remedy.

Nunquam fictio sine lege. **There is no fiction without law.**

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

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

Obtemperandum est consuetudini rationabili tanquam legi. A reasonable custom is to be obeyed like law. 4 Co. 38.

Officers may not examine the judicial acts of the court.

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

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

Officit conatus si effectus sequatur. The attempt becomes of consequence, if the effect follows.

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

Omissio eorum quae tacite insunt nihil operatur. The omission of those things which are silently expressed is of no consequence.

Omne actum ab intentione agentis est judicandum. Every act is to be estimated by the intention of the doer.

Omne crimen ebrietas et incendit et detegit. Drunkenness inflames and produces every crime. Co. Litt. 247.

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

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

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

Omne majus minus in se complectitur. Always the greater is embraced in the minor. Jenk. Cent. 208.

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

Omne sacramentum debet esse de certa scienti . Every oath ought to be founded on certain knowledge. 4 Co. Inst. 279.

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

Omnia praesumuntur contra spoliatores. All things are presumed against a wrong doer.

Omnia praesumuntur legitime facta donec probetur in contrarium. **All things are presumed to be done legitimately, until the contrary is proved.** Co. Litt. 232.

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

Omnia praesumuntur solemniter esse acta. All things are presumed to be done solemnly. Co. Litt. 6.

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

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

Omnis conclusio boni et veri iudicii sequitur ex bonis et veris praemissis et dictis juratorem. Every conclusion of a good and true judgment arises from good and true premises, and the sayings of jurors. Co. Litt. 226.

Omnis consensus tollit errorem. Every consent removes error. 2 Inst. 123.

Omnis definitio in jure periculosa est; parum est enim ut non subverti posset. Every definition in law is perilous, and but a little may reverse it. Dig. 50, 17, 202.

Omnis exceptio est ipsa quoque regula. An exception is, in itself, a rule.

Omnis innovatio plus novitate perturbat quam utilitate prodest. Every innovation disturbs more by its novelty than it benefits by its utility.

Omnis interpretatio si fieri potest ita fienda est in instrumentis, ut omnes contrarietates amoveantur. The interpretation of instruments is to be made, if they will admit of it, so that all contradictions may be removed. Jenk. Cent. 96.

Omnis interpretatio vel declarat, vel extendit, vel restringit. Every interpretation either declares, extends or restrains.

Omnis regula suas patitur exceptiones. All rules of law are liable to exceptions.

Omnis privatio praesupponit habitum. Every privation presupposes former enjoyment. Co. Litt. 339.

Omnis ratihabitio retro trahitur et mandato aequiparatur. Every consent given to what has already been done, has a retrospective effect and equals a command. Co. Litt. 207.

Once a fraud, always a fraud. 13 Vin. Ab. 539.

Once a mortgage always a mortgage.

Once a recompense always a recompense. 19 Vin. Ab. 277.

One should be just before he is generous.

One may not do an act to himself.

Oportet quod certa res deducatur in iudicium. A thing, to be brought to judgment, must be certain or definite. Jenk. Cent. 84.

Oportet quod certa sit res venditur. A thing, to be sold, must be certain or definite.

Optima est lex, quae minimum relinquit arbitrio iudicis. That is the best system of law which confides as little as possible to the discretion of the judge. Bac. De Aug. Sci. Aph. 46.

Optimam esse legem, quae minimum relinquit arbitrio iudicis; id quod certitudo ejus praestat. That law is the best which leaves the least discretion to the judge; and this is an advantage which results from certainty. Bacon, De Aug. Sc. Aph. 8.

Optimus iudex, qui minimum sibi. He is the best judge who relies as little as possible on his own discretion. Bac. De Aug. Sci. Aph. 46.

Optimus interpretandi modus est sic legis interpretare ut leges legibus accordant. The best mode of interpreting laws is to make them accord. 8 Co. 169.

Optimus interpres rerum usus. Usage is the best interpreter of things. 2 Inst. 282.

Optimus legum interpres consuetudo. Custom is the best interpreter of laws. 4 Inst. 75.

Ordine placitandi servato, servatur et jus. The order of pleading being preserved, the law is preserved. Co. Litt. 363.

Origo rei inspici debet. The origin of a thing ought to be inquired into. 1 Co. 99.

Paci sunt maxime contraria, vis et injuria. Force and wrong are greatly contrary to peace. Co. Litt. 161.

Pacta privata juri publico derogare non possunt. **Private contracts cannot derogate from**

the public law. 7 Co. 23.

Pacto aliquod licitum est, quid sine pacto non admittitur. By a contract something is permitted, which, without it, could not be admitted. Co. Litt. 166.

Par in parem imperium non habet. An equal has no power over an equal. Jenk. Cent. 174. Example: One of two judges of the same court cannot commit the other for contempt.

Paria copulantur paribus. Things unite with similar things.

paribus sententiis reus absolvitur. When opinions are equal, a defendant is acquitted. 4 Inst. 64.

Parte quacumque integranta sublata, tollitur totum. An integral part being taken away, the whole is taken away. 3 Co. 41.

Partus ex legitimo thoro non certius noscit matrem quam genitorem suam. The offspring of a legitimate bed knows not his mother more certainly than his father. Fortes. c. 42.

Partus sequitur ventrem. The offspring follow the condition of the mother. This is the law in the case of slaves and animals; 1 Bouv. Inst. n. 167, 502; but with regard to freemen, children follow the condition of the father.

Parum differunt quae re concordant. Things differ but little which agree in substance. 2 Buls. 86.

Parum est latam esse sententiam, nisi mandetur executioni. It is not enough that sentence should be given unless it is put in execution. Co. Litt. 289.

Parum proficit scire quid fieri debet, si non cognoscas quomodo sit facturum. It avails little to know what ought to be done, if you do not know how it is to be done. 2 Co. Inst. 503.

Patria potestas in pietate debet, non in atrocitate consistere. Paternal power should consist in affection, not in atrocity.

Pater is est quem nuptiae demonstrant. The father is he whom the marriage points out. 1 Bl. Com. 446; 7 mart. N. S. 548, 553; Dig. 2, 4, 5; 1 Bouv. Inst. n. 273, 304, 322.

Peccata contra naturam sunt gravissima. Offences against nature are the heaviest. 3 Co. Inst. 20.

Peccatum peccato addit qui culpae quam facit patrocinium defensionis adjungit. He adds one offence to another, who, when he commits a crime, joins to it the protection of a defence. 5 Co. 49.

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

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

Perfectum est cui nihil deest secundum suae perfectionis vel naturae modum. That is perfect which wants nothing in addition to the measure of its perfection or nature. Hob. 151.

