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Q. *abbr.* QUESTION. • This abbreviation is almost always used in deposition and trial transcripts to denote each question asked by the examining lawyer.

Q-and-A. *abbr.* QUESTION-AND-ANSWER.

Q.B. *abbr.* QUEEN'S BENCH.

Q.B.D. *abbr.* QUEEN'S BENCH DIVISION.

Q.C. *abbr.* QUEEN'S COUNSEL.

q.c.f. *abbr.* QUARE CLAUSUM FREGIT.

Q.D. *abbr.* [Latin *quasi dicat*] As if he should say.

QDRO (kwah-droh). *abbr.* QUALIFIED DOMESTIC-RELATIONS ORDER.

Q.E.D. *abbr.* [Latin *quod erat demonstrandum*] Which was to be demonstrated or proved.

Q.E.F. *abbr.* [Latin *quod erat faciendum*] Which was to be done.

Q.E.N. *abbr.* [Latin *quare executionem non*] Why execution should not be issued.

qq.v. See Q.v.

Q.S. See *quarter session* under SESSION.

QTIP trust. See TRUST.

qua (kway or kwah). [Latin] In the capacity of; as <the fiduciary, qua fiduciary, is not liable for fraud, but he may be liable as an individual>.

quacumque via data (kway-kəm-kwee vi-ə day-tə). [Latin] Whichever way given; whichever way you take it.

quadragesima (kwah-drə-jes-i-mə), *n.* [Latin "fortieth"] *Hist.* **1.** Lent — so called because it runs about 40 days. **2.** The first Sunday in

Lent — so called because it is about the fortieth day before Easter.

quadragesimals (kwah-drə-jes-i-məlz), *n. pl.* [fr. Latin *quadragesima* "the fortieth"] *Hist.* Offerings made on Mid-Lent Sunday by daughter churches to the mother church.

quadriennium (kwah-dree-en-ee-əm), *n.* [Latin fr. *quatuor* "four" + *annus* "year"] *Roman law.* The four-year course of study required of law students before they were qualified to study the Code or collection of imperial constitutions.

quadriennium utile (kwah-dree-en-ee-əm yoo-tə-lee). *Scots law.* A four-year period after the attainment of majority within which the young adult may seek to annul any contract under seal made while the person was a minor.

quadripartite, *adj. Hist.* (Of an indenture, etc.) drawn, divided, or executed in four parts.

quadripartite, *n.* A book or treatise divided into four parts.

quadruplator (kwah-droo-plə-tor), *n.* [Latin] *Roman law.* An informer who, by law, could institute criminal proceedings that would result in a fourfold penalty and then receive a reward for doing so. Pl. **quadruplatores** (kwah-drə-plə-tor-eez).

quadruplicatio (kwah-drə-pli-kay-shee-oh), *n.* [fr. Latin *quadruplicatus* "quadrupled"] *Civil law.* A defendant's pleading, following the *triplicatio* and similar to the *rebutter* at common law; the third defensive pleading. — Also termed *quadruplication*; (in old Scots law) *quadruply*.

quae est eadem (kwee est ee-ay-dəm). [Law Latin] *Hist.* Which is the same. • This phrase was used by a defendant in a trespass action to show that the trespass the defendant was justified in committing was the same as that alleged in the plaintiff's pleading; that is, the plaintiff gave the defendant permission to enter, and so

the defendant entered the property. — Formerly also termed *que est le mesme*.

quae plura (kwee **ploor**-ə). [Law Latin “what more”] *Hist.* A writ ordering the escheator, when it appeared that not all of a decedent’s property had been located, to inquire about any additional lands and tenements the decedent held at the time of death.

quaere (kweer-ee), *vb.* [Latin] Inquire; query; examine. • This term was often used in the syllabus of a reported case to show that a point was doubtful or open to question.

quaerens (kweer-enz), *n.* [Law Latin] *Hist.* One who complains; a plaintiff.

quaerens nihil capiat per billam (kweer-enz **ni**-hil **kap**-ee-ət pər **bil**-əm). [Law Latin] *Hist.* Let the plaintiff take nothing by his bill. • This was a form of judgment for the defendant.

quaerens non invenit plegium (kweer-enz non in-**vee**-nit **plee**-jee-əm). [Law Latin “the plaintiff did not find a pledge”] *Hist.* A sheriff’s return to a writ requiring him to take security from the plaintiff for prosecution of the plaintiff’s claim.

quaesta (kwees-tə), *n.* [Latin “demands”] Remissions of penance, authorized by the Pope to those who contributed a certain amount to the church. — Also termed *quesita*.

quaestio (kwes-chee-oh or **kwees**-chee-oh), *n.* [Latin fr. *quaerere* “to inquire”] *Roman law.* **1.** A special committee appointed to hear one or more criminal cases, sometimes with the power to try all cases of a given class arising within a specified period. **2.** An interrogation by inflicting torture. **3.** The torture so inflicted. Pl. **quaestiones.**

quaestionarius (kwes-chee-ə-**nair**-ee-əs). See **QUAESTOR.**

quaestiones perpetuae (kwes-chee-**oh**-neez pər-**pech**-oo-ee). [Latin “perpetual inquiries”] *Roman law.* Permanent commissions to hear criminal cases.

quaestio vexata (kwes-chee-oh vek-**say**-tə). [Law Latin] See **VEXED QUESTION.**

quaestor (kwes-tər or **kwees**-tər). [Latin] **1.** *Roman law.* An officer who maintained and administered the public money, performing

tasks such as making necessary payments, receiving revenues, keeping accurate accounts, registering debts and fines, supervising the accommodation of foreign ambassadors, and financing the burials and monuments of distinguished citizens.

“The office of quaestor goes back at least to the beginning of the Republic. Each year two quaestors were nominated by the consuls, later elected by the comitia tributa, to assist the consuls in matters of finance. This continued to be their principal concern, but they enlarged their functions as their numbers increased.” R.W. Lee, *The Elements of Roman Law* 15 (4th ed. 1956).

