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K. B. An abbreviation for "King's Bench," (*q. v.*)

KABANI. A person who, in oriental states, supplies the place of our notary public. All obligations, to be valid, are drawn by him; and he is also the public weigh-master, and everything of consequence ought to be weighed before him. Enc. Lond.

KABOOLEAT. In Hindu law. A written agreement, especially one signifying assent, as the counterpart of a revenue lease, or the document in which a payer of revenue, whether to the government, the zamindar, or the farmer, expresses his consent to pay the amount assessed upon his land. Wils. Ind. Gloss.

KAIA. A key, kay, or quay. Spelman.

KAIAGE, or KAIAGIUM. A wharfage-due.

KAIN. In Scotch law. Poultry renderable by a vassal to his superior, reserved in the lease as the whole or a part of the rent. Bell.

KALALCONNA. A duty paid by shopkeepers in Hindostan, who retail spirituous liquors; also the place where spirituous liquors are sold. Wharton.

KALENDÆ. In English ecclesiastical law. Rural chapters, or conventions of the rural deans and parochial clergy, which were formerly held on the calends of every month; hence the name. Paroch. Antiq. 604.

KALENDAR. An account of time, exhibiting the days of the week and month, the seasons, etc. More commonly spelled "calendar."

KALENDARIUM. In the civil law. A calendar; a book of accounts, memorandum-book, or debt-book; a book in which accounts were kept of moneys loaned out on interest. Dig. 32, 64. So called because the Romans used to let out their money and receive the interest on the calends of each month. Calvin.

KALENDS. See CALENDS.

KARL. In Saxon and old English law. A man; a serving man. *Buskarl*, a seaman. *Huskarl*, a house servant. Spelman.

KARRATA. In old records. A cart-load. Cowell; Blount.

KAST. In Swedish law. Jettison; a literal translation of the Latin "*jactus*."

KAST-GELD. In Swedish law. Contribution for a jettison; average.

KAY. A quay, or key.

KAZY. A Mohammedan judge or magistrate in the East Indies, appointed originally by the court at Delhi, to administer justice according to their written law. Under the British authorities their judicial functions ceased, and their duties were confined to the preparation and attestation of deeds, and the superintendence and legalization of marriage and other ceremonies among the Mohammedans. Wharton.

KEELAGE. The right to demand money for the privilege of anchoring a vessel in a harbor; also the money so paid.

KEELHALE, KEELHAUL. To drag a person under the keel of a ship by means of ropes from the yard-arms, a punishment formerly practiced in the British navy. Enc. Lond.

KEELS. This word is applied, in England, to vessels employed in the carriage of coals. Jacob.

KEEP. A strong tower or hold in the middle of any castle or fortification, wherein the besieged make their last efforts of defense, was formerly, in England, called a "keep;" and the inner pile within the castle of Dover, erected by King Henry II. about the year 1153, was termed the "King's Keep;" so at Windsor, etc. It seems to be something of the same nature with what is called abroad a "citadel." Jacob.

KEEP DOWN INTEREST. The expression "keeping down interest" is familiar in legal instruments, and means the payment of interest periodically as it becomes due; but it does not include the payment of all arrears of interest which may have become due on any security from the time when it was executed. 4 El. & Bl. 211.

KEEP IN REPAIR. When a lessee is bound to *keep* the premises in repair, he must have them in repair at all times during the term; and, if they are at any time out of re-

pair, he is guilty of a breach of the covenant. 1 Barn. & Ald. 585.

KEEPER OF THE FOREST. In old English law. An officer (called also chief warden of the forest) who had the principal government of all things relating to the forest, and the control of all officers belonging to the same. Cowell; Blount.

KEEPER OF THE GREAT SEAL. In English law. A high officer of state, through whose hands pass all charters, grants, and commissions of the king under the great seal. He is styled "lord keeper of the great seal," and this office and that of lord chancellor are united under one person: for the authority of the lord keeper and that of the lord chancellor were, by St. 5 Eliz. c. 18, declared to be exactly the same; and, like the lord chancellor, the lord keeper at the present day is created by the mere delivery of the king's great seal into his custody. Brown.