Periculosum est res novas et inusitatas inducere. It is dangerous to introduce new and dangerous things. Co. Litt. 379.

Periculum rei venditae, nondum traditae, est emptoris. The purchaser runs the risk of the loss of a thing sold, though not delivered. 1 Bouv. Inst. n. 939; 4 B. & C. 941; 4 B. & C. 481.

Perpetua lex est, nullam legem humanum ac positivam perpetuam esse; et clausula quae abrogationem excludit initio non valet. **It is a perpetual law that no human or positive law can be perpetual; and a clause in a law which precludes the power of abrogation is void ab initio.** Bacon's Max. in Reg. 19.

Perpetuities are odious in law and equity.

Persona conjuncta aequiparatur interesse proprio. A person united equal one's own interest. Bacon's Max. Reg. 18. This means that a personal connexion, as nearness of blood or kindred, may in some cases, raise a use.

Perspicua vera non sunt probanda. Plain truths need not be proved. Co. Litt. 16.

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

Pluralis numerus est duobus contentus. The plural number is contained in two. 1 Roll.

R. 476.

Pluralities are odious in law.

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

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

Plus exempla quam peccata nocent. Examples hurt more than offences.

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

Plus valet unus oculatus testis, quam auriti de cem. One eye witness is better than ten ear ones. 4 Inst. 279.

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

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

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

Paenae potius molliendae quam exasperendae sunt. Punishments should rather be softened than aggravated. 3 Co. Inst. 220.

Posito uno oppositorum negatur alterum. One of two opposite positions being affirmed, the other is denied. 3 Ro..l R. 422.

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

Possession of the termor, possession of the reversioner.

Possession is a good title, where no better title appears. 20 Vin. Ab. 278.

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

Possibility cannot be on a possibility.

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

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

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

Potentia inutilis frustra est. Useless power is vain.

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

Potestas strict interpretatur. Power should be strictly interpreted.

Postestas suprema seipsum dissolvere potest, ligare non potest. Supreme power can dissolve, but cannot bind itself.

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

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

Praepropera consilia, raro sunt prospera. Hasty counsels are seldom prosperous. 4 Inst. 57.

Praestat cautela quam medela. Prevention is better than cure. Co. Litt. 304.

Praesumptio violenta, plena probatio. Strong presumption is full proof.

Praesumptio violenta valet in lege. Strong presumption avails in law.

Praetextu liciti non debet admitti illicitum. Under pretext of legality, what is illegal ought not to be admitted. 10 Co. 88.

Praxis judicim est interpret legum. The practice of the judges is the interpreter of the

laws. Hob. 96.

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

Precedents has as much law as justice.

Praesentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis. **The presence of the body cures the error in the name; the truth of the name cures an error in the description.** Bacon's Max. Reg. 25.

Pretium succedit in locum rei. The price stands in the place of the thing sold. 1 Bouv. Inst. n. 939.

Prima pars aequitatis aequalitas. **The radical element of justice is equality.**

Principia data sequuntur concomitantia. Given principles follow their concomitants.

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

Principiorum non est ratio. **There is no reasoning of principles.** 2 Buls. 239. See Principles.

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

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

Privatorum conventio juri publico non derogat. **Private agreements cannot derogate from public law.** Dig. 50, 17, 45, 1.

Privatum incommodum publico bono peusatur. Private inconvenience is made up for by public benefit.

Privilegium est beneficium personale et extinguitur cum person . A privilege is a personal benefit and dies with the person. 3 Buls. 8.

Privilegium est quasi privata lex. **A privilege is, as it were, a private law.** 2 Buls. 8.

Probandi necessitas incumbit illi ui agit. **The necessity of proving lies with him who**

makes the charge.

Probationes debent esse evidentes, id est, perspicuae et faciles intelligi. **Proofs ought to be made evident, that is, clear and easy to be understood.** Co. Litt. 283.

Probatis extremis, praesumitur media. **The extremes being proved, the intermediate proceedings are presumed.** 1 Greenl. Ev. 20.

Processus legis est gravis vexatio, executio legis coronat opus. The process of the law is a grievous vexation; the execution of the law crowns the work. Co. Litt. 289.

Prohibetur ne quis faciat in suo quod nocere possit alieno. **It is prohibited to do on one's own property that which may injure another's.** 9 co. 59.

Propinquior excludit propinquum; propinquus remotum; et remotus remotiorem. He who is nearer excludes him who is near; he who is near, him who is remote; he who is remote, him who is more remote. co. Litt. 10.

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

Protectio trahit subjectionem, subjectio projectionem. **Protection draws to it subjection, subjection, protection.** Co. Litt. 65.

Proviso est providere praesentia et futura, non praeterita. A proviso is to provide for the present and the future, not the past. 2 Co. 72.

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

Prudentur agit qui praecepto legis obtemperat. He acts prudently who obeys the commands of the law. 5 Co. 49.

Pueri sunt de sanguine parentum, sed pater et mater non sunt de sanguine puerorum. Children are of the blood of their parents, but the father and mother are not the blood of their children. 3 Co. 40.

Purchaser without notice not obliged to discover to his own hurt. See 4 Bouv. Inst. n. 4336.

Quae ab hostibus capiuntur, statim capientium fiunt. Things taken from public enemies immediately become the property of the captors. See *Infra praesidia*.

Quae ad unum finem loquuta sunt; non debent ad alium detorqueri. **Words spoken to one end, ought not to be perverted to another.** 4 Co. 14.

Quae cohaerent personae personae separari nequeunt. **Things which belong to the person ought not to be separated from the person.** Jenk. Cent. 28.

Quae communi legi derogant stricte interpretantur. **Laws which derogate from the common law ought to be strictly construed.** Jenk. Cent. 231.

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

Quae dubitationis causae tollendae inseruntur communem legem non laedunt. Whatever is inserted for the purpose of removing doubt, does not hurt or affect the common law. Co. Litt. 205.

Quae incontinenti vel certo fiunt inesse videntur. Whatever is done directly and certainly, appears already in existence. Co. Litt. 236.

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

Quae in partes dividi nequeunt solida, a singulis praestantur. Things which cannot be divided into parts are rendered entire severally. 6 Co. 1.

Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt. **Transactions between strangers may benefit, but cannot injure, persons who are parties to them.** 6 Co. 1.

Quae malasunt inchoata in principio vex bono peragantur exitu. Things bad in the commencement seldom end well. 4 Co. 2.

Quae non valeant singula, juncta juvant. Things which do not avail singly, when united have an effect. 3 Buls. 132.

