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- 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.D.** An abbreviation of "*quasi dicat*," as if he should say.
- Q.E.D.** Abbreviation for *quod erat demonstrandum*, which refers to that which was to be proved. Used in mathematics at end of proof.
- 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-TIP trust.** Refers to qualified terminal interest property trust. A type of marital deduction bequest in which the surviving spouse receives all of the income for life but is not given a general power of appointment. Property qualifies for marital deduction only to the extent that the executor so elects on the Federal estate tax return. I.R.C. § 2056(b)(7)(B)(i)(III). The Economic Recovery Tax Act of 1981 (ERTA) qualified the Q-TIP trust for the marital deduction.
- Qua** /kwéy/. 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 experience or due qualification.
- Quacunque via data** /kweykəŋkwiy váyə déytə/. Lat. Whichever way you take it.
- Quadragesima** /kwòdrəjézəmə/. Lat. The fortieth. The first Sunday in Lent is so called because it is about the fortieth day before Easter.
- Quadragesimals** /kwòdrəjézəməlz/. Offerings formerly made, on Mid-Lent Sunday, to the mother church.
- Quadrant** /kwódrənt/. An angular measure of ninety degrees. One of the quarters created by two intersecting roads or streets.
- Quadriennium** /kwòdr(iy)én(i)yəm/. 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.

Quadripartite /kwòdrəpártayt/. Divided into four parts. A term applied in conveyancing to an indenture executed in four parts.

Quadruplatores /kwòdrəplətóriyz/. 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 /kwòdrəpləkéysh(iy)ow/. 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.

Quadruplication /kwòdrəpləkéyshən/. A pleading in admiralty, third in order after a replication; now obsolete. Formerly this word was used instead of *surrebutter*.

Quæ ab hostibus capiuntur, statim capientium fiunt /kwíy æb (h)óstəbəs kəpiyántər, stéytəm kəpiyénsh(iy)əm fáyənt/. Things which are taken from enemies immediately become the property of the captors.

Quæ ab initio inutilis fuit institutio, ex post facto convallescere non potest /kwíy æb ənish(iy)ow inyúwtələs f(y)úwət instət(y)úwsh(iy)ow, éks pówst fáktow kɔnvələsəriy nòn pówtəst/. An institution which was at the beginning of no use or force cannot acquire force from after matter.

Quæ ab initio non valent, ex post facto convallescere non possunt /kwíy æb ənish(iy)ow nòn vələnt, éks pówst fáktow kɔnvələsəriy nòn pósənt/. Things invalid from the beginning cannot be made valid by subsequent act.

Quæ accessionum locum obtinent, extinguuntur cum principales res peremptæ fuerint /kwíy əksəsiyównəm lówkəm óbtənənt, èkstingwántər kəm prinsəpéyliyz riyz pərəm(p)tiy f(y)úwərint/. Things which hold the place of accessories are extinguished when the principal things are destroyed.

Quæ ad unum finem loquuta sunt, non debent ad alium detorqueri /kwíy əd yúwnəm fáynəm ləkyúwtə sànt, nòn débənt əd éyliyəm diytorkwíray/. Those words which are spoken to one end ought not to be perverted to another.

Quæ coherent personæ a persona separari nequeunt /kwíy kəhírənt pərsówniy éy pərsównə sèpərəray nəkwiyənt/. Things which cohere to, or are closely connected with, the person, cannot be separated from the person.

Quæ communi lege derogant stricte interpretantur /kwiy kamyúwnay líjji dérəgənt striktiý əntərpətəntər/. [Statutes] which derogate from the common law are strictly interpreted.

Quæ contra rationem juris introducta sunt, non debent trahi in consequentiam /kwiy kóntrə rəshiyównəm júrəs intrədákta sənt, nòn débənt tréyhay in kónsəkwəsh(iy)əm/. Things introduced contrary to the reason of law ought not to be drawn into a precedent.

Quæcunque intra rationem legis inveniuntur intra legem ipsam esse judicantur /kwiykəkwiy intrə rəshiyównəm líjjes invinyóntər intrə líjəm ípsəm ésiý júwdəkəntər/. Things which are found within the reason of a law are supposed to be within the law itself.

Quæ dubitationis causa tollendæ inseruntur communem legem non lædunt /kwiy d(y)úwbətəyshiyównəs kóza toléndiy insəróntər, kamyúwnəm líjəm nòn líydənt/. 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 /kwiy d(y)úwbətəyshiyównəs toléndiy kóza kəntráktəbəs insəróntər, jəs kamyúwniy nòn líydənt/. Particular clauses inserted in agreements to avoid doubts and ambiguity do not prejudice the general law.

Quæ est eadem /kwiy èst iyéydəm/. 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.

Quæ incontinenti fiunt inesse videntur /kwiy inkón-tənéntay fáyənt inésiý vədéntər/. Things which are done incontinently [or simultaneously with an act] are supposed to be inherent [in it; to be a constituent part of it].

Quæ in curia regis acta sunt rite agi præsumuntur /kwiy in kyúriyə riyjes áktə sənt ráytiý éyjay priyz(y)ə-məntər/. Things done in the king's court are presumed to be rightly done.

Quæ in partes dividi nequeunt solida a singulis præstantur /kwiy in pártiyz dəváyday nékwiyənt sólədə èy síngyələs prəstəntər/. Services which are incapable of division are to be performed in whole by each individual.

Quæ inter alios acta sunt nemini nocere debent, sed prodesse possunt /kwiy intər əliyows áktə sənt némənay nósəriý débənt, séd prəwdəsiý pósənt/. Transactions between strangers ought to hurt no man, but may benefit.

Quæ in testamento ita sunt scripta ut intelligi non possint, perinde sunt ac si scripta non essent /kwiy in tɛstəməntəw áytə sənt skriptə ət intələjay nòn pósənt, pəríndiy sənt ək sáy skriptə nòn ésənt/. 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.

Quæ legi communi derogant non sunt trahenda in exemplum /kwiy líjjay kamyúwnay dérəgənt nòn sənt trəhéndə in əgzépləm/. Things derogatory to the common law are not to be drawn into precedent.

Quæ legi communi derogant stricte interpretantur /kwiy líjjay kamyúwnay dérəgənt striktiý intərpətəntər/. Those things which are derogatory to the common law are to be strictly interpreted.

Quælibet concessio domini regis capi debet stricte contra dominum regem, quando potest intelligi duabus viis /kwiyləbət kənsəsh(iy)ow dómənay riyjes kəpay débət striktiý kóntrə dómənəm riyjəm, kwóndəw pówtəst intələjay d(y)uwéybəš váyəs/. 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 /kwiyləbət kənsəsh(iy)ow fortisəmiý kóntrə dównətórəm intərpətəndə èst/. Every grant is to be interpreted most strongly against the grantor.

Quælibet jurisdictio cancellos suos habet /kwiyləbət júrəsdíksh(iy)ow kənsélows s(y)úwows héybət/. Every jurisdiction has its own bounds.

Quælibet pardonatio debet capi secundum intentionem regis, et non ad deceptionem regis /kwiyləbət párdənəysh(iy)ow débət kəpay səkəndəm intənsihiyównəm riyjes èt nòn əd dəsepshiyównəm riyjes/. 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 qualibet pœna pecuniaria /kwiyləbət piynə kòrpərəyləs, kwámvis mínəmə, méyjar èst kwéyləbət piynə pəkyúwniyériyə/. Every corporal punishment, although the very least, is greater than any pecuniary punishment.

Quæ mala sunt inchoata in principio vix bono peraguntur exitu /kwiy mələ sənt inkowéytə in prinsípiyow víks bównəw pəragəntər égzət(y)uw/. Things bad in principle at the commencement seldom achieve a good end.

Quæ nihil frustra /kwiy náy(h)əl frəstrə/. Lat. Which [does or requires] nothing in vain. Which requires nothing to be done, that is, to no purpose.

Quæ non fieri debent, facta, valent /kwiy nòn fáyrəy débənt, fáktə, vélənt/. Things which ought not to be done are held valid when they have been done.

Quæ non valeant singula, juncta jvant /kwiy nòn véliyənt síngyələ, jəktə júwvənt/. Things which do not avail when separate, when joined avail.

Quæ plura /kwiy pl(y)úra/. 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.

Quæ præter consuetudinem et morem majorum fiunt neque placent neque recta videntur /kwiy priyter kõnswæt(y)úwdanəm èt mórəm majórəm fáyènt nékwiy plásènt nékwiy réktə vadéntər/. Things which are done contrary to the custom of our ancestors neither please nor appear right.

Quæ propter necessitatem recepta sunt, non debent in argumentum trahi /kwiy próptər nəsésətéytəm rəséptə sènt, nòn débènt in àrgyémèntəm tréyhay/. Things which are admitted on the ground of necessity ought not to be drawn into question.

Quæras de dubiis legem bene discere si vis /kwírəs diy d(y)úwbíyəs, líyjàm bíyniy díseriy sày vís/. Inquire into doubtful points if you wish to understand the law well.

Quære /kwíríy/. 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 /kwíríy diy d(y)úwbíyəs, kwáyə pər rəshiyówníy pərvénətar əd ləjítəməm rəshiyównəm/. Inquire into doubtful points, because by reasoning we arrive at legal reason.

Quærens /kwírenz/. Lat. A plaintiff; the plaintiff.

Quærens nihil capiat per billam /kwírenz náy(h)əl kəpiyət pər bíləm/. The plaintiff shall take nothing by his bill. A form of judgment for the defendant.

Quærens non invenit plegium /kwírenz nòn invíynət pléj(iy)əm/. 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.

Quærere dat sapere quæ sunt legitima vere /kwírəriy dæt səpəriy kwiy sènt ləjítəmə víriy/. To inquire into them, is the way to know what things are truly lawful.

Quæ rerum natura prohibentur nulla lege confirmata sunt /kwiy rírəm nətyúrə pròw(h)əbèntər nələ líjjiy kõnfərméytə sènt/. Things which are forbidden by the nature of things are [can be] confirmed by no law. Positive laws are framed after the laws of nature and reason.

Quæ singula non prosunt, juncta juvant /kwiy síngylə nòn pròwsənt, jəŋktə júvwənt/. Things which taken singly are of no avail afford help when taken together.

Quæsta /kwíystə/. An indulgence or remission of penance, authorized by the Pope.