2. *Hist.* An agent of the Pope who carried *quaesita* from door to door. — Also termed *questionarius*. Pl. **quaestores.** See **QUAESTA.**

quaestores parricidii (kwes-**tor**-eez par-ə-**si**-dee-i), *n. pl.* [Latin “quaestors of parricide”] *Roman law.* Two officers (usu. appointed annually) who were deputized to search out and try all cases of parricide and other capital offenses.

quaestor sacri palatii (kwes-tər **say**-krī pə-**lay**-shee-i). [Latin “quaestor of the sacred palace”] *Roman law.* An officer of the imperial court who acted as legal adviser to the emperor.

“The *quaestor sacri palatii* was one of the highest civil functionaries in the later Empire, concerned with the preparation of enactments and legal decisions to be issued by the emperor. He was the principal legal adviser of the emperor and he was [often] chosen from among the persons with considerable legal training.” Adolf Berger, *Encyclopedic Dictionary of Roman Law* 664 (1953).

quaestus (kwes-təs or **kwee**-stəs). [Latin] **1.** *Roman law.* Profit, esp. from a business. **2.** *Hist.* Acquisition; purchase. • This term refers to a purchased estate, as distinguished from *haereditas*, referring to an estate obtained by descent.

quale jus (kway-lee or **kwah**-lee **jəs**). [Latin “what kind of right”] *Hist.* A writ ordering an escheator to inquire into the extent of a religious person’s right to a judgment, before its execution, to make sure that the judgment was not collusively made to avoid the mortmain statute.

qualification. **1.** The possession of qualities or properties (such as fitness or capacity) inherently or legally necessary to make one eligible for a position or office, or to perform a public duty or function <voter qualification requires one to meet residency, age, and registration requirements>. **2.** A modification or limitation of terms or language; esp., a restriction of

terms that would otherwise be interpreted broadly <the contract contained a qualification requiring the lessor's permission before exercising the right to sublet>. **3.** CHARACTERIZATION (1). — **qualify**, *vb.*

qualified, *adj.* **1.** Possessing the necessary qualifications; capable or competent <a qualified medical examiner>. **2.** Limited; restricted <qualified immunity>. — **qualify**, *vb.*

qualified acceptance. See ACCEPTANCE (1).

qualified disclaimer. See DISCLAIMER.

qualified domestic-relations order. A state-court order or judgment that relates to alimony, child support, or some other state domestic-relation matter and that (1) recognizes or provides for an alternate payee's right to receive all or part of any benefits due a participant under a pension, profit-sharing, or other retirement benefit plan, (2) otherwise satisfies the provisions of section 414 of the Internal Revenue Code, and (3) is exempt from the ERISA rule prohibiting the assignment of plan benefits. • Among other things, the QDRO must set out certain facts, including the name and last-known mailing address of the plan participant and alternate payee, the amount or percentage of benefits going to the alternate payee, and the number of payments to which the plan applies. The benefits provided under a QDRO are treated as income to the actual recipient. IRC (26 USCA) § 414(p)(1)(A); 29 USCA § 1056(d)(3)(D)(i). — Abbr. QDRO.

qualified elector. A legal voter; a person who meets the voting requirements for age, residency, and registration and who has the present right to vote in an election. See QUALIFIED VOTER.

qualified estate. See ESTATE.

qualified fee. **1.** See *fee simple defeasible* under FEE SIMPLE. **2.** See *fee simple determinable* under FEE SIMPLE.

qualified general denial. See DENIAL.

qualified immunity. See IMMUNITY (1).

qualified indorsement. See INDORSEMENT.

qualified institutional buyer. See BUYER.

qualifiedly (*kwah-lə-fid-lee or -fi-əd-lee*), *adv.* In a fit or qualified manner <qualifiedly privileged>.

qualified martial law. See MARTIAL LAW.

qualified nuisance. See NUISANCE.

qualified opinion. An audit-report statement containing exceptions or qualifications to certain items in the accompanying financial statement.

qualified ownership. See OWNERSHIP.

qualified pension plan. See PENSION PLAN.

qualified privilege. See PRIVILEGE (1).

qualified profit-sharing plan. See PROFIT-SHARING PLAN.

qualified property. See PROPERTY.

qualified residence interest. See INTEREST (3).

qualified stock option. See STOCK OPTION.

qualified-terminable-interest property. See PROPERTY.

qualified veto. See VETO.

qualified voter. **1.** QUALIFIED ELECTOR. **2.** A qualified elector who exercises the right to vote; a person who votes.

qualified witness. See WITNESS.

qualifying event. Any one of several specified occasions that, but for the continuation-of-coverage provisions under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), would result in a loss of benefits to a covered employee under a qualified benefit plan. • These occasions include employment termination, a reduction in work hours, the employee's separation or divorce, the employee's death, and the employer's bankruptcy. IRC (26 USCA) § 4980B(f)(3).

qualifying share. A share of common stock purchased by someone in order to become a director of a corporation that requires its directors to be shareholders. See SHARE (2).

quality. 1. The particular character or properties of a person, thing, or act, often essential for a particular result <she has leadership quality> <greed is a negative quality>. **2.** The character or degree of excellence of a person or substance, esp. in comparison with others <the quality of work performed under the contract>.

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

quality-of-products legislation. See LEMON LAW (2).

quamdiu (kwam-dee-yoo). [Latin] *Hist.* As long as; so long as. • This was a word of limitation formerly used in conveyances.

quamdiu bene se gesserint (kwam-dee-yoo bee-nee see jes-er-int). [Law Latin] As long as they shall conduct themselves properly. • This term refers to the holding of an office, specif. the Act of Settlement, 1700, ch. 2, which provided that a judge's tenure was no longer at the king's pleasure, but could continue until death or improper conduct. Cf. GOOD BEHAVIOR; DURANTE BENE PLACITO.

