

## Q

**Q. B.** An abbreviation of "Queen's Bench."

**Q. B. D.** An abbreviation of "Queen's Bench Division."

**Q. C.** An abbreviation of "Queen's Counsel."

**Q. C. F.** An abbreviation of "*quare clausum fregit*," (*q. v.*).

**Q. E. N.** An abbreviation of "*quare executionem non*," wherefore execution [should] not [be issued.]

**Q. S.** An abbreviation for "Quarter Sessions."

**Q. T.** An abbreviation of "*qui tam*," (*q. v.*).

**Q. V.** An abbreviation of "*quod vide*," used to refer a reader to the word, chapter, etc., the name of which it immediately follows.

**QUA.** Lat. Considered as; in the character or capacity of. For example, "the trustee *qua* trustee [that is, in his character as trustee] is not liable," etc.

**QUACK.** A pretender to medical skill which he does not possess; one who practices as a physician or surgeon without adequate preparation or due qualification. See Elmergreen v. Horn, 115 Wis. 385, 91 N. W. 973.

**QUACUNQUE VIA DATA.** Lat. Whichever way you take it.

**QUADRAGESIMA.** Lat. The fortieth. The first Sunday in Lent is so called because it is about the fortieth day before Easter. Cowell.

**QUADRAGESIMALS.** Offerings formerly made, on Mid-Lent Sunday, to the mother church.

**QUADRAGESIMS.** The third volume of the year books of the reign of Edward III. So called because beginning with the *fortieth* year of that sovereign's reign. Crabb, Eng. Law, 327.

**QUADRANS.** Lat.

#### In Roman Law

The fourth part; the quarter of any number, measure, or quantity. Hence an heir to the fourth part of the inheritance was called "*hæres ex quadrante*." Also a Roman coin, being the fourth part of an *as*, equal in value to an English half-penny.

#### In Old English Law

A farthing; a fourth part or quarter of a penny.

**QUADRANT.** An angular measure of ninety degrees.

**QUADRANTATA TERRÆ.** In old English law. A measure of land, variously described

as a quarter of an acre or the fourth part of a yard-land.

**QUADRARIUM.** In old records. A stone-pit or quarry. Cowell.

**QUADRIENNIUM.** Lat. In the civil law. The four-year course of study required to be pursued by law-students before they were qualified to study the Code or collection of imperial constitutions. See Inst. proem.

**QUADRIENNIUM UTILE.** In Scotch law. The term of four years allowed to a minor, after his majority, in which he may by suit or action endeavor to annul any deed to his prejudice, granted during his minority. Bell.

**QUADRIPARTITE.** Divided into four parts. A term applied in conveyancing to an indenture executed in four parts.

**QUADRIPARTITUS.** The name of an Anglo-Latin legal treatise. The two extant books were completed in 1114. The compiler was a secular clerk who entered into relations with the archbishop of York; his name is unknown. See Brunner, Sources of English Law in 2 Sel. Essays in Anglo-Amer. L. H. 8.

**QUADROON.** A person who is descended from a white person and another person who has an equal mixture of the European and African blood. State v. Davis, 2 Bailey (S. C.) 558.

**QUADRUPLATORES.** Lat. In Roman law. Informers who, if their information were followed by conviction, had the fourth part of the confiscated goods for their trouble.

**QUADRUPLICATIO.** Lat. In the civil law. A pleading on the part of a defendant, corresponding to the *rebutter* at common law. The third pleading on the part of the defendant. Inst. 4, 14, 3; 3 Bl. Comm. 310.

**QUADRUPLICATION.**

#### In Pleading

A pleading in admiralty, third in order after a replication; now obsolete. Formerly this word was used instead of *surrebutter*. 1 Brown, Civ. Law, 469, n.

**Quæ ab hostibus capiuntur, statim capientium fiunt.** 2 Burrows, 693. Things which are taken from enemies immediately become the property of the captors.

**Quæ ab initio inutilis fuit institutio, ex post facto convalescere non potest.** An institution which was at the beginning of no use or force cannot acquire force from after matter. Dig. 50, 17, 210.

**Quæ ab initio non valent, ex post facto convalescere non possunt.** Things invalid from

the beginning cannot be made valid by subsequent act. Tray. Lat. Max. 482.

**Quæ accessionum locum obtinent, extinguuntur cum principales res peremptæ fuerint.** Things which hold the place of accessories are extinguished when the principal things are destroyed. 2 Poth. Obl. 202; Broom, Max. 496.

**Quæ ad unum finem loquuta sunt, non debent ad alium detorqueri.** 4 Coke, 14. Those words which are spoken to one end ought not to be perverted to another.

**Quæ cohærent personæ a persona separari nequeunt.** Things which cohere to, or are closely connected with, the person, cannot be separated from the person. Jenk. Cent. p. 28, case 53.

**Quæ communi lege derogant strictè interpretantur.** [Statutes] which derogate from the common law are strictly interpreted. Jenk. Cent. p. 221, case 72.

**Quæ contra rationem juris introducta sunt, non debent trahi in consequentiam.** 12 Coke, 75. Things introduced contrary to the reason of law ought not to be drawn into a precedent.

**Quæ dubitationis causa tollendæ inseruntur communem legem non lædunt.** Co. Litt. 205. Things which are inserted for the purpose of removing doubt hurt not the common law.

**Quæ dubitationis tollendæ causa contractibus inseruntur, jus commune non lædunt.** Particular clauses inserted in agreements to avoid doubts and ambiguity do not prejudice the general law. Dig. 50, 17, 81.

**QUÆ EST EADEM.** Lat. Which is the same. Words used for alleging that the trespass or other fact mentioned in the plea is the same as that laid in the declaration, where, from the circumstances, there is an apparent difference between the two. 1 Chit. Pl. \*582.

**Quæ in curia regis acta sunt rite agi præsumuntur.** 3 Bulst. 43. Things done in the king's court are presumed to be rightly done.

**Quæ in partes dividi nequeunt solida a singulis præstantur.** 6 Coke, 1. Services which are incapable of division are to be performed in whole by each individual.

**Quæ in testamento ita sunt scripta ut intelligi non possint, perinde sunt ac si scripta non essent.** Things which are so written in a will that they cannot be understood, are the same as if they had not been written at all. Dig. 50, 17, 73, 3.

**Quæ incontinenti fiunt inesse videntur.** Things which are done incontinently [or simultaneously with an act] are supposed to be inherent [in it; to be a constituent part of it.] Co. Litt. 236b.

**Quæ inter alios acta sunt nemini nocere debent, sed prodesse possunt.** 6 Coke, 1. Transactions between strangers ought to hurt no man, but may benefit.

**Quæ legi communi derogant non sunt trahenda in exemplum.** Things derogatory to the common law are not to be drawn into precedent. Branch, Princ.

**Quæ legi communi derogant strictè interpretantur.** Jenk. Cent. 29. Those things which are derogatory to the common law are to be strictly interpreted.

**Quæ mala sunt inchoata in principio vix bono peraguntur exitu.** 4 Coke, 2. Things bad in principle at the commencement seldom achieve a good end.

**QUÆ NIHIL FRUSTRÀ.** Lat. Which [does or requires] nothing in vain. Which requires nothing to be done, that is, to no purpose. 2 Kent, Comm. 53.

**Quæ non fieri debent, facta, valent.** Things which ought not to be done are held valid when they have been done. Tray. Lat. Max. 484.

**Quæ non valeant singula, juncta juvant.** Things which do not avail when separate, when joined avail. 3 Bulst. 132; Broom, Max. 588.

**QUÆ PLURA.** Lat. In old English practice. A writ which lay where an inquisition had been made by an escheator in any county of such lands or tenements as any man died seised of, and all that was in his possession was imagined not to be found by the office; the writ commanding the escheator to inquire *what more (quæ plura)* lands and tenements the party held on the day when he died, etc. Fitzh. Nat. Brev. 255a; Cowell.

**Quæ præter consuetudinem et morem majorum fiunt neque placent neque recta videntur.** Things which are done contrary to the custom of our ancestors neither please nor appear right. 4 Coke, 78.

**Quæ propter necessitatem recepta sunt, non debent in argumentum trahi.** Things which are admitted on the ground of necessity ought not to be drawn into question. Dig. 50, 17, 162.

**Quæ rerum natura prohibentur nulla lege confirmata sunt.** Things which are forbidden by the nature of things are [can be] confirmed by no law. Branch, Princ. Positive laws are framed after the laws of nature and reason. Finch, Law, 74.

**Quæ singula non prosunt, juncta juvant.** Things which taken singly are of no avail afford help when taken together. Tray. Lat. Max. 486.

**Quæ sunt minoris culpæ sunt majoris infamiæ.** [Offenses] which are of a lower grade of guilt are of a higher degree of infamy. Co. Litt. 6b.

**Quæcunque intra rationem legis Inveniuntur Intra legem ipsam esse judicantur.** Things which are found within the reason of a law are supposed to be within the law itself. 2 Inst. 689.

**Quælibet concessio domini regis capi debet stricte contra dominum regem, quando potest intelligi duabus viis.** 3 Leon. 243. Every grant of our lord the king ought to be taken strictly against our lord the king, when it can be understood in two ways.

**Quælibet concessio fortissime contra donatorem interpretanda est.** Every grant is to be interpreted most strongly against the grantor. Co. Litt. 183a.

**Quælibet jurisdictio cancellos suos habet.** Jenk. Cent. 137. Every jurisdiction has its own bounds.

**Quælibet pardonatio debet capi secundum intentionem regis, et non ad deceptionem regis.** 3 Bulst. 14. Every pardon ought to be taken according to the intention of the king, and not to the deception of the king.

**Quælibet pœna corporalis, quamvis minima, major est quælibet pœna pecuniaria.** 3 Inst. 220. Every corporal punishment, although the very least, is greater than any pecuniary punishment.

**Quæras de dubiis legem bene discere si vis.** Inquire into doubtful points if you wish to understand the law well. Litt. § 443.

**QUÆRE.** A query; question; doubt. This word, occurring in the syllabus of a reported case or elsewhere, shows that a question is propounded as to what follows, or that the particular rule, decision, or statement is considered as open to question.

**Quære de dubiis, quia per rationes pervenitur ad legitimam rationem.** Inquire into doubtful points, because by reasoning we arrive at legal reason. Litt. § 377.

**QUÆRENS.** Lat. A plaintiff; the plaintiff.

**QUÆRENS NIHIL CAPIAT PER BILLAM.** The plaintiff shall take nothing by his bill. A form of judgment for the defendant. Latch, 133.

**QUÆRENS NON INVENIT PLEGIUM.** L. Lat. The plaintiff did not find a pledge. A return formerly made by a sheriff to a writ requiring him to take security of the plaintiff to prosecute his claim. Cowell.

**Quærere dat sapere quæ sunt legitima vere.** Litt. § 443. To inquire into them, is the way to know what things are truly lawful.

**QUÆSTA.** An indulgence or remission of penance, sold by the pope.

**QUÆSTIO.**

#### In Roman Law

Anciently a species of commission granted by the *comitia* to one or more persons for

the purpose of inquiring into some crime or public offense and reporting thereon. In later times, the *quæstio* came to exercise plenary criminal jurisdiction, even to pronouncing sentence, and then was appointed periodically, and eventually became a *permanent* commission or regular criminal tribunal, and was then called "*quæstio perpetua*." See Maine, Anc. Law, 369-372.

#### In Medieval Law

The question; the torture; inquiry or inquisition by inflicting the torture.