Quæstio /kwést(i)you/. *Medieval law.* The question; the torture; inquiry or inquisition by inflicting the torture.

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 pronounc-

ing sentence, and then was appointed periodically, and eventually became a *permanent* commission or regular criminal tribunal, and was then called "*quæstio perpetua*."

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.

Quæstionarii /kwést(i)yənériyay/. Those who carried *quæsta* about from door to door.

Quæstiones perpetuæ /kwést(i)youwníy pərpétyuwiy/. 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.

Quæstor /kwéstər/. Lat. A Roman magistrate, whose office it was to collect the public revenue.

Quæstores classici /kwéstóriy kláésəsay/. 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 /kwéstóriy pərasáydiyay/. See *Quæstores parricidii*.

Quæstor sacri palatii /kwéstər səkray pələyshiyay/. *Quæstor* of the sacred palace. An officer of the imperial court at Constantinople, with powers and duties resembling those of a chancellor.

Quæstus /kwéstəs/. L. Lat. That estate which a man has by acquisition or purchase, in contradistinction to "*hæreditas*," which is what he has by descent.

Quæ sunt minoris culpæ sunt majoris infamiæ /kwiy sènt mənórəs kəlpíy sènt majórəs inféymíyiy/. [Offenses] which are of a lower grade of guilt are of a higher degree of infamy.

Quale jus /kwóliy jəs/. 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 was obtained by the collusion of the parties, to the intent that the lord might not be defrauded.

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, a "qualified voter" is one who meets the residency, age, and registration requirements.

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.

See also Qualified.

Qualified. Adapted; fitted; entitled; susceptible; capable; competent; fitting; possessing legal power or capacity; eligible; as a "qualified voter" (*q.v.*). Applied to one who has taken the steps to prepare himself for an appointment or office, as by taking oath, giving bond, etc. One who has a particular status through some endowment, acquisition, or achievement, or it may describe one who has obtained appropriate legal power or capacity by taking an oath, completing a form, or complying with some other routine requirement. *Lehner v. Crane Co.*, D.C.Pa., 448 F.Supp. 1127, 1135. One who has mental or physical ability to perform requirements of job, office, or the like. *Also* means limited; restricted; confined; modified; imperfect; or temporary.

As to *qualified* Acceptance; Estate; Fee; Indorsement; Nuisance; Oath; Property; Profit-sharing plan, see those titles. *See also* Capacity; Competency; Duly qualified; Eligible.

Qualified elector. A person who is legally qualified to vote. *See also* Qualified voter.

Qualified immunity. *See* Immunity.

Qualified opinion. A statement in an audit report accompanying financial statements which expresses exceptions or qualifications to certain items in financial statements.

Qualified pension plans. *See* Pension plan.

Qualified privilege. One defense to prima facie case of defamation is "qualified privilege," also referred to as conditional privilege, in which interest that defendant is seeking to vindicate is conditioned upon publication in reasonable manner and for proper purpose. *Hahn v. Kotten*, 43 Ohio St.2d 273, 331 N.E.2d 713, 717. "Absolute privilege" renders defendant absolutely immune from civil liability for his defamatory statements, while "qualified privilege" protects defendant from liability only if he uttered defamatory statements without actual malice. *Martinez v. Cardwell*, 25 Ariz.App. 253, 542 P.2d 1133, 1135. *See also* Privilege.

Qualified stock option. An option to purchase shares awarded to an employee of the corporation under terms

that qualify the option for special tax treatment under the Internal Revenue Code.

Qualified terminable interest property (Q-TIP). *See* Q-TIP trust.

Qualified voter. A legal voter. A person qualified to vote generally; *i.e.* one who meets the residency, age, and registration requirements. One having constitutional qualifications for privilege, who is duly registered pursuant to law, and has present right to vote at election being held. *State ex rel. Burke v. Campbell*, Mo. App., 542 S.W.2d 355, 357.

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

Qualifying share. A share of common stock owned by a person in order to qualify as a director of the issuing corporation in a corporation that requires directors to be shareholders.

Qualitas quæ inesse debet, facile præsumitur /kwólátæs kwíy inésiy débèt, fásəliy præz(y)úwmatər/. A quality which ought to form a part is easily presumed.

Quality. Quality is descriptive of organic composition of substance, expressed in definite quantitative units, and definitive of character, nature and decree of excellence of an article. *Dean Rubber Mfg. Co. v. U. S.*, C.A.Mo., 356 F.2d 161, 163. 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. Within food adulteration statute means character or nature, as belonging to or distinguishing a thing, or character with respect to excellence, fineness, etc., or grade of excellence. *People v. Enders*, 38 Misc.2d 746, 237 N.Y.S.2d 879, 888, 889.

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.

Quamdiu /kwámdiyuw/. Lat. As long as; so long as. A word of limitation in old conveyances.

Quamdiu se bene gesserit /kwámdiyuw siy bínyiy jésərət/. 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).

Quam longum debet esse rationabile tempus non definitur in lege, sed pendet ex discretione iusticiar-

iorum /kwæm lóngæm débæt ésiy ræshánéybaliy témpæs nòn dæfnætær in líjjiy, sèd péndæt èks dæskrèshiyówniy jæstishiyériyóræm/. 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 discretionem /kwæm ræshánéybalæs débæt ésiy fáynæs, nòn dæfnætær, sèt ómnæbæs særkamstænsihiyæs ænspéktæs péndæt èks jæstishiyériyóræm dæskrèshiyówniy/. What a reasonable fine ought to be is not defined, but is left to the discretion of the judges, all the circumstances being considered.

Quamvis aliquid per se non sit malum, tamen, si sit mali exempli, non est faciendum /kwæmvis ælækwid pær siy nòn sit mælæm, tæmæn, sáy sit mælay ægzémplay, nòn sit fæshiyéndæm/. Although a thing may not be bad in itself, yet, if it is of bad example, it is not to be done.

Quamvis lex generaliter loquitur, restringenda tamen est, ut, cessante ratione, ipsa cessat /kwæmvis léks jënæréylætær lókwætær, rëstrinjénda tæmæn èst, èt, sæsæntiy ræshiyówniy ípsæ sésæt/. Although a law speaks generally, yet it is to be restrained, so that when its reason ceases, it should cease also.

Quando abest provisio partis, adest provisio legis /kwóndow æbest prævíz(h)(iyow pártæs, ædest prævíz(h)(iyow líjyæs/. When the provision of the party is wanting, the provision of the law is at hand.

Quando aliquid mandatur, mandatur et omne per quod pervenitur ad illud /kwóndow ælækwid mændéytær, mændéytær èt ómniy pær kwód pærvénætær æd ílæd/. 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 /kwóndow ælækwid pær siy nòn sit mælæm, tæmæn sáy sit mælay ægzémplay, nòn èst fæshiyéndæm/. When anything by itself is not evil, and yet may be an example for evil, it is not to be done.

Quando aliquid prohibetur ex directo, prohibetur et per obliquum /kwóndow ælækwid prów(h)æbiytær èks dæréktow, prów(h)æbiytær èt pær æbláykwæm/. When anything is prohibited directly, it is prohibited also indirectly.

Quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud /kwóndow ælækwid prów(h)æbiytær, prów(h)æbiytær èt ómniy pær kwód dævénætær æd ílæd/. When anything is prohibited, everything by which it is reached is prohibited also. That which cannot be done directly shall not be done indirectly.

Quando aliquis aliquid concedit, concedere videtur et id sine quo res uti non potest /kwóndow ælækwis ælækwid kænsiydæt, kænsiydæriy vædiytær èt íd sáyniy kwów rízy yúwtay nòn pówtæst/. When a person grants anything, he is supposed to grant that also without which the thing cannot be used. When the use of a

thing is granted, everything is granted by which the grantee may have and enjoy such use.

Quando charta continet generalem clausulam, posteaque descendit ad verba specialia quæ clausulæ generali sunt consentanea, interpretanda est charta secundum verba specialia /kwóndow kártæ kóntinat jënæréylæm klóz(y)ælæm, pówstiyéykwiy dæséndæd æd vórbæ spëshiyéyl(i)yæ kwiy klózyæliy jënæréylay sânt kónsentéyn(i)yæ, intærpætænda èst kártæ sækándæm vórbæ spëshiyéyl(i)yæ/. 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.

Quando de una et eadem re duo onerabiles existunt, unus, pro insufficientia alterius, de integro onerabitur /kwóndow diy yúwnæ èt iyéydæm ríy d(y)úwów ównæréybæliy ægzístænt, yúwnæs, prów ínsæfishiyéns(h)(iy)æ óltíriyæs, diy íntægrow ównæréybætær/. 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.

Quando dispositio referri potest ad duas res ita quod secundum relationem unam vitietur et secundum alteram utilis sit, tum facienda est relatio ad illam ut valeat dispositio /kwóndow dispæzish(iy)ow raféray pówtæst æd d(y)úwów rízy áytæ kwód sækándæm rælèyshiyównæm yúwnæm vishiyíytær èt sækándæm óltæram yúwtælæs sit, tàm fèyshiyéndæ èst rælèysh(iy)ow æd ílæm èt væliyæt dispæzish(iy)ow/. 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 respicitur lex actum originalem /kwóndow dævársay dæsidærântær æktæs æd ælækwæm stéytæm pærfishiyéndæm, plæs ræspæsæt léks æktæm ærijénéylæm/. When different acts are required to the formation of any estate, the law chiefly regards the original act. 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.

Quando duo jura concurrunt in una persona, æquum est ac si essent in diversis /kwóndow d(y)úwów júræ kænkærænt in yúwnæ pærsównæ, íykwæm èst æk sáy ésænt in dævársæs/. When two rights concur in one person, it is the same as if they were in two separate persons.

Quando jus domini regis et subditi concurrunt, jus regis præferri debet /kwóndow jæs dómånay ríjyæs èt sábdætay kænkæhrænt, jæs ríjyæs præfáray débæt/. 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 /kwóndow léks ælækwid ælæk(w)æy kænsiydæt, kænsiydæriy vædiytær èt íd sáyniy kwów rízy ípsiy ésiy nòn pówtæst/. 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 /kwóndow léks ælakwid ælak(w)ay kənsiyət, ómn(i)yə insədəns(h)i)yə tæsət(i)y kənsədántər/. When the law gives anything to any one, all incidents are tacitly given.

Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda /kwóndow léks èst spəshiyéyləs, réysh(i)yow ótəm jənərəyləs, jənərəylətər léks èst intələjəndə/. When a law is special, but its reason [or object] general, the law is to be understood generally.

Quando licet id quod majus, videtur et licere it quod minus /kwóndow láysəd ít kwòd méyjas, vədiyər èt líseriy id kwòd máynəs/. 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 /kwóndow myúwliyər nówbələs nápsərət ignówbəlay, désənət èsiy nówbələs náysay nowbílátəs nətáyvə f(y)úwərət/. 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 /kwóndow plás fit kwəm fáyaray débət, vədiyər èsh(i)yəm ílad fáyaray kwòd fəshiyéndəm èst/. 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].

Quando quod ago non valet ut ago, valeat quantum valere potest /kwóndow kwòd éygow nòn vəlát àt éygow, vəliyt kwóntəm vəlíriy pówtəst/. When that which I do does not have effect as I do it, let it have as much effect as it can.

Quando res non valet ut ago, valeat quantum valere potest /kwóndow riyz nòn vəlát àt éygow, vəliyt kwóntəm vəlíriy pówtəst/. When a thing is of no effect as I do it, it shall have effect as far as [or in whatever way] it can.

Quando verba et mens congruunt, non est interpretationi locus /kwóndow vərbə èt ménz kóngruwənt, nòn èst əntəprətəyshiyównay lówkəs/. 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 /kwóndow vərbə stətyúwtay sənt spəshiyéyl(i)yə, réysh(i)yow ótəm jənərəyləs, jənərəylətər stətyúwdəm èst əntələjəndəm/. When the words of a statute are special, but the reason or object of it general, the statute is to be construed generally.

Quango. Acronym for quasi-autonomous non-governmental organization, especially in the United Kingdom, though the concept and word is American; a semi-public administrative body having some members appointed by government and financed by government but not an-

swerable to government, such as tourist authorities, university grants commissions, price and wage commissions, prison and parole boards, medical health advisory panels.

Quantum minoris /kwóntay mənóres/. 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 /kwóntəm dæmnəfəkéytəs/. How much damnified? 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 /kwóntəm méhruwət/. "Quantum meruit" as amount of recovery means "as much as deserved," and measures recovery under implied contract to pay compensation as reasonable value of services rendered. *Kintz v. Read*, 28 Wash.App. 731, 626 P.2d 52, 55. An equitable doctrine, based on the concept that no one who benefits by the labor and materials of another should be unjustly enriched thereby; under those circumstances, the law implies a promise to pay a reasonable amount for the labor and materials furnished, even absent a specific contract therefor. *Swiftships, Inc. v. Burdin*, La.App., 338 So.2d 1193, 1195. Essential elements of recovery under quantum meruit are: (1) valuable services were rendered or materials furnished, (2) for person sought to be charged, (3) which services and materials were accepted by person sought to be charged, used and enjoyed by him, and (4) under such circumstances as reasonably notified person sought to be charged that plaintiff, in performing such services, was expected to be paid by person sought to be charged. *Montes v. Naismith & Trevino Const. Co.*, Tex.Civ.App., 459 S.W.2d 691, 694. See also Unjust enrichment doctrine.

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. It refers to class of obligations imposed by law, without regard to intention or assent of parties bound, for reasons dictated by reason and justice; such obligations not being contracts though form of action is contract, *Carpenter v. Josey Oil Co.*, C.C.A.Okl., 26 F.2d 442, 443; and, amount of recovery being only the reasonable value of the services rendered regardless of any agreement as to value, *Smith v. Bliss*, 44 Cal.App.2d 171, 112 P.2d 30, 33.

Quantum tenens domino ex homagio, tantum dominus tenenti ex dominio debet præter solam reverentiam; mutua debet esse domini et homagii fidelitatis connexio /kwóntəm ténənz dómənow èks (h)əméy(i)yow, təntəm dómənəs tənéntay èks dəmin(i)yow débət priytər sówləm rəvərəns(h)i)yəm; myúwtiyuwə débət èsiy dəminiyay èt (h)əméy(i)yay fədələstéytəs kənəksh(i)yow/. 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 /kwóntəm vəlībənt/. As much as they were worth. 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*.

Quarantine. A period of time 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.

Isolation of person afflicted with contagious disease. The keeping of persons, when suspected of having contracted or having been exposed to an infectious disease, out of a community, or to confine them to given place therein, and to prevent intercourse between them and people generally of the community. Application of Hal-ko, 246 Cal.App.2d 553, 54 Cal.Rptr. 661, 664.

A provision or interest given in law to the widow in her husband's estate, such as the privilege of occupying the mansion house and curtilage without charge until her dower is assigned, and technically is a dower right, or more broadly is a part of the dower estate.

Quare /kwéry/kwohry/. Lat. Wherefore; for what reason; on what account. Used in the Latin form of several common-law writs.

Quare clausum fregit /kwéry klózəm frijət/. 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.*" or "*q.c.f.*"

Quare ejecit infra terminum /kwéry əjysət ínrə tərmonəm/. 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.

Quare impedit /kwéry ímpydət/. Wherefore he hinders. In old English practice, a writ or action which lay for the patron of an advowson, where he had 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 /kwéry ínkəmbreyvət/. In old 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 contend-

ing at law for the right of presentation, calling upon him to show cause why he had incumbered the church. Abolished by 3 & 4 Wm. IV, c. 27.

Quare intrusit /kwéry intrúwzət/. In old English law, 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 permittit /kwéry nón pərmítət/. An ancient writ, which lay for one who had a right to present to a church for a turn against the proprietary.

Quarentena terræ /kwórəntiynə téhry/. A furlong.

Quare obstructit /kwéry əbstrəksət/. 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.

Quarrel. An altercation, an angry dispute, an exchange of recriminations, taunts, threats or accusations between two persons.

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

Quarta divi pii /kwórdə dáyvay páyay/. 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.

Quarta falcidia /kwórdə fəlsidiyə/. 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.

Quarter. The fourth part of anything, especially of a year. A quarter section (*q.v.*) of land. Stations, buildings, lodgings, etc., of military personnel (usually referred to as "quarters").

Quarter-day. The four days in the year upon which, by law or custom, moneys payable in quarter-yearly installments are collectible (payable).

Quarter-eagle. A gold coin of the United States, of the value of two and a half dollars.

Quartering. In old 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.

Furnishing of living quarters to military personnel.

Quarterization. Quartering of criminals.

Quarterly. Quarter yearly; once in a quarter year.

Quarterly report. An abbreviated form of a company's annual report, issued every three months between annual reports; it includes an unaudited balance sheet, income statement, statement of changes in financial position and a narrative of the business operations for the quarter; an interim report.

Quarter seal. See Seal.

Quarter section. 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. A quarter of a square mile of land. Amount of land originally granted to homesteader.

Quarter session courts. Courts formerly 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.

In England, all quarter session courts were abolished by The Courts Act of 1971, with the jurisdiction of such transferred to the Crown Court (*q.v.*).

Quarters of coverage. Social Security benefits are dependent on number of yearly quarters in which person made contributions (*i.e.* payments) into social security fund.

Quarto die post /kwórtow dáiy pówst/. 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 /kwósh/. To overthrow; to abate; to vacate; to annul; to make void; *e.g.* to quash an indictment.

Quasi /kwéysay/kwóziy/. Lat. As if; almost 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 intrinsic and material differences between them. *Cannon v. Miller*, 22 Wash.2d 227, 155 P.2d 500, 503, 507. A term used to mark a resemblance, and supposes a difference between two objects. It is exclusively a term of classification. It implies that conception to which it serves as index is connected with conception with which comparison is instituted by strong superficial analogy or resemblance. Moreover it negatives idea of identity, but points out that the conceptions are sufficiently similar for one to be classed as the equal of the other. *South Discount Foods, Inc. v. Retail Clerks Union Local 1552*, Com. Pl., 14 Ohio Misc. 188, 235 N.E.2d 143, 147. It is often prefixed to English words, implying mere appearance or want of reality or having some resemblance to given thing.

As to *quasi* Affinity; Contract; Corporation; Crime; Delict; Deposit; Derelict; Easement; Entail; Fee; In rem; Municipal corporation; Offense; Partner; Personalty; Possession; Posthumous child; Purchase; Realty; Tenant; Tort; Traditio; Trustee; and Usufruct, see those titles.

Quasi admission. An act or utterance, usually extrajudicial, which creates an inconsistency with and discredits to a greater or lesser degree, present claim or other evidence of person creating the inconsistency, and person who enacted or uttered it may nevertheless disprove its correctness by introduction of other evidence. *Sutherland v. Davis*, 286 Ky. 743, 151 S.W.2d 1021, 1024.

Quasi contract. An obligation which law creates in absence of agreement; it is invoked by courts where there is unjust enrichment. *Andrews v. O'Grady*, 44 Misc.2d 28, 252 N.Y.S.2d 814, 817. Sometimes referred to as implied-in-law contracts (as a legal fiction) to distinguish them from implied-in-fact contracts (voluntary agreements inferred from the parties' conduct). Function of "quasi contract" is to raise obligation in law where in fact the parties made no promise, and it is not based on apparent intention of the parties. *Fink v. Goodson-Todman Enterprises, Limited*, 9 C.A.3d 996, 88 Cal.Rptr. 679, 690. See also Contract.

Quasi estoppel. This doctrine is properly invoked against a person asserting a claim inconsistent with a position previously taken by him, with knowledge of the facts and his rights, to the detriment of the person seeking application of the doctrine. *Evans v. Idaho State Tax Commission*, 97 Idaho 148, 540 P.2d 810, 812.

"Equitable estoppel" and "estoppel in pais" are convertible terms embracing "quasi estoppel" and embody doctrine that one may not repudiate an act done or position assumed by him where such course would work injustice to another rightfully relying thereon. *Brown v. Corn Exchange Nat. Bank & Trust Co.*, 136 N.J.Eq. 430, 42 A.2d 474, 480.

See Equitable estoppel.