KEEPER OF THE PRIVY SEAL. In English law. An officer through whose hands pass all charters signed by the king before they come to the great seal. He is a privy councillor, and was anciently called "clerk of the privy seal," but is now generally called the "lord privy seal." Brown.

KEEPER OF THE TOUCH. The master of the assay in the English mint. 12 Hen. VI. c. 14.

KEEPING HOUSE. The English bankrupt laws use the phrase "keeping house" to denote an act of bankruptcy. It is committed when a trader absents himself from his place of business and retires to his private residence to evade the importunity of creditors. The usual evidence of "keeping house" is refusal to see a creditor who has called on the debtor at his house for money. Robs. Bankr. 119.

KEEPING OPEN. To allow general access to one's shop, for purposes of traffic, is a violation of a statute forbidding him to "keep open" his shop on the Lord's day, although the outer entrances are closed. 11 Gray, 308.

To "keep open," in the sense of such a law, implies a readiness to carry on the usual business in the store, shop, saloon, etc. 16 Mich. 472.

KEEPING TERM. In English law. A duty performed by students of law, consisting in eating a sufficient number of dinners in hall to make the term count for the pur-

pose of being called to the bar. Mozley & Whitley.

KEEPING THE PEACE. Avoiding a breach of the peace; dissuading or preventing others from breaking the peace.

KENILWORTH EDICT. An edict or award between Henry III. and those who had been in arms against him; so called because made at Kenilworth Castle, in Warwickshire, *anno* 51 Hen. III., A. D. 1266. It contained a composition of those who had forfeited their estates in that rebellion, which composition was five years' rent of the estates forfeited. Wharton.

KENNING TO A TERCE. In Scotch law. The act of the sheriff in ascertaining the just proportion of the husband's lands which belong to the widow in right of her *terce* or dower. Bell.

KENTLAGE. In maritime law. A permanent ballast, consisting usually of pigs of iron, cast in a particular form, or other weighty material, which, on account of its superior cleanliness, and the small space occupied by it, is frequently preferred to ordinary ballast. Abb. Shipp. 5.

KENTREF. The division of a county; a hundred in Wales. See CANTRED.

KENTUCKY RESOLUTIONS. A series of resolutions drawn up by Jefferson, and adopted by the legislature of Kentucky in 1799, protesting against the "alien and sedition laws," declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring "nullification" to be "the rightful remedy."

KERF. The jagged end of a stick of wood made by the cutting. Pub. St. Mass. 1882, p. 1292.

KERHERE. A customary cart-way; also a commutation for a customary carriage-duty. Cowell.

KERNELLATUS. Fortified or embattled. Co. Litt. 5a.

KERNES. Idlers; vagabonds.

KEY. A wharf for the lading and unloading of merchandise from vessels. More commonly spelled "quay."

An instrument for fastening and opening a lock.

This appears as an English word as early as the time of Bracton, in the phrase "*cone et keye*," being applied to women at a certain age, to denote the capacity of having charge of household affairs. Bract. fol. 86b. See CONE AND KEY.

KEYAGE. A toll paid for loading and unloading merchandise at a key or wharf.

KEYS, in the Isle of Man, are the twenty-four chief commoners, who form the local legislature. 1 Steph. Comm. 99.

In old English law. A guardian, warden, or keeper.

KEYS OF COURT. In old Scotch law. Certain officers of courts. See **CLAVES CURLÆ**.

KEYUS. A guardian, warden, or keeper. Mon. Angl. tom. 2, p. 71.

KHALSA. In Hindu law. An office of government in which the business of the revenue department was transacted under the Mohammedan government, and during the early period of British rule. Khalsa lands are lands, the revenue of which is paid into the exchequer. Wharton.

KIDDER. An engrosser of corn to enhance its price.

KIDDLE. In old English law. A dam or open wear in a river, with a loop or narrow cut in it, accommodated for the laying of engines to catch fish. 2 Inst. 38; Blount.

KIDNAPPING. The forcible abduction or stealing away of a man, woman, or child from their own country, and sending them into another. It is an offense punishable at the common law by fine and imprisonment. 4 Bl. Comm. 219.

