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- K. B.** An abbreviation for "King's Bench," (*q. v.*)
- K. C.** An abbreviation for "King's Counsel."
- KABANI.** A person who, in oriental states, supplies the place of our notary public. All obligations, to be valid, are drawn by him; and he is also the public weigh-master, and everything of consequence ought to be weighed before him. Enc. Lond.
- KABOOLEAT.** In Hindu law. A written agreement, especially one signifying assent, as the counterpart of a revenue lease, or the document in which a payer of revenue, whether to the government, the zamindar, or the farmer, expresses his consent to pay the amount assessed upon his land. Wils. Ind. Gloss.
- KAIA.** A key, kay, or quay. Spelman.
- KAIAGE, or KAIAGIUM.** A wharfage-due.
- KAIN.** In Scotch law. Poultry renderable by a vassal to his superior, reserved in the lease as the whole or a part of the rent. Bell.
- KALALCONNA.** A duty paid by shopkeepers in Hindostan, who retail spirituous liquors; also the place where spirituous liquors are sold. Wharton.
- KALENDÆ.** In English ecclesiastical law. Rural chapters, or conventions of the rural deans and parochial clergy, which were formerly held on the calends of every month; hence the name. Paroch. Antiq. 604.
- KALENDAR.** An account of time, exhibiting the days of the week and month, the seasons, etc. More commonly spelled "calendar."
- KALENDARIIUM.** In the civil law. A calendar; a book of accounts, memorandum-book, or debt-book; a book in which accounts were kept of moneys loaned out on interest. Dig. 32, 64. So called because the Romans used to let out their money and receive the interest on the calends of each month. Calvin.
- KALENDS.** See Calends.
- KARL.** In Saxon and old English law. A man; a serving man. *Buskarl*, a seaman. *Huskarl*, a house servant. Spelman.
- KARRATA.** In old records. A cart-load. Cowell; Blount.
- KAST.** In Swedish law. Jettison; a literal translation of the Latin "*jactus*."
- KAST-GELD.** Contribution for a jettison; average.
- KATATONIA.** See Insanity.
- KAY.** A quay, or key.
- KAYAGE.** See Cayagium.
- KAZY.** A Mohammedan judge or magistrate in the East Indies, appointed originally by the court at Delhi, to administer justice according to their written law. Under the British authorities their judicial functions ceased, and their duties were confined to the preparation and attestation of deeds, and the superintendence and legalization of marriage and other ceremonies among the Mohammedans. Wharton.
- KEELAGE.** The right to demand money for the privilege of anchoring a vessel in a harbor; also the money so paid.
- KEELHALE, KEELHAUL.** To drag a person under the keel of a ship by means of ropes from the yard-arms, a punishment formerly practiced in the British navy. Enc. Lond.
- KEELS.** This word is applied, in England, to vessels employed in the carriage of coals. Jacob.
- KEEP, n.** A strong tower or hold in the middle of any castle or fortification, wherein the besieged make their last efforts of defense, was formerly, in England, called a "keep;" and the inner pile within the castle of Dover, erected by King Henry II. about the year 1153, was termed the "King's Keep;" so at Windsor, etc. It seems to be something of the same nature with what is called abroad a "citadel." Jacob.
- KEEP, v.** To have or retain in one's power or possession; not to lose or part with; to preserve or retain. *Benson v. New York*, 10 Barb. (N. Y.) 235; *Deans v. Gay*, 132 N. C. 227, 43 S. E. 643; *Balfe v. People*, 66 Colo. 94, 179 P. 137, 138; *Young v. Commonwealth*, 194 Ky. 561, 239 S. W. 1042, 1043; *Hammond v. Niagara Fire Ins. Co.*, 92 Kan. 851, 142 P. 936.
- To maintain, carry on, conduct, or manage; as, to "keep" a liquor saloon, bawdy house, gaming table, nuisance, inn, or hotel. *State v. Irvin*, 117 Iowa, 469, 91 N. W. 760; *People v. Rice*, 103 Mich. 350, 61 N. W. 540; *State v. Miller*, 68 Conn. 373, 36 A. 795; *State v. Cox*, 52 Vt. 474.
- To maintain, tend, harbor, feed, and shelter; as, to "keep" a dangerous animal, to "keep" a horse at livery. *Allen v. Ham*, 63 Me. 536; *Skinner v. Caughey*, 64 Minn. 375, 67 N. W. 203.
- To maintain continuously and methodically for the purposes of a record; as, to "keep" books. See *Backus v. Richardson*, 5 Johns. (N. Y.) 483; *Hammond v. Niagara Fire Ins.*

