

## L.

**L.** This letter, as a Roman numeral, stands for the number "fifty." It is also used as an abbreviation for "law," "*liber*," (a book,) "lord," and some other words of which it is the initial.

**L. 5.** An abbreviation of "*Long Quinto*," one of the parts of the Year Books.

**L. C.** An abbreviation which may stand either for "Lord Chancellor," "Lower Canada," or "Leading Cases."

**L. J.** An abbreviation for "Law Judge;" also for "Law Journal."

**L. L.** (also L. Lat.) and **L. F.** (also L. Fr.) are used as abbreviations of the terms "Law Latin" and "Law French."

**L. R.** An abbreviation for "Law Reports."

**L. S.** An abbreviation for "*Locus sigilli*," the place of the seal, *i. e.*, the place where a seal is to be affixed, or a scroll which stands instead of a seal.

**LL.** The reduplicated form of the abbreviation "L," for "law," used as a plural. It is generally used in citing old collections of statute law; as "LL. Hen. I."

**LL.B., LL.M., and LL.D.** Abbreviations used to denote, respectively, the three academic degrees in law,—bachelor, master, and doctor of laws.

**LA. Fr. The.** The definite article in the feminine gender. Occurs in some legal terms and phrases; as "*Termes de la Ley*," terms of the law.

**LA. Fr. There.** An adverb of time and place; whereas.

**LA CHAMBRE DES ESTEILLES.** The star-chamber.

**La conscience est la plus changeante des régles.** Conscience is the most changeable of rules. Bouv. Dict.

**La ley favour la vie d'un home.** The law favors the life of a man. Yearb. M. 10 Hen. VI. 51.

**La ley favour l'enheritance d'un home.** The law favors the inheritance of a man. Yearb. M. 10 Hen. VI. 51.

**La ley voct plus tost suffer un mischeife que un inconvenience.** The law

will sooner suffer a mischief than an inconvenience. Litt. § 231. It is holden for an inconvenience that any of the maxims of the law should be broken, though a private man suffer loss. Co. Litt. 152b.

**LAAS.** A net, gin, or snare.

**LABEL.** Anything appended to a larger writing, as a codicil; a narrow slip of paper or parchment affixed to a deed or writ, in order to hold the appending seal.

In the vernacular, the word denotes a printed or written slip of paper affixed to a manufactured article, giving information as to its nature or quality, or the contents of a package, name of the maker, etc.

A copy of a writ in the exchequer. 1 Tidd, Pr. 156.

**LABINA.** In old records. Watery land.

**LABOR.** Work; toil; service. Continued exertion, of the more onerous and inferior kind, usually and chiefly consisting in the protracted expenditure of muscular force, adapted to the accomplishment of specific useful ends. It is used in this sense in several legal phrases, such as "a count for work and labor," "wages of labor," etc.

"Labor," "business," and "work" are not synonyms. Labor may be business, but it is not necessarily so; and business is not always labor. Labor implies toil; exertion producing weariness; manual exertion of a toilsome nature. Making an agreement for the sale of a chattel is not within a prohibition of common labor upon Sunday, though it is (if by a merchant in his calling) within a prohibition upon business. 2 Ohio St. 387.

**LABOR A JURY.** In old practice. To tamper with a jury; to endeavor to influence them in their verdict, or their verdict generally.

**LABORARIIS.** An ancient writ against persons who refused to serve and do labor, and who had no means of living; or against such as, having served in the winter, refused to serve in the summer. Reg. Orig. 189.

**LABORER.** One who, as a means of livelihood, performs work and labor for those who employ him. In English statutes, this term is generally understood to designate a servant employed in husbandry or manufactures, and not dwelling in the home of his employer. Wharton; Mozley & Whitley.

A laborer, as the word is used in the Pennsylvania act of 1872, giving a certain preference of lien,

is one who performs, with his own hands, the contract which he makes with his employer. 82 Pa. St. 469.

**LABORERS, STATUTES OF.** In English law. These are the statutes 23 Edw. III., 12 Rich. II., 5 Eliz. c. 4, and 26 & 27 Vict. c. 125, making various regulations as to laborers, servants, apprentices, etc.

**LAC, LAK.** In Indian computation, 100,000. The value of a lac of rupees is about £10,000 sterling. Wharton.

**LACE.** A measure of land equal to one pole. This term is widely used in Cornwall.

**LACERTA.** In old English law. A fathom. Co. Litt. 4b.

**LACHES.** Negligence, consisting in the omission of something which a party might do, and might reasonably be expected to do, towards the vindication or enforcement of his rights. The word is generally the synonym of "remissness," "dilatatoriness," "unreasonable or unexcused delay," the opposite of "vigilance," and means a want of activity and diligence in making a claim or moving for the enforcement of a right (particularly in equity) which will afford ground for presuming against it, or for refusing relief, where that is discretionary with the court.

**LACTA.** L. Lat. In old English law. Defect in the weight of money; *lack* of weight. This word and the verb "*lactare*" are used in an assise or statute of the sixth year of King John. Spelman.

**LACUNA.** In old records. A ditch or dyke; a furrow for a drain; a gap or blank in writing.

**LACUS.** In the civil law. A lake; a receptacle of water which is never dry. Dig. 43, 14, 1, 3.

In old English law. Alloy or alloy of silver with base metal. Fleta, lib. 1, c. 22, § 6.

**LADA.** In Saxon law. A purgation, or mode of trial by which one purged himself of an accusation; as by oath or ordeal. Spelman.

A water-course; a trench or canal for draining marshy grounds. In old English, a *lade* or *load*. Spelman.

In old English law. A court of justice; a *lade* or *lath*. Cowell.

**LADÉ, or LODE.** The mouth of a river.

**LADEN IN BULK.** A term of maritime law, applied to a vessel which is freight-

ed with a cargo which is neither in casks, boxes, bales, nor cases, but lies loose in the hold, being defended from wet or moisture by a number of mats and a quantity of dunnage. Cargoes of corn, salt, etc., are usually so shipped.

**LADY.** In English law. The title belonging to the wife of a peer, and (by courtesy) the wife of a baronet or knight, and also to any woman, married or sole, whose father was a nobleman of a rank not lower than that of earl.

**LADY-COURT.** In English law. The court of a lady of the manor.

**LADY DAY.** The 25th of March, the feast of the Annunciation of the Blessed Virgin Mary. In parts of Ireland, however, they so designate the 15th of August, the festival of the Assumption of the Virgin.

**LADY'S FRIEND.** The style of an officer of the English house of commons, whose duty was to secure a suitable provision for the wife, when her husband sought a divorce by special act of parliament. The act of 1857 abolished parliamentary divorces, and this office with them.

**LÆSA MAJESTAS.** Lat. Leze-majesty, or injured majesty; high treason. It is a phrase taken from the civil law, and anciently meant any offense against the king's person or dignity.

**LÆSIO ULTRA DIMIDIUM VEL ENORMIS.** In Roman law. The injury sustained by one of the parties to an onerous contract when he had been overreached by the other to the extent of more than one-half of the value of the subject-matter; *e. g.*, when a vendor had not received half the value of property sold, or the purchaser had paid more than double value. Colq. Rom. Civil Law, § 2094.

**LÆSIONE FIDELI, SUITS PRO.** Suits in the ecclesiastical courts for spiritual offenses against conscience, for non-payment of debts, or breaches of civil contracts. This attempt to turn the ecclesiastical courts into courts of equity was checked by the constitutions of Clarendon, A. D. 1164. 3 Bl. Comm. 52.

**LÆSIWERP.** A thing surrendered into the hands or power of another; a thing given or delivered. Spelman.

**LÆT.** In old English law. One of a class between servile and free. Palgrave, i. 354. M

**LÆTERE JERUSALEM.** Easter offerings, so called from these words in the hymn of the day. They are also denominated "*quadragesimalia*." Wharton.

**LÆTHE, or LATHE.** A division or district peculiar to the county of Kent. Spelman.

**LAFORDSWIC.** In Saxon law. A betraying of one's lord or master.

**LAGA.** L. Lat., from the Saxon "*lag*." Law; a law.

**LAGAN.** See **LIGAN**.

**LAGE DAY.** In old English law. A law day; a time of open court; the day of the county court; a juridical day.

**LAGE-MAN.** A lawful man; a good and lawful man. A juror. Cowell.

**LAGENA.** L. Lat. In old English law. A measure of ale. Fleta, lib. 2, c. 11. Said to consist of six sextaries. Cowell.

**LAGU.** In old English law. Law; also used to express the territory or district in which a particular law was in force, as *Dena lagu*, *Mercna lagu*, etc.

**LAHLSLIT.** A breach of law. Cowell. A mulct for an offense, viz., twelve "ores."

**LAHMAN, or LAGEMANNUS.** An old word for a lawyer. Domesday, I. 189.

**L A I A.** A roadway in a wood. Mon. Angl. t. 1, p. 483.

**LAICUS.** A layman. One who is not in holy orders, or not engaged in the ministry of religion.

**LAIRWITE, or LAIRESITE.** A fine for adultery or fornication, anciently paid to the lords of some manors. 4 Inst. 206.

**L A I S G E N T S.** L. Fr. Lay people; a jury.

**LAITY.** In English law. Those persons who do not make a part of the clergy. They are divided into three states: (1) *Civil*, including all the nation, except the clergy, the army, and navy, and subdivided into the *nobility* and the *commonalty*; (2) *military*; (3) *maritime*, consisting of the navy. Wharton.

**LAKE.** A large body of water, contained in a depression of the earth's surface, and supplied from the drainage of a more or less extended area. Webster.

The fact that there is a current from a higher to a lower level does not make that a river which would otherwise be a lake; and

the fact that a river swells out into broad, pond-like sheets, with a current, does not make that a lake which would otherwise be a river. 14 N. H. 477.

**LAMANEUR.** Fr. In French marine law. A pilot. Ord. Mar. liv. 4, tit. 3.

**LAMB.** A sheep, ram, or ewe under the age of one year. 4 Car. & P. 216.

**LAMBARD'S ARCHAIONOMIA.** A work printed in 1568, containing the Anglo-Saxon laws, those of William the Conqueror, and of Henry I.

**LAMBARD'S EIRENARCHA.** A work upon the office of a justice of the peace, which, having gone through two editions, one in 1579, the other in 1581, was reprinted in English in 1599.

**LAMBETH DEGREE.** In English law. A degree conferred by the Archbishop of Canterbury, in prejudice of the universities. 3 Steph. Comm. 65; 1 Bl. Comm. 381.

**LAME DUCK.** A cant term on the stock exchange for a person unable to meet his engagements.

**LAMMAS DAY.** The 1st of August. It is one of the Scotch quarter days, and is what is called a "conventional term."

**LAMMAS LANDS.** Lands over which there is a right of pasturage by persons other than the owner from about Lammas, or reaping time, until sowing time. Wharton.

**LANA.** Lat. In the civil law. Wool. See Dig. 32, 60, 70, 88.

**LANCASTER.** A county of England, erected into a county palatine in the reign of Edward III., but now vested in the crown.

**LANCETTI.** In feudal law. Vassals who were obliged to work for their lord one day in the week, from Michaelmas to autumn, either with fork, spade, or flail, at the lord's option. Spelman.

**LAND,** in the most general sense, comprehends any ground, soil, or earth whatsoever; as meadows, pastures, woods, moors, waters, marshes, furzes, and heath. Co. Litt. 4a.

The word "land" includes not only the soil, but everything attached to it, whether attached by the course of nature, as trees, herbage, and water, or by the hand of man, as buildings and fences. 1 N. Y. 572; 2 Bl. Comm. 16, 17.

Land is the solid material of the earth, whatever may be the ingredients of which it is composed,

whether soil, rock, or other substance. Civil Code Cal. § 659.

Philosophically, it seems more correct to say that the word "land" means, in law, as in the vernacular, the soil, or portion of the earth's crust; and to explain or justify such expressions as that "whoever owns the land owns the buildings above and the minerals below," upon the view, not that these are within the extension of the term "land," but that they are so connected with it that by rules of law they pass by a conveyance of the land. This view makes "land," as a term, narrower in signification than "realty;" though it would allow an instrument speaking of land to operate co-extensively with one granting realty or real property by either of those terms. But many of the authorities use the expression "land" as including these incidents to the soil. Abbott.

**LAND CERTIFICATE.** Upon the registration of freehold land under the English land transfer act, 1875, a certificate is given to the registered proprietor, and similarly upon every transfer of registered land. This registration supersedes the necessity of any further registration in the register counties. Sweet.

**LAND COURT.** In American law. A court formerly existing in St. Louis, Mo., having a limited territorial jurisdiction over actions concerning real property, and suits for dower, partition, etc.

**LAND-GABEL.** A tax or rent issuing out of land. Spelman says it was originally a penny for every house. This *land-gabel*, or *land-gavel*, in the register of Domesday, was a quit-rent for the site of a house, or the land whereon it stood; the same with what we now call "ground-rent." Wharton.

**"LAND-POOR."** By this term is generally understood that a man has a great deal of unproductive land, and perhaps is obliged to borrow money to pay taxes; but a man "land-poor" may be largely responsible. 46 Mich. 397, 9 N. W. Rep. 445.

**LAND-REEVE.** A person whose business it is to overlook certain parts of a farm or estate; to attend not only to the woods and hedge-timber, but also to the state of the fences, gates, buildings, private roads, driftways, and water-courses; and likewise to the stocking of commons, and encroachments of every kind, as well as to prevent or detect waste and spoil in general, whether by the tenants or others; and to report the same to the manager or land steward. Enc. Lond.

**LAND STEWARD.** A person who overlooks or has the management of a farm or estate.

**LAND TAX.** A tax laid upon the legal or beneficial owner of real property, and apportioned upon the assessed value of his land.

**LAND TENANT.** The person actually in possession of land; otherwise styled the "terre-tenant."

**LAND TITLES AND TRANSFER ACT.** An English statute (38 & 39 Vict. c. 87) providing for the establishment of a registry for titles to real property, and making sundry provisions for the transfer of lands and the recording of the evidences thereof. It presents some analogies to the recording laws of the American states.

**LAND WAITER.** In English law. An officer of the custom-house, whose duty is, upon landing any merchandise, to examine, taste, weigh, or measure it, and to take an account thereof. In some ports they also execute the office of a coast waiter. They are likewise occasionally styled "searchers," and are to attend and join with the patent searcher in the execution of all cockets for the shipping of goods to be exported to foreign parts; and, in cases where drawbacks on bounties are to be paid to the merchant on the exportation of any goods, they, as well as the patent searchers, are to certify the shipping thereof on the debentures. Enc. Lond.

**LAND-WARRANT.** The evidence which the state, on good consideration, gives that the person therein named is entitled to the quantity of land therein specified, the bounds and description of which the owner of the warrant may fix by entry and survey, in the section of country set apart for its location and satisfaction. 6 Yerg. 205.

**LANDA.** An open field without wood; a lawnd or lawn. Cowell; Blount.

**LANDAGENDE, LANDHLAFORD, or LANDRICA.** In Saxon law. A proprietor of land; lord of the soil. Anc. Inst. Eng.

**LANDBOC.** In Saxon law. A charter or deed by which lands or tenements were given or held. Spelman; Cowell; 1 Reeve, Eng. Law, 10.

**LANDCHEAP.** In old English law. An ancient customary fine, paid either in money or cattle, at every alienation of land lying within some manor, or within the liberty of some borough. Cowell; Blount. M

**LANDEA.** In old English law. A ditch or trench for conveying water from marshy grounds. Spelman.

**LANDED.** Consisting in real estate or land; having an estate in land.

**LANDED ESTATES COURT.** The court which deals with the transfer of land and the creation of title thereto in Ireland.

**LANDED PROPRIETOR.** Any person having an estate in lands, whether highly improved or not. 10 La. Ann. 677.

**LANDEFRICUS.** A landlord; a lord of the soil.

**LANDEGANDMAN.** Sax. In old English law. A kind of customary tenant or inferior tenant of a manor. Spelman.

**LANDGRAVE.** A name formerly given to those who executed justice on behalf of the German emperors, with regard to the internal policy of the country. It was applied, by way of eminence, to those sovereign princes of the empire who possessed by inheritance certain estates called "*land-gravates*," of which they received investiture from the emperor. Enc. Lond.

**LANDIMER.** In old Scotch law. A measurer of land. Skene.

**LANDING.** A place on a river or other navigable water for lading and unlading goods, or for the reception and delivery of passengers; the terminus of a road on a river or other navigable water, for the use of travelers, and the loading and unloading of goods. 1 Strob. 111.

A place for loading or unloading boats, but not a harbor for them. 74 Pa. St. 373.

**LANDIRECTA.** In Saxon law. Services and duties laid upon all that held land, including the three obligations called "*trino-da necessitas*," (*q. v.*;) *quasi* land rights. Cowell.

**LANDLOCKED.** An expression sometimes applied to a piece of land belonging to one person and surrounded by land belonging to other persons, so that it cannot be approached except over their land. L. R. 13 Ch. Div. 798; Sweet.

**LANDLORD.** He of whom lands or tenements are holden. He who, being the owner of an estate in land, has leased the same for a term of years, on a rent reserved, to another person, called the "tenant."

When the absolute property in or fee-sim-

ple of the land belongs to a landlord, he is then sometimes denominated the "ground landlord," in contradistinction to such a one as is possessed only of a limited or particular interest in land, and who himself holds under a superior landlord. Brown.

**LANDLORD AND TENANT.** A phrase used to denote the familiar legal relation existing between lessor and lessee of real estate. The relation is contractual, and is constituted by a lease (or agreement therefor) of lands for a term of years, from year to year, for life, or at will.

**LANDLORD'S WARRANT.** A distress warrant; a warrant from a landlord to levy upon the tenant's goods and chattels, and sell the same at public sale, to compel payment of the rent or the observance of some other stipulation in the lease.

**LANDMARK.** A monument or erection set up on the boundary line of two adjoining estates, to fix such boundary. The removing of a landmark is a wrong for which an action lies.

**LANDS.** This term, the plural of "land," is said, at common law, to be a word of less extensive signification than either "tenements" or "hereditaments." But in some of the states it has been provided by statute that it shall include both those terms.

**LANDS CLAUSES CONSOLIDATION ACTS.** The name given to certain English statutes, (8 Vict. c. 8, amended by 23 & 24 Vict. c. 106, and 32 & 33 Vict. c. 18,) the object of which was to provide legislative clauses in a convenient form for incorporation by reference in future special acts of parliament for taking lands, with or without the consent of their owners, for the promotion of railways, and other public undertakings. Mozley & Whitley.

**LANDS, TENEMENTS, AND HEREDITAMENTS.** The technical and most comprehensive description of real property, as "goods and chattels" is of personalty. Williams, Real Prop. 5.

**LANDSLAGH.** In Swedish law. A body of common law, compiled about the thirteenth century, out of the particular customs of every province; being analogous to the *common law* of England. 1 Bl. Comm. 66.

**LANDWARD.** In Scotch law. Rural 7 Bell, App. Cas. 2.

**LANGEMAN.** A lord of a manor. 1 Inst. 5.

**LANGIOLUM.** An undergarment made of wool, formerly worn by the monks, which reached to their knees. Mon. Angl. 419.

**LANGUAGE.** Any means of conveying or communicating ideas; specifically, human speech, or the expression of ideas by written characters. The letter, or grammatical import, of a document or instrument, as distinguished from its spirit; as "the language of the statute."

**LANGUIDUS.** In practice. The name of a return made by the sheriff when a defendant, whom he has taken by virtue of process, is so dangerously sick that to remove him would endanger his life or health. 3 Chit. Pr. 249, 358.

**LANIS DE CRESCENTIA WALLIÆ TRADUCENDIS ABSQUE CUSTUMA,** etc. An ancient writ that lay to the customer of a port to permit one to pass wool without paying custom, he having paid it before in Wales. Reg. Orig. 279.

**LANO NIGER.** A sort of base coin, formerly current in England. Cowell.

**LANZAS.** In Spanish law. A commutation in money, paid by the nobles and high officers, in lieu of the quota of soldiers they might be required to furnish in war.

**LAPIDATION.** The act of stoning a person to death.

**LAPIDICINA.** Lat. In the civil law. A stone-quarry. Dig. 7, 1, 9, 2.

**LAPILLI.** Lat. In the civil law. Precious stones. Dig. 34, 2, 19, 17. Distinguished from "gems," (*gemmæ*.) Id.

**LAPIS MARMORIUS.** A marble stone about twelve feet long and three feet broad, placed at the upper end of Westminster Hall, where was likewise a marble chair erected on the middle thereof, in which the English sovereigns anciently sat at their coronation dinner, and at other times the lord chancellor. Wharton.

**LAPSE, v.** To glide; to pass slowly, silently, or by degrees. To slip; to deviate from the proper path. Webster. To fall or fail.

**LAPSE, n.** In ecclesiastical law. The transfer, by forfeiture, of a right to present or collate to a vacant benefice from a person vested with such right to another, in conse-

quence of some act of negligence by the former. Ayl. Par. 331.

In the law of wills. The failure of a testamentary gift in consequence of the death of the devisee or legatee during the life of the testator.

In criminal proceedings, "lapse" is used, in England, in the same sense as "abate" in ordinary procedure; *i. e.*, to signify that the proceedings came to an end by the death of one of the parties or some other event.

**LAPSE PATENT.** A patent for land issued in substitution for an earlier patent to the same land, which was issued to another party, but has lapsed in consequence of his neglect to avail himself of it. 1 Wash. (Va.) 39.

**LAPSED DEVISE.** A devise which fails, or takes no effect, in consequence of the death of the devisee before the testator; the subject-matter of it being considered as not disposed of by the will. 1 Steph. Comm. 559, 4 Kent, Comm. 541.

**LAPSED LEGACY.** Where the legatee dies before the testator, or before the legacy is payable, the bequest is said to *lapse*, as it then falls into the residuary fund of the estate.

**LARCENOUS.** Having the character of larceny; as a "larcenous taking." Contemplating or intending larceny; as a "larcenous purpose."

**LARCENY.** In criminal law. The wrongful and fraudulent taking and carrying away by one person of the mere personal goods of another from any place, with a felonious intent to convert them to his (the taker's) use, and make them his property, without the consent of the owner. 2 East, P. C. 553; 4 Wash. C. C. 700.

The felonious taking and carrying away of the personal goods of another. 4 Bl. Comm. 229. The unlawful taking and carrying away of things personal, with intent to deprive the right owner of the same. 4 Steph. Comm. 152. The felonious taking the property of another, without his consent and against his will, with intent to convert it to the use of the taker. 2 Leach, 1089.

The taking and removing, by trespass, of personal property which the trespasser knows to belong either generally or specially to another, with the intent to deprive such owner of his ownership therein; and, perhaps it should be added, for the sake of some advantage to the trespasser,—a proposition on

which the decisions are not harmonious. 2  
Bish. Crim. Law, §§ 757, 758.

Larceny is the taking of personal property, accomplished by fraud or stealth, and with intent to deprive another thereof. Pen. Code Dak. § 580.

Larceny is the felonious stealing, taking, carrying, leading, or driving away the personal property of another. Pen. Code Cal. § 484.

Larceny is sometimes divided into "simple" and "compound" or "mixed" larceny; the former term applying to cases of simple theft; the latter to cases of stealing attended with some recognized circumstances of aggravation, such as larceny from a ship or wharf, or from a dwelling-house in the day-time, or from the person.

Larceny was also divided into "grand" and "petit" larceny, the distinction turning on an arbitrary division of the value of the goods stolen. This division is now abolished in England (7 & 8 Geo. IV. c. 29, § 2) and in many of the United States, but still subsists in some jurisdictions.

For the distinction between "larceny" and "burglary," "extortion," "false pretenses," and "robbery," see those titles.

**LARCENY BY BAILEE.** In Pennsylvania law. The crime of larceny committed where "any person, being a bailee of any property, shall fraudulently take or convert the same to his own use, or to the use of any other person except the owner thereof, although he shall not break bulk or otherwise determine the bailment." Brightly's Purd. Dig. p. 436, § 177.

**LARDARIUS REGIS.** The king's larder, or clerk of the kitchen. Cowell.

**LARDING MONEY.** In the manor of Bradford, in Wilts, the tenants pay to their lord a small yearly rent by this name, which is said to be for liberty to feed their hogs with the masts of the lord's wood, the fat of a hog being called "lard;" or it may be a commutation for some customary service of carrying salt or meat to the lord's larder. Mon. Angl. t. 1, p. 321.

**LARGE.** L. Fr. Broad; the opposite of "*estreyte*," strait or strict. *Pures et larges*. Britt. c. 34.

**LARONS.** In old English law. Thieves.

**LAS PARTIDAS.** In Spanish law. The name of a code of laws, more fully described as "*Las Siete Partidas*," ("the seven parts," from the number of its divisions,) which was compiled under the direction of Alphonso X., about the year 1250. Its sources

were the customary law of all the provinces, the canon law as there administered, and (chiefly) the Roman law. This work has always been regarded as of the highest authority in Spain and in those countries and states which have derived their jurisprudence from Spain.

**LASCAR.** A native Indian sailor; the term is also applied to tent pitchers, inferior artillery-men, and others.

**LASCIVIOUS CARRIAGE.** In Connecticut. A term including those wanton acts between persons of different sexes that flow from the exercise of lustful passions, and which are not otherwise punished as crimes against chastity and public decency. 2 Swift, Dig. 343. It includes, also, indecent acts by one against the will of another. 5 Day, 81.

**LASHITE, or LASHLITE.** A kind of forfeiture during the government of the Danes in England. Enc. Lond.

**LAST,** in old English law, signifies a burden; also a measure of weight used for certain commodities of the bulkier sort.

**LAST COURT.** A court held by the twenty-four jurats in the marshes of Kent, and summoned by the bailiffs, whereby orders were made to lay and levy taxes, impose penalties, etc., for the preservation of the said marshes. Enc. Lond.

**LAST HEIR.** In English law. He to whom lands come by escheat for want of lawful heirs; that is, in some cases, the lord of whom the lands were held; in others, the sovereign. Cowell.

**LAST RESORT.** A court from which there is no appeal is called the "court of last resort."

**LAST SICKNESS.** That illness of which a person dies is so called.

**LAST WILL.** This term, according to Lord Coke, is most commonly used where lands and tenements are devised, and "testament" where it concerns chattels. Co. Litt. 111a. Both terms, however, are now generally employed in drawing a will either of lands or chattels.

