Appendix B

Legal Maxims

In the first edition of this dictionary, published in 1891, Henry Campbell Black remarked that the book contained "a complete collection of legal maxims," adding: "These have not been grouped in one body, but distributed in their proper alphabetical order through the book. This is believed to be the more convenient arrangement" (p. iv). Although it might indeed have been more convenient for readers who knew the maxims they wanted to look up — as 19th-century readers might have been apt to — spreading Latin sentences throughout the book is decidedly inconvenient for most dictionary users today. We have therefore collected them for ease of reference. A bibliography of works cited appears on page 1909.

Of course, many scholars have long been intolerant with those who use maxims to decide cases. As James Fitzjames Stephen, one of the great 19th-century legal scholars, incisively put it before Black's work appeared:

It seems to me that legal maxims in general are little more than pert headings of chapters. They are rather minims than maxims, for they give not a particularly great but a particularly small amount of information. As often as not, the exceptions and disqualifications to them are more important than the so-called rules.¹

Other scholars have been equally derisive.²

But there is an element of fun in legal maxims: they sometimes express surprising insights — and these from ancient writers. Though they will not clinch arguments, they will delight many readers who have a historical bent.

—B.A.G.

² For a collection of critical comments, see Garner, A Dictionary of Modern Legal Usage 552 (2d ed. 1995).
Ab abusu ad usum non valet consequentia. A conclusion about the use of a thing from its abuse is invalid.

Ab assuetis non fit injuria. No injury is done by things long acquiesced in.

Abbreviationum ille numerus et sensus accipienda est ut concessio non sit inanis. Such number and sense is to be given to abbreviations that the grant may not be void.

Absentem accipere debemus eum qui non est eo loco in quo petitur. We must consider a person absent who is not in that place in which he is sought.

Absentia ejus qui rei publicae causa abest neque ei neque aliim damnosa esse debet. The absence of a person who is abroad in service to the state ought to be prejudicial neither to that person nor to another. Dig. 50.17.140.

Absoluta sententia expositore non indiget. A simple proposition needs no expositor.

Abbreviationum ille numerus et sensus accipenda est. Such number and sense is to be given to abbreviations that the grant may not be void.

Actionum genera maxime sunt servanda. The kinds of actions are especially to be preserved.

Actio personalis moritur cum persona. A personal action dies with the person.

Actio quaelibet it sua via. Every action proceeds in its own course.

Actore non probante, reus absolvitur. If the plaintiff does not prove his case, the defendant is acquitted.

Actori incumbit onus probandi. The burden of proof rests on the plaintiff.

Actor qui contra regulam quid adduxit non est audiendus. A pleader ought not to be heard who advances a proposition contrary to the rule (of law).

Actor sequitur forum rei. The plaintiff follows the forum of the defendant.

Actus curiae neminem gravabit. An act of the court will prejudice no one.

Actus Dei nemini factit injuriam. An act of God does wrong to no one. • That is, no one is responsible in damages for inevitable accidents.

Actus Dei nemini nocet. An act of God does wrong to no one.

Actus inceptus cujus perfectio pendet ex voluntate partium revocari potest; si autem pendet ex voluntate tertiae personae, vel ex contingenti, revocari non potest. An act already begun whose completion depends on the will of the parties may be recalled; but if it depends on consent of a third person or on a contingency, it cannot be recalled.

Actus judiciarius coram non judice irritus habetur; de ministeriali autem a quocunque provenit ratum esto. A judicial act before one not a judge (or without jurisdiction) is void; as to a ministerial act, from whomsoever it proceeds, let it be valid.

Actus legis nemini est damnosus. An act of the law prejudices no one.

Actus legis nemini facit injuriam. An act of the law does no one wrong.

Actus legum non recipiunt modum. Acts required by law admit of no qualification.

Actus me invito factus non est meus actus. An act done (by me) against my will is not my act.

Actus non facit reum nisi mens sit rea. An act does not make a person guilty unless the mind is guilty. • Properly, Actus non reum (q.v.).
things in which he is usually employed is considered the act of his master.

**Additio probat minoritatem.** An addition proves inferiority. That is, if it be said that a person has a fee tail, it is less than if the person has the fee.

**Ad ea quae frequentius accidunt jura adaptantur.** The laws are adapted to those cases that occur more frequently.

**A digniori fieri debet denominatio et resolutio.** The denomination and explanation ought to be derived from the more worthy.

**Ad officium justiciariorum spectat unicuique coram eis.** It is the duty of justices to administer justice to everyone pleading before them.

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**Aequitas est perfecta quaedam ratio quae jus scriptum interpretatur et emendat; nulla scriptura comprehensa, sed sola ratione consistens.** Equity is a sort of perfect reason that interprets and amends written law; comprehended in no written text, but consisting of reason alone.

**Aequitas est quasi equalitas.** Equity is as it were equality.

**Aequitas ignorantiae opitulatur, oscitantiae non item.** Equity assists ignorance but not complacency (or carelessness).

**Aequitas non facit jus, sed juri auxiliatur.** Equity does not create a right, but aids the right.

**Aequitas nunquam contraventur leges.** Equity never contravenes the laws.

**Aequitas sequitur legem.** Equity follows the law. [Cases: Equity C=62.]

**Aequitas supervacua odit.** Equity abhors superfluous things.

**Aequum et bonum est lex legum.** What is equitable and good is the law of laws.

**Aestimatio praeteriti delicti ex postremo facto nunquam crescit.** The assessment of a past offense never increases from a subsequent fact.

**Affectio tua nomen imponit operi tuo.** Your motive gives a name to your act.

**Affectus punitur licet non sequatur effectus.** The intention is punished even if the object is not achieved.

**Affirmanti, non neganti, incumbit probatio.** The proof is incumbent on the one who affirms, not on the one who denies.

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alienation is prohibited, it may yet take place by the consent of all in whose favor it is prohibited; it is in the power of anyone to renounce a right introduced for his own benefit.

Alienatio rei praefertur juri accrescendi. Alienation of property is favored over the right to accumulate.

A l'impossible nul n'est tenu. No one is bound to do what is impossible.

Aliquit conceditur ne injuria remaneat impunita quod alias non concederetur. Something is conceded that otherwise would not be conceded, so that a wrong not remain unpunished.

Aliquis non debet esse judex in propria causa, quia non potest esse judex et pars. A person ought not to be judge in his own cause, because he cannot act both as judge and party.

Aliu est celare, aliu tacere. To conceal is one thing, to be silent another.

Aliu est distinctio, aliu separatio. Distinction is one thing, separation another.

Aliu est possidere, aliu esse in possessione. It is one thing to possess, another to be in possession.

Aliu est vendere, aliu vendenti consentire. To sell is one thing, to give consent to the seller another.

Allegans contraria non est audiendus. A person making contradictory allegations is not to be heard.

Allegans suam turpitudinem non est audiendus. What is person alleging his own wrong is not to be heard. [Cases: Contracts C=:J93.j]

Allegari non debuit quod probatum non relevat. What is not relevant if proved ought not to have been alleged.

Allegatio contra factum non est admittenda. An allegation contrary to the deed (or fact) is not admissible.

Alterius circumventio alii non praebet actionem. A deception practiced on one person does not give a cause of action to another.

Alternativa petito non est audienda. An alternative petition is not to be heard.

Ambigua responsio contra proferentem est accipienda. An ambiguous answer is to be taken against the party who offers it.

Ambigua visusus semper praesumitur pro rege. In doubtful cases the presumption is always in favor of the king.

Ambiguitas contra stipulatorem est. A dubious expression is construed against the party using it. [Cases: Contracts C=:J155.j]

Ambiguitas verborum latens verificatione suppletur; nam quod ex facto oritur ambiguum verificatione facti tollitur. A latent ambiguity in wording is resolved by evidence; for whatever ambiguity arises from an extrinsic fact is resolved by extrinsic evidence.

Ambiguitas verborum patens nulla verificatione excludit. A patent ambiguity is not removed by extrinsic evidence (or is never helped by averment).

Ambiguum placitum interpretari debet contra proferentem. An ambiguous plea ought to be interpreted against the party pleading it.

Ambulatoria est voluntas defuncti usque ad vitae supremum exitum. The will of a decedent is ambulatory (that is, can be altered) until the last moment of life.

Ancupia verborum sunt judice indigna. Quibbling over words is unworthy of a judge.

Angiae jura in omni casu libertati dant favorem. The laws of England are favorable in every case to liberty.

Animus ad se omneius ducit. The mind brings every right unto itself. ● Often explained: It is to the intention that all law applies. [Cases: Deeds C=:J159.j]

Animus hominis est anima scripti. The intention of the person is the soul of the instrument.

Annicaus trescentesimo sexagesimo-quinto die dicitur, incipient plane non exacto die, quia annum civiliter non ad momenta temporum sed ad dies numeramur. We call a child a year old on the 365th day, when the day is clearly begun but not ended, because we calculate the civil year not by moments, but by days.

Annuae nec debitum judex non separat ipse. Even the judge apportions neither annuities nor debt.

Annus est mora motus quo suum planeta pervolvat circulum. A year is the duration of the motion by which a planet revolves through its orbit.

Annus inceptus pro completo habetur. A year begun is held as completed. ● Said to be of very limited application.

A non posse ad non esse sequitur argumentum necessarie negative, licet non afirmative. From impossibility to nonexistence the inference follows necessarily in the negative, though not in the affirmative.

Apices juris non sunt jura. Legal niceties are not law.

A piratis aut latronibus capti liberi permanent. Those captured by pirates or robbers remain free.

A piratis et latronibus capta dominium non mutant. Things captured by pirates or robbers do not change their ownership.

Applicatio est vita regulae. The application is the life of a rule.

Aqua currit solo. The water goes with the ground. ● A grant of the land includes the water on it.

Aqua currit et debet currere ut currere solebat. Water runs and ought to run as it is wont to run. [Cases: Waters and Water Courses C=:J51.j]

Arbitramentum aequum tribuit cuique suum. A just arbitration renders to each his own.

Arbitrium est judicium. An award is a judgment.
Arbor dum crescit; lignum dum crescere nequit. It is a tree while it is growing; wood when it cannot grow.

A rescriptis valet argumentum. An argument from rescripts (i.e., original writs in the register) is valid.

Argumentum ab auctoritate est fortissimum in lege. An argument drawn from authority is the strongest in law.

Argumentum ab impossibili plurimum valet in lege. An argument deduced from an impossibility has the greatest validity in law.

Argumentum ab inconvenienti plurimum valet in rescriptis. An argument based on what is improper (or improper) has the greatest validity in law. Co. Litt. 66a.

Argumentum a communiter accidentibus in jure frequentes est. An argument based on things commonly happening is frequent in law.

Argumentum a divisione est fortissimum in jure. An argument based on a subdivision of the subject is most powerful in law.

Argumentum a majori ad minus negative non valet; valet e converso. An argument drawn from what is unsuitable (or improper) has the least force in the negative; conversely (in the affirmative) it is valid.

Argumentum a simili valet in lege. An argument by analogy (from a similar case) has force in law.

Auctoritates philosophorum, medicorum et poetarum sunt in causis allegandae et tenendae. The authoritative opinions of philosophers, physicians, and poets are to be adduced and regarded in causes.

Armamentum usitum jure auctoris. An assignee is clothed with the rights of the principal.

A summoremedio ad inferiorem actionem non habetur regressus neque auxilium. From the highest remedy to an inferior action there is no recourse or assistance.

Auctoritates philosophorum, medicorum et poetarum sunt in causis allegandae et tenendae. The authoritative opinions of philosophers, physicians, and poets are to be adduced and regarded in causes.

Audi alteram partem. Hear the other side. No one should be condemned unheard.

A verbis legis non est recedendum. From the words of the law there is to be no departure.

Baratricum committit qui propter pecuniam justitiam baractat. A person is guilty of barratry who sells justice for money.

Bastardus non potest habere haeredem nisi de corpore suo legitime procreatum. A bastard cannot have an heir unless it be one lawfully begotten of his own body.

Bastardus nullius est filius, aut filius populi. A bastard is nobody's son, or the son of the people.

Beneficium invito non datur. A privilege or benefit is not granted against a person's will.

Beneficium non datum nisi propter officium. A remuneration is not given, unless on account of a duty performed.

Beneficium non datur nisi offici causa. A benefice is not granted except on account or in consideration of duty.

Beneficium principis debet esse mansum. The benefaction of a prince ought to be lasting.

Benigne facienda sunt interpretationes chartarum, ut res magis valeat quam pereat; et quaelibet concessio fortissime contra donatorem interpretanda est. Deeds should be subject to liberal interpretation, so that the matter may take effect rather than fail; and every grant is to be taken most strongly against the grantor.

Benigne facienda sunt interpretationes propter simplicitatem laicorum, ut res magis valeat quam pereat; et verba intentioni, non e contra, debent inservire. Constructions (of written instruments) are to be made liberally, for the simplicity of laymen, in order that the matter may have effect rather than fail (or become void); and words must be subject to the intention, not the intention to the words.

Benignior sententia in verbis generalibus seu dubiis est preferenda. The more favorable construction is to be preferred in general or doubtful expressions.

Benignius leges interpretandae sunt quo voluntas earum conservetur. Laws are to be more liberally interpreted so that their intent may be preserved.

Bigamus seu trigamus, etc., est qui diversis temporibus et successive duas seu tres uxoribus habuit. A bigamus or trigamus, etc., is one who has had two or more wives in succession, each at a different time. 3 Co. Inst. 88.

Bis dat qui cito dat. He pays twice who pays promptly.

Bis idem exigi bona fides non patitur, et in satisfactionibus non permittitur amplius fieri quam semel factum est. Good faith does not allow the same thing to be exacted twice; and in satisfying claims, it is not permitted that more should be done after satisfaction has once been rendered.

Bonae fidei non congruit de apicibus juris disputare. It is incompatible with good faith to insist on the extreme subtleties of the law.

Bonae fidei possessors in id tantum quod ad se pervenerit tenetur. A possessor in good faith is liable only for that which he himself has obtained (literally, what has come to him). 2 Co. Inst. 285.

Bona fide possessor factus consumptos suos. A possessor in good faith is entitled to the fruits (or produce) that he consumes.

Bona fides exiguit ut quod convenit fiat. Good faith demands that what is agreed on shall be done.
Bona fides non patitur ut bis idem exigatur. Good faith does not allow payment to be exacted twice for the same thing.

Bonii judicis est ampliare jurisdictiorem (or justitiatam). It is the role of a good judge to enlarge (or use liberally) his jurisdiction (or remedial authority). [Cases: Courts C=c19; Insurance C=c215, 2230, 2590(1).]

Bonii judicis est ampliare justitiatam. It is the role of a good judge to remove causes of litigation.

Bonii judicis est causas litium dirimere. It is the role of a good judge to render judgment for execution without delay.

Bonii judicis est lites dirimere, ne lis ex lite oriatur. It is the role of a good judge to settle litigation so that one suit should not grow from another. 5 Coke 31a.

Bonum defendentis ex integra causa; malum ex quolibet defectu. A good outcome for the defendant comes from a sound case; a bad outcome from some defect.

Bonum necessarium extra terminos necessitatis non est bonum. A thing good from necessity is not good beyond the limits of the necessity.

Bonus judex secundum aequum et bonum judicat, et aequitatem stricto juri praefert. A good judge decides according to fairness and the good and prefers equity to strict law.

Breve ita dicitur, quia rem de qua agitur, et intentionem potentis, paucis verbis breviter enarrat. A writ is called a "breve" because it briefly states, in few words, the matter in dispute, and the object of the party seeking relief.

Breve judiciale debet sequi suum originale, et accessoriurn suum principale. A judicial writ ought to follow its original, and an accessory its principal.

Breve judiciale non cadit pro defectu formae. A judicial writ does not fail for a defect of form.

Brevia, tam originalia quam jurisdictionia, patiuntur anglica nomina. Writs, original as well as judicial, bear English names.

Cancellarii angliae dignitatis est, ut secundus a rege in regno habetur. The dignity of the chancellor of England is (such) that he is considered second in the realm from the sovereign.

Carcer ad homines custodiendo, non ad puniendos, dari debet. Imprisonment should be imposed for keeping people in confinement, not for punishing them (further). Co. Litt. 260a.

Carcer non supplicii causa sed custodiae constitutus. A prison is established not for the sake of punishment, but for detention under guard.

Casus fortuitus non est sperandus, et nemo tenetur divinare. A chance event is not to be expected, and no one is bound to foresee it. [Cases: Carriers C=c119.]

Casus fortuitus non est supponendus. A chance event is not to be presumed.

Casus omissus et oblivioni datus dispositioni communis juris relinquitur. A case omitted and forgotten (not provided for in statute) is left to the disposal of the common law.

Casus omissus pro omissio habendus est. A case omitted is to be held as (intentionally) omitted.

Catalla juste possessa amitti non possunt. Chattels rightly possessed cannot be lost.

Catalla reputantur inter minima in lege. Chattels are considered in law among things of least consequence.

Causa causae est causa causati. The cause of a cause is the cause of the effect.

Causa causantis causa est causati. The cause of the thing causing the is the cause of the effect.

Causa ecclesiae publicis aequiparatur; et summa est ratio quae pro religione facit. The cause of the church is equal to public causes; and paramount is the reason that acts in favor of religion.

Causae dotis, vitae, libertatis, fisci sunt inter favorabilia in lege. Causes of dower, life, liberty, revenue are among the things favored in law.

Causae ecclesiae publicis causis aequiparantium. The causes of the church are equal to public causes.

Causa et origo est materia negotii. The cause and origin of a matter are the substance of it. • “The law regards the original act”, as in the case of a man who attempts suicide in madness, but dies after regaining sanity; such is not suicide. 1 Coke 99.

Causa patet. The reason is obvious.

Causa proxima non remota spectat. The immediate and not the remote cause is considered. [Cases: Damages C=c17; Insurance C=c2165 (1), 2230, 2590(1).]

Causa vaga et incerta non est causa rationabilis. An uncertain cause is not a reasonable cause.

Caveat empor. Let the buyer beware. [Cases: Sales 41; Vendor and Purchaser C=c37.]

Caveat empor qui ignarare non debuit quod jus alienum emit. Let the buyer beware; for he ought not act in ignorance when he buys what another has right to. [Cases: Sales C=c43, 269.]

Caveat venditor. Let the seller beware.

Caveat viator. Let the traveler beware.

Cavendum est a fragmentis. Beware of fragments.

Certa debet esse intentio et narratio et certum fundamentum et certa res quae deductur in judicium. The design and narration ought to be certain, the foundation certain, and the matter certain that is brought into court to be tried.

Certum est quod certum reddi potest. That is certain which can be rendered certain. [Cases: Contracts C=c9; Deeds C=c38.]
Cessante causa, cessat effectus. The cause ceasing, the effect ceases.

Cessante ratione legis cessat et ipsa lex. When the reason of the law ceases, the law itself also ceases.

Cessante statu primitivo, cessat derivativus. When the original estate comes to an end, the derivative estate is also at an end.

Cessa regnare, si non vis judicare. Cease to reign if you wish not to adjudicate.

C'est le crime qui fait la honte, et non pas vêchafaud. It is the crime that causes the shame, and not the scaffold.

Cestuy que doit inheriter al pere doit inheriter al fils. The person who should have inherited from the father should also inherit from the son.

Chacea est ad communem legem. A chase (or hunting ground) exists by common law.

Charta de non ente non valet. A deed of a thing not in being is not valid.

Charta non est nisi vestimentum donationis. A deed is nothing else than the vestment (or clothing) of a gift.

Chartarum super fidem, mortuis testibus, ad patriam de necessitudine recurrendum est. (A dispute) regarding the veracity of deeds, with the witnesses dead, must necessarily be referred to the country (or jury).

Chirographum apud debitorem repertum praesumptur. When the evidence (or voucher) is found in the debtor’s possession, the debt is presumed to be paid.

Chirographum non extans praesumptur solutum. When the evidence of a debt is not in existence, it is presumed to have been discharged.

Circuitus est evitandum. Circuity (roundabout proceeding) is to be avoided.

Circuitus est evitandum, et boni judicis est lites dirimere, ne lis ex lute oriatur. Circuity is to be avoided; and it is the role of a good judge to determine (or dispose of) litigations so that one lawsuit may not arise from another.

Citatio est de jure naturali. A summons is by natural right.

Citationes non concedantur priusquam exprimatur super qua re fieri debet citatio. Citations should not be granted before it is stated about what matter the citation is to be made.

Clam delinquens magis punitur quam palam. A person who does wrong secretly is punished more severely than one who acts openly. 8 Coke 127.

Clam factum id videtur esse, quod quisque, quum controversiam haberet, habiturumve se putaret, fecit. That is considered done secretly which someone did when he had a legal dispute or thought he would have one.

Clausulae inconsuetae semper inducunt suspicicionem. Unusual clauses always arouse suspicion.

Clausula generalis de residuo non ea complектitur quae non ejusdem sint generis cum ipsis quae specialim dictabantur. A general clause of remainder does not embrace those things that are not of the same kind as those that had been specially mentioned.

Clausula generalis non referitur ad expressa. A general clause does not refer to things expressly mentioned.

Clausula quae abrogationem excludit ab initio non valet. A clause that precludes abrogation is invalid from the beginning.

Clausula vel dispositio inutilis per praeumptionem remotam vel causam ex post facto non fulcitur. A useless clause or disposition is not supported by a remote presumption or by a cause arising afterwards. A useless clause or disposition is one that expresses no more than the law by intendment would have supplied; it is not supported by a remote presumption or foreign intendment of some purpose, in regard whereof it might be material, or by a cause arising afterwards that may induce an operation of those idle words.

Clerici non ponentur in officio. The clergy should not be placed in temporal offices.

Cogitationis poenam nemo meretur. No one deserves punishment for his thoughts.

Cogitationis poenam nemo patitur. No one is punished for his thoughts.

Cognomen majorum est ex sanguine tractum, hoc intrinsecum est; agnomen extrinsecum ab eventu. The cognomen is derived from the blood of ancestors and is intrinsic; an agnomen (or honorary title) arises from an event, and is extrinsic.

Cohaeordes sunt quasi unum corpus aut una persona censentur, propter unitatem juris quod habent. Coheirs are deemed as one body, or one person, on account of the unity of right that they possess.

Cohaeordes una persona censentur, propter unitatem juris quod habent. Coheirs are deemed as one person, on account of the unity of right that they possess.

Collegium est societas plurium corporum simul habitationem. A college is a society of several people dwelling together.

Commenda est facultas recipiendi et retinendi beneficium contra jus positivum a suprema potestate. A commendam is the power of receiving and retaining a benefit contrary to positive law, by supreme authority.

Commercium jure gentium commune esse debet et non in monopolium et privatum paucorum quaestum convertendum. Commerce, by the law of nations, ought to be common and not converted into a monopoly and the private gain of a few.

Communia ex injuria sua non habere debet. (The wrongdoer) should not derive any benefit from his own wrong.

Communis error facit jus. A common error (one often repeated) makes law.
Communis error non facit jus. A common error does not make law. • This maxim expresses a view directly contradictory to the view of the immediately preceding maxim. Both are attested in legal literature.

Compromissum ad similitudinem judiciorum redigi. A compromise is brought into affinity with judgments.

Concessio per regem fieri debet de certitudine. A grant by the king ought to be made of a certainty. • Coke continues, Melius est petere fontes. Co. Litt. 305b.

Compromissarii sunt judices. Arbitrators are judges.

Compromissum ad similitudinem judiciorum redigitur. A compromise is brought into affinity with judgments.

Concessio versus concedentem latinam interpretationem habere debet. A grant ought to have a liberal interpretation against the grantor.

Concordare leges legibus est optimus interpretandi modus. To make laws agree with laws is the best mode of interpreting them.

Concordia parvae res crescunt et opulentia lites. Small means increase by concord and litigations by opulence.

Conditio beneficialis, quae statum construit, benigne secundum verborum intentionem est interpretanda; odiosa autem quae statum destruit stricte, secundum verborum proprietatem, accipienda. A beneficial condition that creates an estate ought to be construed favorably, according to the intention of the words; but a condition that destroys an estate is odious and ought to be construed according to the strict sense of the words.

Conditio dicitur cum quid in casum incertum qui potest tendere ad esse aut non esse conferatur. It is called a condition when something is given for an uncertain event that may or may not come into existence.

Conditio illicita habetur pro non adjecta. An unlawful condition is considered unconnected.

Conditiones quaesibet odiosae; maxime autem contra matrimonium et commercium. Any conditions are odious, but especially those against matrimony and commerce.

Conditio praecedens adimpleri debet prius quam sequatur effectus. A condition precedent ought to be fulfilled before the effect can follow.

Confessio facta in judicio omni probatone major est. A confession made in court is of greater effect than any proof.

Confessus in judicio pro judicato habetur et quodammodo sua sententia damnatur. A person who has confessed his guilt when arraigned is considered to have been tried and is, as it were, condemned by his own sentence.

Confirmare est id quod prius infirmum fuit simul firmare. To confirm is to make firm at once what before was not firm.

Confirmare nemo potest priusquam jus ei acciderit. No one can confirm before the right accrues to him.

Confirmatio est nulla ubi donum praecedens est invalidum. A confirmation is null where the preceding gift is invalid.

Confirmatio omnes supplet defectus, licet id quod actum est ab initio non valuit. Confirmation supplies all defects, even if that which has been done was not valid at the beginning.

Confirmat usum qui tollit abusum. One confirms a use who removes an abuse.

Conjunctio mariti et feminae est de jure naturae. The union of husband and wife derives from the law of nature.

Conscientia dicitur a con et scio, quasi scire cum Deo. Conscience is so called from con and scio, to know, as it were, with God.

Consecratio est periodus electionis; electio est praemacula consecrationis. Consecration is the termination of election; election is the preamble of consecration.

Consensus est voluntas plurium ad quos res pertinet simul juncta. Consent is the conjoint will of several people to whom the thing belongs.

Consensus, non concubitus, facit matrimonium. Consent, not coition (or sharing a bed), constitutes marriage.

Consensus, non concubitus, facit nuptias vel matrimonium, et consentire non possunt ante annos nubiles. Consent, and not coition (or sharing a bed), constitutes nuptials or marriage, and persons cannot consent before marriageable years.

Consensus tollit errorem. Consent removes an error. • A person cannot object to something he has consented to. [Cases: New Trial 10.]

Consensus voluntas multorum ad quos res pertinent simul juncta. Consent is the united will of several interested in one subject matter.

Consentientes et agentes pari poena plecentur. Those consenting and those perpetrating will receive the same punishment.

Consentire matrimonio non possunt infra (ante) annos nubiles. Persons cannot consent to marriage before marriageable years.

Consequentiae non est consequentia. The consequence of a consequence does not exist.
Consilia multorum quaeruntur (requiruntur) in magnis. The advice of many is sought in great affairs.

Consortio malorum me quoque malum facit. The company of wicked men makes me also wicked.

Constitutiones tempore posteriores potiores sunt his quae ipsas praecesserunt. Later laws prevail over those that preceded them.

Constitutum esse eam domum unicumque nostrum debere existimari, ubi quisque sedes et tabulas haberet, suarumque rerum constitutionem fecisset. It is a settled principle that what ought to be considered the home of each of us is where he has his dwelling, keeps his records, and has established his business.

Constructio legis non facit injuriam. The construction of the law does not work an injury.

Consueto contra rationem introducta potius usurpatio quam consueto appellari debet. A custom introduced against reason ought rather to be called a usurpation than a custom.

Consueto debet esse certa. Custom ought to be fixed.

Consueto debet esse certa, nam incerta pro nulla (nullius) habetur. Custom ought to be fixed, for if uncertain, it is held as null (or of no account).

Consueto debet esse certa, nam incerta pro nullis habentur. A custom should be certain, for uncertain things are held as nothing. This maxim is sometimes written Consuetudo debet esse certa, nam incerta pro nulla (nullius) habetur (meaning "custom should be certain, for if uncertain it is held as nothing").

Consueto est altera lex. Custom is another law.

Consueto est optimus interpres legum. Custom is the best expounder of the law.

Consueto et communis assuetudo vincit legem non scriptam, si sit specialis; et interpretatur legem scriptam, si lex sit generalis. A common and a custom usage overcome the unwritten law if it is special; and a statute is best explained by following the construction put on its wording by judges who lived at the time it was made, or soon after.

Contestatio litis eget terminos contradictarios. There can be no issue without an affirmative on one side and a negative on the other.