Co., 92 Kan. 851, 142 P. 936, 937. Thus to "keep" records of court means, not only to preserve the manual possession of the records, books, and papers, but to correctly transcribe therein the proceedings of the court. Myers v. Colquitt (Tex. Civ. App.) 173 S. W. 993, 997.

To maintain continuously and without stoppage or variation; as, when a vessel is said to "keep her course," that is, continue in motion in the same general direction in which she was previously sailing. See *The Britannia*, 153 U. S. 130, 14 S. Ct. 795, 33 L. Ed. 660; to maintain, to cause to continue without essential change of condition. Arden v. Boone (Tex. Com. App.) 221 S. W. 265, 266.

The word "kept" in policies providing that gasoline shall not be "kept, used, or allowed" on premises implies some degree of permanence of storage thereof, *Bouchard v. Dirigo Mut. Fire Ins. Co.*, 113 Me. 17, 92 A. 899, 900, L. R. A. 1915D, 187; *D. I. Felsenthal Co. v. Northern Assur. Co., Limited*, of London, 284 Ill. 343, 120 N. E. 268, 271, 1 A. L. R. 602; *Home Ins. Co. of New York v. Bridges*, 172 Ky. 161, 189 S. W. 6, 7, L. R. A. 1917C, 276; while "keeping in possession" contraband liquors means to have habitually in possession, *State v. Burns*, 133 S. C. 238, 130 S. E. 641, 642; and in the National Prohibition Act providing that "any * * * place where intoxicating liquor is manufactured, sold, kept or bartered, in violation of this title, * * * is hereby declared to be a common nuisance," the word "kept," read in connection with the context, means kept for sale or barter or other commercial purposes. *U. S. v. Ward* (C. C. A.) 6 F.(2d) 182, 184; *Turner v. Commonwealth*, 140 Va. 508, 125 S. E. 324, 325; *U. S. v. One Cadillac Touring Car* (D. C.) 274 F. 470, 472; *Singer v. U. S.* (C. C. A.) 288 F. 695, 696.

In General

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

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

—**Keep in repair.** When a lessee is bound to keep the premises in repair, he must have them in repair at all times during the term; and, if they are at any time out of repair, he is guilty of a breach of the covenant. 1 Barn. & Ald. 585.

—**Keep open.** To allow general access to one's shop, for purposes of traffic, is a violation of a statute forbidding him to "keep open" his

shop on the Lord's day, although the outer entrances are closed. *Com. v. Harrison*, 11 Gray (Mass.) 308.

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

KEEPER. A custodian, manager, or superintendent; one who has the care, custody, or management of any thing or place. *Schultz v. State*, 32 Ohio St. 281; *State v. Rozum*, 8 N. D. 548, 80 N. W. 481; *Fishell v. Morris*, 57 Conn. 547, 18 A. 717, 6 L. R. A. 82; *McCoy v. Zane*, 65 Mo. 15; *Stevens v. People*, 67 Ill. 590; *Janssen v. Voss*, 189 Wis. 222, 207 N. W. 279, 280.