"But at present, by the long and uniform usage of many ages, our kings have delegated their whole judicial power to the judges of their several courts And, in order to maintain both the dignity and independence of the judges in the superior courts, it is enacted by the statute 13 W. III. c.2 that their commissions shall be made (not as formerly, *durante bene placito*, but) *quamdiu bene se gesserint*, and their salaries ascertained and established; but that it may be lawful to remove them on the address of both houses of parliament." 1 William Blackstone, *Commentaries on the Laws of England* 267 (1765).

quango (kwang-goh). See QUASI-AUTONOMOUS NONGOVERNMENTAL ORGANIZATION.

quanti minoris (kwon-ti mi-nor-is). [Latin "how much less"] *Civil law.* An action brought by a purchaser of an article to reduce the purchase price due to the article's defects.

quantitative rule. An evidentiary rule requiring that a given type of evidence is insufficient unless accompanied by additional evidence before the case is closed. • Such a rule exists because of the known danger or weakness of certain types of evidence. — Also termed *synthetic rule*.

quantity discount. See *volume discount* under DISCOUNT.

quantum (kwon-təm). [Latin "an amount"] The required, desired, or allowed amount; portion or share <a quantum of evidence>. Pl. **quanta (kwon-tə).**

quantum damnificatus (kwon-təm dam-nə-fi-kay-təs). [Latin "how much damnified"] *Hist.* The issue of damages submitted by a court of equity to the jury.

quantum meruit (kwon-təm mer-oo-it). [Latin "as much as he has deserved"] **1.** The reasonable value of services; damages awarded in an amount considered reasonable to compensate a person who has rendered services in a quasi-contractual relationship. **2.** A claim or right of action for the reasonable value of services rendered. **3.** At common law, a count in an assumpsit action to recover payment for services rendered to another person. • Quantum meruit is still used today as an equitable remedy to provide restitution for unjust enrichment. It is often pleaded as an alternative claim in a breach-of-contract case so that the plaintiff can recover even if the contract is voided. See *implied-in-law contract* under CONTRACT.

quantum valebant (kwon-təm və-lee-bant or -bant). [Latin "as much as they were worth"] **1.** The reasonable value of goods and materials. **2.** At common law, a count in an assumpsit action to recover payment for goods sold and delivered to another. • *Quantum valebant* — although less common than *quantum meruit* — is still used today as an equitable remedy to provide restitution for another's unjust enrichment.

quarantina habenda. See DE QUARANTINA HABENDA.

quarantine. 1. Hist. A period of 40 days, esp. for the isolation and detention of ships containing persons or animals suspected of having or carrying a dangerous communicable disease, in order to prevent the spread of the disease.

"Quarantine The name is drawn from the fact that the period was formerly commonly 40 (Ital. *quaranta*) days. In 1423 Venice established a lazaretto or quarantine station on an island to check the growth of disease brought in by ships. In the sixteenth century quarantine became widespread and there developed the system of bills of health, certificates that the last port was free from disease; a clean bill entitled a ship to use the port without subjection to quarantine." David M. Walker, *The Oxford Companion to Law* 1022 (1980).

2. Hist. A widow's privilege to remain in her husband's house for 40 days after his death while her dower is being assigned. • This right was enforced by a writ *de quarantina habenda*. See DE QUARANTINA HABENDA. **3.** The isolation of a person or animal afflicted with a communicable disease or the prevention of such a person or animal from coming into a particular area, the purpose being to prevent the spread of disease. • Federal, state, and local authorities are required to cooperate in the enforcement of quarantine laws. 42 USCA § 243(a).

"Power to make quarantine regulations is one of the most frequent powers conferred on boards of health. Such regulations constitute a proper exercise of the police power, provided they are not in conflict with federal regulations on the subject or that legislation by Congress is absent, and that they do not abridge rights protected by the Fourteenth Amendment." 39 Am. Jur. 2d *Health* § 59, at 529-30 (1999).

4. A place where a quarantine is in force. — Also spelled *quarentine*; *quarentene*. — **quarantine**, *vb*.

quare (**kwair-ee**). [Latin] Why; for what reason; on what account. • This was used in various common-law writs, esp. writs in trespass.

quare clausum fregit (**kwair-ee klaw-zəm free-jit**). [Latin] Why he broke the close. — Abbr. *qu. cl. fr.*; *q.c.f.* See TRESPASS QUARE CLAUSUM FREGIT.

quare ejecit infra terminum (**kwair-ee i-jee-sit in-frə tər-mə-nəm**), *n.* [Law Latin "why he ejected within the term"] *Hist.* A writ for a lessee who was prematurely ejected, when the ejector was not actually in possession but one claiming under the ejector was.

"For this injury the law has provided him with two remedies . . . the writ of *ejectione firmæ*; . . . and the writ of *quare ejecit infra terminum*; which lies not against the wrongdoer or ejector himself, but his feoffee or other person claiming under him. These are mixed actions, somewhat between real and personal; for therein are two things recovered, as well restitution of the term of years, as damages for the ouster or wrong." 3 William Blackstone, *Commentaries on the Laws of England* 199 (1768).

quare impedit (**kwair-ee im-pə-dit**). [Latin "why he hinders"] *Hist. Eccles. law.* A writ or action to enforce a patron's right to present a person to fill a vacant benefice. — Also termed *writ of quare impedit*. See PRESENTATION; ADVOWSON.

"The writ of *quare impedit* commands the disturbers, the bishop, the pseudo-patron, and his clerk, to permit the plaintiff to present a proper person (without specifying the particular clerk) to such a vacant church, which

pertains to his patronage; and which the defendants, as he alleges, do obstruct: and unless they so do, then that they appear in court to shew the reason why they hinder him." 3 William Blackstone, *Commentaries on the Laws of England* 248 (1768).

quare incumbavit (**kwair-ee in-kəm-bray-vit**), *n.* [Law Latin "why he incumbered"] *Hist.* A writ or action to compel a bishop to explain why he encumbered the church when, within six months after the vacation of a benefice and after a *ne admittas* was received, the bishop conferred the benefice on his clerk while two other clerks were contending for the right of presentation in a *quare impedit* action. • The writ was abolished by the Real Property Limitation Act of 1833, ch. 27.