Quae praeter consuetudinem et morem majorum fiunt, neque placent, necque recta

videntur. What is done contrary to the custom of our ancestors, neither pleases nor appears right. 4 Co. 78.

Quae rerum natur prohibentur, null lege confirmata sunt. What is prohibited in the nature of things, cannot be confirmed by law. Finch's Law, 74.

Quaecumque intra rationem legis inveniuntur, intra legem ipsam esse judicantur. Whatever appears within the reason of the law, ought to be considered within the law itself. 2 Co. Inst. 689.

Quaelibet concessio fortissime contra donatorem interpretanda est. Every grant is to be taken most strongly against the grantor. Co. Litt. 183.

Quaelibet jurisdictio cancellos suos habet. Every jurisdiction has its bounds.

Qualibet paena corporalis, quam vis minima, major est qu libet paen pecuniari. Every corporal punishment, although the very least, is greater than pecuniary punishment. 3 Inst. 220.

Quaeras de dubiis, legem bene discere si vis. Inquire into them, is the way to know what things are really true. Litt. 443.

Qualitas quae inesse debet, facile praesumitur. A quality which ought to form a part, is easily presumed.

Quam longum debet esse rationabile tempus, non definitur in lege, sed pendet ex discretione justiciariorum. What is reasonable time, the law does not define; it is left to the discretion of the judges. Co. Litt. 56. See 11 Co. 44.

Quamvis aliquid per se non sit malum, tamen si sit mali exemple, non est faciendum. Although, in itself, a thing may not be bad, yet, if it holds out a bad example, it is not to be done. 2 Co. Inst. 564.

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

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

Quando aliquid prohibetur ex directo, prohibetur et per obliquum. When anything is prohibited directly, it is prohibited indirectly. Co. Litt. 223.

Quando charta continet generalem clausulam, posteaque descendit ad verba specialia quae clausulae generali sunt constnanea interpretanda est charta secundum verba specialia. When a deed contains a general clause, and afterwards descends to special words, consistent with the general clause, the deed is to be construed according to the special words. 8 Co. 154.

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

Quando dispositio referri potest ad duas res, ita quod secundum relationem unam vitatur et secundum alteram utilis sit, tum facienda est relatio ad illam ut valeat dispositio. When a disposition may be made to refer to two things, so that according to one reference, it would be vitiated, and by the other it would be made effectual, such a reference must be made to the disposition which is to have effect. 6 co. 76.

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

Quando duo juro concurrunt in und person, aequum est ac si essent in diversis. When two rights concur in one person, it is the same as if they were in two separate persons. 4 Co. 118.

Quando lex aliquid alicui concedit, concedere videtur id sine quo res ipsa esse non potest. When the law gives anything, it gives the means of obtaining it. 5 Co. 47.

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

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

Quando licet id quod majus, videtur licere id quod minus. When the greates is allowed, the less seems to be allowed also.

Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est. When more is done than ought to be done, that shall be considered as performed, which should have been performed; as, if a man having a power to make a lease for ten years, make one for twenty years, it shall be void for the surplus. Broom's Max. 76; 8 Co. 85.

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

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

Qui accusat integrae fama sit et non criminosus. **Let him who accuses be of a clear fame, and not criminal.** 3 Co. Inst. 26.

Qui adimit medium, dirimit finem. He who takes away the means, destroys the end. Co. Litt. 161.

Qui aliquid statuerit parte inaudita altera, aequum licet dixerit, haud aequum facerit. He who decides anything, a party being unheard, though he should decide right, does wrong. 6 Co. 52.

Qui bene interrogat, bene docet. He who questions well, learns well. 3 Buls. 227.

Qui bene distinguit, bene docet. He who distinguishes well, learns well. 2 Co. Inst. 470.

Qui concedit aliquid, concedere videtur et id sine quo concessio est irrita, sine quo res ipsa esse non potuit. He who grants anything, is considered as granting that, without which his grant would be idle, without which the thing itself could not exist. 11 Co. 52.

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

Qui contemnit praeceptum, contemnit praecipientem. He who contemns the precept, contemns the party giving it. 12 Co. 96.

Qui cum alio contrahit, vel est, vel debet esse non ignarus conditio ejus. He who contracts, knows, or ought to know, the quality of the person with whom he contracts, otherwise he is not excusable. Dig. 50, 17, 19; 2 Hagg. Consist. Rep. 61.

Qui destruit medium, destruit finem. He who destroys the means, destroys the end. 11

Co. 51; Shep. To. 342.

Qui doit inheritoer al p re, doit inheriter al fitz. He who ought to inherit from the father, ought to inherit from the son.

Qui ex damnato coitu nascuntur, inter liberos non computantur. He who is born of an illicit union, is not counted among the children. Co. Litt. 8. See 1 Bouv. Inst. n. 289.

Qui evertit causam, evertit causatum futurum. He who overthrows the cause, overthrows its future effects. 10 Co. 51.

Qui facit per alium facit per se. He who acts by or through another, acts for himself. 1 Bl. Com. 429; Story, Ag. 440; 2 Bouv. Inst. n. 1273, 1335, 1336; 7 Man. & Gr. 32, 33.

Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi. He who has jurisdiction to loosen, has jurisdiction to bind. 12 Co. 59.

Qui haeret in litera, haeret in cortice. **He who adheres to the letter, adheres to the bark.** Co. Litt. 289.

Qui ignorat quant–m solvere debeat, non potest improbus videre. He who does not know what he ought to pay, does not want probity in not paying. Dig. 50, 17, 99.

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

Qui jure suo utitur, nemini facit injuriam. **He who uses his legal rights, harms no one.**

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

Qui male agit, odit lucem. He who acts badly, hates the light. 7 Co. 66.

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

Qui molitur insidias in patriam, id facit quod insanus nauta perforans navem in qua vehitur. He who betrays his country, is like the insane sailor who bores a hole in the ship which carries him. 3 Co. Inst. 36.

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

Qui non cadunt in constantem virem, vani timores sunt astinandi. Those are vain fears which do not affect a man of a firm mind. 7 Co. 27.

Qui non libere veritatem pronunciat, proditor est veritatis. **He who does not willingly speak the truth, is a betrayer of the truth.**

Qui non obstat quod obstare potest facere videtur. **He who does not prevent what he can, seems to commit the thing.** 2 Co. Inst. 146.

Qui non prohibet quod prohibere potest assentire videtur. **He who does not forbid what he can forbid, seems to assent.** 2 Inst. 305.

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

Que obstruit aditum, destruit commodum. He who obstructs an entrance, destroys a convenience. Co. Litt. 161.

Qui omne dicit, nihil excludit. He who says all, excludes nothing. 4 Inst. 81.