#### In General

—**Cadit quæstio.** The question falls; the discussion ends; there is no room for further argument.

—**Quæstio vexata.** A vexed question or mooted point; a question often agitated or discussed but not determined; a question or point which has been differently decided, and so left doubtful.

**QUÆSTIONARIII.** Those who carried *quæsta* about from door to door.

**QUÆSTIONES PERPETUÆ,** in Roman law, were commissions (or courts) of inquisition into crimes alleged to have been committed. They were called "*perpetuæ*," to distinguish them from *occasional* inquisitions, and because they were permanent courts for the trial of offenders. Brown.

**QUÆSTOR.** Lat. A Roman magistrate, whose office it was to collect the public revenue. Varro de L. L. iv. 14.

**QUÆSTOR SACRI PALATII.** Quæstor of the sacred palace. An officer of the imperial court at Constantinople, with powers and duties resembling those of a chancellor. Calvin.

**QUÆSTORES CLASSICI** (Lat.).

#### In Roman Law

Officers entrusted with the care of the public money.

Their duties consisted in making the necessary payments from the *ærarium*, and receiving the public revenues. Of both they had to keep correct accounts in their *tabulæ publicæ*. Demands which any one might have on the *ærarium*, and outstanding debts were likewise registered by them. Fines to be paid to the public treasury were registered and exacted by them. They were likewise to provide proper accommodations for foreign ambassadors and such persons as were connected with the republic by ties of public hospitality. Lastly, they were charged with the care of the burials and monuments of distinguished men, the expenses for which had been decreed by the senate to be paid by the treasury. Their number at first was confined to two; but this was afterwards increased as the empire became extended. There were quæstors of cities and of provinces, and quæstors of the army; the latter were in fact paymasters.

**QUÆSTORES PARRICIDII.** See *Questores Parricidii*.

**QUÆSTUS.** L. Lat. That estate which a man has by acquisition or purchase, in contradistinction to "*hæreditas*," which is what he has by descent. *Glan.* 1, 7, c. 1.

**QUAKER.** This, in England, is the statutory, as well as the popular, name of a member of a religious society, by themselves denominated "Friends."

**QUALE JUS.** Lat. In old English law. A judicial writ, which lay where a man of religion had judgment to recover land before execution was made of the judgment. It went forth to the escheator between judgment and execution, to inquire what *right* the religious person had to recover, or whether the judgment were obtained by the collusion of the parties, to the intent that the lord might not be defrauded. *Reg. Jud.* 8.

**QUALIFICATION.** The possession by an individual of the qualities, properties, or circumstances, natural or adventitious, which are inherently or legally necessary to render him eligible to fill an office or to perform a public duty or function. Thus, the ownership of a freehold estate may be made the qualification of a voter; so the possession of a certain amount of stock in a corporation may be the qualification necessary to enable one to serve on its board of directors. *Cummings v. Missouri*, 4 Wall. 319, 18 L. Ed. 356; *People v. Palen*, 74 Hun, 289, 26 N. Y. S. 225; *Hyde v. State*, 52 Miss. 665; *State v. Shores*, 48 Utah, 76, 157 P. 225.

Qualification for office is "endowment, or accomplishment that fits for an office; having the legal requisites, endowed with qualities suitable for the purpose." *State v. Seay*, 64 Mo. 89, 27 Am. Rep. 206.

Also a modification or limitation of terms or language; usually intended by way of restriction of expressions which, by reason of their generality, would carry a larger meaning than was designed.

**QUALIFIED.** Adapted; fitted; entitled; susceptible; capable; competent; fitting; possessing legal power or capacity; eligible; as an elector to vote. Applied to one who has taken the steps to prepare himself for an appointment or office, as by taking oath, giving bond, etc. *Pub. St. Mass.* p. 1294; *U. S. v. Sischo* (D. C.) 262 F. 1001, 1005; *Coats v. Benton*, 80 Okl. 93, 194 P. 198, 200, 19 A. L. R. 1038; *Gibbany v. Ford*, 29 N. M. 621, 225 P. 577, 578; *Board of Com'rs of Guadalupe County v. District Court of Fourth Judicial Dist.*, 29 N. M. 244, 223 P. 516, 522.

Also limited; restricted; confined; modified; imperfect, or temporary.

The term is also applied in England to a person who is enabled to hold two benefices at once.

**QUALIFIED ACCEPTANCE.** See *Acceptance*.

**QUALIFIED ELECTOR** means a person who is legally qualified to vote, while a "legal voter" means a qualified elector who does in fact vote. *Sanford v. Prentice*, 28 Wis. 358; *Minges v. Board of Trustees of City of Merced*, 27 Cal. App. 15, 148 P. 816, 817; *Watson v. Spartanburg County Board of Education*, 141 S. C. 347, 139 S. E. 775, 776; *State v. Furnish*, 48 Mont. 28, 134 P. 297, 298.

See *Qualified Voter*.

**QUALIFIED FEE.** See *Fee*.

**QUALIFIED INDORSEMENT.** See *Indorsement*.

**QUALIFIED OATH.** See *Oath*.

**QUALIFIED PRIVILEGE.** In the law of libel and slander, the same as conditional privilege. See *Privilege*.

**QUALIFIED PROPERTY.** See *Property*.

**QUALIFIED VOTER.** A person qualified to vote generally. In re *House Bill No. 166*, 9 Colo. 629, 21 P. 473. A person qualified and actually voting. *Carroll County v. Smith*, 111 U. S. 565, 4 S. Ct. 539, 28 L. Ed. 517; *Williams v. County Com'rs and Board of Education of Polk County*, 176 N. C. 554, 97 S. E. 478, 479; In re *Opinion of the Justices*, 226 Mass. 607, 115 N. E. 921, 923; *Watson v. Spartanburg County Board of Education*, 141 S. C. 347, 139 S. E. 775, 776. See *Qualified Elector*.

**QUALIFY.** To make one's self fit or prepared to exercise a right, office, or franchise. To take the steps necessary to prepare one's self for an office or appointment, as by taking oath, giving bond, etc. *Pub. St. Mass.* p. 1294; *Archer v. State*, 74 Md. 443, 22 A. 8, 28 Am. St. Rep. 261; *Hale v. Salter*, 25 La. Ann. 324; *State v. Albert*, 55 Kan. 154, 40 P. 286; *State v. Irely*, 116 Kan. 21, 225 P. 1050, 1051; *Succession of Serres*, 135 La. 1005, 66 So. 342, 347.

Also to limit; to modify; to restrict. Thus, it is said that one section of a statute qualifies another.

**Qualitas quæ inesse debet, facile præsumitur.** A quality which ought to form a part is easily presumed.

**QUALITY.** In respect to persons, this term denotes comparative rank; state or condition in relation to others; social or civil position or class. In pleading, it means an attribute or characteristic by which one thing is distinguished from another.

Adoptiveness, suitability, fitness; grade; condition. *Macy v. Browne* (D. C.) 215 F. 456, 458; *Holbert v. Weber*, 36 N. D. 106, 161 N. W. 560, 561.

**QUALITY OF ESTATE.** The period when, and the manner in which, the right of enjoying an estate is exercised. It is of two kinds:

(1) The period when the right of enjoying an estate is conferred upon the owner, whether at present or in future; and (2) the manner in which the owner's right of enjoyment of his estate is to be exercised, whether solely, jointly, in common, or in coparcenary. Wharton.

**Quam longum debet esse rationabile tempus non definitur in lege, sed pendet ex discretione iusticiariorum.** Co. Litt. 56. How long *reasonable time* ought to be is not defined by law, but depends upon the discretion of the judges.

**Quam rationabilis debet esse finis, non definitur, sed omnibus circumstantiis inspectis pendet ex iusticiariorum discretione.** What a reasonable fine ought to be is not defined, but is left to the discretion of the judges, all the circumstances being considered. 11 Coke, 44.

**QUAMDIU.** Lat. As long as; so long as. A word of limitation in old conveyances. Co. Litt. 235a.

**QUAMDIU SE BENE GESSERIT.** As long as he shall behave himself well; during good behavior; a clause frequent in letters patent or grants of certain offices, to secure them so long as the persons to whom they are granted shall not be guilty of abusing them, the opposite clause being "*durante bene placito*," (during the pleasure of the grantor.)

**Quamvis aliquid per se non sit malum, tamen, si sit mali exempli, non est faciendum.** Although a thing may not be bad in itself, yet, if it is of bad example, it is not to be done. 2 Inst. 564.

**Quamvis lex generaliter loquitur, restringenda tamen est, ut, cessante ratione, ipsa cessat.** Although a law speaks generally, yet it is to be restrained, so that when its reason ceases, it should cease also. 4 Inst. 330.

**Quando abest provisio partis, adest provisio legis.** When the provision of the party is wanting, the provision of the law is at hand. 6 Vin. Abr. 49; 13 C. B. 960.

**QUANDO ACCIDERINT.** Lat. When they shall come in. The name of a judgment sometimes given against an executor, especially on a plea of *plene administravit*, which empowers the plaintiff to have the benefit of assets which may at any time thereafter come to the hands of the executor. See, further, "*judgment quando acciderint*" under the main title Judgment.

**Quando aliquid mandatur, mandatur et omne per quod pervenitur ad illud.** 5 Coke, 116. When anything is commanded, everything by which it can be accomplished is also commanded.

**Quando aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum.** When anything by itself is not evil, and yet may be an example for evil, it is not to be done. 2 Inst. 564.

**Quando aliquid prohibetur ex directo, prohibetur et per obliquum.** Co. Litt. 223. When anything is prohibited directly, it is prohibited also indirectly.

**Quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud.** When anything is prohibited, everything by which it is reached is prohibited also. 2 Inst. 48. That which cannot be done directly shall not be done indirectly. Broom, Max. 489.

**Quando aliquis aliquid concedit, concedere videtur et id sine quo res uti non potest.** When a person grants anything, he is supposed to grant that also without which the thing cannot be used. 3 Kent, Comm. 421. When the use of a thing is granted, everything is granted by which the grantee may have and enjoy such use. Id.

**Quando charta continet generalem clausulam, posteaque descendit ad verba specialia quæ clausulæ generali sunt consentanea, interpretanda est charta secundum verba specialia.** When a deed contains a general clause, and afterwards descends to special words which are agreeable to the general clause, the deed is to be interpreted according to the special words. 8 Coke, 154b.

**Quando de una et eadem re duo onerabiles existunt, unus, pro insufficientia alterius, de integro onerabitur.** When there are two persons liable for one and the same thing, one of them, in case of default of the other, shall be charged with the whole. 2 Inst. 277.

**Quando dispositio referri potest ad duas res ita quod secundum relationem unam vitiatur et secundum alteram utilis sit, tum faciendus est relatio ad illam ut valeat dispositio.** 6 Coke, 76. When a disposition may refer to two things, so that by the former it would be vitiated, and by the latter it would be preserved, then the relation is to be made to the latter, so that the disposition may be valid.

**Quando diversi desiderantur actus ad aliquem statum perficiendum, plus respicit lex actum originalem.** When different acts are required to the formation of any estate, the law chiefly regards the original act. 10 Coke, 49a. When to the perfection of an estate or interest divers acts or things are requisite, the law has more regard to the original act, for that is the fundamental part on which all the others are founded. Id.

**Quando duo jura concurrunt in una persona, æquum est ac si essent in diversis.** When two rights concur in one person, it is the same as if they were in two separate persons. 4 Co. 118; Broom, Max. 531.

**Quando jus domini regis et subditi concurrunt, jus regis præferri debet.** 9 Coke, 129. When the right of king and of subject concur, the king's right should be preferred.

**Quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsæ esse non potest.** 5 Coke, 47. When the law gives a man anything, it gives him that also without which the thing itself cannot exist.

**Quando lex aliquid alicui concedit, omnia incidentia tacite conceduntur.** 2 Inst. 326. When the law gives anything to any one, all incidents are tacitly given.

**Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda.** When a law is special, but its reason [or object] general, the law is to be understood generally. 2 Inst. 83.

**Quando licet id quod majus, videtur et licere id quod minus.** Shep. Touch. 429. When the greater is allowed, the less is to be understood as allowed also.

**Quando mulier nobilis nupserit ignobili, desinit esse nobilis nisi nobilitas nativa fuerit.** 4 Coke, 118. When a noble woman marries a man not noble, she ceases to be noble, unless her nobility was born with her.

**Quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est.** When more is done than ought to be done, that at least shall be considered as performed which should have been performed, [as, if a man, having a power to make a lease for ten years, make one for twenty years, it shall be void only for the surplus.] Broom, Max. 177; 5 Coke, 115; 8 Coke, 85a.

**Quando quod ago non valet ut ago, valeat quantum valere potest.** When that which I do does not have effect as I do it, let it have as much effect as it can. Jackson ex dem. Troup v. Blodget, 16 Johns. (N. Y.) 172, 178; Vanderolgen v. Yates, 3 Barb. Ch. (N. Y.) 242, 261.

**Quando res non valet ut ago, valeat quantum valere potest.** When a thing is of no effect as I do it, it shall have effect as far as [or in whatever way] it can. Cowp. 600.

**Quando verba et mens congruunt, non est interpretationi locus.** When the words and the mind agree, there is no place for interpretation.

**Quando verba statuti sunt specialia, ratio autem generalis, generaliter statutum est intelligendum.** When the words of a statute are special, but the reason or object of it general, the statute is to be construed generally. 10 Coke, 101b.

**QUANTI MINORIS.** Lat. The name of an action in the civil law, (and in Louisiana,) brought by the purchaser of an article, for a reduction of the agreed price on account of defects in the thing which diminish its value.

**QUANTUM DAMNIFICATUS?** How much damaged? The name of an issue directed by a court of equity to be tried in a court of

law, to ascertain the amount of compensation to be allowed for damage.

**QUANTUM MERUIT.** As much as he deserved. In pleading. The common count in an action of *assumpsit* for work and labor, founded on an implied *assumpsit* or promise on the part of the defendant to pay the plaintiff *as much as he* reasonably deserved to have for his labor. 3 Bl. Comm. 161; 1 Tidd, Pr. 2; Viles v. Kennebec Lumber Co., 118 Me. 148, 106 A. 431.

**Quantum tenens domino ex homagio, tantum dominus tenenti ex dominio debet præter solam reverentiam; mutua debet esse dominii et homagii fidelitatis connexio.** Co. Litt. 64. As much as the tenant by his homage owes to his lord, so much is the lord, by his lordship, indebted to the tenant, except reverence alone; the tie of dominion and of homage ought to be mutual.

**QUANTUM VALEBANT.** As much as they were worth. In pleading. The common count in an action of *assumpsit* for goods sold and delivered, founded on an implied *assumpsit* or promise, on the part of the defendant, to pay the plaintiff *as much as* the goods were reasonably worth. 3 Bl. Comm. 161; 1 Tidd, Pr. 2.

**QUARANTINE.** A period of time (theoretically forty days) during which a vessel, coming from a place where a contagious or infectious disease is prevalent, is detained by authority in the harbor of her port of destination, or at a station near it, without being permitted to land or to discharge her crew or passengers. Quarantine is said to have been first established at Venice in 1484. Baker, Quar. 3.

#### In Real Property

The space of forty days during which a widow has a right to remain in her late husband's principal mansion immediately after his death. The right of the widow is also called her "quarantine." See Davis v. Lowden, 56 N. J. Eq. 126, 38 A. 648; Glenn v. Glenn, 41 Ala. 580; Spinning v. Spinning, 43 N. J. Eq. 215, 10 A. 270; Falvey v. Hicks, 315 Mo. 442, 286 S. W. 385, 392.

**QUARE.** Lat. Wherefore; for what reason; on what account. Used in the Latin form of several common-law writs.

**QUARE CLAUSUM FREGIT.** Lat. Wherefore he broke the close. That species of the action of trespass which has for its object the recovery of damages for an unlawful entry upon another's land is termed "trespass *quare clausum fregit*;" "breaking a close" being the technical expression for an unlawful entry upon land. The language of the declaration in this form of action is "that the defendant, with force and arms, broke and entered the close" of the plaintiff. The

phrase is often abbreviated to "*qu. cl. fr.*" Brown.

**QUARE EJECIT INFRA TERMINUM.** Wherefore he ejected within the term. In old practice. A writ which lay for a lessee where he was ejected before the expiration of his term, in cases where the wrong-doer or ejector was not himself in possession of the lands, but his feoffee or another claiming under him. 3 Bl. Comm. 199, 206; Reg. Orig. 227; Fitzh. Nat. Brev. 197 S.

**QUARE IMPEDIT.** Wherefore he hinders. In English practice. A writ or action which lies for the patron of an advowson, where he has been disturbed in his right of patronage; so called from the emphatic words of the old form, by which the disturber was summoned to answer *why he hinders* the plaintiff. 3 Bl. Comm. 246, 248.

**QUARE INCUMBRAVIT.** In English law. A writ which lay against a bishop who, within six months after the vacation of a benefice, conferred it on his clerk, while two others were contending at law for the right of presentation, calling upon him to show cause why he had incumbered the church. Reg. Orig. 32. Abolished by 3 & 4 Wm. IV. c. 27.

**QUARE INTRUSIT.** A writ that formerly lay where the lord proffered a suitable marriage to his ward, who rejected it, and entered into the land, and married another, the value of his marriage not being satisfied to the lord. Abolished by 12 Car. II. c. 24.

**QUARE NON ADMISIT.** In English law. A writ to recover damages against a bishop who does not admit a plaintiff's clerk. It is, however, rarely or never necessary; for it is said that a bishop, refusing to execute the writ *ad admittendum clericum*, or making an insufficient return to it, may be fined. Wats. Cler. Law, 302.

**QUARE NON PERMITTIT.** An ancient writ, which lay for one who had a right to present to a church for a turn against the proprietary. Fleta, l. 5, c. 6.

**QUARE OBSTRUXIT.** Wherefore he obstructed. In old English practice. A writ which lay for one who, having a liberty to pass through his neighbor's ground, could not enjoy his right because the owner had so obstructed it. Cowell.

**QUARENTENA TERRÆ.** A furlong. Co. Litt. 5b.

**QUARREL.** This word is said to extend not only to real and personal actions, but also to the causes of actions and suits; so that by the release of all "quarrels," not only actions pending, but also causes of action and suit, are released; and "quarrels," "controversies," and "debates" are in law considered as

having the same meaning. Co. Litt. 8, 153; Termes de la Ley.

In an untechnical sense, it signifies an altercation, an angry dispute, an exchange of recriminations, taunts, threats or accusations between two persons. See Carr v. Conyers; 84 Ga. 287, 10 S. E. 630, 20 Am. St. Rep. 357; Accident Ins. Co. v. Bennett, 90 Tenn. 256, 16 S. W. 723, 25 Am. St. Rep. 685; Metcalf v. People, 2 Colo. App. 262, 30 P. 39; State v. Noell, 220 Mo. App. 883, 295 S. W. 529, 531; State v. Fletcher (Mo. Sup.) 190 S. W. 317, 322.

**QUARRY.** In mining law. An open excavation where the works are visible at the surface; a place or pit where stone, slate, marble, etc., is dug out or separated from a mass of rock. Bainb. Mines, 2. See Marvel v. Merritt, 116 U. S. 11, 6 S. Ct. 207, 29 L. Ed. 550; Murray v. Allred, 100 Tenn. 100, 43 S. W. 355, 39 L. R. A. 249, 66 Am. St. Rep. 740; Rutledge v. Kress, 17 Pa. Super. Ct. 495.

**QUART.** A liquid measure, containing one-fourth part of a gallon.

**QUARTA DIVI PII.** In Roman law. That portion of a testator's estate which he was required by law to leave to a child whom he had adopted and afterwards emancipated or unjustly disinherited, being one-fourth of his property. See Mackeld. Rom. Law, § 594.

**QUARTA FALCIDIA.** In Roman law. That portion of a testator's estate which, by the Falcidian law, was required to be left to the heir, amounting to at least one-fourth. See Mackeld. Rom. Law, § 771.

**QUARTER.** The fourth part of anything, especially of a year. Also a length of four inches. In England, a measure of corn, generally reckoned at eight bushels, though subject to local variations. See Hospital St. Cross v. Lord Howard De Walden, 6 Term, 343. In American land law, a quarter section of land. See *infra*. And see McCartney v. Dennison, 101 Cal. 252, 35 P. 766.

#### In the Law of War

The sparing of the life of a fallen or captured enemy on the battlefield. By the end of the seventeenth century quarter became a recognized usage of war. It is forfeited only under exceptional circumstances. 1. In case of absolute and overwhelming necessity, as where a small force is incumbered with a large number of prisoners in a savage and hostile country, and may be justified in killing them for their own self-preservation. 2. Where belligerents violate the laws of war they may be refused quarter. 3. By way of retaliation against an enemy who has denied quarter without a cause. Risley, The Law of War; Spaight, War Rights on Land, 88-95.

**QUARTER CHEST OF TEA.** A chest containing from 25 to 30 pounds. Japan Tea Co.

v. Franklin MacVeagh & Co., 142 Minn. 152, 171 N. W. 305, 307.

**QUARTER-DAY.** The four days in the year upon which, by law or custom, moneys payable in quarter-yearly installments are collectible, are called "quarter-days."

**QUARTER-DOLLAR.** A silver coin of the United States, of the value of twenty-five cents.

**QUARTER-EAGLE.** A gold coin of the United States, of the value of two and a half dollars.

**QUARTER OF A YEAR.** Ninety-one days. Co. Litt. 135*b*.

**QUARTER-SALES.** In New York law. A species of fine on alienation, being one-fourth of the purchase money of an estate, which is stipulated to be paid back on alienation by the grantee. The expressions "tenth-sales," etc., are also used, with similar meanings. Jackson ex dem. Livingston v. Groat, 7 Cow. (N. Y.) 285.

**QUARTER SEAL.** See Seal.

**QUARTER SECTION.** In American land law. The quarter of a section of land according to the divisions of the government survey, laid off by dividing the section into four equal parts by north-and-south and east-and-west lines, and containing 160 acres.

**QUARTER SESSIONS.**

**In English Law**

A criminal court held before two or more justices of the peace, (one of whom must be of the quorum,) in every county, once in every quarter of a year. 4 Bl. Comm. 271; 4 Steph. Comm. 335.

**In American Law**

Courts established in some of the states, to be holden four times in the year, invested with criminal jurisdiction, usually of offenses less than felony, and sometimes with the charge of certain administrative matters, such as the care of public roads and bridges.

**QUARTERING.** In English criminal law. The dividing a criminal's body into quarters, after execution. A part of the punishment of high treason. 4 Bl. Comm. 93.

**QUARTERING SOLDIERS.** The act of a government in billeting or assigning soldiers to private houses, without the consent of the owners of such houses, and requiring such owners to supply them with board or lodging or both.