Contractus est quasi actus contra actum. A contract is, as it were, an act against an act.

Contractus ex turpi causa vel contra bonos mores nullus est. A contract founded on wrongful consideration or against good morals is null.

Contractus legem ex conventione accipiunt. Contracts receive legal validity from the agreement of the parties.

Contra legem facit qui id facit quod lex prohibit; in fraudem vero qui, salvis verbis legis, sententiam ejus circumvenit. A person acts contrary to the law who does what the law prohibits; a person acts in fraud of the law who, without violating the wording, circumvents the intention. Dig. 1.3.29.

Contra negantem principia non est disputandum. There is no disputing against one who denies first principles.

Contra non valentem agere nulla currit praescriptio. No prescription runs against a person unable to act (or bring an action). [Cases: Limitation of Actions 43, 70, 95.]

Contrariorum contraria est ratio. The reason of contrary things is contrary.

Contra veritatem lex nunquam aliquid permettit. The law never allows anything contrary to truth.

Contractatio rei alienae animo furandi est furtum. Touching or taking another’s property with an intention of stealing is theft.

Conventio omnis intelligitur clausula rebus sic stantibus. Every contract is to be understood as being based on the assumption of things remaining as they were (that is, at the time of its conclusion).
Conventio privatorum non potest publico juri derogare.  
An agreement of private persons cannot derogate from public right. • That is, it cannot prevent the application of general rules of law, or render valid any contravention of law.

Conventio vincit legem. The express agreement of the parties overrides the law.

Convicia si irascaris tua divulgas; spreta exolescunt. If you are moved to anger by insults, you spread them abroad; if despised, they die out.

Copulatio verborum indicat acceptationem in eodem sensu. Coupling words together shows that they ought to be understood in the same sense.

Corporalis injuria non recipit aestimationem. A personal injury does not receive satisfaction from proceedings yet in the future.

Corpus humanum non recipit aes timationem. The person of a human being can have no price put on it.

Creditorum appellatione non hi tantum accipiuntur qui pecuniam crediderunt, sed omnes quibus ex qualibet causa debetur. Under the name of creditors are included not only those who have lent money, but also all to whom a debt is owed from any cause.

Crescente malitia crescere debet et poena. With increase of malice, punishment ought also to increase.

Crimen falsi dicitur, cum quis illicitus, cui non fuerit ad hocia data auctoritas, de sigillo regis raptov el invento brevia cartasve consignaverit. It is called “crimen falsi” when anyone to whom power has not been given for such purposes has illicitly signed writs or grants with the king's seal, either stolen or found.

Crimen laesae majestatis omnia alia crimina excedit quoad poenam. The crime of treason exceeds all other crimes in its punishment.

Crimen omnia ex se nata vitiat. Crime taints everything that springs from it.

Crimen trahit personam. The crime brings with it the person. • That is, the commission of a crime gives the courts of the place where it is committed jurisdiction over the person of the offender.

Crimina morte extinguuntur. Crimes are extinguished by death.

Cuicunque aliquis quid concedit concedere videtur et id sine quo res ipsa esse non potuit. One who grants something to another grants also that without which the thing granted could not exist. • This maxim is also sometimes written Cuicunque aliquid conceditur, conceditur etiam et id sine quo res ipsa non esse potuit (meaning “To whomever anything is granted, that also is granted without which the thing itself could not exist”).

Cui jurisdictio data est, ea quoque concessa esse videntur sine quibus jurisdictio explicari non potest. To whom jurisdiction is given, those things also are considered to be granted without which the jurisdiction cannot be exercised. • That is, the grant of jurisdiction implies the grant of all powers necessary to its exercise.

Cui jus est donandi eodem et vendendi et concedendi jus est. A person who has a right to give has also a right to sell and to grant.

Cui sit in arte sua perito est credendum. Credence should be given to a person skilled in his art (that is, when speaking of matters connected with that art).

Cui liet juri pro se introducto renunciare. Anyone may waive or renounce the benefit of a principle or rule of law that exists only for his protection.

Cui licet quod majus non debet quod minus est non licere. A person who has authority to do the more important act ought not to be debared from doing what is of less importance.

Cui pater est populus non habet fille patrem. That person to whom the people is father has not a father.

Cuique in sua arte credendum est. Everyone is to be believed in his own area of expertise. [Cases: Evidence C=508.]

Cujus est commodum, ejus debet esse incommodum. The person who has the advantage should also have the disadvantage.

Cujus est commodum, ejus est onus. The person who has the benefit has also the burden.

Cujus est dare, ejus est disponere. The person who has a right to give has the right of disposition. • That is, the bestower of a gift has a right to regulate its disposal.

Cujus est divisio, alterius est electio. When one of two parties has the division (of an estate), the other has the choice (of the shares). • In partition between coparceners, where the division is made by the eldest, the rule in English law is that she shall choose her share last.

Cujus est dominium, ejus est pericum. The risk lies on the owner.

Cujus est instituire, ejus est abrogare. Whoever can institute can also abrogate.

Cujus est solum, ejus est usque ad coelum. The person who owns the soil owns up to the sky. • One who owns the surface of the ground owns, or has an exclusive right to everything that is on or above it to an indefinite height. [Cases: Property C=7.]

Cujus est solum, ejus est usque ad coelum et ad inferos. Whoever owns the soil owns everything up to the sky and down to the depths. [Cases: Mines and Minerals ≃47; Property C=7; Waters and Water Courses ≃101.]

Cujus juris (i.e., jurisdictionis) est principale, ejusdem juris erit accessorium. An accessory matter is subject to the same jurisdiction as its principal.

Cujus per errorem dati repetitio est, ejus consulta dati donatio est. A thing given by mistake can be recovered; if given purposely, it is a gift. Dig. 50.17.53.

Cujusque rei potissima pars est principium. The principal part of everything is the beginning.
Culpa caret qui scit sed prohibere non potest. A person is free of blame who knows but cannot prevent.

Culpae poena par esto. Let the punishment be equal to the crime.

Culpa est immiscere se rei ad se non pertinenti. It is a fault for anyone to meddle in a matter not pertaining to him.

Culpa lata dolo aequiparatur. Gross negligence is equivalent to fraud.

Curia cancellariae officina justitiae. The court of chancery is the workshop of justice.

Curius et captiosa interpretatio in lege reprobatur. An overnice and captious interpretation in the law is rejected.

Currit tempus contra desides et sui juris contemptores. Time runs against the indolent and those who are not mindful of their rights.

Cum aliquis renunciaverit societati, solvitur societas. When any partner has renounced the partnership, the partnership is dissolved.

Cum pari delictum est duorum, semper oneratur petitor, et melior habetur possessoris causa. Where two parties are equally at fault, the claimant always is at the disadvantage, and the party in possession has the better cause.

Cum par delictum est duorum, semper oneratur petitor, et melior habetur possessoris causa. Where two parties are equally at fault, the claimant always is at the disadvantage, and the party in possession has the better cause.

Cum quod ago non valet ut ago, valeat quantum valere potest. When that which I do is of no effect as I do it, let it have as much effect as it can (that is, in some other way).
Decet (tamen) principem servare leges quibus ipse servatus est. It is proper (nonetheless) for the prince to preserve the laws by which he himself is preserved.

Decimae de decimatis solvi non debent. Tithes ought not to be paid from that which is given for tithes.

Decimae de jure divino et canonica institutione pertinent ad personam. Tithes belong to the parson by divine right and canonical institution.

Decimae non debent solviubi non est annua renovatio, et ex annuatibus renovantibus simul semel. Tithes ought not to be paid where there is not an annual renovation, and from annual renovations only once.

Decipi quam fallere est tutius. It is safer to be deceived than to deceive.

Decreta conciliorum non ligant reges nostros. The decrees of councils do not bind our kings.

De facto joritur. From fact springs law; law arises from fact.

Deficiente uno sanguine, non potest esse haeres. For lack of one blood, he cannot be heir. Coke explains, “The blood of the father and of the mother are but one inheritable blood, and both are necessary to procreation of an heir.” 3 Coke 41.

De fide et officio judicis non recipitur quaestio, sed de scientia sivei sit error juris sive facti. The good faith and honesty of purpose of a judge cannot be questioned, but his knowledge may be impugned if there is an error either of law or of fact.

De jure decimarum, originem ducentis de jure patro­natus, tunc cognitio spectat at legem civilem, i.e., communem. With regard to the right of tithes, deducing its origin from the right of the patron, then the cognizance of them belongs to the civil law, i.e., common law.

De jure judicis, de facto juratores, respondent. The judges answer regarding the law, the jury on the facts.

De legibus potestas non potest delegari. A delegated authority cannot be delegated.

De legis potestas non potest delegare. A delegate (or deputy) cannot appoint another. [Cases: Officers and Public Employees C=110; Principal and Agent C= 54.]

De molydino de novo erecto non jactet prohibitio. A prohibition does not lie against a newly erected mill.

De morte hominis nulla est cunctatio longa. When the death of a human being is concerned, no delay is long.

Denominatio fieri debet a dignioribus. Denomination should be made from the more worthy.

De nomine proprio non est curandum cum in substantia non erretur; quia norma mutabili sunt, res autem immobiles. As to the proper name, it is not to be regarded when there is no error in substance; because names are changeable, but things are immutable.

De non apparentibus et non existentibus eadem est ratio. The rule is the same respecting things that do not appear and things that do not exist.

De nullo quod est sua natura indivisibile et divisionem non patitur nullam partem habebit vidua, sed satisfaciat ei ad valentiam. A widow shall have no part from that which in its own nature is indivisible and is not susceptible of division; but let (the heir) satisfy her with an equivalent.

De nullo tenemento, quod tenetur ad terminum, fit homagii; fit tamen inde fidelitatis sacramentum. For no tenement that is held for a term is there the oath of homage, but there is the oath of fealty.

Derivativa potestas non potest esse major primitiva. Power that is derived cannot be greater than that from which it is derived.

Derogatur legi cum pars detrahitur; abrogatur legi, cum pars tollitur. There is derogation from a law when part of it is taken away; there is abrogation of a law when it is abolished entirely.

Designatio justiciariorum est a rege; jurisdictio vero ordinaria a lege. The appointment of justices is by the king, but their ordinary jurisdiction is by the law.

Designatio unius est exclusio alterius, et expressum facit cessare tacitum. The designation of one is the exclusion of the other; and what is expressed prevails over what is implied.

De similibus ad similia eadem ratione procedendum est. From like things to like things we are allowed to argue from the analogy of cases.

De similibus idem est judicium. Concerning like things the judgment is the same.

Destruere, id quod prius structum, et factum fuit, penitus evertere et diruere. To destroy that which was previously built and done is utterly to overturn and wreck it; to destroy is to overturn and demolish what was built and done before. This is a maxim cited against any type of revolutionary action.

Deus solus haerem facere potest, non homo. God alone, and not man, can make an heir.

Dies dominicus non est judicicus. Sunday is not a judicial day. [Cases: Sunday C=1, 30.]
Dies incertus pro conditione habetur. An uncertain day is considered as a condition.

Dies inceptus pro completo habetur. A day begun is held as complete.

Dilaciones in lege sunt odiosae. Delays in law are odious.

Discretio est discernere per legem quid sit justum. Discretion is to discern through law what is just.

Discretio est scire per legem quid sit justum. Discretion consists in knowing what is just in law.

Disparata non debent jungi. Dissimilar things ought not to be joined.

Dispensatio est mali prohibiti provida relaxatio, utilitatis seu necessitate pensata; et est de jure domino regi concessa, propter impossibilitatem praevidendi de omnibus particularibus. A dispensation is the provision of a malum prohibitum weighed from utility or necessity; and it is conceded by law to the king on account of the impossibility of foreknowledge concerning all particulars.

Dispensatio est vulnus, quod vulnerat jus commune. A dispensation is a wound, because it wounds a common right.

Disseisinam satis facit qui uti non permittit possessorem, vel minus commodo, licet omnino non expellat. A person commits disseisin if he does not permit the possessor to enjoy, or makes the possessor’s enjoyment less useful, even if the disseisor does not expel the possessor altogether. Co. Litt. 331.

Dissimilium dissimilis est ratio. Of dissimilars the rule is dissimilar.

Dissimulatione tollitur injuria. Injury is wiped out by reconciliation.

Distinguenda sunt tempora; aliud est facere, aliud perferere. Times must be distinguished; it is one thing to do a thing, another to complete it.

Distinguenda sunt tempora; distinguishing temporal, et concordabis leges. Times are to be distinguished; distinguishing times, and you will harmonize laws.

Divinatio, non interpretatio, est quae omnino recedit a litera. It is a guess, not interpretation, that altogether departs from the letter.

Divortium dicitur a divertendo, quia vir dividitur a uxore. Divorce is so called from divertendo, because a man is diverted from his wife.

Dolo facit qui petit quod redditarur est. A person acts with deceit who seeks what he will have to return.

Dolo malo pactum senon servabit. A pact made with evil intent will not be upheld. This maxim is sometimes written Dolo malo pactum se non servaturum (meaning “an agreement induced by fraud will not stand”).

Dolosus versatur in generalibus. A deceiver deals in generalities.

Dolum ex indicis perspicuis probari convenit. Fraud should be proved by clear proofs.

Dolus auctoris non nocet successori. The fraud of a predecessor does not prejudice the successor.

Dolus circuitu non purgatur. Fraud is not purged by circuit.

Dolus est machinatio, cum alius dissimulata alius agit. Deceit is an artifice, since it pretends one thing and does another.

Dolus et fraudem nemini patrocinentur (patrocinari debent). Deceit and fraud should excuse or benefit no one (they themselves require some excuse).

Dolus et fraudem una in parte sanari debent. Deceit and fraud should always be remedied.

Dolus latet in generalibus. Fraud lurks in generalities.

Dolum versatur ex indiciis perspicuis probari venit. This maxim is sometimes written Dolus versatur in generalibus (meaning “fraud deals in generalities”).

Dominium non potest esse in pendenti. The right of property cannot be in abeyance.

Dominus capitalis loco haeredis habetur, quoties per defectum vel delictum extinguitur sanguis sui tenentis. The supreme lord takes the place of the heir, as often as the blood of the tenant is extinct through deficiency or crime.

Dominus non maritabit pupillum nisi semel. A lord cannot give a ward in marriage but once.

Dominus rex nullum habere potest parem, multo minus superiorem. The king cannot have an equal, much less a superior.

Domus tua cuique est tutissimum refugium. Everyone’s house is his safest refuge.

Domus tua cuique est tutissimum refugium atque receptaculum sit. Everyone’s house should be his safest refuge and shelter.

Dona clandestina sunt semper suspiciosa. Clandestine gifts are always suspicious.

Donari videtur quod nullo jure cogente conceditur. That is considered to be given which is granted when no law compels.

Donatio non praesumitur. A gift is not presumed.

Donationum alia perfecta, alia incepta et non perfecta; ut si donatio lecta fuit et concessa, act-traditione nondum fuerit subsecuta. Some gifts are perfect, others incipient and not perfect; for example, if a gift were read and agreed to, but delivery had not then followed.

Donatio per ficitur possessione accipientis. A gift is rendered complete by the possession of the receiver.

Donatio princApis intelligitur sine praedagogio tertii. A gift of the prince is understood without prejudice to a third party.

Donator nunquam desinit possidere antequam donarius incipient possidere. A donor never ceases to have possession until the donee obtains possession.
Dormiunt aliquando leges, nunquam moriuntur. Laws sometimes sleep but never die.

Dos de dote peti non debet. Dower ought not to be sought from dower.

Dos rationabilis vel legitima est cujuslibet mulieris de quocunque tenemento tertia pars omnium terrarum et tenementorum, quae vir suas tenuit in dominio suo ut de feodo, etc. Reasonable or legitimate dower belongs to every woman of a third part of all the lands and tenements of which her husband was seised in his demesne, as of fee, etc.

Doli lex favet; praemium pudoris est, ideo parcatur. The law favors dower; it is the reward of chastity; therefore let it be preserved.

Do ut facias. I give that you may give.

Do ut des. I give that you may do.

Droit ne done plus que soit demaunde. The law gives no more than is demanded.

Droit ne poét plus que soit demaunde. The law gives no more than is demanded.

Droit ne poét pas morier. Right cannot die.

Duas uxores eodem tempore habere non licet. It is not lawful to have two wives at one time.

Duo non possunt in solido unam rem possidere. Two cannot possess one thing each in entirety.

Duorum in solidum dominium vel possesio esse non potest. Ownership or possession in entirety cannot belong to two persons.

Duo sunt instrumenta ad omnes res aut confirmandas aut impugnandas, ratio et auctoritas. There are two instruments for confirming or impugning everything: reason and authority.

Duplicationem possibilitatis lex non patitur. The law does not allow a duplication of possibility.

Eadem causa diversis rationibus coram judicibus ecclesiasticis et secularibus ventilatur. The same cause is argued on different principles before ecclesiastical and secular judges.

Eadem est ratio, eadem est lex. (If) the reason is the same, the law is the same.

Eadem mens praesumitur regis quae est juris et quae esse debet, praesertim in dubiis. The mind of the sovereign is presumed to be the same as that of the law, and the same as what it ought to be, especially in ambiguous matters.

Ea est accipienda interpretatio quae vitio caret. That interpretation is to be received that is free from fault.

Ea quae commendandi causa in venditionibus dicuntur, si palam apparent venditorem non obligant. Those things that, by way of commendation, are stated at sales, if they are openly apparent, do not bind the seller.

Ea quae dari impossibilia sunt, vel quae in rerum natura non sunt, pro non adjectis habentur. Those things that cannot be given, or that are not in the nature of things, are considered as not added (as no part of the agreement).

Ea quae in curia nostra rite acta sunt debitae executione demandari debent. Those things that are properly transacted in our court ought to be committed to a due execution.

Ea quae raro accident non temere in agendis negotiis computatur. Those things that rarely happen are not to be taken into account in the transaction of business, without sufficient reason.

Ecclesia ecclesiae decima solvere non debet. A church should not pay tithes to a church.

Ecclesia est domus mansionalis omnipotentis dei. The church is the mansion house of the omnipotent God.

Ecclesia estinfra aetatem et in custodia domini regis, qui tenetur jura et haereditates ejusdem manu tenere et defendere. The church is underage and in the custody of the king, who is bound to uphold and defend its rights and inheritances.

Ecclesia fungitur vice minoris; meliorem conditionem suam facere potest, deteriorem nequaquam. The church enjoys the privilege of a minor; it can make its own condition better but not worse.

Ecclesiae magis favendum est quam personae. The church is to be more favored than the parson (or an individual).

Ecclesia meliorni non deteriorari potest. A church can (lawfully) be improved but not made worse.

Ecclesia non moritur. The church does not die.

Effectus sequitur causam. The effect follows the cause.

Ei incumbit probatio qui dicit, non qui negat. He who has the dominion or advantage has the risk.

Ejus est nolle, qui potest velie. A person who can will tacitly who can consent expressly.

Electio est interna libera et spontanea separatio unius rei ab alia, sine compulsione, consistens in animo et voluntate. Choice is an internal, free, and spontaneous
separation of one thing from another, without compul-
sion, consisting in intention and will.

Electiones fiant erte et libere sine interruptione aliqua.
Let choices be made in due form and freely; without
any interruption.

Electio semel facta, et placitum testatum, non patitur
regressum. A choice once made, and a plea witnessed
(or intent shown), allows no going back.

Electio semel facta non patitur regressum. An election
once made cannot be recalled.

Emptor emit quam minimo potest; venditor vendit quam
maximo potest. The buyer buys for as little as possible;
the vendor sells for as much as possible.

En eschange il covient que les estates soient egales. In an
exchange it is desirable that the estates be equal.

Enitia pars semper praeferenda est propter privilegium
ferred on account of the privilege of age.

Enumeratio infirmat regulam in casibus non enumer-
ated. Enumeration disaffirms the rule in cases not enu-
erated.

Enumeratio unius est exclusio alterius. Specification of
one thing is an exclusion of the other.

Eodem modo quo ligatum est dissolvitur. An obliga-
tion is dissolved by the same bond by which it is con-
ttracted.

Eodem modo quo oritur, eodem modo dissolvitur. It is
discharged in the same way as it is created.

Eodem modo quo quid constituitur, dissolvitur. In the
same way as anything is constituted, it is dissolved (or
destroyed). 6 Coke 53.

Eodem modo quo quid constituitur, eodem modo destru-
itur. In the same way in which something is consti-
tuted, it may be destroyed.

Episcopus alterius mandato quam regis non tenetur
obtemperare. A bishop need not obey any mandate
save the king’s.

Equitas sequitur legem. Equity follows the law.

Errores ad sua principia referre est refellere. To refer
errors to their origin is to refute them.

Errores scribentis nocere non debet. The mistakes of the
scribe (or copyist) ought not to injure.

Erubescit lex filios castigare parentes. The law blushes
when children correct their parents.

Est aliquid quod non oportetiam si licet; quicquid vero
non licet certe non oportet. There is that which is not
proper, even though permitted; but whatever is not per-
mitted is certainly not proper.

Est autem jas publicum et privatum quod ex naturalibus
praecieptis aut gentium aut civilibus est collectum; et
quod in jure scripto jus appellatur, id in lege Angliae
rectum esse dicitur. Public and private law is that which
is collected either from natural precepts of the (law of)
nations or from civil precepts; and that which in the
civil law is called jas is said in the law of England to be
right. Co. Litt. 558.

Est autem vis legem simulans. Violence may also put on
the mask of law.

Est boni judicis ampliare jurisdicticionem. It is the role of
a good judge to extend the jurisdiction.

Est ipsorum legislatorum tanquam viva vox. The voice
of the legislators themselves is like a living voice. - That
is, the provisions of a statute are to be understood and
interpreted as practical rules for real circumstances.
Coke adds, Rebus et non verbis legem imponimus. 10
Coke 101.

Estoveria sunt ardendi, arandi, construendi et clau-
dendi. Estovers (tenants’ rights to material at hand)
are for burning, plowing, building, and fencing.

Est quiddam perfectius in rebus licitis. There is some-
thing more perfect in things that are permitted.

Eum qui nocentem infamant, non est aequum et bonum
ob eam rem condemnari; delicta enim nocentem nota
esse oportet et expedit. It is not just and proper that one
who speaks ill of a bad person should be condemned
on that account; for it is fitting and expedient that the
wrongdoings of bad people should be known.

Eventus est qui ex causa sequitur; et dicitur eventus quia
ex causis eventit. An event is what follows from a cause;
and is called an event, because it results from causes.

Eventus varios res nova semper habet. A novel matter
always produces various results.

Ex antecedentibus et consequentibus fit optima inter-
pretatio. The best interpretation is made from what
precedes and what follows. [Cases: Wills Cc 470.]

Exceptio ejus rei cuius petitor dissoluto nulla est. There
is no exception based on the very matter for which a
solution is being sought.

Exceptio falsi est omnium ultima. The exception for
falsehood is last of all.

Exceptio firmat regulam in casibus non exceptis. An
exception affirms the rule in cases not excepted.

Exceptio firmat regulam in contrarium. An exception
affirms a rule to the contrary.
Exceptio nulla est versus actionem quaee exceptionem perimit. There is no exception against an action that extinguishes the exception.

Exceptio probat regulam de rebus non exceptis. An exception proves a rule concerning things not excepted.

Exceptio quae firmat legem exponit legem. An exception that confirms the law expounds the law.

Exceptio quoque regulam declarat. The exception also declares the rule.

Exceptio semper ultima ponenda est. An exception is always to be put last.

Excessus in jure reprobatur. Excess in law is condemned.

Excessus in re qualibet jure reprobatur communi. Excess in anything at all is condemned by common law.

Excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus. That excuses or extenuates a wrong in capital causes which does not have the same effect in civil suits.

Ex diuturnitate temporis omnia praesumuntur solen­niter esse acta. From length of time, all things are presumed to have been done in due form.

Ex dolo malo non oritur actio. An action does not arise from a fraud. [Cases: Action $\Rightarrow$ 4.]

Executio est executio juris secundum judicium. Execution is the execution of the law according to the judgment.

Executio est finis et fructus legis. Execution of the law is its end and fruition.

Executio legis non habet injuriam. Execution of the law cannot work an injury.

Exempla illustrant, non restringunt, legem. Examples make the law clearer, and do not restrict it.

Ex facto jus oritur. The law arises out of the fact.

Ex frequenti delicto augetur poena. Punishment increases with repeated offense. 2 Co. Inst. 479.

Ex maleficio non oritur contractus. A contract does not arise out of an illegal act.

Ex malis moribus bonae leges natae sunt. Good laws are born from evil morals.

Ex multitudine signorum colligitur identitas vera. From a great number of signs true identity is ascertained.

Ex nihilo nihil fit. From nothing nothing comes.

Ex non scripto jus venit quod usus comprobavit. Unwritten law is that which custom has sanctioned.

Ex nudo pacto non oritur actio. No action arises on a contract without a consideration. [Cases: Contracts $\Rightarrow$ 47.]

Expedit rei publicae ne sua re quis male utatur. It is to the advantage of the state that a person should not make bad use of his own property.

Expedit rei publicae ut sit finis litium. It is to the advantage of the state that there should be a limit to litigation.

Experientia per varios actus legem facit. Experience through various acts makes law.

Expositio quae ex visceribus causae nascitur, est aptis­simas et fortissimae in lege. An exposition that springs from the vitals of a cause is the fittest and most powerful in law.

Ex praecedentibus et consequentibus est optima interpre­tatio. The best interpretation takes account of what precedes and follows.

Expressa nocent, non expressa non nocent. Things expressed do harm; things not expressed do not.

Expressa non prosunt quae non expressa proderunt. There is no benefit in expressing what will benefit when unexpressed.

Expressio eorum quae tacite insunt nihil operatur. The expression of those things that are tacitly implied is of no consequence.

Expressio unius est exclusio alterius. The expression of one thing is the exclusion of another. Also termed Inclusio unius est exclusio alterius or enumeratio unius est exclusio alterius. [Cases: Contracts $\Rightarrow$ 152; Statutes $\Rightarrow$ 195.]

Expressum facit cessare tacitum. Something expressed nullifies what is unexpressed. [Cases: Constitutional Law $\Rightarrow$ 594; Statutes $\Rightarrow$ 195.]

Ex procedentibus et consequentibus optima fit interpre­tatio. The best interpretation is made from things proceeding and following (i.e., the context). [Cases: Wills $\Rightarrow$ 470.]

Exterus non habet terras. An alien holds no lands.

Extincto subjecto, tollitur adjunctum. When the sub­stance is gone, the adjunct disappears.

Extortio est crimine quando quis colore officii extortet quod non est debitum, vel supra debitum, vel ante tempus quod est debitum. Extortion is a crime when, by color of office, any person extorts what is not due, or more than due, or before the time when it is due.

Ex tota materia emergat resolutio. The construction or explanation should arise out of the whole subject matter.

Extra legem positus est civiliter mortuus. An outlaw is dead as a citizen.

Extra territorium jus dicenti impune non paretur. One who gives a judgment outside his jurisdiction is disobeyed with impunity. Also termed Extraneus est subditus qui extra terram, i.e. potestam regis, natus est. A foreigner is a subject who is born out of the territory — that is, the jurisdiction — of the king.

Extra territorium jus dicenti non paretur impune. One who gives a judgment outside his jurisdiction is not
obeyed with impunity. Anyone who executes such a judgment may be punished. 10 Coke 77.

**Extremis probatis praesumuntur media.** Extremes have been proved, intermediate things are presumed.

**Ex turpi causa non oritur actio.** No action arises out of a wrongful consideration. [Cases: Action C=4; Contracts C=138.]

**Ex turpi contractu non oritur actio.** No action arises from a wrongful contract.

**Facinus quos inquinat aequat.** Guilt makes equal those whom it stains.

**Facio ut des.** I do that you may give.

**Facio ut facias.** I do that you may do.

**Facta sunt potentiora verbis.** Deeds (or facts) are more powerful than words.

**Facta tenent multa quae fieri prohibantur.** Deeds contain many things that are prohibited to be done.

**Factum a judice quod ad ejus officium non spectat, non faciet.** A judge’s act that does not pertain to his office is of no force.

**Factum cuique suum, non adversario, nocere debet.** Anyone’s act should injure himself, not his adversary.

**Factum infectum fieri nequirit.** What is done cannot be undone.

**Factum negantis nulla probatio.** No proof is incumbent on a person who denies a fact.

**Factum non dicitur quod non perseverat.** That is not said to be done which does not last.

**Factum unius alteri nocere non debet.** The deed of one should not hurt the other.

**Facturi quod ad justitiam pertinet secundum legem, et factum non dicitur quod non perseverat.** That is not said to be done which does not last.