KEEPER OF A BAWDY-HOUSE. A person who has control, proprietorship, or management of the house in question. *Jones v. State*, 10 Okl. Cr. 79, 133 P. 1134, 1135; *Gregg v. People*, 65 Colo. 390, 176 P. 483, 485.

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

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

KEEPER OF THE KING'S CONSCIENCE. A name sometimes applied to the chancellor of England, as being formerly an ecclesiastic and presiding over the royal chapel. 3 Bl. Comm. 48.

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

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

KEEPING BOOKS. Preserving an intelligent record of a merchant's or tradesman's affairs with such reasonable accuracy and care as may properly be expected from a man in that business.

KEEPING TERM.**In English Law**

A duty performed by students of law, consisting in eating a sufficient number of dinners in hall to make the term count for the purpose of being called to the bar. *Moz. & W.*

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

KELP-SHORE. The land between high and low water mark. *Stroud. Jud. Dict.*

But when the conveyance, "with the kelp-shore" by the metes and bounds given, manifestly excluded the land between high and low water mark, it was held to be excluded, and parol proof could not be received of the intention to include it; 10 *Ir. C. L.* 150.

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

KENNING TO THE TERCE. In Scotch law. The ascertainment by a sheriff of the just proportion of the husband's lands which belongs to the widow in virtue of her *terce* or third. An assignment of dower by sheriff. *Erskine, Inst.* 11. 9. 50; *Bell, Dict.*

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

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

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

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

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

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

KERNES. In English law. Idlers; vagabonds.

KEROSENE. A rock or earth oil. *Morse v. Ins. Co.*, 30 *Wis.* 534, 11 *Am. Rep.* 587.

It is, in a commercial sense, a refined coal or earth oil, and is embraced within those terms as used in an insurance policy. *Bennett v. Ins. Co.*, 81 *N. Y.* 273, 37 *Am. Rep.* 501. It is not petroleum, but made from the latter by a process of a distillation and refinement. *Bennett v. Ins. Co.*, 81 *N. Y.* 273, 37 *Am. Rep.* 501.

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

An instrument for fastening and opening a lock.

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

KEYAGE. A toll paid for loading and unloading merchandise at a key or wharf. *Rowan v. Portland*, 8 *B. Mon.* (Ky.) 253.

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

In Old English Law

A guardian, warden, or keeper.

KEYS OF COURT. In old Scotch law. Certain officers of courts. See *Claves Curiae.*

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

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

KIDDER. In English law. An engrosser of corn to enhance its price. Also a huckster.

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

KIDNAPPING. At common law the forcible abduction or stealing away of a man, woman, or child from his own country, and sending him into another. It is an offense punishable at the common law by fine and imprisonment. 4 *Bl. Comm.* 219; *Furlong v. German-American Press Ass'n* (Mo. Sup.) 189 *S. W.* 385, 389; *State v. Hoyle*, 114 *Wash.* 290, 194 *P.* 976, 977.

In American law, this word is most often applied to the abduction of children, and the

intent to send the person kidnapped out of the country does not constitute a necessary part of the offense. The term includes false imprisonment plus the removal of the person to some other place. 2 *Bish. Crim. Law*, § 671. See *State v. Rollins*, 8 N. H. 567; *State v. Sutton*, 116 Ind. 527, 19 N. E. 602; *Dehn v. Mandeville*, 68 Hun, 335, 22 N. Y. Supp. 984; *People v. De Leon*, 109 N. Y. 226, 16 N. E. 46, 4 Am. St. Rep. 444; *People v. Fick*, 89 Cal. 144, 26 P. 759; *Furlong v. German-American Press Ass'n (Mo. Sup.)* 189 S. W. 385, 389; *People v. Harrison*, 261 Ill. 517, 104 N. E. 259, 263.

KILDERKIN. A measure of eighteen gallons.