**QUARTERIZATION.** Quartering of criminals.

**QUARTERLY.** Quarter yearly; once in a quarter year. Dickenson v. Cox, 118 Or. 88,

244 P. 877, 878; Leonard v. St. Clair, 27 Idaho, 568, 149 P. 1058, 1060.

**QUARTERLY COURTS.** A system of courts in Kentucky possessing a limited original jurisdiction in civil cases and appellate jurisdiction from justices of the peace. See Hamilton v. Spalding (Ky.) 76 S. W. 517.

**QUARTERONE.** In the Spanish and French West Indies, a quadroon, that is, a person one of whose parents was white and the other a mulatto. See Daniel v. Guy, 19 Ark. 131.

**QUARTO DIE POST.** Lat. On the fourth day after. Appearance day, in the former English practice, the defendant being allowed four days, inclusive, from the return of the writ, to make his appearance.

**QUASH.** To overthrow; to abate; to annul; to make void. Spelman; 3 Bl. Comm. 303; Crawford v. Stewart, 38 Pa. 34; Holland v. Webster, 43 Fla. 85, 29 South. 625; Bosley v. Bruner, 2 Cushm. (Miss.) 462.

**QUASI.** Lat. As if; as it were; analogous to. This term is used in legal phraseology to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are also intrinsic differences between them. Baker v. Stucker, 213 Mo. App. 245, 248 S. W. 1003, 1006.

It is exclusively a term of classification. Prefixed to a term of Roman law, it implies that the conception to which it serves as an index is connected with the conception with which the comparison is instituted by a strong superficial analogy or resemblance. It negatives the notion of identity, but points out that the conceptions are sufficiently similar for one to be classed as the sequel to the other. Maine, Anc. Law, 332. Civilians use the expressions "*quasi contractus*," "*quasi delictum*," "*quasi possessio*," "*quasi traditio*," etc.

As to quasi "Affinity," "Contract," "Corporation," "Crime," "Delict," "Deposit," "Derelict," "Easement," "Entail," "Fee," "In Rem," "Judicial," "Municipal Corporation," "Offense," "Partners," "Personalty," "Possession," "Posthumous Child," "Purchase," "Realty," "Tenant," "Tort," "Traditio," "Trustee," and "Usufruct," see those titles.

**QUASI-CONTRACTUS** (Lat.). In civil law. An obligation similar in character to that of a contract, which arises not from an agreement of parties but from some relation between them, or from a voluntary act of one of them.

An obligation springing from voluntary and lawful acts of parties in the absence of any agreement. Howe. Stud. Civ. L. 171.

**QUASI-TRADITIO** (Lat.). In civil law. A term used to designate that a person is in the use of the property of another, which the latter suffers and does not oppose. *Leo. Elem.* § 396. It also signifies the act by which the right of property is ceded in a thing to a person who is in possession of it; as, if I loan a boat



to Paul, and deliver it to him, and afterwards I sell him the boat, it is not requisite that he should deliver the boat to me to be again delivered to him: there is a *quasi*-tradition or delivery.

**QUATER COUSIN.** See Cousin.

**QUATUOR PEDIBUS CURRIT.** Lat. It runs upon four feet; it runs upon all fours. See All-Fours.

**QUATUORVIRI.** In Roman law. Magistrates who had the care and inspection of roads. Dig. 1, 2, 3, 30.

**QUAY.** A wharf for the loading or unloading of goods carried in ships. This word is sometimes spelled "key."

The popular and commercial signification of the word "quay" involves the notion of a space of ground appropriated to the public use; such use as the convenience of commerce requires. *New Orleans v. U. S.*, 10 Pet. 662, 715, 9 L. Ed. 573.

**QUE EST LE MESME.** L. Fr. Which is the same. A term used in actions of trespass, etc. See *Quæ est Eadem*.

**QUE ESTATE.** L. Fr. Whose estate. A term used in pleading, particularly in claiming prescription, by which it is alleged that the plaintiff and those former owners *whose estate* he has have immemorially exercised the right claimed. This was called "prescribing in a *que* estate."

**QUEAN.** A worthless woman; a strumpet. Obsolete.

**QUEEN.** A woman who possesses the sovereignty and royal power in a country under a monarchical form of government. The wife of a king.

—**Queen consort.** In English law. The wife of a reigning king. 1 Bl. Comm. 218.

—**Queen dowager.** In English law. The widow of a king. 1 Bl. Comm. 223.

—**Queen-gold.** A royal revenue belonging to every queen consort during her marriage with the king, and due from every person who has made a voluntary fine or offer to the king of ten marks or upwards, in consideration of any grant or privilege conferred by the crown. It is now quite obsolete. 1 Bl. Comm. 220-222.

—**Queen regnant.** In English law. A queen who holds the crown in her own right; as the first Queen Mary, Queen Elizabeth, Queen Anne, and Queen Victoria. 1 Bl. Comm. 218; 2 Steph. Comm. 465.

For the titles and descriptions of various officers in the English legal system, called "Queen's Advocate," "Queen's Coroner," "Queen's Counsel," "Queen's Proctor," "Queen's Remembrancer," etc., during the reign of a female sovereign, as in the time

of Queen Victoria, see, now, under King and the following titles.

**QUEEN ANNE'S BOUNTY.** A fund created by a charter of Queen Anne, (confirmed by St. 2 Ann. c. 11), for the augmentation of poor livings, consisting of all the revenue of first fruits and tenths, which was vested in trustees forever. 1 Bl. Comm. 236.

**QUEEN'S BENCH.** The English court of king's bench is so called during the reign of a queen. 3 Steph. Comm. 403. See King's Bench.

**QUEEN'S PRISON.** A jail which used to be appropriated to the debtors and criminals confined under process or by authority of the superior courts at Westminster, the high court of admiralty, and also to persons imprisoned under the bankrupt law.

**QUEM REDITUM REDDIT.** L. Lat. An old writ which lay where a rent-charge or other rent which was not rent service was granted by fine holding of the grantor. If the tenant would not attorn, then the grantee might have had this writ. *Old Nat. Brev.* 126.

**Quemadmodum ad questionem facti non respondent iudices, ita ad questionem juris non respondent juratores.** In the same manner that judges do not answer to questions of fact, so jurors do not answer to questions of law. *Co. Litt.* 295.

**QUERELA.** Lat. An action preferred in any court of justice. The plaintiff was called "*querens*," or complainant and his brief, complaint, or declaration was called "*querela*." Jacob.

**QUERELA CORAM REGE A CONCILIO DISCUTIENDA ET TERMINANDA.** A writ by which one is called to justify a complaint of a trespass made to the king himself, before the king and his council. *Reg. Orig.* 124.

**QUERELA INOFFICIOSI TESTAMENTI.** Lat. In the civil law. A species of action allowed to a child who had been unjustly disinherited, to set aside the will, founded on the presumption of law, in such cases, that the parent was not in his right mind. *Calvin.*; 2 Kent, Comm. 327; *Bell.*

**QUERENS.** Lat. A plaintiff; complainant; inquirer.

**QUERULOUS.** Apt to find fault; habitually complaining; disposed to murmur. Expressing, or suggestive of complaint; fretful; whining. *Crouse v. Booth Fisheries*, 111 Neb. 6, 195 N. W. 462, 463.

**QUESTA.** In old records. A quest; an inquest, inquisition, or inquiry, upon the oaths of an impaneled jury. *Cowell.*

**QUESTION.** A method of criminal examination heretofore in use in some of the coun-

tries of continental Europe, consisting of the application of torture to the supposed criminal, by means of the rack or other engines, in order to extort from him, as the condition of his release from the torture, a confession of his own guilt or the names of his accomplices.

#### In Evidence

An interrogation put to a witness, for the purpose of having him declare the truth of certain facts as far as he knows them.

#### In Practice

A point on which the parties are not agreed, and which is submitted to the decision of a judge and jury.

#### In General

—**Categorical question.** One inviting a distinct and positive statement of fact; one which can be answered by "yes" or "no." In the plural, a series of questions, covering a particular subject-matter, arranged in a systematic and consecutive order.

—**Federal question.** See Federal.

—**Leading question.** See that title.

—**Hypothetical question.** See that title.

—**Judicial question.** See Judicial.

—**Political question.** See Political.

**QUESTMAN, or QUESTMONGER.** In old English law. A starter of lawsuits, or prosecutions; also a person chosen to inquire into abuses, especially such as relate to weights and measures; also a church-warden.

**QUESTORES PARRICIDII.** Lat. In Roman law. Certain officers, two in number, who were deputed by the *comitia*, as a kind of commission, to search out and try all cases of parricide and murder. They were probably appointed annually. Maine, *Anc. Law*, 370. They ceased to be appointed at an early period. Smith, *Dict. Gr. & Rom. Antiq.*

**QUESTUS EST NOBIS.** Lat. A writ of nuisance, which, by 15 Edw. I., lay against him to whom a house or other thing that caused a nuisance descended or was alienated; whereas, before that statute the action lay only against him who first levied or caused the nuisance to the damage of his neighbor. Cowell.

**Qui abjurat regnum amittit regnum, sed non regem; patriam, sed non patrem patriæ.** 7 Coke, 9. He who abjures the realm leaves the realm, but not the king; the country, but not the father of the country.

**Qui accusat integræ famæ sit, et non crimosus.** Let him who accuses be of clear fame, and not criminal. 3 Inst. 26.

**Qui acquirit sibi acquirit hæredibus.** He who acquires for himself acquires for his heirs. Tray. Lat. Max. 496.

**Qui adimit medium dirimit finem.** He who takes away the mean destroys the end. Co. Litt. 161a. He that deprives a man of the mean by which he ought to come to a thing deprives him of the thing itself. Id.; Litt. § 237.

**Qui aliquid statuerit, parte inaudita altera æquum licet dixerit, haud æquum fecerit.** He who determines any matter without hearing both sides, though he may have decided right, has not done justice. 6 Coke, 52a; 4 Bl. Comm. 283.

**Qui alterius jure utitur, eodem jure uti debet.** He who uses the right of another ought to use the same right. Poth. *Traité De Change*, pt. 1, c. 4, § 114; Broom, Max. 473.

**Qui approbat non reprobat.** He who approves does not reprobate, [*i. e.*, he cannot both accept and reject the same thing.]

**Qui bene distinguit bene docet.** 2 Inst. 470. He who distinguishes well teaches well.

**Qui bene interrogat bene docet.** He who questions well teaches well. 3 Bulst. 227. Information or express averment may be effectually conveyed in the way of interrogation. Id.

**Qui cadit a syllaba cadit a tota causa.** He who fails in a syllable fails in his whole cause. Bract. fol. 211.

**Qui concedit aliquid, concedere videtur et id sine quo concessio est irrita, sine quo res ipsa esse non potuit.** 11 Coke, 52. He who concedes anything is considered as conceding that without which his concession would be void, without which the thing itself could not exist.

**Qui concedit aliquid concedit omne id sine quo concessio est irrita.** He who grants anything grants everything without which the grant is fruitless. Jenk. Cent. p. 32, case 63.

**Qui confirmat nihil dat.** He who confirms does not give. 2 Bouv. Inst. no. 2069.

**Qui contemnit præceptum contemnit præcipientem.** He who contemns [contemptuously treats] a command contemns the party who gives it. 12 Coke, 97.

**Qui cum alio contrahit, vel est, vel esse debet non ignarus conditionis ejus.** He who contracts with another either is or ought to be not ignorant of his condition. Dig. 50, 17, 19; Story, *Conf. Laws*, § 76.