quare intrusit (**kwair-ee in-troo-sit**), *n.* [Law Latin "why he thrust in"] *Hist.* A writ allowing a lord to recover the value of a marriage, when the lord offered a suitable marriage to a ward but the ward rejected it and married someone else. • It was abolished by the Tenures Abolition Act, 1660, ch. 24.

quare non permittit (**kwair-ee non pər-mit-it**), *n.* [Law Latin "why he did not permit"] *Hist.* A writ for one who has a right to present to a church, against the proprietor.

quarentena terrae (**kwahr-en-tee-nə ter-ee**), *n.* [Law Latin "a quantity of land"] *Hist.* A fur-long.

quarentine. See QUARANTINE.

quare obstruxit (**kwair-ee əb-strək-sit**), *n.* [Law Latin "why he obstructed"] *Hist.* A writ for one who could not enjoy a privilege to pass through a neighbor's land because the neighbor had obstructed the path.

quarrel. **1.** An altercation or angry dispute; an exchange of recriminations, taunts, threats, or accusations between two persons. **2. Archaic.** A complaint; a legal action.

"Quarrels is derived from *querendo*, and extends not only to actions as well real as personal, but also to the causes of actions and suits: so that by the release of all quarrels, not only actions depending in suit, but causes of action and suit also are released; and quarrels, controversies and debates, are words of one sense, and of one and the same signification, Coke, lib. 8, fol. 153." *Termes de la Ley* 330 (1st Am. ed. 1812).

quarta divi Pii (**kwor-tə dī-vī pi-i**). [Latin "quarter of the deified Pius"] *Roman law.* The quarter portion of a testator's estate required

to be left to an adopted child who had been unjustly emancipated or disinherited.

quarta falcidia (**kwor-tə fal-sid-ee-ə**). [Latin "Falcidian fourth"] See FALCIDIAN PORTION.

quarter, *n.* In the law of war, the act of showing mercy to a defeated enemy by sparing lives and accepting a surrender <to give no quarter>.

quarter day. See DAY.

quartering, *n.* **Hist. 1.** The dividing of a criminal's body into quarters after execution, esp. as part of the punishment for a crime such as high treason. See HANGED, DRAWN, AND QUARTERED. **2.** The furnishing of living quarters to members of the military. • The Third Amendment generally protects U.S. citizens from being forced to use their homes to quarter soldiers. U.S. Const. amend. III. **3.** The dividing of a shield into four parts to show four different coats of arms. — **quarter**, *vb.*

quarterly report. A financial report issued by a corporation (and by most mutual funds and investment managers) every three months.

quarter seal. See SEAL.

quarter section. See SECTION.

quarter session. See SESSION.

Quarter Sessions Court. See COURT OF GENERAL QUARTER SESSIONS OF THE PEACE.

quarters of coverage. The number of quarterly payments made by a person into the social-security fund as a basis for determining the person's entitlement to benefits.

quarto die post (**kwor-toh di-ee pohst**), *n.* [Law Latin "on the fourth day after"] The defendant's appearance day, being four days (inclusive) from the return of the writ.

quash (**kwahsh**), *vb.* **1.** To annul or make void; to terminate <quash an indictment> <quash proceedings>. **2.** To suppress or subdue; to crush out <quash a rebellion>.

quashal (**kwahsh-əl**), *n.* The act of quashing something <quashal of the subpoena>.

quasi (**kway-si** or **kway-zi** also **kwah-zee**). [Latin "as if"] Seemingly but not actually; in some sense; resembling; nearly.

"QUASI. A Latin word frequently used in the civil law, and often prefixed to English words. It is not a very definite word. It marks the resemblance, and supposes a little difference, between two objects, and in legal phraseology the term is used to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are also intrinsic and material differences between them. It negatives the idea of identity, but implies a strong superficial analogy, and points out that the conceptions are sufficiently similar for one to be classed as the equal of the other." 74 C.J.S. *Quasi*, at 2 (1951).

quasi-admission. See ADMISSION (1).

quasi-affinity. See AFFINITY.

quasi-autonomous nongovernmental organization. A semipublic administrative body (esp. in the United Kingdom) having some members appointed and financed by, but not answerable to, the government, such as a tourist authority, a university-grants commission, a price-and-wage commission, a prison or parole board, or a medical-health advisory panel. • This term is more commonly written as an acronym, *quango* (**kwang-goh**), without capital letters.

quasi-contract. See *implied-in-law contract* under CONTRACT.

quasi-corporation. See CORPORATION.

quasi-crime. See CRIME.

quasi-delict. See DELICT.

quasi-deposit. See DEPOSIT (5).

quasi-derelict. See DERELICT.

quasi-domicile. See *commercial domicile* under DOMICILE.

quasi-easement. See EASEMENT.

quasi-enclave. See ENCLAVE.

quasi-entail. See ENTAIL.

quasi-estoppel. See ESTOPPEL.

quasi-fee. See FEE (2).

quasi-guarantee treaty. See *guaranty treaty* under TREATY.

quasi-guardian. See GUARDIAN.

quasi in rem. See IN REM.

quasi-in-rem jurisdiction. See JURISDICTION.

quasi-insurer. See INSURER.

quasi-judicial, *adj.* Of, relating to, or involving an executive or administrative official's adjudicative acts. • Quasi-judicial acts, which are valid if there is no abuse of discretion, often determine the fundamental rights of citizens. They are subject to review by courts.