**LASTAGE.** A custom exacted in some fairs and markets to carry things bought whither one will. But it is more accurately taken for the ballast or lading of a ship. Also custom paid for wares sold by the last, as herrings, pitch, etc. Wharton.

**LATA CULPA.** Lat. In the law of bailment. Gross fault or neglect; extreme negligence or carelessness, (*nimia negligentia.*) Dig. 50, 16, 213, 2.

*Lata culpa dolo æquiparatur.* Gross negligence is equivalent to fraud.

**LATCHING.** An under-ground survey.

**LATE.** Defunct; existing recently, but now dead. 17 Ala. 190. Formerly; recently; lately.

**"LATELY."** This word has been held to have "a very large retrospect, as we say, 'lately deceased' of one dead ten or twenty years." Per Cur. 2 Show. 294.

**LATENS.** Lat. Latent; hidden; not apparent. See **AMBIGUITAS.**

**LATENT.** Hidden; concealed; that does not appear upon the face of a thing.

**LATENT AMBIGUITY.** An ambiguity which arises not upon the words of the will, deed, or other instrument, as looked at in themselves, but upon those words when applied to the object or to the subject which they describe. The term is opposed to the phrase "patent ambiguity." The rule of law is that extrinsic or parol evidence is admissible in all cases to remove a latent ambiguity, but in no case to remove a patent one. Brown.

**LATENT DEED.** A deed kept for twenty years or more in a man's scrutoire or strong-box. 7 N. J. Law, 177.

**LATENT DEFECT.** A defect in an article sold, which is known to the seller, but not to the purchaser, and is not discoverable by mere observation. See 21 N. Y. 552.

**LATERA.** In old records. Sidesmen; companions; assistants. Cowell.

**LATERAL RAILROAD.** A lateral road is one which proceeds from some point on the main trunk between its termini; it is but another name for a branch road, both being a part of the main road. 14 Ill. 273.

**LATERAL SUPPORT.** The right of lateral and subjacent support is that right which the owner of land has to have his land supported by the adjoining land or the soil beneath. 27 Grat. 77; 19 Barb. 380; 2 Am. 131; 12 Amer. & Eng. Enc. Law, 933.

**LATERARE.** To lie sideways, in opposition to lying endways; used in descriptions of lands.

**LATH, LATHE.** The name of an ancient civil division in England, intermediate between the county or shire and the hundred. Said to be the same as what, in other parts of the kingdom, was termed a "rape." 1 Bl. Comm. 116; Cowell; Spelman.

**LATHREVE.** An officer under the Saxon government, who had authority over a lath. Cowell; 1 Bl. Comm. 116.

**LATIFUNDIUM.** In the civil law. Great or large possessions; a great or large field; a common. A great estate made up of smaller ones, (*fundis*), which began to be common in the latter times of the empire.

**LATIFUNDUS.** A possessor of a large estate made up of smaller ones. Du Cange.

**LATIMER.** A word used by Lord Coke in the sense of an interpreter. 2 Inst. 515. Supposed to be a corruption of the French "*latinier*," or "*latiner*." Cowell; Blount.

**LATIN.** The language of the ancient Romans. There are three sorts of law Latin: (1) Good Latin, allowed by the grammarians and lawyers; (2) false or incongruous Latin, which in times past would abate original writs, though it would not make void any judicial writ, declaration, or plea, etc.; (3) words of art, known only to the sages of the law, and not to grammarians, called "Lawyers' Latin." Wharton.

**LATINARIUS.** An interpreter of Latin.

**LATINI JUNIANI.** Lat. In Roman law. A class of freedmen (*libertini*) intermediate between the two other classes of freedmen called, respectively, "*Cives Romani*" and "*Dediticii*." Slaves under thirty years of age at the date of their manumission, or manumitted otherwise than by *vindicta*, *census*, or *testamentum*, or not the quiritary property of their manumissors at the time of manumission, were called "*Latini*." By reason of one or other of these three defects, they remained slaves by strict law even after their manumission, but were protected in their liberties first by equity, and eventually by the *Lex Junia Norbana*, A. D. 19, from which law they took the name of "*Juniani*" in addition to that of "*Latini*." Brown.

**LATITAT.** In old English practice. A writ which issued in personal actions, on the return of *non est inventus* to a bill of Middlesex; so called from the emphatic word in its recital, in which it was "testified that the defendant *lurks* [*latitat*] and wanders about" M



in the county. 3 Bl. Comm. 286. Abolished by St. 2 Wm. IV. c. 39.

**LATITATIO.** In the civil law and old English practice. A lying hid; lurking, or concealment of the person. Dig. 42, 4, 7, 5; Bract. fol. 126.

**LATOR.** A bearer; a messenger.

**LATRO.** In the civil and old English law. A robber. Dig. 50, 16, 118; Fleta, lib. 1, c. 38, § 1. A thief.

**LATROCINATION.** The act of robbing; a depredation.

**LATROCINIUM.** The prerogative of adjudging and executing thieves; also larceny; theft; a thing stolen.

**LATROCINITY.** Larceny.

**LATTER-MATH.** A second mowing; the aftermath.

**LAUDARE.** In the civil law. To name; to cite or quote; to show one's title or authority. Calvin.

In feudal law. To determine or pass upon judicially. *Laudamentum*, the finding or award of a jury. 2 Bl. Comm. 285.

**LAUDATIO.** In Roman law. Testimony delivered in court concerning an accused person's good behavior and integrity of life. It resembled the practice which prevails in our trials of calling persons to speak to a prisoner's character. The least number of the *laudatores* among the Romans was ten. Wharton.

**LAUDATOR.** An arbitrator; a witness to character.

**LAUDEMEO.** In Spanish law. The tax paid by the possessor of land held by quit-rent or *emphyteusis* to the owner of the estate, when the tenant alienates his right in the property. Escriche.

**LAUDEMIIUM.** In the civil law. A sum paid by a new *emphyteuta* (*q. v.*) who acquires the *emphyteusis*, not as heir, but as a singular successor, whether by gift, devise, exchange, or sale. It was a sum equal to the fiftieth part of the purchase money, paid to the *dominus* or proprietor for his acceptance of the new *emphyteuta*. Mackeld. Rom. Law, § 328. Called, in old English law, "acknowledgment money." Cowell.

**LAUDUM.** An arbitrament or award.

In old Scotch law. Sentence or judgment; dome or doom. 1 Pitc. Crim. Tr. pt. 2, p. 8.

**LAUGHE.** Frank-pledge. 2 Reeve, Eng. Law, 17.

**LAUNCEGAY.** A kind of offensive weapon, now disused, and prohibited by 7 Rich. II. c. 13.

**LAUNCH.** 1. The act of launching a vessel; the movement of a vessel from the land into the water, especially the sliding on ways from the stocks on which it is built.

2. A boat of the largest size belonging to a ship of war; an open boat of large size used in any service; a lighter.

**LAUREATE.** In English law. An officer of the household of the sovereign, whose business formerly consisted only in composing an ode annually, on the sovereign's birthday, and on the new year; sometimes also, though rarely, on occasion of any remarkable victory.

**LAURELS.** Pieces of gold, coined in 1619, with the king's head laureated; hence the name.

**LAUS DEO.** Lat. Praise be to God. An old heading to bills of exchange.

**LAVATORIUM.** A laundry or place to wash in; a place in the porch or entrance of cathedral churches, where the priest and other officiating ministers were obliged to wash their hands before they proceeded to divine service.

**LAVOR NUEVA.** In Spanish law. A new work. *Las Partidas*, pt. 3, tit. 32, l. 1.

**LAW.** 1. That which is laid down, ordained, or established. A rule or method according to which phenomena or actions co-exist or follow each other.

2. A system of principles and rules of human conduct, being the aggregate of those commandments and principles which are either prescribed or recognized by the governing power in an organized jural society as its will in relation to the conduct of the members of such society, and which it undertakes to maintain and sanction and to use as the *criteria* of the actions of such members.

"Law" is a solemn expression of legislative will. It orders and permits and forbids. It announces rewards and punishments. Its provisions generally relate not to solitary or singular cases, but to what passes in the ordinary course of affairs. Civil Code La. arts. 1, 2.

"Law," without an article, properly implies a *science* or *system* of principles or rules of human conduct, answering to the Latin "*ius*," as when it is spoken of as a subject of study or practice. In this sense, it includes the decisions of courts of justice, as well as acts of the legislature. The

judgment of a competent court, until reversed or otherwise superseded, is *law*, as much as any statute. Indeed, it may happen that a statute may be passed in violation of *law*, that is, of the fundamental *law* or constitution of a state; and it is the prerogative of courts in such cases to declare it void, or, in other words, to declare it not to be *law*. Burrill.

3. A rule of civil conduct prescribed by the supreme power in a state. 1 Steph. Comm. 25; Civil Code Dak. § 2; Pol. Code Cal. § 4466.

A "law," in the proper sense of the term, is a general rule of human action, taking cognizance only of external acts, enforced by a determinate authority, which authority is human, and among human authorities is that which is paramount in a political society. Holl. Jur. 36.

A "law," properly so called, is a command which obliges a person or persons; and, as distinguished from a particular or occasional command, obliges generally to acts or forbearances of a class. Aust. Jur.

A rule or enactment promulgated by the legislative authority of a state; a long-established local custom which has the force of such an enactment. 10 Pet. 18.

4. In another sense the word signifies an enactment; a distinct and complete act of positive law; a statute, as opposed to rules of civil conduct deduced from the customs of the people or judicial precedents.

When the term "law" is used to denote enactments of the legislative power, it is frequently confined, especially by English writers, to permanent rules of civil conduct, as distinguished from other acts, such as a divorce act, an appropriation bill, an estates act. Rep. Eng. St. L. Com. Mar. 1856.

Historically considered. With reference to its origin, "law" is derived either from judicial precedents, from legislation, or from custom. That part of the law which is derived from judicial precedents is called "common law," "equity," or "admiralty," "probate," or "ecclesiastical law," according to the nature of the courts by which it was originally enforced. (See the respective titles.) That part of the law which is derived from legislation is called the "statute law." Many statutes are classed under one of the divisions above mentioned because they have merely modified or extended portions of it, while others have created altogether new rules. That part of the law which is derived from custom is sometimes called the "customary law," as to which, see CUSTOM. Sweet.

The earliest notion of law was not an enumeration of a principle, but a judgment in a particular case. When pronounced in the early ages, by a

king, it was assumed to be the result of direct divine inspiration. Afterwards came the notion of a custom which a judgment affirms, or punishes its breach. In the outset, however, the only authoritative statement of right and wrong is a judicial sentence rendered after the fact has occurred. It does not presuppose a law to have been violated, but is enacted for the first time by a higher form into the judge's mind at the moment of adjudication. Maine, Anc. Law, (Dwight's Ed.) pp. xv, 5.

Synonyms and distinctions. According to the usage in the United States, the name "constitution" is commonly given to the organic or fundamental law of a state, and the term "law" is used in contradistinction to the former, to denote a statute or enactment of the legislative body.

"Law," as distinguished from "equity," denotes the doctrine and procedure of the common law of England and America, from which equity is a departure.

The term is also used in opposition to "fact." Thus questions of law are to be decided by the court, while it is the province of the jury to solve questions of fact.

Classification. With reference to its subject-matter, law is either *public* or *private*. Public law is that part of the law which deals with the state, either by itself or in its relations with individuals, and is divided into (1) constitutional law; (2) administrative law; (3) criminal law; (4) criminal procedure; (5) the law of the state considered in its *quasi* private personality; (6) the procedure relating to the state as so considered. Holl. Jur. 300.

Law is also divided into *substantive* and *adjective*. Substantive law is that part of the law which creates rights and obligations, while adjective law provides a method of enforcing and protecting them. In other words, adjective law is the law of procedure. Holl. Jur. 61, 238.

The ordinary, but not very useful, division of law into *written* and *unwritten* rests on the same principle. The written law is the statute law; the unwritten law is the common law, (*q. v.*) 1 Steph. Comm. 40, following Blackstone.

Kinds of statutes. Statutes are called "general" or "public" when they affect the community at large; and *local* or *special* when their operation is confined to a limited region, or particular class or interest.

Statutes are also either *prospective* or *retrospective*; the former, when they are intended to operate upon future cases only; the latter, when they may also embrace transactions occurring before their passage.

Statutes are called "enabling" when they

confer new powers; "remedial" when their effect is to provide relief or reform abuses; "penal" when they impose punishment, pecuniary or corporal, for a violation of their provisions.

5. In old English jurisprudence, "law" is used to signify an oath, or the privilege of being sworn; as in the phrases "to wage one's law," "to lose one's law."

As to the different kinds of law, or law regarded in its different aspects, see ADJECTIVE LAW; ADMINISTRATIVE LAW; CONSTITUTIONAL LAW; CRIMINAL LAW; INTERNATIONAL LAW; LAW OF NATIONS; LAW OF NATURE; LAW - MERCHANT; MUNICIPAL LAW; POSITIVE LAW; PRIVATE LAW; PUBLIC LAW; RETROSPECTIVE LAW; SUBSTANTIVE LAW.

**LAW AGENTS.** Solicitors practicing in the Scotch courts.

Law always construeth things to the best. Wing. Max. p. 720, max. 193.

**LAW ARBITRARY.** Opposed to *immutable*, a law not founded in the nature of things, but imposed by the mere will of the legislature.

**LAW BURROWS.** In Scotch law. Security for the peaceable behavior of a party; security to keep the peace. Properly, a process for obtaining such security. 1 Forb. Inst. pt. 2, p. 198.

**LAW CHARGES.** This phrase is used, under the Louisiana Civil Code, to signify costs incurred in court in the prosecution of a suit, to be paid by the party cast. 17 La. 206; 11 Rob. (La.) 28.

Law construeth every act to be lawful, when it standeth indifferent whether it should be lawful or not. Wing. Max. p. 722, max. 194; Finch, Law, b. 1, c. 3, n. 76.

Law construeth things according to common possibility or intendment. Wing. Max. p. 705, max. 189.

Law [the law] construeth things with equity and moderation. Wing. Max. p. 685, max. 183; Finch, Law, b. 1, c. 3, n. 74.

**LAW COURT OF APPEALS.** In American law. An appellate tribunal, formerly existing in the state of South Carolina, for hearing appeals from the courts of law.

**LAW DAY.** The day prescribed in a bond, mortgage, or defeasible deed for payment of the debt secured thereby, or, in default of payment, the forfeiture of the prop-

erty mortgaged. But this does not now occur until foreclosure.

In old English law. Law day or lage day denoted a day of open court; especially the courts of a county or hundred.

Law disfavoreth impossibilities. Wing. Max. p. 606, max. 155.

Law disfavoreth improbabilities. Wing. Max. p. 620, max. 161.

Law [the law] favoreth charity. Wing. Max. p. 497, max. 135.

Law favoreth common right. Wing. Max. p. 547, max. 144.

Law favoreth diligence, and therefore hateth folly and negligence. Wing. Max. p. 665, max. 172; Finch, Law, b. 1, c. 3, no. 70.

Law favoreth honor and order. Wing. Max. p. 739, max. 199.

Law favoreth justice and right. Wing. Max. p. 502, max. 141.

Law favoreth life, liberty, and dower. 4 Bacon's Works, 345.

Law favoreth mutual recompense. Wing. Max. p. 411, max. 108; Finch, Law, b. 1, c. 3, no. 42.

Law [the law] favoreth possession, where the right is equal. Wing. Max. p. 375, max. 98; Finch, Law, b. 1, c. 3, no. 36.

Law favoreth public commerce. Wing. Max. p. 738, max. 198.

Law favoreth public quiet. Wing. Max. p. 742, max. 200; Finch, Law, b. 1, c. 3, no. 54.

Law favoreth speeding of men's causes. Wing. Max. p. 673, max. 175.

Law [the law] favoreth things for the commonwealth, [common weal.] Wing. Max. p. 729, max. 197; Finch, Law, b. 1, c. 3, no. 53.

Law favoreth truth, faith, and certainty. Wing. Max. p. 604, max. 154.

**LAW FRENCH.** The Norman French language, introduced into England by William the Conqueror, and which, for several centuries, was, in an emphatic sense, the language of the English *law*, being that in which the proceedings of the courts and of parliament were carried on, and in which many of the ancient statutes, reports, abridg-

ments, and treatises were written and printed. It is called by Blackstone a "barbarous dialect," and the later specimens of it fully warrant the appellation, but at the time of its introduction it was, as has been observed, the best form of the language spoken in Normandy. Burrill.

**Law hateth delays.** Wing. Max. p. 674, max. 176; Finch, Law, b. 1, ch. 3, no. 71.

**Law hateth new inventions and innovations.** Wing. Max. p. 756, max. 204.

**Law hateth wrong.** Wing. Max. p. 563, max. 146; Finch, Law, b. 1, ch. 3, no. 62.

**LAW LATIN.** The corrupt form of the Latin language employed in the old English law-books and legal proceedings. It contained many barbarous words and combinations.

**LAW LIST.** An annual English publication of a *quasi* official character, comprising various statistics of interest in connection with the legal profession. It includes (among other information) the following matters: A list of judges, queen's counsel, and serjeants at law; the judges of the county courts; benchers of the inns of court; barristers, in alphabetical order; the names of counsel practicing in the several circuits of England and Wales; London attorneys; country attorneys; officers of the courts of chancery and common law; the magistrates and law officers of the city of London; the metropolitan magistrates and police; recorders; county court officers and circuits; lord lieutenants and sheriffs; colonial judges and officers; public notaries. Mozley & Whitley.

**LAW LORDS.** Peers in the British parliament who have held high judicial office, or have been distinguished in the legal profession. Mozley & Whitley.

**LAW-MARTIAL.** The military law; a code of law established for the government of the army and navy.

**LAW-MERCHANT.** The general system of usages and customs, in relation to commercial transactions, mercantile paper, etc., commonly observed alike among all commercial nations.

Since, however, its character is not local, nor its obligation confined to a particular district, it cannot with propriety be considered as a *custom* in the technical sense. 1 Steph. Comm. 54. It is a system of law which does not rest essentially on the positive institutions and local customs of any

particular country, but consists of certain principles of equity and usages of trade which general convenience and a common sense of justice have established, to regulate the dealings of merchants and mariners in all the commercial countries of the civilized world. 3 Kent, Comm. 2.

**LAW OF ARMS.** That law which gives precepts and rules concerning war; how to make and observe leagues and truce, to punish offenders in the camp, and such like. Cowell; Blount. Now more commonly called the "law of war," (*q. v.*)

**LAW OF CITATIONS.** In Roman law. An act of Valentinian, passed A. D. 426, providing that the writings of only five jurists, viz., Papinian, Paul, Gaius, Ulpian, and Modestinus, should be quoted as authorities. The majority was binding on the judge. If they were equally divided, the opinion of Papinian was to prevail; and in such a case, if Papinian was silent upon the matter, then the judge was free to follow his own view of the matter. Brown.

**Law of itself prejudiceth no man.** Wing. Max. p. 575, max. 148; Finch, Law, b. 1, c. 3, no. 63.

**LAW OF MARQUE.** A sort of law of reprisal, which entitles him who has received any wrong from another and cannot get ordinary justice to take the shipping or goods of the wrong-doer, where he can find them within his own bounds or precincts, in satisfaction of the wrong. Cowell; Brown.

**LAW OF NATIONS.** A system of rules and principles established among nations, and intended for the regulation of their mutual intercourse; otherwise called "international law," (*q. v.*) A code of public instruction which defines the rights and prescribes the duties of nations in their intercourse with each other. 1 Kent, Comm. 1. It is founded for the most part on usage, consent, and agreement, but in an important degree, also, on the principles of natural law. Id. 2.

**LAW OF NATURE.** A rule of conduct arising out of the natural relations of human beings, established by the Creator, and existing prior to any positive precept. Webster. The foundation of this law is placed by the best writers in the will of God, discovered by right reason, and aided by divine revelation; and its principles, when applicable, apply with equal obligation to individuals and

to nations. 1 Kent, Comm. 2, note; Id. 4, note. See **JUS NATURALE**.

We understand all laws to be either human or divine, according as they have man or God for their author; and divine laws are of two kinds, that is to say: (1) Natural laws; (2) positive or revealed laws. A natural law is defined by Burlamaqui to be "a rule which so necessarily agrees with the nature and state of man that, without observing its maxims, the peace and happiness of society can never be preserved." And he says that these are called "natural laws" because a knowledge of them may be attained merely by the light of reason, from the fact of their essential agreeableness with the constitution of human nature; while, on the contrary, positive or revealed laws are not founded upon the general constitution of human nature, but only upon the will of God; though in other respects such law is established upon very good reason, and procures the advantage of those to whom it is sent. The ceremonial or political laws of the Jews are of this latter class. 11 Ark. 527.

**LAW OF THE LAND.** Due process of law, (*q. v.*)

By the law of the land is most clearly intended the general law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of general rules which govern society. Everything which may pass under the form of an enactment is not the law of the land. Sedg. St. & Const. Law, (2d Ed.) 475.

When first used in *Magna Charta*, the phrase "the law of the land" probably meant the established law of the kingdom, in opposition to the civil or Roman law, which was about being introduced. It is now generally regarded as meaning general public laws binding on all members of the community, in contradistinction from partial or private laws. 2 Tex. 251; 2 Yerg. 270; 6 Heisk. 186.

It means due process of law warranted by the constitution, by the common law adopted by the constitution, or by statutes passed in pursuance of the constitution. 1 N. H. 53.

It means the law as established in a fair, open trial, or after opportunity given for such trial, by due course and process of law; not a bill of attainder. 6 Pa. St. 87.

**LAW OF THE STAPLE.** Law administered in the court of the mayor of the staple; the law-merchant. 4 Inst. 235. See **STAPLE**.

**LAW REPORTS.** Published volumes containing the reports of cases argued and adjudged in the courts of law.

Law respecteth matter of substance more than matter of circumstance.

Wing. Max. p. 382, max. 101; Finch, Law, b. 1, c. 3, no. 39.

Law respecteth possibility of things. Wing. Max. p. 403, max. 104; Finch, Law, b. 1, c. 3, no. 40.

Law [the law] respecteth the bonds of nature. Wing. Max. p. 268, max. 78; Finch, Law, b. 1, c. 3, no. 29.

**LAW SPIRITUAL.** The ecclesiastical law, or law Christian. Co. Litt. 344.

**LAW TERMS.** See **TERMS**.

**LAW WORTHY.** Being entitled to, or having the benefit and protection of, the law.

**LAWFUL.** Legal; warranted or authorized by the law; having the qualifications prescribed by law; not contrary to nor forbidden by the law.

The principal distinction between the terms "lawful" and "legal" is that the former contemplates the substance of law, the latter the form of law. To say of an act that it is "lawful" implies that it is authorized, sanctioned, or at any rate not forbidden, by law. To say that it is "legal" implies that it is done or performed in accordance with the forms and usages of law, or in a technical manner. In this sense "illegal" approaches the meaning of "invalid." For example, a contract or will, executed without the required formalities, might be said to be invalid or illegal, but could not be described as unlawful. Further, the word "lawful" more clearly implies an ethical content than does "legal." The latter goes no further than to denote compliance with positive, technical, or formal rules; while the former usually imports a moral substance or ethical permissibility. A further distinction is that the word "legal" is used as the synonym of "constructive," which "lawful" is not. Thus "legal fraud" is fraud implied or inferred by law, or made out by construction. "Lawful fraud" would be a contradiction of terms. Again, "legal" is used as the antithesis of "equitable." Thus, we speak of "legal assets," "legal estate," etc., but not of "lawful assets" or "lawful estate." But there are some connections in which the two words are used as exact equivalents. Thus, a "lawful" writ, warrant, or process is the same as a "legal" writ, warrant, or process.

**LAWFUL AGE.** Full age; majority; generally the age of twenty-one years.

**LAWFUL AUTHORITIES.** The expression "lawful authorities," used in our treaty with Spain, refers to persons who exercised the power of making grants by authority of the crown. 9 Pet. 711.

**LAWFUL DISCHARGE.** Such a discharge in insolvency as exonerates the debtor from his debts. 12 Wheat. 370.

**LAWFUL GOODS.** Whatever is not prohibited to be exported by the positive law

of the country, even though it be contraband of war; for a neutral has a right to carry such goods at his own risk. 1 Johns. Cas. 1; 2 Johns. Cas. 77; Id. 120.

**LAWFUL MAN.** A freeman, unattainted, and capable of bearing oath; a *legalis homo*.

**LAWFUL MONEY.** Money which is a legal tender in payment of debts; *e. g.*, gold and silver coined at the mint.

**LAWING OF DOGS.** The cutting several claws of the forefeet of dogs in the forest, to prevent their running at deer.

**LAWLESS COURT.** An ancient local English court, said to have been held in Essex once a year, at cock-crowing, without a light or pen and ink, and conducted in a whisper. Jacob.

**LAWLESS MAN.** An outlaw.

**LAWNDE, LOWNDE.** In old English law. A plain between woods. Co. Litt. 5b.

**LAWS OF OLERON.** A maritime code said to have been drawn up by Richard I. at the Isle of Oleron, whence its name. These laws are constantly quoted in proceedings before the admiralty courts, as are also the Rhodian laws. Co. Litt. 11.

**LAWS OF WAR.** This term denotes a branch of public international law, and comprises the body of rules and principles observed by civilized nations for the regulation of matters inherent in, or incidental to, the conduct of a public war; such, for example, as the relations of neutrals and belligerents, blockades, captures, prizes, truces and armistices, capitulations, prisoners, and declarations of war and peace.

**LAWSUIT.** A vernacular term for a suit, action, or cause instituted or depending between two private persons in the courts of law.

**LAWYER.** A person learned in the law; as an attorney, counsel, or solicitor.

Any person who, for fee or reward, prosecutes or defends causes in courts of record or other judicial tribunals of the United States, or of any of the states, or whose business it is to give legal advice in relation to any cause or matter whatever. Act of July 13, 1866, § 9, (14 St. at Large, 121.)

**LAY, v.** To state or allege in pleading.

**LAY, adj.** Relating to persons or things not clerical or ecclesiastical; a person not in ecclesiastical orders. Also non-professional.

**LAY, n.** A share of the profits of a fishing or whaling voyage, allotted to the officers and seamen, in the nature of wages. 3 Story, 108.

**LAY CORPORATION.** A corporation composed of lay persons or for lay purposes. They are either civil or eleemosynary. Ang. & A. Corp. 28-30; 1 Bl. Comm. 470.