In American law, this word is seldom, if at all, applied to the abduction of other persons than children, and the intent to send them out of the country does not seem to constitute a necessary part of the offense. The term is said to include false imprisonment. 2 Bish. Crim. Law, § 671.

KILDERKIN. A measure of eighteen gallons.

KILKETH. An ancient servile payment made by tenants in husbandry. Cowell.

KILL, v. To deprive of life; to destroy the life of an animal. The word "homicide" expresses the killing of a human being.

KILL, n. A Dutch word, signifying a channel or bed of the river, and hence the river or stream itself. It is found used in this sense in descriptions of land in old conveyances. 1 N. Y. 96.

KILLYTH-STALLION. A custom by which lords of manors were bound to provide a stallion for the use of their tenants' mares. Spelman.

KIN. Relation or relationship by blood or consanguinity. "The nearness of *kin* is computed according to the civil law." 2 Kent, Comm. 413.

KIND. Genus; generic class; description. See **IN KIND**.

KINDRED. Relatives by blood. "Kindred of the whole blood, preferred to kindred of the half blood." 4 Kent, Comm. 404, notes.

KING. The sovereign, ruler, or chief executive magistrate of a state or nation whose constitution is of the kind called "monarchical" is thus named if a man; if it be a woman, she is called "queen." The word expresses the idea of one who rules singly over a whole people or has the highest executive power; but the office may be either hereditary or elective, and the sovereignty of the king may or may not be absolute, according to the constitution of the country.

KING-CRAFT. The art of governing.

KING-GELD. A royal aid; an escuage, (*q. v.*)

KING'S BENCH. The supreme court of common law in England, being so called because the king used formerly to sit there in person, the style of the court being "*coram ipso rege*." It was called the "queen's bench" in the reign of a queen, and during the protectorate of Cromwell it was styled the "upper bench." It consisted of a chief justice and three puisne justices, who were by their office the sovereign conservators of the peace and supreme coroners of the land. It was a remnant of the *aula regis*, and was not originally fixed to any certain place, but might follow the king's person, though for some centuries past it usually sat at Westminster. It had a very extended jurisdiction both in criminal and civil causes; the former in what was called the "crown side" or "crown office," the latter in the "plea side," of the court. Its civil jurisdiction was gradually enlarged until it embraced all species of personal actions. Since the judicature acts, this court constitutes the "queen's bench division" of the "high court of justice." See 3 Bl. Comm. 41-43.

KING'S CHAMBERS. Those portions of the seas, adjacent to the coasts of Great Britain, which are inclosed within headlands so as to be cut off from the open sea by imaginary straight lines drawn from one promontory to another.

KING'S (or QUEEN'S) COUNSEL. Barristers or serjeants who have been called within the bar and selected to be the king's counsel. They answer in some measure to the *advocati fisci*, or advocates of the revenue, among the Romans. They must not be employed against the crown without special leave, which is, however, always granted, at a cost of about nine pounds. 3 Bl. Comm. 27.

KING'S EVIDENCE. An accomplice in a felony, who, on an implied promise of pardon if he fully and fairly discloses the truth, is admitted as evidence for the crown against his accomplices. 1 Phil. Ev. 31.

KING'S SILVER. In old English practice. A fine due the king *pro licentia concordandi*, (for leave to agree,) in the process of levying a fine. 5 Coke, 39, 43; 2 Inst. 511; 2 Bl. Comm. 350.

KING'S WIDOW. In feudal law. A widow of the king's tenant in chief, who was obliged to take oath in chancery that she would not marry without the king's leave.

KINGDOM. A country where an officer called a "king" exercises the powers of government, whether the same be absolute or limited. Wolff, Inst. Nat. § 994. In some kingdoms, the executive officer may be a woman, who is called a "queen."

KINGS-AT-ARMS. The principal herald of England was of old designated "king of the heralds," a title which seems to have been exchanged for "king-at-arms" about the reign of Henry IV. The kings-at-arms at present existing in England are three,—Garter, Clarenceux, and Norroy, besides Bath, who is not a member of the college. Scotland is placed under an officer called "Lyon King-at-Arms," and Ireland is the province of one named "Ulster." Wharton.