"Quasi-judicial is a term that is . . . not easily definable. In the United States, the phrase often covers judicial decisions taken by an administrative agency — the test is the nature of the tribunal rather than what it is doing. In England quasi-judicial belongs to the administrative category and is used to cover situations where the administrator is bound by the law to observe certain forms and possibly hold a public hearing but where he is a free agent in reaching the final decision. If the rules are broken, the determination may be set aside, but it is not sufficient to show that the administration is biased in favour of a certain policy, or that the evidence points to a different conclusion." George Whitecross Paton, *A Textbook of Jurisprudence* 336 (G.W. Paton & David P. Derham eds., 4th ed. 1972).

quasi-judicial act. 1. A judicial act performed by an official who is not a judge. **2.** An act performed by a judge who is not acting entirely in a judicial capacity. See JUDICIAL ACT.

quasi-judicial power. See POWER.

quasi-legislative, *adj.* (Of an act, function, etc.) not purely legislative in nature <the administrative agency's rulemaking, being partly adjudicative, is not entirely legislative — that is, it is quasi-legislative>.

quasi-legislative power. See POWER.

quasi-municipal corporation. See *quasi-corporation* under CORPORATION.

quasi-national domicile. See DOMICILE.

quasi-offense. See OFFENSE (2).

quasi-partner. See PARTNER.

quasi-personalty. See PERSONALTY.

quasi-possession. See *incorporeal possession* under POSSESSION.

quasi-posthumous child. See CHILD.

quasi-public corporation. See CORPORATION.

quasi-pupillary substitution. See SUBSTITUTION (4).

quasi-realty. See REALTY.

quasi-seisin. See SEISIN.

quasi-suspect classification. See SUSPECT CLASSIFICATION.

quasi-tenant. See TENANT.

quasi-tort. See TORT.

***quasi traditio* (kway-si [or -zi] trə-dish-ee-oh).** [Latin "as if transfer"] *Roman law.* A party's acquisition of a servitude by using it with the informal permission or acquiescence of the owner.

"According to the civil law again a servitude — that is, a limited right of user in respect of a thing not one's own, e.g. a usufruct or a right of way — could only be created by means of certain definite legal forms. The praetorian law, on the other hand, allowed a servitude to be created by a so-called quasi traditio servitutis; that is, it was satisfied if one party gave the other, without any form, permission to exercise the right of user in question." Rudolph Sohm, *The Institutes: A Textbook of the History and System of Roman Private Law* 82 (James Crawford Ledlie trans., 3d ed. 1907).

quasi-trustee. See TRUSTEE (1).

quasi-usufruct. See USUFRUCT.

***quatuor pedibus currit* (kwah-too-or ped-ə-bəs kər-it).** [Law Latin] It runs upon four feet; it runs upon all fours. • The term commonly described a precedent that was extremely close to a point being decided. See ON ALL FOURS.

qu. cl. fr. abbr. QUARE CLAUSUM FREGIT.

queen. 1. A woman who possesses, in her own right, the sovereignty and royal power in a monarchy. • Among the more famous English queens are Queen Mary, Queen Elizabeth I, Queen Victoria, and Queen Elizabeth II. — Also termed *queen regnant*. **2.** The wife of a reigning king. • She has some royal prerogatives (such as having her own officers), but is in many ways legally no different from the rest of the king's subjects. — Also termed *queen consort*. **3.** A queen who rules in place of the actual

sovereign (e.g., if the sovereign is a child). — Also termed *queen regent*. 4. DOWAGER-QUEEN.

queen dowager. See DOWAGER-QUEEN.

queen mother. See DOWAGER-QUEEN.

Queen's Bench. Historically, the highest common-law court in England, presided over by the reigning monarch. • The jurisdiction of this court now lies with the Queen's Bench Division of the High Court of Justice; when a king begins to reign, the name automatically changes to *King's Bench*. — Abbr. Q.B. — Also termed *Court of Queen's Bench*. Cf. KING'S BENCH.

Queen's Bench Division. The English court, formerly known as the Queen's Bench or King's Bench, that presides over tort and contract actions, applications for judicial review, and some magistrate-court appeals. — Abbr. Q.B.D.

Queen's Counsel. In the United Kingdom, Canada, and territories that have retained the rank, an elite, senior-level barrister or advocate originally appointed to serve as counsel to the queen. — Also termed *senior counsel*. — Abbr. Q.C. Cf. KING'S COUNSEL.

Queen's evidence. See EVIDENCE.

Queen's prison. A prison established in 1842 in Southwark, to be used for debtors and criminals confined under authority of the superior courts at Westminster, the highest court of admiralty, and the bankruptcy laws. • It replaced the Queen's Bench Prison, Fleet Prison, and Marshalsea Prison but was closed in 1862.

Queen's proctor. A solicitor that represents the Crown in domestic-relations, probate, and admiralty cases. • For example, in a suit for divorce or nullity of marriage, the Queen's proctor might intervene to prove collusion between the parties. — Also termed (when a king reigns) *King's proctor*.

que est le mesme (kyoo ay læ mem). [Law French] See QUAE EST EADEM.

quem redditum reddit (kwem red-ə-təm red-it), *n.* [Law Latin "which return he made"] *Hist.* A writ for a grantee of a rent (not a rent service) to force the tenant to consent to the transfer.

querela (kwə-ree-lə). [Law Latin fr. Latin *queri* "to complain"] *Hist.* 1. A complaint; the plaintiff's count or declaration. 2. A cause of action. 3. *Roman law.* An action.

querela coram rege a concilio discutienda et terminanda (kwə-ree-lə kor-əm ree-jee ay kən-sil-ee-oh dis-kə-shee-en-də et tər-mə-nan-də), *n.* [Law Latin "a dispute to be discussed and resolved by the council in front of the king"] *Hist.* A writ ordering someone to appear before the king to answer to a trespass.

querela inofficiosi testamenti (kwə-ree-lə in-ə-fish-ee-oh-si tes-tə-men-ti), *n.* [Latin "a dispute of an undutiful will"] *Roman law.* An action allowing a descendant, ascendant, or sibling who was unjustly disinherited or passed over by a parent's will to have the will set aside as undutifully made.

"By far the most important is due to the *querela inofficiosi testamenti*. By this procedure, though the forms had been complied with, near relatives with obvious claims (the classes of those entitled having been gradually widened) might attack the will as contrary to natural duty (*inofficiosum*) and get it set aside." W.W. Buckland, *A Manual of Roman Private Law* 199 (2d ed. 1953).

querens (kweer-enz), *n.* [Latin fr. *queri* "to complain"] *Hist.* A plaintiff; the complaining party.

questa (kwes-tə), *n.* [Law Latin] *Hist.* A quest; an inquest or inquiry upon the oaths of an impaneled jury.

question. 1. A query directed to a witness. — Abbr. Q.

categorical question. 1. LEADING QUESTION. 2. (*pl.*) A series of questions, on a particular subject, arranged in systematic or consecutive order.

cross-question. A question asked of a witness during cross-examination. — Abbr. XQ.

direct question. A question asked of a witness during direct examination.

hypothetical question. See HYPOTHETICAL QUESTION.

leading question. See LEADING QUESTION.