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

KILL, v. To deprive of life; to destroy the life of an animal or person. The word "homicide" expresses the killing of a human being. See *The Ocean Spray*, 18 Fed. Cas. 559; *Carroll v. White*, 33 Barb. (N. Y.) 620; *Porter v. Hughey*, 2 Bibb (Ky.) 232; *Com. v. Clarke*, 162 Mass. 495, 39 N. E. 280; *Fisher v. State*, 109 Ark. 456, 160 S. W. 210, 213.

The word "kill" contains no implication of crime. *Pilcher v. State*, 16 Ala. App. 237, 77 So. 75.

Killing by Misadventure

Accidental killing of a person where the slayer is doing a lawful act, unaccompanied by any criminal carelessness or reckless conduct. *State v. Dean*, 2 W. W. Harr. (Del.) 290, 122 A. 448, 449.

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

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

KIN. Relation or relationship by blood or consanguinity. "The nearness of *kin* is computed according to the civil law." 2 Kent, Comm. 413. See *Keniston v. Mayhew*, 169 Mass. 166, 47 N. E. 612; *Hibbard v. Odell*, 16 Wis. 635; *Lusby v. Cobb*, 80 Miss. 715, 32 So. 6; *State v. Bielman*, 86 Wash. 460, 150 P. 1194. As to "next of kin," see Next.

Kinshote

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

Kinsfolk

Relations; those who are of the same family.

Kinsman

A man of the same race or family. *Wood v. Mitcham*, 92 N. Y. 379.

Kinswoman

A female relation.

KIND. The agreement that a collector of taxes was to receive his commission "in kind" means the same kind of funds in which the tax is collected; *Wilson v. State*, 51 Ark. 213, 10 S. W. 491.

Genus; generic class; description. See In Kind.

KINDRED. Relatives by blood. Next of kin. "Kindred of the whole blood, preferred to kindred of the half blood." 4 Kent, Comm. 404, notes. See *Butler v. Elyton Land Co.*, 84 Ala. 384, 4 So. 675; *Farr v. Flood*, 11 Cush. (Mass.) 25; *Brookfield v. Allen*, 6 Allen (Mass.) 586; *Wetter v. Walker*, 62 Ga. 144; *Farmers' Loan & Trust Co. v. Polk*, 166 App. Div. 43, 151 N. Y. S. 618, 622; *Bonewell v. Smith*, 120 Va. 431, 91 S. E. 759, 761.

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

See Emperor.

—**King-craft.** The art of governing.

—**King-geld.** A royal aid; an escuage, (*q. v.*)

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

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

The king can do no wrong. This maxim means that the king is not responsible legally for aught he may please to do, or for any omission. Aust. Jur. sect. VI. It does not mean that everything done by the government is just and lawful, but that whatever is exceptionable in the conduct of public affairs is not to be imputed to the king; 2 Steph. Com., 11th ed. 486.

KING'S ADVOCATE. An English advocate who holds, in the courts in which the rules of the canon and civil law prevail, a similar position to that which the attorney general holds in the ordinary courts, *i. e.*, he acts as counsel for the crown in ecclesiastical, admiralty, and probate cases, and advises the crown on questions of international law. In order of precedence it seems that he ranks

after the attorney general. 3 Steph. Comm. 275n.

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

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

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

KING'S CORONER AND ATTORNEY. An officer of the court of king's bench, usually called "the master of the crown office," whose duty it is to file informations at the suit of a private subject by direction of the court. 4 Bl. Comm. 308, 309; 4 Steph. Comm. 374, 378.

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

KING'S EVIDENCE. When several persons are charged with a crime, and one of them gives evidence against his accomplices, on the promise of being granted a pardon, he is

said to be admitted king's or (in America) state's evidence. 4 Steph. Comm. 395; Sweet.

KING'S PROCTOR. A proctor or solicitor representing the crown in the former practice of the courts of probate and divorce. In petitions for dissolution of marriage, or for declarations of nullity of marriage, the king's proctor may, under the direction of the attorney general, and by leave of the court, intervene in the suit for the purpose of proving collusion between the parties. Mozley & Whitley.