KINSBOTE. In Saxon law. A composition or satisfaction paid for killing a kinsman. Spelman.

KINSFOLK. Relations; those who are of the same family.

KINSMAN. A man of the same race or family.

KINSWOMAN. A female relation.

KINTAL, or KINTLE. A hundred pounds in weight. See **QUINTAL**.

KINTLIDGE. A ship's ballast. See **KENTLAGE**.

KIPPER-TIME. In old English law. The space of time between the 3d of May and the Epiphany, in which fishing for salmon in the Thames, between Gravesend and Henley-on-Thames, was forbidden. Rot. Parl. 50 Edw. III.

KIRBY'S QUEST. In English law. An ancient record remaining with the remembrancer of the exchequer, being an inquisition or survey of all the lands in England, taken in the reign of Edward I. by John de Kirby, his treasurer. Blount; Cowell.

KIRK-MOTE. In Scotch law. A meeting of parishioners on church affairs.

KIRK-OFFICER. The beadle of a church in Scotland.

KIRK-SESSION. A parochial church court in Scotland, consisting of the ministers and elders of each parish.

KISSING THE BOOK. The ceremony of touching the lips to a copy of the Bible, used in administering oaths. It is the external symbol of the witness' acknowledgment of the obligation of the oath.

KIST. In Hindu law. A stated payment; installment of rent.

KLEPTOMANIA. A species (or symptom) of mania, consisting in an irresistible propensity to steal. See 10 Tex. App. 520.

KNAVE. A rascal; a false, tricky, or deceitful person. The word originally meant a boy, attendant, or servant, but long-continued usage has given it its present signification.

KNAVESHIP. A portion of grain given to a mill-servant from tenants who were bound to grind their grain at such mill.

KNIGHT. In English law. The next personal dignity after the nobility. Of knights there are several orders and degrees. The first in rank are knights of the Garter, instituted by Richard I. and improved by Edward III. in 1344; next follows a knight banneret; then come knights of the Bath, instituted by Henry IV., and revived by George I.; and they were so called from a ceremony of bathing the night before their creation. The last order are knights bachelors, who, though the lowest, are yet the most ancient, order of knighthood; for we find that King Alfred conferred this order upon his son Athelstan. 1 Bl. Comm. 403.

KNIGHT-MARSHAL. In English law. An officer in the royal household who has

jurisdiction and cognizance of offenses committed within the household and verge, and of all contracts made therein, a member of the household being one of the parties. Wharton.

KNIGHT-SERVICE. A species of feudal tenure, which differed very slightly from a pure and perfect feud, being entirely of a military nature; and it was the first, most universal, and most honorable of the feudal tenures. To make a tenure by knight-service, a determinate quantity of land was necessary, which was called a "knight's fee," (*feodum militare*,) the measure of which was estimated at 680 acres. Co. Litt. 69a; Brown.

KNIGHT'S FEE. The determinate quantity of land, (held by an estate of inheritance,) or of annual income therefrom, which was sufficient to maintain a knight. Every man holding such a fee was obliged to be knighted, and attend the king in his wars for the space of forty days in the year, or pay a fine (called "escuage") for his non-compliance. The estate was estimated at £20 a year, or, according to Coke, 680 acres. See 1 Bl. Comm. 404, 410; 2 Bl. Comm. 62; Co. Litt. 69a.

KNIGHTENCOURT. A court which used to be held twice a year by the bishop of Hereford, in England.

KNIGHTENGUILD. An ancient guild or society formed by King Edgar.

KNIGHTHOOD. The rank, order, character, or dignity of a knight.

KNIGHTS BACHELORS. In English law. The most ancient, though lowest, order of knighthood. 1 Bl. Comm. 404.

KNIGHTS BANNERET. In English law. Those created by the sovereign in person on the field of battle. They rank, generally, after knights of the Garter. 1 Bl. Comm. 403.

KNIGHTS OF ST. MICHAEL AND ST. GEORGE. An English order of knighthood, instituted in 1818.

KNIGHTS OF ST. PATRICK. Instituted in Ireland by George III., A. D. 1763. They have no rank in England.