**LAY DAMAGES.** To state at the conclusion of the declaration the amount of damages which the plaintiff claims.

**LAY DAYS.** In the law of shipping. Days allowed in charter-parties for loading and unloading the cargo. 3 Kent, Comm. 202, 203.

**LAY FEE.** A fee held by ordinary feudal tenure, as distinguished from the ecclesiastical tenure of *frankalmoign*, by which an ecclesiastical corporation held of the donor. The tenure of *frankalmoign* is reserved by St. 12 Car. II., which abolished military tenures. 2 Bl. Comm. 101.

**LAY IMPROPRIATOR.** In English ecclesiastical law. A lay person holding a spiritual appropriation. 3 Steph. Comm. 72.

**LAY INVESTITURE.** In ecclesiastical law. The ceremony of putting a bishop in possession of the temporalities of his diocese.

**LAY OUT.** This term has come to be used technically in highway laws as embracing all the series of acts necessary to the complete establishment of a highway. 23 Conn. 375.

**LAY PEOPLE.** Jurymen.

**LAYE.** Law.

**LAYING THE VENUE.** Stating in the margin of a declaration the county in which the plaintiff proposes that the trial of the action shall take place.

**LAYMAN.** One of the people, and not one of the clergy; one who is not of the legal profession; one who is not of a particular profession.

**LAYSTALL.** A place for dung or soil.

**LAZARET, or LAZARETTO.** A pest-house, or public hospital for persons affected with the more dangerous forms of contagious diseases; a quarantine station for vessels coming from countries where such diseases are prevalent.

**LAZZI.** A Saxon term for persons of a servile condition.

**LE CONGRÈS.** A species of proof on charges of impotency in France, *coitus coram testibus*. Abolished A. D. 1677.

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

**LE GUIDON DE LA MER.** The title of a French work on marine insurance, by an unknown author, dating back, probably, to the sixteenth century, and said to have been prepared for the merchants of Rouen. It is noteworthy as being the earliest treatise on that subject now extant.

**Le ley de Dieu et ley de terre sont tout un; et l'un et l'autre preferre et favour le common et publique bien del terre.** The law of God and the law of the land are all one; and both preserve and favor the common and public good of the land. Keilw. 191.

**Le ley est le plus haut enheritance que le roy ad, car per le ley il mesme et tous ses sujets sont rules; et, si le ley ne fuit, nul roy ne nul enheritance serra.** 1 J. H. 6, 63. The law is the highest inheritance that the king possesses, for by the law both he and all his subjects are ruled; and, if there were no law, there would be neither king nor inheritance.

**LE ROI, or ROY.** The old law-French words for "the king."

**LE ROI VEUT EN DELIBERER.** The king will deliberate on it. This is the formula which the king of the French used when he intended to veto an act of the legislative assembly. 1 Toullier, no. 42.

**LE ROY (or LA REINE) LE VEUT.** The king (or the queen) wills it. The form of the royal assent to public bills in parliament.

**LE ROY (or LA REINE) REMERCIE SES LOYAL SUJETS, ACCEPTE LEUR BENEVOLENCE, ET AINSI LE VEUT.** The king (or the queen) thanks his (or her) loyal subjects, accepts their benevolence, and therefore wills it to be so. The form of the royal assent to a bill of supply.

**LE ROY (or LA REINE) S'AVISERA.** L. Fr. The king (or queen) will advise upon it. The form of words used to express the refusal of the royal assent to public bills in parliament. 1 Bl. Comm. 184. This is supposed to correspond to the judicial

phrase "*curia advisari vult*," (q. v.) 1 Chit. Bl. Comm. 184, note.

**Le salut du peuple est la supreme loi.** Montesq. Esprit des Lois, l. xxvii. c. 23. The safety of the people is the highest law.

**LEA, or LEY.** A pasture. Co. Litt. 4b.

**LEAD.** The counsel on either side of a litigated action who is charged with the principal management and direction of the party's case, as distinguished from his juniors or subordinates, is said to "lead in the cause," and is termed the "leading counsel" on that side.

**LEADING A USE.** Where a deed was executed before the levy of a fine of land, for the purpose of specifying to whose use the fine should inure, it was said to "lead" the use. If executed after the fine, it was said to "declare" the use. 2 Bl. Comm. 363.

**LEADING CASE.** Among the various cases that are argued and determined in the courts, some, from their important character, have demanded more than usual attention from the judges, and from this circumstance are frequently looked upon as having settled or determined the law upon all points involved in such cases, and as guides for subsequent decisions, and from the importance they thus acquire are familiarly termed "leading cases." Brown.

**LEADING COUNSEL.** That one of two or more counsel employed on the same side in a cause who has the principal management of the cause.

**LEADING QUESTION.** A question put or framed in such a form as to suggest the answer sought to be obtained by the person interrogating.

Questions are leading which suggest to the witness the answer desired, or which embody a material fact, and may be answered by a mere negative or affirmative, or which involve an answer bearing immediately upon the merits of the cause, and indicating to the witness a representation which will best accord with the interests of the party propounding them. 8 Smedes & M. 104.

A question is leading which puts into a witness' mouth the words that are to be echoed back, or plainly suggests the answer which the party wishes to get from him. 4 Wend. 229, 247.

**LEAGUE.** 1. A treaty of alliance between different states or parties. It may be offensive or defensive, or both. It is *offensive* when the contracting parties agree to unite in attacking a common enemy; *defensive* when the parties agree to act in concert in de-

fending each other against an enemy. Wharton.

2. A measure of distance, varying in different countries. The marine league, marking the limit of national jurisdiction on the high seas, is equal to three geographical (or marine) miles of 6,075 feet each.

**LEAKAGE.** The waste or diminution of a liquid caused by its leaking from the cask, barrel, or other vessel in which it was placed.

Also an allowance made to an importer of liquids, at the custom-house, in the collection of duties, for his loss sustained by the leaking of the liquid from its cask or vessel.

**LEAL.** Loyal; that which belongs to the law.

**LEALTE.** Legality; the condition of a *legalis homo*, or lawful man.

**LEAN.** To incline in opinion or preference. A court is sometimes said to "lean against" a doctrine, construction, or view contended for, whereby it is meant that the court regards it with disfavor or repugnance, because of its inexpediency, injustice, or inconsistency.

**LEAP-YEAR.** See **BISSEXTILE**.

**LEARNED.** Possessing learning; erudite; versed in the law. In statutes prescribing the qualifications of judges, "learned in the law" designates one who has received a regular legal education, the almost invariable evidence of which is the fact of his admission to the bar.

**LEARNING.** Legal doctrine. 1 Leon. 77.

**LEASE.** A conveyance of lands or tenements to a person for life, for a term of years, or at will, in consideration of a return of rent or some other recompense. The person who so conveys such lands or tenements is termed the "lessor," and the person to whom they are conveyed, the "lessee;" and when the lessor so conveys lands or tenements to a lessee, he is said to lease, demise, or let them. 4 Cruise, Dig. 58.

A conveyance of any lands or tenements, (usually in consideration of rent or other annual recompense,) made for life, for years, or at will, but always for a less time than the lessor has in the premises; for, if it be for the whole interest, it is more properly an assignment than a lease. 2 Bl. Comm. 317; Shep. Touch. 266; Watk. Conv. 220.

A contract in writing, under seal, whereby a person having a legal estate in hereditaments, corporeal or incorporeal, conveys a portion of his interest to another, in consideration of a certain annual rent or render, or other recompense. Archb. Landl. & Ten. 2.

"Lease" or "hire" is a synallagmatic contract, to which consent alone is sufficient, and by which one party gives to the other the enjoyment of a thing, or his labor, at a fixed price. Civil Code La. art. 2669.

When the contract is bipartite, the one part is called the "lease," the other the "counterpart." In the United States, it is usual that both papers should be executed by both parties; but in England the lease is executed by the lessor alone, and given to the lessee, while the counterpart is executed by the lessee alone, and given to the lessor.

A *concurrent* lease, or lease of a reversion, is one granted for a term which is to commence before the determination of a previous lease of the same land to another person.

An *underlease* or *sublease* is one executed by the lessee of an estate to a third person, conveying the same estate for a shorter term than that for which the lessee holds it.

**LEASE AND RELEASE.** A species of conveyance much used in England, said to have been invented by Serjeant Moore, soon after the enactment of the statute of uses. It is thus contrived: A lease, or rather bargain and sale upon some pecuniary consideration for one year, is made by the tenant of the freehold to the lessee or bargainee. This, without any enrolment, makes the bargainor stand seised to the use of the bargainee, and vests in the bargainee the use of the term for one year, and then the statute immediately annexes the *possession*. Being thus in possession, he is capable of receiving a release of the freehold and reversion, which must be made to the tenant in possession, and accordingly the next day a release is granted to him. The lease and release, when used as a conveyance of the fee, have the joint operation of a single conveyance. 2 Bl. Comm. 339; 4 Kent, Comm. 482; Co. Litt. 207; Cruise, Dig. tit. 32, c. 11.

**LEASEHOLD.** An estate in realty held under a lease; an estate for a fixed term of years.

**LEASING, or LESING.** Gleaning.

**LEASING-MAKING.** In old Scotch criminal law. An offense consisting in slanderous and untrue speeches, to the disdain, reproach, and contempt of the king, his council and proceedings, etc. Bell.



**LEAUTE.** L. Fr. Legality; sufficiency in law. Britt. c. 109.

**LEAVE.** To give or dispose of by will. "The word 'leave,' as applied to the subject-matter, *prima facie* means a disposition by will." 10 East, 438.

**LEAVE AND LICENSE.** A defense to an action in trespass setting up the consent of the plaintiff to the trespass complained of.

**LEAVE OF COURT.** Permission obtained from a court to take some action which, without such permission, would not be allowable.

**LECCATOR.** A debauched person. Cowell.

**LECHERWITE, LAIRWITE, or LEGERWITE.** A fine for adultery or fornication, anciently paid to the lords of certain manors. 4 Inst. 206.

**LECTOR DE LETRA ANTIQUA.** In Spanish law. A person appointed by competent authority to read and decipher ancient writings, to the end that they may be presented on the trial of causes as documents entitled to legal credit. Escriche.

**LECTRINUM.** A pulpit. Mon. Angl. tom. iii. p. 243.

**LECTURER.** An instructor; a reader of lectures; also a clergyman who assists rectors, etc., in preaching, etc.

**LEDGER.** A book of accounts in which a trader enters the names of all persons with whom he has dealings; there being two parallel columns in each account, one for the entries to the debit of the person charged, the other for his credits. Into this book are posted the items from the day-book or journal.

**LEDGER-BOOK.** In ecclesiastical law. The name of a book kept in the prerogative courts in England. It is considered as a roll of the court, but, it seems, it cannot be read in evidence. Bac. Abr.

**LEDGREVIUS.** In old English law. A lathe-reeve, or chief officer of a lathe. Spelman.

**LEDO.** The rising water or increase of the sea.

**LEET.** In English law. The name of a court of criminal jurisdiction, formerly of much importance, but latterly fallen into disuse. See COURT-LEET.

**LEETS.** Meetings which were appointed for the nomination or election of ecclesiastical officers in Scotland. Cowell.

**LEGA, or LACTA.** The alloy of money. Spelman.

**LEGABILIS.** In old English law. That which may be bequeathed. Cowell.

**LEGACY.** A bequest or gift of personal property by last will and testament.

The word "legacy" properly imports a gift of *personal*, as "devise" does a gift of *real*, property; but it may, by reference and construction, be descriptive of real estate. 1 Burrows, 263, 272; 3 Term, 716.

Legacies are distinguished and designated, according to their nature, as follows: (1) A legacy of a particular thing, specified, and distinguished from all others of the same kind belonging to the testator, is specific. If such legacy fails, resort cannot be had to the other property of the testator. (2) A legacy is demonstrative when the particular fund or personal property is pointed out, from which it is to be taken or paid. If such fund or property fails, in whole or in part, resort may be had to the general assets, as in case of a general legacy. (3) An annuity is a bequest of certain specified sums periodically. If the fund or property out of which they are payable fails, resort may be had to the general assets, as in case of a general legacy. (4) A residuary legacy embraces only that which remains after all the bequests of the will are discharged. (5) All other legacies are general legacies. Civil Code Dak. § 755.

An *absolute* legacy is one given without condition, to vest immediately. 1 Vern. 254; 2 Vern. 181; 5 Ves. 461; 19 Ves. 86.

An *additional* legacy is one given to the same legatee in addition to (not in lieu of) another legacy given before by the same will or in a codicil thereto.

An *alternate* legacy is one by which the testator gives one of two or more things without designating which.

A *conditional* legacy is a bequest whose existence depends upon the happening or not happening of some uncertain event. 1 Rep. Leg. 500.

A *cumulative* legacy is an additional legacy, this being its more proper technical name.

A *demonstrative* legacy is a gift of money or other fungible substance in quantity, expressed to be made payable out of a specified sum of money or other specified fungible substance.

A *general* legacy is one so given as not to amount to a bequest of a particular thing or money of the testator, distinguished from all others of the same kind. 1 Rep. Leg. 170.

An *indefinite* legacy is one which passes property by a general or collective term, without enumeration of number or quantity; as

a bequest of all the testator's "goods," or his "bank-stock." Lown. Leg. 84.

A *lapsed* legacy is one which, in consequence of the death of the legatee before the testator or before the period for vesting, has never vested.

A *modal* legacy is a bequest accompanied with directions as to the mode in which it should be applied for the legatee's benefit; for example, a legacy to A., to put him an apprentice. Lown. Leg. 151.

A *pecuniary* legacy is a bequest of a sum of money. It may or may not specify the fund from which it is to be drawn. It is not the less a pecuniary legacy if it comprises the specific pieces of money in a designated receptacle, as a purse or chest.

A *residuary* legacy is a bequest of all the testator's personal estate not otherwise effectually disposed of by his will. Lown. Leg. 10; Bac. Abr. "Legacies," I; 6 H. L. Cas. 217.

A *specific* legacy is a gift of a particular portion of the testator's personal estate, specified and distinguished from the rest; or a bequest of ear-marked money or of other ear-marked fungible substance, in mass, or of any non-fungible substance by description.

A *trust* legacy is a bequest of personal property to trustees to be held upon trust; as to pay the annual income to a beneficiary for life.

**LEGACY DUTY.** A duty imposed in England upon personal property (other than leaseholds) devolving under any will or intestacy. Brown.

**LEGAL.** 1. Conforming to the law; according to law; required or permitted by law; not forbidden or discountenanced by law; good and effectual in law.

2. Proper or sufficient to be recognized by the law; cognizable in the courts; competent or adequate to fulfill the requirements of the law.

3. Cognizable in courts of law, as distinguished from courts of equity; construed or governed by the rules and principles of law, in contradistinction to rules of equity.

4. Posited by the courts as the inference or imputation of the law, as a matter of construction, rather than established by actual proof; *e. g.*, legal malice. See **LAWFUL**.

**LEGAL ASSETS.** That portion of the assets of a deceased party which by law is directly liable, in the hands of his executor or administrator, to the payment of debts and legacies. 1 Story, Eq. Jur. § 551. Such as-

sets as can be reached in the hands of an executor or administrator, by a suit at law against him.

**LEGAL CONSIDERATION.** One recognized or permitted by the law as valid and lawful; as distinguished from such as are illegal or immoral.

**LEGAL CRUELTY.** Such as will warrant the granting of a divorce to the injured party; as distinguished from such kinds or degrees of cruelty as do not, under the statutes and decisions, amount to sufficient cause for a decree.

Legal cruelty may be defined to be such conduct on the part of the husband as will endanger the life, limb, or health of the wife, or create a reasonable apprehension of bodily hurt; such acts as render cohabitation unsafe, or are likely to be attended with injury to the person or to the health of the wife. 36 Ga. 286.

**LEGAL DEBTS.** Those that are recoverable in a court of common law, as debt on a bill of exchange, a bond, or a simple contract.

**LEGAL DEFENSE.** 1. A defense which is complete and adequate in point of law.

2. A defense which may be set up in a court of law; as distinguished from an "equitable defense," which is cognizable only in a court of equity or court possessing equitable powers.

**LEGAL DISCRETION.** The discretion to be exercised by a judge in interpreting the law, or in applying equitable principles to the determination of causes or the granting of relief.

**LEGAL ESTATE.** That kind of estate which is properly cognizable in the courts of common law, though noticed, also, in the courts of equity. 1 Steph. Comm. 217.

**LEGAL HEIRS.** This phrase, used in a devise or a policy of life insurance, will be held to mean those to whom the law would give the person's property, real and personal, if he should die intestate. 88 Ill. 251; (Tex.) 8 S. W. Rep. 203.

**LEGAL HOLIDAY.** A day designated by law as exempt from judicial proceedings, service of process, demand and protest of commercial paper, etc.

**LEGAL INCAPACITY.** This expression implies that the person in view has the right vested in him, but is prevented by some impediment from exercising it; as in the case of minors, *femes covert*, lunatics, etc. M

An administrator has no right until letters are issued to him. Therefore he cannot benefit (as respects the time before obtaining letters) by a saving clause in a statute of limitations in favor of persons under a legal incapacity to sue. 1 Root, 187.

**LEGAL INTEREST.** That rate of interest prescribed by the laws of the particular state or country as the highest which may be lawfully contracted for or exacted, and which must be paid in all cases where the law allows interest without the assent of the debtor.

**LEGAL IRREGULARITY.** An irregularity occurring in the course of some legal proceeding. A defect or informality which, in the technical view of the law, is to be accounted an irregularity.

**LEGAL MALICE.** An expression used as the equivalent of "constructive malice," or "malice in law." 52 Me. 502.

**LEGAL MEMORY.** See MEMORY.

**LEGAL MORTGAGE.** A term used in Louisiana. The law alone in certain cases gives to the creditor a mortgage on the property of his debtor, without it being requisite that the parties should stipulate it. This is called "legal mortgage." Civil Code La. art. 3311.

**LEGAL NOTICE.** Such notice as is adequate in point of law; such notice as the law requires to be given for the specific purpose or in the particular case.

**LEGAL REPRESENTATIVE.** A person who, in the law, represents the person and controls the rights of another. The phrase is commonly used as the equivalent of "executor" or "administrator."

The term imports a higher authority than "agent," for an agent acts for his principal, who retains the beneficial right; but the legal representative succeeds to the place of the former owner, and is vested with his title.

**LEGAL REVERSION.** In Scotch law. The period within which a proprietor is at liberty to redeem land adjudged from him for debt.

**LEGAL TENDER.** That kind of coin, money, or circulating medium which the law compels a creditor to accept in payment of his debt, when tendered by the debtor in the right amount.

**LEGALIS HOMO.** Lat. A lawful man; a person who stands *rectus in curia*; a person not outlawed, excommunicated, or infamous.

It occurs in the phrase, "*probi et legales homines*," (good and lawful men, competent jurors,) and "legality" designates the condition of such a man. Jacob.

**LEGALIS MONETA ANGLIÆ.** Lawful money of England. 1 Inst. 207.

**LEGALITY, or LEGALNESS.** Lawfulness.

**LEGALIZATION.** The act of legalizing or making legal or lawful. See LEGALIZE.

**LEGALIZE.** To make legal or lawful; to confirm or validate what was before void or unlawful; to add the sanction and authority of law to that which before was without or against law.

**LEGALLY.** Lawfully; according to law.

**LEGANTINE CONSTITUTIONS.** The name of a code of ecclesiastical laws, enacted in national synods, held under legates from Pope Gregory IX. and Clement IV., in the reign of Henry III., about the years 1220 and 1268. 1 Bl. Comm. 83.

**LEGARE.** Lat. In the civil and old English law. To bequeath; to leave or give by will; to give in anticipation of death. In Scotch phrase, to *legate*.

**LEGATARIUS.** Lat. In the civil law. One to whom a thing is bequeathed; a legatee or legatary. Inst. 2, 20, 2, 4, 5, 10; Bract. fol. 40.

In old European law. A legate, messenger, or envoy. Spelman.

**LEGATEE.** The person to whom a legacy is given.

**LEGATES.** Nuncios, deputies, or extraordinary ambassadors sent by the pope to be his representatives and to exercise his jurisdiction in countries where the Roman Catholic Church is established by law.

**LEGATION.** An embassy; a diplomatic minister and his suite; the persons commissioned by one government to exercise diplomatic functions at the court of another, including the minister, secretaries, *attachés*, interpreters, etc., are collectively styled the "legation" of their government. The word also denotes the official residence of a foreign minister.

**LEGATOR.** One who makes a will, and leaves legacies.

**LEGATORY.** The third part of a freeman's personal estate, which by the custom of London, in case he had a wife and children, the freeman might always have disposed of by will. Bac. Abr. "Customs of London," D. 4.

*Legatos violare contra jus gentium est.* 4 Coke, pref. It is contrary to the law of nations to injure ambassadors.

**LEGATUM.** Lat. In the civil law. A legacy; a gift left by a deceased person, to be executed by the heir. Inst. 2, 20, 1.

In old English law. A legacy given to the church, or an accustomed mortuary. Cowell.

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

**LEGATUM OPTIONIS.** In Roman law. A legacy to A. B. of any article or articles that A. B. liked to choose or select out of the testator's estate. If A. B. died after the testator, but before making the choice or selection, his representative (*hæres*) could not, prior to Justinian, make the selection for him, but the legacy failed altogether. Justinian, however, made the legacy good, and enabled the representative to choose. Brown.

*Legatus regis vice fungitur a quo destinatur et honorandus est sicut ille cujus vicem gerit.* 12 Coke, 17. An ambassador fills the place of the king by whom he is sent, and is to be honored as he is whose place he fills.

**LEGEM AMITTERE.** Lat. To lose one's law; that is, to lose one's privilege of being admitted to take an oath.

**LEGEM FACERE.** L. Lat. In old English law. To make law or oath.

**LEGEM FERRE.** Lat. In Roman law. To propose a law to the people for their adoption. Heinecc. Ant. Rom. lib. 1, tit. 2.

**LEGEM HABERE.** Lat. To be capable of giving evidence upon oath. Witnesses who had been convicted of crime were incapable of giving evidence, until 6 & 7 Vict. c. 85.

**LEGEM JUBERE.** Lat. In Roman law. To give consent and authority to a

proposed law; to make or pass it. Tayl. Civil Law, 9.

**LEGEM SCISCERE.** Lat. To give consent and authority to a proposed law; applied to the consent of the people.

*Legem terræ amittentes, perpetuam infamiæ notam inde merito incurrunt.* Those who lose the law of the land, then justly incur the ineffaceable brand of infamy. 3 Inst. 221.

**LEGEM VADIARE.** In old English law. To wage law; to offer or to give pledge to make defense, by oath, with compurgators.

**LEGES.** Lat. Laws. At Rome, the *leges* (the decrees of the people in a strict sense) were laws which were proposed by a magistrate presiding in the senate, and adopted by the Roman people in the *comitia centuriata*. Mackeld. Rom. Law, § 31.

**LEGES ANGLIÆ.** Lat. The laws of England, as distinguished from the civil law and other foreign systems.

*Leges Angliæ sunt tripartitæ,—jus commune, consuetudines, ac decreta comitiorum.* The laws of England are threefold,—common law, customs, and decrees of parliament.

*Leges figendi et refigendi consuetudo est periculosissima.* The practice of fixing and refiging [making and remaking] the laws is a most dangerous one. 4 Coke, pref.

*Leges humanæ nascuntur, vivunt, et moriuntur.* Human laws are born, live, and die. 7 Coke, 25; 2 Atk. 674; 11 C. B. 767; 1 Bl. Comm. 89.

*Leges naturæ perfectissimæ sunt et immutabiles; humani vero juris conditio semper in infinitum decurrit, et nihil est in eo quod perpetuo stare possit.* *Leges humanæ nascuntur, vivunt, moriuntur.* The laws of nature are most perfect and immutable; but the condition of human law is an unending succession, and there is nothing in it which can continue perpetually. Human laws are born, live, and die. 7 Coke, 25.

**LEGES NON SCRIPTÆ.** Lat. In English law. Unwritten or customary laws, including those ancient acts of parliament which were made before time of memory. Hale, Com. Law, 5. See 1 Bl. Comm. 63, 64.

*Leges non verbis, sed rebus, sunt impositæ.* Laws are imposed, not on words, but things. 10 Coke, 101; Branch, Princ.

*Leges posteriores priores contrarias abrogant.* Later laws abrogate prior laws that are contrary to them. Broom, Max. 27, 29.

**LEGES SCRIPTÆ.** Lat. In English law. Written laws; statute laws, or acts of parliament which are originally reduced into writing before they are enacted, or receive any binding power. Hale, Com. Law, 1, 2.

**LEGES SUB GRAVIORI LEGE.** Laws under a weightier law. Hale, Com. Law, 46, 44.

*Leges suum ligent latorem.* Laws should bind their own maker. Fleta, lib. 1, c. 17, § 11.

**LEGES TABELLARIÆ.** Lat. Roman laws regulating the mode of voting by ballot, (*tabella.*) 1 Kent, Comm. 232, note.

*Leges vigilantibus, non dormientibus, subveniunt.* The laws aid the vigilant, not the negligent. 5 Johns. Ch. 122, 145; 16 How. Pr. 142, 144.

**LEGIBUS SOLUTUS.** Lat. Released from the laws; not bound by the laws. An expression applied in the Roman civil law to the emperor. Calvin.

*Legibus sumptis desinentibus, lege nature utendum est.* When laws imposed by the state fail, we must act by the law of nature. 2 Rolle, 298.

**LEGIOSUS.** In old records. Litigious, and so subjected to a course of law. Cowell.

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

*Legis interpretatio legis vim obtinet.* Ellesm. Postn. 55. The interpretation of law obtains the force of law.

*Legis minister non tenetur in executione officii sui, fugere aut retrocedere.* The minister of the law is bound, in the execution of his office, not to fly nor to retreat. Branch, Princ.

**LEGISLATION.** The act of giving or enacting laws.

**LEGISLATIVE POWER.** The law-making power; the department of government whose function is the framing and enactment of laws.

**LEGISLATOR.** One who makes laws.

*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 Coke, 101.

**LEGISLATURE.** The department, assembly, or body of men that makes laws for a state or nation; a legislative body.

**LEGISPERITUS.** A person skilled or learned in the law; a lawyer or advocate. Feud. lib. 2, tit. 1.

**LEGIT VEL NON?** In old English practice, this was the formal question propounded to the ordinary when a prisoner claimed the benefit of clergy,—does he read or not? If the ordinary found that the prisoner was entitled to clergy, his formal answer was, "*Legit ut clericus,*" he reads like a clerk.