2. An issue in controversy; a matter to be determined.

certified question. See CERTIFIED QUESTION.

federal question. See FEDERAL QUESTION.

judicial question. See JUDICIAL QUESTION.

mixed question. See MIXED QUESTION.

mixed question of law and fact. See MIXED QUESTION OF LAW AND FACT.

political question. See POLITICAL QUESTION.

question of fact. See QUESTION OF FACT.

question of law. See QUESTION OF LAW.

question-and-answer. **1.** The portion of a deposition or trial transcript in which evidence is developed through a series of questions asked by the lawyer and answered by the witness. — Abbr. Q-and-A. **2.** The method for developing evidence during a deposition or at trial, requiring the witness to answer the examining lawyer's questions, without offering unsolicited information. **3.** The method of instruction used in many law-school classes, in which the professor asks questions of one or more students and then follows up each answer with another question. — Also termed *Socratic method*. See SOC-RATIC METHOD.

question of fact. **1.** An issue that has not been predetermined and authoritatively answered by the law. • An example is whether a particular criminal defendant is guilty of an offense or whether a contractor has delayed unreasonably in constructing a building. **2.** An issue that does not involve what the law is on a given point. **3.** A disputed issue to be resolved by the jury in a jury trial or by the judge in a bench trial. — Also termed *fact question*. See FACT-FINDER. **4.** An issue capable of being answered by way of demonstration, as opposed to a question of unverifiable opinion.

question of law. **1.** An issue to be decided by the judge, concerning the application or interpretation of the law <a jury cannot decide questions of law, which are reserved for the court>. **2.** A question that the law itself has authoritatively answered, so that the court may not answer it as a matter of discretion <under the sentencing guidelines, the punishment for a three-time offender is a question of law>. **3.** An issue about what the law is on a particular point; an issue in which parties argue about, and the court must decide, what the true rule of law is <both parties appealed on the question of law>. **4.** An issue that, although it may turn on a factual point, is reserved for the court and excluded from the jury; an issue that is exclusively within the province of the judge and not the jury <whether a contractual ambiguity exists is a question of law>. — Also termed *legal question*; *law question*.

questman. *Hist.* **1.** An instigator of a lawsuit or prosecution. **2.** A person who was chosen to

inquire into abuses, esp. those relating to weights and measures. **3.** A churchwarden; SIDESMAN. — Also termed *questmonger*.

questus est nobis (kwes-təs est noh-bis), *n.* [Law Latin “hath complained to us”] *Hist.* By 15 Edw., a writ against someone who continued a nuisance that existed before inheritance or purchase. • The former law provided recovery only against the party who had first caused the nuisance.

quia (kwī-ə or kwee-ə). [Latin] *Hist.* Because; whereas. • This term was used to point out the consideration in a conveyance.

Quia Emptores (kwī-ə or kwee-ə emp-tor-eez). [Latin “since purchasers”] *Hist.* A statute giving fee-simple tenants (other than those holding directly of the Crown) the power to alienate their land and bind the transferee to perform the same services for the lord as the transferor had been obliged to perform. • The statute, enacted in 1290, tended to concentrate feudal lordships in the Crown by eliminating multiple layers of fealty. 18 Edw., ch. 1. — Also termed *Quia Emptores Terrarum*.

“Edward I and his lords wished, for political reasons, to prevent the growth of subinfeudation, and in 1290 the Statute *Quia Emptores* was enacted. It took its name from the beginning of its preamble — ‘Since purchasers . . .’” L.B. Curzon, *English Legal History* 300 (2d ed. 1979).

quia erroneice emanavit (kwī-ə i-roh-nə-see em-ə-nay-vit). [Law Latin] *Hist.* Because it issued erroneously.

quia timet (kwī-ə tī-mət or kwee-ə tim-et). [Latin “because he fears”] A legal doctrine that allows a person to seek equitable relief from future probable harm to a specific right or interest.

“*Quia timet* is the right to be protected against anticipated future injury that cannot be prevented by the present action. The doctrine of ‘*quia timet*’ permits equitable relief based on a concern over future probable injury to certain rights or interests, where anticipated future injury cannot be prevented by a present action at law, such as where there is a danger that a defense at law might be prejudiced or lost if not tried immediately.” 27A Am. Jur. 2d *Equity* § 93, at 581 (1996).

quia-timet injunction. See INJUNCTION.

quick asset. See ASSET.

quick-asset ratio. The ratio between an entity's current or liquid assets (such as cash and

accounts receivable) and its current liabilities. — Also termed *quick ratio*; *acid-test ratio*.

quick condemnation. See CONDEMNATION.

quick dispatch. See DISPATCH.

quickening. The first motion felt in the womb by the mother of the fetus, usu. occurring near the middle of the pregnancy.

quickie strike. See *wildcat strike* under STRIKE.

quick ratio. See QUICK-ASSET RATIO.

quidam (kwɪ-dəm), *n.* [Latin] Somebody. • This term has esp. been used in French law to designate a person whose name is unknown.

quid pro quo (kwɪd proh kwoh), *n.* [Latin] “something for something” A thing that is exchanged for another thing of more or less equal value; a substitute <the discount was given as a quid pro quo for the extra business>. Cf. CONSIDERATION.

quid pro quo sexual harassment. See SEXUAL HARASSMENT.

quiet, *vb.* **1.** To pacify or silence (a person, etc.). **2.** To make (a right, position, title, etc.) secure or unassailable by removing disturbing causes or disputes.

quieta non movere (kwɪ-ee-tə non moh-veer-ee). [Latin] Not to unsettle things that are established. See STARE DECISIS.

quietare (kwɪ-ə-tair-ee), *vb.* [Law Latin] *Hist.* To acquit, discharge, or hold harmless. • This term was used in conveyances.