**Facta sunt potentiora verbis.** Deeds contain many things that are prohibited to be done.

**Falsus in uno, falsus in omnibus.** False in one thing, false in everything. [Cases: Trial C=236(2), Witnesses C=317.]

**Fama, fides, et oculus non patiuntur ludum.** Reputations, pledged faith, and eyesight do not endure deceit.

**Fama, quae suspicicionem inducit, oriri debet apud bonos et graves, non quidem malevolos et maledicos, sed providas et fide dignas personas, non semel sed saepius, quia clamor minuit et defamatio manifestat.** Report, which induces suspicion, ought to arise from good and grave men; not, indeed, from malevolent and malicious men, but from cautious and credible persons; not only once, but frequently, for clamor diminishes, and defamation manifests.

**Fatetur facinus qui judicium fugit.** A person who flees judgment confesses guilt.

**Fatuus, apud jurisconsultos nostros, accipitur pro non compos mentis; et fatuus dicitur, qui omnino desipit.** “Fatuos,” among our jurisconsults, is applied to a man not of sound mind; one is also called “fatuous” who is altogether foolish.

**Fatuus praesumitur qui in proprio nomine errat.** A person is presumed to be incompetent who makes a mistake in his own name (that is, does not know his own name).

**Favorabilia in lege sunt fiscus, dos, vita, libertas.** The treasury, dower, life, and liberty are things favored in law.

**Favorabiliores dei potius quam actores habentur.** Defendants are rather to be favored than plaintiffs.

**Favorabiliores sunt executiones aliis processibus quibuscunque.** Executions are preferred to all other processes whatever.

**Favores ampliandi sunt; odia restringenda.** Favorable inclinations are to be enlarged; animosities restrained.

**Felix qui potuit rerum cognoscere causas.** Happy is he who could apprehend the causes of things.

**Felonia, ex vi termini, significat quod lucubratio capitale crimen felleo animo perpetratum.** Felony, by force of the term, signifies any capital crime perpetrated with a malicious intent.

**Felonia implicatur in quolibet conditio.** Felony is implied in every treason.

**Feodum est quod quis tenet ex quacunque causa, sive sit tenementum sive redditus.** A fee is what anyone holds from whatever cause, whether tenement or rent.

**Feodum simplex quia feodum idem est quod haereditas, et simplex idem est quod legitum vel purum; et sic feodum simplex idem est quod haereditas legitima vel haereditas pura.** “Fee simple” is so called because fee is the same as inheritance and simple is the same
as lawful or pure; and thus fee simple is the same as a lawful inheritance or a pure inheritance.

Fere secundum promissorem interpretamur. We generally interpret in favor of the promisor.

Festinatio justitiae est noverca in fortunii. The hurrying of justice is the stepmother of misfortune.

Fiat justitia pereat mundus. Let justice be done though the world perish.

Fiat justitia ruat caelum. Let justice be done though the heavens fall. • The word caelum sometimes appears coelum, but the form caelum is considered better Latin.

Fiat prout fieri consuetit, nil temere novandum. Let it be done as it is accustomed to be done; let no innovation be made rashly.

Fictio cedit veritati; fictio juris non est ubi veritas. Fiction yields to truth; where the truth appears, there is no fiction of law.

Fictio est contra veritatem, sed pro veritate habetur. Fiction is contrary to the truth, but it is regarded as truth.

Fictio juris non est ubi veritas. Where truth is, fiction of law does not exist.

Fictio legis inique operatur alicui damnum vel injuriam. Fiction of law works unjustly if it works loss or injury to anyone.

Fides est obligatio conscientiae alicujus ad intentionem alterius. Faith is an obligation of conscience of one to the will of another.

Fides servanda est. Faith must be observed. • An agent must not violate the confidence reposed in him or her.

Fides servanda est; simplicitas juris gentium praevalat. Faith is to be preserved; the simplicity of the law of nations should prevail.

Fieri non debet, sed factum valet. It ought not to be done, but if done it is valid.

Filiatio non potest probari. Filiation cannot be proved. • That is, the husband is presumed to be the father of a child born during coverture.

Filius est nomen naturae, sed haeres nomen juris. “Son” is a name of nature, but “heir” a name of law.

Filius in utero matrix est pars viscerum matrix. A child in the mother’s womb is part of the mother’s vitals.

Finis rei attendendus est. The end of a thing is to be attended to.

Finis unius diei est principium alterius. The end of one day is the beginning of another.

Firmior et potentior est operatio legis quam dispositio hominis. The operation of law is firmer and more powerful than the will of man.

Flumina et portus publica sunt, ideoque jus piscandi omnibus commune est. Rivers and ports are public; and therefore the right of fishing is common to all.

Foeminae ab omnibus officiis civilibus vel publicis remotae sunt. Women are excluded from all civil and public charges or offices.

Foeminae non sunt capaces de publicis officiis. Women are not qualified for public offices.

Forma dat esse. Form gives being.

Forma legalis forma essentia. Legal form is essential form.

Forma non observata, infertur adnullatio actus. When form is not observed, a nullity of the act is inferred.

Frequentia actus multum operatur. The frequency of an act has much effect. • Continual usage establishes a right.

Fructus pendentes pars fundi videntur. Hanging fruits are considered part of the parcel of land.
Fructus perceptos villae non esse constat. It is agreed that gathered fruits are not a part of the farm.

Frumenta quae sata sunt solo cedere intelliguntur. Grain that has been sown is understood to belong to the soil.

Frustra agit qui judicium prosequi nequit cum effectu. A person sues in vain who cannot prosecute his judgment with effect.

Frustra est potentia quae nunquam venit in actum. Power that never comes to be exercised is useless.

Frustra expectatur eventus cuius effectus nullus. An event is vainly awaited from which no effect follows.

Frustra leges nisi subditis et obedientibus. Laws are made to no purpose except for those who are subject and obedient.

Frustra fit per plura quod fieret per pauciorem. That is done vainly through many measures if it can be accomplished through fewer.

Frustra probatur quod probatum non relevat. It is useless to prove what if proved would not aid the matter in question.

Furio auxiliarii quae non possit contrahere (gerere) potest (quia non intelligit quod agit). An insane person cannot make a contract (because he does not understand what he is doing).

Furio solo furore punitur. An insane person is punished by insanity alone.

Furio statim alteri reddere cogeris. Vainly you seek what you will immediately be compelled to give back to another.

Furio probatur quod probatum non relevat. It is useless to prove what if proved would not aid the matter in question.

Furor contrahit matrimonium non sinit, quia consensu opus est. Insanity prevents marriage from being contracted, because consent is needed.

Furium est contrectatio rei alienae fraudulenta, cum animo furandi, invitoillo dominocuius res illa fuerat. Theft is the fraudulent handling of another's property, with an intention of stealing, against the will of the proprietor, whose property it had been.

Furium non est ubi initium habet detentionis per dominium rei. There is not theft where the holder has a beginning of detention (began holding the object) through ownership of the thing.

Generale dictum generaliter est interpretandum. A general expression is to be construed generally.

Generale dictum generaliter est interpretandum: generalia verba sunt generaliter intelligenda. A general statement is to be construed generally: general words are to be understood generally.

Generale nihil certi implicat. A general expression implies nothing certain.

Generale tanti valet in generalibus quantum singulare in singulis. What is general has as much validity among things general as what is particular does among things particular.

Generalia praecedunt, specialia sequuntur. Things general precede; things special follow.

Generalia specialibus non derogant. Things general do not restrict (or detract from) things special. [Cases: Statutes 162, 194.]

Generalia sunt praeponenda singularibus. General things are to be put before particular things.

Generalia verba sunt generaliter intelligenda. General words are to be understood in a general sense.

Generalibus specialia derogant. Things special restrict things general.

Generalis clausula non porrigitur ad ea quae anteriora specialiter sunt comprehensa. A general clause does not extend to those things that have been previously provided for specifically.

Generalis regula generaliter est intelligenda. A general rule is to be understood generally.

Glossa viperina est quae corrodit viscera textus. It is a poisonous gloss that gnaws away the vitals of the text.

Grammatica falsa non vitiat chartam. False grammar does not vitiate a deed.

Gravius est divinam quam temporalem laedere majestatem. It is more serious to hurt divine than temporal majesty.

Habemus optimum testem, confitentem reum. We have the best witness, a confessing defendant.

Haeredem Deus facit, non homo. God, and not man, makes the heir.

Haeredipetae suo propino vel extraneo, periculo suo custodi, nullus committatur. Let no ward be entrusted to the next heir in succession, whether his own relation or a stranger, as the next heir is surely a dangerous guardian. Co. Litt. 88b.

Haereditas est successio in universum jus quod defunctus habuerat. Inheritance is the succession to every right possessed by the late possessor.

Haereditas nihil aliud est quam successio in universum jus, quod defunctus habuerat. The right of inheritance is nothing other than the faculty of succeeding to all the rights of the deceased.
Haereditas nunquam ascendit. An inheritance never ascends.

Haeredum appellatione veniunt haeredes haeredum in infinitum. By the title of heirs, come the heirs of heirs to infinity.

Haeres est alter ipse, et filius est pars patris. An heir is another self, and a son is a part of the father.

Haeres est aut jure proprietatis aut jure representationis. A person is an heir by either right of property or right of representation.

Haeres est eadem persona cum antecessore. The heir is the same person as the ancestor.

Haeres est nomen collectivum. “Heir” is a collective noun.

Haeres est nomen juris, filius est nomen naturae. “Heir” is a term of law; “son” is one of nature.

Haeres est pars antecessoris. An heir is a part of the ancestor.

Haeres haeredis mei est meus haeres. The heir of my heir is my heir.

Haeres legitimus est quem nuptiae demonstrant. The lawful heir is the one whom the marriage indicates (i.e., who is born in wedlock).

Haeres minor uno et viginti annis non respondebit, nisi in casu dotis. An heir under 21 years of age is not answerable, except in the matter of the dower.

Hoc servabitur quod initio con venit. That shall be preserved which is useful in the beginning.

Home ne sera puny pur suer des briefes en court le roy, soit il a droit ou a tort. A person shall not be punished for suing out writs in the king’s court, whether the person is right or wrong.

Hominum causa jus constitutum est. Law was established for the benefit of humankind.

Homo et capax et incapax esse potest in diversis temporibus. A person may be capable and incapable at different times. • This maxim is sometimes written Homo potest esse habilis et inhabilis diversis temporibus (same sense).

Homo vocabulum est naturae; persona juris civilis. “Man” (homo) is a term of nature; “person” (persona), a term of civil law.

Hora non est multum de substantia negotii, licet in appello de ea aliquando fiat mentio. The hour is not of much consequence to the substance of business, although in appeal it is sometimes mentioned.

Hostes sunt qui nobis vel quibus nos bellum decernimus; caeteri prodictores vel praedones sunt. Enemies are those on whom we declare war, or who declare it against us; all others are traitors or pirates.

Ibi semper debet fieri triatio ubi juratores meliorem possunt habere notitiam. A trial should always be held where the jurors can have the best information.

Id certum est quod certum reddi potest. That is certain which can be made certain.

Id certum est quod certum reddi potest, sed id magis certum est quod de semetipso est certum. That is certain which can be made certain, but that is more certain which is certain of itself.

Idem agens et patiens esse non potest. The same person cannot be both agent and patient (i.e., the doer and person to whom the thing is done).

Idem est facere et non prohibere cum possis. It is the same thing to commit an act and to refuse to prohibit it when you can.

Idem est facere et non prohibere cum possis; et qui non prohibet cum prohibere possit in culpa est (aut jubet). It is the same thing to commit an act and not to prohibit it when you can; and he who does not prohibit when he can prohibit is at fault (or does the same as ordering it to be done).

Idem est nihil dicere et insufficienter dicere. It is the same thing to say nothing and not to say enough. • To say a thing in an insufficient manner is the same as to say it at all. Applied to the plea of a prisoner.

Idem non esse et non apparet. It is the same thing not to be as not to appear. • What does not appear on the record is considered nonexistent.

Idem non probari et non esse; non deficit jus sed probatio. It is the same thing not to be proved and not to exist; the law is not deficient but the proof.

Idem est scire aut scire debere aut potuisse. To be bound to know or to have been able to know is the same as to know.

Idem non esse et non apparere. It is the same thing not to exist and not to appear.

Idem semper antecedenti proximo refertur. Idem (the same) always refers to the nearest antecedent.

Identitas vera colligitur ex multitudine signorum. True identity is collected from a great number of signs.

Id perfectum est quod ex omnibus suis partibus constat. That is perfect which is complete in all its parts.

Id perfectum est quod ex omnibus suis partibus constat; et nihil perfectum est dum aliquid restat agendum. That is perfect which is complete in all its parts; and nothing is perfect while anything remains to be done.

Id possussum quod de jure possimus. We are able to do that which we can do lawfully.

Id quod est magis remotum non tranhit ad se quod est magis junctum, sed e contrario in omni casu. That which is more removed does not draw to itself what is more closely joined, but to the contrary in every case.

Id quod nostrum est sine facto nostrum alicui est transferri non potest. What belongs to us cannot be transferred to another without our act (or deed).

Id solum nostrum quod debitis deductis nostrum est. That alone is ours which is ours after debts have been deducted.
*Id tantum possimus quod de jure possimus.* We can do only what we can lawfully do.

*Ignorantia eorum quae quis scire tenetur non excusat.* Ignorance of those things that anyone is bound to know does not excuse.

*Ignorantia excusatur non juris sed facti.* Ignorance of fact is excused but not ignorance of law.

*Ignorantia facti excusat, ignorantia juris non excusat.* Ignorance of fact excuses; ignorance of law does not excuse.  
- Every person must be considered cognizant of the law; otherwise, there is no limit to the excuse of ignorance. [Cases: Criminal Law 33; Equity 6.]

*Ignorantia judicis est calamitas innocentis.* The ignorance of the judge is the misfortune of the innocent.

*Ignorantia juris non excusat.* Ignorance of the law does not excuse. [Cases: Criminal Law 32; Equity 7.]

*Ignorantia juris quod quisque scire tenetur neminem excusat.* Ignorance of the law, which everyone is bound to know, excuses no one.

*Ignorantia juris sui non praepredicat juri.* Ignorance of one’s right does not prejudice the right.

*Ignorantia legis neminem excusat.* Ignorance of law excuses no one.

*Ignorantia praemunitur ubi scientia non probatur.* Ignorance is presumed where knowledge is not proved.

*Ignorare legis est lata culpa.* To be ignorant of the law is gross neglect of it.

*Ignoratisternisartis, ignatutetars.* Where the terms of an art are unknown, the art is also unknown.

*Ignoscitur ei qui sanguinem suum qualiter redemptum voluit.* A person is forgiven who chose to purchase his own blood (or life) on any terms whatsoever.  
- Whatever a person may do under the fear of losing life or limb will not be held binding on him in law. 1 Bl. Com. 127.

*Illud quod alias licitum non est, necessitas facit licitum, et necessitas inducit privilegium quod jure privatur.* That which is not otherwise lawful, necessity makes lawful; and necessity brings in as a privilege what is denied by right. 10 Coke 61.

*Illud quod alteri unitur extinguitur, neque amplius per se vacare licet.* That which is united to another is extinguished, nor can it again be detached.

*Immobilia situm sequuntur.* Immovables follow (the law of) their locality.

*Impereii majestas est tutelae salus.* The majesty of the empire is the safety of its protection.

*Imperitia culpae anumeratur.* Unskillfulness is reckoned as a fault (as blameworthy conduct or neglect).

- Also termed *Imperitia enumeratur culpae.*

*Imperitia est maxima mechanicorum poena.* Unskillfulness is the greatest punishment of mechanics (i.e., from its effect in making them liable to those by whom they are employed).

*Impersonalitas non concludit nec ligat.* Impersonality neither concludes nor binds.

*Impius et crudelis judicandus est qui libertati non favet.* A person is to be judged impious and cruel who does not favor liberty.

*Impenibilium nulla obligatio est.* There is no obligation to perform impossible things.

*Impotenti excusat legem.* Powerlessness excuses (or dispenses with) law.  
- The impossibility of doing what is required by the law excuses nonperformance or nonenforcement. 2 Bl. Com. 127.

*Improbri rumores dissipati sunt rebellionis prodromi.* Wicked rumors spread abroad are the forerunners of rebellion.

*Impunitas continentum affectum tribuit delinquendi.* Impunity provides a constant inclination to wrongdoing. 4 Coke 45.

*Impunitas semper ad deteriorem invitat.* Impunity invites (an offender) to ever worse offenses.

*In aequali jure melior est conditio possidentis.* When the parties have equal rights, the condition of the possessor is the better.

*In alta proditione nullus potest esse accessorius sed principalis solummodo.* In high treason no one can be an accessory but only a principal.

*In alternativis electio est debitoris.* The debtor has the choice among alternatives.

*In ambiguo voce legis ea potius accipiendae est significatione quam viito careat.* In an ambiguous expression of the law, the meaning will be preferred that is free of defect, especially when the intent of the law can be gathered from it.

*In ambiguis casibus semper praesumptio pro rege.* In doubtful cases the presumption is always in favor of the king.

*In ambiguus orationibus maxime sententia spectanda est ejus qui eas protulisset.* In ambiguous expressions, the opinion (or meaning) of the person who made them is chiefly to be regarded.

*In ambitu sermone non utrumque dicimus sed id duntaxat quod volumus.* When the language we use is ambiguous, we do not use it in a double sense, but merely in the sense that we intend.

*In Anglia non est interregnium.* In England there is no interregnium.  
- The heir to the throne is understood to succeed from the instant of his predecessor’s death or removal.

*In atrocioribus delictis punitur affectus licet non sequatur effectus.* In the more atrocious crimes, the intent (or attempt) is punished even if the effect does not follow.
In casu extremae necessitatis omnia sunt communia. In a case of extreme necessity, everything is in common.

Incaute factum pro non facto habetur. An alteration done carelessly (inadvertently) will be taken as not done. Dig. 28.4.1.

Incendium aere alieno non exuit debitorem. A fire does not release a debtor from his debt.

Incerta quantitas vitiat actum. An uncertain quantity vitiates the act.

Incivile est nisi tota sententia inspecta, de aliqua parte judicare. It is improper to give an opinion on any part of a passage without examining the whole.

In civilibus ministerium excusat, in criminalibus non. Things uncertain are considered as nothing.

In civilibus, ministerium excusat, in criminalibus non. Things uncertain are considered as nothing.

In claris non est locus conjecturis. In obvious instances there is no room for conjectures.

Inclearis non est locus conjecturis. In obvious instances there is no room for conjectures.

Inclusio unius est exclusio alterius. See Expressio unius est exclusio alterius.

Incolas domicilium facit. Literally, the domicile makes the residents. \( \text{\textbullet} \) That is, the principal place of residence establishes legal residency. Often rendered conversely, Incola domicilium facit (residence creates domicile).

In commodato haec pactio, ne dolus praestetur, rata non est. In a loan for use (commodatum), a pact excluding liability for fraud is invalid. \( \text{\textbullet} \) Often extended to contracts for loans in general. Dig. 13.6.17.

In commodatum non solvit argumentum. An inconvenience does not solve (or demolish) an argument.

In conjunctivis aportet utramque partem esse veram. In conjunctive constructions, each part must be true.

In consimili casu consimile debet esse remedium. In a similar case, the remedy should be similar.

In consuetudinibus non diuturnitas temporis sed soliditas rationis est consideranda. In customs, not length of time but the soundness of the reason should be considered.

In contractibus, benigna; in testamentis, benignior; in restitutionibus, benignissima interpretatio facienda est. In contracts, the interpretation or construction should be liberal; in wills, more liberal; in restitutions, most liberal.

In contractibus, rei veritas potius quam scriptura perspicie debet. In contracts, the truth of the matter ought to be regarded rather than the writing.

In contractibus tacite insunt quae sunt moris et consuetudinis. In contracts, matters of custom and usage are tacitly implied. \( \text{\textbullet} \) A contract is understood to contain the customary clauses, although they are not expressed.

In contrahenda venditio, ambiguum pactum contra venditorem interpretandum est. In the contract of sale, an ambiguous agreement is to be interpreted against the seller.

In conventionibus, contrahentium voluntas potius quam verba spectari placuit. In agreements, the intention of the contracting parties should be regarded more than their words.

In incorporeis bello non adquiruntur. Incorporeal things are not acquired by war.

In criminalibus probationes debent esse luce dariores. In criminal cases, the proofs ought to be clearer than light.

In criminalibus sufficit generalis malitia intentionis cum facto paris gradus. In criminal cases, a general wickedness of intention is sufficient if combined with an act of equal or corresponding degree.

In criminalibus voluntas reputabitur pro facto. In criminal matters, the intent will be reckoned as the deed. \( \text{\textbullet} \) In criminal attempts or conspiracy, the intention is considered in place of the act. 3 Inst. 106.

Inde datae leges ne fortior omnia posset. Laws were made lest the stronger should have unlimited power.

Indefinitum aequipollet universalis. The undefined is equivalent to the whole.

Indefinitum supplet locum universalis. The undefined supplies the place of the whole.

Independenter se habet assecuratio a viaggio navis. The route insured is distinct from the voyage of the ship.

Index animi sermo. Speech is the index of the mind. \( \text{\textbullet} \) This maxim is also sometimes written Index animi sermo est (and can also be translated as, “Speech is an indication of thought”).

Indictment de felony est contra pacem domini regis, coronam et dignitatem suam, in genere et non in individuo; quia in Anglia non est interregnum. Indictment for felony is against the peace of our lord the king, his crown and dignity, in general and not in his individual person; because in England there is no interregnum.

In disjunctivis sufficit alteram partem esse veram. In disjunctive constructions, it is sufficient if either part is true.

In dubiis benigniora praeferenda sunt. In doubtful cases, the more liberal constructions are to be preferred.

In dubiis magis dignum est accipienda. In doubtful cases, the more worthy is to be accepted.

In dubiis non praesumitur pro testamento. In doubtful cases, there is not presumption in favor of the will.

In dubio, haec legis constructio quam verba ostendunt. In a doubtful case, the construction of the law is what the words indicate.
In dubio, pars mitior est sequenda. In a doubtful case, the gentler course is to be followed.

In dubio, pro lege fori. In a doubtful case, the law of the forum (is to be favored).

In dubio, sequendum quod tutius est. In a doubtful case, the safer course is to be followed.

In eo quod plus sit semper inest et minus. The lesser is always included in the greater.

Inesse potest donationi modus, conditio sive causa; ut modus est; si conditio; quia causa. In a gift there may be manner, condition, or cause; as (ut) introduces a manner; if (si), a condition; because (quia), a cause.

In expositione instrumentorum, mala grammatica, quod fieri potest, vitanda est. In the construction of instruments, bad grammar is to be avoided as much as possible.

In facto quod se habet ad bonum et malum magis de bona quam de malo lex intendit. In an act (or deed) that may be considered good or bad, the law looks more to the good than to the bad.

Infans non multum a furioso distat. An infant does not differ much from a lunatic.

In favorabilibus magis attenditur quod prodest quam quod nocet. In things favored, what does good is more regarded than what does harm.

In favorem vitiae, libertatis, et innocentiae omnia praesumuntur. All presumptions are in favor of life, liberty, and innocence.

In fictione juris semper aequitas existit. In a fiction of law there is always equity. • A legal fiction is always consistent with equity.

In fictione juris semper substesit aequitas. In a legal fiction equity always abides (or prevails).

Infinitum in jure reprobatur. That which is endless is condemned in law.

In generalibus latet error. Error lurks in general expressions. • This maxim is sometimes written in generalibus versatur error (meaning "error dwells in general expressions").

In genere quicunque aliquid dicit, sive actor sive reus, necesse est ut probati. In general, whoever alleges anything, whether plaintiff or defendant, must prove it.

In haeredes non solent transire actiones quae poenales ex maleficio sunt. Penal actions arising from anything of a criminal nature do not pass to heirs.

In his enim quae sunt favorabilia animae, quamvis sunt damnosa rebus, flat aliquando extensio statuti. In things that are favorable to the spirit, though injurious to property, an extension of the statute should sometimes be made.

In his quae de jure communi omnibus conceduntur, consuetudo aliquus patriae vel loci non est alleganda. In those things that by common right are conceded to all, the custom of a particular country or place is not to be added.

Iniquissima pax est anteponenda justissimo bello. The most unjust peace is to be preferred to the justest war.

Iniquum est alios permettere, alios inhibere mercuratum. It is inequitable to permit some to trade and to prohibit others to do so.

Iniquum est alicuem rei sui esse judicem. It is unjust for anyone to be judge in his own cause.

Iniquum est ingenius hominibus non esse liberam rerum suarum alienationem. It is unjust for freeborn individuals not to have the free disposal of their own property.

In judiciis minori aetati succurrit. In judicial proceedings, allowance is made for a minor (in age).

In judicio non creditur nisi juratis. In court no one is trusted except those sworn.

In jure non remota causa, sed proxima, spectatur. In law, the proximate, and not the remote, cause is regarded. [Cases: Negligence 338.]

In jure omnis definitio periculosae est. In law every definition is dangerous.

Injuria fit ei cui convicium dictum est, vel de eo factum carmen famosum. An injury is done to the person of whom an insult was said, or concerning whom an infamous song was made.

Injuria illata judici, seu locum tenenti regis, videtur ipsi regi illata, maxime si fiat in exercente officium. An injury offered to a judge, or person representing the king, is considered as offered to the king himself, especially if it is done in the exercise of his office.

Injuria non excitat inertiam. A wrong does not excite a wrong.

Injuria non praesumitur. A wrong is not presumed.

Injuria propria non cadet beneficium facientes. No benefit shall accrue to a person from his own wrongdoing.

Injuria servidominum pertinet. It is the servant’s wrongdoing that reaches the master. • The master is liable for injury done by his servant.

Injustum est, nisi tota lege inspecta, de una aliqua ejus particula proposita judicire vel respondere. It is unjust to give judgment or opinion concerning any particular clause of a law without having examined the whole law.

In majore summa continetur minor. In the greater sum is contained the less.

In maleficiis voluntasspectatur, non exitus. In criminal offenses, the intention is regarded, not the event.

In maleficio ratihabitio mandato comparatur. In delict (or tort), ratification is equivalent to authorization. Dig. 43.16.1.15.

In maxima potentia minima licentia. In the greatest power there is the least license.
In mercibus illicitis non sit commercium. Let there be no commerce in illicit goods.

In novo casu novum remedium apponendum est. In a novel case a new legal remedy must be applied.

In obscuris inspicis oleore quod verisimilius est, aut quod plerumque fieri soleat. In obscure cases it is usual to regard what is more probable or what is more often done.

In obscuris quod minimum est sequimur. In obscure cases, we follow what is least so.

In adiunm spoliatoris omnia praeumuntur. Everything is presumed to the prejudice of the despoiler. [Cases: Evidence C=>78.]

In omnibus actione ubi duae concurrunt distictiones, videat qui perspicuum reliquum habere dicat. In every action where two distresses (or forms of distraint) concur, that is in rem and in personam, the distraint is to be chosen that is more dreaded and that binds more firmly. Bracton 372.

In omnibus contractibus, sive nominatis sive incommis­tis, permutatio continetur. In all contracts, whether express or implied, there must be something given in exchange. 2 Bl. Com. 444.

In omnibus (fere) poenalis judicis, et aetati et impru­dentiae succurrunt. In almost all penal judgments, allowance is made for age (or youth) and lack of discretion. Dig. 50.17.108.

In omnibus obligationibus, in quibus dies non ponitur, prae­sentia die debetur. In all obligations, when no date is fixed (for performance), the thing is due the same day.

In omnibus requinse, maxime tamen in jure, aequitas spectanda sit. In all affairs indeed, but especially in those that concern the administration of justice, equity should be regarded.

In omni re nascitur res quae ipsam rem externamin. In everything, the thing is born that ends the thing itself.

In pari causa possessor potior haberi debet. When two parties have equal claims, the possessor should be considered the stronger. • The phrase is also translated in this way: in an equal case the possessor ought to be preferred.

In pari causa potior est conditio possidentis. When two parties have equal claims, the position of the possessor is the stronger.

In pari delicto melior est conditio possidentis. When both parties are equally at fault, the position of the possessor is the better.