**Qui dat finem, dat media ad finem necessaria.** He who gives an end gives the means to that end. *Commonwealth v. Andrews*, 3 Mass. 129.

**Qui destruit medium destruit finem.** He who destroys the mean destroys the end. 10 Coke, 51*b*; Co. Litt. 161*a*; Shep. Touch. 342.

**Qui doit inheriter al pere doit inheriter al fitz.** He who would have been heir to the father shall be heir to the son. 2 Bl. Comm. 223; Broom, Max. 517.

**Qui evertit causam, evertit causatum futurum.** He who overthrows the cause overthrows its future effects. 10 Coke, 51.

**Qui ex damnato coitu nascuntur inter liberos non computentur.** Those who are born of an unlawful intercourse are not reckoned among the children. Co. Litt. 8*a*; Broom, Max. 519.

**Qui facit id quod plus est, facit id quod minus est, sed non convertitur.** He who does that which is more does that which is less, but not *vice versa*. Bracton 207*b*.

**Qui facit per alium facit per se.** He who acts through another acts himself, [*i. e.*, the acts of an agent are the acts of the principal.] Broom, Max. 818, et seq.; 1 Bl. Comm. 429; Story, Ag. § 440.

**Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi.** He who has jurisdiction to loosen, has jurisdiction to bind. 12 Coke, 60. Applied to writs of prohibition and consultation, as resting on a similar foundation. *Id.*

**Qui hæret in litera hæret in cortice.** He who considers merely the letter of an instrument goes but skin deep into its meaning. Co. Litt. 289; Broom, Max. 685.

**Qui ignorat quantum solvere debeat, non potest improbus videre.** He who does not know what he ought to pay, does not want probity in not paying. Dig. 50, 17, 99.

**QUI IMPROVIDE.** A *supersedeas* granted where a writ was erroneously sued out or misawarded.

**Qui in jus dominiumve alterius succedit jure ejus uti debet.** He who succeeds to the right or property of another ought to use his right, [*i. e.*, holds it subject to the same rights and liabilities as attached to it in the hands of the assignor.] Dig. 50, 17, 177; Broom, Max. 473, 478.

**Qui in utero est pro jam nato habetur, quoties de ejus commodo quæritur.** He who is in the womb is held as already born, whenever a question arises for his benefit.

**Qui jure suo utitur, nemini facit injuriam.** He who uses his legal rights harms no one. *Carson v. Western R. Co.*, 8 Gray (Mass.) 424. See Broom, Max. 379.

**Qui jussu judicis aliquod fecerit non videtur dolo malo fecisse, quia parere necesse est.** Where a person does an act by command of one exercising judicial authority, the law will

not suppose that he acted from any wrongful or improper motive, because it was his bounden duty to obey. 10 Coke, 76; Broom, Max. 93.

**Qui male agit odit lucem.** He who acts badly hates the light. 7 Coke, 66.

**Qui mandat ipse fecissi videtur.** He who commands [a thing to be done] is held to have done it himself. Story, Bailm. § 147.

**Qui melius probat melius habet.** He who proves most recovers most. 9 Vin. Abr. 235.

**Qui molitur insidias in patriam id facit quod insanus nauta perforans navem in qua vehitur.** He who betrays his country is like the insane sailor who bores a hole in the ship which carries him. 3 Inst. 36.

**Qui nascitur sine legitimo matrimonio, matrem sequitur.** He who is born out of lawful matrimony follows the condition of the mother.

**Qui non cadunt in constantem virum vani timores sunt æstimandi.** 7 Coke, 27. Those fears are to be esteemed vain which do not affect a firm man.

**Qui non habet, ille non dat.** He who has not, gives not. He who has nothing to give, gives nothing. A person cannot convey a right that is not in him. If a man grant that which is not his, the grant is void. Shep. Touch. 243; Watk. Conv. 191.

**Qui non habet in ære, luat in corpore, ne quis peccetur impune.** He who cannot pay with his purse must suffer in his person, lest he who offends should go unpunished. 2 Inst. 173; 4 Bl. Comm. 20.

**Qui non habet potestatem alienandi habet necessitatem retinendi.** Hob. 336. He who has not the power of alienating is obliged to retain.

**Qui non improbat, approbat.** 3 Inst. 27. He who does not blame, approves.

**Qui non libere veritatem pronunciat proditor est veritatis.** He who does not freely speak the truth is a betrayer of the truth.

**Qui non negat fatetur.** He who does not deny, admits. A well-known rule of pleading. Tray. Lat. Max. 503.

**Qui non obstat quod obstare potest, facere videtur.** He who does not prevent [a thing] which he can prevent, is considered to do [as doing] it. 2 Inst. 146.

**Qui non prohibet id quod prohibere potest assentire videtur.** 2 Inst. 308. He who does not forbid what he is able to prevent, is considered to assent.

**Qui non propulsat injuriam quando potest, infert.** Jenk. Cent. 271. He who does not repel an injury when he can, induces it.

**Qui obstruit aditum, destruit commodum.** He who obstructs a way, passage, or entrance destroys a benefit or convenience. Co. Litt. 161*a*. He who prevents another from entering upon land destroys the benefit which he has from it. Id.

**Qui omne dicit nihil excludit.** 4 Inst. 81. He who says all excludes nothing.

**Qui parcit nocentibus innocentes punit.** Jenk. Cent. 133. He who spares the guilty punishes the innocent.

**Qui peccat ebrius luat sobrius.** He who sins when drunk shall be punished when sober. Cary, 133; Broom, Max. 17.

**Qui per alium facit per seipsum facere videtur.** He who does a thing by an agent is considered as doing it himself. Co. Litt. 258; Broom, Max. 817.

**Qui per fraudem agit frustra agit.** 2 Rolle, 17. What a man does fraudulently he does in vain.

**Qui potest et debet vetare, jubet.** He who can and ought to forbid a thing [if he do not forbid it] directs it. 2 Kent, Comm. 483, note.

**Qui primum peccat ille facit rixam.** Godb. He who sins first makes the strife.

**Qui prior est tempore potior est jure.** He who is before in time is the better in right. Priority in time gives preference in law. Co. Litt. 14*a*; 4 Coke, 90 *a*. A maxim of very extensive application, both at law and in equity. Broom, Max. 353-362; 1 Story, Eq. Jur. § 64*d*; Story, Bailm. § 312.

**Qui pro me aliquid facit nihi fecisse videtur.** 2 Inst. 501. He who does anything for me appears to do it to me.

**Qui providet sibi providet hæredibus.** He who provides for himself provides for his heirs.

**Qui rationem in omnibus quærunt rationem subvertunt.** They who seek a reason for everything subvert reason. 2 Coke, 75; Broom, Max. 157.

**Qui sciens solvit indebitum donandi consilio id videtur fecisse.** One who knowingly pays what is not due is supposed to have done it with the intention of making a gift. Walker v. Hill, 17 Mass. 388.

**Qui semel actionem renunciaverit amplius repetere non potest.** He who has once relinquished his action cannot bring it again. 8 Coke, 59*a*. A rule descriptive of the effect of a *retrahit* and *nolle prosequi*.

**Qui semel est malus, semper præsumitur esse malus in eodem genere.** He who is once criminal is presumed to be always criminal in the same kind or way. Cro. Car. 317; Best, Ev. 345.

**Qui sentit commodum sentire debet et onus.** He who receives the advantage ought also to

suffer the burden. 1 Coke, 99; Broom, Max. 706-713.

**Qui sentit onus sentire debet et commodum.** 1 Coke, 99*a*. He who bears the burden of a thing ought also to experience the advantage arising from it.

**Qui tacet, consentire videtur.** He who is silent is supposed to consent. The silence of a party implies his consent. Jenk. Cent. p. 32, case 64; Broom, Max. 138, 787.

**Qui tacet consentire videtur, ubi tractatur de ejus commodo.** 9 Mod. 38. He who is silent is considered as assenting, when his interest is at stake.

**Qui tacet non utique fatetur, sed tamen verum est eum non negare.** He who is silent does not indeed confess, but yet it is true that he does not deny. Dig. 50, 17, 142.

**QUI TAM.** Lat. "Who as well ——." An action brought by an informer, under a statute which establishes a penalty for the commission or omission of a certain act, and provides that the same shall be recoverable in a civil action, part of the penalty to go to any person who will bring such action and the remainder to the state or some other institution, is called a "*qui tam* action;" because the plaintiff states that he sues *as well* for the state as for himself. See *In re Barker*, 56 Vt. 14; *Grover v. Morris*, 73 N. Y. 478.

**Qui tardius solvit, minus solvit.** He who pays more tardily [than he ought] pays less [than he ought.] Jenk. Cent. 58.

**Qui timent, cavent vitant.** They who fear, take care and avoid. Branch, Princ.

**Qui totum dicit nihil excipit.** He who says all excepts nothing.

**Qui vult decipi, decipiatur.** Let him who wishes to be deceived, be deceived. Broom, Max. 782, note; 1 De Gex, M. & G. 687, 710; Shep. Touch. 56.

**QUIA.** Lat. Because; whereas; inasmuch as.

**QUIA DATUM EST NOBIS INTELLIGI.** Because it is given to us to understand. Formal words in old writs.

**QUIA EMPTORES.** "Because the purchasers." The title of the statute of Westm. 3, (18 Edw. I. c. 1.) This statute took from the tenants of common lords the feudal liberty they claimed of disposing of part of their lands to hold of themselves, and, instead of it, gave them a general liberty to sell all or any part, to hold of the next superior lord, which they could not have done before without consent. The effect of this statute was twofold: (1) To facilitate the alienation of fee-simple estates; and (2) to put an end to

the creation of any new manors, *i. e.*, tenancies in fee-simple of a subject. Brown.

**QUIA ERRONICE EMANAVIT.** Because it issued erroneously, or through mistake. A term in old English practice. Vel. 83.

**QUIA TIMET.** Lat. Because he fears or apprehends. In equity practice. The technical name of a bill filed by a party who seeks the aid of a court of equity, *because he fears* some future probable injury to his rights or interests. 2 Story, Eq. Jur. § 826; Pell v. McCabe (D. C.) 254 F. 356, 357.

**QUIBBLE.** A cavilling or verbal objection. A slight difficulty raised without necessity or propriety.

**QUICK.** Living; alive. "*Quick* chattels must be put in pound-overt that the owner may give them sustenance; dead need not." Finch, Law, b. 2, c. 6.

**QUICK WITH CHILD.** See Quickening.

**QUICKENING.** In medical jurisprudence. The first motion of the *fœtus* in the womb felt by the mother, occurring usually about the middle of the term of pregnancy. See Com. v. Parker, 9 Metc. (Mass.) 266, 43 Am. Dec. 396; State v. Cooper, 22 N. J. Law, 57, 51 Am. Dec. 248; Evans v. People, 49 N. Y. 89; State v. Patterson, 105 Kan. 9, 181 P. 609, 610.

**Quicquid acquiritur servo acquiritur domino.** Whatever is acquired by the servant is acquired for the master. Pull. Accts. 38, note. Whatever rights are acquired by an agent are acquired for his principal. Story, Ag. § 403.

**Quicquid demonstratæ rei additur satis demonstratæ frustra est.** Whatever is added to demonstrate anything already sufficiently demonstrated is surplusage. Dig. 33, 4, 1, 8; Broom, Max. 630.

**Quicquid est contra normam recti est injuria.** 3 Bulst. 313. Whatever is against the rule of right is a wrong.

**Quicquid in excessu actum est, lege prohibetur.** 2 Inst. 107. Whatever is done in excess is prohibited by law.

**Quicquid judicis auctoritati subijcitur novitati non subijcitur.** Whatever is subject to the authority of a judge is not subject to innovation. 4 Inst. 66.