KNIGHTS OF THE BATH. An order instituted by Henry IV., and revived by George I. They are so called from the ceremony formerly observed of bathing the knight before their creation.

KNIGHTS OF THE CHAMBER. Those created in the sovereign's chamber in time of peace, not in the field. 2 Inst. 666.

KNIGHTS OF THE GARTER. Otherwise called "Knights of the Order of St. George." This order was founded by Richard I., and improved by Edward III., A. D. 1344. They form the highest order of knights.

KNIGHTS OF THE POST. A term for hireling witnesses.

KNIGHTS OF THE SHIRE. In English law. Members of parliament representing counties or shires, in contradistinction to citizens or burgesses, who represent boroughs or corporations. A knight of the shire is so called, because, as the terms of the writ for election still require, it was formerly necessary that he should be a knight. This restriction was coeval with the tenure of knight-service, when every man who received a knight's fee immediately of the crown was constrained to be a knight; but at present any person may be chosen to fill the office who is not an alien. The money qualification is abolished by 21 Vict. c. 26. Wharton.

KNIGHTS OF THE THISTLE. A Scottish order of knighthood. This order is said to have been instituted by Achaius, king of Scotland, A. D. 819. The better opinion, however, is that it was instituted by James V. in 1534, was revived by James VII. (James II. of England) in 1687, and re-established by Queen Anne in 1703. They have no rank in England. Wharton.

KNOCK DOWN. To assign to a bidder at an auction by a knock or blow of the hammer. Property is said to be "knocked down" when the auctioneer, by the fall of his hammer, or by any other audible or visible announcement, signifies to the bidder that he is entitled to the property on paying the amount of his bid, according to the terms of the sale. "Knocked down" and "struck off" are synonymous terms. 7 Hill, 439.

KNOT. In seamen's language, a "knot" is a division of the log-line serving to measure the rate of the vessel's motion. The number of knots which run off from the reel in half a minute shows the number of miles the vessel sails in an hour. Hence when a ship goes eight miles an hour she is said to go "eight knots." Webster.

KNOW ALL MEN. In conveyancing. A form of public address, of great antiquity,

and with which many written instruments, such as bonds, letters of attorney, etc., still commence.

KNOWINGLY. With knowledge; consciously; intelligently. The use of this word in an indictment is equivalent to an averment that the defendant knew what he was about to do, and, with such knowledge, proceeded to do the act charged. 14 Fed. Rep. 128.

KNOWLEDGE. The difference between "knowledge" and "belief" is nothing more than in the degree of certainty. With regard to things which make not a very deep impression on the memory, it may be called "belief." "Knowledge" is nothing more than a man's firm belief. The difference is ordinarily merely in the degree, to be judged of by the court, when addressed to the court; by the jury, when addressed to the jury. 9 Gray, 271.

Knowledge may be classified, in a legal sense, as positive and imputed,—imputed, when the means of knowledge exists, known and accessible to the party, and capable of communicating positive information. When there is knowledge, notice, as legally and technically understood, becomes immaterial. It is only material when, in the absence of knowledge, it produces the same results. However closely actual notice may, in many instances, approximate knowledge, and construct-

ive notice may be its equivalent in effect, there may be actual notice without knowledge; and, when constructive notice is made the test to determine priorities of right, it may fall far short of knowledge, and be sufficient. 81 Ala. 140, 1 South. Rep. 773.

Personal knowledge of an allegation in a pleading is a personal knowledge of its truth or falsity; and, if the allegation is a negative one, this necessarily includes a knowledge of the truth or falsity of the allegation denied. 18 Fed. Rep. 622.

KNOWN-MEN. A title formerly given to the Lollards. Cowell.

KORAN. The Mohammedan book of faith. It contains both ecclesiastical and secular laws.

KUT-KUBALA. In Hindu law. A mortgage-deed or deed of conditional sale, being one of the customary deeds or instruments of security in India as declared by regulation of 1806, which regulates the legal proceedings to be taken to enforce such a security. It is also called "*Byebil-Wuffa*." Wharton.

KYMORTHA. A Welsh term for a waster, rhymer, minstrel, or other vagabond who makes assemblies and collections. Barring. Ob. St. 360.

KYTH. Kin or kindred.

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