In pari delicto potior est conditio defendentis. Where both parties are equally in the wrong, the position of the defendant is the stronger. [Cases: Action C=>4; Equity C=>65.]

In poenalis causis benignius interpretandum est. In penal cases, the more liberal interpretation is to be made.

In praeparatoris ad judicium favetur actori. In things preparatory to trial, the plaintiff is favored.

In praeasentia majoris cessat potestas minoris. In the presence of the superior, the power of the inferior ceases. • This maxim is sometimes written In praeasentia majoris potestatis, minor potestas cessat (meaning “in the presence of the superior power, the minor power ceases”).

In pretio emptionis et venditionis naturaliter licet contra­tentibus se circumvenire. In setting the price for buying and selling, it is naturally allowed to the contracting parties to get the better of each other.

In propria causa nemo judex. No one can be judge in his own cause.

In quo quis delinquit, in eo de jure est puniendus. In whatever matter one offends, in that the person is rightfully to be punished. • Coke refers to forfeiture of the office abused. Co. Litt. 233b.

In rebus manifestis errat qui auctoritates legum allegat; quia perspicua vera non sunt probanda. A person errs who adduces authorities on the law in matters self-evident; because obvious truths need not be proved.

In rebus quae sunt favorabilia animae, quamvis sunt damnosa rebus, fiat aliquando extensio statuti. In things that are favorable to people, though injurious to the things, a statute should sometimes be extended.

In re communi neminem dominorum jure facere quicquam, invitio altero, posse. In common property no one of the coproprietors can do (or make) anything against the will of the other. Dig. 10.3.28.

In re dubia benigniorum interpretationem sequi non minus justius est quam tuitus. In a doubtful matter, to follow the more liberal interpretation is as much the more just as it is the safer course.

In re dubia magis in ficiatione quam affirmatio intel­ligenda. In a doubtful matter, the negation is to be understood rather than the affirmation.

In re dubia admodum est aliqui licentiam tribuere sententiae. It is extremely unjust to assign anyone the privilege of judgment in his own cause.

In re pari potioriorem causam esse prohibentis constat. Where the parties have equal rights (in common property), it is an established principle that the one prohibiting has the stronger cause. Dig. 10.3.28.

In re propria iniquum admodum est aliqui licentiam tribuere sententiae. It is extremely unjust to assign anyone the privilege of judgment in his own cause.

In restitutionem, non in poenam, haeres succedit. The heir succeeds to the restitution, not the penalty.
In restitucionibus benignissima interpretatio facienda est. The most favorable construction is to be made in restitutions.

Insanus est qui, abjecta ratione, omnia cum impetu et furore facit. The person is insane who, having cast aside reason, does everything with violence and rage.

In satisfactionibus non permittitur amplius fieri quam semel factum est. In payments, it is not permitted that more be received than has been received once for all (i.e., after payment in full).

Instans est finis unius temporis et principium alterius. An instant is the end of one time and the beginning of another.

In stipulationibus cum quaeritur quid actum sit, verba contra stipulatorem interpretanda sunt. In agreements, when there is a question whether action has been taken, the terms are to be interpreted against the party offering them.

Inter arma silent leges. Amid the arms of war the laws are silent.

In suo quisque negotio hebetior est quam in alieno. Everyone is less perceptive (of flaws) in his own business than in that of another.

Intentio caeca mala. A concealed intention is an evil one.

Intentio inservire debet legibus, non leges intentioni. The intention ought to be subject to the laws, not the laws to the intention.

Intentio mea imponit nomen operi meo. My intent gives a name to my act.

Inter alios res gestas aliis non posse praecidere saepe constitutum est. It has been often decided that matters transacted between other parties cannot cause prejudice (to those who were not involved).

Inter arma silent leges. Amid the arms of war the laws are silent.

Interdum venit ut exceptio quae prima facie justa videtur tamen inique noceat. It sometimes happens that a plea that seems prima facie just is nevertheless injurious and unfair.

Interest reipublicae ne maleficia remaneant impunita. It is in the interest of the state that crimes not remain unpunished.

Interest reipublicae ne sua quis male utatur. It is in the interest of the state that no one misuse his own property.

Interest reipublicae quod homines conserventur. It is in the interest of the state that people should be protected.

Interest reipublicae res judicatas non rescindi. It is in the interest of the state that judgments already given not be rescinded.

Interest reipublicae suprema hominum testamenta rata haberi. It is in the interest of the state that a person’s last will should be held valid.

Interest reipublicae ut carceres sint in tuto. It is in the interest of the state that prisons should be secure.

Interest reipublicae ut pax in regno conservetur et queaeunque paci adversentur provide declinentur. It is in the interest of the state to preserve peace in the kingdom and prudently to decline whatever is adverse to it.

Interest reipublicae ut quilibet re sua bene utatur. It is in the interest of the state that each person make good use of his own property.

Interest reipublicae ut sit finis litium. It is in the interest of the state that there be a limit to litigation.

Interpretare et concordare leges legibus est optimus interpretandi modus. To interpret and reconcile laws so they harmonize is the best mode of construction.

Interpretatio chartarum benigne facienda est ut res magis valeat quam pereat. The construction of a deed is to be made liberally, that the thing may rather take effect than perish.

Interpretatio fienda est ut res magis valeat quam pereat. Such a construction should be made that the measure may take effect rather than fail.

Interpretatio talis in ambiguis semper fienda est ut evitetur inconveniens et absurdum. In ambiguities, a construction should always be found such that what is unsuitable and absurd may be avoided.

Interruptio multiplex non tollit praescriptionem semel obtentam. Repeated interruptions do not remove a prescription (or acquisition by long use) once it has been obtained.

In testamentis plenius voluntates testatoris intentionem scrutamus. In wills we diligently examine the testator’s intention.

In tota et pars continetur. In the whole the part also is included.

In traditionibus scriptorum (chartarum) non quod dictum est, sed quod gestum (factum) est, inspicitur. In the delivery of writings (deeds), not what is said but what is done is to be considered.

Inutilis labor et sine fructu non est effectus legis. Useless and fruitless labor is not the effect of law.
Inveniens libellum famosum et non corrumpens punitur. A person who discovers a libel and does not destroy it is punished.

In veram quantitatem fidejussor teneatur, nisi pro certa quantitate accessit. Let the surety be held for the true amount unless he agreed for a certain amount.

In verbis non verba sed res et ratio quaerenda est. In wording, it is not the words but the substance and the meaning that is to be sought.

Invito beneficium non datur. No benefit is given to one unwilling. • No one is obliged to accept a benefit against his consent. Dig. 50.17.69.

In vocibus videndum non a quo sed ad quid sumatur. In discourse it is not the point from which but the end to which it is drawn that should be regarded.

 Ipsae legescupiunt ut jure regantur. The laws themselves desire that they should be governed by right.

Ira furor brevis est. Anger is a short insanity.

Ita lex scripta est. So the law is written.

Ita semper fiat relatio ut valeat dispositio. Let the relation be so made that the disposition may stand.

Iter est jus eundi, ambulandi hominis; non etiam jumentum agendi vel vehiculum. A way is a right of going or walking for a human being, and does not include the right of driving a beast of burden or a carriage.

Judex aequitatem semper spectare debet. A judge ought always to regard equity.

Judex ante oculos aequitatem semper habere debet. A judge ought always to have equity before his eyes.

Judex bonus nihil ex arbitrio suo faciat nec propositione domesticae voluntatis, sed juxta leges et jura pronunciet. A good judge should do nothing from his own preference or from the prompting of his private desire; but he should pronounce according to law and justice.

Judex damnatur cum nocens absolvitur. The judge is condemned when the guilty party is acquitted.

Judex debet judicature secundum allegata et probata. It is the proper role of a judge to decide according to the allegations and the proofs.

Judex est lex loquens. The judge is the speaking law.

Judex habere debet duos sales, salem sapientiae, ne sit insipidus, et salem conscientiae, ne sit diabolus. A judge should have two salts: the salt of wisdom, lest he be foolish; and the salt of conscience, lest he be devilish.

Judex non potest esse testis in propria causa. A judge cannot be a witness in his own cause.

Judex non potest injuriam sibi datum punire. A judge cannot punish a wrong done to himself.

Judex non reddir plus quam quod petens ipse requirit. The judge does not give more than the plaintiff himself demands. 
Judicium redditur in invitum, in praesumptione legis. In presumption of law, a judgment is given against one's will.

Judicium semper pro veritate accipit. A judgment is always taken for truth.

Juncta juvant. Things joined together are helpful.

Jura ecclesiastica limitata sunt infra limites separatos. Ecclesiastical laws are limited within separate bounds.

Jura eodem modo destituuntur quo constituuntur. Laws are abrogated or repealed by the same means by which they are made.

Juramentum est indivisible, et non est admittendum in parte verum et in parte falsum. An oath is indivisible; it is not to be accepted as partly true and partly false.

Jura naturae sunt immutabilia. The laws of nature are unchangeable.

Jura praecepta sunt haec, honeste vivere, alterum non laedere, suum cuique tribuere. These are the precepts of the law: to live honorably, not to injure another, to render to each person his due. Just. Inst. 1.1.

Jurisprudentia est divinarum atque humanarum rerum notitia, justi atque injusti scientia. Jurisprudence is the knowledge of things divine and human, the science of the just and the unjust. Just. Inst. 1.1.1.

Jura regis specialia non conceduntur per generalia verba. The special rights of the king are not granted by general words.

Jura sanguinis nullo jure civili dirimi possunt. The rights of blood (or kinship) cannot be destroyed by any civil law.

Jura accrescendi inter mercatores locum non habet, pro beneficio commercii. For the good of commerce, the right of survivorship has no place among merchants.

Jurato creditur in judicio. In judgment credit is given to the swearer.

Juratores debent esse vicini, sufficientes et minus suspecti. Jurors ought to be neighbors, of sufficient means and free from suspicion (literally, less suspected).

Juratores sunt judices facti. The jurors are the judges of fact.

Jurisdictio est potestas de publico introducta, cum necessitate juris dicendi. Jurisdiction is a power introduced for the public good, on account of the necessity of dispensing justice.

Juris effectus in executione consistit. The effect of law (or of a right) consists in the execution.

Jurisprudentia est divinarum et humanarum rerum notitia, justi atque injusti scientia. Jurisprudence is the knowledge of things divine and human, the science of the just and the unjust. Just. Inst. 1.1.

Jurisprudentia legis communis Angliae est scientia socialis et copiosa. The jurisprudence of the common law of England is a social science comprehensive in scope.

Juris quidem ignorantiam cuique nocere, facti verum ignorantiam non nocere. Ignorance of law is prejudicial to everyone, but ignorance of fact is not.

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Jus accrescendi praefertur oneribus. The right of survivorship is preferred to incumbrances.

Jus accrescendi praefertur ultimae voluntati. The right of survivorship is preferred to a last will.

Jus civilis est quod sibi populus constituit. The civil law is what a people has established for itself.

Jus constiitui oportet in his quae ut plurimum accidunt, non quae ex inopinato. Law ought to be made with a view to the cases that happen most frequently, and not to those that are unexpected.

Jus descendit, et non terra. A right descends, and not the land.

Jus dicere (et) non jus dare. To state the right (and) not to endow it. Generally interpreted, to declare the law (and) not to make it.

Jus est ars boni et aequi. Law is the science of what is good and just.

Jus est norma recti; et quicquid est contra normam recti est injuria. The law is the rule of right; and whatever is contrary to the rule of right is an injury.

Jus et fraudes non quae ex inopinato. Right and fraud never abide together.
Jus ex injuria non oritur. A right does not arise from a wrong.

Jus in re inhaerit ossibus usufructuarii. A right in the thing cleaves to the person (literally, the bones) of the usufructuary.

Justurandi forma verbis differt, re convenit; hunc enim sensum habere debet, ut Deus invocetur. The form of taking an oath differs in language, but agrees in meaning; for it ought to have this sense, that God is invoked.

Justurandum inter alios factum nec nocere nec prodesse debet. An oath made between third parties ought neither to hurt nor to profit.

Jus naturale est quod apud homines eandem habet potentiam. Natural right is that which has the same force among (all) mankind.

Jus non habenti tute nonaretur. It is safe not to obey a person who has no right.

Jus publicum privatorm pactis mutari non potest. A public right cannot be changed by agreements of private parties.

Jus publicum et privatum est quod ex naturalibus praecipit, aut gentium, aut civilibis est collectum et quod in jure scripto jus appellatur, id in lege Angliae rectum esse dictur. Public and private law is that which is collected from the precepts of nature, of peoples in general, or of particular states; and what in written law is called "jus" by the law of England is said to be "right."

Jus quo universitates utuntur est idem quod habent privati. The right that corporations exercise is the same as the right that individuals possess.

Jus respetit aequitatem. Law regards equity.

Jus supervenientis autori accrescit successori. An additional or enhanced right for the possessor accrues to the successor.

Justitia debet esse libera, quia nihil iniquius venali justitia; plena, quia justitia non debet claudicare; et celer, quia dilatiao est quaedam negatio. Justice ought not to be bought, for nothing is more hateful than venal justice; full, for justice ought not to be defective; and quick, for delay is a certain denial.

Justitia est constans et perpetua voluntas jus suum cuique tribuendi. Justice is a steady and unceasing disposition to render to every person his due.

Justitia est duplex: severe puniens et vere praevieniens. Justice is double: punishing with severity, and truly preventing.

Justitia est virtus excellens et Altissimo complacens. Justice is an excellent virtue and pleasing to the Most High.

Justitia firmatur solium. By justice the throne is strengthened.

Justitia nemini neganda est. Justice is to be denied to no one.

Justitia non est neganda, non differenda. Justice is not to be denied or delayed.

Justitia non novit patrem nec matrem, solum veritatem spectat justitia. Justice knows neither father nor mother; justice looks to truth alone.

Justum non est aliquem antenatum mortuum facere bastardum, qui pro tota vita sua pro legis habetur. It is not just to make a bastard after his death an elder child who all his life has been accounted legitimate.

Jus vendit quod usus approbat. The law disperses what use has approved.

La conscience est la plus changeante des règles. Conscience is the most changing of rules.

La ley favo1 la vie d'un home. The law favors a man's life.

La ley favour l'inheritance d'un home. The law favors a man's inheritance.

La ley voit plus tost suffer un mischiefe que un inconvenience. The law will sooner suffer a mischief than an inconvenience.

Lata culpa dolo aequiparatur. Gross negligence is equivalent to fraud.

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

Legatos violare contra jus gentium est. It is contrary to the law of nations to do violence to ambassadors.

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

Legatus regis vice fungitur a quo destinatur et honori­dus est sicul ille cujus contrum gerit. An ambassador fills the place of the king by whom he is appointed, and is to be honored in the same way as the person whose place he fills.

Legem enim contractus dat. The contract gives the law.

Legem terrae amittentes perpetuum infamiae notam inde merito incurrunt. Those who lose the law of the land thereby justly incur an eternal stigma of infamy.

Leges Angliae sunt tripartitae: jus commune, consuetudines, ac decreta comitiorum. The laws of England are threefold: common law, customs, and decrees of parliament.

Leges et constitutiones futuris certum est dare formam negotii non ad facta praeterita revocari; nisi nominatim et de praeterito tempore et adhuc pendentibus negotiis cautum sit. Laws and statutes are regarded as regulating future negotiations not past transactions; unless they are expressly made to apply to both past and to pending matters.

Leges figendi et refugendi consuetudo est periculosissima. The practice of adding and annulling laws is a most dangerous one. 4 Coke pref.
**Legis fixit pretio atque refixit.** He shaped and reshaped laws for a price; he promulgated and annulled laws at a price. • The reference is to a judge who took bribes.

**Leges humanae nascentur, vivunt, et moriuntur.** Laws that humans have made are born, live, and die.

**Leges naturae perfectissimae sunt et immutabiles; humani vero juris conditio semper in infinitum decurrit, et nihil est in eo quod perpetuo stare possit.** The laws of nature are most perfect and immutable; but the condition of human law is an unending succession, and there is nothing in it that can stand forever.

**Leges non verbis sed rebus impositae.** Laws are imposed on affairs, not words.

**Leges posteriories priores contrarias abrogant.** Subsequent laws repeal prior conflicting ones. [Cases: Statutes ☐ 159, 162.]

**Leges suum ligent latorem.** The laws of nature aid those who keep watch, not those who sleep (that is, the vigilant, not the negligent). [Cases: Action ☐ 63; Equity ☐ 64.]

**Lex Angliae est lex terrae est.** Where manmade laws fail, the law of nature must be used.

**Legibus sumptis desinentibus, lege naturae utendum est.** Where manmade laws fail, the law of nature must be used.

**Legis minister non tenetur in executione officii sui, fugere aut retrocedere.** The minister of the law is not bound, in the execution of his office, either to flee or to retreat.

**Legis minister non tenetur, in executione officii sui, fugere aut retrocedere.** The minister of the law is not bound, in the execution of his office, either to flee or to retreat.

**Lex aliquando sequitur aequitatem.** The law sometimes follows equity.

**Lex Angliae est lex misericordiae.** The law of England is a law of mercy.

**Lex Angliae lex terrae est.** The law of England is the law of the land.

**Lex Angliae non patitur absurdum.** The law of England does not allow an absurdity.

**Lex Angliae nunquam matris sed semper patris conditionem imitari partum judicat.** The law of England rules that the offspring always follows the condition of the father, never that of the mother.

**Lex Angliae nunquam sine parliamento mutari potest.** The law of England can never be changed without (act of) parliament. • This maxim is sometimes written Lex Angliae sine Parliamento mutari non potest (also translatable as “the law of England cannot be changed but by Parliament”).

**Lex beneficialis rei consimilis remedium praestat.** A beneficial law affords a remedy in a similar case.

**Lex citius tolerare vult privatum damnum quam publicum malum.** The law would sooner endure a private loss than a public evil.

**Lex contra id quod praesumit probationem non recipit.** The law accepts no proof against that which it presumes.

**Lex deficere non potest in justitia exhibenda.** The law cannot fail in dispensing justice.

**Lex de futuro, judex de praeterito.** The law (provides) for the future, the judge for the past.

**Lex dilationes semper exhorret.** The law always abhors delays.

**Lex est ab aeterno.** The law is from eternity.

**Lex est dictamen rationis.** Law is the dictate of reason.

**Lex est exercitus judicum tutissimus dactor.** The law is the safest leader of the army of judges.

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

**Lex est ratio summa, quae jubet quae sunt utilia et necessaria, et contraria prohibet.** Law is the highest form of reason, which commands what is useful and necessary and forbids the contrary.
Lex est sanctio sancta, jubens honesta et prohibens contraria. Law is a sacred sanction, commanding what is right and prohibiting the contrary.

Lex est summus ratio. Law is the highest reason.

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

Lex facit regem. Law makes the king (i.e., makes the monarch king).

Lex favit doti. The law favors dower.

Lex finge ubi subsistit aequitas. The law creates a fiction where equity abides.

Lex intendit vicinum vicini facta scire. The law presumes that one neighbor knows the actions of another.

Lex judicat de rebus necessario faciendi quasi re ipsa factis. The law judges of things that must necessarily be done as if actually done.

Lex necessitas est lex temporis, i.e., instantis. The law of necessity is the law of time, i.e., time present.

Lex neminem cogit ostendere quod nescire praestat. The law forces no one to make known what he is presumed not to know.

Lex nemini facit injuriam. The law does wrong to no one. [Cases: Equity 1641-54.]

Lex nemini operatur iniquum, nemini facit injuriam. The law works an injustice to no one and does wrong to no one. [Cases: Equity 1641-54.]

Lex nil facit frustra, nil jubet frustra. The law does nothing in vain and commands nothing in vain.

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

Lex non cogit ad impossibilita. The law does not compel to impossible ends.

Lex non curat de minimis. The law is not concerned with matters of least consequence. [Cases: Appeal and Error 1511; Equity 1641-34.]

Lex non debet dicere conquerentibus in justitia exhibenda. The law ought not to fail in dispensing justice to those with a grievance.

Lex non officia est violanda. The law does not compel to impossible ends.

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

Lex non favet votis deliberorum. The law does not favor the wishes of the fastidious.

Lex non intendit aliquid impossibile. The law does not intend anything impossible.

Lex non novit patrem, nec matrem; solam veritatem. The law knows neither father nor mother; only the truth.

Lex non oritur ex injuria. The law does not arise from an unlawful act.

Lex non patitur fractiones et divisiones statuum. The law does not tolerate fractions and divisions of estates. 1 Coke 87a.

Lex non praecipit inutilia, quia inutilis labor stultus. The law does not command useless things, because useless labor is foolish. [Cases: Mandamus 1641-16.]

Lex non requirit verificari quod appareat. The law does not require that to be proved which is apparent to the court.

Lex plus laudatur quando ratione probatur. The law is more praised when it is consonant with reason.

Lex posterior derogat priori. A later statute repeals an earlier one.

Lex prophicit, non respicit. The law looks forward, not backward.

Lex punit mendaciam. The law punishes falsehood.

Lex rejicit superflua, pugnantia, incongrua. The law rejects superfluous, contradictory, and incongruous things.

Lex reprobat moram. The law disapproves of delay.

Lex respicit aequitatem. Law regards equity.

Lex scripta si cesset, id custodiri oportet quod moribus servatur. If the written law is silent, that which is drawn from manners and custom ought to be observed; and, if that is in any manner defective, then what is next and consistent with it; and, if that does not appear, then the law that Rome uses should be followed.

Lex semper dabit remedium. The law will always give a remedy.

Lex semper intendit quod convenit rationi. The law always intends what is agreeable to reason.

Lex spectat naturae ordinem. The law regards the order of nature.

Lex succurrir ignoranti. The law assists the ignorant.

Lex succurrir minoribus. The law assists minors.

Lex uno ore omnes alloquitur. The law speaks to all with one mouth.

Lex vigilantibus, non dormientibus, subvenit. Law aids the watchful, not the sleeping.

Liberata pecunia non liberat offerentem. The return of money does not free the party presenting it (from liability).

Libertas est naturalis facultas ejus quod cuique facere libet, nisi quod de jure aut vi prohibetur. Liberty is the natural power of doing whatever one pleases, except what is prevented by law or force.

Libertas est res inestimabilis. Liberty is an inestimable thing.
Libertas inaestimabilis res est. Liberty is a priceless good.

Libertas non recipit aestimationem. Freedom does not admit of valuation.

Libertas omnibus rebus favorabili est. Liberty is more favored than all things.

Libertates regales ad coronam spectantes ex concessione regum a corona exierunt. Royal franchises relating to the Crown have emanated from the Crown by grant of kings.

Libertinum ingratum leges civiles in pristinam servitutem redignunt; sed leges Angliae semel manumis- sum semper liberum judicant. Even if the grant of a future interest is inoperative, yet a declaration precedent may be made that may take effect, provided a new act intervenes.

Liberum corpus nullam recipit aestimationem. The body of a free person allows no price to be set on it. Dig. 9.3.7.

Liberum est cuique apud se explorare an expediat sibi consilium. Everyone is free to ascertain for himself whether a recommendation is advantageous to him.

Librorum appellatione continentur omnia volumina, sive in charta, sive in membrana sint, sive in quavis alia materia. Under the name of books are contained all volumes, whether on paper, or on parchment, or on any other material.

Liget dispositio de interesse futuro sit inutilis, tamen potest fieri declaratio praecedens quae sortiatur effectum interveniente novo actu. Even if the grant of a future interest is inoperative, yet a declaration precedent may be made that may take effect, provided a new act intervenes.

Licita bene miscentur, formula nisi juris obstet. Lawful acts are well joined together, unless some form of law prevents it.

Ligeantia est quasi legis essentia; est vinculum fidei. Allegiance is, as it were, the essence of the law; it is the bond of faith.

Ligeantia est vinculum fidei; ligeantia est legis essentia. Allegiance is the bond of fealty and the essence of law.

Ligeantia naturalis nullis claustris coercetur, nullis metis refranatur, nullis finibus premitur. Natural allegiance is restrained by no barriers, curbed by no bounds, compressed by no limits.

Ligna et lapides sub armorum appellatione non continentur. Sticks and stones are not contained under the name of arms.

Linea recta est index sui et obliqui; lex est linea recta. A right line is an index of itself and of an oblique; law is a right line. Co. Litt. 158b.

Linea recta semper praefertur transversali. The right line is always preferred to the collateral.

Literae patentes regis non erunt vacuae. Letters patent of the king will not be void.

Literae scriptae manent. Written words last.

Litis nomen omnem actionem significat, sive in rem, sive in personam sit. The word “lis” (a lawsuit) signifies every action, whether it is in rem or in personam.

Litus est quoque maximus fluctus a mari pervenit. The shore is where the highest wave from the sea has reached.

L'obligation sans cause, ou sur une fausse cause, ou sur cause illicite, ne peut avoir aucun effet. An obligation without consideration, or on a false consideration, or on unlawful consideration, cannot have any effect.

Locus contractus regit actum. The place of the contract governs the act. [Cases: Contracts C 144.]

Locus pro solutionereditus aut pecuniae secundum conditionem dimissionis aut obligationis est stricte obser- vandus. The place for the payment of rent or money is to be strictly observed according to the condition of the lease or obligation.

Longa patientia trahitur ad consensum. Long sufferance is construed as consent.

Longa possesio est pacis jus. Long possession is a right of peace.

Longa possesio jus parit. Long possession begets a right.

Longa possesio parit jus possidendi et tollit actionem vero domino. Long possession produces the right of possession and deprives the true owner of his action.

Longum tempus et longus usus qui excedit memoriam hominum sufficit pro jure. Long time and long use beyond the memory of men suffice for right.

Loquendum ut vulgus, sentiendum ut docti. We should speak as the common people; we should think as the learned.

L'ou le ley done chose, la ceo done remedie a vener a ceo. Where the law gives a right, it gives a remedy to recover.

Lubricum linguae non facile trahendum est in poenam. A slip of the tongue ought not to be easily subject to punishment.

Lucrum facere ex pupilli tutela tutor non debet. A guardian ought not to make money out of the guardianship of his ward.

Lunaticus, qui gaudet in luddis intervallis. Lunatic persons are not contained under the name of arms.

Lucus est quousque maximus fluctus a mari pervenit. The shore is where the highest wave from the sea has reached.

Magis de bono quam de malo lex intendit. The law favors a good rather than a bad construction. When an agreement’s words are susceptible of both a favorable and unfavorable meaning, the former is adopted. Thus, a bond conditioned to assign all offices will be construed to apply to assignable offices.
**Magister rerum usus; magistra rerum experientia.** Use is the master of things; experience is the mistress of things.

**Magna Charta et Charta de Foresta sunt appelés les deux grandes charters.** Magna Carta and the Charter of the Forest are called the two great charters.

**Magna culpa dolus est.** Great fault (or gross negligence) is equivalent to fraud.

**Magna negligientia culpa est; magna culpa dolus est.** Great negligence is fault; great fraud is fault.

**Maihemium est homicidium inchoatum.** Mayhem is incipient homicide.

**Maihemium est inter crimina majora minimum, et inter Maihemium est homicidium inchoatum.** Mayhem is the least of great crimes, and may be said (to occur) when a person is injured in any part of his body so as to be useless in a fight.

**Major continet in se minus.** The greater includes the less.

**Major poena affectus quam legibus statuta est non est infamis.** A criminal afflicted with a greater punishment than is provided by law is not infamous. 4 Co. Inst. 66.

**Major haereditas venit uniciuque nostrum a jure et legibus quam a parentibus.** A greater inheritance comes to every one of us from right and the laws than comes from parents.

**Majori summae minor inest.** The lesser is included in the greater sum.

**Major numerus in se continet minorem.** The greater number contains in itself the less.

**Majus continet minus.** The greater contains the less.

**Majus dignum trahit ad se minus dignum.** The more worthy draws to itself the less worthy.

**Majus est delictum seipsum occidere quam alium.** It is a greater crime to kill one’s self than another.

**Mala grammatica non vitiat chartam, sed in expositione instrumentorum mala grammatica quoad fieri possit evitanda est.** Bad grammar does not vitiate a deed; but in the construction of instruments, bad grammar, as far as possible, is to be avoided.

**Maledicta expositio quae corruptit textum.** It is a cursed construction that corrupts the text.

**Maleficia non debent remanere impunita, et impunitas continuum affectum tribuit delinquendi.** Evil deeds ought not to remain unpunished, and impunity affords continual incitement to wrongdoing. 4 Coke 45.