**LEGITIM.** In Scotch law. The children's share in the father's movables.

**LEGITIMACY.** Lawful birth; the condition of being born in wedlock; the opposite of illegitimacy or bastardy.

**LEGITIMATE, v.** To make lawful; to confer legitimacy; to place a child born before marriage on the footing of those born in lawful wedlock. 26 Vt. 653, 657, 658.

**LEGITIMATE, adj.** That which is lawful, legal, recognized by law, or according to law; as legitimate children, legitimate authority, or lawful power.

**LEGITIMATION.** The making legitimate or lawful that which was not originally so; especially the act of legalizing the *status* of a bastard.

**LEGITIMATION PER SUBSEQUENS MATRIMONIUM.** The legitimation of a bastard by the subsequent marriage of his parents. Bell.

**LEGITIME.** Lat. In the civil law. That portion of a parent's estate of which he cannot disinherit his children without a legal cause.

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

**LEGITIMI HÆREDES.** Lat. In Roman law. Legitimate heirs; the agnate relations of the estate-leaver; so called because the inheritance was given to them by a law of the Twelve Tables.

**LEGITIMUS.** Lawful; legitimate. *Legitimus hæres et filius est quem nuptia*

*demonstrant*, a lawful son and heir is he whom the marriage points out to be lawful. Bract. fol. 63.

**LEGO.** Lat. In Roman law. I bequeath. A common term in wills. Dig. 30, 36, 81, et seq.

**LEGRUITA.** In old records. A fine for criminal conversation with a woman.

**LEGULEIUS.** A person skilled in law, (*in legibus versatus*;) one versed in the forms of law. Calvin.

**LEIDGRAVE.** An officer under the Saxon government, who had jurisdiction over a lath. Enc. Lond. See **LATH**.

**LEIPA.** In old English law. A fugitive or runaway.

**LENDER.** He from whom a thing is borrowed. The bailor of an article loaned.

**LENT.** The quadragesimal fast; a time of abstinence; the time from Ash-Wednesday to Easter.

**LEOD.** People; a people; a nation. Spelman.

**LEODES.** In old European law. A vassal, or liege man; service; a *were* or *were-gild*. Spelman.

**LEOHT-GESCEOT.** A tax for supplying the church with lights. Anc. Inst. Eng.

**LEONINA SOCIETAS.** Lat. An attempted partnership, in which one party was to bear all the losses, and have no share in the profits. This was a void partnership in Roman law; and, apparently, it would also be void as a partnership in English law, as being inherently inconsistent with the notion of partnership. (Dig. 17, 2, 29, 2.) Brown.

**LEP AND LACE.** A custom in the manor of Writtle, in Essex, that every cart which goes over Greenbury within that manor (except it be the cart of a nobleman) shall pay 4d. to the lord. Blount.

**LEPORARIUS.** A greyhound. Cowell.

**LEPORIUM.** A place where hares are kept. Mon. Angl. t. 2, p. 1035.

**LEPROSO AMOVENDO.** An ancient writ that lay to remove a leper or leprosy, who thrust himself into the company of his neighbors in any parish, either in the church or at other public meetings, to their annoyance. Reg. Orig. 237.

**LESCHEWES.** Trees fallen by chance or wind-falls. Brooke, Abr. 341.

**LESE MAJESTY.** The old English and Scotch translation of "*læsa majestas*," or high treason. 2 Reeve, Eng. Law, 6.

**LESION.** Fr. Damage; injury; detriment. Kelham. A term of the Scotch law.

In the civil law. The injury suffered by one who does not receive a full equivalent for what he gives in a commutative contract. Civil Code La. art. 1860.

Inequality in contracts. Poth. Obl., no. 33.

**LESPEGEND.** An inferior officer in forests to take care of the vert and venison therein, etc. Wharton.

**LESSEE.** He to whom a lease is made. He who holds an estate by virtue of a lease.

**LESSOR.** He who grants a lease.

**LESSOR OF THE PLAINTIFF.** In the action of ejectment, this was the party who really and in effect prosecuted the action and was interested in its result. The reason of his having been so called arose from the circumstance of the action having been carried on in the name of a nominal plaintiff, (John Doe,) to whom the real plaintiff had granted a fictitious lease, and thus had become his lessor.

**LEST.** Fr. In French maritime law. Ballast. Ord. Mar. liv. 4, tit. 4, art. 1.

**LESTAGE, LASTAGE.** A custom for carrying things in fairs and markets. Fleta, l. 1, c. 47; Termes de la Ley.

**LESTAGEFRY.** Lestage free, or exempt from the duty of paying ballast money. Cowell.

**LESTAGIUM.** Lastage or lestage; a duty laid on the cargo of a ship. Cowell.

**LESWES.** Pastures. Domesday; Co. Litt. 4b. A term often inserted in old deeds and conveyances. Cowell.

**LET, v.** In conveyancing. To demise or lease. "To let and set" is an old expression.

In practice. To deliver. "To let to bail" is to deliver to bail on arrest.

In contracts. To award to one of several persons, who have submitted proposals therefor, the contract for erecting public works or doing some part of the work connected therewith, or rendering some other service to government for a stipulated compensation.

*Letting the contract* is the choosing one from among the number of bidders, and the formal making of the contract with him. The letting, or putting out, is a different thing from the invitation to make proposals; the letting is subsequent to the invitation. It is the act of awarding the contract to the proposer, after the proposals have been received and considered. See 35 Ala. 33, 55.

**LET, n.** In old conveyancing. Hindrance; obstruction; interruption. Still occasionally used in the phrase "without any *let*, suit, trouble," etc.

**LET IN.** In practice. To admit a party as a matter of favor; as to open a judgment and "let the defendant in" to a defense.

**LETHAL WEAPON.** In Scotch law. A deadly weapon.

**LETRADO.** In Spanish law. An advocate. White, New Recop. b. 1, tit. 1, c. 1, § 3, note.

**LETTER.** 1. One of the arbitrary marks or characters constituting the alphabet, and used in written language as the representatives of sounds or articulations of the human organs of speech. Several of the letters of the English alphabet have a special significance in jurisprudence, as abbreviations and otherwise, or are employed as numerals.

2. A dispatch or epistle; a written or printed message; a communication in writing from one person to another at a distance.

3. In the imperial law of Rome, "letter" or "epistle" was the name of the answer returned by the emperor to a question of law submitted to him by the magistrates.

4. A commission, patent, or written instrument containing or attesting the grant of some power, authority, or right. The word appears in this generic sense in many compound phrases known to commercial law and jurisprudence; *e. g.*, letter of attorney, letter missive, letter of credit, letters patent. The plural is frequently used.

5. Metaphorically, the verbal expression; the strict literal meaning. The *letter* of a statute, as distinguished from its *spirit*, means the strict and exact force of the language employed, as distinguished from the general purpose and policy of the law.

6. He who, being the owner of a thing, lets it out to another for hire or compensation. Story, Bailm. § 369.

**LETTER-BOOK.** A book in which a merchant or trader keeps copies of letters sent by him to his correspondents.

**LETTER-CARRIER.** An employe of the post-office, whose duty it is to carry let-

ters from the post-office to the persons to whom they are addressed.

**LETTER MISSIVE.** In English law. A letter from the king or queen to a dean and chapter, containing the name of the person whom he would have them elect as bishop. 1 Steph. Comm. 666. A request addressed to a peer, peeress, or lord of parliament against whom a bill has been filed desiring the defendant to appear and answer to the bill.

In civil-law practice. The phrase "letters missive," or "letters dimissory," is sometimes used to denote the papers sent up on an appeal by the judge or court below to the superior tribunal, otherwise called the "apostles," (*q. v.*)

**LETTER OF ADVICE.** A communication from one person to another, advising or warning the latter of something which he ought to know, and commonly apprising him beforehand of some act done by the writer which will ultimately affect the recipient.

It is usual and perfectly proper for the drawer of a bill of exchange to write a letter of advice to the drawee, as well to prevent fraud or alteration of the bill, as to let the drawee know what provision has been made for the payment of the bill. Chit. Bills, 162.

**LETTER OF ADVOCATION.** In Scotch law. The process or warrant by which, on appeal to the supreme court or court of session, that tribunal assumes to itself jurisdiction of the cause, and discharges the lower court from all further proceedings in the action. Ersk. Inst. 732.

**LETTER OF ATTORNEY.** A power of attorney; a written instrument by which one person constitutes another his true and lawful attorney, in order that the latter may do for the former, and in his place and stead, some lawful act.

**LETTER OF CREDENCE.** In international law. The document which accredits an ambassador, minister, or envoy to the court or government to which he is sent; *i. e.*, certifies to his appointment and qualification, and bespeaks credit for his official actions and representations.

**LETTER OF CREDIT.** An open or sealed letter, from a merchant in one place, directed to another, in another place or country, requiring him, if a person therein named, or the bearer of the letter, shall have occasion to buy commodities, or to want

money to any particular or unlimited amount, either to procure the same or to pass his promise, bill, or bond for it, the writer of the letter undertaking to provide him the money for the goods, or to repay him by exchange, or to give him such satisfaction as he shall require, either for himself, or the bearer of the letter. 3 Chit. Com. Law, 336.

A letter of credit is a written instrument, addressed by one person to another, requesting the latter to give credit to the person in whose favor it is drawn. Civil Code Cal. § 2858.

**LETTER OF EXCHANGE.** A bill of exchange, (*q. v.*)

**LETTER OF LICENSE.** A letter or written instrument given by creditors to their debtor, who has failed in trade, etc., allowing him longer time for the payment of his debts, and protecting him from arrest in the mean time. Tomlins; Holthouse.

**LETTER OF MARQUE.** A commission given to a private ship by a government to make reprisals on the ships of another state; hence, also, the ship thus commissioned.

**LETTER OF RECALL.** A document addressed by the executive of one nation to that of another, informing the latter that a minister sent by the former has been recalled.

**LETTER OF RECOMMENDATION.** A writing whereby one person certifies concerning another that he is of good character, solvent, possessed of commercial credit, skilled in his trade or profession, or otherwise worthy of trust, aid, or employment. It may be addressed to an individual or to whom it may concern, and is designed to aid the person commended in obtaining credit, employment, etc. See 13 How. 198.

**LETTER OF RECREDENTIALS.** A document embodying the formal action of a government upon a letter of recall of a foreign minister. It, in effect, accredits him back to his own government. It is addressed to the latter government, and is delivered to the minister by the diplomatic secretary of the state from which he is recalled.

**LETTERS AD COLLIGENDUM BONA DEFUNCTI.** In practice. In default of the representatives and creditors to administer to the estate of an intestate, the officer entitled to grant letters of administration may grant, to such persons as he approves, *letters to collect the goods of the de-*

*ceased*, which neither make him executor nor administrator; his only business being to collect the goods and keep them in his safe custody. 2 Bl. Comm. 505.

**LETTERS CLOSE.** In English law. Close letters are grants of the king, and, being of private concern, they are thus distinguished from letters patent.

**LETTERS OF ABSOLUTION.** Absolvatory letters, used in former times, when an abbot released any of his brethren *ab omnia subjectione et obedientia*, etc., and made them capable of entering into some other order of religion. Jacob.

**LETTERS OF ADMINISTRATION.** The instrument by which an administrator or administratrix is authorized by the probate court, surrogate, or other proper officer, to have the charge and administration of the goods and chattels of an intestate.

**LETTERS OF CORRESPONDENCE.** In Scotch law. Letters are admissible in evidence against the panel, *i. e.*, the prisoner at the bar, in criminal trials. A letter written by the panel is evidence against him; not so one from a third party found in his possession. Bell.

**LETTERS OF FIRE AND SWORD.** See FIRE AND SWORD.

**LETTERS OF HORNING,** in the law Scotland, are letters running in the sovereign's name and passing the signet. They are directed to messengers at arms, as sheriffs in that part, (*i. e.*, persons specially appointed to perform particular duties appertaining to the office of sheriff,) to charge the person against whom the letters are directed to pay or perform in terms of the "will" of the letters, which must be consistent with the warrant on which the letters proceed. The warrant on which the letters proceed is a decree either of the court of session or of some inferior court. Bell.

**LETTERS OF REQUEST.** A formal instrument by which an inferior judge of ecclesiastical jurisdiction requests the judge of a superior court to take and determine any matter which has come before him, thereby waiving or remitting his own jurisdiction. This is a mode of beginning a suit originally in the court of arches, instead of the consistory court.

**LETTERS OF SAFE CONDUCT.** No subject of a nation at war with England can, by the law of nations, come into the realm,

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nor can travel himself upon the high seas, or send his goods and merchandise from one place to another, without danger of being seized, unless he has *letters of safe conduct*, which, by divers old statutes, must be granted under the great seal, and enrolled in chancery, or else are of no effect; the sovereign being the best judge of such emergencies as may deserve exemption from the general law of arms. But passports or licenses from the ambassadors abroad are now more usually obtained, and are allowed to be of equal validity. Wharton.

**LETTERS OF SLAINS, or SLANES.** Letters subscribed by the relatives of a person who had been slain, declaring that they had received an assythment, and concurring in an application to the crown for a pardon to the offender. These or other evidences of their concurrence were necessary to found the application. Bell.

**LETTERS PATENT.** Open letters, as distinguished from letters close. An instrument proceeding from the government, and conveying a right, authority, or grant to an individual, as a patent for a tract of land, or for the exclusive right to make and sell a new invention. Familiarly termed a "patent."

**LETTERS ROGATORY.** A formal communication in writing, sent by a court in which an action is pending to a court or judge of a foreign country, requesting that the testimony of a witness resident within the jurisdiction of the latter court may be there formally taken under its direction and transmitted to the first court for use in the pending action. This process was also in use, at an early period, between the several states of the Union. The request rests entirely upon the comity of courts towards each other.

**LETTERS TESTAMENTARY.** The formal instrument of authority and appointment given to an executor by the proper court, empowering him to enter upon the discharge of his office as executor. It corresponds to letters of administration granted to an administrator.

**LETTING OUT.** The act of awarding a contract; *e. g.*, a construction contract, or contract for carrying the mails.

**LETTRE.** In French law. A letter. It is used, like our English "letter," for a formal instrument giving authority.

**LETTRES DE CACHET.** Letters issued and signed by the kings of France, and

countersigned by a secretary of state, authorizing the imprisonment of a person. It is said that they were devised by Père Joseph, under the administration of Richelieu. They were at first made use of occasionally as a means of delaying the course of justice; but during the reign of Louis XIV. they were obtained by any person of sufficient influence with the king or his ministers. Under them, persons were imprisoned for life or for a long period on the most frivolous pretexts, for the gratification of private pique or revenge, and without any reason being assigned for such punishment. They were also granted by the king for the purpose of shielding his favorites or their friends from the consequences of their crimes; and thus were as pernicious in their operation as the protection afforded by the church to criminals in a former age. Abolished during the Revolution of 1789. Wharton.

**LEUCA.** In old French law. A league, consisting of fifteen hundred paces. Spelman.

In old English law. A league or mile of a thousand paces. Domesday; Spelman.

A privileged space around a monastery of a league or mile in circuit. Spelman.

**LEVANDÆ NAVIS CAUSA.** Lat. For the sake of lightening the ship; denotes a purpose of throwing overboard goods, which renders them subjects of general average.

**LEVANT ET COUCHANT.** L. Fr. Rising up and lying down. A term applied to trespassing cattle which have remained long enough upon land to have lain down to rest and risen up to feed; generally the space of a night and a day, or, at least, one night.

**LEVANTES ET CUBANTES.** Rising up and lying down. A term applied to cattle. 3 Bl. Comm. 9.

**LEVARI FACIAS.** Lat. In English practice. A writ of execution directing the sheriff to cause to be made of the lands and chattels of the judgment debtor the sum recovered by the judgment.

Also a writ to the bishop of the diocese, commanding him to enter into the benefice of a judgment debtor, and take and sequester the same into his possession, and hold the same until he shall have levied the amount of the judgment out of the rents, tithes, and profits thereof.

In American law. A writ used to sell lands mortgaged, after a judgment has been

obtained by the mortgagee, or his assignee, against the mortgagor, under a peculiar proceeding authorized by statute. 3 Bouv. Inst. no. 3396.

**LEVARI FACIAS DAMNA DE DISSEISITORIBUS.** A writ formerly directed to the sheriff for the levying of damages, which a disseisor had been condemned to pay to the disseisee. Cowell.

**LEVARI FACIAS QUANDO VICECOMES RETURNAVIT QUOD NON HABUIT EMPTORES.** An old writ commanding the sheriff to sell the goods of a debtor which he had already taken, and had returned that he could not sell them; and as much more of the debtor's goods as would satisfy the whole debt. Cowell.

**LEVARI FACIAS RESIDUUM DEBITI.** An old writ directed to the sheriff for levying the remnant of a partly-satisfied debt upon the lands and tenements or chattels of the debtor. Cowell.

**LEVATO VELO.** Lat. An expression used in the Roman law, and applied to the trial of wreck and salvage. Commentators disagree about the origin of the expression; but all agree that its general meaning is that these causes shall be heard summarily. The most probable solution is that it refers to the place where causes were heard. A sail was spread before the door and officers employed to keep strangers from the tribunal. When these causes were heard, this sail was raised, and suitors came directly to the court, and their causes were heard immediately. As applied to maritime courts, its meaning is that causes should be heard without delay. These causes require dispatch, and a delay amounts practically to a denial of justice. (See Cod. 11, 4, 5.) Bouvier.

**LEVIABLE.** That which may be levied.

**LEVIR.** In Roman law. A husband's brother; a wife's brother-in-law. Calvin.

**LEVIS.** Lat. Light; slight; trifling. *Levis culpa*, slight fault or neglect. *Levisima culpa*, the slightest neglect. *Levis nota*, a slight mark or brand.

**LEVITICAL DEGREES.** Degrees of kindred within which persons are prohibited to marry. They are set forth in the eighteenth chapter of Leviticus.

**LEVY, v.** To raise; execute; exact; collect; gather; take up; seize. Thus, to levy (raise or collect) a tax; to levy (raise or set

up) a nuisance; to levy (acknowledge) a fine, to levy (inaugurate) war; to levy an execution, *i. e.*, to levy or collect a sum of money on an execution.

**LEVY, n.** In practice. A seizure; the raising of the money for which an execution has been issued.

**LEVY COURT.** A court formerly existing in the District of Columbia. It was a body charged with the administration of the ministerial and financial duties of Washington county. It was charged with the duty of laying out and repairing roads, building bridges, providing poor-houses, laying and collecting the taxes necessary to enable it to discharge these and other duties, and to pay the other expenses of the county. It had capacity to make contracts in reference to any of these matters, and to raise money to meet such contracts. It had perpetual succession, and its functions were those which, in the several states, are performed by "county commissioners," "overseers of the poor," "county supervisors," and similar bodies with other designations. 2 Wall. 507.

**LEVYING WAR.** In criminal law. The assembling of a body of men for the purpose of effecting by force a treasonable object; and all who perform any part, however minute, or however remote from the scene of action, and who are leagued in the general conspiracy, are considered as engaged in levying war, within the meaning of the constitution. 4 Cranch, 473, 474; Const. art. 3, § 3.

**LEWDNESS.** Licentiousness; an offense against the public economy, when of an open and notorious character; as by frequenting houses of ill fame, which is an indictable offense, or by some grossly scandalous and public indecency, for which the punishment at common law is fine and imprisonment. Wharton.

**LEX.** Lat. Law; a law; the law. In the Roman jurisprudence this term was often used as the synonym of "*jus*," in the sense of a rule of civil conduct authoritatively prescribed for the government of the actions of the members of an organized jural society.

In a more limited and particular sense, it was a resolution adopted by the whole Roman "*populus*" (patricians and plebians) in the *comitia*, on the motion of a magistrate of senatorial rank, as a consul, a prætor, or a dictator. Such a statute frequently took the name of the proposer; as the *lex Falcidia*, *lex Cornelia* etc. M

Other specific meanings of the word in Roman jurisprudence were as follows:

Positive law, as opposed to natural.

That system of law which descended from the Twelve Tables, and formed the basis of all the Roman law.

The terms of a private covenant; the condition of an obligation.

A form of words prescribed to be used upon particular occasions.

In the language of the middle ages, "*lex*" meant a body or collection of law; not a "code," in the proper sense of that term. Mackeld. Rom. Law, § 98.

In old English law. A body or collection of law; particularly, the Roman or civil law. Also the oath of a party with compurgators; as *legem facere*, *legem vadiare*, etc. Sometimes in the sense of legal rights; civil rights; the protection of the law; as in the phrase "*legem amittere*."

**LEX ÆLIA SENTIA.** In Roman law. The Ælian Sentian law, respecting wills, proposed by the consuls Ælius and Sentius, and passed A. U. C. 756, restraining a master from manumitting his slaves in certain cases. Calvin.

*Lex æquitate gaudet.* Law delights in equity. Jenk. Cent. p. 36, case 69.

**LEX AGRARIA.** In Roman law. The agrarian law. A law proposed by Tiberius Gracchus, A. U. C. 620, that no one should possess more than five hundred acres of land; and that three commissioners should be appointed to divide among the poorer people what any one had above that extent.

**LEX ALAMANNORUM.** The law of the Alemanni; first reduced to writing from the customs of the country, by Theodoric, king of the Franks, A. D. 512. Amended and re-enacted by Clotaire II. Spelman.

*Lex aliquando sequitur æquitatem.* Law sometimes follows equity. 3 Wils. 119.

**LEX AMISSA.** One who is an infamous, perjured, or outlawed person. Bract. lib. 4, c. 19.

**LEX ANGLIÆ.** The law of England. The common law. Or, the curtesy of England.

*Lex Angliæ est lex misericordiæ.* 2 Inst. 315. The law of England is a law of mercy.

*Lex Angliæ non patitur absurdum.* 9 Coke, 22a. The law of England does not suffer an absurdity.

*Lex Angliæ nunquam matris sed semper patris conditionem imitari partum judicat.* Co. Litt. 123. The law of England rules that the offspring shall always follow the condition of the father, never that of the mother.

*Lex Angliæ nunquam sine parlamento mutari potest.* 2 Inst. 218. The law of England cannot be changed but by parliament.

**LEX APOSTATA.** A thing contrary to law. Jacob.

**LEX APPARENS.** In old English and Norman law. Apparent or manifest law. A term used to denote the trial by battel or duel, and the trial by ordeal, "*lex*" having the sense of process of law. Called "apparent" because the plaintiff was obliged to make his right *clear* by the testimony of witnesses, before he could obtain an order from the court to summon the defendant. Spelman.

**LEX AQUILIA.** In Roman law. The Aquilian law; a celebrated law passed on the proposition of the tribune C. Aquilius Gallus, A. U. C. 672, regulating the compensation to be made for that kind of damage called "injurious," in the cases of killing or wounding the slave or beast of another. Inst. 4, 3; Calvin.

**LEX ATILIA.** The Atilian law; a law of Rome proposed by the tribune L. Atilius Regulus, A. U. C. 443, regulating the appointment of guardians.

**LEX ATINIA.** In Roman law. The Atinian law; a law declaring that the property in things stolen should not be acquired by prescription, (*usucapione*.) Inst. 2, 6, 2; Adams, Rom. Ant. 207.

**LEX BAIUVARIORUM, (BAIORIORUM, or BOIORUM.)** The law of the Bavarians, a barbarous nation of Europe, first collected (together with the law of the Franks and Alemanni) by Theodoric I., and finally completed and promulgated by Dagobert. Spelman.

**LEX BARBARA.** The barbarian law. The laws of those nations that were not subject to the Roman empire were so called. Spelman.

*Lex beneficialis rei consimili remedium præstat.* 2 Inst. 689. A beneficial law affords a remedy for a similar case.

**LEX BREHONIA.** The Brehon or Irish law, overthrown by King John. See **BREHON LAW.**

**LEX BRETOISE.** The law of the ancient Britons, or Marches of Wales. Cowell.

**LEX BURGUNDIONUM.** The law of the Burgundians, a barbarous nation of Europe, first compiled and published by Gundebald, one of the last of their kings, about A. D. 500. Spelman.

*Lex citius tolerare vult privatum damnum quam publicum malum.* The law will more readily tolerate a private loss than a public evil. Co. Litt. 152.

**LEX COMITATUS.** The law of the county, or that administered in the county court before the earl or his deputy. Spelman.

**LEX COMMISSORIA.** In Roman law. A law by which a debtor and creditor might agree (where a thing had been pledged to the latter to secure the debt) that, if the debtor did not pay at the day, the pledge should become the absolute property of the creditor. 2 Kent, Comm. 583. This was abolished by a law of Constantine.

A law according to which a seller might stipulate that, if the price of the thing sold were not paid within a certain time, the sale should be void. Dig. 18, 3.

**LEX COMMUNIS.** The common law. See **JUS COMMUNE.**

*Lex contra id quod præsunit, probationem non recipit.* The law admits no proof against that which it presumes. Lofft, 573.

**LEX CORNELIA.** In Roman law. The Cornelian law; a law passed by the dictator L. Cornelius Sylla, providing remedies for certain injuries, as for battery, forcible entry of another's house, etc. Calvin.

**LEX CORNELIA DE FALSO.** In Roman law. The Cornelian law respecting forgery or counterfeiting. Passed by the dictator Sylla. Dig. 48, 10; Calvin.

**LEX CORNELIA DE SICARIIS ET VENEFICIS.** In Roman law. The Cornelian law respecting assassins and poisoners. Passed by the dictator Sylla. Dig. 48, 8; Calvin.

**LEX DANORUM.** The law of the Danes; Dane-law or Dane-lage. Spelman.

*Lex de futuro, judex de præterito.* The law provides for the future, the judge for the past.

*Lex deficere non potest in justitia exhibenda.* Co. Litt. 197. The law cannot be defective in dispensing justice.

**LEX DERAISNIA.** The proof of a thing which one denies to be done by him, where another affirms it; defeating the assertion of his adversary, and showing it be against reason or probability. This was used among the old Romans, as well as the Normans. Cowell.

*Lex dilationes semper exhorret.* 2 Inst. 240. The law always abhors delays.

**LEX DOMICILII.** The law of the domicile. 2 Kent, Comm. 112, 433.

*Lex est ab æterno.* Law is from everlasting. A strong expression to denote the remote antiquity of the law. Jenk. Cent. p. 34, case 66.