Quasi in rem jurisdiction. Type of jurisdiction of a court based on a person's interest in property within the jurisdiction of the court. Refers to proceedings that are brought against the defendant personally; yet it is the defendant's interest in the property that serves as the basis of the jurisdiction. There must be a connection involving minimum contact between the property and the subject matter of the action for a state to exercise quasi in rem jurisdiction. *Shaffer v. Heitner*, 433 U.S. 186, 97 S.Ct. 2569, 53 L.Ed.2d 683. Quasi in rem proceedings is generally defined as affecting only interest of particular persons in specific property and is distinguished from proceedings in rem which determine interests in specific property as against the whole world. *Avery v. Bender*, 124 Vt. 309, 204 A.2d 314, 317. See also Jurisdiction.

Quasi judicial. A term applied to the action, discretion, etc., of public administrative officers or bodies, who are required to investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature.

Quasi judicial act. A judicial act performed by one not a judge. *State Tax Commission of Utah v. Katsis*, 90 Utah 406, 62 P.2d 120, 123.

Quasi-judicial power. The power of an administrative agency to adjudicate the rights of persons before it.

Quasi-legislative power. The power of an administrative agency to engage in rule-making.

Quasi-public corporation. See Corporation.

Quasi-traditio /kwéysay tradish(iy)ow/. 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. 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 /kwótuwor pédəbəs káhrət/. Lat. It runs upon four feet; it runs upon all fours. See All-fours.

Quean /kwíyn/. 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 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.

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, see terms under King and also the following titles.

Queen's bench. The English court of king's bench is so called during the reign of a queen. See King's bench.

Queen's counsel. See King's counsel.

Queen's evidence. See King's evidence.

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.

Queen's proctor. See King's proctor.

Que estate /kwíy astéyt/. L. Fr. Whose estate. A term used in old pleading, particularly in claiming prescription, by which it was alleged that the plaintiff and those former owners *whose estate* he had had immemorially exercised the right claimed. This was called "prescribing in a *que* estate."

Que est le mesme /kwíy èy lə mém/. L. Fr. Which is the same. A term used in actions of trespass, etc. See *Quæ est eadem*.

Quemadmodum ad quæstionem facti non respondent iudices, ita ad quæstionem juris non respondent juratores /kwemádmədəm æd kwést(i)yównəm fáktay nòn rəspóndənt júwdəsiyz, áytə æd kwést(i)yównəm júres nòn rəspóndənt júretóriyz/. In the same manner that judges do not answer to questions of fact, so jurors do not answer to questions of law.

Quem redditum reddit /kwém redətəm redət/. L. Lat. An old English 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.

Querela /kwəriylə/. 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*."

Querela coram rege a concilio discutienda et terminanda /kwəriylə kórəm ríyjij èy kənsíl(i)yow dəskəshiyéndə èt tərmanéndə/. 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.

Querela inofficiosi testamenti /kwəriylə inəfishiyówsay tɛstáméntay/. 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.

Querens /kwírənz/. Lat. A plaintiff; complainant; inquirer.

Querulous /kwéhr(y)ələs/. Apt to find fault; habitually complaining; disposed to murmur. Expressing, or suggestive of complaint; fretful; whining.

Questa /kwéstə/. A quest; an inquest, inquisition, or inquiry, upon the oaths of an impaneled jury.

Question. A subject or point of investigation, examination or debate; theme of inquiry; problem; matter to be inquired into, as subject matter of civil or criminal discovery. A point on which the parties are not agreed, and which is submitted to the decision of a judge and jury. See also Issue.

An interrogation put to a witness, for the purpose of having him declare the truth of certain facts as far as he knows them; e.g. direct or cross examination of witness at trial. See also Discovery; Interrogation.

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.

Hypothetical question. See that title.

Judicial question. See Judicial.

Leading question. See that title.

Political question. See Political.

Question of fact. An issue involving the resolution of a factual dispute and hence within the province of the jury in contrast to a question of law.

Question of law. Question concerning legal effect to be given an undisputed set of facts. An issue which involves the application or interpretation of a law and hence within the province of the judge and not the jury.

Questman /kwéstmən/, or **questmonger** /kwéstmŋgər/. 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 /kwestóriyz pærásáydíyay/. 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.

Questus est nobis /kwéstæs èst nówbæs/. 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.

Quia /kwáyə/. Lat. Because; whereas; inasmuch as.

Qui abjurat regnum amittit regnum, sed non regem; patriam, sed non patrem patriæ /kwáy æbjúrat régnəm, eymitát régnam, séd nòn ríyjəm; pætríyəm, séd nòn pætrəm pætríyíy/. 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 criminosis /kwáy ækyúwzát íntagríy féymíy sít, èt nòn krímanówsæs/. Let him who accuses be of clear fame, and not criminal.

Qui acquirit sibi acquirit hæredibus /kwáy ækwráyrt síbay ækwáyrt hærydábəs/. He who acquires for himself acquires for his heirs.

Quia datum est nobis intelligi /kwáyə déytəm èst nówbəs íntéləjáy/. Because it is given to us to understand. Formal words in old writs.

Qui adimit medium dirimit finem /kwáy ædámət míyd(i)yəm díhrámət fáynəm/. He who takes away the mean destroys the end. He that deprives a man of the mean by which he ought to come to a thing deprives him of the thing itself.

Quia emptores /kwáyə em(p)tóriyz/. Lat. "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.

Quia erroneice emanavit /kwáyə ærównəsiy èmənáyvət/. Because it issued erroneously, or through mistake. A term in old English practice.

Qui aliquid statuerit, parte inaudita altera æquum licet dixerit, haud æquum fecerit /kwáy ælækwid státyúwərət, pártíy ínódetə óltərə íykwəm líət díksərət, hód íykwəm fésarət/. He who determines any matter without hearing both sides, though he may have decided right, has not done justice.

Qui alterius jure utitur, eodem jure uti debet /kwáy óltíríyəs júryí yúwtətər, íyówdəm júryí yúwtay débət/. He

who uses the right of another ought to use the same right.

Quia non refert aut quis intentionem suam declaret, verbis, aut rebus ipsis vel factis /kwáyə nòn réfərt òt kwís íntènshíyównəm s(y)úwəm dæklérət, vərbəs, òt ríybəs ípsəs vèl fáktəs/. It is immaterial whether the intention be collected from the words used or the acts done. *Tocci v. Nowfall*, 220 N.C. 550, 18 S.E.2d 225, 228.

Qui approbat non reprobat /kwáy æprəbət nòn réprəbət/. He who approbates does not reprobate, [*i.e.*, he cannot both accept and reject the same thing].

Quia timet /kwáyə táymət/. 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, and relief granted must depend upon circumstances.

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

Qui bene distinguit bene docet /kwáy bíyníy dæstíngwət bíyníy dósət/. He who distinguishes well teaches well.

Qui bene interrogat bene docet /kwáy bíyníy íntéhrgət bíyníy dósət/. He who questions well teaches well. Information or express averment may be effectually conveyed in the way of interrogation.

Qui cadit a syllaba cadit a tota causa /kwáy kádət èy síləbə kádət èy tówtə kóza/. He who fails in a syllable fails in his whole cause.

Quick. Living; alive. *See* Quickening.

Quick asset ratio. Ratio of cash, accounts receivable and marketable securities to current liabilities. Also called the "acid test." *See also* Acid ratio test.

Quick assets. Liquid assets such as cash, marketable securities and accounts receivable which can be converted into cash without delay.

Quick child. One that has developed so that it moves within the mother's womb. *State v. Timm*, 244 Wis. 508, 12 N.W.2d 670, 671. *See also* Quickening; Viable child.

Quickening. The first motion of the fetus in the womb felt by the mother, occurring usually about the middle of the term of pregnancy.

Quick with child. Having conceived.

Qui concedit aliquid, concedere videtur et id sine quo concessio est irrita, sine quo res ipsa esse non potuit /kwáy kənsíydət ælækwid, kənsíydəriy vədíyt(y)ər èt íd sáyniy kwòw kənsésh(iy)ow èst íhrət(y)ə, sáyniy kwòw ríyz ípsə ésiy nòn pót(y)uwət/. 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 /kwáy kənsíydət ælækwid kənsíydət ómniy íd sáyniy kwòw kənsésh(iy)ow èst íhrətə/. He

who grants anything grants everything without which the grant is fruitless.

Qui confirmat nihil dat /kwáy kánfármæt náy(h)əl dæt/. He who confirms does not give.

Qui contemnit præceptum contemnit præcipientem /kwáy kántémnat prásepátam kántémnat prásipiyéntəm/. He who contemns [contemptuously treats] a command contemns the party who gives it.

Quicquid acquiritur servo acquiritur domino /kwík-wid ákwáyřetər sėrvov ákwáyřetər dómənow/. Whatever is acquired by the servant is acquired for the master. Whatever rights are acquired by an agent are acquired for his principal.

Quicquid demonstratæ rei additur satis demonstratæ frustra est /kwík-wid dēmənstréyťiy řiyay áđətər sətəs dēmənstréyťiy frəstrə ést/. Whatever is added to demonstrate anything already sufficiently demonstrated is surplusage.

Quicquid est contra normam recti est injuria /kwík-wid ést kóntřə nórmmá rėktay ést injúřiyə/. Whatever is against the rule of right is a wrong.

Quicquid in excessu actum est, lege prohibetur /kwík-wid in əksés(y)uw áktəm ést, lýjji pròw(h)əbjiťər/. Whatever is done in excess is prohibited by law.

Quicquid iudicis auctoritati subicitur novitati non subicitur /kwík-wid júwdəsəs óktòřétéyťay səbjisətər nòwvətéyťay nòn səbjisətər/. Whatever is subject to the authority of a judge is not subject to innovation.

Quicquid plantatur solo, solo cedit /kwík-wid plántéyťər sówlow, sówlow siyđət/. Whatever is affixed to the soil belongs to the soil.

Quicquid recipitur, recipitur secundum modum recipientis /kwík-wid řəsipətər, řəsipətər səkəndəm mówdəm řəsipiyéntəs/. Whatever is received is received according to the intention of the recipient.

Quicquid solvitur, solvitur secundum modum solventis; quicquid recipitur, recipitur secundum modum recipientis /kwík-wid sólvətər, sólvətər səkəndəm mówdəm sólvéntəs; kwík-wid řəsipətər, řəsipətər səkəndəm mówdəm řəsipiyéntəs/. 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.

Qui cum alio contrahit, vel est, vel esse debet non ignarus conditionis ejus /kwáy kəm éyl(i)yow kəntřéy(h)ət, vəl ést, vəl ésiy dėbət nòn ignėras kəndishiyównəs iyjəs/. He who contracts with another either is or ought to be not ignorant of his condition.