KING'S REMEMBRANCER. An officer of the central office of the English supreme court.

Formerly he was an officer of the exchequer, and had important duties to perform in protecting the rights of the crown; *e. g.*, by instituting proceedings for the recovery of land by writs of intrusion, (*q. v.*) and for the recovery of legacy and succession duties; but of late years administrative changes have lessened the duties of the office. Sweet.

He was at the head of the department which had charge of all revenue suits, and of matters pertaining to the office of sheriff. He attended as the officer of the king's bench when the lord mayor made his appearance on November 9th, and as representing the old court of exchequer when the city of London did suit and service in discharge of quit-rents for certain lands anciently held under the crown. He presided at the Trial of the Pyx, the assaying and weighing of the coins of the realm. See Remembrances of Sir F. Pollock.

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

KINSMAN. See Kin.

KINTAL, or KINTLE. A hundred pounds in weight. See Quintal.

KINTLIDGE. A ship's ballast. See Kentlage.

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

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

KIRK. In Scotch law. A church; the church; the established church of Scotland.

KIRK-MOTE. A meeting of parishioners on church affairs.

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

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

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

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

KLEPTOMANIA. In medical jurisprudence. A form (or symptom) of mania, consisting in an irresistible propensity to steal.

It is said to be often shown in cases of women, laboring under their peculiar diseases or of those far advanced in pregnancy. A sharp distinction is made between kleptomania and the tendency to steal so commonly observed in the well defined forms of insanity; the former is a defective mental characteristic approaching the confines of insanity on one subject alone, while the individual, on all other subjects, is perfectly sane. It differs from shoplifting in that the shoplifter steals for a purpose, and only those articles which are of value, while the kleptomaniac takes goods of any description, often of no use to herself and with no motive for their possession; 4 Am. Lawy. 533. See Insanity.

KNACKER. One who slaughters useless or diseased animals or deals in such. Cent. Dict. A regular occupation in London and other large cities, regulated by act of parliament August 18, 1911.

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

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

KNEEL. To bend the knees in worship without resting on them is to kneel. 36 L. J. Ecc. 10.

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

—**Knighthood.** The rank, order, character, or dignity of a knight.

—**Knights bachelors.** In English law. The most ancient, though lowest, order of knighthood. 1 Bl. Comm. 404.

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

—**Knights of St. Michael and St. George.** An English order of knighthood, instituted in 1818.

—**Knights of St. Patrick.** Instituted in Ireland by George III., A. D. 1763. They have no rank in England.

—**Knights of the Bath.** An order supposed to have been instituted by Henry IV., and revived by George I. in 1725 to consist of the sovereign, a grand master and 36 knights companions. In 1815 the order was instituted in three classes. In 1847 the civil knights, commanders and companions were added. They are so called from the ceremony formerly observed of bathing the night before their creation.

—**Knights of the chamber.** Those created in the sovereign's chamber in time of peace, not in the field. 2 Inst. 666.

—**Knights of the Garter.** Otherwise called "Knights of the Order of St. George." This order was founded by Richard I., and improved by Edward III., A. D. 1344. They form the highest order of knights.
See Garter.

—**Knights of the post.** A term for hireling witnesses.

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

—**Knights of the Thistle.** A Scottish order of knighthood. This order is said to have been instituted by Achaisus, king of Scotland, A. D. 819. The better opinion, however, is that it was instituted by James V. in 1534, was revived by James VII. (James II. of England) in 1687, and reestablished by Queen Anne in 1703. They have no rank in England. Wharton.

KNIGHT-MARSHAL. In English law. An officer in the royal household who has jurisdiction and cognizance of offenses committed within the household and verge, and of all contracts made therein, a member of the household being one of the parties. Wharton.