*Lex est dictamen rationis.* Law is the dictate of reason. Jenk. Cent. p. 117, case 33. The common law will judge according to the law of nature and the public good.

*Lex est norma recti.* Law is a rule of right. Branch, Princ.

*Lex est ratio summa, quæ jubet quæ 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. 319b; Id. 97b.

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

*Lex est tutissima cassis; sub clypeo legis nemo decipitur.* Law is the safest helmet; under the shield of the law no one is deceived. 2 Inst. 56.

**LEX ET CONSUETUDO PARLIAMENTI.** The law and custom (or usage) of parliament. The houses of parliament constitute a court not only of legislation, but also of justice, and have their own rules, by which the court itself and the suitors therein are governed. May, Parl. Pr. (6th Ed.) 38-61.

**LEX ET CONSUETUDO REGNI.** The law and custom of the realm. One of the names of the common law. Hale, Com. Law. 52. M

**LEX FALCIDIA.** In Roman law. The Falcidian law; a law passed on the motion of the tribune P. Falcidius, A. U. C. 713, forbidding a testator to give more in legacies than three-fourths of all his estate, or, in other words, requiring him to leave at least one-fourth to the heir. Inst. 2, 22; Heinecc. Elem. lib. 2, tit. 22.

*Lex favet doti.* Jenk. Cent. 50. The law favors dower.

*Lex fingit ubi subsistit æquitas.* 11 Coke, 90. The law makes use of a fiction where equity subsists.

**LEX FORI.** The law of the forum, or court; that is, the positive law of the state, country, or jurisdiction of whose judicial system the court where the suit is brought or remedy sought is an integral part.

"Remedies upon contracts and their incidents are regulated and pursued according to the law of the place where the action is instituted, and the *lex loci* has no application." 2 Kent, Comm. 462. "The remedies are to be governed by the laws of the country where the suit is brought; or, as it is compendiously expressed, by the *lex fori*." 8 Pet. 361, 372. "So far as the law affects the remedy, the *lex fori*, the law of the place where that remedy is sought, must govern. But, so far as the law of the construction, the legal operation and effect, of the contract, is concerned, it is governed by the law of the place where the contract is made." 4 Metc. (Mass.) 594, 597. See **LEX LOCI CONTRACTUS**.

**LEX FRANCORUM.** The law of the Franks; promulgated by Theodoric I., son of Clovis I., at the same time with the law of the Alemanni and Bavarians. Spelman. This was a different collection from the Salic law.

**LEX FRISIONUM.** The law of the Frisians, promulgated about the middle of the eighth century. Spelman.

**LEX FURIA CANINIA.** In Roman law. The Furian Caninian law; a law passed in the consulship of P. Furius Camillus and C. Caninius Gallus, A. U. C. 752, prohibiting masters from manumitting by will more than a certain number or proportion of their slaves. This law was abrogated by Justinian. Inst. 1, 7; Heinecc. Elem. lib. 1, tit. 7.

**LEX GOTHICA.** The Gothic law, or law of the Goths. First promulgated in writing, A. D. 466. Spelman.

**LEX HOSTILIA DE FURTIS.** A Roman law, which provided that a prosecution for theft might be carried on without the

owner's intervention. 4 Steph. Comm. (7th Ed.) 118.

**LEX IMPERATORIA.** The Imperial or Roman law. Quoted under this name, by Fleta, lib. 1, c. 38, § 15; Id. lib. 3, c. 10, § 3.

*Lex intendit vicinum vicini facta scire.* The law intends [or presumes] that one neighbor knows what another neighbor does. Co. Litt. 78b.

*Lex judicat de rebus necessario faciendis quasi re ipsa factis.* The law judges of things which must necessarily be done as if actually done. Branch, Princ.

**LEX JUDICIALIS.** An ordeal.

**LEX JULIA MAJESTATIS.** In Roman law. The Julian law of majesty; a law promulgated by Julius Cæsar, and again published with additions by Augustus, comprehending all the laws before enacted to punish transgressors against the state. Calvin.

**LEX LOCI.** The law of the place. This may be of the following several descriptions: *Lex loci contractus*, the law of the place where the contract was made or to be performed; *lex loci actus*, the law of the place where the act was done; *lex loci rei sitæ*, the law of the place where the subject-matter is situated; *lex loci domicilii*, the law of the place of domicile.

**LEX LOCI CONTRACTUS.** The law of the place of the contract. The local law which governs as to the nature, construction, and validity of a contract.

**LEX LOCI DELICTUS.** The law of the place where the crime took place.

**LEX LOCI REI SITÆ.** The law of the place where a thing is situated. "It is equally settled in the law of all civilized countries that real property, as to its tenure, mode of enjoyment, transfer, and descent, is to be regulated by the *lex loci rei sitæ*." 2 Kent, Comm. 429.

**LEX LOCI SOLUTIONIS.** The law of the place of solution; the law of the place where payment or performance of a contract is to be made.

**LEX LONGOBARDORUM.** The law of the Lombards. The name of an ancient code of laws among that people, framed, probably, between the fifth and eighth centuries. It continued in force after the incorporation of Lombardy into the empire of Charlemagne, and traces of its laws and institutions are

said to be still discoverable in some parts of Italy.

**LEX MANIFESTA.** Manifest or open law; the trial by duel or ordeal. The same with *lex apparens*, (*q. v.*) In King John's charter (chapter 38) and the articles of that charter (chapter 28) the word "*manifestam*" is omitted.

**LEX MERCATORIA.** The law-merchant. That system of laws which is adopted by all commercial nations, and constitutes a part of the law of the land.

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

*Lex neminem cogit ad vana seu inutilia peragenda.* The law compels no one to do vain or useless things. 5 Coke, 21*a*; Co. Litt. 197*b*; Broom, Max. 252.

*Lex neminem cogit ostendere quod nescire præsumitur.* Lofft, 569. The law compels no one to show that which he is presumed not to know.

*Lex nemini facit injuriam.* The law does injury to no one. Branch, Princ.

*Lex nemini operatur iniquum.* The law works injustice to no one. Jenk. Cent. p. 18, case 33.

*Lex nil facit frustra.* The law does nothing in vain. 1 Ventr. 417; Jenk. Cent. p. 12, case 19; Broom, Max. 252.

*Lex nil frustra jubet.* The law commands nothing vainly. 3 Bulst. 280.

*Lex non a rege est violanda.* Jenk. Cent. 7. The law is not to be violated by the king.

*Lex non cogit ad impossibilia.* The law does not compel the doing of impossibilities. Hob. 96; Broom, Max. 242.

*Lex non curat de minimis.* Hob. 88. The law cares not about trifles.

*Lex non deficit in justitia exhibenda.* The law does not fail in showing justice. Jenk. Cent. p. 31, case 61.

*Lex non exacte definit, sed arbitrio boni viri permittit.* The law does not define exactly, but trusts in the judgment of a good man. 9 Mass. 475.

*Lex non favet delicatarum votis.* The law favors not the wishes of the dainty. 9 Coke. 58; Broom, Max. 379.

*Lex non intendit aliquid impossibile.* The law does not intend anything impossible. 12 Coke, 89*a*. For otherwise the law should not be of any effect.

*Lex non patitur fractiones et divisiones statuum.* The law does not suffer fractions and divisions of estates. Branch, Princ.; 1 Coke, 87*a*.

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

*Lex non requirit verificari quod apparet curiæ.* The law does not require that to be verified [or proved] which is apparent to the court. 9 Coke, 54*b*.

**LEX NON SCRIPTA.** The unwritten or common law, which includes general and particular customs, and particular local laws.

**LEX ORDINANDI.** The same as *lex fori*, (*q. v.*)

**LEX PAPIA POPPÆA.** In Roman law. The Papiæ Poppæan law; a law proposed by the consuls Papius and Poppæus at the desire of Augustus, A. U. C. 762, enlarging the *Lex Prætoris*, (*q. v.*) Inst. 3, 8, 2.

*Lex plus laudatur quando ratione probatur.* The law is the more praised when it is approved by reason. Broom, Max. 159.

*Lex posterior derogat priori.* A later statute takes away the effect of a prior one. But the later statute must either expressly repeal, or be manifestly repugnant to, the earlier one. Broom, Max. 29; Mackeld. Rom. Law, § 7.

**LEX PRÆTORIA.** In Roman law. The Prætorian law. A law by which every freedman who made a will was commanded to leave a moiety to his patron. Inst. 3, 8, 1.

The term has been applied to the rules that govern in a court of equity. Gilb. Ch. pt. 2.

*Lex prospicit, non respicit.* Jenk. Cent. 284. The law looks forward, not backward.

*Lex punit mendacium.* The law punishes falsehood. Jenk. Cent. p. 15, case 26.

**LEX REGIA.** In Roman law. The royal or imperial law. A law enacted (or supposed or claimed to have been enacted) by the Roman people, constituting the emperor a source of law, conferring the legislative power upon him, and according the force and obligation of law to the expression of his

nere will or pleasure. See Inst. 1, 2, 6; *Faius*, 1, 5; *Mackeld. Rom. Law*, § 46; *Heinecc. Rom. Ant.* 1, 1, tit. 2, §§ 62-67; 1 *Kent, Comm.* 544, note.

**LEX REI SITÆ.** The law of the place of situation of the thing.

*Lex rejicit superflua, pugnancia, incongrua.* *Jenk. Cent.* 133. The law rejects superfluous, contradictory, and incongruous things.

*Lex reprobat moram.* *Jenk. Cent.* 35. The law dislikes delay.

*Lex respicit æquitatem.* *Co. Litt.* 24*b*. The law pays regard to equity.

**LEX RHODIA.** The Rhodian law, particularly the fragment of it on the subject of jettison, (*de jactu*), preserved in the *Pandects*. *Dig.* 14, 2, 1; 3 *Kent, Comm.* 232, 233.

**LEX SACRAMENTALIS.** Purgation by oath.

**LEX SALICA.** The Salic law, or law of the Salian Franks, a Teutonic race who settled in Gaul in the fifth century. This ancient code, said to have been compiled about the year 420, embraced the laws and customs of that people, and is of great historical value, in connection with the origins of feudalism and similar subjects. Its most celebrated provision was one which excluded women from the inheritance of landed estates, by an extension of which law females were always excluded from succession to the crown of France. Hence this provision, by itself, is often referred to as the "Salic Law."

**LEX SCRIPTA.** Written law; law deriving its force, not from usage, but from express legislative enactment; statute law. 1 *Bl. Comm.* 62, 85.

*Lex scripta si cesset, id custodiri oportet quod moribus et consuetudine inductum est; et, si qua in re hoc defecerit, tunc id quod proximum et consequens ei est; et, si id non appareat, tunc jus quo urbs Romana utitur servari oportet.* 7 *Coke*, 19. If the written law be silent, that which is drawn from manners and custom ought to be observed; and, if that is in any manner defective, then that which is next and analogous to it; and, if that does not appear, then the law which Rome uses should be followed. This maxim of Lord Coke is so far followed at the present

day that, in cases where there is no precedent of the English courts, the civil law is always heard with respect, and often, though not necessarily, followed. *Wharton*.

*Lex semper dabit remedium.* The law will always give a remedy. *Branch, Princ; Broom, Max.* 192.

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

**LEX SITUS.** Modern law Latin for "the law of the place where property is situated." The general rule is that lands and other immovables are governed by the *lex situs*; *i. e.*, by the law of the country in which they are situated. *Westl. Priv. Int. Law*, 62.

*Lex spectat naturæ ordinem.* The law regards the order of nature. *Co. Litt.* 197*b*.

*Lex succurrit ignorant.* *Jenk. Cent.* 15. The law assists the ignorant.

*Lex succurrit minoribus.* The law aids minors. *Jenk. Cent.* p. 51, case 97.

**LEX TALIONIS.** The law of retaliation; which requires the infliction upon a wrongdoer of the same injury which he has caused to another. Expressed in the Mosaic law by the formula, "an eye for an eye; a tooth for a tooth," etc. In modern international law, the term describes the rule by which one state may inflict upon the citizens of another state death, imprisonment, or other hardship, in retaliation for similar injuries imposed upon its own citizens.

**LEX TERRÆ.** The law of the land. The common law, or the due course of the common law; the general law of the land. *Bract. fol.* 17*b*. Equivalent to "due process of law."

In the strictest sense, trial by oath; the privilege of making oath. *Bracton* uses the phrase to denote a freeman's privilege of being sworn in court as a juror or witness, which jurors convicted of perjury forfeited, (*legem terræ amittant.*) *Bract. fol.* 292*b*.

*Lex uno ore omnes alloquitur.* The law addresses all with one [the same] mouth or voice. 2 *Inst.* 184.

*Lex vigilantibus, non dormientibus, subvenit.* Law assists the wakeful, not the sleeping. 1 *Story, Cont.* § 529.

**LEX WALLENSICA.** The Welsh law; the law of Wales. *Blount*.

**LEX WISIGOTHORUM.** The law of the Visigoths, or Western Goths who settled in Spain; first reduced to writing A. D. 466. A revision of these laws was made by Egigas. Spelman.

**LEY.** In Spanish law. A law; the law; law in the abstract.

**LEY CIVILE.** In old English law. The civil or Roman law. Yearb. H. 8 Edw. III. 42. Otherwise termed "*ley escripte*," the written law. Yearb. 10 Edw. III. 24.

**LEY GAGER.** L. Fr. Law wager; wager of law; the giving of gage or security by a defendant that he would make or perfect his law at a certain day. Litt. § 514; Co. Litt. 294b, 295a.

**LEYES DE ESTILO.** In Spanish law. A collection of laws, usually published as an appendix to the Fuero Real; treating of the mode of conducting suits, prosecuting them to judgment, and entering appeals. Schm. Civil Law, Introd. 74.

**LEZE-MAJESTY.** An offense against sovereign power; treason; rebellion.

**LIABILITY.** The state of being bound or obliged in law or justice to do, pay, or make good something; legal responsibility. 36 Iowa, 226; 36 N. J. Law, 145; 57 Cal. 209.

**LIABLE.** 1. Bound or obliged in law or equity; responsible; chargeable; answerable; compellable to make satisfaction, compensation, or restitution.

2. Exposed or subject to a given contingency, risk, or casualty, which is more or less probable.

**LIARD.** A farthing.

**LIBEL, v.** In admiralty practice. To proceed against, by filing a libel; to seize under admiralty process, at the commencement of a suit. Also to defame or injure a person's reputation by a published writing.

**LIBEL, n.** In practice. The initiatory pleading on the part of the plaintiff or complainant in an admiralty or ecclesiastical cause, corresponding to the declaration, bill, or complaint.

In the Scotch law it is the form of the complaint or ground of the charge on which either a civil action or criminal prosecution takes place. Bell.

In torts. That which is written or printed, and published, calculated to injure the character of another by bringing him into

ridicule, hatred, or contempt. 15 Mees. & W. 344.

Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation. Civil Code Cal. § 45.

A libel is a false and malicious defamation of another, expressed in print or writing or pictures or signs, tending to injure the reputation of an individual, and exposing him to public hatred, contempt, or ridicule. The publication of the libelous matter is essential to recovery. Code Ga. 1882, § 2974.

A libel is a malicious defamation, expressed either by writing, printing, or by signs or pictures, or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation, or publish the natural or alleged defects, of one who is alive, and thereby to expose him to public hatred, contempt, or ridicule. Pen. Code Cal. § 248; Rev. Code Iowa 1880, § 4097; Bac. Abr. tit. "Libel;" 1 Hawk. P. C. 1, 73, § 1; 4 Mass. 163; 2 Pick. 113; 25 Wend. 198; 7 Cow. 613.

A libel is a censorious or ridiculing writing, picture, or sign made with a mischievous intent. 4 McCord, 317; 3 Johns. Cas. 354; 9 Johns. 215; 5 Bin. 340; 68 Me. 295.

Any publication the tendency of which is to degrade or injure another person, or to bring him into contempt, ridicule, or hatred, or which accuses him of a crime punishable by law, or of an act odious and disgraceful in society, is a libel. 4 Mason, 115; 3 How. 266, 291.

A libel is a publication, without justification or lawful excuse, of words calculated to injure the reputation of another, and expose him to hatred or contempt. 5 Biss. 330.

Everything, written or printed, which reflects on the character of another, and is published without lawful justification or excuse, is a libel, whatever the intention may have been. 15 Mees. & W. 435.

**LIBEL OF ACCUSATION.** In Scotch law. The instrument which contains the charge against a person accused of a crime. Libels are of two kinds, namely, indictments and criminal letters.

**LIBELANT.** The complainant or party who files a libel in an ecclesiastical or admiralty case, corresponding to the plaintiff in actions at law.

**LIBELEEE.** A party against whom a libel has been filed in an ecclesiastical court or in admiralty. M



**LIBELLUS.** Lat. In the civil law. A little book. *Libellus supplex*, a petition, especially to the emperor, all petitions to whom must be in writing. *Libellum rescribere*, to mark on such petition the answer to it. *Libellum agere*, to assist or counsel the emperor in regard to such petitions. *Libellus accusatorius*, an information and accusation of a crime. *Libellus divortii*, a writing of divorcement. *Libellus rerum*, an inventory. Calvin. *Libellus* or *oratio consultoria*, a message by which emperors laid matters before the senate. Id.

A writing in which are contained the names of the plaintiff (*actor*) and defendant, (*reus*), the thing sought, the right relied upon, and name of the tribunal before which the action is brought. Calvin.

In feudal law. An instrument of alienation or conveyance, as of a fief, or a part of it.

**LIBELLUS CONVENTIONIS.** In the civil law. The statement of a plaintiff's claim in a petition presented to the magistrate, who directed an officer to deliver it to the defendant.

**LIBELLUS FAMOSUS.** In the civil law. A defamatory publication; a publication injuriously affecting character; a libel. Inst. 4, 4, 1; Dig. 47, 10; Cod. 9, 36.

**LIBELOUS.** Defamatory; of the nature of a libel; constituting or involving libel.

**LIBER.** Lat. A book, of whatever material composed; a main division of a literary work. Also, as an adjective, free or exempt.

**LIBER ASSISARUM.** The Book of Assizes. A collection of cases that arose on assizes and other trials in the country. It was the fourth volume of the reports of the reign of Edward III. 3 Reeve, Eng. Law, 148.

**LIBER BANCUS.** In old English law. Free bench. Bract. fol. 97b.

**LIBER ET LEGALIS HOMO.** In old English law. A free and lawful man. A term applied to a juror, from the earliest period.

**LIBER FEUDORUM.** The book of feuds. This was a compilation of feudal law, prepared by order of the emperor Frederick I., and published at Milan in 1170. It comprised five books, of which only the first two are now extant with fragmentary portions of the others.

**LIBER HOMO.** A free man; a freeman lawfully competent to act as juror. Ld. Raym. 417; Kebl. 563.

An allodial proprietor, as distinguished from a vassal or feudatory. This was the sense of the term in the laws of the barbarous nations of Europe.

**LIBER JUDICIALIS OF ALFRED.** Alfred's dome-book. See DOMESDAY.

**LIBER JUDICIARUM.** The book of judgment, or doom-book. The Saxon Domboc. Conjectured to be a book of statutes of ancient Saxon kings.

**LIBER NIGER.** Black book. A name given to several ancient records.

**LIBER NIGER DOMÛS REGIS,** (the black book of the king's household.) The title of a book in which there is an account of the household establishment of King Edward IV., and of the several musicians retained in his service, as well for his private amusement as for the service in his chapel. Enc. Lond.

**LIBER NIGER SCACCARII.** The black book of the exchequer, attributed to Gervase of Tilbury. 1 Reeve, Eng. Law, 220, note.

**LIBER RUBER SCACCARII.** The red book of the exchequer. 1 Reeve, Eng. Law, 220, note.

**LIBERA.** A livery or delivery of so much corn or grass to a customary tenant, who cut down or prepared the said grass or corn, and received some part or small portion of it as a reward or gratuity. Cowell.

**LIBERA BATELLA.** In old records. A free boat; the right of having a boat to fish in a certain water; a species of free fishery.

**LIBERA CHASEA HABENDA.** A judicial writ granted to a person for a free chase belonging to his manor after proof made by inquiry of a jury that the same of right belongs to him. Wharton.

**LIBERA ELEEMOSYNA.** In old English law. Free alms; frankalmoigne. Bract. fol. 27b.

**LIBERA FALDA.** In old English law. Frank fold; free fold; free foldage. 1 Leon. 11.

**LIBERA LEX.** In old English law. Free law; frank law; the law of the land. The law enjoyed by free and lawful men, as

distinguished from such men as have lost the benefit and protection of the law in consequence of crime. Hence this term denoted the *status* of a man who stood guiltless before the law, and was *free*, in the sense of being entitled to its full protection and benefit. *Amittere liberam legem* (to lose one's free law) was to fall from that *status* by crime or infamy. See Co. Litt. 94b.

**LIBERA PISCARIA.** In old English law. A free fishery. Co. Litt. 122a.

**LIBERA WARRENA.** In old English law. Free warren, (*q. v.*)

**LIBERAM LEGEM AMITTERE.** To lose one's free law, (called the villainous judgment,) to become discredited or disabled as juror and witness, to forfeit goods and chattels and lands for life, to have those lands wasted, houses razed, trees rooted up, and one's body committed to prison. It was anciently pronounced against conspirators, but is now disused, the punishment substituted being fine and imprisonment. Hawk. P. C. 61, c. lxxii., s. 9; 3 Inst. 221.

**LIBERARE.** In the civil law. To free or set free; to liberate; to give one his liberty. Calvin.

In old English law. To deliver, transfer, or hand over. Applied to writs, panels of jurors, etc. Bract. fols. 116, 176b.

*Liberata pecunia non liberat offerentem.* Co. Litt. 207. Money being restored does not set free the party offering.

**LIBERATE.** In old English practice. An original writ issuing out of chancery to the treasurer, chamberlains, and barons of the exchequer, for the payment of any annual pension, or other sum. Reg. Orig. 193; Cowell.

A writ issued to a sheriff, for the delivery of any lands or goods taken upon forfeits of recognizance. 4 Coke, 64b.

A writ issued to a gaoler, for the delivery of a prisoner that had put in bail for his appearance. Cowell.

**LIBERATIO.** In old English law. Livery; money paid for the delivery or use of a thing.

In old Scotch law. Livery; a fee given to a servant or officer. Skene.

Money, meat, drink, clothes, etc., yearly given and delivered by the lord to his domestic servants. Blount.

**LIBERATION.** In the civil law. The extinguishment of a contract, by which he

who was bound becomes free or liberated. Wolff, Inst. Nat. § 749. Synonymous with "payment." Dig. 50, 16, 47.

**LIBERI.** In Saxon law. Freemen; the possessors of allodial lands. 1 Reeve, Eng. Law, 5.

In the civil law. Children. The term included "grandchildren."

**LIBERTAS.** Liberty; freedom; a privilege; a franchise.

**LIBERTAS ECCLESIASTICA.** Church liberty, or ecclesiastical immunity.

*Libertas est naturalis facultas ejus quod cuique facere libet, nisi quod de jure aut vi prohibetur.* Co. Litt. 116. Liberty is that natural faculty which permits every one to do anything he pleases except that which is restrained by law or force.

*Libertas inestimabilis res est.* Liberty is an inestimable thing; a thing above price. Dig. 50, 17, 106.

*Libertas non recipit æstimationem.* Freedom does not admit of valuation. Bract. fol. 14.

*Libertas omnibus rebus favorabilior est.* Liberty is more favored than all things, [anything.] Dig. 50, 17, 122.

*Libertates regales ad coronam spectantes ex concessione regum à coronâ exierunt.* 2 Inst. 496. Royal franchises relating to the crown have emanated from the crown by grant of kings.

**LIBERTATIBUS ALLOCANDIS.** A writ lying for a citizen or burgess, impleaded contrary to his liberty, to have his privilege allowed. Reg. Orig. 262.

**LIBERTATIBUS EXIGENDIS IN ITINERE.** An ancient writ whereby the king commanded the justices in eyre to admit of an attorney for the defense of another's liberty. Reg. Orig. 19.

**LIBERTI, LIBERTINI.** In Roman law. Freedmen. There seems to have been some difference in the use of these two words; the former denoting the manumitted slaves considered in their relations with their former master, who was now called their "patron;" the latter term describing the *status* of the same persons in the general social economy of Rome.

**LIBERTICIDE.** A destroyer of liberty.

**LIBERTIES.** Privileged districts exempt from the sheriff's jurisdiction. **M**

Libertinum ingratum leges civiles in pristinam servitutem redigunt; sed leges Angliæ semel manumissum semper liberum judicant. Co. Litt. 137. The civil laws reduce an ungrateful freedman to his original slavery; but the laws of England regard a man once manumitted as ever after free.

**LIBERTY.** 1. Freedom; exemption from extraneous control. The power of the will, in its moral freedom, to follow the dictates of its unrestricted choice, and to direct the external acts of the individual without restraint, coercion, or control from other persons.

*Civil liberty* is the greatest amount of absolute liberty which can, in the nature of things, be equally possessed by every citizen in a state. Bouvier.

The term is frequently used to denote the amount of absolute liberty which is actually enjoyed by the various citizens under the government and laws of the state as administered. 1 Bl. Comm. 125.

Civil liberty is guaranteed protection against interference with the interests and rights held dear and important by large classes of civilized men, or by all the members of a state, together with an effectual share in the making and administration of the laws, as the best apparatus to secure that protection. Lieb. Civil Lib. 24.

*Natural liberty* is the right which nature gives to all mankind of disposing of their persons and property after the manner they judge most consistent with their happiness, on condition of their acting within the limits of the law of nature, and so as not to interfere with an equal exercise of the same rights by other men. Burlamaqui, c. 3, § 15; 1 Bl. Comm. 125.

*Personal liberty* consists in the power of locomotion, of changing situation, of removing one's person to whatever place one's inclination may direct, without imprisonment or restraint unless by due course of law. 1 Bl. Comm. 134.

*Political liberty* is an effectual share in the making and administration of the laws. Lieb. Civil Lib.

2. The word also means a franchise or personal privilege, being some part of the sovereign power, vested in an individual, either by grant or prescription.

3. In a derivative sense, the term denotes the place, district, or boundaries within which a special franchise is enjoyed, an immunity claimed, or a jurisdiction exercised. In this

sense, the term is commonly used in the plural; as "the liberties of the city," "the northern liberties of Philadelphia."