Qui parcat nocentibus, innocentibus punit. He who spares the guilty, punishes the innocent.

Qui peccat ebuius, luat sobrius. He who offends drunk, must be punished when sober. Car. R. 133.

Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it himself. Co. Litt. 258.

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

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

Qui primum peccat ille facit rixam. **He who first offends, causes the strife.**

Qui prior est tempore, potior est jure. **He who is first or before in time, is stronger in**

right. Co. Litt. 14 a; 1 Story, Eq. Jur. 64 d; Story Bailm. 312; 1 Bouv. Inst. n. 952; 4 Bouv. Inst. n. 3728.

Qui providet sibi, providet haredibus. He who provides for himself, provides for his heirs.

Qui rationem in omnibus quarunt, rationem subvertunt. **He who seeks a reason for everything, subverts reason.** 2 Co. 75.

Qui semel actionem renunciaverit, amplius repetere non potest. He who renounces his action once, cannot any more repeat it. 8 Co. 59. See Retraxit.

Qui semel malus, semper prasumitur esse malus in eodem genere. He who is once bad, is presumed to be always so in the same degree. Cro. Car. 317.

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

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

Qui tardius solvit, minus solvit. He who pays tardily, pays less than he ought. Jenk. Cent. 38.

Qui timent, cavent et vitant. They who fear, take care and avoid. Off. Ex. 162.

Qui vult decipi, decipiatur. Set him who wishes to be deceived, be deceived.

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

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

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

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

Quicquid in excessu actum est, lege prohibetur. Whatever is done in excess is prohibited

by law. 2 Co. Inst. 107.

Quicquid iudicis auctoritati subicitur, novitati non subicitur. Whatever is subject to the authority of a judge, is not subject to novelty. 4 Co. Inst 66.

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

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

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

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

Quod ad jus naturale attinet, omnes homines aequales sunt. **All men are equal before the natural law.** Dig. 50, 17, 32.

Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur. **What is otherwise good and just, if sought by force or fraud, becomes bad and unjust.** 3 Co. 78.

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

Quod constat curiae opere testium non indiget. What appears to the court needs not the help of witnesses. 2 Inst. 662.

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

Quod contra juris rationem receptum est, non est producendum ad consequentias. **What has been admitted against the spirit of the law, ought not to be heard.** Dig. 50, 17, 141.

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

Quod dubitas, ne feceris. **When you doubt, do not act.**

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

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

Quod est necessarium est licitum. What is necessary is lawful.

Quod factum est, cum in obscuro sit, ex affectione cujusque capit interpretationem. Doubtful and ambiguous clauses ought to be construed according to the intentions of the parties. Dig. 50, 17, 168, 1.

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

Quod inconsulto fecimus, consultius revocemus. **What is done without consideration or reflection, upon better consideration we should revoke or undo.**

Quod in minori valet, valebit in majori; et quod in majori non valet, nec valebit in minori. What avails in the less, will avail in the greater; and what will not avail in the greater, will not avail in the less. Co. Litt. 260.

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

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

Quod meum est sine me auferri non potest. **What is mine cannot be taken away without my consent.** Jenk. Cent. 251. Sed vide Eminent Domain.

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

Quod necessitas cogit, defendit. What necessity forces, it justifies. Hal. Pl. Cr. 54.

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

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

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

Quod non valet in principalia, in accessoria seu consequentia non valebit; et quod non valet in magis propinquo, non valebit in magis remoto. What is not good in its principle, will not be good as to accessories or consequences; and what is not of force as regards things near, will not be of force as to things remote. 8 co. 78.

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

Quod nullius esse potest, id ut alicujus fieret nulla obligatio valet efficere. **Those things which cannot be acquired as property, cannot be the object of an agreement.** Dig. 50, 17, 182.

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

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

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

Quod populus postremum jussit, id just ratum esto. **What the people have last enacted, let that be the established law.**

Quod prius est verius est; et quod prius est tempore potius est jure. **What is first is truest; and what comes first in time, is best in law.** Co. Litt. 347.

Quod pro minore licitum est, et pro majore licitum est. **What is lawful in the less, is lawful in the greater.** 8 Co. 43.

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

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

Quod remedio destituitur ipsa re valet si culpa absit. What is without a remedy is valid by the thing itself. Bacon's Max. Reg. 9.

Quod semel meum est amplius meum esse non potest. Co. Litt. 49; Shep To. 212.

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

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

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

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

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

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

Ratihabitio mandato aequiparatur. Ratification is equal to a command. Dig. 46, 3, 12, 4.

Ratio est formalis causa consueetudinis. **Reason is the formal cause of custom.**

Ratio est legis anima, mutata legis ratione mutatur et lex. **Reason is the soul of the law; the reason of the law being changed, the law is also changed.**

Ratio est radius divini luminis. **Reason is a ray of divine light.** Co. Litt. 232.

Ratio et auctoritas duo clarissima mundi limina. **Reason and authority are the two brightest lights in the world.** 4 Co. Inst. 320.

Ratio in jure aequitas integra. **Reason in law is perfect equity.**

Ratio legis est anima legis. **The reason of the law is the soul of the law.**

Ratio non clauditur loco. **Reason is not confined to any place.**

Ratio potest allegari deficiente lege, sed vera et legalis et non apprens. **Reason may be alleged when the law is defective, but it must be true and legal reason, and not merely apparent.** 6 Co. Litt. 191.

Re, verbis, scripto, consensu, traditione, junctura vestes, sumere pacta solent. **Compacts are accustomed to be clothed by thing itself, by words, by writing, by consent, by delivery.** Plow. 161.

Receditur a placitis juris, potius quam injuriae et delicta maneat impunita. Positive rules of law will be receded from, rather than crimes and wrongs should remain unpunished. Bacon's Max. Reg. 12. This applies only to such maxims as are called placita juris; these will be dispensed with rather than crimes should go unpunished, quia salus populi suprema lex, because the public safety is the supreme law.

Recorda sunt vestigia vetustatis et veritatis. **Records are vestiges of antiquity and truth.** 2 Roll. R. 296.

Recurrendum est ad extraordinarium quando non valet ordinarium. **We must have recourse to what is extraordinary, when what is ordinary fails.**

Regula pro lege, si deficit lex. **In default of the law, the maxim rules.**

Regulariter non valet pactum dare mea non alienanda. Regularly a contract not to alienate my property is not binding. Co. Litt. 223.

Rei turpis nullum mandatum est. **A mandate of an illegal thing is void.** Dig. 17, 1, 6, 3.

Reipublicae interest voluntates defunctorum effectum sortiri. It concerns the state that the wills of the dead should have their effect.