**Maleficia propositis distinguuntur.** Misdeeds are distinguished from proposals; crimes are distinguished by the intention (with which they are committed).
Maxime paci sunt contraria vis et injuria. The greatest enemies to peace are force and wrong.

Maximus erroris populus magister. The people are the greatest master of error.

Melior est possidentis. The cause of the possessor is preferable.

Melior est conditio defendentis. The condition of the defendant is the better.

Melior est conditio possidentis et rei quam actoris. Better is the condition of the possessor, and that of the defendant (is better) than that of the plaintiff.

Melior est conditionem suam facere potest minor, detestorem necquaquam. A minor can improve or make his condition better, but in no way worse. • This maxim is sometimes written Meliore conditionem facere potest minor, detestorem necquaquam (also translatable as “a minor can make his condition better, but by no means worse”).

Melior est causa possidentis. The cause of the possessor is preferable.

Melior est conditio defendentis. The condition of the defendant is the better.

Meritus retribuat Rex legi quod lex attribuat ei. The king rightly repays the law what (i.e., the power that) the law ascribes to him; let the king repay to the law what the law attributes to him.

Merex est quidquid vendi potest. Merchandise is whatever can be sold.

Meum est promittere, non dimittere. It is mine to promise, not to discharge.

Minatur innocentibus qui parcit nocentibus. A person threatens the innocent who spares the guilty.

Minima poena corporalis est major qualitatem pecuniarum. The smallest bodily punishment is greater than any pecuniary one.

Minime mutanda sunt quae certam habuerunt interpretationem. Things that have had a fixed interpretation are to be altered as little as possible.

Minimum est nihilum proximum. The least is next to nothing.

Minor ante tempus agere non potest in casu proprietas, nec etiam convenire. A minor before majority cannot act in a case of property, not even to agree.

Minor ante tempus agere non potest in casu proprietas, nec etiam convenire; differetur usque aetatem; sed non cadit breve. A minor before majority cannot act in a case of property, not even to agree; it will be deferred until majority; but a writ does not fail.

Minor jurare non potest. A minor cannot take an oath.

Minor minorem custodire non debet; alios enim praecumtur male regere qui seipsum regere nescit. A minor ought not be guardian of a minor, for he is presumed to govern others ill who does not know how to govern himself.

Minor non tenetur respondere durante minori aetati, nisi in causa dotis, propter favorem. A minor is not bound to answer during his minority, except as a matter of favor in a case of dower.

Minor qui infra aetatem 12 annorum fuerit utulgaris non potest nec extra legem poni, quia ante aetatem non est sub lege aliqua nec in decennia. A minor who is under 12 years of age cannot be outlawed nor placed beyond the law, because before that age he is not under any law nor in a decennary.

Minor septemdecim annis non admittitur fore executorum. A person under 17 years of age is not admitted to be an executor.

Minus solvit qui tardius solvit; nam et tempore minus solvitur. A person pays too little who pays too late; for, from the delay, the payment is less.

Misera est servitus ubi jus est vagum aut incertum. It is a miserable slavery where the law is vague or uncertain.

Mitius imperanti melius paretur. The more mildly one commands, the better is he obeyed.

Mobilia non habent situm. Movable have no fixed site or locality.
Mobilia personam sequuntur, immobilia situm. Movable things follow the person; immovable ones, their locality.

Mobilia sequuntur personam. Movable things follow the person. [Cases: Taxation C==98.]

Modica circumstantia facti jus mutat. A small circumstance attending an act alters the right.

Modus de non decimando non valet. A prescription not to pay tithes is void.

Modus et conventio vincunt legem. Customary form and the agreement of the parties overcome the law. [Cases: Taxation C==98.]

Modus legem dat donationi. Custom (or form) gives law to a gift.

Moneta est justum medium et mensura rerum commutabilium, nam per medium monetae fit omnium rerum conveniens et justa aestimatio. Money is the just medium and measure of all exchangeable things, for by the medium of money a suitable and just estimation of all things is made.

Monetandi jus comprehenditur in regalibus quae nunquam a regio sceptro abdicantur. The right of coining is included among those rights of royalty that are never relinquished by the kingly scepter.

Monumenta quae nos recorda vocamus sunt veritatis et vetustatis vestigia. The monuments that we call records are the vestiges of truth and antiquity.

Mora debitoris non debet esse creditori damnosa. Delay by a debtor ought not to be injurious to a creditor.

Mora reprobatur in lege. Delay is disapproved of in law.

Mors dicitur ultimum supplicium. Death is called the truest antiquity.

Mors omnia solvit. Death dissolves all things.

Mortis momentum est ultimum vitae momentum. The moment of death is the last moment of life.

Mortuus exitus non est exitus. A dead issue is not issue.

Multa damnum famae non irrogat. Fine does not impose a loss of reputation.

Multa multum exercitatione facilius quam regulis perspicies. You will perceive many things much more easily by practice than by rules.

Multa non vetat lex quae tamen tacite damnavit. The law does not forbid many things that yet it has silently condemned.

Multa transeunt cum universitate quae non per se transseunt. Many things pass with the whole that would not pass separately.

Multi multa, nemo omnia novit. Many men know many things; no one knows everything.

Multiplex et indistinctum parit confusionem; et quaestiones quo simpliciores, eo lucidiores. Multiplicity and indistinctness produce confusion: the simpler questions are, the more lucid they are.

Multiplicata transgressionem crescat poenae inflictio. The infliction of punishment should increase with the repetition of the offense. Coke continues, Ex frequenti delicto augetur poena (q.v.). 2 Co. Inst. 479.

Multitudinem decem faciunt. Ten make a multitude.

Multudo errantium non parit errori patrocinium. The multitude of those who err does not produce indulgence for error.

Multitudo imperitorum perdit curiam. A multitude of ignorant practitioners destroys a court.

Multa damnum famae non irrogat. A fine does not impose a loss of reputation.

Multa damnum famae non irrogat. Fine does not impose a loss of reputation.

Multa in jure communi contra rationem disputandi pro communi utilitate introducta sunt. Many things have been introduced into the common law, with a view to the public good, that are contrary to logical reasoning. Co. Litt. 70b.

Multa non facit vacuam, nec lex supervacuum. Nature makes no vacuum, and the law nothing purposeless.
Necessitas excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus. Necessity excuses or extenuates delinquency in capital cases, but does not have the same effect in civil cases.

Necessitas facit licitum quod alias non est licitum. Necessity makes lawful what otherwise is unlawful.

Necessitas vincit legem. Necessity overcomes the law.

Necessitas vincit legem; legum vincula irridet. Necessity overcomes the law; it laughs at the fetters of laws.

Necessaria est lex temporis et loci. Necessity is the law of time and place.

Necessitas inducit privilegium quoad jura privata. Necessity creates a privilege with regard to private rights.

Necessitas non habet legem. Necessity has no law.

Necessitas publica major est quam privata. Public necessity is greater than private necessity.

Necessitas quod cogit defendit. Necessity defends what it compels.

Necessitas sub lege non continetur, quia quod alias non est licitum necessitas facit licitum. Necessity is not restrained by law; since what otherwise is not lawful necessity makes lawful.

Nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum. Nor shall we go upon him, nor send upon him, except by the lawful judgment of his peers; we will not go against him or send against him except by the lawful judgment of his peers. This language appears in Magna Carta, ch. 39.

Nec tempus nec locus occurrat regi. Neither time nor place thwarts the king.

Nec veniam effuso sanguine casus habet. Where blood has been spilled, the case is unpardonable.

Nec veniam, laeso numine, casus habet. Where the Divinity has been insulted, the case is unpardonable.

Negatio conclusionis est error in lege. The denial of a conclusion is error in law.

Negatio destructit negationem, et ambae faciunt affirmationem. A negative destroys a negative, and both make an affirmative.

Negatio duplex est affirmatio. A double negative is an affirmative.

Negligentia semper habet infortunium comitem. Negligence always has misfortune for a companion.

Neminem laedit qui jure suo utituri. A person who exercises his own rights injuries no one.

Neminem oportet esse sapientiorem legibus. No one ought to be wiser than the laws.

Neminem oportet esse sapientiorem legibus. No one ought to be wiser than the laws.

Nemos admittendus est inhabinetare seipsum. No one is allowed to incapacitate himself.

Nemo agit in seipsum. No one acts against himself.

Nemo alienae rei, sine satisdatione, defensor idoneus intelligitur. No one is considered a competent defender of another’s property, without security.

Nemo aliquam partem recte intelligere potest, antequam totum iterum atque iterum perlegerit. No one can properly understand any part of a thing until he has read through the whole again and again.

Nemo allegans suam turpitudinem audiendus est. No one testifying to his own wrong is to be heard as a witness. [Cases: Estoppel 59.]

Nemo auditur propriam turpitudinem allegans. No one is heard when alleging his own wickedness; no one can be heard whose claim is based on his own disgraceful behavior.

Nemo bis punitur pro eodem delicto. No one is punished twice for the same offense.

Nemo cogitationis poenam patitur. No one suffers punishment for his thoughts.

Nemo contra factum saum (proprium) venire potest. No one can contradict his own deed. 2 Co. Inst. 66.

Nemo dare potest quod non habet. No one can give that which he does not have.

Nemo dat qui non habet. No one gives who does not possess.

Nemo dat quod non habet. No one gives what he does not have; no one transfers (a right) that he does not possess.

Nemo dat qui non habet. That which is not his is not his. [Cases: Judgment 540.]

Nemo debet bis vexari pro uno delicto. No one ought to be punished twice for the same offense.

Nemo debet bis vexari pro eadem causa. No one should be twice troubled for the same cause. [Cases: Judgment 540.]

Nemo debet bis vexari pro una et eadem causa. No one ought to be twice troubled for one and the same cause. [Cases: Judgment 540.]

Nemo debet bis vexari, si constet curiae quod sit pro una et eadem causa. No one ought to be twice troubled, if it appears to the court that it is for one and the same cause of action.
Nemo debet esse judex in propria causa. No one should be judge in his own cause. [Cases: Judges 50.17.42.]

Nemo debet immiscere se rei alienae ad se nihil pertinenti. No one should interfere in another's business that does not at all concern him.

Nemo debet in communione invitus teneri. No one should be retained in a partnership against his will.

Nemo debet locupletari alia jactura. No one ought to be enriched out of another's disadvantage.

Nemo debet locupletari ex alterius incommodo. No one ought to be enriched out of another's disadvantage.

Nemo debet rem suam sine factu aut defectu suo amittere. No one should lose his property without his own act or negligence.

Nemo de domo sua extrah potest. No one can be dragged (taken by force) from his own house. Dig. 50.17.103.

Nemo duobus utatur officis. No one should exercise two offices.

Nemo ejusdem tenementi simul potest esse haeres et dominus. No one can be both heir and owner of the same land at the same time.

Nemo enim aliquam partem recte intelligere possit antequam totum iterum atque iterum perlegat. No one may be able rightly to understand one part before he has again and again read through the whole.

Nemo est haeres viventis. No one is an heir of someone living. [Cases: Descent and Distribution 50.17.68; Wills 50.17.506(6).]

Nemo est supra leges. No one is above the laws.

Nemo ex alterius facto praegravari debet. No one ought to be burdened in consequence of another's act.

Nemo ex consilio obligatur. No one is bound for the advice he gives.

Nemo ex dolo suo proprio relevetur aut auxilium capiat. No one can be relieved or gain advantage by his own fraud.

Nemo ex proprio dolo consequitur actionem. No one acquires a right of action from his own wrong (or deception). [Cases: Action 50.17.4.]

Nemo ex suo delicto meliorem suam conditionem facere potest. No one can improve his condition by his own wrong.

Nemo inauditus condemnari debet, si non sit contumax. No one ought to be condemned unheard, unless for contempt. • This maxim is sometimes written Nemo inauditus nec insummonitus condemnari debet, si non sit contumax (meaning "no one should be condemned unheard and unsummoned, unless for contempt").

Nemo in communione potest invitius detineri. No one can be held (to act) in common against his will; no one can be forced to remain in common ownership against his will. • This maxim states the premise that a coowner can always insist on the division of the property owned.

Nemo in propria causa testis esse debet. No one can be a witness in his own cause.

Nemo jus sibi dicere potest. No one can give judgment for himself.

Nemo militans Deo implicetur secularibus negotiis. No one warring for God should be troubled by secular business.

Nemo nascitur artifex. No one is born an expert. • Wisdom in the law is acquired only through diligent study. Co. Litt. 97b.

Nemo patriam in qua natus est exuere, nec ligeantiae debitum ejurare possit. No one can cast off his native land or refuse the obligation of allegiance to it.

Nemo plus commodi haeredi suo relinquit quam ipse habuit. No one leaves a greater asset to his heir than he had himself.

Nemo plus juris ad alienum transferre potest quam ipse haberet. No one can transfer to another a greater right than he himself might have. Dig. 50.17.54. [Cases: Sales 50.17.326.]

Nemo potest contra recordum verificare per patriam. No one can verify by the country against a record. • Certain matters of record cannot be contested in court. 2 Co. Inst. 380.

Nemo potest esse dominus et haeres. No one can be both owner and heir.

Nemo potest esse simul actor et judex. No one can be at the same time suitor and judge.

Nemo potest esse tenens et dominus. No one can be at the same time tenant and landlord (of the same tenement).

Nemo potest exuere patriam. No one can cast off his own country.

Nemo potest facere per alium quod per se non potest. No one can do through another what he cannot do by himself.

Nemo potest facere per obliquum quod non potest facere per directum. No one can do indirectly what he cannot do directly.

Nemo potest mutare consilium suum in alterius injuriam. No one can change his purpose to the injury of another.

Nemo potest nisi quod de jure potest. No one is able to do a thing, unless he can do it lawfully.

Nemo potest plus juris ad alienum transferre quam ipse haberet. No one can transfer to another a greater right than he himself (actually) has. Co. Litt. 309.

Nemo potest praecipe cogi ad factum. No one can be compelled to perform a specific act. • The effect of this maxim is that an order of specific performance is not available.

Nemo potest sibi debere. No one can owe to himself.

Nemo praesens nisi intelligat. One is not present unless he understands.
Nemo praesumitur alienam posteritatem suae praetulisse. No one is presumed to have preferred another’s posterity to his own.

Nemo praesumitur donare. No one is presumed to make a gift.

Nemo praesumitur esse immemor suae aeternae salutatis, et maxime in articulo mortis. No one is presumed to be forgetful of his eternal welfare, and especially at the point of death.

Nemo praesumitur in extremis. No one is presumed to trifile at the point of death.

Nemo praesumitur malus. No one is presumed to be bad.

Nemo prohibetur pluribus defensionibus uti. No one is forbidden to employ several defenses.

Nemo prohibetur pluribus dispositionibus uti. No one is forbidden to employ several defenses.

Nemo proibetur pluribus defensionibus uti. No one is forbidden to employ several defenses.

Nemo prohibetur pluribus definitionibus uti. No one is forbidden to employ several defenses.

Nemo quod praeveniat futura praeveniantur. No one is bound to produce writings against himself. In good Latin, se ipsum appears as two words; but in law the phrase is usually combined to one (se ipsum).

Nemo tenetur seipsum prodere. No one is bound to betray himself.

Nemo unquam judicet in se. Let no one ever be a judge in his own cause.

Nemo unquam vir magnus fuit sine aliquo divino afflatu. No one was ever a great man without some divine inspiration.

Nemo videtur fraudare eos qui scint et consentiunt. No one is considered as deceiving those who know and consent.

Neque leges neque senatus consulta ita scribunt ut omnes casus qui quandoque inciderint comprehenderant; sed sufficient ea quae plurumque accident continent. Neither laws nor acts of senate can be so written as to include all cases that have happened at any time; it is sufficient that those things that usually occur are encompassed. Dig. 1.3.10. pr.

Ne quid in loco publico vel itineri fiat. Let nothing be done (put or erected) in a public place or way. The title of an interdict in the Roman law.

Nigrum nunquam excedere debet rubrum. Nothing should never go beyond the red, or title. The title of an interdict in the Roman law.

Nihil aliud potest rex quam de jure potest. The king can do nothing but what he can do legally; the king can do nothing except by law.

Nihil aliud potest in contrarium est quam vis atque metus. Nothing is so opposite to consent as force and fear.

Nihil dat qui non habet. A person gives nothing who has nothing.

Nihil de re accrescit ei qui nihil in re quando jus accrescerat habet. Nothing from a property accrues to a person who had no interest in the property when the right accrued. Co. Litt. 188.

Nihil dictum quod non dictum prius. Nothing is said that was not said before.

Nihil est enim liberale quod non idem justum. For there is nothing generous that is not at the same time just.

Nihil est magis rationi consentaneum quam eodem modo quodque dissolvere quo confinatum est. Nothing is more consonant to reason than that everything should be dissolved in the same way as it was made.

Nihil facit error nominis cum de corpore constat. An error in the name is nothing when there is certainty as to the person.

Nihil habet forum ex scena. The court has nothing to do with what is not before it.
Nihil infra regnum subditos magis conservat in tranquilitate et concordia quam debita legum administratio. Nothing better preserves the subjects of the realm in tranquility and concord than a due administration of the laws. 2 Co. Inst. 158.

Nihil iniquius quam aequitatem nimis intendere. Nothing is more unjust than to extend equity too far.

Nihil in lege intolerabilius est (quam) eandem rem diverso jure censeri. Nothing in law is more intolerable than that the same case should be subject (in different courts) to different views of the law.

Nihil magis justum est quam quod necessarium est. Nothing is more just than what is necessary.

Nihil nequam est praesumendum. Nothing wicked is to be presumed.

Nihil perfectum est dum aliquid restat agendum. Nothing is perfect while something remains to be done.

Nihil peti potest ante id tempus quo per rerum naturam persolvit possit. Nothing can be demanded before the time when, in the nature of things, it can be paid.

Nihil possimus contra veritatem. We have no power against truth.

Nihil praescribitur nisi quod possidetur. Nothing can be prescribed for what is not possessed.

Nihil quod est contra rationem est licitum. Nothing that is improper is lawful. Co. Litt. 66a.

Nihil quod est inconveniens est licitum. Nothing that is improper is lawful.

Nihil quod est licitum est inconveniens. Nothing that is lawful is improper.

Nihil simul inventum est et perfectum. Nothing is invented and perfected at the same moment.

Nihil tam conveniens est naturali aequitati quam unumquodque dissolvit eo ligamine quo ligatum est. Nothing is so consonant with natural equity as that each thing should be dissolved by the same means as it was bound.

Nihil tam conveniens est naturali aequitati quam voluntatem domini volentis rem suam in alium transf erre ratam haberit. Nothing is more consistent with natural equity than to confirm the will of an owner who desires to transfer his property to another.

Nihil tam naturale est quam eo genere quidque dissolvere quo colligatum est. Nothing is so natural as that an obligation should be dissolved by the same principle by which it was contracted.

Nihil tam naturale est quam eo genere quidque dissolvere quo colligatum est; ideo verborum obligatio verbis tollitur; nudi consensus obligatio contrario sensus dissolviturus. Nothing is so natural as to dissolve anything in the way in which it was bound together; therefore the obligation of words is taken away by words; the obligation of mere consent is dissolved by the contrary consent.

Nihil tam proprium imperio quam legibus vivere. Nothing is so becoming to authority as to live according to the law.

Nil agit exemplum litem quod lite resolvit. A precedent accomplishes nothing if it settles one dispute by raising another.

Nil facit error nominis cum de corpore vel persona constat. An error in the name is immaterial when the body or person is certain.

Nil sine prudenti fecti ratione vetustas. Antiquity did nothing without a good reason.

Nil temere novandum. Nothing should be rashly changed.

Nimia certitudo certitudinem ipsum destruit. Too great certainty destroys certainty itself.

Nimia subtilitas in jure reprobatur. Too much subtlety in law is condemned.

Nimia subtilitas in jure reprobatur, et talis certitudo certitudinem confundit. Too much subtlety is disapproved of in law, and such certainty confounds certainty.

Nimium altercando veritas amittitur. By too much quarreling truth is lost.

Nobiles magis plectuntur pecunia, plebes vero in corpore. The higher classes are more punished in money, but the lower in person.

Nobiles sunt qui arma gentilitia antecessorum suorum proferre possunt. The gentry are those who are able to produce the heraldic arms of their own ancestors.

Nobiliiores et benigniores praesumptiones in dubiis sunt praeferendae. When in doubt, the more generous and kind presumptions are to be preferred.

Nobilitas est duplex, superior et inferior. There are two sorts of nobility, the higher and the lower.

Nomen est quasi rei notamen. A name is, as it were, the distinctive sign (or signifier) of a thing.

Nomen non sufficit si res non sit de jure aut de facto. A name does not suffice if the thing does not exist by law or by fact.

Nominia si nescis, perit cognitio rerum. If you do not know the names of things, the knowledge of things themselves perishes.

Nominia si nescis, perit cognitio rerum; et nominia si perdas, certe distinctio rerum perditur. If you do not know the names of things, the knowledge of things themselves perishes; and, if you lose the names, the distinction of the things is certainly lost.

Nominia sunt mutabilia, res autem immobiles. Names are mutable, but things immutable.

Nominia sunt notae rerum. Names are the marks of things.

Nominia sunt symbola rerum. Names are the symbols of things.

Non accipi debent verba in demonstrationem falsam, quae competunt in limitationem veram. Words ought...
not to be accepted to import a false description when they are not consistent with a true definition.

Non alio modo puniatur aliquis, quam secundum quod se habet condemnatio. A person may not be punished otherwise than according to what the sentence enjoins.

Non alter a significacione verborum recedi oportet quam cum manifestum est aliud sensisse testatorem. We must depart from the (ordinary) significance of words only when it is evident that the testator had a different understanding. Dig. 32.69. pr.

Non auditur perire volens. One who wishes to perish is not heard.

Non bis in idem (or imperative, ne bis in idem). Not twice for the same thing. That is, a person shall not be twice tried for the same crime. This maxim of the civil law expresses the same principle as the familiar rule against "double jeopardy. [Cases: Double Jeopardy 183.1.]

Non concedatur citationes priusquam exprimatur super qua re fieri decet citatio. Summonses should not be granted before it is expressed on what ground a summons should be issued.

Non consentit qui errat. A person who errs does not consent.

Non dat qui non habet. A person who does not have does not give.

Non debet ali ocic conditionis esse quam auctor meus a quo jus in me transit. I ought not to be in better condition than the person to whose rights I succeed.

Non debet ali nocere quod inter alios actum esset. A person ought not to be injured by what has taken place between other parties.

Non debet actori licere quod reo non permittitur. What is not permitted to the defendant ought not to be allowed to the plaintiff.

Non debet adduci exceptio ejus rei cuius petitur disso­litio. An exception (or plea) should not be made on the very matter of which a determination is sought (in the case at hand).

Non debet ali nocere quod inter alios actum est. A person ought not to be prejudiced by what has been done between others.

Non debet alteri per alterum iniqua conditionis inferri. An unfair condition ought not to be brought on one person by the act of another.

Non debet cui plus licet quod minus est non licere. A person who is permitted to do the greater thing ought not to be forbidden to do the lesser.

Non debet dici tendere in praedjudicium ecclesiasticæ liberatatis quod pro rege et republica necessarium videtur. What seems necessary for the king and the state ought not to be said to tend to the prejudice of spiritual liberty.

Non decet homines dedere causa non cognita. It is unbecoming to surrender people when no cause has been shown.

Non decipitur qui scit se decipi. A person is not deceived when he knows himself to be deceived.

Non definitur in jure quid sit conatus. What an attempt is, is not defined in law.

Non differunt quae concordant re, tametsi non in verbis iisdem. Those things that agree in substance, even if not in the same words, do not differ.

Non dubitatetur, etsi specialiter venditor evictionem non promiserit, re evicta, ex empto competere actionem. It is certain that even if the vendor has not given a special guarantee, an action ex empoto lies against him, if the purchaser is evicted.

Non efficit affectus nisi sequatur effectus. The intention amounts to nothing unless some effect follows.

Non erit alia lex Romae, alia Athaenis; alia nunc, alia super qua re fieri decet citatio. There will not be one law at Rome, another at Athens; one law now, another hereafter; but one eternal and immutable law shall bind together all nations throughout all time.

Non est arctius vinculum inter homines quam jusjurandum. There is no closer (or firmer) link among men than an oath.

Non est certandum de regulis juris. There is no disputing rules of law.

Non est consonum ratio quod cognitio accessorii in curia christianitatis impediat, ubi cognitio causae principalis ad forum ecclesiasticum noscitur pertinere. It is unreasonable that the cognizance of an accessory matter should be impeded in an ecclesiastical court, when the cognizance of the principal cause is admitted to appertain to an ecclesiastical court.

Non est disputandum contra principia negantem. There is no disputing against a person who denies first principles.

Non est justum aliquem antenatum post mortem facere bastardum qui toto tempore vitae suae pro legitimo habebatur. It is not just to make an elderborn a bastard after his death, who during his lifetime was accounted legitimate.

Non est novum ut priores leges ad posteriores trahantur. It is not an innovation to adapt earlier laws to later ones. Dig. 1.3.26.

Non est recedendum a communi observantia. There should be no departure from a common observance.

Non est regula quin fallat. There is no rule that may not deceive (or disappoint).

Non est reus nisi mens sit rea. A person is not guilty unless his mind is guilty. [Cases: Criminal Law 20.]

Non est singulis concedendum quod per magistratum publice possit fieri, ne occasio sit majoris tumultus.
Non impedit clausula derogatoria quo minus ab eadem
Non officit affectus nisi sequatur effectus. Sed in actro-
Non in legendo sed in intelligendo leges consistunt. The
Non facias malum ut inde veniat bonum. You are not to
do evil that good may come of it.
Non impedit clausula derogatoria quo minus ab eadem
potentestate res dissolvantur a qua constituuntur. A
derogatory clause does not prevent things from being
dissolved by the same power by which they were origi-
nally made.
Non in tabulis est jus. It is not in books that the law is
to be found.
Non jus ex regula, sed regula ex jure. The law does not
arise from the rule (or maxim), but from the rule from the
law.
Non jus, sed seisin facit stipitem. Not right, but seisin,
makes a stock (from which the inheritance must
descend).
Non licet quod dispendio licet. That which is permitted
only at a loss is not permitted.
Non nasci et natum mori paria sunt. Not to be born and
to be born dead are equivalent.
Non obligat lex nisi promulgata. A law is not binding
unless it has been promulgated.
Non observata forma, infertur adnullatio actus. When
the form has not been observed, an annulment of the
act is inferred.
Non officit affectus nisi sequatur effectus. Sed in actro-
cioribus delictis punitur affectus, licet non sequatur
effectus. The intention is not an offense unless an effect
follow. But in the most atrocious crimes the intention
is punished, although no effect follow.
Non officit conatus nisi sequatur effectus. An attempt
does not harm unless a consequence follows.
Non omne damnum inducit injuriam. Not every loss
produces an injury (i.e., gives a right to action).
Non omne quod licet honestum est. Not everything that
is lawful is honorable; not everything that is allowable
is morally right.
Non omnium quae a majoribus nostris constituta sunt
ratio reddi potest. Reason cannot always be given for
the institutions of our ancestors.
Non pertinet ad judicem secularem cognoscere de ipsis
quae sunt mere spiritualia annexa. It belongs not to
the secular judge to take cognizance of things that are
merely spiritual.