**LIBERTY OF SPEECH.** Freedom accorded by the constitution or laws of a state to express opinions and facts by word of mouth, uncontrolled by any censorship or restrictions of government.

**LIBERTY OF THE PRESS.** The right to print and publish the truth, from good motives and for justifiable ends. 3 Johns. Cas. 394. The right freely to publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obscenity, or scandalous character, may be a public offense, or as by their falsehood and malice they may injuriously affect the standing, reputation, or pecuniary interests of individuals. Cooley, Const. Lim. p. 422. It is said to consist in this: "That neither courts of justice, nor any judges whatever, are authorized to take notice of writings *intended* for the press, but are confined to those which are actually printed." De Lolme, Eng. Const. 254.

**LIBERTY OF THE RULES.** A privilege to go out of the Fleet and Marshalsea prisons within certain limits, and there reside. Abolished by 5 & 6 Vict. c. 22.

**LIBERTY TO HOLD PLEAS.** The liberty of having a court of one's own. Thus, certain lords had the privilege of holding pleas within their own manors.

*Liberum corpus nullam recipit æstimationem.* Dig. 9, 3, 7. The body of a freeman does not admit of valuation.

*Liberum est cuique apud se explorare an expediat sibi consilium.* Everyone is free to ascertain for himself whether a recommendation is advantageous to his interests. 6 Johns. 181, 184.

**LIBERUM MARITAGIUM.** In old English law. Frank-marriage. Bract. fol. 21.

**LIBERUM SERVITIUM.** Free service. Service of a warlike sort by a feudatory tenant; sometimes called "*servitium liberum armorum.*" Jacob.

Service not unbecoming the character of a freeman and a soldier to perform; as to serve under the lord in his wars, to pay a sum of money, and the like. 2 Bl. Comm. 60.

**LIBERUM SOCAGIUM.** In old English law. Free socage. Bract. fol. 207; 2 Bl. Comm. 61, 62.

**LIBERUM TENEMENTUM.** In real law. Freehold. Frank-tenement.

In pleading. A plea of freehold. A plea by the defendant in an action of trespass to real property that the *locus in quo* is his freehold, or that of a third person, under whom he acted. 1 Tidd, Pr. 645.

**LIBLAC.** In Saxon law. Witchcraft, particularly that kind which consisted in the compounding and administering of drugs and philters.

**LIBLACUM.** In Saxon law. Bewitching any person; also a barbarous sacrifice.

**LIBRA.** In old English law. A pound; also a sum of money equal to a pound sterling.

**LIBRA ARSA.** In old English law. A pound burned; that is, melted, or assayed by melting, to test its purity. *Libra arsa et pensata*, pounds burned and weighed. A frequent expression in Domesday, to denote the purer coin in which rents were paid. Spelman; Cowell.

**LIBRA NUMERATA.** A pound of money counted instead of being weighed. Spelman.

**LIBRA PENSA.** A pound of money by weight. It was usual in former days not only to sell the money, but to weigh it; because many cities, lords, and bishops, having their mints, coined money, and often very bad money, too, for which reason, though the pound consisted of 20 shillings, they weighed it. Enc. Lond.

**LIBRARIUS.** In Roman law. A writer or amanuensis; a copyist. Dig. 50, 17, 92.

**LIBRATA TERRÆ.** A portion of ground containing four oxgangs, and every oxgang fourteen acres. Cowell. This is the same with what in Scotland was called "poundland" of old extent. Wharton.

**LIBRIPENS.** In Roman law. A weigher or balance-holder. The person who held a brazen balance in the ceremony of emancipation *per æs et libram*. Inst. 2, 10, 1.

**Librorum appellatione continentur omnia volumina, sive in charta, sive in membrana sint, sive in quavis alia**

**materia.** Under the name of books are contained all volumes, whether upon paper, or parchment, or any other material. Dig. 32, 52, *pr.*

**LICENCIADO.** In Spanish law. An attorney or advocate; particularly, a person admitted to the degree of "Licentiate in Jurisprudence" by any of the literary universities of Spain, and who is thereby authorized to practice in all the courts. Eseriche.

**LICENSE.** In the law of contracts. A permission, accorded by a competent authority, conferring the right to do some act which without such authorization would be illegal, or would be a trespass or a tort. Also the written evidence of such permission.

In real property law. An authority to do a particular act or series of acts upon another's land without possessing any estate therein. Also the written evidence of authority so accorded.

It is distinguished from an "easement," which implies an interest in the land to be affected, and a "lease," or right to take the profits of land. It may be, however, and often is, coupled with a grant of some interest in the land itself, or right to take the profits. 1 Washb. Real Prop. \*393.

In pleading. A plea of justification to an action of trespass that the defendant was authorized by the owner of the freehold to commit the trespass complained of.

In the law of patents. A written authority granted by the owner of a patent to another person empowering the latter to make or use the patented article for a limited period or in a limited territory.

In international law. Permission granted by a belligerent state to its own subjects, or to the subjects of the enemy, to carry on a trade interdicted by war. Wheat. Int. Law, 447.

Marriage license. A marriage license is an authority enabling two persons to be married.

**LICENSED VICTUALLER.** A term applied, in England, to all persons selling any kind of intoxicating liquor under a license from the justices of the peace. Wharton.

**LICENSEE.** A person to whom a license has been granted.

In patent law. One who has had transferred to him, either in writing or orally, a less or different interest than either the interest in the whole patent, or an undivided part of such whole interest, or an exclusive sectional interest. 4 Blatchf. 211.

**LICENSING ACTS.** This expression is applied by Hallam (Const. Hist. c. 13) to acts of parliament for the restraint of printing, except by license. It may also be applied to any act of parliament passed for the purpose of requiring a license for doing any act whatever. But, generally, when we speak of the licensing acts, we mean the acts regulating the sale of intoxicating liquors. Mozley & Whitley.

**LICENSOR.** The person who gives or grants a license.

**LICENTIA CONCORDANDI.** Lat. In old practice and conveyancing. License or leave to agree; one of the proceedings on levying a fine of lands. 2 Bl. Comm. 350.

**LICENTIA LOQUENDI.** Lat. In old practice. Leave to speak, (*i. e.*, with the plaintiff;) an imparlance; or rather leave to imparl. 3 Bl. Comm. 299.

**LICENTIA SURGENDI.** Lat. In old English practice. License to arise; permission given by the court to a tenant in a real action, who had cast an *essoin de malo lecti*, to arise out of his bed, which he could not do without such permission, and after being viewed by four knights appointed for the purpose. Bract. fol. 355.

**LICENTIA TRANSFRETANDI.** Lat. A writ or warrant directed to the keeper of the port of Dover, or other seaport, commanding him to let such persons pass over sea as have obtained the royal license thereunto. Reg. Orig. 193.

**LICENTIATE.** One who has license to practice any art or faculty.

**LICENTIOUSNESS.** The indulgence of the arbitrary will of the individual, without regard to ethics or law, or respect for the rights of others. In this it differs from "liberty;" for the latter term may properly be used only of the exercise of the will in its moral freedom, with justice to all men and obedience to the laws.

In a narrower and more technical sense, the word is equivalent to lewdness or lasciviousness.

**LICERE.** Lat. To be lawful; to be allowed or permitted by law. Calvin.

**LICERE, LICERI.** Lat. In Roman law. To offer a price for a thing; to bid for it.

**LICET.** Lat. From the verb "*licere*," (*q. v.*) Although; notwithstanding. Importing, in this sense, a direct affirmation. Also, it is allowed, it is permissible.

*Licet dispositio de interesse futuro sit inutilis, tamen potest fieri declaratio præcedens quæ sortiatur 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. Bac. Max. pp. 60, 61. reg. 14; Broom, Max. 498.

**LICET SÆPIUS REQUISITUS.** (Although often requested.) In pleading. A phrase used in the old Latin forms of declarations, and literally translated in the modern precedents. Yel. 66; 2 Chit. Pl. 90; 1 Chit. Pl. 331. The clause in a declaration which contains the general averment of a request by the plaintiff of the defendant to pay the sums claimed is still called the "*licet sæpius requisitus*."

*Licita bene miscentur, formula nisi juris obstat.* Lawful acts [done by several authorities] are well mingled, [*i. e.*, become united or consolidated into one good act,] unless some form of law forbid. Bac. Max. p. 94, reg. 24.

**LICITACION.** In Spanish law. The offering for sale at public auction of an estate or property held by co-heirs or joint proprietors, which cannot be divided up without detriment to the whole.

**LICITARE.** Lat. In Roman law. To offer a price at a sale; to bid; to bid often; to make several bids, one above another. Calvin.

**LICITATION.** In the civil law. An offering for sale to the highest bidder, or to him who will give most for a thing. An act by which co-heirs or other co-proprietors of a thing in common and undivided between them put it to bid between them, to be adjudged and to belong to the highest and last bidder, upon condition that he pay to each of his co-proprietors a part in the price equal to the undivided part which each of the said co-proprietors had in the estate *licited*, before the adjudication. Poth. Cont. Sale, nn. 516, 638.

**LICITATOR.** In Roman law. A bidder at a sale.

**LICKING OF THUMBS.** An ancient formality by which bargains were complete

**LIDFORD LAW.** A sort of lynch law, whereby a person was first punished and then tried. Wharton.

**LIE.** To subsist; to exist; to be sustainable; to be proper or available. Thus the phrase "an action will not *lie*" means that an action cannot be sustained, or that there is no ground upon which to found the action.

**LIE IN FRANCHISE.** Property is said to "lie in franchise" when it is of such a nature that the persons entitled thereto may seize it without the aid of a court; *e. g.*, wrecks, waifs, estrays.

**LIE IN GRANT.** Incorporeal hereditaments are said to "lie in grant;" that is, they pass by force of the grant (deed or charter) without livery.

**LIE IN LIVERY.** A term applied to corporeal hereditaments, freeholds, etc., signifying that they pass by livery, not by the mere force of the grant.

**LIE IN WAIT.** See **LYING IN WAIT.**

**LIE TO.** To adjoin. A cottage must have had four acres of land *laid to* it. See 2 Show. 279.

**LIEFTENANT.** An old form of "lieutenant," and still retained as the vulgar pronunciation of the word.

**LIEGE.** In feudal law. Bound by a feudal tenure; bound in allegiance to the lord paramount, who owned no superior.

In old records. Full; absolute; perfect; pure. *Liege* widowhood was pure widowhood. Cowell.

**LIEGE HOMAGE.** Homage which, when performed by one sovereign prince to another, included fealty and services, as opposed to *simple homage*, which was a mere acknowledgment of tenure. (1 Bl. Comm. 367; 2 Steph. Comm. 400.) Mozley & Whitley.

**LIEGE LORD.** A sovereign; a superior lord.

**LIEGE & POUSTIE.** In Scotch law. That state of health which gives a person full power to dispose of, *mortis causâ* or otherwise, his heritable property. Bell.

A deed executed at the time of such a state of health, as opposed to a death-bed conveyance.

The term seems to be derived from the Latin "*legitima potestas*."

**LIEGEMAN.** He that oweth allegiance. Cowell.

**LIEGER, or LEGER.** A resident ambassador.

**LIEGES, or LIEGE PEOPLE.** Subjects.

**LIEN.** A qualified right of property which a creditor has in or over specific property of his debtor, as security for the debt or charge or for performance of some act.

In every case in which property, either real or personal, is charged with the payment of a debt or duty, every such charge may be denominated a lien on the property. Whitak. Liens, p. 1.

A lien is a charge imposed upon specific property, by which it is made security for the performance of an act. Code Civil Proc. Cal. § 1180.

Lien is the right of one man to retain property in his possession belonging to another, until certain demands of the party in possession are satisfied. 26 Wend. 467. And see 1 Hilt. 293.

Lien is familiarly understood to be a binding or attachment of the thing spoken of, for the benefit of him who is entitled thereto. 2 Hawks, 309.

In the Scottish law, the doctrine of lien is known by the name of "retention," and that of set-off by the name of "compensation."

Liens are either *particular*, as a right to retain a thing for some charge or claim growing out of, or connected with, the identical thing; or *general*, as a right to retain a thing not only for such charges and claims, but also for a general balance of accounts between the parties in respect to other dealings of the like nature.

Liens are also either *conventional* or *by operation of law*. The former is the case where the lien is raised by the express agreement and stipulation of the parties, in circumstances where the law alone would not create a lien from the mere relation of the parties or the details of their transaction. The latter is the case where the law itself, without the stipulation of the parties, raises a lien, as an implication or legal consequence from the relation of the parties or the circumstances of their dealings. Liens of this species may arise either under the rules of common law or of equity or under a statute. In the first case they are called "common-law liens;" in the second, "equitable liens;" in the third, "statutory liens."

Liens are either *possessory* or *charging*; the former, where the creditor has the right to hold possession of the specific property until satisfaction of the debt; the latter, where

the debt is a charge upon the specific property although it remains in the debtor's possession.

Equitable liens are such as exist in equity, and of which courts of equity alone take cognizance.

A lien is neither a *jus in re* nor a *jus ad rem*. It is not property in the thing, nor does it constitute a right of action for the thing. It more properly constitutes a charge upon the thing. Equitable liens most commonly grow out of constructive trusts. Story, Eq. Jur. § 1215.

**Maritime liens.** Maritime liens do not include or require possession. The word "lien" is used in maritime law not in the strict legal sense in which we understand it in courts of common law, in which case there could be no lien where there was no possession, actual or constructive, but to express, as if by analogy, the nature of claims which neither presuppose nor originate in possession. 22 Eng. Law & Eq. 62.

**The civil law lien.** The civil law embraces, under the head of "mortgage and privilege," the peculiar securities which, in the common and maritime law and equity, are termed "liens."

As to BAILEE'S LIEN, MECHANIC'S LIEN, and VENDOR'S LIEN, see those titles.

**LIEN OF A COVENANT.** The commencement of a covenant stating the names of the covenantors and covenantees, and the character of the covenant, whether joint or several. Wharton.

**LIENOR.** The person having or owning a lien; one who has a right of lien upon property of another.

**LIEU.** Fr. Place; room. It is only used with "in;" *in lieu*, instead of. Enc. Lond.

**LIEU CONUS.** L. Fr. In old pleading. A known place; a place well known and generally taken notice of by those who dwell about it, as a castle, a manor, etc. Whishaw; 1 Ld. Raym. 259.

**LIEUTENANCY, COMMISSION OF.** See COMMISSION OF ARRAY.

**LIEUTENANT.** 1. A deputy; substitute; an officer who supplies the place of another; one acting by vicarious authority. Etymologically, one who holds the post or office of another, in the place and stead of the latter.

2. The word is used in composition as part of the title of several civil and military of-

ficers, who are subordinate to others, and especially where the duties and powers of the higher officer may, in certain contingencies, devolve upon the lower; as lieutenant governor, lieutenant colonel, etc. See the following titles.

3. In the army, a lieutenant is a commissioned officer, ranking next below a captain. In the United States navy, he is an officer whose rank is intermediate between that of an ensign and that of a lieutenant commander. In the British navy, his rank is next below that of a commander.

**LIEUTENANT COLONEL.** An officer of the army whose rank is above that of a major and below that of a colonel.

**LIEUTENANT COMMANDER.** A commissioned officer of the United States navy, whose rank is above that of lieutenant and below that of commander.

**LIEUTENANT GENERAL.** An officer in the army, whose rank is above that of major general and below that of "general of the army." In the United States, this rank is not permanent, being usually created for special persons or in times of war.

**LIEUTENANT GOVERNOR.** In English law. A deputy-governor, acting as the chief civil officer of one of several colonies under a governor general. Webster.

In American law. An officer of a state, sometimes charged with special duties, but chiefly important as the deputy or substitute of the governor, acting in the place of the governor upon the latter's death, resignation, or disability.

**LIFE.** That state of animals and plants, or of an organized being, in which its natural functions and motions are performed, or in which its organs are capable of performing their functions. Webster.

The sum of the forces by which death is resisted. Bichat.

**LIFE-ANNUITY.** An engagement to pay an income yearly during the life of some person; also the sum thus promised.

**LIFE-ESTATE.** An estate whose duration is limited to the life of the party holding it, or of some other person; a freehold estate, not of inheritance.

**LIFE INSURANCE.** That kind of insurance in which the risk contemplated is the death of a particular person; upon which event (if it occurs within a prescribed term, or, according to the contract, whenever it oc-

curs) the insurer engages to pay a stipulated sum to the legal representatives of such person, or to a third person having an insurable interest in the life of such person.

**LIFE-INTEREST.** A claim or interest, not amounting to ownership, and limited by a term of life, either that of the person in whom the right is vested or that of another.

**LIFE-LAND, or LIFE-HOLD.** Land held on a lease for lives.

**LIFE PEERAGE.** Letters patent, conferring the dignity of baron for life only, do not enable the grantee to sit and vote in the house of lords, not even with the usual writ of summons to the house. Wharton.

**LIFE POLICY.** A policy of life insurance; a policy of insurance upon the life of an individual.

**LIFE-RENT.** In Scotch law. An estate for life; a right to the use and enjoyment of an estate or thing for one's life, but without destruction of its substance. They are either *legal*, such as *terce* and *curtesy*, (*q. v.*) or *conventional*, *i. e.*, created by act of the parties. Conventional life-rents are either *simple*, where the owner of an estate grants a life-interest to another, or *by reservation*, where the owner, in conveying away the fee, reserves a life-estate to himself.

**LIFE-RENTER.** In Scotch law. A tenant for life without waste. Bell.

**LIFT.** To raise; to take up. To "lift" a promissory note is to discharge its obligation by paying its amount or substituting another evidence of debt. To "lift the bar" of the statute of limitations, or of an estoppel, is to remove the obstruction which it interposes, by some sufficient act or acknowledgment.

**LIGA.** In old European law. A league or confederation. Spelman.

**LIGAN, LAGAN.** Goods cast into the sea tied to a buoy, so that they may be found again by the owners, are so denominated. When goods are cast into the sea in storms or shipwrecks, and remain there, without coming to land, they are distinguished by the barbarous names of "jetsam," "flotsam," and "ligan." 5 Coke, 108; Harg. State Tr. 48; 1 Bl. Comm. 292.

**LIGARE.** To tie or bind. Bract. fol. 369b.

To enter into a league or treaty. Spelman.

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**LIGEA.** In old English law. A liege-woman; a female subject. Reg. Orig. 312b.

**LIGEANCE.** Allegiance; the faithful obedience of a subject to his sovereign, of a citizen to his government. Also, derivatively, the territory of a state or sovereignty.

**LIGEANTIA.** Lat. Ligeance; allegiance.

*Ligeantia est quasi legis essentia; est vinculum fidei.* Co. Litt. 129. Allegiance is, as it were, the essence of law; it is the chain of faith.

*Ligeantia naturalis nullis claustris coercetur, nullis metis refrænatur, nullis finibus premitur.* 7 Coke, 10. Natural allegiance is restrained by no barriers, reined by no bounds, compressed by no limits.

**LIGEAS.** In old records. A liege.

**LIGHT.** A window, or opening in the wall for the admission of light. Also a privilege or easement to have light admitted into one's building by the openings made for that purpose, without obstruction or obscuration by the walls of adjacent or neighboring structures.

**LIGHT-HOUSE.** A structure, usually in the form of a tower, containing signal-lights for the guidance of vessels at night, at dangerous points of a coast, shoals, etc. They are usually erected by government, and subject to governmental regulation.

**LIGHT-HOUSE BOARD.** A commission authorized by congress, consisting of two officers of the navy, two officers of the corps of engineers of the army, and two civilians, together with an officer of the navy and an officer of engineers of the army as secretaries, attached to the office of the secretary of the treasury, at Washington, and charged with superintending the construction and management of light-houses, light-ships, and other maritime signals for protection of commerce. Abbott.

**LIGHT-SHIP, LIGHT-VESSEL.** A vessel serving the purpose of a light-house, usually at a place where the latter could not well be built.

**LIGHTER.** A small vessel used in loading and unloading ships and steamers.

**LIGHTERAGE.** The business of transferring merchandise to and from vessels by means of lighters; also the compensation or price demanded for such service.

M



**LIGHTERMAN.** The master or owner of a lighter. He is liable as a common carrier.

**LIGHTS.** 1. Windows; openings in the wall of a house for the admission of light.

2. Signal-lamps on board a vessel or at particular points on the coast, required by the navigation laws to be displayed at night.

**LIGIUS.** A person bound to another by a solemn tie or engagement. Now used to express the relation of a subject to his sovereign.

*Ligna et lapides sub "armorum" appellatione non continentur.* Sticks and stones are not contained under the name of "arms." Bract. fol. 144b.

**LIGNAGIUM.** A right of cutting fuel in woods; also a tribute or payment due for the same. Jacob.

**LIGNAMINA.** Timber fit for building. Du Fresne.

**LIGULA.** In old English law. A copy, exemplification, or transcript of a court roll or deed. Cowell.

**LIMB.** A member of the human body. In the phrase "life and limb," the latter term appears to denote bodily integrity in general; but in the definition of "mayhem" it refers only to those members or parts of the body which may be useful to a man in fighting. 1 Bl. Comm. 130.

**LIMENARCHA.** In Roman law. An officer who had charge of a harbor or port. Dig. 50, 4, 18, 10; Cod. 7, 16, 38.

**LIMIT, v.** To mark out; to define; to fix the extent of. Thus, to limit an estate means to mark out or to define the period of its duration, and the words employed in deeds for this purpose are thence termed "words of limitation," and the act itself is termed "limiting the estate." Brown.

**LIMIT, n.** A bound; a restraint; a circumscription; a boundary. 22 N. Y. 429.

**LIMITATION.** Restriction or circumspection; settling an estate or property; a certain time allowed by a statute for litigation.

In estates. A limitation, whether made by the express words of the party or existing in intendment of law, circumscribes the continuance of time for which the property is to be enjoyed, and by positive and certain terms, or by reference to some event which possi-

bly may happen, marks the period at which the time of enjoyment shall end. Prest. Estates, 25.

**LIMITATION IN LAW.** A limitation in law, or an estate limited, is an estate to be holden only during the continuance of the condition under which it was granted, upon the determination of which the estate vests immediately in him in expectancy. 2 Bl. Comm. 155.

**LIMITATION OF ACTIONS.** The restriction by statute of the right of action to certain periods of time, after the accruing of the cause of action, beyond which, except in certain specified cases, it will not be allowed.

Also the period of time so limited by law for the bringing of actions.

**LIMITATION OF ASSIZE.** In old practice. A certain time prescribed by statute, within which a man was required to allege himself or his ancestor to have been seized of lands sued for by a writ of assize. Cowell.

**LIMITATION OF ESTATE.** The restriction or circumscription of an estate, in the conveyance by which it is granted, in respect to the interest of the grantee or its duration; the specific curtailment or confinement of an estate, by the terms of the grant, so that it cannot endure beyond a certain period or a designated contingency.

A conditional limitation (in the generic sense of the term) is where one estate is limited to end and another to commence on the doing of some act or the happening of some event.

A collateral limitation is one which marks the extreme duration of an estate, and at the same time indicates an uncertain event, the happening of which will put an end to it before the expiration of that period. Sweet.

**LIMITATION, WORDS OF.** Those which operate by reference to, or in connection with, other words, and extend or modify an estate given by such other words, as "heirs," "heirs of the body."

**LIMITED.** Restricted; bounded; prescribed. Confined within positive bounds; restricted in duration, extent, or scope.

**LIMITED ADMINISTRATION.** An administration of a temporary character, granted for a particular period, or for a special or particular purpose. Holthouse.

**LIMITED COMPANY.** A company in which the liability of each shareholder is limited by the number of shares he has taken, so that he cannot be called on to contribute beyond the amount of his shares. In England, the memorandum of association of such company may provide that the liability of the directors, manager, or managing director thereof shall be unlimited. 30 & 31 Vict. c. 131; 1 Lindl. Partn. 383. Mozley & Whitley.

**LIMITED DIVORCE.** A divorce from bed and board; or a judicial separation of husband and wife not dissolving the marriage tie.

**LIMITED EXECUTOR.** An executor whose appointment is qualified by limitations as to the time or place wherein, or the subject-matter whereon, the office is to be exercised; as distinguished from one whose appointment is absolute, *i. e.*, certain and immediate, without any restriction in regard to the testator's effects or limitation in point of time. 1 Williams, Ex'rs, 249, et seq.

**LIMITED FEE.** An estate of inheritance in lands, which is clogged or confined with some sort of condition or qualification. Such estates are *base* or qualified fees, *conditional* fees, and *fees-tail*. The term is opposed to "fee-simple." 2 Bl. Comm. 109.

**LIMITED JURISDICTION.** This term is ambiguous, and the books sometimes use it without due precision. It is sometimes carelessly employed instead of "special." The true distinction between courts is between such as possess a general and such as have only a special jurisdiction for a particular purpose, or are clothed with special powers for the performance. 18 N. J. Law, 73.

**LIMITED LIABILITY.** The liability of the members of a joint-stock company may be either unlimited or limited; and, if the latter, then the limitation of liability is either the amount, if any, unpaid on the shares, (in which case the limit is said to be "by shares,") or such an amount as the members guaranty in the event of the company being wound up, (in which case the limit is said to be "by guaranty.") Brown.

**LIMITED OWNER.** A tenant for life, in tail, or by the curtesy, or other person not having a fee-simple in his absolute disposition.

**LIMITED PARTNERSHIP.** A partnership consisting of one or more general

partners, jointly and severally responsible as ordinary partners, and by whom the business is conducted, and one or more special partners, contributing in cash payments a specific sum as capital to the common stock, and who are not liable for the debts of the partnership beyond the fund so contributed. 1 Rev. St. N. Y. 764.

**LIMOGIA.** Enamel. Du Cange.

**LINARIUM.** In old English law. A flax plat, where flax is grown. Du Cange.

**LINCOLN'S INN.** An inn of court. See INNS OF COURT.

**LINE.** In descents. The order or series of persons who have descended one from the other or all from a common ancestor, considered as placed in a line of succession in the order of their birth, the line showing the connection of all the blood-relatives.

**Measures.** A line is a lineal measure, containing the one-twelfth part of an inch.

**In estates.** The boundary or line of division between two estates.

**LINEA.** Lat. A line; line of descent. See LINE.

**LINEA OBLIQUA.** In the civil law. The oblique line. More commonly termed "*linea transversalis*," (*q. v.*)

**LINEA RECTA.** The direct line; the vertical line. In computing degrees of kindred and the succession to estates, this term denotes the direct line of ascendants and descendants.