Relatio est fictio juris et intenta ad unum. Reference is a fiction of law, and intent to one thing. 3 Co. 28.

Relatio semper fiat ut valeat dispositio. Reference should always be had in such a manner that a disposition in a will should avail. 6 Co. 76.

Relation never defeats collateral acts. 18 Vin. Ab. 292.

Relation shall never make good a void grant or devise of the party. 18 Vin. Ab. 292.

Relatorum cognito uno, cognoscitur et alterum. Of things relating to each other, one being known, the other is known. Cro. Jac. 539.

Remainder can depend upon no estate but what beginneth at the same time the remainder doth.

Remainder must vest at the same instant that the particular estate determines.

Remainder to a person not of a capacity to take at the time of appointing it, is void. Plowd. 27.

Remedies ought to be reciprocal.

Remedies for rights are ever favorably extended. 18 Vin. Ab. 521.

Remisus imperanti melius paretur. A man commanding not too strictly is best obeyed. 3 Co. Inst. 233.

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

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

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

Reprobata pecunia liberat solventem. Money refused liberates the debtor. 9 Co. 79. But this must be understood with a qualification. See Tender.

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

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

Rerum progressus ostendunt multa, quae in initio praecaveri seu praevideri non

possunt. The progress of time shows many things, which at the beginning could not be guarded against, or foreseen. 6 Co. 40.

Rerum suarum quilibet est moderator et arbiter. Every one is the manager and disposer of his own. Co. Litt. 233.

Res denominator a principaliori parte. A thing is named from its principal part. 5 Co. 47.

Res est misera ubi jus est vagam et invertum. It is a miserable state of things where the law is vague and uncertain. 2 Salk. 512.

Res, generalem habet significationem, quia tam corporea, quam incorporea, cujuscunque sunt generis, naturae sive speciei, comprehendit. The word things has a general signification, which comprehends corporeal and incorporeal objects, of whatever nature, sort or specie. 3 Co. Inst. 482; 1 Bouv. Inst. n. 415.

Res inter alios acta alteri nocere non debet. Things done between strangers ought not to injure those who are not parties to them. Co. Litt. 152.

Res judicata pro veritate accipitur. A thing adjudged must be taken for truth. Co. Litt. 103; Dig. 50, 17, 207. See Res judicata.

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

Res per pecuniam aestimatur, et non pecunia per res. The value of a thing is estimated by its worth in money, and the value of money is not estimated by reference to one thing. 9 Co. 76; 1 Bouv. Inst. n. 922.

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

Reservatio non debet esse de proficuis ipsis quia ea conceduntur, sed de redditu nova extra proficua. A reservation ought not to be of the profits themselves, because they are granted, but from the new rent out of the profits. Co. Litt. 142.

Resignatio est juris porprij spontanea refutatio. Resignation is the spontaneous relinquishment of one's own right. Godb. 284.

Respondeat superior. Let the principal answer. 4 Co. Inst. 114; 2 Bouv. Inst. n. 1337; 4 Bouv. Inst. n. 3586.

Responsio unius non omnino auditur. The answer of one witness shall not be heard at all. 1 Greenl. Ev. 260. **This is a maxim of the civil law, where everything must be proved by two witnesses.**

Rights never die.

Reus laesae majestatis punitur, ut pereat unus ne pereant omnes. A traitor is punished, that by the death of one, all may not perish. 4 Co. 124.

Sacramentum habet in se tres comites, varitatem, justitiam et judicium; veritas habenda est in jurato; justitia et justicium in judice. An oath has in it three component parts - truth, justice and judgment; truth in the party swearing; justice and judgment in the judge administering the oath. 3 Co. Inst. 160.

Sacramentum si fatuum fuerit, licet falsum, tamen non committit perjurium. **A foolish oath, though false, makes not perjury.** 2 Co. Inst. 167.

Saepe viatorim nova non vetus orbita fallit. Often it is the new road, not the old one, which deceives the traveller. 4 Co. Inst. 34.

Saepe numero ubi proprietas verboem attenditur, sensus veritatis amittitur. **Frequently where the propriety of words is attended to, the meaning of truth is lost.** 7 Co. 27.

Salus populi est suprema lex. The safety of the people is the supreme law. Bacon's Max. in Reg. 12; Broom's Max. 1.

Salus ubi multi consilarii. **In many counsellors there is safety.** 4 Co. Inst. 1.

Sapiens incipit a fine, et quod primum est in intentione, ultimum est in executione. A wise man begins with the last, and what is first in intention is last in execution. 10 Co. 25.

Sapiens omnia agit cum consilio. **A wise man does everything advisedly.** 4 Co. Inst. 4.

Sapientia legis nummario pretio non est aestemanda. **The wisdom of law cannot be valued by money.**

Sapientis iudicis est cogitare tantum sibi esse permissum, quantum commissum et creditum. A wise man should consider as much what he premises as what he commits and believes. 4 Co. Inst. 193.

Satisfaction should be made to that fund which has sustained the loss. 4 Bouv. Inst. n. 3731.

Satius est petere fontes quam sectari rivulos. It is better to search the fountain than to cut rivulets. 10 Co. 118. It is better to drink at the fountain than to sip in the streams.

Scientia sciorum est mixta ignorantia. The knowledge of smatterers is mixed ignorance. 8 Co. 159.

Scientia et volunti non fit injuria. A wrong is not done to one who knows and wills it.

Scientia utrimque per pares contrahentes facit. **Equal knowledge on both sides makes the contracting parties equal.**

Scire leges, non hoc est verba eorum tenere, sed vim et potestatem. To know the laws, is not to observe their mere words, but their force and power. Dig. 1, 3, 17.

Scire proprie est, rem ratione et per causam cognoscere. **To know properly is to know the reason and cause of a thing.** Co. Litt. 183.

Scire debes cum quo contrahis. **You ought to know with whom you deal.**

Scribere est agere. **To write is to act.** 2 Roll. R. 89.

Scriptae obligationes scriptis tolluntur, et nude consensus obligatio, contrario consensu dissolvitur. **Written obligations are dissolved by writing, and obligations of naked assent by similar naked assent.**

Secundum naturam est, commoda cuiusque rei eum sequi, quem sequentur incommoda. It is natural that he who bears the charge of a thing, should receive the profits. Dig. 50, 17, 10.

Securius expediuntur negotia commissa pluribus, et plus vident oculi quam oculus. Business entrusted to several speeds best, and several eyes see more than one eye. 4 Co. 46.

Semel malus semper praesumitur esse malus in eodem genere. Whatever is once bad, is

presumed to be so always in the same degree. Cro. Car. 317.