**Quicquid plantatur solo, solo cedit.** Whatever is affixed to the soil belongs to the soil. Broom, Max. 401-431.

**Quicquid recipitur, recipitur secundum modum recipientis.** Whatever is received is received according to the intention of the recipient. Broom, Max. 810; Halkers, Max. 149; 2 Bingham, N. C. 461; 2 B. & C. 72; 14 Sim. 522;

2 Cl. & F. 681; 2 Cr. & J. 678; 14 East, 239, 243 c.

**Quicquid solvitur, solvitur secundum modum solventis; quicquid recipitur, recipitur secundum modum recipientis.** Whatever money is paid, is paid according to the direction of the payer; whatever money is received, is received according to that of the recipient. 2 Vern. 606; Broom, Max. 810.

**Quicumque habet jurisdictionem ordinariam est illius loci ordinarius.** Co. Litt. 344. Whoever has an ordinary jurisdiction is ordinary of that place.

**Quicumque jussu judicis aliquid fecerit non videtur dolo malo fecisse, quia parere necesse est.** 10 Coke, 71. Whoever does anything by the command of a judge is not reckoned to have done it with an evil intent, because it is necessary to obey.

**QUID JURIS CLAMAT.** In old English practice. A writ which lay for the grantee of a reversion or remainder, where the particular tenant would not attorn, for the purpose of compelling him. Termes de la Ley; Cowell.

**QUID PRO QUO.** What for what; something for something. Used in law for the giving one valuable thing for another. It is nothing more than the mutual consideration which passes between the parties to a contract, and which renders it valid and binding. Cowell.

**Quid sit jus, et in quo consistit injuria, legis est definire.** What constitutes right, and what injury, it is the business of the law to declare. Co. Litt. 158b.

**Quid turpi ex causa promissum est non valet.** A promise arising out of immoral circumstances is invalid.

**QUIDAM.** Lat. Somebody. This term is used in the French law to designate a person whose name is not known.

**Quicquid enim sive dolo et culpa venditoris accidit in eo venditor securus est.** For concerning anything which occurs without deceit and wrong on the part of the vendor, the vendor is secure. Brown v. Bellows, 4 Pick. (Mass.) 198.

**QUIET, v.** To pacify; to render secure or unassailable by the removal of disquieting causes or disputes. This is the meaning of the word in the phrase "action to quiet title," which is a proceeding to establish the plaintiff's title to land by bringing into court an adverse claimant and there compelling him either to establish his claim or be forever after estopped from asserting it. See Wright v. Mattison, 18 How. 56, 15 L. Ed. 280.

**QUIET, adj.** Unmolested; tranquil; free from interference or disturbance.

—**Quiet enjoyment.** A covenant, usually inserted in leases and conveyances on the part of the grantor, promising that the tenant or grantee shall enjoy the possession of the premises in peace and without disturbance, is called a covenant "for quiet enjoyment."

**Quieta non movere.** Not to unsettle things which are established. *Green v. Hudson River R. Co.*, 28 Barb. (N. Y.) 9, 22.

**QUIETARE.** L. Lat. To quit, acquit, discharge, or save harmless. A formal word in old deeds of donation and other conveyances. Cowell.

**QUIETE CLAMANTIA.** L. Lat. In old English law. Quitclaim. Bract. fol. 33b.

**QUIETE CLAMARE.** L. Lat. To quitclaim or renounce all pretensions of right and title. Bract. fols. 1, 5.

**QUIETUS.** In old English law. Quit; acquitted; discharged. A word used by the clerk of the pipe, and auditors in the exchequer, in their acquittances or discharges given to accountants; usually concluding with an *abinde recessit quietus*, (hath gone quit thereof,) which was called a "*quietus est.*" Cowell.

In modern law, the word denotes an acquittance or discharge; as of an executor or administrator, (*White v. Ditson*, 140 Mass. 351, 4 N. E. 606, 54 Am. Rep. 473.) or of a judge or attorney general, (3 Mod. 99.)

**QUIETUS REDDITUS.** In old English law. Quitrent. Spelman. See Quitrent.

**Quilibet potest renunciare juri pro se introducto.** Every one may renounce or relinquish a right introduced for his own benefit. 2 Inst. 183; Wing. Max. p. 483, max. 123; 4 Bl. Comm. 317.

**QUILLE.** In French marine law. Keel; the keel of a vessel. Ord. Mar. liv. 3, tit. 6, art. 8.

**QUINQUE PORTUS.** In old English law. The Cinque Ports. Spelman.

**QUINQUEPARTITE.** Consisting of five parts; divided into five parts.

**QUINSTEME, or QUINZIME.** Fifteenths; also the fifteenth day after a festival. 13 Edw. I. See Cowell.

**QUINTAL, or KINTAL.** A weight of one hundred pounds. Cowell.

**QUINTERONE.** A term used in the West Indies to designate a person one of whose parents was a white person and the other a quadroon. Also spelled "quintroon." See *Daniel v. Guy*; 19 Ark. 131.

**QUINTO EXACTUS.** In old practice. Called or exacted the fifth time. A return made by the sheriff, after a defendant had been

proclaimed, required, or exacted in five county courts successively, and failed to appear, upon which he was outlawed by the coroners of the county. 3 Bl. Comm. 283.

**QUIRE OF DOVER.** In English law. A record in the exchequer, showing the tenures for guarding and repairing Dover Castle, and determining the services of the Cinque Ports. 3 How. State Tr. 868.

**QUIRITARIAN OWNERSHIP.** In Roman law. Ownership held by a title recognized by the municipal law, in an object also recognized by that law, and in the strict character of a Roman citizen. "Roman law originally only recognized one kind of dominion, called, emphatically, 'quiritary dominion.' Gradually, however, certain real rights arose which, though they failed to satisfy all the elements of the definition of quiritary dominion, were practically its equivalent, and received from the courts a similar protection. These real rights might fall short of quiritary dominion in three respects: (1) Either in respect of the persons in whom they resided; (2) or of the subjects to which they related; or (3) of the title by which they were acquired." In the latter case, the ownership was called "bonitarian," *i. e.*, "the property of a Roman citizen, in a subject capable of quiritary property, acquired by a title not known to the civil law, but introduced by the prætor and protected by his *imperium* or supreme executive power;" *e. g.*, where *res mancipi* had been transferred by mere tradition. Poste's *Gaius* Inst. 186.

**Quisquis erit qui vult juris-consultus haberi continuet studium, velit a quocunque doceri.** Jenk. Cent. Whoever wishes to be a juris-consult, let him continually study, and desire to be taught by every one.

**Quisquis præsumitur bonus; et semper in dubiis pro reo respondendum.** Every one is presumed good; and in doubtful cases the resolution should be ever for the accused.

**QUIT, v.** To leave; remove from; surrender possession of; as when a tenant "quits" the premises or receives a "notice to quit." *Schotter v. Carnegie Steel Co.*, 272 Pa. 437, 116 A. 358, 359; *Liggett v. Bertwell*, 111 Neb. 843, 198 N. W. 154.

#### Notice to Quit

A written notice given by a landlord to his tenant, stating that the former desires to repossess himself of the demised premises, and that the latter is required to quit and remove from the same at a time designated, either at the expiration of the term, if the tenant is in under a lease, or immediately, if the tenancy is at will or by sufferance.

**QUIT, adj.** Clear; discharged; free; also spoken of persons absolved or acquitted of a charge.

**QUITCLAIM, v.** In conveyancing. To release or relinquish a claim; to execute a deed of quitclaim. See *Quitclaim, n.*

**QUITCLAIM, n.** A release or acquittance given to one man by another, in respect of any action that he has or might have against him. Also acquitting or giving up one's claim or title. *Termes de la Ley*; Cowell.

—**Quitclaim deed.** A deed of conveyance operating by way of release; that is, intended to pass any title, interest, or claim which the grantor may have in the premises, but not professing that such title is valid, nor containing any warranty or covenants for title. See *Hoyt v. Ketcham*, 54 Conn. 60, 5 Atl. 606; *Chew v. Kellar*, 171 Mo. 215, 71 S. W. 172; *Ely v. Stannard*, 44 Conn. 528; *Martin v. Morris*, 62 Wis. 418, 22 N. W. 525; *Utley v. Fee*, 33 Kan. 683, 7 Pac. 555; *Niles v. Houston Oil Co. of Texas* (Tex. Civ. App.) 191 S. W. 748, 752; *Baldwin v. Drew* (Tex. Civ. App.) 180 S. W. 614, 616; *Houston Oil Co. of Texas v. Niles* (Tex. Com. App.) 255 S. W. 604, 609; *Cook v. Smith*, 107 Tex. 119, 174 S. W. 1094, 1095, 3 A. L. R. 940.

**QUITRENT.** Certain established rents of the freeholders and ancient copyholders of manors are denominated "quitrents," because thereby the tenant goes quit and free of all other services. 3 *Cruise*, Dig. 314.

**QUITTANCE.** An abbreviation of "acquittance;" a release, (*q. v.*)

**QUO ANIMO.** Lat. With what intention or motive. Used sometimes as a substantive, in lieu of the single word "*animus*," design or motive. "The *quo animo* is the real subject of inquiry." 1 *Kent*, Comm. 77.

**QUO JURE.** Lat. In old English practice. A writ which lay for one that had land in which another claimed common, to compel the latter to show *by what title* he claimed it. Cowell; *Fitzh. Nat. Brev.* 128, F.

**Quo ligatur, eo dissolvitur.** 2 *Rolle*, 21. By the same mode by which a thing is bound, by that is it released.

**QUO MINUS.** Lat. A writ upon which all proceedings in the court of exchequer were formerly grounded. In it the plaintiff suggests that he is the king's debtor, and that the defendant has done him the injury or damage complained of, *quo minus sufficiens existit*, by which *he is less able* to pay the king's debt. This was originally requisite in order to give jurisdiction to the court of exchequer; but now this suggestion is a mere form. 3 *Bl. Comm.* 46.

Also, a writ which lay for him who had a grant of house-bote and hay-bote in another's woods, against the grantor making such waste as that the grantee could not enjoy his grant. *Old Nat. Brev.* 148.

**Quo modo quid constituitur eodem modo dissolvitur.** *Jenk. Cent.* 74. In the same manner by which anything is constituted by that it is dissolved.

**QUO WARRANTO.** In old English practice. A writ, in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire *by what authority* he supported his claim, in order to determine the right. It lay also in case of non-user, or long neglect of a franchise, or misuser or abuse of it; being a writ commanding the defendant to show *by what warrant* he exercises such a franchise, having never had any grant of it, or having forfeited it by neglect or abuse. 3 *Bl. Comm.* 262.