Where a person springs from another immediately, or mediately through a third person, they are said to be in the direct line, (*linea recta*,) and are called "ascendants" and "descendants." Mackeld. Rom. Law, § 129.

*Linea recta est index sui et obliqui; lex est linea recti.* Co. Litt. 158. A right line is a test of itself, and of an oblique; law is a line of right.

*Linea recta semper præfertur transversali.* The right line is always preferred to the collateral. Co. Litt. 10; Broom, Max. 529.

**LINEA TRANSVERSALIS.** A collateral, transverse, or oblique line. Where two persons are descended from a third, they are called "collaterals," and are said to be related in the collateral line, (*linea transversa* or *obliqua*.)

**LINEAGE.** Race; progeny; family, ascending or descending.

**LINEAL.** That which comes in a line; especially a direct line, as from father to son. Collateral relationship is not called "lineal," though the expression "collateral line," is not unusual.

**LINEAL CONSANGUINITY.** That kind of consanguinity which subsists between persons of whom one is descended in a *direct line* from the other; as between a particular person and his father, grandfather, great-grandfather, and so upward, in the direct ascending line; or between the same person and his son, grandson, great-grandson, and so downwards in the direct descending line. 2 Bl. Comm. 203.

**LINEAL DESCENT.** Descent in a right line, as where an estate descends from ancestor to heir in one line of succession, as opposed to collateral descent.

**LINEAL WARRANTY.** A warranty by an ancestor from whom the title did or might have come to the heir. 2 Bl. Comm. 301; Rawle, Cov. 30.

**LINES AND CORNERS.** In surveying and conveyancing. Boundary lines and their terminating points, where an angle is formed by the next boundary line.

**LINK.** A unit in a connected series; anything which serves to connect or bind together the things which precede and follow it. Thus, we speak of a "link in the chain of title."

**LIQUERE.** Lat. In the civil law. To be clear, evident, or satisfactory. When a *judex* was in doubt how to decide a case, he represented to the praetor, under oath, *sibi non liquere*, (that it was not clear to him,) and was thereupon discharged. Calvin.

**LIQUET.** It is clear or apparent; it appears. *Satis liquet*, it sufficiently appears. 1 Strange, 412.

**LIQUIDATE.** To adjust or settle an indebtedness; to determine an amount to be paid; to clear up an account and ascertain the balance; to fix the amount required to satisfy a judgment.

To clear away; to lessen; to pay. "To *liquidate* a balance means to *pay* it." 8 Wheat. 338, 362.

**LIQUIDATED.** Ascertained; determined; fixed; settled; made clear or manifest. Cleared away; paid; discharged.

**LIQUIDATED ACCOUNT.** An account whereof the amount is certain and fixed, either by the act and agreement of the parties or by operation of law; a sum which cannot be changed by the proof; it is so much or nothing; but the term does not necessarily refer to a writing. 1 Ga. 287.

**LIQUIDATED DAMAGES.** Agreed or settled damages; a specific sum of money expressly stipulated by the parties to a bond or other contract, as the amount of damages to be recovered by either party for a breach of the agreement by the other. It is generally distinguished from a penalty.

**LIQUIDATED DEBT.** A debt is liquidated when it is certain what is due and how much is due. 20 Ga. 562.

**LIQUIDATED DEMAND.** A demand is a liquidated one if the amount of it has been ascertained—settled—by the agreement of the parties to it, or otherwise. 20 Ga. 53.

**LIQUIDATING PARTNER.** The partner who upon the dissolution or insolvency of the firm, is appointed to settle its accounts, collect assets, adjust claims, and pay debts.

**LIQUIDATION.** The act or process of settling or making clear, fixed, and determinate that which before was uncertain or unascertained.

As applied to a company, (or sometimes to the affairs of an individual,) liquidation is used in a broad sense as equivalent to "winding up;" that is, the comprehensive process of settling accounts, ascertaining and adjusting debts, collecting assets, and paying off claims.

**LIQUIDATOR.** A person appointed to carry out the winding up of a company.

**LIQUOR.** This term, when used in statutes forbidding the sale of liquors, refers only to spirituous or intoxicating liquors. 18 N. J. Law, 311; 20 Barb. 246; 3 Denio, 407.

**LIQUOR-SHOP.** A house where spirituous liquors are kept and sold. 6 Baxt. 534.

**LIRA.** The name of an Italian coin, of the value of about eighteen cents.

**LIS.** Lat. A controversy or dispute; a suit or action at law.

**LIS ALIBI PENDENS.** A suit pending elsewhere. The fact that proceedings are pending between a plaintiff and defendant in one court in respect to a given matter is frequently a ground for preventing the plain-

tiff from taking proceedings in another court against the same defendant for the same object and arising out of the same cause of action. Sweet.

**LIS MOTA.** A controversy moved or begun. By this term is meant a dispute which has arisen upon a point or question which *afterwards* forms the issue upon which legal proceedings are instituted. After such controversy has arisen, (*post litem motam*,) it is held, declarations as to pedigree, made by members of the family since deceased, are not admissible. See 4 Camp. 417; 6 Car. & P. 560.

**LIS PENDENS.** A suit pending; that legal process, in a suit regarding land, which amounts to legal notice to all the world that there is a dispute as to the title. In equity the filing of the bill and serving a subpoena creates a *lis pendens*, except when statutes require some record. Stim. Law Gloss.

In the civil law. A suit pending. A suit was not said to be pending before that stage of it called "*litis contestatio*," (*q. v.*) Mackeld. Rom. Law, § 219. Calvin.

**LIST.** A docket or calendar of causes ready for trial or argument, or of motions ready for hearing.

**LISTED.** Included in a list; put on a list, particularly on a list of taxable persons or property.

**LISTERS.** This word is used in some of the states to designate the persons appointed to make lists of taxables. See Rev. St. Vt. 538.

**LITE PENDENTE.** Lat. Pending the suit. Fleta, lib. 2, c. 54, § 23.

**LITEM SUAM FACERE.** Lat. To make a suit his own. Where a *judex*, from partiality or enmity, evidently favored either of the parties, he was said *litem suam facere*. Calvin.

**LITERA.** Lat. A letter. The letter of a law, as distinguished from its spirit. See LETTER.

**LITERA PISANA.** The Pisan letter. A term applied to the old character in which the copy of the Pandects formerly kept at Pisa, in Italy, was written. Spelman.

**LITERÆ.** Letters. A term applied in old English law to various instruments in writing, public and private.

**LITERÆ DIMISSORIÆ.** Dimissory letters, (*q. v.*)

**LITERÆ HUMANIORES.** A term including Greek, Latin, general philology, logic, moral philosophy, metaphysics; the name of the principal course of study in the University of Oxford. Wharton.

**LITERÆ MORTUÆ.** Dead letters; fulfilling words of a statute. Lord Bacon observes that "there are in every statute certain words which are as veins, where the life and blood of the statute cometh, and where all doubts do arise, and the rest are *literæ mortuæ*, fulfilling words." Bac. St. Uses, (Works, iv. 189.)

**LITERÆ PATENTES.** Letters patent; literally, open letters.

*Literæ patentes regis non erunt vacuæ.* 1 Bulst. 6. The king's letters patent shall not be void.

**LITERÆ PROCURATORIÆ.** In old English law. Letters procuratory; letters of procuracy; letters of attorney. Bract. fols. 40, 43.

**LITERÆ RECOGNITIONIS.** In maritime law. A bill of lading. Jac. Sea Laws, 172.

*Literæ scriptæ manent.* Written words last.

**LITERÆ SIGILLATÆ.** In old English law. Sealed letters. The return of a sheriff was so called. Fleta, lib. 2, c. 64, § 19.

**LITERAL.** According to language; following expression in words. A literal construction of a document adheres closely to its words, without making differences for extrinsic circumstances; a literal performance of a condition is one which complies exactly with its terms.

**LITERAL CONTRACT.** In Roman law. A species of written contract, in which the formal act by which an obligation was superinduced on the convention was an entry of the sum due, where it should be specifically ascertained, on the debit side of a ledger. Maine, Anc. Law, 320.

A contract, the whole of the evidence of which is reduced to writing, and binds the party who subscribed it, although he has received no consideration. Lec. El. Dr. Rom. § 887.

**LITERAL PROOF.** In the civil law. Written evidence. **M**

**LITERARY.** Pertaining to polite learning; connected with the study or use of books and writings.

The word "literary," having no legal significance, is to be taken in its ordinary and usual meaning. We speak of literary persons as learned, erudite; of literary property, as the productions of ripe scholars, or, at least, of professional writers; of literary institutions, as those where the positive sciences are taught, or persons eminent for learning associate, for purposes connected with their professions. This we think the popular meaning of the word; and that it would not be properly used as descriptive of a school for the instruction of youth. 8 Ind. 332.

**LITERARY PROPERTY** may be described as the right which entitles an author and his assigns to all the use and profit of his composition, to which no independent right is, through any act or omission on his or their part, vested in another person. 9 Amer. Law Reg. 44.

A distinction is to be taken between "literary property" (which is the natural, common-law right which a person has in the form of written expression to which he has, by labor and skill, reduced his thoughts) and "copyright," (which is a statutory monopoly, above and beyond natural property, conferred upon an author to encourage and reward a dedication of his literary property to the public.) Abbott.

**LITERATE.** In English ecclesiastical law. One who qualifies himself for holy orders by presenting himself as a person accomplished in classical learning, etc., not as a graduate of Oxford, Cambridge, etc.

**LITERATURA.** "*Ad literaturam ponere*" means to put children to school. This liberty was anciently denied to those parents who were servile tenants, without the lord's consent. The prohibition against the education of sons arose from the fear that the son, being bred to letters, might enter into holy orders, and so stop or divert the services which he might otherwise do as heir to his father. Paroch. Antiq. 401.

**LITERIS OBLIGATIO.** In Roman law. The contract of *nomen*, which was constituted by writing, (*scripturâ.*) It was of two kinds, viz.: (1) *A re in personam*, when a transaction was transferred from the day-book (*adversaria*) into the ledger (*codex*) in the form of a debt under the name or heading of the purchaser or debtor, (*nomen;*) and (2) *a personâ in personam*, where a debt already standing under one *nomen* or heading was transferred in the usual course of *novatio* from that *nomen* to another and substituted *nomen*. By reason of this transferring, these obligations were called "*nomina transcripti-*

*tia.*" No money was, in fact, paid to constitute the contract. If ever money was paid, then the *nomen* was *arcarium*, (*i. e.*, a real contract, *re contractus*;) and not a *nomen proprium*. Brown.

**LITIGANT.** A party to a lawsuit; one engaged in litigation; usually spoken of as active parties, not of nominal ones.

**LITIGARE.** Lat. To litigate; to carry on a suit, (*litem agere*;) either as plaintiff or defendant; to claim or dispute by action; to test or try the validity of a claim by action.

**LITIGATE.** To dispute or contend in form of law; to carry on a suit.

**LITIGATION.** A judicial controversy. A contest in a court of justice, for the purpose of enforcing a right.

**LITIGIOSITY.** In Scotch law. The pendency of a suit; it is a tacit legal prohibition of alienation, to the disappointment of an action, or of diligence, the direct object of which is to obtain possession, or to acquire the property of a particular subject. The effect of it is analogous to that of inhibition. Bell.

**LITIGIOUS.** That which is the subject of a suit or action; that which is contested in a court of justice. In another sense, "litigious" signifies fond of litigation; prone to engage in suits.

**LITIGIOUS CHURCH.** In ecclesiastical law, a church is said to be litigious where two presentations are offered to the bishop upon the same avoidance. Jenk. Cent. 11.

**LITIGIOUS RIGHT.** In the civil law. A right which cannot be exercised without undergoing a lawsuit. Civil Code La. arts. 918, 3556.

**LITIS ÆSTIMATIO.** The measure of damages.

**LITIS CONTESTATIO.** In the civil and canon law. Contestation of suit; the process of contesting a suit by the opposing statements of the respective parties; the process of coming to an issue; the attainment of an issue; the issue itself.

In the practice of the ecclesiastical courts. The general answer made by the defendant, in which he denies the matter charged against him in the libel. Halifax, Civil Law, b. 3, c. 11, no. 9.

In admiralty practice. The general issue. 2 Browne, Civil & Adm. Law, 358, and note.

**LITIS DOMINIUM.** In the civil law. Ownership, control, or direction of a suit. A fiction of law by which the employment of an attorney or proctor (*procurator*) in a suit was authorized or justified, he being supposed to become, by the appointment of his principal (*dominus*) or client, the *dominus litis*. Heinecc. Elem. lib. 4, tit. 10, §§ 1246, 1247.

*Litis nomen omnem actionem significat, sive in rem, sive in personam sit.* Co. Litt. 292. A lawsuit signifies every action, whether it be *in rem* or *in personam*.

**LITISPENDENCE.** An obsolete term for the time during which a lawsuit is going on.

**LITISPENDENCIA.** In Spanish law. Litispendency. The condition of a suit pending in a court of justice.

**LITRE.** Fr. A measure of capacity in the metric system, being a cubic decimetre, equal to 61.022 cubic inches, or 2.113 American pints, or 1.76 English pints. Webster.

**LITTORAL.** Belonging to the shore; as of seas and great lakes. Webster. Corresponding to riparian proprietors on a stream or small pond are littoral proprietors on a sea or lake. But "riparian" is also used co-extensively with "littoral." 7 Cush. 94. See 17 How. 426.

**LITURA.** In the civil law. An obliteration or blot in a will or other instrument. Dig. 28, 4, 1, 1.

**LITUS.** In old European law. A kind of servant; one who surrendered himself into another's power. Spelman.

In the civil law. The bank of a stream or shore of the sea; the coast.

*Litus est quousque maximus fluctus a mari pervenit.* The shore is where the highest wave from the sea has reached. Dig. 50, 16, 96. Ang. Tide-Waters, 67.

**LITUS MARIS.** The sea-shore. "It is certain that that which the sea overflows, either at high spring tides or at extraordinary tides, comes not, as to this purpose, under the denomination of '*litus maris*,' and consequently the king's title is not of that large extent, but only to land that is usually overflowed at ordinary tides. That, therefore, I call the '*shore*' that is between the common

high-water and low-water mark, and no more." Hale de Jure Mar. c. 4.

**LIVELODE.** Maintenance; support.

**LIVERY.** 1. In English law. Delivery of possession of their lands to the king's tenants *in capite* or tenants by knight's service.

2. A writ which may be sued out by a ward in chivalry, on reaching his majority, to obtain delivery of the possession of his lands out of the hands of the guardian. 2 Bl. Comm. 68.

3. A particular dress or garb appropriate or peculiar to certain persons, as the members of a guild, or, more particularly, the servants of a nobleman or gentleman.

4. The privilege of a particular guild or company of persons, the members thereof being called "livery-men."

5. A contract of hiring of work-beasts, particularly horses, to the use of the hirer. It is seldom used alone in this sense, but appears in the compound, "livery-stable."

**LIVERY IN CHIVALRY.** In feudal law. The delivery of the lands of a ward in chivalry out of the guardian's hands, upon the heir's attaining the requisite age,—twenty-one for males, sixteen for females. 2 Bl. Comm. 68.

**LIVERY-MAN.** A member of some company in the city of London; also called a "freeman."

**LIVERY OF SEISIN.** The appropriate ceremony, at common law, for transferring the corporal possession of lands or tenements by a grantor to his grantee. It was livery *in deed* where the parties went together upon the land, and there a twig, clod, key, or other symbol was delivered in the name of the whole. Livery *in law* was where the same ceremony was performed, not upon the land itself, but in sight of it. 2 Bl. Comm. 315, 316.

**LIVERY-OFFICE.** An office appointed for the delivery of lands.

**LIVERY STABLE KEEPER.** One whose business it is to keep horses for hire or to let, or to keep, feed, or board horses for others.

**LIVRE TOURNOIS.** In common law. A coin used in France before the Revolution. It is to be computed in the *ad valorem* duty on goods, etc., at eighteen and a half cents. Act March 2, 1798, § 61; 1 Story, Laws, 629. **M**

**LLOYD'S.** An association in the city of London, the members of which underwrite each other's policies.

**LLOYD'S BONDS.** The name of a class of evidences of debt, used in England; being acknowledgments, by a borrowing company made under its seal, of a debt incurred and actually due by the company to a contractor or other person for work done, goods supplied, or otherwise, as the case may be, with a covenant for payment of the principal and interest at a future time. Brown.

**LOADMANAGE.** The pay to loadsmen; that is, persons who sail or row before ships, in barks or small vessels, with instruments for towing the ship and directing her course, in order that she may escape the dangers in her way. Poth. Des Avaries, no. 137.

**LOAN.** A bailment without reward; consisting of the delivery of an article by the owner to another person, to be used by the latter gratuitously, and returned either *in specie* or in kind. A sum of money confided to another.

A loan of money is a contract by which one delivers a sum of money to another, and the latter agrees to return at a future time a sum equivalent to that which he borrowed. Civil Code Cal. § 1912.

**LOAN CERTIFICATES.** Certificates issued by a clearing-house to the associated banks to the amount of seventy-five per cent. of the value of the collaterals deposited by the borrowing banks with the loan committee of the clearing-house. Anderson.

**LOAN FOR CONSUMPTION.** The loan for consumption is an agreement by which one person delivers to another a certain quantity of things which are consumed by the use, under the obligation, by the borrower, to return to him as much of the same kind and quality. Civil Code La. art. 2910.

Loans are of two kinds,—for consumption or for use. A loan for consumption is where the article is not to be returned *in specie*, but in kind. This is a sale, and not a bailment. Code Ga. 1882, § 2125.

**LOAN FOR EXCHANGE.** A loan for exchange is a contract by which one delivers personal property to another, and the latter agrees to return to the lender a similar thing at a future time, without reward for its use. Civil Code Cal. § 1902.

**LOAN FOR USE.** The loan for use is an agreement by which a person delivers a

thing to another, to use it according to its natural destination, or according to the agreement, under the obligation on the part of the borrower to return it after he shall have done using it. Civil Code La. art. 2893.

A loan for use is a contract by which one gives to another the temporary possession and use of personal property, and the latter agrees to return the same thing to him at a future time, without reward for its use. Civil Code Cal. § 1884.

A loan for use is the gratuitous grant of an article to another for use, to be returned *in specie*, and may be either for a certain time or indefinitely, and at the will of the grantor. Code Ga. 1882, § 2126.

Loan for use (called "*commodatum*" in the civil law) differs from a loan for consumption, (called "*mutuum*" in the civil law,) in this: that the *commodatum* must be specifically returned; the *mutuum* is to be returned in kind. In the case of a *commodatum*, the property in the thing remains in the lender; in a *mutuum*, the property passes to the borrower. Bouvier.

**LOAN, GRATUITOUS, (or COMMODATE.)** A class of bailment which is called "*commodatum*" in the Roman law, and is denominated by Sir William Jones a "loan for use," (*prêt à usage*,) to distinguish it from "*mutuum*," a loan for consumption. It is the gratuitous lending of an article to the borrower for his own use. Wharton.

**LOAN SOCIETIES.** In English law. A kind of club formed for the purpose of advancing money on loan to the industrial classes.

**LOBBYING.** "Lobbying" is defined to be any personal solicitation of a member of a legislative body during a session thereof, by private interview, or letter or message, or other means and appliances not addressed solely to the judgment, to favor or oppose, or to vote for or against, any bill, resolution, report, or claim pending, or to be introduced by either branch thereof, by any person who misrepresents the nature of his interest in the matter to such member, or who is employed for a consideration by a person or corporation interested in the passage or defeat of such bill, resolution, report, or claim, for the purpose of procuring the passage or defeat thereof. But this does not include such services as drafting petitions, bills, or resolutions, attending to the taking of testimony, collecting facts, preparing arguments and memorials, and submitting them orally or in writing to a committee or member of the legislature, and other serv-

ices of like character, intended to reach the reason of legislators. Code Ga. 1882, § 4486

L'obligation sans cause, ou sur une fausse cause, ou sur cause illicite, ne peut avoir aucun effet. An obligation without consideration, or upon a false consideration, (which fails,) or upon unlawful consideration, cannot have any effect. Code Civil, 3, 3, 4; Chit. Cont. (11th Amer. Ed.) 25, note.

**LOCAL.** Relating to place; expressive of place; belonging or confined to a particular place. Distinguished from "general," "personal," and "transitory."

**LOCAL ACT OF PARLIAMENT.** An act which has for its object the interest of some particular locality, as the formation of a road, the alteration of the course of a river, the formation of a public market in a particular district, etc. Brown.

**LOCAL ACTION.** An action is so termed when all the principal facts on which it is founded are of a local nature; as where possession of land is to be recovered, or damages for an actual trespass, or for waste affecting land, because in such case the cause of action relates to some particular locality, which usually also constitutes the venue of the action.

**LOCAL ALLEGIANCE.** That measure of obedience which is due from a subject of one government to another government, within whose territory he is temporarily resident.

**LOCAL CHATTEL.** A thing is local that is fixed to the freehold. Kitchin, 180.

**LOCAL COURTS.** Courts whose jurisdiction is limited to a particular territory or district. The expression often signifies the courts of the state, in opposition to the United States courts.

**LOCAL CUSTOM.** A particular or special custom; one not general in its nature or observance, but confined to a particular district or locality.

**LOCAL FREIGHT.** Freight shipped from either terminus of a railroad to a way station, or *vice versa*, or from one way station to another; that is, over a part of the road only. 61 Ala. 579.

**LOCAL GOVERNMENT.** The government or administration of a particular locality; especially, the governmental authority of a municipal corporation, as a city or coun-

ty, over its local and individual affairs, exercised in virtue of power delegated to it for that purpose by the general government of the state or nation.

**LOCAL IMPROVEMENT.** By common usage, especially as evidenced by the practice of courts and text-writers, the term "local improvements" is employed as signifying improvements made in a particular locality, by which the real property adjoining or near such locality is specially benefited. 22 Minn. 507.

**LOCAL LAW.** A law which, instead of relating to and binding all persons, corporations, or institutions to which it may be applicable, within the whole territorial jurisdiction of the law-making power, is limited in its operation to certain districts of such territory or to certain individual persons or corporations. See **GENERAL LAW**.

**LOCAL OPTION.** A privilege accorded by the legislature of a state to the several counties or other districts of the state to determine, each for itself, by popular vote, whether or not licenses should be issued for the sale of intoxicating liquors within such districts.

**LOCAL PREJUDICE.** The "prejudice or local influence" which will warrant the removal of a cause from a state court to a federal court may be either prejudice and influence existing against the party seeking such removal or existing in favor of his adversary. 31 Fed. Rep. 53.

**LOCAL STATUTE.** Such a statute as has for its object the interest of some particular locality, as the formation of a road, the alteration of the course of a river, the formation of a public market in a particular district, etc.

**LOCAL TAXES.** Those assessments which are limited to certain districts, as poor-rates, parochial taxes, county rates, municipal taxes, etc.

**LOCAL VENUE.** In pleading. A venue which must be laid in a particular county. When the action could have arisen only in a particular county, it is local, and the venue must be laid in that county. 1 Tidd, Pr. 427.

**LOCALITY.** In Scotch law. This name is given to a life-rent created in marriage contracts in favor of the wife, instead of leaving her to her legal life-rent of tierce. 1 Bell, Comm. 55.



**LOCARE.** To let for hire; to deliver or bail a thing for a certain reward or compensation. Bract. fol. 62.

**LOCARIUM.** In old European law. The price of letting; money paid for the hire of a thing; rent. Spelman.

**LOCATAIRE.** In French law. A lessee, tenant, or renter.

**LOCATARIUS.** A deposittee.

**LOCATE.** To ascertain and fix the position of something, the place of which was before uncertain or not manifest; as to locate the calls in a deed.

To decide upon the place or direction to be occupied by something not yet in being; as to locate a road.

**LOCATIO.** Lat. In the civil law. Letting for hire. The term is also used by text-writers upon the law of bailment at common law. In Scotch law it is translated "location." Bell.

**LOCATIO-CONDUCTIO.** In the civil law. A compound word used to denote the contract of bailment for hire, expressing the action of *both* parties, viz., a letting by the one, and a hiring by the other. 2 Kent, Comm. 586, note; Story, Bailm. § 368.

**LOCATIO CUSTODIÆ.** A letting to keep; a bailment or deposit of goods for hire. Story, Bailm. § 442.

**LOCATIO OPERIS.** In the civil law. The contract of hiring work, *i. e.*, labor and services.

It is a contract by which one of the parties gives a certain work to be performed by the other, who binds himself to do it for the price agreed between them, which he who gives the work to be done promises to pay to the other for doing it. Poth. Louage, no. 392.

**LOCATIO OPERIS FACIENDI.** A letting out of work to be done; a bailment of a thing for the purpose of having some work and labor or care and pains bestowed on it for a pecuniary recompense. 2 Kent, Comm. 586, 588; Story, Bailm. §§ 370, 421, 422.

**LOCATIO OPERIS MERCIUM VEHENDARUM.** A letting of work to be done in the carrying of goods; a contract of bailment by which goods are delivered to a person to carry for hire. 2 Kent, Comm. 597; Story, Bailm. §§ 370, 457.

**LOCATIO REI.** A letting of a thing to hire. 2 Kent, Comm. 586. The bailment or letting of a thing to be used by the bailee for a compensation to be paid by him. Story, Bailm. § 370.

**LOCATION.** In American land law. The designation of the boundaries of a particular piece of land, either upon record or on the land itself. 1 Bibb, 84.

The finding and marking out the bounds of a particular tract of land, upon the land itself, in conformity to a certain description contained in an entry, grant, map, etc.; such description consisting in what are termed "locative calls."

In mining law. The act of appropriating a "mining claim" (parcel of land containing precious metal in its soil or rock) according to certain established rules. It usually consists in placing on the ground, in a conspicuous position, a notice setting forth the name of the locator, the fact that it is thus taken or located, with the requisite description of the extent and boundaries of the parcel. 104 U. S. 649.

In a secondary sense, the mining claim covered by a single act of appropriation or location. *Id.*

In Scotch law. A contract by which the temporary use of a subject, or the work or service of a person, is given for an ascertained hire. 1 Bell, Comm. 255.

**LOCATIVE CALLS.** In a deed, patent, or other instrument containing a description of land, locative calls are specific calls, descriptions, or marks of location, referring to landmarks, physical objects, or other points by which the land can be exactly located and identified.