Non possessori incumbit necessitas probandi possessiones ad se pertinentes. It is not incumbent on the pos-
se ssor of property to prove that his possessions belong to
him.
Non potest adduci exceptio ejusdem rei cujus petitur dis-
soluto. An exception cannot be brought on the same
matter whose determination is at issue (in the action
at hand).
Non potest probari quod probatum non relevat. That
cannot be proved which, when proved, is irrelevant.
Non potest quis sine brevi agere. No one can sue without
a writ.
Non potest rex gratiam facere cum injuria et damno
aliorum. The king cannot confer a favor that occasions
injury and loss to others.
Non potest rex subditum renitentem onerare imposi-
tionibus. The king cannot load a subject with imposi-
tions against his consent.
Non potest videri desisse habere qui nunquam habuit. A
person cannot be considered as having ceased to have
a thing who never had it.
Non praestat impedimentum quod de jure non sortitur
effectum. A thing that has no effect in law is not an
impediment.
Non quod dictum est, sed quod factum est, inspiciitur. Not
what has been said but what has been done is regarded. [Cases: Wills C. 108.]
Non quod vult testator, sed quod dixit in testamento
inspiciitur. Not what the testator wanted, but what he
said in the will, is regarded.
Non refert an quis assensum suum praefert verbis an
rebus ipsis et factis. It is immaterial whether a person
gives assent by words or by acts themselves and
deeds.
Non referat quid ex aequipollentibus fiat. It does not
matter which of two equivalents happens.
Non referat quod notum sit judici, si notum non sit in
forma judicii. It matters not what is known to the judge
if it is not known to him judicially.
Non referat verbis an factis fit revocatio. It does not matter
whether a revocation is made by words or by acts.
Non respondet minor, nisi in causa dotis, et hoc pro
favore doti. A minor shall not answer except in a case
of dower, and here in favor of dower.
Non solent quae abundant vitiare scripturas. Superfluous
expressions do not usually vitiate writings.
Non solum quid licet sed quid est conveniens consider-
andum, quia nihil quod in conveniens est licitum.
Not only what is permitted but what is proper is to be
considered, because nothing improper is lawful.
Non sunt longa ubi nihil est quod demere possis. There is
no proximity where there is nothing that you can omit.
Non temere credere est nervus sapientiae. Not to believe
 rashly is the sinew of wisdom.
Non videntur qui errant consentire.

Non valet donatio nisi subsequatur traditio.

Notitia dicitur a noscendo; et notitia non debet clausur.

Noscitur ex socio qui non cognoscitur ex se.

Noscitur a sociis.

Non videtur quisquam id capere quod ei necesse est alii restituere. A person is not considered to have maintained his consent.

Non valet confirmatio, nisi ille, qui confirmat, sit in possessione rei vel juris unde fieri debet confirmatio; et eodem modo, nisi ille cui confirmatio fit sit in possessione. Confirmation is not valid unless the person who confirms is in possession either of the thing or of the right of which confirmation is to be made, and, in like manner, unless that person to whom confirmation is made is in possession.

Non valet donatio nisi subsequatur traditio. A gift is not valid unless delivery (or transference) follows.

Non valet exceptio ejusdem rei petitur dissolutio. An exception based on the very matter of which the determination is sought is not valid.

Non valet impedimentum quod de jure non sititur effectum. An impediment that does not derive its effect from the law has no force.

Non verbis sed ipsis rebus leges imponimus. Words, but on affairs themselves do we impose laws.

Non videntur qui errant consentire. They who err are not considered as consenting. [Cases: Contracts C=93.]

Non videntur rem amittere quibus propra non fuit. They are not considered as losing a thing if it was not their own.

Non videtur consensus retinuisse si quis ex praescripto minantis aliquod immutavit. If a person has changed anything at the demand of a party threatening, he is not considered to have maintained his consent.

Non videtur perfecte cujusque id esse quod ex casu auferri potest. A thing is not considered completely to belong to anyone if it can be taken from him by chance (or occasion).

Non videtur quisquam id capere quod ei necesse est alii restituere. A person is not considered to acquire property in a thing that he must restore to another. Dig. 50.17.51.

Non videtur vim facere qui jure suo utitur et ordinaria actione expiratur. A person is not judged to use force who exercises his own right and proceeds by ordinary determination.

Noscitur a sociis. It is known from its associates. [Cases: Contracts C=152; Statutes C=193.]

Noscitur ex socio qui non cognoscitur ex se. A person who is not known for himself is known from his associate.

Notitia dicitur a noscendo; et notitia non debet claudicare. Notice is named from knowledge; and notice ought not to limp (that is, be imperfect).

Nova constitutio futuris formam imponere debet, non praeteritis. A new enactment ought to impose form on what is to come, not on what is past. • A new regulation should not apply retroactively but from its enactment. 2 Co. Inst. 292.

Novatio non praesumitur. A novation is not presumed.

Novitas non tam utile is prodest quam novitate perturbat. Novelty does not as much benefit by its utility as it disturbs by its novelty.

Novum judicium non dat novum jus, sed declarat antiquum. A new judgment does not make a new right, but declares the old.

Novum judicium non dat novum jus, sed declarat antiquum; quia judicium est juris dictum, et per judicium jus est noviter revelatum quod diu fuit velatum. A new judgment does not make a new right, but declares the old; because adjudication is the declaration of a right, and by adjudication the right is newly revealed which has long been hidden. 10 Coke 42.

Noxa caput sequitur. The liability follows the head or person. • Liability to make good an injury caused by a slave attaches to the master. Dig. 2.14.7.4.

Nuda pactio obligationem non parit. A naked agreement (i.e., without consideration) does not create an obligation. Dig. 2.14.7.4.

Nuda ratio et nuda pactio non ligant aliquem debito rem. Bare reason and naked agreement do not bind any debtor.

Nudum pactum est ubi nulla subest causa praeter conventionem; sed ubi subest causa, fit obligatio, et parit actionem. Naked agreement (nudum pactum) is where there is no consideration besides the agreement; but when there is a consideration, an obligation is created and it gives a right of action.

Nudum pactum ex quo non oritur actio. Naked agreement (nudum pactum) is that from which no action arises. [Cases: Contracts C=75.]

Nucl charter, nucl vente, nucl donevaunperpetualment, si le donor n'est seise al temps de contracts de deux droits, sc. del droit de possession et del droit de propperite. No grant, no sale, no gift, is valid forever unless the donor, at the time of the contract, is seised of two rights, namely, the right of possession and the right of property.

Nulla curia quae recordum non habet potest imponere finem neque aliquem mandare carceri; quia ista spectant tantummodo ad curias de recordo. No court that does not have a record can impose a fine or commit any person to prison; because those powers look only to courts of record.

Nulla emptio sine pretio esse potest. There can be no sale without a price.

Nulla impossibilia aut inhonestadi sunt praesumenda; vera autem et honesta et possibilia. No impossible or dishonorable things are to be presumed; but things true, honorable, and possible.
Nulla pactione effici potest ne dolus praestetur. No agreement is sufficient to effect that there be no liability for fraud. Dig. 2.14.27.3.

Nulla virtus, nulla scientia locum suum et dignitatem conservare potest sine modestia. Without moderation, no virtue, no knowledge can preserve its place and dignity.

Nulle regle sans faute. There is no rule without fault.

Nulle terre sans seigneur. No land without a lord.

Nulli enim res sua servit jure servititis. No one can have a servitude over his own property.

Nullius hominis auctoritas apud nos valere debet, ut meliora non sequeremur si quis attulerit. The authority of no person ought to have (such) power among us that we should not follow better (opinions) if anyone presents them.

Nulli vendemus, nulli negabimus, aut differemus rectum vel justitiam. We shall sell to no one, deny to no one, or delay to no one, equity or justice. • This language appeared in Magna Carta.

Nullum crimen majus est inobedientia. No crime is greater than disobedience.

Nullum exemplum est idem omnibus. No example is the same for all purposes.

Nullum iniquum est praesumendum in jure. Nothing unjust is to be presumed in law.

Nullum matrimonium, ibi nulla dos. No marriage, there no dower.

Nullum simile est idem. Nothing that is like another is the same. • That is, no likeness is exactly identical.

Nullum simile est idem nisi quatuor pedibus currit. Nothing similar is identical, unless it run on four feet (on all fours). • No simile holds in every respect.

Nullum tempus aut locus occurrit regi. No time or place bars the king.

Nullum tempus occurrit regi. No period of time bars the Crown; no length of time runs against the king. • This maxim expresses the idea that the king is not bound by any statute of limitations. [Cases: Limitation of Actions C=11.]

Nullum tempus occurrit reipublicae. No time runs against the commonwealth (or state). [Cases: Limitation of Actions C=11.]

Nullus alius quam rex possit episcopo demandare inquisitionem faciendam. No other than the king can command the bishop to make an inquisition.

Nullus commodum capere potest de injuria sua propria. No one can gain advantage by his own wrong.

Nullus debet agere de dolo, ubi alia actio subest. Where another form of action is given, no one ought to sue in the action de dolo.

Nullus dicitur accessorius post feloniam sed ille qui novit principalem feloniam facess. et illum receptavit et confortavit. No one is called an accessory after the fact but that person who knew the principal to have committed a felony, and received and comforted him.

Nullus dicitur felo principalis nisi actus qui praens est, abettans aut auxilius actorem ad feloniam faciendam. No one is called a principal felon except the party actually committing the felony, or the party who was present aiding and abetting the perpetrator in its commission.

Nullus idoneus testis in re sua intelligitur. No one is understood to be a competent witness in his own cause.

Nullus jus alienum forfasacere potest. No one can forfeit another's right.

Nullus liber homo capiatur, aut imprisonetur. Let no free man be taken or imprisoned. • This expression derives from Magna Carta, ch. 39

Nullus recedat e curia cancellaria sine remedio. Let no one depart from the court of chancery without a remedy.

Nullus videtur dolo facere qui suo jure utitur. No one is to be regarded as acting by fraud who exercises his legal right.

Nul ne doit s'enrichir aux depens des autres. No one ought to enrich himself at the expense of others.

Nul prendra advantage de son tort demesne. No one shall take advantage of his own wrong.

Nul sans damage avera error ou attaint. No one shall have error or attaint unless there has been damage.

Nunquam crescit ex post facto praetoriti delicti aestimatio. The valuation (or assessment of damage) for a past offense is never increased by what happens subsequently. Dig. 50.17.138.1.

Nunquam decurritur ad extraordinarium sed ubi deficit ordinarium. One never resorts to the extraordinary but when the ordinary fails.

Nunquam fictio sine lege. There is no fiction without law.

Nunquam nimis dicitur quod nunquam satis dicitur. What is never sufficiently said is never said too much.

Nunquam praescribitur in falso. There is never prescription in case of falsehood (or forgery).

Nunquam res humanae prospere succedunt ubi negligentur divinae. Human affairs never prosper when divine ones are neglected.

Nuptias non concubitus sed consensus facit. Not sharing a bed but consent makes the marriage.

Obediencia est legis essentia. Obedience is the essence of the law.

Obtemperandum est consuetudini rationabili tanquam legi. A reasonable custom is to be obeyed like law.
Occultatio thesauri inventifraudulosa. The concealment of discovered treasure is fraudulent.

Occupantis funt derelicta. Things abandoned become the property of the (first) occupant.

Odiosa et inhonesta non sunt in legem praesumenda. Odious and dishonest acts are not to be presumed in law.

Odiosa non praesumuntur. Odious things are not presumed.

Officia judicia non concedantur antequam vacant. Judicial offices ought not to be granted before they are vacant.

Officia magistratus non debent esse venalique. The offices of magistrates ought not to be sold.

Officit conatus si effectus sequatur. The attempt becomes of consequence if the effect follows.

Officium nemini debet esse damnosum. An office ought to be injurious to no one.

Omissio eorum quae tacite insunt nihil operatur. The omission of those things that are silently implied is of no consequence.

Omne actum ab intentione agentis est judicandum. Every act is to be judged by the intention of the doer.

Omne crimen ebrietatis et incidet et detegit. Drunkenness both inflames and reveals every crime.

Omne jus aut consensus fecit, aut necessitas constituit, aut firmavit consuetudo. Every right has been derived from consent, established by necessity, or confirmed by custom.

Omne magis dignum trahit ad se minus dignum, quamvis minus dignum sit antiquius. Every worthier thing draws to it the less worthy, even if the less worthy is more ancient.

Omne magnum exemplum habet aliquid ex iniquo, quod publica utilisate compensatur. Every great example has some portion of evil, which is compensated by its public utility.

Omne majus continet in se minus. Every greater thing contains in itself the less. [Cases: Indictment and Information 189.]

Omne majus dignum continet in se minus dignum. Every more worthy thing contains in itself the less worthy.

Omne majus minus in se compлектitur. Every greater thing embraces in itself the lesser.

Omne principale trahit ad se accessorium. Every principal thing draws to itself the accessory.

Omne quod solo inaedificaturo solo cedit. Everything that is built on the soil belongs to the soil.

Omne sacramentum debet esse de certa scientia. Every oath ought to be founded on certain knowledge.

Omnes actiones in mundo infra certa temporae habent limitationem. All actions in the world are limited within certain periods.

Omnis licentiam habere his quae pro se indulta sunt renunciare. All have liberty to renounce these things that have been granted in their favor.

Omnis prudentes illa admittere solent quae probantur in arte sua bene versati sunt. All prudent people are accustomed to admit those things that are approved by those who are skilled in their profession.

Omnis sorores sunt quasi unus haeres de una haereditate. All sisters are as it were one heir to one inheritance.

Omnis subditus sunt regis servi. All subjects are the king’s servants.

Omnis testamentum morteconsummatum est. Every will is consummated by death.

Omnia delicta in aperto leviora sunt. All crimes committed openly are considered lighter.

Omnia praesumuntur contra spoliatorem. All presumptions are against one who wrongfully dispossesses another (a despoiler). [Cases: Evidence 8–82, 83.]

Omnia praesumuntur legitime facta donec probetur in contrarium. All things are presumed to be done legitimately until the contrary is proved.

Omnia praesumuntur rite ac sollemniter esse acta. All things are presumed to be done in proper and regular form; all things are presumed to have been rightly and regularly done. — Also written Omnia praesumuntur rite et sollemniter acta.

Omnia praesumuntur rite et sollemniter esse acta donec probetur in contrarium. All things are presumed to have been done regularly and with due formality until the contrary is proved.

Omnia quaes juris contrahuntur contrario jure pereunt. All obligations contracted under a law are destroyed by a law to the contrary.

Omnia quaes sunt uxoris sunt ipsius viri. All things that are the wife’s belong to her husband.

Omnia rite esse acta praesumuntur. All things are presumed to have been done in due form. [Cases: Evidence 82, 83.]

Omnis actio est loquela. Every action is a complaint.

Omnis conclusio boni et veri judicium sequitur ex bonis et veris praemissis et dictis juratorum. Every conclusion of a good and true judgment follows from good and true premises and the verdicts of jurors.

Omnis consentium tollit errorem. Every consent removes an error. 2 Co. Inst. 123. [Cases: New Trial 10.]

Omnis definitio in jure civilis periculo est, parum est enim ut non subverti possit. Every definition in the civil law is dangerous, for there is very little that cannot be overthrown.

Omnis exceptio est ipsa quaeque regula. Every exception is itself also a rule.
Omnis indemnatus pro innoxio legibus habetur. Every uncondemned person is held by the law as innocent.

Omnis innovatio plus novitate perturbat quam utilitatem prodest. Every innovation disturbs by its novelty more than it benefits by its usefulness.

Omnis interpretatio si fieri potest ita fienda est in instrumentis, ut omnes contrarietates amoveantur. Every interpretation of instruments is to be made, if it can be, so that all contradictions may be removed.

Omnis interpretatio vel declarat, vel extendit, vel restringit. Every interpretation explains, or extends, or restricts.

Omnis nova constitutio futuris formam imponere debet, et non praeteritis. Every new enactment should regulate future, not past transactions; every new law must impose its form on future cases and not past ones. This maxim states the presumption against retroactivity. The phrase is sometimes written Omnis nova constitutio futuris (temporibus) formam imponere debet, non praeteritis.

Omnis persona est homo, sed non vicissim. Every person is a human being, but not every human being is a person.

Omnis privatio praesupponit habitum. Every privation presupposes possession. "Every discontinuance is a privation . . . and he cannot discontinue that estate which he never had." Co. Lit. 339a.

Omnis querela et omnis actio injuriarum limitata est infra certa tempora. Every plaint and every action for injuries is limited within fixed times.

Omnis ratificationem retrotractitum et mandato priori aequiparatur. Every subsequent ratification has a retrospective effect and is equivalent to a prior command. [Cases: Principal and Agent ⌗175(3); Torts ⌗130.]

Omnis regula suas patitur exceptiones. Every rule of law allows its own exceptions.

Omnium contributione sauciati quod pro omnibus datum est. What has been given for all should be compensated by the contribution of all.

Omnium rerum quorum usus est, potest esse abusus, virtute solo excepta. Of everything of which there is a use, there can be abuse, virtue alone excepted.

Opino quae favet testamento est tenenda. That opinion is to be followed which favors the will.

Oportet quod certa res deducatur in judicium. A thing, to be brought to judgment, must be definite.

Oportet quod certa sit res quaes venditur. A thing, to be sold, must be definite.

Optima enim est legium interpres consuetudo. Custom is the best interpreter of laws. Dig. 1.3.37.

Optima est lex quae minimum relinquit arbitrio judicis; optimus judex qui minimum sibi. It is the best law that leaves the least to the discretion of the judge; the best judge is he who leaves least to himself.

Optima legum interpres est consuetudo. Custom is the best interpreter of law.

Optimam esse legem quae minimum relinquit arbitrio judicis; id quod certitudo ejus praestat. The law is the best that leaves the least discretion to the judge; this advantage results from its certainty.

Optima statuti interpretatrix est (omnibus particulis ejusdem inspectis) ipsum statutum. The best interpreter of a statute is (when all the separate parts of it have been considered) the statute itself.

Optimus interpres rerum usus. Usage is the best interpreter of things.

Optimus interpretandi modus est sic leges interpretare ut leges legibus accordant. The best mode of interpreting laws is to make laws agree with laws.

Optimus judex qui minimum sibi. He is the best judge who (leaves) the least to his own discretion.

Optimus legum interpres consuetudo. Custom is the best interpreter of laws.

Ordine placitandi servato, servatur et jus. When order of pleading has been preserved, the law is also preserved.

Origine propria neminem posse voluntate sua eximi manifestum est. It is manifest that no one by his own will can be stripped of his origin (or be banished from his place of origin).

Origo rei inspici debet. The origin of a thing ought to be regarded.

Pacta conventa quae neque contra leges neque dolo malo inita sunt, omni modo observanda sunt. Contracts that have been entered neither illegally nor with fraud must in all respects be observed.

Pacta dant legem contractui. Agreements give law to the contract.

Pacta privata juri publico derogare non possunt. Private contracts cannot restrict (or take away from) public law.

Pacta quae contra leges constitutionesque vel contra bonos mores sunt nullam vim habere, indubitatius juris est. It is a matter of unquestionable law that contracts against the laws and statutes, or against moral standards, have no force.

Pacta quae turpem causam continent non sunt observanda. Contracts founded on an immoral consideration are not to be observed.

Pactis privatorum juri publico non derogatur. There is no derogation from public law by private contracts.

Pacto alicuiuslicitum est quod sine pacto non admittitur. By agreement (or contract) something is permitted that, without agreement, is not allowed. Coke continues, "but not in violation of public law." Co. Lit. 166.

Parens est nomen generale ad omne genus cognitionis. "Parent" is a general name for every kind of relationship.
Partus sequitur ventrem. It is the role of parents to support their children even when illegitimate.

Paria copulantur paribus. Similar things unite with similar.

Paribus sententiae reus absolvitur. When opinions are evenly divided, the defendant is acquitted. 4 Co. Inst. 64.

Par in parem imperium non habet. An equal has no power over an equal.

Partem aliquam recte intelligere nemo potest, antequam totum iterum atque iterum perlegerit. No one can rightly understand any part until he has read the whole again and again.

Parte quacumque integrante sublata, tollitur totum. When any essential part has been removed, the whole is removed (or destroyed).

Partus ex legitimo thoro non certius noscit matrem quam genitorem suum. The offspring of a legitimate bed does not know his mother more certainly than his father.

Partus sequitur ventrem. The offspring follows the condition of the mother (literally, the womb).

Parum est latam esse sententiam, nisi mandetur executa. It does little good to know what ought to happen, if you do not know how it will take effect.

Parum proficit scire quid fieri debet si non cognoscas quomodo sit faciurum. It does little good to know what is to be proved, if you do not know how it will be proved.

Pater is quem nuptiae demonstrant. The father is the man whom the marriage indicates. This expresses the idea that a child born to a married woman is presumed begotten by her husband. [Cases: Children Out-of-Wedlock C–3.]

Pater est quem nuptiae demonstrant. The father is he whom the marriage indicates.

Patria laboribus et expensis non debet fatigari. The father is he whom the marriage indicates.

Patria potestas in pietate debet, non in atrocitate consistere. Parental authority should consist in devotion, not dread.

Peccata contra naturam sunt gravissima. Offenses against nature are the most serious.

Peccatum peccato addit qui culpae quam facit patrocinium defenseonis adjungit. A person adds one offense to another, who, when he commits a crime, joins to it the protection of a defense.

Pendente lite nihil innovetur. During litigation, let nothing be changed.

Per alluvionem id videtur adici, quod ita paulatim adiciitur ut intelligere non possimus quantum quoque momento temporis adiciatur. That is considered "added by alluvion" which accumulates so gradually that we cannot tell how much is added at any one moment of time. Dig. 41.1.7.1.

Perfectum est cui nihil deest secundum suae perfectionis vel naturae modum. That is perfect which lacks nothing according to the measure of its perfection or nature.

Periculosum est res novas et inusitatas inducere. It is dangerous to introduce new and unaccustomed things.

Periculum rei venditae, nondum traditae, est emptoris. The purchaser assumes the risk for a thing sold, but not yet delivered.

Perjuri sunt qui servatis verbis juramenti decipiunt aures eorum qui accipient. Those who preserve the words of an oath but deceive the ears of those who accept it are perjurors. Coke adds, "By ancient law of England, in all oaths equivocation is utterly condemned." 3 Co. Inst. 166.

Perpetua lex est nullam legem humanam ac positivam perpetuam esse; et clausula quae abrogationem excludit ab initio non valeat. It is a perpetual law that no human or positive law can be perpetual; and a clause in a law that precludes abrogation is void from the outset.

Per rationes pervenitur ad legitimam rationem. By reasoning we come to legal reason.

Per rerum naturam factum negantis nulla probatio est. By the nature of things, a person who denies a fact is not bound to give proof.

Persona conjuncta aequiparatur interesse proprio. A personal connection is equivalent to one's own interest.

Persona est homo cum statu quodam consideratus. A person is a human being considered with reference to a certain status.

Personae vice fungitur municipium et decuria. Towns and boroughs act in the role of persons.

Personalia personam sequuntur. Personal things follow the person.

Perspicua vera non sunt probanda. Plain truths are not to be proved.

Per varios actus legem experientia facit. In the course of various acts, experience frames the law.

Pirata est hostis humani generis. A pirate is an enemy of the human race.

Placita negativa duo exitum non faciunt. Two negative pleas do not form an issue.

Plena et celeris justitia fiant partibus. Let the parties have full and speedy justice.

Pluralis numerus est duobus contentus. The plural number is satisfied with two.

Plures cohaeredes sunt quasi unum corpus, propter unitatem juris quod habent. Several coheirs are as one body, by reason of the unity of right that they possess.
Plures participes sunt quasi unum corpus in eo quod unum jus habent. Several coheirs (or parceners) are as one body in that they have one right. Co. Litt. 164.

Plus exempla quam peccata nocent. Examples hurt more than offenses.

Plus peccat auctor quam actor. The instigator of a crime is a worse offender than the perpetrator.

Plus valet vulgaris consuetudo quam regalis concessio. Common custom is better than royal grant.

Plus exempla quam peccata nocent. Examples hurt more than offenses.

Plus vident oculi quam oculus. Several eyes see more than one.

Posito uno oppositorum negatur alterum. One of two opposite positions having been affirmed, the other is denied.

Possessio est quasi pedis positio. Possession is, as it were, the position of the foot.

Possessio pacifica per annos 60 facit jus. Peaceable possession for 60 years gives a right.

Potestas striete interpretatur. Power should be strictly interpreted.

Praeemptio est titulus ex usu et tempore substantiaw capiens ab auctoritate legis. Prescription is a title derived from usage and time, given substance by the authority of law. Co. Litt. 113.

Praesumptio ex eo quod plerumque fit. Presumption arises from what generally happens.

Praesumptiones sunt conjecturae ex signo verisimili ad probandum assumptae. Presumptions are conjectures that a person who has been captured has never left the state. • A person captured by the enemy, who later returns, is restored to all his former rights. Just. Inst. 1.12.5.
based on indications of probable truth, assumed for the purpose of establishing proof.

**Præsumptio opponitur probationi.** A presumption is distinguished from proof.

**Præsumptio violenta plena probatio.** Forceful presumption is full proof.

**Præsumptio violenta valet in lege.** Forceful presumption is effective in law.

**Praetextu liciti non debet admitti illicitum.** What is illegal ought not to be admitted under pretext of legality.

**Praesumptio opponitur probationi.** A presumption is opposed to proof.

**Principia probant, non probantur.** Principles prove; they are not proved.

**Principio probant, non probantur.** Principles prove; they are not proved.

**Principiis probant, non probantur.** Principles prove; they are not proved.

**Propinquior excurrit propinquum; propinquum, prosequitur sortem paternam.** A nearer relation excludes one distant; a distant relative excludes one yet more distant.

**Proviso est providere praesentia et futura, non praetexta.** A proviso is to provide for things present and future, not past.

**Proviso est in praecepto legis obtemperat.** A proviso acts prudently who obeys the precept of law.

**Proviso est praesentia et futura, non praetexta.** A proviso is to provide for things present and future, not past.

**Proprietatis verborum observanda sunt.** The proprieties (i.e., proper meanings) of words are to be observed.

**Prosectio legis est gravissima vexatio; executio legis coronat opus.** Litigation is a heavy hardship, but execution of the law crowns (or rewards) the work.

**Protectio trahit subjectionem, subjectio protectionem.** Protection brings submission; submission brings protection.

**Privilegium est beneficium personale et extinguitur cum persona.** A privilege is a benefit belonging to a person, and it dies with the person.

**Privilegium est quasi privata lex.** A privilege is, as it were, a private law.

**Privilegium non valet contra rempublicam.** A privilege has no force against the commonwealth.

**Probandi necessitas incumbit illi qui agit.** The necessity of proving rests on the one who sues (or claims some right). Just. Inst. 2.20.5.

**Probationes debeat esse evidentes, (i.e.,) perspicuae et faciles intelligi.** Proofs ought to be evident, (that is) clear and easily understood.

**Probatum est, præsumptio media.** Proofs have been given, the intermediate proceedings are presumed.

**Processus legis est gravis vexatio; executio legis coronat opus.** The process of the law is heavy hardship; the execution of the law crowns (or rewards) the work.

**Prohibetur ne quis faciat in suo quod nocere possit alium.** It is prohibited for anyone to do on his own property what may injure another's.

**Provisum est praesumtio, praesumtio media.** When the extremes have been proved, the intermediate proceedings are presumed.

**Privata commodum publico cedit.** Private yields to public advantage.

**Privatum incommodum publico bono pensatur.** Private disadvantage is made up for by public good.

**Pueri sunt de sanguine parentum, sed pater et mater non sunt de sanguine puorum.** Children are of the blood
of their parents, but the father and mother are not of the blood of their children.

Pupillus pati posse non intelligitur. A pupil is not considered able to suffer. • That is, a pupil is not competent to permit or do what would be prejudicial to him. Dig. 50.17.110.2.

Quae ab hostibus capiuntur, statim capientium fiunt. Things taken from public enemies immediately become the property of the captors.

Quae ab initio inutilis fuit institutio, ex post facto convalescere non possunt. An institution void in the beginning cannot acquire validity by a subsequent act.

Quae ab initio non valent, ex post facto convalescere non possunt. Things invalid from the beginning cannot be made valid by a subsequent act.

Quae accessionum locum obtinent, extinguuntur cum principales res peremptae fuerint. When the principal is extinguished, those things that are accessory to it are also extinguished. Dig. 33.8.2.

Quae ad unum finem locuta sunt, non debent ad alium detorqueri. What speaks to one purpose ought not to be twisted to another.

Quae cohaerent personae a persona separari nequeunt. Things that belong to the person cannot be separated from the person.

Quae communi legi derogant stricte interpretatur. (Statutes) that derogate from the common law should be strictly construed.

Quae contra rationem juris introducta sunt, non debent trahi in consequentiam. Things introduced contrary to the reason of the law ought not to be drawn into precedents. • “We do find divers precedents . . . which are utterly against law and reason and for that void.” 12 Coke 75.

Quaecunque intra rationem legis inveniuntur, intra legem ipsam esse iudicantur. Whatever appears within the reason of the law is considered within the law itself.

Quae dubitationis causa tollendae inseruntur communem legem non laedunt. Whatever is inserted for the purpose of removing doubt does not hurt the common law.

Quae dubitationis tollendae causa contractibus inseruntur communem legem non laedunt.Clauses inserted in agreements to remove ambiguity do not prejudice the general law. Dig. 50.17.81.