quiet diplomacy. See *secret diplomacy* under DIPLOMACY.

quiete clamantia (kwɪ-ee-tee klə-man-shee-ə), *n.* [Law Latin] *Hist.* Quitclaim.

quiete clamare (kwɪ-ee-tee klə-mair-ee), *vb.* [Law Latin] *Hist.* To quitclaim or renounce all pretensions of right and title.

quiet enjoyment. See ENJOYMENT.

quiet-title action. See *action to quiet title* under ACTION.

quietus (kwɪ-ee-təs), *adj.* [Law Latin] **1.** Quit; acquitted; discharged, esp. from a debt or obligation, or from serving as an executor. • In England, this term was formerly used by the Clerk of the Pipe, in a discharge given to an accountant, usu. concluding with *abinde recesit quietus* (“hath gone quit thereof”), called *quietus est*. **2. Hist.** The removal of a judge from the bench.

quietus redditus (kwɪ-ee-təs red-ə-təs). [Law Latin] See QUIT RENT.

qui improvide (kwɪ im-prov-ə-dee). [Latin] “who unforeseeably” *Hist.* A supersedeas granted when a writ is erroneously sued out or wrongfully awarded.

Quinquaginta Decisiones. See FIFTY DECISIONS.

quinquepartite (kwɪn[g]-kwə-pahr-tit). [Latin] “in five parts” *Hist.* Consisting of five parts; divided into five parts.

quintal (kwɪn-təl). *Hist.* A weight of 100 pounds. — Also termed *kintal*.

quinto exactus (kwɪn-toh eg-zak-təs). [Latin] “exacted the fifth time” *Hist.* A sheriff’s return made after a defendant had been called to five county courts but failed to appear. • The county coroners then ordered that the defendant be deprived of the benefits of the law.

“And, if a *non est inventus* is returned upon all of them, a writ of *exigent* or *exigi facias* may be sued out, which requires the sheriff to cause the defendant to be proclaimed, required, or exacted, in five county courts successively, to render himself; and, if he does, then to take him, as in a *capias*: but if he does not appear, and is returned *quinto exactus*, he shall then be outlawed by the coroners of the county.” 3 William Blackstone, *Commentaries on the Laws of England* 283 (1768).

quiritarian (kwɪ-rə-tair-ee-ən), *adj.* *Roman law.* Legal as opposed to equitable; LEGAL (3). — Also termed *quiritary*. Cf. BONITARIAN.

quit, *adj.* (Of a debt, obligation, or person) acquitted; free; discharged.

quit, *vb.* **1.** To cease (an act, etc.); to stop <he didn’t quit stalking the victim until the police intervened>. **2.** To leave or surrender possession of (property) <the tenant received a notice to quit but had no intention of quitting the premises>.

qui tam action (kwi tam). [Latin *qui tam pro domino rege quam pro se ipso in hac parte sequitur* "who as well for the king as for himself sues in this matter"] An action brought under a statute that allows a private person to sue for a penalty, part of which the government or some specified public institution will receive. — Also termed *popular action*. — Often shortened to *qui tam* (Q.T.).

quitclaim, *n.* **1.** A formal release of one's claim or right. **2.** See *quitclaim deed* under DEED.

quitclaim, *vb.* **1.** To relinquish or release (a claim or right). **2.** To convey all of one's interest in (property), to whatever extent one has an interest; to execute a quitclaim deed.

quitclaim deed. See DEED.

quit rent. *Hist.* A payment to a feudal lord by a freeholder or copyholder, so called because upon payment the tenant goes "quit and free" (discharged) of all other services. — Also spelled *quitrent*. — Also termed *quietus redditus*.

quittance. **1.** A release or discharge from a debt or obligation. **2.** The document serving as evidence of such a release. See ACQUITTANCE.

quoad (kwoh-ad). [Latin] As regards; with regard to <with a pledge, the debtor continues to possess *quoad* the world at large>.

quoad hoc (kwoh-ad hok). [Latin] As to this; with respect to this; so far as this is concerned. • A prohibition *quoad hoc* is a prohibition of certain things among others, such as matters brought in an ecclesiastical court that should have been brought in a temporal court.

quoad sacra (kwoh-ad say-krə). [Latin] As to sacred things; for religious purposes. • This term often referred to property that was located so far from the parish to which it belonged that it was annexed *quoad sacra* to another parish, allowing the inhabitants to attend the closer parish's services. But the land continued to belong to the original parish for all civil purposes.

quo animo (kwoh an-ə-moh), *adv.* [Latin] With what intention or motive. See ANIMUS.

quocumque modo velit, quocumque modo possit (kwoh-kəm-kwee moh-doh vel-it,

kwoh-kəm-kwee moh-doh pahs-it). [Latin] In any way he wishes; in any way he can.

quod billa cassetur (kwod bil-ə kə-see-tər), *n.* [Latin "that the bill be quashed"] The common-law form of a judgment sustaining a plea in abatement that proceeds from a bill instead of an original writ. See CASSETUR BILLA.

quod clerici non eligantur in officio ballivi, etc. (kwod kler-ə-si non el-ə-gan-tər in ə-fish-ee-oh bal-li-vi), *n.* [Law Latin "that clerks are not chosen in the office of a bailiff, etc."] *Hist.* A writ exempting a clerk, who was to be appointed as a bailiff, beadle, reeve, or other officer, from serving in the office.

quod computet (kwod kom-pyə-tet). [Law Latin "that he account"] The first judgment in an action of account, requiring the defendant to give an accounting before auditors. — Also termed *judgment quod computet*.