**LOCATOR.** In the civil and Scotch law. A letter; one who lets; he who, being the owner of a thing, lets it out to another for hire or compensation.

In American land law. One who locates land, or intends or is entitled to locate. See **LOCATION.**

**LOCK-UP HOUSE.** A place used temporarily as a prison.

**LOCKMAN.** An officer in the Isle of Man, to execute the orders of the governor, much like our under-sheriff. Wharton.

**LOCMAN.** Fr. In French marine law. A pilot.

**LOCO PARENTIS.** See **IN LOCO PARENTIS.**

**LOCOCESSION.** The act of giving place.

**LOCULUS.** In old records. A coffin; a purse.

**LOCUM TENENS.** Lat. Holding the place. A deputy, substitute, lieutenant, or representative.

**LOCUPLES.** Lat. In the civil law. Able to respond in an action; good for the amount which the plaintiff might recover. Dig. 50, 16, 234, 1.

**LOCUS.** Lat. A place; the place where a thing is done.

**LOCUS CONTRACTUS.** The place of a contract; the place where a contract is made.

**LOCUS CRIMINIS.** The locality of a crime; the place where a crime was committed.

**LOCUS DELICTI.** The place of the offense; the place where an offense was committed. 2 Kent, Comm. 109.

**LOCUS IN QUO.** The place in which. The place in which the cause of action arose, or where anything is alleged, in pleadings, to have been done. The phrase is most frequently used in actions of trespass *quare clausum fregit*.

**LOCUS PARTITUS.** In old English law. A place divided. A division made between two towns or counties to make out in which the land or place in question lies. Fleta, lib. 4, c. 15, § 1; Cowell.

**LOCUS PŒNITENTIÆ.** A place for repentance; an opportunity for changing one's mind; a chance to withdraw from a contemplated bargain or contract before it results in a definite contractual liability. Also used of a chance afforded to a person, by the circumstances, of relinquishing the intention which he has formed to commit a crime, before the perpetration thereof.

**Locus pro solutione redditus aut pecuniæ secundum conditionem dimissionis aut obligationis est strictè observandus.** 4 Coke, 73. The place for the payment of rent or money, according to the condition of a lease or bond, is to be strictly observed.

**LOCUS PUBLICUS.** In the civil law. A public place. Dig. 43, 8, 1; Id. 43, 8, 2, 3.

**LOCUS REGIT ACTUM.** In private international law. The rule that, when a

legal transaction complies with the formalities required by the law of the country where it is done, it is also valid in the country where it is to be given effect, although by the law of that country other formalities are required. 8 Sav. Syst. § 381; Westl. Priv. Int. Law, 159.

**LOCUS REI SITÆ.** The place where a thing is situated. In proceedings *in rem*, or the real actions of the civil law, the proper forum is the *locus rei sitæ*. 2 Gall. 191, 197.

**LOCUS SIGILLI.** The place of the seal; the place occupied by the seal of written instruments. Usually abbreviated to "L.S."

**LOCUS STANDI.** A place of standing; standing in court. A right of appearance in a court of justice, or before a legislative body, on a given question.

**LODE.** This term, as used in the legislation of congress, is applicable to any zone or belt of mineralized rock lying within boundaries clearly separating it from the neighboring rock. It includes all deposits of mineral matter found through a mineralized zone or belt coming from the same source, impressed with the same forms, and appearing to have been created by the same processes. 4 Sawy. 312.

**LODEMAN, or LOADSMAN.** The pilot conducts the ship up the river or into port; but the loadsman is he that undertakes to bring a ship through the haven, after being brought thither by the pilot, to the quay or place of discharge. Jacob.

**LODEMANAGE.** The hire of a pilot for conducting a vessel from one place to another. Cowell.

**LODGER.** One who occupies hired apartments in another's house; a tenant of part of another's house.

A tenant, with the right of exclusive possession of a part of a house, the landlord, by himself or an agent, retaining general dominion over the house itself.

**LODGINGS.** Habitation in another's house; apartments in another's house, furnished or unfurnished, occupied for habitation; the occupier being termed a "lodger."

**LODS ET VENTES.** In old French and Canadian law. A fine payable by a *roturier* on every change of ownership of his land; a mutation or alienation fine. Steph. Lect. 351.

M

**LOG-BOOK.** A ship's journal. It contains a minute account of the ship's course, with a short history of every occurrence during the voyage. 1 Marsh. Ins. 312.

The part of the log-book relating to transactions in the harbor is termed the "harbor log;" that relating to what happens at sea, the "sea log." Young, Naut. Dict.

**LOG-ROLLING.** A mischievous legislative practice, of embracing in one bill several distinct matters, none of which, perhaps, could singly obtain the assent of the legislature, and then procuring its passage by a combination of the minorities in favor of each of the measures into a majority that will adopt them all. 60 Ala. 369.

**LOGATING.** An unlawful game mentioned in St. 33 Hen. VIII. c. 9.

**LOGIA.** A small house, lodge, or cottage. Mon. Angl. tom. 1, p. 400.

**LOGIC.** The science of reasoning, or of the operations of the understanding which are subservient to the estimation of evidence. The term includes both the process itself of proceeding from known truths to unknown, and all other intellectual operations, in so far as auxiliary to this.

**LOGIUM.** In old records. A lodge, hovel, or outhouse.

**LOGOGRAPHUS.** In Roman law. A public clerk, register, or book-keeper; one who wrote or kept books of accounts. Dig. 50, 4, 18, 10; Cod. 10, 69.

**LOGS.** Stems or trunks of trees cut into convenient lengths for the purpose of being afterwards manufactured into lumber of various kinds; not including manufactured lumber of any sort, nor timber which is squared or otherwise shaped for use without further change in form. 52 Wis. 398, 9 N. W. Rep. 67.

**LOLLARDS.** A body of primitive Wesleyans, who assumed importance about the time of John Wycliffe, (1360,) and were very successful in disseminating evangelical truth; but, being implicated (apparently against their will) in the insurrection of the villeins in 1381, the statute *De Hæretico Comburendo* (2 Hen. IV. c. 15) was passed against them, for their suppression. However, they were not suppressed, and their representatives survive to the present day under various names and disguises. Brown.

**LOMBARDS.** A name given to the merchants of Italy, numbers of whom, during the twelfth and thirteenth centuries, were established as merchants and bankers in the principal cities of Europe.

**LONDRES.** L. Fr. London. Yearb. P. 1 Edw. II. p. 4.

**LONG PARLIAMENT.** The name usually given to the parliament which met in November, 1640, under Charles I., and was dissolved by Cromwell on the 10th of April, 1653. The name "Long Parliament" is, however, also given to the parliament which met in 1661, after the restoration of the monarchy, and was dissolved on the 30th of December, 1678. This latter parliament is sometimes called, by way of distinction, the "long parliament of Charles II." Mozley & Whitley.

**LONG QUINTO, THE.** An expression used to denote part second of the year-book which gives reports of cases in 5 Edw. IV.

**LONG VACATION.** The recess of the English courts from August 10th to October 24th.

*Longa possessio est pacis jus.* Long possession is the law of peace. Branch, Princ.; Co. Litt. 6.

*Longa possessio jus parit.* Long possession begets right. Fleta, lib. 3, c. 15, § 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. 110b.

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

**LOOKOUT.** A proper lookout on a vessel is some one in a favorable position to see, stationed near enough to the helmsman to communicate with him, and to receive communications from him, and exclusively employed in watching the movements of vessels which they are meeting or about to pass. 12 How. 462.

**LOPWOOD.** A right in the inhabitants of a parish within a manor, in England, to lop for fuel, at certain periods of the year, the branches of trees growing upon the waste lands of the manor. Sweet.

**LOQUELA.** Lat. A colloquy; talk. In old English law, this term denoted the oral altercations of the parties to a suit, which led to the issue now called the "pleadings." It also designated an "imparlance," (*q. v.*) both names evidently referring to the talking together of the parties. *Loquela sine die*, a postponement to an indefinite time.

*Loquendum ut vulgus; sentiendum ut docti.* We must speak as the common people; we must think as the learned. 7 Coke, 11b. This maxim expresses the rule that, when words are used in a technical sense, they must be understood technically; otherwise, when they may be supposed to be used in their ordinary acceptation.

**LORD.** In English law. A title of honor or nobility belonging properly to the degree of baron, but applied also to the whole peerage, as in the expression "the house of lords." 1 Bl. Comm. 396-400.

A title of office, as lord mayor, lord commissioner, etc.

In feudal law. A feudal superior or proprietor; one of whom a fee or estate is held.

**LORD ADVOCATE.** The chief public prosecutor of Scotland. 2 Alis. Crim. Pr. 84.

**LORD AND VASSAL.** In the feudal system, the grantor, who retained the dominion or ultimate property, was called the "lord," and the grantee, who had only the use or possession, was called the "vassal" or "feudatory."

**LORD CHIEF BARON.** The chief judge of the English court of exchequer, prior to the judicature acts.

**LORD CHIEF JUSTICE.** See JUSTICE.

**LORD HIGH CHANCELLOR.** See CHANCELLOR, THE LORD HIGH.

**LORD HIGH STEWARD.** In England, when a person is impeached, or when a peer is tried on indictment for treason or felony before the house of lords, one of the lords is appointed lord high steward, and acts as speaker *pro tempore*. Sweet.

**LORD HIGH TREASURER.** An officer formerly existing in England, who had the charge of the royal revenues and customs duties, and of leasing the crown lands. His functions are now vested in the lords commissioners of the treasury. Mozley & Whitley.

**LORD IN GROSS.** In feudal law. He who is lord, not by reason of any manor, but as the king in respect of his crown, etc. "Very lord" is he who is immediate lord to his tenant; and "very tenant," he who holds immediately of that lord. So that, where there is lord paramount, lord mesne, and tenant, the lord paramount is not very lord to the tenant. Wharton.

**LORD JUSTICE CLERK.** The second judicial officer in Scotland.

**LORD KEEPER,** or keeper of the great seal, was originally another name for the lord chancellor. After Henry II.'s reign they were sometimes divided, but now there cannot be a lord chancellor and lord keeper at the same time, for by St. 5 Eliz. c. 18, they are declared to be the same office. Com. Dig. "Chancery," B. 1.

**LORD LIEUTENANT.** In English law. The viceroy of the crown in Ireland.

The principal military officer of a county, originally appointed for the purpose of mustering the inhabitants for the defense of the country.

**LORD MAYOR.** The chief officer of the corporation of the city of London is so called. The origin of the appellation of "lord," which the mayor of London enjoys, is attributed to the fourth charter of Edward III., which conferred on that officer the honor of having maces, the same as royal, carried before him by the serjeants. Pull. Laws & Cust. Lond.

**LORD MAYOR'S COURT.** In English law. This is a court of record, of law and equity, and is the chief court of justice within the corporation of London. Theoretically the lord mayor and aldermen are supposed to preside, but the recorder is in fact the acting judge. It has jurisdiction of all personal and mixed actions arising within the city and liberties without regard to the amount in controversy. See 3 Steph. Comm. 449, note l.

**LORD OF A MANOR.** The grantee or owner of a manor.

**LORD ORDINARY** is the judge of the court of session in Scotland, who officiates for the time being as the judge of first instance. Darl. Pr. Ct. Sess.

**LORD PRIVY SEAL,** before the 30 Hen. VIII., was generally an ecclesiastic. The office has since been usually conferred on temporal peers above the degree of barons. He is appointed by letters patent. The lord

privy seal, receiving a warrant from the signet office, issues the privy seal, which is an authority to the lord chancellor to pass the great seal where the nature of the grant requires it. But the privy seals for money begin in the treasury, whence the first warrant issues, countersigned by the lord treasurer. The lord privy seal is a member of the cabinet council. Enc. Lond.

**LORD WARDEN OF CINQUE PORTS.** See CINQUE PORTS.

**LORDS APPELLANTS.** Five peers who for a time superseded Richard II. in his government, and whom, after a brief control of the government, he in turn superseded in 1397, and put the survivors of them to death. Richard II.'s eighteen commissioners (twelve peers and six commoners) took their place, as an embryo privy council acting with full powers, during the parliamentary recess. Brown.

**LORDS COMMISSIONERS.** In English law. When a high public office in the state, formerly executed by an individual, is put into commission, the persons charged with the commission are called "lords commissioners," or sometimes "lords" or "commissioners" simply. Thus, we have, in lieu of the lord treasurer and lord high admiral of former times, the lords commissioners of the treasury, and the lords commissioners of the admiralty; and, whenever the great seal is put into commission, the persons charged with it are called "commissioners" or "lords commissioners" of the great seal. Mozley & Whitley.

**LORD'S DAY.** A name sometimes given to Sunday. Co. Litt. 135.

**LORDS JUSTICES OF APPEAL.** In English law. The title of the ordinary judges of the court of appeal, by Jud. Act 1877, § 4. Prior to the judicature acts, there were two "lords justices of appeal in chancery," to whom an appeal lay from a vice-chancellor, by 14 & 15 Vict. c. 83.

**LORDS MARCHERS.** Those noblemen who lived on the marches of Wales or Scotland, who in times past had their laws and power of life and death, like petty kings. Abolished by 27 Hen. VIII. c. 26, and 6 Edw. VI. c. 10. Wharton.

**LORDS OF APPEAL.** Those members of the house of lords of whom at least three must be present for the hearing and determination of appeals. They are the lord chan-

cellor, the lords of appeal in ordinary, and such peers of parliament as hold, or have held, high judicial offices, such as ex-chancellors and judges of the superior courts in Great Britain and Ireland. App. Jur. Act 1876, §§ 5, 25.

**LORDS OF APPEAL IN ORDINARY.** These are appointed, with a salary of £6,000 a year, to aid the house of lords in the hearing of appeals. They rank as barons for life, but sit and vote in the house of lords during the tenure of their office only. App. Jur. Act 1876, § 6.

**LORDS OF ERECTION.** On the Reformation in Scotland, the king, as proprietor of benefices formerly held by abbots and priors, gave them out in temporal lordships to favorites, who were termed "lords of erection." Wharton.

**LORDS OF PARLIAMENT.** Those who have seats in the house of lords. During bankruptcy, peers are disqualified from sitting or voting in the house of lords. 34 & 35 Vict. c. 50.

**LORDS OF REGALITY.** In Scotch law. Persons to whom rights of civil and criminal jurisdiction were given by the crown.

**LORDS ORDAINERS.** Lords appointed in 1312, in the reign of Edward II., for the control of the sovereign and the court party, and for the general reform and better government of the country. Brown.

**LORDS SPIRITUAL.** The archbishops and bishops who have seats in the house of lords.

**LORDS TEMPORAL.** Those lay peers who have seats in the house of lords.

**LORDSHIP.** In English law. Dominion, manor, seignior, domain; also a title of honor used to a nobleman not being a duke. It is also the customary titular appellation of the judges and some other persons in authority and office.

**LOSS.** In insurance. The injury or damage sustained by the insured in consequence of the happening of one or more of the accidents or misfortunes against which the insurer, in consideration of the premium, has undertaken to indemnify the insured. 1 Bouv. Inst. no. 1215.

A loss is *total* when the subject insured is wholly destroyed or reduced to an entirely worthless condition. It is *partial* when the subject is injured, but not destroyed, or when it still retains some

value, or some part of it escapes. It is *actual* when the destruction of the thing is real and substantial. It is *constructive* when the injury, without entire destruction, is such as to entitle the assured to abandon the property to the underwriter and claim as for an actual loss. See ACTUAL TOTAL LOSS.

**LOST OR NOT LOST.** A phrase sometimes inserted in policies of marine insurance to signify that the contract is meant to relate back to the beginning of a voyage now in progress, or to some other antecedent time, and to be valid and effectual even if, at the moment of executing the policy, the vessel should have already perished by some of the perils insured against, provided that neither party has knowledge of that fact or any advantage over the other in the way of superior means of information.

**LOST PAPERS.** Papers which have been so mislaid that they cannot be found after diligent search.

**LOT.** The arbitrament of chance; hazard. That which fortuitously determines what course shall be taken or what disposition be made of property or rights.

A share; one of several parcels into which property is divided. Used particularly of land.

The thirteenth dish of lead in the mines of Derbyshire, which belonged to the crown.

**LOT AND SCOT.** In English law. Certain duties which must be paid by those who claim to exercise the elective franchise within certain cities and boroughs, before they are entitled to vote. It is said that the practice became uniform to refer to the poor-rate as a register of "scot and lot" voters; so that the term, when employed to define a right of election, meant only the payment by a parishioner of the sum to which he was assessed on the poor-rate. Brown.

**LOT OF LAND.** A small tract or parcel of land in a village, town, or city, suitable for building, or for a garden, or other similar uses. See 28 N. J. Law, 44; 37 N. J. Eq. 486; 28 Minn. 17, 8 N. W. Rep. 830.

**LOTHERWITE, or LEYERWIT.** In old English law. A liberty or privilege to take amends for lying with a bondwoman without license.

**LOTTERY.** A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid, or promised or agreed to pay, any valuable consideration for the chance of obtaining such

property, or a portion of it, or for any share of or interest in such property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a "lottery," a "raffle," or a "gift enterprise," or by whatever name the same may be known. Pen. Code Cal. § 319; Pen. Code Dak. § 373.

A lottery is a distribution of prizes by chance or lot, where a valuable consideration is given for the chance of drawing a prize. 1 Abb. (U. S.) 275; 42 Tex. 530; 8 Phila. 457.

**Lou le ley done chose, la ceo done remedie a vener a ceo.** 2 Rolle, 17. Where the law gives a right, it gives a remedy to recover.

**LOUAGE.** Fr. This is the contract of hiring and letting in French law, and may be either of things or of labor. The varieties of each are the following:

1. Letting of things,—*Bail à loyer* being the letting of houses; *bail à ferme* being the letting of lands.

2. Letting of labor,—*loyer* being the letting of personal service; *bail à cheptel* being the letting of animals. Brown.

**LOURCURDUS.** A ram or bell-wether. Cowell.

**LOVE-DAY.** In old English law. The day on which any dispute was amicably settled between neighbors; or a day on which one neighbor helps another without hire. Wharton.

**LOW JUSTICE.** In old European law. Jurisdiction of petty offenses, as distinguished from "high justice," (*q. v.*)

**LOW WATER.** The furthest receding point of ebb-tide. 13 How. 417.

**LOW-WATER MARK.** That line on the shore of the sea which marks the edge of the waters at the lowest point of the ordinary ebb tide. See 60 Pa. St. 339; 26 Me. 384.

**LOWBOTE.** A recompense for the death of a man killed in a tumult. Cowell.

**LOWERS.** Fr. In French maritime law. Wages. Ord. Mar. liv. 1, tit. 14, art. 16.

**LOYAL.** Legal; authorized by or conforming to law. Also faithful in one's political relations; giving faithful support to one's prince or sovereign or to the existing government.

**LOYALTY.** Adherence to law. Faithfulness to one's prince or sovereign or to the existing government.

*Lubricum linguæ non facile trahendum est in pœnam.* Cro. Car. 117. A slip of the tongue ought not lightly to be subjected to punishment.

**LUCID INTERVALS.** In medical jurisprudence. Intervals occurring in the mental life of an insane person during which he is completely restored to the use of his reason, or so far restored that he has sufficient intelligence, judgment, and will to enter into contractual relations, or perform other legal acts, without disqualification by reason of his disease.

**LUCRATIVA CAUSA.** Lat. In Roman law. A consideration which is voluntary; that is to say, a gratuitous gift, or such like. It was opposed to *onerosa causa*, which denoted a valuable consideration. It was a principle of the Roman law that two lucrative causes could not concur in the same person as regarded the same thing; that is to say, that, when the same thing was bequeathed to a person by two different testators, he could not have the thing (or its value) twice over. Brown.

**LUCRATIVA USUCAPIO.** Lat. This species of *usucapio* was permitted in Roman law only in the case of persons taking possession of property upon the decease of its late owner, and in exclusion or forfeiture of the heir, whence it was called "*usucapio pro hærede.*" The adjective "*lucrativa*" denoted that property was acquired by this *usucapio* without any consideration or payment for it by way of purchase; and, as the possessor who so acquired the property was a *malâ fide* possessor, his acquisition, or *usucapio*, was called also "*improba,*" (*i. e.*, dishonest;) but this dishonesty was tolerated (until abolished by Hadrian) as an incentive to force the *hæres* to take possession, in order that the debts might be paid and the sacrifices performed; and, as a further incentive to the *hæres*, this *usucapio* was complete in one year. Brown.

**LUCRATIVE SUCCESSION.** In Scotch law. A kind of passive title by which a person accepting from another, without any onerous cause, (or without paying value,) a disposition of any part of his heritage, to which the receiver would have succeeded as heir, is liable to all the grantor's debts contracted before the said disposition. 1 Forb. Inst. pt. 3, p. 102.

**LUCRATUS.** In Scotch law. A gainer.

**LUCRE.** Gain in money or goods; profit; usually in an ill sense, or with the sense of something base or unworthy. Webster.

**LUCRI CAUSA.** Lat. In criminal law. A term descriptive of the intent with which property is taken in cases of larceny, the phrase meaning "for the sake of lucre" or gain.

**LUCRUM CESSANS.** Lat. In Scotch law. A ceasing gain, as distinguished from *damnum datum*, an actual loss.

*Lucrum facere ex pupilli tutela tutor non debet.* A guardian ought not to make money out of the guardianship of his ward. 1 Johns. Ch. 527, 535.

**LUCTUOSA HÆREDITAS.** A mournful inheritance. See *HÆREDITAS LUCTUOSA.*

**LUCTUS.** In Roman law. Mourning. See *ANNUS LUCTUS.*

**LUGGAGE.** Luggage may consist of any articles intended for the use of a passenger while traveling, or for his personal equipment. Civil Code Cal. § 2181.

This term is synonymous with "baggage," but is more commonly used in England than in America.

**LUMEN.** In the civil law. Light; the light of the sun or sky; the privilege of receiving light into a house.

A light or window.

**LUMINA.** In the civil law. Lights; windows; openings to obtain light for one's building.

**LUMINARE.** A lamp or candle set burning on the altar of any church or chapel, for the maintenance whereof lands and rent-charges were frequently given to parish churches, etc. Kennett, Gloss.

**LUNACY.** Lunacy is that condition or habit in which the mind is directed by the will, but is wholly or partially misguided or erroneously governed by it; or it is the impairment of any one or more of the faculties of the mind, accompanied with or inducing a defect in the comparing faculty. 1 Bland, 386.

"Lunacy" means either (1) the condition or *status* of a lunatic, (*q. v.*) or (2) judicial proceedings taken before the proper court or officer for the purpose of making inquiry into the state of mind of persons alleged to be lunatics, of taking charge of them and their property if they are found to be lunatics, and for removing the restraint on their restoration to sanity. Sweet.

Lunacy includes both the forms of mental alienation known, respectively, as "mania" and "dementia." 10 N. J. Eq. 186.

**LUNACY, COMMISSION OF.** A commission issuing from a court of competent jurisdiction, authorizing an inquiry to be made into the mental condition of a person who is alleged to be a lunatic.

**LUNAR.** Belonging to or measured by the revolutions of the moon.

**LUNAR MONTH.** See MONTH.

**LUNATIC.** A person of deranged or unsound mind; a person whose mental faculties are in the condition called "lunacy," (*q. v.*)

Lunaticus, qui gaudet in lucidis intervallis. He is a lunatic who enjoys lucid intervals. 1 Story, Cont. § 73.

**LUNDRESS.** In old English law. A silver penny, so called because it was to be coined only at London, (*a Londres,*) and not at the country mints. Lown. Essay Coins, 17; Cowell.

**LUPANATRIX.** A bawd or strumpet. 3 Inst. 206.

**LUPINUM CAPUT GERERE.** Lat. To be outlawed, and have one's head exposed, like a wolf's, with a reward to him who should take it. Cowell.

**LURGULARY.** Casting any corrupt or poisonous thing into the water. Wharton.

**LUSHBOROW.** In old English law. A base sort of money, coined beyond sea in the likeness of English coin, and introduced into England in the reign of Edward III. Prohibited by St. 25 Edw. III. c. 4. Spelman; Cowell.

**LUXURY.** Excess and extravagance, which was formerly an offense against the public economy, but is not now punishable. Wharton.

**LYCH-GATE.** The gate into a churchyard, with a roof or awning hung on posts over it to cover the body brought for burial, when it rests underneath. Wharton.

**LYEF-GELD.** Sax. In old records. Lief silver or money; a small fine paid by the customary tenant to the lord for *leave* to plow or sow, etc. Somn. Gavelkind, 27.

**LYING BY.** A person who, by his presence and silence at a transaction which affects

his interests, may be fairly supposed to acquiesce in it, if he afterwards propose to disturb the arrangement, is said to be prevented from doing so by reason that he has been *lying by*.

**LYING IN FRANCHISE.** A term descriptive of waifs, wrecks, estrays, and the like, which may be seized without suit or action.

**LYING IN GRANT.** A phrase applied to incorporeal rights, incapable of manual tradition, and which must pass by mere delivery of a deed.

**LYING IN WAIT.** Lying in ambush; lying hid or concealed for the purpose of making a sudden and unexpected attack upon a person when he shall arrive at the scene. In some jurisdictions, where there are several degrees of murder, lying in wait is made evidence of that deliberation and premeditated intent which is necessary to characterize murder in the first degree.

This term is not synonymous with "concealed." If a person conceals himself for the purpose of shooting another unawares, he is lying in wait; but a person may, while concealed, shoot another without committing the crime of murder. 55 Cal. 207.

**LYNCH LAW.** A term descriptive of the action of unofficial persons, organized bands, or mobs, who seize persons charged with or suspected of crimes, or take them out of the custody of the law, and inflict summary punishment upon them, without legal trial, and without the warrant or authority of law.

**LYNDHURST'S (LORD) ACT.** This statute (5 & 6 Wm. IV. c. 54) renders marriages within the prohibited degrees absolutely null and void. Thetefore such marriages were voidable merely.

**LYON KING OF ARMS.** In Scotch law. The ancient duty of this officer was to carry public messages to foreign states, and it is still the practice of the heralds to make all royal proclamations at the Cross of Edinburgh. The officers serving under him are heralds, pursuivants, and messengers. Bell.

**LYTÆ.** In old Roman law. A name given to students of the civil law in the fourth year of their course, from their being supposed capable of *solving* any difficulty in law. Tayl. Civil Law, 39.