Quae incontinenti (vel certo) fiunt inesse videntur. Things that are done immediately (or with certainty) are considered part of the same transaction. Co. Litt. 236b.

Quae in curia acta sunt rite agi praesumuntur. What is done in court is presumed to be rightly done.

Quae in curia acta sunt rite agi praesumuntur. Things that are done in the king’s court are presumed to be rightly done.

Quae in partes dividii nequeunt solida a singulis praestantur. Things (such as services) that cannot be divided into parts are rendered entire by each severaly.

Quae inter alios acta sunt nemini nocere debent, sed possunt. Transactions between others can benefit, but should not injure, anyone who is not party to them.

Quae in testamento ita sunt scripta ut intelligi non possint, perinde sunt ac si scripta non essent. Things that are so written in a will that they cannot be understood are as if they had not been written.

Quae legi communi derogant non sunt trahenda in exemplum. Things that derogate (or detract) from the common law are not to be drawn into precedent.

Quae legi communi derogat stricte interpretatur. Things that derogate (or detract) from the common law are construed strictly.

Quaelibet concessio fortissimae contra donatorem interpretanda est. Every grant is to be construed most strongly against the grantor.

Quaelibet jurisdicton cancelllos suas habet. Every jurisdiction has its boundaries.

Quaelibet poena corporalis, quamvis minima, major est qualibet poena pecuniaaria. Every corporal punishment, although the very least, is greater than any pecuniary punishment.

Quae mala sunt inchoata in principio vix bona peraguntur exitu. Things bad in the commencement seldom end well.

Quae non fieri debent, facta valent. Things that ought not to be done are held valid when they have been done.

Quae non valeant singula, juncta juvant. Things that may not avail individually have effect when united.

Quae praeter consuetudinem et morem majorum fiunt, neque placent neque recta videntur. What is done contrary to the custom and usage of our ancestors neither pleases nor is considered right.

Quae propter necessitatem recepta sunt, non debent in argumentum trahi. Things that are accepted as a matter of necessity ought not to be brought into the argument. Dig. 50.17.162.

Quaeras de dubiis, legem bene discere si vis. Inquire into doubtful points if you wish to understand the law well.

Quaere de dubiis, quia per rationes perveniunt ad legitimam rationem. Inquire into doubtful points, because through reasoning we arrive at legal reason.

Quaerere datasaper quaesunt legitima vere. To investigate is the way to know what things are truly lawful.

Quae rerum natura prohibentur nulla lege confirmata sunt. What is prohibited by the nature of things can be confirmed by no law.

Quae singula non prosunt, juncta juvant. Things that are of no advantage individually are helpful when taken together.
Quae sunt minoris culpae sunt majoris infamiae.

Offenses that are of lesser guilt are of greater infamy.

Qualitas quae inesse debet, facile praesumitur. A quality that ought to be inherent is easily presumed.

Quam longum debet esse rationabile tempus, non definitur, sed pendet ex discretione justiciae. How long a time should be "reasonable" the law does not define; it depends on the discretion of the judges.

Quam rationabilis debet esse finis, non definitur, sed omnibus circumstantiis inspectis pendet ex discretione justiciae. How reasonable a fine should be is not defined, but depends on the discretion of the judges, after all the circumstances have been considered.

Quaev is aliquid per se non sit malum, tamen si sit mali exempli, non est faciendum. Although in itself a thing may not be bad, yet if it serves as a bad example, it is not to be done.

Quamvis aliquid conceditur, concedere videtur et id sine quo illud fieri non possit. When anything is granted, that also is granted without which it cannot take effect.

Quando aliquid mandatur, mandatur et omne per quod pervenitur ad illud. 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. Although anything by itself is not evil, yet if it is an example for evil, it is not to be done.

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

Quando aliquid prohibetur, prohibetur omne per quod devenitur ad illud. When anything is prohibited, everything by which it is arrived at is prohibited.

Quando aliquid alcius concedit, concedere videtur et id sine quo res uti non potest. When a person grants a thing, he is supposed to grant that also without which the thing cannot be used.

Quando charta continet generalem clausalam, posteaque descendit ad verba specialia quae clausulae generali sunt consentanea, interpretanda est charta secundum verba specialia. When a deed contains a general clause, and afterwards descends to special words that are consistent with the general clause, the deed is to be construed according to the special words.

Quando de una et eadem re, duo onerabiles existunt, unus, pro insufficientia alterius, de integro onerabitur. When two persons are liable concerning one and the same thing, if one makes default, the other must bear the whole liability.
Quemadmodum ad quaestionem finitum non respondent judices, ita ad quaestionem juris non respondent jura­tores. In the same manner that judges do not answer questions of fact, so jurors do not answer questions of law.

Qui accusat integrae famae sit et non criminosis. Let the one who accuses be of honest reputation and not implicated in a crime.

Qui acquirit sibi acquirit haeredibus. A person who acquires for himself acquires for his heirs.

Qui adimit medium dirimit finem. A person who takes away the means destroys the end.

Qui aliquid statuerit parte inaudita altera, aequum licet. Whatever is affixed to the soil belongs to it. [Cases: Mortgages $\rarr; 203; Property $\rarr; 4.]

Qui acquirit serva, acquirit servato. Whatever is acquired by the servant is acquired for the master.

Qui demonstratae rei additur satis demonstraet frustra est. Whatever is added to the description of a thing already sufficiently described is of no effect.

Qui est contra normam recti est injuria. Whatever is against the rule of right is a wrong.

Qui facit per alium facit per se. A person who acts through another acts himself. ● The acts of an agent are considered the acts of the principal. [Cases: Labor and Employment $\rarr; 3026; Principal and Agent $\rarr; 92.]

Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi. One who has jurisdiction for dissolving (an obligation) has jurisdiction to bind.

Qui ignorat quantum solvere debeat, non potest improbus videri. A person who does not know what he ought to pay cannot be regarded as dishonest. ● Also in reverse order: Non potest improbus videri qui ignorat quantum solvere debeat. Dig. 50.17.99.

Quicquid plantatur solo, solo cedit. Whatever is affixed to the soil belongs to it. [Cases: Mortgages $\rarr; 203; Property $\rarr; 4.]

Quicquid recipitur, recipitur secundum modum recipi­ents. Whatever is received is received according to the direction of the recipient.

Quicquid solvitur, solvitur secundum modum solventis. Whatever is paid is paid according to the direction of the payer.

Qui cum alio contrahit, vel est vel debet esse non ignarus conditionis ejus. A party who contracts with another either is or ought to be cognizant of that party’s condition. ● Otherwise, he is not excusable. Dig. 50.17.19.

Qui dat finem dat media ad finem necessaria. A person who gives an end gives the necessary means to that end.

Qui destruit medium destruit finem. A person who destroys the means destroys the end.

Qui doet inheriter al père, doit inheriter al fitz. One who ought to inherit from the father ought to inherit from the son.

Quid sit jus, et in quo consistit injuria, legis est definire. What constitutes right, and wherein lies the injury, is the function of the law to declare.

Quid sit jús, et in quo consistit injuria, legis est definire. What constitutes right, and wherein lies the injury, is the function of the law to declare.

Quieta non movere. Not to disturb what is settled. [Cases: Courts $\rarr; 89–90.]

Qui evertit causam evertit causatum futurum. One who overthrows the cause overthrows its future effects.

Qui ex damnato coitu nascuntur, inter liberos non com­vertitur. They who are born of an illicit union should not be counted among children.

Qui facit id quod plus est, facit id quod minus est, sed non convertitur. A person who does that which is more does that which is less, but not vice versa.

Qui facit per alium facit per se. A person who acts through another acts himself. ● The acts of an agent are considered the acts of the principal. [Cases: Labor and Employment $\rarr; 3026; Principal and Agent $\rarr; 92.]

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Qui habet jurisdictionem absolvendi, habet jurisdictionem ligandi. One who has jurisdiction for dissolving (an obligation) has jurisdiction to bind.

Qui haeret in litera, haeret in cortice. They who clings to the letter clings to the shell (or surface).

Qui ignorat quantum solvere debeat, non potest improbus videri. A person who does not know what he ought to pay cannot be regarded as dishonest. ● Also in reverse order: Non potest improbus videri qui ignorat quantum solvere debeat. Dig. 50.17.99.

Quicquid recipitur, recipitur secundum modum recipi­ents. Whatever is received is received according to the direction of the recipient.

Quicquid solvitur, solvitur secundum modum solventis. Whatever is paid is paid according to the direction of the payer.
Qui in jus dominiumve alterius succedit jure ejus uti debet. One who succeeds to another's right or property ought to use that person's right. • That is, the successor has the same rights and liabilities as attached to that property or interest in the hands of the assignor.

Quis scienter peccat, scienter emendet. One who offends unwittingly must make good knowingly.

Qui in utero est, pro jam nato habetur quoties de ejus commodo quaeritur. A child in the womb is considered as born, whenever there is a question of benefit to the child.

Qui jure suo utitur, nemini facit injuriam. A person who exercises his proper right harms no one. • This maxim is sometimes written Qui jure suo utitur neminem laedit (meaning "he who exercises his right injures no one").

Qui jussu judicis aliquod fecerit non videtur dolo malo. Anything by order of a judge is not considered to have been done with the intention of making a gift.

Qui melius probat, melius habet. The party who gives better proof has the better (right). • Often rendered, he who proves more recovers more.

Quilibet potest renunciare juri pro se inducto. Anyone may renounce a right introduced for his own benefit.

Qui male agit odit lucem. A person who does wrong hates the light (of discovery).

Qui mandat ipse fecisse videtur. A person who commands (a thing to be done) is considered to have done it himself.

Qui omissi probat, haec probatur. If he keeps silent, he who proves more recovers more.

Qui omne dicit nihil excludit. A person who says all excludes nothing.

Qui parcit necentibus innocentes punit. A person who spares the guilty punishes the innocent.

Qui peccavit ebrius, luat sobrius. Let him who offends while drunk be punished when sober; one who offends when drunk must pay when sober. • The phrase is sometimes taken to mean that one who sins ignorantly must correct it knowingly.

Qui per alium facit per seipsum facere videtur. A person who does anything through another is considered as doing it himself.

Qui per fraudem agit frustra agit. A person who acts fraudulently acts in vain.

Qui potest et debet vetare, tacens jubet. A person who can and ought to forbid a thing (as much as) orders it, if he keeps silent.

Qui primum peccavit ille facit rixam. Who first offends causes the quarrel.

Qui prior est tempore potior est jure. The person who is prior in time is stronger in right. [Cases: Courts C=475; Equity C=60.]

Qui pro me aliquid facit, mihi facisse videtur. A person who does something in my behalf is considered to have done it to me (for me). • "To do a service for a man is to do it to him." 2 Co. Inst. 500.

Qui providet sibi, providet haeredibus. A person who provides for himself provides for his heirs.

Qui rationem in omnibus quaerunt rationem subvertunt. They who seek a reason for everything subvert reason.

Qui semel solvit indebitum donandi consilio id videtur facesse. A person who knowingly pays what is not due is considered to have done it with the intention of making a gift.

Qui semel actionem renunciaverit, amplius repetere non potest. A litigant who has once renounced his action cannot bring it any longer.

Qui semel malus, semper praesumitur esse malus in eodem genere. A person who is once bad is always presumed to be bad in the same kind of affair.

Qui sentit commodum, sentire debet et onus. A person who enjoys the benefit ought also to bear the burden. [Cases: Tenancy in Common C=30.]
Qui sentit commodum sentire debet et onus; et contra. A person who enjoys the benefit ought also to bear the burden; and the contrary.

Qui sentit onus, sentire debet et commodum. A person who feels the burden ought also to feel the benefit.

Quisquis est qui velit jurisconsultus haberi, continuet studium, velit a quocunque doceri. Whoever there is who wishes to be regarded as a jurisconsult (legal expert) should prolong his study and be willing to be taught by everyone.

Quitacet consentire videtur. A party who is silent appears to consent. [Cases: Contracts C=22(I).]

Qui tacet consentire videtur ubi tractatur de ejus commodo. A party who is silent is considered as assenting, when his advantage is debated.

Qui tacet non utique fatetur, sed tamen verum est eum non negare. A person who is silent does not indeed confess, but yet it is true that he does not deny.

Qui tardius solvit minus solvit. A person who pays too late pays less (than he ought).

Qui vult decipi, decipiatur. Let one who wishes to be deceived be deceived. [Cases: Sales C=41.]

Quod ab initio non valet, (in) tractu temporis non convalescet. What is ill from the outset will not be cured by passage of time.

Quod ad jus naturale attinet, omnes homines aequales sunt. All men are equal as far as natural law is concerned.

Quod aedificatur in area legata cedit legato. Whatever is built on land given by will passes with the gift of the land.

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

Quod alias non fuit licitum necessitas licitum facit. Necessity makes lawful what otherwise was unlawful.

Quod approbo non reprobo. What I approve I do not disapprove.

Quod a quaque poenae nomine exactum est id eidem restitutere nemo cogit. What has been exacted from someone as a penalty no one is obliged to restore to him.

Quodattinetad juscivile, servi pro nullis habentur, non tamen et jure naturali, quia, quod ad juscivile attinet, omnes homines aequalis sunt. So far as the civil law is concerned, slaves are not reckoned as nonentities, but not so by natural law, for so far as regards natural law, all men are equal.

Quod constat claire, non debet verificari. What is clearly agreed need not be proved.

Quod constat curiae, opere testium non indiget. What appears true to the court needs not the help of witnesses.

Quod contra juris rationem receptum est, non est producendum ad consequentias. What has been admitted against the reason of the law ought not to be drawn into precedents.

Quod contra legem fit, pro infecto habetur. What is done contrary to the law is considered as not done.

Quod contrarationem juris receptum, non est producendum ad consequentias. That which is received against the reason of the law is not to be extended to its logical consequences.

Quodcunque aliquis ob tutelam corporis sui fecerit jure id fecisse videtur. Whatever one does in defense of his person, he is considered to have done legally.

Quod datum est ecclesiae, datum est Deo. What has been given to the church has been given to God.

Quod demonstrandi causa additur rei satis demonstratae, frustra fit. What is added for the sake of demonstration to a thing sufficiently demonstrated is done to no purpose.

Quod dubitas, ne feceris. When in doubt, do not do it.

Quod enim semel aut bis existit, praetererunt legisla-tores. Legislators pass by that which happens but once or twice.

Quod est ex necessitate nunquam introductur, nisi quando necessarium. What is introduced of necessity is never introduced except when necessary.

Quod est inconveniens aut contra rationem non permissum est in lege. What is unsuitable or contrary to reason is not allowed in law.

Quod est necessarium est licitum. What is necessary is lawful.

Quod fieri debet facile praesumitur. That which ought to be done is easily presumed.

Quod fieri non debet, factum valet. What ought not to be done, when done, is valid.

Quod in unculo fector, consultius revocemus. What we have done without due consideration we should revoke with better consideration.

Quod initio non valet, tractu temporis non valet. What is void in the beginning does not become valid by passage of time.

Quod initio vitiosum est non potest tractu temporis convalescere. What is defective in origin cannot be mended by passage of time.

Quod in jure scripto jus appellatur, id in lege Angliae rectum esse dicitur. What in the civil law (literally, written 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. What avails in the less will avail in the greater; and what does not avail in the greater will not avail in the less.

Quod in uno similium valet, valebit in altero. What avails in one of two similar things will avail in the other.
Quod nullius est id ratione naturali occupanti conceditur. What belongs to no one, by natural reason becomes property of the first occupant. Dig. 41.1.3.

Quod nullum est. nullum producit effectum. That which is null produces no effect.

Quod omnes tangit, ab omnibus debet supportari. What touches (or concerns) all ought to be supported by all.

Quod per me non possam, nec per alium. What I cannot do in person, I also cannot do through the agency of another.

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

Quod populus postremum jussit, id jussum esto. What the people have last enacted, let that be the established law.

Quod principi placuit legis habet vigorem; utpote cum regia, quae de imperio ejus lata est, populus ei et eum omnem suam imperium et potestatem conferat. A decision of the emperor has the force of law; for, by the royal law that has been made concerning his authority, the people have conferred on him all their sovereignty and power. Dig. 1.4.1.

Quod prius est verius est; et quod prius est tempore potius est jure. What is prior is truer: and what comes earlier in time is stronger in right.

Quod privilegia quae re vera sunt in praedictum reipublicae, magis tamen speciosa habent frontispicia, et boni publici praetextum, quam bonae et legales concessions, sed praetextu liciti non debet admitteri illiciendum. There are privileges that are really detrimental to the state, but that have a more colorful appearance and show of public good than good and lawful concessions. But the unlawful should not be accepted as valid on the ground of a showing of legality.

Quod pro minore licitum est et pro majore licitum est. What is lawful in the lesser is also lawful in the greater.

Quod pure debetur praesenti die debetur. That which is due unconditionally is due the same day.

Quodque dissolvitur eodem modo quo ligatur. In the same manner that anything is bound, it is unbound.

Quod quis ex culpa sua damnum sentit, non intelligitur damnum sentire. The damage that any person suffers by his own fault he is not considered to suffer as damage. Dig. 50.17.203.

Quod quisquis norit, in hoc se exercet. Let every one employ himself in what he knows.

Quod quis sciens indebitum dedit hac mente, ut postea repeteret, repeterent non potest. What one has paid knowing that it is not owed, with the intention of reclaiming it afterwards, he cannot recover. Dig. 12.6.50.

Quod remedio destituirit ipsa re valet si culpa absit. What is without a remedy is by that very fact valid if there is no fault.
Quod semel aut bis existit praeterunt legislatores. Legislators pass over what happens (only) once or twice.

Quod semel meum est amplius meum esse non potest. What is once mine cannot be any more completely mine.

Quod semel placuit in electione, amplius displicere non potest. That which in making his election a man has once decided, he cannot afterwards disavow.

Quod solo inaedificatur solo cedit. Whatever is built on the soil goes with the soil.

Quodsub certa forma concessum vel reservatum est, non traditur ad valorem vel compensationem. That which has been granted or reserved under a certain form is not to be drawn into valuation or compensation.

Quod subintelligitur non deest. What is understood is not lacking.

Quod tacite intelligitur deesse non videtur. What is tacitly understood does not appear to be lacking.

Quod vanum et inutile est, lex non requirit. The law does not require what is vain and useless.

Quod vero contra rationem juris receptum est, non est producendum ad consequentias. But what has been admitted contrary to the reason of law ought not to be drawn into precedents.

Quod ligatur, eo dissolvitur. As a thing is bound, so it is unbound.

Quo modo quid constituitur eodem modo dissolvitur. In whatever mode a thing is constituted, in the same manner it is dissolved.

Quorum praetextu nec auget nec minuit sententiam, sed tantum confirmat praemissa. "Quorum praetextu" neither increases nor diminishes the meaning, but only confirms what went before.

Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit. Whenever there is an interpretation doubtful as to liberty (or slavery), the decision must be in favor of liberty.

Quotiens idem sermo duas sententias exprimit, ea potissimum accipiat quae rei gerendae aptior est. Whenever the same words express two meanings, that is to be taken most strongly which is the better fitted for carrying out the proposed end.

Quoties in stipulationibus ambigua oratio est, commodissimum est id accipiores de quo agitur in tuto sit. Whenever in stipulations the expression is ambiguous, it is most proper to give it that interpretation by which the subject matter may be in safety.

Quoties in verbis nulla est ambiguitas, ibi nulla exposition contra verba expressa fienda est. Whenever there is no ambiguity in the words, then no exposition contrary to the words is to be made.

Quum in testamento ambigae aut etiam perperam scriptum est, benigne interpretari et secundum id quod credibile est cogitatum, credendum est. When in a will an ambiguous or even an erroneous expression occurs, it should be construed liberally and in accordance with what is thought the probable meaning (of the testator).

Quum principalis causa non consistit, ne ea quidem quae sequuntur locum habent. When the principal cause does not stand, neither do the accessories (or consequences) obtain.

Ratification is equal to a command. • This maxim is sometimes written Ratification is equivalent to a command”).

Ratio est formalis causa consuetudinis. Reason is the source and formal cause of custom.

Ratio est legis anima, mutata legis ratione mutetur et lex. Reason is the soul of the law; when the reason of the law has been changed, the law is also changed. [Cases: Common Law ①=9.]

Ratio et auctoritas duo clarissima mundi lumina. Reason and authority are the two brightest lights in the world.

Ratio in jure aequitas integra. Reason in law is perfect equity.

Ratio legis est anima legis. The reason of the law is the soul of the law. [Cases: Statutes ②=184.]

Ratio non clauditur loco. Reason is not confined to any place.

Ratio potest allegari deficiente lege, sed vera et legalis et non apparens. A reason can be adduced when the law is defective, but it must be a true and legal reason, and not specious (or apparent).

Receditur a placitis juris potius quam injuriae et delicta maneant impunita. One departs from settled rules of law, rather than let crimes and wrongs remain unpunished.

Reipublica in modum recipientis. A thing is received in the way the recipient intends.

Records sunt vestigia vetustatis et veritatis. Records are vestiges of antiquity and truth.

Recurrence est ad extraordinarium quando non valet ordinarium. We must have recourse to what is extraordinary when what is ordinary fails.

Reddenda sunt singula singulis. Each must be put in each separate place. • That is, the several terms or items apply distributively, or each to its proper object.

Regnum non est divisibile. The kingdom is not divisible.

Regula est, juris quidem ignorantiam cuique nocere, facti vero ignorantiam non nocere. The rule is that ignorance of the law is harmful (or prejudicial) to anyone, but ignorance of a fact is not. • Ignorance of
a fact may excuse a party from the legal consequences of his conduct, but not ignorance of law.

Regula pro lege, si deficit lex. If the law is inadequate, the maxim serves in its place.

Regulariter non valet pactum de re mea non alienanda. As a rule, a contract not to alienate my property is not binding.

Reipublicae interest voluntates defunctorum effectum. It is in the interest of the state that the wills of the dead should have their (intended) effect.

Rei turpis nullum mandatum est. There is no mandate for a thing immoral (or illegal). Hence, there is no action for failing to act on such a mandate. Dig. 17.1.6.3.

Relatio est fictio juris et intenta ad unum. Relation is a fiction of law, and intended for one thing. Coke explains, "Relation is a fiction of law to make a nullity of a thing ab initio"; obstacles are removed for the one purpose, ut res magis valeat, that the matter have effect. 3 Coke 28.

Relatio semper fiat ut valeat dispositio. Reference should always be made in such a manner that a disposition (in a will) may have effect.

Relativorum cognito uno, cognoscitur et alterum. Of things relating to each other, one being known, the other is also known.

Religio sequitur patrem. Religion follows the father. The father's religion is prima facie the infant's religion.

Remissius imperanti melius paretur. A person commanding not too strictly is better obeyed.

Remoto impedimento, emergit actio. When the impediment has been removed, the action arises.

Repellitur a sacramento infamis. An infamous person is prevented from taking an oath.

Repellitur a sacramento infamis. An infamous person is prevented from taking an oath.

Res judicata pro veritate accipitur. A matter adjudged between others ought not to injure an outsider (not party to them). [Cases: Evidence §§130; Judgment §665.]

Res inter alios acta alteri nocere non debet. Things done between others ought not to injure an outsider (not party to them).

Res inter alios acta alteri nocere non debet. Things done between others ought not to injure an outsider (not party to them).

Res judicata facit ex albo nigrum, ex nigro album, ex curvo rectum, ex recto curvum. A matter adjudged makes white black; black white; the crooked straight; the straight crooked.

Res judicata pro veritate accipitur. A matter adjudged is taken for truth.

Res nullius naturaliter fit primi occupantis. A thing that has no owner naturally belongs to the first taker.

Resoluto jure concedentis, resolvitur jus concessum. When the right of the grantor has been extinguished, the right granted is extinguished.

Reputedio est vulgaris opinio ubi non est veritas. Reputation is a common opinion where there is no certain knowledge.

Recessum principis contra jus non valet. The prince's rescript, if contrary to law, is of no avail.

Resignatio est juris proprii spontanea refutatio. Resignation is the spontaneous rejection of one's own right.

Res inter alios acta alius non nocet. A thing done between two parties does not damage other parties; a matter transacted between parties (e.g., to a contract) does not prejudice nonparties.

Res inter alios acta alteri nocere non debet. Things done between others ought not to injure an outsider (not party to them).
Respondeat raptor, qui ignorare non potuit quod pupillum alienum abduxit. Let the ravisher answer, for he could not be ignorant that he has taken away another's ward.

Respondeat superior. Let the principal answer. [Cases: Principal and Agent C——159(1).]

Responsio unius non omnino audiatur. The answer of one witness should not be heard at all.

Respropriaestquaecommunisnonest. A thing is private that is not common.

Res quae intra praesidia perductae nondum sunt quanquam ab hostibus occupatae, idem postliminii non agent, quia dominum nondum mutarunt ex gentium jure. Things that have not yet been brought within the enemy's camp, although held by the enemy, do not need the fiction of postliminy on this account, because their ownership by the law of nations has not yet changed.

Res sacra non recipit aestimationem. A sacred thing does not admit of valuation.

Res sua nemini servit. No one can have a servitude over his own property. [Cases: Easements C——27.]

Res transit cum suo onere. The thing passes with its burden.

Reus excipiendo fit actor. The defendant by a plea (or exception) becomes plaintiff.

Reus laesae majestatis punitur, ut pereat unus ne pereant omnes. A traitor is punished that one may die lest all perish.

Re, verbis, scripto, consensu, traditione, junctu ratiis, quia cumus ad pacta solent. Compacts usually take their clothing from the thing itself, from words, from consent, from delivery, from the joining together.

Reversio terrae est tanquam terra revertens in posse ssione donatori sive haeredibus suis post donum finitum. A reversion of land is as it were the return of the land to the possession of the donor or his heirs after the termination of the gift.

Rex est caput et salus reipublicae. The king is the head and safety of the commonwealth.

Rex est legalis et politicus. The king is (the fount of) both law and policy.

Rex est major singulis, minor universis. The king is greater than any single person: less than all.

Rex non debet esse sub homine sed sub Deo et lege. The king should not be under the authority of man, but of God and the law.

Rex non debet judicare sed secundum legem. The king ought to judge only according to law.

Rex non potest fallere nec falli. The king cannot deceive or be deceived.

Rex non potest gratiam facere cum injuria et damno aliorum. The king cannot confer a favor on anyone to the injury and damage of others.

Rex non potest peccare. The king can do no wrong. [Cases: United States C——125(1).]

Rex nuncuam moritur. The king never dies.

Rex quod injustum est facere non potest. The king cannot do what is unjust.

Rex semper praesumitur attendere ardua regni pro bono publico omntum. The king is always presumed to attend to the business of the realm, for the public good of all.

Riparum usus publicus est jure gentium, sicut ipsius fluminis. The use of riverbanks is by the law of nations public, like that of the stream itself.

Roy n'est lie per asunc statute, si il ne soit expressement nosme. The king is not bound by any statute, if he is not expressly named.

Sacramentum habet in se tres comites, veritatem justitiam et judicium: veritas habenda est in jurato; justitia et judicium in judge. An oath has in it three components—truth, justice, and judgment: truth in the party swearing, justice and judgment in the judge (administering the oath).

Sacramentum si fatusum fuerit, licet falsum, tamen no committit perjurium. A foolish oath, though false, does not make perjury.

Sacrilegus omnium praedonom capiatur et scelerem superat. A sacrilegious person surpasses the greed and wickedness of all other robbers.

Saepe constitutum est res inter alios judicatas alii non praecipacare. It has often been settled that matters adjudged between others ought not to prejudice those who were not parties.

Saepe numero ubi proprietas verborum attenditur, sensus veritatis amittitur. Frequently where propriety of words is given attention, the meaning of truth is lost.

Saepe viatorem nova, non vetus, orta fallit. Often it is the new track, not the old one, that deceives the traveler.

Salus populi (est) suprema lex. The safety of the people is the supreme law. • The phrase is sometimes put in the imperative: Salus populi suprema lex esto (let the safety of the people be the supreme law). [Cases: Common Law C——9.]

Salus reipublicae suprema lex. The safety of the state is the supreme law.

Salus ubi multi consulitteri. Where there are many counselors, there is safety.

Sanguinis conjunctio benevolentia devincit homines et caritate. A tie of blood overcomes human beings through benevolence and family affection.