Quicunque habet jurisdictionem ordinariam est illius loci ordinarius /kwaykánkwiy héybat júřədikshiyównəm óřđənériyəm ést iláyəs lówsay óřđənériyəs/. Whoever has an ordinary jurisdiction is ordinary of that place.

Quicunque jussu iudicis aliquid fecerit non videtur dolo malo fecisse, quia parere necesse est

/kwaykánkwiy jəs(y)uw júwdəsəs ələk-wid fėsərət nòn vėđiyťər dów-low məlow fəsisiy, kwáyə pəriřiy nəsəsiy ést/. 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.

Quidam /kwáyđəm/. Lat. Somebody. This term is used in the French law to designate a person whose name is not known.

Qui dat finem, dat media ad finem necessaria /kwáy dæt fáynəm, dæt miyđ(i)yə əđ fáynəm nėsəsiřiyə/. He who gives an end gives the means to that end.

Qui destruit medium destruit finem /kwáy dėsťruwət miyđ(i)yəm dėsťruwət fáynəm/. He who destroys the mean destroys the end.

Quid juris clamatur /kwíd júřəs klémət/. 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.

Qui doit inheriter al pere doit inheriter al fitz /kwáy dóyť inhėřetər əl pėř dóyť ənhėřitər əl fiťs/. He who would have been heir to the father shall be heir to the son.

Quid pro quo /kwíd pròw kwów/. 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.

Quidquid enim sive dolo et culpa venditoris accidit in eo venditor securus est /kwídk-wid énəm sáyvyi dówlow ét kálpə vėndətóřəs əksədət in iyow vėndətər səkýúřəs ést/. For concerning anything which occurs without deceit and wrong on the part of the vendor, the vendor is secure.

Quid sit jus, et in quo consistit injuria, legis est definire /kwíd sit jəs, ét in kwów kənsistət injúřiyə, lýjjes ést dėfənáyřiy/. What constitutes right, and what injury, it is the business of the law to declare.

Quid turpi ex causa promissum est non valet /kwíd tóřpay əks kózə prəmisiəm ést nòn vələt/. A promise arising out of immoral circumstances is invalid.

Quiet, v. To pacify; to render secure or unassailable by the removal of disquieting causes or disputes.

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 and use of the premises in peace and without disturbance. In connection with the landlord-tenant relationship, the covenant of quiet enjoyment protects the tenant's right to freedom from serious interferences with his or her tenancy. *Manzaro v. McCann*, 401 Mass. 880, 519 N.E.2d 1337, 1341. (Ringling for more than one day of smoke alarms in an apartment building could be sufficient interference with the tenant's quiet enjoyment of

leased premises to justify relief against the landlord.) See, *e.g.*, Mass.G.L. c. 186, § 14.

Quieta non movere /kwaiytə nòn mæviri/. Not to unsettle things which are established.

Quietare /kwàystéry/. L. Lat. To quit, acquit, discharge, or save harmless. A formal word in old deeds of donation and other conveyances.

Quiete clamantia /kwaiyti klámánsh(iy)ə/. L. Lat. In old English law, quitclaim.

Quiete clamare /kwaiyti kléméri/. L. Lat. To quitclaim or renounce all pretensions of right and title.

Quiet title action. 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 also Action to quiet title; Cloud on title.

Quietus /kwaiytəs/. 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.*"

A final discharge or acquittance, as from a debt or obligation; that which silences claims. State ex rel. Jones v. Edwards, 203 La. 1039, 14 So.2d 829, 834.

Quietus redditus /kwaiytəs rédətəs/. In old English law, quitrent. See Quit rent.

Qui evertit causam, evertit causatum futurum /kwai əvərtət kózəm, əvərtət kózéytəm fyuwtyúrəm/. He who overthrows the cause overthrows its future effects.

Qui ex damnato coitu nascuntur inter liberos non computentur /kwai èks dæmnéytow kówətyuw næskántər intər líbərəws nòn kòmpyuwténtər/. Those who are born of an unlawful intercourse are not reckoned among the children.

Qui facit id quod plus est, facit id quod minus est, sed non convertitur /kwai féysət id kwòd plás èst, féysət id kwòd máynəs èst, sèd nòn kənvərtətər/. He who does that which is more does that which is less, but not *vice versa*.

Qui facit per alium facit per se /kwai féysət pər éyl(i)yəm féysət pər siy/. He who acts through another acts himself [*i.e.*, the acts of an agent are the acts of the principal].

Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi /kwai héybət jürəsdikshiyównəm əbsolvéndəy, hábət jürəsdikshiyównəm ləgəndəy/. He who has jurisdiction to loosen, has jurisdiction to bind. Applied to writs of prohibition and consultation, as resting on a similar foundation.

Qui hæret in litera hæret in cortice /kwai hírət in lítərə hírət in kórtəsiy/. He who considers merely the letter of an instrument goes but skin deep into its meaning.

Qui ignorat quantum solvere debeat, non potest improbus videre /kwai ignórət kwóntəm sólvəriy débiyət, nòn pówtəst imprówbəs vidériy/. He who does not know what he ought to pay, does not want probity in not paying.

Qui improvide /kwai impróvədiy/. A *supersedeas* granted where a writ was erroneously sued out or misawarded.

Qui in jus dominiumve alterius succedit jure ejus uti debet /kwai in jəs dəminiyəmviy oltərəyəs səkсийdət júriy íjəs yúwtay débət/. 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].

Qui in utero est pro jam nato habetur, quoties de ejus commodo quaeritur /kwai in yúwtərow èst pròw jám néytow həbiytər, kwówshiyiyz diy íjəs kómədow kwíratər/. 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 /kwai júriy s(y)úwəw yúwtətər, némənəy féysət injúriyəm/. He who uses his legal rights harms no one.

Qui jussu judicis aliquod fecerit non videtur dolo malo fecisse, quia parere necesse est /kwai jəs(y)uw júwdəsəs ələkwdò fésrət nòn vədiytər dówlow məlòw fəsisiy, kwaiyə pəriy nəsésiy èst/. 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.

Quilibet potest renunciare juri pro se introducto /kwaiyləbət pówtəst rənənsхийériy júray pròw síy indáktow/. Every one may renounce or relinquish a right introduced for his own benefit.

Qui male agit odit lucem /kwai máliy éyjtət ówtət l(y)úwsəm/. He who acts badly hates the light.

Qui mandat ipse fecissi videtur /kwai мэndət ípsiy fəsisay vədiytər/. He who commands [a thing to be done] is held to have done it himself.

Qui melius probat melius habet /kwai míyl(i)yəs prówbət míyl(i)yəs héybət/. He who proves most recovers most.

Qui molitur insidias in patriam id facit quod insanus nauta perforans navem in qua vehitur /kwai mólətər insídiyəs in pətriym id féysət kwòd inséynəs nódə pərfərən(dz) néyvəm in kwéy víy(h)ətər/. He who betrays his country is like the insane sailor who bores a hole in the ship which carries him.

Qui nascitur sine legitimo matrimonio, matrem sequitur /kwai nəsətər sáyniy ləjítəməw mətrəmówn(i)yow, mətrəm sékwədər/. He who is born out of lawful matrimony follows the condition of the mother.

Qui non cadunt in constantem virum vani timores sunt æstimandi /kwai nòn kədənt in kənstántəm

váyræm véynay timóriyz sènt èstámænday/. Those fears are to be esteemed vain which do not affect a firm man.

Qui non habet, ille non dat /kwáy nòn héybæt, ìliy nòn dæt/. 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.

Qui non habet in ære, luat in corpore, ne quis peccetur impune /kwáy nòn héybæt in ériy, l(y)úwæt in kórpæriy, niy kwís pæksíytær impyúwniy/. He who cannot pay with his purse must suffer in his person, lest he who offends should go unpunished.

Qui non habet potestatem alienandi habet necessitatem retinendi /kwáy nòn héybæt pòwtæstédtam æli-yenánday héybæt næsésatéytæm rètánénday/. He who has not the power of alienating is obliged to retain.

Qui non improbat, approbat /kwáy nòn ímpræbæt, æpræbæt/. He who does not blame, approves.

Qui non libere veritatem pronunciat proditor est veritatis /kwáy nòn libæriy vèhrætéytæm prænánshiyæt pròwdætær èst vèhrætéytæs/. He who does not freely speak the truth is a betrayer of the truth.

Qui non negat factetur /kwáy nòn négæt fætíytær/. He who does not deny, admits. A well-known rule of pleading.

Qui non obstat quod ob stare potest, facere videtur /kwáy nòn óbstæt kwód obstériy pòwtæst, fæsæriy vædíytær/. He who does not prevent [a thing] which he can prevent, is considered to do [as doing] it.

Qui non prohibet id quod prohibere potest assentire videtur /kwáy nòn prów(h)æbæd íd kwód prów(h)æbíriy pòwtæst æséntáryiy vædíytær/. He who does not forbid what he is able to prevent, is considered to assent.

Qui non propulsat injuriam quando potest, infert /kwáy nòn præpálsæt ænjúr(i)yæm kwóndow pòwtæst, ínfært/. He who does not repel an injury when he can, induces it.

Quinquepartite /kwíñkwæpártayt/. Consisting of five parts; divided into five parts.

Quintal, or kintal /kwíñtæl/. A weight of one hundred pounds.

Quinto exactus /kwíñtow ægzéktæs/. In old English 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.

Qui obstruit aditum, destruit commodum /kwáy óbstruwæd ædætæm, déstruwæt kómædæm/. He who obstructs a way, passage, or entrance destroys a benefit or convenience. He who prevents another from entering upon land destroys the benefit which he has from it.

Qui omne dicit nihil excludit /kwáy ómniy díset náy(h)æl ækskl(y)úwdæt/. He who says all excludes nothing.

Qui parcit nocentibus innocentes punit /kwáy pársæt næséntæbæs inæséntiyyz pyúwnæt/. He who spares the guilty punishes the innocent.

Qui peccat ebrius luat sobrius /kwáy pékæt íybriyæs l(y)úwæt sówbriyæs/. He who sins when drunk shall be punished when sober.

Qui per alium facit per seipsum facere videtur /kwáy pær éyl(i)yæm féysæt pær siyípsæm fæsæriy vædíytær/. He who does a thing by an agent is considered as doing it himself.