Semper ita fiat relatio ut valeat dispositio. Let the reference always be so made that the disposition may avail. 6 Co. 76.

Semper necessitas probandi incumbit qui agit. The claimant is always bound to prove: the burden of proof lies on him.

Semper praesumitur pro legitimatione puerorem, et filiatio non potest probari. Children are always presumed to be legitimate, for filiation cannot be proved. Co. Litt. 126. See 1 Bouv. Inst. n. 303.

Semper praesumitur pro sententi. **Presumption is always in favor of the sentence.** 3 Buls. 43.

Semper specialia generalibus insunt. Special clauses are always comprised in general ones. Dig. 50, 17, 147.

Sensus verborum est anima legis. The meaning of words is the spirit of the law. 5 Co. 2.

Sensus verborum ex causa dicendi accipiendus est, et sermones semper accipiendi sunt secundum subjectam materiam. The sense of words is to be taken from the occasion of speaking them, and discourses are always to be interpreted according to the subject-matter. 4 Co. 14.

Sententia facit jus, et legis interpretatio legis vim obtinet. The sentence gives the right, and the interpretation has the force of law.

Sententia interlocutoria revocari potest, definitiva non potest. An interlocutory sentence or order may be revoked, but not a final.

Sententia non fertur de rebus non liquidis. Sentence is not given upon a thing which is not clear.

Sequi debet potentia justitiam, non praecedere. **Power should follow justice, not precede it.** 2 Co. Inst. 454.

Sermo index animi. Speech is an index of the mind. 5 Co. 118.

Sermo relatus ad personam, intelligi debet de conditione personae. A speech relating to

the person is to be understood as relating to his condition. 4 Co. 16.

Si a jure discedas vagus eris, et erunt omnia omnibus incerta. **If you depart from the law, you will wander without a guide, and everything will be in a state of uncertainty to every one.** Co. Litt. 227.

Si assuetis mederi possis nova non sunt tentanda. If you can be relieved by accustomed remedies, new ones should not be tried. 10 Co. 142.

Si judicas, cognasce. **If you judge, understand.**

Si meliores sunt quos ducit amor, plures sunt quos corrigit timer. If many are better led by love, more are corrected by fear. Co. Litt. 392.

Si nulla sit conjectura quae ducat alio, verba intelligenda sunt ex proprietate, non grammatica sed populari ex usu. **If there be no conjecture which leads to a different result, words are to be understood, according to the proper meaning, not in a grammatical, but in a popular and ordinary sense.** 2 Kent, Com. 555.

Si quis custos fraudem pupillo fecerit, a tutela removendus est. If a guardian behave fraudently to his ward, he shall be removed from the guardianship. Jenk. Cent. 39.

Si quis praegnantum uxorem reliquit, non videtur sine liberis decessisse. If a man dies, leaving his wife pregnant, he shall not be considered as having died childless.

Si suggestio non sit vera, literae patentes vacuae sunt. If the suggestion of a patent is false, the patent itself is void. 10 Co. 113.

Si quid universitate debetur singulis non debetur, nec quod debet, universitas singuli debent. **If anything is due to a corporation, it is not due to the individual members of it, nor do the members individually owe what the corporation owes.** Dig. 3, 4, 7. **

Sic interpretandum est ut verba accipiantur cum effectu. Such an interpretation is to be made, that the words may have an effect.

Sic utere tuo ut alienum non laedas. So use your own as not to injure another's property. 1 Bl. Com. 306; Broom's max. 160; 4 McCord, 472; 2 Bouv. Inst. n. 2379.

Sicut natura nil facit per saltum, ita nec lex. **As nature does nothing by a bound or leap, so neither does the law.** Co. Litt. 238. [against presumption]

Silent leges inter arma. Laws are silent amidst arms. 4 Co. Inst. 70.

Simplicitas est legibus amica. Simplicity is favorable to the law. 4 Co. 8.

Sine possessione usucapio procedere non potest. **There can be no prescription without possession.**

Solemnitates juris sunt observandae. **The solemnities of law are to be observed.** Jenk. Cent. 13.

Solo cedit quod solo implantatur. What is planted in the soil belongs to the soil. inst. 2, 1, 29. See 1 Mackeld. civ. Law, 268; 2 Bouv. Inst. n. 1571.

Solo cedit quod solo implantatur. What is planted in the soil belongs to the soil. Inst. 2, 1, 32; 2 Bouv. Inst. n. 1572.

Solus Deus haeredem facit. God alone makes the heir.

Solutio pretii, emptio loco habetur. The payment of the price stands in the place of a sale.

Spes est vigilantis somnium. Hope is the dream of the vigilant. 4 Co. Inst. 203.

Spes impunitatis continuum affectum tribuit delinquendi. The hope of impunity holds out a continual temptation to crime. 3 Co. Inst. 236.

Spoliatus debet ante omnia restitui. Spoil ought to be restored before anything else. 2 Co. Inst. 714.

Spondet peritiam artis. He promises to use the skill of his art. Poth. Louage, n. 425; Jones, Bailm. 22, 53, 62, 97, 120; Domat, liv. 1, t. 4, s. 8, n. 1; 1 Story Bailm. 431; 1 Bell's Com. 459, 5th ed.; 1 Bouv. Inst. n. 1004.

Stabit praesumptio donec probetur in contrarium. **A presumption will stand good until the contrary is proved.** Hob. 297.

Statuta pro publico commodo late interpretantur. Statutes made for the public good ought to be liberally construed. Jenk. Cent. 21.

Statutum affirmativum non derogat communi legi. An affirmative statute does not take

from the common law. Jenk. Cent. 24.

Statutum generaliter est intelligendum quoad verva statuti sunt specialia, ratio autem generalis. **When the words of a statute are special, but the reason of it general, it is to be understood generally.** 10 Co. 101.

Statutum speciale statuto speciali non derogat. One special statute does not take away from another special statute. Jenk. Cent. 199.

Sublata causa tollitur effectus. **Remove the cause and the effect will cease.** 2 Bl. Com. 203.

Sublata veneratione magistratuum, respublica ruit. The commonwealth perishes, if respect for magistrates be taken away.

Sublato fundamento cadit opus. **Remove the foundation, the structure or work fall.**

Sublato principali tollitur adjunctum. If the principal be taken away, the adjunct is also taken away. Co. Litt. 389.

Summum jus, summa injuria. The rigor or height of law, is the height of wrong. Hob. 125; 1 Chan. Rep. 4.

Superflua non nocent. Superfluities do no injury.

Surplusagium non nocet. Surplusage does no harm. 3Bouv. Inst. n. 2949.