KNIGHT'S FEE was anciently so much of an inheritance in land as was sufficient to maintain a knight; and every man possessed of such an estate was obliged to be knighted, and attend the king in his wars, or pay a pecuniary sum in lieu thereof, called *escuage*. In the time of Henry II. the estate was estimated at twenty pounds a year; but Lord Coke, in his time, states it to be an estate of six hundred and eighty acres. Co. Litt. 69 a. See 1 Poll. & Maitl. 232. See, also, Fee.

KNIGHT'S SERVICE. Upon the Norman conquest, all the lands in England were divided into knight's fees, in number above sixty thousand; and for every knight's fee, a knight was bound to attend the king in his wars forty days in a year, in which space of time a campaign was generally finished. If a man only held half a knight's fee, he was only bound to attend twenty days; and so in proportion. But this personal service, in process of time, grew into pecuniary commutations, or aids; until at last, with the military part of the feudal system, it was abolished at the restoration, by the statute of 12 Car. II. c. 24. 1 Bla. Com. 410; 2 *id.* 62; Will. Real. Pr. 144; 1 Poll. & Maitl. 230.

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

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

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

KNOW. To have knowledge; to possess information, instruction, or wisdom. State v. Ransberger, 106 Mo. 135, 17 S. W. 290. Horne v. Lewis, 160 Ga. 824, 129 S. E. 95.

KNOW ALL MEN. In conveyancing. A form of public address, of great antiquity, and with which many written instruments, such as bonds, letters of attorney, etc., still commence.

KNOWINGLY. With knowledge; consciously; intelligently; willfully. Schultz v. Henry

Ericsson Co., 264 Ill. 156, 106 N. E. 236, 240; Ex parte Cowden, 74 Tex. Cr. R. 449, 168 S. W. 539, 540; Atkinson v. State, 133 Ark. 341, 202 S. W. 709, 710; Siuslaw Timber Co. v. Russell, 91 Or. 6, 178 P. 214, 215. The use of this word in an indictment is equivalent to an averment that the defendant knew what he was about to do, and, with such knowledge, proceeded to do the act charged. U. S. v. Claypool (D. C.) 14 Fed. 128; State v. Wilson, 41 Idaho, 598, 242 P. 787, 788.

"Knowingly" means with knowledge of the essential facts, People v. McCalla, 63 Cal. App. 783, 220 P. 436, 439; Rownd v. State, 93 Neb. 427, 140 N. W. 790, 791; Gottlieb v. Commonwealth, 126 Va. 807, 101 S. E. 873, 873; and knowledge must be actual, not merely constructive, Parsons v. Rinard Grain Co., 186 Iowa, 1017, 173 N. W. 276, 280.

KNOWINGLY AND WILLFULLY. This phrase, in reference to violation of a statute, means consciously and intentionally. United States v. Lehigh Valley R. Co. (C. C. A.) 204 F. 705, 708; Oregon-Washington R. & Nav. Co. v. United States (C. C. A.) 205 F. 337, 339; United States v. Philadelphia & R. Ry. Co. (D. C.) 238 F. 428, 430.

KNOWLEDGE. Information as to a fact. The act of knowing; clear perception of the truth; firm belief; information; an impression of the mind, the state of being aware. State v. Hightower, 187 N. C. 300, 121 S. E. 616, 621. "Knowledge" is the highest degree of the speculative faculties, and consists in the perception of the truth of affirmative or negative propositions, while "belief" admits of all degrees, from the slightest suspicion to the fullest assurance. Montgomery v. Commonwealth, 189 Ky. 306, 224 S. W. 878; State v. Godette, 188 N. C. 497, 125 S. E. 24, 28; Franken v. State, 190 Wis. 424, 209 N. W. 766, 769. The difference between knowledge and belief is ordinarily merely in the degree, to be judged of by the court, when addressed to the court; by the jury, when addressed to the jury. Hatch v. Carpenter, 9 Gray (Mass.) 271. See Utley v. Hill, 155 Mo. 232, 55 S. W. 1091, 49 L. R. A. 323, 78 Am. St. Rep. 569; Ohio Valley Coffin Co. v. Goble, 28 Ind. App. 362, 62 N. E. 1025; Clarke v. Ingram, 107 Ga. 565, 33 S. E. 802.