Qui per fraudem agit frustra agit /kwáy pær fróðæm éyjet frástræ éyjet/. What a man does fraudulently he does in vain.

Qui potest et debet vetare, jubet /kwáy pòwtæst èt débæt vætériy, júwbæt/. He who can and ought to forbid a thing [if he do not forbid it] directs it.

Qui primum peccat ille facit rixam /kwáy práymæm pékæt ìliy féysæt ríksæm/. He who sins first makes the strife.

Qui prior est tempore potior est jure /kwáy práyær èst témpæriy pówsh(i)yær èst júriy/. He who is before in time is the better in right. Priority in time gives preference in law. A maxim of very extensive application, both at law and in equity.

Qui pro me aliquid facit mihi fecisse videtur /kwáy prów míy ælækwid féysæt máy(h)ay fæsisiy vædíytær/. He who does anything for me appears to do it to me.

Qui providet sibi providet hæredibus /kwáy próvædæt síbay próvædæt hærédæbæs/. He who provides for himself provides for his heirs.

Qui rationem in omnibus quærunt rationem subvertunt /kwáy ræshiyównæm in ómnæbæs kwíránt ræshiyównæm sæbværtænt/. They who seek a reason for everything subvert reason.

Quiritarian ownership /kwíhrætér(i)yæn ównærship/. 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.

Qui sciens solvit indebitum donandi consilio id videtur fecisse /kwáy sáyænz sólvæt indébatæm dánænday kánsíl(i)yow íd vædíytær fæsisiy/. One who knowingly pays what is not due is supposed to have done it with the intention of making a gift.

Qui semel actionem renunciaverit amplius repetere non potest /kwáy sémæl ækshiyównæm rænánshiyéyværet æmpliyæs ræpétæriy nòn pòwtæst/. He who has once relinquished his action cannot bring it again. A rule descriptive of the effect of a *retraxit* and *nolle prosequi*.

Qui semel est malus, semper præsumitur esse malus in eodem genere /kwáy sémæl èst mælés, sémpær præz(y)úwmætær ésiy mælés in iyówdæm jénæriy/. He who is once criminal is presumed to be always criminal in the same kind or way.

Qui sentit commodum sentire debet et onus /kwày séntət kómədəm sentáyriy débət èt ównəs/. He who receives the advantage ought also to suffer the burden.

Qui sentit onus sentire debet et commodum /kwày séntət ównəs sentáyriy débət èt kómədəm/. He who bears the burden of a thing ought also to experience the advantage arising from it.

Quisquis erit qui vult juris-consultus haberi continet studium, velit a quocunque doceri /kwískwis éhrət kwày vólt jürəskənsáltəs hábiray kəntínuywət st(y)úwd(i)yəm, vélət èy kwówkáŋkwiy dosíray/. Whoever wishes to be a juris-consult, let him continually study, and desire to be taught by every one.

Quisquis praesumitur bonus; et semper in dubiis pro reo respondendum /kwískwis prəz(y)úwmətər bównəs; èt sémpər in d(y)úwbíyəs pròw ríyow rəspóndéndəm/. 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."

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.

Qui tacet, consentire videtur /kwày tásət, kònsentáyriy vədíytər/. He who is silent is supposed to consent. The silence of a party implies his consent.

Qui tacet consentire videtur, ubi tractatur de ejus commodo /kwày tásət kònsentáyriy vədíytər, yúwbay trəktíytər diy íyəs kómədow/. 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 /kwày tásət nòn yúwtəkwiy fətíytər, sèd támən vírəm èst íyəm nòn nəgériy/. He who is silent does not indeed confess, but yet it is true that he does not deny.

Qui tam action /kwày tэм əkshən/. Lat. "Qui tam" is abbreviation of Latin phrase "qui tam pro domino rege quam pro si ipso in hac parte sequitur" meaning "Who sues on behalf of the King as well as for himself." It is 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. It is called a "qui tam action" because the plaintiff states that he sues as well for the state as for himself. U.S. v. Florida-Vanderbilt Development Corp., D.C.Fla., 326 F.Supp. 289, 290. See also False Claims Act; Whistle-blower Acts.

Qui tardius solvit, minus solvit /kwày tárdiyəs sólvət, máynəs sólvət/. He who pays more tardily [than he ought] pays less [than he ought].

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.

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. In a number of states, a deed which purports to transfer nothing more than interest which grantor may have, if any, at time of transaction, and excludes any implication that he has any title or interest in described realty. Sabine Production Co. v. Guaranty Bank & Trust Co., La.App. 1 Cir., 432 So.2d 1047, 1052. Under the law of some states the grantor warrants in such deed that neither he nor anyone claiming under him has encumbered the property and that he will defend the title against defects arising under and through him, but as to no others. Compare Warranty deed.

Qui timent, cavent vitant /kwày táymənt, kəvənt vátənt/. They who fear, take care and avoid.

Qui totum dicit nihil excipit /kwày tówtəm dístət náy(h)əl éksəpət/. He who says all excepts nothing.

Quit rent. A rent paid by the tenant of the freehold, by which he goes quit and free,—that is, discharged from any other rent. 2 Bl.Comm. 42.

Quittance /kwítəns/. An abbreviation of "acquittance;" a release (*q.v.*).

Qui vult decipi, decipiatur /kwày vólt désəpay, dəsípiyéytər/. Let him who wishes to be deceived, be deceived.

Quoad hoc /kwówəd hók/. 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.

Quoad sacra /kwówəd séykrə/. Lat. As to sacred things; for religious purposes.

Quo animo /kwòw ənəməw/. 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."

Quocumque modo velit; quocumque modo possit /kwówkámkwiy mówdow vélət; kwówkámkwiy mówdow póset/. In any way he wishes; in any way he can.

Quod ab initio non valet in tractu temporis non convalescet /kwód æb ənish(iy)ow nòn vèlæt in trækt(y)uw témpæræs nòn kònvlésæt/. That which is bad in its commencement improves not by lapse of time.

Quod ad jus naturale attinet omnes homines æquales sunt /kwód æd jás nætyrèyliy ætænæt ómniyz hómæniyz iykwéyliyz sènt/. All men are equal as far as the natural law is concerned.

Quod ædificatur in area legata cedit legato /kwòd èdáfakéytær in èriyæ lagéyts sýdæt lagéytow/. Whatever is built on ground given by will goes to the legatee.

Quod alias bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur /kwód èy-liyæs bównæm èt jéstæm èst, sáy pær vím vèl fródmæt pætéytær, mælæm èd injéstæm èfíshætær/. 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 /kwòd èy-liyæs nòn f(y)úwæt lísetæm, næsésætæs lísetæm féysæt/. What otherwise was not lawful, necessity makes lawful.

Quod approbo non reprobo /kwòd æpræbow nòn répræbow/. 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.

Quod a quoque pœnæ nomine exactum est id eidem restituere nemo cogitur /kwód èy kwówkwiy píyniy nómani y ægzæktæm èst id iyáyðæm ræstæt(y)úwæriy niymow kójætær/. That which has been exacted as a penalty no one is obliged to restore.

Quod attinet ad jus civile, servi pro nullis habentur, non tamen et jure naturali, quia, quod ad jus naturale attinet, omnes homines æquales sunt /kwód ætænæt æd jás sivaliy, sýrvay prów nálas hæbéntær, nòn tæmøn èt júriy nætyrèylyay, kwáyæ, kwód æd jás nætyrèyly ædænæt, ómniyz hómæniyz iykwéyliyz sènt/. 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.

Quod billa cassetur /kwòd bílæ kæsíytær/. 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 /kwòd kléhræsáy bènáfíshiyétay diy kænsælériyæ/. A writ to exempt a clerk of the chancery from the contribution towards the proctors of the clergy in parliament, etc.

Quod clerici non eligantur in officio ballivi, etc. /kwòd kléhræsáy nòn èlégæntær in èfísh(iy)ow bæláyvay/. 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, reeve, or some such officer, to obtain exemption from serving the office.

Quod computet /kwòd kómpyætæt/. That he account.

Judgment quod computet. 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 /kwòd kónstæt klériy nòn débæt véhrfækéray/. What is clearly apparent need not be proved.

Quod constat curiæ opere testium non indiget /kwòd kónstæt kyúriyiy ówpæriy téstiyæm nòn índæjæt/. That which appears to the court needs not the aid of witnesses.

Quod contra legem fit pro infecto habetur /kwòd kóntræ líyjæm fit prów inféktow hæbiytær/. That which is done against law is regarded as not done at all.

Quod contra rationem juris receptum est, non est producendum ad consequentias /kwòd kóntræ ræshiyównæm júræs ræséptæm èst, nòn èst prówdæséndæm æd kónsèkwésh(iy)æs/. That which has been received against the reason of the law is not to be drawn into a precedent.

Quod cum /kwód kæm/. In common law pleading, for that whereas. A form of introducing matter of inducement in certain actions, as *assumpsit* and case.

Quodcumque aliquis ob tutelam corporis sui fecerit, jure id fecisse videtur /kwòdkónkwiy ælækwæs ób t(y)uwtíylæm kórpæræs s(y)úway fésaræt, júriy id fæsisiy vadíytær/. Whatever any one does in defense of his person, that he is considered to have done legally.

Quod datum est ecclesiæ, datum est deo /kwòd déytæm èst èkliyziyiy, déytæm èst díyow/. What is given to the church is given to God.

Quod demonstrandi causa additur rei satis, demonstratæ, frustra fit /kwòd dèmønstrænday kózæ ædætær riýay séytæs, dèmønstréytiy, fróstræ fit/. What is added to a thing sufficiently palpable, for the purpose of demonstration, is vain.

Quod dubitas, ne feceris /kwòd d(y)úwbætæs, niy fésaræs/. 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.

Quod ei de forceat /kwòd iyay dáfórsiyæt/. In old 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 /kwòd ènim sémæl òt bis ægzístæt, prætéhriyènt lèjæsletóriyz/. That which never happens but once or twice, legislators pass by.

Quod est ex necessitate nunquam introducitur, nisi quando necessarium /kwód èst éks nəsésətétyi náŋkwəm intrəd(y)úwsətər, náysay kwóndow nəsəsériyəm/. That which is of necessity is never introduced, unless when necessary.

Quod est inconueniens aut contra rationem non permissum est in lege /kwód èst inkənviyn(iy)enz ót kóntrə rəshiyównəm nón pərmísəm èst in líyjiy/. That which is inconvenient or against reason is not permissible in law.