Tacita quaedam habentur pro expressis. **Things silent are sometimes considered as expressed.** 8 Co. 40.

Talis interpretatio semper fienda est, ut evitetur absurdum, et inconveniens, et ne judicium sit illusorium. Interpretation is always to be made in such a manner, that what is absurd and inconvenient is to be avoided, so that the judgment be not nugatory. 1 Co. 52.

Talis non est eadem, nam nullum simile est idem. What is like is not the same, for nothing similar is the same. 4 Co. 18.

Tantum bona valent, quantum vendi possunt. Things are worth what they will sell for. 3 Co. Inst. 305.

Terminus annorum certus debet esse et determinatus. A term of years ought to be certain and determinate. Co. Litt. 45.

Terra transit cum onere. Land passes with the incumbrances. Co. Litt. 45.

Testamenta latissimam interpretationem habere debent. Wills ought to have the broadest interpretation.

Testamentum omne morte consumatum. Every will is completed by death. Co. Litt. 232.

Testatoris ultima voluntas est perimplenda secundum veram intentionem suam. The last will of a testator is to be fulfilled according to his real intention. Co. Litt. 232.

Testibus deponentibus in pari numero dignioribus est credendum. When the number of witnesses is equal on both sides, the more worthy are to be believed. 4 Co. Inst. 279.

Testis de visu praeponderat aliis. An eye witness outweighs others. 4 Co. Inst. 470.

Testis nemo in sua causa esse potest. No one can be a witness in his own cause.

Testis oculatus unus plus valet quam auriti decem. One eye witness is worth ten ear witnesses. See 3 Bouv. Inst. n. 3154.

Timores vani sunt aestimandi qui non cadunt in constantem virum. Fears, which have no fixed persons for their object, are vain. 7 Co. 17.

That which I may defeat by my entry, I make good by my confirmation. Co. Litt. 300.

The fund which has received the benefit should make the satisfaction. 4 Bouv. Inst. n. 3730.

Things shall not be void which may possibly be good.

Trusts survive.

Totum profertur uni cuique parte. The whole is preferable to any single part. 3 Co. 41.

Tout ce que la loi ne defend pas est permis. Everything is permitted, which is not forbidden by law.

Tante exception non surveill e tend prendre la place du principe. Every exception not watched tends to assume the place of the principle.

Tractent fabrilia fabri. Let smiths perform the work of smiths. 3 Co. Epist.

Traditio loqui facit chartam. Delivery makes the deed speak. 5 Co. 1.

Transgressione multiplicata, crescat paena inflictio. **When transgression is multiplied, let the infliction of punishment be increased.** 2 Co. Inst. 479.

Triatio ibi semper debet fieri, ubi juratores meliorem possunt habere notitiam. Trial ought always to be had where the jury have the best knowledge. 7 Co. 1.

Trupis est pars quae non convenit cum suo toto. **That part is bad which accords not with the whole.** Plow. 161.

Tuta est custodia quae sibimet creditur. That guardianship is secure which trusts to itself alone.

Tutius erratur ex parte mittioro. **It is safer to err on the side of mercy.** 3 inst. 220.

Ubi aliquid impeditur propter unum, eo remoto, tollitur impedimentum. **When anything is impeded by one single cause, if that be removed the impediment is removed.** 7 Co. 77.

Ubi cessat remedium ordinarium ibi decurritur ad extraordinarium. **When a common remedy ceases to be of service, recourse must be had to an extraordinary one.** 4 Co. 93.

Ubi culpa est ibi paena subesse debet. **Where there is culpability, there punishment ought to be.**

Ubi eadem ratio, ibi idem lex. Where there is the same reason, there is the same law. 7 co. 18.

Ubi damna dantur, victus victori in expensis condemnari debet. Where damages are given, the losing party should pay the costs of the victor. 2 Inst. 289.

Ubi factum nullum ibi sortia nulla. **Where there is no deed committed, there can be no consequence.** 4 Co. 43.

Ubi jus, ibi remedium. **Where there is a right, there is a remedy.** 1 T. R. 512; Co. Litt. 197, b; 3 Bouv. Inst. n. 2411; 4 Bouv. Inst. n. 3726.

Ubi jus incertum, ibi jus nullum. **Where the law is uncertain, there is no law.**

Ubi lex aliquem cogit ostendere causam, necesse est quod causa sit justa et letitima. **Where the law compels a man to show cause, the cause ought to be just and legal.** 2 Co. Inst. 269.

Ubi lex est specialis, et ratio ejus generalis, generaliter accipienda est. **Where the law is special and the reason of it is general, it ought to be taken as being general.** 2 Co. Inst. 43.

Ubi lex non distinguit, nec nos distinguere debemus. **Where the law does not distinguish, we ought not to distinguish.** 7 Co. 5.

Ubi major pars est, ibi totum. Where is the greater part, there is the whole. Moor, 578.

Ubi non adest norma legis, omnia quasi pro suspectis habenda sunt. **When the law fails to serve as a rule, almost everything ought to be suspected.** Bacon, De Aug. Sci. Aph. 25.

Ubi non est condendi auctoritas, ibi non est parendi necessitas. **Where there is no authority to enforce, there is no requirement to obey.** Dav. 69.

Ubi non est directa lex, standum est arbitrio judicis, vel procedendum ad similia. **Where there is no direct law, the opinion of the judges ought to be taken, or reference made to similar cases.**

Ubi non est lex, non est transgressio quoad mundum. Where there is no law there is no transgression, as it regards the world.

ubi non est principalis non potest esse accessorius. Where there is no principal there is no accessory. 4 co. 43.

ubi nullum matrimonium ibi nullum dos. Where there is no marriage there is no dower. Co. Litt. 32.

Ubi periculum, ibi et lucrum collocatur. He at whose risk a thing is, should receive the profits arising from it.

Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. **Where a thing is concealed generally, this exception arises, that there shall be nothing contrary to law and right.** 10 Co. 78.

ubi quis delinquit ibi punietur. Let a man be punished when he commits the offence. 6 Co. 47.

Ubicunque est injuria, ibi damnum sequitur. **Whereever there is a wrong, there damages follow.** 10 Co. 116.

Ultima voluntas testatoris est perimplenda secundum veram intentionem suam. The last will of a testator is to be fulfilled according to his true intention. Co. Litt. 322.

Ultra posse non est esse, et vice versa. **What is beyond possibility cannot exist, and the reverse, what cannot exist is not possible.**

Una persona vix potest supplere vices duorum. One person can scarcely supply the place of two. 4 co. 118.