"Knowledge" of contents of an instrument means more than a mere sensory consciousness of its physical existence, and must include understanding of its actual contents. Mitchell v. Slye, 137 Md. 89, 111 A. 814, 819.

Knowledge may be imputed, when the means of knowledge exists, known and accessible to the party, and capable of communicating positive information. Scott v. Empire Land Co. (D. C.) 5 F. (2d) 873, 875; Smith v. Industrial Acc. Commission of California, 174 Cal. 199, 162 P. 636, 637; Scheckells v. Ice Plant Mining Co. (Mo. App.) 180 S. W. 12, 15; People v. Tantenella, 212 Mich. 614, 180 N. W. 474, 476; Hopkins v. McCarthy, 121 Me. 27, 115 A. 513, 515. However closely actual notice may, in many instances, approximate knowledge, and constructive no-

tice may be its equivalent in effect, there may be actual notice without knowledge; and, when constructive notice is made the test to determine priorities of right, it may fall far short of knowledge. *Cleveland Woolen Mills v. Sibert*, 81 Ala. 140, 1 So. 773; *Dodge v. Grain Shippers' Mut. Fire Ins. Ass'n*, 176 Iowa, 316, 157 N. W. 955, 961; *Stanton v. Hawkins*, 41 R. I. 501, 103 A. 229, 230. Thus, oral notice to employer by employé of injury is not "knowledge" of the injury, excusing employé's failure to give notice of injury required by Workmen's Compensation Act. *In re Brown*, 228 Mass. 31, 116 N. E. 897, 898; *In re Simmons*, 117 Me. 175, 103 A. 68.

—**Carnal knowledge.** *Coitus*; copulation; sexual intercourse.

—**Knowledge of law.** "Knowledge of law" includes knowledge of the decisions of the courts, which are part of the law. *Spitzer v. Board of Trustees for Regina Public School Dist. No. 4, of Saskatchewan* (C. C. A.) 267 F. 121, 126.

—**Knowledge of another's peril.** One has "knowledge of peril of another," within doctrine of discovered peril, whenever it reasonably appears from the known facts and circumstances that the latter is pursuing a course which will probably terminate in serious bodily injury to him, and that he probably will pursue it to the end. *Galveston, H. & S. A. Ry. Co. v. Wagner* (Tex. Com. App.) 298 S. W. 552, 554.

—**Personal knowledge.** Knowledge of the truth in regard to a particular fact or allegation, which is original, and does not depend on information or hearsay. Personal knowledge of an allegation in an answer is personal knowledge of its truth or falsity; and if the allegation is a negative one, this necessarily includes a knowledge of the truth or falsity of

the allegation denied. *West v. Home Ins. Co.* (C. C.) 18 Fed. 622.

KNOWN HEIRS. In a statute relating to the sale of property of unknown heirs, it has been held to mean those persons who are known, and whose right to inherit, or the extent of whose right, to inherit, is dependent on the non-existence of other persons nearer or as near as the ancestor in the line of descent. *People v. Ryder*, 65 Hun 175, 19 N. Y. S. 977.

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

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

KOSHUBA. The Jewish "Koshuba" is a marriage contract or marriage settlement. *Hurwitz v. Hurwitz*, 216 App. Div. 362, 215 N. Y. S. 184, 185.

KULEANA. The Hawaiian term "kuleana" means a small area of land, such as were awarded in fee by the Hawaiian monarch, about the year 1850, to all Hawaiians who made application therefor. *De Fries v. Scott* (C. C. A.) 268 F. 952, 953.

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

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

KYTH. Sax. Kin or kindred.