In England, and quite generally throughout the United States, this writ has given place to an "information in the nature of a *quo warranto*," which, though in form a criminal proceeding, is in effect a civil remedy similar to the old writ, and is the method now usually employed for trying the title to a corporate or other franchise, or to a public or corporate office. See *Ames v. Kansas*, 111 U. S. 449, 4 Sup. Ct. 437, 28 L. Ed. 482; *People v. Londoner*, 13 Colo. 303, 22 Pac. 764, 6 L. R. A. 444; *State v. Owens*, 63 Tex. 270; *State v. Gleason*, 12 Fla. 190; *State v. Kern*, 17 R. I. 391, 22 Atl. 1018; *People v. Union Elevated Ry. Co.*, 269 Ill. 212, 110 N. E. 1, 6; *Jarman v. Mason*, 102 Okl. 278, 229 P. 459, 460; *State ex inf. Anderson ex rel. Boothe v. Moss*, 187 Mo. App. 151, 172 S. W. 1180; *Harkrader v. Lawrence*, 190 N. C. 441, 130 S. E. 35; *People v. Altenberg*, 260 Ill. 191, 103 N. E. 67, 68, Ann. Cas. 1914D, 272; *Commonwealth v. American Baseball Club of Philadelphia*, 290 Pa. 136, 138 A. 497, 500, 53 A. L. R. 1027; *People v. Hotz*, 327 Ill. 433, 158 N. E. 743, 745; *State v. York Light & Heat Co.*, 113 Me. 144, 93 A. 61, 62; *State v. City of Sarasota*, 92 Fla. 563, 109 So. 473, 478; *Klein v. Wilson & Co.* (D. C.) 7 F.(2d) 772, 773; *Garrett v. Cowart*, 149 Ga. 557, 101 S. E. 186, 188.

**QUOAD HOC.** Lat. As to this; with respect to this; so far as this in particular is concerned.

A prohibition *quoad hoc* is a prohibition as to certain things among others. Thus, where a party was complained against in the ecclesiastical court for matters cognizable in the temporal courts, a prohibition *quoad* these matters issued, *i. e.*, *as to such matters* the party was prohibited from prosecuting his suit in the ecclesiastical court. *Brown*.

**QUOAD SACRA.** Lat. As to sacred things; for religious purposes.

**Quocumque modo velit; quocumque modo possit.** In any way he wishes; in any way he can. *Clason v. Bailey*, 14 Johns. (N. Y.) 484, 492.

**Quod a quoque pœnæ nomine exactum est id eidem restituere nemo cogitur.** That which has been exacted as a penalty no one is obliged to restore. Dig. 50, 17, 46.

**Quod ab initio non valet in tractu temporis non convalescet.** That which is bad in its commencement improves, not by lapse of time. Broom, Max. 178; 4 Coke, 2.

**Quod ad jus naturale attinet omnes homines æquales sunt.** All men are equal as far as the natural law is concerned. Dig. 50, 17, 32.

**Quod ædificatur in area legata cedit legato.** Whatever is built on ground given by will goes to the legatee. Broom, Max. 424.

**Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur.** 3 Coke, 78. What otherwise is good and just, if it be sought by force and fraud, becomes bad and unjust.

**Quod alias non fuit licitum, necessitas licitum facit.** What otherwise was not lawful, necessity makes lawful. Fleta, lib. 5, c. 23, § 14.

**Quod approbo non reprobo.** What I approve I do not reject. I cannot approve and reject at the same time. I cannot take the benefit of an instrument, and at the same time repudiate it. Broom, Max. 712.

**Quod attinet ad jus civile, servi pro nullis habentur, non tamen et jure naturali, quia, quod ad jus naturale attinet, omnes homines æquales sunt.** So far as the civil law is concerned, slaves are not reckoned as persons, but not so by natural law, for, so far as regards natural law, all men are equal. Dig. 50, 17, 32.

**QUOD BILLA CASSETUR.** That the bill be quashed. The common-law form of a judgment sustaining a plea in abatement, where the proceeding is by bill, *i. e.*, by a *capias* instead of by original writ.

**QUOD CLERICI BENEFICIATI DE CANCELLARIA.** A writ to exempt a clerk of the chancery from the contribution towards the proctors of the clergy in parliament, etc. Reg. Orig. 261.

**QUOD CLERICI NON ELIGANTUR IN OFFICIO BALLIVI, etc.** A writ which lay for a clerk, who, by reason of some land he had, was made, or was about to be made, bailiff, beadle, réeve, or some such officer, to obtain exemption from serving the office. Reg. Orig. 187.

**QUOD COMPUTET.** That he account. Judgment *quod computet* is a preliminary or interlocutory judgment given in the action of account-render (also in the case of creditors' bills against an executor or administrator,) directing that accounts be taken before a master or auditor.

**Quod constat clare non debet verificari.** What is clearly apparent need not be proved. 10 Mod. 150.

**Quod constat curiæ opere testium non indiget.** That which appears to the court needs not the aid of witnesses. 2 Inst. 662.

**Quod contra legem fit pro infecto habetur.** That which is done against law is regarded as not done at all. 4 Coke, 31a.

**Quod contra rationem juris receptum est, non est producendum ad consequentias.** That which has been received against the reason of the law is not to be drawn into a precedent. Dig. 1, 3, 14.

**QUOD CUM.** In pleading. For that whereas. A form of introducing matter of inducement in certain actions, as *assumpsit* and case.

**Quod datum est ecclesiæ, datum est Deo.** 2 Inst. 2. What is given to the church is given to God.

**Quod demonstrandi causa additur rei satis, demonstratæ, frustra fit.** 10 Coke, 113. What is added to a thing sufficiently palpable, for the purpose of demonstration, is vain.

**Quod dubitas, ne feceris.** What you doubt of, do not do. In a case of moment, especially in cases of life, it is safest to hold that in practice which hath least doubt and danger. 1 Hale, P. C. 300.

**QUOD EI DEFORCEAT.** In English law. The name of a writ given by St. Westm. 2, 13 Edw. I. c. 4, to the owners of a particular estate, as for life, in dower, by the curtesy, or in fee-tail, who were barred of the right of possession by a recovery had against them through their default or nonappearance in a possessory action, by which the right was restored to him who had been thus unwarily deforced by his own default. 3 Bl. Comm. 193.

**Quod enim semel aut bis existit, prætereunt legislatores.** That which never happens but once or twice, legislators pass by. Dig. 1, 3, 17.

**Quod est ex necessitate nunquam introducitur, nisi quando necessarium.** 2 Rolle, 502. That which is of necessity is never introduced, unless when necessary.

**Quod est inconueniens aut contra rationem non permissum est in lege.** Co. Litt. 178a. That which is inconvenient or against reason is not permissible in law.

**Quod est necessarium est licitum.** What is necessary is lawful. Jenk. Cent. p. 76, case 45.

**Quod factum est, sum in obscuro sit, ex affectione cujusque capit interpretationem.** When there is doubt about an act, it receives inter-



pretation from the (known) feelings of the actor. Dig. 50, 17, 68, 1.

**Quod fieri debet facile præsimitur.** Halk. 153. That which ought to be done is easily presumed.

**Quod fieri non debet, factum valet.** That which ought not to be done, when done, is valid. Broom, Max. 182.

**QUOD FUIT CONCESSUM.** Which was granted. A phrase in the reports, signifying that an argument or point made was conceded or acquiesced in by the court.

**Quod in jure scripto "jus" appellatur, id in lege Angliæ "rectum" esse dicitur.** What in the civil law is called "*jus*," in the law of England is said to be "*rectum*," (right.) Co. Litt. 260; Fleta, l. 6, c. 1, § 1.

**Quod in minori valet valebit in majori; et quod in majori non valet nec valebit in minori.** Co. Litt. 260*a*. That which is valid in the less shall be valid in the greater; and that which is not valid in the greater shall neither be valid in the less.

**Quod in uno similium valet valebit in altero.** That which is effectual in one of two like things shall be effectual in the other. Co. Litt. 191*a*.

**Quod inconsulto fecimus, consultius revocemus.** Jenk. Cent. 116. What we have done without due consideration, upon better consideration we may revoke.

**Quod initio non valet, tractu temporis non valet.** A thing void in the beginning does not become valid by lapse of time.

**Quod initio vitiosum est non potest tractu temporis convalescere.** That which is void from the beginning cannot become valid by lapse of time. Dig. 50, 17, 29.

**Quod ipsis qui contraxerunt obstat, et successoribus eorum obstat.** That which bars those who have made a contract will bar their successors also. Dig. 50, 17, 143.

**QUOD JUSSU.** Lat. In the civil law. The name of an action given to one who had contracted with a son or slave, *by order* of the father or master, to compel such father or master to stand to the agreement. Halifax, Civil Law, b. 3, c. 2, no. 3; Inst. 4, 7, 1.

**Quod jussu alterius solvitur pro eo est quasi ipsi solutum esset.** That which is paid by the order of another is the same as though it were paid to himself. Dig. 50, 17, 180.

**Quod meum est sine facto meo vel defectu meo amitti vel in alium transferri non potest.** That which is mine cannot be lost or transferred to another without my alienation or forfeiture. Broom, Max. 465.

**Quod meum est sine me auferri non potest.** That which is mine cannot be taken away

without me, [without my assent.] Jenk. Cent. p. 251, case 41.

**Quod minus est in obligationem videtur deductum.** That which is the less is held to be imported into the contract; (*e. g.*, A offers to hire B's house at six hundred dollars, at the same time B offers to let it for five hundred dollars; the contract is for five hundred dollars.) 1 Story, Cont. 481.

**Quod naturalis ratio inter omnes homines constituit, vocatur jus gentium.** That which natural reason has established among all men is called the "law of nations." 1 Bl. Comm. 43; Dig. 1, 1, 9; Inst. 1, 2, 1.

**Quod necessarie intelligitur non deest** 1 Bulst. 71. That which is necessarily understood is not wanting.

**Quod necessitas cogit, defendit.** Hale, P. C. 54. That which necessity compels, it justifies.

**Quod non apparet non est; et non apparet judicialiter ante judicium.** 2 Inst. 479. That which appears not is not; and nothing appears judicially before judgment.

**Quod non capit Christus, capit fiscus.** What Christ [the church] does not take the treasury takes. Goods of a *felo de se* go to the king. A maxim in old English law. Yearb. P. 19 Hen. VI. 1.

**QUOD NON FUIT NEGATUM.** Which was not denied. A phrase found in the old reports, signifying that an argument or proposition was not denied or controverted by the court. Latch, 213.

**Quod non habet principium non habet finem.** Wing. Max. 79; Co. Litt. 345*a*. That which has not beginning has not end.

**Quod non legitur, non creditur.** What is not read is not believed. 4 Coke, 304.

**Quod non valet in principali, in accessorio seu consequenti non valebit; et quod non valet in magis propinquo non valebit in magis remoto.** 8 Coke, 78. That which is not good against the principal will not be good as to accessories or consequences; and that which is not of force in regard to things near it will not be of force in regard to things remote from it.

**QUOD NOTA.** Which note; which mark. A reporter's note in the old books, directing attention to a point or rule. Dyer, 23.

**Quod nullius esse potest id ut alicujus fieret nulla obligatio valet efficere.** No agreement can avail to make that the property of any one which cannot be acquired as property. Dig. 50, 17, 182.

**Quod nullius est, est domini regis.** That which is the property of nobody belongs to our lord the king. Fleta, lib. 1, c. 3; Broom, Max. 354.

**Quod nullius est, id ratione naturali occupanti conceditur.** That which is the property of no one is, by natural reason, given to the [first] occupant. Dig. 41, 1, 3; Inst. 2, 1, 12. Adopted in the common law. 2 Bl. Comm. 258.

**Quod nullum est, nullum producit effectum.** That which is null produces no effect. Tray. Leg. Max. 519.

**Quod omnes tangit ab omnibus debet supportari.** That which touches or concerns all ought to be supported by all. 3 How. State Tr. 878, 1087.

**QUOD PARTES REPLACITENT.** That the parties do plead. The form of the judgment on award of a replender. 2 Salk. 579.

**QUOD PARTITIO FIAT.** That partition be made. The name of the judgment in a suit for partition, directing that a partition be effected.