Universalialia sunt notoria singularibus. Things universal are better known than things particular. 2 Roll. R. 294.

Universitas vel corporatio non dicitur aliquid facere nisi id sit collegialiter deliberatum, etiamsi major pars id faciat. **An university or corporation is not said to do anything unless it be deliberated upon collegiately, although the majority should do it.** Dav. 48.

Uno absurdo dato, infinita sequuntur. **One absurdity begin allowed, an infinity follow.** 1 co. 102.

Unumquodque eodem modo quo colligatum est dissolvitur. In the same manner in which a thing is bound, it is loosened. 2 Roll. Rep. 39.

Unumquodque est id quod est principalius in ipso. That which is the principal part of a thing is the thing itself. Hob. 123.

Unumquodque dissolvatur eo modo quo colligatur. Everything is dissolved by the same mode in which it is bound together.

Usury is odious in law.

Ut paena ad paucos, metus ad omnes perveniat. That by the punishment of a few, the fear of it may affect all. 4 Inst. 63.

Ut res magis valeat quam pereat. That the thing may rather have effect than be destroyed.

Utile per inutile non vitiatur. **What is useful is not vitiated by the useless.** 3 Bouv. Inst. n. 2949, 3293; 2 Wheat. 221; 2 S. & R. 298; 17 S. & R. 297; 6 Mass. 303.

Valeat quantum valere potest. It shall have effect as far as it can have effect.

Vana est illa potentia quae numquam venit in actum. Vain is that power which is never brought into action. 2 Co. 51.

Vani timores sunt aestimandi, qui non cadunt in constantem virum. Vain are those fears which affect not a valiant man. 7 Co. 27.

Vendens eandem rem dous falsarius est. **It is fraudulent to sell the same thing twice.** Jenk. Cent. 107. See Stalionat.

Veniae facilitas incentivum est delinquendi. Facility of pardon is an incentive to crime. 3 inst. 236.

Vreba aliquid operari debent, verba cum effectu sunt accipienda. Words are to be taken so as to have effect. Bacon's Max. Reg. 3, p. 47. See 1 Duer. on ins. 210, 211, 216.

Verba aequivoca ac in dubio sensu posita, intelliguntur dignori et potentiore sensu. Equivocal words and those in a doubtful sense are to be taken in their best and most effective sense. 6 Co. 20.

Verba currentis monetae, tempus solutionis designat. The words current money, refer to the time of payment. Dav. 20.

Verba dicta de persona, intelligi debent de conditione personae. Words spoken of the person are to be understood of the condition of the person. 2 Roll. R. 72.

Verba fortius accipientur contra proferentem. Words are to be taken most strongly against him who uses them. Bacon's Max. REg. 3; 1 Bouv. Inst. n. 661.

Verba generalia generaliter sunt intelligenda. **General words are to be generally**

understood. 3 Co. Inst. 76.

Verba generalia restringuntur ad habilitatem rei vel personae. General words must be confined or restrained to the nature of the subject or the aptitude of the person. Bacon's max. Reg. 10.

Verba intentioni, non e contra, debent inservire. Words ought to be made subservient to the intent, not contrary to it. 8 Co. 94.

Verba ita sunt intelligenda, ut res magis valeat quam pereat. Words are to be so understood that the subject-matter may be preserved rather than destroyed. Bacon's Max. in Reg. 3.

Verba nihil operandi melius est quam absurde. **It is better that words should have no operation, than to operate absurdly.**

Verba posteriora propter certitudinem addita, ad priora quae certitudine indigent, sunt referenda. **Words added for the purpose of certainty are to be referred to preceding words, in which certainty is wanting.**

Verba relata hac maximi operantur per referentiam ut in eis in esse videntur. Words referred to other words operate chiefly by the reference which appears to be implied towards them. Co. Litt. 359.

Verdictum, quasi dictum veritas; ut iudicium quasi juris dictum. A verdict is, as it were, the saying of the truth, in the same manner that a judgment is the saying of the law. Co. Litt. 226.

Veritas demonstrationis tollit errorem nominis. **The truth of the demonstration removes the error of the name.** Ld. Raym. 303. See Legatee.

Veritas nihil veretur nisi abscondi. **Truth fears nothing but concealment.** 9 co. 20.

Veritas nimium altercando amittitur. **By too much altercation truth is lost.** Hob. 344.

Veritatem qui non libere pronunciat, proditor est veritatis. **He who does not speak the truth, is a traitor to the truth.**

Vicarius non habet vicarium. **A deputy cannot appoint a deputy.** Branch's max. 38; Broom's max. 384; 2 Bouv. Inst. n. 1300.

Vide, generally, Dig. 50, 17; 1 Ayl. Pand. b. 1, t. 6; Merl. R. pert. Regles de Droit; Pow. Mint. Index, h. t.; Dane's Ab. Index, h. t.; Wooddes. Lect. lxxi. note; and collections of Bacon, Noy, Francis, Branch and Heath; Duval, Le Droit dans ses Maximes.

Vigilantibus et non dormientibus serviunt leges. **The laws serve the vigilant, not those who sleep upon their rights.** 2 Bouv. Inst. n. 2327. See Laches.

Viperina est expositio quae corrodit viscera textus. That is a viperous exposition which gnaws or eats out the bowels of the text. 11 Co. 34.

Vir et uxor consentur in lege una persona. Husband and wife are considered one person in law. Co. Litt. 112.

Vis legibus est inimica. **Force is inimical to the laws.** 3 Co. inst. 176.

Vitium clerici nocere non debet. **Clerical errors ought not to hurt.**

Voluit sed non dixit. he willed but did not say.

Voluntas testatoris ambulatoria est usque ad mortem. **The will of a testator is ambulatory until his death; that is, he may change it at any time.** See 1 Bouv. inst. n. 83.

Voluntas in delictis non exitus spectatur. In offences, the will and not the consequences are to be looked to. 2 Co. inst. 27.

Voluntas reputabatur pro facto. The will is to be taken for the deed. 3 Co. Inst. 69.

Volenti non fit injuria. **He who consents cannot receive an injury.** 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.

What a man cannot transfer, he cannot bind by articles.

When the common law and statute law concur, the common law is to be preferred. 4 Co. 71.

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's Max. h.t.

When the law presumes the affirmative, the negative is to be proved. 1 Roll. R. 83; 3 Bouv. Inst. n. 3063, 3090.

When no time is limited, the law appoints the most convenient.

When the law gives anything, it gives a remedy for the same.

When the foundation fails, all fails.

Where two rights concur, the more ancient shall be preferred.

Where there is equal equity, the law must prevail. 4 Bouv. Inst. n. 3727.

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