"In this action, if the plaintiff succeeds, there are two judgments: the first is, that the defendant do account (*quod computet*) before auditors appointed by the court; and, when such account is finished, then the second judgment is, that he do pay the plaintiff so much as he is found in arrear." 3 William Blackstone, *Commentaries on the Laws of England* 163 (1768).

quod cum (kwod kəm). [Law Latin] For that; whereas. • In common-law pleading, this phrase introduced explanations for the claims alleged, as in *assumpsit* actions.

quod ei deforceat (kwod ee-i di-for-see-ət), *n.* [Law Latin "that he deforces him"] *Hist.* A writ allowed by St. Westm. 2, 13 Edw., ch. 4 for the owners of a particular estate (such as a life estate or fee tail) who had lost land unwittingly by default in a possessory action. • Up to that time, only owners in fee simple could recover property after such a default.

quod erat demonstrandum (kwod er-ət dem-ən-stran-dəm). See Q.E.D.

quod erat faciendum (kwod er-ət fay-shee-en-dəm). See Q.E.F.

quod fuit concessum (kwod f[y]oo-it kən-ses-əm). [Law Latin] Which was granted. • This phrase was used in old reports to indicate that an argument or point made by counsel was approved or allowed by the court.

quod jussu (kwod jəs-[y]oo). [Latin "which was done by order"] *Roman law.* An action by one who contracted with a son or slave upon the

authorization of the father or master, to compel the father or master to honor the agreement.

quod non fuit negatum (kwod non f[y]oo-it ni-gay-təm). [Law Latin] *Hist.* Which was not denied. • This phrase usu. signifies that an argument or proposal is not denied or controverted by the court.

quod nota (kwod noh-tə). [Latin] *Hist.* Which note; which mark. • This is a reporter's note directing attention to a point or rule.

quod partes replacitent (kwod pah-teez ri-plas-i-tənt), *n.* [Law Latin "that the parties do replead"] *Hist.* The judgment ordering repleader when an issue is formed on so immaterial a point that the court does not know for whom to give a judgment. • The parties must then reconstruct their pleadings.

quod partitio fiat (kwod pah-r-tish-ee-oh fr-ət). [Latin "that partition be made"] *Hist.* In a partition suit, a judgment granting the partition.

quod permittat (kwod pər-mit-it), *n.* [Latin "that he permit"] *Hist.* A writ to prevent an interference in the exercise of a right, such as a writ for the heir of someone disseised of a common of pasture against the heir of the disseisor.

quod permittat prosternere (kwod pər-mit-it proh-stər-nə-ree), *n.* [Law Latin "that he permit to abate"] *Hist.* A writ to abate a nuisance, similar in nature to a petition of right.

"This is a writ commanding the defendant to permit the plaintiff to abate, *quod permittat prosternere*, the nuisance complained of; and, unless he so permits, to summon him to appear in court, and shew cause why he will not. And this writ lies as well for the alienee of the party first injured, as against the alienee of the party first injuring; as hath been determined by all the judges. And the plaintiff shall have judgment herein to abate the nuisance, and to recover damages against the defendant." 3 William Blackstone, *Commentaries on the Laws of England* 222 (1768).

quod recuperet (kwod ri-k[y]oo-pər-it), *n.* [Law Latin "that he do recover"] *Hist.* The ordinary judgment for a plaintiff in an action at law. • The judgment might be either final or interlocutory depending on whether damages had been ascertained at the time the judgment was rendered. — Also termed *judgment quod recuperet*.

quod si contingat (kwod si kon-ting-at). [Law Latin] *Hist.* That if it happen. • These words were used to create a condition in a deed.

quod vide (kwod vi-dee or vee-day). See Q.V.

quod voluit non dixit (kwod vol-yoo-it non dik-sit). [Latin] *Hist.* That he did not say what he intended. • This phrase was sometimes used in an argument concerning the intention of a lawmaker or testator.

quo jure (kwoh joor-ee). [Law Latin "by what right"] *Hist.* A writ for someone holding land to which another claimed a common, to compel the latter to prove title.

quominus (kwoh-mə-nəs or kwoh-mi-nəs). [Latin *quo minus* "by which the less"] *Hist.* A 14th-century Exchequer writ alleging that the plaintiff had lent the defendant a sum of money and that the plaintiff was unable to repay a debt of similar amount to the Crown because of the debt to the defendant. • In effect, the plaintiff pleaded the fiction that he was a debtor of the king who could not repay that debt because of the defendant's failure to repay him. — Also termed *writ of quominus*.

quorum, *n.* The minimum number of members (usu. a majority) who must be present for a body to transact business or take a vote. Pl. **quorums**.

quota. 1. A proportional share assigned to a person or group; an allotment <the university's admission standards included a quota for in-state residents>. 2. A quantitative restriction; a minimum or maximum number <Faldo met his sales quota for the month>.

export quota. A restriction on the products that can be sold to foreign countries. • In the United States, export quotas can be established by the federal government for various purposes, including national defense, price support, and economic stability.

import quota. A restriction on the volume of a certain product that can be brought into the country from a foreign country. • In the United States, the President may establish a quota on an item that poses a threat of serious injury to a domestic industry.

quotation. 1. A statement or passage that is reproduced, attributed, and cited. 2. The amount stated as a stock's or commodity's current price. 3. A contractor's estimate for a given job. — Sometimes shortened to *quote*.

quotient verdict. See VERDICT.

quousque (kwoh-əs-kwee). [Latin] *Hist.* As long as; how long; until; how far. • This term was used in conveyances as a limitation.

quovis modo (kwoh-vis moh-doh). [Latin] In whatever manner.

quo warranto (kwoh wə-ran-toh *also* kwoh wahr-ən-toh). [Law Latin “by what authority”] **1.** A common-law writ used to inquire into the authority by which a public office is held or a franchise is claimed. — Also termed *writ of quo warranto*. **2.** An action by which the state seeks to revoke a corporation’s charter. • The Federal Rules of Civil Procedure 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 therefore conformed to the practice in civil actions.” Fed. R. Civ. P. 81(a)(2).

“Sometimes the term ‘quo warranto’ is used to describe not only the proceedings under the common-law writ of quo warranto, but also proceedings under an information in the nature of a writ of quo warranto or similar statutory remedies.” 74 C.J.S. *Quo Warranto* § 1(e), at 177 (1951).

q.v. *abbr.* [Latin *quod vide*] Which see — used in non-*Bluebook* citations for cross-referencing. Pl. **qq.v.**