**Quod pendet non est pro eo quasi sit.** What is in suspense is considered as not existing during such suspense. Dig. 50, 17, 169, 1.

**Quod per me non possum, nec per alium.** What I cannot do by myself, I cannot by another. 4 Coke, 24b; 11 Coke, 87a.

**Quod per recordum probatum, non debet esse negatum.** What is proved by record ought not to be denied.

**QUOD PERMITTAT.** That he permit. In old English law. A writ which lay for the heir of him that was disseised of his common of pasture, against the heir of the disseisor. Cowell.

**QUOD PERMITTAT PROSTERNERE.** That he permit to abate. In old practice. A writ, in the nature of a writ of right, which lay to abate a nuisance. 3 Bl. Comm. 221. And see *Conhocton Stone Road v. Buffalo, etc., R. Co.*, 51 N. Y. 579, 10 Am. Rep. 646; *Powell v. Furniture Co.*, 34 W. Va. 804, 12 S. E. 1085, 12 L. R. A. 53; *Miller v. Truehart*, 4 Leigh (Va.) 577.

**QUOD PERSONA NEC PREBENDARII, etc.** A writ which lay for spiritual persons, distrained in their spiritual possessions, for payment of a fifteenth with the rest of the parish. Fitzh. Nat. Brev. 175. Obsolete.

**Quod populus postremum jussit, id jus ratum esto.** What the people have last enacted, let that be the established law. A law of the Twelve Tables, the principle of which is still recognized. 1 Bl. Comm. 89.

**Quod primum est intentione ultimum est in operatione.** That which is first in intention is last in operation. Bac. Max.

**Quod principi placuit, legis habet vigorem; ut pote eum lege regia, quæ de imperio ejus lata est, populus ei et in eum omne suum imperium et**

**potestatem conferat.** The will of the emperor has the force of law; for, by the royal law which has been made concerning his authority, the people have conferred upon him all its sovereignty and power. Dig. 1. 4. 1; Inst. 1. 2. 1; Fleta, 1. 1, c. 17, § 7; Brac. 107; Selden, *Diss. ad Flet.* c. 3, § 2.

**Quod prius est verius est; et quod prius est tempore potius est jure.** Co. Litt. 347. What is first is true; and what is first in time is better in law.

**Quod pro minore licitum est et pro majore licitum est.** 8 Coke, 43. That which is lawful as to the minor is lawful as to the major.

**QUOD PROSTRAVIT.** That he do abate. The name of a judgment upon an indictment for a nuisance, that the defendant abate such nuisance.

**Quod pure debetur præsentī die debetur.** That which is due unconditionally is due now. Tray. Leg. Max. 519.

**Quod quis ex culpa sua damnum sentit non intelligitur damnum sentire.** The damage which one experiences from his own fault is not considered as his damage. Dig. 50, 17, 203.

**Quod quis sciens indebitum debet hac mente, ut postea repeteret, repetere non potest.** That which one has given, knowing it not to be due, with the intention of redemanding it, he cannot recover back. Dig. 12, 6, 50.

**Quod quisquis norit in hoc se exerceat.** Let every one employ himself in what he knows. 11 Coke, 10.

**QUOD RECUPERET.** That he recover. The ordinary form of judgments for the plaintiff in actions at law. 1 Archb. Pr. K. B. 225; 1 Burrill, Pr. 246.

**Quod remedio destituitur ipsa re valet si culpa absit.** That which is without remedy avails of itself, if there be no fault in the party seeking to enforce it. Broom, Max. 212.

**Quod semel aut his existit præterunt legislatores.** Legislators pass over what happens [only] once or twice. Dig. 1, 3, 6; Broom, Max. 46.

**Quod semel meum est amplius meum esse non potest.** Co. Litt. 49b. What is once mine cannot be more fully mine.

**Quod semel placuit in electione, amplius displicere non potest.** Co. Litt. 146. What a party has once determined, in a case where he has an election, cannot afterwards be disavowed.

**QUOD SI CONTINGAT.** That if it happen. Words by which a condition might formerly be created in a deed. Litt. § 330.

**Quod solo inædificatur solo cedit.** Whatever is built on the soil is an accessory of the soil. Inst. 2. 1. 29; 16 Mass. 449; 2 Bouv. Inst. n. 157L.

**Quod sub certa forma concessum vel reservatum est non trahitur ad valorem vel compensationem.** That which is granted or reserved under a certain form is not [permitted to be] drawn into valuation or compensation. Bac. Max. 26, reg. 4. That which is granted or reserved in a certain specified form must be taken as it is granted, and will not be permitted to be made the subject of any adjustment or compensation on the part of the grantee. Ex parte Miller, 2 Hill (N. Y.) 423.

**Quod subintelligitur non deest.** What is understood is not wanting. 2 Ld. Raym. 832.

**Quod tacite intelligitur deesse non videtur.** What is tacitly understood is not considered to be wanting. 4 Coke, 22a.

**Quod vanum et inutile est, lex non requirit.** Co. Litt. 319. The law requires not what is vain and useless.

**Quod vero contra rationem juris receptum est, non est producendum ad consequentias.** But that which has been admitted contrary to the reason of the law, ought not to be drawn into precedents. Dig. 1. 3. 14; Broom, Max. 158.

**QUOD VIDE.** Which see. A direction to the reader to look to another part of the book, or to another book, there named, for further information. Usually abbreviated "q. v."

**Quod voluit non dixit.** What he intended he did not say, or express. An answer sometimes made in overruling an argument that the law-maker or testator *meant* so and so. 1 Kent, Comm. 468, note; Mann v. Mann's Ex'rs, 1 Johns. Ch. (N. Y.) 235.

**Quodcumque aliquis ob tutelam corporis sui fecerit, jure id fecisse videtur.** 2 Inst. 590. Whatever any one does in defense of his person, that he is considered to have done legally.

**Quodque dissolvitur eodem modo quo ligatur.** 2 Rolle, 39. In the same manner that a thing is bound, in the same manner it is unbound.

**QUONIAM ATTACHIAMENTA.** (Since the attachments.) One of the oldest books in the Scotch law. So called from the two first words of the volume. Jacob; Whishaw.

**QUORUM.** A majority of the entire body; e. g., a quorum of a state supreme court. Mountain States Telephone & Telegraph Co. v. People, 190 P. 513, 517, 68 Colo. 487.

When a committee, board of directors, meeting of shareholders, legislative or other body of persons cannot act unless a certain number at least of them are present, that number is called a "quorum." Sweet. In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act. See Ex parte Willcocks, 7 Cow. (N. Y.) 409, 17 Am. Dec. 525; State v. Wilkesville Tp., 20 Ohio St. 293; Heiskell v. Baltimore, 65 Md. 125, 4 A. 116, 57 Am. Rep. 308; Snider v. Rinehart, 18 Colo. 18, 31 P.

716; In re Webster Loose Leaf Filing Co. (D. C.) 240 F. 779, 784; Seller v. O'Maley, 190 Ky. 190, 227 S. W. 141, 142; Beale v. Columbia Securities Co., 256 Mass. 326, 152 N. E. 703; Cobb & Gregory v. Dies (Tex. Civ. App.) 203 S. W. 438, 440; Pollard v. Gregg, 77 N. H. 190, 90 A. 176; Dalton v. Allen, 110 Tex. 68, 215 S. W. 439, 440; State v. Birbiglia, 149 La. 4, 88 So. 523, 540; State v. Goodwyn, 83 W. Va. 255, 98 S. E. 577, 578.

#### Justices of the Quorum

In English law, those justices of the peace whose presence at a session is necessary to make a lawful bench. All the justices of the peace for a county are named and appointed in one commission, which authorizes them all, jointly and severally, to keep the peace, but provides that some particular named justices or one of them shall always be present when business is to be transacted, the ancient Latin phrase being "*quorum unum A. B. esse volumus.*" These designated persons are the "justices of the quorum." But the distinction is long since obsolete. See 1 Bl. Comm. 351; Snider v. Rinehart, 18 Colo. 18, 31 Pac. 716; Gilbert v. Sweetser, 4 Me. 484.

**Quorum prætextu nec auget nec minuit sententiam, sed tantum confirmat præmissa.** Plowd. 52. "*Quorum prætextu*" neither increases nor diminishes a sentence, but only confirms that which went before.

**QUOT.** In old Scotch law. A twentieth part of the movable estate of a person dying, which was due to the bishop of the diocese within which the person resided. Bell.

**QUOTA.** A proportional part or share, the proportional part of a demand or liability, falling upon each of those who are collectively responsible for the whole.

**QUOTATION.** The production to a court or judge of the exact language of a statute, precedent, or other authority, in support of an argument or proposition advanced.

The transcription of part of a literary composition into another book or writing.

A statement of the market price of one or more commodities; or the price specified to a correspondent.

**Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.** Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50. 17. 20.

**Quotiens idem sermo duas sententias exprimit, ea potissimum accipiatur, quæ rei gerendæ aptior est.** Whenever the same words express two meanings, that is to be taken which is the better fitted for carrying out the proposed end. Dig. 50. 17. 67.

**QUOTIENT VERDICT.** A money verdict the amount of which is fixed by the following process: Each juror writes down the sum he

wishes to award by the verdict; these amounts are all added together, and the total is divided by twelve, (the number of the jurors,) and the quotient stands as the verdict of the jury by their agreement. See *Hamilton v. Owego Waterworks*, 22 App. Div. 573, 48 N. Y. Supp. 106; *Moses v. Railroad Co.*, 3 Misc. Rep. 322, 23 N. Y. Supp. 23.

**Quoties dubia interpretatio libertatis est, secundum libertatem respondendum erit.** Whenever the interpretation of liberty is doubtful, the answer should be on the side of liberty. Dig. 50, 17, 20.

**Quoties idem sermo duas sententias exprimit, ea potissimum excipitur, quæ rei gerendæ aptior est.** Whenever the same language expresses two meanings that should be adopted which is the better fitted for carrying out the subject-matter. Dig. 50, 17, 67.

**Quoties in stipulationibus ambigua oratio est, commodissimum est id accipi quo res de qua agitur in tuto sit.** Whenever the language of stipulations is ambiguous, it is most fitting that that [sense] should be taken by which the subject-matter may be protected. Dig. 45, 1, 80.

**Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba fienda est.** Co. Litt. 147. When in the words there is no ambiguity, then no exposition contrary to the words is to be made.

**QUOTUPLEX.** Of how many kinds; how many fold. A term of frequent occurrence in *Sheppard's Touchstone*.

**QUOUSQUE.** Lat. How long; how far; until. In old conveyances it is used as a word of limitation. 10 Coke, 41.

**QUOVIS MODO.** Lat. In whatever manner.

**Quum de lucro duorum quæritur, melior est causa possidentis.** When the question is as to the gain of two persons, the title of the party in possession is the better one. Dig. 50, 17, 126, 2.

**Quum in testamento ambigue aut etiam perperam scriptum est, benigne interpretari et secundum id quod credible et cogitatum, credendum est.** When in a will an ambiguous or even an erroneous expression occurs, it should be construed liberally and in accordance with what is thought the probable meaning of the testator. Dig. 34, 5, 24; *Broom, Max.* 437.

**Quum principalis causa non consistit ne ea quidem quæ sequuntur locum habent.** When the principal does not hold, the incidents thereof ought not to obtain. *Broom, Max.* 496.

**Quum quod ago non valet ut ago, valeat quantum valere potest.** 1 Vent. 216. When what I do is of no force as to the purpose for which I do it, let it be of force to as great a degree as it can.