Quod est necessarium est licitum /kwód èst nəsəsériyəm èst lísatəm/. What is necessary is lawful.

Quod factum est, cum in obscuro sit, ex affectione cuiusque capit interpretationem /kwód fáktəm èst, kám in obsk(y)úrow sit, èks əfèkshiyówniy k(y)uw-jáskwiy kəpət əntərpətəyshiyównəm/. When there is doubt about an act, it receives interpretation from the (known) feelings of the actor.

Quod fieri debet facile præsimitur /kwód fáyray débət fásalíy prəz(y)úwmətər/. That which ought to be done is easily presumed.

Quod fieri non debet, factum valet /kwód fáyray nón débət, fáktəm válət/. That which ought not to be done, when done, is valid.

Quod fuit concessum /kwód f(y)úwət kənsésəm/. Which was granted. A phrase in the reports, signifying that an argument or point made was conceded or acquiesced in by the court.

Quod inconsulto fecimus, consultius reuocemus /kwód inkənsáltow fésməs, kənsəlsh(iy)əs rəvəsiyməs/. What we have done without due consideration, upon better consideration we may revoke.

Quod initio non valet, tractu temporis non valet /kwód ənsh(iy)ow nón válət, trəkt(y)uw témpərəs nón válət/. A thing void in the beginning does not become valid by lapse of time.

Quod initio vitiosum est non potest tractu temporis conualescere /kwód ənsh(iy)ow vishiyówsəm èst nón pówtəst trəkt(y)uw témpərəs kónvələsəriy/. That which is void from the beginning cannot become valid by lapse of time.

Quod in iure scripto "jus" appellatur, id in lege anglia "rectum" esse dicitur /kwód in líyjiy skríptow jəs əpələytər, id in líyjiy ənglíyiy réktəm ésiy dísatər/. What in the civil law is called "jus," in the law of England is said to be "rectum" (right).

Quod in minori valet valebit in majori; et quod in majori non valet nec valebit in minori /kwód in mənóray válət vəlíybat in mājóray; èt kwód in mājóray nón válət nèk vəlíybat in mənóray/. 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 /kwód in yúwnow səmíliyəm válət vəlíybat in óltərow/. That

which is effectual in one of two like things shall be effectual in the other.

Quod ipsis qui contraxerunt obstat, et successoribus eorum obstabit /kwód ípsəs kwáy kóntrəksírənt óbstət, èt səkssəsórəbəs iyóram obstéybat/. That which bars those who have made a contract will bar their successors also.

Quod jussu /kwód jəs(y)uw/. 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.

Quod jussu alterius solvitur pro eo est quasi ipsi solutum esset /kwód jəs(y)uw óltərəyəs sólvətər prów iyow èst kwéysay ípsay səl(y)úwtəm ésət/. That which is paid by the order of another is the same as though it were paid to himself.

Quod meum est sine facto meo vel defectu meo amitti vel in alium transferri non potest /kwód míyəm èst sáyniy fáktow míyow vəl dəfékt(y)uw míyow əmítay vəl in éyl(i)yəm transfəray nón pówtəst/. That which is mine cannot be lost or transferred to another without my alienation or forfeiture.

Quod meum est sine me auferri non potest /kwód míyəm èst sáyniy míy óféhray nón pówtəst/. That which is mine cannot be taken away without me [without my assent].

Quod minus est in obligationem videtur deductum /kwód máynəs èst in óbləgəyshiyównəm vədíytər dədəktəm/. 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).

Quod naturalis ratio inter omnes homines constituit, vocatur jus gentium /kwód nətýərəyləs réysh(iy)ow íntər ómniyz hóməniyz kənstítýuwət, vovkéytər jəs jəns(iy)əm/. That which natural reason has established among all men is called the "law of nations."

Quod necessarie intelligitur non deest /kwód nəsəsəriyiy íntəlǰətər nón díyést/. That which is necessarily understood is not wanting.

Quod necessitas cogit, defendit /kwód nəsésətəs kó(w)jət, dəféndət/. That which necessity compels, it justifies.

Quod non apparet non est; et non apparet judicialiter ante iudicium /kwód nón əpərət nón èst èt nón əpərət juwdishiyéylətər əntiy juwdish(iy)əm/. That which appears not is not; and nothing appears judicially before judgment.

Quod non capit christus, capit fiscus /kwód nón kəpət krístəs kəpət fískəs/. 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.

Quod non fuit negatum /kwód nón f(y)úwət nəgétəm/. 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.

Quod non habet principium non habet finem /kwód nòn héybət prənsíp(i)yəm nòn héybət fáynəm/. That which has not beginning has not end.

Quod non legitur, non creditur /kwód nòn léjətər nòn krédətər/. What is not read is not believed.

Quod non valet in principali, in accessorio seu consequenti non valet; et quod non valet in magis propinquo non valet in magis remoto /kwód nòn vələt in prinsəpéyay, in əksəsóriyow syúw kónsəkwen-tay nòn vəliybət; èt kwód nòn vələt in méyjəs prəpɪŋkwow nòn vəliybət in méyjəs rəmówtow/. 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 /kwód nówtə/. Which note; which mark. A reporter's note in the old books, directing attention to a point or rule.

Quod nullius esse potest id ut alicujus fieret nulla obligatio valet efficere /kwód nələyəs ésiy pówtəst id əd ələkyúwəs fáyerət nálə óbləgéysh(i)yow vələt əfís-əriy/. No agreement can avail to make that the property of any one which cannot be acquired as property.

Quod nullius est, est domini regis /kwód nələyəs èst, èst dómənay ríjəs/. That which is the property of nobody belongs to our lord the king.

Quod nullius est, id ratione naturali occupanti conceditur /kwód nələyəs èst, id rəshiyówniy nətyaréy-lay ókyəpəntay kənsiydətər/. That which is the property of no one is, by natural reason, given to the [first] occupant. Adopted in the common law.

Quod nullum est, nullum producit effectum /kwód náləm èst, náləm prəd(y)úwsət əféktəm/. That which is null produces no effect.

Quod omnes tangit ab omnibus debet supportari /kwód ómniyz tənjet əb ómnəbəs débət səpórtəray/. That which touches or concerns all ought to be supported by all.

Quod partes replacitent /kwód pərtiyz rəpləsətənt/. That the parties do plead.

Judgment quod partes replacitent. A judgment for replacer which is given if an issue is formed on so immaterial a point that the court cannot know for whom to give judgment. The parties must then reconstruct their pleadings.

Quod partitio fiat /kwód partish(i)yow fáyet/. 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 /kwód péndət nòn èst prów iyow kwéysay sit/. What is in suspense is considered as not existing during such suspense.

Quod per me non possum, nec per alium /kwód pər míy nòn pəsəm, nék pər éyl(i)yəm/. What I cannot do by myself, I cannot by another.

Quod permittat /kwód pərmítət/. 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.

Quod permittat prosternere /kwód pərmítəriy prəs-tərnəriy/. 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.

Quod per recordum probatum, non debet esse negatum /kwód pər rəkórtəm prəbéytəm, nòn déttət ésiy nəgéyətəm/. What is proved by record ought not to be denied.

Quod persona nec prebendarii, etc. /kwód pərsównə nək prəbéndəriyay/. A writ which lay for spiritual persons, distrained in their spiritual possessions, for payment of a fifteenth with the rest of the parish.

Quod populus postremum jussit, id jus ratum esto /kwód póp(y)ələs pəstriyməm jəsət, id jəs réytəm éstow/. 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 /kwód práyəm èst intənsiyówniy áltəməm èst in ópərəyshiyówniy/. That which is first in intention is last in operation.

Quod principi placuit, legis habet vigorem; ut potest cum lege regia, quæ de imperio ejus lata est, populus ei et in eum omne suum imperium et potestatem conferat /kwód prinsəpay pləkyuwət liyjəs héybət vigóram, ət pówtiy kəm liyjiy ríjjiyə, kwiy diy impiyow iyjəs léytə est, pópyələs iyay èt in iyəm ómniy syúwəm impiyəm et pówtəstéytəm kónfərət/. 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.

Quod prius est verius est; et quod prius est tempore potius est jure /kwód práyəs èst vihriyəs èst; èt kwód práyəs èst témpəriy pówsh(i)yəs èst júriy/. 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 /kwód prów mənóriy lisətəm èst èt prów məjóriy lisətəm èst/. That which is lawful as to the minor is lawful as to the major.

Quod prostravit /kwód prostréyvet/. That he do abate. The name of a judgment upon an indictment for a nuisance, that the defendant abate such nuisance.

Quod pure debetur presenti die debetur /kwód pyúriy dəbiytər prəzəntay dáiy dəbiytər/. That which is due unconditionally is due now.

Quodque dissolvitur eodem modo quo ligatur /kwód-kwiy dəzólvtər iyówdəm mówdow kwów ləgéytər/. In the same manner that a thing is bound, in the same manner it is unbound.

Quod quis ex culpa sua damnum sentit non intelligitur damnum sentire /kwód kwís əks kəlpə s(y)úwə

dámnám séntæt nòn intaljætár dámnám sentáyriy/. The damage which one experiences from his own fault is not considered as his damage.

Quod quisquis norit in hoc se exerceat /kwòd kwísk-wis nórat in hók siy ægzársiyæt/. Let every one employ himself in what he knows.

Quod quis sciens indebitum debit hac mente, ut postea repeteret, repetere non potest /kwòd kwísk wís ýndébatám débát hæk méntiy, æt pówstiyæ ræpétaræt, ræpétáriy nòn pówtæst/. That which one has given, knowing it not to be due, with the intention of redeeming it, he cannot recover back.

Quod recuperet /kwòd ræk(y)úwparæt/. That he recover. The ordinary form of judgments for the plaintiff in actions at law.

Judgment of quod recuperet. When an issue in fact, or an issue in law arising on a peremptory plea, is determined for the plaintiff, the judgment is "that the plaintiff do recover," etc., which is called a judgment quod recuperet. It is either final or interlocutory, according as the quantum of damages is or is not ascertained at the rendition of the judgment.

Quod remedio destituitur ipsa re valet si culpa absit /kwòd ræmiyd(i)yow déstæt(y)úwætár ípsæ riý vælet sáy kálpæ æbsit/. That which is without remedy avails of itself, if there be no fault in the party seeking to enforce it.