Sapiens incipit a fine, et quod primum est in intentione, ultimum est in executione. A wise person begins from
Satius est petere fontes quam sectari rivulos.
Scientia et volenti non fit injuria.
Scientia sciolorum est mixta ignorantia.
Scire leges non hoc est verba earum tenere, sed vim et potestatem.
Sapientis judicis est cogitare tantum sibi esse permitti.
Scriptae obligationes scriptis tolluntur, et nudi consentium obstaunt.
Sapiens omnia agit cum consilio.
Sapiens est petere fontes quam sectari rivulos. It is better to seek the sources than to follow tributaries.
Scientia scolorum est mixta ignorantia. The knowledge of smatterers is ignorance diluted.
Scribere est agere.
Sensus verborum est anima legis.
Semper civis semper civis. Once a citizen, always a citizen.
Semper malus semper praesumitur esse malus in eodem genere. Whoever is once bad is presumed to be so always in the same kind of affair.
Semper in dubiis benigniora praeferenda sunt. In dubious cases, the more favorable constructions are always to be preferred.
Semper necessitas probandi incumbit ei qui agit. The necessity of proving always rests on the claimant.
Semper praesumitur pro sententia. The presumption is always in favor of the one who denies.
Semper praesumitur pro negante. The presumption is always in favor of the one who denies.
Semper pro matrimonio praesumitur. There is always a presumption in favor of marriage.
Semper qui non prohibit pro se intervenire mandare creditur. A person who does not prohibit the intervention of another in his behalf is always believed to authorize it. [Cases: Principal and Agent 119(2).]
Semper sexus masculinus etiam faemininum continet. The masculine gender always includes the feminine as well. Dig. 32.63.
Semper specialia generalibus insunt. Special clauses are always included in general ones.
Senatores sunt partes corporis regis. Senators are part of the body of the king.
Sensus verborum est anima legis. The meaning of words is the spirit of the law.
Sensus verborum est duplex, mitis et asper, et verba semper accipienda sunt in mitiore sensu. The meaning of words is always double, soothing and rough, and words always receive the meaning of a greater sense.
of words is twofold, mild and harsh; and words are always to be received in their milder sense.

Sensus verborum ex causa dicendi accipiendus est, et sermones semper accipiendi sunt secundum subjectam materiam. The sense of words is to be taken from the occasion of speaking them, and discourses are always to be interpreted according to the subject matter.

Sententia a non judice lata nemini debet nocere. A judgment pronounced by one who is not a judge should harm no one.

Sententia contra matrimonium nunquam transit in rem judicatam. A sentence against marriage never becomes a final judgment (i.e., res judicata).

Sententia facit juss et legis interpretatio legis vim obtinet. The judgment creates the right, and the interpretation of the law obtains the force of law.

Sententia facit juss, et res judicata pro veritate accipitur. The judgment creates the right, and what is adjudicated is taken for truth.

Sententia interlocutoria revocari potest, definitiva non potest. An interlocutory judgment may be revoked, but not a final one.

Sententia non fertur de rebus non liquidis. Judgment is not given on matters that are not clear.

Sequi debet potentia justitiam, non praecedere. Power should follow justice, not precede it.

Sermo index animi. Speech is an index of the mind.

Servanda est consuetudo loci ubi causa agitur. The custom of the place where the action is brought is to be observed.

Servitia personalia sequuntur personam. Personal services follow the person (of the lord).

Si a jure discedas, vagus eris et erunt omnia omnibus incerta. If you depart from the law, you will wander (without a guide), and everything will be in a state of uncertainty to everyone.

Si aliquid ex solemnisius deficit, cum aequitas poscit subveniendum est. If anything is lacking from substantialities, or things pertaining to them. It is a contract founded on a bad cause, and against morality.

Simplicitas est legisbus amica, et nimia subtilitas in jure reprobatur. Simplicity is a friend to the laws, and too much subtlety in law is condemned.

Singuli in solidum tenentur. Each individual is bound for the whole.

Si apparet quid actum est, erit consequens ut id sequamur quod in regioine in qua actum est frequen- tatur. If it is not clear what was done (or agreed on), the consequence will be that we follow what is commonly done in the place where the agreement was made. Dig. 50.17.34.
Si nulla sit conjectura quae ducat alio, verba intelligenda sunt ex proprietate, non grammatica sed populari ex usu. If there is no inference that leads to a different result, words are to be understood according to their proper meaning, not in a grammatical but in a popular and ordinary sense.

Si plures conditiones ascriptae fuerunt donationi conjunctim, omnibus est pars etendum; et ad veritatem copulativa requiritur quod utraque pars sit vera, si divisim, quilibet vel alteri eorum satis est obtemperare; et in disjunctivis, sufficit alteram partem esse veram. If several conditions are conjunctively written in a gift, the whole of them must be complied with; and with respect to their truth, it is necessary that every part be true, taken jointly: if the conditions are separate, it is sufficient to comply with either one or the other of them; and being disjunctive, that one or the other be true.

Si plures sint fidejussores, quotquot sunt numero, singuli in solidum tenentur. If there are more sureties than one, however many they will be in number, they are individually liable for the whole.

Si quidem in nomine, cognomine, praenomine, agnome legatarii testator erraverit, cum de persona constat, nihilominus valet legatum. If the testator has erred in the name, cognomen, praenomen, or title of the legatee, when there is certainty about the person, the legacy is nonetheless valid.

Si quid universitati debetur, singulis non debetur, nec quod debet universitas singuli debent. If anything due to a corporation, it is not due to the individual members of it, nor do the members individually owe it to the corporation.

Si quis cum totum petisset partem petat, exceptio rei judicatae vocet. If anyone sues for a part when he should have sued for the whole, the judgment should constitute res judicata (against another suit). [Cases: Judgment C 592.]

Si quis custod fraudem pupillo fecerit, a tutela removetur. If a guardian commits fraud against his ward, he is to be removed from the guardianship.

Si quis praegnantem uxorem reliquit, non videtur sine liberis dececssisse. If anyone dies leaving his wife pregnant, he is not considered as having died childless.

Si quis unum percussit cum alium percutere vellet, in feloniam tenetur. If a person kills one when he meant to kill another, he is held guilty of felony.

Si suggestio non sit vera, literae patentes vacuae sunt. If the suggestion is not true, the letters patent are void.

Sive tota res evincatur, sive pars, habet regressum emptor in venditorem. If the property is taken from the purchaser by eviction, whether whole or in part, he has an action against the vendor. Dig. 21.2.1.

Soci mei socius meus socius non est. The partner of my partner is not my partner.

Socii plures sunt quasi unum corpus, in eo quod unum jus habent, et oportet quod corpus sit integrum et quod in nulla parte sit defectus. Several partners are as one body, since they have one right, and it is necessary that the body be perfect, and that there be defect in no part.

Sola ac per se senectus donationem, testamentum aut transactionem non vitiat. Old age does not alone and of itself vitiate gift, will or transaction.

Solemnitates juris sunt observandae. The solemnities of law must be observed.

Solo cedit quod solo implantatur. What is planted in the soil belongs to the soil. • This maxim is sometimes written Solo cedit, quicquid solo plantatur (translatable as “what is affixed to the soil belongs to the soil”).

Solo cedit quod solo inaedificatur. Whatever is built on the soil belongs to the soil.

Solus Deus haeredem facit. God alone makes the heir.

Solutio pretii emptionis loco habetur. The payment of the price stands in the place of a sale.

Solvendo esse nemo intelligitur nisi quod res judicata est. It is sufficient to comply with either one or the other of them; and being disjunctive, that one or the other be true.

Solvitur adhuc societas etiam morte socii. A partnership is also dissolved by the death of a partner.

Solvitur eo ligamine quo ligatur. It is released by the bond with which it is bound.

Solvitur in modo solventis. A payment is made for the purpose the payer intends.

Sommonitiones aut citationes nullae liceant fieri infra palatium regis. No summonses or citations should be permitted to be served within the king’s palace.

Specilia generalibus derogant. Special words derogate from general ones.

Spes impunitatis continuum affectum tribuit delinquend. The hope of impunity supplies a constant inclination to wrongdoing.

Spoliatus episcopus ante omnia debet restitui. A bishop deprived of possession ought first of all to have restitution.

Spoliatus debet ante omnia restitui. A party forcibly deprived of possession ought first of all to have restitution.

Spoliatus episcopos ante omnia debet restitui. A bishop despoiled of his see ought, above all, to be restored.

Spondet peritiam artis. He promises (to use) the skill of his art. • That is, he engages to do the work in a skillful manner.

Sponsalia dicuntur futurum nuptiarum conventio et repromissio. A betrothal is the agreement and promise of a future marriage.

Sponte virum fugiens mulier et adultera facta, doti sua careat, nisi sponsi sponte retracta. A woman leaving her husband of her own accord and committing adultery should lose her dower, unless she is taken back by her husband of his own accord.
Appendix B

Stabt praesumptio donec probetur in contrarium. A presumption will stand until proof is given to the contrary.

Stare decisis et non quietamovere. Literally, to stand by previous decisions and not to disturb settled matters. - To adhere to precedents, and not to depart from established principles. [Cases: Courts C=89, 90.]

Stat pro ratione voluntas. The will stands in place of a reason. [Cases: Wills C=82.]

Stat pro ratione voluntas populi. The will of the people stands in place of a reason.

Statuta pro publico commodo late interpretantur. Statutes made for the public advantage ought to be broadly construed.

Statuta suo clauduntur territorio, nec ultra territorium disponunt. Statutes are confined to their own territory and have no extraterritorial effect.

Statutum affirmativum non derogat communi legi. An affirmative statute does not take away from the common law.

Statutum generaliter est intelligendum quando verba statuti sunt specialia, ratio autem generalis. A statute is to be understood generally when the words of the statute are special but its reason is general.

Statutum speciale statuto speciali non derogat. One special statute does not take away from another special statute.

Sublata causa tollitur effectus. Remove the cause and the effect ceases.

Sublata veneratione magistratuum, respublica ruit. When respect for magistrates has been destroyed, the commonwealth perishes.

Sublato fundamento, cadit opus. When the foundation has been removed (or demolished), the structure collapses. [Cases: Principal and Surety C=112.]

Sublato principali, tollitur adjunctum. When the principal has been taken away, the adjunct is also taken away.

Subsequens matrimonium tollit peccatum praeeedens. A subsequent marriage removes the previous sin.

Sucurrirur minoris; facilis est lapsus juvenitis. Aid is given to a minor; easy is the slip-up of youth (i.e., youth is liable to err).

Summa caritas est facere justitiam singulis et omni tempore quando necesse fuerit. The greatest charity is to do justice to each individual and at every time when it is necessary.

Summa est lex quae pro religione facit. The highest law is the one that acts on behalf of religion.

Summa ratio est quae pro religione facit. The highest reason is that which acts in favor of religion. ● Also found in indirect form, Summam esse rationem quae pro religione facit.

Summum jus, summa injuria. The highest right is the utmost injury. ● That is, law too rigidly interpreted produces the greatest injustice.

Super falso et certo fingitur, super incerto et vero jure sumitur. A fiction assumes that the thing feigned is certainly untrue.

Superficies solo cedit. The surface goes with the land. - That is, whatever is attached to the land forms part of it.

Superflua non nocent. Superfluities do no injury.

Supressio veri, expressio falsi. Suppression of the truth (is equivalent to) the expression of what is false. [Cases: Deeds C=70(4); Fraud C=16.]

Supressio veri, suggestio falsi. Suppression of the truth (is equivalent to) the suggestion of what is false.

Surplusagium non nocet. Extraneous matter does no harm. ● Superfluous allegations, not proper to the case, should have no effect.

Tacita quaedam habentur pro expressis. Certain things though unexpressed are considered as expressed.

Talis interpretatio semper fienda est ut absurdo, inconveniens, et ne judicium sit illud. Interpretation is always to be made in such a manner that what is absurd and improper is avoided, and so that the judgment is not a mockery.

Talis non est eadem, nam nullum simile est idem. “Such” is not “the same,” for nothing similar is the same thing.

Tantum bona valent, quantum vendi possunt. Things are worth as much as they can be sold for.

Tantum concessum quantum scriptum. So much is granted as is written.

Tantum habent de lege, quantum habent de justitia. (Precedents) have value in the law to the extent that they represent justice.

Tantumoperatur fictio in casu ficto quantum veritas in casu vero. A legal fiction operates to the same extent and effect in the supposed case as the truth does in a real case.

Tantum praescriptum quantum possessum. There is only prescription insofar as there has been possession.

Tempus enim modus tollendi obligationes et actiones, quiatempuscurrit contra desides et sui juris contemporaneos. For time is a means of destroying obligations and actions, because time runs against those who are inactive and show little respect for their own rights.

Tempus exsuapte natura vim nullam effectricem habet. Time, of its own nature, has no effectual force.

Tempus mortis inspiciendum. (One must) look to the time of death.
Tenor est pactio contra communem feudi naturam ac rationem in contractu interposita. The tenure (of an agreement) is a compact contrary to the common nature and reason of the fee, put into a contract.

Tenor est qui legem dat feudo. It is the tenor that gives law to the fee. • That is, the tenor of the feudal grant regulates its effect and extent.

Terminus annorum certus debet esse et determinatus. A term of years ought to be certain and definite (with a fixed end).

Terminus et (ac) feodum non possunt constare simul in Tenor est pactio contra communem feudi naturam ac rationem in contractu interposita. The tenure (of an agreement) is a compact contrary to the common nature and reason of the fee, put into a contract. • That is, the tenor of the feudal grant regulates its effect and extent.

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Terminus et (ac) feodum non possunt constare simul in
Triennialis pacificus possessor beneficii est inde securus. The undisturbed possessor of a benefice for three years is thereafter secure (from challenge).

Turpis est pars quae non convenit cum suo toto. The part is bad that does not accord with its whole.

Tuta est custodia quae sibimet creditur. The guardian-ship is secure that is entrusted to itself alone.

Tutius erratur ex parte mitiori. It is safer to err on the gentler side (or on the side of leniency).

Tutius est rei incumbere quam personae. The real security is safer than personal security.

Tutius semper est errare in acquietando quam in punishendo, ex parte misericordiae quam ex parte justitiae. It is always safer to err in acquitting than in punishing, (and) on the side of mercy than of justice.

Tutius est cuiemere quam personae. It is safer to rely on a thing than on a person. Real security is safer than personal security.

Tutor praesumitur intus habere, ante redditas rationes. A tutor is presumed to have funds in his own hands until his accounts have been rendered.

Tutor incertus dari non potest. An uncertain person cannot be given or appointed as tutor.

Tutor in rem suam auctor fieri non potest. A tutor cannot act for his own interest.

Tutor rem pupilli emere non potest. A tutor cannot purchase the property of his ward.

Ubi eadem ratio, ibi idem jus. Where there is the same reason, there is the same law. Also rendered Ubi eadem est ratio, ibi idem est jus.

Ubi eadem ratio, ibi idem juss; et de similibus idem est judicium. There is the same reason, there is the same law; and the same judgment should be rendered on comparable facts.

Ubi est forum, ibi ergo est jus. Where the forum (or place of jurisdiction) is, there accordingly is the law.

Ubi et dantis et accipientis turpitudo versatur, non posse repeti dicimus; quotiens autem accipientis turpitudo versatur, repeti posse. Where there is misconduct on the part of both giver and receiver, we say the thing cannot be recovered; but as often as the misconduct is on the side of the receiver (alone), it can be recovered.

Ubi factum nullum, ibi fortia nulla. Where there is no fact, there are no strong points.

Ubi jus, ibi remedium. Where there is a right, there is a remedy. [Cases: Equity C = 55.]

Ubi jus incertum, ibi jus nullum. Where the right is uncertain, there is no right.

Ubi lex aliquem cogit ostendere causam, necesse est quod causa sit justa et legitima. Where the law compels someone to show cause, it is necessary that the cause be just and legal.

Ubi lex deest, praetor supplet. Where the law is deficient, the praetor supplies the deficiency.

Ubi lex est specialis et ratio ejus generalis, generaliter accipienda est. Where the law is special and the reason of it is general, it ought to be taken as general.

Ubi lex non distinguunt, nec nos distinguere debemus. Where the law does not distinguish, we ought not to distinguish.

Ubi major pars est, ibi totum. Where the greater part is, there is the whole.

Ubi matrimonium, ibi dos. Where there is marriage there is dower.

Ubi non est principali, non potest esse accessorius. Where there is no principal, there can be no accessory.

Ubi nulla est conjectura quae ducat alio, verba intelligenda sunt ex proprietate non grammatica sed populi ex usu. Where there is no inference that would lead in another direction, the words are to be understood according to their proper meaning, not strictly according to grammar but according to popular usage.

Ubi nullum matrimonium, ibi nulla dos. Where there is no marriage, there is no dower.
Ubi onus ibi emolumenTum. Where the burden is, there is the profit or advantage.

Ubi periculum, ibi et lucrum collocatur. Where the risk is, there also the profit accrues.

Ubi pugnantia inter se in testamento juberentur, neutrum ratum est. When two directions conflicting with each other were given in a will, neither is held valid.

Ubi quid generaliter conceditur, inest haec exceptio, si non aliquid sit contra jus fasque. Where a thing is granted in general terms, this exception is implied: if there is not anything contrary to law and right.

Ubi quis delinquit ibi punietur. Where anyone commits an offense, there will he be punished.

Ubi remedium, ibi ius. Where there is a remedy, there is a right.

Ubi verba conjuncta non sunt, sufficit alter utrum esse factum. Where words are not conjoined, it is enough that one or another (of the things enumerated) has been done.

Ultima voluntas testatoris est perimplenda secundum veram intentionem suam. The last will of a testator is to be fulfilled according to his true intention.

L’Itimum supplicium esse mortem solam interpretatur. We consider death alone to be the extreme punishment.

Ultra posse non estesse et vice versa. What is beyond possibility cannot exist, and the reverse (what cannot exist is not possible).

Una persona vix potest supplere vices duarum. One person can scarcely supply the place of two.

Unaquaque gleba servit. Every lump of earth (on the land) is subject to the servitude.

 Uni uscujusque contractus initium spectandum est et causa. The beginning and cause of each and every contract must be considered.

Unius omnino testis responsio non audiatur. Let the evidence of one witness not be heard at all.

Universalia sunt notiora singularibus. Things universal are better known than things particular.

Universitas vel corporatio non dicitur aliud facere nisi id sit collegialiter deliberatum, etiamsi major pars id faciat. A university or corporation is not said to take any action unless the action was resolved by it as a body, even if a greater part of the body should act.

Un ne doit prise advantage de son tort desmesne. One should not take advantage from his own wrong.

Uno absurdo dato, infinita sequuntur. When one absurdity has been allowed, an infinity follows.

Unumquodque dissolvitur eodem ligamine quo ligatur. Everything is dissolved by the same binding by which it is bound together.

Unumquodque eodem modo dissolvitur quo colligatur. Any obligation is discharged in the same manner as it is constituted.

Unumquodque eodem modo quo colligatum est dissolvitur. In the same manner in which anything was bound, it is loosened.

Unumquodque est id quod est principalius in ipso. That which is the principal part of a thing is the thing itself.

Unumquodque ligamen dissolvitur eodem ligamine qui et ligatur. Every obligation is dissolved in the same manner in which it is contracted.

Unusquisque debet esse gnarus conditionis ejus cum quo contrahit. Everyone ought to be cognizant of the condition of the person with whom he makes contract.

Usucapio constituta est ut aliquis litium finis esset. Prescription (Roman usucapio) was instituted that there might be some end to lawsuits. Dig. 41.10.5.

Usus est dominium fiduciari um. Use is a fiduciary ownership.

Usus fit ex iteratis actibus. Usage arises from repeated acts.

Utile per inutile non vitiatur. What is useful is not vitiated by the useless. [Cases: Trial &gt= 336.]

Utlagatus est quasi extra legem positus: caput gerit lupinum. An outlaw (as it were, put out of the protection of the law: he carries the head of a wolf).

Ut poena ad paucos, metus ad omnes perveniat. So that punishment afflict few, (and) fear affect all. * Blackstone cites Cicero (pro Cluentio 46) emphasizing deterscence. 4 Bl. Com. 11.

Ut res magis valeat quam pereat. (Interpret the law, contract, etc.) so that the transaction is upheld rather than lost (or so that a matter may avail rather than perish). * The phrase can be literally translated as “that the matter may have effect rather than fail.” [Cases: Contracts &gt= 153; Patents &lt= 157(2); Wills ≈ 449.]

Uxor et flius sunt nomina naturae. Wife and son are names of nature.

Uxor non est sui juris sed sub potestate viri. A wife is not in her own right (i.e., she cannot act independently), but under the power of her husband.

Uxor sequitur domicilium viri. A wife follows the domicile of her husband.

Vagabundum nuncupamus eum qui nullibi domicilium contraxit habitations. We call the person a vagabond who has acquired nowhere a domicile of residence.

Valeat quantum vale posset. Let it have effect as far as it can have effect.
Vendens eandem rem duo bus falsarius est.
Veni timoribus est justa excusatio non est. There is no legal excuse based on a groundless fear.
Velle non creditur qui obsequitur imperio patris vel domini. A person is not presumed to act of his own will who obeys the orders of his father or his master.
Vendens eandem rem duobus falsarius est. A vendor is fraudulent if he sells the same thing to two (separate) buyers.
Veniae facilitas incentivum est delinquendi. Ease of winning pardon is an incentive to committing crime.
Verba accipienda sunt secundum subjectam materiam. Words are to be interpreted according to the subject matter.
Verba accipienda ut sortiantur effectum. Words are to be taken so that they may have some effect.
Verba aequiologia ac in dubio sensu posita intelliguntur digniori et potentiori sensu. Equivocal words and those in a doubtful sense are understood in the more suitable and more effective sense.
Verba aliquid operari debent — debent intelligi ut aliquid operentur. Words ought to have some effect — words ought to be understood so as to have some effect.
Verba accipiendra sunt dicta de persona intelligi debent de conditione personae. Words spoken of the person are to be understood of the condition of the person.
Verba fortius accipiuntur contra proferentem. Words are interpreted more strongly against the party who puts them forward; words are most readily accepted against the one putting them forward.
Verba generalia generaliter sunt intelligenda. General words are to be understood generally.
Verba generalia restringuntur ad habilitatem rei vel aptitudinem personae. General words are limited to the capability of the subject matter or the aptitude of the person.
Verba generalia restringuntur ad habilitatem rei vel personae. General words are limited to the capability of the subject matter or of the person. [Cases: Release 31.]
Verba illata (relata) inesse videntur. Words referred to are considered as if incorporated.
Verba in differenti materia per prius, non per posterius, intelligenda sunt. Words referring to a different subject are to be understood by what goes before, not by what follows.
Verba intelligenda sunt in casu possibili. Words are to be understood in reference to a possible case.
Verba intentioni, et non e contra, debent inservire. Words should be subject to the intention, not the reverse.
Verba ita sunt intelligenda, ut res magis valeat quam pereat. Words are to be so understood that the matter may have effect rather than fail.
Verba mere aequiologia, si per communem usum loquens, in intellectu certo sumuntur, talis intellectus praeferrendum est. When words are purely equivocal, if by common usage of speech they are taken in a certain meaning, such meaning is to be preferred.
Verba nihil operari melius est quam absurde. It is better that words should have no effect than an absurd effect.
Verba non tam intuenda quam causa et natura rei, ut mens contrahentium ex eis potius quam ex verbis appareat. The words (of a contract) are not to be looked to so much as the cause and nature of the matter, so that the intention of the contracting parties may appear from these rather than from the (mere) words.
Verba offendi possunt, immo ab eis recedere liceat, ut verba ad sanum intellectum reducantur. The words can be faulted — indeed, it is permitted to depart from them, in order that the words may be restored to a sensible meaning.
Verba ordinationis, quando verificari possunt in sua vera significatione, trahi ad extraneum intellectum non debent. When the words of an ordinance can be made true in their true signification, they ought not to be warped to a foreign meaning.
Verba posterioria propter certitudinem addita, ad prioria quae certitudine indigent, sunt referenda. Later words added for the purpose of certainty are to be referred to preceding words in which certainty is wanting.
Verba pro re et subjecta materia accipi debent. Words should be taken most in favor of the thing and the subject matter.
Verba quae aliquid operari possunt non debent esse superflua. Words that can have some effect ought not to be (treated as) superfluous.

Verba quantumvis generalia ad aptitudinem restringuntur, etiamsi nullam aliquam patenter restrictionem. Words, howsoever general, are confined to fitness (i.e., to harmonize with the subject matter), even if they would bear no other restriction.

Verba relata hoc maxime operantur per referentiam ut in eis inesse videntur. Words to which reference is made have, by the reference, this particular effect, that they are considered to be incorporated in those (clauses). Words to which reference is made in an instrument have the same effect and operation as if they were inserted in the clause referring to them.

Verba relata inesse videntur. Words to which reference is made are considered incorporated.

Verba secundum materiam subjectam intelligi nemo est qui nescit. There is no one who does not know that words should be understood according to the subject matter.

Verba semper accipienda sunt in mitiori sensu. Words are always to be taken in their milder sense.

Verba strictae significationis ad latam extendi; possunt, si subsit ratio. Words of a strict signification can be given a wide signification if there is reason for it.

Verba sunt indices animi. Words are indications of the intention.

Verbis standum ubi nulla ambiguitas. One must abide by the words where there is no ambiguity. [Cases: Statutes clauses.]

Verborum obligatio verbis tollitur. An obligation verbally incurred is verbally extinguished.

Verbum imperfecti temporis rem adhuc imperfectam significat. The verb in the imperfect tense indicates a fact as yet incomplete.

Veredictum quasi dictum veritatis; ut judicium quasi juris dictum. A verdict is, as it were, the saying of the truth, in the same manner as if a judgment is the saying of the law (or right).

Veritas, a quocunque dictur, a Deo est. Truth, by whomever pronounced, is from God.

Veritas demonstrationis tollit errorem demonstrationis. The truth of the name takes away the error of the description.

Veritas nominis tollit errorem demonstracionis. The truth of the name takes away the error of the description.

Veritatem qui non libere pronunciat, proditor est veritatis. One who does not speak the truth freely is a traitor to the truth.

Via antiqua via est tuta. The old way is the safe way.

Via trita est tutissima. The beaten road is the safest.

Via trita, via tuta. The beaten way is the safe way.

Vicarius non habet vicarium. A deputy does not have a deputy.

Vicini viciniora praesumunt scire. Neighbors are presumed to know things of the immediate vicinity.

Videntur qui surdus et mutus ne poet faire alienation. A deaf and mute person is considered not to be able to alienate.

Vigilantibus et non dormientibus jura subveniunt. The laws aid the vigilant, not those who sleep. [Cases: Equity.]

Vim vi repellere licet, modo fiat moderamine inculpatae. It is lawful to repel force by force; but let it be done with the self-control of blameless defense — not to take revenge, but to repel injury.

Violeta praesumptio aliquando est plena probatio. A very powerful presumption is sometimes full proof.

Viperina est exposition quae corrodit viscera textus. That is a viperous exposition that gnaws away the innards of the text.

Virtus non habet vicarium. A deputy does not have a deputy.

Voluntas donatoris in charta doni sui manifeste expressa observetur. The will of the donor, if clearly expressed in the deed of his gift, should be observed.
Voluntas et propositum distinguunt maleficia. The will and the purpose distinguish crimes.

Voluntas facit quod in testamento scriptum valeat. The will (of the testator) gives validity to what is written in the will (testament).

Voluntas in delictis non exitus spectatur. In offenses, the will and not the outcome is regarded.

Voluntas reputatur pro facto. The will is to be taken for the deed.

Voluntas testatoris ambulatoria est usque ad mortem. The will of a testator is changeable right up until death.
- That is, the testator may change the will at any time.
  This maxim is sometimes written Voluntas testatoris est ambulatoria usque ad extremum vitae exitum (same sense).

Voluntas testatoris habet interpretationem latam et benignam. The will of the testator should receive a broad and liberal interpretation.

Voluntas ultima testatoris est perimplenda secundum veram intentionem suam. The last will of a testator is to be fulfilled according to his true intention.

Vox emissa volat; litera scripta manet. The uttered voice flies; the written letter remains. [Cases: Libel and Slander (15.)]

Vulgaris opinio est duplex: orta inter graves et discretiones, quae multum veritatis habet, et opinio orta inter leves et vulgares homines, absque specie veritatis. Common opinion is double: that proceeding from grave and discreet men, which has much truth in it, and that proceeding from foolish vulgar men, without any semblance of truth in it.

Maxims Bibliography