Quod semel meum est amplius meum esse non potest /kwòd sémæl miyám èst æmpliyæs miyám ésiy nòn pówtæst/. What is once mine cannot be more fully mine.

Quod semel placuit in electione, amplius displicere non potest /kwòd sémæl plæk(y)uwæt in slèkshiyówniy, æmpliyæs displicáriy nòn pówtæst/. What a party has once determined, in a case where he has an election, cannot afterwards be disavowed.

Quod si contingat /kwòd sáy kòntægæt/. That if it happen. Words by which a condition might formerly be created in a deed.

Quod solo inædificatur solo cedit /kwòd sówlow inèdáfækéytár sówlow síydtæt/. Whatever is built on the soil is an accessory of the soil.

Quod sub certa forma concessum vel reservatum est non trahitur ad valorem vel compensationem /kwòd sàb sárta fórmæ kònsésám vèl rézarvéytám èst nòn tréy(h)ætár æd valórám vèl kòmpénséyshiyównám/. That which is granted or reserved under a certain form is not [permitted to be] drawn into valuation or compensation. 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.

Quod subintelligitur non deest /kwòd sàbinteljætár nòn diyest/. What is understood is not wanting.

Quod tacite intelligitur deesse non videtur /kwòd tæsétiy intaljætár diyésiy nòn vadiytár/. What is tacitly understood is not considered to be wanting.

Quod vanum et inutile est, lex non requirit /kwòd véynám èt inyúwtályi èst, léks nòn rækwáyrtæt/. The law requires not what is vain and useless.

Quod vero contra rationem juris receptum est, non est producendum ad consequentias /kwòd vírow kòntræ ræshiyównám júrés ræséptám èst, nòn èst pròwdæséndám æd kònsèkwénsh(iy)æs/. But that which has been admitted contrary to the reason of the law, ought not to be drawn into precedents.

Quod vide /kwòd váydiy/. Which see. A direction to the reader to look to another part of the book, or to another book, there named, for further related information. Usually abbreviated "q.v."

Quod voluit non dixit /kwòd vól(y)uwæt nòn díksæt/. What he intended he did not say, or express. An answer sometimes made in overruling an argument that the lawmaker or testator *meant* so and so.

Quo jure /kwòw júriy/. 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.

Quo ligatur, eo dissolvitur /kwòw lágéytár, iyow dæzólvætár/. By the same mode by which a thing is bound, by that is it released.

Quo minus /kwòw máynæs/. 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.

Quo modo quid constituitur eodem modo dissolvitur /kwòw mówdow kwíd kònstæt(y)úwtár iyówdám mówdow dæzólvætár/. In the same manner by which anything is constituted by that it is dissolved.

Quorum /kwòrám/. A majority of the entire body; *e.g.*, a quorum of a state supreme court. The number of members who must be present in a deliberative body before business may be transacted. In both houses of Congress a quorum consists of a majority of those chosen and sworn.

Such a number of the members of a body as is competent to transact business in the absence of the other members. The idea of a quorum is that, when that required number of persons goes into a session as a body, such as directors of a corporation, the votes of a majority thereof are sufficient for binding action. *Benintendi v. Kenton Hotel*, 294 N.Y. 112, 60 N.E.2d 829, 831. When a committee, board of directors, meeting of shareholders, legislature or other body of persons cannot act unless a certain number at least of them are present, that number is called a "quorum." In the absence of

any law or rule fixing the quorum, it consists of a majority of those entitled to act.

Quorum prætextu nec auget nec minuit sententiam, sed tantum confirmat præmissa /kwórəm prətékst(y)uw nèk ógənt nèk mín(y)uwət sənténsh(iy)əm, sèd tántəm kənfərmət prəmisə/. "*Quorum prætextu*" neither increases nor diminishes a sentence, but only confirms that which went before.

Quota /kwówtə/. 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.

An assigned goal, as a sales quota; a limiting number or percentage such as the quota of immigrants from a particular country.

See also Export quotas; Import quota.

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

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

A statement of the market price of one or more securities or commodities; or the price specified to a correspondent. Often shortened to "quote." The highest bid to buy and the lowest offer to sell a security or commodity in a given market at a given time.

Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit /kwówsh(iy)enz d(y)úwbiyə intəprətéysh(iy)ow libərtéytəs èst, səkándəm libərtéytəm rəspəndéndəm èhrət/. Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty.

Quotiens idem sermo duas sententias exprimit, ea potissimum accipitur, quæ rei gerendæ aptior est /kwówsh(iy)enz áydəm sərmow d(y)úwəs sənténsh(iy)əs éksprəmət, iyə pətisəməm əksipiyéytər, kwiy riyay jərəndəy əpshiyər èst/. Whenever the same words express two meanings, that is to be taken which is the better fitted for carrying out the proposed end.

Quotient verdict /kwówshənt vərđikt/. A verdict resulting from agreement whereby each juror writes down amount of damages to which he thinks party is entitled and such amounts are then added together and divided by number of jurors. *Index Drilling Co. v. Williams*, 242 Miss. 775, 137 So.2d 525, 530. A chance verdict such that no juror knows what the verdict will be when he submits his vote on damages because the final amount is calculated by a preagreed formula. *Freight Terminals, Inc. v. Ryder System, Inc.*, C.A.Tex., 461 F.2d 1046, 1053.

While the general rule is that the use of a quotient verdict is improper and constitutes grounds for a new trial, *Niebla v. Flying Tigers, Inc.*, Fla.App., 533 So.2d 816, it has been held that evidence that the jury utilized the quotient verdict process at some point in their deliberations was not fatal to the verdict, so long as the figure reached was discussed by the jury and agreed upon as a fair expression of their opinion, *McKay v. City*

of Tulsa, Okl., 763 P.2d 703, 705, 706; and, is not objectionable if, after it is determined, the jury deliberates further and accepts the result as just, *National R.R. Passenger Corp. v. Two Parcels of Land, One 1691 Sq. Foot More or Less Parcel of Land in Town of New London, New London County and State of Conn.*, C.A. Conn., 822 F.2d 1261, 1268.

Quoties dubia interpretatio libertatis est, secundum libertatem respondendum erit /kwówshiy(iy)z d(y)úwbiyə intəprətéysh(iy)ow libərtéytəs èst, səkándəm libərtéytəm rəspəndéndəm èst/. Whenever the interpretation of liberty is doubtful, the answer should be on the side of liberty.

Quoties idem sermo duas sententias exprimit, ea potissimum excipitur, quæ rei gerendæ aptior est /kwówshiy(iy)z áydəm sərmow d(y)úwəs sənténsh(iy)əs éksprəmət, iyə pətisəməm éksprəmət, kwiy riyay jərəndəy əpshiyər èst/. Whenever the same language expresses two meanings that should be adopted which is the better fitted for carrying out the subject-matter.

**Quoties in stipulationibus ambigua oratio est, com-
missimum est id accipi quo res de qua agitur in
tuto sit** /kwówshiy(iy)z in stípuləyshiyównəbəs əmbíg(y)uwə oréysh(iy)ow èst, kómədisəməm èst id əksəpay kwòw riyz diy kwéy éyjetər in t(y)úwtow 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.

**Quoties in verbis nulla est ambiguitas, ibi nulla ex-
positio contra verba fienda est** /kwówshiy(iy)z in vərbəs nólə èst əmbəgyúwətəs, áybay nólə əksəpəzish(iy)ow kóntrə vərbə fayénda èst/. When in the words there is no ambiguity, then no exposition contrary to the words is to be made.

Quousque /kwowáskwiy/. Lat. How long; how far; until. In old conveyances it is used as a word of limitation.

Quovis modo /kwówwis mówdow/. Lat. In whatever manner.

Quo warranto /kwów wərántow/. 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.

A common law writ designed to test whether a person exercising power is legally entitled to do so. An extraordinary proceeding, prerogative in nature, addressed to preventing a continued exercise of authority unlawfully asserted. *Johnson v. Manhattan Ry. Co.*, N.Y., 289 U.S. 479, 53 S.Ct. 721, 77 L.Ed. 1331. It is intended to prevent exercise of powers that are not conferred by law, and is not ordinarily available to regulate the manner of exercising such powers.

An ancient prerogative right through which the state acts to protect itself and the good of public generally through its chosen agents as provided by its Constitution and laws, though sometimes it is brought at instance of and for benefit of a private individual who may have a special interest. *Lewis v. Drake*, Tex.App., 641 S.W.2d 392, 394. Legal action whereby legality of exercise of powers by municipal corporation may be placed in issue. *People ex rel. City of Des Plaines v. Village of Mount Prospect*, 29 Ill.App.3d 807, 331 N.E.2d 373, 377.

In the law of corporations, quo warranto may be used to test whether a corporation was validly organized or whether it has power to engage in the business in which it is involved.

The federal rules are applicable to proceedings for quo warranto "to the extent that the practice in such proceedings is not set forth in statutes of the United States and has heretofore conformed to the practice in civil actions." Fed.R. Civil P. 81(a)(2). Any remedy that could have been obtained under the historic writ of quo warranto may be obtained by a civil action of that nature. *U. S. v. Nussbaum*, D.C.Cal., 306 F.Supp. 66.

Quum de lucro duorum quaratur, melior est causa possidentis /kám diy l(y)úwkrow d(y)uwórəm kwaréytər, míyl(i)yar èst kózə pəsidiyéntəs/. When the

question is as to the gain of two persons, the title of the party in possession is the better one.

Quum in testamento ambigue aut etiam perperam scriptum est, benigne interpretari et secundum id quod credible et cogitatum, credendum est /kám in tɛstəmɛntow ɔmbíguyuyiy òt ésh(iy)əm pərpərəm skriptəm èst, bənígniy intərprətəray èt səkándəm id kwòd krədíbəliy èt kòjətétəm, krədéndəm èst/. 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.

Quum principalis causa non consistit ne ea quidem quæ sequuntur locum habent /kám prinsəpýləs kózə nón kənsístət niy iyə kwáydam kwiy səkántər lówkəm héybənt/. When the principal does not hold, the incidents thereof ought not to obtain.

Quum quod ago non valet ut ago, valeat quantum valere potest /kám kwòd éygow nòn vələt àt éygow, vəliyət kwóntəm vəlíríy pówtəst/. 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.

Q.V. An abbreviation of "*quod vide*," meaning "which see".